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**PLANNING ANALYSIS  
for the City Of Windsor**

Windsor-Essex Parkway  
Access Road; Detroit River  
International Crossing  
Project Environmental  
Assessment Report

February 2009

## **EXECUTIVE SUMMARY**

Walker, Nott, Dragicevic Associates Limited (“WNDAL”) was retained by the City of Windsor in late 2007 to provide a Planning Analysis of two alternative proposals for the design of an extension of Highway 401, to a new crossing of the Detroit River between Windsor and Detroit. We have now been asked to provide a Planning response to the DRIC Environmental Assessment Report W.O. 04-33-002, submitted in December of 2008.

### **Major Conclusions**

1. While there have been some minor changes in layout and inclusion of a wider green space/buffer area in some areas, in essence the “W-E Parkway”, i.e. the DRIC recommendation for the new access road, and the August 2007 “Parkway”, appear to be essentially similar.
2. Because the W-E Parkway is essentially similar to the “Parkway” first enunciated by DRIC in August 2007, we believe our Planning Analysis conclusions arrived at in our March 2008 report, comparing GreenLinkWindsor to the “Parkway”, equally apply to the W-E Parkway. In short, this means that from the perspective of DRIC’s Factor of “maintaining consistency with existing and planned land use” GreenLinkWindsor is clearly preferred to the W-E Parkway.
3. The DRIC 2008 reports conclude that from a land use planning and social impact assessment perspective there is no effective difference between the W-E Parkway and the other DRIC access road alternatives. DRIC essentially ranks all alternatives, whether it is a completely tunnelled access road, an access road at surface, or the DRIC preferred Parkway, as having the same impacts on neighbourhoods and community planning. In other words, the DRIC Land Use

- and Social Impact Assessment Factors appear to be irrelevant to the choice of the preferred access road. This is not appropriate from a planning standpoint.
4. DRIC's conclusions that using these Factors results in no differences as between the W-E Parkway is not supportable, rational or accurate. These conclusions have no semblance of credibility. For example, a tunnelled expressway would protect communities from air and noise contamination, provide larger scale and healthy recreational space and quite substantively connect communities on the other side of the roadway. In addition, based on to the expert analysis carried out by City consultants of DRIC's own data, the W-E Parkway cannot achieve protection of nearby homes from highly unhealthy air contaminants; and, the W-E Parkway will be substantially noisier on the overpasses and land bridge area trail-way systems than recreational areas on the GreenLinkWindsor tunnelled areas. Further, in our analysis, it is clear that the short Parkway overpasses cannot effectively connect communities, which would be achieved by three km of tunnels as proposed by GreenLinkWindsor. The protection of people and neighbourhoods from contaminants and the connection of communities and neighbourhoods are objectives both of the Provincial Policy Statement and of City of Windsor Official Plan documents.
  5. DRIC's own data indicates that approximately 100% more homes will have to be purchased / expropriated for the W-E Parkway, in comparison with a tunnelled alternative. Yet this is not referenced or taken into account in the Land Use ranking.
  6. DRIC has failed to provide the necessary description of planning and community impacts or to assess the impacts that would be caused by these different means of providing this road. DRIC has ignored the reality of how a tunnelled roadway

(one of the DRIC alternatives originally studied) would benefit community connectivity, ignored the fact that approximately 150 less homes would be removed by a tunnelled alternative, and ignored the health impacts of DRIC's own data showing how a tunnelled roadway would protect people on and nearby the DRIC recreational areas from unhealthy pollutants. Nevertheless, DRIC concludes that these alternatives are ranked the same from a land use perspective and then concludes that the W-E Parkway is different from a tunnelled road. The simple conclusion offered by DRIC that "the nature of existing and planned land uses affected by all alternatives are essentially the same" is proffered in the absence of any critical analysis. The DRIC planning "evaluation" cannot be considered an adequate or reliable land use planning analysis and cannot be considered a valid basis to conclude that the W-E Parkway is indeed "preferred".

7. A comparative analysis among and between alternatives, relative to the evaluation factors established by DRIC in the 2004 Terms of Reference, is essential in order to assess the reasonable and understandable variations in these factors for some of the alternatives. However, for the three factors that are necessarily associated with a proper planning analysis (Changes to Air Quality, Protection of Community/Neighbourhood Characteristics, and Maintain Consistency with Existing and Planned Land Use), DRIC failed to critically analyze the differences among the Practical alternatives despite being clearly demonstrated in their own data.
8. Similarly, the Social Impact Analysis is also inadequate. It does not provide any credible indication of the effect of the scale of impacts that taking of lands will have on the neighbourhoods or the persons affected. Despite the fact that 100%

more houses are removed by the W-E Parkway as compared to a DRIC tunnel alternative, the Social Impact Analysis claims that there is no difference between these alternatives. As indicated in more detail later, there is no credible basis in the material provided by DRIC for that conclusion to have been reached.

9. We note that despite the development by the City of Windsor of the “GreenLinkWindsor” alternative for an access road, DRIC did not evaluate GreenLinkWindsor as an alternative in accordance with DRIC’s seven factors mandated by the Terms of Reference for the DRIC Environmental Assessment.
10. DRIC also failed to provide any comparison of its preferred alternative, the W-E Parkway, to GreenLinkWindsor in terms of the planning implications of one versus the other, notwithstanding the implicit knowledge that there would be less adverse impacts on adjacent neighbourhoods due to tunnelled sections of a roadway that span the areas of adjacent neighbourhood communities associated with GreenLinkWindsor. The DRIC Terms of Reference require an assessment of the alternatives to include minimizing/avoiding impacts to areas of residential development and areas of commercial/institutional development. GreenLinkWindsor has less impact in terms of disturbance to neighbouring communities, and in terms of effects of air quality changes on the adjacent neighbourhoods than the W-E Parkway; GreenLinkWindsor therefore better responds to the Terms of Reference for this environmental factor. In our opinion it was unreasonable for DRIC to not have assessed GreenLinkWindsor using the DRIC Terms of Reference criteria.

# 1 INTRODUCTION

In March 2008 WNDAL carried out a Planning Analysis of two alternative proposals for the design of an extension of Highway 401 from the outskirts of the City of Windsor to a new crossing at the Detroit River between Windsor and Detroit.

That planning analysis focussed on:

- the “Parkway” proposal first announced in August 2007 by the Detroit River International Crossing Project (DRIC) team; and,
- an alternative access proposal developed by the City of Windsor entitled “GreenLinkWindsor” (GreenLink).

In our 2008 Planning Analysis we examined both proposals using the criteria contained in the Provincial Policy Statement, City of Windsor Official Plan policies, as well as the “seven factors” which DRIC has used to evaluate access road alternatives.

In our 2008 report we concluded that:

“GreenLink meets the DRIC Parkway Objectives and by doing so satisfies the seven DRIC evaluation factors. In fact, GreenLink exceeds the Parkway in meeting a number of DRIC objectives. GreenLink does so especially for the objective that most affects the image of the access route for the City, and the lives of the residents of the City in general and those of the adjacent neighbourhoods.

We have concluded that in comparison to the Parkway, GreenLink better protects people and communities; better creates a signature gateway on the access road portion of the system; better creates a green corridor for Windsor that would be heavily landscaped and would be truly unique; better allows for people-friendly spaces on the wider length of tunnelled portions, which will allow the communities and neighbourhoods on both sides of the corridor to connect or re-connect; better allows for new green spaces for a wide variety of uses, including if desired, some moderate scale of built form; better improves air quality in this part of Windsor and better limits the noise and visibility of trucks accessing the border crossing, from nearby residences. It will similarly separate international and local traffic and similarly address the future transportation needs of the Region as does the Parkway.

...

GreenLink is a proposal that represents good planning, and is an appropriate response to the DRIC process which recognizes that in providing an access road to a new Detroit River crossing, it is desirable to re-connect communities who provide new green space for residents” [pages 17 and 18, March 2008 report].

We understand that our March 2008 Planning Analysis report was one of a number of reports submitted by the City of Windsor to DRIC, to assist DRIC in better considering the GreenLinkWindsor access road alternative. However, on May 1, 2008 DRIC announced that it had determined that an access road design very similar to the “Parkway” concept, first announced in August 2007, was DRIC’s Technically and Environmentally Preferred Alternative access road (TEPA). DRIC did not publish its analysis substantiating the rationale for reaching that conclusion before May 1, 2008. After May 1<sup>st</sup>, DRIC did release a series of reports entitled “Practical Alternatives Evaluation Assessment Reports”, which included two reports of particular relevance to examining land use and related social impact considerations:

- the “Existing and Planned Land Use” Practical Alternatives Evaluation Assessment Report (May 2008); and,
- the “Social Impact Assessment” Practical Alternatives Evaluation Working Paper (April 2008, Version 3).

Much later in 2008, DRIC produced a further report entitled “Social Impact Assessment – Technically and Environmentally Preferred Alternative” (December 2008) as well as a “Technical Memorandum” regarding “Existing and Planned Land Use” of the “Recommended Plan Analysis” (December 2008).

Finally, in December 2008 DRIC published its Environmental Assessment Report (EAR) in which DRIC consolidated the data and approach used by DRIC in order to substantiate its choice of the Windsor-Essex Parkway (WE-Parkway) as the preferred access road alternative.

In January 2009, we were asked by the City of Windsor to provide a further analysis of the land use planning and related social impact considerations which DRIC used to support its EAR conclusion that the W-E Parkway is the preferred access road alternative.

## **2 PLANNING FRAMEWORK**

“Maintain Consistency with Existing and Planned Land Use” is one of seven Factors DRIC states it used to determine that the W-E Parkway is the TEPA for the extension of Highway 401 to a new border crossing (the access road). DRIC’s Environmental Assessment concluded that for this Land Use Factor, all access road alternatives it examined ranked equally, whether built as a surface road, fully depressed, fully tunnelled, or depressed, but including some land bridges/overpasses with associated greenspace (the W-E Parkway).

We describe here a Planning Analysis that should have been used to reach a credible conclusion on this issue. At first glance it is apparent there could be significant differences between some of these access road alternatives using the Land Use Factor. In order for DRIC to reach a rational, defensible, and traceable conclusion that there are no differences between alternatives based on this Factor, DRIC was required to provide a clear analysis of these alternatives having regard to the provisions of the Provincial Policy Statement and Windsor Official Plan. DRIC did not do so.

### **2.1 Provincial Policy Statement**

In our March, 2008 report for the City of Windsor we extensively set out and discussed the provisions of the Provincial Policy Statement (PPS), which is a key component of the Planning process in the Province of Ontario, not only for municipalities such as the City

of Windsor, but also for Provincial ministries, agencies, boards and tribunals when dealing with Planning matters. Section 3(5) of the Planning Act provides that “A decision of ...a minister of the Crown and a ministry, board, commission or agency of the government...in respect of the exercise of any authority that affects a planning matter, (a) shall be consistent with the policy statements issued...that are in effect on the date of the decision...”.

In Part IV of the PPS, it is noted that “efficient development patterns optimize the use of land, resources and public investment in infrastructure and public service facilities. These land use patterns...also...minimize the undesirable effects of development, including impacts on air, water and other resources. Strong liveable and healthy communities enhance social well-being and are economically and environmentally sound”. It is also stated that “it is equally important to protect the overall health and safety of the population using a preventative approach that supports provincial and municipal financial well-being over the long term, protects public health and safety, and minimizes cost, risk and social disruption.”

Part V of the PPS contains policies that the City and other levels of government have to use to guide their Planning activities. Healthy, liveable and safe communities are to be sustained by relevant elements such as the avoidance of development and land use patterns that may cause environmental or public health and safety concerns. In the determination of development of land, the City and other levels of government are required to minimize negative impacts to air quality, and climate change. In considering the determination of new urban areas, the City and other levels of government are to determine whether the infrastructure and public service facilities, which are planned or available, are suitable for the development over the long term, and whether they protect public health and safety. The City and other levels of government are required to support

energy efficiency and improved air quality through land use and development patterns. The City and other levels of government are also required by the PPS to support long-term economic prosperity by, among other matters, planning so that major facilities such as transportation infrastructure and corridors, and sensitive land uses are appropriately designed, buffered and/or separated from each other to prevent “adverse effects” from odour, noise and other contaminants, and to minimize the risks to public health and safety. On the basis that 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 man-made hazards, the City and other levels of government are required to direct development away from areas of natural or human-made hazards where there is unacceptable risk to public health or safety or of property damage.

The term “adverse effects” is defined in the PPS to include “harm or material discomfiture to any person”, “an adverse effect on the health of any person”, “impairment of safety of any person”, “loss of enjoyment of normal use of property”, and “interference with normal conduct of business” among other aspects.

These above-noted policies from the PPS and s. 3(5) of the Planning Act indicate that the City and provincial ministries, such as the Ministry of Transportation, the proponent of the DRIC access road, need to guard public health and safety from what are termed “adverse effects”. These policies are relevant for the considerations in this report; there are other policies in those documents that the authorities are required to use in their land use and development planning, but which are not relevant for this report.

The PPS notes that a municipal Official Plan, in this case the City of Windsor’s Official Plan, is the most important vehicle for its implementation. It should therefore be understandable that the City’s response to the Environmental Assessment for the access roadway to the new border crossing is closely related to the public policy with

which they have to conduct their activities from a planning and development standpoint; and, that the access roadway has a great deal of concern for the City planning and the citizens that are being accommodated by the implementation of that planning. The City and other levels of government are required to give serious consideration to the health and safety of the population in all of their actions dealing with planning matters.

Given that one of the seven factors which DRIC is required to use in its process to evaluate alternatives is “Maintain Consistency with Existing and Planned Land Use”, DRIC was required to give rational objective and traceable consideration of the differences between alternatives for the access road having regard to the PPS policies. This DRIC did not do, as elaborated below under the heading Planning Analysis.

## **2.2 City of Windsor Official Plan**

The City of Windsor has to govern its planning and development, and its response to planning matters presented to it, according to its Official Plan, which is a Provincial Government approved policy document for the development of the City. Again, in our March, 2008 Planning Analysis Report, we referenced and quoted from many specific sections of the Windsor Official Plan that DRIC was required to consider in giving rational and objective consideration to the differences between access road alternatives having regard to the Official Plan policies.

We do not repeat here, but rather refer the reader to those detailed policies set out in our March, 2008 report. In order to be seen to objectively evaluate differences between access road alternatives using the Factor “Maintain Consistency with Existing and Planned Land Use”, DRIC should have provided an analysis of the alternatives having regard to Official Plan policies. It is highly significant that DRIC did not provide this analysis.

DRIC's failure to do this analysis is particularly noteworthy having regard for the Windsor Official Plan clearly focusing on the concept that Windsor is a "Community of Neighbourhoods". More precisely, there are numerous references to the fact that Windsor's neighbourhoods are "distinctive" or "well-defined". The neighbourhoods are planned to grow and to be concentrated around their neighbourhood centres, which can be comprised of various types of land uses that give a focus for the neighbourhood populace and activities. The City's Official Plan states that it will keep what gives its existing neighbourhood their character, including their distinctive area identities, and will retain and enhance the existing character of the neighbourhood(s). This is a concept of developing a Community of Neighbourhoods from within and giving an important emphasis to the individual local neighbourhoods. This is a specific intention to give residents of the City a local neighbourhood identity within which to carry on their lives.

From an environmental standpoint, the City is concerned with the reduction of pollution, and it has committed to improving atmospheric air quality through the planning process; increasing the quantity and quality of naturalized habitat; and integrating environmental, social, and economic considerations in growth and development matters. Part of the implementation of these objectives is the policy for the City's Greenways, which are large city-wide and regional parks and open spaces. The policy for Greenways states that the "Council shall encourage the expansion and refinement of the Greenway System within Windsor as opportunities arise through the planning process or through other measures as may be appropriate". Another part of the implementation of these objectives is the policy of Council to regulate development, which has the potential to regulate atmospheric pollution.

In terms of the type of planning for the community of neighbourhoods, it is the Council's desire to foster "safe, caring and diverse neighbourhoods". This is not intended to

prevent development, but rather to allow development, with the protection of the neighbourhoods as a predominant need.

The Official Plan also deals in policy terms with “Border Crossing” possibilities, stating that “Council shall ensure that the construction of an additional border crossing has minimal negative social, environmental and economic impacts on Windsor”.

As will be noted later in this report, the direction which Council has outlined in its Official Plan requires an appropriate and vigilant review of any planning project, however defined, to ensure that the municipal planning that has been approved is not compromised by any proposal for change in the planned land use.

### **2.3 DRIC Terms of Reference**

The Terms of Reference for the DRIC Environmental Assessment approved in September 2004 by the Ministry of the Environment indicate that one of the purposes of the environmental planning processes of the three involved governments is to “identify and evaluate social, economic and environmental impacts” of the undertaking, alternatives to the undertaking and alternative methods of carrying out the undertaking.

Table 3.2, entitled, “Proposed Factors and Criteria to Assess Feasibility of the Opportunity Corridors”, lists as one of its Factors “Environmental Feasibility,” and the related Criteria, “avoid as much as possible impacts to constraint areas associated with the natural, social, cultural and economic features in the study area”. Under the heading of “Generation of Illustrative Alternatives”, the Terms of Reference indicate “Illustrative alternatives will be developed...to avoid the most significant/sensitive environmental resource areas and study features to the extent possible”, and go on to state that the “objectives for generating alternatives will be to develop alternatives that...minimize/avoid impacts to significant environmental and study area features to the

extent possible.” Table 3.3, entitled “Environmental Components and Features to be Considered During the Generation of Alternatives”, outlines the environmental components that will be considered in addressing the objective to minimize/avoid impacts to the extent possible. It should be noted that these represent the minimum environmental considerations concerning generating alternatives...”. Table 3.3, identifies the “Social Environment” as a component, and lists “Areas of Residential Development”, and “Areas of Commercial/Institutional Development” as Features to be considered.

Under the heading “Factor Specific Environmental Inputs to the Evaluation of Illustrative Alternatives,” it is noted that “the data collected on the study area...will assist in identifying the types of impacts each alternative will result in on each component of the environment. Environmental Components include: ...Socio-economic Environment”.

Table 3.4 entitled “Criteria for Evaluating Illustrative and Practical Alternatives” notes that for the Socio-Economic Environment Factor, the criteria are grouped under three headings (see excerpt below):

1. “Property and Access” for which some of the criteria are “impacts to residential areas...”, and “impacts to commercial/industrial areas...”.
2. “Community Effects” for which the criteria are “nuisance impacts...”, “impacts to cemeteries, schools, places of worship, unique community features”, “effects on community activity/mobility”, and “effects on community aesthetics/community character”.
3. “Governmental Land Use Strategies” for which the criteria are “compatibility with government goals/objectives/policies”, and “effects on approved private development proposals”.

**Table 3.4 – CRITERIA FOR EVALUATING ILLUSTRATIVE AND PRATICAL ALTERNATIVES**

FACTOR	CRITERIA
<b>Socio-Economic Environment</b>	
<b>Property and Access</b>	1) Impacts to residential areas (i.e. property, access impacts) 2) Impacts to commercial Industrial areas (i.e. property, access impacts) 3) Impacts to agricultural operations
<b>Community Effects</b>	4) Nuisance impacts (e.g. noise, lighting) 5) Impacts to cemeteries, schools, places of worship, unique community features 6) Effects on community activity / mobility 7) Effects on Aesthetics / community character
<b>Governmental Land Use Strategies</b>	8) Compatibility with government goals / objectives / policies 9) Effects on approved private development proposals

In the Supporting Documentation publication of the DRIC Terms of Reference, Section 6, these Criteria are further elaborated, especially with the notation in almost all cases that the rationale for considering the criteria is to determine if there are “significant impacts” or “adverse effects” on the various components. What also is clear from this elaboration in the Supporting Documentation is the reliance placed on municipal land use plans. Specifically, with reference to the Criteria of “compatibility with government goals, objectives, policies” the rationale states that “there is a need to integrate the transportation facility site location with municipal land objectives as established through Official Plans, Secondary Plans and Zoning Bylaws as these specify land uses supported by residents, municipalities, and the province...”.

Later, as reported in the EAR, DRIC has split community impacts out into two of the seven factors, specifically: “Maintain Consistency with Existing and Planned Land Use” and “Protection of Community and Neighbourhood Characteristics”, with approximately 14 specific criteria listed under these headings combined. The effect of this change should have been to afford more weight to those criteria discussed above under “Socio-Economic Environment”, rather than less (see excerpt in Table 1, on the following page).

**Table 1: Socio-Economic Environment Excerpt**

Rating Factor	Performance Measure Categories	Performance Measure	Corresponding Criteria Reference in OEA TOR Table 3.4
Protect Community / Neighborhood Characteristics	Traffic Impacts Volumes by Vehicle Type	Peak period volumes on specific links by mode (cars, trucks, and international trucks).	31, 33
	Local Access	Number of streets crossed, closed, or connected with an interchange	31, 33
	Noise	Analysis based on traffic model results for key roadway links.	4
	Community Cohesion / Community Character	Encroachment/severance on neighborhood based on professional judgment. Impact on delivery of community services (function of road closures) based on professional judgment.	7
	Acquisitions (Whole or Partial)	Number of dwelling units by type; population estimate based on average persons per dwelling unit.	1
	Residential Business Institutions Farm Property / Structures	Number of business establishments; employment estimate based on average employees per business for area. Number of institutions by type (church, schools, etc.) Operations / structures affected.	2 5 3
Maintain Consistency with Existing and Planned Land Use	Land Use (existing and planned)	Designation of “consistent,” “not consistent,” or “not applicable” with goals, objectives and/or policies based on review of official planning documents	8
	Development Plans	Designation of “compatible,” “not compatible,” or “not applicable” with plans for upcoming development that may not be covered by official plans	9
	Contaminated Sites/ Disposal Sites	Number of documented sites affected	29, 30
Protect Cultural Resources	Historical	Number of listed sites affected.	10
	Parklands	Number of parks by type, number of hectares affected. Includes subset for Coastal Zone Management sites.	11
	Archaeological Sites	Number of known sites affected	12

In summary, reference to the Terms of Reference would lead the stakeholders to believe that the process to determine a new access roadway would be done in a manner such that when the final proposal was proffered by the consulting team, it would have

reflected conformity/consistency with the Terms of Reference, the PPS, and the City of Windsor Official Plan. The subsequent EAR list of factors and criteria to be used for the selection of the preferred access route simply increased the emphasis on planning criteria and set up the expectation that the final proposal, among other matters, would be a proposal that had regard for municipal planning, and would be done in a manner to give comfort that there was a careful consideration of impacts from the proposed facility. In addition, as with all environmental assessments, it would be expected that the process would be “transparent”, in terms of being able to knowledgably trace, review, and understand the analysis that was undertaken, at all stages of the process, in order to be able to appreciate the elements of the proposal.

With regard to the Socio-Economic Factor particularly, evaluated in the EAR under “Maintain Consistency with Existing and Planned Land Use” and “Protect Neighbourhood / Community Characteristics”, it appears that the Terms of Reference have not been followed to yield a knowledgeable, understandable, traceable, supportable determination of a number of identified potential adverse impacts on the residents and businesses along the proposed access roadway, now part of what is called the Recommended Plan. For ease of reference, we will use the term “Socio-Economic Environment”, in conformity with the Terms of Reference, to encompass both of the socio-economic factors set out above in the final EAR.

### **3 PLANNING ANALYSIS**

In the City of Windsor the planning for and maintaining of the neighbourhood communities is considered to be fundamental to the liveability of the urban area. The planning formulation of the neighbourhoods is from the inside out, focusing on various land uses that give the core to the neighbourhoods around which the community will

grow. Also fundamental to the liveability of these neighbourhoods from the standpoint of Council, is the safety and health of the residents.

DRIC has used their results of this consultation process to look into the neighbourhoods adjacent to the roadway from the outside. They have affected the outside edge of these neighbourhoods without being able to understand the level of impact their proposal creates. The more you remove residents and businesses from the outside edges of neighbourhoods adjacent to a proposed roadway, potentially the greater the impact rendered. DRIC does not identify the impacts their proposal could be having on the adjacent neighbourhoods. They also provide no analysis of how they assessed the effects on the City Planning policies and plans to justify the Recommended Plan. They only identify the number of residences and businesses that will be required to be taken because of the roadway requirements, and by widening the route for more buffer; the only factor considered is that more houses will have to go.

The Social Impact Assessment does not provide an indication of the effect of that type/scale of taking will have on neighbourhoods or the people affected. A more illustrative comment on the Social Impact Assessment and the public consultation process is outlined below. But in summary, it is not possible from the material available from DRIC, which we have reviewed, to trace the analysis of the DRIC consideration of impacts on the Socio-Economic Environment that was outlined as being necessary in the Terms of Reference. There were consultation sessions in the early part of the process, but there is no reported documentation to illustrate clearly or fulsomely how the comments were analyzed, and used or rejected. Later in the process the width of the project was increased with very little available analysis of the impacts to the additional lands or people that would be impacted.

One of the elements of concern in the Socio-Economic Environment is the air-quality effect on the populace who will continue to live, play and work in the lands adjacent to the proposed access road. In terms of the impact from the air quality associated with the W-E Parkway, there is an attempt on the part of DRIC team to give a level of comfort that the air quality of the proposal is going to be a major improvement. However, the comparison made is to a "No-Build" (i.e. status quo) alternative. The claim is also made on the basis of there now being a large buffer area adjacent to the actual roadway, and using a measurement method that has been disputed as very inappropriate by the City's air quality consultant (AMEC Americas). In addition, according to AMEC, it is not clear, as of December 2008, that the W-E Parkway element of the Recommended Plan will represent any improvement in air quality at all over the "Do Nothing" or "No-Build" alternative. Nor does DRIC explain that an alternative with real tunnels, such as GreenLinkWindsor or the full tunnel (Alternative 3), would achieve much better protection of air quality in areas approximate to the right of way, while displacing only half of the estimated homes and businesses predicted as necessary be taken for the W-E Parkway. Moreover, DRIC does not appear to have dealt at all with the possible air quality health impacts on the users of their overpasses/land bridges (which in some cases are called "landscaped tunnels"), and the series of trails which parallel the roadway right-of-way.

Without a transparent process to see what information was available, how relevant it is and how it was utilized to reach conclusions, both the DRIC Planning and the Social Impact Assessment cannot be said provide an objective, traceable and defensible description, let alone the appropriate assessment of possible adverse impacts on the community. This is a major weakness in the DRIC process and in the selection of the W-E Parkway as the access road component of the Recommended Plan.

There also is no comparison of the GreenLinkWindsor proposal in terms of the difference in design and impacts, including air quality impacts, notwithstanding the implicit knowledge that there would be less adverse impacts on adjacent neighbourhoods if tunnelled sections of the roadway were used that span the areas of the adjacent neighbourhood communities (as not only proposed in GreenLinkWindsor but also in DRIC Access Road Alternative 3 (full tunnel)).

In accordance with the Terms of Reference, as noted above, any of the alternatives and therefore the final proposed access road, in this case the W-E Parkway, have to address the objective of minimizing/avoiding impacts to areas of residential development and areas of commercial/institutional development. The GreenLinkWindsor proposal has less impacts in terms of the amount of disturbance to the neighbourhood communities, and in terms of the effect of air quality changes on the adjacent neighbourhoods than the access road in the W-E Parkway, and therefore better responds to the Terms or Reference criteria related to air quality and impacts on the natural and social environment.

### **3.1 Public Consultation / Social Impact Determination**

From a Planning standpoint it is relevant to spend some time outlining a concern that has arisen now that the Environmental Assessment has been finalized by DRIC and submitted. Up to this point in the process, all reports were “Draft”, but they have now been finalized with the Assessment. This is especially relevant given the concern that has been raised over the suggestion that the W-E Parkway would be very protective of the health of the communities through which the proposed access road will pass.

The City of Windsor now has outlined a significant disagreement with DRIC with regard to DRIC’s air quality analysis, both in terms of the standard used and the components of

the proposal used, compared (or rather not compared) with GreenLinkWindsor. Assuming that City's critique is correct, then it would appear that the Parkway would either not improve air quality as compared to the No Build scenario or even make it worse; that only an alternative with real tunnelling elements would protect air quality so that it meets Ontario's air quality criteria even in 2035; and, that only an alternative with real tunnelling would protect greenspace users from unacceptable health impacts associated with poor air quality above and adjacent to the access road. The Parkway's buffer would not prevent air quality inside or outside the right-of-way from deteriorating to the point that it could no longer meet Ontario's air quality standards by 2035. These impacts would be contrary to all of the policy documents and the Terms of Reference which are supposed to be either consulted or complied with.

By comparison the GreenLinkWindsor proposal would be a much better solution because of the inherent differences of the longer tunnels, the larger green spaces on the tunnels and the fact that GreenLinkWindsor's greenspace would be protected greenspace, rather than greenspace located directly above (overpasses) and adjacent to (trails) the source of air pollution (the access road). The GreenLinkWindsor tunnels are placed in such a way as to span the locational extent of the majority of the neighbourhood communities such that whatever air quality changes occur, they do not occur adjacent to the communities. The opinion of the City's air quality consultant is that in comparison with GreenLinkWindsor there is a greater impact from the W-E Parkway of poor quality air outside the right of way, and the air quality in the open space areas adjacent to and on top of the roadway (generally speaking within the right-of-way) will be very harmful to users of those areas. The taking of more residences and businesses to provide a buffer will not provide the necessary protection, at least for the air quality. It is the opinion of the City's air quality consultant, and it appears even from isolated comments from DRIC documents, that a greater tunnelled roadway would provide better

air-quality protection for the residents and users of the space provided by the recommended Plan.

From a Planning standpoint, the safety and health of the population are at the forefront of the PPS, and the Official Plan, and also in the Terms of Reference for the DRIC project. Therefore, it is a logical extrapolation of that concern that an Environmental Assessment for a project is required, among other matters, to assess the various types of environmental impact of the proposal on the population; and the elements that are of concern to the population, such as the nature of their community after the loss of residents, the quality of the air with the new facility, and the usability of what they are told is being provided for their use as part of the new roadway. Although the W-E Parkway purportedly does all of these based on DRIC's documentation, there is no way to determine the validity of such claims; and in one specific example, air-quality, there is considerable doubt that the impacts have been properly assessed.

#### 3.1.1 Validity of Socio-Economic Analysis

In terms of the public consultation process, which was to inform the public about the various stages of the Environmental Assessment, elicit public opinion, and provide usable input to the analysis of impacts on the Socio-Economic Environment, there were various forms of consultation: focus groups, questionnaires, public information open houses, and workshops.

#### 3.1.2 Focus Groups

The DRIC team used the qualitative method of focus group meetings "to collect information from residents that would be potentially disrupted by the various alternative access roads, inspection plazas and crossings for the DRIC project" (SIA, 2007, p. 12). Two focus groups were conducted on one day in October 2006; and, another two focus

group sessions were held three months later in January 2007. Participants were requested to complete a mental mapping exercise intended to elicit information on how they define their neighbourhood boundaries, and interact within the community. Participants were also provided with a workbook intended to elicit information on property use, activities, and potential effects the proposed practical alternatives would have on property use and enjoyment. Given that the DRIC team utilized focus groups in their social research to collect information from those very people who will be disrupted/displaced by the new access road etc., it is surprising that no additional focus groups were conducted for these residents as the W-E Parkway was being refined.

A total of 78 people, representing 57 households, attended the two sessions held in October 2006 (the response rate is unknown). The communities represented by the 57 households include: Ojibwa Park to Malden Road, Spring Garden, Bethlehem area, Villa Borghese, Heritage Estates, the Shadetree Court area, Talbot Road, the Montgomery-Chelsea area, and Southwood Lakes. While a total of 78 people attended the meeting (SIA, 2007, p. 12), the statistical relevance of this number is unknown. A second set of focus group sessions were held in January 2007, specifically for Sandwich Towne residents. The DRIC team mailed out over 4,000 meeting notices to residents, and municipal councillors also assisted in getting the word out. However, only 32 participants attended the two focus group meetings resulting in a response rate of less than 0.8%.

From a mental mapping exercise, conducted as part of the activities for the Focus Group participants, it was shown that:

- Residents engage in activities in their general neighbourhood vicinity.
- Residents often considered their home as the hub of their community.
- Many residents consider Highway 3 and Huron Church the physical barrier or boundary to their neighbourhood.

- Neighbourhood boundaries vary from small areas concentrated in close proximity to homes, while others are widespread over several kilometres.
- Many residents indicated they appreciate the accessibility of the transportation network (E.C. Row Expressway, Highway 401, and Highway 3).

Unfortunately, demographic and residential tenure information does not appear to have been elicited from focus group participants. This data would have been quite relevant as it would provide the element or degree of relevance to participant responses. For example, if a large percentage of people rent their homes, their length of tenure in the neighbourhood could affect their knowledge of community facilities, shops, etc. and provide misleading information on such matters, which in turn would affect the potential outcome.

### 3.1.3 Questionnaire

Much like the methodology employed with focus groups, the DRIC team used the qualitative method of questionnaires to “collect social data from residents potentially displaced and from social features potentially displaced or disrupted by project alternatives”. In July 2006, 479 households within the primary area of investigation received questionnaires; non-responses were followed up by a mail drop, and further noncompliance was followed-up with a telephone call. A total of 294 (61%) of households responded.

The questionnaires asked for the following information:

- Number of houses potentially displaced in the ROW.
- Number of potentially displaced adults, and special populations including children, adults over the age of 65 and people with special needs.
- Number and type of facilities potentially displaced.
- Number and uses/activities potentially displaced.
- Current disruption to use and enjoyment of property.
- Number of institutional and recreational uses/activities disrupted.
- Perceptions of the project, community character, satisfaction, cohesiveness, community drivers of change.
- Community character, satisfaction, cohesiveness, community drivers of change.

The completed questionnaires of potentially displaced households identified that:

- Households with children under 18 represent 32% of total households.
- Households with adults over 65 years of age account for 26% of total households.
- Most dwellings are detached single family homes (79%) with 38% of residents living there for less than five years and 27% of residents living there between 11 and 30 years.

The qualitative data collected from activities, such as the focus groups and questionnaires, seem to be compiled to assist in the assessment of the Practical Alternatives. However, it is unclear as to how the data is compiled, tabulated, analyzed, and utilized in the decision-making process by DRIC.

Approximately one year later, in August 2008, the DRIC team identified households that due to design refinements of the W-E Parkway had not previously been approached to complete the questionnaire. In addition, those households within the W-E Parkway that did not previously complete a questionnaire were also identified. In total 80 households were contacted by telephone and 57 (71%) of those households completed the questionnaire over the telephone. The respondents' demographics and responses were not provided, nor summarized. It is also unclear as to how many of the 57 responses were a product of the initial round of inquiry. More importantly, it is also unclear as to how the results were incorporated into the determination of the W-E Parkway.

#### 3.1.4 Stakeholder Interviews & Advisory Meetings

Stakeholder interviews and advisory meetings appear to have been carried out to provide qualitative data to the DRIC team in order to identify and assess project effects on social features, municipal services and community character and function. Hundreds of interviews/meetings were conducted, but very few have minutes that articulate the

discussion that would have occurred in the course of these interviews/meetings. There is not a comprehensive indication how the results of these interviews affected the decisions of the DRIC team.

### 3.1.5 Public Information Open Houses

The format for the all Public Information Open House (PIOH) events was an informal drop-in session with displays and a presentation. The DRIC team was on site to answer questions and receive feedback from the public. The PIOHs were advertised in newspapers, through media briefings, and via mail-outs; they took place two evenings in a row in two different locations. Three PIOHs occurred between August 2007 and December 2008, each announcing key milestones: PIOH 5 the Parkway Concept (August 2007); PIOH 6 the TEPA (May 2008); and, PIOH 7 the draft Environmental Assessment (November 2008). Below is a brief summary of the three PIOHs:

**PIOH 5** occurred in August 2007 (14<sup>th</sup> and 15<sup>th</sup>), at which time the DRIC team introduced the Parkway as the new access road concept, rejecting previously considered at-grade, open cut, and fully tunnelled alternatives. On the first evening 919 people signed-in, and 753 people signed-in on the second evening. The total number of comment sheets received is 207 (184 received at the PIOH; and 23 received by mail, fax, email or via the project website). The most frequent written comments received at the August 2007 PIOH were summarized as follows:

#### Most Frequent Written Comments Received

- Support for an end-to-end tunnel
- Benefits of the tunnel outweigh costs
- Support for Parkway

**PIOH 6** occurred June 2008 (18<sup>th</sup> and 19<sup>th</sup>), after the May 01, 2008 announcement that DRIC had decided that the W-E Parkway was the selected access road. This PIOH was used to present to the public with a summary analysis leading to the selection of the W-E Parkway as the preferred access road. On the first evening 658 people signed-in, and 342 people signed-in on the second evening. The total number of comment sheets received was 196 (189 received at the PIOH; and 7 received by mail, fax, email or via the project website). The nature of the requests for comments was structured by the DRIC team at this PIOH, whereby participants were encouraged to provide input to a specific number of questions on the comment sheets (see Table 4).

**Table 4: PIOH 6 Question & Answer - Abridged**

1	<b>Process &amp; TEPA:</b>	Excellent choice; DRIC picked best option considering environment; Who is responsible for maintenance of parks and green spaces and snow removal; Questions why DRIC did not fully evaluate Windsor's GreenLink proposal?
2	<b>Mitigation Measures</b>	Increase depth of below-grade sections; keep trucks below grade level; More/full tunnelling to connect communities and provide community areas on overpasses
3	<b>Community &amp; Greenspace Connections</b>	Tunnels are too short; increase length; join tunnels together; full tunnelling; Suggestions for alternate tunnel locations or modifications to proposed tunnel sections
4	<b>Air Quality</b>	Tunnels are required in residential areas and around schools; Concerned about air quality diesel fumes
5	<b>Communities &amp; Neighbourhood Characteristics:</b>	This is one of the most important factors; Amount of greenspace should be increased; will increase community connections; DRIC has done a fair analysis; support choice of bridge and plaza; Concern about value/quality of property close to planned route; Longer tunnels will connect neighbourhoods
6	<b>Existing &amp; Planned Land Use:</b>	Existing and planned uses should be preserved at all costs; Ensure planned route is consistent with community plans or planned land use will have to be altered; Incorporate more green spaces and green links
7	<b>Protect Cultural Resources:</b>	Protect cultural resources at all costs; Support for DRIC 's work in responding to this factor; Good that DRIC avoided the Sandwich west historic area; Should increase tree vegetation; Full tunnelling would help continuity and would protect schools, parks and neighbourhoods;
8	<b>Protect the Natural Environment:</b>	Provide maximum amount of greenspace as possible; do all you can do; Good that DRIC avoided Ojibway Park; work to integrate trails for people and wildlife; This was an excellent and thorough analysis. Great work and great information; Increase length of tunnels to protect natural environment areas
9	<b>Improve Regional Mobility:</b>	Improving regional mobility is a very important factor; DRIC has done a good job; Improvements to regional mobility are desperately needed; Good work by DRIC – gets trucks off city streets; additional highway gives locals more options; Concern about bottlenecks at customs
10	<b>Cost &amp; Constructability:</b>	Cost should not be a factor; other factors are more important than cost; Only have one chance – do it right the first time; will only cost more to fix it in the future; Concerns that DRIC is focusing too much on cost; Keep costs down to where it is affordable; This road project should be a priority for our tax dollars; money should be spent to protect the air quality and health of the surrounding people
11	<b>Other Comments:</b>	Continue to listen to the communities and incorporate public input; Cost should not be a factor; built it whatever the cost; Preference for City of Windsor's GreenLink proposal

It is not clear how or if DRIC responded to the comments they received from the PIOH 6, nor is it clear how or if these comments were in some way incorporated into DRIC's decision making process.

**PIOH 7** took place November 2008 (24<sup>th</sup> and 25<sup>th</sup>), when the draft Environmental Assessment was presented to the public. On the first evening 963 people signed-in, and 515 people signed-in on the second evening. The total number of comment sheets received is 429 (398 received at the PIOH; and 31 received by mail, fax, email or via the project website).

#### Most Frequent Written Comments Received

- Get started on construction
- Support for GreenLink
- Increase tunnelling

Throughout most of the documentation the DRIC team states, in one manner or another, that public input led to the updated version brought forward as the recommended one. However, the PIOHs appear to be more of a “show-and-tell” event, as they were informal, and sequenced to coincide with key milestones or outcomes. As noted above, the analysis methodology and the materials are not available to allow analysis and verification of the way in which the input was used. Only PIOH Workshops 4 and 5 were summarized and no indication was provided as to how the DRIC team responded to comments/questions received. As an example, the DRIC team had not, and did not accede, to the repeated public request for comparison of GreenLinkWindsor, and there is no way from this available information to understand how this happened.

#### 3.1.6 PIOH Participation

The PIOH participation rates were not great (see Table 5 below), particularly when considering the impact of such a significant infrastructure project. For example, this

project now will demolish more than 360 homes and likely demolish 48 businesses; it will displace five community facilities; and, close 18 roads, and will have significant impact upon several communities, and yet there is no way of learning from the data used, the methodology employed, and the analysis undertaken, what would be the real impact beyond the statistical loss of units.

**Table 5: PIOH Participation Rates**

PIOH	Date	PIOH Attendance Per Event	Total PIOH Attendance	% Provide Written Comments
1	June 21, 2005	255	507	35.7%
	June 22, 2005	155		
	June 28, 2005	97		
2	Nov 29, 2005	106	433	24.9%
	Nov 30, 2005	146		
	Dec 01, 2005	181		
3	March 28, 2006	472	812	28.5%
	March 30, 2006	340		
4	Jan 9, 2007	334	510	9.0%
	Jan 10, 2007	176		
5	Aug 14, 2007	919	1,672	12.0%
	Aug 15, 2007	753		
6	June 18, 2008	658	1,000	19.6%
	June 19, 2008	342		
7	November 24, 2008	963	1,478	29.0%
	November 25, 2008	515		

After the fourth PIOH resulted in one of the lowest turnout rates to date, members of the School Advisory Group (comprised of representatives of the Oakwood Public School Council) suggested the following to help increase attendance at the PIOHs:

*“Send notices to individual neighbourhoods along or in close proximity to the access route, plaza and crossing areas; Reach border commuters by handing out information to people as they clear customs; Provide handouts to shoppers in malls, plazas, and stores generally in close proximity to the route; and Provide notices to be sent home with students from local schools” (SAG, May 22, 2007).*

The DRIC team did not appear to respond to the above SAG because they continued with the same procedure for the PIOH's.

### 3.1.7 PIOH Workshops

Except for the final PIOH, following each PIOH there were Workshop Sessions each of which has two sessions, and which were focused on gathering input and comments about the presentation materials at the most recent PIOH. These workshop sessions also provided members of the public with the opportunity to participate in a round table question and answer format with the Study Team. Attendance at the workshop sessions was poor, as illustrated in Table 6.

**Table 6: PIOH Workshop Participation Rates**

Associated PIOH	Date	Workshop Attendance	Participation Rate as a factor of the PIOH	% Written Comments
1	July 14 & 20, 2005	19	0.03%	No data provided
2	Jan 25 & 26, 2006	121	27.9%	No data provided
3	April 11 & 12, 2006	91	11%	26%
4	Jan 09 & 10, 2007	27	5.2%	3.7%
5	August 22 & 23, 2007	227	13.5%	96.5%
6	June 24 & 25, 2008	110	11.0%	22.7%
7	No workshop provided following PIOH #7 (November 2008).			

The Participation Rate as a factor of the PIOH divides the Workshop Attendance number by the attendance number of the associated PIOH. For example, 1,000 people attended the PIOH 6 sessions conducted in June 2008 (as stated above) and, given that 110 people attended the PIOH 6 Workshop, 11% of the people from the PIOH 6 attended its corresponding workshop. Unlike the advertising carried out for the PIOHs, the workshop sessions were not publicly advertised. Notification of workshop sessions and available sign-up sheets were only provided at the related PIOHs. In response to the poor

attendance at PIOH Workshop 4, the following dialogue was captured in the minutes of the Community Consultation Group (CCG) Meeting of February 21, 2007:

*“Question/Comment: Who was invited to the PIOH workshops? I’m disappointed that I hadn’t heard about them until tonight — I would have liked to attend them.*

*Response: The workshops were open to the public. A sign-up desk was placed at the PIOH #4 meetings in December.*

*Comment: If a person missed the PIOH, they would not know about the workshops. In the future, the Study Team should send out notices to everyone on their list.*

*Response: [Comment noted]*

Regardless of the Comment being noted, the PIOH #5 Workshop Summary stated that,

*“The open house sessions also offered members of the public the opportunity to complete sign-up forms to register for PIOH5 Workshop sessions to be held later in August (p. 2).”*

The CCG are members of the public that represented a wide variety of backgrounds and interests; they were solicited by the DRIC team for membership in the group. In short, the PIOH Workshops were not advertised, nor were notices sent out to people on their list—DRIC did not respond to the comments of the CCG.

### 3.1.8 Conclusions regarding the Socio-Economic Impact

In summary in terms of comments about the public consultation, there was no transparency to the process, and there was incomplete information available that came out of the meetings or workshop; there is no information available for the content of the Social Impact Workshops that are only noted in the final document; there is no indication at all to show how comments were analyzed and whether they had any effect on the various levels of decision; there is no indication that the relatively small number of attendees or respondents to the consultation process was a representative sample of the community, knowledgeable of the proposal, or even lived in the affected areas. Once the width of the project was increased to provide more buffer area, there was very little

contact with the public in an organized way, and where there was contact of some sort, the public was faced with a de-facto result by the DRIC team. Where there were comments available on the record, there is a regular series of comments requesting a formal comparison with GreenLinkWindsor, which was never undertaken.

Therefore when the various final reports and the EA for the W-E Parkway discuss the relative lack of socio-economic impact on the lands adjacent to the access road, there is no available, reputable information base or analysis to support these claims. It is seemingly a request to trust the DRIC team to have done the correct and thoughtful study, and to have come to the logical conclusion at the proper solution for the access road in their Recommended Plan.

The lack of traceable and defensible type and completeness of information, and the methodology used in the analysis of the available information that may have been gleaned from the public consultation process; the readily apparent significantly lesser impact from GreenLinkWindsor due to the smaller size of right-of-way required and therefore the substantially less parts of the adjacent communities that need to be taken away; the significantly greater amount of greenspace provided on the larger (but not total) tunnelling of GreenLinkWindsor; and, what appears from the City's air quality consultant to be a major flaw in the DRIC approach to the study of air quality effects on the greenspace and the adjacent communities, strongly suggest that it is not possible to accept that the DRIC team knows about, or understands the implications of the level of impact on the neighbourhood communities adjacent to the W-E Parkway, or to the City as a whole, from a socio-economic standpoint.

### 3.2 DRIC Evaluation of the Parkway as the Preferred Alternative

The DRIC process identified seven factors to be used for evaluating access road alternatives, which gave rise to the Parkway, then the Windsor-Essex (W-E) Parkway proposals. The analysis provided in the December 2008 EAR resulted in the W-E Parkway being chosen as the new access road component for the Recommended Plan. This section of the analysis will scrutinize the first three of seven factors that were considered in the ranking of alternatives: Changes to Air Quality; Protect Community/Neighbourhood Characteristics; and, Maintain Consistency with Existing and Planned Land Use (see Table 2).

**Table 2: Alternatives Evaluation Factors & Performance Measures**

Rating Factor	Performance Measure Categories	Performance Measure	
Changes in Air Quality	Regional Burden	Analysis based on traffic model results	
	Dispersion (NO <sub>x</sub> and PM <sub>2.5</sub> as health based indicators)	Analysis for key roadway links	
Protect Community / Neighborhood Characteristics	Traffic Impacts Volumes by Type	Peak period volumes on specific links by mode (cars, trucks, and international trucks).	
	Local Access	Number of streets crossed, closed, or connected with an interchange	
	Noise	Analysis based on traffic model results for key roadway links.	
	Community Cohesion / Community Character		Encroachment/severance on neighborhood based on professional judgment.
			Impact on delivery of community services (function of road closures) based on professional judgment.
	Acquisitions (Whole or Partial) Residential	Number of dwelling units by type; population estimate based on average persons per dwelling unit.	
	Business	Number of business establishments; employment estimate based on average employees per business for area.	
	Institutions	Number of institutions by type (church, schools, etc.)	
	Farm Property / Structures	Operations / structures affected.	
Public Safety/Security (Plaza)	Assessment based on professional judgment.		
Maintain Consistency with Existing and Planned Land Use	Land Use (existing and planned)	Designation of "consistent," "not consistent," or "not applicable" with goals, objectives and/or policies based on review of official planning documents	
	Development Plans	Designation of "compatible," "not compatible," or "not applicable" with plans for upcoming development that may not be covered by official plans	
	Contaminated / Disposal Sites	Number of documented sites affected	

### 3.2.1 Changes to Air Quality

Due to the significance of the DRIC transportation initiative and the importance placed on clean air from a planning policy perspective, air quality is a very important evaluation factor. Air quality is a general term used to describe pollutant levels in the atmosphere that can be affected by emissions generated by vehicular traffic. These emissions are influenced by elements such as traffic volumes, vehicular types, and local pollutant concentrations are affected by these elements as well as the locations of where these emissions are released relative to nearby sensitive land uses (such as, residences, parks, schools). For the purpose of the practical alternatives assessment, air quality was determined by using a combination of existing air monitoring data and air dispersion modeling. Two indicator pollutants were selected for evaluation: one gaseous compound (NO<sub>x</sub>); and, one particulate compound (PM<sub>2.5</sub>).

The results of modeling and the overall assessment of the Changes to Air Quality component lack an important level of comparative analysis, which obscures any differences among and between the Practical Alternatives. The results of modeling compare predicted future concentrations of NO<sub>x</sub> against only the “no build”; no specific data is provided to facilitate the identification of the ‘best’ alternative. Only Alternative 3 (the full tunnel) is compared by DRIC against the other alternatives. Alternative 3 is highlighted as having greater concentrations of NO<sub>x</sub> over a broader area, due to greater dispersion from ventilation stacks. However, the modeling results do not appear to have considered mitigation efforts for the full tunnel, if needed.

Limited comparisons are presented among the alternatives with regards to PM<sub>2.5</sub> concentrations. The depressed alternatives (except for Alternative 2A) are compared against the at-grade alternatives; the depressed alternatives result in “slightly” lower PM<sub>2.5</sub> concentrations. Once again, no specific data is provided to assist in the

identification of the 'best' alternative among and between the at-grade and depressed alternatives. The analysis states that Alternative 3 results in the lowest concentration of PM<sub>2.5</sub> (within the first 50m from the right of way) compared to the other alternatives.

According to the EAR, "potential air quality effects from roadways decrease with increasing distance from the roadway. Therefore, the greatest effects will occur immediately adjacent to the roadway" (p. 10-2). The open space and recreational facilities associated with the W-E Parkway are primarily located adjacent to the roadway. Thus, by DRIC's own admission, exposure to poor air quality along the access road is an important consideration, but this does not appear to be considered in the comparison of the alternatives, especially with regards to Alternative 3, where there would be no air quality impact adjacent to the tunnelled access road. According to the overall assessment, the air quality benefit of the lowest concentration of PM<sub>2.5</sub>, in Alternative 3 is offset by the impact of ventilation stacks for the tunnel and the overall assessment concludes that the six alternatives will have an equal impact on air quality. This type of conclusion masks the benefits of the tunnel type of alternative in terms of the protection of the adjacent communities from adverse impacts of the air quality generated from the proposed roadway. This is misleading and a simplification of significant differences in Alternative 3 as compared with the other alternatives.

### 3.2.2 Protection of Community and Neighbourhood Characteristics

The second factor by which the Practical Alternatives are evaluated is, "Protect Community / Neighborhood Characteristics." This factor is composed of a number of performance measure categories: Traffic Impacts; Local Access; Noise; Community Cohesion and Character; and, Property Acquisitions (including residential, business and institutional property acquisitions). These categories, and their related measures, attempt to establish the degree (if any) that each alternative will impact affected

communities and determine the potential effects on neighbourhood characteristics. Key measures of impact that are utilized include the number of houses that will need to be demolished, and the impact of clearance on the displaced family and the remaining community; roads that will be permanently closed, and the consequences of these closures faced by local businesses and their employees.

Once again, this factor is minimized by the DRIC team using an overall assessment methodology. The overall assessment for the Protection of Community and Neighbourhood Characteristics fails to critically analyze the differences among the Practical Alternatives. As a result, the overall assessment states that “all the alternatives are considered to have a high impact on community characteristics” and “all alternatives displace a high number of residences and businesses along the corridor and represent a substantive change to the local character and cohesion for the neighbourhoods along the corridor.”

Yet, a critical and careful review of the DRIC alternatives demonstrates that the proposal for the W-E Parkway has particularly negative impacts with regards to the Protection of Community and Neighbourhood Characteristics. In comparison to the other alternatives, the W-E Parkway displaces the greatest number of residences, businesses, and community facilities; it closes the greatest number of roads; and, disrupts the most communities. More specifically, the most dramatic contrast exists with respect to DRIC Alternative 3 (the full tunnel), which is expected to impact only 13 hectares (ha) of residential land for the tunnel and displace between 140 – 180 residences. The Parkway on the other hand, is expected to have twice the negative impact of Alternative 3; requiring 26 ha and displacing somewhere in the range of 309 - 333 homes.

As illustrated in Table 3 below, the elimination of houses is stated to have significant impact on local communities, as well as impact on community Character and Community Cohesion.

**Table 3: Impact of the W-E Parkway Plan on Residential Land Use**

Impact	Amount	Ranking against other DRIC alternatives	Comments
Residential houses displaced	309 - 333 homes	Highest	Nearly double lowest ranking alternative
Amount of land appropriated	26 ha (64 acres)	Highest	Nearly double lowest ranking alternative
Assessed property value of displaced homes	Information not provided	Information not provided	Information not provided
Community Character and Community Cohesion	Bethlehem Community	n/a	Nuisance air impacts may result in minor changes in day-to-day use and enjoyment of property
	Oliver Estates	n/a	Nuisance air impacts may result in minor changes in day-to-day use and enjoyment of property
	Talbot Road	n/a	Nuisance air impacts may result in minor changes in day-to-day use and enjoyment of property all the households on both sides of the street displaced
	Kendleton Court	n/a	all houses on one side of the street displaced
	Trillium Court	n/a	Entire rent geared-to-income cooperative displaced
	Spring Garden Community	n/a	Nuisance air impacts may result in minor changes in day-to-day use and enjoyment of property

In particular, for example the community of Talbot Road (between Cousineau and Howard) will experience the displacement of all the households on both sides of the street; the neighbourhood of Kendleton Court will lose all houses on one side of the street; and, the community of Trillium Court , a rent-geared-to income cooperative, will be entirely displaced. These changes to those communities are not something to entertain without a full understanding of the implications or impacts. If in fact the same impacts come about when and if the other alternatives are evaluated, that is one thing; if these impacts did not occur in each alternative, then these differences deserve to be shown, assessed in a knowledgeable and traceable manner, and shown specifically in the determination of the differences of the Practical Alternatives. They were not.

The “Existing and Planned Land Use Assessment Report” (May 2008) was prepared at a point in time after the access road for TEPA had been determined on the basis of the use of “overview” conclusion for the alternatives. This report states that “the displaced homeowners will find other residential properties currently available in Windsor and LaSalle.” This type of perspective obscures relationships that residents have with their neighbours, business owners, live/work arrangements, their public service facilities (daycare, schools, recreational programs, etc.), and with their community overall. In order to be acceptable at face value, such a statement requires a good level of comfort that the understanding of the impact on communities and the residents is so well done, that this is not seen as a cavalier attitude.

For example, the community of Trillium Court was identified in the inventory as being displaced, is a rent-gear-to-income cooperative predominantly occupied by families, and some with wheelchair accessible units. For its displaced residents, relocating to other affordable housing opportunities is likely to pose a severe hardship as social housing is quite limited within the City of Windsor and Essex County. DRIC has assumed the occupants that they will receive new replacement units. The total number of geared-to-income units in the City of Windsor is only 8,700, and the current waiting list for the Central Housing Registry totals 2,000 families for all of Essex County. DRIC indicated that “While the demand for geared-to-income housing in the area has been stable recently, it is expected to increase over the next three years” (SIA, 2007). It is therefore not clear or understandable how the residents of Trillium Court will be accommodated as promised. This is a type of impact that should be identified and carefully assessed in a clear and traceable manner when considering alternatives. There is little knowledge of how this impact will be resolved. It is not an impact that should be masked by an overview methodology.

Another aspect of community impact which is not specifically given much emphasis in DRIC's comparison of alternatives is that of loss of business for the communities along the W-E Parkway. In comparison to other DRIC alternatives the Parkway presents the greatest negative impact on commercial lands. It is expected that the Parkway will expropriate the most business land (12 ha); it will displace the greatest number of businesses (48), which will result in the largest amount of gross revenue being displaced (\$43.6 million). The Parkway will supplant the most jobs (361) in comparison to the other DRIC alternatives. The assessed property value of the displaced businesses is estimated to be \$29.1 million, which is more than twice the amount of the least impactful of the DRIC alternative at \$13.2 million (Practical Alternative Working Paper: Economic Impact).

The DRIC overview assessment methodology masks contradictory elements. There is the statement that "the at-grade alternatives and below-grade alternatives 2A and 2B do not provide any improvement to community cohesion and character." Yet, within the same table, under the subheading of 'Impact on Community Character/Cohesion' it is stressed that alternative 2A and 2B have a "similar impact to community compared to other alternatives."

Similarly, the overall assessment also claims that "the end-to-end tunnel does not provide the same benefits to community character and cohesion as it ... reduces visibility for local businesses." This claim is difficult to understand in terms of its credibility, because of the tunnelling alternative's benefits to community character and cohesion; because of its lesser land requirements, large linkages, and large new parklands. But in any event the very same overall assessment also states that, "the effects of loss of businesses along the corridor is offset by the ability of these businesses to locate elsewhere in the local area, improved access for these businesses over what is

presently provided, and the benefits of thousands of direct and indirect project related jobs created by the construction of the new access road.”

Even though the W-E Parkway displaces the greatest number of residences, businesses, and community facilities; closes the greatest number of roads; and, disrupts the most communities in comparison to the other DRIC alternatives, the overall assessment still “slightly” prefers this alternative as it has “the least overall impacts to community and neighbourhood characteristics.”

As stated above in the discussion of the social study undertaken by DRIC, this blessing of the Parkway as having the least overall impact has to be viewed in the context that DRIC’s understanding of Community Characteristics and Cohesion is suspect in environmental assessment terms, and in planning terms because there is no ability to objectively understand what was the data collected; how it was formulated; how it was analyzed; and, how was it utilized to reach their conclusions. There is no traceability to allow knowledgeable understanding of the validity of DRIC statements about impacts on community. The overall assessment methodology effectively offsets the significant negative impact of the Parkway by referencing to a panacea of three community improvements: a) buffering neighbourhoods from highway nuisance’s effects; b) providing new open space / recreational facilities along the corridor; and, c) improving linkages between neighbourhoods.

Looking at the three “improvements”, the Parkway’s extra buffering takes out additional residences and people; GreenLinkWindsor provides larger and more appropriate community open spaces than the DRIC does; and, the Parkway linkages are significantly less than GreenLinkWindsor proposed, and they are effectively overpasses, or “land bridges” as formerly noted by DRIC. The open space for the Parkway design is in large part predominately located alongside the below grade six-lane freeway, which is also

equipped with noise barriers designed to mitigate nuisance's effects from nearby by communities. Air quality concerns measured with the standard used by DRIC, in particular are focused on those communities that are within a distance of 50m to 100m, but no contemplation seems to have been directed to the impact of air quality on the adjacent open space / recreational facilities along the corridor. Furthermore in five different intervals along the W-E Parkway residential housing, business and public service facilities are displaced in order to accommodate for nuisance buffers (five metre tall concrete walls). The overall effect of these barriers further separates communities on either side of the W-E Parkway.

In considering what presently exists, all of the DRIC Practical Alternatives provide better access between the local street system and the freeway, thereby improving regional and international mobility, as would GreenLinkWindsor. However, the DRIC Alternative 3 (the full tunnel) would also provide better access and linkage across to communities; and in addition, neighbourhoods would not need to be buffered from highway nuisance effects given the amount of protection afforded by the tunnel. More open space would be available, providing greater community amenities and healthy natural conditions for the neighbourhoods, and the City at large.

The PPS states that Ontario's long-term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns. Efficient land use and development patterns support strong, liveable and healthy communities, protect the environment and public health and safety, and facilitate economic growth. Section 1.1.1 of the PPS highlights the need for sustainability of healthy, liveable and safe communities by promoting efficient development and land use pattern which sustain the financial well being of the Province and municipalities over the long-term. The W-E Parkway design does not promote

efficient development and land use patterns. It requires a right-of-way that is much wider than would be necessary for a fully tunnelled or largely tunnelled access road. There is no consideration given to the impact on the land use pattern that remains for the City to deal with after the taking. The substantial buffer area displaces many hundreds of residents, dozens of businesses, and several public service facilities and will require additional expenditures to acquire the additional uses and lands. The W-E Parkway will also displace built and cultural heritage features, provincially rare vegetation, and wildlife species and their habitat.

From a planning perspective, the W-E Parkway cannot claim to be the proposal that best provides the needed access road with the least impact, or the best protector of neighbourhood, and community characteristics and cohesion.

### 3.2.3 Consistency with Existing & Planned Land Use

The third factor by which the Practical Alternatives are evaluated is, “Maintain Consistency with Existing and Planned Land Use.” This factor is composed of three of performance measures categories: Land Use (existing and planned), Development Plans, and Contamination Sites/Disposal Sites. This evaluation is conducted to determine what land uses currently exist in this area, what uses are planned and what impacts the Practical Alternatives may have on the existing and planned land use.

The overall assessment methodology provides two very general statements that fail to critically analyze the differences between and among the Practical Alternatives: 1) “all the alternatives are developed in the same existing transportation corridor in Windsor and LaSalle and Tecumseh”; and, 2) “the nature of existing and planned land uses affected by all alternatives are essentially the same”. These two statements are not reflective of, and conflict with, the data presented in the corresponding tables. The data

underscores that the W-E Parkway contains the greatest area of land use impacts, at 99ha—nearly 35% more area is impacted with the W-E Parkway in comparison to the Alternative 3 (65ha). Not surprisingly, the tunnel alternative has the least amount of land use impacts, in comparison with the at-grade and below grade alternatives. Accordingly, the nature of the existing and planned land uses being affected will not be and cannot be the same among the six alternatives; although the data is not provided in the associated table. The overall assessment methodology here again masks the differences in some of the alternatives, which are critical to a better understanding of the validity of DRIC proposal for the W-E Parkway.

The overall assessment states that “The Windsor-Essex Parkway demonstrates a greater consistency with local municipal planning in terms of meeting objectives that improve the quality of life for its residents.” This is quite a remarkable overview statement given the approach to and the results of the various elements of the DRIC process. Placing the W-E Parkway adjacent to a residential and on natural area is not consistent with the established planning and zoning for the area; this placement has a tremendous potential to conflict with the neighbourhood characteristics of the area and to disrupt the manner in which this area functions as a cohesive neighbourhood. When compared against the other DRIC alternatives, the W-E Parkway displaces the most homes, nearly double that of the lowest ranking Alternative 3 (the tunnel alternative); and, requires the greatest amount of land to be appropriated, nearly double that of the lowest ranking alternative (also Alternative 3, the tunnel alternative). Consequently, in simple physical terms the Talbot Road Community will experience a significant change in character and cohesion due to the removal of all homes on both sides of the street; the Kendleton Court community will experience a similar change in character and cohesion due to the elimination of homes on one side of the street; and, the entire Trillium Court community will be demolished. Furthermore, with exception of the tunnel

alternative, the at-grade and below grade alternatives will produce nuisance air impacts (e.g. dust) that may result in changes in day-to-day use and enjoyment of property in the Bethlehem Community, the Talbot Road Community, the Spring Garden Community, and Oliver Estates (see Table 3: Impact of the W-E Parkway Plan on Residential Land Use).

It is inconceivable that W-E Parkway could be considered to provide the greatest consistency with local municipal planning of all the alternatives. There is no available analysis of the affect on local municipal planning; there is no available analysis of the affect on the character and cohesion of affected neighbourhoods; there is no available analysis of the effect of the use of the proposed roadway on the health of persons using the trails flanking the road, or the overpass and the land bridges. All of these elements are part of the local municipal planning concern.

Yet, once again the overall assessment methodology draws upon these community improvements to offset the negative impacts produced by the W-E Parkway in order to validate its selection as the preferred alternative: it is stated that “additional buffer spaces along and across the corridor, opportunities for new recreational trails with connections to existing trails, and wildlife linkages contribute to a corridor that better connects communities and natural features.” Logically the same should also be possible, and much more preferably for the tunnel alternative. The overall assessment of the W-E Parkway in terms of the consistency with Existing and Planned Land Use concludes that “the W-E Parkway alternative is preferred over the other alternatives”. This conclusion is proffered in the absence of any detailed analysis that is available, reported, reproducible, and understandable. The conclusions are not traceable, nor reliable.

### 3.2.4 DRIC Evaluation of the Parkway as the Preferred Alternative

The DRIC team did not do an appropriate analysis and comparison of their alternatives. A comparative analysis among and between the alternatives is essential in order to demonstrate reasonable and understandable variations in, at the very least, some of the alternatives. For example, it is unlikely that an alternative which displaces the greatest number of homes, businesses and community facilities, closes the most roads, and significantly disrupts communities is selected as the preferred alternative. Yet, the DRIC team's approach is that there will be general community improvements making these negative impacts essentially disappear whereby all of the access road options are then the same: they "all represent an improvement to local air quality over the no-build alternative"; they all "are considered to have a high impact to community characteristics"; and, they all affect the nature of existing and planned land use "essentially" in the same way.

If the DRIC team had truly understood the community characteristics and cohesion, as well as planning impacts through a proper analysis of the results of their consultation process, and a reviewer or viewer could objectively see how they conducted the process and feel comfortable with the understanding that has been achieved (i.e. a traceable process) the result would have indicated differences or divergences in at least some of the alternatives. GreenLinkWindsor followed the same path as Alternative 3 and would be considered in terms of the benefits and level of impacts as that alternative. Had the appropriate methodology for comparison of the Practical Alternatives been utilized with GreenLinkWindsor, the differences identified would have clearly shown GreenLinkWindsor to be the better solution for the access road.

#### 4 CONCLUSION

From a Planner's position this is not appropriate study of, or conclusion as to the effects of this proposed access road on the people who will be most affected, whether they are forced to leave their homes, or whether they are staying in whatever remains of their community and are asked to live with the location and effects of the access road as proposed in the form of the W-E Parkway and its effects. This result is not in conformity with those elements of the Terms of Reference which have been noted in this report, and which were part of what was approved for the Environmental Assessment. The result is not good planning.



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