

Council Committee Room B
April 3, 2006 5:30 p.m.

A meeting of Guelph City Council.

Present: Councillors Billings, Birtwistle, Burcher, Downer, Ferraro, Furfaro, Hamtak, Kovach, Laidlaw, Moziar and Schnurr.

Absent: Mayor Quarrie and Councillor Baily

Staff Present: Mr. L. Kotseff, Chief Administrative Officer; Chief S. Armstrong, Director of Emergency Services; Dr. J. Laird, Director of Environmental Services; Mr. D. McCaughan, Director of Operations; Ms. L.E. Payne, Director of Corporate Services/City Solicitor; Mr. J. Riddell, Director of Planning & Development Services; Mr. G. Stahlmann, Director of Community Services; Mr. G. Beal, Manager of Financial Services; Mrs. L.A. Giles, City Clerk/Manager of Council Administrative Services; and Ms. J. Sweeney, Council Committee Co-ordinator

1. Moved by Councillor Birtwistle
Seconded by Councillor Furfaro

THAT the Council of the City of Guelph now hold a meeting that is closed to the public, pursuant to Section 239 (2) (c) and (e) of the Municipal Act, with respect to:

- proposed or pending acquisition or disposition of land;
- litigation or potential litigation.

Carried

The meeting adjourned at 5:31 o'clock p.m.

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Acting Mayor

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Clerk

Council Committee Room B
April 3, 2006 5:32 p.m.

A meeting of Guelph City Council meeting in Committee of the Whole.

Present: Councillors Billings, Birtwistle, Burcher, Downer, Ferraro, Furfaro, Hamtak, Kovach, Laidlaw, Moziar and Schnurr.

Absent: Mayor Quarrie and Councillor Bailly

Staff Present: Mr. L. Kotseff, Chief Administrative Officer; Chief S. Armstrong, Director of Emergency Services; Dr. J. Laird, Director of Environmental Services; Mr. D. McCaughan, Director of Operations; Ms. L.E. Payne, Director of Corporate Services/City Solicitor; Mr. J. Riddell, Director of Planning & Development Services; Mr. G. Stahlmann, Director of Community Services; Mr. G. Beal, Manager of Financial Services; Mrs. L.A. Giles, City Clerk/Manager of Council Administrative Services; and Ms. J. Sweeney, Council Committee Co-ordinator

DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT

There were no declarations of pecuniary interest.

1. Moved by Councillor Birtwistle
Seconded by Councillor Furfaro
THAT Jose Matera be permitted to address Council.

Carried

Ms. Matera provided an update with respect to a litigation matter.

2. Moved by Councillor Birtwistle
Seconded by Councillor Downer
THAT staff be given direction with respect to a potential acquisition of land.

Ms. L.E. Payne
Dr. J.L. Laird

Carried

The Chief Administrative Officer provided an update with respect to a recent vandalism incident.

The meeting adjourned at 6:07 o'clock p.m.

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Acting Mayor

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Clerk

Council Chambers
April 3, 2006

Council reconvened in formal session at 6:30 p.m.

Present: Councillors Billings, Birtwistle, Burcher, Downer, Ferraro, Furfaro, Hamtak, Kovach, Laidlaw, Moziar and Schnurr.

Absent: Mayor Quarrie and Councillor Bailly

Staff Present: Mr. L. Kotseff, Chief Administrative Officer; Chief S. Armstrong, Director of Emergency Services; Dr. J. Laird, Director of Environmental Services; Mr. D. McCaughan, Director of Operations; Ms. L.E. Payne, Director of Corporate Services/City Solicitor; Mr. J. Riddell, Director of Planning & Development Services; ; Mr. G. Stahlmann, Director of Community Services; Mr. G. Beal, Manager of Financial Services; Mr. B. Chapman, Manager of Parking & Downtown Operations; Mr. R. French, Manager of Transit Services; Mr. M. McCrae, Manager of Corporate Property; Ms. A.M. O'Connell, Supervisor of Parking; Mr. B. Poole, Chief Building Official; Mr. P. Sheehy, Zoning Inspector; Mr. J. Stokes, Manager of Realty Services; Mrs. L.A. Giles, City Clerk/Manager of Council Administrative Services; and Ms. J. Sweeney, Council Committee Co-ordinator

Acting Mayor Schnurr read a letter from Councillor Bailly expressing appreciation for the support she has received following her recent surgery and that she will be back to meetings as soon as she has recovered.

DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT

Councillor Downer declared a possible pecuniary interest with regards to the requested sign variance for 925 Woodlawn Road West because of a family business affiliation and did not discuss or vote on the matter.

1. Moved by Councillor Downer
Seconded by Councillor Kovach

THAT the minutes of the Council meetings held on March 13 and 20, 2006 be confirmed as recorded and without being read.

Carried

2. Moved by Councillor Ferraro
Seconded by Councillor Billings

THAT persons wishing to address Council be permitted to do so at this time.

Carried

REGULAR MEETING

DELEGATIONS

Sign By-law variance for Canadian Tire Realty Corporation at 10 Woodlawn Road East

Scott Arbuckle was present on behalf of the Canadian Tire Realty Corporation in support of the staff recommendation for their requested sign variance. He advised that he is available to answer any questions. Council had no questions.

3. Moved by Councillor Birtwistle
Seconded by Councillor Downer

Mr. J. Riddell
Mr. B. Poole

THAT the request for a variance from the Sign By-law for Division D, Concession 2, Part Lot 1, Reference Plan 61R-7048, Parts 1 to 8, known as 10 Woodlawn Road East (see Schedule A location map), to permit a freestanding sign with a sign area of 25 square metres, for Canadian Tire Realty Corporation, be approved.

Carried

Sign By-law variance for the Oxford Retail Group at 435 Stone Road West

Svetlana Levant was present on behalf of Pride Signs and requested that Council approve their request for a second LED sign. She advised that this second sign would allow their client to maintain uniformity in their sign advertising.

Carl King, General Manager of Stone Road Mall expressed concern that with only one LED sign permitted on the property that their messages would only be reaching 50% of the public. He suggested that having two LED signs located on the major roadways will allow also for great flexibility for communicating the events of the mall and would also have reduced labour costs and potential liability issues. He requested that Council approve their request for a second LED sign in light of their unique situation/location.

Councillor Birtwistle presented Clause 3 of the FOURTH REPORT of the Planning, Environment & Transportation Committee.

It was requested that the clauses be voted on separately.

4. Moved by Councillor Birtwistle

Mr. J. Riddell
Mr. B. Poole

Seconded by Councillor Downer

THAT the request for variances from the Sign By-law for Block I, Registered Plan 639, Block Q, Registered Plan 651, Part Lot 9, Concession 4, Division G, known as 435 Stone Road West (see schedule A location map), to permit two freestanding signs to have a setback of 4.0 metres, a height of 7.67 metres and a sign area of 22.9 square metres, for the Oxford Retail Group, be approved.

Carried

5. Moved by Councillor Birtwistle
Seconded by Councillor Downer

Mr. J. Riddell
Mr. B. Poole

THAT the request for a variance from the Sign By-law for Block I, Registered Plan 639, Block Q, Registered Plan 651, Part Lot 9, Concession 4, Division G, known as 435 Stone Road West (see schedule A location map), to permit a second freestanding sign to have an LED changeable message board of 3.3 square metres, for Oxford Retail Group, be refused.

A recorded vote was requested, which resulted as follows:

VOTING IN FAVOUR: Councillors Billings, Burcher, Downer, Ferraro, Kovach, Laidlaw and Schnurr (7)

VOTING AGAINST: Councillors Birtwistle, Furfaro, Hamtak and Moziar (4)

The motion was carried.

Proposed Baker Street Parking Garage

The Manager of Realty Services highlighted the public involvement in the proposed Baker Street Parking Garage project. He outlined the proposed parking structure which would consist of six levels of parking, ground floor access to sidewalks and a one-way loop road around the structure. He provided information with respect to the timing of the project and the financial impacts.

John Allan was present on behalf of the Downtown Board of Management and suggested that the proposed new structure would benefit the entire city. He advised that the design has the support of the Board and urged Council to allow alternative structure bids. He suggested that the ongoing operating costs for the structure are more important to the Board as this will affect them directly.

Andrew Lambden was not present.

Ian Smith on behalf of the Guelph Chamber of Commerce advised of their support of the one loop road design. He suggested that the project shortfall should be financed through long-term debt rather

than increases to the parking fees and the creation of any special levies. He expressed concern that alternative bids be allowed.

Susan Watson suggested that street level retail should be included in this structure. She further suggested that revenue from such retail would assist in offsetting the operating costs of this facility. She suggested that the benefits of a retail component would provide for intensification, revitalize the downtown, create a more walkway community and enhance the safety of the parking garage while providing opportunities for small businesses.

Councillor Birtwistle presented Clause 1 of the FOURTH REPORT of the Planning, Environment & Transportation Committee.

6. Moved by Councillor Birtwistle
Seconded by Councillor Downer

THAT staff proceed with design-document preparation and tendering of the construction of the Baker Street Parking Garage as described in the Planning, Environment and Transportation Committee report "Proposed Baker Street Parking Garage" dated March 27, 2006;

AND THAT the Baker Street Parking Garage design be consistent with the City of Guelph Urban Design Guidelines and guidelines for façade development articulated in the Downtown Guelph Private Realm Plan;

AND THAT staff proceed to complete the Environmental Assessment requirements with respect to the creation of the new portion of laneway and with the necessary public process to effect the permanent closure of parts of Chapel and Park Lanes to accommodate the Baker Street Parking Garage once the affected lands have been identified through detailed design;

AND THAT staff negotiate, and the Mayor and Clerk execute, agreements for additional temporary parking in order to mitigate impacts on the downtown during the construction period of the Baker Street Parking Garage subject to the form and content of such agreements being acceptable to the Director of Operations and the City Solicitor;

AND THAT staff report back on user pay fee increases or levy increases to pay for the additional \$500,000 dollars in costs per year;

AND THAT downtown Business Improvement Area Board be consulted;

AND THAT scenarios for estimates of costs for user pay increases

and levy increases be brought forward to Planning, Environment and Transportation Committee in one month.

7. Moved in Amendment by Councillor Hamtak
Seconded by Councillor Billings

THAT staff proceed, on a design-build basis, with document preparation and tendering of the design and construction of the Baker Street Parking Garage as described in the Planning, Environment and Transportation Committee report "Proposed Baker Street Parking Garage" dated March 27, 2006;

A recorded vote was requested, which resulted as follows:

VOTING IN FAVOUR: Councillors Billings, Burcher, Downer, Hamtak, Kovach and Schnurr (6)

VOTING AGAINST: Councillors Birtwistle, Ferraro, Furfaro, Laidlaw and Moziar (5)

The motion was carried.

8. Moved in Amendment by Councillor Burcher
Seconded by Councillor Kovach

THAT the consideration be given to the Baker Street Parking Garage design to provide for the opportunity to adopt the parking structure for commercial use on the ground floor.

A recorded vote was requested, which resulted as follows:

VOTING IN FAVOUR: Councillors Billings, Burcher, Downer, Ferraro, Hamtak, Kovach, and Laidlaw (7)

VOTING AGAINST: Councillors Birtwistle, Furfaro, Moziar and Schnurr (4)

The motion was carried.

9. Moved by Councillor Hamtak
Seconded by Councillor Moziar

THAT the matter of the Baker Street Parking Garage be referred back to staff until scenarios for estimates of costs for user pay increases and special services levy on the area currently covered by the Downtown Board of Management Improvement Area to pay for the additional \$500,000 in costs per year are brought to Council.

A recorded vote was requested, which resulted as follows:

VOTING IN FAVOUR: Councillors Birtwistle, Hamtak, Kovach and Moziar (4)

VOTING AGAINST: Councillors Billings, Burcher, Downer, Ferraro, Furfaro, Laidlaw and Schnurr (7)

The motion was defeated.

10. Moved by Councillor Birtwistle
Seconded by Councillor Downer

Mr. D. McCaughan
Ms. L.E. Payne
Mr. D.A. Kennedy

THAT staff proceed, on a design-build basis, with document preparation and tendering of the design and construction of the Baker Street Parking Garage as described in the Planning, Environment and Transportation Committee report "Proposed Baker Street Parking Garage" dated March 27, 2006;

AND THAT the consideration be given to the Baker Street Parking Garage design to provide for the opportunity to adopt the parking structure for commercial use on the ground floor.

AND THAT the Baker Street Parking Garage design be consistent with the City of Guelph Urban Design Guidelines and guidelines for façade development articulated in the Downtown Guelph Private Realm Plan;

AND THAT staff proceed to complete the Environmental Assessment requirements with respect to the creation of the new portion of laneway and with the necessary public process to effect the permanent closure of parts of Chapel and Park Lanes to accommodate the Baker Street Parking Garage once the affected lands have been identified through detailed design.

A recorded vote was requested, which resulted as follows:

VOTING IN FAVOUR: Councillors Billings, Burcher, Downer, Ferraro, Furfaro, Hamtak and Schnurr (7)

VOTING AGAINST: Councillors Birtwistle, Kovach, Laidlaw and Moziar (4)

The motion was carried.

11. Moved by Councillor Birtwistle
Seconded by Councillor Downer

Mr. D. McCaughan
Ms. L.E. Payne
Mr. D.A. Kennedy

THAT staff negotiate, and the Mayor and Clerk execute, agreements for additional temporary parking in order to mitigate impacts on the downtown during the construction period of the Baker Street Parking Garage subject to the form and content of

such agreements being acceptable to the Director of Operations and the City Solicitor.

Carried

Mr. D. McCaughan
Ms. L.E. Payne
Mr. D.A. Kennedy

12. Moved by Councillor Birtwistle
Seconded by Councillor Downer

THAT staff report back on user pay fee increases or special services levy on the area currently covered by the Downtown Board of Management Improvement, to pay for the additional \$500,000 dollars in costs per year;

AND THAT downtown Business Improvement Area Board be consulted;

AND THAT scenarios for estimates of costs for user pay increases and levy increases be brought forward to Planning, Environment and Transportation Committee in one month.

A recorded vote was requested, which resulted as follows:

VOTING IN FAVOUR: Councillors Billings, Birtwistle, Burcher, Downer, Ferraro, Furfaro, Hamtak, Kovach, Moziar and Schnurr (10)

VOTING AGAINST: Councillor Laidlaw (1)

The motion was carried.

- 13 Moved by Councillor Furfaro
Seconded by Councillor Billings

THAT Council now go into the Committee of the Whole to consider reports and correspondence.

Carried

Councillor Birtwistle presented the balance of the FOURTH REPORT of the Planning, Environment & Transportation Committee.

Mr. J. Riddell
Mr. B. Poole

14. Moved by Councillor Birtwistle
Seconded by Councillor Furfaro

THAT the requirements in Sign By-law No. (1996)-15245, as amended, relating to LED signs be confirmed;

AND THAT City initiated requests for LED signs follow the same variance process as other LED sign requests and become part of the urban design guidelines.

Carried

Mr. J. Riddell
Mr. B. Poole

15. Moved by Councillor Birtwistle
Seconded by Councillor Furfaro

THAT the request for a variance from the Sign By-law for Registered Plan 661, Lot 4, known as 925 Woodlawn Road West, to permit a freestanding sign to have an LED changeable message

board with a sign area of 1.7 square metres, for Royal Distributing, be refused.

Carried

CONSENT AGENDA

The following item #B-1 was extracted from the Consent Agenda to be voted on separately.

16. Moved by Councillor Moziar
Seconded by Councillor Birtwistle

THAT the balance of the April 3, 2006 Consent Agenda as identified below, be adopted:

a) **Sign By-law variance for Balnar Management Ltd. at 255-265 Westwood Road**

Mr. J. Riddell
Mr. B. Poole

THAT the request for a variance from the Sign By-law for Registered Plan 615, Block O, known as 255-265 Westwood Road (see Schedule A location map), to permit a separation distance of 60.0 metres between two freestanding signs on the same property, for the Balnar Management Ltd., be approved.

b) **Proposed demolition of a detached dwelling known municipally as 19 Hearn Avenue**

Mr. J. Riddell
Mr. B. Poole

THAT the application to demolish the detached dwelling known municipally as 19 Hearn Avenue, be approved.

c) **Concession Holdings – proposed Residential Draft Plan of Subdivision, Zoning Amendment, and Plan of Condominium (File 23T-05502, ZC0510, 23CDM05507)**

Mr. J. Riddell
Dr. J.L. Laird
Mr. D.A. Kennedy
Mr. G.W. Stahlmann
Ms. L.E. Payne

THAT the application by Black, Shoemaker, Robinson and Donaldson Ltd on behalf of Concession Holdings Inc. for a Draft Plan of Residential Subdivision and Draft Plan of Condominium on .88 ha of land located at the terminus of Joseph Street, legally described as Part of Lots 16, 17, 18, 21 and 22, Registered Plan 230, City of Guelph be approved subject to the conditions in Schedule 1 attached hereto;

AND THAT the Zoning By-law amendment application be approved and that City staff be instructed to prepare the necessary amendment to Zoning By-law Number (1995)-14864, as amended, to transfer portions of the subject lands from the current R.1B (Residential Single Detached) Zone

to the Specialized R.1C-? (Residential Single Detached) Zone.

d) **Debenture Issue**

Mr. D.A. Kennedy

THAT the City Treasurer be authorized to proceed with the marketing through the City's fiscal agent, a debenture issue in the aggregate amount of \$6,000,000 dated April 4, 2006 for a term not exceeding five years

Carried

17. Moved by Councillor Furfaro
Seconded by Councillor Billings

Mayor Quarrie
Counc. L Baily
Ms. M. Walker

THAT Mayor Quarrie replace Councillor Laura Baily as the Council representative to the St. Joseph's Hospital Board.

Carried

18. Moved by Councillor Hamtak
Seconded by Councillor Ferraro

THAT the Committee rise with leave to sit again.

Carried

19. Moved by Councillor Kovach
Seconded by Councillor Downer

THAT the action taken in Committee of the Whole in considering reports and correspondence, be confirmed by this Council.

Carried

BY-LAWS

20. Moved by Councillor Laidlaw
Seconded by Councillor Burcher

THAT leave be now granted to introduce and read a first and second time By-laws Numbered (2006)-17985 to (2006)-17996, inclusive.

Carried

The By-laws were read a first and second time at 8:56 o'clock p.m.

Council went into Committee of the Whole on By-laws Numbers (2006)-17985 to (2006)-17996, inclusive.

Acting Mayor Schnurr in the Chair.

At 8:58 o'clock p.m., the Committee rose and reported By-laws Numbered (2006)-17985 to (2006)-17996, inclusive, passed in Committee without amendment.

21. Moved by Councillor Laidlaw
Seconded by Councillor Ferraro
THAT By-law Number (2006)-17991 be referred back to staff.

Carried

22. Moved by Councillor Moziar
Seconded by Councillor Furfaro
THAT By-laws Numbered (2006)-17985 to (2006)-17995, inclusive, be read a third time and passed.

Carried

The By-laws were read a third time and passed at 9:00 o'clock p.m.

QUESTIONS

Councillor Birtwistle questioned staff in response to a letter received from area physicians with respect to the status of the pesticide by-law, the Pesticide Advisory Group and the public educational program.

In response to questions by Councillor Kovach, Councillor Furfaro provided a status update with respect to the appointments to the Guelph Junction Railway. In response to questions, the City Solicitor advised that she would review the Shareholder Declaration with respect to the Nominating Committee.

In response to questions by Councillor Kovach, the Chief Administrative Officer advised that he would report back on the financial implications of the restructuring and hirings.

In response to questions by Councillor Laidlaw with respect to the pesticide by-law, the Director of Community Services advised that staff can provide an update on the status of the by-law, but that Council did not approve funding in the budget for the educational component. The Director of Environmental Services advised that they have contacted the Grand River Conservation Authority with respect to surface water monitoring and are awaiting a reply.

In response to questions by Councillor Moziar, the Director of Community Services advised that they will contact Sackville, New Brunswick to obtain a copy of their pesticide by-law.

In response to questions by Councillor Birtwistle, the City Clerk/Manager of Council Administrative Services advised that the matter of the events calendar on the City's website is being looked into and will be corrected.

Councillor Downer suggested that it would be helpful for when the Chief Administrative Officer reports back on the realignment update to have the 2006 goals/objectives.

MAYOR'S ANNOUNCEMENTS

NOTICE OF MOTION

Councillor Kovach advised that she will be bring forward to a future Council meeting, if necessary, motions with respect to:

- Guelph Junction Railway
- Update of the realignment and the budget/financial impacts
- Goals and objectives.

ADJOURNMENT

The meeting adjourned at 9:25 o'clock p.m.

Minutes read and confirmed April 18, 2006.

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Acting Mayor

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Clerk

Regulations and Conditions

PART A

THAT the application by Black, Shoemaker, Robinson and Donaldson Ltd on behalf of Concession Holdings Inc. for a Draft Plan of Residential Subdivision and Draft Plan of Condominium on .88 ha of land located at the terminus of Joseph Street, legally described as Part of Lots 16, 17, 18, 21 and 22, Registered Plan 230, City of Guelph be approved, subject to the following conditions:

1. That this subdivision approval applies only to a draft plan of subdivision prepared by Black, Shoemaker, Robinson and Donaldson Ltd dated February 2, 2006 (project No. 05-5985-29)
2. That this Draft Plan Approval shall lapse at the expiration of 3 years from the date of issuance of Draft Plan Approval.

Conditions to be met prior to grading or site alteration

3. That the Developer agrees to stabilize all disturbed soil within 90 days of being disturbed, control all noxious weeds and keep ground cover to a maximum height of 150 mm (6 inches) until the release of the development agreement on the block/lot so disturbed.
4. That the Developer agrees to direct construction traffic to and from the subject site for all phases of servicing and building construction via a specified route to the satisfaction of the City Engineer. Any damage or maintenance required to surrounding streets as a result of such traffic shall be at the Developers cost.
5. That the Developer agrees that no work, including, but not limited to grading or filling, will occur on the lands until such time as the Developer has obtained written permission from the City Engineer or has entered into a Development Agreement with the City.
6. That the Developer prepare an overall site drainage and grading plan, satisfactory to the City Engineer, prior to any grading or construction on the site. Such a plan will be used as the basis for a detailed lot grading plan to be submitted prior to the issuance of any building permit within the development.
7. That the Developer constructs, installs and maintains erosion and sediment control facilities, satisfactory to the City Engineer, prior to any grading or construction on the lands in accordance with a plan that has been submitted to and approved by the City Engineer.

Conditions to be met prior to execution of development agreement

8. That the Developer is responsible for the total cost of the design and construction of all municipal services required to service the lands within and external to the limits of the plan of subdivision including roadworks, and sanitary, storm and water facilities. Municipal services external to the plan include, but are not limited to, the construction of

a connection to the existing watermain and an extension of a 150mm diameter watermain and roadworks on Joseph Street including all appurtenances and restoration. All costs related to the construction of the 150mm diameter watermain within Parts 1 and 2 of Reference Plan 61R-xxxx will be borne by the City of Guelph upon completion of the works to the satisfaction of the City Engineer. Such costs to include construction administration and on-site inspection.

9. That the Developer shall have engineering servicing drawings prepared for the approval of the City Engineer for all internal and external municipal services, grading and drainage. These drawings must reflect the recommendations of all approved reports and studies prepared in support of this application.
10. That the Developer agrees to design and construct entrance features within Block 14 of the proposed plan of condominium to delineate the transition from the Joseph Street right-of-way to the private road.
11. That the Developer pay a share of the cost of all existing municipal services within and abutting the proposed subdivision, as determined by the City Engineer.

Conditions to be met prior to registration of the plan

12. That prior to the registration of the plan, the approval of the City must be obtained with respect to the availability of adequate water supply and sewage treatment capacity.
13. That prior to final approval of the plan, the Developer enters into a Development Agreement, to be registered on title, satisfactory to the City Solicitor, which includes all requirements, financial and otherwise to the satisfaction of the City of Guelph. Such an agreement will also require that the developer, or subsequent owners of the common elements within the plan, provide perpetual maintenance of all such common elements.
14. That any domestic wells and boreholes drilled for hydrogeological or geotechnical investigations be properly abandoned in accordance with the Ministry of Environment Regulations and Guidelines to the satisfaction of the Director of Planning and Development Services.
15. That the developer shall erect signs at the entrances to the subdivision showing the proposed land uses and zoning of all lots and blocks within the proposed subdivision and predominantly place on such signs the wording "For the zoning of all lands abutting the subdivision, inquiries should be directed to Planning and Development Services, City Hall".
16. That all easements, blocks and rights-of-way required within or adjacent to the proposed plan of condominium be granted free and clear of encumbrance to the satisfaction of the City of Guelph, Guelph Hydro Electric Systems Inc. and other Guelph utilities.
17. That the Developer shall pay any outstanding debts owed to the City, prior to the registration of the proposed plan of condominium.
18. That all telephone service and cable TV service in the plan be underground and the Developer shall enter into a servicing agreement with Bell Canada providing for the installation of underground telephone service prior to registration of the plan of condominium.

19. That street lighting and underground wiring shall be provided throughout the common-element condominium at the Developer's expense and in accordance with the policies of the City of Guelph and Guelph Hydro Electric Systems Inc.
20. Prior to the registration of the subdivision plan or any part thereof, the owner shall pay to the City, the City's total cost of reproduction and distribution of the Guelph Residents' Environmental Handbook, to all future homeowners or households within the plan, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City.
21. The developer acknowledges that the provision of municipal waste collection will be reviewed at the time of final engineering design for the extension of Joseph Street (private street). The road geometrics must be designed to accommodate municipal waste collection vehicles to the satisfaction of the City Engineer, in order for municipal waste collection to be provided with terms acceptable to the Director of Environmental Services. The Development Agreement, specified in Condition 13, will also stipulate that residential waste will be collected curb side at each individual property and the provision of the waste collection service is the responsibility of the Condominium Corporation.

Conditions to be met prior to the issuance of a building permit

22. That the Developer pay development charges to the City in accordance with By-law Number (2004) - 17361, as amended from time to time, or any successor thereof and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board as amended from time to time, or any successor by-laws thereto.
23. That the developer agrees to provide written certification from a licensed professional engineer that all municipal services internal and external to the lands have been constructed in accordance with City standards, the approved engineering servicing drawings and are available for their intended use to the satisfaction of the City Engineer.
24. That the developer agrees to provide written certification from a licensed professional engineer that the grading of the lot for which a building permit has been requested has been completed in accordance with City standards, the approved overall site drainage and grading plan to the satisfaction of the City Engineer.
25. That site plans for all corner building lots shall be submitted to the City Engineer for approval of driveway location.
26. The Developer shall submit a report prepared by a Professional Engineer to the satisfaction of the Chief Building Official certifying all fill placed below proposed building locations. All fill placed within the allowable zoning by-law envelope for building construction shall be certified to a maximum distance of 30 metres from the street line. This report shall include the following information: lot number, depth of fill, top elevation of fill and the area approved for building construction from the street line.
27. The Developer shall submit a report prepared by a Professional Engineer to the satisfaction of the Chief Building Official providing an opinion on the presence of soil gases (radon and methane) in the plan of subdivision in accordance with applicable provisions contained in the Ontario Building Code.

28. That the developer shall be responsible for paying cash-in-lieu of parkland for the entire development, in accordance with the City of Guelph By-law (1989)-13410, as amended by By-law (1990)-13545, or any successor thereof, prior to the issuance of any building permits.

Agency Conditions

29. The Owner is required to engage a consultant to undertake an analysis of noise and vibration in order to recommend abatement measures necessary to achieve the maximum level limits set by the Ministry of Environment and Canadian National Railway prior to registration of the plan. Upon review and approval of the noise and vibration reports, all recommendations provided should be included in the Subdivision Agreement.

30. The Owner shall agree in the Subdivision Agreement, in wording satisfactory to CN, to the following:

- (a) Construct and maintain an earthen berm a minimum of 2.0 metres above grade at the property line, having side slopes not steeper than 2.5 to 1, adjoining and parallel to the railway right-of-way with returns at the ends.
- (b) Construct and maintain an acoustic barrier along the top of the berm of a minimum combined height of 5.0 metres above top-of-rail. The acoustic fence to be constructed without openings and of a durable material weighing not less than 20 kg. per square metre of surface area. The Railway may consider other measures, subject to the review of the noise report.
- (c) Install and maintain a chain link fence of minimum 1.83 metre height along the mutual property line.
- (d) That any proposed alterations to the existing drainage pattern affecting Railway property must receive prior concurrence from the Railway and be substantiated by a drainage report to the satisfaction of the Railway.

31. The following warning clause shall be included in the Subdivision Agreement, Condominium Agreement, Condominium Declaration and inserted in all Agreements of Purchase and Sale or Lease for each dwelling unit:

"Warning: Canadian National Railway Company or its assigns or successors in interest has or have a right-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the rail facilities on such right-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CN will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid right-of-way."

32. The Owner shall through restrictive covenants to be registered on title and all agreements of purchase and sale or lease provide notice to the public that the safety berm, fencing and vibration isolation measures implemented are not to be tampered with or altered

and further that the Condominium Corporation shall have sole responsibility for and shall maintain these measures to the satisfaction of CN.

33. The Owner enter into an Agreement with CN, stipulating how CN's concerns will be resolved and will pay CN's reasonable costs in preparing and negotiating the agreement prior to registration of the plan.
34. That the developer agrees to provide the Upper Grand District School Board with a digital file of the plan of subdivision in either ARC/INFO export of DXF format containing the following information: parcel fabric and street network.

Part B

“That the Zoning By-law amendment application be approved and that City Staff be instructed to prepare the necessary amendment to Zoning By-law Number (1995)-14864, as amended, to transfer portions of the subject lands from the current R.1B (Residential Single Detached) Zone to the Specialized R.1C-? (Residential Single Detached) Zone as follows:

Regulations

This zoning amendment is for property located at the terminus of Joseph Street, legally described as Part of Lots 16, 17, 18, 21 and 22, Registered Plan 230, City of Guelph.

The following zoning is proposed:

Specialized R.1C (Residential Single Detached)

Permitted Uses

In accordance with the provisions of Section 5.1.1 of Zoning By-law (1995) – 14864, as amended.

Regulations

In accordance with Section 5.1 of Zoning By-law (1995) – 14864, as amended, with the following exceptions:

Frontage on a *Street*

Despite Section 4.1 of the Zoning By-law (1995) – 14864, as amended, development may occur on a privately owned *Street*.

Minimum *Front Yard*

The Minimum *Front Yard* shall be 3 metres for the *Dwelling* and 6 metres for the *Garage* from the private *Street*.

Minimum Exterior Side Yard

1.5 metres

Minimum Separation from Railway Right-of-Way

30 metres