

- ADDENDUM -
- GUELPH CITY COUNCIL MEETING -
- February 6, 2012 -

DELEGATIONS

- a) 180 Gordon Street – Proposed Official Plan Amendment and Zoning By-law Amendment (Files OP1106/ZC1107) – Ward 5
- Hugh Whiteley
 - Karen Balcom
 - Judy Martin

Correspondence:

- Bernard Luttmmer
- Hugh Whiteley
- Karen Balcom
- Cathy Aldersley
- Lisa Mactaggart
- Dave Sills
- Steven Petric

BY-LAWS

"THAT By-law Numbers (2012)-19336 is hereby passed."



**180 Gordon Street
Waterfront Condominiums**



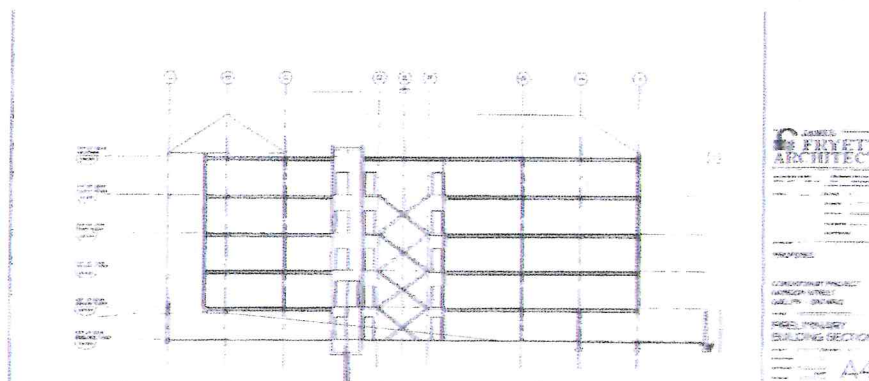
Vision

- Build an elegant building with historic proportions that will fit well in the neighborhood.
- Improve Marianne's Park.
- Provide luxurious and unique housing options in a prime downtown location.
- Restore a vacant and contaminated property.
- Work with the community to build a plan that is supported by the key stakeholders so that it can move forward successfully.

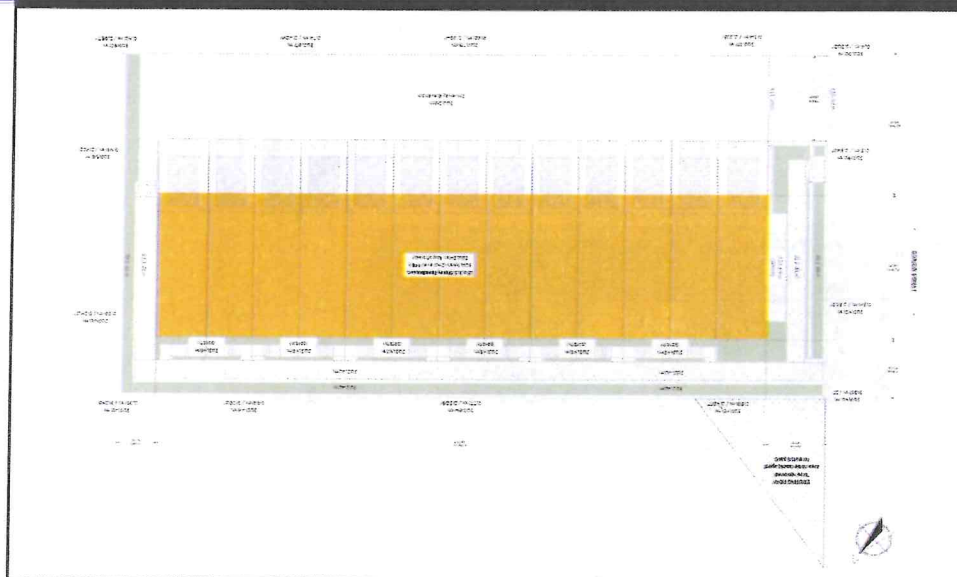
Meeting the key stakeholders

- City of Guelph - Urban Design / Planning
- Old University Community Association (OUNRA)
- South Neighbour (Multi-family complex)
- Governing Conservation Authority (GRCA)
- River Systems Advisory Committee (RSAC)
- City of Guelph - Transportation Engineers
- Public & Community Meetings

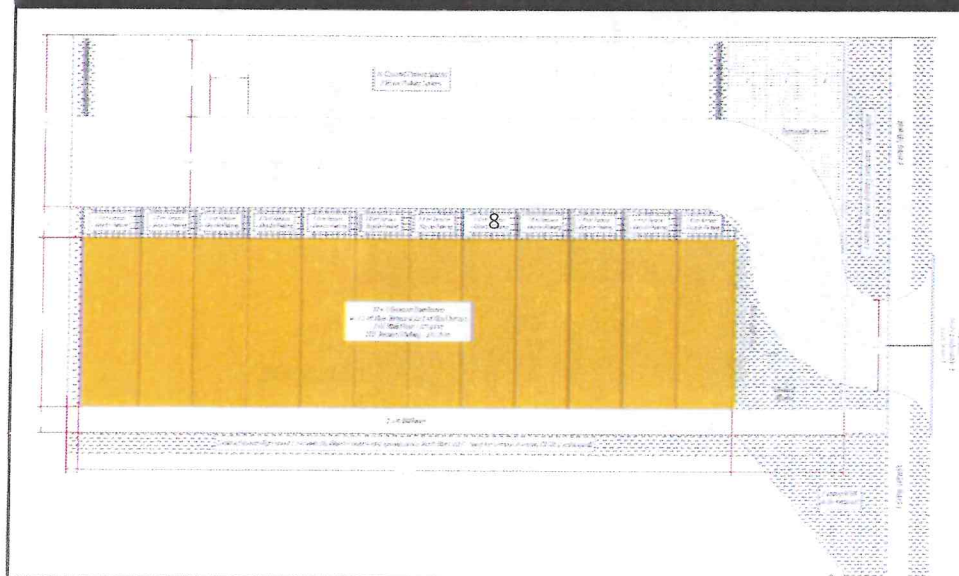
The Plan - July 7, 2010



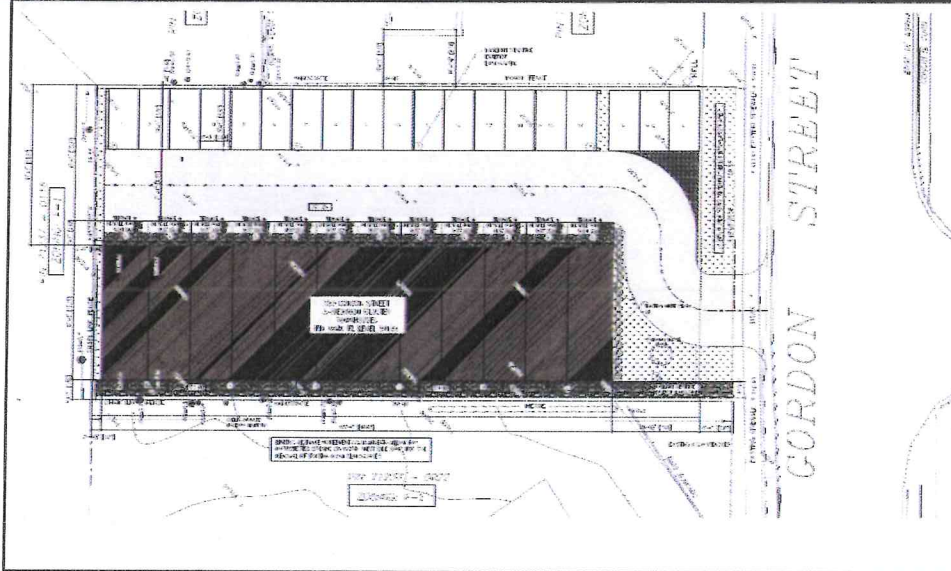
The Plan – October 14, 2010



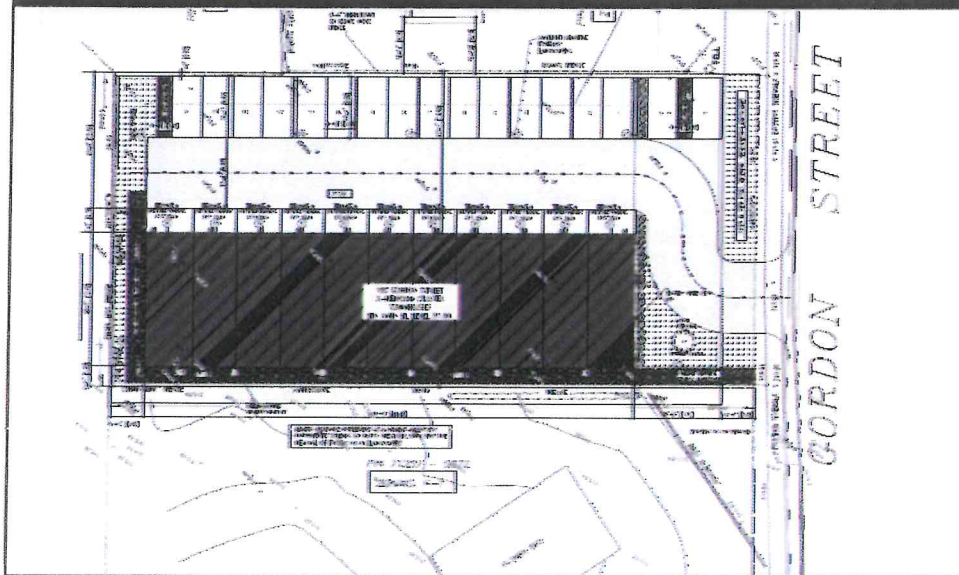
The Plan – December 6, 2010



The Plan - May 5, 2011



The Plan - October 12, 2011



Where we are today

- 11 x 3-bedroom condo units
- 11 covered parking spaces
- 6 uncovered parking spaces
- 2 parking barrier free
- 11 bicycle parking spaces
- Land dedication to city
- Expansion of Marianne's Park Access.
- Private rear terraces
- Private roof top amenity areas



Respecting our Neighbours

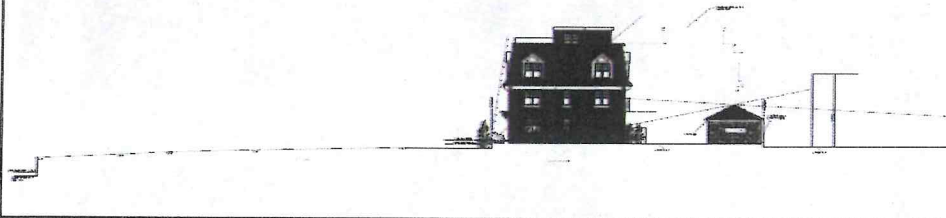
Marianne's Park

- A rejuvenation of the Park's appearance helping further promote its critical function in the community
- Increased public safety with crime prevention through environmental design (CPTED Principles)
- Driveway and parking hidden from the park
- Minimal shadow impacts from the building
- Three methods of delineation between the public and private space (hedge, retaining wall and iron fence)
- No access to the park from private property
- No private yards or amenity space fronting on the Park
- 50% increase in landscaped frontage / Continuation of the trail

Respecting our Neighbours

Sensitive South Multifamily Complex

- Moved and re-designed the parking structure
- Carefully considered the placement of the building
- Frosted windows on south facing 3rd floor windows
- Eliminated common area hallways
- Eliminated pedestrian access on south side of roof top terraces



Concerns with Key Variances

- Density – Caused by the decision to build cluster town homes that fit better within the community vs. an apartment building
(16 Units allowed under R4A Apartment Zone)
- Building Height – Caused by the desire to improve the cosmetics of the building
(access to roof top terrace is permitted without a variance)
- Setbacks/Angular Plane - Caused by the desire to minimize or eliminate impacts on all of the neighbours
(Angular plan and Setback requirements can be met provided no consideration is given to neighbours)

Setback from River

- The Grand River Conservation Authority supports this application. The vision of this organization is:
"A healthy and sustainable natural environment in the Grand River watershed"
- An Environmental impact study found no negative impacts on the river or environment. This report was then accepted by Guelph's Environmental Advisory Committee.
- The City of Guelph planning department concluded that the project meets the intent of the river systems management plan.

A Commitment to Sustainability

- Project will meet Natural Resource Canada's *Energy Star* standards for new residential construction by improvements in the following categories:
 - SITE SUSTAINABILITY
 - ENERGY & WATER EFFICIENCY
 - INDOOR ENVIRONMENT QUALITY
 - RESPONSIBLY SOURCED MATERIALS



A Commitment to Quality

Project Designed and Coordinated by
Peter Higgins Architect Inc.



- Natural Limestone Base
- Molded Clay Brick
- Cedar Shingles
- Elegant Canopies & Fascia
- Quality Windows and Doors

Summary

- The Site Specific Zoning and OP Amendment proposed allows for the sensitive and appropriate redevelopment of a Brownfield site within the built up area of the city.
- The project will greatly benefit the community by improving Marriane's Park and creating new housing options for Guelph residents in a superb downtown location.

Thank you. Questions?



Submission to City Council February 6 2012 Regarding 180 Gordon Street

Submitted by Hugh Whiteley

Recommendations:

I ask the City Council not make a decision on this application at this meeting.

RECEIVED
FEB - 2 2012
CITY CLERK'S OFFICE

This is the first Public Meeting for the Official Plan Amendment that is proposed for this property. City Council has adopted the policy that to allow proper time for consideration by staff and council of the points raised in favour and against an Official Plan Amendment the Public Meeting at which the OP Amendment is first raised should be an information meeting and that a decision on the OP Amendment should follow at a subsequent meeting.

This is a very serious OP Amendment that proposes altering a key environmental-protection provision contained in the OP which applies to the most significant natural heritage feature of the city – the Speed and Eramosa River Environmental Corridor. Making a decision on this important issue should not be rushed and due consideration to all the concerns raised by this amendment should be carefully considered before a decision is made.

When council does make a decision on the OPA Amendment and the Zoning application I recommend that both be rejected.

Development on 180 Gordon Street should be approved but this proposal is unacceptable. What constitutes good planning for this unique site is a five unit high-end condominium development. This type and scale of development would meet all the requirements of the OP, the Zoning By-law, the PPS and the Places to Grow requirements. Such a development would meet all the neighbourhood requirements for compatibility and would be a model of excellence in design.

In a separate email I have provided detailed comments on the current proposal and justified my findings that it does not conform to the Guelph Official Plan and should be rejected..I conclude my comments with this summary.

The need to protect the important Speed River Environmental corridor justifies retention of the 30 m setback vegetated buffer required in the OP. The small size, strategic location and sensitive nature of Marianne's Park requires that the protective measures for siting and massing of buildings on adjacent land contained in the OP and zoning By-law, and put there specifically to offer the protection required, be fully considered and implemented. It is the uniform opinion of the neighbourhood that the requirement of the OP be upheld for a compatible style and density of development in this infill situation.

The proposed OP Amendment is not in keeping with the Environment First policy of City Council and is not supported by EAC or RSAC. The proposed zoning by-law contains a host of very significant changes to the normal and agreed standards for density, setback, height, amenity area, angular plane. Any one of these might be justified if the other conditions were satisfied but in total the variations represent an abandonment of the carefully established and fully justified conditions set out in the OP and zoning by-law. Such wholesale abandonment is the antithesis of thoughtful planning for this unique and sensitive site.

Provincial Policy Statement and Places to Grow

The staff planning analysis correctly states that the proposed development meets the PPS objectives of efficient development and facilitates intensification, redevelopment and compact form. The analysis fails to note that these PPS objectives would also be fully met by a five unit townhouse development and that this less-intense development (about 30 units/ (ha of developable land)) would be much more compatible with the neighbourhood and the parkside setting than the proposed high density of 70 units/ha.

Furthermore the analysis fails to quote the PPS sections 2.1.1 and 2.1.2 and is wrong in stating that the proposed development adequately protects adjacent natural heritage features.

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

2.1.2 The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.

180 Gordon Street has as its upriver neighbour a Significant Woodland on a Significant Valleyland within the Speed/Eramosa River Environmental Corridor. Adjacent to 180 Gordon is Marianne's Park and further downstream across Gordon Street is the south-bank section of Royal City Park, identified as a NHS Restoration Area in OPA 42. Marianne's Park is not currently given the same NHS Restoration category as Royal City Park. This is an obvious oversight, given the riverside location of Marianne's Park and its adjacency to the Royal City Park Restoration NHS Restoration area downstream and the Significant Woodlot and Significant Valleyland NHS element upstream. Fortunately OPA42 contains an explicit mechanism for dealing with unrecognized NHS elements and it will be a simple matter to correct this error and have Marianne's Park given the same status as Royal City Park.

This recognition of Marianne's Park Restoration Area makes the PPS relevant. Guelph is committed to "Environment First" planning and the PPS supports and encourages this approach with an emphasis on maintenance, restoration and improvement of NHS elements. An "Environment First" planning approach thus requires that examination of the proposal for 180 Gordon Street should include considerations of maintenance, restoration and improvement of the riparian buffer along the Speed/Eramosa Environmental Corridor. The current OP Amendment does not allow maintenance restoration and improvement of the riparian buffer. The OP Amendment is Not in conformance with the intent of the PPS and it also explicitly violates the provisions of the OP that speak to "Environment First" planning issues.

The analysis provides a very good outline of the Places to Grow Growth Plan for the Greater Golden Horseshoe as it relates to an emphasis on compact, efficient intensification and housing diversity within the built up area of Guelph. The analysis fails to note that Places to Grow has an equal emphasis on Protecting What is Valuable – Preserving Natural Areas for Generations to Come.

There is a perception that Places to Grow has forced Guelph into a rapid-population-growth model different from the past and that PTG overrides normal environmental protection. For the City of Guelph the population target of PTG is based on a 1.5 % annual increase in population. This is LESS than the 1.8% historical growth rate for Guelph for the decade prior to PTG. In the five years since the province instituted PTG Guelph's population increase has averaged 1.3 %; this reduction in Guelph's growth rate post PTG is a continuation of a downward drift in growth rate since 2001. [It is to be noted that the five year average post PTG includes a low growth rate of 0.5% in 2010].

The significant change in landuse planning for Guelph created by PTG is thus NOT the overall population growth rate - it is the 40%-of-growth target for the built up area. Most of this intensification will be accommodated in the Downtown Guelph, particularly in the Wellington Woolwich Corridor, and in other Intensification Corridors, particularly the Gordon Street Intensification Corridor Edinburgh Road to Lowes Road. 180 Gordon Street is not within Downtown Guelph and is not adjacent to either Intensification Corridor. By my calculation, not disputed by City Planning Staff, PTG requirements for infill density for projects such as 180 Gordon Street that are within the built up area, but outside the intensification corridors, is about 40 units/ha.

In the years since Guelph adopted OP 39 to satisfy the PTG requirements several infill townhouse developments have been supported by City Planning Staff and approved by City Council. Each of these projects has been found to meet Places to Grow requirements. The average density has been 30 units/ha with a range between 22 and 46 units/ha. Given the very sensitive setting of 180 Gordon Street an intensification density lower than the PTG requirement of 40 units/ha is required. A density of 30 units/ha, which happens to be the mean of densities for infill housing currently being approved, fully satisfies PTG requirements and is generously high for this sensitive site.

In summary an 11 unit townhouse development will meet some of the PTG requirements but not the Protecting What is Valuable requirement. A five unit townhouse development would meet all the PTG requirements.

Conformity with the Official Plan

Official Plan Amendment Criteria

The analysis is wrong in stating that the Official Plan Amendment is (1) In conformity with the goals and objectives of the OP; (2) that the portion of the 30 m vegetated buffer for the Speed River that extends unto 180 Gordon Street is suited to the proposed use and (3) that the proposed use of the portion of the buffer for development is compatible with the adjacent land use designation of Core Greenland.

The general goals and objectives of the Official Plan with regard to the Speed and Eramosa River corridors are set out in section 3.6.18.3 which promotes the improvement of riverfront lands that are available for public use, for pedestrian and cyclist amenity as well as the retention or restoration of *natural* and *cultural heritage* qualities. More specifically section 6.9.2 recognizes the riverine systems of the Speed and Eramosa Rivers as significant environmental corridors, and 6.9.5 promotes the naturalization and environmental enhancement of the Speed and Eramosa river valleys. These goals and objectives of the OP are implemented through the requirement, with no exceptions, that development is to be set back from the edge of the Speed and Eramosa Environmental Corridor by 30 m. (6.9.1.2; 6.9.5 1a; 6.9.5 1 b)

The definition of “development” in the OP makes clear that any disturbance to the natural land surface (cutting or filling) constitutes development. Provisions of the zoning by-law require a further setback of buildings from the inland edge of the 30 m setback (buffer). How the 30 m setback provision in the OP is intended to work is illustrated by the approvals for development at 1291 Gordon Street.

The developable portion of 1291 Gordon Street is a sloping narrow strip along Gordon Street with the additional constraint of a high watertable. The site was subject to a 30 m setback from a PSW similar to the 30 m setback required by the OP for 180 Gordon Street. The City enforced the full 30 m setback despite the severe constraints this placed on the development, zoned the setback as P1 (Conservation); made it a condition that the 30 m setback was to be a “no-touch” area (i.e. not only is no permanent cutting or filling allowed in the 30 m there is to be no intrusion into the 30 m even during construction); and imposed a further 7.5 m setback of buildings from the 30 m line. The developer has accepted all of these conditions without objection and despite the limitations of the site this imposed has produced a satisfactory site plan that provides a setback of buildings from the P1 zone of more than 7.5 m.

To summarize the proposed Official Plan Amendment does not conform to the objectives of the Official Plan to naturalize and enhance the riparian buffer to the Speed and Eramosa Rivers, proposes a use – development- which is not suitable for any portion of the 30 m setback, and proposes a use for the buffer which is not compatible with the adjacent landuse designation of Core Greenland.

The assertion in the analysis that the proposed 11 unit 4 story townhouse development is similar to existing buildings in the area with regard to building mass and height is not correct. The proposed development is a large (by definition in the OP), high, slab-wall facade paralleling the river and dominating almost all its boundary with Marianne Park. There are no existing buildings anywhere in the area with these massing and height characteristics. Cardigan Street provides the nearest example and this is not “in the area” and is an example of what to avoid as bad planning.

General Residential

The reference in the analysis to an overall limit to density in the OP of 100 units/ha in 7.2.32 is correct. The suggestion that this upper limit can be approached for 180 Gordon Street is not sensible. As noted in the analysis 7.2.7 of the OP indirectly limits density through the provision that form massing appearance and siting must be compatible with buildings in the immediate vicinity. Section 7.2.9 requires that the Zoning By-law provide more specific guidance by type of housing on maximum densities. The Zoning By-Law sets a maximum density of 37.5 units/ha for the R.3A townhouse zone proposed. The proper

assessment to be made is whether, in light of the great sensitivity of the 180 Gordon Street site and its environs, a density below the permitted maximum of 37.5 units/ha is required.

Character of Development adjacent to the Rivers and Public Open Spaces (3.6.18)

The analysis correctly states that 3.6.18 implements, as directed by City Council at the time, the provisions of the River System Management Plan. The key provision for 180 Gordon street is that “Urban Design principles of the Plan are to be used to promote compatible development in the valleylands associated with the rivers and adjacent to public open spaces.” The RSMP specifically notes that building placement and design is an important consideration in the requirement to respect the character of adjacent park, river and public open-space lands. A key design principle of the RSMP is that long, high, slab-wall buildings running parallel to the river are not compatible with valleylands or parks.

The Cardigan Street apartment slabs are presented in the RSMP as the antithesis of compatible development. Dan Leeming was a consultant in the preparation of the RSMP. He is now lead architect for Fusion Homes and in his comments to City Council last December about the design challenges he faces for the Woods site he reiterated the principle that, above all, slab buildings parallel to the river were not an option he could support.

The analysis in this section does not mention that this compatibility requirement of the OP was directly incorporated into the Zoning By-law Section 4.16 through the dual requirement for a setback of buildings from the edge of a park and a limiting angular plane. The limiting angular plane starts at ground level at the park boundary and rises at an angle of 40 degrees to the horizontal. No part of a building can be higher than the angular plane. This angular plane provision was prepared for the City of Guelph by Owen Scott a very competent and experienced landscape architect and in his expert opinion is a good mechanism to use to implement the compatibility requirement of the OP for development next to parks and riverlands.

In summary the analysis is correct that many of the requirements of the OP regarding development adjacent to parks and rivers are met by this development proposal. However the analysis is wrong in saying that the proposal conforms to section 3.6.18 of the OP. The key provision of 3.6.18 - compatibility with the adjacent park, and implemented through the angular plane provision of the Zoning By-law - is not met. The proposed long high slab-wall facade only 1.8 m from the park edge, extending practically the whole depth of the park, and towering above the park with a height exceeding 1/3 of the park width, is in clear violation of the compatibility provision.

Conformity with the Local Growth Management Strategy in OPA 39

The proposed development does not conform to OPA 39 because the development's site design degrades the quality of the adjacent public open space as noted in the preceding section. A high-quality, five unit townhouse development would fully conform to OPA 39.

Conformity with the Natural Heritage System in OPA 42 (subject of appeals)

A discussion of the applicability of OPA 42 must recognize that any **NEW** protective measures incorporated into OPA 42 cannot be applied to the 180 Gordon Street application because OPA 42 was not in effect at the time of the application and is still not in effect. However it is fully legitimate, as

confirmed by several OMB decisions, to consider new evidence, such as the OPA 42 provisions, that may be relevant to a better understanding of previously existing environmental provisions. As noted in the analysis OPA42 confirms that a buffer of at least 30 m is required from the edge of water for cool water habitat and the section of the Speed River adjacent to 180 Gordon is cool water habitat. This provision of OPA 42 serves to confirm the existing requirement of a 30 m setback (buffer) as set out in the existing OP and this confirmation of the need for a 30 m buffer must be taken into account and is a further basis for rejecting the proposed OP Amendment to reduce the buffer.

In the consideration of the EIS for this property by EAC city staff withheld from EAC the important information that the OP already required a 30 m setback of development from the river edge. If EAC had this information they would certainly have included consideration of the 30 m setback in their motion of support. In the absence of this information they nevertheless gave only qualified support for the EIS, requiring that the EIS be amended to include a review of the Guelph Natural Heritage Strategy [which, as noted above includes a reinforcement of the 30 m setback (vegetated buffer) provision in the OP]. In the absence of a reconsideration of the question of a 30 m buffer by EAC it is not accurate to say that EAC supports the removal of a portion of the 30 m buffer through the proposed OP Amendment.

In the RSAC consideration of the proposed development the OP requirement of a 30 m setback was considered. This consideration occurred because the OP provision was raised by a member of the public; planning staff had not informed RSAC of this section of the OP. RSAC declared strong support for retention of the 30 m setback. It is not correct to say that RSAC supports the reduction in the setback proposed in the OP amendment.

In summary, because the OP amendment reduces the 30 m setback in the OP, a setback that is confirmed by OPA 42 it is not correct to state that the proposed amendments for 180 Gordon Street generally conform to the proposed Natural Heritage System policies.

Conformity with the River Systems Management Plan (RSMP) & Evaluation of the Proposal's proximity to the rivers

The analysis provides a generally accurate and complete statement of the RSMP findings to be applied. There are however several illogical or inaccurate interpretations

- (a) The analysis argues that the RSMP provides several options for setbacks and that this provides "flexibility" In stating this the analysis entirely misses the point that it is the maximum setback among the options that is to be applied in every case. For 180 Gordon Street it is 30 m setback from water's edge. RSAC strongly supports this provision – RSAC provided no justification argument because none was needed – the RSMP justified its provisions within the report and these justifications were accepted by the City and the 30 m setback incorporated into the OP. Accepting the provision of the OP is all the justification needed. It is wrong to say reducing the 30 m setback conforms to the goal of the OP or the RSMP.
- (b) The statement that the high long slab-wall facade at the edge of Marianne's Park improves the public open space of the park and helps frame the existing park is not supported by any evidence. At all the public meetings that have been held, with perhaps twenty or so presentations the developer expressed this view but the overwhelming majority of presentations did not..

- (c) The response to Goal 3 fails to address the point that slab-wall facades parallel to the river are not sensitive to the character and quality of the river corridor. The false argument is repeated that a large, tall, long slab-wall building facade is a common feature in buildings in the surrounding area.
- (d) The response to principle 11, and the paragraph that follows, correctly states that the proposed building faces the river. Not disclosed is that current plans for landscaping including a retention and augmentation of the tall cedar hedge in Marianne's Park at the southern park boundary. This would result in a thick 6 to 8 m high barrier that would cut off views of the lower third of the facade from the park and it would not be at all obvious that the building did face the park. The comment that the proposed building does not overpower the park is not supported and is contradicted by the public commentary received on this proposal.
- (e) The discussion of Principle 13 sensibly argues that the angular plane provision should take into account the unique features of different sections of the river. It is noted that planning staff have, in the 16 years since the Op was approved, not yet completed the sectoral plans for each river section. In the absence of sectoral plans the general angular plane provisions apply. Marianne's Park, a narrow riverside area with special significance, is precisely the type of situation where careful application of the angular plane provision is required. The provision of an angular plane was put in to prevent the overwhelming that a long building facade more than 1/3 the width of the narrow park creates.
- (f) In the discussion of principle 14 the width of the river is added to the width of the park in an attempt to minimize the overwhelming height of the long facade proposed. It is true that from the boathouse the facade would not be overwhelming but this misses the point. At issue is the effect on the public open-space of Marianne's Park. The width of the river does not come into this discussion.
- (g) Principle 15 discussion repeats the unsupported argument that the facade will not overpower Marianne's Park.
- (h) Principle 16 discussion suggests an angular plane at the river edge. Since the angular plane is to protect Marianne's Park this discussion is not relevant.
- (i) The discussion of principle 19 correctly states that the proposal fully meets the criterion of no visible parking next to the park and visible from the river. While this is desirable the choice is between an overpowering facade and a small number of visible but landscaped parking areas between units set back from the park edge (as would be the case for a five unit townhouse development). The latter design is much more in keeping with the RSMP principles than the former.

Evaluation of the Proposal's Proximity to Marianne's Park

Points to be made here are that shadowing is important but equally important is the visual impact of a tall building wall at the edge of the park. The park should not have the feeling of an enclosure it should have the feel of an expansive opening alongside the river as is the case upstream and downstream. The normal buffer (setback of buildings) from a park is 7.5 m. Given the narrow width of Marianne's Park an adequate buffer is essential. A five unit development can be designed to provide an adequate set back buffer. The inclusion of the width of the river in the consideration of angular plane is wrong as discussed above. It is Marianne's Park that needs

protection against being overwhelmed. The concern about loss of a sense of public space is at the heart of the cultural aspects of the park. This loss is occasioned by the close proximity of the big facade; fewer units more remote from the park boundary would remove most of this concern.

Review of Proposed Zoning and Specialized Regulations

The analysis is correct in stating that unique sites require careful planning and urban design analysis to formulate thoughtful planning decisions. The analysis is wrong in suggesting that the current OP and the existing Zoning By-law provisions for R 3A zoning are not a good basis on which to construct a thoughtful planning decision for this unique site.

The need to protect the important Speed River Environmental corridor justifies retention of the 30 m setback vegetated buffer required in the OP. The small size, strategic location and sensitive nature of Marianne's Park requires that the protective measures for siting and massing of buildings on adjacent land contained in the OP and zoning By-law, and put there specifically to offer the protection required, be fully considered and implemented. It is the uniform opinion of the neighbourhood that the requirement of the OP be upheld for a compatible style and density of development in this infill situation.

The proposed OP Amendment is not in keeping with the Environment First policy of City Council and is not supported by EAC or RSAC. The proposed zoning by-law contains a host of very significant changes to the normal and agreed standards for density, setback, height, amenity area, angular plane. Any one of these might be justified if the other conditions were satisfied but in total the variations represent an abandonment of the carefully established and fully justified conditions set out in the OP and zoning by-law. Such wholesale abandonment is the antithesis of thoughtful planning for this unique and sensitive site.

The argument in the analysis for the doubling of allowed density relies on the "proximity to downtown". This misses the much more important proximity to a small sensitive park and the river both of which require a suitably low density to meet compatibility requirements. The proximity to downtown argument also tends to mislead with a veiled suggestion that the site is sort of within an intensification corridor. It is not. The justification that amenity space can be reduced because of "abundant" open space surrounds the site justifies the strongly expressed objection that the proposal is designed to use the adjacent small park as an implied amenity area. The reference to apartment buildings further along Gordon Street as a justification for high density for 180 Gordon is not good planning. 180 Gordon is, as stated, a uniquely situated river land site. The apartments on Gordon are in an entirely different setting facing an arterial road with no immediate connection to the river.

The dismissal of the angular plane protection should be handled openly and honestly. There can be argument between an angular plane of 40 degrees and one of forty five or fifty degrees. An increase in angle to essentially straight up (82 degrees) makes a mockery of a reference to an

angular plane. If the angular plane protection is to be abandoned the by-law should say so. In the case of 146 Downey the angular plane was abandoned and the by-law says so .

There has been repeated comment by neighbours that Gordon Street is a busy arterial and that vehicle movement into and out of 180 Gordon Street will be particularly difficult because of the complication introduced by the pedestrian-activated traffic light on Gordon at 180. There are two ways of reducing the interference with vehicle movement. Reducing the intensity of the development to 5 units from 11 will greatly reduce the difficulty. A second measure is to prohibit left hand turns from the property onto Gordon. Making a left-hand turn from the property requires a coincident gap in both directions of travel on Gordon Street, for much of the day such coincidence of gaps is infrequent and frustration in trying to make a left hand exit will lead to dangerous risk taking.

Dr. Karen Balcom
Submission to City Council, Monday, Feb 3, 2012
Re: 180 Gordon Street

RECEIVED
FEB - 6 2012
CITY CLERK'S OFFICE

I stand here this evening to comment on two separate matters that have been placed before Council. Both pertain to the proposed development at 180 Gordon Street: First, an application for an amendment to the Official Plan to violate the 30 m setback along the Speed River, an issue that is now coming before Council for its first public airing and second, Council's decision with respect to the many zoning bylaw amendments requested by Podium Development with respect to 180 Gordon Street. I appear here to represent myself, but also my near neighbours in the Brooklyn neighbourhood who have asked me to present their concerns as we have discussed them over the past months. Their names were formally appended to my last presentation before council and are added at the end of this statement. Where I speak only for myself, I will make that clear.

The first point I wish to make is that neither I, nor my neighbours are opposed to some form of residential infill on this site. Residential infill makes good economic and environmental sense for our city, and it is a requirement under the Places to Grow legislation. Those of us who oppose this proposal from this developer argue that the current plan tries to push too much development onto a very small piece of land that has great environmental and cultural significance for the city. We have presented our ideas for a less intensive development more in keeping with the character of the neighbourhood, more respectful of the river corridor and or public park space, and more in keeping with the city's bylaws; the Developer has been unwilling to compromise beyond an early reduction of the proposal from 12 units to 11 units.

The core issue here is how much is too much. As the city works to fulfill its responsibilities for a more sustainable urban future, what are our goals? At the last Council meeting, one of the Councillors asked staff, explicitly, to address the issue of the appropriate target for density for a part of the city that is not suburban and not in the downtown core. I note that request was not addressed in the Staff report, and so we are left with a generalized position in the city report that more is better. Is more better? Is a very high density on a very small site better when it means endangering previous efforts to protect the river corridor; opening our parkland to future encroachments; and simply setting aside almost all of the existing city bylaws that pertain to the appropriate mass of a building project on a given piece of land? A more appropriate development would consist of 5 high-end units.

Accepting this project in this space would set a very poor precedent for effective public control of future infill projects and open our park and river spaces to further challenges.

I have comments to make under three categories.

First, I wish to comment about procedures and processes as this project has advanced through Council and associated committees, and to address the issue of consultation with the community. In this section, I speak only for myself.

Second, I wish to address the specific issue of the proposed amendment to the Official Plan with respect to the required setback from the Speed River.

Third, I wish to address the long list of zoning bylaw amendments requested by the applicants and ask Council to consider what is left of bylaws regulation when one Developer can ask – and city staff can support – amendments that ask for large givebacks on almost every measure the bylaws have to control massing of large buildings on small spaces, and the protection of park and riverland.

Part One: Process and Procedure.

My work on this issue has been my first extended trip through the Development process in the city. I have a lot of resources – of education, time and experience writing and speaking for the public – to bring to this work and yet I have found the process very difficult to navigate. Who else is effectively excluded? Who else is giving up? As I mentioned at the last meeting, even those citizens who express interest in a specific project and ask to be informed of its progress through the city are not informed when the project goes before the related advisory committees. This makes it almost impossible for an ordinary citizen to follow the process, let alone to contribute to the cumulative decision-making. The response from the Planning Office has been that the city only informs citizens of city council meetings and public meetings, even though the staff report on 180 Gordon makes it clear that the decisions of the associated committees bear heavily on the final report presented to Council. Whatever happens with 180 Gordon, this is a deficit in the Democratic process that needs to be corrected.

Second, although I have heard the Developer speak at length about Consultation with the neighbourhood, none of the near neighbours were approached by the Developer or given a chance to speak with the Developer until after a Councillor at the last meeting suggested this Developer should follow the normal public process and meet with residents in a public meeting. That meeting was very well attended with (my estimate (25-35) local residents and concerned people from across the city presenting their concerns with the project. To my memory, those concerns clustered around the protection of the sensitive public memorial space of Marianne's Park, protecting the river corridor setback, traffic and noise in the neighbourhood, and above all the over-large scale of the development. The general consensus of the meeting was that all of the concerns raised could be removed or lessened if the Developer presented a less-intensive project with fewer units. There was no meaningful response from the Developer and no change to the Proposal. For citizens who invest their time and energy in the effort to protect and improve their community, this is beyond frustrating. Our presence at that meeting amounted to no more than allowing the Developer to check off the "public consultation" box. In my travels through Council in the last year, I have noted that other such public consultations have led to compromise and an amended proposal brought to Council.

My third point with respect to process concerns the bundling of the public meeting on the Official Plan amendment with a decision on the OP amendment and a Council Decision

on 180 Gordon. We are all aware that this is not the usual practise of Council, which has traditionally deferred decision on an OP amendment to a subsequent meeting to allow for clarity and further consideration. The Mayor blog post to the GCL explained the staff position that since there is “nothing new” in the OP amendment, there is no need for further pause. This is both inaccurate and misleading. Although many of us have been arguing that this project threatens to set precedent that is bad for the neighbourhood and most significantly bad for the future development of the city, it is the appearance of the OP amendment that signals the severity of the threat here to the larger body of citizens, who may not be paying attention to yet another condo development. But, a significant weakening of the protection to the river afforded in the current and pending OP raises the seriousness and the visibility of the issues, and demands not less but more scrutiny.

Part Two: The Amendment to the Official Plan, re the 30 m setback.

I cannot possibly be more eloquent or clearer than Hugh Whitley on this topic, and so I chose here to reinforce his comments.

I quote from my correspondence with Dr Whitely.

“The protection of the Speed River Environmental Corridor, the premier environmental corridor in Guelph, has been and must remain a top priority for Guelph. The RSMP correctly identified this and the result was the 30 m setback being inserted into the OP - this is a special emphasis not given to other protective measures with the same specificity. The NHS studies done for OPA 42 have confirmed the 30 m vegetated buffer for the Speed River Environmental corridor and it will continue to be present in the OP when OPA 42 comes into effect. It is beyond reason that an "Environment First Planning" Council would set aside this important environmental protection.”

The 30 m setback is established city procedure; the decision to complete the buffer was carried into OP42. Council's responsibility when planning decisions interact with the river setback is to act to re-establish the setback.

Council must ask itself – when is an important – inviolate – protection not so important or not-so inviolate. What will be the follow on implications with future developments – and we all know what is coming– along the river. What will it mean when future developers can say yes, but, you didn't really mean all of that about protecting the river bank and the water...look at the OP amendment passed for 180 Gordon. This is an important decision that supports the dedicated work of citizens and councillors and staff up to this point, and it is a place for Council to accept, or reject, the duty of stewardship to the future.

It is also critical to point out that refusing the OP amendment and protecting the setback will not prevent development on the 180 Gordon site; it would stand in the way of THIS proposal, and force the developer to rethink a less intensive plan, thus also addressing the issue of the extraordinary number for extensive bylaw requests that come with this

project.

Part Three: How Much is Too Much?

I turn now to part two of this meeting, and to comments on the decision before Council to approve or not the series of bylaws amendments required for 180 Gordon Street.

I begin with the seemingly simple statement that the bylaws currently in place are the rules we have now to guide development. I note that the City Staff report indicates that the existing bylaws may not reflect the future urban planning priorities of the city. That may be, but it seems just that a significant change to the overall planning and regulation environment is a decision that should come to Council apart from its connection to a specific development; the rules that we have now are the rules that we have now that citizens, developers, and may I venture – city staff – need to respect if not in whole at least in significant part until the rules are changed. I understand from my conversations with the planning staff that it is common to be somewhat flexible with the application of the zoning bylaws, but the amendments requested with respect to this proposal go far beyond any reasonable measure of flexibility. The applicant – as this and previous reports to Council have shown – has requested major exceptions with respect to almost every measure the bylaws provide to regulate the massing of building on a site.

The staff report considers each of the amendments separately and, indeed, there may be an argument for flexibility on one or two or even three such measures in any given development. But, nowhere does the city report talk about the collective implications of these amendments, which, taken collectively, declare the planning and regulation process to be, basically, irrelevant. If a developer can ask for – and be given – large exemptions on every register on which we regulate massing, density and protection of public space, what can't a developer ask for? And, if Council says yes to this extraordinary collection of requests, when will, when can (given precedent) Council ever refuse?

Having made this general point, I would like to address three clusters requested in the bylaw amendments.

1. Minimum landscaped open space, maximum building coverage, Maximum Building Height: The Developer requests for 17% of land in landscaped open space vs. 40%. Let's be clear, the Developer has requested less than half the open space on a building lot required under the bylaws; in a related request, the Developer proposes a standard for lot area per dwelling that is almost half (143 sq. m vs 270 sq m.) that required by the Bylaw. Thus, the Developer wants to cover far more land, and at a height (4 storeys vs. 3 storeys) that is out of step with the surrounding neighbourhood. The argument in the staff report and from the Developer -- that the third living story will not appear to be there because of the Mansard roof, and that the diminished open space on the roof makes the four floor less visible -- simply doesn't conform to common sense. To those walking, driving or canoeing past, what we will see is a building 146 feet long and over 40

feet high, overtaking the groundspace of the lot and overshadowing, in every sense, the park.

2. Maximum Density for the Site: The Staff report appears to measure the relevant density for the site against the overall residential density maximum of 100 units per hectare, instead of the 37.5 units per hectare which is the maximum allowed under the requested R3A zoning. The difference between 37.5 units/hectare (the bylaw standard) and 70 units per hectare (the application) is another measure of the degree to which this application ignores and attempts to bypass the city's existing regulations. As I noted earlier, at the last Council meeting there was a request for a determination from staff of the appropriate density standard for an infill property that is not in the designated downtown core. I note that there is no response to this request in the staff report, nor any discussion of specific target densities in infill. This seems to me a serious omission, and frankly, a case of dodging the crucial issue of just what constitutes too much.
3. Angular Plane: As the staff points out, the purpose of the angular plane provision is to prevent buildings from dominating public spaces on which they border. The staff report suggests that since there is no specific angular plane schedule on a street by street basis in the city, it is permissible to ignore or to so dilute this provision as to make it meaningless. Some flexibility may be appropriate for the angular plane in the case of this development. But let us be clear – changing the provision from a 40% angular plane to an 82% angular plane is not flexibility, it is evisceration. The proposed retaining wall elevating the walkway in front of the townhouses along the border with the park will only emphasize the ways in which the development will tower over the adjacent park.

Thank you for your attention. The proper way forward at this meeting seems to me to defer the decision on the OP amendment. If Council feels it must vote, then a vote in the negative is required. Such a decision would, then, force the Developer to go back to work on a proposal more in keeping with the priorities of the City and its citizens.

January 27, 2011

Blair Labelle, City Clerk
City of Guelph

Re: File OP1106/ZC1107, 180 Gordon Street

RECEIVED
JAN 27 2012
CITY CLERK'S OFFICE

Madame Mayor, City Councillors, City of Guelph Citizens

I am currently unable to attend the meeting of February 6, 2012. However, I wish to make comments on the application for redevelopment of 180 Gordon Street.

I am pleased to see this land being redeveloped. However, I have some concerns with the density of eleven units.

I have concerns with the number of exemptions that the proposed development is asking for vs. the City zoning regulations for the standard R.3A zoning. If this development is supposed to be a "good fit" for the property, why is the developer asking for so many exemptions? With a lower density and more green space, the number of exemptions requested should go down. The proposal of four stories high does not fit with the existing neighbourhood nor the proposed Heritage District designation of maximum three stories high.

I am concerned with the land features proposed. With the front doors of the townhouses exiting almost at Maryanne's Park, there isn't much of a buffer strip there. This gives the illusion that the Park is actually part of this development. Is this what we allow for our hard won parks? There is no buffer proposed for the easterly property line. As the easterly property is part of a wetland, and currently mostly a woodlot, I feel there should be the required buffer strip along this border. The angular plane setback proposed is a major difference from our zoning regulations. With its location on the fringes of our wetlands, this should not be allowed. I am presuming that remediation of this lot will be completed from its former use of a service station as well as the possible "sanitary landfill" that was put in and around this area by the City of Guelph some years ago. Will this proposal meet all of the "watershed" rules of the Grand River Conservation Authority and the Ministry of the Environment? How will we know?

I feel that there is not sufficient parking on site in the redeveloped site plan for the eleven units. It is not realistic to anticipate minimal parking for residents and possible visitors for a three-bedroom townhouse, with a finished basement. If units were to be occupied by families, most have a minimum of two vehicles, those vehicles being required for commutes to employment and or drop off/pick ups from daycares/schools etc for children. Where would visitors park? With the proximity to the University of Guelph, students are most likely occupants, most these days come with cars therefore three to four cars could be on site for parking. James St. East, a likely spot, is a narrow Street and is congested during on street parking season and would be hard pressed to handle additional vehicles from this development. Where would winter parking be?

What are the plans for garbage pick up? When the City moves to the three very large "Bins" for garbage, the new garbage trucks will not have sufficient room to go on site, given the current city rules for garbage trucks. If the "bins" are to be placed at the curb of Gordon Street for pickup by the City of Guelph garbage trucks, the resulting traffic congestion on Tuesdays, our current garbage pick up day, will be horrendous.

The additional information as provided by the Planning and Building, Engineering and Environment, indicates on site space for winter snow removal storage. I am hoping that it will not affect the site lines for entrance/exit of the property. Gordon Street is busy and without proper site lines, accidents are bound to happen.

Additionally, I would hope that the Developer would pay for any costs relating to the realignment/replacement of the current stop light at Gordon and Water Street, as well as any sewer/water modifications and not the taxpayers of the City.

Thank you for your time with receiving and considering my submission.

Sincerely,

Cathy Aldersley
Owner and Resident

RECEIVED
FEB - 6 2012
CITY CLERK'S OFFICE

Dear Stacey Lauhglin

I would have hoped that I could support this type of intensification, as it initially appeared to be exactly the type of project that would be appropriate in this location. Unfortunately the proposal under consideration is not suitable as is.

The proposal has not been altered substantially from the one that was presented at the public open house last fall. This open house was well attended and many people provided feedback about the proposal. If City Staff do not require alterations to the proposal, then why have a public open house? Public consultant should be meaningful.

Another issue is with the variance to the buffer setback requirements. OPA 42 is an important document that should be respected. A 30 metre setback is not an unusual buffer requirement. In my experience it is a fairly standard setback requirement. Any reduction in the buffer requirement will be a mistake that the people of Guelph will have to live with for a very long time. We need only to look across the river to see that we are still living with bad planning decisions made more than 50 years ago. Reducing the buffer by one quarter should be unthinkable. It is a gross violation of OPA 42.

Lastly, this proposal is too intensive for this particular site. Site coverage, density, open space requirements and unit sizes should all be altered to align more appropriately with the Official Plan.

Please require the applicant to amend the proposal to respect the setback requirements, the Official Plan and revise the design to better reflect the feedback received at the open house. We should not approve developments for the sake of having development.

Thank you for the opportunity to provide comments on this issue.

Regards,

Lisa Mactaggart, OALA, CSLA, IFLA

RECEIVED
FEB - 6 2012

CITY CLERK'S OFFICE

From: Dave Sills
Sent: February 5, 2012 11:26 AM
To: Lise Burcher; Mayors Office; Maggie Laidlaw; Cam Guthrie; Gloria Kovach; Ian Findlay; Leanne Piper; Jim Furfaro; Karl Wettstein; Bob Bell; Andy VanHellemond; June Hofland; Todd Dennis
Cc: Dave Sills
Subject: Re 180 Gordon Street development proposal

Hello Madame Mayor and Councillors,

Re the proposed development at 180 Gordon Street, the development proposal serves two useful purposes - it makes use of a vacant lot in a highly visible location, and it helps to increase density in an area near the downtown.

However, the development as proposed appears to try to squeeze too many units into a small space, with the result that the development will not have enough associated green space and will crowd the culturally important Marianne's Park, significantly altering its form and function.

In addition, the Official Plan Amendment proposed for 180 Gordon St. is to exempt this property from the 30 m vegetated buffer setback requirement that applies to all properties along the very important Speed/Eramosa Environmental Corridor. The objective of retention and restoration of a naturalized corridor along the Eramosa/Speed Corridor has been successfully implemented since the adoption of the Official Plan in 1995, and this implementation is a continuation of citizen-based efforts that started decades earlier with the Speed River Project. This effort has produced a highly valued environmental corridor on both banks of the Eramosa within the city limits and beyond. The existence of this length of natural channel is rare in the Province and the urban portion is particularly distinctive and valuable.

If this council truly wants to adhere to the spirit of the Official Plan and protect this valuable corridor, the amendment for 180 Gordon Street must be opposed since parts of that property are closer than 30 m.

Lastly, Council is holding the Statutory Public Meeting for the proposed Official Plan Amendment tomorrow. This will be the first time that the public will have an opportunity to comment on the OPA. City staff have said that it is reasonable for Council to be asked to approve the OPA the same night. I strongly disagree. If this is allowed, Council will not have enough time to consider public comments on the OPA before making its decision. I believe that this does not reflect best practices regarding the consultation of the community when dealing with such important amendments to the Official Plan. Perhaps a deferral of the Council vote is in order.

Sincerely,

Dave Sills
Guelph

Monday February 6th, 2012

RECEIVED
FEB - 6 2012
CITY CLERK'S OFFICE

To: City Council and Planning Staff

Re: 180 Gordon Street beside Marianne's Park

I regret that I am unable to attend tonight's meeting due to a prior commitment.

Well here we are. Many months have passed since this proposal to develop the old gas station site at 180 Gordon Street was brought forward. Many public meetings have been held, consultations have been done with the neighbourhood and citizens of Guelph. The developer has even amended their original proposal cutting 1 unit, from 12 to 11, and making other minor adjustments to appease the city planning department, city council and the neighbourhood.

Sadly, after the last public meeting, where many concerns and comments were brought forward, nothing has really changed about this proposal. Still at 11 units, with just as many requests for exceptions being asked for, city staff and the developer have not done enough to address the issues raised. Instead of looking at the real issue on density and properly dealing the 'elephant' in the room, Marianne's Park, It seems to me they have went out of the way to find any reason to justify this proposal. The proposed size and density and all the zoning exceptions being asked for on small lot go against already long stated city policy and bylaws such as buffers between parks and development, as well as the Places to Grow density recommendations.

If they had the correct setback & buffer area, as well as proper density for this size of lot, I would not have as much of an issue with this project. Sure, I do not like having tall town homes beside a Memorial Park, however, if there was the proper separation & buffering and proper density based on the information provided by Hugh Whitely, then I'd be more open to the infill development on this site.

Instead, the proposal brings forward the same old issues -Same number of requests for exceptions, same density, same size, and same buffer zone. In any development, there may be a need for some minor variances to allow the development to function smoothly on its site. In this case, for this site specifically, it is mind-blowing to see how many violations and exceptions of Guelph's Official Plan, Zoning Bylaws, and Density Guidelines there are.

Let me be clear, I am not against infill development. If done right, it can enhance a neighbourhood and fill in an unsightly empty lot with structures that add to the area positivity.

However, to do this, developers must respect our Official Plan, work to really address the concerns of the neighbourhood, city council and the public, and understand the basic guidelines within the Places to Grow legislation especially on density for this size of lot.

Obviously, we all know why the builder is pushing for so many units on this small piece of infill land, all the while ignoring key city bylaws, flood plans, public parks etc. The developer wants to make the most money as possible, which is fine, however, to do so they are asking for exceptions to our bylaws that are crucial to the design of this city. Let me warn you, this is only the start to these requests and, if approval of this proposal goes forward, it will only open a can of worms for years to come with future requests of similar nature on infill lots.

In my own personal opinion, I would rather have the city swap properties with the developer. This has been done before between school boards and builders and city and other developers here and in many other cities. By doing so, the city expand the park into this small lot.

Some say taking 180 Gordon for parkland is wasteful in a location where parkland is already extensive. Others like the suggestion and even say more parking could be squeezed in for users of the very popular Royal City Park across the way while still designing the right buffering between Marianne's Park and a small park extension & parking lot. However, I know City Council has said before on such a suggestion that: "If we do it for one, we have to do it for all". That is a tough call to make when dealing with this controversial proposal.

Dealing with this issue has raised many concerns by many citizens. Many of those who have spoken before you tonight or have submitted information and ideas beforehand raise some key points and issues, many which I support and implore you to read and listen to on this file. We all know the elephant in the room on this proposal is Marianne's Park. If not for being a memorial park, I think the issues being raised on density, size etc. would not get lost in mix by the media, staff or council because of the memorial park. It is important that everyone knows that the park is just one factor in this proposal and that the issues on density, design, parking and just as valid as the park itself.

To conclude, if this was not approved by council and had to go to the OMB, we all know the OMB will not care that the park and the historical or special place that it is. All it cares about is the facts and they have been raised very well tonight by many, **including Mr Whitely who has pointed out what the real density for this size of site should be**. Please consider all the information on this proposal and the elephant that it is Marianne's Park. I hope a compromise

can be found, even though the developer so far as not done anything of significance since the October meeting.

I have linked the information from Mr. Whitely to my website, stevenpetric.com for your consideration.

Thank You for your time.

Steven Petric

Guelph

