

- ADDENDUM -
- GUELPH CITY COUNCIL MEETING -
- May 20, 2010 -

PRESENTATIONS

Staff Presentation: Marion Plaunt, Manager of Policy Planning & Urban Design

DELEGATIONS

- a) **Envision Guelph – Official Plan Update:** Proposed Official Plan Amendment 42 to Address the Natural Heritage System and Comprehensive Update to the Official Plan
- Judy Martin
 - Heather Harding, Environmental Defence
 - Jane Londerville, Chair, Wellington-Guelph Housing Committee
 - Michael Hoffman
 - Sally Ludwig, Transition Guelph
 - Shirley Greenwood
 - Laura Murr, President, KHCA
 - Dennis Murr

CORRESPONDENCE

- a) **Envision Guelph – Official Plan Update:** Proposed Official Plan Amendment 42 to Address the Natural Heritage System and Comprehensive Update to the Official Plan

Correspondence:

- Heather & Robert Ridpath
- Mike Darmon
- Smith Valeriotte, representing owners of 2007 Victoria Road
- Smith Valeriotte, representing Thomasfield Homes Limited
- Black, Shoemaker, Robinson & Donaldson representing River Valley Developments Inc.
- Herbert Arnold, representing 1077955 Ontario Inc.
- Sally Ludwig, Transition Guelph
- Fritz & Teresa Marthaler
- Herb Neumann, representing owners of 132 Clair Road West, 1827 & 1843 Gordon Street
- Aird & Berlis, representing Silvercreek Guelph Developments Limited
- Alfred Artinger, representing Guelph and Wellington Development Association

- Dennis Cuomo, representing Upper Grand District School Board
- Walker, Nott, Dragicevic Associates Limited, representing Armel Corporation
- Hugh Whiteley
- KLM Planning Partners Inc., representing Guelph Watson 5-3 Inc.
- Zelinka Priamo Ltd., representing Loblaw Properties Limited
- GSP Group, representing Loblaw Properties Limited
- GSP Group, representing Gordon Creek Developments Inc.
- GSP Group, representing SmartCentres, 6 & 7 Developments Ltd.



envision GUELPH

OFFICIAL PLAN UPDATE

OPA 42

Statutory Public Meeting of Council

May 20, 2010



CITY OF
Guelph
Making a Difference



Purpose of Public Meeting

- The purpose of the May 20th Statutory Public Meeting is to provide a formal opportunity for the public to provide verbal and/or written comments to Council on the DRAFT Official Plan Update
- No decision will be made on the contents of the Draft Official Plan at this Statutory Public Meeting
- The draft Official Plan has been available for public review since April 19th
- A series of Public Open Houses were held on April 20, 21, and 22



Public Process Next Steps

- Policy Planning staff will carefully consider the comments provided to Council and revise the draft Official Plan, where appropriate
- The Natural Heritage System policies (i.e. Section 4.1) will be brought back to Council for consideration and adoption on July 27, 2010
- If necessary, an additional public meeting before Council will be scheduled in late 2010 to receive additional comments on the balance of the draft Official Plan
- The balance of the draft Official Plan will be brought back to Council for consideration early in 2011



Envision GUELPH: Overview

Comprehensive update to Guelph's Official Plan in accordance with the Planning Act to:

- Set out the vision for sustainable growth to the year 2031
- Ensure consistency with the Provincial Policy Statement
- Establish a new Natural Heritage System and policies
- Integrate community energy planning with land use and transportation planning
- Provide a focus on high quality urban design
- Implement the growth management framework adopted as part of Official Plan Amendment No. 39
- Integrate changes to legislation, Master Plans and Studies recently adopted by Council

Proposed Official Plan Organization

CHAPTERS

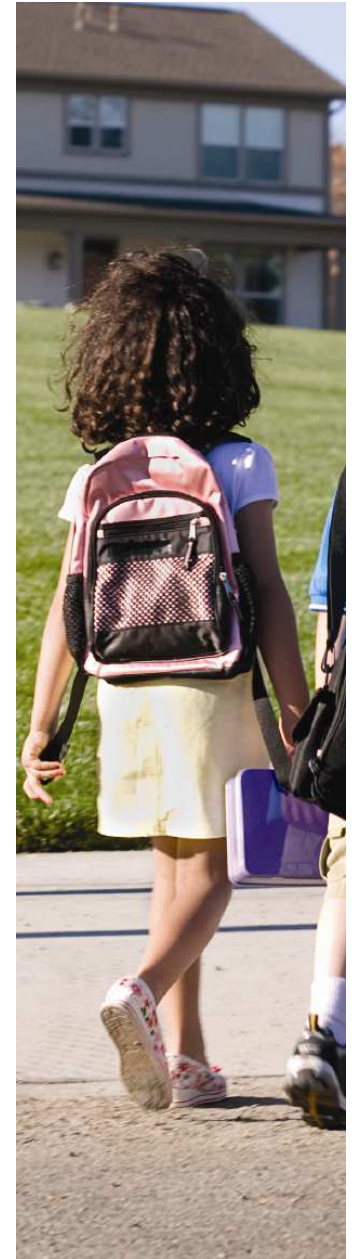
1. Introduction
2. Strategic Directions
3. Planning Complete and Healthy Communities
4. Protecting What is Valuable
5. Municipal Services
6. Community Infrastructure
7. Urban Design
8. Land Use
9. Implementation
10. Glossary
11. Secondary Plans
12. Schedules

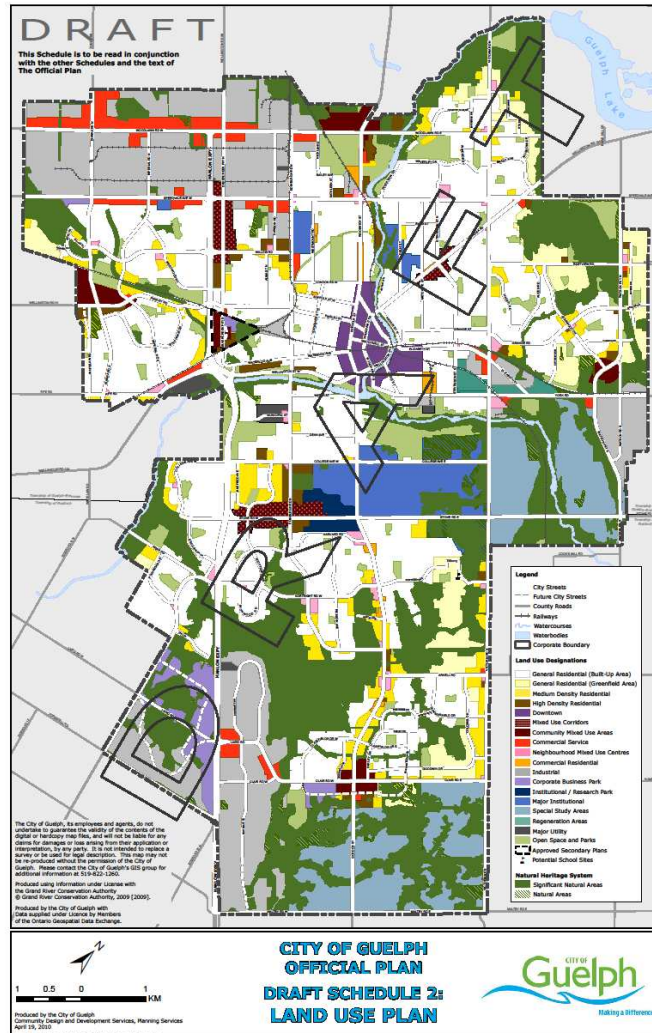
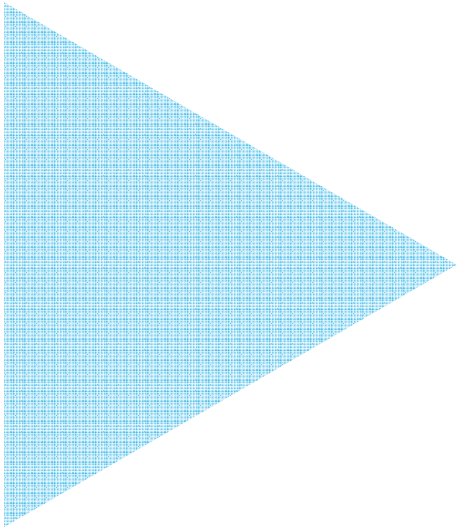
SCHEDULES

1. Growth Plan Elements
 2. Land Use
 3. Downtown
 4. Natural Heritage System
 5. Development Constraints
 6. Staging of Development
 7. Road and Rail Network
 8. Trail Network
 9. Bicycle Network
 10. Areas of Potential Archaeological Resources
 11. Wellhead Protection Areas
- Appendices

Introduction (1) and Strategic Directions (2)

- Purpose, organization, and explanation of how the Official Plan should be read and interpreted
- Vision, Guiding Principles and Strategic Goals of the Official Plan set out up front





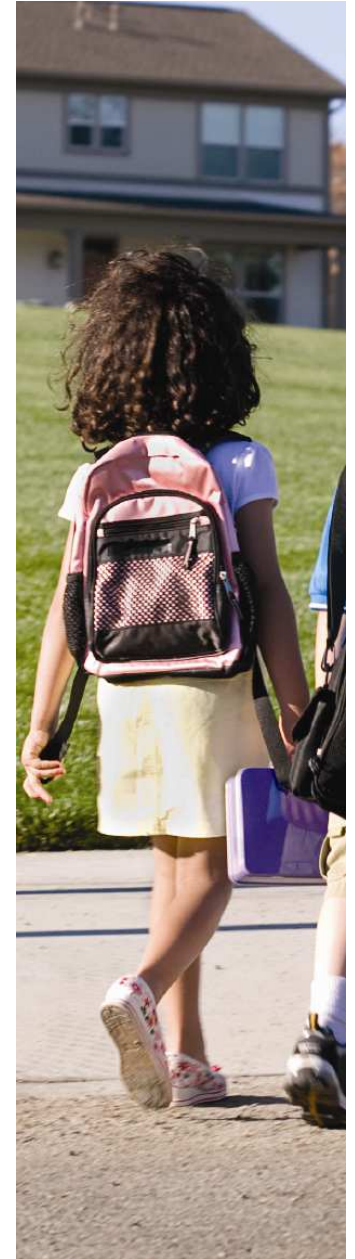
7 growth ▶ community ▶ environment



**envision
GUELPH**

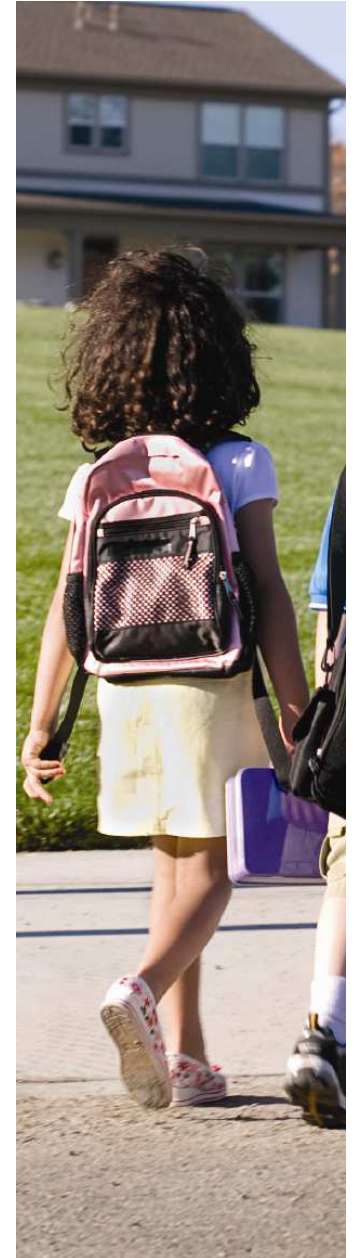
Creating Complete and Healthy Communities (3)

- Framework to manage sustainable growth to the year 2031 (as adopted through OPA 39):
 - Planning for a target population of 175,000 by 2031 (increase of 54,000)
 - Planning for an additional 32,400 jobs by 2031
 - Promoting a steady growth of 1.5%
 - Accommodating projected population and employment growth within the City boundary



Creating Complete and Healthy Communities (3)

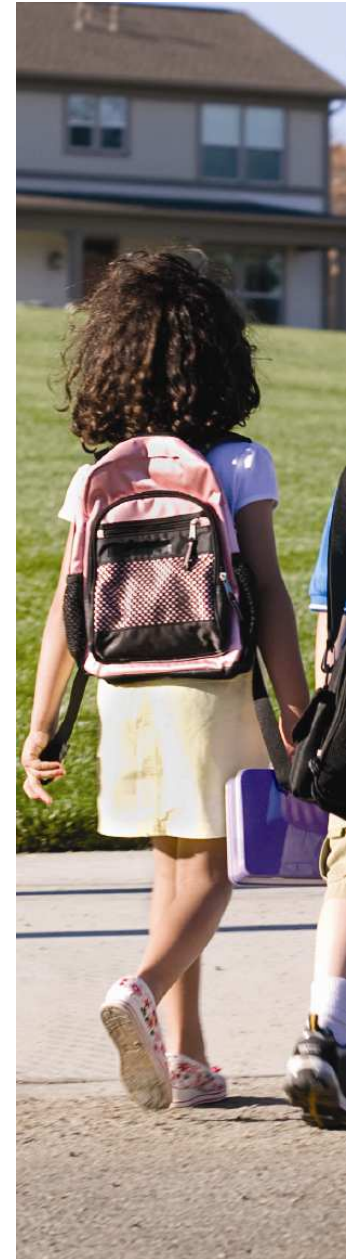
- Focus on creating a 'complete community' that meets people's needs for daily living throughout an entire lifetime
- Focus on designing healthy and active communities
- Focusing growth and intensification within Downtown, Community Mixed Use Centres, Neighbourhood Mixed Use Areas, Mixed Use Corridors and along transit routes, including along the Guelph Junction Railway
- Established intent to define the Natural Heritage System where development would be prohibited in accordance with the PPS



Protecting What is Valuable (4)

Natural Heritage System

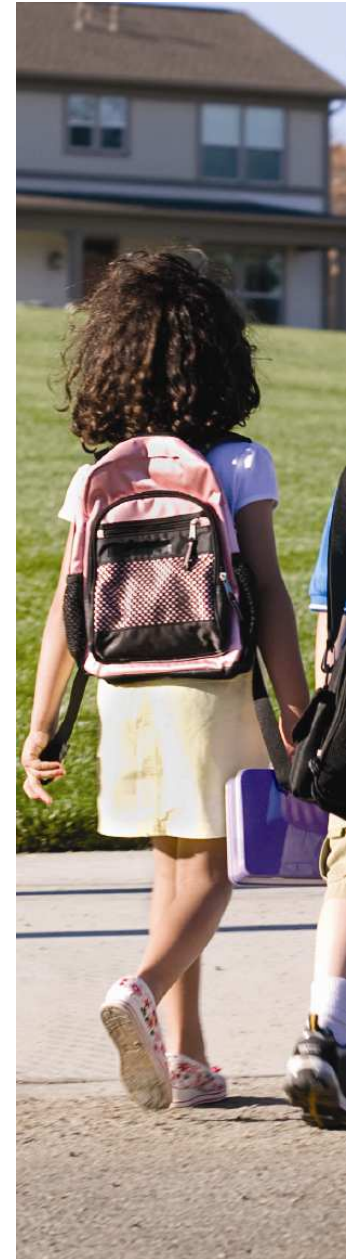
- Natural Heritage System replaces Core and Non-core Greenlands of current Official Plan
- Identification of **Significant Natural Areas** for permanent protection (e.g. ANSI, Significant Habitat of Endangered and Threatened Species, Significant Wetlands, Surface Water and Fish Habitat, Significant Woodlands, Significant Valleylands, Significant Landform, Significant Wildlife Habitat including Ecological Linkages, and Restoration Areas
- **Natural Areas** identified for future study (e.g. Other Wetlands, Cultural Woodlands, Habitat of Significant Species)



Protecting What is Valuable (4)

Significant Natural Areas

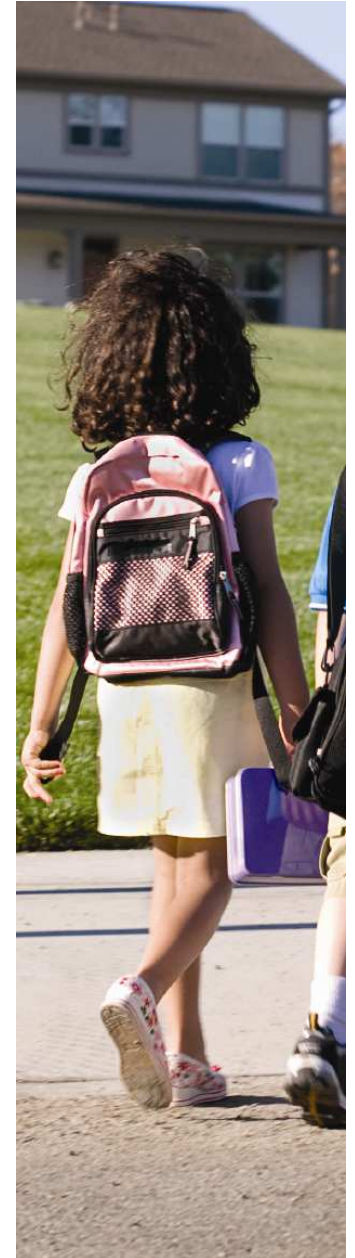
- Development and alteration not permitted except passive uses, such as trails, education and scientific research, fish and wildlife management
- Essential transportation and utilities may be permitted within Ecological Linkages, Significant Landform and Significant Valleylands
- Renewable Energy systems may be permitted in Significant Valleylands and Restoration Areas
- Wells and underground water storage permitted in Significant Landform
- Minimum buffers required to most Significant Natural Areas



Protecting What is Valuable (4)

Natural Areas

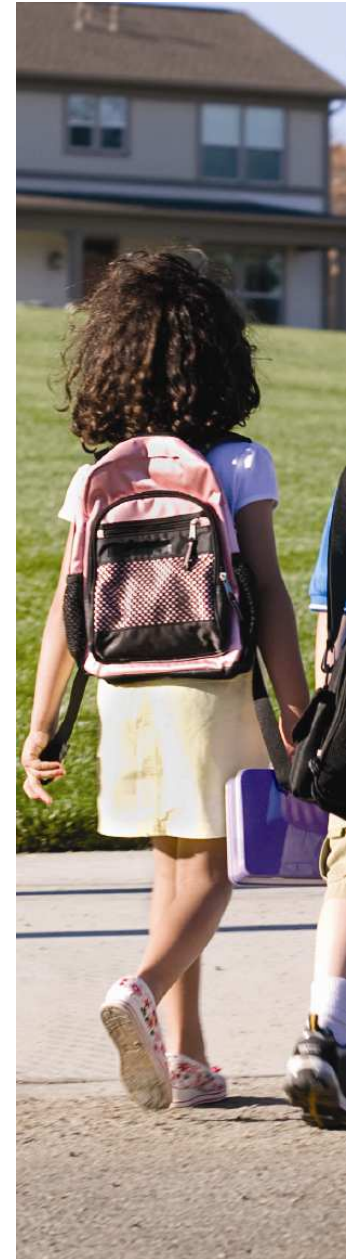
- Development and Site alteration may be permitted subject to site specific EIS and demonstration of no negative impact
- Requirement for tree and shrub inventory
- Protection of existing trees in cultural woodlands over 10 cm dbh/Vegetation Compensation Plan/or cash in lieu
- Details of Vegetation Compensation Plan and cash in lieu will be addressed through Urban Forest Management Plan



Protecting What is Valuable (4)

Natural Heritage System

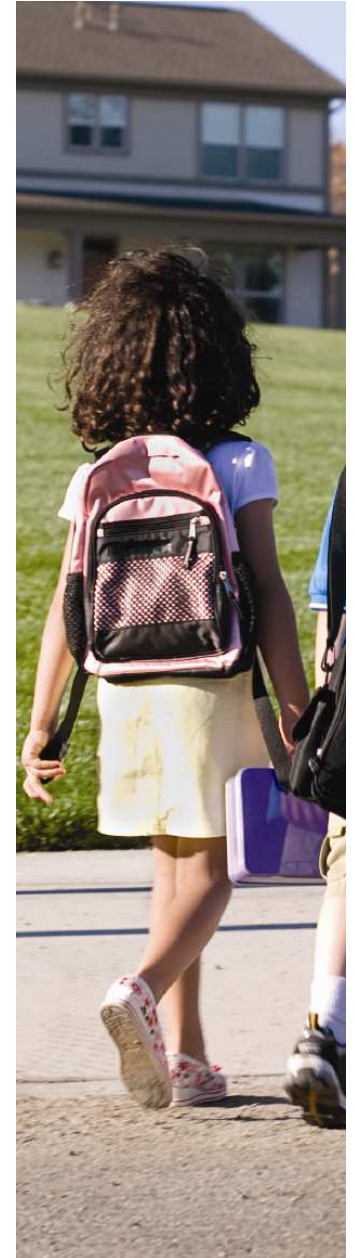
- Policies relating to wildlife crossings, urban woodlands, pollinator habitat, monitoring and stewardship
- Encourages protection of plantations, hedgerows, and individual trees which are not part of the Natural Heritage System
- Urban Woodlands – plantations, woodlands > 1 ha, hedgerows and individual trees subject to Vegetation Compensation Plan
- Establish urban tree canopy target of 40%



Protecting What is Valuable (4)

Water Resources

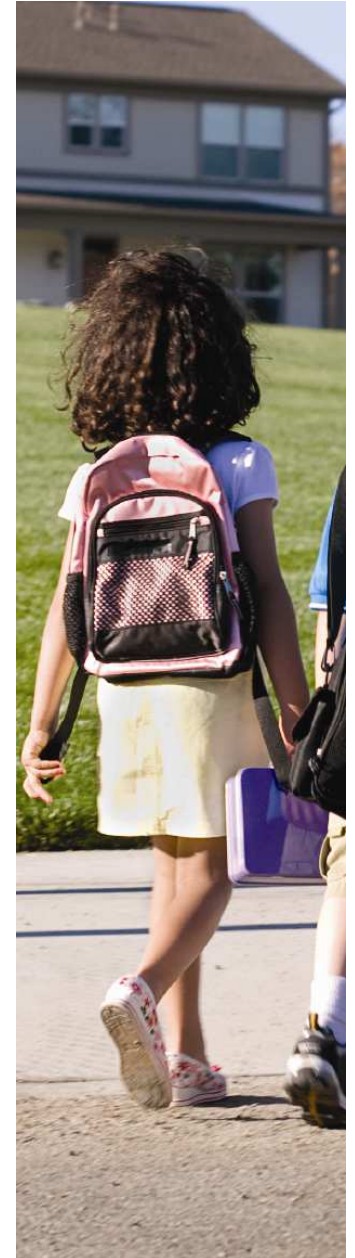
- Water resources policies revised to reflect the PPS and Clean Water Act
- Establish policies to protect, restore or improve municipal water supplies, and vulnerable and sensitive surface water and groundwater features
- Identify well head protection areas (Schedule 11) to facilitate provincial funding for removal of threats associated with existing septic systems and wells
- Prohibit underground chemical and fuel storage



Protecting What is valuable (4)

Energy

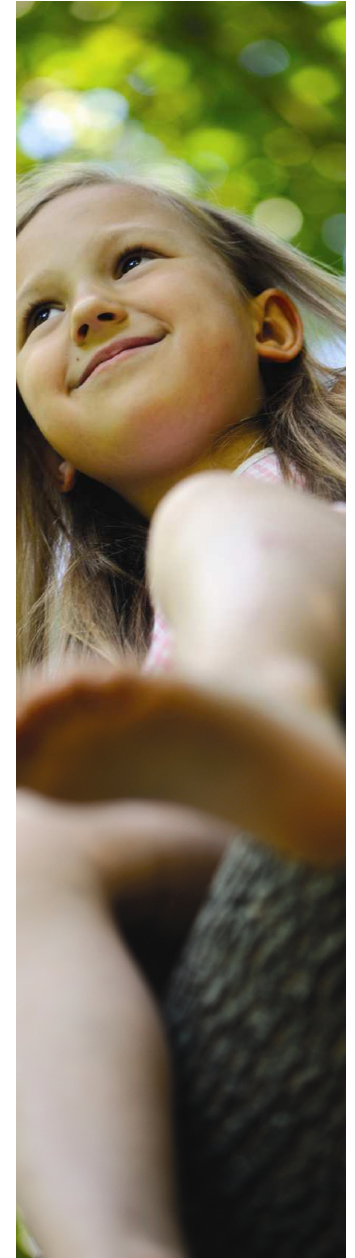
- Reflect the provisions of the *Green Energy and Economy Act* which streamlines approval process for renewable energy systems that generate electricity - i.e., no longer subject to land use planning approval
- Implement Community Energy goals through renewable and alternative energy systems, sustainable transmission, district energy, efficiencies, conservation, transportation and urban form



Protecting What is valuable (4)

Energy

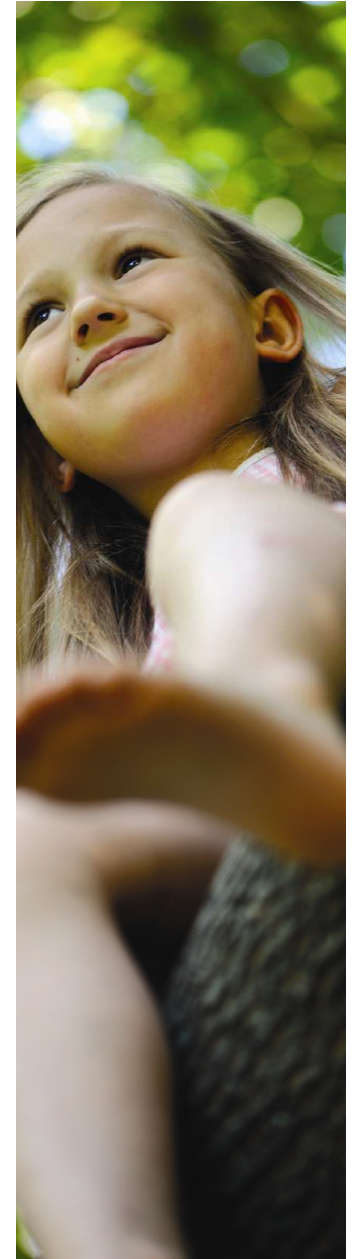
- Integration of Community Energy goals and targets within the Official Plan
- Sustainable building design and site requirements
- Promotion of local renewable and alternative energy systems
- Promotion of district energy and introduction of energy density as an input to the land use planning process
- Focus on energy and water conservation
- Demonstration of corporate leadership regarding energy conservation and sustainable design



Protecting What is valuable (4)

Cultural Heritage Resources

- Provision for review of development adjacent to designated cultural heritage resources
- Provisions for inclusion of non-designated properties of cultural heritage value and interest in the Municipal Register
- Inclusion of provisions for identification and conservation of heritage trees



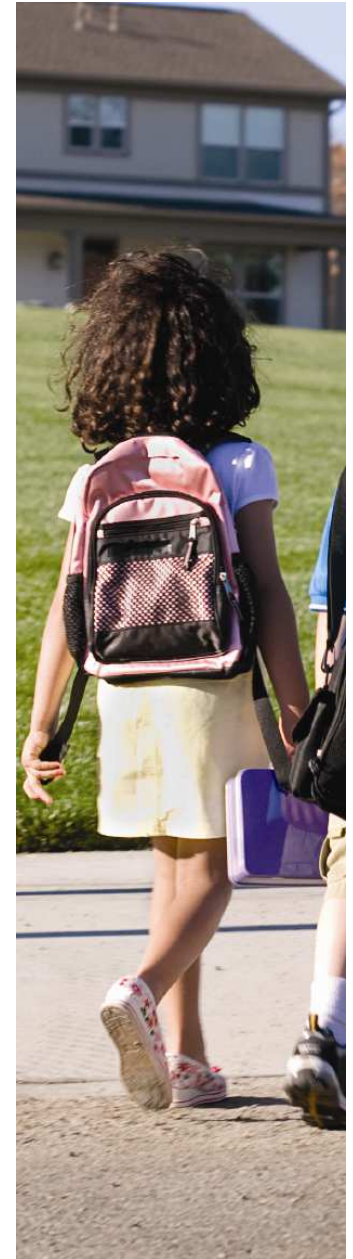
Municipal Services (5)

Staging

- Revised Staging for development (Schedule 6) to reflect growth management and Secondary Plan processes

Water Supply, Waste Water, and Solid Waste Management

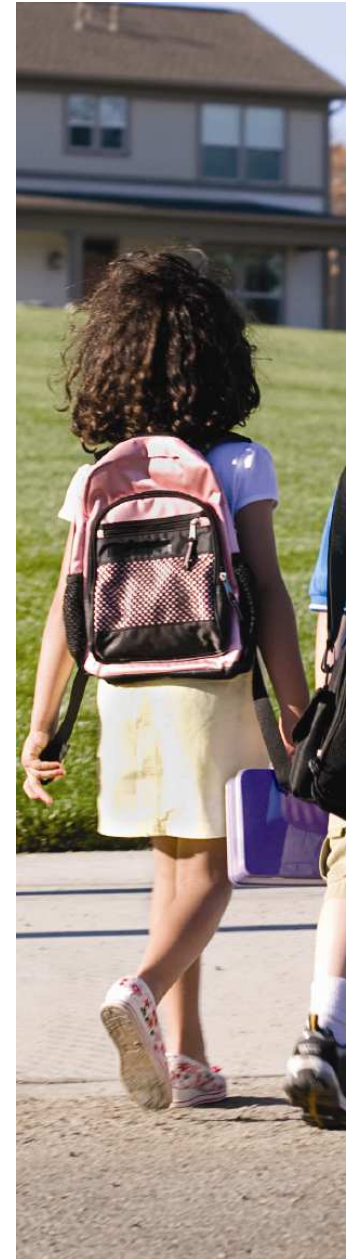
- Promotion of water conservation consistent with the City's Community Energy goals and recommendations of the Water Conservation and Efficiency Strategy Update (2009)



Municipal Services (5)

Stormwater Management

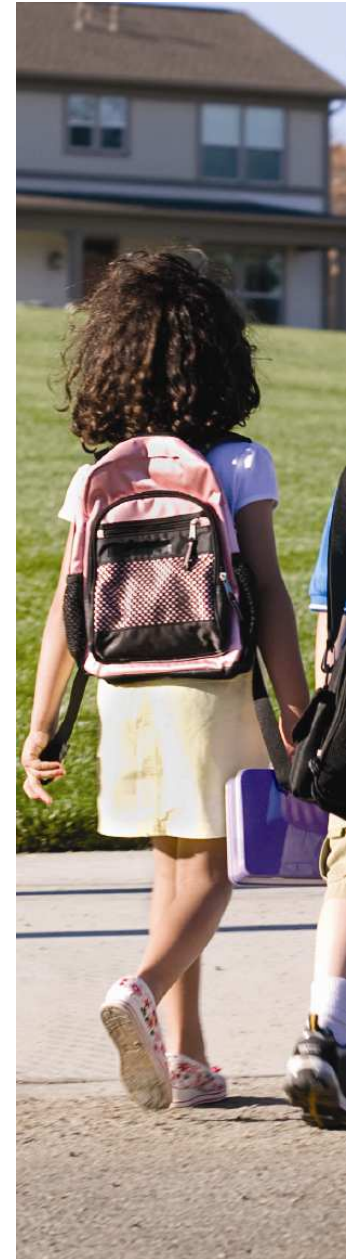
- Refined stormwater management policies to reflect low impact stormwater management and appropriate reference to the Stormwater Master Plan underway



Municipal Services (5)

Movement of People and Goods

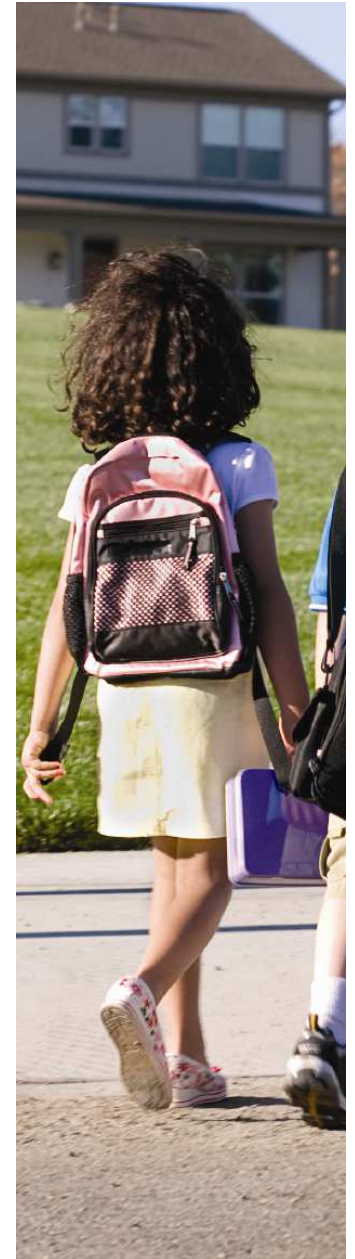
- Promotion of Transportation Demand Management
- New policy to require bicycle lanes on all arterials, wherever possible
- Promote walking and cycling
- Encourage shorter trip distances through compact mixed use urban form
- Establish new average daily modal split target from current 10% (Transit Strategy) to 15% for transit, 15% walking and 3% cycling



Municipal Services (5)

Movement of People and Goods

- Introduction of 'Main Street' street type (e.g. pedestrian-oriented road in Downtown, Victoria Rd. N and in Mixed Use Areas and Corridors)
- Supports the future use of Guelph Junction Railway for both goods and passenger service
- Removal of Stone Road and College Ave extension into Wellington County
- Incorporate provisions for accessibility, e.g., sidewalks on both sides of the street



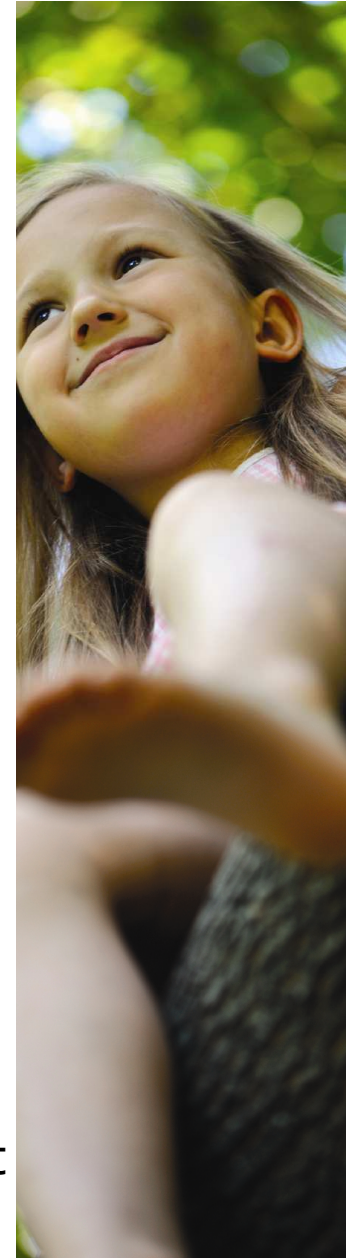
Community Infrastructure (6)

Public Art and Culture

- Establish policies that encourages Public Art throughout the City

Affordable Housing

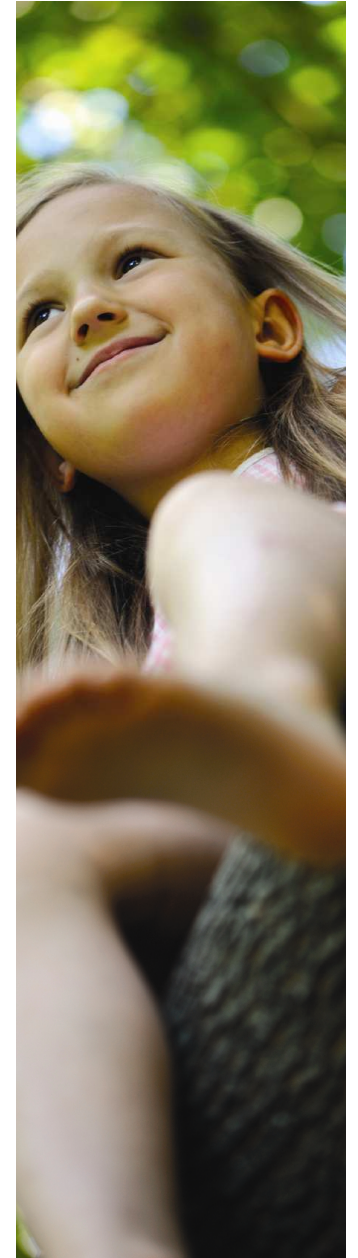
- Establishment of affordable housing targets and implementation measures
- 36% average annual target of all new housing to be affordable e.g. 27% Affordable Ownership, 3% Affordable Rental, 6% Social Rental, 48 % Market Ownership
- Bonusing for density and height for development that targets affordable ownership for households below the 40th percentile income level



Community Infrastructure (6)

Barrier Free Environment

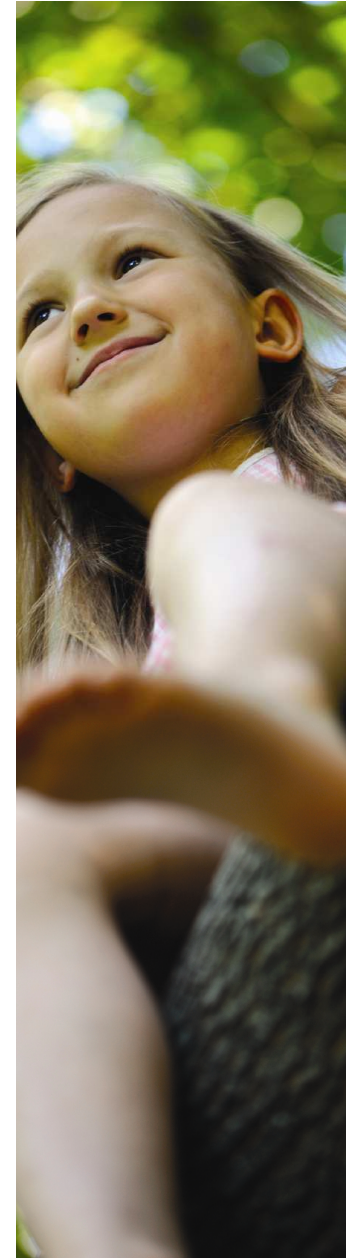
- Policy requirements for a barrier free environment in accordance with the Accessibility for Ontarians with Disabilities Act and the PPS



Community Infrastructure (6)

Recreation and Parks

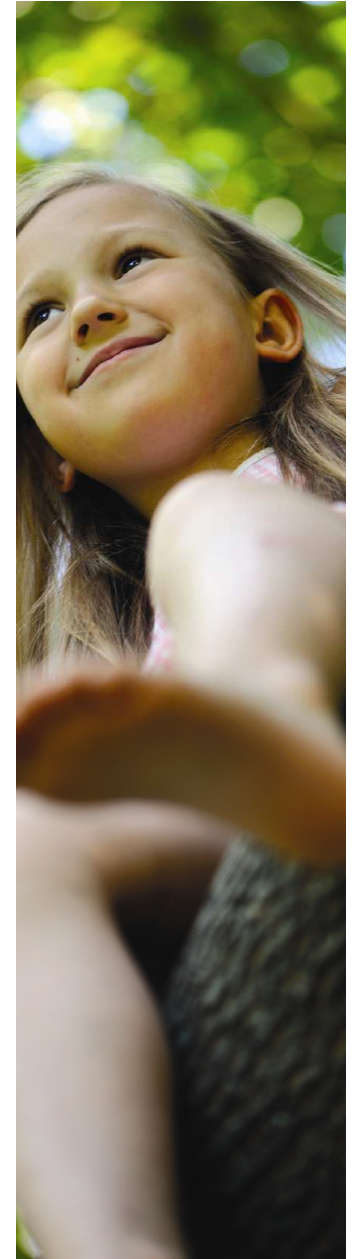
- Incorporation of Trail Master Plan (2005) – Existing and Proposed Trails (Schedule 8)
- Specification of parkland per 1000 population in accordance with the recommendations of the Recreation, Parks and Cultural Strategic Master Plan
- Introduction of urban squares as park space



Urban Design (7)

Urban Design

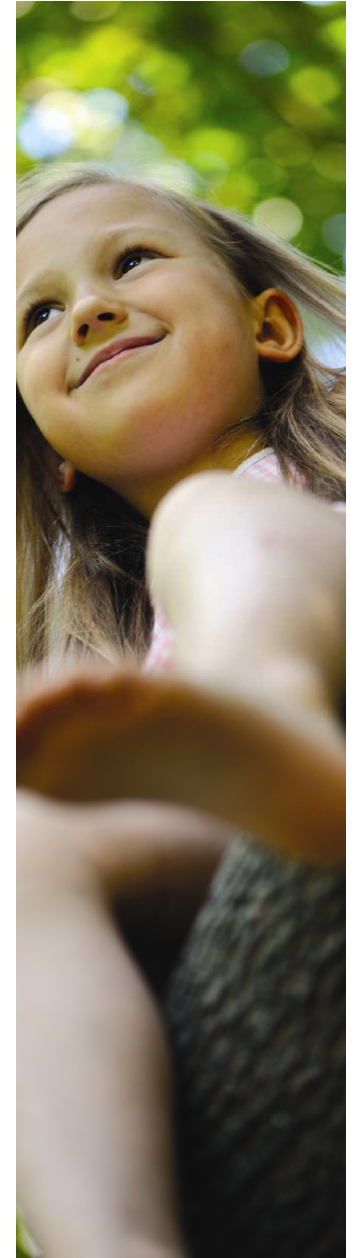
- Incorporate recommendations of the Urban Design Action Plan
- Reverse lotting and 'eye-brow' streets adjacent to arterial and collector roads strongly discouraged
- New policies proposed to achieve a stronger pedestrian oriented environment (e.g. on-street, parking, transit priority measures, etc.)
- Subdivision entrance features (i.e. signs etc.) and gated subdivisions strongly discouraged



Urban Design (7)

Urban Design

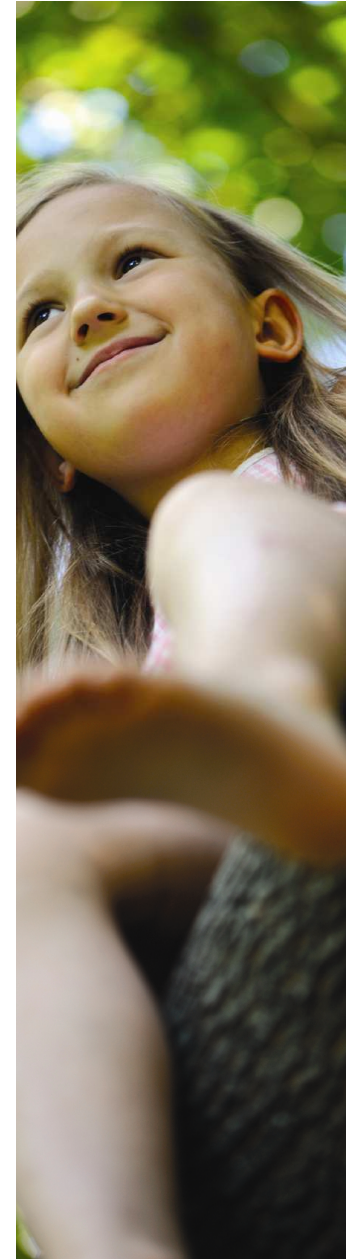
- Rear lane development encouraged where appropriate
- Protection of public views to landmarks and natural areas
- Reverse lotting adjacent to natural areas discouraged
- Policies added for the design of midrise and high-rise buildings (reduce massing and encourages buildings with podiums and narrow shafts)
- Design policies for automobile-oriented uses related to drive-throughs, gas stations, etc.



Urban Design (7)

Urban Design

- Addition of signage policies
- Lighting policies added addressing shielding, light spillage, lighting levels based on context/compatibility
- Underground utility servicing encouraged
- Public art policies added





Land Use (8)

Community Gardens and Urban Agriculture

- New policy direction supporting urban agriculture and community gardens in all designations



Land Use (8)

General Residential

- Separate residential policies for the Built Up Area and the Greenfield Area to provide greater certainty within the Built Up Area and allow flexibility within the Greenfield area

Built-up Area

- Maximum density of 35 units per hectare within the Built-up Area
- Maximum three (3) storey height limit



Land Use (8)

General Residential Built-up Area

- Additional height and density permitted on lands adjacent to arterial and collector roads (i.e. up to a maximum height of 4 storeys and density of 100 units/ha)
- Outside arterials and collectors a maximum of 4 storeys and a minimum of 15 units per ha and a maximum of 100 units/ha may be permitted subject to development criteria and bonusing



Land Use (8)

General Residential Greenfield Area

- Greenfield Area to permit a mix of low, medium and high density residential development
- 20 and 100 units per hectare to allow flexibility for a full range of housing opportunities as projected by the Growth Management Strategy
- Maximum height of 5 storeys
- Bonusing provisions to allow for additional height and density, where appropriate, in exchange for community benefits



Land Use (8)

Medium Density Designations

- Minimum density 35 units per hectare
- Maximum density 100 units per hectare
- Minimum height 2 storeys
- Maximum height 5 storeys
- Additional height and density may be permitted through the bonusing provisions



Land Use (8)

High Density Residential

- Minimum density 100 units per hectare
- Maximum density 150 units per hectare
- Minimum height 3 storeys
- Maximum height 10 storeys
- Additional height and density may be permitted through the bonusing provisions



Land Use (8)

Downtown

Downtown subject to detailed Secondary Plan



Land Use (8)

Community Mixed Use Areas

- Pedestrian oriented urban village with mix of uses
- Establish residential unit targets for each of the Community Mixed Use Areas
- Minimum height 2 storeys of usable space
- Maximum height 6 storeys
- Secondary Plan provision to provide long term vision



Land Use (8)

Mixed Use Corridors

- Minimum height 2 storeys of usable space
- Maximum height 5 storeys except within the Stone Road Corridor a maximum height of 8 storeys would continue to be permitted
- Promote mixed use through residential target
- Minimum residential density of 100-150 units per ha



Land Use (8)

Neighbourhood Mixed Use Centres

- Smaller mixed use areas to serve local neighbourhoods
- Minimum height 2 storeys of usable space
- Maximum height 5 storeys



Land Use (8)

Commercial Service

- Residential uses no longer permitted in Commercial Service
- Focus on vehicle-oriented uses such as drive-throughs and service stations and currently permitted uses
- Only designation where drive-through uses are proposed to be permitted



Land Use (8)

Commercial Residential Areas

- Former Mixed Office-Residential and Commercial Mixed Use designations combined into Commercial Residential designation
- distinction between office and retail/service commercial uses retained through policy
- Maximum height 4 storeys



Land Use (8)

Employment Areas

- Density targets of 36 jobs per ha are proposed for the Industrial designations, 70 jobs per ha in the Corporate Business Park
- Minimum heights of 2 storeys are encouraged in the Industrial and Corporate Business Park designations to reduce land consumption



Land Use (8)

Regeneration Area

- Creation of a new land use designation that will focus on the reuse of underutilized sites (e.g. IMICO site, north of York Road between Watson Parkway and Stevenson, and on the currently designated Mixed Office-Residential designation north of York Road west of Stevenson)
- Secondary Plan required to guide future development



Land Use (8)

Major Utility Designation

- Waste management designation renamed “Utilities” and all major public utility facilities placed in this designation e.g., Municipal Street works yard, water works and sewage treatment facility



Land Use (8)

Special Study Areas

- Special Study areas are areas where detailed secondary planning is required and for which there is predominately no underlying designation or permitted uses
 - Guelph Innovation District Special Study Area
 - Clair/Maltby Special Study Area



Implementation (9)

Implementation

- Bonusing – Additional height and density permitted (subject to Council approval) where appropriate in exchange for community benefits (e.g. affordable housing, LEED building certification, conservation of cultural heritage features, public art or space etc.)
- Development Permitting System policies expanded to allow for the establishment of a development permitting system in the future (subject to more specific policies being developed and a development permit by-law being passed under the Planning Act)



Glossary (10)

Glossary

- Definitions update in accordance with 2005 PPS, proposed natural heritage policies, recent legislative changes, and other documents



Secondary Plans (11)

Secondary Plans

- Secondary Plan policies no longer applicable are deleted from text
- Provisions for Secondary Plans to be prepared for the Community Mixed Use Nodes, Intensification Corridors and Neighbourhood Mixed Use Nodes





Recommendations

“That Report 10-59 dated May 20, 2010 from Community Design and Development Services regarding proposed Official Plan Amendment No. 42 **BE RECEIVED;**

That staff be directed to proceed with the Natural Heritage System components of the DRAFT Official Plan Amendment for Council’s consideration and adoption on July 27, 2010; and

That the remainder of the DRAFT Official Plan Amendment be deferred to provide more time for the public to review and provide comments.”

Information available (including full draft Official Plan and mapping) at:
guelph.ca/OPupdate

**COMMENTS AND
RECOMMENDATIONS
CONCERNING GUELPH'S
PROPOSED OFFICIAL PLAN**

Three matters will be addressed and presented as 3 Questions

Question 1

- Is the Official Plan based primarily on probabilities or possibilities (fact or fiction)?
Where are all references listed for those facts used within the Plan?

- The Plan does not contain a references section containing the scientific literature supporting the built environment recommended within the proposed Plan.
- Nor does the Plan include reference to general literature documenting the changing physical and social needs of city dwellers when the availability of energy will be low and the costs for that energy high.
- The plan needs to be more grounded in fact.

Question 2

- Is the Official Plan a document of permissions or a document of prohibitions? Will the Plan permit the people of Guelph a full spectrum of choices to create the built environment in which they wish to live?

The prohibition can best be illustrated by use of an example in the form of several questions. Could a group of individuals choose to put together a small development in a form that would:

- have no flow through traffic and an entry point that would allow the development to be gated?
- have individual architecturally designed houses of less than 2000 ft.² similar to those produced by Eichler or a number of other architects?
- be designed to include elements of modern or midcentury modern housing?

- The wording of the Plan in section 5.12.6 (vii) referring to a grid street pattern would prevent the curvilinear streetscape normally part of Eichler developments. As well, discussions within section 7.4 (2) of the proposed Official Plan would discourage midcentury modern house designs because those designs present a blank face to the public.

- the proposed Official Plan intends to discourage development such as the one called Manor Park located in Guelph or to allow development of strata like those found in British Columbia.
- The information previously presented provides evidence that the proposed Official Plan for the City of Guelph cannot meet section 1.4.3 (b) of the Provincial Policy Statement (2005) which states that: *Planning authorities shall provide for an appropriate range of housing types and densities to meet projected requirements of current and future residents of the regional market area by... permitting and facilitating all forms of housing required to meet the social, health and well-being requirements of current and future residents, including special-needs requirements...*
- Therefore, it is recommended that the wording in the proposed Official Plan be changed to permit all forms of housing.

Question 3

- Does the proposed Official Plan burden owners of non-designated properties (listed in the Municipal Register) with additional responsibilities?
- The short answer to the question is yes. But first some history.

It was previously stated before Council that:

- the list of non-designated properties added to the Municipal Register was completed in the absence of weighting and/or ranking criteria used to evaluate the cultural/heritage characteristics of the properties listed;
- the list of non-designated properties subsequently added to the Municipal Register preceded the existing Provincial legislation and policy which permits the addition of non-designated buildings and landscapes to the Municipal Register;
- the City of Guelph has chosen to make property owners responsible for the provision of information necessary to remove their property from the Municipal Register (reverse onus); and
- the City states that removal from the non-designated properties listed in the Municipal Register may require support documentation provided by a heritage professional where the costs of that professional work must be paid by the applicant requesting removal of their property from the Municipal Register. Therefore, there are potentially direct costs to individual property owners as a result of the non-designated status. There may also be other costs to property owners whose properties are included as non-designated. Costs have not been evaluated by the City.

The necessity for adding non-designated properties to the municipal register presented to Council and to the public was centered on demolition or removal of buildings and the evidence for this is found in past documents.

(1. Community Design & Development Services (Report 07 - 64) 2.

CD&ES Report No. 08-108) **Additional proof of the demolition rationale for the list of non-designated properties occurred during Guelph City Council discussions.**

The proposed Official Plan has phrases that can be interpreted to require owners of non-designated properties to provide Cultural Heritage Impact Assessments or Scoped Cultural Heritage Impact Assessments if they should apply for a building permit or require a minor variance. This requirement is significantly different from the rationale related to demolition presented previously.

Because the proponent of the current as well as any proposed new non-designation list is the City of Guelph as well as Heritage Guelph, the provision of a defensible systematic cultural heritage evaluation is the responsibility of the City and Heritage Guelph. Allowing the City and Heritage Guelph to force others to provide that information is, at minimum, not sustainable and is therefore not good planning. All reference to requirements related to matters other than demolition as they relate to non-designated properties are recommended to be removed from the proposed Official Plan.

May 17, 2010.

City of Guelph,
1 Carden Street,
Guelph, ON. N1H 3A1.

Attention: The City Clerk's Office and Guelph City Council

Re: Official Plan Amendment 42 Concerning the Proposed Update to Guelph's Official Plan and the Plan's Proposed Policies for Non-designated Built Heritage Resources and Non-designated Cultural Heritage Landscapes

The authors of this letter previously stated before Council that:

- the list of non-designated properties added to the Municipal Register was completed in the absence of weighting and/or ranking criteria used to evaluate the cultural/heritage characteristics of the properties listed;
- the list of non-designated properties subsequently added to the Municipal Register was completed prior to existing Provincial legislation and policy which permits the addition of non-designated buildings and landscapes to the Municipal Register;
- the City of Guelph has chosen to make property owners responsible for the provision of information necessary to remove their property from the Municipal Register (reverse onus); and
- the City states that removal from the non-designated properties listed in the Municipal Register may require support documentation provided by a heritage professional where the costs of that professional work must be paid by the applicant requesting removal of their property from the Municipal Register. Therefore, there are potentially direct costs to individual property owners as a result of the non-designated status. There may also be other costs to property owners whose properties are included as non-designated. These other costs have not been evaluated by the City.

Nothing that has been done by the City of Guelph since those statements were made that would alter those same statements. In fact, the City proposes to place additional responsibilities on homeowners whose properties are listed as non-designated.

The necessity for adding non-designated properties to the municipal register was presented to Council and to the public as necessary because of timelines associated with demolition. The short timelines could be increased to 60 days for non-designated properties on the municipal register. The need for the non-registered list was therefore centered on demolition or removal and the evidence for this is found in past documents. Excerpts of documentation are found in Appendix 1. Underlining has been added to the quoted document information to emphasize specific words. Additional proof of the demolition rationale for the list of non-designated properties occurred during Guelph City Council discussions. Counselor Kovach asked city staff if the purpose of the non-designated list was for demolition purposes only. The reply to that question was yes. Counselor Kovach sought clarification and continued by asking if the addition of the non-designated property to the Municipal Register would affect people's decisions and ability to make alterations to their homes if they were on the non-designated list. The reply was that those decisions and abilities would not be affected. Unfortunately, the minutes of Council meetings do not include a verbatim, or minimal reference to, all questions and answers made as part of those Council meetings.

In the interim, the undersigned had the opportunity to discuss the process that another landowner with property on the non-designated list had to go through in order to obtain a building permit. Full or partial demolition of the structure was not anticipated and has not occurred. In this instance, the landowner felt compelled to attend a meeting with Heritage Guelph and had to defend decisions made about the replacement of rotten wood siding and the addition of windows to the structure. Therefore, the building permit process for non-designated properties would appear to require the provision of information unrelated to demolition.

Regardless of the wording used within previous documents and meetings, the proposed Guelph Official Plan will change the way in which homeowners can make decisions about their property if that property is listed as non-designated. Interestingly, the proposed Official Plan already supports previous statements about a lack of rigorous factual analysis associated with the formulation of the list of non-designated properties. The plan suggests by its wording in section 4.7.6(3) that all that Council has to do is believe that a particular property may have *cultural heritage value or interest* and that that is sufficient rationale for adding that property to the Heritage Register. As outlined previously, the wording of the proposed Official Plan referenced within this letter has been included in Appendix 2. Underlining has been added within the referenced excerpts to assist the reader in finding the wording discussed within this letter.

The proposed Official Plan has phrases that can be interpreted to require owners of non-designated properties to provide Cultural Heritage Impact Assessments or Scoped Cultural Heritage Impact Assessments if they should apply for a building permit or require a minor variance. This requirement is significantly different from the rationale related to demolition presented previously.

In summary, the proposed Official Plan broadens the scope of activities subject to review by the City of Guelph for owners of non-designated properties. The proposed wording suggests that all the City of Guelph and Guelph Heritage are required to do is believe that property may have characteristics of cultural heritage value or interest and that that belief is sufficient rationale for forcing the owners of the property to provide factual information to assure the City that an activity such as adding a bathroom to their home will not negatively affect cultural heritage value or interest. How such a power relationship as well as an approach to the provision of information will encourage people to maintain and/or improve their property has not been referenced within the Plan.

Because the proponent of the current as well as any proposed new non-designation list is the City of Guelph as well as Heritage Guelph, the provision of a defensible systematic cultural heritage evaluation is the responsibility of the City and Heritage Guelph. Allowing the City and Heritage Guelph to force others to provide that information is, at minimum, not sustainable and is therefore not good planning. All reference to requirements related to matters other than demolition as they relate to non-designated properties are recommended to be removed from the proposed Official Plan.

Sincerely,
Michael K. Hoffman and Linda E. Clay

APPENDIX 1
BACKGROUND INFORMATION EXCERPTS

1. Community Design & Development Services (Report 07 - 64) July 6, 2007 Expansion of the Municipal Register of Cultural Heritage Properties Work Plan

Amendments made to the Ontario Heritage Act in June 2006 provide interim protection from demolition for non-designated properties included on the Municipal Register. Owners of listed properties must provide the municipality with at least 60 days notice of their intention to demolish or remove a structure on the property. This allows sufficient time for a municipality to decide if it intends to formally designate a property under the Ontario Heritage Act which would provide greater protection including prohibiting the demolition of any structures of cultural heritage significance. This additional protection is essential in light of the accelerated building permit review timeframes established through changes to the Ontario Building Code Act in January 2006.

Currently the combined Heritage Inventory is used by the City as a source of potential designations and is a consideration in the development approval process. The inventory is included in the City's property tracking system, AMANDA, which serves as a flag for any development applications or queries made on a property. Essentially, owners become aware of their inclusion on the inventory when they want to do something with their property. The inventory has not been part of a comprehensive public consultation process nor has it been approved by City Council. Management of the inventory has been left up to Heritage Guelph members and City staff. In addition, there has been no assessment or weighting of properties on the inventory to guide the priority of future designations, however, this is contemplated in the future.

2. CD&ES Report No. 08-108 Expansion of the Municipal Register of Cultural Heritage Properties to Include Non-designated Burcher-Stokes Properties (Revised)

The Register may be expanded to also include "non-designated" properties that a Council believes to be of cultural heritage value or interest on its Municipal Register under section 27.1.2 of the Ontario Heritage Act. If an owner wishes to remove or demolish a "non-designated" property included on the Municipal Register the owner must provide the City with at least 60 days notice. This time period provides a municipality with additional time to consider the application and decide if the property should be designated. If designated, the heritage elements identified in the designation by-law would be protected and their demolition/removal subject to an approval process prescribed in the Ontario Heritage Act. For properties not listed on the Municipal Registry, a municipality has 10 working days to consider a residential demolition permit and 20 working days to consider a commercial/industrial demolition permit under the Ontario Building Code. These review timeframes are typically inadequate to determine the heritage significance of a property and whether further protection should be applied to elements of the property through designation.

APPENDIX 2

**EXCERPTS FROM THE PROPOSED OFFICIAL PLAN RELATED TO NON-DESIGNATED BUILT
HERITAGE RESOURCES AND CULTURAL HERITAGE LANDSCAPES**

4.7.6 Non-Designated Properties Included in the Heritage Register

1. A Heritage Register shall be maintained and kept up to date by the City that includes non-designated properties that Council believes to be of cultural heritage value or interest. Such properties are identified as properties included in the Heritage Register.
2. Council, in consultation with Heritage Guelph, as appropriate, may remove non-designated properties from the Heritage Register, provided it has been demonstrated through a Cultural Heritage Review to the satisfaction of Council, that the property is no longer of cultural heritage value or interest.
3. Properties may be added to the Heritage Register where Council, in consultation with Heritage Guelph, believes the property to be of cultural heritage value or interest.
4. Non-designated built heritage resources or cultural heritage landscapes included in the Heritage Register shall not be demolished or removed without the owner providing written notice to the City of the intent to demolish in conjunction with an application for a demolition permit. Council, in consultation with Heritage Guelph, will assess requests for demolition to determine the significance of the built heritage resources and/or cultural heritage landscapes affected. The Council may refuse to issue the demolition permit and determine that the property is of sufficient cultural heritage value or interest that it should be designated under Part IV of the Ontario Heritage Act.
5. Council, in consultation with Heritage Guelph, may determine that a property included in the Heritage Register has no cultural heritage value or interest, and in such instances, demolition may be permitted.
6. Built heritage resources and cultural heritage landscapes that have been included in the Heritage Register may be considered for conservation and/or incorporation into development applications initiated under the Planning Act, unless the applicant demonstrates to Council in consultation with Heritage Guelph, through a Cultural Heritage Impact Assessment, Scoped Cultural Heritage Impact Assessment or Cultural Heritage Review, that the built heritage resource or cultural heritage landscape does not meet the criteria for designation under the Ontario Heritage Act.
7. Where a non-designated built heritage resource or cultural heritage landscape is included in the Heritage Register, the City may require, as a condition of approval of a development application under the Planning Act, a building permit, a partial demolition or change of use, that the proponent enter into agreements to conserve and/or permit to be designated, by the City, in consultation with Heritage Guelph, the built heritage resource or cultural heritage landscape.
8. The City may require the proponent to prepare a Cultural Heritage Conservation Plan as a condition of approval for a development proposal, a building permit, including partial demolition, and/or a change in use that has the potential to impact a non-designated built heritage resource or a cultural heritage landscape included in the Heritage Register.

4.7.10 Cultural Heritage Impact Assessment

1. The City will require as a condition of approval, a Cultural Heritage Impact Assessment or a Scoped Cultural Heritage Impact Assessment for the following development application types if the subject property has been designated under the Ontario Heritage Act or has been included as a non-designated property in the Heritage Register: Official Plan Amendment (when combined with a Zoning by-law Amendment or a Plan of Subdivision) Consent Zoning By-law amendment Plan of Subdivision Minor Variance Site Plan Control.
2. A Cultural Heritage Impact Assessment or a Scoped Cultural Heritage Impact Assessment shall be carried out to the satisfaction of the City, in consultation with Heritage Guelph, to identify and evaluate potential impacts (proposed by the development, redevelopment or alteration) to designated properties or non-designated properties included in the Heritage Register.
3. The Cultural Heritage Impact Assessment shall be conducted by professional(s) qualified in the field of cultural heritage resources and in accordance with the City's Cultural Heritage Impact Assessment Guidelines.
4. The Cultural Heritage Impact Assessment shall include, but is not limited to the following:
 - i) a description of the proposed development, redevelopment or alteration, including a location map showing proposed buildings, existing land uses, and a site survey, architectural drawings, detailed conceptual façade renderings, interior architectural details where the heritage attributes are identified within a building or structure and other details as specified by the City;
 - ii) a detailed description of the built heritage resource(s), cultural heritage landscape features, heritage attributes, sources of research and conclusions regarding the significance of the cultural heritage resource with respect to their cultural heritage value or interest;

- iii) a description of the existing regulations if any, affecting the proposal (e.g. flood or fill regulation);
- iv) a description of cultural heritage resources and heritage attributes that might directly or indirectly be affected by the proposal;
- v) a description of the impacts that might reasonably be caused to the cultural heritage resource or heritage attributes and how the impacts may affect the value or interest of the resource or attribute;
- vi) an evaluation of alternative conservation and mitigation measures and their effectiveness in conserving the cultural heritage resource or heritage attributes. Such evaluation shall be based on established principles, standards and guidelines for heritage conservation and include an assessment of the advantages and disadvantages of each;
- vii) an implementation and monitoring plan shall be required and include a reporting structure, for the implementation of the recommended actions as development and site alteration proceeds; and
- viii) any other information required by the Province or the City, in consultation with Heritage Guelph, that is considered necessary to evaluate the proposal.

4.7.11 Scoped Cultural Heritage Impact Assessment

1. A Scoped Cultural Heritage Impact Assessment may be prepared in instances where the proponent can demonstrate, to the satisfaction of the City, in consultation with Heritage Guelph, that a particular proposal can proceed without adverse impact on any cultural heritage resources or heritage attributes.
2. The Scoped Cultural Heritage Impact Assessment shall be conducted by a professional(s) qualified in the field of cultural heritage resources and in accordance to the City's Cultural Heritage Resource Impact Assessment Guidelines.
3. Heritage Guelph may assist in the review of Cultural Heritage Impact Assessments and/or Scoped Cultural Heritage Impact Assessments and provide recommendations to Council. The conservation and/or designation of any cultural heritage resource identified through the assessment may be a condition of a development approval by the City.

4.7.12 Cultural Heritage Conservation Plan

1. A Cultural Heritage Conservation Plan shall be required as part of, or separate from the Cultural Heritage Impact Assessment, and describe the recommended actions necessary to prevent, change and/or mitigate, change, remedy or avoid expected impacts upon the cultural heritage resources or heritage attributes. The Cultural Heritage Conservation Plan may also describe how the heritage attributes will be integrated into or commemorated within the new development.

4.7.13 Cultural Heritage Review

1. A Cultural Heritage Review is required when requests are made to remove, add or modify a description of non-designated properties included in the Heritage Register.
2. A Cultural Heritage Review will be conducted in accordance with the Cultural Heritage Review Guidelines.

4.7.14 Implementation Policies

Pursuant to the Planning Act, the Municipal Act, the Building Code Act and other relevant legislation, the City may pass by-laws or implement other tools to ensure the conservation of built heritage resources and cultural heritage landscapes, including but not limited to the following:

1. The City may use a range of implementation tools to achieve the objectives with respect to built heritage resources and cultural heritage landscapes, including Site Plan Control to require exterior design drawings which address matters such as: the character, massing, scale, appearance and design features of buildings; relationship of proposed building to adjacent buildings and the street; interior walkways; stairs; elevators, etc. that are accessible to the general public; and impacts on the design elements within the municipal right of way.
2. Regulate development so that it is sympathetic in height, bulk, location and character with built heritage resources and cultural heritage landscapes, where character includes, but is not limited to, form and massing, materials, fenestration, facade treatments, building orientation, existing scale and pattern and existing landscape and streetscape qualities.
3. Control demolition of built heritage resources in a defined area.
4. Provide financial incentives to encourage the retention of built heritage resources and cultural heritage landscape.

5. Provide for an exemption from parking requirements or for increasing the height or density of development when deemed appropriate through the bonusing provision of this plan, for specific development proposals.
6. Facilitate the retention of built heritage resources and cultural heritage landscapes.
7. The City may enter into heritage easement agreements with the owner of any real property pursuant to the provisions of the Ontario Heritage Act for the purpose of:
 - i) conserving, protecting and maintaining the heritage features of the property in perpetuity;
 - ii) preventing any demolition, construction, alteration, addition or any other action which would adversely affect the heritage features of the property; and
 - iii) establishing criteria for the approval of any development affecting the heritage property.

Include means:

In the context of the Municipal Register of Cultural Heritage Properties, the addition of non-designated properties to the Heritage Register that have been identified by Council as having cultural heritage value or interest.

Municipal Register of Cultural Heritage Properties (Heritage Register) means:

A register established pursuant to Section 27 of the Ontario Heritage Act and filed with the Clerk which identifies properties of cultural heritage value or interest within the City. Designated properties are listed in the Municipal Register of Cultural Heritage Properties. Non-designated properties are included in the Municipal Register of Cultural Heritage Properties.

May 18, 2010.

City of Guelph,
1 Carden Street,
Guelph, ON. N1H 3A1.

Attention: The City Clerk's Office and Guelph City Council

Re: Values and a Full Spectrum of Housing Types - Comments concerning the Proposed Update to Guelph's Official Plan

The authors of this letter previously attended open houses related to the Official Plan update for the City of Guelph. Questions were posed to Guelph planning staff that have not been explicitly answered within the proposed Official Plan, were not answered verbally during the open house or answered within background documents for the Plan update. In general terms these questions include:

1. Is the Official Plan based primarily on probabilities or possibilities (fact or fiction)? Where are all references listed for those facts used within the Plan?
2. Is the Official Plan a document of permissions or a document of prohibitions? Will the plan permit the people of Guelph a full spectrum of choices to create the built environment in which they wish to live?

In answer to the first question, the Plan does not contain a references section containing the scientific literature supporting the built environment recommended within the proposed Plan. Neither does the Plan include reference to general literature documenting the changing physical and social needs of city dwellers when the availability of energy will be low and the costs for that energy high (see Rubin, Homer-Dixon or Kunstler).

With respect to the second question, the wording within the Plan can be interpreted as a prohibition against some housing types. The prohibition can best be illustrated by use of an example in the form of a group of questions. Could a group of individuals choose to put together a small development in a form that would:

- have no flow through traffic and an entry point that would allow the development to be gated?
- have individual architecturally designed houses of less than 2000 ft.² similar to those produced by Eichler?
- be designed to include elements of modern or midcentury modern housing?

The wording of the Plan in section 5.12.6 (vii) referring to a grid street pattern would prevent the curvilinear streetscape normally part of Eichler developments. As well, discussions within section 7.4 (2) of the proposed Official Plan would discourage midcentury modern house designs because those designs present a blank face to the public. The houses are also designed to have a direct connection to the out of doors and the large windows allowing this connection are to the side and/or back of the house. The connection to the out of doors is intended to be private as opposed to public. In addition, discussions with Guelph planning staff suggested that the proposed Official Plan intended to discourage development such as the one called Manor Park located in Guelph or to allow development of strata like those found in British Columbia.

The information previously presented within this letter provides evidence that the proposed Official Plan for the City of Guelph cannot meet section 1.4.3 (b) of the Provincial Policy Statement (2005) which states that: *Planning authorities shall provide for an appropriate range of housing types and densities to meet projected requirements of current and future residents of the regional market area by... permitting and facilitating all forms of housing required to meet the social, health and well-being requirements of current and future residents, including special-needs requirements...*

Therefore, it is recommended that the wording in the proposed Official Plan be changed to permit all forms of housing.

Sincerely,
Michael K. Hoffman and Linda E. Clay

APPENDIX 1

LITERATURE CITED

- Ditto, Jerry, Marvin Wax and Lanning Stern. 1995. *Eichler Homes Design for Living*. Chronicle Books, San Francisco, California.
- Homer-Dixon, Thomas F. 2006. *The Upside of down: Catastrophe, Creativity and the Renewal of Civilization*. A. A. Knopf. Toronto, Ontario.
- Kunstler, James Howard. 2005. *The Long Emergency: Surviving the Converging Catastrophes of the Twenty-first Century*. Atlantic Monthly Press, New York, New York.
- Rubin, Jeff. 2009. *Why Your World Is about to Get a Whole Lot Smaller: Oil and the End of Globalization*. Random House Canada, Toronto, Ontario.

Mayor Farbridge, Councillors:

I am here representing Transition Guelph. Transition Guelph is a grass-roots process for building greater resilience in our communities; our theme is “Resilient Guelph 2030.” We are connecting people in order to generate creative responses to the environmental, social and economic challenges facing us and navigate a transition to a way of living with reduced inputs of fossil fuel energy, lower emissions for a healthier climate, and greater satisfaction for citizens. We have a list of 450 interested Guelphites, many of whom participated in visioning sessions for the City in 2030. I would like to share the Transition Guelph vision for community components covered by the Official Plan.

In 2030, Guelph will be a community of dense, diverse, largely self-contained neighbourhoods connected by healthy natural corridors with clear, free-flowing streams. Everyone will live near community gardens and communal play areas. Rain runoff will approach natural rates, largely soaked up by green roofs, street trees, gardens and permeable street surfaces.

Vegetable gardens will be numerous, replacing lawns and sprouting in schoolyards. University lands will be operating farms. Fruit and nut trees and shrubs will be widespread, and cold frames and greenhouses will be common. Some livestock and bee-keeping will be permitted. Bustling neighbourhood and central markets will be open daily. Permaculture methods will be popular; local food processing will proliferate.

Buildings – many attached - will be energy-self-sufficient and often energy-producing. Solar energy - passive, solar thermal, solar PV – will be used extensively along with highly effective insulation. Where appropriate, wind, water-power, ethanol and geothermal energy will be tapped and community energy sharing organized. Grey water systems will be routine. Affordable housing will be plentiful and unused big box stores will be transformed into community spaces.

Local business will flourish throughout the city, providing meaningful work for all. Many transactions will use local currency or other systems of exchange. The proximity of work and play will leave little need for distant travel. Regional and local public transit – rail and bus - will be integrated, affordable, convenient and renewably powered. Most people will walk and bike, enjoying a safe, extensive network of trails and streets. Cars will be few, very small, shared and powered renewably. Electric bikes and scooters will be numerous.

Neighbours will know each other and work together on projects they initiate. People at all stages of life will be valued and have opportunities to contribute their ideas to benefit their communities.

The Official Plan’s strategic directions, principles and goals all fit well with the Transition Guelph vision. Features like the Culture of Conservation, Energy Sustainability, Natural Heritage System, and support for urban agriculture are very compatible.

We have some suggestions. The detail of the OP is hard to grasp in a brief review so we apologize if some are indeed covered.

1. We suggest recognition of the role of green infrastructure. Green space is discussed for recreational and natural heritage value, and there are policies for Low Impact Development. But the major role of green space for hydrological and micro-climate values is not clear. As built infrastructure becomes more expensive and climate change imposes bigger stresses (e.g., storms, heat, and less reliable rainfall and groundwater supply), we believe green infrastructure will be critical and that it deserves more explicit recognition. We also encourage consideration of policies for daylighting streams associated with natural or restored natural corridors.
2. We find the Trail map confusing – many of the mapped trails are simply sidewalks along roads.
3. Transition Guelph suggests that the Land Use Plan encourage even more mixed use areas, e.g. commercial residential along more arterials/collectors to create walkable neighbourhoods for daily needs. This concept may correspond to what are called “main streets”. We note and welcome encouragement of urban villages in the Greenfield planning but wonder if Guelph can retrofit the built-up area similarly in its movement toward becoming a “complete” city. The draft appears to allow only convenience commercial in the extensive residential designations. Intensification corridors appear to be largely residential intensification: we urge that both also include commercial and service uses.
4. While we are pleased to see policies encouraging transit, walking and cycling, we note that the goal is just 33% of trips in those modes. We are concerned that this percentage is too low for the immediate mitigation of climate change that is needed, and will impose hardships on residents as gas prices rise. The focus on cars means that planned bicycle lane space is still far too limited; it also shifts the whole plan (e.g., commercial nodes assume cars). We realize that abrupt major transition can be disruptive. But in our view, it raises the importance of the Official Plan monitoring so that aspects of it can adapt to changing conditions - changes that Transition Guelph members believe may be enormous in the next 20 years.
5. The section on monitoring (9.1) receives just ½ a page. It also tends to list just internal features rather than contextual features that drive the internal ones. By context we mean price of fossil fuel, availability of food and groundwater, climate change distress etc. We urge inclusion of context monitoring and consideration of the implications it can have to the Plan. We also suggest monitoring of attainment of OP objectives.

Other monitoring points include:

- Include Community Energy Initiative attainment of its objectives with brief, clear public reporting;
- The Natural Heritage System has good monitoring policies. We suggest adding policies to monitor pre- and post- development to help improve future Environmental Impact Statements.

We commend the City councillors and staff on this excellent draft Official Plan and urge consideration of our suggestions. Thank you for this opportunity to give input and for your kind attention.

Shirley Greenwood

Madam Mayor, Councillors, Staff and members of the public:

On behalf of the residents represented by the 146 Downey Road Ad Hoc Committee of which I am the Chair, I want to be officially on record as opposing the proposed OP Amendment to designate 146 Downey Road as medium density.

As you know, Seaton Ridge Communities Ltd. is planning a development at 146 Downey Road, and following a series of meetings and lengthy, detailed discussions between the developer, City planning staff and the adjacent community, agreement has been reached on a 45-unit residential condominium development that we believe will fit well into our neighbourhood.

As you also know, City Council will be dealing with the planning report recommending adoption of a by-law to implement the agreed upon development at its meeting on June 7, 2010. Since 146 Downey Road will be covered by a site-specific zoning by-law under the provisions of the in-force Official Plan, it would be inappropriate to re-designate the site as "Medium Density Residential" in the proposed Official Plan amendments. It is our belief that any future developer should be bound by the same site-specific by-law, if, for whatever reason, Seaton Ridge were unable to develop the site. If not, this would mean that not only the members of the ad hoc committee have wasted over six months of their time working on this project, but valuable City Staff resources would also have been wasted.

In view of this, I am formally requesting that the Official Plan designation for this site remain "General Residential".

May 20, 2010

Madame Mayor and Councillors:

RE: Envision Guelph – City of Guelph Proposed Draft Official Plan

At a Kortright Hills Community Association meeting on May 19, 2010 a discussion was held with respect to the proposed changes contained in Draft Schedule 2: Land Use Plan and Draft Schedule 8; Trail Network and how these proposed changes may impact the residents in Kortright Hills. The majority of members present supported KHCA opposing the changes to re-designate portions of Kortright Hills to medium density. The trail linkage from Hazelwood to Downey was also discussed. Recognizing that all members of KHCA Inc. were not present at our meeting, we understand that our position may not represent the neighbourhood and membership as a whole and that individual members and residents still have the right to express their support, concerns and objections for the proposed OPA changes in writing or at meetings.

Proposed medium density: (see attached map)

Specifically, comments and concerns were received with respect to the proposed medium density designation on Niska Rd., Teal and 146 Downey these include:

General Comments about increased density:

- Potential negative impacts of increased density on quality of life of existing residents
- Increased density must be compatible with and not negatively impact adjacent residents and our community as a whole
- OPA policies should support compatible development in existing neighbourhoods
- More density will further exacerbate existing traffic problems
- Residents cannot support higher density in Kortright Hills as no comprehensive traffic management plan has been conducted.
- Concern about economic impacts of growth and increased property taxes

146 Downey Rd.

Since 146 Downey Road will be covered by a site-specific zoning by-law under the provisions of the in-force Official Plan, it would be inappropriate to re-designate the site as “Medium Density Residential” in the proposed Official Plan amendments. City Staff, adjacent residents and the developer have already gone through an extensive consultative planning process with agreements reached for a 45 unit development. Any future developer should be bound by the same site-specific by-law, if, for whatever reason, Seaton Ridge were unable to develop the site.

Therefore KHCA cannot support the proposed re-designation of 146 Downey to medium density.

Teal Drive

Proposed re-designation to medium density from R-3 to change the existing minimum and maximum density and allow up to 5 storey apartment buildings on lands already zoned for R3 - cluster townhomes.

This cluster townhouse straddles lands in Phase 4 of Kortright Hills and lands that are part of the Hanlon Creek Business Park. This zoning has already gone through an extensive public planning process as part of Kortright Hills Phase 4 and the Hanlon Creek Business Park. The Draft Plan of Subdivision and zoning approved by the OMB appears to show the portion of the lands proposed for re-designation in the HCBP as R3 which does not appear to allow the proposed medium density with potential for up to 5 stories. Therefore KHCA cannot support this proposed re-designation.

Niska Rd.

On April 9th 2010 a request was made to planning staff for further information with respect to the maximum number units that could be allowed on Niska related to the number of hectares to be re-designated to medium density residential. In other words how many 5 storey apartments could potentially be built if the lands were rezoned? To date we have not received this information. Without this information there is insufficient information to evaluate what impacts higher density will have on residents on Ptarmigan and the community as a whole.

Residents along Niska Rd. are already negatively impacted by regional traffic from Highway 24. Niska RD. was originally designed to discourage regional traffic. Niska was not designed to be an arterial road. Without a comprehensive traffic management plan the re-designation of lands on Niska to medium density will further aggravate existing health and safety problems related to traffic and is therefore inappropriate.

The one lane Bailey bridge is a courtesy bridge with history of fatalities and accidents. A one way traffic light at this bridge could potentially alleviate some of the safety issues at this bridge. Members did not support the upgrading of the bridge to a 2 lane structure as this would only increase regional traffic. The current road grades and elevations are not safe for the existing volume of traffic especially in winter. The intersection of Niska and Downey meets the warrants for traffic lights but may not be permitted related to the location of Woodland Glen and the Hanlon.

The Niska Rd. Environmental Assessment is needed before any changes in density are approved.

Medium density on Niska does not appear to support the OP principles of a walk able, compact community as this proposal is on the fringe of the city and there are few services in this area.

Higher density may impact the ecological integrity of the adjacent Speed River PSW.

The proposed minimum density does not allow flexibility in future zoning proposals.

Proposed Re-designation of lands on the north side of Niska to Open Space and Park.

To date there has been no community consultation with respect to this are as regional “major sports complex.

Residents supported the re-designation of these lands as open space but did not support the plan for a regional “major sports complex” on these lands as an appropriate use. This area is part of the adjacent lands to the Speed River PSW and should be zoned for passive parkland uses only. The land could be reforested.

Proposed Trail Linkage on OP Draft Schedule 8 from Hazelwood to Downey (see attached map)

As one member put it this trail is in a “rubber boot area”. This proposed trail appears to be within close proximity to an identified provincially rare vegetation community. Concerns were raised about negative impacts to the ecosystem. Members agreed that a trail could be supported if it was appropriately designed and constructed did not impact the ecological integrity of the wetland. The area would need good trail stewardship post development.

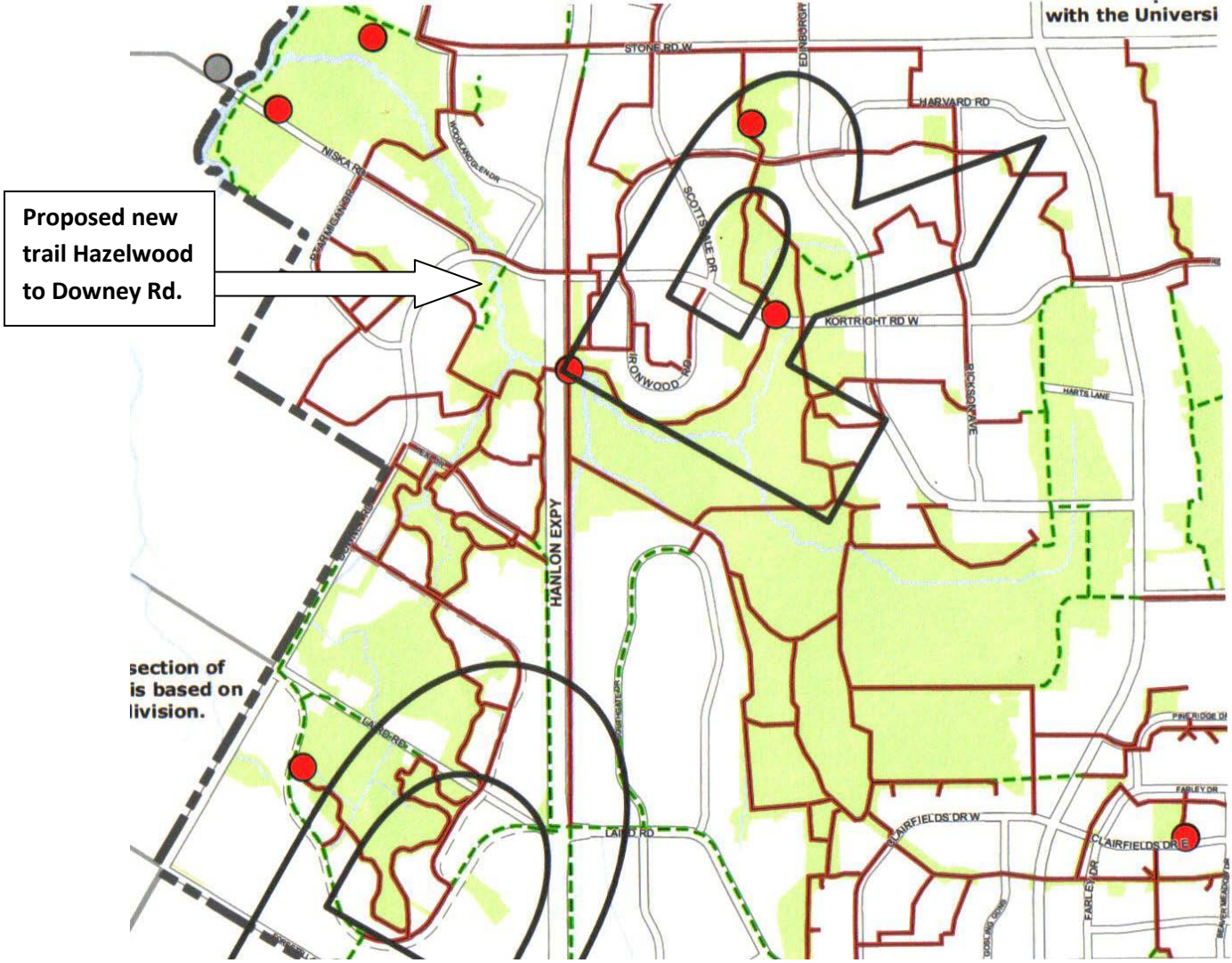
Respectfully submitted on behalf of KHCA Inc. by:

Laura Murr
President KHCA Inc.



Attachment #1

Extracted from - From City of Guelph Draft OP Schedule 2 Land Use Plan



Attachment 2 Extracted From: City of Guelph OP Draft Schedule 8: Trail Network

RE: Proposed OPA # 42

Madame mayor and Council

May 20 2010

Many years ago the existing citizens of Guelph spoke out loudly against Guelph becoming another version of Mississauga or Brampton. We could grow but we would do it differently. We would not become the next Mississauga or Brampton. We were different: we had extensive green spaces, scenic moraine viewscapes, beautiful tree lined streets and watersheds that we wanted protected. These are just a few reasons why Guelph is a desirable place to live.

You have an opportunity and an obligation to future generations in this OPA to protect the natural heritage that sustains our air and water.

However, the OPA that is before you tonight is a blueprint that will turn Guelph into just another suburb of Toronto. It is already happening. Council has been lock step with the Places to Grow.

This OPA does not deal with the grim economic reality that is already happening because growth does not pay for itself. And the Ontario government has not told us how we are going to pay for it in the short or long term. It has been left to you our councilors. According to the 2 CN Watson Reports to Council growth does not pay for itself. No: it should cost us a 4.5 to 5% increase in property taxes each and every year to pay for the shortfall in development charges and the services that each new citizen who comes to Guelph will need and/or demand. Instead we have a less than 4.5% tax increase and now reductions of services such as transit are occurring. What services will be cut next year to keep our property taxes artificially lower than the true costs of growth?

So where in this OPA is the fiscal economic responsibility to ratepayers? Is it responsible to pass an OPA that supports more residential growth and while knowingly cutting services of existing residents at the same time?

In fact the Planning Act provides that good planning must consider the impact that new development has fiscally, ecologically and on the health and safety of the current residents who live in this city, here and now.

Our green infrastructure within our city boundaries which excludes the Guelph Lake Conservation area are not now protected adequately. Our canopy cover is shrinking not growing. Our Urban Forest Strategy is apparently stagnant since April 2009 while mature city street and park trees are being logged or damaged during new infrastructure activities and mature forests are logged. This council and OPA talks about climate change yet at the same time is not protecting or stewarding the local ecosystem where we live. The proposed Natural Heritage Strategy does not protect the recommended areas contained in the 1994 Hanlon Creek Watershed Plan or the 2004 State of the Hanlon Creek Watershed Study. Other natural heritage areas are not recommended for protection or restoration.

It is premature and unnecessary to advance the Natural heritage Strategy while other portions of the OP are still being circulated for comment. To prematurely move the Natural Heritage strategy forward, in effect, approves the Draft Land Use Plan Schedule 2 in advance of the entire OPA 42 approval, resulting in the jump starting of development in adjacent or sensitive lands identified in the Natural Heritage Strategy Report. For instance, currently there is no protection for provincially significant plant communities in the proposed OPA. Some locally significant species are not protected so their habitat will not be protected. An example of this is the apparent removal of 2 bird species from the mapping on the lands proposed for an apartment building at Edinburgh and Gordon adjacent to the Hanlon PSW.

I am still reviewing the proposed OPA as it is my understanding that there are more opportunities for comment before final approval. It would be helpful if Council were to direct city staff to produce a comparison between the existing OP and what is now proposed. What has been altered, added or deleted? Without this comparison it is difficult to know what areas and policies of the old OP are still in the proposed OPA. My wife Laura attended the last Envision Guelph information session and indicated her concerns with the OPA. There were no comment sheets at this meeting. One should not have to take the time to go home and submit the same comments twice.

Dr. Dennis Murr

123 Downey Rd.

Guelph ON N1C1A3

A handwritten signature in black ink, appearing to be 'DM', with a long horizontal line extending to the right.

May 12, 2010

Dear Mayor and Council Members:

We are in agreement that the Official Plan designation for 146 Downey Road remain "General Residential" for the reasons stated in the attached letter.

Regards,

Heather & Robert Ridpath
Ward 6 residents

Sent: May 20, 2010 11:43 AM

To: Lois Giles

Subject: comments on OP

In Addition to my earlier comments on the NHS I would like to add a comment to the very important area of Protection of Significant wooded areas and Valley Lands. As I live adjacent to Riverside Park East I am constantly thankful for the magnificent vista offered by the sloped treed section on the east side of the river next to the Country Club golf course. Although I have admired and photographed this view for years, a recent visit into the interior of the forest slope revealed an even more breathtaking scene. Numerous species of very old trees line the slope of what once was the original bed of the speed river, as the river bed was moved when the Woodlawn Road bridge was built. I would hasten to call this "Old Growth" but it must be as old as the oldest forested areas in Guelph. I have worked with Opirg and the City of Guelph on the restoration of the valley area with the planting of hundreds of native trees and shrubs and most recently a native flower garden. I continue to monitor this land as a Park Steward. Hikers, runners and bikers, and tourists use the trail daily and I am sure they appreciate the beauty this magnificent stand of trees offers.

This is why we choose to live in Guelph. This is why tourists visit Guelph.

This is why this area must not be removed from protection in the NHS.

Thank you,

Mike Darmon.



LAW FIRM LLP

email: jvaleriot@smithvaleriot.com

- Randy S. Brant B.A. LL.B.
- Robert W. Dowhan B.A. LL.B.
- Michelle M. Dwyer B.A. M.A. J.D.
- Lisa M. Gazzola B.A. LL.B.
- Richard A. Gazzola B.A.Sc LL.B. P.Eng
- Sarah A. Greatrix B.A. LL.B.
- Donald G. Kidd B.A. LL.B.
- Nicola Melchers LL.B.
- Robert M. Mulin B.A. LL.B. A.C.C.I.
- Christina L. Parkes B.Soc.Sc LL.B.
- Diana M. Piccoli B.A. LL.B.
- James B. Pietrangelo B.A. LL.B.
- Mark Muir Rodenburg B.Math LL.B.
- Ronald George Sansom B.Sc.Eng. LL.B.
- David Crawford Smith B.A. LL.B.
- Diane Kennedy Squires B.A. LL.B.
- Ernest J. Stross B.A. LL.B.
- John E. Valeriot B.B.A. LL.B.

May 20, 2010

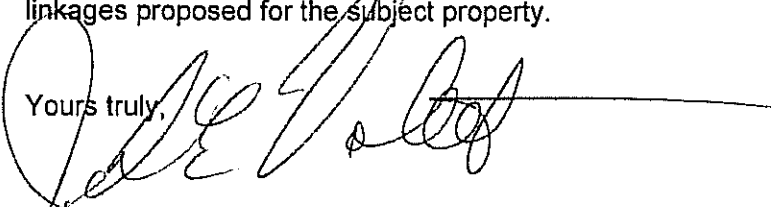
City of Guelph
1 Carden Street
Guelph, Ontario
N1H 3A1

Attention: Mayor Karen Farbridge and Members of Council

**Re: Public Meeting May 20, 2010
2007 Victoria Road, City of Guelph
Guelph Official Plan Update OPA No. 42 (Released April 19, 2010)**

We are the solicitors for the owner of the property located at 2007 Victoria Road. Please be advised that the owner objects to the proposed designations and policies as related to this property as proposed within OPA No. 42. The details of these objections have been provided to staff in writing with no written response from staff.

In summary, the objections to OPA No. 42 relate to the landform criteria and linkages proposed for the subject property.

Yours truly,


John Valeriot

JEV

cc. Carson Reid
Astrid Clos

- Francis M. Valeriot B.A. LL.B.
(Counsel)
- James A. Runions
(Retired)
- R. Paul Gillias Smith O.C. B.A. LL.B.
(Retired)
- J. Ronald Nicholson B.A. LL.B.
(Retired)
- David E. Hastings, O.C.
1930 - 1999

Mailing Address:
P.O. Box 1240
Guelph, Ontario
Canada N1H 6N6

Courier Address:
105 Silvercreek Parkway N
Suite 100
Guelph, Ontario
Canada N1H 6S4

Ph: 519-837-2100
Fax: 519-837-1617



LAW FIRM LLP

email: jvaleriote@smithvaleriote.com

May 19, 2010

RECEIVED
MAY 19 2010
CITY CLERK'S OFFICE

- Randy S. Brant B.A. LL.B.
- Robert W. Dowhan B.A. LL.B.
- Michelle M. Dwyer B.A. M.A. J.D.
- Lisa M. Gazzola B.A. LL.B.
- Richard A. Gazzola B.A.Sc LL.B. P.Eng
- Sarah A. Grealix B.A. LL.B.
- Donald G. Kidd B.A. LL.B.
- Nicola Melchers LL.B.
- Robert M. Mullin B.A. LL.B. A.C.C.I.
- Christina L. Parkes B.Soc.Sc LL.B.
- Diana M. Piccoli B.A. LL.B.
- James B. Pletrangelo B.A. LL.B.
- Mark Muir Rodenburg B.Math LL.B.
- Ronald George Sansom B.Sc.Eng. LL.B.
- David Crawford Smith B.A. LL.B.
- Diane Kennedy Squires B.A. LL.B.
- Ernest J. Stross B.A. LL.B.
- John E. Valeriote B.B.A. LL.B.

City of Guelph
1 Carden Street
Guelph, Ontario
N1H 3A1

Attention: Mayor Farbridge and Members of Council

**Re: Public Meeting May 20, 2010
1897 Gordon Street - Thomasfield Homes Limited (Bird Property)
Guelph Official Plan No. 42 (Released April 19, 2010)**

- Francis M. Valeriote B.A. LL.B.
(Counsel)
- James A. Runions
(Retired)
- R. Paul Gillies Smith Q.C. B.A. LL.B.
(Retired)
- J. Ronald Nicholson B.A. LL.B.
(Retired)
- David E. Haslings, Q.C.
1930 - 1999

We are the solicitors for Thomasfield Homes Limited, owner of 1897 Gordon Street (Bird Property). The original application for this property was submitted to the City in January 2003. Revised applications were then submitted and on November 20, 2008 the City confirmed that these applications were deemed to be complete applications. On January 12, 2009 a Public Meeting was held for these planning applications. Importantly, on January 28, 2009 the Grand River Conservation Authority confirmed they were satisfied with the Environmental Impact Study prepared in support of these applications. The letter from the GRCA is attached for Council's information. A considerable amount of work, time and effort has been expended by Thomasfield Homes to prepare plans and reports to satisfy the City's own specifications, and address compliance with the Provincial Policy Statement 2005.

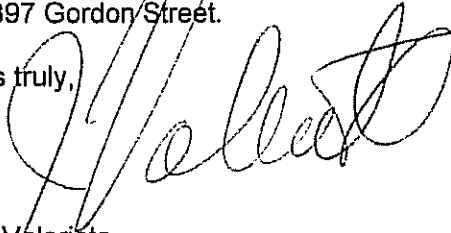
At the very beginning of this process, City staff produced a Staff Report Number 08-97 dated September 5, 2008 which clearly states, "Any development application that has been submitted and is currently in process is subject to the existing policies of the City's Official Plan, including the Natural Heritage polices now contained in the Official Plan."

- Mailing Address:
P.O. Box 1240
Guelph, Ontario
Canada N1H 6N6
- Courier Address:
105 Silvercreek Parkway N.
Suite 100
Guelph, Ontario
Canada N1H 6S4
- Ph: 519-837-2100
- Fax: 519-837-1617

We and others have been corresponding with and meeting with City staff to attempt to resolve the land use designations proposed within OPA No. 42 for the subject property. We have received written and verbal assurances from City staff that the Bird property will not be negatively impacted by the proposed OPA No. 42. This, however, is not the case given the recent proposed designations on the Bird Property. We are therefore, once again requesting that the Official Plan designations shown on all of the Schedules of OPA No. 42 and the policies contained therein be consistent with the existing Official Plan designation of General Residential for the Bird Property. The failure of the City to recognize the above request is neither reasonable nor fair-minded, and is certainly inconsistent with the wording set out in the above noted Staff Report. We are therefore respectfully requesting that Council

noted Staff Report. We are therefore respectfully requesting that Council please provide direction to staff to revise OPA No. 42 to reflect the existing applications and the supported EIS for 1897 Gordon Street.

Yours truly,

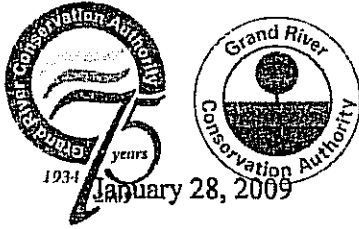
A handwritten signature in black ink, appearing to read "John Valeriote", written over a horizontal line that extends across the page.

John Valeriote

JEV

Encls.

cc: Tom Krizsan, Thomasfield Homes Limited
Jim Riddell, City of Guelph
Marion Plaunt, City of Guelph



400 Clyde Road, P.O. Box 729 Cambridge, ON N1R 5W6

Phone: 519.621.2761 Toll free: 866.900.4722 Fax: 519.621.4844 Online: www.grandriver.ca

City of Guelph, Planning
City Hall
59 Carden Street
Guelph, Ontario N1H 3A1

Attention: Chris DeVriendt

**Re: Proposed Draft Plan of Subdivision, Official Plan Amendment and Zoning By-law Amendment,
1897 Gordon Street, City of Guelph, (Bird Property),
File: 23T-08585/OP0801/ZC0306**

We have reviewed the Site Servicing and Stormwater Management Report and plans prepared by Gamsby and Mannerow and the Environmental Impact Study and Tree Conservation Plan prepared by Aboud & Associates. We offer the following comments.

Stormwater Management Review

1. We are in general agreement with the development concept but feel that the hydrology may not adequately represent existing conditions. This opinion is based on comparison of the somewhat rough topography in Figure 3 (Existing Conditions Drainage Areas) to the more refined Draft Plan contours (figure No. 2) as well as to GRCA's in-house 3-D orthoimagery. This imagery clearly indicates the existence of considerable internal drainage. Our observations are summarized as follows:
 - The Draft Plan topography includes the small wetland near the southwestern property line but also two depressions near the southern corner (one centred on Lot 27 and on Lots 13&14).
 - As well, runoff south and east of the existing residence appears to drain toward the eastern corner of the property.
 - The orthoimagery shows another significant depression extending from a saddle just north of the wetland toward the northwestern property line. We are unable to identify accurate geodetic elevations in the orthoimagery for the base of this depression but it does appear to be lower than the northwestern property line.
 - Instead of 80% of the site draining toward the north western boundary we suggest that about 50% drains in that direction.
2. We note the use of the Horton Equation in the hydrologic modelling with the highest possible infiltration rates set to published MTO values for sandy soils (maximum 250mm/hr, minimum 25mm/h). Even though granular soils exist on the site, as with most of the lands developed on this side of the Hanlon Creek, most other City of Guelph developments in this area with similar soils have set these parameters to a maximum of 75mm/h and a minimum of 13mm/h.

3. Existing catchments have been modelled with gentle 2% overland slopes although the report identifies undulating topography consisting of rolling and steep slopes having gradients of 2% to 25%. Please consider the impact on runoff.

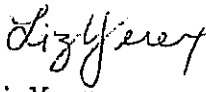
As mentioned, we are generally supportive of the development concept but prior to further review of the proposed stormwater management plan we suggest that the existing hydrology be revised to use more conservative infiltration parameters as well as to more closely represent the sites drainage patterns and depressions in the hummocky topography.

EIS and Tree Conservation Plan

We have reviewed the EIS and Tree Conservation Plan and are satisfied with the approach. We offer recommendations for consideration.

- that exotic and invasive species (e.g. Siberian elm, Manitoba maple, European Buckthorn, tartarian honeysuckle, etc.) be removed from protected areas (e.g. Hedgerow 1 and wetland buffer), and replaced with native hardwood species,
- that a detailed landscaping plan be developed for street boulevards, hedgerows, open space blocks, and the stormwater management block.

Yours truly,



Liz Yerex
Resource Planner
Grand River Conservation Authority

cc: Astrid Clos, Astrid J. Clos Planning Consultants



351 Speedvale Avenue West
Guelph, Ontario N1H 1C6

TEL: 519-822-4031
FAX: 519-822-1220

May 19, 2010

Project: 03-5169

Ms. Suzanne Young
Environmental Planning
Community Design and Development Services
City of Guelph
1 Carden Street
GUELPH, Ontario N1H 3A1

Dear Ms. Young:

**Re: River Valley Developments Inc.
(Guelph Do-Lime Property)
Draft Official Plan and Natural Heritage System**

I am writing to you on behalf of the owner of the above-noted property and wish to advise you of my client's objection to the proposed "Open Space and Parks" land use designation that is identified on the "Schedule 2: Land Use Plan". You will recall that we discussed this matter some time ago and staff was to investigate a possible mapping error in this area.

River Valley Developments owns the lands between the west side of the Hanlon Expressway and the City of Guelph Corporate boundary, extending from Stone Road, north to the Speed River. These lands are within a licensed quarry operation. The proposed "Open Space and Park" designation is inappropriate on this property.

In addition, the owner's environmental consultant wrote to the City in October 2008 identifying a number of concerns regarding the designation of a small wooded area adjacent to the Hanlon Expressway as part of the Natural Heritage Strategy. This continues to be a concern to my client. The draft Official Plan includes a "Locally Significant Natural Areas" designation on these lands. It is not clear in the text of the Official Plan what is contemplated with this designation. Until we receive a response to the concerns raised in correspondence from North-South Environmental, the owner continues to have objections to this proposed designation.

We would welcome the opportunity to discuss this matter in greater detail as you move forward with this Official Plan update.

Yours truly,

BLACK, SHOEMAKER, ROBINSON & DONALDSON LIMITED

A handwritten signature in black ink that reads 'Nancy Shoemaker'.

Nancy Shoemaker, MCIP, RPP

Copy: River Valley Developments Inc.
Marion Plaunt, Manager of Policy Planning
Jim Riddell, Director of Community Design and Development Services
John Valeriote, Smith Valeriote



Herbert T. Arnold, B.A., LL.B.
Steven C. Foster, B.A., LL.B.
Thomas M. Arnold, B.Com., LL.B.

May 20, 2010

Barristers - Solicitors

City of Guelph
1 Carden Street
Guelph, Ontario
N1H 3A1

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MAY 20 2010
CITY CLERK'S OFFICE

Attention: Mayor and Members of Council

Dear Her Worship Mayor Farbridge:

Re: 2270 Gordon Street, Guelph

We act for 1077955 Ontario Inc. which is the registered owner of +/- 100 acres located at the northeast corner of Gordon Street and Maltby Road East.

The principal concern of our client is the designation and associated policies for the lands south of the woodlot which is located in the northeast corner of the property. There is no issue for that portion which is the wetland.

However, our client does not feel that it is appropriate to designate any other lands south of the woodlot as part of a Significant Natural Area. We understand that the criteria is that such lands contained confined depressions as identified by GRCA. While that may be factually correct, we are not aware of any analysis that would then justify a Significant Natural Heritage designation from an ecological perspective. Based upon the site visits and opinion of our client's consultant, these lands are not a *surface water feature* within the meaning of the Provincial Policy Statement 2005. Any hydrogeological function of such lands can be maintained post-development through appropriate storm water management.

With respect to the proposed Ecological Linkage from the west side of the woodlot to the wetland feature and from the east side of the woodlot to the hedgerow at the property limit, it is our client's opinion that these linkages do not now exist and it is unnecessary and inappropriate to create such linkages through official plan designations and policies. In any case, development should be permitted subject to an EIS or EA.

We have reviewed the submissions of the Guelph Wellington Development Association dated May 13, 2010 to the Mayor and Members of Council. We agree with the alternative approach to Natural Heritage policies proposed by GWDA. We share the concern about the

adoption of the new Official Plan in 2 parts at different times and perhaps by differently constituted Councils. In addition, we adopt the specific submissions as they relate to rationale for designation and the Natural Heritage System provisions in the proposed Official Plan.

Yours truly,

ARNOLD FOSTER LLP

A handwritten signature in black ink, appearing to read 'H. Arnold', written over the printed name.

Herbert T. Arnold

HTA:ac

cc: Marion Plaunt

cc:1077955 Ontario Inc.

May 20, 2010

Lois Giles
City Clerk
City of Guelph
City Hall
1 Carden Street
Guelph, ON
Phone: 519-837-5603
Email: clerks@guelph.ca

Dear Ms. Giles,

Please accept this letter as comment to the Official Plan Update for the City of Guelph, scheduled for public meeting on May 20, 2010.

We intend to continue operating our business at 1858 Gordon Street with the potential for future expansion and development at our location. It is our hope that the official plan will not hinder our operation or the potential for future expansion or development at our location.

Thank you,

Fritz and Teresa Marthaler

May 20, 2010

Lois Giles
City Clerk
City of Guelph
City Hall
1 Carden Street
Guelph, ON
Phone: 519-837-5603
Email: clerks@guelph.ca

Dear Ms. Giles,

Please accept this letter as comment to the Official Plan Update for the City of Guelph, scheduled for public meeting on May 20, 2010.

As recent purchasers of Maltby Road East, we currently do not have definitive plans for the property, but would like to be made aware of any decision the city is making that would effect the property or the area surrounding it.

Thank you,

Fritz and Teresa Marthaler

May 19, 2010

City of Guelph
1 Carden Street
Guelph, Ontario
N1H 3A1

RECEIVED
MAY 20 2010
CITY CLERK'S OFFICE

Attention: Mayor Farbridge and Members of Council

**Re: Public Meeting May 20, 2010
132 Clair Road West, 1827 & 1843 Gordon Street, City of Guelph
Guelph Official Plan Update OPA No. 42 (Released April 19, 2010)**

These comments are being provided to Council on behalf of the owners of the property located at 132 Clair Road West, 1827 and 1843 Gordon Street, City of Guelph. This property is located at the southwest corner of Clair Road and Gordon Street. The area of this property is approximately 44 hectares (108 acres).

This property was annexed into the City of Guelph in 1993 to provide urban land for future growth. This property was also the subject of an Ontario Municipal Board hearing which resulted in the current land use designations for the property which are shown in the Official Plan which include mixed use, residential and employment lands. Severances have been taken from this property over the years for public purposes such as a park, high school, church and municipal emergency services facility.

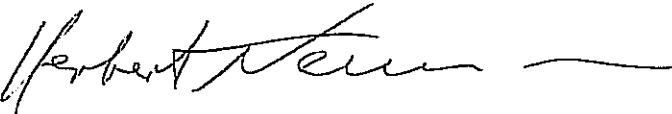
The proposed OPA No. 42 proposes to make more than half of the area of the subject property undevelopable. This is unacceptable to the owners of this property. We have met with City staff and expressed our concerns regarding the proposed Natural Heritage designations for this property and the new restrictions proposed to be applied to the remaining undeveloped Mixed Use corner at Clair and Gordon. We require changes to be made to OPA No. 42 to address our concerns. Our concerns are listed below:

1. The Natural Heritage designations should be applied only to the features recognized as requiring protection from development in the Provincial Policy Statement 2005 (PPS). Slopes and closed depressions are not required to be protected in the PPS and should be deleted from the Natural Heritage designations proposed on the subject property.
2. The requirement for 550 residential units to be provided in the Clair Gordon Community Mixed Use Area should be deleted. This requirement was not imposed on the other three corners which have now been developed, or are underway, and it is unfair to add this new requirement to apply to the only remaining corner which has not yet been developed.

3. The requirement to provide a minimum building height of 2 storeys of usable space should be deleted. This is an unrealistic requirement in the Guelph market and will result in the land remaining vacant and unleaseable for commercial tenants. This is a relatively small commercial site and cannot support his unreasonable requirement.
4. The prohibition of drive-throughs in the Community Mixed Use Area should be deleted. Locational criteria related to the provision of drive throughs would be acceptable. The other commercial sites at Clair and Gordon have well designed drive throughs that do not interfere with pedestrian activity. This corner should have the same opportunity to provide well designed drive through facilities.
5. The requirement for a Secondary Plan for Mixed Use Areas should be deleted.
6. The requirement that "residential uses should be provided primarily above commercial uses" should be deleted. This is an unfair requirement for the last corner of this intersection to be developed and will not find uptake in the Guelph market
7. The requirement for underground or structured parking in the Community Mixed Use Area should be deleted. The cost to provide this would prohibit the development of this corner.

We would appreciate the requested changes being made to OPA No. 42 prior to it coming back to Council for a decision. These are serious concerns which will impact the viability of this property to be developed. The City should not approve an Official Plan which will make serviced urban land unable to develop. Thank you for the opportunity to provide these comments.

Yours truly,


Herb Neumann

AIRD & BERLIS LLP

Barristers and Solicitors

Steven A. Zakem
416.865.3440
E-mail: szakem@airdberlis.com

RECEIVED
MAY 20 2010
CITY CLERK'S OFFICE

VIA FACSIMILE

May 20, 2010

File No. 94693

Mayor and Members of Council
City of Guelph
1 Carden Street
Guelph, Ontario N1H 3A1

Attention: Lois A. Giles, City Clerk

Dear Ms. Giles:

Re: Proposed Official Plan Amendment No. 42
Public Meeting Date: May 20, 2010

We are counsel to Silvercreek Guelph Developments Limited. As the City is aware, our client owns approximately 22 hectares of land known municipally as 35 and 40 Silvercreek Parkway South (the "Lands"). The Lands comprise a former gravel pit and ready-mix plant and have been vacant since 1994.

In January 2010, the Ontario Municipal Board approved our client's applications, supported by the City and the Howitt Park Neighbourhood Residents Association, for an Official Plan Amendment and Zoning By-law Amendment to permit a mixed-use development comprised of a Mixed Use Node, Business Park and High Density Residential components. The approval followed a five-year process of application review and negotiations between the parties. Since that time, our client has been progressing toward the next stage of approvals.

We have reviewed the policies of proposed Official Plan Amendment No. 42 and have the following comments on behalf of our client:

1. Schedule 4D depicts a Regulatory Flood Plain not only along Howitt Creek but also along an east-west watercourse which has been shown not to exist on the subject lands and has been removed from Schedule 4 (Natural Heritage System). Likewise, Schedule 5 (Development Constraints) incorrectly shows a Regulatory Flood Line along the same watercourse.
2. Schedule 2 (Land Use Plan) of OPA No. 42 ought to be revised to remove the Silvercreek stormwater management area (east of Howitt Creek) from the "Significant Natural Area" designation due to its stormwater management function.
3. The Urban Design policies of OPA 42 (section 7.5) include the following:

May 20, 2010
Page 2

5. *Reverse lotting onto natural areas and other components of the public realm are discouraged.*
6. *Buildings should be oriented to maintain public vistas of and visual access to natural features on lands adjacent to the site.*
7. *Streets should create view corridors and vistas of significant natural areas, the river valleys and park facilities."*

These policies have the potential to conflict with the concept plan which forms part of the instruments approved by the Board and has been incorporated into the proposed Silver Creek Junction Secondary Plan.

4. Section 8.5.1.5 (Parking) states that, in the Community Mixed Use Area designation, underground or structured parking will be encouraged and that surface parking shall only be permitted in the rear and side yard. This policy may well result in a conflict with the concept plan which forms part of the Secondary Plan. As you know, this concept plan formed the basis of the settlement between the City and Silvercreek, was endorsed by the Board and is specifically referenced in the Minutes of Settlement.

5. The policies in sections 7.10 and 7.11 (Mid-rise and High-rise Buildings) encouraging below-grade parking with limited visitor surface parking may make the high density residential development of the Silvercreek lands a challenge.

6. Policy 7.14, which states that, "Parking adjacent to identified natural heritage features and associated buffers should be avoided" may be incompatible with the concept plan in the Secondary Plan.

7. The policies pertaining to "Community Mixed Use Area" (section 8.5.1.2) provide that:

"iii) residential uses should be provided primarily above commercial uses in addition to some free-standing residential buildings; and

iv) the width of storefronts should be limited to encourage pedestrian activity along the street. ...

8. The Zoning By-law may establish the maximum length of frontage along arterial roads that may be used for surface parking. This provision may provide different standards for various land uses with the most restrictive standard applying to mixed use and main street type development."

Since the Zoning By-law Amendment with respect to the Silvercreek lands has already been approved, the potential inconsistency between these provisions and the Silvercreek plan is not of immediate concern. However, we would request that the lands be exempted from the application of these policies.

8. Policy 8.5.1.3, paragraph 2, states that "2. Drive-through facilities of any type, vehicle sales and vehicle related uses, including vehicle service stations shall not be

May 20, 2010
Page 3

permitted." This is inconsistent with the approved Zoning By-law for the Silvercreek lands which states that "Drive-Through Uses shall be prohibited within 30 metres of the Market (Public) Square."

9. Policy 8.5.1.3, paragraph 4, states as follows: "The permitted uses can be mixed vertically within building or horizontally within multiple-unit mall buildings or may be provided in free-standing individual buildings. Where an individual development incorporates a single use building in excess of 5,575 square metres (60,000 sq. ft) of gross leasable floor area, the site shall also be designed to provide the opportunity for smaller buildings amenable to the provision of local goods and services to be located near intersections and immediately adjacent to the street line near transit facilities. These smaller buildings shall comprise a minimum of 10% of the total gross leasable floor area within the overall development." We assume that the effect of this policy would not be counter to the concept plan and reasonable modifications thereto.

10. The maximum FSI set out in section 8.5.1.4 may not correspond to the development approved in the Secondary Plan.

11. The draft policies of the Silver Creek Junction Secondary Plan indicate that, "Where there is a conflict between the provisions of this Secondary Plan and the Official Plan, the provisions of the Secondary Plan apply." This appears to leave a measure of uncertainty as to what would constitute a conflict. For instance, the Silvercreek Official Plan Amendment approved by the Board intentionally requires "a minimum building massing equivalent to two storeys (7.6m)", whereas proposed OPA 42 states that "development shall be a minimum of two storeys of usable space" in the Community Mixed Use designation.

12. The Minutes of Settlement between the City and Silvercreek indicate that the City would bring forward an amendment to its Brownfield Community Improvement Plan to permit retroactive applications under the TIBGP, for eligible costs, notwithstanding the fact that the costs were not pre-approved by the City. We would request that such an amendment be brought forward.

Our client respectfully requests a site-specific exemption from any policies in the proposed Official Plan Amendment which would be inconsistent with the instruments endorsed by Council and approved by the Board with respect to the Silvercreek lands.

Given our understanding that the City's work on fine-tuning OPA 42 is ongoing, our client may have additional comments with respect to the proposed policies as the process progresses.

May 20, 2010
Page 4

We would be pleased to discuss this matter further with City Staff.

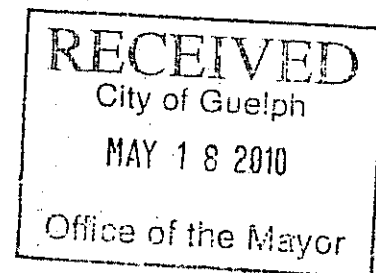
Yours very truly,

AIRD & BERLIS LLP


Steven A. Zakem
SAZ/TH

Cc: Silvercreek Guelph Developments Limited
Greg Atkinson
Scott Hannah
Peter Pickfield

6743916.2



May 13, 2010

City of Guelph
1 Carden Street
Guelph, Ontario
N1H 3A1

Attention: Mayor Farbridge and Members of Council

Re: Guelph Official Plan Update (Released April 19, 2010)

The Guelph Wellington Development Association (GWDA) has reviewed the proposed changes to the Official Plan in detail. Please provide a written response to our concerns. The Official Plan is an important planning document which must be carefully worded and be in compliance with the legislation that permits it to exist. The proposed Official must also be consistent with the 2005 Provincial Policy Statement. The GWDA are very concerned with a number of the policies included in this proposed Official Plan.

GWDA have recently been informed that the Natural Heritage policies and map schedules of the of the proposed Official Plan will be brought to Council in July ahead of the remainder of the Official plan. GWDA specifically raised concerns regarding such an important document as the Official Plan coming to Council in July for a decision. Splitting the Official Plan into two parts will create more work for City staff and result in appeals that will have to be consolidated at any future OMB hearings. Nothing is gained by splitting the Official Plan approval. The Official Plan should be brought forward as one complete document once the issues have been reviewed and resolved by staff.

The GWDA general comments are below followed by more specific comments and concerns. The general comments regarding the Draft Official Plan are:

Consideration of the Official Plan Comprehensively

It would be premature to consider the Natural Heritage Strategy separately from the overall Official Plan to be considered by Council after the election. There needs to be further consultation with the GWDA regarding the implications of the NHS on future development and our comments on the NHS need to be incorporated in the policy considered by Council.

Sharing Population and Employment Targets

The existing built up areas of the City need to share in the burden/benefits of intensification with other parts of the City.

Impact of Proposed Affordable Housing Policies

The GWDA has participated in workshops and commented on the policies related to affordable housing but no one is listening at the city staff level. The existing housing stock has a significant role to play in the provision of the affordable housing targets established. The affordable housing targets are not realistic and are not supported by a financial incentive program.

Basis of Legislative Authority

The proposed Official Plan contains a variety of detailed policy areas beyond the legislative authority of the City.

Detail Contained in the Proposed Official Plan

In many instances, the proposed Official Plan contains details beyond what is expected and required in an official plan. The official plan should function as a general guide and be implemented through the zoning bylaw. The level of detail proposed to be contained in the Official Plan will lead to unnecessary amendments and bureaucracy on a go forward basis which are both time consuming and costly.

Unnecessary Secondary Plan Requirements

Secondary Plans proposed as amendments to the official plan are burdensome and unnecessary. The same effect can be accomplished through more detailed planning that is used to finalize the implementing zoning bylaw.

Complex Schedules

There are far too many schedules in the proposed official plan especially pertaining to the Natural Heritage Strategy. These in particular go far beyond the established provincial policies dealing with environmentally significant areas.

Natural Heritage Strategy

In many sections within the Official Plan policies are proposed which go beyond the legislative authority provided to a municipality and should not be included in

the Official Plan. The examples are found in the detailed comments within this letter. (Vegetation Compensation Plan, Cash-in-lieu of Trees for example)

The Natural Heritage System (NHS) is not consistent with but exceeds the powers provided by the Provincial Policy Statement (PPS). Areas that are not identified by the PPS as significant and to be protected are proposed to be protected by the proposed NHS policies. The NHS policies propose to protect slopes which are not significant natural features that need to be protected. The NHS then overlays ecological linkages overtop of these slopes. The ecological linkages have in many cases been randomly located or relocated without the benefit of ecological expertise and have no significant ecological function. These matters must be resolved before the Official Plan is brought forward to Council for a decision.

The Natural Heritage System designations will be almost impossible to use to determine which policies in the Official Plan apply to which properties. GWDA challenges any member of Council to select a property that they are familiar with in the City and try to determine which Natural Heritage policies apply to that property based on the Official Plan as released. The document is unnecessarily cumbersome and should be rewritten.

GWDA is proposing an alternative approach which is consistent with the Provincial Policy Statement and will protect the Natural Heritage System within the City of Guelph.

The Official Plan should include the following designations:

Significant Natural Areas

Dark green designation that includes all Provincially Significant features as defined by the PPS. These areas are protected from Development.

Natural Areas

Light Green designation that identifies the buffers to Provincially Significant features as recommended by the PPS. This designation can also include all of the features that the City can legitimately consider to be locally significant. Roads, municipal services, stormwater management and development is permitted subject to an EIS or EA.

Ecological Linkages

Striped light green area. Roads, municipal services, stormwater management and development permitted subject to an EIS or EA.

All three of these designations may be shown on Schedule 2 - Land Use Plan without the need for the proposed nine NHS Schedules and Appendices. Three sets of policies can be written for the Official Plan which apply to these three land use designations. GWDA has been consistent since the NHS was begun that this is the appropriate approach.

Specific Comments related to the Draft Official Plan released April 19, 2010

1. Introduction		Comment
Section 1.2		Why are the Appendices included if they are not part of the Official Plan? They should not be included in the OP.
Section 1.3.16		The Natural Heritage policies go beyond what is permitted by the PPS. The Official Plan recognizes these more restrictive policies. GWDA questions the legality of this.
3. Planning Complete and Healthy Communities		
3.16 Natural Heritage System		The areas "connecting" natural heritage features are not themselves natural heritage features. The Official Plan confuses this depending on which section of the Official Plan is referenced.
3.16.2		"Development will be prohibited within defined features in accordance with the Natural Heritage System provisions." What does this mean? What are defined features?
4. 1 Natural Heritage System		
4.1 Natural Heritage System		Ecological linkages. Some of linkages included are arbitrary and have no proven ecological value. The linkages are there to provide legitimacy to protecting slopes. Both should be removed from the natural heritage designation.
4.1.1 Purpose		i) "provides permanent protection to the Significant Natural Areas and established buffers;" An EIS should be able to alter the areas being protected and the buffers. Protection from what?
4.1.1		Buffers should not be included in the Significant NH designation. Until development plans are created and transportation, servicing/SVM is known the buffers cannot be defined. What began as buffers being included in the NH designation is now "minimum buffers" which means that buffers on top of buffers will be required when development is proposed. This will result in a very inefficient land use and servicing within an urban area identified for development. "Significant Landform" This has no basis in provincial policy in the context that it is proposed in Guelph and should be deleted from the Official Plan.

	SWM facilitates should not be included in the Natural Heritage designation.
Schedules 4A to 4D	The land use schedule should include all the information related to land use designations.
Schedule 4 – Wildlife crossings	How were these identified, based on what evidence?
4.1.2	A hydrogeologist was not included on the project team for the NHS. The team assembled is not qualified to comment on the surface water, groundwater, ecological and hydrologic functions being retained. These have been arbitrarily established and revised by City staff with no consistent or scientifically defensible methodology.
4.1.2 h)	"To protect and enhance tree canopy cover within the City while providing for meadow habitat." This seems to apply City wide, not just in the NH designation.
4.1.2 i)	"significant portions of the moraine" have been arbitrarily identified and protected through the use of non-scientific criteria that go beyond the PPS.
4.1.3.2	site alteration (ie. grading) is not permitted in significant natural areas or buffers. This will be a problem for servicing, roads and stormwater management areas. This policy should be deleted from the OP.
4.1.3.3	The adjacent lands definition should be used as found in the PPS. This section of the OP will require adjacent lands to include linkages between natural heritage areas, SWM facilities and slopes. The adjacent lands will extend into areas that it should not.
4.1.3.6	"Development or site alteration shall generally not be permitted within restoration area." Delete this sentence. It is very misleading.
4.1.4.1	Include linear and transportation as permitted uses within the general permitted uses in the Natural Heritage System subject to an EIS or EA. This is required to be consistent with other policies found within the draft Official Plan.
4.1.4.1	Adjacent lands should use the PPS definition. Not be measure from the NHS designation.
Table 4.1	Established buffers and minimum buffers appear to the same and are included in the designated NH areas. When development applications occur, in order to create viable parcels for development, buffers tend to be increased in some areas and decreased in other areas. Where buffers are decreased, enhancement plans including plantings are prepared. This flexibility is required and should be included in the OP policies. The NHS creates many areas which are not developable. The City will not be able to meet its Provincial density targets.

	<p>Where are the calculations that show that the density targets can be met by the City? The MOE study requested by the City concluded that no additional legislation or policies were required to protect the moraine. The City has invented criteria in the NHS to go beyond the provincial plans.</p> <p>Other wetlands and plantations (cultural woodlands) should not be included as part of the Natural Heritage designation. There was a commitment from municipal staff that plantations would be removed from the NHS which has not been honoured.</p>
4.1.4.2.3	<p>What is meant by "other activities" in this section? It should be noted in this section that not all activities on private property require City approval. Specific exemptions of some activities are provided by City By-laws.</p>
4.1.5.3	<p>The significant wetland definition in the PPS should be used in the Official Plan and that is what should be protected by the NH designation. The Official Plan should be consistent with the PPS and not misuse the terms and definitions found in the PPS.</p>
4.1.5.3.2	<p>All wetlands whether they are provincially significant, locally significant or other wetlands are all proposed to be "significant wetlands" and afforded with the same level of protection in the OP. This is an error in the plan.</p>
4.1.5.3.3	<p>As an example, a road should be permitted to be located within the buffer of an "other wetland." This policy would not permit that.</p>
4.1.5.3.3	<p>The definition of a significant woodland should be the same as the one in the PPS. There should be no confusion on this point.</p>
4.1.5.6	<p>Roads should be permitted in the established buffer of a woodland subject to an EIS or EA. Significant valleylands should use the PPS definition. What happens if a road is required to cross a significant valleyland? It does not appear that this would be permitted by the current policies.</p>
4.1.5.7 Significant Landform	<p>This section should be deleted from the Official Plan. The significance of this has not been established. Significant landform and linkage wording is intermingled in this section. Essentially the City is trying to create arbitrary linkages that overlay slopes and using both of these to justify each other.</p>
4.1.5.7.2	<p>What does "in proximity to other natural heritage features or areas included in the natural</p>

	heritage system mean?" How close does it have to be? What is the difference between a natural heritage area vs a feature? Where is this mapped? How do different policies apply to them?
4.1.5.7	Municipal services are permitted in Significant Landform as long as there is no negative impact to the contours. This is not possible and should not be included as a requirement. SWM should be permitted in the Landform since it is one of the identified functions in the OP of these areas. Roads should also be permitted in the Significant Landform.
4.1.5.8	Use the definition in the PPS for significant wildlife habitat. Ecological linkages should <u>not</u> be included in areas designated as significant wildlife habitat. There should be separate permitted uses for the features vs. the buffers. The features and the buffers should be in separate designations with different policies. Roads, services and SWM should be permitted in buffers subject to an EIS or EA. The Land Use Map 2 should clearly indicate where these designations are located and the policies should clearly identify what is permitted in each designation. The current mapping and policies fail to do this.
4.1.5.8.3	Add to the end of this "have been approved by an EIS or EA."
4.1.5.8.3.11	This section allows ecological linkages to be refined but not be less than 50 m wide. The 50 m minimum should be permitted to be reduced subject to an EIS or EA.
4.1.5.9	SWM areas should not be included as restoration areas. The objectives do not even recognize their SWM function which is why they exist.
4.1.6.1.3 vii)	Why does the "other wetland" policy include a linkage between larger wetlands or significant natural areas?
4.1.6.2	Are cultural woodlands part of the NHS? There was a commitment made to the development industry through this process that plantations would not be included as part of the NHS. What is the definition of a healthy tree? Does it include a tree raised for commercial purposes?
4.1.6.2.3.2	This policy states that if the plantation is not already designated in the NH designation development and site alteration is permitted. Many of the plantations are included in the NH.
4.1.6.2.3 iii)	Shrubs to be protected must be identified in a tree saving plan?

4.1.6.2.3.4	What does "protected to the full extent possible mean?" This is in italics is it defined?
4.1.6.2.3.8	A Vegetation Compensation Plan shall be required. Where is the legislative authority for this in the Municipal Act? (identifying and compensating for all healthy native shrubs.)
4.1.6.3	Habitat for Significant Species Why is this being repeated from the earlier section?
4.1.6.3.2.4	The Locally significant species list for Wellington County has not been accepted, has no status and should not be referenced in the City's Official Plan.
4.1.6.3.3.3	"Development and site alteration may be permitted provided that there is no negative impact to maintenance and survival of the species." What does this mean since these "locally significant species" survive in developed areas. These policies should not be included in the Official Plan.
4.1.7.2.2	The criteria to identify wildlife crossing locations is, "areas where wildlife is likely to cross." Apparently no evidence is required.
4.1.7.3	"Potential wildlife crossings" are protected.
4.1.7	Essentially every tree in the City is protected by this policy even though it is not in the NH designation. The Urban Forest should include street trees, park trees and they should be incorporated into the City's tree cover canopy cover calculation.
4.1.8.2.1	Plantations are Cultural Woodlands. Why are there separate policies?
4.1.8.2.1 ii)	Plantations that do not provide ecological linkages are permitted to be developed. However, the ecological linkages have been arbitrarily applied in the NHS where plantations are located.
4.1.8.2.1.2 and .3	Native shrubs are to be protected and a Vegetation Compensation Plan required. No legislative authority for this under the Municipal Act..
4.1.9	Vegetation Compensation Plan, no legislative authority in the Municipal Act to require this.
4.1.94	The plantings that occur as part of site plan approval are not included as part of the compensation plantings. Why not?
4.1.9.5	"Where replanting is not possible on the subject property the planting can be directed off-site or cash-in-lieu of plantings will be required." There is no legislative authority for this in the Planning Act. Delete this requirement.
4.5.3.2.2	The last sentence should include the words in italics, "On a site known to be contaminated" a Record of Site Condition will also be required where a more sensitive land use is proposed.

4.5.4	Add the wording in italics to this section, Noise, vibration, and other emissions such as dust and odours " <i>which exceed MOE Guidelines,</i> " from specific land uses ...
4.5.4.2.13	Add the wording in italics to this section, New noise-generating activities " <i>which exceed MOE Guidelines</i> " will be located away from sensitive land uses.
4.5.4.2.14	"Drive-through lanes and similar uses adjacent to sensitive land uses will be avoided." What does adjacent mean in this case? What if a drive-through is permitted in the land use designation? Mitigation should be an option to deal with any potential issue. " <i>will be protected to the fullest extent possible.</i> "
4.7.9 Heritage Trees	Will heritage trees be identified in City parks and along City road allowances? The definition of a heritage tree in the glossary of the OP includes the " <i>beauty</i> " of the tree and a " <i>tree treasured by a community</i> ". Would the trees in Royal City recently cut down by the City have been considered heritage trees under these Draft OP policies? "Stormwater management facilities are not permitted in all land use designations on Schedule 2." I think that this statement needs to be reworded.
5.8.2.8	The Special Study Area south of Clair Road should correspond with the "Reserve Land" designation in the existing Official Plan. All the land south of Clair Road does not require a watershed study.
5.12.5.8	"In new developments, sidewalks shall be provided on both sides of the street except on streets with less than 10 units." Current City standards define the sidewalk requirements based on road width and classification and are working well.
5.12.21 Road Widenings	"Road widenings in excess of the ultimate widths listed in Table 5.1 may be required at intersections listed in Table 5.2 for traffic operation and safety improvements such as sidewalks, bike lanes, daylight triangles, turn lanes, channelization, transit priority measures, grade separations and where topographic challenges exist." Road widenings must be specifically identified in the Official Plan. There is no legislative authority in the Planning Act to

	take these additional road widenings.
6.3.2.2	<p>According to this policy, almost half of all new housing constructed in Guelph will be affordable housing (36% plus 90 accessory apartments annually) This is an inappropriate target for Guelph. Existing affordable housing should be included in the calculation and the housing target modified. The private sector should only be expected to provide affordable housing when municipal incentives are offered.</p> <p>Developers and builders cannot build residential units that are not profitable. Blocks of serviced land in an urban area meant for development will be sterilized with affordable housing designations (H) being applied. All housing in the City will become more expensive and unattainable for more purchasers while these blocks of land sit vacant.</p> <p>The restrictions on demolitions should be rethought. The City is proposing to demolish 14 affordable rental housing units in the downtown for the library relocation. Would this have been permitted under the proposed OP policies?</p> <p>Due to the unfavourable tax regime for rental housing many building owners are converting their properties to condominium and continuing to rent the units. This maintains the City's rental housing stock as a good investment and in good repair. This should be recognized by the OP policies.</p>
6.3.5 Retention of Existing Housing	
6.3.6 Condominium Conversion from Rental	
6.5.2.6	Is an "environmental corridor" defined in the OP?
6.5.10	The parkland dedication policies must be within the legislative mandate of the Planning Act. Additional land beyond the legislative requirements for park purposes may not be required by the City.
7.4.5	"Reverse lotting and 'eyebrow streets' flanking arterial and collector roads should be avoided."
7.6.9	What is the definition of an "eyebrow street" in the Official Plan?
7.7.3	<p>"Entrance features to new subdivisions, such as ornamental walls and signs are strongly discouraged." Why are gateway features encouraged on commercial and mixed use sites and at entrances to the City but not for residential development? This seems inconsistent.</p> <p>"Front facing garages should be no wider than half the width of the house. Garage doors should be recessed and not project ahead of the front wall of the house." Double car garages will be permitted only on a very few large lots in the City based on this policy. Garages should</p>

	be able to project ahead of the front wall if a front porch is provided.
7.14.7	<i>"Parking adjacent to identified natural heritage features and associated buffers should be avoided."</i> Parking is not encouraged in a front yard so it has to be provided somewhere.
7.14.11	<i>"Underground parking structures are encouraged and may be required to provide opportunities for intensification and open space amenities."</i> Underground parking is not always financially viable or physically possible and should not be required.
8.	Secondary Plans should not be required for Mixed Use Nodes.
8.3.2.2.3	This section should state that a Planning Justification Report for applications within the built up area "may" be required. It should not be necessary for every application.
8.3.2.10.2	The maximum GFA for Convenience Commercial should be increased to 400m ² to be consistent with the C.1 Zone. Alternatively is should be increased even higher since Convenience Commercial allows residential units in the same building and this will allow for small scale intensification in existing neighbourhoods.
8.3.6.1	The High Density designation permits townhouses therefore the minimum height in section 8.3.6.2.2 should be permitted to be 2 storeys and not 3 storeys.
8.3	The maximum building heights should be increased since these buildings will only be constructed if they are financially viable. The sub areas and policies related to the downtown should be reconsidered. Flexibility should be the main goal for the downtown polices. It is difficult to proposed redevelopment in the downtown due to heritage buildings, inadequate municipal services, inadequate hydro service, inadequate stormwater management facilities, land values and land assembly requirements. The Official Plan should not be a road block to reinvestment and redevelopment in the downtown.
8.5	Community Mixed Use Areas should not be required to accommodate residential development. How will the OP be interpreted in the Clair Community Mixed Use Area, for example, where only one corner does not have any development approvals? Will this corner be required to accommodate all 550 units allocated to this area? The mixed use nodes are for the most part surrounded by residential designations which should be adequate. The Draft Official Plan by requiring residential development proposes to take significant value away from the sites that

	are now designated Community Mixed Use.
8.5.1.3.2	Drive through Uses should be permitted as long as they meet specified locational criteria. The Official Plan should not prohibit them.
8.5.1.3.2.5	The minimum building height of 2 usable storeys for all buildings in the Mixed Use Node should not be a requirement. Single use larger buildings will not be able to achieve this in the Guelph market. Examples from downtown Toronto or Chicago to not translate to the Guelph land values and market reality.
8.5.1.5	Underground and structured parking is not financially viable in all cases.
8.5.1.6	Secondary Plans should not be required for Community Mixed Use Areas. The requirement for Secondary Plans will delay the development of these properties and little value since detailed concept plans are required in support of the zone change applications required for these sites.
8.8.4	<i>"In the Greenfield Area, the City shall plan to achieve average density targets of 70 jobs per hectare."</i> This exceeds the Places to Grow Target of 50 people and jobs per hectare and is entirely unrealistic.
8.13.2.3 Major Utility Designation	"The expansion of a major utility use or establishment of a new facility beyond the boundaries of the Major Utility designation outlined on Schedule 2 shall require an amendment to this Plan..." Utilities should not require Official Plan Amendments.
8.14.1 8.14.1 Special Study Areas Designation	The limit of the Special Study Area designation south of Clair Road should correspond with the "Reserve Lands" designation in the current Official Plan. In addition, all land south of Clair that will be subject to a future Secondary Plan should be shown as part of the Special Study Area. There should be no other (NHS) designations within this area. Designating the Natural Heritage System is premature until the servicing, stormwater management, traffic routes and land uses are determine for the "Reserve Lands". This will allow the area to be planned in a comprehensive manner. No development will be permitted prior to the Secondary Plan being completed for the Special Study Area.
9.10.4 Complete application	<i>"The date of application shall be date upon which all required information and material is submitted in a form that is satisfactory to the Director of Community Design and Development Services."</i> Should this state that, the date of a 'complete' application...?
9.11.8	<i>"The Zoning By-law may provide for certificates of occupancy for specified uses of land."</i> Please provide the legislative authority for the City to provide certificates of occupancy.

9.15.4 x) Site Plan Control	<p>“achieve the energy reduction targets of the City’s Community Energy Plan consistent with policies of this Plan.” Please provide the legislative authority for the City to require this through site plan approval. The entire section 9.15.4 of the Official Plan should be deleted since section 9.15.5 includes the items permitted pursuant to the Planning Act.</p>
10. Glossary	<p>Every word or series of words which is already defined in the Provincial Policy Statement should have the <u>same</u> definition in the Official Plan, particularly those words associated with the Natural Heritage System. The definition of “Significant” in the draft Official Plan goes far beyond what the PPS defines. The same is true for definitions provided in other legislation (ie. Building Code, Municipal Act, Condominium Act, Heritage Act) which includes definitions. The same definition should be used in the Official Plan.</p>
Ecosystem Services	What is the source of this definition?
Environmental Impact Study	The proposed definition is unclear. The definition in the current Official Plan should be used.
Heritage Tree	“Beauty” and “treasured by the community” are too subjective and should not be included in the definition.
Woodlands	What is the source of this definition?

Thank you for the opportunity to provide these comments. GWDA have been actively participating in the Official Plan process without significant changes to the proposed Official Plan being realized. The City needs to have considerably more dialogue with the GWDA. This needs to occur prior to the consideration of the proposed Official Plan by Council or any amendment to the existing Official Plan on a piece meal basis such as any amendment dealing with the Natural Heritage Strategy which the City is trying to unnecessarily expedite. We sincerely hope that our concerns will be satisfactorily addressed before entire the Official Plan returns to Council for a decision.

Yours truly,

A handwritten signature in black ink, appearing to read 'Alfred Artinger', written in a cursive style.

Alfred Artinger, P.Eng.
President

cc: Jim Riddell, Director of Community Design and Development Services
Marion Plaunt, Manager of Policy Planning and Urban Design

(GWDA.Draft Official Plan Comments.doc)



UPPER GRAND DISTRICT SCHOOL BOARD
500 Victoria Road North, Guelph, Ontario N1E 6K2
Phone: (519) 822-4420 Fax: (519) 822-9097

Martha C. Rogers
Director of Education

May 17, 2010

PLN: 10-21
File Code: R14
Sent by: mail & email

Mrs. Lois Giles
City Clerk, City of Guelph
City Hall, 1 Carden Street
Guelph, Ontario N1H 3A1

RECEIVED
MAY 19 2010

CITY CLERK'S OFFICE

Dear Mrs. Giles;

Re: Official Plan Update - OPA 49, City of Guelph

Further to my telephone message today, I would like to pass on a comment from the Upper Grand District School Board regarding the Official Plan Update - OPA 49. The Draft Schedule 2: Land Use Plan for OPA 49 indicates only 1 potential school site - a site which the UGDSB has an option agreement to purchase. The recent Central Guelph Accommodation Review has identified a need for the construction of that school in south Guelph - referred to by the Board as Kortright East - sometime prior to 2017.

Notably absent from Schedule 2 is a site which is present in the current OP Land Use Plan (Schedule 1) - a site located south of Grange and east of Cityview. The need for this site was established in the Eastview Secondary Plan and current student yields in the area would suggest that a second public elementary school will still be required - in addition to the recently opened Ken Danby PS.

In 2009 the Board's Education Development Charges (EDC) Background Study identified a need for a 500 pupil place school in Northeast Guelph and based on this determination the Board's EDC by-law includes a charge based on the need for a site for this school.

I am requesting this Potential School Site, as shown in the current Official Plan, be included on Schedule 2: Land Use Plan in OPA 49.

Please contact me at the number below, to further discuss this request.

Sincerely,

Dennis Cuomo MCIP, RPP
Manager of Planning
519-822-4420 Ext. 820

May 20, 2010

City of Guelph
Community Design and Development Services
Planning and Development Services
1 Carden Street
Guelph, ON
N1H 3A1

RECEIVED
MAY 20 2010
CITY CLERKS OFFICE

Attention: Mr. J. Riddell, MCIP, RPP
Director, Community Design & Development Services

Dear Sir:

Re: **City of Guelph Draft Official Plan
Our File 10- 529**

90 Eglinton Avenue East
Suite 701
Toronto, Ontario
M4P 2Y3
Tel. 416/968-3511
Fax. 416/960-0172
e-mail: admin@wndplan.com
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We act as planning consultants to Armel Corporation ('Armel') who is an owner of substantial landholdings within the City of Guelph. In this regard, we and our client have initiated a preliminary review of the recently-released Draft Official Plan and are providing the following preliminary comments as input to the further review and refinement of the document.

At this time, our comments focus on two components of the draft document:

1. The 'Community Mixed Use Node' component of the Plan, including surrounding planned residential land uses (Section 8.5); and,
2. The 'Natural Heritage Strategy' policies of the Plan (Section 4).

Once we have had an opportunity to review the complete document, additional comments will be provided on these and other sections of the Plan.

1. Community Mixed Use Node

The following comments deal with the draft Official Plan's approach to community mixed use nodes. In this regards, Armel's interests focus on its landholdings in the westerly portion of the City.

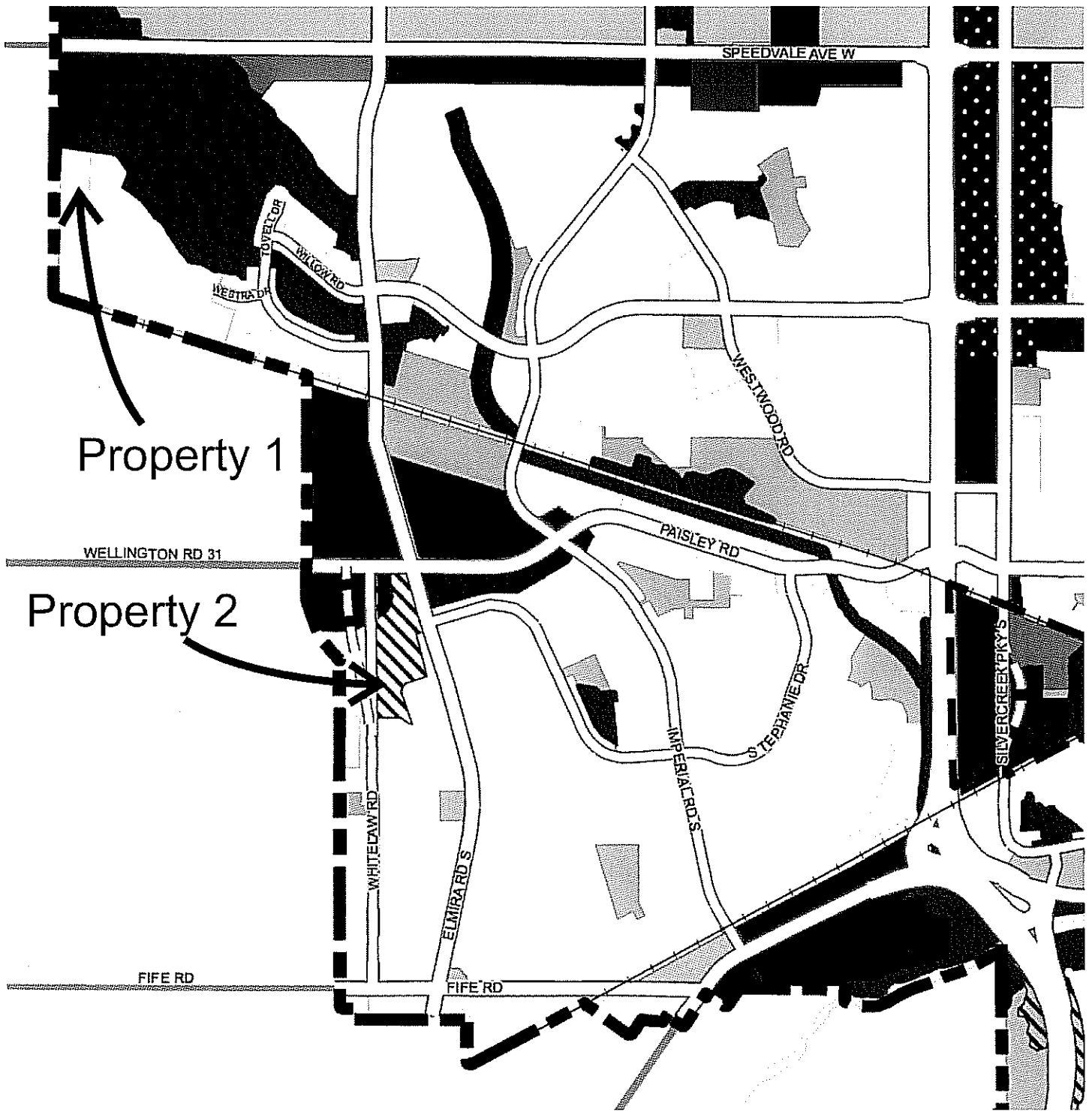
1.1 Guelph's Proposed Urban Structure

Building upon the City's Local Growth Management Strategy, Official Plan Amendment No. 39 ('OPA 39') provides the urban structure framework for the draft Official Plan. That urban structure framework consists of:

- A Provincial 'Urban Growth Centre' in the Downtown;
- Four 'Community Mixed Use Nodes', located in the north, east, south and west areas of the City (with a fifth node recently incorporated at Silver Creek Junction);

Peter R. Walker, FCIP, RPP
Wandy Nott, FCIP, RPP
Robert A. Dragicevic, MCIP, RPP
Senior Principals

Martha Coffey
Controller



Legend

- City Streets
- Future City Streets
- County Roads
- Railways
- Watercourses
- Waterbodies
- Corporate Boundary

Land Use Designations

- General Residential (Built-Up Area)
- General Residential (Greenfield Area)
- Medium Density Residential
- High Density Residential
- Downtown
- Mixed Use Corridors
- Community Mixed Use Areas
- Commercial Service
- Neighbourhood Mixed Use Centres
- Commercial Residential
- Industrial
- Corporate Business Park
- Institutional / Research Park
- Major Institutional

- Special Study Areas
- Regeneration Areas
- Major Utility
- Open Space and Parks
- Approved Secondary Plans
- Potential School Sites

- Natural Heritage System**
- Significant Natural Areas
 - Natural Areas

Lois Giles, City Clerk
City Hall 1 Carden St
May 19 2010

Comments on Official Plan Update(OPA 42) for Public Meeting of May 20 2010

I am out of the country and thus unable to attend the Public Meeting on May 20. The following are my comments on the current draft of the Official Plan Update (OPA 42). Please see that these are circulated.

The Official Plan Update (OPA 42) is a very important document. The inclusion of a Natural Heritage System in the Official Plan is essential to the sustainability of Guelph. The inclusion of a Natural Heritage System in OPA 42 fulfills the commitment made in the previous OP that:

3.3.2 The City will promote environmentally sustainable development by:

b) Continuing to move towards planning policies that are based on the principles of watershed planning, ecological systems planning and natural heritage systems planning, taking into account both landscape and ecosystem values;

The inclusion of a Natural Heritage System in the OP also fulfills a direction from the Province contained in the Growth Plan for the Greater Golden Horseshoe 2006, issued under the Places To Grow legislation.

4.2.1. Policies to Protect What is Valuable

4.2.1 Natural Systems

3 Planning authorities are encouraged to identify natural heritage features and areas that complement link or enhance natural systems

I strongly support the inclusion of a Natural Heritage System in OPA 42. The current draft has three major deficiencies in the NHS specifications that be remedied to meet the requirements of 3.3.2(b) that ecological systems planning and natural heritage systems planning will take into account both landscape and ecosystem values.

Before I specify these three deficiencies I want to emphasize that the deficiencies arise in large measure from a failure of the planning process for this amendment of the OP to take account of the core values of Guelph that were expressed well in the previous OP. These values need to be reaffirmed and given the same prominence in the new OP as they rightfully had in the previous version.

The current OP has a good balance of the three core elements of good planning as set out in the Canadian Institute of Planners definition of planning. "Planning means the **scientific aesthetic and orderly** disposition of land resources, facilities and services with a view to securing the physical economic and social efficiency health and well-being of urban and rural communities." Please note the importance attached to the aesthetic aspects of planning in this definition, ranking with the need for a scientific basis for decisions and a systemic fair and coherent presentation of planning rules.

The current OP gives due regard to the aesthetic aspect of planning. In section 2.3 it requires planning

that enhances the visual qualities of the City. In section 3.2 it requires protecting of Guelph's existing beauty,..... marked by rolling hills and scenic river valleys.... blanketed by a canopy of mature trees, and declares that continued preservation of important natural areas and watercourses will add to Guelph's unique environment. In section 3.5.1 the means of this continued preservation are spelled out as restoration, protection, maintenance and enhancement of cultural heritage landscape resources.

The importance of aesthetics is picked up in section 3.6 on Urban Design in objectives:

c) To practice environmentally sustainable urban development by adhering to urban design principles that respect the natural features, reinforce natural processes and conserve natural resources.

e) To ensure that the design of the built environment strengthens and enhances the character of the existing distinctive landmarks, areas and neighbourhoods of the City.

f) To ensure that the design of the built environment in new growth areas integrates with the natural setting and uses built-form *elements* from the older, established areas of Guelph.

m) To preserve and enhance the existing protected views and vistas of Guelph's built and natural features, identify potential new views and vistas and establish means to protect these from encroachments or discordant elements.

Implementation is governed by section 3.6.7

3.6.7 Existing protected views to the Church of Our Lady shall be respected and measures to identify and protect other views and vistas to *natural heritage features* or *cultural heritage resources* may be considered.

#1. The City may initiate studies from time to time to identify significant views and vistas. These studies will clearly specify the methodology and criteria for assessing visual significance.

Section 6 (Natural Heritage Features) of the existing OP returns to the theme of aesthetic values, including in the objectives:

(c) To protect, preserve and enhance land with unique or environmentally significant natural features and ecological function

(d) To maintain and enhance natural river valleys, vistas and other aesthetic qualities of the environment.

The three large and important deficiencies in the treatment of the NHS in OPA 42 stem in large measure from a neglect of the aesthetic aspects of natural heritage system elements. This disregard for aesthetic values is bad planning – as noted by the CIP – and does not correspond to the long held values of Guelph residents or to the values set out in our Official Plan. Guelph residents, and indeed most people everywhere place high value on the beauty of their surroundings and spend large amounts of money adding to the beauty of the homes and gardens, take pride in the beauty of their urban setting and make special efforts to repeatedly visit areas whose natural beauty adds great value to their lives.

The current form of the NHS fails in three ways to protect, preserve and enhance land with unique or environmentally significant natural features and ecological function and to maintain and enhance

natural river valleys, vistas and other aesthetic qualities of the environment.

(1) Paris Moraine Features

The City of Guelph has a commitment to preserve the iconic landscape feature of the Paris Moraine in the southern edge of the City. Preservation of special landscape features is not a new element in land planning in Ontario. The preservation of the Niagara Escarpment was an early, and largely effective action that recognized the aesthetic value of this landform. More recently the protection given to the Oak Ridges moraine was a further move for landform protection. Other jurisdictions in the United States, especially Wisconsin and Minnesota, have moraine-protection planning.

The current OPA 42 definition of the moraine segments to be protected is based correctly on the important aspect of moraine topography, closed drainage systems, but is too restrictive in that the boundaries of the delineated areas are based partly on a selection of “steep” slope (20%) that is arbitrarily larger than the 15% used to define steep slope in the Provincial Policy Statement, and the area delineated by slope and length of slope does not include all of the hummocky features that produce the hydrologically-important characteristics of the moraine features. The justification offered for preserving moraine features misses the key hydrological aspect of the moraine. It correctly states that the closed-drainage topography of the moraine produces high recharge amounts and the moraine is thus of great importance in sustaining groundwater flow.

The important point that is missed is the role of the moraine in providing recharge free of persisting toxic contaminants and thus being the major source of high quality recharge to the bedrock groundwater system. Because of its rough topography the moraine has not been built upon to any significant extent and is either in natural vegetation or in cropped farmland use. Naturally vegetated surfaces provide very high-quality water and preserving or restoring natural vegetation on large elements of the moraine is by far the most effective way of preserving and enhancing groundwater quality.

The moraine elements to be protected in the Natural Heritage System should be delineated using the hydrological definition of moraine features that was used in the Halton Creek Business Park to identify the moraine area in the southern portion of the HCBP. City staff are familiar with this procedure through the studies done for the HCBP. Use of this most expansive definition of moraine area will go a long way to satisfy the aesthetic requirements for preservation of moraine features. Nevertheless, because of the importance of the appearance of the moraine as the southern gateway and framing for the built form of the City, a study to identify the significant views and vistas of the moraine, as called for in section 3.6.7 of the current OP, needs to be done to be sure the defined protected area of the moraine is sufficient to preserve the most important views and vistas.

Once a suitably generous portion of the moraine is designated for preservation a buffer of 300 m needs to be established around it with provision for activities in the buffer area to be restricted to protect the moraine from encroachment or discordant elements.

(2) Buffers at the top of valley slopes

As noted in the current OP valleys of rivers and creeks are a very important and distinguishing feature of City landscapes. The importance of valleys is widespread in urban planning, specifically in Ontario where they are specifically mentioned in the Provincial Policy Statement. In Toronto valleys and ravines are also defining features and the fierce protective reaction to encroachment is a defining feature of civic life in Toronto. The recent addition of Toronto's Ravines to the Greenbelt is further evidence of the importance attached to them.

Guelph has adopted a River System Management Plan, putting it ahead of other Canadian cities (with the exception of Saskatoon) in identifying planning principles and practices that should be implemented to preserve and enhance river and stream valleys. The River System Management Plan was developed for the Speed and Eramosa River Valleys as a first step in defining City policy for stream valleys. Financial limitations prevented the more complete study of all valleys that would have been more appropriately comprehensive. The principles and policies of the RSMP are robust and can be easily expanded to include similar treatment of all valleys.

As part of OPA 42 key recommendations on treatment of valleys in the RSMP should be included in the protection afforded valley portions of the NHS. One glaring omission of the current OPA 42 draft is the absence of vegetated buffers at the top of slope of all valleys. This was a key recommendation of the RSMP and has been instituted as City policy in the treatment of planning proposals for any development adjacent to top of bank for the last 12 years. A vegetated buffer of at least 5 m and much better 15 m at the top of bank must be included as a provision of OPA 42 for all valley land.

(3)Protection of Significant Wooded Areas and Valley Lands

It is vitally important that all existing elements identified by the NHS study as having NHS values be preserved. The largest deficiency in this regard is the omission of the magnificent wooded slope, and top of slope mature trees, that forms the backdrop to Riverside Park along the east bank of the the Speed River downstream from Woodlawn. This wooded slope defines the beauty of Riverside Park and the Speed Valley for park visitors on the west bank and for the many people who treasure the trail experiences on the east bank. It provides a lift and glimpse of beauty available to every motorist, cyclist and pedestrian who travels east on Woodlawn. Loss of this wooded slope and the vista it provides would be a scar that forever diminishes life in Guelph.

The failure to recommend protection this identified portion of the NHS is particularly egregious since the City has gone to great pains to preserve the wooded slope on the east bank of the Speed River adjacent to this site both north of Woodlawn and on the development approved for golf course lands to the south of the threatened wooded slope.

The matter of the preservation of this vista is urgent. A study, defined by 3.6.7.1 of the current OP, must be conducted immediately to confirm the importance of this vista. For the period of study the authority of the City under section 38 of the Planning Action must be invoked to ensure no action is taken to jeopardize the actions that would be recommended by the study. The study area would be defined by a boundary 15 m from the top of slope from Speedvale to the southern boundary of Riverside Park, continuing along the boundary of Riverside Park at, or parallel to Woolwich Street to Woodlawn, continuing along Woodlawn to the top of slope and thence southerly 15 m east of the top of slope to the east portion of Riverside park and then along the Park boundary to Speedvale and west along Speedvale to the starting point.

To summarize the three deficiencies to be remedied are (1) enlargement of the moraine protection area as suggested and with buffers (2) provision of buffers on all valley lands at top of slope and (3) protection of all lands determined to have NHS value starting with the wooded slope on the East bank of the Speed at Woodlawn.

A concluding comment is that there should be uniformity in the inclusion of stormwater-management elements in the OPA 42. There are some stormwater-system elements that are included either as valley lands or wetland elements and I support this inclusion. The Stormwater Master Plan under preparation has a large emphasis on "natural" treatment of stormwater and new stormwater treatment systems should be designed to function as natural heritage system elements. Many older stormwater ponds already function as natural heritage elements even though this was not an intended

outcome. OPA 42 should acknowledge the natural system function of some stormwater elements and have a category of NHS stormwater elements with suitable description of how such elements should be designed and managed.

Thank you for taking time to consider my suggestions.

Hugh Whiteley

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File: P-1865

May 20, 2010

City of Guelph
1 Carden Street
Guelph, Ontario
N1H 3A1

Attention: Ms. Lois Giles
City Clerk

Re: City of Guelph Official Plan Amendment No. 42
Guelph Watson 5-3 Inc.
c/o Metrus Development Inc.
City of Guelph

Dear Ms. Giles:

As you are aware, KLM Planning Partners Inc. acts on behalf of Guelph Watson 5-3 Inc. in relation to their lands located on the north and south side of Starwood Drive, immediately west of Watson Parkway North.

Further to our comments provided in writing to Ms. Marion Plaunt and dated March 31, 2010 as it relates to the City of Guelph Official Plan Amendment No. 42, our concerns continue to be as follows:

1. The draft land use schedule proposes three different land use designations for the Guelph Watson 5-3 Inc. lands on the north side of Starwood Drive, including High Density Residential, Medium Density Residential and Community Mixed Use.

It continues to be our opinion that given the size (approx. 5.5 hectares excluding the library), configuration and the recently constructed library, it is our opinion the City is continuing to try and “shoe horn” too many land uses onto a small parcel of land.

The draft Official Plan sets out a maximum retail floor space for the “Watson Community Mixed Use Node Area” at 28,000 square metres. This is continuation of the policy in the existing City of Guelph Official Plan. As noted in our earlier correspondence, we understand that Loblaws is planning on utilizing

approximately 11,800 square metres which continues to leave a residual of 16,200 square metres of commercial floor area.

If the Guelph Watson 5-3 Inc. lands were to be developed exclusively with retail uses, at approximately 20% coverage it would only yield an estimated 11,000 square metres of retail floor space. It would seem as though the retail targets set for this node cannot be achieved and will be in direct conflict with the higher density residential development that is proposed.

2. The draft Official Plan continues to include a High Density Residential designation on the Guelph Watson 5-3 Inc. land. It continues to be our opinion this is not an appropriate location given that it is not adjacent to a major intersection, has limited transit opportunities in the area and is not compatible with the surrounding community which consists largely of single detached dwellings.
3. As stated in our earlier correspondence, it remains our opinion the Guelph Watson 5-3 Inc. lands are better suited to permit medium density residential uses which as outlined in the current draft, will permit up to a maximum of 100 units per hectare. The housing type and density permitted will be in keeping with the surrounding community and will provide a critical mass that would support transit and the commercial uses and provide a pedestrian friendly built form along the Watson Parkway street edge.
4. As a general comment, the draft Official Plan continues to set height limitations. In our opinion, the height limitations should be removed so that it will promote compact urban forms. Further, if the thought is to have height restrictions so that density bonusing will come into effect should a proponent wish to exceed the maximum height requirement, this will continue to act as a disincentive rather than an incentive, especially if additional fees will need to be paid in order to allow for the additional height.

Based on the above, it remains our opinion the Guelph Watson 5-3 Inc. land is better suited to develop solely with a Medium Density Residential designation as opposed to the High Density Residential and Community Mixed Use Node designations that are contemplated in the current draft Official Plan.

We have made numerous requests to meet with staff in order to discuss our concerns with the draft Official Plan. Although we have not received any response, we are still available and would appreciate meeting with staff to discuss the above noted concerns.

Finally, we request to be notified of any decisions related to Official Plan Amendment No. 42.

Yours very truly,

KLM PLANNING PARTNERS INC.

A handwritten signature in black ink, appearing to read 'K MacKinnon', written over a faint, illegible stamp or background.

Keith MacKinnon, BA, MCIP, RPP
Partner

- cc. Mr. Fraser Nelson – Metrus Development Inc.
- cc. Mr. Peter Murphy – Metrus Development Inc.
- cc. Mr. Chris DeVriendt – City of Guelph
- cc. Mr. Greg Atkinson – City of Guelph



ZELINKA PRIAMO LTD
A Professional Planning Practice

VIA EMAIL AND REGULAR MAIL

May 20, 2010

Clerk's Department
City of Guelph
City Hall, 1 Carden Street
Guelph, ON
N1H 3A1

Attention: Ms. Lois A. Giles, City Clerk

Dear Ms. Giles:

**Re: City of Guelph Draft Official Plan Amendment Number No. 42
Preliminary Comments on Behalf of Loblaw Properties Limited
Guelph, Ontario
Our File: LPL/GPH/04-01**

We are the planning consultants for Loblaw Properties Limited (Loblaw) for City of Guelph draft Official Plan Amendment No. 42. Loblaw is the owner or lease holder of the following lands within the City of Guelph, including lands that are currently subject to planning approvals:

- The vacant lands at 115 Watson Parkway North (formerly 72 Watson Road North), which are subject to a Zoning By-law Amendment Application (File No. ZC0512) and an application for Site Plan Approval (File No. SP05C051);
- The vacant lands at 1750 Gordon Street, which are subject to an application for Site Plan Approval (File No. SP07C013). Please note that GSP Group are the agents for the application and have been copied on this letter;
- The existing Zehrs store at 1045 Paisley Road;
- The existing Zehrs store at 297 Eramosa Road;
- The existing No Frills store at 191 Silvercreek Parkway North; and
- The existing No Frills store at 35 Harvard Road.

On Thursday April 29, 2010 Loblaw was made aware of the draft Official Plan Amendment No. 42. On behalf of Loblaw, we have preliminary comments as outlined below, and will continue to review the draft Official Plan Amendment policies in more detail, and may provide further comments as required.

At this time, our preliminary comments are as follows:

- In general:
 - The ongoing Zoning By-law Amendment and Site Plan Approval applications as described above should continue to be considered under the current, in force, Official Plan and policies;

- We respectfully suggest that there should be wording to provide for flexibility or a recognition that policies will be implemented and transitioned over the long term as development and intensification comes to fruition;
 - It may be appropriate to include wording for implementation of the Official Plan Amendment whereby existing development approved under previous amendments are deemed to conform to the Official Plan, and that minor extensions or expansions of non-conforming development are permitted without amendment; and
 - The overall application of Built Form, Public Realm and other urban design policies may not be applicable or appropriate to individual sites, and may result in unforeseen adverse conditions when not allowing for flexible implementation and interpretation of the policies.
- Section 4.1.4.1.3: For the new minimum buffers and adjacent lands that are as summarized and shown in Table 4.1, based on our preliminary review, the lands at 115 Watson Parkway North may be subject to buffers related to the Natural Heritage designations on Schedules 4, 4A, 4B, 4C, 4D and 4E. Clarification is requested as to how the required minimum buffers relate to the work that has been prepared for the valley lands as well as the recommendations that were previously accepted by the City.
 - Section 4.1.7.2.1: It is unclear as to basis for the wildlife crossing location designation near the lands at 115 Watson Parkway North as shown on Schedule 4. Details and clarification are requested.
 - Section 4.6.5.1.1.v: We have a concern that “ensuring” the energy efficient building design policies may not provide flexibility in the requirements, including those for a green or reflective roof when photovoltaic technology is proposed. In addition, the implications of minimizing surface parking are not clear.
 - Section 4.7.7.1: With the existing Zehrs store at 1045 Paisley Road proposed to be designated Areas of Potential Archaeological Resources on Schedule 10, we request confirmation as to the basis for the designation in order to confirm whether the designation is appropriate.
 - Section 5.4.2.3: A definition of “Municipal services” is not provided, and it is not clear whether roads would be included. Clarification is requested.
 - Section 7.4.9: We have a concern that there is a lack of flexibility in the Public Realm policies related to locating built form and placing principal building entrances towards the street and maintaining or extending a continuous building façade or streetwall along the street. We would suggest that “New development shall be designed...” be changed to “New development is encouraged to be designed...”
 - Section 7.5.6: The wording “where possible” has been removed from the existing policy 7.4.46.2, while the “visual access” wording is new. We have a concern that the policy no longer provides for flexibility, while the term “visual access” lacks clarity. In addition, we are concerned that the lack of flexibility will create a conflict with Section 7.4.9 where built form is required to be placed adjacent to the street edge.
 - Section 7.8.1: For the lands within a Greenfield area such as 115 Watson Parkway North, there is currently no prevailing neighbourhood pattern to enhance. The policy related to blank facades will impact upon large commercial

buildings where exterior walls may not have consistent windows at ground level due to the requirements of internal operations.

- Section 7.8.8: We have concerns with the requirement that buildings be “unique” to a site and not simply reflect a standard corporate or franchise design. Franchise or prototype buildings change over time, and within a municipality there may be several different existing prototypes. Prototype buildings are carefully considered and reflect the internal operations and needs of a retail commercial use and the public. In addition, the policy may be in conflict with the Urban Design Objective under Section 7.1.h), since prototype buildings can provide for a range of architectural styles and promote expression and diversity in urban form and architectural design while responding appropriately to the local context and achieving compatibility.
- Section 7.14.7: For 115 Watson Parkway North, the avoidance of parking adjacent to the proposed buffer for the natural heritage feature is difficult at best. It is not clear whether there must be an intervening building, or whether a landscape strip qualifies as a separator. If not the latter, then it would be impossible, not difficult to accommodate, since long buildings cannot be placed at both the street edge as required under 7.4.9 and the back of the lands as required under 7.5.6.
- Section 7.14.11: There is a lack of clarity as to how and when underground parking structures “may be required” and whether any financial incentives will be provided by the City.
- Sections 7.22.1 through 7.22.4: We have a concern with the lack of flexibility whereby urban squares “shall generally be included”, while the lands for urban squares would only be provided through easement or dedication and not through expropriation or purchase. In addition, it is not clear whether lands to be provided for urban squares will be included under the minimum and maximum FSI calculation as required under Section 8.5.
- Community Mixed Use Area Policies:
 - Sections 8.5.1.1.e and 8.5.1.1.g: It is unclear whether development can proceed prior to the preparation of a Secondary Plan and as to how residential uses will be ensured to locate within each Community Mixed Use Area.
 - Section 8.5.1.2.8: We request clarification as to the intention for the most restrictive parking standard that will apply to mixed use and main street type development.
 - Section 8.5.1.3.2: We have a concern that drive-through facilities including gas bars will no longer be permitted. We are unaware of any specific justification to remove the permissions for drive-throughs and gas bars.
 - Section 8.5.1.3.5: We are concerned with the new requirement for a main street-type environment and for freestanding individual retail uses exceeding 5,575 sq. m to locate on peripheral sites. There is a lack of clarity as to the definition of peripheral sites and how the policy will be interpreted for lands such as 115 Watson Parkway North and 1750 Gordon Street. In addition, there is a lack of justification of a requirement to locate freestanding individual retail uses exceeding 5,575 sq. m on peripheral sites.
 - Sections 8.5.1.4.1 and 8.5.1.4.3: We have concerns with the policy to require a minimum total floor space index (FSI) of 0.5 and a specific number of

residential units, as it is unclear where or how the residential units will be accommodated. The minimum FSI of 0.5 is well above current retail commercial FSI, and is related to the policies limiting surface parking, potentially requiring parking structures and requiring a minimum of 2 storeys. In addition, it is not clear whether expansions to existing buildings would need to be at 0.5 FSI. Lastly, it is not clear as to whether Buffer Areas as proposed to be required under Table 4.1 will be counted in the FSI calculation.

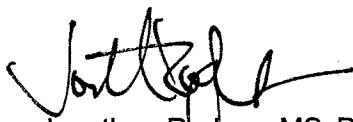
- Section 8.5.1.4.5: We have a concern with the minimum requirement of two (2) storeys of usable space for development. There is a lack of flexibility, for example, for the permitted freestanding individual retail uses exceeding 5,575 sq. m, while it is not clear whether a partial mezzanine would satisfy the 2 storey requirement for “usable space”. For existing development it is not clear whether a building expansion would need to be a minimum of two storeys.
- Section 8.5.1.4.7: For 115 Watson Parkway North within the Greenfield Area, a concept plan with future phasing will be required to achieve a minimum initial FSI of 0.3. We have a concern that the ultimate concept plan provisions may affect the design and function of the initial development. In addition, as noted above, it is not clear as to whether Buffer Areas as proposed to be required under Table 4.1 will be counted in the FSI calculation.
- Section 8.5.1.5.1: The policy confuses the interpretation of Section 7.14.11, where underground or structured parking may be required. Clarification is requested.
- Section 8.5.1.6.1: It is not clear from the policy whether development can proceed prior to the preparation of a Secondary Plan. Clarification is requested.
- Mixed Use Corridor Policies:
 - Section 8.5.2.3.2: We have a concern that drive-through facilities including gas bars will no longer be permitted. We are unaware of any specific justification to remove the permissions for drive-throughs and gas bars.
 - Sections 8.5.2.4.1 and 8.5.2.4.2: It is not clear how 8.5.2.4.1 and 8.5.2.4.2 interact, since there appears to be maximum of 0.5 FSI under 8.5.2.4.1 and a maximum of 2.5 FSI for commercial development under 8.5.2.4.2.
 - Section 8.5.2.4.4: For the minimum of two (2) storeys of usable space for development, it is not clear whether the requirement would apply to expansions to existing buildings.
 - Section 8.5.2.5.1: The policy encouraging underground or structured parking confuses Section 7.14.11, where underground or structured parking may be required.
- Neighbourhood Mixed Use Centre Policies:
 - Section 8.5.3.3.2: We have a concern that drive-through facilities including gas bars will no longer be permitted. We are unaware of any specific justification to remove the permissions for drive-throughs and gas bars.
 - Section 8.5.3.4.2: For the minimum of two (2) storeys of usable space for development, it is not clear whether the requirement would apply to expansions to existing buildings.
 - Section 8.5.3.5.1: The policy encouraging underground or structured parking confuses Section 7.14.11, where underground or structured parking may be required.

We would welcome the opportunity to meet with Staff to discuss our preliminary comments and a process for implementing appropriate policies while working towards the goals of draft Official Plan Amendment No. 42 over the longer term.

Should you have any questions, or require further information, please do not hesitate to call. In addition, please kindly add the undersigned for notification of any further meetings with respect to this matter as well as notice of the adoption of the Official Plan Amendment.

Yours very truly,

ZELINKA PRIAMO LTD.



Jonathan Rodger, MScPI, MCIP, RPP
Senior Planner

- cc. Loblaw Properties Limited (Via Email)
- Mr. Steven Zakem, Aird & Berlis LLP (Via Email)
- Mr. Hugh Handy, GSP Group (Via Email)
- Mr. Al Hearne, Senior Development Planner, City of Guelph (Via Email)
- Mr. Greg Atkinson, Policy Planner, City of Guelph (Via Email)



May 20, 2010

Our File No: 1073

City of Guelph
City Hall, 1 Carden Street
Guelph, ON
N1H 3A1

Attn: Lois Giles, City Clerk

**Re: City of Guelph Official Plan Update (Official Plan Amendment No. 42)
Loblaw Properties Limited & Fieldgate Commercial Properties Limited
1750 Gordon Street, City of Guelph**

We act as planning consultants for Loblaw Properties Limited ("Loblaw") and Fieldgate Commercial Properties Limited ("Fieldgate") on a commercial development at the northeast corner of Clair Road and Gordon Street.

We are in receipt of a letter from Zelinka Priamo Ltd. dated May 20, 2010 in which they make comment on a number of issues and concerns related to OPA 42 ("draft OP") on behalf of Loblaw for all their sites in Guelph, including 1750 Gordon Street (the "Site").

Our firm has worked with Loblaw for a number of years on the planning and development of this Site. The Site at the northeast corner of Clair Road and Gordon Street is current designated as part of the Mixed Use Node and has a site specific zone (CC-17) to implement the proposed commercial development. There is currently an active site plan approval application for the Site (File No. SP07C013). It is our opinion that this site plan approval application should continue to be considered under the current, in force, Official Plan and policies.

In the fall of 2009, site plan approval was given for Phase 1 of the development, which includes two banks at the corner of Clair Road and Gordon Street (CIBC and Meridian), a City of Guelph bus transit transfer on Clair Road and an LCBO at the corner of Clair Road and Farley Drive. A parcel containing the two banks and another parcel containing the LCBO are now owned by Fieldgate and are currently under construction. Phase 2 of the development is planned for a major food store on the north end of the Site and will require site plan approval by the City.

On behalf of Loblaw and Fieldgate, we would echo the preliminary concerns brought forward in the May 20, 2010 Zelinka Priamo letter. We would also reserve the opportunity to further comment on the draft OP after meeting with City staff and reviewing the document in greater detail.

PLANNERS
URBAN DESIGNERS
LANDSCAPE ARCHITECTS

KITCHENER OFFICE

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While we understand the City would like to see a greater intensification and use of the proposed Clair Community Mixed Use Areas, there is no recognition in the draft OP of current planning approvals for the Site or transition policies to allow for the proper, orderly and timely build-out of this commercial development. A number of policies have been included in the draft OP that "prescribe" intensification of these Community Mixed Use Areas, rather than supporting a natural evolution of these areas over time. In addition, policy changes proposed in the draft OP related urban design and architecture design have the potential to be quite onerous and possible not achieve the end result which we believe the City desires. Also, there appears to be no justification for the removal of gas bars and drive-throughs from this designation.

Accordingly, we would appreciate the opportunity to meet with City staff to discuss the nature of our preliminary concerns, as well as those raised by Zelinka Priamo. Ultimately, we would like to achieve a balance between our current planning approvals and the City's long term vision for the Clair Community Mixed Use Area.

We would request that we be added to the notification list with respect to any further meetings on this matter. Further, we would appreciate formal notification of the adoption of Official Plan Amendment No. 42.

Thank you for the opportunity to provide you with our preliminary comments. Should you have any questions in the meantime, please do not hesitate to contact me.

Yours very truly,

GSP Group Inc.



Hugh Handy, MCIP, RPP
Associate

cc Mr. Steve Thompson, Loblaw Properties Limited (Via Email)
Mr. Matthew West, Fieldgate Commercial Properties Limited (Via Email)
Mr. Steven Zakem, Aird & Berlis LLP (Via Email)
Mr. Jonathan Rodger, Zelinka Priamo Ltd. (Via Email)

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MAY 19 2010
CITY CLERK'S OFFICE



May 18th, 2010

File No.: 6058.30

City of Guelph
City Hall, 1 Carden Street
Guelph, Ontario
N1H 3A1

Attn: Lois Giles, City Clerk

**Re: Draft Official Plan
Gordon Creek Developments Inc.
1291 Gordon Street, Guelph**

PLANNERS
URBAN DESIGNERS
LANDSCAPE ARCHITECTS

As the authorized agent for Gordon Creek Development Inc., we are pleased to provide comments on the draft Official Plan for the City of Guelph ("draft OP"), dated April 2010. We appreciate the opportunity to provide comments on this important initiative.

By way of background, Gordon Creek Development Inc. submitted a Zone Change application in July of 2009 for land known municipally as 1291 Gordon Street (the "Site"). The Zone Change application is requesting that the Site be rezoned to permit a 6-storey multi-residential building plus one level of underground parking. We note that GSP submitted previous comments on February 24th, 2010 on behalf of Gordon Creek Development Inc. regarding the draft Natural Heritage Strategy.

Schedule 1 ('Growth Plan Elements') to the draft OP identifies the Site as being part of the "Built-up Area" with an "Intensification Corridor Overlay". The Site is designated on Schedule 1 ('Land Use Plan') as "Medium Density Residential" and "Significant Natural Area". Schedule 4, the 'Natural Heritage System' illustrates an "Ecological Linkage" on the Site (deer corridor).

The 'Areas of Natural and Scientific Interest, Habitat for Provincially Threatened and Endangered Species Significant Wetlands' map (Schedule 4A) illustrates the Provincially Significant Wetland (PSW) and wetland buffer on the Site as extending to Gordon Street.

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Our comments relate to two general policy areas in the draft OP:

1. Proposed buildings heights in Medium and High Density Residential Designations
2. Wetland and wetland boundary mapping

Item #1: Proposed Building Heights

The draft OP permits a maximum building height of five (5) storeys and a maximum density of 100 units per hectare in the Medium Density Residential designation. We note that the existing Official Plan does not provide a height limit on the Site ("General Residential" designation) and regulates building form through a maximum permitted density of 100 units per hectare. In light of the existing policies, an Official Plan Amendment was not required on the Site to permit the proposed six (6) storey residential building plus an underground parking level. The applicant applied to the City for a Zoning By-law Amendment to implement the existing General Residential Designation.

While the building height in the new Medium Density Residential designation is proposed to be limited to five (5) storeys, the Site forms part of intensification corridor. The intensification corridor is to be planned to achieve *'increased residential and employment densities that support and ensure the viability of existing and planned transit service levels'*. Land on the east side of Gordon Street (across from the Site) also forms part of the intensification corridor and is designated "High Density Residential". This designation permits a building height of ten (10) storeys. Land immediately south of the Site is designated as a "Neighbourhood Mixed Use Centre".

Section 7 of the draft OP outlines the urban design policies for the City. Section 7.8.1 states that the built form for new buildings shall *'have front façades with entrances and windows that face the street and that reflect and, where appropriate, enhance the rhythm and frequency of the prevailing neighbourhood pattern'*. The draft OP states in Section 7.10 that the built form for mid-rise buildings is between four (4) to six storeys (6) and high-rise buildings are above six (6) storeys. Where there is a transition between different land uses:

Development will be designed to create an appropriate transition through the provisions of roads, landscaping, spatial separation of land uses and compatible built form. Where proposed buildings exceed the built height of adjacent buildings, the City may require the new buildings to be stepped back, terraced or set back to reduce adverse impacts on adjacent properties and/or the streetscape (Section 7.13.1 and 7.13.2).

We would appreciate the opportunity to discuss with the City the rationale for the height limitation of 5 storeys on the Site given our current zoning application and the proposed "High Density" designation on the east side of Gordon Street. Further, the urban design policies envision mid-rise building form between four (4) to six (6) storeys in height, while the policies for the Medium Density Residential limit the height to five (5) storeys.

Item #2: Wetland Boundary Delineation

Draft Schedule 4B, 'Areas of Natural and Scientific Interest, Habitat for Provincially Threatened and Endangered Species Significant Wetlands' map to the draft OP illustrates the location and extent of wetlands and the associated buffers in the City. The map illustrates the Provincially Significant Wetland (PSW) and wetland buffer on the Site as extending to Gordon Street.

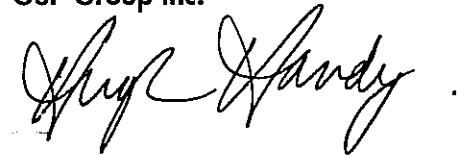
It is our understanding through conversations with City staff that this schedule was generated from the base mapping information prepared by the Ministry of Natural Resources using aerial photography. Both the Official Plan and watershed mapping delineated the extent of wetlands in the City through the use of aerial photography as opposed to on-site investigations.

As part of the Zone Change application for the Site, the applicant retained Stantec Consulting to prepare an Environmental Impact Statement (EIS). The EIS included an on-site evaluation of the wetland and delineated the actual extent of the wetland and wetland buffer. The extent of the wetland on the Site, as illustrated in the EIS, has been confirmed by both the Grand River Conservation Authority and the City of Guelph and endorsed by the Guelph Environmental Advisory Committee on April 14th, 2010. We would request that Schedule 4B be updated to reflect the actual extent of the PSW and the 30 metre wetland buffer boundary.

We would be happy to discuss these issues in greater detail with the City. Also, we would appreciate a written response to the issues raised in this letter. Should you have any questions or comments in the meantime, do not hesitate to contact me.

Yours very truly,

GSP Group Inc.



Hugh Handy, MCIP, RPP
Associate

cc: Paul Aneja, Gordon Creek Development Inc.
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John Valeriote, Smith Valeriote, LLP
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Jessica McEachren, City of Guelph
Katie Nasswetter, City of Guelph



May 20, 2010

File No.: 10051.93

City of Guelph
City Hall, 1 Carden Street
Guelph, Ontario
N1H 3A1

Attn: Lois Giles, City Clerk

**Re: City of Guelph Official Plan Update –
Official Plan Amendment No. 42
SmartCentres – 6 & 7 Developments Ltd.
11 Woodlawn Road West, City of Guelph**

We act as planning consultants on behalf 6 & 7 Developments Ltd., GSP Group has reviewed the draft Official Plan entitled envision Guelph for the City of Guelph ("draft OP"), dated April 2010 on behalf of our clients. We are providing our preliminary comments on OPA 42 at this time. We will provide additional comments in the near future following meetings with City staff and based on further review of the document.

6 & 7 Developments Ltd. owns a property at the northwest corner of Woodlawn Road and Woolwich Street (the "Site"). The Site is approximately 40 acres in size and contains a recently expanded Walmart store (now a Supercentre) and two additional commercial buildings.

The City granted zoning and Site Plan approvals in 2006 for the first phase of the Walmart store, as well as an additional 20,000 sq.ft. of retail space. Full Site Plan Approval and zoning for the full build-out of the Site was granted by the City in early 2009. These approvals required working very closely with Council and City staff to ensure the overall vision for the future development of the Site was implemented appropriately. With that in mind, it is our opinion that the site plan approval for the Site should continue to be considered under the current Official Plan and related policies.

The proposed designation of the Site in the draft OP is "Community Mixed Use Area" (more specifically the Woodlawn Community Mixed Use Area). The proposed designation essentially brings forward the overarching policy direction as a commercial node from the current Official Plan. While the overall importance of the Site for commercial use has generally been recognized by the draft OP, after reviewing the document we have a number of concerns and issues that we would appreciate further clarification from City staff.

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The following represents our preliminary concerns based on our review of the document to date, as follows:

1. **Strategic Directions (Section 2)** – There is no recognition of the overall importance of existing commercial areas or the existing commercial structure in Guelph.
2. **Urban Form Policies (Section 3)** – Requires residential uses in the Community Mixed Use Areas, rather than encouraging residential uses which is the case in the current OP. Also, the Official Plan objectives are very prescriptive in requiring these Community Mixed Use areas to accommodate residential growth.
3. **Wellhead Protection Policies (Section 4)** – The Site is located in the Wellhead Protection Area B. What triggers the need for technical studies related to a development application?
4. **Energy Conservation Policies (Section 4)** – The Site has been designed and approved to meet a high level of energy conservation standards. In fact, the Site Plan Agreement (Section 6a) outlines energy efficiency requirements for the Site. We are concerned that any further modifications through the site plan process (i.e. movement of a building) might trigger additional studies relating to energy usage and environmental design, etc.
5. **Urban Design Policies (Section 7)** – As Council and staff are aware, the Site has been designed and built to a high level of architectural and urban design. In general, the urban design policies are very prescriptive in the draft OP and leave little flexibility to work with the unique aspects of a specific site, marketing for the development and the end retail users. For example, the requirement in the draft OP for all commercial buildings and storefronts to be unique to the site and not simply reflect a standard corporate or franchise is very onerous. Further, the requirement for a building's first storey to generally be taller in height to accommodate a range of non-residential uses, where appropriate, potentially complicates the architectural design process, building costs and satisfying the needs of the end retail user.
6. **Community Mixed Use Areas designation (Section 8)** - The land use policies appear to be moving to creating an "urban village/main street" within this Community Mixed Use Area by requiring additional land uses on a site that is already fully zoned and site plan approved. While we recognize and can appreciate a long term vision for these Community Mixed Use Areas, the prescriptive wording in the draft OP is very concerning. Accordingly, we would appreciate discussing transition wording to be included in the draft OP to recognize the current planning approvals for the Site and to allow for the proper, orderly and timely build-out based on the current commercial development plans for the 6 & 7 Site.

Other areas of concern with the policies in Section 8 include:

- Requirement to accommodate 750 residential units;
- Outright prohibiting drive-throughs;
- Requirement for a minimum floor space index of 0.5 on the Site;
- Requirement for a minimum of two floors of useable space;
- Encouragement for underground and structured parking;
- Requirement for locating freestanding retail to create a main-street type of development or to locate uses on peripheral sites within the designation, which are directly linked to the main street;
- Allowance for the preparation of Secondary Plans within these Community Mixed Use Areas with no policies to indicated what triggers these plans, who is responsible and the reasons for undertaking the plan.

7. **Appendix 1 – Natural Heritage Strategy Ecological Classifications** – We note the inclusion of two appendices in the Official Plan, including Appendix 1. According to Appendix 1, the Site contains “Cultural Woodland” and “Cultural Meadow” features. We are concerned about the use of appendices in the draft OP, especially when specific policies are included in the text that relate to “Cultural Woodland” mapped in Appendix 1. Again, we note that the 6 & 7 Developments has been granted final Site Plan Approval for the full build-out of the Site and they have undertaken the necessary natural heritage work. The inclusion of features on the Site appears to be inappropriate.

We appreciate the opportunity to provide our preliminary comments on the draft OP. We look forward to discussing these issues and concerns in greater detail with the City staff.

We would also request to be added to the notification list with respect to any future meetings on this matter. Further, we would appreciate formal notification of the adoption of the Official Plan Amendment 42.

Should you have any questions or comments in the meantime, do not hesitate to contact me.

Yours very truly,

GSP Group Inc.



Hugh Handy, MCIP, RPP
Associate

cc Christine Cote, SmartCentres
Emily Edmunds, SmartCentres