

- ADDENDUM -
- GUELPH CITY COUNCIL MEETING -
- JUNE 7, 2010 -

DELEGATIONS

- a) **146 Downey Road:** Proposed Zoning By-law Amendment (ZC0906)–Ward 6
 - Carl Keller

- b) **410 Clair Road East:** Proposed zoning By-law Amendment (ZC0912)–Ward 6
 - Susan Watson
 - Richard Hanif - called to advise he will not be in attendance
 - Dr. Dennis Galon

- c) **Proposed Demolition of 1897 Gordon Street** – Ward 6
 - John Valeriotte

- d) **Interim Control By-law for Shared Rental Housing**
 - Jim Riddell, Director of Community Design & Development Services

CORRESPONDENCE

- a) **146 Downey Road:** Proposed Zoning By-law Amendment (ZC0906)–Ward 6
 - Correspondence:
 - Hugh Whiteley
 - Carl Keller

- b) **410 Clair Road East:** Proposed Zoning By-law Amendment (ZC0912)–Ward 6
 - Correspondence:
 - Yunhua Zhang, Lihua Yuan, & Qian Zhang
 - Paul Voduris
 - Antonio D’Alessandro
 - Vijay Nair
 - Cindy Pordel

Memo To: Guelph City Council
From: Hugh Whiteley
Date: June 3 2010

Subject: 146 Downey Road Proposed Zoning Bylaw Amendment File ZCO906

Recommendation:

That Council refer the proposed zoning bylaw back to Planning Staff with a request that an alternative option be considered, based on a transfer of the valley slope lands of 146 Downey (including gas-line easement) to the City as an addition to the Tributary A open-space park and, in exchange, the triangular parkland parcel north of the site be transferred to the development for use in the development.

Planning Principles Involved in this Application

1.0 Sustainable City Design

To meet its goal of becoming a sustainable community Guelph must move to a pattern of high-density landuse for all uses, residential, commercial and industrial. There is abundant evidence that sustainability can only be achieved through this more intensive use of the existing city footprint. This point is not in dispute and the Places to Grow requirements placed on the City by the Province also dictate densification.

City Planning Staff, the developer, and representatives of the neighbourhood have worked very hard on coming to grips with this new and challenging reality. The current option under consideration for 146 Downey presents an excellent redefinition of infill compatibility that meets the goal of higher density of housing matrix while satisfying the requirement for blending the development into the neighbourhood with minimum visual impact through skillful use of design options including appropriate massing and orientation of buildings.

2.0 Minimizing Risk to the Public

High Pressure gas pipelines always pose risks. Encroachment on a gas-pipeline easement creates an in perpetuity increase in risk. It is noteworthy that CSA Guideline Plus663 "Landuse planning for pipelines: A guideline for local authorities, developers and pipeline operators" was developed by the Major Industrial Accidents Council of Canada. The area of concern around a pipeline extends 200 m on either side of the pipeline.

The April 24, 2003 gas pipeline explosion in the parking lot of the Six Points strip mall in Toronto killed seven people and destroyed the strip mall and one house. Court action related to this explosion continues more than seven years later. A January 16 2008 CBC News Report stated that there are an average of 3500 unintended "hits" of gas lines per year in Ontario. In Guelph, in August 2007, a gas-line rupture incident near 1417 Gordon Street that resulted from a safety violation by Reid Heritage Homes "had the potential to

jeopardize public safety" according to John Marshall, Director of TSSA's Fuel Safety Program. The TSSA website continues to carry a description of this incident and the subsequent court conviction.

Risks of gas-line explosions are minimized by eliminating all unjustified construction on or near pipeline easements. To minimize risk the CSA guideline mentioned above recommends the use of easements as green open space. The risk-management principle involved is that in any choice between an alternative that disturbs a pipeline and one that involves no disturbance the no-disturbance option always has the lower risk.

3.0 Preservation and enhancement of Open Space Ecosystem Services

It is often perceived that Places-to-Grow requirements contradict an emphasis on preservation and enhancement of open space and their values. This is incorrect. In the Growth Plan for the Greater Golden Horseshoe 2006, issued under the Places To Grow legislation cities are instructed to protect what is valuable. There is special mention of identifying and protecting natural heritage features.

The current Official Plan for Guelph has many references to protecting and enhancing natural heritage features with emphasis on the importance of vistas and viewpoints. Section 3.6.7 provides direction to develop measures to identify and protect views and vistas to natural heritage features. The type of study needed to assess visual significance is specified in this section.

The emphasis in the Official Plan on the importance of open-spaces and their appearance to the health and well-being of Guelph appropriately represents the concerns of its citizens and is strongly supported by the scientific study of the positive benefits of natural-areas. Many studies have demonstrated that health and well being of individuals and communities depend on environmental opportunity in the natural environment for rest, recreation, contemplation, reflection, enjoyment, peace and quiet.” Reduction of anxiety and hostility are the most easily measured responses to time spent in natural surroundings. Recreational activity levels, with all the attendant health benefits, are much higher when natural areas are easily accessed.

Natural vistas are needed to attain these benefits. Natural scenes consistently receive higher ratings for scenic beauty than urban scenes; one study demonstrated that even plain grassland is considered equally or more beautiful than any built environment. The higher property values attached to properties in the vicinity of natural areas is further evidence of the value and importance of natural areas and their aesthetic qualities.

Strength and Weakness of the Application Based on Site Plan G

Strengths

As noted above the major strength of this application is the choice of an appropriate housing density – one that is consistent with movement toward a sustainable city. The

design of the buildings provides a definition of compatibility with the neighbourhood built form that should be used as a model for other infill developments in Guelph.

Weaknesses

1.0 Risk to Public Safety

The development proposal contained in the staff report requires construction of underground utilities (sewer, water & hydro/catv/telephones) across the existing 10" high pressure gas main. It also involves construction of residential driveways, landscaping, and a private road inside the gas easement over top of the gas-line. This array of constructed elements will result in an in-perpetuity increase in risk of a catastrophic pipeline rupture and explosion.

Approval of creating this elevated risk has been given by Union Gas but it is not clear that in giving this approval Union Gas was made aware of any alternative development option that would not involve encroachment on the easement and hence avoid increase in risk. It is not clear how conditions set out in TSSA Guidelines PI98/02 can be met by the proposed structures. The guidelines call for limits to the easement parallel to the pipeline to be identified with fencing or equivalent markings to prevent gradual encroachment by adjacent landowners. The guidelines also limit vehicle access to authorized light vehicles only and calls for suitable barriers to be installed at all road accesses to prevent unauthorized motor vehicles from entering.

2.0 Damage to Natural System from valley-slope intrusion

Figure 1 attached to this memo shows Site Plan G for 146 Downey with 16 housing units located on the eastern valley slope of the property. Early in the process of developing proposals for 146 Downey Road city staff were told by local residents and others that any buildings that intruded on the eastern valley slope of the property would create damaging visual impact on the Tributary A valley open space. They were also told that the views of this valley were an important natural asset for all visitors to the area, both local residents and less frequent visitors enjoying an extended walk along the trunk trail system that passes through the valley.

The Guelph Official Plan requires that concerns about aesthetic aspects of open spaces be treated with great care and attention. The OP directs staff, when the issue of protection of vistas is raised, to ascertain the visual significance of a natural area and its vistas, and, if value is established, "to develop measures to identify and protect views and vistas to natural heritage features." As noted above the methodology to be employed is set out in the OP.

City staff, in response to the concerns raised about plans for 146 Downey Road, have not commissioned a visual evaluation and visual impact study as called for in the OP. They have not developed any measures to identify and protect views and vistas along the

Tributary A valley open space. To cover this critical gap in information I have paid for the preparation of a report by a team trained to do visual impact studies.

I have provided city staff with a copy of the report. The assessment of the visual significance of the Tributary A valley open space contained in the report gives it a rating of a valuable visual resource for the City. The report concludes that the visual harmony of the valley would be severely diminished by the proposal to develop on the eastern slope of 146 Downey. The character and quality of the landscape would be drastically altered and thus damaged by such development. The report recommends that development be constrained to be west of the gas-line easement and that this constraint would ensure the visual harmony of the valley remain intact.

The damage to visual quality created by the downslope intrusion of building on 146 Downey property is due to the incompatibility of this use with the integration of valley slope into the valley vistas that is present in every viewing direction. Note that the written comments of May 2 2010 by Partners in Community Building acknowledges the impact of Concept G on the adjacent open space. City staff have been very diligent in making sure the requirement of the OP for compatibility of infill with neighbouring properties is met in terms of surrounding built form. There has been no effective consideration given to the equally important consideration of compatibility of the 146 Downey development with its neighbouring open space.

In the planning and construction of Kortright Phase 4, which provides the built form that surrounds the Tributary A valley, great care was taken to protect vistas and to provide an unobstructed consistent pattern. Filling was done to create lots, on Hazelwood Drive for example, but street layouts and lot patterns were selected that provides a pleasingly curved boundary for the valley slope. Without exception all buildings were kept on the upper elevation at the top of slope and the valley slope is uninterrupted around the entire perimeter of the valley with a full integration of valley bottom and valley slope. The result, as described in the visual impact report is “balance between the residential homes, located at higher elevations in the rolling rural topography, and the natural open space system of the Tributary A Creek...creates a sense of visual harmony”.

Any buildings on the 146 Downey eastern slope violate the basic rule of unobstructed valley slope that governs all the rest of the built form surrounding the Tributary A valley. Construction on the slope is a major incompatibility and thus in violation of the provision for compatibility in the Official Plan.

A Better Alternative

The defects of the current proposal are both due to the decision that the eastern slope of 146 Downey was best used for residential purpose when, in fact, the highest and best use is open space. The problem would not have arisen in 2010 if 146 Downey had been developed as part of Kortright Phase 4. Inclusion of 146 Downey within the subdivision would have resulted in an extension of Hazel Drive southward with top-of-bank lots. No building east of the gas-line easement would have been considered.

Fortunately this past error in planning procedure can be remedied, although with difficulty. There is a triangular block of city-owned park to the north of 146 Downey as shown in Figure 2. The re-entrant configuration of this element results from it being “left over” after the rest of Kortright Phase 4 had been configured. With no other use available the developer was glad to transfer it to the city for park and be rid of any future responsibilities.

An option that was considered briefly and improperly rejected by city staff early in the process is to designate the eastern portion of the 146 Downey (the gas-line easement and the sloping portion of the property east of the easement) as park and transfer it to the city. In exchange the city would transfer to the developer the triangular piece of park – both these parcels are shown in Figure 2. In order to build on the triangular portion fill would be required but this is fully compatible with the adjacent valley slope created by fill along along Hazelwood and would be a smooth continuation of the valley alignment. Provided all buildings were kept to the top of slope and west of the gas-line easement no visual impact on the important Tributary A valley vistas would occur.

In Figure 3 I have provided a sketch that demonstrates that not only could all the 45 units be placed on the site after the land swap but two additional 4-unit buildings could be added to better realize the densities needed for sustainability. The one clear disadvantage of this option is that six properties along Hazelwood would have diminished views of the Tributary A valley from some vantage points on their property. Careful placement of the new buildings would mitigate this damage to some extent. In terms of proximity of building to these properties the separation would be similar to that of properties along Teal, a separation that has been judged acceptable by the neighbourhood for the Teal properties.

Summary

To summarize Option H with the land swap has four important advantages over Option G:

- (1) No damage to the important and valued viewscape of the Tributary A valley.
- (2) No increased risk of catastrophic gas pipe-line explosions.
- (3) No expensive and time consuming excavation and construction on the gas-line easement .
- (3) Additional units can be accommodated to better meet the intensification goals of the city and increase the viability of the project for the developer.

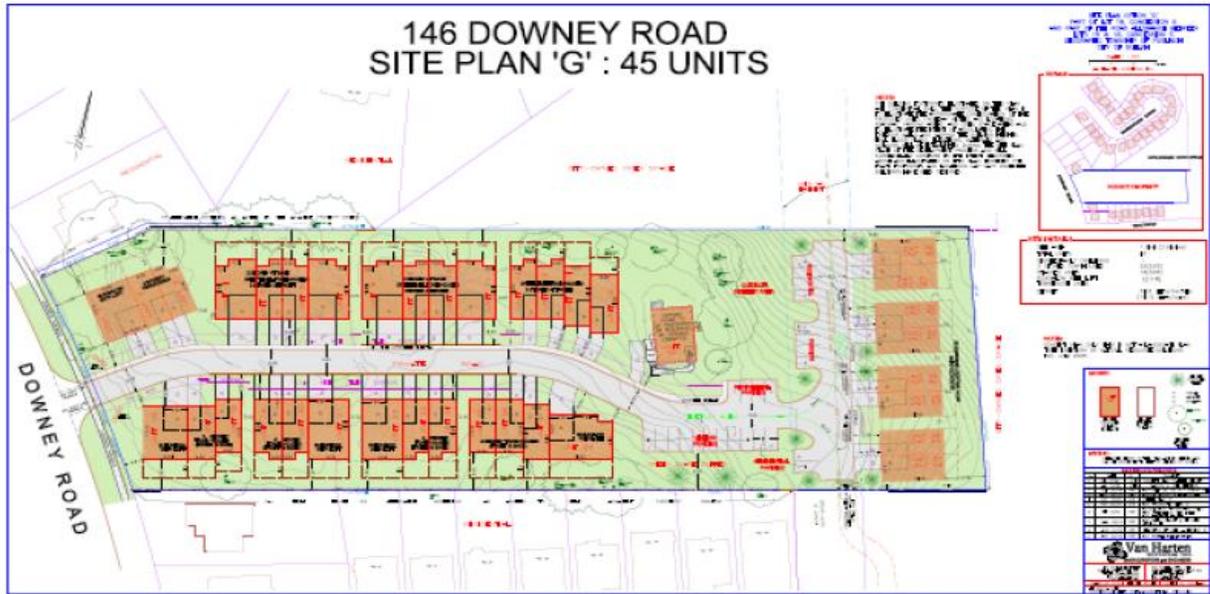


Figure 1 Site Plan G with 16 units on valley slope



Figure 2 Location of blocks available for land swap

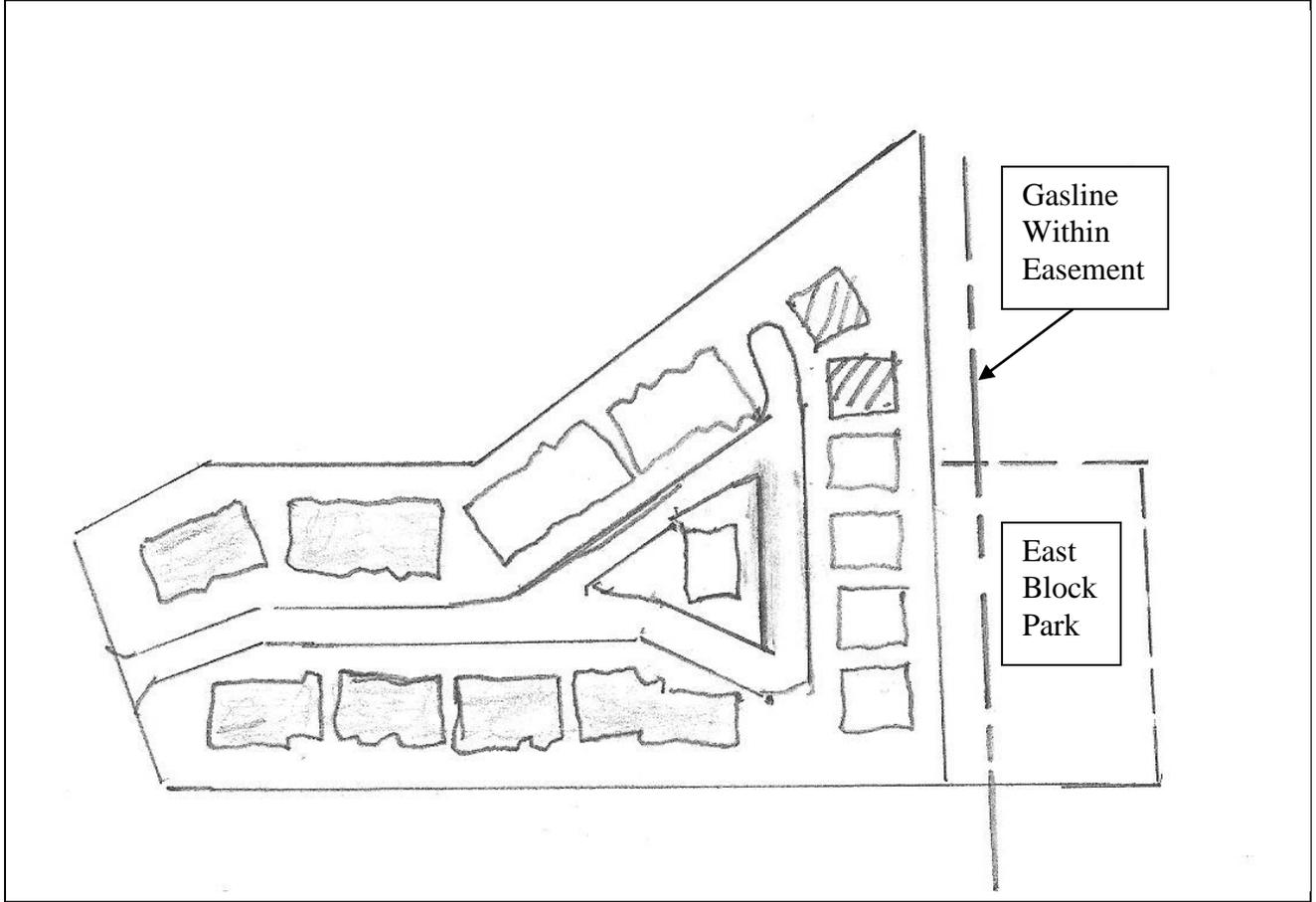


Figure 3 Sketch of possible configuration for 146 Downey with land swap; Option H.

Note: In this configuration 6 buildings are located as per Option G, 6 buildings are relocated, and 2 additional buildings (8 additional units) are included for a total of 53 units.

Visual Impact and Landscape Aesthetic Assessment

Hanlon Creek Tributary A Valley and the
Proposed Development at 146 Downey Road

City of Guelph, Wellington County, Ontario



Prepared For:

Dr. H. R. Whiteley, P Eng

Prepared By:

Bryan McPherson, GISP and Mark Harrison

Master of Landscape Architecture Candidates,

School of Environmental Design and Rural Development, University of Guelph

May 31, 2010

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1.0 Study Overview

This study and report were done in response to a request for services from Dr. Hugh Whiteley, P.Eng. The report provides a description of the current aesthetic characteristics of the Hanlon Creek Tributary A, a site located in Guelph, Ontario. An analysis of the possible visual impact to both residents and recreational users was undertaken surrounding the proposed development to the 146 Downey Road land parcel. The analysis focused on the visual character of the landscape and potential visual impact from the proposed residential development to the immediate neighbourhood and more generally to the City of Guelph. The study was requested and completed in May 2010.

2.0 Introduction

This report documents the visual landscape analysis conducted on the area surrounding 146 Downey Road in Guelph, Ontario. The report provides an evaluation overview based on the potential visual impacts from a proposed development, which would place sixteen housing units on the eastern down-slope portion of the 146 Downey Road property. This portion of the property is situated between a high-pressure gas pipeline easement and the eastern boundary of the property.

The objectives of the study were:

- 1) To assess the visual character, contextual importance and scenic value of the site in relation to the surrounding landscape, and
- 2) Recommend measures to mitigate potential impacts to the aesthetic character of the surrounding landscape.

2.1 Importance of Urban Landscape Aesthetics

The results presented in this study take into account the documented recognition of the importance of visual aesthetics in natural areas to the wellbeing of cities and their inhabitants. The importance of natural vistas was well expressed in 1858 by Frederick Law Olmstead when he wrote the following to the Board of Commissioners of Central Park in New York City:

“The time will come when New York will be built up, when all the grading and filling will be done, and when the picturesquely-varied, rocky formation of the Island will have been converted into the foundations for rows of monotonous straight streets, and piles of erect, angular buildings. There will be no suggestion left of its present varied surface, with the single exception of the few acres contained in the Park. Then the priceless value of the present picturesque outlines of the ground will be more distinctly perceived, and its adaptability for its purpose more fully recognized. It therefore seems desirable to interfere with its easy, undulating outlines, and picturesque, rocky serenity as little as possible, and, on the other hand, to endeavor rapidly, and by every legitimate means, to increase and judiciously develop these particularly individual and characteristic sources of landscape effects.”

The importance of natural area aesthetics is also accounted by Hassan and Scholes (2005) in their studies of urban preferences regarding vistas and landscape views. They observe that people around the world express a strong attachment to and preference for views of natural landscapes. In this context there is a need to assess and maintain landscape character, views and vistas to the residents and park users surrounding the proposed development on the 146 Downey Road property.

2.2 Study Area and Site Context

The study area is located in the southwestern section of Guelph, Ontario and is bordered by the Hanlon Creek to the north, Teal Drive to the south, Downey Road to the west and the Hanlon Expressway to the east. The study area includes a large natural open space system, in which Tributary A of Hanlon Creek flows, and is surrounded by single-family detached homes to the south, east and west.

All the residential homes in the study area are situated on higher elevations, with the open space system occupying the valley slopes and low-lying areas. Within the natural open space system is a series of pedestrian trails, which provides a walking loop to local residents. The trails help connect the open space system with surrounding greenways located to the south and north-east portions of the study area. The site surroundings are predominantly suburban and rural in character.



Map 1. Site context map illustrating viewshed boundary (red box) and proposed development parcel (yellow box).

2.3 Methodology

Information on the development proposal was collected through a meeting with Dr. Hugh Whiteley. The initial evaluation indicated a requirement for GIS-mapping of the study area, a site visit and photographic inventory, view-shed analysis and summary findings.

Photographic inventories were conducted on May 27, 2010 in order to capture the view context, taking into consideration: the landscape character of the surrounding area, visual continuity, quality and importance of landscape aesthetic, proximity to the tributary creek and other natural features, view impact as seen from surrounding residential properties and view impact as seen from recreational users of the study area. The inventory was conducted utilizing a digital SLR camera, handheld GPS, reference parcel map and aerial imagery maps.

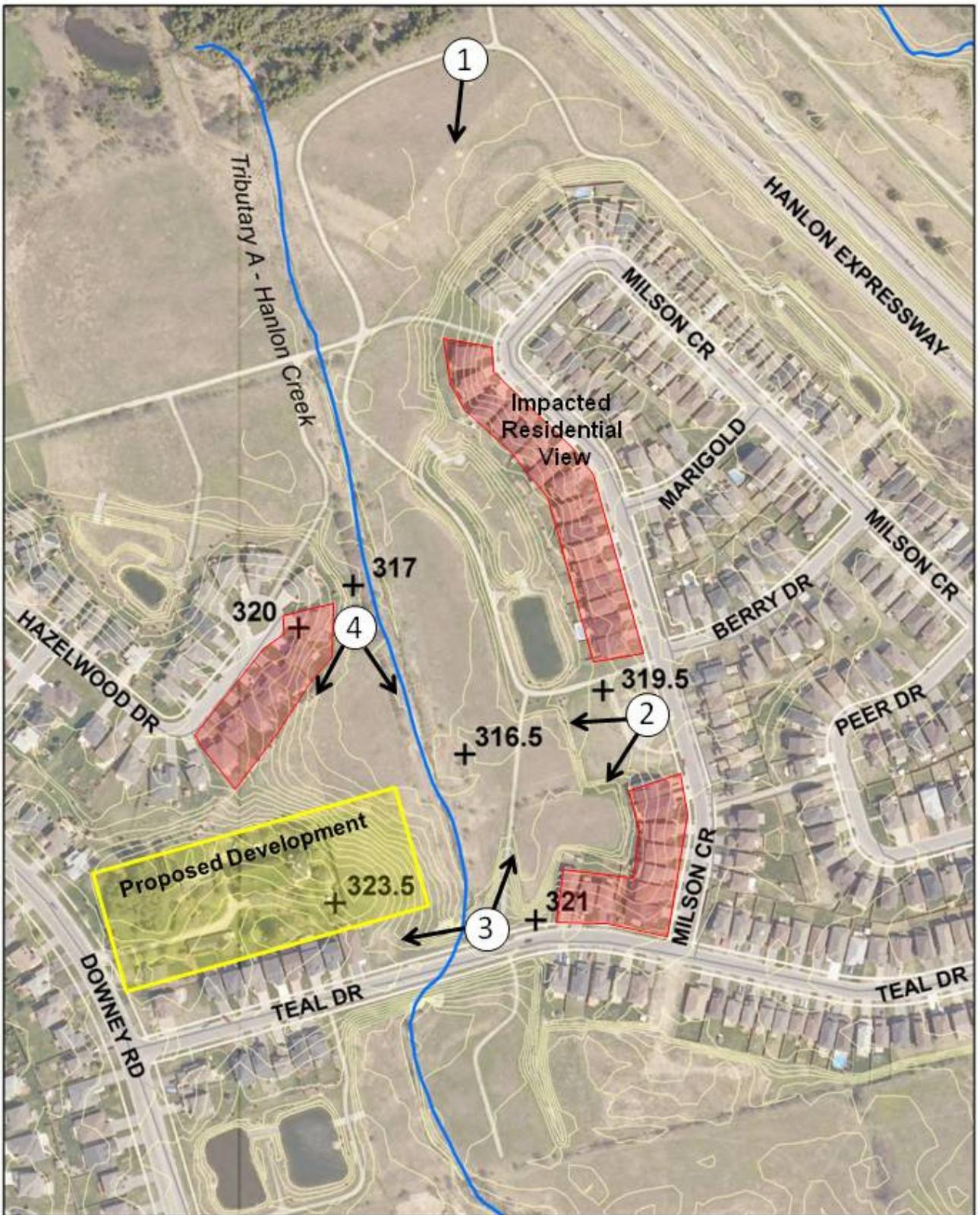
Assessments were based on the existing visual character of the study area and from the impact that the proposed development would make on the visual character of the area. Based on these assessments, recommendations were made to ease the identified visual impacts.

3.0 Visual Assessment

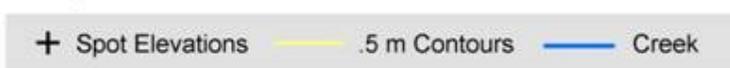
A visual assessment of the study area was conducted in order to: 1) quantify the views that would be impacted by the proposed development, 2) establish the degree of visual intrusion upon the landscape, and 3) establish the resulting impacts upon the landscape aesthetic and quality of views.

The study was conducted based on section 3.6.7 of Guelph's Official Community Plan (OCP), which states the following in reference to the protection of views within the city limits:

1. 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.
2. 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.



Legend



Map 2. Visual assessment and photo inventory map. Points 1 through 4 are highlighted and presented with direction arrows of the photographs.

3.1 Visual Assessment Method

A methodology of defining the landscape visual assessment was used to:

1. Develop an evaluation framework.
2. Inventory visual resources.
3. Assess the impact of the proposed development on the landscape.
4. Determine methods to mitigate the visual impact.

The landscape resources considered in the study focused on the immediate local views surrounding the proposed development site, while taking into account the visual characteristics and values of the valley open-space within which more local views are situated. Criteria used to analyze the impacts focused on the sensitivity of the landscape character and the magnitude of change on the landscape.

3.2 Visual Resource Inventory and Resulting Impacts

An inventory of the visual resources was conducted using GIS mapping, field observations and a photographic inventory. The photography included panoramic photographs and key viewpoints to highlight existing landscape features and the overall landscape character of the study area. The images show the valley contained at the top of slope by the built environment, which provides a sense of valley enclosure. The pastoral nature of the site is emphasized by the open meadows and rolling hills evident in each of the four images presented in this section.

Point 1 (Figure 2.1) was taken from the northern most point of the study area at a trail intersection. The photo highlights the view point for recreational users entering the study site from the north. It shows the natural open space system that dominates the study area. From this vantage point there would be no adverse visual impact from the proposed development, as it would be hidden behind a row of trees.



Figure 2.1 Photo taken from North trail intersection (Point 1 on map).

Point 2 (Figure 2.2) was taken from a neighbourhood park located on the eastern edge of the study area on an elevated area in order to capture the views, toward the Tributary A valley, from the residential properties on Milson Crescent that face the proposed development. The proposed development is located on the rolling hill in the center of the panorama. The panorama showcases the rural character and unified rolling topography of the study area. It illustrates the dominant visual presence of the down-slope section of the Downey property on the landscape and how the slope, in its current condition of natural meadow, is in visual harmony with the surrounding rural landscape seen on the left portion of the photograph. From this vantage point there would be a negative change to the landscape quality for the residents, as well as those users of the neighbourhood park, which is located on the top of the valley slope on Milson Crescent. The visual connection to the rolling rural landscape would be lost and the character of the slope would be compromised due to grading changes required to build on the hillside of the Downey property.



Figure 2.2 Panorama from neighbourhood park (Point 2 on map).

Point 3 (Figure 2.3) was taken from the southern edge of the study area where the Tributary A trail system crosses Teal Drive. In this image the proposed development is located on the rolling hill located on the left-side of the image. This viewpoint was chosen to assess the views of recreational users entering the site from the south. The image illustrates the existing buffer between the built residential subdivisions and the Tributary A creek. This perceived visual buffer from the creek would be jeopardized by the proposed development. The image also shows that existing residential dwellings are situated on the higher points within the landscape context. The difference in elevation between the natural open space in the valley bottom and the built residential subdivision on the tops of the rolling hills helps create a visual harmony that adds to the visual aesthetic of the Tributary A creek valley vista. This visual harmony would be severely diminished by the proposal to develop on the downslope section of the Downey property. This intrusion on the landscape would adversely transform the overall landscape character and would have a negative visual impact to trail visitors and residents living along the valley perimeter.



Figure 2.3 View from Teal Drive entrance (Point 3 on map).

Point 4 (Figure 2.4) was taken from the end of the Hazelwood drive cul-de-sac facing towards the Downey property from within the open space. This image illustrates the visual impact of the proposed development on the residents of Hazelwood drive whose properties front towards the proposed development. The panorama reveals the rural character of the natural open space system. It also clearly shows the high-pressure gas pipeline easement, which runs alongside the

hedgerow at the top of the slope on the Downey property. From this vantage point the proposed development will negatively alter the view of the residents by eliminating the characteristic rolling topography and significantly shrinking their view of the adjacent greenspace.



Figure 2.4 Panorama from Hazelwood Drive (Point 4 on map).

4.0 Conclusion and Recommendations

The City of Guelph recognizes the value of its visual resources as clearly stated in section 3.6.7 of its OCP. The unified form of the landscape, within the study area, reflects the character and scenic quality of its surroundings and as such is a valuable visual resource for the City.

The existing balance between the residential homes, located at the higher elevations within the rolling rural topography, and the natural open space system of the Tributary A creek, occupying the low-lying areas of the landscape, creates a sense of visual harmony. The potential impacts from the proposed development would drastically alter the character and quality of this landscape.

Potential negative impacts could be mitigated by limiting the construction on the site to the portion of the property west of the gas-line easement. Containing the development within the easement will ensure the visual harmony of the study area remains intact.

5.0 References

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City of Guelph

Mayor Farbridge, City Council,

Re: 146 Downey Road – rezoning application, OPA zoning change to Medium Density

Madame Mayor, City Councillors

It is almost 6 months since I stood before council in opposition to the “flex zoning” that was contained in a zoning application by Seaton Ridge Communities. (October 5th, 2009)

Much has transpired in the Kortright Hills neighbourhood regarding this development and I wish to go on record, having participated extensively in a process that culminated in an agreement on a draft Plan, commonly referred to as Plan G.

I sat with the Ad Hoc committee through the entire process as a Board member of Kortright Hills Community Association and offered support to a process that stood for sound development and environmental respect.

I attended all 3 facilitated sessions at City Hall and was a vocal component in the discussion. KHCA Inc. supported the process and we advocated for the local residents to engage with professional urban planners who could advise on what constitutes a compatible settlement.

I personally have chaired meetings, hosted meetings and at times provided hardline challenges to the group to come to a decision... all this effort and the compromise we arrived at was unanimously accepted by residents as “something we all could live with”. We respected the developer’s need to retain fiscal viability in any plans, and also embraced the potential to wind up with a well-planned and landscaped development that minimized the impact to the cold water stream.

I respectfully acknowledge opinions on acceptability and preference to lowest possible density and minimal impact on the viewshed. I have learned much about the process and wish to support the negotiated settlement represented and supported by staff as Plan G which represents a 45 unit development at 146 Downey Road.

In a second point I respectfully request council direct planning staff to alter a plan to redefine the property at 146 Downey as “Medium Density” in the latest Official Plan Amendment.

After all the hard work that allowed us to arrive at “Plan G”, it seems ridiculous that city staff who support this negotiated settlement could be opposed by another department who is not involved with the issues surrounding 146 Downey road with respect to Massing, and Compatible design.

I would sincerely request council direct staff to remove 146 Downey Road from being considered as Medium Density in the cities Official Plan Amendment. The arduous process that the residents just went through arrived at a general residential density meets Ontario Places to Grow, adds higher general density but does not encourage incompatible structures or unnecessary massing of units in a generally single family neighbourhood.

Summary:

1/ I support Seaton Ridge in their re-zoning application Plan G.

2/ If for whatever reason, Seaton Ridge is not able to construct this project and wishes to sell the property, I feel it is appropriate to have the appropriate negotiated settlement respected by whoever buys the property.

By extension, this settlement was arrived at under General Residential zoning and meets the spirit of Places to Grow and the cities desire to encourage higher density infill.

3/ Any change to the zoning will simply mean the whole effort we have all just gone through will have been a huge waste of taxpayers money and force us all to start this whole process over again. The issues of massing and incompatible design will still be the main issues and will be argued again. Please turn down any change of zoning from General Residential to Medium Density regarding 146 Downey Road.

Respectfully submitted by

Carl Keller

RECEIVED
JUN - 3 2010

CITY CLERK'S OFFICE

Dear Councilors,

We are absolutely not welcome the Sikh temple around here and we are seriously against any Sikh temple building proposal in this area.

We do not care what kind of religion whom is craze about. We care about the quiet, the peace and the value of our community. You must read the conflict last month in Vancouver and Brampton. We do not want to see the same tension here.

In order to satisfy a few people personal religious needs. They intend to challenge the peace and the value of the nice community. They ignore to hurt the majority residents feeling and to make future trouble caused by their idea. This is a kind of extreme selfish behavior! It is a dangerous risk!

Could we ask you to stand with us to fight for the worst proposal and to stop the dangerous game? We would like to appreciate you do for that.

Yours sincerely,

Yunhua Zhang

Lihua Yuan

Qian Zhang




May 31, 2010

Kyle

Guelph ON

To City Council and Planning Department:

I have taken the time to read the Council Report regarding 410 Clair Road East. I appreciate the amount of time and effort that has gone into this report, but still feel that there are a lot of unanswered questions. I am also disappointed with the amount of time given to the public to respond to this report. The Planning Department had over 10 weeks to generate this report while the Public only has 10 days to address it. I will focus my comments on my main concerns which have always been the scale and capacity of this building. I feel these two issues are of the greatest concern and have not been adequately addressed.

In regards to scale, I would like clarification as to how a building of this size is considered "small scale". The Planning Department has grouped this into the same category as the 3 schools in the neighbourhood. I disagree with this comparison in that the utilization of this building is completely different than that of the schools. In this case, the "small scale institutional" comparison could have a 6000 square metre school in the same category as a 200 square metre daycare. The scales of these two institutions are completely different. The proposed religious establishment is a place of assembly and I feel it would be better justified to compare the scale of this to other religious establishments within Guelph. I am quite confident that if this were done, it would most definitely be one of the largest in the City. In addition to this comparison, I would like to know which religious establishments are in the exact same setting (surrounded by low density residential). I feel a scale comparison of this nature would be more logical.

In this entire 66 page report, I was extremely disappointed to see only 1 bullet point on the Review of the City of Toronto Zoning By-Law Parking Standards for Places of Worship", and the "Places of Worship Policy Review" for the City of Brampton which I brought to your attention in my last letter. These documents are a wealth of knowledge on this issue, and I feel they have been unappreciated. The main points can be reviewed in my last letter, but I will re-quote what I feel is the most relevant point:

- "The differentiation is based on input from the traffic consultant which indicates that particular attention should be given to the location of Places of Worship with a worship area of more than 930 sq. m (10,000 sq. ft.). Such **large scale** Places of Worship are more likely to generate parking and traffic which would impact on adjacent low density residential development. **Therefore, large scale Places of Worship are proposed to be defined as those with worship areas of over 930 sq. m. (10,000 sq. ft.) of net floor area.** The proposed locational criteria for such **large scale** facilities suggest a location on sites:
 - with frontage on an arterial road, with regular transit service, **at an intersection with another arterial or major collector road;**
 - easily accessible by pedestrians and bicyclists;
 - **in areas where the predominant uses are higher density residential development or sites which are adjacent to other institutional uses or non-residential development,**"

Based off of the Definition of "worship area" (page 27 in Toronto Study), my estimate of the proposed worship area will be close to 14,100 square feet. As per the above definition, **this is large scale.**

My other main concern is in regards to the capacity. To date, I am still unsure as to what the legal capacity of this building will be. If it is a total of 400 as per the architect, how will this be monitored and enforced? If it is 713 as per the Planning Report, please elaborate and help me understand how this was reached. I find it difficult to accept that the # of doors and washrooms are limiting factors, as these can be added rather easily. As per my last letter, I feel that the Fire Code is the appropriate document to reference for the capacity assessment. In Section 9.2.3.6, it says "The minimum number of **exits** from a **floor area** shall be, (c) for an **occupant load** of more than 1000 persons, not less than four **exits.**" The Toronto study does not utilize the number of exits or washrooms

as a criteria in its assembly occupancy assessment. The capacity calculation from the Toronto study can be found on page 10. I have the prayer hall occupancy of both phases estimated at 1740 (14100 sq. ft / .8.1 sq. ft / person).

The capacity is an important factor when determining parking. The staff report says "Staff note that parking requirements are tied to building size and type of use, but never to building capacity." The Parking Requirement Bylaw 4.13.4.4 has the "Minimum required Parking Spaces" at "1 per 5 seats or 1 per 10 m² G.F.A. **Used** for a hall, auditorium or similar **Use** involving the assembly of persons, whichever is greater. " This proves capacity DOES play a factor, but the definition of "seat" in Parking bylaw, is too vague. This issue was pointed out in both studies.

These are my main concerns, but I also have a few questions / notes that I have summarized as follows:

- Why is GFA (gross floor area) defined differently in the Development bylaw vs. the parking bylaw? One includes the basement, the other doesn't. Without the basement, this building is 1972 square metres (21,226 square feet). With the basement, I have it estimated at 3644 square metres (39,224 square feet). Please have the architect define the basement area.
- Please provide excerpts from the Provincial Policy Statement and Places to Grow Act that relate to this application.
- What are the development charges for this application and who is paying for them?
- Provide quantitative scales and examples of large, medium, and small institutional uses.
- The report mentions that the Engineering Staff supports the traffic study provided by the Applicant. The study says that for a 400 person capacity, 160 parking spots are required. Based on the report, the capacity of the building is 713 people. Using the same calculation as the traffic consultant, they would require 285 spots. Is Engineering Staff supportive of this?
- What is the estimated time between Phase 1 and Phase 2 of the proposed application? Would the Applicant be willing to submit a separate application for each phase? I think this would alleviate a lot of the capacity concerns.
- The report mentions that a comparable Sikh Temple in Kitchener was monitored for activity. This is a useful comparison, but to be statistically thorough, multiple sites should have been chosen.
- The report says "Given the volume of responses received, copies of all correspondence are not included in this report but full copies of all written responses are available in the Community Design and Development Services Office for review by the public upon request." I think it is important to see these comments and under the time constraints these were not accessible.
- What is the size difference between the existing temple and the proposed one? From my estimation, there is close to a 700 % increase. Why is this needed for only a 100 person expansion?

In my last letter I said "I am not opposed to a temple of this size in Guelph, however, as a resident of Westminster Woods, I do not feel that this is a fair and reasonable location." I still feel this way, but would be willing to entertain a smaller temple that I feel is more inline with local requirement. I also feel this is a fair compromise to both sides of this debate. If the neighbourhood is not disturbed with a smaller temple then an application for an expansion at a later date would be justifiable. At the very least, I urge Council to delay this decision until the next council meeting. There is an abundance of information for the public to digest and still plenty of unanswered questions.

Sincerely,

P. Voduris

June 6, 2010

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

To Members of Council

RE: 410 Clair Road East: Proposed Zoning By-law Amendment, Report No. 10-32

I am a resident at _____ in the Westminster Woods community and am opposed to staff's recommendation to the proposed zoning amendment for 420 Clair Rd. This is the third correspondence letter I have written to Council indicating my valid concerns with this application on the basis of Official Plan compliance and neighbourhood compatibility.

After reading the Council Report several times, I still believe it would be more advantageous to locate a site of this function at a neighbourhood node, as encouraged in the Official Plan, to promote alternative forms of transportation and capture synergistic opportunities from neighbouring establishments. This would minimize current site compatibility issues and, depending on the final location, promote the Sikh Temple as a celebratory destination and trip generator. The proposed location on 410 Clair Road does not take advantage of neighbouring properties and is not in a neighbourhood node. The Report does outline several site locations that could better accommodate the proposed development and take advantage of contextual features of neighbouring sites (i.e. Gordon/Clair node).

RE: Compatibility – I find it ironic that the Council Report claims site compatibility with neighbouring residents, and then outlines 22 specific and detailed conditions required for the zoning amendment to be approved and actually be “compatible”. This process gives a perception that the City is attempting to “shoehorn” this application at 410 Clair Road, and not follow adjacent neighbourhood form, function and current planning policy. It bothers me that by constraining this application to this site, under these conditions, it will impact the potential for good urban design and architecture that could be beautifully established and celebrated in another, more strategic location.

Finally, I want to apologize for the forthcoming; however, this is what I have perceived during the planning process thus far. I want to express my sincere disappointment to the Mayor and some members of Council, the Guelph Sikh Society, the local media, and several for/against citizens who have used the Sikh community, religion and culture as pawns during this process as an attempt to progress political agendas. This has continuously smoke-screened the true and valid concerns of the Westminster Woods neighbourhood. There are still issues related to Official Plan compliance, compatibility, and design at this site that have not been clearly addressed, and I would be

discouraged if Council made a decision that did not progress the primary intention of planning policy, thereby negatively affecting built form for future generations.

Please forward me any further information stemming from this application. Responses stemming from my comments would be greatly appreciated.

Sincerely,

Antonio D'Alessandro

Hello,

My name is Vijay Nair and moved into Laughland Lane in Westminister Woods in December 2010. My new home is less than a stone's throw away from the property which is being proposed to be rezoned. And it would be the temple, if constructed that I will see looming over the homes from my drive way and the back yard!!

This is to voice my concern and opposition as well over the proposed Sikh temple coming up steps away from our community. Am quite surprised as to why such a huge temple would even be considered to be built right in the middle of small homes. I also believe that such a huge establishment will disrupt the peace and quiet in the neighbourhood that I was looking forward to.

I moved to Guelph from Oakville to escape the busy streets and crowds (even on weekends). The option to allow for re zoning of a property in the middle of our community leaves me feel cheated. It will become a very different place against what I visualised based on the Reid's master plan when I made the decision to set up home just a year ago.

Being originally from India where Sikhism has its roots, I do believe such a huge temple will attract much more people than the low count estimated. It would invariably lead to much more traffic, noise and parking woes that will definitely spill out in front of our homes. I believe that scenario will lead to tension and indifference rather than respect and friendliness between ethnic groups in the community.

I do hope the City and council will take a good decision and genuine concerns will be given fair thought.

Regards

Vijay Nair

Dear Mayor and Councillors:

As the final decision of Sikh temple in westminster wood has been scheduled, could you please kindly consider your vote by asking yourself: Whether I will support the plan if my family lives beside a temple. I am a proud resident of westminster wood. My house is far away from the site. I feel sorry for all those who purchased house around the site. Here are my concerns:

1. As an immigrant family (I am from China and my husband from Iran), we fully understand that city supports a multicultural community. However, I believe the reason that majority of immigrants chose Guelph to settle down and raise their family is because Guelph is a wonderful city that offers the best quality of life and makes people feel that we are all proud Canadian. Please keep Guelph's unique identity. We do NOT like to see Guelph to be divided to Indian community, Chinese community, etc.
2. A temple in the quiet resident area does not make sense. Especially, this temple will become the sikh community centre in Guelph, Kitchener and Cambridge area.
3. When building schools and public facilities, city always carefully considers the population and location. City needs to carefully consider that only very small percentage of residence will use this temple.
4. There is plenty of land available in south end. Please consider some sites that are more suitable to a busy temple.

Thanks for listening!

Cindy Pordel