

- ADDENDUM -
- GUELPH CITY COUNCIL MEETING -
-July 3, 2012 -

**Consent #A-2: Ontario Municipal Board Hearing 716 Gordon Street
Proposed Official Plan Amendment and Zoning By-law
Amendment (Files: OP1001/ZC1010)**

Delegations:

- Kate MacDonald, President, Mayfield Park Community Association
- Julia Croome, Lawyer on behalf of Mayfield Park Community Association
- Beate Bowron, Planner on behalf of Mayfield Park Community Association

Correspondence:

- Don O'Leary, University of Guelph
- Jim Wynne

Consent #A-3: City Property at 6 Dublin Street South

Delegation:

- Nan Hogg

Correspondence:

- Mary Calarco, President, Guelph Arts Council
- Norah and Richard Chaloner

That the report of the Manager of Realty Services dated July 3, 2012, entitled, "City Property at 6 Dublin Street South", be received for information.

"THAT By-law Number (2012)-19432 is hereby passed."

BY-LAWS

By-law Number (2012)-19432 A by-law to confirm the proceedings of a meeting of Guelph City Council held July 3, 2012.	To confirm the proceedings of a meeting of Guelph City Council held July 3, 2012.
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Council Meeting Abode Varsity Living



Proposed Purpose-Built Student Housing Project
July 3rd, 2012



SHAPING GREAT COMMUNITIES

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Agenda

- As such presentation will touch upon:
 1. Original Proposed Development
 2. Revised Proposed Development
 3. Operations/Student Program
 4. Revised Planning Applications

Original Development Proposal (2010)



- 14 & 16-storeys
- 341 units
- 2, 4 & 5-bedroom units
- Approximately 1,500 beds

Original Development Proposal (2010)



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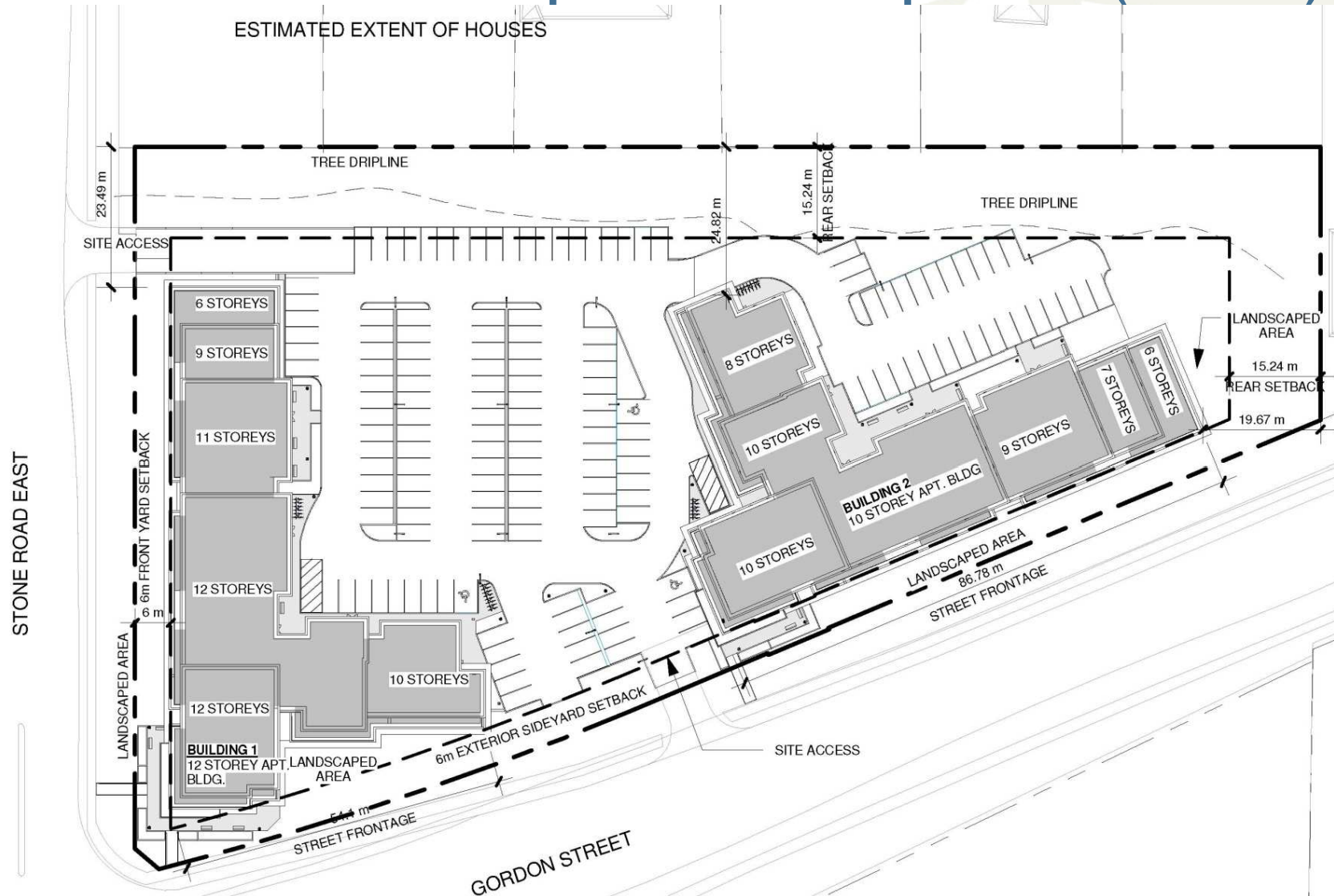
Revised Development Proposal (2012)

- Decrease in proposed building height from 16 and 14-storeys to 12 and 10-storeys
- Decrease in the total units proposed from 341 to 264
- Decrease in the total number of beds from approximately 1,500 to 1,200
- Removal of the raised parking deck
- Additional greenspace along the rear yards of Evergreen Dr.
- Addition of 15 visitor parking spaces on-site

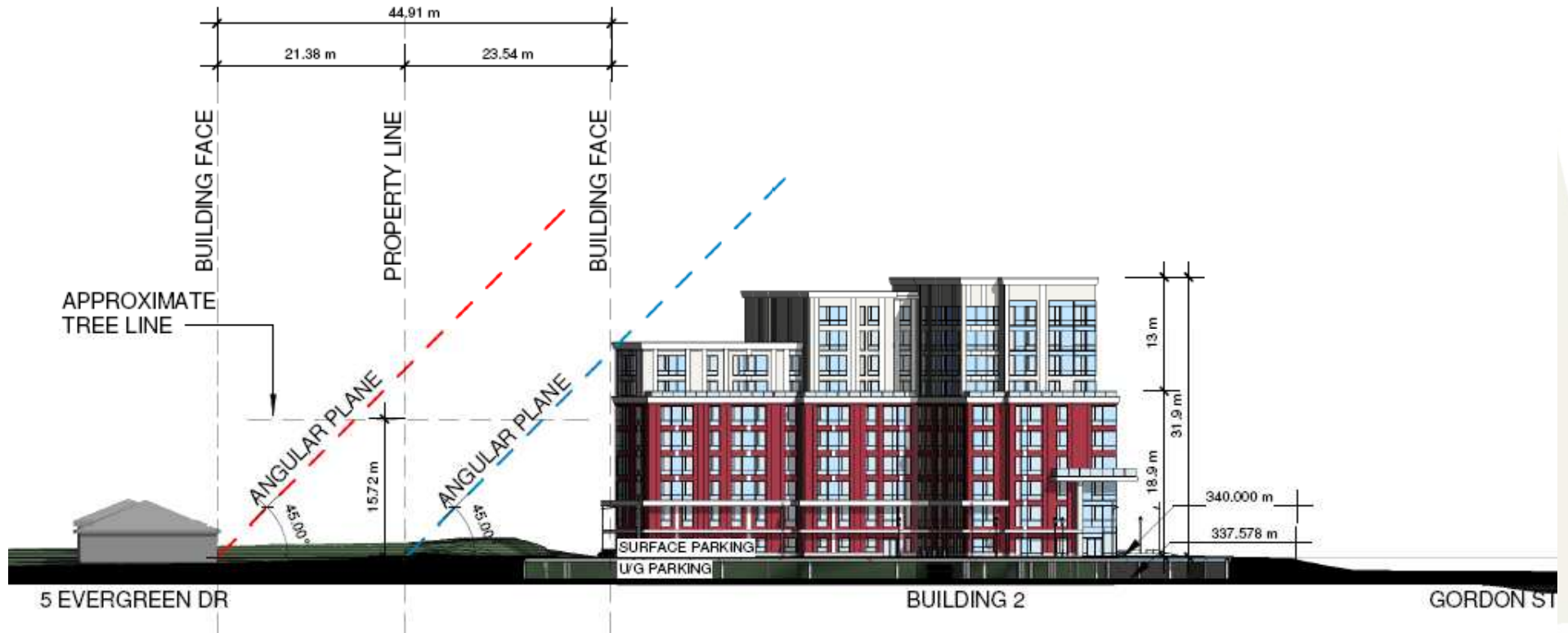
Revised Development Proposal (2012)

- Revisions to building design to comply with a 45° angular plane – measured from the adjacent Evergreen Dr. homes and the limit of both Stone Rd and Gordon St
- Provides well-articulated massing, incorporates podiums and stepback features to create a strong pedestrian scale along street frontages
- Utilizes façade treatments above the podiums to create layered and dynamic building facades for both buildings

Revised Development Proposal (2012)



Revised Development Proposal (2012)



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View looking northeast from
Gordon Street



View looking southwest from
Stone Road



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View looking northwest from
Evergreen Drive



View looking north from Gordon
Street



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Shadow Analysis for Revised Proposal



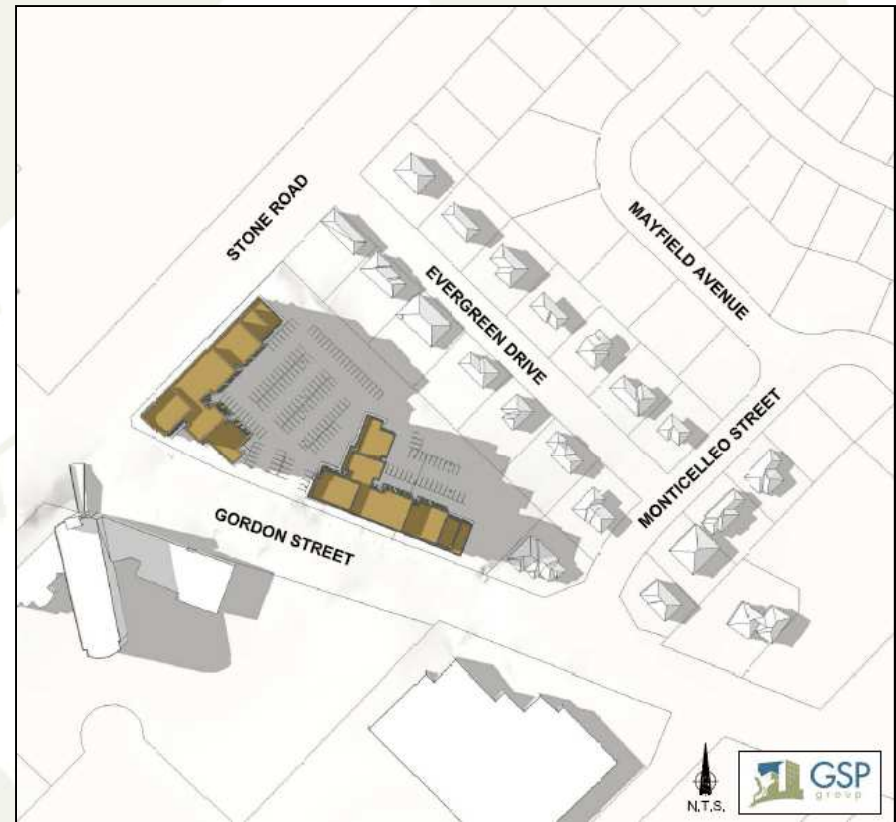
March 22 at 2 p.m. & 4 p.m.



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Shadow Analysis for Revised Proposal



June 22 at 2 p.m. & 4 p.m.



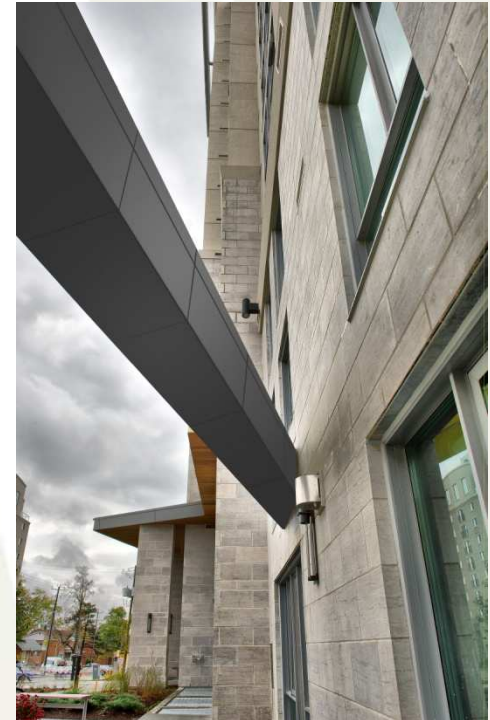
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Operations/Student Program

- Units are fully furnished
- Programmed move-in/move-out
- No balconies to avoid issues - storage and outdoor noise
- Staffed 24 hours a day
- Recorded video surveillance throughout the building, including all common areas and around building exterior
- 12-month leases signed by all tenants
- Garbage chute with sorting for recycling built in
- Assigned parking spaces (1 space per unit)
- Council invited to view LUXE Waterloo to understand level of programming; however none attended

LUXE – Waterloo



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LUXE – Waterloo

Interior Amenities include:

- Recreational areas
- Fitness facilities
- Theatre room
- Fully programmed building



LUXE – Waterloo

Fully furnished units
Study and leisure
spaces



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Revised Applications

	Original Application (2010) Requested Site Specific	Revised (2012) Requested Site Specific
Maximum Density	200 uph	156 uph
Floor Space Index (FSI)	3.7	2.5
Maximum Height	16 storeys	10 and 12 storeys (stepping to 6 storeys)
Minimum Side Yard	11.0m	23.4m (to Evergreen Property Lines)
Minimum Front & Exterior Side Yard	4.9m from property line to building	6.0m
Minimum Rear Yard	5.0m	19.6m
Parking	1 parking space per unit	1 parking space per unit (plus 15 visitor parking spaces)
Angular Plan	69 ° from both Gordon St. & Stone Rd.	57 ° from Stone Rd. & 61 ° from Gordon St.
Common Amenity Area	1,250 square metres	10,432 square metres
Minimum Landscaped Open Space	35%	40%

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Updated Technical Studies

The following technical studies were updated:

1. *Planning Justification Report*, GSP Group
2. *Sun Shadow Analysis*, SRM Architects
3. *Traffic Impact Study*, LEA Consulting
4. *Parking Study*, LEA Consulting



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Questions and Answers



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ABODE VARSITY LIVING INC. STUDENT HOUSING APPLICATION AT 716 GORDON STREET

July 3, 2012

BRIEF FROM THE UNIVERSITY OF GUELPH – Presented by Don O’Leary

Good Evening, Mayor Farbridge and members of Council,

My name is Don O’Leary. I am the Vice-President of Finance & Administration at the University of Guelph. Thank you for the opportunity tonight to provide you with the University’s position on the revised student apartment project proposed for 716 Gordon Street. In determining our opinion about the proposed development, the University engaged the professional planning firm, IBI group.

Given its proximity to the University and current planning regulations, which govern the future redevelopment of this property as an intensification corridor, it is our opinion that student housing is an appropriate form of development, however, the **scale and scope of the development** need to be compatible to the existing community and adjacent built environment.

Our first comment on this application is its location: the 1.7-hectare site is located at the major intersection of Stone Road and Gordon Street, which represents the southern gateway to the University and the City core. Being at the doorstep of the University, the proposed development will have significant negative impact on the sense of arrival to the University campus. The University is in the process of updating its Campus Master Plan which will guide the enhancement and development of campus for the next 20 years. Some key initiatives of the plan are:

- Improving Campus arrival, circulation and way finding: Improving the southern entry and arrival to campus at Stone Road and Gordon Street. This area should be reinforced as the gateway to campus through a comprehensive program of redevelopment, landscape improvements and pedestrian enhancements.
- Enhancing the Campus experience and extend the quality of campus.

- Renewing and growing a compact campus: Many areas of campus have the potential for new development, including the northeast **corner of Stone Road and Gordon Street**. This area is an appropriate place for development that is of high quality, open, and accessible to the broader community.

An important emerging theme of the master plan that is particularly relevant with such a massive development potentially on a neighbouring property:

The core landscapes and buildings of the campus are well loved and need to continue as focal points to a welcoming campus and community environment. The quality of campus and facilities is important for attracting and retaining students, faculty and staff.

University and City staff have discussed the Campus Master Plan and both strongly agree that appropriate development of Gordon Street at Stone Road is vital to the future campus and community landscape and in the creation of a beautiful welcoming “gateway” to the University as well as Downtown Guelph. The size of the proposed development will jeopardize this opportunity.

We would suggest that a 12 and 10 story tower development on the subject lands would not enhance the visual qualities of the City or protect the heritage and unique character of the urban environment, and, in particular, the University environment. The existing raised elevation of the site would further increase the perceived height of the building and would easily become a landmark seen from across the City. The history of Guelph is largely tied to the agriculture industry and maintaining a small town feel within a medium sized city is still important for new developments and understanding of the social and cultural implications on the adjacent neighbourhood.

The proposed development is “oversized” for the specific lot and will overpower the neighbouring areas. Our planning consultants advise that even if an Official Plan Amendment is granted, the application still requires numerous special exceptions including:

- Allowing more apartment units than presently permitted
- Exceeding the maximum height limits
- Less parking than presently permitted

Development of this site needs to be compatible with the design and character of the existing established residential, commercial and institutional areas of this major intersection and gateway to the University and Downtown Guelph.

The University is very proud of our relationship with our neighbours; we have worked together over many years to deal with any issues that arise. Although not a University residence, the challenges and problems that may result from housing 1200 students in such a compact area, without the safety and support programs that are provided to Guelph students living in residence, will reflect poorly on the University and will negatively impact our relationship with our neighbours and the entire community. Student safety within the facility as well as at pedestrian crossings is a significant concern.

We believe that rather than the high-density development proposed by Abode Varsity Living, a medium-density development would be more compatible at this strategic location. This would ensure a compatible built form to the other two existing buildings at the southwest and northwest corner, being the Delta Hotel and the OMAFRA government complex respectively.

In closing, the University would support a scaled down student housing project that is sensitive to the existing residential community and the scale and size of the University campus.

Thank you.

June 29, 2012

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

Attention: Mayor Farbridge and Members of Council

Re: Council Report dated July 3, 2012
Abode Varsity Living, 716 Gordon Street
Decision Meeting July 3, 2012

On behalf of the Mayfield Park Community Association we thank you for the opportunity to provide comments with respect to the Council Report regarding the Abode Varsity Living development application. We look forward to attending the Decision Meeting on July 3, 2012.

We welcome and commend the recommendation by City Planning Staff and the professional planning consultants to deny the amendments sought in the application. We are pleased and grateful for the very thorough analysis by the planning department and the consultants. The recommendations have buoyed our confidence in the City's Planning process and confirmed that our City staff is committed to standing up for our City's Official Plan.

A vote against this development will be deeply reassuring, not just to us, but also to everyone in Guelph because it emphasizes the value and importance of the City's Official Plan and planning bylaws, all of which have been carefully designed to ensure Guelph continues to be a great place to live. If allowed to proceed, the development would result in a serious negative impact on our neighbourhood, the Gordon and Stone corridors, the University of Guelph and the character of our entire City.

Please take this important opportunity to show support for the Official Plan and for a vision of responsible development of our City. We ask each Member of Council to take the position that the application should be denied and to proceed together with us, united in our opposition, to the OMB Appeal.

We attach a copy of the Report of our Planning experts Beate Bowron and Gary Davidson.

Thank you again for the opportunity to provide these comments.

Yours truly,

Kate MacDonald
President, Mayfield Park Community Association

PARTNERS IN COMMUNITY BUILDING

BEATE BOWRON ETCETERA INC. & THE DAVIDSON GROUP INC.

**Mayfield Park Community Association
Development Proposal for 716 Gordon
Street**

**Professional Planning Opinion
June 2012**

Prepared by:
Beate Bowron, FCIP, RPP and Gary Davidson, FCIP, RPP

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Development Proposal for 716 Gordon Street

The revised applications before Guelph City Council propose various amendments to both the Guelph Official Plan (OP) and the Guelph Zoning By-law (ZBL). Specifically, the Official Plan Amendment (OPA) application requests a high density residential designation accompanied by special site policies and the Zoning By-law amendment requests rezoning to a high density apartment zone, again accompanied by special site policies. The effect of the OPA and rezoning is a considerable density increase over that allowed under the policies of current planning documents.

The site proposed for development is 1.7 hectares in size and located on the southeast corner of Gordon Street and Stone Road with a municipal street address of 716 Gordon Street.

The applications by Abode Varsity Living Inc. (Abode) propose 264 purpose-built student apartment units, ranging from 2 to 5 bedrooms, with 70% having 5 bedrooms. Each unit will share a common living and kitchen area, while each bedroom will have an en-suite bathroom.

Two buildings are proposed, one of 10 storeys and one of 12 storeys. In all, the two buildings will contain 1216 bedrooms and house a similar number of students.

The proposal would yield a density of 156 units per hectare. However, the units are not configured as normal apartment building units but as student quarters with, as noted, the majority being 5 bedroom units. To account for this variation, it would be more appropriate to consider the proposed density in a manner similar to the approach taken in the Places to Grow Act, as persons per hectare. Using this metric, the density requested is 715 persons per hectare.

Discussion of a proposal for purpose-built, student housing on this site has been ongoing since the original applications were submitted in 2010. There have been numerous open houses, a statutory public meeting, facilitated sessions and a design charrette. Abode appealed their original application to the Ontario Municipal Board (OMB) in December 2011 and submitted revised applications in April 2012. This planning opinion comments on the revised applications.

The Mayfield Park Community Association (MPCA) has been involved with the applications since the outset. It has attempted to work with Abode and the City to find an agreeable development for the site that is compatible with the surrounding residential area and the University of Guelph. The MPCA opposed the original applications and objects to the current applications. Their objection to the current applications was registered with the City at the community meeting on the applications held on June 6, 2012. The MPCA has party status at the appeal to the OMB.

Requested Amendments to the Official Plan and Zoning By-law

The amendments requested by Abode call for significant changes to the Guelph OP and Zoning By-law. The general thrust of the amendments is to significantly increase site density and coverage by changing the designation and zoning to high-density residential use. Further, additional relief is sought from the high-density (apartment) requirements of both the OP and ZBL. These further changes are to be implemented through special site provisions in both the OPA and rezoning.

While discussed in greater detail in the section analyzing the OP, the proposed amendments seek increases in density, building height and reductions in various yards, parking requirements and angular planes. The applications seek to change the residential designation from *General Residential* to high density and then request further increases in density and further relief from zoning provisions through the use of a special site-specific designation and zoning provisions.

The justification for these proposed changes rests primarily on the policies set out in the Provincial Policy Statement (PPS) of 2005 and the Greater Golden Horseshoe Growth Plan (2006). The applications for the two amendments do not indicate that the Guelph OP is not consistent with the PPS or the Growth Plan, rather they invoke the policies of the PPS and Growth Plan directly as a reason for why the amendments should be approved.

The Guelph OP underwent a major amendment (OPA 39) to bring it into conformity with the Growth Plan for the Greater Golden Horseshoe. This amendment was adopted by the City of Guelph on June 10, 2009 and approved by the Minister of Municipal Affairs and Housing on November 20, 2009. The assessment of the appropriateness of the applications submitted by Abode seems to rest on the relative weight put on Official Plan policies versus policies of the PPS / Growth Plan. The crux of this argument is whether the provincial planning documents refer to the entire settlement area, in this case the City of Guelph, or to each specific site within the City, in this case the Abode site. This discussion is taken up in detail later in this report.

The City has continued in its endeavours to keep its plan current with sound planning practice and provincial requirements. In 2011 it initiated OPA 48, a major update to its OP. A draft was released in January 2012 and adopted by Council on June 5, 2012. The designation on the Abode site was changed from *General Residential* to *Low Density Residential*. Contrary to the applications for amendment which request a substantial increase in density, the planning for this area reflects a lowering of the general density to harmonize with the surrounding land uses.

Planning Review

A thorough review of an application for amendment to an official plan and zoning by-law must take into account both provincial and municipal planning instruments. In terms of the Abode applications this would include: The Planning Act, the Provincial Policy Statement (PPS), the Growth Plan for the Greater Golden Horseshoe (Growth Plan), the Guelph Official Plan (OP), proposed amendments to the OP and the Guelph Zoning By-law.

Based on the manner in which the justification for the proposed amendments is presented, there is a need to assess the appropriate weight to be given to municipal and provincial planning policies, how they are integrated and the approach to judge the merits of proposed amendments to municipal planning documents.

Planning Act

The Ontario Planning Act lays out the planning regime that both the Province and municipalities must follow. The Act (s.1(1) defines “area of settlement”. The City of Guelph is an area of settlement.

Section 2 “Provincial Interest” lays out matters of provincial interest that include, among other items, “the orderly development of safe and healthy communities” (ss.2(h), “the adequate provision of a full range of housing” (ss.2(j) and “the appropriate location of growth and development” (ss.2(p). Further, the Act provides for the Minister to issue policy statements (s.3(1) and stipulates that planning decisions of a municipality “shall be consistent with policy statements” [issued under s.3(1)] (s.3(5)). The term “consistent with” is not defined in the Act.

In s.16 the Act lays out the process for municipal official plans and in ss.16(1)(a) notes that an official plan shall contain “goals and policies established primarily to manage and direct physical change and the effects on the social, economic and natural environment of the municipality”.

Provincial Policy Statement

The current Provincial Policy Statement (PPS) was issued in 2005. The preamble sets out the purpose of the PPS as “the policy foundation for regulating the development of the use of land”. It also notes that “Provincial plans and municipal official plans provide a framework for comprehensive, integrated and long-term planning that supports and integrates the principles of strong communities, a clean and healthy environment and economic growth, for the long term”.

Part III states that “Implementation issues are addressed in the Implementation and Interpretation section”. This section (s.4.0) contains several policies that are germane to the proposed amendments and how they should be evaluated:

1. Section 4.2 indicates that a municipality “in respect to the exercise of any authority that affects a planning matter “shall be consistent with” this Provincial Policy Statement”. As noted, the phrase “shall be consistent with” is not defined in the PPS.
2. Section 4.5 states that “The official plan is the most important vehicle for implementation of this Provincial Policy Statement”. It further states: “Municipal official plans shall identify provincial interests and set out appropriate land use designations and policies”. Finally, “In order to protect provincial interest, planning authorities shall keep their official plan up-to-date with this policy statement. The policies of this Provincial Policy Statement continue to apply after the adoption and approval of a municipal official plan”.
3. Section 4.9 indicates that: “Provincial Plans take precedence over policies in this Provincial Policy Statement to the extent of any conflict.”

The PPS contains a wide range of policies in Part V. The policies in Section 1 (Building Strong Communities) are particularly relevant to the assessment of the proposed amendments. Policies are provided for a mix of land uses within the settlement area (ss.1.1.3.2), intensification (ss.1.1.3.3) where this can be accommodated “taking into account existing building stock or areas”. Also, s.1.4 refers to the appropriate range of housing types and densities.

The Growth Plan for the Greater Golden Horseshoe

Guelph is also covered by a provincial plan, which as noted, takes precedence over the PPS, should conflicts arise. One important aspect of the Growth Plan is that it establishes intensification targets for urban areas within the Greater Golden Horseshoe. The intensification requirements for Guelph are set both in general and specific terms in the Growth Plan. Generally, 40% of all new development will be within the Built Up Area (s.2.2.3). Specifically, the density in the Guelph downtown is set at 150 persons and jobs combined per hectare (ss.2.2.4 (c) and in greenfield areas the density requirement is 50 persons per hectare (s.2.2.7.2).

The vehicle for achieving these density requirements is the municipal official plan. Section 2.2.3.6 lays out 10 policy requirements that municipal official plans will have to include.

The City of Guelph enacted OPA 39 to implement the requirements of the Growth Plan. This amendment is in full force and effect following approval by the Minister on November 20, 2009. The specifics of this amendment are discussed later in the report.

The question arises how to assess development proposals such as Abode’s within this array of provincial and municipal policies. Specifically, how should the

PPS implementation policies in Sections 4.2 and 4.5 be interpreted. Section 4.2 seems to give primacy to the PPS and Section 4.5 to the official plan.

Taking the Planning Act, the PPS and the Growth Plan together, it seems that the intent of the Province is that its interests and policies be expressed in municipal official plans. When they are, then the official plan is the guiding document for assessing development applications. Of course, official plans take time to amend and not all municipalities follow provincial wishes. Therefore, it is important to have Section 4.2 of the PPS to cover these situations.

When a municipality has brought its official plan into being “consistent with” the PPS and into conformity with the Growth Plan, then the municipality can set appropriate designations and policies for development. This is the case in Guelph. Through OPA 39 the City has an Official Plan that conforms to the Growth Plan and is consistent with the PPS. The test for this is approval by the Minister of Municipal Affairs and Housing.

Once the overall planning system for the municipality is in order, it is not the intention of the PPS or the Growth Plan that they be applied to each site-specific application. This would create a situation where official plans are superfluous, which is clearly not the intent of the Planning Act, the PPS or the Growth Plan, all of which strongly support sound municipal planning. Also, as an extreme example, if the PPS were applied to every planning application, then any building permit for a single-family residence would contravene the intensification policies and could be challenged. This could jeopardize stable low-density residential communities. This is not a situation intended by the PPS.

It is our conclusion that, once the provincial requirements for the entire settlement area have been met, individual applications to amend an official plan and/or zoning by-law are judged on how they conform with the official plan policies for the site and not how selected PPS or Growth Plan policies apply to the site. The purpose of provincial interests and policies is to guide municipal planning, not control planning on every property within the municipality.

Based on the above discussion, this report now turns to a detailed analysis of the Official Plan as the guiding document for the evaluation of the Abode proposal.

Guelph Official Plan

The 2001 City of Guelph Official Plan (November 2006 Consolidation) designates the site as *General Residential* with the following applicable policies:

“7.2.31 The predominant use of land in areas designated as 'General Residential' on Schedule 1 shall be residential. All forms of residential development shall be permitted in conformity with the policies of this designation. The general character of development will be low-rise housing forms. *Multiple unit residential buildings* will be permitted

without amendment to this Plan, subject to the satisfaction of specific development criteria as noted by the provisions of policy 7.2.7.”

“7.2.32 Within the 'General Residential' designation, the *net density of development* shall not exceed 100 units per hectare (40 units/acre).”

“7.2.33 The physical character of existing established low density residential neighbourhoods will be respected wherever possible.”

The proposed development contravenes the above Official Plan policies. At 12 and 10 storeys its form is not low rise and does not respect the adjacent low rise, low density residential neighbourhood. With a proposed density of 156 units per hectare it far exceeds the permitted maximum density of 100 units per hectare and is even slightly higher than the density permitted in the requested *High Density Residential* designation.

The development criteria against which proposals for multiple unit residential buildings will be evaluated are found in Section 7.2.7 as follows:

“7.2.7 *Multiple unit residential buildings*, such as townhouses, row dwellings and apartments, may be permitted within designated areas permitting residential uses. The following development criteria will be used to evaluate a *development* proposal for *multiple unit* housing:

- a) That the building form, massing, appearance and siting are compatible in design, character and orientation with buildings in the immediate vicinity;
- b) That the proposal can be adequately served by local convenience and neighbourhood shopping facilities, schools, parks and recreation facilities and public transit;
- c) That the vehicular traffic generated from the proposal can be accommodated with minimal impact on local residential streets and intersections and, in addition, vehicular circulation, access and parking facilities can be adequately provided; and
- d) That adequate municipal *infrastructure*, services and amenity areas for the residents can be provided.”

For greater emphasis Section 7.2.8 of the Official Plan states that

“the development criteria of policy 7.2.7 will be used to assess the merits of a rezoning application to permit new *multiple unit residential buildings* on sites that are presently not zoned to permit these particular housing forms”.

716 Gordon Street is surrounded by a stable low density residential area. All other higher intensity uses in the vicinity of the site are separated from it by

arterial roads. The proposed 12 and 10 storey buildings are massive and overwhelm the adjacent single family neighbourhood. Their **form, massing and appearance** are not compatible with the neighbouring single detached houses and their **design, character and orientation** do not fit into the community.

Since it is still unclear whether the proposed buildings constitute apartment buildings or some other residential use, it is difficult to comment on their conformity with Official Plan policies 7.2.7 c) and d) above. Some comments are provided later in the Zoning By-law section of this report.

However, it should be noted that Guelph planning staff are currently dealing with four additional development applications for Gordon Street south of Stone Road yielding a total of 513 additional residential dwelling units. It may well be necessary to assess traffic flow on Gordon Street and its impact on the adjacent low density residential neighbourhood not just for 716 Gordon Street, but in the context of all of the development currently proposed for the Gordon Street corridor.

The applicant's revised Planning Justification report, dated April 2012, also relies on two further policies of the current Guelph Official Plan to support the proposed development:

"7.2.2 The City shall encourage and assist, where possible, in the production of an adequate supply and mix of *affordable housing* by:

- a) Expediting the *development* approval process and other administrative requirements;
- b) Partnering with the private sector and other government levels to implement housing programs;
- c) Encouraging the provision of *affordable housing* in plans of subdivision that are designed for moderate and lower income households, and, more particularly, for large subdivisions requiring this housing form to be provided to a minimum 25% of the total potential units.
- d) Encouraging the use of alternative development techniques that can assist in lowering development costs and potentially lower housing costs;
- e) Promoting a 3 percent *vacancy rate* for rental housing;
- f) Encouraging the provision of additional rental housing;
- g) Promoting the provision of *affordable housing*, located near transit, shopping, parks and other community facilities, in order to meet the needs of lower income and senior citizen households;
- h) Supporting student housing developments conveniently accessible to the University of Guelph;
- i) Supporting the provision of specialized housing facilities to meet the needs of persons with disabilities."

The introduction to this policy emphasizes “wherever possible” and speaks to an “adequate supply and **mix** of *affordable housing*”. There may well be an opportunity to include some student housing in any development on this site, provided there is a mix of residential uses.

The other Official Plan policy quoted in the Planning Justification Report refers to Section 7.3.9:

“The City will encourage the majority of new *multiple unit residential buildings* to be designed for the accommodation of singles, couples, students and senior citizens.”

This policy refers to the Central Business District (CBD). 716 Gordon Street is located outside of the CBD in what the Official Plan refers to as the *Built Up Area* of the City of Guelph and the policy is, therefore, not applicable to the proposed development.

Guelph City Council adopted Official Plan Amendment 39 (OPA 39) in June 2009 to bring its Official Plan into conformity with Ontario’s Growth Plan for the Greater Golden Horseshoe. As stated previously in this report, with this amendment Guelph has met its obligations regarding its prescribed density targets.

OPA 39 maintained the *General Residential* designation of 716 Gordon Street. It also established an *Intensification Corridor* along Gordon Street and Stone Road West which includes this site. *Intensification Corridors* are defined as follows:

“Intensification Corridors are those areas along major roads that are well served by transit and have the potential to provide a focus for higher density mixed use development. These areas are shown on Schedule 1B and include several areas that will be planned to accommodate higher density mixed uses.”

Sections 2.4.8 and 2.4.8.1 set the policies for *Intensification Corridors*:

“2.4.8 *Intensification Corridors* are identified on Schedule 1B of this Plan and will be planned to provide for mixed-use development in proximity to transit services at appropriate locations.

2.4.8.1 *Intensification corridors* will be planned to achieve:

- a) increased residential and employment densities that support and ensure the viability of existing and planned transit service levels;
- b) a mix of residential, office, institutional, and commercial development where appropriate; and
- c) a range of local services, including recreational, cultural and entertainment uses where appropriate.”

The definition of *Intensification Corridors* speaks to **higher** densities not **high** densities and it is evident that the proposed development for 716 Gordon Street does not conform with the policy requirement for a mixed-use development.

Section 2.4.5.1 of OPA 39 clarifies expectations for Guelph's *Built Up Area* in which the site is located.

"2.4.5.1 Within the *built-up area* the following general intensification policies shall apply:

- a) By 2015 and for each year thereafter, a minimum of 40% of the City's annual residential development will occur within the City's *built-up area* as identified on Schedule 1B. Provision may be made for the fulfilment of this target sooner than 2015.
- b) The City will promote and facilitate *intensification* throughout the *built-up area*, and in particular within the *urban growth centre* (Downtown), the community mixed use nodes and the *intensification corridors* as identified on Schedule 1B "Growth Plan Elements".
- c) Vacant or underutilized lots, *greyfield*, and *brownfield sites* will be revitalized through the promotion of *infill development*, *redevelopment* and expansions or conversion of existing buildings.
- d) The City will plan and provide for a diverse and compatible mix of land uses, including residential and employment uses to support vibrant communities.
- e) A range and mix of housing will be planned, taking into account affordable housing needs and encouraging the creation of secondary suites throughout the *built-up area*.
- f) *Intensification* of areas will be encouraged to generally achieve higher densities than the surrounding areas while achieving an appropriate transition of built form to adjacent areas.
- g) The City will plan for high quality public open space with site design and urban design standards that create attractive and vibrant spaces.
- h) Development will support transit, walking, cycling for everyday activities.
- i) The City will identify the appropriate type and scale of development within *intensification areas* and facilitate *infill development* where appropriate."

Subsection f) above makes it clear, that while sites in *Intensification Corridors* will be encouraged to achieve higher densities than the surrounding areas, any development has to provide **an appropriate transition of built form to adjacent areas**. The proposed development at 716 Gordon Street does not achieve that transition. As mentioned previously, OPA 39 does not change the *General Residential* designation of the site. By implication, the site is therefore not needed to reach Guelph's intensification targets.

OPA 48

In June 2012 Guelph City Council adopted Official Plan Amendment 48 (OPA 48). OPA 48 is very comprehensive and the most up-to-date reflection of the City's planning policies affecting 716 Gordon Street. This Amendment designates the site as *Low Density Residential* with the following height and density policies for the *Built up Area*:

"9.3.2 Low Density Residential

This designation applies to residential areas within the *built-up area* of the City which are currently predominantly low-density in character. The predominant land use in this designation shall be residential.

Permitted Uses

1. The following uses may be permitted subject to the applicable provisions of this Plan:
 - i) detached, semi-detached and duplex dwellings; and
 - ii) multiple unit residential buildings, such as townhouses and apartments.

Height and Density

The *built-up area* is intended to provide for *development* that is compatible with existing neighbourhoods while also accommodating appropriate *intensification* to meet the overall *intensification target* for the *built-up area* as set out in Chapter 3. The following height and density policies apply within this designation:

2. The maximum height shall be three (3) storeys.
3. The maximum *net density* is 35 units per hectare and not less than a minimum *net density* of 15 units per hectare.
4. Notwithstanding policies 9.3.2.2 and 9.3.2.3, increased height and density may be permitted for *development* proposals on arterial and collector roads without an amendment to this Plan up to a maximum height of six (6) storeys and a maximum *net density* of 100 units per hectare in accordance with the Height and Density Bonus policies of this Plan."

OPA 48 goes even further than OPA 39 in indicating that 716 Gordon Street is not needed to meet the City's intensification targets, since it applies a lower density designation to the site. At the same time, subsection 4 above allows for increased height and density from 35 units per hectare to 100 units per hectare and from a maximum of 3 storeys to a maximum of 6 storeys "in accordance with the Height and Density Bonus policies" of the Plan. Section 10.7, subsection 2 explains these policies:

- "The City will consider authorizing increases in height and density provided that the *development* proposal:
- i) is consistent with the goals, objectives and policies of this Plan;

- ii) is *compatible* with the surrounding area;
- iii) provides community benefits above and beyond those that would otherwise be provided under the provisions of this Plan, the *Planning Act*, *Development Charges Act* or other statute; and
- iv) provides community benefits that bear a reasonable planning relationship to the increase in height and/or density such as having a geographic relationship to the development or addressing the planning issues associated with the development.”

As stated earlier, the proposed development is not consistent with the goals, objectives and policies of the Plan, is not compatible with the surrounding area and does not provide any extra community benefits. Therefore, the height and density bonus policies of the OP cannot be applied to Abode’s applications.

Guelph Zoning By-law

The applicable Zoning By-law (ZBL) is Guelph By-law (1995) 14864, as amended. Even though the site is designated *General Residential*, it is currently zoned SC1-11 (Service Commercial 1-11). This represents a legacy zoning that recognizes the existing hotel but does not correspond to the OP designation. The proposed rezoning application is for a R.4B (High Density Apartment) zone. In addition, the rezoning requests certain variances in the R.4B zone to allow an increase in density and relief from several of its provisions. In effect, the proposed amendment seeks a special zoning within the R.4B zone to accommodate the specific use and site provisions associated with the proposed development.

The Zoning By-law does not have specific zones that relate directly to the Official Plan terminology. Rather, the ZBL focuses more on the type of residential unit. As stated previously, the *General Residential* designation in the Plan, where it allows *multiple unit residential buildings* requires: “That the building form, massing, appearance and siting are compatible in design, character and orientation with buildings in the immediate vicinity” (Section 7.2.7). Considering the surrounding uses, the zoning conforming to the OP designation would most likely be R1, R2 or R3. These zones allow a wide range of uses as set out in the *General Residential* designation. However, one significant zoning criterion in these zones is a maximum height of three storeys. Hence, if the zoning followed the OP designation, any proposed building on the site should not exceed three storeys.

This is an important planning consideration, as it establishes the development potential of the site. A potential development can include up to 100 units per hectare, various housing types including multiple units, but to a maximum height of three storeys. This forms a baseline from which to judge the magnitude of the changes requested by the proposed amendments.

As noted, the amendments propose significant changes to the current OP

designation and to the ZBL. The revised development proposal is for 156 units per hectare and two apartment buildings of 10 and 12 storeys. The proposed rezoning requests a special R4B (High Density Apartment) zone. In addition, it requests special provisions to increase density, increase the Floor Space Index, increase the building height of one of the buildings, reduce the minimum rear yard, reduce the parking requirements and increase the angular plane in the existing R4B zoning provisions.

There is also a definitional issue surrounding the proposed use. The rezoning application is for an apartment building. However, the use anticipated is student lodging. An internal memo from the Guelph Building Division questioned whether the use would correctly be a “Lodging House Type 2” because of the number of 5 bedroom units. The definition of the use is important for both the allowed uses and calculating certain zoning provisions. For example, lodging houses are not permitted in the R4B zone and as an apartment building the proposed development would require 335 parking spaces, while as a lodging house it would require 405 spaces. The specific definition of use is problematic as a purpose-built student apartment building with 1216 bedrooms is not covered in the Zoning By-law.

Based on the existing Official Plan designation and the zones associated with it, the proposed rezoning is not in conformity with the Official Plan’s land use designation and the specific policies governing development in the *General Residential* zone. The additional changes or variances that are requested, to increase density and reduce provisions from the R4B zone’s standards, would even compromise the zoning provisions for the high density apartment zone.

Conclusions

The proposed development of a 12 and a 10 storey building with a density of 156 units per hectare at 716 Gordon Street represents an over-concentration of purpose-built student housing on this site. It contravenes the policies of Guelph’s current Official Plan, notably Section 7.2.31, which requires low rise housing forms, and Section 7.2.32, which sets the maximum density at 100 units per hectare. The proposed built form does not fit into the surrounding neighbourhood and does not meet the main development criterion in Section 7.2.7, namely that the building form, massing, appearance and siting be compatible in character and orientation with buildings in the immediate vicinity.

The proposed development also contravenes the *Intensification Corridor* policies introduced by OPA 39, which apply to this site. These corridors are meant to have higher densities than their surrounding areas. The current Official Plan designation, which allows a maximum number of 100 units per hectare adjacent to a low density single-family community, already meets this goal. However, *Intensification Corridors* also require mixed-use development, which this single-use proposal does not provide. In addition, the proposed development is

inconsistent with the intensification policies of OPA 39, since it does not achieve “an appropriate transition of built form to adjacent areas”.

The most recent update of Guelph’s Official Plan (OPA 48) clarifies the planning direction for 716 Gordon Street. Instead of contemplating higher density, high rise development, as requested by Abode’s applications, OPA 48 designates the site as *Low Density Residential* with a maximum of 35 units per hectare and a maximum height of 3 storeys. 100 units per hectare and up to 6 stories can be achieved on arterial roads, providing the Height and Density Bonus policies of the Plan are met. The proposed development neither meets the compatibility requirement of these policies nor the need to provide community benefits.

The rezoning application is equally incompatible with the objectives and policies of the City of Guelph’s Official Plan.

The applications classify the proposed development as apartment buildings and calculate the proposed density as 156 units per hectare. However, since the tenants will be exclusively students in mostly 4 and 5 bedroom units, it would be more appropriate to calculate the proposed density by the number of persons per hectare. This calculation yields 715 persons per hectare.

The applicant’s planning justification report puts a great deal of emphasis on the intensification policies of the 2005 PPS. The PPS does not provide any intensification target for municipalities. However, the Growth Plan for the Greater Golden Horseshoe does specify targets of 150 persons and jobs per hectare for Guelph’s Downtown and 50 persons and jobs per hectare for greenfield development. There is no target for the *Built Up Area*, because it covers such a wide variety of neighbourhoods.

At 100 units per hectare, the *General Residential* designation of the Official Plan results in 170 persons per hectare on this site, exceeding the requirement for the Downtown (Guelph uses 1.7 persons per unit in their population calculations for apartments). Even the more recent *Low Density Residential* designation (OPA 48) still yields 60 persons per hectare.

There is no doubt that the City of Guelph is meeting its intensification targets as stipulated by the Growth Plan and the PPS. The Minister’s approval of OPA 39 has implicitly confirmed this. The PPS cannot, and should not, be used to justify high density “intensification” proposals on every individual site in the city, when the City has already met the intensification requirements of the Province.

Sent: Tuesday, June 26, 2012 7:15 PM

To: Lise Burcher; Leanne Piper; Todd Dennis; Karl Wettstein

Subject: Highrises near the UofG

Councillors of Wards 5 and 6

I read with absolute dismay in today's Guelph Tribune that the city council is going to fight the building of two high rises at the corner of Gordon and Stone. I am sick and tired of the City bending over backwards to appease the University and wasting my tax dollars.

Since I moved into my home in 1983 at Ironwood and Kortright I have watch the area slowly becoming a wasteland for families in this once great residential neighbourhood. Drinking,drugs,graffiti and public mischief is on the rise every year. Why is this council oblivious to the fact that at this location it could reduce the number of students spread over Wards 5 and 6. Limit the number of student housing, absentee landlords that do not give a damn that they bring down the look of an area and reduce the property values.

To quote Tim Smith who did the new planning analysis "The built form of the proposed development is entirely out of character with its surroundings and indeed the overall character of Guelph" Maybe one of you could tell me what is the overall character of Guelph because as I see it the slow demise and destruction of family areas is part of the overall character of Guelph.

The Mayor and the council should welcome a company that has the guts to propose such a build, not fight at the OMB. Find out from the OMB how you can change the laws to limit the number of residences because your collective track record on this issue for a long time has been abysmal. It is amazing that the U of G has the nerve to complain about having this built on it's own doorstep when it has been thumbing it's nose at Wards 5 and 6 for years. Any action by them on this problem has been window dressing at best.

It's time to be counted. Do the right thing. For goodness sake it is two high rise buildings, not a nuclear waste site and it is next door to the facility it will service. It cannot get any better than that.

Regards

Jim Wynne

COUNCIL REPORT



TO **Guelph City Council**

SERVICE AREA Corporate and Human Resources
Community and Social Services

DATE July 3, 2012

SUBJECT City Property at 6 Dublin Street South
REPORT NUMBER CHR – 2012 - 42

SUMMARY

Purpose of Report:

To provide information regarding the possible sale of City property located at 6 Dublin Street South.

Council Action:

To consider approval of an agreement.

RECOMMENDATION

THAT the report of the Manager of Realty Services dated July 3, 2012, entitled, "City Property at 6 Dublin Street South" be received for information.

BACKGROUND

New Civic Museum Project

On October 15, 2007, Council approved the project to convert the Loretto Convent to a new Civic Museum in the amount of \$12,700,000, including external grants and subsidies. Included in this amount were expectations for \$500,000 from a fundraising campaign and \$500,000 from the sale of the, now former, museum building at 6 Dublin Street South.

Federal and Provincial Funding Sources

In early 2008, the external funding sources were confirmed when \$5.0 million was granted from the provincial MIII program and \$1.0 million was granted from the federal Cultural Spaces Canada program. In January 2010 an additional \$500,000 from Cultural Spaces Canada was awarded to offset construction costs and federal staff recommended that approval of the additional funding be separate from the

issue of ownership of the existing building. The \$500,000 was approved to replace the amount in the budget anticipated from the sale of the building so that the future of 6 Dublin Street South was no longer tied to the new Civic Museum project. If the property was sold, therefore, the City would have full discretion in regard to the use of the proceeds from the sale.

Landscaping Phase 2 Project

During the planning stages of the Museum project and before it went to tender, it became clear that meeting the Facility Accessibility Design Manual (FADM) requirements on the grounds surrounding the building would require extensive site work. The cost of this work and related landscaping was approximately \$1 million, putting the estimated cost of the project beyond the approved budget. As a result, the landscaping component was removed from the original tender and identified as a second phase (Phase 2).

Construction and Delays

The project planning effort took considerable time due to the challenges posed by the significant slope of the site (the drop from the building to Norfolk Street is over 10 metres) and the complicated demands of parking for cars and buses, programming, landscaping, and accessibility. The official construction launch was held on Friday, January 22, 2010.

In March 2011, Council was informed that completion of the construction was delayed by approximately 4 months. The delay was primarily due to challenges associated with the underpinning of the rubble stone foundation walls, unforeseen soil conditions, and buried foundations of the old high school that previously occupied the site. Due to the delay, a cost overrun for the project was identified.

Sale of 6 Dublin S. for Overruns

In order to avoid issuing additional debt and because no municipal use for the property had been identified, staff recommended and on May 24, 2011 Council approved the following resolutions:

"THAT staff proceed with the sale of the property located at 6 Dublin Street South by way of a listing with a real estate broker.

AND THAT the proceeds of the sale be designated to offset any cost overrun on the construction of the new Civic Museum."

Fund Raising Results

The generous donation of \$200,000 from the Estate of Hugh Guthrie, which was announced in September 2010, stimulated many donations from both companies and individuals who wanted to pay tribute to Hugh Guthrie and his family and their many contributions to this community. As a result, the fundraising campaign surpassed its original goal of \$500,000 by approximately \$272,000. Although, to date, no other capital funding has been allocated to the landscaping work (Phase 2), on September 13, 2011, Council adopted the following resolution

"THAT the \$250,000 raised in excess of the original campaign goal of \$500,000 be transferred to the Guelph Civic Museum Reserve Fund with the intention that it be used for Phase 2 of the Guelph Civic Museum Project (exterior site work and landscaping), Phase 2 being subject to Council Capital budget deliberation."

REPORT

In early 2012, staff issued a Request for Proposals for real estate brokers to list the property. The property was listed for sale on May 10, 2012 by Matteis Realty Ltd. The listing price was \$949,000.00.

This report is being tabled at this time because one or more offers have been received and the terms will be reviewed in the Closed Session portion of this meeting.

CORPORATE STRATEGIC PLAN

This initiative supports the following Strategic Direction:

2.3 Ensure accountability, transparency and engagement.

FINANCIAL IMPLICATIONS

If the sale is finalized, the revenues will be used to cover appraisal costs, real estate commissions (5%), and the balance will be first used to offset any cost overruns at the new Civic Museum, which overruns are currently estimated to be \$400,000 making the total project cost approximately \$13.8M. Staff propose that any remaining balance be set aside for Phase 2 landscaping project.

The following summarizes costs, overruns, and other financial issues associated with this project:

Original Approved Budget:	\$12.7M	
Additional Approved Budget:	\$700,000	Foundational underpinnings and other issues
Total Approved Budget:	\$13.4M	
Total Project Costs to date:	\$13.8M	Includes overages and outstanding payments.
Total Overruns:	\$400,000	

COMMUNICATIONS

Details of a sale, if approved, will remain confidential until the transaction is completed at the Registry Office.

ATTACHMENTS

None.

Original Signed by:

Prepared By:
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Manager of Realty Services
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Original Signed by:

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City Clerk's Office
City of Guelph
City Hall, 1 Carden St.
Guelph, ON
N1H 3A1

June 28, 2012

Dear Mayor Farbridge, City Councillors and Jim Stokes;

I've been a resident of Guelph since 2003. After 14 years in Toronto, my husband and I were drawn here by the many artists, musicians, writers and performers who have also chosen to make this fantastic city their home. As a visual artist, arts administrator, cultural activist and president of Guelph Arts Council, I recognize how important arts, culture and heritage are to the wellbeing of the entire community. Guelph's identity is intrinsically linked to the arts, and creative people need a place to gather, learn, share and thrive.

On behalf of myself and the Guelph Arts Council board, I am writing to offer my support for a community arts centre. The former Civic Museum at 6 Dublin Street has a strong and lasting presence in Guelph. When reviewing the bids that have been placed on this property, please consider the possibility of working with a property owner who has a clear and purposeful vision of this space. Artists and cultural workers in Guelph will agree that the work, reach, and development of the arts and culture sector has been highly successful, but has also been stifled by the lack of affordable, creative, and communal space. Tyrcathlen Partners has a clear vision for this property that proposes to keep the civic tradition of the building alive by re-developing the building as a Centre for the Arts, Culture and New Media. With this in mind, I hereby lend my support to the project and encourage Council to consider the strong impact that this project could have on our community.

Please do not hesitate to contact me should you have any additional questions.

Sincerely,

Mary Calarco
President, Guelph Arts Council
463 Woolwich Street
Guelph, ON N1H 3X6
519-827-0033

Regarding the sale of 6 Dublin St South. Guelph.

City Clerk's Office, City of Guelph, City Hall, 1 Carden St.

Dear Mayor Farbridge and City Councillors.

Richard and I heartily support any interest in having the Guelph Civic Museum become a Centre for Community Arts .Culture and the arts are the heart of any worthwhile community. We note that "The City that Makes a Difference " Strategic Plan 2007 and Beyond lists three goals that would be supported by such a move.

Goal 2. Personal and community well-being

Goal 4. Arts, Culture and heritage

Goal 5. Government and Community Involvement.

Guelph has a large number of artists and people engaged in the arts in various ways and levels. They enrich our lives in many ways.

We understand that Tyrcahlen's bid would keep the building as a Centre for the Arts, Culture and Digital Media. We have so many scattered visual arts guilds now.. it would be wonderful to give them a home. As well, it would boost the downtown revitalization and might even support an added advantage to tourism .

Sincerely yours,

Norah and Richard Chaloner.