

COUNCIL PLANNING AGENDA



Council Chambers, City Hall, 1 Carden Street

DATE February 4, 7:00 p.m.

Please turn off or place on non-audible all cell phones, PDAs, Blackberrys and pagers during the meeting.

O Canada

Silent Prayer

Disclosure of Pecuniary Interest and General Nature Thereof

PUBLIC MEETING TO HEAR APPLICATIONS UNDER SECTIONS 17, 34 AND 51 OF THE PLANNING ACT

Application	Staff Presentation	Applicant or Designate	Delegations (maximum of 10 minutes)	Staff Summary
35 & 40 Silvercreek Parkway South – Proposed Official Plan and Zoning By-law Amendments (OP1201/ZC1204) – Wards 3 & 4	Katie Nasswetter, Senior Development Planner	Astrid Clos <u>Available to answer questions:</u> • Matt West • Tom Halinski	<u>Correspondence:</u> • Teresa Silverthorn • Jim Rilling • Christine Small • Brooke Rea	

CONSENT AGENDA

"The attached resolutions have been prepared to facilitate Council's consideration of the various matters and are suggested for consideration. If Council wishes to address a specific report in isolation of the Consent Agenda, please identify the item. The item will be extracted and dealt with immediately. The balance of the Consent Agenda can be approved in one resolution."

COUNCIL CONSENT AGENDA			
ITEM	CITY PRESENTATION	DELEGATIONS (maximum of 5 minutes)	TO BE EXTRACTED
A-1) 803-807 Gordon Street: Proposed Zoning By-law Amendment (File: ZC1205)			
A-2) Proposed Source Water Protection Plan			

SPECIAL RESOLUTIONS

BY-LAWS

Resolution – Adoption of By-laws (Councillor Dennis)

MAYOR'S ANNOUNCEMENTS

Please provide any announcements, to the Mayor in writing, by 12 noon on the day of the Council meeting.

NOTICE OF MOTION

ADJOURNMENT

STAFF REPORT



TO Guelph City Council

SERVICE AREA Planning, Building, Engineering and Environment

DATE February 4, 2013

SUBJECT 35 & 40 Silvercreek Parkway South - Proposed Official Plan and Zoning By-law Amendments (File: OP1201/ZC1204) Wards 3 & 4

REPORT NUMBER 12-03

EXECUTIVE SUMMARY

PURPOSE OF REPORT

To provide planning information on an application requesting approval of an Official Plan Amendment to permit changes to site specific policies regulating the Mixed Use Node and a Zoning By-law Amendment to alter site specific Community Commercial Zone and Service Commercial Zone regulations.

KEY FINDINGS

Key findings will be reported in future, following staff review of the application.

FINANCIAL IMPLICATIONS

Financial implications will be reported in the future Planning, Building, Engineering and Environment recommendation report to Council.

ACTION REQUIRED

Council will hear public delegations regarding the applications, ask questions of clarification and identify planning issues. The report is to be received and no decisions are to be made at this time.

RECOMMENDATION

1. That Report 13-03 regarding an Official Plan and Zoning By-law Amendment application by Astrid J. Clos Planning Consultants on behalf of Silvercreek Guelph Developments Inc., to permit a wider range of commercial uses and a larger retail gross floor area at the property municipally known as 35 and 40 Silvercreek Parkway South, and legally described as Lots 7-12, West side of Guelph & Galt Railway, Plan 52 and Part Lot D and E, West side Guelph & Galt Railway, and Part Napoleon Street, Plan 52 (formerly Guelph Township), (closed by order BS12480); designated as Part 1, 61R4027, and, Part Lots 3, 21 and 22, Concession Division A (formerly Guelph Township), designated as Part 3, 61R10726, City of Guelph, from Planning, Building, Engineering and Environment dated February 4, 2013, be received.

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BACKGROUND

Applications for an Official Plan Amendment and a Zoning By-law Amendment have been received for the property municipally known as 35 and 40 Silvercreek Parkway South from Astrid J. Clos Planning Consultants on behalf of Silvercreek Guelph Developments Ltd. The application was deemed complete on May 24, 2012. After initial staff review and through dialogue with City staff, additional changes to the application were brought forward by the applicant and a final formal revision to the application was submitted on December 10, 2012.

The lands, known as 'Silvercreek Junction', were the subject of previous Official Plan and Zoning By-law Amendment applications which received approval from the Ontario Municipal Board in January 2010. The lands have not yet been developed in accordance with the OMB approved Official Plan and Zoning By-law amendments and the developer is now seeking changes to this approval.

Location

The subject site is a vacant parcel of land located both east and west of Silvercreek Parkway South and bounded to the north by a Canadian National Railway main line, to the south by the Guelph-Exeter (GEXR) secondary rail line, and to the west by the Hanlon Expressway. It has a total area of approximately 22 hectares.

The lands subject to the current application are generally located on the westerly side of Silvercreek Parkway South and are approximately 8.85 hectares in size (see Attachment 1 – Location Map).

Existing Official Plan Land Use Designations and Policy

The portion of the site subject to this application is currently designated in the Official Plan as Mixed Use Node with additional site specific policies. This Mixed Use Node component of the site is divided into Sub Area 1 and Sub Area 2. Official Plan Land Use Designations and Related Policies are included in Attachment 2 of this report.

Site specific policies that apply to Sub Area 1 are focused on retail commercial development and include:

- A maximum of 22,760 square metres of retail gross leasable floor space is permitted, comprised of:
 - A maximum of one large format retail store comprised of either a warehouse membership club or home improvement retail warehouse, to maximum Gross Floor Area (GFA) of 13,470 square metres.
 - Ancillary retail stores (excluding supermarkets) to maximum aggregate GFA of 9,300 square metres:
 - In a minimum of two buildings;
 - Subject to a maximum retail unit size of 3,716 square metres;
- Commercial development shall incorporate a reduced parking standard, implemented by the zoning provisions.

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- Appropriate phasing requirements shall be imposed on retail commercial components in Sub Area 1 by the zoning provisions.

Site specific policies that apply to Sub Area 2 are focused on service commercial development and include:

- The maximum of 3,900 sq. m (42,000 sp. Ft.) of service commercial gross leasable floor shall be permitted, subject to:
 - A restricted range of service commercial uses, to be established in the implementing zoning bylaw;
 - the policy intention is to focus on true convenience-oriented service uses to serve the neighbourhood with residential or office space permitted above ground floor commercial.
- A minimum building massing equivalent to two (2) storeys (7.6m) shall be achieved in the buildings adjacent to the central “village market square”.
- Buildings shall be located close to the street line with primary entrances facing the street and grouped in manner to reinforce the limits and identity of the village market square.
- Reduced building setbacks shall be encouraged from the public streets, to help define the streetscape and enhance the pedestrian environment.
- Commercial development in this area shall incorporate a reduced parking standard, to be established through the site-specific implementing zoning provisions.

Existing Zoning

The portions of the site subject to the current application are currently zoned CC-21(H-25) (a specialized Community Commercial zone with a holding provision) and SC.1-56(H25) which is a specialized Service Commercial Zone with a holding provision. See Attachment 3 for the Zoning map and specific regulations.

The CC-21(H25) zone includes the following specialized regulations:

- Additional permitted uses:
 - one “Large Format Retail Establishment”, limited to a Warehouse Membership Club or Home Improvement Retail Warehouse Establishment
 - Apartment Buildings
 - Stacked Townhouse
 - Cluster Townhouse
- Prohibits a Supermarket use
- Limits the total retail GFA to 22,760 square metres
- Limits the “Large Format Retail Establishment” to a maximum of 13,470 square metres of GFA
- Limits all other retail establishments to 9,300 square metres, and further that:
 - This retail floor space must occur in at least two separate buildings

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- That no building permits be issued until September, 2012 for up to 5,200 square metres of this retail floor space and no building permits for the remainder of the retail space be issued until September, 2014.
- A minimum unit size of 465 square metres and a maximum unit size of 3,716 square metres.

The SC.1-56(H25) zone includes the following specialized regulations:

- A limited range of Service Commercial Uses that would be appropriate in the 'market square' setting
- Uses generally limited to 3,900 square metres in size, with office and commercial schools further limited to 465 square metres in size
- Reduced off-street parking ratios
- Reduced building setbacks to encourage buildings to be close to the street
- Minimum building height equivalent of two storeys and maximum of four storeys

In addition, a holding provision (H25) has been placed on both specialized zones to ensure that appropriate infrastructure is developed related to the site, including the approvals for the redevelopment of Silvercreek Parkway through and adjacent to the site, stormwater management facilities and a registered Site Plan Agreement.

REPORT

Description of the Proposed Official Plan Amendment

The purpose of the proposed Official Plan amendment is to modify the site specific policies related to Sub Area 1 and Sub Area 2 as follows:

- That one large format retail store with a maximum GFA of 13,470 square metres be permitted to have any use listed in the Community Shopping Centre (CC) zone
- That the maximum retail store size be increased to 5574 square metres from 3716 square metres
- That reference to "ancillary" retail be deleted
- That supermarket be included as a permitted use
- 929 square metres of retail space is proposed to be reallocated from Sub Area 1 to Sub Area 2, permitting retail in Sub Area 2 and reducing overall retail GFA in Sub Area 1 to 21,830 square metres.

Description of Proposed Zoning By-law Amendment

The purpose of the proposed Zoning By-law amendment is to modify the existing specialized Community Commercial zone (CC-21(H25) and Service Commercial (SC.1-56 (H25)) as follows:

Proposed changes to the CC-21(H25) Zone:

- To permit the 'Large Format Retail Establishment' to include the full range of standard Community Commercial permitted uses;
- To permit a supermarket use;

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- To remove timing restrictions related to the issuance of building permits for the proposed development of retail gross floor area;
- To increase the maximum 'retail store' size permitted to 5575 square metres (from 3716 square metres);

Proposed changes to the SC.1-56 (H25) Zone:

- Permitting retail use
- Additional regulation for Maximum Total Gross Floor Area for Retail Uses limited to 929 sq. m (10,000 sq. ft)

Proposed Development Concept Plans

The site concept plans for the proposed development are shown on Attachment 4. Two site concepts are included, first the existing site concept that reflects the current OMB approved Official Plan policies and zoning regulations for the site, and the second is a new concept that alters the configuration of the commercial component of the site and requires amendments to both the Official Plan policies and Zoning By-law regulations. Both are included because the applicant is applying to keep their current regulations but add flexibility to the policies and regulations for the commercial component of the site to permit them to pursue the layout second concept instead.

The following reports were submitted in support of the initial rezoning application:

- Planning Justification Report, dated May 7, 2012, prepared by Astrid J. Clos Planning Consultants
- Retail Market Demand and Impact Analysis, dated April 2012, by Tate Economic Research
- Traffic Impact Study, dated April 2012, by BA Group Transportation Consultants

In addition, with the revised application, the following additional information was submitted:

- Urban Design Compliance Letter, dated December 7, 2012, prepared by MSAi
- Addendum to Retail Market Demand and Impact Analysis, dated December 7, 2012, prepared by Tate Economic Research
- Traffic Impact Study Addendum, dated December 7, 2012, prepared by BA Group Transportation Consultants

Staff Review

The review of these applications will include the following issues:

- Evaluation of the proposal against the Provincial Policy Statement and the Places to Grow Plan;
- Evaluation of the proposed Official Plan Amendment against the land use designation and related policies of the Official Plan, including proposed changes to site specific policies;

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- Review of the proposed concept plan against the site specific Official Plan polices regarding urban design;
- Review of the proposed zoning and need for specialized regulations;
- Evaluation of the Retail Market Demand and Impact Analysis;
- Evaluation of the Traffic Impact Study;
- Community Energy Initiative considerations;
- Review of potential impact of site specific appeal of OPA 42, the City's Natural Heritage Policies in the Official Plan;
- Review of the existing OMB enacted Minutes of Settlement for the subject site with respect to their applicability to this new application.

Once the review of the application is completed and all issues are addressed, a report from Planning, Building, Engineering and Environment with a recommendation will be considered at a future meeting of Council.

CORPORATE STRATEGIC PLAN

Strategic Direction 3.1: Ensure a well designed, safe, inclusive, appealing and sustainable City.

COMMUNICATIONS

The Notice of Complete Application was mailed May 25, 2011 to local boards and agencies, City service areas and property owners within 120 metres of the subject site for comments. The same notice was provided by signage on the site. The Notice of Public Meeting was advertised in the Guelph Tribune on January 10, 2013 and mailed to surrounding property owners on January 11, 2013.

ATTACHMENTS

- Attachment 1 – Location Map
- Attachment 2 – Existing Official Plan Land Use Designations and Policies
- Attachment 3 – Existing Zoning
- Attachment 4 – Proposed Site Concept Plans – OMB Approved and Alternative Proposal
- Attachment 5 – Proposed Official Plan and Zoning By-law Amendments

STAFF REPORT



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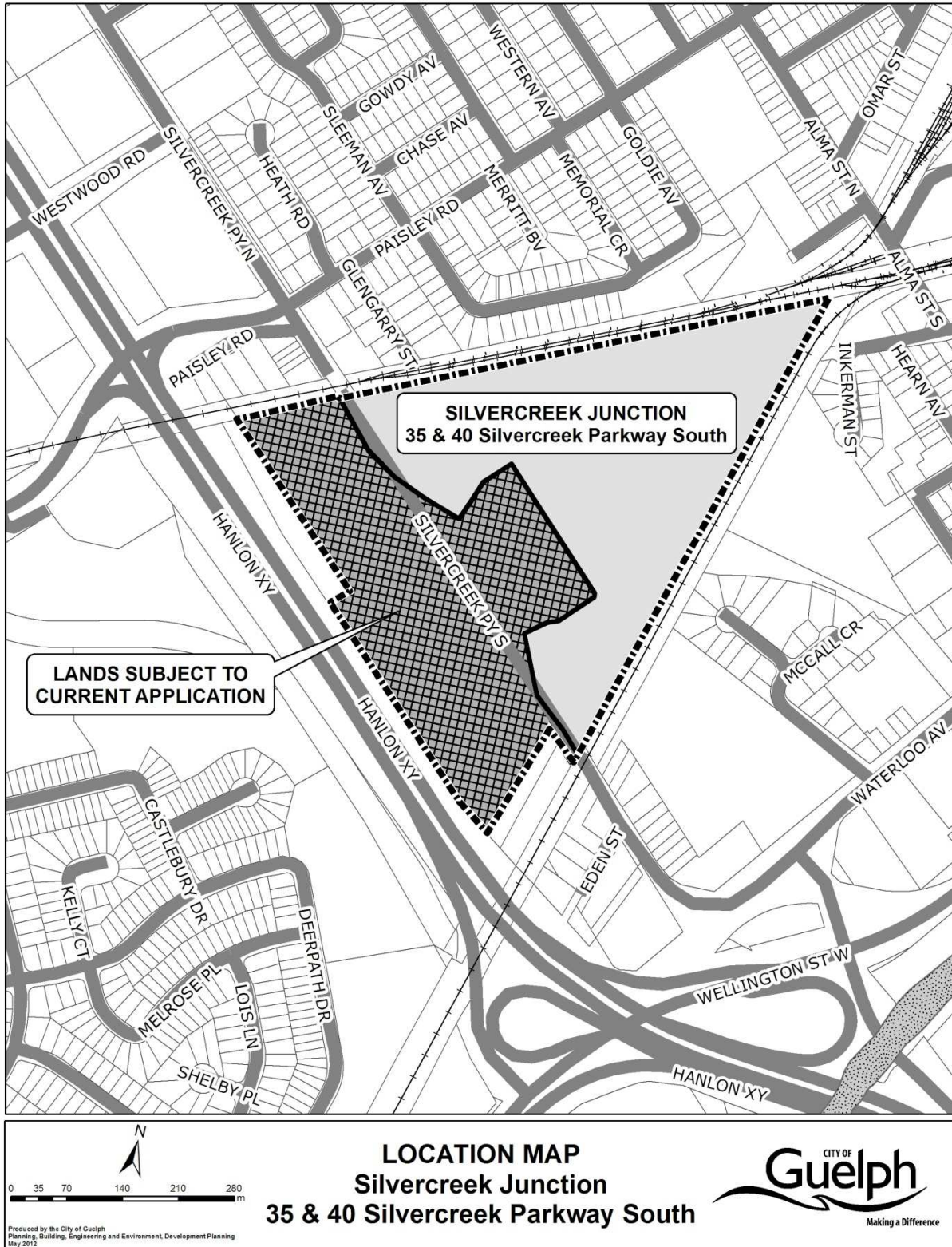
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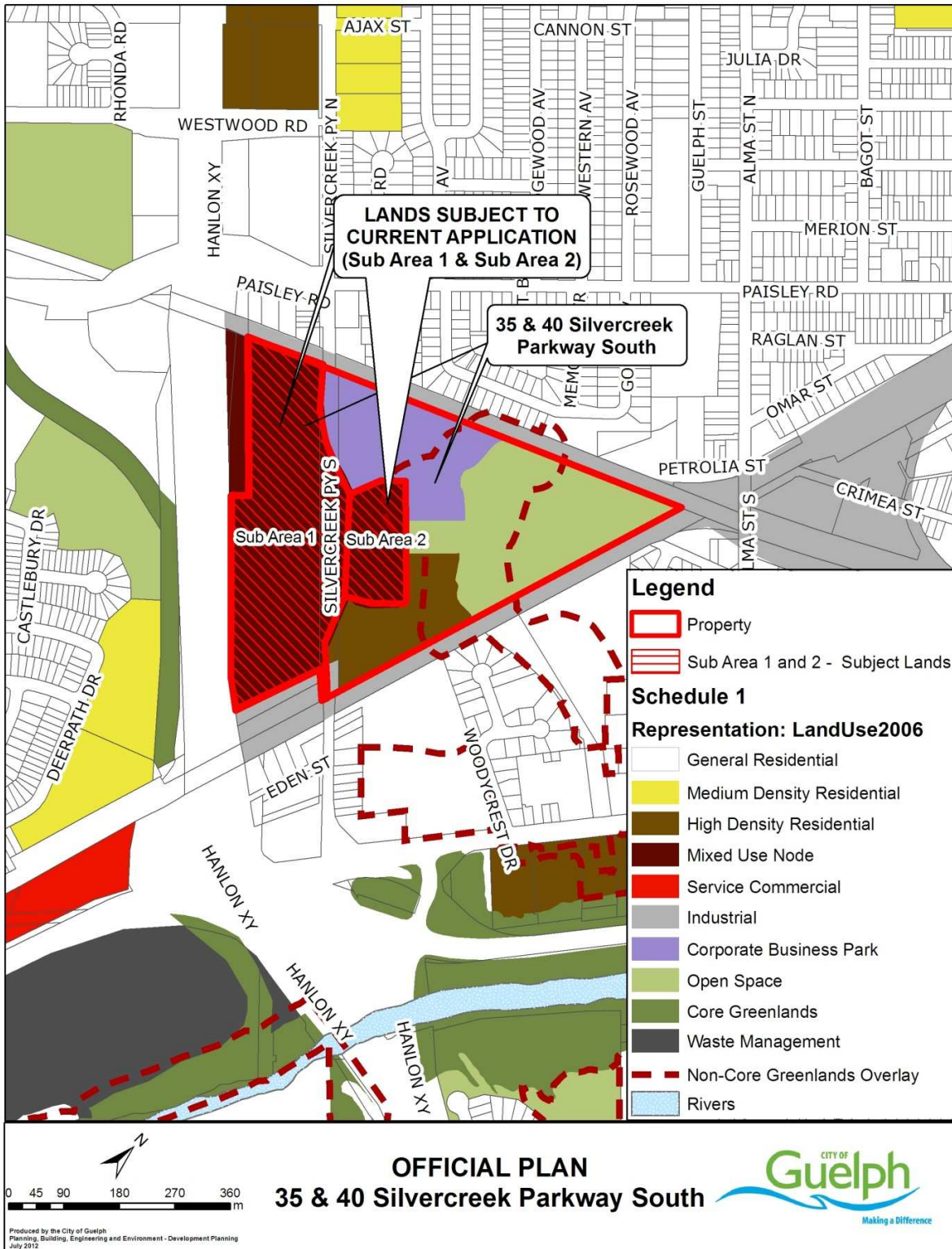
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Attachment 1 – Location Map



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Attachment 2: Existing Official Plan Designations and Related Policies



Attachment 2 cont'd: Related Official Plan Policies

Mixed Use Nodes

- 7.4.5 The 'Mixed Use Nodes' identified on Schedule 1 in this Plan is comprised of one or several individual developments on one or more properties on both sides of an intersection of major roads within a "node". These areas are intended to serve both the needs of residents living and working in nearby neighbourhoods and employment districts and the wider City as a whole.
- 7.4.6 The intent of the 'Mixed Use Node' designation is to create a well defined focal point and to efficiently use the land base by grouping complementary uses in close proximity to one another providing the opportunity to satisfy several shopping and service needs at one location. Implementing zoning by-laws may include mechanisms such as minimum density requirements and maximum parking standards to promote the efficient use of the land base.
- 7.4.7 It is intended that where there are adjacent properties within the node that the lands will be integrated with one another in terms of internal access roads, entrances from public streets, access to common parking areas, grading, open space and storm water management systems. Furthermore, it is intended that individual developments within the Mixed Use Node will be designed to be integrated into the wider community by footpaths, sidewalks and bicycle systems and by the placement of smaller buildings amenable to the provision of local goods and services in close proximity to the street line near transit facilities.
- 7.4.8 The boundaries of the 'Mixed Use Node' designation are intended to clearly distinguish the node as a distinct entity from adjacent land use designations. Subject to the policies of Section 9.2, proposals to expand a 'Mixed Use Node' beyond these boundaries or to establish a new node shall require an Official Plan Amendment supported by impact studies as outlined in policies 7.4.48 to 7.4.52.
- 7.4.9 The 'Mixed Use Node' is intended to provide a wide range of retail, service, entertainment and recreational commercial uses as well as complementary uses including open space, institutional, cultural and educational uses, hotels, and live-work studios. Medium and high density multiple unit residential development and apartments shall also be permitted in accordance with the policies of Section 7.2. Only small scale professional and medically related offices shall be permitted in this designation in order to direct major offices to the CBD, Intensification Area, Corporate Business Park and Institutional designations.
- 7.4.10 The permitted uses can be mixed vertically within a building or horizontally within multiple-unit mall buildings or may be provided in free-standing individual buildings. Where an individual development incorporates a single use building in excess of 5,575 square metres (60,000 sq. ft) of *gross leasable floor area*, the site shall also be designed to provide the opportunity for smaller buildings amenable to the provision of local goods and services to be located near intersections and

immediately adjacent to the street line near transit facilities. These smaller buildings shall comprise a minimum of 10% of the total *gross leasable floor area* within the overall development.

7.4.11 The City will require the aesthetic character of site and building design to be consistent with the City’s urban design objectives and guidelines and shall incorporate measures into the approval of *Zoning By-laws* and *site plans* used to regulate *development* within the ‘Mixed Use Node’ designation to ensure such consistency.

7.4.12 The ‘Mixed Use Nodes’ incorporate land containing existing uses as well as vacant land required to meet the identified needs of the City. In order to promote a mixture of land uses within each ‘Mixed Use Node’ designation it is the intent of this Plan that new *retail development* will be limited to the following floor area cumulatively of all buildings within the node:

- Woodlawn / Woolwich Street Node: 42,000 sq. m.
- Paisley / Imperial Node: 42,000 sq. m.
- Watson Parkway / Starwood Node 28,000 sq. m.
- Gordon / Clair Node 48,500 sq. m.
- Silver Creek Junction: 22,760 sq.m (245,000 square metres) subject to the specific restrictions set out in Section 7.18.5.1.

7.4.13 No individual ‘Mixed Use Node’ shall have more than four (4) freestanding individual retail uses exceeding 5,575 square metres (60,000 sq. ft) of *gross leasable floor area*.

7.4.14 In accordance with Section 9.2, any proposal to exceed the retail floor area limitations within a ‘Mixed Use Node’ established in policy 7.4.12 or the number of large retail uses in policy 7.4.13 shall require impact studies as outlined in policies 7.4.48 to 7.4.52.

7.17 “Silver Creek Junction”

These policies apply to the area highlighted and notes as “Silver Creek Junction” on Schedule 1 – Land Use Plan.

In addition to the general Urban design objectives and policies of subsection 3.6, the following urban form statement, objectives and policies apply to the Silver Creek Junction lands.

7.18.1 Urban Form Statement – Silver Creek Junction

The area contains the former LaFarge lands, an abandoned brownfield site, straddling Silvercreek Parkway between the CNR and Goderich and Exeter (GEXR) rail-lines south of Paisley Road, abutting the Hanlon Expressway. Redevelopment of these lands shall be focused around the creation of a central, urban “village market square” straddling

Silvercreek Parkway which will assist in creating a neighbourhood composed of a mix of land uses.

The public village market square feature will be complemented by a cohesive, mixed-use redevelopment scheme permitting a range of land uses, including large-format and specialty retail, a range of employment uses, institutional uses, high density residential uses and open space on the surrounding lands. The central village market square area will house a limited range and scale of specialized service commercial uses, mixed use and live work arrangements that are intended to serve the surrounding employment and residential uses.

The redevelopment scheme on the subject lands shall also incorporate a new neighbourhood-scale public park that links the central village market square to the Howitt Creek valley to the east. The development will also involve the re-alignment of a portion of the existing Silvercreek Parkway through the central part of the lands, to the extent appropriate, to optimize a functional and cohesive layout of a mix of uses proposed. A new local public road east of re-aligned Silvercreek Parkway will also be developed to provide frontage and access for the above-noted neighbourhood park and a series of viable redevelopment blocks for employment and high density residential uses in the area between Howitt Creek and Silvercreek Parkway.

7.18.2 Urban Form Objectives – Silvercreek Junction

- a) To provide a desirable mix of compatible land uses that include a variety of building types to minimize travel requirements between homes and places of employment or shopping.
- b) To ensure an innovative development, which reflects the city's commitment to environmental sustainability, compact development and energy conservation.
- c) To enhance the function and naturalization of Howitt Creek and provide pedestrian views and access to this feature.
- d) To provide active and passive recreational opportunities to help fulfill the City's recreational and open space requirements.
- e) To create a variety of public spaces (streets, squares, and parks and open spaces) that encourage social interaction and provide pedestrian connections throughout the development.
- f) To require high quality built form oriented to all streets, including Silvercreek Parkway, throughout the development.

7.18.3 Urban Design Policies – Silver Creek Junction

- a) Public streets will be developed to provide a high quality urban environment with reduced setbacks, street trees and other landscape features and on-street parking.
- b) Parking areas, loading and other less desirable design elements will be screened from public streets by buildings or landscaping.
- c) Outdoor storage of goods or materials shall be prohibited with the exception of seasonal projects.
- d) The development will include extensive landscaping and plantings associated with the development shall generally be native trees and ground cover.

- e) Public safety and security will be considered in the development including the optimum visibility of public open spaces, adequate lighting, multiple pedestrian routes and opportunities to control the speed of vehicles.
- f) Reduced parking standards shall be considered for all land use components within the development to encourage alternative transportation alternatives.

7.18.4 Infrastructure Requirements – Silver Creek Junction

Redevelopment of the former Lafarge lands is dependent upon certain key improvements to public infrastructure, most notably:

- 1) the construction of a grade-separated crossing of the CN main line by an improved Silvercreek Parkway;
- 2) the extension of Silvercreek Parkway northward to connect with Paisley Road; and;
- 3) the construction of a new stormwater management facility on open space lands east of Howitt Creek, to accommodate existing off-site (upstream) storm flows during major storm events.

The site-specific implanting zoning provisions shall include the use of holding “H” provisions to address required infrastructure improvements, including the Silvercreek Parkway/CNR underpass, other required road projects and traffic improvements, the remedial stormwater management facility, related land dedications (i.e. for roads, stormwater management, parks and open space) and the pre-requisite site plan approval and registration of the related agreement on title to the subject lands, prior to the redevelopment of the lands.

7.18.5 Land Use – Silver Creek Junction

The Silver Creek Junction lands are designated “Mixed Use Node”, “Specialized Corporate Business Park”, “High Density Residential” and “Open Space” on Schedule “A” and shall be subject to the following site-specific policies for the applicable designations”

7.18.5.1 Mixed Use Node:

The Mixed Use Node is intended provide a wide range of retail, service entertainment and recreational commercial uses as well as complementary uses including open space, institutional, cultural and educational uses, hotels and live work studios. Medium and high density multiple residential development and apartments shall also be permitted in accordance with the policies of Section 7.2.

The policies contained in Sections 7.4.4 to 7.4.11 shall apply to the Mixed Use Node.

The Silver Creek Junction Mixed Use Node is divided into 2 Sub Areas as follows:

Sub Area 1:

A maximum of 22, 760 sq m (245,000 sp.ft.) of retail gross leasable floor space shall be permitted in Sub Area 1 only as shown on Schedule “A”. This total floor area will be comprised of:

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- a) a maximum of one (1) large-format retail store comprised of either a warehouse membership club or a home improvement retail warehouse, to a maximum gross floor area of 13, 470 sq. m (145,000 sq. ft.),
- b) ancillary retail stores (excluding supermarkets), to a maximum aggregate gross floor area of 9,300 sq.m (100,000 sq.ft.), in a minimum of at least two (2) separate buildings, to be located in Sub-Area 1 only as shown on Schedule “A” to this amendment, subject to a maximum retail unit size of 3,716 sq.m (40,000 sq. ft.).

Commercial development to this area shall incorporate a reduced retail parking standard, to be established through the site-specific implementing zoning provisions.

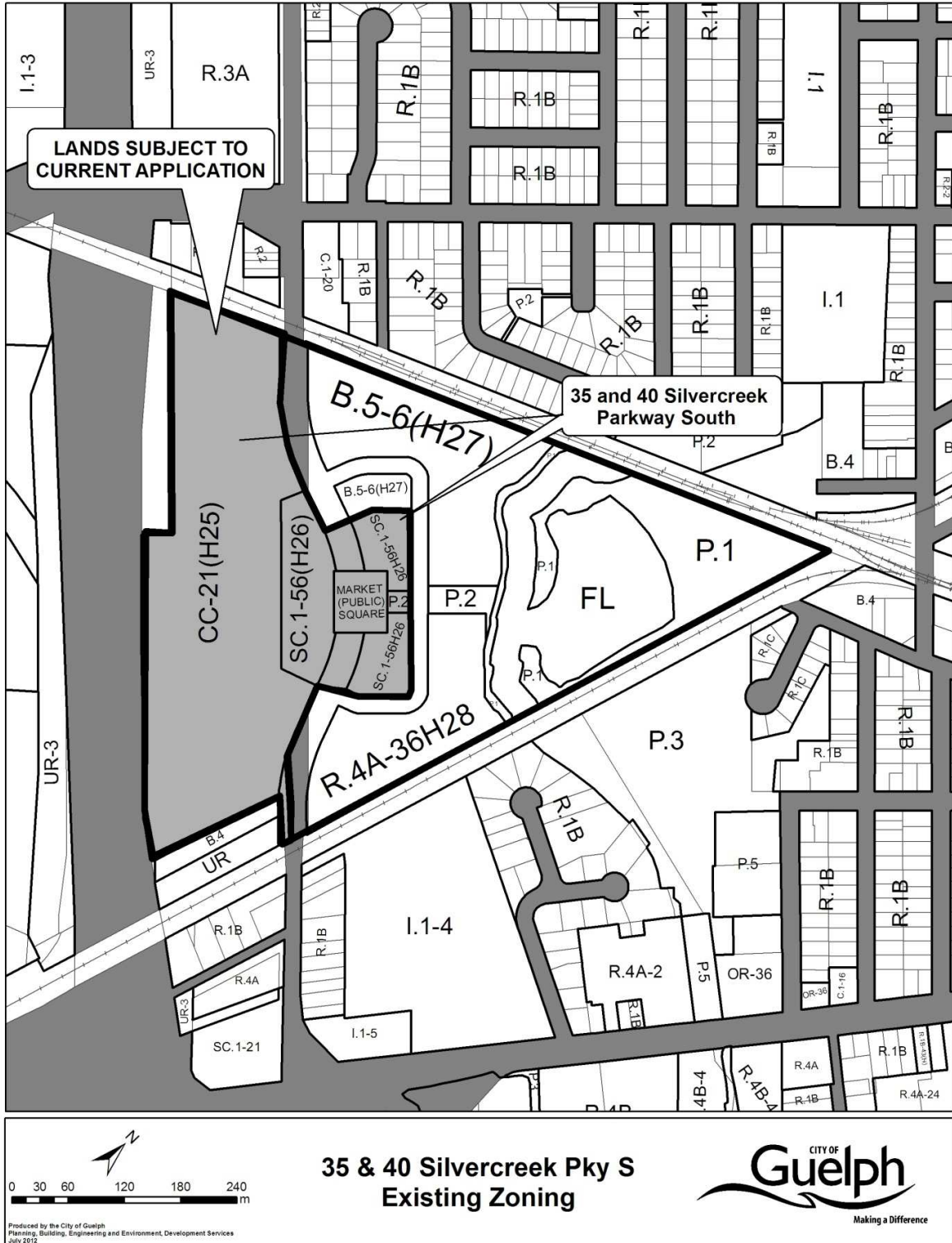
Appropriate phasing requirements shall be imposed on the retail commercial components in Sub Area 1 through appropriate implementing zoning provisions.

Sub Area 2:

The maximum of 3,900 sq. m (42,000 sp. Ft.) of service commercial gross leasable floor shall be permitted in Sub Area 2 only as shown on Schedule “A”. This area shall be subject to a restricted range of service commercial uses, to be established in the implementing zoning by-law; the policy intention is to focus on true convenience-oriented service uses to serve the neighbourhood such as restaurants, financial institutions and personal services. The range of permitted uses will also allow a mixed use design with residential or office space permitted above ground floor commercial and live-work arrangements. A minimum building massing equivalent to two (2) storeys (7.6m) shall be achieved in the buildings adjacent to the central “village market square.” Buildings shall be located close to the street line with primary entrances facing the street and grouped in manner to reinforce the limits and identity of the village market square focal point. Reduced building setbacks shall be encouraged from the public streets, to help define the streetscape and enhance the pedestrian environment.

Commercial development in this area shall incorporate a reduced parking standard, to be established through the site-specific implementing zoning provisions.

Attachment 3: Existing Zoning



Attachment 3 continued: Existing Zoning

CC-21 (H25) Zone Regulations

6.2.3.2.21 **CC-21 (H25)**
35 and 40 Silvercreek Parkway South
As shown on Defined Area Map Numbers 10 and 15

6.2.3.2.21.1 **Permitted Uses**
All uses permitted by Section 6.2.1.2 with the following additions:

- maximum of one (1) **Large-Format Retail Establishment**, which may be either a **Warehouse Membership Club** or a **Home Improvement Retail Warehouse Establishment**
- **Apartment Building**
- **Stacked Townhouse**
- **Cluster Townhouse**

6.2.3.2.21.2 **Prohibited Uses**

- **Supermarket**

The following definitions shall apply in the CC-21 (H25) **Zone**:

A “**Large-Format Retail Establishment**” shall mean a Retail Establishment with a minimum **Gross Floor Area** of 9,300 sq. m (100,000 sq. ft.)

A “**Warehouse Membership Club**” shall mean a Retail Establishment engaged in the retailing to club members of a wide range of non-food items and services, in combination with a general line of food-related products, where the goods, wares, merchandise, substances or articles are displayed, stored and sold in a warehouse format. The warehouse format means a configuration where the floor area devoted to sales is integrated with the storage of things sold and is accessible to patrons of the Warehouse Membership Club.

A “**Home Improvement Retail Warehouse Establishment**” shall mean a **Building** where a full range of home furnishings and home improvement products are displayed, stored and sold in a warehouse format. Such products may include but are not limited to a combination of furniture, appliances, electrical fixtures, lumber and building supplies, hardware, carpets and floor coverings, home décor items, landscape and garden supplies, and plumbing fixtures.

A “**Supermarket**” shall mean a **Lot** and a **Building**, or **Structure**, or portion thereof, having a **Gross Floor Area** in excess of 465 m² in which primarily food produce is stored, offered, and kept for retail sale and as an **Accessory Use**, items or merchandise of day-to-day household necessity may be stored, offered, or kept for retail sale but shall not include a **Warehouse Membership Club**.

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6.2.3.2.21.3 Regulations

In accordance with the regulations of the CC **Zone** as specified in Sections 4 and 6.2.2 (Community Shopping Centre **Zone** regulations) of Zoning **By-law** (1995)-14864, as amended, with the following additions and exceptions:

6.2.3.2.21.3.1 Maximum Total **Gross Floor Area** for all **Retail Establishments**
22,760 sq. m (245,000 sq. ft.)

6.2.3.2.21.3.2 Maximum **Gross Floor Area** for a **Large-Format Retail Establishment**
13,470 sq. m (145,000 sq. ft.)

6.2.3.2.21.3.3 Maximum Total **Gross Floor Area** for all **Retail Establishments other than a Large-Format Retail Establishment**
9,300 (100,000 sq. ft.), subject to the following:

- such floor area shall be located in a minimum of two (2) separate **Buildings**
- Building permits shall be issued no sooner than September 1, 2012 for up to 5,200 sq. m (56,000 sq. ft.) of the above Aggregate **Gross Floor Area**
- Building permits shall be issued no sooner than September 1, 2014 for the remaining balance of the permitted maximum aggregate **Gross Floor Area**
- minimum unit size shall be 465 sq. m (5,000 sq. ft.), and maximum unit size shall be 3,716 sq. m (40,000 sq. ft.)

6.2.3.2.21.3.4 Minimum Off-Street Parking
The minimum off-street parking required for all permitted commercial **Uses** shall be 1 space per 23.2 sq. m (250 sq. ft.) of **Gross Floor Area**

6.2.3.2.21.3.5 Regulations for **Apartment Buildings**
amended.

6.2.3.2.21.3.6 Regulations for **Cluster and Stacked Townhouses**
All **Cluster** or **Stacked Townhouses** shall be developed in accordance with the regulations of Section 5.3.2 of the Zoning **By-law** (1995)-14864, as amended.

6.2.3.2.21.3.7 Severability Provision
The provisions of this **By-law** shall continue to apply collectively to the whole of the lands identified on Schedule "A" as CC-21 (H25), despite any future severance, partition or division for any purpose.

Attachment 3: Existing Zoning

SC.1-56 (H25) Zone Regulations

6.4.3.1.56 SC.1-56 (H25)

Silvercreek Parkway South

As shown on Defined Area Map Numbers 10 and 15

6.4.3.1.56.1 Permitted Uses

Despite the **Uses** permitted by Section 6.4.1.1 the **Uses** in the SC.1-56 (H25) **Zone** shall be limited to the following:

- **Restaurant**
- **Restaurant (take-out)**
- **Medical Office**
- **Personal Service Establishment**
- **Travel Agent**
- **Convenience Store**
- **Financial Establishment**
- **Day Care Centre**
- **Dry Cleaning Outlet**
- **Video Rental Outlet**
- **Office**
- **Artisan Studio**
- **Art Gallery**
- **Florist**
- **Bake Shop**
- **Commercial School**
- **Veterinary Service**
- **Catering Service**
- **Dwellings Units** with permitted commercial **Uses** in the same **building** in accordance with Section 4.15.2
- **Live-Work Units**
- **Accessory Uses** in accordance with Section 4.23
- **Occasional Uses** in accordance with Section 4.21

STAFF REPORT

The following definitions shall apply in the SC.1-56 (H25) **Zone**:

A “**Live-Work Unit**” shall mean a **Dwelling Unit**, part of which may be used as a business establishment and the **Dwelling Unit** is the principal residence of the business operator.

A “**Street Entrance**” shall mean the principal entrance to a business which shall be located in a part of the **Building** facing a public **Street** or public square which is at or within 0.2 metres above or below **Finished Grade**.

An “**Art Gallery**” shall mean a **Place** where works of art such as paintings, sculpture, pottery, glass and weaving are displayed for public viewing and shall include accessory sales of the works.

A “**Drive-Through Use**” shall mean a **Use** which involves or is designed to encourage a customer to remain in a vehicle while receiving a service, obtaining a product or completing a business transaction. The **Use** shall include vehicular stacking spaces and a serving window, and may include an intercom order box.

6.4.3.1.56.2 Regulations

6.4.3.1.56.2.1 Maximum Total **Gross Floor Area** for Permitted **Uses**
3,900 sq. m (42,000 sq. ft.)

6.4.3.1.56.2.2 Maximum **Gross Floor Area** of an individual **Office, Medical Office** or **Commercial School**
465 sq. m (5,000 sq. ft.) per business.

6.4.3.1.56.2.3 **Building Entrances**

The **Street Entrance** to the each business shall be located facing Silvercreek Parkway South or the Market (Public) square.

6.4.3.1.56.2.4 Minimum Off-Street Parking

- a) **Office**
1 space per 33 square metres of **Gross Floor Area**
- b) Residential
1 space per unit
- c) All other permitted commercial **Uses**
1 space per 23.2 sq. m (250 sq. ft.) of **Gross Floor Area**

6.4.3.1.56.2.5

Maximum **Front** and **Exterior Side Yard** (Build-to Line)

Despite the provisions of Table 6.4.2:

- a) **Buildings** adjacent to Silvercreek Parkway and/or the public square shall be set back a minimum of 0 m (0 ft.) and a maximum of 3 m (10 feet) from Silvercreek Parkway and/or the Market (Public) square.
- b) **Buildings** developed within 30 metres of the Neighbourhood Park (P.2) **Zone** east of Silvercreek Parkway shall be set back a minimum of 0 m (0 ft.) and a maximum of 3 m (10 feet) from the limits of that P.2 **Zone**.
- c) The minimum **Building Setback** from the local **Street** shall be 2.0 metres.

6.4.3.1.56.2.6

Minimum **Building Height** Requirement

Any portion of a **Building** shall have a minimum **Building Height** equivalent to two (2) storeys, and in no case less than 7.6 metres to the underside of the main roof deck.

6.4.3.1.56.2.7

Maximum **Building Height**

Despite the provisions of Table 6.4.2

- 4 storeys

6.4.3.1.56.2.8

Planting Area

Despite Table 6.4.2, Row 17:

- No planting area shall be required.

6.4.3.1.56.2.9

Uses Prohibited in Certain Locations

6.4.3.1.56.2.9.1

Drive-Through Uses shall be prohibited within 30 metres of the limits of the Market (Public) Square.

6.4.3.1.56.2.9.2

A **Drive-Through Use** in the SC.1-56 (H25) **Zone** shall also be:

- a) Not located between any **Building** and a public **Street**.
- b) Significantly screened from public view from all public **Streets**.
- c) Safely separated from pedestrian spaces and corridors.

6.4.3.1.56.2.10

Severability Provision

The provisions of this **By-law** shall continue to apply collectively to the whole of the lands identified on Schedule "A" as SC.1-56 (H25), despite any future severance, partition or division for any purpose.

STAFF REPORT

Attachment 4: Existing OMB Approved Site Concept



STAFF REPORT

Attachment 4 continued: Proposed Alternative Site Concept



Silvercreek Parkway Mixed Use Node
Development Concept
Fieldgate Commercial



Site Plan Concept

Aug 28, 2012

**Attachment 5:
Proposed Official Plan and Zoning By-law Amendments
(As provided by the applicant)**

SILVERCREEK JUNCTION

(deletions shown as ~~red~~, additions shown as red.)

1. PROPOSED CHANGES TO THE OFFICIAL PLAN

7.18.5.1 Mixed Use Node:

Sub Area 1:

A maximum of ~~22,760~~ 21,830 sq m (~~245,000~~ 235,000 sq. ft.) of retail; gross leasable floor space shall be permitted in Sub Area 1 only. This total floor area will be composed of:

- a) a maximum of one (1) large-format retail store comprised of either a warehouse membership club or a home improvement retail warehouse, to a maximum gross floor area of 13,470 sq. m (145,000 sq. ft.), ~~or one (1) retail store with a maximum retail unit size of 3,716 sq. m (40,000 sq. ft.)~~ 5,574 sq. m (60,000 sq. ft.); and
- b) ~~ancillary~~ retail stores (~~excluding supermarkets~~), to a maximum aggregate gross floor area of ~~9,300 sq. m (100,000 sq. ft.)~~ 21,830 sq m (235,000 sq. ft.), in a minimum of at least two (2) separate buildings, to be located in Sub-Area 1 only as shown on Schedule "A" to this amendment, subject to a maximum retail unit size of ~~3,716 sq. m (40,000 sq. ft.)~~ 5,574 sq. m (60,000 sq. ft.)

Commercial development to this area shall incorporate a reduced retail parking standard, to be established through the site-specific implementing zoning provisions.

~~Appropriate phasing requirements shall be imposed on the retail commercial components in Sub Area 1 through appropriate implementing zoning provisions.~~

Sub Area 2:

The maximum of 3,900 sq. m (42,000 sq. ft.) of service commercial gross leasable floor area shall be permitted in Sub Area 2 only as shown on Schedule "A". ~~Within this gross leasable floor area a maximum of 929 sq. m (10,000 sq. ft) shall be permitted as retail uses.~~ This gross leasable floor area shall be subject to a restricted range of service commercial uses including retail, to be established in the implementing zoning by-law; the policy intention is to focus on true convenience-oriented service uses to serve the neighbourhood such as restaurants, financial institutions, retail and personal services. The range of permitted uses will also allow a mixed use design with residential or office space permitted above ground floor commercial and live-work arrangements. A minimum building massing equivalent to two (2) storeys (7.6m) shall be achieved in the buildings adjacent to the central "village market square." Buildings shall be located close to the street line with primary entrances facing the street and grouped in manner

to reinforce the limits and identity of the village market square focal point. Reduced building setbacks shall be encouraged from the public streets, to help define the streetscape and enhance the pedestrian environment. Commercial development in this area shall incorporate a reduced parking standard, to be established through the site-specific implementing zoning provisions.

2. PROPOSED CHANGES TO THE ZONING BY-LAW

6.2.3.2.21 CC-21 (H25) 35 and 40 Silvercreek Parkway South

~~6.2.3.2.21.2~~ ~~Prohibited Uses~~

~~Supermarket~~

6.2.3.2.21.3 Regulations

In accordance with the regulations of the CC **Zone** as specified in Sections 4 and 6.2.2 (Community Shopping Centre **Zone** regulations) of Zoning **By-law** (1995)-14864, as amended, with the following additions and exceptions:

6.2.3.2.21.3.1 Maximum Total **Gross Floor Area** for all **Retail Establishments**

~~21,830 sq m (235,000 sq. ft.)~~ ~~22,760 sq. m (245,000 sq. ft.)~~

6.2.3.2.21.3.2 Maximum **Gross Floor Area** for a **Large-Format Retail Establishment**

13,470 sq. m (145,000 sq. ft.)

6.2.3.2.21.3.3 Maximum Total **Gross Floor Area** for all **Retail Establishments** other than a **Large-Format Retail Establishment**

~~9,300 (100,000 sq. ft.)~~ 22,760 sq m (245,000 sq. ft.), subject to the following:

- such floor area shall be located in a minimum of two (2) separate **Buildings**
- Building permits shall be issued no sooner than September 1, 2012 for ~~22,760 sq m (245,000 sq. ft.)~~ ~~up to 5,200 sq. m (56,000 sq. ft.)~~ of the ~~above Aggregate~~ **Gross Floor Area**
- ~~Building permits shall be issued no sooner than September 1, 2014 for the remaining balance of the permitted maximum aggregate~~ **Gross Floor Area**

STAFF REPORT

- minimum unit size shall be 465 sq. m (5, 000 sq. ft.), and maximum unit size shall be ~~3,716 sq. m (40,000 sq. ft.)~~ 5,574 sq. m (60,000 sq. ft.)

6.4.3.1.56 Service Commercial SC.1-56 (H25)

Silvercreek Parkway South

As shown on Defined Area Map Numbers 10 and 15

6.4.3.1.56.1 Permitted Uses

Despite the **Uses** permitted by Section 6.4.1.1 the **Uses** in the SC.1-56

(H25) **Zone** shall be limited to the following:

- **Restaurant**
- **Restaurant (take-out)**
- **Retail**
- **Medical Office**
- **Personal Service Establishment**
- Travel Agent
- **Convenience Store**
- **Financial Establishment**
- **Day Care Centre**
- **Dry Cleaning Outlet**
- **Video Rental Outlet**
- **Office**
- **Artisan Studio**
- **Art Gallery**
- **Florist**
- **Bake Shop**
- **Commercial School**

STAFF REPORT

- ***Veterinary Service***
- ***Catering Service***
- ***Dwellings Units*** with permitted commercial ***Uses*** in the same ***building*** in accordance with Section 4.15.2
- ***Live-Work Units***
- ***Accessory Uses*** in accordance with Section 4.23
- ***Occasional Uses*** in accordance with Section 4.21

6.4.3.1.56.2.10 Maximum Total ***Gross Floor Area*** for Retail ***Uses***

929 sq. m (10,000 sq. ft)

From: Teresa Silverthorn

Sent: January 21, 2013 4:45 PM

To: Clerks

Subject: Store suggestion for the Silvercreek Pkwy development (Old Lafarge lands)

For the "Big Box" store, I know my whole family would LOVE to see a Whole Foods in Guelph. Furthermore, some retail stores I would like to see come to Guelph are Sephora, Forever 21. As well as the dining establishment Red Lobster.

-Teresa Silverthorn

From: Jim Rilling
Sent: January 17, 2013 3:55 PM
To: Clerks
Subject: 35 and 40 Silvercreek Parkway South Development Application

Hi there,

I would like to give my support to the redevelopment of these derelict lands in the centre of our city. Being someone from an educational background in urban and applied geography, as well as someone who was raised in a big city like the GTA where the affect of vacant and derelict properties can be seen to have a tremendous effect on local communities in profound ways, I fully encourage cooperation between the private and public sectors as well as the public itself in terms of finding solutions to this issue where all parties benefit.

With that I'd simply like to encourage the developer to possibly try to attract this particular retailer to the proposed development:

<https://www.solutions-stores.ca/ecommerce/control/main>

I have been to one in Mississauga near work as well as one in Newmarket where a friend of mine lives and I think their market focus is brilliant. Apparently there is one in Kitchener and one in Cambridge if anyone would prefer to check one out by going west rather than east (I naturally tend to gravitate back to my homeland lol). The name "Solutions" really is an appropriate one because the stuff they sell really does provide solutions for people who need neat and organized means in which to store things in and around their home or office. They sell great containers and devices for organizing kitchens, garages, garbage containers of all types, closet organizers, travel solutions, office storage, etc. Their focus is entirely on storage solutions but there are so many unique and attractive products they sell that I can say they have really helped me in my quest to declutter my home - particularly my basement, my closets, my garage, and my home office.

Their stores generally have pretty small footprints and would thus work well with the limited amount of development the developer is allowed to incorporate on this site. I feel that the reduction from 450,000 SF down to 245,000 SF through an OMB agreement was rather excessive however if it provides for some public and/or park space that is usable and beneficial to the public (rather than just greenspace for the sake of greenspace - this is a city and thus built for human use after all) then that is reasonable trade-off I think.

Anyway that is just my suggestion - no telling whether such a lease agreement could be established, however I'm sure if the developer approached the retailer and offered reasonable rates and a fair lease contract the retailer would be glad to expand their market trade area - especially in a great city like Guelph.

Thanks,

Jim Rilling

From: christine_elaine
Sent: January 21, 2013 11:35 AM
To: Clerks
Subject: Store Wish List @ Silvercreek Pkwy

Hello,

I think it's wonderful that you reached out via social media (FB) for community response/input.

My wish list of retail stores at Silvercreek Pkwy would be:

- Ikea
- Marshals
- Bonnie Togs or Please Mum
- Motherhood Maternity
- Pottery Barn
- Target
- Lowes
- Costco
- Bed Bath & Beyond
- Dollar Tree
- Toys R Us/Baby's R Us
- Melanie Lyne

Diversifying the retail options in Guelph would be wonderful and help keep/bring monies in the city.

Thank you for your consideration,

Christine Small

From: Brooke Rea
Sent: January 21, 2013 10:05 PM
To: Clerks
Subject: Silvercreek pkwy suggestion

As a neighbour, would be great to see a Sobeys in town especially one similar to the "market" Sobeys on Ira needles in Waterloo. I currently drive to acton or Waterloo for my Sobeys needs.
Brooke Rea

CONSENT AGENDA

February 4, 2013

Her Worship the Mayor
and
Members of Guelph City Council.

SUMMARY OF REPORTS:

The following resolutions have been prepared to facilitate Council's consideration of the various matters and are suggested for consideration. If Council wishes to address a specific report in isolation of the Consent Agenda, please identify the item. The item will be extracted and dealt with immediately. The balance of the Consent Agenda will be approved in one resolution.

A REPORTS FROM ADMINISTRATIVE STAFF

REPORT	DIRECTION
A-1) 803-807 GORDON STREET: PROPOSED ZONING BY-LAW AMENDMENT (FILE: ZC1205)	Approve
1. That Report 13-01 regarding an application for a Zoning By-law Amendment to permit 27 stacked townhouses on lands municipally known as 803-807 Gordon Street, from Planning, Building, Engineering and Environment, dated February 4, 2013, be received;	
2. That the application by Podium Developments requesting approval of a Zoning By-law Amendment to rezone lands legally described as the Northeast Half of Lot 2, Concession 7 (Parts 1, 2 and 3, Plan 61R-7123), formerly in the Township of Puslinch, County of Wellington, municipally known as 803-807 Gordon Street, City of Guelph, from the R.1B (Single-Detached Dwelling) Zone to a Specialized R.3A (Stacked Townhouse) Zone to allow the redevelopment of the subject property for 27 stacked townhouse units, be approved in accordance with the zoning and conditions outlined in Attachment 2 of the Planning, Building, Engineering and Environment Report 13-01 dated February 4, 2013;	
3. That the request to demolish the two main residential buildings including the accessory storage barns and sheds located at 803-807 Gordon Street to allow the redevelopment of the subject lands, be approved;	

4. That in accordance with Section 34(17) of the Planning Act, City Council has determined that no further public notice is required related to the minor modifications to the proposed Zoning By-law Amendment affecting 803-807 Gordon Street, as outlined in Report 13-01 from Planning, Building, Engineering and Environment dated February 4, 2013.

A-2) PROPOSED SOURCE WATER PROTECTION PLAN

Approve

1. That Council endorse the Proposed Source Water Protection Plan, provided in Attachment 1, including the City of Guelph specific policies;
2. That staff comments on the implementation and next steps in the process, provided to the Source Protection Authority, dated January 21, 2012 and as set out in Attachment 3 be endorsed;
3. That Council request the Source Protection Authority to consult the City of Guelph on any comments or requested revisions to the Source Water Protection Plan proposed by the Ministry of Environment as part of the approval of the Plan or any subsequent amendments to the Source Water Protection Plan;
4. That City staff be directed to consult with adjacent municipalities regarding options and opportunities for coordinated implementation of the Source Water Protection Plan, and to identify synergies and efficiencies, and report back to Council by late 2013;
5. That City staff be directed to inform the Source Protection Authority that the staff comments and the Proposed Source Water Protection Plan have been endorsed by Council.

attach.

STAFF REPORT



TO Guelph City Council

SERVICE AREA Planning, Building, Engineering and Environment

DATE February 4, 2013

**SUBJECT 803-807 Gordon Street - Proposed Zoning By-law
Amendment (File ZC1205)
Ward 5**

REPORT NUMBER 13-01

EXECUTIVE SUMMARY

PURPOSE OF REPORT

This report provides a staff recommendation to approve a Zoning By-Law Amendment to permit the redevelopment of lands at 803-807 Gordon Street to allow the construction of 27 stacked townhouse dwellings.

KEY FINDINGS

This rezoning proposal represents good planning and is in the public interest, subject to the recommended zoning and conditions.

FINANCIAL IMPLICATIONS

(Based on 27 residential townhouse dwellings)

Taxation:

Projected taxes- \$77,384 (Presently \$7,264)

Development Charges:

\$523,152

ACTION REQUIRED

Council is being asked to approve the Zoning By-law Amendment for the subject lands.

RECOMMENDATION

1. That Report 13-01 regarding an application for a Zoning By-law Amendment to permit 27 stacked townhouses on lands municipally known as 803-807 Gordon Street, from Planning, Building, Engineering and Environment, dated February 4, 2013, be received;
2. That the application by Podium Developments requesting approval of a Zoning By-law Amendment to rezone lands legally described as the Northeast Half of Lot 2, Concession 7 (Parts 1, 2 and 3, Plan 61R-7123), formerly in the Township of Puslinch, County of Wellington, municipally known as 803-807 Gordon Street, City of Guelph, from the R.1B (Single-Detached Dwelling) Zone to a Specialized R.3A (Stacked Townhouse) Zone to allow the redevelopment of the subject

STAFF REPORT



property for 27 stacked townhouse units, be approved in accordance with the zoning and conditions outlined in Attachment 2 of the Planning, Building, Engineering and Environment Report 13-01 dated February 4, 2013;

3. That the request to demolish the two main residential buildings including the accessory storage barns and sheds located at 803-807 Gordon Street to allow the redevelopment of the subject lands, be approved;
4. That in accordance with Section 34(17) of the Planning Act, City Council has determined that no further public notice is required related to the minor modifications to the proposed Zoning By-law Amendment affecting 803-807 Gordon Street, as outlined in Report 13-01 from Planning, Building, Engineering and Environment dated February 4, 2013.

BACKGROUND

The proposal is a request to rezone the subject properties to permit the development of 27 stacked townhouse units. The applicant has been working in close consultation with Staff regarding the details of this proposal since April 2011. The application for a zoning by-law amendment was received on March 5, 2012 and was deemed complete on April 3, 2012.

The proposed zoning by-law amendment was circulated to agencies, City departments and surrounding property owners for review and a Statutory Public Meeting was held on July 3, 2012. Staff report 12-66 dated July 3, 2012 by Planning, Building, Engineering and Environment provides a detailed background of this application.

Location

The subject site is located on the west side of Gordon Street, south of Harvard Road (See Attachment 1 – Location Map). The property has approximately 38.2 metres of frontage on Gordon Street, a lot depth of 117 metres and a total site area of approximately 0.41 hectares. There are two existing residential buildings on the site including a legal lodging house, as well as accessory structures which are proposed for demolition to accommodate the proposed townhouse development.

The land uses surrounding the subject property consist of neighbourhood commercial development to the north (Days Inn and Harvard Road Plaza), offices and residential neighbourhood to the east (across Gordon Street) and an established low-density residential neighbourhood to the south and west.

Existing Official Plan Land Use Designation and Policies

The subject lands are designated "General Residential" in the Official Plan which permits all forms of residential uses, including townhouses, to a maximum density of 100 units per hectare (See Attachment 3).

STAFF REPORT



Official Plan Amendment (OPA) 39 (in effect) identifies the site in an 'Intensification Corridor' within the 'Built-Up Area' of the City. The "Built-Up Area" is intended to accommodate a significant portion of new residential and employment growth through intensification.

Official Plan Amendment 42 (under appeal), the City's new Natural Heritage System, does not identify any portion of the site or surrounding neighbourhood with a designation or environmental feature requiring protection.

On June 5, 2012, the City adopted OPA 48, a comprehensive update to the City's Official Plan. OPA 48 is subject to Ministerial approval and is not yet in effect. Since the application for the subject property was submitted prior to the adoption of OPA 48, the proposal is not required to conform to the plan. However, consideration is given to the policies of OPA 48 since these policies provide current guidance for development within the City based on the Provincial Growth Plan.

OPA 48 designates the subject property at 803 and 807 Gordon Street including the adjoining properties to the south at 815, 825 and 833 Gordon Street (See Attachment 1) as "Mixed Office Commercial". This designation allows 'a variety of freestanding small-scale commercial, office, residential or mixed-use buildings'.

Existing Zoning

The subject site is currently in the R.1B (Single-Detached Residential) Zone as shown in Attachment 4. Permitted uses include: single detached dwellings and accessory apartment, Bed and Breakfast, Day Care Centre, Group Home, Home Occupation, and Lodging House Type 1, all subject to applicable regulations.

REPORT

Proposed Zoning Bylaw Amendment

The applicant has asked to rezone the subject lands from the R.1B (Detached Residential) Zone to a Specialized R.3A (Stacked Townhouse) Zone to permit the development of 27 stacked townhouse units within two separate buildings (See Attachments 5 and 6). The R.3A Zone permits maisonette dwellings, stacked townhouses, cluster townhouses, home occupation and accessory uses, subject to applicable regulations.

The applicant's proposed development concept is included in Attachment 6 along with preliminary building elevations and the proposed Tree Preservation Plan. The applicant is requesting the following R.3A Zone specialized regulations to support their concept plan:

- That a maximum density of 65.4 units per hectare be permitted, whereas the current regulations allow a maximum density of 60 units per hectare;

STAFF REPORT

- That the minimum distance from a Parking Space to a lot line (along the north boundary of the site) be 0.35 m, whereas a minimum distance of 3.0 m is currently required; and
- That a maximum building height of 4 storeys be permitted, whereas the current regulations allow a maximum building height of 3 storeys.

The proposal will yield a density of 66 units per hectare and a Places to Grow density of 158 persons per hectare.

Proposed Development Concept

The proposed development includes 27 stacked townhouse units within two buildings, the east building containing 15 stacked townhouse units and the west building with 12 stacked townhouse units as shown in Attachment 6. The proposed buildings are separated by an open central walkway, with surface parking to the north of the two buildings accommodating a total of 33 on-site parking spaces (27 for dwelling units, 5 visitor and 1 barrier free). Vehicular access is proposed from a single driveway connection to Gordon Street. Private amenity areas are proposed along the south side of the property with direct access to each lower dwelling unit and by upper balconies and rooftop terraces on the north side of the building. A 730 square metre landscaped common amenity area is proposed at the west end of the site, adjacent to the existing residential properties at #7 and #9 Hickory Street (Attachment 1).

Supporting Documents

The following material has been submitted in support of the Zoning By-law Amendment application:

- Traffic Review Letter prepared by URS Canada, dated February 16, 2012;
- Preliminary Servicing and Stormwater Management Report prepared by AECOM, dated February 16, 2012;
- Tree Inventory and Preservation Plan Report prepared by Kuntz Forestry Consulting Inc., dated February 1, 2012 and updated June 5, 2012;
- Preliminary Building Elevations & Roof Plan, prepared by Peter Higgins Architect Inc., dated February 2012;
- Preliminary Site Concept Plan, prepared by Peter Higgins Architect Inc., dated April 2012 and revised October 2012;
- Shadow Study prepared by Sweeny Sterling Finlayson &Co Architects Inc. dated October 2012.

The proposed redevelopment and intensification proposal will require the demolition of both older dwellings at 803 and 807 Gordon Street along with the accessory storage buildings. Heritage Planning has no concern or objection to the proposed demolition of the existing dwellings at 803 and 807 Gordon Street as neither building has been identified as having cultural heritage value or interest.

STAFF REPORT

Planning Analysis

The planning analysis section of this report is included in Attachment 9 and provides Planning staff's consideration of all issues raised by Council and area property owners at the Public Meeting held July 3, 2012 and other issues raised through the development review process.

Staff's evaluation of the proposal focuses on the following:

- Evaluation of the proposal against the Provincial Policy Statement and the Growth Plan;
- Evaluation of the proposal against the land use designation and policies of the Official Plan including Official Plan Amendment 39;
- Review of the proposed zoning including the uses permitted and the proposed specialized regulations;
- Review of proposed site design;
- Urban design review of the built form and streetscape;
- Servicing and traffic related issues;
- Community Energy Initiative considerations;

Issues raised at the Public Meeting include:

- Planning rationale for reducing the landscape buffer on the north side?
- Upper terrace – concern with sight lines and overlook onto adjacent properties.
- Concern with fence at rear of properties (Hickory Street).
- Concern with snow storage – is there sufficient space?
- Concern with shadows on adjacent properties.
- Need for a waste management plan and lighting plan.
- Concern that storm water will impact adjacent properties.
- Concern there is not sufficient parking. No visitor parking provided.
- Concern that multiple unit development impacts existing single-detached residential properties.
- Concern with traffic impacts for vehicles entering/exiting Gordon Street
- Height – concern that buildings are too high in relation to adjacent single detached residential.

Community Energy Initiative

The owner has submitted a letter dated December 13, 2012 outlining their commitment to the City's Community Energy Initiative (see Attachment 7). These commitments have been included as condition 3 in Attachment 2. While the owner is required to build to the Ontario Building Code standard which now incorporates the equivalent of an Energy Star standard, the owner has also committed that additional energy conservation measures will be incorporated into the proposed stacked townhouse development.

STAFF REPORT



Minor Application Revisions

The revisions made to the application since the July 3, 2012 Public Meeting are considered minor and therefore staff are recommending to Council that no further public notice is required in accordance with Section 34(17) of the Planning Act. The changes are the result of the owner's willingness to make minor adjustments to the architectural detail of the two buildings to address land use compatibility and impact on abutting residential properties. The minor changes are documented in correspondence from the owner dated October 25, 2012, included in Attachment 6.

Staff Recommendation

Planning Services are satisfied that this Zoning By-law Amendment application is consistent with the Provincial Policy Statement and that it conforms to the Places to Grow Plan and the City's Official Plan. This Zoning By-law Amendment application is recommended for approval subject to the zoning and conditions outlined in Attachment 2.

The rezoning proposal, subject to the zoning and conditions recommended in Attachment 2 is in the public interest and represents good planning.

CORPORATE STRATEGIC PLAN

City Building - Strategic Direction 3.1: Ensure a well designed, safe, inclusive, appealing and sustainable City.

DEPARTMENTAL CONSULTATION

The public and agency comments received through the review of the application are summarized in Attachment 10 of this report. Concerns expressed by the two adjacent property owners on Hickory Street are addressed in Condition 2 of the recommendation in Attachment 2.

COMMUNICATIONS

Key dates for the public process and consultation relating to this planning application are included in Attachment 11.

STAFF REPORT



ATTACHMENTS

- Attachment 1 – Location Map
- Attachment 2 – Recommended Zoning and Conditions
- Attachment 3 – Existing Official Plan Land Use Designations and Policies
- Attachment 4 – Existing Zoning
- Attachment 5 – Proposed Zoning
- Attachment 6 – Proposed Site Concept Plan, Building Elevations & Tree Preservation Plan
- Attachment 7 – Community Energy Initiative Commitment
- Attachment 8 – Shadow Impact Analysis
- Attachment 9 – Planning Analysis
- Attachment 10 – Agency and Public Comments Summary
- Attachment 11 – Public Consultation Summary

Original Signed by:

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Approved By

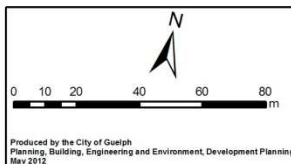
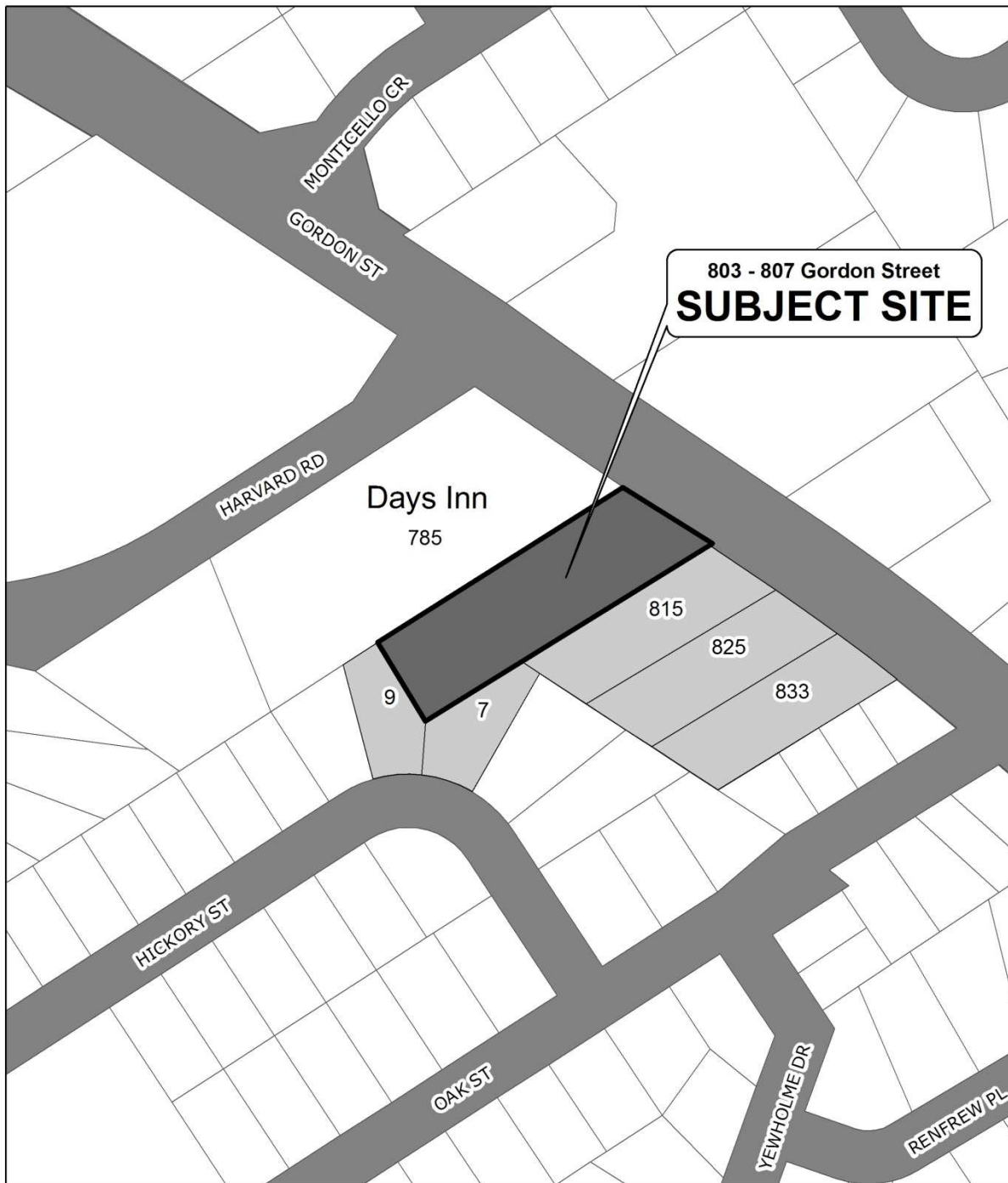
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ATTACHMENT 1 Location Map



LOCATION MAP
803 - 807 Gordon Street

ATTACHMENT 2 Recommended Zoning and Conditions

The property affected by the Zoning By-law Amendment application is lands legally described as the Northeast Half of Lot 2, Concession 7 (Parts 1, 2 and 3, Plan 61R-7123), formerly in the Township of Puslinch, County of Wellington, municipally known as 803-807 Gordon Street, City of Guelph, (File ZC1205).

PROPOSED ZONING

Specialized R.3A Zone

Permitted Uses

All uses included in Section 5.3.1.1 of the Bylaw.

- *Maisonette* dwelling
- *Stacked Townhouse*
- *Cluster Townhouse*
- *Home Occupation* in accordance with Section 4.19
- *Accessory Use* in accordance with Section 4.23

Regulations

All regulations in Section 5.3.2 of the Bylaw shall apply with the following exceptions:

- Section 5.3.2.20 Maximum Density
65.4 units per hectare.
- Section 4.13.2.2 Distance from Lot Line
The minimum distance of a parking space to the side lot line along the north property line in this zone shall be 0.35 metres.
- Section 5.3.2.9 Maximum Building Height
4 storeys.

PROPOSED CONDITIONS

The following conditions are provided as information to Council and will be imposed through site plan approval:

1. That the Developer shall submit to the City, in accordance with Section 41 of The Planning Act, a **fully detailed site plan**, indicating the location of buildings, landscaping, parking, circulation, access, lighting, grading and drainage on the said lands to the satisfaction of the General Manager of Planning Services and the General Manager/City Engineer, prior to Site Plan

STAFF REPORT



approval, and furthermore the Developer agrees to develop the said lands in accordance with the approved plan.

2. The Owner commits and agrees that the details of the layout, elevations and design for development of the subject lands shall be in general accordance and conformity with the **Owner's concept plans** attached as Attachment 6 of the Planning, Building, Engineering and Environment Report 13-01 dated February 4, 2013 (Site Plan, prepared by Peter Higgins Architect Inc. Project No.10-031, dated February 2011, revised May 7, 2012). The Owner further agrees to incorporate the list of site plan details outlined in Podium's email correspondence dated October 25, 2012 (Attachment 6) to address the comments expressed by property owners of 7 and 9 Hickory Street (Attachment 10) of the Planning, Building, Engineering and Environment Report 13-01 dated February 4, 2013, to the satisfaction of the General Manager of Planning Services, prior to site plan approval.
3. Prior to the issuance of site plan approval, the Owner shall provide the City with written confirmation that the buildings on the subject lands will be constructed to a standard that implements energy efficiency in order to support the **Community Energy Initiative** to the satisfaction of the General Manager of Planning Services in accordance with the letter attached as Attachment 7 of the Planning, Building, Engineering and Environment Report 13-01 dated February 4, 2013.
4. Prior to site plan approval and prior to any construction or grading on the lands, the Developer shall have a Professional Engineer design a **grading and drainage plan** for the site, satisfactory to the General Manager/City Engineer.
5. The Developer shall grade, develop and maintain the site including the **storm water management facilities** designed by a Professional Engineer, in accordance with a Site Plan that has been submitted to and approved by the General Manager/City Engineer. Furthermore, the Developer shall have the Professional Engineer who designed the storm water management system certify to the City that he/she supervised the construction of the storm water management system, and that the storm water management system was approved by the City and that it is functioning properly.
6. Prior to site plan approval and prior to any construction or grading on the lands, the developer shall construct, install and maintain **erosion and sediment control facilities**, satisfactory to the General Manager/City Engineer, in accordance with a plan that has been submitted to and approved by the General Manager/City Engineer.

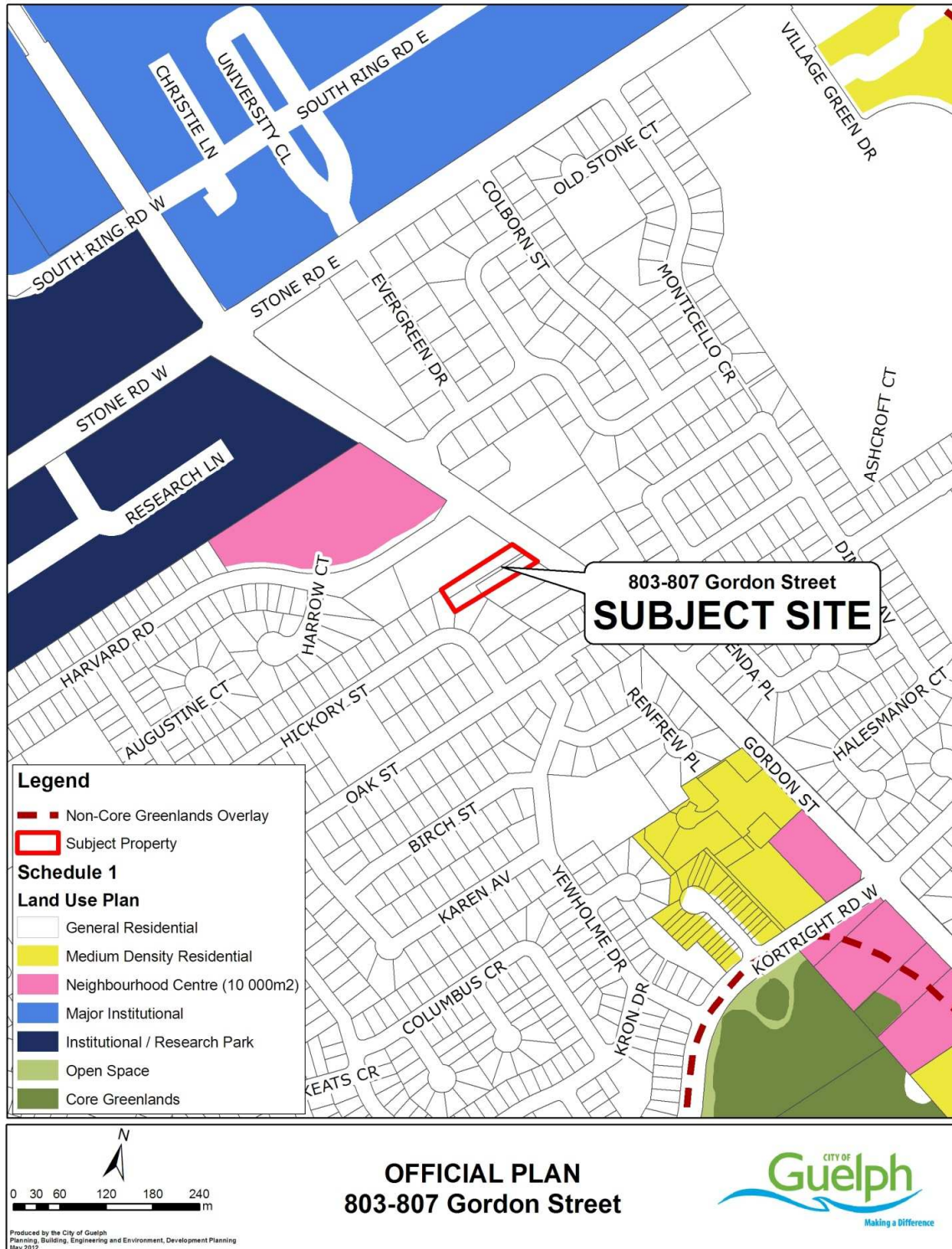
STAFF REPORT

7. The Developer shall pay to the City the actual cost of **replacing, extending, filling, repairing all curb and gutter and sidewalk/boulevard** along the frontages of the subject site, that are required in order to service the proposed development, to the satisfaction of the General Manager/City Engineer and furthermore, prior to site plan approval, the Developer shall pay to the City the estimated cost, as determined by the General Manager/City Engineer, of replacing, extending, filling, repairing all curb and gutter and sidewalk/boulevard along the frontages of the subject site, that are required in order to service the proposed development.
8. The Developer shall pay to the City the actual cost of the construction of the **new access and the required curb cut**, prior to any construction or grading on the lands, prior to site plan approval the developer shall pay to the City the estimated cost as determined by the General Manager/City Engineer of constructing the new access and the required curb cut.
9. That the Developer constructs the new buildings at such an elevation that the lowest level of the new buildings can be serviced with a **gravity connection** to the sanitary.
10. The Developer shall pay to the City the actual cost of constructing, installing or removal of any **service laterals** required and furthermore, prior to site plan approval, the developer shall pay to the City the estimated cost of the service laterals, as determined by the General Manager/City Engineer.
11. The Developer shall pay to the City their share of the **cost of the existing municipal services** on Gordon Street abutting the subject lands prior to site plan approval, as determined by the General Manager/ City Engineer.
12. That the Developer makes satisfactory arrangements with **Union Gas** for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to site plan approval.
13. That all electrical services to the lands are underground and the developer shall make satisfactory arrangements with **Guelph Hydro Electric Systems Inc.** for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to site plan approval.
14. The Developer shall ensure that all **telephone service and cable TV service** in the Lands shall be underground. The Developer shall enter into a servicing agreement with the appropriate service providers for the installation of underground utility services for the Lands.
15. The owner shall satisfy all requirements and conditions of **Canada Post** including advisories and suitable mailbox locations.

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16. Prior to the issuance of a building permit, any monitoring **wells and boreholes** drilled for hydrogeological or geotechnical investigations shall be properly abandoned in accordance with current Ministry of the Environment Regulations and Guidelines. The Developer shall submit a Well Record to the satisfaction of the General Manager/City Engineer.
17. That the developer/owner shall pay **development charges** to the City in accordance with By-law Number (2009)-18729, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereto.
18. Prior to site plan approval, the owner shall pay to the City **cash-in-lieu of park land dedication** in accordance By-law (1989)-13410, as amended by By-law (1990)-13545, or any successor thereof.
19. Prior to the issuance of site plan approval for the lands, the owner shall pay to the City, the City's total cost of reproduction and distribution of the **Guelph Residents' Environmental Handbook**, to all future households within the project, with such payment based on a cost of one handbook per residential household, as determined by the City.
20. That prior to site plan approval, the owner shall enter into a **site plan control agreement** with the City, registered on title, satisfactory to the City Solicitor, the General Manager of Planning Services and the City Engineer, covering the conditions noted above and to develop the site in accordance with the approved plans and reports.

ATTACHMENT 3 Official Plan Land Use Designations and Policies



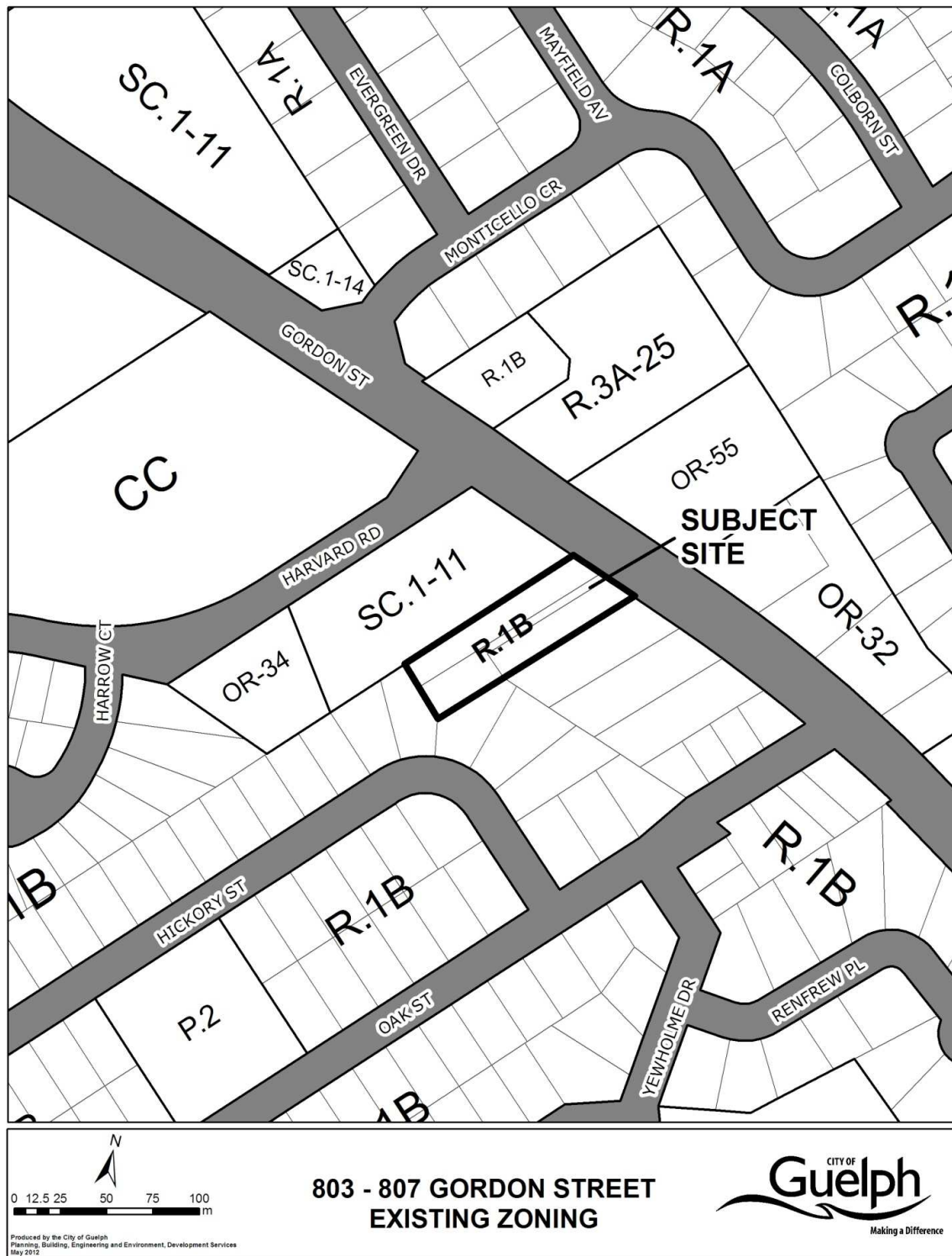
ATTACHMENT 3(continued) Official Plan Policies

“General Residential” Land Use Designation

- 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:
- That the building form, massing, appearance and siting are compatible in design, character and orientation with buildings in the immediate vicinity;
 - That the proposal can be adequately served by local convenience and neighbourhood shopping facilities, schools, parks and recreation facilities and public transit;
 - 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
 - That adequate municipal infrastructure, services and amenity areas for the residents can be provided.
- 7.2.8 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.
- 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 provisions of policy 7.2.7. Residential care facilities, lodging houses, coach houses and garden suites will be permitted, subject to the development criteria as outlined in the earlier text of this subsection.
- 7.2.32 With 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.
- 7.2.34 Residential lot infill, comprising the creation of new low density residential lots within the older established areas of the City will be encouraged, provided that the proposed development is compatible with the surrounding residential environment. To assess compatibility, the City will give consideration to the existing predominant zoning of the particular area as well as the general design parameters outlined in subsection 3.6 of this Plan. More specifically, residential lot infill shall be compatible with adjacent residential environments with respect to the following:
- The form and scale of existing residential development;
 - Existing building design and height;
 - Setbacks;
 - Landscaping and amenity areas;
 - Vehicular access, circulation and parking; and
 - Heritage considerations.
- 7.2.35 Apartment or townhouse infill proposals shall be subject to the development criteria contained in policy 7.2.7.

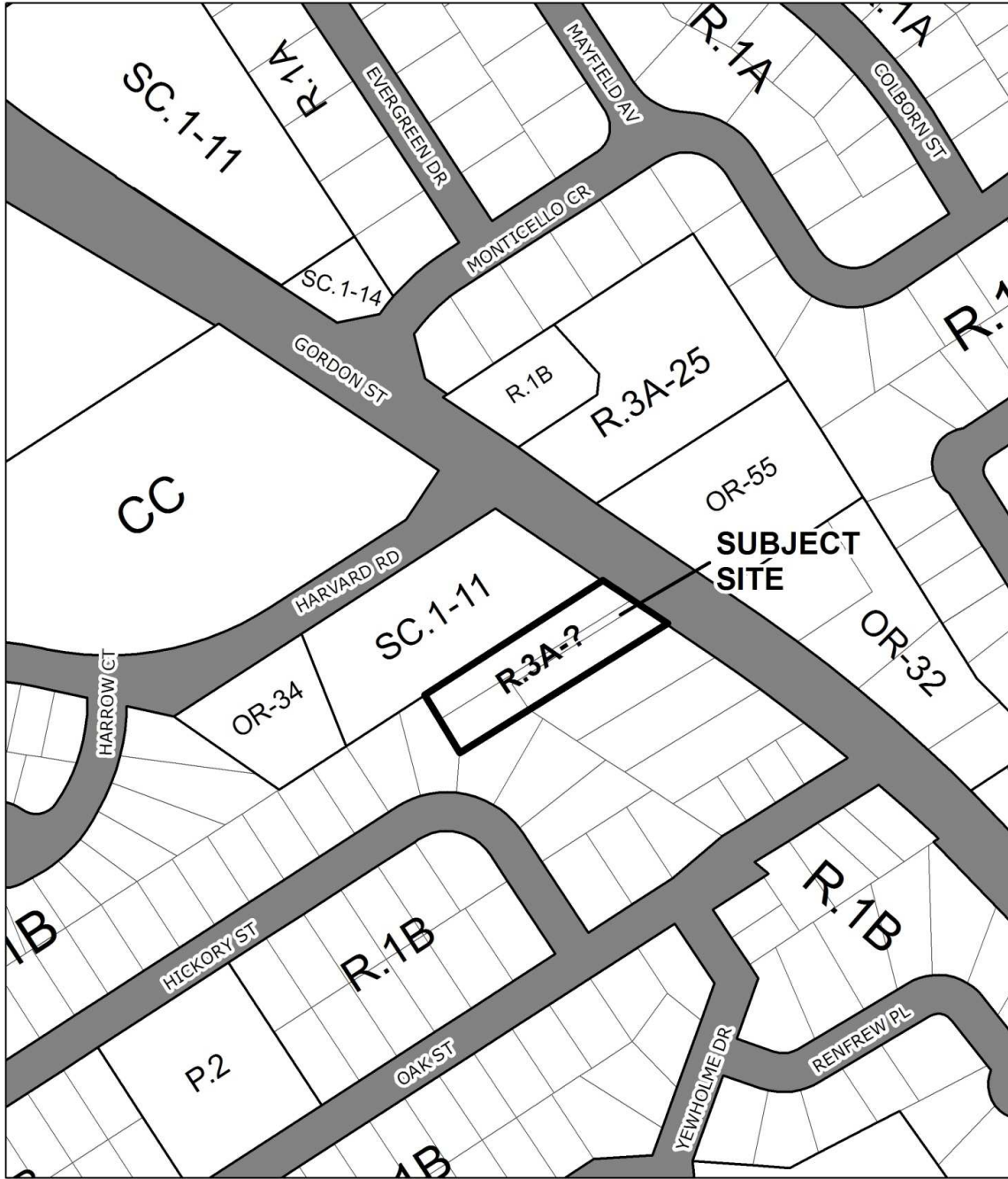
STAFF REPORT

ATTACHMENT 4 Existing Zoning



STAFF REPORT

ATTACHMENT 5 Proposed Zoning



0 12.5 25 50 75 100 m

Produced by the City of Guelph
Planning, Building, Engineering and Environment, Development Services
May 2012

**803 - 807 GORDON STREET
PROPOSED ZONING**

CITY OF
Guelph
Making a Difference

ATTACHMENT 5 (continued) Proposed Zoning for the Specialized R.3A (Stacked Townhouse) Zone

Permitted Uses

Maisonette dwelling
Stacked Townhouse
Cluster Townhouse
Home Occupation in accordance with Section 4.19
Accessory Use in accordance with Section 4.23

Regulation	Required in the R.3A Zone (Stacked Townhouses)	Requested in the Specialized R.3A Zone
Minimum Lot Area	1000m ²	No Change Proposed
Minimum Lot Area per Dwelling Unit	150 m ²	No Change Proposed
Minimum Lot Frontage	18m	No Change Proposed
Minimum Front Yard	6m & Section 4.24	No Change Proposed
Minimum Exterior Side Yard	n/a	n/a
Minimum Side Yard	3m or ½ the building height	No Change Proposed
Minimum Rear Yard	3m or ½ the building height	No Change Proposed
Maximum Building Coverage	40%	No Change Proposed
Maximum Building Height	3 storeys & Sections 4.16, 4.18	4 storeys
Minimum Distance Between Buildings	Section 5.3.2.3	No Change Proposed
Minimum Common Amenity Area	270m ² in accordance with Section 5.3.2.4	No Change Proposed
Minimum Private Amenity Area	Section 5.3.2.5	No Change Proposed
Minimum Landscaped Open Space	40%	No Change Proposed
Buffer Strip	Required adjacent to residential, institutional, park, wetland or urban reserve Zones	No Change Proposed

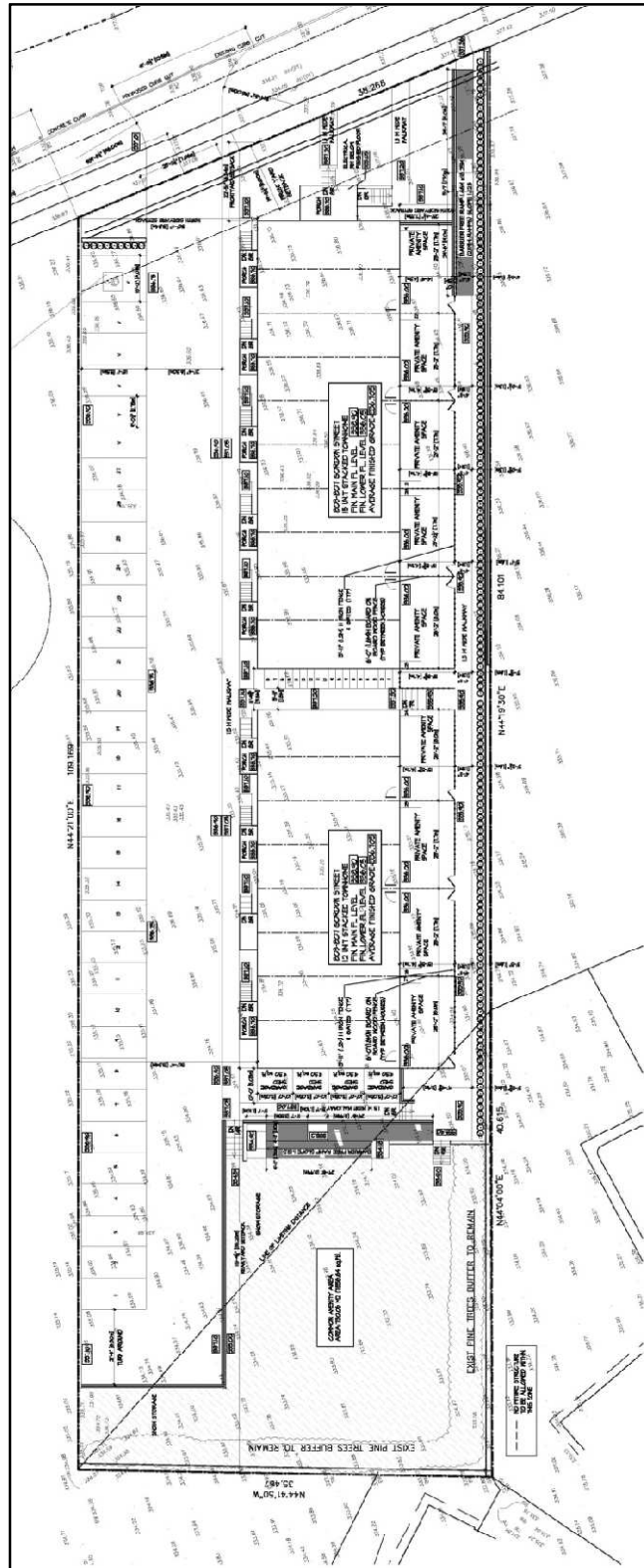
STAFF REPORT

Fences	Section 4.20	No Change Proposed
Off-Street Parking	33 spaces (Section 4.13)	No Change Proposed
Minimum Setback to Parking	3m	0.35m
Accessory Buildings or Structures	Section 4.5	No Change Proposed
Maximum Number of Dwelling Units in a Row	12	No Change Proposed
Garbage, Refuse Storage and Composters	Section 4.9	No Change Proposed
Maximum Density of Site	60 units per hectare	65.4 units per hectare

Specialized R.3A -? (Stacked Townhouse) Zone

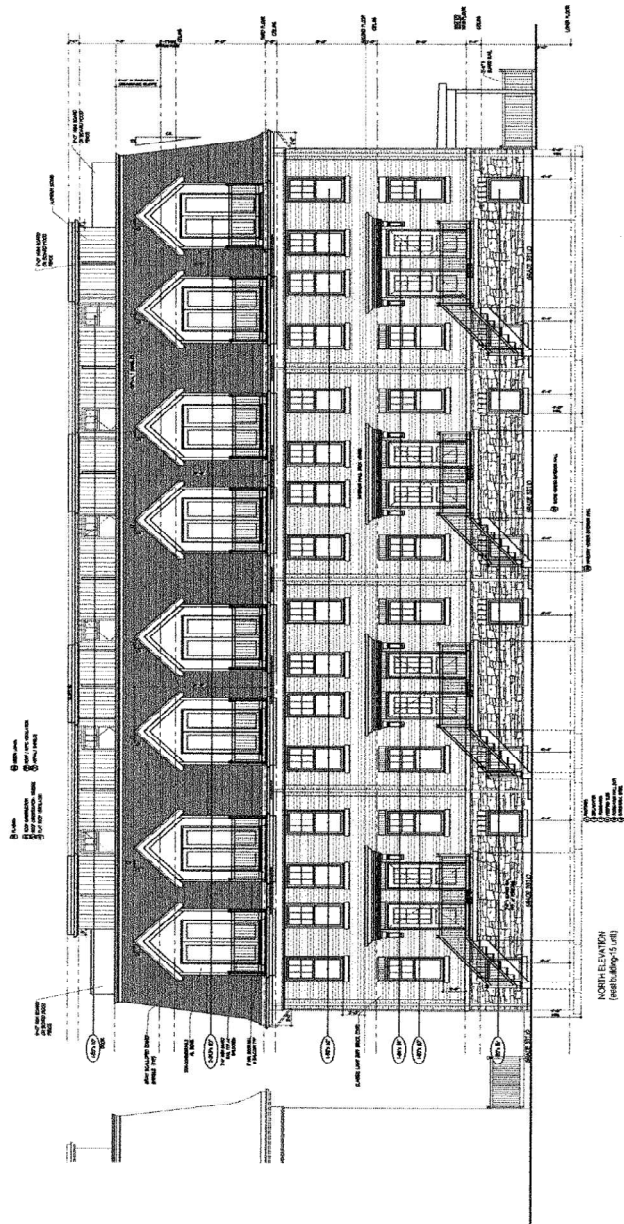
- That a maximum density of 65.4 units per hectare be permitted, whereas the current regulations allow a maximum density of 60 units per hectare;
- That the minimum distance from a Parking Space to a Lot line be 0.35 m, whereas a minimum distance of 3.0 m is currently required; and
- That a maximum building height of 4 storeys be permitted, whereas the current regulations allow a maximum building height of 3 storeys.

ATTACHMENT 6 Proposed Site Concept Plan, Building Elevations and Tree Preservation

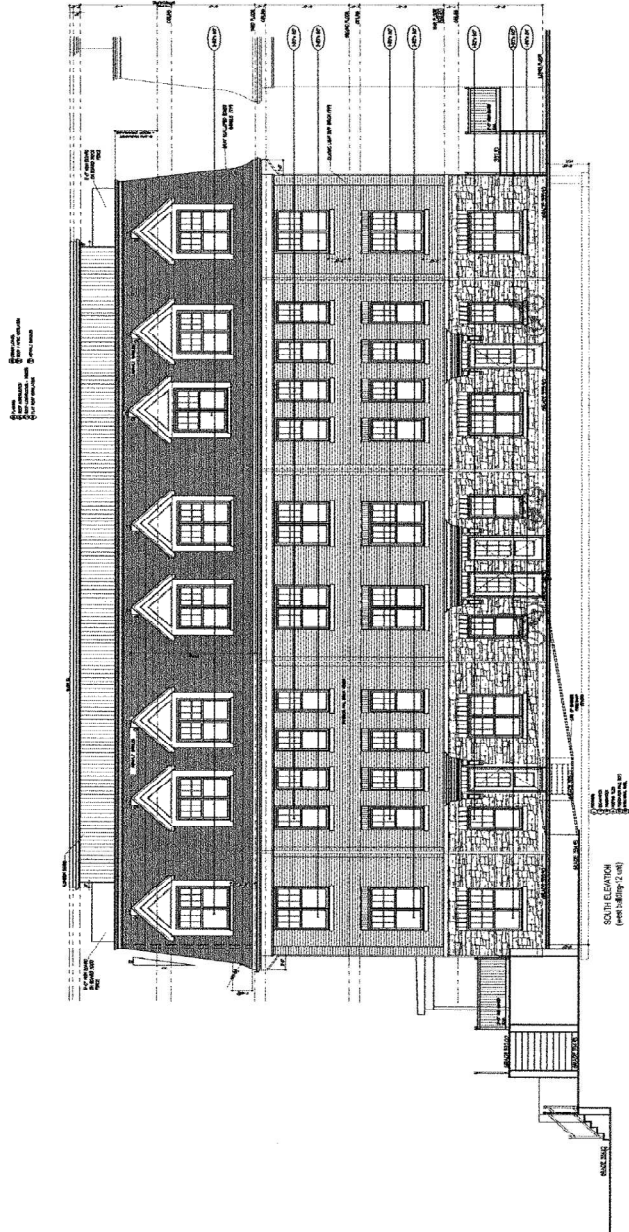


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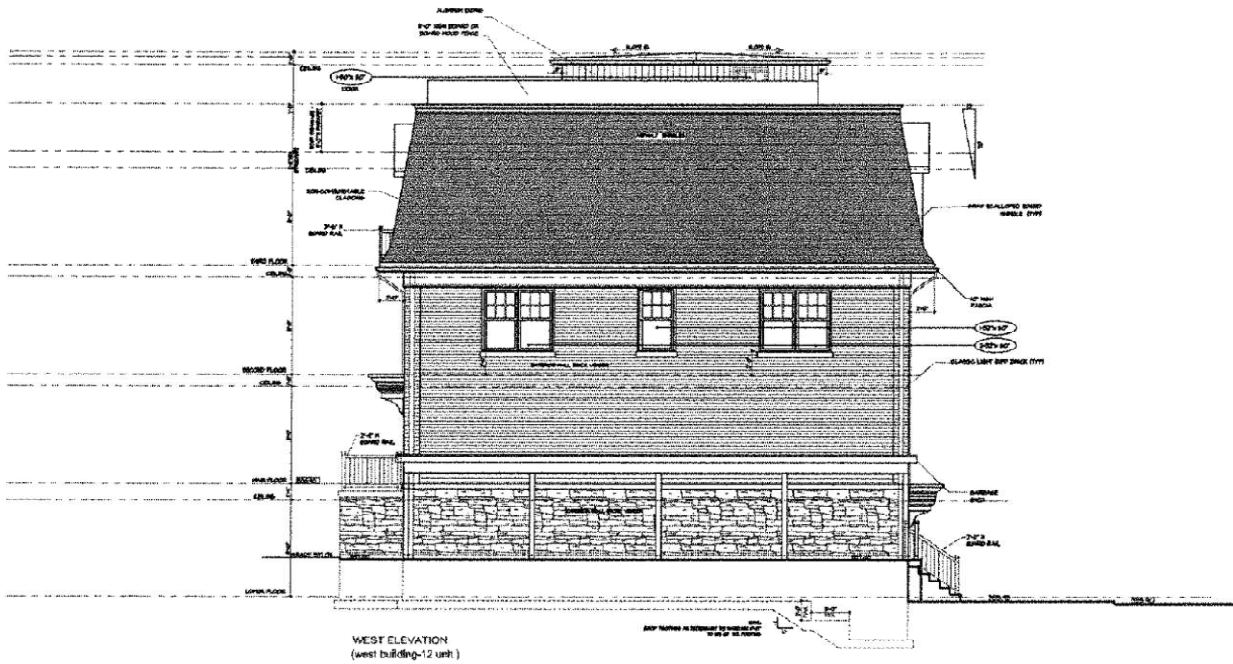
ATTACHMENT 6 Proposed Site Concept Plan, Building Elevations and Tree Preservation North Elevation (view from Days Inn)



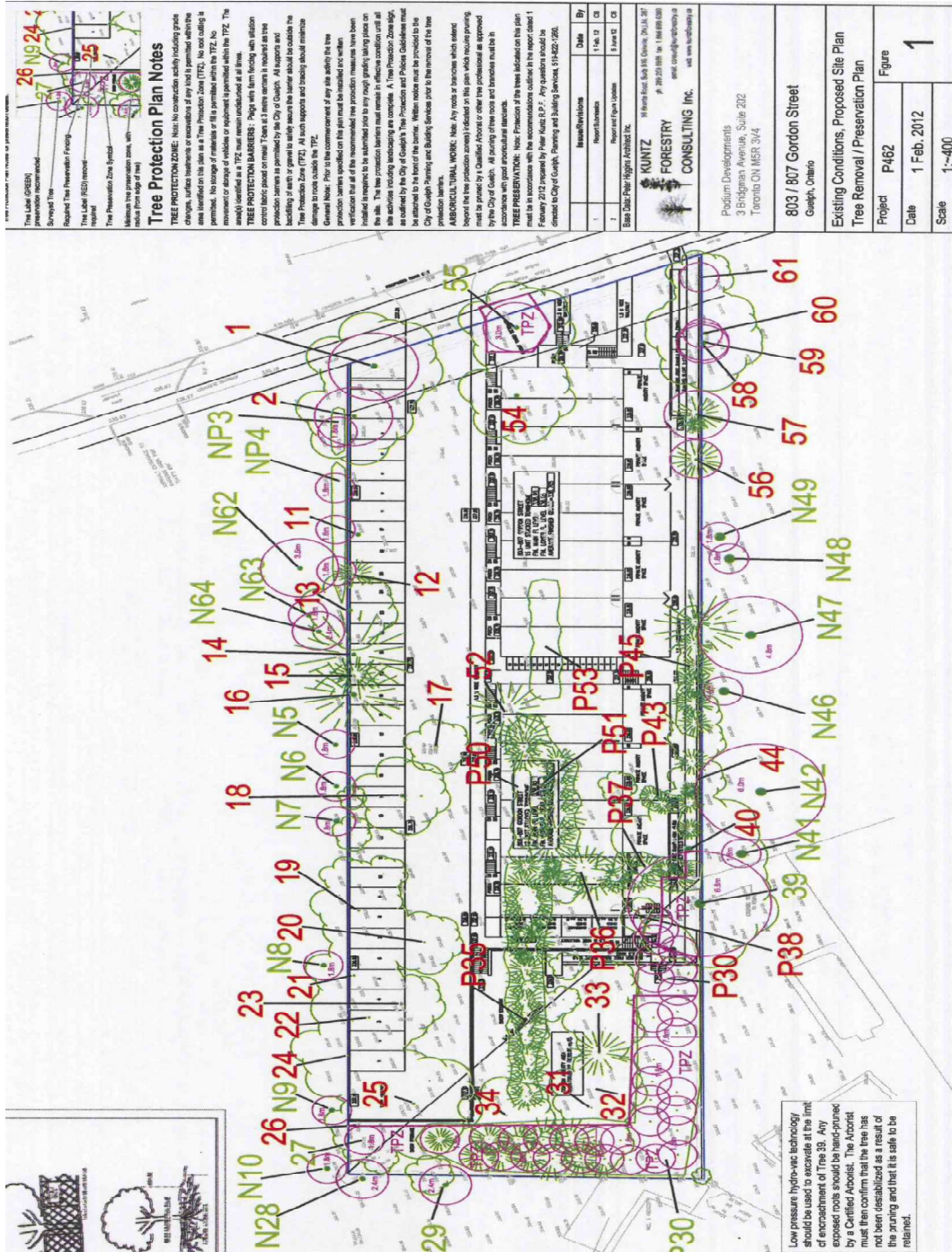
ATTACHMENT 6 Proposed Site Concept Plan, Building Elevations and Tree Preservation South Elevation



ATTACHMENT 6 Proposed Site Concept Plan, Building Elevations and Tree Preservation West Elevation



ATTACHMENT 6 Proposed Site Concept Plan, Building Elevations and Tree Preservation Tree Inventory and Preservation



ATTACHMENT 6

Proposed Site Concept Plan, Building Elevations and Tree Preservation Minor Adjustments to Proposal/Commitments by Owner

From: Bernard Luttmer [mailto:bernard@podiumdevelopments.com]

Sent: October 25, 2012 10:03 AM

To: Al Hearne

Cc: Sylvia Kirkwood; 'Oskar Johansson'

Subject: 807/803 Gordon Street

Mr. Hearne.

After our meeting regarding 803/807 Gordon Street I have had a conversation with the city's urban designer David De Groot regarding our plan. David had several good suggestions which our design team reviewed and they are being incorporating into a new set of drawings. I think one of the most important suggestion from David was to eliminate the balconies on the south side of the buildings facing the residential area. This was overlooked by our own design team and I am glad we were able to eliminate this potential overlook concern. All of the amendments that came about from consultation with the neighbours and city staff, including Mr. De Groot and your own suggestions, are summarized below. Although we are very confident in our shadow study data we are also having a 3rd party planning firm undertake this analysis and summarize their findings to provide more clarity with respect to the shadow impacts. I expect this report with be available along with a set of new plans in approximately 1 week.

As you can imagine we would like to proceed with a decisions meeting as soon as possible hence please let me know if you have any further questions or if you need any further information from us in preparation for this meeting.

Kind Regards,
Bernard Luttmer

Minor Amendments to the 803/807 plan based on Neighbourhood and City Staff comments include:

- 1) There will be a privacy fence along the entire lot line adjacent to 9 Hickory Street to match the existing fence on the back patio of 9 Hickory street. The minimum height of this fence will be 1.8 m (6 ft).
(A new note was added to site plan)
- 2) There will be a privacy fence along the lot line adjacent to 7 Hickory Street as per the request of the owners. The minimum height of this fence will be 1.8 m (6 ft).
(A new note was added to site plan)
- 3) The mature maple tree at the back corner of 7 Hickory street will be preserved. During construction we will take the necessary tree protection measures to ensure this tree will be saved.

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- (A new note added to site plan, the grading was lowered in this section to save the tree & the tree inventory report was updated)
- 4) A detailed Storm Water Management plan will reduce the run off to the neighbouring properties. A new underground reservoir will be installed to store excess drainage.
(The updated Storm Water Management report details this plan)
 - 5) New trees will be planted in the common amenity area after the grade is changed and sloped towards a new catch basin / stormwater retention area. The existing pine trees along the adjoining lot lines of 5 & 7 Hickory Street will remain to provide a landscape buffer between the adjacent properties.
(A new note was added to the site plan)
 - 6) A light neutral colour palette on the buildings façades and roof have been selected to minimize the mass of the structure.
(A note was added to the plan specifying the classic building materials and colours)
 - 7) The height and size of the roof top access has been reduced (height and footprint) to minimize and/or eliminate the ability to see the structure from the neighbouring properties.
(The new plan includes a lower and smaller roof stairway penthouse)
 - 8) There will be no access to the roof top patio's on the project south side of the building (i.e. no access will be provided to the roof top area along the property line of 815 Gordon Street and 7 Hickory).
(A fence is shown on the plan restricting access)
 - 9) A privacy fence was added on the west side of the private roof top amenity area facing 9 Hickory to ensure there is no access or overlook concerns.
(The updated plan shows this new fence)
 - 10) Two shadow studies were completed, one by Podium Developments and another by a 3rd party planning firm. Both studies confirmed there will be minimal or no shadow impact on the neighboring properties.
(Both studies will be submitted to the City for review)
 - 11) The angle on the on the Mansard Roof was adjusted to reduce the massing of the roof while still maintaining a classic Mansard profile.
(The updated plan shows a change from 80/12 to 70/12 pitch. This is 12.5% further set back from the original plan)
 - 12) The small balconies on the third floor have been moved from the south side of the building which was facing the single family residential area to the North side which faces a commercial zone.
(The updated plans shows this new location)

Bernard Luttmmer

PODIUM DEVELOPMENTS

T: 416.792.6114 Ext. 102 / C: 416.571.0825 / F: 888.519.5361

E: bernard@podiumdevelopments.com

ATTACHMENT 7 Community Energy Initiative Commitment



December 13, 2012

Al Hearne, Senior Development Planner
City of Guelph
Planning & Building Department
1 Carden Street
Guelph, ON, N1H 3A1
Tel: 519.822.1260 ext. 2327
Email: Al.Hearne@guelph.ca

RE: 803/807 GORDON STREET COMMUNITY ENERGY INITIATIVE

Dear Mr. Hearne,

As per your request Podium Developments will be including many energy efficient upgrades in the construction of the proposed development at 803/807 Gordon Street. Such items include the following:

SITE SUSTAINABILITY

- Compact well utilized site located in downtown core to help contain urban sprawl / increase population in downtown core
- Previously developed site with excellent community connectivity to a variety of services and to public transportation
- 27 bicycle parking spaces, on major bus route and walking distance to downtown core thus discouraging the use of a motorized vehicle
- Reduced light pollution
 - Exterior and common area lighting on timers
 - Lighting not pointed skyward
 - Lighting sufficient for safety but not excessive
- Large windows which will promote greater "Day-Lighting" by occupants
- Site design incorporated CPTED principles
- Interior and exterior of site is designed to reduce sound impact on occupants and neighbouring residents
- New tree planting contributes to the overall rejuvenation of the urban forest
- Comprehensive erosion and sedimentation control plan will be in effect during construction
- Building is designed for efficient recycling of: (compliance with City by-laws)
 - Organics
 - Paper and
 - Plastic materials

ENERGY EFFICIENCY & ATMOSPHERE

- Appliances in compliance with ban on ozone-depleting refrigerant gases
- Low E Energy Star Rated Windows

Community Energy Initiative Commitment ATTACHMENT 7

- 100% Energy Star Rated Appliances:
 - Furnace
 - Air Conditioner
 - Hot Water Tank
 - Laundry Washer
 - Fridge
 - Dishwasher
 - Lighting
- High Efficiency Lighting
- Large windows which will promote greater “Day-Lighting” by occupants
- HRV (Heat Recovery Ventilator) in units
- High Efficiency (95%) heating system will be used to save natural gas
- Air Conditioner will be 13 SEER which exceeds the MNEC and OBC requirement
- Sealed Supply and Return Plenums
- Utilities separately metered for every unit. Make occupants aware/conscious of energy use (KW & \$)

INDOOR & EXTERIOR ENVIRONMENT QUALITY

- Low VOC Paint
- CO2 Monitoring
- Each unit will have individual controls for HEATING, COOLING, LIGHTING and VENTILATION
- HRV, (Heat Recovery Ventilator) in units
- All occupied spaces have access to an operable window
- The building provides natural light to 100% of regularly occupied spaces
- Kitchens
 - Manufactured using no urea formaldehyde
 - Low HAPS (hazardous air pollutants) finish
- Sound Ratings
 - STC ratings between suites exceeds minimum requirements by 7 points, (14%)
 - Our STC rating 57
 - Minimum STC Rating 50
 - Bedroom walls exceed standard sound ratings by 4 STC points, (12.5%)
 - Our STC rating 36
 - Standard bedroom wall construction STC rating 32
 - In Suite interior floor partitions exceed standard sound ratings by 19 STC, (61.3%) and 17 IIC points, (65.4%)
 - Our STC rating 50
 - Minimum STC 31
 - Our IIC rating 43
 - Minimum IIC 26

ATTACHMENT 7 Community Energy Initiative Commitment

- HVAC system is mitigated for sound impact to neighbours
 - AC Units rated @ 54 DBA
- Building is designed to mitigate the impact of traffic noise from Gordon Street

WATER EFFICIENCY

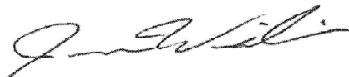
- Drought resistant soft landscaped material will be specified as much as possible
- Storm water retention system controls flow rate of storm water
- Low Flow Fixtures:
 - Toilets
 - Our Toilets meet ULFT rebate standards
 - Our Toilets will use: 1.6 GPF
 - Standard Toilet uses: 3.4 GPF
 - Uses 54% less water than standard
 - Shower Heads
 - Our Shower Heads will use: 2.5 GPM
 - Standard Shower Head use: 5.5 GPM
 - Uses 55% less water than standard
 - Faucets
 - Our Faucets will use: 1.5 GPM
 - Standard Faucets use: 2.2 GPM
 - Uses 32% less water than standard

MATERIALS & RESOURCES

- Vast majority of materials are available locally (within 800 km radius as defined in LEED Standard)
- High recycled content material to be specified wherever possible
- A construction waste management plan will be implemented
- Collection of Recyclables in compliance with City by-laws

Podium Developments trusts that the above noted items will be satisfactory to the City of Guelph Community Energy Initiatives. Please feel free to contact us if you have questions or concerns.

Respectfully,



James Wilkinson, P.Eng
Construction & Design Manager
416.878.2162

STAFF REPORT

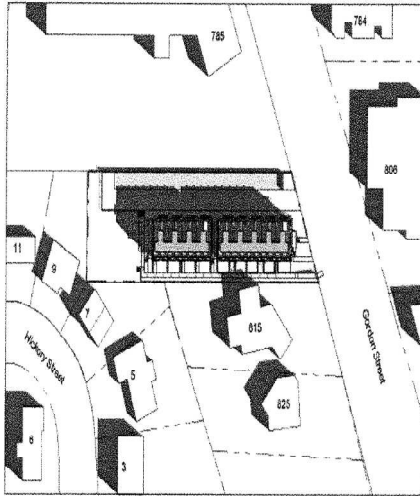
ATTACHMENT 8 Shadow Impact Analysis

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Architects Inc.

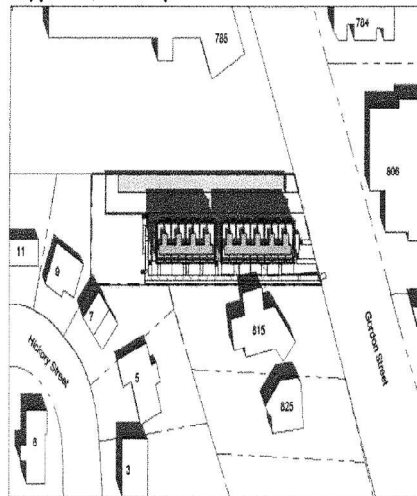
SHADOW STUDY

803-807 Gordon Street

[1 of 7] [March 21, 2012 - 10:00]

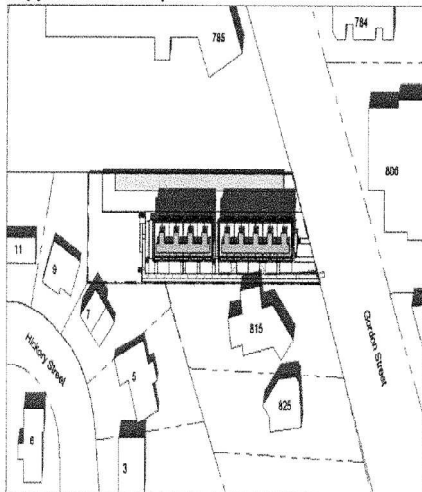


[3 of 7] [March 21, 2012 - 12:00]

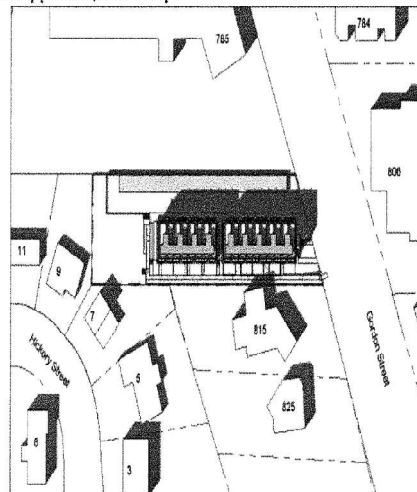


MARCH 21st

[5 of 7] [March 21, 2012 - 14:00]



[7 of 7] [March 21, 2012 - 16:00]



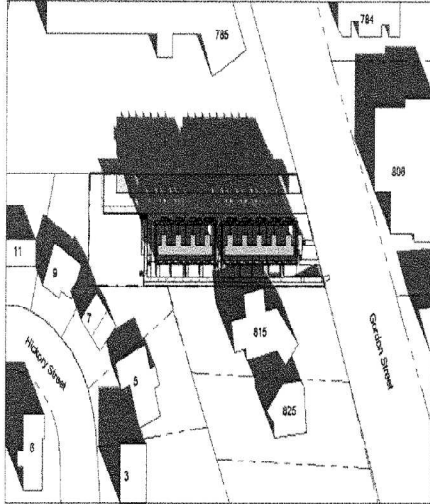
ATTACHMENT 8 Shadow Impact Analysis

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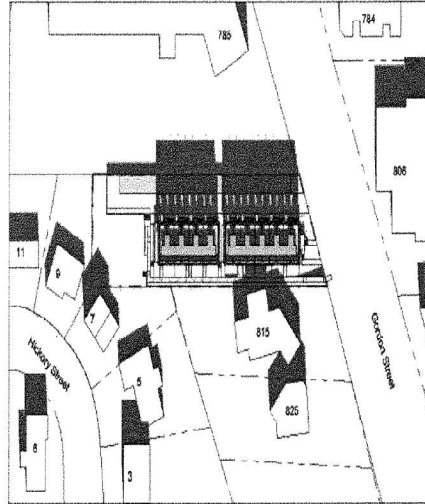
SHADOW STUDY

803-807 Gordon Street

[1 of 7] [December 21, 2012 - 10:00]

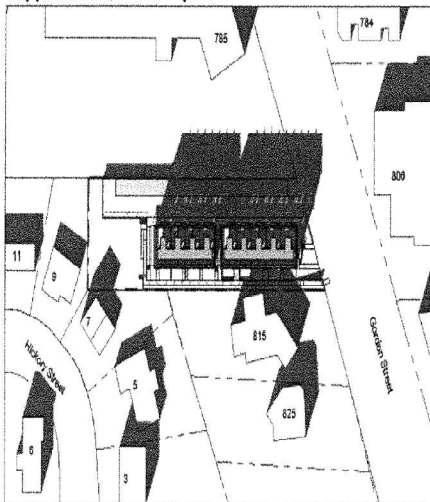


[3 of 7] [December 21, 2012 - 12:00]

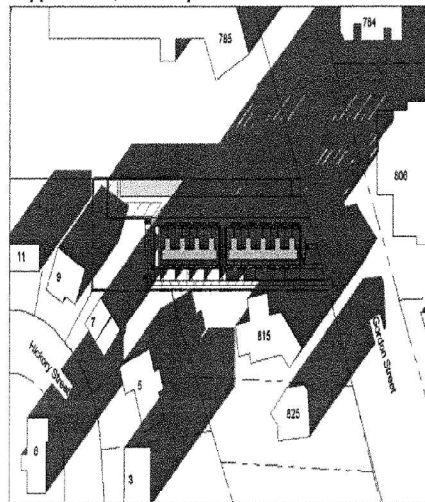


DECEMBER 21st

[5 of 7] [December 21, 2012 - 14:00]



[7 of 7] [December 21, 2012 - 16:00]



ATTACHMENT 9 Planning Analysis

Evaluation of the proposal against the Provincial Policy Statement and the Growth Plan;

Provincial Policy Statement (2005)

The Provincial Policy Statement 2005 (PPS) requires the proposal to be consistent with the provincial policy and conform to provincial planning legislation. In particular, Policy 1.1.3 (Settlement Areas/efficient land use patterns /intensification/compact form) and Section 1.4 (Housing/appropriate range of housing types and densities) have been considered.

The PPS encourages growth in areas with existing infrastructure and services, and promotes a compact form, mix of uses, and intensification [Policy 1.1.3.2 and 1.3.3.7]. The PPS promotes redevelopment and intensification in previously developed built-up areas [Policy 1.1.3.3]. Section 1.1.3 is addressed by the proposed intensification of the site (from 2 to 27 units) while Section 1.4 is addressed by the proposal to introduce stacked townhouses in a predominantly single-detached neighbourhood.

This application does not require an archeological assessment and there are no environmental or built/cultural heritage resources requiring protection. Policy 1.6.4.2 identifies that municipal services are the preferred form of servicing and intensification and redevelopment should be promoted in areas served by full municipal services. This proposal, as recommended by Staff in Attachment 2, is consistent with the Provincial Policy Statement.

Greater Golden Horseshoe Growth Plan (2006)

The Growth Plan for the Greater Golden Horseshoe was approved by the Ministry of Infrastructure on June 16, 2006. The Growth Plan is a framework for implementing the Government of Ontario's vision for managing growth and building stronger, prosperous communities into the year 2031. The proposal must support the principles of the Provincial Places to Grow Growth Plan. The subject site is located within the built-up area of the City. In particular, the application supports Section 2.2.3 General Intensification of the Growth Plan which states by the year 2015, and for each year thereafter, a minimum of 40% of the City's annual residential development must occur within the built-up area. The processing of this application has focused on intensification and density, in balance with 'an appropriate transition of built form to adjacent areas.' The application supports the principles of compact

development connected to existing municipal services in an area that includes amenities.

The expected population of the project based on 27 units is approximately 65 persons. Although the site is located in the built-up area and is not a greenfields site, for comparison purposes, the Growth Plan density for the proposal is calculated at 158 persons per hectare. This density also equates to 66 units per hectare which is an average stacked townhouse density under the City's current Zoning By-law regulations.

The proposed zoning by-law amendment conforms to the policies of the Greater Golden Horseshoe Growth Plan. The redevelopment and intensification of the subject site is located within a designated intensification corridor and makes efficient use of land and existing infrastructure.

Evaluation of the proposal against the land use designation and policies of the Official Plan including Official Plan Amendment 39;

The 'General Residential' land use designation allows all forms of residential development with the general character of development being low-rise housing forms. In this designation, the net density of development is not to exceed 100 units per hectare. The proposal at 27 units with a proposed density of 66 units per hectare conforms to this policy.

Of particular importance, Section 7.2.7 of the Official Plan outlines specific criteria to consider when permitting multiple unit residential buildings on lands in the General Residential designation. Section 7.2.7 of the Official Plan reads 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;*

STAFF REPORT

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.

7.2.8 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.”

The proposal conforms to these four evaluation criteria. Criteria a) has been addressed with the owner providing much detail with respect to built form including massing, building height, siting and gapping of the proposed buildings to ensure compatibility with the adjacent single-detached dwellings.

The owner and residents on Hickory Street have dialogued to address the resident’s issues and concerns outlined in Attachment 10. These items have been incorporated into the recommendation in Attachment 2 (Condition 2) to assure residents that the site plan approval stage will incorporate the design details they have requested and implement them. The shadow impact study submitted by the owner confirms there are no shadow impacts on the adjoining three single-detached homes. The architectural and site plan changes proposed by the owner (Attachment 6) have resulted in positive comments received from the City’s Urban Designer. The acceptance of the owner’s tree preservation plan will ensure buffering and screening of the proposal from the adjacent residences.

With respect to Criteria b) and local conveniences and amenities, there is a full range of community amenities in the neighbourhood including shopping, parks, schools, access to community trails and transit is located on Gordon Street.

Criteria c) has been addressed through the acceptance by City Staff of the owner’s Traffic Impact Assessment that confirms the vehicular traffic generated from the proposal can be accommodated with minimal impact on Gordon Street and local residential streets and intersections. Adequate vehicular circulation, access and parking will be available within the proposal.

STAFF REPORT



With respect to Criteria d), Engineering Services has confirmed the site can be provided with full municipal services and there will be both private amenity areas and a common amenity area to serve the new residents on the subject site. The proposal, subject to the details recommended in Attachment 2, conforms to the goals and objectives of the Official Plan.

OPA 39 implements the recommendations of the City's Local Growth Management Strategy which was approved by Council on June 23, 2008 and responds to the Provincial Growth Plan for the Greater Golden Horseshoe. The recommended rezoning and intensification of the subject site supports the Local Growth Management Strategy goals of residential intensification within the intensification corridor and built-up area. The proposal supports the goals and objectives of the City's Local Growth Management Strategy.

Official Plan Amendment #48 (2012)

On June 5, 2012, the City adopted OPA 48, a comprehensive update to its Official Plan. OPA 48 is subject to Ministerial approval and is not yet in effect. Further, since the applications for the subject property were submitted prior to adoption of OPA 48, they are not required to conform to the plan. However, consideration is given to the policies of OPA 48 since these policies provide current guidance for development within the City and within the context of the Provincial Growth Plan.

OPA 48 designates the subject property at 803 and 807 Gordon Street including the adjoining properties to the south at 815, 825 and 833 Gordon Street (See Attachment 1) as "Mixed Office Commercial". This designation allows 'a variety of freestanding small-scale commercial, office, residential or mixed-use buildings'. While it was not possible for the owner to assemble all five properties on Gordon Street, the proposal will provide residential intensification to support the "Mixed Office Commercial" designation which will allow the remaining three properties to be eventually redeveloped for office and or commercial uses. The proposal for 27 units at 66 units per hectare conforms to OPA 48. (The 'Medium Density' designation in OPA 48 permits a maximum net density of 100 units per hectare and a minimum net density of 35 units per hectare).

Review of the proposed zoning including the uses permitted and the proposed specialized regulations;

The R.3A Zone is appropriate for the proposal and the three specialized regulations to the standard R.3A zone are reasonable, practical and supported by staff.

1. The request for a maximum density of 65.4 units per hectare in lieu of the current maximum density of 60 units per hectare in the R.3A Zone, is supported as the proposed density conforms to both the existing Official Plan and OPA 48 which is adopted by Council but awaiting provincial approval.
2. The request for a minimum distance separation between proposed parking and the northerly lot line of 0.35 m in lieu of the required 3.0 metres is supported by staff. As the property has a narrow frontage and a considerable lot depth, and as the storm water management only functions with the driveway on the north side of the building, the specialized regulation is necessary. In considering land use impact, the reduced separation has no detrimental impact on the adjacent Days Inn commercial parking lot or on adjacent residential uses.
3. The request for a maximum building height of 4 storeys in lieu of the current maximum building height of 3 storeys is supported by staff. The maximum height allowed in the adjacent R.1B (Single-Detached) Zone is 3 storeys and the proposal at four storeys will not impact the adjacent uses. In considering the privacy of the adjoining homeowners and addressing the overlook, the owner has agreed to specific architectural detail that will protect the privacy of adjacent homeowners (Attachment 2, Condition 2).

Review of proposed site design; urban design review of the built form and streetscape;

Based on the difficulty of designing a proposal on a property of this shape, and based on the acceptance of the shadow impact study, the traffic study and the tree preservation plan, in hand with the owner's commitment to address additional architectural details that will improve the appearance of the project and address land use compatibility matters, staff support the proposed site design and details.

Servicing and traffic related issues;

Based on comments received from Engineering Services (Attachment 10), staff has accepted the conclusions and recommendations of both the owner's Servicing and Stormwater Management Study and the Traffic Impact Study.

Community Energy Initiative considerations;

The owner has submitted a letter explaining how the proposal will support the objectives of the Guelph Community Energy Initiative (CEI) (Attachment 7). This commitment letter confirms conformity with Section 3.8 of the Official Plan titled Energy Conservation and Climate Change Protection. During the detailed design stage of the proposal and prior to site plan approval, the owner is asked to update the letter of commitment to specifically address the recommended 27 unit plan.

STAFF REPORT

Planning rationale for reducing the landscape buffer on the north side?

Please see earlier comments under title 'Review of Proposed Zoning'. The reduced buffer strip width between residential and commercial land uses has been allowed regularly in the past.

Upper terrace – concern with sight lines and overlook onto adjacent properties.

In response to the resident's concerns regarding overlook and resulting loss of privacy, the owner has proposed moving the small third storey balconies from the south to north side of the buildings and has also proposed fencing at the west end of the rooftop terraces. The owner has also committed to providing 1.8 metre high privacy fencing along the rear property lines of both 7 and 9 Hickory Street to add to their rear yard privacy.

Concern with snow storage – is there sufficient space?

The two proposed buildings have been sited to focus on Gordon Street which results in a large common amenity area being provided in the westerly rear yard. This is proposed intentionally to provide distance separation between the proposed buildings and the existing homes on Hickory Street and also to preserve existing trees on site. This large amenity area provides considerable room for snow storage if in fact the snow is not trucked off site.

Concern with shadows and impact on adjacent properties.

The shadow study has been accepted by staff as it confirms that existing homes in the area will not be impacted by shadow from the proposal.

Need for a waste management plan and lighting plan.

A proposal for waste management and a lighting plan are standard requirements during the site plan review process.

Concern that storm water will impact adjacent properties.

The proposed storm water management system in the westerly rear yard is proposed to ensure stormwater run-off from the subject site will not impact adjacent properties. This requirement is standard and includes the consideration of winter salts and other parking area contaminants.

Concern there is not sufficient parking. No visitor parking provided.

The proposal for 27 spaces including 1 accessible space in addition to 6 visitor parking for a total of 33 off-street parking spaces meets the requirements of the Zoning Bylaw. In addition, transit services are available on Gordon Street.

Concern that multiple unit development impacts existing single-detached residential properties.

Section 7.2.7 of the Official Plan requires that specific criteria is addressed when a multi-unit building is proposed in an established residential area. This matter is discussed earlier in the 'Evaluation of Official Plan Policy' section. Many site and

STAFF REPORT



architectural adjustments were made to the first proposal by Podium to address the criteria in the section, to conform to the Official Plan.

Concern with traffic impacts for vehicles entering/exiting Gordon Street

As stated earlier, staff has accepted the Traffic Impact Assessment which confirms the vehicular traffic generated from the proposal can be accommodated with minimal impact on Gordon Street. The report also confirms that no entrance or road improvements are required.

Concern that buildings are too high in relation to adjacent single detached residential

As stated earlier, the owner and residents on Hickory Street worked together to address the resident's issues and concerns (Attachment 10). These items have been incorporated into the recommendation in Attachment 2 (Condition 2) to assure residents that the site plan approval stage will incorporate the design details they have requested. The shadow impact study has confirmed there will be no shadow impact on adjoining residential properties and the architectural and site plan changes proposed by the owner (Attachment 6) have resulted in positive comments received from the City's Urban Designer. The proposed 4 storey buildings are sited and detailed to be compatible with the adjacent residential uses.

STAFF REPORT



ATTACHMENT 10 Agency and Public Comments Summary

Respondent	No Objection or Comment	Conditional Support	Issues /Concerns
Planning		√	Subject to conditions in Schedule 2
Engineering		√	Subject to conditions in Schedule 2 (memo attached)
Park Planning and Development		√	Cash-in-lieu of parkland required
(Heritage Planning)	√		
Guelph Fire	√		Fire route and hydrant requirements will be reviewed at site plan stage
Guelph Hydro		√	Development will meet Hydro standards
Grand River Conservation Authority	√		No objections
Upper Grand District School Board	√		Include Education Development Charges
Senior Urban Designer		√	Subject to conditions in Schedule 2 (memo attached)
Homeowners at 7 Hickory Street			Loss of privacy, trees, fencing, garbage management, density, lighting, parking - (correspondence attached)
Homeowners at 9 Hickory Street			Loss of privacy, trees, fencing, drainage, density, snow storage - (correspondence attached)

ATTACHMENT 10 Agency and Public Comments Summary

FILE: 16.131.001

TO: Al Hearne, Senior Development Planner
FROM: Development Engineering
DEPARTMENT: Engineering Services
DATE: 9th May 2012
SUBJECT: 803-807 Gordon Street -- Zoning By-law Amendment – ZC1205

The application is for a Zoning By-law Amendment that would redesignate the site from the existing R.1B (detached dwelling) to the R.3A (townhouse) zone as described in the City of Guelph Zoning Bylaw. The subject lands (0.41ha) are located on the west side of Gordon Street, south of Harvard Road. The proposal includes 27 stacked townhouses units facing NW abutting the Day's Inn property. Engineering Services provides the following comments:

1. Road Infrastructure Road/Transportation:

The proposed development will be served by Gordon Street, south of Harvard Road.

The existing Gordon Street frontage includes a 4 lane urban cross section with sidewalks, boulevards, bicycle lanes on both sides of the street and the start of a northbound LTL just beyond the N property line to the Gordon/Harvard Road intersection. The existing right-of-way width fronting this site is 30.0m (98.42 ft.). The OP specifies Gordon Street as an arterial roadway with a 30.0m ultimate right-of-way, and no further road widening is required.

Transportation review indicates that given the number of proposed units, traffic impact will not be a concern for the proposed development.

2. Municipal Services

Gordon Street

Existing services within the right-of-way along Gordon Street includes a sanitary sewer, 2 storm sewers (split drainage) and watermain as follows:

- 250mm diameter sanitary sewer approximately 2.8 m in depth;
- 450mm diameter storm sewer approximately 1.8m in depth flowing south;
- 375mm diameter storm sewer approximately 1.85m in depth flowing north;
- 400mm diameter watermain approximately 2.0m in depth;

Design and Construction/ Infrastructure staff have confirmed that adequate sanitary and water capacities are available to service the proposed development.

STAFF REPORT

3. Storm Water Management

Due to downstream storm sewer constraints, stormwater quantity control and an enhanced level of water quality will be required for the subject property. Controlled flow from the site will discharge via into an existing storm sewer on Gordon Street with zero discharge onto adjacent properties.

As noted within the City's revised stormwater management criteria dated 25th October 2011, the City expects low impact development mechanisms (i.e. clean roof water runoff to be infiltrated) to be incorporated into the SWM design if soil conditions are conducive to infiltration technology.

4. Recommended conditions of Approval

We recommend the following conditions for approval of this proposed Zoning By-law Amendment:

1. That the Developer shall submit to the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan, indicating the location of buildings, landscaping, parking, circulation, access, lighting, grading and drainage on the said lands to the satisfaction of the General Manager of Planning and Building Services and the General Manager/City Engineer, prior to Site Plan approval, and furthermore the Developer agrees to develop the said lands in accordance with the approved plan.
2. Prior to site plan approval and prior to any construction or grading on the lands, the Developer shall have a Professional Engineer design a grading and drainage plan for the site, satisfactory to the General Manager/City Engineer.
3. =The Developer grades, develops and maintains the site including the storm water management facilities designed by a Professional Engineer, in accordance with a Site Plan that has been submitted to and approved by the General Manager/City Engineer. Furthermore, the Developer shall have the Professional Engineer who designed the storm water management system certify to the City that he/she supervised the construction of the storm water management system, and that the storm water management system was approved by the City and that it is functioning properly.
4. Prior to site plan approval and prior to any construction or grading on the lands, the developer shall construct, install and maintain erosion and sediment control facilities, satisfactory to the General Manager/City Engineer, in accordance with a plan that has been submitted to and approved by the General Manager/City Engineer.
5. The Developer shall pay to the City the actual cost of replacing, extending, filling, repairing all curb and gutter and sidewalk/boulevard along the frontages of the subject site, that are required in order to service the proposed development, to the satisfaction of the General Manager/City Engineer and furthermore, prior to site plan approval, the Developer shall pay to the City the estimated cost, as determined by the General Manager/City Engineer, of replacing, extending, filling, repairing all curb and gutter and sidewalk/boulevard along the frontages of the subject site, that are required in order to service the proposed development.

STAFF REPORT



6. The Developer shall pay to the City the actual cost of the construction of the new access and the required curb cut, prior to any construction or grading on the lands, prior to site plan approval the developer shall pay to the City the estimated cost as determined by the General Manager/City Engineer of constructing the new access and the required curb cut.
7. That the Developer constructs the new buildings at such an elevation that the lowest level of the new buildings can be serviced with a gravity connection to the sanitary.
8. The Developer shall pay to the City the actual cost of constructing, installing or removal of any service laterals required and furthermore, prior to site plan approval, the developer shall pay to the City the estimated cost of the service laterals, as determined by the General Manager/City Engineer.
9. The Developer shall pay to the City their share of the cost of the existing municipal services on Gordon Street abutting the subject lands prior to site plan approval, as determined by the General Manager/ City Engineer.
10. That the Developer makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to site plan approval.
11. That all electrical services to the lands are underground and the developer shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to site plan approval.
12. The Developer shall ensure that all telephone service and cable TV service in the Lands shall be underground. The Developer shall enter into a servicing agreement with the appropriate service providers for the installation of underground utility services for the Lands.
13. Prior to the issuance of a building permit, any monitoring wells and boreholes drilled for hydrogeological or geotechnical investigations shall be properly abandoned in accordance with current Ministry of the Environment Regulations and Guidelines. The Developer shall submit a Well Record to the satisfaction of the General Manager/City Engineer.
14. Prior to site plan approval, the Developer shall enter into an agreement with the City, registered on title, satisfactory to the City Solicitor and General Manager/City Engineer, covering the conditions noted above and to develop the site in accordance with the approved plans and reports.

Rajan Philips, M.Sc., P. Eng.
Manager of Transportation
Planning and Development Services

Kime Toole, C.E.T.
Engineering Technologist II

ATTACHMENT 10 Agency and Public Comments Summary

From: David deGroot
Sent: December 17, 2012 1:56 PM
To: Al Hearne
Subject: FW: 803/807 Gordon Street--Urban Design Comments

Hello Al,

Please find a summary of urban design comments and a summary of the discussions with Podium regarding this site.

I have reviewed the elevation drawings from May 2012 and the revised elevations from October 31, 2012. I have also reviewed Podium's email summarizing the changes (dated October 25, 2012) and the shadowing study dated October 2012.

The May 2012 plans were reviewed in order to look for opportunity to reduce potential impacts on the existing single-detached dwellings to the south and southeast of the property.

To this end, the following changes were made by the proponent:

- Moving the third-storey balcony and double doors from the south elevation to the north elevation. This will reduce potential overlook.
- Looking at choosing lighter materials especially for the upper storeys. The applicant is now proposing a buff brick and has expressed a willingness to consider a lighter asphalt roof shingle. Confirmation of materials based on this approach can be confirmed and further discussed through the site plan process.
- A modest reduction in the height and size of the roof top access (i.e. height and footprint) to reduce the overall massing.
- Adjusting the rooftop patio details to reduce potential overlook (e.g. additional privacy fencing, revised access location)
- Adjusting the pitch on the Mansard Roof was adjusted to reduce the overall massing of the roof.

Taken together, the above changes will assist in reducing potential impacts on the adjacent existing surrounding single-detached development. Further, details such as final colours, lighting, landscaping, materials can be appropriately addressed through a subsequent site plan application.

Regards,

David de Groot, MCIP, RPP, MUDS | Senior Urban Designer
Planning, Building, Engineering and Environment **Policy Planning**
City of Guelph

T 519-822 -1260 x 2358 |
E David.deGroot@guelph.ca

STAFF REPORT



From: DOUG DODD
Sent: December 13, 2012 11:55 AM
To: Al Hearne
Cc: Doug Dodd; Holly Dodd
Subject: Re: 807/803 Gordon Street

Al,

Thanx for the update

some quick comments from our first review,

Our major concerns still lie in the details in the design of the area at the southwest corner of the project near the garbage area

The elevations of the walkway, the sightlines that result, the detail of the separation wall and trees planted in it, the maintenance of the major tree and other small ones on the property line, the design detail of the proposed fence and how it fits around the major tree are all concerns and how they will be addressed remains unclear.

For example, it still seems that a person on the walkway near the garbage facility (337.00) would be looking directly down at me standing at the back corner of my pool deck (335.21) with little or nothing affecting the sightline at that level

We would hope that the 'still to come detail re the West building' will deal with these issues.

We appreciate the communication and hope that you will continue to deal with our concerns

We may have further comments after further review of the information, particularly after seeing more detail re the West building

Thanx

DD

(the option of reducing the size of the proposal from 27 to 24 units,

thus moving everything closer to Gordon St would address most of our concerns)

STAFF REPORT



From: DOUG DODD

Sent: July 23, 2012 6:58 PM

To: Al Hearne

Subject: ADDITIONAL COMMENTS RE 803-807 Gordon St

A,

To add to our previous communications and to follow-up on our telephone conversation, please consider the following comments

We are very concerned about the possible sightlines from the walkways at the southwest corner of the development into our backyard living space and the impact on our lifestyle

There are many concerns dependent on the specific details of the design in that area , taking into consideration

elevation variations around the units at that SW end;

the walkways to and from the garbage storage;

the full, safe protection and maintenance of tree #39 and others on our property line in that area;

the maintenance of specific trees in the 'buffer' line

How all of these issues combine with many already raised re sufficient garbage management, sufficient parking, management of light and sounds, sightline buffers, fencing, realistic numbers of residents , and others suggest further reducing the size of the development should be considered as well

We invite you or someone from your staff to visit our property to view the site from our perspective

Please call or email us to arrange a suitable time to do so

Thanx for your consideration

Doug & Holly Dodd

STAFF REPORT



To: Guelph City Council
c/o Blair Labelle, City Clerk blair.labelle@guelph.ca
City of Guelph,
1 Carden St
Guelph, ON N1H 3A1

From: Doug & Holly Dodd

Re: 803-807 Gordon St Proposed Zoning Bylaw Amendment (File No. ZC1205)
Cc: Bernard Luttmer, Podium Developments bernard@podiumdevelopments.com
Allan C. Hearne, Acting Manager, Development Planning, Planning Services
al.hearne@guelph.ca

We are unable to attend the July 3 City Council meeting at which the 803-807 Gordon St project, file no. ZC1205 will be addressed. We will be away from Guelph June 30 to July 7

We recognize and appreciate that our interests have been significantly considered in the planning process, creation of the Conceptual Site Plan, and adjustments that have been made to date.

As neighbors to the development, we ask that the project be “Approved with Conditions” to ensure that our concerns will be dealt with by the appropriate monitoring authorities as the project proceeds

Since we were informed of the project in April, we did, with our neighbor, Sandra Byers of #9 Hickory St, meet with Bernard Luttmer of Podium Developments. He was very personable, professional and sensitive to our concerns. We look forward to continuing the positive relationship throughout the process. He has made some adjustments, noted in an email to us and our neighbor, and confirmed in additional notes on an updated Site Plan sent to City Planning at the end of May.

Our concerns are:

1. Preservation, protection, and long-term viability of the large (108 cm diameter) maple tree that sits on our property line and is identified as #39 in the ‘Tree Inventory and Preservation Plan Report’
2. Maintaining the Common Amenity Area and existing Pines Trees Buffer area adjacent to our property with proper protection from water and snow-removal, including melting chemicals
3. Appropriate storage and management of garbage
4. Minimizing light and sound effects to us through privacy fencing, rooftop access limitations

The option of simply conforming to the noted regulations allowing a maximum density of 60 units per hectare would result in two, 12 unit buildings rather than one, 15 unit, and one, 12 #39 and the area near to it.

Thanks for your cooperation and assistance with this matter

Please inform us of the results of the July 3 meeting

Doug Dodd and Holly Dodd

STAFF REPORT



From: Sandra Byers
Sent: December 20, 2012 11:22 AM
To: Al Hearne
Subject: Re: 803/807 Gordon Street Development

Hi Mr. Hearne,

This is an added concern that I wanted to be put to Mr. Luttmer & the City Council when it is presented to them.

Just to confirm my telephone call this morning regarding the trees (#N28,N29 & N30). I am concerned about how the root structure will be handled by Mr. Luttmer. I know he will take special care of the large tree on the Dodd's property but want to make sure that the trees on my property are protected too.

Thanks for all you've done.

Sandra Byers

From: Sandra Byers
Sent: December 14, 2012 10:05 AM
To: Al Hearne
Cc: Holly Dodd; Doug Dodd
Subject: 803/807 Gordon Street Development

Dear Mr. Hearne,

Thank you for your telephone call & recent e-mails regarding the property at 803/807 Gordon St.

I do have a few questions that have come to mind over the past months & I'm glad to have a chance to ask you about them.

The addresses always seem to be wrong on Mr. Luttmer's communications. He keeps confusing the addresses on Hickory . He's done it in item #5 of the list he sent to you & many times before. He mentions the adjoining lot lines of # 5 & # 7. It should read #7 & # 9. I feel there shouldn't be any confusion about this. It may be a small point to some but I feel the record should be amended to be correct. Things like this have caused a lot of legal problems in the past.

My main concern as you know is the new catch basin / storm water retention area. There doesn't seem to be much new in the plans to change my fears of flooding at the rear of my property & or killing the pines in the common area.

I'd like more detail on the type of fence Mr. Luttmer is proposing for both property lines. All that is said is it is a "Privacy Fence". Is it a board to board fence or an alternate type with a board on either side & a space between. Is he proposing to put privacy lattice on the top? Six feet is all that is mentioned in height but that isn't going to provide privacy for Mr. & Mrs. Dodd's property. I would definitely want to have the lattice installed on top of the fence to complete the existing style of my deck fencing.

STAFF REPORT



Item #5 says new trees will be planted in the common area. I also would like to know just how many trees Mr. Luttmmer has in mind. I have had previous experience with promised trees, a promised row of 20 to 25 trees & I believe 6 was all that appeared & some of those died & were never replaced.

Could the development be moved closer to Gordon St. by possibly reducing the number of units being proposed. This would reduce any noise problem that could arise & would also give more privacy to the Dodd's.

Thank you for keeping us informed. We do appreciate it. Wishing you & your family a Merry Christmas & a Happy New Year (2013)

Your truly,

Sandra Byers

STAFF REPORT



From: Sandra Byers
Sent: June 26, 2012 9:44 AM
To: Blair Labelle
Cc: Doug Dodd; Bernard Luttmmer ; Stacey Laughlin; Al Hearne; Lise Burcher; Leanne Piper
Subject: 803 - 807 Gordon Street, Guelph, Ontario, Redevelopment Plan

June 18, 2012.

City of Guelph,
1 Carden St.,
Guelph, Ontario.
N1H 3A1

Attention: City Clerk's Office, Blair Labelle

Re: 803 - 807 Gordon Street, Guelph, Ontario, Redevelopment Plan

My name is Sandra Byers and I am the property owner of 9 Hickory Street. The property at 803 - 807 Gordon Street abuts my property on the entire eastern property line.

My neighbour at 7 Hickory St., Mr. & Mrs. Doug Dodd & myself have met with Mr. Bernard Luttmmer of Podium Developments on May 2, 2012. Mr. Luttmmer was interested in hearing our concerns with this development. Our meeting went well and all the concerns we had were noted. I was very pleased that Mr. Luttmmer took the time and trouble to meet with us.

In a subsequent e-mail, Mr. Luttmmer listed the concerns and indicated how they would be looked after. I would ask, as did Mr. Dodd, that the project be "Approved with Conditions" to be sure that our concerns are dealt with on a continuing basis as the project goes forward.

I still have a concern which is the stockpiling of snow in the northwest corner of the development property. This is directly next to my property. Mr. Luttmmer assured me that the problem has been addressed in the original plans but as I am not an engineer, the wording in the plans still left me worried. I did e-mail Mr. Luttmmer about it. He assured me again, by e-mail, that the matter had been already noted.

I am concerned that the meltdown & runoff from this pile of snow will drain into the northeast corner of my property. I have seen a large pond form there before. It was a number of years ago and that was created just by melting and runoff from normal snowfall and not from a large stockpile of snow. The snow in the stockpile will be filled with salt as well and if the ponding should occur again, the salt will kill any vegetation in that corner of my property.

I am under the impression that the grading will be done to direct the flow from the runoff toward Gordon St. but Mr. Luttmmer, in his e-mail of May 4, indicated that a storage tank was to be installed in what is called the "common area" to take additional runoff away from my property. I do not see any mention of a storage tank in the plans that have been submitted to the city. I have read the section under "Stormwater Management", particularly the last paragraph starting with "The existing grade and trees". In that paragraph, there is mentioned an infiltration gallery to be constructed in the rear common area. Will the infiltration gallery be sufficient to prevent any ponding on my property and is the infiltration gallery, the storage tank previously referred to?

STAFF REPORT



My neighbours, Mr. & Mrs. Doug Dodd have sent a letter to council and other concerned people who are involved with this process noting their concerns as well. I also share many of the same concerns that they do, especially regarding the maintaining of the common area, the pine tree buffer and the garbage issue.

I am uncertain that my original letter has reached all of those who need to know of the concerns expressed in it. With that thought in mind, I am also e-mailing the people Mr. Dodd has.

Thank you for your attention to these concerns regarding the development.

Yours truly,

Sandra Byers,

Cc: Bernard Luttmer

Blair Labelle, City Clerk

Allan C. Hearne, Acting Manager, Dev. Planning, Planning Services

Stacey Laughlin

D & H Dodd

Lise Burcher

Leanne Piper

STAFF REPORT



ATTACHMENT 11 Public Consultation Summary

March 5, 2012	Zoning By-law Amendment Application received by the City of Guelph
April 3, 2012	Application deemed complete
April 10, 2012	Notice of Complete Application circulated to property owners within 120 metres of the subject property, to local Agencies, Utilities and City Service Areas for review and comment.
June 7, 2012	Notice of Public Meeting advertised in the Guelph Tribune
June 11, 2012	Notice of Public Meeting mailed to prescribed agencies and surrounding property owners within 120 metres
July 3, 2012	Statutory Public Meeting of Council
January 14, 2013	Notification provided to persons providing comments or signed attendees at the Public Meeting that the matter will be on the Council meeting for a decision
February 4, 2013	City Council Meeting to consider staff recommendation

It should also be noted that the owner, Podium Developments, arranged and attended an informal meeting with the neighbours at #7 and #9 Hickory Street on May 2, 2012.

This meeting was held to discuss resident's comments and consider solutions to any resident's concerns.

STAFF REPORT



TO Guelph City Council

SERVICE AREA Planning, Building, Engineering and Environment

DATE February 4, 2013

SUBJECT Proposed Source Water Protection Plan

REPORT NUMBER 13-05

EXECUTIVE SUMMARY

PURPOSE OF REPORT

- Summarize changes to the June 18/12 version of the Guelph-specific Source Water Protection Policies contained within the Proposed (final) Source Water Protection Plan for the Grand River Watershed
- Receive Council endorsement of comments to the Source Protection Authority to be submitted for consideration by the Ministry of Environment with the submission of the Proposed Source Water Protection Plan
- Outline the next steps for implementation

KEY FINDINGS

This report provides an update to the Source Water Protection Plan process, including:

- Changes to the City of Guelph specific policies included in the Proposed Source Water Protection Plan for the Grand River Watershed, made in response to comments received on the Draft Source Water Protection Plan.
- Comments regarding the Proposed Source Water Protection Plan and related process for updating the Plan and implementation. These comments will be included in the package of information submitted by the Source Protection Authority to the Ministry of Environment
- Information regarding implementing actions that will need to be undertaken by the City of Guelph prior to the approval of the Source Water Protection Plan in order to prepare for the Plan coming into effect.

FINANCIAL IMPLICATIONS

- Much of the work completed to date has been funded through the Ministry of the Environment;
- All related work funded by the City has been and will continue to be funded through the Water Enterprise budget;
- The Ministry of Environment has provided some additional funding for 2013 to Source Protection Authorities, but no funding has been made available to Municipalities.
- Cost of implementation remains unclear, however a number of Source Protection Regions continue to request funding for the purposes of implementation;
- Staff resources and associated training will be required to fulfill the requirements of the Risk Management Official and Risk Management Inspector;
- As a number of the Significant Drinking Water Threats are City-owned activities, additional management measures, retrofits and Risk Management Plans may be required to manage and reduce threats;
- Significant effort will be required for the purposes of development review, implementation of Risk Management Plans, development and delivery of education and outreach programs, enforcement and other measures as required through the Source Water Protection Plan;
- Recovery of some of the costs associated with the Clean Water Act may be possible:
- The Ontario Regulation 315/10 recently amended the Building Code Act to establish and govern mandatory and discretionary on-site sewage system maintenance inspection programs. Costs associated with delivering services related to the administration of the Building Code Act are fully recoverable.
- Collection of fees is permitted through enactment of a by-law. Consideration of funding options for the program and fee structure would be based on the goal of source water protection. .
- Options to absorb and manage some of the associated Clean Water Act costs include:
 - obtaining provincial funding;
 - increasing water rates;
 - increasing development fees;
 - building on existing education and outreach programs;
 - Continuing with existing best management practices.
- However significant costs are anticipated for:
 - Staffing costs for the Risk Management Official and Inspector plus administrative support
 - Training a Risk Management Official and Inspector
 - Annual reporting and monitoring will require additional staff time and resources;

STAFF REPORT

ACTION REQUIRED

- Endorse the Proposed Source Water Protection Plan including the Guelph-specific policies contained within the Plan
- Endorse staff comments regarding the Proposed Source Water Protection Plan and implementation process to the Source Protection Authority as set out in Attachment 2. These comments will then be submitted for consideration by the Ministry of Environment with the submission of the Proposed Source Water Protection Plan.
- Request the Source Protection Authority to consult the City of Guelph on any comments or requested revisions to the Source Water Protection Plan proposed by the Ministry of Environment as part of the approval of the Proposed Plan or any subsequent amendments to the Source Water Protection Plan.

RECOMMENDATION

1. That Council endorse the Proposed Source Water Protection Plan, provided in Attachment 1, including the City of Guelph specific policies;
2. That staff comments on the implementation and next steps in the process, provided to the Source Protection Authority, dated January 21, 2012 and as set out in Attachment 3 be endorsed;
3. That Council request the Source Protection Authority to consult the City of Guelph on any comments or requested revisions to the Source Water Protection Plan proposed by the Ministry of Environment as part of the approval of the Plan or any subsequent amendments to the Source Water Protection Plan;
4. That City staff be directed to consult with adjacent municipalities regarding options and opportunities for coordinated implementation of the Source Water Protection Plan, and to identify synergies and efficiencies, and report back to Council by late 2013;
5. That City staff be directed to inform the Source Protection Authority that the staff comments and the Proposed Source Water Protection Plan have been endorsed by Council.

BACKGROUND

The *Clean Water Act* resulted from recommendations of the Walkerton Inquiry (2002). The intent of the *Clean Water Act* is to protect Ontario's existing and future water sources as part of an overall commitment to safeguard human health and the environment. The *Clean Water Act* required communities to develop collaborative, locally-driven, science-based protection plans for existing and future drinking-water supplies and provided a framework for the development and implementation of local and watershed-based Source Water Protection Plans.

The process of developing the Source Water Protection Plan policies was a bottom up process with each municipality preparing the policies to apply within the

STAFF REPORT



municipality. This process was unique to the Lake Erie Source Water Protection Region and one that the staff of the City of Guelph fully supported. This process provided for a consultative and effective framework for policy development. As the Source Water Protection Plan moves forward through the provincial approval process, which may include consideration of revisions to the Plan, it is the City's position that a bottom up consultation process should be followed regarding any proposed revisions to the Plan.

Guelph's Source Water Protection Policies are designed to protect the groundwater sources from unwanted impacts and harmful contaminants. Of the City's 25 municipal groundwater supply wells, 21 are operable and four are out of service due to naturally occurring or man-made water quality issues. In addition to the groundwater supply wells, the City also obtains water from the Arkell Spring Grounds Glen collector system. The Arkell Spring Grounds surface water intake provides water from the Eramosa River to an infiltration pond that supplements the Glen Collector System.

The provincial regulations under the *Clean Water Act* established 21 prescribed, significant drinking water threats. The proposed policies address 19 of these water quality threats. The two remaining threats are water quantity threats and will be addressed once additional water quantity studies have been completed in 2013. The Ministry of the Environment has established circumstances whereby a drinking water threat is considered to be significant and which generally relate to the size or volume of the activity and the proximity of the activity to the municipal drinking water source.

The province has also provided the following policy tools for dealing with significant drinking water threats (see also Attachment 2):

- Part IV tools under the *Clean Water Act* (including prohibition or restriction of activities and the use of risk management plans);
- Land use planning tools;
- Prescribed instruments (e.g. Environmental Compliance Approval);
- Incentives;
- Education/outreach and stewardship
- Other tools such as relying on existing legislation.

The provincial regulations under the Clean Water Act specify what can be addressed through the Source Water Protection Plan and no additional policies can be included beyond these matters. The policies of the Source Water Protection Plan are based upon the Assessment Report that was approved on August 16, 2012. The Assessment Report defined the wellhead protection and issue contributing areas as well as inventoried the existing significant drinking water threats based on provincially-defined circumstances or criteria and available information.

STAFF REPORT

REPORT

Details of the source water protection process and the development and revisions to the Guelph-specific source water protection policies are provided in Attachment 2. Guelph's policies were developed on a priority basis considering:

- Protection of the drinking water supplies;
- Fairness to landowners;
- Impact to citizens;
- Ease of implementation; and
- Costs and economic factors.

The draft policies were first presented to the public through a preliminary public consultation process and the policies were revised based on the input received. Formal public consultation on the Draft Source Water Protection Plan occurred between August 20th and October 3rd 2012. The Proposed Source Water Protection Plan was accepted by the Lake Erie Region Source Protection Committee on December 6, 2012 and was submitted to the Source Protection Authority at that time. The second consultation period was from December 10, 2012 and January 16, 2013. While comments are requested on the Proposed Source Water Protection Plan, the Plan will not be revised by the Source Protection Authority based on the comments received. Following the second consultation period the Source Protection Authority will submit the Proposed Plan to the Ministry of Environment in conjunction with any comments received from the public and the municipalities in early February 2013. As set out within Sections 27 to 30 of the Clean Water Act, the Minister may: undertake additional consultation; refer the Plan to a hearing for the purpose of receiving submissions and making recommendations; approve the Proposed Plan; or require the Lake Erie Region Source Protection Authority to amend the Plan in accordance with the directions provided by the Minister of Environment and resubmit. It is anticipated that the timelines for approval will be 12 to 18 months. The notice of the approval of the final Source Water Protection Plan will be published on the Environmental Bill of Right registry.

Specific comments from City staff to the Source Protection Authority to be included within the submission package to the Ministry of Environment are included in Attachment 3. Staff comments do not seek to modify the plan or its policies, but rather address matters such as funding and issues related to implementation. Staff are seeking Council endorsement of the comments.

Guelph's policies apply only within its jurisdictional boundaries and adjacent municipalities (i.e. County of Wellington and surrounding Townships and Region of Halton) will provide similar protection in their area of jurisdiction. Guelph's policies have been amalgamated with the policies of other municipalities in the Grand River watershed to form the Grand River Source Water Protection Plan.

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A link to the proposed source water protection plan, including the Guelph-specific policies has been provided in Attachment 1. Each policy applies to an existing or future drinking water threat and either manages the risk associated with the activity or prohibits the activity in the future. The rationale for each policy is described in the Proposed Source Water Protection Plan City of Guelph Policies Explanatory Document, a link to this document has also been provided in Attachment 1.

Approval of the Plan by the Minister of the Environment will require the City to implement the Guelph portions of the Grand River Source Water Protection Plan. One of the unique challenges for Guelph is that almost the entire city is a vulnerable area where certain prescribed activities are or would be significant drinking water threats. Implementation will have an effect on how these activities are managed to protect the City's water supplies. A number of implementing actions will need to be undertaken by the City of Guelph prior to the approval of the Source Water Protection Plan including the following:

- Update the threat inventory, integrate with City of Guelph software and develop additional information management tools.
- Hire the Risk Management Official (position approved in 2013 budget) and develop the protocols for Risk Management Plans. The requirements for Risk Management Plans (RMP) will be set out in a future City by-law which will define the details, such as the type of plan, the process for application, charging of fees, recovery of costs and monitoring and reporting.
- Establish an approach to assess the need and possible efficiencies to hire or appoint a Risk Management Inspector(s), once a Risk Management Official has been hired.
- Future discussions with City of Guelph Departments to develop a strategy for the review of municipal facilities designated as significant drinking water threats by applicable Departments to determine Risk Management Plan requirements.
- Initiate consultation with adjacent municipalities regarding options and opportunities for coordinated implementation of the Source Protection Plan.
- Initiate enhancement of education and outreach programs to incorporate source water protection messages.
- Work collaboratively with the Source Protection Authority to develop annual monitoring and reporting requirements.

Once the Source Water Protection Plan is approved the City's Official Plan and Comprehensive Zoning By-law will be amended to define the wellhead protection areas as vulnerable areas and incorporate policies and land use restrictions. The remainder of the policies will be implemented at that time.

STAFF REPORT



It is recommended that, prior to the Source Water Protection Plan coming into force and effect, that notification be provided to landowners and tenants located within Wellhead Protection Area A to advise of the additional prohibitions regarding activities that will be coming into effect once the Source Water Protection Plan is approved.

Once the Source Water Protection Plan is approved, the Risk Management Official is required to complete annual reporting to the Source Protection Authority under the Clean Water Act. The Proposed Source Water Protection Plan also has policies that require monitoring of the implementation of specific policies, with the results reported to the Source Protection Authority on an annual basis. These reports will be provided to City Council.

CORPORATE STRATEGIC PLAN

3.1 Ensure a well designed, safe, inclusive, appealing and sustainable City.

DEPARTMENTAL CONSULTATION

Extensive interdepartmental consultation has occurred throughout the development of the Source Water Protection Plan policies. Meetings with affected departments were also held to discuss the potential policy implications. Additional meetings were held with departments in June and September, 2012 to discuss the proposed policies. Departments consulted include:

- Community and Social Services - Parks and Recreation
- Corporate and Human Resources – Legal and Realty Services
- Finance and Enterprises Services - Economic Development
- Planning, Building, Engineering and Environment – Building, Engineering and Wastewater Services
- Operations, Transit and Emergency Services – Public Works and Emergency Services

In addition, discussions have been initiated with the IT Department regarding potential GIS and data management needs.

COMMUNICATIONS

The City held a public open house, November 16, 2011, which was advertised in the Tribune November 3 and 10, 2011 regarding the initial development of the policies.

The Source Water Protection Committee released the draft Plan, including the policies for the City of Guelph, on August 20 2012. The Source Protection Authority (GRCA) held open houses regarding the draft Source Water Protection Plan throughout the watershed from September through October. An open house was held September 18, 2012 at City Hall in Guelph as part of this process. A public

STAFF REPORT



comment period on the Proposed Source Water Protection Plan was held from December 10th to January 16th, 2013.

ATTACHMENTS

Attachment 1 – Proposed Source Water Protection Plan, including Guelph-specific policies and the Explanatory Document.

Attachment 2 – Updated overview of the development of the Guelph Specific Source Water Protection Policies

Attachment 3 – Staff comments on the Proposed Source Water Protection Plan in a letter, dated January 21 2013

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Attachment 1

Proposed Source Water Protection Plan & Explanatory Document

Proposed Source Water Protection Plan

The Proposed Source Water Protection Plan includes changes made in response to comments and feedback on the Draft Plan. The complete Proposed Source Water Protection Plan is found on the Lake Erie Source Protection Region web site, at:
<http://www.sourcewater.ca/index/document.cfm?Sec=7&Sub1=11>

Chapter 7 of the Proposed Plan includes the policies pertaining to the City of Guelph and can be accessed at:
http://www.sourcewater.ca/SWP_watersheds_Grand/GRCA_SPPVol2_Proposed_Dec2012_Ch6_8.pdf .

Explanatory Document

The complete Explanatory Document is found on the Lake Erie Source Protection Region web site; Chapter 9 of the Explanatory Document includes the City of Guelph and is found at:

http://www.sourcewater.ca/SWP_watersheds_Grand/GRCA_ED_Proposed_Dec2012_Ch1_16.pdf .

Revisions to the Draft Plan and the response to public and agency comments are also included in the Explanatory Document and can be located at:

http://www.sourcewater.ca/SWP_watersheds_Grand/GRCA_ED_Proposed_Dec2012_Ch17.pdf .

Attachment 2 Overview of the Development of Guelph-Specific Source Protection Policies

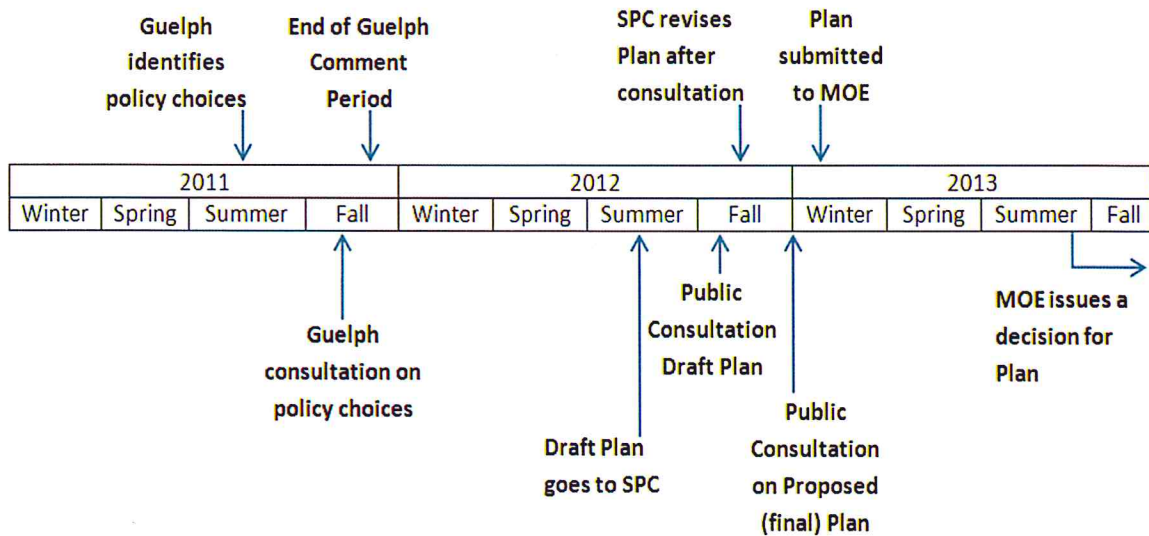
Source Water Protection Planning

Timing:

- An aggressive timeline was established by the Lake Erie Region Source Protection Committee in conjunction with provincial expectations for the development of an Assessment Report, policies, and the pre-consultation process.
- The revised Grand River Source Protection Area Assessment Report was approved on August 16, 2012.

The timeline for the source protection plan development is illustrated below.

Timeline for Plan Development



Status of the Grand River Assessment Report:

The initial Proposed Grand River Assessment Report was submitted to the MOE by the Lake Erie Region Source Protection Authority on December 17, 2010 following public consultation in the fall of 2010. In anticipation of an MOE Director's request to amend the Assessment Report, the Assessment Report was revised in the spring of 2011. However, the amended Assessment Report could not be submitted to the MOE until a Director's decision on the Proposed Assessment Report had been received. The Director's decision was received on January 25, 2012, which requested that the Assessment Report be amended and re-submitted by April 30,

Attachment 2 (cont'd)

2012 and approved August 16, 2012. The report is available for review on the Lake Erie Region Source Protection web site at –
<http://www.sourcewater.ca/index/document.cfm?Sec=7&Sub1=8> .

Process to Date:

The Lake Erie Region Source Protection Committee prepared a series of Discussion Papers for the entire Source Protection Region, addressing the prescribed significant drinking water threats as well as local threats, and to provide further direction on the optional policies to be included in the Grand River Source Protection Plan. Based on these Discussion Papers, a draft Guelph Specific Discussion Paper was prepared setting out the options and the preferred directions for policy development.

As part of the process of making decisions on policy options, consideration was given to a number of factors including:

- Protection of drinking water supplies;
- Fairness to landowners;
- Impact to citizens;
- Ease of implementation;
- Consistency across boundaries;
- Cost to city;
- Constraint on economic development and existing businesses;
- Other factors.

The policies have been put forward based on the overarching principle of providing a focused direction that ensures delivery of the outcome in a cost effective manner while ensuring fairness to citizens and ongoing economic development opportunities while protecting drinking water sources.

Public Process to Date for Development of the Source Protection Policies:

- Planning & Building, Engineering and Environment (PBEE) Committee Meeting – May 16, 2011
(http://guelph.ca/uploads/Council_and_Committees/PEES/PBEE_agenda_051611.pdf);
- Guelph Wellington Developers Association (GWDA) Presentation – September 21, 2011 – purpose of the meeting was to inform the GWDA about source water protection and make them aware of the upcoming pre-consultation session;
- City of Guelph Senior Staff Meeting – September 28, 2011;
- Meetings with the County of Wellington – October 26, 2011 and March 26, 2012 to discuss draft policies and consistency of approach;
- Planning & Building, Engineering and Environment (PBEE) Committee Meeting – October 17, 2011
(http://guelph.ca/uploads/Council_and_Committees/PEES/PBEE_agenda_101711.pdf);
- Council Meeting – October 24, 2011(Report received);

Attachment 2 (cont'd)

- Public Notices for Open House mailed to identified significant threat properties/posted on the City's website - October 13, 2011;
- Pre- consultation Summary Notices and policy summary Sheets distributed setting out policy wording and rationale- November 14, 2011;
- Meeting with the Region of Halton and Town of Milton to discuss draft policies- November 19, 2011;
- Presentation to the Chamber of Commerce – November 16, 2011;
- Pre-consultation Open House at City Hall – November 16, 2011;
- Submission of public and agency comments on the draft policies – completed March 2012.
- Draft Guelph Specific Policies [endorsed by Council](#)- June 18, 2012
- Public Consultation on Draft Source Protection Plan August 20-October 3, 2012
- Open House at the City of Guelph – September 18, 2012
- Comments Presented to the Source Protection Committee – November 1, 2012
- Proposed Source Protection Plan approved by the Source Protection Committee – December 6, 2012
- Second consultation period - December 10, 2012 and January 16, 2013
- Source Protection Plan considered by the Source Protection Authority – January 25, 2013
- Submission of the Plan to the Ministry of Environment – Early February 2013.

Source Protection Plan Approval Process:

Any comments received on the Proposed Source Protection Plan would be submitted to the Ministry of Environment as part of the request for approval. It is the intent of the Lake Erie Region Source Protection Authority to submit the Proposed Source Protection Plan to the MOE early February 2013.

As set out within Sections 27 to 30 of the Clean Water Act, the Minister may undertake additional consultation, may refer the Plan to a hearing for the purpose of receiving submissions and making recommendations, approve the Plan or require the Source Protection Authority to amend the Plan in accordance with the directions provided by the Minister of Environment and resubmit. It is anticipated that the timelines for approval will be 12 to 18 months. The notice of the approval of the final source protection will be published on the Environmental Bill of Rights registry.

All policies will come into full force and effect at such time the Ministry of Environment (MOE) approves the Source Protection Plan and posts the notice of approval on the Environmental Registry. Implementation of the policies, such as land use policies would be initiated after approval. Some of the policies will take additional time to be fully implemented due to other legislative requirements and timelines that must be met as well as timeframes to develop and implement new programs.

Local Municipal Policy Focus of the Source Protection Plan:

As part of the process of determining the final format for the consolidated Grand River Source Protection Plan, it was agreed that each municipal section of the plan

Attachment 2 (cont'd)

would only contain policies applying to lands and activities within their municipal boundaries and over which the municipality had responsibility.

County of Wellington and Region of Halton Policies:

For Guelph drinking water sources located within the County of Wellington or where Wellhead Protection Areas extended into the County (Guelph/Eramosa and Puslinch Townships), the County of Wellington section of the Source Protection Plan will contain the applicable policies and mapping for Guelph drinking water sources. Guelph staff and consultants have worked with County staff to develop a coordinated approach in policy development to ensure that an appropriate policy framework is in place to protect the City's drinking water sources located within the County. Although the policies are not exactly the same between the jurisdictions, the policies for each significant threat have been reviewed to ensure similar or enhanced levels of protection are provided within each of the respective sections of the Source Protection Plan.

A separate section of the plan will address the drinking water sources and associated wellhead protection areas within the Town of Milton and the Region of Halton. Again, ongoing dialogue has occurred with these parties to ensure a coordinated and consistent approach to policy development.

For the neighboring municipalities within the County of Wellington, implementation will be at the local level. There is the opportunity to co-ordinate efforts with the implementing municipalities regarding the protection of Guelph drinking water sources. It is anticipated that discussions will occur over the next months to determine the options and opportunities available for this to occur. Guelph Council has requested that the Source Protection Authority consider options for cost sharing. This work is still underway and a response is anticipated in mid 2013.

Explanatory Document and Public Comments Received:

In addition to the policies, the Clean Water Act requires the preparation of an Explanatory Document. The specific requirements of the Explanatory Document are set out within Regulations. This document sets out the rationale for each policy direction within the Source Protection Plan and provides a summary of the pre-consultation process and comments received. A link to the Proposed Source Protection Plan is provided in Attachment 1.

Revisions to the Draft Plan:

There were a number of editorial or global changes made to each of the sections of the Source Protection Plan to ensure the language amongst the sections was consistent. These include:

- The policy numbering and sidebar information were updated as required.
- The reference to reducing or managing the risk in the policies was replaced with ceases to be.
- The words as necessary or as appropriate were added to provide additional flexibility in implementation where applicable

Attachment 2 (cont'd)

- Cross boundary information was added to assist the reader as to understanding what sections apply
- Definitions of existing and future were amended to clarify the wording

Additional revisions included:

- General education and outreach policies were revised to address specific significant threats where necessary
- General incentive policy clarified to reference Ministry of Environment directly
- Policy gaps were closed by adding new policies or revisions policies to address both existing and future threats through additional wording
- Definitions were added for Conditions and Condition sites to provide clarity
- Local threat policies were revised to address MCS/TSSA comments
- Policy language revised to achieve greater consistency with County of Wellington and Region of Waterloo
- New policy language requesting the Ministry of Environment to consult with Municipalities on changes to prescribed instruments.

This last policy change was based on a desire and concern by the City of Guelph that appropriate and adequate consultation must occur in the review and update of Prescribed Instruments. Previously, a number of Guelph's proposed policies required the Ministry of Environment to consult with the City of Guelph prior to issuing or amending Environmental Compliance Approvals (formerly Certificates of Approval) or other Prescribed Instruments. The Ministry of Environment had objected to the proposed wording. This new policy language maintains the objectives of the City of Guelph on this matter but provides a more acceptable wording for this policy.

A summary of the comments received and the responses to those comments are contained within the Explanatory Document. A link to the Explanatory Document is provided in Attachment 1.

New Programs Under the Clean Water Act

Implementation of Part IV Tools:

Part IV of the Clean Water Act sets out three new tools to manage the risks to the drinking water systems. Section 57 of the Clean Water Act permits the prohibition of an existing and/or future activity. Section 58 of the Clean Water Act describes the provisions for the regulation of an activity using a Risk Management Plan. This means an existing or future activity can only occur if an approved Risk Management Plan is in place to manage the risk to drinking water supplies. A Risk Management Plan is a site-specific locally negotiated plan developed between the Risk Management Official and the person engaged in the threat activity. The final Part IV tool is restricted land uses. Under this provision, for specified land uses where the significant threat could occur, development applications under the Planning Act or the Building Code Act would need to be screened prior to being submitted. This tool provides municipalities with an administrative procedure to identify, prior to submission, those applications related to significant drinking water threats. This tool is used in conjunction with the previously described Part IV tools.

Attachment 2 (cont'd)

A Risk Management Plan is defined as a plan for reducing the risk prepared in accordance with the regulations and rules. The MOE is providing, over the next months, additional details regarding the requirements for these documents.

Process for Implementing Part IV Tools:

The first step in moving forward with Risk Management Plans will be the passing of a municipal by-law under Section 55(1) of Regulation 287/07. This by-law would prescribe classes of Risk management Plans (RMP) and Risk Assessments (RA), establish the inspection program, set out the content for applications, require payment of fees for the applications (if applicable), prescribe forms, and set out the circumstances where a qualified person may act as part of the approval process for RA and RMP.

For Future Threats:

As set out within Section CG-CW-1.4 of the City of Guelph policies, all land uses, excluding solely residential uses, will be identified as requiring pre-screening. The process is as follows:

- All Planning Act applications or building permit applications excluding applications for solely residential uses would be pre-screened by a Risk Management Official (RMO) prior to submission to determine if there is the potential for a significant drinking water threat and if so whether a Risk Management Plan is required.
- If the Risk Management Official is satisfied that there is no risk with respect to our source protection policies, a notice would be issued stating this fact and the application would proceed. If the RMO determines that the activity will be a significant drinking water threat according to the City's policies, the proponent would be required to prepare a Risk Management Plan.
- The proponent could apply to the RMO for an exemption from the Source Protection Policies regarding the application of Sections 56, 57 and 58 if the proponent believes the site has a different vulnerability than was used in the Assessment Report. In these circumstances, the proponent could prepare a risk assessment that concludes that the activity, if engaged, is not a significant drinking water threat in that location. If the RMO is satisfied that the activity has been assessed in accordance with the regulations and rules, no further action is required and the application then would proceed.
- If the Risk Assessment option is not available or is not satisfactory to the RMO, the proponent would prepare a Risk Management Plan that demonstrates the activity, if it is engaged in at that location will be managed appropriately, if undertaken in accordance with the Risk Management Plan.
- If the RMP is accepted by the RMO, the proponent can proceed. If the threat cannot be addressed through the implementation of a Risk Management Plan, the application cannot proceed.

For Existing Threats:

Attachment 2 (cont'd)

For any existing activities that have been identified as significant drinking water threats in the Grand River Assessment Report and subject to the Part IV policies within the Source Protection Plan, the *Clean Water Act* requires the following process:

- Notice will be given by the Risk Management Official that a Risk Management Plan is required, either a Risk Management Plan must be entered into or that the activity must cease within the time period set out within the notice.
- If the Risk Management Official issues a notice as set out above, the person can prepare a risk assessment that concludes that the activity, as engaged in that location is not a significant drinking water threat because the vulnerability score of the property is different from the regional vulnerability score defined in the Assessment Report. If accepted, no further action is required. If not accepted, a Risk Management Plan must be entered into.

If the Risk Management Official has a question as to whether a significant threat is actually occurring on a property, Section 61(1) of the Clean Water Act allows the Risk Management Official to issue an order to a person proposing to or engaging in a regulated activity to provide a report describing the manner in which the activity is or is proposed to be engaged in, including any risk management measure that exists or is proposed to be undertaken with respect to the protection of drinking water sources.

Risk Management Official:

Details of the municipal responsibilities for enforcement of the Source Protection policies and the qualifications and duties of the RMO are described in Part IV – Regulation of Drinking Threats in the Clean Water Act and Ontario Regulation 287/07 (Application of Part IV of the Act). As noted, the RMO (and Risk Management Inspectors to support the RMO, if required) will be responsible for providing oversight on the Risk Management Plan process including the identification of when and where a RMP would be needed, the review and approval of the RMP and the inspection and enforcement of the RMP and Part IV of the Act. There are also opportunities within the Act and Regulation for the municipality to charge fees for RMPs to recover the reasonable costs of implementing the program.

Transition Policies:

The Source Protection Plan will come into force and effect on the date of posting on the EBR. The time period between submission of the Plan by the Source Protection Authority and the approval of the plan is unknown but could be at least 12 to 18 months. There is the potential of Planning Act applications being submitted either prior to the submission of the Plan or during the approval period. The Source Protection Plan contains policies as to how these applications are to be considered and processed.

The definition of what is an existing use and a future use is set out within the Source Protection Plan to provide certainty in the interpretation of which policies apply to what activity.

Attachment 2 (cont'd)

Transition policies have been included to provide policy direction for properties located within the Wellhead Protection Area (WHPA) where policies within the Source Protection Plan are different or more restrictive than the permissions currently contained within Official Plan policies. Once the Source Protection Plan comes into effect, no further Planning Act approvals or Building Permits can be issued for these activities in this location unless the Source Protection Plan contains a transition provision.

This specifically is a concern where a site is proceeding to development and only has some development approvals in place prior to the Source Protection Plan coming into effect. For this reason, specific provisions allowing for the continuation of site plan approval, building permits or prescribed instructions are included.

At this time, the Transition Provisions for the City of Guelph include definitions for future and existing activities. The policies do not include provisions to allow for the continued processing and approval of Planning Act Applications such as Official Plan Amendments or Zoning By-Law Amendments to permit the otherwise prohibited activities if these applications are not concluded prior to the Source Protection Plan coming into effect.

From this point forward, any current or potential Planning Act applicants that may be affected by the proposed policies should be informed of the upcoming Source Protection Plan policies so that the applicants can be aware of the implications with respect to their specific application. These future restrictions should be communicated to the potentially affected landowners so that they are aware of the impact of these policies on their lands in the future.

January 21, 2013

Sent via email

Martin Keller
Source Protection Program Manager
c/o Grand River Conservation Authority
PO Box 729, 400 Clyde Rd.,
Cambridge ON N1R 5W6

Dear Mr. Keller

RE: Comments to the Source Protection Authority to be included within the Submission Package of the Source Protection Plan to the Ministry of Environment

The City of Guelph supports the Grand River Source Protection Plan and the process used to develop the Plan. The use of municipal staff and resources to define a Guelph-specific plan has resulted in a policy approach that meets the needs of Guelph in protecting its municipal drinking water sources while addressing the economic realities of Guelph's large vulnerable areas. The City recommends:

- That the Ministry of the Environment include the City of Guelph and the Source Protection Committee in any discussions regarding the revisions of the Source Protection Plan that may affect the Guelph sections of the Plan and that sufficient time be provided to the City to resolve any issues with the Guelph sections of the Plan.
- That a similar, municipally lead process be used for any future revisions to the Plan or Guelph specific policies.

The City of Guelph continues to have concerns regarding the lack of long term committed funding from the Province regarding Source Water Protection. The City recommends the following:

- That ongoing funding be provided by the Ministry of Environment and other Provincial Ministries to support municipalities in the implementation and to achieve the objectives of the Source Protection Plan policies.
- That the Ministry of Environment provides support to the Lake Erie Region Source Protection Committee in developing a common policy framework for funding the implementation of source water protection.

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Peter Busatto

January 21, 2013

RE: Comments to the Source Protection Authority to be included within the Submission Package of the Source Protection Plan to the Ministry of Environment

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- That ongoing stewardship funding from the Ministry of Environment be expanded to provide assistance to small business owners and tenants with preparation of risk management plans and any subsequent on-site improvements, if required.
- That ongoing funding from the Ministry of Environment be provided to the Source Protection Authority to ensure that they have the tools and capacity to provide assistance in the facilitation and resolution of potential future cross jurisdictional issues regarding the implementation of plan policies.
- That ongoing funding be provided to the Source Protection Authority and to municipalities to update the drinking water threat inventory and assessment reports as required.
- That the Ministry of Environment undertake active consultation with the City of Guelph on Conditions sites and actively participate with the City, on an ongoing basis, with the identification of Conditions sites and provide to the City any document or other record in a timely manner that relates to the evaluation of the Conditions site with respect to the Technical Rules.
- That the Ministry of Environment and other ministries undertake active consultation with the City of Guelph on the review and update of Prescribed Instruments. The City has relied on the use of Prescribed Instruments as a significant tool to protect the City's source water and consultation on the revisions to the Prescribed Instruments are considered to be an important component for meeting the objectives of the Source Protection Plan. The City of Guelph views this level of co-operation as a requirement to ensure protection of our water supply.
- That the Ministry of Environment approve the request for designation, as a local threat, "the rehabilitation activities at an aggregate operation within a vulnerable area of a municipal drinking water system... that allows ponding of water". On February 3, 2011, a request was submitted to the MOE by the Grand River Conservation Authority, acting as the Lake Region Source Protection Authority, to include this activity as a local threat. The MOE has not responded to this request. The request for the designation for a local threat was derived, in part, from the City's concerns with respect to the potential impacts on the City's municipal water supply resulting from the Dolime Quarry. It is the City of Guelph's request that this local threat be approved immediately and policies developed as part of a subsequent amendment to the Source Protection Plan to address this drinking water threat.

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Thank you for including these comments as part of the submission of the Proposed Source Water Protection Plan to the Ministry of Environment. Staff would be pleased to discuss any of these matters further should clarification be needed.

Sincerely

Peter Busatto

General Manager Water Services

Planning, Building, Engineering and Environment

Water Services

Location: Water Works

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DRAFT

Please recycle!

- **BYLAWS** -

- **February 4, 2013** -

<p>By-law Number (2013)-19518 A by-law to authorize the execution of an Agreement between MMM Group Limited and The Corporation of the City of Guelph. (Contract 12-145 for the York Trunk Sewer and Paisley Clythe Feedermain)</p>	<p>To execute an agreement for Contract 12-145. (York Trunk Sewer and Paisley Clythe Feedermain)</p>
<p>By-law Number (2013)-19519 A by-law to amend By-law Number (1995)-14864, as amended, known as the Zoning By-law for the City of Guelph as it affects property municipally known as 803 and 807 Gordon Street to permit a townhouse development (File ZC1205)</p>	<p>To amend the Zoning By-law as approved by Council February 4, 2013.</p>
<p>By-law Number (2013)-19520 A by-law to authorize the execution of an Agreement between DeFaveri Construction Inc. Limited and The Corporation of the City of Guelph. (Contract 2-1220 for the servicing of the Sunrise Meadows Subdivision)</p>	<p>To execute an agreement for Contract 2-1220. (Servicing of the Sunrise Meadows Subdivision)</p>
<p>By-law Number (2013)-19521 A by-law to provide for the temporary closure of Law Drive within the Sunrise Meadows Subdivision during servicing and road construction. (Contract 2-1220)</p>	<p>To provide for the temporary closure of Law Drive.</p>
<p>By-law Number (2013)-19522 A by-law to authorize the execution of a Transfer Release and Abandonment of an Easement with respect to Part Block A, Plan 401, designated as Part 8, Reference Plan 61R9985 and Part Lots 24 to 27 inclusive, Plan 39, designated as Part 4, Reference Plan 61R9985, City of Guelph.</p>	<p>To execute a Transfer Release and Abandonment of an Easement. (27 Forest Hill Drive)</p>