

COUNCIL PLANNING AGENDA



DATE APRIL 4, 2011 @ 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

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
a) 32 Watson Parkway South – Proposed Zoning By-law Amendment (File ZC1103) – Ward 1	• Chris DeVriendt	• Astrid Clos • Jason Fabbian • Chris Sims		
b) 31-33 Farley Drive: Proposed Zoning By-law Amendment (File ZC1104) – Ward 6	• Chris DeVriendt	• Susan Frasson	<u>Correspondence:</u> • Elizabeth Muller	

CONSENT REPORTS/AGENDA – ITEMS TO BE EXTRACTED

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 Reports/Agenda, please identify the item. The item will be extracted and dealt with separately. The balance of the Consent Reports/Agenda will be approved in one resolution.

COUNCIL CONSENT AGENDA			
ITEM	CITY PRESENTATION	DELEGATIONS (maximum of 5 minutes)	TO BE EXTRACTED
A-1) 55 Yarmouth Street: Draft Plan of Condominium (Conversion) (File 23CDM-11501) – Ward 1		• Jason Ashdown	✓
A-2) 151, 205 and 251 Clair Road East (Dallan, Phase			

1) – Proposed Draft Plan of Subdivision and Zoning By-law Amendment (23T-08503/ZC0803) – Ward 6			
A-3) Part Lot Control Exemption – Hanlon Creek Business Park (PLC1002)			
A-4) Maple Grove Co-operative Development Corporaiton (35 Mountford Drive Affordable Housing – Development Charge Late Payment Agreement)			

BY-LAWS

Resolution – THAT by-laws (2011)-19177 – (2011)-19178 inclusive are hereby passed (Councillor Laidlaw)

- By-laws -	
By-law Number (2011)-19177 A by-law to cancel municipal and education taxes for a period of three years for the property known municipally as 84 and 86 Wyndham Street South, 68A, 68B and 72 York Road, Guelph, and described as: Plan 113 Lot 157 PT LOTS 158 to 160 Plan 306 PT LOT 10, RP 61R10518 Parts 1, 2, 3, 6, 7, 8, 10, 11 and 13 SUBJ TO ROW.	A by-law to cancel municipal and education taxes.
By-law Number (2011)-19178 A by-law to authorize the execution of a Subdivision Agreement between Armel Corporation and The Corporation of the City of Guelph. (Chillico Glen Part B)	To authorize the execution of a Subdivision Agreement.

ANNOUNCEMENTS

ADJOURNMENT

TO **Guelph City Council**

SERVICE AREA Planning & Building, Engineering and Environment
DATE April 4, 2011

**SUBJECT 32 Watson Parkway South: Proposed Zoning By-law
Amendment (File: ZC1103) – Ward 1**

REPORT NUMBER 11-31

SUMMARY

Purpose of Report: To provide planning information on an application requesting approval of a Zoning By-law Amendment for the lands at 32 Watson Parkway South to allow an industrial mall with the uses permitted in the Industrial B.3 Zone. This report has been prepared in conjunction with the statutory public meeting on the application.

Council Action: Council will hear public delegations on the application, 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

"THAT Report 11-31 regarding a Zoning By-law Amendment application to allow an industrial mall with the uses permitted in the Industrial B.3 Zone for property municipally known as 32 Watson Parkway South, and legally described as Part 4, Plan 61R-10856, City of Guelph, from Planning & Building, Engineering and Environment dated April 4, 2011 be received."

BACKGROUND

An application for a Zoning By-law Amendment (ZC1103) has been received for the property municipally known as 32 Watson Parkway South. The proposal is a request to change the zoning from the B.1 (Industrial) Zone to the B.3 (Industrial) Zone to allow an industrial mall with the uses permitted in the Industrial B.3 Zone. The application was deemed to be a complete application on February 15, 2011.

Location

The subject property is a vacant 0.86 hectare parcel located on the east side of Watson Parkway South and south of York Road (see Location Map on Schedule 1). The site is currently an open field and gravel parking area. Adjacent land uses consist of industrial land uses to the north, east and south. The Royal Canadian

Legion (Colonel John McCrae Memorial Branch) and sportsfields are located to the west across Watson Parkway South.

Official Plan Designation

The subject property is designated “Industrial” in the Official Plan. The relevant policies of the “Industrial” land use designation are included in Schedule 2.

Existing Zoning

The subject property is zoned B.1 (Industrial) Zone. The list of permitted uses within the current B.1 Zone is included on Schedule 3. It is noted that the B.1 Zone does not permit “Malls”, which is defined as a building or group of buildings that are planned, developed, managed and operated as a unit in which each building contains two or more units or spaces for lease or occupancy.

REPORT

Description of Proposed Zoning By-law Amendment

The applicant proposes to rezone the property from the current B.1 (Industrial) Zone to the B.3 (Industrial) Zone to allow an industrial mall with the uses permitted in the B.3 Zone. The list of permitted uses within the B.3 Zone is included on Schedule 3.

The applicant’s proposed development concept, shown on Schedule 4, includes the development of two industrial mall buildings. Building A contains 7 units and Building B contains 6 units. One driveway access is proposed from Watson Parkway South.

Staff Review

The review of this application will address the following issues:

- Evaluation of the proposal against the Provincial Policy Statement and the Places to Grow legislation;
- Evaluation of the proposal against the relevant policies of the Official Plan;
- Review of the proposed zoning;
- Review of proposed development concept, including building layout, traffic circulation, parking, setbacks and compatibility with adjacent land uses;
- Community Energy Initiative considerations.

Once the application is reviewed and all issues are addressed, a report with a recommendation will be considered at a future meeting of Council.

CORPORATE STRATEGIC PLAN

Urban Design and Sustainable Growth Goal #1: An attractive, well-functioning and sustainable City.

FINANCIAL IMPLICATIONS

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

COMMUNICATIONS

The Notice of Application and Public Meeting was mailed and advertised on March 15, 2011.

ATTACHMENTS

Schedule 1 – Location Map

Schedule 2 – Existing Official Plan Designations and Policies

Schedule 3 – Existing and Proposed Zoning

Schedule 4 – Proposed Development Concept and Elevations

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Recommended By:

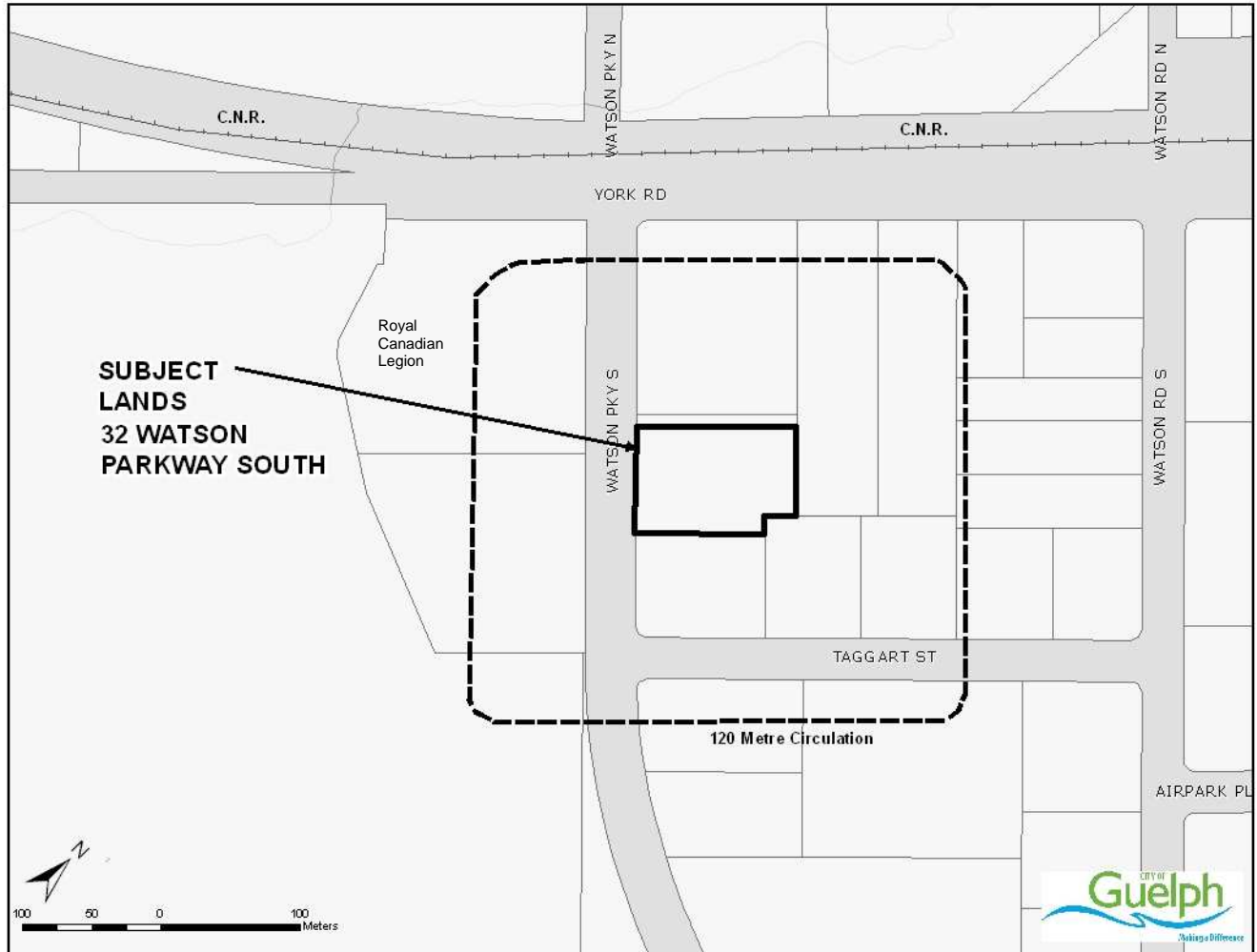
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Recommended By:

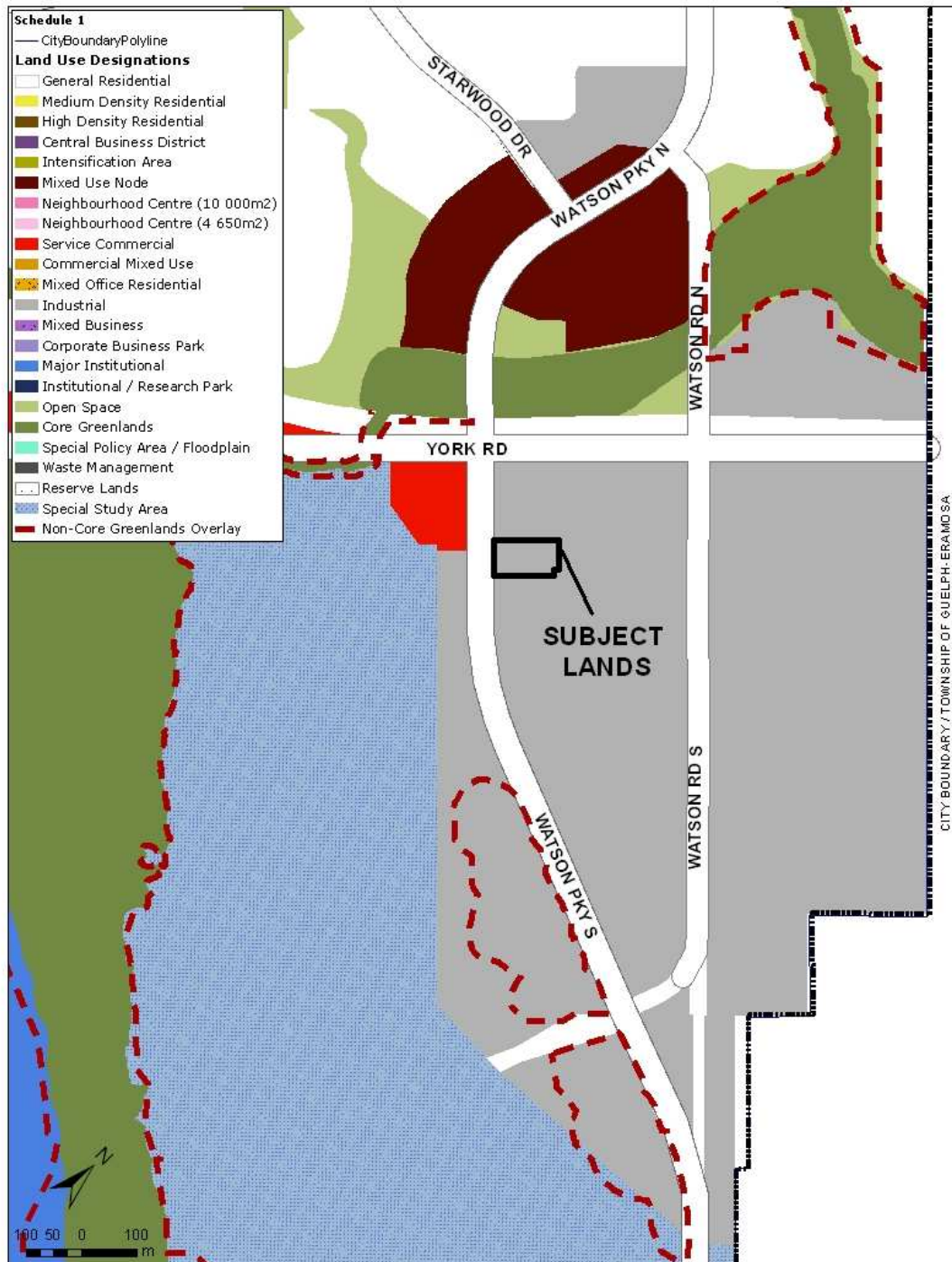
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SCHEDULE 1 Location Map



SCHEDULE 2

Relevant Official Plan Designations and Policies



SCHEDULE 2 (continued...)

“Industrial” Land Use Policies

7.7 Industrial Objectives

- a) To ensure sufficient serviced industrial land to attract a diversified range of industrial activities.
- b) To ensure efficient utilization of existing industrial land and promote redevelopment of under-utilized, or obsolete sites.
- c) To recognize and provide for the needs of, and facilitate the establishment of small-scale industries, incubator-type establishments, and the expansion of existing industries.
- d) To maintain adequate standards to ensure attractive industrial developments.
- e) To minimize the journey-to-work trips within the community.
- f) To prevent the establishment of offensive trades and nuisances that will hinder the orderly development of the community and be detrimental to the environment in accordance with policy 7.1.5.

General Policies

7.7.1 Within areas designated as 'Industrial' on Schedule 1 of this Plan, the following land uses shall be permitted:

- a) Industrial uses including the manufacturing, fabricating, processing, assembly and packaging of goods, foods and raw materials;
- b) Warehousing and bulk storage of goods;
- c) Laboratories;
- d) Computer and data processing;
- e) Research and development facilities;
- f) Printing, publishing and broadcasting facilities;
- g) Repair and servicing operations;
- h) Transportation terminals;
- i) Contractors' yards;
- j) Complementary uses (such as corporate offices, open space and recreation facilities, public and institutional uses and utilities) which do not detract from, and which are compatible with, the development and operation of industrial uses.

7.7.2 Complementary uses, as outlined in policy 7.7.1(j), may be permitted within the 'Industrial' designation by *Zoning By-law* amendment. The adequacy of municipal services to support the proposed complementary uses will be considered as a component of the zone change request.

7.7.3 Generally, commercial uses will not be permitted within areas designated as 'Industrial'. Factory sales outlets will be permitted as an accessory use, provided that only those items that are substantially manufactured or assembled on site are sold. The sales outlet must be entirely located on the site in which the items for sale are manufactured or assembled.

7.7.4 Legally-existing industrial establishments not located within areas designated 'Industrial' on Schedule 1 of this Plan shall be recognized as legal conforming uses, subject to the zoning provisions in effect at the time of passing of this Plan. When these industries require expansion or the site is to be redeveloped for another land use activity, these industrial establishments will be encouraged to relocate into one of the designated industrial areas of the city.

7.7.5 It is the policy of the City to maintain a high standard of industrial development.

1. In order to encourage the development of attractive *industrial* areas, and to preserve sites along arterial roads for those industries that desire or require visibility, the City will pursue the following:

-
- a) Direct such uses as contractors' yards, repair and servicing operations, transportation terminals and utility yards to locate along local or collector roads that are not located within an *industrial park*;
 - b) Maintain higher development standards along arterial roads or within an *industrial park* for such matters as: parking, loading areas, outside storage, landscaping, buffer strips and setback requirements; and
 - c) Recognize a variety of categories of industrial zones in the *Zoning Bylaw*.

7.7.6 The City shall ensure an adequate supply and variety of serviced industrial land to meet the requirements of industrial development.

1. The City will continue to purchase, develop, and market lands for industrial use.
2. The City will continue to provide a variety of industrial activity locations in the various geographic sectors of Guelph in order to minimize journey to-work trips.

7.7.7 Where industrial and residential (or other sensitive) uses are proposed in proximity to one another, the City, will use Ministry of the Environment guidelines, to require appropriate planning/land use regulatory measures that will promote compatibility between these two land use types. Measures that can assist in creating compatible environmental conditions for these basic land uses may include but not be limited to the requirement for minimum separation distances, sound proofing measures, odour and particulate capture devices.

1. Industrial land within the Hanlon Creek Business Park (lands located to the west of the Hanlon Expressway and in proximity to Laird Road) will be subject to the following land use compatibility considerations. Where a development application is proposed which would permit industrial and residential (or other sensitive uses) to be located in proximity to one another and may have an adverse effect, the City may require that one or more of the following measures be used to promote land use compatibility;

- a) Require that the Ministry of the Environment Guidelines be applied to encourage adequate separation distances.
- b) Require that a noise evaluation study be prepared, in compliance with the Ministry of the Environment Guidelines, by a recognized acoustical consultant. This study will be prepared to the satisfaction of the City. Where appropriate, noise mitigation measures and warning clauses will be included in the recommendations.
- c) Require that appropriate conditions of development approval be imposed to mitigate identified compatibility issues.
- d) Include appropriate regulations in the implementing Zoning By-law. These regulations may include but are not limited to, minimum building setbacks, maximum building heights, loading space locations, garbage, refuse and composting facility locations, outdoor storage locations, requirements for buffer strips, fencing and berms.
- e) Impose a Holding Zone to ensure that conditions encouraging land use compatibility are implemented.

7.7.8 Within areas designated as 'Industrial' on Schedule 1 of this Plan, there are a number of properties that have existing zoning, which permits a variety of commercially oriented uses. Although the presence of these commercial uses is not in keeping with the policies of this Plan, the City will recognize these existing zoning anomalies at the time of the passing of this Official Plan, and will zone these properties accordingly in the implementing *Zoning By-law*.

7.7.9 In spite of the limited range of uses provided by policy 7.7.1, the industrial use of lands municipally known as 355 Elmira Road North shall be extended to include the following commercial activities: bank, restaurant or cafeteria, barber shop or beauty salon, recreation or entertainment establishment, and catering service.

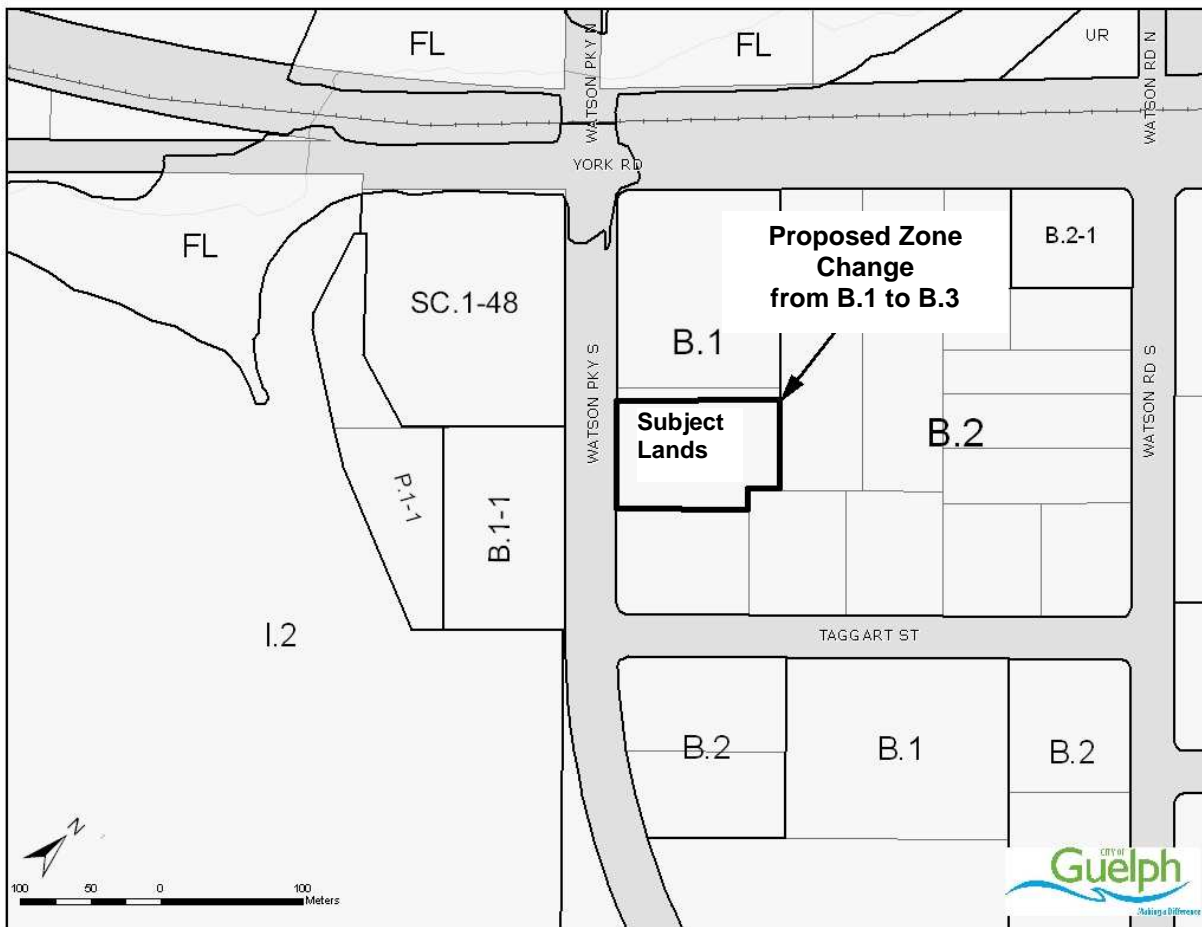
7.7.10 In spite of the limited range of uses provided by policy 7.7.1, the industrial use of lands municipally known as 3 Watson Road shall be extended to include the following commercial

activities: an office, showroom and shop for a tradesman or home improvement contractor including wholesale and retail sales of related goods and services.

7.7.10.1 In spite of the limited range of uses provided by policy 7.7.1, the permitted use of lands municipally known as 95 Crimea Street shall be extended to include the following institutional and commercial activities: a religious establishment, a school and a day care centre

SCHEDULE 3

Existing and Proposed Zoning



SCHEDULE 3 (continued)
Existing Zoning Details

PERMITTED USES WITHIN THE B.1 and B.2 ZONES

7.1.1 Catering Service
Cleaning Establishment
Commercial School
Computer Establishment
Manufacturing
Print Shop
Repair Service
Research Establishment
Towing Establishment
Tradesperson's Shop
Trucking Operation
Warehouse

Office, Factory Sales Outlet, fleet servicing area and other Accessory Uses are permitted provided that such Use is subordinate, incidental and exclusively devoted to a permitted Use listed in Section 7.1.1 and provided that such Use complies with Section 4.23.

Temporary Uses including Agriculture (Vegetation Based), Outdoor Sportsfield Facilities, and driving range.

Malls

Malls shall only be permitted in the B.2 Zone

SCHEDULE 3 (continued)
Proposed Zoning Details

PERMITTED USES WITHIN THE B.3 ZONE

7.1.2 Manufacturing
Warehouse

Office, Factory Sales Outlet, fleet servicing area and other Accessory Uses are permitted provided that such Use is subordinate, incidental and exclusively devoted to a permitted Use listed in Section 7.1.2 and provided that such Use complies with Section 4.23.

Temporary Uses including Agriculture (Vegetation Based), Outdoor Sportsfield Facilities, and driving range.

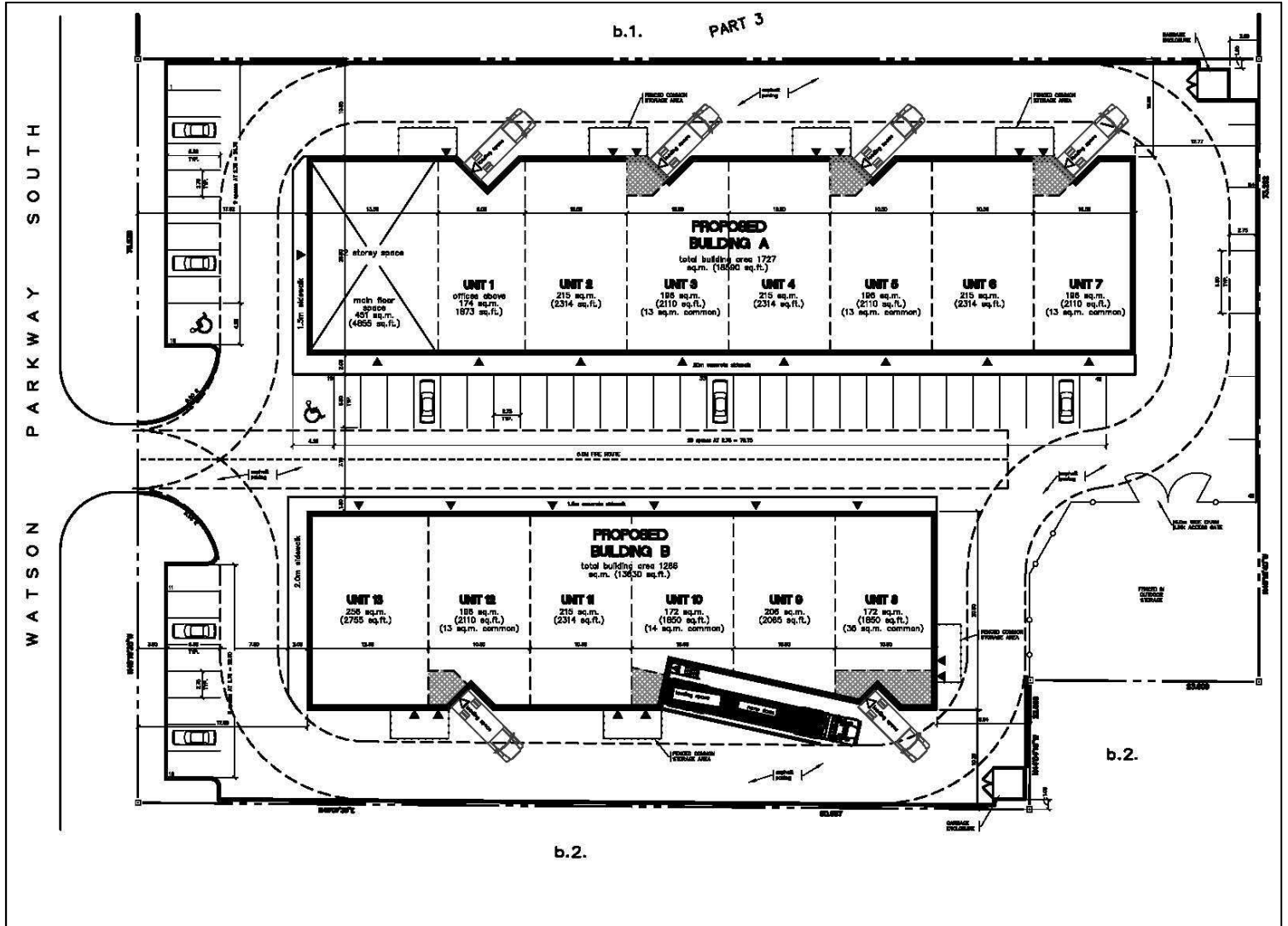
Malls

All Uses listed in Section 7.1.2 and the following:

Catering Service
Cleaning Establishment
Commercial Entertainment/Recreation Centre (excluding movie theatres, bowling alleys and roller rinks)
Commercial School
Computer Establishment
Financial Establishment
Industrial or construction equipment rental or sales firm
Office
Office Supply
Personal Service Establishment
Photofinishing Place
Print Shop
Repair Service
Research Establishment
Restaurant
Tradesperson's Shop
Vehicle Repair Shop
Vehicle Specialty Repair Shop

SCHEDULE 4

Proposed Development Concept



TO **Guelph City Council**

SERVICE AREA Planning & Building, Engineering and Environment
DATE April 4, 2011

**SUBJECT 31-33 Farley Drive: Proposed Zoning By-law
Amendment (File: ZC1104) – Ward 6**

REPORT NUMBER 11-32

SUMMARY

Purpose of Report: To provide planning information on an application requesting approval of a Zoning By-law Amendment for the lands at 31-33 Farley Drive to permit additional commercial uses. This report has been prepared in conjunction with the statutory public meeting on the application.

Council Action: Council will hear public delegations on the application, 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

"THAT Report 11-32 regarding a Zoning By-law Amendment application to rezone the property from the Specialized Institutional (I.1-13) Zone to the Community Commercial (CC) Zone to permit additional commercial uses for property municipally known as 31-33 Farley Drive, and legally described as Block 70, 61M-65, City of Guelph, from Planning & Building, Engineering and Environment dated April 4, 2011 be received."

BACKGROUND

An application for a Zoning By-law Amendment (ZC1104) has been received for the property municipally known as 31-33 Farley Drive. The proposal is a request to rezone the property from the Specialized Institutional (I.1-13) Zone to the Community Commercial (CC) Zone to permit additional commercial uses. The subject property was originally zoned Institutional to provide the opportunity for a religious establishment to locate within the Westminster Woods Subdivision. More recently, the property was rezoned to the current Specialized I.1-13 zone to allow a limited range of commercial and office uses. The application was deemed to be a complete application on February 15, 2011.

Location

The subject property is a 1.42 hectare parcel located at the northeast corner of Farley Drive and Clair Road East within the Westminster Woods Subdivision (see

Location Map on Schedule 1). The site is bounded by Goodwin Drive to the north. Surrounding land uses include mixed-density residential uses to the north, an apartment complex to the east, and future commercial development to the west and to the south across Clair Road.

There are currently two buildings located on the northerly portion of the site. This includes the commercial plaza at 31 Farley Drive, largely occupied by the Guelph Public Library (Westminster Square Branch) and the freestanding commercial building at 17 Goodwin Drive.

Official Plan Designation

The subject property is designated "Mixed Use Node" in the Official Plan. The relevant policies of the "Mixed Use Node" land use designation are included in Schedule 2.

Existing Zoning

The subject property is zoned Specialized I.1-13 (Institutional) Zone. The list of permitted uses within this current zoning category is provided on Schedule 3.

REPORT

Description of Proposed Zoning By-law Amendment

The applicant proposes to rezone the property from the current Specialized I.1-13 (Institutional) Zone to the CC (Community Commercial) Zone to permit additional commercial uses. The list of permitted uses within the proposed CC Zone is included on Schedule 3.

Site plan approval was granted for the subject property on November 15, 2006. This approved site plan, shown on Schedule 4, illustrates the approval of three buildings. The existing buildings include the commercial plaza at 31 Farley Drive, which contains the existing library and other commercial and office uses, and the freestanding commercial building at 17 Goodwin Drive that is currently occupied by a salon. The owner intends to develop the remaining southerly portion of the site, which includes the proposed commercial plaza at 33 Farley Drive, in accordance with this approved site plan. The zone change application is only a request to permit additional commercial uses, as provided in the Community Commercial (CC) Zone.

Staff Review

The review of this application will address the following issues:

- Evaluation of the proposal against the Provincial Policy Statement and the Places to Grow legislation;
- Evaluation of the proposal against the relevant policies of the Official Plan;
- Review of the proposed zoning;
- Community Energy Initiative considerations.

Once the application is reviewed and all issues are addressed, a report with a recommendation will be considered at a future meeting of Council.

CORPORATE STRATEGIC PLAN

Urban Design and Sustainable Growth Goal #1: An attractive, well-functioning and sustainable City.

FINANCIAL IMPLICATIONS

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

COMMUNICATIONS

The Notice of Application and Public Meeting was mailed and advertised on March 15, 2011.

ATTACHMENTS

Schedule 1 – Location Map

Schedule 2 – Existing Official Plan Designations and Policies

Schedule 3 – Existing and Proposed Zoning

Schedule 4 – Proposed Development Concept and Elevations

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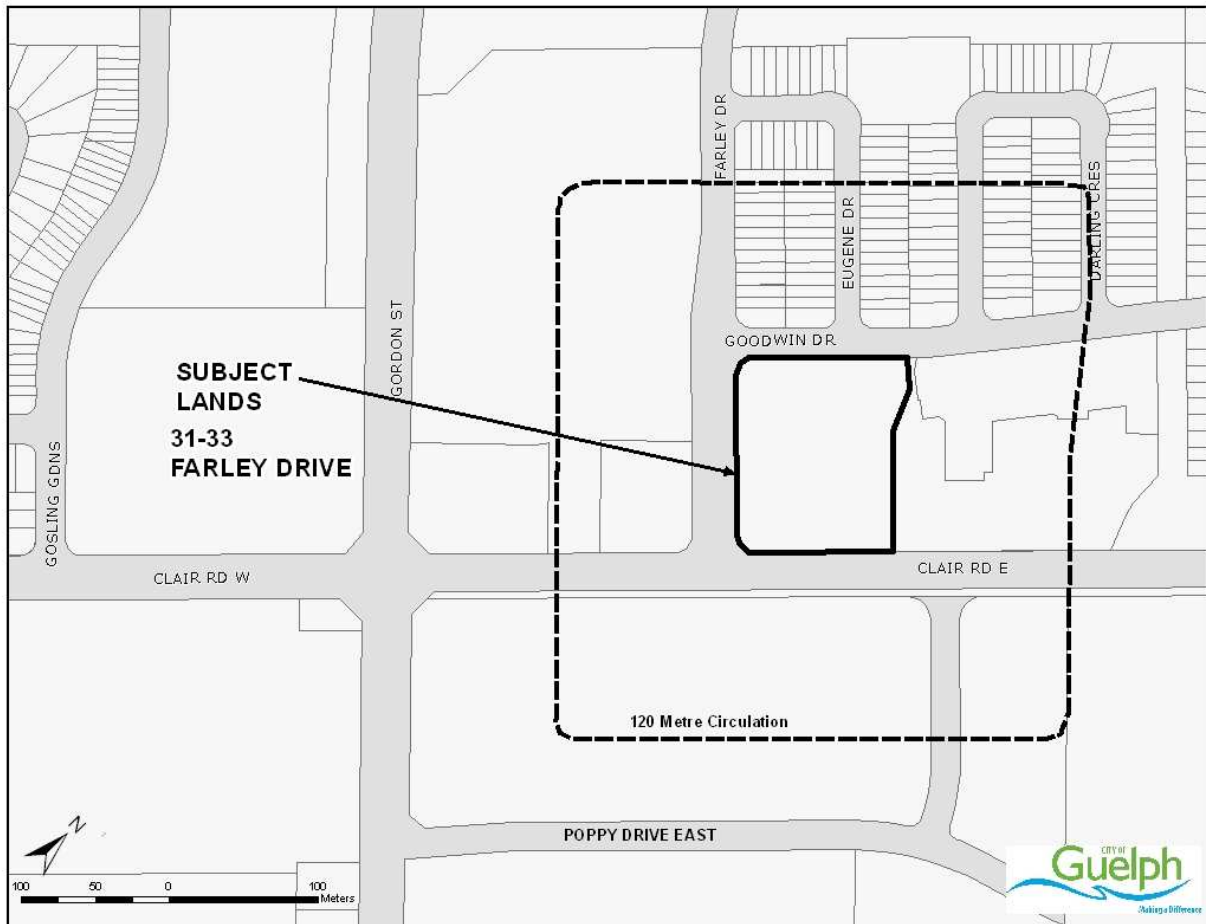
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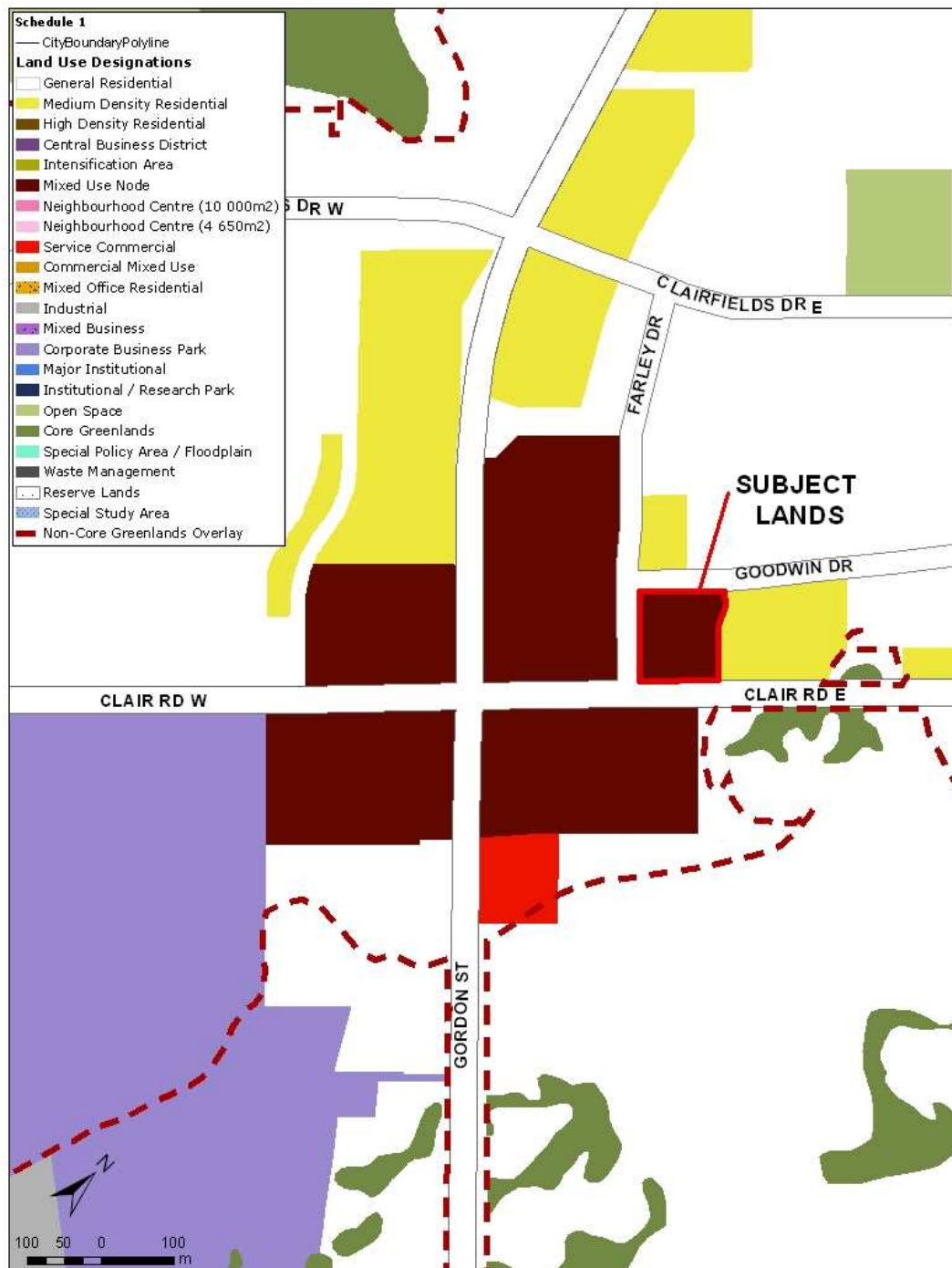
Recommended By:

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SCHEDULE 1 Location Map



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SCHEDULE 2 (continued...)

Relevant 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 livework 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:

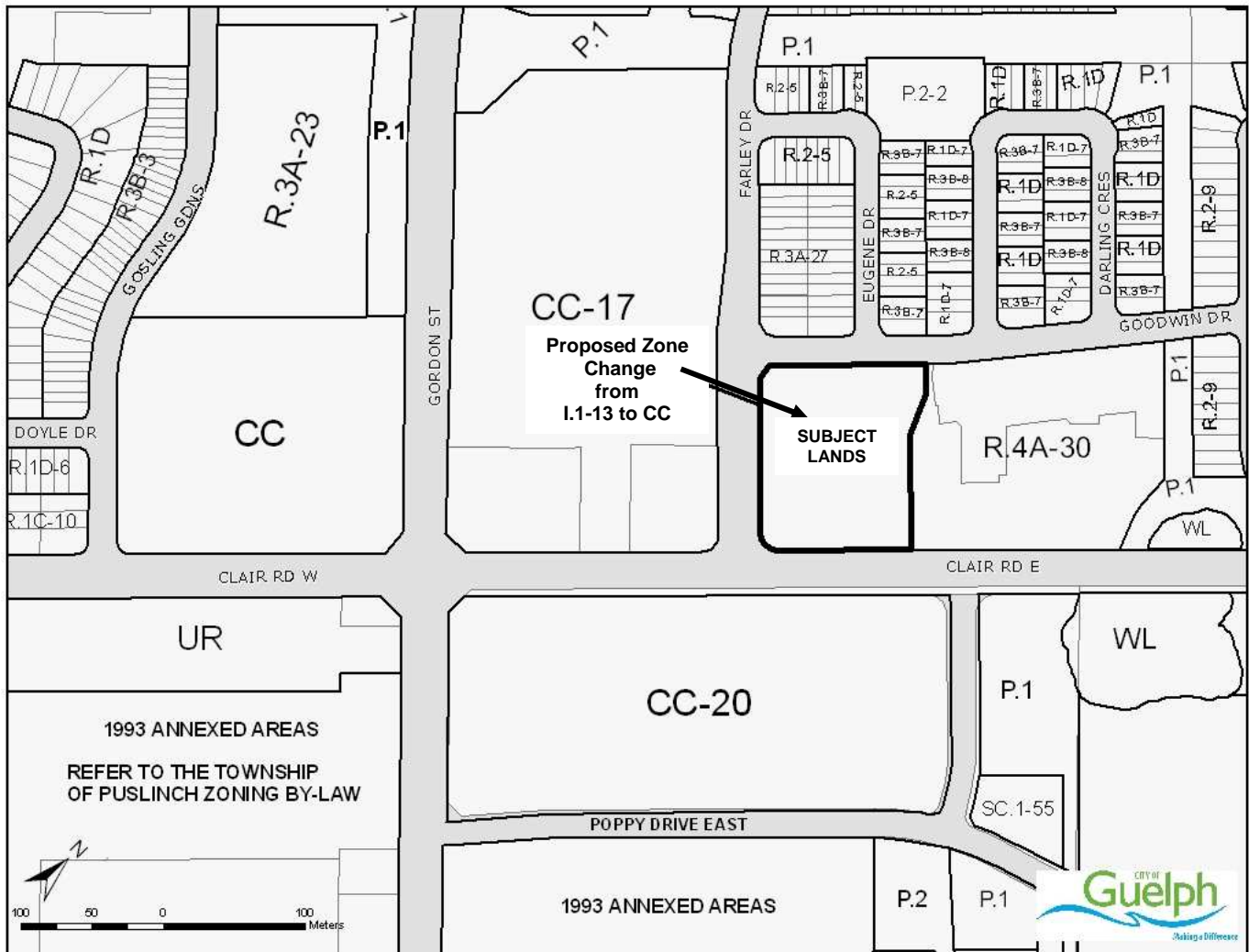
- Woodlawn / Woolwich Street Node: 42,000 sq. m.
- Paisley / Imperial Node: 42,000 sq. m.
- Watson Parkway / Starwood Node 28,000 sq. m.
- Gordon / Clair Node 48,500 sq. m.

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

SCHEDULE 3

Existing and Proposed Zoning



SCHEDULE 3 (continued)

Current Zoning Details

Specialized Institutional (I.1-13) Zone

Permitted Uses

In addition to the permitted uses listed in Section 8.1.1 below, the following shall also be permitted:

- Artisan Studio
- Convenience Store
- Financial Establishment
- Medical Clinic
- Medical Office
- Office
- Personal Service Establishment
- Recreation Centre

Prohibited Use

A Drive-Through Use shall not be permitted.

Section 8.1.1 Educational, Spiritual, and Other Services – I.1 Zone

Permitted Uses

- Art Gallery
- Day Care Centre in accordance with Section 4.26
- Group Home in accordance with Section 4.25
- Library
- Museum
- Outdoor Sportsfield Facilities
- Religious Establishment
- School

Occasional Uses in accordance with Section 4.21.

Administrative Office, Nursing Home, activity room, Recreation Centre, nursing station, Research Establishment, chapel, residence and other Accessory Uses are permitted provided that such Use is subordinate, incidental and exclusively devoted to a permitted use listed in Section 8.1.1 and provided that such Use complies with Section 4.23.

SCHEDULE 3 (continued)

Proposed Zoning Details

COMMERCIAL SHOPPING CENTRE ZONES

Community Shopping Centre - CC Zone

All Uses permitted in Section 6.2.1.1 subject to the regulations of the CC Zone with the following added permitted Uses:

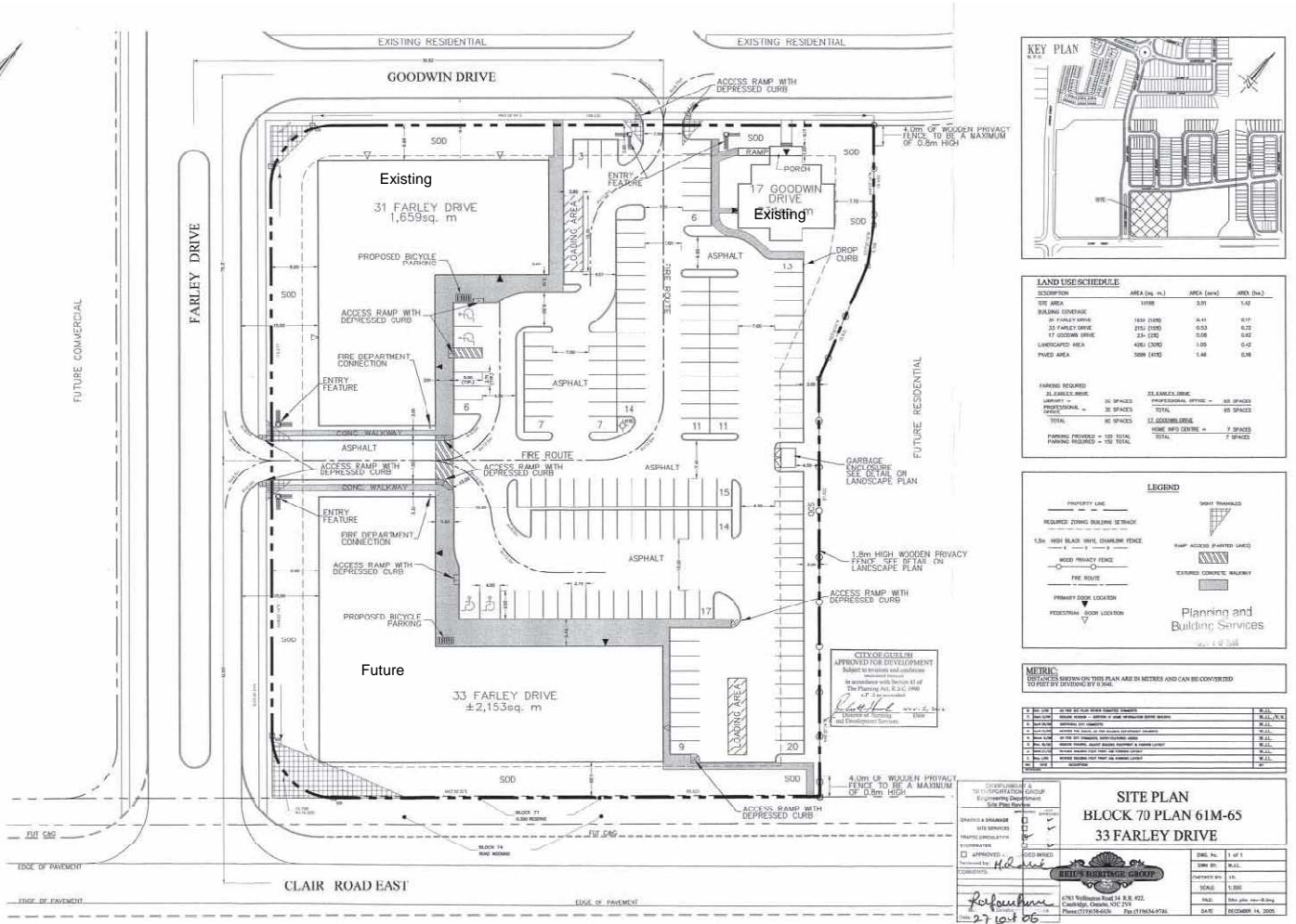
- Amusement Arcade
- Carwash, Automatic
- Carwash, Manual
- Commercial Entertainment
- Commercial School
- Funeral Home
- Garden Centre
- Public Hall
- Recreation Centre
- Rental Outlet
- Tavern
- Taxi Establishment

6.2.1.1 Neighbourhood Shopping Centre - NC Zone

Dwelling Units with permitted commercial Uses in the same Building in accordance with Section 4.15.2

- Art Gallery
- Artisan Studio
- Club
- Day Care Centre in accordance with Section 4.26
- Dry Cleaning Outlet
- Financial Establishment
- Group Home in accordance with Section 4.25
- Laundry
- Library
- Medical Clinic
- Medical Office
- Office
- Personal Service Establishment
- Religious Establishment
- Restaurant
- Restaurant (take-out)
- Retail Establishment
- Vehicle Gas Bar
- Veterinary Service
- Accessory Uses in accordance with Section 4.23
- Occasional Uses in accordance with Section 4.21

SCHEDULE 4 Approved Site Plan

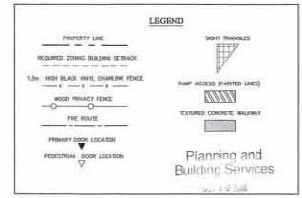


LAND USE SCHEDULE

DESCRIPTION	AREA (sq. ft.)	AREA (sq. m)	AREA (sq. ft.)
USE AREA	1,659	3,011	1,659
BUILDING FOOTPRINT	1,659	3,011	1,659
31 FARLEY DRIVE	1,659	3,011	1,659
17 GOODWIN DRIVE	1,659	3,011	1,659
33 FARLEY DRIVE	2,153	3,980	2,153
LANDSCAPED AREA	1,659	3,011	1,659
PAVED AREA	1,659	3,011	1,659

PARKING REQUIRED

DESCRIPTION	AREA (sq. ft.)	AREA (sq. m)	AREA (sq. ft.)
31 FARLEY DRIVE	1,659	3,011	1,659
17 GOODWIN DRIVE	1,659	3,011	1,659
33 FARLEY DRIVE	2,153	3,980	2,153
LANDSCAPED AREA	1,659	3,011	1,659
PAVED AREA	1,659	3,011	1,659



METRIC

Distances shown on this plan are in metres and can be converted to feet by multiplying by 3.28.

DESCRIPTION	AREA (sq. ft.)	AREA (sq. m)	AREA (sq. ft.)
31 FARLEY DRIVE	1,659	3,011	1,659
17 GOODWIN DRIVE	1,659	3,011	1,659
33 FARLEY DRIVE	2,153	3,980	2,153
LANDSCAPED AREA	1,659	3,011	1,659
PAVED AREA	1,659	3,011	1,659

SITE PLAN
BLOCK 70 PLAN 61M-65
33 FARLEY DRIVE

DATE: 27.10.05

DESIGNED & DRAWN BY: [Signature]
CHECKED BY: [Signature]
APPROVED BY: [Signature]
DATE: 27.10.05

DATE: 27.10.05

From: elizabeth muller
Sent: Friday, March 18, 2011 03:38 PM
To: Todd Dennis; Karl Wettstein
Subject: Public meeting notice file:ZC1104

Dear Sirs,

I would like to state my opinion on the proposed zoning by-law amendment for 31-33 Farley Drive to CC Zone.

I live near the library at . I am concerned that the CC designation would change the feel of our neighbourhood. The CC permitted use ie: rental outlet is a very broad term... could it be contractors, trucks, vans, or cars? could it be adult videos? What about amusement arcade? Will it be a hangout for the high school students from Bishop Mac or children who are supposed to be at the library? Car wash... we have 2 already minutes away?

What is commercial entertainment? A funeral home or a tavern near a library? kids , behavior and traffic issues. What is a public hall? There are several commercial buildings going up on the other side of the street, let's keep this small mall as a neighbourhood shopping centre only, there are many acceptable uses in this category. Think of kids, family and calm!!!

Respectfully submitted,
E. Muller

CONSENT AGENDA

April 4, 2011

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
<p>A-1) 55 YARMOUTH STREET: DRAFT PLAN OF CONDOMINIUM (CONVERSION) (FILE 23CDM-11501) – WARD 1</p> <p>THAT Report 11-21 regarding a proposed Draft Plan of Condominium, applying to property municipally known as 55 Yarmouth Street from Planning, Building, Engineering and Environment, dated April 4, 2011, be received."</p> <p>AND THAT the application by Astrid J. Clos Planning Consultants, on behalf of Skyline Inc. for approval of a Proposed Draft Plan of Condominium, as shown on Schedule 3, applying to property municipally known as 55 Yarmouth Street and legally described as Lots 90, 91, 92 and 93, Registered Plan 8, City of Guelph, be approved, subject to conditions outlined in Schedule 2 of Planning, Building, Engineering and Environment Report 11-21, dated April 4, 2011</p>	Approve
<p>A-2) 151, 205 AND 251 CLAIR ROAD EAST (DALLAN, PHASE 1) – PROPOSED DRAFT PLAN OF SUBDIVISION AND ZONING BY-LAW AMENDMENT (FILE 23T-08503/ZC0803) – WARD 6</p> <p>THAT Report 11-34 regarding a proposed Draft Plan of Subdivision and associated Zoning By-law Amendment for approval of the Dallan Subdivision applying to property municipally known as 151, 205 and 251 Clair Road East from Planning & Building, Engineering and Environment, dated April 4, 2011, be received;</p>	Approve

AND THAT the application by Black, Shoemaker, Robinson and Donaldson Ltd, on behalf of Victoria Wood (Dallan) GP Inc. for approval of Phase 1 of a Proposed Draft Plan of Subdivision, as shown on Schedule 3, applying to property municipally known as 151, 205 and 251 Clair Road East and legally described as Southwest Part Lot 11, Concession 8, Township of Puslinch, be approved, subject to conditions outlined in Schedule 2 of Planning & Building, Engineering and Environment Report 11-34, dated April 4, 2011;

AND THAT the application by Black, Shoemaker, Robinson and Donaldson Ltd, on behalf of Victoria Wood (Dallan) GP Inc. for a Zoning By-law Amendment from the UR (Urban Reserve), H (Hazard) and A (Agriculture) Zones to the R.1C-3 (Specialized Single-detached Residential), R.1D (Single-detached Residential), R.2 (Semi-detached Residential), R.3B-7 (Specialized On-street Townhouse), R.4A (General Apartment Residential), P.2 (Neighbourhood Park), P.1 (Conservation Lands) and WL (Wetland) Zones affecting the property municipally known as 151, 205 and 251 Clair Road East and legally described as Southwest Part Lot 11, Concession 8, Township of Puslinch, be approved, in the form outlined in Schedule 2 of Planning & Building, Engineering and Environment Report 11-34, dated April 4, 2011;

AND 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 151, 205 and 251 Clair Road East, as set out in Report 11-34 from Planning & Building, Engineering and Environment, dated April 4, 2011.

**A-3) PART LOT CONTROL EXEMPTION – HANLON CREEK
BUSINESS PARK (PLC1002)**

Approve

THAT report (11-27) from the Planning & Building, Engineering and Environment dated April 4, 2011 regarding a proposed Part Lot Control Exemption request for portions of the Hanlon Creek Business Park from Guelph Land Holdings Inc. be received;

AND THAT City Council support the request to exempt Part of Lots 16, 17, 18 and 19, Concession 4, Geographic Township of Puslinch, now in the City of Guelph, more particularly described as Blocks 1,2,4,5,6,7,8, and 9 on the draft Registered Plan from Part Lot Control as identified on Schedule 1 and subject to the conditions set out in Schedule 3 of the Planning & Building, Engineering and Environment report (11-27) dated April 4, 2011.

**A-4) MAPLE GROVE CO-OPERATIVE DEVELOPMENT CORPORATION
(35 MOUNTFORD DRIVE AFFORDABLE HOUSING –
DEVELOPMENT CHARGE LATE PAYMENT AGREEMENT)**

Approve

THAT the report on changes to the criteria for qualified purchasers under the Maple Grove Co-operative Development Corporation agreement (35 Mountford Drive Affordable Housing) as outlined in Report 11-39 from Planning & Building, Engineering and Environment, dated April 4, 2011, respecting an affordable ownership housing development at 35 Mountford Drive be received;

AND THAT the recommended changes to the eligibility criteria for purchasers as outlined in the accompanying report be approved;

AND THAT Schedule B to the agreement dated, February 22, 2008, between the City and Maple Grove Co-operative Development Corporation and Home Ownership Alternatives (HOA) Non-Profit Corporation be amended to insert the new criteria for qualified purchasers subject to the written approval of all of the original signing parties and that the agreement be amended to include the condition that at the closing of the second tranche that any remaining funds be repaid to the City."

B ITEMS FOR DIRECTION OF COUNCIL

C ITEMS FOR INFORMATION OF COUNCIL

attach.

TO **Guelph City Council**

SERVICE AREA Planning & Building, Engineering and Environment
DATE April 4, 2011

**SUBJECT 55 Yarmouth Street: Draft Plan of Condominium
(Conversion) File 23CDM-11501 – Ward 1**

REPORT NUMBER 11-21

SUMMARY

Purpose of Report: This report provides the staff recommendation on an application for a plan of condominium application requesting the conversion of an existing mixed use building from rental units to condominium ownership.

Council Action: Council is being asked to grant draft plan approval for the proposed plan of condominium, as shown in Schedule 3.

RECOMMENDATION

"THAT Report 11-21 regarding a proposed Draft Plan of Condominium, applying to property municipally known as 55 Yarmouth Street from Planning, Building, Engineering and Environment, dated April 4, 2011, BE RECEIVED."

THAT the application by Astrid J. Clos Planning Consultants, on behalf of Skyline Inc. for approval of a Proposed Draft Plan of Condominium, as shown on Schedule 3, applying to property municipally known as 55 Yarmouth Street and legally described as Lots 90, 91, 92 and 93, Registered Plan 8, City of Guelph, BE APPROVED, subject to conditions outlined in Schedule 2 of Planning, Building, Engineering and Environment Report 11-21, dated April 4, 2011.

BACKGROUND

Location

The subject lands are located in the City's downtown area, between Baker Street and Yarmouth Street, south of Woolwich Street (see Location Map in Schedule 1). The site has an area of 0.2 hectares and is occupied with a nine storey mixed use building containing 72 rental apartment units in the upper storeys and 842 square metres of office and commercial space in five units on the ground floor.

Surrounding land uses include the Baker Street parking lot to the east, a vacant lot to the south, mixed low density residential and office buildings to the west and a small apartment building to the north.

Official Plan Designation

The Official Plan land use designation that applies to the subject lands is Central Business District. The relevant Official Plan policies are included in Schedule 4.

Existing Zoning

The subject site is zoned CBD.1-5. This is a specialized Central Business District zone.

REPORT

Proposed Draft Plan of Condominium

The applicant is requesting approval of a Draft Plan of Condominium application to permit the existing apartment, commercial, office and parking units on site to be converted into condominium ownership. The proposed condominium plan would create individual units of the 72 apartment units, 5 commercial or office units and 39 of the 55 proposed parking spaces (See Schedule 3 for the Draft Plan of Condominium). The proposed condominium plan is expected to be registered in one phase. In support of this application, the applicant has submitted the following report:

- Planning Report – Condominium Conversion 55 Yarmouth Street, City of Guelph. Prepared by Astrid J. Clos Planning Consultants. December 2010.

Related to the proposed conversion of 55 Yarmouth Street, the applicant has proposed that through the redevelopment of the Gummer Building (1 Douglas Street), 20 residential apartment units would be provided as rental housing for a period of 10 years to offset the loss of rental stock at 55 Yarmouth Street.

Planning Issues and Analysis

A public meeting was held on this application on February 7, 2011. No public concerns were raised at the meeting. Several letters of support were submitted by community agencies, which are found in the public and agency comments in Schedule 7 of this report.

Staff raised the following issues to be addressed in this report:

- Evaluation of the proposal's conformity with the Official Plan, including specific condominium conversion policies found in Sections 7.2.14 and 7.2.15 of the Official Plan (see Schedule 2 for actual policies)
- Evaluation of the proposal against the Provincial Policy Statement and the Residential Tenancies Act
- Review of the existing zoning
- Potential for building upgrades that could benefit the City's Community Energy Initiative

At the public meeting, Council raised the following issues to be addressed by staff:

- Status of parking at 55 Yarmouth Street
- Tax assessment implications to the City of changing from rental to condominium

-
- Determine whether current residents are protected if the units they occupy are converted to condominium ownership
 - Determine affordable housing status of 55 Yarmouth Street
 - Clarify building permit status and process for proposed change to the Gummer Building
 - Clarify whether parking is available for the Gummer Building for the proposed uses.

Following the public meeting, additional concerns were raised by a tenant of 55 Yarmouth Street regarding tenant protection if the building is converted to a condominium. All of these issues are addressed in the planning analysis found in Schedule 5 of the report.

Staff Recommendation

Planning staff are satisfied that this condominium conversion application meets the City's Official Plan policies and that all issues raised have been satisfactorily addressed. Planning staff recommend approval of this draft Plan of Condominium, in accordance with the conditions in Schedule 2 of this report. Staff are recommending draft plan approval based on the condominium proposal shown on Schedule 3.

CORPORATE STRATEGIC PLAN

Urban Design and Sustainable Growth Goal #1: An attractive, well-functioning and sustainable City.

FINANCIAL IMPLICATIONS

Staff were asked by Council to review tax implications for the changes proposed to both the 55 Yarmouth Street and 1 Douglas Street sites. Estimated changes to City apportioned taxes for both properties are provided in Schedule 5.

For 55 Yarmouth Street, the conversion of the apartment units to condominium ownership would increase the assessment value of the units and increase property taxes by an estimated \$51,435 based on 2010 tax rates.

DEPARTMENTAL CONSULTATION

A summary of the public and agency comments received during the review of the application are outlined on Schedule 8.

COMMUNICATIONS

Key dates for the public process regarding this planning application are included in Schedule 9.

ATTACHMENTS

Schedule 1 – Location Map
Schedule 2 – Conditions of Approval
Schedule 3 – Proposed Draft Plan of Condominium
Schedule 4 – Related Official Plan Policies
Schedule 5 – Planning Analysis

Schedule 6 – Excerpt from the Residential Tenancies Act
Schedule 7 – Energy Conservation Measures
Schedule 8 – Circulation Comments
Schedule 9 – Public Notification Summary

Prepared By:

Katie Nasswetter
Senior Development Planner
519-837-5616, ext 2283
katie.nasswetter@guelph.ca

Original Signed by:

Recommended By:

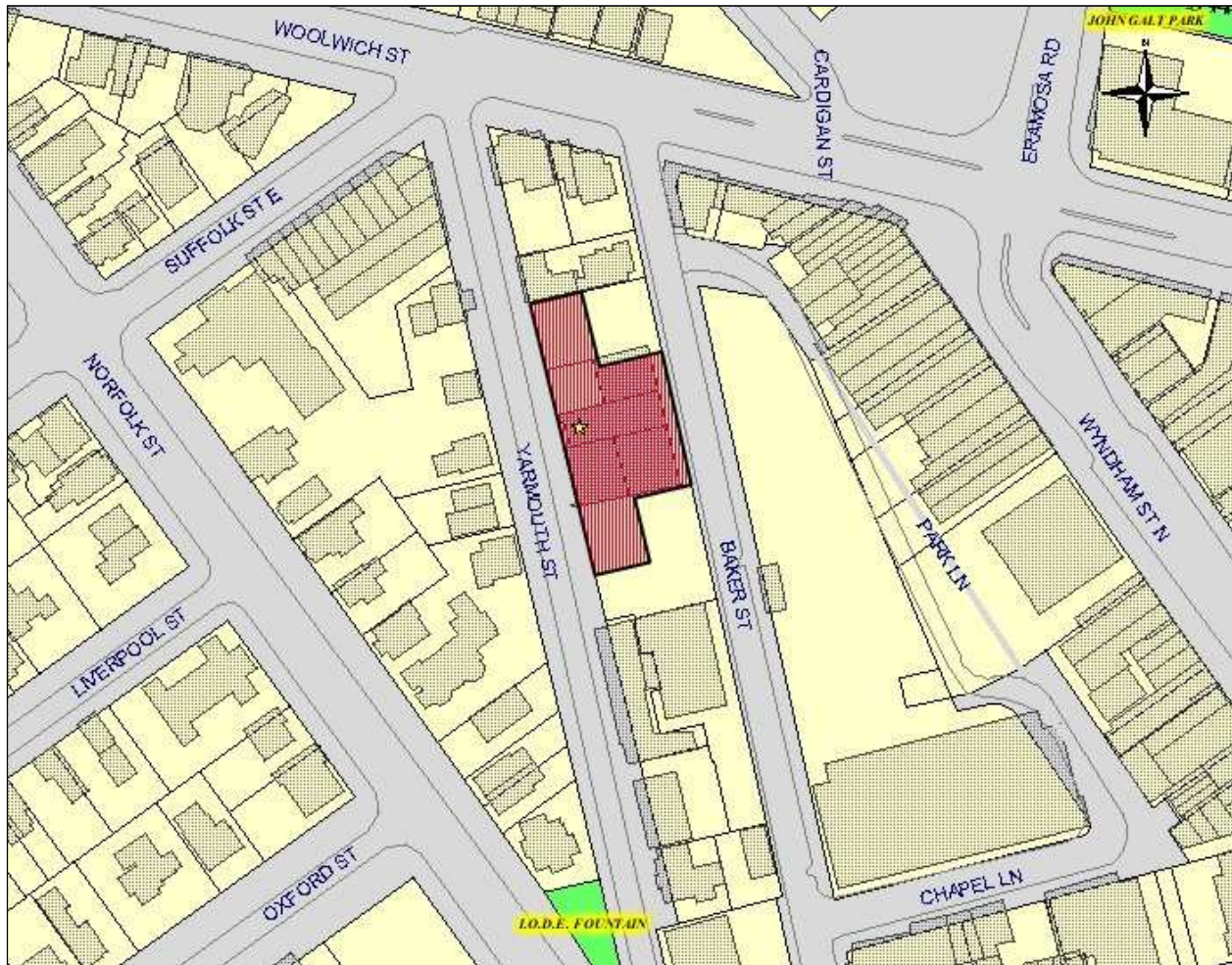
James N. Riddell
General Manager
Planning & Building Services
519.837.5616, ext 2361
jim.riddell@guelph.ca

Original Signed by:

Recommended By:

Janet L. Laird, Ph.D.
Executive Director
Planning & Building, Engineering
and Environment
519-822-1260 ext. 2237
janet.laird@guelph.ca

Schedule 1 Location Map



Schedule 2

Conditions of Approval

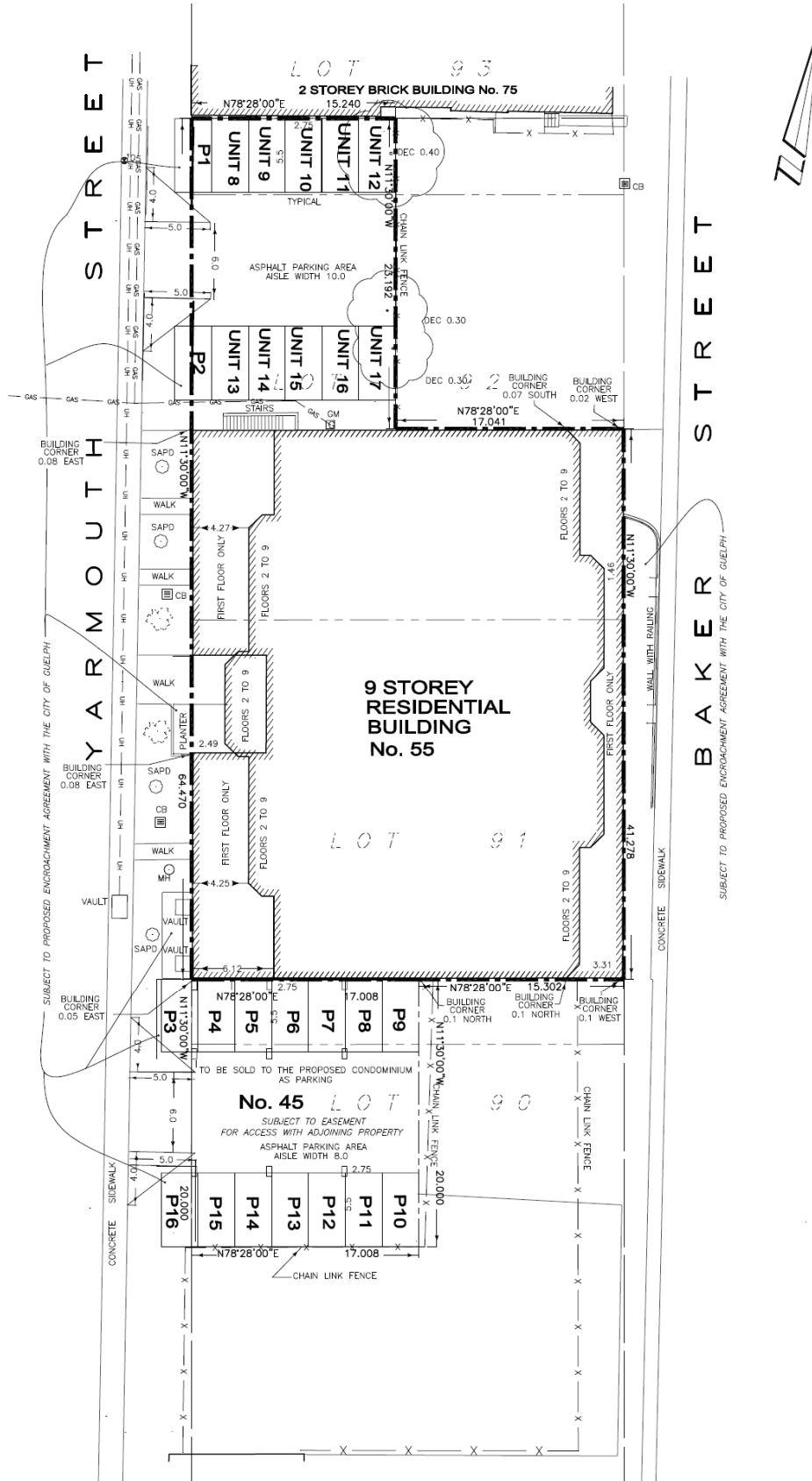
1. That this approval applies to the draft plan of condominium prepared by Van Harten Surveying, Project Number 19724-10, dated March 2, 2011, illustrating a total of 72 apartment units, 5 commercial or office units and 39 parking units.
2. The owner agrees to submit and receive approval from the City, 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 and servicing to the satisfaction of the General Manager of Planning & Building and the City Engineer, prior to the registration of the Plan of Condominium.
3. That the owner develops the property in accordance with the site plan as approved by the City, prior to the registration of the Plan of Condominium. The owner acknowledges and agrees that the City shall make a detailed site inspection at 55 Yarmouth Street to ensure the site is completed according to the plans approved by the City in condition 2 above, prior to the registration of the Plan of Condominium.
4. That the owner pays any outstanding debts owed to the City, prior to the registration of Plan of Condominium.
5. That prior to the registration of the Plan of Condominium the owner shall provide the City with a drainage certificate from an Ontario Land Surveyor or a Professional Engineer stating that the building constructed and the grading of the property is in conformity with the drainage plan and that any variance from the plan has received the prior approval of the City Engineer.
6. Prior to the registration of the Plan of Condominium, the owner shall apply to the Committee of Adjustment and receive approval of a minor variance for the minimum parking space dimensions of 2.75-metres and 5.50-metres, and a variance for vehicles parking within the driveway sight line triangle.
7. That prior to the registration of the Plan of Condominium the owner shall provide the City with a certificate from a Professional Engineer certifying that the sanitary sewers, building drains, building sewers, building storm drains, building storm sewers, watermains, water distribution system, driveways, parking areas and sidewalks that are to become part of the common facilities and areas, are in good repair, free from defects and functioning properly.
8. That a Professional Engineer and/or Ontario Land Surveyor identifies all the sanitary sewers, building drains, building sewers, building storm

drains, storm sewers, watermains, water distribution system, serving the property and also identifies the locations where easements are required, prior to the registration of the Plan of Condominium.

9. That prior to the registration of the Plan of Condominium the owner retains an Ontario Land Surveyor at their own expense to prepare and deposit at the Registry Office an appropriate Reference Plan to facilitate Agreements between the Owner and the City, which said Reference Plan will show the nature and extent of the encroachments upon the adjacent road allowances.
10. Prior to the registration of the Plan of Condominium, the owner shall enter into an Encroachment Agreement with the City, satisfactory to the General Manager/City Engineer and the City Solicitor, for the use of the road allowance for parking purposes.
11. That prior to the registration of the Plan of Condominium the owner enters into an Encroachment Agreement with the City, satisfactory to the General Manager/City Engineer and the City Solicitor, for the necessary encroachments upon the road allowances (such as planters, vault and interlocking pavers) within the same.
12. That prior to the registration of the Plan of Condominium the owner enters into a Maintenance Agreement with the City, satisfactory to the General Manager/City Engineer and the City Solicitor, for the necessary maintenance requirements for any approved improvements (such as planters, vault and interlocking pavers) within the same.
13. That prior to the registration of the Plan of Condominium, an independent lawyer shall certify that the proposed condominium phase has easements for all the sanitary sewers, building drains, building sewers, building storm drains, storm sewers, watermains and water distribution system serving the condominium phase.
14. That prior to registration of the Plan of Condominium, a Professional Engineer and/or Ontario Land Surveyor shall identify all the rights-of-way required to provide access to the parking spaces on the site.
15. That prior to registration of the Plan of Condominium, an independent lawyer shall certify that easements for all the rights-of-way are in place to provide parking spaces and vehicular access to all the parking spaces required to be provided for the site, when the parking or vehicular access is on private lands other than the lands included in the phase being registered.
16. That prior to registration of the Plan of Condominium, that if any previously allowed reductions in parkland dedication occurred, current Parkland Dedication requirements will be met, as per the parkland By-law, to the satisfaction of the General Manager of Planning and Building.

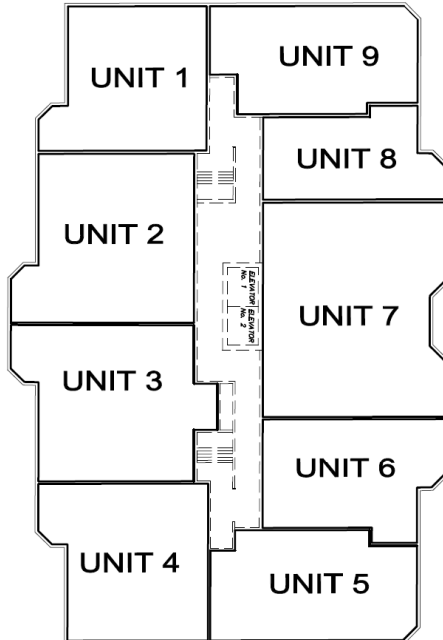
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17. That prior to registration of the Plan of Condominium, a written opinion be provided from a qualified professional engineer, stating the age and physical condition of the building and appurtenances.
 18. That prior to registration of the Plan of Condominium, that the owner of 1 Douglas Street enter into an agreement with the City of Guelph, registered on title of the site known as 1 Douglas Street, requiring that 20 apartment dwelling units be made available as rental housing for a period of not less than 10 years.
 19. That prior to registration of the Plan of Condominium, the owner shall pay to the City, the City's total cost of reproduction and distribution of Guelph Residents' Environmental Handbook, to all future homeowners or households within the plan, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City.
 20. The developer agrees to provide the City's Planning Services with a digital file of the Plan of Condominium in either ARC/INFO export or ACAD2010 .dwg format containing parcel fabric, building footprints and the internal driveway network.
 21. That this draft plan of condominium shall lapse on April 4, 2016.
 22. Prior to the City's final approval of the plan of condominium, the City shall be advised in writing by the owner how conditions 1 through 21 have been satisfied.

Schedule 3 **Proposed Draft Plan of Condominium (Exterior)**



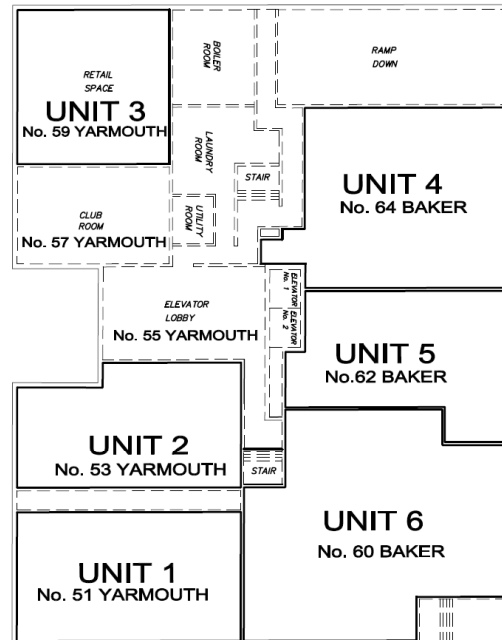
Schedule 3 continued Draft Plan of Condominium (Interior)

LEVELS 2 TO 9 INCLUSIVE
UNITS 1 TO 9



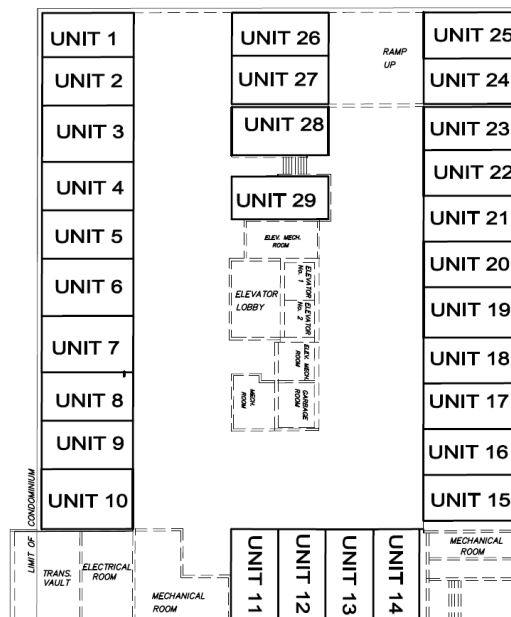
72 RESIDENTIAL UNITS

LEVEL 1
UNITS 1 TO 7



6 COMMERCIAL UNITS

LEVEL A
UNITS 1 TO 29



29 PARKING UNITS

Schedule 4 Related Official Plan Policies

Condominium/Co-ownership Housing Conversion

- 7.2.14 A *condominium/co-ownership* conversion will refer to any change in the tenure status of an existing residential housing development from rental to *condominium* or *co-ownership* housing tenureship. Existing rental housing refers to projects containing any dwelling units occupied by residential tenants or last occupied by residential tenants and currently vacant.
- 7.2.15 The conversion of rental accommodation to *condominium* or *co-ownership* housing tenureship will be considered on the merits of each proposal.
1. The City will discourage the conversion of existing rental units to *condominium* or *co-ownership* housing when the *vacancy rate* for rental accommodation is below 3%, and will prohibit such conversions when the *vacancy rate* is below 1.5%. The *vacancy rate* shall be defined as the average *vacancy rate* of the latest two vacancy surveys conducted in Guelph by the Canada Mortgage and Housing Corporation. The City may conduct supplementary *vacancy rate* surveys and modify the *vacancy rates* reported by C.M.H.C. in accordance with its own findings.
 2. The policies of the City's approved "Municipal Housing Statement" will be used to outline the general requirements of the Municipality to permit a *condominium* or *co-ownership* housing conversion.
 3. The City will utilize agreements setting out the specific conditions and standards for a *condominium* or *co-ownership* housing conversion.
 4. When considering applications for *condominium* or *co-ownership* housing conversion, Council will have regard for:
 - a) The number of units included in the conversion application;
 - b) The number of rental units under construction at the time of application for conversion;
 - c) The impact of the conversion on the rental housing market (i.e., anticipated change in *vacancy rates*).

Schedule 4

Official Plan – Excerpts of Related Policies cont'd

7.3 Central Business District (Downtown)

General Policies

7.3.3 The land use distribution in the C.B.D. consists of a variety of sub-areas and it shall be the policy of this Plan to encourage the preservation, rehabilitation and implementation of the desirable elements of identified sub-areas of the C.B.D.

1. The "Guelph C.B.D.-Concept Plan", as shown on Schedule 6, indicates land use areas and the transportation facilities necessary to realize the objectives for the C.B.D.
2. The concept plan provides flexibility to recognize the coexistence of a wide range of activities and to allow innovative *development* proposals.
3. Without limiting the generality of this Plan, the location, nature and scale of development shall be determined by individual proposals and shall be specified in the *Zoning By-law*.

The categories of land-use shown on the "Guelph C.B.D. - Concept Plan" are as follows:

- a) "Commercial Base, Office and/or Residential Emphasis Above"
This category includes multiple use of buildings. The "base" referred to is the bottom layer (i.e. street-level) usually in the form of a store. Where development is to take place above that base, office and/or apartment uses would be favoured.

The City may reduce or exempt any requirement for private off-street parking for *development* in the downtown provided adequate alternative parking facilities are available in the general vicinity. A *development* agreement or cash-in-lieu of parking may be required where a *development* proposal is granted an exemption or is permitted to reduce the parking requirement.

7.3.6 In order to maximize the number of people in the downtown at all times and keep it economically viable, the City will encourage the expansion of the residential function of the 'Central Business District' by:

- a) Encouraging the *development* and use of lands for mixed-use commercial/residential buildings;
- b) Encouraging new housing to locate in areas where municipal *infrastructure* is available and in close proximity to residential amenities and open space;
- c) Encouraging the rehabilitation and *renovation* of the upper stories of existing buildings and their *conversion* to residential use.

7.3.7 The maximum *net density* for residential use within the 'Central Business District' shall not exceed 200 units per hectare (80 units per acre), except as noted in policy 7.3.7.1.

Municipal Housing Statement – Related Policies (Section 5)

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- 4.2.7 The City shall encourage the federal and provincial governments to develop programs that assist the private market in producing more rental housing.
- 4.2.8 The City will monitor the supply of rental housing, particularly with respect to the conversion and deconversion activity within existing residential neighbourhoods.
- 4.2.9 The City will encourage property owners to take advantage of programs, such as Convert-to-Rent, that assist in the re-use or re-development of non-residential properties for rental housing.

5. CONDOMINIUM HOUSING

Condominium ownership is recognized as a viable form of tenure and is a desirable housing option to facilitate within the community. Condominium ownership provides the opportunity for households to remain within the ownership market while minimizing their maintenance requirements and can also often provide households with an affordable option to enter the ownership market. In the past, the conversion of rental housing to condominiums has had a serious impact on the supply of rental housing, which has been in short supply, and has led to the displacement of tenant households. City Council dealt with this issue in the past by adopting a condominium conversion policy. More recently, the Province has responded with the Rental Housing Protection Act to provide protection to tenants and to maintain the supply of rental housing.

- 5.1 The City will use its Official Plan and condominium project phasing policy to regulate the development and design of new condominiums.
- 5.2 When considering applications for the conversion of existing rental housing projects to condominium ownership, the City shall have regard to the requirements of the Rental Housing Protection Act. When evaluating applications for condominium conversion, the City shall have regard to the following:

- (a) The number of units included in the application;
- (b) The number of rental units under construction at the time of application for conversion;
- (c) The potential impact of the conversion on the rental housing market; and
- (d) Any commitment of the applicant to replace the converted units with a similar number of other rental units of comparable rent and quality.

5.3 In the event that a condominium conversion is approved, such conversions shall be subject to the following policies and guidelines:

- (a) Condominium conversions will be subject to essentially the same development and servicing standards as new condominiums;
- (b) A detailed inspection of the project shall be required prior to clearance by the City for registration of the condominium corporation;
- (c) Any previously allowed reductions in parkland dedication and/or imposts for rental projects are to be "topped-up" to current levels prior to condominium registration;
- (d) The applicant shall agree as a condition of approval that each tenant shall have the option of extending tenancy in the building, a period of not less than one year from the date of registration of the condominium corporation; and
- (e) That the application for approval of a condominium conversion shall be accompanied by a written opinion from a qualified professional engineer stating the age and physical condition of the building and appurtenances at the date of application.

Schedule 5 Planning Analysis

Official Plan (OP) Conformity

The subject site is designated as Central Business District in the Official Plan. The Central Business District policies support a range of residential and commercial functions suitable to the downtown area. The Central Business District designation is further divided into categories in the C.B.D Concept Plan, which designates this area as "Commercial Base, Office and/or Residential Emphasis Above" which the building meets with ground floor commercial and office uses with residential apartments on above ground floors.

The Official Plan contains specific policies regarding the conversion of existing residential units that are rented to condominium ownership (see **Schedule 4** for relevant Official Plan Policies, Sections 7.2.14 and 7.2.15). These policies include specific criteria to be evaluated, and note that applications will be "considered on the merits of each proposal". The following paragraphs breakdown the criteria and the staff evaluation of the proposal against that criteria.

Vacancy Rates

OP Section 7.2.15.1:

- The City will discourage the conversion of existing rental units to *condominium* or *co-ownership* housing when the *vacancy rate* for rental accommodation is below 3%, and will prohibit such conversions when the *vacancy rate* is below 1.5%. The *vacancy rate* shall be defined as the average *vacancy rate* of the latest two vacancy surveys conducted in Guelph by the Canada Mortgage and Housing Corporation. The City may conduct supplementary *vacancy rate* surveys and modify the *vacancy rates* reported by C.M.H.C in accordance with its own findings.

Staff Comment: Currently the average vacancy rate, based on the OP definition above is 4%, which is higher than the 3% rate when the City would discourage conversion to condominium ownership.

Municipal Housing Statement

OP Section 7.2.15.2:

- The policies of the City's approved "Municipal Housing Statement" will be used to outline the general requirements of the Municipality to permit a *condominium* or *co-ownership* housing conversion.

Staff Comment: The Municipal Housing Statement was prepared in 1990 as an implementation tool for the development of municipal non-profit housing. It contains policies regarding condominium conversions that are similar to the Official Plan and in addition, lists conditions that should be included if a condominium is approved. These policies are included in **Schedule 4** following the Official Plan Policies and relevant conditions have been incorporated into the conditions of draft plan approval in **Schedule 2**.

Agreements and Conditions

OP Section 7.2.15.3:

- The City will utilize agreements setting out the specific conditions and standards for a *condominium* or *co-ownership* housing conversion.

Staff Comment: Recommended approval of this draft Plan of Condominium is subject to a list of conditions that would have to be met prior to registration of the Plan of Condominium. These conditions are listed in **Schedule 2** of this report.

Details of the Application

OP Section 7.2.15.4:

- When considering applications for *condominium* or *co-ownership* housing conversion, Council will have regard for:
 - a) The number of units included in the conversion application;
 - b) The number of rental units under construction at the time of application for conversion;
 - c) The impact of the conversion on the rental housing market (i.e., anticipated change in *vacancy rates*).

Staff Comment: On this site, 72 apartment units are proposed to be converted from rental to condominium ownership. Regarding rental units under construction, recent projects include the St. Joseph's site on Edinburgh Road North, which will create 80 rental apartments intended for seniors and 135 Oxford Street which will create 27 rental apartment units. In addition, the applicant has proposed to commit to building 20 residential apartments in the redevelopment of the Gummer Building, for a total of 147 expected additional rental apartment units.

The impact of this conversion would be the loss of 72 rental apartment units from the overall supply. Not including new rental stock coming online, this change in supply would result in a 0.04% increase to the vacancy rate posted in October 2010 (to 3.48% from 3.44%). When reviewed together with the proposed increase in supply of 147 new rental units noted above, the net change would be a 75 unit increase. Based on the last vacancy rate posted in October 2010, the change would be a 0.04% decrease (to 3.40% from 3.44%). Essentially because of the small number of units being converted and the new units expected to become available, there will be little change to the vacancy rate as a result of the loss of these units.

Based on the average vacancy rate definition in the Official Plan of the last two posted vacancy rates (April, 2010: 4.6%; October 2010: 3.4%, for an average of 4.0%), the net change of 75 additional units would have a negligible effect on supply and the average vacancy rate would remain at 4.0%.

Conformity with the Provincial Policy Statement

The Provincial Statement (PPS) contains general housing policies in Section 1.4. Section 1.4.3 of the PPS directs that planning authorities, "*provide for an appropriate range of housing types and densities to meet projected requirements of current and future residents*". The PPS further provides a number of methods to achieve this, most relevant to this application are:

-
- Section 1.4.3a) *"establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households".*
 - Section 1.4.3.b) *highlights "permitting and facilitating all forms of housing required to meet the social, health and well-being requirements of current and future residents, including special needs requirements".*

The City of Guelph has initiated targets for the provision of a range of affordable housing in the Affordable Housing Discussion Paper from October 2009. In this case, the current rental units at 55 Yarmouth Street are rented at a rate that is higher than what is currently considered affordable, though if sold as condominium units could be considered affordable ownership units.

This proposal does help the City meet the second policy (1.4.3.b) listed above in that there are no other condominium ownership apartment units within the downtown core at this time, so it would add to the range of housing forms available in the downtown area.

Affordable Housing Status of 55 Yarmouth Street

Currently the rental rates for apartment units at 55 Yarmouth Street are above the rental rates considered to be affordable. In 2010, the cut off for rental rates was \$782 a month for a 1 bedroom apartment in Guelph and \$887 for a 2 bedroom apartment (Canada Mortgage and Housing Corporation, Fall 2010 Rental Market Report). The average rent for 55 Yarmouth Street is above these levels at \$900 for a 1 bedroom apartment and \$1000 for a two bedroom apartment.

As condominiums, these units are expected by the owner to sell for between \$180,000 and \$237,000. The City of Guelph Affordable Housing Discussion Paper (October 2009) calculated that affordable ownership consisted of house prices at or below \$237,000, based on 2008 income and housing prices. Using this benchmark, the conversion would meet the City's most recent definition of affordable housing supply for ownership units.

Conformity with the Residential Tenancies Act/Protection of Current Tenants

Concerns were raised by Council and a tenant of the apartments at 55 Yarmouth Street regarding tenant rights and protections if this building was converted to condominium ownership.

Staff have reviewed the Residential Tenancies Act which sets out tenant rights and protections and discussed this concern with policy staff at the Ministry of Municipal Housing and Affairs and with staff at Wellington and Guelph Housing Services. The most relevant policies from the Residential Tenancies Act have been copied and included in this report in **Schedule 6**.

Section 51 of the Residential Tenancies Act contains regulations specific to the conversion of a rental property to condominium ownership. This section states that:

- If a property becomes a registered condominium, landlords cannot give notice to a person who was a tenant at the time of condominium registration.

-
- If a unit is sold as a condominium, the landlord cannot give notice to a person who was a tenant at the time of condominium registration.
 - If an offer to purchase a condominium unit is received by the landlord, the tenant at the time of registration has the right of first refusal to purchase the unit subject to the same price and conditions as the offer. There is an exception to this provision if a purchaser is buying five or more units then there is no requirement for right of first refusal to the tenant.

Commentary within the Residential Tenancies Act under these regulations states that "where a rental unit is converted to a condominium unit, the person who was a tenant at the time of conversion has lifetime protection against eviction for personal possession by the owner."

Staff are satisfied that the security of tenure for existing tenants is covered by the Residential Tenancies Act. It provides protection from eviction in the case of condominium registration for reasons of sale and new ownership for the lifetime of the existing tenant. Staff note that future owners and tenants of the building after conversion to condominium would be legislated under the Condominium Act.

Zoning Conformity

The subject site is zoned CBD.1-5 which is a specialized Central Business District Zone.

Specialized regulations were added to the site limiting the building to 72 apartment units and permitting the existing ground floor commercial and office space and that the parking areas were for use by occupants of the apartment units.

Specialized regulations were also added for the parking, requiring a minimum of 54 parking spaces, and that exterior parking spaces have a dimension of 2.8 metres by 6 metres, together with a minimum aisle width of 7 metres to access those spaces. A further specialized regulation stipulates that parking spaces must be provided within 23 metres of the building in a zone which permits a parking lot.

As proposed, the draft Plan of Condominium conforms to the approved zoning for the site in terms of use, as there are still 72 apartment units and ground floor commercial and office space and parking areas provided. 55 parking spaces are provided on the site, but four of the spaces are situated partly on the City road allowance. An encroachment agreement would be needed for the spaces situated on the road allowance. Also, the proposed parking spaces are 2.75 metres by 5.5 metres, which requires a minor variance to the zoning since specific parking space sizes are required. A minor variance is also required for two parking spaces that are on the south side of the site that encroach slightly into the required site line triangle.

Engineering staff have reviewed the proposed draft plan and have no objection to the size and location of the parking spaces proposed. Should the draft plan be approved, the owner would be required to apply to the Committee of Adjustment

for variances to parking space size and for permission for vehicular parking within the driveway sight line triangle (see Condition #5 in **Schedule 2**).

Existing and Proposed Parking

Currently, tenants of 55 Yarmouth Street have available to them 29 underground parking spaces and parking areas on both the north and south sides of the building. The current parking areas use portions of the City road allowance adjacent to the sidewalk and do not conform to the site plan approved for the property in 1980. The original site plan considered 32 parking spaces underground and 22 to the south side of the property. Ownership changes in the 1980s resulted in insufficient parking on the site and land on the south and north side was purchased to better meet parking requirements, but a revised site plan was never submitted. Lands to the south shown in the proposed draft plan of condominium are owned only at the ground level, with permission from 45 Yarmouth Street (the surrounding lands to the south and east) to build above and below, so these parking spaces will not be part of the condominium to give them flexibility, but still be available for parking both in the near and long term and owned by the future condominium corporation.

Staff recommend that a new site plan be submitted that reflects what is shown in the draft Plan of Condominium that improves the exterior parking areas (see Condition 1 in **Schedule 2**). This plan proposes parking spaces that are further from the sidewalk, providing safer access to the street with better sight lines. An encroachment agreement will be needed for the portions of the parking spaces that are on the City road allowance.

In total 55 parking spaces will be provided, intended for use by the occupants of the apartment units at 55 Yarmouth Street. While this is lower than what is usually required for apartment buildings, staff have no concern about the proposed amount of parking because it conforms to the zoning regulation and the location of the site within the downtown core means that many services are available within walking distance, including transit. In addition, parking spaces are available for rent from nearby city parking facilities (the Baker Street Parking lot).

Potential for building upgrades that could benefit the City's Community Energy Initiative

The owner of the property has recently upgraded some components of the building, including the boilers and showers in all units to improve energy and water efficiency. The owner also has planned to replace all the windows in the building to further improve the building's efficiency. A letter to this effect is found in **Schedule 7**.

Tax and Assessment Implications of 55 Yarmouth Street Conversion to Condominium and the Addition of 20 Residential Units to 1 Douglas Street

55 Yarmouth Street:

Current Assessed Value with Rental Apartment Units:	\$ 4,914,500
Current Taxes (City portion, based on 2010 rate):	\$ 125,039

Proposed Condominium Assessed Value:	\$ 15,895,730
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Proposed Annual Taxes (City portion, based on 2010 rate)	\$ 176,474
Estimated net increase in taxation:	\$ 51,435

1 Douglas Street:

Current Assessed Value as Commercial Building	\$ 465,000
Current Taxes (City portion, based on 2010 rate)	\$ 9,180

Proposed Addition of 20 Rental Units*	\$ 5,205,000
Proposed Annual Taxes (City portion, based on 2010 rate)*	\$ 60,041

*Note: Assessed value estimated by Finance does not include new commercial uses. Actual value of commercial portions of the building are unknown at this time because they will change based on whether the property is rented or owned and depending on the types of uses that occur within the commercial areas.

Building permit status and Proposed Changes to Gummer Building

At this point in time, building permits have been applied for and issued for exterior and structural finishes only. Any future interior finishes for commercial or residential uses would require further building permits.

Clarify parking availability for the Gummer Building

At the time of the initial proposal to redevelop the Gummer Building, the City committed to allocating 100 parking spaces in City parking facilities. If 20 residential units were provided and each allocated a parking space, 80 parking spaces would remain available for the office or commercial uses proposed on the ground floors. In the basement and bottom three floors, there is approximately 25000 square feet or 2,320 square metres available for commercial use. The site is in the CBD.1 (Central Business District) Zone, which does not require parking and permits a variety of commercial, office and service uses, as well as residential dwelling units in the same building.

Schedule 6

Excerpt from the Residential Tenancies Act

S. 50

Residential Tenancies Act, 2006

landlords to inform tenants of the right of first refusal, the obligation to make units available to the departing tenants was implied therefrom. By not doing so, the landlord had acted in bad faith and was ordered to pay the tenants' increased monthly rent for a period of 12 months in accordance with s. 35(2).

51. (1) Conversion to condominium, security of tenure — If a part or all of a residential complex becomes subject to a registered declaration and description under the *Condominium Act, 1998* or a predecessor of that Act on or after June 17, 1998, a landlord may not give a notice under section 48 or 49 to a person who was a tenant of a rental unit when it became subject to the registered declaration and description.

(2) Proposed units, security of tenure — If a landlord has entered into an agreement of purchase and sale of a rental unit that is a proposed unit under the *Condominium Act, 1998* or a predecessor of that Act, a landlord may not give a notice under section 48 or 49 to the tenant of the rental unit who was the tenant on the date the agreement of purchase and sale was entered into.

(3) Non-application — Subsections (1) and (2) do not apply with respect to a residential complex if no rental unit in the complex was rented before July 10, 1986 and all or part of the complex becomes subject to a registered declaration and description under the *Condominium Act, 1998* or a predecessor of that Act before the day that is two years after the day on which the first rental unit in the complex was first rented.

(4) Assignee of tenant not included — Despite subsection 95(8), a reference to a tenant in subsection (1), (2) or (5) does not include a person to whom the tenant subsequently assigns the rental unit.

(5) Conversion to condominium, right of first refusal — If a landlord receives an acceptable offer to purchase a condominium unit converted from rented residential premises and still occupied by a tenant who was a tenant on the date of the registration referred to in subsection (1) or an acceptable offer to purchase a rental unit intended to be converted to a condominium unit, the tenant has a right of first refusal to purchase the unit at the price and subject to the terms and conditions in the offer.

(6) Same — The landlord shall give the tenant at least 72 hours notice of the offer to purchase the unit before accepting the offer.

(7) Exception — Subsection (5) does not apply when,

- (a) the offer to purchase is an offer to purchase more than one unit; or
- (b) the unit has been previously purchased since that registration, but not together with any other units.

Commentary

Where a rental unit is converted to a condominium unit, the person who was a tenant at the time of conversion has lifetime protection against eviction for personal possession by the owner. If the landlord receives an acceptable offer to purchase a condominium unit converted from rented residential premises and the unit is still occupied by a tenant who was a tenant on the date of conversion, the tenant has a right of first refusal to purchase the unit (s. 51(5)).

The right of first refusal does not pass to assignees of the tenant.

Schedule 7 Energy Conservation Measures



March 9, 2011

Katie,

As per your request please see the information below regarding the current and future energy efficiency upgrades of the property at 55 Yarmouth Street.

Improvements to 55 Yarmouth already completed

Since 2006 Skyline has adopted a Portfolio Efficiency Program (PEP) for all buildings in the Skyline portfolio. The PEP is implemented in an effort to reduce energy consumption of natural gas, hydro and water. Skyline has owned the property at 55 Yarmouth since 2002. Since purchasing the property many efficiency upgrades have been completed as part of our PEP initiative. Such items include:

- Replacement of all toilets to new low-flow 6 liter flush toilets
- Replacement of inefficient refrigerators with new energy star refrigerators
- Replacement of both heating boilers with new high efficiency boilers
- Replacement of domestic hot water boilers with new high efficiency boilers
- Installation of new front load high efficiency laundry equipment
- Replacement of Shower heads and aerators
- Implementation of a green cleaning product program

Improvements to 55 Yarmouth to be completed during condominium conversion

As a part of the condominium conversion process skyline plans to complete the following work:

- Replacement of all original suite windows with new high efficiency windows
- Upgrading of all common area lighting to high efficiency lighting

In summary this property has had many efficiency upgrades completed in the past 5 years; once converted to condominium this property will also receive new windows and lighting retrofits. I believe that the efficiency upgrades completed and pending at 55 Yarmouth conform well to the City of Guelph Community Energy Initiative.

Sincerely,

Jason Ashdown

COO Skyline

70 Fountain St, Guelph ON, N1H 3N6 • Ph: (519) 826-0439 • Fax: (519) 836-2320 • www.skylineonline.ca

**Schedule 8
Circulation Comments**

<u>RESPONDENT</u>	<u>NO OBJECTION OR COMMENT</u>	<u>CONDITIONAL SUPPORT</u>	<u>ISSUES/CONCERNS</u>
Planning		✓	Subject to Schedule 2
Engineering*		✓	Subject to Schedule 2
Downtown Renewal Office*		✓	Subject to Schedule 2
Wellington & Guelph Housing Committee*	✓		
Onward Willow Better Beginnings, Better Futures*	✓		
Habitat for Humanity Wellington County*	✓		
Guelph and Wellington Development Association*	✓		
Zoning	✓		
Guelph Police Services	✓		
Emergency Services	✓		
Economic Development	✓		
Heritage Guelph	✓		

*See written comments on following pages.

INTERNAL MEMO



DATE March 7, 2011
TO Katie Nasswetter, Senior Development Planner
FROM Julius J. Bodai, C.E.T./Rajan Phillips, P.Eng.
DIVISION Engineering Services
DEPARTMENT Planning, Engineering and Environmental Services
SUBJECT **55 YARMOUTH STREET – PROPOSED DRAFT PLAN OF CONDOMINIUM (23CDM-11501)**

The applicant is seeking approval of a Draft Plan of Condominium application for the conversion of the existing mixed use building from seventy-two (72) individual apartment rental units, five (5) commercial rental units and fifty-five (55) parking spaces to condominium ownership.

A site plan was approved on July 2, 1980 for the development of a 9 storey apartment building which included 1 level of underground parking, office space on the first floor and 72 apartment units on the remainder of the floors. Apparently, the site plan that was approved in 1980 does not match the draft plan of condominium accompanying this application. The approved site plan indicated 22 at-grade parking spaces on the south side of the building with access from Baker Street. The revised draft plan of condominium shows 26 at-grade parking spaces, 12 spaces being on the north side of the building with access from Yarmouth Street and 14 spaces being on the south side of the building also with access from Yarmouth Street. Accordingly, the draft plan shows 4 parking spaces P1, P2, P3 and P16 located on the Yarmouth Street road allowance and parking spaces P3 and P16 are also located within the driveway sight line triangle. Engineering Services has no problem with leaving the 4 parking spaces parking spaces located within the road allowance since they will be located a sufficient distance from the public sidewalk and only a portion of the parking spaces will be located within the driveway sight line triangle. Therefore, parking spaces P1, P2, P3 and P16 will require an encroachment agreement between the owners and the City. Furthermore, the owners will have to apply to the Committee of Adjustment for parking size variance and a variance for vehicles parking within the driveway sight line triangle.

There was a sealed undertaking by the owners of the property in 1980 with respect to the necessary encroachments upon the road allowances and the necessary maintenance requirements for any approved improvements (such as planters, vault and interlocking pavers) within the same, until such time as formal Agreements can be entered into. However, formal agreements have never been entered into between the owners and the City. Furthermore, the owners confirmed their intention to develop the property in accordance with the approved revised site plan dated July 2, 1980, and to construct certain improvements, as shown, within the adjacent road allowances.

Engineering Services have concerns with this application since there are a number of issues still outstanding as noted above.

Should this Draft Plan of Condominium be approved, we recommend that the following conditions are imposed:

**RE: 55 YARMOUTH STREET – PROPOSED DRAFT PLAN OF CONDOMINIUM
(23CDM-11501)**

Page 2 of 3

1. The owner agrees to submit and receive approval from 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 and servicing to the satisfaction of the Director of Planning and Building Development and the City Engineer, prior to the registration of the Plan of Condominium.
2. That the owner develops the property in accordance with the site plan as approved by the City, prior to the registration of the Plan of Condominium.
3. That the owner pays any outstanding debts owed to the City, prior to the registration of Plan of Condominium.
4. That prior to the registration of the Plan of Condominium the owner shall provide the City with a drainage certificate from an Ontario Land Surveyor or a Professional Engineer stating that the building constructed and the grading of the property is in conformity with the drainage plan and that any variance from the plan has received the prior approval of the City Engineer.
5. Prior to the registration of the Plan of Condominium, the owner shall apply to the Committee of adjustment and receive approval of a variance for the minimum parking space dimensions of 2.75-metres and 5.50-metres, and a variance for vehicles parking within the driveway sight line triangle.
6. That prior to the registration of the Plan of Condominium the owner shall provide the City with a certificate from a Professional Engineer certifying that the sanitary sewers, building drains, building sewers, building storm drains, building storm sewers, watermains, water distribution system, driveways, parking areas and sidewalks that are to become part of the common facilities and areas, are in good repair, free from defects and functioning properly.
7. That a Professional Engineer and/or Ontario Land Surveyor identifies all the sanitary sewers, building drains, building sewers, building storm drains, storm sewers, watermains, water distribution system, serving the property and also identifies the locations where easements are required, prior to the registration of the Plan of Condominium.
8. That prior to the registration of the Plan of Condominium the owner retains an Ontario Land Surveyor at their own expense to prepare and deposit at the Registry Office an appropriate Reference Plan to facilitate Agreements between the Owner and the City, which said Reference Plan will show the nature and extent of the encroachments upon the adjacent road allowances.
9. Prior to the registration of the Plan of Condominium, the owner shall enter into an Encroachment Agreement with the City, satisfactory to the General Manager/City

**RE: 55 YARMOUTH STREET – PROPOSED DRAFT PLAN OF CONDOMINIUM
(23CDM-11501)**

Page 3 of 3

Engineer and the City Solicitor, for the use of the road allowance for parking purposes.

10. That prior to the registration of the Plan of Condominium the owner enters into an Encroachment Agreement with the City, satisfactory to the General Manager/City Engineer and the City Solicitor, for the necessary encroachments upon the road allowances (such as planters, vault and interlocking pavers) within the same.
11. That prior to the registration of the Plan of Condominium the owner enters into a Maintenance Agreement with the City, satisfactory to the General Manager/City Engineer and the City Solicitor, for the necessary maintenance requirements for any approved improvements (such as planters, vault and interlocking pavers) within the same.
12. That prior to the registration of the Plan of Condominium, an independent lawyer shall certify that the proposed condominium phase has easements for all the sanitary sewers, building drains, building sewers, building storm drains, storm sewers, watermains and water distribution system serving the condominium phase.
13. That prior to registration of the Plan of Condominium, a Professional Engineer and/or Ontario Land Surveyor shall identify all the rights-of-way required to provide access to the parking spaces on the site.
14. That prior to registration of the Plan of Condominium, an independent lawyer shall certify that easements for all the rights-of-way are in place to provide parking spaces and vehicular access to all the parking spaces required to be provided for the site, when the parking or vehicular access is on private lands other than the lands included in the phase being registered.

Julius J. Bodai, C.E.T.
Engineering Technologist II

Engineering Services
Planning, Engineering and Environmental Services
Location: 1 Carden Street, 3rd Floor

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File #16.132.026 and 16.171.GEN.

February 7, 2011

Katie Nasswetter
Senior Development Planner
Planning, Engineering and Environmental Services
City of Guelph

RE: 55 Yarmouth Street (File 23CDM-11501)

Dear Ms. Nasswetter,

I am writing with regard to the application for condominium conversion of 55 Yarmouth Street. The proposed conversion is within the Downtown Guelph Community Improvement Plan area.

The Downtown Renewal Office supports the application based on the following considerations:

1. The market indicators for evaluating the conversion proposal are within the City's guidelines.
2. The conversion will help establish a housing ownership market within the downtown core, which is currently predominantly made up of rental units.
3. The application creates affordable ownership options ahead of more complex and expensive properties that will be developed as the market gets established.
4. The conversion will prompt upgrades to the building at 55 Yarmouth.
5. The conversion will assist in getting the Gummer Building site completed and in addition, completed now as a mixed-use property with housing units on the upper floors which will add to the overall housing stock downtown.

In summary, we see the proposed conversion to be a positive effort in the ongoing renewal and intensification of Downtown Guelph.

Yours Truly,



Ian Panabaker
Corporate Manager, Downtown Renewal
CAO's Office

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Wellington & Guelph Housing Committee
85 Westmount Road
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Telephone: 519-821-0571 Fax: 519-821-7847
<mailto:jlonderv@uoguelph.ca>

January 31, 2011

Katie Nasswetter
Planning, Engineering and Environmental Services
City of Guelph

RE: 55 Yarmouth Street (File 23CDM-11501)

Dear Ms Nasswetter:

I am writing to you as chair of the Wellington & Guelph Housing Committee (WGHC). We wish to comment on the proposed Condominium conversion at 55 Yarmouth Street.

In principle, WGHC does not support the loss of rental housing units as it reduces the supply relative to demand within the Guelph market area. However, WGHC recognizes that the current market rents charged for 55 Yarmouth are over the average market rents for Guelph as reported by Canada Mortgage and Housing Corporation (CMHC), and do not represent current affordable market rents. The developer plans to add 20 rental units to the Gummer building development which partially offsets the loss of units. As well, occupied rental units in Guelph increased by 135 between 2001 and 2006.

WGHC notes that under the 2006 City of Guelph Official Plan policy, that this condominium conversion falls outside the circumstances where it would be discouraged based on current market conditions. Vacancy rates in Guelph reported by CMHC for October 2009 (4.3%) and October 2010 (3.4%) are over the 3% threshold specified in the OP. The units in the Yarmouth building are 1 and 2 bedroom; vacancy rates for one bedrooms (2009 – 3.3% and 2010 – 3.0%) and two bedrooms (2009 – 4.5% and 2010 – 3.3%) are also at or above the 3% threshold.

WGHC also recognizes the need for affordable ownership as an option for low to moderate income households. The owner has indicated that if the conversion is approved, the units would be made available at a price below the 2008 affordable homeownership price recognized by the City of Guelph of \$237,000.

Skyline owns almost 400 rental apartment units in Guelph and a similar number in the County of Wellington. These units mainly fall in the affordable category; the building to be converted is an exception. The owners recognize the challenges tenants in these units face and have contributed to organizations such as Onward Willow to help support their

tenants. They also make units in their portfolio available under the rent supplement program with the County to help house low income tenants.

Given all these considerations, the WGHC supports the need for affordable homeownership within Guelph and the conversion of these units.

Aside from this particular application, the WGHC encourages the city to consider its policy on condominium conversions and demolition of rental housing to ensure a healthy proportion of the total housing stock remains available to renters. The WGHC notes that a presentation was made to City of Guelph council on November 12, 2009 on Affordable Housing Discussions. The paper identified a several planning tools to strengthen the provision of affordable housing, including rental housing. WGHC encourages the City to examine these policies and implement them. WGHC also recognizes the City of Guelph's Official Plan inclusion of affordable housing policies such as targets to create 282 affordable ownership units, and 98 rental units per year. We are concerned that these targets will not be met without the adoption of stronger, innovative planning tools.

If you wish to discuss this further I can be reached at 519-824-4120 ext 53091.

Sincerely,

A handwritten signature in cursive script, appearing to read "J. Londerville".

Jane Londerville, Chair
Wellington and Guelph Housing Committee



ONWARD WILLOW-BETTER BEGINNINGS, BETTER FUTURES

20 Sheldale Crescent, Guelph, ON N1H 1C8

Phone: (519) 824-8498 Fax: (519) 824-2361 Email: onwardwillow@netscape.net

Re: Draft Plan of Condominium – File 23CDM-11501

To: Mayor Farbridge and Council

Onward Willow Better Beginnings, Better Futures is a long standing organization serving the Onward Willow neighbourhood in Guelph. We are a network of neighbourhood and community organizations committed to building and sustaining the Onward Willow Neighbourhood Group, strengthening individuals and families and ensuring growth and development for every child. (*OWBBBF Mission Statement*). We do this through building partnerships with community members, service providers and businesses in the local community to support high quality programs and opportunities for community residents.

We are writing this letter to comment on our relationship with Skyline as one of our partners in building strong community in the Onward Willow neighbourhood. Skyline is a major housing provider in this immediate community. They have often been willing to work with us in helping community members secure local housing. As a property owner, Skyline has taken on projects to improve their buildings in the area, most recently renovating the hallways, windows, patio doors and balconies of their buildings. They donated property for a recent Habitat for Humanity Build, which was then occupied by one of our community members. Local residents notice these improvements. It contributes to a sense of pride and wellbeing in our community. Skyline has always been open to conversations that contribute to resident satisfaction and overall the resident feedback that I am aware of is very positive.

Skyline has also been a good corporate neighbour to Onward Willow BBBF. They practice what they preach in terms of investing in the communities they operate in, in direct and immediate ways. They understand that a healthy and strong community translates into good business opportunity. They have been generous in contributing financially to programs for kids and families at Onward Willow through their annual Golf Tournament. The door is always open if we have emergency needs that Skyline could assist with. More importantly, Skyline has facilitated information and encouragement to families in their buildings to participate in our programs and community building events.

If I can speak any further to their involvement in the Onward Willow community, please do not hesitate to contact me.

Sincerely,

Lorna Schwartzentruber
Program Director



*Building
houses.
building
hope*

February 2, 2011

Re: Draft Plan of Condominium – File 23CDM-11501

To Mayor Farbridge and Council

I am writing this letter of support on behalf of Habitat for Humanity Wellington County. We have been a recipient of land donated by Skyline. We built a semi-detached house for two low income families located on Bagot Street, near Willow Road. The two families purchased their homes and moved in on December 30th, 2010.

It has been a wonderful example of how community, a charitable organization and a for-profit housing company can create affordable home ownership possibilities. Skyline founders and staff have been supportive and willing partners to turn a small piece of property, which could not be used for any economic enterprise, into a valuable and attractive place for families to live. We have also worked together contributing to a safe and attractive neighbourhood. Together, Skyline and Habitat held a celebration with the community on World Habitat Day, October 4th. A street hockey game, barbeque and fence painting by children were part of the celebrations, at the same time the Skyline employees were the volunteer builders on the build site in the background of the event.

My understanding of the project noted above is that the project will turn a rental building into condominiums that will be classified as affordable. Habitat for Humanity's mission is to achieve the same on such scale that everyone can have and hope to have a safe and decent place to live and to own. Affordable homes in Guelph are scarce. Habitat for Humanity Wellington County has only built seven houses to date that meet this definition. We are pleased to support other builders/renovators who can contribute to the stock of affordable home ownership units.

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Phone: (519) 767-9752
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info@habitatwellington.on.ca
www.habitatwellington.on.ca



*Building
houses,
building
hope*

Housing to address homelessness and those at risk of homelessness requires a continuum of housing options and contributors. The person on the street needs a shelter, the person in a shelter needs a supportive temporary housing option, people in supportive housing can move into affordable rental agreements and those who can maintain rental agreements can progress into home ownership. Home ownership is an exit point for those needing social assistance. Affordable housing options that include affordable homeownership needs to be available to build a fully vibrant, diverse and healthy community.

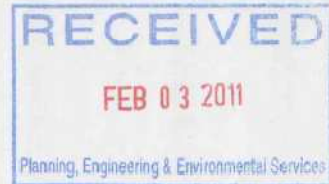
It is our pleasure to provide our support to this project.

Sincerely,

A handwritten signature in black ink, appearing to read "Diane Nelson".

Diane Nelson
Executive Director
Habitat for Humanity Wellington County
Suite 300, 104 Dawson Road, Guelph N1H 1A8

Suite 300,
104 Dawson Rd.
Guelph, ON
N1H 1A7
Phone: (519) 767-9752
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info@habitatwellington.on.ca
www.habitatwellington.on.ca



January 20, 2011

Ms. Katie Nasswetter
Senior Development Planner
Planning, Engineering and Environmental Services
City of Guelph
1 Carden Street
GUELPH, Ontario
N1H 3A1

Dear Ms. Nasswetter:

Re: 55 Yarmouth Street - Proposed Plan of Condominium (File # 23CDM-11501)

The Guelph and Wellington Development Association is in receipt of the Public Meeting Notice dated January 14, 2011 for the above-noted proposal.

The proposed application will result in a conversion of an existing rental building, consisting of 72 apartment units, 5 commercial units and 55 parking spaces, to condominium ownership. Although the Official Plan prohibits the conversion of rental accommodation when the vacancy rate is below 1.5%, we are aware that the current vacancy rate is above this benchmark. In addition, the removal of this high end rental building from the rental market should not significantly impact the availability of "affordable rental units" within the City.

The Guelph and Wellington Development Association supports this application and we encourage staff to expedite the processing of this file.

Yours truly

Alfred Artinger
President

GUELPH AND WELLINGTON DEVELOPMENT ASSOCIATION • BOX 964 • GUELPH, ONTARIO N1H 6N1
TEL: 519-822-8511 FAX: 519-837-3922

Schedule 9

Public Notification Summary

January 5, 2011	Application considered complete by the City of Guelph
January 12, 2011	Notice of Public Meeting mailed to prescribed agencies and building tenants.
January 14, 2011	Notice of Public Meeting advertised in Guelph Tribune
February 7, 2011	Public Meeting of City Council
March 16, 2011	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
April 4, 2011	City Council Meeting to consider staff recommendation

COUNCIL REPORT

TO **Guelph City Council**

SERVICE AREA Planning & Building, Engineering and Environment
DATE April 4, 2011

**SUBJECT 151, 205 and 251 Clair Road East (Dallan, Phase 1):
Proposed Draft Plan of Subdivision and Zoning By-law
Amendment (23T-08503/ZC0803) – Ward 6**

REPORT NUMBER 11-34

SUMMARY

Purpose of Report: This report provides the staff recommendation to approve applications for a residential draft plan of subdivision and associated zoning by-law amendment.

Council Action: Council is to decide whether to grant draft plan of subdivision approval and approve the associated zoning by-law amendment for the first phase of the proposed subdivision, as shown in Schedule 3.

RECOMMENDATION

“THAT Report 11-34 regarding a proposed Draft Plan of Subdivision and associated Zoning By-law Amendment for approval of the Dallan Subdivision applying to property municipally known as 151, 205 and 253 Clair Road East from Planning & Building, Engineering and Environment, dated April 4, 2011, be received;

AND THAT the application by Black, Shoemaker, Robinson and Donaldson Ltd, on behalf of Victoria Wood (Dallan) GP Inc. for approval of Phase 1 of a Proposed Draft Plan of Subdivision, as shown on Schedule 3, applying to property municipally known as 151, 205 and 251 Clair Road East and legally described as Southwest Part Lot 11, Concession 8, Township of Puslinch, BE APPROVED, subject to conditions outlined in Schedule 2 of Planning & Building, Engineering and Environment Report 11-34, dated April 4, 2011;

AND THAT the application by Black, Shoemaker, Robinson and Donaldson Ltd, on behalf of Victoria Wood (Dallan) GP Inc. for a Zoning By-law Amendment from the UR (Urban Reserve), H (Hazard) and A (Agriculture) Zones to the R.1C-3 (Specialized Single-detached Residential), R.1D (Single-detached Residential), R.2 (Semi-detached Residential), R.3B-7 (Specialized On-street Townhouse), R.4A (General Apartment Residential), P.2 (Neighbourhood Park), P.1 (Conservation Lands) and WL (Wetland) Zones affecting the property municipally known as 151, 205 and 251 Clair Road East and legally described as Southwest Part Lot 11, Concession 8, Township of Puslinch, be approved, in the form outlined in Schedule

2 of Planning & Building, Engineering and Environment Report 11-34, dated April 4, 2011;

AND 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 151, 205 and 251 Clair Road East, as set out in Report 11-34 from Planning & Building, Engineering and Environment, dated April 4, 2011."

BACKGROUND

Application History

A summary of the application process to date is provided below:

- Original application was received on October 16, 2007 and deemed to be complete on May 1, 2008. The proposed draft plan consisted of a total of 303 proposed residential units: 148 single detached, 24 on-street townhouse, 34 cluster townhouse, and 97 apartment units (See Schedule 5).
- Initial subdivision proposal was circulated to area residents and agencies on May 12, 2008 for review and comment.
- Statutory Public Meeting held by City Council on June 3, 2008 (Council received staff information Report 08-62 that provided background information on this application).
- Revised draft plan (see Schedule 5) received in August 28, 2009. The revised plan consisted of a total of 413 proposed residential units: 74 single detached, 26 semi-detached, 55 on-street townhouse, 45 cluster townhouse, and 213 apartment units.
- Revised draft plan circulated to area residents and agencies on October 2, 2009 for review and comment.
- Second Statutory Public Meeting held by City Council on November 2, 2009 (Council received staff information Report 09-84) that provided background information on this application).
- Current draft plan of subdivision proposal, as shown on Schedule 3, was received in January, 2010.
- Draft plan and related documents, including Environmental Impact Study, reviewed by the Environmental Advisory Committee (EAC) on June 9, 2010.
- Notice of Decision Meeting to be held at Council on April 4, 2011 circulated on March 15, 2011.

Revisions to the Draft Plan of Subdivision Proposal

The applicant's current overall draft plan of subdivision application, shown on Schedule 3, has incorporated minor revisions from the previous draft plan proposal that was presented at the second public meeting on November 2, 2009 (see previous plans in Schedule 4). These revisions include:

- An increase in open space, specifically a wider natural corridor along the westerly side of the property (originally 10 metres wide, now 25 metres wide).
- A reduction in two residential units overall (from 413 to 411 in total) to accommodate the wider natural corridor on the westerly side.
- A slight change in number of units by type. The previous plan included 74 single detached, 26 semi-detached, 55 on-street townhouse, 45 cluster townhouse, and 213 apartment units. The current proposal consists of a total of 77 single detached, 26 semi-detached, 54 on-street townhouse, 41 cluster townhouse, and 213 apartment units.

Location

The subject site is a 23.1 hectare parcel located on the south side of Clair Road East, east of the intersection of Gordon Street and Clair Road East.

The area surrounding the subject site consists of a residential subdivision (Westminster Woods) to the north, rural residential estate lots to the east, agricultural and environmentally sensitive lands to the south and a draft approved subdivision to the west of the site (Pergola, 23T-03507). (See Location Map on Schedule 1).

Official Plan Designation

As a result of the timing of the application submission, the existing Official Plan land use designations that apply to the subject lands are "General Residential" and "Core Greenlands." A "Non-Core Greenlands Overlay" also applies to the subject site. The relevant Official Plan Land Use Map and policies are included in Schedule 5.

In July 2010, Council adopted Official Plan Amendment Number 42 (OPA#42) which incorporates new Natural Heritage policies into the current Official Plan. On February 22, 2011, the Ministry of Municipal Affairs and Housing approved OPA#42 with modifications and appeals have been received subsequent to Ministry approval.

This application was considered complete on May 1, 2008, ahead of the adoption of OPA #42 by City Council. Staff have evaluated this proposal against the Natural Heritage policies in OPA#42 as well as the policies in place at the time of application. Information from the Environmental Impact Study, which is supported by staff and the Environmental Advisory Committee, is reflected in the Natural Heritage policy designations and mapping.

Existing Zoning

The subject lands are currently zoned UR (Urban Reserve) and WL (Wetlands) in Guelph's Zoning By-law (1995)-14864 and zoned A (Agriculture) and H (Hazard) in the Township of Puslinch Zoning By-law (see Schedule 6).

REPORT

Proposed Draft Plan of Subdivision

The proposed draft plan of subdivision and associated details are included in Schedule 3. This application is being brought forward for approval in phases in keeping with the Development Priorities Plan and the City's phasing policy. The draft plan for the first phase includes a total of 200 residential units, consisting of 42 single detached dwellings, 26 semi-detached dwellings, 41 townhouse units and 91 apartment units. Additional lands are proposed for the first phase, containing a park, stormwater management blocks and open space. A future phase of the subdivision is proposed to have a total of 211 units, consisting of 35 single detached dwellings, 54 townhouse units and 122 apartment units.

Phase One: Staff have worked with the applicant to determine a logical phasing plan for the entire subdivision. The first phase as shown in Schedule 3 provides a functional street network using the main access point to the subdivision at the intersection of Clair Road East and the southerly extension of Beaver Meadow Drive. A full mix of housing types is provided in this phase: single-detached, semi-detached, townhouse and apartment units. The dwelling units proposed are able to be serviced and blocks for stormwater management are provided. A neighbourhood park is also provided in the first phase of the development as well as the lands identified for conservation and trails.

The first phase of the proposed draft plan consists of an apartment block with a total of 91 units adjacent to Clair Road East, west of the proposed public street (Street 2). To the south of this site are 6 blocks of street-fronting townhouses that will be designed with rear garages and access via a rear lane (Street 5). To the east of Street 2, a small street of single detached dwellings is proposed (Street 3) and an existing detached dwelling, built in 1987, is proposed to be retained. Further, south along the easterly side of Street 2, 26 lots for semi-detached dwellings are proposed. Single-detached dwellings (21) are proposed to front along Street 8 in the southerly portion of the site together with an open space block (Block 107) that fronts onto Street 8). To the south of Street 1, which runs through the centre of the site, two additional blocks of street-fronting townhouses are proposed in the phase. To the west of Street 4, a park block is proposed (Block 104).

Two stormwater management blocks are proposed, one at the northeast of the site (Block 105) along Clair Road East and one at the southeastern corner of the site (Block 106). A natural area extends along the entire easterly, southerly and westerly sides of the site. It contains a mix of wooded areas, wetlands and open meadow. The westerly open space corridor is meant to act as a wildlife linkage from the wetland at the northwest corner of the site to the southerly portion of the property.

Phase Two: The second phase proposed for this development also consists of a range of single-detached, townhouse and apartment units. The road network of the first phase would be extended to the west and connect with the road network approved in the Pergola subdivision to the west. Street 2 as shown in Schedule 3, that would connect these two subdivisions, would become a logical transit route as well. These lots and blocks would be able to be serviced and use the stormwater management facilities built during the first phase. The second phase would also benefit from the neighbourhood park, trails and conservation lands contained in the first phase of the plan.

The proposed road network in the draft plan incorporates one access from Clair Road East, aligned with Beaver Meadow Drive to the north (Street 2). The second access is proposed to align with the street shown in the draft approved Pergola subdivision to the west (Street 1).

Residential development is proposed on 8.8 hectares of the entire property, approximately 38% of the subject site. A large portion of the site, approximately 10.5 hectares or 45% of the total site contains natural features, open space, and stormwater management areas that are not proposed to be developed.

Based on the "Places to Grow" density calculation, the total subdivision represents 64 persons per hectare.

In support of this application, the applicant has submitted the following studies:

1. Preliminary Servicing and Stormwater Management Report. Prepared by K.J. Behm & Associates. September 2007.
2. Environmental Impact Statement. Prepared by Stantec Consulting Ltd. October 2007.
3. Hydrogeological Assessment. Prepared by Stantec Consulting Ltd. October 2007.
4. Traffic Impact Study. Prepared by Paradigm Transportation Solutions. February 2008.
5. Preliminary Servicing and Stormwater Management Report, prepared by K.J. Behm & Associates Inc. August 2009.
6. Hydrogeological Assessment, prepared by Stantec Consulting. August 2009.
7. Environmental Impact Study Addendum Report prepared by Stantec Consulting. August 2009.
8. General Tree Inventory prepared by Stantec Consulting. August 2009.

Proposed Zoning By-law Amendment

To implement the proposed draft plan of subdivision, the owner wishes to rezone the subject property from the current Urban Reserve (UR) Zone and Township of Puslinch A (Agriculture) and H (Hazard) Zones to the:

- R.1C-?? (Specialized Single-detached Residential) Zone;
- R.1D (Single-detached Residential) Zone;

-
- R.2 (Semi-detached Residential) Zone;
 - R.3B-7 (Specialized On-street Townhouse) Zone;
 - R.4A-?? (Specialized General Apartment) Zone;
 - P.2 (Neighbourhood Park) Zone;
 - P.1 (Conservation Land) Zone;
 - WL (Wetland) Zone.

The proposed zoning concept is provided in Schedule 7.

Planning Issues

- Review of the proposal against criteria outlined in Section 51(24) of The Planning Act (subdivision control).
- Evaluation of the proposal against the General Residential, Core Greenlands and Non-Core Greenlands policies of the Official Plan.
- Evaluation of the proposal against the Provincial Policy Statement and the Places to Grow legislation.
- Review of the proposed zoning and need for specialized zones.
- Review timing in relation to the Development Priorities Plan and phasing policy
- Review of proposed site layout and energy consumption in relation to the Community Energy Plan.

Staff review will also address issues raised at the both public meetings, including:

- Location of the stormwater management ponds
- Building heights and expected interface along Clair Road
- Status of truck routes
- Opportunities to connect to the south
- Removal of existing houses
- Whether the application is premature in context of recent and impending policy changes (Natural Heritage Strategy, Greenbelt expansion, community plan)
- Impact on the Paris/Galt Moraine
- Need for public access to the natural heritage features
- Possible opportunities to retain trees
- Need for alternative design standards
- Concerns regarding Natural Heritage by the Guelph Field Naturalists
- How to open up the environmental features to public view and access
- How the change in density impacts the site

Planning Analysis

The planning analysis section of this report is included in Schedule 8 and provides Planning staff's response to all issues identified through the development review process, which includes both public meetings held on this application.

Staff Recommendation

Planning staff are satisfied that the issues have been resolved and support approval of the proposed draft plan of subdivision application and associated zoning by-law amendment in accordance with the regulations and conditions in Schedule 2 of this

report. Staff are recommending draft plan approval based on the subdivision proposal shown on Schedule 3.

COMMUNITY ENERGY INITIATIVE

In general, the proposed development is an efficient use of land at a density that will support local transit and in a location close to services for pedestrians and cyclists. The developer has agreed to build all residential units in the proposed subdivision to the Energy Star standard. In addition, the developer has committed that additional energy conservation measures will be incorporated into the apartment and cluster townhouse blocks, including water efficiency, energy conservation and the use of local materials. The full list of energy conservation measures proposed is found in Schedule 10. Comments from the Corporate Manager of Community Energy are found in the circulation comments in Schedule 11.

CORPORATE STRATEGIC PLAN

Urban Design and Sustainable Growth Goal #1: An attractive, well-functioning and sustainable City.

FINANCIAL IMPLICATIONS

Based on a maximum of 200 residential units (Phase One only):

Population Projections

- 476 persons (based on “Places to Grow” density calculation)

Projected Taxation

- \$660,000 per year (estimated at \$3,300 per unit)

Development Charges

- \$3,346,487 (Residential)

DEPARTMENTAL CONSULTATION

A summary of the public and agency comments received during the review of the application are outlined on Schedule 11.

COMMUNICATIONS

Key dates for the public process regarding this planning application are included in Schedule 12.

ATTACHMENTS

Schedule 1 – Location Map

Schedule 2 – Regulations and Conditions

Schedule 3 – Proposed Draft Plan of Subdivision

Schedule 4 – Previously Proposed Draft Plans of Subdivision

Schedule 5 – Official Plan Designations and Related Official Plan Policies

Schedule 6 – Existing Zoning

Schedule 7 – Proposed Zoning

Schedule 8 – Planning Analysis

Schedule 9 – Proposed Trails Plan
Schedule 10 – CEI Commitment
Schedule 11 – Circulation Comments
Schedule 12 – Public Notification Summary

Prepared By:

Katie Nasswetter
Senior Development Planner
519-837-5616, ext 2283
katie.nasswetter@guelph.ca

Original Signed by:

Recommended By:

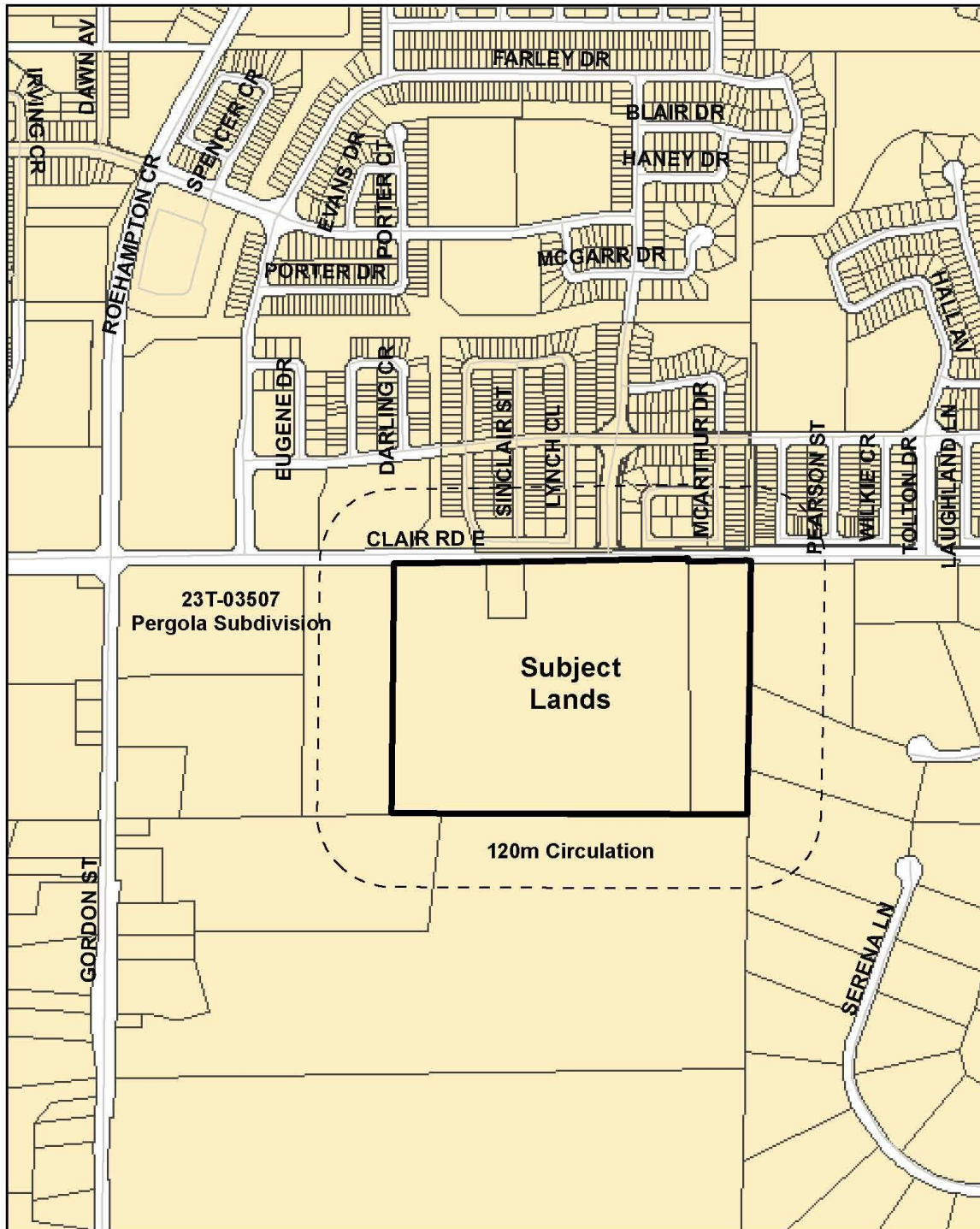
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Original Signed by:

Recommended By:

Janet L. Laird, Ph.D.
Executive Director
Planning & Building, Engineering
and Environment
519-822-1260, ext 2237
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SCHEDULE 1 Location Map



The City of Guelph, its employees and agents, do not undertake to guarantee the validity of the contents of the digital or hardcopy map files, and will not be liable for any claims for damages or loss arising from their application or interpretation, by any party. It is not intended to replace a survey or be used for legal descriptions. This map is not to be construed as a statement of the City of Guelph. Please contact the City of Guelph's GIS group for additional information at 519-823-7260.



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CITY OF Guelph
Making a Difference
Community Design & Development Services

SCHEDULE 2

Regulations and Conditions

Part A

"That the application by Black, Shoemaker, Robinson & Donaldson Ltd. on behalf of Victoria Wood (Dallan) GP Inc. for a proposed Draft Plan of Subdivision and associated Zoning By-law Amendment (23T08503/ZC0803) applying to property municipally known as 151, 205 and 251 Clair Road East and legally described as Southwest Part Lot 8, Concession 11, former Township of Puslinch, to permit Phase One, consisting of 200 dwelling units, **be approved**, subject to the following conditions:

CITY CONDITIONS

1. That this approval applies only to phase 1 of the revised draft plan of subdivision prepared by Black, Shoemaker, Robinson and Donaldson Ltd, dated February 2, 2011, to include the development of 200 residential units as shown on **Schedule 3**, subject to the following revisions:
 - a. Addition of a 0.3 metre reserve along the Clair Road frontage of Block 103.
 - b. Addition of a 0.3 metre reserve along the east side of Blocks 98, 99, and 100.
 - c. Addition of a 0.3 metre reserve along the south side of Blocks 91, 92, 93 and 94.

Conditions to be met prior to any grading or site alteration

2. The Developer shall complete a **tree inventory and conservation plan**, satisfactory to the City Engineer in accordance with City of Guelph Bylaw (1986)-12229 prior to any grading, tree removal or construction on the site.
3. The Developer shall obtain a **Site Alteration Permit** in accordance with City of Guelph By-law (2007)-18420 to the satisfaction of the City Engineer if grading/earthworks is to occur prior to entering into the subdivision agreement.
4. The Developer shall prepare and implement a **construction traffic access and control plan** for all phases of servicing and building construction to the satisfaction of the City Engineer. Any costs related to the implementation of such a plan shall be borne by the Developer.
5. The Developer agrees that no work, including, but not limited to **tree removal, grading or construction**, will occur on the lands until such time as the Developer has obtained written permission from the City Engineer or has entered into a Subdivision Agreement with the City.

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6. The Developer shall enter into an **Engineering Services Agreement** with the City, satisfactory to the City Engineer.
 7. The Developer shall prepare an overall **site drainage and grading plan**, satisfactory to the City Engineer, for the entire subdivision. Such a plan will be used as the basis for a detailed lot grading plan to be submitted prior to the issuance of any building permit within the subdivision.
 8. The Developer shall construct, install and maintain **erosion and sediment control** facilities, satisfactory to the City Engineer, in accordance with a plan that has been submitted to and approved by the City Engineer.
 9. The Developer shall retain a qualified **environmental inspector**, satisfactory to the General Manager of Planning & Building Services to inspect the site during all phases of development and construction including grading, servicing and building construction. The environmental inspector shall monitor and inspect the erosion and sediment control measures and procedures. The inspector shall report on their findings to the City.
 10. The Developer shall submit a detailed **Storm Water Management Report and Plans** to the satisfaction of the City Engineer which shows how storm water will be controlled and conveyed to the receiving water body. The report and plan shall address the issue of water quantity and quality in accordance with recognized best management practices, Provincial Guidelines, the City's "Design Principles for Storm Water Management Facilities" and the Storm Water Management Design Report for the applicable watershed. Maintenance and operational requirements for any control and/or conveyance facilities must be described. Low impact development should be considered for the apartment blocks.
 11. The Developer shall ensure that any **domestic wells located within the lands be properly decommissioned** in accordance with current Ministry of the Environment Regulations and Guidelines to the satisfaction of the City Engineer. Any **boreholes** drilled for hydrogeological or geotechnical investigations must also be properly abandoned.
 12. The Developer shall **stabilize all disturbed soil** within 90 days of being disturbed, control all noxious weeds and keep ground cover to a maximum height of 150 mm (6 inches) until the release of the development agreement on the block/lot so disturbed.
 13. The Developer acknowledges that the City does not allow **retaining walls higher than 1.0 metre** abutting existing residential properties without the permission of the City Engineer.
 14. The Developer shall prepare an **Environmental Implementation Report (EIR)** based on terms of reference approved by the City and Grand River Conservation Authority (GRCA). Such a report will include a monitoring program to assess the performance of the storm water management

facilities. Furthermore, the report shall address the information and implementation process to get details to the homeowners concerning the storm sewer and storm water management process. The EIR shall also address the items identified in the Environmental Advisory Committee (EAC) resolution dated June 9, 2010 and the GRCA letter dated July 27, 2010, to the satisfaction of the City. The Developer shall implement all recommendations of the EIR to the satisfaction of the City and the GRCA.

Conditions to be met prior to execution of subdivision agreement

15. That any dead ends and open sides of road allowances created by the draft plan be terminated in **0.3 metre reserves**, which shall be conveyed to the City at the expense of the Developer.
16. The Developer shall have **engineering drawings** and final reports prepared for the approval of the City Engineer.
17. With the exception of any share determined by the City to be the City's share in accordance with Its by-laws and policies, the Developer is responsible for the total **cost of the design and construction of all municipal services** within and external to the subdivision that are required by the City to service the lands within the plan of subdivision including such works as sanitary facilities, storm facilities, water facilities, walkways and road works including sidewalks, boulevards and curbs, with the distance, size and alignment of such services to be determined by the City. This includes the Developer paying the cost of the design, construction and removal of any works of a temporary nature including temporary cul-de-sacs, sewers, stormwater management facilities, watermains and emergency accesses.

The Developer shall be responsible for:

- a) a share of the cost of the existing 400mm diameter Clair Road watermain to the satisfaction of the City Engineer;
 - b) a share of the actual cost of the reconstruction of Clair Road to the satisfaction of the City Engineer;
 - c) a share of the costs of turn lanes and traffic signals at the intersection of Street 2/Clair/Beaver Meadow to the satisfaction of the City Engineer;
18. The Developer agrees that no development will be permitted on the lands unless the grading plan prepared for the subdivision and approved by the City Engineer indicates that the maximum proposed elevation on the lots and blocks to be developed is less than an elevation of 344 metres or until the City Engineer confirms that adequate **water pressure** is available to service the lands. All costs associated with location, design, construction, operation and maintenance of a water booster pump system will be the responsibility of the developer.

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19. The Developer agrees that no development will be permitted on the lands unless there is adequate **sanitary sewer capacity** in the downstream sanitary system. All costs associated with any required upgrades or twinning of existing downstream sewers in order to accommodate the flow from these lands will be the responsibility of the developer.
 20. The Developer shall submit a **Geotechnical Report** to the satisfaction of the City Engineer which describes the potential impacts of groundwater and provides recommendations for pavement design and pipe bedding.
 21. The Developer shall submit a **Traffic Impact Study** to the satisfaction of the City Engineer addressing vehicular and pedestrian site access, the potential impact of the development on the existing road network, sight lines, traffic signage and traffic calming measures.
 22. The Developer shall pay the cost of supplying and erecting **street name and traffic control signs** in the subdivision, to the satisfaction of the City.
 23. The Developer shall prepare a **street tree planting plan** and implement such plan to the satisfaction of the City.
 24. The Developer shall pay to the City the cost of installing **bus stop pads** at locations to be determined by Guelph Transit.
 25. The Developer shall provide an **On-Street Parking Plan** for the subdivision to the satisfaction of the City Engineer.
 26. The Developer shall pay the cost of the installation of one Second Order **Geodetic Benchmark** within the proposed subdivision to the satisfaction of City Engineer.
 27. The Developer shall **phase the subdivision** to the satisfaction of the City of Guelph. Such phasing shall conform to the current Development Priorities Plan.
 28. The Developer shall dedicate **Block 104 as parkland** in accordance with the provisions of City of Guelph By-law (1989)-13410, as amended by By-law (1990)-13545, By-law (2007)-18225 or any successor thereof.
 29. The Developer shall be responsible for the cost of design and development of the **"Basic Park Development"** as per the City of Guelph current "Specifications for Parkland Development", which includes clearing, grubbing, topsoiling, grading and sodding for any phase containing a Park block to the satisfaction of the Executive Director of Operations and Transit. The Developer shall provide the City with **cash or letter of credit** to cover the City approved estimate for the cost of development of the Basic Park Development for the Park Block to the satisfaction of the Executive Director of Operations and Transit.

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30. The Developer shall be responsible for the cost of design and development of the **demarcation** of all lands conveyed to the City in accordance with the City of Guelph Property Demarcation Policy. This shall include the submission of drawings and the administration of the construction contract up to the end of a 2 year warrantee period completed by a Ontario Association of Landscape Architect (OALA) member for approval to the satisfaction of the Executive Director of Operations and Transit. The Developer shall provide the City with **cash or letter of credit** to cover the City approved estimate for the cost of development of the demarcation for the City lands to the satisfaction of the Executive Director of Operations and Transit.
31. The Developer shall be responsible for the cost of design and implementation of the **Open Space Works and Restoration** in accordance with the "Environmental Implementation Report" to the satisfaction of the Executive Director of Operations and Transit. The Developer shall provide the City with **cash or letter of credit** to cover the City approved estimate for the cost of the Open Space works and restoration for the City lands to the satisfaction of the Executive Director of Operations and Transit.
32. The Developer shall design and develop the **Storm Water Management Facility Landscaping** in accordance with the City's current "Design Principles for Storm Water Management Facilities" to the satisfaction of the Executive Director of Operations and Transit and the City Engineer. This shall include the submission of drawings and the administration of the construction contract up to the end of the warrantee period completed by a Ontario Association of Landscape Architect (OALA) member for approval to the satisfaction of the General Manager, Planning and Building Services.
33. The Developer shall be responsible for the cost of design of the **Pedestrian Trail System** for the Storm Water Management & Open Space Blocks. This shall include submitting drawings for approval, identifying the trail system, interpretative signage and trail design details, to the satisfaction of the Executive Director of Operations and Transit and the City Engineer. This shall include the submission of drawings completed by an Ontario Association of Landscape Architect (OALA) member for approval to the satisfaction of the General Manager, Planning and Building Services.
34. The Developer shall provide Planning & Building, Engineering and Environment with a **digital file** in either AutoCAD - DWG format or DXF format containing the following final approved information: parcel fabric, street network, grades/contours and landscaping of the park, open space and storm water management blocks.

Conditions to be met prior to registration of the plan

35. The Developer shall obtain approval of the City with respect to the availability of **adequate water supply and sewage treatment capacity**, prior to the registration of the plan, or any part thereof.

-
36. The Developer acknowledges and agrees that the suitability of the land for the proposed uses is the responsibility of the landowner. The Developer shall retain a qualified consultant to prepare a **Phase 1 Environmental Site Assessment** (and any other subsequent phases required), to assess any real property to be conveyed to the City to ensure that such property is free of contamination. If contamination is found, the consultant will determine its nature and the requirements for its removal and disposal at the Developer's expense. Prior to the registration of the plan, the consultant shall certify that all properties to be conveyed to the City are free of contamination. (Legal)
37. Prior to the City accepting any real property interests, the Developer shall:
- a) submit all environmental assessment reports prepared in accordance with the **Record of Site Condition** (O. Reg. 153/04) describing the current conditions of the land to be conveyed to the City and the proposed remedial action plan to the satisfaction of the Manager of Reality Services;
 - b) complete any necessary remediation work in accordance with the accepted remedial action plan and submit certification from a Qualified Person that the lands to be conveyed to the City meet the Site Condition Standards of the intended land use; and
 - c) file a Record of Site Condition (RSC) on the Provincial Environmental Registry for lands to be conveyed to the City (Legal)
38. The Developer shall carry out an **archaeological assessment** of the subject property and mitigate, through preservation or resource removal, adverse impacts to any significant archaeological resources found. No demolition, grading or any soil disturbances shall take place on the subject property, prior to the issuance of a letter from the Ministry of Citizenship, Culture and Recreation to the City indicating that all archaeological assessment and/or mitigation activities undertaken have met licensing and resource conservation requirements.
39. The Developer shall enter into a **Subdivision Agreement**, to be registered on title, satisfactory to the City Solicitor, which includes all requirements, financial and otherwise to the satisfaction of the City of Guelph.
40. That the **road allowances** included in the draft plan be shown and dedicated at the expense of the Developer as public highways and that prior to the registration of any phase of the subdivision, the City shall receive a letter from the O.L.S. preparing the plan that certifies that the layout of the roads in the plan conforms to the City's "Geometric Design Criteria – July 23, 1993".
41. That all **easements, blocks** and **rights-of-way** required within or adjacent to the proposed subdivision be conveyed clear of encumbrance to the satisfaction of the City of Guelph, Guelph Hydro Electric Systems Inc. and other Guelph utilities. Every Transfer Easement shall be accompanied by a

Postponement, satisfactory to the City Solicitor, for any mortgage, charge or lease and such Postponement shall be registered on title by the City at the expense of the Developer.

42.The Developer shall pay any **outstanding debts** owed to the City.

43.The Developer shall pay **development charges** to the City in accordance with By-law (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.

44.The Developer shall erect and maintain **signs** at specified entrances to the subdivision showing the proposed land uses and zoning of all lots and blocks within the proposed subdivision and predominantly place on such signs the wording "For the zoning of all lands abutting the subdivision, inquiries should be directed to Planning Services, City Hall." The sign is to be resistant to weather and vandalism.

45.The Developer shall place the following **notifications** in all offers of purchase and sale for all lots and/or dwelling units and agrees that these same notifications shall be placed in the City's subdivision agreement to be registered on title :

"Purchasers and/or tenants of all lots are advised that sump pumps will be required for every lot unless a gravity outlet for the foundation drain can be provided on the lot in accordance with a certified design by a Professional Engineer. Furthermore, all sump pumps must be discharged to the rear yard."

"Purchasers and/or tenants of all lots or units are advised that if any fee has been paid by the purchaser to the Developers for the planting of trees on City boulevards in front of residential units does not obligate the City nor guarantee that a tree will be planted on the boulevard in front or on the side of a particular residential dwelling."

"Purchasers and/or tenants of all lots or units are advised that a transit route may be installed on Clair Road and Streets 1 and 2 at the discretion of the City. The location of such route and bus stops will be determined based on the policies and requirements of the City. Such bus stops may be located anywhere along the route, including lot frontages."

"Purchasers and/or tenants of all lots or units are advised that Clair Road may be used as a truck route"

"Purchasers and/or tenants of all lots or units located in the subdivision plan, are advised prior to the completion of home sales, of the time frame during which construction activities may occur, and the potential for residents to be

inconvenienced by construction activities such as noise, dust, dirt, debris, drainage and construction traffic”.

“Purchasers and/or tenants of all lots or units are advised that the boundaries of the park block and stormwater management blocks will be demarcated in accordance with the City of Guelph Property Demarcation Policy.”

“Purchasers and/or tenants of all lots or units are advised that the stormwater management ponds have been vegetated to create a natural wetland setting. The City will not carry out routine maintenance such as grass cutting.”

“Purchasers and/or tenants of advised that the Stormwater Management Block has been vegetated to create a natural setting. Be advised that the City will not carry out routine maintenance such as grass cutting. Some maintenance may occur in the areas that are developed by the City for public walkways, bikeways and trails.”

“Purchasers and/or tenants of all lots are advised that the Open Space Block has been retained in its natural condition. Be advised that the City will not carry out regular maintenance such as grass cutting. Periodic maintenance may occur from time to time to support the open space function and public trail system.”

“Purchasers and/or tenants of all lots are advised that the Park Block has been designed for active public use and may include sportsfields, playgrounds, trails and other park amenities. Be advised that the City may carry out regular maintenance such as grass cutting. Periodic maintenance may also occur from time to time to support the park functions.”

“Purchasers and/or tenants of all lots or units are advised that the boundaries of the open space, stormwater management and park blocks will be demarcated in accordance with the City of Guelph Property Demarcation Policy. This demarcation will consist of black vinyl chain link fence adjacent to lot numbers **1 to 19, 25 to 40, 74 to 90** and block numbers **101** and **102**.” The Developer shall also send written notification of proposed demarcation to any existing homeowners in lots adjacent to open space, stormwater management and park blocks.

46.The Developer shall ensure that all **telephone service and cable TV service** in the plan shall be underground. The Developer shall enter into a servicing agreement with the appropriate service providers to provide for the installation of underground utility services for the Lands.

47.The Developer shall ensure that **street lighting** and underground wiring shall be provided throughout the subdivision at the Developer's expense and in accordance with the policies of the City of Guelph and Guelph Hydro Electric Systems Inc.

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48. That site plans for all corner building lots, as determined by the City Engineer, shall be submitted to the City Engineer for approval of **driveway location**.
49. The Developer agrees to eliminate the use of any covenants that would restrict the use of **clotheslines** and that prior to the registration of all or any portion of the plan, the Developer's lawyer shall certify to the General Manager, Planning and Building Services that there are no restrictive covenants which restrict the use of clotheslines.
50. The Developer shall pay to the City the total cost of reproduction and distribution of the **Guelph Residents Environmental Handbook** to all future residents within the Plan with such payment based on a cost of one handbook per residential dwelling unit as determined by the City.
51. The Developer shall **dedicate** Block 104 for **park purposes** in accordance with the provisions of City of Guelph By-law (1989)-13410, as amended by By-law (1990)-13545, By-Law (2007- 18225), or any successor thereof.

Conditions to be met prior to the issuance of a building permit

52. All **Stage 1 Services** are to be constructed to the satisfaction of the City Engineer.
53. The Developer shall provide the City with written confirmation from the Engineering Department of **Guelph Hydro** that the subdivision hydro servicing has been completed to the satisfaction of Guelph Hydro.
54. The Developer shall submit a report prepared by a Professional Engineer to the satisfaction of the Chief Building Official certifying that all **fill** placed below proposed building locations has adequate structural capacity to support the proposed building. All fill placed within the allowable zoning bylaw envelope for building construction shall be certified to a maximum distance of 30 metres from the street line. This report shall include the following information; lot number, depth of fill, top elevation of fill and the area approved for building construction from the street line.
55. The Developer shall submit a report prepared by a Professional Engineer to the satisfaction of the Chief Building Official providing an opinion on the presence of **soil gases (Radon and Methane)** in the plan in accordance with applicable provisions contained in the Ontario Building Code.
56. The Owner acknowledges and agrees that the dwelling units on the subject site will be constructed to the ENERGY STAR standard that promotes **energy efficiency** standards in order to comply with the Community Energy Initiative, to the satisfaction of the General Manager of Planning & Building.

Conditions to be met prior to site plan approval

57. The owner shall, to support the **Community Energy Initiative** to the satisfaction of the General Manager, Planning and Building Services, prior to the issuance of site plan approval, provide the City with evidence that dwelling units will be constructed to the standard set out in **Schedule 10** of Planning & Building, Engineering and Environment Report 11-34, dated April 4, 2011.

AGENCY CONDITIONS

58. Prior to any grading or construction on the site and prior to the registration of the plan, the owners or their agents shall submit the following plans and reports to the satisfaction and approval of the **Grand River Conservation Authority**:

- a) A final storm water management report in accordance with the Preliminary Site Servicing and Stormwater Management Design Report.
- b) An erosion and siltation control plan in accordance with the Grand River Conservation Authority's Guidelines for sediment and erosion control, indicating the means whereby erosion will be minimized and silt maintained on-site throughout all phases of grading and construction.
- c) Detailed lot grading and drainage plans
- d) The approval and issuance of a Permit from the GRCA for any development within the regulated areas on the subject lands pursuant to Ontario Regulation 150/06 (Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation).

59. That the **subdivision agreement** between the owners and the municipality contain provisions for:

- a) The completion and maintenance of the works in accordance with the approved plans and reports contained in condition 58.
- b) The maintenance of all storm water management systems in accordance with the approved plans throughout all phases of grading and construction.

60. The Owner shall make satisfactory arrangements for the electrical servicing of the subject lands to the satisfaction of the Technical Services Department of **Guelph Hydro Electric Systems Inc.**, prior to the registration of the plan.

61. The Developer agrees to provide the **Upper Grand District School Board** with a digital file of the plan of subdivision in either ARC/INFO export of DXF format containing the following information: parcel fabric and street network.

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62. That **traffic signals** be installed at the intersection of Clair Road and Beaver Meadow Drive to provide safe pedestrian access for students crossing to the new school.
63. The Developer agrees in the subdivision agreement to **advise all purchasers** of residential units and or renters of same, by inserting the following clause in all offers of Purchase and Sale/Lease, until such time as a permanent school is assigned:
- “Whereas the Upper Grand District School Board has designated this subdivision as a Development Area for the purposes of school accommodation, and despite the best efforts of the Upper Grand District School Board, sufficient accommodation may not be available for all anticipated students from the area, you are hereby notified that students may be accommodated in temporary facilities and/or bussed to a school outside the area, and further, that students may in future have to be transferred to another school.”
64. The Developer and the **Upper Grand District School Board** shall reach an agreement regarding the supply and erection of a sign (at the developer's expense and according to Upper Grand District School Board specifications) affixed to the permanent development sign advising perspective residents that students may be directed to schools outside the neighbourhood.
65. The Developer and the **Wellington Catholic School Board** shall reach an agreement regarding the supply and erection of signage, at the developer's expense, affixed to the subdivision sign advising potential Separate School supporters of the location of schools serving the area and the current practice of busing students outside the immediate area should schools in the area be at capacity.
66. The Developer shall ensure that all **telephone service and cable TV service** in the plan shall be underground. The Developer shall enter into a servicing agreement with the appropriate service providers to provide for the installation of underground utility services for the Lands.
67. The Developer shall satisfy all requirements and conditions of **Canada Post** including advisories and suitable mailbox locations. The developer shall ensure that the eventual lot/home owner is advised in writing by the developer/subdivider/builder that Canada Post has selected the municipal easement to their lot for a Community Mail Box installation and the developer shall be responsible for the installation of concrete pads in accordance with the requirements of Canada Post, in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes.
68. That this **Draft Plan Approval shall lapse** at the expiration of 3 years from the date of issuance of Draft Plan approval.

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69. That prior to the registration of all or any portion of the plan, **Guelph Hydro Electric Systems Inc.**, shall advise the City in writing how conditions 53 and 59 have been satisfied.
70. That prior to the registration of all, or any portion of, the plan, the **Grand River Conservation Authority** shall advise the City in writing, how Conditions 10, 14 and 57 have been satisfied.
71. That prior to the registration of all or any portion of the plan, **Upper Grand District School Board** shall advise the City in writing how conditions 60-63 have been satisfied.
72. That prior to the registration of all or any portion of the plan, the **Wellington Catholic District School Board** shall advise the City in writing how condition 64 has been satisfied.
73. That prior to the registration of all or any portion of the plan, the **telephone service and cable TV service** (if provided) shall advise the City in writing how conditions 46 and 65 have been satisfied.
74. That prior to the registration of all or any portion of the plan, **Canada Post** shall advise the City in writing how condition 66 has been satisfied.

AND

PART B

"That the Zoning By-law Amendment application be approved and that City staff be instructed to prepare the necessary amendment to Zoning By-law Number (1995)-14864, as amended, to change the subject lands from the current UR (Urban Reserve) Zone and A (Agriculture) and H (Hazard) Zones from the Township of Puslinch to the following zoning categories:

Zone	Land Use	Lot/Block #
R.1C	Single Detached Residential (12m frontage)	74-90
R.1C-??	Specialized Single Detached Residential (Specialized to allow coach houses over detached garages)	41-55
R.1D	Single Detached Residential (9m frontage)	1-21, 35-40, 56-73
R.2	Semi-detached Residential	22-34
R.3A	Cluster Townhouse	101

R.3B-7	On-Street Townhouse (Specialized regulations for exterior side yards and lot coverage, proposed with rear land access)	91-100
R.4A-??	Apartment Specialized Regulation added for Minimum Density: Block 102: 110-122 units Block 103: 83-91 units	102 & 103
P.2	Neighbourhood Park	104
P.1	Stormwater Management	105 & 106
P.1	Conservation Lands	107 & 108
WL	Wetlands	107

Specialized Regulations

R.1C-?? Zone

As shown on Defined Area Map Number 73 of Schedule "A" of this *By-law*.

Permitted Uses

In addition to the permitted *Uses* outlined in Section 5.1.1 of this *By-law*, the following permitted *Use* shall be allowed:

- a *Garden Suite* occupying the second *Storey* of a *Detached Garage*.

Regulations

1. Off-Street Parking Location

- a) Despite Section 4.13.2.1 and Section 4.5.1, an off-*Street Parking Space* located in a *Detached Garage* can be located 5.5 metres from the *Street Line*, when the driveway is located between the *Street Line* and the *Detached Garage*.
- b) Despite Section 4.13.2.1 and Section 4.5.1, an off-*Street Parking Space* located in a *Detached Garage* can be located 3.0 metres from the *Street Line*, when no portion of the driveway is between the *Street Line* and the *Detached Garage*.

2. Accessory Buildings or Structures

- a) Despite Section 4.5.1, a *Detached Garage* located behind the detached dwelling shall have a minimum *Front Yard* setback of 3.0 metres.
- b) Despite Section 4.5.1.1, a maximum area of 42% of the *Front Yard* where a *Detached Garage* is located between the *Street Line* and the nearest foundation wall of the Main Residential *Building* facing the public *Street Line* can be occupied by *Buildings* and *Structures*.

For all *Uses* outlined in Section 5.1.1 of this *By-law*, the regulations in Section 5.1.2 shall apply, with the following exception:

Minimum Front Yard

Despite Table 5.1.2, Row 6, the Main Residential *Building* shall be 4.5 metres from the *Street Line* with no vehicular access to that *Street*.

For a *Garden Suite* occupying the second *Storey* of a *Detached Garage*, the regulations in Section 5.1.2 shall apply with the following exceptions and additions:

1. Despite Section 4.5.2.1, a *Detached Garage* with a *Garden Suite* shall have a maximum *Building Height* of two *Storeys* and a maximum of 7.6 metres.
2. Despite Section 4.5.3, a *Garden Suite* may occupy the second *Storey* of a *Detached Garage Building* and be used for human habitation, provided that there is not an *Accessory Apartment* in the Main Residential *Building*.
3. On a property with a *Garden Suite* in a *Detached Garage*, an *Accessory Apartment* will not be permitted in the Main Residential *Building*.

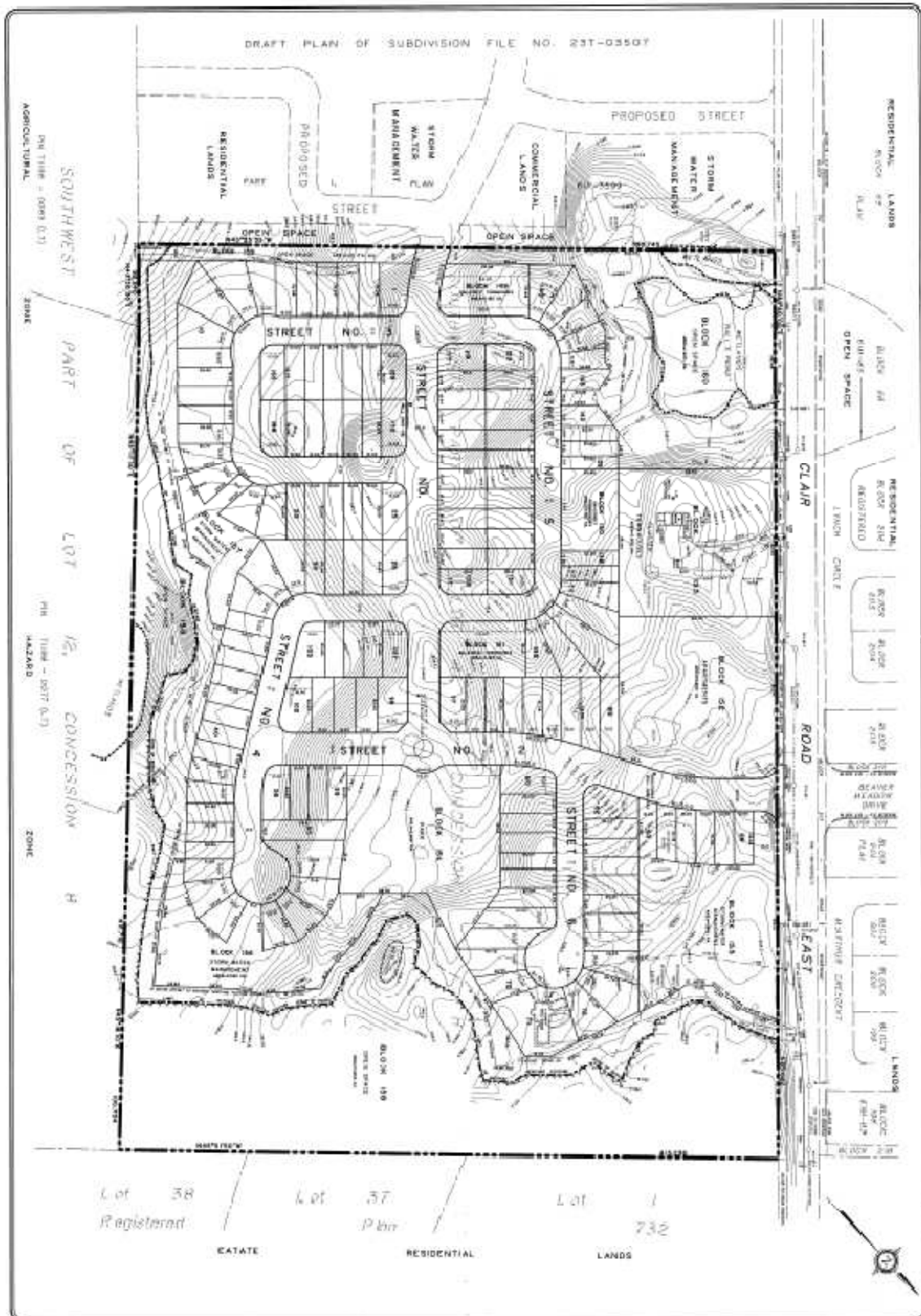
R.4A-?? Zone

In accordance with the provisions of Section 5.4.2 of Zoning ***By-law*** (1995)-14864, as amended, with the following exceptions and additions:

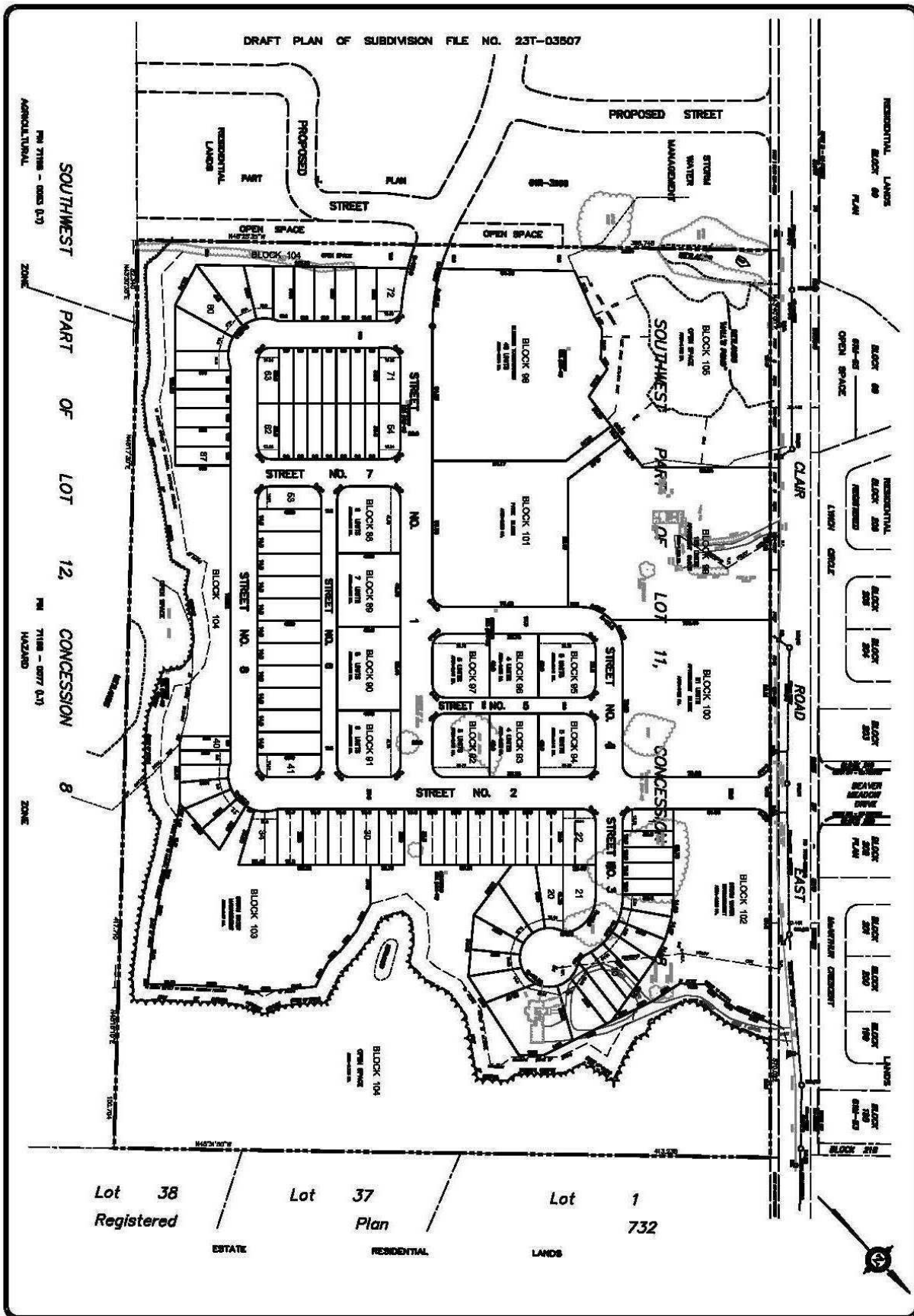
1. Maximum Density
Notwithstanding the provisions of Table 5.4.2, Row 5, the minimum Density shall be 90 units per hectare and the Maximum Density shall be 100 units per hectare.

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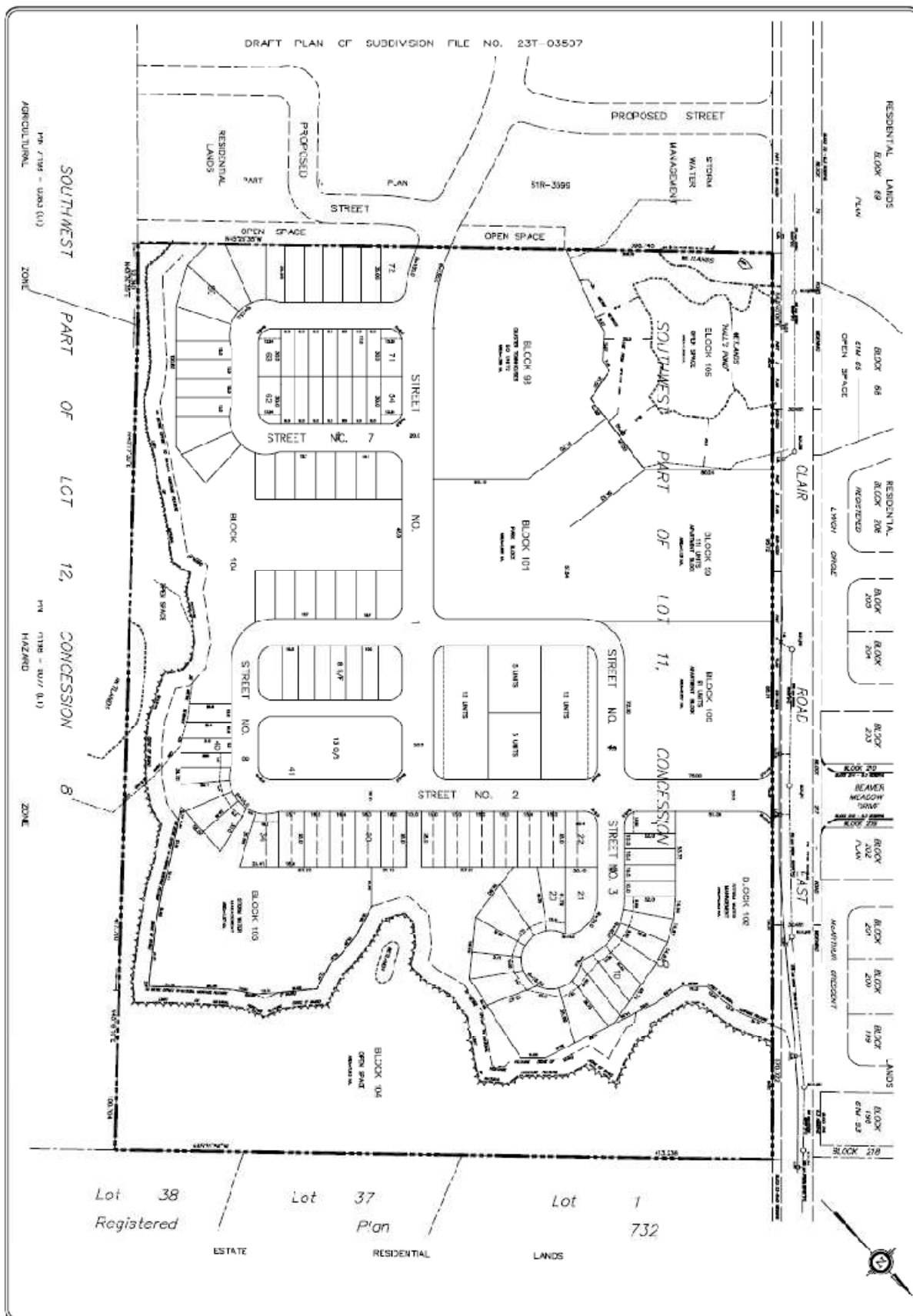
Schedule 4
Previous Versions of the Draft Plan of Subdivision
a. Original Proposal October 16, 2007



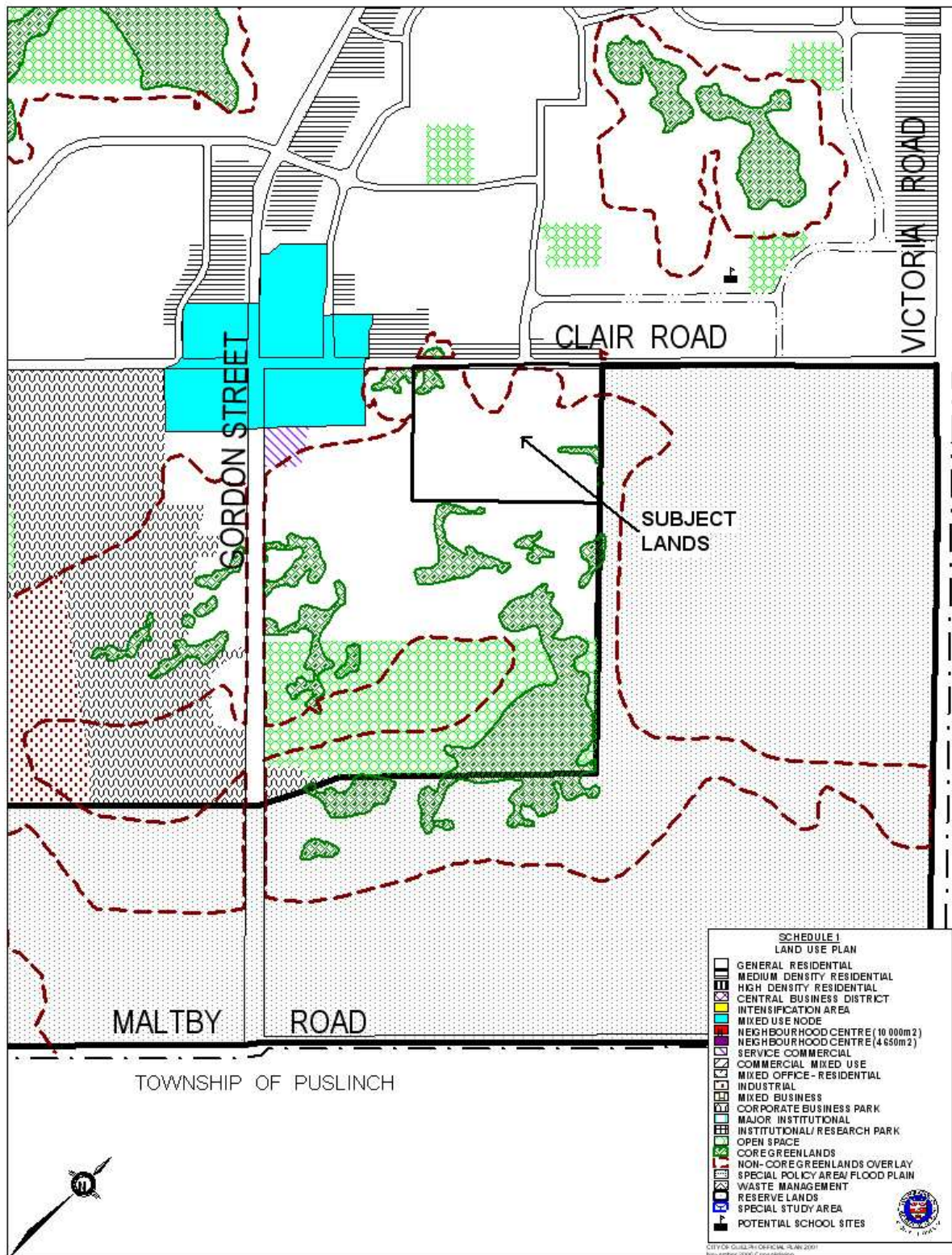
b. 2nd Proposed Plan August 28th, 2009



c. Third Proposed Plan November 12, 2009



SCHEDULE 5 Official Plan Designations



Schedule 5 continued

Related Official Plan Policies

General Residential' Land Use Designation

7.2.31 The predominant use of land in areas designated, as 'General Residential' on Schedule 1 shall be residential. All forms of residential *development* shall be permitted in conformity with the policies of this designation. The general character of development will be low-rise housing forms. *Multiple unit residential buildings* will be permitted without amendment to this Plan, subject to the satisfaction of specific development criteria as noted by the provisions of policy.

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

1. In spite of the density provisions of policy 7.2.32 the net density of development on lands known municipally as 40 Northumberland Street, shall not exceed 152.5 units per hectare (62 units per 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:

- a) The form and scale of existing residential development;
- b) Existing building design and height;
- c) Setbacks;
- d) Landscaping and amenity areas;
- e) Vehicular access, circulation and parking; and
- f) Heritage considerations.

7.2.35 Apartment or townhouse infill proposals shall be subject to the development criteria contained in policy 7.2.7.

Core Greenlands

7.13.1 The 'Core Greenlands' land use designation recognizes areas of the Greenlands System which have greater sensitivity or significance. The following natural heritage feature areas have been included in the 'Core

Greenlands' designation of Schedule 1: provincially significant wetlands, the significant portion of habitat of threatened and endangered species, and the significant areas of natural and scientific interest (ANSI). Natural hazard lands including steep slopes, erosion hazard lands and unstable soils may also be associated with the 'Core Greenlands' areas. In addition, the floodways of rivers, streams and creeks are found within the 'Core Greenlands' designation.

1. Policies relating to *natural heritage features* are contained in Section 6 of this Plan.
2. Policies relating to natural hazard lands are contained in Section 5 of this Plan.

7.13.2 The natural heritage features contained within the 'Core Greenlands' designation are to be protected for the ecological value and function. Development is not permitted within this designation. Uses that are permitted include conservation activities, open space and passive recreational pursuits that do not negatively impact on the natural heritage features or their associated ecological functions.

7.13.3 The natural heritage features contained within the 'Core Greenlands' designation are outlined on Schedule 2 of this Plan. Where a development proposal is made on adjacent lands to these natural heritage features, the proponent is responsible for completing an environmental impact study in accordance with the provisions of subsection 6.3 of this Plan. Where appropriate and reasonable, consideration will be given to measures to provide for the enhancement of natural heritage features within the 'Core Greenlands' designation as part of such an environmental impact study.

7.13.4 In implementing the Greenlands System provisions of this Plan, 'Core Greenland' areas shall be placed in a restrictive land use category of the implementing Zoning By-law, which prohibits development except as may be necessary for the on-going management or maintenance of the natural environment.

Non-Core Greenlands Overlay

7.13.5 The lands associated with the Non-Core Greenlands overlay on Schedule 1 may contain natural heritage features, natural feature adjacent lands and natural hazard lands that should be afforded protection from development. The following natural features and their associated adjacent lands are found within the Non- Core Greenlands area: fish habitat, locally significant wetlands, significant woodlands, significant environmental corridors and ecological linkages, significant wildlife habitat. In many instances these natural features also have hazards associated with them which serve as development constraints.

1. Policies relating to *natural heritage features* are contained in Section 6 of this Plan.
2. Policies relating to *natural hazard lands* are contained in Section 5 of this Plan.

-
- 7.13.6 Development may occur on lands associated with the Non-Core Greenlands overlay consistent with the underlying land use designation in instances where an environmental impact study has been completed as required by subsection 6.3 of this Plan, and it can be demonstrated that no negative impacts will occur on the natural features or the ecological functions which may be associated with the area. Where appropriate and reasonable, consideration will be given to measures to provide for the enhancement of any identified natural heritage feature as part of such environmental impact study.
- 7.13.7 It is intended that the natural heritage features associated with the Non-Core Greenlands overlay are to be protected for their ecological value and function. The implementing Zoning By-law will be used to achieve this objective by placing such delineated features from an approved environmental impact study in a restrictive land use zoning category.
- 7.13.8 Development may occur on lands associated with the Non-Core Greenlands overlay where the matters associated with hazard lands as noted in Section 5 can be safely addressed. In addition, development within the flood fringe areas of the Two Zone Flood Plain will be guided by the policies of subsection 7.14.

Schedule 5 continued

Natural Heritage Strategy Excerpt (OPA#42)*

*These policies were approved by Council on July 27, 2010 but are currently under appeal by several parties at the Ontario Municipal Board.

6.1.3 General Policies

1. The City shall ensure the long term protection of the *Natural Heritage System* and associated *ecological* and *hydrological functions*.

Significant Natural Areas

2. Development or site alteration shall not be permitted within Significant Natural Areas or their minimum buffers, as illustrated on Schedule 2. Exceptions are identified in the General Permitted Uses listed below and within the Significant Natural Areas policies.

3. Development or site alteration may be permitted within the adjacent lands to Significant Natural Areas provided it has been demonstrated through an Environmental Impact Study (EIS) or Environmental Assessment (EA) that there will be no negative impacts on the protected natural heritage features or their associated ecological functions. Exceptions are identified in the General Permitted Uses listed below and within the Significant Natural Areas policies.

Natural Areas

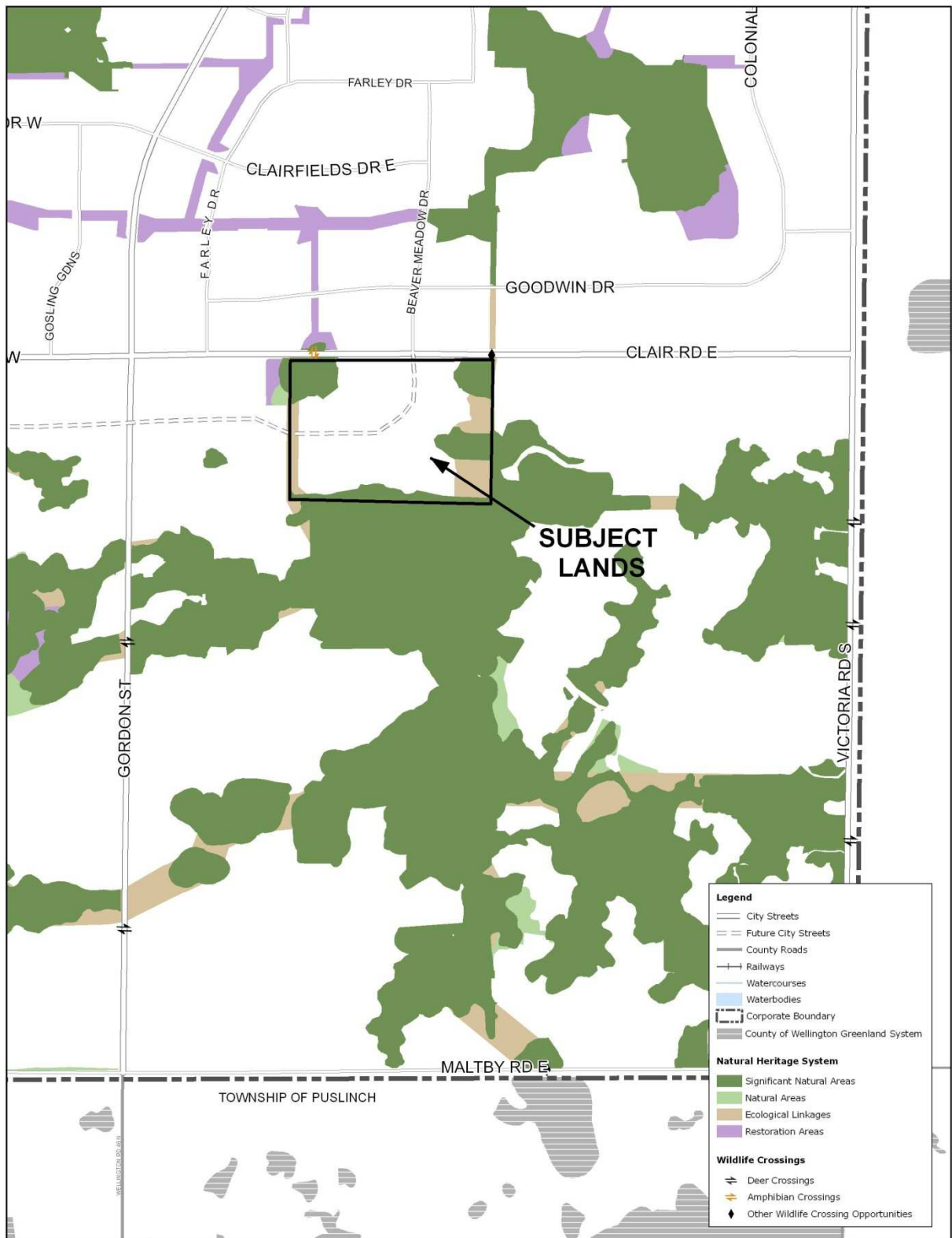
4. Development or site alteration may be permitted within all or parts of identified Natural Areas, provided it has been demonstrated through an EIS or EA that all, or parts of such areas do not meet the criteria in Section 6.1.6 that require their protection. Exceptions are identified in the General Permitted Uses listed below and within the Natural Areas policies.

5. Development or site alteration may be permitted within the adjacent lands of Natural Areas provided it has been demonstrated through an EIS or EA that there will be no negative impacts on the protected natural heritage features or their associated ecological functions. Exceptions are identified in the General Permitted Uses listed below and within the Natural Areas policies.

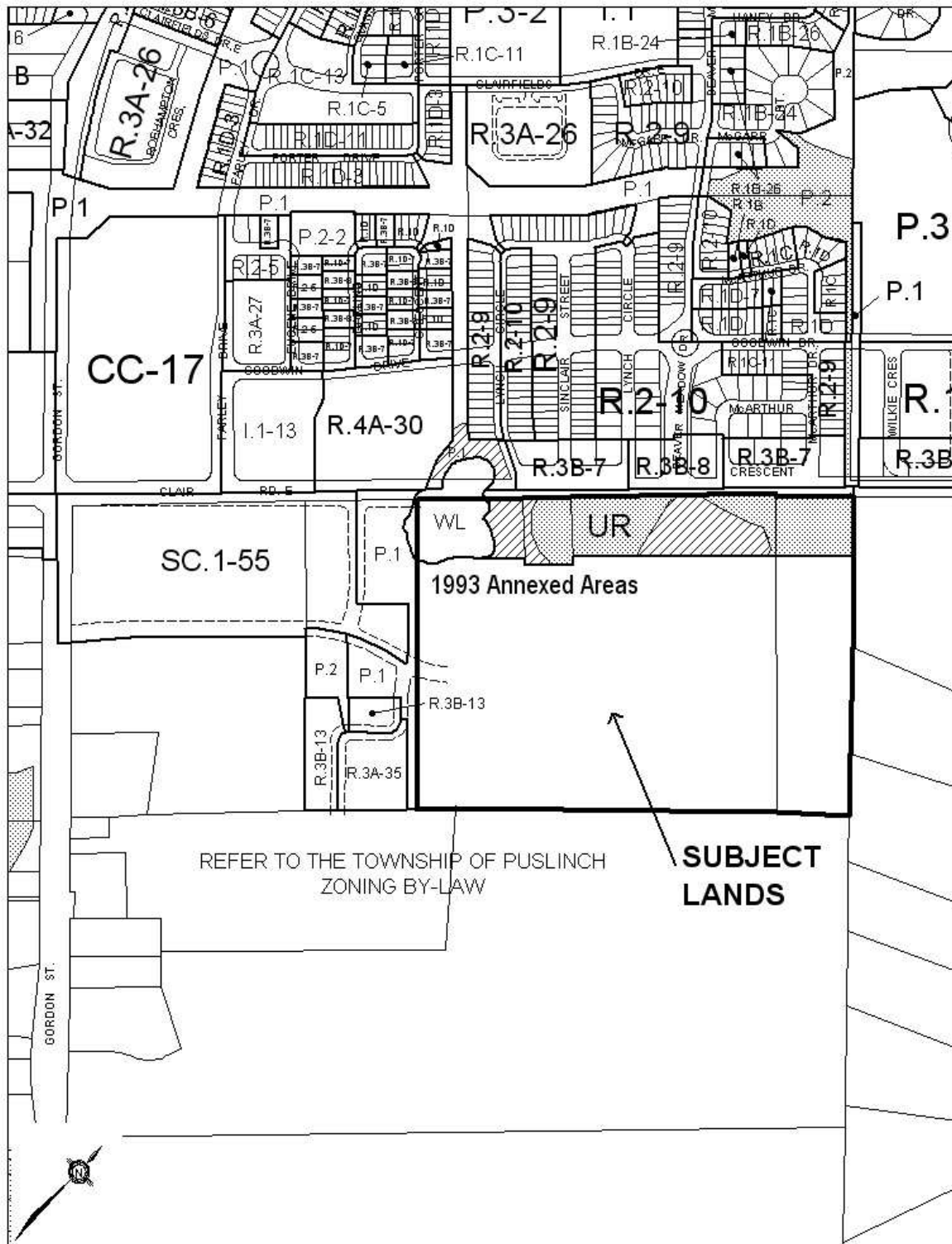
6. If, through the preparation and review of a development application, it is found that important Natural Heritage features or functions have not been adequately identified or new information has become available, the applicant may be required by the City to prepare a scoped EIS of the natural heritage features and functions in consultation with the City of Guelph, and where appropriate the OMNR and the GRCA. If the Natural Heritage features or functions meet the criteria of the Natural Heritage System, the applicable Natural Heritage policies shall apply.

7. The City will work with the County to maintain connectivity between the Natural Heritage System within the City and the County.

Schedule 5 continued
Associated Natural Heritage Mapping (OPA#42)

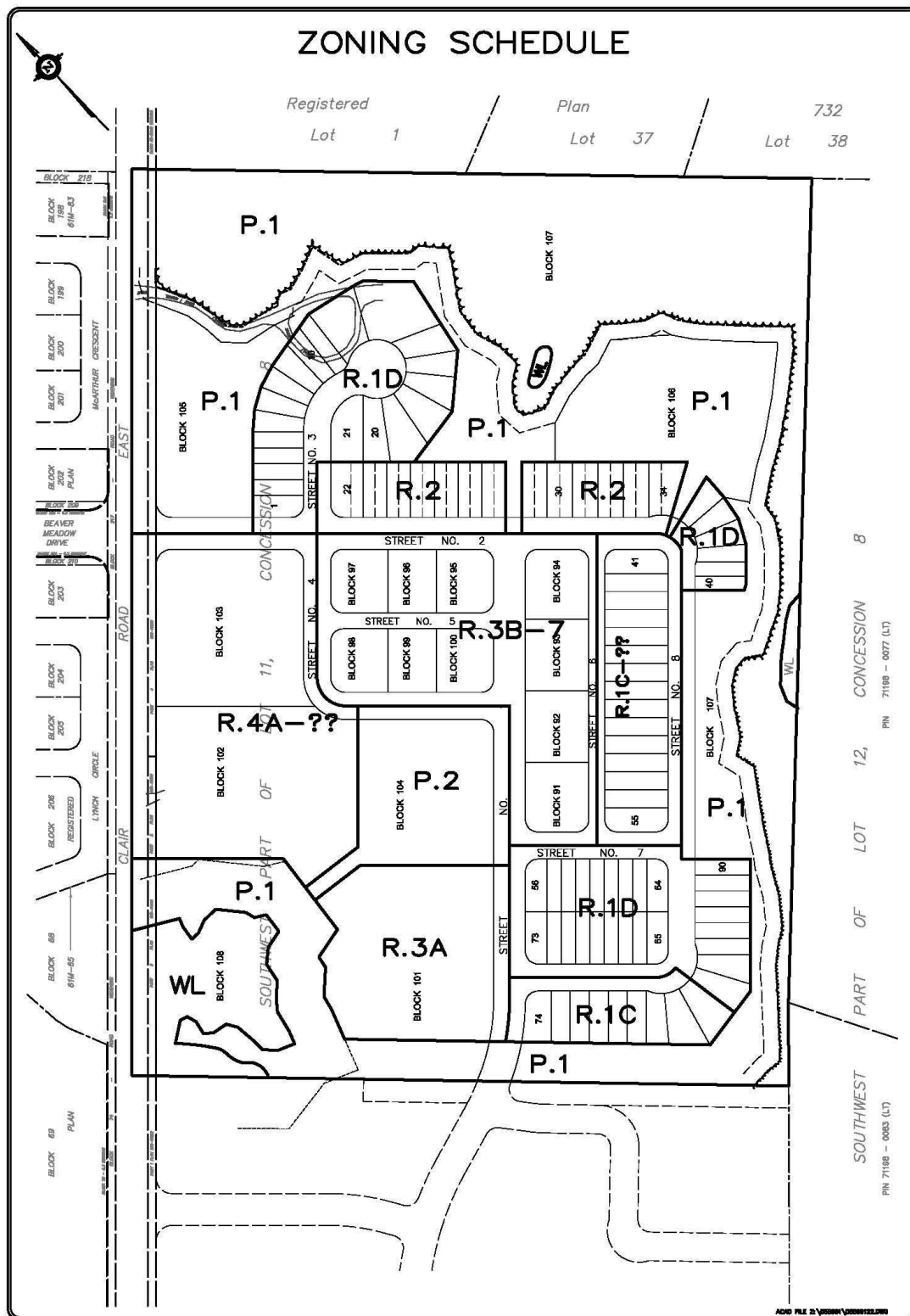


SCHEDULE 6 Existing Zoning



SCHEDULE 7

Proposed Zoning



Proposed Zoning Table

Zone	Land Use	Lot/Block #
R.1C	Single Detached Residential (12m frontage)	74-90
R.1C-??	Specialized Single Detached Residential (to allow coach houses over detached garages – see Schedule 2 for proposed regulations)	41-55
R.1D	Single Detached Residential (9m frontage)	1-21, 35-40, 56-73
R.2	Semi-detached Residential	22-34
R.3A	Cluster Townhouse	101
R.3B-7	On-Street Townhouse (Specialized regulations to allow exterior side yards to be 4.5 metres despite additional standard regulations regarding road width and increased lot coverage from 40 to 50 percent)	91-100
R.4A-??	Apartment (specialized regulations for a minimum density of 90 units per hectare – see Schedule 2 for proposed regulations)	102 & 103
P.2	Neighbourhood Park	104
P.1	Stormwater Management	105 & 106
P.1	Conservation Lands	107 & 108
WL	Wetlands	107

SCHEDULE 8

Planning Analysis

Official Plan Conformity

The proposed draft plan conforms to the policies and land use schedules of the Official Plan. The site is designated General Residential, with two Core Greenland areas identified on the site and a Non-Core Greenlands Overlay over the majority of the site.

The subdivision provides for a range of housing types to meet a variety of housing needs, including opportunities for affordable housing. Single detached, semi-detached, townhouse and apartment dwellings are proposed in the draft plan, which is in conformity with the General Residential Official Plan designation. In the entire plan, 25 percent of the total units are single or semi-detached dwellings and the remaining 75 percent are multiple dwellings in townhouse or apartment units.

The application meets specific criteria in the Official Plan regarding multiple unit residential buildings in the General Residential designation, including building form compatibility, traffic accommodation and availability of local amenities and municipal services (See Official Plan policies in Schedule 5) The apartment block and townhouse blocks are proposed in the northern portion of the plan to provide increased density along Clair Road East and the main streets running through the proposed subdivision (Street 1 and Street 2) where access to transit and the proposed neighbourhood park will be available. Amenities in terms of a range of commercial services will be available within walking distance at the nearby intersection of Gordon Street and Clair Road.

Natural Heritage Policies: Current Official Plan Policies and OPA#42

Portions of the site are designated Core Greenlands and within a Non-Core Greenlands Overlay in the Official Plan because of significant natural features including wetland and woodland areas. These areas will remain intact along with portions of the Non-Core Greenlands functioning as protective buffers from the areas of the site expected to be developed.

The Core Greenlands designation (OP Section 7.13.1, see Schedule 5) recognizes areas that have greater sensitivity or significance. Natural heritage features located in these areas are to be protected due to their ecological significance, and no development is to be permitted within these areas. The Core Greenland areas identified in the OP on the property are the Halls Pond wetland located along Clair Rd. in the northwest corner of the site, as well as the wetland complex located to the south of the site. These features have been proposed to be retained since the beginning of the application process, along with appropriate buffers to further protect the integrity of the natural feature.

The Non-core Greenlands Overlay is also shown on the site. The areas covered by the overlay in the OP may contain natural heritage features, be adjacent to lands designated as Core Greenlands and natural hazard lands that should be protected from development. Development may occur on lands associated with the Non-core

Greenlands overlay where an Environmental Impact Study (EIS) has been completed and demonstrates that no negative impacts will occur. An EIS was completed for the site demonstrating how the proposed development would occur and how any potential impacts to the natural features would be mitigated, and therefore not impede function of the natural heritage features on or immediately adjacent to the site.

At the first public meeting, a question was raised as to whether this subdivision application was premature in the context of potential City policies changes, especially regarding newly proposed policies for the Natural Heritage Strategy (now known as OPA#42). When these applications were deemed to be complete, these policies were not in effect, and therefore they do not apply to the application. The existing Official Plan policies regarding Core Greenlands and the non-Core Greenlands overlay continue to be rigorously applied and need to be met by this application. After careful analysis, the applications meet the requirements outlined in those policies by protecting significant natural heritage features, such as Provincially Significant Wetlands with buffer areas and developing a new natural corridor along the westerly side of the site, including a wildlife culvert under Street 1, to facilitate wildlife movement through the site.

Staff have also reviewed this application against the new policies in OPA#42 in addition to the Official Plan policies which existed at the time of application.

OPA#42, as approved, identifies Significant Natural Areas on the site, which coincides with the existing Core Greenlands Overlay. The areas identified are the Halls Pond Wetland located at Clair Rd in the northwest corner of the site and a wetland complex to the south of the site. There is no development proposed to occur within these areas of the property and they will be maintained with appropriate buffers to ensure their integrity.

The property also contains an identified ecological linkage along the western property boundary. The NHS Ecological Linkage policies read that "Ecological Linkages should be at least 50m wide but ideally closer to 100m except where existing narrower linkages have been approved or identified on Schedule 10". The linkage as identified in the Natural Heritage Policies of OPA #42 is the same width as proposed in this draft Plan of Subdivision. The linkage is currently proposed to be 40 metres wide, with 20 metres on the subject site and 20 metres on the adjacent site to the west. The draft plan of subdivision approved on the site to the west (Pergola) is expected to be revised and there is potential for the ecological linkage to be expanded to 50 metres in total at that time.

In 2009, initial mapping work that is the basis of the new Natural Heritage policies identified a large portion of the property to be "Areas Subject to Further Study", where development could be permitted should an Environmental Impact Study demonstrate no net impacts on the natural features. Information from the Environmental Impact Study, which was reviewed and supported by staff and the Environmental Advisory Committee, is reflected in the final Natural Heritage policy designations and mapping.

Staff are satisfied that these applications conform to both current Official Plan policies and the new Natural Heritage policies in OPA#42.

Provincial Policy Statement Conformity

The application supports the Provincial Policy Statement (PPS) and specifically addresses Section 1.1.3 that encourages the development of strong communities through the promotion of efficient, cost-effective development and land use patterns. The proposed subdivision will accommodate a range of housing types (Section 1.4 of the PPS) and a density that is efficient in terms of land use and servicing and supportive of public transit. Commercial services are available in close proximity at the intersection of Gordon Street and Clair Road. The application conforms to Section 1.5 'Public Spaces, Parks and Open Space' by the dedication of land for a neighbourhood park and an adjoining public trail system. Section 2.1 'Natural Heritage' is addressed by the retention of natural features, the large portion of the site dedicated to natural heritage preservation and function and the accepted environmental and servicing reports. Also, Section 2.6 of the PPS regarding Heritage Resources and Archaeology, will be met by the requirement (Condition 37 in Schedule 2) for an archeological assessment prior to development of the site.

Places to Grow Conformity

The subject site is located in the designated "Greenfield Area" under the Places to Grow legislation. The total plan of subdivision for the site proposes development at a density of approximately 64 persons per hectare, which would contribute to meeting the 50 persons and jobs per hectare requirement of the Places to Grow legislation.

Criteria outlined in Section 51(24) of The Planning Act (subdivision control).

In considering a draft plan of subdivision, regard shall be had, among other matters to a list of criteria outlined in Section 51(24). The criteria listed ensure that the proposed subdivision addresses the health, safety, convenience, accessibility and welfare of the present and future inhabitants of the municipality and that provincial interests are addressed.

Staff have considered the planning criteria during the review of the proposal and included the attached conditions in the Schedule 2 recommendation to ensure various related matters are addressed, in particular servicing, environmental protection, energy efficient construction, zoning and land use compatibility.

Phasing Policy for Large-Scaled Subdivisions

The phasing policy for large-scaled subdivisions requires that draft plan approval of new large scale residential subdivisions containing more than 200 potential dwelling units or 10 hectares (25 acres) be brought forward for consideration in phases. Because of this policy, staff asked the developer to phase the proposed draft plan of subdivision for this site. The entire plan of subdivision as proposed contains 411 residential units. Phase 1 of the proposed plan contains 200 residential units, together with the neighbourhood park block and all stormwater management and open space blocks.

A 200 unit phase of this proposed subdivision is also included in the 2011 Development Priorities Plan (DPP) for consideration of draft plan approval in 2011. The Development Priorities Plan will also determine when the remaining phase of the plan could be considered for draft plan approval and subsequently when registration of phases of this plan could be considered. Condition 28 in Schedule 2 will require registration of the plan in accordance with the approved DPP.

Proposed Road Network and Traffic

The proposed subdivision provides an integrated public road network. The main access to the site is provided by extending Beaver Meadow Drive to the south of Clair Road East. The westerly access (Street 1) is aligned with the street shown in the subdivision plan to the west (Pergola, 61M-165/23T03507).

The applicant submitted a traffic impact study in support of the subdivision application. This traffic study was reviewed and supported by engineering staff provided that a condition of the draft plan approval is that further traffic information be provided regarding site access, sightlines, traffic signage and traffic calming measures, (see condition 21 in Schedule 2) prior to execution of the subdivision agreement.

Status of Truck Routes

The section of Clair Road East along this site is currently designated in the Official Plan as a four lane arterial road and is a designated truck route. Arterials are intended to move moderate volumes of traffic over moderate distances within the City and to collect traffic and feed it to the expressway and Provincial highway system.

Proposed Zoning

Staff are satisfied with the zoning as proposed (see Schedule 7), which permits a variety of housing types along with conservation, open space and park lands. Specialized zones have been requested for the on-street townhouse blocks and the single-detached lots that are proposed along the north side of Street 8 with rear lane access.

The R.3B-7 Zone has been requested for the on-street townhouse blocks. These blocks will have rear lane access and the specialized regulations in this zone would permit a minimum exterior side yard of 4.5 metres despite the standard regulation requiring different setbacks depending on road widths and off-street parking spaces, and a maximum building coverage of 50 percent of the lot area in lieu of the standard requirement for 40 percent coverage.

The R.1C-?? Zone is proposed to be a specialized single-detached residential zone to permit a coachhouse or accessory dwelling unit to occupy the second storey of a detached garage. These lots would locate the garage in the rear yard of the dwelling unit, accessed by a rear lane. This regulation would permit detached garages or coachhouses, with the potential for additional living space above. The intent is that an accessory apartment could be created in the space above the detached garage if wanted (or within the single-detached house, but not both). The

specialized regulations for this zone are included in Schedule 2. Fifteen lots for single-detached dwellings are proposed to have this zoning.

In addition, for the proposed apartment blocks (Blocks 102 and 103) in this plan, staff recommend the addition of a minimum density or unit count for each block (Schedule 2). This additional regulation will result in the creation of specialized R.4A zoning on these blocks, but will ensure that the Places to Grow density requirements are met during the site plan approval process. The regulations would require that the apartment block density be between 90 and 100 apartment units per hectare, which would work out to 110 and 122 units in Block 102 and 82 to 92 units in Block 103.

Building Heights and Interface with Clair Road

Two apartment blocks are proposed on the northerly portion of the site adjacent to Clair Road East. One apartment block is proposed in the first phase, on the southwest corner of the intersection of Clair Road East and the extension of Beaver Meadow Drive. The proposed zoning for the site is R.4A (General Apartment) zone which permits up to 8 storeys in height and the maximum density for the block would be 91 apartment units. The height of the standard apartment zone is appropriate for this site because it has space to transition to other uses, with a street network on three sides of the site and being on the northern portion of the site which limits the potential for shadowing concerns for adjacent residential uses. The apartment site proposed is also close to the commercial and service area, centered at the intersection of Clair Road and Gordon Street, and next to a park and open space, so the location is a reasonable place to have higher density residential forms. Therefore, staff are satisfied that this location next to Clair Road is suitable for an apartment building and any apartment building proposed for the site would be subject to site plan approval.

Removal of Existing Houses

There are two existing houses on the site. One existing house would be removed and the other would be retained. The house on the easterly side of the site would be retained and incorporated as a lot fronting onto Street 3 as proposed. The house in the centre of the site along Clair Road would be removed as part of the second phase of the proposed draft plan of subdivision for the second proposed apartment block. Neither house is on the heritage registry or is of interest from a heritage perspective.

Change in Proposed Density

In the original plan submitted, the applicant proposed a density of 50 persons and jobs per hectare. Staff discussed the plans with the applicant and encouraged the applicant to increase the density on the site where possible to use the land more efficiently. In the revised plans, the applicant has increased density on the site to 64 persons per hectare and at the same time increased the amount of lands conserved as open natural space. Staff are supportive of the proposed density.

Environmental Review

The applicant submitted an Environmental Impact Study, Tree Conservation Plan and Preliminary Storm water and Servicing Plans as part of their original application for review by the City's Environmental Planner, the Environmental Advisory Committee and the Grand River Conservation Authority. Following the revision of plans, prior to the second public meeting, the applicant submitted addendums and revised reports for consideration with the application.

Through comments received by the public and stakeholder groups, the following topic areas were raised regarding the environmental features and potential impacts related to the development of the site.

Location of the storm water management ponds

In the initial proposed plan of subdivision, the storm water management ponds were shown in the same areas as the current plan but much smaller than currently proposed (see Schedules 3 and 4). In subsequent plans, these storm water management areas were enlarged in those locations. Staff have no objection to the location of the storm water management ponds and conditions have been included in Schedule 2 requiring the approval of the final design of the storm water management system by the City and the GRCA.

Concern about Species at Risk

Public concern was raised at a meeting of the Environmental Advisory Committee that potential impact of the development to Species at Risk were not adequately addressed in the applicant's Environmental Impact Study.

Staff review has determined that Species at Risk have been monitored and there are proposed mitigation measures for those that require it. The main species of concern are the Western Chorus Frog (THR by COSEWIC) and the Jefferson Salamander (THR by MNR).

- Western Chorus Frog: This species is listed by COSEWIC as being threatened but is not listed by the MNR. Therefore it is not considered a Threatened species in the context of the PPS. The wetland which was identified as containing the species is being retained and adequately buffered. The proposed wildlife corridor on the western side of the site is being enhanced to facilitate frog movement by including frog stop over ponds that will facilitate movement from the Halls Pond Complex to the wetland south of the property.
- Jefferson Salamander: Surveys were undertaken for Jefferson's salamanders based on a historical record of them being found within the area. Trapping and egg mass searches were done over the span of 2006, 2008 and 2010 but no Jefferson Salamanders were found. The three years of surveying satisfies the requirements for the recovery strategy.

For these reasons, staff are satisfied that Species at Risk have been adequately evaluated and proper mitigation measures have been taken.

Opportunities to Connect to Lands South of the Subject Site

Lands in the southerly portion of the site and to the south of the site contain significant natural features. As such, these areas will be conserved as open space and therefore, there are no opportunities to connect the site to lands to the south for future development.

Impact on the Paris/Galt Moraine

The property is located on lands that are part of the Paris-Galt Moraine. The Paris-Galt Moraine extends across the southern-most part of the City of Guelph and Puslinch Township. Currently work is underway by the province to secure a portion of the Paris-Galt Moraine in Puslinch Township as an Earth-Science ANSI (Area of Natural and Scientific Interest) as a way of preserving this landform. A key significance of the Paris-Galt Moraine is its ability to recharge groundwater. In terms of impact of development, any Greenland areas that are developed limit the ability for groundwater recharge. In this specific case, 45% or nearly half of the lands on this site will remain as conservation lands, meaning that they will remain undeveloped and retain the ability to recharge groundwater. In addition, there is a large park block as well as the rear and side yards of the residential lots and blocks that will also benefit groundwater recharge. Through the planning review process and comments by City departments, the City's Environmental Advisory Committee and the Grand River Conservation Authority, Staff are satisfied that the site has reached a balance between efficient development and natural heritage conservation and that opportunities are provided for adequate groundwater recharge and water balance maintenance on the site.

Need for Public Access to Natural Heritage Features

In the initial subdivision plan submitted by the applicant, residential lots along the southerly street backed onto the natural area to the south, which limited any public access to this area. The applicant revised their plans to have a large portion of the current Street 8 fronting on the natural area, providing public street views of the natural area. Given the sensitive nature of the natural features in this area, direct public access into the natural area to the south will be discouraged.

In addition, pedestrian trails near natural features have been proposed. From Clair Road, opposite a trail connection in Westminster Woods to the north, a trail is proposed along the easterly side of the site into the developed portion aligning with Street 2 that leads to the park and Street 8 that runs along the natural open space on the southerly portion of the site. There is also a trail proposed from the Park block to the buffer area around the wetland in the northwest corner of the site. These trails provide public access to areas of natural features on the site. The trail plan is shown in Schedule 9.

Opportunities to Conserve Existing Trees

Following the first public meeting, the applicant submitted a tree conservation plan that was reviewed by the City's Environmental Planner and Environmental Advisory Committee (EAC). Existing trees in the portion of the site to be developed will need to be removed but a large number of trees on the site will remain as part of the conservation lands, including a significantly treed portion along the easterly side of the site.

Involvement and Concerns of the Guelph Field Naturalists

The Guelph Field Naturalists have noted several concerns with the proposed development throughout the public process for this application. Their initial concerns brought forward at the first public meeting on the application included:

- Potential impact on the Paris-Galt Moraine
- Impact on the Halls Pond Wetland Complex to the south
- That the application is premature and does not comply with the Hanlon Creek Watershed Plan

Following the first public meeting, the applicant significantly revised their plans, based on both staff comments and comments from the Guelph Field Naturalists. They also provided an addendum to their original Environmental Impact Statement addressing concerns raised by staff and the Guelph Field Naturalists. A meeting was held by staff with the applicant and Field Naturalists to discuss the revised proposal on October 27, 2009. Staff thought the meeting was positive, resulting in a narrowing of environmental issues and potential to improve the plan.

The main concern of the Guelph Field Naturalists at this meeting was the width and location of the proposed natural corridor, meant for wildlife movement between the wetland complex south of the site and Hall's Pond in the northwestern corner of the site. The Guelph Field Naturalists asked the applicant to look at options for aligning a wider corridor between the wetland in the northwest corner of the site (Block 108) and the wetland at the centre of the southerly side of the site. The benefit from this layout would be easier amphibian movement between the wetlands. The applicant agreed to revise their plans to attempt to accommodate this request.

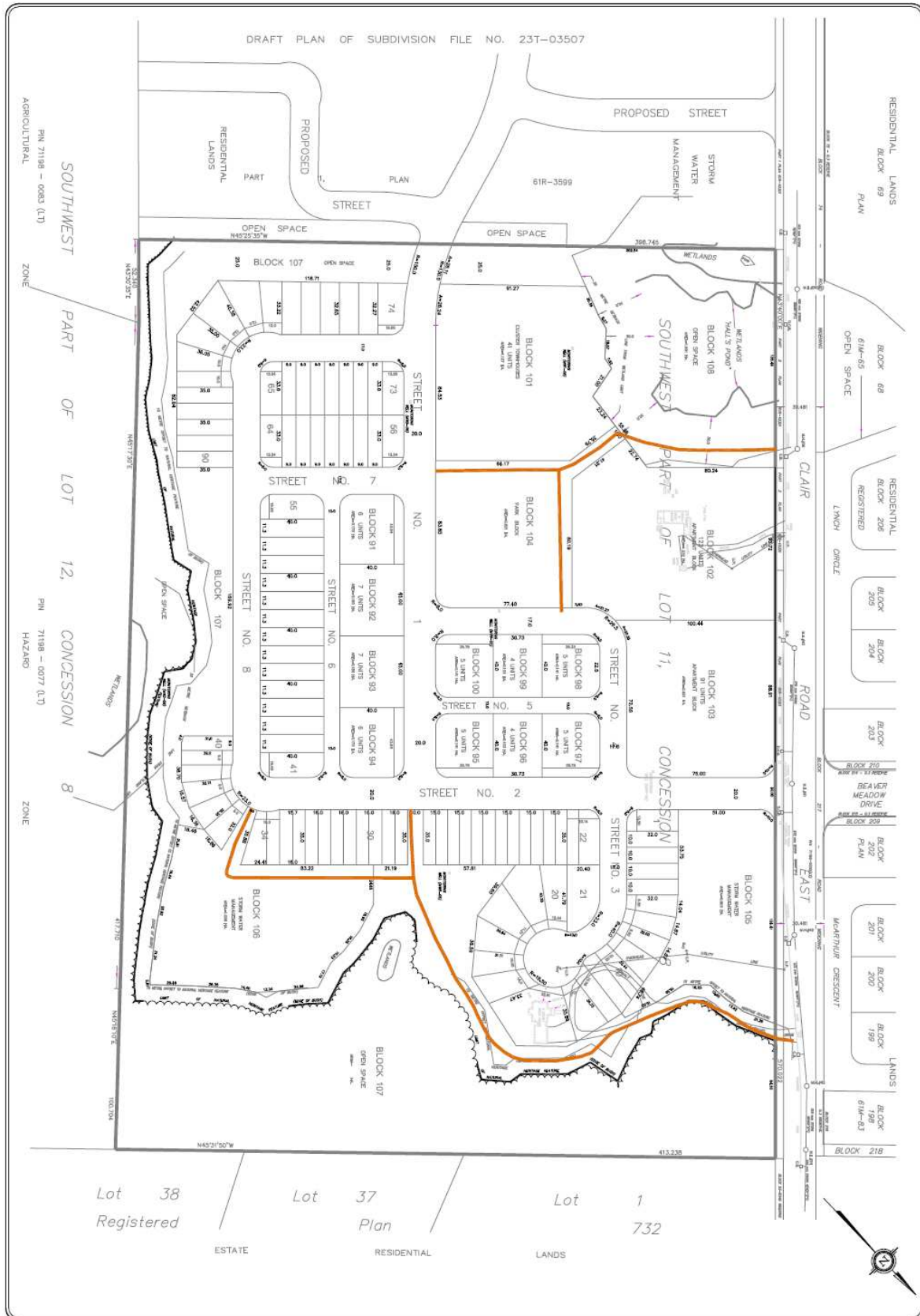
In November 2009, the applicant submitted revised plans to the City showing the natural corridor running diagonally across the park block and to the south of the site at the backs of single-detached housing (See proposed plan in Schedule 4). Staff reviewed these significant changes to the plan, but had concerns with the location of the revised corridor. The revised corridor used the park block, meant to be active and regularly maintained recreational area for local residents, which could limit or impact wildlife movement through the corridor. Having the corridor run through the centre of the site towards the park also meant that many houses backed onto it, and it could be difficult to keep local residents from using the corridor as a way to access the park, for recreational purposes or potentially having rear yards encroaching on these lands. For these reasons, staff suggested returning the corridor to the western side of the site, but making it wider, especially at the southwest corner of the site where it turns towards the wetland area.

The applicant revised their plans again to address staff concerns and moved the wildlife corridor back to the west side of the site. The corridor was widened and the applicant has proposed that small ponds be created along the corridor to encourage the movement of amphibians through this area. This is the plan that staff support and is shown in Schedule 3. The corridor was originally 10 metres wide on the western side of the property and is now 25 metres wide. Furthermore, a 15 metre wide strip of land has been retained on the adjacent subdivision to the west (Pergola) to create a 40 metre wide corridor. This phase of the Pergola subdivision is expected to be redesigned, so there may be opportunities to widen this corridor

further on those lands. To further facilitate wildlife movement through the proposed corridor there is a wildlife culvert proposed under Street 1 of the proposed draft plan. The culvert is intended to allow amphibians using the corridor to under the road and avoid traffic.

Following the resubmission of the plans, staff met again with the Guelph Field Naturalists to explain the changes and the reasons for staff support of the current plan. The Guelph Field Naturalists preferred the submission with the centre corridor and continued to have concerns with the corridor on the westerly side of the site. Staff, the Environmental Advisory Committee and the Grand River Conservation Authority are supportive of the current plans and conditions have been included to ensure that site details are addressed through the Environmental Implementation Report, prior to the development of the subdivision.

Schedule 9 Proposed Trails Plan



Schedule 10
CEI Commitment
Victoria Wood Ltd. Commitment
Dallan Subdivision – 23T-08503

In addition to the owner's commitment to build all the residential units in the subdivision to ENERGY STAR specifications and certification, the following list of energy conservation measures will also be incorporated into the cluster townhouse and apartment sites within this development.

		Standard Specification
<u>Sustainable Sites- Entire Property</u>		
Urban Development	A compact and well utilized site helps contain urban sprawl	X
Urban Development-erosion and sedimentation control	A comprehensive erosion and sedimentation control plan is in effect throughout redevelopment of the site.	X
Existing & Proposed Trees	New tree planting contributes to the overall rejuvenation of the urban forest.	X
Site Lighting	The project incorporates exterior light fixtures with refractor and cut-off shields to control light pollution, with energy efficient operation controlled by light sensors.	X
Alternative Transportation	Planned bus route along Clair Road and Poppy Drive. Bicycle racks will be provided for apartment sites. Walking trails incorporated through out development and adjacent open space area.	X
Landscape and Exterior Design	The project will incorporate the use of light colored surface paving and terrace/balcony materials where practical to increase reflectivity & decrease heat island effect	X

Water Efficiency

Water efficient Landscaping	Drought resistant soft landscape material will be specified as much as possible	X
Landscape Irrigation	Automated drip irrigation systems which maximize utility of applied water are specified and only in areas were it would be essentially required	X
Storm Water Management	Controlled roof drains provided to control flow rate of storm water	X
Reduced Water Consumption	Low flow faucets and showerheads and low volume flush toilets(HET high efficiency toilets) where possible	X

Energy & Atmosphere for Apartment Building

Design Features	Project will comply with ban on ozone-depleting refrigerant gases	x
Design Features-mechanical systems	Building's HVAC systems are centralized and heat recovery ventilators (HRV's or ERV's) are incorporated in the majority of the central air return systems.	X
Design Features	Low E windows will reduce heat gains and heat loss	X
Design Features-mechanical systems	High efficiency boilers will be used to save natural gas.	X
Design Features-mechanical systems	Cooling equipment will be min 10.9 seer capacity efficiency. This exceeds the MNEC and OBC requirement.	X
Design Features-	Lighting for residences will be min 75% CFL (or comparable energy efficient lighting alternative)	x

Electrical		
Design Features-Mechanical Systems	Sealed supply and return plenums will be specified in majority of units. Ensures efficient distribution of heating/cooling ventilation.	x
Electrical Metering and Controls	Individual real-time energy metering for gas and electrical. Makes occupants aware/conscious of energy use (kW & \$).	x
Electrical Metering and Controls	Occupancy sensors provided in service rooms with intermittent occupancy to reduce hydro consumption	X

Materials & Resources

Regional Materials	The vast majority of materials utilized are available locally (800km radius as defined in the LEED standard) limiting environmental impact on source supply transportation.	X
Low Emitting Materials	Low VOC emitting materials where possible. Examples include, low VOC paints, recycled content carpet, etc.	X
Collection of Recyclables	In compliance with City by-laws	X
Building Materials	High recycled content material to be specified wherever possible	X
Construction Waste Management	A construction waste management plan will be implemented	X

Indoor Environmental Quality

System Controllability	Each resident will have access to individual controls for the Heating, Cooling, Lighting and Ventilation	X
Natural Ventilation	All occupied spaces have access to an operable window	X
Low VOC emitting materials	See above (materials)	X
Natural Light	The building provides natural light to 100% of regularly occupied spaces	X

Innovation & Design Process

Sustainable Consultants	The design firm is a member of the Green Building Council of Canada Residences and units will be designed/developed with input from accredited "sustainable" consultants (i.e. LEED AP's, Energy Auditors, etc)	x
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February 15, 2011

SCHEDULE 11

Circulation Comments

<u>RESPONDENT</u>	<u>NO OBJECTION OR COMMENT</u>	<u>CONDITIONAL SUPPORT</u>	<u>ISSUES/CONCERNS</u>
Planning		✓	Subject to Schedule 2
Engineering*		✓	Subject to Schedule 2
Parks Planning*		✓	Subject to Schedule 2
Corporate Manager of Community Energy		✓	Subject to Schedule 2
GRCA*		✓	Subject to Schedule 2
Environmental Advisory Committee*		✓	Subject to Schedule 2
Upper Grand District School Board*		✓	Subject to Schedule 2
Guelph and Wellington Development Association	✓		
Guelph Field Naturalists*			Natural corridor width and function, function of wetland and associated amphibian habitat
Judy Martin on behalf of the Sierra Club*			Environmental concerns sent to EAC
Marilyn Dautovich			Concern about apartment site height and location.
Dave Sills, on behalf of the Guelph Council of Canadians*			Loss of tree canopy, wetlands, water recharge

*See written comments on following pages.

MEMO



File No. 16.152.280

To: Katie Nasswetter, Planning
From: Mary Angelo, Engineering
Date: December 14, 2010
Subject: Draft Plan of Subdivision
23T-08503 & ZC0803 – Victoria Wood (Dallan) GP Inc.
Dallan (161, 205 & 253 Clair Road)

Further to the preliminary comments we sent you on December 4, 2008, we have reviewed the January 11, 2010 version of the Draft Plan of Subdivision for 23T-08503, prepared by BSR&D, as well as the supporting reports as follows:

Preliminary Servicing and Stormwater Management Report prepared by K. J. Behm & Associates Inc. dated August 2009;
Hydrogeological Assessment prepared by Stantec Consulting Ltd. dated August 2009;
Dallan Lands EIS Addendum prepared by Stantec Consulting Ltd. dated August 2009;
Letter to the City from the Grand River Conservation Authority dated December 16, 2009 regarding comments on the Preliminary Servicing and Stormwater Management Report.
Preliminary Servicing and Stormwater Management Report prepared by K. J. Behm & Associates Inc. dated July 2010;
Letter to Grand River Conservation Authority from K. J. Behm & Associates Inc. dated July 15, 2010 regarding the Preliminary Servicing and Stormwater Management Report.

This Draft Plan covers approximately 23.1ha with a total of 411 residential units including 77 single units, 26 semi-detached units, 54 on-street townhouse units, a cluster townhouse block with 41 units and two apartment blocks with 213 total units. The Plan also includes a two open space blocks, two blocks for stormwater management and a 0.821ha park.

Roads & Traffic

A 0.3metre reserve needs to be provided along the Clair Road frontage of Blocks 102 and 103.

Access to the site from Clair Road is proposed by a new “Street 2” directly opposite to Beaver Meadow Drive and a “Street 1” that will eventually connect to future Poppy Drive within the Pergola Subdivision. All road grades are to range from 0.5% to 6.0%.

Clair Road East was reconstructed in 2006 under Contract 2-0608. The developer will be required to share in the actual reconstruction costs including one lane of granulars and asphalt, curb and gutter, boulevard, sidewalk, streetlighting, street trees. The developer will also be required to share in the cost of turning lanes and traffic signals at the intersection of Street 2/Clair Road.

Water

The Water and Wastewater Servicing Master Plan identified the need for a new Pressure Zone 3 system to address areas south of Clair Road at higher elevations (i.e. greater than 344 metres above sea level) that would have operating water system pressures less than the MOE requirement of 40 psi. Based on a cursory review of the site topography, it appears as though only a portion of this development is above the 344 metres. Ultimately Zone 3 will consist of dedicated looped transmission/feeder mains and a 3.8 ML Zone 3 Elevated Tank located in the vicinity of Gordon Street and Maltby Road and additional pumping capacity in the Zone 3 booster pumping station (BPS) located at the Clair Road Zone 1 Elevated Tank.

In 2010, the City completed the construction of the Clair Road BPS under Contract No. 09-031. The Clair Road BPS has been designed with an initial firm capacity of 345 L/s and an ultimate firm capacity of 385 L/s. Since there will be no floating storage in Zone 3 for a number of years, the Clair Road Zone 3 BPS will be used to supply the extreme demand scenario in the zone. In this case, the extreme demand scenario is fire flow plus maximum day demand.

Once the Zone 3 Elevated Tank and related feeder mains are constructed and operational, the elevated tank will provide fire storage, equalization and emergency storage. At this point, the Clair Road BPS will be required to have sufficient firm capacity to pump the maximum day demand only for Zone 3.

Should the developer wish to proceed with the portion of the development that is at the higher elevation in advance of the City completing the Zone 3 works, the developer would be required to boost the water to achieve sufficient pressures. The design and construction of such temporary booster system would be to the satisfaction of the City and the developer would be responsible for all costs associated with the booster system.

We provide the following comments regarding water servicing in the Preliminary Report for the proposed development site: 1. Section 10.4 – The reference to Zone 4 is incorrect. The new pressure zone south of Clair Road will be Zone 3. The existing pressure zone in this area is Zone 1. 2. Please explain in greater detail what a “temporary localized Class 4 pressure zone” entails and specific operation and maintenance requirements for this system. 3. The location of pressure zone boundary valves and appropriate watermain looping for the future Zone 3 area will need to be considered at the detailed design stage. 4. The reference to the “Master Water Supply Study” for the subdivision needs clarification. 5. Drawing WM1 should be provided in 2’ x 3’ drawing size format.

The developer proposes to connect to the existing 400mm diameter Clair Road watermain at the intersection of Street 2 and Clair Road. The developer will be required to pay a share of the cost of the existing Clair Road watermain as per the City’s oversizing cost sharing policy.

Sanitary

The developer proposes to direct the subdivision sanitary sewage north to the existing trunk sanitary sewer at the intersection of Beaver Meadow Drive/Goodwin Drive. This will include the developer constructing a sanitary sewer from Clair Road to Goodwin Drive within the existing Beaver Meadow Drive right of way. The location of the sewer within the Beaver Meadow Drive right of way will be reviewed during detailed design. There is a downstream sanitary flow monitoring program currently underway and an analysis on available capacity in the downstream system will be included with the next servicing report.

Storm

In addition to the infiltration galleries, additional low impact development measures, including green roofs, permeable pavers, vegetated swales and bioretention areas should be included into the apartment and park blocks. Refer to the Low Impact Development Planning and Design Guide (2010) for additional information on these stormwater controls and how they can be integrated into the servicing plan and apartment blocks at site plan.

The purpose of the ditch inlet overflow connection to the storm sewer on Clair Road is not discussed in the servicing report. The storm sewers on Clair Road are intended for road runoff from Clair Road only.

Based on a review of the groundwater elevations within the Hall's Pond wetland, the groundwater table is very close to, and in one area, higher than the ground surface in the wetland. For example, the water levels mini-piezometers DP10-06 are higher than the ground level indicating that there is groundwater discharging to the wetland and/or the percolation rate of the soils are very low. The high water table, upward hydraulic gradient and relatively impermeable soils (peat and silt till) identified at TP3, TP3A, DP1 and DP2 within the wetland are conditions not conducive to infiltration.

The use of an "average" infiltration rate of 2×10^{-4} cm/s in Hall's Pond (also referred to as SWM Pond 1, Block 108 and Block 105) is not appropriate when the surficial soil layer, in this case approximately 1-2 metres of peat/silt till, will be the limiting factor in terms of infiltration. The SWM modeling for Block 108 and drawdown calculations should be revised to use a maximum infiltration rate 2×10^{-5} cm/s in Catchment 27. Engineering Services staff are concerned that stormwater runoff discharged to the wetland will not infiltrate between events and the surface water depths within the pond will exceed the City's design standard for the maximum ponding depth of 1.0 metres.

In order to address the excessive ponding in Hall's pond and more accurately mimic the existing hydrology in the hummocky areas of the site under the post-development condition, the stormwater management approach on the apartment and park blocks in the vicinity of the Hall's Pond wetland should focus on both peak flow reduction and enhanced stormwater infiltration, evapotranspiration and harvesting. It is recommended that the "first flush" or runoff from the 25 mm event be treated, stored and infiltrated, evapotranspired or harvested within Blocks 98, 99, 100 and 101 while maintaining pre- to post development peak flows for the larger storm events.

The maximum side slopes in the ponds should not exceed 5:1 as per City design standards.

Maintenance access routes need to be included around each Pond facility.

The stormceptor design criteria and calculations should be provided using the manufacturers design software (PCSWMM).

The major overland flow route for the Regional Storm beyond the three SWM Ponds must be identified on a drawing.

The operation and maintenance details of the pond will be reviewed during detailed design but the developer is required to monitor the pond during construction and for 2 years after substantial buildout of the subdivision (75%) with regular reporting to the City. The pond depths are to be confirmed prior to the City assuming operation at the end of the developer's maintenance period.

We provide the following draft plan conditions:

Conditions to be met prior to any grading or site alteration

The Developer shall complete a **tree inventory and conservation plan**, satisfactory to the City Engineer in accordance with City of Guelph Bylaw (1986)-12229 prior to any grading, tree removal or construction on the site.

The Developer shall obtain a **Site Alteration Permit** in accordance with City of Guelph By-law (2007)-18420 to the satisfaction of the City Engineer if grading/earthworks is to occur prior to entering into the subdivision agreement.

The Developer shall prepare and implement a **construction traffic access and control plan** for all phases of servicing and building construction to the satisfaction of the City Engineer. Any costs related to the implementation of such a plan shall be borne by the Developer.

The Developer agrees that no work, including, but not limited to **tree removal, grading or construction**, will occur on the lands until such time as the Developer has obtained written permission from the City Engineer or has entered into a Subdivision Agreement with the City.

The Developer shall enter into an **Engineering Services Agreement** with the City, satisfactory to the City Engineer.

The Developer shall prepare an overall **site drainage and grading plan**, satisfactory to the City Engineer, for the entire subdivision. Such a plan will be used as the basis for a detailed lot grading plan to be submitted prior to the issuance of any building permit within the subdivision.

The Developer shall construct, install and maintain **erosion and sediment control** facilities, satisfactory to the City Engineer, in accordance with a plan that has been submitted to and approved by the City Engineer.

The Developer shall retain a qualified **environmental inspector**, satisfactory to the General Manager of Planning & Building Services to inspect the site during all phases of development and construction including grading, servicing and building construction. The environmental inspector shall monitor and inspect the erosion and sediment control measures and procedures. The inspector shall report on their findings to the City.

The Developer shall submit a detailed **Storm Water Management Report and Plans** to the satisfaction of the City Engineer which shows how storm water will be controlled and conveyed to the receiving water body. The report and plan shall address the issue of water quantity and quality in accordance with recognized best management practices, Provincial Guidelines, the City's "Design Principles for Storm Water Management Facilities" and the Storm Water Management Design Report for the applicable watershed. Maintenance and operational requirements for any control and/or conveyance facilities must be described.

The Developer shall ensure that any **domestic wells located within the lands be properly decommissioned** in accordance with current Ministry of the Environment Regulations and Guidelines

to the satisfaction of the City Engineer. Any **boreholes** drilled for hydrogeological or geotechnical investigations must also be properly abandoned.

The Developer shall **stabilize all disturbed soil** within 90 days of being disturbed, control all noxious weeds and keep ground cover to a maximum height of 150 mm (6 inches) until the release of the development agreement on the block/lot so disturbed.

The Developer acknowledges that the City does not allow **retaining walls higher than 1.0metre** abutting existing residential properties without the permission of the City Engineer.

Conditions to be met prior to execution of subdivision agreement

That any dead ends and open sides of road allowances created by the draft plan be terminated in **0.3 metre reserves**, which shall be conveyed to the City at the expense of the Developer.

The Developer shall have **engineering drawings** and final reports prepared for the approval of the City Engineer.

With the exception of any share determined by the City to be the City's share in accordance with Its by-laws and policies, the Developer is responsible for the total **cost of the design and construction of all municipal services** within and external to the subdivision that are required by the City to service the lands within the plan of subdivision including such works as sanitary facilities, storm facilities, water facilities, walkways and road works including sidewalks, boulevards and curbs, with the distance, size and alignment of such services to be determined by the City. This includes the Developer paying the cost of the design, construction and removal of any works of a temporary nature including temporary cul-de-sacs, sewers, stormwater management facilities, watermains and emergency accesses.

The Developer shall be responsible for:

- 1) a share of the cost of the existing 400mm diameter Clair Road watermain to the satisfaction of the City Engineer;
- 2) a share of the actual cost of the reconstruction of Clair Road to the satisfaction of the City Engineer;
- 3) a share of the costs of turn lanes and traffic signals at the intersection of Street 2/Clair/Beaver Meadow to the satisfaction of the City Engineer;

The Developer agrees that no development will be permitted on the lands unless the grading plan prepared for the subdivision and approved by the City Engineer indicates that the maximum proposed elevation on the lots and blocks to be developed is less than an elevation of 344metres or until the City Engineer confirms that adequate **water pressure** is available to service the lands. All costs associated with location, design, construction, operation and maintenance of a water booster pump system will be the responsibility of the developer.

The Developer agrees that no development will be permitted on the lands unless there is adequate **sanitary sewer capacity** in the downstream sanitary system. All costs associated with any required upgrades or twinning of existing downstream sewers in order to accommodate the flow from these lands will be the responsibility of the developer.

The Developer shall submit a **Geotechnical Report** to the satisfaction of the City Engineer which describes the potential impacts of groundwater and provides recommendations for pavement design and

pipe bedding.

The Developer shall submit a **Traffic Impact Study** to the satisfaction of the City Engineer addressing vehicular and pedestrian site access, the potential impact of the development on the existing road network, sight lines, traffic signage and traffic calming measures.

The Developer shall pay the cost of supplying and erecting **street name and traffic control signs** in the subdivision, to the satisfaction of the City.

The Developer shall prepare a **street tree planting plan** and implement such plan to the satisfaction of the City.

The Developer shall pay to the City the cost of installing **bus stop pads** at locations to be determined by Guelph Transit.

The Developer shall provide an **On-Street Parking Plan** for the subdivision to the satisfaction of the City Engineer.

The site plans for all **corner building lots**, as determined by the City, shall be submitted to the City for approval of driveway location.

The Developer shall pay the cost of the installation of one Second Order **Geodetic Benchmark** within the proposed subdivision to the satisfaction of City Engineer.

The Developer shall **phase the subdivision** to the satisfaction of the City of Guelph. Such phasing shall conform to the current Development Priorities Plan.

Conditions to be met prior to registration of the plan

The Developer shall obtain approval of the City with respect to the availability of **adequate water supply and sewage treatment capacity**, prior to the registration of the plan, or any part thereof.

The Developer acknowledges and agrees that the suitability of the land for the proposed uses is the responsibility of the landowner. The Developer shall retain a qualified consultant to prepare a **Phase 1 Environmental Site Assessment** (and any other subsequent phases required), to assess any real property to be conveyed to the City to ensure that such property is free of contamination. If contamination is found, the consultant will determine its nature and the requirements for its removal and disposal at the Developer's expense. Prior to the registration of the plan, the consultant shall certify that all properties to be conveyed to the City are free of contamination. (Legal)

Prior to the City accepting any real property interests, the Developer shall :

- 1) submit all environmental assessment reports prepared in accordance with the **Record of Site Condition** (O. Reg. 153/04) describing the current conditions of the land to be conveyed to the City and the proposed remedial action plan to the satisfaction of the Manager of Realty Services;
- 2) complete any necessary remediation work in accordance with the accepted remedial action plan and submit certification from a Qualified Person that the lands to be conveyed to the City meet the Site Condition Standards of the intended land use; and

3) file a Record of Site Condition (RSC) on the Provincial Environmental Registry for lands to be conveyed to the City (Legal)

The Developer shall enter into a **Subdivision Agreement**, to be registered on title, satisfactory to the City Solicitor, which includes all requirements, financial and otherwise to the satisfaction of the City of Guelph.

That the **road allowances** included in the draft plan be shown and dedicated at the expense of the Developer as public highways and that prior to the registration of any phase of the subdivision, the City shall receive a letter from the O.L.S. preparing the plan that certifies that the layout of the roads in the plan conforms to the City's "Geometric Design Criteria – July 23, 1993".

That all **easements, blocks and rights-of-way** required within or adjacent to the proposed subdivision be conveyed clear of encumbrance to the satisfaction of the City of Guelph, Guelph Hydro Electric Systems Inc. and other Guelph utilities. Every Transfer Easement shall be accompanied by a Postponement, satisfactory to the City Solicitor, for any mortgage, charge or lease and such Postponement shall be registered on title by the City at the expense of the Developer.

The Developer shall pay any **outstanding debts** owed to the City.

The Developer shall pay **development charges** to the City in accordance with By-law (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.

The Developer shall erect and maintain **signs** at specified entrances to the subdivision showing the proposed land uses and zoning of all lots and blocks within the proposed subdivision and predominantly place on such signs the wording "For the zoning of all lands abutting the subdivision, inquiries should be directed to Planning Services, City Hall." The sign is to be resistant to weather and vandalism.

The Developer shall place the following **notifications** in all offers of purchase and sale for all lots and/or dwelling units and agrees that these same notifications shall be placed in the City's subdivision agreement to be registered on title :

"Purchasers and/or tenants of all lots are advised that sump pumps will be required for every lot unless a gravity outlet for the foundation drain can be provided on the lot in accordance with a certified design by a Professional Engineer. Furthermore, all sump pumps must be discharged to the rear yard."

"Purchasers and/or tenants of all lots or units are advised that if any fee has been paid by the purchaser to the Developers for the planting of trees on City boulevards in front of residential units does not obligate the City nor guarantee that a tree will be planted on the boulevard in front or on the side of a particular residential dwelling."

"Purchasers and/or tenants of all lots or units are advised that a transit route may be installed on Clair Road and Streets 1 and 2 at the discretion of the City. The location of such route and bus stops will be determined based on the policies and requirements of the City. Such bus stops may be located anywhere along the route, including lot frontages."

“Purchasers and/or tenants of all lots or units are advised that Clair Road may be used as a truck route”

“Purchasers and/or tenants of all lots or units located in the subdivision plan, are advised prior to the completion of home sales, of the time frame during which construction activities may occur, and the potential for residents to be inconvenienced by construction activities such as noise, dust, dirt, debris, drainage and construction traffic”.

“Purchasers and/or tenants of all lots or units are advised that the boundaries of the park block and stormwater management blocks will be demarcated in accordance with the City of Guelph Property Demarcation Policy.”

“Purchasers and/or tenants of all lots or units are advised that the stormwater management ponds have been vegetated to create a natural wetland setting. The City will not carry out routine maintenance such as grass cutting.”

The Developer shall ensure that all **telephone service and cable TV service** in the plan shall be underground. The Developer shall enter into a servicing agreement with the appropriate service providers to provide for the installation of underground utility services for the Lands.

The Developer shall ensure that **street lighting** and underground wiring shall be provided throughout the subdivision at the Developer's expense and in accordance with the policies of the City of Guelph and Guelph Hydro Electric Systems Inc.

That site plans for all corner building lots, as determined by the City Engineer, shall be submitted to the City Engineer for approval of **driveway location**.

The Developer shall pay to the City the total cost of reproduction and distribution of the **Guelph Residents Environmental Handbook** to all future residents within the Plan with such payment based on a cost of one handbook per residential dwelling unit as determined by the City.

Conditions to be met prior to the issuance of a building permit

All **Stage 1 Services** are to be constructed to the satisfaction of the City Engineer.

The Developer shall provide the City with written confirmation from the Engineering Department of **Guelph Hydro** that the subdivision hydro servicing has been completed to the satisfaction of Guelph Hydro.

The Developer shall submit a report prepared by a Professional Engineer to the satisfaction of the Chief Building Official certifying that all **fill** placed below proposed building locations has adequate structural capacity to support the proposed building. All fill placed within the allowable zoning bylaw envelope for building construction shall be certified to a maximum distance of 30 metres from the street line. This report shall include the following information; lot number, depth of fill, top elevation of fill and the area approved for building construction from the street line.

The Developer shall submit a report prepared by a Professional Engineer to the satisfaction of the Chief

Building Official providing an opinion on the presence of **soil gases (Radon and Methane)** in the plan in accordance with applicable provisions contained in the Ontario Building Code.

We trust that these comments and conditions are helpful for now. Please do not hesitate to contact me if you have any questions.



Mary Angelo, P.Eng.
Supervisor, Development Engineering

INTERNAL MEMO



DATE November 20, 2009
TO **Katie Nasswetter**
FROM Rory Barr Templeton
DIVISION Parks Planning
DEPARTMENT CDDS
SUBJECT **Proposed Plan of Subdivision and Zoning By-Law Amendment And
EIS Addendum For 161, 205, 253 Clair Road East
(23T08503/ZC0803)**

Parks Planning has reviewed the application for the above noted Proposed Plan of Subdivision, Environmental Impact Study and Zoning By-Law Amendment and offer the following comments:

Environmental Impact Study – Addendum
(comments below can be incorporated into the EIR)

3.8 Trails

- Please clarify the two 'existing driveways' that the proposed trail is to utilize. Figure 3 does not identify these driveways, nor does the text describe the existing condition of these driveways and what is required to upgrade them to trails.
- The trail system proposed should take advantage of the Park Block instead of entering a private block - Block 98.
- The proposed trail shall be located as far away from proposed residential lots as possible. This may require lots being adjusted or discussions of integrating the trail into the buffer zones, to achieve an acceptable buffer between private and public (eg. 10 metres).
- Identify all 'Induced Impacts' associated with trail implementation and make recommendations to hazard tree removal and management.
- Provide plans that indicate trail signage and locations (i.e. sign layout and wording to be provided). Refer to the Guelph Trail Master Plan (classifications, widths, materials, etc).
- All proposed trails are to be 'accessible' as per the Facility Accessibility Design Manual. If this is not possible, provide looped trail systems and signage to note the level of access on certain trails.
- Within Storm Water Management Areas – Provide plans that show signage and locations (eg.No Skating, No Fishing, Educational, etc). Reference the Design Principles of Storm Water Management Facilities.
- Open Space Planting – Provide plans that indicate compensation/mitigation planting locations. This in part will be related to any proposed trails that may require the removal of trees or understorey planting. Provide educational signage (eg. You are entering a wetland.....).
- Demarcation – Provide suggestions on types of demarcating lands – i.e. Chain link along the rear lots adjacent to natural areas and SWM areas. Provide plans as to the locations of the demarcation. Although listed in the policy, due to maintenance concerns please avoid all large canopy trees such as Sugar maple and Pines altogether in living fences. Small canopy trees such as Choke cherry and tapered evergreen trees such as Spruce are acceptable. See Design

-
- Principles for Storm Water Management Facilities for a list of invasive species to avoid and the City Property Demarcation Policy.
 - Grading – Provide grading within SWM areas, proposed trails, openspaces and trail linkages.

Parkland Dedication:

The current draft plan of proposed subdivision proposes a development area of 23.114 hectares, showing a Parkland Dedication of 0.868 hectares. Parks Planning would require a minimum Parkland Dedication in the amount of 0.7405 hectares (per City of Guelph By-law (1989)-13410, as amended by By-law (1990)-13545), calculated as follows:

Total Development Area	23.114 hectares
less open space	8.305 hectares

Net residential development area	14.809 hectares
PARKLAND DEDICATION @ 5% of residential development	0.7405 hectares

The amount of parkland dedication provided on the proposed draft plan is **satisfactory** to Parks Planning.

Park Block Lot Frontage:

The current draft plan of proposed subdivision has identified approximately 161.25 metres of Lot Frontage for the 0.868 ha park block. Parks Planning requires 1 metre of Park Lot Frontage for every 100 square metres of park area (a minimum of 50 metres) as identified in Section 9.2 of the Zoning Bylaw.

The required Park Lot Frontage is calculated as follows:

Park Area: 0.868 hectares @ 1m/100m² = 86.80 metres of street frontage.

The amount of Lot Frontage proposed is **satisfactory** to Park Planning.

Park Block Location:

The Land Use Concept identifies a park block location that is shown close to the center of the proposed subdivision (Block 101). This location provides the following:

- A Park located within a service radius of 500 metres as identified in Section 7.12.11 of the City of Guelph Official Plan and Recreation, Parks & Culture Strategic Plan.
- A Park that has good frontage on a main street, with strong sightlines and accessibility.
- Is part of the Community Trail System that links to the larger Guelph Trails Master Plan System.

The proposed park block location is currently **satisfactory** to Parks Planning and meets all the above location objectives.

Proposed Zoning:

No objections to the rezoning of the subject property.

Stormwater Management and Open Space Block:

I would request the continued development and design of the public pedestrian trail system into the Open Space Blocks as well as around the periphery of the SWM Blocks.

Lot Fabric and Layout:

I recommend the following lot fabric and layout revisions to the proposed draft plan:

1. Ensure all proposed trail connections fall outside buffer zones and natural heritage features when possible, while still providing a comfortable off-set from rear lot lines to give privacy.

Conditions of Subdivision Approval:

Based on my review of the Proposed Draft Plan of Subdivision, I recommend the following subdivision approval conditions:

Conditions to be met prior to execution of subdivision agreement

1. The Developer shall be responsible for the cost of design and development of the **"Basic Park Development"** as per the City of Guelph current "Specifications for Parkland Development", which includes clearing, grubbing, topsoiling, grading and sodding for any phase containing a Park block to the satisfaction of the Director of Community Design and Development Services. The Developer shall provide the City with **cash or letter of credit** to cover the City approved estimate for the cost of development of the Basic Park Development for the Park Block to the satisfaction of the Director of Community Design and Development Services. (Parks Planning)
2. The Developer shall be responsible for the cost of design and development of the **demarcation** of all lands conveyed to the City in accordance with the City of Guelph Property Demarcation Policy. This shall include the submission of drawings and the administration of the construction contract up to the end of a 2 year warrantee period completed by a Ontario Association of Landscape Architect (OALA) member for approval to the satisfaction of the Director of Community Design and Development Services. The Developer shall provide the City with **cash or letter of credit** to cover the City approved estimate for the cost of development of the demarcation for the City lands to the satisfaction of the Director of Community Design and Development Services. (Parks Planning)
3. The Developer shall be responsible for the cost of design and implementation of the **Open Space Works and Restoration** In accordance with the "Environmental Implementation Report" to the satisfaction of the Director of Community Design and Development Services. The Developer shall provide the City with **cash or letter of credit** to cover the City approved estimate for the cost of the Open Space works and restoration for the City lands to the satisfaction of the Director of Community Design and Development Services. (Parks Planning)

-
4. The Developer shall design and develop the **Storm Water Management Facility Landscaping** in accordance with the City's current "Design Principles for Storm Water Management Facilities" to the satisfaction of the Director of Community Design and Development Services and the City Engineer. This shall include the submission of drawings and the administration of the construction contract up to the end of the warrantee period completed by a Ontario Association of Landscape Architect (OALA) member for approval to the satisfaction of the Director of Community Design and Development Services. (Parks Planning, Engineering)
 5. The Developer shall be responsible for the cost of design of the **Pedestrian Trail System** for the Storm Water Management & Open Space Blocks. This shall include submitting drawings for approval, identifying the trail system, interpretative signage and trail design details, to the satisfaction of the Director of Community Design and Development Services and the City Engineer. This shall include the submission of drawings completed by an Ontario Association of Landscape Architect (OALA) member for approval to the satisfaction of the Director of Community Design and Development Services. (Parks Planning, Engineering)
 6. The Developer shall provide Community Design and Development Services with a digital file in either AutoCAD - DWG format or DXF format containing the following final approved information: parcel fabric, street network, grades/contours and landscaping of the park, open space and storm water management blocks. (Planning)

Conditions to be met prior to registration of the plan

7. The Developer shall place the following **notifications** in all offers of purchase and sale for all lots and/or dwelling units and agrees that these same notifications shall be placed in the City's subdivision agreement to be registered on title (Planning):
 - "Purchasers and/or tenants of advised that the Stormwater Management Block has been vegetated to create a natural setting. Be advised that the City will not carry out routine maintenance such as grass cutting. Some maintenance may occur in the areas that are developed by the City for public walkways, bikeways and trails."
 - "Purchasers and/or tenants of all lots are advised that the Open Space Block has been retained in its natural condition. Be advised that the City will not carry out regular maintenance such as grass cutting. Periodic maintenance may occur from time to time to support the open space function and public trail system."
 - "Purchasers and/or tenants of all lots are advised that the Park Block has been designed for active public use and may include sportsfields, playgrounds, trails and other park amenities. Be advised that the City may carry out regular maintenance such as grass cutting. Periodic maintenance may also occur from time to time to support the park functions."
 - "Purchasers and/or tenants of all lots or units are advised that the boundaries of the open space, stormwater management and park blocks will be demarcated in accordance with the City of Guelph Property Demarcation Policy. This demarcation will consist of living fences and property demarcation markers adjacent to lot numbers *, and black vinyl chain link fence adjacent to lot

numbers *.” The Developer shall also send written notification of proposed demarcation types to any existing homeowners in lots adjacent to open space, stormwater management and park blocks.

8. The Developer shall dedicate Block 105, 101, 104 for park purposes in accordance with the provisions of City of Guelph By-law (1989)-13410, as amended by By-law (1990)-13545, By-Law (2007- 18225), or any successor thereof. (Legal & Parks Planning)

Conditions to be met prior to the acceptance of the Parkland

Geotechnical Investigations Report:

The Developer shall submit a report, prepared by a geotechnical engineer certifying that all fill placed on the Parkland has adequate structural capacity to support play structures, swings, pathways, paved courts, sun shelter and other park elements that require footings and foundations, to the satisfaction of the Director CDDS. This report shall include the following information; block number, locations of test pits, depth of topsoil and fill and top elevations of fill.

As-built Grading, Drainage and Servicing Plan:

The Developer shall submit a report prepared by a professional engineer certifying that the parkland grading and site servicing have been constructed in accordance with the approved grading, drainage and servicing plan and Parks Planning Specifications and are functioning as designed. This report shall be accompanied by 'As Built' Grading drainage and Servicing Plan stamped by the Engineer. The Developer shall also submit the as-built grading, drainage and servicing plan in AutoCAD format to the satisfaction of the Director of CDDS.

Topsoil Test Report:

The Developer shall provide a written topsoil test report from a recognized laboratory confirming topsoil compliance with the Parks Planning specifications. The testing shall include, but is not limited to nutrient levels, organic content, heavy metals and pesticides/herbicides (such as Atrazine).

As-built Landscape Plan:

The Developer shall submit a report prepared by registered OALA full member certifying that the landscape work and property demarcation work have been constructed in accordance with the approved Landscape Plan and Parks Planning Specifications. This report shall be accompanied by 'As Built' Landscape Plan stamped by the registered OALA full member. The Developer shall also submit the as-built Landscape Plan in AutoCAD format to the satisfaction of the Director of CDDS.

Summary:

The above comments represent Park Planning's review of the proposed development. Based on the current information provided, I would support the proposed development subject to the conditions outlined above.

I trust that this is of assistance.

Sincerely,

Rory Barr Templeton
Parks Planner

Parks Planning
CDDS

T 519-822-1260 x 2436
F 519-837-5640
E rory.templeton@guelph.ca

Cc Jessica McEachren

File # T:\ParksPlanning_Park Planning\PLANNING\SOUTH DISTRICT\Subdivisions\Dallan
Property

INTERNAL MEMO



DATE March 4, 2011
TO **Katie Nasswetter**
FROM Rory Barr Templeton
DIVISION Planning
DEPARTMENT Planning & Building, Engineering and Environment
SUBJECT **Confirmation of Dallan Property comments regarding the
Proposed Plan of Subdivision and Zoning By-Law Amendment And
EIS Addendum For 161, 205, 253 Clair Road East**

Katie:

My comments noted in a Memo to you dated November 20, 2009 regarding the Environmental Impact Study, Parkland Dedication Park Block Lot Frontage, Park Block Location, Proposed Zoning, Stormwater Management and Open Space Block, Lot Fabric Layout and Conditions of Subdivision Approval for the Dallan Property, are still valid as of March 4, 2011. Based on the most current Plan, I will continue to support the proposed development subject to the conditions outlined in my Memo dated November 20, 2009.

Please do not hesitate to contact me if you have further questions or concerns

Rory Barr Templeton
Landscape Planner

Planning
Planning & Building, Engineering and Environment
Location: 1 Carden Street, 3rd Floor.

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E rory.templeton@guelph.ca

File # T:\ParksPlanning_Park Planning\PLANNING\SOUTH DISTRICT\Subdivisions\Dallan Property\Folder\2011

INTERNAL MEMO



DATE March 14, 2011
TO **Scott Hannah, Manager Development Planning**
FROM Rob Kerr, Corporate Manager, Community Energy
DEPARTMENT Corporate Administration
SUBJECT **Community Energy Initiative
151, 205 and 251 Clair Road East (Dallan, Phase I):
Proposed Draft Plan of Subdivision and Zoning By-law
Amendment (23T-08503/ZC0803) – Ward 6**

This memorandum is in reply to a request from the City's Planning and Building Division to provide comments as the energy aspects of the above named proponent.

The proponent has committed to build all residential units in the sub-division to Energy Star standards.

In addition, Schedule 11 indicates a list of items that go beyond the Energy Star standard. The majority of these items additionally contribute to the energy demands of the proposed development.

Lastly, the proposed density of the development is 65 persons per hectare, which exceeds the Places to Grow target of 50. This increased density, along with the proposed energy standards as cited above will contribute to the reduced energy demand per capita on the proposed site.

Given that the proponent's application was deemed substantially complete on October 16, 2007, and for the reasons stated above, my opinion is that the named development application has demonstrated a significant effort in addressing the energy performance of the proposed development.

Robert Kerr
Corporate Manager, Community Energy
Community Energy
Corporate Administration

T 519-822-1260 x 2079
E rob.kerr@guelph.ca

**ENVIRONMENTAL ADVISORY COMMITTEE
WEDNESDAY, JUNE 09, 2010 AT 7:00 P.M.**

**COUNCIL COMMITTEE ROOM C
MINUTES**

Present: P. Smith (Chair) G. Drewitt
S. Barnhart J. Tivy
J. Suka

Regrets: K. McCormack, L. McDonnell, M. Gillen, R. Johnson

Staff: J. McEachren, V. Laur, K. Nasswetter

External Groups: Nancy Shoemaker, Black, Shoemaker, Robinson and Donaldson
Gwendolyn Weeks, Stantec Consulting Ltd.
Grant Whitehead, Stantec Consulting Ltd.
Ken Behm, K. J. Behm & Associates
Gerry Armstrong, Victoria Wood
Charles Cecile, Guelph Field Naturalists
Melanie Allard, University of Guelph Student
Judy Martin, Sierra Club
Hugh Whitely

G. Drewitt declared a conflict of interest on the Dallan Subdivision - Environmental Impact Study (EIS) agenda item.

1. Dallan Subdivision – Environmental Impact Study

J. McEachren, Environmental Planner with the City of Guelph, provided a brief overview on the Environmental Impact Statement for the proposed Dallan Subdivision.

K. Nasswetter, Senior Development Planner with the City of Guelph, was available to respond to questions from the Environmental Advisory Committee.

Nancy Shoemaker, from Black, Shoemaker, Robinson and Donaldson, spoke to the history of the application and its current status and was available to respond to questions.

Grant Whitehead, from Stantec Consulting Ltd., provided a brief summary of the Hydrogeology Study and noted the following:

- Groundwater galleries will be placed throughout the site.
- Surface water will be collected and directed to the stormwater ponds.

Ken Behm, from K. J. Behm & Associates responded to questions from the Environmental Advisory Committee in regards to water table levels and stormwater drainage issues.

S. Barnhart noted that staging of development was important and that there are opportunities at the site plan stage to include any additional controls.

Gwendolyn Weeks, from Stantec Consulting Ltd., spoke to the ecology of the site noting the mitigated measures and impacts to the wildlife and amphibians moving through the area.

The floor was opened to delegations.

Delegation:

Charles Cecile, from the Guelph Field Naturalists, provided the following comments on the Dallan Subdivision - Environmental Impact Study:

- concerned about the Provincially Significant Wetland located on the property adjacent to Clair Road and maintaining its linkage to the rest of Halls Pond complex south of the property
- concerned about the thriving frog population and how to sustain it for the long term
- corridor is too narrow for amphibians to get to the woodlot at the back of the property
- loss of migration and linkage corridor for amphibians
- post construction monitoring needs to be included in the plan

Delegation:

Melanie Allard, University of Guelph student, provided the following comments on the Dallan Subdivision - Environmental Impact Study:

- concerned about the amphibians and the preservation of their habitats
- noted the effectiveness of using minnow traps for salamander sampling purposes is questionable
- noted a more diagonal corridor is more effective as it's a more direct route
- need to ensure increases of water depth doesn't occur

Delegation:

Judy Martin, Sierra Club, provided the following comments on the Dallan Subdivision - Environmental Impact Study:

- wetland buffers are inadequate to protect the habitat function of the wetland
- monitoring is inadequate to determine if species at risk are present
- polluted stormwater could impact the provincially-significant wetland

- the subdivision plan violates GRCA and Environment Canada guidelines with regard to wetland protection
- the proposal does not comply with recommendations in the Hanlon Creek Watershed Plan, which has been adopted by Council
- the proposal is inconsistent with the proposed Natural Heritage Strategy
- the proposal is inconsistent with tree policies in the Official Plan and Strategic Plan
- lack of clarity in tree inventory
- believes tree and canopy loss will be dramatic

Delegation:

Hugh Whitely provided the following comments on the Dallan Subdivision - Environmental Impact Study:

- noted that future studies need to include a water quality impact assessment
- noted the need to keep natural vegetation
- concerned about road salt and the impact on the site - suggested the reuse of salt
- a hydroperiod assessment needs to be done and continuous monitoring of the SWM system
- noted visual aspects of the environment have been ignored

General discussion took place and Gwendolyn Weeks, from Stantec Consulting Ltd. spoke to the design of the corridor area and wetland pockets.

Moved by S. Barnhart and seconded by J. Tivy

“That the Environmental Advisory Committee support the Environmental Impact Study prepared by Stantec Consulting for the Dallan Subdivision, with the following conditions:

- That items identified in the EIS to be included in the forthcoming EIR must include the following:
 - a) Details with regards to the vegetated swale proposed for the conveyance of storm water runoff to the wetland area south of Clair Road;
 - b) Identification of associated induced impacts with trail implementation as well as details on the trail design;
 - c) Proposed timing for vegetation removals or associated activities. These activities must take place outside of associated breeding seasons;
 - d) A detailed tree preservation/compensation plan including number of trees to be removed and proposed compensation for the removals as well as species identified for transplant on site;
 - e) Details surrounding the proposed wildlife culvert located beneath Road 1.
- That, as it pertains to the Western Chorus frog:

- a) Protective buffers are maintained as no touch and associated mitigation measures must be implemented to ensure construction or related activities do not impede the species habit;
- b) That the document speaks to the adequacy of the buffers provided on the wetland and how it conforms to the 2008 COSEWIC Recovery Strategy for the species.
- That further explanation on the purpose, design and technical rationale and overall benefit of the amphibian stop over pond be provided;
- That the use of native species for compensation plantings should be specified on all appropriate plans due to the ecological sensitivity of the site;
- That buffers remain no touch areas;
- That the EIR identifies the locations of the relocated rock piles need to be identified, and prior to moving the rock piles, they should be assessed for potential species utilizing the habitats;
- That further detail, location, and planting plans for the proposed amphibian pond within the wildlife corridor must be identified in the EIR;
- That details surrounding the wildlife corridor, including any proposed planting plans, fencing options, and educational signage be outlined in the EIR;
- Establishment of a minimum 50 metre wide habitat corridor on the two properties, designed to accommodate the needs of the target species found in the wetland adjacent to Clair Road, to be conveyed to the City;
- Address strategies to mitigate salt impacts on the wetlands;
- Implement best design practices to facilitate biological movement across Street #1 within the habitat corridor (e.g. culverts, speed bump, vegetation to the road verge, signs, reduced lighting etc.)
- Educational package for residents, include the Enviroguide.”

Motion Carried
Unanimous-



July 27, 2010

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

Attention: Katie Nasswetter

**Re: Proposed Plan of Subdivision and Zoning By-law Amendment, 151, 205 and 253 Clair
Road East, Guelph File: 23T-08503/ZC0803**

We have completed our review of the additional information provided to this office by Black, Shoemaker, Robinson and Donaldson including:

- Revised Draft Plan prepared by Black, Shoemaker, Robinson and Donaldson
- Updated Preliminary Servicing and SWM Report, prepared by KJ Behm & Associates
- Letter response to environmental considerations raised by GRCA prepared by Stantec
- Letter report addressing Additional 2010 Field Investigations – Jefferson Salamander prepared by Stantec

Based on the review of the information provided we are satisfied that our engineer comments have been satisfactorily addressed. In particular, we commend preliminary design of an infiltration strategy that can be reasonably expected to recharge all stormwater runoff, up to and including the 100-year design storm within the subject lands. In addition, the environmental issues raised during our meeting of February 3, 2010 have been addressed. Based on the information submitted we have no objection to the plan receiving draft approval subject to the following conditions.

1. Prior to any grading or construction on the site and prior to the registration of the plan, the owners or their agents submit the following plans and reports to the satisfaction of the Grand River Conservation Authority:
 - a) A final stormwater management report in accordance with the Preliminary Site Servicing and Stormwater Management Design report;
 - b) An erosion and siltation control plan in accordance with the Grand River Conservation Authority Guidelines for sediment and erosion control, indicating the means whereby erosion will be minimized and silt maintained on site throughout all phases of grading and construction.
 - c) Detailed lot grading and drainage plans.
 - d) The approval and issuance of a Permit from the GRCA for any development within the regulated areas on the subject lands pursuant to Ontario Regulation 150/06 (Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation).



ISO 14001 Registered

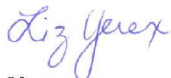
Canadian
Heritage
Rivers
System



The GRCA trusts that the City of Guelph will ensure that the Subdivision Agreement between the owners and the municipality will contain provisions for the completion and maintenance of the works in accordance with the approved plans and reports noted in the above conditions. We trust that at detailed design the Environmental Implementation Report will serve to provide a greater level of detail and discussion of the following:

- Stormwater spreader swale adjacent to Hall's Pond,
- Proposed trail route within recommended buffer areas,
- Proposed wildlife corridor between Hall's Pond and woodlands south of the site,
- Proposed wildlife culverts or underpasses,
- General protection, restoration, and enhancement measures as recommended in the EIS.

Yours truly,



Liz Yerex
Resource Planner
Grand River Conservation Authority

cc: Jessica McEachren, Guelph Jessica.McEachren@guelph.ca
Nancy Shoemaker, Black, Shoemaker, Robinson and Donaldson Nancy@bsrd.com
Ken Behm, K.J. Behm & Associates kjbehm@bellnet.ca



UPPER GRAND DISTRICT SCHOOL BOARD

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

Martha C. Rogers
Director of Education

May 21st, 2008

PLN: 08-27
File Code: R14
Sent by: Mail & Email

Katie Nasswetter
Community Design and Development Services
City of Guelph, 59 Carden Street,
Guelph Ontario N1H 3A1

Dear, Ms. Nasswetter

Re: PROPOSED DRAFT PLAN OF SUBDIVISION & ZONING BY-LAW AMENDMENT
23T-08503/ZC0803, Victoria Wood, Dallan
161, 205 and 253 Clair Road East, City of Guelph

Planning staff at the Upper Grand District School Board has received and reviewed the above application for a proposed draft plan of subdivision and zoning by-law amendment, dated May 12th, 2008. The proposed development sits within the **Clair Road Development Area**, which is currently holding at Aberfoyle PS for JK to 8.

Given the fact that a school is currently planned to open in the Westminster Woods neighbourhood, we would request that consideration be given to making the area walk-able for future students heading to the new school which is to be located north of Clair Road.

Please note that the Planning Department at the Upper Grand District School Board does not object to the proposed subdivision, subject to the following conditions;

- Education Development Charges shall be collected prior to the issuance of a building permit;
- The developer agrees to provide the Upper Grand District School Board with a digital file of the plan of subdivision in either ARC/INFO export or DXF format containing parcel fabric and street network;
- That adequate sidewalks, lighting and snow removal is provided within the subdivision to allow children to walk safely to school or to a congregated bus stop;
- That traffic signals be installed at the intersection of Clair Road and Beaver Meadow Drive to provide safe pedestrian access for students crossing to the new school;
- The developer and the Upper Grand District School Board reach an agreement regarding the supply and erection of a sign (at the developers expense and according to the Board's specifications) affixed to the permanent development sign advising prospective residents that students may be directed to schools outside the neighbourhood, and that;

- The developer agrees in the subdivision agreement to advise all purchasers of residential units and/or renters of same, by inserting the following clause in all offers of Purchase and Sale/Lease, until such time as a permanent school is assigned:

"Whereas the Upper Grand District School Board has designated this subdivision as a Development Area for the purposes of school accommodation, and despite the best efforts of the Upper Grand District School Board, sufficient accommodation may not be available for all anticipated students from the area, you are hereby notified that students may be accommodated in temporary facilities and/or bused to a school outside the area, and further, that students may in future have to be transferred to another school."

Should you require additional information, please feel free to contact me at (519) 822-4420 x 822.

Sincerely,

A handwritten signature in black ink, appearing to read "Sarah Galliher". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Sarah Galliher
Planning Technician

(sent by email 11/07/2010)

Mr. Jim Riddell
Manager of Planning
City of Guelph

Dear Mr. Riddell

We are writing today to express concern about a development proposal for the property known as the Dallan Lands (151, 205 and 253 Clair Road East).

We have been commenting on and following this proposal since May, 2008, on behalf of the Guelph Field Naturalists.

Our primary concern is the likelihood of isolating the wetland along Clair Road that is identified as part of the Hall's Pond Provincially Significant Wetland (PSW) Complex, resulting in the eventual loss of biodiversity, specifically the present amphibian population. We believe that the proposed ecological linkage is inadequate and improperly located. The Dallan Lands EIS Addendum Report (2009) prepared by Stantec Consulting Ltd., describes the amphibian population documented at the Clair Road PSW as "vibrant". The species of amphibians found there spend the majority of their life cycle in the wooded lands to the south and east, returning to the Clair Road PSW to breed in the spring.

The current design and location of the proposed ecological linkage to those woodlands is based on recommendations in the Stantec EIS Addendum report. However, these recommendations are not supported by the two other environmental reports that were sponsored by the City: The Natural Heritage Strategy (NHS) Report (2009) and the Hanlon Creek Watershed Study (1993) - both of which recommend a significantly wider and more centrally/directly located linkage. We understand that the Dallan Lands development application pre-dates the NHS and is therefore not subject to its policies. Nonetheless, the biological data and scientific literature review that form the basis of those policies should have been included in the Dallan Lands EIS Addendum report because it was available at the time. In addition, two other relevant studies done for a similar moraine landscape would support the City reports rather than the recommendations of the Stantec EIS Addendum report. They are:

1. Natural Heritage Planning for Amphibians and Their Habitats with reference to populations on the south slope of the Oak Ridges Moraine, by N. Helferty, 2002.
2. Natural Heritage Systems in Urbanizing Settings: Sustainable Practices for the Oak Ridges Moraine, by Diamond et al., 2002.

We sent digital copies of these two studies to city staff last January, 2010.

The Stantec report does not document the migration route being used by the amphibians to and from the Clair Road PSW. It is logical to assume, however, that the amphibians utilize a more-or-less direct route across the open landscape between the wetland and the wooded lands to the south and east, likely using the small kettle wetlands in this area as “stepping stones”. Amphibians calling from the PSW would attract others from the wooded lands directly across the open landscape, most likely on wet, rainy nights in early spring. The small kettle wetlands have not been identified as part of the Hall’s Pond PSW Complex. The Ministry of Natural Resources’ rationale for including small wetlands in wetland complexes appears to be inconsistent across the province. The Aurora District Office of the MNR would likely have included these small wetlands in the PSW complex in a moraine landscape (see Rationale below).

As per the Ontario Provincial Policy Statement (PPS) (2005), the Stantec EIS Addendum report identifies the Clair Road PSW as “Significant Wildlife Habitat” (Seasonal Concentration Area). The report fails, however, to include the vital migration route of the amphibians as part of this habitat. As you are aware, the PPS contains specific language with respect to Natural Heritage including “diversity and connectivity”, “long-term ecological function” and “recognizing linkages between and among natural heritage features and areas”. The two Guelph environmental reports noted above recommend a significantly wider and more centrally/directly located linkage for the Clair Road PSW and the two relevant studies’ findings would support such a linkage. The Stantec EIS Addendum report recommends a significantly narrower linkage along the western boundary of the property, and it appears to be located there for reasons other than environmental ones.

The City’s Environmental Advisory Committee voted on a resolution at its June meeting to accept the Dallan Lands proposed development with its inadequate wildlife corridor. Five EAC members were present, one of whom declared a conflict of interest. Of the remaining four members who voted on the resolution, only one was a biologist/ecologist. In our opinion, this does not qualify as an adequate environmental review from a committee whose mandate is to advise the City on environmental matters.

Gord Miller, Ontario’s Environmental Commissioner, wrote an article that appeared in the Guelph Mercury earlier this year, commenting on the need to protect biodiversity in the province (“We can no longer ignore our bio-diversity crisis”, Guelph Mercury, Jan. 26, 2010) and noting this is the International Year of Biodiversity as declared by the United Nations. He made specific reference to Guelph including appropriate subdivision planning if we are sincere in halting the loss of

biodiversity.

The Dallan Lands proposed development will be the first high-density, residential development on the Paris-Galt Moraine within the City south of Clair Road. It could very well set a precedent for future development on the Moraine, particularly with respect to ecological linkages and their ability to maintain ecological functions and wildlife populations for the long-term. If the current proposed ecological linkage for the Clair Road PSW is approved, it opens the possibility that all future corridors and ecological linkages that are identified in the City's Natural Heritage System can be adjusted and minimized for other future proposed developments.

We note that in the latest version of the City's Natural Heritage System shown on Draft Schedule 2: Land Use Plan (April, 2010) as part of the Official Plan Update, the design has already been changed from the wider, centrally-located linkage on earlier versions to show the narrower ecological linkage along the western boundary of the Dallan property. We understand that City Council will be voting on the NHS as part of the Official Plan Update later this month including this change, despite the fact that the Dallan Lands proposed development plan has not been approved. If this change is approved as part of the NHS/Official Plan Update, it certainly paves the way for the current proposed Dallan Lands development to be approved.

We believe that City council needs to be aware that approving the current proposed Dallan Lands development plan with its inadequately-sized and inappropriately-located ecological linkage along the Dallan Lands western property boundary will very likely result in the eventual loss of the existing "vibrant" amphibian population at the Clair Road PSW. The two city-sponsored environmental reports confirm this and the scientific literature supports this conclusion. If this occurs, we believe the specific policies of the PPS will not be met, nor will that part of the City's Mission Statement which concerns environmental planning, stewardship and sustainability.

We respectfully request that more consideration be given to the design and location of the ecological linkage for the proposed Dallan Lands development plan to ensure the long-term sustainability of the Clair Road PSW biodiversity.

Sincerely,

Guelph Field Naturalists

Valerie Fieldwebster, President
Peter Kelly, Vice-president
Carol Koenig, Past-president
Charles Cecile, Environment Comm.

MNR Aurora's Rationale for Inclusion of Wetlands under 0.5 ha in Size*

Wetlands are uncommon on the Oak Ridges Moraine, covering only 2% of its surface. Most of the wetlands on the Moraine are small kettle wetlands or small headwater wetlands under 2 hectares in size. Large wetlands are restricted to major discharge zones and to its kettle lakes. Wetlands under 0.5 hectares thus constitute a large portion of wetlands on the Moraine. These small wetlands are included for any of the following reasons:

- Support wetland types not well represented elsewhere in the wetland complex
- Sustain significant species
- Are amphibian breeding ponds
- Function as migratory waterfowl stopovers
- Are headwater sources or contribute base flows
- Are hydrologically connected to larger wetlands
- Provide intervening wetland habitat between larger wetlands
- Occur along corridors
- Are kettle wetlands, an uncommon wetland that is restricted to moraines such as the Oak Ridges Moraine

* Rationale is taken from 3rd Edition Wetland Evaluations located at the Ontario Ministry of Natural Resources Aurora District Office



June 9, 2010

Dear EAC Committee members,

Sierra Club Canada respectfully submits the following comments on the Dallan Subdivision Application.

I. The application does not comply with the Provincial Policy Statement, which requires that "Development and site alteration shall not be permitted on adjacent lands to natural heritage features . . . unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions."

To support this position we offer the following:

a. Lack of data to support sustaining the wetland complex. A July 5, 2008 GRCA letter asked the proponent to "Demonstrate how the hydrological and ecological functions of the Hall's Pond Wetland Complex will be sustained, restored or enhanced. . ." In response to this concern, the EIS contains assurances that removal of temporary wetlands "is not expected to impact" the form or function of the PSW; that buffer recommendations in the Hanlon Creek Watershed Plan are not necessary "to protect the form and function of the significant natural features"; that the addition of storm water to the PSW will not affect the form or function of the wetland. In our view, the EIS fails to provide data supporting the assertion that all functions and values of the wetlands, particularly regarding wildlife, will be preserved.

b. Wetland buffers are inadequate to protect the habitat function of the wetland. The EIS claims that 30 metre buffers are sufficient to protect wetland species and references a University of Massachusetts study. However, that study actually states that "There is an additional need to provide protection to areas beyond the 100 feet [30 metres] because 52% of Massachusetts wetland dependent wildlife are dependent on areas BEYOND 200 FEET." [emphasis added] This fact has been confirmed by many other scientific studies as well.

c. Monitoring was inadequate to determine if species at risk are present. The site was monitored for breeding Jefferson salamanders on April 11 and 12, 2008 and March 23 and 28, 2010 by placing minnow traps in some of the wetlands and searching for egg masses. Based upon recommendations in the Jefferson Salamander Recovery Strategy and previous communications from the Ministry of Natural Resources, this very limited survey seems clearly inadequate.

The Recovery Strategy states: "breeding habitat can be dynamic and conditions variable from year to year depending on precipitation and water levels. This can result in variable breeding success and activity from year to year. For this reason, surveys intended to determine the presence of *A. jeffersonianum* in new locations may need to be conducted for up to three years to ensure adequate effort in investigating presence." We do not believe that surveying on 4 random days is consistent with the recovery strategy recommendations. It is unlikely that these two days in 2008 and 2010 constituted the entire spring movement period for the salamanders. MNR criticized minnow trap studies in the Hanlon Creek Business Park for concluding "prematurely on April 9 given that the spring movement period extended at the very least until April 20th."

In addition, the habitat for the species is not limited to breeding habitat. Again, MNR was critical of the original HCBP salamander surveys because "concluding statements assume that habitat for the species is restricted to breeding habitat, when habitat for the species includes many habitat descriptions referenced in subparagraph i and ii of the draft habitat regulations." MNR determined that studies still needed to be done for "foraging, dispersal, migration or hibernating habitat." (MNR July 31, 2009) Likewise, it does not appear that these habitats have been studied on the subject site.

d. Polluted stormwater could impact the provincially-significant wetland. The proponent wishes to discharge stormwater into the PSW at Clair Road and claims no negative impacts will occur. The addition of stormwater to the PSW is likely to impact its form and function. The proponent has provided no scientific basis for stating that there will be no impact.

II. The subdivision plan violates GRCA and Environment Canada guidelines with regard to wetland protection.

a. Removal of small wetlands. Small wetlands that recharge to groundwater will be removed. In a December 2007 letter, GRCA stated that "these wetlands should be considered part of the provincially-significant Hall's Pond Wetland Complex" and "the loss of these recharge wetlands would be contrary to GRCA's Wetland Policy and therefore cannot be supported by GRCA staff."

The EIS addendum admits that the proposal violates GRCA policy. (p. 3.11)

It should be pointed out that the argument that the wetlands contain "no ecological function" is not supported, since the proponent admits that the wetlands provide a recharge function. In its December 2007 letter, GRCA states that "These wetlands are currently buffered by upland wooded areas or cultural meadows, and provide valuable ecological and hydrological benefits despite their small size. The natural heritage values of these wetlands and their surrounding buffer areas should be recognized in the EIS report, and protected in accordance with GRCA Wetland Policy."

Environment Canada, in its publication How Much Habitat is Enough states, "any wetland, no matter where it is in a watershed or how large it is, will provide some benefits. . . For marshes, even small units (e.g. 0.01 ha) may be important for breeding amphibians or as waterfowl habitat, in the latter case especially for springtime pairing and feeding where a series of small wetlands exist in an area." p. 17-18

b. Insufficient wetland buffers. In its December 2007 letter, GRCA suggested that "establishment of wider buffers around wetlands would benefit wetland-dependent species, would improve recharge functions, and would thereby be consistent with the Hanlon Creek Subwatershed Plan."

The GRCA document Environmental Impact Study Guidelines and Submission Standards for Wetlands says that "Based on current knowledge, the literature increasingly indicates that larger [than 30 metre] buffer requirements tend to be associated with the habitat requirements of wildlife, especially those species inhabiting marshes (Environment Canada 2004). Therefore, minimum buffer widths based on water quality parameters alone are unlikely to be sufficient for wildlife protection."

Environment Canada recommends a **minimum** of 100 metre buffers for fens, marshes and swamps to protect the Critical Function Zone. Scientific literature recommends CFZ for wildlife from 98 to 223 metres. (Brown, 1990)

III. The proposal does not comply with recommendations in the Hanlon Creek Watershed Plan, which has been adopted by Council.

a. Development on hummocky topography. The GRCA said that because of the hummocky topography that relies upon internal drainage, "the site may only be suitable for rural residential or clustered development." (December 2007 letter) This position is consistent with the Hanlon Creek Watershed Plan which recommended that the internally-drained basins south of Clair Road remain undeveloped (preferable) or

have minimal development with very low (10%) impervious surfaces.

b. Reduction of ecological linkages. The HCWP recommends a "primary linkage" be located on this property. (See Figure 3.4.2) This linkage is ranked #9 out of the 21 components recommended for protection and approved by the council of the day. The proposed subdivision plan would significantly impact this linkage.

c. Buffer reductions. Maps in the HCWP indicate that this land is adjacent to Sector 27, which should have an 120 metre buffer. The HCWP identifies this area as sensitive marsh, wet meadow and swamp vegetation. The proponent suggests, instead, that Sector 28 applies to this land, and that that would mean a 30-metre buffer recommendation under the HCWP. However, looking at the sector map in the HCWP reveals that sector 28 is located entirely north of Clair Road.

The proponent argues that maps in the HCWP should be disregarded because "As is usually the case, the boundaries and features . . . are the result of coarse air photo interpretation and not detailed on-site investigations such as those undertaken as part of the EIS."

This argument is frequently made in order to support reducing protections recommended in the HCWP. However, if one reads the document, it becomes apparent that there were, indeed, significant field studies done during its preparation. The document specifically mentions the Halls Pond area as "containing large open water ponds and marsh areas that are regionally uncommon, and which provide excellent habitat for many waterbirds. Several bird species that are rare in Wellington County and in this province are found in both the wetland and upland habitat around these ponds. . . The Township of Puslinch has recognized the environmental importance of the Hall's Pond area, by designating it as one of the most sensitive areas in the Township (Waterloo Geoscience Consultants Ltd. 1990)."

The HCWP terrestrial biology field program directed specific efforts toward determining which of the vegetation communities are most vulnerable to change, importance of areas for wildlife, and evaluating the potential of these areas as overland links between the wetland areas. Vegetation inventories were conducted for each community type at several times throughout the summer. Existing conditions in each stand were evaluated and specific requirements were determined for key species. These data were used to identify vulnerable areas and to predict critical management steps to maintain the wetlands and their wildlife populations. Wildlife use of habitats was determined by recording observations and sign along transects through each major community type. Information on wildlife use and vegetative communities was used to evaluate ways to enhance habitat, minimize disturbance and identify potential corridors and linkages to enhance the resilience of the ecosystem.

It was based upon these studies that a 120 metre buffer was recommended.

There were "major field investigations" for the hydrogeologic work program. A field monitoring program was conducted for the existing storm water management ponds. Major portions of the stream profile were surveyed. The water quality field program sampled 15 locations 4 times a year; a parallel study sampled another 3 months of the year. Stream sediment samples were collected at 5 locations. Temperature and dissolved oxygen were recorded for a period of weeks on several tributaries.

In summary, the field work conducted during the Technical Studies Phase "yielded a large body of information . . . in refining our understanding of the watershed, its resources and dominant inter-relationships." We believe it is inaccurate to characterize the conclusions in the study as "the result of coarse air photo interpretation and not detailed on-site investigations."

IV. The proposal is inconsistent with the proposed Natural Heritage Strategy.

The proposed Natural Heritage Strategy recommends all but the agricultural areas of this property be included in the Natural Heritage System. The proponent argues that, since the subdivision application predates the NHS that this application is not subject to the NHS.

Even if that is true, the fact remains that significant features identified during the NHS process as worthy of protection should still be protected.

V. The proposal is inconsistent with tree policies in the Official Plan and Strategic Plan. (OP 6.8 a) To promote the retention, maintenance and enhancement of tree cover in all areas of the City; OP 6.8.1 The City will encourage the protection of forest resources, including trees, hedgerows, wooded areas and significant woodlands, and encourage the integration of these resources into the urban landscape; OP 6.8.1.1 Forest resources should be protected for their ecological, biological, hydrological and micro-climate modification effects; Strategic objective 6.6 to be "A biodiverse City with the highest tree canopy percentage among comparable municipalities".

a. Removal of over 500 trees. Many, if not most, are native species.

b. Lack of clarity in tree inventory. Tree numbers in the report are approximate and no totals are given for numbers of trees retained or removed, dbh or crown size for individual trees.

Conclusion:

Sierra Club Canada feels that this application is inconsistent with the Provincial Policy Statement, the Hanlon Creek Watershed Plan, GRCA policies, the Natural Heritage Strategy and the City's Official Plan and Strategic Plan. Natural wetlands and moraine will be removed, wetland species will be inadequately protected, tree and canopy loss will be dramatic. As a result, we do not support the application for development of this parcel.

Thank you for the opportunity to comment.

Judy Martin, Regional Representative

From: Dave Sills [mailto:dsills@sympatico.ca]
Sent: November 2, 2009 11:59 AM
To: Katie Nasswetter
Cc: Planning Division Emails; Lise Burcher; Mayors Office; Maggie Laidlaw;
Christine Billings; Gloria Kovach; Ian Findlay; Leanne Piper; Mike Salisbury;
Karl Wettstein; Bob Bell; Vicki Beard; June Hofland; Kathleen Farrelly
Subject: Comments re proposed draft plan of subdivision and associated zoning by-law amendment for 161, 205 and 253 Clair Road East

Ms. Nasswetter,

I would like to provide comments on the proposed draft plan of subdivision and associated zoning by-law amendment for 161, 205 and 253 Clair Road East on behalf of the Guelph Chapter of the Council of Canadians.

We understand that the subject site is a 23 hectare parcel located on the south side of Clair Road East, east of the intersection of Gordon Street and Clair Road East, and that the current proposal is a revised version of the proposal submitted in 2008.

We also understand that no recommendations will be provided at tonight's meeting and no council decision will be made. However, a recommendation report will be prepared and presented to City Council following a full review of the application, including public comment.

The proposed development appears to have many similarities with the Hanlon Creek Business Park plan in that:

- the property is within the Hanlon Creek Watershed,
- the proposed development is in close proximity to a Provincially Significant Wetland,
- the proposed development would be in a groundwater recharge area (in this case the lands are *entirely* within the Paris Moraine),
- technological solutions would attempt to mimic natural drainage patterns and recharge capacity,
- there would be removal of numerous mature trees including native species,
- the development would occur in an area with substantial amphibian and reptile populations, possibly including at-risk species such as the Jefferson Salamander, and
- the proposal aims to protect *some* of the natural features of the site.

As with the Hanlon Creek Business Park, we have a number of concerns regarding the protection of the environment:

- that the proposed removal of mature trees will significantly reduce canopy and increase erosion,
- that vernal wetlands, which are important amphibian habitat, will be destroyed,
- that proposed buffers for the protection of both wetlands and wetland species are likely inadequate, and
- that grading and development of the site could significantly affect groundwater and surface water recharge in the area, even with the stormwater management strategies proposed.

We believe that the proposed residential development is the wrong type of use for these lands. Most of these lands should be preserved given their important ecological function in the City of Guelph. If residential development is allowed to occur over some parts of the lands, it should be carefully planned 'cluster' or 'estate' residential that preserves *most* of the natural features of the site.

Sincerely,

Dave Sills
CoC-Guelph

SCHEDULE 12

Public Notification Summary

May 1, 2008	Application considered complete by the City of Guelph
May 12, 2008	Notice of Public Meeting mailed to prescribed agencies and surrounding property owners within 120 metres
June 3, 2008	Public Meeting of City Council
August 28, 2009	Revised Draft Plan of Subdivision received by the City of Guelph
October 2, 2009	Notice of 2 nd Public Meeting mailed to prescribed agencies and surrounding property owners within 120 metres.
November 2, 2009	2 nd Public Meeting of City Council
March 15, 2011	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
April 4, 2011	City Council Meeting to consider staff recommendation

COUNCIL REPORT

TO **Guelph City Council**

SERVICE AREA Planning & Building, Engineering and Environment
DATE April 4, 2011

**SUBJECT Part Lot Control Exemption – Hanlon Creek Business
Park (PLC1002)**

REPORT NUMBER 11-27

SUMMARY

Purpose of Report:

To provide background and a staff recommendation related to the approval of a Part Lot Control exemption request from Guelph Land Holdings Inc. affecting certain lands within the Hanlon Creek Business Park.

Council Action:

Council is being asked to approve the Part Lot Control exemption request.

RECOMMENDATION

“THAT report (11-27) from the Planning & Building, Engineering and Environment dated April 4, 2011 regarding a proposed Part Lot Control Exemption request for portions of the Hanlon Creek Business Park from Guelph Land Holdings Inc. be received;

AND THAT City Council support the request to exempt Part of Lots 16, 17, 18 and 19, Concession 4, Geographic Township of Puslinch, now in the City of Guelph, more particularly described as Blocks 1,2,4,5,6,7,8, and 9 on the draft Registered Plan from Part Lot Control as identified on Schedule 1 and subject to the conditions set out in Schedule 3 of the Planning & Building, Engineering and Environment report (11-27) dated April 4, 2011.”

BACKGROUND

The City is in receipt of a request from Guelph Land Holdings Inc. for a Part Lot Control exemption affecting Blocks 1,2,4,5,6,7,8, and 9 on the draft Registered Plan for the second phase of the Hanlon Creek Business Park. The subject lands are located west of the Hanlon Expressway, north of Forestell Road and east and west of the future Laird Road realignment (see Schedule 1).

The subdivision control provisions of the Planning Act, related to the conveyance of a Part of a Lot or Block in a plan of subdivision, generally require the approval of a consent (for severance) application prior to the conveyance. Alternatively, the municipal Council may by a by-law passed under Section 50 (7) of the Planning Act to exempt a parcel of land from the part lot control provisions of the Planning Act. Effectively, this Council exemption allows the conveyance of a part of a lot or block without the need for a consent (for severance) application.

At the beginning of 2003, City Council approved new administrative procedures for part lot control applications which authorized the General Manager of Planning and Building Services to prepare part lot control exemption by-laws for semi-detached and on-street townhouse dwellings where certain conditions were met (see Schedule 2). These standard procedures apply to recurring Part Lot Control applications and ensure a timely review without the need for a report to Council.

The procedures, however, also allowed for the consideration of other, less common, Part Lot Control exemption requests (e.g. for industrial and commercial lots). For these applications a staff report to Council is required (see area highlighted in bold on Schedule 2). In keeping with these procedures a staff report has been prepared for this application.

REPORT

Description of Part Lot Control Exemption

The applicant (Guelph Land Holdings Inc.) is requesting that a blanket Part Lot Control exemption Bylaw be passed for certain Blocks in the second phase of the Hanlon Creek Business Park. A covering letter expressing the rationale for the request is set out in Schedule 4. More specifically, the exemption request will:

- allow the ability to divide the blocks in response to a particular purchaser and/or user's requirements, thus attracting business to the Hanlon Creek Business Park in a timely and efficient manner;
- allow the conveyance of a part of a block without the need for a time consuming (more than 3 month) consent to sever application;
- provide for a process which is utilized for industrial development in other municipalities in similar situations.

At present, the lands affected by the Part Lot Control exemption are being serviced and are anticipated to be registered fall 2011. The subdivision agreement for this phase of the development (Phase 2) is currently under review and is anticipated to be registered April 2011.

The properties are designated Corporate Business Park in the Official Plan and are in various B.2 (Industrial) and B.5 (Corporate Business Park) zones in the City of Guelph Zoning By-law. The part lot control application does not contravene the Official Plan designation or alter the current zoning.

Planning Staff Recommendation

Staff support the proposed Part Lot Control Exemption application subject to the conditions set out in Schedule 3. The need to divide larger lots to respond to an individual purchaser and to close deals in an expeditious manner is understood and encouraged. Exempting these properties from the Part Lot control provisions of the Planning Act will allow the applicant to provide this service which also has a direct benefit to the City from a business and retention perspective.

Exempting properties from Part Lot Control, however, does provide the owner with the power to subdivide and convey parcels in any shape without input from the City. The worst case scenario is the conveyance of a parcel of land which does not comply with the zoning by-law or provide sufficient lot area to implement the environmental conditions applicable to the Hanlon Creek subdivision (e.g. storm water infiltration rates).

The conditions recommended on Schedule 3 are intended to avoid this scenario and also follow the process the City uses when it conveys City employment lands to willing purchasers. These conditions include:

1. That the part lot control by-law not be passed until following the registration of the Plan;

This is standard requirement for Part Lot Control Exemption by-laws.

2. That the part lot control by-law be enacted for a period not to exceed 5 years from the date of the passing of the by-law;

This will ensure that the by-law will lapse at the end of 5 years and the Part Lot Control provisions of the Planning Act will be reinstated. Staff anticipate that this length of time will be sufficient time for property transactions to occur. An extension to the by-law could be considered at the end of 5 years, if necessary.

3. That prior to the passing of the part lot control By-law, the proponent (Guelph Land Holdings Inc. or current owner) provide the City with a written undertaking committing to allow City Staff to review all draft reference plans prior to the conveyance of lands in keeping with the Part Lot Control exemption.

The review of draft reference plans by City Planning and Engineering staff is a standard protocol that Economic Development staff uses prior to the sale of City lands to ensure that the lot configuration will comply with the provisions of the Zoning by-law and also ensure that there are no anticipated servicing issues.

City staff have reviewed these conditions with representatives from Guelph Land Holdings Inc. and they are in full support. City Staff would therefore encourage Council to approve the recommendation provided in this report.

DEPARTMENTAL CONSULTATION

The agency comments received during the review of the application are included on Schedule 5

COMMUNICATIONS

Dates for notification are included on Schedule 5

ATTACHMENTS

Schedule 1 – Location Map
Schedule 2 – Part Lot Control Administrative Procedures
Schedule 3 – Conditions
Schedule 4 – Correspondence (Letter from Guelph Land Holdings Inc.)
Schedule 5 – Circulation Summary

Prepared By:

Julie Owens
Senior Planning Technician

Original Signed by:

Recommended By:

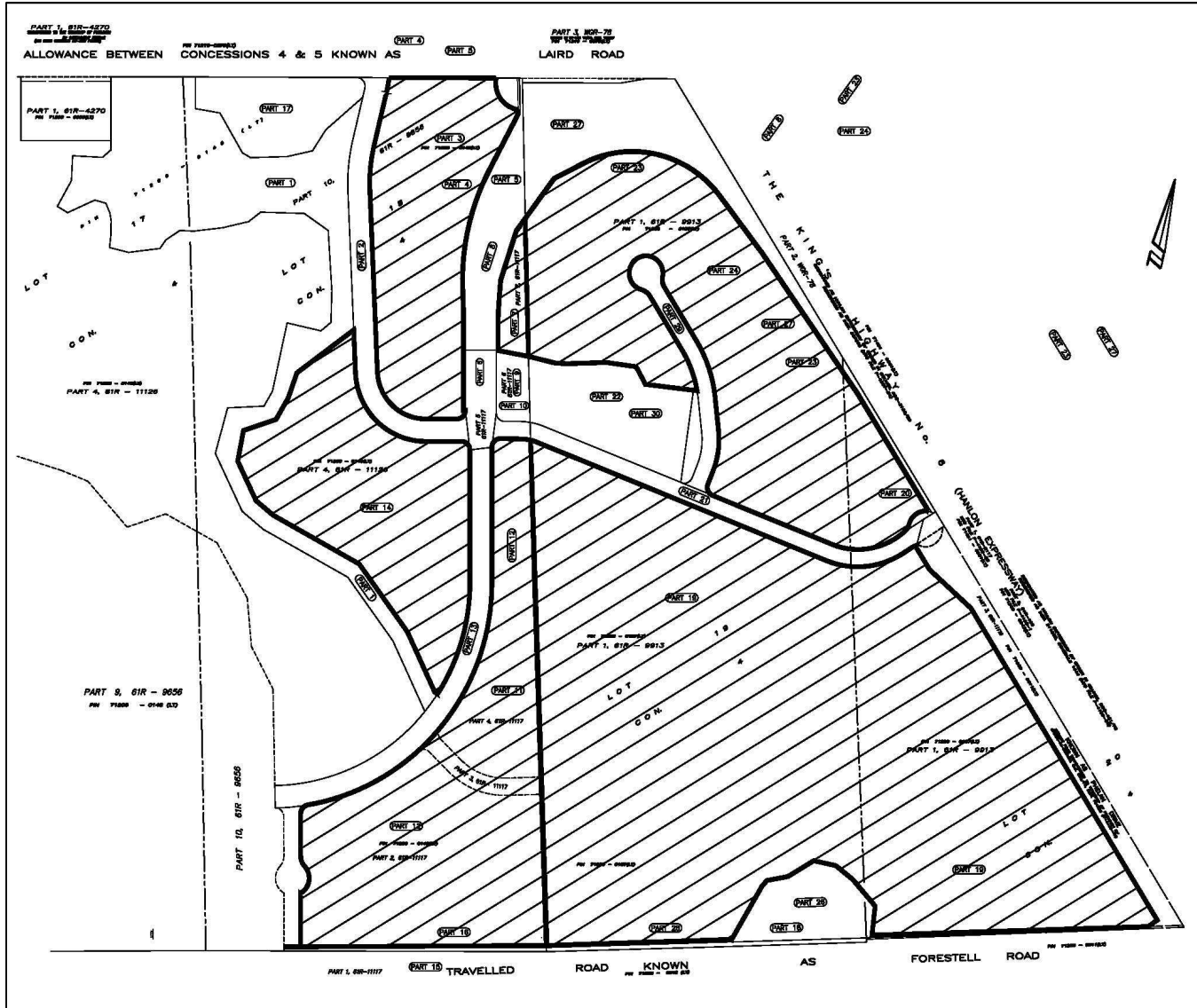
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Original Signed by:

Recommended By:

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Page 5 of 10



Schedule 2 - Part Lot Control Administrative Procedures

"That City Council approve applications for Part Lot Control exemption and authorize the Director of Planning to prepare By-laws exempting the properties from Section 50(7) of The Planning Act, R.S.O. 1990, c.P. 13 (Part Lot Control) for a period not to exceed three years, where the following conditions have been met.

For applications involving Semi-detached Dwellings:

1. A complete application is received together with the appropriate fee;
2. The property is included in a registered plan and appropriately zoned for the development of semi-detached dwellings;
3. A building permit has been issued (NB: where a building permit has been issued the Engineering Department will have cleared the grading, drainage, driveway location and servicing of the lot); and
4. A reference plan and/or a Surveyors Real Property Report showing the location of the building, the legal off street parking space and driveway and the centre foundation wall to describe the intended conveyance of the lots, has been received (NB: to confirm compliance with the Zoning By-law).

For applications involving On-street Townhouse Dwellings:

1. A complete application is received together with the appropriate fee;
2. The property is included in a registered plan and appropriately zoned for the development of On-street Townhouse dwellings;
3. Site Plan approval has been granted for the property;
4. A building permit has been issued (NB: where a building permit has been issued the Engineering Department will have cleared the grading, drainage, driveway location and servicing of the lot and checked this against the approved Site Plan); and
5. A reference plan and/or a Surveyors Real Property Report showing the location of the building and the foundation walls to describe the intended conveyance of the lots, has been received (NB: to confirm compliance with the Zoning By-law)."

And

"For all other Part Lot Control exemption requests (e.g. dealing with conveyance of property for industrial/ commercial purposes or detached dwellings) that the Director of Planning prepare a report for the consideration of the Planning, Environment and Transportation Committee (PET) following appropriate input from the Planning and Engineering Departments."

Schedule 3 - Conditions

1. That the part lot control by-law not be passed until following the registration of the Plan;
2. That the part lot control by-law be enacted for a period not to exceed 5 years from the date of the passing of the by-law;
3. That prior to the passing of the part lot control By-law, the proponent (Guelph Land Holdings Inc.) provide the City with a written undertaking committing to allow City Staff to review all draft reference plans prior to the conveyance of lands in keeping with the Part Lot Control exemption.

Schedule 4 – Correspondence (Letter from Guelph Land Holdings Inc.)



COOPER

Community Design
and Development Services

JUN 23 2010

June 22, 2010

The City of Guelph
Community Design and Development Services
City Hall
1 Carden Street
Guelph, Ontario

Attention: Mr. R. Scott Hannah, Manager of Development and Parks Planning

Dear Mr. Hannah:

Re: Hanlon Creek Business Park, Application for Removal of Part Lot Control

Further to our recent discussion in which we, Guelph Land Holdings and Belmont Equities, the other private developer within the HCBP, requested the City consider establishing part lot control exemption for our land holdings.

We understand the City, as the other significant land holder and developer in the HCBP, has this planning procedure already in place.

We have six blocks of land which we will own in Phase 2, south of Laird Road, as described in the application documents. Until we have commitments from purchasers and/or user's we do not know how the blocks will be divided into individual lots. The six blocks include four blocks that the City presently owns which are part of the Cost Sharing and Land Exchange Agreement which are to be transferred to GLHI, as agreed in principal with the City.

The ability to divide the block in response to a particular purchaser and/or user's requirements will greatly enhance our ability to attract business to the park in the most timely and efficient manner.

At present the City has a competitive advantage as their lots can be established without the need of a severance, we, as private developers would like the same ability. Part lot control exemption is used in many other municipalities, particularly in the GTA which will be competition for the HCBP sites.

...2

Cooper Construction Limited
2381 Bristol Circle, Suite C200 Oakville, Ontario L6H 5S9
T 905.829.0444 F 905.829.0080 W www.coopercon.com

Building the
Next Century⁴



COOPER

We have enclosed our application for the removal of part lot control in accordance with the following documentation:

- Application Form
- Cheque in the amount of \$1,420.00, based on application fee and six blocks, identified as Parts on the Plan of Survey.
- Plan of Survey, Phase 2, dated April 15, 2010 (GLHI/City land highlighted)
- Plan of Survey reduction

We understand that there may be further administrative fees when the lots are established and that the application fee may have to be adjusted as it includes those blocks to be transferred from the City which are already part lot control exempt.

We trust the information is complete and you can proceed to process our application.

Please contact the undersigned should you need additional information.

Yours sincerely,

COOPER CONSTRUCTION LIMITED

Bill Luffman,
Director of Development

c: Peter J. Cartwright, City of Guelph

WL/lr
encls

Building the
Next Century

Schedule 5 – Circulation

June 23, 2010 Application received by the City of Guelph from Guelph Land Holdings Inc.

September 1, 2010 Notice of Application mailed to agencies as a courtesy

<u>RESPONDENT</u>	<u>NO OBJECTION OR COMMENT</u>	<u>CONDITIONAL SUPPORT</u>	<u>ISSUES/CONCERNS</u>
Development Planning		✓	• Conditions
Engineering Services		✓	• Conditions
Parks Planning	✓		
Fire Department	✓		
Guelph Police Services	✓		
Grand River Conservation Authority		✓	• Consistent with draft plan
Canada Post	✓		
County of Wellington		✓	• Plans be registered prior to bylaw being passed
Ministry of Transportation		✓	• Plan review • Permits grading/construction
Guelph Transit	✓		

TO **Guelph City Council**

SERVICE AREA Planning & Building, Engineering and Environment
DATE April 04, 2011

SUBJECT Maple Grove Co-operative Development Corporation (35 Mountford Drive Affordable Housing – Development Charge Late Payment Agreement)

REPORT NUMBER 11-39

SUMMARY

Purpose of Report:

To recommend that the eligibility for a qualified purchaser for the Maple Grove Co-operative Development Corporation be amended to be:

- Unit purchase price to be less than or equal to \$216,300 and
- The combined annual income for the purchaser of his/her household to be less than or equal to \$68,000.

Council Action:

Council is requested to decide whether to approve the report's recommendation.

RECOMMENDATION

"THAT the report on changes to the criteria for qualified purchasers under the Maple Grove Co-operative Development Corporation agreement (35 Mountford Drive Affordable Housing) as outlined in Report 11-39 from Planning & Building, Engineering and Environment, dated April 4, 2011, respecting an affordable ownership housing development at 35 Mountford Drive be received;

AND THAT the recommended changes to the eligibility criteria for purchasers as outlined in the accompanying report be approved;

AND THAT Schedule B to the agreement dated, February 22, 2008, between the City and Maple Grove Co-operative Development Corporation and Home Ownership Alternatives (HOA) Non-Profit Corporation be amended to insert the new criteria for qualified purchasers subject to the written approval of all of the original signing parties and that the agreement be amended to include the condition that at the closing of the second tranche that any remaining funds be repaid to the city."

BACKGROUND

On February 22, 2008, the City entered into an agreement with Maple Grove Co-operative Development Corporation (a not-for-profit co-operative) and Home Ownership Alternatives Non-Profit Corporation (a not-for-profit corporation) to defer the payment of development charges to be applied to the provision of new residential units to purchasers at costs which were less than typical market costs for similar accommodation. Essentially, the highlights of the agreement are:

- Maple Grove would assist qualified purchasers in need of financial assistance to attain home ownership by arranging second mortgages for qualified purchasers through HOA;
- Maple Grove and HOA requested from the City a deferral of development charges which would otherwise be due and payable at or prior to the issuance of building permits;
- The deferred development charges would be secured by HOA in second mortgages to be provided to qualified purchasers;
- HOA would bear the obligation of payment to the City of the deferred development charges relating to the development;
- By deferring the payment of development charges relating to the Maple Grove Development the City would assist qualified purchasers to own housing at costs below typical market costs for similar accommodation in keeping with the objectives of the Official Plan in regards to affordable housing;
- HOA would concentrate the allocation of the deferred charges so as to assist at least forty (40) qualified purchasers.
- The amount of the development charge deferral was \$1,169,568.

See Attachments 1 and 2 containing Report No's. 08-22 (February 25, 2008) and 07-112 (December 2007) respectively for a complete outline of the background to this affordable housing project and the eligibility of qualified purchasers.

REPORT

For the affordable housing project involving Maple Grove Co-operative Development Corporation (35 Mountford Drive) the criteria used to define an eligible purchaser in the agreement for the deferral of development charges in early 2008, was as follows:

1. The unit to be purchased has a purchase price of less than \$196,000.
2. The combined annual income for the purchaser and his/her household is less than or equal to \$59,000 (being the 50th percentile of gross household income for the City of Guelph, 2001 Census, and adjusted forward to 2004).
3. The purchaser is on the co-ordinated housing waiting list with the County of Wellington, Wellington and Guelph Housing Services office.
4. The purchaser's debt service to total household income ratio shall not exceed 32% of gross household income after taking into account any allocation of the Deferred Charges to the purchaser, which allocation shall not exceed \$50,000. For clarification, the debt service ratio calculation is to include monthly costs of mortgage payments, taxes and fifty percent (50%) of the condominium fee for the unit.

The data used to calculate the housing unit price and the household income was based on 2001 census data and adjusted accordingly. At the time of the agreement, data used to calculate eligibility was the most current available. As mentioned earlier in this report, the agreement referenced that the applicant would concentrate the allocation of the deferred development charges so as to assist at least forty (40) qualified purchasers of new residential units in the Maple Grove Development.

The development was delayed because of the economic downturn of 2008-2009. All building permits were issued on October 2, 2009 after the issuance of site plan approval on October 1, 2009 for 124 housing units composed of stacked townhouse and apartment units. A plan of condominium was registered for 76 units in February 2011 with another plan to register during the spring of this year.

This month, the City received notice that the first closing of units was to take place at the end of March 2011. Fifty eight units are involved in the program. Fifty six (56) purchasers have sought to be eligible under this program: the purchase and sale agreements date to late 2007 through to January 2011. Two of the eligible units have not been sold. As a result of the lag between the agreement and the actual construction and occupancy of the units the eligibility criteria is stale dated and should be up graded. Without this update approximately 10 potential purchasers will not be eligible because of either a slightly exceeded household income or sale price of the unit. As such, Options for Homes (Waterloo) has made a request on behalf of Maple Grove Co-operative to have the development fee deferral agreement amended to the following:

- Average Household Income level to \$68,000 and
- Affordable House price level to \$216,300

In the fall of 2008, staff presented a discussion paper on affordable housing for the City of Guelph. In that paper, calculations were undertaken to define an affordable unit and the average household income required to purchase such a unit. This information was not available at the time that the agreement involving Maple Grove was signed. In the report the refined amounts for 2008 at the 50% income level were as follows:

- Average Household income (2008) – income percentile - \$ 70,693
- Affordable House price - \$209,600

When indexed to 2011 figures (2% per year for each of 2009, 2010 and 2011), based on Statistics Canada, Canada Price Index (CPI) for Ontario the amounts increase to:

- Average Household income - \$75,019 and
- Affordable House price - \$222,429

Since both adjusted amounts to 2011 levels exceed the requested adjustments, it is therefore recommended that the adjusted amounts to be included in Schedule B of the amended agreement be as follows:

-
- Average Household income to less than or equal to \$68,000
 - Average Affordable House price to be less than or equal to \$216,300

It should be noted that the requested adjusted amounts are well below the Canada-Ontario Home Ownership program for 2011 amounts equaling \$78,400 for income and \$277,000 unit pricing maximums for affordable housing.

The requested adjustment will enable all 58 units to be eligible under the program and will enable the current 56 purchasers to acquire an affordable ownership unit in this project. This number exceeds the original minimum of 40 eligible units included in the agreement.

It should be noted that there still is a balance of some funds left after the program allocation to the 56 purchasers. However, there still may be purchasers who will require more funding in the second tranche. (In structured finance, a tranche is one of a number of related securities offered as part of the same transaction.) If the remaining funds are not used, HOA will pay them back to the City after the closing of the second tranche. To ensure this action, it is recommended that the agreement be amended to include this condition.

CORPORATE STRATEGIC PLAN

- Goal 2 – A healthy and safe community where life can be lived to the fullest;
 - Objective 2.2 – Diverse housing options and health care services to meet the needs of current and future generations
- Goal 3 – A diverse and prosperous local economy;
 - Objective 3.3 – A diverse and skilled local workforce
- Goal 5 – A community-focused, responsive and accountable government;
 - Objective 5.4 – Partnerships to achieve strategic goals and objectives

FINANCIAL IMPLICATIONS

It should be noted that the Development Charge late payment agreement, dated February 22, 2008, was equal to \$1,169,568. While the eligibility criteria has been increased slightly there is no impact to the city as far as original amount of deferred development charges. No additional funding is being requested from the City.

DEPARTMENTAL CONSULTATION

Legal Services
Finance Department

COMMUNICATIONS

Nil

ATTACHMENTS

Attachment 1: Corporate Report 08-22 (February 25, 2008)

Attachment 2: Corporate Report 07-112 (December 7, 2007)

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Original Signed by:

Recommended By:

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Guelph City Council

SERVICE AREA Community Design and Development Services
DATE February 25, 2008

**SUBJECT Mountford Drive Affordable Housing - Development Charge Late
Payment Agreement**

REPORT NUMBER *A-2*

RECOMMENDATION

THAT a deferred development charges agreement for municipal Development Charges among Maple Grove Co-operative Development Corporation, Home Ownership Alternatives Non-Profit Corporation (Greater Toronto Area), and the City as outlined in Report 08-22 from Community Design and Development Services dated February 25, 2008 respecting an affordable ownership housing development at 35 Mountford Drive, be approved and the Mayor and Clerk be authorized to execute the agreement;

AND THAT approval of the deferred development charges agreement supersede the third paragraph of Council's Resolution of April 2, 2007 in regard to financial assistance for 22 units and said portion of resolution be repealed.

BACKGROUND

This report is the third in a series of reports dealing with the provision of financial assistance to a housing project that is being proposed by Options for Homes on Mountford Drive. Previous reports are CD&DS Report 07-34, dated April 2, 2007 and CD&DS Report 07-112, dated December 7, 2007.

Given Council's resolution of December 17, 2007 (see below) in regard to deferral of municipal development charges, it is appropriate that previous direction regarding financial assistance to 22 units be repealed. This is part of the recommendations of this report.

At the December 17, 2007 meeting, City Council approved the following recommendation from the Community Development and Environmental Services Committee:

THAT the Community Design and Development Services Report 07-112 dated December 7, 2007 regarding the review of the request for financial assistance by Options for Homes/Home Ownership Alternatives Non-Profit Corporation be received; and

THAT the City of Guelph agrees in principle to defer the payment of municipal development charges by the proponent for a period of up to 10 years in respect of the proposal for affordable ownership housing at 35 Mountford Drive subject to:

- 1) all required planning development approvals being obtained;*
- 2) Council considering and approving at a future Council meeting an agreement or agreements in accordance with the terms and conditions outlined in Report 07-112 and any other terms and conditions required by the City.*

This report lays out the agreement details as to how the deferral of municipal development charges will be recovered and what mechanisms are being put in place to address security details of the funds for the City of Guelph. The details of this agreement are based on a number of discussions with the proponents. A co-operative associated with the Mountford development is being formed whereby all unit owners in the project will, by agreement at purchase, belong to this corporation. The co-operative, known as the Maple Grove Co-operative Development Corporation formed under the Co-operative Corporations Act (Ontario) will be the owner and developer of the project.

REPORT

Staff have negotiated a proposed agreement with the proponents and the proponents have delivered signed copies to the City. The following outlines the key aspects of the agreement:

1. Parties to the agreement will be:
 - a. Maple Grove Co-operative Development Corporation ("Maple Grove") – to be the owner and developer of the affordable housing project;
 - b. Home Ownership Alternatives Non-Profit Corporation (Greater Toronto Area) ("HOA") – a non-profit organization that exists to provide financial assistance to affordable housing projects; and
 - c. the City.
2. Maple Grove will be developer for the project and shall provide new residential units at costs below typical market prices.
3. HOA will provide assistance to low income purchasers of units within the project by way of deferred-payment second mortgages held by HOA. HOA is able to provide deferred-payment second mortgages because the City is deferring municipal development charges.
4. HOA shall bear all obligations for payment to the City of the deferred charges under the proposed agreement.
5. The project shall be completed in one phase. The development charge rate that is in effect at the time of the issuance of each building permit for the project will be used as the basis for calculating the total amount of deferred charges. It is estimated that the total deferred charges will be approximately \$1.2 million (based on a municipal development charge in effect as of March 2, 2008 for multiples at \$9,432/unit * 124 total units).
6. A minimum of 40 households are to be assisted in obtaining home ownership with the deferred charges. The assistance plan is directed at homeowners who are on the waiting list for social housing in the area, i.e., the co-ordinated waiting list for Guelph and Wellington and who have annual household incomes below the median household incomes for our area, i.e., <\$59,000/year. The assistance will be by way of second mortgages held by HOA as mentioned above.

Prospective purchasers arrange for a conventional first mortgage from a financial lender. In order to be eligible for financial deferral assistance, the purchaser's capability to take on the responsibilities and financial obligations of home ownership are reviewed and assessed by Maple Grove through an interview/screening process. One of the objectives of the financial assistance program is to see a variety of households being given assistance, (small and large households, young and old) in order to get a diverse socio-economic mix in the development. In addition it is part of the allocation plan that qualifying households be offered only the minimum of deferral funds that are necessary to maintain a 32% debt to income service ratio; this is in order to spread the benefit of the deferral assistance to as many households as possible. A maximum \$50,000 deferral allowance for each new unit has been set.

-
7. HOA, in cooperation with Maple Grove, shall be responsible for the allocation of deferred charges to qualified purchasers. An allocation report is to be prepared and submitted to the City showing how the deferred charges were used to support affordable home ownership. If the minimum of 40 units to receive assistance has not been achieved, or if any amount remains unallocated, any remaining unallocated deferred charges shall become immediately due and payable to the City.
 8. The HOA second mortgage, to qualified purchasers may include amounts of the deferred charges, but could also represent monies from a range of sources, (e.g. June Callwood Home Ownership Fund). The City shall not be named as a mortgagee or chargee in the second mortgages. Rather, each second mortgage shall contain a statement identifying the amount of the deferred City municipal charge contribution, the City's priority in repayment, and reference to the obligations under the proposed deferred charges agreement.

Staff have proposed and negotiated this approach, rather than the City being identified as a mortgagee due to the sensitivities associated with any action that may become necessary in enforcing the terms of the second mortgages. Under the proposed agreement, HOA is fully responsible for any such required action and administration.
 9. Deferred charges will be paid to the City, without interest, annually (starting on the first building permit anniversary) as follows:
 - a. During years 1-9, the greater of:
 - i. The amount of deferred charge contributions in second mortgages discharged during that year; or
 - ii. 8% of the total deferred charges.
 - b. At the end of year 10, any outstanding balance in full.
 10. HOA is responsible for all administration, including costs, under the proposed agreement.
 11. The proposed agreement calls for a promissory note, representing estimated total deferred charges at the outset, and replacement promissory notes representing actual outstanding amounts. The promissory note, being in addition to the obligations under the agreement, provides the City with a more direct approach in respect of any legal proceedings that could become necessary in the event of default under the agreement.

OTHER MATTERS

Council should be aware that the proposed agreement is somewhat unique in several respects:

1. The approach is innovative and deferred charges are being pooled to assist at least 40 affordable housing opportunities for qualified purchasers.
2. Although Maple Grove is the developer, HOA is responsible for all payment obligations because the benefit of the deferred charges is flowing through to lower income purchasers by way of second mortgages held by HOA.
3. The City's overall goal of creating affordable housing opportunities will be realized as soon as the units are sold and occupied. At least forty purchasers, that would otherwise have had insufficient income to qualify to purchase a home, will be able to achieve home ownership as a result of the City's deferral assistance.
4. The City's interests in receiving payment of the deferred charges are secured only by way of the agreement and successive promissory notes. HOA was not prepared to post a letter of credit or any other form of

security against the payment obligations because such security would be taking money out of circulation that could otherwise be actively used to provide assistance in other affordable housing initiatives.

In the event of default by HOA, all monies become fully payable and the City can seek to recover these funds under the terms of the agreement and the promissory note. In the event of a decline in the residential real estate market, the second mortgages could be devalued. The City is identified as having priority of repayment on the remainder, if any. In any event, by agreeing to defer charges under the proposed agreement, the City has met an objective of creating affordable housing opportunities.

5. During negotiations, HOA expressed concern over the minimum 8% per year payment requirement and has suggested that this requirement not necessarily be part of agreements for any similar projects in the future. Staff was concerned that the City has no experience with HOA and remained firm in the requirement for an annual minimum payment.
6. The City's assistance by way of deferred charges may be in addition to down payment assistance that is available to lower income households currently available under the Federal-Provincial Affordable Ownership Housing Program, or assistance under any other programs (e.g. June Callwood Fund).

CORPORATE STRATEGIC PLAN

Goal 2 - A healthy and safe community where life can be lived to the fullest;

Objective 2.2 - Diverse housing options and health care services to meet the needs of current and future generations

Goal 3 - A diverse and prosperous local economy;

Objective 3.5 - A diverse and skilled local workforce

Goal 5 - A community-focused, responsive and accountable government;

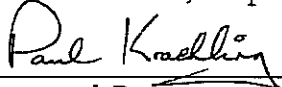
Objective 5.4 - Partnerships to achieve strategic goals and objectives

FINANCIAL IMPLICATIONS

The financial implications of this agreement have been examined in previous CD&DS reports on this matter: Report 07-34, dated April 2, 2007 and Report 07-112, dated December 7, 2007

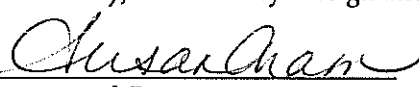
DEPARTMENT CONSULTATION

Financial Services, Corporate Services (Realty and Legal Services), Community Design and Development Services



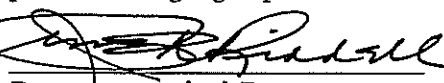
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City of Guelph

Report: 07-112
COMMUNITY DESIGN AND DEVELOPMENT SERVICES

TO: Community Development & Environmental Services Committee

DATE: December 7, 2007

**SUBJECT: REQUEST FOR FINANCIAL ASSISTANCE – AFFORDABLE HOUSING
PROPOSAL BY OPTIONS FOR HOMES**

RECOMMENDATION:

THAT the Community Design and Development Services Report 07-112 dated December 7, 2007 regarding the review of the request for financial assistance by Options for Homes/Home Ownership Alternatives Non-Profit Corporation be received; and

THAT the City of Guelph hereby agrees to defer the payment of municipal development charges by the proponent for a period of up to 10 years, in the instance where the proposal for affordable ownership housing at 35 Mountford Drive is approved through the development review process; and

THAT following a successful development approval for 35 Mountford Drive, that the Mayor and Clerk be authorized to enter into agreements with the proponent of the aforementioned property as per the terms and conditions as outlined in Report 07-112.

SUMMARY:

This report recommends City financial assistance to aid in the provision of affordable home ownership in the community. The assistance is in the form of a deferral of development charges for a set time period to permit lower income households the opportunity to afford units in a project being proposed on the Mountford Surplus School Site. The developer, Options for Homes and their financier, Home Ownership Alternatives Non-Profit Corporation have requested that the City give consideration to providing assistance to their project located at 35 Mountford Drive. In return for the financial assistance, and in accordance with agreement(s) to be entered into with the proponent, some of the units in the project will be able to be marketed to lower income households. This new financial assistance package replaces an earlier grant proposition that was provided to the developer by City Council in April 2007.

It is important to note here that the financial incentive aspects of this report are separate from the development application review process that is currently being processed for the Mountford project by Community Design and Development Services.

BACKGROUND:

The CD & ES Committee gave consideration to a staff report at its meeting on April 2, 2007 (Report 07-34 in attached **Schedule 'A'**) that outlined the background information concerning a development proposal for affordable housing on a surplus Upper Grand District School Board site located on Mountford Drive. The Committee, and then Council approved the request (See Council Resolution attached as **Schedule 'B'**).

Subsequent to the recommendation being accepted by Council, the proponent and their primary financier Home Ownership Alternatives Non-Profit Corporation made an appearance at the CD & ES Committee in July 2007, and at that time requested an alteration to the funding assistance being contemplated for their project at 35 Mountford Drive.

The proponent indicated that they would like consideration for the exemption of development charges required by the City whereby these savings could be placed in a 'pool' that would be drawn upon to provide financial assistance to qualifying lower income households. Assistance would be provided in the form of deferred-payment second mortgages.

The proponent went on to indicate that the deferred charges from the City would be repaid over a maximum 10 year timeframe as beneficiaries from the program would be making payments during this time period. If at the end of 10 years any monies were still owing, the financier for the overall project, Home Ownership Alternatives Non-Profit Corporation would guarantee to pay any remaining debts.

At the July meeting, the CD & ES Committee directed staff to investigate the details of the proponent's submission and to report back to the Committee. This report lays out the background discussions that have occurred between staff and the proponent, and makes a recommendation to enter into agreement(s) to provide financial assistance for this project.

REPORT:

In April 2007, the Community Design and Development Services report 07-34 recommended and City Council endorsed the proposition that the City give a grant of \$210,000 from the Affordable Housing Reserve account to offer increased affordability to households considering purchase in the Mountford development. The assistance would be provided to a total of 22 households, and was intended for households who qualified for assistance in deeper core need. The City's financial contribution was also tied to units receiving down payment assistance under the Federal-Provincial Affordable Housing Ownership Program.

Following direction from the CD & ES Committee in July 2007, the proponent has outlined additional details to their intended request for financial assistance and these details are contained in **Schedule 'C'**.

New Proposal Being Put Forward for Committee/Council Consideration

As a result of discussions between City Staff and the proponent, an alternative financial proposal is being suggested to the one provided by the City and approved by City Council in April 2007. The following points highlight the draft agreement that has been reached to date, and would form the basis of any contractual agreement(s):

- That only the deferral of municipal development charges as per provisions of the Development Charges Act will be considered. It is estimated that the multiple housing project at 35 Mountford Drive, comprising 129 units, would generate approximately \$1.1 million in development charges;
- That the City repayment agreement for the deferral of development charges will only need to be enacted with the umbrella financial organization (rather than individual property owners within the condominium corporation as originally contemplated in the April 2007 CD & DS Report 07-34);
- That financial assistance via the pooled assets of the deferred DC charges will be provided to assist a minimum of 40 households within the overall project. Rather than funding individual households, the pooled deferral of development charges will be applied by the proponent to assist additional households (above the original 22 households contemplated in the April 2007 report);
- That the repayment of the deferral of the DC charges begins when benefiting households begin paying the 2nd mortgage back to the principal financier for the project, Home Ownership Alternatives Non-Profit Corporation. The repayment of any outstanding amount of the initial DC charge deferral will be repaid within 10 years;
- That the proponent agree to provide financial assistance to a broad spectrum of households that may be eligible for assistance, i.e. households that require one, two or three bedroom units, and are eligible to be on the central waiting list for the Wellington and Guelph Housing Services area;
- That the proponent agrees that agreement(s) between the City and itself will need to be prepared, that annual interim repayments of the deferred DC charges are required, and that an annual reporting system of the conditions/requirements of this report be implemented. This annual reporting is intended to ensure that funding provided by the City is going to targeted households, and that the City's financial assistance is secured;
- That, as a component of the minimum 40 households receiving assistance, that additional assistance is offered by the proponent to households requiring assistance as defined by the requirements of the Federal-Provincial Affordable Housing Program.

The proposed DC deferral agreement to be struck with the Mountford development proponent will provide assistance to a greater number of households than was possible under the original grant proposal. The present value of the lost interest that will result from the deferral of the \$1.1 million development charges over the ten year time period has been calculated to be approximately \$298,000 (based on an assumed cost of capital for the City of 5%). While this is greater than the original Council-approved \$210,000 grant option, almost double the number of households will receive assistance as outlined in this report for about \$88,000 more. It is estimated that the development charges will be repaid at a rate of 8% of the outstanding balance each year (based on the assumption that 8% of the units will be sold each year) until the full balance is repaid at the end of the tenth year.

If Council approves Staff's recommendation, the terms and conditions of advancing the City's funds will be outlined in agreement(s) between the proponent and the City.

CORPORATE STRATEGIC PLAN:

Goal 2 - A healthy and safe community where life can be lived to the fullest;
Objective 2.2 - Diverse housing options and health care services to meet the needs of current and future generations

Goal 3 - A diverse and prosperous local economy;
Objective 3.5 - A diverse and skilled local workforce

Goal 5 - A community-focused, responsive and accountable government;
Objective 5.4 - Partnerships to achieve strategic goals and objectives

FINANCIAL IMPLICATIONS:

A present value calculation indicates the deferral of development charges will result in lost interest to the City's DC reserve funds of approximately \$298,000. This lost interest will be transferred to the "DC reserve funds" account from the Affordable Housing Reserve which currently has a balance over \$550,000. The increased municipal property taxes generated by the project of approximately \$130,000 annually can be directed back into the Affordable Housing Reserve over an approximate pay-back 2 ½ year period to offset this transfer.

DEPARTMENTAL CONSULTATION:

Financial Services, Corporate Services, Community Design and Development Services

COMMUNICATIONS:

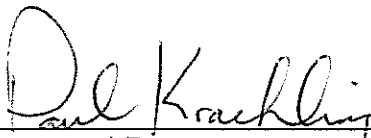
N/A

ATTACHMENTS:

Schedule 'A' – CDDS Committee Report 07-34 – Mountford School Site – The Creation of Affordable Ownership Housing (*Note: this is the original report providing financial assistance*)

Schedule 'B' – Council Resolution Passed April 2007

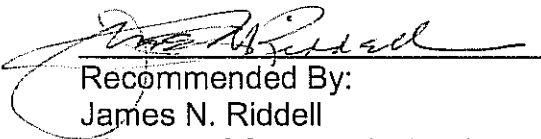
Schedule 'C' – Proposal by Options for Homes/Home Ownership Alternatives Non-Profit Corporation to Provide Additional Financial Assistance to Qualifying Lower Income Households to Assist in Making Home Ownership More Affordable



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Schedule 'A'



City of Guelph

Report:
COMMUNITY DESIGN AND DEVELOPMENT SERVICES

(Report # 07-34) Revised from CD&ES Committee, March 23, 2007

TO: City Council

DATE: April 2, 2007

SUBJECT: Mountford School Site – The Creation of Affordable Ownership Housing

RECOMMENDATION:

"That Guelph City Council advise the County of Wellington and the Upper Grand District School Board of its support for the use of the Mountford School land for affordable ownership housing consistent with the submission by 'Options for Homes' pertaining to County of Wellington Project CW2007-007-Mountford School Site, dated February 22, 2007 subject to any required refinement of the development concept through the statutory development application approval process; and

That the City enter into necessary agreements with the Upper Grand District School Board and Options for Homes to act as an intermediary to facilitate the transfer of the land from the School Board to Options for Homes to implement the affordable housing proposal and that the Mayor and Clerk be authorized to enter into such agreements as are necessary for this purpose;

That the City of Guelph provide financial assistance for 22 units of the overall housing site that will receive subsidy from the Canada-Ontario Affordable Home Ownership Program in the form of a grant from the City's Affordable Housing Reserve that will offset City development fees and charges subject to the terms set out in Report 07-34; and

That the acquisition of the land and the development of the affordable housing project is contingent upon successful development approvals being obtained".

BACKGROUND:

Context:

The provision of opportunities for affordable housing in the City has been a formal priority of Guelph City Council since 2002 when Council adopted an

Affordable Housing Action Plan that outlined a number of mechanisms to assist in the provision of new affordable housing in the community – both for rental and ownership housing. This Action Plan was updated in 2005 by the County of Wellington (to reflect the statutory partnership arrangement for housing services which was assigned to the County by the Province). This report entitled Wellington and Guelph Affordable Housing Strategy is found on the City's web page. Affordable housing is a key objective of the City's current Strategic Plan.

Since 2002 the City has been involved in a variety of initiatives related to the issue of facilitating the production of low cost housing. These include:

- Participating in Round 1 of the Canada-Ontario Affordable Housing Program in 2003/4 by contributing \$1.6 million in incentives to assist in building 88 affordable rental units in 3 separate projects (\$18,000 subsidy per unit);
- Creating an Affordable Housing Reserve Account which currently stands at \$588,500. This fund provides a mechanism for the City to offer incentives to assist in the production of affordable housing.
- Working with a local developer to implement a demonstration project of alternative lot sizes and the use of 'granny flats' in a new subdivision under the Federal Affordability and Choice Today (ACT) program;
- Assisting in the preparation and implementation of a homelessness strategy and initiatives including the provision of an emergency youth shelter in the City under the Federal Supportive Community Partnership Initiatives Program (SCPI) (\$390,000 total grant).
- Completing the Shared Rental Housing Review to assist in the continued provision of this important form of affordable housing while also ensuring that safety, compatibility and by-law enforcement measures are effectively addressed (2006).
- Commitment to participate in the second round of the Canada-Ontario Affordable Housing Program which has allocated funding for the provision of 55 affordable rental units and 56 affordable ownership units to Wellington – Guelph. The County has allocated the rental unit funds for the purposes of adding new affordable rental housing through the direct development of new units both in the City and in the County. This proposal would add units to an existing non-profit development owned by the County of Wellington located on a Speedvale Avenue site.

REPORT:

The Mountford School Site Initiative:

The reuse of the Mountford school site owned by the Upper Grand District School Board (UGDSB) is a further innovative initiative that brings together a series of public sector agencies to try to facilitate the provision of affordable housing.

1. In 2006 the UGDSB indicated that the proposed 6 acre school site was surplus to its needs and that the Board was initiating its land disposal process. The City responded in May 2006 indicating that it had an interest

2. in the site for the potential development of affordable housing. It was identified at the time that funding could be made available using the
3. Canada-Ontario Affordable Housing Program and potential funds from the City's Affordable Housing Reserve.

In conjunction with the May 2006 Council report, Staff were directed to report back with options and recommendations which is the purpose of this report.

In the Fall of 2006, staff from the School Board, the County Social Services Housing Department and the City formed a partnership to explore the potential of facilitating an affordable housing project. This evaluation was conducted through a two stage process consisting of an Expressions of Interest proposal call followed by a more formal joint Request for Proposal process. The RFP prepared under the auspices of the County included criteria from all three agencies, and was intended to determine if there was any interest from the development sector to construct an affordable housing project on the lands (See the **Appendix** for an Excerpt of the RFP –Wellington Project CW2007-007 Mountford School Site, dated February 22, 2007 for the selection criteria). Council was apprised of this process in September 2006 through Information Report 06-80.

With the allocation of the Canada-Ontario Affordable rental housing funds as outlined in the 'Context' section above, the focus of the Mountford initiative has been toward creating affordable ownership housing, and the County has 'reserved' 22 of the 56 ownership units allocated under the Canada-Ontario affordable ownership program for this. (The balance of the ownership funds have been allocated to several other projects in the City and County).

During the Fall of 2006 and Winter of 2007 the aforementioned processes were conducted. The Expression of Interest process yielded three submissions. The Request for Proposal process resulted in two proposals that met the identified criteria - a private development proposal from Reids Heritage Homes and a proposal from a non-profit organization Options for Homes. The County as the Service Provider for the Canada-Ontario Affordable Housing Program and the School Board (as the owner) are recommending that the proposal from Options for Homes for a 112 unit affordable ownership project be accepted.

These other agencies are anxious to proceed – the School Board would like the proceeds from the sale of the land to assist them in their other capital improvement programs and the County wishes to utilize the funding that has been made under the Canada-Ontario Affordable Housing Ownership Program to assist lower income households to purchase new homes. The County is considering endorsement of the proposal at their March 29th, 2007 Council meeting while the School Board is considering adoption of the proposal at their Operations Committee meeting in March 2007. City Staff concur with the recommended proponent on the basis that this proposal provides housing that will be more affordable housing to a greater range of income levels.

The Affordable Housing Project Recommended by City Staff:

The affordable housing project being recommended by Staff is outlined below and is conceptually shown on **Figure 1**. Council is not being requested to endorse the concept as the proposal will be 'fine-tuned' through a required re-zoning application and community consultation. It is noted, however, that the concept is an infill project that is in keeping with the type of units and densities allowed under the current Official Plan and is consistent with development contemplated under the Places to Grow Plan. The key elements of the proposal are as follows:

- The selected proponent is Options for Homes, a Waterloo based private, not for profit corporation that has a mandate to providing affordable home ownership for low to middle-income households. This company recently completed an award-winning 60 unit stacked-townhouse development in Waterloo in 2005 and is currently completing a second project in that community. 97% of the units in these developments are owner-occupied.
- The company is proposing to construct approximately 112 free-hold and stacked condominium townhouses (four-plexes) on the property with unit sizes ranging from 624 to 1276 square feet in area that would appeal to multi-generational buyers (i.e. singles, young families and seniors). The overall density would be in the order of 55 units per hectare of land. **Figure 2** shows the proposed unit types.
- The units would be sold for between \$130,000 to \$150,000 which is approximately 20% below the cost of similar housing product in the City and which would be affordable to households earning \$31,000 to \$44,000 annually.
- After finalizing details on the purchase and transfer of the lands from the School Board, it is expected that Options for Homes will initiate the planning approval process immediately and is contemplating construction in the Fall of 2007.
- 22 of the proposed 112 units will receive funding from the Canada-Ontario Affordable Housing ownership program. These funds (about \$8,800 per household) are provided to tenant households purchasing a home to be used towards a down payment in the form of a long-term interest free loan. Preference is given to residents of existing social housing so this housing is 'freed-up' for others on the waiting list to use. The Canada-Ontario program contains controls to ensure this housing remains affordable for 20 years by requiring the homeowner to repay the loan plus five percent of the capital gains if it is sold before this timeframe ends.

Matters Requiring Council Direction:

City Council is being requested to provide direction with respect to the following questions:

1. Will the City use its expressed interest in these lands by acting as an intermediary to facilitate the transfer of the property to Options for Homes from the School Board?
2. Will the City provide incentive funding from its Affordable Housing Reserve to further augment the affordability of the proposal?

1) Facilitating the Transfer of the Land:

Under the School Board's statutory disposal process public agencies get the first opportunity to acquire the land before it is put on the private market. The City has formally expressed its interest in the lands. The City needs to use its 'place in line' to ensure that the land gets acquired and transferred to the affordable housing developer. If no public body acquires the land it is put on the open market and thus there would be no guarantee that it would be redeveloped for affordable housing. The Request for Proposal process has ensured that the selected proponent met all of the criteria in an open and transparent process. In order to facilitate the land transfer the City of Guelph will need to enter into necessary agreements with the Upper Grand District School Board and Options for Homes to act as an intermediary so that the cost of acquiring the land is solely the responsibility of Options for Homes. Staff support the City taking on this role.

2) Affordable Housing Funding from the City:

As part of its Request for Proposal submission, Options for Homes has indicated that the current budget includes City development charges and other fees and that if the City waived, deferred or reduced these charges the company would be able to lower its sales price and target lower income groups. The fees are in the order of \$9,400 per unit in the company's budget.

Staff support the concept of using a portion of the City's Affordable Housing Reserve funds in this manner subject to the following conditions:

- a) That a grant off-setting City charges (total approximate cost of \$210,000) only be provided for the 22 units allotted under the Canada-Ontario Affordable Housing program provided that the sales amount of the units are reduced by a corresponding per unit amount. These owners will also receive assistance under the Canada-Ontario program in the form of down payment assistance. By combining the City assistance with that under the Canada-Ontario program, the combined per unit subsidy would be about \$18,000 and the units would be affordable to households in deeper core need of affordable housing. See chart below:

Type	Unit Size (in square feet)	Selling Price	Income Required	Income Required after City & Federal-Provincial Funds
1-bed	624	109,900	31,050	28,553
2-bed	819	129,900	36,285	33,706
2-bed	1081	139,900	38,902	36,282
3-bed	1276	159,900	44,136	41,471

- b) In order to receive the additional City subsidy the purchaser will need to be a tenant occupying an existing non-profit or social housing unit, be on the joint waiting list for such a unit or be eligible to be placed on the waiting list. This condition will ensure that the City funds are used for their intended purpose of assisting in meeting households with the greatest need.
- c) That Options for Homes require that each homeowner receiving City subsidy as a condition of purchase and sale enter into a legal agreement with the City stipulating that if the unit is sold before a 20 year affordability period expires, the homeowner will repay the City the equivalent of the per unit grant subsidy provided. This approach is consistent with the framework established under the Canada-Ontario Affordable Home Ownership program to receive funds from it and ensures that the subsidy is used to provide and maintain affordable housing rather than augmenting property value capital gains if the unit is sold.

Staff also recommend that following construction, for a period of 6 years (the payback period to recoup the total \$210,000 subsidy amount from the 22 units) that the tax revenue received from this development be used to 'replenish' the Affordable Housing Reserve so that this reserve becomes a revolving fund that can be used for other similar future affordable housing projects.

Other Affordable Housing Initiatives:

As noted previously the City is working with the County to promote the development of new rental housing under the Canada-Ontario Affordable Housing Program through the expansion of units on to an existing County owned not for profit development located on Speedvale Avenue. Also City funding assistance is being contemplated to help a Habitat for Humanity project on Morris Street which will require a separate Council approval.

COMMUNICATION:

The proposal that is being considered for funding will be refined through the Zoning By-law amendment process that the proponent is responsible to complete. City staff will assist in providing public opportunities for comment on the development proposal.

Through the statutory requirements to notify the Province when a School Board is disposing of land, the Province has indicated their support for the local agencies to work together in considering a development proposal for affordable housing for these lands.

CORPORATE STRATEGIC PLAN:

This initiative supports the following Strategic Directions:

- To manage growth in a balanced and sustainable manner
- To enhance community wellness
 - *Partner with other levels of government and the private sector to provide affordable housing*
- To have exemplary management practices.

ATTACHMENTS:

1. Appendix – Excerpt of Request for Proposal - Wellington Project CW2007-007-Mountford School Site, dated February 22, 2007.
2. Figure 1 – Concept Plan – Options for Homes
3. Figure 2 – Housing Elevations – Options for Homes

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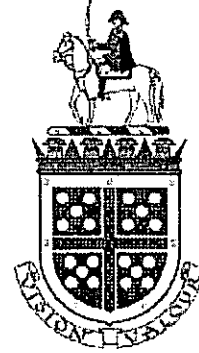
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Approved for Presentation:
Larry Kotseff
Chief Administrative Officer

Recommended By:
David Kennedy
Director of Finance

County of Wellington
Project CW2007-007
Request for Proposal
Development of Mountford Site



County of Wellington
Purchasing and Risk Management Services
74 Woolwich Street
Guelph, Ontario
N1H 3T9

County Of Wellington
Project No. CW2007-007
Request for Proposal
Development of Mountford Site

Closing Date: Thursday February 22, 2007
Time: 2:00 p.m.

Contact: Mark Bolzon, CPPB
Manager, Purchasing and Risk Management Services
Phone 519-837-2600 ext 241
Fax 519-837-1850

f:\treasury\purchasing\2007 contracts\social housing\CW2007-007 RFP Development of Mountford Site

Mountford Site

Within the City of Guelph there is a parcel of vacant land currently owned by the Upper Grand Board of Education which can be made available for a proponent who wishes to create affordable ownership housing on that site.

A portion of the Mountford site is available to proponents who wish to purchase the site at fair residential market value. It is anticipated that the remaining portion of the property would be purchased by the City of Guelph to enhance adjacent Misersky Park.

The following key information should be considered and submitted with your Request for Proposal:

- The site will have approximately 4.5 to 5 acres available for the residential housing development on the northwest portion of the site.
- Submit a draft site plan based on your proposed development of the property, and in consideration of the parkland/public access/parking specifications outlined in this RFP
- In order to provide some design flexibility and yet promote home affordability objectives, a range of overall site density of 15 to 30 units per acre is anticipated
- Federal-Provincial Affordable Housing Programme funding may be available for new purchasers for up to 22 units.
- Specify the size of each unit proposed including details on each room size within each unit.
- Project to have a blend of 1, 2 and 3 bedroom units. Specify the proposed number of units and bedroom configurations. 1 and 2 bedroom units are preferred.
- The proponent will have to state what market price they will pay for the land and the number of ownership units they are proposing to construct on the site
- The proponent should state the type of housing being proposed (i.e. freehold/condominium, single, semi, row house, apartment etc.)
- The proponent will be responsible for administering the rezoning process for the property from its current I1 Institutional classification. Community consultation will be required as a component of this process. City staff will be available to assist in this endeavour.

Please note that a portion of the surplus school lands are to be purchased by the City of Guelph for use as an adjunct to the existing Misersky Park site. The exact extent and configuration of the City land acquisition is to be a component of the zone change/design exercise contemplated for the Mountford site. As outlined in the attached air photo portions of the Mountford site are to be used to buffer the existing sports fields in Misersky Park (ie. A width of up to 15 metres), and to provide space for 20 car parking spots. Public vehicular and pedestrian access is required to be provided from Mountford Drive (may be by way of an easement across the housing site). Parking provision for Misersky Park may be provided in a parallel parking arrangement along a "mews" roadway or in a parking lot adjacent to Misersky Park.

County of Wellington
 Project CW2007-007
 Request for Proposal
 Development of Mountford Site

In preparing the draft site plan, the proponent should give consideration to the following -

- Existing property site plan (see attached "Mountford School Site" Plan 637, Block D description) including a +/- 9m wide sanitary/storm sewer easement.
- Configuration of proposed housing site to adjoining public parkland area (surplus Mountford school site lands as well as existing Misersky Park), i.e. promotion of advancing public safety objective of maximizing 'eyes to the public park space', ease of public vehicular/pedestrian access across housing site to access Park;
- Site road/pedestrian access and servicing design reflecting the sloping property characteristics.
- City of Guelph Official Plan and Urban Design Guidelines to maximize land use compatibility to surrounding area;

The City of Guelph is prepared to provide financial development incentives, (through its Affordable Housing Reserve account), dependent upon City objectives being achieved through a final design stage. These incentives would deal with matters concerning planning and development charge fees for the Federal-Provincial Affordable Housing units being proposed for the site.

Due to the anticipated integrated nature of the city parkland and the housing site configuration, the City is also prepared to cover the reasonable costs associated with the design elements for the parkland and associated public parking. Capital improvements to the parkland area would be at the City's cost.

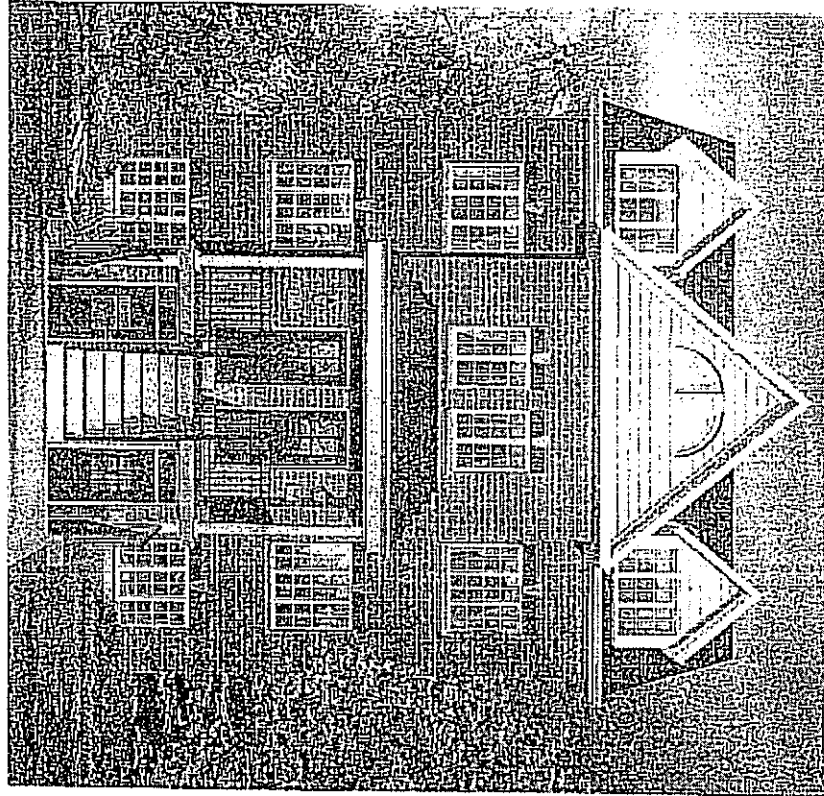
EVALUATION

The following provides a list of considerations that the County has determined are important in order to achieve a successful project. Parties submitting a response should consider these factors as well as adding any additional points that they may have considered.

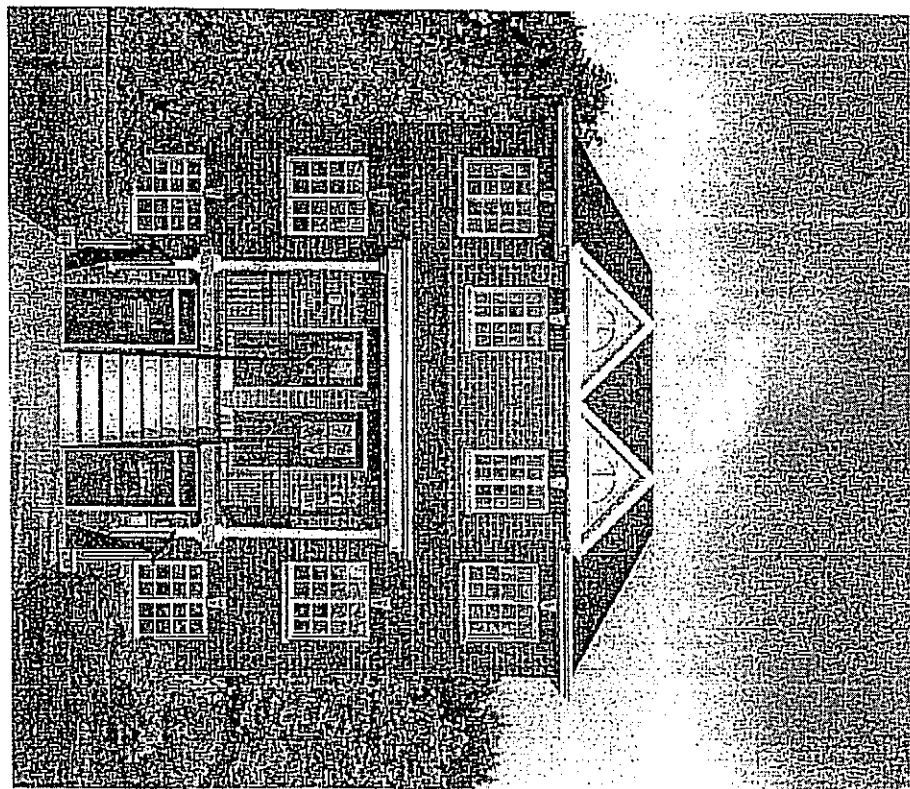
<i>Points of Consideration</i>
Experience in developing and selling ownership housing (including potential partners) <ul style="list-style-type: none"> - experience in construction management - experience in residential sales
Community consultation approach recognizing that a zone change (and associated parkland expansion plan) is required on the property
Financial viability of business plan
Affordability of price <ul style="list-style-type: none"> - meeting requirement - ability to offer prices below \$196,000
Site characteristics/quality of design/quality of building materials
Development Schedule
Building readiness (need for rezoning etc) <ul style="list-style-type: none"> - can building permit be achieved by Fall 2007
Energy efficiency measures
Accessibility features
The preferred housing designs will incorporate 1-2-3 bedroom concepts and incorporate accessibility requirements.
Unit design – units may be detached, semi-detached, town (condo and freehold), stacked homes, row houses, or apartments.
Unit sizes – The home must be modest in size, relative to community norms, in terms of floor area and amenities and must be in the range of Provincial Unit Size Requirements.

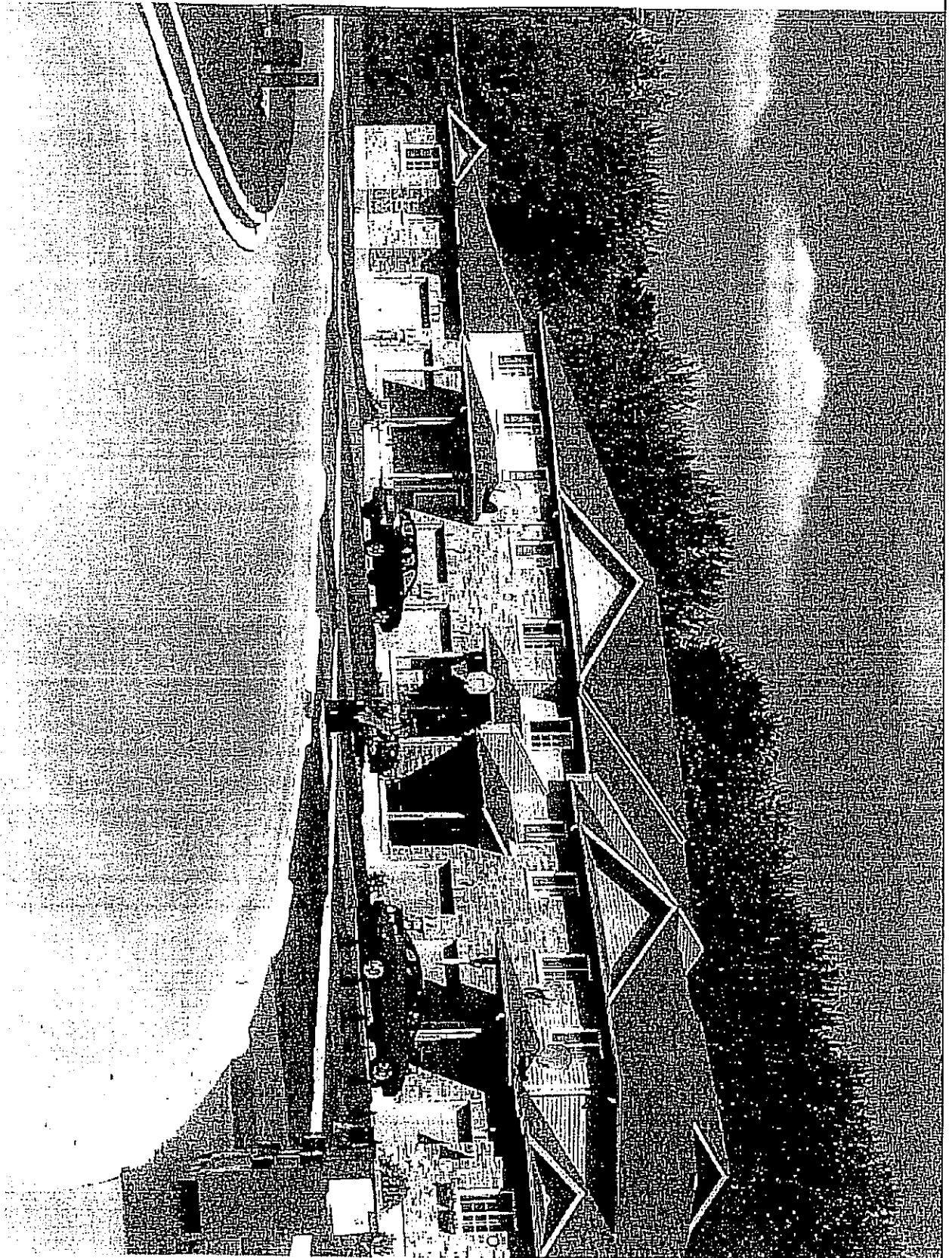
Figure 2
Options for Homes Housing Types

GARDEN HOME C



GARDEN HOME B





Schedule 'B'

Council Resolution Passed April 2007

"That Guelph City Council advise the County of Wellington and the Upper Grand District School Board of its support for the use of the Mountford School land for affordable ownership housing consistent with the submission by 'Options for Homes' pertaining to County of Wellington Project CW2007-007-Mountford School Site, dated February 22, 2007 subject to any required refinement of the development concept through the statutory development application approval process; and

That the City enter into necessary agreements with the Upper Grand District School Board and Options for Homes to act as an intermediary to facilitate the transfer of the land from the School Board to Options for Homes to implement the affordable housing proposal and that the Mayor and Clerk be authorized to enter into such agreements as are necessary for this purpose;

That the City of Guelph provide financial assistance for 22 units of the overall housing site that will receive subsidy from the Canada-Ontario Affordable Home Ownership Program in the form of a grant from the City's Affordable Housing Reserve that will off-set City development fees and charges subject to the terms set out in Report 07-34; and

That the acquisition of the land and the development of the affordable housing project is contingent upon successful development approvals being obtained".

Schedule 'C' – Proposal by Options for Homes/Home Ownership Alternatives Non-Profit Corporation to Provide Additional Financial Assistance to Qualifying Lower Income Households to Assist in Making Home Ownership More Affordable

Overall Approach:

Several meetings and discussions have been held between City staff and the proponent - Jan Chicura, Options for Homes, and Richard Owen, Home Ownership Alternatives Non-Profit Corporation. These discussions have been held to review the various aspects of the requested financial assistance proposal. From these discussions the following points are relevant.

Development charge exemptions from the City would be used by the proponent to assist a portion of the purchasing property owners. As a requirement for purchase of one of the units in the development, all condominium owners would be required to take out a second mortgage through the Non-Profit Corporation. This mechanism is intended to reduce potential housing resale speculation (on expected price increases in the development), and to be a central financing administration tool.

The company uses what they refer to as a 'shared appreciation mortgages' approach to offering financial assistance to a portion of the prospective purchasers in their development.

Example of Financial Assistance Offered to Qualifying Home Purchases:

Prospective home purchases are pre-qualified by the proponent, i.e. households who require financial assistance and have the ability to make payments on their mortgage. Funding is advanced on a 'first come, first served basis' in line with marketing/community social cohesion objectives for the overall development. An example of how financial assistance can be used to qualify a lower income household to purchase a 624 square foot – 1 bedroom townhouse unit is outlined below (see chart entitled 'Example of Affordable Housing Assistance').

In the example given, a unit constructed for a cost of \$117,900 could be afforded by lower income households depending on the amount of financial assistance that is offered. In an instance where there is no financial assistance, a household would require an annual income of approximately \$33,100. In tapping into the financial assistance pool for the development, households could be given financial assistance of up to \$75,000 whereby the unit price would be subsidized down to a cost of approximately \$42,000 and a household on a low annual income of \$15,300 could qualify. The amount of subsidy, and the number of potential households assisted is dependent upon the size of the overall financial assistance pool for the development.

How the Development Fee Exemptions are Paid Back to the City, and Under What Conditions:

When purchasers of the units in the development sell their units, the anticipated appreciation in the value of the unit is used to assist the household to pay back the mortgage pool, and these funds in turn are used to pay back the City for their initial 'investment' in the project.

Based on previous experience in other municipalities, the proponent estimates that each year 8% of the total purchasers will resell, thereby requiring the payback requirement. The proponent would turn these funds over to the City to repay the initial outlay of assistance from the municipality. The proponent has gone on to say, that in order to reduce uncertainty on the terms of repayment to the City that they will guarantee to pay out all funds advanced initially by the City at the end of 10 years. These requirement are to be included in agreements between the City and the proponent.

Example of Affordable Housing Assistance

- Illustrates how different deferral levels affect the annual income levels required to carry a smaller unit within the Mountford project

Mountford Village

Stacked Town Homes - 4-Plex

Type	Square Feet	Selling Price	5% Down	Deferrals	Monthly Charges				Income Required
					P&I 5.75%	Taxes	Condo Fees	Total	
1-bed	624	\$117,900	\$5,895	\$0	\$ 700	\$ 123	\$ 122	\$ 945	\$33,144
		\$107,900	\$5,895	\$10,000	\$ 638	\$ 123	\$ 122	\$ 882	\$30,800
		\$92,900	\$5,895	\$25,000	\$ 544	\$ 123	\$ 122	\$ 789	\$27,285
		\$67,900	\$5,895	\$50,000	\$ 388	\$ 123	\$ 122	\$ 632	\$21,425
		\$42,000	\$5,895	\$75,000	\$ 226	\$ 123	\$ 122	\$ 470	\$15,355

Note: Under the above example, all identical unit sizes are selling for the same price and have a minimum 5% downpayment required. Income required is calculated at approximately 32% of P&I, Taxes and Condo Fees