

COUNCIL PLANNING AGENDA



Council Chambers, City Hall, 1 Carden Street

DATE July 14, 2014 7:00 p.m.

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

**O Canada
Silent Prayer
Disclosure of Pecuniary Interest and General Nature Thereof**

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

| Application | Staff Presentation | Applicant or Designate | Delegations (maximum of 10 minutes) | Staff Summary |
|--|---|---|--|----------------------|
| 50 Law Drive – Proposed Zoning By-law Amendment (File: ZC1404) | <ul style="list-style-type: none"> Michael Witmer, Development Planner | <ul style="list-style-type: none"> Jaime Laws, Van Harten Surveying Inc. on behalf of Dunmill Homes Inc. | | |

CONSENT AGENDA

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

| COUNCIL CONSENT AGENDA | | | |
|---|--------------------------|---|------------------------|
| ITEM | CITY PRESENTATION | DELEGATIONS (maximum of 5 minutes) | TO BE EXTRACTED |
| CON-2014.37 Proposed Demolition of 170 to 178 Elizabeth Street | | | |

SPECIAL RESOLUTIONS

BY-LAWS

Resolution – Adoption of By-laws (*Councillor Kovach*)

MAYOR'S ANNOUNCEMENTS

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

NOTICE OF MOTION

ADJOURNMENT

STAFF REPORT



TO City Council

SERVICE AREA Planning, Building, Engineering and Environment

DATE July 14, 2014

**SUBJECT 50 Law Drive – Proposed Zoning By-law Amendment
(File: ZC1404)
Ward 1**

REPORT NUMBER 14-41

EXECUTIVE SUMMARY

PURPOSE OF REPORT

To provide planning information on an application requesting approval of a Zoning By-law Amendment to permit the development of five (5) single detached dwellings at 50 Law Drive. This report has been prepared in conjunction with the statutory public meeting on the application.

KEY FINDINGS

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

FINANCIAL IMPLICATIONS

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

ACTION REQUIRED

Council will hear public delegations 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

1. That Report 14-41 regarding a proposed Zoning By-law Amendment application (File ZC1404) by Dunmill Homes Inc. to permit the development of five (5) single detached dwellings at 50 Law Drive, legally described as Block 220, 61M-18m & Part Lot 16, Plan 468 Designated As Part 1, 61R-11219 Except Part 1, 61R-11967, City of Guelph, from Planning, Building, Engineering and Environment dated July 14, 2014, be received.

BACKGROUND

An application for a Zoning By-law Amendment was received for the property municipally known as 50 Law Drive from Dunmill Homes Inc. on March 24, 2014.

STAFF REPORT



The application is requesting to amend the City's Zoning By-law (1995)-14864 to permit the development of five (5) single detached dwellings. The applicant is proposing to develop three (3) of the single detached dwellings on the north side of Law Drive and the remaining two (2) single detached dwellings on the south side of Law Drive (see Attachment 6). The Zoning By-law Amendment application was deemed to be complete pursuant to Section 34(10.4) of the *Planning Act* on April 23, 2014.

The applicant has indicated that they intend to apply to the Committee of Adjustment for consent to create the lots as shown in Attachment 6 once a decision has been made on the Zoning By-law Amendment.

Location

The subject property has a site area of 0.217 hectares. The subject lands are irregular in shape. Law Drive traverses the middle of the subject site, with approximately the same developable land area on both sides of the street. The subject property is within an existing predominantly residential neighbourhood, bound by Grange Road to the north, Watson Parkway North to the east and south, and Starwood Drive to the west (see Attachment 1).

Surrounding land uses include parkland and institutional uses to the north, in particular O'Connor Lane Park, Ken Danby Public School and Holy Trinity Catholic School. To the east are predominantly low rise residential land uses, including existing and planned single detached dwellings. To the south are additional low rise residential land uses and a legal non-conforming vehicle repair shop. Finally, to the west are low rise residential uses, and the institutional and parkland uses outlined above.

Existing Official Plan Land Use Designation and Policies

The Official Plan land use designation that applies to the subject property is "General Residential", which permits a range of housing types including single, semi-detached residential dwellings and multiple unit residential buildings. The relevant policies of the "General Residential" land use designation are included in Attachment 2.

Official Plan Amendment 48 (under appeal), a comprehensive update to the City's Official Plan, designates the subject site as Low Density Residential. Official Plan Amendment 42, the City's new Natural Heritage System policy framework, does not identify any natural features on or immediately adjacent to the site.

Although the application is being processed under the 2001 Official Plan and was submitted prior to the Ontario Municipal Board (OMB) approving OPA 42 on June 4, 2014, Staff must have regard to the Council adopted policies and designations of OPA 42 and OPA 48. The land use designations contained in Official Plan Amendments 42 and 48 are included in Attachment 3.

STAFF REPORT

Existing Zoning

The subject property is zoned UR (Urban Reserve) Zone. Details of the existing zoning are included in Attachment 4.

REPORT

Description of Proposed Zoning Bylaw Amendment

The applicant is requesting the rezone the subject property from the UR (Urban Reserve) Zone to both R.1B and R.1C Zones (Single Detached Residential). The R.1B Zone is proposed for the lots on the south side of Law Drive and the R.1C Zone is proposed for the lots on the north side of Law Drive. The applicant has requested to develop the property in accordance with the permitted uses and regulations of the standard R.1B and R.1C Zones. It is the applicant's intent to construct five (5) single detached homes on five (5) separate lots. The lots proposed to be zoned R.1B will be approximately 16.3 metres wide by 31.5 metres in length. The lots proposed to be zoned R.1C will be approximately 13 metres wide by 34 metres in length. It is intended that the front yard setbacks will be consistent with the existing homes along Law Drive.

Minor Application Modification

Following submission of the application, it was noted by staff that the portion the north westerly lot is proposed to merge to is zoned Specialized R.2-6 and is legally described as Block 220, Registered Plan 61M-18 (See Attachment 4). This specialized zoning permits single detached dwellings, but contains different provisions for building setbacks. Following discussions between staff and the applicant, to ensure consistency in the proposed Zoning of the subject lands, the applicant has also requested to add this portion of the lands to the subject Zoning By-law Amendment. Specifically, the applicant is now requesting to amend the Zoning of Block 220, Registered Plan 61M-18 from the current R.2-6 Zoning to the R.1C Zoning. Additional public notification was mailed to property owners within the 120 m circulation radius as shown on Attachment 1 on June 18, 2014.

Staff Review

The review of these applications will address the following issues:

- Evaluation of the proposal against the Provincial Policy Statement and Places to Grow: Growth Plan for the Greater Golden Horseshoe;
- Evaluate how the application conforms to the applicable Official Plan land use designations and policies including any related amendments;
- Review of the proposed zoning and need for specialized regulations;
- Confirm support for the Community Energy Initiative; and
- Address all comments and issues raised during the review of this application.

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

STAFF REPORT



CORPORATE STRATEGIC PLAN:

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

COMMUNICATIONS:

The Notice of Complete Application was mailed on May 9, 2014 to local boards and agencies, City service areas and property owners with 120 metres of the subject site for comments. Notice was also provided by signage on the site, which was posted May 2, 2014. The Notice of Public Meeting was advertised in the Guelph Tribune on June 19, 2014.

Additional notice on the application modification was mailed on June 18, 2014.

FINANCIAL IMPLICATIONS:

Financial implications will be reported in the future staff recommendation report to Council.

ATTACHMENTS

Attachment 1 – Location Map

Attachment 2 – Official Plan Land Use Designations and Policies

Attachment 3 – Official Plan Amendments #42 and #48 Land Use Designations & Policies

Attachment 4 – Existing Zoning

Attachment 5 – Proposed Zoning

Attachment 6 – Proposed Development Concept

Report Author

Michael Witmer
Development & Urban Design Planner

Approved By

Sylvia Kirkwood
Manager of Development Planning

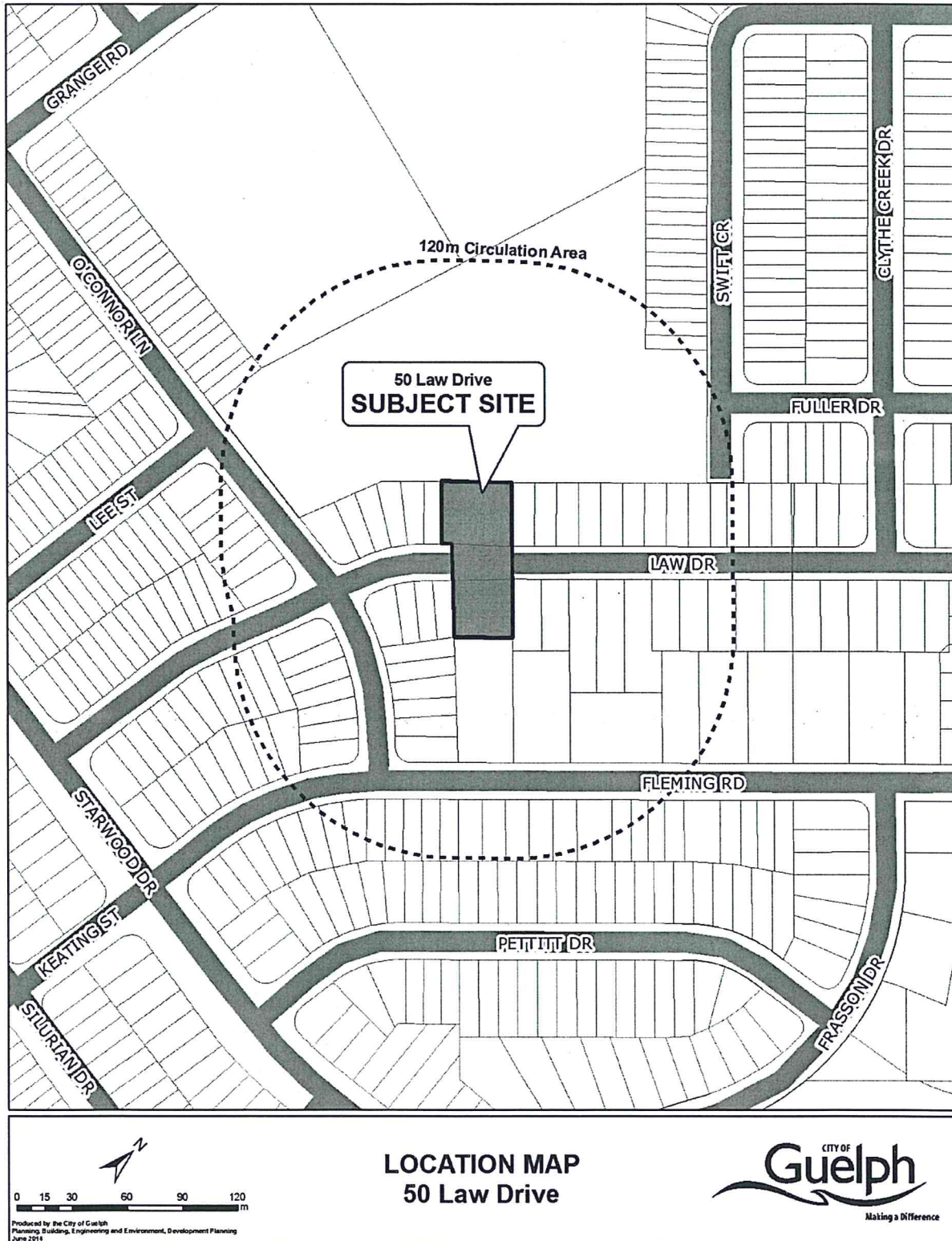
Approved By

Todd Salter
General Manager
Planning Services
519.822.1260, ext. 2395
todd.salter@guelph.ca

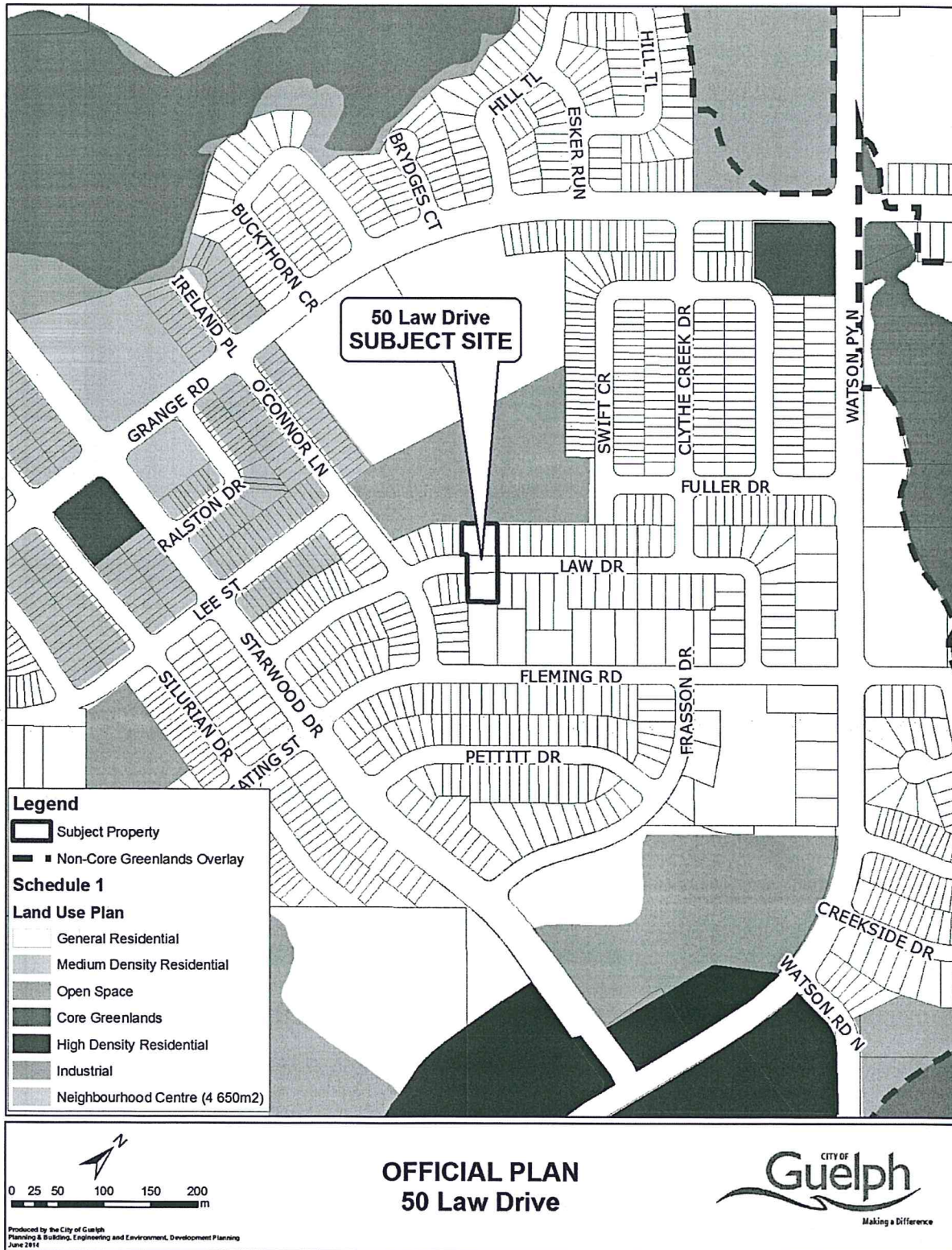
Recommended By

Janet L. Laird, Ph.D.
Executive Director
Planning, Building, Engineering and Environment
519.822.1260, ext. 2237
janet.laird@guelph.ca

Attachment 1 Location Map



Attachment 2 Existing Official Plan Designation and Policies

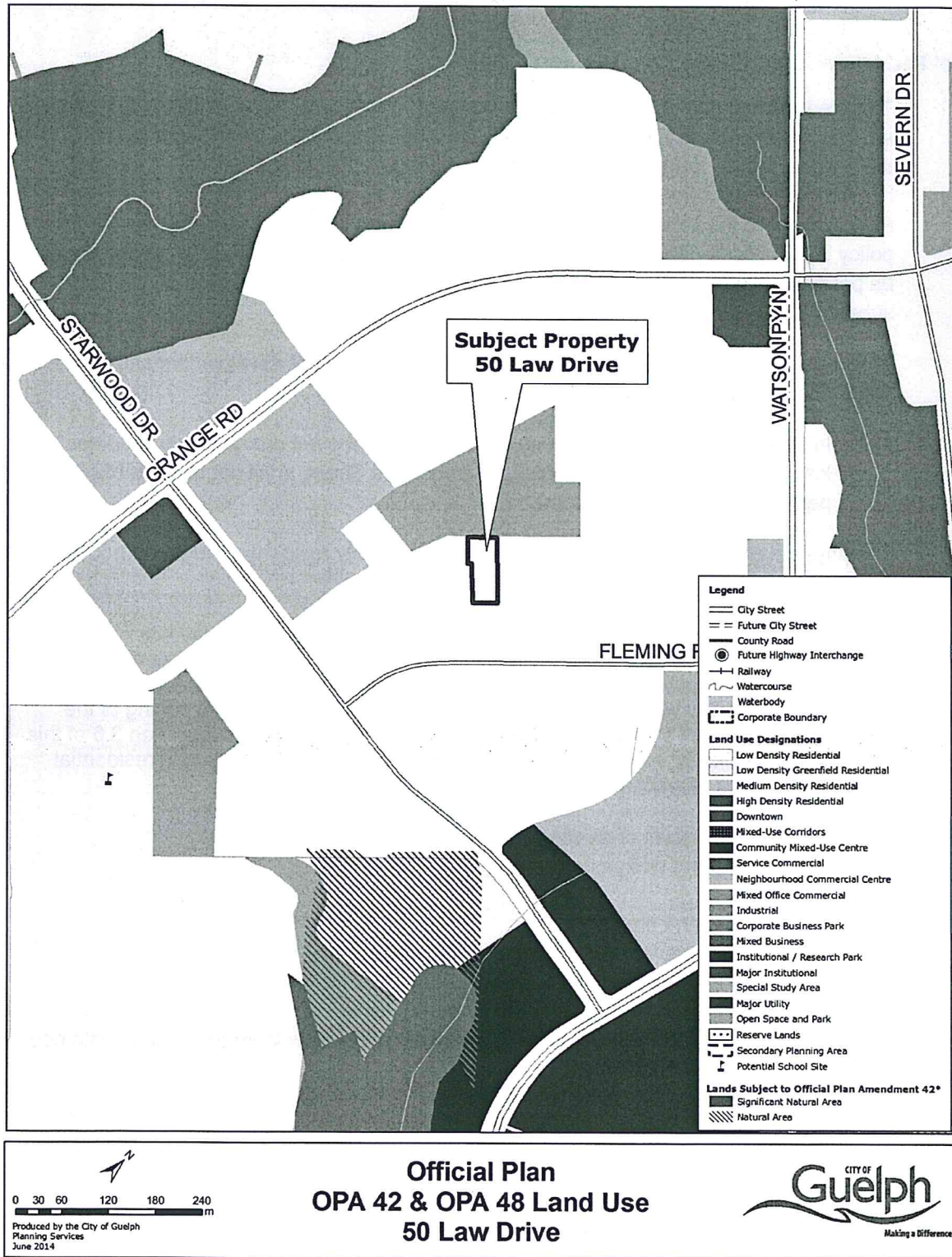


Attachment 2 (continued) Existing Official Plan Designations and Policies

'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

Attachment 3 Official Plan Amendments #42 and #48 Land Use Designations



Attachment 3 (continued) Official Plan Amendment #48 Policies

9.3.3 Low Density Greenfield Residential

This designation applies to residential areas within the *greenfield area* of the City. The *greenfield area* is planned to achieve an overall minimum *density target* of 50 persons and jobs per hectare.

Permitted Uses

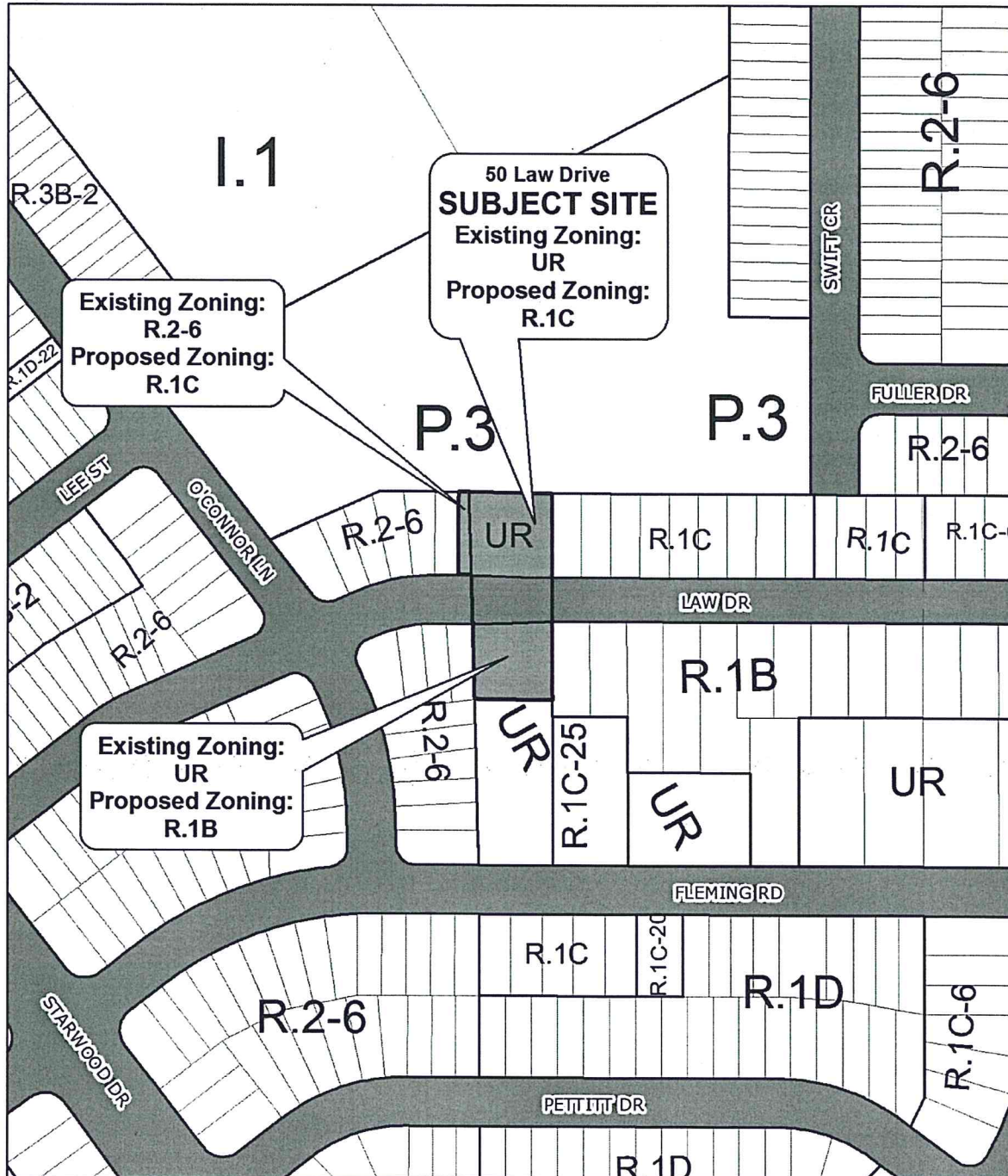
1. The following uses may be permitted subject to the applicable provisions of this Plan:
 - i) detached, semi-detached and duplex dwellings; and
 - ii) multiple unit residential buildings, such as townhouses and apartments.

Height and Density

To allow for flexibility and to contribute toward the achievement of the overall minimum *density target* of 50 persons and jobs per hectare for the *greenfield area*, the following height and density policies apply.

2. The maximum height shall be six (6) storeys.
3. The maximum *net density* is 60 units per hectare and not less than a minimum *net density* of 20 units per hectare.

Attachment 4 Existing Zoning



EXISTING AND PROPOSED ZONING
50 Law Drive

Produced by the City of Guelph
Planning & Building, Engineering and Environment, Development Planning
June 2014

CITY OF Guelph
Making a Difference

**Attachment 4 (continued)
Existing Zoning**

Urban Reserve (UR) Zone

11.1 PERMITTED USES

The following are permitted **Uses** within the Urban Reserve (UR) **Zone**:

- 11.1.1
- **Agriculture, Livestock Based**
 - **Agriculture, Vegetation Based** (mushroom farms shall not be permitted)
 - **Conservation Area**
 - **Flood Control Facility**
 - **Outdoor Sportsfield Facilities**
 - **Recreation Trail**
 - **Wildlife Management Area**
 - **Accessory Uses** in accordance with Section 4.23

11.2 REGULATIONS

Within the Urban Reserve (UR) **Zone**, no land shall be **Used** and no **Building** or **Structure** shall be erected or **Used** except in conformity with the applicable regulations contained in Section 4 – General Provisions and the following regulations:

11.2.1 Minimum Separation Distances Regulating **Livestock Based Agriculture**

Minimum separation distances for **Livestock Based Agriculture** operations shall be based on the Minimum Separation Distance requirements for livestock farms required by the Ontario Ministry of Agriculture and Food.

11.2.2 Permitted **Building** or **Structure**

In addition to all other provisions of this Section, a permitted **Building** or **Structure** shall only be permitted in accordance with all of the following regulations:

11.2.2.1 Minimum **Side Yard**

Equal to one-half the **Building Height** but in no case less

than 3 metres.

11.2.2.2

Minimum **Rear Yard**

Equal to one-half the **Building Height** but in no case less than 7.5 metres.

11.2.2.3

Minimum **Front Yard**

7.5 metres or as set out in Section 4.24, whichever is greater.

11.2.2.4

Off-Street Parking

No off-street parking shall be located within 3 metres of any boundary of an UR **Zone**.

11.2.2.5

Off-Street Loading

No off-street loading shall be located within 3 metres of any boundary of an UR **Zone**.

11.2.3

Accessory **Building** or **Structure**

Despite Section 4.5, an accessory **Building** or **Structure** shall be permitted only in accordance with the following regulations:

11.2.3.1

No accessory **Building** or **Structure** shall be used for human habitation.

11.2.3.2

No accessory **Building** or **Structure** shall be located between the **Street Line** and any **Setback** line.

11.2.3.3

No accessory **Building** or **Structure** shall be located in any **Side Yard**.

11.2.3.4

No accessory **Building** or **Structure** shall be located closer to any **Lot Line** than one-half **Building Height** or 7.5 metres, whichever is greater.

11.2.4

Lighting of **Outdoor Sportsfield Facilities**

Outdoor Sportsfield Facilities shall be permitted to have lighting facilities developed in accordance with Section 4.18.1.

**Attachment 5
Proposed Zoning**

5.1 RESIDENTIAL SINGLE DETACHED (R.1) ZONES)

5.1.1 PERMITTED USES

The following are permitted **Uses** within the R.1A, R.1B, R.1C, and R.1D **Zones**:

- **Single Detached Dwelling**
- **Accessory Apartment** in accordance with Section 4.15.1
- **Bed and Breakfast** establishment in accordance with Section 4.27
- **Day Care Centre** in accordance with Section 4.26
- **Group Home** in accordance with Section 4.25
- **Home Occupation** in accordance with Section 4.19
- **Lodging House Type 1** in accordance with Section 4.25

18116

5.1.2 REGULATIONS

Within the Residential 1 (R.1) **Zones**, no land shall be **Used** and no **Building** or **Structure** shall be erected or **Used** except in conformity with the applicable regulations contained in Section 4 - General Provisions, the regulations listed in Table 5.1.2, and the following:

15378 5.1.2.1 Despite Row 7 of Table 5.1.2, where a **Garage, Carport** or **Parking Space** is not provided in accordance with Section 4.13.2.1, one **Side Yard** shall have a minimum dimension of 3 metres.

15006 5.1.2.2 Despite any required **Side Yard** on a residential **Lot**, **Carports** shall be permitted provided that no part of such **Carport** is located closer than 0.6 metres to any **Side Lot Line**.

5.1.2.3 In the event that there is a transformer easement on a particular **Lot**, portions of the **Single Detached Dwelling** may be required to be **Setback** further than specified in Row 6 of Table 5.1.2 in order that a minimum separation of 4.5 metres may be maintained between the transformer easement and any part of the dwelling.

Attachment 5 (continued) Proposed Zoning (R.1B & R.1C)

- 5.1.2.4 Despite Rows 6 and 8 of Table 5.1.2, **Buildings** or **Structures** located on **Through Lots** shall have a **Setback** the same as the nearest adjacent **Main Building** and in accordance with Section 4.24.
- 5.1.2.5 Despite Row 4 of Table 5.1.2, the minimum **Lot Frontage** for a **Corner Lot** in a R.1D **Zone** shall be 12 metres.
- 15006 5.1.2.6 Despite Row 4 of Table 5.1.2, the **Lots** located within Defined Area Map Number 66 of Schedule "A" of this **By-law** shall have a minimum **Lot Frontage** of the average **Lot Frontage** established by the existing **Lots** within the same **City Block Face**, but in no case less than 9 metres. Nothing in this section shall require the minimum **Lot Frontage** to be greater than the minimum **Lot Frontage** established in Table 5.1.2. Where the average **Lot Frontage** of the existing **Lots** on the **Block Face** cannot be determined, the minimum **Lot Frontage** shall be as indicated in Table 5.1.2.
- 15006 5.1.2.7 Despite Row 6 of Table 5.1.2, the minimum **Front** or **Exterior Side Yard** for dwellings located within Defined Area Map Number 66 of Schedule "A" of this **By-law**, shall be:
- 15006 i) The minimum **Front Yard** or **Exterior Side Yard** shall be 6 metres or
15378 the average of the **Setbacks** of the adjacent properties. Where the off-
17187 street **Parking Space** is located within a **Garage** or **Carport**, the
19691 **Setback** for the **Garage** or **Carport** shall be a minimum of 6 metres
from the **Street Line**.
- ii) In accordance with Section 4.6 and 5.1.2.3; and
- iii) In accordance with the Ontario Building Code, as amended from time to time or any successor thereof, regulations for above ground electrical conductor clearances to **Buildings**.
- Where a road widening is required in accordance with Section 4.24, the calculation of the required **Front** or **Exterior Side Yard** shall be as set out in Section 5.1.2.7, provided that the required **Front** or **Exterior Side Yard** is not less than the new **Street Line** established by the required road widening.
- 15006 5.1.2.8 Despite Row 7 of Table 5.1.2, properties **Zoned** R.1B or R.1C with

Attachment 5 (continued)
Proposed Zoning (R.1B & R.1C)

Buildings over 2 **Storeys** located within Defined Area Map Number

66 of Schedule "A" of this **By-law** shall have a minimum **Side Yard** requirement of 1.5 metres.

- 15006 5.1.2.9 Deleted.
- 15692 5.1.2.10 Despite Row 7 of Table 5.1.2 in the R.1A Zone, where a **Building** has a one **Storey** portion and a 1.5 to 2 **Storey** portion, the required **Side Yard** shall be 1.5m from the **Side Lot Line** to the foundation wall of the 1 **Storey** portion and 2.4m from the **Side Lot Line** to the wall of the 1.5 to 2 **Storey** portion.
- 17187 5.1.2.11 Where **Lots** have less than 12 metres of **Frontage**, the **Garage** is limited to a maximum of 55% of the **Lot** width (as measured at the **Front Yard Setback**).
- 18116

STAFF REPORT

Attachment 5 (continued) Proposed Zoning (R.1B & R.1C)

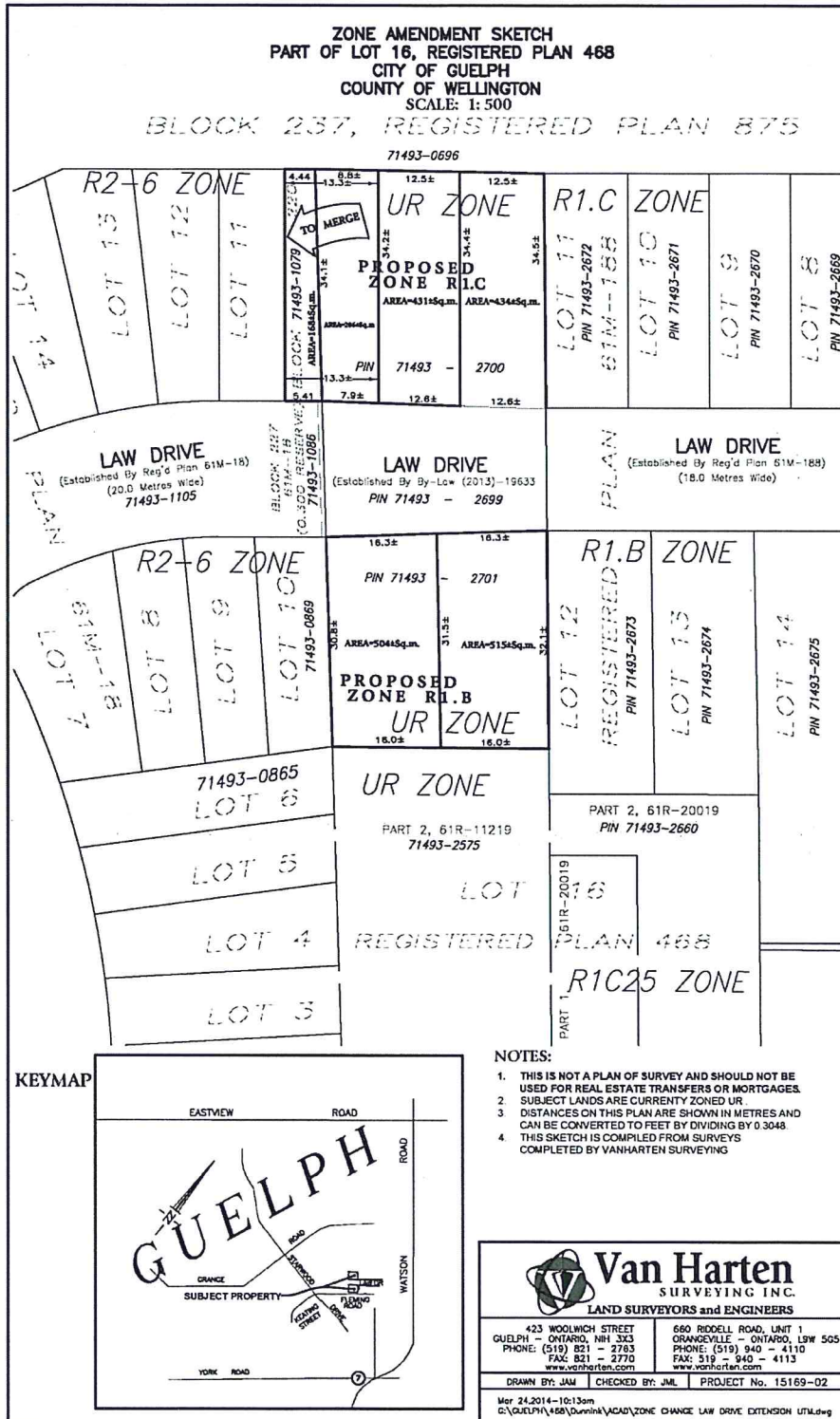
15006, 15378, 17187, 18116, 19063, 19691

TABLE 5.1.2 - REGULATIONS GOVERNING R.1 ZONES

| 1 | Residential Type | <i>SINGLE-DETACHED DWELLINGS</i> | | | |
|----|--|---|---|---|--|
| 2 | Zones | R.1A | R.1B | R.1C | R.1D |
| 3 | Minimum <i>Lot Area</i> | 555 m ² | 460 m ² | 370 m ² | 275 m ² |
| 4 | Minimum <i>Lot Frontage</i> | 18 metres and in accordance with Section 5.1.2.6. | 15 metres and in accordance with Section 5.1.2.6. | 12 metres and in accordance with Section 5.1.2.6. | 9 metres and in accordance with Sections 5.1.2.5 and 5.1.2.6. |
| 5 | Maximum <i>Building Height</i> | 3 <i>Storeys</i> and in accordance with Section 4.18. | | | |
| 6 | Minimum <i>Front Yard</i> | 6 metres and in accordance with Sections 4.6, 4.24, 5.1.2.3, 5.1.2.4 and 5.1.2.7. | | | |
| 6a | Minimum <i>Exterior Side Yard</i> | 4.5 metres and in accordance with Sections 4.6, 4.24, 4.28, 5.1.2.3, 5.1.2.4 and 5.1.2.7. | | | |
| 7 | Minimum <i>Side Yard</i> 1 to 2 <i>Storeys</i> Over 2 <i>Storeys</i> | 1.5 metres 2.4 metres and in accordance with Sections 5.1.2.1 and 5.1.2.2. | 1.5 metres 2.4 metres and in accordance with Sections 5.1.2.8, 5.1.2.1 and 5.1.2.2. | 1.2 metres 1.2 metres and in accordance with Sections 5.1.2.8, 5.1.2.1 and 5.1.2.2. | 0.6 metres and in accordance with Sections 5.1.2.1 and 5.1.2.2. |
| 8 | Minimum <i>Rear Yard</i> | 7.5 metres or 20% of the <i>Lot Depth</i> , whichever is less and in accordance with Section 5.1.2.4. | | | |
| 9 | Accessory <i>Buildings</i> or <i>Structures</i> | In accordance with Section 4.5. | | | |
| 10 | <i>Fences</i> | In accordance with Section 4.20. | | | |
| 11 | Off-Street Parking | In accordance with Section 4.13. | | | |
| 12 | Minimum <i>Landscaped Open Space</i> | The <i>Front Yard</i> on any <i>Lot</i> , excepting the <i>Driveway (Residential)</i> shall be landscaped and no parking shall be permitted within this <i>Landscaped Open Space</i> . Despite the definition of <i>Landscaped Open Space</i> , a minimum area of 0.5 metres between the <i>Driveway (Residential)</i> and nearest <i>Lot Line</i> must be maintained as landscaped space in the form of grass, flowers, trees, shrubbery, natural vegetation and indigenous species. | | | |
| 13 | Garbage, Refuse and Storage | In accordance with Section 4.9. | | | |
| 14 | <i>Garages</i> | For those <i>Lots</i> located within the boundaries indicated on Defined Area Map Number 66, attached <i>Garages</i> shall not project beyond the main front wall of the <i>Building</i> . Where a roofed porch is provided, the <i>Garage</i> may be located ahead of the front wall of the dwelling (enclosing <i>Habitable Floor Space</i> on the first floor) equal to the projection of the porch to a maximum of 2 metres. | | | |

STAFF REPORT

Attachment 6 Proposed Development Concept



CONSENT AGENDA

July 14, 2014

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>CON-2014.37 PROPOSED DEMOLITION OF 170-178 ELIZABETH STREET</p> <ol style="list-style-type: none">1. That Report 14-40 regarding the proposed demolition of two (2) detached dwellings at 170 to 178 Elizabeth Street inclusive, legally described as Part Lot 5, Plan 263 designated as Parts 3 & 4, Plan 61R11826, Lot 6, Plan 263 and Lot 7, Plan 263; City of Guelph, from Planning, Building, Engineering and Environment dated July 14, 2014, be received; and2. That the proposed demolition of two (2) detached dwellings at 170 to 178 Elizabeth Street inclusive be approved; and3. That the applicant be requested to erect protective fencing at one (1) metre from the dripline of any existing trees on the property or on adjacent properties which can be preserved prior to commencement of demolition and maintain fencing during demolition and construction of the new dwellings; and4. That Heritage Guelph has no objection to the proposed removal of the dwelling located at 170 Elizabeth Street from the City of Guelph's Municipal Register of Cultural Heritage Properties provided that the owner or proponent work with Heritage Planning staff to determine and retain any architectural elements of the building that may be practically salvaged for reuse; and5. That Heritage Guelph has no objection to the proposed removal of the dwelling located at 178 Elizabeth Street from the City of | Approve |

Guelph's Municipal Register of Cultural Heritage Properties provided that the owner or proponent work with Heritage Planning staff to determine and retain any architectural elements of the building that may be practically salvaged for reuse and that the owner or proponent create, at their own expense, a commemorative feature on-site to recognize both the houses that were originally on the site and also to show how the Franchetto family conducted a market garden/greenhouse business from the premises for 43 years; and

6. That the applicant be requested to contact the General Manager of Solid Waste Resources, within Planning, Building, Engineering and Environment regarding options for the salvage or recycling of all demolition materials.

attach.

STAFF REPORT



TO City Council

SERVICE AREA Planning, Building, Engineering and Environment

DATE July 14, 2014

**SUBJECT Proposed Demolition of 170 to 178 Elizabeth Street
Ward 1**

REPORT NUMBER 14-40

EXECUTIVE SUMMARY

PURPOSE OF REPORT

To provide background and a staff recommendation related to a request for demolition approval of two (2) detached dwellings.

KEY FINDINGS

Two (2) existing detached dwellings are proposed to be replaced with five (5) new single detached dwellings, resulting in a gain of three (3) residential dwelling units.

FINANCIAL IMPLICATIONS

None.

ACTION REQUIRED

Council is being asked to approve the demolition request.

RECOMMENDATION

1. That Report 14-40 regarding the proposed demolition of two (2) detached dwellings at 170 to 178 Elizabeth Street inclusive, legally described as Part Lot 5, Plan 263 designated as Parts 3 & 4, Plan 61R11826, Lot 6, Plan 263 and Lot 7, Plan 263; City of Guelph, from Planning, Building, Engineering and Environment dated July 14, 2014, be received;
2. That the proposed demolition of two (2) detached dwellings at 170 to 178 Elizabeth Street inclusive be approved;
3. That the applicant be requested to erect protective fencing at one (1) metre from the dripline of any existing trees on the property or on adjacent properties which can be preserved prior to commencement of demolition and maintain fencing during demolition and construction of the new dwellings;

STAFF REPORT



4. That Heritage Guelph has no objection to the proposed removal of the dwelling located at 170 Elizabeth Street from the City of Guelph's Municipal Register of Cultural Heritage Properties provided that the owner or proponent work with Heritage Planning staff to determine and retain any architectural elements of the building that may be practically salvaged for reuse;
5. That Heritage Guelph has no objection to the proposed removal of the dwelling located at 178 Elizabeth Street from the City of Guelph's Municipal Register of Cultural Heritage Properties provided that the owner or proponent work with Heritage Planning staff to determine and retain any architectural elements of the building that may be practically salvaged for reuse and that the owner or proponent create, at their own expense, a commemorative feature on-site to recognize both the houses that were originally on the site and also to show how the Franchetto family conducted a market garden/greenhouse business from the premises for 43 years;
6. That the applicant be requested to contact the General Manager of Solid Waste Resources, within Planning, Building, Engineering and Environment regarding options for the salvage or recycling of all demolition materials.

BACKGROUND

An application to demolish two (2) detached dwellings at 170 to 178 Elizabeth Street inclusive was received on May 13, 2014 by Planning, Building, Engineering and Environment.

The subject properties are located to the west of Stevenson Street South and north of Morris Street. The subject property is zoned R.1B-10 (Specialized Residential Single Detached), which permits single detached dwellings, accessory apartments, bed and breakfast establishments, day care centres, group homes, home occupation and lodging house Type 1. The applicant is requesting to demolish the existing dwellings on the subject property and subsequently construct five (5) new single detached dwellings (see location map and site photos on Attachments 1 and 2) to be located on five (5) recently severed lots created through Consent Application B-30/13. In order to fulfill the conditions of the consent and for the proposed detached dwellings to be constructed a Zoning Bylaw Amendment needs to be applied for and approved by Council. The applicant is currently preparing the application and plans to submit it by mid June.

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The City's Demolition Control By-law was passed under the authority of Section 33 of the *Planning Act*. The By-law is intended to help the City "...retain the existing stock of residential units and former residential buildings in the City of Guelph." Section 33 of the *Planning Act* allows that Council's decision may be appealed by the applicant to the Ontario Municipal Board. In addition, an applicant may appeal if there is no decision within 30 days of filing the application.

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Cultural Heritage Resources

While the subject properties are not designated under the Ontario Heritage Act, both 170 Elizabeth Street and 178 Elizabeth Street contain detached houses which have been listed (non-designated) in the City of Guelph's *Municipal Register of Cultural Heritage Properties* under Section 27 of the Ontario Heritage Act. The listing of non-designated properties in the Heritage Register provides interim protection for sites undergoing change by requiring owners to provide the City with at least 60 days notice of their intention to demolish or remove a building or structure on the property.

In response to Consent Application B-30/13, a proposal to subdivide into smaller lots for development, the proposed demolition of the subject buildings was reviewed by Heritage Guelph in order for the Committee to provide Council with a recommendation regarding the cultural heritage value or interest of the buildings. Both listed heritage buildings were built in the 1870s. 170 Elizabeth Street, a wood frame house, is associated with the Franchetto family in the inter-war period of the 20th Century. The house at 178 Elizabeth St is red brick with yellow brick corners and details (now painted over). The Heritage Guelph Committee indicated initially that their preference would be for both listed buildings be retained and integrated into the proposed development. Heritage Planning staff and Heritage Guelph requested a Cultural Heritage Resource Impact Assessment (CHRIA) and a engineer's structural assessment of the buildings to fully understand the cultural heritage value of the properties and the physical condition of the buildings. The CHRIA report (provided by Owen Scott) and structural assessment (provided by Tacoma Engineering) were reviewed by staff and Heritage Guelph.

At their meeting of 13 November 2013, Heritage Guelph carried the following resolutions:

"That Heritage Guelph will not recommend designation of the house at 178 Elizabeth Street and has no objection to the removal of the structure provided that the owner or proponent work with Heritage Planning staff to determine and retain any architectural elements of the building that may be practically salvaged for reuse."

"That Heritage Guelph has no objection to the proposed removal of 170 and 178 Elizabeth Street from the City of Guelph's Municipal Register of Cultural Heritage Properties; and

That Heritage Guelph has no objection to the proposed demolition of the existing house at 170 Elizabeth Street, provided that the owner or proponent work with Heritage Planning staff to determine and retain any architectural

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elements of the building that may be practically salvaged for reuse and that the owner or proponent create, at their own expense, a commemorative feature on-site to recognize both the houses that were originally on the site and also to show how the Franchetto family conducted a market garden/greenhouse business from the premises for 43 years. ”

Tree Protection

The individual subject properties are less than 0.2 hectares in size and, therefore are not regulated by the Private Tree Protection By-law. It is staff’s preference to maintain and protect the urban forest and canopy where possible. As such, the owner is encouraged to preserve any trees. If trees are to be retained, a tree protection zone (TPZ) will need to be established where protective tree hoarding would be installed to protect the trees. Staff are recommending that the owner erect protective hoarding around any trees on the property prior to demolition activities and maintain the hoarding throughout the construction of the new dwellings.

The approval of the demolition application is recommended as the existing dwellings are proposed to be replaced with five (5) new detached dwellings. Therefore, there will be an overall gain of residential capacity proposed as a result of this application.

CORPORATE STRATEGIC PLAN

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

FINANCIAL IMPLICATIONS

N/A

DEPARTMENTAL CONSULTATION

The City’s Senior Heritage Planner and Environmental Development Planner were consulted regarding the proposed demolition permit.

COMMUNICATIONS

A sign was posted on the subject property advising that a demolition permit has been submitted and that interested parties can contact Building Services for additional information.

ATTACHMENTS

- Attachment 1 - Location Map
- Attachment 2 - Site Photos
- Attachment 3 - Proposed Site Plan

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ATTACHMENT 1 – Location Map



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ATTACHMENT 2 – Site Photos

Aerial Photograph



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Photos of 170-178 Elizabeth Street



(170 Elizabeth Street)

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(178 Elizabeth Street - Photos taken by R. Harris, June 2014)

