

COUNCIL PLANNING AGENDA



DATE AUGUST 3, 2010 @ 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) 246 Arkell Road: Proposed Draft Plan of Subdivision and Zoning By-law Amendment (File 23T10501/ZC1003) – Ward 6	Katie Nasswetter	Available for <u>questions</u> : Nancy Shoemaker on behalf of Victoria Wood		
b) Proposed Amendment to Zoning By-law Number (1995)-14864, as amended (Guelph's Comprehensive Zoning By-law) Regarding Shared Rental Housing	Jim Riddell		<ul style="list-style-type: none"> • Rohan Perera • Jane Londerville, Chair, Wellington Guelph Housing Committee • Imad Syed 	

CONSENT AGENDA

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

COUNCIL CONSENT AGENDA			
ITEM	CITY PRESENTATION	DELEGATIONS (maximum of 5 minutes)	TO BE EXTRACTED
A-1) 18 Norwich Street East: Proposed Zoning		Available for <u>questions</u> : Leisha Burley, Program	

	By-Law Amendment (File ZC1001) – Ward 2		Director, Wyndham House	
A-2)	Proposed Administrative Amendment to Zoning By-law Number (1995)-14864, as amended,(Guelph's Comprehensive Zoning By-law)			
A-3)	1291 Gordon Street: Update of Proposed Zoning By-law Amendment (File ZC0905) – Ward 6		<ul style="list-style-type: none"> • John Valeriotte <u>Available for questions:</u> <ul style="list-style-type: none"> • Paul Aneja, Gordon Creek Development • Hugh Handy, GSP Group • Joe Harris, Stantec • Gwendolyn Weeks, Stantec • Roger Freymond, Stantec 	√

BY-LAWS

Resolution – Adoption of By-laws (Councillor Beard)

"THAT By-law Number (2010)-19058 is hereby passed."

By-law Number (2010) – 19058 A by-law to regulate the destruction or injuring of trees and to repeal By-law Number (1986) – 12229 and to adopt Municipal Code Amendment #520, amending Chapter 284 of the Corporation of the City of Guelph's Municipal Code. (To amend the Private Tree Protection By-law)	A by-law to adopt the City of Guelph's Tree Protection by-law.
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ADJOURNMENT

TO	Guelph City Council
SERVICE AREA	Planning, Engineering and Environmental Services
DATE	August 3, 2010
SUBJECT	246 Arkell Road: Proposed Draft Plan of Subdivision and Zoning By-law Amendment (File: 23T10501 and ZC1003) – Ward 6
REPORT NUMBER	10-76

RECOMMENDATION

"THAT Report 10-76 regarding a proposed Draft Plan of Subdivision and associated Zoning By-law Amendment for a property municipally known as 246 Arkell Road, and legally described as Part of Lot 6, Concession 8, Township of Puslinch, from Planning, Engineering and Environmental Services dated August 3, 2010, BE RECEIVED."

SUMMARY

This is an information report regarding an application proposing to amend the zoning and subdivide the lands at 246 Arkell Road. This report is prepared in conjunction with the statutory public meeting where Council will hear any public delegations on the application. The report is to be received and no decisions are to be made at this time.

BACKGROUND

This report provides information on an application requesting approval of a Draft Plan of Subdivision and associated Zoning By-law amendment application (23T-10501/ZC1003) from Black, Shoemaker, Robinson and Donaldson Ltd., on behalf of Victoria Wood (Arkell) Ltd., for the property municipally known as 246 Arkell Road. The proposal is a request to develop the property for residential use. The application was deemed to be a complete application on June 16, 2010.

Location

The subject site is a 3.8 hectare parcel located on the north side of Arkell Road, across from the intersection of Arkell Road and Zecca Drive.

The land uses surrounding the subject site consist of an existing residential subdivision across Arkell Road to the south, existing detached dwellings on large residential lots to the north and west fronting on Arkell Road and agricultural lands to the east. (See Location Map on **Schedule 1**).

Official Plan Designation

The existing Official Plan land use designation that applies to the subject lands is "General Residential," with a "Non-Core Greenlands Overlay" over a small portion of the northwest corner of the site. The Official Plan Land Use Designation Map and related policies are included in **Schedule 2**.

Existing Zoning

The subject site is currently zoned A (Agriculture) under the Township of Puslinch Zoning By-law (See **Schedule 3**).

REPORT

The applicant is proposing a subdivision consisting of 12 lots to accommodate 24 semi-detached dwellings, 2 blocks to accommodate approximately 68 townhouse units and an associated stormwater management facility.

Description of Proposed Zoning Bylaw Amendment

To implement the proposed Draft Plan of Subdivision, the owner wishes to rezone the subject property from the A (Agriculture) Zone to the R.2 (Semi-detached) Zone, Specialized R.3A-?? (Cluster Townhouse) Zone, with specialized regulations for front yard setback and minimum distance between buildings, and P.1 (Conservation Lands) Zone for the proposed storm water management facility.

The proposed zoning concept is provided in **Schedule 4**. The corresponding lot or block number is shown in the proposed Draft Plan of Subdivision in **Schedule 5**.

Description of Proposed Plan of Subdivision

The application is a request to subdivide the subject property in accordance with the draft plan of subdivision attached in **Schedule 5**. Access to the subdivision is proposed via a new public street from Arkell Road. The proposed future road network for the lands north of Arkell Road is shown in broader concept plan for the area in **Schedule 6**.

The density of the proposed subdivision, as calculated under "Places to Grow", is approximately 63 persons per hectare which translates into 24 units per hectare.

Supporting Documents

1. Preliminary Servicing and Stormwater Management Report. Prepared by K.J. Behm & Associates. March 2010.
2. Environmental Impact Study. Prepared by Stantec Consulting Ltd. April 2010.
3. Hydrogeological Assessment. Prepared by Anderson GeoLogic. March 2010.

Staff Review

The review of this application will address the following issues:

- Review criteria outlined in Section 51(24) of The Planning Act (subdivision control).
- Evaluation of the proposal against the General Residential and Non-Core Greenlands policies of the Official Plan.

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- Evaluation of the proposal against the Provincial Policy Statement and the Places to Grow legislation.
 - Review of the proposed zoning and need for specialized regulations.
 - Integration of the proposed road network with the surrounding lands.
 - Review timing in relation to the Development Priorities Plan and phasing policy (Currently considered for Draft Plan Approval in 2011, and for development post-2011 in the 2010 DPP).
 - Review of proposed site layout in relation to the Community Energy Initiative.

Once the application is reviewed and all issues are addressed, a report from Planning and Building Services 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 recommendation report to Council.

COMMUNICATIONS

The Notice of Public Meeting was circulated on July 12, 2010.

ATTACHMENTS

Schedule 1 – Location Map
Schedule 2 – Related Official Plan Designations and Policies
Schedule 3 – Existing Zoning
Schedule 4 – Proposed Zoning
Schedule 5 – Proposed Draft Plan of Subdivision
Schedule 6 – Propose Area Concept Plan

Original Signed by:

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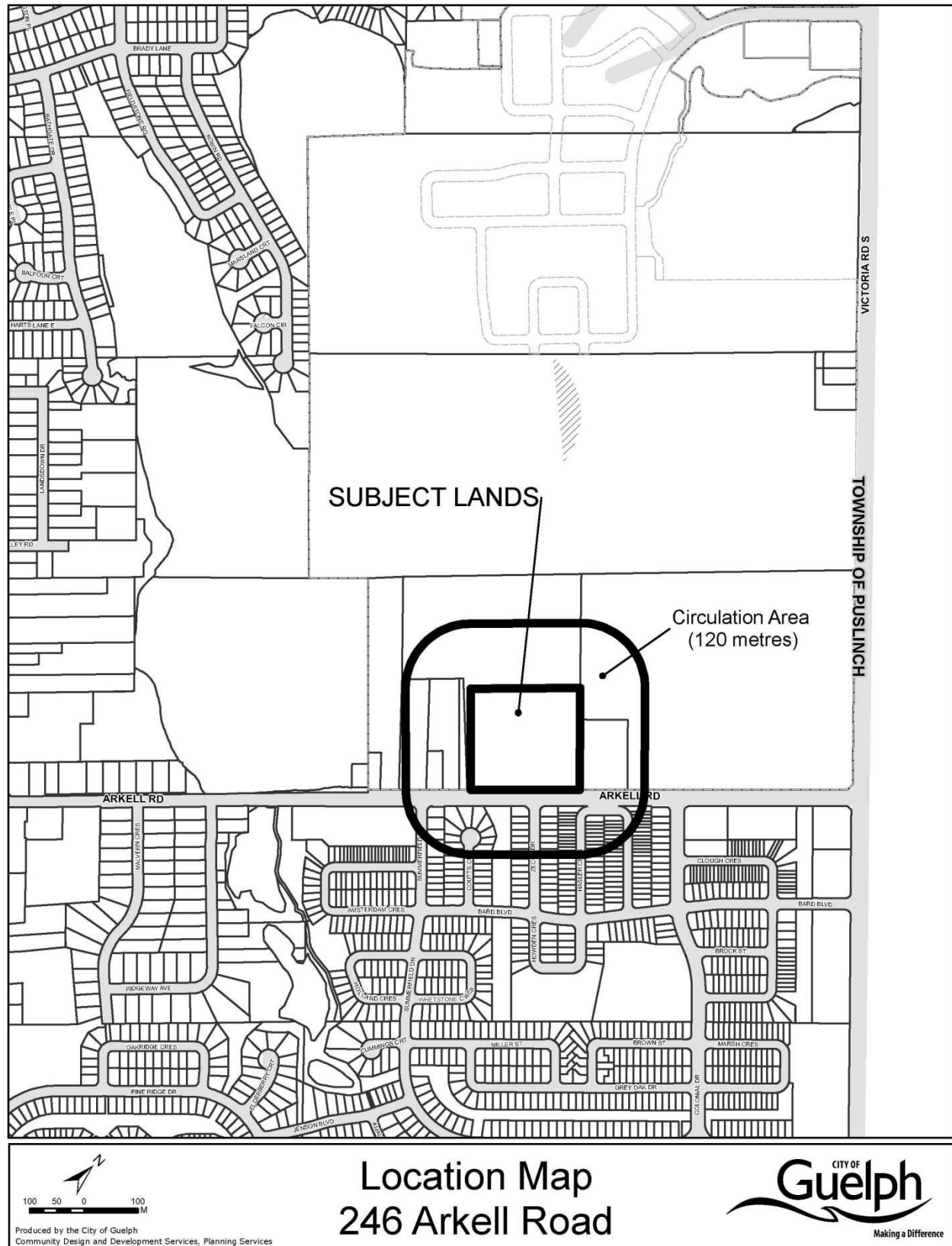
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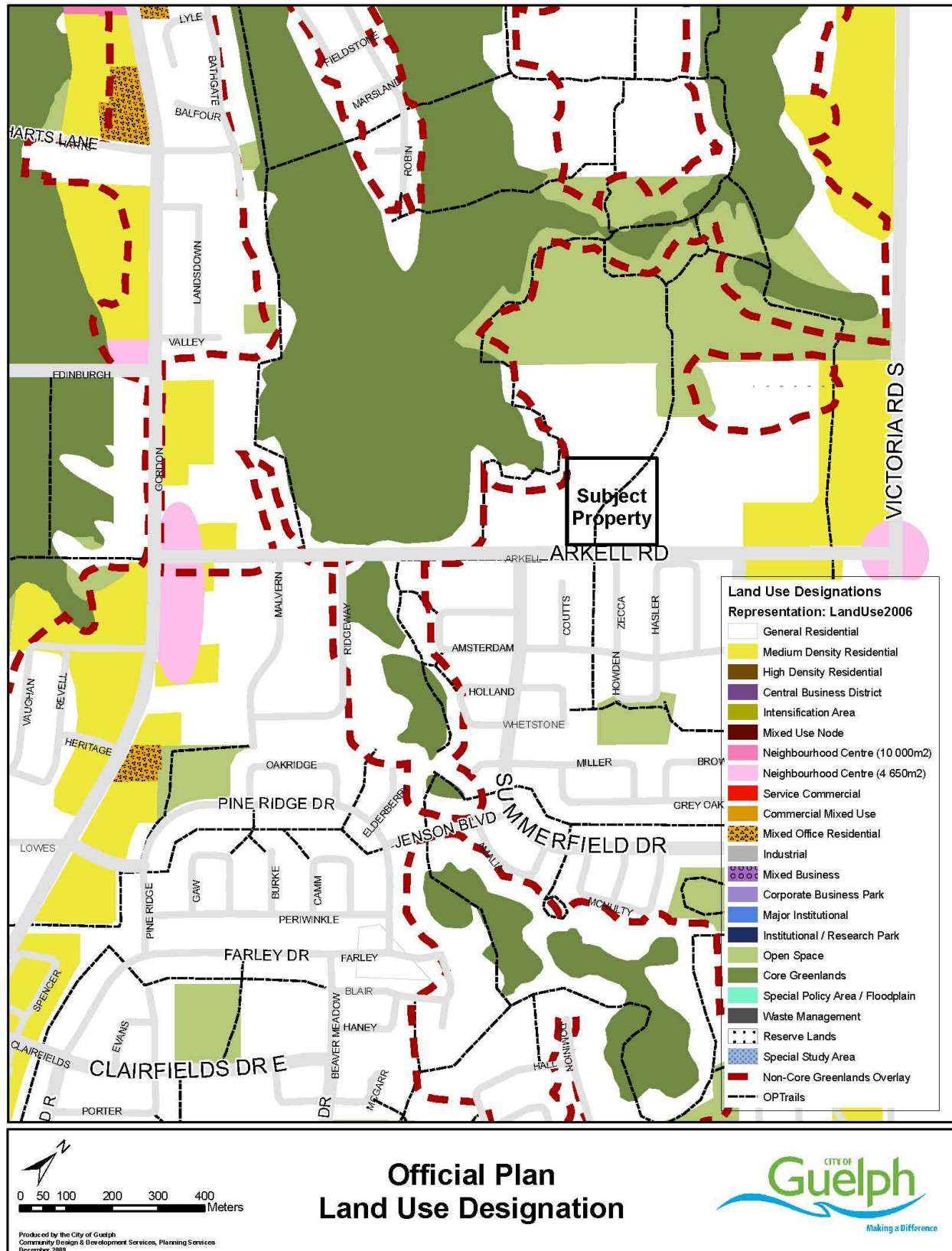
Schedule 1

Location Map



Schedule 2

Official Plan Designation and Related Policies



Schedule 2 continued

Related Official Plan Policies

'General Residential' Land Use Designation

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

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

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;

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- 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.

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.

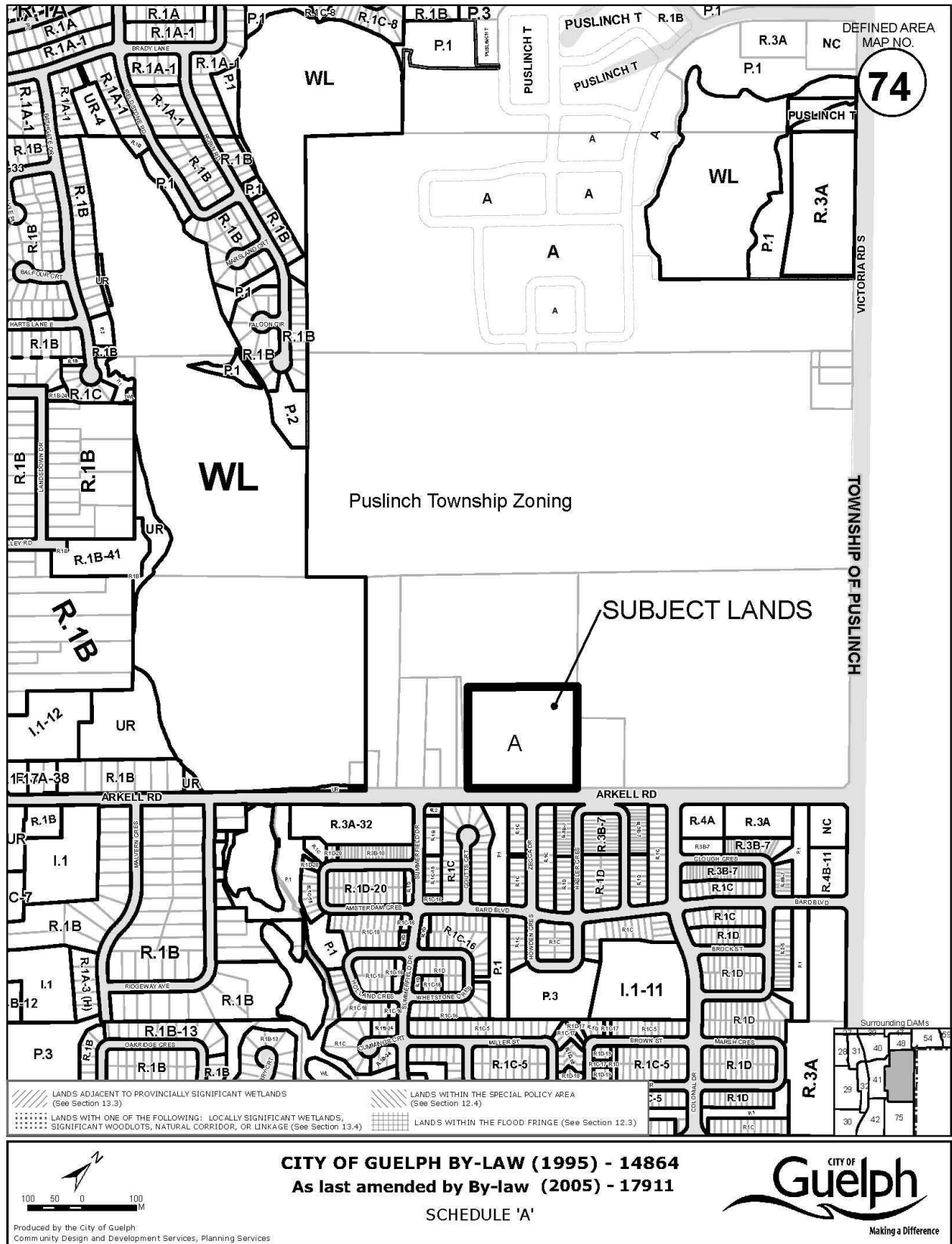
1. Policies relating to *natural heritage features* are contained in Section 6 of this Plan.

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

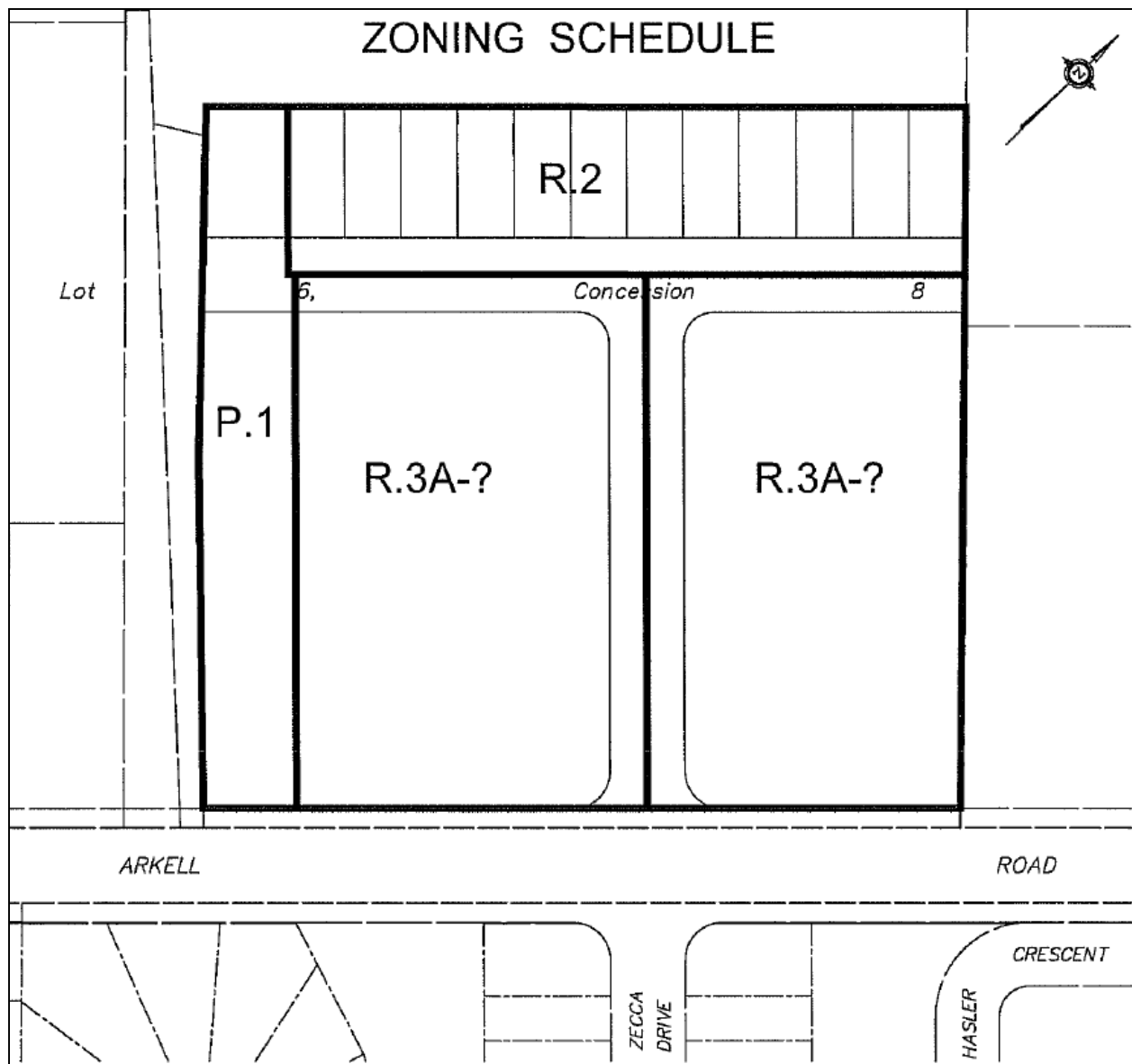
7.13.6 *Development* may occur on lands associated with the Non-Core Greenlands overlay consistent with the underlying land use designation in instances where an environmental impact study has been completed as required by subsection 6.3 of this Plan, and it can be demonstrated that no *negative impacts* 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.

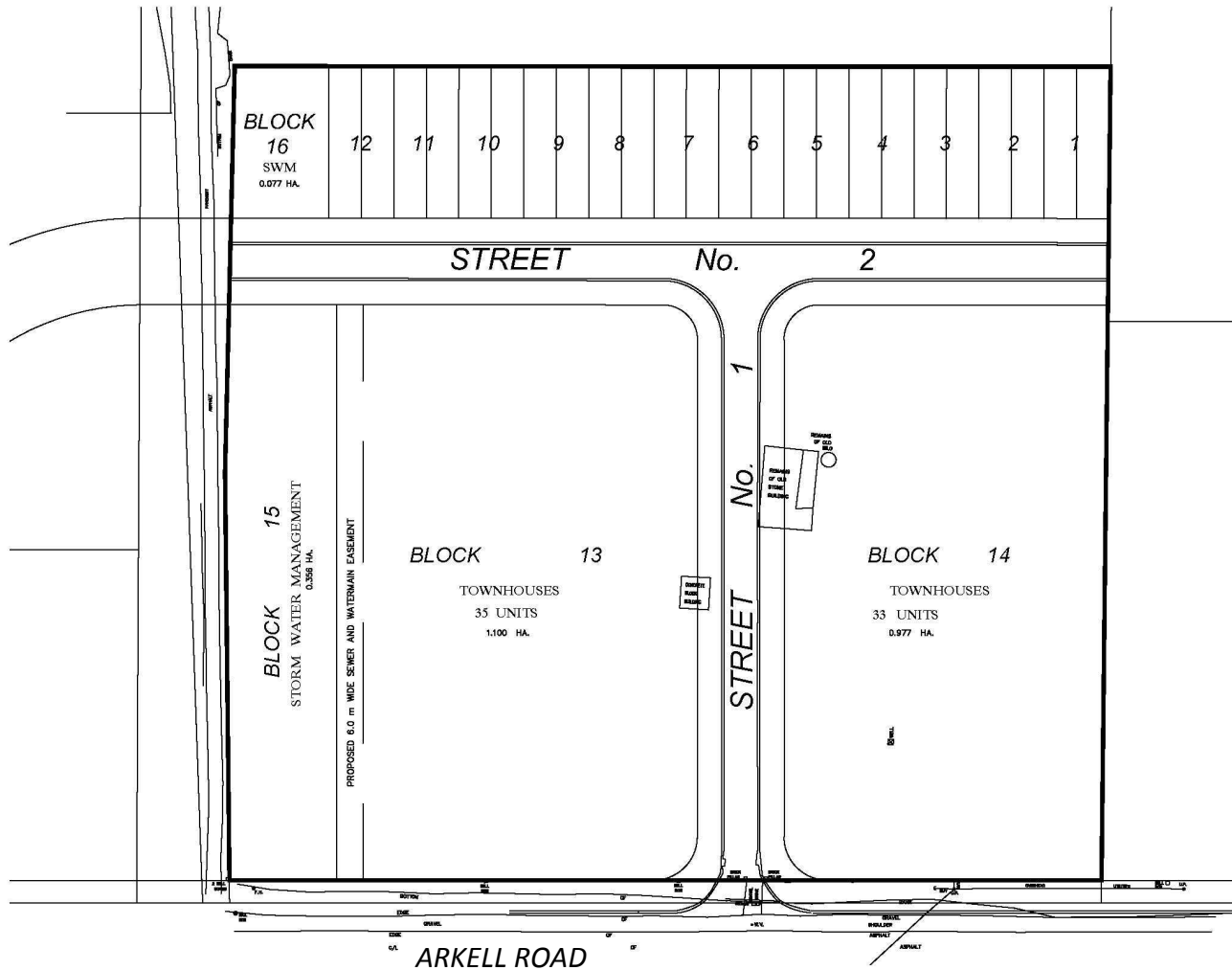
7.13.8 *Development* may occur on lands associated with the Non-Core Greenlands overlay where the matters associated with *hazard lands* as noted in Section 5 can be safely addressed. In addition, *development* within the *flood fringe* areas of the Two Zone Flood Plain will be guided by the policies of subsection 7.14.



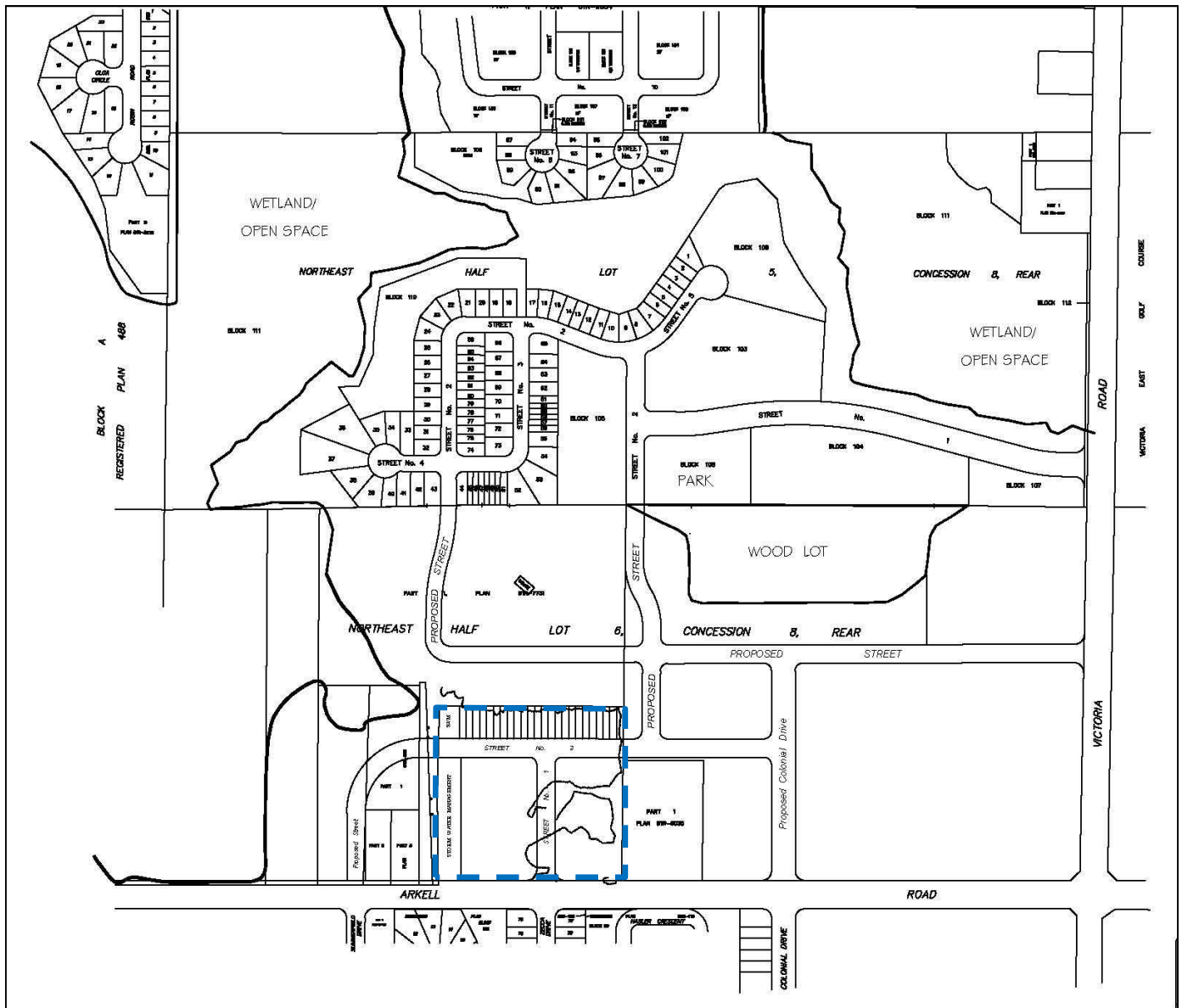
Schedule 4 Proposed Zoning



Schedule 5 Proposed Draft Plan of Subdivision



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Shared Rental Housing Zoning By-law Amendment



Public Meeting: August 3, 2010

Outline

- Summary
- Community Issues
- Legal Framework
- Proposed Regulations
- Licensing
- Related Initiatives/Next Steps

Summary

- Purpose: To primarily address destabilization of neighbourhoods affected by lodging houses and two-unit houses (accessory apartments)
- Meeting: Statutory public meeting for City-wide Zoning By-law Amendment for public input
- Report:
- Present recommended changes to the Zoning By-law
 - Regulate lodging houses & two-unit houses
 - Identify a licensing program for both subject to 2011 Budget (Licensing mechanism to regulate bedroom number)

Community Issues

- Concentrations of shared rental housing – leading to neighbourhood destabilization in some areas
- Increased noise, bad behaviour, nuisance and property standards infractions
- Building Issues:
 - Safety concerns – Fire/Building Code
 - Parking concerns
- Neighbourhood residents requested a separation distance
- Landlord response:
 - requirements unfair/onerous
 - poorly managed/bad tenant behaviour
- Increasing intensity of residential use with rental of entire single detached or semi-detached dwellings with accessory apartments
- Absentee landlords vs. owner occupied dwellings

Legal Framework

Zoning

- Regulate the use of land or buildings for certain purposes
- Zoning can:
 - Regulate location, form, function, parking, and intensity of uses
 - Restrict land uses to a defined area (zone)
 - Restrict the number of bedrooms within residential dwellings, e.g. two bedrooms within an accessory apt.
 - Segregate uses on the basis of intensity of use or zoning categories
 - Impose minimum separation distances between dwelling types subject to a valid planning rationale

Legal Framework

Licensing

- Regulate any activities, matters or things that a municipal council considers necessary or desirable for the public including the rental of a residential unit
- Licensing can:
 - Regulate rental of residential units including number of units that can be rented
 - Deal with tenure – require owner occupancy, on-site manager/superintendent
 - Prescribe specific conditions including inspections
 - Impose fees and penalties

Proposed Zoning Regulations (2010)

Lodging Houses (Type 1)

- Limit to 5–8 lodging units, depending on parking ability (current limit 5-12)
- One (1) kitchen

Remains Same in By-law

- 100 m. distance separation between lodging houses
- No accessory apartment
- Parking regulations imposed

Proposed Zoning Regulations (2010)

Two-Unit Houses (Accessory Apartment)

- Single detached residential dwellings (currently permitted in semi-detached and single detached dwellings)
- 100 m. minimum separation distance between two-unit houses with six (6) or more bedrooms

Remains Same in By-law

- Accessory apartments limited to two bedrooms
- Parking and unit size regulations

Licensing Changes Recommended for Consideration (2011)

Lodging Houses – Type 1

- License all lodging houses
- Require owner occupied/on-site management

Two-Unit Houses

- License two-unit houses
- Require owner occupied/on-site management
- Limit the total number of bedrooms that can be **rented** to four (4) within the entire building

Related Initiatives/Next Steps

- Implement an integrated and clear Communications Plan
- Increased By-law enforcement
- Draft Zoning By-law Amendment under circulation
- Focus Group Sessions on Draft Amendment
- August 30, 2010 Council Meeting (Decision on Amendment)
- Repeal Interim Control By-law
- Amendments to By-law Registering Two-Unit Houses
- Licensing Program – subject to 2011 Budget approval

TO **Guelph City Council**

SERVICE AREA Planning, Engineering and Environmental Services
DATE August 3, 2010

SUBJECT **Proposed Amendment to Zoning By-law Number (1995)-14864, (Guelph's Comprehensive Zoning By-law) Regarding Shared Rental Housing**

REPORT NUMBER 10-84

RECOMMENDATION

THAT Report 10-84, regarding a proposed amendment to Zoning By-law Number (1995)-14864 regarding shared rental housing, from Planning, Engineering and Environmental Services, dated August 3, 2010, **BE RECEIVED.**

SUMMARY

Purpose of Meeting:	Statutory Public Meeting for City-Wide Zoning By-law Amendment under Section 34(12) of the <i>Planning Act</i> .
Purpose of Report:	<ul style="list-style-type: none">• For public input, present recommended changes to Guelph's comprehensive Zoning By-law to regulate lodging houses and two-unit houses mainly to address destabilization threats to neighbourhoods because of the concentration of these forms of housing.• To identify a licensing program for lodging houses and two-unit houses, subject to 2011 budget approval. Licensing has been identified as the mechanism to regulate the number of rental bedrooms in residential dwellings e.g. two-unit houses.
Council Action:	Hear delegations and receive report. A staff report and the By-law will be before Council on August 30 th for consideration.
Related Initiatives/ Next Steps:	<ul style="list-style-type: none">• Implement a clear communications plan to keep stakeholders engaged and aware of all initiatives.• Increased By-law enforcement to deal with parking and noise complaints• Continue public consultation processes including circulation of the draft Zoning By-law Amendment and

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- hold focus group sessions on the proposed changes.

 - Subsequent to August 30, 2010, develop a licensing program that will include a limitation on the number of bedrooms that can be rented in two-unit houses. A maximum of four (4) rental bedrooms in a two-unit house is recommended for consideration. The licensing program will be subject to approval of the 2011 Budget.
 - Review the By-law that deals with the registration of two-unit houses and recommend appropriate amendments.
 - Repeal the Interim Control By-law once the appeal period for the Zoning By-law Amendment has passed provided there are no appeals to the Ontario Municipal Board.

BACKGROUND

Planning and Building Services has initiated a review process of shared rental housing encompassing zoning regulations, licensing, communications, and enforcement particularly as it relates to the issue of the concentration of shared rental units and need to stabilize neighbourhoods in terms of providing a balance of housing forms. (See CDES Report 10-53, Attachment 1) Shared rental housing includes both lodging houses and two-unit houses (residential dwellings with accessory apartments). The review has included a scan of other municipal practices involving rental housing policies and licensing practices which are presented respectively in Attachment 2 and Attachment 3. It should be noted that a comprehensive review of shared rental housing was conducted during 2003-2005. The City's website (www.guelph.ca, <quick link shared rental housing>) includes all previous reports on this matter along with a link to the previous 2003-2005 review.

This report deals with proposed changes to Zoning By-law Number (1995)-14864 with the intent to address concerns raised regarding regulations governing shared rental housing within the City.

Concerns raised by the public are as follows:

- The concentration of shared rental housing is leading to the deterioration/destabilization of some identified neighbourhoods;
- Property standards and lack of lot maintenance;
- Safety concerns when buildings are not maintained to relevant Fire and Building Code requirements;
- Parking concerns, with cars parking on front lawns and boulevards because there is inadequate parking for tenants;
- Behavioural issues and nuisance concerns – i.e. parties and noise from tenants of these units; and

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- An increase in intensity of residential uses where a single detached or semi-detached dwelling is rented in its entirety, including those dwellings which contain an accessory apartment and impacts on parking, behavioural concerns and property standards issues.

Proposed changes to the City's Zoning By-law will deal with the location, density, and intensity of shared rental housing. Meanwhile, a licensing program will regulate the business of shared rental housing, including how many bedrooms can be rented. A limit of four (4) rental bedrooms is the recommended approach.

Current Situation and Regulations

In the City of Guelph there are currently 53 certified lodging houses and approximately 1,500 registered two-unit houses. Known legal shared rental housing properties accounted for 2% of zoning complaints, 5% of property standards complaints, and 8% of noise complaints in 2009. The vast majority of complaints involve other types of properties, which do include illegal shared rental housing units.

Lodging Houses

The 53 certified lodging houses in the City of Guelph offer 424 lodging units. On average, lodging houses offer eight (8) lodging units. Approximately 4% of the certified lodging houses are owner occupied. On average, one new lodging house is created in the City each year (2002 – 2010). Geographically, lodging units are concentrated in Ward 5 which supports over 80% of known lodging houses.

Under the Zoning By-law, lodging houses are permitted in single detached residential dwellings and are limited to five (5) to 12 lodging units, depending on the ability to provide parking and amenity area. As part of the 2003-2005 shared rental housing review process, the number of permitted lodging units in the Zoning By-law was harmonized with unit numbers in the *Ontario Fire Code* and *Building Code Act* which both specify a starting size of five (5) units. New lodging houses are subject to a 100 metre separation distance from an existing lodging house, and lodging houses cannot contain an accessory apartment. Certification requires annual Fire and Property Standards inspections.

Two-Unit Houses

Currently, in the City of Guelph there are approximately 1,500 registered two-unit houses. Approximately 68% of the legal two-unit properties are owner occupied. On average, 100 new accessory apartments are created in the City each year (2002 – 2010). Accessory apartments were incorporated into the City's Zoning By-law in 1994. Since that time 281 units, in existence prior to 1994, have been legalized. Geographically, accessory units are distributed throughout the City. The City's Affordable Housing Discussion Paper recommends a proposed target of 90 new accessory units per year.

Accessory apartments are currently permitted in single detached and semi-detached residential dwellings. In addition, accessory apartments are limited to two (2) bedrooms, depending on the ability to provide parking requirements. A

separate by-law was passed in 1997 requiring the registration of two-unit housing. Registration is subject to a one-time \$100 fee.

Interim Control By-law

In response to citizen concerns, an Interim Control By-law was enacted and a review of the zoning regulations was directed by Council. The Interim Control By-law was passed by City Council on June 7, 2010, effectively limiting new shared rental housing within all of Ward 5 and portions of Ward 6 east of the Hanlon Expressway, pending a review of the zoning regulations. The review of city-wide zoning regulations is being expedited in order to minimize the time period in which the Interim Control By-law is in place. The Interim Control By-law should be repealed once the appeal period for the Zoning By-law Amendment has passed if no Ontario Municipal Board appeals are filed.

REPORT

The Zoning By-law regulates the use of all land in the City and the erection, location, and size of all buildings and structures. Policies governing shared rental housing were last amended in 2006, in response to the 2003-2005 review.

Community Workshop

To inform the review of current regulations, a community workshop was held on June 24, 2010 to communicate current conditions and regulations governing shared rental housing. The community workshop also provided stakeholders with an opportunity to share views on proposed changes. The issue of shared rental housing involves a number of publics (landlords, community members, tenants, etc.) and remains a divisive issue. The workshop provided an important opportunity to build some common awareness and understanding of the current situation which has changed since the 2003-2005 comprehensive review. The information gained from the community workshop is intended to supplement the feedback received during an open house held on January 14, 2010 dealing with a proposed licensing process for lodging houses and two-unit houses (See CDES Report 10-09 for comments on the January 14, 2010 open house).

In addition, the practices of other municipalities, regarding shared rental housing, have been reviewed. The feedback received from the January open house, along with other municipal practices formed the basis of many of the options presented by staff during the June workshop. External legal advice has also been retained to advise on potential regulatory tools and implications.

The community workshop held on June 24, 2010 was well attended with 14 people pre-registered and over 70 participants actually attending the session. Participants represented an even split between landlords and neighbourhood residents, with one person identifying themselves as a tenant of shared rental housing.

Stakeholder Feedback

Overall, participants weighed enforcement as the most important response area followed closely by regulation. Communication was viewed as important but not to the same degree as a regulatory and/or enforcement response.

In general, key concerns revolve around enforcement and inspection of housing units, particularly illegal shared rental housing, and absentee landlords. Some participants recognized the importance of two-unit housing as one form of affordable housing and supported additional owner occupied units. The University was noted as an important stakeholder with the need for a Code of Conduct raised. (See Attachment 4)

There was no apparent support for limiting the number of bedrooms permitted in residential dwellings to five (5), which is a practice used in the City of London, or limiting accessory apartments to residential dwellings with less than five (5) bedrooms.

There was support for continuing to permit accessory apartments in semi-detached dwellings. A reduction in the number of bedrooms permitted in two-unit houses was not supported and in fact some expressed a need for three bedroom apartments which are not currently permitted.

In looking at the number of lodging units permitted in lodging houses, many believed that a reduction in the number of units was warranted. There was also recognition that lodging houses appeared to be better regulated than two-unit houses.

Many thought the best approach to deal with the destabilization of neighbourhoods due to the intensity of use was to control the square footage of dwellings and occupancy levels. Parking was raised as an issue especially with small frontage properties (e.g. lots less than 40 feet) being unable to support demands for on-street parking.

When asked about harmonizing the treatment of two-unit houses and lodging houses, participants were divided. Once again the tenure of units was raised as an issue with responses noting that non-owner occupied houses should be considered lodging houses and two-unit houses should require the owner to live on the property.

Requiring a separation distance for two-unit houses was also raised as a means to deal with the intensity of use and harmonize the policies with lodging houses.

Provincial Policy Statement (PPS)

The Provincial Policy Statement provides policy direction on matters of Provincial interest related to land use planning and development. The current PPS requires provisions for an appropriate range and density of housing types to meet projected requirements of current and future residents.

City's Official Plan

The City's Official Plan establishes the overall land use policy framework for the City. The policies provide direction for development, and the foundation for development control documents such as the City's Zoning By-law. In accordance with the Provincial Policy Statement, and the Growth Plan for the Greater Golden Horseshoe, the City's current Official Plan directs the City to:

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- encourage the development of a variety of housing types and forms to provide for the housing needs of a wide array of socio-economic groups;
 - encourage and assist, where possible, an adequate supply and mix of affordable housing; and
 - provide for the creation of accessory apartments and other alternative, low impact housing forms within the lower density residential areas of the City.

Neither the PPS or Growth Plan promote the destabilization of neighbourhoods through the over concentration of particular housing types: rather the policies encourage the provision of an appropriate range of housing in balanced neighbourhoods.

Legal Framework

An effective regulatory response to shared rental housing must be implemented within the legislative authority of the City. Shared rental housing issues involve a number of legislative tools that municipalities can use to regulate properties and/or activities, which include the *Planning Act*, *Municipal Act, 2001*, *Building Code Act*, 1992 and the *Ontario Fire Code*. To help expedite the review, external legal advice has been retained. This advice has guided staff regarding the selection of potential regulatory responses suggested below.

There are two distinct regulatory tools available to deal with shared rental housing: zoning by-laws under the *Planning Act* and licensing by-laws under the *Municipal Act, 2001*. It is imperative to understand the purpose of each tool so that they are used appropriately.

Zoning Bylaws

Zoning by-laws can regulate the use of land to:

- avoid incompatibility between uses;
- reduce impacts on neighbours;
- regulate location, form, function, parking, and intensity of uses;
- restrict land uses to a defined area (zone);
- restrict the number of bedrooms within residential dwellings or lodging houses, e.g., two bedrooms within an accessory apartment;
- segregate uses on the basis of intensity of use or zoning categories; and
- impose minimum separation distances between shared rental housing uses subject to a valid planning rationale.

The zoning by-law cannot address:

- tenure, i.e. absentee owner properties must be treated the same as owner occupied properties; or
- make distinctions on the basis of relationship or persons (the zoning by-law cannot “people zone”).

Statutorily, the City is obligated to recognize uses that were lawfully in existence on the day a new zoning by-law is enacted, or when the existing zoning by-law is amended. This “grandparenting” is in effect for as long as the lawful use continues.

Illegal or non-registered uses would be subject to any new zoning provisions.

Licensing

Licensing can regulate the business and activity of renting buildings for residential use. Licensing, essentially governs how the business of shared rental housing may be carried out.

Recent changes to the *Municipal Act, 2001* permit a municipality to use licensing to regulate any activities, matters or things that a municipal council considers necessary or desirable for the public, including the rental of residential units. The licensing of rental housing was previously not allowed under the *Municipal Act, 2001*.

Under the *Municipal Act, 2001* a licensing regime can:

- indirectly deal with the tenure of shared rental housing by requiring a licensee to reside in the accommodation they are operating or alternatively could impose a requirement for an “on-site manager/superintendent” where the building’s owner does not live on-site;
- require inspections;
- impose fees and penalties;
- impose a limit on the number of “lodging units” a proprietor may operate; and/or
- prescribe different licensing requirements for lodging houses and two-unit houses.

Licensing cannot:

- restrict intensity or location;
- restrict the number of bedrooms (which are different from lodging units in a lodging house); or
- impose separation distances.

These issues can only be addressed by the zoning by-law.

Unlike new zoning regulations, new licensing regulations can be imposed on existing shared rental housing operations regardless of when they were established, i.e. grandfathering would not apply.

Both regulatory tools may be used at the same time, however it is important that the appropriate tool is used. To regulate the business of shared rental housing, a licensing by-law should be used. To regulate the location, density and intensity of shared rental housing, a zoning by-law should be used. Many municipalities are moving towards using both the Zoning By-law and a licensing program for shared rental housing given the nature of concerns.

Role of Shared Rental Housing

Shared rental housing is an important component of the City’s desire to supply a full continuum of housing, including affordable housing. The offering of a diverse range of housing types throughout the City assists with meeting the needs of a wide array of socio-economic groups. A diverse mix of housing types also assists in stabilizing areas by offering housing choices to various types of households as their needs change. Essentially, a variety of housing options within a neighbourhood

offer households the choice to stay in the same neighbourhood when their needs change. Shared rental housing is part of that choice which brings with it stability. Shared rental housing is also an important means of meeting the City's growth and intensification targets. The Draft Official Plan Update includes a separate affordable housing target of 90 new accessory apartment units per year. A city-wide dispersion approach to meeting this housing target helps provide options for housing throughout the City.

Excluding these forms of housing from neighbourhoods where there are dwellings of a similar scale and density would have a restrictive impact on individuals likely to benefit from this form of housing, including people who are part of protected groups under human rights legislation.

Potential Regulatory Options for Council's Consideration

While considering a number of approaches to address the concerns about the destabilization of neighbourhoods, the following discussion addresses key planning issues of maintaining stable neighbourhoods with balanced forms of housing opportunities.

In light of the above legal framework, stakeholder concerns, and City Official Plan directions for shared rental housing, the following regulatory mechanisms are recommended for Council's consideration. (See Attachment 5 for Draft Zoning By-law Amendment)

Recommended Revisions and Rationale

Attachment 6 provides a summary of the recommended revisions to the Zoning By-law and recommended directions for licensing discussed below.

Lodging Houses

- 1) Reduce the maximum number of lodging units permitted in the Zoning By-law from 12 to eight (8) so that lodging houses support five (5) to eight (8) lodging units

Rationale:

Many stakeholders are concerned about the intensity of lodging units in particular areas of the City and the destabilization of the neighbourhood when this use prevails over other housing forms. Amending the Zoning By-law to limit the number of units to eight (8) would help address this concern without unduly impacting existing operations. The lower lodging unit cap would reduce new larger lodging houses. Smaller lodging house structures are also easier to modify for single household occupancy should future needs change. From an urban design viewpoint, smaller structures are also more compatible with the existing neighbourhood. Currently, in the City of Guelph certified lodging houses offer an average of eight (8) units and approximately a third of the lodging houses exceed eight (8) lodging units. These existing units would still be permitted.

2) Limit lodging houses to one kitchen

Rationale:

Lodging houses are not permitted to include accessory apartments. The potential presence of a second kitchen in a lodging house could allow the house to be used as a two-unit dwelling.

3) Maintain the 100m separation distance between lodging houses

Rationale:

The 100m separation distance addresses intensity of lodging units and provides for their dispersal throughout the City.

4) Approve a licensing program for lodging houses

Rationale:

As noted previously, the Zoning By-law cannot regulate tenure or how the business of shared rental housing may be carried out, while licensing can regulate the business of shared rental housing. A number of stakeholders expressed concern over absentee landlords. Licensing could address this concern by requiring a licensee to reside in the accommodation or on-site management/superintendents to improve accountability for tenant behavior. Many municipalities, such as Oshawa and London have moved toward a licensing regime. Licensing for rental accommodation would allow the City to impose conditions as a requirement for obtaining, continuing to hold, or renewing a license, which could include regular inspections. Previous planning reports have recommended that the implementation of a licensing program should be part of the overall shared rental housing work program.

The May 17, 2010 CDES Report 10-53 identified in the work plan the review of the licensing program to commence in the last quarter of 2010.¹ (See Attachment 1) Licensing is also seen as the primary tool for regulating businesses to ensure effective management and supervision of the premises. Issues such as noise and property standards cannot be regulated through a license and must continue to be regulated through enforcement of the applicable municipal by-law, e.g. property standards by-law.

1

Develop by-law to require lodging houses and two-unit houses to have a licence

-Consult public stakeholders on proposed by-law

-Determine exact costs, resource requirements and timing of implementation Attachment 6 CDES Report 10-53, May 17 2010

Two-Unit Houses

- 5) Maintain the current limit of two bedrooms in accessory apartments in the Zoning By-law

Rationale:

Stakeholders did not express a strong concern for the current number of bedrooms permitted in two-unit houses. Having a range of one and two bedroom accessory apartments provides a greater range of housing options, e.g. a single person household and small family households could find appropriate rental accommodation in a two-unit house.

- 6) Apply a 100 metre minimum distance separation requirement to two-unit houses (accessory apartments) with six (6) or more bedrooms in total e.g. four (4) up and two (2) down in the Zoning By-law

Rationale:

Compatibility issues begin to surface when large two-unit houses are entirely rented and reach a size that is comparable to the size of a lodging house, particularly when they are concentrated on a street or within a particular neighbourhood. Higher intensity uses, such as the two-unit houses with four (4) bedrooms up and two (2) bedrooms down should be subject to a 100 metre minimum distance separation from other large two-unit houses, thus dispersing this housing form. This approach would reduce the concentration of these larger two-unit houses in existing low density neighbourhoods and be applied on a city-wide basis. In this way, the future concentration of these units in city neighbourhoods would be alleviated, thus aiding in the preservation of neighbourhood stability.

Existing registered two-unit houses would still be permitted but illegal units would not be legalized if they did not meet the minimum distance separation. This approach will not affect the existing supply of legal two-unit houses and smaller two-unit houses, with less than six (6) bedrooms, would not be subject to the 100 metre minimum separation distance.

- 7) Instead of Zoning, the licensing by-law will address the number of rental bedrooms within this two-unit house type and also address the issue of absentee landlords. Approve a licensing program for two-unit houses (accessory apartments) that limit the number of bedrooms that may be rented to four (4) bedrooms.

Rationale:

Concern was expressed around absentee landlords and how many of these properties are poorly maintained. A licensing regime could permit the City to require that the owner reside in the dwelling or that on-site management/superintendents be provided. Many municipalities are moving towards a licensing regime for residential rental properties, including two-unit houses. In addition to addressing concerns about how absentee landlords tend the business of shared rental housing, a licensing program could also include

requirements for regular inspections and the provision for fines when properties offend previously established standards for property maintenance and safety.

In addition, licensing could limit the number of bedrooms that could be rented. A maximum of four (4) rental bedrooms is recommended for consideration. This regulation would address the current and future number of properties renting five (5) or more bedrooms within two-unit houses (residential dwellings with an accessory apartment). This would align with the number of lodging units in lodging houses which are defined as having five (5) or more lodging units.

Existing lawful two-unit houses, renting five (5) or more bedrooms, would have to reduce the number of rental units to four (4). Strengthened enforcement needs are anticipated since over a third of existing units permitted in the Zoning By-law could become unlawful (if they rent more than four (4) bedrooms) and the pressure to create more unlawful occurrences may become greater. Nevertheless, along with zoning requirements, licensing would manage the ways the shared rental housing business is conducted and thereby reduce conflicts which the over- concentration of this form of housing can cause within a neighbourhood.

8) Limit accessory apartments to single detached properties

Rationale:

Very few semi-detached dwellings can meet the zoning by-law requirements for an accessory unit often because of restrictive parking requirements. As such, permission for accessory apartments to locate in semi-detached properties should be removed from the zoning by-law. To allow a use and then not permit it because of specific regulatory restrictions creates a misleading expectation for the property owner. As such, permission for accessory apartments to locate in semi-detached properties should be removed from the Zoning By-law.

9) Clarification of definitions involving lodging houses and accessory apartments (two-unit houses)

Rationale:

Shared rental housing includes both lodging houses and two-unit houses. These forms of housing are mutually exclusive and require definitions with clear lines which recognize the function and role of these housing forms.

Two-unit houses are essentially two dwelling units within one building. This form of housing is generally a low impact housing form that can work well within lower density residential areas of the City. Two-unit houses assist the City to meet its intensification targets and affordable home ownership targets. However, the concentration of such housing form must be controlled to ensure that there is not an over concentration.

In comparison, lodging houses are a higher intensity use where the structure/property is used by multiple residents. The location of this form of housing is directed towards residential areas with adequate residential amenities and services nearby.

Related On-going Initiatives

In addition to regulation changes, a number of other initiatives are being recommended in accordance with the work plan included in CDES Report 10-53 dated May 17, 2010. (See Attachment 1) The City will continue with a pro-active property standards and zoning enforcement program. During August, Fire Services will be conducting a voluntary home fire inspection program for residential properties with shared rental housing. Additional by-law enforcement to deal with parking and noise complaints is occurring this fall and can be sustained until December 2010 at a cost up to a maximum of \$30,000. Liaison with the University of Guelph is ongoing to address student housing accommodation issues such as property standards and maintenance.

Next Steps

Changes to the Zoning By-law in reference to lodging houses and two-unit houses is currently under circulation and a number of focus group sessions are being held to discuss the proposed amendment. Information from the above consultation processes will be included in the report requesting a Council decision on the Zoning By-law Amendment. Future amendments may also be required to By-law Number (1997) – 15392 which deals with the registration of two-unit houses. As noted above, and in the shared rental housing work plan in Attachment 1, an integrated response is underway to deal with shared rental housing issues. Key components that connect with changes to the Zoning By-law include the implementation of a licensing program which will have budget implications.

In addition, the Interim Control By-law in place, should be repealed once the appeal period for the Zoning By-law Amendment has passed if no Ontario Municipal Board appeals are filed.

Above all a clear communications plan is necessary to keep stakeholders engaged and aware of any initiatives.

Staff will work with By-law Enforcement and Corporate Communications regarding increased enforcement.

CORPORATE STRATEGIC PLAN

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

FINANCIAL IMPLICATIONS

To expedite changes to the Zoning By-law, outside legal advice has been retained at a cost of up to a maximum of \$60,000.

The financial implications of licensing and the broader communications plan will be expanded upon through the licensing review and the 2011 budget.

DEPARTMENTAL CONSULTATION

Staff from Planning, Building, Zoning, Clerks, Communications, Legal, Fire, Solid Waste, and By-law Enforcement have been consulted for this report and have representation on an internal shared rental housing working group.

COMMUNICATIONS

Staff is building a communications plan to support the City's work plan with respect to shared rental housing. In the meantime, the statutory public meeting scheduled for August 3, 2010 has been advertised in the Guelph Tribune. The immediate focus has been to deal with communications around the interim control by-law and the zoning by-law amendment process. As an initial response to the broader issue of shared rental housing, a separate quick link has been created on the City's website called "shared rental housing", which includes initiatives and contacts for the City's various services including planning regulations and enforcement activities.

As part of the next steps, staff will work with By-law Enforcement and Corporate Communications regarding increased enforcement.

ATTACHMENTS

ATTACHMENT 1 - Proposed Shared Rental Housing Work Plan from May 17, 2010
CDES Report 10-53

ATTACHMENT 2 - Municipal Rental Housing Practices Review

ATTACHMENT 3 - Municipal Rental Housing Licensing Practices Review

ATTACHMENT 4 - Summary of Public Feedback from Community Workshop

ATTACHMENT 5 - Draft Zoning By-law Amendment

ATTACHMENT 6 - Summary of Recommended Revisions to the Zoning By-Law and
Recommended Direction for Licensing

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ATTACHMENT 1

Proposed Shared Rental Housing Work Plan Summary

Short Term Measures (by September 2010)			
Type	Description of Tasks	Proposed Timing	Anticipated Costs
Additional Targeted By-law Enforcement	<ul style="list-style-type: none"> - Build on existing enhanced by-law enforcement program - Analysis of 2009 complaints data to determine geographic areas of focus 	Mid-August to Mid-December at known peak periods of complaints (exact timing to be determined)	Additional staffing and vehicle in use \$30,000 (Operations, By-law Enforcement)
Zoning By-law Amendment	<ul style="list-style-type: none"> - Review options to amend the Zoning By-law to better address properties with Two-Unit Houses where both units are rented (4 up 2 down) - Several options are under consideration, including separation distance, changes to definitions and changes to regulations regarding lodging houses and accessory apartments - Ward meetings and focus groups to be held to gauge opinions. Meetings to be held in the spring and summer of 2010 	Zoning By-law Amendment could be brought to Council for a statutory public meeting in late 2010 or early 2011. Depending on public comments, the zoning by-law amendment could be considered for approval by Council in early 2011. (20 day appeal period would follow by-law adoption)	In Community Design and Development Services, current staff time – tasks have been re-prioritized to address this priority work.
Communications Plan	-Communication of short term measures will be researched, developed and implemented (i.e. Newspaper Ads and newsletters to residents outlining related shared rental housing changes such as the start	By August, 2010	Current staff time – tasks to be re-prioritized.

	of Additional By-law Enforcement and Zoning By-law Amendment Process) - Update and distribute “Good Neighbour, Great Neighbourhoods” Guide, which provides information on City by-laws and facilities to residents		Materials Cost – to be determined – no budget allocation
Longer-Term Measures (Fall 2010 to 2011)			
Zoning By-law Amendment	- Legal review is needed to determine potential implications and fit with provincial legislation - Meeting with public stakeholders recommended before statutory public meeting in front of Council to consider the draft by-law	By-law approval by early 2011.	
Rental Licensing By-law	-Develop by-law to require lodging houses and two-unit houses to have a licence -Consult public stakeholders on proposed by-law -Determine exact costs, resource requirements and timing of implementation	November to March to write by-law and gather public input	Additional Staffing and Start Up Costs. Licence fees can be based on cost recovery.
Review of Enforcement Procedures	-Review fines, fees, charges and procedures associated with related city by-laws (Noise, Parking, Zoning, Property Standards) - Review potential for “service charges” for nuisance properties - Explore alternative approaches to by-law enforcement considering staff and financial resource availability	September to December 2010	To be determined. Focus on methods of cost recovery.
Communications Plan	-Communications of Long Term Measures -Local Town and Gown Association together with the University of Guelph and public stakeholders -Review potential for one phone number for all neighbourhood complaints - Improved web tools	Late 2010 to early 2011	To be determined through review for 2011 Budget.

ATTACHMENT 2 – Municipal Rental Housing Practices Review

	London	Waterloo	Hamilton	Oshawa	Barrie
Related Policy Initiatives	Near Campus Neighbourhoods – Vision and Strategies; - Proposed policy to stop supporting variances to legalize past construction	Rental Housing Licensing Study (underway since 2008)	Residential Rental Housing Review (underway since 2007)	Student Housing Strategy (underway since 2008) - proposed policy change to redirect to rental housing/intensification to sites along arterial roads	Official Plan Update in process Rooming, Lodging, Boarding House Review in 2007 Georgian College Neighbourhood Strategy (2007)
Accessory Apartment Regulations	Not a permitted use in single detached housing	Allowed only when they existed prior to November 16, 1995, if there is sufficient evidence. Regulated by Planning Act.	Only permitted in some areas of the former City of Hamilton, staff aware of many illegal ones	Converted dwellings are permitted in some housing. Must be zoned R.2 or R.5. Minimum area of 450 m ² and frontage of 12 metres	A two-unit house is legal under the City's Zoning By-law where; a) A two-unit house is a permitted use (in specific zones) b) The two-unit house is in a house constructed prior to 1945 and complies with the 'converted house' requirements of the Zoning By-law; c) The two-unit house was legally established under a former Zoning By-law, and continued in use ever since; or d) The two-unit house existed on May 22, 1996 and complied with the requirements of the Resident's Rights Act, 1994, and has continued in use ever since.
Lodging House Definition	Class 1 – 3 or fewer lodging units rented Class 2 - More than 3 lodging units rented	<u>Lodging House Class One</u> – a lodging house which is located in the whole of a building and: (i) occupied by four or more persons in	4 or more persons	"Lodging House" means a building or a part of a building, containing three to ten lodging units, which does not appear to function as a dwelling	Small and Large Rooming, Lodging and Boarding Houses defined

		<p>addition to the proprietor and his/her household; or (ii) occupied by six or more persons without a proprietor and his/her household.</p> <p><u>Lodging House Class Two</u> – a lodging house located within a dwelling unit occupied by 4 or 5 persons without a proprietor and his/her household.</p>		<p>unit, although one may be included with the lodging units. It includes, without limitation, a rooming house and a boarding house, a fraternity or sorority house.</p> <p>A lodging house may involve shared cooking or washroom facilities. Meals may or may not be provided to residents. Common areas, such as living rooms, may or may not be provided.</p>	
Specific Zoning Regulations for rental housing(i.e. Separation Distance)	<ul style="list-style-type: none"> - No separation distance - Trying to limit creation of small lot singles for student rentals - No zoning regulations that specify owner or renter or specific area - All single detached housing limited to a maximum of 5 bedrooms 	<p>The lodging house license is subject to the Minimum Distance Separation (MDS) of 150 metres in the following zones: GR1, GR2A, SD, SD-1, R, SR1, SR1A, SR1-10, SR2, SR2A, SR3, SR4 and FR.</p> <p>The lodging house license is subject to the Minimum Distance Separation (MDS) of 75 metres in the following zones: MD, MD1, MD2 and MD3 (3 properties have site specific exemptions)</p>	Reviewing options for zoning by-law amendment limiting the number of bedrooms in houses	No separation for accessory apartments or lodging houses – instead only permitted in two zones.	75m MDS for small lodging houses located within low density residential areas
Area focus or City-wide?	Citywide, all properties with 1-4 rental units required to be licensed	Considering single and semi-detached, duplexes, triplexes and townhouses on a city	Considering single and semi detached housing only, on a city-wide basis	Rental units in certain neighbourhoods close to University of Ontario and Durham College.	City wide

	Developing Official Plan Policies around defined "Near Campus Neighbourhoods"	wide basis			
Licensing or Registration of Rental Units	New licensing program (March 2010) for all properties with 1-4 rental units (with a total of more than 3 bedrooms rented) - Self certification program requires fire inspection and 15% of properties will be randomly inspected	Reviewing and recommending a rental unit license program	Licensing or registering rental units under consideration at present in city-wide rental review	Licensing by-law	Licensing required for lodging/rooming /boarding houses
Fees	\$25 annual licence fee	\$280 annually recommended	To be determined	\$250 annually	\$300 annual licence fee
Primary Types of By-law Complaints	Large parties, parking, garbage left out	Noise, parking and garbage City wide. More densely populated around University, so more complaints in area	Property Standards, Long Grass and Weeds, Noise, Waste	Noise, parking and in summer months property standards (absentee landlords)	Legality of apartment or lodging house and front yard parking on grass
Use of Warnings and Fines	For garbage - 1 warning, then contractors come in and clean up property, charge costs to landlord plus an admin fee	Use- Fire Department is first contact, then Zoning. Compliance based, if co-operation then warning and compliance letters. Fines for parking on grass etc now done like a parking ticket, no warning.	1 warning then fines, property owner notified and can be fined as well for noise and nuisance issues.	Licence is first point of contact. Need to obtain licence and if not obtained proceed with charges. If property standards, compliance notice. Noise is a ticket issued.	Offence found- warning letter with \$110 service fee for apartment and \$55 for parking. Reinspect in two weeks and if no compliance, service fee for second letter of \$550 for apartment and \$275 for parking. Court is next step
Fine Amounts	Parking - \$50 ticket Zoning – up to \$3000 fine and prohibition order. Not having a			Generally \$250 for property standards, parking and \$300 for noise. Not having a	Parking on grass- \$55 Apartment violation is \$110

	licence – up to \$25,000 for the first offence			licence – up to \$50,000	
Owner or Tenant Charged	Garbage – owner Parking – tenant or car owner	Personal infractions (noise, parking) are tenant. Use is owner.	Tenant warned and owner notified, if infraction continues, owner can be charged.	Personal infractions (noise, parking) are tenant. Use is owner.	Parking is tenant. Use is owner in court on Part 3.
Monitoring and Inspections	Proactive enforcement since 1995 in areas near UWO - Visit problem areas 1-2X a week - Map complaints and use info to target areas		Recent approval of 18 month proactive enforcement pilot project – 6 part time by-law enforcement officers monitoring property standards, tidy yard by-law, parking across		Additional enforcement during April, Aug, Sept and October – focused on parking and exterior yard maintenance
Role of University or College in Off-Campus Student Behaviour	Joint UWO/Fanshawe and City mediator to help resolve neighbourhood issues; Fanshawe has a Student Code of Conduct; Good support from student union at Fanshawe and UWO;	Joint off-campus housing fair, door knocker program	Looking at opportunities for a City, University and College Liaison	Information sharing at this time, reviewing role of Town & Gown Committee	Town and Gown Committee
Education Materials	Student street captains share info with other students; Student videos, newspaper ads	Door knocker program – by-law staff and students visit neighbourhoods and provide info to new tenants about by-laws – Community Relations Division – neighbourhood guide, Neighbourhood Spirit Builder	Website with info for students and landlords	Website with info for students and landlords	Unknown.

ATTACHMENT 3

Municipal Rental Housing Licensing Practices Review

Municipality	Rental Units Licensed and program start date	What is licensed	Methodology	Administration	Fee	Penalties
Hamilton	Under consideration at present by City Wide Community Liaison Committee	Considering single and semi detached only on a city-wide basis	Reviewing licence and zoning by-law regulations	Under review	Under Review	Under Review
Kingston	No rental unit licence program	Lodging Houses Every premises in which four or more persons, exclusive of staff, are lodged, with or without meals, in return for a fee	Application circulated to: Building, Fire, Health Unit, Police, Utilities Kingston or ESA	Administered through a schedule in the business licence by-law	\$100 annually	Penalties are contained within the business licence by-law along with appeals mechanism
London	Rental Licensing by-law enacted September 21, 2009 and to be in force March 1, 2010	License buildings containing four or less rental units (singles, semis, duplexes and triplexes, fourplexes and converted dwellings)	Has to conform to applicable zoning and other by-laws, fire code and the OBC	Separate Licence By-law created	\$150 for a five year period	Penalties are contained within the Residential Rental Units Licensing By-law – a licence by-law with an appeals mechanism
Oshawa	Proposed for 2008, by-law challenged	Rental units in certain neighbourhoods close to University of Ontario and Durham College “ <i>LODGING HOUSE</i> ” means a Building or part of a Building, containing three to ten Lodging Units. It includes, without limitation, a rooming house and a boarding house, a fraternity house or sorority house	Must comply with applicable by-laws and codes. Maximum number of rental units in a building limited to four. Amended to six on certain streets. Does not apply to a property with two or less rental rooms	Administered through a schedule in the business licence by-law	\$250 annually	Penalties are contained within the business licence by-law along with appeals mechanism

St. Catharines	No separate rental unit licence	Only "second level lodging houses". "Second Level Lodging House" means a nursing home and any house or other building or portion thereof	Application is circulated to Fire, Building, Zoning, Property Standards, Health and Hydro for approval	Administered through a schedule in the business licence by-law.	\$200	Penalties are contained within the business licence by-law along with appeals mechanism.
Waterloo	Reviewing and recommending a rental unit licence program	Considering single and semi-detached, duplexes, triplexes and townhouses on a city wide basis	Under consideration	Under consideration	\$280 annually for lodging houses	Under consideration
Windsor	No separate rental unit licence. The City of Windsor reviewed and rejected licensing of rental units in a report dated November 19, 2008 by the Licensing and Enforcement Department	Licence for Lodging House 1 and 2. CLASS 1. Where the operator provides no assistance to the resident in caring for their health and for their personal needs, including washing, dressing or eating (2) CLASS 2. Where the operator provides assistance to the resident in caring for their health and for their personal needs including washing, dressing or eating	Clearance required from Chief Building Official, Fire, Health, Electrical Safety Authority and Police	Administered through a schedule in the business licence by-law	\$398 initial and \$358 renewal	Penalties are contained within the business licence by-law along with appeals mechanism

ATTACHMENT 4

Summary of Responses

Community Workshop - Shared Rental Housing, June 24, 2010

Question 1:

Do you have a concern with the number of lodging units permitted in lodging houses? (currently lodging houses are limited to 5-12 lodging units)

Do you have a concern with the number of bedrooms permitted in two-unit houses? (currently accessory apartments are limited to two bedrooms)

e.g. Should the City limit two-unit houses with 4 or more bedrooms to a one bedroom accessory apartment, while dwellings with 3 or fewer bedrooms are permitted a two bedroom accessory apartment?

Response:

Lodging Houses

- I have a ten unit lodging house and it runs fine I have never had problems with neighbours or the city
- No concern with the number of lodging units in lodging houses (I've never experienced problems with them)
- No, I do not have a concern about the # of lodging units per lodging house
- Any reduction in the number of lodging units would be an improvement
- I believe that a lodging house should have no more than 8 units
- Lower the number of units in lodging houses to 5-8
- 12 units is far too many
- Yes I would prefer a smaller # of lodging units in a lodging house. Is there a limited on the # of people in a lodging unit?
- Yes, I am concerned regarding the number of units permitted in lodging houses. Should be limited to minimum of 4 units especially if formerly a private home that has been converted to lodging house.
- Lodging houses – I do feel that 12 is too many although I understand the process to grant one is tough and thus they are sure to be safe but concentration of that many people is difficult
- I think lodging houses are the better regulated of the two

Two-Unit Houses

- Yes, I have a concern with the number of bedrooms permitted in two unit houses. As a single parent with 2 children, I require three bedroom units and would not be able to house myself and my children in rental accommodations if 3 bedroom units were not permitted. This is discriminatory to lower income single parent families. The problems being experienced are not being caused by family households. Your solutions are making it impossible for families to live together affordably.

- I think the number of bedrooms in a 2 unit house should be limited – accessory apt no more than 2 bedrooms.
- Two unit – accessory apartments should not be less than two bedrooms for an affordability issue for the tenants plus safety for those tenants...ex., I feel the total of six bedrooms is a good number, but I do feel that it should be limited to detached dwellings only but the interior size of the apartment should be increased.
- I have a concern about bedroom quantity in two-unit houses; houses are not architecturally set up as lodging houses so sharing space in a lodging house is more comfortable, potentially, while an excess of bedrooms in a two-unit house could feel cramped.
- The number of accessory apartments is fine but the 2-unit homes should be owner occupied....I have big concerns about houses that are entirely rented to 2-4 students that are not owner occupied. These are not regulated at all and cause the most disturbances in my area. They are also the fastest growing type of rental home in my area. All student rental houses that are not owner occupied should be regulated.
- I believe there should be a limit on # of bedrooms in a home and the # of bedrooms allowed in an accessory apartment.
- Not fair or right to limit seniors, persons on disability and new home buyers housing choices they have found in homes offering affordable rents.

Both/Other:

- Single and semi-detached units should have the number of rented units limited and the distance between units should be enforced.
- Number of units should not exceed safety and maintenance issues, # of driveways, # of bathrooms. Too many people per square foot, noise levels etc. all become issues. I think any more than 6 in a house are too many.
- No, your issues do not support the lowering of occupants
- Too many renters in one house (far more people are living in illegal situations)
- Too much- heavy concentration in private homes, cap is too high (depends on size of house), 6 is preferable
- Accessory apartments should be owner occupied!
- I think a cap on the total number of people in a house is simplest. I have seen situations with fridges, computers, and other electronics in each bedroom maxing out the electrical capacity – this is a fire concern. Per person the family home experiences the greater tax burden. Yes I think the number of lodging units per home needs to be less than 5 people.
- Do it by square foot per person
- Regular inspection of lodging housing and accessory apartments would help
- University needs to bear some responsibility

Question 2:

Should the City limit accessory apartments to dwellings with less than 5 bedrooms?

Should the City limit 5 bedroom homes in Guelph, e.g. City of London?

Response:

There was no support for limiting the number of bedrooms. Respondents felt this would be discriminatory to large families and would be terrible for affordable housing. The real issue was the use of the bedrooms/space and owner-absent homes. The number of bedrooms should depend on the size of the house.

Question 3:

Should accessory apartments continue to be permitted in semi-detached dwellings? Please note that currently lodging houses are not permitted in semi-detached dwellings and very few semi-detached dwellings meet zoning requirements.

Response:

Respondents felt that accessory apartments should continue to be permitted in semi-detached dwellings since these are a common form of housing for young families and it effects the property rights of people who cannot afford a single family home. Affordable rental housing and affordable ownership is important.

Question 4:

Should bedrooms in two-unit houses be treated the same as lodging units in lodging houses?

Response:

Responses were divided on whether to treat the units the same. A connection was made to treating the units the same to prevent neighbourhoods from turning into ghettos for students. Others felt they should have separate by-laws.

Participants felt non-owner occupied houses should be considered lodging houses and two-unit houses should require the owner to live on the property.

Question 5:

Other regulation changes?

Response:

- Need a separation distance
- The 100 metre rule should definitely be enforced to keep property values where they should be. I'd like to think the cost of student housing to students is balanced by my children's needs for a school within reasonable and safe walking distance and property values that are reflective of the house and property and not just its income value. Density and Enforcement are the key issues for me.
- Licensing and inspection of lodging houses and 4 bedroom houses should be instated.
- Reducing # of bedrooms would exacerbate the problem.
- Two unit houses need to be treated as lodging houses if they have the number of lodging units which total the number qualifying as a lodging house.
- Can the number of lodgers/lodging units be regulated? There should be only 1

- lodger permitted per lodging unit.
- Need to attack the illegal places they comprise the biggest headache because those owners are in this for the money, not the welfare of the tenant.
 - I feel the issue of importance is more about enforcement than regulations...maintenance and by laws must be enforced.
 - Properties must be regulated/enforced and two unit houses should be owner occupied.
 - The city should know who owns every house and where they can contact the owner.
 - Make sure that when complaints are raised that they are dealt with property...enforcement is key!!
 - LTA (Landlord and Tenant Act?) must provide info to tenants form. Lease must provide tenants name, address and phone number.
 - Code of conduct for university
 - Unfortunately, this evening was poorly organized... We saw the presentation before (this is a bit insulting). The questions did not allow the group to explore creative option, especially based on practises in other communities.
 - Why does this have to be done by September?
 - Over regulation is making it more difficult for people to make ends meet. Need to think of households trying to subsidize their incomes to pay bills and/or to find affordable housing, e.g. seniors, young families, disabled. If you decrease opportunities for people to pay their own way, you will be subsidizing more households and increasing welfare cases.

ATTACHMENT 5

Draft Zoning By-law Amendment

- 1) Reduce the maximum number of lodging units permitted in the Zoning By-law from 12 to eight (8) so that lodging houses support five (5) to eight (8) lodging units
 - 4.25.2 Maximum Occupancy for **Lodging Houses**
 - 4.25.2.1 **Lodging Houses** shall be limited to a maximum of 8 **Lodging Units**.
 - 2) Limit lodging houses to one kitchen
 - 4.25.2.2 **Lodging Houses** shall be limited to one kitchen.
 - 3) Limit accessory apartments to single detached properties
 - 4.15.1.2 An **Accessory Apartment** shall only be permitted within a **Single-Detached Dwelling**.
 - 4.15.1.3 A maximum of one **Accessory Apartment** shall be permitted in a **Single-Detached Dwelling** provided that the **Single-Detached Dwelling** is a conforming **Use** in the **Zone** in which it is located.
 - 4.13.4.3 Remove parking reference "**Semi-Detached Dwelling** with an **Accessory Apartment** – 3 Minimum Required **Parking Spaces**"
 - 5.2.1 Remove Permitted Uses reference "**Accessory Apartment** in accordance with Section 4.15.1
 - 4) Apply a 100 metre minimum separation distance requirement to two-unit houses with six or more bedrooms in total (e.g., four (4) up and two (2) down)
 - 4.15.1.8 Minimum separation between **Buildings** being used as **Accessory Apartments** with six (6) or more bedrooms shall be 100 metres. Such distance is to be measured from the closest points of the two properties at the property lines.
 - 6) Clarification of definitions involving lodging houses and two-unit houses

Proposed Zoning Definitions

Lodging Houses:

Current

"Lodging House Type 1" means any **Place**, including but not limited to a **Dwelling Unit**, that is used to provide 5 or more **Lodging Units** for hire or gain directly or indirectly to persons.

Proposed

"Lodging House Type 1" means any **Building** or part thereof that is used to provide 5 or more **Lodging Units** for hire or gain directly or indirectly to persons.

Lodging Unit:

Current

"Lodging Unit", for the purpose of **Lodging House Type 1** and **Lodging House Type 2**, means a room **Used** to provide living accommodation which does not have the exclusive use of both a kitchen and a bathroom.

Proposed

"Lodging Unit", for the purpose of **Lodging House Type 1** and **Lodging House Type 2**, means a room **Used** to provide sleeping accommodation which does not have the exclusive use of both a kitchen and a bathroom.

Accessory Unit:

Current

"Accessory Apartment" means a **Dwelling Unit** located within and subordinate to an existing **Single Detached Dwelling**, **Semi-Detached Dwelling** or a **Link Dwelling**

Proposed

"Accessory Apartment" means a **Dwelling Unit** located within and subordinate to an existing **Single Detached Dwelling**

General

Dwelling Unit:

Current

"Dwelling Unit" means a room or group of rooms occupied or designed to be occupied exclusively as an independent and separate self-contained housekeeping unit including a house;

Proposed

"Dwelling Unit" means a room or group of rooms occupied or designed to be occupied as an independent and separate self-contained housekeeping unit usually containing cooking, eating, living, sleeping and sanitary facilities

Current Zoning Definitions (no changes proposed)

"Building" means any **Structure** or building as defined in the Ontario Building Code, S.O. 1992, Chapter 23 as amended from time to time or any successor thereof, but does not include a **Vehicle**;

"Place" includes any land, **Lot, Building, Structure**, place or any part thereof;

"Single Detached Dwelling" means a free-standing, separate, detached **Building** consisting of 1 **Dwelling Unit**;

"Structure" means anything constructed or built permanently or temporarily and which is fixed to or resting on or in the ground, but does not include a sign, advertising device, retaining wall, fence, curb, planter, statue, sculpture, play equipment, birdbath, pole, pillar, antenna and garbage container;

"Use" includes **"Used"** and **"Using"** having corresponding meanings and means the arrangement of, design or the intended **Use** or actual **Use** of any **Place**;

ATTACHMENT 6

Summary of Recommended Revisions to the Zoning By-Law and Recommended Direction for Licensing

Lodging Houses

Topic	August 30, 2010 Zoning By-law Provision	2011 Licensing Provision
Number of Lodging Units	Limit lodging units to 5-8 (reduced from current By-law provisions of 5-12)	Propose Licensing of all lodging houses
Separation Distance	Maintain current Zoning By-law provision of 100m separation distance between lodging houses	
Accessory Apartment and Number of Kitchens	Maintain current policy – no accessory apartment and permit only one (1) kitchen	
On- Site Management/ Owner Occupied		Can be a provision of the licence
Legal Non-conforming (grandparenting)	Legal non-conforming Lodging Houses are recognized – including the number of lodging units	

Two-Unit Houses (Houses with Accessory Apartment)

Topic	August 30, 2010 Zoning By-law Provision	2011 Licensing Provision
Type of Dwelling	Only permitted in Single Detached Dwellings (current plan permits accessory apartment in Semi-Detached Dwellings also)	
Number of Bedrooms in Accessory Apartment	Maximum of 2 bedrooms	Propose licensing of all Two-Unit Houses
Separation Distance	100m separation distance require for Two-Unit House that have a total of six (6) or more bedrooms	
Number of Bedrooms Rented		Limit the total number of bedrooms that can be rented to four (4) within the entire building (e.g. within the principle and accessory dwelling unit)
On-site management/Owner Occupied		Can be a provision of the licence
Legal Non-conforming (grandparenting)	Legal non-conforming Two-Unit Houses are recognized (zoning cannot address the number of bedrooms rented- see licensing)	All legally existing Two-Unit Houses would be required to reduce the total number of bedrooms rented to 4.

CONSENT AGENDA

August 3, 2010

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) 18 Norwich Street East: Proposed Zoning By-law Amendment (File ZC1001) – Ward 2</p> <p>THAT Report 10-79 dated August 3, 2010 regarding an application for a Zoning By-law Amendment for 18 Norwich Street East from Planning, Engineering and Environmental Services be received;</p> <p>AND THAT the city-initiated application for a Zoning By-law Amendment (File ZC1001) from the OR-1 Zone to a new specialized OR-?? Zone affecting the property known as 18 Norwich Street East and legally described as Part of Lot 10, Part of Lot 11, Registered Plan 144, City of Guelph, and an additional zoning definition and regulations for Emergency Shelters, be approved, in accordance with the permitted uses and regulations set out in Schedule 2 of Planning, Engineering and Environmental Services Report 10-79, dated August 3, 2010.</p>	Approve
<p>A-2) Proposed Administrative Amendment to Zoning By-law Number (1995)- 14864, (Guelph's Comprehensive Zoning By-law)</p> <p>THAT Report 10-78, regarding a proposed administrative amendment to Zoning By-law Number (1995)-14864 from Planning, Engineering and Environmental Services, dated August 3, 2010, be received;</p> <p>AND THAT the City-initiated administrative amendments to the Zoning By-law be approved in accordance with the regulations set out in</p>	Approve

Schedule 1 of Planning, Engineering and Environmental Services Report 10-78, dated August 3, 2010.

A-3) 1291 Gordon Street: Update of Proposed Zoning By-law Amendment (File ZC0905) – Ward 6

Approve

THAT Report 10-70 dated July 5, 2010 regarding an application for a Zoning Bylaw Amendment for 1291 Gordon Street from Community Design and Development Services be received;

AND THAT the application by GSP Group for a Zoning By-law Amendment (File ZC0905) from the UR and WL Zones to the WL Zone, P.1 Zone and a specialized R.4A-?? Zone, affecting the property known as 1291 Gordon Street and legally described as Part of Lot 6, Concession 7, Township of Puslinch, and Part 1 of Reference Plan 61R-8098, be approved in the form of a Specialized R.4A-?? (H) Holding Zone, in accordance with the regulations and conditions set out in Schedule 2 of Community Design and Development Services Report 10-70, dated July 5, 2010;

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 1291 Gordon Street as set out in Report 10-70 from Community Design and Development Services dated July 5, 2010.

B ITEMS FOR DIRECTION OF COUNCIL

C ITEMS FOR INFORMATION OF COUNCIL

attach.

TO **Guelph City Council**

SERVICE AREA Planning, Engineering and Environmental Services
DATE August 3, 2010

**SUBJECT 18 Norwich Street East: Proposed Zoning By-law
Amendment (File ZC1001) – Ward 2**

REPORT NUMBER 10-79

RECOMMENDATION

"THAT Report 10-79 dated August 3, 2010 regarding an application for a Zoning By-law Amendment for 18 Norwich Street East from Planning, Engineering and Environmental Services BE RECEIVED; and

THAT the city-initiated application for a Zoning By-law Amendment (File ZC1001) from the OR-1 Zone to a new specialized OR-?? Zone affecting the property known as 18 Norwich Street East and legally described as Part of Lot 10, Part of Lot 11, Registered Plan 144, City of Guelph, and an additional zoning definition and regulations for Emergency Shelters, BE APPROVED, in accordance with the permitted uses and regulations set out in **Schedule 2** of Planning, Engineering and Environmental Services Report 10-79, dated August 3, 2010."

SUMMARY

This report provides a recommendation on a Zoning By-law amendment application to rezone the lands at 18 Norwich Street East and add a definition and regulations for Emergency Shelters. Council is being asked to support the application by approving the recommendations in this report.

BACKGROUND

The subject site consists of a 0.36 hectare parcel of land located on the north side of Norwich Street East between Woolwich Street and Cardigan Street (see **Schedule 1**). Surrounding land uses are as follows:

- A religious establishment to the North
- Single detached residential to the East
- Commercial retail establishment to the West
- Single-detached residential and apartment to the South

The subject site is owned by the City and is leased to Wyndham House to operate an emergency youth shelter which currently contains 8 beds and accessory office uses.

Official Plan Designation

The existing Official Plan land use designation that applies to the subject lands is "Central Business District". Schedule 6 of the Official Plan shows the Concept Plan for the CBD and the area where this site is located is classified as "Sensitive Commercial", which encourages the retention of heritage houses for conversion into boutiques, offices and agencies on the main floor and residential above. See **Schedule 2** for Official Plan mapping and related policies.

Existing Zoning

The subject site is currently zoned OR-1 (Office-Residential) as shown in **Schedule 3**. The specialized regulations for this site have added four uses to the standard OR uses including Boutique, Commercial School, Medical Clinic and Religious Establishment.

REPORT

Description of Proposed Zoning Bylaw Amendment

This application is to rezone the property from the specialized OR-1 zone to a new specialized OR-?? Zone to permit an emergency shelter as an additional use. This application also includes administrative amendments to the zoning by-law to add the definition of "emergency shelter" and regulations for emergency shelters. **Schedule 4** outlines the amendments needed to the Zoning By-law to create a new specialized OR zone and regulate the emergency shelter use.

At this time, the Wyndham House is operating a youth emergency shelter with eight beds and wishes to expand to provide 16 beds. The current facility is operating under the Group Home regulations in the Zoning By-law. The Zoning By-law limits group homes to eight residents. Upon review, staff have found that the group home definition does not fit the activities of the emergency shelter and have proposed adding a new definition to the Zoning By-law to account for this use. A main difference is that the emergency shelter only operates in the evening and overnight to provide temporary short term accommodation whereas group homes offer 24 hour supervised care that is often for a longer timeframe. The emergency shelter receives government funding based on the number of beds being used and is required to meet specific provincial requirements including supervision, building maintenance and room sizes in order to receive this funding.

Public Comments

The Notice of Application was circulated to agencies and area residents on January 12, 2010. The statutory public meeting for this application was held on February 1, 2010. Report 10-03 from Community Design and Development Services dated February 1, 2010 provided background information related to this application.

Comments were received from one neighbouring property ahead of the meeting, raising concerns related to the potential impact of this use. Specifically, the church to the north of the site, the First Baptist Church, Guelph, advised that emergency shelter clients that used the rear yard to smoke were potentially intimidating to church members using the adjacent parking area. Additionally, there is an agreement between the City and the Church for access to the rear of 18 Norwich

Street East over church lands that requires the City to put up a fence along the rear yard. This fence has not yet been installed.

Following the public meeting, staff met with representatives of Wyndham House and the church on site to determine possible solutions. Wyndham House has agreed to have clients use the front amenity area instead of the rear yard to alleviate the church's concern. Further, following discussion, the church and the City agreed that the fence is no longer needed in the rear yard. Changes to the rear of the building to make it accessible (ramps, elevator) and exterior stairs to the second floor for fire safety have taken up the majority of the rear yard and a fence would make accessing the building more difficult which was not the intent.

Planning Analysis

Official Plan and Provincial Policies

This application for an emergency shelter falls under Official Plan policies for Residential Care Facilities (Section 7.2.16, see **Schedule 3**) which permits group homes in residential areas where services and amenities are available nearby. In this case, the subject site is adjacent to residential, commercial and institutional uses within the area designated as Central Business District (CBD) in the Official Plan. The Official Plan also includes the Concept Plan for the CBD and the area where this site is located is classified as "Sensitive Commercial", which encourages the retention of heritage houses for conversion into boutiques, offices and agencies on the main floor and residential above.

The subject site meets the intent of related Official Plan policies because it is a residential use in an area with amenities and services available to its potential residents. Various social and public agencies are located in the vicinity that could serve the needs of the emergency shelter clients. The site is near a transit route for the site's staff and clients. The site meets the "Sensitive Commercial" intent of this area of the CBD because it is in a heritage building that is maintained for both agency and residential use.

The Provincial Policy Statement (PPS) requires that the City provide for "an appropriate range of housing types and densities required to meet projected requirements of current and future residents" (PPS 1.4.1). Similarly, the Provincial Growth Plan focuses on "complete communities" which includes accommodating people at all stages of life. Providing for an emergency shelter for youth within the City's Central Business District area meets the intent of these policies.

Zoning

Since there is no current definition in the Zoning By-law for Emergency Shelters, staff have proposed adding a definition for Emergency Shelters to the zoning by-law along with associated regulations. The following definition is proposed for Emergency Shelters, "means a government subsidized facility which provides lodging and services to meet the personal needs of people experiencing homelessness on a short term, infrequent basis." This definition is based on staff research of other municipalities. The definition requires a facility to be government subsidized because in order to be subsidized, stringent controls regarding health and safety are required by the provincial government.

Regulations are also proposed to be added to the general provisions in the Zoning By-law for Emergency Shelters. Regulations would limit emergency shelters to a maximum of 16 beds, require parking for staff on site, outside of the CBD Zone and require a Minimum Distance Separation of 100 metres between any Emergency Shelter, Group, or Lodging House Type 1. The minimum distance separation reflects the current 100 metre requirement for group homes and lodging houses which are similar in terms of having the potential for a greater number of people residing within that a typical single-detached dwelling.

The subject site at 18 Norwich Street East is proposed to be rezoned as a new specialized OR-?? (Office Residential) Zone. This rezoning would add Emergency Shelter as a permitted use in addition to the currently permitted uses and have a special regulation that on-site parking not be required. Initially, the subject site had parking for four vehicles across the rear of the site, but changes to the structure required for accessibility and safety, including an elevator, ramp and exterior stairs from the second floor have taken up two of the parking spaces on site. In addition, the only way to access these parking spaces is through the parking lot of the First Baptist Church to the north. Currently, there is an agreement between the City and the Church to permit access over the church lands to park behind 18 Norwich Street and for the church to use the parking spaces at 18 Norwich Street. However, the agreement is temporary and will need to be renegotiated in the future. Because no independent access to the parking is available, it is prudent to not require parking for the Emergency Shelter use on the site in case access is no longer available in the future should either the church site be changed or change in ownership. Discussions with Wyndham House have confirmed that parking is only used for staff and usually there are only 2 staff on site at a time. Parking is available on street in front of the site and in nearby public parking lots if needed. The site is near a transit route and within walking distance of several downtown transit stops.

For these reasons, staff support the proposed rezoning to add regulations and a definition for emergency shelters and to permit an emergency shelter at 18 Norwich Street East.

CORPORATE STRATEGIC PLAN

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

Personal and Community Well-Being Goal #2: A healthy and safe community where life can be lived to the fullest.

FINANCIAL IMPLICATIONS

None.

DEPARTMENTAL CONSULTATION

The staff, agency and public comments received during the review of the application are included on **Schedule 5**.

COMMUNICATIONS

Key dates for public notification are included on **Schedule 6**.

ATTACHMENTS

Schedule 1 – Location Map
Schedule 2 – Proposed Zoning Regulations
Schedule 3 – Official Plan Designation and Related Policies
Schedule 4 – Existing and Proposed Zoning
Schedule 5 – Circulation Comments
Schedule 6 – Public Notification Summary

Original Signed by:

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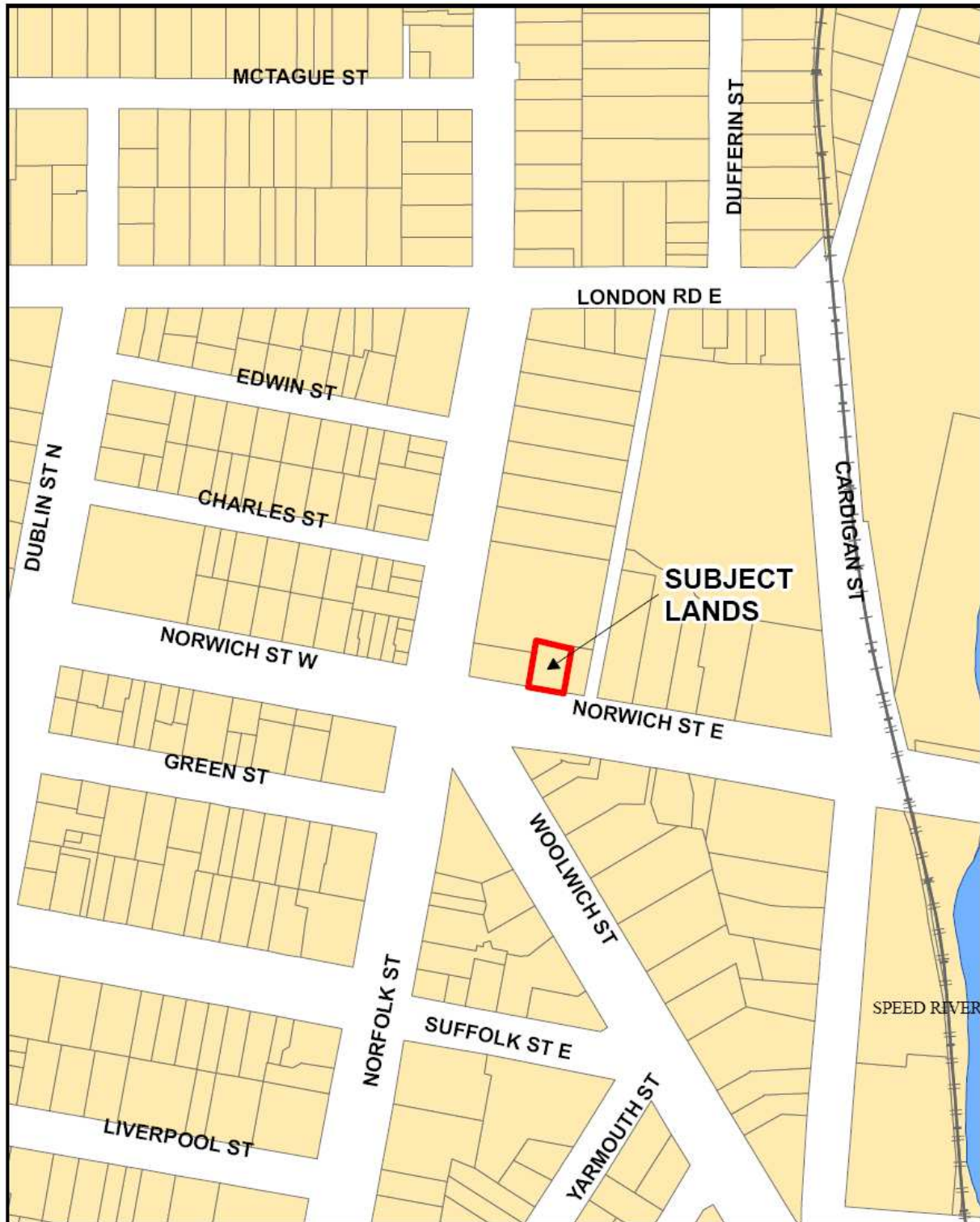
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2010\10-79\08-03\18 Norwich Decision (Katie N).docx

Schedule 1 Location Map



This City of Guelph map is a representation of the current state of the land and is not intended to be used for any purpose other than for general information. It is not intended to replace a survey or to be used for legal purposes. This map may not be reproduced without the permission of the City of Guelph. Please contact the City of Guelph's GIS group for additional information at 519-825-1200.



0 30 60 120
Meters

Schedule 2 Proposed Zoning Regulations

The property affected by this Zoning By-law Amendment is municipally known as 18 Norwich Street East and legally described as Part of Lot 10, Part of Lot 11, Registered Plan 144.

The following zoning is proposed:

Specialized Office-Residential Zone (OR-??)

Regulations

A. For the Specialized OR-?? Zone

Permitted Uses

In accordance with the provisions of Section 6.5.1 of Zoning By-law (1995) – 14864, as amended, with the following additions:

- ***Boutique***
- ***Commercial School***
- ***Medical Clinic***
- ***Religious Establishment***
- ***Emergency Shelter*** in accordance with Section 4.28

Regulations

In accordance with Section 6.5.1 of Zoning By-law (1995) – 14864, as amended, with the following exceptions and additions:

Off-street Parking

Despite Table 6.5.2 Row 12,
No off-street parking shall be required.

B. Definition (to be added to Section 3 of the Zoning By-law)

3.1

(?) “**Emergency Shelter**” means a government subsidized facility which provides lodging and services to meet the personal needs of people experiencing homelessness on a short-term, infrequent basis.

C. Regulations to be added to Section 4 of the Zoning By-law

4.28 REGULATIONS FOR **EMERGENCY SHELTERS**

Every **Emergency Shelter** shall be developed in accordance with the regulations for the **Zone** in which the **Emergency Shelter** is located and the following:

4.28.1 Maximum Occupancy for **Emergency Shelters**

Emergency Shelters shall be limited to a maximum of 16 beds.

4.28.2 Off-Street Parking for **Emergency Shelters**

Every **Emergency Shelter** outside of the CBD.1 **Zone** shall have a minimum of 1 off-street parking space for every 4 beds.

4.28.3 Minimum Separation Distance

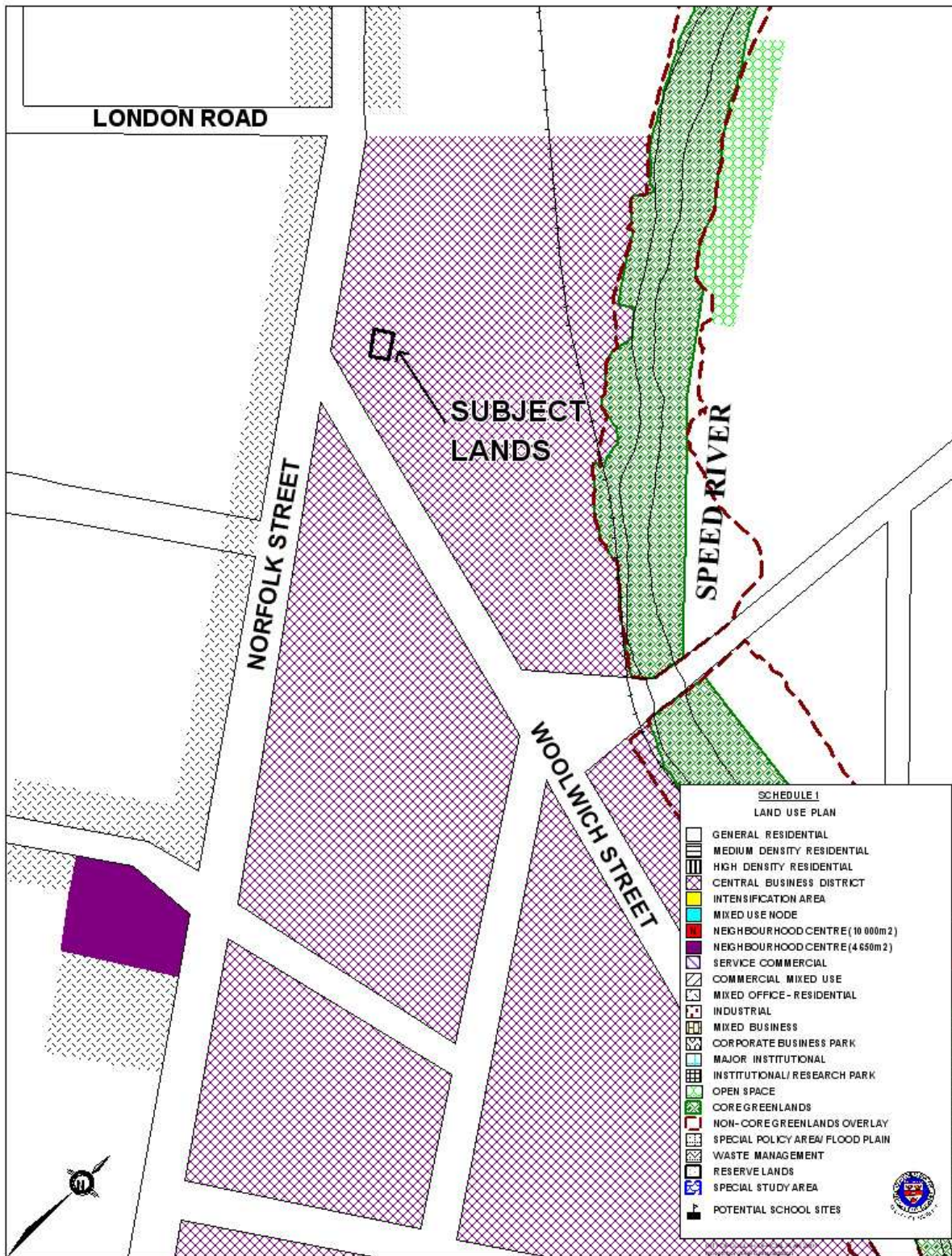
Minimum Separation Distance between **Buildings** being used as **Lodging House Type 1, Group Homes** and/or **Emergency Shelters** shall be 100 metres. Such a distance is to be measured from the closest points of the two properties at the property lines.

D. Regulations to be altered in Section 4.25 (Lodging Houses and Group Homes):

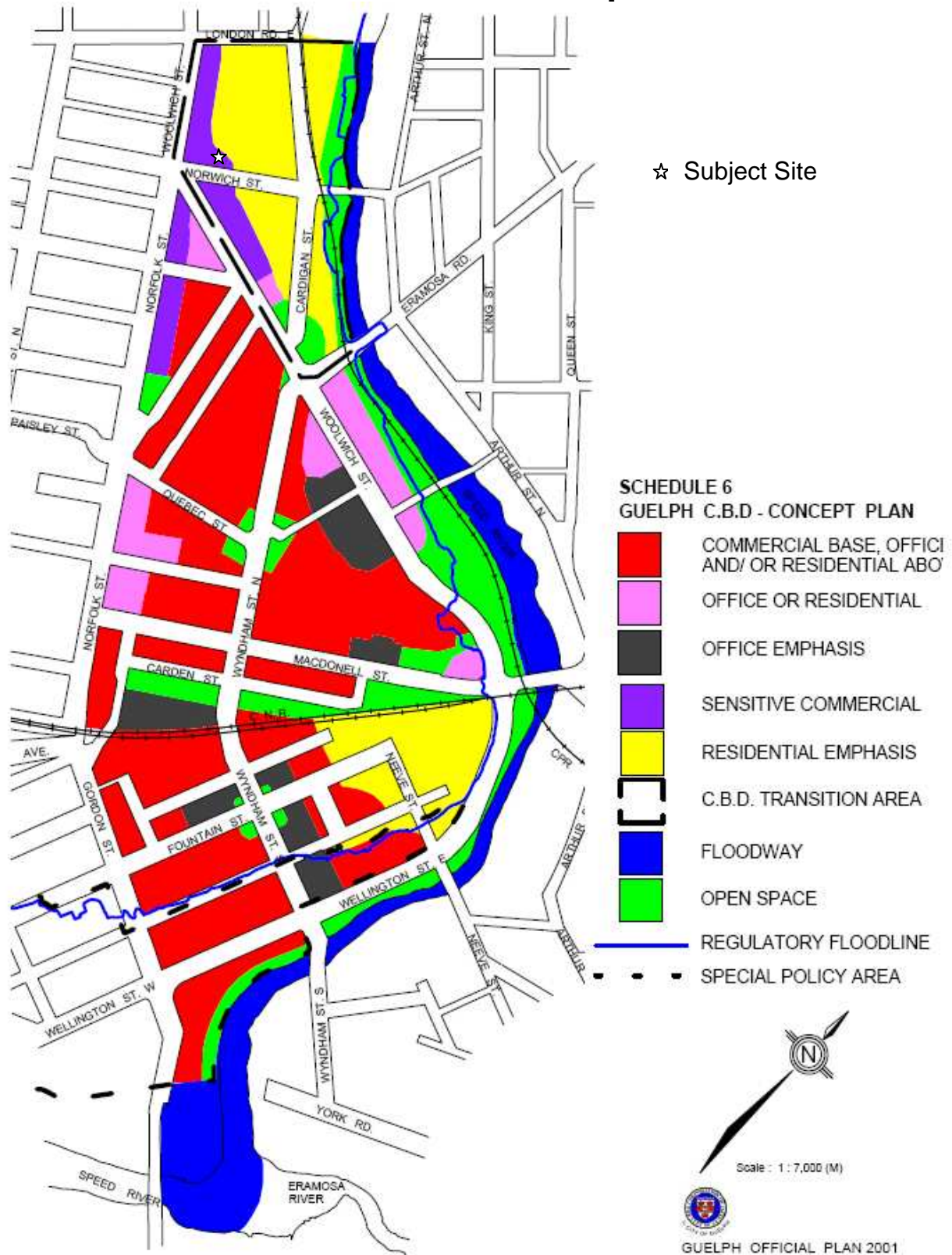
Table 4.25 Row 3: Minimum Separation Distance

Minimum Separation Distance between **Buildings** being used as **Lodging House Type 1, Group Homes** and/or **Emergency Shelters** shall be 100 metres. Such a distance is to be measured from the closest points of the two properties at the property lines.

Schedule 3 Official Plan Land Use Designation Map



Schedule 3 cont'd Official Plan CBD Concept Plan



Schedule 3 cont'd

Related Official Plan Policies

7.2.16 Residential Care Facilities

- 7.2.16 *Group homes* shall be permitted in all areas of the City where residential uses are allowed in accordance with the policies of this Plan, and provided that:
- a) Adequate residential amenities and services are available nearby; and
 - b) In instances where a *group home* is located within a residential designation, it is of a size and land use character, which is similar to, or compatible with the existing area.
- 7.2.17 *Rest homes, nursing homes* and other types of group accommodation, shall be permitted in all areas of the City where residential uses are allowed. Because of their land use intensity and potentially incompatible nature, these uses may be permitted in special residential locations as specified in the implementing *Zoning By-law*.
- 7.2.18 The *Zoning By-law* implementing this Plan will specifically define the various types of residential care facilities and will establish regulations regarding such matters as minimum distance separation between facilities, minimum standards for occupancy and site development.
- 7.2.19 Where suitable locations for residential care facilities not permitted by the implementing *Zoning By-law* may exist, amendments to the *Zoning By-law* shall be considered subject to individual review, having regard to the following:
- a) The nature of the proposed use and its compatibility with the immediate neighbourhood;
 - b) The objective of community integration;
 - c) The existing *Zoning By-law* regulations;
 - d) Specific performance standards such as dwelling type, buffering, minimum amenity area and minimum floor space; and
 - e) Access to community facilities such as education, public transit and recreation.

7.3 Central Business District

General Policies

- 7.3.1 The area designated on Schedule 1 as the 'Central Business District' (C.B.D.) is generally defined by London Road, Gordon/Norfolk Streets and the Speed River.
- 7.3.2 The City will work in co-operation with the "Downtown Board of Management" which has been established under the provisions of the Ontario Municipal Act as the administrative body for the downtown Business Improvement Area (BIA). The primary intent of this organization is to assist in improving business within the BIA of the downtown. The BIA is defined by by-law for the purposes of levying a special charge on rateable property within a defined area of the C.B.D. This area is defined by boundaries including the following lands: property to the north of the CNR tracks; property to the east of Norfolk Street; property to the east of Yarmouth Street; and property to the west of Wellington Street.
- 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*.
 4. 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.
 - b) "Office or Residential"

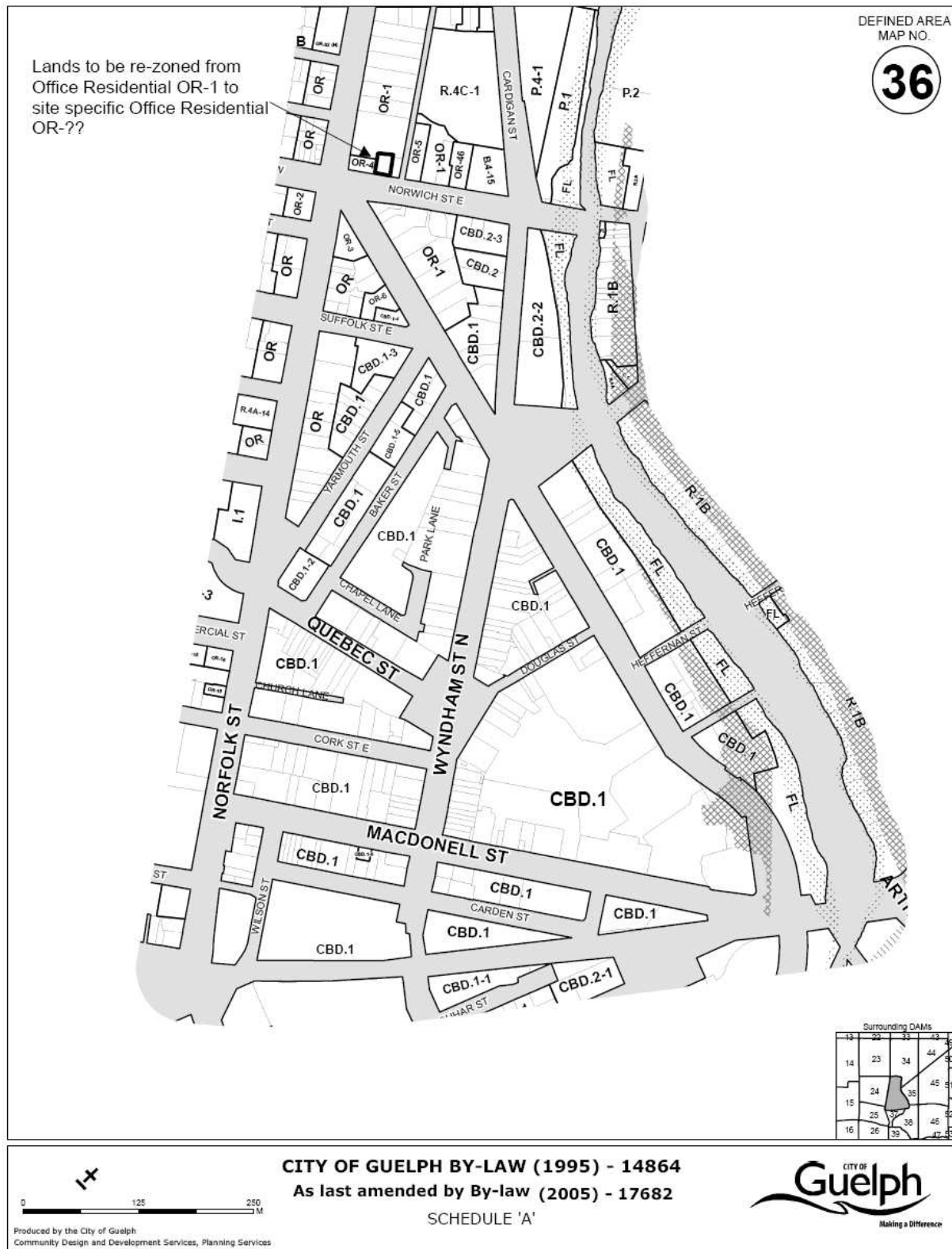
This category emphasizes a mixture of office buildings and residential buildings as well as multiple-use of buildings for both these uses.
 - c) "Office Emphasis' and `Residential Emphasis"

These two categories describe areas where it is desirable to encourage pure office use or pure residential uses, respectively. It does not mean that other uses cannot be considered but that one use should be favoured, and other land uses introduced into these areas should at least be compatible with the dominant use.
 - d) "Sensitive Commercial"

This category encourages the retention of existing old mansions and houses. It provides for their *conversion* to boutiques, offices or agencies especially at the ground floor, with residential units in the upper floors of the existing buildings, and for infilling of new small scale commercial *developments*.
 - e) "Open Space"

This category includes parks and pedestrian-oriented open space, walkways and squares. A civic centre or other recreational facilities may be located within an "Open Space" area.

Schedule 4 Existing and Proposed Zoning



Schedule 5 Circulation Comments

<u>RESPONDENT</u>	<u>NO OBJECTION OR COMMENT</u>	<u>CONDITIONAL SUPPORT</u>	<u>ISSUES/CONCERNS</u>
Planning		✓	Subject to Schedule 2
Zoning		✓	Subject to Schedule 2
Engineering	✓		
Police Service	✓		
Fire Service	✓		
Guelph Hydro	✓		
Wellington and Guelph Housing Committee*	✓		
Scott Snider for First Baptist Church Guelph*		✓	Potential impact of interface between 18 Norwich's rear yard and the church parking lot



Wellington & Guelph Housing Committee
85 Westmount Road
Guelph, Ontario N1H 5J2
Telephone: 519-821-0571 Fax: 519-821-7847
<mailto:jlonderv@uoguelph.ca>

January 21, 2010

Katie Nasswetter
Community Design and Development Services
City of Guelph

RE: 18 Norwich East (File ZC1001)

Dear Ms Nasswetter:

I am writing to you as chair of the Wellington & Guelph Housing Committee. We wish to strongly support the application to rezone 18 Norwich Street to allow for an emergency shelter. Since Change Now closed in 2007 there has been a concerted effort to replace the greatly needed services it provided. This location is ideal as an emergency shelter since it is located downtown close to other services the residents of the shelter will need to access. It also has great access to public transit.

The operation of the emergency shelter at its temporary Delhi Street location and subsequently at this location indicates a great need among youth for a safe secure place to stay at night. These youth have a multitude of problems and issues and the cost of not providing a secure place for them to get the help they need could be very high for the youth themselves and for the city.

If you wish to discuss this further I can be reached at 519-824-4120 ext 53091 from Feb 1 on.

Sincerely,

Jane Londerville, Chair
Wellington and Guelph Housing Committee
cc. Gord Tosh
Heather Burke

Turkstra Mazza

Hamilton London Toronto

Scott Snider

15 Bold Street
Hamilton Ontario Canada L8P 1T3
Direct Line 905 526-6183 ext. 289
Receptionist 905 529 3476 (905 LAW-FIRM)
Facsimile 905 529 3663
ssnider@tmalaw.ca

Via Facsimile: 519-763-1269 & Email

February 1, 2010

City of Guelph
Attn: Lois Giles, City Clerk
1 Carden Street
Guelph, Ontario
N1H 3A1

Dear Ms. Giles;

Re: 18 Norwich Street East
City of Guelph
Proposed rezoning to
permit an "Emergency Shelter"
as an additional permitted use
First Baptist Church, Guelph
File No. ZC1001

We represent First Baptist Church, Guelph ("FBCG") in this matter.

FBCG is located at 255 Woolwhich Street. The FBCG property abuts the subject site along its rear property line. In fact, the parking spaces for 18 Norwich Street can only be accessed across the FBCG property. To that end, FBCG entered into a license agreement with the City to facilitate access to the parking area.

FBCG is supportive of the City's efforts to work with Wyndham House to provide emergency shelter for youth in the Guelph community. We cooperated with the City to facilitate the purchase of the property in the first place. Having said that, there is a concern about the interface between the rear yard of 18 Norwich Street and the Church parking lot and side entrance. At times, the Wyndham House clients can be intimidating, especially for young children and the elderly who are gaining access to the Church for events and activities not only on Sunday mornings but during the evenings as well.

TURKSTRA MAZZA ASSOCIATES, LAWYERS

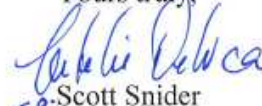
Ms. L. Giles, City Clerk
February 1, 2010

Page 2

We have been in contact with Ms. Nasswetter to raise this concern. We will continue to discuss this with representatives of the City and Wyndham House to see if this can be resolved.

Would you please add us to the mailing list to receive copies of all notices, meetings, reports and any Notices of Decision or enactment of by-laws, amendments or modifications respecting this matter.

Thank you.

Yours truly,

FDP: Scott Snider

cc: Dave Sharpe
FBCG Chair

Ssnd
ssmisc/6

TURKSTRA MAZZA ASSOCIATES, LAWYERS

Delivered by Hand

May 14, 2010

First Baptist Church, Guelph
255 Woolwich Street
Guelph, ON, N1H 3V8

Attention: Mr. D. Sharpe, Chair, Church Board

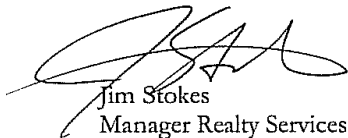
RE: Access Agreement for 18 Norwich Street East.
Our File: ACQ-08035.00

This is further to our meeting of April 12th at the Emergency Youth Shelter at 18 Norwich Street East.

The purpose of our meeting was to review the aspect of the Access Agreement relating to the installation of a fence by the City. As discussed, due to the configuration of parking spaces, exterior staircase, and accessible routes, we agreed that there was no benefit to either the Church or City that would result from the installation of a fence in accordance with the agreement or otherwise. It was acknowledged and agreed that an open concept, without any fence, would be preferable from the perspective of providing a safe and secure environment.

We also discussed the need for, and agreed to, ongoing cooperation between the Church, City, and Wyndham House in regard to issues that may emerge from time-to-time.

Thank you for your continued support and cooperation in regard to this Emergency Youth Shelter initiative. Please feel free to call or write anytime should you feel that further discussion is required.



Jim Stokes
Manager Realty Services

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Cc: D. Bentley-Lauzon, Wyndham House
S. Hannah, Community Design and Development Services ✓

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Schedule 6

Public Notification Summary

December 7, 2009	FACS Committee approval to proceed with rezoning
January 8, 2010	Notice of Public Meeting advertised in the Guelph Tribune
January 8, 2010	Notice of Public Information Meeting and Public Meeting of City Council mailed to prescribed agencies and surrounding property owners within 120 metres.
January 12, 2010	Notice of Application Sign posted on property
February 1, 2010	Statutory Public Meeting of City Council
July 12, 2010	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
August 3, 2010	City Council Meeting to consider staff recommendation

COUNCIL REPORT

TO **Guelph City Council**

SERVICE AREA Planning, Engineering and Environmental Services
DATE August 3, 2010

SUBJECT **Proposed Administrative Amendment to
Zoning By-law Number (1995)-14864
(Guelph's Comprehensive Zoning By-law)**

REPORT NUMBER 10-78

RECOMMENDATION

"THAT Report 10-78, regarding a proposed administrative amendment to Zoning By-law Number (1995)-14864 from Planning, Engineering and Environmental Services, dated August 3, 2010, BE RECEIVED; and

THAT the City-initiated administrative amendments to the Zoning By-law BE APPROVED in accordance with the regulations set out in **Schedule 1** of Planning, Engineering and Environmental Services Report 10-78, dated August 3, 2010."

SUMMARY

After a review of the Zoning By-law (1995)-14864, this report recommends minor revisions to various sections of the Zoning By-law to improve its function and clarify its intent. Council is being asked to approve the recommended administrative amendments to the Zoning By-law.

BACKGROUND

In 2008, the Guelph and Wellington Development Association (GAWDA) requested a number of additional changes to various regulations of the Zoning By-law based on difficulties they have encountered with current regulations (**See Schedule 1**). Additionally, an internal staff working group consisting of staff from Planning, Building and Engineering Services have been monitoring inconsistencies and deficiencies within the present By-law since the last administrative amendment in 2003.

In March of 2010, the Community Development and Environmental Services Committee (CDES) considered Report 10-18 from Community Design and Development Services which recommended that staff be directed to initiate the public notification procedures in accordance with the Planning Act to allow agency and public input into the proposed administrative changes to the Zoning By-law. This recommendation was adopted by CDES on March 15, 2010 and City Council on March 22, 2010.

A statutory public meeting of Council, as required by the Planning Act, was held on June 7, 2010 to introduce these amendments (see Report 10-62 for details). No public or agency comments have been received regarding these amendments.

REPORT

Description of the Zoning Amendment

The intent of these proposed amendments is to improve the usability of the By-law for the development community, the general public, as well as City Staff. Proposed changes include revised definitions, minor changes that clarify and improve existing regulations and remove inconsistencies, corrected technical omissions, mapping corrections and typographical mistakes. These minor omissions and problems are often only identifiable through use of the by-law. The entire list of staff concerns and proposed amendments have been added to this report as **Schedule 2**.

Many of the requested and staff initiated changes are intended to respond to frequently requested variances to zoning regulations through the Committee of Adjustment since 2003. The proposed amendments to the Zoning By-law will meet the demands of the public while maintaining regulatory objectives such as safety and urban design.

Following adoption of the Official Plan update, a more extensive study will be completed to develop a new Zoning By-law in conformance with the new Official Plan goals and policies.

The proposed amendments will improve the City's Zoning By-law by correcting technical omissions, errors, and inconsistencies. The amendments also balance Municipal objectives (e.g. safety and good urban design) with meeting the demands of the general public and the building industry.

Staff recommend that the proposed minor amendments to various regulations within the City's Comprehensive Zoning By-law, as shown in **Schedule 2**, be approved.

CORPORATE STRATEGIC PLAN

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

FINANCIAL IMPLICATIONS

None.

DEPARTMENTAL CONSULTATION

Staff in Building, Zoning, Planning and Engineering compiled the list of administrative amendments. Notice of the proposed changes was circulated to standard departments and agencies. No additional comments were received.

COMMUNICATIONS

The Notice of Public Meeting was circulated to internal departments and external agencies for review on May 6, 2010 and advertised in the Guelph Tribune on May 13, 2010.

ATTACHMENTS

Schedule 1 – Amendments Requested by GAWDA

Schedule 2 - Proposed Administrative Amendments to the Zoning By-law

Original Signed by:

Prepared By:

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Senior Development Planner
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Original Signed by:

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Original Signed by:

Recommended By:

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Admin Decision(Katie N).docx

Schedule 1

Amendments Requested by GAWDA

Please find a list of regulations which are recommended for amendment by the development and homebuilding industry. These are regulations that we have experienced difficulties with and feel that they could be revised to protect the public interest and remove the identified problem at the same time.

Could you please let us know the timing of the next housekeeping by-law and whether the proposed changes listed below can be accommodated by that by-law?

1. Section 4.20.10.1 – Delete the portion of the fence regulation **“and not within 4 metres of street line.”** This zoning regulation requires an unnecessary jog in the fence. This regulation has been varied many times by the Committee of Adjustment.

2. Table 4.7 – An uncovered porch or a deck should be permitted to be built to a zero lot line if it does not interfere with grading and drainage on the property, a privacy screen is provided to a minimum height and the deck is self supported and not tied into a common fence. The zoning regulation to have a setback for a deck makes no sense when a patio can be located right up to the fence line and is more likely to interfere with grading on the lot. This regulation has been varied many times by the Committee of Adjustment. When there are small lots or semis or side entrances to houses it makes no sense to have a setback for a deck from the side yard if the privacy and grading issues can be dealt with.

3. Section 4.15.1.4.1 – The minimum floor area of an accessory apartment should be 100 m² rather than 80 m². The by-law regulates the maximum number of bedrooms already. People living in accessory apartments are being penalized by this regulation. Council wants to promote intensification therefore this regulation should be amended. The apartment will still be accessory to the main unit if this minimum area is increased. This regulation is also at the Committee of Adjustment quite a bit.

4. Section 4.5.5.1 - a pool should be permitted in an exterior side yard when it is within a fenced area which has been constructed in compliance with the by-law.

5. Section 4.5.4 - an outdoor swimming pool should **not** be included in the 10% coverage calculation of lot area. A pool is an amenity area similar to a deck or patio and should not be considered as an accessory building or structure for the purpose of the 10% coverage calculation. Many applications come to the Committee of Adjustment due to this regulation. There are many non-complying pools throughout the City.

6. Section 4.8.3 - This section should be amended to require that “lighting be directed in such a way as to not shine onto an abutting property or natural area.”

7. Section 4.13.3.2.2 - The 3m x 6m minimum parking space size within a garage should permit an encroachment of 0.5 m into the required parking space for stairs into the garage.

8. Definitions – The by-law requires a definition of 0.5 storey. There are zoning regulations which rely upon knowing what a 0.5 storey is and yet it is not defined by the zoning by-law.

Regards,

Astrid

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N1H 3X3

Phone (519) 836-7526 (836-PLAN)
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Email astrid.clos@ajcplanning.ca

**Legend for Source: GAWDA – Guelph and Wellington Development Association
Staff – Planning, Building, Engineering**

Note: the Administrative Amendment Team researched all issues through best practices with other municipalities

#	Zone	By-law Section	Reg. #	Existing Regulation	Proposed Regulation	Source	Working Group Comments	Result
1	Interpretation	Phased Condominiums		no regulation	Notwithstanding any other provisions in this By-law, the lands comprising a proposed standard draft plan of condominium that is to be created in phases as a phased condominium corporation in accordance with the Condominium Act, 1998, as amended, shall be deemed to be one lot for the purposes of applying zoning provisions such that the zoning regulations shall apply to the external limits of the draft plan of condominium, not to interior boundaries resulting from the registration of each phase.	Staff	Agree with need for this regulation. This will lessen the requirement for Committee of Adjustment applications for temporary lot lines and setbacks for larger phased developments. Most municipal zoning by-laws contain this regulation.	Implement regulation as Section 2.1.3 Phased Condominiums

#	Zone	By-law Section	Reg. #	Existing Regulation	Proposed Regulation	Source	Working Group Comments	Result
2	Definitions	Fence	60 (a)	no definition of fence. Need definition to differentiate between fence and shade structure	New Definition: "Fence"- means a protective, enclosing or visual barrier made of wood, metal or other substances that is constructed for any purpose, such as marking the boundary of a property, enclosing a property, providing privacy, preventing access by people or animals, or dividing a property into sections, and includes every door, gate or other enclosure that forms part of a fence, but does not include a trellis or arbour. When a trellis is located within 0.6 metres of a lot line it shall be regulated as a fence.	Staff	Staff support this new regulation that was required to define what a fence actually is in terms of the Zoning By-law. There was never a defining term and staff felt this definition encompasses what is a fence and what is not.	New definition proposed. Number will be 60 (b)
3	Definitions	Vehicle Establishment	169 (a)	General repair of vehicles is not permitted in B.3 and B.4 malls. Specialty Repair of vehicles is permitted. There have been numerous Committee of Adjustment approvals related to this use.	New Definition of Vehicle Repair Shop- means a place where the general repair or service of vehicles is conducted. Staff propose to permit this use in the B.3 and B.4 Industrial mall category.	Staff	Staff support this regulation and definition since there are been Committee of Adjustment approvals where there have been no concerns. Since Vehicle Specialty Repair is permitted, staff support this change as a general repair shop would be just as intense of use of the property.	New definition proposed. Number will be 169 (a). Add Vehicle Repair Shop to list of permitted uses for B.3 and B.4 Industrial malls.

#	Zone	By-law Section	Reg. #	Existing Regulation	Proposed Regulation	Source	Working Group Comments	Result
4	Definitions	Food Preparation and Vending	72 (a)	No definition for hot dog carts and similar food vehicles in by-law. Definition to match licencing definition.	New Definition of Food Preparation and Vending: shall mean a vehicle in or from which food is prepared and/or provided and shall include a chip wagon, mobile barbeque facility, mobile food preparation vehicle, refreshment vehicle, refrigerated bicycle cart, and the like but does not include an itinerant catering truck	Staff	Staff support this new definition as previously this type of use was not defined in the by-law.	New definition 72 (a). Previous 72 (a) Fuel Supply Dept now becomes 72 (b)
5	Definitions	Half Storey	150 (a)	The Zoning By-law refers to half storey in specialized zones and in the zone regulations. The reference is being deleted in the R.1 zone regulations, however a definition is required to provide guidance in the specialized zoning regulations.	New Definition of Half Storey: A finished floor area within a roof space where the roof joists/rafters are directly supported by the floor system. When gables and/or dormers are incorporated, they shall not exceed 50% of the perimeter wall area of the storey directly below the half storey	Staff and GAWDA	Staff support new definition to provide clarity to the by-law	New definition 150 (b)

#	Zone	By-law Section	Reg. #	Existing Regulation	Proposed Regulation	Source	Working Group Comments	Result
6	Definitions	Multiple Attached Dwellings	58 (j)	New types of multiple dwelling units have been proposed. This definition was created for a specialized zone on Mountford Drive and staff wanted to include it in our standard definitions. It they can be used for Committee of Adjustment applications if necessary	Multiple Attached Dwelling shall mean a building consisting of 3 or more dwelling units which are horizontally and vertically attached, which are entered from an independent entrance directly from the outdoors or from an internal hall or corridor and which share common facilities such as common amenity area, parking and driveways.	Staff	This use has not been classified as to where it will be permitted outright. More study is required to see where appropriate. Staff wanted a definition to be used if required.	New definition 58 (j)
7	Definitions	Structure	153	"Structure" means anything constructed or built permanently or temporarily and which is fixed to or resting on or in the ground, but does not include a sign, advertising device, retaining wall, fence, curb, planter, statue, sculpture, play equipment, birdbath, pole, pillar, antenna, garbage container.	"Structure" means anything constructed or built permanently or temporarily and which is fixed to or resting on or in the ground, but does not include a sign, advertising device, retaining wall, fence, curb, planter, statue, sculpture, play equipment, birdbath, pole, pillar, antenna, garbage container and outdoor swimming pool/hot tub.	GAWDA and staff	New definition of Structure is required to include the exemption for outdoor pools and hot tubs. Accessory building regulations are being revised and the definition of structure needs to be amended to recognize these changes.	Amend the existing definition to proposed definition

#	Zone	By-law Section	Reg. #	Existing Regulation	Proposed Regulation	Source	Working Group Comments	Result
8	General Provisions	4.5 Accessory Buildings	4.5.1	An Accessory building or Structure, or part thereof, may occupy a Yard other than a required Front or Exterior Side Yard on a Lot provided that:	An accessory building or structure may occupy a yard other than a front yard or required exterior side yard on a lot...	GAWDA and staff	The way the present regulation is written would permit accessory buildings to be located in the front yard of a lot with a main dwelling that is set back deep in the lot. The intent of the regulation is to not allow accessory buildings in front of the main structure and this change will strengthen the regulation.	Amend regulation as proposed to delete the word "required".
9	General Provisions	4.5 Accessory Buildings	4.5.13	Add new regulation to restrict the size of all accessory buildings and structures on a residential lot.	In a residential zone, the total area of all accessory Buildings or Structures shall not exceed 70 square metres.	Staff	There have been a number of extremely large accessory buildings issued by way of permit that were permitted by Zoning. Neighbourhoods cannot understand how such large structures are permitted as of right. The former zoning allowed a certain percentage size with no cap in size. This ensures that very large lots are not allowed accessory structures that are larger than main buildings on other residential lots.	Renumber previous regulation 4.5.1.3 to 4.5.1.4 and number this new regulation as 4.5.1.3

#	Zone	By-law Section	Reg. #	Existing Regulation	Proposed Regulation	Source	Working Group Comments	Result
10	General Provisions	Lot Coverage for accessory buildings and pools	4.5.4	No accessory Building or Structures, including an outdoor swimming pool, shall only occupy more than 10% of the lot area	Delete regulation from By-law	GAWDA and staff	There is already a regulation under 4.5.1.1 which restricts to coverage of the yard at 30%. The thirty percent was being varied at the Committee of Adjustment with staff support. There is also a new provision that will restrict the overall size to 70 square metres.	Delete regulation from by-law.
11	General Provisions	Accessory Buildings and Structures	4.5.4.1	Notwithstanding Section 4.5.4, an outdoor swimming pool not exceeding 93 square metres in area shall be permitted in addition to any accessory Building or Structure provided the total area of the Lot covered by accessory Buildings or Structures including the outdoor swimming pool does not exceed 20% of the Lot Area.	Delete regulation from By-law	Staff	The new regulations suffice in the restriction of the area of swimming pools and accessory buildings.	Delete regulation from by-law
12	General Provisions	Swimming Pools	4.5.5.1	Swimming Pools No outdoor swimming pool shall be located in any part of a required front or exterior side yard	Swimming Pools and Hot Tubs No outdoor swimming pool or hot tub shall be located in any part of a front yard or required exterior side yard	Staff	Hot tubs have always been regulated under the Swimming Pool regulations, adding them under the title avoids confusion. The present regulation would allow a swimming pool to be located in a front yard behind the required front	Amend Section 4.5.5 to add Hot Tubs and delete "required" for front yard location.

#	Zone	By-law Section	Reg. #	Existing Regulation	Proposed Regulation	Source	Working Group Comments	Result
							yard setback. Staff felt the amendment was necessary to prevent this situation.	
13	General Provisions	Swimming Pools	4.5.5.2	No regulation allowing a swimming pool to be permitted in an exterior side yard in certain instances	Despite Section 4.5.5.1, an outdoor swimming pool or hot tub shall be permitted in the exterior side yard when located behind the rear wall of the main building and in compliance with Section 4.6.2	GAWDA	GDA and Staff reason that if a fence can be located in the exterior side yard in a complying location, a swimming pool can be located within the fencing and not impact sight lines.	Add new regulation 4.5.5.2
14	General Provisions	Swimming Pools	4.5.5.3	New regulation regarding the distance from lot lines for all swimming pools	Every swimming pool or hot tub shall not be located within 1.5 metres from any lot line. Any decking associated with the pool that is above 0.15 metres above finished grade, shall not be located within 1.5 metres from a lot line	Staff	There have been concerns from Engineering staff regarding swimming pools and related decking/concrete that results in the swale being obstructed. The 1.5 metre setback allows for 0.8m of concrete around the pool while still protecting the drainage swale.	Add new regulation 4.5.5.3
15	General Provisions	Swimming Pools	4.5.5.4	New regulation regarding the decking around a pool and the percentage calculation for area	Despite Section 4.5.5.3, any decking located between the main building and the swimming pool shall not be subject to Section 4.5.1.1 and shall be located a minimum of 0.6 metres from all lot lines	Staff	This has been an internal staff policy that needed to be implemented into the Zoning By-law.	Add new regulation 4.5.5.4

#	Zone	By-law Section	Reg. #	Existing Regulation	Proposed Regulation	Source	Working Group Comments	Result
16	General Provisions	General Sight Lines	4.6.2.2	Within any part of a sight line triangle at vehicular access area no Building, Structure, play equipment, statue or parked motor Vehicle shall be located	Within any part of a sight line triangle at vehicular access area no Building, Structure, play equipment, statue, swimming pool/hot tub shall be located	Staff and GAWDA	If allowing swimming pools and hot tubs to be located in exterior side yards in certain instances, then they needed to be added to the sight line triangle section to ensure conformity.	Add swimming pool/hot tub to Section 4.6.2.2
17	General Provisions	Permitted Yard Projections	Table 4.7, row 8	Balconies- permitted locations in front and side yard. At present a balcony is required to be setback greater than the building setback in a side yard. This leads to a balcony being allowed in a front yard, however if wrapped around in a side yard, it requires a greater setback.	Balconies- applicable to floors above main floor/entry level. Front of R.1 and R.2 Zones Maximum Projection 2.4 metres and minimum setback of 2 metres. The same projection and setback with Side of R.1 and R.2 Zones and Rear of R.1 and R.2 Zones	Staff	Newer homes are featuring second floor balconies in the front of the dwelling as an architectural feature. The present by-law requirements do not lend to a consistent setback for the balcony in the side yard when compared to the actual building. This setback provides consistency in regulation.	Amend Table 4.7 as required
18	General Provisions	Permitted Yard Projections	Table 4.7, Row 9	Central Residential Air Conditioners are required a minimum setback from 0.6 metres (2') from property line in all yards	delete regulation from By-law	Staff	New air conditioners are not as noisy as in past where the separation was required. Access to the rear yard can still be obtained through one side yard. We have not had a complaint regarding location in four years.	Delete regulation from by-law requiring air conditioners to be 0.6 metres (2 feet) from lot line.
19	General Provisions	Permitted Yard Projections	Table 4.7, Rows 1, 2,	Deck projections into required yards now include ramps and stairs	Two notes to be added to Table: Note 1- Stairs associated with rows 1, 2, 3, 4 and 8 are permitted to project to the minimum setback	Staff	Revised regulation allows decking and other similar structure to have stairs project into required yards	Add new notes to bottom of Table

#	Zone	By-law Section	Reg. #	Existing Regulation	Proposed Regulation	Source	Working Group Comments	Result
			3, 4 and 8		from lot line. Note 2- a two (2) metre deep balcony at the front of a house does not require a 2.0 metre (6.6') setback from the side lot line when the balcony is within the proposed and/or existing building envelope		without the need for variances from the Committee of Adjustment	
20	General Provisions	Permitted Yard Projections	Table 4.7, Row 1	At present, interior side yards of townhouses and semi-detached require 0.6 metre setback from lot line for decks	5.2.2.4 Despite Table 4.7 Rows 1-3, for a lot with a dwelling requiring a 0.0 metre interior side yard, the setback to that interior side lot line from a porch or a deck, inclusive of stairs, shall be 0.0 metres.	Staff	On street townhouses and semi-detached structures have limited lot width. This regulation of an interior 2' setback (.6m) causes difficulty and there have been numerous variances supported by staff at the Committee of Adjustment.	New regulation recommended to be 5.2.2.4
21	General Provisions	Permitted Yard Projections	Table 4.7, Row 3	Regulation 4.7.4- an open roofed porch not exceeding 1 storey in height shall have a minimum setback from the side lot line equal to the minimum side yard requirements of the zone in which the dwelling and porch are located. Table 4.7 Row 3 allows it to project 1.2 metres into the side yard, conflicting regulations	Change regulation to read: Open, Roofed Porch and delete the reference to Section 4.7.4 (delete this regulation also). Modify table to Minimum Setback from Lot Line- 0.6 metres	Staff	This provides consistency in regulations. The new regulation will permit a roofed porch in a side yard to be 0.6 metres (2') from the side property line. This is consistent with other forms of structures in the side yard.	Revise regulation as noted.
22	General	Satellite	4.11	Outdated set of	delete regulation from By-law	Staff	The existing satellite dish	Delete section

#	Zone	By-law Section	Reg. #	Existing Regulation	Proposed Regulation	Source	Working Group Comments	Result
	Provisions	Antennas within Residential Zones		provisions that regulated the large ground based satellite antennas. Need to update or to delete entirely from by-law.			regulations were in regards to the older very large dishes which are not being utilized any more. The new dishes are very small and not obtrusive and require placement where signals can be achieved. We have had no complaints on the new dishes.	4.11 from by-law.
23	General Provisions	Outdoor Storage	4.12	Council direction regarding regulating the storage of porta-potty's within a certain distance from a residential property. New regulation required.	New Regulation: 4.12.2.5 The outdoor storage of portable toilets shall not be permitted in an Outdoor Storage Area within 250 metres of a residentially zoned property	Staff	A previous storage facility in the City resulted in numerous complaints in an older area with industrial zoning. This separation distance will ensure that this type of storage will not take place near residential properties in the older area of the City	Add new regulation 4.12.2.5
24	General Provisions	Parking	4.13.3.2.2	Permitted projections into required parking space within a garage- Zoning has a policy regarding permission for stairs within a garage to encroach into the required parking space. Need to formally implement this into the by-law.	New Regulation-4.13.3.2.5 For both interior and exterior parking spaces, the required parking space shall not be obstructed in any way except for a stair to the access door into the dwelling. The stair shall be wide enough to accommodate the width of the entrance and a maximum projection of 0.8 metres (2' 8") into the required parking space	GAWDA	This has been an internal staff policy that needed to be implemented into the Zoning by-law. Staff are fully supportive of this request to include in the by-law. Regulation implements policy.	Add new regulation 4.13.3.2.5

#	Zone	By-law Section	Reg. #	Existing Regulation	Proposed Regulation	Source	Working Group Comments	Result
25	General Provisions	Parking	4.13.2.3	Site Plan Approval Guidelines requires a parking space size of 2.75m x 5.5 m for commercially zoned properties. Zoning By-law does not reflect this standard and there is a need to include this in the by-law for regulatory enforcement and consistency in site plans being submitted.	Amend Regulation 4.13.3.2.2 to read: 4.13.3.2.2 Despite Section 4.13.3.2.1, the minimum parking space dimensions for Single Detached, Semi-Detached, Duplex Dwellings or Home Occupations, Group Homes, Bed and Breakfast establishments, Accessory Apartments, Lodging House Type 1 and On-Street Townhouses are 3 metres by 6 metres within a Garage or Carport. The minimum exterior Parking Space dimensions are 2.5 metres by 5.5 metres. New 4.13.3.2.3 The minimum exterior Parking Space dimensions for all other uses is 2.75 metres by 5.5 metres	Staff	There has been some discrepancy between the Site Plan Approval Guidelines and the Zoning By-law in terms of exterior parking space sizing for commercial and industrial properties. This amendment corrects this and applies the standard that the City wants to implement in terms of high density residential, commercial and industrial exterior parking areas	Amend regulation as proposed
26	General Provisions	Parking	4.13.4	Required parking standards for industrial zones need to be updated to reflect the approved regulations for Hanlon Creek Business Park. Need to match other parking	Implement B.5 parking standards for industrial properties into general parking standards. For 'manufacturing' and 'mall', the following parking requirements shall apply: -1 parking space per 50 square metres up to 1,000 square metres of	Staff	By using the B.5 regulations for all industrial zones, this provides consistency for Site Plan Approval applications when determining parking load requirements.	Amend existing parking regulations for manufacturing (1 space per 50 m ²) and industrial mall (1 space per

#	Zone	By-law Section	Reg. #	Existing Regulation	Proposed Regulation	Source	Working Group Comments	Result
				regulations.	gross floor area. -1 parking space per 100 square metres between 1,000 square metres and 5,000 square metres of gross floor area, and -1 parking space per 150 square metres over 5,000 square metres of gross floor area			33m ²) to -1 parking space per 50 square metres up to 1,000 square metres of gross floor area. -1 parking space per 100 square metres between 1,000 square metres and 5,000 square metres of gross floor area, and -1 parking space per 150 square metres over 5,000 square metres of gross floor area

#	Zone	By-law Section	Reg. #	Existing Regulation	Proposed Regulation	Source	Working Group Comments	Result
27	General Provisions	Parking in Residential Zones	4.13.7.5	No motor vehicle, excluding an automobile and a Recreational Vehicle shall be parked in a residential zone when such vehicle exceeds a gross vehicle empty weight of 2290 kilograms or if the vehicle or the vehicle and any attached equipment exceeds a height of 2.2 metres above the ground surface	4.13.7.5 In any Residential zone, the parking or storage of commercial vehicles is subject to the following regulations: i) No commercial vehicle shall be parked in a residential zone when such vehicle exceeds a registered gross weight of 3,000 kilograms; ii) No commercial vehicle shall be parked in a residential zone when such vehicle (including any attached equipment) exceeds a height of 2.6 metres above the ground surface; iii) No commercial vehicle shall be parked in a residential zone when such vehicle has an overall length greater than 6 metres. iv) Notwithstanding section 4.13.7.5 (i), 4.13.7.5 (ii), and 4.13.7.5 (iii), no tow truck, tilt/n/load, dump truck, tractor trailer, semitrailer, or any component thereof, shall be parked or stored in a residential zone.	Staff	Staff optioned for best practices to ascertain what other municipalities are enforcing. Staff realize that larger personal vehicles may be subject to complaint and enforcement and this is not the intent of the regulation. Staff wanted to relax regulation in order to allow larger personal vehicle to be parked in residential zones while still prohibiting the parking of larger commercial and industrial type vehicles.	amend regulation as proposed
28	General Provisions	Parking	4.13.2.1	In a R.1, R.2 or R.3B zone, every parking space shall be located a minimum distance of 6 metres from the street line and to the rear of the front wall of the main building.	In a R.1, R.2 and R.3B zone, every required parking space shall be located a minimum distance of 6 metres from the street line and to the rear of the front wall of the main building.	Staff	Staff note that this restriction may lead to unnecessary enforcement of this parking restriction. Mostly every property in the City has parking that is not setback 6 metres from the front property line.	add the word "required" to the regulation.

#	Zone	By-law Section	Reg. #	Existing Regulation	Proposed Regulation	Source	Working Group Comments	Result
29	General Provisions	Fencing	4.20	Review and modification for fencing regulations in regards to corner lots	4.20.10.1 Not exceed 2.5 metres in height from the rear wall of the main Building to the rear property line, and not within 4 metres of a Street line.	Staff	Existing regulations for corner lots have been the subject of many variance requests to the Committee of Adjustment. Staff has reviewed best practices with other municipalities and have formulated these modifications for corner lot fencing.	amend regulations as proposed
					4.20.10.2 Not exceed 1.9 metres in height from the midpoint of the main Building to the rear property line and up to 0 metres from the Street line.			
					4.20.10.3 Not exceed 0.8 metres in height in the remaining Exterior Side Yard			
					4.20.11 located in the interior yard Side Yard shall not exceed 1.8 metres in height			
					4.20.12 located in the Rear Yard shall not exceed 2.5 metres in height			
					4.20.13 No fence shall be located or constructed so as to block access to a parking space as required by the Zoning By-law, unless such fence is constructed with a gate at least 2.5 metres (8.2 feet) wide giving access to such parking space.			

#	Zone	By-law Section	Reg. #	Existing Regulation	Proposed Regulation	Source	Working Group Comments	Result
					<p>4.20.14 Height shall be measured from the ground elevation at the supporting posts on the property on which the fence is located and in the case of a mutual fence, such fence height shall be measured from the highest ground elevation or either property at the supporting posts.</p> <p>4.20.15 Despite Section 4.5.1, one entrance arbour structure is permitted in each yard with a maximum height of 3 metres and a maximum area of 5 square metres provided the arbours are not located in the site line triangles and general site lines. This arbour structure may be located with a zero lot line setback.</p>			
30	Residential Zones	Minimum Landscaped Open space	Table 5.1.2 Row 12	The front yard on any lot, excepting the Driveway shall be landscaped and no parking shall be permitted within this landscaped open space. The driveway shall not constitute more than 55% of the front yard in an R. 1D zone	The front yard on any lot, excepting the Driveway shall be landscaped and no parking shall be permitted within this landscaped open space. The driveway shall not constitute more than 56% of the front yard in an R.1D zone.	Staff	When the driveway width percentages were created, R.1D zones were restricted from creating accessory apartments due to the width of parking and the allowable percentages. Many variances have been approved to allow the small fraction of an increase in the percentage. Staff has supported these variances.	Amend Table 5.1.2 Row 12 accordingly.

#	Zone	By-law Section	Reg. #	Existing Regulation	Proposed Regulation	Source	Working Group Comments	Result
31	Residential Zones	Minimum Landscaped Open space	Table 5.1.2 Row 12	Despite the definition of Landscaped Open Space, a minimum area of 0.6 metres between the driveway and the nearest lot line must be maintained as landscaped space in the form of grass, flowers, trees, shrubbery, natural vegetation and indigenous species	Amend Table 5.1.2 Row 12 and Table 5..2.2 Row 15 to read "Despite the definition of Landscaped Open Space, a minimum of 0.5 metres between the driveway and the nearest lot line must be maintained...."	Staff	Staff note that exterior parking spaces are permitted to be 2.5 metres and when adding the 0.6 metres, it requires a yard of 3.1 metres rather than the 3 metres that is stipulated elsewhere in parking regulations. Modify this to 0.5 metres brings consistency to regulations. There have been variance requests support by staff for this regulation.	Amend regulation as proposed

#	Zone	By-law Section	Reg. #	Existing Regulation	Proposed Regulation	Source	Working Group Comments	Result
32	Residential Zones	Minimum Distance between buildings and private amenity areas	5.3.2.3	Overall review and update of the minimum distance between buildings in R.3A zoned cluster townhouses	Delete regulation 5.3.2.2- Despite the above, in any case where windows to a Habitable Room face on a required yard, such building shall not be located within 7.5 metres of that side or rear lot line. Delete regulation 5.3.2.3.2 The distance between the face of one building which contains windows to habitable rooms and the face of another building which does not contain windows to a habitable room shall in no case be less than 12 metres. Amend regulation 5.3.2.3.4 to read No part of a Private Amenity Area shall be located within 10.5 metres of a wall in another building containing windows of habitable room which face the private amenity area. Add new regulation for private amenity areas 5.3.2.5.1 i) to be a minimum distance of 3.0 metres from a side or rear lot line	Staff	The separation setbacks for cluster blocks and the private amenity areas in some instances require conflicting requirements. Through various Site Plan Approval applications, it had become apparent that these regulations were not working as required. A thorough staff review of the regulations in regards to best practices and regulation intent has led to the proposed modifications. Less Committee of Adjustment applications will be necessary as a result.	Amend by-law as proposed
33	Residential Zones	Minimum Side Yard	Table 5.1.2 Row 7	Table requires different setbacks for varying heights of buildings in residential zones. Request from GDA and staff to amend to simplify	Amend Table 5.1.2 Row 7 to have setbacks as follows: 1 to 2 storeys- R.1A 1.5m, R.1B 1.5m, R.1C 1.2m and R.1D 0.6m. For over two storeys, R.1A 2.4m, R.1B 2.4m, R.1C 1.2m and R.1D 0.6m	GAWDA and staff	Staff are supportive of the changes to allow more consistent setbacks. The standard two storey dwelling will not be required to step back the building design as previously	Revise Table 5.1.2 Row 7 to reflect the changes.

#	Zone	By-law Section	Reg. #	Existing Regulation	Proposed Regulation	Source	Working Group Comments	Result
				regulations.			required. If proposing three storeys, staff recommend a small degree of stepping back the structure as this greater height.	
34	Defined Area Maps	Map #'s 24, 34, 36 49, 55, 60		Eastview Community Park, Joseph Wolfond Park West, Guelph Lakes Sports Field, Paisley/Edinburgh Park, Priory Park, IODE Fountain Park, Goldie Mill Park, 80 Simmonds Drive Park	Planning staff have identified a number of City owned parks that have outdated zoning that does not reflect the actual use of the parks. The Defined Area maps are to be amended to reflect the proper zoning.	Staff	This should be part of the administrative amendment process to correct the zoning	Amend the Defined Area Maps
35	Defined Area Maps	All Defined Area Maps except #'s 63, 64, 65, 66, 67and 79		All Defined Area Maps are to be replaced with new mapping. This is necessary because of a new GIS system rendering Map Info obsolete.		Staff		Insert new Defined Area Maps
36	Illustrations	Page 3-32		Add new illustration for Side/Rear Lot line interpretation	This has been an interpretation by the Zoning Administrator for a side and rear lot line. Staff wanted to add the illustration into the by-law for guidance.	Staff		Add new illustration
37	Parking	Pages 4-17 and 4-18	4.13.5	Special Vehicle Parking is an outdated term used to describe accessible parking spaces	The Facility Accessibility Design Manual uses the terminology "Designated Accessible Parking Spaces"	Staff	Staff brought forward this change to update the Zoning By-law	Change Section 4.13.5 to remove the wording "Special Vehicle Parking" and

#	Zone	By-law Section	Reg. #	Existing Regulation	Proposed Regulation	Source	Working Group Comments	Result
								replace where necessary with "Designated Accessible Parking Spaces"
38	Garbage, Refuse Storage	Section 4.9	4.9 to 4.9.4	This section references composters. The Property Standards By-law contains regulations regarding composters and the Zoning By-law has conflicting regulations	Remove all references to composters in Section 4.9	Staff	Staff brought forward this change to update the Zoning By-law	delete all references to composters in Section 4.9
39	Zoning By-law	Various sections		Various by-law sections with incorrect addresses, spelling and grammatical errors, omissions and other general corrections	Staff have identified a number of errors and omissions in the Zoning By-law that will be corrected in the Administrative amendment	Staff		

COUNCIL REPORT

TO **Guelph City Council**

SERVICE AREA Community Design and Development Services
DATE July 5, 2010

**SUBJECT 1291 Gordon Street: Proposed Zoning By-law
Amendment (File ZC0905) (Ward 6)**

REPORT NUMBER 10-70

RECOMMENDATION

"THAT Report 10-70 dated July 5, 2010 regarding an application for a Zoning By-law Amendment for 1291 Gordon Street from Community Design and Development Services BE RECEIVED; and

THAT the application by GSP Group for a Zoning By-law Amendment (File ZC0905) from the UR and WL Zones to the WL Zone, P.1 Zone and a specialized R.4A-?? Zone, affecting the property known as 1291 Gordon Street and legally described as Part of Lot 6, Concession 7, Township of Puslinch, and Part 1 of Reference Plan 61R-8098, BE APPROVED in the form of a Specialized R.4A-?? (H) Holding Zone, in accordance with the regulations and conditions set out in **Schedule 2** of Community Design and Development Services Report 10-70, dated July 5, 2010; 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 1291 Gordon Street as set out in Report 10-70 from Community Design and Development Services dated July 5, 2010."

BACKGROUND

This report provides staff's recommendation on an application requesting approval of a Zoning By-law amendment application (ZC0905) from GSP Group Inc. on behalf of Gordon Creek Development Inc. and the Grand River Conservation Authority. This application was deemed to be a complete application on July 28, 2009.

A statutory Public Meeting of Guelph City Council was held on September 8, 2009.

Location

The subject site consists of 8.4 hectares of land located on the west side of Gordon Street between Edinburgh Road South and Arkell Road (see **Schedule 1**). The site is bounded by Edinburgh Road South to the north, and existing single-detached

dwellings to the south along Gordon Street. Single-detached dwellings and the Salvation Army Church are located to the east across Gordon Street and a portion of the Hanlon Creek Provincially Significant Wetland occupies the westerly portion of the site and the adjacent Hanlon Creek Conservation area to the south and west of the site.

The site consists of two separate parcels of land. The larger and northerly portion owned by Gordon Creek Development is approximately 8 hectares in size and the smaller southerly portion is approximately 0.4 hectares in size is part of a larger parcel owned by the Grand River Conservation Authority (GRCA). Should the zone change application be approved, the two property owners have entered into an agreement that would have Gordon Creek Development acquire the 0.4 hectare parcel of land from the GRCA and in exchange, Gordon Creek Development would convey a 3.0 hectare parcel along the northwest of the site to the GRCA.

Official Plan Designation

The Official Plan land use designations that apply to the subject lands are "General Residential" with a Non-Core Greenlands overlay for a portion of the site along Gordon Street and the balance of the site is designated Core Greenlands (see **Schedule 3**).

Existing Zoning

The subject site is currently zoned Urban Reserve (UR) and Wetlands (WL) (See **Schedule 4**).

REPORT

Description of Proposed Zoning Bylaw Amendment

The applicant wishes to rezone a 1.63 hectare portion of the southeast corner of the site to a specialized R.4A zone to permit a six storey residential apartment building with 128 residential units. Specialized regulations have been requested regarding Floor Space Index, interior parking space dimensions, and rear and side yard setbacks. These regulations are examined further in the planning analysis section of this report. See **Schedule 4** for the proposed zoning map.

The remaining portion of the site is requested to be rezoned WL (Wetlands) and P.1 (Conservation Lands) zones. This rezoning is requested to recognize a redefined wetland boundary and conservation lands that would act as a buffer between the wetland and the potentially developable area of the site. The wetland boundary was revised to reflect the confirmation of the location of the actual wetland in the field by Grand River Conservation Authority staff. Lands on the southerly property line designated for future City Trails and a stormwater management pond for City-owned lands are also requested to be rezoned to P.1 (conservation lands).

This application has been altered based on issues raised by staff and the public. The original proposed site plan from August 2009 is shown in **Schedule 5**. Following the September 8, 2009 statutory public meeting, the applicant worked with staff to address staff and public concerns. The revised site plan is shown in **Schedule 6**.

The density of the proposed 128 unit residential development, as calculated under “Places to Grow”, is approximately 121 persons per hectare. This equates to 78 units per hectare.

Public Comments and Staff Review

Questions from the public were raised at the public meeting, and provided via written correspondence. They include:

➤ Environmental Impact:

- Confirmation of the wetland boundary and comparison of the mapping boundary now and in the 1993 Hanlon Creek Subwatershed Plan
- Is the application premature based on the state of the watershed update in 2004?
- Impact of the development on the function of the wetland
 - Is the 30 metre buffer to the wetland adequate?
 - Should construction be allowed to impact the wetland buffer?
 - Alternatives to the placement of the buildings so close to the proposed buffer
 - Should all of the buffer and wetland be conveyed to the City or GRCA?
 - Impact of lighting and any proposed fencing
- Adequacy of the proposed Storm Water Management Plan
- Impact of the development on ground water
- Impact and appropriateness of the proposed dewatering
- Impact on the wildlife corridor
- Expected tree loss and replacement program
- Assessment of impact on any rare plants
- Will this development create a precedent?

➤ Site Design

- Appropriateness of the Site Design
 - How will the elevations appear from the street
 - How trails will be provided.

➤ Need for clarification of the Zoning and Official Plan designations

➤ Explanation of details of the proposed land exchange

Staff have also determined the need to review this application against the following measures:

- Evaluation of the proposal against the General Residential, Core and Non-Core Greenland policies of the Official Plan.
- Evaluation of the proposal against the City’s Growth Management Strategy and consideration for the proposed new Official Plan Update policies.
- Evaluation of the proposal against the Provincial Policy Statement and the Places to Grow Growth Plan.
- Review of the proposed zoning and need for specialized regulations.
- Review of proposed site layout in relation to the Community Energy Initiative.

A detailed response by staff to all of these matters is found in **Schedule 7**. Staff and agency comments from the circulation of this application are found in **Schedule 11**. Public comments received during the circulation of this application in September 2009 are included in **Schedule 12**.

Planning Staff Recommendation

The two main areas of public concern regarding this application are related to environmental implications and site design.

Staff support the revised wetland boundary and proposed 30 metre buffer between the wetland and developable area. The buffer is consistent with current policies as well as the revised policies that are part of the draft Natural Heritage Strategy. The applicant has revised the plans and moved the building closer to Gordon Street to ensure that construction will no longer impact the buffer.

A number of detailed information requests from Staff, the City's Environmental Advisory Committee and the Grand River Conservation Authority have been included as a condition of the zoning to be addressed through an Environmental Implementation Report (EIR) (see Condition 16 in **Schedule 2**). Staff recommend that a holding zone be placed on the property requiring the EIR to be completed in order to lift the holding zone. This would allow any implementation measures suggested in the EIR to be included in the site plan control agreement that would be registered on title. This would ensure that the measures specified in the approved EIR would be required as part of the development of these lands should the land change ownership in the future.

Staff support the requested specialized zoning regulations that will accommodate the construction of the proposed building relative to the final property boundaries, after lands have been conveyed to the GRCA and the City. Specialized regulations will ensure that the building is a minimum of 7 metres from the wetland buffer (Lands to be conveyed to the GRCA) and lands to be conveyed to the City for a Storm Water Management Pond.

Regarding site design, staff have added specialized regulations to control the location and height of the building. A specialized setback regulation requiring the building be no more than 6 metres from the Gordon Street property line will ensure that the building addresses the street in keeping with the City's Urban Design Guidelines. Also, a regulation has been added to limit the height to six storeys, which is what is proposed by the applicant to provide certainty regarding height. In addition, a detailed site plan condition requires the property to be developed in keeping with the site plan proposed in **Schedule 6** which provides certainty regarding the location of the building envelope.

The proposed residential apartment use conforms to Official Plan policies for the General Residential designation and Non-core Greenlands overlay, as well as policies for the adjacent Core Greenlands. The application meets the specific requirements in the Official Plan regarding the location of multiple unit residential buildings in residential designations, including building form compatibility, traffic accommodation and local amenity and municipal service availability. The Core Greenlands, which consist of the portion of the Hanlon Creek Wetland on the site, will remain intact and together with the proposed 30 metre buffer will be conveyed to the Grand River Conservation Authority for public ownership and management. This application also meets policies within the City's Growth Management strategy for development along an intensification corridor and fits the proposed policies in the new Official Plan Update for medium density residential development.

This application is consistent with Provincial Policy Statement requirements, specifically supporting compact urban form, intensification and protection of existing natural heritage features. It is in keeping with Provincial Growth Plan policies and assists in meeting Built Boundary growth targets.

Overall, the holding zone provision, together with the proposed standard and specialized regulations and conditions required in **Schedule 2** of this report, provide surety that the proposed application meets City policies and is an appropriate use of the site.

Minor Application Revisions

The applicant has had several discussions with City Staff during the review of this application which has resulted in revisions to the plan. These revisions have meant minor changes to the application and the need for additional specialized regulations in the zoning amendment. Key changes to the application include a slightly larger P.1 (conservation lands) Zone intended for a City-owned trail and specialized regulations for parking space size, side and rear yard setbacks and floor space index. Section 34(17) of the Planning Act allows Council to determine the need for further Notice where a change is made in a proposed bylaw after the public meeting.

As the September 8, 2009 proposal (**Schedule 5**) and the current proposal (**Schedule 6**) are very similar regarding proposed building footprint and because the current and recommended proposal has addressed several planning issues with the original development proposal, Staff recommends that no further notice is required (See third resolution on Page 1 of this report).

CORPORATE STRATEGIC PLAN

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

FINANCIAL IMPLICATIONS

Based on 128 residential apartment units.

Population Projections

- 218 persons or 121 persons per hectare(based on "Places to Grow" density calculation)

Projected Taxation

- \$412,038 per year (estimated at \$3,219 per unit)

Development Charges

- \$1,758,464 (Apartment Residential)

DEPARTMENTAL CONSULTATION

The agency and staff comments received during the review of the application are included on **Schedule 11**.

COMMUNICATIONS

Key dates for public notification are included on **Schedule 13**.

ATTACHMENTS

Schedule 1 – Location Map
Schedule 2 – Regulations and Conditions
Schedule 3 – Official Plan Map and Related Policies
Schedule 4 – Existing and Proposed Zoning
Schedule 5 – Initial Proposed Site Plan
Schedule 6 – Revised Proposed Site Plan
Schedule 7 – Staff Response to Issues
Schedule 8 – Site Context: Conceptual Renderings
Schedule 9 – Site Cross Sections
Schedule 10 – Community Energy Initiative Commitment
Schedule 11 – Staff and Agency Comments
Schedule 12 – Public Comments (from September 2009 circulation)
Schedule 13 – Public Notification Summary

"original signed by Katie Nasswetter"

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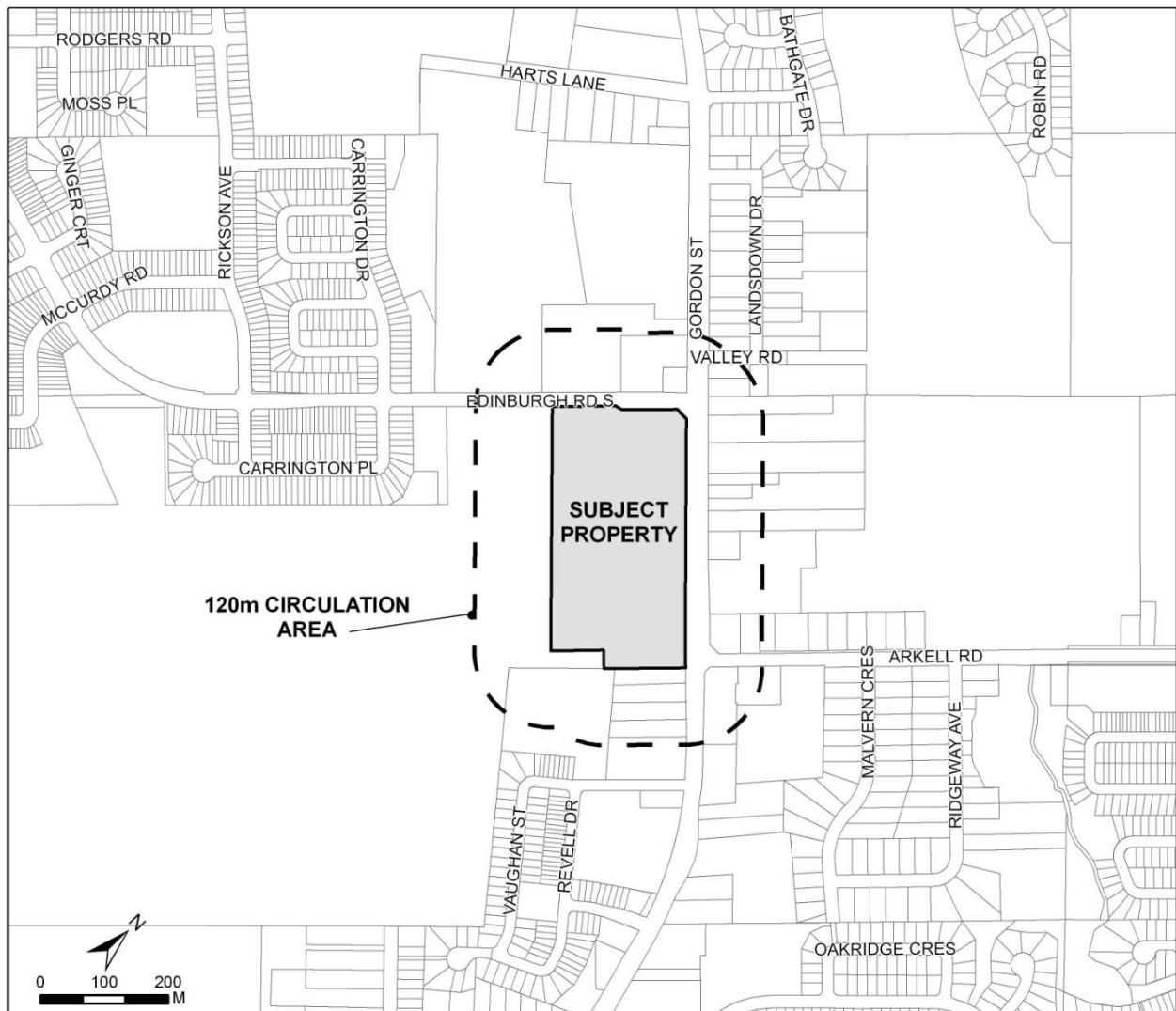
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SCHEDULE 1

Location Map



Schedule 2

Proposed Zoning Regulations and Conditions

The property affected by this Zoning By-law Amendment is municipally known as 1291 Gordon Street and legally described as Part of Lot 6, Concession 7 Puslinch, and being Part 1 of Reference Plan 61R-8098. The following zoning is proposed:

Specialized R.4A-?? (H) Apartment Residential

Regulations

For the Specialized R.4A-?? (H) Zone:

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

Maximum Front Yard Setback

Despite Table 5.4.2 Row 6,
The maximum front yard setback shall be 6.0 metres

Minimum Front Yard Setback

Despite Table 5.4.2 Row 6,
The minimum front yard setback shall be 3.0 metres

Minimum Side Yard

Despite Table 5.4.2 Row 8,
The minimum southerly side yard shall be 7.0 metres.

Minimum Rear Yard

Despite Table 5.4.2 Row 9,
The minimum rear yard shall be 7.0 metres.

Maximum Building Height

Despite Table 5.4.2 Row 10
The maximum building height shall be 6 storeys.

Off-Street Parking

Despite Table 5.4.2 Row 14,
Interior off-street parking spaces will be permitted to be 2.5 x 5.5 metres in size.

Floor Space Index

Despite Table 5.4.2 Row 18,
The Floor Space Index shall be 1.7.

Holding Provision

Purpose:

To ensure that the development of the lands does not proceed until the owner has completed certain conditions to the satisfaction of the City of Guelph.

Holding Provision Conditions:

Prior to the removal of the holding symbol "H", the owner shall complete the following conditions to the satisfaction of the City:

1. An Environmental Implementation Report (EIR) shall be completed and approved by the Director of Community Design and Development Services.
2. A Site Plan Control Agreement shall be registered on title, containing the conditions listed in **Schedule 2** of Community Design and Development Services Report 10-70, dated July 5, 2010, to the satisfaction of the Director of Community Design and Development Services.

Conditions

The following conditions will be imposed as conditions of site plan approval:

1. The owner shall submit to the City, in accordance with Section 41 of the Planning Act, a fully detailed site plan, indicating the location of buildings, landscaping, parking, circulation, access, lighting, grading and drainage and servicing on the said lands to the satisfaction of the Director of Community Design and Development Services and the City Engineer, prior to the issuance of a building permit, and furthermore the owner agrees to develop the said lands in accordance with the approved plan. The owner's submission for site plan approval shall include the following conditions and requirements:
 - a. The owner shall develop the site generally in accordance with the owner's Proposed Site Plan attached as **Schedule 6** to the Community Design and Development Services Report 10-70 dated July 5, 2010, to the satisfaction of the Director of Community Design and Development Services.
 - b. The owner shall include as part of the site plan approval submission, a detailed outdoor lighting plan that minimizes lighting impact on adjacent properties and natural heritage features, to the satisfaction

of the Director of Community Design and Development Services, prior to site plan approval.

2. That the owner pays to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges 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 thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit.
3. The owner shall pay to the City cash-in-lieu of park land dedication in accordance with By-law (1989)-13410, as amended from time to time, or any successor thereof, prior to site plan approval.
4. The owner shall pay to the City, the City's total cost of reproduction and distribution of the Guelph Residents' Environmental Handbook, to all future homeowners or households within the project, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City, prior to the site plan approval.
5. Prior to any development of the lands and prior to any construction or grading on the lands, the owner shall submit a detailed Storm water Management Report and plans to the satisfaction of the City Engineer which demonstrates how storm water will be controlled and conveyed.
6. That the owner grades, develops and maintains the site including the storm water management facilities designed by a Professional Engineer, in accordance with a Site Plan that has been submitted to and approved by the City Engineer. Furthermore, the owner shall have the Professional Engineer who designed the storm water management system certify to the City that he/she supervised the construction of the storm water management system, and that the storm water management system was approved by the City and that it is functioning properly.
7. Prior to any development of the lands and prior to any construction or grading on the lands, the owner 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. Furthermore, the owner shall provide a qualified environmental inspector, satisfactory to the City Engineer, 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 on a weekly or more frequent basis if required. The environmental inspector shall report on his or her findings to the City on a monthly or more frequent basis.

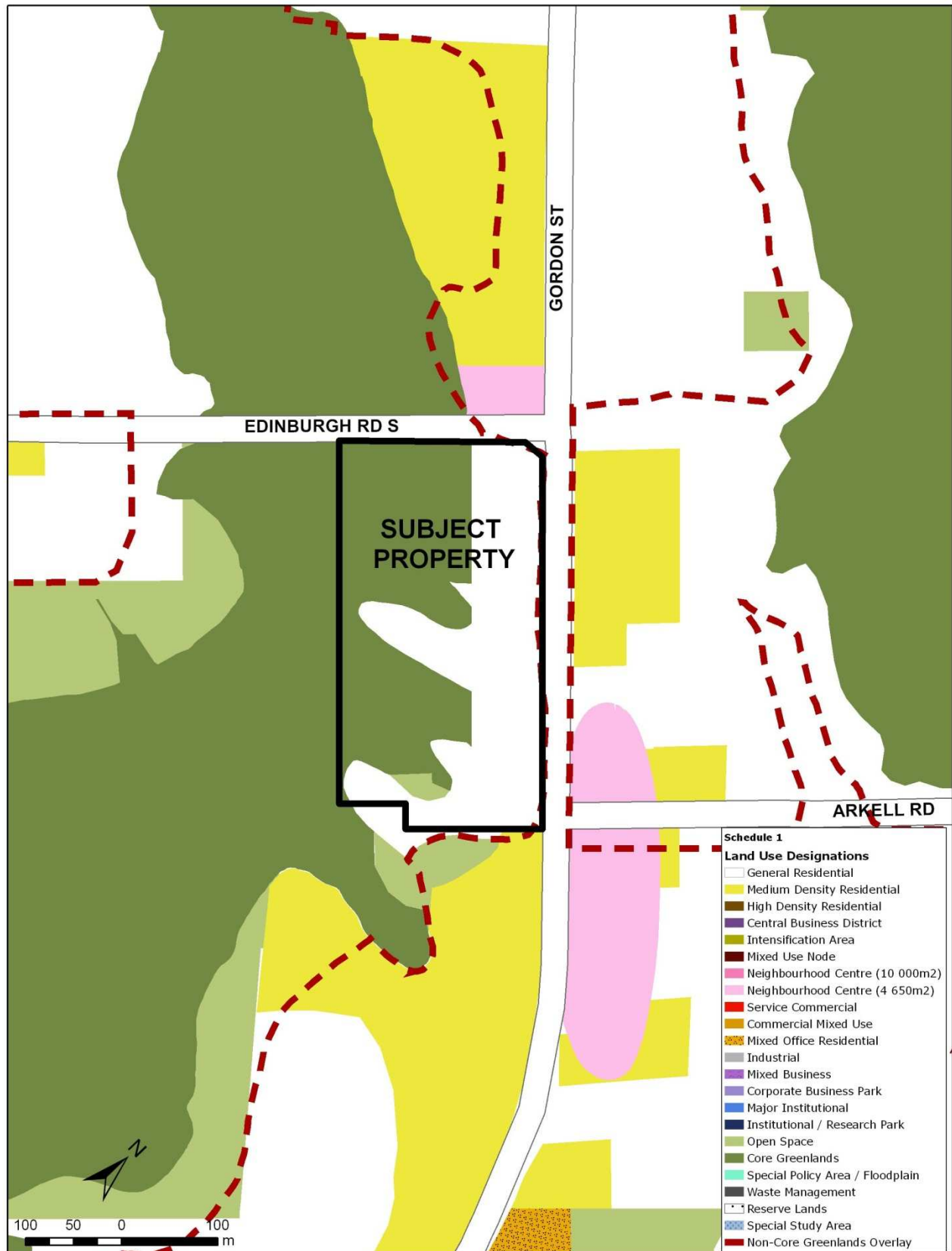
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8. Prior to site plan approval, the owner shall pay to the City, their share of cost of the existing watermain on Gordon Street and Arkell Road across the frontage of the property at a rate per metre of frontage determined by the City Engineer.
 9. Prior to site plan approval, the owner shall pay to the City, their share of the actual cost of constructing municipal services on Gordon Street across the frontage of the land including roadworks, sanitary sewer, storm sewer, curb and gutter, catchbasins, sidewalks, streetlighting as determined by the City Engineer.
 10. Prior to site plan approval, the owner shall pay to the City the actual cost of existing service laterals as determined by the City Engineer.
 11. The owner shall pay to the City the actual cost of constructing and installing any new service laterals required and furthermore, prior to site plan approval, the developer shall pay to the City the estimated cost of the service laterals, as determined by the City Engineer.
 12. The owner shall pay to the City the actual cost of the construction of the new access and the required curb cut, prior to site plan approval and prior to any construction or grading on the lands, the developer shall pay to the City the estimated cost as determined by the City Engineer of constructing the new access/private road and the required curb cut.
 13. That the owner constructs the new buildings at such an elevation that the lowest level of the new buildings can be serviced with a gravity connection to the sanitary sewer.
 14. That the owner relocate and reconstruct the existing City operated and maintained Stormwater management facility located within the GRCA's property to current Ministry of the Environment standards at their own expense.
 15. That prior to Site Plan approval, that the owner makes satisfactory arrangements with The City of Guelph for provisions for any easements and/or rights-of-way for the Stormwater Management facility.
 16. That an Environmental Implementation Report (EIR) shall be completed and approved by the City of Guelph. The EIR shall include the following:
 - a. The assessment of habitat for species of conservation concern, prior to commencing works on the property and appropriate timing for vegetation removals or associated activities should take place outside of breeding seasons.
 - b. That the use of local genetic stock for compensation plantings be specified on all appropriate plans.

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- c. Details on the impact, appropriateness and alternatives to the dewatering activities proposed for the parking garage, including the functionality of the structure considering the high water table.
 - d. Details for the implementation of infiltration galleries proposed underneath the underground parking garage are provided.
 - e. Address alternatives to fencing options in and around the wildlife corridor and identifies the best option of the alternatives.
 - f. A detailed Tree Inventory and Compensation plan
 - g. Details surrounding any induced Impacts associated with trail implementation and the proposed tree inventory make recommendations to hazard tree removal and management, if any.
 - h. Details to address the impact of the changed flow of surface and groundwater to the wetland.
 - i. Monitoring of water quality needs to be included in the site plan agreement.
 - j. Details surrounding the function, access and materials used for the proposed common amenity space.
 - k. Details for the stormwater management facilities, including the intended design, capacity and function to the satisfaction of the City.
 - l. Details outlining the impacts and design of the proposed structure and its implications to the groundwater and surface water on site including the quality of water being released into the natural areas adjacent to the property.
 - m. Detailed information requested by the Grand River Conservation Area, in a letter dated May 27, 2010 and found in **Schedule 10** of Community Design and Development Services Report 10-70 dated July 5, 2010.
17. That prior to site plan approval the owner must complete the land transfer between the Grand River Conservation Area and the owner.
18. That prior to site plan approval, the owner shall deed to the City of Guelph the P.1 (Conservation lands) lands proposed for future trail use and for Stormwater Management for City-owned lands.
19. That prior to site plan, the owner shall deed to the Grand River Conservation Area, lands zoned WL (Wetland) and P.1 (Conservation Lands).
20. The owner 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.

21. That the owner makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the development of the lands.
22. That all electrical services to the lands are underground and the owner shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the development of the lands.
23. That all telephone and Cable TV service to the lands be underground and the owner shall enter into a servicing agreement with Bell Canada providing for the installation of underground telephone service prior to development of the lands.
24. That prior to site plan approval the owner agrees to implement the energy and water efficiency measures described in the letter, dated June 8, 2010, as in **Schedule 10** of the Community Design and Development Services Report 10-70 dated July 5, 2010, in order to comply with the Community Energy Initiative, to the satisfaction of the Director of Community Design and Development Services.
25. That prior to site plan approval, the owner shall enter into an agreement with the City, registered on title, satisfactory to the City Solicitor, covering the conditions noted above and to develop the site in accordance with the approved plans and reports.

Schedule 3 Official Plan Map



Schedule 3 cont'd

Related Official Plan Policies

'General Residential' Land Use Designation

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

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

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 Land Use Designation

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 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.

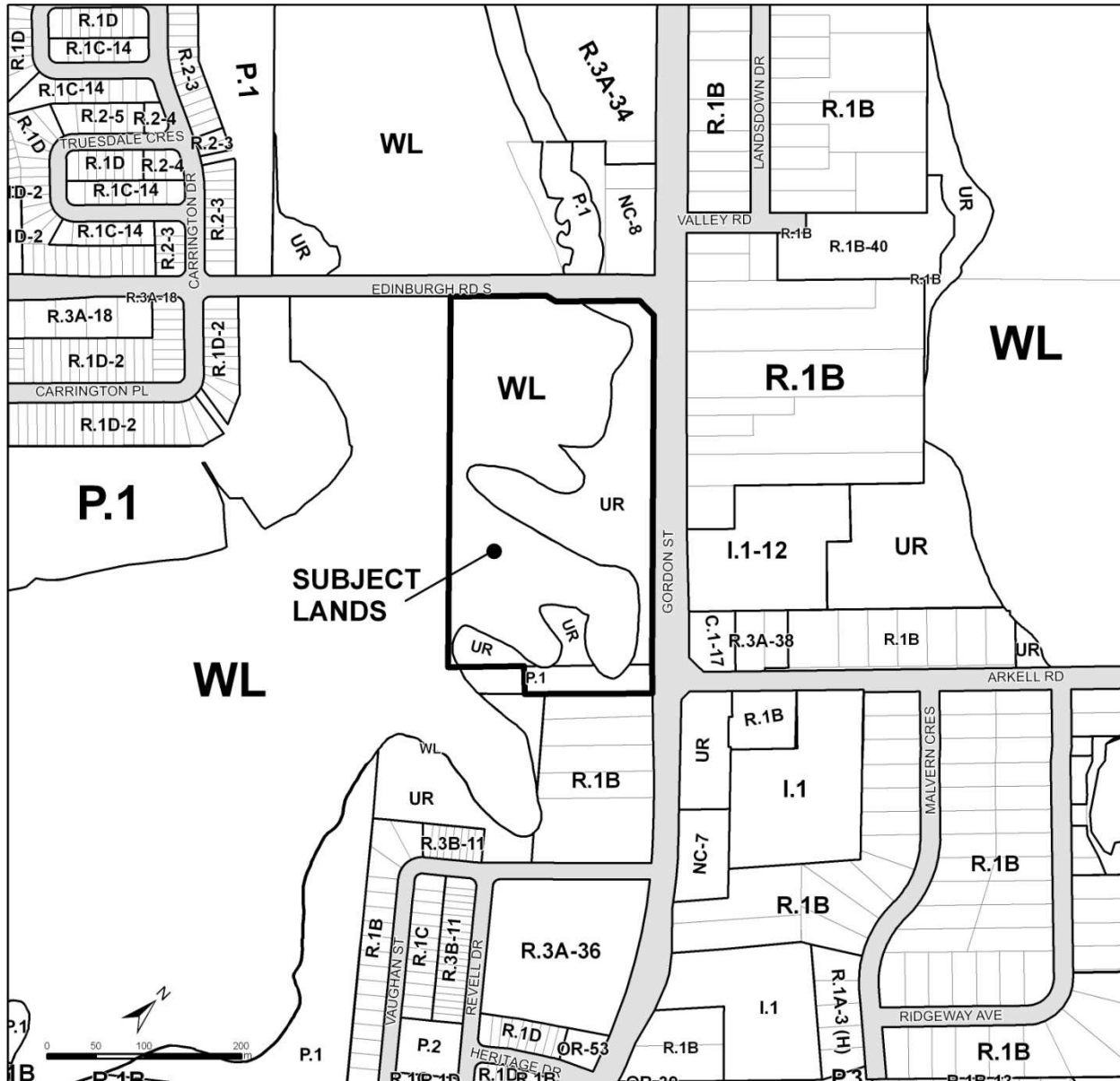
7.13.4 In implementing the Greenlands System provisions of this Plan, 'Core Greenland' areas shall be placed in a restrictive land use category of the implementing *Zoning By-law*, which prohibits *development* except as may be necessary for the on-going management or maintenance of the natural environment.

Non-core Greenlands Overlay

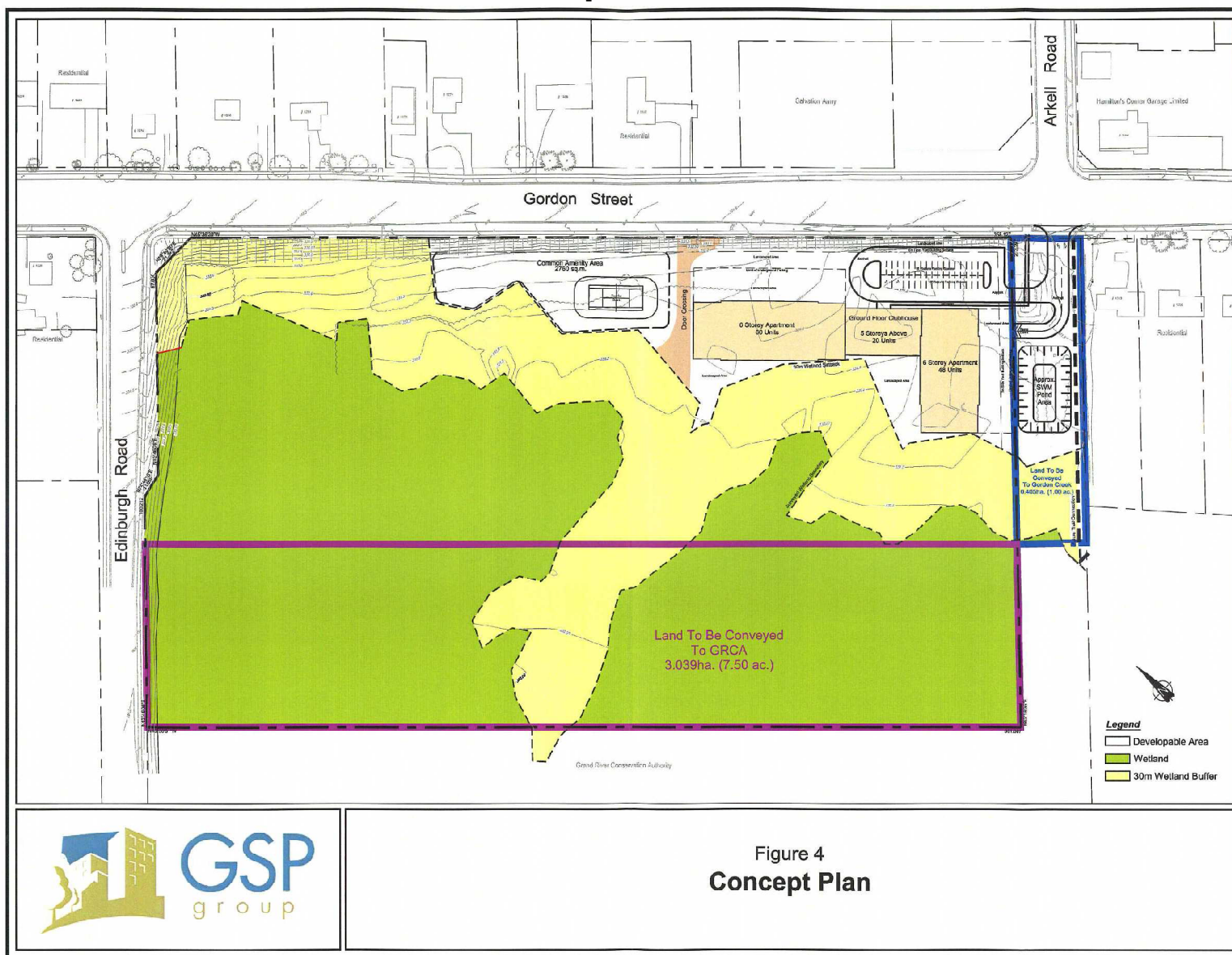
7.13.5 The lands associated with the Non-Core Greenlands overlay on Schedule 1 may contain *natural heritage features*, *natural feature adjacent lands* and *natural hazard lands* that should be afforded protection from *development*. The following *natural features* and their associated *adjacent lands* 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.

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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.

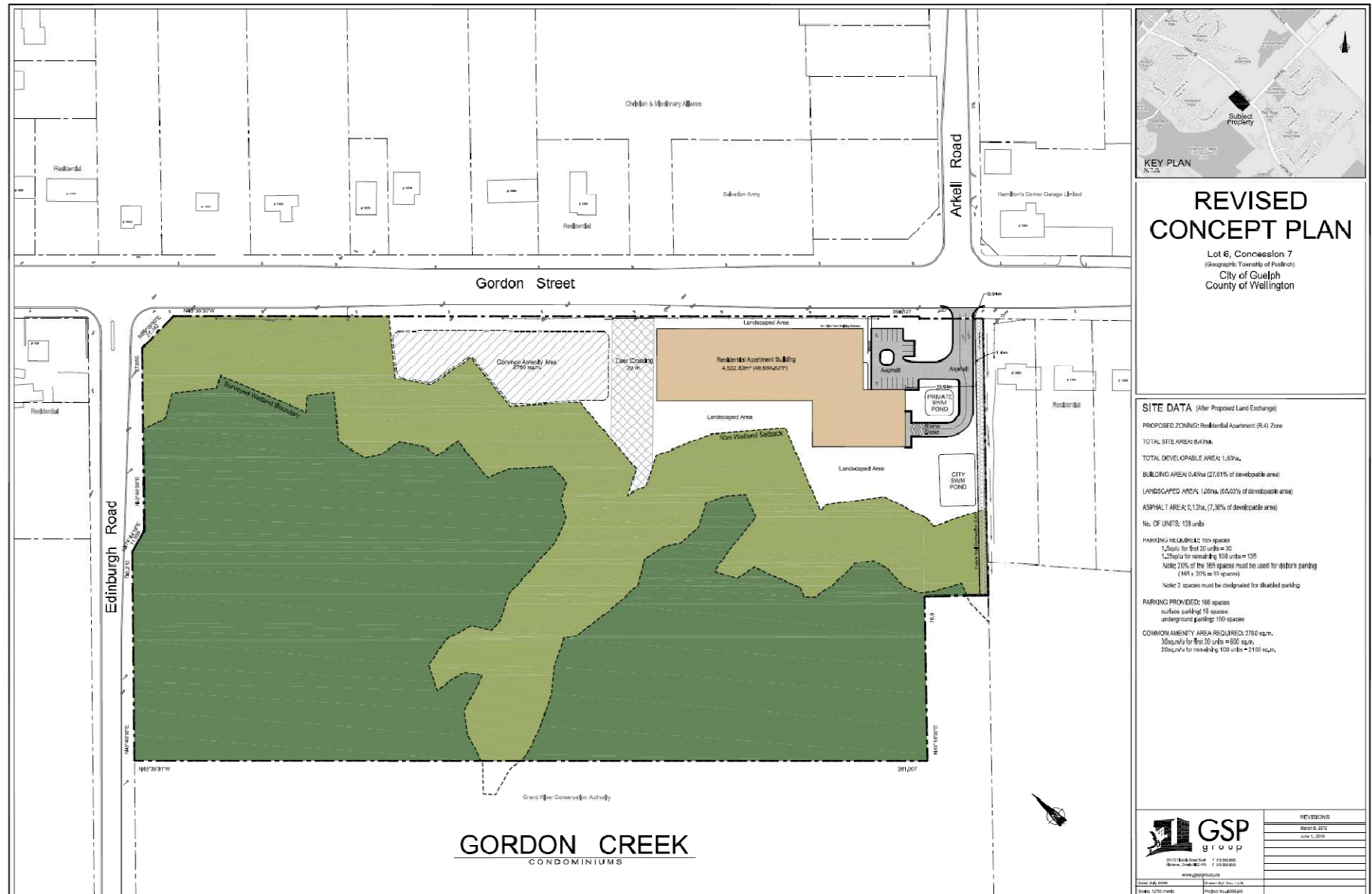
Schedule 4 Existing Zoning



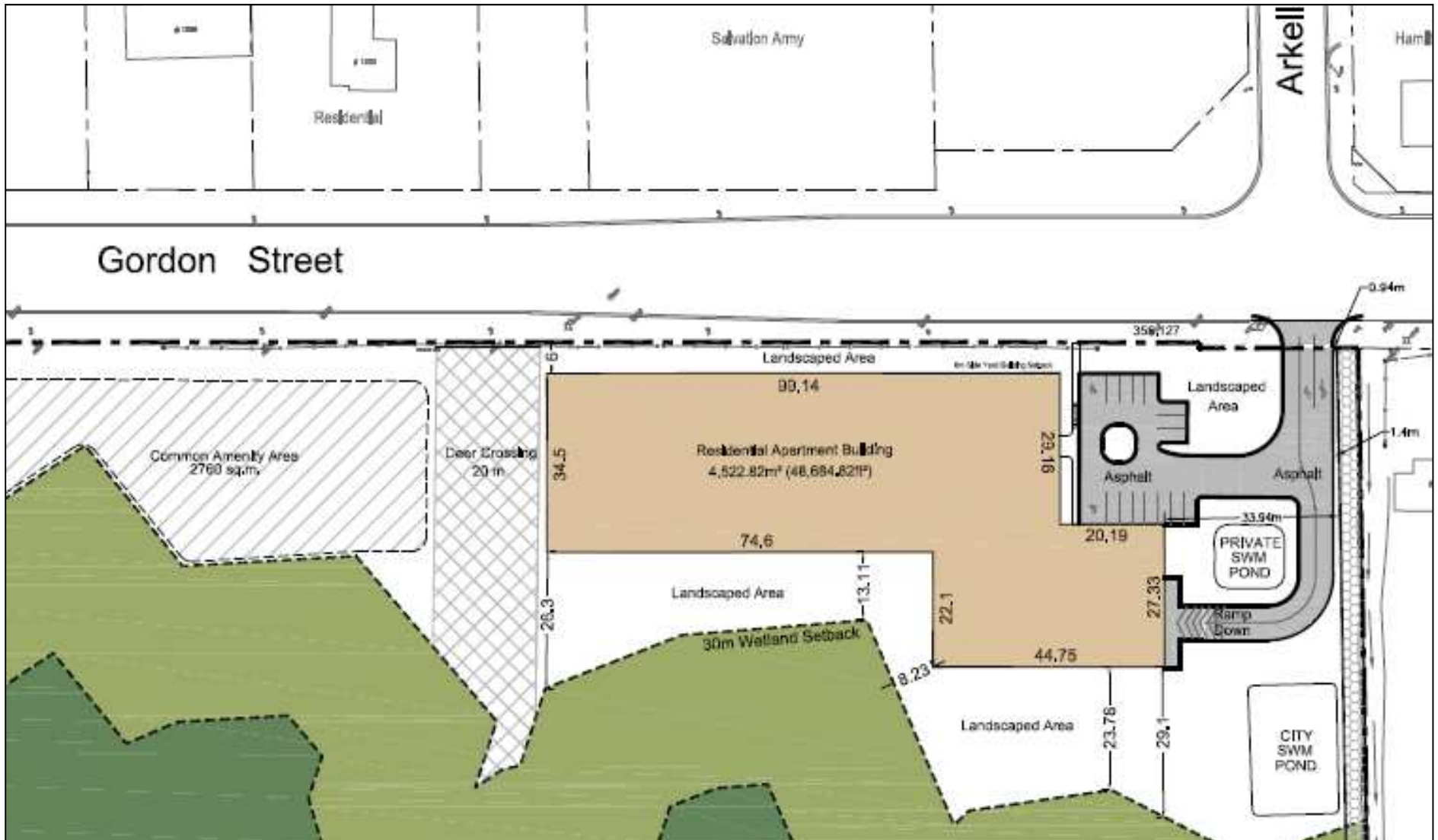
Schedule 5 Initial Proposed Site Plan



Schedule 6 Revised Proposed Site Plan



Schedule 6 continued Detail of Revised Proposed Site Plan



Schedule 7

Staff Response to Issues

This schedule provides a staff response to all issues outlines in the main body of the report.

1. Confirmation of the wetland boundary and comparison of the mapping boundary now and in the 1993 Hanlon Creek Subwatershed Plan

Staff Comment: The portion of the wetland boundary that falls on this property was redefined in 2008. Staff from the Grand River Conservation Authority confirmed on site the actual location of the wetland boundary at this time. The boundary shown in the 1993 Hanlon Creek Subwatershed Plan was based on air photo interpretation of Ministry of Natural Resources data from 1985 and is reflected in the current WL (Wetland) zoning on the property. Essentially this data had not been confirmed on the ground and was used as the basis for the City's Zoning By-law. The current proposed wetland boundary has been confirmed by City and Grand River Conservation Authority Staff and is reflected in the proposed zoning as the revised WL (Wetland) Zone. Other properties that have been developed since 1993 along Gordon Street and which back onto the wetland areas have gone through a similar process to determine the actual wetland boundary and appropriate buffer areas.

2. Is the application premature based on the Hanlon Creek State of the Watershed update in 2004?

Staff Comment: Staff have confirmed the wetland boundary and determined that the proposed wetland buffer is appropriate for the site. Adequate information has been provided by the applicant to determine the site can accommodate the proposed development and staff recommend an Environmental Implementation Report be required to be completed prior to lifting a Holding zone on the property to ensure that any development will meet city and provincial requirements. For these reasons this application is not premature.

3. Impact of the development on the function of the wetland

Staff Comment: Staff and the City of Guelph Environmental Advisory Committee have reviewed all information provided and are satisfied that this information indicates that wetland function will not be impacted by this development proposal. Given the sensitive nature of the wetland area, staff have recommended that a holding zone be placed on the R.4A-?? portion of the proposed rezoning to ensure that the Environmental Implementation Report will be completed prior to the holding zone being lifted. This will ensure that any recommendations from the EIR will be included in the site design and included in the site plan control agreement for the site and implemented at the appropriate time. The detailed requirements of the EIR are included as Condition 16 in **Schedule 2**.

4. Is the 30 metre buffer to the wetland adequate?

Staff Comment: Staff, the Environmental Advisory Committee, and the GRCA are satisfied that the proposed 30 metre buffer is adequate. This is consistent in width to what the City has required as a buffer for other Provincially Significant Wetlands, is consistent with policies in the draft Natural Heritage Strategy and with the Ontario Ministry of Natural Resources buffer widths for Provincially Significant Wetlands.

5. Should construction be allowed to impact the wetland buffer?

Staff Comment: In the initial submission on this application, the applicant proposed that the apartment building would be situated almost immediately adjacent to the wetland buffer (see **Schedule 5**). In this case, building construction would have impacted the wetland buffer area. In the revised submission (as shown in **Schedule 6**) the building has been reconfigured and moved further from the wetland. Now construction will not impact the 30 metre wide wetland buffer area. Staff did not support construction occurring within the buffer area and are supportive of the revised plans that do not require construction impact on the buffer area. Furthermore, the building is required to be placed a minimum of 7.0 metres away from the buffer which further ensures that no impact will occur in this area. It should be noted that as proposed, the building is 8.2 metres away from the wetland buffer at its closest point.

6. Alternatives to the placement of the buildings so close to the proposed buffer

Staff Comment: As noted above, the revised plans have altered the building location and envelope. The building is now at least 8.2 metres from the wetland buffer area. In addition, a specialized regulation has been added requiring the building to have a minimum rear yard of 7 metres to ensure that the space between the building and buffer is maintained.

7. Should all of the buffer and wetland be conveyed to the City or GRCA?

Staff Comment: It is appropriate for the wetland and wetland buffer areas to be conveyed into public ownership. In addition to the land exchange agreement between the property owner and the Grand River Conservation Authority, conditions have been included requiring the wetland and buffer to be conveyed to the Grand River Conservation Area (See conditions 17 and 19 in **Schedule 2**). Also, the proposed Stormwater Management Pond for City-owned lands and lands for a future City-owned trail will be conveyed to the City (Condition 18 in **Schedule 2**)

8. Impact of lighting and any proposed fencing

Staff Comment:

A lighting plan is required as part of the site plan submission to be approved by the City. Lighting can be directed towards the parking area and away from the natural area and residential area to the south of the property. Condition 1b in **Schedule 2** requires that a detailed lighting plan be submitted during the site plan review process to ensure proposed lighting does not impact neighbouring properties or natural heritage features.

Currently fencing is proposed along the final westerly property line between the apartment site and the wetland buffer. A specific condition has been included in the Environmental Implementation Report (EIR) requirement (see Condition 16e in **Schedule 2**) that fencing alternatives need to be considered and the best alternative implemented. The intent of the fencing is to keep people out of the natural area and direct deer and other wildlife to the wildlife corridor.

9. Adequacy of the proposed Storm Water Management Plan

Staff Comment: The applicant has submitted a preliminary Stormwater Management Plan. Staff have reviewed this plan and are satisfied. Further specific conditions in the zoning require the applicant to submit a detailed storm water management plan to be approved by the City Engineer to ensure functionality of the storm water management system (see Conditions 5 and 6 in **Schedule 2**)

10. Impact of the development on ground water

Staff Comment: The applicant has submitted a hydrogeological assessment of the site. The applicant has also provided the cross sections in **Schedule 9** that show the ground water table in relation to the proposed development. As proposed, fill would be added under the proposed building and the development, including the parking garage would remain above the water table in this area.

The condition requiring the Environmental Impact Report (EIR) includes further detailed recommendations that the EIR include information regarding any impact of the change of flow of surface and groundwater to the wetland and implications of the proposed structure on water quality, as well as a requirement for water quality monitoring (see Condition 16 in **Schedule 2** for details).

11. Impact and appropriateness of the proposed dewatering

Staff Comment: The hydrogeological assessment of the site submitted by the applicant has indicated that dewatering would be needed during construction of the proposed building, depending on water table conditions at the time. The volume of water to be pumped will likely not require a Permit to Take Water from the Ministry of Environment (less than 50,000 litres per day). Staff recommend that the EIR include information on the impact, appropriateness and alternatives to the proposed dewatering to ensure the best alternative is implemented (See condition 16c in **Schedule 2**)

12. Impact on the wildlife corridor

Staff Comment: In the initial site concept (see **Schedule 5**) the proposed wildlife corridor was approximately 10 metres wide at its widest point and 6 metres wide at its narrowest. It did not align completely with the wildlife corridor on the easterly side of Gordon Street. The applicant revised their plans (see **Schedule 6**) and moved the building to the south so that the current corridor is 20 metres wide and it aligns much better with the corridor to the east of Gordon Street. The current proposed wildlife corridor is an acceptable width and aligns well with the existing corridor to the east of Gordon Street.

13. Expected tree loss and replacement program

Staff Comment: The developable portion of this site is heavily treed. These trees are predominantly a plantation of Scot's Pine with few local native species. Trees within and adjacent to the proposed building envelope will have to be removed. Because of this, City staff and the Environmental Advisory Committee has requested that the Environmental Implementation Report (EIR) contain a detailed tree inventory and compensation plan. In addition, this condition includes a requirement for a review of any hazard trees and their management as well as the use of local genetic stock for compensation plantings to be specified. This has been included as part of condition 16 in **Schedule 2**. As recommended by staff, the EIR must be completed prior to the lifting of the holding zone on the property to ensure any recommendations can be included in the development agreement on the property.

14. Assessment of impact on any rare plants

Staff Comment: The Environmental Impact Study states that no nationally, provincially or locally rare plant species were found on the subject property.

15. Will this development create a precedent?

Staff Comment: This application has gone through the proper process to accurately define the wetland and the developable area meets the majority of standard zoning regulations. This application also allows the wetland and wetland buffer area to be put in public ownership and management. This area is part of an identified intensification corridor in the City's Growth Management Strategy, so residential areas to the south and east along Gordon Street are also expected to change and be developed at a higher density in the future. However, wetland areas to the west of the site will continue to be preserved.

16. How will the elevations appear from the street

Staff Comment: **Schedule 8** contains renderings submitted by the applicant of how the building could look from the street. Actual architectural design of the

building has not been determined. The building shown in the renderings is meant to illustrate the proposed location, massing and scale of the building compared to existing buildings on adjacent sites. Staff are satisfied with the proposed site layout. The building is close to the street and access to the signalized intersection is logical. Parking is provided underground except for the visitor parking area, which is proposed to be at a lower elevation than the street so it can be more easily screened by landscaping.

17. How trails will be provided.

Staff Comment: The applicant has agreed with a staff request that a 3.6 metre wide strip along the southerly property line will be rezoned P.1 and conveyed to the City for a future trail connection. The City has identified this area for a future trail connection in the Trails Master Plan with the intent to provide a trail through the Hanlon Creek Conservation Area. No timing has been determined for the development of this trail connection.

18. Explanation of details of the proposed land exchange

Staff Comment: The applicant and the Grand River Conservation Authority have an agreement for a land swap that would give the applicant property (0.4 hectares) at the intersection of Gordon Street and Arkell Road. This land is needed by the applicant to align with the intersection for vehicular access to the site. In exchange, the applicant is conveying to the Grand River Conservation Authority a 3.0 hectare parcel comprised of a portion of the wetland area. Staff are supportive of the land exchange because it is beneficial to move the wetlands into public ownership and provides the developable land with safe and logical access to Gordon Street at a signalized intersection.

19. Evaluation of the proposal against the General Residential, Core and Non-Core Greenlands policies of the Official Plan.

Staff Comment: This site is designated in the Official Plan as General Residential and Core Greenlands with a Non-Core Greenlands overlay (see **Schedule 3** for map and related policies). The proposed residential development is located in the portion of the site designated General Residential and a portion of the Hanlon Creek Wetland on this site is in Core Greenlands designation.

The 'General Residential' designation permits all housing forms, with the provision (Official Plan Section 7.2.32) that the net density of development shall not exceed 100 units per hectare. The proposed density of this site would be 79 units per hectare and meets this requirement.

Section 7.2.7 of the Official Plan provides additional criteria for multiple unit residential buildings, including apartments, to be permitted within areas permitting residential uses. The following criteria must be met:

a) That the building form, massing, appearance and siting are compatible in design, character and orientation with buildings in the immediate vicinity;

Staff Comment:

The proposed building is six stories in height and oriented to Gordon Street. Planning staff worked with the applicant to revise the building location and since the initial application, the building has been moved closer to the street which is in keeping with City of Guelph Urban Design Guidelines. The revised siting of the building also keeps the building envelope further from the wetland buffer. The applicant has developed renderings (see **Schedule 8**) of the site to show how the building massing fits into this area of Gordon Street. Final building elevations will be required and reviewed by staff against the City's Urban Design Guidelines during the site plan review process.

Currently along this area of Gordon Street, there are a variety of single-detached dwellings on large lots. Because Gordon Street is an arterial road, this area has been identified in the City's Growth Management Plan as an intensification corridor. The draft new Official Plan Update land use schedule identifies the developable area at 1291 Gordon Street as medium density residential. The lands across Gordon Street to the east are proposed to be re-designated as High Density Residential in the new Official Plan. The proposed massing of the building is greater than current residential buildings in this area, but would be compatible with the proposed high density residential lands proposed across Gordon Street.

Specialized zoning regulations have been recommended for this site to limit the height of the building to six storeys as proposed and to require the building to be a maximum of six metres from the street line to better ensure that the building form and siting are compatible with development along Gordon Street.

b) That the proposal can be adequately served by local convenience and neighbourhood shopping facilities, schools, parks and recreation facilities and public transit;

Staff Comment:

The site is on an arterial road with transit service available. To the south along Gordon Street there are small commercial centres between Arkell Road and Clair Road, as well as larger commercial areas with a range of services at Gordon Street and Clair Road and at Gordon Street and Kortright Road to the north.

The site backs on to the Hanlon Creek Conservation Area which contains trails and a future City-developed trail connection from Gordon Street to this area along the south side of this site is proposed. An Adult and Continuing Education Centre is located in the old Brock Road School located at 1428 Gordon Street south of Arkell Road.

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- c) That the vehicular traffic generated from the proposal can be accommodated with minimal impact on local residential streets and intersections and, in addition, vehicular circulation, access and parking facilities can be adequately provided; and**

Staff Comment: This proposal has been reviewed by Engineering staff and it has been determined that vehicular traffic resulting from the proposed development can be accommodated on Gordon Street, which is an arterial road that was reconstructed in this area in 2003. In order to meet Engineering requirements for safe access to the street, the proposed access to the site is aligned with the intersection of Gordon Street and Arkell Road. On site, above ground parking is provided for visitors and underground parking is provided for residents. Zoning requirements for the provision of parking have been met.

- d) That adequate municipal *infrastructure*, services and amenity areas for the residents can be provided.**

Staff Comment: Adequate municipal infrastructure can be provided for the site as municipal water and sanitary services are available along Gordon Street. A stormwater management pond is proposed to be built on site to service the property. In addition, an existing stormwater management facility that serves City-owned land is proposed to be relocated to the south-westerly corner of the proposed development and conveyed to the City.

Common amenity area is proposed on the site to the rear and side of the building. In addition, a future trail connection to the Hanlon Creek Conservation Area to the west of the site is proposed.

Core Greenlands Policies: The 'Core Greenlands' land use designation recognizes areas of the Greenlands System which have greater sensitivity or significance. The westerly portion of the site at 1291 Gordon Street contains a portion of the Hanlon Creek Wetland which is designated as a Provincially Significant Wetland. Core Greenlands are to be protected for the ecological value and function and no development can take place in these lands. The development proposed on the site takes place entirely within the "General Residential" Official Plan designation and no development is taking place in the Core Greenlands. In addition, the 30 metre buffer (to be rezoned P.1 – Conservation Lands) is placed to protect the wetland and is considered appropriate by staff, the Environmental Advisory Committee and the GRCA.

Non-Core Greenlands Overlay Policies: These policies state that residential use is permitted in the General Residential designed lands provided that an Environmental Impact Study (EIS) is prepared that can demonstrate no negative impacts on the natural features or their ecological functions. The submitted EIS and associated addendum stated that the 30 metre buffer to the

wetland was appropriate to buffer the proposed development from the wetland. The findings of the EIS were supported by the City's Environmental Advisory Committee, provided that condition 16 in **Schedule 2** is fulfilled. This condition details additional information that needs to be provided in an Environmental Implementation Report.

20. Evaluation of the proposal against the Provincial Policy Statement and the Places to Grow Growth Plan.

Staff Comment: Planning development applications are required to be consistent with the Provincial Policy Statement (PPS). The PPS policies promote efficient development and intensification, a range and mix of uses and specific policies are in place to ensure that environmental features are protected.

In accordance with the Provincial Places to Grow Growth Plan the subject site is within the Built Boundary of the City. As such, the proposed density of 121 persons per hectare contributes to the Provincial requirement that 40 percent of new residential development must occur within the Built Boundary by 2015.

21. Review of the proposed zoning and need for specialized regulations.

Staff Comment: The following specialized regulations are required:

- Specialized regulations are needed for the rear yard setback because the rear property line will follow the developable area of the site. The lands on the current property that will be rezoned as wetland (WL zone) and for use as wetland buffer area (P.1 zone) will be deeded to the Grand River Conservation Area.
- The reduced side yard setback regulation for the southerly property line is needed because the property line will be close to the building adjacent to the area where the City storm water management pond is proposed to be relocated.
- Parking Space Size Variance: Generally for residential properties, interior parking spaces are required to be 3x6 metres in size. The applicant is proposing 2.5 x 5.5 spaces. Engineering staff have reviewed this size and determined that it is an acceptable size.
- Floor Space Index. In the R.4A zone, the maximum floor space index is 1.0. The revised plans for this site have reduced the developable area because areas for the future City trail and City Stormwater Management pond are to be conveyed to the City. The applicant is requesting a specialized regulation permitting the Floor Space Index to be 1.7 in lieu of the 1.0 requirement. Staff have no objection to this request. It is acceptable to have a higher floor space index because the reduced lot area is a result of lands to be conveyed to the City and GRCA for open space and natural heritage feature. The Floor Space Index maximum of 1.7 will ensure that the overall size of the building is limited to what has been proposed by the applicant.

Staff also recommend that the following specialized regulations be included:

- **Maximum Building Height.** That the maximum building height should be 6 storeys as proposed by the applicant instead of the eight storeys permitted in the standard R.4A zone. This regulation is to provide assurance that the building will be built as proposed.
- **Maximum and Minimum Front Yard Setback.** The maximum front yard setback should be 6 metres and the Minimum Front Yard Setback should be 3 metres, instead of the standard zoning regulation requiring the minimum setback to be 6 metres. This is in keeping with the City's Urban Design Guidelines and would ensure that the building is kept close to the street.

22. Review of proposed site layout in relation to the Community Energy Initiative.

Staff Comment: The applicant has provided a letter (see **Schedule 9**) providing detailed measures that they commit to take during the development of the building and site. Once the building design has been finalized, opportunities for further measures can be identified.

Schedule 8

Site Context: Conceptual Renderings



Schedule 8 continued



Schedule 8 continued

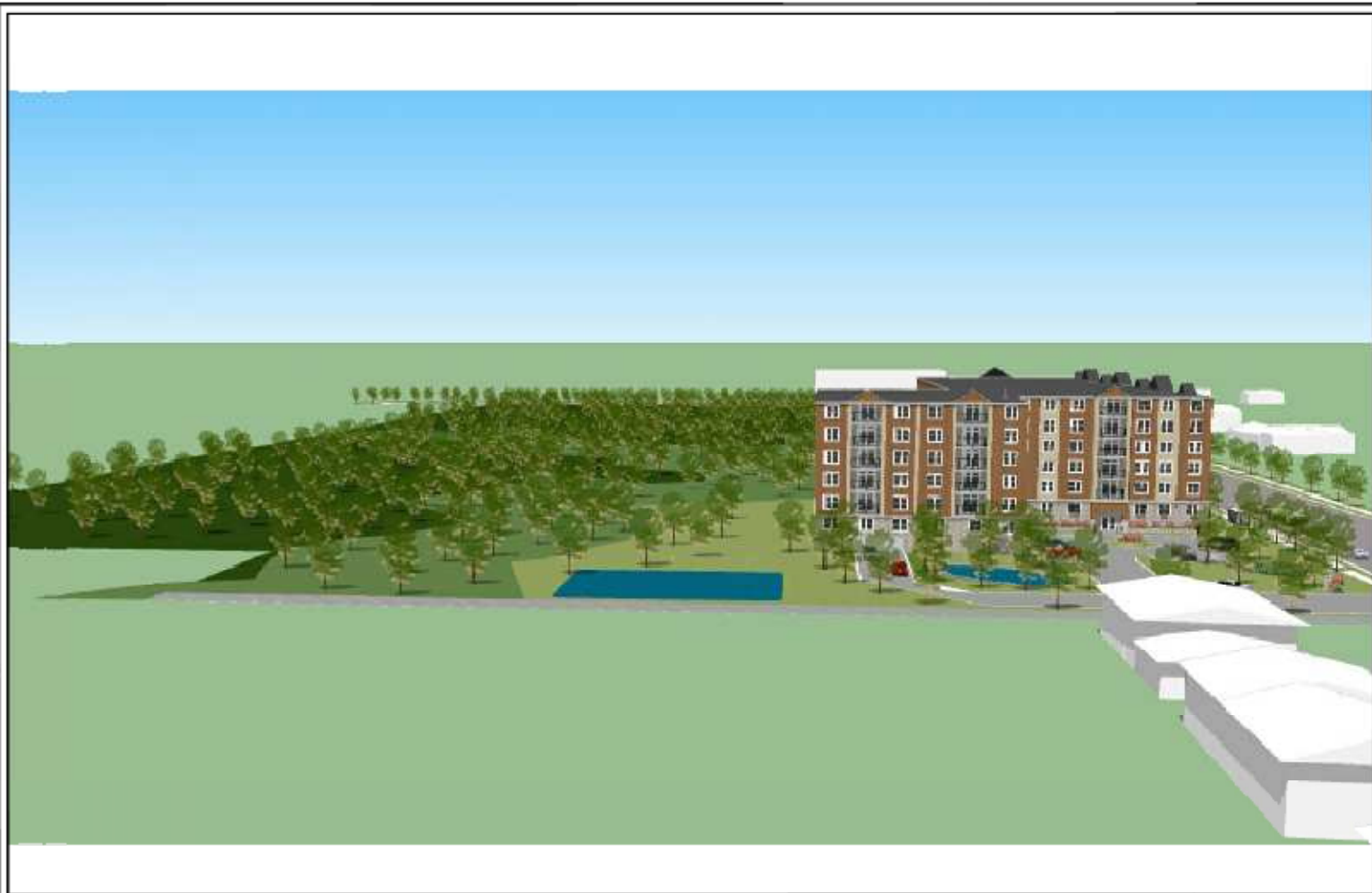


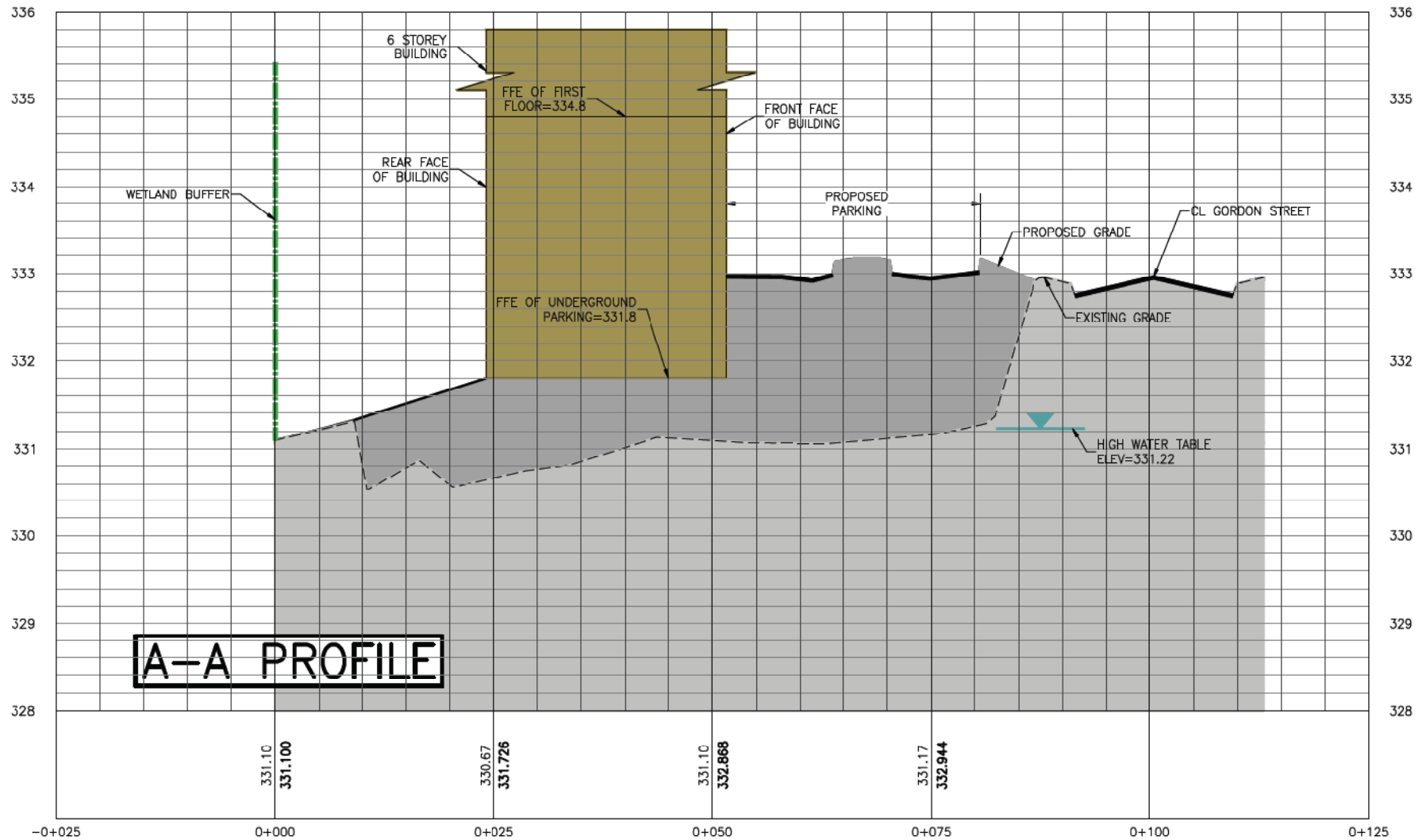
Figure 3: CONCEPTUAL RENDERING

April 30, 2010

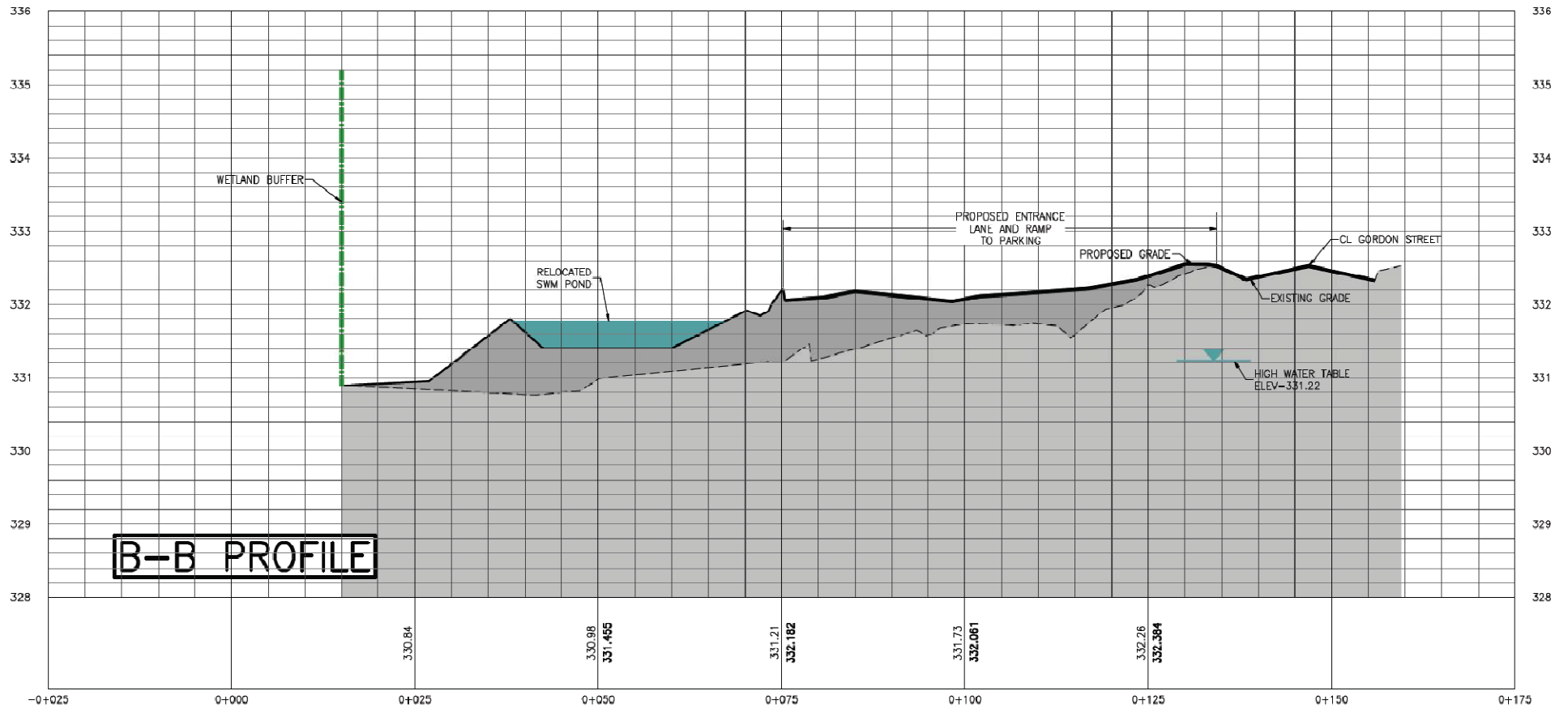
Schedule 9: Location of Site Cross Sections



Schedule 9 continued: Site Cross Section A-A



Schedule 9 continued: Site Cross Section B-B



Schedule 10

Community Energy Initiative Commitment



PLANNERS
URBAN DESIGNERS
LANDSCAPE ARCHITECTS

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June 8th, 2010

File No: 6058.30

City of Guelph
Development & Parks Planning
1 Carden Street
Guelph, ON N1H 3A1

ATTN: **Ms. Katie Nasswetter**

Re: **Gordon Creek Zoning By-law Amendment Application**
Proposed Multi-unit Residential Building
File No.: ZC0905

Further to the details contained in our Planning Report, dated July 21, 2009 and our recent discussions on the City of Guelph Community Energy Plan, we have reviewed potential design opportunities to incorporate energy conservation measures for the above-noted project with the applicant, Gordon Creek Developments.

We note that the applicant is intending to partner with a builder for the construction of the proposed development, and as such the design of the building is not finalized. While the design is not finalized, we have identified several conservation measures that can be committed to at this time:

Item	Measure
Building Systems	<ul style="list-style-type: none">• High efficiency boilers to save gas
Alternative Transportation	<ul style="list-style-type: none">• There are three City bus routes that provide transit service to the Site, Route #9, #51 and #54• Proximity to GO bus station• Indoor and outdoor bicycle racks• Access to future trail connection to Hanlon Creek Conservation Area
Site Lighting	<ul style="list-style-type: none">• Lighting will be designed such that spill-off lighting will be controlled and light pollution minimized
Water Conservation	<ul style="list-style-type: none">• Use of greywater for irrigation• Use of low-flow toilets and faucets in units
Landscaping and Site Grading	<ul style="list-style-type: none">• Use of drought tolerant and native plantings to minimize water use• Erosion and sedimentation control plan for Site Plan
Energy Use	<ul style="list-style-type: none">• If appliances are included in unit sales, Energy Star appliances will be used
Stormwater Management	<ul style="list-style-type: none">• Rooftop collection and infiltration of stormwater
Windows	<ul style="list-style-type: none">• All suites will have windows that can open to allow for natural ventilation• Low E windows to be used to reduce heat gain/loss

The applicant is also willing to discuss additional energy conservation measures at the time of site plan approval.

Please do not hesitate to contact us with any questions or comments.

Yours truly,

GSP Group Inc.

A handwritten signature in blue ink, appearing to read "Hugh Handy", followed by a period.

Hugh Handy, MCIP, RPP
Associate

cc: Paul Aneja, Gordon Creek Development Inc.
Mickey Grover, Gordon Creek Development Inc.
John Valeriote, Smith Valeriote, LLP
Joe Harris, Stantec
Gwendolyn Weeks, Stantec

Schedule 11

Staff and Agency 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
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	✓		

MEMO



FILE: 16.132.000

TO: Katie Nasswetter, Senior Development Planner
FROM: Timea Filer, Development Technician
DEPARTMENT: Engineering Services
DATE: March 23, 2010
SUBJECT: 1291 Gordon Street – Zoning By-law Amendment

The application is for a Zoning By-law Amendment to rezone a portion of the site to a specialized R.4A zone to permit a six storey residential apartment and the remaining portion to be rezoned to recognize redefined wetland and conservation land boundaries.

1. Road Infrastructure

The subject property is situated on the west side of Gordon Street at Arkell Road. Gordon Street is a four (4) lane arterial road with grassed boulevards and sidewalk and curb and gutter on both sides of the street. The current width of the right-of-way along Gordon Street is 30.430 metres (99.8 feet) along with a road frontage on Gordon Street of approximately 390 metres (1279.59 feet).

The proposed access for the site is to be aligned with the intersection of Gordon Street and Arkell Road which is currently signalized. Intersection modifications including signals and driveway geometry will be undertaken as directed by City staff. A traffic impact study is not required based on the proposed development size.

2. Municipal Services

The following services are available on Gordon Street fronting the subject lands: 400mm watermain, a 200mm sanitary at a depth of approximately 4 metres (13.12 feet), and a 600mm and 750mm diameter storm sewer at a depth of approximately which was designed for road drainage only. A 400mm watermain also exists on Arkell Road which extends south through the intersection to the east property limits of 1291 Gordon Street.

Gordon Street was reconstructed in 2003 from Landsdowne Drive to Clair Road. The owner shall be required to pay the proportionate share of the cost of the existing municipal services on Gordon Street. Any existing service laterals that will not be used by the development are to be removed at the owner's expense.

3. Storm Water Management

The stormwater from the property currently sheet drains to the west towards the Provincially Significant Wetland (PSW). An on-site storm water management system will be required for the apartment with on-site storage and discharge to the PSW as outlined in the Site Functional Servicing Report. The storm water is to be treated at an

Engineering Services
Community Design and Development Services

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F 519-822-6194
engineering@guelph.ca

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enhanced protection level or higher as described in the MOE's Storm Water Management Planning and Design Manual.

There is an existing Stormwater Management facility which is operated and maintained by the City of Guelph located on the Grand River Conservation Authority (GRCA) property located directly west of the Gordon Street and Arkell Road intersection. The facility acts as a forebay to attenuate stormwater flows from Gordon Street and adjacent developed lands and discharges to the Hanlon Creek Swamp Complex (PSW). This facility would require relocation by the developer/owner to an acceptable location while maintaining the intended design, capacity and function to the satisfaction of the City and the GRCA.

4. Recommended conditions of Approval

Should the zone change be approved, the application for this development will follow the site plan process for review and approval. We recommend the following conditions for approval of this proposed Zone Change Amendment:

1. Prior to any development of the lands and prior to any construction or grading on the lands, the developer shall submit a detailed Storm water Management Report and plans to the satisfaction of the City Engineer which demonstrates how storm water will be controlled and conveyed.
2. That the developer grades, develops and maintains the site including the storm water management facilities designed by a Professional Engineer, in accordance with a Site Plan that has been submitted to and approved by the City Engineer. Furthermore, the owner shall have the Professional Engineer who designed the storm water management system certify to the City that he/she supervised the construction of the storm water management system, and that the storm water management system was approved by the City and that it is functioning properly.
3. Prior to any development of the lands and prior to any construction or grading on the lands, the developer shall construct, install and maintain erosion and sediment control facilities, satisfactory to the City Engineer, in accordance with a plan that has been submitted to and approved by the City Engineer. Furthermore, the developer shall provide a qualified environmental inspector, satisfactory to the City Engineer, 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 on a weekly or more frequent basis if required. The environmental inspector shall report on his or her findings to the City on a monthly or more frequent basis.
4. Prior to the issuance of any building permits, the developer/owner shall pay to the City, their share of cost of the existing watermain on Gordon Street and Arkell Road across the frontage of the property at a rate per metre of frontage determined by the City Engineer.

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5. Prior to the issuance of any building permits, the developer/owner shall pay to the City, their share of the actual cost of constructing municipal services on Gordon Street across the frontage of the land including roadworks, sanitary sewer, storm sewer, curb and gutter, catchbasins, sidewalks, streetlighting as determined by the City Engineer.
6. Prior to the issuance of any building permits, the developer/owner shall pay to the City the actual cost of existing service laterals as determined by the City Engineer.
7. The developer/owner shall pay to the City the actual cost of constructing and installing any new service laterals required and furthermore, prior to site plan approval, the developer shall pay to the City the estimated cost of the service laterals, as determined by the City Engineer.
8. The developer/owner shall pay to the City the actual cost of the construction of the new access and the required curb cut, prior to site plan approval and prior to any construction or grading on the lands, the developer shall pay to the City the estimated cost as determined by the City Engineer of constructing the new access/private road and the required curb cut.
9. That the developer/owner constructs the new buildings at such an elevation that the lowest level of the new buildings can be serviced with a gravity connection to the sanitary sewer.
10. That the developer/owner relocate/reconstruct the existing City operated and maintained Stormwater management facility located within the GRCA's property to current Ministry of the Environment standards at their own expense.
11. That prior to Site Plan approval, that the developer makes satisfactory arrangements with The City of Guelph for provisions for any easements and/or rights-of-way for the Stormwater Management facility.
12. That the owner pays to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges 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 thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit.
13. That the developer/owner makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the development of the lands.
14. That all electrical services to the lands are underground and the developer/owner shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing of the lands, as well as

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provisions for any easements and/or rights-of-way for their plants, prior to the development of the lands.

15. That all telephone and Cable TV service to the lands be underground and the developer/owner shall enter into a servicing agreement with Bell Canada providing for the installation of underground telephone service prior to development of the lands.
16. That prior to the passing of the zone change by-law, the developer/owner shall enter into an agreement with the City, registered on title, satisfactory to the City Solicitor, covering the conditions noted above and to develop the site in accordance with the approved plans and reports.
17. Prior to site plan approval the developer/owner must complete the land transfer between GRCA and the developer/owner.

INTERNAL MEMO



DATE September 9, 2009
TO Katie Nasswetter
FROM Rory Barr Templeton
DIVISION CDDS
DEPARTMENT Park Planning
SUBJECT **1291 Gordon Street (ZC0905)**

Park Planning has reviewed the application for the above noted Zoning Bylaw Amendment, dated August 12, 2009 and offers the following comments:

Zoning Bylaw Amendment:

Park Planning has no objection to the rezoning of the subject property to Specialized R.4A (residential apartment) zone, P.1 (Conservation Lands) and WL (Wetlands), with the following stipulation. We will require that lands along the most southerly edge of the development be conveyed to the City and zoned P.1 (Conservation Lands) to allow for a future trail connection from Gordon St. into the Hanlon Creek Wetland as per the Council approved Guelph Trails Master Plan. The exact width of this conveyance is unknown at this time due to a lack of grading and detailed design information, but it is fair to say that the minimum required width would be 3.6 metres (see attached sketch).

Parkland Dedication:

Cash-in-lieu of Parkland is recommended for this development.

The developer shall be responsible for paying a 5% cash-in-lieu of parkland dedication payment for the entire development, in accordance with the City of Guelph By-law (1989)-13410, as amended by By-law (1990)-13545, or any successor thereof, prior to the issuance of any permits.

Regards,

Rory Barr Templeton
Park Planner

File # T:\ParksPlanning_Park Planning\PLANNING\SOUTH DISTRICT\Zoning By-Law & Official Plan Amendments

Environmental Advisory Committee Resolution

Moved by S. Barnhart and seconded by K. McCormack

“Staff recommends that the Environmental Advisory Committee support the Environmental Impact Study prepared by Stantec Consulting for 1291 Gordon Street with the following conditions:

- That habitat for species of conservation concern be assessed prior to commencing works on the property and appropriate timing for vegetation removals or associated activities should take place outside of breeding seasons;
- That the wetland and its associated buffer, where present on site, be conveyed, with permission, to the GRCA;
- That the EIS identifies options for access to amenity space;
- That the use of local genetic stock for compensation plantings be specified on all appropriate plans;
- That the EIR will elaborate on the impact, appropriateness and alternatives to the dewatering activities proposed for the parking garage, including the functionality of the structure considering the high water table;
- That details for the implementation of infiltration galleries proposed underneath the underground parking garage are provided in the EIR;
- That details for the proposed new location of the SWM facility are provided to demonstrate it is an acceptable location while maintaining the intended design, capacity and function to the satisfaction of the City as well as the GRCA;
- That the EIR address alternatives to fencing options in and around the deer corridor and present the best option;
- That a detailed Tree Inventory/Compensation plan is required in conjunction with the EIR;
- Include a discussion of the extent of fill and a cross section for the grading activities proposed up to the edge of the buffer;
- That invasive species on site be identified and further investigation done to identify any potential mitigation measures, as previously requested by EAC;
- That the EIR identifies all ‘Induced Impacts’ associated with trail implementation and the proposed tree inventory make recommendations to hazard tree removal and management, if any;
- That the EIR assess and address the impact of the changed flow of surface and groundwater to the wetland;
- Monitoring of water quality needs to be included in the site plan agreement.”

**Motion Carried
Unanimous-**



400 Clyde Road, P.O. Box 729 Cambridge, ON N1R 5W6

Phone: 519.621.2761 Toll free: 866.900.4722 Fax: 519.621.4844 Online: www.grandriver.ca

**PLAN REVIEW REPORT: City of Guelph
Katie Nassweter, Community Design & Development Services**

DATE: September 2, 2009
GRCA FILE: Wellington/Guelph/ZC

YOUR FILE: ZC0905

RE: Application for Zoning By-law Amendment ZC0905
1291 Gordon Street, Guelph

GRCA COMMENT: *

The Grand Conservation Authority has no objection to the Zoning By-law Amendment to permit a six storey apartment building on this site. Please be advised that future development on these lands will require prior written approval from the GRCA.

As the GRCA has an interest in these lands, we suggest that the City consider peer review of the submitted reports.

BACKGROUND:

1. Resource Issues:

Information currently available at this office indicates that the subject property contains a portion of the Provincially Significant Hanlon Creek Swamp, floodplain, and allowances to these features. Consequently, the entire property is subject to Ontario Regulation 150/06 (Grand River Conservation Authority: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses).

2. Legislative/Policy Requirements and Implications:

Any future development on this property will require prior written approval (a permit) from the Grand River Conservation Authority pursuant to Grand River Conservation Authority's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses, Ontario Regulation 150/06.

The Conservation Authority permit process involves the submission of a Permit Application, supporting plans/reports and the required application fee to this office, the review of the proposal by Authority staff and the subsequent presentation of the Permit Application to the General Membership of the Grand River Conservation Authority for their approval or refusal.

Provincially Significant Wetland is present on the lands to be developed. An Environmental Impact Study is required to demonstrate if development is possible without impacting the wetland on the subject lands. GRCA staff have reviewed the following reports:

N:\Watershed Resources Planning\Resource Planning\WELLINGTON\GUELPH\CR2009\ZC\ZC0905 - 1291 Gordon Street.docx

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- Preliminary Stormwater Management Brief prepared by Stantec, dated December 2008
 - Functional Servicing Report prepared by Stantec for the Gordon Street Apartment Site dated December 2008
 - Hydrogeological Assessment prepared by Stantec for the Gordon Street Apartment Site dated December 2008
 - Environmental Impact Statement prepared by Stantec for the Gordon Street Apartment Site dated March 2009

We are satisfied that the submitted reports are sufficient to demonstrate that the site can be developed with no negative impact on the wetland.

Based on the natural heritage information presented in the EIS report, buffer recommendations seem appropriate for this site but the linkage proposal lacks merit.

The hydrogeology assessment by Stantec (2009) confirms that the wetlands in this area are sustained by groundwater. Groundwater discharge conditions typically occur when groundwater tables are seasonally high. Groundwater recharge occurs when groundwater levels recede. The study also indicates that there will be a groundwater recharge surplus of 890 m³ under post-development conditions. Provided mitigation measures are implemented as recommended in this study, there will be no hydrologic impact on the wetland as a result of this development.

3. Additional Information/Suggestions provided in an advisory capacity:

While we do not object to the Zoning By-law Amendment, we offer the following technical comments that would need to be addressed through the GRCA permit process:

1. Please provide the final SWM plans and the final site and grading plans when they become available.
2. Please provide Erosion and Sediment Control Plans showing how the measures listed in Drawing C-401 and the dewatering program referred to in the Functional Servicing Report will be implemented.
3. The 3:1 side slopes proposed in the revised SWM facility are steeper than considered safe in MOE guidelines.
4. Please provide the buffer and linkage enhancement details when they become available.
5. A detailed monitoring plan for wetland, wetland buffer, and linkage areas should be prepared and submitted to the GRCA for review and comment.

We will review technical details through the GRCA permit process.

We acknowledge receipt of the required plan review fee in the amount of \$1750.00 for a Major Zoning By-law Amendment.

If you have any further questions, please contact me at this office.



Liz Yerax
Resource Planner
Grand River Conservation Authority
LY/eh

**These comments are respectfully submitted to the Committee and reflect the resource concerns within the scope and mandate of the Grand River Conservation Authority.*

cc Lois Giles – City of Guelph



May 19, 2010

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

Attention: Katie Nasswetter

**Re: Zoning By-law Amendment Application – Revised Concept
Gordon Creek Development Inc.
1291 Gordon Street, Guelph**

400 Clyde Road, P.O. Box 729 Cambridge, ON N1R 5W6

Phone: 519.621.2761 Toll free: 866.900.4722 Fax: 519.621.4844 Online: www.grandriver.ca

Community Design
and Development Services

MAY 27 2010

We have reviewed the updated Functional Servicing Report, Stormwater Management Report, Hydrogeological Report and the EIS addendum prepared by Stantec. In addition, we have reviewed the revised concept plan provided. Please note that the entire property is subject to Ontario Regulation 150/06. A Development, Interference with Wetlands and Alterations to Shorelines and Watercourses permit will be required to support this development. The following information should be included in the submission at final design.

Final Design - EIR

1. Please provide design details and show the location of the infiltration measures, discussed in the Functional Servicing Study and the Stormwater Management Brief. Include a profile showing the water table and fill required to provide water table clearance.
2. The fill will need to be actually conducive to infiltration, not likely conducive as stated in Section 5.1 of the hydrogeological assessment.
3. Table 1 in the SWM brief implies that rooftop runoff and driveway runoff are routed through the proposed storage basin whereas the appended modelling schematics indicate that rooftop runoff discharges to the wetland independently. Please clarify and show in the final servicing plan, and/or grading plan, where major flows from the roof will be conveyed to as well as any possible infiltration gallery overflow service connection to the storm sewer.

Note that we may consider it reasonable to direct any infiltration gallery over flow to a level spreader in or beside the wetland buffer.

4. The hydrologic model indicates that control of rooftop storage results in modest depths for all events up to and including the 100-year design storm. Please provide specifications for the roof drainage controls and include the same in appropriate construction plans.
5. There are discrepancies between surface storage ponding depths shown in Table 1 in the SWM brief (0.30m) and those in appended Stage Storage-Discharge calculation sheet (approximately



ISO 14001 Registered



0.4m) as well as those in the hydrologic model (0.017m). The most significant difference appears to be due to considerable discrepancies between the Stage Storage-Discharge calculation sheet and the hydrologic model's pond routing table with the latter having an illogical 0.045m maximum available storage depth.

6. As approximately 1 hectare of land associated with construction building will be disturbed, including raising the building envelope above existing grades, we suggest that perimeter controls alone will not be adequate during intense rainfall events. Please show flow paths, in an Erosion and Sediment Control or Grading Plan with appropriate controls designed to prevent transport of sediment to the adjacent wetland.
7. Please provide plans for use of the common amenity area. If this area is used for landscaping or recreational uses that do not result in a high level of imperviousness or concentrated runoff, it is unlikely that stormwater management controls will be required.
8. The EIR should address how the recommendations provided in the EIS will be implemented.
9. The property boundary between the lands owned by the Grand River Conservation Authority and the applicant should be established through fencing at a cost to the developer and to the satisfaction of the GRCA (Property Management) and the City.

Advisory:

10. In the Concept Servicing Plan the oil and grit separator has a 3000mm inlet pipe. Presumably that is a typographic error.
11. Could you confirm that the proposed surface storage pond is a dry depression and that the multiple ditch inlets are intended to catch some trash and sediment prior to treatment by the oil and grit separator?

Yours truly,



Liz Yerex
Resource Planner
Grand River Conservation Authority

cc: Hugh Handy, GSP Inc, 72 Victoria Street S., Suite 201, Kitchener, ON, N2G 4Y9



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

August 18, 2009

PLN: 09-32
File Code: R14
Sent by: mail & e-mail

Lois Giles, City Clerk
74 Woolwich St. 2nd Floor
Guelph, Ontario
N1H 3T9

Dear Ms. Giles;

Re: **Proposed Zoning By-Law Amendment, ZC0905,
1291 Gordon Street, City of Guelph**

Planning staff at the Upper Grand District School Board has received and reviewed the above application to permit the development of a six story apartment building with approximately 128 residential units, dated August 12, 2009.

The Planning Department at the Upper Grand District School Board **does not object** to the application, subject to the following condition;

- Education Development Charges shall be collected prior to the issuance of a building permit;

Should you require additional information, please feel free to contact me at (519)822-4420 ext. 821.

Sincerely,

Jackie Hope
Administrative Assistant



September 17, 2009

Mrs. Katie Nasswetter
Senior Development Planner
Community Design and Development Services
City of Guelph
1 Carden Street
GUELPH, Ontario
N1H 3A1

Community Design
and Development Services

OCT 13 2009

Dear Mrs. Nasswetter:

Re: 1291 Gordon Street – Proposed Zoning By-law Amendment (File # ZC0905)

The Guelph and Wellington Development Association is in receipt of the Public Meeting Notice of August 12, 2009 for the above-noted property.

The Association supports the residential intensification of this underutilized property. The proposed development of a 6 storey, 128 unit apartment building along a transit supportive arterial road represents an appropriate form of development for this property. This site provides the municipality with the opportunity to accommodate higher density along an important corridor and within the “Built Boundary” of the City.

Although this site is located adjacent to a significant Natural Heritage Feature, we believe the development can be carefully managed to minimize impacts in this area.

We encourage the City to expedite the processing of this application.

Yours truly

A handwritten signature in black ink, appearing to read "Tom Krizsan", is written over a horizontal line.

Tom Krizsan
President

GUELPH AND WELLINGTON DEVELOPMENT ASSOCIATION • BOX 964 • GUELPH, ONTARIO N1H 6N1
TEL: 510-822-8511 FAX: 510-837-3022

Schedule 12
Public Comments
(From September 2009 Circulation)

From: . GUELPH BROCK [mailto:gbrgl@rogers.com]
Posted At: August 13, 2009 4:39 PM
Posted To: Planning Division Emails
Conversation: File ZC0905
Subject: File ZC0905

I am wondering what sandhill the planning department has their heads buried in regarding the re-designation on 1291 Gordon St. My understanding was that the Hanlon Creek Watershed study had laid the development of this area to rest many years ago. I humbly submit 2 items. a) if you think that you are dealing with a "Jefferson salamander" fiasco in the new Hanlon Business Park, wait until the water and wildlife folk get hold of this issue as it is a natural deer pathway between 2 significant wetlands and the possible nesting ground for the "Henslow's Sparrow" b) traffic - what arterial road are you going to dump traffic onto and how are you going to deal with it?
Helmuth, President, Guelph Brock Road Garage LTD.

From: Shelley Timoffee [mailto:seekingpeas@sympatico.ca]
Posted At: August 14, 2009 10:29 AM
Posted To: Planning Division Emails
Conversation: Rezoning of 1291 Gordon Street
Subject: Rezoning of 1291 Gordon Street

SUBJECT LANDS

Error! Reference source not found.: The subject site consists of 8.4 hectares of land located on the west side of Gordon Street between Edinburgh Road South and Arkell Road (see **Schedule 1**). The site is bounded by Edinburgh Road South to the north, and existing residential homes to the south along Gordon Street. Residential homes and the Salvation Army Church are found to the east across Gordon Street and conservation and wetlands to the west of the site.

Hello there

I live in Ward 6. Over the past ten years (25 in Guelph) I have been holding my breath every time a 'notice of rezoning' sign goes up on the corner of Gordon and Edinburgh RdSouth. That precious piece of land is home to deer, groundhogs, tree frogs and geese and duck hatching grounds, to name a few.

I am horrified that the city would consider building so close to a wetlands area. I realize there is a 30 metre buffer zone permitted between buildings and wetland areas. I also am aware of the Government mandate for Guelph to develop it's population base by 2031.

Considering the South end's natural focus is water filtration and supply to the city, how can building be allowed to go up on this kind of valuable environmental property? Is a pipeline to the lake imminent? With one public high school in the South end, where will the children go to school?

Why can't Guelph maintain this beautiful 'dark' greenspace without lights and cement staining the entrance to the city? Driving by and seeing deer among the trees or a family of ground hogs grazing beside the road is a beautiful thing and sets Guelph apart from so many other urban areas.

Please dedicate this property as a natural heritage site and deny future building sites. The trees that would be decimated number in the thousands. The light pollution would make Gordon Street just another main street with no outstanding natural area.

By all means build to the east, west and north of Guelph but keep the South end and it's trees free of development. At least in this area. Especially since the area between Clair Road and Maltby Road is not longer considered anything but an 'empty space waiting for houses'.

Gordon Street South has already been decimated enough. Please stop the carnage.

Sincerely,

Shelley Timoffee

From: PAMELA YOUNG <2pyoung@rogers.com>
Subject: 1291 Gordon Street - paving over wetlands?!
To: karl.wettstein@guelph.ca
Received: Friday, August 28, 2009, 9:19 PM

Dear Mr. Wettstein,

I am a homeowner in the Pine Ridge subdivision of Guelph. It has just come to my attention that on September 8 there is scheduled to be a discussion at the city council meeting of an amendment to the zoning by-law to permit wetlands at 1291 Gordon Street to be paved over, so that an apartment building can be built. (!?)

I am, as they say, shocked and appalled. It was my understanding that wetlands are protected, and MAY NOT be paved over. Amending the by-law is not going to change wetlands into non-wetlands; this is a travesty and must not be allowed. I trust that you, as my representative (who I voted for, by the way) on this council, will NOT support this zoning amendment, and will on the contrary vociferously protest against it.

I would greatly appreciate a response, telling me your plans with regard to this proposed amendment. Thank you very much.

Sincerely,
Pamela Young

From: Marlene Alder <malder2001@rogers.com>
To: Karl Wettstein
Sent: Sun Aug 30 10:58:00 2009
Subject: gordon and edinburgh rezoning

Dear Karl,

I am appalled that the city would consider developing the land at Gordon and Edinburgh. This is not a farmer's field, it has never been touched. The wetland goes almost to the edge of the streets and an a 128 unit apartment building plus parking lot will extend into the wetland, regardless of what the line on a map shows as the Urban Reserve area. There is a reason it is Urban Reserve. You cannot draw a line between the reeds and say on this side it is wetland and on the other side it is OK to dig or fill in. Please go to this site and take a look. This is an untouched area bordering on Preservation Park and should not be encroached upon. I may have to chain myself to a reed if the zone change goes through. I believe someone has to stand up for the beauty of Guelph and not be bullied into development because of the province's plan. This also forms part of the corridor where the coyotes come through from Arkell to Preservation Park. This zone change would lead the way to lining Gordon St. with buildings and cutting off the natural flow of wildlife. And for what? More students!

I am not against development, there is construction all around me. But this zone change would show me that no one at city hall is keeping the big picture of Guelph in mind. Please stand up for our wild areas.

Yours truly,

Marlene Alder

11 Carrington Place

Guelph, ON

N1G 5C2

Lois Giles,
City Clerk,
City Hall, 1 Carden Street,
Guelph, ON

September 2, 2009

Guelph Field Naturalists Comments on Proposed Gordon Street Apartments (1291 Gordon Street)

We have reviewed the supporting environmental studies of the proposed development at 1291 Gordon Street in Guelph and offer the following comments:

1) First, we wish to express our support of intensification and infill development in the City which this proposed development represents. Hopefully, this can be done while protecting our natural heritage. The following comments are offered with this in mind.

2) In Section 5.2, Proposed Conditions, of the Gordon St. Apartment Site Functional Servicing Report, it is noted that excavations below the ground water level for apartment construction will result in a de-watering program during construction. We have not seen any discussion or text referring to anticipated impacts on the nearby wetland hydrology due to the de-watering program in either this report or the Environmental Impact Statement (EIS) prepared by Stantec.

We are concerned that the de-watering program will have an impact on the nearby wetland. The water table may be lowered for an unknown period of time. An unknown volume of ground water will be pumped and likely directed to a small, localized area of the wetland which otherwise wouldn't naturally receive this volume of water. This point should be addressed in the EIS.

We also have concerns with respect to the underground parking level of the apartment building. The ground water level will apparently be below the level of the underground parking. However, what contingency plans would be in place if ground water levels were to rise at some point in the future, possibly due to climate change conditions? Would pumping and lowering the ground water level be required? What impacts would this have on the nearby wetland? It is well known that pumping at the Burke Well has altered the ecology of the Torrance kettle wetlands south of Arkell Road and is affecting the hydrology of the Torrance Creek wetlands.

3) In Section 5.1, Environmental Impact Studies, of the Gordon St. Development Planning Report by GSP Group, it is noted that grading will be necessary in the outer 15 metres of buffer zone to accommodate the proposed development.

In our opinion, the buffer is meant to protect the wetland both during construction and post-construction and should not be disturbed or altered if at all possible. The buffer width is already at a minimum and its integrity should therefore be maintained.

4) Appendix F of the EIS contains the report “General Vegetation Overview & Tree Management Plan” by Stantec. The authors are landscape architects and certified arborists. It is noted that their recommendations are based on analysis of conditions and species on the site.

The report notes that Veg. Units 2a & 2b are comprised primarily of alder and tamarack. However, a brief site visit confirmed that alder and tamarack do not occur in Units 2a & 2b. This is supported by the main EIS report which does not report any alder species being present on site.

This type of error casts doubt on other statements and recommendations in the report considering they are “based on analysis of conditions and species on the site”. If alder and tamarack were the dominant species within Units 2a & 2b, then these units and therefore the buffer would be considered part of the wetland. Statements in this report such as “wetland buffer will be encroached upon with minimal impact” should be viewed with caution.

5) The Gordon Street Apartments EIS by Stantec describes a wildlife corridor/linkage as part of the proposed development that uses a recommended width of 10 metres based on an EIS for the Salvation Army property on the east side of Gordon St. and the Torrance Creek Subwatershed Study. In fact, the proposed linkage would be only 6 metres at its narrowest point. Since the two above reports were written, the Natural Heritage Strategy (NHS) Phase II report for the City has been drafted. A scientific literature review in the NHS on linkages and wildlife corridors has determined that much wider linkages and wildlife corridors are needed to be effective.

It appears this wildlife corridor is meant strictly for deer moving between the Hanlon Creek wetlands and the Torrance Creek wetlands. The EIS states that the wildlife corridor would be of little use for small mammals and other species. It also states that increasing traffic on the four-lane Gordon Street will likely result in more deer and vehicle collisions. The EIS doesn't appear to address how the wildlife corridor will function during the period of construction.

It would seem that perhaps deer should not be encouraged to cross Gordon Street. If this is not acceptable, then increasing the width of the wildlife corridor in the area where the tennis court is proposed and lowering the speed limit on Gordon Street may be desirable and necessary.

We offer the following recommendations:

-
- 1) As witness to much encroachment on the City's public green spaces from adjacent landowners and the significant impacts resulting from it, we recommend hard fencing along the buffer edge. This would also help to prevent additional impacts from human traffic and pets.
 - 2) All wetlands and buffer lands located on the property of the proposed development should be conveyed to either the Grand River Conservation Authority or the City of Guelph.
 - 3) An addendum to the EIS should address the possible impacts of a proposed de-watering program and the long-term existence of the underground parking facility on the hydrology of the wetland, including a contingency plan to deal with possible future changes in the level of the ground water.
 - 4) It is important to maintain the buffer area in its present undisturbed condition in order to maximize its function in protecting the wetland both during construction and post-construction.

We appreciate the opportunity to comment on this proposed development.

Charles Cecile

On behalf of the Guelph Field Naturalists, Environment Committee

September 1, 2009

Lois Giles, City Clerk,
City of Guelph,
1 Carden St.,
Guelph, ON
N1H 3A1
Lois.giles@guelph.ca

Dear Mrs. Giles,

I am writing today to express my concern about the by-law amendment for the proposed development at 1291 Gordon St.

Let me start by saying that my husband and I would prefer that this last significant piece of south-end undeveloped land remain untouched, but we realize that this is an unrealistic expectation.

However, we wonder whether the development as shown in the planning documents needs to encroach so closely on the wetland shown at the southerly portion of the site plan.

Over the past fifteen years, despite assurances to the contrary, we have seen how developers in our neighbourhood have built right up to the line they are allowed before crossing into designated wetland property. Given past performance by these developers we worry that the same thing could happen again with this proponent's development.

Could the developer be persuaded to move the built portion of his proposal enough north to be well clear of the wetland? Could it be re-oriented to make the built portion and parking the north end of the development, and the recreational portion the south end? Could he be asked to commit to keeping the whole built portion entirely within the Urban Reserve designated envelope?

We would appreciate having our opinion included as part of the record on this proposal, and we are supplying our name and address in the hope that we will be kept informed as this proposal is processed.

A courtesy copy of this letter will be sent to our ward Councillors, Billings and Wettstein, and to the City's planning person in charge of the project, Katie Nasswetter.

Respectfully,

Geof and Linda Kearns,
14 Malvern Cres.,
Guelph, ON N1L 1G8
519-823-1441
ljkearns@rogers.com

CC:/ Councillor Christine Billings; Councillor Karl Wettstein; Katie Nasswetter, Senior Development Planner

-----Original Message-----

From: Faye_Pettitt@cooperators.ca [mailto:Faye_Pettitt@cooperators.ca]

Posted At: September 8, 2009 9:34 AM

Posted To: Planning Division Emails

Conversation: zoning bylaw amendment - meeting sept 8 2009

Subject: zoning bylaw amendment - meeting sept 8 2009

good morning katie. i am not sure if this is too late to forward my concerns.. i am writing about the 1291 gordon street (file # ZC0905) meeting tonight. i oppose this application. i DO NOT want this property rezoned. it should stay as vacant wetland. I own property on Vaughan Dr and unfortunately cannot attend the meeting tonight. please forward my comments for the meeting, if possible. thankyou

From: judyxmartin@gmail.com on behalf of judy martin
Sent: Tue 08/09/2009 12:03 PM
To: Mayors Office; Vicki Beard; Bob Bell; Christine Billings; Lise Burcher;
Kathleen Farrelly; Ian Findlay; June Hofland; Gloria Kovach; Maggie Laidlaw;
Leanne Piper; Mike Salisbury; Karl Wettstein; ClerksDept
Subject: 1291 Gordon planning application

<http://docs.google.com/File?id=dc463js9_24gx74cncj>

September 8, 2009

Re: 1291 Gordon

Dear Mayor Farbridge and City Councillors,

Sierra Club Canada respectfully makes the following comments regarding the development application for 1291 Gordon Street:

1. We believe this proposal is at odds with the recommendations approved by council in the 1993 Hanlon Creek Watershed Plan (HCWP). Those recommendations recognized and ranked the value of 21 areas of the watershed. The area proposed to be developed in this application was ranked 11th, and the entire area was recommended for protection.

Specifically, the HCWP determined that this is an "area of rare plants & aquatic vegetation sensitive to disturbance. Wide buffer required to protect vegetation from influx of salts and nutrients. Buffer should include upland open area next to road to provide upland habitat for wildlife." The recommended buffer width was 120 metres, as opposed to the proposal before you, which recommends 30 metres.

The Hanlon Creek State of the Watershed Study of 2004 was highly critical of site-specific Environmental Impact Studies for facilitating the reduction of protections recommended in the HCWP. The case before you provides another example of this erosion of protections.

The Hanlon Creek Watershed Plan was a \$1 million study, the intent of which was to "determine the measures necessary to protect and enhance the valued natural resources of the watershed and to define the level of development which could proceed within the constraints established for this protection." The project team included the City of Guelph, the University of Guelph, Ministry of the Environment, Ministry of Municipal Affairs, Puslinch Township, Grand River Conservation Authority, and Ministry of Natural Resources.

Based upon the expertise of the HCWP project team and the fact that the recommendations in the report were approved by council, we believe this development application should not go forward.

2, We believe this proposal is at odds with the Provincial Policy Statement which requires that "no negative impacts on the natural features or on their ecological functions" will occur as a result of development and site alteration on lands adjacent to the wetland. This is a very high standard to meet, and we

do not believe that it has been demonstrated that there will be "no" impacts on functions of the wetland, particularly since the proposal does not conform with recommendations in the HCWP.

Thank you for the opportunity to comment on this application.

Judy Martin, Regional Representative

1291 Gordon St. Re-Zoning Application

Good evening to one and all. Let me state that I am not opposed to all development. At the same time I firmly believe that any development should follow the principle of Intelligent Design. One aspect of this principle is that development be site specific. Some development proposals are just not appropriate to specific sites; I strongly believe this to be true for the proposal under discussion this evening.

The application under consideration details a very intensive type of development. This property lies within the Hanlon Creek Watershed and given the immediate adjacency to Provincially Significant Wetlands (PSW) such a development is strongly ill advised because of the enormous impacts that such development would entail. This site also serves as a linkage and corridor to the Torrance Creek Watershed to the east of Gordon St. a further reason that development on this site is so ill advised.

The proposed development represents a lot of people, potentially a lot of pets, and also, potentially a lot of children. All of this could represent significant encroachment issues and impacts to the adjacent wetlands that could well result in irreparable damage to same. Such encroachment issues, which include vandalism and informal trail creation, were noted and enumerated in the Hanlon Creek State-Of-The-Watershed Study (HCSOTWS), completed in 2004. The author's state:

"In summary, encroachment related impacts were widespread and readily discernable in areas where residential development occurred adjacent to the natural heritage system."

Given the intensive nature of the proposed development encroachment issues of this nature is virtually guaranteed.

This proposed development would also represent a very large number of vehicles entering and exiting the site on a daily basis. Our society is addicted to the automobile and therefore many people tend to minimize their impact on the environment. Let's face it however; automobiles are extremely dirty contraptions. They spew noxious fumes; they leak oil, gas, lubricants, coolants and brake fluids etc.etc. They also transport, during the winter months, significant quantities of road salt and general grime. All of this represents a great deal of potential water contamination. Again, given the immediate adjacency to the wetland, such potential impact on water quality should be avoided.

Environmental Impact Studies (EIS) are notorious for underestimating potential impacts of development and overestimating the outcomes of mitigation strategies. The EIS prepared for the present application by Stantec Consulting Ltd. and dated March 2009 is no exception. For example, in section 3.2 of this statement, which speaks about the Hanlon Creek Watershed in overall terms, they claim that 30% is composed of wooded areas, while 60% is under cultivation or is open field. As such, they are claiming that 90% of the watershed is Greenfield. In contrast, the HCSOTWS, states that only 41% of the watershed had remained undeveloped (i.e. remains Greenfield) by the year 2000.

In regard to the specific impacts associated with this proposed development this is what Stantec has to say in terms of water quality:

"For quality control an oil and grit separator will be located south of the visitor parking facility to ensure water running off this area will be treated to Enhanced water quality prior to release to the facility". By facility, they are referring to a stormwater management pond (SWM) to be constructed at the south end of the development. To continue, they further state that:

"Flow will then exit the facility by a grassland swale toward the wetland. Water flowing off the entrance driveway will flow overland to the facility, where the increased pool volume will be sufficient to ensure Enhanced quality of this water prior to release to the wetland".

Ignoring for the moment that they do not indicate how water accumulated in the resident's underground parking facility will be treated, although, presumably, such water will be pumped out using a sump pump, the measures stated above are clearly inadequate to prevent considerable water contamination to the adjacent wetland. Both oil-grit separators and SWM ponds have inherent problems and limitations. For example, in regard to oil-grit separators:

- 1) They cannot alone achieve the 80% TSS removal target
- 2) have limited performance data
- 3) dissolved pollutants, such as salt, are not removed
- 4) frequent maintenance is required
- 5) performance is dependent upon design and frequency of inspection and cleanout of unit
- 6) during large storm events the separator is bypassed

In other words, to maintain optimal performance, which does not, in any way, ensure the removal of all pollutants to begin with, is going to cost a great deal of money. It seems doubtful, given that to my knowledge there is no relevant legislation, that such frequent inspection and cleaning would occur in this case and probably in the majority of cases where these devices are employed.

In regard SWM ponds the HCSOTWS has this to say:

"It is also notable that in nearly every EIS reviewed, stormwater ponds were approved within the Type 2 lands. Although this is in compliance with the HCWP and the City's EIS guidelines in which stormwater placement in designated buffer lands is considered acceptable, current research is showing that these ponds typically do not provide habitat for desirable plants or wildlife, nor do they provide long-term solutions for removal of water contaminants (Bishop et al 2000b). Consequently, it would be wise and proactive for the City to review this policy."

In summary, potential water contamination of the adjacent wetlands is a very real concern. I implore council and staff to regard this issue with the utmost importance.

I wish now to return to the question of what the land on this site represents. I visited this site a few weeks ago, and compared to other sites within the HCW, which possess incredible intrinsic beauty, this particular land is not terribly noteworthy. To my knowledge, the land was likely former agricultural land that is now converting to cultural meadow. There is a small Scott's pine plantation on site along with a limited number of native tree species. Stantec essentially concurs with my original assessment that the land is nothing spectacular. However, upon having educated myself, I was able to adopt a more holistic and longer-term viewpoint; hence my assessment has changed dramatically.

Please listen to this quote that appears in the HCSOTWS:

"The process of urbanization can create a temporary profusion of old field and early successional habitats as land is taken out of agricultural production and held in speculation for urban development. Although old fields are obviously not pristine natural areas...they can provide valuable stopover or staging areas for migratory birds and Monarch butterflies. These habitats also hold value in a heavily settled landscape as refuge for mammals and migratory birds, and in some cases, as potential future forests if left to mature for several decades".

In other words, this land does possess considerable intrinsic value and may evolve to have even greater value if it is left alone. Further, thoughtful enhancement to this natural heritage system,

such as re-introduction of native species, and selective removal of non-native species could greatly aid in this process.

It is noteworthy that Stantec acknowledges that Monarch butterflies have been observed on site and that they are considered a species of Special Concern, at the federal level, although not at the provincial level. Further, they indicate that their larval host plant, the common milkweed, is also present on site. Despite this, they conclude that milkweed was not present in sufficient density to comprise significant wildlife habitat. What if they were to come back to this site five or ten years from now? What if milkweed density was deliberately enhanced?

As noted, the site in question is immediately adjacent to Provincially Significant Wetlands (PSW). According to the 1993 Hanlon Creek Watershed Plan (HCWP) this entire site was designated as buffer land, principally to buffer against the impact of road salts present on Gordon St. This fact is acknowledged by Stantec. Nevertheless they propose that this is not necessary and that a 30 metre buffer is sufficient to protect the adjacent wetland.

The HCSOTWS specifically addresses this very issue from a watershed wide perspective: “Given that the HCWP was founded on a system of constraint areas and buffers designed to prevent encroachment on natural areas and that according to the original study “the buffer areas specified in the plan should be considered to be fixed and subject only to very minor modification (MMM 1993)”, it can be concluded that zoning of type 2 lands has not conformed well to the accepted system to date and that efforts to respect the plan’s original intentions should be improved.”

The study goes on to state:

“From a planning and zoning perspective, Type 1 lands (i.e. core greenlands) in the watershed have been well protected while Type 2 lands (i.e. buffers, linkages and corridors) have been subject to significant encroachments since 1991. Changes have primarily been losses of agricultural lands and cultural meadows intended by the HCWP to be left as naturalized buffers or corridors. This loss has ironically been facilitated by the EIS process whereby the incremental loss of Type 2 lands has been overwhelmingly recommended and approved..... The City should recognize the significant research and science that has gone into the development of buffer as part of the HCWP and continue to pursue their implementation”.

As such, the conclusion of Stantec that the land in question has low value and that a 30 m buffer is all that is needed to protect the natural features of the site should be seriously questioned and considered unscientific in the broader perspective that the HCWP and the HCSOTWS affords us. It would appear then, that individual EIS’s only consider the natural features of the particular site or property they are assessing, but fail to consider such a broader perspective. The onus, as the appropriate stewards of the HCW, is therefore on the City to consider the broader implications of further development on such lands, originally, and well considered to constitute buffer for the core greenlands/wetlands, as well as linkages and corridors. The present application would appear to be a very good opportunity for the City to do just such, and I strongly encourage them to do so and therefore to reject this application. Should they not choose to do so, and, in light of recent events, it is almost certain that others will step forward who will seek to provide such suitable stewardship.

That may seem a natural ending to this talk, however, I believe in always attempting to come up with a win-win solution, instead of a confrontational win-lose result, as the latter often results in unnecessary ugliness. These are my thoughts, conclusions and suggestions towards a win-win solution:

-
- 1) The owner of the property should be advised that he has essentially purchased or inherited swampland and the developer should be advised that he cannot build on this site.
 - 2) The proposed development has been loosely defined as infill. This label does not change the fact that it is development of greenfield within the Hanlon Creek Watershed. Alternatively, the city should exchange this parcel of land for a similar sized parcel of land recognized as a brownfield where an intensive condominium development would be appropriate. This approach would both preserve greenspace and see a brownfield rehabilitated. The city has an award winning brownfield strategy and this would seem a most appropriate time to utilize it. This approach would also recognize the triple bottom line; it would improve the environment; it would stimulate the economy and it would enhance the social well-being of Guelph citizens.

Thank you all for your attention. Good night.
Laural Gaudette

From: Carla Cockerline [NDI] [mailto:ccockerline@nutrasource.ca]
Sent: Tue 9/8/2009 2:55 PM
To: Christine Billings
Subject: FW: Public Meeting Notice - Zoning Amendment (File ZC0905)

Dear Councillors Billings and Wettsein,

It has come to my attention that you will both be involved in the decision to re-zone the conservation and wetland areas that border Gordon Street and Edinburgh Road South.

I have written to Councillor Laidlaw (below) because I know that she has an appreciation for the environmental impact that this re-zoning application represents. However, as city councillors in the South end, I think it is also important to re-emphasize my opinion on this matter to my local representatives.

As representatives of this area, I hope that you are aware of the local wildlife that are home to this site. I have personally witnessed 6-10 deer that visit the pond that borders Vaughan street in the evenings, not to mention the ducks, herons, and geese. There is no doubt in my mind, that building on this area would impact this wildlife in particular.

Although I am writing to you directly, I can assure you that my thoughts and opinions are echoed by my neighbours and other environmental enthusiasts. I hope to see you both at tonight's Public Meeting Notice.

Best regards,

Carla A. Cockerline, M.Sc, CCRA

From: James Boyce [mailto:james_lewis88@hotmail.com]
Sent: September 12, 2009 12:49 PM
To: Katie Nasswetter; Mayors Office; Christine Billings; Karl Wettstein
Subject: File: ZC0905

Hello Katie, Karen, Christine and Karl

This is my first time contacting government officials. I am contacting you because I am concerned with the development that I have referred too. I am hoping you could shed some light on why it would be a good idea to build right next to a wetland? What does the city of Guelph have to gain from taking habitat away from birds, and animals when there are many other areas of Guelph that are much more suited to have a 6 story apartment building. Gordon street is already very busy during rush hour and to add another 128 possible cars to that area would be in my opinion "crazy". More importantly I would think educated people as yourselves would see the intrinsic worth of the wetland and the space surrounding it. The more development encroaches on this special piece of land within our city the more our following generations will lose. I truly thought Guelph was a green city, but how green can it be when we put developers ahead of wetlands, ahead of wildlife, ahead of green space that we both enjoy, and most importantly ahead of future generations that will depend on wetlands for clean water. When will someone stand up to developers and say NO. Will it be you? I hope so. I would very much appreciate a reply to this email. Thank you for your time.

Yours truly

James Boyce
Guelph

From: Enza [mailto:enza@masifinancial.com]
Sent: September 18, 2009 12:06 PM
To: CDDS-Building-Mail
Subject: Growth & Planning

CONCERNED CITIZEN ABOUT THE BY-LAW TO PERMIT APARTMENT BUILDING ON EDINBURGH & GORDON.

What is going to happen to the Conservation area that was supposed to be protected. We have our home close to the conservation area, just for that reason, that it was supposed to be protected land.

Are you listening to the residents concerns about this?

September 1, 2009

Re: Proposed Zoning By-Law Amendment to 1291 Gordon Street, Guelph

As residential home-owners occupying _____, Guelph, we would like to express our opposition to the proposed zoning by-law amendment to 1291 Gordon Street. Our property sits on the south edge of the proposed development site.

After reviewing the minimal details released August 12, 2009, we have a number of objections including:

- (i) The proposed **30-meter buffer** seems wholly inadequate to continue to support the existing wetland habitat in the area. A unique wetland ecosystem has developed in a holding pond located directly behind (north) of Vaughan Street. The proposed development has the potential to disturb and/or destroy the life currently occupying the space.
- (ii) The proposed extension of Arkell Road across Gordon Street for vehicle traffic to enter the site would generate significant noise and pollution. It is our concern that this would negatively effect the habitat of wetland animals that currently live in the wetlands and holding pond indicated in (i) above.
- (iii) The aesthetics of the proposed 6-story apartment building does not fall in line with the surrounding environment. This building is **too tall** for the area and has the potential to disturb the surrounding bird populations, as well as destroy the site line of the local area. Sound and light pollution from the apartments are also a great concern. There is no mention in the proposal to preserve already existing mature trees in the area to protect local wildlife from disturbances.
- (iv) The proposed 'Deer Crossing' is located between the proposed Apartment Building and Tennis Court. The absurdity of this suggestion should call into question the integrity of GSP Group Inc.'s proposal. They appear to be 'painting' a green picture rather than taking serious actions to preserve the integrity of the natural area. A deer corridor should not locate itself next to noisy recreational activities.

It has been our concern that the landscapes and wildlife we value in Guelph are disappearing at an alarming rate. It appears that rich natural spaces are being developed haphazardly and with little regard for the integrity of the surrounding ecosystems. The City of Guelph should protect these invaluable wetlands and say 'NO' to big business' proposals to infill our natural spaces.

Sincerely,

Joanne Pattison-Meek, Steven Preiss
Joanne Pattison-Meek and Steven Preiss

RECEIVED
SEP - 8 2009

CITY CLERK'S OFFICE

CAROLINE & GEORGE ARNDT

September 7, 2009

Mayor and Members of Council
City of Guelph
City Hall, 1 Carden Street,
Guelph, Ontario, N1H 3A1

RECEIVED
SEP - 8 2009
CITY CLERK'S OFFICE

Ladies and Gentlemen:

To our great shock and surprise we learned last week that city officials are actually considering an application to rezone part of the "Conservation" area bordered on the south by Vaughan Street and on the east by Gordon Street (part of the Conservation Estates "Wet Lands" environment).

We are writing to express our serious concerns and our strong opposition to this possibility.

As residents of Vaughan Street, we paid significant premiums for our properties (\$32,900 and we are paying higher levels of property taxes because of the current landscape) after receiving assurances from the city, through the builder, Reid's Heritage Homes, that there would be no changes allowed to the surrounding landscape. In other words, we relied upon the integrity of the city's zoning by-laws and that they would not be tampered with but would remain intact to protect our rights and interests.

If this application is not turned down we know that the premiums we paid for our properties will be lost and we further believe that significant additional losses in property values would be incurred.

According to the city's own web site and Why Guelph Needs a Green Plan the city acknowledges: "Property values and tax revenues are known to be higher for properties located next to greenbelts."

We believe that if this proposal is allowed to proceed, it will result only in the furtherance of the private objectives of GSP Group Inc. and, perhaps increased tax revenues for the City, at the direct expense of the existing residents of Vaughan Street, both financially and emotionally, and we consider this to be extraordinarily unjust and we believe it should be illegal.

As part of its Green Plan Goals and Objectives the City states that it wants to "Maintain and protect open space" and to "Protect inherent value of natural environment" etc. We do not understand how allowing this proposal to disturb the tranquility of this natural piece of land would enhance the value of those objectives.

Since moving to Guelph two years ago we have heard many positive comments from visitors about the value and appeal of the green belt along that particular section of Gordon Street.

We agree with the City's stated position that "Trees, wetlands and other elements that occur naturally in the environment help supply oxygen, purify water, provide protection from windstorms and floods, and moderate extreme temperatures." In addition, we believe that they help to provide a higher quality of life for residents.

At a time when many other cities are looking for ways to increase their availability of "Green Space", we are at a loss to understand why the City of Guelph would willingly consider destroying a naturally occurring one such as this.

Therefore, we would strongly encourage city council to reject this proposal and encourage its proponents to seek out an alternative site where the impact would not be as destructive.

Sincerely

Caroline and George Arndt

September 8, 2009

City Clerk's Office
City Hall
1 Carden Street
Guelph, Ontario

RECEIVED
SEP - 8 2009

CITY CLERK'S OFFICE

Dear Mayor and Members of Council,

Re: File ZC905

Please accept this letter to be used as an addendum to the meeting booked Tuesday September 8, 2009 at 7:00 pm, location at 1 Carden Street, Council Chambers.

I live at [redacted] and my backyard would border on the proposed development. Currently, my backyard, and that of my neighbors, backs onto a pond and forested area that supports a diverse number of birds, frogs, muskrats and a large number of deer. To say I was distressed at hearing the news of a proposed zoning by law amendment, is a gross underestimate.

I have recently moved to Guelph, from London and chose to do so after much research into the city's leadership and eco-friendly environment. I work in Woodstock and had several areas in which I could have resided. However, the city of Guelph seemed to have a respect for the environment I admired and supported.

The interruption of this eco-sensitive area would mean that animals, birds and other wildlife would lose their natural environment and green space. Why would we displace our natural wildlife, all in the name of so called development?

The zoning of Conservation and Wetlands for the proposed area for development was planned many years ago by our City Planners in an effort to preserve valuable natural resources. This reflected the commitment of Municipal leadership to maintain a city where natural resources are protected not abandoned.

Has the philosophy of early leaders now changed? Is it more important to destroy natural areas to produce more buildings? If so, what can we expect for the future? At a time when tremendous energy and world-wide focus is on "green" alternatives, the elimination of green space for natural occurring wildlife makes no sense to our city or the future of our planet.

I am adamantly opposed to the amendment of the current zoning and implore the city's leadership to turn down this proposal and embrace the ideal of preserving our natural areas and resources. We all know that in Guelph, there are other areas which can be developed which will not encroach on natural resources and force innocent wildlife out of their natural habitat.

Yours truly,

Jackie MacKenzie

SCHEDULE 13

Public Notification Summary

July 28, 2009	Application considered complete by the City of Guelph
August 8, 2009	Notice of Application Sign posted on property
August 12, 2009	Notice of Public Meeting mailed to prescribed agencies and surrounding property owners within 120 metres
August 14, 2009	Notice of Public Meeting advertised in the Guelph Tribune
September 8, 2009	Public Meeting of City Council
June 17, 2010	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
July 5, 2010	City Council Meeting to consider staff recommendation



L A W F I R M L L P

email:jvaleriote@smithvaleriote.com

Randy S. Brant B.A. LL.B.
Robert W. Dowhan B.A. LL.B.
Michelle M. Dwyer B.A. M.A. J.D.
Christine A.M. Fisher B.Sc. LL.B.
Lisa M. Gazzola B.A. LL.B.
Richard A. Gazzola B.A.Sc LL.B. P.Eng
Sarah A. Greatrix B.A. LL.B.
Donald G. Kidd B.A. LL.B.
M. Alysha McCoil B.A. J.D. LL.B.
Nicola Melchers LL.B.
Robert M. Mullin B.A. LL.B. LL.M. A.C.C.I.
Christina L. Parkes B.Sc.Sc LL.B.
Diana M. Piccoli B.A. LL.B.
James B. Pletrangelo B.A. LL.B.
Mark Muir Rodenburg B.Math LL.B.
Ronald George Sansom B.Sc.Eng. LL.B.
David Crawford Smith B.A. LL.B.
Diane Kennedy Squires B.A. LL.B.
Ernest J. Stross B.A. LL.B.
John E. Valeriote B.B.A. LL.B.

July 21, 2010

Sent by Email and Hand Delivery

City of Guelph
Community Design and Development Services
1 Carden Street
Guelph, Ontario
N1H 3A1

Attention: Her Worship Mayor Farbridge and Members of Council

Dear Mayor Farbridge and Members of Council,

**Re: Gordon Creek Zoning By-law Amendment Application
 (File ZC0905)
 1291 Gordon Street**

We act on behalf of Gordon Creek Development Inc. We are receipt of a notice of meeting for August 3rd, 2010 at which time City Council intends to reconsider the above-noted zoning by-law amendment application. As you will recall, the application was deferred at the July 5, 2010 Council meeting pending the completion of the Environmental Implementation Report (EIR).

In terms of background, the above-noted zoning by-law amendment application was filed in July 2009. The application requested that the Site be rezoned from UR Zone and WL Zone to WL Zone and R4.A with site specific regulations. City staff supported the approval of the zoning by-law amendment application in their recent staff report dated July 5, 2010 and recommended that an "H" symbol be placed on the Site. The "H" symbol would remain on the Site until such time as the applicant completed the EIR and a site plan control agreement was registered on title. Please note that the applicant would be required to submit a Zoning By-law Amendment application to the City to request the removal of the "H" symbol. The applicant could not apply for building permits until such time as the "H" symbol is lifted from the Site. Thus, the "H" symbol provides City staff and Council with the ability to control the development on the Site until both are satisfied that the EIR has addressed all appropriate matters and site plan agreement is registered.

We would submit to Council that it is too onerous to require the applicant to complete the EIR, as well as the full final site design (architectural plans, site

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plan, detailed engineering design, landscape plans, etc.) prior to obtaining the zoning by-law amendment. The EIR and site plan approval will require substantial time, effort and significant financial resources to complete. We would reiterate that the applicant is quite prepared to complete the necessary additional work to see this Site developed in an appropriate manner, provided the zoning by-law amendment is approved.

Accordingly, our client does appreciate the reconsideration of the current deferral by City Council. Please accept that the planning mechanism (i.e. the Holding provision) recommended by City staff is appropriate and is quite sufficient to ensure the proper and orderly development of the Site.

Should you have any questions in the meantime, please do not hesitate to contact me.

Yours very truly,
SMITH VALERIOTE LAW FIRM LLP



John E. Valeriote

JEV

cc. Jim Riddell, City of Guelph
Scott Hannah, City of Guelph
Paul Aneja, Gordon Creek Development Inc.
Mickey Grover, Gordon Creek Development Inc.
Hugh Handy, GSP Group
Joe Harris, Stantec
Gwendolyn Weeks, Stantec

Guelph City Council - Closed Meeting Agenda

August 3, 2010 – 6:15 p.m.

ITEMS FOR DIRECTION

1. **Potential OMB Appeal**
 - S. 239 (2) (e) Litigation or potential litigation
 - S. 239 (2) (f) Advice that is subject to solicitor-client privilege