

DATE September 15, 2008

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

DELEGATIONS - (Councillor Piper)

"THAT persons desiring to address Council be permitted to do so at this time."
(limited to a maximum of five minutes)

- Robin-Lee Norris on behalf of the Guelph Curling Club
- Paul Taylor on behalf of Woodlawn Memorial Park

**1) 0 WOODLAWN ROAD WEST - PROPOSED ZONING BYLAW
AMENDMENT (ZC0701) – WARD 3**

That the application by 6&7 Developments Limited for a Zoning By-law Amendment from the UR (Urban Reserve) Zone, the SC.2-3 (Service Commercial) Zone and the CC-18 (Community Shopping Centre) Zone to a new specialized CC-18 (Community Shopping Centre) Zone (ZC0701) affecting property municipally known as 0 Woodlawn Road West and legally described as Part of Lots 4, 5, 6 and 7, Registered Plan 169, designated as Part 2, 3, 4, 5, 6 and 7 of Reference Plan 61R-9980, City of Guelph, BE APPROVED in accordance with the recommendation set out in Schedule 2 of the Community Design and Development Services Report 08-98 dated September 15, 2008 .

ADJOURNMENT

MILLER THOMSON LLP

Barristers & Solicitors
Patent & Trade-Mark Agents

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September 10, 2008

Without Prejudice

City of Guelph
City Hall, 59 Carden St.
Guelph, ON N1H 3A1

Attention: Clerk's Office

Dear Sir/Madam:

Re: Proposed ZBA ZC0701 0 Woodlawn Rd. W.

With regard to the list of delegates speaking to the above noted proposed Zoning By-Law Amendment on Monday, September 15th, 2008, I will be appearing on behalf of the Guelph Curling Club and will be speaking in opposition to the application as proposed by City Council Staff.

Guelph Curling Club members met with City staff to discuss the amount of retail space allocation suggested for the Guelph Curling Club's 10 acre parcel in an attempt to find a fair and reasonable middle ground. The allocation per acre that City staff have proposed and are still proposing for the Curling Club lands is less than half of the retail space allocation they are recommending on a per acre basis for the 6 & 7 Development. In effect, 6 & 7 is receiving preferential treatment, with the responsibility for the other mixed uses the City wishes to see in this Commercial Node falling onto the shoulders of property owners like the Guelph Curling Club. The retail space allocation as proposed by staff is inequitable and results, in the opinion of the members of the Guelph Curling Club, in a devaluation of their property and a reduction in its' marketability.

The Guelph Curling Club has been negotiating with a number of potential purchasers of some of or all of the site. All of the proposed Purchaser's for the site require a larger amount of retail allocation than the 50,000 square feet suggested by City staff. Staff has been advised of that in more than one meeting and in fact at Staff's request, the Curling Club reluctantly agreed to reduce the amount of allocation they were requesting to 75,000 square feet provided staff would support that allocation. This is still significantly less than the allocation per acre that is being recommended for the 6 & 7 Development.

Unfortunately, when the staff report came out, there is no recommendation from staff and only an identification that the number that the Curling Club was looking for was 75,000 square feet of Retail Allocation. In fact, the 75,000 square feet was a compromise only and in the event that the application currently before Council to approve the 6 & 7 Development ZBA passes without a confirmation of an allocation of 75,000 square feet of retail space to the Guelph Curling Club site, Guelph Curling Club will have to consider its alternatives in appealing Council's decision and in doing so, The Club does not intend to be limited by the compromise figure of 75,000 square feet which was provided to staff. This figure was only given in the event that an agreement could be reached about that number and not to bind the Guelph Curling Club to that number in the event of an Appeal.

Yours very truly,
Miller Thomson LLP

Per:



Robin-Lee Norris
RAN/ss

c. Guelph Curling Club

TO **Guelph City Council**

SERVICE AREA Community Design and Development Services
DATE September 15, 2008

**SUBJECT 0 WOODLAWN ROAD WEST - PROPOSED ZONING
BYLAW AMENDMENT (ZC0701) – WARD 3**

REPORT NUMBER 08-98

RECOMMENDATION

"That the application by 6&7 Developments Limited for a Zoning By-law Amendment from the UR (Urban Reserve) Zone, the SC.2-3 (Service Commercial) Zone and the CC-18 (Community Shopping Centre) Zone to a new specialized CC-18 (Community Shopping Centre) Zone (ZC0701) affecting property municipally known as 0 Woodlawn Road West legally described as Part of Lots 4, 5, 6 and 7, Registered Plan 169, designated as Part 2, 3, 4, 5, 6 and 7 of Reference Plan 61R-9980, City of Guelph, BE APPROVED in accordance with the recommendation set out in Schedule 2 of the Community Design and Development Services Report 08-98 dated September 15, 2008."

BACKGROUND

This report provides an update and recommendation on a Zoning Bylaw Amendment application from 6&7 Developments Limited applying to property at 0 Woodlawn Road West at Woolwich Street North (See **Schedule 1**).

The subject property is located at the northwest corner of the intersection of Woodlawn Road and Woolwich Street, has a total site area of 12.54 hectares and is occupied by the recently constructed Wal-Mart department store (See **Schedule 1**).

The statutory Public Meeting of Guelph City Council was held on June 5, 2007. The Council Planning Decision meeting was held on July 7, 2008. Report 08-55 from Community Design and Development Services dated July 7, 2008 provided background information related to the proposed zoning by-law amendment and a Staff recommendation.

At the July 7, 2008 Council Meeting, Staff, representatives of Smart Centres and members of the public addressed City Council. A motion to approve the application for a zoning bylaw amendment did not pass at the Council meeting on July 7, 2008.

At the City Council Meeting held July 21, 2008, Council supported a deferral of the application to a special meeting of Council on September 15, 2008, to allow Staff

more time to further investigate the concerns identified by Council and members of the public. The resolution passed by Council is attached in **Schedule 6**.

REPORT

All of the issues and questions raised during the circulation of the application and at the Public Meeting have been addressed in the July 7, 2008 Staff report. Issues of particular concern discussed at the Council meeting held on July 7, 2008 or that warranted further investigation by Staff, included:

- Rainwater collection
- LEED Certification/ adherence to the Community Energy Plan (CEP)
- 2nd Storey Development
- Compliance with Places to Grow and Provincial Policy Statement 2005

Staff reports on these main issues as follows:

Rainwater collection

Engineering Services has confirmed that the 6&7 storm water management system was designed to emulate pre-development conditions using infiltration techniques. The existing development is constructed according to the storm water management strategy approved by the City and agencies. The system includes a network of large diameter pipes and storm chambers buried below the existing parking lots. The facility serves a storm water retention and detention function that ensures that storm runoff is slowly infiltrated back into the ground to replenish the area aquifer and the adjacent Marden South Wetland complex to the north and help maintain base flow to the Speed River. Engineering Services confirm that harvesting rainwater for other purposes on this site could be detrimental to the adjacent wetlands and contrary to the originally approved storm water management principles and goals.

LEED Certification/ adherence to the Community Energy Plan (CEP)

To address this issue, the City retained Mr. Peter Garforth, Principal of Garforth International Inc., who with the consortium, prepared Guelph's Community Energy Plan (CEP). He reviewed the proposed Smart Centres initiatives and provided an opinion on CEP compliance (See **Schedule 4**). At the City's request Smart Centres produced a summary of their energy and green initiatives for their proposal which was forwarded to Garforth International for evaluation. A copy of the Smart Centres submission has been included in Council's September 15, 2008 agenda package for Council's information.

The Garforth report (See **Schedule 4**) summarizes the degree by which the proposal supports the vision and goals of the CEP. As noted in the chart of the report (**Schedule 4**), of the seven CEP categories that were evaluated, Smart Centres is or has committed to addressing all of these initiatives. The proposal is praised in areas of storm water management and transportation efficiency. The proposal meets and in some areas exceeds the CEP expectations of building efficiency for 2008. Smart Centres has also committed to working with the City regarding the introduction of performance labelling and considering the possibilities for neighbourhood energy integration at or including the subject site.

The 6&7 commitments to meet the CEP as summarized in the Garforth report, revised August 28, 2008, have been incorporated into the CEP Condition 4 in **Schedule 2**.

2nd Storey Development

This issue relates to the proposed zoning regulation titled 'Minimum Building Height Requirement in Specific Locations' in **Schedule 2** of the report. The requirement for a minimum two storey building was included in the July 7, 2008 recommendation to support the urban design objectives of the Mixed Use Node land use designation and specifically adjacent to the intersection of Woodlawn Road and Woolwich Street at this site. As Council may recall, at the July 7, 2008 Council meeting Staff confirmed that this regulation should apply within 35 metres of the intersection and 6&7 have agreed to provide two storey buildings within the 35 metres and according to the regulations of the Zoning Bylaw. This regulation is recommended in **Schedule 2** and will apply to the first two corner commercial units at the ends of Buildings D and E on the site plan.

Compliance with Places to Grow and Provincial Policy Statement 2005

Compliance with Places to Grow legislation is discussed in Schedule 8 of the July 7, 2008 CDDS report. The application is supportive of both the PPS and the Growth Plan.

The subject site is located within the Built-Up Area of the City as defined by the Growth Plan's Built Boundary line. The Growth Plan encourages new population and employment growth in the built-up areas of a community through intensification. The current Official Plan identifies this site as a mixed use node where a number of uses are permitted. Under the Local Growth Management Strategy, it is recognized that this node will eventually become an area of increased density and intensified use over time. The rezoning will allow a range of commercial uses and services to serve the surrounding neighbourhoods and the entire community. The approximate Growth Plan density calculation represents 70 jobs per hectare with the potential for future residential dwellings.

Other questions or issues raised at the July 7, 2008 meeting are listed below and Staff report as follows:

Woodlawn memorial Park Cemetery Concerns

On August 7, 2008, Staff and representatives of Woodlawn Memorial Park Cemetery met to discuss the Cemetery's outstanding concerns. Cemetery representatives confirmed their request for assistance in the replacement of trees that were removed along the cemetery's north property line next to Woodlawn Road as a result of the recent re-construction of Woodlawn Road to accommodate road and traffic improvements. Specifically, the loss of mature trees on both private and public property meant a loss of privacy to the Cemetery. In addition, Cemetery representatives were concerned about grading, drainage and safety issues related to outstanding or unfinished construction work that was part of the Woodlawn Road construction project.

To address these concerns, Staff prepared a landscape buffer master plan (approximate cost of \$5,000) for the Cemetery that could be used as a guide in restoring landscaping along the north boundary of the cemetery.

On August 21, 2008, Planning and Engineering Staff met on-site to inspect the area affected by the road re-construction to determine any deficiencies and the need for additional work to be completed. As a result, Staff has committed to replace topsoil along the top of the retaining wall, to provide the Cemetery with 20 replacement trees that are already included in the budget for the Woodlawn Road re-construction contract and report the existing minor grading deficiencies along the new sidewalk to Operations for remedial work. In addition, 6&7 has committed to contributing \$33,800 towards the Cemetery's proposed tree replacement and buffer. This offer represents the cost estimate for the replacement of all 52 trees that were removed due to construction, at a minimum 2.5 metre height per tree which is considered of mature tree size at planting.

While the Cemetery representatives are not completely satisfied that their issues have been fully addressed, much progress has been made and Staff is continuing to work with Cemetery representatives to satisfy their concerns. With respect to the subject application, Staff believes that the collective total contribution from the City and 6&7 which includes addressing construction deficiencies, tree replacement and professional landscape drawings, is a fair and reasonable approach.

Guelph Curling Club Concerns

On August 6, 2008, City Staff met with representatives of the Curling Club to discuss the potential of the Curling Club site and the proposed retail allocation for the Woodlawn Road/Woolwich Street node.

The July 7, 2008 Staff recommendation for the 6&7 application suggested that 4,646m² (50,000SF) of retail gross floor area be reserved for the balance of the node and specifically for any future Curling Club site redevelopment. This reduced the requested 6&7 site ratio for retail versus total commercial floor area down to 90%.

On August 8, 2008, Staff met with the Curling Club's solicitor who confirmed that the Curling Club are requesting that 75,000 square feet (6,968m²) of retail floor space be retained within the mixed use node retail allocation for future development at 816 Woolwich Street rather than the 50,000 square feet (4,646m²) recommended in the July 7, 2008 Staff report.

Staff emphasize that the 50,000 square feet (4,646m²) of the retail node allocation saved for the Curling Club site is for retail uses and the 3.93 hectare (9.7 acre) site has the potential to produce additional commercial floor space for a mix of other uses including service, office and residential uses.

Building Entrances facing the Street?

The proposed building entrances facing Woodlawn Road and Woolwich Street have been incorporated into the building elevations to address urban design guidelines outlined in the mixed use node designation of the Official Plan. The intent is to

provide for these entrances both physically and visually and the future tenants of these units will decide whether they use the entrances to the street or not. The building entrances and sidewalks will provide pedestrian linkages into the site from the public sidewalks along the public roads and at the intersection.

Density required by Places to Grow?

There are no minimum density requirements established for this site as it is located within the built boundary of the City. As was stated in Schedule 8 of the July 7, 2008 report:

"The expanded Walmart and the development of smaller commercial buildings along the Woodlawn Road and Woolwich Street frontages and throughout the site will allow for a more efficient use than an otherwise underutilized site." And

"The Woodlawn/Woolwich node is functioning as described in Section 7.4.5 of the Official Plan and is serving the retail shopping needs of residents in nearby neighbourhoods and the City as a whole. As well, the development will provide the opportunity to satisfy additional shopping and service needs at one location as outlined in Section 7.4.9 of the Official Plan. The inclusion of institutional uses, recreation, entertainment and residential uses to the zoning bylaw will help to implement the mixed use node designation."

Bike Parking?

Bicycle racks for the parking of bicycles are a requirement of the City's site plan approval process. The City's Site Plan Approval Manual and Application contains a Schedule that outlines the requirements for the parking of bicycles at strategic locations on the site plan (See **Schedule 5**). The latest 6&7 site plan proposes six, multi-bicycle racks located throughout the site at the main entrances of buildings.

Treatment of west side of Wal-Mart store?

The proposed west elevation of the expanded Walmart department store illustrates a one-storey façade in 'camelback' colour with a 'hunter green' metal parapet coping along the roofline. A higher overhead door and truck dock treated with brick veneer is proposed at the rear and north end of the façade and an architectural tower feature with stone veneer including white cornice and 'hunter green' metal roofing is proposed at the front and south end of the façade. Landscaping proposed along this façade includes sod, ten deciduous trees and groupings of shrubs and flowers to soften the view. This elevation plan will be available on September 15, 2008.

Why not a green roof? Why not solar?

See CEP comments attached in **Schedule 4**.

Staff Recommendation

Community Design and Development Services support this application subject to the recommendation outlined in Schedule 2. The uses and regulations recommended on July 7, 2008 have not changed. Condition 4 (CEP) and condition 10 (Cemetery) have been changed by adding the additional commitments 6&7 have made to address these issues.

The application will introduce a range of uses to the entire site to conform to the mixed use designation and Staff has added additional uses including freestanding residential and institutional uses to support the principle of a 'mixture of land uses'. The application as recommended is consistent with the planned Woodlawn/Woolwich Mixed Use Node land use designation.

The rezoning, subject to the recommendation highlighted in **Schedule 2**, conforms to the goals and objectives of the Official Plan, is in the public interest and represents good planning.

CORPORATE STRATEGIC PLAN

- Supports Urban Design and Sustainable Growth Goal #1: An attractive, well-functioning and sustainable City.
- Supports Economic Opportunity Goal #3: A diverse and prosperous local economy.

FINANCIAL IMPLICATIONS

(as reported on July 7, 2008)

The financial implications are based on the change from the existing maximum 14,400m² GFA to the proposed maximum 32,600 m² GFA:

Projected Taxation

- Present taxes: City's portion - \$278,000 - current assessment \$13,798,000.
- Future taxes: City's Portion - \$500,000 to \$1 million (based on assessment of low 25 million to high at 50 million dollars).

(This is just an estimate because the increased assessment will be based on income approach depending on the types of tenants that will be occupying the floor space.)

Development Charges

- DCs paid to date: \$871,086.36 in 2006.
- Future DCs: approximately \$1,461,278 (Building expansion would be charged at \$80.29/m² GFA)

DEPARTMENTAL CONSULTATION

See Schedule 9 in July 7, 2008 Report 08-55.

COMMUNICATIONS

Further to the Council Meetings held July 7, 2008 and July 21, 2008, a Notice of the September 15, 2008 Council Decision Meeting was mailed to all persons involved in the application.

ATTACHMENTS

Schedule 1 – Location Map

Schedule 2 – Recommended Zoning - Uses, Regulations & Conditions

Schedule 3 – Preliminary Site Concept Plan

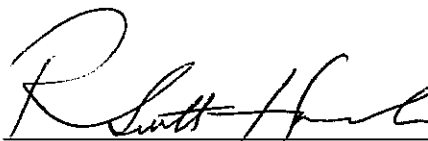
Schedule 4 – Garforth International Environmental Assessment Report

Schedule 5 – Bicycle Parking Requirements from Site Plan Manual
Schedule 6 – Resolution passed by City Council on July 21, 2008

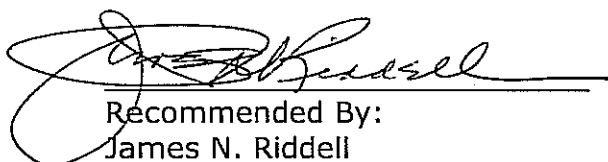
Note: A hardcopy of the Smart Centre's submission summarizing their energy conservation and green initiatives is available for review at the Community Design and Development Services office during regular business hours.



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Schedule 2 Recommended Zoning - Uses, Regulations & Conditions

The property affected by this zoning bylaw amendment from the UR (Urban Reserve) Zone, the SC.2-3 (Service Commercial) Zone and the CC-18 (Community Shopping Centre) Zone to a new Specialized CC-18 (Community Shopping Centre) Zone applies to land municipally known as 0 Woodlawn Road West and legally described as Part of Lots 4, 5, 6 and 7, Registered Plan 169, designated as Part 2, 3, 4, 5, 6 and 7 of Reference Plan 61R-9980, City of Guelph, as owned by 6&7 Developments Limited.

The following zoning is proposed by amending the existing CC-18 Zone as follows: (Note: ~~striketrough~~ means 'deleted' and **bolded** means 'added').

A New Specialized CC-18 (Community Shopping Centre) Zone applying to the entire 12.54 hectare subject property in accordance with the following permitted uses, regulations and conditions:

Permitted Uses

- a freestanding (Junior) Department Store
 - Accessory Uses in accordance with Section 4.23
 - Occasional Uses in accordance with Section 4.21
 - Freestanding Multiple Residential Dwellings in accordance with the R.3A (Townhouse) Zone and the R.4A (Apartment) Zone permitted uses and regulations.**
 - Institutional Uses in accordance with Section 8.1.1 of the By-law.**
 - Other permitted Uses in accordance with Section 6.2.1.2 of this Bylaw shall be allowed up to a total Maximum Gross Floor Area of ~~1,858 square metres~~
- Excluding the following Uses:
- Carwash, Automatic
 - Carwash, Manual
 - Dry Cleaning Outlet
 - Laundry
 - Vehicle Gas Bar

The following definitions shall apply in the CC-18 Zone:

- (Junior) Department Store shall mean a Retail Establishment engaged primarily in the sale to the public of a wide variety of commodities organized into a number of departments within the Building such as, but not limited to, apparel, jewellery, cosmetics, toiletries, health products, food, home furnishings, housewares, electronics, sporting goods, toys, photographic equipment, hardware and home improvement materials, automotive accessories or other household goods, and may also include an ancillary outdoor Garden Centre and services such as, but not limited to, Financial Establishment, Restaurant, Take-out

Restaurant, Vehicle Service Station, Vehicle Specialty Repair Shop, Personal Service Establishment, Pharmacy, Optical Dispensary and Photofinishing Place. (Junior Department Stores are differentiated from full line department stores, in that they typically sell general merchandise items at prices lower than that of the Full Line Department Stores, and are popularly described as a discount operation.

Regulations

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

6.2.3.2.18.2.1 Maximum Gross Floor Area – ~~14,400m²~~. **32,600m²**

6.2.3.2.18.2.2 Maximum Gross Floor Area for a Freestanding (Junior) Department Store **which includes a food/grocery component** – ~~12,542m²~~ - **18,470m²** exclusive of the area associated with any outdoor Garden Centre ancillary thereto.

6.2.3.2.18.2.3 (a) Maximum Gross Floor Area for all **Buildings and Establishments** other than a (Junior) Department Store **which includes a food/grocery component** – ~~1,858m²~~ - **14,100 m² GFA.**

6.2.3.2.18.2.3 (b) Maximum Gross Floor Area for all Retail Commercial Buildings and Establishments other than a (Junior) Department Store which includes a food/grocery component – ~~1,858m²~~ **10,990m² GFA.**

6.2.3.2.18.2.4 Maximum Lot Area – ~~90,000m²~~ **12.54 hectares**

~~6.2.3.2.18.2.5 This section was unintentionally omitted~~

6.2.3.2.18.2.6 Minimum Off-Street Parking
The minimum Off-Street Parking required shall be ~~1-0 Parking Spaces per 20m²~~ **1 space per 23m² of Gross Floor Area**

~~6.2.3.2.18.2.7 Buffer Strips
A Buffer Strip shall not be required abutting an Urban Reserve (UR) Zone.~~

6.2.3.2.18.2.8 Severability Provision
The provisions of this By-law shall continue to apply collectively to the whole of the lands identified on Schedule "A" as CC-18, despite any future severance, partition or division for any purpose.

-Maximum Size of Office or Medical Office - 465m² GFA (5,000 square feet).

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

-
1. **Buildings adjacent to Woodlawn Road shall be located a minimum of 3 metres and a maximum of 5.3 metres from Woodlawn Road.**
 2. **Buildings adjacent to Woolwich Street shall be located a minimum of 3 metres and a maximum of 6 metres from Woolwich Street.**

-Uses Prohibited in Specific Locations:

Drive-through Uses shall be prohibited from locating within 100 metres of the road corner intersection of Woodlawn Road and Woolwich Street in the CC-18 Zone.

A drive-through use in the CC-18 Zone shall be:

1. **Not located between any Building and a public Street.**
2. **Significantly screened from public view from all public Streets.**
3. **Safely separated from pedestrian spaces and corridors.**
4. **Designed in a manner that is compatible with surrounding Uses and activities.**
5. **Provides a minimum of five (5) vehicular stacking spaces with a maximum of three (3) stacking spaces parallel to the Street Line.**

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

-Minimum Building Height Requirement in Specific Locations

Any portion of a building located within 35 metres of the corner intersection of Woodlawn Road and Woolwich Street shall have a minimum building height of two (2) storeys and in no case less than 8.5 metres.

-Maximum Individual Building GFA Size

A maximum of one (1) individual freestanding building exceeding 5,575m² GFA (60,000 SF) is permitted in this zone.

Conditions

Most conditions relating to the existing development and servicing of the subject lands is covered by conditions in the Site Plan Control Agreement dated March 3, 2006 which applies to the existing CC-18 zoned lands. Through this approval, it is intended that the existing Site Plan Agreement be amended and registered against the title of the total subject property covering the new CC-18 Zone. Existing conditions in the Agreement will therefore apply to the entire site and will address standard conditions regarding payment of costs, servicing, traffic, and environmental conditions.

The following additional conditions shall apply:

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, building elevations, grading, drainage, and servicing for the said lands, to the satisfaction of the

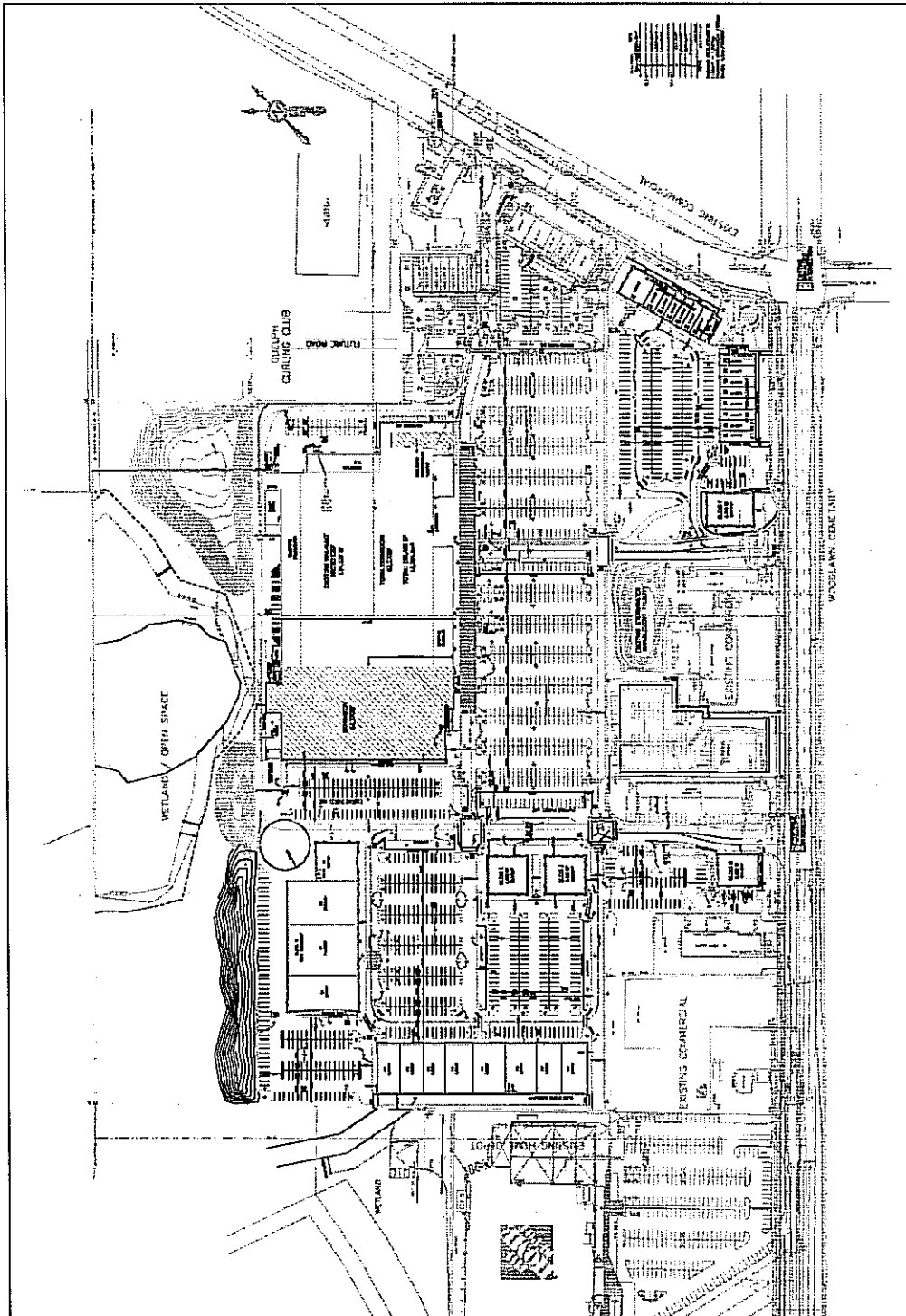
Director of Community Design and Development Services, prior to the issuance of the building permit, and furthermore the Owner agrees to develop the said lands in accordance with the approved plan.

2. The owner shall pay 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, 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 commit to and agree that the details of the site layout and design for the development of the subject lands shall be **generally in accordance with the site concept plan** attached as Schedule 6 to the Community Design and Development Services Report 08-55 dated July 7, 2008, to the satisfaction of the Director of Community Design and Development Services.
4. The owner shall, prior to site plan approval, provide the City with evidence that:
 - a. The proposed new development shall meet the target of being 25% more energy efficient as outlined in the letter by Enermodal Engineering Limited dated April 4, 2008 (Schedule 7) of the July 7, 2008 Staff Report.
 - b. The owner shall use best efforts to work with their tenants to voluntarily display Energy Performance Labels for all buildings over 1,000m², once the City provides details of the pilot project with NRCan.
 - c. The owner shall participate in a study funded by the City, to review the possibilities for neighbourhood energy integration at or including the subject site.
 - d. The owner shall participate with the City and Guelph Hydro Electric Systems Inc. to explore and demonstrate building efficiency options for the development that will further contribute to the peak reduction of electrical power on the subject site,

to support the **Community Energy Plan**, to the satisfaction of the Director of Community Design and Development Services, prior to the issuance of site plan approval.
5. That prior to site plan approval, the owner shall have a Professional Engineer design a **grading plan and storm water management system** for the site, satisfactory to the City Engineer.

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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 built as it was approved by the City and that it is functioning properly.
 7. That the owner constructs, installs and maintains **erosion and sediment control facilities**, satisfactory to the City Engineer, prior to any grading or construction on the lands in accordance with a plan that has been submitted to and approved by the City Engineer prior to the site plan approval.
 8. The owner shall pay the actual cost of constructing and installing any **service laterals**, as determined by the City Engineer, prior to site plan approval.
 9. The owner shall pay to the City the actual cost of **designing and constructing road modifications** to the northbound left-turn lane and related works at the Woodlawn Road/Woolwich Street intersection, as determined by the City Engineer.
 10. The owner shall contribute \$33,800 towards the Woodlawn Memorial Park Cemetery's proposed tree replacement and buffer improvements along the south side of Woodlawn Road to address the concerns expressed by **Woodlawn Memorial Park Cemetery** regarding grading, drainage, tree replacement and noise mitigation, to the satisfaction of the Director of Community Design and Development Services, prior to site plan approval.
 11. The owner shall set aside and commit an adequate area on the subject site to accommodate a **municipal transit-staging area** for a minimum of six (6) conventionally-sized City transit buses, to the satisfaction of the Director of Community Design and Development Services, prior to site plan approval.
 12. The owner shall perform best efforts in obtaining a formal **mutual right-of-way driveway and sidewalk connection for vehicles and pedestrians** between the subject property and the adjacent Home Depot lands, to the satisfaction of the Director of Community Design and Development Services, prior to site plan approval of Building 'H' illustrated on the latest site plan (Schedule 6).
 13. Prior to the issuance of site plan approval, the owner shall enter into an **Agreement or Amending Agreement** with the City, registered on the title to the entire subject property, satisfactory to the City Solicitor, covering the additional conditions noted above."

Schedule 3 Preliminary Site Concept Plan



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Schedule 4
Garforth International Environmental Assessment Report

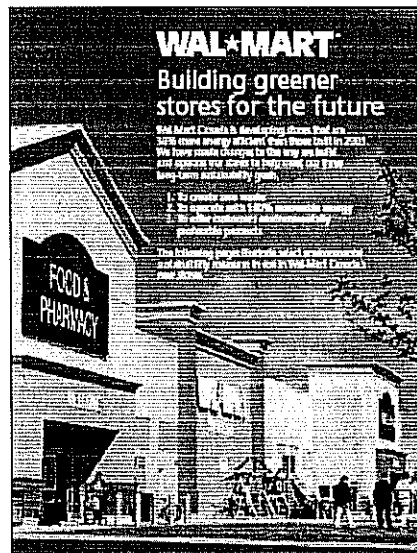
CITY OF GUELPH
6 & 7 EXPANSION

ALIGNMENT WITH COMMUNITY ENERGY PLAN

Report dated 28th August 2008

Prepared For;

*Scott Hannah
Manager Development and Parks Planning
City of Guelph, Ontario, Canada*



CITY OF GUELPH
6 & 7 EXPANSION

ALIGNMENT WITH COMMUNITY ENERGY PLAN

1. INTRODUCTION

- 1.1. Assessment Background
- 1.2. Methodology

2. SUMMARY OF PROPOSAL AGAINST CEP GOALS

3. BACKGROUND COMMENTS

- 3.1. Building Efficiency - Insulation Standards
- 3.2. Building Efficiency - Window Standards
- 3.3. Building Efficiency - Air Infiltration
- 3.4. Building Efficiency - Lighting with Wal-Mart and 6&7 Buildings
- 3.5. Building Efficiency - White (Cool)Cool Roof
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- 3.7. Building Efficiency - Other 6&7 Stores Internal Commercial Systems
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- 3.10. Integrated Energy Master Plan
- 3.11. Electricity Peak Reduction
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ADDITIONAL NOTES

1. OVERVIEW CEP VISION AND GOALS

2. DOCUMENTS PROVIDED

3. WAL-MART SUSTAINABILITY GOALS

CITY OF GUELPH
6 & 7 EXPANSION

ALIGNMENT WITH COMMUNITY ENERGY PLAN

1. INTRODUCTION

1.1. Assessment Background

Smart Centres are proposing an expansion to the mixed use node, including a major expansion to the existing Wal-Mart retail store in Guelph at the intersection of Woolwich Street and Woodlawn Road. City Council supported a deferral of the zoning by-law amendment application needed to support expansion and asked City Staff to report back on a number of issues, including an assessment of the extent to which the proposal supports the Community Energy Plan (CEP). The overview of the CEP Visions and Goals is attached in the notes to this assessment. The assessment was prepared by Peter Garforth, Principal of Garforth International llc (consultant), based on a documents provided by Smart Centres. These are listed in the attached notes.

1.2. Methodology

The CEP establishes guiding principles and target performance levels for the 25 years of the CEP horizon, supported by specific recommendations. At this stage, the CEP cannot be seen as a prescriptive set of regulations, but should be treated as very strong guidelines, with a clear intent to create transformations in the energy and greenhouse gas intensity of the city. For the purpose of the assessment the Smart Centres development was considered to be a large commercial development with finished space of at least 10,000 square metres.

The 6&7 expansion was assessed against the overall transformational objectives of the CEP at both a minimally acceptable level to the CEP in 2008, and at a level that would approach the 2031 goals. It was not assessed against Wal-Mart's own stated corporate environmental goals, which, though very challenging, are still evolving. A brief summary is in attached in the Note.

Detailed energy, greenhouse gas and water use modeling was beyond the scope of the Assessment time and budget. Recommendations are based on the Consultant's experience along with a rapid assessment by the Building Science group of Owens Corning's Innovation Team in Granville, Ohio, and MVV Energy Team in Mannheim Germany.

2. SUMMARY OF PROPOSAL AGAINST CEP GOALS

This table summarizes how the Proposal supports the overall intent of the CEP and the 2008 requirements.

CEP Condition	2008 Intent	Comments
Meets site and building efficiency expectations	Yes	<ul style="list-style-type: none"> • Meets 2012 Ontario Code as required by CEP • Expansion probably meets energy aspects of LEED certification • Wal-Mart has state-of-art grocery store energy systems • Complete Wal-Mart building may not meet 2008 CEP • Glazing spec for Wal-Mart seems low – clarification needed • 2031 CEP target is 28% more efficient than 2012 Code • 2031 CEP target could be achieved with upgraded insulation, windows and retrofit of existing Wal-Mart • Parking and street lighting – see detailed comments • Day lighting Wal-Mart – see detailed comments
Makes voluntary commitment to display Energy Performance Labels	Some	<ul style="list-style-type: none"> • CEP suggests display in buildings more than 1,000 sq mtrs regularly used by public • Smart Centres to make best efforts with tenants to display on relevant buildings • NRCan developing recommended national label - Guelph will be Canadian Pilot • Necessary energy data is available on a well-managed site
Submit Integrated Energy Master Plan for site and possible neighbourhood integration	Yes	<ul style="list-style-type: none"> • Requested in CEP for developments over 10,000 m² • Specific City of Guelph Planning Guidelines not yet available • Smart Centres agree to develop IEMP funded by City • Potential business value for Smart Centres • Potential for City to accelerate district energy deployment
Improves City transportation efficiency	Yes	<ul style="list-style-type: none"> • Site designed and suitable to be mass transit node
Contributes to electricity peak reduction	Some	<ul style="list-style-type: none"> • White Roof makes minor positive contribution – see detailed comments • Smart Centres will team with City & GHESI to assess solar photovoltaic • No on-site cogeneration included at present - could change depending on IEMP findings and decisions
Has effective storm water management	Yes	<ul style="list-style-type: none"> • State of the art approach • Near elimination of use of sewer
Has effective	Yes	<ul style="list-style-type: none"> • City is targeting reductions in potable water use

domestic water management	<ul style="list-style-type: none"> • Efficient water appliances are above minimum code • No rainwater harvesting for cleaning, landscaping and toilet applications and no grey water reuse
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3. BACKGROUND COMMENTS

3.1. *Building Efficiency - Insulation Standards*

The CEP calls immediate implementation of the Ontario 2006 Building Code rather than waiting for 2012. This requires wall insulation levels to exceed R-14.9¹ and roofs to exceed R-22.2.

The Wal-Mart expansion exceeds these levels. It has a wall R-Value of 15.2 and roof R-Value of 23.6. It also has a floor R-Value of 2.4. On insulation, the Wal-Mart expansion meets the requirements of the CEP on day one. This is estimated to be 35% more efficient than the Canada National Model Energy Code for Buildings (MNECB). However, the Wal-Mart expansion is an addition to an existing structure. There is no indication that the existing building will be brought up to higher levels of insulation. If this is the case, the efficiency of the complete building will be less than the efficiency of the expansion alone.

The other 6&7 buildings have wall R-Value of 20 and Roof of R-20. Overall, these buildings should meet the immediate CEP efficiency requirements, though why the roof R-value is less than the new code was not clear.

Owens Corning's assesses the proposal to fall below global best practice in terms of insulation in similar climates such as southern Sweden and northern Germany². The CEP calls for a consistent increase in energy efficiency for all new construction and major renovations of 1.5% per year from 2012, resulting in a further 28% less energy use by 2031.

Owens Corning estimates that the insulation standards of R-25 for walls, R-20 for perimeter insulation at 1m25 deep and R-30 for roofs, based on 20 year life-cycle costing at a mid-range scenario for future energy prices. Additionally, if the roof of the existing Wal-Mart structure were upgraded to R-30, the entire site would be close to the 2031 goals.

3.2. *Building Efficiency - Window Standards*

Windows proposed for the Wal-Mart expansion have a U-Value³ of 0.602. In contrast, the specification used in the proposed design for the othe buildings in the 6&7 expansion appears to be a more efficient choice. The consultant saw no reason not to apply the 6&7 window standards to the Wal-Mart expansion to gain incremental efficiency.

¹ Higher R value indicates a greater level of insulation.

² Code:Southern Sweden are R-32 walls, R-44 roof, R-38 floors. Northern Germany - R-19 walls, R-28 roofs, R-14 floors.

³ Lower U-Value indicates a higher level of energy efficiency.

3.3. Building Efficiency - Air Infiltration

Excessive and unmanaged air exchange between the conditioned inside of a building and the outside is a major cause of energy inefficiency in buildings. This exchange is called "Air Infiltration". Without a detailed assessment it is not possible to assess the degree to which infiltration has been managed for maximum efficiency. The various descriptions indicate that there is competent and serious attention being paid to this through a variety of approaches, and absent any clear data, this is assumed to be acceptable.

3.4. Building Efficiency - Lighting within Wal-Mart and 6&7 Buildings

The choice of light fixtures, including retrofitting of the existing Wal-Mart store and use of motion sensors are definitely good measures to be applauded. However, Wal-Mart is a leading advocate of natural daylight in their stores. In many recently constructed stores, such as the one near the consultant in Toledo, close to 100% of the lighting comes from daylight for long periods of time, with minimal electrical perimeter lighting. No daylighting strategy is in the proposal; Wal-Mart leads elsewhere and should be encouraged to do the same in Guelph.

In the 6&7 buildings, lighting is about 38% of the overall energy use, and the Wal-Mart store will probably be comparable. Grid electricity is a major source of indirect greenhouse gas with a high risk of price increases, this aspect deserves more attention.

3.5. Building Efficiency - White Roof

The White Roof for Wal-Mart is aimed at reducing the heat island effect and lowering cooling demand. Owens Corning ran a cost effectiveness assessment using the DoE Cool Roof Calculator, and came to the conclusion that the energy and cost reductions were marginal and could easily be more than compensated by slightly higher insulation standards..

Cool roofs are most effective where there is a dominant cooling load, which is not the case in Guelph. In cooler climates there is also a known problem of moisture infiltration under the membrane which can cause mold and other issues. The very modest energy gains could easily be offset by structural durability issues with moisture during the long heating season. Though beyond the scope of this assessment, the consultant is suggesting Smart Centres might want consider whether this is an effective choice.

3.6. Building Efficiency - Wal-Mart Grocery Store Energy Use

There is serious attention paid to the use of energy other than for the building operations. This is born out by my own observation of Wal-Mart's standard practices relative to refrigeration storage, display and in-store cooking. This is current state-of-the art and Wal-Mart is to be applauded for their efforts in this direction.

3.7. Building Efficiency - Other 6&7 Stores Internal Commercial Systems

No specific information was available on the energy consuming commercial systems in the other stores, nor whether Smart Centres would be establishing any specific guideline in this area for future tenants.

3.8. Building Efficiency – Street and Parking Lighting

The CEP makes no specific requirements for street lighting, other than it is implicitly included in the overall 1.5% per year beyond 2012 efficiency gains through 2031 for large commercial developments. The 6&7 Proposal has a full-cut off approach to exterior lighting along with time management to minimize lighting during low usage periods. These are positive approaches, which along with modern conventional outside lighting will probably meet the reduction targets of the CEP.

That being said, street lighting using light emitting diodes (LED) is a stage where it is being deployed in municipal settings, giving operating cost savings and energy use reduction. It may be in the interest of Smart Centres to revisit their choice of street and parking lighting technology. This is a purely commercial decision and should not affect the approval process.

3.9. Energy Performance Labeling

CEP calls for the voluntary use of regularly updated and displayed Energy Performance Labels prominently displayed for all publicly used buildings over 1,000 square meters. The EPL is a visualization of the actual recent energy use and greenhouse emissions of the site, expressed as indexes in a graphic form. It is typically referenced to comparable sites and resembles an appliance label such as Energuide. Smart Centres are willing to use best efforts to work with their tenants to voluntarily display Energy Performance Labels for all buildings over 1000 m², as soon as Guelph provides the details surrounding the pilot project with NRCan.

Canada is developing a set of energy labeling recommendations and the City of Guelph is emerging as a national EPL pilot teamed with Natural Resources Canada.

Regularly updating and displaying EPL's is an opportunity for Smart Centres to demonstrate commitment and leadership, and to be a part of the wider education of their customers.

3.10. Integrated Energy Master Plan

The CEP requests an assessment be made for an integrated approach to energy supply for all developments with finished space of 10,000 square meters or more. This evaluates the economic and environmental impacts of integrating such strategies as extended building efficiency investments, co-generation (combined heat and power), heat recovery, various renewable energy alternatives and site heating and cooling distribution. Depending on the outcome of the Integrated Energy Master Plan, the proposal an energy supply approach would be proposed based on the economic, technical, management and environmental factors. An IEMP will also evaluate the potential for wider energy system integration beyond the boundary of the site.

The 6&7 site is more than 10,000 square meters, and an integrated energy supply assessment would probably have been expected as a part of the 6&7 Expansion proposals.

This CEP requirement is a significant departure from normal planning proposal practices, and it clearly is incumbent on the relevant City of Guelph departments to prepare specific planning Terms of Reference. This has not yet happened, and the consultant recommends this be done as a matter of high priority.

Aside from any formal requirements under the CEP, integrated energy solutions frequently prove to be very attractive investments for the site operator. They have the potential to enhance the economic and competitive performance of development such as the 6&7 Expansion and, depending on the business model, may even attract private equity investment for the energy services supply. The consultant is recommending that Smart Centres in their own business self interest consider carrying out a rapid Pre-Feasibility Study to evaluate possible integrated energy supply solutions. They agree to develop this study, if funded by the City.

3.11. Electricity Peak Reduction

The CEP is calling for a reduction of the summer peak demand for electricity for the City as a whole by at least 40% to reduce or eliminate the need for significant new investments in the medium voltage distribution system. All major developments need to be assessed against how they may contribute to this goal.

The efficient buildings in the 6&7 development contribute to peak reduction through overall reductions in cooling. The White Roof also has a modest incremental effect in reducing peak cooling, hence peak electricity.

The development has no additional specific strategies aimed at. As mentioned earlier, there is no on-site cogeneration nor on site renewable electricity generation. These both would be typical approaches to reduce the City's electricity peak.

The CEP specifically identified a strategy to implement the equivalent of a "1000 solar roofs" of Solar electricity generation.. Using the roofs of the stores available for this approach could be a major contributor to this goal.

The major long-term benefit for electricity peak reduction is the avoidance of investments electricity distribution for Guelph Hydro and its owner, the City. Smart Centres, Guelph Hydro and the City aim to explore the possibilities.

3.12. Transportation Energy

The CEP has specific targets to reduce transportation energy, some of which will come from increased use of mass transit. Within the intrinsic limits of a "big-box" retail approach, the 6&7 Expansion proposal has taken a transit friendly approach, by creating a transit hub suitable for buses. The location is also well sited for future intensification of mass transit axes of the city.

3.13. Water Management – Storm water

The site has a sophisticated slow-infiltration storm water management system which puts minimal incremental burden on the local aquifer. This has a positive impact on the use of energy and chemicals in water treatment processes. Maintaining a small wetlands area to the north west of the site also has positive storm water management aspects.

3.14. Water Management - Domestic Water

There is no specific information given for the water use at the Wal-Mart extension. The 6&7 Buildings use water-efficient appliances with significant reduction in water use. This should be positively recognized.

There are overall challenges on the water supply of Guelph. The use of potable water for applications such as toilet flushing, cleaning, and landscape irrigation will have to change over the time frame of the CEP. The 6&7 site has significant rainwater harvesting and potable water reuse potential. A comprehensive grey water approach may be an attractive option for both the city and the site operator.

ADDITIONAL NOTE

1. OVERVIEW CEP VISION AND GOALS

In April 2007, the City approved the Community Energy Plan (CEP). The CEP establishes directional guidelines for energy use and greenhouse gas impacts of the City from a baseline year of 2006 to 2031. The overall vision of the CEP is straightforward:

Guelph will create a healthy, reliable and sustainable energy future by continually increasing the effectiveness of how we use and manage our energy and water resources.

This vision is supported by five goals:

- ***Guelph will be the place to invest, supported by its commitment to a sustainable energy future***
- ***Guelph will have a variety of reliable, competitive energy, water, and transport services available to all***
- ***Guelph energy use per capita and resulting greenhouse gas emissions will be less than the current global average***
- ***Guelph will use less energy and water per capita than comparable Canadian cities***
- ***All publicly funded investments will visibly contribute to meeting the other four CEP goals***

Each of these goals has a measurement methodology associated with it. In total, by 2031, the CEP aims to reduce the total secondary energy needs of the city by 8% and the primary energy needs by about 28% while absorbing a population growth of 57%. The overall greenhouse goal is to reduce the per capita greenhouse from about 16 tonnes to 7 tonnes over the same timeframe.

2. DOCUMENTS PROVIDED

The following documents were provided:

- Guelph Wal-Mart Expansion – Energy Use under 2012 Ontario Building Code – Cobalt Engineering
- 6&7 Developments Limited – Achieving Energy Efficiency Requirements – Enermodal Engineering
- Wal-Mart – Building Greener Stores for the Future – Wal-Mart Canada
- Landscape Areas and Pedestrian Access – Smart Centres
- Aerial Photographs
- Site Plan
- Storm Water system Designed for Zero Impact – Daily Commercial News
- Coatings Keep Things Cool – Cool Roofing
- Summary Letter from Smart Centres dated 7th August 2008

3. WAL-MART SUSTAINABILITY GOALS

The CEO of Wal-Mart, Lee Scott, has made numerous adjustments to the sustainability strategy of the company. The corporate website has a good overview of the company's approach to sustainability (see <http://walmartstores.com/Sustainability/>) and will not be repeated here.

Their overall environmental goals are summarized in a brief and powerful statement:

"Wal-Mart's environmental goals are simple and straightforward: to be supplied 100 percent by renewable energy; to create zero waste; and to sell products that sustain our natural resources and the environment"

Clearly, to achieve this, they have intermediate goals which are spelled out on their web site.

Schedule 5 Bicycle Parking Requirements from Site Plan Manual

Bicycle Parking Requirements:

Bicycle parking facilities shall be provided in accordance with the applicable specifications contained in Table III below.

TABLE III. BICYCLE PARKING REQUIREMENTS

USE	NUMBER OF SPACES FOR RESIDENTS OR EMPLOYEES	NUMBER OF SPACES FOR VISITORS, PATRONS OR COURIERS
Multiple dwellings (containing 3 or more units)	1 per dwelling unit.	Minimum 6 spaces for developments > 20 units
Primary or Secondary Schools	1 space per 20 m ² of classroom plus 1 space per 800 m ² of office space.	Minimum of 6 spaces
Office	4% of required automobile parking.	Minimum of 6 spaces for development > 2000 m ²
Retail/Service Commercial	5% of required automobile parking.	Minimum of 6 spaces for development > 1000 m ²
Restaurants	5% of required automobile parking.	Minimum of 6 spaces for development > 1000 m ²
Restaurants (take-out)	1 space for every 100 m ² gross floor area, not less than 6 spaces.	
Convenience Store	No less than 6 spaces	
Cinema or Recreational Complex	10% of required automobile parking.	
Hotel / Motel	1 space per 20 rooms.	
Industrial	4% of required automobile parking.	

Spaces for Residents or Employees – should be an area equipped with a bicycle rack or locker for the purpose of parking and securing bicycles. Where a bicycle rack is used for occupant bicycle parking spaces, it shall be located in a secured room or area.

Spaces for Visitors, Patrons or Couriers – should be an area equipped with a bicycle rack for the purpose of parking and securing bicycles; it may be located outdoors or indoors, but not within a secured room, enclosure or bicycle locker.

Dimension requirements:

- Bicycle Stall - 1.8 m length x 0.6 m width
- Access Aisle - 1.2 m clear
- Headroom - 1.9 m minimum vertical clearance

Schedule 6
Resolution passed by City Council on July 21, 2008

"WHEREAS a motion to approve an application by 6 & 7 Developments Limited for a zoning by-law amendment for their lands at the northwest corner of Woodlawn Road and Woolwich Street, did not pass at the Guelph City Council meeting on July 7, 2008;

AND WHEREAS the City's Official Plan designates this property as a "mixed use node" to provide a wide range of retail, service, entertainment and recreational commercial uses as well as other complementary uses;

AND WHEREAS many concerns related to this application were identified at the meeting including:

- Rainwater collection*
- LEED Certification*
- 2nd Storey Development*
- Compliance with Places to Grow*

AND WHEREAS the City received a number of requests from the public for a deferral of the application;

NOW THEREFORE BE IT RESOLVED THAT the application by 6 & 7 Developments Limited be deferred in order to allow staff to pursue the concerns identified by Council and members of the public with respect to the application, and to bring forward a report to City Council at a special meeting to be held on September 15, 2008, at which time delegations can be heard by Council on how these matters of concern may be addressed".