

# City Council - Planning Meeting Agenda



**Tuesday, October 10, 2017 – 6:30 p.m.**  
**Council Chambers, Guelph City Hall, 1 Carden Street**

Please turn off or place on non-audible all electronic devices during the meeting.

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## **Open Meeting – 6:30 p.m.**

O Canada  
Silent Reflection  
First Nations Acknowledgment  
Disclosure of Pecuniary Interest and General Nature Thereof

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## **Council Consent Agenda:**

The following resolutions have been prepared to facilitate Council's consideration of 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. It will be extracted and dealt with separately as part of the Items for Discussion.

<b>CON-2017.42</b>	<b>43 Arthur Street South: Notice of Intention to Designate Pursuant to Part IV of the Ontario Heritage Act</b>
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### **Recommendation:**

1. That the City Clerk be authorized to publish and serve notice of intention to designate 43 Arthur Street South pursuant to Section 29, Part IV of the Ontario Heritage Act and as recommended by Heritage Guelph.
2. That the designation by-law be brought before City Council for approval if no objections are received within the thirty (30) day objection period.

<b>CON-2017.43</b>	<b>122 Cardigan Street (Kelly's Inn): Notice of Intention to Designate Pursuant to Part IV of the Ontario Heritage Act</b>
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### **Recommendation:**

1. That the City Clerk be authorized to publish and serve notice of intention to designate 122 Cardigan Street pursuant to Section 29, Part IV of the Ontario Heritage Act and as recommended by Heritage Guelph.

2. That the designation by-law be brought before City Council for approval if no objections are received within the thirty (30) day objection period.

## **CON-2017.44                      Review of City of Guelph Development Application Fees**

### **Recommendation:**

1. That the Development Application Fee By-law be approved in accordance with ATT-2 of the Infrastructure, Development and Enterprise Report IDE-2017-116, dated October 10, 2017 and the enacted By-law come into full force and effect on January 1, 2018.
2. That the application fees be increased annually based on the Construction Price Index.
3. That the Development Application Fee by-law be formally reviewed once per Council term.

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## **Public Meeting to Hear Applications Under Sections 17, 34 and 51 of The Planning Act** (delegations permitted a maximum of 10 minutes)

### **1300 Gordon Street Proposed Official Plan and Zoning By-law Amendment File: OP1704 & ZC1707**

#### **Staff Presentation:**

Rino Dal Bello, Planner

#### **Delegations:**

Astrid Clos, Consultant on behalf of the applicant  
James Fryett, Architect on behalf of the applicant

#### **Staff Summary** (if required)

#### **Recommendation:**

That Report IDE 2017-108 regarding a proposed Official Plan Amendment and Zoning By-law Amendment application (OP1704 & ZC1707) from Astrid J. Clos Planning Consultants on behalf of Carousel Estates Homes Inc. to permit a residential development on the property municipally known as 1300 Gordon Street and legally described as Part of Lot 6, Concession 8 (Geographic Township of Puslinch) City of Guelph, from Infrastructure, Development and Enterprise dated October 10, 2017, be received.

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## **Special Resolutions**

## **By-laws**

Resolution to adopt the By-laws (Councillor Piper)

## **Mayor's Announcements**

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

## **Notice of Motion**

## **Adjournment**

# Staff Report



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To	<b>City Council</b>
Service Area	Infrastructure, Development and Enterprise Services
Date	Tuesday, October 10, 2017
Subject	<b>43 Arthur Street South: Notice of Intention to Designate Pursuant to Part IV of the Ontario Heritage Act</b>
Report Number	IDE-2017-90

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## Recommendation

1. That the City Clerk be authorized to publish and serve notice of intention to designate 43 Arthur Street South pursuant to Section 29, Part IV the Ontario Heritage Act and as recommended by Heritage Guelph.
2. That the designation by-law be brought before City Council for approval if no objections are received within the thirty (30) day objection period.

## Executive Summary

### Purpose of Report

To recommend that Council publish its intention to designate 43 Arthur Street South according to provisions of Section 29, Part IV of the Ontario Heritage Act.

### Key Findings

A property may be designated under Section 29, Part IV of the *Ontario Heritage Act* if it meets one or more of the three criteria used to determine cultural heritage value or interest as set out in Ontario Regulation 9/06.

Planning staff, in consultation with Heritage Guelph, have compiled a statement of significance including the proposed heritage attributes of the property. Staff recommends that the property meets all three criteria used to determine cultural heritage value or interest as set out in Ontario Regulation 9/06 under the Ontario Heritage Act and, therefore, merits individual heritage designation under the Ontario Heritage Act.

### Financial Implications

Planning and Urban Design Services budget covers the cost of a heritage designation plaque.

## **Report**

The legal description of the subject property is:

Part of the Grist Mill Lands East side of River Speed, Plan 113, more particularly described as Parts 1, 2, 3, 4, 13 & 14, Reference Plan 61R-21139.

The legal owner of the property is Fusion Homes. The owner has been consulted by Heritage Planning staff and are supportive of staff's recommendation to Council. The real property to be designated is part of lands previously addressed municipally as 5 Arthur Street South.

The subject property contains five interconnected structures located south of the railway tracks and bound by Arthur Street South, Cross Street, Neeve Street and by the Speed River. This industrial complex has cultural heritage value due to its association with the following significant businesses in Guelph: Allan's Mill and Distillery (1830s-1877); McCrae & Co / The Guelph Woollen Mills Company (1881-1898); The Taylor-Forbes Company Ltd. (1902-1953); and the W C Wood Company Ltd. (1956-2010). Many of the structures were built or altered by the Taylor-Forbes Company Ltd. Attachment 1 indicates the orientation of the structures and identifies them as follows: Building 1 (Allan's Distillery); Building 2a (Carding/Japanning Building), Building 2b (Milling Building); Building 2c (Tower); and Building 2d (General Office and Shipping Building).

## **Historical Background**

In response to the application for a Zoning By-law Amendment and Official Plan Amendment by Fusion Homes, Heritage Guelph requested that a Cultural Heritage Resource Impact Assessment (CHRIA) be completed for the site. The CHRIA was submitted by ERA Architects Inc. in its revised form on July 20th, 2015. The proponent has proposed the adaptive reuse of the heritage buildings on the site and the construction of a number of residential towers elsewhere on site.

The lot at 43 Arthur Street South is a large building complex that is an early example of industrial development and a testament to Guelph's industrial past. The significant heritage buildings on the site stand as good examples of mid-nineteenth century industrial architecture. Many were built of local quarried limestone, and the stonework is of particularly fine quality, in very good condition, and features dressed quoins and coursing. The site is made up of a series of developments that occurred between 1835 and the 1973. As seen today, 43 Arthur Street South includes buildings with additions and renovations over many time periods. Several buildings have been demolished and replaced over time. The heritage buildings and structures of interests include Building 1, and Buildings 2a, 2b, 2c and 2d (Attachment 1). Each is described individually below.

#### Building 1: Allan's Distillery

Constructed in 1835 as a one storey building with a pitched roof and chimney, this limestone structure is the most northerly building on the site and features 4 bays to the street, 3 bays to the Speed River, stone sills, flush lintels and quoins to openings. By 1904, the stone building had been extended toward the river. This building spurred much of the future development on the East side of the Speed River and is the only surviving building associated with Allan's Mill across the river (Attachment 5 image 1). It was utilized by the former foundry and the lower floor still contains storage tanks. In 1979, it was renovated for use as part of the W.C. Wood Company administration featuring restored wood floors, columns and beams, and a raised roof.

#### Building 2a: Knitting/Japanning Building

Constructed around 1841, the building originally served as an expansion of the distillery. It was enlarged during the late 1840s/early 1850s and later served as the knitting mill for McCrae & Co. Further alterations continued in the 19th century and Taylor-Forbes Company Ltd. utilized this space as a japanning and painting shop. By 1968 the pitched roof had already been altered to accommodate a second/third storey. Today, Building 2a is a 3-storey (2 stone and 1 brick) building with 5 bays, a shed roof, lower band course, flush stone lintel, and 6-over-6 sash windows on the first two floors.

#### Building 2b: Milling Building

After taking ownership of the eastern part of the grist mill lands in 1881, McCrae & Co. constructed this 4-storey 30 by 40 foot stone building as the west wing of a new factory adjoining to the old distillery property. The extant structure is a 4-storey building (3 stone and 1 brick) with 7 bays. In 1882, McCrae & Co. constructed a new 3-storey worsted mill, measuring 42 by 78 feet. A brick smokestack was added in 1896 by the Guelph Woollen Company. Both the worsted mill and smokestack have since been removed from the site. By 1968, the pitched roof had been altered by W.C. Wood Company Ltd. to accommodate a third storey.

#### Building 2c: Tower

Building 2c is a 30 by 34 foot 4-storey stone building originally finished with a mansard roof that was constructed by McCrae & Co. in 1882 as part of the new factory. This structure originally housed employee facilities, as well as a water tank in the mansard roof in case of fire.

#### Building 2d: Office and Shipping Building

A 4-storey stone rectifying house with a 30 foot brick chimney was erected between 1869-1870. The original stone rectifying house (located in the present tower base) has been incorporated into later developments. In 1882, a 34 by 80 foot 4-storey building was constructed as the east wing of the new factory building that included Buildings 2b and 2c, and affixed to the stone rectifying house. The extant structure is a 4-storey building with 7 bays and 6-over-6 sash windows on its east elevation. Both components of this building have matching rooflines and facades. Most of the window openings on the remaining elevations are blocked in because Building 2d

was enveloped within more recent factory buildings and a loading dock constructed by W.C. Wood Company. These building additions have since been removed.

### **Why the property is being recommended for designation:**

The subject property is worthy of designation under Part IV of the *Ontario Heritage Act* as it meets all three of the prescribed criteria for determining cultural heritage value or interest according to Ontario Regulation 9/06 made under the *Ontario Heritage Act*. The heritage attributes of 43 Arthur Street South display design/physical, historical/associative and contextual value.

The subject property has design value or physical value as representative of 19th and 20th century vernacular industrial architecture in Guelph. The stone and brick buildings reflect multiple eras of growth and development on the site dating back to the 1830s. The complex includes fine examples of industrial buildings built of locally quarried limestone. The stone work is of particularly fine quality, in very good condition, and features dressed quoins and coursing. Numerous arched windows exhibit dressed and well-proportioned lintels and sills. Some windows still retain original moulded sash and glazing. The 1835 office building is the only remaining structure from the Allan's Mill and Distillery. The later buildings are typical of industrial stone construction in the mid-1800s. Building alterations on site reflect changes in use and ownership that span nearly 180 years of industrial occupancy.

The property has historical value or associative value because this property, together with the mill complex, was Guelph's first industrial site. William Allan, a millwright, emigrated from Scotland with his family in 1831. He purchased the "Mill Lands" in 1832 and by 1835 had erected a distillery on the east side of the river, and a carding house in 1841. The distillery was considerably enlarged during the late 1840s/early 1850s. The Allan property originally consisted of land on both sides of the Speed River extending from Allan's bridge down river. The land on the east side of the river did not become part of the town until the annexation of 1855. A stone rectifying building was added in the 1860s, and the original façade is currently extant. The 1835 stone building remains on the site as well as part of the enlarged distillery of the 1840s.

In 1881 the distillery property was bought by The Armstrong & McCrae Woollen Co. The company was owned by Thomas McCrae and later by David McCrae, the grandfather and father of John McCrae, one of Guelph's most well-known residents. In 1881, they erected a 4-storey stone building as a new factory adjoining the old distilleries. In 1882, a new stone factory adjoining the old distillery property was built with 2 large wings that were connected by a tower. A scouring house of stone was erected in 1883, followed by a brick smokestack in 1896.

The Guelph Woollen Company went out of business in 1897. In 1900 the property was sold to the A.R. Woodyatt Company, which became the Taylor-Forbes Company Ltd. and one of the largest Canadian manufactures of lawn mowers and general hardware. The new property owner made a number of major expansions to the

property. In 1956 the property was sold to the W.C. Wood Company – manufacturers of electrical farm equipment. Additions to the property continued until 1973 when the site was fully developed.

The property has contextual value in that the former Allan's Mill property is a significant industrial landmark in the City of Guelph dating back to its earliest period of industrial development. The buildings are physically, functionally, visually and historically linked to: their immediate setting along the Speed River and visually define the east edge of the Speed River (the original town boundary) and serve as a downtown landmark.

To date, the remaining heritage buildings on the site stand as a good example of industrial architecture from the middle of the 19th century to early 20th century and present a valuable opportunity to interpret its history and cultural significance. Its presence, directly abutting the Speed River, makes 43 Arthur Street South a unique and irreplaceable landmark.

This property meets all three the criteria for designation as defined under Ontario Regulation 9/06 – Criteria for Determining Cultural Heritage Value or Interest as outlined in Attachment 8 of this report. The elements that are proposed to be protected by designation are also listed in Attachment 8.

### **What is to be protected by the designation:**

The following elements of 43 Arthur Street South should be considered heritage attributes in a designation under Part IV of the Ontario Heritage Act:

#### **Building #1 – Allan's Distillery**

- Massing of the building including the exterior walls and the gable roof;
- Exterior limestone walls and board-and-batten dormer (20th century alteration);
- Original door and window openings;
- 8-over-8 sash windows on the west elevation;
- Stone fireplace; and
- Five storage tanks.

#### **Building #2a – Knitting/Japanning Building**

- Massing of the building including the exterior walls and the low pitch gable roof;
- Exterior brick and limestone walls;
- Original door and window openings;
- Large I-beam members; and
- Industrial mechanism attached to the ceiling of the second floor

#### **Building #2b – Milling Building**

- Massing of the building including the exterior walls and the low shed roof;
- Exterior brick and limestone walls;
- Original window openings;
- Heavy timber interior structure; and
- Large I-beam members.



#### Building #2c – Tower

- Massing of the building including the exterior walls;
- Exterior limestone walls;
- Original door and window openings;
- Three original wood windows at the north elevation at the third floor; and
- Heavy timber interior structure, and the unique stacked wood and iron rod truss system.

#### Building #2d – General Office and Shipping Building

- Massing of the building including the exterior walls;
- Exterior limestone walls;
- Signage panels on the north elevation, of note the 'General Office' sign;
- Original door and window openings;
- Extant portion of brick chimney; and
- Heavy timber structure.

It is intended that non-original features may be returned to documented earlier designs or to their documented original without requiring City Council permission for an alteration to the designation.

## **Financial Implications**

Planning and Urban Design Services budget covers the cost of a heritage designation plaque.

## **Consultations**

Heritage Guelph has recommended that the property at 43 Arthur Street South be designated under Part IV, Section 29 of the Ontario Heritage Act. At their meeting of January 13, 2014 Heritage Guelph passed the following motion:

"THAT working with the owner, following the completion of the Cultural Heritage Conservation Plan Stage 2 for heritage buildings 1 and 2, Heritage Guelph intends to recommend to City Council that an intention to designate these buildings be published under Part IV of the Ontario Heritage Act."

## **Overarching Goals**

Service Excellence

## **Service Area Operational Work Plans**

Our Services - Municipal services that make lives better

Our People- Building a great community together

Our Resources - A solid foundation for a growing city

## **Attachments**

- ATT- 1 Location of Subject Property
- ATT- 2 Part of Plan 61R-21139 Received and Deposited June 23, 2017
- ATT- 3 Current Photos of Subject Property
- ATT- 4 Historical Images
- ATT- 5 Historical Maps and Fire Insurance Plans
- ATT- 6 Land Registry Records – Abstract Index
- ATT- 7 Detailed Ownership History
- ATT- 8 Statement of Reasons for Designation

## **Departmental Approval**

Not applicable

## **Report Author**

Stephen Robinson  
Senior Heritage Planner



## **Approved By**

Todd Salter  
General Manager  
Planning, Urban Design and  
Building Services  
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todd.salter@guelph.ca

## **Approved by:**

Melissa Aldunate  
Manager of Policy Planning and Urban Design

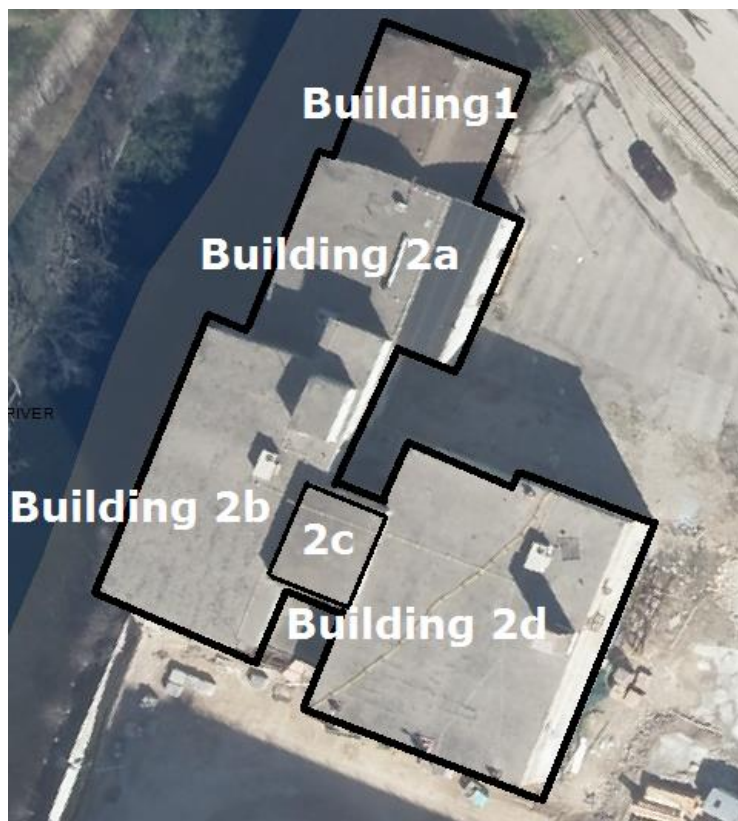
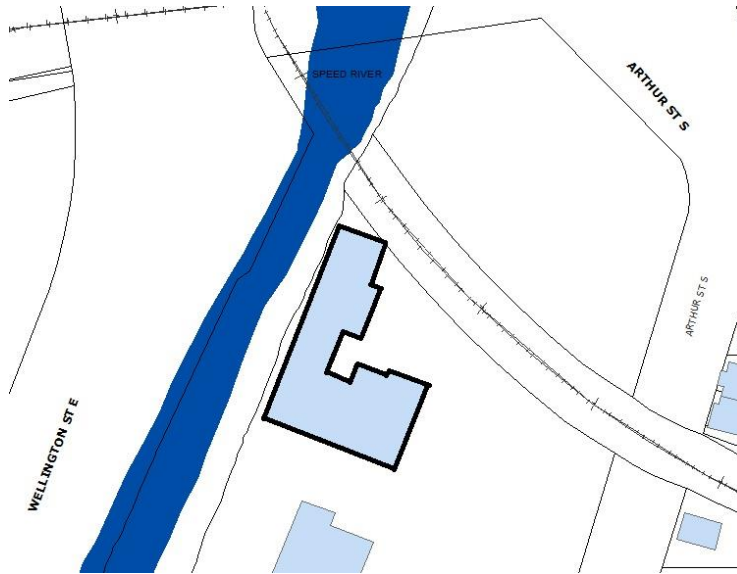


## **Recommended By**

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Infrastructure, Development and Enterprise  
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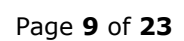
## ATTACHMENT 1

### Location of Subject Property



(Images: City of Guelph GIS)

Detail of Plan 61R-21139 (Parts 1, 2, 3, 4, 13 and 14)  
Received and Deposited June 23, 2017



## ATTACHMENT 3

### Current Photos of Subject Property



Exterior July 5 2016

Photo from Site Visit March 3, 2017



Building 2b, 2c and 2d from Riverwalk



Photos from Site Visit March 3, 2017



Building 2a and Building 1



Building 2d



Building 1 ground floor



Building 1 ground floor



Building 2a basement



Building 2a ground floor

Photos from Site Visit March 3, 2017



Building 2a second floor



Building 2b basement



Building 2b ground floor



Building 2b second floor



Building 2b third floor



Building 2c basement



Photos from Site Visit March 3, 2017



Building 2c ground floor



Building 2c second floor



Building 2c third floor



Building 2d basement



Building 2d ground floor



Building 2d second floor



Photos from Site Visit March 3, 2017



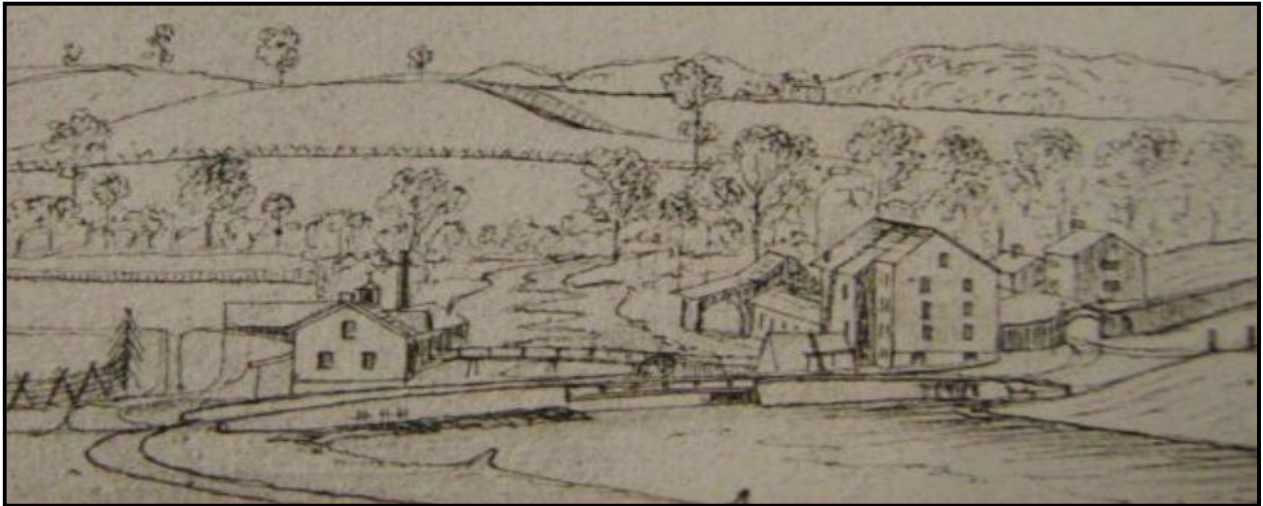
Building 2d third floor



Building 2d third floor

## ATTACHMENT 4

### Historical Images



An 1845 sketch of the property made by David Kennedy shows the carding mill and distillery on the east bank of the Speed. The carding mill is represented as a one-and-one-half storey building with a pitched roof. The distillery, which can be seen behind the carding mill, is a one storey building with a pitched roof and a chimney. A bridge connects the distillery to the grist mill on the west bank. Source: Allans Mill & River Speed, by D Kennedy.



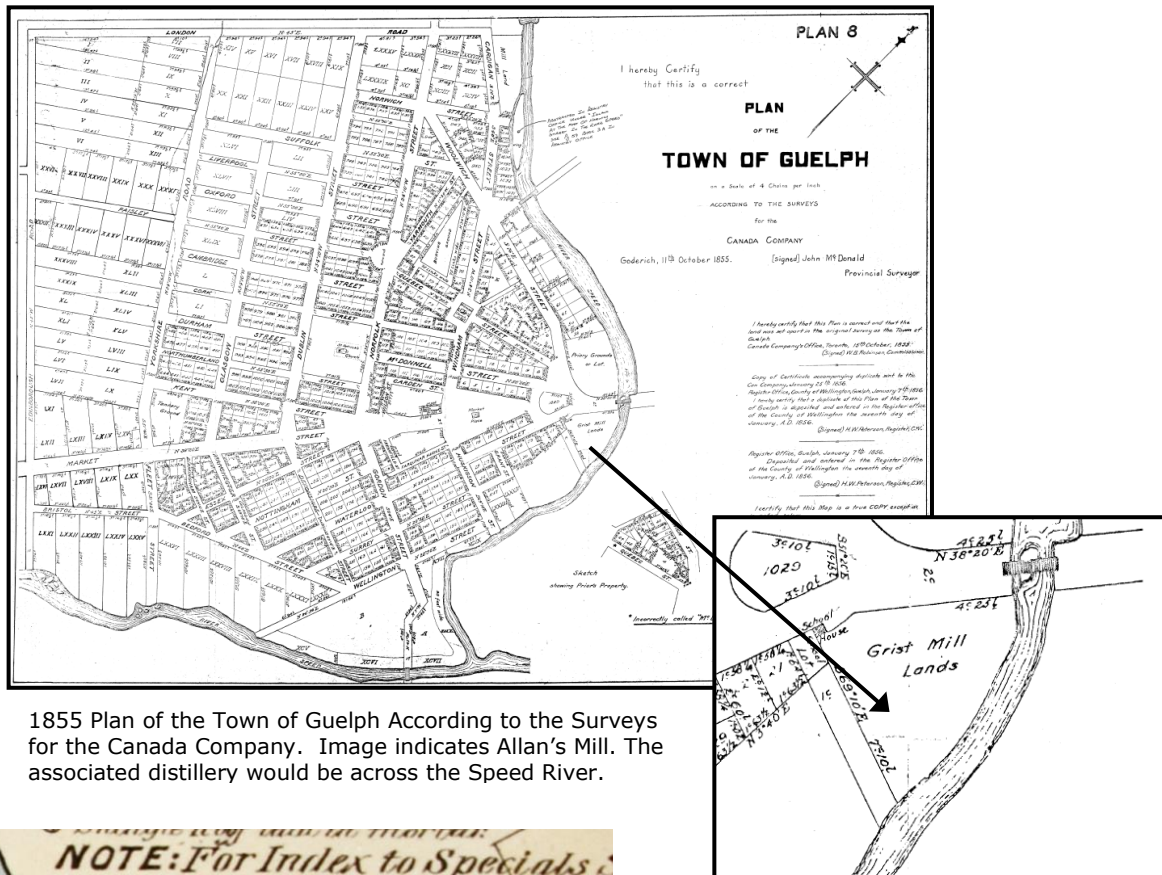
Detail of *Distillery & Grist Mill of D Allan Esq, Guelph, Ont., 1869*. Source: Guelph University Archives



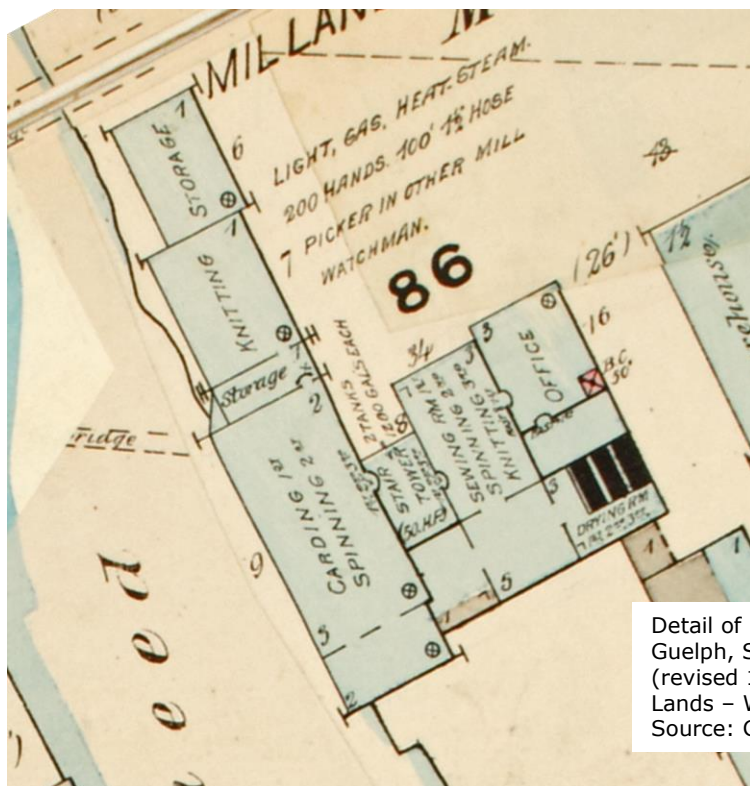
Allan's Distillery, c1870s. Source: Guelph University Archives

## ATTACHMENT 5

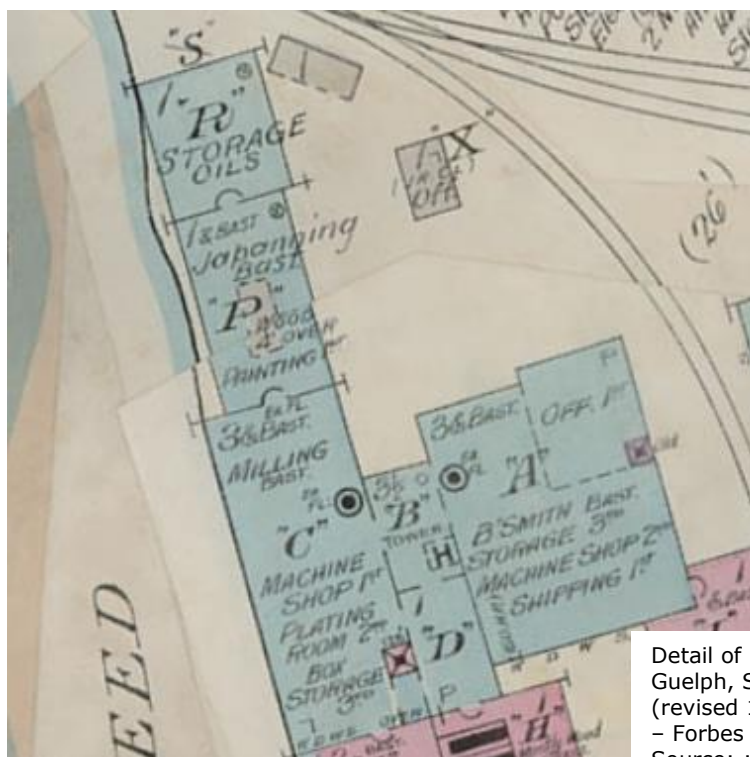
### Historical Maps and Fire Insurance Plans







Detail of Fire Insurance Plan of the Town of Guelph, Sheet 12, by Charles E. Goad, 1881 (revised 1888 and 1892). Identified as "Mil Lands - Wool & Worsted Mill McCrae & Co." Source: Guelph Civic Museum



Detail of Fire Insurance Plan of the Town of Guelph, Sheet 21, by Charles E. Goad, 1897 (revised 1907 and 1911). Identified as "Taylor - Forbes Co. Limited." Source: Library and Archives Canada

## ATTACHMENT 6

### Land Registry Records – Abstract Index (Source: Guelph Wellington Land Registry Office)

<b><i>Instrument</i></b>	<b><i>Date of Sale</i></b>	<b><i>Grantor</i></b>	<b><i>Grantee</i></b>	<b><i>Quantity / Consideration</i></b>	<b><i>Remarks</i></b>
B&S (Book A6, No.12932)	25 April 1855	Attornies of Canada Company	William Allan	all, 9 ac	
Grant and Confirmation (Book 3E, No.1017)	16 Sept 1878	John Smith assignee of estate of David Allan et.al.	Bank of Commerce	all	With mill dam head races tc
B&S (Book 3E, No.1027)	25 Sept 1878	Bank of Commerce	David Spence	Part	with mill dam head races, others – see Diagram (western)
B&S (Book 5E, No.1949)	2 Mar 1881	Bank of Commerce	David McCrae	Parts/\$8000	others (Eastern)
Deed (Book 9E, No.4009)	10 Nov 1887	David McCrae + wife	Guelph Junction Railway	Part 37/100 ac	
Deed (Book 9E, No.4072)	4 Jan 1888	David Spence + wife	Guelph Junction Railway Company	Part 5/100 ac	others
B&S (Book 10E, No.4762)	30 April 1890	David Spence + wife	Robert Forbes	Part	mill dam water, except railway part
B&S (Book 11E, No.5080)	29 May 1891	Canadian Bank of Commerce	The Guelph Woollen Mills Company Ltd	Part	except 37/100 ac
B&S (Book 13E, No.5650)	5 Aug 1893	Guelph Woollen Mills Company Ltd	Robert Forbes	part	Except part sold by McCrae to Forbes 5 April 1890, reservations
Deed (Book 13E, No.6920)	14 July 1899	The Guelph Woollen Mills Company Ltd	George D. Forbes	part (being all as described in No5080 except pt sold Robt Forbes) /\$10,000	except 37/100 with right of way, bridge tc + other lands
B&S (Book C, No.28)	29 Jan 1900	George D. Forbes + wife	Augustus R. Woodyatt and Geo. D. Forbes	Part with right of way tc /\$7500 and premises	except 37/100 reserving mill lands, dams lying west of River
Conveyance (Book C1, No.994)	12 April 1902	Estate of Woodyatt	George D. Forbes and John M. Taylor	Part /Premises and \$3,000	except 37/100 ac, others – reserving parts of mill lands dams tc
Grant (Book C87, No.66167)	1 Feb 1956	The Canada Trust Company and Taylor-Forbes (1953) Limited	W.C. Wood Company Ltd.	Part and part _____ of River /Premises and \$1.00 ac	Under Power of Sale mtgs no 59068 and 59069, others – except rt pt. – with bridge

## ATTACHMENT 7

### Detailed Ownership History

The legal ownership of the property at 43 Arthur St South can be traced back to 1831. Records of the Canada Company include registers of sale of the original lots laid out in and around the town. These pre-patent land transactions are also summarized as part of the Ontario Archives Land Record Index. In 1825, the Canada Company bought over 10,000 square km of land in Upper Canada, including the area comprising of modern-day Guelph. The registers of sales indicate that William Allan purchased the lot from the Canada Company in 1831. The Allan family retained ownership up to and including 1877. The sale of the Grist Mill Lands (total of 9 acres) by the Canada Company to William Allan is officially recorded in the Abstract of Land Titles at the Land Registry Office as 25 April 1855. The boundaries of the property were recorded on John McDonald's Plan of the Town of Guelph drawn for the Canada Company in 1855. William Allan's son David Allan was credited with the construction and development of the distillery on the east side of the Speed, on the opposite bank of the mill. The first construction of the distillery is dated 1835. A carding mill was added to the east bank property about 6 years later.

In 1860, Allan is noted as erecting a new, 2-storey addition to the distillery. In 1863, he raised the roof of the malt house. In 1869-1870 he erected a 4-storey stone rectifying house with a 30 foot brick chimney. In 1865, following a fire, the grist mill on the west bank of the property was rebuilt in stone.

In 1878, the western part of the grist mill lands including the mill buildings were sold to David Spence, who continued the milling operations until the mill was destroyed by fire in 1883. The eastern part of the property lay idle until 1881, when it was sold to David McCrae for \$8,000. McCrae was a partner with John Armstrong in the Armstrong & McCrae Woollen Company. The two are credited with the replacement of several of the distillery buildings with new, more substantial stone structures. In 1887, David McCrae sold part of the land to the Guelph Junction Railway Company. By 1891, the company had been renamed the Guelph Woollen Mills Company Ltd and by 1898 the company had gone out of business.

In 1902, the A R Woodyatt Company were manufacturers and distributors of hardware, including lawn mowers, irons, and barn door hangers. Upon A R Woodyatt's death in 1902, George Forbes and John Taylor incorporated the business of the former Woodyatt Company and the Guelph Malleable Iron Works. The company went on to become one of Canada's largest manufacturers of lawn mowers and general hardware. In 1904, they constructed a large new foundry and machine shop on the site. During WW1 and WW 2, the company manufactured shell casings for the war effort and metal castings for the Ford Motor Company. Taylor-Forbes ran the company until it was sold in 1953. The W C Wood Company purchased the property in 1956, and initially continued production and distribution of the hardware lines of Taylor-Forbes, then expanded into freezers, coolers and a selection of farm equipment until 2010.

## ATTACHMENT 8

### Statement of Reasons for Designation

#### 43 Arthur Street South

**Why the property is being recommended for designation:**

The subject property is worthy of designation under Part IV of the *Ontario Heritage Act* as it meets all three of the prescribed criteria for determining cultural heritage value or interest according to Ontario Regulation 9/06 made under the *Ontario Heritage Act*. The heritage attributes of 43 Arthur Street South display design/physical, historical/associative and contextual value.

CRITERIA	NOTES	SCORE
The property has design value or physical value because it...		
... Is a rare, unique, representative or early example of a style, type, expression, and material or construction method.	... excellent and representative example of industrial resources that date back to the City of Guelph's earliest period of industrial development.	✓
... Displays a high degree of craftsmanship or artistic merit	... stone work is of particularly fine quality, in very good condition, and features dressed quoins and coursing.	✓
... Demonstrates a high degree of technical or scientific achievement		
The property has historical value or associative value because it...		
... Has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community	... has a significant historically association with William Allan, early pioneer, and early operator of Guelph's first timber frame grist mill and associated water power.	✓
... Yields, or has the potential to yield, information that contributes to an understanding of a community or culture	... yields information about 19th Century industrial development in Guelph.	✓
... demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community	... David Allan was credited with the construction and development of the distillery on the east side of the Speed.	✓
The property has contextual value because it...		
... Is important in defining, maintaining or supporting the character of an area.	... contributes to the visual and historic character of Arthur Street South.	✓



... Is physically, functionally, visually or historically linked to its surroundings	... provides important evidence regarding the historic character of the Grist Mill Lands.	✓
... Is a landmark	... is an irreplaceable landmark along the Speed River.	✓

**What is to be protected by the designation:**

The following elements of the property at 43 Arthur Street South should be considered heritage attributes in a designation under Part IV of the *Ontario Heritage Act*:

The following elements of 43 Arthur Street South should be considered heritage attributes in a designation under Part IV of the Ontario Heritage Act:

**Building #1 – Allan’s Distillery**

- Massing of the building including the exterior walls and the gable roof;
- Exterior limestone walls and board-and-batten dormer (20th century alteration);
- Original door and window openings;
- 8-over-8 sash windows on the west elevation;
- Stone fireplace; and
- Five storage tanks.

**Building #2a – Knitting/Japanning Building**

- Massing of the building including the exterior walls and the low pitch gable roof;
- Exterior brick and limestone walls;
- Original door and window openings;
- Large I-beam members; and
- Industrial mechanism attached to the ceiling of the second floor

**Building #2b – Milling Building**

- Massing of the building including the exterior walls and the low shed roof;
- Exterior brick and limestone walls;
- Original window openings;
- Heavy timber interior structure; and
- Large I-beam members.

**Building #2c – Tower**

- Massing of the building including the exterior walls;
- Exterior limestone walls;
- Original door and window openings;
- Three original wood windows at the north elevation at the third floor; and
- Heavy timber interior structure, and the unique stacked wood and iron rod truss system.

**Building #2d – General Office and Shipping Building**

- Massing of the building including the exterior walls;
- Exterior limestone walls;
- Signage panels on the north elevation, of note the 'General

Office' sign;

- Original door and window openings;
- Extant portion of brick chimney; and
- Heavy timber structure.

It is intended that non-original features may be returned to documented earlier designs or to their documented original without requiring City Council permission for an alteration to the designation.

# Staff Report



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To	<b>City Council</b>
Service Area	Infrastructure, Development and Enterprise Services
Date	Tuesday, October 10, 2017
Subject	<b>122 Cardigan Street (Kelly's Inn): Notice of Intention to Designate Pursuant to Part IV of the Ontario Heritage Act</b>
Report Number	IDE-2017-91

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## Recommendation

1. That the City Clerk be authorized to publish and serve notice of intention to designate 122 Cardigan Street pursuant to Section 29, Part IV the Ontario Heritage Act and as recommended by Heritage Guelph.
2. That the designation by-law be brought before City Council for approval if no objections are received within the thirty (30) day objection period.

## Executive Summary

### Purpose of Report

To recommend that Council publish its intention to designate 122 Cardigan Street according to provisions of Section 29, Part IV of the Ontario Heritage Act.

### Key Findings

A property may be designated under Part IV, Section 29 of the *Ontario Heritage Act* if it meets one or more of the criteria used to determine cultural heritage value or interest as set out in Ontario Regulation 9/06.

Planning staff, in consultation with Heritage Guelph, have compiled a statement of significance including proposed heritage attributes of the property. Staff recommends that the property meets all three criteria used to determine cultural heritage value or interest as set out in Ontario Regulation 9/06 under the *Ontario Heritage Act* and, therefore, merits individual heritage designation under the Ontario Heritage Act.

### Financial Implications

Planning and Urban Design Services budget covers the cost of a heritage designation plaque.

## **Report**

The legal description of the subject property is:  
PT PARK LOT 88, PLAN 8, PART 3, 61R7139; GUELPH

The legal owners of the property are: Neelan Kothari; Neerupama Kothari; Rachna Kothari, and Roopa Kothari. The owners of the subject property have requested designation under the Ontario Heritage Act in honour of Chandrakant Kothari.

The owners have been consulted by Heritage Planning staff and are supportive of staff's recommendation to Council.

The following description of the property's cultural heritage value and the information contained in Attachments 1-8 are the result of research compiled by Heritage Planning staff with assistance from Heritage Guelph. This report is also informed by Conservation Review Board Report 6.12 dated October 19, 1992.

### **Heritage Planning Background**

In 1991 the original hip roof of the subject building was removed by a former owner with an intention to add three additional storeys to create five residential units. At that time City officials believed this would compromise the building's architectural and historical significance. The City clerk was authorized by Council on August 26, 1991 to advertise the intended designation of the property known as 122 Cardigan Street, or Kelly's Inn, because of its historic and architectural value. The proposed 1991 designation was intended to include all exterior limestone walls and the original roof line over the 1854 building.

A notice of the Council's intention to designate the building appeared in the Guelph Mercury on August 30, 1991. Before the appeal period ended September 30, 1991, there were two objections made. The matter was referred to the Conservation Review Board (CRB) for a hearing held on June 5, 1992. The CRB recommended that Council proceed with the designation of the original stone building, including the original roof line, as endorsed by City Council at their meeting of August 26, 1991. It is unknown by current staff as to why the City did not proceed with designation of the property in 1992.

### **Historical Background**

Bernard Kelly had the subject limestone structure built in about 1854 as a tavern and personal residence.

Bernard Kelly was born in County Longford, Ireland around 1823. Life in 19<sup>th</sup>-century Ireland was full of unrest due to food shortages and starvation, disease and mass evictions. Bernard and Ellen Kelly likely came to North America and subsequently Guelph as part of a wave of Irish immigration referred to as the Irish Diaspora in search of a new life. Individuals such as Bernard Kelly shed a light on the unvarnished, hardscrabble side of 19<sup>th</sup>-century Guelph. In 1847 an entry

appeared in *Guelph Herald and Literary, Agricultural and Commercial Gazette*, under the heading "A Criminal Abroad":

Escaped from the undersigned on the 19th instant, a person named Bernard Kelly, an Irishman by birth and a cooper by trade... about three-quarters of his nose is missing... a quarrelsome character with a charge against him of stabbing a man – liberal reward offered for his arrest.

Kelly was convicted on April 19, 1847 of assault and battery and fined ten shillings. He was given one week to pay the fine and the fine remained unpaid as of July 3rd of that year.

Kelly purchased the land from the Canada Company in 1853, and had the two-storey stone house built shortly thereafter. The building was identified as a tavern on Fraser Kerr's 1855 map and was shown as an inn on the 1856 survey (Attachment 3). According to the Guelph city council *Committees Minute Book 1860-Jan 18, 1869*, the inspectors of tavern licenses and houses of entertainment in 1861 identify Kelly's Inn as the following: one bar room, one second class sitting room, a second class dining room, six bedrooms and one stable. The inn was not only home to the Kelly clan; it was also the local social centre and tavern for employees of the many mills that had sprung up along the Speed River.

In the 1861 census, Bernard Kelly is identified as a cooper and the Kelly family resides in the two-storey, stone house and consists of wife Ellen Kelly (née Purcell) as well as seven daughters – Mary, Ann, Catherine, Ellen, Sarah, Margaret and Bridget. By the 1871 census, the Kelly brood has grown to include three sons and one more daughter. Sadly, Bridget Kelly is not enumerated and has likely passed away prior to 1871. Kelly resided above the tavern with his wife, Ellen, and family until his death on March 29<sup>th</sup>, 1876. His last will and testament leaves his properties in trust for his wife Ellen and for support, maintenance and education of all of his children. The will also sets aside twenty dollars to the pastor of the Roman Catholic Church of Guelph for the expressed purpose of saying masses for Bernard Kelly's soul.

The building was converted into a two-unit dwelling under the ownership of Mrs. Kelly after Bernard's passing. The property was then sold in 1882 to James Goldie who rented it out to a number of workers. Attachment 7 contains the land registry Abstract Index for the property until the early 20<sup>th</sup> century. The portion of the lot containing the former inn is described as the southeast part of the lot. Mr. Goldie sold to the Clemens family whom subsequently sold to the Robert Stewart Company Limited - one of the major lumber mills at the time. The Stewart family purchased the portion of the lot containing the former inn building in 1911 and subsequently purchased smaller portions of the lot in the following years. The Stewarts owned the property until 1988 and continued to use it for residential purposes. For almost 135 years, the property at 122 Cardigan Street has been inextricably tied to the mills and their industrial labourers and the working class neighbourhood that surrounded it (Attachment 4).

### **Why the property is being recommended for designation:**

The subject property is worthy of designation under Part IV of the *Ontario Heritage Act* as it meets all three of the prescribed criteria for determining cultural heritage value or interest according to Ontario Regulation 9/06 made under the *Ontario Heritage Act*. The heritage attributes of 122 Cardigan Street display design/physical, historical/associative and contextual value.

The subject property has design value or physical value because its simple Georgian style is representative of Guelph's mid-1850s taverns. The building was likely constructed in 1854 for Bernard Kelly who purchased the property in 1853. At that time, the property was at the northern boundary of the town. The two-storey tavern and inn was constructed of local limestone. The stones of the window and door heads have been laid in a distinct manner. The corners display large stone quoining. The architectural value of the building includes its two-storey exterior limestone walls, as well as all of the original door and window openings. The original hip roof line of the building, as it existed prior to August 1991, is also of architectural value. Although the original hip roof line is a heritage attribute, the current side gable roof is not.

The property has historical value because of its association with Bernard Kelly and the 19<sup>th</sup>-century working class history of Guelph. The "Civil Barney Kelly" with his tavern, and family remind us of the rough and energetic working class part of Guelph's heritage. In the 1934 Ontario Historical Society Journal, David Allan indicated Kelly's Inn as an old Guelph landmark worthy of recognition (1934 Vol. 30).

The property has contextual value in that during the 1850s Guelph was a prominent grain marketing, milling and industrial centre. There was a sawmill, a tannery, a piggery, a smithy and other related industries also located in the vicinity of Kelly's Inn. The cooperage, tavern inn and workers housing functioned as a necessary part of the overall local economy. Guelph, as a major mill town, attracted a number of farmers and the inn provided necessary accommodations for these travellers. Kelly's Inn would have also functioned as a social centre for the workers employed at the many mills and industries surrounding the Speed River.

In this historic milling area, only the ruins of Goldie Mill and Kelly's Inn remain from the 1850s. Kelly's Inn makes up an important vestige of the historical streetscape. As a corner property at the intersection of Cardigan Street and London Road, Kelly's Inn is a landmark.

### **What is to be protected by the designation:**

The following exterior elements of the property at 122 Cardigan Street should be considered heritage attributes in a designation under Part IV of the *Ontario Heritage Act*:

## Exterior

- Roof line;
- Exterior stone walls;
- Location and form of original window and door openings

## Financial Implications

Planning and Urban Design Services budget covers the cost of a heritage designation plaque.

## Consultations

Heritage Guelph has recommended that the property known historically as Kelly's Inn at 122 Cardigan Street be designated under Part IV of the Ontario Heritage Act, R.S.O. 1990, Chapter 0.18. At their meeting of August 26, 1991, Guelph LACAC (now Heritage Guelph) passed the following motion:

"THAT the property known as 122-124 Cardigan Street be designated by by-law under Part IV of the Ontario Heritage Act, R.S.O. 1990, Chapter 0.18, as being of historical and architectural value and interest in the City of Guelph."

Heritage Guelph reaffirmed their support for the designation of 122 Cardigan Street in the following motion carried at their meeting of September 25, 2017.

"THAT Heritage Guelph recommends that Council publish its intention to designate 122 Cardigan Street under Part IV of the Ontario Heritage Act, R.S.O. 1990."

## Corporate Administrative Plan

### Overarching Goals

Service Excellence

### Service Area Operational Work Plans

Our Services - Municipal services that make lives better

Our People- Building a great community together

Our Resources - A solid foundation for a growing city

## Attachments

- |        |                              |
|--------|------------------------------|
| ATT- 1 | Location of Subject Property |
| ATT- 2 | Survey of Subject Property   |
| ATT- 3 | Historical Maps              |

ATT- 4      Aerial Photos 1945  
ATT- 5      Historical Photos  
ATT- 6      Current Context Photos  
ATT- 7      Land Registry, Abstract Index - PT PARK LOT 88, PLAN 8  
ATT- 8      Statement of Reasons for Designation

## **Departmental Approval**

Not applicable

### **Report Author**

Stephen Robinson  
Senior Heritage Planner



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### **Approved By**

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### **Approved by:**

Melissa Aldunate  
Manager of Policy Planning and Urban Design



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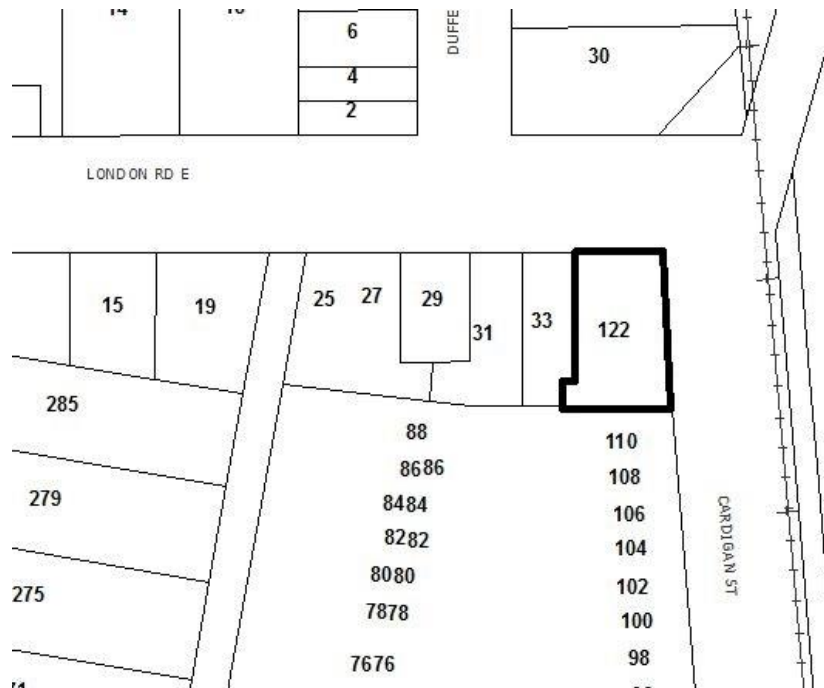
### **Recommended By**

Scott Stewart  
Deputy CAO  
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519-822-1260 x3445  
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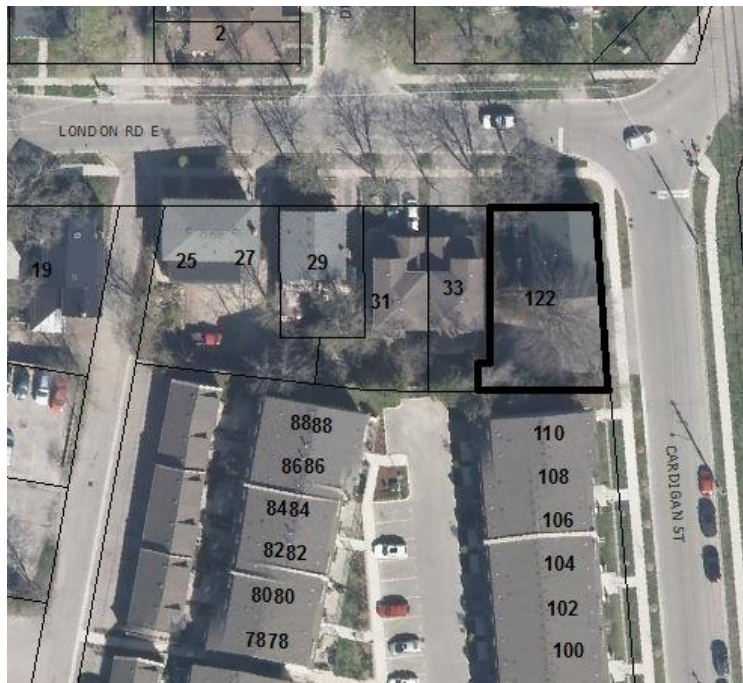


## ATTACHMENT 1

### Location of Subject Property



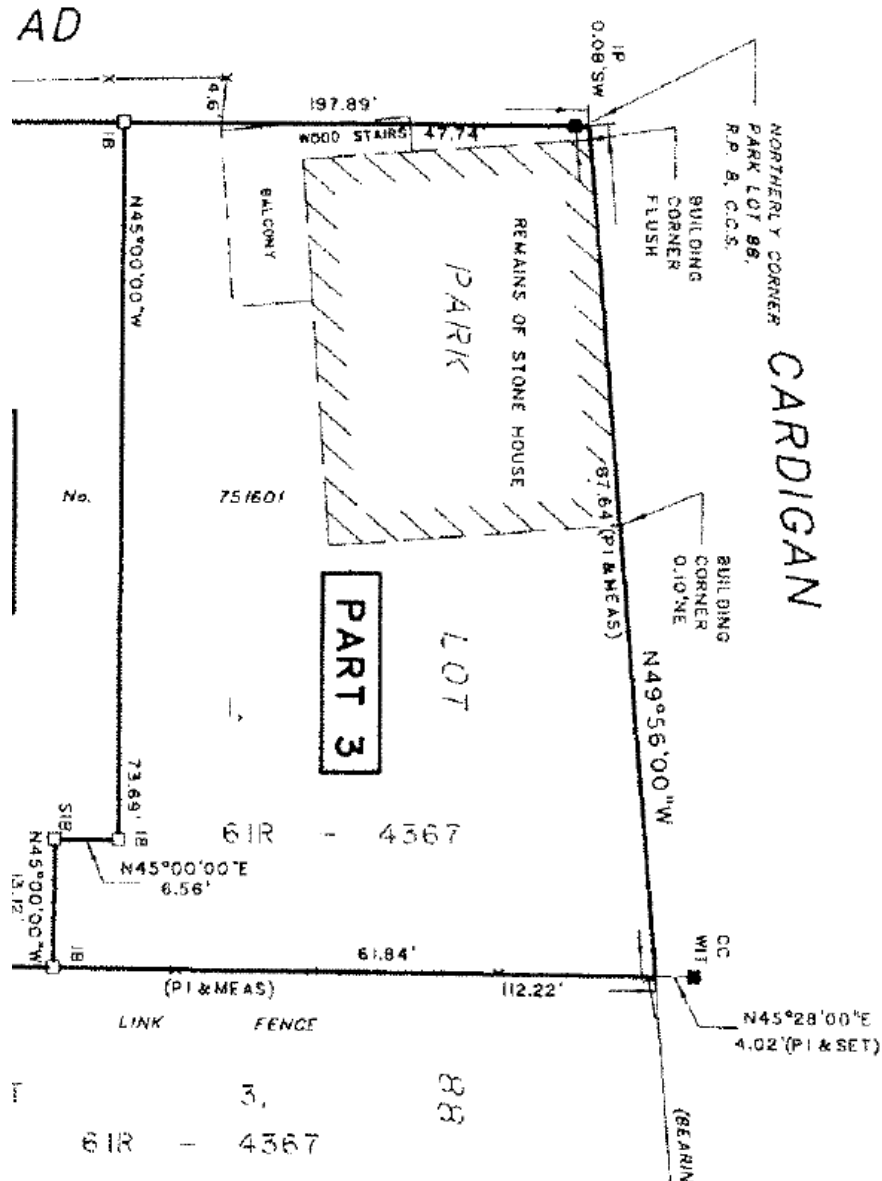
Property parcel and associated address (Image: Guelph Planning Services)



Outline shows the portion of the property to be protected by the proposed designation.  
(Image: Guelph Planning Services)

# ATTACHMENT 2

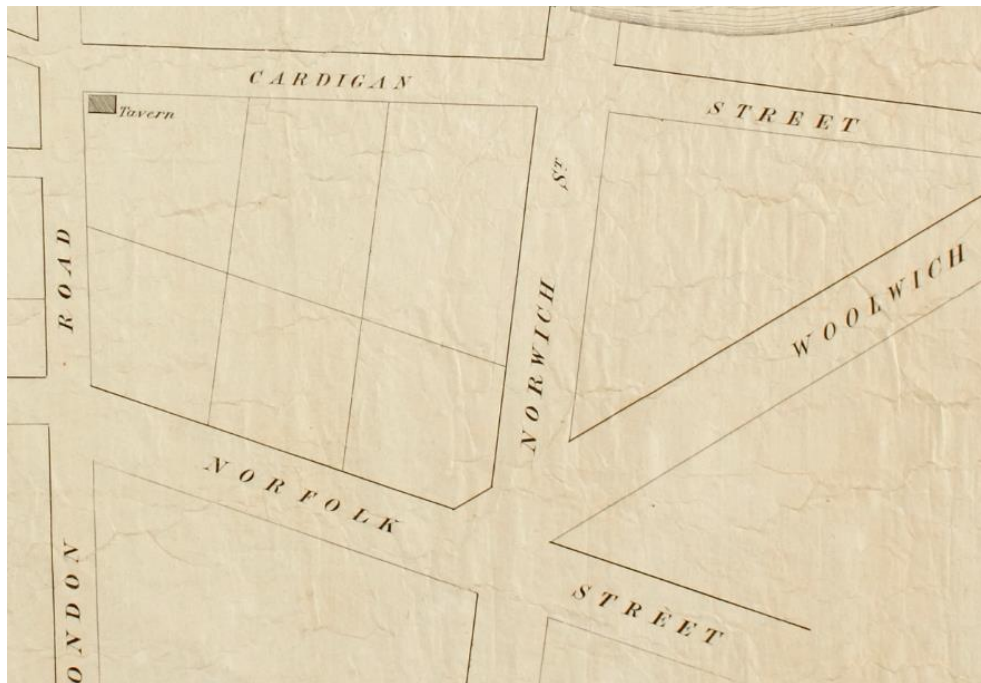
## Survey of Subject Property



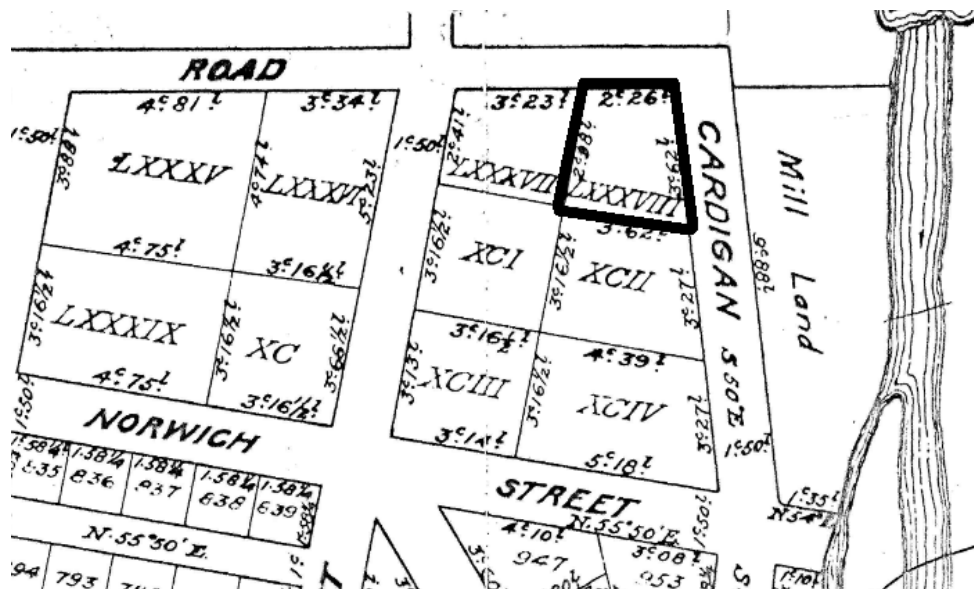
Detail from Registered Plan 61R-7139 (Black, Shoemaker, Robinson & Donaldson Ltd., deposited July 31, 1996)

## ATTACHMENT 3

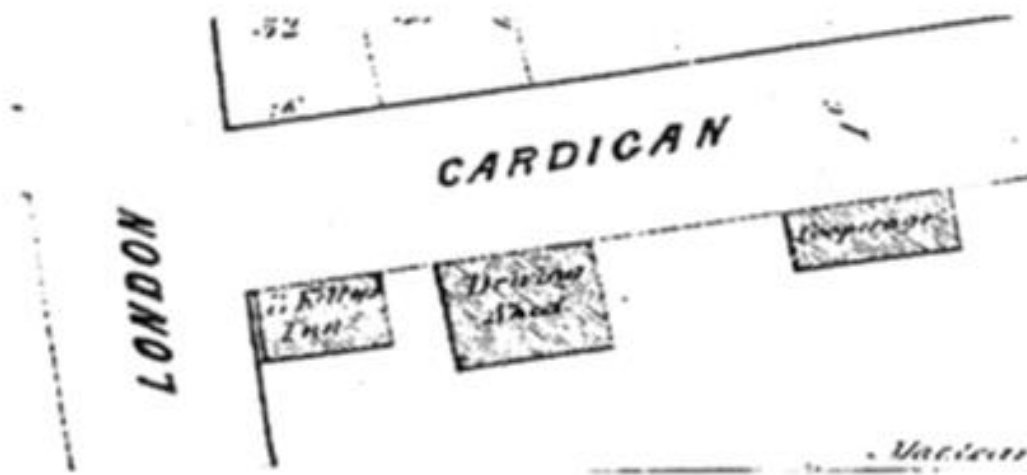
### Historical Maps



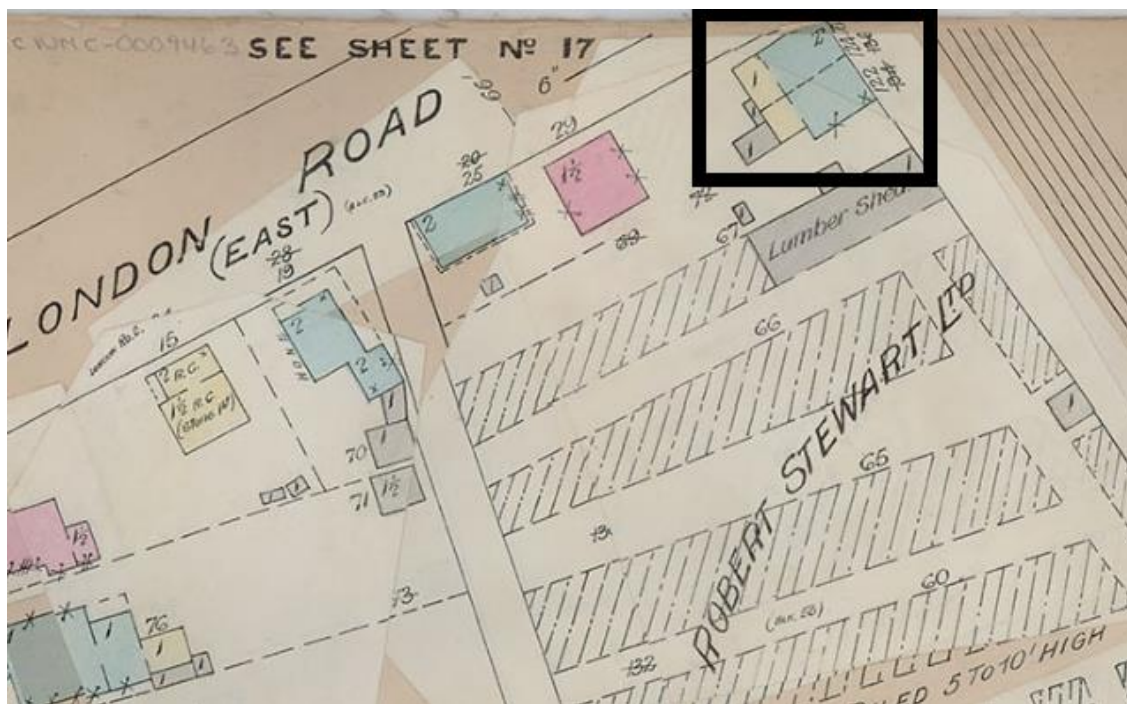
Detail from *Plan of Building Lots Laid out in the Town of Guelph for John Mitchell Esq.*  
Fraser Kerr PLS, Guelph, July 1855



Plan of the Town of Guelph (Registered Plan 8) drawn from surveys by John McDonald 1855; redrawn 1888 (Chadwick) and 1935 (Bowman). Detail of the approximate location of the 122 Cardigan Street property, at the corner of Cardigan Street and London Road East



Detail from Frederick George's Survey, 1856 indicating B Kelly's Inn, driving shed and cooperage

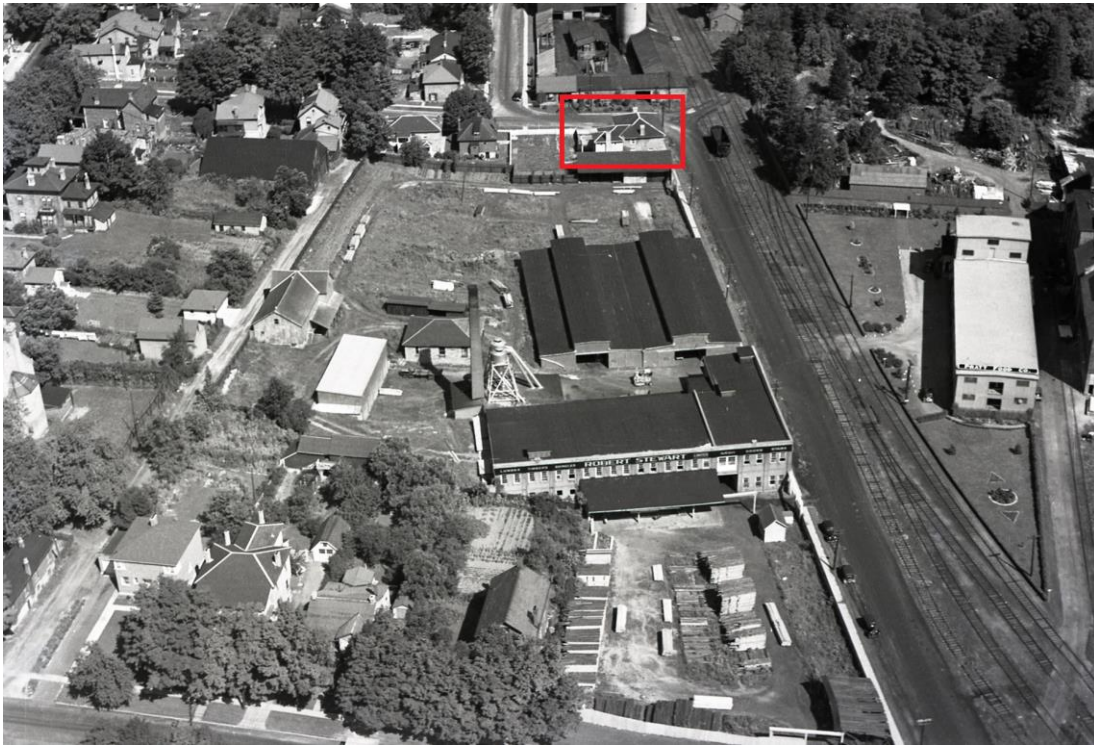


Detail of Fire Insurance Plan of the Town of Guelph, Sheet 8, by Charles E. Goad, 1897 (revised 1907 and 1911). Source: :Library and Archives Canada



## ATTACHMENT 4

Aerial Photos 1945 (122 Cardigan Street indicated in red)







## ATTACHMENT 5

### Historical Photos



North view of the property, 1969 (Source: Gordon Couling Inventory)



North View of the property in 1995



## ATTACHMENT 6

### Current Context Photos (Images May 2014)





# ATTACHMENT 7

## Land Registry, Abstract Index - PT PARK LOT 88, PLAN 8

Number & Instrument	Its Date	Date of Registry	Grantor	Grantee	Quantity of Land	Consideration or Amount of Mortgage	Remarks
5741 Mortgage	26 Mar 1853	26 Mar 1853	Bernard Kelly and wife	Co. of Waterloo B. Society	all 1 acre	£150	
5747 Bargain & Sale	26 Mar 1853	28 Mar 1853	Attornies of Canada Company	Bernard Kelly	all 1 acre		
6619 Mortgage	20 June 1854	21 June 1854	Bernard Kelly and wife	Wellington P B Society	all 1 acre	£100	
24713 Mortgage	29 Dec 1865	30 Dec 1865	Bernard Kelly and wife	W G Schreiber	all 1 acre	400	
3571 Discharge of Mortgage	13 May 1874	24 July 1874	Weymouth G Schreiber	Bernard Kelly	all 1 acre	mtg 24713	
3582 Mortgage	25 July 1874	31 July 1874	Bernard Kelly and wife	Joseph Hy Bishop	all 1 acre	400	
3667 Discharge of Mortgage	25 Aug 1874	9 Sept 1874	William Alexander and Eunice (?) Newton for the Wellington P B Society	Bernard Kelly	all 1 acre	mtg 6619	
3668 Discharge of Mortgage	25 Aug 1874	9 Sept 1874	Ed Carthew and E. Newton for Co. of Waterloo B. Society	Bernard Kelly	all 1 acre	mtg 5741	
1090 Assignment of Mortgage	2 Nov 1878	9 Nov 1878	Joseph Hy Bishop	Donald Hurley	all 1 acre	mtg 3582	
1091 Discharge of Mortgage	30 Dec 1865	30 Dec 1865	Wellington P B Society	Bernard Kelly	all 1 acre	mtg 6619	
2246 Bargain & Sale	3 Oct 1881	5 Oct 1881	Donald Hurley	Ellen Kelly	all 1 acre		under power of sale
2386 Bargain & Sale	1 Feb 1882	15 Feb 1882	Ellen Kelly widow	James Goldie	all 1 acre		
939 Bargain & Sale	1 Jan 1902	11 Mar 1902	James Goldie and wife	Herbert A Clemens	SE pt	\$800.00	
1797 Bargain & Sale	1 May 1903	2 Jun 1903	James Goldie and wife	Herbert A Clemens	all 1 acre	as p 1-12 \$2100.00	except pt sold off

2112 Conveyance	6 Oct 1903	21 Nov 1903	Herbert A Clemens and wife, John S Clemens - Herbert A Clemens and Samuel Law (firm of H A Clemens & Co)	The H A Clemens Co Ltd	SE pt	Premises &	subject to mortgage others
6785 Bargain & Sale	6 July 1909	13 July 1909	Herbert A Clemens	Lilian F Clemens	all	1-12	subject to...illegible...and \$1.00 except part sold in 939
7697 Bargain & Sale	6 July 1910	11 July 1910	Lillian F Clemens	Thomas Whaley	all	1-12	\$2250.00 except pt as m939
8185 Bargain & Sale	1 Nov 1910	6 Feb 1911	The Bank of Montreal and Osler Wade, liquidator of the H A Clemens Company Ltd	Edward S Singer	SE pt	\$1500 and others subject to mortgage	assumption of mtg settled and approved by A M McSimmon Local Master
8932 Bargain & Sale	20 Apr 1911	27 Sept 1911	Edward S Singer and wife	Robert Stewart Ltd	SE pt	\$800.00	others subject to mortgage
10803 Bargain & Sale	20 Mar 1913	28 Mar 1913	Thomas Whaley and wife	Robert Stewart Ltd	W corner	\$1000.00	
10951 Bargain & Sale	1 Apr 1913	21 Apr 1913	William Leader and wife	Robert Stewart Ltd	part	\$2200.00	
13609 Bargain & Sale	10 Sept 1915	13 Sept 1915	William F H Price and wife	Robert Stewart Ltd	part	\$300.00	

## ATTACHMENT 8

### Statement of Reasons for Designation

#### 122 Cardigan Street

##### **Why the property is being recommended for designation:**

The subject property is worthy of designation under Part IV of the *Ontario Heritage Act* as it meets all three of the prescribed criteria for determining cultural heritage value or interest according to Ontario Regulation 9/06 made under the *Ontario Heritage Act*. The heritage attributes of 122 Cardigan Street display design/physical, historical/associative and contextual value.

CRITERIA	NOTES	SCORE
The property has design value or physical value because it...		
... Is a rare, unique, representative or early example of a style, type, expression, and material or construction method.	...Its simple Georgian style is representative of Guelph's mid-1850s stone tavern buildings.	✓
... Displays a high degree of craftsmanship or artistic merit		
... Demonstrates a high degree of technical or scientific achievement		
The property has historical value or associative value because it...		
... Has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community	... reflects the early period of development of Guelph's industrial lands. The building was an integral part of the daily lives of employees and residents. It is associated with Bernard Kelly and the 19 <sup>th</sup> -century working class history of Guelph	✓
... Yields, or has the potential to yield, information that contributes to an understanding of a community or culture		
... demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community		
The property has contextual value because it...		
... Is important in defining, maintaining or supporting the character of an area.		

... Is physically, functionally, visually or historically linked to its surroundings	... Along with nearby Goldie Mill, the property has strong historical links to the industrial history of the area.	✓
... Is a landmark	... is visually prominent at the intersection of Cardigan Street and London Road.	✓

**What is to be protected by the designation:**

The following elements of the property at 122 Cardigan Street should be considered heritage attributes in a designation under Part IV of the *Ontario Heritage Act*:

That the following be considered as heritage attributes to be protected by the heritage designation by-law:

Exterior

- Roof line;
- Exterior stone walls;
- Location and form of original window and door openings

# Staff Report



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To **City Council**

Service Area Infrastructure, Development and Enterprise Services

Date Tuesday, October 10, 2017

Subject **Decision Report**  
**Review of City of Guelph Development Application Fees**

Report Number IDE-2017-116

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## Recommendation

1. That the Development Application Fee By-law be approved in accordance with ATT-2 of the Infrastructure, Development and Enterprise Report IDE-2017-116, dated October 10, 2017, and the enacted By-law come into full force and effect on January 1, 2018.
2. That the application fees be increased annually based on the Construction Price Index.
3. That the Development Application Fee By-law be formally reviewed once per Council term.

## Executive Summary

### Purpose of Report

This report provides a recommendation to approve a new Development Application Fee By-law.

### Key Findings

Municipalities in Ontario are enabled by the Municipal Act, 2001 and Planning Act to collect fees to offset the costs associated with the review of various types of development applications.

Guelph's current development fee structure and By-law has not been comprehensively reviewed and updated since 2004.

The City retained Performance Concepts Consulting Inc., to provide technical recommendations regarding a new fee structure.

The report from Performance Concepts Consulting Inc., entitled "City of Guelph Update of Development Review Process (DRP) Fees" was received by Council on June 12, 2017, and Council directed staff to bring forward a new Development Application Fee By-law for Council's consideration, based on the framework recommended by the consultant and input received from Council and Stakeholders.

Staff have reviewed and responded to comments and/or questions raised by Council and the Development community on the City's development application fee update exercise and are now in a position to recommend approval of a new Development Application Fee By-law.

## **Financial Implications**

Comprehensively reviewing and updating the City's development application fee structure will allow the City to address the current systemic negative budget variance with respect to development application fee revenue. It will also allow the City to align its fee structure with current and anticipated development activity and processing requirements and establish an appropriate level of cost recovery while maintaining the City's economic competitiveness. A Council decision regarding the recommended new development application fee structure is required in time to inform the 2018 budget.

## **Report**

### **Background**

In 2016, the City initiated a review of its development application fee structure, which has not been comprehensively reviewed and updated since 2004 other than indexed annual fee increases based on the Construction Price Index. The consulting firm, Performance Concepts Consulting Inc. (PCC), was retained to undertake a review of the City's current fee structure, staff processing efforts and an analysis of the fees charged by comparable municipalities. As an expert in the field, PCC has overseen over 30 municipal fee reviews across Ontario. The consultant's report was presented to Council on June 12, 2017 and Council passed the following resolution:

1. That the report from Performance Concepts Consulting Inc., entitled "City of Guelph Update of Development Review Process (DRP) Fees" included as ATT-1 to IDE Report 17-73, be received.
2. The staff be authorized to proceed with bringing forward for Council's consideration, a recommended new Development Application Fee By-law, based on the framework contained in ATT-1 to IDE Report 17-73 and input received from Council and business stakeholders.

Staff are now bringing forward a new Development Application Fee By-law, based on the framework provided by PCC and review of input received from business stakeholders and Council.

Municipal development review fees are authorized primarily by Section 69 of the *Planning Act*, which authorizes municipalities to establish a tariff of fees by By-law. Fees for each development application type (e.g. Site Plan) are to be based on the anticipated cost to the municipality in respect of the processing of each type of application provided for in the Tariff and cannot be set to subsidize other under-recovering categories. This Section 69 requirement sets a cost justification

standard for the City's fees update. Section 69 *Planning Act* fees may be reduced or waived by Council or Committee of Adjustment where it would be unreasonable to require payment, and may also be paid "under protest" and appealed to the Ontario Municipal Board (OMB). The OMB has the power to direct a refund payment be made to an appellant as it determines appropriate.

Certain fees related to the development process, such as those fees associated with detailed engineering submission review (after subdivision draft plan approval) are enabled by Part XII of the Municipal Act, 2001. There is no explicit Part XII cost justification standard, and there is no OMB appeal process for these fees.

### **Methodology for City's Development Fees Update**

The technical report prepared by PCC and attached to the June 12, 2017 IDE Report 17-73 (refer to ATT-3 web-link) Council Report set out the details of the costing methodology employed by the City in this fees update. Proposed fee levels have been calculated using City budget data to establish staff hourly wage rates. These "billable hour" staff wage rates were in turn applied to the processing hours consumed by development applications within the various application categories. Wherever available, staff docketing of actual processing hours was used to support new fee calculations. If actual staff time-docketing data was not available, best estimates of staff processing effort were developed using detailed process mapping tools within facilitated group working sessions. Expert fee-design consulting support supplied by PCC ensured "best practices" in municipal fee cost justification were incorporated in the City's methodology.

### **City Staff Processing Efficiency and Level of Cost Recovery**

City staff involved in the review of development applications also carry out work that cannot be recovered by user fees. Examples include Ontario Municipal Board (OMB) appeals, planning policy projects, and general public inquiries. Therefore, 100 percent cost recovery of development review "fixed" staffing costs is not justifiable. However, some City staff members are devoted almost exclusively to the review/approval of development files. Time docketing has revealed efficient patterns of utilization/productivity associated with these "core" development approvals staff.

Updated fee calculations are proposed for existing application categories at the City. In some cases, the design of the updated fee has been adjusted to reflect the size/complexity of expected upcoming application volumes. Subdivision and Site Plan fees are noteworthy in this regard. The design of these fees has been simplified to ensure Section 69 compliance and improve fairness across different applications within each category.

Overall, the updated existing fees will secure appropriate cost recovery from applicants based on actual patterns of City staff processing effort.

### **Proposed Introduction of New City Development Application Fees**

Based on trends in peer municipal fee collection practices, and the financial objective to ensure an appropriate level of cost recovery in Guelph, a number of

new development fees are recommended. City staff have established supporting business practices/rules to administer these new fees.

### **Municipal Peers Fees Comparison and Competitiveness Analysis**

It is important that Guelph's updated development application fees fall within the market range of municipal sector development application fees to ensure the City continues to be economically competitive and an attractive community in which to invest and develop.

In comparing fees across peer municipalities, it is useful to establish common development application scenarios and then apply peer municipal fees against these standardized scenarios. The selection of Guelph's peers included neighbouring Waterloo region municipalities, as well as other Ontario municipalities from the GTA and beyond. As detailed in the consultant's report, the proposed new Guelph fee levels cluster around the peer average or fall below the average. This clustering of fees around the peer average indicates no unexpected adverse impact on development project cost structures and competitive positioning for development in Guelph.

### **Consideration of Council and Business Stakeholder Input**

Staff has reviewed and assessed Council and Business Stakeholder input as part of finalizing the recommended By-law. General questions/comments included:

- What is the City's cost recovery philosophy?
- Is there potential for phasing the new fees?
- Is there merit in having a "sliding scale" for smaller site plan applications?
- Will the City continue to pursue process efficiencies?

A more detailed summary of key inputs and staff responses are contained in ATT-1. In general, the comments were constructive/neutral in nature. Based on the analysis contained in ATT-1, staff is satisfied that the framework recommended by PCC is an appropriate basis for the new Development Application Fee By-law in accordance with ATT-2 to this report.

### **Conclusion and Implementation Priorities**

Updated development application fees are a necessary component of a well-functioning municipal development approvals model. The proposed update to existing City fees, and the introduction of appropriate new fees, is consistent with the City's objective to ensure an appropriate level of cost recovery in Guelph. Guelph's updated fees represent a financial "cost of doing business" for applicants that are reasonable and well-positioned when compared to peer municipal comparators.

## **Financial Implications**

Comprehensively reviewing and updating the City's development fee structure will allow the City to address the current systemic negative budget variance with respect to development fee revenue. It will also allow the City to align its fee structure with current and anticipated development activity and processing



requirements and establish an appropriate level of cost recovery while maintaining the City's economic competitiveness.

## **Consultations**

### Business Stakeholders

The Integrated Operational Review – Oversight Working Group known as the Business Stakeholder Working Group (BSWG) as well as the Guelph-Wellington Development Association (GWDA) and the Guelph Homebuilders & District Association (GHBDA) and City Staff Technical Liaison Group were informed of the City's review of its development application fee structure. PCC presented their draft technical report to BSWG and GWDA/GHBDA executives on June 8, 2017, for information and input. Written comments were submitted from GWDA on July 5, 2017, and are discussed in ATT-1.

### Council

Council was presented with a joint staff/Performance Concepts Consulting Inc. report on June 12, 2017. Council input provided at that meeting is discussed in ATT-1.

### Internal Working Team

This initiative is being jointly managed by Planning, Urban Design & Building Services, and Engineering and Capital Infrastructure Services in consultation with departments that are involved in the development review and approvals process including: Business Development and Enterprise, Finance, City Clerk's Office, Business Development and Enterprise, Legal Services and Parks & Recreation.

## **Corporate Administrative Plan**

### **Overarching Goals**

Financial Stability  
Service Excellence

### **Service Area Operational Work Plans**

Our Resources - A solid foundation for a growing city  
Our Services - Municipal services that make lives better

## **Attachments**

ATT-1	Comment Summary and Staff Response
ATT-2	Proposed Application Fees and Charges as of January 1, 2018
ATT-3	<a href="#">IDE Report 17-73</a> (see page 80)

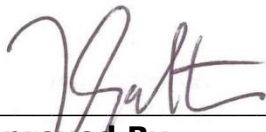
## **Departmental Approval**

Peter Cartwright  
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Business Development & Enterprise Services

Heather Flaherty  
General Manager, Parks and Recreation  
Public Services

## Report Author

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Senior Development Planner  
Planning, Urban Design and Building Services



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for:

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**Recommended By**

Scott Stewart, C.E.T.  
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## **ATT-1**

### **Comment Summary and Staff Response**

The following questions were raised by Council at the June 12, 2017 Council Planning meeting:

***What is the City's philosophy on cost recovery and could the revised fees be phased in?***

Section 69 of the Planning Act enables municipalities to impose fees to recover up to 100% of the direct costs associated with processing of applications made in respect of planning matters. The fees must relate to the specific type of application and there can be no cross-subsidization between categories. If fee-based cost recovery for any particular application is less than 100%, the balance of costs must be recovered by property taxes.

The recommended Fee By-law is based on a 100% cost recovery philosophy with the specific fee levels being set in accordance with the methodology described in IDE Report 17-73.

If the new Fee By-law is not approved, or if the fees are reduced or phased in over a period of years, the balance of the costs will need to be recovered from property taxes, or there will be a continuation of the systematic negative budgeted revenues variance that has been experienced over the past several years.

***How were the comparator municipalities selected?***

The peer comparators were recommended by City staff. These comparators are used by Guelph for peer benchmarking purposes across a wide range of City services – not just development approvals. They include a blend of neighbouring Waterloo Region municipalities, as well as Greater Golden Horseshoe growth municipalities. Overall, the peer municipal sample provides a representative overview of urban Ontario development fee realities/cost structures. Fees represent a limited component of the overall input costs of development for the industry.

Even in high-fee jurisdictions such as Milton, fees have not materially impacted the pace or location of development. Milton fees are the highest in some categories (Draft Plan of Subdivision), however they are also within +/- \$1,000 of other comparators in other categories (Major Rezoning). The inclusion of Milton in the comparator group is considered appropriate, rather than selectively removing high cost, or low cost comparators.

The Greater Toronto Area municipal comparators have all conducted at least one comprehensive development fees review over the last 5 years. For the purposes of comparing the development application fees, PCC referenced the current fee by-laws, so no fees were improperly compared across differing years.

***What is the basis for indexing fees and how will efficiencies/cost reductions be considered?***

In accordance with the Council-approved indexing policy under the current by-law, it is recommended that the fees continue to be adjusted for inflationary impacts every January based on the Construction Price Index. Price inflation is measured using price changes over time for a basket of commonly purchased goods - the Consumer Price Index is appropriate for measuring price changes (inflation) for everyday Canadians, however, the Construction Price Index measures price changes in a different bundle of goods - materials needed in the development/building industry. By using this price index, fees are adjusted for inflation in the same way as other "input costs" a developer/builder would face. In short, using the Construction Price Index provides consistency with the inflation cost escalator already in place for a developer/builder.

Staff are recommending that the Fee By-law be reviewed once per term of Council (generally once every 4 years). This will allow for fees to be reviewed against contemporary staff effort and efficiency levels. The 2016-17 fee review was supported by IOR driven efficiencies. Post-IOR continuous improvement activities will continue to identify opportunities for further efficiencies. These efficiencies and their impact on processing costs can be assessed at the time of regular fees By-law review during each term of Council.

***Will there be impacts on housing affordability?***

The development industry prices its products based on a complex and ever-changing mix of input costs and market demand circumstances. It is not possible to isolate and precisely gauge the price impact of changing input costs such as development fees (without understanding developer profit margins). The updated fees will allow the City to align its fee structure with current and anticipated development activity, and recover unavoidable fixed staffing costs for executing essential application review processes. Updated fees will establish an appropriate level of cost recovery, while maintaining the City's economic competitiveness. PCC has advised that across southern Ontario new development application fees (in recent years) have not had a material impact on the pace of development across its numerous municipal clients, and that any unrecovered Section 69 Planning Act application processing costs must be borne by the property tax levy.

***Will the recommended fees pose an impediment to desired infill?***

Staff do not believe that fees pose impediments to infill. As noted above, updated development application fees are a necessary component of a well-functioning municipal development approvals model. The proposed update to existing City fees, and the introduction of appropriate new fees, is consistent with the City's objective to ensure an appropriate level of cost recovery in Guelph. Guelph's updated fees represent a financial "cost of doing business" for applicants that are reasonable and well-positioned when compared to peer municipal comparators.

***Could the site plan fee be modified to include a minimum and maximum fee as well as a "sliding scale" to reduce costs for "small" developments?***

Staff has analyzed the concept of using a sliding scale with a minimum or "base fee", escalator (per residential unit fee or per m<sup>2</sup>) and maximum fee (cap). Staff are recommending that a "base fee" of 80% be applied to the Standard Site Plan fee. This "base fee" is based on industry standards and will capture the majority of "fixed costs" in site plan application review. This base fee also recognizes "smaller" developments generally take somewhat less staff time for review than larger applications. This model also allows for a cap on "larger" developments as larger developments do take more staff time for review up to a certain point. The per residential unit fee and per m<sup>2</sup> fee is taken from the current Fee By-law. Based on the historical "average" number of residential units and "average" gross floor area (GFA) for site plan applications, staff are recommending the following Standard Site Plan application fees:

<b>Site Plan Type</b>	<b>Base Fee</b>	<b>Per Residential Unit/m<sup>2</sup> of GFA</b>	<b>Maximum Fee to Be Paid (cap)</b>
<b>Residential</b>	\$5,692 includes up to 20 residential units	\$132/unit	\$14,230 *Residential site plans in excess of 85 units would cap at this fee.*
<b>Non-Residential</b>			
<b>Commercial, Office, Institutional</b>	\$5,692 includes up to 500m <sup>2</sup> of GFA	\$2.52/m <sup>2</sup>	\$14,230 *Commercial, Office, Institutional site plans in excess of 3,888m <sup>2</sup> would cap at this fee.*
<b>Industrial</b>	\$5,692 includes up to 1,000m <sup>2</sup> of GFA	\$1.57/m <sup>2</sup>	\$14,230 *Industrial site plans in excess of 5,938m <sup>2</sup> would cap at this fee.*

In addition to the above, to address the "smaller-scale" type applications, staff is recommending a lower fee for "Minor Site Plans" of \$3,480. This is less than 50 percent of the previously proposed "Standard Site Plan" fee and 60% of the recommended Base Fee for Standard Site Plan applications and Minor Site Plans include the following application types as noted in the "Site Plan User Guide":

- Redevelopment of existing buildings proposing to add less than 50 percent of the existing GFA;
- Amendments to individual drawings for an approved site plan (e.g. landscape plan, elevations, etc.);
- Expansions of existing parking lots where fewer than 50 percent of the existing parking spaces will be added;
- Sales trailers and sales pavilions for real estate sales;

- Garden centres in parking lots;
- Food vehicles located outside of a defined parking space; and,
- On-street townhouses.

Guelph and Wellington Development Association (GWDA) has provided the following written comments:

***It is our preference that the Site Plan application fee continue to be based on the floor area or number of units, with a cap applied.***

A detailed response has been provided above.

***There is a new fee for "applicant initiated revisions". This is not clearly defined in the report. Please ensure that if the applicant is responding to public or agency comments, this additional fee will not be charged. A definition should be included in the By-law.***

This fee will not be applied for revisions made by applicants in response to staff comments. This definition is included in the enacting By-law.

***Once the fee By-law is approved, it will not be acceptable to introduce new fees outside those included in the By-law. For example, any administrative fees to complete a By-law or Environmental review fees or registration fees etc., must all be included in the By-law.***

ATT-2 clearly identifies all fees that will be included in the new Fee By-law. Some fees have increased, some are new and some have remained the same (those that have not increased will be indexed as of January 1, 2018 based on the Construction Price Index, as per current practice.) Staff generally agrees with this comment and when the By-law is formally reviewed once per term of Council (as recommended in this report), this would be an appropriate time to discuss significant revisions to the By-law or potential new fees. That said, if significant new issues arise outside of this regular review, the City has the authority and responsibility to consider such issues in a timely manner. Any proposed revisions to the By-law would include consultation with Stakeholders and a public Council decision-making process.

**ATT-2**  
**Proposed Application Fees and Charges as of January 1, 2018**

Service or Process	Current Application Fees	Proposed New Fee or Charge	Notes
Minor Official Plan Amendment	\$5,560	\$11,800	site-specific amendment, involves minor policy change or exemption
Major Official Plan Amendment	\$7,261	\$14,333	land use change or major policy change involves more than one property or large land holdings
Draft Plan of Subdivision	\$7,949 plus \$426/ha to a maximum \$31,517 (plus Plan of Subdivision Approval Fee)	\$34,142	New Fee plus Plan of Subdivision Approval Fee
Plan of Subdivision Approval	\$14,310 (includes: Notice of Draft Plan Approval, Subdivision Agreement, Subdivision Clearance)	No change in fee.	Fee will be indexed as of January 1, 2018.
Engineering Review Fee (required for Plan of Subdivision and Vacant Land Condo)	5% Cost of Work for Services is currently captured through Engineering Services Agreement	6% Cost of Work for Services	This fee is now included in the By-law, however, it is not a new fee in the process.
Condominium Approval	\$4,117	\$4,117 plus \$100/unit plus \$1,000 Condo Agreement fee (if Agreement	



		required)	
Condominium Registration	\$1,173 (will apply to each phase of condominium registration)	No change in fee.	Fee will be indexed as of January 1, 2018.
Minor Zoning By-law Amendment	\$3,967 plus Development Approval Fee plus Development Agreement Fee (if Development Agreement Required)	\$11,800 plus Development Approval Fee plus Development Agreement Fee (if Development Agreement required)	Minor includes: adding uses to an existing zone, temporary use, no change in zoning category).
Major Zoning By-law Amendment	\$7,949 plus Development Approval Fee plus Development Agreement Fee (if Development Agreement required)	\$14,333 plus Development Approval Fee plus Development Agreement Fee (if Development Agreement required)	Major includes: change in zoning category.
<b>Development Approval Fee</b> - By-law Preparation, Notice of Passing	\$795	No change in fee.	Fee will be indexed as of January 1, 2018.
<b>Development Agreement Fee</b>	\$795	\$1,000	*This fee is currently invoiced separately and will continue to be invoiced separately by Realty/Legal Services. This fee is included in the User Fee By-law and noted here for information purposes only.*
Minor Official Plan/Zoning By-law Amendment	\$8,744 plus Development	\$16, 109 plus Development	

	Approval Fee plus Development Agreement Fee (if Development Agreement Required)	Approval Fee plus Development Agreement Fee (if Development Agreement required)	
Major Official Plan/Zoning By-law Amendment	\$13,510 plus Development Approval Fee plus Development Agreement Fee (if Development Agreement required)	\$19,493 plus Development Approval Fee plus Development Agreement Fee (if Development Agreement required)	
Draft Plan of Subdivision/Minor Zoning By-law Amendment	\$10,482 plus \$426/ha plus Development Approval Fee plus Plan of Subdivision Approval Fee	Draft Plan of Subdivision Fee of \$34,142 plus 50% reduction in Minor Zoning By-law Amendment Fee plus Development Approval Fee plus Plan of Subdivision Approval Fee	
Draft Plan of Subdivision/Major Zoning By-law Amendment	\$13,510 plus \$426/ha plus Development Approval Fee plus Draft Plan of Subdivision Approval Fee	Draft Plan of Subdivision Fee of \$34,142 plus 50% reduction in Major Zoning By-law Amendment Fee plus Development Approval Fee plus Plan of Subdivision Approval Fee	
Draft Plan of Subdivision/Minor Official Plan Amendment/Zoning By-law Amendment	\$14,310 plus \$426/ha to a maximum of \$31,517 plus	Draft Plan of Subdivision Fee of \$34,142 plus 50% reduction	

	Development Approval Fee plus Plan of Subdivision Approval Fee	in Minor Official Plan/Zoning By-law Amendment Fee plus Development Approval Fee plus Draft Plan of Subdivision Approval Fee	
Draft Plan of Subdivision/Major Official Plan Amendment/Zoning By-law Amendment	\$18,298 plus \$426/ha to a maximum of \$31,517 plus Development Approval Fee plus Plan of Subdivision Approval Fee	Draft Plan of Subdivision Fee of \$34,142 plus 50% reduction in Major Official Plan/Zoning By-law Amendment Fee plus Development Approval Fee plus Plan of Subdivision Approval Fee	
Part Lot Control	\$1,524 plus \$10.50/lot	\$1,899	Plus registration fee as per User Fee By-law.
<b>Site Plan Fees:</b>			
Residential	\$132/unit	Base fee of \$5,692 (includes up to 20 residential units) plus \$132 per residential unit in excess of 20 units to a maximum fee of \$14,230 plus Site Plan Agreement fee.	What constitutes a "Standard" Site Plan has been clearly defined in the "Site Plan User Guide".
Commercial/Office/Institutional	\$2.52/m <sup>2</sup> of GFA, minimum \$315	Base fee of \$5,692 (includes up to 500m <sup>2</sup> of GFA) plus \$2.52/m <sup>2</sup> of GFA in excess of	What constitutes a "Standard" Site Plan has been clearly defined in the "Site Plan User

		500m <sup>2</sup> to a maximum fee of \$14,230 plus Site Plan Agreement fee.	Guide".
Industrial	\$1.57/m <sup>2</sup> of GFA, minimum \$315	Base fee of \$5,692 (includes up to 1,000m <sup>2</sup> of GFA) plus \$1.57/m <sup>2</sup> of GFA in excess of 1,000m <sup>2</sup> to a maximum fee of \$14,230 plus Site Plan Agreement fee.	What constitutes a "Standard" Site Plan has been clearly defined in the "Site Plan User Guide".
Other	\$320	Replaced with "Minor" Site Plan fee plus Site Plan Agreement fee.	
As Built	\$943	Replaced with "Minor" Site Plan fee plus Site Plan Agreement fee.	
Minor Site Plan	n/a	\$3,480 plus Site Plan Agreement fee.	What constitutes a "Minor" Site Plan has been clearly defined in the "Site Plan User Guide".
<b>Site Plan Agreement</b>	<b>\$795</b>	<b>\$1,000</b>	
Extension of Draft Plan Approval	\$1,899	No change in fee.	Fee will be indexed as of January 1, 2018.
Resubmission/Deferral	\$1,899	Replaced with Applicant Initiated Revision below.	See new application fees below.
Removal of 'H' Symbol	\$1,899	No change in fee.	Fee will be indexed as of January 1, 2018.

Extension of Temporary Use	\$2,388	No change in fee.	Fee will be indexed as of January 1, 2018.
Environmental Administration Fee (for those applications requiring an Environmental Impact Study process)	\$795	No change in fee.	Fee will be indexed as of January 1, 2018.

**Note:** The above-noted fees for Development Agreement, Site Plan Agreement and Subdivision Agreement do not include the search and registration costs in the Land Registry Office, which costs are set by the Province of Ontario, and are in addition to any fees imposed by this By-law.

### **New Application Fees**

<b>Service or Process</b>	<b>Fee</b>	<b>Notes</b>
Annual Inactive File Holding	\$500	
Mandatory Pre-consultation	\$400	Deducted from application fee if formal application submitted.
Site Plan – Additional Site Inspection (beyond 1 <sup>st</sup> )	\$500	
Site Plan – Additional Technical Circulation >3	\$2,500	Applied when previous staff comments have not been addressed in 3 submissions.
Subdivision – Additional Technical Circulation >3	\$5,000	Applied when previous staff comments have not been addressed in 3 submissions.
Applicant Initiated Revision	\$2,500 for Draft Plan or Major Rezoning \$1,500 for Minor Rezoning \$1,500 for Standard Site Plan	This fee will not be applied for revisions made by applicants in response to staff comments.
Engineering Servicing Capacity Modelling Check	\$750	*This Fee will be included in the User Fee By-law. Noted here for information purposes only.*

# Staff Report



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To City Council

Service Area Infrastructure, Development and Enterprise Services

Date Tuesday, October 10, 2017

Subject **Statutory Public Meeting Report  
1300 Gordon Street  
Proposed Official Plan and Zoning By-law  
Amendment  
File: OP1704 & ZC1707  
Ward 6**

Report Number IDE-2017-108

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## Recommendation

That Report IDE-2017-108 regarding a proposed Official Plan Amendment and Zoning By-law Amendment application (OP1704 & ZC1707) from Astrid J. Clos Planning Consultants on behalf of Carousel Estates Homes Inc. to permit a residential development on the property municipally known as 1300 Gordon Street and legally described as Part of Lot 6, Concession 8 (Geographic Township of Puslinch) City of Guelph, from Infrastructure, Development and Enterprise dated October 10, 2017, be received.

## Executive Summary

### Purpose of Report

To provide planning information on an application requesting approval of Official Plan and Zoning By-law amendments to permit a 6 storey residential building with approximately 32 residential units. This report has been prepared in conjunction with the Statutory Public Meeting for this application.

### Key Findings

Key findings will be reported in the future Infrastructure, Development and Enterprise recommendation report to Council.

### Financial Implications

Financial implications will be reported in the future Infrastructure, Development and Enterprise recommendation report to Council.

# **Report**

## **Background**

Applications for an Official Plan amendment and a Zoning By-law amendment have been received for the property municipally known as 1300 Gordon Street. The applicant has proposed an apartment building with 6 storeys containing approximately 32 residential units in total. The applications were received July 12, 2017 and deemed to be complete on August 10, 2017.

## **Location**

The subject property is approximately 0.242 hectares in size and lands are located on the east side of Gordon Street; between Arkell Road and Edinburgh Road South. (see Location Map and Orthophoto in ATT-1 and ATT-2).

Surrounding land uses include:

- To the north, is a five (5) storey apartment building;
- To the south of the site is the Salvation Army Guelph Citadel and Nursery School;
- To the east directly behind the subject site is the parking lot for the Salvation Army building;
- To the west, across Gordon Street is a seven (7) storey apartment building which is referred to as Solstice 1 and Natural Heritage System.

## **Existing Official Plan Land Use Designations and Policies**

The Official Plan land use designation that applies to the subject property is "Significant Natural Areas and Natural Areas" (See ATT-3) within the City of Guelph Official Plan.

Further details of this designation are included in ATT-3.

## **Official Plan Amendment #48 Land Use Designations and Policies**

Official Plan Amendment 48 is a comprehensive five-year update to the City's Official Plan that is currently under appeal to the Ontario Municipal Board (OMB). OPA 48 does not amend the existing designation on the subject property. The policies that apply to the subject property under OPA #48 are defined in the Existing Official Plan 2001, September 2014 Consolidation.

Further details of this designation and policies are included in ATT-3 and ATT-4.

## **Existing Zoning**

The subject property is currently zoned "R.1B" Zone in the City of Guelph's Zoning By-Law (1995)-14865. Details of the existing zoning are included in ATT-5.

## **Description of the Proposed Official Plan Amendment**

The applicant is requesting to amend the Official Plan to re-designate a portion of the subject site from the existing Significant Natural Area and Natural Areas



designation to the High Density Residential designation to permit a 6 storey apartment building with a density of 132 units per hectare while retaining a 10metre portion on the south and east side of the subject site as Significant Natural Area and Natural Areas (Ecological Linkage).

### **Description of Proposed Zoning By-law Amendment**

The applicant is requesting to rezone the subject lands from the "R.1B" (Residential Single Detached) Zone to a R.4A-? (Residential Apartment) Zone with site specific regulations to permit the development of a residential building with six (6) storeys containing a total of 32 apartment units (see ATT-6). The following specialized zoning regulations are being requested through the proposed Zoning By-law amendment application:

- A maximum density of 132 units per hectare where the Zoning By-law permits a maximum Density of 100 units per hectare;
- A minimum front yard of 4.6m where the Zoning By-law requires minimum front yard of 6.0m
- A minimum side yard of 3.0m, where the Zoning By-law requires a minimum side yard of 8.5m (half the building height);
- A minimum rear yard of 10m, where the Zoning By-law requires a minimum rear yard of 11.06m (20% of the lot depth);
- 2 visitor parking spaces provided above grade enclosed within a building where the Zoning By-law requires that 9 visitor parking spaces be located above grade;
- A maximum floor space index of 2.22, where the Zoning By-law permits 1.5.

### **Proposed Development**

The proposed development consists of one residential building with six (6) storeys, containing approximately 32 residential units. The development is providing one level of at grading enclosed parking with the five (5) residential storeys located above. A total of 46 parking spaces are being proposed.

The applicant's conceptual development plan and proposed building elevations are shown in ATT-7.

### **Supporting Documents**

The following information was submitted in support of the application:

- Planning Justification Report, prepared by Astrid J, Clos Planning Consultants., dated July 10, 2017
- Urban Design Brief, prepared by James Fryett Architect Inc.
- Environmental Impact Study, prepared by Natural Resource Solutions Inc., dated June 2017
- Functional Servicing and Stormwater Management Report, prepared by MTE dated November 18, 2016; Revised May 30, 2017; Revised June 19, 2017

- Traffic Impact Study, prepared by Paradigm Transportation Solutions Limited., dated July 2017
- Hydrogeological Study, prepared by GM Blue Plan Engineering, dated October 27, 2016, Revised June 7, 2017
- Phase I Environmental Site Assessment prepared by V.A Wood Incorporated, dated December 2015.
- Phase II Environmental Site Assessment prepared by V.A. Wood Incorporated, dated February 10, 2016.
- Archaeological Assessment Stage 1 & 2 prepared by AMICK Consultants, dated November 20, 2015
- Conceptual Development Plan, prepared by Astrid J. Clos Planning Consultants.
- Building Elevations Renderings prepared by James Fryett Architects Inc.

### **Staff Review**

The review of this application will address the following issues:

- Evaluation of the proposal against the 2014 Provincial Policy Statement and Places to Grow: Growth Plan for the Greater Golden Horseshoe (2017);
- Consideration of the merits of the Official Plan Amendment and evaluation of the proposal's conformity with the Official Plan;
- Review of the proposed zoning and need for specialized regulations;
- Review of the proposed site and building design;
- Review of traffic, parking and servicing;
- Review of the Environmental Impact Study; and
- Address all comments and issues raised during the review of the application.

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

### **Financial Implications**

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

### **Consultations**

The Notice of Complete Application was mailed on August 24, 2017 to local boards and agencies, City service areas and property owners within 120 metres of the subject lands and was also advertised in the Guelph Tribune on August 24, 2017. Notice of the application has also been provided by signage on the property.

## Corporate Administrative Plan

This report supports the following goals and work plans of the Corporate Administrative Plan (2016-2018):

### Overarching Goals

Service Excellence

### Service Area Operational Work Plans

Our People- Building a great community together

## Attachments

ATT-1	Location Map and 120m Circulation
ATT-2	Orthophoto
ATT-3	Official Plan Land Use Designations and Policies
ATT-4	OPA #48 Land Use Designations
ATT-5	Existing Zoning and Details
ATT-6	Proposed Zoning and Details
ATT-7	Conceptual Development Plan and Building Elevations

## Departmental Approval

Not applicable.

### Report Author

Rino Dal Bello  
Planner



### Approved By

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### Approved By

Chris DeVriendt  
Acting Manager of Development Planning

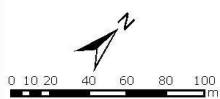
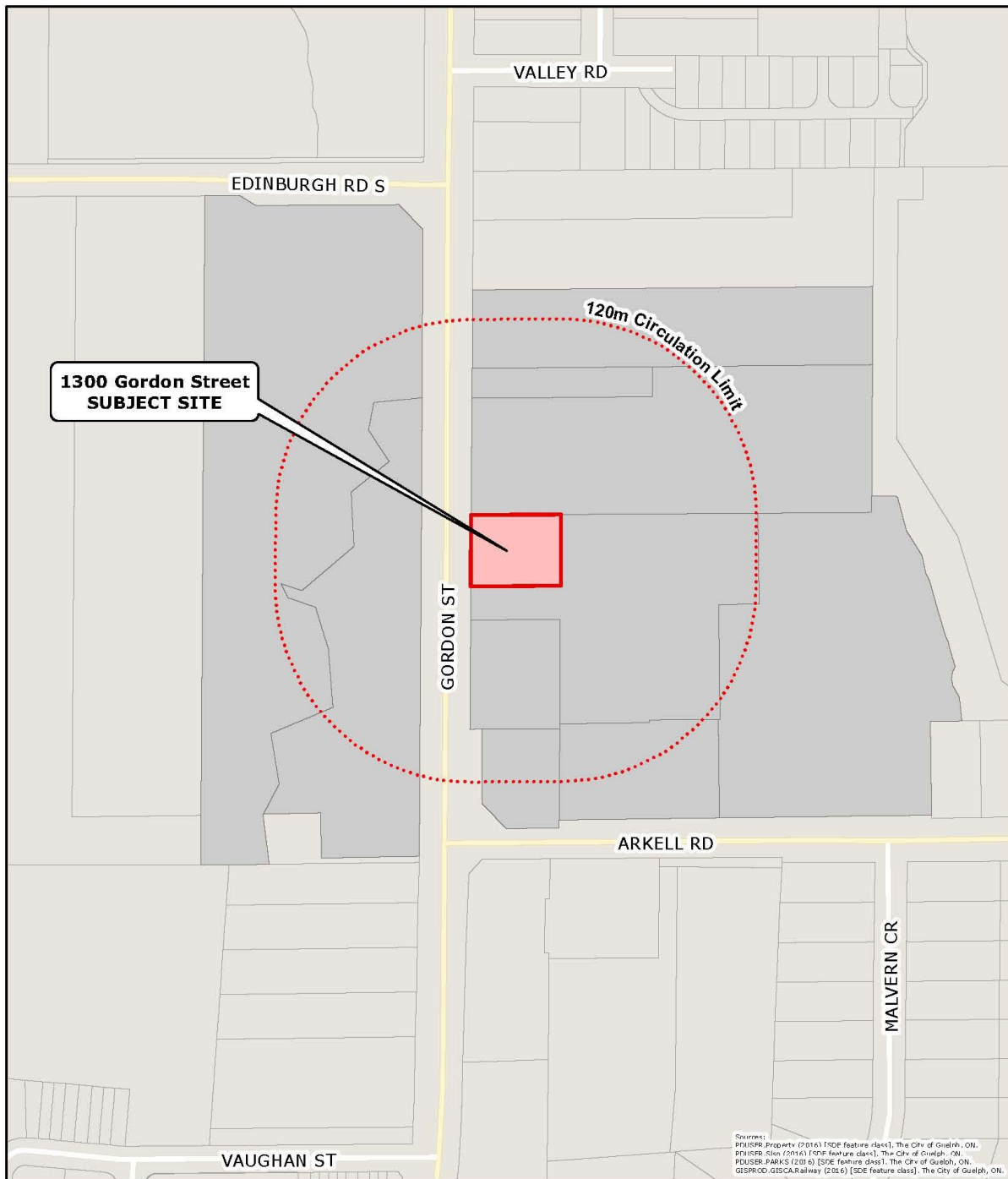


### Recommended By

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## ATT-1

### Location Map and 120m Circulation



Produced by the City of Guelph  
Planning, Urban Design and Building Services - Development Planning  
August 2017

### LOCATION MAP and 120m CIRCULATION AREA 1300 Gordon Street



# **ATT-2 Orthophoto**



Sources:  
GISPROD GISCA Property (2017) [SDF feature class], The City of Guelph, ON;  
GISPROD Parks (2013) [SDF feature class], The City of Guelph, ON;  
POLRFR City Boundary (2013) [SDE feature class], The City of Guelph, ON;  
Guelph2016.sld (2016) [File system raster], The City of Guelph, ON.



**1:500**



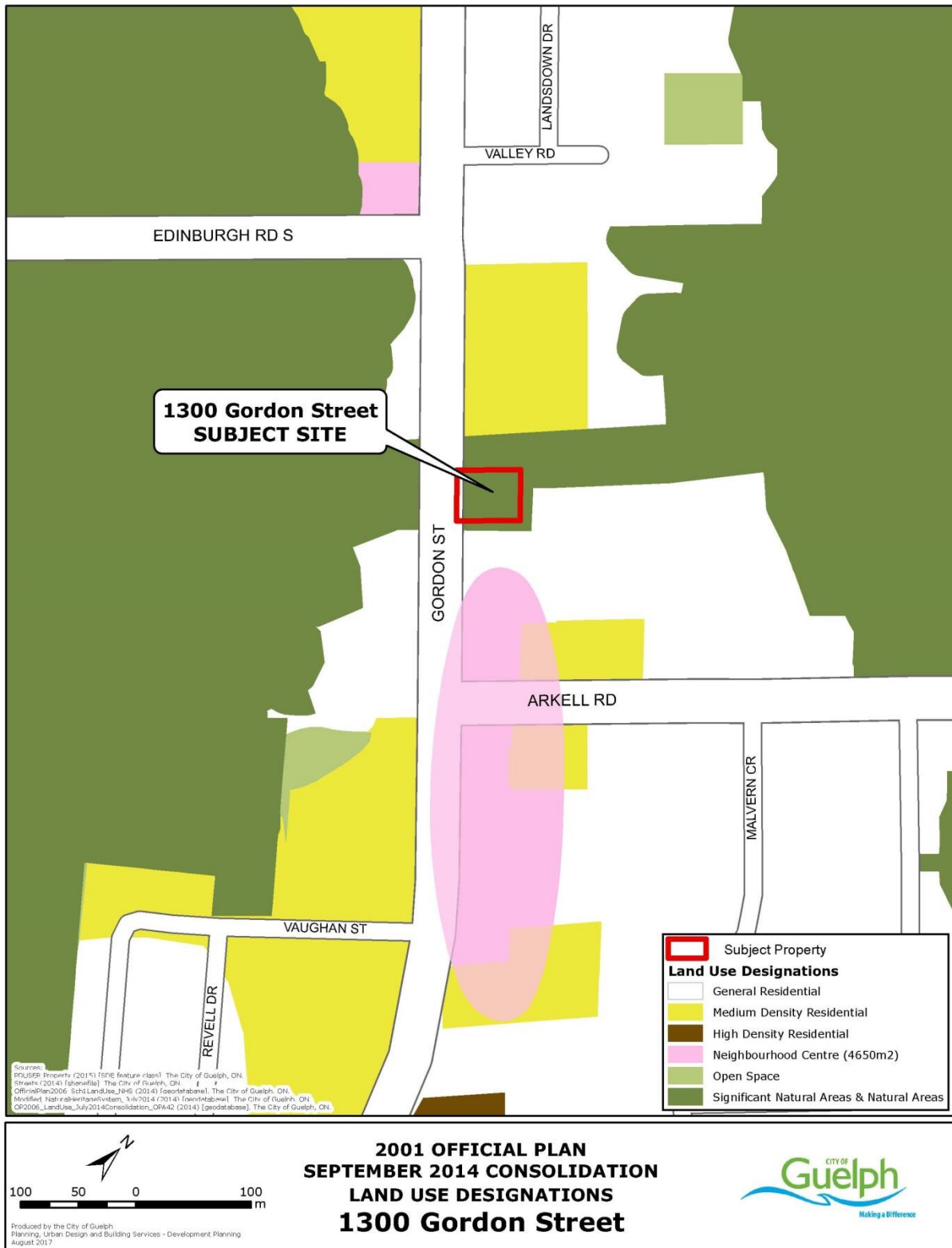
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Produced by the City of Guelph  
Planning, Urban Design and Building Services - Development Planning  
August 2017

**2016 ORTHOPHOTO  
1300 Gordon Street**



# **ATT-3** **Official Plan Land Use Designations and Policies**





## 6A Natural Heritage System

The City's Natural Heritage System (NHS) is comprised of a combination of *natural heritage features and areas*, including Significant Natural Areas and *minimum buffers*, Natural Areas, Ecological Linkages, Restoration Areas and Wildlife Crossings as identified on Schedule 10. Together, these elements maintain local biological, hydrological and geological diversity, *ecological functions*, connectivity, support viable populations of indigenous species, and sustain local biodiversity.

A diverse and well-connected Natural Heritage System contributes to the City's environmental, social, cultural and economic values. The wide range of ecological services provided by the Natural Heritage System includes, but is not limited to, the protection of *natural heritage features and areas*, and *ecological functions*, biodiversity and water resources, reduced need for engineered stormwater management, attenuation of air and water pollutants, moderation of the urban heat island effect, the provision for natural and open spaces for leisure activities and aesthetic enjoyment, and opportunities for residents and visitors to experience nature in the City.

### 6A.1 Purpose

The Natural Heritage System is made up of *natural heritage features and areas*, linked by natural corridors which are necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species, and ecosystems within the City of Guelph. The system can include lands that have been restored and areas with the potential to be restored to a natural state.

This is accomplished by: protecting *natural heritage features and areas* for the long term, and maintaining, restoring, and where possible, improving the biodiversity and connectivity of *natural heritage features and areas*, and *ecological functions* of the Natural Heritage System, while recognizing and maintaining linkages between and among natural heritage, *surface water features and groundwater features*.

In order to achieve this purpose, the Natural Heritage System:

- i) provides permanent protection to the Significant Natural Areas (including *Ecological Linkages*) and *established buffers*;
- ii) identifies Natural Areas for further study to determine the *features and functions* that should be incorporated into the Natural Heritage System for permanent protection or, alternatively, identify the areas that may be developed; and
- iii) identifies wildlife crossings to ensure that mitigative measures are undertaken to minimize any harm to wildlife, the public and/or property. The policies in Section 6A aim to strike a balance between protection of the Natural Heritage System and limited compatible *development*. The Natural Heritage System fosters partnerships with public agencies, community organizations and private land owners by promoting stewardship and enjoyment of these natural assets.

## Objectives

- a) To implement a systems approach that ensures that the diversity and connectivity of natural features in the City, and the long-term *ecological function* and biodiversity of the Natural Heritage System is maintained, restored or, where possible improved, recognizing linkages between and among *natural heritage features and areas, surface water features, and groundwater features*.
- b) To identify Significant Natural Areas (including *Ecological Linkages*) for long term protection.
- c) To identify Natural Areas for further study to determine whether long term protection is warranted.
- d) To protect *endangered and threatened species* and their *significant* habitats.
- e) To recognize that the Natural Heritage System contributes to important *ecosystem services* that benefit current and future generations.
- f) To protect, maintain, enhance and restore the Natural Heritage System to the greatest extent possible, while providing for compatible *development* and activities as identified that do not negatively impact the *natural heritage features and areas, and their ecological or hydrologic functions* now and in the long term.
- g) To protect and enhance *tree canopy cover* while providing for meadow habitat at appropriate locations to support biodiversity.
- h) To protect *significant* portions of the *Paris Galt Moraine* identified by the City in recognition of its role in contributing to *wildlife habitat and ecological linkages, continuity of the Natural Heritage System, surface water features and groundwater features, biodiversity, aesthetic value in the landscape, and local geologic uniqueness*.
- i) To ensure that the criteria identifying the Natural Heritage System are applied in a transparent and consistent manner.
- j) To implement an ecosystem based approach on a watershed and subwatershed basis.
- k) To provide clear mechanisms for assessing the potential immediate and long term impacts of *development, site alteration and other activities* on the Natural Heritage System.
- l) To recognize that *natural heritage features and areas* in urban settings are subject to a variety of impacts and stresses, and seek to identify opportunities to mitigate against these influences through ongoing stewardship, monitoring and ecological management.

m) To foster appreciation and local stewardship of the Natural Heritage System.

n) To support the ongoing monitoring and management of the City's Natural Heritage System to ensure its long-term sustainability and resilience in relation to the impacts and stresses associated with being in an urban context, as well as other factors, such as climate change.

#### **6A.1.1 General Policies**

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

2. Each of the Natural Heritage System components is subject to specific policies as set out in 6A.2, 6A.3 and 6A.4.

3. Significant Natural Areas, Natural Areas and Wildlife Crossings are designated based on the best available mapping, on Schedules 1 and 10.

4. The Natural Heritage System is identified on Schedules 1 and 10, and consists of Significant Natural Areas (including *Ecological Linkages*), Natural Areas, and Wildlife Crossings.

5. The individual components that make up Significant Natural Areas and Natural Areas are listed below and are illustrated on Schedules 10, and 10A through 10E. these schedules provide additional detail to assist in the interpretation of

#### **Adjacent Lands and Buffers**

*Adjacent lands* are those lands contiguous to a specific *natural heritage feature or area* where it is likely that *development* or *site alteration* would have a *negative impact* on the *natural heritage feature or area*. Generally, an Environmental Impact Study (*EIS*) or Environmental Assessment (*EA*) is required to assess potential impacts of the proposed activities, and recommend appropriate setbacks (i.e., *established buffers*) from the *natural heritage feature or area* within the *adjacent lands*, to ensure no *negative impacts*. The *minimum buffers*, where applicable, are identified to prevent damage and degradation to the *natural heritage features and areas* that are part of the Natural Heritage System. Requirements related to *minimum buffers*, where applicable, *established buffers* and *adjacent lands*, for all *natural heritage features and areas*, are identified on Table 6.1.

6. *Development* and *site alteration* on *adjacent lands*, within the *minimum* or *established buffers* are subject to the applicable Significant Natural Areas (Section 6A.2) and Natural Areas (Section 6A.3) policies.

7. The final width of *established buffers* may be greater than the *minimum buffers* identified on Table 6.1 and shall be established through an *EIS* or *EA*, approved by the City and the Grand River Conservation Authority (GRCA) and/or the Ministry of Natural Resources (MNR) where applicable.

8. *Adjacent lands and buffers*, where applicable, shall be measured from the field verified edge of an identified *natural heritage feature and area* (e.g. drip line of a *woodland*, boundary of a *wetland*).

9. With the exception of the uses permitted by this Plan, *established buffers* shall be actively or passively restored to, or maintained in a natural state in support of the *ecological* and /or *hydrologic functions* of the adjacent protected *natural heritage features and areas*.

10. *Minimum buffers* where appropriate (as identified on Table 6.1), and *established buffers* where approved, are incorporated into Significant Natural Areas and Natural Areas as identified on the Schedules of this Plan.

11. Notwithstanding 6A.1.1.9, *minimum buffers* have not been applied to lands containing existing *development* which may preclude achievement of the *minimum buffer* specified on Table 6.1. For any *redevelopment* of such lands, an *EIS* will be completed to the satisfaction of the City that evaluates the need for an *established buffer*, and determines an appropriate width where a *buffer* is required.

## **General Permitted Uses**

1. *Development* and *site alteration* shall not be permitted within the Natural Heritage System, including *minimum* or *established buffers*, except for the following uses:

- i) legally existing uses, buildings or structures;
- ii) *passive recreational activities*;
- iii) low impact scientific and educational activities;
- iv) fish and wildlife management;
- v) *forest management*;
- vi) *habitat conservation*; and
- vii) *restoration* activities.

2. Notwithstanding the provisions of Section 6A.1.2, an *EIS* may be required for the construction of trails and walkways, fish and wildlife management, and *habitat conservation*, where the proposed work has the potential to result in *negative impacts* to the Natural Heritage System.

3. The above uses may be further limited or expanded upon through the specific policies of the Significant Natural Areas (6A.2) and Natural Areas (6A.3).

4. If, through the preparation and review of a *development* application, it is found that *natural heritage features and areas* have not been adequately identified or new information has become available, the applicant may be required by the City to prepare a *scoped EIS* of the *natural heritage features and areas*, and *function* in consultation with the City, and where appropriate the MNR and the GRCA. If the *natural heritage features and areas* meet the criteria for protection policies in 6A.2 or 6A.3, the appropriate natural heritage policies shall apply.

5. Where two or more components of the natural heritage system overlap, the policies that provide the most protection to the *natural heritage feature or area* shall apply.

6. Permitted *development* and *site alteration* within and/or adjacent to *natural heritage features and areas* (as outlined in Sections 6A.2 and 6A.3) shall be required to demonstrate, through an *EIS* or *EA* to the satisfaction of the City, in consultation with the GRCA, the Province and Federal government, as applicable, that there will be no *negative impacts* on the *natural heritage features and areas* to be protected, or their *ecological* and *hydrologic functions*.

7. Where *essential transportation infrastructure*, *essential linear infrastructure*, stormwater management facilities and structures, and/or trails are permitted within *minimum* or *established buffers* under policies 6A.2 and 6A.3, the following shall apply:

- i) works are to be located as far away from the *feature* boundary within the *minimum* or *established buffer* as possible;
- ii) the area of construction disturbance shall be kept to a minimum; and
- iii) disturbed areas of the *minimum* or *established buffers* shall be re-vegetated  
or restored with site-appropriate indigenous plants wherever opportunities exist.

8. Where *essential transportation infrastructure*, *essential linear infrastructure*, stormwater management facilities and structures, and/or trails are permitted within *natural heritage features and areas* under policies 6A.2 and 6A.3, the following shall apply:

- i) the area of construction disturbance shall be kept to a minimum; and
- ii) disturbed areas shall be re-vegetated or restored with site-appropriate indigenous plants wherever opportunities exist.

9. Legally existing uses, existing utilities, facilities and *infrastructure* and their *normal maintenance* are recognized and may continue within the Natural Heritage System.

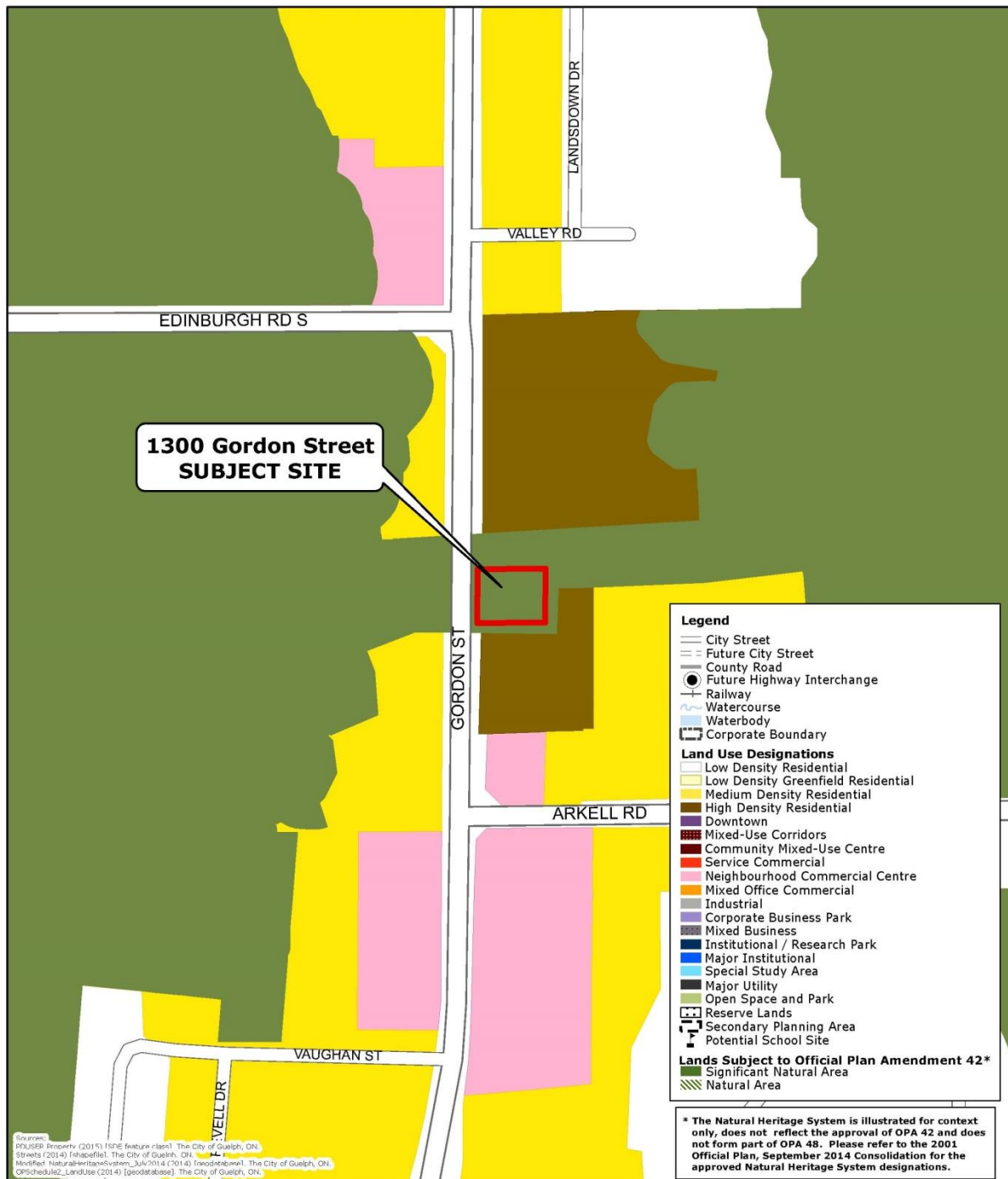
10. An expansion of a legally existing building or structure may be permitted within the Natural Heritage System without an amendment to this Plan provided that it can be demonstrated, to the satisfaction of the City and the GRCA, where applicable, through an *EIS*, that the objectives of the designation can be met and that the proposed expansion will not have a *negative impact* on the *natural heritage features and areas* or *ecological functions* for which the area is identified. Existing uses will be discouraged from expanding further into Significant Natural Areas and *minimum* or *established buffers*. Such expansions shall be minor in proportion to the size and scale of the building or use and shall not result in further intensification of the use.

11. *Development* or *site alteration* within the Natural Heritage System without prior approval by the City, which result in reduction in the extent of *natural heritage*

*features and areas* or their associated *ecological functions*, will not be recognized as a new existing condition. *Restoration* of the disturbed area shall be required to the satisfaction of the City. If the unapproved *development* or *site alteration* is carried out in conjunction with a *development* application, *restoration* will be required prior to or as a condition of approval of any permitted *development*.



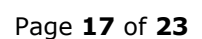
# **ATT-4** **Official Plan Amendment #48 Land Use Designations**



Official Plan Amendment 48 is a comprehensive five-year update to the City's Official Plan that is currently under appeal to the Ontario Municipal Board (OMB). OPA 48 does not amend the existing designation on the subject property. The policies that apply to the subject property under OPA #48 are defined in the Existing Official Plan 2001, September 2014 Consolidation.

The map displays the following zoning designations and street names:

- Streets:** VALLEY RD, EDINBURGH RD S, GORDON ST, ARKELL RD, VAUGHAN ST, MALVERN CR.
- Zoning Designations:**
  - R.1B:** Residential Single-Family, Medium Density.
  - R.1B-41:** Residential Single-Family, Medium Density (with parking).
  - R.4A-44:** Residential Single-Family, Medium Density (with parking).
  - R.3A-58:** Residential Single-Family, Medium Density (with parking).
  - R.3A-48:** Residential Single-Family, Medium Density (with parking).
  - R.3A-46:** Residential Single-Family, Medium Density (with parking).
  - R.4A-37:** Residential Single-Family, Medium Density (with parking).
  - R.3B-11:** Residential Single-Family, Medium Density (with parking).
  - P.1:** Professional Office.
  - I.1:** Institutional.
  - I.1-12:** Institutional (with parking).
  - C.1-17:** Community Center.
  - UR:** Urban Residential.
  - WL:** Waterfront.
  - NC-7:** Neighbourhood Commercial.
- Callout:** 1300 Gordon Street EXISTING ZONING "R.1B"



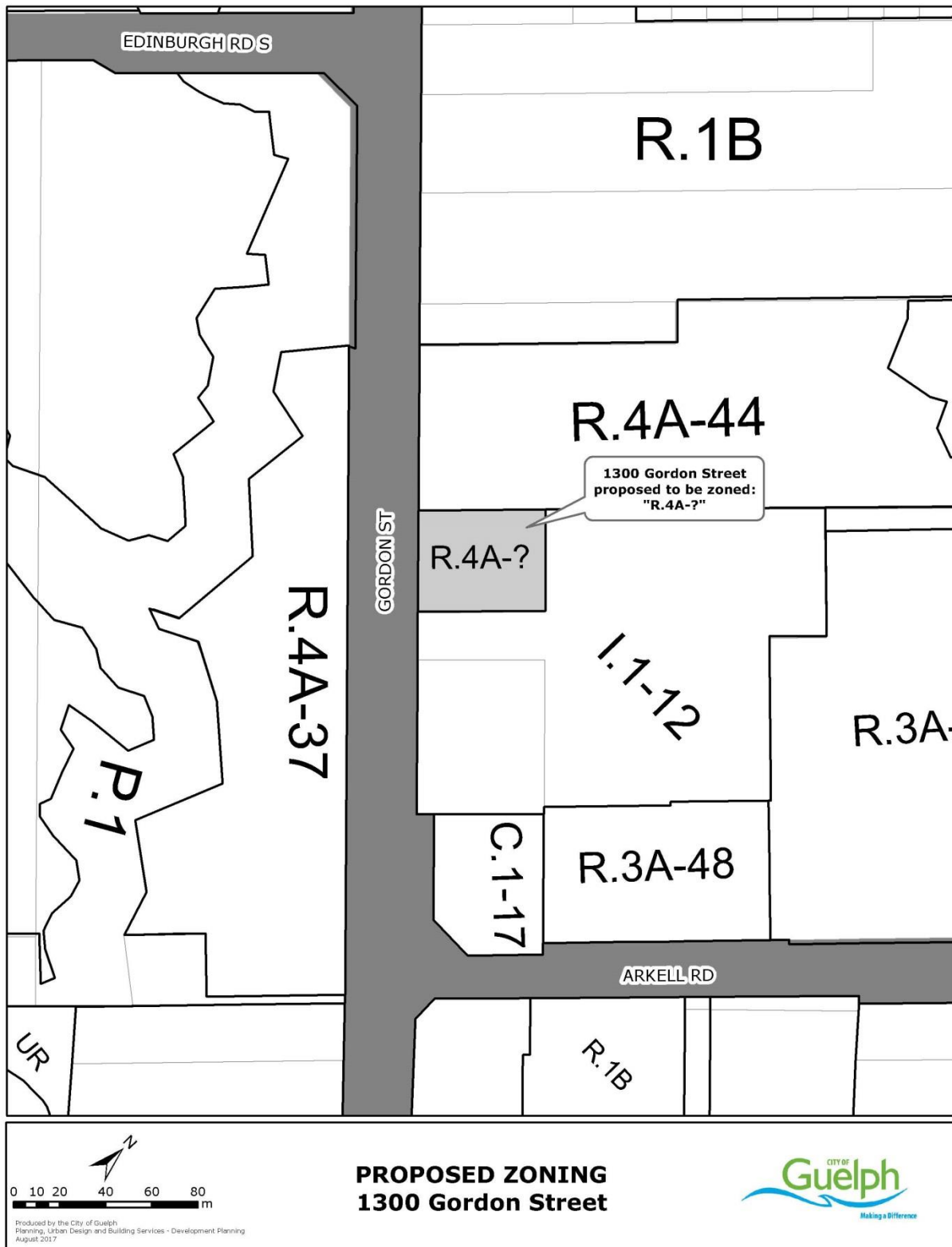
## ATT-5 (continued) Existing Zoning and Details

The following are the regulations and the special regulations for the Residential Single Detached Zone:

**TABLE 5.1.2 - REGULATIONS GOVERNING R.1 ZONES**

1	Residential Type	<b>SINGLE-DETACHED DWELLINGS</b>			
2	<b>Zones</b>	R.1A	R.1B	R.1C	R.1D
3	Minimum <b>Lot Area</b>	555 m <sup>2</sup>	460 m <sup>2</sup>	370 m <sup>2</sup>	275 m <sup>2</sup>
4	Minimum <b>Lot Frontage</b>	18 metres and in accordance with Section 5.1.2.6.	15 metres and in accordance with Section 5.1.2.6.	12 metres and in accordance with Section 5.1.2.6.	9 metres and in accordance with Sections 5.1.2.5 and 5.1.2.6.
5	Maximum <b>Building Height</b>	3 <b>Storeys</b> and in accordance with Section 4.18.			
6	Minimum <b>Front Yard</b>	6 metres and in accordance with Sections 4.6, 4.24, 5.1.2.3, 5.1.2.4 and 5.1.2.7.			
6a	Minimum <b>Exterior Side Yard</b>	4.5 metres and in accordance with Sections 4.6, 4.24, 4.28, 5.1.2.3, 5.1.2.4 and 5.1.2.7.			
7	Minimum <b>Side Yard</b> 1 to 2 <b>Storeys</b> Over 2 <b>Storeys</b>	1.5 metres 2.4 metres and in accordance with Sections 5.1.2.1 and 5.1.2.2.	1.5 metres 2.4 metres and in accordance with Sections 5.1.2.8, 5.1.2.1 and 5.1.2.2.	1.2 metres 1.2 metres and in accordance with Sections 5.1.2.8, 5.1.2.1 and 5.1.2.2.	0.6 metres and in accordance with Sections 5.1.2.1 and 5.1.2.2.
8	Minimum <b>Rear Yard</b>	7.5 metres or 20% of the <b>Lot Depth</b> , whichever is less and in accordance with Section 5.1.2.4.			
9	Accessory <b>Buildings</b> or <b>Structures</b>	In accordance with Section 4.5.			
10	<b>Fences</b>	In accordance with Section 4.20.			
11	Off-Street <a href="http://city.guelph.ca/IDES/Planning/STAFF/FOLDERS/Rino/Development/Applications/1300 Gordon Street/SECTION 3.doc - Street Parking">city.guelph.ca/IDES/Planning/STAFF/FOLDERS/Rino/Development/Applications/1300 Gordon Street/SECTION 3.doc - Street Parking</a>	In accordance with Section 4.13.			
12	Minimum <b>Landscaped Open Space</b>	The <b>Front Yard</b> on any <b>Lot</b> , excepting the <b>Driveway (Residential)</b> shall be landscaped and no parking shall be permitted within this <b>Landscaped Open Space</b> . Despite the definition of <b>Landscaped Open Space</b> , a minimum area of 0.5 metres between the <b>Driveway (Residential)</b> and nearest <b>Lot Line</b> must be maintained as landscaped space in the form of grass, flowers, trees, shrubbery, natural vegetation and indigenous species.			
13	Garbage, Refuse and Storage	In accordance with Section 4.9.			
14	<b>Garages</b>	For those <b>Lots</b> located within the boundaries indicated on Defined Area Map Number 66, attached <b>Garages</b> shall not project beyond the main front wall of the <b>Building</b> . Where a roofed porch is provided, the <b>Garage</b> may be located ahead of the front wall of the dwelling (enclosing <b>Habitable Floor Space</b> on the first floor) equal to the projection of the porch to a maximum of 2 metres.			

**ATT-6**  
**Proposed Zoning and Details**



**ATT-6 (continued)**  
**Proposed Zoning and Details**

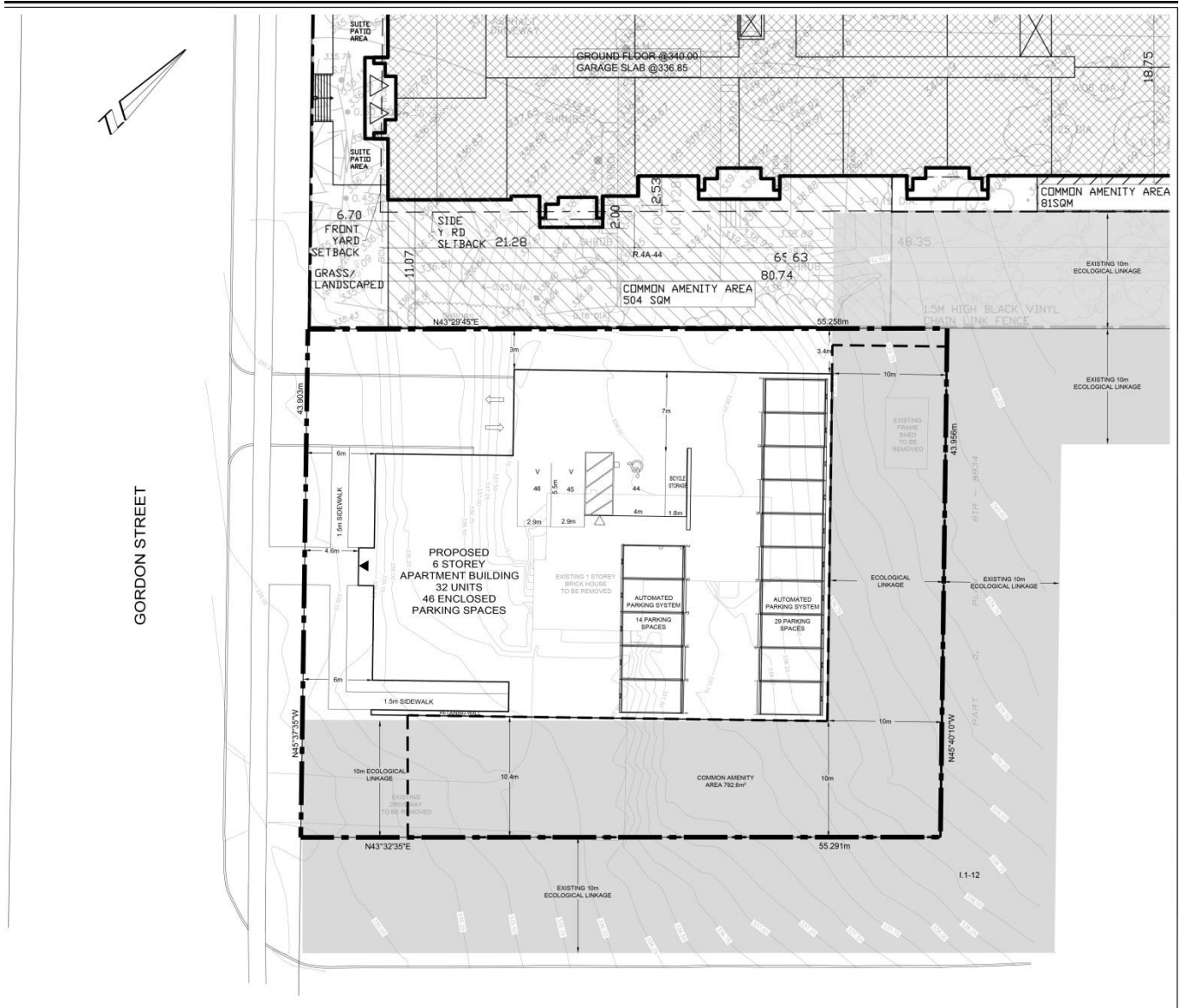
**Specialized R.4A-? (Residential Apartment)**

**Regulations**

In accordance with Schedule 4 (General Provisions) and Section 5.4.2 and Table 5.4.2 of Zoning By-law (1995)-14864, as amended, with the following additions and exceptions:

- A maximum density of 132 units per hectare where the Zoning By-law requires a maximum Density of 100 units per hectare;
- A minimum front yard of 4.6m where the Zoning By-law requires minimum front yard of 6.0m
- A minimum side yard of 3.0m where the Zoning By-law requires a minimum side yard of 8.5m (half the building height);
- A minimum rear yard of 10m where the Zoning By-law requires a minimum rear yard of 11.06m (20% of the lot depth);
- 2 visitor parking spaces provided above grade enclosed within a building where the Zoning By-law requires that 9 visitor parking spaces be located above grade;
- A maximum floor space index of 2.22 where the Zoning By-law requires 1.5.

# **ATT-7** **Conceptual Development Plan**





ATT-7 (continued)  
Building Elevations



Gordon Street Elevation



East Elevation



South Elevation



West Elevation

Submission from Astrid Clos/James Fryett on behalf of Applicant





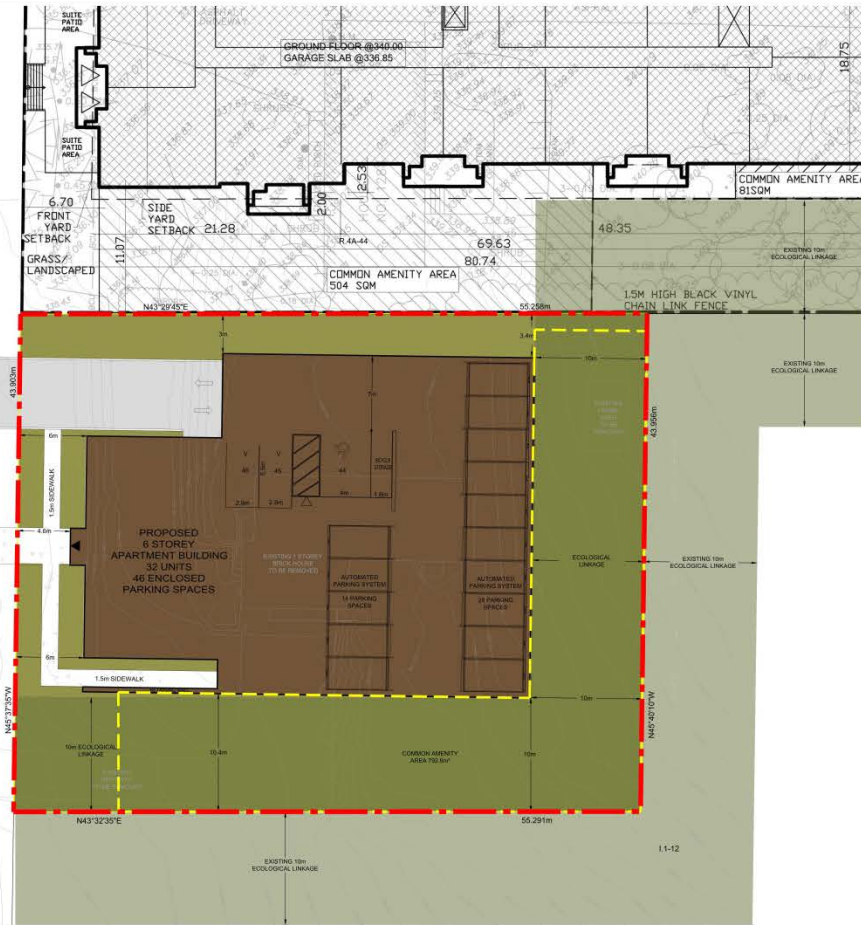






GORDON STREET

R4A-37



ASTRID J. CLOS

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Phone: (519) 836-7526 (836-PLAN)

## CONCEPT PLAN, 1300 GORDON STREET

DATE: JULY 10, 2017

SCALE: 1:200

PROJECT No. 1225

DRAWN BY: A.R.N.

### KEY MAP



### LEGAL DESCRIPTION

PART OF LOT 6, CONCESSION 8 (GEOGRAPHIC TOWNSHIP OF PUSLINCH), CITY OF GUELPH

NOTES 1. SITE DESIGN BY JAMES FRYETT ARCHITECT INC.

2. CONTOURS PROVIDED BY MTE.

3. BOUNDARY PROVIDED BY BSRO MAY 8, 2015.

Requested Specialized General Apartment R.4A- Zone			
Permitted Uses: Apartment Building	Requested Uses: Apartment Building		
Zoning Regulation R.4B Zone	Required	Provided	Compliance
Minimum Lot Area	650 m <sup>2</sup>	2,426 m <sup>2</sup>	Yes
Minimum Lot Frontage	15m	43.5 m	Yes
Maximum Density (units per ha)	100 units per ha	132 units per ha	No
Minimum Front Yard	6 m	4.6 m	No
Minimum Side Yard (Section 5.3.2.2) half the Building Height, and in no case less than 3 metres.	8.5 m (half the building height) (17m building height)	3 m	No
Minimum Rear Yard 20% of the lot depth or half the building height whichever is greater, not less than 7.5 m	11.06 m	10 m	No
Maximum Building Height	8 storeys	6 storeys	Yes
Minimum Common Amenity Area Section 5.4.2.4 30 m <sup>2</sup> per dwelling unit for each unit up to 20. For each additional dwelling unit, 20 m <sup>2</sup> of Common Amenity Area shall be provided and aggregated into areas of not less than 50 m <sup>2</sup> .	840 m <sup>2</sup>	840 m <sup>2</sup>	Yes
Minimum Landscaped Open Space 40% for Buildings: 5-10 storeys	32 units	Indoor 51.7 m <sup>2</sup> Outdoor 788.3m <sup>2</sup>	Yes
On-Street Parking (Section 4.13) for the first 20 units: 1.5 per unit, and for each unit in excess of 20: 1.25 per unit	40 % 871.2 m <sup>2</sup>	48 % 1,176 m <sup>2</sup>	Yes
4.13.6 Visitor Parking minimum of 20% of the calculated total required number of Parking Spaces shall be provided for the Use of visitors to a residential Building and such Parking Spaces shall be located above grade and clearly identified as being reserved for the exclusive Use of visitors.	45 parking spaces	46 parking spaces	Yes
Buffer Strip	9 visitor parking spaces	2 visitor parking spaces provided above grade enclosed within a building	No
Floor Space Index	Required where abutting a Residential and Institutional Zone 1.5	2.22 5,373 m <sup>2</sup> GFA	Yes

Rev: 18.2017-10.20am (24897-17)  
R4A-37-240 (24897-17) R4A-37-240 (24897-17) 1300 Gordon Street Concept Plan (20.04.17)





James Fryett Architect Inc.