REVISED COUNCIL PLANNING AGENDA



DATE Monday, February 6, 7:00 p.m.

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

O Canada Silent Prayer Disclosure of Pecuniary Interest

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

Application	Staff Presentation	Applicant or Designate	Delegations (maximum of 10 minutes)	Staff Summary
30, 34, 40 Arkell Road: Proposed Zoning By-law Amendment (File ZC1115) – Ward 6	Chris deVriendt	 Astrid Clos <u>Available to</u> <u>Answer</u> <u>Questions:</u> Chris Sims Terry Ellery Mike Watt 	Correspondence: • ACCO Group	

CONSENT AGENDA

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

COUNCIL CONSENT AGENDA			
ITEM	CITY	DELEGATIONS	TO BE EXTRACTED
	PRESENTATION	(maximum of 5 minutes)	
A-1) 180 Gordon Street Proposed Official Plan Amendment and Zoning By-law Amendment (Files OP1106 & ZC1107) - Ward 5 PLEASE NOTE: This will also serve as the statutory public meeting under the Planning Act for Proposed Official Plan Amendment (File OP1106) for 180 Gordon Street		Daphne Wainman- Wood representing OUNRA Bernard Luttmer PLEASE NOTE: Pursuant to the City of Guelph's Procedural By-law delegates speaking to this matter will be provided a maximum of 10 minutes.	√

		Correspondence: Dennis Jamieson Irene Matthews CFUW Guelph	
A-2)	Development Charge Early Payment Agreement – Hanlon Creek Business Park		
A-3)	Development Charge Early Payment Agreement – Hitachi Construction Truck Manufacturing Ltd.		

BY-LAWS

Resolution – Adoption of By-laws (Councillor Van Hellemond)

By-law Number (2011)-19336		
A by-law to authorize conveyance of an		
Easement in favour of Seaton Ridge		
Communities Ltd. over lands described		
as Block 46, Plan 61M40, City of Guelph		

To authorize the conveyance of an easement with respect to Seaton Ridge Communities Ltd.

ANNOUNCEMENTS

ADJOURNMENT

COUNCIL REPORT



TO Guelph City Council

SERVICE AREA Planning & Building, Engineering and Environment

DATE February 6, 2012

SUBJECT 30, 34, 40 Arkell Road: Proposed Zoning By-law

Amendment (File: ZC1115) - Ward 6

REPORT NUMBER 12-09

SUMMARY

Purpose of Report: To provide planning information on an application by Astrid J. Clos Planning Consultants requesting approval of a Zoning By-law Amendment to permit the development of multiple attached dwellings with a total of 36 units. This report has been prepared in conjunction with the public meeting on the application.

Council Action: Council will hear public delegations on the application, ask questions of clarification and identify planning issues. The report is to be received and no decisions are to be made at this time.

RECOMMENDATION

"THAT Report 12-09 regarding an application for a Zoning By-law Amendment to permit the development of multiple attached dwellings with a total of 36 units applying to properties municipally known as 30, 34, 40 Arkell Road, legally described as Part Lot 6, Concession 8, Geographic Township of Puslinch, Lot 1 and Part of Lot 2, Registered Plan 514, City of Guelph, from Planning & Building, Engineering and Environment, dated February 6, 2012, be received."

BACKGROUND

An application for a Zoning By-law Amendment (ZC1115) has been received for the properties municipally known as 30, 34, 40 Arkell Road from Astrid J. Clos Planning Consultants. The proposal is a request to rezone the properties from the R.3A-38 (Specialized Cluster Townhouse) Zone and the R.1B (Single Detached Residential) Zone to a R.3A-? (Specialized Cluster Townhouse) Zone to permit the development of 36 multiple attached dwelling units within 9 buildings, each containing 4 dwelling units. The application was deemed to be a complete application on November 3, 2011.

Location

The subject lands are approximately 0.59 hectares in size and are located north of Arkell Road and east of Gordon Street (see Location Map on Schedule 1). The subject site is bounded by the Salvation Army Church to the north, existing residential development to the east, Arkell Road to the south and vacant commercially zoned land to the west at the corner of Gordon Street and Arkell Road. A single detached dwelling is located at the east end of the site (40 Arkell Road) that is proposed to be demolished to accommodate the proposed development.

Existing Official Plan Land Use Designation and Policies

The Official Plan land use designation that applies to the subject lands is "Medium Density Residential" (see Schedule 2). Based on the interpretation policies of the Official Plan (Section 9.2.2), the subject site is considered to be designated "Medium Density Residential" in its entirety. The boundaries of the "Neighbourhood Centre (4650 m²)" designation shown on Schedule 2 are generalized to illustrate its application to the adjacent corner of Arkell Road and Gordon Street and is not intended to apply to the westerly area of the subject site.

The "Medium Density Residential" designation permits "multiple unit residential buildings, such as townhouses, row dwellings and walk-up apartments." The net density of development for the Medium Density designation is a minimum of 20 units per hectare to a maximum of 100 units per hectare. The relevant Official Plan policies are included in Schedule 2.

Existing Zoning

The westerly portion of the subject site at 30-34 Arkell Road is zoned R.3A-38 (Specialized Cluster Townhouse) Zone and the easterly portion of the site at 40 Arkell Road is zoned R.1B (Single Detached Residential) Zone (see Schedule 3). It is noted that the Specialized R.3A-38 Zone was implemented on the subject site through a zoning by-law amendment application approved by Council in 2007 to permit the development of a 12 unit cluster townhouse development.

REPORT

Description of Proposed Zoning Bylaw Amendment

The applicant is requesting to rezone the lands from the R.3A-38 (Specialized Cluster Townhouse) Zone and the R.1B (Single Detached Residential) Zone to a R.3A-? (Specialized Cluster Townhouse) Zone to permit the development of 9 buildings with a total of 36 residential units. The specialized zoning regulations requested in association with the proposed R.3A-? Zone include:

- Minimum front yard of 4.5 metres (in lieu of the required 6 metres)
- Minimum side yard setback of 3 metres (in lieu of the required 5.33 metres)
- Maximum building height of 4 storeys (in lieu of 3 storeys)
- Minimum area for private amenity area at grade of 12 square metres (in lieu of the required 20 square metres)
- Minimum depth of private amenity area at grade of 2.4 metres (in lieu of the required 4.5 metres)

- Minimum area of private amenity area above grade of 3.3 square metres (in lieu of the required 10 square metres)
- Maximum density of site of 60.65 units per hectare (in lieu of the maximum of 60 units per hectare)

The applicant has also requested that a "Multiple Attached Dwelling" be added as a permitted use within the requested Specialized R.3A-? Zone, which is defined as follows:

 A Multiple Attached Dwelling shall mean a building consisting of 3 or more dwelling units which are horizontally and vertically attached, which are entered from an independent entrance directly from the outdoors or from an internal hall or corridor and which share common facilities such as amenity area, parking and driveways.

Proposed Development Concept

The applicant's proposed development concept is shown on Schedule 4. This development includes 36 multiple attached dwelling units within 9 buildings, each containing 4 dwelling units. Five multiple attached dwellings are proposed along the frontage of Arkell Road and four multiple attached dwellings are located along the northern boundary of the subject site. The proposed buildings are separated by a surface parking area central to the subject site that would accommodate a total of 57 off-street parking spaces. Vehicular access is proposed from a single driveway connection to Arkell Road, which is located at the westerly portion of the subject site and approximately 90 metres east of Gordon Street. A 399 square metre common amenity area is proposed at the northeast corner of the subject site.

Supporting Documents

The application is supported by the following:

- Preliminary Site Servicing and Stormwater Management Arkell Road Condominium Zone Change Amendment. Prepared by Gamsby and Mannerow Limited. October, 2011.
- Arkell Heights Ltd. Tree Inventory Report. Prepared by Natural Resource Solutions Inc. October, 2011.
- Arkell Road North Traffic Impact Study. Prepared by Paradigm Transportation Solutions Ltd. October 2011.

Staff Review

The review of these applications will address the following issues:

- Evaluation of the proposal against the Provincial Policy Statement and the Places to Grow Plan
- Evaluation of the proposal's conformity with the Official Plan
- Review of the proposed zonings including all of the uses permitted and the proposed specialized regulations
- Review of proposed site design
- Urban design review of the built form and streetscape

- Servicing and traffic related issues
- Community Energy Initiative considerations

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

CORPORATE STRATEGIC PLAN

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

FINANCIAL IMPLICATIONS

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

COMMUNICATIONS

Notice of the Public Meeting was advertised in the Guelph Tribune on January 13, 2012, and circulated to current owners within 120 metres of the site on January 16, 2012.

ATTACHMENTS

Schedule 1 – Location Map

Schedule 2 – Existing Official Plan Land Use Designations and Policies

Schedule 3 – Existing and Proposed Zoning and Details

Schedule 4 - Proposed Development Concept & Elevations

Prepared By:

Chris DeVriendt Senior Development Planner 519-837-5616, ext 2360 chris.devriendt@guelph.ca

Original Signed by:

Recommended By:

Todd Salter
Acting General Manager
Planning Services
519-837-5616, ext 2395
todd.salter@quelph.ca

Recommended By:

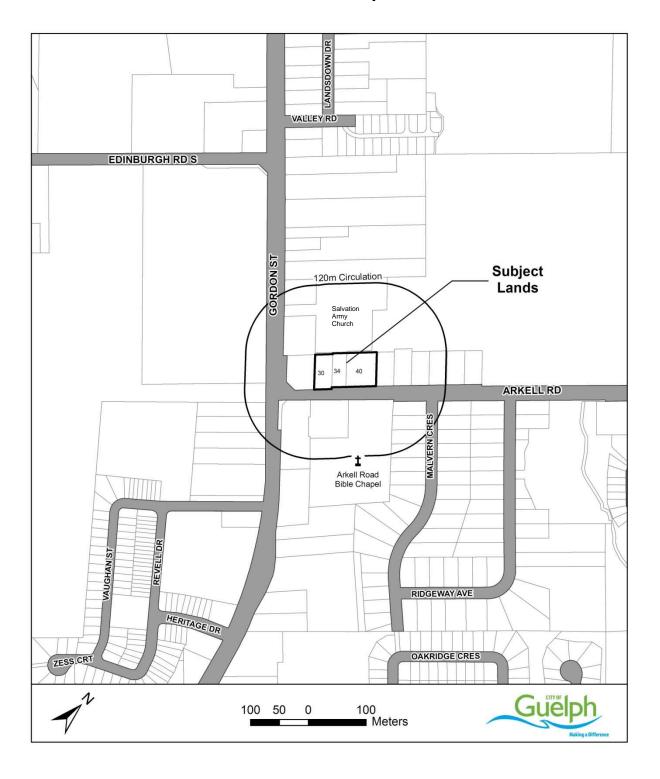
Al Hearne Acting Manager of Development Planning 519-837-5616, ext 2362 al.hearne@guelph.ca

Original Signed by:

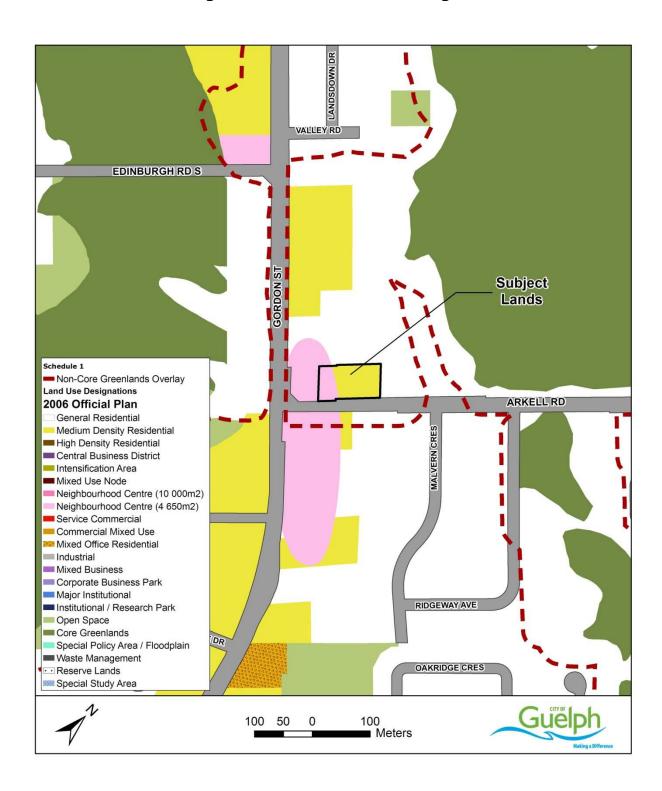
Recommended By:

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

SCHEDULE 1 Location Map



SCHEDULE 2 Existing Official Plan Land Use Designations

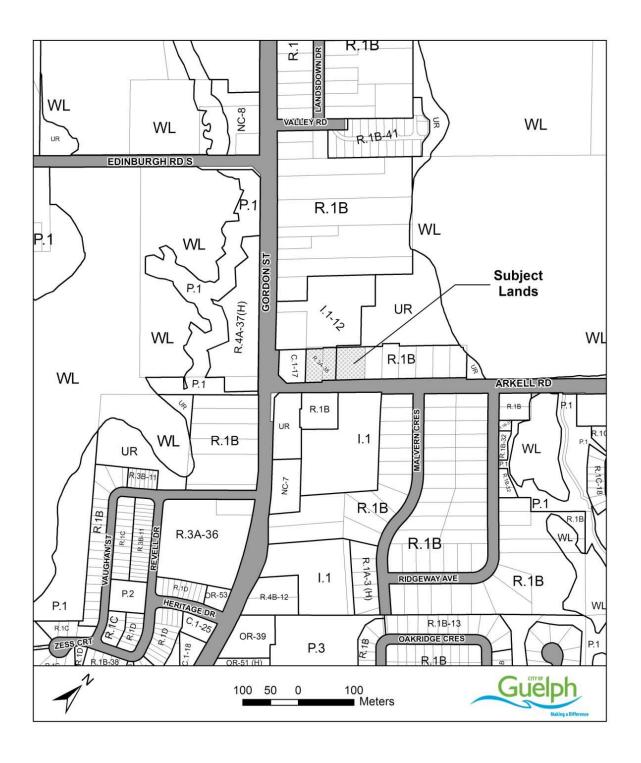


SCHEDULE 2 (continued) Existing Official Plan Policies

'Medium Density Residential' Land Use Designation

- 7.2.6 **Multiple unit residential buildings**, such as townhouses, row dwellings and apartments, may be permitted within designated areas permitting residential uses. The following development criteria will be used to evaluate a *development* proposal for *multiple unit* housing:
 - a) That the building form, massing, appearance and siting are compatible in design, character and orientation with buildings in the immediate vicinity;
 - b) That the proposal can be adequately served by local convenience and neighbourhood shopping facilities, schools, parks and recreation facilities and public transit;
 - c) That the vehicular traffic generated from the proposal can be accommodated with minimal impact on local residential streets and intersections and, in addition, vehicular circulation, access and parking facilities can be adequately provided; and
 - d) That adequate municipal *infrastructure*, services and amenity areas for the residents can be provided.
- 7.2.36 The predominant use of land within areas designated as 'Medium Density Residential' on Schedule 1 shall be for *multiple unit residential buildings*, such as townhouses, row dwellings and walk-up apartments. It is not intended that housing forms such as *single detached* or *semi-detached* units shall be permitted. Residential care facilities and *lodging houses* may be permitted by the provisions of this Plan.
- 7.2.37 The 'Medium Density Residential' designation has been outlined on Schedule 1 in instances where there is a clear planning intent to provide for the following:
 - Medium density housing forms in new growth areas to assist in providing opportunities for affordable housing:
 - b) Greater housing densities that are supportive of transit usage adjacent to major roads forming the existing and future transit network;
 - A variety of housing types and forms to be situated throughout all areas of the community; and
 - d) Supportive of urban form objectives and policies to establishing or maintaining mixeduse nodes.
- 7.2.38 The *net density* of *development* shall be a minimum of 20 units per hectare (8 units/acre) and a maximum of 100 units per hectare (40 units/acre), except as provided for in policy 7.2.10.
- 7.2.39 Medium density residential *development* proposals shall generally comply with criteria established for *multiple unit residential buildings* in policy 7.2.7 of this Plan, and shall be regulated by the *Zoning By-law*.

SCHEDULE 3 Existing Zoning



SCHEDULE 3 (continued) Existing Zoning Details

Specialized R.3A-38 (Cluster Townhouse) Zone

Permitted Uses

In addition to the Uses listed in Section 5.3.1 of Zoning By-law (1995) – 14864, as amended, the following Use shall also be permitted:

· Apartment Building

Regulations

Apartment Buildings shall be in accordance with the R.4A regulations of Section 5.4.1 of Zoning By-law (1995)-14864, as amended, with the following exception:

Maximum Building Height

The maximum Building Height shall be 5 Storeys.

All Townhouse dwellings shall be in accordance with Section 5.3.1 of Zoning By-law (1995) – 14864, as amended, with the following exceptions:

Minimum Front Yard

The minimum Front Yard Setback shall be 4.5 metres.

Minimum Side and Rear Yards

The minimum Side Yard shall be 3 metres.

The minimum Rear Yard shall be 6.5 metres.

Despite Section 5.3.2.2.2, windows to Habitable Rooms shall be permitted to face onto the Side and Rear Yards.

Off-street Parking

Despite Section 4.13.2.2, Parking Spaces located in the Side Yard may be located within 3 metres of the Lot Line.

R.1B Detached Residential Zone

Permitted Uses

Single Detached Dwelling Accessory Apartment Bed and Breakfast Establishment Day Care Centre Group Home Home Occupations Lodging House Type 1

Regulation	Required in the Standard R.1B Zone
Minimum Lot Area	460m ²
Minimum Lot Frontage	15m
Maximum Building Height	3 storeys
Minimum Front Yard	6m
Minimum Exterior Side Yard	4.5m
Minimum Side Yard	
1 to 2 storeys	1.5m
Over 2 storeys	2.4m

Minimum Rear Yard	7.5m or 20% of the lot depth
Accessory Buildings or Structures	Section 4.5
Fences	Section 4.20
Off-Street Parking	Section 4.13
Minimum Landscaped Open Space	The front yard of any lot, excepting the driveway shall be landscaped and no parking shall be permitted within this landscaped open space. The driveway shall not constitute more than 40% of the front yard. A minimum area of 0.5m between the driveway and the nearest lot line must be maintained as a landscaped space in the form of grass, flowers, trees, shrubbery, natural vegetation and indigenous species
Garbage, Refuse Storage & Composters	See Section 4.9

SCHEDULE 3 (continued) Proposed Zoning Details

Specialized R.3A-? (Cluster Townhouse) Zone

Permitted Uses

In addition to the Uses listed in Section 5.3.1 of Zoning By-law (1995) – 14864, as amended, the following Use shall also be permitted:

Multiple Attached Dwelling – shall mean a building consisting of 3 or more dwelling units
which are horizontally and vertically attached, which are entered from an independent
entrance directly from the outdoors or from an internal hall or corridor and which share
common facilities such as common amenity area, parking and driveways

Regulations

Minimum Front Yard

4.5 metres (in lieu of the required 6 metres)

Minimum Side Yard

• 3 metres (in lieu of the required 5.33 metres)

Minimum Private Amenity Area

- minimum private amenity area at grade of 12 square metres (in lieu of the required 20 square metres)
- minimum depth of private amenity area at grade of 2.4 metres (in lieu of the required 4.5 metres)
- minimum area of private amenity area above grade of 3.3 square metres (in lieu of the required 10 square metres)

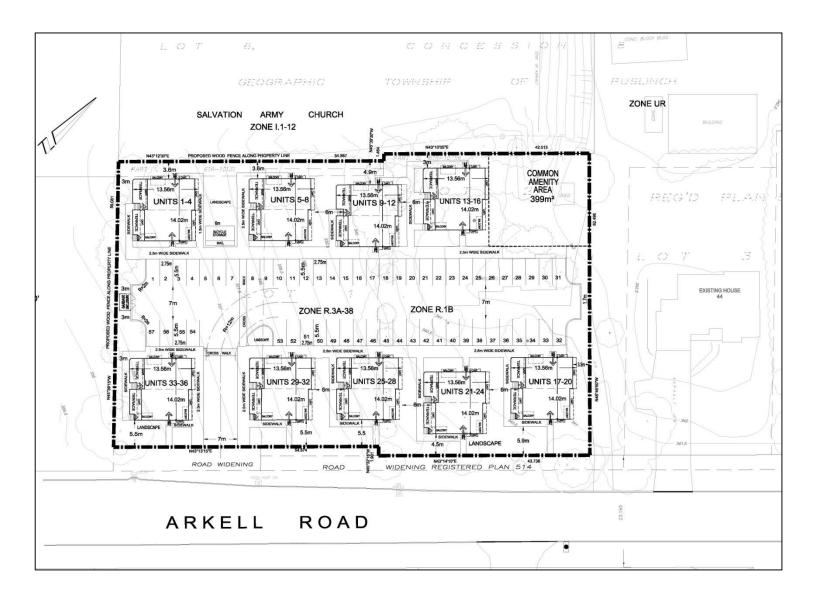
Maximum Building Height

4 storeys

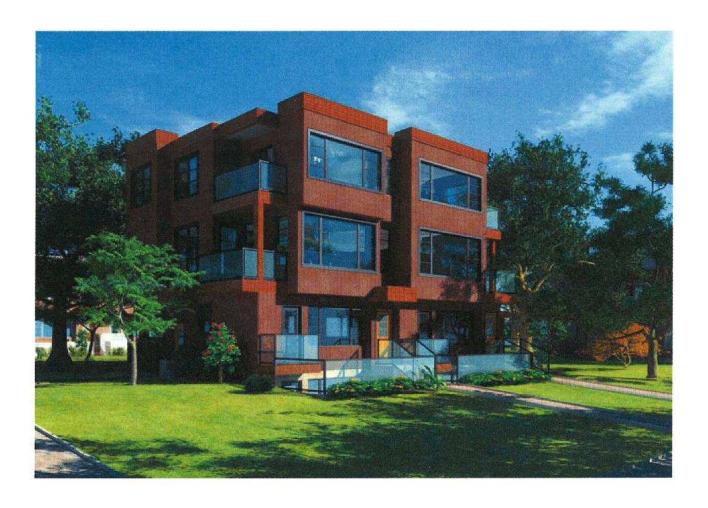
Maximum Density

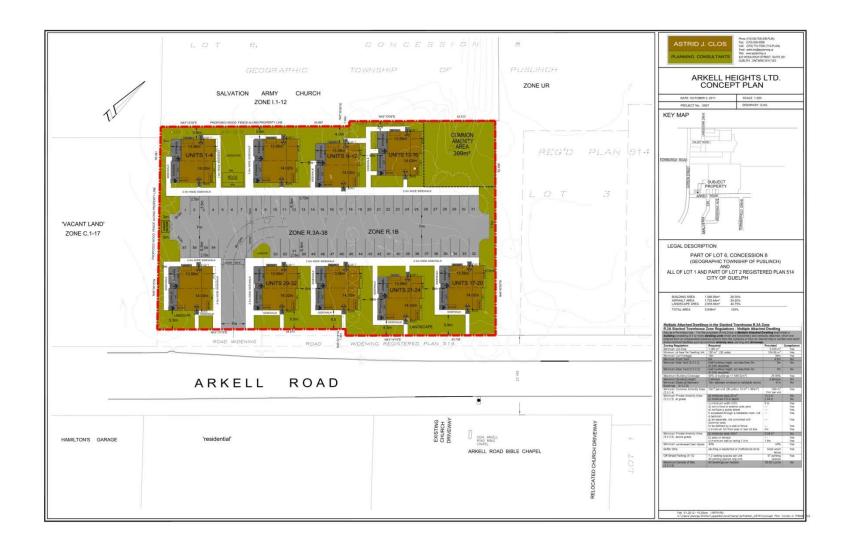
• 60.65 units per hectare (in lieu of the maximum of 60 units per hectare)

SCHEDULE 4 Proposed Development Concept



SCHEDULE 4 (continued) Proposed Development Concept (Building Elevations)





HP LASERJET FAXACCO-GROUP 5198948607





January 25, 2012

City Clerk's Office City Hall 1 Carden St Guelph ON N1H3A1

FAX TO: 1-519-763-1269 1 PAGE

Dear Sir/Madam:

Proposed Zoning By-law Amendment File ZC1115 30, 34, 40 Arkell Rd N, Guelph (0.59 hectares)

We represent Valentina Buttinger, the owner of the vacant property to the west of the above-noted subject property at the corner of Gordon Street and Arkell Road. As such, we have been instructed to generally support the proposed development, with the following provisos:

- Our property is commercially zoned land and is potentially graded lower than this development, with the result that the requested reduction of side yard from 5.3 m to 3 m may not be adequate to transition from property to property. We would not want it to adversely influence any side yard adjustments we may require going forward.
- With the grading variance in mind, we also wish to point out that the requested increase from three storeys to four stories on units 1 - 4 and 33 - 36, could result in these buildings towering over our property in an unsightly manner.

In view of the foregoing, we wish to point out that our property is zoned for commercial use and we would expect that any new residential use abutting our property would not hinder or restrict in any way, our future development of that currently vacant land as currently zoned or as proposed.

Regards.

Paul Buttinger, CEO

ACCO GROUP

/dm

CONSENT AGENDA

February 6, 2012

Her Worship the Mayor and Members of Guelph City Council.

SUMMARY OF REPORTS:

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

A Reports from Administrative Staff

REPORT DIRECTION

A-1) 180 Gordon Street Proposed Official Plan Amendment and Zoning By-law Amendment (Files OP1106 & ZC1107) – Ward 5

Approve

THAT Report 12-02 dated February 6, 2012 regarding a proposed Official Plan Amendment and Zoning By-law Amendment for the property municipally known as 180 Gordon Street from Planning & Building, Engineering and Environment be received;

AND THAT the application by Podium Developments on behalf of 180 Gordon Street Ltd. for approval of an Official Plan Amendment to add a site specific policy to permit a reduced setback from the river edge affecting lands municipally known as 180 Gordon Street and legally described as Part of Lot A, Plan 302, City of Guelph, be approved in accordance with the policies as set out in Schedule 2 of Planning & Building, Engineering and Environment Report 12-02 dated February 6, 2012;

AND THAT the application by Podium Developments on behalf of 180 Gordon Street Ltd. for approval of a Zoning By-law Amendment to change the zoning from the C.1-19 (Convenience Commercial) Zone and FL (Floodway) Zone to a Specialized R.3A (Townhouse) Zone to permit cluster townhouses for the property municipally known as 180 Gordon Street and legally described as Part of Lot A, Plan 302, City of Guelph, be approved in the form of a Specialized R.3A (Townhouse) Zone subject to a Holding provision, in accordance with the provisions set out in Schedule 2 of Planning & Building, Engineering and Environment Report 12-02 dated February 6, 2012;

A-2) Development Charge Early Payment Agreement – Hanlon Creek Business Park

Approve

THAT the report dated February 6, 2012 from Economic Development & Tourism Services regarding a Development Charge Early Payment Agreement be received;

AND THAT staff be directed to finalize a Development Charge Early Payment Agreement, between the City of Guelph and Quartermain Road Equities Limited, satisfactory to the General Manager of Economic Development & Tourism, the City Solicitor and the Acting Treasurer, for a 8.39 hectare (20.7 acre) site, composed of Part of Lot 19, Concession 4, City of Guelph, being designated as Part of Part 31 on reference plan 61R-11543, and subject to a confirming legal survey, in the Hanlon Creek Business Park Phase 2; and subject to the terms as outlined in the report of the General Manager of Economic Development & Tourism dated February 6, 2012;

AND THAT the Mayor and Clerk be authorized to execute the Development Charge Early Payment Agreement on behalf of the City of Guelph.

A-3) Development Charge Early Payment Agreement – Hitachi Construction Truck Manufacturing Ltd.

Approve

THAT the report dated February 6, 2012 from Economic Development & Tourism Services regarding a Development Charge Early Payment Agreement be received;

AND THAT staff be directed to finalize a Development Charge Early Payment Agreement between the City of Guelph and Hitachi Construction Truck Manufacturing Ltd., satisfactory to the General Manager of Economic Development & Tourism, the City Solicitor and the Acting Treasurer, and subject to the terms as outlined in the report of the General Manager of Economic Development & Tourism dated February 6, 2012;

AND THAT the General Manager of Economic Development & Tourism and the Acting Treasurer be authorized to execute the Development Charge Early Payment Agreement on behalf of the City of Guelph.

B ITEMS FOR DIRECTION OF COUNCIL

C ITEMS FOR INFORMATION OF COUNCIL

attach.

COUNCIL REPORT



TO Guelph City Council

SERVICE AREA Planning & Building, Engineering and Environment

DATE February 6, 2012

SUBJECT 180 Gordon Street

Proposed Official Plan Amendment and Zoning By-law

Amendment (Files: OP1106 & ZC1107)

Ward 5

REPORT NUMBER 12-02

SUMMARY

Purpose of Report: This report provides a staff recommendation for the property at 180 Gordon Street to approve an Official Plan Amendment to introduce a site specific policy reducing the required setback to the river edge and to approve a Zoning By-law Amendment to rezone the subject property to a Specialized R.3A (Townhouse) Zone to permit cluster townhouses.

Council Action: Council will hear public delegations on the applications and is also being asked to approve the proposed Official Plan Amendment and Zoning By-law Amendment for the subject lands.

RECOMMENDATION

"THAT Report 12-02 dated February 6, 2012 regarding a proposed Official Plan Amendment and Zoning By-law Amendment for the property municipally known as 180 Gordon Street from Planning & Building, Engineering and Environment be received;

AND THAT the application by Podium Developments on behalf of 180 Gordon Street Ltd. for approval of an Official Plan Amendment to add a site specific policy to permit a reduced setback from the river edge affecting lands municipally known as 180 Gordon Street and legally described as Part of Lot A, Plan 302, City of Guelph, be approved in accordance with the policies as set out in Schedule 2 of Planning & Building, Engineering and Environment Report 12-02 dated February 6, 2012;

AND THAT the application by Podium Developments on behalf of 180 Gordon Street Ltd. for approval of a Zoning By-law Amendment to change the zoning from the C.1-19 (Convenience Commercial) Zone and FL (Floodway) Zone to a Specialized R.3A (Townhouse) Zone to permit cluster townhouses for the property municipally known as 180 Gordon Street and legally described as Part of Lot A, Plan 302, City

of Guelph, be approved in the form of a Specialized R.3A (Townhouse) Zone subject to a Holding provision, in accordance with the provisions set out in Schedule 2 of Planning & Building, Engineering and Environment Report 12-02 dated February 6, 2012;

BACKGROUND

Applications to amend the Official Plan (OP1106) and Zoning By-law (ZC1107) have been received for the property municipally known as 180 Gordon Street from Podium Developments. The proposal is a request to add a site specific policy in the Official Plan to permit a reduced setback from the river edge for the subject site and to rezone the property from the C.1-19 (Convenience Commercial) Zone and FL (Floodway) Zone to a Specialized R.3A (Townhouse) Zone to permit the development of cluster townhouses.

The Zoning By-law Amendment application has been considered at two previous Public Meetings held on May 3, 2011 and October 3, 2011. In addition, a Community Meeting was held on November 10, 2011 regarding the proposed development. At the second Public Meeting in October 2011, concern was raised that the proposed Zoning By-law Amendment did not conform to the City's Official Plan, specifically Section 6.9.5 which indicates that the City will require development to be setback the greater of 30 metres from the river edge or 15 metres from the top of the slope. In this instance, 30 metres from the river edge is the applicable setback and the northeast corner of the proposed building does not meet the setback outlined in the Official Plan. Accordingly, the applicant has submitted an application to amend the Official Plan requesting a site specific policy to reduce the required setback for the subject site. The Official Plan Amendment application was deemed to be complete on December 12, 2011. As such, this meeting constitutes the formal public meeting under the *Planning Act* for the Official Plan Amendment. Proper statutory public notice has been provided. development proposal for 11 townhouse units fronting on to Marianne's Park and the Speed River, was presented at the Statutory Public Meeting for the Zoning Bylaw Amendment on October 3, 2011 and has not changed since that time. Reports 11-40 and 11-85 from Planning & Building, Engineering and Environment provide additional background related to the proposed development and the requested Zoning By-law Amendment.

The subject property is also identified on the City's Inventory of potential brownfield sites. Financial Incentive Program Applications have been submitted and approved by Council through the City's Brownfield Redevelopment Community Improvement Plan.

Location

The subject site is located east of the intersection of Gordon Street and Water Street (see Schedule 1 – Location Map). The site is currently vacant and is approximately 0.16 hectares in size. Surrounding uses include:

- Marianne's Park and the Speed River to the north
- A woodlot to the east
- Low density residential use to the south
- Low density residential use and parkland (Royal City Park) across Gordon Street to the west.

Existing Official Plan Designations and Related Policies

The subject lands are designated as "General Residential" in the Official Plan which permits all forms of residential uses, including townhouses, to a maximum density of 100 units per hectare.

The map shown on Schedule 3 illustrates that a portion of the lands in the northeast corner of the site are designated "Core Greenlands" as it was believed that they potentially fell within the floodway. Sections 7.13.9 and 7.13.10 of the Official Plan indicate that the boundaries of the Greenlands System are approximate and that the physical limits of the Core Greenlands designation may be subsequently refined by more detailed mapping on individual properties or through the completion of scoped and comprehensive environmental impact studies. The completion of these studies will be used to determine the exact limits of development and areas to be afforded protection. In instances where an approved environmental impact study adjusts the boundaries of the Core Greenlands designation, the land use policies of the adjacent designation will apply. A scoped environmental impact study has been approved for the subject site which has determined that there are no "Core Greenlands" on the subject site. Based on the approved study, the entire site is considered to be subject to the General Residential designation.

The Grand River Conservation Authority (GRCA) has reviewed the site as to where the floodplain actually falls on the property and determined that only small portions of both the northeast and northwest corners of the site originally fell within the floodplain area. The site is partially excavated at this time because of work that has occurred to remediate the site and the GRCA has recommended that it be filled to meet the regulatory floodline when the cleanup is finalized to ensure that no portion of the site is within the floodplain area. A Development, Interference with Wetlands and Alterations to Shorelines and Watercourses permit will be required for future remediation works. It should be noted that a permit was issued by GRCA to the former owner of these lands for the site remediation, however, because the remediation works were not completed, a new permit will be required by the current owner to remove and replace the material on site.

As outlined in the "Background" section of this report, Section 6.9.5 of the Official Plan requires development to be setback 30 metres from the river edge in this instance and the northeast corner of the proposed development does not meet the setback required by the Official Plan. Accordingly, an Official Plan Amendment application has been submitted.

Official Plan Amendment (OPA) #42 (subject of appeals), does not designate any of the site as "Significant Natural Areas" because it is considered to be a disturbed site that has been graded and altered. A map showing the "Significant Natural Areas" in proximity to the subject site is included in Schedule 3.

Official Plan Amendment #39 (in effect) identifies the site as being within the 'Built-Up Area' of the City. The 'Built-Up Area' is intended to accommodate a significant portion of new residential and employment growth through intensification.

The Official Plan Land Use Designations and Related Policies are included in Schedule 3.

Existing Zoning

The subject site is zoned C.1-19 (Convenience Commercial) Zone and FL (Floodway) Zone in the northeast corner. The Specialized Convenience Commercial Zone limits the use of the site to a vehicle service station. See Schedule 4 for the current zoning regulations.

REPORT

Description of Proposed Official Plan Amendment

The application proposes to add a site specific policy for 180 Gordon Street into Section 6.9.5 of the Official Plan in order to permit structures (such as retaining walls) to be setback a minimum of 22.5 metres and buildings to be setback a minimum of 24.5m from the edge of the river. Currently, Section 6.9.5 requires a minimum setback of 30 metres from the edge of the river or 15 metres from the top of slope adjacent to a river. For this property, the required setback is 30 metres from the edge of the river. The General Residential land use designation for this site is not proposed to be amended.

Description of the Proposed Zoning By-law Amendment

The applicant proposes to rezone the subject lands from the C.1-19 (Convenience Commercial) Zone and FL (Floodway) Zone to a Specialized R.3A (Townhouse) Zone, to permit the development of 11 cluster townhouses. Specialized zoning regulations have been requested for building height, density, lot area per dwelling unit, building coverage, landscaped open space, angular plane requirements, building setbacks from the rear and side property lines, location and size of the accessory structure, location of parking, and setback to the private amenity area. In addition, staff are recommending that the proposed Specialized R.3A (Townhouse) Zone be subject to a holding provision to ensure that the subject land is free of contamination and suitable for residential purposes. See Schedule 4 for proposed zoning mapping, as well as proposed specialized and standard regulations.

Proposed Development Concept Plan

The concept plan for the proposed development is shown on Schedule 5 and is the revised concept plan that was presented at the October 3, 2011 Statutory Public Meeting for the Zoning By-law Amendment. The concept plan proposes that the 11 townhouse units will face north towards Marianne's Park and the Speed River. The vehicular access location lines up with the intersection of Gordon Street and Water Street and the parking is proposed along the southerly lot line with the carport structure assisting in providing a visual buffer between the dwelling units and the lands zoned R.1B to the south. A total of 17 parking spaces are being provided which complies with the Zoning By-law. Eleven of the parking spaces will be located within the carport structure and a minimum of two of the parking spaces are proposed to be identified as visitor parking spaces. Roof top patio areas are proposed as the required private amenity areas for these units. The development concept plan also demonstrates where snow storage areas are being provided.

The density of the proposal under the Places to Grow Plan is approximately 170 persons per hectare or 70 units per hectare.

Staff Planning Analysis

The staff review and planning analysis of this application is provided in Schedule 8. The analysis addresses the issues and questions that were raised during the review of the application, and also the issues raised by Council and members of the public at the Statutory Public Meetings held on May 3, 2011 and October 3, 2011, as well as the concerns raised by the Public through correspondence and at the Community Meeting on November 10, 2011. The questions raised generally relate to:

- Evaluation of the proposal against the Provincial Policy Statement and the Places to Grow Plan
- Evaluation of the proposal's conformity with the Official Plan, OPA #39, OPA #42 (subject to appeals)
- Review of the proposed zoning and need for specialized regulations
 - Evaluation of the proposed density
- Community Energy Initiative considerations
- Conformity with the River Systems Management Plan (RSMP) and the proposal's proximity to the river
 - o 30m setback to the edge of the river
 - Location of the subject site at the principal gateway to the river system
 - o Potential to open access to the south bank/south bank trail
 - Compatibility with the site's river setting (not arterial road setting)
 - Size of the proposed building
 - Views to the river
 - GRCA requirements
- Evaluation of the proposal's proximity to Marianne's Park
 - Shadow impacts on park
 - o Buffer to park
 - Distinction between public and private space
 - Vista to park and river
 - Angular plane requirements
 - Cultural importance of park potential conflict between the proposed residential use and the park
- Evaluation of the proposal in the context of the potential Heritage Conservation District
- Review of the proposed site layout including:
 - Overview issue of adjacent properties zoned R.1B
 - Buffer to cultural woodlot
 - Garbage storage
 - Snow Storage
 - Parking
 - Number of spaces provided
 - Functionality of the spaces

- Balance of student rental and owner/family occupied housing in the neighbourhood
- Traffic and Access
 - Location of the access
 - Any conflicts with the intersections of Gordon Street, Albert Street and Water Street, as well as the pedestrian crossing
- Road widening provisions in the Official Plan
- Servicing Capacity for water and wastewater

Staff Recommendation

Planning staff are satisfied that the applications to amend the Official Plan and Zoning By-law are consistent with the Provincial Policy Statement and conform to the Places to Grow Plan. Further, the Official Plan Amendment application satisfies the criteria set out in Section 9.3.2 for Amendments to the Official Plan and the Zoning By-law Amendment application conforms to the land use designation and policies within the City's Official Plan for this site. Staff recommend that a holding provision be placed on the property requiring that a Qualified Person certify that the lands to be developed meet the Site Condition Standards outlined by the Ministry of the Environment for the intended residential land use. These applications are recommended for approval subject to the policies and provisions outlined in Schedule 2 of this report.

CORPORATE STRATEGIC PLAN

Goal 1: An attractive, well-functioning and sustainable City

Goal 3: A diverse and prosperous local economy

FINANCIAL IMPLICATIONS

Projected Taxation

\$36,300 (estimated at \$3,300 per unit)

Development Charges

The anticipated development charges for the proposed development of 11 townhouse units is \$204,996 (\$18,636.00 per unit)

COMMUNICATIONS

Notice of the Public Meeting for the Official Plan Amendment and the Zoning By-law Amendment was circulated to current owners and other interested members of the public on January 11, 2012 and advertised in the Guelph Tribune on January 12, 2012.

DEPARTMENTAL CONSULTATION

The public and agency comments received through the review of the application are summarized on Schedule 9.

ATTACHMENTS

Schedule 1 - Location Map

Schedule 2 - Policies and Provisions

Schedule 3 - Official Plan Land Use Designations and Related Policies

Schedule 4 - Existing and Proposed Zoning and Regulations

Schedule 5 - Development Concept Plan & Elevations

Schedule 6 - Shadow Study

Schedule 7 - Community Energy Initiative Commitment

Schedule 8 - Staff Planning Analysis Schedule 9 - Circulation Comments

Schedule 10 - Public Notification Summary

Prepared By:

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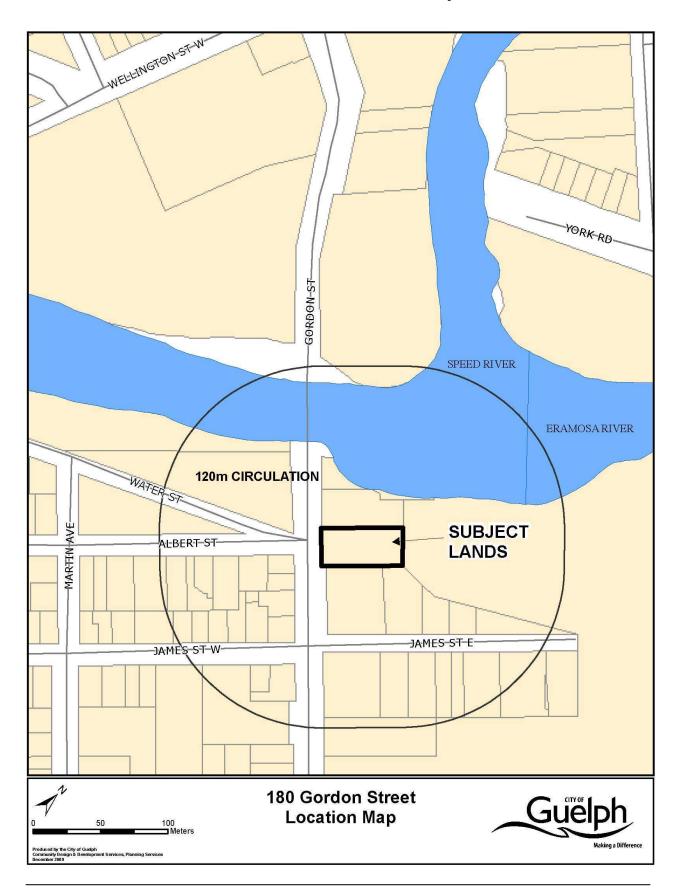
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Schedule 1 - Location Map



Schedule 2 - Policies and Provisions

The property affected by the Official Plan Amendment and Zoning By-law Amendment applications is municipally known as 180 Gordon Street and legally described as Part of Lot A, Plan 302, City of Guelph.

Official Plan Amendment

The following amendment adds a site specific policy to the City's Official Plan for the subject property:

6.9.5 1. c) Despite the river corridor 30 metre setback provisions of 6.9.1.2, 6.9.5 1. a) and 6.9.5 1 b), the City will require buildings to be setback a minimum of 24.5 metres, and structures (including retaining walls) to be setback a minimum of 22.5 metres from the Speed River edge on lands known municipally as 180 Gordon Street.

Zoning By-law Amendment

The following zoning is proposed:

Specialized R.3A (Townhouse) Zone

Permitted Uses

- Cluster Townhouse
- Home Occupation in accordance with Section 4.19
- Accessory Use in accordance with Section 4.23

Regulations

In accordance with Section 4 (General Provisions) and Section 5.4.2 and Table 5.3.2 (Residential Townhouse Zone Regulations) of Zoning By-law (1995)-14864, as amended, with the following exceptions:

Density

The maximum permitted density shall be 70 units per hectare

Building Height

The maximum permitted building height shall be 4 storeys providing that the gross floor area of the fourth storey shall be limited to a maximum of $15m^2$ per unit and shall not contain any habitable floor space.

Building Setbacks

The minimum rear yard setback to a cluster townhouse shall be 3m

The minimum side yard setback to a cluster townhouse shall be 1.8m

Building Coverage

The maximum building shall be 46% of the lot area

Angular Plane

Despite Section 4.16, the angular plane as applied to a river or a park shall be 82 degrees

Landscaped Open Space

The minimum landscaped open space shall be 17% of the lot area

Lot Area per Dwelling Unit

The minimum lot area per dwelling shall be 143 m²

Private Amenity Areas

Private Amenity Areas shall be provided in accordance with Section 5.3.2.5 except that the minimum distance from a side lot line shall be 1.8m

Accessory Structures

The minimum side yard setback to an accessory structure shall be 0.3m

The maximum gross floor area of an accessory structure shall be 173m²

Location of Parking Spaces and Driveways

A maximum of 2 visitor parking spaces, or parts thereof, may be located within the required front yard

A minimum setback of 0.3m to a parking area from any lot line

The minimum distance required between a surface driveway and a building entrance or window of habitable rooms shall be 2.15m

Holding Provision

Purpose:

To ensure that the property to be developed is remediated to meet the Site Condition Standards of the intended residential land use.

Permitted Interim Uses:

Those uses permitted by the C.1-19 (Convenience Commercial) Zone:

Vehicle Service Station including accessory sales of motor vehicles

Holding Provision Conditions:

Prior to the removal of the holding provision, the owner shall:

- 1. Submit all environmental site assessment, risk assessment, remediation and monitory reports prepared in accordance with the Records of Site Condition regulation (O. Reg 153/04 as amended) describing the current conditions of the property known municipally as 180 Gordon Street to the satisfaction of the City;
- 2. File a Record of Site Condition (RSC) on the Ministry of the Environment (MOE) Environmental Site Registry for the property including certification by a Qualified Person as defined by O.Reg. 153/04 as amended that the environmental condition of the property meets the appropriate MOE Site Condition Standards for the intended land use; and,
- 3. Submit the MOE acknowledgment letters for the RSCs to the satisfaction of the City.

Conditions

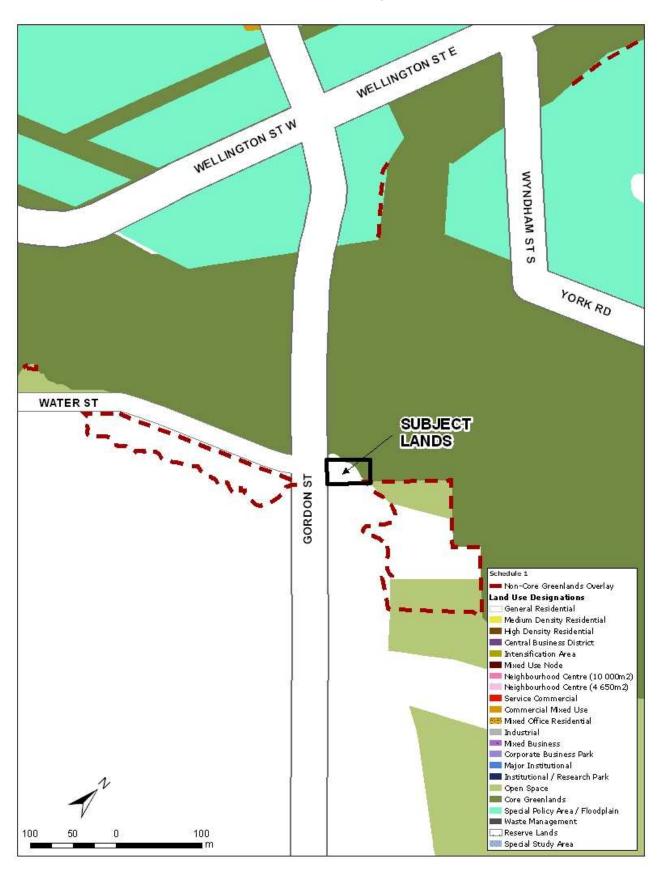
The following conditions are provided as information to Council and will be imposed through site plan approval:

- 1. The Owner shall submit to the City, in accordance with Section 41 of the *Planning Act*, a fully detailed site plan, indicating the location of buildings, landscaping, parking, circulation, access, lighting, tree preservation, grading and drainage and servicing on the said lands to the satisfaction of the General Manager of Planning & Building Services and the General Manager/City Engineer, prior to the issuance of a building permit, and furthermore the Owner agrees to develop the said lands in accordance with the approved plan.
 - a. Further, the Owner commits and agrees that the details of the layout and design for the development of the subject lands, including: the proposed design of the building; and the size, height and location of the accessory structure; shall be generally in conformance with the development concept plan and elevations attached as Schedule 5 to the February 6, 2012 Planning & Building, Engineering and Environment Report Number 12-02.
- 2. Prior to the issuance of site plan approval, the owner shall provide the City with written confirmation that the building on the subject site will be constructed to a standard that implements energy efficiency in order to support the Community Energy Initiative to the satisfaction of the General Manager of Planning and Building Services and in accordance with the letter attached as Schedule 7 to Report 12-02 from Planning & Building, Engineering and Environment dated February 6, 2012.
- 3. In order to avoid overlook to a sensitive land use to the south, the Owner commits and agrees that any windows located on the third storey of the south elevation of the building will be not be transparent (i.e. frosted glass) and will only open the minimum amount required by the Ontario Building Code.
- 4. The Owner commits and agrees that open access to the southerly side of the roof-top areas will not be provided. The proposed roof-top amenity areas will be located between the fourth storey and the northerly side of the building.
- 5. Prior to the issuance of site plan approval for the lands, the owner shall pay to the City, the City's total cost of reproduction and distribution of the Guelph Residents' Environmental Handbook, to all future households within the project, with such payment based on a cost of one handbook per residential household, as determined by the City.
- 6. The Owner shall pay to the City, as determined applicable by the Chief Financial Officer/City Treasurer, development charges and education development charges, in accordance with the City of Guelph Development Charges By-law (2009)-18729, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended

- from time to time, or any successor by-laws thereof, prior to this issuance of any building permits, at the rate in effect at the time of the issuance of a building permit.
- 7. That prior to the issuance of site plan approval, the Owner shall pay to the City cash-in-lieu of parkland dedication in accordance with By-law (1989)-13410, as amended from time to time, or any successor thereof.
- 8. Prior to site plan approval, the owner shall have a Professional Engineer design a grading plan and stormwater management system, satisfactory to the General Manager/City Engineer.
- 9. Prior to any development of the lands and prior to any construction or grading on the lands, the developer shall submit a detailed Storm water Management Report and plans to the satisfaction of the City Engineer which demonstrates how storm water will be controlled and conveyed.
- 10. That the developer grades, develops and maintains the site including the storm water management facilities designed by a Professional Engineer, in accordance with a Site Plan that has been submitted to and approved by the City Engineer. Furthermore, the owner shall have the Professional Engineer who designed the storm water management system certify to the City that he/she supervised the construction of the storm water management system, and that the storm water management system was approved by the City and that it is functioning properly.
- 11. Prior to any development of the lands and prior to any construction or grading on the lands, the developer shall construct, install and maintain erosion and sediment control facilities, satisfactory to the City Engineer, in accordance with a plan that has been submitted to and approved by the City Engineer.
- 12. Prior to Site Plan approval, the developer/owner shall pay to the City, their share of the actual cost of constructing municipal services on Gordon Street across the frontage of the land including roadworks, sanitary sewer, storm sewer, curb and gutter, catchbasins, sidewalks and streetlighting as determined by the City Engineer.
- 13. Prior to Site Plan approval, the developer/owner shall pay to the City the actual cost of existing service laterals as determined by the City Engineer.
- 14. The developer/owner shall pay to the City the actual cost of constructing and installing any new service laterals required and furthermore, prior to site plan approval, the developer shall pay to the City the estimated cost of the service laterals, as determined by the City Engineer.
- 15. The developer/owner shall pay to the City the actual cost of the construction of the new access and the required curb cut. Prior to site plan approval and prior to any construction or grading on the lands, the developer shall pay to the City the estimated cost as determined by the City Engineer of constructing the new access/private road and the required curb cut.

- 16. That the developer/owner constructs the new buildings at such an elevation that the lowest level of the new buildings can be serviced with a gravity connection to the sanitary sewer.
- 17. That the developer makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the development of the lands.
- 18. That all electrical services to the lands are underground and the developer shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the development of the lands.
- 19. The Developer shall ensure that all telephone service and cable TV service in the Lands shall be underground. The Developer shall enter into a servicing agreement with the appropriate service providers for the installation of underground utility services for the Lands.
- 20. The developer/owner of 180 Gordon Street shall be responsible for all associated costs of the restoration of the GRCA parcel and City right-of-way, including but not limited to removal of asphalt and curb, placing topsoil and sod, install curb and gutter, and sidewalk replacement, across the frontage of 176 Gordon Street to the satisfaction of the City Engineer. Furthermore, prior to site plan approval, the developer shall pay to the City the estimated cost of the restoration, as determined by the City Engineer.
- 21. Prior to Site Plan approval the developer/owner must provide a reference plan for the road widening dedication along the frontage of Gordon Street, registered on title.
- 22. The Developer shall ensure that the height of any proposed retaining wall that abuts an existing residential property does not exceed 1.0 metre.
- 23. That any domestic wells, septic systems and boreholes drilled for hydrogeological or geotechnical investigations shall be properly abandoned in accordance with current Ministry of the Environment Regulations and Guidelines. The developer shall submit a Well Record to the satisfaction of the City Engineer.
- 24. The Owner agrees to obtain and register, prior to site plan approval, a Transfer Release and Abandonment with respect to the Easement described in Instrument No. ROS687098 which refers to the easement over 176 Gordon Street (Marianne's Park).
- 25. That prior to site plan approval, the owner shall enter into a site plan control agreement with the City, registered on title, satisfactory to the City Solicitor, the General Manager of Planning & Building Services and the General Manager/City Engineer, covering the conditions noted above and to develop the site in accordance with the approved plans and reports.

Schedule 3 - Official Plan Land Use Designations and Related Policies



Schedule 3 (cont'd) - Related Official Plan Policies

Residential Policies

- 7.2.7 *Multiple unit residential buildings*, such as townhouses, row dwellings and apartments, may be permitted within designated areas permitting residential uses. The following development criteria will be used to evaluate a *development* proposal for *multiple unit* housing:
 - a) That the building form, massing, appearance and siting are compatible in design, character and orientation with buildings in the immediate vicinity;
 - b) That the proposal can be adequately served by local convenience and neighbourhood shopping facilities, schools, parks and recreation facilities and public transit;
 - c) That the vehicular traffic generated from the proposal can be accommodated with minimal impact on local residential streets and intersections and, in addition, vehicular circulation, access and parking facilities can be adequately provided; and
 - d) That adequate municipal *infrastructure*, services and amenity areas for the residents can be provided.
- 7.2.8 The development criteria of policy 7.2.7 will be used to assess the merits of a rezoning application to permit new *multiple unit residential buildings* on sites that are presently not zoned to permit these particular housing forms.

"General Residential" Land Use Designation

- 7.2.31 The predominant use of land in areas designated, as 'General Residential' on Schedule 1 shall be residential. All forms of residential *development* shall be permitted in conformity with the policies of this designation. The general character of development will be low-rise housing forms. *Multiple unit residential buildings* will be permitted without amendment to this Plan, subject to the satisfaction of specific development criteria as noted by the provisions of policy 7.2.7. Residential care facilities, *lodging houses, coach houses* and garden suites will be permitted, subject to the development criteria as outlined in the earlier text of this subsection.
- 7.2.32 Within the 'General Residential' designation, the *net density* of *development* shall not exceed 100 units per hectare (40 units/acre).
 - 1. In spite of the density provisions of policy 7.2.32 the *net density* of *development* on lands known municipally as 40 Northumberland Street, shall not exceed 152.5 units per hectare (62 units per acre).
- 7.2.33 The physical character of existing established low density residential neighbourhoods will be respected wherever possible.
- 7.2.34 Residential lot *infill*, comprising the creation of new low density residential lots within the older established areas of the City will be encouraged, provided that the proposed *development* is compatible with the surrounding residential environment. To assess compatibility, the City will give consideration to the existing predominant zoning of the particular area as well as the general design parametres outlined in subsection 3.6 of this Plan. More specifically, residential lot *infill* shall be compatible with adjacent residential environments with respect to the following:

Schedule 3 (cont'd) – Related Official Plan Policies

- a) The form and scale of existing residential development;
- b) Existing building design and height;
- c) Setbacks;
- d) Landscaping and amenity areas;
- e) Vehicular access, circulation and parking; and
- f) Heritage considerations.
- 7.2.35 Apartment or townhouse *infill* proposals shall be subject to the development criteria contained in policy 7.2.7.

Core Greenlands Designation

- 7.13.1 The 'Core Greenlands' land use designation recognizes areas of the Greenlands System which have greater sensitivity or significance. The following natural heritage feature areas have been included in the 'Core Greenlands' designation of Schedule 1: provincially significant wetlands, the significant portion of habitat of threatened and endangered species, and the significant areas of natural and scientific interest (ANSI). Natural hazard lands including steep slopes, erosion hazard lands and unstable soils may also be associated with the 'Core Greenlands' areas. In addition, the floodways of rivers, streams and creeks are found within the 'Core Greenlands' designation.
 - 1. Policies relating to *natural heritage features* are contained in Section 6 of this Plan.
 - 2. Policies relating to *natural hazard lands* are contained in Section 5 of this Plan.
- 7.13.2 The *natural heritage features* contained within the 'Core Greenlands' designation are to be protected for the *ecological* value and *function. Development* is not permitted within this designation. Uses that are permitted include conservation activities, open space and passive recreational pursuits that do not *negatively impact* on the *natural heritage features* or their associated *ecological functions*.
- 7.13.3 The *natural heritage features* contained within the 'Core Greenlands' designation are outlined on Schedule 2 of this Plan. Where a *development* proposal is made on *adjacent lands* to these *natural heritage features*, the proponent is responsible for completing an environmental impact study in accordance with the provisions of subsection 6.3 of this Plan. Where appropriate and reasonable, consideration will be given to measures to provide for the enhancement *of natural heritage features* within the 'Core Greenlands' designation as part of such an environmental impact study.
- 7.13.4 In implementing the Greenlands System provisions of this Plan, 'Core Greenland' areas shall be placed in a restrictive land use category of the implementing *Zoning By-law*, which prohibits *development* except as may be necessary for the on-going management or maintenance of the natural environment.
- 7.13.9 The physical limits of the 'Core Greenlands' designation and Non-Core Greenlands overlay on the various Schedules to this Plan may be subsequently refined by more detailed mapping on individual properties or through the completion of *scoped* and *comprehensive environmental impact studies*. It is intended that, in circumstances

- where more detailed mapping is available, this Plan will be interpreted as applying to the most recent information available.
- 7.13.10 The boundaries of the Greenlands System are approximate. The completion of environmental impact studies will be used to determine the exact limits of *development* and areas to be afforded protection. In instances where an approved environmental impact study adjusts the boundaries of the 'Core Greenlands' designation or the Non-Core Greenlands overlay, the land use policies of the adjacent or underlying designation will apply.

Character of Development Adjacent to the Rivers and Public Open Spaces

- 3.6.18 This Plan places a high priority on promoting "excellence in urban design" for lands bordering the Speed and Eramosa Rivers and other public open space lands. Open space lands serve as the "backbone" of the Guelph community and are a critical, integral component of Guelph's image.
 - 1. Urban design principles of subsection 3.6 will be used to promote compatible *development* in the valleylands associated with the Speed and Eramosa Rivers and adjacent to public open spaces.
 - 2. The City requires *development* proposals to have "animated" ground level building facades when they are located along the Speed River in the downtown area. This is to be accomplished by:
 - a) Requiring buildings designs to have entrances and windows face the river;
 - b) Requiring parking areas to be not visually apparent from the river's edge; and,
 - c) Requiring building functions that do not serve the public, such as loading bays, refuse and other storage areas, and blank walls not to face the river. Landscaping and screening may also be used to provide a visual buffer where these functions cannot be relocated.
 - 3. This Plan promotes the improvement of riverfront lands that are available for public use, for pedestrian and cyclist amenity as well as the retention or restoration of *natural* and *cultural heritage* qualities.
 - 4. This Plan promotes the retention and extension of view corridors to the rivers and landmarks within the river corridor.
 - 5. This Plan promotes improved general public accessibility to the developed parks in the City's Speed and Eramosa River corridors.
 - 6. This Plan encourages buildings and landscapes to be designed in a manner that respects the character of the adjacent park, river or public open space lands. Special building placement and design considerations may be required to protect as well as optimize views to the river or open space lands.
 - 7. In order to promote public safety, active parks will be designed with adequate street frontage and placement of landscaping to permit visibility to and from the abutting street.

Schedule 3 (cont'd) - Related Official Plan Policies

6.9 Environmental Corridors and Ecological Linkages

Environmental corridors are linear biophysical features usually associated with river, stream and creek valleylands that provide essential links for plant and animal species and often serve as buffers to the riverine ecosystem. Ecological linkages are landscape areas that connect remnant natural areas. It is the City's intention to promote the retention, maintenance and enhancement of both of these types of features.

Objectives

a) To promote the retention, maintenance and enhancement of linear biophysical features as well as natural landscaped connections that provide essential links between *natural* heritage features.

General Policies

- 6.9.1 The City encourages the connection of *natural heritage features* within the Municipality and adjacent to its municipal boundaries using *environmental corridors* and *ecological linkages*, where feasible.
 - 1. The City will promote the retention of *environmental corridors* and *ecological linkages*.
 - 2. The City will promote the protection and maintenance of all rivers, streams and creeks as *environmental corridors*.
 - a) Land within the area of influence of streams and rivers should, where possible, be retained as, or rehabilitated to enhance its *function* as an *environmental corridor*.
 - b) Generally, the City will require *development* to be set back a minimum of 10 metres from the top of the stream bank, or 30 metres from the stream edge, whichever is greater. This area is to be used for a vegetated riparian buffer.
 - 3. The City will encourage the incorporation of *environmental corridors* and *ecological linkages* into a *development* proposal's design to enhance social and environmental qualities of the landscape.
 - 4. In an effort to provide *ecological linkages* between *natural heritage features*, the City will continue to support a program for naturalization of vegetation of parks, open space and storm water management areas, where appropriate.

Significant Environmental Corridors and Ecological Linkages

- 6.9.2 The City has established certain *environmental corridors* and *ecological linkages* as being *significant* within the Municipality due to their important *ecological function* in interconnecting the natural heritage system of the community. These *significant features* consist of:
 - a) The riverine systems of the Speed and Eramosa Rivers and their numerous tributaries; and

Schedule 3 (cont'd) - Related Official Plan Policies

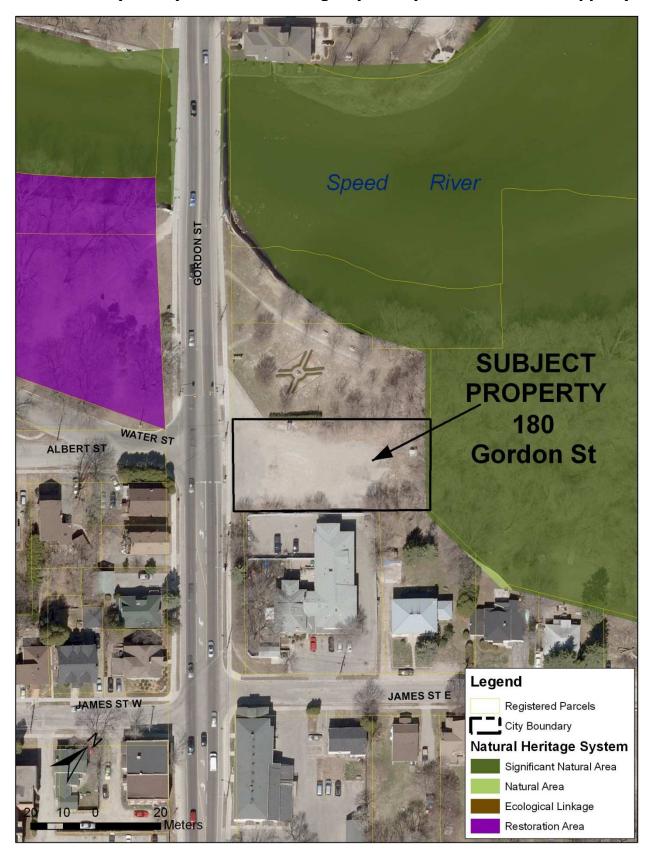
- b) A number of terrestrial systems that inter-link the *provincially significant wetlands* of the area (i.e. Hanlon, Torrance, Eramosa, Hadati, Northeast Guelph, Marden South, Ellis/Chillico, and Mill Creek) and the Speed/Eramosa Rivers.
- 6.9.3 Significant environmental corridors and ecological linkages are included within the Greenlands System on Schedule 1 of this Plan and are further delineated as natural heritage features on Schedule 2.
- 6.9.4 In instances where a *development* proposal is within or is on *adjacent lands* to an *environmental corridor* or *ecological linkage*, an environmental impact study will be required. Policy 6.3 outlines the general requirements of this study; more particularly, the study shall:
 - a) Accurately identify and recognize the *environmental corridor* or *ecological linkage* including its vegetative, wildlife and/or landscape *functions*;
 - b) Assess the potential viability and integrity of the environmental corridor or ecological linkage as a result of the development proposal;
 - c) Make recommendations to restore, protect, enhance or mitigate *negative impacts* upon the *natural heritage feature* and its associated *ecological functions*.
- 6.9.5 The City promotes the future naturalization and environmental enhancement of the Speed and Eramosa river valleys. It is hoped these measures will improve the rivers' water quality and *fish habitat*, prevent bank and steep slope erosion as well as provide the filtration of storm water run-off.
 - 1. In spite of 6.9.1.2(b) in instances where a *development* proposal is within or on *adjacent lands* to the Speed and Eramosa Rivers' *environmental corridor*, the City will require *development* to be set back the greater of
 - a) 30 metres from the river edge; or
 - b) Where there is a steep slope adjacent to the river, 15 metres from the top of the slope.
 - 2. The City will encourage the creation of riparian buffers within this river *environmental corridor*. As a guideline, these vegetated buffers should be no less than 15 metres in width. They will be promoted in all appropriate instances where river-edge vegetation may be feasibly provided.
 - 3. The City will continue to investigate the feasibility of removing/modifying structured barriers in the Speed and Eramosa Rivers and their tributaries in order to permit natural stream processes and the formation of a natural stream morphology. This review will be conducted in consideration of the original intent for the provision of the river/stream structures.

Schedule 3 (cont'd) - Related Official Plan Policies

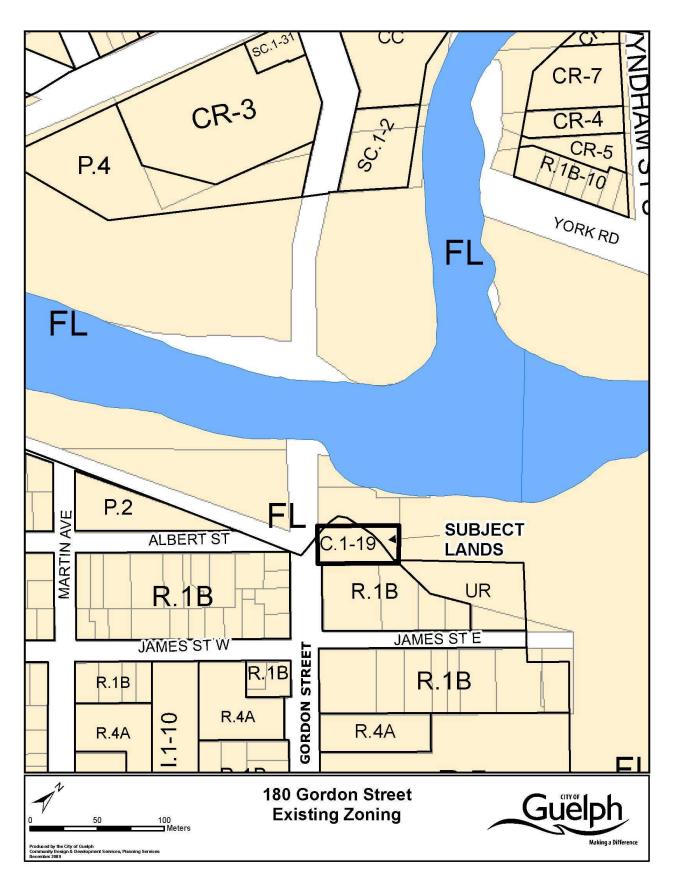
9.3 Official Plan Amendments

- 9.3.1 It is the policy of Council that any provision of this Plan may be amended pursuant to the requirements of the Planning Act.
- 9.3.2 When considering an application to amend the Official Plan, Council shall consider the following matters:
 - a) The conformity of the proposal to the goals and objectives of this Plan;
 - b) Suitability of the site or area for the proposed use, especially in relation to other sites or areas of the City;
 - c) Compatibility of the proposed use with adjacent land use designations;
 - d) The need for the proposed use, in light of projected population and employment targets;
 - e) The market feasibility of the proposed use;
 - f) The extent to which the existing areas of the City designated for the proposed use are developed or are available for development;
 - g) The impact of the proposed use on sewage, water and solid waste management systems, the transportation system, community facilities and the natural environment: and
 - h) The financial implications of the proposed development.
- 9.3.3 Council shall provide information regarding a proposed amendment to the Official Plan to such boards, commissions, agencies and the public that may have an interest in it. Prior to approving a proposed amendment, Council shall afford such organizations and the public an opportunity to submit comments.
- 9.3.4 Council shall, prior to approving an amendment to this Plan, provide information and hold a public meeting for the purposes of obtaining public input concerning the proposal, subject to the provisions of the Planning Act.

Schedule 3 (cont'd) - Natural Heritage System (OPA #42 - Under Appeal)



Schedule 4 - Existing Zoning



Schedule 4 – Existing Zoning Regulations for the C.1-19 (Convenience Commercial) Zone

Permitted Uses

Vehicle Service Station including accessory sales of motor vehicles

Regulations

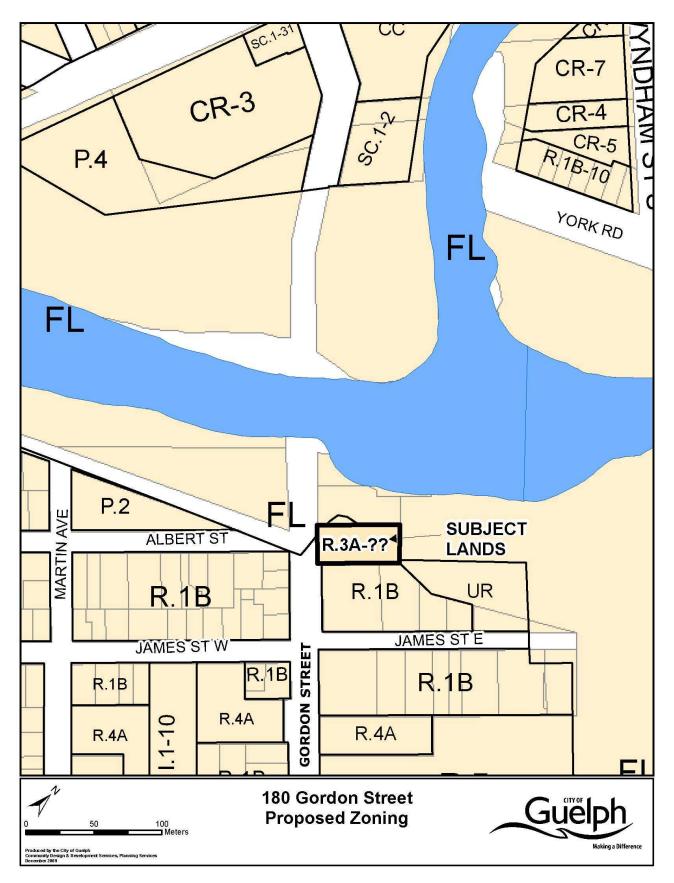
Building or structures in the C.1-19 Zone which existed legally prior to the passage of this By-law shall be deemed to conform with this By-law. Any extension or enlargement of existing buildings or structures require an amendment to the Zoning By-law and be in accordance with Sections 4 and 6.1.2 and the following additions and exceptions:

Minimum Lot Area – 2,780 m²

Minimum Lot Frontage - 45.5 m

Within the C.1-19 Zone, the sale of used vehicles is permitted as an accessory use to a vehicle service station, provided that the number of used vehicles at any given time does not exceed the ratio of 2 vehicles for every 1 service bay located at the place.

Schedule 4 - Proposed Zoning



Proposed Specialized Zoning Regulations for the Specialized R3A-?? (Townhouse) Zone

Permitted Uses

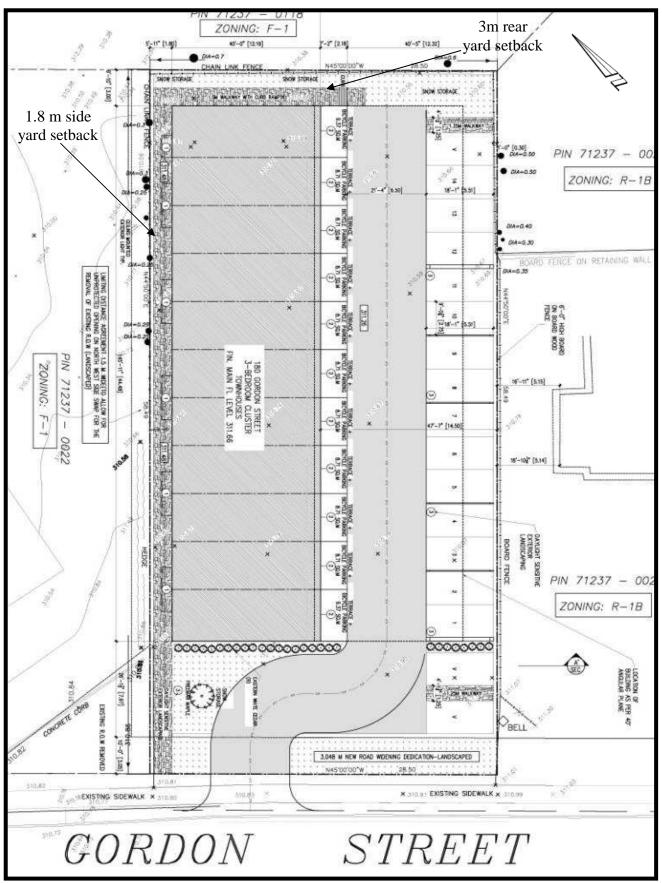
Cluster Townhouse Home Occupation in accordance with Section 4.19 Accessory Use in accordance with Section 4.23

Regulation	Required in the Standard R.3A Zone	Requested in the Specialized R.3A Zone
Minimum Lot Area	800m ²	
Minimum Lot Area per Dwelling Unit	270 m ²	143m²
Minimum Lot Frontage	18m	
Minimum Front Yard	6m & Section 4.24	
Minimum Exterior Side Yard	n/a	n/a
Minimum Side Yard	3m or ½ the building height	1.8m
Minimum Rear Yard	3m or ½ the building height	3m
Maximum Building Coverage	30%	46%
Maximum Building Height	3 storeys	4 storeys with use and gfa limitations for the 4 th storey
Minimum Distance Between Buildings	n/a	n/a
Minimum Common Amenity Area	n/a (less than 20 units proposed)	n/a
Minimum Private Amenity Area	Section 5.3.2.5.1 a)-i)	complies except for 5.3.2.5.1 i) (see below)
Minimum Setback to a private amenity area	3m	1.8m
from a side lot line Minimum Landscaped Open Space	40%	17%
Buffer Strip	Required adjacent to residential, institutional, park, wetland or urban reserve Zones	Complies – buffer strip to be provided along southerly side lot line
Off-Street Parking	14 spaces	
Minimum Setback to Parking	3m	0.3m
Location of parking spaces (Section 4.13.2.2.1)	Visitor parking may be located in the front or exterior side yard provided it is to the rear of the required front or exterior side yard	Two parking spaces are proposed in the required front yard
Minimum separation between driveway or parking area and a building entrance or windows of habitable rooms (Section 4.13.2.2)	3m	2.15m
Maximum Density of Site	37.5 units per hectare	70 units per hectare
Minimum Angular Plane Setback	40 degrees	82 degrees
Minimum Side Yard setback to an accessory structure	0.6m	0.3m
Maximum size of an accessory structure	70m ²	173m²

Proposed Specialized Zoning Regulations for the Specialized R3A-?? (Townhouse) Zone

- A minimum lot area per dwelling unit of 143 m² whereas 270m² is required
- A minimum rear yard setback of 3m whereas ½ the building height is required
- A minimum side yard setback of 1.8m whereas ½ the building height is required
- A maximum building height of 4 storeys whereas 3 storeys is permitted with the following additional regulation:
 - That the gross floor area of the fourth storey shall be limited to a maximum of 15m² per unit and shall not contain any habitable floor space.
- A minimum setback to a private amenity area of 1.8m from a side lot line whereas 3m is required
- A minimum landscaped open space of 17% of the lot area whereas 40% of the lot area is required
- A maximum building coverage of 46% of the lot area whereas 30% of the lot area is permitted
- A minimum setback of 0.3m to the parking area whereas a minimum setback of 3m is required
- To permit 2 visitor parking spaces to be located within the required front yard whereas parking in the required front yard is not permitted
- To permit the minimum distance required between a surface driveway and a building entrance or window of habitable rooms to be 2.15m whereas 3m is required
- To permit a maximum density of 70 units per hectare whereas 37.5 units per hectare is permitted
- To permit the angular plane from a river or park to be 82 degrees whereas a 40 degree angular plane is required
- To permit a minimum side yard setback to an accessory structure of 0.3m whereas 0.6m is required
- To permit the maximum floor area of an accessory structure to be 173m² whereas 70m² is permitted

Schedule 5 - Concept Plan



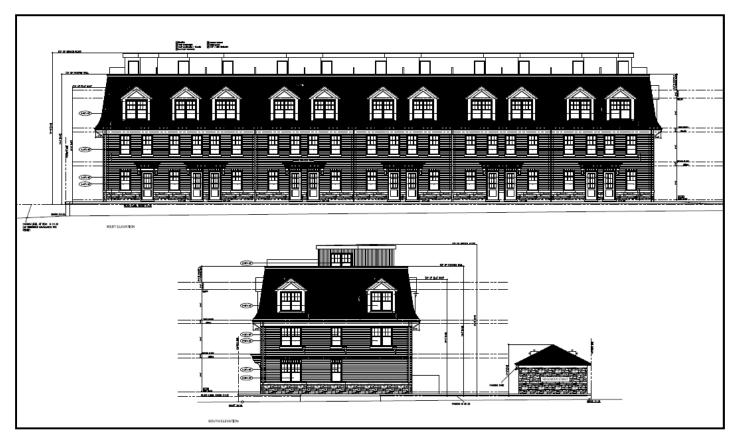
Schedule 5 - Concept Elevations

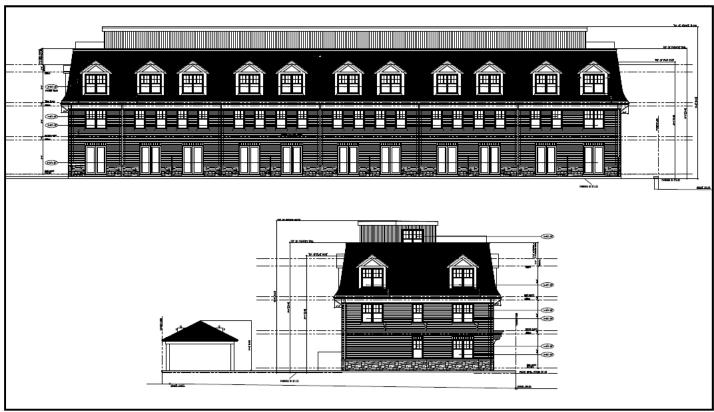




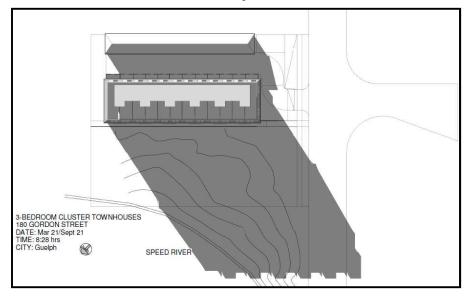


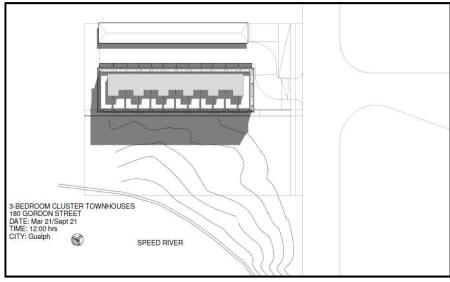
Schedule 5 - Concept Elevations

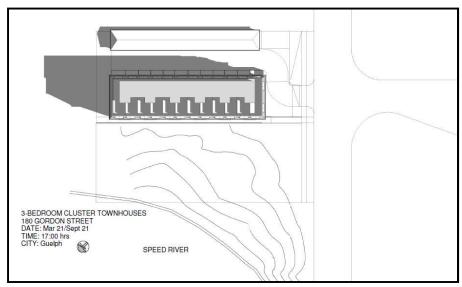




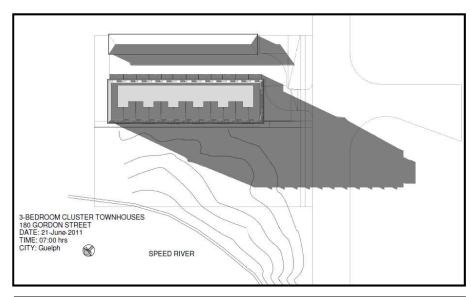
Schedule 6 – Shadow Study March 21/September 21

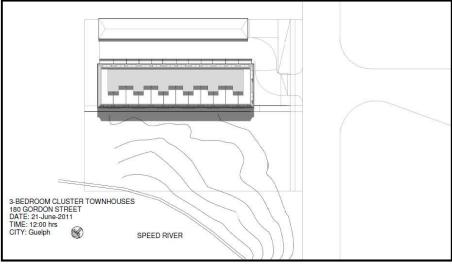


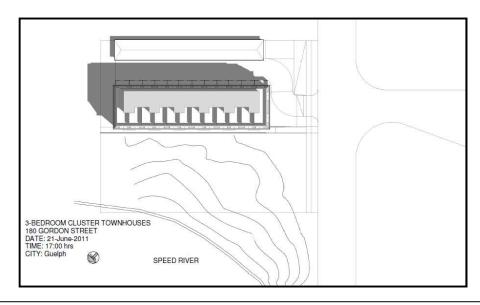




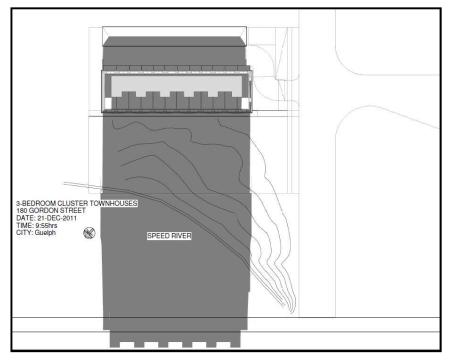
Schedule 6 - Shadow Study (cont'd) June 21

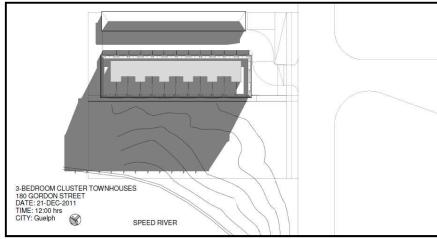


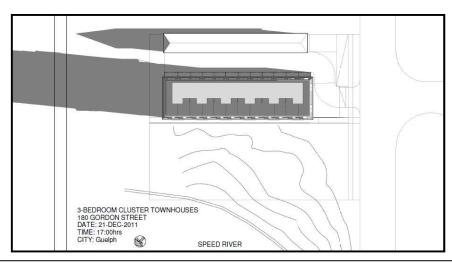




Schedule 6 – Shadow Study (cont'd)
December 21







Schedule 7 – Community Energy Initiative Commitment



December 7, 2011

Stacey Laughlin Senior Development Planner - City of Guelph 1 Carden Street Guelph ON N1H 3A1 Tel: 519.822.1260 ext. 2327 Email: Stacey.laughlin@guelph.ca

RE: 180 GORDON STREET COMMUNITY ENERGY INITIATIVE

Stacey,

As per your request Podium Developments will be including many energy efficient upgrades in the construction of the proposed development at 180 Gordon Street. Such items include the following:

SITE SUSTAINABILITY

- Compact well utilized site located in downtown core to help contain urban sprawl / increase population in downtown core
- Clean up of a Brownsfield / previously developed site with excellent community connectivity to a variety of services and to public transportation
- 11 bicycle parking spaces, on major bus route and walking distance to downtown core thus discouraging the use of a motorized vehicle
- Reduced light pollution
 - o Exterior and common area lighting on timers
 - Lighting not pointed skyward
 - Lighting sufficient for safety but not excessive
- Large windows which will promote greater "Day-Lighting" by occupants
- Site design incorporated CPTED principles
- Interior and exterior of site is designed to reduce sound impact on occupants and neighbouring residents
- New tree planting contributes to the overall rejuvenation of the urban forest
- Comprehensive erosion and sedimentation control plan will be in effect during construction
- Building is designed for efficient recycling of: (compliance with City by-laws)
 - o Organics
 - o Paper and
 - Plastic materials

ENERGY EFFICIENCY & ATMOSPHERE

- · Appliances in compliance with ban on ozone-depleting refrigerant gases
- Low E Energy Star Rated Windows

3 Bridgman Avenue Suite 202 Toronto ON M5R 3V4 Tel: 416.792.6114

Mail: info@podiumdevelopments.com Fax: 866.870.8817 Web: www.podiumdevelopments.com



- 100% Energy Star Rated Appliances:
 - o Furnace
 - Air Conditioner
 - Hot Water Tank
 - Laundry Washer
 - o Fridge
 - Dishwasher
 - Lighting
- High Efficiency Lighting
- Large windows which will promote greater "Day-Lighting" by occupants
- . HRV (Heat Recovery Ventilator) in every unit
- · High Efficiency (95%) heating system will be used to save natural gas
- Air Conditioner will be 13 SEER which exceeds the MNEC and OBC requirement
- Sealed Supply and Return Plenums
- Utilities separately metered for every unit. Make occupants aware/conscious of energy use (KW & \$)

INDOOR & EXTERIOR ENVIRONMENT QUALITY

- Low VOC Paint
- CO2 Monitoring
- Each unit will have individual controls for HEATING, COOLING, LIGHTING and VENTILATION
- . HRV, (Heat Recovery Ventilator) in every unit
- All occupied spaces have access to an operable window
- · The building provides natural light to 100% of regularly occupied spaces
- Kitchens
 - Manufactured using no urea formaldehyde
 - Low HAPS (hazardous air pollutants) finish
- Sound Ratings
 - STC ratings between suites exceeds minimum requirements by 7 points. (14%)
 - Our STC rating 57
 - Minimum STC Rating 50
 - Bedroom walls exceed standard sound ratings by 4 STC points, (12.5%)
 - o Our STC rating 36
 - Standard bedroom wall construction STC rating 32
 - In Suite interior floor partitions exceed standard sound ratings by 19 STC. (61.3%) and 17 IIC points, (65.4%)
 - o Our STC rating 50
 - Minimum STC 31
 - o Our IIC rating 43

3 Bridgman Avenue Suite 202

Tel: 416.792.6114

Mail: info@podiumdevelopments.com Toronto ON M5R 3V4 Fax: 866.870.8817 Web: www.podiumdevelopments.com



- o Minimum IIC 26
- HVAC system is mitigated for sound impact to neighbours
 - o AC Units rated @ 54 DBA
- Building is designed to mitigate the impact of traffic noise from Gordon Street SEE DESIGN

WATER EFFICIENCY

- · Drought resistant soft landscaped material will be specified as much as possible
- · Controlled roof drains provided to control flow rate of storm water
- Low Flow Fixtures:
 - Toilets
 - Our Toilets meet ULFT rebate standards
 - Our Toilets will use: 1.6 GPF
 - Standard Toilet uses: 3.4 GPF
 - Uses 54% less water than standard
 - Shower Heads
 - Our Shower Heads will use: 2.5 GPM
 - Standard Shower Head use: 5.5 GPM
 - Uses 55% less water than standard
 - Faucets
 - Our Faucets will use: 1.5 GPM
 - Standard Faucets use: 2.2 GPM
 - Uses 32% less water than standard

MATERIALS & RESOURCES

- Vast majority of materials are available locally (within 800 km radius as defined in LEED Standard)
- · High recycled content material to be specified wherever possible
- · A construction waste management plan will be implemented
- · Collection of Recyclables in compliance with City by-laws

Podium Developments trusts that the above noted items will be satisfactory to the City of Guelph Community Energy Initiatives. Please feel free to contact us if you have questions or concerns.

Respectfully,

Oskar Johansson

Director

CEL: 416.832.5373 / TEL: 416.792.6114 / FAX: 866.870.8817

EMAIL: oskar@podiumdevelopments.com / www.podiumdevelopments.com

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Schedule 8 - Staff Planning Analysis

Provincial Policy Statement and Places to Grow

The Provincial Policy Statement (PPS) promotes efficient development and land use patterns that do not cause environmental or public health and safety concerns and promote cost-effective development standards to minimize land consumption and servicing costs [PPS 1.1.1 (a), (b), (c), (d), (g)]. The proposed amendments to permit the development of eleven townhouse units at 180 Gordon Street promote efficient development and land use patterns, avoid causing environmental or public health and safety concerns, promote cost-effective development standards, and the necessary infrastructure and public service facilities are available. Overall, the amendments promote a healthy, liveable and safe community.

The Provincial Policy Statement (PPS) refers to focusing growth within settlement areas with densities and a mix of land uses which efficiently use land and resources [PPS 1.1.3.2 a)]. In addition, the PPS indicates that Planning authorities shall identify and promote opportunities for intensification and redevelopment where this can be accommodated, taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs [PPS 1.1.3.3]. The proposed amendments allow development within the City's settlement area; increase the permitted density of this area and will allow efficient use of existing infrastructure. Further, they promote the redevelopment of a brownfield site.

The Provincial Policy Statement also indicates that appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while maintaining appropriate levels of public health and safety [PPS 1.1.3.4]. Further, an appropriate range of housing types and densities should be provided [PPS 1.4.3]. The Zoning By-law Amendment proposes site specific zoning regulations which facilitate intensification, redevelopment and compact form as well as providing a different from of housing in this neighbourhood.

The PPS also indicates that development and site alteration shall not be permitted on adjacent land to natural heritage features unless it has been demonstrated that there will be no negative impact on the natural features or their ecological function [PPS 2.1.6]. In addition, development shall be directed to areas outside of hazardous lands adjacent to a river system [PPS 3.1.1 (b)]. It has been demonstrated through a Scoped Environmental Impact Study that the proposed development of 180 Gordon Street will not negatively impact any adjacent natural heritage features and that it is outside of the hazardous lands adjacent to the river.

Overall, the proposed Official Plan and Zoning By-law Amendments are consistent with the Provincial Policy Statement.

The "Growth Plan for the Greater Golden Horseshoe" includes policies that direct a significant portion of growth to the built-up area of the community through intensification where the capacity exists to best accommodate the expected population and employment growth. More specifically, by the year 2015, a minimum of 40% of all residential development will be within the built-up area.

Further, the development of compact, vibrant and complete communities with a diverse mix of land uses, and a range and mix of employment and housing types is encouraged. The promotion of transit-supportive densities and the optimal use of existing and new infrastructure to support growth in a compact, efficient form, is also encouraged by the Growth Plan.

The proposed Zoning By-law Amendment allows for residential development within the City's Built-Up Area and promotes intensification and introduces a new housing type to this neighbourhood. The introduction of additional density on this site makes efficient use of existing infrastructure and supports public transit. Overall, the proposed Zoning By-law Amendment conforms to the Growth Plan for the Greater Golden Horseshoe.

Conformity with the Official Plan

Official Plan Amendment Criteria

Section 9.3 of the Official Plan indicates that any provision of the Official Plan may be amended pursuant to the requirements of the *Planning Act*. This section also provides direction to Council on what matters should be considered when an application to amend the Official Plan is being reviewed (see Schedule 3, page 20). The applicable criteria that need to be considered with respect to the proposed Official Plan Amendment are as follows:

- the conformity of the proposal to the goals and objectives of the plan;
- suitability of the site or area for the proposed use
- compatibility of the proposed use with adjacent land use designations
- the impact of the proposed use on sewage, water and solid waste management systems, the transportation system, community facilities and the natural environment

The requested Official Plan Amendment to add in a site specific policy permitting a reduced setback to the edge of the river is in conformity with the goals and objectives of the plan. The recommended Amendment does not change the designation or permitted uses and, therefore, most of these criteria are not applicable. The proposed site specific policy provides an appropriate balance between permitting intensification and the development of a brownfield site with the protection of the City's Natural Heritage System which has been demonstrated through a Scoped Environmental Impact Study.

The site specific policy is not proposing to change the use of 180 Gordon Street, rather it assists in facilitating the use of the subject lands for the intended General Residential land use.

The site specific policy does not affect the compatibility of the proposed residential land use with adjacent land use designations. The land use designation is not changing from General Residential and therefore remains compatible with the surrounding lands which are also designated General Residential. The proposed townhouses are not out of character with the surrounding area and are similar to existing buildings in the area with respect to use, building mass and height. With respect to the suitability of the area of encroachment by the proposed use and the impact of the proposed use on the natural environment, a Scoped Environmental Impact Study has been completed and approved by City Staff and accepted by the

City's Environmental Advisory Committee (see page 53) which demonstrates that the proposed development, including the reduced setback to the edge of the river, will not have a negative impact on the river or its ecological function.

Overall the proposed site specific policy to permit reduced setbacks of 22.5 metres to structures (such as retaining walls) and 24.5 metres to buildings from the river edge rather than 30 metres in this instance satisfies the criteria outlined in Section 9.3 for an amendment to the Official Plan.

General Residential

The proposed Zoning By-law Amendment to allow the development of cluster townhouses in a Specialized R.3A Zone conforms to the "General Residential" designation of the Official Plan which applies to this property (Schedule 3).

Section 7.2.31 of the Official Plan (OP) indicates that the predominant use of land in the General Residential designation shall be residential. Further, all forms of residential development shall be permitted and the general character of development will be low-rise housing forms. Multiple unit residential buildings are permitted without amendment to the Official Plan subject to the satisfaction of the development criteria outlined in Section 7.2.7. The proposed Amendment allows cluster townhouses up to 4 storeys in height which is considered to be low-rise multiple unit residential development.

Section 7.2.32 indicates that the net density of development shall not exceed 100 units per hectare. Based on the proposed development concept plan, the overall density of the site is 70 units per hectare. With respect to density, the proposed Amendment conforms to the Official Plan because the permitted density is less than the maximum permitted by the General Residential designation.

As indicated, multi-unit residential buildings are to be evaluated against the criteria outlined in Section 7.2.7 of the Official Plan. These criteria are as follows:

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

The proposed Zoning By-law Amendment meets the criteria outlined in Section 7.2.7. The proposed Amendment allows a maximum building height of four storeys with additional regulations that limit the fourth storey in size to 15 m² per unit and do not permit habitable floor space on the fourth storey. These additional regulations assist in ensuring that the fourth storey is small and, therefore not highly visible from the surrounding area. In conjunction with the proposed accessory structure that will act as a buffer and appropriate setbacks from existing

lower density development to the south, the proposed design as shown on Schedule 5, conforms to criteria a).

The proposed Amendment, which allows a maximum density of 70 units per hectare or a maximum of 11 cluster townhouse units can be adequately served by local shopping facilities, schools, parks and recreation facilities, as well as public transit. Further, there is adequate municipal infrastructure, services (see page 50 for additional comments regarding servicing and the submitted Preliminary Servicing and Stormwater Management Report) and amenity areas provided. Therefore, criteria b) and d) are satisfied.

Engineering Services has reviewed the proposed development and concluded that the vehicle traffic generated by the proposed eleven townhouse units can be accommodated by the streets and intersection in the immediate vicinity, being Gordon Street and the intersection of Gordon Street/Water Street/Albert Street based on the existing traffic flow and the anticipated number of trips per day to be generated by this development. The proposed site layout, which lines up the site access point with the intersection of Gordon Street and Water Street assists in ensuring that safe access is being provided to the site. Adequate on-site vehicle circulation and parking facilities are also being provided. Criteria c) is satisfied.

With respect to land use, height and density, the proposed Zoning By-law Amendment application conforms to the Official Plan.

Character of Development Adjacent to the Rivers and Public Open Spaces (3.6.18) In general, Section 3.6.18, implements the River Systems Management Plan within the Official Plan. The subject application is reviewed in the context of the River Systems Management Plan in detail (see page 41).

Section 3.6.18 indicates the following:

- High priority is placed on promoting "excellence in urban design" for lands bordering the rivers and other public open space lands;
- Urban design principles of the Plan are to be used to promote compatible development in the valleylands associated with the rivers and adjacent to public open spaces;
- Development proposals are required to have "animated" ground level building facades when they are located along the Speed River in the downtown area. This is to be accomplished by:
 - Requiring building designs to have entrances and windows face the river;
 - Requiring parking areas to be not visually apparent from the river's edge; and,
 - Requiring building functions, such as loading bays, refuse and other storage areas, and blank walls not to face the river. Landscaping and screening may also be used to provide a visual buffer for these functions.
- The improvement of riverfront lands that are available for public use is promoted;

- The retention and extension of view corridors to the rivers and landmarks is promoted
- The improved general public accessibility to the developed parks in the river corridors is promoted;
- Buildings and landscapes are encouraged to be designed in a manner that respects the character of the adjacent park, river or public open space lands. Special building placement and design considerations may be required to protect as well as optimize views to the river or open space;
- Active parks will be designed with adequate street frontage and placement of landscaping to permit visibility to and from the abutting street in order to promote public safety.

Overall, the proposal conforms to Section 3.6.18 of the Official Plan. The development proposal faces the park and the river; the development improves riverfront lands that are available for public use; the existing view corridor to the river is retained; the design of the building and landscape respects the character of the adjacent park and river; and the proposal improves the street frontage available to the existing park.

Conformity with the Local Growth Management Strategy in Official Plan Amendment #39

Official Plan Amendment #39 aims to build a compact, vibrant and complete community by directing growth to locations within the built-up area. Generally within the built-up area, vacant or underutilized lots, greyfields and brownfields will be revitalized through the promotion of infill development, redevelopment and expansions or conversions of existing buildings. By the year 2015 and each year after, a minimum of 40% of residential development will occur in the built-up area [section 2.4.5.1 (a) and (c)]. The proposed development is located within the City's built-up area and proposes to develop an existing brownfield site.

In addition, development should support transit, walking and cycling for everyday activities [section 2.4.5.1 (h)]. The subject site's proximity to downtown and the City's multi-modal transit terminal, as well as its location on a street that has bike lanes and is a transit route, makes it ideal for supporting transit, walking and cycling for everyday activities.

Official Plan Amendment #39 also directs that the City will plan for high quality public open space with site design and urban design standards that create attractive and vibrant spaces. Further, infill development is to be facilitated where appropriate [section 2.4.5.1 (g) and (i)]. The development as allowed by the Amendments proposes high quality urban design and site design standards and appropriately frames an existing park to enhance the attractiveness and increase the vibrancy of the existing public open space.

With respect to the City's Natural Heritage System, Official Plan Amendment #39 provides direction to protect, maintain and enhance natural heritage features over the long term. Section 2.4.14.4 encourages an urban open space system that may include rooftop gardens, communal courtyards and public parks. As indicated, a

Scoped Environmental Impact Study has been prepared and reviewed by City staff and the City's Environmental Advisory and River Systems Advisory Committees, which indicates that the proposed development at 180 Gordon Street will not have a negative impact on the City's Natural Heritage System. Further, rooftop gardens are proposed which will contribute to the urban open space system which is being encouraged.

The proposed Amendments for 180 Gordon Street conform to Official Plan Amendment #39.

Conformity with the Natural Heritage System in Official Plan Amendment #42 (subject of appeals)

Official Plan Amendment (OPA) #42 (subject of appeals), does not designate any of the site "Significant Natural Areas" because it is considered to be a disturbed site that has been graded and altered. A map showing the "Significant Natural Areas" in proximity to the subject site is included in Schedule 3. To the north of the site, the river is considered to be "cool water fish habitat" in this area and to the east of the site, the woodlot is considered to be "cultural woodlands". For the area shown on the map attached in schedule 3, the buffers are incorporated into the Significant Natural Area. A required buffer to cultural woodlands is not specified in OPA 42.

The Natural Heritage System policies aim to strike a balance between protection of the Natural Heritage System while providing for limited compatible development (section 6.1.1). Development may be permitted within the adjacent lands to Significant Natural Areas provided it has been demonstrated through an Environmental Impact Study that there will be no negative impacts on the natural features or their ecological functions (sections 6.1.3 and 6.1.4.1). A Scoped Environmental Impact Study has been prepared and reviewed for the development proposal which demonstrates that there will be no negative impact on the natural features or their ecological functions.

Within the Built-up area the study requirements on adjacent lands may be reduced where development exists between the proposed development and the natural heritage feature (section 6.1.4.3).

Table 6.1 of OPA 42 indicates a buffer with a minimum width of 30m adjacent to surface water and cold/cool water fish habitat. The proposed development does not meet this distance, however, OPA 42 in not yet in effect. In addition, a Scoped Environmental Impact Study has been prepared which demonstrates that the reduced setback will not have a negative impact on the river or it's ecological function. As is demonstrated by Sections 6.1.1, 6.1.3, 6.1.4.1 and 6.1.4.3, it is intended that some flexibility be provided in the City's Built-up area.

Although OPA 42 is not yet in effect, the proposed Amendments for 180 Gordon Street generally conform to the proposed Natural Heritage System policies.

Conformity with the River Systems Management Plan (RSMP) & Evaluation of the proposal's proximity to the Rivers

Through the public process, concern has been raised with respect to the proposal's proximity to the river. Particularly questions have been raised about: the RSMP's suggestion to have a 30m setback to the river edge; the location of the

development at the principal gateway to the river systems; potential to open access to the south bank and a south bank trail; compatibility with the site's river setting rather than it's arterial road setting; and views to the river. These issues generally relate to the requirements of the River Systems Management Plan and therefore, are addressed through this section of the report.

The RSMP is comprised of several components: inventory and analysis of existing conditions; goals and objectives describing the conceptual basis of the master plan; a master plan illustrating physical recommendations; environmental, urban and park design principles to direct development and redevelopment; and, an implementation strategy for realizing the master plan. The intent of the study which resulted in the RSMP was to create a comprehensive vision for the rivers and the "Master Plan and Principles" within the RSMP provide guidelines to achieve the vision.

The City's River Systems Advisory Committee (RSAC) has reviewed the development proposal. The purpose of RSAC is to provide advice and assistance to City staff and Council on issues that impact waterways and adjacent lands within the City. Part of the Committee's mandate is to provide recommendations to City Staff and Council with respect to monitoring, implementing and updating the River Systems Management Plan which was finalized in 1993.

On November 23, 2011, RSAC passed the following resolution: "That the River Systems Advisory Committee support the Application for 180 Gordon St. subject to the following:

- That LID measures be considered for the site when appropriate;
- That urban and landscape design address the watercourse;
- That a 30m riparian setback be established given the constraints on the property and further detail be provided for the proposed encroachments;
- That general support be given to the design brief;
- That strong support be given for a 30m setback from the River's edge; and
- That the inclusion of a native plant/vegetation corridor be incorporated at the transition from the building to the park."

River Systems Advisory Committee has indicated in the above resolution that they give strong support for the 30m setback from the river's edge to be maintained, however, specific reasons for this were not provided by the Committee. The development is proposing a setback of 22.5 metres from the edge of a river to a retaining wall. The River Systems Management Plan suggests that the City adopt setbacks, within which a minimum 15 m vegetated buffer is provided, as follows:

- A setback equal to the Regulatory flood line, or
- 30 m development setback from the river edge, or wetland
- 10 m setback from the edge of the dripline of significant vegetation,

whichever is greater. In this instance, the proposed development will not be within the regulatory flood line. By providing different options in the suggested setbacks, the River Systems Management Plan is providing some flexibility in the setback, which should be applied in the built-up areas of the City. Overall, the reduction to the setback for a portion of the proposed development is still in keeping with the overall goal of the River Systems Management Plan.

The River Systems Management Plan (RSMP) is based on several principles including: public use and enjoyment of the corridors – walking, driving and playing along the river, seeing the rivers, etc; and, sensitive built form that respects, and indeed celebrates, the paramount importance of a riverside location. Several Goals and Objectives are set out in the Management Plan for the river system as a whole, as well as specific areas within the system.

Goal #1 outlines that an ambition of the RSMP is to enhance the ecological integrity of the rivers by enhancing base flow, water quality, aquatic habitat vegetation and wildlife habitat.

Response: As has been demonstrated through an Environmental Impact Study, the proposed development at 180 Gordon Street will not impact the environmental integrity of the river systems.

Goal #2 is to provide a sense of continuity along the rivers and between the rivers and the City. To achieve this goal, the following objectives have been set out:

- 6. provide continuous public access along the Speed and Eramosa Rivers;
- 7. protect and enhance views to the Speed and Eramosa Rivers;
- 8. improve public open space in the corridors of the Speed and Eramosa Rivers

Response: The proposed development for 180 Gordon Street does not impact public access being provided to the confluence of the Speed and Eramosa Rivers nor does it block access to the south bank or a future south bank trail. Marianne's Park, which is owned by the Grand River Conservation Authority immediately abuts the river and provides public access to the river's edge. In addition, the view of the river is not being blocked by the proposed development. The proposed building is setback from and runs perpendicular to Gordon Street and along the edge of the park, and therefore, existing public views of the river are not blocked by the proposed development. The proposed development will also help to frame the existing park, providing informal surveillance of the area and improving the space compared to the existing situation.

Goal #3 is to ensure that new development is compatible and sensitive to the character and qualities of the river corridor and downtown Guelph. Appropriate fit occurs when the type of use, building height, mass, materials, siting are sensitive to the conditions of a particular street, neighbourhood and river edge.

Response: The proposed Amendments enable this to be achieved by allowing a building which is similar in use, height and mass to existing buildings in the surrounding area, as well as allowing the building to be sited in such a manner that appropriate setbacks are provided to existing detached dwellings.

Objective 11 indicates that development in the corridors should face, focus and feature the riverland setting.

Response: The proposed development of 180 Gordon Street faces the river, having front doors and an attractive building facade focusing on

and featuring its riverland setting. These matters will be controlled at the site plan stage.

The RSMP also sets out a 'Master Plan' in order for the Goals and Objectives of the Management Plan to be realized. The Master Plan identifies the Gordon Street bridge as the most significant gateway to the City where building and natural forms interface. The Master Plan indicates that the confluence should be treated as a special public place and feature, and urban design guidelines to control built form and major streetscape treatment should be implemented on Gordon Street. To date, specific urban design guidelines for the confluence have not been developed, however, the development proposes a high level of urban design and a building that does not overpower the park or river.

The applicable Design Principles from the Master Plan are:

Principle 13 – General Concern for Urban Design

Principle 14 - Land Use

Principle 15 - Floor Space Index/Landscape Open Space

Principle 16 – Building Height/Build-To Lines

Principle 19 – Location of Parking and Services

Principle 13 outlines that the character and disposition of built form adjacent to the riverlands plays a critical role in the quality of the public open space. This principle suggests that built form should be controlled using Floor Space Index (FSI) rather than density (units per hectare). It also indicates that a Secondary Plan should be developed for the entire river system on a sector by sector basis in order to determine the appropriate FSI, angular planes and build-to lines for that specific area.

Response: To date, Secondary Plans have not been developed for each sector of the river system. A general angular plane requirement has been included in the City's Zoning By-law for all properties adjacent to a river or park. However, the angular plane does not recognize the unique features of different areas of the river. As such, individual development applications must be analyzed on their own merits and in the context of all applicable planning policies.

Principle 14 encourages a mix of land uses, other than industrial, along the river edge, however, no building which impinge their scale on the river corridor or neighbourhood, or which inhibit public access through to and along the river should be developed.

Response: The proposed development provides residential units in proximity to the river and the proposed building is of an appropriate scale given the width of the park as well as the width of the river in this location; it does not inhibit river access.

Principle 15 outlines that appropriate FSI requirements should be established for the various precincts of the City. Additional tools such as Build-To lines, Angular Planes, View Corridors can be implemented to address specific urban design ambitions. This principle also indicates that landscape open space requirements

should be applied as a secondary requirement to the previously mentioned design controls.

Response: Specific FSI designations have not been developed for the various precincts of the City, however, the proposed building is an appropriate scale to compliment the park and the river in this setting as the proposed height and mass does not overpower the park or the river.

Principle 16 outlines that building height should relate directly to the adjacent public street, river's edge or park as a primary condition of the character and amenity of the space. Angular planes allow height to be established on the basis of a desired relationship between building height and the width of the street or public open space. This rationale allows the amenities of the public open space – light, views and appropriate scale – to be considered and adjusted to suit the particular condition.

Response: In this instance, Marianne's Park is located between the river and the proposed building. The combination of the width of the river at this location and the park provides a wide open public space which can be appropriately framed by a building with a height and mass of the one proposed. If the angular plane was applied from the edge of the river to the closest point of the building, it would be approximately 30 degrees.

Principle 19 states that the use of lands abutting the river for parking or for the storage of garbage and other items should be avoided as this wastes opportunities for buildings to address the river, for "eyes" to be on the riverside trail, and to enliven the corridor with activity.

Response: The proposed development is configured on the site to ensure that all parking and storage areas are not located between the building and the river, and further, provides front doors and windows facing the park and river to both enliven the corridor and provide casual surveillance of these areas.

As demonstrated in the analysis above, the proposed Amendments for the development at 180 Gordon Street meet the goals, objectives and principles of the River Systems Management Plan. Detailed design matters will be addressed at the site plan stage.

Evaluation of the Proposal's Proximity to Marianne's Park

Shadow impacts on park

The applicant has provided a shadow study (see Schedule 6) which demonstrates that the shadow impacts are acceptable. In March and September, portions of the park will be in shadow for a few hours in the morning. However, during peak user times, in the afternoon and evening hours of the summer, the park will not be shadowed by the proposed townhouses.

Buffer to park

The proposed site layout for 180 Gordon Street includes a delineated 1.8m wide private walkway which runs along the north property line and provides separation between the building and the park. The setback proposed, which is included in the

proposed zoning, provides a separation distance that assists in making a clear distinction between public and private space, however, does not allow for residents to use this space as a private amenity area or for the storage of items. If the space were larger and could be used as a private amenity space or for the storage of personal items, it would be more likely that future residents would try to 'take-over' the park and use it as additional private amenity space.

In addition to an appropriate setback being provided, a grade change is proposed which will further delineate the public space from the private space. A retaining wall with a height ranging from approximately 0.6 metres to approximately 0.9m metres will be constructed on the subject lands and the grade will be raised slightly. A decorative metal fence will run along the top of the retaining wall which will clearly distinguish public space from private space.

The applicant is also proposing to retain and enhance the existing cedar hedge that is located in the park and runs along the shared property line. The enhancement of this hedge will assist in providing additional buffer and a further distinction between public and private space.

The above grading and landscaping matters will be secured at the site plan stage.

Vista to park and river

As previously indicated, the building is proposed to be setback from Gordon Street and will not block public views of the park or river from Gordon Street.

Angular plane requirements

As outlined in the River Systems Management Section of this report (see page 41), the angular plane requirement in the Zoning By-law is based on Principle 16 of the River Systems Management Plan (RSMP). The RSMP intended that specific build to and angular planes be established on a street-by-street basis following detailed analysis. This detailed analysis has not yet been completed and, instead, a generic angular plane requirement was included in the Zoning By-law for all rivers and parks within the City. The angular plane was intended to be established based on the desired relationship between building height and the width of the street or public open space. The basic premise being that the wider the street or public open space, the taller the building or higher the angular plane could be. In applying this theory to the subject proposal, the width of the public open space is over 100 metres, being the combination of the river and Marianne's Park, and means that a taller building or higher angular plane can be supported.

<u>Cultural importance of the park – potential conflict between the proposed residential use and the park</u>

Marianne's Park is a culturally significant park within the City of Guelph. It was established to honour the memory of a woman who was murdered by her partner, and also honours all women who are subjected to violence. The park is a place where people come together for such events as Take Back the Night and also for the December 6 vigil. The park is also used for private reflection and memorials.

Concern has been raised that the introduction of townhouse units facing the park and the river is in conflict with Marianne's Park because residents of the units will be able to overlook people using the park and thereby make them feel unsafe. The River Systems Management Plan, as well as the City's Urban Design Guidelines, indicate that windows should be provided overlooking public spaces such as streets and parks. This provides opportunities for informal or casual surveillance of the public realm, making these spaces safer for all users. The addition of residential units adjacent to the park, will not impact the park's primary function of providing a place for people to honour those women who are subjected to violence, nor will it impede on the park's ability to host events such as Take Back the Night.

There are other examples of culturally important places, such as cemeteries and war memorials that are surrounded by more intense land uses, yet they can still function as they are intended to as places of contemplation and respect.

As outlined in the Background section of this report, the current zoning permits a gas station. This type of land use would be more disruptive and less respectful of Marianne's Park than the proposed townhouse units.

Evaluation of the proposal in the context of the potential Heritage Conservation District

The subject development was presented to Heritage Guelph in April of 2011 by Planning staff. At that time, Heritage Guelph had no objection to the proposed development. The Brooklyn and College Hill Heritage Conservation District (HCD) designation process was only beginning at that time, however, as the HCD study has progressed, Heritage Planning staff continue to indicate that the proposed development will not have a negative impact on the potential Heritage Conservation District. As proposed, the development will not be out of character with the immediate neighbourhood in terms of the proposed building scale or mass. Through the Site Plan Approval process, Heritage Planning staff will continue to make suggestions with respect to the design of the building and the materials being used to ensure that the development will be in keeping with the character of the neighbourhood and the potential heritage conservation district.

Review of Proposed Zoning and Specialized Regulations

The recommended rezoning of the subject site to a Specialized R.3A (Townhouse) Zone is appropriate to accommodate the development of eleven cluster townhouse dwelling units.

Specialized regulations relating to building height, density, lot area per dwelling unit, building coverage, landscaped open space, angular plane requirements, building setbacks from the rear and side property lines, location and size of the accessory structure, location of parking and drive aisle, and setback to the private amenity area are proposed.

The overall effect of the specialized regulations allows for a more urban townhouse layout to be achieved on the subject property. The current R.3A (Townhouse) Zone regulations in the City's Zoning By-law were developed for suburban townhouse developments and prior to the Places to Grow Plan coming into effect which encourages intensification and more compact built forms. In this context, unique sites require careful planning and urban design analysis with a view to formulating unique and thoughtful planning solutions.

Side and Rear Yard Setbacks

The proposed side and rear yard setbacks to the building and the amenity area are appropriate as these reduced setbacks will not have a negative impact on the adjacent properties. In this instance, the private amenity areas for these units will be provided on the roof of the building rather than in a typical 'back yard' setting. Therefore, the side and rear yard setbacks for the development function more for access, drainage and maintenance rather than an open space to be used for amenity purposes. As has been also indicated, the reduced side yard setback to Marianne's Park is appropriate to ensure that the outdoor area between the building and the park does not become a private outdoor amenity that could potentially extend into the public park. The rear yard setback is to "cultural woodlands". In this instance, the proposed building setback will not have a negative impact on the woodland because the site has previously been excavated.

Building Coverage and Landscaped Open Space

The requested increase in building coverage and reduced landscaped open space regulations are appropriate in this instance as the outdoor amenity areas for the development are proposed to be on the roof of the building. Further, the subject property is located in proximity to an abundance of public open space and trails which can be used by the future residents of the development for recreation purposes.

Setback to Parking and Accessory Structure Size and Location

The reduced setbacks to the parking area and to the accessory structure are appropriate as the proposed setbacks allow for the parking spaces to function, while still maintaining adequate drainage. Further, the size and location of the accessory structure, being 173m^2 and 0.3m from the southerly property line, allows it to act as a buffer to block views from the proposed townhouse units to the more sensitive land use to the south. Conditions 3 and 4 (Schedule 2) for Site Plan Approval compliment this objective.

Location of Parking

The specialized regulation to permit two parking spaces to be located in the front yard is appropriate as these spaces will be for visitor parking only and, therefore, will not be occupied at all times. Further, the developer is exploring opportunities for these spaces to be constructed of a permeable type of material so that when they are not being used for the parking of cars they may appear to be more like landscaped open space than parking.

Distance between Driveway and Building Entrances and Windows

The specialized regulation to permit a reduced minimum distance between the driveway and building entrances and windows of habitable rooms is appropriate in this instance because of the configuration of the driveway. The significant curve of the driveway at the entrance to the site will require cars to drive slowly into and on the site reducing noise impacts and safety concerns.

Buildina Height

The specialized regulation to permit a maximum building height of four storeys is appropriate in this instance because the fourth storey has been limited in size to ensure that it only accommodates mechanical units required for the residential

units and access to the rooftop amenity areas. The height regulations limits the size of the fourth storey and prohibits habitable floor space. Based on the proposed building design, the fourth storey will not be visible from most locations surrounding the site. Further, the building has been designed to appear to be two floors of living space, with a mansard roof. The roof contains a third floor of living space. This design ensures that height and mass of the building is visually reduced and is in keeping with the character of the surrounding area. A condition of approval has been included in Schedule 2 which requires any future development of the site to be generally in accordance with the concept plan and elevations attached as Schedule 5 to this report.

<u>Density</u>

The specialized regulation to permit a maximum density of 70 units per hectare is appropriate in this instance for the following reasons:

- the Official Plan permits a maximum density of 100 units per hectare;
- the site's proximity to downtown;
- the abundance of open space and amenities surrounding the site;
- the site will physically function with adequate outdoor amenity and parking being provided;
- it can be supported by existing transportation and servicing infrastructure;
- it assists in facilitating the redevelopment of a brownfield site; and,
- will not have a negative impact on the surrounding area or surrounding properties.

Further, there are other properties south of James Street and Albert Street in proximity to the subject lands that are zoned R.4A (Apartment) Zone and allow for a maximum density of 100 units per hectare (see Schedule 4 - Existing Zoning Map).

Angular Plane

The specialized regulation to permit an 82 degree angular plane from the adjacent park is appropriate in this instance for all of the reasons provided in reviewing the subject development in the context of the River Systems Management Plan (see page 41).

Overall, the site functions with respect to the location of the building, parking and service areas as well as the provision of amenity areas. The specialized regulations outlined in Schedule 2 of this report are appropriate.

Review of the proposed site layout

Overview issue of adjacent properties zoned R.1B

The layout of the subject site has been carefully considered to ensure that the privacy of the adjacent property to the south, 200 Gordon Street, is protected and that residents within the proposed townhouse units will not be able to look into the outdoor amenity area of the adjacent property. The proposed accessory structure blocks views from the first and second floor windows, and the third floor windows on the south elevation are not permitted to be fully transparent (see Condition #3, Schedule 2). The developer is currently proposing to have 'frosted' glass on the third floor windows. Further, these windows will only be permitted to open the minimum distance required by the Ontario Building Code. The combination of all of

these factors ensures that there are no overview issues for the adjacent property to the south.

Buffer to cultural woodlot

A rear yard setback of 3 metres is provided from the proposed building. This setback ensures that the building will not impact the cultural woodlot to the east. In this instance, there is no concern that the proximity of the building to the woodlot will impact the root systems of nearby trees because the site has already been significantly altered due to the ongoing remediation that is occurring.

Garbage storage

The developer is proposing that each unit store their garbage within the area dedicated to their own units. This could be within the unit or on the rear at-grade terrace areas associated with each unit.

Snow Storage

The concept plan shown on Schedule 5 demonstrates that snow storage areas are being provided.

<u>Parking</u>

A total of 17 parking spaces are being provided on site which results in parking being provided at rate of 1.55 spaces per unit. The City's Zoning By-law requires 14 parking spaces at a rate of 1.2 spaces per unit for cluster townhouse units, which breaks down to 1 space per unit for resident parking plus 0.2 spaces per unit for visitor parking. In reviewing the parking requirements of other municipalities for townhouses, the typical requirement ranges between 1.0 space per unit – 2.25 spaces per unit. As indicated, the proposed development concept provides for 1.55 spaces per unit which is representative of the standards required by many other municipalities and greater than what the Zoning By-law would normally require in Guelph. As previously indicated, Schedule 2 recommends a condition of approval requiring any future development of the site to be generally in accordance with the development concept plan attached as Schedule 5 to this report. The amount of parking provided is adequate to serve the proposed townhouse development.

Traffic and Vehicular Access

Engineering Services has reviewed the proposed development and concluded that the vehicle traffic generated by the proposed eleven townhouse units can be accommodated by the streets and intersection in the immediate vicinity, being Gordon Street and the intersection of Gordon Street/Water Street/Albert Street based on the existing traffic flow and the anticipated number of trips per day to be generated by this development. The proposed location of the access point, which lines up with the intersection of Gordon Street and Water Street is the best location for access to this site and assists in reducing conflicts with the intersection of Gordon Street/Albert Street/Water Street, as well as the pedestrian crossing.

Road widening provisions in the Official Plan

Concern has been raised regarding the road widening provisions of the Official Plan. At a public meeting for the subject application, it was suggested that if a road is not going to be widened, then the Official Plan should be amended to recognize this. The road widening provisions of the Official Plan are reviewed, and if necessary,

updated when a comprehensive review of the Official Plan occurs rather than on a site specific basis for development applications. In this case, Engineering has requested a road widening and Condition #21 (Schedule 2) requires a reference plan for this purpose.

Balance of student rental and owner/family occupied housing in the neighbourhood

A Zoning By-law cannot control whether new dwelling units are rental or owned. It also cannot control who occupies a dwelling unit, whether they be students, a family or otherwise. In this instance, the developer has indicated that the townhouse units are intended to be condominium units occupied by the owners. The developer has indicated that they intend to market the units to young professionals who wish to live in proximity to the amenities being provided downtown, including the easy access to inter-city transit.

Environmental Impacts

Concern has been raised that the subject lands will require remediation because of the former gas station use prior to residential uses being developed on the site. Accordingly, staff are recommending that the proposed Specialized R.3A (Townhouse) Zone be subject to a holding provision to require the developer to file a Record of Site Condition (RSC) on the Ministry of the Environment's Environmental Site Registry. The RSC will include certification by a Qualified Person that the environmental condition of the property meets the appropriate MOE Site Condition Standards for the intended residential land use. The applicant is currently working with the Ministry of the Environment on finalizing the risk assessment and remediation plan for the site. The remediation of the site will occur after the zoning is amended. Remediation of contaminated sites reduces the risk of contaminating the City's groundwater helping to protect existing and future sources of drinking water which is in keeping with the goals and objectives of Source Water Protection under the Clean Water Act. As well, in addition to assisting in meeting the grading requirements associated with the regulatory flood line, the proposed retaining wall along the northerly property line forms part of the remediation strategy for this site as it will provide a barrier between the subject site and Marianne's Park.

Servicing Capacity

Engineering Services has reviewed the Preliminary Servicing and Stormwater Management Report submitted for the proposal and have confirmed that services are available for the proposed development. The detailed servicing design for the development will be reviewed through the Site Plan Approval process.

Community Energy Initiative Considerations

The applicant has submitted information outlining some additional energy efficiency initiatives that are proposed in association with the construction of the proposed townhouses (see Schedule 7). Condition 2 has been included in Schedule 2 to ensure that the owner does submit written confirmation that the proposed building is constructed to a standard that implements energy efficiency in support of the Community Energy Initiative.

SCHEDULE 9 – Circulation Comments

RESPONDENT	NO OBJECTION OR COMMENT	CONDITIONAL SUPPORT	ISSUES/CONCERNS
Planning		✓	Subject to conditions in Schedule 2
Engineering		✓	Subject to conditions in Schedule 2
Park Planning & Development		√	Subject to cash-in-lieu of parkland being required in accordance with By-law (1989)-13410 or any successor thereof
Zoning	✓		
Environmental Advisory Committee (EAC)			See attached correspondence
River Systems Advisory Committee (RSAC)			See attached correspondence
Heritage Guelph	✓		
Guelph Fire	√		April 2011 comment – Fire Department access must meet Ontario Building Code requirements and water supply must also conform Sept 2011 comment – numbering system and sign requirements to meet planning requirements
Guelph Police	✓		April 2011 comment – good use of this property Sept 2011 comment – only concern is with the safe entry and exit to the property as this is a very busy road and right at an intersection
Guelph Hydro		✓	Subject to standard hydro servicing conditions
Grand River Conservation Authority		✓	See attached correspondence

SCHEDULE 9 – Circulation Comments (cont'd)

RESPONDENT	NO OBJECTION OR COMMENT	CONDITIONAL SUPPORT	ISSUES/CONCERNS
Guelph Field Naturalists	✓		
Wellington Catholic District School Board		√	No objection. Development charges required
Upper Grand District School Board		✓	No objection. Development charges required.
Guelph and Wellington Development Association	✓		Support application
Canada Post	√		

SCHEDULE 9 – Circulation Comments (cont'd)

ENVIRONMENTAL ADVISORY COMMITTEE WEDNESDAY, AUGUST 10, 2011 AT 7:00 P.M. COUNCIL COMMITTEE ROOM C

180 Gordon Street

"That the Environmental Advisory Committee accept the Scoped Environmental Impact Study prepared by MTE Consultants subject to the following conditions to be met and approved by City Staff:

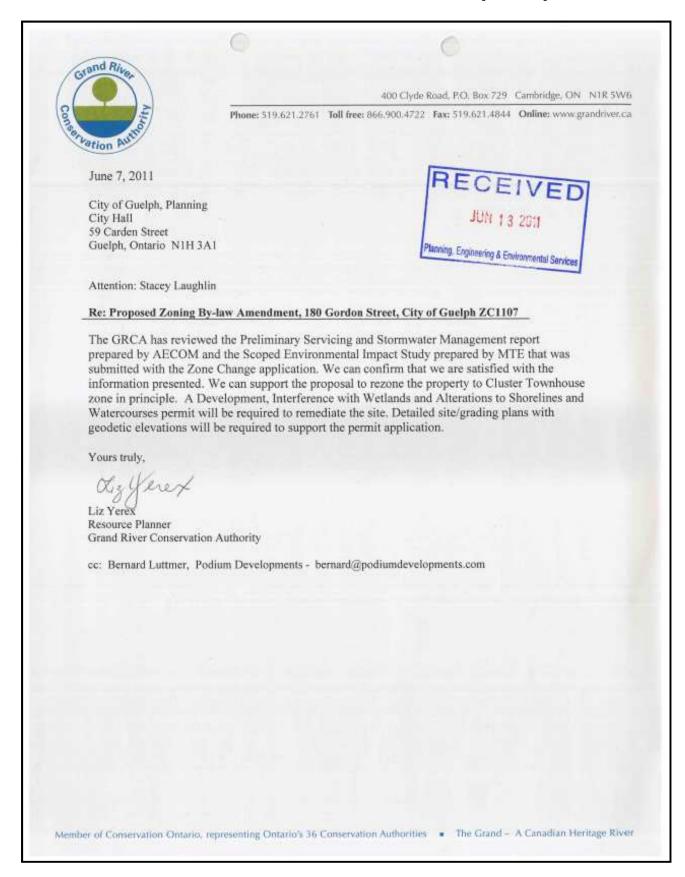
- That the EIS incorporate more information about the composition of the woodlot and how appropriate mitigation measures apply;
- That the EIS include review of the Guelph Natural Heritage Strategy (OPA 42);
- That the EIS identify any potential LID measures that can potentially be utilized on site, and;
- That the Speed and Eramosa Rivers are clarified as cool water habitat;
- That the proposal ensure proposed perimeter fencing will be installed to the dripline of the trees within the woodlot at the site plan stage."

RIVER SYSTEMS ADVISORY COMMITTEE WEDNESDAY, NOVEMBER 23, 2011 AT 4:00 P.M. COUNCIL COMMITTEE ROOM B

"That the River Systems Advisory Committee support the Application for 180 Gordon St. subject to the following:

- That LID measures be considered for the site when appropriate;
- That urban and landscape design address the watercourse;
- That a 30m riparian setback be established given the constraints on the property and further detail be provided for the proposed encroachments;
- That general support be given to the design brief;
- That strong support be given for a 30m setback from the River's edge; and
- That the inclusion of a native plant/vegetation corridor be incorporated at the transition from the building to the park."

SCHEDULE 9 – Circulation Comments (cont'd)



Schedule 10 - Public Notification Summary

March 11, 2011	Zoning By-law Amendment Application received by the City of Guelph
March 24, 2011	Zoning By-law Amendment Application deemed to be complete
April 7, 2011	Notice of Public Meeting advertised in the Guelph Tribune for 1^{st} Public Meeting
April 6, 2011	Notice of Public Meeting mailed to prescribed agencies and surrounding property owners within 120 metres for 1^{st} Public Meeting
May 3, 2011	1^{st} Public Meeting of City Council regarding the Zoning By-law Amendment Application
September 8, 2011	Notice of Public Meeting advertised in the Guelph Tribune for 2^{nd} Public Meeting
September 9, 2011	Notice of Public Meeting mailed to prescribed agencies and surrounding property owners within 120 metres for 2 nd Public Meeting
October 3, 2011	2 nd Public Meeting of City Council
October 27, 2011	Letter providing notification for a community meeting regarding the development proposal mailed to surrounding property owners
November 10, 2011	Community Meeting with residents
December 12, 2011	Official Plan Amendment Application received by the City of Guelph and deemed to be complete
December 20, 2011	Notice of Complete Application mailed to prescribed agencies, surrounding property owners and other interested members of the public advising that a complete Official Plan Amendment Application has been received by the City.
January 11, 2011	Notice of Public Meeting mailed to surrounding property owners within 120 metres and other interested members of the public for the $1^{\rm st}$ Public Meeting regarding the Official Plan Amendment Application and the $3^{\rm rd}$ Public Meeting regarding the Zoning By-law Amendment Application
January 12, 2011	Notice of Public Meeting advertised in the Guelph Tribune for 1 st Public Meeting regarding the Official Plan Amendment Application and the 3 rd Public Meeting regarding the Zoning By-law Amendment Application
February 6, 2012	City Council Meeting for: - the 1 st Public Meeting regarding the Official Plan Amendment Application:

- Application; the 3rd Public Meeting regarding the Zoning By-law Amendment
- Application; and,
 City Council to consider the staff recommendation on both applications.

DECEIVED

JAN 27 2012

CITY CLERK'S OFFICE

Jan 27, 2012 Degamusion

Madam Mayor; Councillors, In regard to 180 Gordon St: the applicant is very aggressive at 11 units: Eleven units will overwhelm the entire property, above and on the ground. The amoundement applications for this property are absolutely not as a result of trying to accommodate the close proximity of the shelter and park but because there are simply too many units being sought. Less units, less green space; less parking less impact on the whole onea. The applicant must be directed to reduce the number

of units to a workable number and re-apply. This would hamper the profitability of the project but must be done to mitigate the proximity of the shelter, park, river as well as the 80° angle. The height and length of the building will obstruct the natural light to the park and river.

Mr. Whitely has determined, eleven units is 50% greater density, than what is required by the provincial infill policy. Three small buildings of two storey and two units each has been suggested as a workable number by Mr. Whitely. This would allow natural light to permeate to the park

and river with parking between the buildings The developer suggests Rosedale style brick, cedar shingles and design make this a great proposal but this does nothing to offset the many problems. Parking is of great concern: 11 units × 3 bedrooms each plus visitors is a whole lot of parking needed.

Roof top amenity areas circumventing green space needed on the ground Roof top parties (ghetto blasters) sounds great for students. Noise carries a great distance over water especially at night when the city is much quieter.

This development will create a further increase in traffic confusion at the Gordon, Water Street intersection Irivers find it very difficult to enter Gordon from Water Street now; add cars Interingened existing this development and you will cause further anxiety to drivers.

A smaller efficient development would limit the number of potential car accidents. A smaller efficient development would increase the tax base without effecting the surrounding area that much.

Please make a difference and reject the current application for 180 Gorda St.

Dennis Jamieson



To: Ms. Karen Farbridge, PhD, Mayor - Mayor - City of Guelph

From: Irene Matthews, Ed.D., taxpayer, City of Guelph

Re: Proposed Development - 1) Gordon & Water (former gas station site) 180 5 ordon St.

I am writing to oppose any kind of multi-residential development on these 2 sites.

1)Gordon & Water Streets (former gas station site).

I have lived in the vicinity of Water & Maple Streets for 42 years now, so I am very familiar with the area.

I think the whole idea of building on Gordon (& Water Streets – former gas station site) is a bad idea & lacks common sense & good judgement on behalf of all those involved – builders, planners, etc. etc. Given the traffic in the area, the fact that Gordon is a major street ('Gordon Street corridor*) & the fact that the area lies at the base of the hill, it is not a good idea to compound all these problems with increased residential traffic. And to 'squeeze' a multi-residential building in that area does not make sense to me. Why would a builder want to 'squeeze' a residence/residences in that area just astonishes me.

2) Corner - Stone Rd. & Gordon St.

I oppose multi-development high-density building on this corner also. Again, a lack of common sense & good judgement is lacking all round here, also. I support the 'Mayfield Park Community Association' in opposing any kind of development on the corner of Stone Rd. & Gordon Street. I mean, how many more dense 'density' buildings does the City of Guelph want to allow to be built on the 'Gordon Street corridor' thus compounding traffic chaos.

As the 'Gordon Street corridor' now stands, it is a VERY busy street. For example, I do not drive beyond south of Arkell Road to do any kind of shopping. Businesses are very difficult to access, what with the speeding traffic. You have cars driving quickly south along Gordon to get to hwy 401 & southwards & northwards. The 'Gordon Street Corridor', the way it has been planned now, does not lend itself to attracting consumers to businesses.

To sum up, the 'Gordon Street Corridor' has been badly planned, and continues to be badly planned as the 2 additional examples indicate: Gordon & Water Street, and Gordon & Stone Rd. Sadly to say, I have no faith that things will improve.

*Source: Guelph Tribune, Oct. 18/11, "Group Wants Input on Corridor Design", p. 3).



CFUW Guelph

Canadian Federation of University Women Working together on Social, Educational and Advoca

FEB - 1 2012

CITY CLERK'S OFFICE

Blair Labelle, City Clerk

1 Carden Street

Guelph ON N1H 3A1

January 24, 2012

Dear Mr. Labelle and Members of City Council:

The Canadian Federation of University Women Guelph has reviewed the completed application for an official plan amendment for the proposed development at 180 Gordon Street (File No. OP1106). We wish to express our continued concerns regarding this development. In our opinion none of the issues outlined in our letters of July and September 2011 to City Council have been addressed by this plan.

The property abutting this development known as Marianne's Park is a place set aside for contemplation of the horrendous cost in suffering and death due to spousal violence. As personal memories of Marianne fade we need to be vigilant not to diminish her legacy in the name of development thought of as progress. We cannot ignore the original intent of the memorial park which was to reflect and remember. To make progress of the human condition we must remember the atrocities committed against our fellow humans and vow never to allow these behaviours to be repeated. In the case of violence against women and children, which continues to plague our society, we need to work to understand and eliminate these behaviours, adding to the work Marianne did during her lifetime. It is our understanding that the memorial at Marianne's Park was a gift from Women in Crisis to the city with the agreement that the park be maintained by the city. Failure to do so will be a disincentive for other groups wishing to provide similar gifts.

We believe that the height, the density, the lack of green space and the shadow impact of the development will compromise the integrity of the park and change its atmosphere forever. In addition we are concerned with the request for a reduced setback to the Speed River. In keeping with the City's goal to protect the river systems it is important to maintain the appropriate set-backs when approving redevelopment plans. Although the request for amendment is site specific we feel that granting this amendment will set a precedent which will make it difficult for the City to refuse any future requests of a similar nature.

On behalf of CFUW Guelph I wish to thank you for your consideration of our position.

Sincerely,

Teresa McKeeman

Vice President & Chair-Issues and Action Group

Leresa McKeeman

CFUW Guelph

COUNCIL REPORT



TO Guelph City Council

SERVICE AREA

Economic Development & Tourism Services

DATE

February 6, 2012

SUBJECT Development Charge Early Payment Agreement -

Hanlon Creek Business Park

REPORT NUMBER

SUMMARY

Purpose of Report:

To recommend to Council that the City enter into a Development Charge Early Payment Agreement with Quarterman Road Equities Limited.

Council Action:

To obtain Council's approval to enter into a Development Charge Early Payment Agreement with Quarterman Road Equities Limited.

RECOMMENDATION

"THAT the report dated February 6, 2012 from Economic Development & Tourism Services regarding a Development Charge Early Payment Agreement BE RECEIVED, and

THAT staff be directed to finalize a Development Charge Early Payment Agreement, between the City of Guelph and Quarterman Road Equities Limited, satisfactory to the General Manager of Economic Development & Tourism, the City Solicitor and the Acting Treasurer, for a 8.39 hectare (20.7 acre) site, composed of Part of Lot 19, Concession 4, City of Guelph, being designated as Part of Part 31 on reference plan 61R-11543, and subject to a confirming legal survey, in the Hanlon Creek Business Park Phase 2; and subject to the terms as outlined in the report of the General Manager of Economic Development & tourism dated February 6, 2012, and

THAT the Mayor and Clerk be authorized to execute the Development Charge Early Payment Agreement on behalf of the City of Guelph."

BACKGROUND

For the past several months, Economic Development staff has been working with a food industry sector company looking for a land site to construct their new refrigerated distribution centre. The company is known to the Mayor, CAO and Economic Development Services but they have requested that they not be identified at this time.

The company has selected a 20.7 acre land site in the Hanlon Creek Business Park owned by Cooper Construction Limited, as shown on the attached Schedule "A". It proposes to have constructed a 26,214 sq. m. (282,174 sq. ft.) building to initially employ 80-90 persons with potential for building expansion and employment growth in the future. Building construction is scheduled to commence in March/April 2012 with occupancy by December 2012. It is staff's opinion that the company will be an excellent addition to the community and will further support the City's agri-innovation sector.

It is the intention of the company to enter into a long term lease with an investor who will purchase the land and construct a building to the company's requirements. The investor was selected by the company through a request for proposal process. The successful investor is known to Economic Development Services but they too have requested they not be identified at this time. The investor will be the party entering into the Development Charge Early Payment Agreement with the City.

Guelph was one of several other municipalities involved in a competitive process looking to attract this new investment to their respective community. As part of those discussions, the company advised that other municipalities were prepared to recommend deferral of development charges for up to five years.

In discussion with the company, and to help secure this investment for Guelph, staff advised that it would be prepared to recommend to Council a Development Charge Early Payment Agreement to provide for the current Industrial Development Charge of \$62.27 per sq. m., and prior to the scheduled phased-in increase of \$85.14 per sq. m. on March 2, 2012. It is anticipated that a full building permit will not be available until after March 2, 2012. The intended use of the building qualifies as an industrial use under the City's current Development Charge By-law (2009)-18729.

Section 3.15 of the City's Development Charge By-law (2009)-18729 and section 27 of the *Development Charges Act*, provides for a municipality to enter into an agreement where all or part of a development charge can be paid before it would otherwise be payable. The City has entered into similar Development Charge Early Payment Agreements in the past.

REPORT

The following key terms are to be included in the Development Charge Early Payment Agreement:

- 1. Payment in full, by no later than February 28, 2012, of development charges related to the proposed 26,214 sq. m. (282,174 sq. ft.) industrial building at the current Industrial Development Charge Rate of \$62.27 per sq. m. of gross floor area.
- 2. Current Industrial Development Charge Rate of \$62.27 per sq. m. is to remain valid in calculating development charges on the issuance of a full building permit where such permit is issued prior to May 31, 2012.

It is therefore staff's recommendation that a Development Charge Early Payment Agreement be entered into with the investor based on the terms outlined in this report.

CORPORATE STRATEGIC PLAN

Goal 1 – Strategic Objective 1.6 Goal 3 – Strategic Objectives 3.1, 3.2 and 3.3

FINANCIAL IMPLICATIONS

Development Charge Revenue:

- 26,214 sq. m. x \$62.27 per sq. m. = \$1,632,345.78 (to the City)
- Under this Development Charge Early Payment Agreement, the savings to
 the developer would be \$599,514.18 based on the difference between the
 current Industrial Development Charge Rate of \$62.27 per sq. m. and the
 March 2, 2012 phased-in Industrial Development Charge Rate of \$85.14.
 This reduction, as with other exemptions and phase-ins, will result in the
 development charges collected being insufficient to fund capital projects to
 the same extent that they had been estimated in the calculation of the
 development charge rates. This shortfall must be made up from property
 taxes and user rates.

Estimated Projected Annual Tax Revenue - \$325,000.00 (includes education taxes)

DEPARTMENTAL CONSULTATION

Legal Services Finance Services

COMMUNICATIONS

N/A

ATTACHMENTS

Schedule "A" - Site Location

Prepared By:

Jim Mairs

Sr. Business Development Specialist/

Assistant Manager

519-837-5600 x 2821

jim.mairs@guelph.ca

Recommended By:

Peter Cartwright

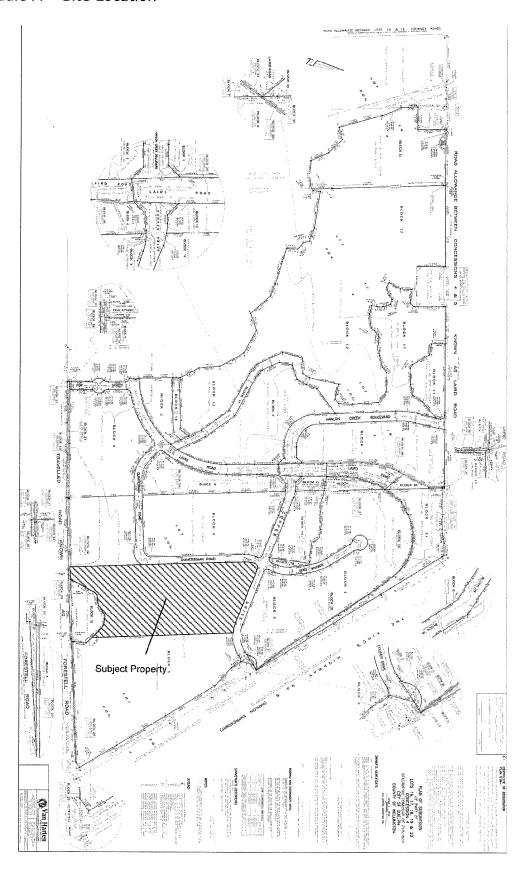
General Manager of Economic

Development & Tourism Services

519-837-5600 x 2820

peter.cartwright@guelph.ca

Schedule A – Site Location



COUNCIL REPORT



TO Guelph City Council

SERVICE AREA Economic Development & Tourism Services

DATE February 6, 2012

SUBJECT Development Charge Early Payment Agreement –

Hitachi Construction Truck Manufacturing Ltd.

REPORT NUMBER

SUMMARY

Purpose of Report:

To recommend to Council that the City enter into a Development Charge Early Payment Agreement with Hitachi Construction Truck Manufacturing Ltd.

Council Action:

To obtain Council's approval to enter into a Development Charge Early Payment Agreement with Hitachi Construction Truck Manufacturing Ltd.

RECOMMENDATION

"THAT the report dated February 6, 2012 from Economic Development & Tourism Services regarding a Development Charge Early Payment Agreement BE RECEIVED, and

THAT staff be directed to finalize a Development Charge Early Payment Agreement between the City of Guelph and Hitachi Construction Truck Manufacturing Ltd., satisfactory to the General Manager of Economic Development & Tourism, the City Solicitor and the Acting Treasurer; and subject to the terms as outlined in the report of the General Manager of Economic Development & Tourism dated February 6, 2012, and

THAT the General Manager of Economic Development & Tourism and the Acting Treasurer be authorized to execute the Development Charge Early Payment Agreement on behalf of the City of Guelph."

BACKGROUND

Euclid/Hitachi Construction Truck Manufacturing (HTM) has a long manufacturing history at its present location on Woodlawn Road West in Guelph. Part of the Hitachi Group of Companies, HTM is 100% owned by Hitachi Construction Machinery Co., Ltd. (HCM). To achieve its goal to increase worldwide market share for new dump truck business, both HCM and HTM have committed to increase their existing manufacturing capacities. As part of this goal, HTM in Guelph intends to almost double its existing manufacturing facility in 2012. It is estimated that the proposed expansion would provide for an increase in employment from its current level of approximately 400 persons to approximately 800-975 persons by 2018.

HTM has requested consideration by the City to enter into a Development Charge Early Payment Agreement to secure the current Industrial Development Charge Rate of \$62.27 per sq. m. of gross floor area, and prior to the scheduled phased-in increase on March 2, 2012 (see attached letter from Hitachi). HTM has submitted plans for site plan approval and are presently being reviewed by City staff. They have also recently selected a builder to construct the building. It is anticipated that the builder will not be in a position to submit plans for a full building permit until the latter part of February, and as such a full building permit would not be available to them until after March 2, 2012.

The proposed building expansion totals 15,504 sq. m. (166,890 sq. ft.). The expansion is eligible for the 50% industrial expansion exemption under the City's Development Charge By-law (2009)-18729 and the *Development Charge Act.* The industrial expansion exemption available on this property is 8,513 sq. m. (91,633 sq. ft.). Based on the size of the proposed expansion, less the available industrial expansion exemption, development charges would be payable on 6,991 sq. m. (75,253 sq. ft.). Therefore, total development charges payable on the proposed addition would be \$435,329.57 if paid by March 1, 2012 (6,991 sq. m. x \$62.27 per sq. m.) or \$595,213.74 (6,991 sq. m. x \$85.14 per sq. m.) after the scheduled phased-in increase on March 2, 2012, a difference of \$159,884.17.

The intended use of the building qualifies as an industrial use under the City's current Development Charge By-law (2009)-18729.

Section 3.15 of the City's Development Charge By-law (2009)-18729 and section 27 of the *Development Charges Act*, provides for a municipality to enter into an agreement where all or part of a development charge can be paid before it would otherwise be payable. The City has entered into similar Development Charge Early Payment Agreements in the past.

REPORT

The following key terms are to be included in the Development Charge Early Payment Agreement:

- 1. Payment in full, by no later than February 28, 2012, of development charges based on 6,991 sq. m. (75,523 sq. ft.) of building gross floor area, at the current Industrial Development Charge Rate of \$62.27 per sq. m. of gross floor area for a total of \$435,329.57.
- Current Industrial Development Charge Rate of \$62.27 per sq. m. of gross floor area is to remain valid in calculating development charges on the issuance of a full building permit where such permit is issued prior to May 31, 2012.
- 3. Any building permit issued after May 31, 2012, development charges would be payable at the full Industrial Development Charge Rate then in effect under the City's Development Charge By-law.

It is therefore staff's recommendation that a Development Charge Early Payment Agreement be entered into with Hitachi based on the terms outlined in this report.

CORPORATE STRATEGIC PLAN

Goal 1 - Strategic Objective 1.6

Goal 3 - Strategic Objectives 3.1, 3.2 and 3.3

FINANCIAL IMPLICATIONS

Development Charge Revenue:

- 6991 sq. m. x \$62.27 per sq. m. = \$435,329.57
- Under this Development Charge Early Payment Agreement, the savings to
 the developer would be \$159,884.17 based on the difference between the
 current Industrial Development Charge Rate of \$62.27 per sq. m. and the
 March 2, 2012 phased-in Industrial Development Charge Rate of \$85.14.
 This reduction, as with other exemptions and phase-ins, will result in the
 development charges collected being insufficient to fund capital projects to
 the same extent that they had been estimated in the calculation of the
 development charge rates. This shortfall must be made up from property
 taxes and user rates.

DEPARTMENTAL CONSULTATION

Legal Services
Finance Services

COMMUNICATIONS

N/A

ATTACHMENTS

Schedule "A" – Hitachi Letter

Prepared By:

Jim Mairs

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Assistant Manager

519-837-5600 x 2821

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Recommended By:

Peter Cartwright

General Manager of Economic Development & Tourism Services

519-837-5600 x 2820

peter.cartwright@guelph.ca

HITACHI

Hitachi Construction Truck Manufacturing Ltd. 200 Woodlawn Road West Guelph, Ontario N1H 1B6 Hideo Kitawaki Chief Executive Officer

Date: January 26, 2012

To: Guelph City Council

Subject: Request for Development Charge Early Payment Agreement

I, the undersigned, on behalf of Hitachi Construction Truck Manufacturing Ltd., hereby request to enter a Development Charge Early Payment Agreement with the City of Guelph.

Our building expansion project was launched in October 2011 to increase the space for the current assembly building and new office to 15,504 m² in total. The major purpose for this building expansion is to increase the production capacity for mining trucks in order to expand the worldwide market share in collaboration with our mother factory (HCM) in Japan, which is also currently undergoing a building expansion.

Hitachi Construction Machinery Co. Ltd. (HCM) headquartered in Japan, acquired Euclid in 2000. Euclid had a long history of operating in Guelph as a truck manufacture. After the acquisition, Euclid-Hitachi continued to operate in Guelph, and since 2004, Euclid-Hitachi changed to Hitachi Construction Truck Manufacturing Ltd. (HTM), and the company has been in operation to the present.

In June of 2011, HCM made a new business plan that aims for our mining trucks to reach 30% of the worldwide market share by 2018. This aggressive strategy was introduced to the Guelph facility by adding the new product lines based on the new engineering and technology from HCM, combined with the manufacturing know-how and experience contributed from Euclid, which accumulated over the years. In order to meet the sales target, according to the new business plan, HCM and HTM jointly studied how to increase the production capacity, so HTM proposed an investment plan in September of 2011. The proposal was approved by both the HCM board and HTM board. The total investment amount approved was 32M\$ and the approval is for the sole purpose of increasing the production capacity, based on our business plan, which is to invest in new assembly building, new welding robot system, and new paint facility, which we aim to complete in 2014. Our projection associated with this investment is to increase the number of units from our current 150 units to 280 units by 2018. The total sales volume will increase from 250MUS\$ (FY2011 forecast) to 580MUS\$ (FY2018 forecast).

According to our business plan, the total number of employees will also be increased from current 400 employees to 800 – 975 employees by 2018, assuming the current job categories remain the same. In order to ensure such a business growth, HCM and HTM have introduced the 1st Japanese designed dump truck built at the Guelph facility. The first unit is very close to completion, so we can begin commercial production in 2012. By following the first Japanese model, HTM also plans to introduce another two new models in the coming years.

To begin with the expansion, the tender offer process was taken place to select a preferred contractor. The bidding explanation session was held on Nov.15th, 2011 with 8 contractors and the total of six offers were submitted on Nov.30th. All six bidders presented an offer to HTM on Dec.13th and 14th. We selected two contractors out of six as a first phase and requested two final contractors: Kiwi Newton Construction Co. and Maple Reinders to the final price offer, including the value engineering and cost reduction items to re-submit

on Dec.20th for the final decision. HTM management reviewed the two offers and decided on Maple Reinders based on the price offers, value engineering ideas, reputations and their overall financial health as a corporation.

The project timeline has been rather aggressive, as you can see from the general contractor selection process, in order to meet our project timeline and to start production in April of 2013. In collaboration with Maple Reinders, the construction schedule was planned and reviewed; however, despite of the aggressive schedule, we can't make the March 1st, 2012 deadline to submit the Development Charge at the current rate of \$62.27/m².

For the reasons mentioned above, HTM would like to request to enter into a Development Charge Early Payment Agreement with the City. Your consideration to our request will be much appreciated.

Sincerely yours,

Litauu WW Hideo Kitawaki