

Council Caucus Room
November 7, 2011 5:00 p.m.

A meeting of Guelph City Council.

Present: Mayor Farbridge, Councillors Bell, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Van Hellemond and Wettstein

Absent: Councillors Burcher and Piper

Staff Present: Ms. A. Pappert, Chief Administrative Officer; Dr. J. Laird, Executive Director of Planning & Building, Engineering and Environment; Mr. D. McCaughan, Executive Director of Operations & Transit; Mr. M. Amorosi, Executive Director of Corporate and Human Resources; Ms. C. Clack, Interim Executive Director, Community & Social Services; Ms. D. Jaques, General Manager, Legal/Realty Services/City Solicitor; Mr. J. Stokes, Manager, Realty Services; Ms. B. Powell, General Manager of Community Engagement and Social Services; and Ms. T. Agnello, Acting City Clerk

1. Moved by Councillor Furfaro
Seconded by Councillor Laidlaw

THAT as a matter which is time sensitive and needs to be dealt with immediately, has just recently come up for Council's Consideration;

AND THAT the rules of order be suspended to allow a matter with regarding Proposed or pending Acquisition or disposal of land, specifically with respect to " Possible lease of space for Municipal Daycare" to be added to the closed Council agenda by waiving Section 5 of Procedural By-law regarding Public notice.

Carried

2. Moved by Councillor Hofland
Seconded by Councillor Findlay

THAT the Council of the City of Guelph now hold a meeting that is closed to the public with respect to:

County of Wellington Litigation

S. 239 (2) (e) Litigation or Potential Litigation, including matters before Administrative Tribunals.

Wellington Dufferin Guelph Public Health

S. 239 (2) (e) Litigation or Potential Litigation, including matters before Administrative Tribunals.

**Possible Lease of Space for Municipal Daycare
58 Dawson Road**

S. 239 (2) (a) Security of the property of the
Municipality

CAO Performance Objectives

S.239 (2) (b) Personal matters about an
identifiable individual

Carried

The meeting adjourned at 5:04 o'clock p.m.

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Mayor

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Acting Clerk

Council Caucus Room
November 7, 2011 5:05 p.m.

**A meeting of Guelph City Council closed to the
public.**

Present: Mayor Farbridge, Councillors Bell, Burcher,
Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach,
Laidlaw, Piper (arrived at 5:19pm), Van Hellemond and
Wettstein

Staff Present: Ms. A. Pappert, Chief Administrative
Officer; Dr. J. Laird, Executive Director of Planning &
Building, Engineering and Environment; Mr. D.
McCaughan, Executive Director of Operations & Transit;
Mr. M. Amorosi, Executive Director of Corporate & Human
Resources; Ms. C. Clack, Interim Executive Director, Ms.
D. Jaques, General Manager, Legal/Realty Services/City
Solicitor; Mr. J. Stokes, Manager, Realty Services; Ms. B.
Powell, General Manager of Community Engagement and
Social Services; and Ms. T. Agnello, Acting City Clerk

**DECLARATIONS UNDER MUNICIPAL CONFLICT OF
INTEREST ACT**

There were no declarations.

WELLINGTON TERRACE LITIGATION *(litigation or potential litigation)*

The General Manager of Legal/Realty Services/City Solicitor provided council with an update.

- 1. Moved by Councillor Bell
 Seconded by Councillor Findlay
 THAT staff be given direction with respect to Wellington Terrace litigation.

Defeated

Ms. D. Jaques

- 2. Moved by Councillor Laidlaw
 Seconded by Councillor Burcher
 THAT the report from Legal Services, dated November 7, 2011 regarding the litigation between the City and the County of Wellington about Wellington Terrace be received;

AND THAT Staff be given direction with respect to Wellington Terrace litigation.

Carried

WELLINGTON-DUFFERIN-GUELPH PUBLIC HEALTH *(litigation or potential litigation)*

The General Manager of Legal/Realty Services/City Solicitor provided council with an update.

Ms. D. Jaques

- 3. Moved by Councillor Findlay
 Seconded by Councillor Bell
 THAT staff be given direction with respect to Wellington-Dufferin-Guelph Public Health litigation.

Carried

- 4. Moved by Councillor Kovach
 Seconded by Councillor Wettstein
 THAT the report from Legal Services dated November 7, 2011 regarding the Wellington-Dufferin-Guelph Public Health be received;

AND THAT Council Rise and report from closed session to Council in open session with the following motion for consideration under special resolutions:

PASSED IN
COUNCIL BY

"THAT no action be taken regarding an appeal to the decision released on October 12, 2011

SPECIAL
RESOLUTION

regarding the City's application regarding the Wellington-Dufferin-Guelph Public Health agreement."

Carried

**Possible Lease of Space for Municipal Daycare
58 Dawson Road** *(security of the property)*

The Manager of Realty Services was present and gave an overview of the report.

- 5. Moved by Councillor Findlay
Seconded by Councillor Furfaro
THAT the report of the Manager of Realty Services entitled "Possible Lease of Space for Municipal Daycare – 58 Dawson Road" dated November 7, 2011 be received for information.

AND THAT Council Rise and report from closed session to Council in open session with the following motion for consideration under special resolutions:

PASSED IN
COUNCIL
BY SPECIAL
RESOLUTION

"THAT the Mayor and Clerk be authorized to execute a lease for a municipal daycare facility at 58 Dawson Road, subject to the terms and conditions of the lease being satisfactory to the City Solicitor and the Executive Director of Corporate and Human Resources.

AND THAT the Mayor and Clerk be authorized to execute a Provision of Service Agreement between the County of Wellington and the City in regard to the daycare facility at 58 Dawson Road."

Carried

The Meeting recessed at 6:55 pm and reconvened at 10:55 pm.

CAO PERFORMANCE OBJECTIVES *(personal matters about an identifiable individual)*

Ms. A. Pappert

- 1. Moved by Councillor Piper
Seconded by Councillor Laidlaw
THAT the CAO Performance objectives be received as amended.

Carried

The meeting adjourned at 11:05 o'clock p.m.

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Mayor

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Acting Clerk

Council Chambers
November 7, 2011

Council reconvened in formal session at 7:00 p.m.

Present: Mayor Farbridge, Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Van Hellemond and Wettstein

Staff Present: Ms. A. Pappert, Chief Administrative Officer; Dr. J. Laird, Executive Director of Planning & Building, Engineering and Environment; Mr. J. Riddell, General Manager, Planning & Building Services; Ms. T. Agnello, Acting City Clerk; and Ms. D. Black, Assistant Council Committee Co-ordinator

DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT

Councillor Burcher declared a possible pecuniary interest with regard to Proposed Official Plan Amendment 43: Downtown Guelph Secondary Plan as she owns property in the downtown that could be affected and did not discuss or vote on the matter.

CONSENT AGENDA

The following items were extracted from the November 7, 2011 Consent Agenda to be voted on separately:

- A-2 Amendment Number 1 to the 2010 Downtown Guelph Community Improvement Plan

1. Moved by Councillor Furfaro
Seconded by Councillor Laidlaw

THAT the balance of the November 7, 2011 Council Consent Agenda as identified below, be adopted:

a) **312-316 Grange Road – Creekside Subdivision (23T-07502) – Request for an Extension of Draft Plan Approval**

Ms. A. Clos
Dr. J. Laird
Mr. J. Riddell
Ms. S. Aram
Ms. D. Jaques
Mr. M. Amorosi

THAT Report 11-96 dated November 7, 2011 regarding a request for a Draft Plan Approval extension for the subdivision at the property municipally known as 312-316 Grange Road (23T-07502) from Planning & Building, Engineering and Environment, be received;

AND THAT the application by Astrid J. Clos Planning Consultants for an extension to the Draft Plan Approval of the subdivision at 312-316 Grange Road (23T-07502) applying to lands legally described as Lot 8, Registered Plan 53, Division "C", City of Guelph, be approved for a three (3) year period to an extended lapsing date of January 12, 2015, subject to the conditions attached hereto as Attachment 1.

b) **Potential Sale of City Owned Land – Hanlon Creek Business Park – Phase 1**

Mr. P. Cartwright
Ms. D. Jaques
Ms. S. Aram
Mr. M. Amorosi

THAT the Mayor and Clerk be authorized to execute an amending Option Agreement regarding the potential sale of City-owned land in the Hanlon Creek Business Park Phase 1 to Guelph Hydro Inc., as described in the report of November 7th, 2011 which has been prepared by Economic Development and Tourism Services, subject to the amending Option Agreement's format and content being satisfactory to the General Manager of Economic Development and Tourism as well as the General Manager of Legal Services/City Solicitor;

AND THAT the Mayor and Clerk be authorized to execute an Agreement of Purchase and Sale should Guelph Hydro Inc. exercise its option to purchase the property described in the staff Council report of May 3rd, 2011, subject to the Agreement of Purchase and Sale's format and content being satisfactory to the General Manager of Economic Development and Tourism as well as the General Manager of Legal Services/City Solicitor.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Van Hellemond, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

PLANNING PUBLIC MEETING

Mayor Farbridge announced that in accordance with The Planning Act, Council was now in a public meeting for the purpose of informing the public of various planning matters. The Mayor asked if there were any delegations in attendance with respect to planning matters listed on the agenda.

PRESENTATIONS

Proposed Official Plan Amendment 43: Downtown Guelph Secondary Plan

Councillor Burcher left her chair and did not speak or vote on the matter.

Mr. T. Salter, Manager of Policy Planning & Urban Design provided a brief overview of the process to date for the Downtown Secondary Plan.

Mr. David de Groot, Urban Designer, reviewed the visions and principles used to implement the plan. He summarized the key targets. He addressed the following areas of focus of the Downtown Secondary Plan:

- economic development – potential catalysts;
- mobility – a network for all modes;
- the public realm, heritage and community services;
- energy, water and the natural environment;
- land use and built form;
- height parameters;
- controlling the massing of tall buildings;
- special policies for the Ward.

He outlined the key implementation tools and initiatives and next steps.

DELEGATIONS

Mr. Lee Piccoli, Fusion Homes, stated their proximity to the amenities downtown helps promote pedestrian, and bicycle traffic. He also stated they plan to make the most of the heritage aspects and the size of the property.

Mr. Dan Leeming, planner, agrees with the broad vision of the downtown core and believes the changes are necessary to keep downtown vital. He stated they have discovered some concerns surrounding height, density and parking. He stated that under the current regulations, the property at 5 Arthur Street cannot meet requirements due to bedrock, parking needs and flood plain. He supported bonusing provisions being proposed.

Ms. Pam Kraft, on behalf of Arthur EMPC Four Limited, advised of their progress to date and their plan to deal with the remediation program. She stated they have communicated with their neighbours and have been involved with the Downtown Secondary Plan process. She stated they are requesting more flexibility to address potential changes that could occur. She agrees with the design principles, but some restrictions limit creative options.

Mr. Marty Williams, on behalf of the Downtown Guelph Business Association (DGBA), stated they have provided comments on an earlier draft and believe their concerns have been addressed. He stated the DGBA supports the view of the Downtown Secondary Plan. He stated they are supportive of the parking strategy, the concepts of build beautifully/historically, and active use at street level. He supports post secondary education use in the downtown core and believes it will lead to a vibrant and lively downtown. He stated the DGBA is willing to work with the City and others to make the Downtown Secondary Plan acceptable to all parties.

Dr. Jocelyn Maggs, owner/operator, Guelph Cat Clinic, and Dr. Rob Butler, owner/operator, Guelph Animal Hospital, advised they have been located in the downtown for over 30 years and service over 2,000 clients located within walking distance. They stated they would be willing to work with the City to enhance the green space along the west shore of the Speed River while maintaining their presence in the vicinity. They proposed the following options:

- providing access behind 110 Gordon Street building for a wide walkway behind the current clinics, utilizing the unused part of the back lot which would provide 35 feet at the back;
- moving the clinic's current location one lot over to the south.

Mr. David Nash, owner of 110 Gordon Street, stated he did not receive notice of the Downtown Secondary Plan meeting and has not had adequate time to review the document, discuss with his tenants, or seek legal consultation. He stated the proposed plan will restrict potential tenants and place his existing tenancy in jeopardy. He advised that major expansion plans are now put on hold and changes in use could devalue his property. He also stated he could not find evidence of a pro forma being undertaken. He objects to the implementation of OPA 43.

Ms. Maria Pezzano, on behalf of the Ward Residents Association, stated that they are pleased to see their issues have been addressed. She expressed concern regarding the view corridor being removed. She recommended that in conjunction with the Fountain street expansion that a pedestrian bridge be placed over the Speed River aligned with Fountain Street to connect the Urban Growth Study Area. She would like to see flexibility for mixed use and commercial use increased. She stated that she does not support bonusing and she would like to see some kind of boundary or cap clearly defined in the Plan. She stated there is a need for more discussion.

Mr. Unto Kihlanki, on behalf of INTBAU (International Network for Traditional Building, Architecture, and Urbanism), Guelph Chapter, stated they would like the City to adopt a healthy skepticism towards policies that depart from its city-building traditions. He stated that although there is consideration for the preservation of significant historical buildings and streetscapes, there also needs to be protection of urban tradition from unnecessary structures. He expressed concern about density, and building heights. He stated that his calculations have determined that there is sufficient capacity for 5,000 units without buildings exceeding six stories.

Mr. Wilfred Ferwerda, resident, supports the plan but would like to know the reasoning behind the increase of building heights up to eighteen stories. He does not believe the proposed building heights are required to reach the Places to Grow numbers or that allowing tall buildings will ensure the plan will be successful. He stated the low crime rate, and low unemployment rate, and a stable real estate market are factors drawing people to the Guelph core. He stated that Guelph has a product that people will pay to have despite the restrictions causing the sites to be more costly to develop. He said the Downtown Secondary Plan, the transportation hub, older residents and those from the GTA being interested in living downtown will entice developers to come forward. He does not believe high rises are necessary to reach the Places to Grow numbers and that they will be a catalyst for more high rise buildings. He recommended that the Downtown Secondary Plan be revised by deleting the provision allowing buildings higher than six storeys.

Mr. Uli Walle, downtown business operator, stated he has already seen an increase of people moving into downtown

due to the historical buildings, small town feel and openness. He believes the higher buildings will negatively affect the desire for people to reside in the downtown. He stated that he is concerned that developers will try to get exemptions to build higher structures than the 18 storey and 12-15 storeys proposed. He believes six storeys is sufficient to meet the growth goals. He stated he would like Guelph to not increase the six storey height restriction.

Mr. Lloyd Longfield, Guelph Chamber of Commerce, addressed the issue of placing restrictions to footplates or floor space indexes in the Plan rather than in zoning or by-law documents. He stated this would set a precedence of putting these types of restrictions in an Official Plan and opens the door for OMB appeals. He stated this is not done anywhere else. He believes the higher buildings could act as a catalyst to help meet the growth goals and is needed to stimulate further development in the downtown core. He stated that policies need to be flexible and clearly defined.

Dr. Hugh Whiteley stated he was pleased to see the use of the River System Management Plan as a guide. He endorses the two new riverside parks. He suggested the following:

- that specialized zoning be applied to the two areas where public space along the Speed River is restricted or absent
- designate a riverside park use for the portion of the west bank of the Speed River from Wyndham Street to the existing Royal City Park;
- integrate the former Rockwell site on Wellington Street with the adjoining corner property;
- change the south boundary of the Rockwell property that would result in it being parallel to the river rather than parallel to Wellington Street.

Mr. Mike Abdullah, owner, IDA Pharmacy, would like to know what is planned for the property where his business is located.

Mr. Ken Chasse, a resident and operator of business just outside the downtown area, recommends incentives to increase walkable spaces. He believes the use of St. George's Square needs to be reviewed. He does not see the value of parking lots having sidewalk frontage. He would like the City to encourage future development by moving commercial spaces to the second floor and putting retail on the first floor to generate more foot traffic.

Ms. Leanne Johns, a resident within the outlying neighbourhood would like the City to consider walkability issues including traffic, noise, and parking.

Staff will:

- meet with delegates regarding river access;
- consider affordability issues;
- review height restrictions for Royal Suites;
- determine the balance of diversity of types of units;
- consider the impact of the railroad running through high density sites and determine limitations of types of goods transported through downtown
- consider the fire safety issues and effects on the fire department's infrastructure;
- develop synergy between the Downtown Secondary Plan and the Official Plan
- establish urban design criteria and address aesthetic issues;
- address concerns for existing businesses regarding expropriation issues;
- address the comments submitted by Dr. Whiteley.

2. Moved by Councillor Findlay
Seconded by Councillor Dennis

Dr. J. Laird

THAT the Planning & Building, Engineering and Environment Report No. 11-98 entitled Proposed Official Plan Amendment 43: Downtown Guelph Secondary Plan, dated November 7, 2011, be received.

Councillor Burcher did not vote on the matter.

VOTING IN FAVOUR: Councillors Bell, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Van Hellemond, Wettstein and Mayor Farbridge (12)

VOTING AGAINST: (0)

Carried

The meeting recessed at 9:45 p.m. and reconvened at 9:55 p.m.

115 Fleming Road, Proposed Draft Plan of Subdivision and Zoning By-law Amendment (23T-1101/ZC1102) – Ward 1

Mr. C. DeVriendt, Senior Development Planner, advised this is the second public meeting for this application. He stated the application would allow for 62 on-street townhouses instead of the previously proposed 24 on-

street townhouses and 45 cluster townhouse units. He also stated that an extension of Law Drive and Pettitt Drive replace the previous private road system. He said the proposed changes to the zoning by-law include:

- a minimum lot area per dwelling unit of 150 square meters (in lieu of 180);
- a minimum exterior side yard setback of 3.2 metres (in lieu of 4.5m);
- a maximum building coverage of 50% (in lieu of 40%);
- a minimum lot frontage of 6 metres (in lieu of 18).

Mr. Helmuth Strobel, applicant, advised they have worked with City staff and their neighbor to the south to make the development freehold and reduced the number of units. He stated the CEP will be considered as well as building towards an Energy Star level. He noted that the new Ontario Building Code will be requiring energy star efficiencies. He will also give consideration to Blue Build requirements.

3. Moved by Councillor Findlay
Seconded by Councillor Burcher

Dr. J. Laird
Mr. J. Riddell

THAT Report 11-94 regarding applications for a Draft Plan of Subdivision approval and a Zoning By-law Amendment to permit the development of 62 on-street townhouse units, applying to property municipally known as 115 Fleming Road, and legally described as Part Lot 11, Plan 468, City of Guelph, from Planning & Building, Engineering and Environment, dated November 7, 2011, be received.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Van Hellemond, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

Amendment Number 1 to the 2010 Downtown Guelph Community Improvement Plan

Mr. Ian Panabaker, Corporate Manager, Downtown Renewal, stated that the changes being proposed are administrative in nature and not policy related so they are requesting a decision later in the meeting. He outlined the Downtown Community Improvement Plan process to date and advised of next steps. He explained the 2010 Downtown Guelph CIP Programs and stated the amendment being proposed is to separate program details into 'Implementation Guidelines' to allow program

design changed without requiring a full Planning Act process. He advised of the next steps and said they are proposing the programs in abstract form only at this time. He said the other amendment affects the plan area where they propose to install Official Plan Amendment 39 – urban growth center area as the Community Improvement Plan area to align the Downtown Community Improvement Plan and the Urban Growth Strategy.

Mr. John Farley, Creating Homes, on behalf of Gordon Street, Market Commons, provided a description of the property and upcoming plans. He said that in order for the project to happen, they need the Community Improvement Plan. He stated developers need tools to make projects financially feasible. He said that the private sector investment under the major downtown activation grant program and tax increment based grant will allow them to proceed.

Mr. Jeremy Frieburger, Executive Director, Imperial Cotton Centre for the Arts said he has begun working with Guelph Arts and believes the incentives can help the community developers, and non-profit groups. He stated that in Hamilton, the various incentive programs led to major development in the downtown core and led to an increase in locally owned and operated businesses, and maintaining and renovation of heritage buildings.

Dr. Hugh Whiteley requested the boundary of the Rockwell property to be adjusted so all of the property is included within the downtown boundary and could be developed accordingly.

Staff advised that any properties that straddle the boundary lines will be included for eligibility of programs.

4. Moved by Councillor Laidlaw
Seconded by Councillor Piper

Ms. A. Pappert
Mr. I. Panabaker

THAT the report 11-04 regarding the proposed amendments to the 2010 Downtown Guelph Community Improvement Plan, prepared by the Downtown Renewal Office, dated November 7, 2011, be received.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Van Hellemond, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

Amendment Number 1 to the 2010 Downtown Guelph Community Improvement Plan

Ms. A. Pappert
Mr. I. Panabaker

5. Moved by Councillor Findlay
Seconded by Councillor Dennis
THAT the report 11-09 regarding the Amendment Number 1 to the Downtown Guelph Community Improvement Plan, prepared by the Downtown Renewal Office, dated November 7, 2011, be received;

AND THAT Amendment Number 1 to the Downtown Guelph Community Improvement Plan, dated November 7, 2011, attached hereto as Attachment 2, be adopted;

AND THAT staff bring forward a new City by-law to enact the enlarged Downtown Guelph Community Improvement Project Area at a subsequent Council meeting following the approval of Amendment Number 1.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Laidlaw, Piper, Van Hellemond, Wettstein and Mayor Farbridge (12)

VOTING AGAINST: Councillor Kovach (1)

Carried

BY-LAWS

6. Moved by Councillor Dennis
Seconded by Councillor Findlay
THAT By-law Number (2011) – 19294 is hereby passed.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Van Hellemond, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

SPECIAL RESOLUTIONS

Wellington-Dufferin-Guelph Public Health Agreement

Ms. D. Jaques

7. Moved by Councillor Kovach
Seconded by Councillor Piper
THAT no action be taken regarding an appeal to the decision released on October 12, 2011 regarding the

City's application regarding the Wellington-Dufferin-Guelph Public Health agreement.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Van Hellemond, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

Mayor Farbridge

8. Moved by Councillor Kovach
Seconded by Councillor Burcher

WHEREAS Guelph City Council is committed to good governance and accountability to the citizens of Guelph;

AND WHEREAS the City of Guelph has requested an assessor regarding the Wellington-Dufferin-Guelph Public Health;

THEREFORE BE IT RESOLVED THAT Guelph City Council request the courtesy of a formal response forthwith from both the Provincial Government and our Guelph MPP to its' request regarding the appointment of an assessor.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Van Hellemond, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

Proposed Lease Agreement – 58 Dawson Road

Ms. D. Jaques
Ms. S. Aram
Mr. M. Amorosi

9. Moved by Councillor Laidlaw
Seconded by Councillor Burcher

THAT the Mayor and Clerk be authorized to execute a lease for a municipal daycare facility at 58 Dawson Road, subject to the terms and conditions of the lease being satisfactory to the City Solicitor and the Executive Director of Corporate and Human Resources.

AND THAT the Mayor and Clerk be authorized to execute a Provision of Service Agreement between the County of Wellington and the City in regard to the daycare facility at 58 Dawson Road.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Van Hellemond, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

ADJOURNMENT

The meeting adjourned at 10:48 o'clock p.m.

Minutes read and confirmed November 28, 2011.

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Mayor

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Acting Clerk

SCHEDULE 5 Conditions of Draft Plan Approval

"THAT the application by Astrid J. Clos Planning Consultants on behalf of Lunor Group Inc. and Fabbian Homes Inc. for a Proposed Draft Plan of Residential Subdivision 23T07502, applying to property municipally known as 312 to 316 Grange Road, and legally described as Lot 8, Registered Plan 53, Division "C", City of Guelph, to permit a minimum of 57 dwelling units, **be approved**, subject to the following conditions:

CITY CONDITIONS

1. That this approval applies only to the revised draft plan of subdivision prepared by Astrid J. Clos Planning Consultants, Project # 0619, dated August 19, 2008, to include the development of 57 residential units, as shown on **Schedule 2**, including road widenings and reserves.

Conditions to be met prior to grading and site alteration

2. The Developer shall complete a **tree inventory and conservation plan**, satisfactory to the City Engineer in accordance with City of Guelph Bylaw (1986)-12229 prior to any grading, tree removal or construction on the site.
3. The Developer shall obtain a **Site Alteration Permit** in accordance with City of Guelph By-law (2007)-18420 to the satisfaction of the City Engineer.
4. The Developer shall prepare and implement a **construction traffic access and control plan** for all phases of servicing and building construction to the satisfaction of the City Engineer. Any costs related to the implementation of such a plan shall be borne by the Developer.
5. The Developer agrees that no work, including, but not limited to **tree removal, grading or construction**, will occur on the lands until such time as the Developer has obtained written permission from the City Engineer or has entered into a Subdivision Agreement with the City.
6. The Developer shall enter into an **Engineering Services Agreement** with the City, satisfactory to the City Engineer.
7. The Developer shall prepare an overall **site drainage and grading plan**, satisfactory to the City Engineer, for the entire subdivision. Such a plan will be used as the basis for a detailed lot grading plan to be submitted prior to the issuance of any building permit within the subdivision.
8. 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.

9. The Developer shall provide a qualified **environmental inspector**, satisfactory to the Director of Community Design and Development Services, to inspect the site during all phases of development and construction including grading, servicing and building construction. The environmental inspector shall monitor and inspect the erosion and sediment control measures and procedures. The environmental inspector shall report on their findings to the City. For this subdivision, the City recognizes that the environmental inspection can be completed by a qualified engineering inspector to the satisfaction of the City.
10. The Developer shall submit a detailed **Storm Water Management Report and Plans** to the satisfaction of the City Engineer which shows how storm water will be controlled and conveyed to the receiving water body. The report and plan shall address the issue of water quantity and quality in accordance with recognized best management practices, Provincial Guidelines, the City's "Design Principles for Storm Water Management Facilities" and the Storm Water Management Design Report for the applicable watershed. Maintenance and operational requirements for any control and/or conveyance facilities must be described.
11. The Developer shall ensure that any **domestic wells located within the lands be properly decommissioned** in accordance with current Ministry of the Environment Regulations and Guidelines to the satisfaction of the City Engineer. Any **boreholes** drilled for hydrogeological or geotechnical investigations must also be properly abandoned.
12. The Developer shall ensure that the **height of any proposed retaining wall** does not exceed 1.2 metres to the satisfaction of the City Engineer
13. The Developer shall **stabilize all disturbed soil** within 90 days of being disturbed, control all noxious weeds and keep ground cover to a maximum height of 150 mm (6 inches) until the release of the development agreement on the block/lot so disturbed.
14. The Developer shall carry out an **archaeological assessment** of the subject property and mitigate, through preservation or resource removal, adverse impacts to any significant archaeological resources found. No demolition, grading or any soil disturbances shall take place on the subject property, prior to the issuance of a letter from the Ministry of Citizenship, Culture and Recreation to the City indicating that all archaeological assessment and/or mitigation activities undertaken have met licensing and resource conservation requirements.

Conditions to be met prior to execution of subdivision agreement

15. That any dead ends and open sides of road allowances created by the draft plan be terminated in **0.3 metre reserves**, which shall be conveyed to the City at the expense of the Developer.
16. That with the exception of any share determined by the City to be the City's share in accordance with its by-laws and policies, the Developer is responsible for the total **cost of the design and construction of all municipal services** within and external

to the subdivision that are required by the City to service the lands within the plan of subdivision including such works as sanitary facilities, storm facilities, water facilities, walkways and road works including sidewalks, boulevards and curbs, with the distance, size and alignment of such services to be determined by the City. This also includes the Developer paying a share of the cost of the existing downstream stormwater management system as determined by the City and a share of the cost of the reconstruction of Grange Road. In addition, the Developer will be required to pay the cost of the design, construction and removal of any works of a temporary nature including temporary cul-de-sacs, sewers, stormwater management facilities, watermains and emergency accesses.

17. Should 23T-07505 proceed before 23T-07502 or vice-versa, the Developer shall construct **temporary turning circles** at the ends of Roads A and B and an **emergency access road** all to the satisfaction of the City.
18. The Developer shall submit a **Geotechnical Report** to the satisfaction of the City Engineer which describes the potential impacts of groundwater and provides recommendations for pavement design and pipe bedding.
19. The Developer shall submit a **Traffic Impact Study** to the satisfaction of the City Engineer and the Developer shall implement to the satisfaction of the City Engineer the recommendations of the **Traffic Impact Study** undertaken for this subdivision and approved by the City Engineer.
20. The Developer shall pay the cost of supplying and erecting **street name and traffic control signs** in the subdivision, to the satisfaction of the City.
21. The Developer shall pay to the City the flat rate charge established by the City per metre of road frontage to be applied to **street tree planting** within the proposed subdivision.
22. The Developer shall pay to the City the cost of installing **bus stop pads** at locations to be determined by Guelph Transit.
23. The Developer shall provide an **On-Street Parking Plan** for the subdivision to the satisfaction of the City Engineer. This Plan shall include on-street parking on Grange Road.
24. The site plans for all **corner building lots**, as determined by the City, shall be submitted to the City for approval of driveway location.
25. The Developer shall pay the cost of the installation of one Second Order **Geodetic Benchmark** within the proposed subdivision to the satisfaction of City Engineer.
26. The Developer shall phase the subdivision to the satisfaction of the City of Guelph. Such **phasing** shall conform to the current Development Priorities Plan.

27. The Developer shall provide Community Design and Development Services with a **digital file** in either AutoCAD - DWG format or DXF format containing the following final approved information: parcel fabric, street network, grades/contours and existing vegetation to be retained in the park.
28. The Developer shall **demarcate the boundary of the Park Block** in accordance with the City of Guelph Property Demarcation Policy, to the satisfaction of the Director of Community Design and Development Services.

Conditions to be met prior to registration of the plan

29. The Developer shall obtain approval of the City with respect to the availability of **adequate water supply and sewage treatment capacity**, prior to the registration of the plan, or any part thereof.
30. The registration of the plan, or any part thereof, shall require approval of the City with respect to **adequate sanitary sewer capacity** being available in the downstream trunk sanitary sewer.
31. The Developer acknowledges and agrees that the suitability of the land for the proposed uses is the responsibility of the landowner. The Developer shall retain a Qualified Person (QP) as defined in Ontario Regulation 153/04 to prepare and submit a **Phase 1 Environmental Site Assessment** (and any other subsequent phases required), to assess any real property to be conveyed to the City to ensure that such property is free of contamination. If contamination is found, the consultant will determine its nature and the requirements for its removal and disposal at the Developer's expense. Prior to the registration of the plan, a Qualified Person shall certify that all properties to be conveyed to the City are free of contamination.
32. Prior to the City accepting any real property interests, if contamination is found, the Developer shall:
 - a. submit all environmental assessment reports prepared in accordance with the **Record of Site Condition** (O. Reg. 153/04) describing the current conditions of the land to be conveyed to the City and the proposed remedial action plan to the satisfaction of the Manager of Realty Services;
 - b. complete any necessary remediation work in accordance with the accepted remedial action plan and submit certification from a Qualified Person that the lands to be conveyed to the City meet the Site Condition Standards of the intended land use; and
 - c. file a Record of Site Condition (RSC) on the Provincial Environmental Registry for lands to be conveyed to the City.
33. The Developer shall enter into a **Subdivision Agreement**, to be registered on title, satisfactory to the City Solicitor, which includes all requirements, financial and otherwise to the satisfaction of the City of Guelph.
34. That the **road allowances** included in the draft plan be shown and dedicated at the expense of the Developer as public highways and that prior to the registration of any

phase of the subdivision, the City shall receive a letter from the O.L.S. preparing the plan that certifies that the layout of the roads in the plan conforms to the City's "Geometric Design Criteria – July 23, 1993".

35. That all **easements, blocks** and **rights-of-way** required within or adjacent to the proposed subdivision be conveyed clear of encumbrance to the satisfaction of the City of Guelph, Guelph Hydro Electric Systems Inc. and other Guelph utilities. Every Transfer Easement shall be accompanied by a Postponement, satisfactory to the City Solicitor, for any mortgage, charge or lease and such Postponement shall be registered on title by the City at the expense of the Developer.
36. The Developer shall pay any **outstanding debts** owed to the City.
37. The Developer shall pay **development charges** to the City in accordance with By-law Number (2004) - 17361, 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 thereto.
38. The Developer shall erect and maintain **signs** at specified entrances to the subdivision showing the proposed land uses and zoning of all the lots and blocks within the proposed subdivision and predominantly place on such signs the wording "For the Zoning of all lands abutting the subdivision, inquiries should be directed to Community Design and Development Services, City Hall". Further, the signs shall be resistant to weathering and vandalism.
39. The Developer shall place the following **notifications** in all offers of purchase and sale for all lots and/or dwelling units and agrees that these same notifications shall be placed in the City's subdivision agreement to be registered on title:
 - a. "Purchasers and/or tenants of all lots are advised that sump pumps will be required for every lot unless a gravity outlet for the foundation drain can be provided on the lot in accordance with a certified design by a Professional Engineer. Furthermore, all sump pumps must be discharged to the rear yard."
 - b. "Purchasers and/or tenants of all lots or units are advised that if any fee has been paid by the purchaser to the Developers for the planting of trees on City boulevards in front of residential units does not obligate the City nor guarantee that a tree will be planted on the boulevard in front or on the side of a particular residential dwelling."
 - c. "Purchasers and/or tenants of all lots or units are advised that a transit route may be installed on Grange Road at the discretion of the City. The location of such route and bus stops will be determined based on the policies and requirements of the City. Such bus stops may be located anywhere along the route, including lot frontages."

- d. "Purchasers and/or tenants of all lots or units located in the subdivision plan, are advised prior to the completion of home sales, of the time frame during which construction activities may occur, and the potential for residents to be inconvenienced by construction activities such as noise, dust, dirt, debris, drainage and construction traffic".
 - e. "Purchasers and/or tenants of all lots or units are advised that the boundaries of the park block will be demarcated in accordance with the City of Guelph Property Demarcation Policy."
40. The Developer shall ensure that all **telephone service and cable TV service** in the plan shall be underground. The Developer shall enter into a servicing agreement with the appropriate service providers to provide for the installation of underground utility services for the Lands.
41. The Developer shall ensure that **street lighting** and underground wiring shall be provided throughout the subdivision at the Developer's expense and in accordance with the policies of the City of Guelph and Guelph Hydro Electric Systems Inc.
42. The Developer shall pay to the City, the total cost of reproduction and distribution of the **Guelph Residents Environmental Handbook**, to all future residents within the plan, with such payment based on a cost of one handbook per residential dwelling unit as determined by the City.
43. That site plans for all corner building lots, as determined by the City Engineer, shall be submitted to the City Engineer for approval of **driveway location**.
44. The Developer agrees to eliminate the use of any covenants that would restrict the use of **clotheslines** and that prior to the registration of all or any portion of the plan, the Developer's lawyer shall certify to the Director of Community Design and Development Services that there are no restrictive covenants which restrict the use of clotheslines.

Conditions to be met prior to the issuance of a building permit

45. The Developer shall submit a report prepared by a Professional Engineer to the satisfaction of the Chief Building Official certifying that all **fill** placed below proposed building locations has adequate structural capacity to support the proposed building. All fill placed within the allowable zoning bylaw envelope for building construction shall be certified to a maximum distance of 30 metres from the street line. This report shall include the following information; lot number, depth of fill, top elevation of fill and the area approved for building construction from the street line.
46. The Developer shall submit a report prepared by a Professional Engineer to the satisfaction of the Chief Building Official providing an opinion on the presence of **soil gases (Radon and Methane)** in the plan in accordance with applicable provisions contained in the Ontario Building Code.

47. All **Stage 1 Services** are to be constructed to the satisfaction of the City Engineer.
48. The Developer shall provide the City with written confirmation from the Engineering Department of **Guelph Hydro** that the subdivision hydro servicing has been completed to the satisfaction of Guelph Hydro.
49. The Owner acknowledges and agrees that the dwelling units on the subject site will be constructed to ENERGY STAR standard that promotes **energy efficiency** standards in order to comply with the Community Energy Plan, to the satisfaction of the City.

AGENCY CONDITIONS:

50. The Developer shall ensure that all **telephone service and cable TV service** in the plan shall be underground. The Developer shall enter into a servicing agreement with the appropriate service providers to provide for the installation of underground utility services for the Lands.
51. The Developer and the **Wellington Catholic School Board** shall reach an agreement regarding the supply and erection of signage, at the developer's expense, affixed to the subdivision sign advising potential Separate School supporters of the location of schools serving the area and the current practice of busing students outside the immediate area should schools in the area be at capacity.
52. The Developer agrees to provide the **Upper Grand District School Board** with a digital file of the plan of subdivision in either ARC/INFO export or DXF format containing the following information: parcel fabric and street network.
53. The Developer agrees in the subdivision agreement to **advise all purchasers** of residential units and/or renters of same, by inserting the following clause in all offers of Purchase and Sale/Lease, until such time as a permanent school is assigned:
 - "Whereas the Upper Grand District School Board has designated this subdivision as a Development Area for the purposes of school accommodation, and despite the best efforts of the Upper Grand District School Board, sufficient accommodation may not be available for all anticipated students from the area, you are hereby notified that students may be accommodated in temporary facilities and/or bused to a school outside the area, and further, that students may in future have to be transferred to another school.
54. The Developer and the **Upper Grand District School Board** shall reach an agreement regarding the supply and erection of a sign (at the developer's expense and according to Upper Grand District School Board specifications) affixed to the permanent development sign advising perspective residents that students may be directed to schools outside the neighbourhood.
55. The Developer shall satisfy all requirements and conditions of **Canada Post** including advisories and suitable mailbox locations. The developer shall ensure that the eventual lot/home owner is advised in writing by the developer/subdivider/builder

that Canada Post has selected the municipal easement to their lot for a Community Mail Box installation and the developer shall be responsible for the installation of concrete pads in accordance with the requirements of Canada Post, in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes. The concrete pads are to be poured at the time of curb installation within each phase of the subdivision.

56. That this **Draft Plan Approval shall lapse** on January 12, 2015.
57. That prior to the registration of all or any portion of the plan, the **Wellington Catholic District School Board** shall advise the City in writing how condition 51 has been satisfied.
58. That prior to the registration of all or any portion of the plan, **Upper Grand District School Board** shall advise the City in writing how conditions 52, 53 and 54 have been satisfied.
59. That prior to the registration of all or any portion of the plan, **Guelph Hydro Electric Systems Inc**, shall advise the City in writing how conditions 41 and 48 have been satisfied.
60. That prior to the registration of all or any portion of the plan, Canada Post shall advise the City in writing how condition 55 has been satisfied.

**AMENDMENT NUMBER 1 TO THE
DOWNTOWN GUELPH COMMUNITY IMPROVEMENT PLAN
FOR THE CORPORATION OF THE CITY OF GUELPH**

INDEX

PART A - THE PREAMBLE

The Preamble provides an explanation of the amendment including the purpose, background, location, basis and summary of the policies and public participation, but does not form part of this amendment.

	PAGE
Title and Components	1
Purpose	1
Background	1
Location	2
Basis of the Amendment	2
Summary of Changes to the Downtown Community Improvement Plan.....	3
Public Participation	3

PART B - THE AMENDMENT

The Amendment describes the additions, deletions and/or modifications to Downtown Guelph Community Improvement Plan of the City of Guelph.

	PAGE
Format of the Amendment	5
Implementation and Interpretation... ..	5
Details of the Amendment.....	5
ITEM 1 Amendments to Section 1.0 – “Introduction”.....	5
ITEM 2 Amendments to Section 1.1 – “Purpose”	6
ITEM 3 Amendments to Section 1.2 – “Community Improvement Project Area”.....	7
ITEM 4 Deletion and Replacement of Figure 1 - Section 1.2 – “Downtown Guelph Community Improvement Project Area”	7
ITEM 5 Deletion and Replacement Section 1.3 – “Downtown Opportunities and Challenges..	9
ITEM 6 Amendments to Section 1.4 – “Need for Incentives”.....	10
ITEM 7 Amendments to Section 2.1 – “Planning Act”.....	10
ITEM 8 Amendments to Section 3.1 – “Guelph Official Plan(November 2006 Consolidation)”	10
ITEM 9 Amendments to Section 3.1.1 – Official Plan Amendment No. 39 (November 20, 2009)	11
ITEM 10 New Section 3.1.2 Official Plan Amendments No. 47 (September 6, 2011).....	11
ITEM 11 Deletion of Section 3.4 – “Growth Plan for the Greater Golden Horseshoe (2006).....	11
ITEM 12 Deletion of Section 3.7 – “Local Growth Management Strategy (2008).....	12
ITEM 13 Amendments to Section 4.1.2 – “Objectives”.....	12
ITEM 14 Deletion and Replacement of Section 4.3.1 – “Façade Improvement Grant Program”.....	12
ITEM 15 Deletion and Replacement of Section 4.3.2 – “Feasibility Study Grant Program”....	13
ITEM 16 New Section 4.3.3. – “Minor Downtown Activation Grant Program”.....	14
ITEM 17 New Section 4.3.4. – “Major Downtown Activation Grant Program”.....	15
ITEM 18 Amendments to Section 5.0 – “Implementation”.....	16
ITEM 19 Deletion of Section 5.1 – “Downtown Guelph CIP Review Team”.....	16
ITEM 20 Deletion and Replacement of Figure 2 - “Downtown Program Monitoring”.....	16
ITEM 21 Amendments to Section 5.3 “Plan Amendments”.....	17
ITEM 22 New Section 5.4 – “Program Duration”.....	17

PART A – THE PREAMBLE

The Preamble provides an explanation of the amendment including the purpose, background, location, basis and summary of the policies and public participation, but does not form part of this amendment.

TITLE AND COMPONENTS

This document is entitled Amendment Number 1 to the Downtown Guelph Community Improvement Plan and will be referred to as the 'Amendment.'

Part A – 'The Preamble' provides an explanation of the amendment including the purpose, location, background, summary of the policies and public participation, but does not form part of this amendment.

Part B – 'The Amendment' forms the Amendment to the Downtown Guelph Community Improvement Plan and contains a comprehensive expression of the new, deleted and amended text as illustrated through various font types in the text (e.g. struck-out is to be deleted and bold text is to be added), and Figure 1 – "Community Improvement Project Area" and Figure 2 - "Downtown Program Monitoring" are replaced.

PURPOSE

The purpose of this Amendment is to enlarge the current Downtown Guelph Community Improvement Project Area as identified within the Downtown Guelph Community Improvement Plan in accordance with Section 28 (2) of the Planning Act and the City's Official Plan as amended by Official Plan Amendment 47. A CIP by-law will need to be established for the enlarged CIP Project Area and passed by Council following the adoption of this Amendment. OPA 47, which came into effect on October 26, 2011, established a new, more flexible policy framework.

The Amendment also introduces two incentive-based programs, which will allow the City, pursuant to Section 106 (3) of the Municipal Act, to further enhance its suite of programs delivering increased reinvestment in the downtown under Sections 28 (6), (7) of the Planning Act.

BACKGROUND

The 'Downtown Guelph Community Improvement Plan' (DGCIP) was adopted at the City Council meeting on April 6, 2010. The Facade Improvement Grant Program and Feasibility Study Grant Program are the existing programs outlined in the DGCIP. The two programs were made available in May 2010 and recently completed their second offering for 2011. The delivery of these financial tools in Downtown Guelph has been limited to the existing Downtown CIP Project Area which does not capture the full extent of the Downtown business community.

OPA 47 updates policies regarding community improvement and renewal and allows for the expansion of the Downtown Community Improvement Plan Project Area and related programs to encompass the entire Downtown Urban Growth Centre as set out through OPA 39. OPA 39 was approved by the Province on November 30, 2009 bringing the City's Official Plan into conformity with the planning framework of the Growth Plan for the Greater Golden Horseshoe. The Downtown Urban Growth Centre area will be reflected within this amendment.

The two new incentive-based programs will further enhance the suite of investment tools for Downtown Guelph. The Minor Downtown Activation Grant will provide funds towards eligible private sector expenses spent on the conversion and rehabilitation of under-utilized and vacant properties into viable uses. The definition of under-utilized is unrentable, vacant or nonfunctional space (e.g. continuously vacant for greater than 9 months).

The Major Downtown Activation Grant will support the redevelopment of under-utilized sites to enable larger scale improvements. The TIBG (tax increment based grant) uses the property tax increase (tax increment) generated by a redevelopment project to pay a grant equivalent to a portion or all of the amount of the estimated property tax increase (municipal portion) after the property is redeveloped. The TIBG represents the current tax level of a property - before any redevelopment work - and the future tax level after development is complete and reassessed.

In addition to holding a statutory public meeting prior to adopting the Amendment, the City held two public information meetings on July 27, 2011 and September 19, 2011 for the purpose of giving the public an opportunity to review and ask questions about the Amendment. The Amendment was circulated to the Ministry of Municipal Affairs and Housing (MAH) on July 5, 2011 and the Ministry provided comments within 60 days. It remains for Council to adopt the Amendment following the statutory public meeting on November 7, 2011. A CIP By-law will be enacted for the enlarged Downtown CIP Project Area at a subsequent Council meeting. This Amendment is being undertaken in accordance with Section 28 (2) of the Planning Act.

LOCATION

The text changes made through the Amendment apply to all land within the enlarged CIP Project Area. Figure 1 identifies the Urban Growth Centre as shown in OPA 39 where specific policies and Downtown Guelph Community Improvement Plan programs will apply.

BASIS

Downtown Guelph is intended to serve as a focal point for investment. The policies and objectives contained in the Amendment are based on the key goals and objectives endorsed by Council at its April 6, 2010 meeting where it was agreed the CIP would achieve a number of the City's goals with respect to the Downtown including the ability to increase the downtown contribution to the tax base within the Downtown Guelph Community Improvement Plan.

The existing DGCIP Project Area is based on the Central Business District as defined in schedule 1B of the Official Plan. The Amendment is intended to be consistent with the Official Plan Amendment No. 47 which modified the Official Plan to allow for greater flexibility for CIP Project Areas to be revised without requiring a corresponding Official Plan Amendment. This Amendment expands the Downtown CIP Project Area to be coincident with the UGC identified on schedule 1B of OPA 39, thus allowing the City to further expand its ability to deliver and effectively implement Downtown Guelph CIP programs. The UGC is intended to accommodate the density of 150 people and jobs per hectare and estimates Downtown Guelph will be home to 6,000 more people by 2031.

SUMMARY OF CHANGES TO DOWNTOWN GUELPH CIP

Expansion of Downtown CIP Project Area

Official Plan Amendment No. 39 established an Urban Growth Centre (UGC) in the Downtown Guelph area, in accordance with the Growth Plan policy 2.2.4.2. The UGC is larger than the Central Business District as shown on Schedule 1B of the Official Plan. This area is proposed as the new Downtown Guelph CIP Project Area.

The former boundary contained in By-law (2009)-18704 designated the Downtown as a Community Improvement Project Area pursuant to Section 28(2) of the *Planning Act*. Council adopted the By-law on January 12, 2009 and identified the 2006 Official Plan land use area known as the Central Business District (CBD) within Schedule 5 as the defined area for the Downtown Guelph CIP. OPA 47 deletes Schedule 5, thus allowing the City to designate the entire City, or any part of the City, as a Community Improvement Project Area, without requiring an amendment to the Official Plan.

As stated in OPA 39, the specific boundaries and detailed policies for this area will be developed through the completion of a Downtown Secondary Plan. A future amendment of the Downtown Guelph CIP may be required once the Secondary Plan is formally approved by Council.

Downtown Activation Grant

In addition to the existing incentive programs approved in the Downtown Guelph CIP, the amendment includes the Minor and Major Downtown Activation Grants that would apply to properties within the Downtown Guelph CIP Project Area. The grants cover a range of eligible works including the conversion and/or rehabilitation of existing properties and the large-scale redevelopment of under-utilized and vacant sites within Downtown Guelph.

PUBLIC PARTICIPATION

Public Meeting for Amendment

Two public open houses were held on July 27, 2011 and September 19, 2011 to provide the public with an opportunity to comment and provide input on the proposed changes to the area and additional incentive-based programs in the Community Improvement Plan. Amendment Number 1 to the DGCIP was presented at the November 7, 2011 statutory public meeting of Council to allow the public to make presentations and/or provide Council with written comments on the proposed Amendment.

PUBLIC MEETING NOTICE



Amendment Number 1 to the Downtown Guelph Community Improvement Plan

Community members are invited to a public meeting where Guelph City Council will consider Amendment Number 1 to the Downtown Guelph Community Improvement Plan (DGCIIP).

Monday, November 7

7 p.m.

Council Chambers, City Hall, 1 Carden Street



About Amendment 1 to the Downtown Guelph Community Improvement Plan (DGCIIP)

The purpose of Amendment Number 1 is to enlarge the current Downtown Guelph Community Improvement Project Area as identified within the Downtown Guelph Community Improvement Plan in accordance with Section 28 (2) of the Planning Act and the City's Official Plan as amended by Official Plan Amendment 47.

Two new programs are proposed as part of the amendment. The Major and Minor Downtown Activation Grant programs are designed to activate renovation and redevelopment projects within the DGCIIP area. Copies of the Amendment Number 1 to the Downtown Community Improvement Plan are available online at guelph.ca/downtown.

For more information

Ian Pansbaker, Corporate Manager

Downtown Renewal

T 519-822-1260 x 2475

E ian.pansbaker@guelph.ca

How to provide comments

If you wish to speak to City Council during this meeting, please contact the City Clerk's Office at 519-822-1260 x 5603 or email clerks@guelph.ca by **Wednesday, November 2, 2011** to register as a delegation.

If you are unable to attend the meeting and wish to comment, please send written comments to the City Clerk's Office by **Wednesday, November 2, 2011** to be included in the meeting agenda, or by 12 p.m. on Monday November 7 to be included in the addendum.

City of Guelph

Tina Agnello, Acting City Clerk

City Clerk's Office

1 Carden Street

Guelph ON N1A 3E1

T 519-822-1260 x 5603

E clerks@guelph.ca

Notice Issued on October 13, 2011

PART B – THE AMENDMENT

Format of the Amendment

This section (Part B) of Amendment sets out additions and changes to the text within the Downtown Guelph Community Improvement Plan. Sections of the CIP that are being added or changed are referred to as "ITEMs" in the following description. Entire sections to be deleted are described, however, the text is not shown in ~~strike-out~~. Text to be amended is illustrated by various font types (e.g. ~~struck-out~~ is to be deleted and **bold** text is to be added). New sections being added to the Amendment are shown in standard font type with titles appearing in **bold**. Italicized font indicates defined terms.

Implementation and Interpretation

The implementation of this amendment shall be in accordance with the provisions of Section 28 of the *Planning Act*. The further implementation and associated interpretation of this amendment shall be in accordance with the relevant policies and schedules of the Official Plan update and any other applicable legislation.

Details of the Amendment

ITEM 1: The purpose of 'ITEM 1' is to amend text in Section 1.0 of the Downtown Guelph CIP – 'Introduction' – to reflect key dates and incorporate the Amendment process.

Section 1.0 of the Downtown CIP is hereby amended as follows:

The Downtown Guelph Community Improvement Plan (CIP) is a tool that is intended to stimulate the revitalization of and investment in the Downtown to achieve positive change to the existing physical and social landscape, either through direct public sector investment or through private sector investment including municipally driven incentive-based programs. CIP's are used widely across Ontario, and particularly in downtowns, to focus and initiate change and redevelopment. In accordance with Section 28 of the *Planning Act*, Guelph's Downtown CIP encourages investment in the Downtown by providing for financial incentives that may be applied to eligible properties for purposes that conform to the goals, objectives, and policies of the CIP. Eligible properties must be located within the Downtown Guelph Community Improvement Project Area designated by Council by-law following the approval of the Amendment.

The **2010** Downtown Guelph CIP was prepared in accordance with the statutory requirements of Section 17(15) (a) of the *Planning Act* and had the benefit of a full consultation process. Comments from the Ministry of Municipal Affairs and Housing, Ministry of Culture, and Ministry of Energy and Infrastructure were received and incorporated. **The Amendment to the Downtown Guelph CIP was prepared in accordance with the statutory requirements of Section 17 (15) (a) of the Planning Act and circulated to the Ministry of Municipal Affairs and Housing. Comments were received and incorporated.**

The Downtown Guelph Business Association and the City of Guelph Downtown Coordinating **Advisory** Committee have played an integral and supportive role.

~~An open house, which included a display and presentation of the CIP concepts and proposed programs, was held on May 22, 2008.~~

An open house, which included a presentation of the Amendment of the Downtown CIP, was held on July 27, 2011 and September 19, 2011.

The statutory public meeting required under the *Planning Act* was held on ~~February 12, 2009~~ **November 7, 2011.**

ITEM 2: The purpose of 'ITEM 2' is to amend Section 1.1 of the Downtown Guelph CIP to add text regarding the new CIP programs.

Section 1.1 of the Downtown CIP is hereby amended as follows:

The purpose of this CIP is to revitalize and enhance the Downtown as a focal area for public and private investment. The CIP provides City Council with broader authority to encourage and implement public and private investment in the Downtown. ~~Currently the~~ **The Downtown Guelph CIP focuses on delivering municipal incentive programs to support private sector investment in the form of façade improvement and, feasibility study grants, and larger scale renovation and redevelopment programs called the minor and major downtown activation grants.**

Public Sector Investment

The passage of a by-law designating the Downtown as a community improvement project area and the CIP provides the City with the ability to become more directly involved in the redevelopment of land within the Downtown for the purpose of community improvement, including:

- the acquisition or preparation of property for community improvement;
- construction, rehabilitation or improvement of buildings on land held by the City; and
- the sale, lease or disposal of land and buildings held by the City for the purpose of carrying out the CIP.

Private Sector Investment

In order to stimulate private investment, the CIP provides for financial incentive programs that will make grants or loans available to Downtown properties to:

- improve the appearance of streetscapes and buildings, including built cultural heritage resources, through facades improvements; promote sustainable development including energy efficiency through façade improvements; undertake feasibility studies;
- **provide assistance for under-utilized or vacant properties; and/or**
- **encourage large-scale commercial and residential redevelopment to promote the intensification of Downtown Guelph.**

ITEM 3: The purpose of 'ITEM 3' is to delete the last two paragraphs in Section 1.2 of the Downtown Guelph Community Improvement Plan – 'Community Improvement Project Area' and add a reference to the Urban Growth Centre area as set out through OPA 39.

Section 1.2 of the Downtown CIP is hereby amended as follows:

The revised Community Improvement Project Area, as shown in Figure 1, is based on the Downtown Guelph Urban Growth Centre set out in OPA 39. Properties that straddle the CIP Project Area boundary are considered to be entirely within the Community Improvement Project Area. A CIP By-law must be passed by Council to expand the CIP Project Area.

The CIP By-law designating the Downtown, as shown on Figure 1, as a Community Improvement Project Area pursuant to Section 28(2) of the *Planning Act* will be enacted at a subsequent Council meeting following the adoption of Amendment 1 to the DGCIP.

However, once the area for Downtown Guelph is refined through the current Secondary Planning process, the Official Plan, CIP by-law, and this CIP will be amended to reflect the new boundary.

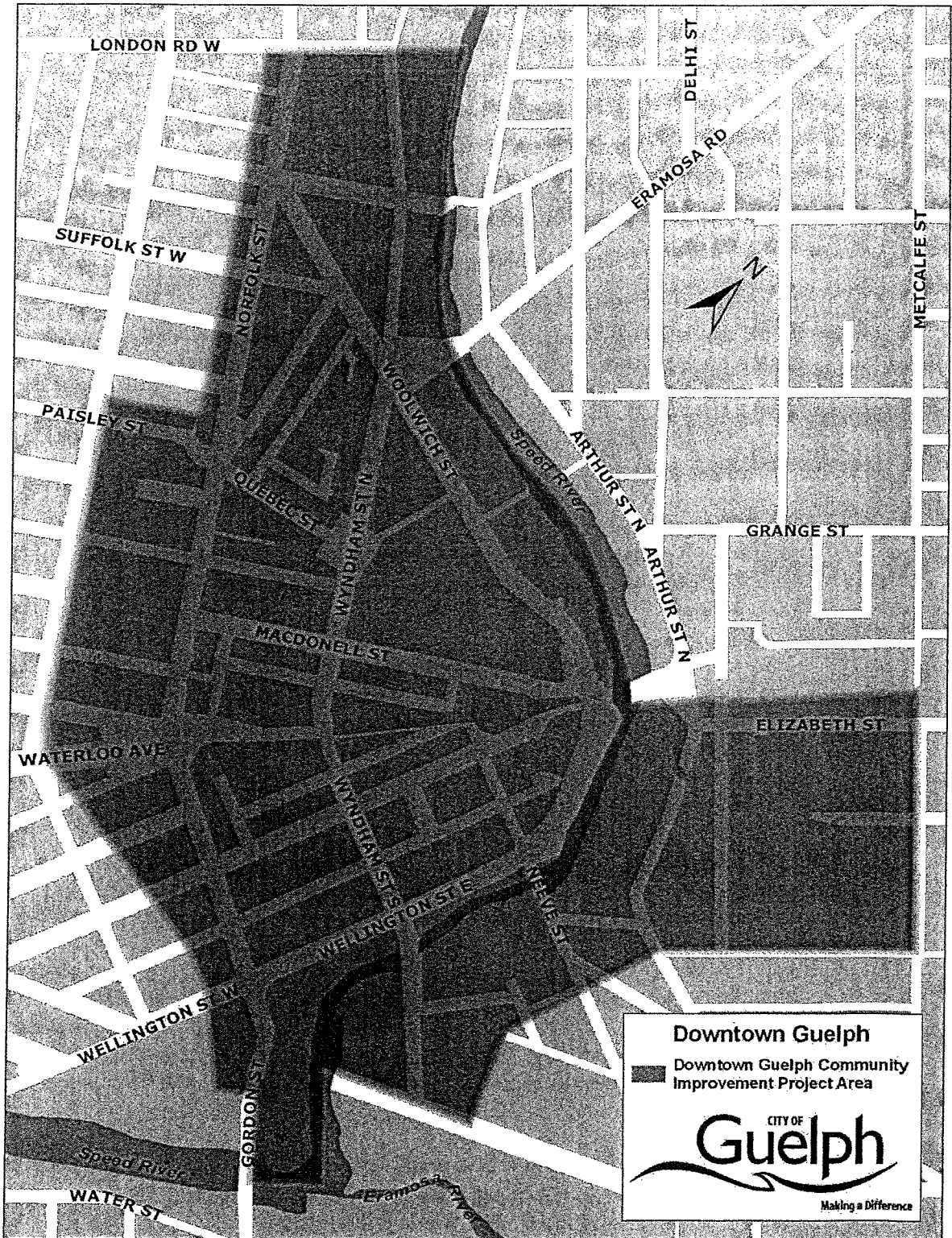
~~"On January 12, 2009 Council adopted By law (2009) 18704 designating the Downtown, as shown on Figure 1, as a Community Improvement Project Area pursuant to Section 28(2) of the *Planning Act*.~~

~~The Official Plan (2006) identifies the Central Business District (CBD) as a community improvement priority. The Community Improvement Project Area identified on Figure 1 applies to the area as identified in the Official Plan. However, once the boundary for Downtown Guelph is refined through the current Secondary Planning process, the Official Plan, CIP by law, and this CIP will be amended to reflect the new boundary.~~

ITEM 4: The purpose of 'ITEM 4' is to delete and replace existing Figure 1: Downtown Guelph Community Improvement Project Area.

Figure 1, entitled 'Downtown Guelph Community Improvement Project Area' is hereby deleted and replaced with the following figure:

Figure 1: 2011 Downtown Guelph Community Improvement Project Area



ITEM 5: The purpose of 'ITEM 5' is to delete and replace section 1.3 – Downtown Opportunities and Challenges.

Section 1.3 of the Downtown CIP is hereby deleted and replaced with the following text:

1.3 Downtown Opportunities and Challenges

The Downtown has been the economic and cultural centre of Guelph since its establishment in 1827. It is the focus of a broad range of public and private uses that make the Downtown the civic, cultural, social and economic centre of the City.

Downtown Guelph Community Improvement Project Area supports a broad mix of uses within a 119 hectare area with an estimated 3750 people and 7200 jobs. The area consists of 675 parcels in the downtown with 466 of them considered cultural heritage resources (69%) of which 33 are formally designated under the *Ontario Heritage Act*.

The City of Guelph is committed to a healthy and vibrant downtown as a desirable place for people to live, work, conduct business, engage in civic and social activities, and pursue cultural and recreational interests. This commitment is evidenced through public investment in community facilities such as the, Farmer's Market, River Run Centre, library, museum, transit terminal, Civic Square projects and City Hall, and major infrastructure investment in roads, bike lanes, sidewalks, and parking.

The health and vitality of a downtown is also measured by its desirability as a place to live as well as do business. However, the Downtown has not seen the necessary growth in residential population needed to maintain this vitality. While the City wide population grew by 8.2% between 2001 and 2006, the residential population base Downtown declined by over 6% and the number of dwellings by almost 5%.

The revitalization of the Downtown, however, will also require the complementary participation of the private-sector, through the reinvestment and establishment and expansion of new office and retail businesses and the development of new residential projects.

The purpose of this Plan is to attract more public and private sector investment to help ensure the long-term economic, social and cultural vitality of Downtown Guelph. To achieve this, the City is committed to taking a role in stimulating Downtown investment to attract private development and redevelopment in Downtown Guelph.

During the development of the Downtown Guelph Community Improvement Plan and Amendment, the public requested the City to consider:

- Waiving or reducing development charges;
- Enlarging the size of the project area;

- Examining neighboring municipalities and their CIPs; and
- Finding effective methods to jump start projects.

In addition, the infusion of additional residential development is critical to the health of a downtown. The establishment of a CIP is critical if the Official Plan objectives & policies of the Downtown Urban Growth Centre, as set out through OPA 39 are to be achieved.

A Secondary Plan is currently underway for the Downtown to help meet this growth challenge. Once this Secondary Plan is adopted by Council and has come into effect, it may provide additional policy guidance regarding the implementation of this CIP.

ITEM 6: The purpose of 'ITEM 6' is to add text to the second paragraph in Section 1.4 – Need for Incentives – and delete third paragraph.

Section 1.4 of the Downtown CIP is hereby amended as follows:

Redevelopment and revitalization of existing buildings can be costly. Municipal assistance in offsetting these costs may include granting back fees, sponsoring feasibility studies as well as providing financial incentives for façade improvements, **and minor renovation and rehabilitation projects. Funding larger scale redevelopment through tax increment based grants addresses properties that are either vacant and/or under-utilized.**

~~From a municipal financial perspective, development in the downtown is cost effective because services, such as transit, emergency and other services are readily available. Hard services such as water and sanitary services are also in place, although updating may be required.~~

ITEM 7: The purpose of 'ITEM 7' is to add the last paragraph in Section 2.1 – Planning Act – to address the maximum amount of eligible costs.

Section 2.1 of the Downtown CIP is hereby amended as follows:

The total of all grants, loans and tax assistance provided through all financial incentive community improvement programs cannot exceed the cost of rehabilitating the lands and buildings (Section 28(7.3) of the Planning Act). Programs within the CIP further refine levels of assistance.

ITEM 8: The purpose of 'ITEM 8' is to delete the reference to the Central Business District in Section 3.1 – Guelph Official Plan.

Section 3.1 of the Downtown CIP is hereby amended as follows:

The Official Plan sets out a vision statement that promotes the Downtown as a beautiful, vibrant, multiple-functional urban centre that is a focal area for investment, employment and housing. ~~The Plan promotes the Central Business District (CBD) as the community's civic, cultural, social and economic centre with a high concentration of activities and land uses developed in concert with excellent quality design standards.~~

ITEM 9: The purpose of 'ITEM 9' is to amend section 3.1.1 – Official Plan Amendment No. 39 (November 20, 2009) to highlight the role of the Growth Plan for the Greater Golden Horseshoe.

Section 3.1.1 is here amended as follows:

Official Plan Amendment No. 39 was adopted by Council on June 10, 2009 and approved by the Province on November 20, 2009, to bring the City's Official Plan into conformity with the planning framework of the Growth Plan for the Greater Golden Horseshoe. **The Growth Plan identified the need for investment in order to accommodate a significant share of population and employment growth. City Council adopted a Local Growth Management Strategy in 2008 recognizing the need for increased Downtown density to better balance the ratio of residents to jobs. OPA 39** ~~The Amendment added a new Schedule to the Official Plan which illustrates growth plan elements including an Urban Growth Centre (UGC). The Urban Growth Centre represents an expanded downtown area that is currently the subject of a Secondary Plan study. The actual boundaries of the UGC may be further detailed expanded downtown area will be determined through the Downtown Secondary Plan, and ultimately incorporated into the Official Plan through a subsequent amendment.~~ **The boundaries of the UGC may be further detailed through the Downtown Secondary Plan.**

ITEM 10: The purpose of 'ITEM 10' is to add a new section 3.1.2 Official Plan Amendment No. 47 (September 6, 2011).

Section 3.1.2 entitled "Official Plan Amendment No. 47" is added to the Downtown CIP as follows:

3.1.2 Official Plan Amendment No. 47 (September 6, 2011)

Official Plan Amendment No. 47 was adopted by Council on September 6, 2011. OPA 47 allows for the DGCIP to expand the community improvement project area to encompass all lands within the larger Downtown Urban Growth Centre as set out by the City's Growth Plan Conformity Amendment Official Plan Amendment 39. This allows landowners within the expanded area to benefit from the CIP financial incentive programs. The DGCIP Project Area incorporates the City's OPA39 Growth Plan Conformity shape for the Urban Growth Centre (UGC), approved by the Province on November 20, 2009. The UGC area is larger, includes both sides of streets and includes the areas of the Ward which are now part of the Downtown Secondary Plan process. DGCIP will continue to recognize that further refinements to the area may come about as a result of the detailed planning studies, including the Downtown Secondary Plan.

ITEM 11: The purpose of 'ITEM 11' is to delete section 3.4 – Growth Plan for the Greater Golden Horseshoe (2006) given that OPA 39 implements the Growth Plan.

Section 3.4 is hereby deleted in its entirety.

ITEM 12: The purpose of 'ITEM 12' is to delete section 3.7 – Local Growth Management Strategy (2008).

Section 3.7 is hereby deleted in its entirety.

ITEM 13: The purpose of 'ITEM 13' is to amend the objectives in Section 4.1.2 – Objectives - in the Downtown Guelph CIP.

Section 4.1.2 is hereby amended as follows:

The objectives of the CIP for Guelph's downtown are:

- a) Providing for public sector investment.
- b) Stimulating private sector investment.
- c) Improving the appearance of the Downtown streetscape and buildings, including built cultural heritage resources, through façade improvements.
- d) Promoting the renovation and reuse of underused properties.
- e) Promoting sustainable development including energy efficiency through façade improvements **and district energy ready design.**

ITEM 14: The purpose of 'ITEM 14' is to delete and replace section 4.3.1. Façade Improvement Grant Program in its entirety.

Section 4.3.1 is hereby deleted and replaced with the following:

4.3.1 Façade Improvement Grant Program

4.3.1.1 Purpose

The purpose of the Façade Improvement Grant Program is to stimulate reinvestment in the Downtown and to improve the appearance of the Downtown streetscape and buildings, including built heritage resources, as defined by the Official Plan. This Program will leverage public sector investment by providing a grant towards eligible private sector expenses spent on façade improvements. It is understood that independent businesses are the basis of the economic vitality of Downtown Guelph. The Façade Improvement Grant Program will encourage long lasting physical improvements to the assets of property owners as well as bring about aesthetic improvements to Downtown street facades.

4.3.1.2 Program Overview

The program will assist property owners and tenants with the financing of street-oriented building façade improvements to implement the City's urban design and heritage conservation policies, and support the significant public investment taking place in Downtown Guelph. The program provides a financial incentive, in the form of a grant, to promote exterior façade restoration and improvements. Additional program details are further described in the Implementation Guidelines.

4.3.1.3 Eligibility

To be eligible for the Façade Improvement Grant, applicants must be:

- the property's registered owner, assessed owner or tenant (or their assignee/agent); and
- located within the Downtown Guelph Community Improvement Project Area, as shown on Figure 1.

Additional eligibility criteria and eligible works are subject to meeting detailed requirements in the Implementation Guidelines.

4.3.1.4 Funding

Funding and financial mechanisms will be established on the basis of the Implementation Guidelines through the budget process, subject to Council or delegated approval authority.

4.3.1.5 Implementation

The program will be implemented through Council approval of detailed Implementation Guidelines and budget allocation. The guidelines will outline details such as eligibility, evaluation, application procedure, conditions, restrictions, and any further funding limitations or concerns.

ITEM 15: The purpose of 'ITEM 15' is to delete and replace section 4.3.2. Feasibility Study Grant Program in its entirety.

Section 4.3.2 is hereby deleted and replaced with the following:

4.3.2 Feasibility Study Grant Program

4.3.2.1 Purpose

The intent of this program is to stimulate private sector investment in the renovation and reuse of underused buildings within Downtown Guelph. The Grant will assist in determining the feasibility of the renovation and reuse of existing buildings in the Downtown Guelph Community Improvement Project Area. Potential proponents hesitate to take on these projects as costs associated with the renovation and reuses of these buildings are difficult to estimate due to many unknown factors. This grant allows property owners to determine if building renovations or upgrades are physically or financially feasible.

4.3.2.2 Program Overview

The program will assist property owners and tenants with the financing of feasibility studies to promote redevelopment opportunities for under-utilized building stock within Downtown Guelph. It will support studies required to obtain information and cost estimates related to rehabilitating, retrofitting and reusing buildings and land within the Downtown Guelph Community Improvement Plan Project area. Additional program details are further described in the Implementation Guidelines.

4.3.2.3 Eligibility

To be eligible for the Feasibility Study Grant, applicants must be:

- the property's registered owner, assessed owner or tenant (or their assignee/agent); and
- located within the Downtown Guelph Community Improvement Project Area, as shown on Figure 1.

Additional eligibility criteria and eligible works are subject to meeting detailed requirements in the Implementation Guidelines.

4.3.2.4 Funding

Funding and financial mechanisms will be established on the basis of the Implementation Guidelines through the budget process, subject to Council or delegated approval authority.

4.3.2.5 Implementation

The program will be implemented through Council approval of detailed Implementation Guidelines and budget allocation. The guidelines will outline details such as eligibility, evaluation, application procedure, conditions, restrictions, and any further funding limitations or concerns.

ITEM 16: The purpose of 'ITEM 16' is to add a new section into the Downtown Guelph Community Improvement Plan, titled 'Minor Downtown Activation Grant.'

Section 4.3.3 entitled "Minor Downtown Activation Grant' is added to the Downtown CIP as follows:

4.3.3 Minor Downtown Activation Grant Program

4.3.3.1 Purpose

The intent of this program is to support the redevelopment of under-utilized and vacant properties in order to activate these properties within the Downtown Guelph Community Improvement Plan Area. The Minor Downtown Activation Grant assists with the capital costs needed to convert and/or rehabilitate under-utilized and vacant properties into viable commercial or residential uses. This program will help create more intensity of uses in Downtown Guelph and support retail and street vibrancy.

4.3.3.2 Program Overview

The Minor Downtown Activation Grant will provide developers and property owners with financial support to convert and/or rehabilitate under-utilized and vacant properties into viable commercial or residential uses. This program provides funding for capital costs including project and construction costs and other works as determined in the Implementation Guidelines.

4.3.3.3 Eligibility

To be eligible, applicants for the Minor Downtown Activation Grant must be:

- a registered owner or assessed owner (or their assignee/agent) of a property; and

- located within the Downtown Guelph Community Improvement Project Area, as shown on Figure 1.
- Additional eligibility criteria and eligible works are subject to meeting detailed requirements in the Implementation Guidelines.

4.3.3.4 Funding

Funding and financial mechanisms will be established on the basis of the Implementation Guidelines through the budget process, subject to Council or delegated approval authority.

4.3.3.5 Implementation

The program will be implemented through Council approval of detailed Implementation Guidelines and budget allocation. The guidelines will outline details such as eligibility, evaluation, application procedure, conditions, restrictions, and any further funding limitations or concerns.

ITEM 17: The purpose of 'ITEM 17' is to add a new section into the Downtown Guelph Community Improvement Plan, titled 'Major Downtown Activation Grant.'

Section 4.3.4 entitled "Major Downtown Activation Grant' is added to the Downtown CIP as follows:

4.3.4 MAJOR DOWNTOWN ACTIVATION GRANT PROGRAM

4.3.4.1 Purpose

The intent of this program is to support the redevelopment of under-utilized and vacant sites and activate these properties within the Downtown Guelph Community Improvement Plan Area. The Major Downtown Activation Grant encourages owners/developers to undertake large-scale residential and commercial redevelopment within Downtown Guelph.

4.3.4.2 Program Overview

The program will support the redevelopment of under-utilized and vacant sites and enable larger scale improvements to significantly increase the business and residential tax base. The grant will be in the form of a tax increment based grant which is a grant equal to the full amount, or a portion of the amount of the estimated municipal property tax increase after the property is redeveloped. The TIBG represents between the current tax level of a property - before any redevelopment work - and the future tax level after development is complete and reassessed. Additional program details are further described in the Implementation Guidelines.

4.3.4.3 Eligibility

To be eligible for the Major Downtown Activation Grant, an applicant must be:

- a registered owner or assessed owner (or their assignee/agent) of a property; and
- located within the Downtown Guelph Community Improvement Project Area, as shown on Figure 1.

Additional eligibility criteria and eligible works are subject to meeting detailed requirements in the Implementation Guidelines.

4.3.4.4 Funding

Funding and financial mechanisms will be established on the basis of the Implementation Guidelines through the budget process, subject to Council or delegated approval authority.

4.3.4.5 Implementation

The program will be implemented through the approval of Council of detailed Implementation Guidelines and budget allocation. The guidelines will outline details such as eligibility, evaluation, application procedure, conditions, restrictions, and any further funding limitations or concerns.

This program will be coordinated with existing and future grants secured through the City's Heritage Redevelopment Reserve or the Brownfield Redevelopment CIP Programs. Further details are described in the Implementation Guidelines.

ITEM 18: The purpose of 'ITEM 18' is to amend Section 5.0 Implementation. This section will introduce the role of the Implementation Guidelines for the Downtown CIP Programs.

Section 5.0 is amended as follows:

This Plan will be implemented through the provisions of the Official Plan, Section 106 of the Municipal Act and Section 28 of the Planning Act. The implementation of the CIP ~~will be guided by the goals, objectives, and program provisions contained in Section 4 of this Plan.~~ **will be outlined in the Implementation Guidelines, as approved by Council.**

~~The Downtown Economic Development Manager in consultation with the Downtown Guelph CIP Review Team and various city staff, as required, will administer the Downtown Guelph CIP and bring applications for grants forward for consideration and approval by Council or its delegate.~~

The Plan will be administered by the Downtown Renewal Office. Additional information including review and approval process will be described in the Implementation Guidelines.

ITEM 19: **The purpose of 'ITEM 19' is to delete Section 5.1 – Downtown Guelph CIP Review Team.**

Section 5.1 is hereby deleted in its entirety.

ITEM 20: The purpose of 'ITEM 20' is to replace existing Figure 2 with the following Figure 2 that includes the new downtown CIP programs.

Figure 2, entitled 'Downtown Program Monitoring' is hereby deleted and replaced with the following figure:

Figure 2: Downtown Program Monitoring

Program	Measures
Façade Improvement Grant	<ul style="list-style-type: none"> • Number of applications • Total financial cost of grants • Type and cost of façade improvements approved • Type and cost of façade improvements not approved and reason(s) for refusal • Increase in assessed value of approved properties • Increase in municipal taxes of approved properties • Participant satisfaction levels with program
Feasibility Study Grant	<ul style="list-style-type: none"> • Number of applications • Total financial cost of grants • Type and cost of feasibility study grant • Type and cost of façade improvements not approved and reason(s) for refusal • Number of properties that proceed on work studied • Total cost of work done based on feasibility study • Increase in assessed value of approved properties • Increase in municipal taxes of approved properties • Participant satisfaction levels with program
Minor & Major Downtown Activation Grant	<ul style="list-style-type: none"> • Number of applications • Total financial cost of grants • Type and cost of major and minor downtown activation grants approved • Type and cost of major and minor downtown activation grants not approved and reason(s) for refusal • Increase in assessed value of approved properties • Increase in municipal taxes of approved properties • Participant satisfaction levels with program

ITEM 21: The purpose of 'ITEM 21' is to add one sentence to the end of Section 5.3 Plan Amendments.

Section 5.3 is amended as follows:

Any changes located within the Implementation Guidelines, are subject to Council approval or the delegated approval authority.

ITEM 22: The purpose of 'ITEM 22' is to add a new section into the Downtown Guelph Community Improvement Plan, titled 'Program Duration.'

Section 5.4 entitled "Program Duration" is added to the Downtown CIP as follows:

The program duration will be outlined within the Implementation Guidelines.