

Committee of the Whole Meeting Agenda

Monday, January 14, 2019 – 1:30 p.m.
Council Chambers, Guelph City Hall, 1 Carden Street

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Call to Order – Mayor

Disclosure of Pecuniary Interest and General Nature Thereof

Authority to move into Closed Meeting

That the Council of the City of Guelph now hold a meeting that is closed to the public, pursuant to The Municipal Act, to consider:

- | | |
|--------------------|---|
| IDE-2019-12 | Water Services Operational Plan Endorsement (Section 8)
Section 239 2(a) of the Municipal Act relating to the security of city property. |
| IDE-2019-04 | Hanlon Creek Business Park Phase I – Updated Development Strategy and Financials
Section 239 2(c) of the Municipal Act relating to a proposed or pending acquisition or disposition of land by the municipality or local board. |

Open Meeting - 2:00 p.m.

Mayor in the Chair

Closed Meeting Summary

Staff Recognitions

1. Municipal Law Enforcement Officer Certified Designation
Jennifer Jacobi, Zoning Inspector/Legal Process Coordinator

2. Voting Member of the Radon Mitigation Committee for the Canadian General Standards Board (CGSB), Government of Canada
Appointment of Nicholas Rosenberg, Building Inspector III
 3. Association of Municipal Managers, Clerks and Treasurers of Ontario
Executive Diploma in Municipal Management
Antti Vilkkko, General Manager, Facilities Management
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Ten-Minute Break for Service Area Change

Consent Agenda – Infrastructure, Development and Enterprise

Chair – Councillor Gibson

The following resolutions have been prepared to facilitate Council's consideration of various matters and are suggested for consideration. If Council wishes to address a specific report in isolation of the Consent Agenda, please identify the item. It will be extracted and dealt with separately as part of the Items for Discussion.

IDE-2019-11 Water Services Operational Plan Endorsement

Recommendation:

That City Council endorse the Water Services Operational Plan, as required as part of the Ontario Municipal Drinking Water Licencing Program.

IDE-2019-03 Farm Barn at 2093 Gordon Street – Proposed Removal from Municipal Register of Cultural Heritage Properties

Recommendation:

That Council approve the removal of all references to 2093 Gordon Street from the Municipal Register of Cultural Heritage Properties as presented in report IDE-2019-03.

IDE-2019-05 Sign By-law Variances – 160 Chancellors Way

Recommendation:

1. That the request for variances from Section 2(2) and Section 7(1)(f) of the City of Guelph Sign By-law (1996)-15245, as amended, to permit one (1) illuminated freestanding sign with a sign face area of .77m² and a height of 1.77m above the adjacent roadway within a 7m by 5m driveway sightline triangle at west driveway of 160 Chancellors Way, be approved.
2. That the request for variances from Section 2(2) and Section 7(1)(f) of the City of Guelph Sign By-law (1996)-15245, as amended, to permit one (1) illuminated freestanding sign with a sign face area 3.79m² (changeable copy of 1.08m²) with a height of 2.6m above the adjacent roadway at 160 Chancellors Way, be approved.

3. That the request for variances from Section 2(2) and Section 7(1)(f) of the City of Guelph Sign By-law (1996)-15245, as amended, to permit one (1) illuminated freestanding sign with a sign face area of .77m² and a height of 1.83m above the adjacent roadway within a 7m by 5m driveway sightline triangle at east driveway of 160 Chancellors Way, be approved.

IDE-2019-06

Sign By-law Variances – 32 Clair Road East

Recommendation:

1. That the request for variances from Table 2, Row 1 of Sign By-law Number (1996)-15245, as amended, to permit one (1) illuminated freestanding with a sign face area of 6.99m² to be located 1m away from an adjacent property line at 32 Clair Road East, be approved.
2. That the request for a variance from Table 1, Row 6 of Sign By-law Number (1996)-15245, as amended, to permit one (1) illuminated building sign with a sign face area of 3.5m² to be located on the first storey of a building face fronting an adjacent property at a distance of .82m from the property line at 32 Clair Road East, be approved.

Items for Discussion – Infrastructure, Development and Enterprise

The following items have been extracted from Consent Agenda and will be considered separately. These items have been extracted either at the request of a member of Council or because they include a presentation and/or delegations.

IDE-2019-01

Comprehensive Zoning Bylaw Review – Project Initiation

Presentation:

Natalie Goss, Project Manager, Comprehensive Zoning Bylaw Review

Recommendation:

That the Comprehensive Zoning Bylaw Review project charter attached to Infrastructure, Development and enterprise Services Report (IDE-2019-01), dated Monday, January 14, 2019 be approved.

IDE-2019-13

Red Light Camera Program Review

Presentation:

Steve Anderson, Supervisor, Traffic Engineering

Recommendation:

1. That staff be directed to formalize a Community Road Safety Program that includes mitigation measures to reduce the likelihood of frequent traffic infractions as well as red light violations and that funding support for this program be referred to in the 2019 budget process.
2. That the City of Guelph not proceed with implementation of the Red Light Camera program at this time.

Bill 66, Restoring Ontario's Competitiveness – City of Guelph Response**Presentation:**

Melissa Bauman, Senior Policy Advisor, Policy and Intergovernmental Relations

Report to be included as part of the consolidated agenda.

Service Area Chair and Staff Announcements

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

Ten-Minute Break for Service Area Change

Items for Discussion – Public Services**Chair – Councillor Hofland**

The following items have been extracted from Consent Agenda and will be considered separately. These items have been extracted either at the request of a member of Council or because they include a presentation and/or delegations.

PS-2019-01 Parkland Dedication By-law Review**Presentation:**

Luke Jefferson, Manager, Open Space Planning
Jyoti Pathak, Park Planner

Correspondence:

Susan Watson

Recommendation:

That Council approve the proposed parkland dedication bylaw included as ATT-1 to Report # PS-2019-01 dated January 14, 2019.

Service Area Chair and Staff Announcements

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

Adjournment

To **Committee of the Whole**

Service Area Infrastructure, Development and Enterprise Services

Date Monday, January 14, 2019

Subject **Water Services Operational Plan Endorsement**

Report Number IDE-2019-11

Recommendation

That City Council endorse the Water Services Operational Plan, as required as part of the Ontario Municipal Drinking Water Licencing Program.

Executive Summary

Purpose of Report

To obtain Council's endorsement of the Water Services' Operational Plan (OP), as required under the *Safe Drinking Water Act (2002)*. The OP is the written documentation that confirms that the Water Services' quality management system meets the requirements of the Drinking Water Quality Management Standard (DWQMS), which is legislated to be completed under the *Safe Drinking Water Act*.

The OP is a document that provides an understanding of the drinking water systems, the responsibilities of both the Owner and the Operating Authority of the systems, and a commitment to the provision of safe drinking water. The OP enables the City of Guelph to continue to plan, implement, check, and continually improve its systems, thereby ensuring ongoing confidence and security in the drinking water systems.

The OP was first endorsed by Council in 2009 and requires periodic re-endorsement within one year of appointment of each new term of council, when significant changes to the OP have been made, or when renewing the Municipal Drinking Water Licence.

Key Findings

Water Services as an operating authority has been accredited to the DWQMS since 2009. Accreditation is the verification by a third-party accreditation body that an operating authority has a quality management system in place that meets the requirements of the DWQMS as required by the *Safe Drinking Water Act*. By achieving and maintaining accreditation, Water Services has demonstrated that they have an effective drinking water quality management system and are committed to the provision of safe drinking water, sound operational practices, and

continual improvement of the programs and processes that affect the drinking water system.

Financial Implications

All financial implications related to developing and implementing the Operational Plan are accounted for in the Council approved 2018 and proposed 2019 Water Services Non Tax Operating and Capital Budgets as well as the 2014 Water and Wastewater Long-Range Financial Plan. This Financial Plan is currently being updated and will be presented to council for endorsement in March 2019.

Report

In response to Justice O'Connor's recommendations made in the **Report of the Walkerton Inquiry** in 2002, the Municipal Drinking Water Licensing (MDWL) Program was established under the *Safe Drinking Water Act (2002)*. The Municipal Drinking Water Licence (MDWL) is an approval to operate a municipal drinking water system. All municipal residential systems must be licensed under the Municipal Drinking Water Licensing Program. Licences are valid for 5 years as long as Water Services:

- Maintains their status as an accredited operating authority to the Drinking Water Quality Management Standard (DWQMS), including having the operational plan endorsed by municipal council,
- Prepares a financial plan and has it approved by municipal council,
- Has valid permits to take water, and
- Operates the drinking water system according to the conditions in the licence.

Water Services' is currently in the process of renewing their Municipal Drinking Water Licence, which expires on August 17, 2019.

As one aspect of the MDWLP, Operating Authorities must be accredited to the Drinking Water Quality Management Standard (DWQMS), version 2.0. The DWQMS was released in 2006 and updated in 2017 and is the standard upon which drinking water system operational plans are developed and operating authorities are accredited. It is legislated under the *Safe Drinking Water Act (2002)*. The requirements of the DWQMS, when implemented, assist owners and operators of municipal drinking water systems to develop sound operational procedures and controls.

The DWQMS approach emphasizes the importance of:

- A proactive and preventative approach to management strategies that identify and manage risks to public health,
- Establishing and documenting management procedures,
- Clearly identifying roles and responsibilities,
- Continual improvement of the management system.

The Operational Plan is made up of 21 sections that mirror the 21 Elements of the DWQMS. The 21 DWQMS Elements are:

1. Quality Management System

2. Quality Management System Policy
3. Commitment and Endorsement
4. QMS Representative
5. Document and Records Control
6. Drinking Water System
7. Risk Assessment
8. Risk Assessment Outcome (included in the closed council report)
9. Organizational Structure, Roles, Responsibilities and Authorities
10. Competencies
11. Personnel Coverage
12. Communications
13. Essential Supplies and Services
14. Review and Provision of Infrastructure
15. Infrastructure Maintenance, Rehabilitation and Renewal
16. Sampling, Testing and Monitoring
17. Measurement and Recording Equipment Calibration and Maintenance
18. Emergency Management
19. Internal Audits
20. Management Review
21. Continual Improvement

Water Services' Operational Plan is the written documentation of the quality management system developed to meet the requirements of the Drinking Water Quality Management Standard (DWQMS). The operating authority (Water Services) must receive the owner's (City Council) written endorsement of the drinking water system's operational plan as part of the Municipal Drinking Water Licence Renewal Program within one year of a new council or in cases where there have been significant updates to the Operational Plan.

Financial Implications

All financial implications related to development and implementation of the Operational Plan are accounted for in the Council approved 2018 Water Services Non Tax Operating and Capital Budgets and the 2014 Water and Wastewater Long-Range Financial Plan. The Water and Wastewater Long-Range Financial Plan is currently being updated and will be presented to council for endorsement in March 2019.

Consultations

Collaboration and feedback from Water Services staff (Water Services' senior management, supervisors, compliance, conformance, technicians, coordinators and operators) was requested on the contents of the Operational Plan. Corporate Communications and Engineering staff were also consulted. Their comments and feedback have been incorporated into the Operational Plan.

Corporate Administrative Plan

Overarching Goals

Service Excellence

Service Area Operational Work Plans

Our Services - Municipal services that make lives better

Our People- Building a great community together

Our Resources - A solid foundation for a growing city

Attachments

ATT-1 <https://guelph.ca/wp-content/uploads/Guelph-Water-Services-Operational-Plan.pdf>

Departmental Approval

Wayne Galliher

Division Manager, Water Services

Report Author

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Approved By

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Staff Report



To **Committee of the Whole**

Service Area Infrastructure, Development and Enterprise Services

Date Monday, January 14, 2019

Subject Farm Barn at 2093 Gordon Street – Proposed Removal from Municipal Register of Cultural Heritage Properties

Report Number IDE-2019-03

Recommendation

That Council approve the removal of all references to 2093 Gordon Street from the Municipal Register of Cultural Heritage Properties as presented in report IDE -2019-03.

Executive Summary

Purpose of Report

To respond to the proponent’s Heritage Review application for Council to consider the proposed removal of the Weir farm barn at 2093 Gordon Street from the *Municipal Register of Cultural Heritage Properties*.

Key Findings

- A Cultural Heritage Resource Impact Assessment has determined that the bank barn building has cultural heritage value.
- An engineer’s structural assessment has concluded that the subject barn building in its present condition is unsafe, is vulnerable to collapse during a high wind event, and as the lateral load resisting system is badly compromised it is not reliable for long term performance without significant rehabilitation. The significant lean of the barn must be corrected and this can only be accomplished by disassembly and re-construction.
- As a result of the above, Heritage Guelph and City Planning Services staff support removal of the barn from the *Municipal Register of Cultural Heritage Properties* subject to certain conditions regarding documentation and study of potential re-use of materials.

Financial Implications

None

Report

Background

The subject property, 2093 Gordon Street, has been listed as a non-designated property on the City of Guelph's Municipal Register of Cultural Heritage Properties as it contains what is known as the Weir farm barn, an 1870s bank barn of cultural heritage value. See Attachment 1 for subject property location and to see the current record of the property in the heritage register.

The proponent in this Heritage Review Application for removal of 2093 Gordon Street from the Municipal Register of Cultural Heritage Properties is 2093 Gordon Street Inc. and GWD Developments.

A Cultural Heritage Resource Impact Assessment (CHRIA) (See Attachment 3), was conducted by Stantec Limited (now dated December 3, 2018) and submitted to Heritage Planning staff before being presented by the proponent to Heritage Guelph at their meeting of November 12, 2018. The CHRIA report includes a detailed description of the cultural heritage value of the Weir farm barn and property and MTE Consultants Limited's structural engineering assessment of the barn building. At the meeting Heritage Guelph passed the following resolutions:

"That while Heritage Guelph supports the retention of built heritage resources, Heritage Guelph does not recommend that Council protect the Weir barn at 2093 Gordon Street through individual designation under section 29, Part IV of the Ontario Heritage Act; and
That Heritage Guelph recommends that Council approve the proponent's Heritage Review Application for removal of 2093 Gordon Street from the Municipal Register of Cultural Heritage Properties; and
That the property owner and applicant be required to develop and implement a strategy, at their cost and to the satisfaction of City staff, that satisfies the following cultural heritage conditions:

- that the Weir barn and its interior framing be completely documented through measured drawings and photographs (before and during disassembly); and
- that all salvageable wood members (e.g. beams, posts or cladding) and the foundation stone be retained and appropriately stored for future study of potential reuse in situ or within a future proposed development of the subject property."

The Senior Heritage Planner supports the determination of cultural heritage value of the Weir barn at 2093 Gordon Street as described in the Cultural Heritage Resource Impact Assessment (CHRIA) by Stantec Consulting Limited (dated December 3, 2018). It is clear that the Weir barn is one of few remaining heavy timber bank barns in the city and that the building has design or physical value as a representative example of a mid to late-19th century Ontario vernacular barn of heavy timber, post and beam, mortise and tenon construction methods.

The recommendations in the Barn Structural Review by MTE Consultants Inc. (included as Appendix A of the CHRIA) concluded that the subject barn building in its present condition is unsafe, is vulnerable to collapse during a high wind event, and as the lateral load resisting system is badly compromised it is not reliable for long term performance without significant rehabilitation. The significant lean of the barn must be corrected and this can only be accomplished by disassembly and reconstruction.

The Ontario Heritage Toolkit states that the ability for a structure to exist for the long term, and determining at what point repair and reconstruction erode the integrity of the heritage attributes, must be weighed against the cultural heritage value or interest held by the property (Heritage Property Evaluation, p.27).

The subject property is within the Clair-Maltby Secondary Plan area and, therefore, development may not occur before the plan and its accompanying policies receives final approval from Council and the Province through an amendment of the City's Official Plan. In the meantime, the unsafe condition of the subject building as described by the structural report makes it necessary to respond to the proponent's request to have the barn removed from the heritage register in order to allow the dismantling and salvage of the barn building.

Staff recommend that 2093 Gordon Street be removed from the Municipal Register of Cultural Heritage Properties and that the proponent work with the Senior Heritage Planner to determine a strategy to guide documentation, careful disassembly and storage of the Weir farm barn until such time as the Clair-Maltby Secondary Plan policies are in place to guide a plan to commemorate the Weir farm barn and to guide the ultimate development of the subject property.

The property owner and applicant has committed to implementing recommendations contained in section 7.0 of the Cultural Heritage Resource Impact Assessment (CHRIA) for 2093 Gordon Street conducted by Stantec Limited (dated December 3, 2018). Specifically, the proponent will execute the following:

- documentation activities consisting of the full heritage recording of the barn and landscape through photography, photogrammetry, or LiDAR scan including measured drawings
- salvage activities consisting of the identification and recovery of reusable materials by a reputable salvage company with identified salvageable wood members and foundation stone retained and stored on site in an existing building. Use of these materials will be considered in future site development.
- documentation and salvage work will be carried out under the direction of a Cultural Heritage Specialist in good professional standing with the Canadian Association of Heritage Professionals (CAHP).

Financial Implications

None

Consultations

Heritage Guelph considered the proposal to remove the subject property from the heritage register at their meeting of November 12, 2018

Corporate Administrative Plan

Overarching Goals

Service Excellence

Service Area Operational Work Plans

Our Services - Municipal services that make lives better

Our People- Building a great community together

Our Resources - A solid foundation for a growing city

Attachments

Attachment 1	Subject property location
Attachment 2	Current photos of Weir farm barn
Attachment 3	Cultural Heritage Resource Impact Assessment (CHRIA) by Stantec Consulting Limited (dated December 3, 2018), including Barn Structural Review by MTE Consultants Inc. as Appendix A of the CHRIA). Available for viewing here .

Departmental Approval

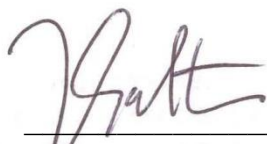
Not applicable

Report Author

Stephen Robinson
Senior Heritage Planner

Approved By

Melissa Aldunate
Manager of Policy Planning and Urban Design



Approved By:

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**ATTACHMENT 1
LOCATION OF SUBJECT PROPERTY**

Figure 1 - Location of 2093 Gordon Street with real property indicated in yellow and the Weir farm barn indicated by a blue diamond. (Image: City of Guelph GIS)

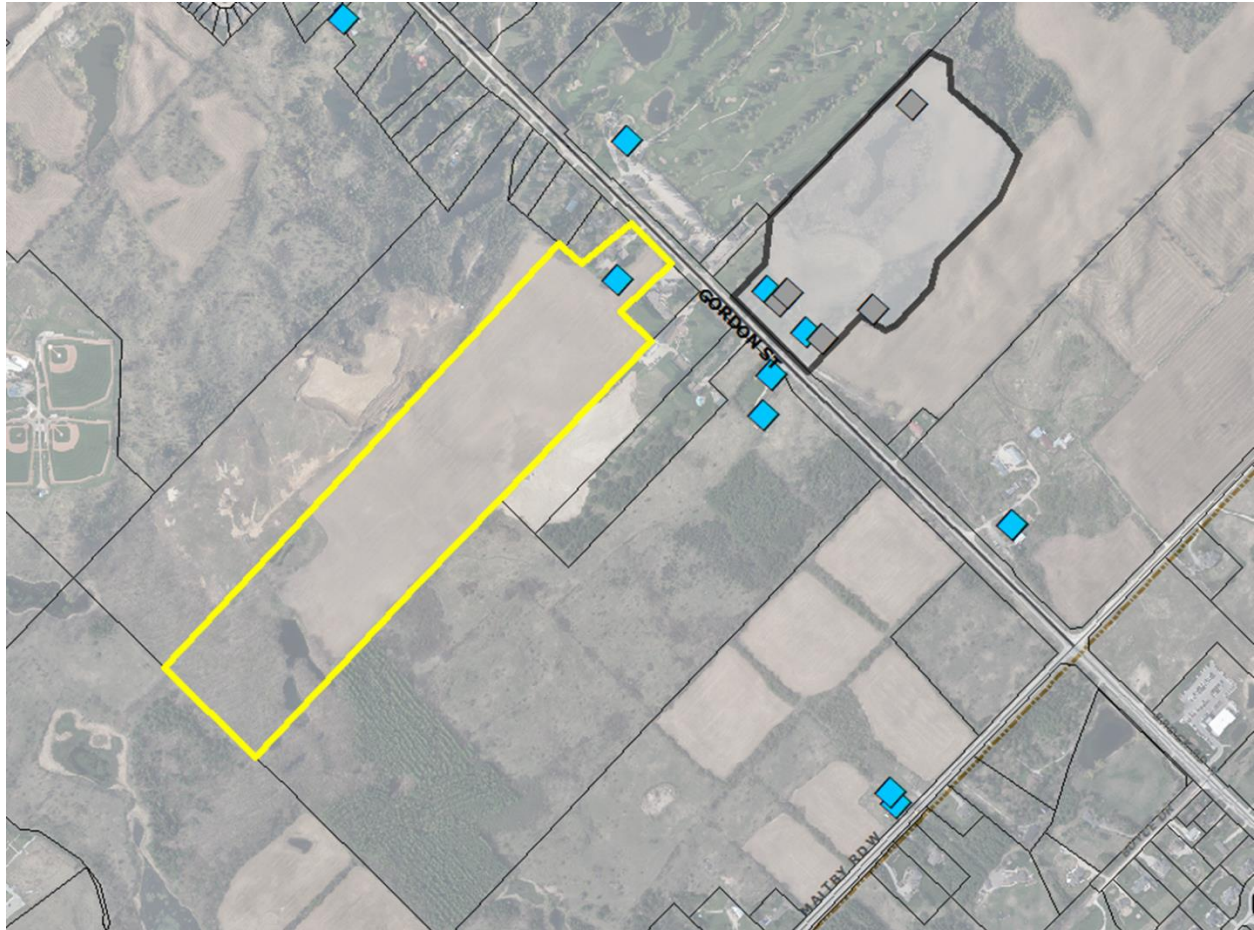


Figure 2 – Record for 2093 Gordon Street from City of Guelph’s Municipal Register of Cultural Heritage Properties.

<p>2093 Gordon St</p> <p>Rear Pt Lot 13, Concession 7</p> <p>Built c. 1870</p> <p>Barn - Bank type, stone stable below, gable roof</p>	
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ATTACHMENT 2 CURRENT PHOTOS OF WEIR FARM BARN

Figure 3 - Looking west to Weir farm barn from Gordon Street. (Image: Google Street View 2018)



Figure 4 - Weir farm barn, northwest elevation with bank to main doors. (Photo: S. Robinson, Planning Services)



Figure 5 - Weir farm barn, northeast gable wall with man door to lower level. (Photo: S. Robinson, Planning Services)



Figure 6 - Weir farm barn, south corner (Photo: S. Robinson, Planning Services)



Figure 7 – Heavy timber framing in west corner of main floor. (Photo: S. Robinson, Planning Services)



Staff Report

To Committee of the Whole

Service Area Infrastructure, Development & Enterprise Services

Date Monday, January 14, 2019

Subject **Sign By-law Variances – [160 Chancellors Way](#)**

Report Number IDE-2019-05

Recommendation

1. That the request for variances from Section 2(2) and Section 7(1)(f) of the City of Guelph Sign By-law (1996)-15245, as amended, to permit one (1) illuminated freestanding sign with a sign face area of .77m² and a height of 1.77m above the adjacent roadway within a 7m by 5m driveway sightline triangle at west driveway of 160 Chancellors Way, be approved.
2. That the request for variances from Section 2(2) and Section 7(1)(f) of the City of Guelph Sign By-law (1996)-15245, as amended, to permit one (1) illuminated freestanding sign with a sign face area 3.79m² (changeable copy of 1.08m²) with a height of 2.6m above the adjacent roadway at 160 Chancellors Way, be approved.
3. That the request for variances from Section 2(2) and Section 7(1)(f) of the City of Guelph Sign By-law (1996)-15245, as amended, to permit one (1) illuminated freestanding sign with a sign face area of .77m² and a height of 1.83m above the adjacent roadway within a 7m by 5m driveway sightline triangle at east driveway of 160 Chancellors Way, be approved.

Executive Summary

Purpose of Report

To advise Council of sign by-law variance requests for [160 Chancellors Way](#).

Key Findings

The City of Guelph Sign By-law Number (1996)-15245, as amended, restricts the location of all signage above 0.8m to an area outside of a 7m by 5m sightline triangle formed where a driveway intersects with a street or sidewalk and does not provide regulations to permit freestanding signs in Specialized I.2 Institutional Zones. Section 2 (2) of the Sign By-law further states: "Signs that are not specifically permitted by this by-law are prohibited".

Wellington-Dufferin-Guelph Public Health has submitted a sign by-law variance application to permit:

- one (1) illuminated freestanding sign with a sign face area of .77m² and a height of 1.77m above the adjacent roadway within a 7m by 5m driveway sightline triangle at the west driveway of 160 Chancellors Way.
- one (1) illuminated freestanding sign with a sign face area 3.79m² (changeable copy of 1.08m²) with a height of 2.6m above the adjacent roadway at 160 Chancellors Way;
- one (1) illuminated freestanding sign with a sign face area of .77m² and a height of 1.83m above the adjacent roadway within a 7m by 5m driveway sightline triangle at the east driveway of 160 Chancellors Way.

The requested variance from the Sign By-law is recommended for approval for the following reasons:

- The signs assist the public in identifying the location of the Wellington-Dufferin-Guelph Public Health Unit;
- The request is reasonable given the surrounding area and the size of building;
- In consultation with Engineering and Transportation Services, it has been determined that the locations of the signs should not negatively impact the visibility of drivers or pedestrians;
- Given the location on the property, the signs do not have a negative impact on the streetscape or surrounding area.

Financial Implications

N/A

Report

The subject property is located in a Specialized Institutional I.2-2 Zone. The exemption in the City of Guelph Sign By-law relating to signs located on University of Guelph land applies to the General I.2 and Specialized I.2-1 zones only. The City of Guelph Sign By-law Number (1996)-15245, as amended, does not contain regulations for freestanding signs within Institutional I.2 Zones. Section 2 (2) of the Sign By-law further states: "Signs that are not specifically permitted by this by-law are prohibited". The Sign By-law also restricts the location of all signage above 0.8m to an area outside of a 7m by 5m sightline triangle formed where a driveway intersects with a street or sidewalk.

Wellington-Dufferin-Guelph Public Health has submitted a sign by-law variance application to permit:

- one (1) illuminated freestanding sign with a sign face area of .77m² and a height of 1.77m above the adjacent roadway within a 7m by 5m driveway sightline triangle at the west driveway of 160 Chancellors Way; and
- one (1) illuminated freestanding sign with a sign face area 3.79m² (changeable copy of 1.08m²) with a height of 2.6m above the adjacent roadway at 160 Chancellors Way;

- one (1) illuminated freestanding sign with a sign face area of .77m² and a height of 1.83m above the adjacent roadway within a 7m by 5m driveway sightline triangle at the east driveway of 160 Chancellors Way.

The requested variance is as follows:

Sign A (West Driveway – please see ATT-2 Sign Variance Drawings)

	By-law Requirements	Request
Maximum sign area	No regulations	.77m ²
Maximum height above adjacent roadway	No regulations	1.77m
Location Restriction	Outside of 7m by 5m driveway sightline triangle	Within a 7m by 5m sightline triangle

Sign B (please see ATT-2 Sign Variance Drawings)

	By-law Requirements	Request
Maximum sign area	No regulations	3.79m ²
Maximum height above adjacent roadway	No regulations	2.6m

Sign C (East Driveway – please see ATT-2 Sign Variance Drawings)

	By-law Requirements	Request
Maximum sign area	No regulations	.77m ²
Maximum height above adjacent roadway	No regulations	1.83m
Location Restriction	Outside of 7m by 5m driveway sightline triangle	Within a 7m by 5m sightline triangle, but outside of a 4m by 5m driveway sightline triangle

The electronic message centre (interchangeable copy) on Sign B is not permitted to flash, be animated, or the like. The Wellington-Dufferin-Guelph Health Unit has agreed to sign a declaration confirming that the copy on the sign will not change more than once every twenty-four hours. This will be a condition of the sign permit, therefore a variance to this portion of the Sign By-law is not required.

The requested variance from the Sign By-law is recommended for approval for the following reasons:

- The signs assist the public in identifying the location of the Wellington-Dufferin-Guelph Public Health Unit;
- The request is reasonable given the surrounding area and the size of building;
- In consultation with Engineering and Transportation Services, it has been determined that the location of the signs should not negatively impact the visibility of drivers or pedestrians;
- Given the locations on the property, the signs should not have a negative impact on the streetscape or surrounding area.

In forming its opinion, staff noted that the City of Guelph Zoning By-law (1995)-14864, as amended, allows for a structure to be located within a 7m by 5m (but outside of a 4m by 5m) sightline triangle by a driveway. Sign C (east driveway) is outside of this 4m by 5m triangle and while Sign A (west driveway) is within this triangle, staff note that the west driveway has a stop sign and an exit control arm. As a result, it has been determined that the location of the signs should not negatively impact the visibility of drivers or pedestrians.

Staff also took into consideration the regulations provided in the Sign By-law for other zones which also permit office uses, as well as other sign variances approved on the street. The following zones permit an office use: Office Residential, Commercial Residential, Neighborhood Commercial, Community Commercial, and Service Commercial. While the Sign By-law restricts illuminated freestanding signs to a maximum sign face of 3m² and a height of 1.8m in an Office Residential and Commercial Residential Zones; it also allows illuminated freestanding signs in a Commercial Zone with a similar setback to have a sign face area of up to 10m² and a height of 4.5m above an adjacent roadway. Previous sign variances approved on nearby properties included:

- A variance to permit an non-illuminated freestanding sign with a sign face area of 3.65m² and a height of 1.9m above the adjacent roadway within a 7m by 5m driveway sightline triangle at 125 Chancellors Way; and
- A variance to permit an illuminated freestanding sign with a sign face area of 6.14m² and a height of 4.87m above the adjacent roadway at 175 Chancellors Way.

Taking into account all factors, staff considers the requests by the Wellington-Dufferin-Guelph Health Unit to be reasonable and therefore recommends approval.

Financial Implications

Not applicable

Consultations

Engineering and Transportation Services

Corporate Administrative Plan

Overarching Goals

Service Excellence

Service Area Operational Work Plans

Our Services - Municipal services that make lives better

Attachments

- | | |
|-------|------------------------|
| ATT-1 | Location Map |
| ATT-2 | Sign Variance Drawings |

Departmental Approval

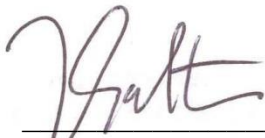
Not applicable

Report Author

Bill Bond
Zoning Inspector III/Senior By-law Administrator

Approved by:

Patrick Sheehy
Program Manager – Zoning



Approved By:

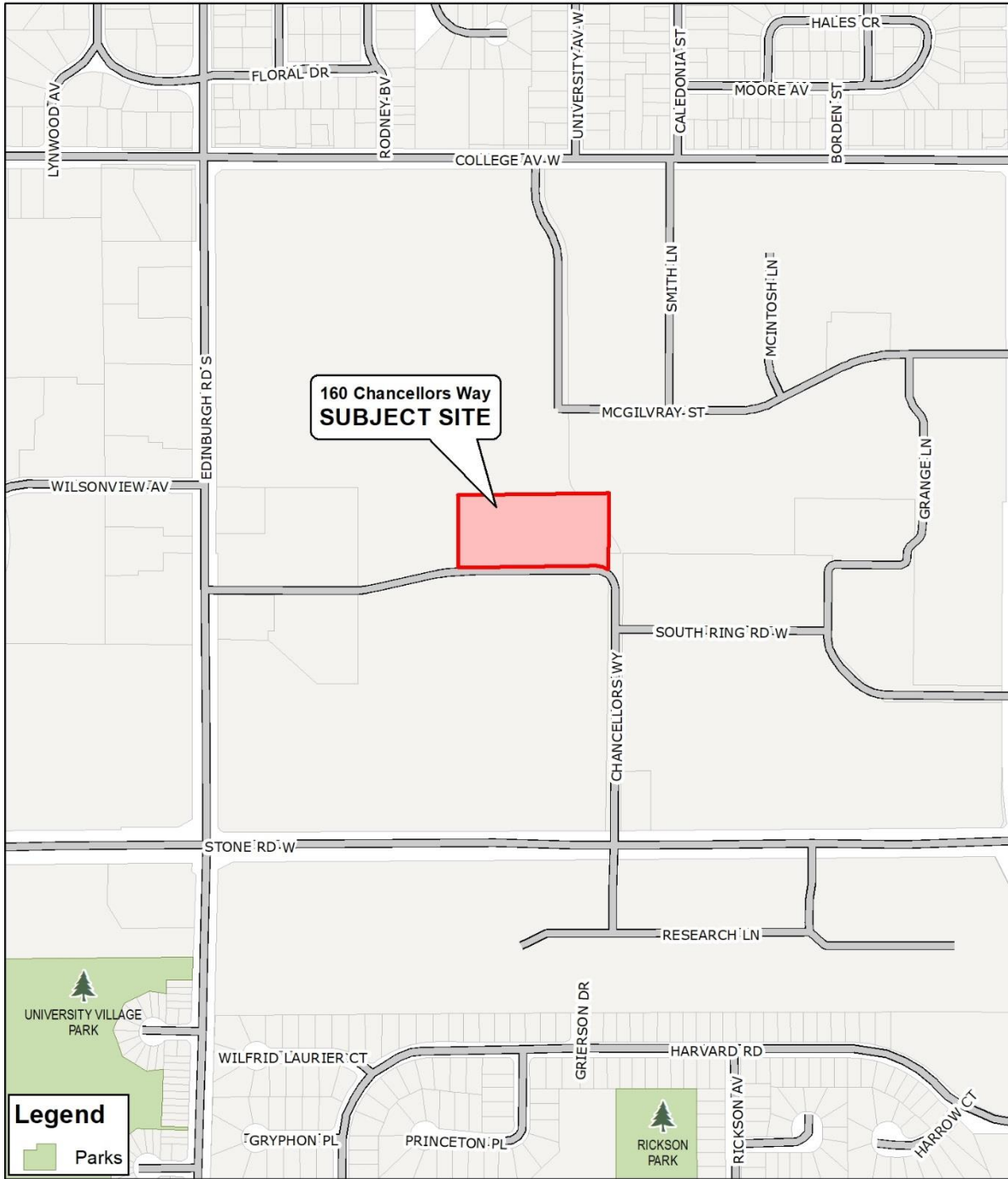
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Recommended By:

Scott Stewart, C.E.T.
Deputy CAO
Infrastructure, Development and Enterprise
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scott.stewart@guelph.ca

ATT-1 - Location Map



0 35 70 140 210 280 m

160 Chancellors Way

Produced by the City of Guelph
Infrastructure, Development and Enterprise, Development Planning
November 2018

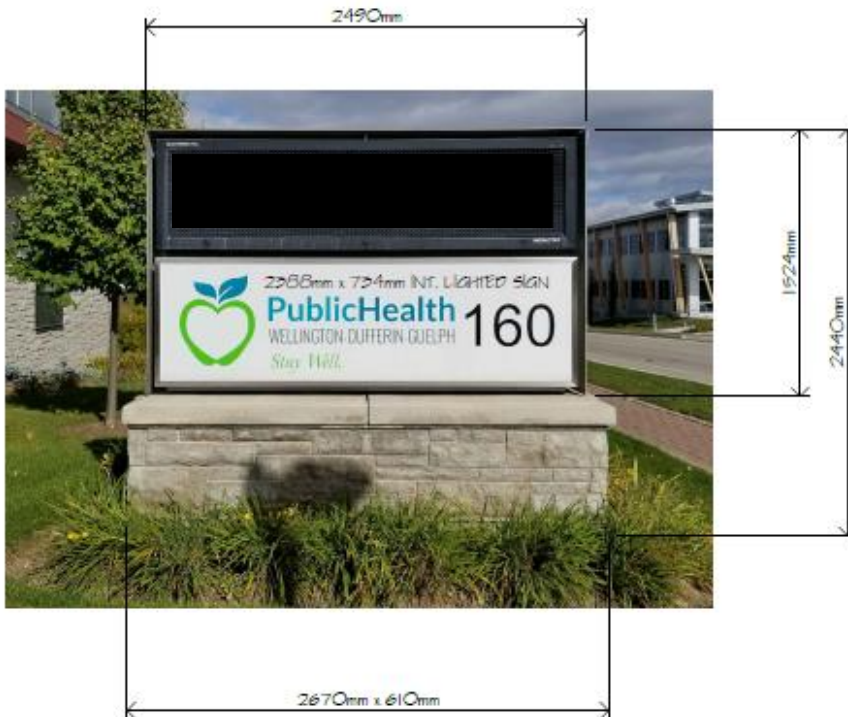
ATT-2 - Sign Variance Drawings

Signs (Provided by the Applicant – modified by Staff)

Sign A (West Driveway)



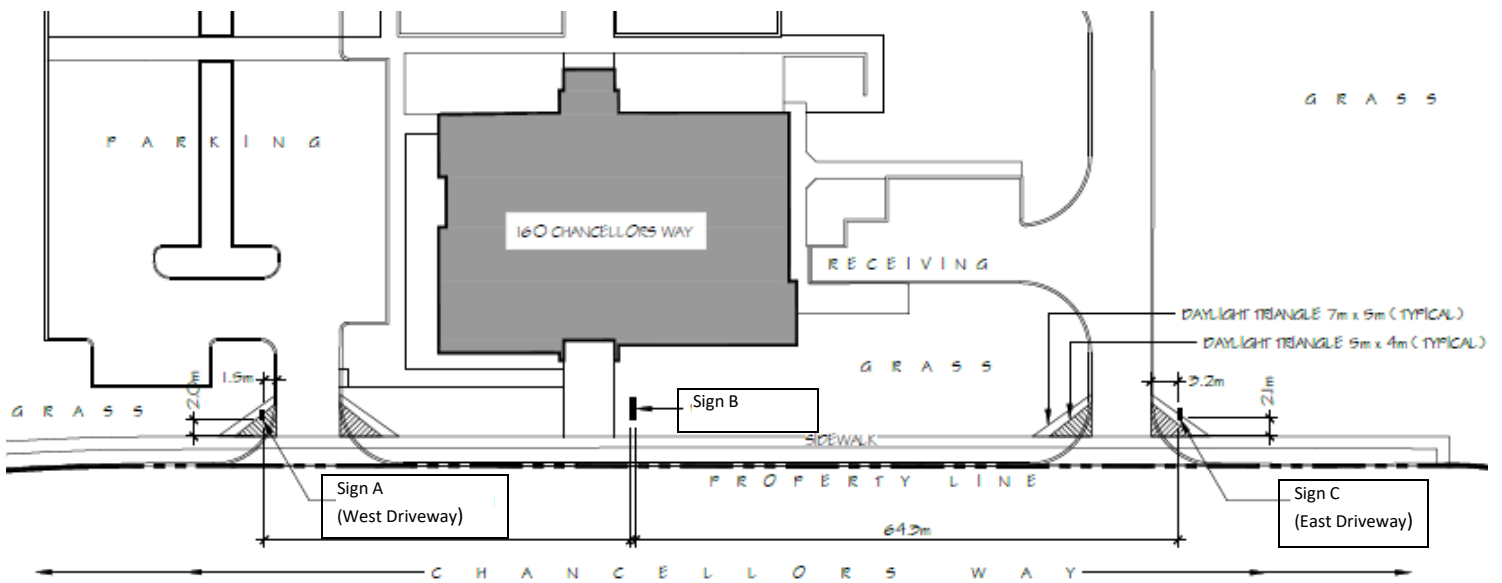
Sign B



Sign C (East Driveway)



Location on the property



Staff Report

To Committee of the Whole

Service Area Infrastructure, Development & Enterprise Services

Date Monday, January 14, 2019

Subject **Sign By-law Variances - [32 Clair Road East](#)**

Report Number IDE-2019-06

Recommendation

1. That the request for variances from Table 2, Row 1 of Sign By-law Number (1996)-15245, as amended, to permit one (1) illuminated freestanding with a sign face area of 6.99m² to be located 1m away from an adjacent property line at 32 Clair Road East, be approved.
2. That the request for a variance from Table 1, Row 6 of Sign By-law Number (1996)-15245, as amended, to permit one (1) illuminated building sign with a sign face area of 3.5m² to be located on the first storey of a building face fronting an adjacent property at a distance of .82m from the property line at 32 Clair Road East, be approved.

Executive Summary

Purpose of Report

To advise Council of sign by-law variance requests for [32 Clair Road East](#).

Key Findings

The City of Guelph Sign By-law Number (1996)-15245, as amended, requires freestanding signs to be located a minimum distance of 3m from an adjacent property in a Community Shopping Centre (CC) Zone. Further, the Sign By-law requires that building signs facing an adjacent property be located at least 7.0m from an adjacent property.

GSP Group has submitted a sign by-law variance application on behalf of BG Fuels to permit:

- to permit one (1) illuminated freestanding with a sign face area of 6.99m² to be located 1m away from an adjacent property line; and
- to permit one (1) illuminated building sign with a sign face area of 3.5m² to be located on the first storey of a building face fronting an adjacent property at a distance of .82m from the property line.

The requested variances from the Sign By-law are recommended for approval for the following reasons:

- Alternative locations are limited given the size of the property and the proposed development;
- The request to permit both signs to be closer to the property line is reasonable given that the adjacent property is also zoned Community Shopping Centre (CC-17) and the sign will be adjacent to a parking area;
- The proposed signs should not have a negative impact on the streetscape or surrounding area and is not in close proximity to residential uses.

Financial Implications

N/A

Report

The subject property is located in a Community Shopping Centre (CC-17) Zone. Table 2, Row 1 of Sign By-law Number (1996)-15245, as amended, requires freestanding signs to be located a minimum distance of 3m from an adjacent property in a Community Shopping Centre (CC) Zone. Further, the Sign By-law requires that building signs facing an adjacent property be located at least 7.0m from an adjacent property.

GSP Group has submitted a sign by-law variance application on behalf of BG Fuels to permit:

- to permit one (1) illuminated freestanding with a sign face area of 6.99m² to be located 1m away from an adjacent property line; and
- to permit one (1) illuminated building sign with a sign face area of 3.5m² to be located on the first storey of a building face fronting an adjacent property at a distance of .82m from the property line.

Please see "Attachment 2 – Sign Variance Drawings"

The following is a summary of the reasons that have been supplied by the applicant in support of the variance requests:

- *The requested variances will not create any negative or unwanted impacts;*
- *The two commercial properties adjacent to the east and west are already developed and the buildings on these sites are set back from the shared property lines; and*
- *The proposed freestanding sign would be the only sign on the north side of Clair Road East from Gordon Street to Farley Drive.*

The requested variances are as follows:

Freestanding Sign

	By-law Requirements	Request
Minimum distance from an adjacent property	3m	1m

Building Sign

	By-law Requirements	Request
Minimum distance from an adjacent property	7m	.82m

The requested variances from the Sign By-law are recommended for approval for the following reasons:

- Alternative locations are limited given the size of the property and the proposed development;
- The request to permit both signs to be closer to the property line is reasonable given that the adjacent property is also zoned Community Shopping Centre (CC-17) and the sign will be adjacent to a parking area;
- The proposed signs should not have a negative impact on the streetscape or surrounding area and is not in close proximity to residential uses.

Financial Implications

N/A

Corporate Strategic Plan

3.1 Ensure a well designed, safe, inclusive, appealing and sustainable City.

Communications

N/A

Attachments

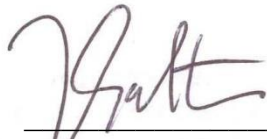
ATT-1 Location Map
ATT-2 Sign Variance Drawings

Report Author

Bill Bond
Zoning Inspector III/Senior By-law Administrator

Approved By:

Patrick Sheehy
Program Manager – Zoning



Approved By:

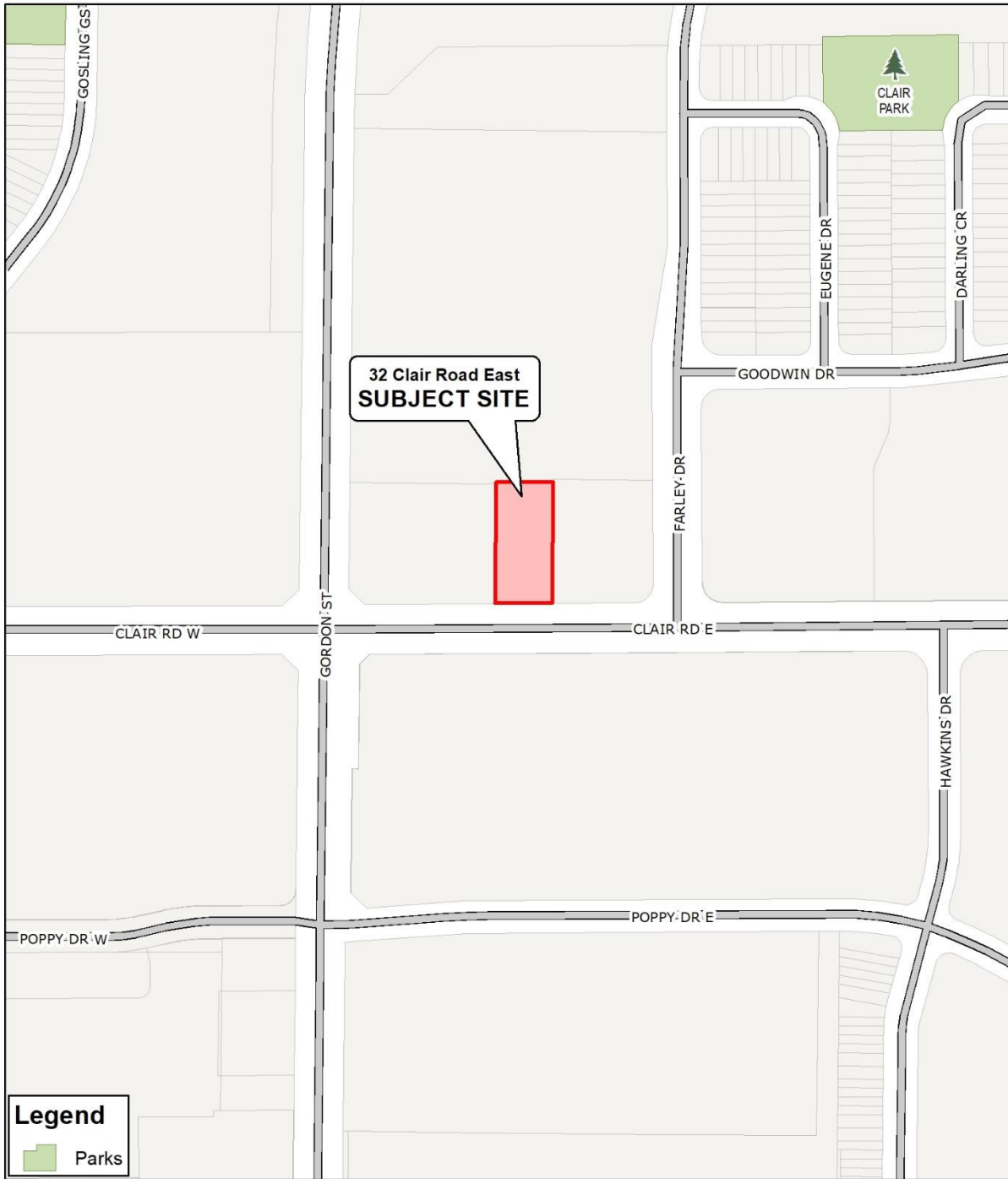
Todd Salter
General Manager
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519-837-5615, ext. 2395
todd.salter@guelph.ca



Recommended By:

Scott Stewart, C.E.T.
Deputy CAO
Infrastructure, Development and Enterprise
519-822-1260, ext. 3445
scott.stewart@guelph.ca

ATT-1 - Location Map



0 15 30 60 90 120 m

Produced by the City of Guelph
Infrastructure, Development and Enterprise, Development Planning
November 2018

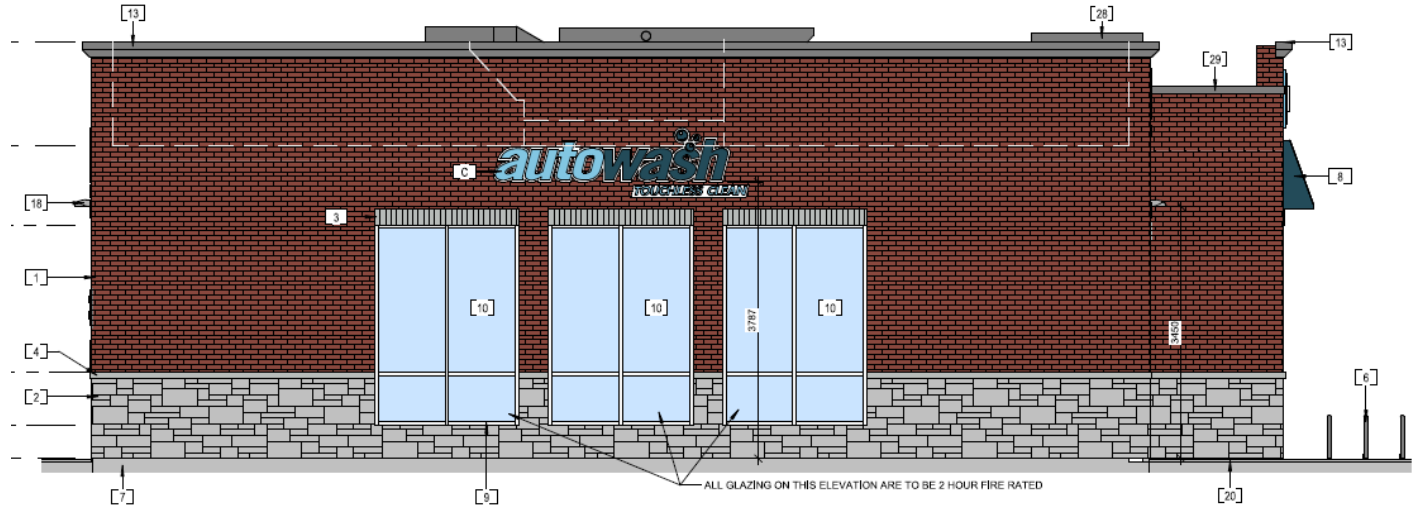
32 Clair Road East

CITY OF Guelph
Making a Difference

ATT-2 - Sign Variance Drawings

Proposed signs (Provided by the Applicant)

Building Sign

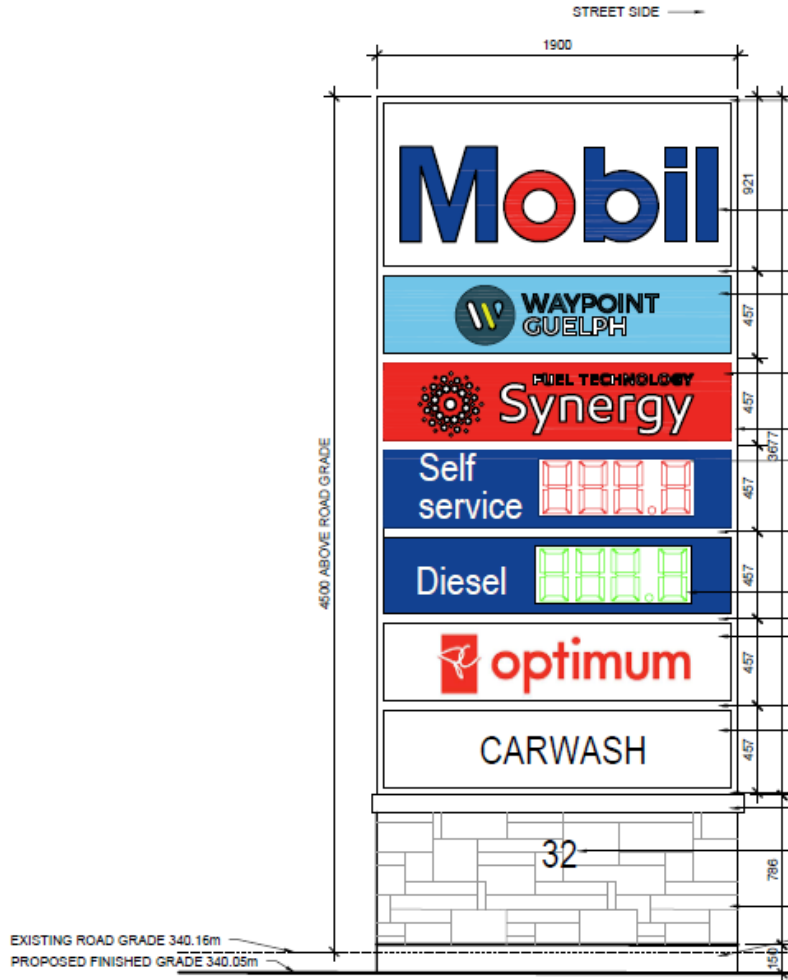


ELEVATION (WEST)

ATT-2 - Sign Variance Drawings

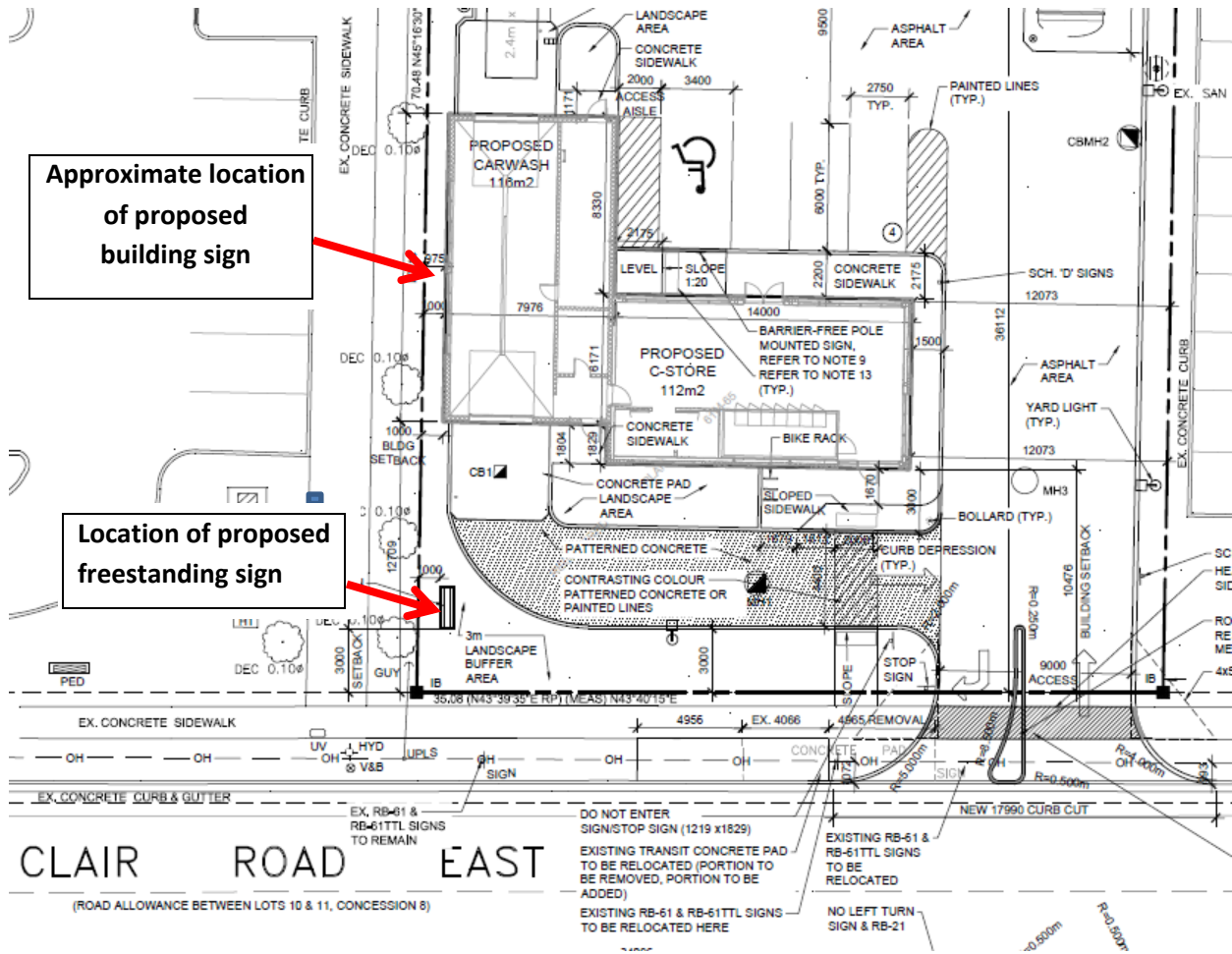
Proposed signs (Provided by the Applicant)

Freestanding Sign



ATT-2 - Sign Variance Drawings

**Proposed location on the property
(Provided by the Applicant – modified by staff)**



Staff Report



To **Committee of the Whole**

Service Area Infrastructure, Development and Enterprise Services

Date Monday, January 14, 2019

Subject **Comprehensive Zoning Bylaw Review - Project Initiation**

Report Number IDE-2019-01

Recommendation

That the Comprehensive Zoning Bylaw Review project charter attached to Infrastructure, Development and enterprise Services Report (IDE-2019-01), dated Monday, January 14, 2019 be approved.

Executive Summary

Purpose of Report

To provide Council with information about the Comprehensive Zoning Bylaw Review, seek Council endorsement of the project charter, and to formally initiate the project.

Key Findings

To assist in the implementation of the Official Plan and to comply with Provincial legislation, a comprehensive zoning bylaw review is required. The purpose of the comprehensive zoning bylaw review is to align the zoning bylaw with the Official Plan and to ensure that the City's zoning bylaw is reflective of current zoning practices.

A new zoning bylaw will provide a comprehensive regulatory framework for land use planning and development, supporting the vision for growth established in the Official Plan. It will also provide for a more efficient development review process.

The comprehensive zoning bylaw review will not explore matters that are not appropriately resolved through zoning nor will it consider site specific zoning amendment requests or requests for changes in land use that are more appropriately considered through private development applications.

Financial Implications

The comprehensive zoning bylaw review project is funded through the approved and future capital budgets with anticipated costs associated with consultant services and community engagement.

Report

Background

The City's Official Plan was recently comprehensively updated through Official Plan amendments 39, 42, and 48. The March 2018 consolidation is the full updated Official Plan. The City's Zoning Bylaw (1995) pre-dates the updated Official Plan and some aspects of it may not conform to the Official Plan. A comprehensive review of the zoning bylaw is required to comply with Provincial legislation, ensure that it conforms to the Official Plan, and is reflective of current zoning practices.

What is a Zoning Bylaw?

A zoning bylaw is a series of rules for properties that tell us:

- What it can be used for;
- How big it can be;
- Where buildings can be placed;
- How tall, what size, and how many buildings can be built, and;
- How many parking spaces are needed, and where the parking spaces can be located.

Zoning bylaws are one tool used to implement the vision for our City from our Official Plan. They protect conflicting land uses from locating near each other, and they provide a way for the City to manage land use and future development. A zoning bylaw is a living document meaning, it can, and should be changed as the community's needs change. Changes can be made to a zoning bylaw through:

- a comprehensive city-lead review (like this one);
- periodic housekeeping amendments and individual City-led amendments for specific land use categories, areas, or topics;
- a zoning bylaw amendment application from a property owner to permanently change the rules on their property; or
- an application to the Committee of Adjustment to seek a minor temporary change to allow, for example, a building addition to be built closer to the property line than the zoning bylaw allows.

Project Charter

A project charter has been prepared (Attachment 1) to guide the comprehensive zoning bylaw review process. The project charter outlines the purpose, scope, timeline, deliverables, assumptions, project governance structure, and includes a risk assessment.

Project Scope

Despite that this project is a complete review of Guelph's existing zoning bylaw, it is necessary to identify what will be explored through the process and what will not. This will ensure that the community, stakeholders, Council, and staff are clear on what topics or areas of the City will be reviewed through this process. Below is a summary of what is in the scope of the project and what is not.

In Scope

- Community engagement on what issues have been encountered with the existing zoning bylaw;
- Responses to existing Council directions (i.e. driveway regulations, trail structures in the floodway);
- A discussion paper that includes a review of the Official Plan, existing zoning bylaw, zoning trends, and options to consider in the development of a new zoning bylaw. The discussion paper will cover all topics that are currently included in Guelph's zoning bylaw and will consider new topics that are identified in the Official Plan or other zoning bylaws. If a topic is covered within an Official Plan policy and is allowed to be regulated in a zoning bylaw, it will be considered;
- Community engagement on the discussion paper;
- Preparation of a first draft and final draft of a new zoning bylaw and Official Plan amendment (should, through the process, it be determined that an amendment is necessary);
- Community engagement on the first and final draft zoning bylaw and Official Plan amendment, and;
- Preparation of a new zoning bylaw and Official Plan amendment for Council decision.

Out of Scope

- Exploration of matters that are not appropriately resolved through zoning;
- Requests to change land use or zoning on specific properties that are more appropriately dealt with through private development applications;
- A comprehensive review of downtown ("D") zones, and;
- Exploration of and regulations related to inclusionary zoning.

Attachment 1 includes the detailed scope of the project.

Project Timeline

The comprehensive zoning bylaw review will be completed in five phases as follows:

- Phase 1 – Project Initiation, Q1 2019
- Phase 2 – Research and Analysis, Q2 to Q4 2019
- Phase 3 – First Draft Zoning Bylaw and Official Plan Amendment, Q4 2019 to Q2 2020
- Phase 4 – Final Zoning Bylaw, Q3 2020 to Q4 2021
- Phase 5 – Implementation and Appeals, Q4 2021+

Attachment 1 includes the details on project deliverables and community engagement that are part of each phase. The project timeline was developed in consideration of legislative requirements and a canvas of other municipal comprehensive zoning bylaw review timelines (which range from 3 to upwards of 10 years depending on the scope of the review and timing of any related projects). The proposed timeline for Guelph's comprehensive zoning bylaw review (approximately three years) is exclusive of any time which may be required to prepare for and attend hearings of the Local Planning Appeal Tribunal (LPAT) should the new zoning bylaw be appealed.

Project Governance Structure

The comprehensive zoning bylaw review will be managed and directed by a Project Steering Committee. The Project Steering committee membership includes the comprehensive zoning bylaw review project manager, the General Manager of Planning and Building Services, and the managers/program managers of zoning; development planning; and policy and urban design planning.

The City's Planning Advisory Committee (PAC) will provide input into the comprehensive zoning bylaw review at key milestones. The PAC is an advisory committee of Council whose role is to provide advice on major policy planning initiatives, such as the comprehensive zoning bylaw review. PAC consists of 6 resident members from various geographic areas of the City, 1 professional planner, 1 practicing architect/landscape architect, and 1 member of the development industry.

A Core Project Team will be responsible for producing all of the deliverables throughout the project (e.g. discussion paper, draft and final zoning bylaw, Official Plan amendment). Eleven technical working teams will meet throughout the duration of the project to work through specific zoning topics. The technical working teams will provide technical direction during the preparation of the discussion paper, and the draft and final zoning bylaw. Technical working teams are comprised of staff from zoning, planning, heritage planning, environmental planning, legal, business development and enterprise, urban design, transportation, engineering, and parks and recreation.

Attachment 1 includes a detailed project governance structure.

Next Steps

Once the project charter is approved by Council, staff will reach out to the community, stakeholders, and members of Council to gather input on what issues they have encountered with the existing zoning bylaw. Comments received as part of this community engagement will be considered by staff during the preparation of the discussion paper.

Financial Implications

The comprehensive zoning bylaw review project is funded through approved and future capital budgets with anticipated costs associated with consultant services and community engagement.

Consultations

Planning staff have worked closely with Community Engagement and Communications staff to develop a community engagement and communications plan for the comprehensive zoning bylaw review. The goal of community engagement for the comprehensive zoning bylaw review is to obtain input on a new zoning bylaw for the City as well as to educate the community about zoning bylaws.

The City will go well above and beyond the legislative consultation requirements and will include opportunities for community engagement with each phase of the project. As previously discussed, the City's Planning Advisory Committee will provide input at key milestones. In addition, a variety of in-person methods (e.g. focus groups, workshops, stakeholder interviews, one-on-one meetings, open houses) and on-line methods (e.g. surveys, forms, quizzes) will be used to achieve the community engagement goals of this project. Key stakeholders will also be consulted throughout the process.

A dedicated webpage for the project has been created which will house all information related to the comprehensive zoning bylaw review.

Corporate Administrative Plan

Overarching Goals

Service Excellence
Innovation

Service Area Operational Work Plans

Our People- Building a great community together
Our Services - Municipal services that make lives better
Our Resources - A solid foundation for a growing city

Attachments

ATT-1 Comprehensive Zoning Bylaw Review Project Charter

Departmental Approval

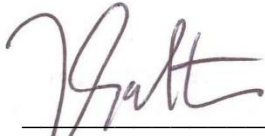
N/A

Report Author

Natalie Goss, MCIP, RPP
Project Manager, Comprehensive
Zoning Bylaw Review

Approved By

Melissa Aldunate, MCIP, RPP
Manager, Planning Policy and Urban
Design



Approved By:

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



Recommended By:

Scott Stewart, C.E.T.
Deputy CAO
Infrastructure, Development and Enterprise
519-822-1260, ext. 3445
scott.stewart@guelph.ca

ATT 1 – Comprehensive Zoning Bylaw Review

Project Charter

Project Name: Comprehensive Zoning Bylaw Review

Version Number: 1

Date: October 31, 2018

Project Manager: Natalie Goss, Project Manager, Comprehensive Zoning Bylaw Review

Project Sponsor: Melissa Aldunate, Manager, Policy Planning and Urban Design

Project Client: Todd Salter, General Manager, Planning and Building Services

Project Background

Project Description

The City's Official Plan was recently comprehensively updated through Official Plan Amendments 39, 42, and 48. The March 2018 consolidation is the full updated Official Plan. The City's Zoning Bylaw (1995) pre-dates the updated Official Plan and some aspects of it may not conform to the Official Plan. A comprehensive review of the City's Zoning Bylaw (1995) is required to ensure that it

- Conforms to the City's Official Plan, and;
- Is reflective of current zoning practices.

Project Justification

As the City's Official Plan has been updated in accordance with section 26 of the Ontario Planning Act (which requires an update to conform with provincial plans, matters of provincial interest, and policy statements), a comprehensive review of the City's Zoning Bylaw (1995) is required to comply with section 26 (9) of the Ontario Planning Act (which requires that a zoning bylaw conform to the Official Plan within 3 years of an Official Plan update).

An amendment to the Official Plan may also be necessary as a companion to a new Zoning Bylaw to clarify the intent of policies, terms, or land use designations to better reflect the original intent of the Official Plan and ensure that there is clarity on how the new zoning bylaw is consistent with the Official Plan.

Project Deliverables

Phase 1 – Project Initiation (Q1 2019)

- Project charter
- Report to Council for endorsement of project charter

Phase 2 – Research and Analysis (Q1-Q4 2019)

- Discussion paper
- Terms of Reference for a Comprehensive Zoning Bylaw Review: Off-Street Parking Rate Demand Analysis; and Parking, Driveway, and Garage Regulation's Review

- Report to Council for endorsement of the discussion paper for consultation
- Report to Council for endorsement of the Comprehensive Zoning Bylaw Review: Off-Street Parking Rate Demand Analysis; and Parking, Driveway, and Garage Regulation's Review discussion paper for consultation

Phase 3 – First Draft Zoning Bylaw and Official Plan Amendment (Q4 2019-Q2 2020)

- First draft zoning bylaw and first draft Official Plan amendment (as needed)
- Report to Council for endorsement of first draft zoning bylaw and Official Plan amendment for consultation (statutory open house)

Phase 4a – Final Zoning Bylaw and Official Plan Amendment (Q3 2020-Q2 2021)

- Final draft Zoning Bylaw
- Final draft Official Plan amendment
- Report to Council – statutory public meeting on the final draft zoning bylaw and Official Plan amendment

Phase 4b – Zoning Bylaw and Official Plan Amendment Decision (Q3-Q4 2021)

- Final Zoning Bylaw
- Final Official Plan amendment
- Report to Council – decision on Zoning Bylaw and Official Plan amendment

Phase 5 – Implementation and Appeals (Q4 2021+)

- Zoning Bylaw User Guide and interpretation notes
- Project Charter for appeals to the Zoning Bylaw (if needed)

Project Benefit

A new zoning bylaw will benefit Guelph residents, Guelph businesses, the development industry, various City of Guelph Departments, and City Council by:

- Providing a comprehensive regulatory framework for land use planning and development, supporting the vision for growth established in the Official Plan;
- Ensuring consistency with the Official Plan and current zoning trends which will provide more certainty and clarity for zoning rules on properties going forward, and;
- Providing for more efficient development review processes (e.g. less likely for zoning bylaw amendments to be needed)

A companion Official Plan amendment, if required, would provide clarification on policies, terms, and/or land use designations. An Official Plan amendment would ensure that there is greater clarity in how the new zoning bylaw is implementing the Official Plan.

Strategic Alignment

Service Excellence – A new zoning bylaw will provide a clear, consistent set of rules for properties providing certainty and transparency regarding the City's growth, development, and urban design.

Alternatives and Approved Solution

This project did not consider any alternatives as it is a legislative requirement.

Project Scope

Phase 1 – Project Initiation

In Scope

- Development and endorsement of a project charter that describes, among other things:
 - Project management structure
 - Timeline
 - Budget
 - Resources
 - Scope
 - Project assumptions, constraints, success factors, and post implementation support
- Development and endorsement of a Community Engagement Plan and Communications Plan
- Community engagement on what issues have been encountered with the existing zoning bylaw

Out of Scope

- Exploration of matters that are not appropriately resolved through zoning
- Requests to change land use or zoning on specific properties that are more appropriately dealt with through private applications

Phase 2 – Research and Analysis

In Scope

- Prepare terms of reference and retain a consultant for the parking study
- Prepare a discussion paper that includes:
 - Layout, transition, legal matters, and mapping
 - Minor variances and specialized zones
 - Residential land use
 - Employment land use
 - Commercial/Mixed Use land uses
 - Natural Heritage System, Open Space, and Parks land use
 - Major Institutional/Major Utility land uses
 - Reserve Lands land use, Clair-Maltby Secondary Plan, and Guelph Innovation District Secondary Plan
 - Downtown Secondary Plan
 - Cultural Heritage
 - Parking and loading
- The discussion paper will:
 - Outline the scope
 - Review Official Plan policies
 - Review existing zoning
 - Analyze zoning trends
 - Discuss zoning issues

- Outline further research/provide options for zoning
- Outline any necessary amendments to the Official Plan
- Recommend zoning options
- For the Clair-Maltby and Guelph Innovation District Secondary Plans, explore options of the timing of application of new zones to implement land uses as well as options for interim zoning
- Respond to existing Council directions (i.e. driveway regulations, trail structures in the floodway)
- Community engagement on discussion paper

Out of Scope

- Exploration of matters that are not appropriately resolved through zoning
- Requests to change land use or zoning on specific properties that are more appropriately dealt with through private applications
- A comprehensive review of downtown (“D”) zones
- Exploration of inclusionary zoning

Phase 3 – First Draft Zoning Bylaw and Official Plan Amendment

In Scope

- Using the discussion paper and input received on it, prepare and consult on a complete first draft zoning bylaw. The first draft zoning bylaw will include:
 - A new format
 - All new sections
 - Updated/new/removal of existing specialized zones
 - The application of new zones to properties
 - Property detail schedules for properties that are “split-zoned”
- Prepare and consult on a first draft Official Plan amendment
- Review and respond to comments provided on the first draft zoning bylaw and Official Plan amendment

Out of Scope

- Exploration of matters that are not appropriately resolved through zoning
- Requests to change land use or zoning on specific properties that are more appropriately dealt with through private applications
- Regulations related to inclusionary zoning

Phase 4a – Final Zoning Bylaw and Official Plan Amendment

In Scope

- In consideration of comments provided on the first draft zoning bylaw and Official Plan amendment, prepare and obtain input on a final draft zoning bylaw/Official Plan amendment at a statutory public meeting

Out of Scope

- Exploration of uses that are not appropriately resolved through zoning
- Requests to change land use or zoning on specific properties that are more appropriately dealt with through private applications
- Regulations related to inclusionary zoning

Phase 4b – Zoning Bylaw and Official Plan Amendment Decision

In Scope

- In consideration of comments provided on the final draft zoning bylaw and Official Plan amendment, prepare a final zoning bylaw and Official Plan amendment for decision

Out of Scope

- Exploration of uses that are not appropriately resolved through zoning
- Requests to change land use or zoning on specific properties that are more appropriately dealt with through private applications
- Regulations related to inclusionary zoning

Phase 5 – Implementation and Appeals

In Scope

- Prepare a user guide and interpretation notes
- Prepare for appeals (if required)

Out of Scope

Project Parameters

Milestones and Timeline

- Project Charter – Q1 2019
- Community Engagement Plan and Communications Plan – Q1 2019
- Terms of Reference for parking study – Q1 2019
- Discussion paper – Q3/Q4 2019
- First Draft Zoning Bylaw and Official Plan amendment (statutory open house) – Q2 2020
- Final draft zoning bylaw and Official Plan amendment (statutory public meeting) – Q2 2021
- Zoning bylaw and Official Plan amendment for decision – Q3/Q4 2021
- Notice of Adoption – Q3/Q4 2021
- Zoning bylaw user guide and interpretation notes – Q4 2021

ATT A – Comprehensive Zoning Bylaw Review Process and Timing summarizes the timeline, deliverables and community engagement for each phase of the project.

Assumptions and Constraints

Resources

A team of core resources are necessary to complete the project on time and on budget. The following are resource timing and capacity assumptions:

- The Project Manager will be dedicated to the project at 100% of their time for the duration of the project
- An existing Policy Planner I position (currently vacant and anticipated to be filled by 2018 year end) will be dedicated to the project at 50% to 75% of their time for the duration of the project
- A GIS resource will be dedicated to the project at 25% of their time for the duration of the project. The GIS resource is uncommitted at this time. The Project Sponsor and Client are currently considering options to secure this resource. This resource is required no later than commencement of the preparation of the first draft zoning bylaw (Q3 2019)
- A temporary planning resource may be necessary to assist with research as part of Phases 2 and 3. This position is currently uncommitted. Confirmation of the need for this position is contingent upon the Policy Planner I position and in progress work planning discussions. The Project Sponsor and Client are considering options to secure this resource should it be required.

Resources from outside of the team of core resources are required to act as technical resources. These technical resources are from various internal divisions/departments. It is assumed that these additional resources will be available as needed for the duration of the project.

Timeline

The project must be completed within 3 years of its commencement. That is, a decision to approve a new zoning bylaw must be made within 3 years. The project's Community Engagement Plan is being prepared in consideration of the legislative requirements, the City's Community Engagement Framework, available resources, and project budget. Should additional public/stakeholder engagement be required that is not within the approved Community Engagement Plan, it may have impacts on timeline, budget, and resource capacity. Additionally, the project's Community Engagement Plan has accounted for a certain timeframe for community engagement at each phase of the project. Should higher than anticipated levels of participation occur, adjustments to the timeline may need to be explored.

Budget

That the additional project budget earmarked for 2020 will be approved and that all aspects of the project will be completed within the currently available and forecast 2020 budget. Should the 2020 budget request not be approved and/or additional items be added to the project scope, and/or additional community engagement be required, adjustments to the project budget may need to be explored.

Scope

That changes to the scope outlined in this Project Charter will not occur. Should the scope of work be modified through Council, it may have impacts on the timeline, budget, and resource capacity.

Critical Success Factors

- Corporate support and acceptance of a new zoning bylaw
- Issues raised through community engagement are understood and resolved, where appropriate, in the new zoning bylaw, and;
- A new zoning bylaw is approved by Council.

Post-Implementation Support

Once a new zoning bylaw is approved, a zoning bylaw user guide and interpretation notes will be prepared to assist internal and external users with its implementation. The approved zoning bylaw will be available in a variety of formats for ease of reference. The Project Manager will provide training sessions to relevant staff on the implementation of the zoning bylaw.

Project Budget

This project will be completed within existing committed budget resources as well as additional funds in 2020 that remain to be considered through the annual budget process.

Risk and Mitigation Strategy

Risk Assessment and Mitigation

Risk – Core or technical resource availability

Likelihood of Risk Occurring – Medium

Impact of Risk on Project – High

Risk Mitigation

Should the core resources not be available in the timeframe required to meet project milestones, the Project Manager, in consultation with the Project Steering Committee, will consider options for adjusting the project timelines and/or workload priorities. Additionally, the Project Manager will monitor and document workload commitments and identify if achievement of milestones are being compromised. If during the course of the project the Project Manager, Core Project Team, or Technical Resources are unavailable to commit the allocated portion of their respective workloads to the project, commitment of additional resources or prioritization of workload through the Project Sponsor, Project Steering Committee, and/or Client will be required.

Risk – Adequate time scheduled for specific tasks

Likelihood of Risk Occurring – Medium

Impact of Risk on Project – Medium

Risk Mitigation

The Project Manager will monitor the project schedule and if a deadline or milestone is missed by more than 2 weeks the Project Manager may need to adjust the project timeline in consultation with the Project Sponsor. At each milestone, the Project Manager will detail out the next phase of the project and will consider any impacts that the previous phase had on the overall project timeline. This will be done in consultation with the Project Steering Committee. Changes to the timeline will require approval by the Project Sponsor and the Client.

Risk – Additional community/stakeholder engagement requested

Likelihood of Risk Occurring – High

Impact of Risk on Project – High

Risk Mitigation

The Project Manager, together with the Project Steering Committee and Community Engagement Coordinator, will consider options and revise the work program accordingly, specifically timelines/resourcing/budget. There may be the need to report to Council on work plan impacts (e.g. if timelines are to change significantly, or additional budget is required).

Risk – Scope of work program modified through Committee/Council

Likelihood of Risk Occurring – Medium

Impact of Risk on Project – Medium to High (depending on the topic of additional work)

Risk Mitigation

Additional items added to the scope of work or modification of the sequencing of work (e.g. a particular aspect of the project is requested to be completed in advance of the remainder of the comprehensive zoning bylaw review) could significantly impact resourcing (i.e. staffing, budget) and timing of completion of the project. The Project Manager will strategize with the Project Sponsor, Project Steering Committee, and Client to determine a response, if necessary. Clear communication at the outset and throughout the project will be key in reducing the likelihood of this risk. There may be the need to report to Council on work plan impacts (e.g. if timelines are to change significantly, or additional budget is required).

Risk – Remaining project budget not approved as part of the 2020 budget process

Likelihood of Risk Occurring – Low

Impact of Risk on Project – Medium

Risk Mitigation

Should the remainder of the project budget not be approved, the Client, Project Sponsor, and Project Manager will need to consider alternative funding sources or modifications to the scope of the project.

Risk – Lack of understanding from the community about the scope of the project

Likelihood of Risk Occurring – Medium

Impact of Risk on Project – Low

Risk Mitigation

Upfront consultation on “zoning 101” information and communication on the purpose of the project at project commencement should proactively mitigate this risk. The Project Manager, in consultation with the Community Engagement Coordinator, will determine whether additional consultation or information is required to clarify the project scope. If additional consultation/information is determined necessary and will have an impact on budget or timeline, the Project Manager will consult with the Project Sponsor and the Project Steering Committee.

Project Governance and Organization

Project Governance

See ATT B – Project Governance Structure.

Stakeholder Identification

Stakeholder Identification, Community Engagement, and Communications Protocol

A Community Engagement Plan and Communications Plan are being prepared that will include opportunities for community and stakeholder involvement and consultation at key stages of the project. Community engagement methods will include both in person and online methods.

Attachments

ATT A – Comprehensive Zoning Bylaw Review Process and Timing

ATT B – Project Governance Structure

ATT A – Comprehensive Zoning Bylaw Review Process and Timing

Phase 1 – Project Initiation

Q1 2019

Deliverables

- Project charter
- Community engagement plan and communications plan
- Report to Council – endorsement of project charter

Community Engagement

- Planning Advisory Committee meeting
- Consultation on what issues have been encountered with the existing zoning bylaw

Phase 2 – Research and Analysis

Q1-Q4 2019

Deliverables

- Discussion paper that includes:
 - Layout, scope, transition, legal matters, and mapping
 - Minor variances and specialized zones
 - Residential land use
 - Commercial and mixed use land uses
 - Natural heritage system, open space, and parks land uses
 - Major institutional and major utility land uses
 - Reserve lands land use, Clair-Maltby Secondary Plan, and Guelph Innovation District Secondary Plan
 - Downtown Secondary Plan
 - Cultural Heritage
 - Parking rate, demand analysis, and parking, driveway, garage regulations review
- Report to Council – endorsement of discussion paper

Community Engagement

- Planning Advisory Committee meeting
- Consult with public and stakeholder on discussion paper

Phase 3 – First Draft Zoning Bylaw and Official Plan Amendment

Q4 2019-Q2 2020

Deliverables

- First draft zoning bylaw and first draft Official Plan amendment
- Report to Council – endorsement of first draft zoning bylaw for consultation

Community Engagement

- Planning Advisory Committee meeting
- Consult with community and stakeholders on first draft zoning bylaw and Official Plan amendment (meets legislative requirement for open house)

Phase 4 – Final Zoning Bylaw

Phase 4a – Q3 2020-Q2 2021

Phase 4b – Q3-Q4 2021

Phase 4a

Deliverables

- Final draft zoning bylaw
- Final draft Official Plan amendment
- Report to Council – statutory public meeting on final draft zoning bylaw and Official Plan amendment

Community Engagement

- Planning Advisory Committee meeting
- Consult on final draft zoning bylaw and Official Plan amendment as a public meeting of Council (meets public meeting legislative requirement)

Phase 4b

Deliverables

- Final zoning bylaw and Official Plan amendment for decision
- Report to Council – decision on zoning bylaw and Official Plan amendment

Phase 5 – Implementation and Appeals

Q4 2021+

Deliverables

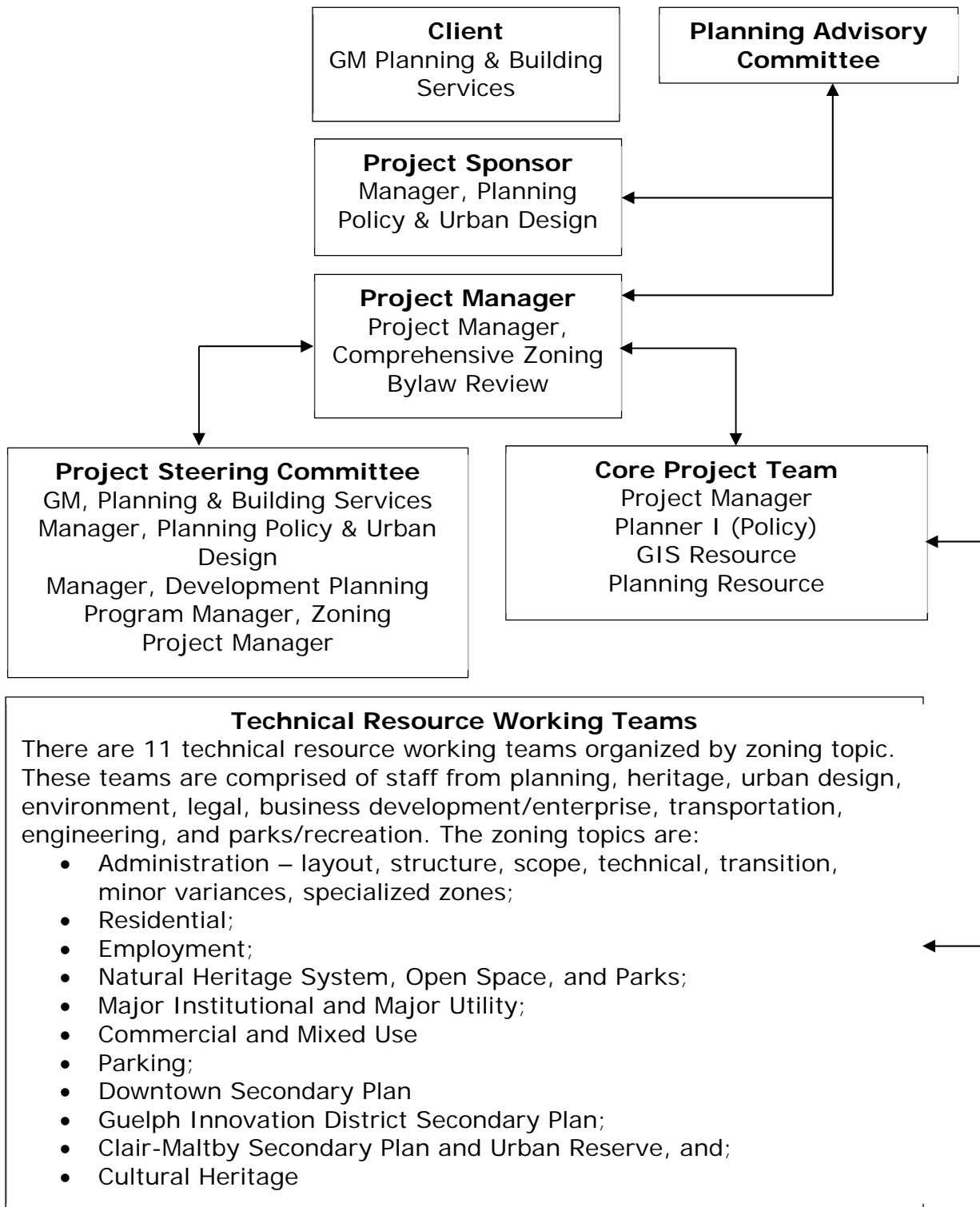
- Zoning bylaw user guide and interpretation notes
- Project charter for appeals (if required)

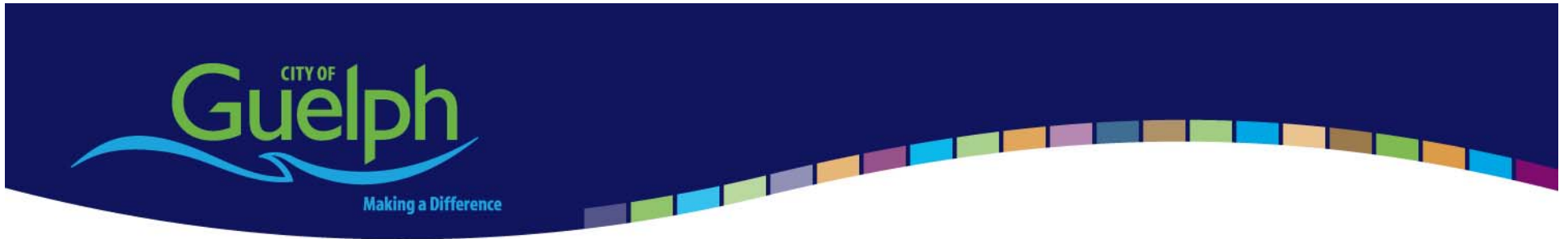
Community Engagement

- Planning Advisory Committee meeting

ATT B – Project Governance Structure

Project Governance Structure



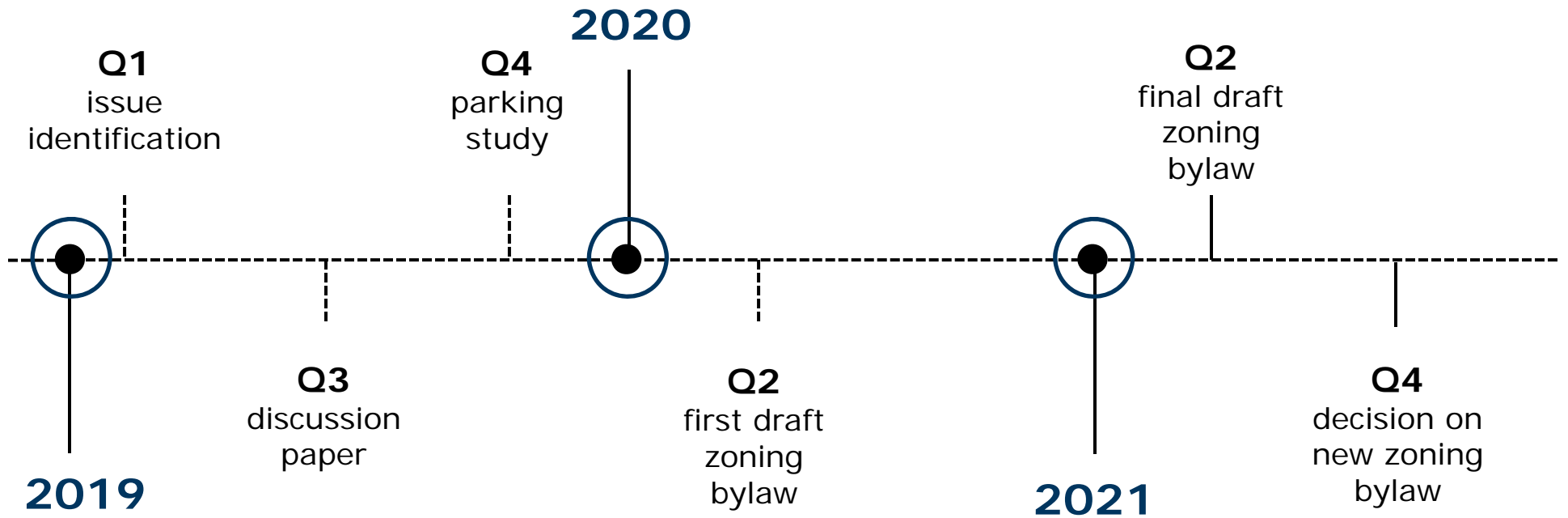


Comprehensive Zoning Bylaw Review

Project Initiation

January 14, 2019 – Committee of the Whole

Project Timeline



Project Scope

In Scope

- Discussion paper that reviews the Official Plan, zoning bylaw, zoning trends, and provides options/recommendations
- Preparation and engagement on a new zoning bylaw and Official Plan amendment (if required)

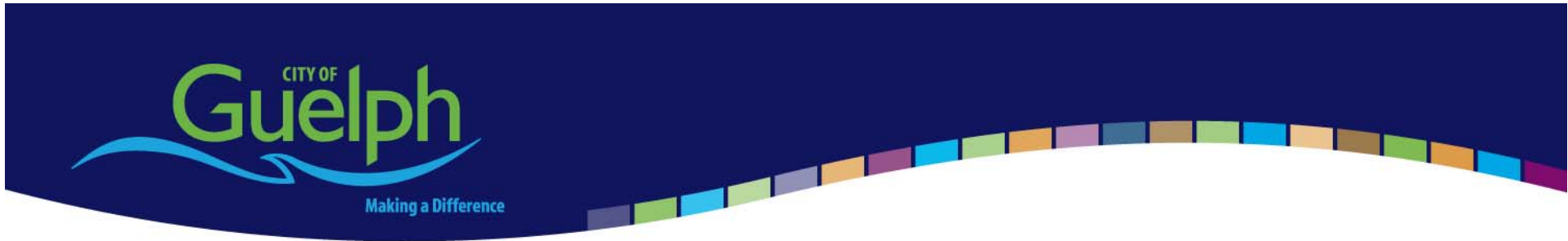
Out of Scope

- Exploration of matters not appropriately dealt with in zoning
- Requests to change zoning on specific sites
- Review of downtown ("D") zones
- Inclusionary zoning



Next Steps

- Work with the community and stakeholders to:
 - Understand what issues there are with the existing zoning bylaw
 - Identify what topics should be explored through the comprehensive zoning bylaw review
- Prepare discussion paper



Questions?

Staff Report

To **Committee of the Whole**

Service Area Infrastructure, Development and Enterprise Services

Date Monday, January 14, 2019

Subject **Red Light Camera Program Review**

Report Number IDE-2019-13

Recommendation

1. That staff be directed to formalize a Community Road Safety Program that includes mitigation measures to reduce the likelihood of frequent traffic infractions as well as red light violations and that funding support for this program be referred to in the 2019 budget process.
2. That the City of Guelph not proceed with implementation of the Red Light Camera program at this time but that Staff be directed to continue to assess the need and opportunity through further study in collaboration with Guelph Police Service.

Executive Summary

Purpose of Report

To report on the process and potential to implement a Red Light Camera program in the City of Guelph.

Key Findings

Red Light Cameras (RLCs) are an automated enforcement road safety tool that capture an image of a vehicle if it enters an intersection after the traffic light has turned to red since this type of infraction can lead to a right-angle (or T-bone) collision.

Current statistics indicate that a RLC can reduce the frequency of right angle collisions, usually the most severe type of collision, by 25%. However, it should be noted that RLC can increase the number of rear-end collisions by an estimated 15%.

The eight municipalities in Ontario that have implemented a RLC program are considered to be larger urban centres with adequate staff resources to support the programs.

Establishing a red light camera (RLC) program requires significant time and resources on the part of the municipality. Due to the agencies and contractual arrangements involved, the timing to complete the implementation process is approximately two (2) years.

Implementation of a RLC program in Guelph could reduce the number of right angle collisions annually by 29 collisions from 115 to 86 collisions, reducing the total number of collisions in the City by 1.5%.

Concerns from residents in Guelph regarding red light running violations are rare and the number of right-angle collisions per intersection in the City based on a five-year period is considered low when compared with other municipalities who have implemented a RLC program.

The majority of traffic concerns received from residents in the City are regarding speeding in residential areas and school zones, on-street parking and heavy truck traffic. In response to the concerns, Transportation Services staff is currently undertaking or have proposed several initiatives to increase intersection and traffic safety.

To address the most frequent traffic related concerns and issues, it is recommended a Community Road Safety Program be formalized in collaboration with Guelph Police Services that includes mitigation measures to reduce the likelihood frequent traffic infractions as well as red light violations.

Financial Implications

While a RLC program is not recommended at this time, funding in the amount of approximately \$213,000 would be required for each year of operation based upon a minimum of four cameras. There would be additional capital costs of approximately \$10,000 per intersection incurred to prepare the selected intersections for the installations of the Red Light Camera equipment. A communication and awareness program would also be required and is estimated to initially cost \$20,000 with \$5,000 ongoing costs after year one of implementation.

The set fine for a red light running violation is currently \$325. Of the \$325, \$265 is returned to the municipality, \$60 is a victim surcharge retained by the Province and \$5 is assigned for court costs. Fine revenue generated through the operation of a RLC program can be used to offset the cost of the operating costs of a RLC program.

For an RLC program to be fully funded through the fine revenue collected for RLC violations, an average of approximately 1 violation per camera per day (assuming four locations total) would be required. Since the number of red light violations is difficult to predict, especially in the early years of operation, the program needs to be viewed as a safety initiative as revenues are not a certainty.

Report

Background

At the May 28, 2018 meeting of Council, the following motion was passed that directed staff to investigate the process of implementing a Red Light Camera (RLC) program in the City of Guelph, and report back to Council in early Q1 2019.

That staff, in consultation with Guelph Police Services, be directed to investigate the process to implement Red Light Cameras in the City of Guelph which would include, but not be limited to, capital and operational costs including a public communications plan and a recommendation regarding the use of red light cameras as is applicable to the City of Guelph based upon a review and assessment of intersection collisions and report back to Council in early Q1 2019.

In response, staff completed a comprehensive review of the five-year collision history for all signalized intersections in the City to assess the potential effectiveness of a RLC program. As well, staff completed a municipal review to determine the process and resources that would be required to implement a RLC program. Based on the findings of the review, staff collaborated with Guelph Police Services to develop the recommendations contained within this report.

Red Light Cameras – Operation and Effectiveness

Red Light Cameras (RLCs) are an automated enforcement road safety tool that capture an image of a vehicle if it enters an intersection after the traffic light has turned to red, also referred to as 'running a red.' This type of traffic violation can lead to right angle (T-bone) collisions. Right angle collisions occur when the front of one vehicle collides with the side of another vehicle. RLCs are expected to decrease the number of motorists running red lights at intersections and thereby decrease the number of right-angle collisions.

Typically, RLCs are installed for a single intersection approach. A red light running violation is only generated when a motorist crosses the stop bar without stopping once the signal is red. Motorists crossing the stop bar on an amber light are not in violation. Also, vehicles that stop and proceed to make a right turn on a red signal are not in violation. Two images of the vehicle are taken and processed. If the images clearly show a red light violation then an infraction notice is mailed to the registered owner of the vehicle. Similar to parking tickets, RLC violations are the responsibility of the vehicle owner, and there are no demerit points involved. Red-light cameras photograph a vehicle's rear license plate only; not its driver or occupants. The RLC programs in Ontario have consulted the Province's Information and Privacy Commissioner to ensure the cameras do not violate driver privacy.

Attachment 1 illustrates the various infrastructure components that configure a RLC at an intersection.

The effectiveness of a RLC program can be measured in terms of reductions in crash frequency, crash severity, and frequency of red light running violations. Current statistics indicate that a RLC can reduce the frequency of right angle collisions, usually the most severe type of collision, by 25%. However, it should be noted that RLC can increase the number of rear-end collisions by an estimated 15%. Typically, right angle collisions are more severe than rear end collisions, therefore there is an overall net safety improvement and considered a positive overall safety cost benefit.

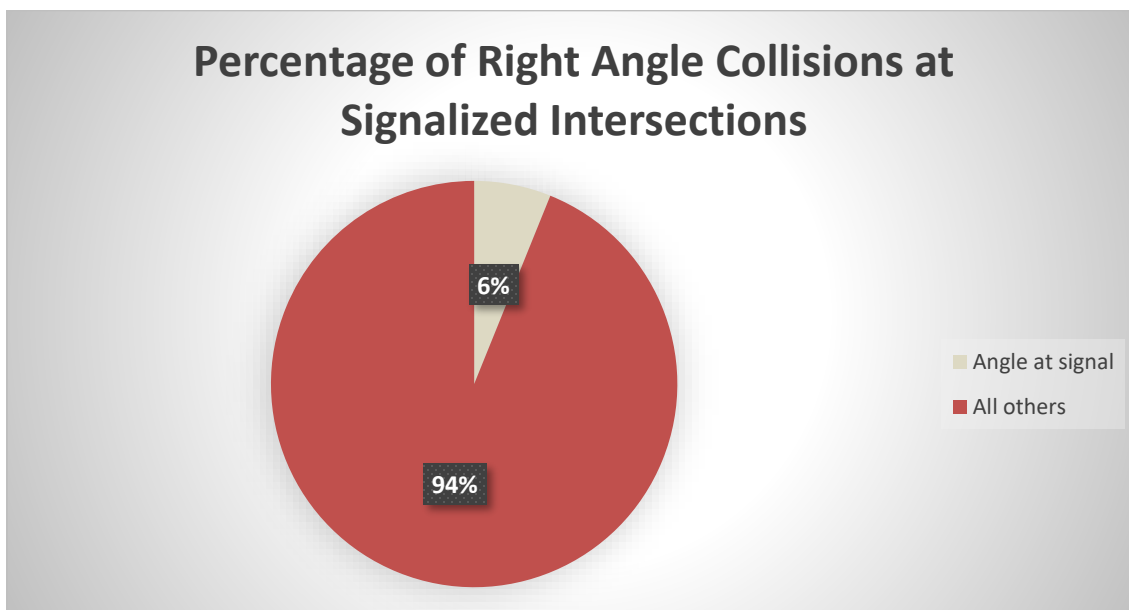
Collision Analysis

Over the five year period between 2013 – 2017, a total of 9447 motor vehicle collisions were reported in the City of Guelph. Six percent or 578 of the total collisions were right angle vehicle collisions at signalized intersections. Table 1 summarizes the collisions by type over the 5 year period and Figure 1 provides a graphical illustration of the percentage of right angle collisions versus all other collision types.

Table 1 – Total Collisions by Type (2013-2017)

Collision Type	Total	Percent
Rear end	3060	32%
Single motor vehicle	2301	24%
Turning movement	1358	14%
Sideswipe	914	10%
Right angle at non signal	647	7%
Right angle at signal	578	6%
Other	435	5%
Approaching (head-on)	164	2%
Total	9447	

Figure 1 – Percentage of Right Angle Collisions Vs. All Other Collision Types



Based upon the 578 right angle collisions that occurred at signalized intersections, there was an average of 115 per year during this time period. Taking into consideration that there were approximately 134 signalized locations where right-angle collisions could occur, this generates an average of 0.86 right-angle collisions per signalized location annually. Based on a potential 25per cent reduction in right angle collisions after the implementation of a RLC program, the number of right angle collisions has the potential to be reduced annually by 29 collisions from 115 to 86 collisions.

Table 2 provides further analysis of the ten intersections with the highest number of right angle collisions over the five-year period from 2013 to 2017. The collisions were analyzed to determine which direction was at fault, or which direction the red light running violation occurred and directional breakdown of RLC collisions. Undetermined means the direction at fault was not conclusive and no charges were laid.

Table 2 - Top Ten Signalized Intersections for Right Angle Collisions

Intersection	Number of Collisions & Direction at Fault					
	Northbound	Eastbound	Southbound	Westbound	Undetermined	Total
Edinburgh Rd at Speedvale Ave	2	3	3	1	5	14
Stone Rd at Edinburgh Rd	0	2	1	7	3	13
Gordon St at Wellington St	0	3	1	2	6	12
Edinburgh Rd at Wellington St	5	0	2	0	3	10
Elizabeth St at Victoria Rd	3	4	0	1	2	10
Eramosa Rd at Victoria Rd	3	2	1	2	2	10
Victoria Rd at York Rd	1	0	4	1	4	10
Kortright Rd at Scottsdale Dr	0	2	2	2	3	9
Speedvale Ave at Woolwich St	2	0	0	2	5	9
Clair Rd at Gordon St	1	0	4	1	3	9

The information in Table 2 shows that there are two approaches total, each occurring at separate intersections, that are averaging least one right angle collision or more per year over a 5-year period, namely Stone Road at Edinburgh Road – westbound direction and Edinburgh Road at Wellington Street – northbound direction.

Municipal Review

Red Light Cameras have been operating in Ontario since November 2000. For legal and practical reasons, all components of the program, from the equipment used through to the processing of the violations, are identical for all participating municipalities. The eight municipalities currently operating red light cameras in Ontario are:

1. City of Toronto
2. City of Ottawa
3. City of Hamilton
4. Region of Waterloo
5. Regional Municipality of Halton
6. Region of Peel
7. York Region
8. City of London

The municipal review conducted by City of Guelph staff revealed that establishing a red light camera (RLC) program requires a significant amount of time on the part of the municipality joining the program. The municipality must join the shared-vendor contract in addition to entering into contractual agreements with the City of Toronto for processing, and the Ministry of Transportation (MTO) for access to motor vehicle licence information. Additionally, the regulations under the Highway Traffic Act must be amended to recognize a new municipality. The timing to complete the entire initial process is approximately two (2) years.

The RLC program in Ontario is currently structured as a lease agreement, where the vendor, currently Traffipax LLC, owns, operates and maintains all RLC equipment. Each municipality involved in the program pays an annual fee for every camera site to Traffipax LLC. Traffipax LLC does not process the violations aside from the equipment taking the picture and the delivery of the film to the City of Toronto processing centre.

For information, Attachment 2 summarizes all of the agencies and groups involved in the RLC program with a description of requirements.

Financial Implications

Costs

The annual estimated cost to operate all components required for a red light camera program based upon the most recent cooperative contract agreement with the eight municipalities and Traffipax LLC and other associated costs is approximately \$52,000 per camera, not including staff time. Most of the municipalities involved in the initial RLC pilot program began with a minimum of four locations resulting in an annual estimated cost of \$208,000.

Implementation of a RLC program would also require initial costs to create a comprehensive educational and awareness program with a first year estimated

annual cost of \$20,000 and annual costs of approximately \$5,000 for the ongoing educational and awareness program.

Further, capital funding to prepare the selected intersections for the installations of the Red Light Camera equipment would be required. These costs have not been fully identified. However, it would consist of costs associated with signing, pavement markings, and physical work at the intersection to install detection loops, if required. Depending upon the intersections selected, these costs are estimated to be \$10,000 per intersection.

This suggests an estimated initial cost of \$268,000 in the first year with annual costs of approximately \$213,000 in the following years, exclusive of staff time.

These costs do not include the significant amount of staff effort and governance required for the initiation and ongoing administration of a RLC program. Based on the review of other municipalities with RLC programs, the following is a list of city departments that would be expected to be involved in a RLC program:

- Engineering and Transportation Services – Management of the RLC program, including site selection, implementation and ongoing day-to-day operation
- Communications – Ongoing information and education regarding the RLC program
- Legal, Realty and Court Services - Preparation of contractual documents and provision of a prosecutor to respond to appeals and trial requests
- Operations – Assist the vendor with installation and equipment inspection

The length of time required to establish all the contracts, approvals and processes plus the field installation of RLC equipment can be up to two years based upon information obtained in speaking with staff from a number of the municipalities that have RLC programs.

Revenue and Benefits

The set fine for a red light running violation is currently \$325. Of the \$325, \$265 is returned to the municipality, \$60 is a victim surcharge retained by the Province and \$5 is assigned for court costs. Fine revenue generated through the operation of a RLC program can be used to offset the cost of the operating costs of a RLC program.

For an RLC program to be fully funded through the fine revenue collected for RLC violations, an average of approximately 1 violation per camera per day (assuming four locations total) would be required. Since the number of red light violations is difficult to predict, especially in the early years of operation, the program needs to be viewed as a safety initiative as revenues are not a certainty.

RLC's are considered to be first and foremost a safety device. A successful program will result in a decrease in the number of violations and a corresponding reduction in revenues as time passes. The number of violations vary greatly on a daily basis at each intersection as red light running is a random occurrence.

Recommendation

Based on the intersection collision analysis for Guelph, as well as the data collected from the municipal scan of time and resources required, staff do not recommend the implementation of a RLC program in the City at this time. Concerns from residents in Guelph regarding red light running violations are rare and the number of right-angle collisions per intersection in the City is considered low when compared with other municipalities who have implemented the RLC program. Further, municipalities that have implemented a RLC program are considered to be large urban centres with the smallest being a population of almost 400,000. As such, staff resources to support the programs are larger and the RLC programs in these municipalities are part of an already established Road Safety program that includes a variety of tools to reduce traffic violations and increase community safety.

The majority of traffic concerns received from residents in the City are regarding speeding in residential areas and school zones, on-street parking and heavy truck traffic. In response to the concerns, Transportation Services is currently undertaking several initiatives to increase intersection and traffic safety, such as:

- Applying durable pavement markings (these last longer and stand out more than painted crosswalks) to ensure lanes and crosswalks are clearly visible
- Installing 'ladder style' crosswalks for higher visibility to further protect pedestrians
- Installing countdown pedestrian heads at signalized locations which has been demonstrated in some municipalities to reduce the number of red light violations by 24%
- Installing protected intersections and modernizing reconstructed intersections to reduce conflict points
- Installing new bicycle infrastructure and green pavement markings to protect cyclists
- Installing Pedestrian Crossovers to improve safety and accessibility for pedestrians
- Launching of the Community Speed Awareness Program (CSAP) which involves mobile radar speed boards in areas of concern.

In addition to the above noted items, Transportation Services has identified a number of policy and procedure updates for 2019 and had developed a business case demonstrating the need for an additional staff resource in the division.

This resource would be responsible for the development of a Road Safety Program, which will undertake detailed reviews of collisions and develop Safety Performance Factors (SPF's) leading into a Collision Safety Index which will generate a prioritized collision mitigation program that will be included in various programs of work in an effort to reduce the number of collisions across the City. These additional mitigation efforts based on the development of before and after metrics can include but are not limited to the following:

- Increase the frequency of line painting to twice per year at signalized intersections (i.e. once in the spring and once in the fall) to improve visibility
- Increasing the size of the traffic signal heads and lens (this process started in 2012 and continues with all replaced or reconstructed traffic signal installations) to improve visibility and reduce red light running
- Adding additional signal heads (this process started in 2012 and continues with all replaced or reconstructed traffic signal installations) to improve visibility and reduce red light running
- Reviewing arterial corridors for traffic signal progression at posted speed limit
- Installing advanced warning signs and/or flashing lights to highlight approaching intersections
- Reviewing the posted speed limit to ensure it meets current engineering standards
- Reviewing on-street parking restrictions, or other sightline obstructions near intersections to reduce collisions
- Decommissioning unwarranted traffic signals
- Installing advanced traffic signals to improve flow and reduce rear-end collisions
- Additional intersection redesigns or modernizations

Therefore, it is recommended that staff be directed to formalize a Community Road Safety Program in collaboration with Guelph Police Services that includes mitigation measures to reduce the likelihood frequent traffic infractions as well as red light violations.

Consultations

Consultation with the Guelph Police Service on a potential Red Light Camera program has occurred through the City-GPS Road Safety Committee. Guelph Police Services have reviewed and support the recommendations contained within this report. Further, the GPS and City staff from Transportation Services have committed to advancing road safety initiatives, including exploration of the use of technology to assist with increasing safety and enforcement. Recognizing the complexity of implementing RLCs and ensuring that any decisions rely on all available expertise and all available data, the GPS supports gathering further information to better inform the decision.

Corporate Administrative Plan

Overarching Goals

Service Excellence

Service Area Operational Work Plans

Our Services - Municipal services that make lives better

Our People- Building a great community together

Our Resources - A solid foundation for a growing city

Attachments

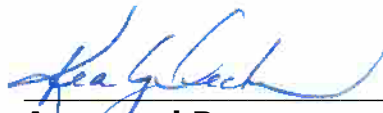
ATT-1 Red Light Camera Infrastructure Components
ATT-2 Agencies Involvement in Rd Light Camera Programs

Departmental Approval

Tara Baker, City Treasurer, Finance
Doug Godfrey, GM, Operations

Report Author

Steve Anderson
Supervisor, Traffic Engineering



Approved By

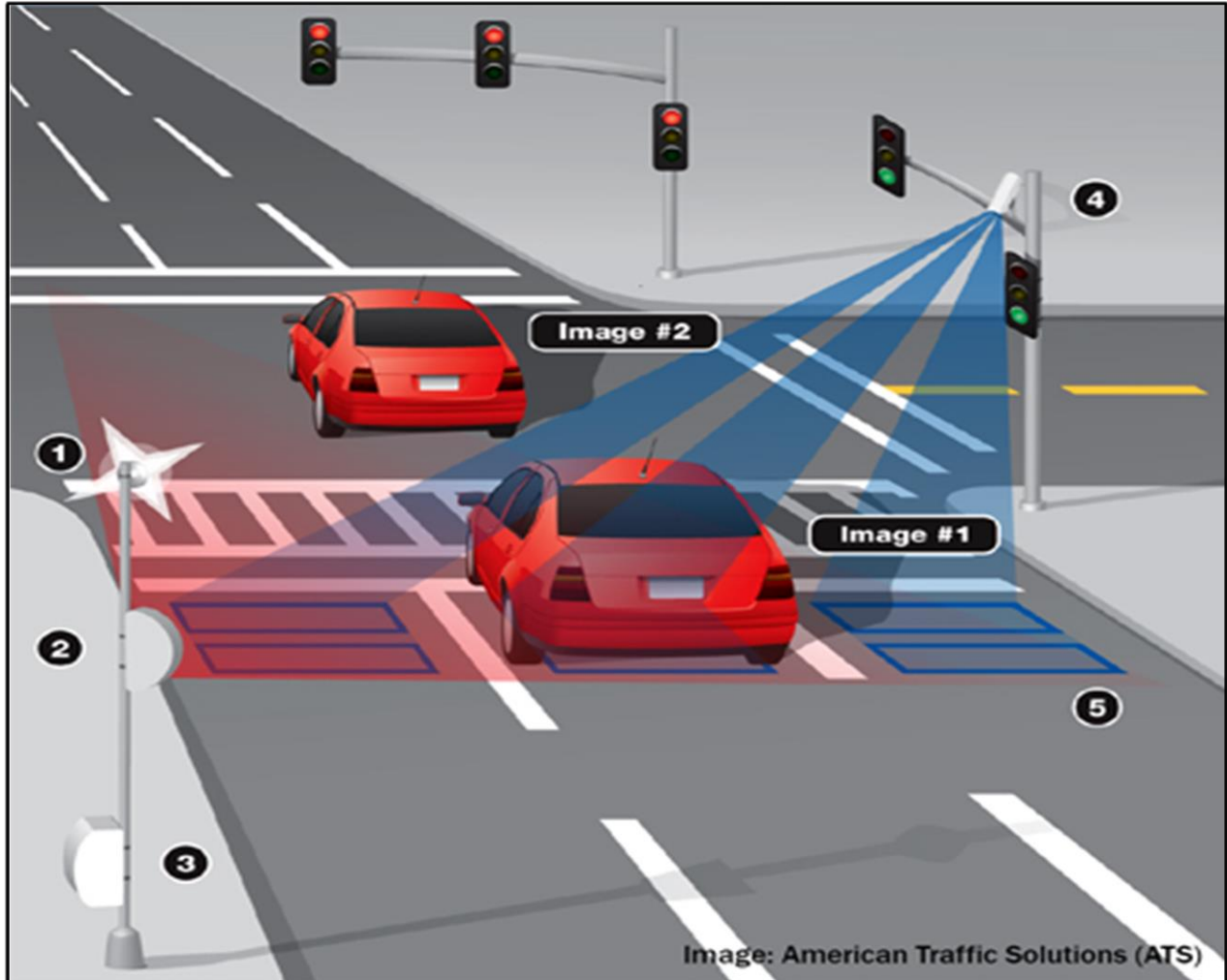
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Attachment 1 Red Light Camera Infrastructure Components



- 1 Strobe
- 2 Camera
- 3 Controller
- 4 Non-Invasive Video Sensor
- 5 Detection Zones

Image #1

The 1st Image records the vehicle behind the stopbar while the light is red

Image #2

The 2nd Image records the vehicle proceeding through the intersection while the light is red

Attachment 2
Agencies Involvement in Red Light Camera Programs

AGENCY	REQUIREMENT
Ministry of Transportation	The type of red light camera system being used in Ontario is already defined and identified within the Highway Traffic Act of Ontario (Regulation 277/99). Individual intersections with red light cameras in operation are provided with specific identification numbers within the Regulation. The City of Guelph would need to request an amendment to the Ministry of Transportation for the Regulation to be revised to include a list of proposed RLC sites in the City of Guelph.
City of Toronto	Red light camera violation notices (tickets) for the 8 Ontario municipalities already in the program are all currently processed by the City of Toronto since it is impractical to consider individual processing due to economies of scale and the complexity of the RLC equipment. The City of Toronto processes the tickets based on a cost recovery (not for profit) model. As part of the implementation process, the City of Guelph would need to confirm that the City of Toronto has the capacity to process violation notices.
Vendor (Traffipax LLC)	The 8 Ontario municipalities already in the RLC program have an existing joint contract with the vendor Traffipax LLC for the installation, operation and maintenance of every red light camera in Ontario. Since this contract expires at the end of 2021, the City of Guelph would need to enter into a sole-source agreement with Traffipax LLC in order to join the program prior to a new contract being entered into in 2022. The contract would most likely be based on the current agreements which are in place with the 8 participating municipalities, with the exception that the cost formula would be revised to reflect a shorter period of amortization between start-up and the end of 2021.
Ministry of the Attorney General	The Ontario Ministry of the Attorney General (MAG) is the agency which ensures that the proper procedures are followed for registering red light violations with the local court system. MAG also ensures that all necessary preparations are made in terms of the justice system for any court cases. All RLC violations are processed through the Ministry's ICON computer system. In order for the City of Guelph to join the RLC program, it would be necessary to obtain approval of the Ministry of the Attorney General and to work with them to ensure that the local court system is structured such that RLC violation notices and court requests can be properly managed.
Ministry of Transportation	When all of the arrangements are complete and necessary agreements in place, the City of Guelph would be required to sign a contractual agreement with the Ministry of Transportation Ontario (MTO) in order to proceed with the RLC program.

	<p>While the primary purpose of the agreement is to ensure that license plate ownership information is supplied to the processing centre, MTO also requires compliance with a number of other conditions such as standard signage at red light camera intersections and regular reporting of safety-related information.</p>
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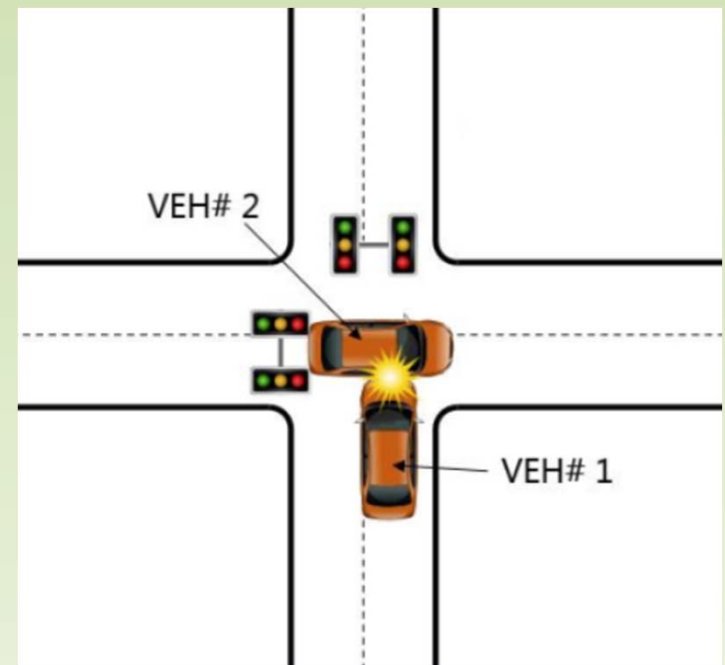
Red Light Cameras: Potential Program Review



Red Light Camera Program

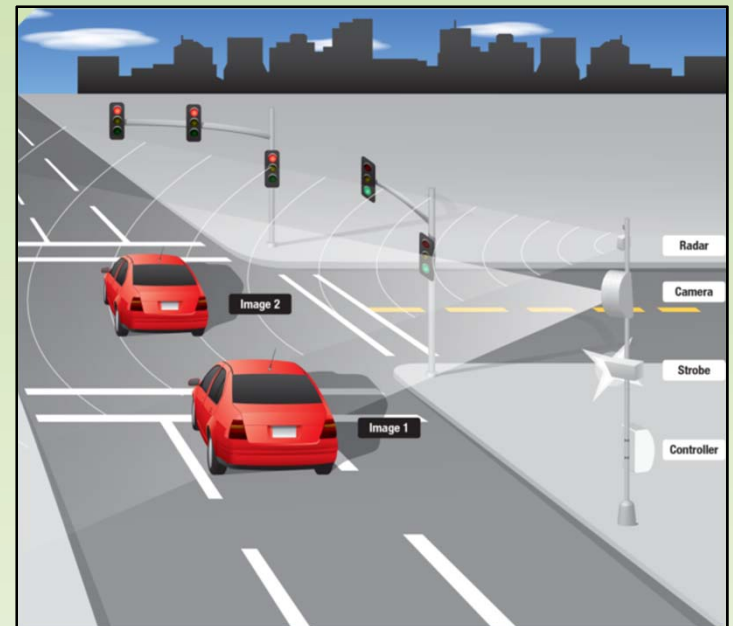
Background

- Introduced in Ontario in 2000
- Currently operating in 8 large urban municipalities
- Intended to improve road safety by decreasing number of vehicles running red lights at intersections, which can result in right-angle collisions
- Right angle collisions (or T-bone) are when the front of one vehicle collides and impacts the side of another vehicle



How does a RLC work?

- Typically, RLCs are installed for a single intersection approach
- There are loops set into the asphalt at the stop bar that trigger the RLC system, which is connected to the signal system
- The system is not triggered for the amber light, only the red
- 2 photos are taken, 1 of the vehicle at the stop bar and 1 of the vehicle in the intersection
- Both photos are taken at the rear of the vehicle for the license plate, no photos of the driver are taken



How are RLC tickets processed?

- Photos are sent to a Joint Processing Centre (JPC) in Toronto from the vendor 'Traffipax LLC', where a Provincial Provinces Officer (POOs) reviews each photo
- Plate registrant information is then requested from Ministry of Transportation Ontario (MTO) and an offence notice is sent to the licensed owner of the vehicle on behalf of each municipality
- A RLC offence does not result in loss of demerit points
- RLC offence notices are issued to the vehicle owner, regardless of who was driving the vehicle at the time of the offence

Implementation Process and Costs

Process:

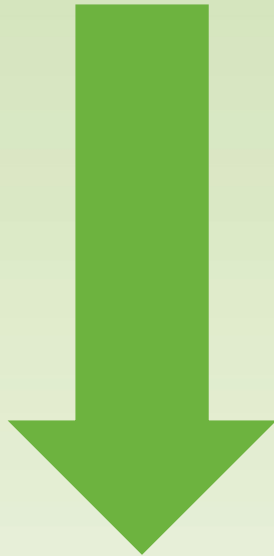
- A joint procurement agreement with the RLC vendor 'Traffipax LLC'
- A contract with the City of Toronto for ticket processing
- A contract with the MTO for plate registrant information
- It is expected that a minimum number of camera locations would be expected to be part of the contract, typically 4 to 10
- Typically takes 2 years to implement

Costs:

- Approximately \$218K (includes \$5k annual communication program) would be required annually for operation of four cameras (4 intersection approaches)
- An additional \$60K would also be required in the first year for installation of infrastructure at 4 locations and an initial communications and awareness program

RLC Effectiveness

RLCs cannot be expected to eliminate all collisions



RLCs can **reduce** right angle collisions by 25%



RLCs can **increase** rear end collisions by 15%

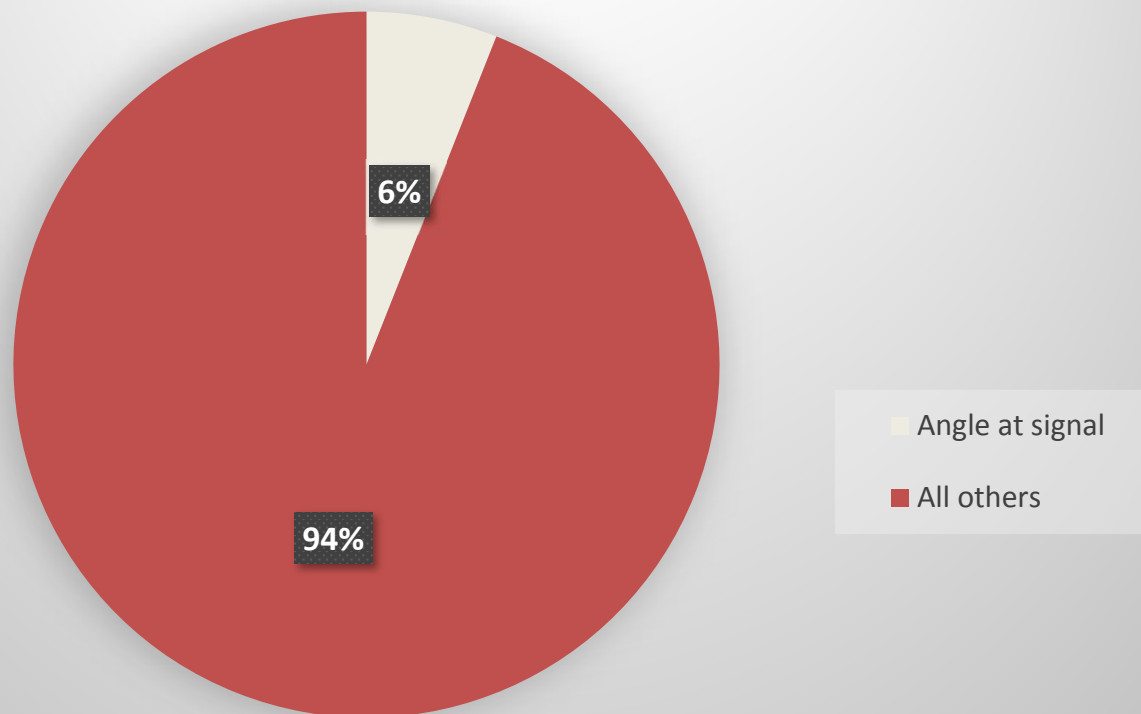
Collision Analysis

Total Collisions Over a 5-year Period Between 2013-2017

Collision Type	Total	Percent
Rear End	3,060	32%
Single motor vehicle	2,301	24%
Turning movement	1,358	14%
Sideswipe	914	10%
Right angle at non signal	647	7%
Right angle at signal	578	6%
Other	435	5%
Approaching (head-on)	164	2%
Total	9,447	

Collision Analysis Cont'd

Percentage of Right Angle Collisions at Signalized Intersections



Potential RLC Sites

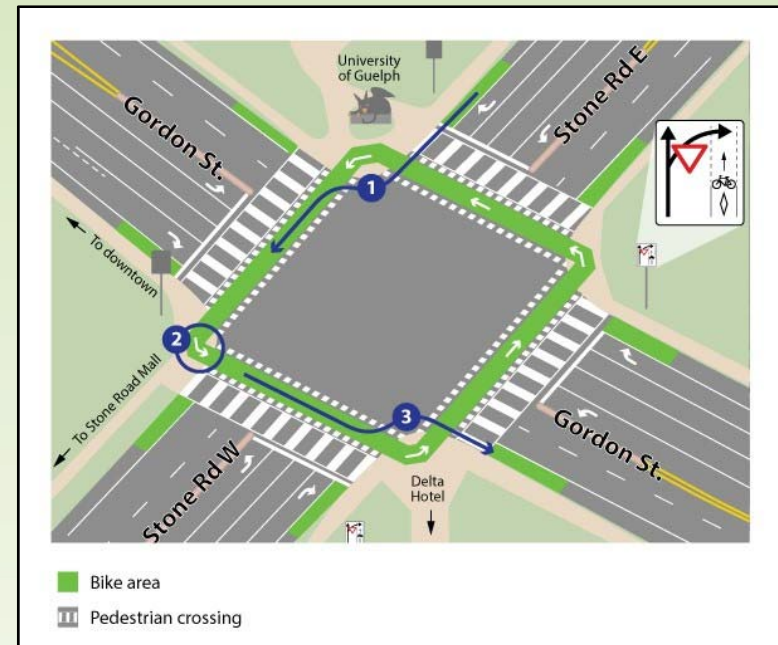
Based on the 5 year collision analysis, signalized intersections were ranked for candidate RLC locations

Intersection	Number of Collisions & Direction at Fault					
	NB	EB	SB	WB	Undetermined	Total
Edinburgh Rd N at Speedvale Ave W	2	3	3	1	5	13
Stone Rd W at Edinburgh Rd S	0	2	1	7	3	13
Gordon St at Wellington St W	0	3	1	2	6	12
Edinburgh Rd S at Wellington St W	5	0	2	0	3	10
Elizabeth St at Victoria Rd S	3	4	0	1	2	10
Eramosa Rd at Victoria Rd	3	2	1	2	2	10
Victoria Rd S at York Rd	1	0	4	1	4	10
Kortright Rd W at Scottsdale Dr	0	2	2	2	3	9
Speedvale Ave E at Woolwich St	2	0	0	2	5	9
Clair Rd W at Gordon St	1	0	4	1	3	9

Mitigation Measures

Recent Measures to Improve Road Safety

- Durable pavement marking applications
- Community Speed Awareness Program (CSAP)
- Countdown pedestrian heads at signalized intersections
- Intersection modernization and redesign
- Protected intersections
- Bicycle infrastructure
- Pedestrian crossovers
- 'Ladder style' crosswalks



Mitigation Measures

Proposed Additional Measures to Improve Safety

- Increase the frequency of line painting (twice per year)
- Increasing the size of the traffic signal heads and lens
- Additional signal heads
- Review arterial corridors for traffic signal progression
- Install advanced warning signs and/or flashing lights
- Review the posted speed limit
- On-site intersection reviews
- Decommissioning unwarranted traffic signals
- Install advanced traffic signals
- Additional intersection redesigns or modernizations

Recommendation

1. That staff be directed to formalize a Community Road Safety Program that includes mitigation measures to reduce the likelihood of frequent traffic infractions as well as red light violations and that funding support for this program be referred to in the 2019 budget process.
2. That the City of Guelph not proceed with implementation of the Red Light Camera program at this time but that Staff be directed to continue to assess the need and opportunity through further study in collaboration with Guelph Police Service.

Staff Report



To **Committee of the Whole**

Service Area Public Services

Date Monday, January 14, 2019

Subject **Parkland Dedication Bylaw**

Report Number PS-2019-01

Recommendation

1. That Council approve the proposed parkland dedication bylaw included as ATT-1 to the report PS-2019-01 dated January 14, 2019.

Executive Summary

Purpose of Report

This report seeks Council approval of the staff recommended proposed parkland dedication bylaw prepared under the authority of section 42 of the Planning Act.

Key Findings

Parkland dedication: Section 42 of the Planning Act permits Council to pass a bylaw to require the conveyance of land or payment in lieu thereof for park or other public recreational purpose as a condition of development or redevelopment of land.

The Planning Act establishes a general rate of up to two per cent (2%) of the land proposed for development or redevelopment (or payment in lieu thereof) in the case of land developed for commercial or industrial purposes, and five per cent (5%) of land proposed for all other development or redevelopment.

The act also permits a special "alternative rate" of one hectare (1 ha) of land per 300 dwelling units proposed for residential development or redevelopment, or payment equivalent to the market value of one hectare (1 ha) of the land per 500 dwelling units proposed where an in-force Official Plan has specific policies that permit that rate.

The City's Official Plan policies 7.3.5.1 and 7.3.5.2 contain specific policies authorizing the alternative rate to be applied for residential development and redevelopment in the City of Guelph. The proposed new bylaw will permit the alternative rate to be applied to ensure that as the city grows, our parks and open space system grow with it.

The Official Plan outlines a city wide average service level for parkland throughout the city. Parkland dedication is one of the tools which the City can use to acquire parkland to contribute towards achieving the policy objectives of the City's Official Plan to maintain a city-wide park service level.

The current Parkland Dedication Bylaw (1989)-13410 was adopted by Council under the provisions of the section 41 of the Planning Act S. O. 1983 and was amended by Bylaw (1990)-13545 and Bylaw (2007)-18225. The proposed new bylaw will replace the current Parkland Dedication Bylaw and will allow the City to collect parkland dedication at an increased rate for infill developments and redevelopments prior to issuance of any building permits.

The recommended new bylaw establishes a cap on the payment in lieu rate of 20 percent of the total value of the development land for infill high density residential development where 100 dwelling units or more per hectare are proposed. This is intended to provide a balance between the increased rate, as compared to current practices, and a fair and reasonable encouragement of intensification within the city.

Financial Implications

Parkland Dedication Reserve Funds

Section 42(15) of the Planning Act requires that all funds collected through payment in lieu of parkland dedication or the sale of lands dedicated as parkland be deposited in a special account to be spent only for the acquisition of land, the erection, improvement or repair of buildings, and the acquisition of machinery for park and other recreational purposes. The City maintains two Parkland Dedication Reserve Funds created pursuant to this section. These Reserve Funds are one of the primary funding sources for parkland acquisitions, pending Council approval and the specifics of each land parcel consideration.

The Parkland Dedication Reserve Funds are used to manage the difference in timing of collection of fees compared to the timing of the land acquisition. These reserve funds have a total projected year-end balance of \$4.07 million.

Capital Funding

The Parkland Dedication Bylaw review and update is funded through the development charges supported capital project PK0089 which has an approved total budget of \$210,000. The project is expected to be completed within this budget cycle. The recommended bylaw proposes that Council review the parkland dedication bylaw no less than once during its term. The costs for review and update of the bylaw will be incorporated into future capital budget and forecasting.

Operating Funding

The recommended bylaw proposes the use of standard land values to calculate the amount of payment in lieu of parkland owing on construction of single or semi-detached dwellings for building permit applications. The recommended bylaw proposes to review and update these values once every two years. Administrative and operating costs to update these values have been estimated at \$10,000 per

occurrence, and will be incorporated into future budgets and funded from the parkland dedication revenues accordingly.

Report

Bylaw update process

Staff initiated the review and update of the parkland dedication bylaw to ensure that the City has the appropriate tools in place, as permitted by the Planning Act and in accordance with its Official Plan policies, to acquire land for park and other recreational purposes to meet the needs of the growing population. The scope of the project included background research including a review of current legislation and Guelph's current parkland dedication bylaw, best practices review of comparable municipalities, community engagement, and preparation of a new parkland dedication bylaw.

An internal project team was created with representation from Finance, Legal, Realty, Planning, Economic Development, Clerks, Community Engagement, and Corporate Communications.

The internal project team identified internal and external stakeholders who were kept informed and given opportunities to provide input into the bylaw update process. Key external stakeholders were identified as groups and organizations that invest in, own, and develop land that would be most affected by policy changes. Infrastructure Ontario, Upper Grand District School Board, Grand River Conservation Authority, University of Guelph, Habitat for Humanity, Guelph and Wellington Development Association, Guelph & District Homebuilders Association, and Schlegel Health Care Incorporated were identified as key external stakeholders.

Key external stakeholders provided input throughout the process and at specific milestones, and members of the public provided input through the community engagement process.

In March 2017, the City retained The Planning Partnership to review the existing Parkland Dedication Bylaw, current practices and procedures related to parkland dedication, and to provide a framework and recommendations for drafting a new bylaw. The consultant completed background research including an overview of the legislation, Guelph's current policies and practices, benchmarking parkland policies in southern Ontario, evaluation of innovative tools, and led stakeholder engagement.

The following comparator municipalities were selected for the benchmarking with respect to the parkland dedication rates and the practices: Barrie, Cambridge, Hamilton, Kitchener, London, Markham, Mississauga, Oakville, Richmond Hill, Vaughan and Waterloo. A summary of the current parkland dedication rates for comparable municipalities are included as ATT-4.

For detailed information on the project background, research and outcomes visit the project web page at the following link:

Authority under the Planning Act

Section 42

Under section 42 of the Planning Act, as a condition of development or redevelopment, the City may require, by bylaw, conveyance of land or payment in lieu of parkland as may be specified in the bylaw. The Planning Act establishes a general rate of up to two per cent (2%) of the land proposed for development or redevelopment (or payment in lieu thereof) in the case of land developed for commercial or industrial purposes, and five per cent (5%) of land proposed for all other development or redevelopment.

Section 42 also permits municipalities to utilize an alternative requirement. Under this requirement, a municipality may require by bylaw that where land is being proposed for development or redevelopment for residential purposes, that land be conveyed to the municipality for park or other recreational purposes at a rate of one hectare (1 ha) for every 300 dwelling units proposed. Council may require a payment in lieu of land, calculated by using a rate of one hectare (1 ha) for each 500 dwelling units proposed or such lesser rate as may be specified in the bylaw.

For the alternative requirement to be provided for in a bylaw, a municipality's Official Plan must contain specific policies dealing with the provision of land for park or other public recreational purposes and the use of the alternative requirement.

Sections 51.1 and 53(13)

Parkland Dedication can also be imposed as a condition of approval of a draft plan of subdivision in accordance with the section 51.1 or a consent for severance in accordance with section 53(13) of the Planning Act; however, this bylaw wouldn't apply to those approvals. The parkland dedication requirement for a plan of subdivision is imposed as a condition of approval of a draft plan of subdivision according to the Section 51.1 of the Planning Act and in accordance to the Official Plan policy - 7.3.5.1. The City would require developers to convey parkland at a rate of one hectare (1 ha) per 300 dwelling units proposed for a draft plan of subdivision. The developers are required to convey parkland or payment in lieu of parkland at equivalent market value of one hectare (1 ha) per 500 dwelling units proposed prior to registration of a plan of subdivision.

The future development areas contained within green field developments and secondary plans (i.e. Guelph Innovation District, Clair-Maltby) are anticipated to be approved as draft plans of subdivision and will be subjected to the maximum 'alternative rate' allowed under Section 51.1 of the Planning Act of one hectare (1 ha) per 300 dwelling units for conveyance of land in accordance with the Official Plan Policy 7.3.5.1.

Official Plan Parkland Dedication Policies

The city's current Official Plan contains implementing policies, consistent with the Planning Act, which enable the City to require the dedication of parkland or payment in lieu of the conveyance of parkland as a condition of development or redevelopment of lands for residential, commercial, industrial and all other purposes.

The standard parkland dedication rates set out in the Official Plan of two per cent (2%) for industrial and commercial purposes and five per cent (5%) for residential and all other uses.

Official Plan policy 7.3.5.1 also allows the City to require parkland dedication at an alternative rate of up to one hectare (1 ha) for every 300 dwelling units proposed for conveyance of land. If the alternative rate applies, Council may require a payment in lieu, calculated by using a rate of one hectare (1 ha) for each 500 dwelling units proposed or such lesser rate as may be specified in the bylaw.

Current Parkland Dedication Bylaw

City of Guelph's Parkland Dedication Bylaw (1989) – 13410, as adopted by Council under the provisions of section 41 of the Planning Act S. O. 1983 and as amended by Bylaw (1990)-13545 and Bylaw (2007)-18225, has been in effect for the last 30 years, and poses the following significant challenges:

- Payment in lieu amounts for single and semi-detached dwelling units in Section 209-4 (a) are based on five per cent (5%) of the average lot values calculated in 1989. Development land values have increased significantly since 1989.
- Section 209-3(c) includes a cap of five per cent (5%) for parkland dedication within the defined downtown area, and this cap doesn't allow the City to collect sufficient funds for the planned acquisition of parkland within the downtown.
- Section 209-3(c) defines the downtown area which has been redefined in 2012 through the Downtown Secondary Plan and Official Plan update.
- The maximum dedication requirement under the current bylaw is 10 per cent (10%) of the land, or payment in lieu thereof, and this rate is imposed only for high density residential development proposals for the areas outside downtown. This is a significantly lower requirement than what is permitted under the section 42 of the Planning Act.
- The current bylaw doesn't address parkland dedication provisions adequately for development and redevelopment for commercial, industrial, institutional and other non-residential purposes.

- The current bylaw lacks an approach for calculation of parkland dedication requirements for mixed use developments.

Recommended Parkland Dedication bylaw

Staff is recommending a proposed new bylaw, included as ATT-1 which is consistent with Section 42 of the Planning Act and the existing parkland dedication policies in the City's Official Plan. The recommended bylaw will:

- Provide clarification of what lands will be used for calculation of parkland dedication and what type of lands will not be accepted as parkland;
- Provide a consistent approach for utilizing the alternative requirement to calculate parkland dedication for residential developments;
- Identify the types of developments which are exempt from the parkland dedication requirement;
- Generate payment in lieu funds for low density residential developments that are more reflective of the current market value of the development lands;
- Provide a fair approach in determination of market values of development lands through site specific appraisals for industrial, commercial, medium and high density residential developments and other uses;
- Provide an updated downtown boundary to match the Downtown Secondary Plan.

Proposed parkland dedication rates

The recommended bylaw proposes a range of parkland dedication rates for different types of development or redevelopment. A summary of the proposed bylaw is included as ATT-2.

A comprehensive exercise was done to ensure that the proposed dedication rates do not exceed the maximum dedication rates permitted in the Planning Act. A table, showing a comparison of the proposed parkland dedication rates against the current bylaw and the maximum parkland dedication rates permitted under the section 42 of the Planning Act for residential development, is included as ATT-3.

Conveyance of parkland

Downtown residential (all densities): one hectare (1 ha) per 500 dwelling units, not to exceed 20 per cent (20%) of the total area OR five per cent (5%) of the total area, whichever is greater.

High density residential outside downtown (100+ units/hectare): one hectare (1 ha) per 500 dwelling units, not to exceed 20 per cent (20%) of the total area OR five per cent (5%) of the total area, whichever is greater.

20 per cent (20%) cap for High Density residential development: A fiscal impact analysis prepared by the City's consultant supports the implementation of a 20 per cent (20%) cap for high density residential developments. It provides a balance between increased parkland dedication, as compared to the rates under the current bylaw, and the fair and reasonable encouragement of intensification within identified growth areas of the city.

The 20 per cent (20%) cap is higher than the existing five per cent (5%) cap utilized within the current bylaw defined downtown boundary and the 10 per cent (10%) cap everywhere else within the city with the intent that:

- An increase from current rates for lands and payment for parkland purposes will help generate increased parkland space within the city's evolving urban areas.
- The recommended cap is an incentive for high density residential intensification.
- All of the proposed high density intensification areas will be on an equal footing with respect to parkland dedication, not providing priority to specific areas of the city over others.
- Including a cap mitigates significant increase in payment in lieu of parkland which may help alleviate higher dwelling unit prices.
- When using the alternative rate of one hectare (1 ha) per 300 dwelling units, there are instances where the land equals or exceeds that of the land area being developed.

The proposed 20 per cent (20%) cap works within the 2012 downtown financial model and the cap will be reviewed during the proposed update of the downtown parkland financial model in 2019.

Other residential density outside downtown: one hectare (1 ha) per 500 dwelling units, or five per cent (5%) of the total land area, whichever is greater. The bylaw proposes a lower rate for the residential development where less than 100 units per hectare are proposed by calculating conveyance of parkland at one hectare (1 ha) per 500 dwelling units proposed compared to the maximum rate of one hectare (1 ha) per 300 dwelling units permitted under the Planning Act.

Mixed-Use Development: Where a development or redevelopment will include a mix of uses, and two or more of the requirements may apply to the development or redevelopment, the area of the land required to be conveyed to the City for parkland shall be determined in accordance with whichever single requirement applies to the development or redevelopment which will result in the greatest total area of the land being required to be conveyed to the City for parkland or equivalent market value for payment in lieu of land. For example, if a proposed development consists of an apartment building to develop 200 dwelling units and the two lower floors of the building will be used for commercial purpose, the City would require parkland dedication as outlined in the proposed bylaw for the residential component only, as this will result in the greatest total area.

Commercial or Industrial: Parkland dedication requirement will be calculated at a rate of two per cent (2%) of the area of the lands proposed for development or redevelopment.

Other uses: Parkland dedication requirement will be calculated at five per cent (5%) of the development lands.

Payment in lieu of parkland

Where payment in lieu of conveyance of parkland is required, equivalent market value at the same rate as the conveyance of parkland would be required and builders are obligated to pay prior to issuance of any building permits.

The recommended bylaw includes standard market values for the development or redevelopment of the single and semi-detached dwellings. 'Schedule A' of the bylaw contains market values per acre provided by a professional appraiser as part of the consultant's scope of work. These standard market values are proposed to be updated once every two years. Standard land values provide increased cost certainty for landowners in smaller development/redevelopment scenarios while reducing development approval timelines and administrative burden on City staff.

For all developments and redevelopments other than the development or redevelopment of the single and semi-detached dwelling units, the City would continue to require each builder to provide a satisfactory site-specific long form appraisal report for the development lands prepared by a qualified appraiser who is a member in good standing of the Appraisal Institute of Canada to determine market value.

For the purpose of determining the amount of payment in lieu required, the value of the development lands shall be determined as of the day before the day the building permit is issued in respect of the development or redevelopment or, if more than one building permit is required for the development or redevelopment, as of the day before the day the first permit is issued. The land is valued as a fully developed, fully serviced block or lot of land, ready for building permit(s), at full market value.

The majority of infill/intensification high density residential developments in the City are expected to continue to contribute "payment in lieu" rather than conveyance of land due to the small size of the development lands.

Where land conveyed

The City may require a top-up of parkland dedication in accordance with the subsection 42(7) of the Planning Act where the parkland dedication or payment in lieu has been required or collected in the past, where there is an increase in residential density, or a change in land use from commercial/ industrial use to another use. The City maintains a record of conveyed parkland and/or payment in lieu of parkland received for various development approvals for the purpose of determining any required top-up of parkland dedication.

Exemptions

City developments, developments for educational and not for profit healthcare purposes, accessory and second units will be exempt from parkland dedication requirement under the proposed new bylaw.

Consultant Recommendations

The City's consultant provided 43 recommendations for preparation of the new Parkland Dedication Bylaw. Staff incorporated 21 recommendations into the proposed bylaw. Some of the recommendations have been used with modifications. The consultant recommendations and the approach used by staff for drafting the proposed bylaw can be viewed at the following link:

<https://guelph.ca/wp-content/uploads/Consultant-Recommendations-for-Parkland-Dedication-Bylaw.pdf>

Conclusion

Staff are recommending a new bylaw, included as ATT-1, to implement Official Plan policies 7.3.5.1 and 7.3.5.2 which came into effect in October 2017. The recommended bylaw is consistent with the Section 42 of the Planning Act and the parkland dedication policies in the City's Official Plan. The bylaw supports the strategic goal of the Official Plan of planning a complete and healthy community.

An increase from current rates for conveyance of parkland where feasible and payment in lieu of parkland will help generate increased parkland space within evolving urban areas. A 20 per cent (20%) cap provides a balance between increased parkland dedication, as compared to current practices, and a fair and reasonable encouragement of intensification within the city.

Financial Implications

Parkland Reserve Funds

Section 42(15) of the Planning Act requires that all funds collected through payment of money in lieu of conveyance of parkland or the sale of lands conveyed as parkland be deposited in a special account to be spent only for the acquisition of land, the erection, improvement or repair of buildings, and the acquisition of machinery for park and other recreational purposes. The City maintains two Parkland Dedication Reserve Funds created pursuant to this section. These reserve funds are one of the primary funding sources for parkland acquisitions, pending Council approval and the specifics of each land parcel consideration.

The Parkland Dedication Reserve Funds are used to manage the difference in timing of collection of fees compared to the timing of the land acquisition. These reserve funds have a total projected 2018 year-end balance of \$4.07 million.

The Parkland Dedication Reserve Fund (300) is intended to manage the funding collected through the parkland dedication requirement outside of the downtown area. These funds have been used to purchase parkland on an as-needed basis and for occasional repair of recreational buildings.

The Downtown Parkland Dedication Reserve Fund (301) is intended to collect parkland dedication revenues received from development in the downtown for the purpose of funding the planned parkland identified in the Downtown Secondary Plan.

Cost estimates generated through the Downtown Secondary Plan in 2012 identified that \$4.26 million or 25 per cent (25%) of the total desired parkland purchase was to be funded from parkland dedication funds. The work to date has demonstrated that the proposed bylaw is compliant with the 2012 Downtown Parkland Financial Model to achieve the goals of the Downtown Secondary Plan. To date, the City has purchased the first of four properties that combined, will form the desired downtown parkland. The 2012 Downtown Secondary Plan Parkland Financial Model requires updating during 2019 as a number of variables in the plan have changed over time. The proposed Parkland Dedication Bylaw revenues may need to be updated once this work is complete to reflect any change in estimates at that time.

Capital Funding

The Parkland Dedication Bylaw review and update is funded through the development charges supported capital project PK0089 which has an approved total budget of \$210,000. The project is expected to be completed within this budget cycle. The recommended bylaw proposes that Council review the parkland dedication bylaw no less than once during its term. The costs for review and update of the bylaw will be incorporated into future capital budget and forecasting. Upon approval of the bylaw, the next bylaw update will be identified within the 2020 capital budget forecast.

Operating Funding

The recommended bylaw proposes the use of standard land values to calculate the amount of payment in lieu of parkland owing on construction of single or semi-detached dwellings for building permit applications. The recommended bylaw proposes to review and update these values once every two years. Operating costs to update these values have been estimated at \$10,000 per occurrence, and will be incorporated into future budgets and funded from the parkland dedication revenues accordingly.

Consultations

Community engagement

The City of Guelph sought input from a number of stakeholders throughout the process of the development of a new Parkland Dedication Bylaw. External and internal stakeholders were given the opportunity to provide input throughout the

project. This input has helped to shape the direction and focus of the new recommended parkland dedication bylaw. The collective goal of this project has been to ensure that Guelph is able to secure a solid parks and open space system for residents today and well into the future.

Phase One

The first phase of the stakeholder engagement consisted of workshops that took place in April and June of 2017. In April, internal stakeholders were given the opportunity to discuss the current state of the City's parks network, the City's current parkland dedication policies and bylaws, and issues and opportunities moving forward. In June, key external stakeholders, including institutional representatives and property developers, discussed the impacts of parks and parkland dedication related to their organizations and presented key considerations for the project moving forward.

Phase Two

The second phase of engagement, held in October 2017, included a follow-up workshop with external stakeholders, many of whom were involved in the first workshop, as well as two sessions of a public open house and accompanying survey. The external stakeholders were shown how their initial input has informed the development of a Draft Framework for Parkland Dedication and were given another opportunity to raise issues and concerns. The public was given an overview of the project and progress on work completed to-date.

Phase Three

The third phase of engagement held in April-May 2018 included a review of the new draft bylaw by public and key stakeholders. On April 20, 2018 a draft of the bylaw was posted online and feedback was encouraged from all potential stakeholders. As well, targeted emails were sent to representatives from a number of organizations and members of public who had previously participated in stakeholder engagement events and expressed interest to be kept informed about the process.

Representatives from the real estate development industry have shared a number of common concerns about the impacts of the changes to parkland dedication practices in Guelph brought on by the Draft Parkland Dedication Bylaw. The Draft Parkland Dedication Bylaw updates dedication rates for land and payment-in-lieu of land associated with residential development.

Visit the following link for a summary of the feedback received by the City from the call for responses between April 20 and May 3, 2018 and staff's response to the questions.

Corporate Administrative Plan

Overarching Goals

Service Excellence
Financial Stability
Innovation

Service Area Operational Work Plans

Our Services - Municipal services that make lives better
Our People- Building a great community together
Our Resources - A solid foundation for a growing city

Attachments

ATT-1 Proposed Parkland Dedication Bylaw
ATT-2 Summary of the proposed Parkland Dedication Bylaw
ATT-3 Comparison of the Parkland Dedication rates
ATT-4 Parkland Dedication rates for comparable municipalities

Departmental Approval

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THE CORPORATION OF THE CITY OF GUELPH

By-law Number (2019)- XXXX

A By-law to require the conveyance of land for park or other public recreational purposes as a condition of the development or redevelopment of land within the City of Guelph, or the payment of money in lieu of such conveyance, pursuant to the Planning Act, RSO 1990, c P.13, as amended, and to repeal By-law number (1989)-13410, as amended by By-laws numbered (1990)-13545 and (2007)-18225.

WHEREAS Section 42(1) of the Planning Act, RSO 1990, c P.13, as amended authorizes the Council of the Municipality to require, by By-law, the conveyance of land for park or other public recreational purposes as a condition of the development or redevelopment of land within the Municipality or any part thereof, or to require the payment of money in lieu of such a conveyance, and;

AND WHEREAS The City of Guelph has an Official Plan in effect that contains specific policies dealing with the provision of lands for park or other public recreational purposes and the use of the alternative requirement authorized under section 42(3) of the Planning Act, RSO 1990, c P.13;

NOW, THEREFORE, THE COUNCIL OF THE CORPORATION OF THE CITY OF GUELPH ENACTS AS FOLLOWS:

Short Title:

1. This By-law may be referred to as the Parkland Dedication By-law.

Severability:

2. If a court of competent jurisdiction declares any provision or part of a provision of this By-law to be invalid, illegal, unenforceable or of no force and effect, it is the intention of Council in enacting this By-law that the remainder of this By-law will continue in force and be applied and enforced in accordance with its terms to the fullest extent possible according to law.

Definitions:

3. The following definitions apply in this By-law:
 - (a) **"Board of Education"** has the same meaning as "board" as that term is defined in the *Education Act*, RSO 1990, c E.2, as amended, or any successor thereto;
 - (b) **"City"** means the City of Guelph, or the Corporation of the City of Guelph, as the context dictates;

- (c) **"College"** means a college established under the *Ontario Colleges of Applied Arts and Technology Act, 2002*, as amended, or any successor thereto;
- (d) **"Council"** means the Council for the City of Guelph;
- (e) **"Develop"** means the construction, erection or placing of one or more buildings on land or the making of an addition or alteration to a building that has the effect of substantially increasing the size or usability thereof by increasing the Gross Floor Area of the building by forty-percent (40%) or more, the addition of one or more new Dwelling Unit(s), or a conversion to a different use. "Development", "Redevelop" and "Redevelopment" have their corresponding meanings;
- (f) **"Downtown"** means downtown Guelph, as shown in Schedule "C".
- (g) **"Dwelling Unit"** means any property that is used or designed for use as a domestic establishment in which one or more persons may sleep and prepare and serve meals;
- (h) **"Gross Floor Area"** has the meaning given to it in the Zoning By-law;
- (i) **"Land" (or "Lot")** means, for the purposes of this By-law, the lesser of the area defined as:
 - i. The whole of a parcel of property associated with the Development or Redevelopment and any abutting properties in which a person holds the fee or equity of redemption in, power or right to grant, assign or exercise a power of appointment in respect of, or;
 - ii. The whole of a lot or a block on a registered plan of subdivision or a unit within a vacant land condominium that is associated with the Development or Redevelopment;

But not including any hazard lands, natural heritage features, or ecological buffers identified in the City's Official Plan, an approved Secondary Plan, or through an environmental impact study accepted by the City.

- (j) **"Market Value"** means the the value of the Land determined in accordance as nearly as may be with section 14 of the *Expropriations Act*, RSO 1990 c E.26, as amended or any successor thereto, as of the day before the day of the issuance of the first building permit for the Development;
- (k) **"Parkland"** includes land for parks and other public recreational purposes;
- (l) **"Planning Act"** means the *Planning Act*, RSO 1990 c P.13 and includes any amendments thereto, successor legislation, and where the context requires includes precursor legislation.
- (m) **"Record of Site Condition"** means a record of site condition under Part XV.1 of the *Environmental Protection Act*, RSO 1990 c E.19, as amended, or any successor thereto;
- (n) **"University"** means a university to which the *University Expropriation Powers Act*, RSO 1990, c U.3, as amended, or any successor thereto, applies;
- (o) **"Zoning By-law"** means By-law (1995) – 14864, as amended or any successor thereto;

General Requirement:

- 4. The entirety of the City is hereby established as an area for which the conveyance of a portion of Land to be Developed or Redeveloped, or the payment of money in lieu of such conveyance, shall be required as a condition of Development or Redevelopment.

5. No person shall Develop or Redevelop Land within the City unless they have first conveyed a portion of the Land to the City for Parkland, or paid money in lieu of such conveyance, in accordance with this By-law.

Delegation of Authority – Conveyance of a Portion of Land or Money in Lieu:

6. The authority to determine whether a conveyance of a portion of the Land associated with Development or Redevelopment for Parkland or the payment of money in lieu of such conveyance shall be required is hereby delegated to the Deputy CAO of Public Services, any successor thereto, or an officer or employee of the City designated by the Deputy CAO of Public Services, or their successor.
7. The determination of whether a conveyance of a portion of the Land for Parkland or the payment of money in lieu of such conveyance shall be required shall be made in accordance with the relevant policies of the City's Official Plan, and generally in accordance with any other policies and guidelines established by the City from time to time for that purpose.
8. Any policies and guidelines established by the City to assist in determining whether a conveyance of a portion of the Land for Parkland or the payment of money in lieu of such conveyance shall be required shall be made available to the public.
9. Council retains the authority to determine whether a conveyance of a portion of the Land for Parkland or the payment of money in lieu of such conveyance shall be required, at its discretion.

Where Conveyance of a Portion of the Land Required:

10. Where it has been determined that a portion of the Land will be required to be conveyed to the City as Parkland, the following shall apply:
 - (a) Where Land in the City is to be Developed or Redeveloped for commercial or industrial purposes, a portion of the Land not exceeding 2% of the total area of the Land shall be conveyed to the City for Parkland.
 - (b) Where Land is located within the Downtown and is to be Developed or Redeveloped for residential purposes, the greater of:
 - i. a portion of the Land not exceeding 1 hectare (1ha) per five-hundred (500) Dwelling Units proposed as part of the Development or Redevelopment, but in no case to exceed twenty-percent (20%) of the total area of the Land, or;
 - ii. five-percent (5%) of the total area of the Land;shall be conveyed to the City for Parkland.
 - (c) Where Land is located outside of the Downtown and is to be Developed or Redeveloped for residential purposes with a total proposed density of less than one-hundred (100) Dwelling Units per one hectare (1 ha), a portion of the Land not exceeding one hectare (1ha) per five-hundred (500) Dwelling Units proposed as part of the Development or Redevelopment or five-percent (5%) of the total area of the Land, whichever is greater, shall be conveyed to the City for Parkland.
 - (d) Where land is located outside of Downtown and is to be Developed or Redeveloped for residential purposes with a total proposed density equal to or greater than one-hundred (100) Dwelling Units per one hectare (1ha), the greater of:
 - i. a portion of the Land not exceeding 1 hectare (1ha) per five-hundred (500) Dwelling Units, but in no case to exceed twenty-percent (20%) of the total area of the Land, or;
 - ii. five-percent (5%) of the total areal of the Land;

shall be conveyed to the City for Parkland.

(e) Where Land in the City is to be Developed or Redeveloped for any use other than commercial, industrial, or residential, a portion of the Land not exceeding five percent (5%) of the total area of the Land shall be conveyed to the City for Parkland.

11. Where a Development or Redevelopment will include a mix of uses, and two or more of the requirements under section 10 a) - e) may apply to the Development or Redevelopment, the area of the Land required to be conveyed to the City for Parkland shall be determined in accordance with whichever single requirement under section 10 a) - e) applies to the Development or Redevelopment which will result in the greatest total area of the Land being required to be conveyed to the City for Parkland.

Acceptance of Land for Park or Other Public Recreational Purposes:

12. Any portion of the Land required to be conveyed to the City for Parkland shall be:

(a) Free of encumbrances except as may be satisfactory to the City Solicitor; and,

(b) In a condition satisfactory to the City and in accordance with the requirements of the City's Official Plan and other policies respecting the acquisition of real property.

13. The City may require that a Record of Site Condition be filed in respect of the property prior to accepting the conveyance of a portion of the Land for Parkland required under this By-law. Any area of the Land that is contaminated or potentially contaminated shall only be accepted by the City in accordance with the City's *Guidelines for Development of Contaminated or Potentially Contaminated Sites*, as amended from time to time.

14. The following shall not be accepted by the City in satisfaction of a requirement to convey a portion of the Land for Parkland under this By-law:

(a) Areas of Land that are identified as part of the City's Natural Heritage System in the City's Official Plan, an approved Secondary Plan, or through an environmental impact study accepted by the City;

(b) Areas of Land that are susceptible to flooding, have poor drainage, erosion issues, extreme slopes or other environmental or physical conditions that would interfere with their potential use as a public park;

(c) Areas of Land that are required to accommodate stormwater management facilities;

(d) Areas of Land that are deemed to be contaminated in any way, subject to acceptance by the City pursuant to section 13, above;

(e) Areas of Land that are used or proposed to be used for utility corridors or other infrastructure incompatible with their use as a public park; and,

(f) Lands that are encumbered by easements or other instruments that would unduly restrict or prohibit public use.

(g) Lands for trails or other active transportation purposes;

15. Any costs associated with a conveyance of a portion of Land for Parkland purposes required under this By-law shall, including but not limited to costs related to the preparation and registration of documents, surveys or reference plans, and any applicable taxes shall be borne by the person seeking to Develop or Redevelop the Land at no cost to the City.

16. Any requirement to convey a portion of Land to the City for park and other recreational purposes is fulfilled only when the City accepts the conveyance of the portion of the Land required.

Payment of Money in Lieu of Conveyance:

17. Where it has been determined that the payment of money will be required in lieu of a conveyance of a portion of the Land for Parkland, the following shall apply:
- (a) Where Land in the City will be Developed or Redeveloped for commercial or industrial purposes, the payment required in lieu of the conveyance of a portion of the Land for Parkland shall be two percent (2%) of the Market Value of the Land;
 - (b) Where Land located Downtown will be Developed or Redeveloped for residential purposes, the payment required in lieu of the conveyance of a portion of the Land for Parkland shall be the greater of:
 - i. the equivalent Market Value of 1 hectare (1ha) per five-hundred (500) Dwelling Units proposed to be added by the Development or Redevelopment, but in no case to exceed twenty-percent (20%) of the total Market Value of the Land, or;
 - ii. Five-percent (5%) of the total Market Value of the Land.
 - (c) Where Land in the City located outside Downtown will be Developed or Redeveloped for residential purposes with a total proposed density less than one-hundred (100) Dwelling Units per one hectare (1ha), the payment required in lieu of the conveyance of a portion of the Land for Parkland shall be the greater of five percent (5%) of the total Market Value of the Land or the equivalent Market Value of one hectare (1ha) of the Land per five-hundred (500) Dwelling Units proposed to be added by the Development or Redevelopment;
 - (d) Where Land in the City located outside Downtown will be Developed or Redeveloped for residential purposes with a total proposed density greater than or equal to one-hundred (100) Dwelling Units per one hectare (1ha), the payment required in lieu of the conveyance of a portion of the Land for Parkland shall be the greater of:
 - i. the equivalent Market Value of 1 hectare (1ha) per five-hundred (500) Dwelling Units proposed to be added by the Development or Redevelopment, but in no case to exceed twenty-percent (20%) of the total Market Value of the Land, or;
 - ii. Five-percent (5%) of the total Market Value of the Land.
 - (e) Where Land in the City is to be Developed or Redeveloped for any use other than commercial, industrial, or residential, the payment required in lieu of the conveyance of a portion of the Land for Parkland shall five percent (5%) of the Market Value of the Land.
18. Where a Development or Redevelopment will include a mix of uses, and two or more of the requirements under section 17 a) - e) may apply to the Development or Redevelopment, the payment required in lieu of a conveyance of a portion of the Land to the City for Parkland shall be determined in accordance with whichever single requirement under section 17 a) - e) applies to the Development or Redevelopment which will result in the greatest total payment to the City being required.

Determination of Market Value:

19. Where the payment of money is required in lieu of a conveyance of a portion of the Land for Parkland, and the Land is, in the final determination of the Deputy CAO of Public Services, of one of the types set out in Schedule "A" to this By-law, the person who seeks to Develop or Redevelop the Land may elect to have the Market Value of the Land to be used in calculating any payment required under this By-law in accordance with the applicable standard rate set out therein.
20. Where the Land is not of a type set out in Schedule "A" to this By-law, or the person who seeks to Develop or Redevelop the Land does not elect to

determine the Market Value of the Land in accordance with an applicable standard rate therein, the following shall apply:

- (a) The person who seeks to Develop or Redevelop the Land shall obtain and furnish the City with an appraisal of the Market Value of the Land from a certified professional appraiser of real estate who is designated as an Accredited Appraiser by the Appraisal Institute of Canada, at no expense to the City.
 - (b) Where the City is satisfied with the Market Value determined by the appraisal submitted in accordance with subsection (a), above, that value shall be used in the determination of the payment required.
 - (c) Where the City is not satisfied with the Market Value determined by the appraisal submitted in accordance with subsection (a), above, the City may obtain its own appraisal from of the Market Value of the Land from a certified professional appraiser of real estate who is designated as an Accredited Appraiser by the Appraisal Institute of Canada, which appraisal shall be shared with the person who seeks to Develop or Redevelop the Land.
 - (d) Where the City has obtained an appraisal under subsection (c), above, the person who seeks to Develop or Redevelop Land may agree to fix the Market Value of the Land in accordance with the appraisal obtained by the City, or the City and the person who seeks to Develop or Redevelop the Land may agree to fix the Market Value of the Land at another amount, which shall in no case be less than the lowest estimate of Market Value in either appraisal or higher than the greatest estimate of Market Value in either appraisal.
 - (e) Where the City has obtained an appraisal under subsection (c), above, and the City and the person who seeks to Develop or Redevelop the Land still cannot agree on the Market Value of the Land to be used in determining the required payment, the Market Value shall be fixed in accordance with the appraisal obtained by the City.
21. Appraisals submitted to or obtained by the City for the purposes of this By-law shall be considered valid for a maximum period of one (1) year from the date the appraisal was completed, or such lesser time as may be specified in the appraisal.
22. City Staff shall review Schedule "A" to this By-law no less than one (1) time every two (2) years, commencing from the date this By-law is passed, and any updates required to the standard rates set out therein shall be determined by certified professional appraiser of real estate who is designated as an Accredited Appraiser by the Appraisal Institute of Canada.

No building without payment:

23. If a payment is required pursuant to section 17 or 18 above, no person shall construct a building on the Land proposed for Development or Redevelopment unless the payment has been made or arrangements for the payment satisfactory to the City have been made.

Payment Under Protest:

24. Any person who is required to pay money in lieu of a conveyance of a portion of Land to be Developed or Redeveloped may make that payment under protest in accordance with section 42(12) of the *Planning Act*.

Form of Payment:

25. Any payment of money required under this By-law shall be made in the form of cash, certified cheque, bank draft or another form acceptable to the City.
26. Payment of any amount required under this By-law does not include any applicable taxes, which may be added to the payment required.

Special Account:

27. All money received by the City in lieu of the conveyance of a portion of Land for Parkland, or received on the sale of any property that has been conveyed to the City pursuant to this By-law shall be paid into a special account established in accordance with section 42(15) of the *Planning Act*, and used only as permitted under that Act or any successor thereto, or any other general or special Act.
28. The City Treasurer shall give Council the financial statement of the any special account established pursuant to this By-law in accordance with the requirements of subsections 42(17) and (18) of the *Planning Act*.

Other Powers Not Affected:

29. Nothing in this By-law is intended to or has the effect of restricting or derogating from the authority of Council to require a conveyance for Parkland or the payment of money in lieu of such conveyance as a condition of the approval of a plan of subdivision in accordance with section 51.1 of the *Planning Act*, or the authority of Council, the committee of adjustment or any successor body thereto established under section 44 of the *Planning Act*, to require a conveyance for Parkland or the payment of money in lieu of such conveyance as a condition of the approval of a consent given under section 53(12) of the *Planning Act*.

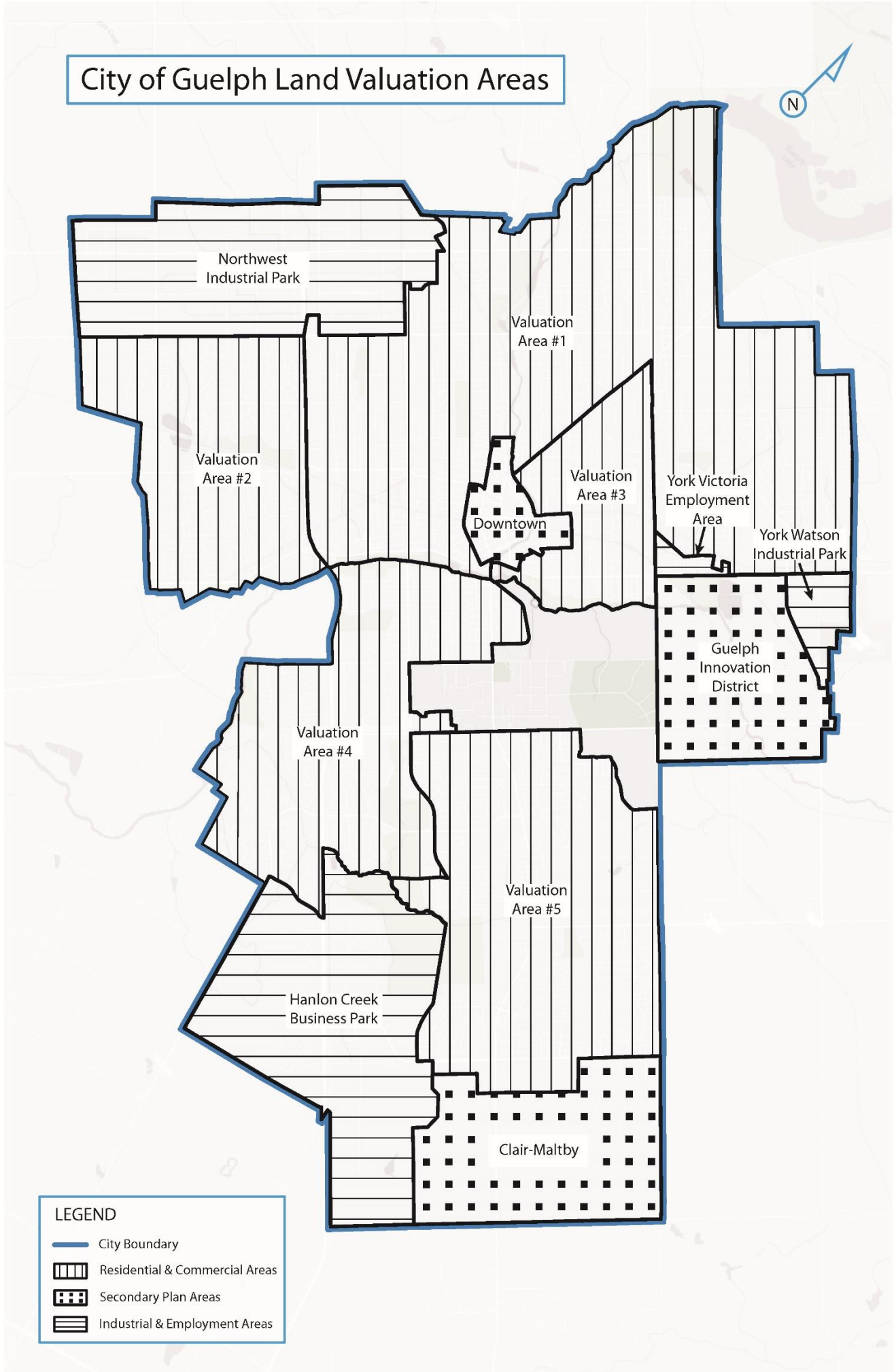
Reduction for Previous Conveyance or Payment in Lieu:

30. If a portion of the Land has been previously conveyed or is required to be conveyed for Parkland, or a payment of money in lieu of such conveyance has been made or is required to be made under this By-law, a previous By-law passed under section 42 of the *Planning Act*, or as a condition of an approval under section 51.1 or 53(12) of the *Planning Act*, no additional conveyance or payment shall be required under this By-law as a condition of Development or Redevelopment of the Land unless:
 - (a) There is a change in the proposed Development or Redevelopment which would increase the density of the Development or Redevelopment; or
 - (b) Land originally proposed for Development or Redevelopment for commercial or industrial purposes is now proposed for Development or Redevelopment for other purposes.
31. Section 30 above does not apply to Land proposed for Development or Redevelopment where the condition requiring that land be conveyed to the City for Parkland or the payment of money in lieu of such conveyance be made to the City was imposed under a predecessor By-law passed under section 42 of the *Planning Act*, or as a condition of an approval under sections 51.1 or 53(12) of the *Planning Act*, before November 7, 1989.
32. Where section 30 applies, and a change referred to in (a) or (b) of that section has occurred, any conveyance that has previously been made or is required to be made for Parkland, or any payment of money that has previously been made or is required to be made in lieu of such conveyance, as the case may be, shall be deducted from the portion of the Land required to be conveyed for Parkland or the payment of money in lieu of such conveyance required under this By-law.

SCHEDULE "A"

Criteria	Density and/or Zone	Location (refer to Schedule "B")	Land Area	Standard Market Value (per acre)
Residential Use	Single or Semi Detached dwellings	Valuation Area 1	Any	\$1,700,000.00
		Valuation Area 2	Any	\$1,500,000.00
		Valuation Area 3	Any	\$1,300,000.00
		Valuation Area 4	Any	\$1,500,000.00
		Valuation Area 5	Any	\$1,800,000.00
		Downtown	Up to 1.0 Acre	\$2,000,000.00
			Greater than 1 Acre	\$1,150,000.00

SCHEDULE "B"



SCHEDULE "C" – DOWNTOWN BOUNDARY



Sources: POUSER_Property (2018) [SDE feature class], The City of Guelph, ON; POUSER_Slon (2018) [SDE feature class], The City of Guelph, ON.

0 25 50 100 150 200 250 300 m

Downtown Boundary

Produced by the City of Guelph
Planning, Urban Design and Building Services - Development Planning
March 2018

Proposed Parkland Dedication Bylaw summary

This document provides an overview of the proposed changes to the parkland dedication bylaw.

The parkland dedication bylaw requires transfer of land to the City to be used as parkland, or offer payment in lieu of land prior to issuance of a building permit, for development and redevelopment under Section 42 of the Planning Act.

PARKLAND DEDICATION RATES

The bylaw only applies to development and redevelopment approvals under section 42 of the Planning Act, and parkland dedication is collected prior to issuance of a building permit.

City would collect maximum amounts for conveyance of parkland or payment in lieu of parkland allowable under the section 51.1 of the Planning Act for plans of subdivision and consent approvals.

The most notable changes in the bylaw are new rates for parkland conveyance and payment in lieu of conveyance.

RATE FOR CONVEYANCE OF PARKLAND FOR RESIDENTIAL DEVELOPMENTS

Development size	Current Bylaw	Proposed Bylaw
50 units or fewer per hectare	5% of the development area	1 hectare per 500 dwelling units or 5% of the development area, whichever is more
51 to 99 units per hectare	7.5% of the development area	1 hectare per 500 dwelling units or 5% of the development area, whichever is more
100 units or higher per hectare	10% of the development area	1 hectare per 500 dwelling units or 20% of the development area, whichever is less
Downtown development area	5% of the development area	1 hectare per 500 dwelling units or 20% of the development land, whichever is less

For conveyance of parkland the Planning Act allows a maximum of one hectare per 300 dwelling units added within the development area OR 5% of the development lands

RATES FOR PAYMENT IN LIEU OF CONVEYANCE OF PARKLAND FOR RESIDENTIAL DEVELOPMENTS

Development size	Current Bylaw	Proposed Bylaw
50 units or fewer per hectare	Payment of equivalent market value of 5% of the development land	Payment of equivalent market value of 5% of the development land, or the equivalent market value of 1 hectare per 500 dwelling units, whichever is greater
51 to 99 units per hectare	Payment of equivalent market value of 7.5% of the development land	Payment of equivalent market value of 5% of the development land, or the equivalent market value of 1 hectare per 500 dwelling units, whichever is greater
100 units or higher per hectare	Payment of equivalent market value of 10% of the development land	Payment of equivalent market value of 20% of the development land, or the equivalent market value of 1 hectare per 500 dwelling units, whichever is less
Downtown development area	Payment of equivalent market value of 5% of the development land	Payment of equivalent market value of 20% of the development land, or the equivalent market value of 1 hectare per 500 dwelling units, whichever is less

For the payment in lieu of parkland the Planning Act allows an equivalent market value of one hectare per 500 dwelling units added within the development area OR equivalent market value of the 5% of the development lands

INDUSTRIAL AND COMMERCIAL PROPERTIES

- The parkland dedication requirement for industrial and commercial properties is clearer in the proposed bylaw. The rate stays at two per cent of development land, the maximum allowed by the Planning Act, for parkland conveyance or an equivalent market value for payment in lieu of conveyance of parkland.

ALL OTHER USES

- The parkland dedication requirement for all uses other than the residential, industrial and commercial is included in the proposed bylaw. The rate is proposed to be at five per cent of development land, the maximum allowed by the Planning Act, for parkland conveyance or an equivalent market value for payment in lieu of conveyance of parkland.

OTHER CHANGES

- The proposed bylaw clearly states that the decision to accept land or payment in lieu conveyance of parkland is at the discretion of the City of Guelph.
- The standard land values for calculation of payment in lieu of conveyance of parkland, included in the bylaw will be reviewed once every two years.
- The proposed bylaw also allows builders to have an option to obtain site specific appraisal in place of using the standard land value included in the draft bylaw.
- City, developments for educational and not for profit healthcare purposes, accessory and second units are exempt from parkland dedication requirement.

WHAT REMAINS THE SAME

- The bylaw doesn't apply to plans of subdivision approvals.
- The current bylaw requires both conveyance of parkland and the payment in lieu at the same rate for each type of development. There is no change in the proposed bylaw.
- The current bylaw includes standard land values for calculation of payment in lieu of conveyance of parkland for the development of single and semi-detached dwellings and there is no change in the proposed bylaw.
- The current bylaw allows for site-specific appraisals for townhouse and apartment developments. There is no change in the proposed bylaw.

Comparison of Parkland Dedication rates for residential developments and redevelopments													
Property Address	Property area (hectare)	Proposed number of dwelling units	Proposed residential density (Dwelling units per hectare)	Parkland Dedication permitted under the Planning Act			Guelph Proposed new parkland dedication bylaw				Guelph Current Parkland Dedication Bylaw		
				Maximum Parkland dedication rates			Downtown OR Net density > 100 units/ hectare		Outside Downtown < 100 units/ hectare		Downtown OR Net density < 50 units/ hectare	Net density > 50 units/ ha and < 100 units/ hectare	Net density > 100 units/ hectare
				Land or payment in lieu (equivalent market value) at 5% (ha)	Land at 1 ha per 300 dwelling units (ha)	Payment in lieu (equivalent market value of 1 ha per 500 dwelling units) (ha)	Land OR Payment in lieu (equivalent market value) at 20% of development lands (ha)	Land OR Payment in lieu (equivalent market value at 1 ha per 500 dwelling units (ha)	Land or payment in lieu (equivalent market value) at 5% (ha)	Land OR Payment in lieu (equivalent market value at 1 ha per 500 dwelling units (ha)	Land or payment in lieu (equivalent market value) at 5% (ha)	Land or payment in lieu (equivalent market value) at 7.5% (ha)	Land or payment in lieu (equivalent market value) at 10% (ha)
71 Wyndham Street South	0.382	140	366	0.019	0.467	0.280	0.076	0.280					0.038
1888 Gordon Street	3.200	540	169	0.160	1.800	1.080	0.640	1.080					Payment in lieu collected at 10% (0.32 ha) of the appraised market value
233 -237 Janefield	1.100	165	150	0.055	0.550	0.330	0.220	0.330					0.110
1300 Gordon Street	0.242	32	132	0.012	0.107	0.064	0.048	0.064					0.024
1533-1557 Gordon Street and 34 Lowes Road West	0.860	102	119	0.043	0.340	0.204	0.172	0.204					0.086
98 Farley Drive	0.890	93	104	0.045	0.310	0.186	0.178	0.186					0.089
716 Gordon Street	1.710	163	95	0.086	0.543	0.326			0.086	0.326		0.128	
1131 Gordon Street	0.184	16	87	0.009	0.053	0.032			0.009	0.032		0.014	
120 Huron Street	2.500	176	70	0.125	0.587	0.352			0.125	0.352		0.188	
180 Gordon Street	0.170	10	59	0.008	0.033	0.020			0.008	0.020		0.013	
19-59 Lowes Road West	1.650	36	22	0.083	0.120	0.072			0.083	0.072	0.083		

Benchmarking for Parkland Dedication rates for residential developments and redevelopments			
Municipality	Conveyance of Land	Payment in lieu of conveyance of Land	Comparison with the parkland dedication alternative rate permitted under the Planning Act
Barrie By-Law 2017-073	1 ha per 300 units or 5% of development lands whichever is greater	Equivalent market value of 1 ha per 500 units or 5% of development lands whichever is greater (land values determined through appraisals)	Maximum
Kitchener Chapter 273 Park Dedication (By-Law)	1 ha per 300 units or 5% of development lands whichever is greater	Equivalent market value of 1 ha per 500 units or 5% of development lands whichever is greater (land values determined through appraisals)	Maximum
London By-Law CP-9, 2011	1 ha per 300 units or 5% of development lands whichever is greater	Equivalent market value of 1 ha per 500 units or 5% of development lands whichever is greater (standard values for all dwelling types)	Maximum
Markham Draft By-Law 2013	Land in the amount of 1 ha per 300 dwelling units (no less than 5%) for detached and semi-detached units AND Land in the amount of 1 ha per 300 units OR 1.2 ha per 1,000 persons, whichever the lesser, for townhouse, stacked townhouse, or small multiples buildings w/ 3 to 6 units AND Land in the amount of 1.2 ha per 1,000 persons (no less than 5%) for apartment dwellings AND Development or redevelopment consisting of apartment buildings with more than 6 units: <ul style="list-style-type: none"> • 1.2 ha/1000 people for FSI <3.0 • 0.84 ha/1000 people for FSI between 3.0 and 6.0 • 0.42 ha/1000 people for FSI >6.0 	Equivalent market value of 1 ha per 500 units or 5% of development lands whichever is greater (land values determined through appraisals)	Maximum
Mississauga By-Laws: 0400-2006 0166-2007	1 ha per 300 units or 5% of development lands whichever is greater	Equivalent market value of 1 ha per 500 units or 5% of development lands whichever is greater (land values determined through appraisals) AND \$8,710.00 per unit for medium-high density development	Maximum
Oakville By-Law 2008-105	1 ha per 300 units or 5% of development lands whichever is greater	Equivalent market value of 1 ha per 500 units or 5% of development lands whichever is greater OR a combination of cash and land, may be required (land value determined through appraisals)	Maximum

Municipality	Conveyance of Land	Payment in lieu of conveyance of Land	Comparison with the parkland dedication alternative rate permitted under the Planning Act
Richmond Hill By-Law 2013	The greater of: 5% of the land proposed for development OR The lesser of: <ul style="list-style-type: none"> • 1 ha for each 300 units; or • 1 ha for each 730 persons <ul style="list-style-type: none"> o 3.51 ppu singledetached o 2.88 ppu semi-det. o 2.83 ppu townhouse o 1.92 ppu multi-res 	Equivalent market value of 1 ha per 500 units or 5% of development lands whichever is greater (land values determined through appraisals)	Maximum
Vaughan By-Laws, 205-2012, 139-90	1 ha per 300 units or 5% of development lands whichever is greater	Equivalent market value of 1 ha per 500 units or 5% of development lands whichever is greater for medium and low density residential (land values determined through appraisals) and a rate of \$8,500 per unit for high density residential development	Maximum
Hamilton By-Laws: 09-124 17-039 18-126	Land in the amount of 5% of the Net land area for densities less than 20 units per ha. AND Land at a rate of 1 ha for each 300 units proposed for densities between 20 and 75 units/ha (max 5% dedication for single and semi-detached, duplexes and a max of 6 apartment units above commercial) AND Land at a rate of 0.6 ha for each 300 units proposed for densities between 75 and 120 units/ha AND Land at a rate of 0.5 ha for each 300 units proposed for densities greater than 120 units per ha	Cash equivalent to land requirement for all land use type (Capped at 1 hectare per 500 units developed) Addition of a single unit to existing single detached dwelling, a flat rate of \$750 will be conveyed (subject to annual indexing). The flat rate is \$500 for a unit created within a 'heritage' designated structure or area	Maximum for the densities more than 20 units per ha and lower than 75 units per ha
Waterloo By-Laws 2011-024, 2015-044	Land equal to 5% of the development area for densities of 100 unites/ha or less AND Land at a rate of 0.10 ha per 300 units for densities exceeding 100 units/ha Capped at 15% when land or cash-in-lieu are conveyed	Equivalent market value of the land required - not exceeding 15%	Cap of 5% where densities lower than 100 units / ha Cap of 15% where densities higher than 100 units/ ha

Municipality	Conveyance of Land	Payment in lieu of conveyance of Land	Comparison with the parkland dedication alternative rate permitted under the Planning Act
<p>Guelph By-Laws: 1989-13410 1990-13545 2007-18225</p>	<p>Land at a rate of 5% for single and semi-detached AND Land at a rate of 5% for densities less than 50 units/ha AND Land up to 7.5% for densities between 50 and 100 units/ha AND Land up to 10% for densities greater than 100 units/ha Land at a of 5% (cap), where:</p> <ul style="list-style-type: none"> • the land is located in downtown core • development is for rental • lands don't include river bank lands, and portion of the land is required to access or complete a park or rec facility 	<p>Cash equivalent to land requirement for all land use type (land values to be determined through appraisals) (standard unit rates for development of single and semi-detached dwellings)</p>	<p>Downtown - Cap of 5% Citywide - Cap of 10%</p>
<p>Guelph (Proposed By-Law)</p>	<p>Land at a rate of 5% for single and semi-detached AND Land at a rate of 1 ha per 500 dwelling units or 5% of the development lands whichever is greater for densities less than 100 units/ha AND Land at a rate of 1 ha per 500 dwelling units for densities more than 100 units/ha not exceeding 20% of the development lands AND Land located in DOWNTOWN 1 ha per 500 dwelling units not exceeding 20% of the development lands</p>	<p>Cash equivalent to land requirement for all land use type (land values to be determined through appraisals (standard land values per acre for development of single and semi-detached dwellings)</p>	<p>Cap of 20% where density is higher than 100 units per hectare</p>



Municipalities require maximum parkland dedication permitted under the Planning Act



Municipalities include growth centre caps

1888 Gordon Cash-in-lieu disparity

Mayor Guthrie and Members of Council:

The Proposed Parkland Dedication Bylaw Summary prepared by City staff includes an extremely useful table on p.6 which sets out land areas obtained under various scenarios for specific properties.

<https://guelph.ca/wp-content/uploads/Summary-of-the-proposed-parkland-dedication-bylaw.pdf>

Thank you to whoever put in the significant amount of work required to make these calculations and to compile this data.

I was pleased to see that calculations I had made for 1888 Gordon regarding land area or equivalent cash-in-lieu to be conveyed under different parkland dedication scenarios are correct.

One significant disparity, however, has jumped out at me. I am attaching 4 PowerPoint slides I had updated in September with calculations for 1888 Gordon. My calculations include actual dollar figures which I generated using the Standard Market Value for Valuation Area 5 on Schedule A attached to the draft Parkland Dedication By-law Update:

<https://guelph.ca/wp-content/uploads/Proposed-Parkland-Dedication-Bylaw.pdf>

According to the Schedule B map, also attached to the By-law draft, 1888 Gordon St. is either contained within Area 5, or is directly adjacent to it.

Using the Standard (per acre) valuation of \$1,800,000.00 per acre for Area 5, my calculation for anticipated cash-in-lieu for 1888 Gordon under our existing By-law was \$1,422,720.00.

In my efforts to more clearly understand the differential between our current Parkland Dedication By-law and rates that could have been obtained under the Planning Act, I have been using the Freedom of Information process to access figures for actual cash-in-lieu remitted to the City for specific developments.

Most recently, this has included 1888 Gordon. Correspondence I received dated December 19, 2018 (attached) indicates that \$913,800.00 was conveyed to the City as parkland cash-in-lieu for 1888 Gordon.

I am not clear about the reason for the significant differential between my calculations under our existing By-law and what was ultimately received by the City – more than \$500,000.00 less. As I have already mentioned, I used the Area Land Valuations provided by the City to arrive at my numbers. Moreover, the City land valuations are for land areas zoned for single or semi-detached dwellings. It is generally understood that the higher the zoning density for a given parcel of land, the higher the value. Given the high-density zoning that has been approved for 1888 Gordon, I would have anticipated that the assessed value for that site would have been higher than the single/semi-detached Area Land Valuations on the City's table, not lower.

Working backwards, cash-in-lieu of \$913,800.00 representing 10% of the land area of the site, would mean that the entire 3.20 hectare site was assessed at \$9,138,000. That works out to an assessed value of \$2,855,625.00 per hectare or \$1,155,655.61 per acre.

This allows us to compare the City's standard Area Land Valuation - \$1,800,000 per acre, to the 1888 Gordon appraisal of \$1,155,655.61 per acre. As you can see, for the purposes of calculating cash-in-lieu to be conveyed to the City, the assessed value of the land was less than 2/3 of the City's Standard Area Land Valuation. The outcome of this lower valuation is that the City received half a million dollars less in cash-in-lieu than it would have if the Area 5 Standard Land Valuation had been used.

Was the appraiser who provided the estimate of the current market value of 1888 Gordon retained by the developer or the City? Given the significant differential between the City's own Standard Area Land Value and the assessed value of 1888 Gordon, was a second appraisal sought by the City?

Given the significant sum involved and the lower revenue received by the City, I believe that this matter merits further inquiry by Council.

Sincerely,

Susan Watson

1888 Gordon

Revised parkland dedication calculations

Clair-Maltby land values

- ▶ Draft Parkland Dedication By-law Schedule A, Valuation Area #5
\$1,800,000/acre = \$4,446,000 per hectare

Value per hectare of
1888 Gordon is likely
\$4,446,000

Comparative values for parkland dedication: 1888 Gordon

Dedication regime	Land calculation	% of 4.45 ha OP requirement	\$ Value (\$4,446,000)
Current By-law	0.32 ha	7%	\$1,422,720
Planning Act - Land	1.8 ha	40%	\$8,002,800
Planning Act - Cash-in-lieu	1.08 ha	24%	\$4,801,680

Variations

- ▶ Variance between *land calculation* allowed under the Planning Act and current Guelph Parkland Dedication By-law cash-in-lieu

\$6,580,080

- ▶ Variance between *cash-in-lieu calculation* allowed under the Planning Act and current Guelph Parkland Dedication By-law cash-in-lieu

\$3,378,960

December 19, 2018

Susan Watson

MFIPPA Request Number: FOI2018-082

Dear Ms. Watson,

Thank you for your Freedom of Information request which we received on December 3, 2018, under the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) for access to:

1. The dollar amount of the parkland cash-in-lieu assessed for 1888 Gordon St. and the date that the assessment was made.

A search of our files has been conducted and it was determined that the City received a \$913,800.00 payment of cash-in-lieu of parkland for the proposed residential development at 1888 Gordon Street on August 23, 2018 which was deposited into the City-wide Parkland Reserve. The payment was collected prior to the issuance of the first building permit on October 4, 2018. The amount was calculated at 10% of the estimated current market value of the development lands as of July 25, 2018 as provided by a qualified real estate appraiser in accordance with section 209-3 (b) iv and 209-4 (iv) of the Parkland Dedication By-law (1989)-13410 as amended by By-law (1990)-13545 and By-law (2007)-18225. Full access is granted and all fees are waived.

Please contact Kim Sommerville, Information and Access Coordinator for the City of Guelph, at 519.822.1260 extension 2349 or by email at privacy@guelph.ca if you require further assistance.

Yours truly,



Jennifer Slater
Deputy City Clerk

City Hall
1 Carden St
Guelph, ON
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guelph.ca



Time for Guelph to access maximum parkland dedication rates under the Planning Act

Mayor Guthrie and Members of Council:

I do not support the draft Parkland Dedication By-law update as written.

It is time for Guelph to follow the examples of the Towns of Oakville, Richmond Hill and Markham and the Cities of Burlington and Mississauga and access the maximum Parkland Dedication and Cash-in-lieu allowed under the Planning Act.

City of Burlington Park Land By-Law:

[https://www.burlington.ca/en/Modules/Bylaws//Bylaw/Details/d1054373-2293-48ea-81bf-
ea436abc98cc](https://www.burlington.ca/en/Modules/Bylaws//Bylaw/Details/d1054373-2293-48ea-81bf-
ea436abc98cc)

City of Mississauga Cost Guideline Booklet: Cash-in-lieu for Parks Purposes – page 24:

<http://www.mississauga.ca/file/COM/DevCostGuidelines2011.pdf>

Town of Markham Conveyance of Parkland By-law:

[https://www.markham.ca/wps/wcm/connect/markham/13e9c727-6c5e-410e-80c7-
f6e151150f3d/Bylaw-195-
90.pdf?MOD=AJPERES&CONVERT_TO=url&CACHEID=ROOTWORKSPACE.Z18_2QD4H901OGV1
60QC8BLCRJ1001-13e9c727-6c5e-410e-80c7-f6e151150f3d-mrL-2ZG](https://www.markham.ca/wps/wcm/connect/markham/13e9c727-6c5e-410e-80c7-
f6e151150f3d/Bylaw-195-
90.pdf?MOD=AJPERES&CONVERT_TO=url&CACHEID=ROOTWORKSPACE.Z18_2QD4H901OGV1
60QC8BLCRJ1001-13e9c727-6c5e-410e-80c7-f6e151150f3d-mrL-2ZG)

Town of Oakville Parkland Dedication By-law:

[https://assets.oakville.ca/blis/BylawIndexLibrary/2008-
105.pdf#search=Parkland%20dedication&toolbar=1&navpanes=0](https://assets.oakville.ca/blis/BylawIndexLibrary/2008-
105.pdf#search=Parkland%20dedication&toolbar=1&navpanes=0)

Town of Richmond Hill Parkland Dedication By-law:

[https://www.richmondhill.ca/en/find-or-learn-
about/resources/Parkland_Dedication_By_law_58_13.pdf](https://www.richmondhill.ca/en/find-or-learn-
about/resources/Parkland_Dedication_By_law_58_13.pdf)

As part of the consultation process on the Parkland Dedication By-law update, the Consultant and the City conducted an on-line survey. Responses to the following question are below:

(Planning Partnership Background Report p. 55)

<https://guelph.ca/wp-content/uploads/Guelph-Parkland-Background-Report.pdf>

Under legislation the City could require more parkland from developers than it currently does. Do you think the City should increase the parkland dedication requirement?

84% Yes

4% No

11% Other options.

Consultant comment: *Of note, a number of respondents who answered ‘No’ or ‘Other Options’ noted that this question was difficult to answer without greater context and that other City initiatives should be considered alongside parkland dedication. **The sizeable majority of respondents that responded ‘Yes’ are in accordance that Guelph should be greener and continue to add as much greenspace as possible through the development process.***

As I will illustrate later, even accessing Planning Act maximums will not enable us to meet the minimum requirements set out in our Official Plan.

The Town of Oakville’s Parkland Dedication By-law provides the perfect wording for our own By-law:

(a) For residential purposes: 5% of the land proposed for development or redevelopment, or at one hectare for each 300 units proposed if the application of this alternative standard would result in a greater area of land.

The only modification needed is in regard to Cash-in-lieu rates which have changed as a result of Provincial legislation. For Cash-in-lieu, our By-law will need to read something like:

Cash-in-lieu:

(a) For residential purposes: the value of 5% of the land proposed for development or redevelopment, or at a value of one hectare for each 500 units proposed if the application of this alternative standard would result in a greater amount of cash-in-lieu.

Although I am submitting my comments prior to the publication of the Staff Report, discussion around parkland dedication rates in the supporting documents invokes the concept of “fairness.” The unwritten subtext seems to be “fairness to developers”.

Fairness is a subjective concept to use in developing standards for a By-law. Council would never consider reducing the required water, wastewater or transportation capacity required for new development because it’s “not fair.” Why is parkland somehow viewed as discretionary infrastructure?

Moreover, there are issues of fairness which concern current and future residents of Guelph which I believe have not been adequately addressed. I will speak to these matters farther down in this submission.

The foundational premise of the Parkland Dedication By-law as stated on the City website is to ensure “that, as Guelph grows, our parks and open spaces grow too.”

In her Master’s thesis, *Overcoming Obstacles to Parkland Acquisition*, Professional Planner Sophie Knowles makes the following statements:

Like all infrastructure, parks have carrying capacities. After a point, the addition of more users puts stress on existing parkland and can detract from the experiences of users or it may simply not be available in sufficient quantity to meet the demand. Ensuring that adequate quantity of parkland is provided to meet the demands of new growth resulting from development is an important policing power to protect existing residents from the deterioration of existing service levels and also to ensure that there are necessary services available to new residents.

<https://digital.library.ryerson.ca/islandora/object/RULA:3027>

Official Plan requirements for Parkland:

If we are to ensure that “as Guelph grows, our parks and open spaces grow too”, the starting point for decisions around Parkland Dedication rates needs to be our own Official Plan. Required minimum ratios of parkland to residents are clearly set out in Section 7.3.2. For neighbourhood and community parks the rates are prescriptive and require that city-wide minimums “will” be maintained. For neighbourhood parks, the minimum rate is 0.7 ha/1000 residents and for community parks, 1.3 ha/1000 residents.

For Regional Parks the target is more aspirational: *the City “will encourage the provision of Regional Park facilities at the rate of 1.3 ha/1000 residents.”*

What this leaves us with is an overall parkland requirement of 3.3 ha/1000 residents, with the 2.0 ha/1000 residents for neighbourhood and community parks as a non-negotiable minimum.

How do our Official Plan requirements line up with the maximums allowed under the Planning Act?

The 2016 census tells us that the average household size in Guelph is 2.5 people:

<https://www12.statcan.gc.ca/census-recensement/2016/dp-pd/prof/details/page.cfm?Lang=E&Geo1=CSD&Code1=3523008&Geo2=CD&Code2=3523&Data=Count&SearchText=Guelph&SearchType=Begins&SearchPR=01&B1=All&TABID=1>

When we apply census household size to the Planning Act maximums, 300 units will actually mean 650 new residents in Guelph and 500 units will translate to 1,250 new residents.

What the Planning Act maximums are actually offering us is 1 ha/650 residents in land conveyance or 1 ha/1,250 residents for cash-in-lieu.

If we express that as hectares/1000 residents to be consistent with our Official Plan ratios, we see the following:

Planning Act maximum land conveyance: 1.3 ha/1000 residents.

Planning Act maximum cash-in-lieu: 0.8 ha/1000 residents.

So we can see that even accessing the Planning Act Parkland Dedication maximums will not provide us with the minimum parkland of 3.3 ha/1000 residents that we need for current and future residents.

Given this situation, why would Council approve anything lower than the Planning Act maximums?

Let's trial it for 4 years:

In Recommendation #39, the City's consultant recommends the following:

<https://guelph.ca/wp-content/uploads/Consultant-Recommendations-for-Parkland-Dedication-Bylaw.pdf>

It is suggested that the Parkland Dedication bylaw/Interpretation Guideline be reviewed, at a minimum, in response to changes in Provincial planning policies and whenever the City reviews its applicable Official Plan policies. The bylaw/Interpretation Guideline should also indicate that it should be reviewed at a minimum of every 3 years, or at an earlier time as prescribed by Council.

The By-law draft articulates that the Parkland Dedication By-law should be formally reviewed no less than once during a Council term. Given this short framework, there is no reason we shouldn't trial the use of the Planning Act maximums and some of the innovative recommendations of the consultant which have been left on the table for a 4-year period.

Council can review data on cash-in-lieu collected and spent, as well as any impacts on development in the City. The next Council will also have information from the Parks Master Plan update to inform their review of the By-law.

No right of appeal?

Council can confirm with legal staff, however it is my understanding that a Parkland Dedication By-law cannot be appealed. If this is indeed the case, Council can trial innovative and progressive parkland policies for the next 4 years without getting bogged down in an LPAT process.

Inclusion of the 1 ha/300 unit alternative rate in a municipality's Official Plan CAN be appealed. This is currently the case in the Town of Richmond Hill where developers appealed the inclusion of the alternative rate in the Official Plan to the OMB. That case is currently working its way through the court system after a ruling in favour of the Town at the Divisional Court level:

<http://canliiconnects.org/en/commentaries/43245>

Guelph's option to use the alternative rate of 1 ha/300 units has already been enshrined in our Official Plan.

What's Fair?

Accessing the maximums allowed under the Planning Act makes a partial step towards adhering to the principle that ***growth should pay for itself***.

Developers will be raising the spectre of “affordability” in requiring new development to contribute land or pay its share towards new parkland.

But if growth doesn't pay for growth of parkland what are the alternatives? There are only two other scenarios:

- 1) ***We go without the parkland***. This is a moral issue, both for current and future generations. As Ms. Knowles identifies in her thesis, parkland is infrastructure that has a maximum carrying capacity. If we intensify and add population to our City without adding corresponding parkland and open space, the quality of life for everyone will begin to deteriorate as existing amenities become overcrowded or unavailable. The addition of parkland along with density can serve to mitigate some of the negative impacts of intensification.

Ms. Knowles quotes park expert John Crompton on the ethics of failing to create parks:

“If a current council decides not to construct new parks, then it has pre-empted the right of future residents to have them because there will be no land available retrospectively to construct them.”

- 2) ***Current residents pay for needed parkland through property taxes***. This is a situation we are currently facing with the Downtown Parkland Reserve. The 5% land area cap on Downtown developments in our current By-law has meant that we have only \$613,000 in cash-in-lieu in the Downtown Park fund. Data I shared with Council in October illustrated that we would have collected more than \$9 million in cash-in-lieu in the downtown if we had been using the Planning Act maximums.

I am attaching the calculations I shared in October to this email so that my figures can be verified by staff if Council so directs.

The failure to collect the \$9 million to which we were entitled means we have a critical funding shortfall. City Treasurer, Tara Baker, presented this information to the Committee of the Whole on May 7th of last year. \$4.3 million is required for the projected purchase of the Wellington St. Plaza in 2022 and we only have \$613,000 in the Downtown Parkland fund. We are \$3.7 million short. Not only that, the cupboard is bare when it comes to funds to invest in the revitalization of St. George's Square, the new urban square for the Baker St. District and any other downtown opportunities that may present themselves.

Adding park acquisition costs to the tax rate will impact “affordability” for current residents of Guelph, especially seniors and others on fixed incomes.

“Fairness” has not been a concern for the past 30 years. No developers and no City staff have raised the concern over the past 30 years that it wasn’t fair for Guelph citizens to receive only a fraction of the parkland or cash-in-lieu to which we were entitled. In the downtown core, recent intensification has only remitted 3 – 5% of what we could have claimed under the Planning Act. I would suggest that the shortfalls reported by the City Treasurer suggest we have some catching up to do. That would be fair.

The astounding impact of a decades-long failure to access the alternative rates in the Planning Act is most starkly illustrated in the contrast between Guelph’s Parkland fund and that of the Town of Oakville. At the end of 2017, we had \$4.25 million in our fund. Oakville had \$39.5 million.

<https://www.oakville.ca/assets/general%20-%20town%20hall/2017cashinlieuofparklandandbonuszoningres-appendixa.pdf>

It is fair to observe that real-estate is almost twice the price in Oakville and therefore Parkland Cash-in-lieu will also be generated at twice the rate. It is also an objective fact that Oakville has 50% more population than Guelph. But doubling the amount in Guelph’s Parkland Reserve to \$8.5 million and then adding 50% to account for extra population would yield \$12.75 million, still barely a third of what Oakville currently has in the bank.

Guelph citizens have a right to be outraged at this massive financial loss and the failure of City Staff to bring this By-law forward for updating throughout a 30-year period. I would say that the staggering figures involved merit a formal inquiry.

Let’s contrast the losses incurred by Guelph citizens and the Corporation of the City of Guelph with what has been happening in the real-estate industry.

Current real-estate trends:

Data from the Canadian Real Estate Association (CREA) shows that the benchmark housing price in Guelph went up 52.04% over the past 5 years. Moreover, in 2018, Guelph was THE fastest moving real estate market in the country with a benchmark increase of 9.33%.

<https://betterdwelling.com/canadian-real-estate-prices-are-up-over-44-over-the-past-5-years/>

We all know that labour and material costs have not risen 52.04% in the past 5 years, but record profits for developers have. Local developers have all charged what the market will bear. Increases in housing sale prices have not been limited to the rate of inflation out of concern for affordability for home buyers. The issue of affordability only seems to come up when developers are asked to cover the actual costs of infrastructure related to growth (DCs) or parkland dedication requirements.

Context, history and objections to the Alternative Rate

The Province of Ontario has some of the lowest parkland conveyance rates in the country.

In terms of Planning Act history, Sophie Knowles provides interesting context for the debate around Parkland Dedication. She notes

In 1973, the Province amended the Planning Act to allow municipalities to collect cash-in-lieu (CIL) of land and also provided municipalities with the option of establishing an alternative requirement of up to one hectare per 300 units in order to ensure adequate parkland provision in dense communities (Ontario, 1981). (Sophie Knowles, p. 14).

The Building Industry and Land Development Association (BILD) has waged a sustained campaign against the 1 ha/300 unit alternative rate. In 2016, they secured a significant discount from the Province when the maximum cash-in-lieu was cut from 1 ha/300 units to 1 ha/500 units. Given the bottom line financial benefits of contributing cash instead of land, Municipalities across Ontario are now experiencing even greater pressure from developers to accept cash-in-lieu instead of conveyance of land.

Cash-in-lieu is almost always a losing proposition for municipalities because they end up “chasing land values”. Land values rise and the cash banked in their accounts is no longer enough to buy the needed parkland.

Why Parks and Recreation are Essential Public Services

I am concluding this particular submission by reproducing this summary from the American National Recreation and Parks Association.

<https://www.nrpa.org/uploadedFiles/nrpa.org/Advocacy/Resources/Parks-Recreation-Essential-Public-Services-January-2010.pdf>

Parks and recreation have three values that make them essential services to communities:

- 1. Economic value*
- 2. Health and Environmental benefits*
- 3. Social importance*

Just as water, sewer, and public safety are considered essential public services, parks are vitally important to establishing and maintaining the quality of life in a community, ensuring the health of families and youth, and contributing to the economic and environmental well-being of a community and a region.

There are no communities that pride themselves on their quality of life, promote themselves as a desirable location for businesses to relocate, or maintain that they are environmental stewards of their natural resources, without such communities having a robust, active system of parks and recreation programs for public use and enjoyment.

Economic Value

- *Parks improve the local tax base and increase property values. It is proven that private property values increase the value of privately owned land the closer such land is to parks. This increase in private property value due to the proximity to parks increases property tax revenues and improves local economies.*
- *A Texas A&M review of 25 studies investigating whether parks and open space contributed positively to the property values of surrounding properties found that 20 of the 25 studies found that property values were higher. "The real estate market consistently demonstrates that many people are willing to pay a larger amount for property located close to parks and open space areas than for a home that does not offer this amenity,"*
- *American Forests, a national conservation organization that promotes forestry, estimates that trees in cities save \$400 billion in storm water retention facility costs.*
- *Quality parks and recreation are cited as one of the top three reasons that business cite in relocation decisions in a number of studies.*
- *Parks and recreation programs produce a significant portion of operating costs from revenue generated from fees and charges*
- *Parks and recreation programs generate revenue directly from fees and charges, but more importantly, provide significant indirect revenues to local and regional economies from sports tournaments and special events such as arts, music, and holiday festivals. Economic activity from hospitality expenditures, tourism, fuel, recreational equipment sales, and many other private sector businesses is of true and sustained value to local and regional economies.*

Health and Environmental Benefits

- *Parks are the places that people go to get healthy and stay fit.*
- *Parks and recreation programs and services contribute to the health of children, youth, adults, and seniors.*
- *According to studies by the Centers for Disease Control and Prevention, creating, improving and promoting places to be physically active can improve individual and community health and result in a 25 percent increase of residents who exercise at least three times per week.*
- *A study by Penn State University showed significant correlations to reductions in stress, lowered blood pressure, and perceived physical health to the length of stay in visits to parks.*
- *Parks and protected public lands are proven to improve water quality, protect groundwater, prevent flooding, improve the quality of the air we breathe, provide vegetative buffers to development, produce habitat for wildlife, and provide a place for children and families to connect with nature and recreate outdoors together.*

Social Importance

- *Parks are a tangible reflection of the quality of life in a community. They provide identity for citizens and are a major factor in the perception of quality of life in a given community. Parks and recreation services are often cited as one of the most important factors in surveys of how livable communities are.*
- *Parks provide gathering places for families and social groups, as well as for individuals of all ages and economic status, regardless of their ability to pay for access.*
- *An ongoing study by the Trust for Public Land shows that over the past decade, voter approval rates for bond measures to acquire parks and conserve open space exceeds 75%. Clearly, the majority of the public views parks as an essential priority for government spending.*
- *Parks and recreation programs provide places for health and well-being that are accessible by persons of all ages and abilities, especially to those with disabilities.*
- *In a 2007 survey of Fairfax County, VA, residents of 8 of 10 households rated a quality park system either very important or extremely important to their quality of life.*
- *Research by the Project on Human Development in Chicago Neighborhoods indicates that community involvement in neighborhood parks is associated with lower levels of crime and vandalism*
- *Access to parks and recreation opportunities has been strongly linked to reductions in crime and to reduced juvenile delinquency.*
- *Parks have a value to communities that transcend the amount of dollars invested or the revenues gained from fees. Parks provide a sense of public pride and cohesion to every community.*

Susan Watson

1	FOI2018-062: The final dollar amount of cash-in-lieu calculated for Tricar Riverhouse condominium at 160 MacDonnell Street	\$101,250.00
2	FOI2018-063: The final dollar amount of cash-in-lieu calculated for Tricar Rivermill condominium at 150 Wellington Street East	\$186,712.50
3	FOI2018-064: The final dollar amount of cash-in-lieu calculated for Fusion Metalworks Phase 1 on Arthur Street	Cash in lieu wasn't required. River walk (Phase 1) was required as parkland dedication.
4	FOI2018-065: The final dollar amount of cash-in-lieu calculated for Fusion Metalworks Phase 2 on Arthur Street	Cash in lieu isn't required. River walk (Phase 2) is required as parkland dedication.
5	FOI2018-066: The final dollar amount of cash-in-lieu calculated for Fusion Metalworks Phase 3 on Arthur Street	Cash in lieu isn't required. River walk (Phase 3) is required as parkland dedication.
6	FOI2018-067: The final dollar amount of cash-in-lieu calculated for 45 Yarmouth Street	\$61,500.00
7	FOI2018-068: The final dollar amount of cash-in-lieu calculated for Market Commons condominiums at the corner of Waterloo Ave. and Gordon Street	\$104,500.00

Cash-in-Lieu comparisons: Downtown Guelph

City of Guelph By-law vs. Planning Act alternative rates

Project name: Riverhouse

Developer: The Tricar Group

Address: 148-152 Macdonnell Street

Number of units: 130 (May 7, 2012 Council agenda)

Site area: 0.32 hectares (May 7, 2012 Council agenda)

Cash-in-lieu conveyed to City: \$101,250

By-law used to calculate cash-in-lieu: By law Number (1990) – 13545, Section 1.209-3 (c)

Percentage of site area used to calculate cash-in-lieu: 5%

Actual site area used to calculate cash-in-lieu: 0.016 hectares

Value of land per hectare: \$6,328,125

(Calculation based on value of 0.016 hectares = \$101, 250. Therefore 1 ha = \$6,328,125)

Planning Act cash-in-lieu alternative rate in force at time of calculation: 1 hectare/300 units.

Planning Act calculation based on 130 units: 0.433 hectares of value (land or cash).

Planning Act cash-in-lieu entitlement: \$2,742,187

(If the land value of the site \$6,328,125/hectare, the value of 0.433 hectares is \$2,742,187).

Conclusion:

The City of Guelph received \$101,250 in cash-in-lieu for the Tricar Riverhouse. Under the alternative rate of the Planning Act in force at the time, we could have collected \$2,742,187. For this development, the City missed out on \$2,640,937 it could have collected for the Downtown Parkland Fund.

Project name: Rivermill

Developer: The Tricar Group

Address: 150-152 Wellington St. E

Number of units: 165 (September 9, 2013 Council agenda)

Site area: 0.55 hectares (September 9, 2013 Council agenda)

Cash-in-lieu conveyed to City: \$186,712.50

By-law used to calculate cash-in-lieu: By law Number (1990) – 13545, Section 1.209-3 (c)

Percentage of site area used to calculate cash-in-lieu: 5%

Actual site area used to calculate cash-in-lieu: 0.0275 hectares

Value of land per hectare: \$6,789,545.00

(Calculation based on value of 0.0275 hectares = \$186,712.50 Therefore 1 ha = \$6,789,545.00)

Planning Act cash-in-lieu alternative rate in force at time of calculation: 1 hectare/300 units.

Planning Act calculation based on 165 units: 0.55 hectares of value (land or cash).

Planning Act cash-in-lieu entitlement: \$3,734,250

(If the land value of the site \$6,789,545.00/hectare, the value of 0.55 hectares is \$3,734,250).

Conclusion:

The City of Guelph received \$186,712.50 in cash-in-lieu for the Tricar Rivermill. Under the alternative rate of the Planning Act in force at the time, we could have collected \$3,734,250. For this development, the City missed out on \$3,547,538 it could have collected for the Downtown Parkland Fund.

Project name: Not given

Developer: Ayerswood Development Corporation

Address: 45 Yarmouth St.

Number of units: 75 (February 13, 2017 Council agenda)

Site area: 0.114 hectares (February 13, 2017 Council agenda)

Cash-in-lieu conveyed to City: \$61,500.00

By-law used to calculate cash-in-lieu: By law Number (1990) – 13545, Section 1.209-3 (c)

Percentage of site area used to calculate cash-in-lieu: 5%

Actual site area used to calculate cash-in-lieu: 0.0057 hectares

Value of land per hectare: \$10,789,473.00

(Calculation based on value of 0.0057 hectares = \$61,500.00. Therefore 1 ha = \$10,789,473)

Planning Act land alternative rate in force at time of calculation: 1 hectare/300 units.

Planning Act cash-in-lieu alternative rate in force at time of calculation: 1 hectare/500 units.

Planning Act land calculation based on 75 units: 0.25 ha

Planning Act cash-in-lieu calculation based on 75 units: 0.15 ha

Planning Act land value entitlement: \$2,697,368

(If the land value of the site \$10,789,473.00/hectare, the value of 0.25 hectares is \$2,697,368).

Planning Act cash-in-lieu entitlement: 1,618,421

(If the land value of the site \$10,789,473/hectare, the value of 0.15 hectares is \$1,618,421)

Conclusion:

The City of Guelph received \$61,500 in cash-in-lieu for 45 Yarmouth. Under the alternative rate of the Planning Act in force at the time, we could have collected \$1,618,421. For this development, the City missed out on \$1,556,921 it could have collected for the Downtown Parkland Fund.

Project name: Market Commons

Developer: Gordon Street Co-operative Development Corporation

Address: 5 Gordon St.

Number of units: 57 (Guelph Mercury, May 11, 2012)

Site area: 0.202 hectares (1/2 acre) (Guelph Mercury, May 11, 2012)

Cash-in-lieu conveyed to City: \$104,500

By-law used to calculate cash-in-lieu: By law Number (1989) – 13410, Section 209-3 (b)

Percentage of site area used to calculate cash-in-lieu: 10%

Actual site area used to calculate cash-in-lieu: 0.0202 hectares

Value of land per hectare: \$5,173,267

(Calculation based on value of 0.0202 hectares = \$104,500.00. Therefore 1 ha = \$5,173,267.00)

Planning Act cash-in-lieu alternative rate in force at time of calculation: 1 hectare/300 units.

Planning Act calculation based on 57 units: 0.19 hectares of value (land or cash).

Planning Act cash-in-lieu entitlement: \$982,921

(If the land value of the site \$5,173,267/hectare, the value of 0.19 hectares is \$982,921).

Conclusion:

The City of Guelph received \$104,500 in cash-in-lieu for Market Commons. Under the alternative rate of the Planning Act in force at the time, we could have collected \$982,921. For this development, the City missed out on \$878,421 it could have collected for the Downtown Parkland Fund.

Lost downtown parkland cash-in-lieu

Development	Cash-in-lieu received by City	Planning Act cash-in-lieu entitlement	Variance/loss
Tricar Riverhouse	\$101,250	\$2,742,187	\$2,640,937
Tricar Rivermill	\$186,723	\$3,734,250	\$3,547,538
45 Yarmouth	\$ 61,500	\$1,618,421	\$1,556,921
Market Commons	\$104,500	\$ 982,921	\$ 878,421
Total	\$453,963	\$9,077,779	\$8,623,817

Release of Consultant Recommendations Suppressed by City Hall

Recommendations prepared by the Planning Partnership for the Parkland Dedication By-law Update were actively suppressed by City Hall.

The following submission details the suppression of the recommendations and provides documentation to support these assertions.

In March of 2018, The Planning Partnership, the consultants retained by the City, prepared a background report for the Update of Parkland Dedication Procedures and By-Law.

The final section of the report on p. 63, 8.2, outlined “Next Steps”:

<https://guelph.ca/wp-content/uploads/Guelph-Parkland-Background-Report.pdf>

8.2 Next Steps

*This report is a summary of the background information required to move forward with recommendations for Guelph’s new parkland acquisition bylaw, procedures, practices and protocols. **The next step in the process will be the development of draft recommendations for the bylaw, incorporating land valuation analysis within Guelph and development scenarios to test the recommended parkland dedication rates and scenarios.***

This work will be presented in future reports and will be revised through a number of working sessions with City staff. The recommendations will also be reviewed by the legal experts on the consulting team. Ultimately, final recommendations will be developed in early 2018 and presented to Council in the second quarter of 2018.

According to internal timelines (attached) the consultant’s recommendations were circulated for internal review in January 2018. Many people would therefore have known of the existence of the recommendations and the contents. The date on the final document is April 2nd, 2018. However, those recommendations were never presented to Council in the second quarter of 2018, nor at any time since.

Most importantly, the consultant’s recommendations were not released and made available for review by the public and other stakeholders as a key input for the final formal consultation period between April 20th and May 3rd, 2018.

The consultant’s recommendations were not published on the City website until November 30th, 2018, and only after a Freedom of Information request seeking their release had been filed with the City in September, 2018.

In a May 15th email obtain through MFIPPA Request Number: FOI2018-047, Senior Planner Stacey Laughlin wrote the following to Jyoti Pathak. (Scans of the relevant pages from the FOI are attached to this submission. Bolding has been added by me).

Jyoti:

We are almost finished reviewing your draft report and will be providing comments to you soon. Ahead of comments on the report, David, Rory and I wanted to reiterate that we continue to have concerns with the project, related to:

Release of consultants recommendations – as you know, the staff project team did not agree with all of the recommendations from the consultants. Planning recommended that Parks release the recommendations from the consultants, along with a covering letter or memo outlining why the by-law does not implement all of the recommendations and the rationale/justification, however this was not undertaken. The comments received from the public on the draft by-law and the background report suggest that the recommendations should be released. If Parks chooses to prepare this cover letter and/or memo, we can review it before it's released.

At the end of her email, Ms. Laughlin states: *"We have shared the above comments with our Managers."*

Ms. Pathak forwarded these concerns to Luke Jefferson and Katie Burt on May 16th. In her response to Ms. Pathak, Ms. Burt shoots down the suggestion to release the consultant's recommendations and makes the following statement:

"I honestly don't think we need to make this document public on the website or in any other means."

The email exchanges indicate that evidently there had been a previous internal recommendation to release the consultant's recommendations, but this was not acted on. The email exchange cited therefore represents a second internal recommendation to release the Consultant's report, based on comments received from the public. I would suggest this is because the Consultant's recommendations echoed a number of suggestions put forward by the public and validated their concerns.

Clearly the consultants themselves anticipated that their recommendations would be released, not just to the public, but formally presented to Council in the second quarter of 2018. This did not happen.

I was not aware of the existence of the consultant's recommendations until I received the results of MFIPPA Request Number: FOI2018-047.

On September 12th, 2018, I filed another Freedom of Information request seeking a copy of the consultant's recommendations.

The recommendations were not released to me, but I received the following response from City Clerk Stephen O'Brien: (A scan of the document is attached to this email)

A search of our files has been conducted and in accordance with section 15 of MFIPPA, information soon to be published has been omitted. A copy of this section of the Act has been attached to this letter for your reference.

The City is planning to schedule a public open house regarding the Parkland Dedication bylaw update in November and the consultant's recommendations will be posted on the City's webpage prior to the open house.

It is of note that the open house anticipated by the Clerk never took place. However, the consultant's recommendations were released along with a number of other documents related to the Parkland Dedication By-law update on November 30th, 2018.

From a citizen perspective, this represents yet another disturbing incidence of control and suppression of important public information by City Hall. The fact that the recommendations were ultimately released after a Freedom of Information Request was filed does not excuse this conduct.

I would point out that citizens are the client in this situation. No rationale, goal, logistics or objectives are required in order to justify the release to the public of recommendations prepared by a consultant retained by the City. The consultant is paid with our tax dollars and we are entitled to the results of the work we have paid for, let alone considerations of transparency, accountability and participatory democracy. One conclusion that can be inferred from the exchange of internal emails is that the consultant's recommendations were suppressed because the staff project team did not agree with them.

This conduct is a violation of sections #5, 6 & 7 of the City's Guidelines for public engagement.

5. **Transparent and Accountable:** The City designs engagement processes so that stakeholders understand their role, the level of engagement and the outcome of the process.
6. **Open and Timely Communication:** The City provides information that is timely, accurate, objective, easily understood, accessible, and balanced.
7. **Mutual Trust and Respect:** The City engages community in an equitable and respectful way that fosters understanding between diverse views, values, and interests.

Under the community engagement policy, it is the responsibility of City Staff to *"Ensure that community engagement activities comply with the Community Engagement Framework and Policy, its processes, worksheets and tools."*

Citizens deserve better and it is the job of Council to hold staff to account. Council needs to ascertain who, aside from Ms. Burt, was responsible for suppressing the release of the Consultant's recommendations. According to Ms. Laughlin's email, it appears that senior managers were made aware that the consultant's recommendations were not being released. Who at the senior staff level knew about the suppression of the consultant's recommendations and condoned this course of action?

Having just been sworn into office and engaged in Council orientation, your statutory responsibilities as elected officials under the Municipal Act are no doubt fresh in your mind:

http://cityofguelph.wpengine.com/city-council/elected-official/municipal-act-requirements/#Oath_of_Office

224. It is the role of council,

(e) to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality

As a citizen, even through Freedom of Information requests, I do not have access to all the information that might be pertinent to understanding this issue. However, as elected officials, you have the right, and the appropriate tools at your disposal, to satisfy yourselves that due process is being followed.

Susan Watson



October 10, 2018

Susan Watson

[REDACTED]
Guelph, ON [REDACTED]

MFIPPA request number: FOI2018-060

Dear Ms. Watson,

Thank you for your Freedom of Information request which we received on September 12, 2018, under the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) for access to:

1. Documents received in response to MFIPPA Request Number: FOI2018-047 contain discussions of recommendations prepared by the consultant retained by the City to conduct a review of our Parkland Dedication By-law.

Recommendations from The Planning Partnership are referenced in a May 15, 2018 email from Stacey Laughlin, subject: Parkland Dedication By-law – project concerns and in a second email from Katie Burt dated May 15, 2018, subject: City Hall Meeting Room 278.

I would like to request a copy of the By-law recommendations from The Planning Partnership which are discussed in this exchange. If the documents are only in draft form, please include these also.

I will clarify that I am not looking for the Background Report prepared by the consultant. This document is available on the City website.

A search of our files has been conducted and in accordance with section 15 of MFIPPA, information soon to be published has been omitted. A copy of this section of the Act has been attached to this letter for your reference

The City is planning to schedule a public open house regarding the Parkland Dedication bylaw update in November and the consultant's recommendations will be posted on City's webpage prior to the open house.

Please contact Kim Sommerville, Information and Access Coordinator for the City of Guelph, at 519.822.1260 extension 2349 or by email at privacy@guelph.ca if you require further assistance.

Yours truly,


Stephen O'Brien
City Clerk

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TTY 519-826-9771

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Luke Jefferson

From: Jyoti Pathak
Sent: May-16-18 11:02 PM
To: Stacey Laughlin
Cc: Luke Jefferson; Melissa Aldunate; Chris DeVriendt; David deGroot; Rory Templeton
Subject: RE: Parkland Dedication By-law - project concerns
Attachments: 20180516 stakeholders comments - City Response R.XLSX; _20180516 Guelph_TPP Recommendations_V5 - City response.docx

Hi Stacey,

Thank you for your comments

I have attached the following drafts for your review and edits.

1. Staff response/ rationale for the 20 recommendations (by TPP) not accepted by the internal project team.
2. City Response to the Questions/ comments/ feedback received from public and key stakeholders

Based on our discussion earlier I am preparing only one set of the guidelines to help interpret the bylaw and also to understand parkland dedication requirements under sections 51.1 and 53 of the Planning Act.

As soon as the draft guidelines and the revised staff report are available I would forward those to the team for review and edits.

Regards

Jyoti Pathak, Park Planner
 Parks and Recreation, **Public Services**
City of Guelph

519-822-1260 extension 2431
jyoti.pathak@guelph.ca

From: Stacey Laughlin
Sent: May 15, 2018 12:24 PM
To: Jyoti Pathak
Cc: Luke Jefferson; Melissa Aldunate; Chris DeVriendt; David deGroot; Rory Templeton
Subject: Parkland Dedication By-law - project concerns

Jyoti,

We are almost finished reviewing your draft report and will be providing comments to you soon. Ahead of comments on the report, David, Rory and I wanted to reiterate that we continue to have concerns with the project, related to:

Release of consultants recommendations – as you know, the staff project team did not agree with all of the recommendations from the consultants. Planning recommended that Parks release the recommendations from the consultants, along with a covering letter or memo outlining why the by-law does not implement all of the recommendations and the rationale/justification, however this was not undertaken. The comments received from the public on the draft by-law and the background report suggest that the recommendations should be released. If Parks chooses to prepare this cover letter and/or memo, we can review it before it's released.

Overall Framework – we have continued to suggest that a framework for parkland dedication be developed for all scenarios (subdivision, consent, S. 42), however, the focus has only been on S. 42 and the by-law. We are concerned that the approach has not been transparent and it is not clear to the public or development community that different requirements may be implemented through the subdivision process.

Based on the above and the public comments received, we are concerned that this will not be received positively at Council. It may be worthwhile for Parks to take time and further engage the public and the development community to explain the rationale behind the draft by-law. Based on the initial review of your staff report, we suggest as a next step a meeting including Managers and GM's to assist in positioning this report and to ensure consistency with related reports i.e. the downtown parkland.

We have shared the above comments with our Managers.

If you think it would be helpful to meet and discuss these concerns, we'd be happy to meet with you.

Thanks,
Stacey

Stacey Laughlin, MCIP, RPP | Senior Policy Planner
Planning, Urban Design and Building Services | **Infrastructure, Development and Enterprise Services**

City of Guelph
519-822-1260 extension 2327
stacey.laughlin@guelph.ca

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@cityofguelph

Hi Luke and Katie,

Here is an excerpt from Policy Planning email received yesterday:

Release of consultants recommendations – as you know, the staff project team did not agree with all of the recommendations from the consultants. Planning recommended that Parks release the recommendations from the consultants, along with a covering letter or memo outlining why the by-law does not implement all of the recommendations and the rationale/justification, however this was not undertaken. ~~The comments received from the public on the draft by-law and the background report suggest that the recommendations should be released.~~ If Parks chooses to prepare this cover letter and/or memo, we can review it before it's released.

Thanks
Jyoti

From: Luke Jefferson
Sent: Wednesday, May 16, 2018 9:54 PM
To: Katie Burt <Katie.Burt@guelph.ca>; Jyoti Pathak <Jyoti.Pathak@guelph.ca>
Subject: RE: Parkland Dedication > Recommendation Summary

Thanks Katie

This sounds like a project strategy meeting. Please proceed and let me know the direction you recommend as an outcome.

Thanks,

-----Original Appointment-----

From: Katie Burt
Sent: May-16-18 1:22 PM
To: Katie Burt; Luke Jefferson; Jyoti Pathak
Subject: Parkland Dedication > Recommendation Summary
When: May-17-18 3:00 PM-3:30 PM (UTC-05:00) Eastern Time (US & Canada).
Where: City Hall Meeting Room 278

Hey guys,

We need to meet about this document before I review it. I am not seeing a clear communications objective and I cannot start implementing tactics on a whim. We need to understand who this goes out to, why, what the goal is and logistics. I honestly don't think we need to make this document public on the website or in any other means. It could be summarized for stakeholders in a follow up meeting should you decide to meet and discuss their feedback.

Let's discuss so I can understand what the goal is here. Where you want to use it and why.

Jyoti Pathak

From: Luke Jefferson
Sent: Wednesday, April 18, 2018 5:03 PM
To: Jyoti Pathak
Subject: FW: Parkland Dedication update and timeline
Attachments: 20180412_Parkland_StakeholderLetter.docx; 20180412_ParklandDedication_DraftBylawNotice.docx; 20180412_ParklandDedication_DraftBylawAd.docx; DRAFT Parkland dedication By-law 20180413.docx; 20180418 Parkland Dedication Bylaw SummaryR.DOCX; 20180418_FrequentlyAskedQuestions.docx

Hello Jyoti

The communication items have been approved by Heather for circulation. Please ensure all edits, comments, 'DRAFT' items and anything that remains outstanding on these is removed. Community engagement specific information summaries including the FAQ's and the Bylaw Summary are OK to proceed. Please do not include the summary table you have been working on at this stage as it is not complete and has not been reviewed. We can talk about next steps with that specific document.

Please ensure that these items are addressed and advise Katie to proceed with these messages.

The draft bylaw itself has been approved for CE circulation, with the understanding that it may be subject to change at the end of this process and further internal review.

The timeline communicated (attached)that you provided has also been approved and finalized, please ensure it is followed so the report can be issued as identified.

Thanks,

From: Luke Jefferson
Sent: April-12-18 4:47 PM
To: Heather Flaherty
Subject: Parkland Dedication update and timeline

Hello Heather

Jyoti has prepared a timeline that articulates milestones to achieve the required dates for a July report.

They are as follows:

Parkland Dedication bylaw Review	
The Planning Partnership was hired	20-Mar-17

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Internal key stakeholder (Park Planning, Policy Planning and Urban Design, Development Planning, Legal Services, Building Services, Finance, C of A coordinator, downtown Renewal staff) consultation	20-Apr-17
External Key stakeholder (development Community) consultation (focus Groups)	29-Jun-17
External Stakeholder consultation	05-Oct-17
Public Open House (2 sessions)	05-Oct-17
online survey	October 6 - October
Best practices review circulate for internal review	19-Sep-17
Draft background study circulated for internal review	12-Dec-17
What we heard report circulated for internal review	01-Nov-17
Draft recommendations for the bylaw circulated for internal review	25-Jan-18
Draft bylaw circulated for internal review	13-Mar-18
FINAL Draft bylaw from Darrell	12-Apr-18
Public notice, newspaper ad, webpage content, draft bylaw and supporting documents to be reviewed by Heather	18-Apr-18
Draft bylaw to be issued for public review	20-Apr-18
Feedback analysis and draft bylaw revision	May 4th - May 9th
Revised draft bylaw from Darrell	14-May-18
Draft report due to Luke	17-May-18
Staff report and presentation due to Heather	28-May-18
Staff Report to be presented to the COW	03-Jul-18

Please note that there are some press release communications that are required to be approved for Monday to achieve the communication timelines. Jyoti has prepared these and they are available for review now (attached). She is also preparing a summary of the Parkland Dedication outcomes which I have asked her to expedite since you may want to review that before approving the public messaging. We can expect to see that tomorrow.

The information that is available for public review will be issued on April 20, and the review timeline for IT to post by April 20 is April 18. Following CE there will be additional time to revise and review the entirety of the report contents before the report is drafted.

6.103