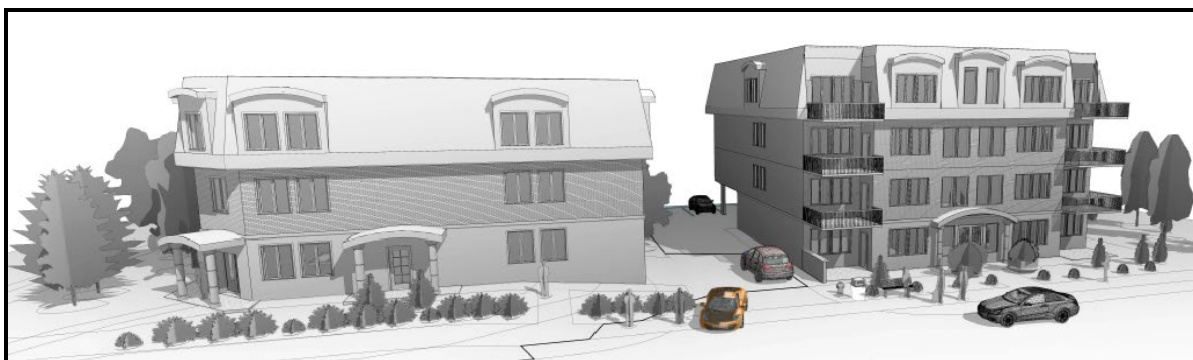


Planning Justification Report R01

76 Wyndham Street South City of Guelph



November 8, 2019

Prepared For: Michael Flaman
223 Lincoln Road
Waterloo ON N2J 2P2

Prepared By: JL Cox Planning Consultants Inc.
Guelph ON N1L 1N1



LIST OF REVISIONS

Rev.0	Submitted August 2019.
Rev.01	Issued and Submitted November 2019. <u>"Addendum to Planning Justification Report"</u> is added at end of document to address legislative changes which affect the application.

Table of Contents

1.0	Introduction.....	1
1.1	General.....	1
1.2	Study Purpose.....	1
1.3	Other Supporting Documentation.....	1
1.4	City Pre-Consultation.....	1
2.0	Site Context.....	2
2.1	Site Description.....	2
2.2	Existing Land Use.....	2
2.3	Surrounding Land Uses.....	2
3.0	Planning Policy and Regulatory Context.....	3
3.1	Provincial Policy Statement 2014 (PPS).....	4
3.1.1	Building Strong Healthy Communities.....	4
3.1.2	Protecting Public Health and Safety.....	6
3.1.3	Summary of PPS (2014) Policies.....	7
3.2	Growth Plan for the Greater Horseshoe (Growth Plan).....	7
3.2.1	Guiding Principles.....	8
3.2.2	Managing Growth.....	8
3.2.3	Delineated Built-Up Areas.....	9
3.2.4	Summary of Growth Plan 2019 Policies.....	9
3.3	City of Guelph Official Plan (March 2018 Consolidation).....	9
3.3.1	Designations.....	9
3.3.2	General Intensification Policies.....	10
3.3.3	Height and Density Bonus Provision.....	11
3.3.4	Downtown Secondary Plan.....	12
3.3.4.1	Relevant Policies.....	13
3.3.5	Summary of Official Plan Policies.....	16
3.4	Zoning Bylaw.....	16
3.4.1	Background.....	16
3.4.2	Zoning Compliance.....	17
3.4.3	Zoning Amendment.....	19
4.0	Development Proposal.....	19
4.1	The Proposal.....	19
4.2	Land Use Compatibility.....	19
5.0	Conclusions.....	20

1.0 Introduction

1.1. General

M. Flaman Productions Ltd (2027073 Ontario Ltd.) is submitting an application for a zoning bylaw amendment for the property located at 76 Wyndham Street South in the City of Guelph. The zoning amendment application is intended to allow the removal of two existing buildings on the property to permit the development of two new buildings. The owner also intends to sever the property so each building will be located on a separate parcel. The proposed new buildings will consist of a duplex containing two (2) residential units and a small apartment building containing nine (9) residential units of varying size and occupancy.

1.2. Study Purpose

The purpose of the Planning Justification Report (PJR) is to provide background and support for the proposed zoning bylaw amendment. The PJR will review the project in the context of the site location and surrounding area, consider the project in terms of applicable Provincial and City policy and regulations, and evaluate the land use compatibility of the proposal.

1.3. Other Supporting Documentation

In addition to the PJR, other documentation submitted in support of the application will include:

- Phase 1 Environment Site Assessment prepared by EXP Services Inc.
- Urban Design Brief prepared by James Fryett Architect Inc.
- Concept Plan and Proposed Building Elevations/Renderings prepared by James Fryett Architect Inc.
- Functional Servicing Report and Stormwater Management Report prepared by EXP Services Inc. (including Conceptual Grading, Drainage and Site Servicing Plans)
- Noise Study prepared by Swallow Acoustic Consultants Ltd.

These reports should be specifically referred to for detailed information with respect to their findings.

1.4. City Pre-Consultation

There have been several discussions with City planning staff, including attendance at formal pre-consultation meetings to review various development scenarios for the property. The most recent pre-consultation meeting was held on January 9, 2019. The submissions being made in support of the zoning bylaw amendment application will address the matters set out on the Pre-Consultation Summary received from that meeting dated January 18, 2019.

2.0 Site Context

2.1. Site Description

The subject property, known locally is located at the intersection of Wyndham Street South and Howitt Street. The legal description of the site is Part of Lots 7 and 8, Registered Plan 306, City of Guelph.

The site has a frontage on Wyndham Street of 58.3 m. and a frontage on Howitt Street of 14.0 m. The total site area is 1,455 m².



Figure 1: Site Location

2.2. Existing Land Use

The easterly section of the site contains a 1 1/2 storey house, with a detached garage and driveway. The westerly portion of the property contains a single storey commercial building, which has been previously used for automotive sales and was at one time an ice cream shop. Both existing buildings are proposed to be removed for the proposed development.

2.3. Surrounding Land Uses

The area to the north of the subject property contains primarily residential uses. This includes single detached dwellings on the east side of Howitt Street and a 10 storey

apartment building on the west side of Howitt Street. East of the site, off of Wyndham Street and York Road, are single detached dwellings, a semi-detached unit and a cluster townhouse project.

South of the property, directly on the opposite side of Wyndham Street, are existing commercial buildings and uses located there include medical and professional offices. One of these properties is 71 Wyndham Street which is proposed to have a 14 storey condominium project erected on it consisting of approximately 140 residential units.

Below is an aerial photograph of the area of the subject property, showing the site location and surrounding land uses.

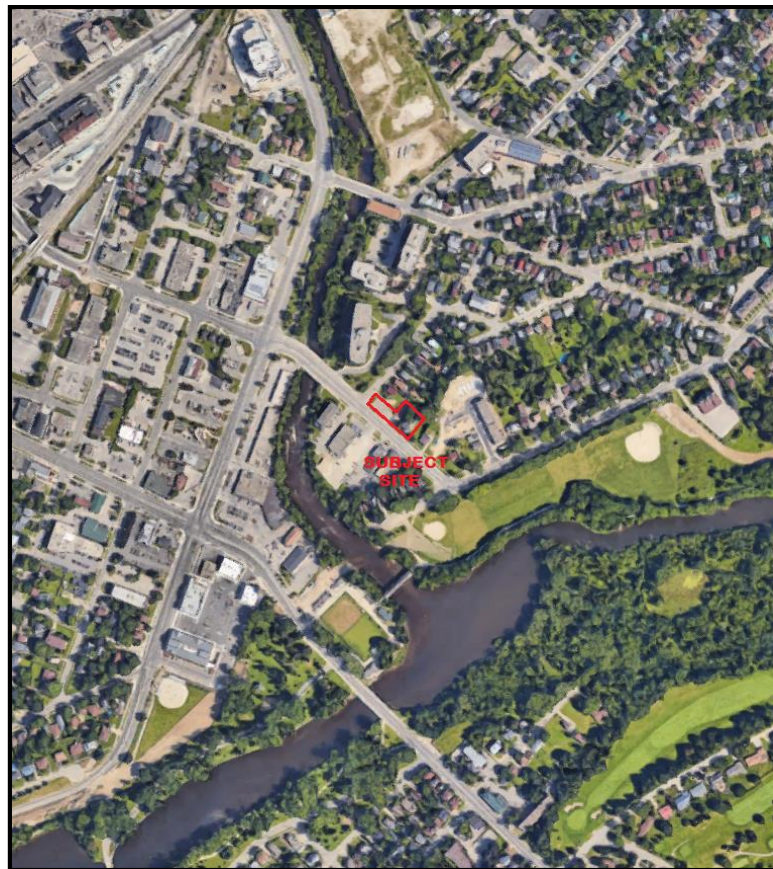


Figure 2: Aerial Photograph

3.0 Planning Policy and Regulatory Context

3.1. Provincial Policy Statement 2014 (PPS)

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The Provincial Policy Statement is

issued under the authority of Section 3 of the Planning Act and came into effect April 30, 2014. Section 3 requires that; "*decisions affecting planning matters shall be consistent with policy statements issued under the Act*".

3.1.1. Building Strong Healthy Communities

Section 1.1.1 of the PPS 2014 provides that:

1.1.1 Healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- b) accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;*
- e) promoting cost-effective development patterns and standards to minimize land consumption and servicing costs;*
- f) improving accessibility for persons with disabilities and older persons by identifying, preventing and removing land use barriers which restrict their full participation in society;*
- g) ensuring that necessary infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities are or will be available to meet current and projected needs;"*

Section 1.1.3 **Settlement Areas** provide policies directed to urban areas, including cities, and sets out policies promoting the use of land and resources wisely, efficient development patterns and effective use of infrastructure and public service facilities as follows:

"1.1.3.1 Settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.

1.1.3.2 Land use patterns within settlement areas shall be based on:

- a) densities and a mix of land uses which:*
 - 1. efficiently use land and resources;*
 - 2. are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*
 - 4. support active transportation;*
 - 5. are transit-supportive, where transit is planned, exists or may be*

- developed; and*
- b) a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.*

1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected need."

Section 1.4 **Housing** sets out the following policies:

"1.4.1 To provide for an appropriate range and mix of housing types and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:

- a) maintain at all times the ability to accommodate residential growth for a minimum of 10 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development;*

Section 1.4.3 further states that:

"1.4.3 Planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by:

- b) permitting and facilitating:
 - 1. all forms of housing required to meet the social, health and well-being requirements of current and future residents, including special need requirements; and*
 - 2. all forms of residential intensification, including second units, and redevelopment in accordance with policy 1.1.3.3;**
- c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;*
- d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed; and*
- e) establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety."*

Section 1.6 **Infrastructure and Public Service Facilities** policies states:

- "1.6.1 Infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities shall be provided in a coordinated, efficient and cost-effective manner that considers impacts from climate change while accommodating projected needs.*
- 1.6.3 Before consideration is given to developing new infrastructure and public service facilities:*
- a) the use of existing infrastructure and public service facilities should be optimized; and*
 - b) opportunities for adaptive re-use should be considered, wherever feasible."*

Section 1.7 **Long-Term Economic Prosperity** indicates that:

- "1.7.1 Long-term economic prosperity should be supported by:*
- b) optimizing the long-term availability and use of land, resources, infrastructure, electricity generation facilities and transmissions and distribution systems, and public service facilities;*
 - c) maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets;*
 - d) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes;*
 - e) promoting the redevelopment of brownfield sites;"*

3.1.2. Protecting Public Health and Safety

Section 3.0 of the PPS (2014) indicates that development is to be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage. The policies of Section 3.1 Natural Hazards further state:

- "3.1.4 Despite policy 3.1.2, development and site alteration may be permitted in certain areas associated with the flooding hazard along river, stream and small inland lake systems:*
- a) in those exceptional situations where a Special Policy Area has been approved. The designation of a Special Policy Area, and any change or modification to the official plan policies, land use designations or boundaries applying to Special Policy Area lands, must be approved by the Ministers of Municipal Affairs and Housing and Natural Resources*

prior to the approval authority approving such changes or modifications;

3.1.6 *Where the two zone concept for flood plains is applied, development and site alteration may be permitted in the flood fringe, subject to appropriate floodproofing to the flooding hazard elevation or another flooding hazard standard approved by the Minister of Natural Resources."*

3.1.3. Summary of PPS (2014) Policies

The proposed development of eleven (11) residential infill units on the subject property is consistent with the policies of the PPS 2014 on the following basis:

- it promotes an efficient and cost effective form of development and land use pattern
- it adds to the mix of residential unit types in the surrounding area, including proposed rental accommodation and affordable housing
- the development is appropriate for and effectively utilizes the available public infrastructure
- the proposal supports both active transportation for its residents and is public transit supportive
- provides intensification and redevelopment of an underutilized infill site
- the development will contribute to the vitality and viability of the downtown and a main street
- it will facilitate the redevelopment of a known brownfield site
- it complies with the development policies for a flood hazard in a Special Policy Area.

3.2. Growth Plan for the Greater Horseshoe (Growth Plan)

The Ministry of Public Infrastructure and Renewal released the Growth Plan for the Greater Golden Horseshoe to manage growth in Ontario under the Places to Grow Act, 2005. The updated Growth Plan came into effect on May 16, 2019 and any decisions made after that date that affect a planning matter must conform to the Plan.

The Growth Plan provides an overall growth strategy for the Greater Golden Horseshoe region the complements the Provincial Policy Statement and is implemented by municipal planning documents. The key elements of the Growth Plan are guiding principles of building compact, vibrant and complete communities; planning and managing growth to support a strong, competitive economy; and optimizing the use of existing or planned infrastructure to support growth in a compact and efficient form. As such, these policies are primarily directed at urban centres or settlement areas.

3.2.1 Guiding Principles

The guiding principles of the Growth Plan, as set out in Section 1.2.1 of the Plan:

"The policies of this Plan regarding how land is developed, resources are managed and protected, and public dollars are invested based on the following principles:

- *Support the achievement of complete communities that are designed to support healthy and active living and meet people's needs for daily living throughout an entire lifetime.*
- *Prioritize intensification and higher densities to make efficient use of land and infrastructure and support transit viability*
- *Support a range and mix of housing options, including second units and affordable housing, to serve all sizes, incomes, and ages of household.*
- *Improve the integration of land use planning with planning and investment in infrastructure and public service facilities...*
- *Protect and enhance natural heritage, hydrologic, and landform systems, features, and function."*

3.2.2 Managing Growth

The City of Guelph is within the Outer Ring of the Greater Golden Horseshoe Plan Area. The Growth Plan projects an increase in population for the City of Guelph to 191,000 persons by 2041. The 2016 population for the City was 131,800, so substantial growth is anticipated over the 25 year period from 2016 to 2041.

Section 2.2.1 of the Growth Plan sets out policies for managing growth which include:

- the vast majority of growth will be directed to settlement areas that have a delineated built boundary, existing or planned municipal water and wastewater systems and can support the achievement of complete communities (Section 2.2.1.2 a)
- within settlement areas, growth will be focused in delineated built-up areas, locations with existing or planned transit and with existing or planned public service facilities (Section 2.2.1.2. c)
- municipalities will undertake integrated planning to provide direction for an urban form that will optimize infrastructure, particularly along transit and transportation corridors, to support the achievement of complete communities through a more compact built form (Section 2.2.1.3. c).

3.2.3 Delineated Built-Up Areas

In Section 2.2.2.3 of the Growth Plan it states that:

"All municipalities will develop a strategy to achieve the minimum intensification target and intensification throughout delineated built-up areas, which will:

- a) *encourage intensification generally to achieve the desired urban structure;*

- b) identify the appropriate type and scale of development and transition of built form to adjacent areas;*
- c) encourage intensification generally throughout the delineated built-up area;*
- d) ensure lands are zoned and development is designed in a manner that supports the achievement of complete communities;*
- e) prioritize planning and investment in infrastructure and public service facilities that will support intensification;*

3.2.4 Summary of Growth Plan 2019 Policies

The proposal to develop eleven (11) residential infill units on the subject property conforms to the Growth Plan Policies on the following basis:

- the property is located within a settlement area and it's delineated built boundary where growth is to be directed
- the proposed development will utilize existing infrastructure and public service facilities and have ready access to facilitate use of municipal transit and active transit
- the development supports the development of complete communities by providing varied housing types and a more compact built form
- the proposal will assist in achieving intensification targets with an appropriate type and scale of development

3.3. City of Guelph Official Plan (March 2018 Consolidation)

The City of Guelph Official Plan was originally adopted by Council on November 1, 1994 and has subsequently been amended several times. The most recent major amendment was OP 48 which was approved by the Ontario Municipal Board on October 5, 2017. There are some sections of OPA 48 which are still under appeal, but these sites and policies are not applicable to the subject property.

3.3.1. Designations

The site is located within the Urban Growth Centre as identified in the Official Plan, also referred to as Downtown Guelph, as referred to on Schedule 1: Growth Plan Elements. This Schedule also identifies the area as being contained within the Built-Up Area as designated.

Schedule 2: Land Use Plan shows downtown Guelph as being subject to an approved Secondary Plan, the Downtown Secondary Plan. Schedule 3: Development Constraints also identifies this property as being within Special Policy Area Floodplain near the confluence of the Speed and Eramosa rivers, and as being within the regulatory floodline.

There are no Natural Heritage features designated on the subject property including ANSI's, wetlands, surface water and fish habitat, woodlands, valleylands or wildlife habit.

3.3.2. General Intensification Policies

Section 3.2 Settlement Area Boundary sets out policies for development which are applicable to the subject property:

1. *"The City's future development to the year 2031 will be accommodated with the City's settlement area boundary identified on Schedule 1 of this Plan.*
2. *The City will meet the forecasted growth within the settlement area through:*
 - i. *promoting compact urban form;*
 - ii. *intensifying generally within the built-up area, with higher densities within Downtown, the community mixed-use nodes and within the identified intensification corridors; and"*

Section 3.3 contains policies for the Built-Up Area and General Intensification, including the following:

- "3. *Within the built-up area the following general intensification policies shall apply:*
 - ii) *the City will promote and facilitate intensification throughout the built-up area, and in particular within the urban growth centre (Downtown), the community mixed-use nodes and the intensification corridors as identified on Schedule 1 "Growth Plan Elements".*
 - iii) *vacant or underutilized lots, greyfield, and brownfield sites will be revitalized through the promotion of infill development, redevelopment and expansions or conversion of existing buildings.*
 - vi) *intensification of areas will be encouraged to generally achieve higher densities than the surrounding areas while achieving an appropriate transition of built form to adjacent areas.*
 - viii) *development will support transit, walking, cycling for everyday activities.*
 - ix) *the City will identify the appropriate type and scale of development within intensification areas and facilitate infill development where appropriate."*

Section 3.8 Urban Growth Centre (Downtown) states:

- "2. *Downtown will continue to be a focal area for investment in office-related employment, commercial, recreational, cultural, entertainment and*

institutional uses while attracting a significant share of the city's residential growth.

4. *Downtown will be planned and designed to:*
 - i) *achieve a minimum density target of 150 people and jobs combined per hectare by 2031, which is measured across the entire Downtown;*
 - iii) *provide for additional residential development, including affordable housing, major offices, commercial and appropriate institutional development in order to promote live/work opportunities and economic vitality in Downtown;"*

3.3.3. Height and Density Bonus Provision

Section 10.7 Height and Density Bonus provision sets out policies to permit increased density for new development subject to certain policies:

- "1. *The Planning Act allows the City to consider increase in the height and density of development otherwise permitted on a specific site in exchange for community benefits as set out in the Zoning By-law.*
2. *The City will consider authorizing increases in height and density provided that the development proposal:*
 - i) *is consistent with the goals, objectives and policies of this Plan;*
 - ii) *is compatible with the surrounding area;*
 - iv) *provides community benefits that bear a reasonable planning relationship to the increase in height and/or density such as having a geographic relationship to the development or addressing the planning issues associated with the development.*

Subject to policy 10.7.2, the community benefits may include but are not limited to:

- i) *housing that is affordable to low and moderate income households, special needs housing or social housing;*
 - iii) *protection, enhancement, and/or restoration of natural heritage features;*
 - iv) *buildings that incorporate sustainable design features;*
 - v) *energy and/or water conservation measures;*
 - ix) *public transit infrastructure, facilities, and/or services;*
 - xiii) *parkland and improvements to parks.*
5. *Increases to height and/or density shall only be considered where the proposed development can be accommodated by existing or improved infrastructure. Planning studies may be required to address infrastructure capacity for the proposed development and any impacts on surrounding area."*

The property is subject to the policies of the Low Density Residential policies of the Official Plan (Section 9.3.2), which permits a maximum height of 3 storeys and a maximum density of 35 units per hectare. Section 9.3.2.4 of the Plan further states:

"Notwithstanding policies 9.3.2.2 and 9.3.2.3, increased height and density may be permitted for development proposals on arterial and collector roads without an amendment to this Plan up to a maximum height of six (6) storeys and a maximum density of 100 units per hectare in accordance with the Height and Density Bonus policies of this Plan."

The overall density of the proposed development is 76 uph. After dedication of the street widening from the property the net density is 86 uph. The duplex portion of the site is proposed to be 3 storeys, and the apartment portion is to be 4 storeys.

York Road/Wyndham Street is designated as an arterial road on Schedule 5: Road & Rail Network of the Official Plan; and Schedule A: Downtown Secondary Plan Mobility Plan designates Wyndham Street south of the Speed River as Primary Street (arterial).

The proposed development should be considered for height and density bonusing based on:

- it is located on an arterial road
- it provides housing that is affordable to low and moderate income households, including seniors
- the site provides ready access to public transit
- the site is located in close proximity to existing parkland and provides the potential for cash contribution to riverfront parkland acquisition in the downtown
- it protects the natural heritage features of the Special Policy Area for flood regulation

3.3.4. Downtown Secondary Plan

The Downtown Secondary Plan forms part of the Official Plan and is intended to guide and regulate development in the City's downtown. The vision for downtown set out in Section 11.1.2.1 states that *"By 2031, Downtown Guelph will have developed beyond its historical pattern into a distinct urban centre that is Guelph's showcase for high-density sustainable living."*

Principle 2 of the Downtown Secondary Plan "Set the Scene for Living Well Downtown" states the following objectives which are applicable to the proposed residential development of the subject property:

"Objectives

To create a vibrant and diverse Downtown neighbourhood that benefits existing and future residents and businesses in and around Downtown, it will be important to:

- a) Accommodate a significant share of Guelph's population growth to 2031;*
- b) Balance Downtown's employment uses with compact residential development and live/work opportunities;*
- c) Ensure Downtown contains a diversity of housing types, sizes and tenures and affordable housing;*
- d) Ensure new development includes or is supported by commercial amenities and community services for existing and future residents;*
- e) Ensure existing and future residents are adequately served by parkland and recreational facilities within walking distance."*

3.3.4.1 Relevant Policies

a) 11.1.4 Mobility

Section 11.1.4.2.2 indicates the Wyndham Street south of Wellington Street as a Primary Street providing access to and through Downtown for pedestrians, transit, bicycles and auto vehicles.

The following table sets out the requirements for Primary Streets:

Right of Way	24m - 30m
Planned Setback	Vary 0 - 5m
Travel Lanes	2 - 4
Transit Priority	Yes
Parking	Yes
Pedestrian Dealing	Min 2m sidewalk
Dedicated Bicycle Facilities	Yes

The proposed development is providing a 3m widening to Wyndham Street, a proposed setback of 2 m, on street parking is permitted on Wyndham and it will have dedicated on-site bicycle facilities.

b) 11.1.7 Land Use and Built Form

- i) Section 11.1.7.1.2 indicates uses which are not consistent with the objective of a walkable transit-supportive Downtown including vehicle sales. The former care sale use of a portion of the subject property will be eliminated as part of the development.

ii) Section 11.1.7.2.1 references the building height ranges permitted based on Schedule D to the Downtown Secondary Plan. For the subject lands the minimum is 2 storeys and the maximum is 4 storeys. The proposed duplex of 3 storeys and the apartment building at 4 storeys conform to the permitted heights.

iii) Section 11.1.7.2.3 indicates other built form policies which the proposed development meets:

- *"Generally, buildings shall be oriented towards and have their main entrance on a street or open space.*
- *Generally balconies shall be recessed and/or integrated into the design of the building facade. Exposed concrete balconies generally shall not be permitted.*
- *Front patios for ground-floor residential units, where appropriate, should be raised to provide for privacy and a transition between the public and private realms.*
- *All buildings downtown should be finished with high quality, enduring materials, such as stone, brick and glass. Glass should be transparent or tinted with a neutral colour. Materials that do not age well, including stucco, vinyl, exterior insulation finishing systems (EIFS) and highly reflective glass, shall be strongly discouraged and may be limited through the implementation documents and by-laws."*

iv) Section 11.1.7.2.4 sets out policies respecting parking, loading and servicing which the proposal is consistent with:

- *"Vehicular entrances to parking and servicing areas generally be on Local Streets, Secondary Streets or Laneways and should be consolidated wherever possible to maximize and accentuate building frontages and front yards and minimize the number of curb cuts. Shared driveways between two properties shall be encouraged.*
- *Loading and service areas generally shall be located in the interior of a development block, at the rear of building, where possible.*
- *Parking for apartment dwellings, including visitor parking, generally shall be located in underground or above-ground structures or surface parking lots at the rear of the building, unless other arrangements for off-site parking have been made to the City's satisfaction.*
- *Generally no parking shall be permitted between the front of a building and the street to help create pedestrian-oriented streetscapes."*

c) Residential Areas

The subject lands are designated Residential 1 on Schedule C: Downtown Secondary Plan Land Use Plan, as shown on Figure 3 below.

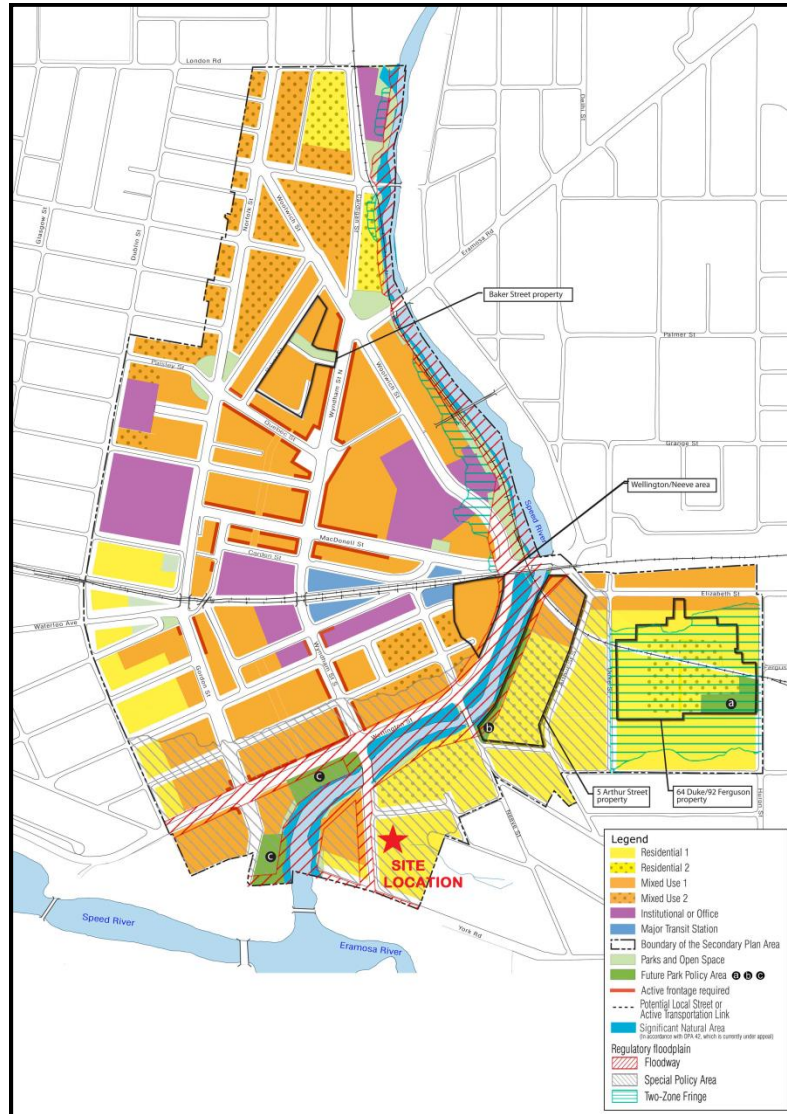


Figure 3 Schedule C: Downtown Secondary Plan Land Use Plan

Section 11.1.7.7.1 identifies uses intended to be maintained in these areas and includes low-rise forms of housing (duplex) and apartment buildings.

"Residential 1 areas include portions of broader residential neighbourhoods that extend into Downtown. They are mostly occupied by low-rise forms of housing, including detached and semi-detached houses,

townhouses and apartment buildings. The intent is to generally maintain the character of these areas."

d) 11.1.7.11 Special Policies Applicable to St. Patrick's Ward

Section 11.1.7.11.2 states that in considering development proposals in the Ward, City shall have regard for the following objectives:

- *"clean-up contaminated sites;*
- *provide transitions to the general character of the low-rise areas of the community;*
- *ensure the use and form of development is compatible with its existing and planned surroundings;*
- *minimize and mitigate traffic impacts from new developments; and ensure the community contains a mix of housing types, sizes and forms to accommodate households of all sizes and incomes."*

The proposal for the subject property addresses these objectives.

3.3.5. Summary of Official Plan Policies

The proposed development for the subject property conforms to the City of Guelph Official Plan, including the Downtown Secondary Plan, on the following basis:

- the subject property is located within the designated Urban Growth Centre and Built-Up Area
- the Official Plan generally supports intensification, particularly within the Downtown
- the proposal meets the criteria of the Official Plan for increased height and density
- the proposal conforms to the policies of the Downtown Secondary Plan for Mobility, Land Use and Built Form and uses in Residential 1 Areas including the special policies applicable to St. Patrick's Ward.

3.4. Zoning Bylaw

3.4.1. Background

The City of Guelph's comprehensive zoning bylaw is Zoning Bylaw (1995)-14864 adopted by City Council on June 19, 1995. The subject lands are zoned R.1B-10, and the specialized regulation requires minimum front and exterior side yards of 6 m. An application for a zoning amendment to specialized R.4D-Infill Apartment Zone is required for the apartment portion of the site and for a specialized R.2 Residential Semi-Detached/Duplex Zone for the duplex portion of the site.

3.4.2. Zoning Compliance

a) Apartment Portion of Site

The following table sets out proposal's compliance with the regulations of the R.4D zone for the apartment portion of the site:

Regulations Governing R.4D, Infill Apartment			
Regulation	Required	Proposed	Complies
Min. Lot Area	650 sq.m.	970.33 sq. m.	Yes
Min. Lot Frontage	15 m	30.4 m	Yes
Max. Density Units/HA	100 units/ha=9.7 units	9 units	Yes
Min Front and Ext Side Yard	3 m	2 m	No
Min Side Yard	Equal to 1/2 building height but not less than 3 m	Min 1.5 Max 2.1 Avg 1.83	No
Min. Rear Yard	20% of lot depth or half building height, not less than 7.5 m.	5.4 m	No
Max Bldg Height	4 storeys	4 storeys	Yes
Min. Common Amenity Area	None	None	Yes
Min. Landscaped Open Space	Front Yard except Driveway	Front Yard	Yes
Off Street Parking	1.5/unit = 14	12	No
Floor Space Index FSI	2 x 970 = 1940 sq m	1803 sq m	Yes
Buffer Strips	Yes	Yes	Yes

Zoning amendments will be sought to address the deficiencies noted above on the following basis:

- The minimum front yard will be reduced from 3 m. to 2 m. A road widening on Wyndham Street of 3 m. is also being provided so the proposed setback is appropriate.
- A minimum interior side yard on the east side of the building of 1.5 m. is proposed which provides adequate access for building maintenance on this side. Fencing can also be used to provide additional buffering.
- A minimum rear yard of 5.4 m. rather than 7.5 m. is proposed. A minimum buffer of 0.61 m. is provided from parking spaces to the rear lot line to enhance the setback, and additional buffering can be provided by fencing.
- A total of 12 parking spaces are provided whereas 14 are required for 9 residential units. This represents a parking ratio of 1.33 spaces per unit which is more than adequate given its location with access to public transit and the downtown. On-street parking is also available in front of the property on

Wyndham Street. It is further noted that the new Downtown Zoning Bylaw permits a ratio of 1.0 parking spaces per unit in R.4 zones.

b) Duplex Portion of Site

The following table sets out compliance with the regulations of the R.2 zone:

Regulations Governing R.2 Duplex			
Regulation	Required	Proposed	Complies
Min. Lot Area	460 sq.m.	306 sq. m.	No
Min. Lot Frontage	15 m	11 m	No
Min. Ground Floor Area	40 sq.m.	164 sq.m.	Yes
Min Front Yard	6 m	4.3 m	No
Min. Ext. Side Yard	4.5 m	2 m	No
Min Side Yard	1.2 m	1.2 m	Yes
Min. Rear Yard	20% of lot depth or half building height, not less than 7.5 m.	2.6 m	No
Max Bldg Height	3 storeys	3 storeys	Yes
Max Lot Coverage	40%	54%	No
Min. Landscaped Open Space	Front Yard except Drive	Front Yard	Yes
Off Street Parking	1/unit = 2	2	Yes

Zoning amendments will be sought to address the zoning deficiencies noted above based on the following:

- the minimum lot area and frontage have been reduced by an approximately 80 m² area for widening of Wyndham Street, and are adequate for the use proposed as a duplex requires a smaller building footprint than a semi-detached use.
- the minimum front yard is similar to the residential units fronting on Howitt Street north of the property
- the exterior side yard on Wyndham Street is the same setback as proposed for the adjacent apartment building being proposed
- The daylight triangle requirement at the corner of Howitt and Wyndham has been protected by chamfering the front corner of the building
- the rear yard provides access to the garages for parking on the site, which relies on one access from Wyndham Street, as another access from Wyndham, or direct access from Howitt were not permitted.
- the maximum lot coverage is only 14% over the allowable amount

3.4.3. Zoning Amendment

As noted above, a zoning amendment is being applied for to rezone the site from R.1-10 to a split zoning of R.2 specialized and R.4D specialized. The specialized zoning provisions address compliance with the zoning deficiencies noted above for the provisions of the R.2 and R.4D zones.

A draft zoning bylaw amendment is attached as Appendix 2 to this report.

4.0 Development Proposal

4.1. The Proposal

It is the intention of the owner to sever the property into two (2) distinct parcels then develop the property using a phased approach.

In Phase 1, the owner proposes to remove the existing commercial building on the property and construct a 3 storey duplex building containing 2 residential units at the corner of Wyndham Street and Howitt Street.

For Phase 2, the owner proposes to remove the existing house and garage then build a 4 storey apartment building containing 9 residential units on the balance of the property and also complete the parking lot and paved areas.

Access to the property will be provided by one entrance from Wyndham Street and an aisleway to the rear of the property where parking will be located. The duplex will be provided with 2 dedicated parking spaces within attached garages and the apartment building will have a total of 12 parking spaces, some partially recessed under the building. The duplex portion will require a right-of-way over the driveway to provide access to their garages for parking.

The proposed site plan, prepared by James Fryett Architect Inc. is attached as Appendix A to this report.

4.2. Land Use Compatibility

The review of the development proposal for the subject property and the analysis of the planning policy and regulatory context for the area is set out in the preceding Sections of the Planning Justification Report.

The subject property and proposed development is compatible with the surrounding area on the following basis:

- a non-compatible use on the site consisting of a former used car sales lot will be removed
- the duplex at the corner of Wyndham and Howitt transitions to the adjacent single detached homes fronting on Howitt by being lower in scale at 3 storeys which is comparable to adjacent homes, facing toward Howitt and being setback from Howitt a similar distance as existing homes; and presents building elevations facing Howitt which include a front porch and articulated upper level windows.
- the apartment portion of the site faces Wyndham Street with a main building entrance, exhibits a building elevation toward Wyndham which includes recessing porches and balconies and articulation of the windows (this architecture of the building faces continues around the building to provide a more interesting perspective from all views) and locates parking to the rear of the building away from public view.

5.0 Conclusions

The proposed development of 76 Wyndham Street South proposes the building of a duplex containing 2 units and an apartment building containing 9 units on the site. A zoning bylaw amendment is required to permit the proposal.

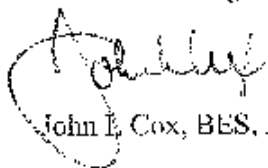
The conclusions of the Planning Justification Report are:

- a) that the proposed development is consistent with the Provincial Policy Statement (2014) and conforms to the Growth Plan (2019)
- b) that the application conforms to the City of Guelph Official Plan, and to the Downtown Secondary Plan
- c) that the requested zone change to specialized R.2 and R.4D zones are appropriate for the reasons set out in this report
- d) that the background reports submitted in support of this application provide technical justification for the application.

In conclusion, the proposed zoning amendment application for the subject property is appropriate and represents good planning.

Respectfully submitted

JL Cox Planning Consultants Inc.



John E. Cox, BES, RPP

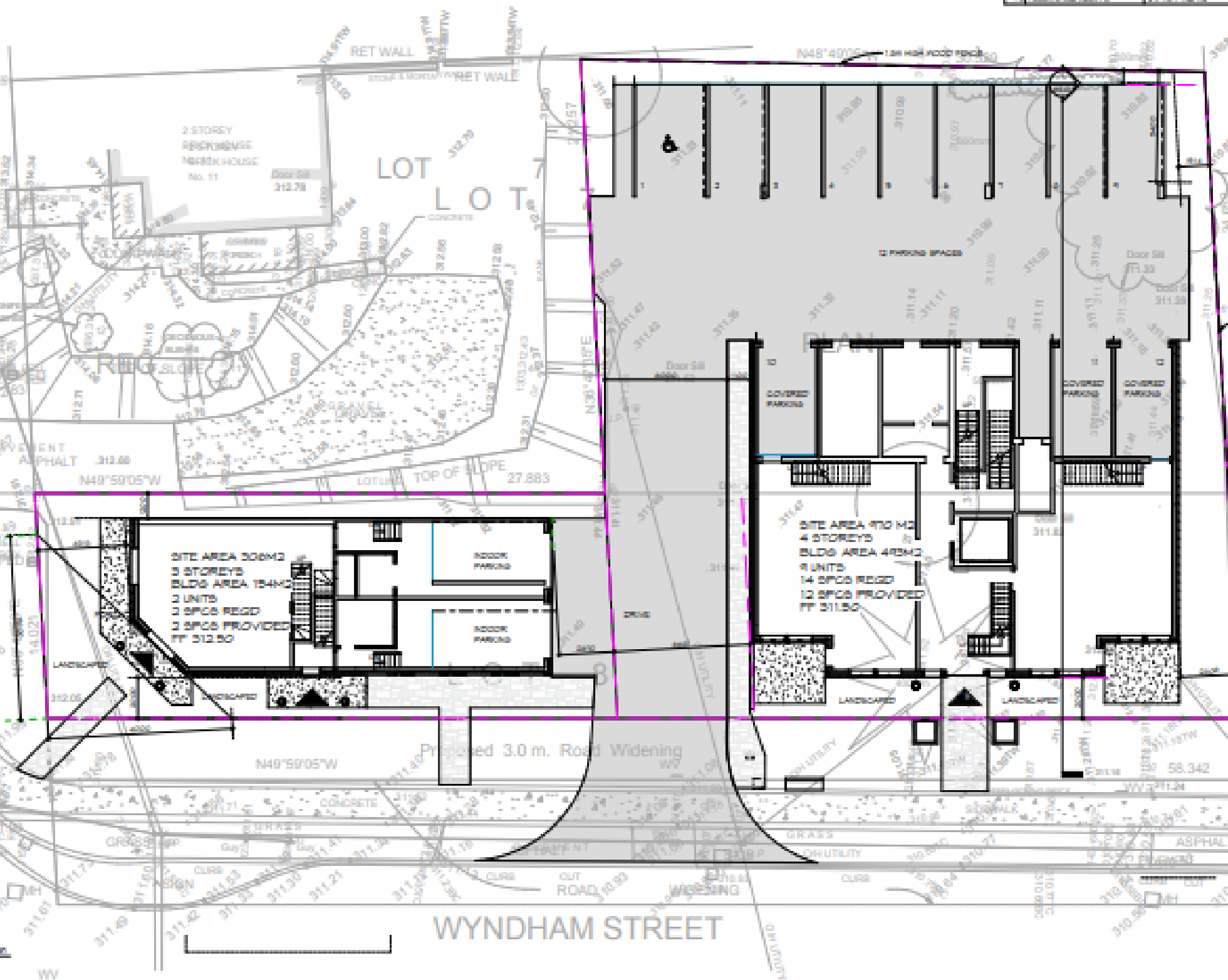
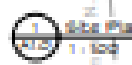
APPENDIX A
CONCEPTUAL SITE PLAN

HOWITT STREET

TOP=413.07(P2)
 BW=411.88(P2)

HOWITT STREET

CHUTEWAY



LOT 306

LOT 9

WYNDHAM STREET

PROPOSED EXISTING FLOOR AREA			
NO.	DESCRIPTION	AREA (SQM)	AREA (SQFT)
1	EXISTING BLDG	100.00	1076.41
2	EXISTING DRIVE	10.00	107.64
3	EXISTING LANDSCAPE	20.00	215.28
4	EXISTING DRIVE	10.00	107.64
5	EXISTING DRIVE	10.00	107.64
6	EXISTING DRIVE	10.00	107.64
7	EXISTING DRIVE	10.00	107.64
8	EXISTING DRIVE	10.00	107.64
9	EXISTING DRIVE	10.00	107.64
10	EXISTING DRIVE	10.00	107.64
11	EXISTING DRIVE	10.00	107.64
12	EXISTING DRIVE	10.00	107.64
13	EXISTING DRIVE	10.00	107.64
14	EXISTING DRIVE	10.00	107.64
15	EXISTING DRIVE	10.00	107.64
16	EXISTING DRIVE	10.00	107.64
17	EXISTING DRIVE	10.00	107.64
18	EXISTING DRIVE	10.00	107.64
19	EXISTING DRIVE	10.00	107.64
20	EXISTING DRIVE	10.00	107.64

PROPOSED EXISTING FLOOR AREA			
NO.	DESCRIPTION	AREA (SQM)	AREA (SQFT)
1	EXISTING BLDG	100.00	1076.41
2	EXISTING DRIVE	10.00	107.64
3	EXISTING LANDSCAPE	20.00	215.28
4	EXISTING DRIVE	10.00	107.64
5	EXISTING DRIVE	10.00	107.64
6	EXISTING DRIVE	10.00	107.64
7	EXISTING DRIVE	10.00	107.64
8	EXISTING DRIVE	10.00	107.64
9	EXISTING DRIVE	10.00	107.64
10	EXISTING DRIVE	10.00	107.64
11	EXISTING DRIVE	10.00	107.64
12	EXISTING DRIVE	10.00	107.64
13	EXISTING DRIVE	10.00	107.64
14	EXISTING DRIVE	10.00	107.64
15	EXISTING DRIVE	10.00	107.64
16	EXISTING DRIVE	10.00	107.64
17	EXISTING DRIVE	10.00	107.64
18	EXISTING DRIVE	10.00	107.64
19	EXISTING DRIVE	10.00	107.64
20	EXISTING DRIVE	10.00	107.64

APPENDIX B

DRAFT PROPOSED ZONING BYLAW AMENDMENT

THE CORPORATION OF THE CITY OF GUELPH

By-law Number (2019) _____
A by-law to amend By-law Number (1995)-14864, as amended, known as the Zoning By-law for the City of Guelph as it affects property known municipally as 76 Wyndham Street South and legally described as Part of Lots 7 and 8, Registered Plan 306, City of Guelph.

WHEREAS Section 34(1) of the Planning Act, R.S.O. 1990, c.P.13 authorizes the Council of a Municipality to enact Zoning By-laws;

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

1. By-law Number (1995)-14864, as amended, is hereby further amended by changing property described as Part of Lots 7 and 8, Registered Plan 306, City of Guelph from the R.1B-10 to the R.2-____ Specialized Residential Semi-Detached/Duplex Zone and R.4D-____ Specialized Infill Apartment zone as shown on Schedule A attached.
2. By-law Number (1995)-14864 is hereby further amended by adding the following new subsections:
 - 2.1 For the lands zoned R.2-__, in addition to the other applicable provisions of the R.2 zone, the following provisions shall apply:
 - a) a minimum lot area of 306 m²
 - b) a minimum lot frontage of 11 m
 - c) a minimum front yard setback of 4.3 m
 - d) a minimum exterior side yard setback of 2.0 m
 - e) a minimum rear yard of 2.6 m
 - f) a maximum lot coverage of 55%
 - 2.2 For the lands zoned R.4D____, in addition to the other applicable provisions of the R.4D zone, the following provisions shall apply:
 - a) a minimum front yard setback of 2.0 m
 - b) a minimum interior side yard of 1.5 m (east side)
 - c) a minimum rear yard of 5.4 m
 - d) a minimum of 12 off street parking spaces

This by-law shall come into force and effect on the date of its final passing, subject to the provisions of the Planning Act, 1990 and amendments thereto.

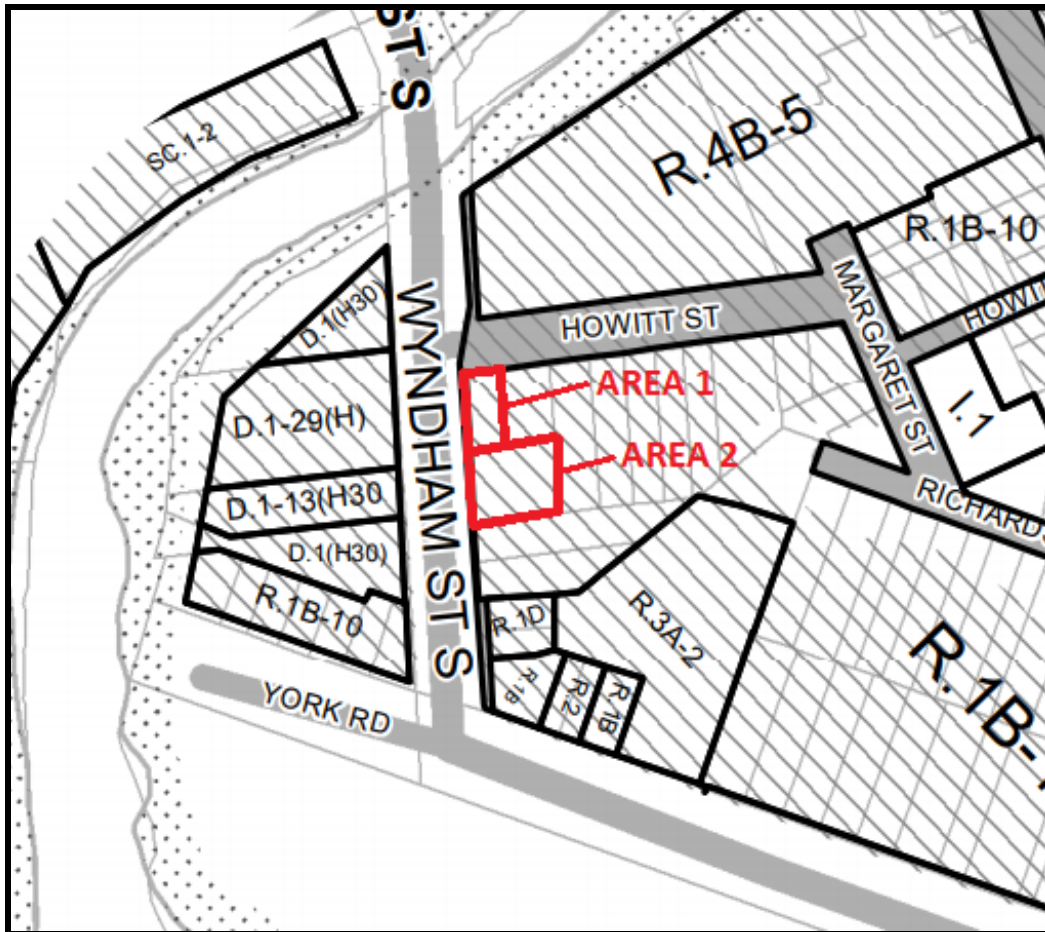
PASSED this ____ day of _____, 2019

MAYOR

CLERK

SCHEDULE 'A'

This is Schedule 'A' to By-law No.2019 _____ passed this day of _____, 2019.



AREA 1	To Be Rezoned from R.1B-10 to R.2- _____
AREA 2	To Be Rezoned from R.1B-10 to R.4D- _____

Addendum to Planning Justification Report for 76 Wyndham Street South

October 24, 2019

1.0 Introduction

The following is an addendum to the Planning Justification Report (PJR) prepared by JL Cox Planning Consultants Inc. and dated July, 2019, for a proposed development at 76 Wyndham Street South in the City of Guelph. The PJR was prepared to support a zoning bylaw amendment to permit the development of 11 residential units on the subject property.

2.0 Background

Since the submission of the zoning bylaw amendment application there have been Provincial legislative changes which affect the application. Bill 108 More Homes, More Choice Act, 2019 received royal assent on June 6, 2019. As a result, new regulations under the Planning Act came into force on September 3, 2019.

Previously, under subsection 37(1) of the Planning Act, a local municipality could, in a zoning by-law, authorize increases in the height and density of development otherwise permitted by the by-law that will be permitted in return for the provision of such facilities, services or matters as set out in the by-law. Under section 37, as re-enacted, a municipality may by by-law impose community benefits charges against land to pay for capital costs of facilities, services and matters required because of development or redevelopment in the area to which the by-law applies. Unless a zoning by-law amendment was already adopted, the new regulations under the Planning Act now apply.

Currently, Section 10.7 (Height and Density Bonus Provisions) of the City of Guelph Official Plan sets out policies to permit increased density for new development. These policies are detailed in Section 3.3.3 of the original PJR. Application of these policies was to be done through a bylaw under previous Section 37 of the Planning Act. With the repeal of that section, and the enactment of revised Section 37 regulations, the provisions of this section cannot be relied upon to pass a zoning by-law amendment permitting increased density (or height) for a development.

3.0 Relevant Official Plan Policies

As noted in Section 3.3.3 of the PJR, the subject property is subject to the Low Density Residential policies of the Official Plan in Section 9.3.2. This designation permits a maximum height of 3 storeys and a maximum density of 35 uph. Section 9.3.2.4 also set out that development proposals on arterial or collector roads could be developed to a maximum height of six (6) storeys and a maximum density of 100 uph. However, application of these development provisions was reliant on the Height and Density Bonus policies set out in Section 10.7 of the Official Plan, and which were to be implemented under former Section 37 of the Planning Act.

The original PJR also sets out the relevant policies of the Downtown Secondary Plan, wherein the subject lands are designated Residential 1. Residential 1 area are also subject to the General Residential policies of the Official Plan, within which the lands are designated Low Density Residential as set out in the previous paragraph of this addendum.

It is also noted that Schedule D of the Downtown Secondary Plan sets out a minimum height of 2 storeys and a maximum height of 4 storeys for the subject lands. The proposed development, based on the duplex of 3 storeys and the apartment of 4 storeys, conforms to the permitted height.

4.0 Required Amendment

Based on the Provincial legislative changes, a site specific Official Plan Amendment is required to permit a density of 93 units per hectare (9 units ÷ .0970 ha) for the portion of the subject property proposed for development of an apartment building.

5.0 Basis for Proposed Amendment

An Official Plan amendment should be considered for additional density of 93 units per hectare on a portion of the site on the following basis:

1. The subject property is located on an arterial road within the Official Plan. The additional density being requested is consistent with Section 9.3.2.4 of the Plan which permits a maximum density of 100 uph.
2. The development will provide rental accommodation for low and moderate income households, including seniors.
3. The development provides additional density on a site which has direct access to public transit, and is located in close proximity to the regional transit link located in Downtown Guelph.
4. The site is located in close proximity to existing parkland, and provides the potential for a cash-in-lieu of parkland dedication for parkland improvements or additional riverfront parkland acquisition.

5. The proposed development of the site allows for development which protects the natural heritage features of the Special Policy in the Official Plan for flood regulation.

6.0 Conclusion

The proposal to allow increased density on the site conforms to the overall policies of the Official Plan for consideration of additional density; and given that although Section 10.7 of the Official Plan remains in effect, the former provisions of Section 37 of the Planning Act cannot be utilized to permit the additional density, a site specific Official Plan amendment is appropriate and represents good planning.

The balance of the PJR as originally submitted, and its conclusions as set out in Sections 3.3.5 and 5.0 of that report, continue to apply to the proposed development.

Respectfully submitted

JL Cox Planning Consultants Inc.



John L. Cox, BES, RPP