

STAFF REPORT



TO City Council

SERVICE AREA Planning, Building, Engineering and Environment

DATE August 25, 2014

**SUBJECT 5 Arthur Street South – Proposed Zoning By-law
Amendment
(File: ZC1305)
Ward 1**

REPORT NUMBER 14-38

EXECUTIVE SUMMARY

PURPOSE OF REPORT

This report provides a staff recommendation for the property at 5 Arthur Street South to approve a Zoning By-law Amendment application to rezone the subject property to a specialized residential apartment zone to permit the development of a six (6) phase mixed use development with 685 residential units, 2,193 square metres of commercial space and a 4,100 square metre existing vacant heritage building proposed to be redeveloped into a mixed use building.

KEY FINDINGS

Planning staff support the proposed rezoning subject to the regulations and conditions in Attachment 2, including holding provisions to ensure the development does not proceed until all technical issues have been addressed. The applicant originally applied for an associated Official Plan Amendment (OPA) (File: OP1302); which is no longer technically required with the Ontario Municipal Board (OMB) approval of OPA #42, the Natural Heritage Strategy policies and OPA#43 the Downtown Secondary Plan, and this file will be closed.

FINANCIAL IMPLICATIONS

Estimated Taxation

This is a multi-phased high density mixed use development that if built today would generate an estimated total of \$2,633,000 in City taxes per year.

Phase #1 represents an estimated \$492,225 in City taxes per year based on 133 residential apartment units.

Estimated Development Charges

If all phases were built today, the project would generate \$7,446,000 in Development Charges. This number includes the reduction for the large industrial building recently demolished to enable remediation of the site.

STAFF REPORT

ACTION REQUIRED

Council is being asked to approve the Zoning By-law Amendment with holding provisions for the subject lands in accordance with the regulations and conditions in Attachment 2.

RECOMMENDATION

1. That Report 14-38 regarding Official Plan and Zoning By-law Amendment applications by 5 Arthur Street Developments, 2278560 Ontario Inc., for approval of an Official Plan Amendment and Zoning By-law Amendment to permit the development of a six (6) phase mixed use, residential and commercial development for the property municipally known as 5 Arthur Street South, and legally described as Part of Grist Mill Lands, East side of Speed River, Plan 113 and Part Lot 76, and Lots 77, 78, 79, 80, 81 and 82, Plan 113, (as amended), designated as Parts 11, 12 and 13, Reference Plan 61R11955, together with an easement over Part 17, 61R11955 as in Instrument No. WC212993; Guelph and Part of Grist Mill Lands, Plan 113, East of River Speed, designated as Parts 14, 15 and 16, Reference Plan 61R11955; subject to an Easement as in Instrument No. RO682767; together with an Easement over Part 17, 61R11955 as in Instrument No. WC212993; City of Guelph, be approved in accordance with the zoning regulations and conditions outlined in Attachment 2 of Planning, Building, Engineering and Environment Report 14-38 dated August 25, 2014.
2. That in accordance with Section 34(17) of the Planning Act, City Council has determined that no further public notice is required related to the minor modifications to the proposed Zoning By-law Amendment affecting 5 Arthur Street South.
3. That the CAO be authorized to approve a development agreement or related agreement(s) including terms described in Staff Report 14-38 pursuant to terms described in the staff report and subject to applicable policies and legislation, in consultation with the City Solicitor, Executive Director for Community and Social Services, the Executive Director Planning Building, Engineering & Environment and the Chief Financial Officer, for the period of September 12, 2014 through to December 1, 2014.

BACKGROUND

Applications for an Official Plan and a Zoning By-law Amendment have been received for the property municipally known as 5 Arthur Street South from 5 Arthur Street Developments, 2278560 Ontario Inc. The applications would permit the development of a mixed use high density residential development, with 650-750 dwelling units together with a range of potential commercial uses.

The application was deemed complete on May 29, 2013. The statutory Public Meeting was held on July 8, 2013. Report 13-35 from Planning, Building,

STAFF REPORT



Engineering and Environment provided background information related to the proposed Official Plan and Zoning By-law amendment applications.

Location

The subject site is 3.26 hectares in size and is located on the west side of Arthur Street South, between Macdonnell Street and Cross Street, and bounded by the Speed River to the west (See location map in Attachment 1). The site is vacant; most of the former buildings used for manufacturing have been removed with the exception of the oldest buildings close to the river on the northern half of the site, together with a remnant wall of another building running along the river. Adjacent uses include a variety of single detached dwellings to the east, a low-rise apartment building and single detached residential to the south, the Speed River to the West and the CN rail line to the North. The Guelph Junction rail line also runs through the northern half of the site.

Existing Official Plan Land Use Designation and Policies

The Official Plan land use designation and policies applicable to the subject site are contained in the Downtown Secondary Plan policies (OPA #43). On June 18, 2013, the Ontario Municipal Board ruled that OPA #43 is in full force and effect as of the date of Council adoption (May 28, 2012) with the exception of specific portions that have been identified as being under appeal. It is noted that the subject site is not subject to any appeals.

Within the Downtown Secondary Plan, the northerly portion of the site is designated as Mixed Use 1 and the southerly portion of the site is designated as Residential 2, the mapping and policies associated with these designations are included in Attachment 3 of this report. In addition to these standard policies, the Downtown Secondary Plan also contains specific policies for the redevelopment of 5 Arthur Street which are also included in Attachment 3.

The applicants also requested an Official Plan Amendment to reduce the required 30 metre buffer from the River to 15 metres. However, the Ontario Municipal Board ruled that OPA #42, the Natural Heritage Strategy policies, is in full force and effect as of June 4, 2014, with the exception of site specific portions that remain under appeal. The policies in OPA #42 replace the policy that the applicants have applied to amend and now provide for the requested relief, therefore no Official Plan amendment is technically required now and the file shall be closed.

Existing Zoning

The majority of the subject site was rezoned in the late 1990s to the R.4B (H2) Zone, a high density apartment Zone with holding provisions, while the area immediately adjacent to the river on the easterly side of the site is zoned FL (Floodplain) and a small portion at the southerly end of the site is zoned P.2 (H2) Neighbourhood Park with the same holding conditions as the R.4B portion of the site. The R.4B Zone permits only apartment buildings with associated accessory uses and home occupations. The holding provisions are a series of conditions

STAFF REPORT



related to the development of the site in keeping with an earlier development proposal that was subject to OMB approved Minutes of Settlement in 1997.

A zoning map of the site together with the R.4B, P.2 and FL standard zoning regulations, as well as the (H2) holding conditions are included in Attachment 4.

REPORT

Description of the Proposed Official Plan Amendment

Initially this application included several Official Plan Amendments because the Downtown Secondary Plan policies were not in force and effect at the time of application. Following the approval of the Downtown Secondary Plan policies, only one Official Plan policy amendment was required.

The applicant is requesting the following site specific amendment to the Official Plan policy:

- Amend Policy 6.9.1.2 of the Official Plan to permit development to be set back a distance of 15 metres from the Speed River instead of the 30 metre requirement;

Staff note that this policy is now rescinded because OPA #42, the City's Natural Heritage Strategy (NHS) has been approved at the Ontario Municipal Board and replaced with new policies that determine appropriate setback from the River. An official plan amendment is no longer required under the new NHS policies.

The applicant had also initially requested an Official Plan Amendment to alter their parkland dedication requirements, however upon review it was determined that the OPA was not required as the issue was actually related to the City's Parkland Dedication By-law and the applicants rescinded this OPA request.

Description of Proposed Zoning Bylaw Amendment

The applicant originally requested to rezone the R.4B (H2) and P.2 (H2) portions of the subject property to two specialized R.4B Zones which would permit both the standard high density apartment buildings together with commercial uses on portions of the site. The requested site specific zoning proposed included the following key specialized provisions:

- Additional permitted uses, including residential uses such as stacked and cluster townhouses and live/work units and a range of commercial, retail, service commercial and community uses (see Attachment 6 for the full list of uses proposed)
- Density measured at a maximum of 2.0 FSI
- Reduced Common Amenity Area and Minimum Landscaped Open Space Requirements
- Maximum Building Floorplate Sizes
- Reduced Minimum Building and Underground Parking Setbacks from streets and the river, together with additional building setbacks after the sixth storey
- Building heights ranging 4-14 storeys, as shown in Attachment 6

STAFF REPORT

- Redefined regulations for distance between buildings
- Reduced off-street parking requirements and additional bicycle parking requirements
- Addition of a bonusing provision in accordance with the Downtown Secondary Plan and a severability provision which enables the site to continue to be zoned as whole if it is severed in the future.

The zoning by-law regulations have gone through several iterations before the version recommended in Attachment 2, but the actual changes to the zoning regulations are minor and therefore in keeping with Section 34(17) of the Planning Act, staff recommend that no further public notice is necessary.

The recommended zoning for the site contains a specialized parent zone (R.4B-X (H)) with regulations for the entire site, together with six subzones (R.4B-X.1, R.4B-X.2), with specialized regulations for each phase of the development. The parent zone contains holding provisions that need to be addressed prior to any development occurring on the site. These holding provisions include:

- Completion of the structural assessment of the riverside retaining wall;
- Completion of the Environmental Implementation Report;
- Completion of the Urban Design Master Plan;
- A development agreement between the City and the developer that outlines the rights and responsibilities related to the Riverwalk and publicly accessible portions of the site, including parkland dedication requirements, easements, responsibilities for design and construction, and future maintenance and liability; and
- That the developer pay the estimated cost of frontage fees associated with the first phase of the development.

The subzones for each phase also contain Holding provisions associated with each specific phase of development. Phase 1 zoning (R.4B-X.1) does not contain any holding provisions as they are covered off in the parent zone. Phases 2-6, all contain holding provisions to ensure that adequate municipal services are available for that phase of development and requiring the developer to pay any outstanding frontage fees for the remainder of the site. Phases 2-5 all also have a holding provision requiring the completion of an Urban Design Brief that confirms the proposed development is in keeping with the approved Urban Design Master Plan. Phase 5 also has two additional holding provisions. The first provision requires that Phase 5 meets any requirements from CN rail for adjacent development and second, that if needed, the developer will provide a land dedication to the City for intersection improvements at Elizabeth Street and Arthur Street.

The area of the site along the river (approximately 15 metres wide the length of the site) remains unchanged in the FL (Floodplain) Zone.

Proposed Development

The applicant's proposed site concept plan, phasing plan and building elevations for the first phase building are shown in Attachments 5, 6 and 7.

STAFF REPORT

The applicant is proposing a mixed use development that includes high density residential uses (a total of approximately 685 dwelling units) together with a range of commercial uses. The applicant proposes five buildings to be developed in five phases across the length of the site, together with the sixth phase, which is the existing vacant heritage building that is proposed to be redeveloped. The following table explains how the development breaks down by phase.

Table 1: Development as Proposed by Phase

Phase	Max Building Height	Building Uses	Number of Units
1	10 storeys	Residential	119 apartment units and 14 townhouse units
2	11 storeys	Residential	121 apartment units and 12 townhouse units
3	12 storeys	Residential	122 apartment units and 13 townhouse units
4	14 storeys	Mixed Use: Residential and Commercial	128 apartment units and 1500m ² of commercial floor space
5	14 storeys	Mixed Use: Residential and Commercial	156 apartment units and 680m ² of commercial floor space
6	As exists (heritage)	Mixed Use: Residential and Commercial	A total of 4100m ² of space, actual uses to be determined

The middle three buildings on the site, south of the heritage building, are proposed for solely residential use, and are apartment buildings with townhouse units fronting onto Arthur Street on the east side and onto the riverside on the west side. These buildings, from north to south are proposed to be the first three phases of development and these three phases (Buildings #1-3) would be joined by a shared underground parking garage and joined podium buildings. Rooftop amenity area is proposed on top of the third storey of the podiums between Buildings #1 and #2 and between Buildings #2 and #3. The main vehicular route and access to underground parking for these three buildings is through an entrance on the north side of the Phase #1 Building, off of Arthur Street into the first building. One main lobby is proposed in the Phase #1 Building that would also serve as main access to the second and third buildings, though they would also have separate smaller access points. The Phase #1 Building is proposed to be 10 storeys in height and contain 133 units, consisting of 119 apartment units and 14 townhouse units that are attached to the main building on the Arthur Street and the river side.

STAFF REPORT



The Phase #2 Building, in the centre of the site is proposed to be 11 storeys and also contains 133 dwelling units. The Phase #3 Building is proposed to be 12 storeys and contains 135 dwelling units.

The most southerly building fronting on Cross Street (Phase #4 Building) and the most northerly building, at Macdonnell Street and Arthur Street (Phase #5 Building) are both proposed to have a retail commercial component on the ground floor together with above ground structured parking with residential apartment units above. The Phase #4 Building is proposed to be 14 storeys high with 1509 square metres of commercial space and 128 dwelling units. The Phase #5 Building is also proposed to be 14 storeys high and contain 680 square metres of commercial space together with 156 apartment units.

The existing vacant heritage building is proposed to be retained and redeveloped as a mixed use building, with the potential for both residential and commercial uses, though the final mix of uses has not yet been determined. The area between the heritage building and Arthur Street is proposed to be an open plaza together with surface parking meant to serve the heritage building.

Immediately along the river, on the floodplain lands, a public walkway, referred to as "the Riverwalk" is proposed that would lead from Neeve Street to the retained heritage buildings, and around the heritage building to a proposed City trail along the Guelph Junction Railway line. In lieu of outright public ownership of these lands, staff recommend taking an easement for public access. This resolves concern regarding the responsibilities of the Certificate of Property Use on the site yet still permits regular public use of these areas. Staff further recommend, through a holding provision, a development agreement between the City and developer outlining the specific lands and the roles and responsibilities related to the development and long term use of these lands.

The City has also retained a Peer Review Architect, Mr. Ralph Giannone of Giannone Petricone Associates Inc. to assist in the review of the proposed development. The report prepared by Ralph Giannone is referred to in the Staff Planning Analysis (Attachment 9) and included as Attachment 10.

Revisions to the Application

During the review of the application, the applicants decided to modify the site layout by removing the internal street, together with centering the apartment buildings in Phases #1-3 and adding townhouses to both the Arthur Street side and river side, in lieu of a separate townhouse block along Arthur Street. This change was submitted to the City in February 2014, together with revised studies to support the revisions. The Zoning and Official Plan amendments and scale of development stayed essentially the same, so in lieu of a second statutory public meeting, City staff held an open house on March 5, 2014 to inform the public about the changes. This conforms with Section 34(17) of the Planning Act which allows Council to decide whether the zoning modifications require further public notice.

STAFF REPORT



Following the layout change, the City initiated a peer review architect process and a number of revisions to the design of the site have been made. These include:

- Altering the massing of the Phase #4 Building in the demonstration plan to bring the floorplate sizes and setbacks into conformance with the Downtown Secondary Plan requirements
- Providing stairs from the townhouse units on the Phase #1 Building to the Riverwalk, together with terraces along the parking structure wall;
- Other minor building design refinements, including modifications to the top of the Phase #1 Building including improved building articulation and better grade relationships.

Similarly, several of the specialized zoning regulations requested were altered slightly to accommodate some of the key changes. The applicant has worked with staff to reconfigure the zoning categories proposed on site to match the proposed phases of development.

Staff Planning Analysis

The staff review and planning analysis of these applications is provided in Attachment 9. The analysis addresses all relevant technical and planning considerations including the issues and questions raised by Council and members of the public at the Statutory Public Meeting held on July 8th, 2013. The issues addressed relate to:

- Evaluation of the proposal's conformity to the Provincial Policy Statement;
- Evaluation of the proposal's conformity with Provincial Places to Grow Act;
- Evaluation of the proposal's conformity with the Official Plan;
- Evaluation of Environmental Impact potential;
- Review of the proposed zoning, including all specialized regulations requested;
- Review of the proposed Urban Design Master Plan, and specifically site design and building elevations, including any wind or shadow impacts;
- Review of how the development would be phased and constructed;
- Review of appropriate parkland dedication requirements;
- Compatibility with surrounding lands, including concern about height and types of commercial uses, role of the Heritage Building and adjacent rail lines;
- Community Energy Initiative considerations;
- Opportunities for Low Impact Development (LID) measures;
- Concern about traffic impacts;
- Concern about on-site parking requirements;
- Function and design of the Riverwalk area; City role in development of Riverwalk related infrastructure

Staff Recommendation

Planning staff are satisfied that the Official Plan Amendment is no longer required and that the Zoning By-law Amendment application as recommended with holding

STAFF REPORT



provisions is consistent with the Provincial Policy Statement and conforms to the Places to Grow Plan and the City's Growth Plan conformity amendment (OPA 39). In addition, the application to amend the zoning conforms to the objectives and policies of the Official Plan, which now incorporates the policies of the Downtown Secondary Plan (OPA 43) and the Natural Heritage Strategy (OPA 42). The revisions made to the application are considered minor and therefore staff recommend that no further public notice is required in accordance with Section 34(17) of the Planning Act. Planning staff are recommending that Council approve Zoning By-law Amendment subject to the conditions and regulations outlined in Attachment 2.

CORPORATE STRATEGIC PLAN

Strategic Direction 3.1: Ensure a well-designed, safe, inclusive, appealing and sustainable City.

FINANCIAL IMPLICATIONS

Estimated Taxation

This is a multi-phased high density mixed use development that if built today would generate an estimated total of \$2,633,000 in City taxes per year.

Phase #1 represents an estimated \$492,225 in City taxes per year based on 133 residential apartment units.

Estimated Development Charges

If all phases were built today, the project would generate \$7,446,000 in Development Charges. This number includes the reduction for the large industrial building recently demolished to enable remediation of the site.

Note: for the purposes of these estimates, Phase #6, the heritage building is calculated with a mixed use assumption, half commercial space and half residential apartment units. The actual mix of uses in this building is to be determined and could change over time.

Community Improvement Plan and DC Demolition Reduction Status

For Council's background, the 5 Arthur Street site has been the subject of several Community Improvement Plan (CIP) approvals as well as a Development Charges (DC) Demolition Reduction agreement:

- July 2010: the Development Charges reduction on DC's payable at future building permits was recognized for the substantial industrial buildings that had to be removed to facilitate remediation. A DC Early Payment Agreement was entered into which allowed access to the building area demolished for up to 10 years from the time the agreement is signed, in lieu of the standard 48 months. This represents approximately \$3M in DC reduction. This agreement has subsequently been transferred to Fusion through the sale of the property.

STAFF REPORT



- August 2010: Kilmer Brownfield Equity, the previous owner of the site, was awarded a \$3.4M Brownfield Tax-Increment Based Grant (TIBG) in support of the substantial site mitigation work to be undertaken. This grant does not get paid until Phase 1 of the property is redeveloped and creates new assessment for the City.
- February 2014: Fusion Homes was awarded a combined \$11.7M Brownfield and Downtown CIP Major Activation Grant (TIBG) towards the first three phases of the redevelopment of the property. The grant recognized the eligible costs under the programs related to additional brownfield site redevelopment requirements, structured parking premiums and other infrastructure renewals. These grants do not get paid until the property is redeveloped and each phase begins to create new assessment for the City.

DEPARTMENTAL CONSULTATION

Written comments received from City departments, external agencies during the review of this application are summarized and included in Attachment 12.

Comments from the public are summarized and included in Attachment 13.

COMMUNICATIONS

The Notice of Complete Application and Public Meeting was mailed on June 3, 2013 to local boards and agencies, City service areas and property owners with 120 metres of the subject site for comments. The same notice was provided by signage on the site. The Notice of Public Meeting was advertised in the Guelph Tribune on June 6, 2013. Notice of the Public Open House held March 5, 2014 was provided in and by mail on February 19, 2014 and in the Guelph Tribune on February 27, 2014. Notice of the Decision Meeting was mailed to interested parties on August 5, 2014. Staff also note that prior to the application being submitted and during the process, the applicant held several public meetings and consulted with the executive members of The Ward Residents' Association.

Key dates for the public process regarding this planning application are included in Attachment 14.

ATTACHMENTS

- Attachment 1 – Location Map
- Attachment 2 – Recommended Zoning Regulations and Conditions
- Attachment 3 – Existing Official Plan Land Use Designations and Policies
- Attachment 4 – Existing Zoning Details
- Attachment 5 – Proposed Development Concept
- Attachment 6 – Proposed Phasing Plan
- Attachment 7 – Building Elevations for Phase 1 Building
- Attachment 8 – Location of Heritage Buildings on Site
- Attachment 9 – Planning Staff Analysis
- Attachment 10 – Peer Review Architect Report
- Attachment 11 – Community Energy Initiative Commitment

STAFF REPORT



Attachment 12 – Agency and Departmental Circulation Comments
Attachment 13 – Public Comments
Attachment 14 – Public Notification Summary

Prepared By
Katie Nasswetter
Senior Development Planner

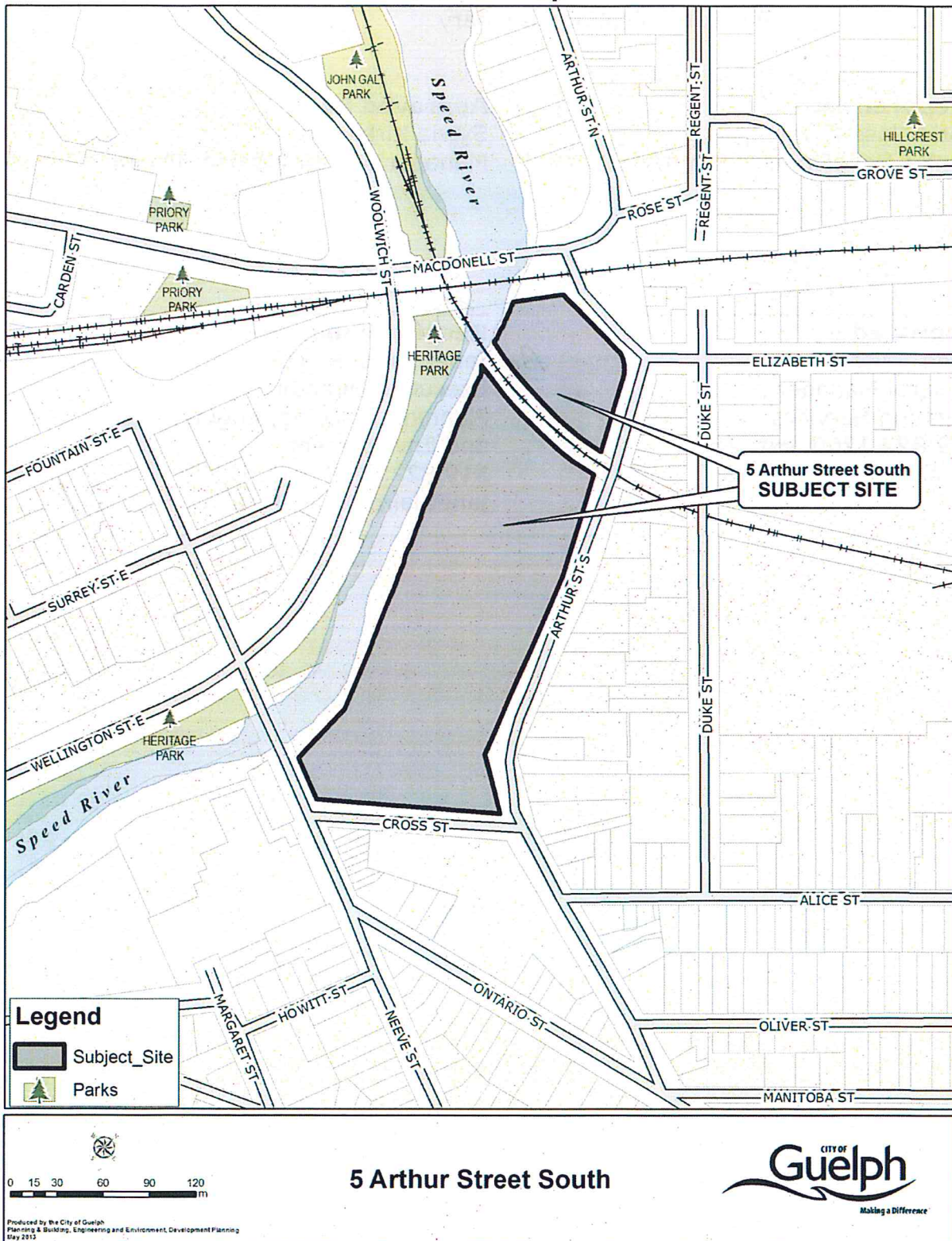
Approved By
Sylvia Kirkwood
Manager of Development Planning

Approved By
Todd Salter
General Manager
Planning Services
519.822.1260, ext. 2395
todd.salter@guelph.ca

for

Recommended By
Janet Laird, Ph.D.
Executive Director
Planning, Building, Engineering
and Environment
519.822.1260, ext. 2237
janet.laird@guelph.ca

Attachment 1 Location Map



Attachment 2 Recommended Zoning Regulations and Conditions

The property affected by the Zoning By-law Amendment application is municipally known as 5 Arthur Street South and legally described as Part of Grist Mill Lands, East side of Speed River, Plan 113 and Part Lot 76, and Lots 77, 78, 79, 80, 81 and 82, Plan 113, (as amended), designated as Parts 11, 12 and 13, Reference Plan 61R11955, together with an easement over Part 17, 61R11955 as in Instrument No. WC212993; Guelph and Part of Grist Mill Lands, Plan 113, East of River Speed, designated as Parts 14, 15 and 16, Reference Plan 61R11955; subject to an Easement as in Instrument No. RO682767; together with an Easement over Part 17, 61R11955 as in Instrument No. WC212993, City of Guelph.

Zoning By-law Amendment

The following zoning is proposed:

1. By-law (1995) - 14864, as amended, is hereby further amended:

(x) By adding the following definition to Section 3 (Definitions)

“Micro-brewery or Brew Pub” means a **Place** used for the small scale and independent manufacturing of specialty or craft beer or wine produced for retail sale and consumption off-premises, or on-site consumption when located in combination with a permitted restaurant or tavern.

2.

(1) By adding to Section 5.4.3.2 – Restricted Defined R.4B Areas – Specialized R.4B Zones the following new sections and provisions:

5.4.3.2.X R.4B-X(H)
5 Arthur Street South
As shown on Defined Area Map Number 38 of Schedule
“A” to this **By-law**:

The following definition that shall apply to the R.4B-X Zone

“Community Services Facilities” means a **Place** used for smaller-scaled community, institutional, cultural or recreational uses of either a public or private nature, including but not limited to uses such as a library branch, gallery or museum, educational or training centre, office of a government or a non-profit agency or corporation or a gymnasium or multi-purpose room(s) available for meetings, events and activities.

5.4.3.2.X.1

Permitted **Uses**:

Despite Section 5.4.1.2, the following **Uses** shall be permitted:

- **Apartment Building**
- A **Townhouse** or **Multiple Attached Dwelling** together with an **Apartment Building**
- A **Home Occupation** in accordance with Section 4.19

5.4.3.2.X.2

Regulations

In accordance with the provisions of Section 5.4.2 of Zoning By-law (1995)-14864, as amended, with the following exceptions and additions:

5.4.3.2.X.2.1

Maximum Floor Space Index (FSI)

Notwithstanding Table 5.4.2, Row 18, the maximum **Floor Space Index** (FSI) shall be 2.0. In addition, the FSI on individual portions of the 5 Arthur Street site may exceed the maximum permitted FSI, provided that the maximum FSI over the entirety of the 5 Arthur Street site is achieved. The calculation of Gross Floor Area and FSI will not include space within the basement of a building, within an underground, at-grade or above-grade parking structure or any floor area which does not have a clear floor to ceiling height of 2.15 metres. Floor space in the existing heritage building shall not be included in the calculation of FSI.

5.4.3.2.X.2.2

Front Yard

For the purposes of this zone, the **Front Yard** shall be considered the Arthur Street frontage.

5.4.3.2.X.2.3

Minimum Distance Between **Buildings**

Notwithstanding Section 5.4.2.2 and Table 5.4.2 the minimum distance between the **Building** face of one **Apartment Building** and the face of another **Apartment Building** shall be:

- At or below 6 **Storeys** 18 m
- Above 6 **Storeys** 25 m

5.4.3.2.X.2.3.1

Townhouse blocks shall be a minimum of 4.0 metres apart from one another

5.4.3.2.X.2.4

Angular Planes

Despite Section 4.16, Angular Planes shall not apply to any **Building** or **Structure** on the **Lot**

5.4.3.2.X.2.5

Minimum Off-Street Parking:

Notwithstanding Section 4.13 and Table 5.4.2 Row 14, the following minimum number of **Parking Spaces** shall be provided within an underground garage or an above-grade parking structure for the following uses:

Residents	1.0 per Dwelling Unit
Visitors	0.15 per Dwelling Unit
Non-Residential Uses	1.0 per 33 m ² of Gross Floor Area

5.4.3.2.X.2.6

Bicycle Parking

5.4.3.2.X.2.6.1

Bicycle Parking Shall be provided at the ratio of 0.65 bicycle parking spaces per **Dwelling Unit** on the **Lot** and 0.3 bicycle parking spaces per 100 square metres of non-residential **Gross Floor Area**.

5.4.3.2.X.2.6.2

Bicycle Parking may be provided for by a combination of racks at the surface, within a **Basement** or **Garage** of an **Apartment Building**, a secure parking area, room or enclosed container, or within a specially designed and designated spot provided within a storage locker.

5.4.3.2.X.2.7

The provisions of this By-law shall continue to apply collectively to the whole of the lands identified on Schedule "A" as R.4B-X, including any sub-zones (i.e. R.4B-X.1) despite any future severance, conveyance, dedication, taking, widening, partition or division for any purpose.

5.4.3.2.X.2.8

Holding Provision:

Purpose:

To ensure that development of the subject lands does not proceed until the following conditions have been met to the satisfaction of the City related to the subject development.

Conditions:

1. That a structural assessment of the existing retaining wall along the Speed River in accordance with the Terms of Reference provided to the developer be

completed and approved to the satisfaction of the General Manager/City Engineer.

2. That an Environmental Implementation Report be completed and approved to the satisfaction of the General Manager of Planning Services, as further outlined in condition #11 of the conditions of site plan approval in Attachment 2 of Council Report 14-38, dated August 25, 2014.
3. A Development Agreement will be entered into and registered on title regarding the proposed Riverwalk and publicly accessible portions of the site. The agreement will include, but not be limited to parkland dedication requirements, responsibility for the design and construction of publicly accessible areas of the site, a temporary trail along the river, easements, and further agreements regarding future maintenance and liability, to the satisfaction of the Executive Director of Community and Social Services.
4. That a final Urban Design Master Plan be completed and approved, to the satisfaction of the General Manager of Planning Services.
5. That the developer pay to the City, their proportionate share of the actual cost of constructing municipal services on Arthur Street South, Cross Street and Neeve Street across the frontage of the lands including road works, local sanitary sewer, storm sewer, watermain curb and gutter, catchbasins, sidewalks, streetscaping and street lighting as determined by the City Engineer. Furthermore, the developer shall pay to the City their proportionate share of the estimated cost of the municipal services determined by the City Engineer for the frontage associated with the first phase of development prior to the removal of this Holding Provision.

5.4.3.2.X.3

R.4B-X.1

5 Arthur Street South

As shown on Defined Area Map Number 38 of Schedule "A" to this **By-law**:

- 5.4.3.2.X.3.1 Additional Permitted **Use**, as part of a Commercial/ Residential Building:
- **Restaurant**
- 5.4.3.2.X.3.2 Regulations
In addition to the regulations in Sections 5.4.2 and 5.4.3.2.X.2, the following regulations shall apply to the R.4B-X.1 **Zone**:
- 5.4.3.2.X.3.2.1 Additional Permitted Commercial **Use**
A **Restaurant** shall be permitted on the ground floor of the **Building** and limited to 50 square metres of **Gross Floor Area**.
- 5.4.3.2.X.3.2.2 Minimum **Common Amenity Area**
Despite Section 5.4.2.4.1 and Table 5.4.2, Row 12, the minimum Common Amenity Area shall be a total of 600 m²
- 5.4.3.2.X.3.2.3 Minimum **Landscaped Open Space**
Despite Table 5.4.2, Row 13, the minimum Landscaped Open Space shall be a total of 1800 m²
- 5.4.3.2.X.3.2.3.1 Despite the definition in Section 3.1, **Landscaped Open Space** may include open space located either at grade or above a **Building** or **Structure**.
- 5.4.3.2.X.3.2.4 Maximum **Building** Floor Plate Area
- | | |
|----------------------------------|---------------------|
| Above the 6 th Storey | 1200 m ² |
| Above the 9 th Storey | 1000 m ² |
- 5.4.3.2.X.3.2.5 Minimum Yards
- 5.4.3.2.X.3.2.5.1 Minimum **Front Yard**
Despite Section 4.24 and Table 5.4.2, Row 6, the minimum **Front Yard** shall be:
- | | |
|---|-------|
| - From Arthur St to Townhouse front face | 2.5 m |
| - From Arthur St to raised walkway/patio | 1.0 m |
- 5.4.3.2.X.3.2.5.2 Despite Section 4.7, all raised patios, walkways, ramps, retaining walls, planters are permitted to project into the required **Front Yard** between the main wall of the **Townhouses** and the front **Lot** line to a maximum distance of 1.5 metres, except that stairs and ramps may

have a minimum setback of 0.0 metres from the front **Lot** line

5.4.3.2.X.3.2.6 Setbacks

5.4.3.2.X.3.2.6.1 Underground Parking Setback

An underground parking structure is permitted to be setback 0 metres from a **Lot** line.

5.4.3.2. X.3.2.6.2 Setbacks of Upper **Storeys** of **Apartment Buildings**

The minimum setback for the tower portion of an **Apartment Building**, above 4 **Storeys** shall be:

From Arthur Street Lot Line:	12 metres
From the easterly edge of the FL Zone:	10 metres

5.4.3.2.X.3.2.7 **Building** Heights

Despite Table 5.4.2 Row 10 and Sections 4.16, 5.4.2.1 and Defined Area Map No. 68, the maximum **Building** Heights are:

For Podium/ Townhouses	4 storeys
For Apartment Buildings	10 storeys

5.4.3.2.X.4 **R.4B-X.2**

5 Arthur Street South

As shown on Defined Area Map Number 38 of Schedule "A" to this **By-law**:

5.4.3.2.X.4.1 Regulations

In addition to the regulations in Sections 5.4.2 and 5.4.3.2.X.2, the following regulations shall apply to the R.4B-X.1 **Zone**:

5.4.3.2.X.4.1.1 Minimum **Common Amenity Area**

Despite Section 5.4.2.4.1 and Table 5.4.2, Row 12, the minimum Common Amenity Area shall be a total of 1000 m²

5.4.3.2. X.4.1.2 Minimum **Landscaped Open Space**

Despite Table 5.4.2, Row 13, the minimum **Landscaped Open Space** shall be a total of 1500 m²

STAFF REPORT

- 5.4.3.2.X.4.1.2.1 Despite the definition in Section 3.1, **Landscaped Open Space** may include open space located either at grade or above a **Building** or **Structure**.
- 5.4.3.2.X.4.1.3 Maximum Building Floor Plate Area
- | | |
|-----------------------------------|---------------------|
| Above the 6 th Storey | 1200 m ² |
| Above the 10 th Storey | 800 m ² |
- 5.4.3.2.X.4.1.4 Maximum Floor Plate Ratio Restriction
- | | |
|------------------------------------|---------|
| Above 10 th Storey Only | 2.5:1.0 |
|------------------------------------|---------|
- 5.4.3.2.X.4.1.5 Minimum Yards
- 5.4.3.2. X.4.1.5.1 Minimum **Front Yard**
- Despite Section 4.24 and Table 5.4.2, Row 6, the minimum **Front Yard** shall be:
- | | |
|---|-------|
| - From Arthur St to Townhouse front face | 2.5 m |
| - From Arthur St to raised walkway/patio | 1.0 m |
- 5.4.3.2. X.4.1.5.2 Despite Section 4.7, all raised patios, walkways, ramps, retaining walls, planters are permitted to project into the required **Front Yard** between the main wall of the **Townhouses** and the front **Lot** line to a maximum distance of 1.5 metres, except that stairs and ramps may have a minimum setback of 0.0 metres from the front **Lot** line
- 5.4.3.2. X.4.1.6 Setbacks
- 5.4.3.2. X.4.1.6.1 Underground Parking Setback
- An underground parking structure is permitted to be setback 0 metres from a **Lot** line.
- 5.4.3.2. X.4.1.6.2 Setbacks of Upper **Storeys** of **Apartment Buildings**
- The minimum setback for the tower portion of an **Apartment Building**, above 4 **Storeys** shall be:
- | | |
|--|-----------|
| From Arthur Street Lot Line: | 12 metres |
| From the easterly edge of the FL Zone: | 10 metres |
- 5.4.3.2.X.4.1.7 **Building** Heights
- Despite Table 5.4.2 Row 10 and Sections 4.16, 5.4.2.1 and Defined Area Map No. 68, the maximum **Building** Heights are:
- | | |
|--------------------------------|------------|
| For Podium/ Townhouses | 4 storeys |
| For Apartment Buildings | 11 storeys |

5.4.3.2.X.4.1.8 Holding Provision:

Purpose:

To ensure that development of the subject lands does not proceed until the following conditions have been met to the satisfaction of the City related to the subject development.

Conditions:

1. That the Owner prepare an Urban Design Brief confirming that this phase of development is consistent with the approved Urban Design Master Plan for the site, to the satisfaction of the General Manager of Planning Services. In addition, an architectural peer review for this phase is required to the satisfaction of the General Manager of Planning Services. The Owner may prepare one brief and complete a peer review that addresses one or more phases at a time, enabling the City to simultaneously lift the Holding Provision on multiple phases. Clearing of this condition may be done in advance of, or in conjunction with, submission of a Site Plan Approval application for each phase.
2. The owner shall obtain the approval of the City with respect to the availability of adequate water supply, sewage capacity and sewage treatment capacity, prior to the site plan approval for each phase of the development.
3. That the owner pay to the City, their proportionate share of the actual cost of constructing municipal services on Arthur Street South, Cross Street and Neeve Street across the frontage of the lands including road works, local sanitary sewer, storm sewer, watermain curb and gutter, catchbasins, sidewalks, streetscaping and street lighting as determined by the City Engineer. Furthermore, that the owner pay to the City their proportionate share of the estimated cost of the municipal services determined by the City Engineer for all remaining frontage prior to the removal of this Holding Provision.

5.4.3.2.X.5

R.4B-X.3

5 Arthur Street South

As shown on Defined Area Map Number 38 of Schedule "A" to this **By-law**:

- 5.4.3.2.X.5.1 Regulations
In addition to the regulations in Sections 5.4.2 and 5.4.3.2.X.2, the following regulations shall apply to the R.4B-X.3 **Zone**:
- 5.4.3.2.X.5.1.1 Minimum **Common Amenity Area**
Despite Section 5.4.2.4.1 and Table 5.4.2, Row 12, the minimum Common Amenity Area shall be a total of 700 m²
- 5.4.3.2. X.5.1.2 Minimum **Landscaped Open Space**
Despite Table 5.4.2, Row 13, the minimum **Landscaped Open Space** shall be a total of 1700 m²
- 5.4.3.2.X.5.1.2.1 Despite the definition in Section 3.1, **Landscaped Open Space** may include open space located either at grade or above a **Building** or **Structure**.
- 5.4.3.2.X.5.1.3 Maximum Building Floor Plate Area
- | | |
|-----------------------------------|---------------------|
| Above the 6 th Storey | 1200 m ² |
| Above the 10 th Storey | 1000 m ² |
- 5.4.3.2.X.5.1.4 Maximum Floor Plate Ratio Restriction
Above 10th Storey Only 1.5:1.0
- 5.4.3.2.X.5.1.5 Minimum Yards
- 5.4.3.2. X.5.1.5.1 Minimum **Front Yard**
Despite Section 4.24 and Table 5.4.2, Row 6, the minimum **Front Yard** shall be:
- | | |
|---|-------|
| From Arthur St to Townhouse front face | 2.5 m |
| From Arthur St to raised walkway/patio | 1.0 m |
- 5.4.3.2. X.5.1.5.2 Despite Section 4.7, all raised patios, walkways, ramps, retaining walls, planters are permitted to project into the required **Front Yard** between the main wall of the **Townhouses** and the front **Lot** line to a maximum distance of 1.5 metres, except that stairs and ramps may have a minimum setback of 0.0 metres from the front **Lot** line
- 5.4.3.2. X.5.1.6 Setbacks

5.4.3.2. X.5.1.6.1 Underground Parking Setback

An underground parking structure is permitted to be setback 0 metres from a **Lot** line.

5.4.3.2. X.5.1.6.2 Setbacks of Upper **Storeys** of **Apartment Buildings**

The minimum setback for the tower portion of an **Apartment Building**, above 4 **Storeys** shall be:

From Arthur Street Lot Line:	12 metres
From the easterly edge of the FL Zone:	10 metres

5.4.3.2.X.5.1.7 **Building** Heights

Despite Table 5.4.2 Row 10 and Sections 4.16, 5.4.2.1 and Defined Area Map No. 68, the maximum **Building** Heights are:

For Podium/ Townhouses	4 storeys
For Apartment Buildings	12 storeys

5.4.3.2.X.5.1.8 Holding Provision:

Purpose:

To ensure that development of the subject lands does not proceed until the following conditions have been met to the satisfaction of the City related to the subject development.

Condition:

1. That the Owner prepare an Urban Design Brief confirming that this phase of development is consistent with the approved Urban Design Master Plan for the site, to the satisfaction of the General Manager of Planning Services. In addition, an architectural peer review for this phase is required to the satisfaction of the General Manager of Planning Services. The Owner may prepare one brief and complete a peer review that addresses one or more phases at a time, enabling the City to simultaneously lift the Holding Provision on multiple phases. Clearing of this condition may be done in advance of, or in conjunction with, submission of a Site Plan Approval application for each phase.
2. The developer/owner shall obtain the approval of the City with respect to the availability of adequate water supply, sewage capacity and sewage treatment capacity, prior to the site plan approval for each phase of the development.

3. That the owner pay to the City, their proportionate share of the actual cost of constructing municipal services on Arthur Street South, Cross Street and Neeve Street across the frontage of the lands including road works, local sanitary sewer, storm sewer, watermain curb and gutter, catchbasins, sidewalks, streetscaping and street lighting as determined by the City Engineer. Furthermore, that the owner pay to the City their proportionate share of the estimated cost of the municipal services determined by the City Engineer for all remaining frontage prior to the removal of this Holding Provision.

5.4.3.2.X.6

R.4B-X.4

5 Arthur Street South

As shown on Defined Area Map Number 38 of Schedule "A" to this **By-law**:

5.4.3.2.X.6.1

Additional Permitted Uses, as part of a Commercial/
Residential **Building**

- **Agricultural Produce Market**
- **Art Gallery**
- **Artisan Studio**
- **Bake Shop**
- **Boutique**
- **Community Services Facilities**
- **Convenience Store**
- **Dry Cleaning Outlet**
- **Financial Establishment**
- **Florist**
- **Home Occupation**
- **Laundry**
- **Medical Clinic**
- **Medical Office**
- **Office**
- **Parking Facility** (within structure only)
- **Personal Service Establishment**
- **Pharmacy**
- **Postal Service**

- *Print Shop*
- *Recreation Centre*
- *Restaurant*
- *Restaurant (take-out)*
- *Retail Establishment*

- 5.4.3.2.X.6.2 Regulations
In addition to the regulations in Sections 5.4.2 and 5.4.3.2.X.2, the following regulations shall apply to the R.4B-X.4 **Zone**:
- 5.4.3.2.X.6.2.1 Additional Permitted Commercial Uses
- 5.4.3.2.X.6.2.1.1 Commercial **Uses** permitted in Section 5.4.3.2.X.8.1 shall be limited to a **Gross Floor Area** of 500 square metres in size.
- 5.4.3.2.X.6.2.1.2 Notwithstanding the permitted uses in 5.4.3.2.X.1 and 5.4.3.2.X.8.1, the ground floor of this **Building** shall contain a minimum of one commercial units fronting onto each of Arthur Street South, Cross Street, and the river.
- 5.4.3.2.X.6.2.2 Minimum **Common Amenity Area**
Despite Section 5.4.2.4.1 and Table 5.4.2, Row 12, the minimum Common Amenity Area shall be a total of 1500 m²
- 5.4.3.2.X.6.2.3 Minimum **Landscaped Open Space**
Despite Table 5.4.2, Row 13, the minimum **Landscaped Open Space** shall be a total of 2000 m²
- 5.4.3.2.X.6.2.3.1 Despite the definition in Section 3.1, **Landscaped Open Space** may include open space located either at grade or above a **Building** or **Structure**.
- 5.4.3.2.X.6.2.4 Maximum Building Floor Plate Area
- | | |
|----------------------------------|---------------------|
| Above the 6 th Storey | 1200 m ² |
| Above the 8 th Storey | 1000 m ² |
- 5.4.3.2.X.6.2.5 Maximum Floor Plate Ratio Restriction
Above 10th Storey Only 1.5:1.0
- 5.4.3.2.X.6.2.6 Setbacks

5.4.3.2.X.6.2.6.1 **Front Yard Setback**

Despite Section 4.24 and Table 5.4.2, Row 6, the 5-storey Building podium shall not encroach within an area on the property directly adjacent to the intersection of Arthur Street South and Cross Street, defined by connecting the following three points:

1. The point at the immediate southeast corner of the property and directly adjacent to the intersection of Arthur Street South and Cross Street;
2. A point located approximately 40 metres from the intersection of Arthur Street South and Cross Street, measure northwest along the Arthur Street frontage;
3. A point located approximately 25 metres from the intersection of Arthur Street South and Cross Street, measure northwest along the Cross Street frontage

5.4.3.2.X.6.2.6.2 **Exterior Side Yard Setback (Cross Street)**

Despite Section 4.24 and Table 5.4.2, Row 6, the Building shall be setback a minimum of 2.5 metres from Cross Street.

5.4.3.2.X.6.2.6.3 **Underground Parking Setback**

An underground parking structure is permitted to be setback 0 metres from a **Lot** line.

5.4.3.2. X.6.1.5.2 **Setbacks of Upper Storeys of Apartment Buildings**

The minimum setback for the tower portion of an **Apartment Building**, above 5 **Storeys** shall be:

From Arthur Street Lot Line:	25 metres
From Cross Street Lot Line:	5.5 metres
From Neeve Street Lot Line:	35 metres

5.4.3.2.X.6.1.6 **Building Heights**

Despite Table 5.4.2 Row 10 and Sections 4.16, 5.4.2.1 and Defined Area Map No. 68, the maximum **Building** height is 14 storeys.

5.4.3.2.X.6.1.6.1 **Minimum Ground Floor Height**

For ground floor non-residential units, the minimum floor-to-ceiling height shall be 4.5 metres.

5.4.3.2.X.6.1.7 **Holding Provision:**

Purpose:

To ensure that development of the subject lands does not

proceed until the following condition has been met to the satisfaction of the City related to the subject development.

Condition:

1. That the Owner prepare an Urban Design Brief confirming that this phase of development is consistent with the approved Urban Design Master Plan for the site, to the satisfaction of the General Manager of Planning Services. In addition, an architectural peer review for this phase is required to the satisfaction of the General Manager of Planning Services. The Owner may prepare one brief and complete a peer review that addresses one or more phases at a time, enabling the City to simultaneously lift the Holding Provision on multiple phases. Clearing of this condition may be done in advance of, or in conjunction with, submission of a Site Plan Approval application for each phase.
2. The developer/owner shall obtain the approval of the City with respect to the availability of adequate water supply, sewage capacity and sewage treatment capacity, prior to the site plan approval for each phase of the development.
3. That the owner pay to the City, their proportionate share of the actual cost of constructing municipal services on Arthur Street South, Cross Street and Neeve Street across the frontage of the lands including road works, local sanitary sewer, storm sewer, watermain curb and gutter, catchbasins, sidewalks, streetscaping and street lighting as determined by the City Engineer. Furthermore, that the owner pay to the City their proportionate share of the estimated cost of the municipal services determined by the City Engineer for all remaining frontage prior to the removal of this Holding Provision.

5.4.3.2.X.7

R.4B-X.5

5 Arthur Street South

As shown on Defined Area Map Number 38 of Schedule "A" to this **By-law**:

5.4.3.2.X.7.1

Additional Permitted Uses

- Office

5.4.3.2.X.7.1.1 Additional Permitted Uses, as part of Commercial/Residential **Building**

- **Agricultural Produce Market**
- **Art Gallery**
- **Artisan Studio**
- **Bake Shop**
- **Boutique**
- **Micro-Brewery or Brew Pub**
- **Commercial School**
- **Community Services Facilities**
- **Convenience Store**
- **Dry Cleaning Outlet**
- **Financial Establishment**
- **Florist**
- **Laundry**
- **Medical Clinic**
- **Medical Office**
- **Office**
- **Parking Facility** (within structure only)
- **Personal Service Establishment**
- **Pharmacy**
- **Postal Service**
- **Recreation Centre**
- **Restaurant**
- **Restaurant (take-out)**
- **Retail Establishment**
- **Tavern**

5.4.3.2.X.7.2 Regulations

In addition to the regulations in Sections 5.4.2 and 5.4.3.2.X.2, the following regulations shall apply to the R.4B-X.5 Zone:

5.4.3.2.X.7.2.1 Ground Floor Commercial **Uses**

Notwithstanding the permitted uses in 5.4.3.2.X.1 and 5.4.3.2.X.3.1, the ground floor of this **Building** shall contain at least one commercial **Use** fronting on to each of Arthur Street South and Elizabeth Street.

-
- 5.4.3.2.X.7.2.2 Setbacks from Railways
- 5.4.3.2.X.7.2.2.1 The minimum separation of the residential portion of any **Building** from the CN Railway Right-of-Way, shall be 30 metres
- 5.4.3.2.X.7.2.2.2 The minimum separation of the residential portion of any **Building** from the Guelph Junction Railway Right-of-Way shall be 15 metres
- 5.4.3.2.X.7.2.3 Minimum **Common Amenity Area**
Despite Section 5.4.2.4.1 and Table 5.4.2, Row 12, the minimum Common Amenity Area shall be a total of 500 m²
- 5.4.3.2.X.7.2.4 Minimum **Landscaped Open Space**
Despite Table 5.4.2, Row 13, the minimum Landscaped Open Space shall be a total of 900 m²
- 5.4.3.2.X.7.2.4.1 Despite the definition in Section 3.1, **Landscaped Open Space** may include open space located either at grade or above a **Building** or **Structure**
- 5.4.3.2.X.7.2.5 Minimum Yards
- 5.4.3.2.X.7.2.5.1 Minimum **Front Yard** (Arthur St)
Despite Section 4.24 and Table 5.4.2, Row 6, the minimum **Front Yard** shall be 3.0 metres
- 5.4.3.2.X.7.2.5.2 Minimum **Exterior Side Yard** (Elizabeth St)
Despite Section 4.24 and Table 5.4.2, Row 6, the minimum **Exterior Side Yard** shall be 3.0 metres
- 5.4.3.2.X.7.2.6 Underground Parking Setback
An underground parking structure is permitted to be setback 0 metres from a **Lot** line.
- 5.4.3.2.X.7.2.7 **Building Heights**
Despite Table 5.4.2 Row 10 and Sections 4.16, 5.4.2.1 and Defined Area Map No. 68, the minimum Building height is 4 storeys and the maximum Building height is 14 storeys
- 5.4.3.2.X.7.2.7.1 Minimum Ground Floor Height
For ground floor non-residential units, the minimum floor-to-ceiling height shall be 4.5 metres.
-

- 5.4.3.2.X.7.2.8 Maximum **Building** Floor Plate Area
- | | |
|----------------------------------|---------------------|
| Above the 6 th Storey | 1200 m ² |
| Above the 8 th Storey | 1000 m ² |
- 5.4.3.2.X.7.2.9 Maximum Dimensional Floor Plate Ratio
- | | |
|------------------------------|---------|
| Above 4 th Storey | 2.2:1.0 |
|------------------------------|---------|
- 5.4.3.2.X.7.2.10 Setbacks of Upper **Storeys** of **Apartment Buildings**
The tower portion of an **Apartment Building** above a 4 **Storey** podium facing a **Public Street** or the Speed River shall be setback an additional 3.0 metres from the podium **Building** face.
- 5.4.3.2.X.7.2.11 Holding Provision:
Purpose:
To ensure that development of the subject lands does not proceed until the following condition has been met to the satisfaction of the City related to the subject development.
- Conditions:
1. That the Owner implement CN's principal main line requirements for adjacent development, including addressing the interface with the elevated CN mainline adjacent to this phase of development, to the satisfaction of CN or its assigns.
 2. The developer/owner shall obtain the approval of the City with respect to the availability of adequate water supply, sewage capacity and sewage treatment capacity, prior to the site plan approval for each phase of the development.
 3. The developer/owner shall deed at no cost to the City, a land dedication as identified in the City of Guelph's Official Plan for future intersection improvements at Elizabeth Street and Arthur Street South that is free of all encumbrances and satisfactory to the City Solicitor.
 4. That the Owner prepare an Urban Design Brief confirming that this phase of development is consistent with the approved Urban Design Master Plan for the site, to the satisfaction of the General Manager of Planning Services. In addition, an architectural peer

review for this phase is required to the satisfaction of the General Manager of Planning Services. The Owner may prepare one brief and complete a peer review that addresses one or more phases at a time, enabling the City to simultaneously lift the Holding Provision on multiple phases. Clearing of this condition may be done in advance of, or in conjunction with, submission of a Site Plan Approval application for each phase.

5. That the owner pay to the City, their proportionate share of the actual cost of constructing municipal services on Arthur Street South, Cross Street and Neeve Street across the frontage of the lands including road works, local sanitary sewer, storm sewer, watermain curb and gutter, catchbasins, sidewalks, streetscaping and street lighting as determined by the City Engineer. Furthermore, that the owner pay to the City their proportionate share of the estimated cost of the municipal services determined by the City Engineer for all remaining frontage prior to the removal of this Holding Provision.

5.4.3.2.X.8

R.4B-X.6

5 Arthur Street South

As shown on Defined Area Map Number 38 of Schedule "A" to this **By-law**:

5.4.3.2.X.8.1

Permitted **Uses**

The **Uses** listed in Section 5.4.3.2.X, together with the following **Uses**, shall be permitted within the existing heritage building, including within the portion of the building in FL (Floodway) Zone, subject to approval by the Grand River Conservation Authority:

- **Agricultural Produce Market**
- **Art Gallery**
- **Artisan Studio**
- **Bake Shop**
- **Boutique**
- **Micro-Brewery or Brew Pub**
- **Commercial School**
- **Community Services Facilities**

- *Convenience Store*
- *Dry Cleaning Outlet*
- *Financial Establishment*
- *Florist*
- *Laundry*
- *Medical Office*
- *Office*
- *Personal Service Establishment*
- *Pharmacy*
- *Postal Service*
- *Recreation Centre*
- *Restaurant*
- *Restaurant (take-out)*
- *Retail Establishment*
- *Tavern*

5.4.3.2.X.8.2

Regulations

In addition to Sections 5.4.2, 12.2.1 and 12.2.2, and 5.4.3.2.X, the following regulations shall apply to the R.4B-X.6 Zone and the entire existing heritage building:

5.4.3.2.X.8.2.1

Minimum **Common Amenity Area**

Despite Section 5.4.2.4.1 and Table 5.4.2, Row 12, the minimum **Common Amenity Area** shall be a total of 500 m²

5.4.3.2.X.8.2.2

Minimum **Landscaped Open Space**

Despite Table 5.4.2, Row 13, the minimum **Landscaped Open Space** shall be a total of 1200 m²

5.4.3.2.X.8.2.3

Minimum Yards

Despite Table 5.4.2 Row 6, Row 8 and Row 9, the minimum yards shall be as exists on the Date of Passing of this **By-law**.

5.4.3.2.X.8.2.4

Building Heights

Despite Table 5.4.2 Row 10, the maximum **Building** heights shall be as exists on the Date of Passing of this **By-law**.

5.4.3.2.X.8.2.5

Minimum Distance Between **Buildings**

Despite Section 5.4.3.2.X.2.3, the minimum distance between the existing heritage **Building** and any other **Building** shall be 16 metres.

5.4.3.2.X.8.2.6 Minimum Off-Street Parking

5.4.3.2.X.8.2.6.1 Despite Section 5.4.3.2.X.2.5, a minimum of 30 **Parking Spaces** shall be provided for the users or residents of the existing heritage building within a surface parking lot between the existing building and Arthur Street South.

5.4.3.2.X.8.2.6.2 Despite Section 4.13.2.2, a Parking Area for resident and/or visitor parking spaces adjacent to the existing heritage building may be located within the **Front Yard** provided that the nearest parking spaces are set back a minimum of 3.0 metres from the Arthur Street South **Lot** line.

5.4.3.2.X.8.2.7 Holding Provision:

Purpose:

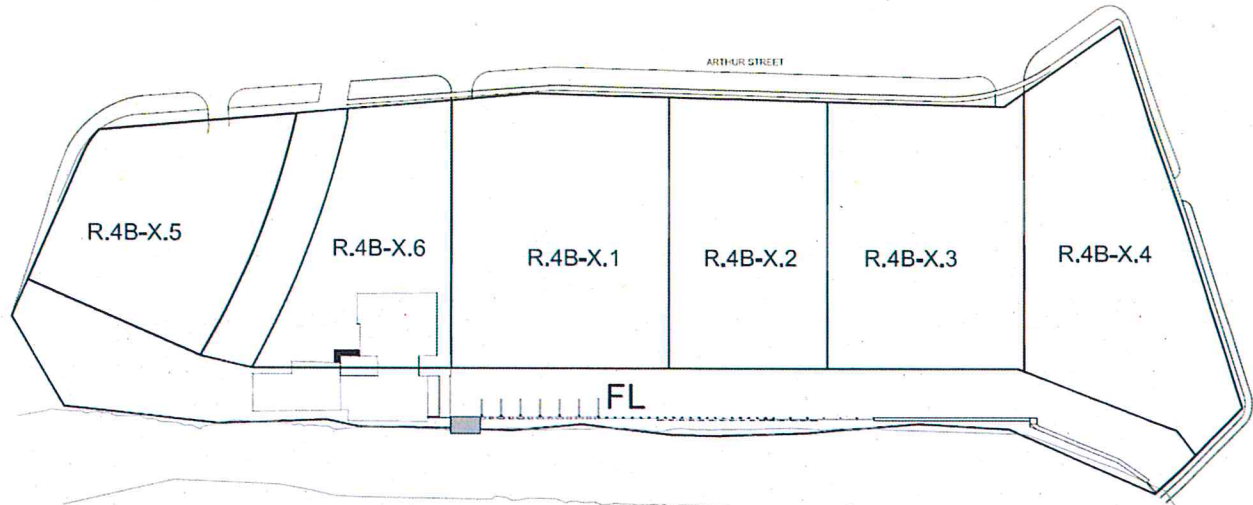
To ensure that development of the subject lands does not proceed until the following condition has been met to the satisfaction of the City related to the subject development.

Conditions:

1. The developer/owner shall obtain the approval of the City with respect to the availability of adequate water supply, sewage capacity and sewage treatment capacity, prior to the site plan approval for each phase of the development.
2. That the owner pay to the City, their proportionate share of the actual cost of constructing municipal services on Arthur Street South, Cross Street and Neeve Street across the frontage of the lands including road works, local sanitary sewer, storm sewer, watermain curb and gutter, catchbasins, sidewalks, streetscaping and street lighting as determined by the City Engineer. Furthermore, that the owner pay to the City their proportionate share of the estimated cost of the municipal services determined by the City Engineer for all remaining frontage prior to the removal of this Holding Provision.

STAFF REPORT

Recommended Zoning Map – R4B-X (H) Zone



Schedule A (Draft)
Lands Subject to By-law 2014-XXX
Building envelopes and other site information shown only
for illustrative purposes for draft By-law review

Attachment 2 continued Recommended Conditions of Approval

Conditions of Site Plan Approval

The following conditions are provided as information to Council and will be imposed through site plan approval for all phases of development unless noted otherwise. The phases of development referred to are based on the phasing plan shown in Attachment 6 of this report.

1. The Owner shall submit to the City, in accordance with Section 41 of the *Planning Act*, a fully detailed site plan, indicating the location of buildings, landscaping, parking, circulation, access, lighting, tree preservation, grading and drainage and servicing on the said lands to the satisfaction of the General Manager of Planning Services and the General Manager/City Engineer, prior to the issuance of a building permit, and furthermore the Owner agrees to develop the said lands in accordance with the approved plan.
 - a. Further, the Owner commits and agrees that the details of the layout and design for the development of the subject lands shall be generally in conformance with the development concept plan and elevations for Phase 1, attached as Attachment 5 and Attachment 7 to the August 25, 2014 Planning, Building, Engineering and Environment Report Number 14-38.
 - b. That Heritage Guelph be circulated on all Site Plan Approval submissions for 5 Arthur Street South that may impact the property's identified heritage attributes.
 - c. That the develop agrees to consider options for including space to be made available for community uses, in the redevelopment of the heritage building (Phase #6), prior to Site Plan Approval for Phase #6.
2. The Owner shall implement the guidelines of the approved Urban Design Master Plan and approved Urban Design Brief as required for Phases 2 to 5, as updated in consultation with City staff, to the satisfaction of the General Manager of Planning Services to contribute to meeting the applicable principles, objectives and policies of the Downtown Secondary Plan.
3. Prior to the issuance of site plan approval, the Owner shall provide the City with written confirmation that each building on the subject site will be constructed to a standard that implements energy efficiency in order to support the Community Energy Initiative to the satisfaction of the General Manager of Planning Services and in accordance with the letter attached as Attachment 11 to Report 14-38 from Planning, Building, Engineering and Environment dated August 25, 2014.
4. That the Owner commits and agrees to provide one or more off-street parking

STAFF REPORT



spaces for shared use vehicles as part of a community carshare program in each phase of the development and shall consider accommodating additional spaces in each future phase, to the satisfaction of the General Manager/City Engineer.

5. That prior to site plan approval of each phase of development, the Owner must provide evidence of agreement to have the development serviced by the Galt District Energy System or, if the Owner is unable to incorporate district energy services in the development, they must provide evidence on how the development will contribute to the Guelph District Energy Strategic Plan or Community Energy Initiative, to the satisfaction of the Corporate Manager of Community Energy.
6. That for the remaining brick walls of heritage buildings 3 and 4 (as shown in Attachment 8 of Council Report 14-38, dated August 25, 2014), that are proposed to be removed, the proponent will submit to the satisfaction of the General Manager of Planning Services and Heritage Guelph, a representation plan prior to Site Plan Approval for Phase 1 of the development. The approved representation plan, showing how the walls of the former industrial buildings on the site would be acknowledged on the Riverwalk, will be incorporated into all site plan submissions as appropriate, to the satisfaction of the General Manager of Planning Services and Heritage Guelph.
7. That for heritage buildings 1 and 2 (as shown in Attachment 8 of Council Report 14-38, dated August 25, 2014), the proponent will submit to the satisfaction of Planning staff and Heritage Guelph a Cultural Heritage Conservation Plan (CHCP) to be completed in two stages:
 - a. CHCP Stage 1 will determine the heritage attributes of the property and guide stabilization, interim maintenance, and temporary uses of the heritage buildings 1 and 2 including measured elevation, plan and section drawings. CHCP Stage 1 to be completed prior to Site Plan Approval of Phase 1 of the redevelopment
 - b. CHCP Stage 2 will guide the proposed reuse, redevelopment and long-term maintenance of the heritage building complex and is to be completed prior to Site Plan Approval of Phase 4 of the development or the Heritage Phase (Phase 6) of the redevelopment, whichever comes first.
8. Prior to the issuance of site plan approval, written confirmation shall be received from the General Manager of Solid Waste Resources or his or her designate that the proposed development is in conformance with By-law (2011)-19199, known as the Waste Management By-law. Further, the Owner agrees and commits to employ a three-stream waste collection system with considerations and opportunities developed in their Waste Management Plan that would facilitate the transition to City collection at some point in the future.

STAFF REPORT

9. Prior to the issuance of site plan approval for the lands, the Owner shall pay to the City, the City's total cost of reproduction and distribution of the Guelph Residents' Environmental Handbook, to all future households and commercial units within the project, with such payment based on a cost of one handbook per residential household and commercial unit, as determined by the City.
10. The Owner shall pay to the City, as determined applicable by the Chief Financial Officer/City Treasurer, development charges and education development charges, in accordance with the City of Guelph Development Charges By-law (2014)-19692, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to this issuance of any building permits, at the rate in effect at the time of the issuance of a building permit.
11. That prior to any site alterations, tree removal or Site Plan approval an Environmental Implementation Report be completed and approved to the satisfaction of the General Manager of Planning Services and the General Manager/City Engineer, addressing the following:
 - a. How all the conditions of development approval have been met;
 - b. How municipal infrastructure servicing and the protection of natural heritage features and their associated ecological functions have been addressed (including a street tree plan);
 - c. Any other special requirements that are required to protect the overall natural environment of the area;
 - d. How the Environmental Advisory Committee and River System Advisory Committee comments and motions of March 12 and March 19, 2014, respectively, have been addressed;
 - e. A summary of the Structural Analysis for the below grade retaining wall and applicable recommended mitigation measures which may arise as a result of the study;
 - f. A Stormwater Management Plan including details of Low Impact Development (including green roofs);
 - g. Grading, erosion and sediment control and dewatering plans;
 - h. A Salt Management Plan;
 - i. A summary of geotechnical requirements and soil management needs;
 - j. An analysis indicating how buildings will be designed to be bird-friendly;
 - k. Detailed design of the entire Floodway Zone (Riverwalk and Allan's Green);
 - l. Ecological enhancement details and plans;
 - m. Landscape Plans completed by a member of the Ontario Association of Landscape Architects;
 - n. Education and Stewardship materials; and
 - o. A baseline, during and post-construction monitoring plan;
 - p. Any recommendations for inclusion within the Declaration of

STAFF REPORT

- Condominium as it relates to the environment;
- q. That opportunities for public access down to the river from the riverwalk be explored.
12. Prior to site plan approval of each phase, the Developer shall have a Professional Engineer design a grading plan and stormwater management system, satisfactory to the General Manager/City Engineer.
13. That the developer/owner grades, develops and maintains the site including the storm water management facilities designed by a Professional Engineer, in accordance with a Site Plan that has been submitted to and approved by the General Manager/City Engineer. Furthermore, the Developer shall have the Professional Engineer who designed the storm water management system certify to the City that he/she supervised the construction of the storm water management system, and that the storm water management system was approved by the City and that it is functioning properly.
14. Prior to site plan approval for each phase and prior to any construction or grading on the lands, the Developer shall construct, install and maintain erosion and sediment control facilities, satisfactory to the General Manager/City Engineer, in accordance with a plan that has been submitted to and approved by the General Manager/City Engineer.
15. Prior to site plan approval of Phase 1, the developer/owner shall provide to the City, to the satisfaction of the General Manager/City Engineer, any of the following studies, plans and reports requested by the General Manager/City Engineer:
- a. a revised traffic impact and operations report covering all aspects of access and egress to the site and the effect of the development on the surrounding roads;
 - b. a servicing and stormwater management report certified by a Professional Engineer in accordance with the City's Guidelines and the latest edition of the Ministry of the Environment's "Stormwater Management Practices Planning and Design Manual" which addresses the quantity and quality of stormwater discharge from the site together with a monitoring and maintenance program for the stormwater management facility required;
 - c. a structural assessment of the existing retaining wall along the Speed River in accordance with the Terms of Reference provided to the developer/owner.
16. The developer/owner shall at their cost, address and be responsible for adhering to all the recommended measures that is contained in the plans, studies and reports outlined in the previous condition, subsections 15 a), 15 b) and 15 c) inclusive to the satisfaction of the General Manager/City Engineer. The City may have such report be peer reviewed and all associated costs with

STAFF REPORT



the peer review will be the responsibility of the developer/owner.

17. The developer shall be responsible for implementing any recommended improvements, repairs to, or replacements of any portion of the existing retaining wall along the Speed River prior to building permit issuance for Phase #1, and as identified in a site plan control agreement, registered on title, all to the satisfaction of the General Manager/City Engineer.
18. The developer/owner shall design and construct all works associated with the westbound turn lane on Elizabeth Street including any road widening requirements. Also the developer/owner shall design and construct all works associated with the traffic calming measures located within the Traffic Impact Study area. Furthermore the developer/owner shall pay to the City the estimated cost of all works associated with the design and construction of the westbound turn lane on Elizabeth Street and traffic calming measures located within the Traffic Impact Study area prior to site plan approval of Phase 1, as determined by the General Manager/City Engineer.
19. The developer/owner shall deed at no cost to the City, free of all encumbrances, any road widenings necessary to accommodate the westbound turn lane on Elizabeth Street prior to site plan approval of Phase 1.
20. The developer/owner shall pay to the City, their proportionate share of the actual cost of constructing municipal services on Arthur Street South, Cross Street and Neeve Street across the frontage of the lands, including road works, local sanitary sewer, storm sewer, watermain, curb and gutter, catch basins, sidewalks and street lighting, as per Appendix E – Local Service Guidelines under the Development Charges By-law, and as determined by the General Manager/City Engineer.
21. Prior to site plan approval of Phase 1, the developer/owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the said lands.
22. The developer/owner shall pay to the City the actual cost of constructing and installing any new service laterals required and furthermore, prior to site plan approval for each phase, the developer/owner shall pay to the City the estimated cost of the service laterals, as determined by the City Engineer.
23. The Developer shall pay to the City the actual cost of removing any existing service laterals to the site that are not being used for the condominium development, consistent with the Sewer Relocation Agreement dated January 13, 2012, and furthermore, prior to site plan approval for each phase, the Developer shall pay to the City the estimated cost of removing the existing service laterals, as determined by the General Manager/City Engineer.

STAFF REPORT

24. The developer/owner shall pay to the City the actual cost of the removal and restoration of the boulevard where the existing accesses are located, prior to site plan approval for each phase and prior to any construction or grading on the lands, the developer/owner shall pay to the City the estimated cost as determined by the City Engineer.
25. The Developer shall pay to the City the actual cost of the construction of the new driveway accesses, curb cut including boulevard restoration, i.e. topsoil/sod within right-of-way allowance prior to site plan approval for each phase. Furthermore, prior to site plan approval for each phase, the Developer shall pay to the City the estimated cost of constructing the new driveway accesses, curb cut, including boulevard restoration, i.e. topsoil/sod within the right-of-way allowance as determined by the General Manager/City Engineer.
26. That the developer/owner makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the development of the lands.
27. That all electrical services on the Lands are underground and the developer/owner shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the development of the lands.
28. The developer/owner shall ensure that all telephone service and cable TV service in the Lands shall be underground. The Developer shall enter into a servicing agreement with the appropriate service providers for the installation of underground utility services for the Lands.
29. Prior to the issuance of a building permit, any monitoring wells and boreholes drilled for hydrogeological or geotechnical investigations shall be properly abandoned in accordance with current Ministry of the Environment Regulations and Guidelines. The Developer shall submit a Well Record to the satisfaction of the General Manager/City Engineer.
30. The following warning clause shall be incorporated into a future site plan control agreement, offers to purchase and agreements of purchase and sale or lease of each dwelling unit within 300 metres of the railway right-of-way:

"Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the

STAFF REPORT

vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwellings(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way."

31. The Owner acknowledges and agrees that any proposed alterations to the existing drainage pattern affecting railway property must receive prior concurrence from the CN Railway and be substantiated by a drainage report to the satisfaction of the Railway.
32. The Owner shall through restrictive covenants to be registered on title and all agreements of purchase and sale or lease provide notice to the public that any fencing and vibration isolation measures implemented are not to be tampered with or altered and further that the Owner shall have the sole responsibility for and shall maintain these measures to the satisfaction of CN.
33. The Owner shall enter into an Agreement with CN stipulating how CN's concerns will be resolved and will pay CN's reasonable costs in preparing and negotiating the agreement.
34. The Owner shall be required to grant CN an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN.
35. That prior to the issuance of site plan approval a detailed noise study be submitted and the recommendations of the study be integrated into the design of the building, particularly with respect to noise mitigation specifications for upgraded windows/cladding, outdoor amenity areas and air-conditioning requirements to the satisfaction of the General Manager of Planning Services.
36. The developer shall implement / incorporate the noise attenuation measures as recommended in the Environmental Noise Feasibility Assessment prepared by NOVAS ENVIROMENTAL dated April 12th 2013 in all buildings constructed. The proponent shall further submit prior to the issuance of site plan approval, a refined noise attenuation study completed by an Acoustical Consultant as recommended in the above mentioned NOVAS study for approval by the Guelph Junction Railway (GJR). The proponent shall be required to implement any additional noise attenuation measures recommended in the refined study.
37. The developer shall implement / incorporate the vibration attenuation measures as recommended in the Railway Vibration Analysis prepared by NOVAS ENVIROMENTAL dated April 12 2013 in all buildings constructed. The proponent shall further submit prior to the issuance of a building permit a refined vibration attenuation study completed by a qualified Professional Engineer for approval of the GJR. The proponent shall be required to

STAFF REPORT

implement any additional vibration attenuation measures as recommended in the refined study prior to site plan approval.

38. The proponent shall prior to the issuance of site plan approval undertake to establish a clear railway site line as referenced in the MRC Safety Crossing Assessment dated April 12th 2013. The proponent further agrees to maintain the aforementioned railway safety site line and shall incorporate such restrictions into building and landscape plans. All proposed driveway locations shall be located to conform with Transport Canada CRRGCS Standards, to the satisfaction of the GJR.
39. The GJR will not accept any overland drainage from abutting properties and existing property line elevations are to be maintained.
40. The proponent shall prior of the issuance of a building permit for demolition, construction or excavation on lands immediately adjacent to the railway right of way submit a detailed plan of slope stabilization / shoring completed by a qualified Professional Engineer for approval of the GJR.
41. The proponent shall include the following Warning Clause in all Agreements of Purchase, sale or lease.

“Purchasers are advised that the Guelph Junction Railway or its assigns or successors in interest has or have a right of way within 300 metres from the land subject thereof. There may be alterations to or expansion of the rail facilities on such right of way in the future, including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling[s]. The Guelph Junction Railway will not be responsible for any complaints or claims arising from use of said facilities and / or operations on, over or under the aforesaid right of way.”
42. The proponent shall prior to the issuance of site plan approval erect and maintain a five foot high chain link fence along the north and south common property line shared with the GJR with the objective of restricting pedestrian access to GJR trackage. The fence shall extend and be tied into a physical feature that prohibits access along the river edge. Should this be on property not owned by the proponent they shall be responsible for acquiring the necessary approvals from the property owner to do so. This fence will remain until such time as the GJR is satisfied with the physical construction of the proposed pedestrian bridge / trail connection and at such time the GJR may at its sole discretion allow modifications to the fencing on the common south property line. The fence along the north common property line shall remain

permanently.

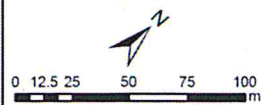
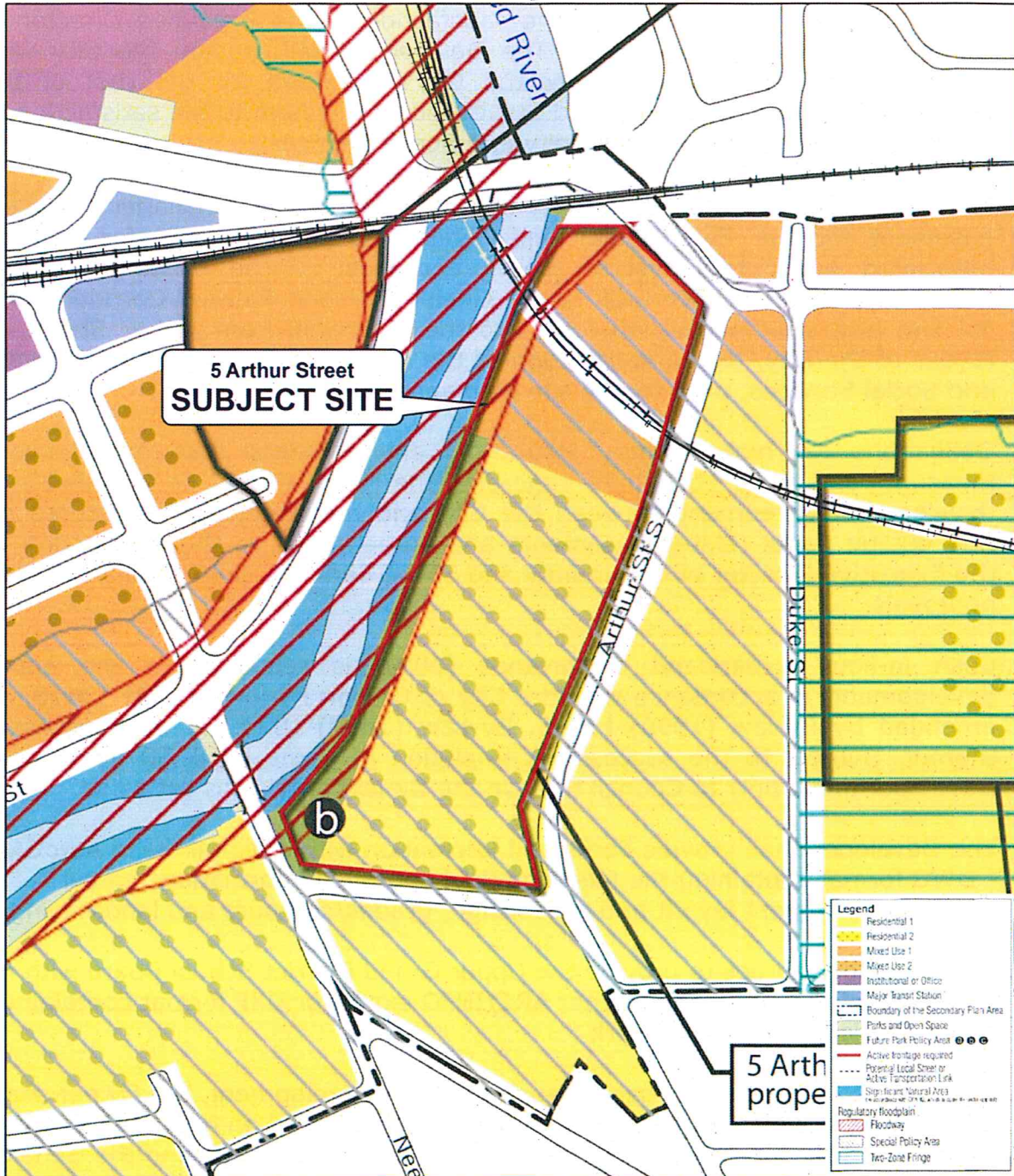
43. The Developer shall be responsible for the cost of design and development of the demarcation of all City owned lands in accordance with the City of Guelph Property Demarcation Policy. This shall include the submission of drawings and the administration of the construction contract up to the end of the warranty period completed by an Ontario Association of Landscape Architect (OALA) member for approval to the satisfaction of the Executive Director of Community and Social Services. The Developer shall provide the City with cash or letter of credit to cover the City approved estimate for the cost of development of the demarcation for the City lands to the satisfaction of the Executive Director of Community and Social Services.
44. The Developer shall be responsible for all costs and obligations arising from the assessment and pre-existing condition of the riverside retaining wall, including but not limited to: on-going maintenance, insurance, and conditions arising from the Certificate of Property Use.
45. The Developer shall be responsible for the cost of preparation of a 'Health and Safety Plan' and a 'Soil Management Plan' including submitting these plans for City approval to the satisfaction of the Executive Director of Community and Social Services prior to any site plan approvals.
46. The Developer shall be responsible for the cost of design and implementation of the Open Space Works and Restoration within the core green lands/ environmental corridor in accordance with the "Environmental Implementation Report" to the satisfaction of the Executive Director of Community and Social Services. The Developer shall provide the City with cash or letter of credit to cover the City's estimate for the cost of the Open Space works and restoration for the Public Open Space to the satisfaction of the Executive Director of Community and Social Services.
47. The Developer shall be responsible for the cost of the design of the River Walk and associated trail system on the subject property, to the City standards prior to any site plan approvals. This shall include identifying the trail system, detailed design as per the City's approved Urban Design Master Plan for the subject property and City standards including: layout, grading and drainage, planting, interpretative signage design and submitting drawings for City approval. The design is to be completed by a full member of Ontario Association of Landscape Architects (OALA) to the satisfaction of the Executive Director of Community and Social Services, prior to site plan approvals.
48. The Developer shall be responsible for the costs and construction of the River Walk and associated trail system on the subject property to the City standards as per the UDMP and the City's approved detailed design; and as outlined in the development agreement. This shall include preparation of construction

STAFF REPORT

documentation, obtaining required permits, tendering process, implementation, and contract administration, up to the end of the 2 year warrantee period to be completed by a full member of Ontario Association of Landscape Architects (OALA) to the satisfaction of the Executive Director of Community and Social Services. The Developer shall provide the City with cash or letter of credit to cover the City's estimate for the cost of the construction of the River Walk and associated trail system to the satisfaction of the Executive Director of Community and Social Services.

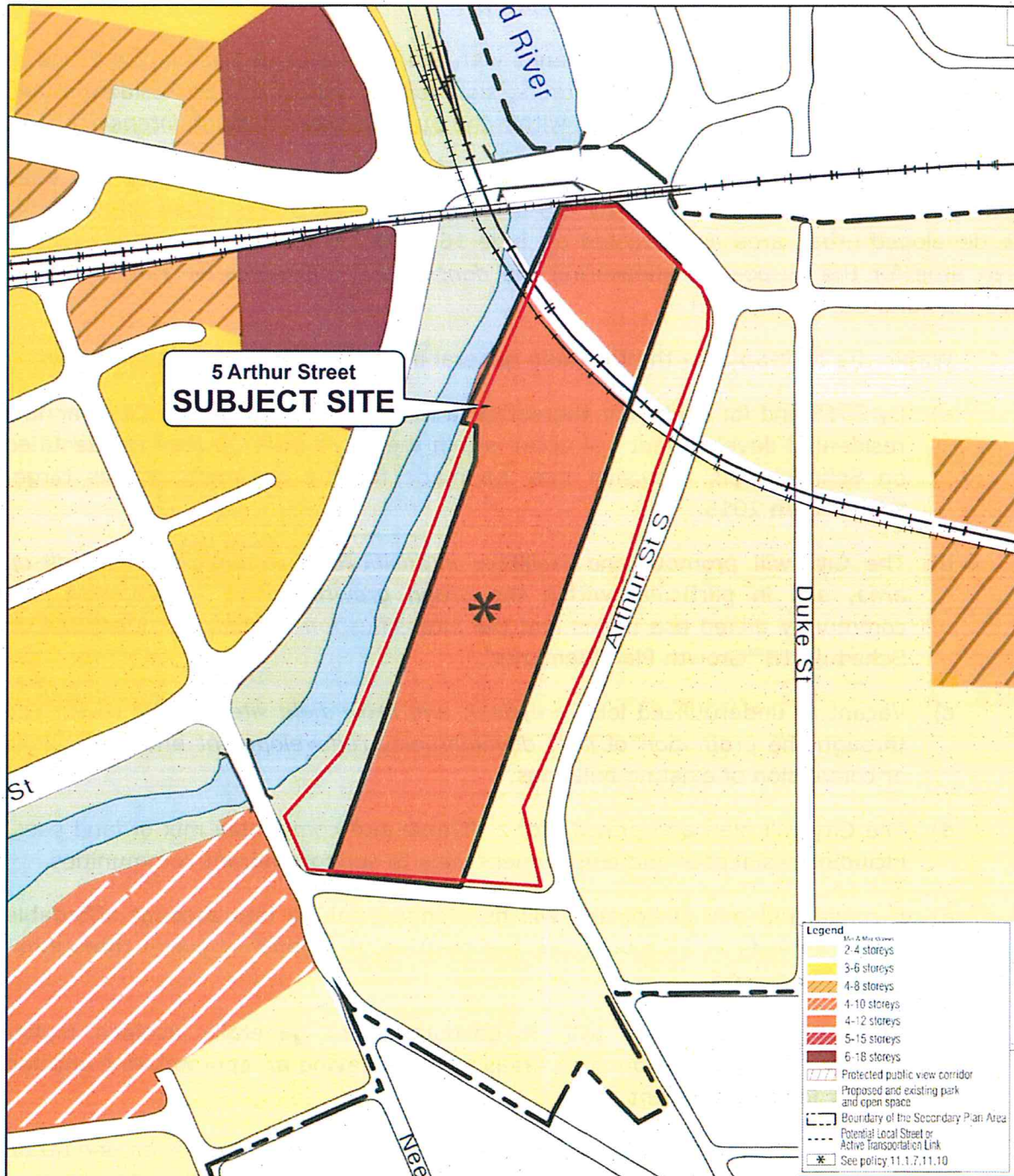
49. The Developer shall provide two easement types: a permanent surface easement for the River Walk; and Public Access Easements for (a) the associated public trail system (south and west of the existing Heritage Structures, from the Riverwalk to the Guelph Junction Railway Corridor), and (b) two east-west pedestrian routes to the Riverwalk from Arthur Street, in favour of the City, to the satisfaction of the Executive Director of Community and Social Services, prior to any site plan approvals.
50. Obligations for maintenance, insurance, environmental risk management measures and other obligations regarding the riverwalk will be included in a development agreement between the City and the developer, registered on title outline parks related easements and agreements, to the satisfaction of the Executive Director of Community and Social Services, prior to any site plan approvals.
51. Cash in-lieu of parkland conveyance (10%) is required for the entire development, in accordance with the City of Guelph By-law (1989)-13410, as amended by By-law (1990)-13545, By-Law (2007)-18225 or any successor thereof, Subject to the successful completion of items 49 & 50 above, the Developer may apply to Council to have the By-law provisions set aside.
52. The Developer shall provide Parks and Recreation with a digital file in AutoCAD - DWG format containing the following final approved information: parcel fabric, development layout and trail design, grades/contours and landscaping.
53. The developer agrees to provide the Upper Grand District School Board with a digital file of the site plan in either ARC/INFO export or DXF format containing parcel fabric and street network
54. That prior to site plan approval of each phase of development, the Owner shall enter into a site plan agreement with the City, registered on title, satisfactory to the City Solicitor, the General Manager of Planning Services and the General Manager/City Engineer, covering the conditions noted above and to develop the site in accordance with the approved plans and reports.

Attachment 3 Existing Official Plan Land Use Designations and Policies Downtown Secondary Plan Designations



DOWNTOWN SECONDARY PLAN Land Use Plan 5 Arthur Street South

**Attachment 3(continued)
Existing Official Plan Designations and Policies
Downtown Secondary Plan – Building Heights**



**DOWNTOWN SECONDARY PLAN
Minimum and Maximum Building Heights
5 Arthur Street South**




Produced by the City of Guelph
Planning, Building, Engineering and Environment, Development Planning
June 2014

Attachment 3 (continued) Existing Official Plan Designations and Policies

2.4.5 *Built-up Area* and General Intensification

To ensure development proceeds in accordance with the objectives of Section 2.4.2 and to achieve the Growth Plan *intensification targets*, significant portions of new residential and employment growth will be accommodated within the *built-up areas* through *intensification*.

The *built-up area* is identified on Schedule 1B of this Plan. The *built-up area* has been delineated in accordance with Section 2.2.3.5 of the Growth Plan and is based on the limits of the developed urban area as it existed on June 16, 2006. The *built up area* will remain fixed in time for the purpose of measuring the *density* and *intensification targets* of the Growth Plan and the Official Plan.

2.4.5.1 Within the *built-up area* the following general intensification policies shall apply:

- a) By 2015 and for each year thereafter, a minimum of 40% of the City's annual residential development will occur within the City's *built-up area* as identified on Schedule 1B. Provision may be made for the fulfilment of this target sooner than 2015.
- b) 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 1B "Growth Plan Elements".
- c) 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.
- d) The City will plan and provide for a diverse and compatible mix of land uses, including residential and employment uses to support vibrant communities.
- e) A range and mix of housing will be planned, taking into account affordable housing needs and encouraging the creation of secondary suites throughout the *built-up area*.
- f) *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.
- g) The City will plan for high quality public open space with site design and urban design standards that create attractive and vibrant spaces.
- h) Development will support transit, walking, cycling for everyday activities.

- i) The City will identify the appropriate type and scale of development within *intensification areas* and facilitate *infill development* where appropriate.

2.4.6 Urban Growth Centre (Downtown Guelph)

The *Urban Growth Centre* is Downtown Guelph as identified on Schedule 1B. The precise boundary of the *Urban Growth Centre* will be clearly defined through a detailed secondary plan.

Downtown Guelph 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. The Downtown will be maintained and strengthened as the heart of the community and will be the preferred location for *major office* and institutional uses as well as major transit infrastructure including a major transit station.

2.4.6.1 Downtown Guelph will be planned and designed to:

- a) achieve a minimum density target of 150 people and jobs combined per hectare by 2031, which is measured across the entire Downtown;
- b) serve as a high density *major employment area* that will attract provincially and potentially nationally and internationally significant uses;
- c) 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 the Downtown;
- d) maintain, enhance and promote *cultural heritage resources*, the *natural heritage system*, unique streetscapes and landmarks within the Downtown;
- e) develop additional public *infrastructure* and services; public open space; and tourist, recreational, entertainment, and cultural facilities within the Downtown; and
- f) accommodate a major transit station and associated *multi modal* transportation facilities within the Downtown, which facilitates both inter and intra-city transit service.

Natural Heritage System Policies

6A.1.1 General Policies

1. The City shall ensure the long term protection of the Natural Heritage System and associated *ecological* and *hydrologic functions*.
2. Each of the Natural Heritage System components is subject to specific policies as set out

in 6A.2, 6A.3 and 6A.4.

3. Significant Natural Areas, Natural Areas and Wildlife Crossings are designated based on the best available mapping, on Schedules 1 and 10.
4. The Natural Heritage System is identified on Schedules 1 and 10, and consists of Significant Natural Areas (including *Ecological Linkages*), Natural Areas, and Wildlife Crossings.
5. The individual components that make up Significant Natural Areas and Natural Areas are listed below and are illustrated on Schedules 10, and 10A through 10E. These schedules provide additional detail to assist in the interpretation of Schedules 1 and 10.

i) Significant Natural Areas include:

- a. *Significant Areas of Natural and Scientific Interest (ANSI)*,
- b. *Significant Habitat for Provincially Endangered and Threatened Species*,
- c. *Significant Wetlands*,
- d. *Surface Water Features and Fish Habitat*,
- e. *Significant Woodlands*,
- f. *Significant Valleylands*,
- g. *Significant Landform*,
- h. *Significant Wildlife Habitat (including Ecological Linkages)*,
- i. *Restoration Areas*, and
- j. *Minimum or established buffers (where applicable)*.

ii) Natural Areas include:

- a. *Other Wetlands*,
- b. *Cultural Woodlands*
- c. *Habitat of Significant Species*, and
- d. *Established buffers (where applicable)*.

Adjacent Lands and Buffers

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

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

STAFF REPORT

7. The final width of *established buffers* may be greater than the *minimum buffers* identified on Table 6.1 and shall be established through an *EIS* or *EA*, approved by the City and the Grand River Conservation Authority (GRCA) and/or the Ministry of Natural Resources (MNR) where applicable.
8. *Adjacent lands and buffers*, where applicable, shall be measured from the field-verified edge of an identified *natural heritage feature and area* (e.g. drip line of a *woodland*, boundary of a *wetland*).
9. With the exception of the uses permitted by this Plan, *established buffers* shall be actively or passively restored to, or maintained in a natural state in support of the *ecological* and/or *hydrologic functions* of the adjacent protected *natural heritage features and areas*.
10. *Minimum buffers* where appropriate (as identified on Table 6.1), and *established buffers* where approved, are incorporated into Significant Natural Areas and Natural Areas as identified on the Schedules of this Plan.
11. Notwithstanding 6A.1.1.9, *minimum buffers* have not been applied to lands containing existing *development* which may preclude achievement of the *minimum buffer* specified on Table 6.1. For any *redevelopment* of such lands, an *EIS* will be completed to the satisfaction of the City that evaluates the need for an *established buffer*, and determines an appropriate width where a *buffer* is required.

Table 6.1 *Minimum Buffers, Established Buffers and Adjacent Lands to natural heritage features and areas.*

Natural Heritage Features and Areas	Width of Minimum Buffers	Width of Established Buffers	Width of Adjacent Lands
<i>Significant Areas of Natural and Scientific Interest (ANSIs)</i>	No <i>minimum buffer</i>	To be established through an <i>EIS</i> or <i>EA</i> in consultation with the MNR	50 m – 120 m
<i>Significant Habitat for Provincially Endangered and Threatened Species</i>	No <i>minimum buffer</i>	To be established through an <i>EIS</i> or <i>EA</i> in consultation with MNR	120 m
<i>Significant Wetlands</i> <i>i. Provincially Significant Wetlands</i> <i>ii. Locally Significant Wetlands</i>	i. 30 m ii. 15 m	To be established through an <i>EIS</i> or <i>EA</i>	i. 120 m ii. 120 m
<i>Surface Water and Fish Habitat</i>	i. 30 m	To be established through an <i>EIS</i> or <i>EA</i>	i. 120 m

STAFF REPORT

i. Cold/cool water <i>fish habitat</i>	ii. 15m		ii. 120 m
ii. Warm water <i>fish habitat</i> , permanent and <i>intermittent streams</i> and undetermined <i>fish habitat</i>			
<i>Significant Woodlands</i>	10 m from the drip line	To be established through an <i>EIS</i> or <i>EA</i>	50 m
<i>Significant Valleylands</i>	No <i>minimum buffer</i>	To be established through an <i>EIS</i> or <i>EA</i>	50 m
<i>Significant Landform</i>	No <i>buffer</i> required	No <i>buffer</i> required	50 m
Significant Wildlife Habitat			
i. Deer Wintering Areas and Waterfowl Overwintering Areas	i. No <i>minimum buffer</i>	i. To be established through an <i>EIS</i> or <i>EA</i> .	i. 50 m
ii. Significant Wildlife Habitat	ii. No <i>minimum buffer</i>	ii. To be established through an <i>EIS</i> or <i>EA</i>	ii. 50 m
iii. <i>Ecological Linkages</i>	iii. No <i>buffer</i> required.	iii. No <i>buffer</i> required.	iii. 50 m
<i>Other Wetlands</i>	No <i>minimum buffer</i>	To be established through an <i>EIS</i> or <i>EA</i> and is required where all or part of the <i>feature</i> is to be protected.	30 m
<i>Cultural Woodlands</i>	No <i>minimum buffer</i>	To be established through an <i>EIS</i> or <i>EA</i> and is required where all or part of the <i>feature</i> is to be protected.	50 m
Potential Habitat for Significant Species (excluding provincially <i>Endangered</i> and <i>Threatened Species</i>)	No <i>minimum buffer</i>	To be established through an <i>EIS</i> or <i>EA</i> and is required where all or part of the <i>feature</i> is to be protected.	50 m

Study Requirements Within and Adjacent to Natural Heritage Features and Areas

12. The scope of the required *EIS* will depend on the scale and nature of the proposed *development* and/or *site alteration* and the specific *natural heritage features and areas* potentially impacted.
13. Within the *Built-Up Area* identified on Schedule 1, the study requirements on the *adjacent lands* may be reduced by the City under limited circumstances where existing *development* or *infrastructure* exists between the proposed *development* and the *natural heritage feature and area*.

Special Policy Area (S.P.A.) Flood Plain

The "Provincial Policy Statement" generally prohibits development or redevelopment within the regulatory flood plain due to inherent dangers, such as loss of life, property damage and social disruption, should flooding occur. The "Policy Statement" does however, recognize there are special circumstances in historic communities where the general prohibition of new development/redevelopment is so onerous that it would degrade the community's vitality. Therefore, the "Provincial Policy" also makes provision for the designation of lands within the flood plain as a 'Special Policy Area.'

The 'Special Policy Area Flood Plain' area as generally designated on Schedule 1 and in more defined fashion denoted on Schedule 8 of this Plan illustrates a currently built-up portion of Guelph which is within the regulatory flood plain of the Speed and Eramosa Rivers. Development, redevelopment and rehabilitation of buildings and structures in this area is considered vital to the continued economic and social viability of the City. In addition, major relocation or complete acquisition by public authorities is not feasible. Strict enforcement of the "Provincial Policy Statement's" One Zone and Two Zone Flood Plain concepts in these areas would lead to the physical deterioration of the infrastructure and unnecessary hardship to the City.

7.14.4 Within the 'Special Policy Area (S.P.A.) Flood Plain', as generally designated on Schedule 1 and in more detailed fashion on Schedule 8 of this Plan, the City, the Grand River Conservation Authority and the Province of Ontario have agreed to accept a higher flood risk than would normally be acceptable. This higher flood risk permits the development of a limited amount of new buildings and structures on these lands in accordance with the following:

1. The permitted uses within the 'S.P.A. Flood Plain' are established by the land use designations shown on Schedule 8. In addition, policy 7.14.1 is applicable within the 'S.P.A. Flood Plain'.
2. Development/redevelopment is not permitted within the floodway.
3. Hotels and motels may be permitted in the applicable Schedule 8 land use designations of this Plan if the use can be floodproofed to the regulatory flood level and safe access can be provided.

4. Within the 'S.P.A. Flood Plain' land use designation, service stations, gas bars and other uses involving the manufacture, disposal, consumption or storage of chemical, flammable, explosive, toxic, corrosive or other dangerous materials shall not be permitted.
 5. Within the 'S.P.A. Flood Plain' land use designation, parking facilities shall be designed to the satisfaction of the City and the Grand River Conservation Authority so as to minimize flood damage and potential flood flow interference.
 6. The City's implementing Zoning By-law will outline specific use and building regulations for lands within the 'S.P.A. Flood Plain' land use designation.
- 7.14.5 Floodproofing shall be required for all forms of building activity within the 'S.P.A. Flood Plain' land use designation to the satisfaction of the City and the Grand River Conservation Authority. The following sub-policies will give guidance to the floodproofing requirements:
1. Any new building or structure shall be designed such that its structural integrity is maintained during a regulatory flood. In spite of the lower minimum levels specified by the policies of this subsection, every attempt should be made to floodproof buildings and structures to the regulatory flood level.
 2. The various forms of floodproofing, as outlined in the "Implementation Guidelines of the Provincial Policy Statement on Flood Plain Planning" (October, 1988) may be used to achieve the necessary floodproofing requirements of this Plan.
 3. The replacement of a building or structure on the footprint of a previous structure which has been destroyed or demolished by fire or natural causes will be permitted, provided the building or structure is not located within the floodway.

Downtown Secondary Plan Policies

11.1.6 >

ENERGY, WATER AND THE NATURAL ENVIRONMENT

Development in Downtown Guelph will help to achieve the city's goals for environmental sustainability by being compact and by encouraging walking and transit use. Further, residential and commercial buildings are major contributors to greenhouse gas emissions, so it is important that individual *developments* and servicing *infrastructure* promote energy efficiency as well as water conservation. There are also features of the natural environment that future *development* needs to respect and protect. Development must also be designed to reduce the impact of natural hazards. One of those features is the Speed River where *development* will be directed outside the *floodway* areas while permitting *development* within the Special Policy Area. In other portions of the Downtown, development near the Speed River is subject to the Two Zone flood plain policies. This section contains policies regarding these key facets of the environment.

Objectives

In addition to supporting the Principles, Objectives and Targets in Section 11.1.2, the intent of the policies below is to:

- a) Efficiently use existing *municipal services*, municipal facilities and utilities to support growth downtown.
- b) Maximize opportunities for renewable and alternative energy generation and delivery systems such as *district energy*.
- c) Promote site planning, architecture, landscape architecture and stormwater management that demonstrates best practices in environmental design.
- d) Increase the amount of *urban forest tree canopy cover* Downtown.
- e) Ensure the risks to human health and safety from flooding downtown are minimized.
- f) Promote *development* that mitigates and adapts to climate change.
- g) Protect habitat of threatened and endangered species.
- h) Promote the clean-up of brownfields Downtown.

11.1.7.2 General Built Form and Site Development Policies

11.1.7.2.1

Schedule D identifies building height ranges to be permitted within the Downtown Secondary Plan Area. In general, the predominant mid-rise built form of Downtown shall be maintained with taller buildings restricted to strategic locations, including gateways that act as anchors for key streets. Taller buildings in these locations will have minimal direct impacts to existing neighbourhoods and the historic core of Downtown, and they will be outside protected *public view* corridors. In the height ranges contained on Schedule D, the lower number represents the minimum height in storeys for buildings and the higher number represents the maximum permitted height in storeys. The maximum heights recognize the Church of Our Lady's status as a landmark and signature building; it is the general intent that no building Downtown should be taller than the elevation of the Church. Exemptions from minimum height requirements may be permitted for utility and other buildings accessory to the main use on a site.

11.1.7.2.2

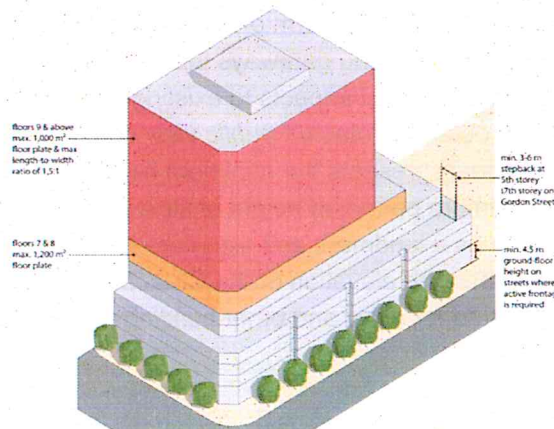
Notwithstanding Schedule D, the *Zoning By-law* may establish maximum building heights lower than those shown in order to maintain the protected long views to the Church of Our Lady, as generally identified in Schedule D. The *Zoning By-law* shall more precisely define the protected views and shall be amended, where appropriate, to reflect the location and scope of the views identified in Schedule D.

11.1.7.2.3

The following additional built form policies shall apply to all areas of Downtown:

- a) Generally, buildings shall be oriented towards and have their main entrance on a street or open space.
- b) Long buildings, generally those over 40 metres in length, shall break up the visual impact of their mass with evenly spaced vertical recesses or other architectural articulation and/or changes in material.

- c) Mechanical penthouses and elevator cores shall be screened and integrated into the design of buildings.
- d) Generally balconies shall be recessed and/or integrated into the design of the building facade. Exposed concrete balconies generally shall not be permitted.
- e) Residential pick-up and drop-off areas and lay-bys should be located on Secondary or Local Streets and/or Laneways, and not on Primary Streets.
- f) 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.
- g) 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 system (EIFS) and highly reflective glass, shall be strongly discouraged and may be limited through the implementation documents and by-laws.
- h) The massing and articulation of buildings taller than six storeys shall moderate their perceived mass and shadow impacts, provide appropriate transitions to areas with lower permitted heights, and contribute to a varied skyline in which the Church of Our Lady is most prominent. Generally, the maximum floorplate of any floor above the sixth storey, where permitted, shall be 1,200 square metres. Furthermore, the floorplates of floors above the eighth storey, where permitted, generally shall be a maximum of 1000 square metres and should not exceed a length to width ratio of 1.5:1.



11.1.7.2.4

The following general policies respecting parking, loading and servicing shall apply to all areas of downtown:

- a) 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.
- b) Loading and service areas generally shall be located in the interior of a development block, at the rear of building, where possible. Enclosed loading and servicing areas shall be encouraged. Where loading and servicing is visible at the rear or side of a building, it shall be screened.

- c) 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.
- d) Requirements for on-site parking for institutional, office and retail uses may be waived or reduced, subject to the Downtown Parking Strategy. Where parking for such uses is provided on site, it shall be located in underground or above-ground structures or surface parking lots at the rear of the building. However, new office or institutional buildings, with or without other uses on the ground floor, generally shall include at least one level of underground parking.
- e) Generally no parking shall be permitted between the front of a building and the street to help create pedestrian-oriented streetscapes.

11.1.7.2.5

The following policies shall apply to above-grade parking structures:

- a) Parking structures should generally be accessed by motor vehicles from a Local Street, Secondary Street or Laneway and should be located in the middle of a block where possible, behind other uses fronting the street.
- b) Parking structures on a street shall generally contain active uses on the ground floor subject to technical considerations and the entire façade shall be designed to appear as fenestrated buildings, with a regular articulation of openings and materials that are consistent in type and quality with those of surrounding buildings.
- c) Vehicular entrances to above-grade or underground parking structures on public streets shall be integrated into the design of the building.
- d) Pedestrian entrances to parking structures shall be clearly identified and well lit.

11.1.7.2.6

The use of the maximum Floor Space Index (FSI) to justify extra height, the use of the maximum height to justify extra density, or use of either of those regulations to deviate from the other built form policies of this plan will be deemed to meet neither the intent nor spirit of this plan.

11.1.7.3 Mixed Use 1 Areas

11.1.7.3.1

Mixed Use 1 areas, as identified on Schedule C, are intended to accommodate a broad range of uses in a mix of highly compact *development* forms. *Development* within this designation shall contribute to the creation of a strong urban character and a high-quality, pedestrian-oriented environment. Active uses that enliven the street are encouraged to locate on the ground floor of buildings and, as per Policy 11.1.7.3.4, shall be required on key streets.

11.1.7.3.2

The following uses may be permitted:

- a) retail and service uses, including restaurants and personal service uses;

STAFF REPORT

- b) multiple unit residential buildings, including apartments and townhouse dwellings;
- c) *live/work* uses;
- d) offices including medically related uses;
- e) entertainment and commercial recreation uses;
- f) community services and facilities;
- g) cultural, educational and institutional uses;
- h) public parking;
- i) hotels;
- j) parks, including urban squares; and,
- k) other employment uses that meet the intent of the principles, objectives and policies of the Downtown Secondary Plan and which are *compatible* with surrounding uses in regard to impacts such as noise, odour, loading, dust and vibration.

11.1.7.3.3

The minimum floor space index (FSI) in Mixed Use 1 areas shall generally be 1.5, except on properties fronting Elizabeth Street, where the minimum FSI shall generally be 1.0.

11.1.7.3.4

On key streets, active frontages will be achieved to reinforce the role of these streets or portions of streets as commercial, pedestrian-oriented, urban streetscapes. The following shall apply to *development* on properties where active frontage is required, as identified in Schedule C:

- a) Retail and service uses, including restaurants and personal service uses, or entertainment uses shall generally be required on the ground floors of all buildings at the street edge.
- b) Notwithstanding subsection 11.1.7.3.4 a), offices are also permitted on the ground floors of these properties; however, such uses shall be encouraged to locate in other locations Downtown to ensure Downtown's main streets maintain a strong retail character. The *Zoning By-law* may restrict the size of such new uses and/or their width along the street to ensure they do not detract significantly from the intended commercial function of the street.
- c) Buildings shall contribute to a continuous street wall that has a minimum height of 3 storeys, with infrequent and minimal gaps between buildings.
- d) The width of retail stores and the frequency of entrances shall contribute to a continuously active *public realm* and give the street wall a visual rhythm. The width of stores and restaurants may be limited through the *Zoning By-law* to ensure a rhythm of commercial entrances and avoid long distances between commercial entrances.
- e) Ground floor heights will generally be a minimum of approximately 4.5 metres floor to floor, and windows shall correspond appropriately to the height of ground floors. Generally, a large proportion of the street-facing ground floor wall of a new mixed-use building shall be glazed.

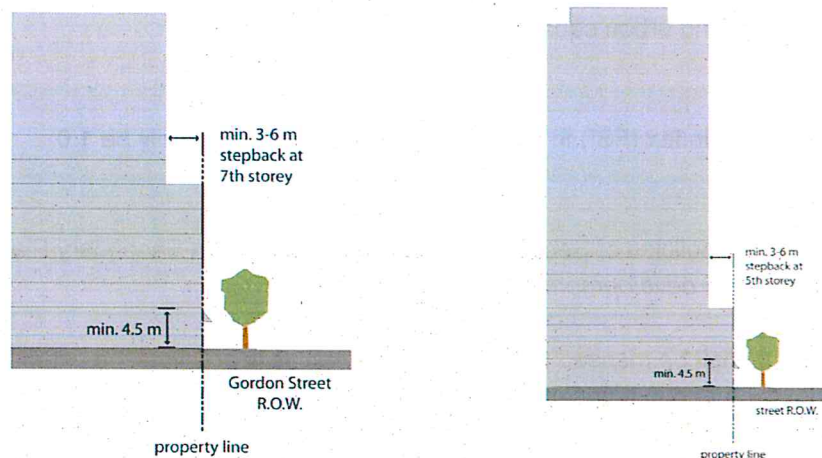
11.1.7.3.5

Generally buildings in Mixed Use 1 areas shall be built close to the front property line to help frame and

animate adjacent streets. The *Zoning By-law* shall establish maximum setbacks on streets where active frontages are required. On all other streets minimum and maximum setbacks shall be established. The *Zoning By-law* may include limited exceptions to the build-to lines and maximum setbacks while ensuring that a consistent streetwall is extended, maintained or established.

11.1.7.3.6

To respect the historic character of Downtown and ensure a human-scale pedestrian realm, buildings taller than 4 storeys in Mixed Use 1 areas shall generally have a substantial stepback above the fourth storey generally in the range of 3-6 metres minimum from the front of the building fronting a public street or park, except on Gordon Street and Wellington Street, where a stepback of generally 3-6 metres minimum is required above the sixth storey.



11.1.7.3.7

All buildings shall reflect their urban context and should have detailed and well articulated street level façades with high quality materials. Blank walls facing a street or public open space shall be avoided.

11.1.7.3.8

Generally, entrances to non-residential uses shall be flush with the sidewalk, for ease of access and to maintain a strong relationship to the street.

11.1.7.3.9

As identified on Schedule C, there are areas containing multiple properties west of the Speed River that represent significant opportunities for coordinated and integrated *redevelopment*: the Baker Street Property and the Wellington Street /Neeve Street Area. Each of these sites shall be developed based on comprehensive master plans for the site. Therefore, in addition to any other submissions required as part of a complete planning application for either of these two sites or any portion thereof, a detailed Urban Design Master Plan shall be prepared for the site by the applicant to the satisfaction of the City and in consultation with the community. The Urban Design Master Plan will be prepared in accordance with the policies of 11.1.8.5.

11.1.7.8 Residential 2 Areas

11.1.7.8.1

Residential 2 areas are those areas within Downtown where, based on the location, size and configuration of properties, high density forms of housing are appropriate. The following uses may be permitted:

- a) multiple unit residential buildings, including apartments and townhouse dwellings;
- b) *convenience commercial* uses with a gross floor area not greater than 500 square metres;
- c) artisan studios;
- d) small-scale offices with a gross floor area not greater than 500 square metres including medically related uses;
- e) *live/work* uses;
- f) community services and facilities; and
- g) parks, including urban squares.

11.1.7.8.2

The minimum floor space index (FSI) in Residential 2 areas shall generally be 1.0.

11.1.7.8.3

In addition to the general policies of Section 11.1 7.2 of the Downtown Secondary Plan, the following built form policies shall apply to *development* in Residential 2 areas:

- a) Buildings shall be massed to minimize as much as is practical the extent and duration of shadows on parks, adjacent residential uses, other public open space, private amenity space and retail streets in the spring, summer and fall.
- b) Where buildings greater than 6 storeys are permitted, the portion of a building above the sixth storey shall be substantially stepped back, generally greater than 3 metres from the edge of the building fronting a public street or park.
- c) All buildings should have detailed and well articulated street level façades with high quality materials. Blank walls facing a street or public open space shall be avoided.
- d) Apartment buildings shall generally be limited in length, generally to not more than 60 metres long, and blocks of townhouses shall generally not be more than 40 metres long.
- e) Where apartment buildings are greater than 4 storeys in Residential 2 Areas they shall generally incorporate 1-2 storey grade-related units (e.g. townhouses).

11.1.7.9 Open Space and Parks

11.1.7.9.1

Open Space and Parks shall be developed in accordance with the policies of Section 11.1.5.2 of the Downtown Secondary Plan. The following uses may be permitted:

- a) public and private recreational uses and facilities;
- b) parks;
- c) conservation lands;
- d) complementary uses, including cultural facilities.

11.1.7.9.2

Lands intended for open space and parks along the Speed River shall be subject to the policies of Section 11.1.6.4 and 11.1.7.10 of the Downtown Secondary Plan and the Natural Heritage System policies of the *Official Plan*.

11.1.7.11 Special Policies Applicable to St. Patrick's Ward Portion of the Planning Area

11.1.7.11.1

The area east of the Speed River includes a portion of the St. Patrick's Ward community ("The Ward") containing a mix of land uses including existing and former industrial lands. The Ward's unique, diverse and eclectic qualities result from its origin as a neighbourhood where places of employment and working-class houses existed side-by-side. The Ward is characterized by a mix of small lots, modest homes and historic industrial buildings, interspersed with neighbourhood-scale commercial and institutional buildings. Although the viability of neighborhood-scale shopping has declined recently, its legacy remains in both the architecture and memories of residents. In addition, its fine-grained pattern of narrow streets, angled streets, trails and laneways contribute to its walkability. Existing and former industrial sites are planned for *redevelopment* to both support growth objectives for Downtown and enhance The Ward as a neighbourhood. As land uses evolve, the character of The Ward's existing residential areas should be maintained.

11.1.7.11.2

As *redevelopment* adds more *compatible* uses and housing diversity to the neighbourhood, it should bring new public spaces, new connections for pedestrians, cyclists and vehicles, and other amenities. In considering *development* proposals in The Ward, the City shall have regard for the following overarching objectives for the community:

- a) relocate remaining heavy industrial uses;
- b) identify, conserve and re-use cultural heritage resources;
- c) clean-up contaminated sites;
- d) provide transitions to the general character of the low-rise areas of the community;
- e) ensure the use and form of *development* is *compatible* with its existing and planned surroundings;
- f) increase the quantity and quality of parkland and other public open spaces;
- g) improve connections through the neighbourhood, to the Downtown core, to the riverfront and along the riverfront for pedestrians and cyclists;
- h) minimize and mitigate traffic impacts from new *developments*; and
- i) ensure the community contains a mix of housing types, sizes and forms to accommodate households of all sizes and incomes.

11.1.7.11.3

As identified in Schedule C, there are two large sites within The Ward neighborhood that represent significant opportunities for *redevelopment*: the 5 Arthur Street property and the properties at 64 Duke Street and 92 Ferguson Street. Each of these sites shall be developed based on comprehensive Urban Design Master Plans. Therefore, in addition to any other submissions required as part of a complete

STAFF REPORT

planning application, prior to the rezoning and/or site plan approval of either of these two sites or any portion thereof, an Urban Design Master Plan shall be prepared for the site by the applicant to the satisfaction of the City and in consultation with The Ward community as set out in Section 11.1.8.5.

11.1.7.11.4

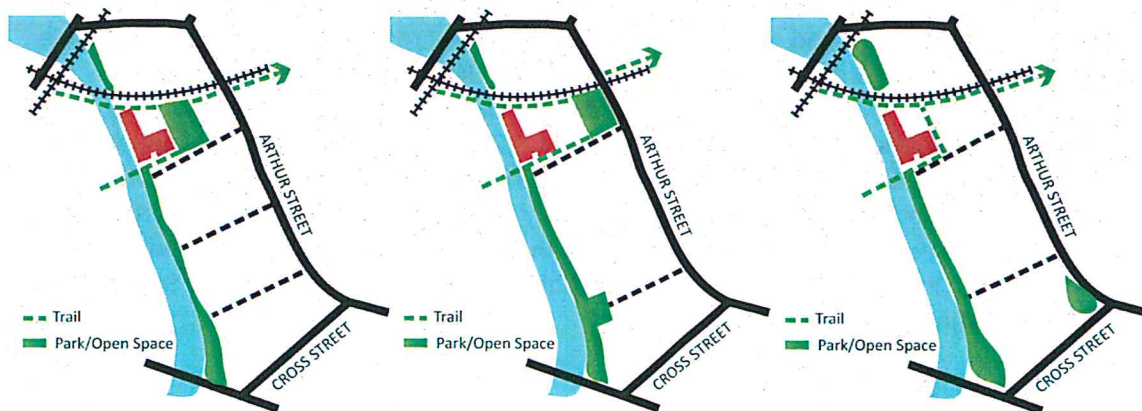
In addition to the provision of Section 11.1.8.5, the Urban Design Master Plan for the 5 Arthur Street property and subsequent *development* applications shall respond to the following principles:

- a) River's Edge Open Space – Create a substantial, functional and continuous public open space generally along the side of the river well connected to surrounding streets. The open space along the river may be composed of elements such as urban squares while providing for a continuous multi-use trail. It should encourage use by the public for a variety of appropriate uses. To this end, it should be configured to accommodate a range of park amenities and provide a sense of safety and comfort.
- b) Network of Connections – Establish a fine-grained network of publicly accessible open spaces and routes through the site, provide connections to the river, and allow for efficient pedestrian, bicycle and vehicular circulation. The plan should also create connections to the surrounding trails and open space system including anticipating a future pedestrian bridge adjacent to the Guelph Junction Railway bridge and another bridge across the river, generally aligned with a crossing of Wellington Street and connected to Arthur Street.
- c) Heritage Conservation and Interpretation – Reflect and respect the historic context of the neighbourhood. Conserve the historic stone building and other heritage resources on the site. Respect and complement the neighbourhood's heritage in the new built form. Interpret and respond to the previous industrial uses, for example, through public art or other interpretive elements.
- d) Public Views – Provide views through the site toward the river corridor and maintain key *public views*, including the view south along Arthur Street toward the Mill Lofts building. Take advantage of other desirable views, for example, views of the CN train bridge.
- e) Sensitive Built Form – New buildings should be massed and spaced to avoid a wall effect along the river and maintain sky views from public streets and open spaces as well as neighbouring properties. Buildings should vary in character, provide appropriate building breaks and articulation, step down to be compatible with existing nearby buildings and provide transition to the existing neighbourhood. Buildings should minimize shadow impacts on neighbouring properties.
- f) Pedestrian-Friendly Edges – Residential buildings should support the animation of surrounding streets and publicly-accessible open space by, for example, providing grade-related relationships where feasible such as many front doors and porches along public streets. Above-grade parking should be screened or concealed within the residential development. Surface parking should be limited and strategically located to minimize its visual impact. Waste, recycling and loading areas should also be internal to the site.

- g) Environmental Sustainability – *Development* should incorporate green energy strategies and other sustainable design features. The river corridor's ecological health should be enhanced while also balancing the need for recreational uses and heritage conservation along the river's edge.
- h) Housing Mix – *Development* should include a mix of unit types varying in size and affordability.

11.1.7.11.5

In addition to the provision of Section 11.1.8.5, the Urban Design Master Plan for the 5 Arthur Street property shall consider the arrangements of parks, open spaces, trails and publicly accessible routes. Three potential configurations are conceptually illustrated below however the actual configuration of the site's *public realm* elements, such as trails, urban squares and other open spaces may differ from these options and may be refined further as the site proceeds through the *development* approvals process. However, in addition to the trail proposed adjacent to the railway tracks, a minimum of two publicly accessible east-west connections will be provided between Arthur Street and the river at a dimension that ensures appropriate pedestrian comfort along the connections.



11.1.7.11.6

The general built form and land use policies of the Downtown Secondary Plan shall apply the 5 Arthur Street and 64 Duke Street and 92 Ferguson Street properties. In addition, the distance between the facing walls of portions of buildings greater than 6 storeys, shall be a minimum of approximately 25 metres.

11.1.7.11.7

The *Zoning By-law* based on the Urban Design Master Plan shall establish a maximum gross floor space index (FSI) for the 5 Arthur Street property of up to 2.0 FSI. The calculation of gross FSI shall include lands to be dedicated for public uses but shall not include structured parking or the historic stone building to be retained including minor additions. The City may consider allowing individual parcels of *development* within the site to vary from the FSI minimum and maximum, provided the applicant

demonstrates to the City's satisfaction that the maximum and minimum gross FSI on the entirety of the 5 Arthur Street property will be achieved. In addition, density bonusing may be considered in accordance with section 11.1.8.4 of the Downtown Secondary Plan.

11.1.7.11.8

Notwithstanding policy 11.1.7.3.2 of the Downtown Secondary Plan, the following uses shall not be permitted in the Mixed Use 1 areas identified on the 5 Arthur Street property:

- entertainment and large-scale commercial recreation uses; and
- hotels.

11.1.7.11.9

Commercial uses on the 5 Arthur Street property south of the existing historic stone building shall generally be small in scale and oriented to the surrounding community.

11.1.7.11.10

Schedule D shows two height categories for the 5 Arthur Street property: 2-4 storeys along Arthur Street and 4-12 storeys along the river. Unlike other sites in the Downtown, the 12-storey limit along the river is a general limit. The City acknowledges the need for some flexibility regarding maximum building heights on the site to allow for further detailed analysis and refinement through the Urban Design Master Plan. The intent of the Urban Design Master Plan, in addition to satisfying other policies of the Secondary Plan, will be to identify appropriate building heights that ensure built form *compatibility* with the surrounding neighbourhood, minimize and mitigate adverse shadow and view impacts, and contribute to an inviting and comfortable public realm within and adjacent to the site. Flexibility regarding height limits is intended to allow the maximum permitted density on the site to be achieved in a built form that responds appropriately to the conditions of the site and its surroundings while ensuring consistency with the other policies of this Plan and specifically the principles of Policy 11.1.7.11.4. Where it has been demonstrated through the Urban Design Master Plan to the City's satisfaction that the principles in Policy 11.1.7.11.4 have been met, limited additional height above 12 storeys may be permitted on appropriate portions of the site provided there is a variety of building heights along the river, on the site. Such exceptions for height will be implemented in the *Zoning By-law* and shall not require an amendment to the Secondary Plan nor shall they be subject to the bonusing.

11.1.8.4 Height and Density Bonusing

11.1.8.4.1

For the areas with maximum height limits of 8 storeys, 10 storeys or 12 storeys as identified on Schedule D, the City may in a by-law permit a maximum of two (2) additional storeys of height above the identified maximum and/or additional density (i.e. FSI) where such *development* provides public benefits beyond what would otherwise be required by the Downtown Secondary Plan in accordance with the *Planning Act*, and provided the proposed increase:

- a) is consistent with the principles, objectives and policies of the Downtown Secondary Plan;
- b) is *compatible* with the surrounding area;
- c) provides community benefits consistent with the Downtown Secondary Plan above and beyond those that would otherwise be provided under the provisions of the *Planning Act*, *Development Charges Act*, or other statute; and
- d) provides community benefits consistent with the Downtown Secondary Plan that bear a reasonable planning relationship to the increase in height and/or density including, at a

minimum, having a geographic relationship to the development and addressing the planning issues associated with the development.

11.1.8.4.2

Subject to 11.1.8.4.1, priority community benefits considered appropriate for the application of increased height and density in Downtown may include, but are not limited to:

- a) Contributions to riverfront parkland acquisition and development;
- b) The provision of public art;
- c) The provision of public parking;
- d) The provision of housing that is affordable to *low and moderate income households, special needs housing or social housing*;
- e) The adaptive re-use of cultural heritage resources within the Heritage Register;
- f) The provision of buildings that incorporate sustainable design features; and
- g) The provision of energy and/or water conservation measures that support the objectives of the Community Energy Plan.

11.1.8.4.3

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 the surrounding area.

11.1.8.4.4

A by-law passed under Section 34 of the *Planning Act* is required to permit increases in height and/or density. The by-law shall set out the approved height and/or density and shall describe the community benefits which are being exchanged for the increases in height and/or density. The landowner may be required to enter into an agreement with the City that addresses the provision of community benefits. The agreement may be registered against the land to which it applies.

11.1.8.5 Urban Design Master Plans

11.1.8.5.1

Where required in accordance with the policies of the Downtown Secondary Plan, the Urban Design Master Plan shall through text and diagrams provide a basis for reviewing and approving zoning by-law amendments and site plan applications and shall address the relevant policies of the Downtown Secondary Plan and the following additional items:

- a) location of public and/or private streets and laneways;
- b) location, size and configuration of parkland/open space on the site;
- c) location, uses and massing of buildings and their relationship to adjacent streets and open spaces;
- d) built form transitions to the surrounding community;
- e) shadow impacts;
- f) physical and visual connections to the immediate surroundings and broader downtown area;
- g) conceptual streetscape designs for internal streets and adjacent public streets to be improved;
- h) heritage attributes to be rehabilitated, conserved and retained in the proposed development;
- i) locations for heritage interpretation and/or public art;
- j) general location and lay-out of parking;

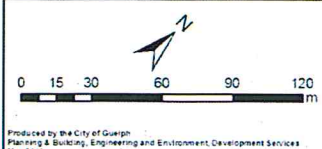
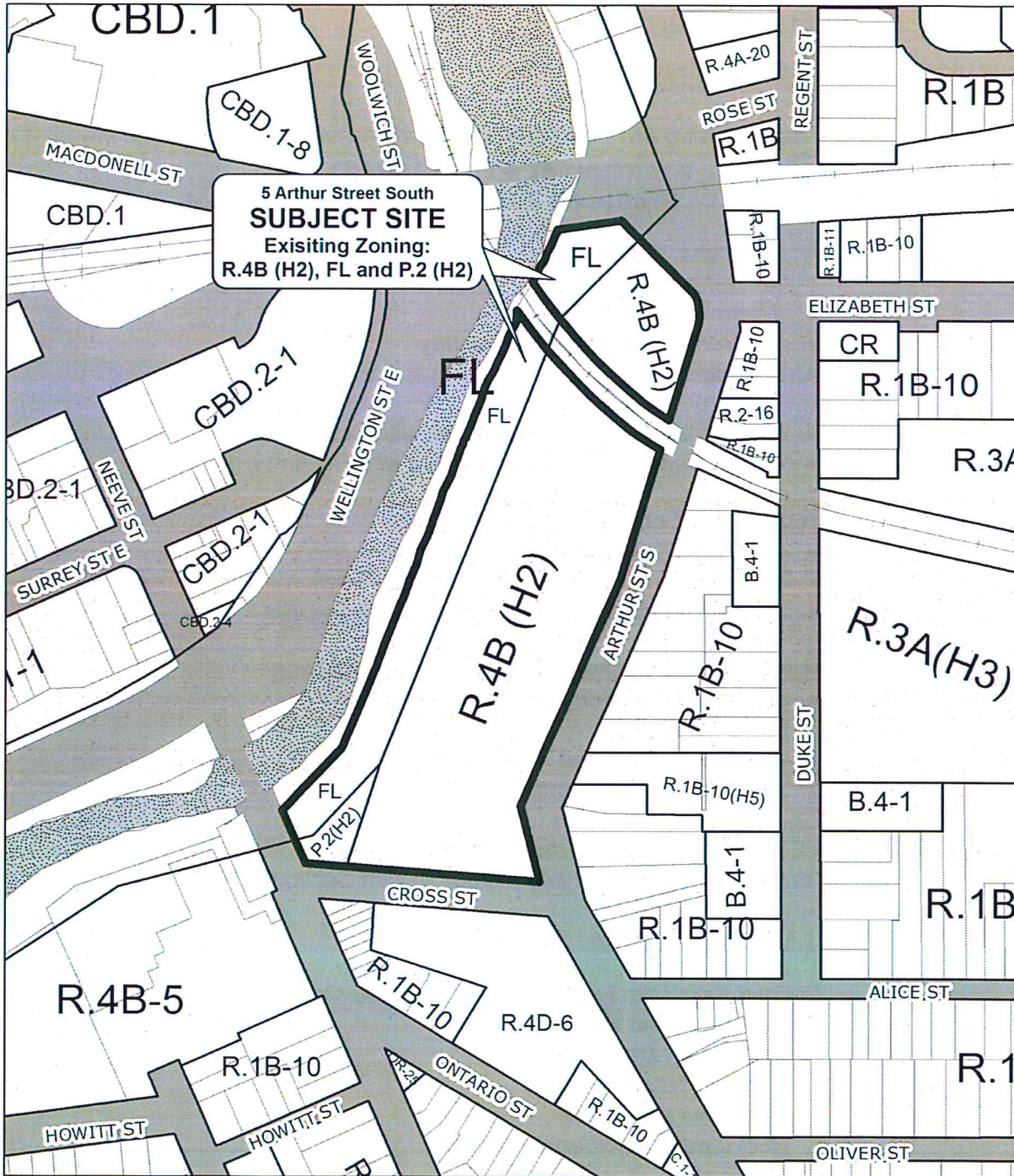
STAFF REPORT

- k) provision of affordable housing; and
- l) environmental features and elements that support the Community Energy Plan and the sustainability policies of the *Official Plan*.

11.1.8.5.2

Zoning by-law amendment and site plan applications, or any phases thereof, for properties subject to an Urban Design Master Plan shall demonstrate to the City's satisfaction that the proposed *development* is generally consistent with the applicable Urban Design Master Plan and will contribute to meeting the principles, objectives and applicable policies of the Downtown Secondary Plan. Urban Design Master Plans may be amended through future phases of development, provided the relevant policies of the Downtown Secondary Plan continue to be satisfied.

Attachment 4 Existing Zoning Details



5 ARTHUR STREET SOUTH EXISTING ZONING

Attachment 4 (continued) Existing Zoning Details

5.4 RESIDENTIAL APARTMENT (R.4) ZONES

5.4.1 PERMITTED USES

The following are permitted *Uses* within the Residential *Apartment* R.4 Zones: **Attachment 4 (continued)**

Proposed Zoning Details

5.4.1.1 R.4A - General Apartment Zone

- *Apartment Building*
- *Nursing Home*
- *Home for the Aged*
- *Retirement Residential Facility*
- *Maisonette*

- *Accessory Uses* in accordance with Section 4.23
- *Home Occupation* in accordance with Section 4.19.

5.4.1.2 R.4B - High Density Apartment Zone

- *Apartment Building*
- *Accessory Uses* in accordance with Section 4.23
- *Home Occupation* in accordance with Section 4.19.

5.4.1.3 R.4C - Central Business District Apartment Zone

- *Apartment Building*
- *Nursing Home*
- *Home for the Aged*
- *Retirement Residential Facility*

- *Accessory Uses* in accordance with Section 4.23
- *Home Occupation* in accordance with Section 4.19.
-

5.4.1.4 R.4D - Infill Apartment Zone

The R.4D *Zone* shall only be utilized within the boundaries indicated on Defined Area Map Number 66 of Schedule "A" of this *By-law*. The R.4D *Zone* shall permit the following:

- *Apartment Building*
- *Nursing Home*
- *Home for the Aged*
- *Retirement Residential Facility*
- *Maisonette*
-
- *Accessory Uses* in accordance with Section 4.23
- *Home Occupation* in accordance with Section 4.19.

ATTACHMENT 4 (continued) Existing Zoning Regulations – R.4B

5.4.2 REGULATIONS

Within the **Apartment R.4 Zones**, no land shall be **Used** and no **Building** or **Structure** shall be erected or **Used** except in conformity with the applicable regulations contained in Section 4 - General Provisions, the regulations set out in Table 5.4.2, and the following:

5.4.2.1 Minimum Side Yard - R.4A and R.4B Zones

Despite Row 8 of Table 5.4.2, where windows of a **Habitable Room** face on a **Side Yard**, such **Side Yard** shall have a minimum width of not less than 7.5 metres.

5.4.2.2 Minimum Distance Between Buildings- R.4A and R.4B Zones

Where two or more **Buildings** are located on any one **Lot**, the following regulations shall apply:

5.4.2.2.1 The distance between the face of one **Building** and the face of another **Building** either of which contains windows of **Habitable Rooms**, shall be one-half the total height of the two **Buildings**, and in no case less than 15 metres.

5.4.2.2.2 The distance between the faces of any two **Buildings** with no windows to **Habitable Rooms** shall be a minimum of 15 metres.

5.4.2.3 Minimum Distance Between Buildings - R.4C and R.4D Zones

Where two or more **Buildings** are located on any one **Lot**, the following regulations shall apply:

5.4.2.3.1 The distance between the faces of two **Buildings** which contain windows of **Habitable Rooms** shall be one-half the **Building Height** to a maximum of 30 metres and a minimum of 5 metres.

5.4.2.3.2 The distance between the faces of any two **Buildings** with no windows to **Habitable Rooms** shall be a minimum of 5 metres.

5.4.2.4 Minimum Common Amenity Area

5.4.2.4.1 An amount not less than 30 m² per dwelling unit for each unit up to 20. For each additional dwelling unit, not less than 20 m² of **Common Amenity Area** shall be provided and aggregated into areas of not less than 50 m².

5.4.2.4.2 **Amenity Areas** shall be designed and located so that the length does not exceed 4 times the width.

ATTACHMENT 4 (continued) Existing Zoning Regulations – R.4B

- 5.4.2.4.3 A **Common Amenity Area** shall be located in any **Yard** other than the required **Front Yard** or required **Exterior Side Yard**.
- 5.4.2.4.4 **Landscaped Open Space** areas, **Building** roof tops, patios, and above ground decks may be included as part of the **Common Amenity Area** if recreational facilities are provided and maintained (e.g. swimming pools, tennis courts, lounges, and landscaped areas).
- 5.4.2.5 Additional **Building** Regulations - R.4B Zone
- 5.4.2.5.1 Despite Row 10 of Table 5.4.2, properties **Zoned** R.4B or specialized R.4B as defined by this **By-law** within the "Older Built-Up Area Outside the CBD" as indicated on Defined Area Map Number 68 shall have a maximum **Building Height** of 6 **Storeys** and shall be in accordance with Sections 4.16 and 4.18.
- 5.4.2.5.2 Properties **Zoned** R.4B or specialized R.4B as defined by this **By-law** within the "Older Built-Up Area Outside the CBD" as indicated on Defined Area Map Number 68 shall use the R.4C **Zone** regulations as specified in Table 5.4.2 for the following: minimum **Front** and **Exterior Side Yard**, minimum **Side Yard**, minimum **Rear Yard**, minimum distance between **Buildings**, minimum **Common Amenity Area**, minimum **Landscaped Open Space**, and **Floor Space Index** (F.S.I.).

ATTACHMENT 4 (continued) Existing Zoning Regulations – R.4B

TABLE 5.4.2 - REGULATIONS GOVERNING R.4 ZONES

Row 1	Residential Type	General Apartment	High Density Apartment	Central Business District Apartment	Infill Apartment
2	Zones	R.4A	R.4B	R.4C	R.4D
3	Minimum Lot Area	650 m ²			
4	Minimum Lot Frontage	15 metres			
5	Maximum Density (units/ha)	100	150	200	100
6	Minimum Front and Exterior Side Yard	6 metres and as set out in Section 4.24.		3 metres and in accordance with Section 4.24.	
7	Maximum Front and Exterior Side Yard	-----		6 metres	
8	Minimum Side Yard	Equal to one-half the Building Height but not less than 3 metres and in accordance with Section 5.4.2.1.		Equal to one-half the Building Height but in no case less than 3 metres, except where adjacent to any other R.4, Commercial, Industrial or Institutional Zone . In these circumstances, a minimum of 3 metres is required.	
9	Minimum Rear Yard	Equal to 20% of the Lot Depth or one-half the Building Height , whichever is greater, but in no case less than 7.5 metres.		Equal to 20% of the Lot Depth or one-half the Building Height , whichever is greater, but in no case less than 7.5 metres, except where adjacent to Commercial, Industrial or Institutional Zones . In these circumstances, a minimum of 7.5 metres is required.	
10	Maximum Building Height	8 Storeys and in accordance with Sections 4.16, 4.18 and Defined Area Map No. 68.	10 Storeys and in accordance with Sections 4.16, 4.18, 5.4.2.5 and Defined Area Map No. 68.	6 Storeys and in accordance with Sections 4.16, 4.18, 6.3.2.3 and Defined Area Map No. 68.	4 Storeys and in accordance with Sections 4.16, 4.18 and Defined Area Map No. 68.
11	Minimum Distance Between Buildings	See Section 5.4.2.2.		See Section 5.4.2.3.	
12	Minimum Common Amenity Area	See Section 5.4.2.4.		None required.	
13	Minimum Landscaped Open Space	20% of the Lot Area for Building Heights from 1 - 4 Storeys and 40% of the Lot Area for Buildings from 5 - 10 Storeys .		The Front Yard of any Lot , excepting the Driveway , shall be landscaped. In addition, no parking shall be permitted within this Landscaped Open Space .	
14	Off- Street Parking	In accordance with Section 4.13.			
15	Buffer Strips	Where an R.4 Zone abuts any other Residential Zone or any Institutional, Park, Wetland, or Urban Reserve Zone , a Buffer Strip shall be developed.			
16	Accessory Buildings or Structures	In accordance with Section 4.5.			
17	Garbage, Refuse Storage and Composters	In accordance with Section 4.9.			
18	Floor Space Index (F.S.I.)	1	1.5	2	2
19	Fences	In accordance with Section 4.20.			

STAFF REPORT

ATTACHMENT 4 (continued) Existing Zoning Regulations – P.2

Permitted Uses:

9.1.2 Neighbourhood Park (P.2) **Zone**

Conservation Area

Informal Play Area

Municipal Parkland or recreation area

Outdoor skating rink

Outdoor Sportsfield Facilities

Picnic areas (consisting of a maximum of 4 tables)

Play Equipment

Public washroom

Recreation Trail

Wading pool and/or water spray

TABLE 9.2 - REGULATIONS GOVERNING THE P.2, P.3, P.4 AND P.5 ZONES

Row	Park Zones	Neighbourhood (P.2) Park	Community (P.3) Park	Regional (P.4) Park	Commercial Recreation (P.5) Park
2	Minimum Lot Area	----			1,200 m ²
3	Minimum Lot Frontage	50 metres. Despite this minimum, a Lot Frontage calculation formula of 1 metre of frontage for every 100 m ² of park space is required.			30 metres
4	Minimum Side and Rear Yard	7.5 metres.			
5	Minimum Front Yard	6 metres from the Street Line and as set out in Section 4.24.			
6	Off-Street Parking	In accordance with Section 4.13 and the following: Off- Street parking shall be a minimum of 7.5 metres from the Street Line .			In accordance with Section 4.13.
7	Off-Street Loading	In accordance with Section 4.14.			
8	Accessory Buildings or Structures	In accordance with Section 4.5.			
9	Fences	In accordance with Section 4.20. Despite the preceding, Sections 4.20.2 and 4.20.3 shall not apply to fence screens associated with Outdoor Sportsfield Facilities .			

ATTACHMENT 4 (continued) Existing Zoning Regulations – FL Excerpts

12.2 FLOODWAY (FL) ZONE

The *Floodway (FL) Zone* applies to *Floodway* lands within the *City*. No permanent *Structures* or *Buildings* are permitted in this *Zone*. The following permitted *Uses* are intended to provide for *Development* of low impact recreational facilities which have limited *Structures* and *Buildings* and require locations within or adjacent to the Speed and Eramosa Rivers.

12.2.1 Permitted Uses

The following are permitted *Uses* within the *Floodway (FL) Zone*:

Conservation Area

Flood Control Facility

ambulance service

Outdoor Sportsfield Facilities (approved by the Grand River Conservation Authority)

Picnic Area (no limit on number of tables)

Recreation Trail

Wildlife Management Area

12.2.2 Regulations

12.2.2.1 No *Buildings* or *Structures* or placement of fill is permitted within the *Floodway (FL) Zone* except when associated with *Flood* or erosion control measures approved by the Grand River Conservation Authority.

12.2.2.1.1 Notwithstanding Section 12.2.2.1, *Buildings* or *Structures* associated with a municipal sewage treatment facility shall be permitted within the *Floodway (FL) Zone* subject to the approval of the Grand River Conservation Authority.

12.2.2.2 Any expansion, reconstruction, or extension of any existing *Use* shall be subject to the “Fill, Construction and Alteration to Waterways” regulations of the Grand River Conservation Authority, and in consultation with the Ministry of Natural Resources.

12.2.2.3 *Buildings* and *Structures* within the *Floodway (FL) Zone* which existed legally prior to the passage of this *By-law* shall be deemed legal non-conforming.

ATTACHMENT 4 (continued) Existing Zoning Regulations – FL Excerpts

12.4 REGULATIONS FOR LANDS WITHIN THE SPECIAL POLICY AREA (S.P.A.)²

Despite Section 4.2, no lands which have a shading pattern indicating Special Policy Area on the Defined Area Maps shall be **Used** and no **Building** or **Structure** shall be erected, located or **Used** thereon except in accordance with the regulations prescribed in this **By-law** for the **Zone** in which such lands are located and the regulations prescribed below:

12.4.1 Restricted Uses

12.4.1.1 **Development** or **Redevelopment** is not permitted within the **Hydraulic Floodway**.

12.4.1.2 **Hotels** may be permitted if the **Use** can be **Floodproofed** to the **Regulatory Flood** level and **Safe Access** can be provided.

12.4.1.3 Within the S.P.A., **Vehicle Service Stations**, **Vehicle Gas Bars** and other **Uses** involving the **Manufacture**, disposal, consumption or storage of chemical, flammable, explosive, toxic, corrosive or other dangerous materials shall not be permitted.

12.4.1.4 Within the S.P.A., **Parking Facilities** shall be designed to the satisfaction of the **City** and the Grand River Conservation Authority.

12.4.2 General Floodproofing Requirements

Floodproofing shall be required for all forms of **Building** activity within the S.P.A. to the satisfaction of the **City** and the Grand River Conservation Authority.

² Anyone who proposes to undertake the development or redevelopment of lands which are shaded on the Defined Area Zoning Maps is reminded that the approval of the Grand River Conservation Authority pursuant to regulations made under the Conservation Authorities Act, R.S.O. 1990, Chapter C.27, or any successor thereof, may be required in addition to any requirements of this by law.

ATTACHMENT 4(continued)

Existing Zoning Regulations – FL Excerpts

- 12.4.2.1 Any new **Building** or **Structure** shall be designed such that its structural integrity is maintained during a **Regulatory Flood**.
- 12.4.2.2 All forms of **Floodproofing**, as outlined in the “Implementation Guidelines of the Provincial Policy Statement on Flood Plain Planning”, may be **Used** to achieve the necessary **Floodproofing** requirements of this **By-law**.
- 12.4.3 **Floodproofing Requirements for Residential Uses**
- The following regulations apply to the **Renovation** of, intensification of, **Conversion** to, and **Development** or **Redevelopment** of residential **Uses**..
- 12.4.3.1 **Renovation** of existing residential **Buildings** shall be permitted provided any new **Habitable Floor Space** is not lower than the elevation of the existing ground floor level.
- 12.4.3.2 Residential intensification, comprising the **Building** of a new **Single Detached, Semi-Detached** or **Duplex Dwelling** on an existing vacant **Lot**, or adding an additional unit to an existing **Single Detached, Semi-Detached**, or **Duplex Dwelling** or the creation of a new **Lot** for a **Single Detached, Semi-Detached**, or **Duplex Dwelling**, shall be permitted provided that the new **Building** or **Structure** is **Floodproofed** to an elevation no lower than 1 metre below the **Regulatory Flood** level; and
- 12.4.3.2.1 the **Habitable Floor Space** is constructed to an elevation equal to, or greater than the elevation of at least one of the adjacent **Buildings** but in no case lower than 1 metre below the **Regulatory Flood** level;
- 12.4.3.2.2 basements will only be permitted in instances where the elevation of the basement floor is greater than the elevation of 1 metre below the **Regulatory Flood** level. In instances where this basement floor level elevation cannot be achieved, a crawl space of a maximum height of 1.2 metres may be permitted to facilitate servicing;
- 12.4.3.2.3 mechanical, electrical and heating equipment will be located no lower than 1 metre below the **Regulatory Flood** level; and
- 12.4.3.2.4 access is available to an elevation no lower than 1 metre below the **Safe Access** level.
- 12.4.3.3 **Conversion** of a non-residential **Building** to a residential **Use** will be permitted provided the **Building** is **Floodproofed** to an elevation no lower than 1 metre below the **Regulatory Flood** level; and

ATTACHMENT 4 (continued) Existing Zoning Regulations – FL Excerpts

- 12.4.3.3.1 the **Habitable Floor Space** elevation of any new residential unit is located at an elevation no lower than 1 metre below the **Regulatory Flood** level;
- 12.4.3.3.2 mechanical, electrical and heating equipment will be located no lower than 1 metre below the **Regulatory Flood** level; and
- 12.4.3.3.3 access is available to the site at an elevation no lower than 1 metre below the **Safe Access** level.
- 12.4.3.4 **Development** and **Redevelopment** of new Residential Units shall be permitted provided that the new **Building** and related **Structures** are **Floodproofed** to the **Regulatory Flood** level; and
- 12.4.3.4.1 the **Habitable Floor Space** of any new residential unit is constructed to an elevation equal to or greater than the **Regulatory Flood** level;
- 12.4.3.4.2 windows, doors and other **Building** openings for any new residential unit will be located above the **Regulatory Flood** level;
- 12.4.3.4.3 mechanical, electrical and heating equipment for any new residential unit will be located above the **Regulatory Flood** level;
- 12.4.3.4.4 access is available to the site at an elevation no lower than 1 metre below the **Safe Access** level; and
- 12.4.3.4.5 unenclosed **Parking Facilities** shall be located at or above an elevation of the **100 Year Flood** level. Enclosed facilities shall be **Floodproofed** to the **Regulatory Flood** level.
- 12.4.4 **Floodproofing Requirements for Non-Residential Uses**
- In addition to the requirements of Section 12.4.2, the **Renovation** of, **Conversion** to, and **Development** and **Redevelopment** of non-residential **Uses** shall be permitted provided that:
- 12.4.4.1 the **Building** or **Structure** is **Floodproofed** to a minimum elevation no lower than 1 metre below the **Regulatory Flood** level;
- 12.4.4.2 The minimum elevation of any floor area is at or above the **100 Year** level.

ATTACHMENT 4 (continued) Existing Zoning Regulations – (H2) Conditions

2.9.1(ii) (H2) 5 Arthur Street South (Defined Area Map #38)

Purpose:

To ensure that high density apartment and parkland development does not occur until the completion of certain conditions to the satisfaction of the *City*.

Interim Uses:

Manufacturing, Tradesperson's Shop, Warehousing and Repair Service.

Prior to the removal of the holding symbol "H", the owner shall complete the following conditions to the satisfaction of the *City*:

1. Infrastructure Study

An infrastructure Study satisfactory to the *City* must be completed to assess the impacts of this proposal. The Study will assess the traffic impacts of this proposal with respect to road, sidewalk and signal requirements and will evaluate sewer and water system demands and capacities along with the structural condition of the existing services. It will also recommend works required to provide adequate infrastructure necessary for the development and make recommendations with respect to the phasing and financing of the required work.

2. Decommissioning

The owner will be required to complete the decommissioning of the lands in accordance with the Ministry of the Environment and Energy's "Guidelines for Use at Contaminated Sites in Ontario, June 1996", as amended from time to time, or any successor thereto.

3. Noise and Vibration Study

The owner will be required to conduct a Noise and Vibration Study as provided for in the Official Plan for the City of Guelph for the lands adjacent to the CN lines and a similar study as it relates to the Guelph Junction Railway lands provided the said lands have not been officially abandoned for railway purposes.

4. Heritage Resources

The owner agrees to negotiate reasonably with Guelph LACAC, the City of Guelph, and the Grand River Conservation Authority to determine what portions of the exterior of the existing limestone buildings, as shown on "Illustration of Heritage Building, 5 Arthur Street South" Section 2.9.1 (ii), are of historical or architectural significance and should be retained, and

ATTACHMENT 4 (continued) Existing Zoning Regulations – (H2) Conditions

to further review and determine to what uses those said portions of the existing limestone building should be put as part of the redevelopment of the property and whether further zoning amendments to permit additional *Uses* may be desirable.

The owner further agrees that for a period of one year from the Ontario Municipal Board endorsement of the executed Minutes of Settlement or until a successful settlement as set out above has been negotiated, whichever occurs first, the owner will not demolish or materially alter the exterior portions of the *Building* and agrees to maintain the said exterior portions of the existing *Building* in a safe and secure condition.

5. Site Plan

The owner shall submit to the *City*, in accordance with Section 41 of The Planning Act, R.S.O. 1990 c.P.13, as amended from time to time or any successor thereof, a fully detailed site plan (complete with the *Building* elevations) to the satisfaction of the Director of Planning and Business Development, the Director of Works, the Director of Community Services, and the Grand River Conservation Authority and the owner shall enter into a satisfactory Site Plan Agreement with the *City*, which Agreement shall include, in addition to the usual Site Plan matters, the following conditions:

- a) The owner will be responsible for the cost of all road improvements and traffic control devices recommended by the Infrastructure Study, which are attributable to this development.
- b) The owner will be required to provide road widenings to accommodate the road improvements recommended by the Infrastructure Study, which are attributable to this development.
- c) The owner will be responsible for the cost of all improvements required to the municipal services identified by the Infrastructure Study, which are attributable to this development.
- d) The owner will be responsible for the cost of all service laterals required.
- e) The owner will be required to have a Professional Engineer design a grading plan and storm water management system for the site incorporating a control flow weir and a connection to the storm sewer, satisfactory to the Director of Works.
- f) The owner will be required to grade, develop and maintain the site including the storm water management facilities designed by a

ATTACHMENT 4 (continued) Existing Zoning Regulations – (H2) Conditions

Professional Engineer, in accordance with a Site Plan that has been submitted to and approved by the Director of Works.

Furthermore, the owner shall have the Professional Engineer who designed the storm water management system certify to the **City** that he or she supervised the construction of the storm water management system and that the storm water management system was built as it was approved by the **City** and that it is functioning properly.

- g) The owner will be required to fence the property line between the sites and the Guelph Junction Railway lands with eighteen hundred (1800mm) millimetre black vinyl coated chain link **Fence** unless the lands have been officially abandoned by the Guelph Junction Railway for railway purposes, in which case the property shall be demarcated in accordance with the **City's** Property Demarcation Policy.
- h) The owner shall provide a road widening of approximately 1.5 metres in width across the frontage of Elizabeth Street as indicated as Part 22 on the proposed reference plan submitted by the owner.
- i) The owner will be required to pay the cost to reconstruct the deteriorated sections of the curb and gutter and sidewalk along the property's frontage along Cross Street, Arthur Street and Elizabeth Street to the satisfaction of the Director of Works.
- j) The owner will be required to provide six (6m) metre wide easements for each of the storm and sanitary sewers located on the property.
- k) The owner will be required to remove the existing industrial railway siding where it crosses Arthur Street.
- l) The owner shall obtain permission for any additional railway crossings proposed from the Guelph Junction Railway and any other agencies with authority.
- m) The owner shall meet all requirements of the Special Policy Area of the Official Plan.
- n) The owner will be required to incorporate noise and vibration attenuation measures in the development in accordance with the recommendations contained in the required Noise and Vibration Study.

ATTACHMENT 4 (continued) Existing Zoning Regulations – (H2) Conditions

- o) The owner will be required to pay development charges to the **City** in accordance with Development Charges By-law (1994)-14553, as amended from time to time, or any successor thereof, prior to the issuance of a building permit, at the rate in effect at the time of the issuance of a building permit.
 - p) The **City** will, for a period of two (2) years after the passage of the by-law removing the holding symbol (H), reserve water supply and sewage treatment plant capacity for the lands, equivalent to the volume of the current industrial **Use** (as of January 6, 1997). If the owner has not applied for a building permit for residential development on the lands within two (2) years following the removal of the holding symbol (H), water supply and sewage treatment capacity will then be made available on the same basis as for other projects in the **City**.
 - q) The owner shall construct a sidewalk along the frontage of Arthur Street from Elizabeth Street to Cross Street, including sufficient boulevard. To do this the owner may be required to provide a widening across the frontage of this property. The widened street line shall be located 4.5 metres behind the back of the existing curb in order to provide a 2 metre wide boulevard and a 1.5 metre wide sidewalk located one metre from the street line.
 - r) The owner shall meet all requirements of Guelph Hydro, including the provision of easements and agreements with Guelph Hydro, in order to provide the subject property with hydro services to the satisfaction of Guelph Hydro.
6. Deed to the **City**
The owner shall make arrangements satisfactory to the **City** providing for a quit claim deed to the **City**, for the portion of the said lands under the Speed River.
7. Parkland Dedication
The owner shall make arrangements satisfactory to the **City** providing for a deed to the **City** for land for a public walk from the lands known municipally as 5 Arthur Street South, to be constructed by the Owner and maintained by the **City**.

The owner agrees that the location of the said public walk shall be satisfactory to the Director of Community Services and extend from the Speed River to a point at least fifteen (15m) metres from the top of the bank, and shall contain a minimum of 0.662 hectares, excluding the limestone **Building**, which shall be part of the parkland dedication to the **City** in accordance with By-law (1989)-13410, as amended from time to

ATTACHMENT 4 (continued) Existing Zoning Regulations – (H2) Conditions

time or any successor thereof for the properties known municipally as 5 Arthur Street South.

The owner further agrees to construct an eight (8) foot wide asphalt walk and to grade, topsoil, sod and demarcate the park block at the owner's expense, according to the Recreation & Park's Parkland Development Specifications and the **City's** Property Demarcation Policy to the satisfaction of the Director of Community Services, prior to the occupancy of any future development or redevelopment on the said lands.

8. Phasing

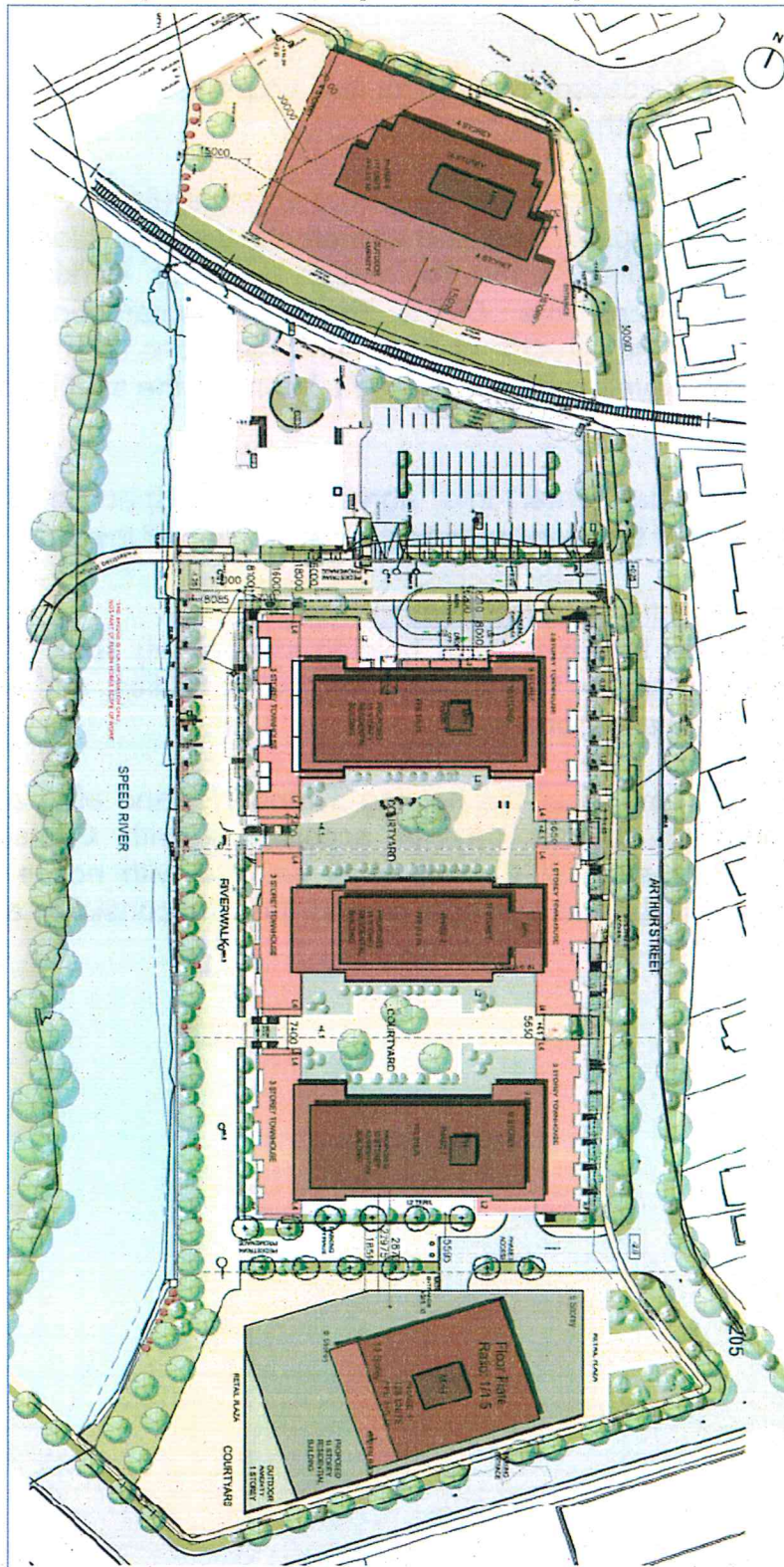
The owner shall enter into agreement(s) respecting phasing of the development of the said lands to the satisfaction of the **City**.

9. Agency Circulation and Information Meeting

An application to remove the holding symbol (H) shall be circulated for comment and review to such persons, public bodies, and agencies as the **City** considers appropriate.

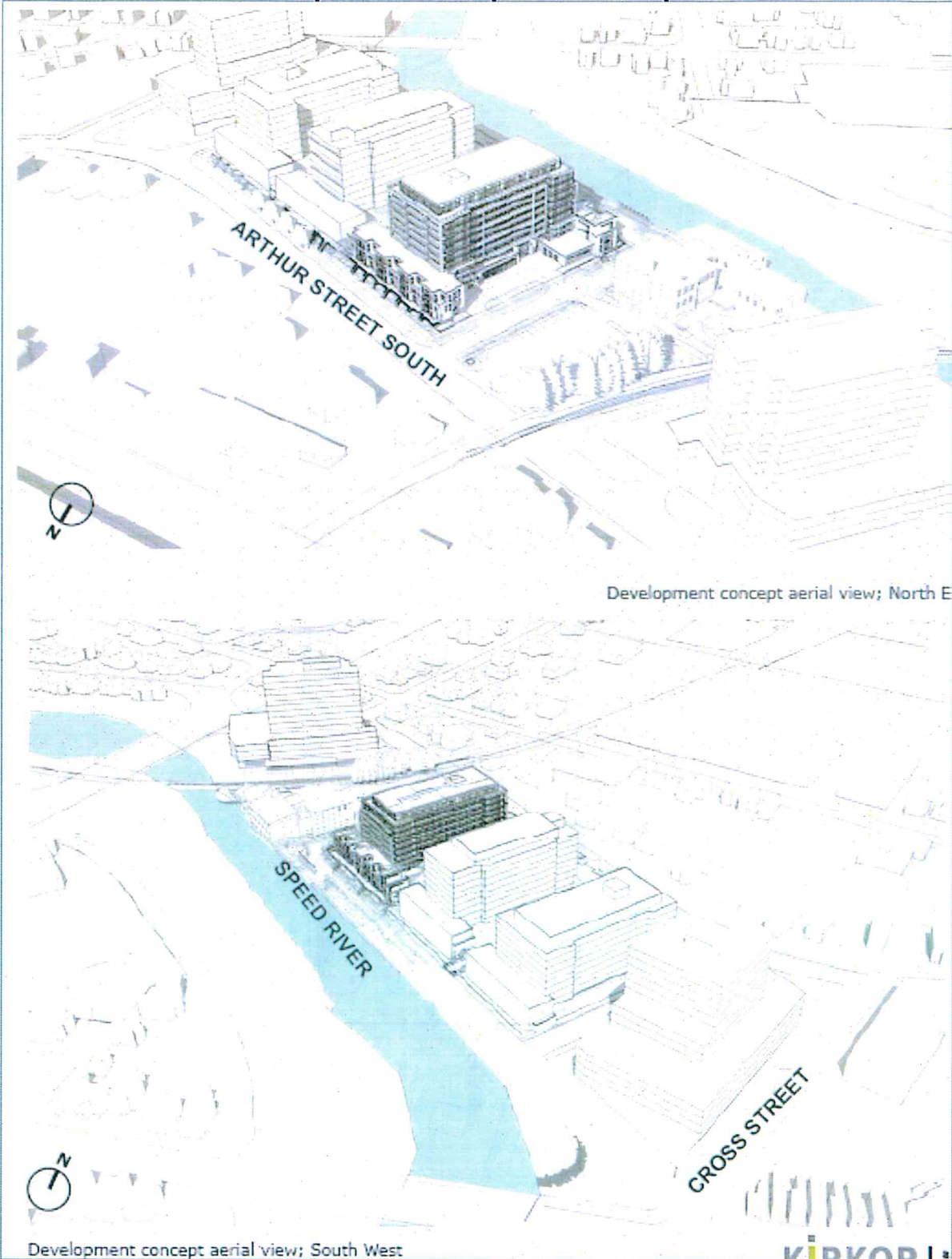
Prior to the removal of the holding symbol (H) and after a Site Plan has been provided to the **City** in accordance with Clause 1, a public Information Meeting of Council shall be held with notice given to such persons, public bodies and agencies as the **City** considers appropriate.

Attachment 5 Proposed Development Concept Plan

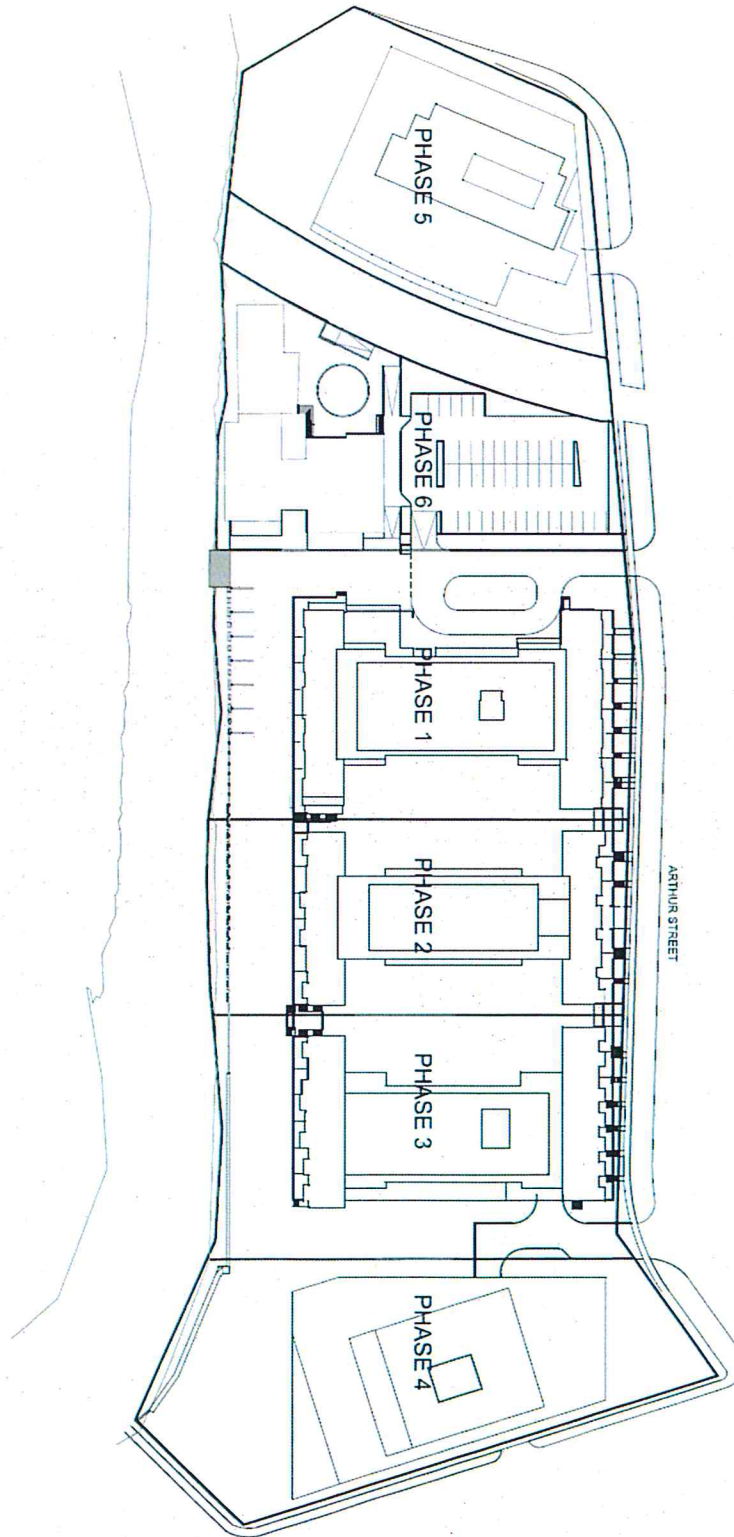


STAFF REPORT

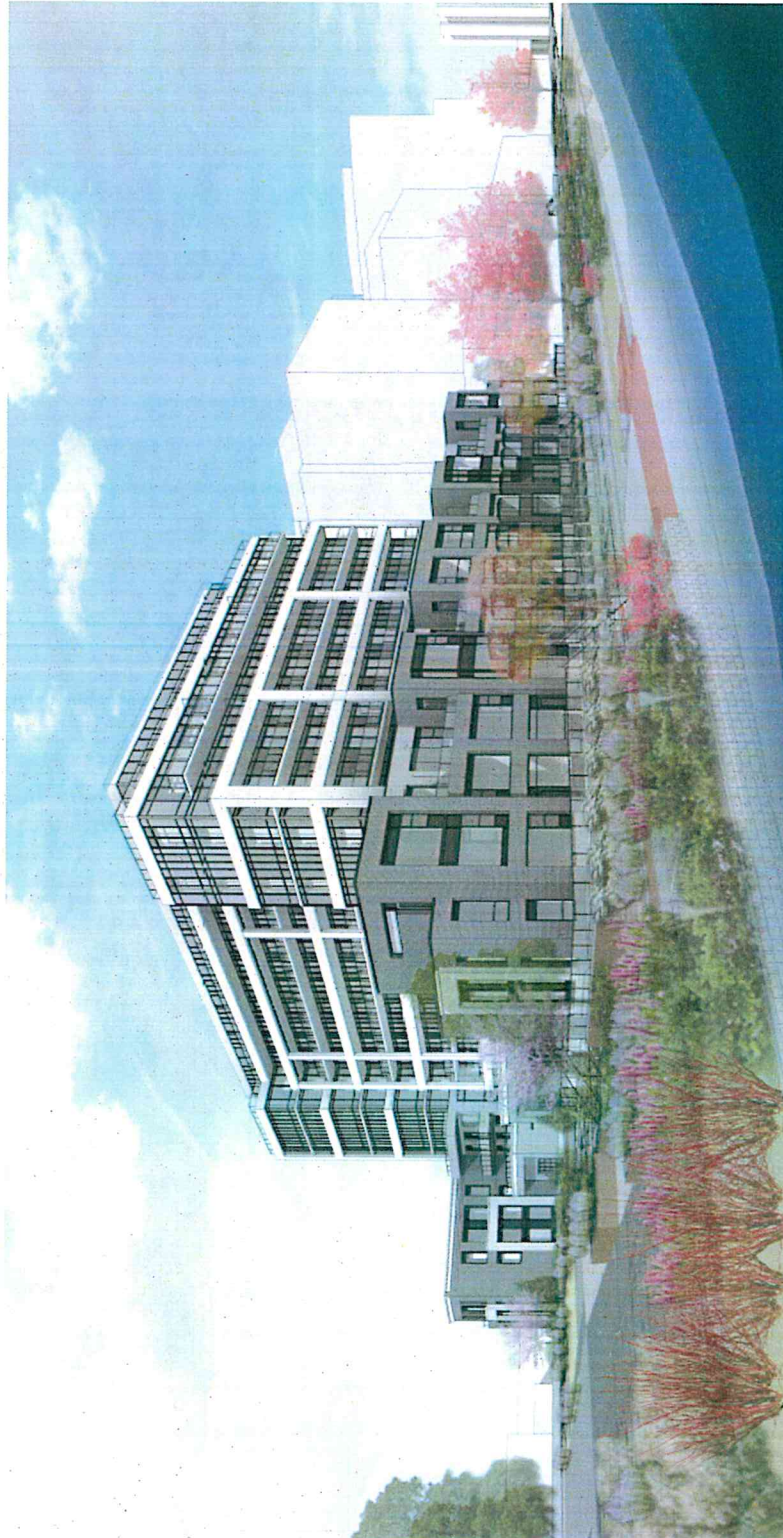
Attachment 5 (continued) Proposed Development Concept



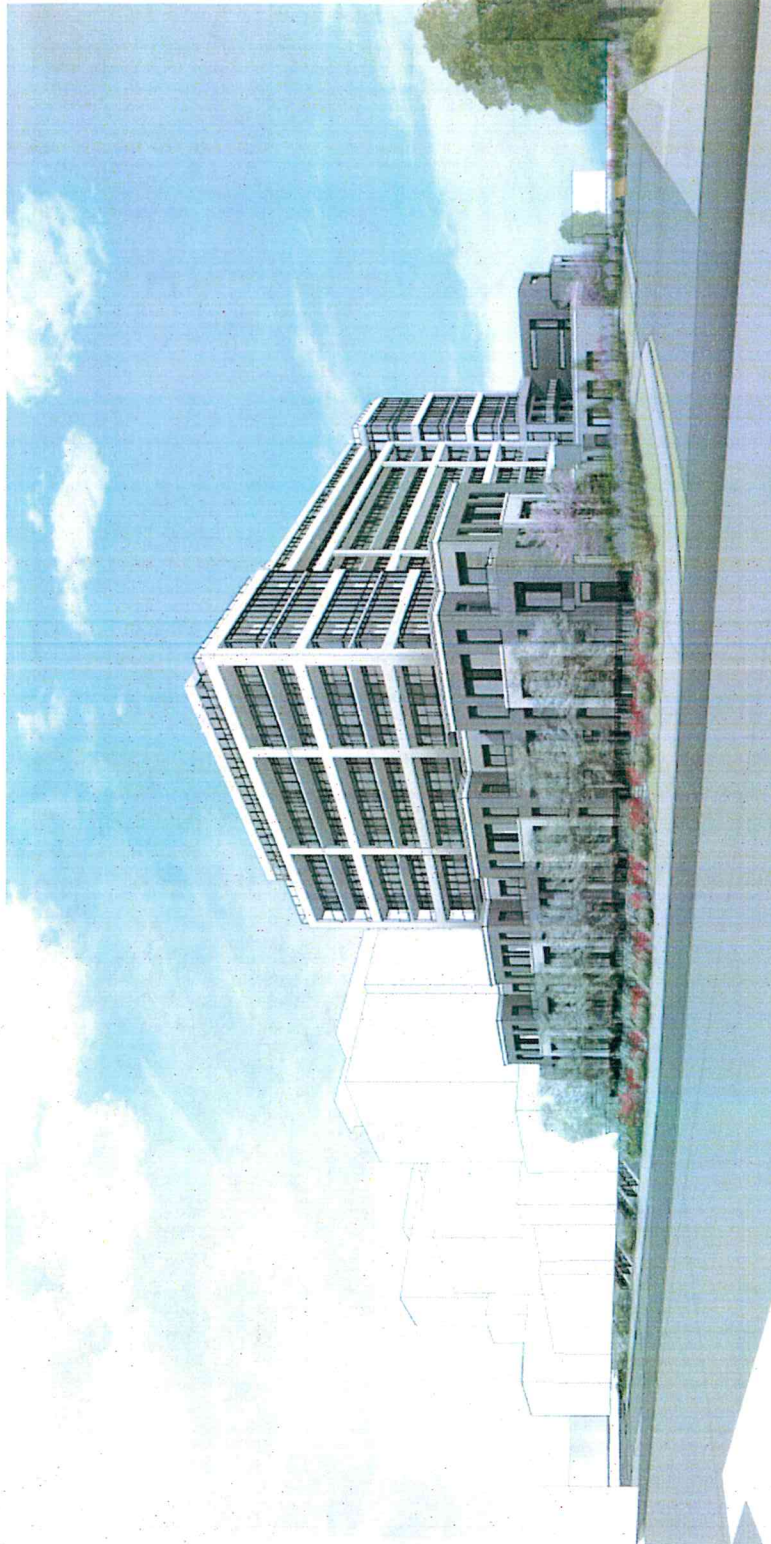
Attachment 6 Proposed Phasing Plan for Development



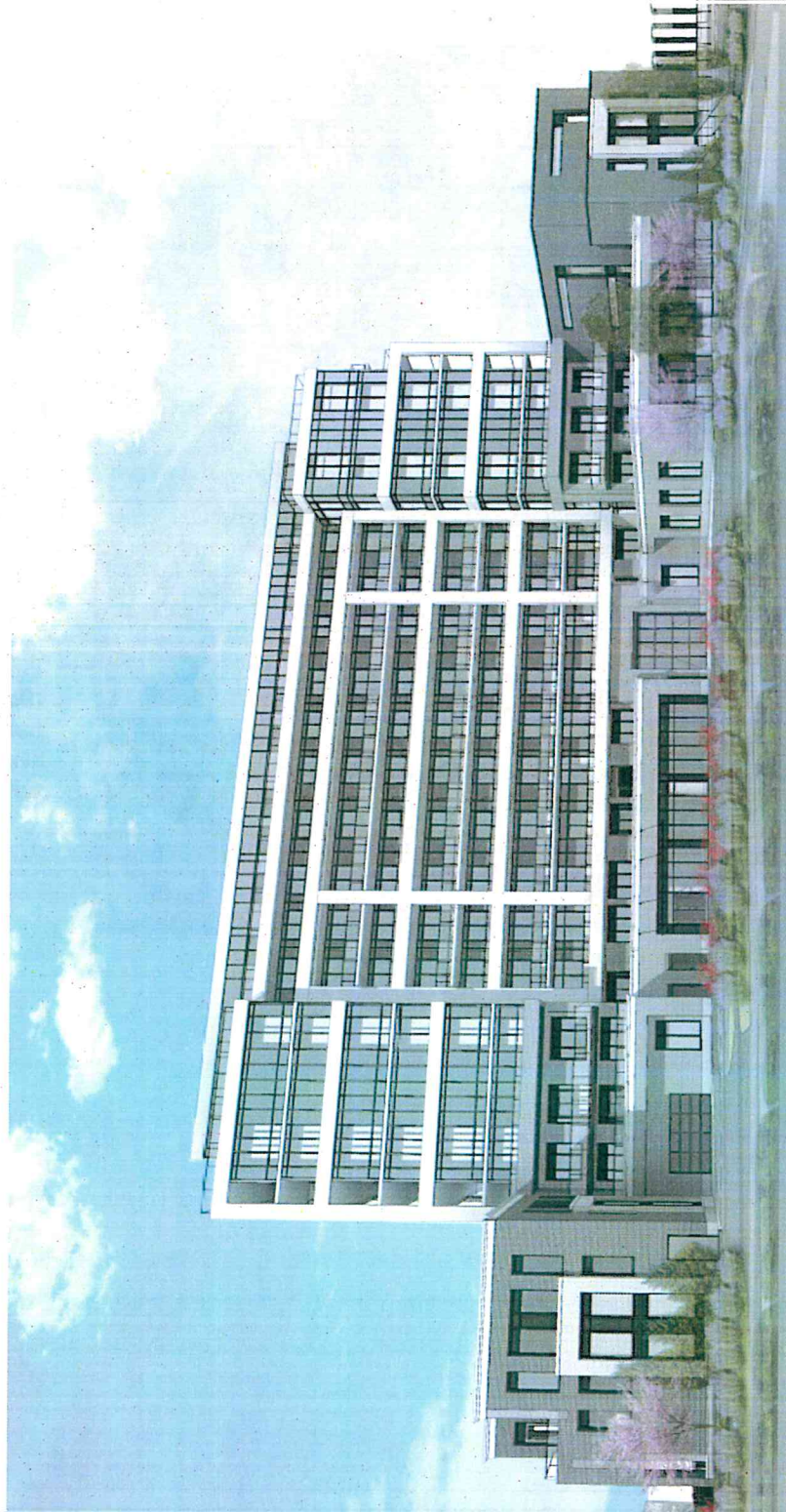
Attachment 7
Proposed Building Elevations – Phase #1
View towards Building #1 from River



Attachment 7
Proposed Building Elevations (continued)
View of Building #1 from Arthur Street South

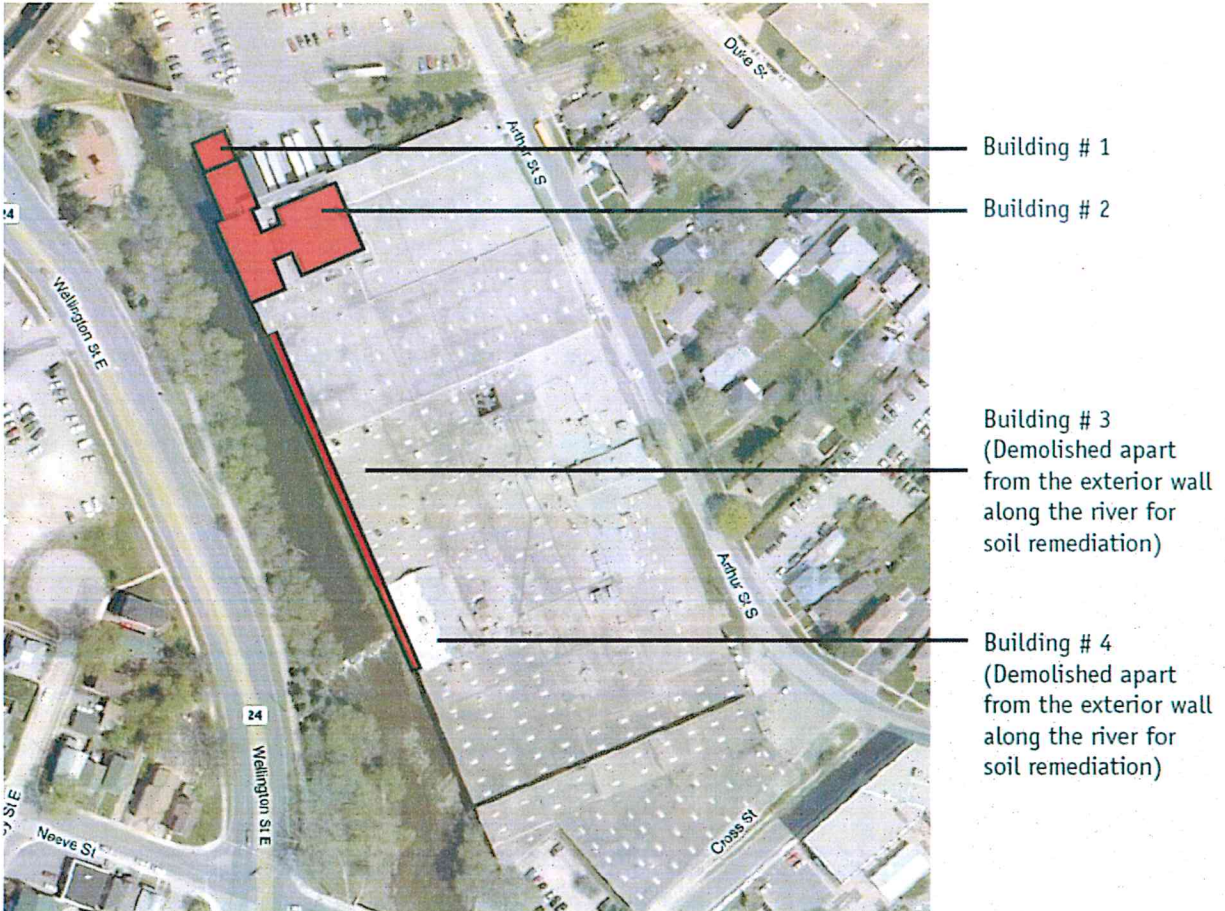


**Attachment 7
Proposed Building Elevations (continued)
View of the Front Face (North Side) of Building #1**



Attachment 8

Location of Heritage Buildings on Site



2. Map of identified heritage buildings on subject site.
(Source: ERA Architects)

Attachment 9

Planning Staff Analysis

Provincial Policy Statement and Places to Grow

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Key objectives of the PPS include: building strong communities; wise use and management of resources; and protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The PPS provides a vision for land use planning that focuses growth within settlement areas, and encourages an efficient use of land, resources and public investment in infrastructure. A mix of land uses are encouraged to provide choice and diversity and a variety of transportation modes are promoted to facilitate pedestrian movement and less reliance on the automobile, with public transit encouraged as a means of creating sustainable, livable and healthy communities.

The application to permit the development of a six phase mixed use development with high density residential apartment units and ground level commercial uses is consistent with the PPS. The proposed development represents a compact form of development within the City's settlement area and offers a mix of land uses at a higher density that will allow for the efficient use of land, infrastructure and public service facilities.

Policy 1.4.3 of the PPS states that planning authorities shall provide for an appropriate range of housing types and densities to meet projected requirements of current and future residents. This includes permitting and facilitating all forms of residential intensification, and promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of alternative transportation modes and public transit in areas where it exists or is to be developed. The proposal represents residential and commercial intensification supporting growth and vitality of the downtown, providing high density residential development in the downtown area of the City on a site that has adequate infrastructure to support the proposed development. The proposed development will utilize existing street infrastructure, improve pedestrian infrastructure with the development of the Riverwalk area and is within walking distance to the Guelph Central Station, an inter-modal transit station, to support both existing and planned public transit.

Policy 1.1.3.4 of the PPS states that appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while maintaining appropriate levels of public health and safety. The proposed zoning by-law amendment includes site specific regulations to facilitate intensification and redevelopment in a compact and efficient form.

STAFF REPORT



The Growth Plan for the Greater Golden Horseshoe (Growth Plan) provides a framework for managing growth in the Greater Golden Horseshoe, including:

- directing growth to built-up area where capacity exists to best accommodate population and employment growth; and
- promoting transit supportive densities and a healthy mix of residential and employment uses.

The Growth Plan provides an overall general target for intensification. Specifically, by the year 2015, a minimum of 40% of all residential growth will be within the built-up area. In addition, the Growth Plan encourages the development of compact, vibrant and complete communities with a diverse mix of land uses and a range and mix of employment and housing types.

The Growth Plan designates Downtown Guelph, including this site, as an Urban Growth Centre that is recognized as a key focus for infill development and intensification. Further, the Urban Growth Centre should be planned to accommodate a significant share of future population and employment growth.

The subject site is within the City's Built-Up Area, and more specifically within the City's Urban Growth Centre. The proposed development will contribute towards meeting density targets, as well as achieving the broad goal of accommodating a significant share of population growth within an identified intensification area. The proposed development would introduce a mix of land uses to the site and the introduction of additional density makes efficient use of existing infrastructure and supports public transit.

Based on the above summary of policies, the proposed Official Plan and Zoning By-law amendment application is consistent with the PPS and conforms to the Growth Plan for the Greater Golden Horseshoe.

Conformity with the Official Plan

Background

The Official Plan land use designation and policies applicable to the subject site are contained in the Downtown Secondary Plan policies (OPA #43). Initially, this application requested several Official Plan Amendments, because it was submitted prior to the Downtown Secondary Plan being fully in force and effect.

On June 18, 2013, the Ontario Municipal Board ruled that OPA #43 is in full force and effect as of the date of Council adoption (May 28, 2012) with the exception of specific portions that have been identified as being under appeal. It is noted that the subject site is not subject to any appeals.

The applicants also requested an Official Plan Amendment to reduce the required 30 metre buffer from the river to 15 metres (OP Policy 6.9.5.1). However, the Ontario

STAFF REPORT



Municipal Board ruled that OPA #42, the Natural Heritage Strategy policies, is in full force and effect as of June 4, 2014, with the exception of site specific portions that remain under appeal. The policies in OPA #42 replace the policy that the applicants have requested the amendment on, so no amendment is technically required now. Further information is provided below in the Natural Heritage section of this planning analysis.

The applicant also requested an Official Plan amendment in their original application to reduce the parkland dedication requirement for the site from 10% to 5%. Further discussion with the application determined that this amendment was unnecessary, as the by-law that would need to be amended in this case was the City's Parkland Dedication by-law. The applicant subsequently rescinded this request and has worked with staff to resolve this issue.

Growth Management Strategy

Official Plan Amendment 39 was adopted by Council in 2009 to bring the Official Plan in conformity with the planning framework of the Growth Plan and incorporates the key growth principles from the City's Local Growth Management Strategy. The objectives and policies contained in Section 2.4 of the Official Plan (Growth Management Strategy) aim to build a compact, vibrant and complete community by directing a significant amount of planned growth to locations within the built-up area. Intensification throughout the built-up area, and in particular within the Urban Growth Centre, will be promoted and facilitated by the City. Generally within the built-up area, vacant or underutilized lots will be revitalized through the promotion of infill development, redevelopment and expansions or conversions of existing buildings. By the year 2015 and each year after, a minimum of 40% of residential development will occur in the built-up area.

The proposed development is located within the City's built-up area and the urban growth centre and proposes to redevelop a vacant underutilized lot. The development proposes a density of approximately 389 persons and jobs per hectare. This density will assist in achieving the minimum density target of 150 persons and jobs combined per hectare, as measured across the entire Urban Growth Centre (Downtown). It is noted that there are several downtown sites that will not meet this minimum target and it is unlikely that they can be intensified significantly due to the heritage character of existing buildings and areas. As a result, additional density needs to be achieved on a site specific basis in appropriate locations in order to contribute to reaching the minimum target for the entire Downtown area. The development proposed on the subject site represents the opportunity to accommodate additional residential density in an appropriate location. This residential development, in combination with ground floor commercial uses in some phases of the development that will create new employment opportunities, will all contribute to the growth targets set out for downtown.

The City's Growth Management Strategy also includes policies that direct the City to plan for high quality public open space with site design and urban design standards

STAFF REPORT



that create attractive and vibrant spaces. Further, infill development is to be facilitated where appropriate. The proposed development represents high quality urban design with specific site design standards that will improve the existing streetscape and pedestrian realm along this section of Arthur Street South, as well as creating a high quality urban park space and trail with the development of the Riverwalk, running along the west side of the site along the River from Neeve Street, around the existing heritage building to a future pedestrian bridge along the Guelph Junction Railway bridge.

The subject site is within the downtown's major transit station area, being within a 10-15 minute walk from Guelph Central Station, the City's multi-modal transit terminal. The proposed development also supports the Major Transit Area policies within the Official Plan (Section 2.4.7) by achieving increased residential and employment densities that support the viability of existing and planned transit infrastructure and service. The proposed site design has also been developed to accommodate an active transportation link along the riverwalk area that would connect with a City public trail and pedestrian bridge alongside the Guelph Junction Railway to better connect the site to the rest of downtown. A second pedestrian bridge is proposed in the future, south of the heritage building, to bring people across the river and Wellington Street East to allow pedestrians to more directly access the Guelph Central Station from the south end of the site. The subject site's location within the Downtown and its proximity to the City's multi-modal transit terminal, makes it ideal for supporting transit, walking and cycling for many everyday activities.

Downtown Secondary Plan (DSP)

The Downtown Secondary Plan (DSP) constitutes a part of the Official Plan that is now in full force and effect as of the Council adoption date of May 28, 2012, with the exception of specific portions that have been identified as being under appeal. The subject site is not subject to any appeals, therefore the Official Plan land use designation and policies applicable to the subject site are contained in the Downtown Secondary Plan (OPA 43). The following section provides staff's analysis of the application within the context of the relevant policies of the Downtown Secondary Plan. The most relevant policies are summarized then addressed by theme.

The Vision and Principles established for the Downtown promote a place where people live, work, shop, dine, enjoy culture and be entertained. Taller building heights are strategically located at the periphery of the historic Downtown core where they contribute positively to the Downtown while minimizing direct impacts to the historic core or surrounding neighbourhoods. New buildings are encouraged to respect and complement the materials of surrounding historically significant buildings and to enhance the public realm throughout the Downtown area. Accommodating a significant share of population growth downtown is an important objective to increase economic vitality and create a vibrant place to live.

STAFF REPORT

DSP Section 11.1.6 describes the City's policies for downtown development related to Energy, Water and the Natural Environment to meet the City's broader environmental sustainability goals. The specific objectives of this section include the following:

- a) Efficiently use existing *municipal services*, municipal facilities and utilities to support growth downtown.
- b) Maximize opportunities for renewable and alternative energy generation and delivery systems such as *district energy*.
- c) Promote site planning, architecture, landscape architecture and stormwater management that demonstrates best practices in environmental design.
- d) Increase the amount of *urban forest tree canopy cover* Downtown.
- e) Ensure the risks to human health and safety from flooding downtown are minimized.
- f) Promote *development* that mitigates and adapts to climate change.
- g) Protect habitat of threatened and endangered species.
- h) Promote the clean-up of brownfields Downtown.

Within the Downtown Secondary Plan, the northerly portion of the site is designated as 'Mixed Use 1' and the southerly portion of the site is designated as 'Residential 2', together with an overlay showing the portion of the floodway on site (an approximately 15 metres wide strip along the Speed river and the rest of the site covered by a Special Policy Area overlay. The Special Policy Area designation recognizes existing development within the floodplain and provides opportunity for infill where flood hazards are not aggravated. The mapping and policies associated with these designations are included in Attachment 3 of this report. In addition to the policies within these designations, the Downtown Secondary Plan also contains specific policies for the redevelopment of 5 Arthur Street which are also included in Attachment 3 and all are summarized and assessed below. There are a number of overlapping policies related to built form, compatibility and massing; these policies have been addressed by topic area below.

The Downtown Secondary Plan also includes a height map for new development downtown. The site is identified in two height categories, 2-4 storeys along Arthur Street and 4-12 storeys along the river, with an asterisk noting an additional policy applies to the site (Policy 11.1.7.11.10) which provides flexibility in heights for this site, provided it satisfies the other policies of the DSP and compatibility with the neighbourhood and the requirements of policy 11.1.7.11.4, specific to the site, as proven through the Urban Design Master Plan.

There are also a number of General Built Form policies within the DSP that are applicable to the entire downtown area, as follows:

- buildings should be oriented towards and have their main entrance on a street or open space;
- the visual impact of long buildings should be broken up with vertical recesses or other architectural articulation;

STAFF REPORT

- mechanical penthouses should be screened and integrated into the building design;
- balconies should be recessed or integrated into the design of the building façade;
- residential pick-up and drop-off areas should be located on secondary or local streets where possible;
- buildings should be finished with high quality, enduring materials such as stone, brick or glass; and
- the massing and articulation of buildings taller than 6 storeys shall moderate their perceived mass and shadow impacts, provide appropriate transitions to areas with lower permitted heights and contribute to a varied skyline in which Church of Our Lady is most prominent. Generally floorplates shall be 1200 square metres above the sixth storey and 1000 square metres above the eighth storey. The length to width ratio of the building should not exceed 1.5:1.

There are also general policies respecting parking, loading and servicing that apply to all downtown areas of downtown (Section 11.1.7.2.4), stating that vehicular entrances to parking and servicing areas should generally be located on local streets, secondary streets or laneways to maximize and accentuate building frontages. Enclosed loading and servicing areas are also encouraged. There are also specific policies for above-grade parking structures (11.1.7.2.5) requiring access from a local street, active uses on the ground floor and be well articulated and designed to fit into the surrounding context.

The 'Residential 2' designation is applied to the southerly portion of the site (Phases 1-4) and is meant high density residential, which can be combined with commercial uses limited in scale (to 500 sq m), subject to the following additional policies (11.1.7.8.3):

- a) Buildings shall be massed to minimize as much as is practical the extent and duration of shadows on parks, adjacent residential uses, other public open space, private amenity space and retail streets in the spring, summer and fall.
- b) Where buildings greater than 6 storeys are permitted, the portion of a building above the sixth storey shall be substantially stepped back, generally greater than 3 metres from the edge of the building fronting a public street or park.
- c) All buildings should have detailed and well articulated street level façades with high quality materials. Blank walls facing a street or public open space shall be avoided.
- d) Apartment buildings shall generally be limited in length, generally to not more than 60 metres long, and blocks of townhouses shall generally not be more than 40 metres long.
- e) Where apartment buildings are greater than 4 storeys in Residential 2 Areas they shall generally incorporate 1-2 storey grade-related units (e.g. townhouses).

The Mixed Use 1 designation applies to the northerly portion of the site, or Phases 5 and 6 of the development. These lands are intended to accommodate a broad range of uses in a mix of highly compact *development* forms. *Development* within this designation shall contribute to the creation of a strong urban character and a high-quality, pedestrian-oriented environment, subject on this site to the following policies (11.1.7.3.5 - 11.1.7.3.8):

- Generally buildings in Mixed Use 1 areas shall be built close to the front property line to help frame and animate adjacent streets. The *Zoning By-law* shall establish maximum setbacks on streets where active frontages are required. On all other streets minimum and maximum setbacks shall be established. The *Zoning By-law* may include limited exceptions to the build-to lines and maximum setbacks while ensuring that a consistent streetwall is extended, maintained or established.
- To respect the historic character of Downtown and ensure a human-scale pedestrian realm, buildings taller than 4 storeys in Mixed Use 1 areas shall generally have a substantial stepback above the fourth storey generally in the range of 3-6 metres minimum from the front of the building fronting a public street or park, except on Gordon Street and Wellington Street, where a stepback of generally 3-6 metres minimum is required above the sixth storey.
- All buildings shall reflect their urban context and should have detailed and well articulated street level façades with high quality materials. Blank walls facing a street or public open space shall be avoided.
- Generally, entrances to non-residential uses shall be flush with the sidewalk, for ease of access and to maintain a strong relationship to the street.

DSP Principles for the Ward (11.1.7.11.2):

- a. relocate remaining heavy industrial uses;
- b) identify, conserve and re-use cultural heritage resources;
- c) clean-up contaminated sites;
- d) provide transitions to the general character of the low-rise areas of the community;
- e) ensure the use and form of *development* is *compatible* with its existing and planned surroundings;
- f) increase the quantity and quality of parkland and other public open spaces;
- g) improve connections through the neighbourhood, to the Downtown core, to the riverfront and along the riverfront for pedestrians and cyclists;
- h) minimize and mitigate traffic impacts from new *developments*; and
- i) ensure the community contains a mix of housing types, sizes and forms to accommodate households of all sizes and incomes.

Site Specific Principles in the DSP (11.1.7.11.4) – meant to be incorporated into the Urban Design Master Plan and Development Applications

- a) River's Edge Open Space– Create a substantial, functional and continuous public open space generally along the side of the river well connected to surrounding streets. The open space along the river may be composed of elements such as urban squares while providing for a continuous multi-use trail. It should encourage use by the public for a variety of appropriate uses. To this end, it should be configured to accommodate a range of park amenities and provide a sense of safety and comfort.
- b) Create a substantial, functional and continuous public open space generally along the side of the river well connected to surrounding streets. The open space along the river may be composed of elements such as urban squares while providing for a continuous multi-use trail. It should encourage use by the public for a variety of appropriate uses. To this end, it should be configured to accommodate a range of park amenities and provide a sense of safety and comfort.
- c) Network of Connections – Establish a fine-grained network of publicly accessible open spaces and routes through the site, provide connections to the river, and allow for efficient pedestrian, bicycle and vehicular circulation. The plan should also create connections to the surrounding trails and open space system including anticipating a future pedestrian bridge adjacent to the Guelph Junction Railway bridge and another bridge across the river, generally aligned with a crossing of Wellington Street and connected to Arthur Street.
- d) Heritage Conservation and Interpretation – Reflect and respect the historic context of the neighbourhood. Conserve the historic stone building and other heritage resources on the site. Respect and complement the neighbourhood's heritage in the new built form. Interpret and respond to the previous industrial uses, for example, through public art or other interpretive elements.
- e) Public Views – Provide views through the site toward the river corridor and maintain key *public views*, including the view south along Arthur Street toward the Mill Lofts building. Take advantage of other desirable views, for example, views of the CN train bridge.
- f) Sensitive Built Form – New buildings should be massed and spaced to avoid a wall effect along the river and maintain sky views from public streets and open spaces as well as neighbouring properties. Buildings should vary in character, provide appropriate building breaks and articulation, step down to be compatible with existing nearby buildings and provide transition to the existing neighbourhood. Buildings should minimize shadow impacts on neighbouring properties.
- g) Pedestrian-Friendly Edges – Residential buildings should support the animation of surrounding streets and publicly-accessible open space by, for example, providing grade-related relationships where feasible such as many front doors and porches along public streets. Above-grade parking should be screened or concealed within the residential development. Surface parking should be limited and strategically located to minimize its

STAFF REPORT

- visual impact. Waste, recycling and loading areas should also be internal to the site.
- h) Environmental Sustainability – *Development* should incorporate green energy strategies and other sustainable design features. The river corridor’s ecological health should be enhanced while also balancing the need for recreational uses and heritage conservation along the river’s edge.
 - i) Housing Mix – *Development* should include a mix of unit types varying in size and affordability.

Downtown Secondary Plan (DSP) Conformity

Overall, the proposed development at 5 Arthur Street South is in keeping with the Vision and Principles of the DSP, together with its broader objectives noted above.

The mixed-use development will provide a mix of high-density residential units. It will also provide a place for people to work and play with commercial components in three of the six phases of development proposed, as well as publicly accessible open spaces including the riverwalk, an urban park and part of the City’s trail network along the river.

This development further meets the broader objectives by remediating and reusing an existing brownfield site, it will be an efficient use of land as well as existing and planned road and service infrastructure.

The site also has been planned comprehensively, with consideration for architecture and landscape architecture within the site’s Urban Design Master Plan (UDMP) and a preliminary stormwater management plan supported by the City.

The development is out of the floodway and respects the identified flood elevations and Special Policy Area requirements for the site to limit risks. It will also increase our urban forest tree canopy, as the site is virtually vacant now and trees are proposed to be planted along the riverwalk area as well as along Arthur Street if possible (to be determined when Arthur Street is reconstructed). The developer has agreed to several energy and water conserving measures within the development (see Attachment 10) to limit climate change impact.

At this time, the only broader DSP objective not met is that the developer has not yet agreed to incorporate district energy, now available downtown, citing concerns about cost and timing for Phase 1 of the development. The developer is currently having the site assessed by Envida Community Energy to better understand the actual costs involved and should consider opportunities for district energy in all phases in order to both reduce environmental impact and ensure efficient use of available City infrastructure.

STAFF REPORT

DSP Land Use Designation Conformity

Generally the proposed development, by phase conforms to the policies of the DSP. The Urban Design Master Plan, once it is approved (see discussion later in this report) will be implemented to ensure the proposed plan is further refined at the site plan stage while continuing to conform to the requirements of the DSP. The development as proposed meets the policies of the DSP following the removal of an industrial use, the clean-up of a contaminated site and it proposed to conserve and re-use existing heritage resources. It will also lead to better pedestrian and cycling connections and quality open spaces with the development of the riverwalk area together with future pedestrian bridges proposed from the site across the Speed River.

Pedestrian-friendly edges to the development have been created by fronting commercial retail units on the end phases (Phases 4 and 5) and in Phases 1 to 3 by bringing townhouses with front doors onto Arthur Street and townhouses with access onto patios overlooking the riverwalk area. The development contains a mix of townhouse and apartment units in a variety of sizes together with smaller-scale commercial units meant to serve the needs of new and existing residents.

The architecture and urban design of the proposed buildings will incorporate high quality material finishes, including brick, pre-cast concrete with punched windows, and transparent window wall/spandrel systems. It will not incorporate materials such as stucco, vinyl, exterior insulation finishing systems (EIFS) or highly reflective glazing. These guidelines are included in the UDMP for the site and will be required through the peer review of each phase of the development.

Conformity to the land use designations and site specific policies of the DSP are discussed below by phase of development (See Attachment 6 for phasing map):

Phase 1

The proposed main pedestrian building entrance for Phase 1 faces north onto a private road between Phase 1 and the heritage building phase. This main entrance is meant to serve as the main lobby entrance and lobby for Phases 1-3, that will be joined when completed. The main entrance to the parking garage as well as loading areas are also integrated into this building face. All the parking for this phase is concealed and internal to the building, at and below grade. The private lane that is used to access the front face of the building will also serve as one of the public pedestrian accesses and public view corridors to the riverwalk. A small café or coffee shop is proposed in this building's main lobby, primarily intended for building residents.

Three storey high townhouses front onto both Arthur Street and the Riverwalk and act as the podium for the centre apartment building that is 10 storeys high. The townhouses provide a transition from the apartment building to Arthur St and to the Riverwalk. In total, 134 residential units are proposed, with 15 townhouses and 119 apartment units with a range of sizes.

STAFF REPORT

Staff and the peer review architect have worked with the applicant through the review of this application to refine both the apartment and townhouse facades. The townhouses have been improved by adding bay windows on some of the riverside units and additional windows on the ends of the townhouses that face north against the heritage building.

The developer has also improved the grade relationship between the townhouse units along the riverwalk, which sit approximately 2 metres higher than the riverwalk, by adding stepped planters and stairs to the front terraces on these units that overlook the riverwalk, reducing the impact of the wall.

The apartment building proposed in phase 1 has been refined through the peer review process. Staff were concerned that the building did not meet the length to width ratio of 1:1.5 recommended in the DSP, as the building was proposed to be longer and have greater visual impact. Through peer review, the architects refined the building by adding more glazing to the eighth and ninth floors to reduce the visual impact of the building, especially on the westerly or river side of the building. Staff and the peer review architect are satisfied with the proposed building elevations at this stage and further refinements of detailed design elements are expected through the site plan review process.

Phase 2

The Phase 2 building is located immediately south of the Phase 1 building and is connected to both Phase 1 and Phase 3 at the building podium level. This phase also has townhouse units fronting on both Arthur Street and the riverwalk. The apartment tower is proposed to be 11 storeys high in this phase and in total this phase contains 133 units.

From a downtown secondary plan conformity perspective, this phase of the development generally acts as an extension of the Phase 1 building, in that the main entrance for this building, for both vehicles and pedestrians, is found in phase 1, though there are secondary pedestrian entrances to this phase for residents on both Arthur Street and along the riverwalk.

The design of Phase 2 of the development will be important, so that the building works well with the surrounding phases but also looks different enough to provide some diversity to the look of the overall development. For this reason, staff have proposed that Phases 2-5 of the development each have a holding condition on the zoning requiring that an Urban Design Brief is prepared outlining how each phase of the development meets the Urban Design Master Plan and that each phase completes an architectural peer review.

Between the apartment towers on Phases 1 and 2, and between Phases 2 and 3, are raised courtyards that provide both private and common amenity areas for residents of those buildings. These area are raised, sitting on top of the broader podium for parking and other amenities and meant exclusively for the use of

STAFF REPORT

residents of the building and will not be publicly accessible. These areas, as shown in the site concept and UDMP will be landscaped and be able to be accessed by residents from within the building or from the riverwalk.

Phase 3

The third phase of development is proposed to be 12 storeys and 135 dwelling units. This building is connected to Phase 2 and shares the parking garage and main entrance and loading areas with Phases 1 and 2. Phase 3 also provides a back and secondary entrance and exit from the parking garage further south onto Arthur Street South. It also has secondary entrances to the building for residents on both Arthur Street and the Riverwalk.

Similar to Phase 2, urban design and building architecture will be important to developing the character of both the individual building in Phase 3 and the overall site, so a holding condition has been put in the zoning requiring proven conformity with the UDMP and an architectural peer review.

Phase 4

Phase 4 of the development is a mixed use building. Commercial units are required at grade along Cross as well as along the easterly facade, against the private parkette at the corner of Cross Street and Arthur Street South, and along the westerly facade, where a patio is proposed for a potential restaurant overlooking the riverwalk. A total of approximately 1500 square metres of commercial space is proposed. Parking is proposed to be internal at grade and above grade parking is proposed on floor 2-5, screened and integrated into the building design. The building then steps back to a tower containing 128 apartment units, up to a total of 14 storeys in height. This building is setback further from Arthur Street South, so that the public view south down Arthur Street to the historic Mill Loft building is preserved. The area at the corner of Arthur Street and Cross Street is proposed to be a small parkette held in private ownership by the future condominium corporation for this Phase. The tower portion of the building is aligned with the parking area for the Mill Lofts across Cross Street, to limit privacy impacts.

Phase 5

The Phase 5 building is the most northerly building on the site, adjacent to the intersections of Macdonell Street/Elizabeth Street and Elizabeth Street/Arthur Street South. This building is also proposed to be a mixed use building, with 680 square meters of commercial space proposed on the ground floor of the building, together with internal parking and parking on floors 2 -4 of the building incorporated into the building design. A setback tower is proposed starting on floor 5, up to 14 storeys high in total, with 156 apartment units proposed.

This building generally meets DSP policies for the building form and function. It is in the Mixed Use 1 designation and can provide both commercial and residential uses. The tower portion of the building is longer than recommended in the DSP (2.2:1

STAFF REPORT

length to width ratio proposed, versus 1.5:1 ratio recommended in the DSP) but the site is very constrained because of setbacks required from the CN railway.

Apart from the holding provisions required for urban design, the same as the previous phases, there are additional conditions required for this phase related to the railway tracks surrounding it, both the GJR and CN rail lines. To ensure compatibility, additional setbacks are required from the railways and noise and vibration measures must be given consideration for this phase.

Phase 6

Phase 6 of the development contains the heritage buildings along the river, just south of the Guelph Junction Railway. This area is called phase 6, but no specific timing has been identified and it could proceed at any time. The applicants do not have a redevelopment plan yet for the building but would like a mixed use building with the potential for both residential and commercial units. This phase meets the objectives of the DSP and the Mixed Use 1 designation by conserving built heritage resources, and reusing the buildings for a potential mix of commercial and residential uses. This phase will also have an important pedestrian connection, between the riverwalk and the planned City trail along the Guelph Junction Railway. It will also contain a privately owned publicly accessible space between the heritage buildings and Arthur Street South that will serve as parking for the building as well as the potential to be community space that can accommodate community events and markets. Further information about the heritage conservation aspects of this phase are found below in the heritage section.

Riverwalk

The riverwalk will meet a number of the objectives of the downtown Secondary Plan for this site. It is proposed to function as both an improved natural corridor for the river and a multipurpose trail and urban park space for the public. The riverwalk will be an open space, approximately 15 metres wide running from Neeve Street at Cross Street north along the river to the on-site heritage buildings. It will be further connected to the surrounding neighbourhood via public access easements over the two internal roads within the development from Arthur Street to the east and around the heritage buildings to the City trail and proposed pedestrian bridge along the Guelph Junction Railway. A second bridge from the riverwalk across the river just south of the heritage buildings is also proposed as a future City project at a time to be determined.

The riverwalk is bordered by townhouses within the development to the east, which create a better grade relationship with the riverwalk than the initial proposal with the apartment towers and parking garage wall. The townhouses are still raised above the riverwalk, but terraced landscaping and stairs between the riverwalk and private patio areas reduce the impact of the height difference. The townhouse units fronting on the riverwalk provide close residential overlook ("eyes on the riverwalk") for a better sense of safety and comfort for pedestrians using the riverwalk.

STAFF REPORT



The riverwalk will also respect and complement the neighbourhood's heritage with new built form. While the existing industrial heritage wall along the riverwalk is proposed to be removed, salvaged brick is proposed to be reused as part of an art installation in the first phase of development within the riverwalk that represents the former wall and its row of window bays.

The riverwalk was initially envisaged as being fully within public ownership but is now proposed to remain in private ownership because of the complexities associated with dividing up the land because of its Certificate of Property Use (CPU) from the Ministry of the Environment related to previous industrial contamination of the site. Essentially the riverside retaining wall is required to be maintained in perpetuity to ensure contaminated soils on the rest of the site are unable to leach into the Speed River. In order to meet the public access objectives of the Downtown Secondary Plan, the City instead will hold a surface easement and a public access easement to allow public use of the lands. The lands will be owned by the future condominium corporations and accessible to the public. Further discussion of the riverwalk ownership and agreements is found below.

Urban Design Master Plan

An Urban Design Master Plan (UDMP) was submitted by the applicant through consultation with planning staff, based on the requirements outlined in Section 11.1.7.3.9 of the DSP (see Attachment 3). The purpose of the Urban Design Master Plan is to provide a basis for reviewing the zoning by-law amendment and site plan applications and to address the relevant policies of the DSP, specifically as it relates to the subject site. Elements of the Urban Design Master Plan include:

- the location of private streets and laneways and public access across the site;
- the location, uses and massing of buildings and their relationship to adjacent streets and open spaces;
- built form transitions to the surrounding community;
- shadow impacts;
- the physical and visual connections to the immediate surroundings;
- the potential locations for heritage interpretation and/or public art; and
- the role and function of the riverwalk as a public space

The Urban Design Master Plan has been through multiple revisions and the current version, at the time of writing this report, is not yet complete. Staff are generally satisfied with the guidelines proposed in the May, 2014 draft of the Urban Design Master Plan, which was sufficient to support the zoning proposed, but still required some technical refinements to ensure that the report and diagrams were accurate. Staff continue to work with the applicant to finalize the Urban Design Master Plan. Because of its importance in setting out the vision for the site, staff have included its completion in the Holding provisions on the overall zoning for the site. As outlined in Condition 2 in Attachment 2, it is recommended that the guidelines of the Master Plan be utilized together with the Urban Design Brief required in future phases 2 to 5, as part of the site plan review process to implement the principles,

STAFF REPORT

objectives and applicable policies of the DSP. These guidelines will address building placement and the open space elements to ensure buildings are designed to be compatible with the surrounding neighbourhood and support pedestrian movement through the site, both from the ward and to the rest of downtown.

Staff have also included Holding provisions on the zoning of Phases #2 to #5 of the development that require the applicant to complete an Urban Design Brief, which outlines how that phase of development addresses the Urban Design Master Plan, as well as requires a peer review by an architect. These provisions will address building placement, form and the open space elements to ensure buildings are designed to be compatible with the surrounding neighbourhood and support pedestrian movement through the site, both from the ward and to the rest of downtown.

Environmental Review

This application was reviewed under the current Official Plan (December 2012 Consolidation), including its environmental policies, as OPA#42, which contains the City's new natural heritage policies was approved by Council on June 27, 2010 but was subsequently appealed to the Ontario Municipal Board.

The site is directly adjacent to the Speed River, which under the current OP is designated as Core Greenlands (Natural Hazards) and includes elements of Non-Core Greenlands such as fish habitat as well as environmental corridor functions. When development is proposed on lands adjacent to fish habitat and/or environmental corridors, the current OP required that an Environmental Impact Study (EIS) be undertaken to demonstrate no negative impacts to the features or their functions (policies 6.7.2 and 6.8.4.2). At the time of application the development proposal also needed relief from Official Plan policies 6.9.5.1 (a) and 6.9.1.2 which required a 30 metre buffer from the river edge. The applicants applied for an Official Plan Amendment to permit a site specific 15 metre buffer instead.

The OMB recently ruled that OPA #42 is in full force and effect as of June 4, 2014. OPA #42 does not identify any portion of this site as a component within the Natural Heritage System due to its current developed state. On adjacent lands, the Speed River is identified as Significant Natural Area in OPA 42 based on it providing Fish Habitat, Waterfowl Overwintering Habitat as well as being included within Undeveloped Portions of the Regulatory Floodplain. The policies of OPA #42 also require an Environmental Impact Study to be undertaken to demonstrate that the proposed development does not impact the Significant Natural Area.

Related environmental concerns were raised by the public about this development, including:

- That the 15 metre setback was inadequate;
- Could the river be naturalized, the river corridor enhanced and greenspace encouraged;
- that the riverwalk area should not be fully hard-scaped or sodded;

STAFF REPORT



- that invasive vines should not be planted along riverwalk to hide parking;
- that flood controls be adequate;
- that opportunities for low-impact development be included.

The applicants submitted an EIS, which was reviewed by staff, the Grand River Conservation Authority, the Environmental Advisory Committee (EAC) and the River Systems Advisory Committee (RSAC).

The EIS provided a rationale for the reduced setback of development from the river to 15 metres based on the existing condition as a former industrial site and the requirements of the Certificate of Property Use (CPU). The CPU, issued by the Ministry of Environment for the site, has ordered the maintenance of the existing riverside retaining wall in perpetuity as a risk management measure to prevent the migration of contaminants to the river, which precludes the opportunity of reinstating a natural river bank in this location. It precludes the ability for the interface of the site with the Speed River to be changed from its current channelized state to being rehabilitated to a more naturalized channel bank and riparian zone. In addition the conservation of the heritage building adjacent to the river further limits any river's edge reconfiguration opportunities. The EIS further concluded that there are no negative impacts to the natural heritage features or functions and particularly to the integrity of the environmental corridor function associated with the Speed River. In contrast the report highlights an enhancement opportunity by restoring the 15 metre area to accommodate both natural corridor functions and a public trail and open space.

The Environmental Impact Study (EIS) has been accepted by City staff, the Environmental Advisory Committee (EAC), the River Systems Advisory Committee (RSAC) and the Grand River Conservation Authority (GRCA), subject to the completion of an Environmental Implementation Report (EIR) which demonstrates that mitigation measures, habitat enhancements, public trail elements and urban design elements can be achieved within the 15 metre setback to the river. The EIR condition has been included as a Holding provision on the overall zoning to ensure it is completed before development can proceed and that its findings can be incorporated into detailed site design.

Staff further request that Low-Impact Development (LID) measures be included where possible, earlier versions of the development showed two green roofs that would be excellent LID measures, and should be further considered at the site plan approval stage. Staff also recommend that the EIR address the opportunity to create an area along the riverwalk where people can walk down to the water's edge.

GRCA is supportive of the proposal provided that the floodway is maintained free of development and the heritage building, which is within the floodway can be reused but not expanded further within the floodway. GRCA permits will be required for work done in the floodway and buildings will have to be designed to adhere to

STAFF REPORT

requirements that prohibit residential development under certain elevations to ensure safety of future residents.

EAC provided further recommendations on the proposed development (see Attachment 10 for motion), including:

- Consideration of preferred uses, environmental function areas and species in the 15 metre riverwalk (i.e. canopy trees, pollinator species, educational signage);
- That no development be permitted in the 15 metre wide floodway;
- That a structural assessment of the riverside retaining wall be provided.

RSAC also provided further recommendations and comments (see Attachment 10 for motion), including:

- Consideration of preferred uses, environmental function areas and species in the 15 metre riverwalk (i.e. canopy trees, pollinator species, educational signage);
- That a structural assessment of the riverside retaining wall be provided;
- That public access to the river be considered in 2 or more locations;
- Encourage the pedestrian bridge connection(s) to occur as soon as feasible;
- Support for large canopy trees along the Riverwalk;
- Request that enhancement of riparian vegetation buffer function be explored as the future of the retaining wall is determined;
- That 10% parkland dedication be required and that it occur along the river frontage;
- Concern about the massing and angular plane in development phases 4 and 5, and indicated interest in reviewing at the preliminary site plan stage;
- Encourage reducing the minimum number of required parking spaces per unit.

Brownfield

A risk assessment was undertaken for the subject lands to establish any threats that the existing contaminants from the historic land uses, posed to the future users of the site. The assessment identified the appropriate Risk Management Measures (RMM) that need to be implemented in order to ensure that the property was suitable for the proposed land uses. As such, the Ministry of the Environment reviewed the assessment and concluded that it was done in accordance with the O. Reg. 153/04 as amended and issued a Certificate of Property Use (CPU) for the described lands.

The CPU issued by the MOE as well as the RMM has identified for the property owner the need for ongoing inspection, monitoring and maintenance of the existing retaining wall that is a barrier to the impacted soils found on-site.

Considering that the public will have access to the lands on a proposed surface easement, in the area known as the Riverwalk, staff have recommended that the developer be required to submit to the City a structural assessment of the existing

STAFF REPORT

retaining wall along the Speed River, as a holding provision to ensure that this work takes place prior to any development of the site. Staff further recommend that the developer be responsible for adhering to all the recommended measures contained in the structural assessment. In the long term, the wall will be the responsibility of the future condominium owners/condominium corporations so staff require these measures to provide a better understanding of the structural soundness and the future maintenance requirements to better ensure the sustainability of the future condominium ownership of the wall.

Heritage

The property currently contains two joined buildings (referred to as Buildings 1 & 2) and the remnant westerly wall of two other buildings (Buildings 3 & 4) which runs alongside the river, all from the previous industrial uses of the site. Attachment 8 of this report shows the location of these heritage buildings.

The applicant has proposed to remove the remnant wall of Buildings 3 & 4 which is located where the riverwalk is proposed. The wall is brick, but the interior side of the wall is in poor condition as the interior brick was not meant to be exposed to the weather. The applicant has proposed to remove the wall, but salvage and reuse the brick on site where possible. The applicant has also proposed a representative "shadow wall", a metal art installation showing the row of window openings that run along the existing wall from Buildings 3 & 4.

These proposals, together with the overall development proposal have been reviewed by Heritage Guelph. Heritage Guelph supports the plan to remove the remnant wall from Buildings 3 & 4 and asked that a plan of the entire riverwalk area be submitted that showed how the "shadow wall" or other representative measures would reflect the length and window openings of the wall from Buildings 3 & 4.

For Buildings 1 & 2, Heritage Guelph supports the reuse of the buildings for mixed commercial, residential, institutional and community uses, though they do not support any expansion of the building at this time, save and except replacing a central tower roof feature on Building #2 that has been removed. Heritage Guelph has also requested a two-part Cultural Heritage Conservation Plan for the buildings. The first phase of the plan would determine the existing heritage attributes of the buildings and guide its stabilization, interim maintenance and temporary uses while the developer is determining a use for the building. The second stage would guide the proposed reuse, redevelopment and long-term maintenance of the heritage buildings. The first phase is due prior to site plan approval of phase 1 development, to ensure the buildings are being properly maintained in their interim state and the second phase is required prior to the site plan approval of phase 4 of the development, though is encouraged to occur sooner if possible so the heritage buildings do not remain vacant, with the potential for further degradation.

STAFF REPORT

Heritage Guelph also notes that following the completion of both parts of the Cultural Heritage Conservation Plan, they intend to recommend to Council that an intention to designate these buildings be published under Part IV of the Ontario Heritage Act.

Riverwalk and Parkland Dedication

Generally the community has been supportive of the riverwalk area serving a park, trail and open space function for the site and the broader neighbourhood. Concerns were raised regarding what functions the riverwalk could play (i.e. was it a place for community gardens or an amphitheatre), how it would be designed and that examples to date had only been related to walkways along large bodies of water, instead of the relatively small Speed River.

- Policy 11.1.4.4.5:
It is the City's objective to provide a continuous active transportation trail interrupted only by streets, along the west side of the river's edge between Royal City Park and Goldie's Mill Park, and on the east side of the river, south of the Guelph Junction Railway. To this end, the City shall acquire land for such purposes through the dedication of parkland at the time of *development*, public *easements* or other methods of acquisition including outright purchase. In addition or alternatively, the City may incorporate portions of the trail within street right of ways.
- Policy 11.1.7.11.4.a):
River's Edge Open Space – Create a substantial, functional and continuous public open space generally along the side of the river well connected to surrounding streets. The open space along the river may be composed of elements such as urban squares while providing for a continuous multi-use trail. It should encourage use by the public for a variety of appropriate uses. To this end, it should be configured to accommodate a range of park amenities and provide a sense of safety and comfort.

Function of the Riverwalk

The Riverwalk will serve as an alternative transportation network, open space and urban park along the river as well as environmental enhancement and natural hazard (floodplain) functions. Pedestrians will be able to access the Riverwalk from:

- Neeve Street in the south;
- Via pedestrian connections through the site from Arthur Street to the east, there is a connection north of Phase #1 of the development and between Phases #3 and #4;
- From a future pedestrian bridge across the Speed River, twinned with the GJR bridge, south of the GJR tracks (then east and south of the heritage buildings on site to connect with the Riverwalk)
- From a future pedestrian bridge across the Speed River, on the Riverwalk, south of the heritage buildings.

STAFF REPORT



Ownership of the Riverwalk

The Riverwalk is proposed to remain in private ownership, with the City acquiring surface easements for public access to the riverwalk and other pedestrian access routes. Currently owned by the applicant, the riverwalk is anticipated to be owned by future condominium corporation(s) that will own the proposed buildings on site.

Staff have recommended easements versus outright public ownership of the riverwalk lands because of the Certificate of Property Use (CPU) on the site. As noted earlier, in the Brownfields section of this report, the CPU sets out what can be done with the site and how it must be maintained. One of the key facets of the CPU, is that the existing riverside retaining wall must be maintained in perpetuity to ensure that no remaining contaminants on site are able to leach into the river. Because the Riverwalk and developable portions of the site are both required to adhere to the CPU and need to be maintained and planned together to ensure the site functions properly as a remediated brownfield, staff support taking a surface easement on the riverwalk for public access. The public will have the same access rights as if the City owned these lands and the City and the future condominium will have clearer understanding of rights and responsibilities around maintenance of the site in accordance with the CPU.

Because the ultimate ownership of the riverwalk and the riverside retaining wall will be future condominium corporations and their future residents, staff want to ensure that the developer completes a structural assessment of the retaining wall to determine its condition and that the applicant does any necessary repairs to the retaining wall prior to development commencing. For this reason, staff have included a holding provision in the parent R.4B-X zoning for the site requiring the completion and approval of this report prior to lifting the holding provision and a condition of the site plan agreement (Condition 17 in Attachment 2) requiring any work needed on the wall to be completed.

Parkland Dedication

The applicants originally requested an Official Plan Amendment to reduce the requirement for Parkland Dedication for the site from 10% to 5%. This request stems from the City's Parkland Dedication By-law, which states that properties downtown, which is identified as between the streets of Wellington, Gordon, Norfolk and Woolwich Streets (the area formerly defined as the Central Business District (CBD)) only have to pay 5% of a property's value as cash-in-lieu of parkland dedication while in the rest of the City, 10% is required. This site, 5 Arthur Street, falls in the 10% category, but it is part of the new larger downtown, identified in the Downtown Secondary Plan. Because this requirement is in the Parkland Dedication By-law, and not the Official Plan itself, the applicants agreed to rescind this requested amendment and instead work with Parks staff to determine a solution.

The applicant has had several discussions with staff regarding the ownership of the Riverwalk, the amount of land in question and how the Riverwalk area will be

STAFF REPORT



developed. Generally the developer and staff have agreed that easements are the preferred method of public access to the Riverwalk, and that the City will have a role in the maintenance and insurance of the Riverwalk area, since it will be for public use. In terms of the amount of land, the Riverwalk area, together with additional easements for public access from Arthur Street and around the heritage buildings is slightly more than ten percent of the site area, so meets what would be a standard requirement in under the parkland dedication by-law.

Both staff and the developer have agreed that the Riverwalk should be developed in phases, in conjunction with the adjacent phase of development and that following Phase 1 of development, a temporary trail will be put in place along the river along Phases 2 to 4 (to Neeve Street) so people can access the site prior to the full Riverwalk construction.

The details of the obligations of the City and Developer, as well as future condominium corporations for the design, construction, maintenance, insurance, and other obligations still need to be finalized. Staff have recommended that these details be determined and included in a development agreement registered on title. This condition has been placed in the holding provision on the parent R.4B-X zone to ensure that agreement on these items is finalized prior to development occurring on the site.

Related Public Infrastructure

Concerns were raised regarding how planned City infrastructure projects would interface with the proposed development, including the planned replacement of the existing sanitary sewers on Arthur Street and on the site, the development of the public trail within the Guelph Junction Railway right-of-way and the pedestrian bridges across the river, as well as a study of the river corridor through the downtown.

Arthur Street Upgrades

The City has recently completed a Class Environmental Assessment (EA) to evaluate and provide alternatives for the existing trunk sanitary sewers located within Arthur Street South, crossing the Speed River as well as along the banks of the Speed. It has been concluded that the trunk sewer is to be relocated within the municipal rights-of-ways surrounding the proposed site and will therefore eliminate the need for the sanitary sewers located within the subject lands. The completion of the first phase of residential units is projected for the autumn of 2016 which may coincide with the projected reconstruction of the infrastructure improvements on Arthur Street South, Cross Street and Neeve Street. The Functional Servicing Report has suggested that should the right-of-way reconstruction be delayed, Phase 1 as proposed could be accommodated utilizing the existing infrastructure. Infrastructure staff has confirmed that adequate water pressure, during both the peak hourly and average day demand scenario, as well as sanitary capacity is available for the first phase of development as proposed.

STAFF REPORT

Prior to permitting a development proposal for future phases (beyond Phase 1), the City will need to be satisfied that there are available municipal services (water pressure/volume and sanitary sewer capacity) to accommodate the development needs. For this reason, staff have recommended a holding condition be placed on Phases 2-6 that requires adequate servicing be available prior to development.

Also, the relocation of the existing services that currently bisect the subject lands will be undertaken by the City during the proposed reconstruction of Arthur Street South, Cross Street and Neeve Street, in accordance with a Sewer Relocation Agreement registered on title dated January 13, 2012. The applicant will be responsible for the proportionate share of the reconstruction of the road and services across the frontage of Arthur Street South, Cross Street and Neeve Street in keeping with this agreement. A holding provision has been placed on the parent zone requiring this frontage fee be paid for Phase 1 of the development and a holding provision has been placed on subsequent phases of development requiring that any remaining frontage fees be paid prior to the development of any future phase.

City Trail, Pedestrian Bridges & River Corridor Study

Other City Capital projects related to this project are the City Trail proposed alongside the Guelph Junction Railway, together with a pedestrian bridge across the Speed River alongside the GJR bridge. The GJR bridge is proposed to be replaced in 2017. At the same time, a pedestrian bridge is proposed to be attached to the rail bridge to provide safe access across the river for trail users.

A second pedestrian bridge has been identified to cross the Speed River south of the heritage buildings on the 5 Arthur site. No timelines have been determined yet for the design and construction of this second bridge.

Also, a study of the river corridor through downtown has been identified as needed and is part of the Parks/Community Services proposed capital budget in 2016.

Traffic

The applicant submitted a Traffic Impact Study in support of their application to assess the traffic impact of the proposed development, which was revised and resubmitted in June 2014. Public discussion about traffic concerns was related to the need for area intersection improvements, concern about cut-through traffic into the St. Patrick's Ward neighbourhood, and existing or past controversial traffic calming measures.

The increase in traffic due to the proposed development, as well as the general growth in future traffic from other approved and potential developments in the area were analyzed to determine the impact on traffic and the need for any road or traffic control improvements

The intersection of Arthur Street South and Elizabeth Street was identified as a traffic concern and has been identified in the City of Guelph's Official Plan for improvement which could require a land dedication from the applicant. At this time,

STAFF REPORT

an exact land dedication cannot be specified as the intersection design is preliminary and conceptual only. This land dedication will be required as a condition for Phase 5 of the development, so that the traffic infrastructure can be improved to accommodate the future growth.

Staff has also identified and recommend several modifications to the existing traffic infrastructure in order to accommodate this development. These modifications include:

- The addition of a 40 metre long westbound left turn lane on Elizabeth Street; With this left turn lane, through traffic including buses will less likely be blocked by turning vehicles and drivers in this westbound left turn lane will have better sightlines to detect opposing traffic and pedestrian crossing. Staff note that a concept plan prepared by the developer shows the redesign fitting within the existing road right of way, so no widening is likely needed, but this will have to be confirmed at the time of detailed design;
- Improved pedestrian connectivity via a sidewalk along the west side of the Arthur Street South should be provided to complete a pedestrian network in this area;
- The implementation of traffic calming measures within the study area. The traffic consultant will be required to identify the locations and the developer will be responsible for the cost to design and construct the most effective types of traffic calming measures within the study area based on the experience built over the last two decades.

Neighbourhood residents have raised concerns about controversial traffic calming measures in the neighbourhood in the past. During the past twenty years, there have been a number of traffic calming initiatives conducted by the City to deal with traffic concerns within St. Patrick's neighbourhood. The main concerns raised by the public over the years have focused on the speed and volume of traffic short-cutting through the neighbourhood, as well as problems associated with mixed land uses in the area, such as heavy truck traffic travelling on local residential streets to access businesses located within the neighbourhood.

A number of public consultation initiatives were undertaken over the years within the St. Patrick's ward since mid-1990s. In 1997, staff developed a traffic calming plan for the neighbourhood based on public input. The plan was presented to City Council in September 1998 however due to low resident support (7%) the traffic calming plan was not implemented. Further public consultations occurred through the St. Patrick's Ward Community Improvement Plan process shortly thereafter, and included a consultant report recommending implementation of the traffic calming proposal initially developed by City staff in 1998. The report was received by City Council and no action was taken at the time to implement traffic calming measures in St. Patrick's ward. In 2002 staff were once again directed by City Council to undertake a public consultation process to consider traffic calming measures for four specific streets: Alice, Ontario, Neeve and Toronto Streets. Then shortly thereafter in 2003, a number of all-way stop controls were installed at key

locations within the neighbourhood as interim traffic calming measures until a proper public consultation process could be undertaken. Following some further public consultations with City staff in the mid-2000's, City Council approved in 2008 to keep the interim all-way stop controls in place permanently. Finally, in 2008 following some additional public consultation with residents of Ontario Street, the City installed a road narrowing on Ontario Street at Wood Street. This device was funded through monies obtained as part of an OMB decision involving expansion of the Owens Corning plant located on York Road at Ontario Street, where up to \$17,000 was allocated for implementation of traffic calming measures on Ontario Street. This particular traffic calming device has received mixed opinions from local residents, with some in support and others opposed. However despite some opposition, the road narrowing on Ontario Street remains in place.

Development of the St. Patrick's neighbourhood has evolved over the past twenty years, including the addition of some residential development and the closures of the W.C. Woods plant and Tytler Public School. As a result some of the traffic concerns of the past have disappeared. For example, truck traffic concerns associated with the W.C. Woods plant no longer exists. It has also been staff's experience that support for traffic calming measures within the neighbourhood has changed over the years, with some residents voicing their disapproval of such devices for their street. Lastly, knowledge surrounding the use and effectiveness of traffic calming devices has evolved over the past twenty years, and future consideration of traffic calming devices within this neighbourhood should be based on devices proven to effectively reduce vehicle operating speeds and improve road safety.

Following review of history of traffic concerns in the Ward and the Traffic Impact Study, staff have recommended that the developer be responsible for the cost of design and construction of a left turn lane from Elizabeth to Arthur Street South and for any traffic calming measures needed in an identified study area around the site, to the satisfaction of the City Engineer.

Review of the Proposed Zoning and Specialized Regulations

The zoning recommended in Attachment 2 requires a number of specialized regulations to be included. Through the approval of the DSP, there are a number of different objectives to be fulfilled on the site and a denser form of development contemplated for the subject site than what the current zoning would allow. The recommended zoning bylaw amendment includes the following specialized zoning regulations required in order to implement the built form policies of the DSP. Concern was raised by the public about zoning regulations requested permitting additional commercial uses, reduced setbacks, reduced common amenity area and parking reductions.

Permitted Uses

Some concern was raised by the public about allowing commercial uses in the Buildings in Phases #4, #5, and #6. Staff support smaller neighbourhood scale

STAFF REPORT

commercial uses in the Phase #4 building, limited in size to 500 square metres per unit. Residential uses are not permitted on the ground floor of the Phase #4 building because of flood concerns, so commercial units will animate the street and provide local shops and services that can be easily accessed by the surrounding neighbourhood. Concern was also raised about the types of commercial units permitted being local or chain retail operations. Staff note that the City through the Zoning By-law controls use, but does not control who or which company ends up running a business in a specific location as long as it conforms to the use and associated regulations. Phase #5 and Phase #6 also permit a range of commercial retail and service uses to occur, where individual unit sizes are not regulated provided that parking can be accommodated.

Building Heights

In keeping with the DSP, building heights are as previously described and shown in the draft Urban Design Master Plan. The UDMP considers compatibility of these buildings with the surrounding neighbourhood and potential for shadow impacts. The zoning imposes the following maximum building heights:

- Phase 1: 10 storeys
- Phase 2: 11 storeys
- Phase 3: 12 storeys
- Phase 4: 14 storeys
- Phase 5: 14 storeys
- Phase 6: The existing height of the heritage buildings.

Floor Space Index/Gross Floor Area

Specialized definitions were initially requested by the applicant but were proven unnecessary by staff and not supported. A specialized regulation is included for Floor Space Index for the site permitted at 2.0, in keeping with the policies included with the DSP.

Setbacks, Common Amenity Area and Landscaped Open Space

Specialized regulations have been recommended in the zoning to permit reduced requirements for building setbacks, common amenity areas and landscaped open space (as shown in Attachment 2). Staff support these regulations based on review of the proposed site concepts in the draft Urban Design Master Plan and the policies in the DSP.

Parking

Public concerns were raised about the proposed parking requirements. Some residents were concerned around providing too little parking on site, and not enough visitor parking, leading to overuse of on-street parking in the area, as well as concern about too much parking being provided, which would encourage more driving and less alternative transportation use.

STAFF REPORT



Originally, the applicants proposed a reduced residential parking ratio of a minimum of 0.75 of a space per unit with 0.1 of a space per unit reserved for visitor parking. The standard requirement for apartment buildings in the City is 1.5 spaces per unit for the first 20 units, then 1.25 per unit for any after 20.

Following review and discussion with the City, the applicant changed the residential parking ratio for Phases 1 to 5, to a minimum of 1 space per dwelling unit plus 0.15 of a space per unit for visitor parking. Staff are satisfied that this minimum requirement is adequate given the proximity to the downtown core and the transit terminal. For the Phase 1 building, at this time the applicants are proposing 171 parking spaces for the 134 residential units proposed. Under the zoning they would be required to provide 154 (134 spaces for residents and 20 for visitors).

Staff have also required that one parking space in the Phase 1 Building be reserved for a community carshare use (Condition 4 in Attachment 2) so that residents will have the option to join the carshare and have a vehicle available for use. Future phases of development will also consider reserving space for carshare parking at the time of site plan review.

For non-residential uses (the commercial mixed use areas in Phases #4 and #5) the proposed requirement is a minimum of 1 parking space per 33 square metres of Gross Floor Area. Staff are satisfied that this standard is appropriate for the proposed small scale commercial uses, given the urban context. It is anticipated that many customers of the commercial establishments will be local residents, from the new development or the surrounding neighbourhood. The sites will also be well serviced by alternative transportation methods with the trail along the river for bikes and pedestrians and the proximity of transit.

The heritage building (Phase 6) has its own specific parking regulations, different from phases 1 to 5 of the proposed development. Because the heritage building is set at the back of this portion of the site and cannot accommodate underground parking, the only area available for parking is the surface area in front of the building. Staff support surface parking here given the unique situation. A parking structure would not be supported in front of the heritage building as it would block the views to and from the heritage building. The conceptual site plan shows that approximately 40 parking spaces could be provided, dependent on the final layout. Staff have required that a minimum of 30 parking spaces be provided for the use of the heritage building. This provides some flexibility in the final parking area design. Staff also note that it may be possible to provide additional parking for the heritage building in adjacent phases of the development if necessary.

Specific regulations have also been included for the provision of bicycle parking. The zoning will require that 0.65 bicycle spaces per dwelling unit and 0.3 spaces for each 100 square metres of non-residential Gross Floor Area. For the phase 1 building, 119 indoor bicycle parking spaces are proposed.

STAFF REPORT

Severability Provision

The "severability provision" is a regulation that permits the site setbacks established when the site is a whole property, to be kept the same following any land division or severances of the property. In this case, use of the severability provision is appropriate because the approximate locations of all buildings have been finalized and the future buildings will eventually be separate properties with condominium ownership.

Bonusing

The applicants included a bonusing provision in their zoning request, asking for general permission for bonusing to be permitted on site. Bonusing is already enabled by the Downtown Secondary Plan generally, however, the applicants do not have detailed information yet as to what the additional amount of density would be compared to a proposed community benefit. The location and amount of additional density needs to be reviewed through a public process and weighed against specifics of a proposed community benefit for bonusing to be properly evaluated. Staff do not support adding any zoning permissions for bonusing until the details can be discussed and suggest that the applicants submit a separate zoning amendment to deal with bonusing when the details are known.

Floodway Zone

The proposed Zoning By-law has requested two exceptions within the Floodway Zone: one for the area containing a portion of the existing built heritage resource and the other to permit encroachment of a portion of Phase 5 of the development within the floodway. The second exception, to allow new development within the Floodway is not supported by the GRCA, as expressed by their letter dated March 27, 2014, nor by Environmental Planning staff. To accommodate these comments, the applicant has redesigned the building to keep it out of the floodway.

The retention and re-use of the existing building within the floodway is supported by both the GRCA and staff in order to retain the built heritage resource. It should be clear however that support is provided only for the retention and re-use and not for new development, intensification nor replacement of the building if it was destroyed.

Furthermore, the proposed use of a day care facility within the existing built heritage resource is not supported by the GRCA or City staff. Provincial and City policies do not support day cares, or similar institutional uses, within floodways due to the threat to safe evacuation during an emergency as a result of flooding.

Community Energy Initiative Considerations

The applicant has submitted information outlining additional energy efficiency initiatives that are proposed in association with the construction of the proposed building for Phase #1 (see Attachment 10). Condition #3 has been included in Attachment 2 to ensure that the owner does submit written confirmation that the proposed building is constructed to a standard that implements energy efficiency in support of the Community Energy Initiative.

District Energy

An outcome of the broader Community Energy Initiative, the Guelph District Energy Strategic Plan (GDESP) sets out a vision for Guelph as a prosperous, cleaner and healthier community powered by a secure, reliable, affordable and sustainable district energy system. At the center of the plan and key to achieving the objectives in the Community Energy Initiative is the downtown Galt District Energy System. The Galt District Energy System is in close proximity to the 5 Arthur Street South development and available to provide cogenerated heating and cooling to the site.

The developer has been involved in ongoing discussions with Envida Community Energy regarding the potential for incorporation of District Energy in the development. At this time, the developer has agreed to review the potential for district energy into the Phase 1 building, but has not yet agreed to use district energy and has designed the building with individual heating and cooling units in each dwelling unit.

Staff strongly support the developer using the local district energy system, as it would be both a more efficient use of available City infrastructure and an effective way to support the CEI and reduce greenhouse gas emissions generated by the development. The City's Corporate Manager of Community Energy has recommended a condition of site plan approval that the developer must agree to use district energy to service the agreement or if unable to incorporate district energy, then the developer must provide evidence that the development will contribute to the GDESP or CEI in other ways (Condition #5 in Attachment 2).

Site Design Issues

Public discussion at the public meeting also raised issues about the proposed site design, including concern about wind or shadow impacts, underground hydro, garbage removal, lighting, antennas and satellite dishes.

Underground Hydro

There is a policy in the Downtown Secondary Plan (11.1.5.1.6) that utilities should be buried or located in rear yards or areas where they are not visible from the street to provide a cleaner and more cohesive looking streetscape. The applicants have agreed to bury the hydro and other services on site to better enhance the streetscape.

Staff note that on Arthur Street currently there are above ground hydro services, so hydro will only be buried on the 5 Arthur property itself, not on the street. However, on the street, the hydro poles are proposed to be replaced and upgraded, at the cost of the developer, to provide adequate service to the site.

Should the City wish to place hydro underground on Arthur Street, in accordance with the Downtown Streetscape Manual, the City should pursue this within the design and redevelopment of Arthur Street scheduled to occur in 2015-2016 together with the trunk sewer replacement.

STAFF REPORT

Garbage/Recycling

Garbage and recycling will be addressed within the building with a pick-up area being provided at the southerly end of the building adjacent to the entrance to the parking garage. Waste and recycling would be stored within the building at all times.

The three stream waste collection system would be accommodated within the proposed building in accordance with the City's Waste Collection By-law. Through the site plan approval process, a waste management plan is also required to be prepared and submitted to the City's Solid Waste Department for approval. Condition 4 in Attachment 2 outlines the requirement to address all details of waste sorting and collection in accordance with the City's Waste Collection By-law prior to site plan approval. This includes the requirement to explore opportunities to facilitate a transition to City waste collection at some point in the future. Although private waste collection would be initially proposed for the proposed development, a number of possibilities do exist for transitioning to total or partial City waste collection in the future.

Lighting, Antennas, Satellite Dishes

A detailed lighting plan will be submitted and reviewed through the site plan approval process to ensure that there are no adverse lighting impacts from the proposed development on surrounding lands. In addition, the applicant has indicated that the condominium declaration would ensure that no antennas, satellite dishes and similar structures could be erected on the building.

Attachment 10 Peer Review Architect Report

Giannone Petricone Associates

Giannone Petricone Associates Inc. Architects
Peer Review Report - 5 Arthur Street, Guelph, ON
Second Review: June 06, 2014

The firm of Giannone Petricone Associates was asked by the City of Guelph to provide services in the form of Peer Review Architect for a mixed use, high-density residential multi-phase development comprising of several buildings located at 5 Arthur Street, Guelph, Ontario.

For the second formal review, it is acknowledged that the applicant Fusion Homes, through their architect, Kirkor Architects & Planners, have made attempts to incorporate many of the comments raised in the first review. The applicant's willingness to deal with subtle changes important to the urban design is also acknowledged.

Following our First Review report, dated February 2, 2014, a meeting was held at the Fusion Homes offices with the City of Guelph on April 15, 2014. The applicant presented a revised "Urban Design Master Plan" document on April 15, 2014. A subsequent meeting was held on May 9, 2014 at the City of Guelph where further revised documents were submitted for review as follows:

- Site Plan Approval drawings dated February 26, 2014
- Landscape drawing set dated May 16, 2014
- Urban Design Master Plan document dated May 2014
- Addendum document "Revision in Phase 1 Based on Urban Design Brief Comments on April 15, 2014" dated May 14, 2014

Attachment 10 Peer Review Architect Report Cont'd

Giannone Petricone Associates Inc. Architects

Peer Review Report - 5 Arthur Street, Guelph, ON

Second Review: May 27, 2014

Second Review

As stated above, this meeting allowed for a discussion around the changes and progress that the applicant had made following the first review. As well, many questions of clarification were dealt with during our meeting. It must be stated that the documentation provided by the applicant was thorough and comprehensive. Further to this the applicant provided much assistance in understanding the resultant design.

The following commentary results from review of all documents provided (listed above) and from a discussion with City of Guelph staff and the applicant:

1. Grade Relationships

- 1.1 The applicant has responded to the request to scale down the stairs from the private courtyards to the Riverwalk, by reducing the width of the stair, as well as adding stepped planters and sloped landscaping. The corner townhouses flanking the stairs are now terraced, as was suggested by our First Review report, and this is seen as a step towards a positive resolution.
- 1.2 We are generally in support of the addition of 2 more staircases on the Phase 1 Riverside townhouses to the Riverwalk, however the execution can be further refined through the site plan approval application. It may be beneficial to have the stairs shift between the units so that four (4) of the units can share the staircases. The staircases could also be oriented parallel to the Riverwalk to minimize encroachment onto the public area.
- 1.3 A strip of planting (sod) has been added to the north side of the Phase 1 tower between the drop-off and the parking lot surfaces to improve the public pedestrian connection between Arthur Street and the Riverwalk.
- 1.4 The addition of raised planters alternating in height that step in and out along the Riverwalk is appreciated as it adds interest and breaks up the monotony of the solid wall running along public face of the path.

Attachment 10 Peer Review Architect Report Cont'd

Giannone Petricone Associates Inc. Architects

Peer Review Report – 5 Arthur Street, Guelph, ON

Second Review: May 27, 2014

2. Building Design

- 2.1 Town house massing: The applicant has added bay windows onto the Riverside townhouses, which we believe to be a successful strategy towards creating a more modulated and varied façade. The revised sidewalls of the townhouses facing the heritage buildings show an increase in fenestration which is an improvement over the previous blank wall representation.
- 2.2 The Phase 1 tower massing: an effort has been made by applicant to diminish the bulk of the building. The increase in glazing at the 8th and 9th storey on the Riverwalk side decreases the appearance of some of the mass. The mass could be further diminished by breaking up the continuous balcony on the north side of the 10th storey into 3 separate, private balconies. The same strategy can also be applied to the 9th story by breaking up the continuous balconies on the east and west into 3 separate, private balconies on each side as this will help lighten the building's appearance.
- 2.3 Phase 2 and 3 tower massing: it is understood that the applicant intends for the Phase 2 and 3 towers to not be identical but to appear as "brother and sister" to the Phase 1 building. Based on the site plan submitted (p.37, the Urban Design Master Plan May, 2014) it is our opinion that the massing is heading in the right direction. The Phase 2 tower appears to be without hips, and overall thinner with its penthouse level stepped back farther than the adjacent towers. It is encouraged that the Phase 3 tower also displays this level of variation from the Phase 1 tower.
- 2.4 Phase 4 building massing: As requested, the applicant has shifted and angled the northwest corner massing of the podium towards the south, opening up the public access to the River. The tower massing has been improved through conforming to the 1.5:1 length-width prescribed by the Urban Design Masterplan document.

Attachment 10 Peer Review Architect Report Cont'd

Giannone Petricone Associates Inc. Architects
Peer Review Report - 5 Arthur Street, Guelph, ON

Second Review: May 27, 2014

As the project becomes more refined, it is crucial to the skyline of the city of Guelph that the materials and building massing continue to contribute towards creating 5 towers with varied architectural articulation, as per the Urban Design Guidelines.

We believe that the project has improved, and the applicant has made an effort to address the many of the comments made in the First Review report. We look forward to seeing how the project develops.

Attachment 11 Community Energy Initiative Commitment

5 Arthur Street South - Features of Proposed Development that Support Guelph's Community Energy Initiative (February 6, 2014)

Sustainable Sites (Location and Property)

Urban Development	Development is more sustainable in that it is located within the boundary of an existing urban area on land that is fully serviced, utilizes existing infrastructure, hard and soft services and various amenities and that avoids unnecessary consumption of agricultural or rural land.
Downtown Core Location	Development in a downtown core location is more sustainable as it is within convenient walking or cycling distance of a range of commercial and service uses, employment, community services, parks and leisure activities, reducing the need to drive and air pollution.
Mixed Use Development	Development will be mixed use in nature and include a broad range of residential uses, commercial uses and other amenities, such as parks and trails. Mixed use development is beneficial by enabling the creation of a more efficient, complete and healthy community.
Density and Built Form	The proposed development involves creation of a greater number and diversity of higher density built forms that are more compact in nature and that make more efficient use of land. Such built forms also enable incorporation of more efficient systems that reduce energy consumption.
Brownfield Redevelopment	The proposed development benefits by remediation of this former brownfield site next to the Speed River and by improving current conditions. The retention and rehabilitation of existing buildings reduces the volume of waste going to the landfill and energy expenditures and inputs needed to produce additional building materials.
Transportation	The proposed development provides alternative options for transportation with a network of local roads, access to sidewalks and trails for walking and cycling and higher order transit. The downtown location enables residents to avoid or reduce the cost and impact of driving by the proximity to jobs, shops, services, recreation and leisure. Ample bicycle storage is provided for residents and visitors on site.

Building Design, Systems and Materials

Building Type	Phase 1 to 3: Each phase consists of a 10 to 12 storey residential mid-rise with a 3 to 4 storey TH base at the east and west ends and one story garden unit at the north and south ends of the block. Phase 4 and 5: Each phase consists of a 12 to 14 storey residential building with a 4 to 5 storey podium and retail at grade.
Building Orientation and Layout	Buildings are oriented on an east-west axis. They are slender in form to maximize the distance between buildings and visual/ pedestrian access towards the riverfront from Arthur Street. In Phase 5, the riverside portion of the building is bent to maximize views towards Speed River.
Building Longevity	Buildings will be constructed of durable materials, such as stone, local masonry, concrete, glass and metal. Building envelope will be properly sealed and vented to avoid condensation and leakage into building interiors.
Exterior Walls and Glazing	The buildings are designed with less than 50% vision glazing. With the use of masonry wall and proper insulation, energy loss will be minimized.
Light and Ventilation	The increase in distance between buildings maximizes natural light into the units. Operable windows/ sliding doors will be provided for each room along building envelope for natural ventilation.
Mechanical and Electrical Systems and Metering	Individual heating and cooling unit and hot water tank are provided for each suite. Central mechanical plant is eliminated. At least 25% energy reduction relative to the consumption of the reference building designed to the Model National Energy Code for Buildings (MNECB). HVAC units within suite will be high-efficient if gas-fired equipment is used.
Building Materials	Buildings will be constructed of durable materials, such as stone, masonry, concrete and metal. <ol style="list-style-type: none"> 1. Low VOC interior finishes. 2. Renewable materials and products such as bamboo may be used. 3. Potential use of certified wood.
Origin of Building Materials (Local/Regional)	Local masonry will be a predominate material used on the buildings (structure & aesthetics)
Fixtures and Appliances	Energy Star appliance and water efficient fixtures.

STAFF REPORT

Recycling and Waste Collection	There is an indoor garbage/ recycle collection area dedicated to each building phase.
Recycling of Construction Waste	Materials will be properly sorted and recycled before leaving the site.

Landscaping and Site Design

Exterior Design	15m Public river walk is intended for public access.
Landscape Design	The landscape design provides numerous connections to nature and the great outdoors. Grade related townhouse patios animate the streetscapes and river's edge. Two private patios provide outdoor amenity for the new residents.
Public Open Space	Open and permeable streets connect the surrounding neighbourhood to the river's edge. A riverside walk unfolds the river's beauty for the full length of the new community.
Existing and Proposed Trees	An existing Norway maple hanging over the river's edge will be preserved and supplemented with a new crop of shade trees that increase in density towards the south.
Site Lighting	Light pollution reduction: no lights are projected outside of site boundary. Automatic interior lighting control systems will be used
Amenity/Green Roofs	There are semi-private outdoor amenity courtyards between Phase 1 and 2 and between Phase 2 and 3.
Other Sustainable Landscaping and Site Design Measures	Use of high albedo surface materials and shade for at least 50% of site non-roof hardscape. Except for the Heritage site, no surface parking is in the design. As for Urban Heat Island reduction, all parking spaces are structured.

Water Efficiency

Water Efficient Building/System Designs	Water efficient fixtures to reduce water consumption on site.
Water Efficient Landscaping Design and Materials	Water efficient plants will be utilized. Plants will be self-sufficient of the irrigation system after the first two years.
Stormwater Management Approach and LID's	Stormwater quality measures will be implemented to remove 80% of total suspended solids on an annual loading basis. In this regard oil/grit separators will be installed to treat larger paved driveways and parking lots. With respect to LIDs, a bio-retention swale will be constructed along the river walk to provide treatment of runoff by filtering stormwater through a bio-retention

STAFF REPORT

	soil mixture.
Erosion and Sediment Control	An erosion and sediment control plan will be prepared to illustrate the required measures to be implemented during construction in accordance with the requirements of the City and Conservation Authority. The plan will include details, construction staging notes as well as inspection and maintenance notes.

Innovation and Design

Modelling/Auditing	Energy Modeller to calculate the reduction in energy consumption for the project based on current design.
Accreditation/Certification	Kirkor Architects have several LEED professionals on staff: Matthew VanGilst, Bonnie Chan, Steve Kirshenblatt.
Education/Interpretation	Education programs/panels to explain the history of the site and sustainable measures in the new building design along River walk .

STAFF REPORT



Attachment 12 Circulation Comments - Agency

<u>RESPONDENT</u>	<u>NO OBJECTION OR COMMENT</u>	<u>CONDITIONAL SUPPORT</u>	<u>ISSUES/CONCERNS</u>
Planning/Urban Design		✓	Subject to conditions in Attachment 2 - see attached correspondence
Environmental Planning		✓	Subject to conditions in Attachment 2 - see attached correspondence
Engineering		✓	Subject to conditions in Attachment 2 - see attached correspondence
Park Planning & Development		✓	Subject to conditions in Attachment 2 - see attached correspondence
Heritage Planning		✓	Subject to conditions in Attachment 2 - see attached correspondence
Environmental Advisory Committee (EAC)		✓	Subject to conditions in Attachment 2 - Resolution included in Environmental Planning comments
River Systems Advisory Committee (RSAC)		✓	Subject to conditions in Attachment 2 - Resolution included in Environmental Planning comments
Guelph Hydro		✓	Subject to conditions in Attachment 2
Grand River Conservation Authority		✓	Subject to conditions in Attachment 2
Upper Grand District School Board		✓	Subject to conditions in Attachment 2
Wellington-Guelph Housing Committee		✓	Subject to consideration for affordable housing opportunities
CN Rail		✓	Subject to conditions in Attachment 2
Zoning	✓		
Guelph Fire / Emergency Services	✓		
Guelph Police	✓		
Union Gas	✓		
Guelph and Wellington Development Association	✓		Support application – see attached correspondence

STAFF REPORT



INTERNAL MEMO



DATE June 19, 2014

TO **Katie Nasswetter, Sr. Development Planner**

FROM David de Groot

DIVISION Planning and Building Services

DEPARTMENT Planning, Engineering & Environmental Services

SUBJECT Urban Design Comments for 5 Arthur Street (2278560 Ontario Inc.): Zoning By-law Amendment Application

Urban Design Staff have the following comments on the revised Urban Design Master Plan (UDMP) dated May, 2014 and revised by letter dated June 10, 2014. The UDMP is a critical document that will be used to guide future site plan applications and future phases, as well as providing support for the proposed Zoning By-law. Staff notes that the author has changed and the development concept of the Urban Design Master Plan has been revised since the first submission of the Urban Design Master Plan by the applicant. This is the third review of the revised Master Plan.

The second peer review architect report dated June 6, 2014 based on the second meeting held on May 9, 2014 outlines a number of the key urban design issues. Key issues addressed through this process have been around:

1. Grade relationships, including how the building meets the Riverwalk, and Arthur Street, as well as how the internal east-west streets are addressed.
2. Building Design around massing. More shaping of the building has occurred to ensure the building steps down to the River and the top is more sculpted. As well as ensuring that variety is achieved in the first three phases by way of a master plan.
3. Ensuring the demonstration plan reflects the City's Secondary Plan policies around built form (e.g. floorplates and stepbacks).

Comments on Urban Design Masterplan (UDMP)

The UDMP has been refined in order to reflect a number of the previous comments made by staff and the peer review architect. Staff thank the applicant for making these changes. The following changes are required to the Master Plan prior to re-zoning:

- The Site and Context (pg.10): Please add back in the general requirements of the Downtown Secondary Plan which limit floorplates and length/width ratio: "Generally, the maximum floorplate of any floor above the sixth storey shall be 1200 square metres. Floor plates of floors above the eighth storey generally shall be a maximum of 1000 square metres and should not exceed a length to width ratio of 1.5:1."
- Development Concept—River Walk (pg 15): As previously noted, please revise the guideline as follows:
"—To ensure that there are 'eyes on the river walk' and there is a positive relationship between the townhouses and the river walk, planters will be provided to soften the required wall. Stairs will be provided for direct access to the townhouse units from the river walk. Any stairs will generally be located outside the river walk

Katie Nasswetter, Sr. Development Planner
June 19, 2013

Comments on Revised Urban Design Master Plan for 5 Arthur Street (2278560 Ontario Inc): Official Plan and Zoning By-law Amendment Application

Page 2 of 3

with limited encroachment permitted in the floodway. The wall will also be 'crenulated' in order to provide visual interest."

- Development Concept (pg. 19): Please add a guideline regarding burying hydro lines adjacent to the development.

- Development Concept (pg. 22): Amend the diagram to show conceptual setbacks after floors 6 and 8. Add back in the guideline recognizing the policies in the Secondary Plan which limit floorplates and length to width ratios: "Generally, the maximum floorplate of any floor about the sixth storey shall be 1200 square metres. Floor plates of floors above the eighth storey generally shall be a maximum of 1000 square metres and should not exceed a length to width ratio of 1.5:1."

- Development Concept Cross sections (pgs 23-29): On each cross-section please add the following note: "Stepbacks will be provided as per the guidelines and Zoning By-law."

Zoning By-Law

- The approved Zoning By-law needs to reflect the Downtown Secondary Plan policies around built form. Specifically, stepbacks and building floorplate restrictions.

- This being said, the Downtown Secondary Plan allows for some flexibility in the built form policies of the Downtown Secondary Plan (11.1.8.1.4). Based on this policy, for Phase 1, staff is supportive of a floorplate size of 1200m for floor 9 (rather than 1000m) and the length to width ratio greater than 1.5 to 1 for floors 9 and 10 based on a maximum height of 10 storeys. This support is based on the refinements to the building design for Phase 1 which remove the 'super grid' in order to lighten the massing, and the provision of a visual step-back above floor 7 facing the river.

- For Phase 2, based on refinement of the design through an Urban Design Brief as part of a holding provision staff is supportive of the following Zoning Approach:
 - A length to width ratio greater than 1.5 to 1 for floors 9-11
 - Floorplates above 10 storeys limited to 750 sq m.
 - A maximum height of 11 storeys

- For Phase 3, based on refinement of the design through an Urban Design Brief as part of a holding provision staff is supportive of the following Zoning Approach:
 - A length to width ratio greater than 1.5 to 1 for floors 9-10
 - Floorplates above 9 storeys (rather than 8) limited to 1000 sq m.
 - A maximum height of 12 storeys

STAFF REPORT

Katie Nasswetter, Sr. Development Planner

June 19, 2013

Comments on Revised Urban Design Master Plan for 5 Arthur Street (2278560 Ontario Inc): Official Plan and Zoning By-law Amendment Application

Page 3 of 3

- Based on the above a holding provision for phases 2, 3, 4 and 5 should be included for the submission and approval of an Urban Design Brief that describes how this phase of development meets the Urban Design Master Plan for the site and the completion of an architectural peer review process.
- Based on these provisions and the UDMP, staff feel that the planning process will create appropriate variety and interest in building design and massing through the full build-out of this project.

Site Plan Process

Refinement to the design of the first phase will be required through the site plan process around:

- Ensuring the building will be sculpted to provide the visual effect of stepping down towards the river as shown in the revised renderings circulated May 15, 2014.
- Further sculpting of the top of the building by refining the approach to balcony design as outlined by the peer review architect report dated June 6, 2014.
- Provision of an Urban Design Brief summarizing compliance to the UDMP.
- Provision of a concept plan for the River Walk.
- Stairs connecting the townhouses to the river walk should be predominantly outside the 15m river walk and subject to the GRCA regulations.

Conclusions:

- The Urban Design Master Plan should be revised based on the above comments.
- The approved Zoning By-law needs to reflect the Downtown Secondary Plan policies around built form. Specifically, setbacks and building floorplate restrictions with exception where noted above. In addition a holding provision should be included for Phases 2, 3, 4 and 5 around the submission of an Urban Design Brief and peer review architect proposal. An urban design should also be submitted with the site plan application for the phase containing the heritage building.
- Further detailed comments will be provided as part of the site plan process.

Prepared By:

David de Groot

Senior Urban Designer

519.822.1260 ext. 2358

David.deGroot@guelph.ca

STAFF REPORT



INTERNAL MEMO



DATE May 30, 2014

TO **Katie Nasswetter, Senior Development Planner**

FROM Adèle Labbé, Environmental Planner - Development

DIVISION Planning, Building, Engineering and Environment

DEPARTMENT Planning Services

SUBJECT 5 Arthur Street South Proposed ZBA and OPA dated February 14, 2014

Hi Katie,

After being involved in reviewing the application (OP1302/ZC1305) for an Official Plan Amendment and Zoning By-law Amendment at 5 Arthur Street South since the winter of 2012, I am pleased to provide my final comments and recommendations as it relates to the proposal submitted on February 14, 2014. Note that should substantial changes be made to the application following the date noted above, additional comments and recommendations may be provided from an environmental perspective.

Chronology of review undertaken:

- Proposed Environmental Impact Study Terms of Reference submitted by Stantec Consulting Ltd., dated March 5, 2013
- Comments provided on March 14, 2013 in response to a proposed Scoped Environmental Impact Study (EIS) Terms of Reference (ToR);
- Staff Report for Environmental Advisory Committee provided March 3, 2013 in response to the proposed Scoped EIS ToR;
- Staff Report for River System Advisory Committee provided March 13, 2013, in response to the proposed Scoped EIS ToR;
- **A complete application was received on June 3, 2013 to develop 5 Arthur Street;**
- Environmental Planning comments were provided on June 28, 2013 in response to the complete application including a Scoped EIS dated April 2013;
- Internal Memorandum prepared on October 31, 2013 in response to the Tacoma Structural Integrity Assessment;
- A revised Scoped EIS was submitted and dated September 2013 in response to staff comments;
- Staff Report prepared for the Environmental Advisory Committee dated October 9th, 2013;
- Staff Report prepared for the River System Advisory Committee December 4th, 2014;
- City Response prepared on February 12, 2014 to address a motion passed by RSAC on December 4th, 2014.
- **On February 14, 2014 a revised complete application was submitted to the City for review.**
- A Staff Report was prepared for the Environmental Advisory Committee on March 12, 2014;
- Staff prepared a presentation for the River System Advisory Committee March 19, 2014 meeting.

Below I've outlined any outstanding comments and/or concerns as well as recommendations

STAFF REPORT



Environmental Planning – Final Comments and Recommendations
May 20, 2014

RE: 5 Arthur Street South proposed OPA and ZBA

Page 2 of 13

moving forward. I have also included in Attachments 1 and 2 the motions carried by the Environmental Advisory Committee (EAC) and the River Systems Advisory Committee (RSAC), respectively, as it relates to this file. Attachment 3 includes the City's response to the December 4th motion carried by RSAC.

Proposed Development

The applicant proposes redevelopment of the former W.C. Woods Factory and existing brownfield site located at 5 Arthur St. S. The development proposed is mixed use consisting of 6 phases. The development includes approximately 650-750 residential units arranged within buildings and townhouses and underground parking, as well some commercial units are included within phases 4 and 5 on the ground floor. The existing building on site is a built heritage resource that is proposed to be re-used as part of the development but is not proposed to include any residential units. A publicly accessible trail along the river within the Floodway Zone is also proposed and referred to as the riverwalk.

Final Comments (Feb 2014 submission):

Riverwalk Revised Rendering (March 2014):

- The Riverwalk Rendering that is attached to the Active Development Files website is misleading. It doesn't adequately represent the site even at a conceptual level. Particularly striking is the lack of a retaining wall separating the riverwalk from the river.

Functional Servicing Report (Rev. April 2014):

- The most recent Functional Servicing Report does not include green roof technology as a recommended Low Impact Development feature for the site. The Urban Design Master Plan and artistic renderings for the site have included green roofs on two of the 6 buildings since early concepts were circulated. Staff strongly recommend that green roofs continue to be planned for the site for at least 2 of the 6 buildings. It is important to consider this type of technology at this time to ensure they are feasible at the site plan stage.
- The most recent Functional Servicing Report continues to illustrate development within the Floodway Zone which is not permitted. See attached redline. The Allan Dam spillway should be incorporated in plans to help depict the Floodway Zone line which will be measured from the edge of the spillway.

Urban Design Master Plan by Kirkor (May 2014):

- P. 32 illustrates the Emergency Vehicular Access within the 15m wide floodway. The concept of locating an emergency access route (as required by the OBC) in this location is not supported by the Environmental Planner, the River Systems Advisory Committee or the Environmental Advisory Committee. Vehicular access for maintenance and/or emergencies is supported by means of removable bollards, as previously discussed. Should emergency vehicular access be required, an additional 3m should be provided above and beyond the 15m setback.
- A goal of the UDMP should be to avoid unnecessary infrastructure within the riverwalk.
- The Urban Design Master Plan does not reference the Environmental Impact Study recommendations or acknowledge the need for an Environmental Implementation Report. The most appropriate section to reference the EIS and EIR is likely section

STAFF REPORT

Environmental Planning – Final Comments and Recommendations

May 20, 2014

RE: 5 Arthur Street South proposed OPA and ZBA

Page 3 of 13

3.1.10 Sustainability. In this section add the following goals and objectives under “Environmental Sustainability”:

- Protect and enhance Guelph’s Natural Heritage System and its ecological functions through the implementation of recommendations from the Environmental Impact Study (ex. Bird-friendly building design, etc.) and Environmental Implementation Report.

Policy Analysis in Response to Request for an Official Plan Amendment:

Existing Land Use Designations, Zoning and Study Requirements:

Within the current Official Plan (December 2012 Consolidation), a 15 m swath directly adjacent the river is designated as Core Greenlands and the balance of the site is designated as Special Policy Area / Floodplain (see attached Figure 1). Currently, the 15 m swath adjacent the river on site is zoned Floodway (FL) and Residential Apartment with a holding provision [R.4B (H2)].

The Special Policy Area designation recognizes existing development within the floodplain and provides opportunity for infill where flood hazards are not aggravated. The Grand River Conservation Authority, through a Memorandum of Understanding, provides the City with technical expertise to review the proposal as it relates to flood hazards.

The Core Greenlands designation is based on the Floodway function (Natural Hazards) where areas are recognized as having greater sensitivity and significance. This is primarily due to the risks associated with the flooding depths and velocities, in this case. Development is prohibited in the Floodway.

The site is directly adjacent to the Speed River, which is designated as Core Greenlands (Natural Hazards) and includes elements of Non-Core Greenlands such as fish habitat as well as environmental corridor functions. When development is proposed on lands adjacent to fish habitat and/or environmental corridors, an EIS must be undertaken to demonstrate no negative impacts to the features or their functions (policies 6.7.2 and 6.8.4.2).

Having Regard for OPA 42:

The City’s Natural Heritage Strategy and OPA 42 (currently under appeal) does not identify any portion of this site as a component within the NHS due to its current developed state (See attached Figure 2) . On adjacent lands, the Speed River is identified as Significant Natural Area in OPA 42 based on it providing Fish Habitat, Waterfowl Overwintering Habitat as well as being included within Undeveloped Portions of the Regulatory Floodplain. The policies of OPA 42 would require an Environmental Impact Study to be undertaken to demonstrate that the proposed development does not impact the Significant Natural Area.

Request for Official Plan Amendment:

The proposal seeks relief from the December 2012 Consolidated Official Plan policy 6.9.5.1 (a) where it reads:

In spite of 6.9.1.2 (b) in instances where a development proposal is within or on adjacent lands to the Speed and Eramosa Rivers’ environmental corridor, the City will require development to be set back the greater of: (a) 30 metres from the river edge; or (b) where there is a steep slope adjacent to the river; 15 m from the top of slope.

Policy 6.9.1.2 reads:

STAFF REPORT

Environmental Planning – Final Comments and Recommendations

May 20, 2014

RE: 5 Arthur Street South proposed OPA and ZBA

Page 4 of 13

The City will promote the protection and maintenance of all rivers, streams and creeks as environmental corridors. (a) Land within the area of influence of streams and rivers should, where possible, be retained as, or rehabilitated to enhance its function as an environmental corridor. (b) Generally, the City will require development to be set back a minimum of 10 metres from the top of stream bank, or 30 metres from the stream edge whichever is greater. This area is to be used as a riparian buffer.

These policies are found within Section 6.9 Environmental Corridors and Ecological Linkages of the current consolidated Official Plan (December 2012 consolidation). This portion of the City's Official Plan defines Environmental Corridors as:

Linear biophysical features usually associated with river, stream and creek valleylands that provide essential links for plant and animal species and often serve as buffers to riverine ecosystem.

At this site, the natural form of the Speed River valley slope and river's edge have been subject to historic anthropogenic alterations and development. An existing retaining wall and building wall are congruent with the river's edge in this location. Under the current Official Plan policy framework a 30 metre development setback from the river edge is required. It is this policy from which the proponent seeks an Official Plan Amendment to allow development to occur within 30 m of the stream/river edge and no closer than 15 metres.

Analysis:

The reaches of the Speed River adjacent to the site support species of reptiles (turtle) and amphibians (frogs and toads), several aerial insectivores and other bird species, bats, waterfowl, fish and other aquatic organisms at some point throughout their life cycles. Fish and wildlife depend on this area as habitat for breeding, foraging and feeding, refuge habitat during winter months as well as a corridor to move through the city to and fro the downstream confluence of the Speed & Eramosa Rivers and the Guelph Lake area. The Speed River in this location is managed as a coolwater fishery.

The environmental corridor functions in their existing condition are currently limited. Primarily, functions occur adjacent the river wall due to the use of the site as a factory including buildings at the river's edge for over a century. Furthermore, the existing Allan Mill Dam which is recognized as a barrier to upstream fish movement, further limits the corridor functions within these reaches relative to fish. Limited use of the site area adjacent the river is acknowledged, particularly since the closure of industrial operations. The EIS confirms that the corridor functions in this area serve downstream fish movement and urban wildlife movement including racoons, skunks, bats and birds, etc. throughout the City.

Contrary to information in the EIS, staff interpretation of the City's Official Plan is that it does recognize the existing developed nature of the Speed River valley. For example, policy 6.9.5 "promotes the future naturalization and environmental enhancement of the Speed and Eramosa river valleys in effort to improve the river's water quality and fish habitat, prevent bank and steep slope erosion as well as provide the filtration of stormwater" (Official Plan Consolidated December 2012). This same policy further directs development to be located 30 metres from the river's edge or 15 m from the top of slope.

Environmental Planning – Final Comments and Recommendations

May 20, 2014

RE: 5 Arthur Street South proposed OPA and ZBA

Page 5 of 13

The objectives of the policies of section 6.9 are to promote the retention, maintenance and enhancement of environmental corridors and ecological linkages. Furthermore, the general policies indicate that the City encourages the incorporation of environmental corridors into a development proposal's design to enhance social and environmental qualities of the landscape.

Official Plan objectives as it relates to the area adjacent the river can also be found in the City's Open Space policies. For example, section 7.12 includes several goals applicable to the site including, but not limited, to:

- *to develop a continuous linear open space system connecting diverse natural, cultural and recreational land uses within the City and with links to surrounding municipalities; and*
- *to assist in protecting areas comprising of natural heritage features and cultural heritage resources.*

City staff recognizes the site as a good location for infill development and equally recognizes the importance of the land within the area of influence of the Speed River for its existing and potential function as an environmental corridor and as part of the linked Open Space system. As such, in addition to ensuring protection of the river for the long-term, the proposed development at 5 Arthur Street South has been encouraged to enhance the environmental corridor functions that have been impaired for the last century through the design of the riverwalk.

The rationale provided for the reduced setback from 30 m to 15 m is based on the principle that the CPU has ordered the maintenance of the existing river wall in perpetuity as a risk management measure which precludes the opportunity of reinstating a natural river bank in this location. It precludes the ability for the interface of the site with the Speed River to be changed from its current channelized state to being rehabilitated to a more naturalized channel bank and riparian zone. In addition the conservation of the built heritage resource will retain one building directly along the river's edge for a portion of the site.

Further, the rationale rests upon the EIS investigations and analyses which conclude that there are no negative impacts to the natural heritage features or functions and particularly to the integrity of the environmental corridor function associated with the Speed River. In contrast the report highlights an enhancement opportunity by restoring the 15 m area to accommodate corridor functions and a public trail.

Conclusion:

An increase in setback to new development over the existing condition will provide opportunity for an enhancement of environmental corridor functions for urban wildlife. The EIS has demonstrated that with mitigation the proposal does protect the adjacent natural heritage features and their ecological functions for the long-term. City staff do not object to a reduction in setback of 15 m, provided the space can accommodate fish habitat and environmental corridor enhancements as recommended in the EIS, a public trail system and meet the objectives of the Urban Design Master Plan.

Proposed Zoning Bylaw Amendment:

Floodway Zone:

The proposed Zoning By-law has requested two exceptions within the Floodway Zone: one

STAFF REPORT



Environmental Planning – Final Comments and Recommendations

May 20, 2014

RE: 5 Arthur Street South proposed OPA and ZBA

Page 6 of 13

for the area containing a portion of the existing built heritage resource and the other to permit encroachment of a portion of new development within the floodway. The second exception, to allow new development within the Floodway is not supported by the GRCA, as expressed by their letter dated March 27, 2014, nor by Environmental Planning staff.

The retention and re-use of the existing building within the floodway is supported by both the GRCA and staff in order to retain the built heritage resource. It should be clear however that support is provided only for the retention and re-use and not for new development, intensification nor replacement of the building if it was destroyed.

Furthermore, the proposed use of a day care facility within the existing built heritage resource is not supported by the GRCA or City staff. Provincial and City policies do not support day cares, or similar institutional uses, within floodways due to the threat to safe evacuation during an emergency as a result of flooding.

Residential Zone R.4B-X:

Environmental Planning staff recommend a Holding Provision be included on the proposed residential zoning to allow for:

- The completion of a Structural Assessment for the existing below grade retaining wall, which is congruent with the river bank, and results provided to City staff for review.
- The completion of an Environmental Implementation Report which demonstrates that mitigation measures, habitat enhancements, public trail elements and urban design elements can be achieved within the 15 m setback to the river.

Ownership of the Riverwalk:

Environmental Planning staff support the Riverwalk being in public ownership through land dedication provided that a Structural Assessment by a Professional Engineer is undertaken for the existing below grade retaining wall and that the overall condition of the retaining wall at the time of transfer includes a life expectancy of at least 75 years. This would allow the City to prepare financially to care for the wall, which is a requirement of the Certificate of Property Use as it relates to containing contaminated soils. It would also meet the OP policy objectives of Section 5 which includes protecting residents from unsafe living conditions and property damage caused by natural hazards such as flooding.

Staff are also supportive of an easement in the City's favor for the area to allow for public access as this meets the intent of the linked Open Space System policies in section 7.12. Both options are consistent with policy 7.12.6 (a) of the current Official Plan.

Final Recommendations and Conditions:

1. Environmental Planning staff recommend that the reduced development setback of 15 m from 30 m, to be measured from the Speed River's edge, be conditionally supported. It is recommended that a Condition of Approval include the requirement to undertake an Environmental Implementation Report (EIR) to provide design details and confirm that the recommendations of the Scoped Environmental Impact Study as well as the objectives of the Urban Design Master Plan can be accommodated within a 15 m width. It should be noted that should it be found through the EIR that

STAFF REPORT

Environmental Planning – Final Comments and Recommendations

May 20, 2014

RE: 5 Arthur Street South proposed OPA and ZBA

Page 7 of 13

not all items can be addressed and incorporated; there may be the need for minor refinements in terms of additional space added to the 15 m. As such, I would recommend a Holding Provision be added to the proposed residential zone R.4B-X to ensure this final item can be appropriately addressed.

2. That prior to any site alterations, tree removal or Site Plan approval:
An Environmental Implementation Report (EIR) is to be provided to the satisfaction of the General Manager of Planning Services. The EIR will include the following:
 - a) How all the conditions of development approval have been met;
 - b) How municipal infrastructure servicing and the protection of natural heritage features and their associated ecological functions have been addressed (including a street tree plan);
 - c) Any other special requirements that are required to protect the overall natural environment of the area;
 - d) How the Environmental Advisory Committee and River System Advisory Committee comments and motions of March 12 and March 19, 2014, respectively, have been addressed;
 - e) A summary of the Structural Analysis for the below grade retaining wall and applicable recommended mitigation measures which may arise as a result of the study;
 - f) A Stormwater Management Plan including details of Low Impact Development (including green roofs);
 - g) Grading, erosion and sediment control and dewatering plans;
 - h) A Salt Management Plan;
 - i) A summary of geotechnical requirements and soil management needs;
 - j) An analysis indicating how buildings will be designed to be bird-friendly;
 - k) Detailed design of the entire Floodway Zone (Riverwalk and Allan's Green);
 - l) Ecological enhancement details and plans;
 - m) Landscape Plans completed by a member of the Ontario Association of Landscape Architects;
 - n) Education and Stewardship materials; and
 - o) A baseline, during and post-construction monitoring plan;
 - p) Any recommendations for inclusion within the Declaration of Condominium as it relates to the environment;

3. That prior to any site alterations, tree removal or Site Plan approval:
A Structural Assessment, and its terms of reference, of the existing below grade retaining wall including under flood conditions be undertaken to the satisfaction of the City.

Regards,



Adèle Labbé
Environmental Planner – Development

Environmental Planning – Final Comments and Recommendations
May 20, 2014
RE: 5 Arthur Street South proposed OPA and ZBA
Page 10 of 13

Attachment 1: Environmental Advisory Committee Motions

Motion carried on March 12, 2014

- “1. THAT the conceptual plan for the “riverwalk” include the following zones, in general:
- Minimum 8 m zone adjacent to riverwall to be designed as an environmental corridor and naturalization/enhancement zone. This zone should include canopy trees, pollinator species, any proposed enhancement such as bird boxes or bat boxes, etc., educational signage as well as some “look out” zones.
 - 3 m trail connection;
 - 4m zone to separate the public and private realm. This zone should include vegetation and educational signage.
2. THAT the conceptual plan for the “riverwalk” include:
- Canopy trees with adequate soil;
 - Pollinator species;
 - Recommendations from the EIS such as: bird/bat boxes, nesting structures, educational signage, etc. ;and
 - Look out areas to provide the public a view of the river.
3. THAT the Preliminary Grading Plan (Fig-3) and Preliminary Servicing Plan (Fig-4) be revised to illustrate the 15m setback from the riverwall, not the property line.
4. THAT all documents are revised to show no development within the FL zone, and to be consistent with each other.
5. THAT an EIR be provided for the site and include detailed mitigation measures and detailed enhancement plans based on a detailed design which includes any work required for the existing riverwall/retaining wall as well as the riverwalk design.”

Motion carried on October 9th, 2013

- “THAT
- a) It be demonstrated that the development will not negatively impact fish habitat for the long term;
 - b) It be demonstrated that the corridor enhancements and public trail can be accommodated within the proposed setback;
 - c) The potential/proposed use for the existing heritage building is clarified;
 - d) An assessment of the structural integrity of the river wall under flood conditions by a professional engineer is provided.”

Environmental Planning – Final Comments and Recommendations

May 20, 2014

RE: 5 Arthur Street South proposed OPA and ZBA

Page 11 of 13

Attachment 2: River System Advisory Committee Motions

Motion carried March 19, 2014

“That RSAC support the application for redevelopment at 5 Arthur Street made by Fusion Homes with the following conditions:

- That the conceptual plan for the “Riverwalk” include the following zones, in general:
 - Minimum 8 m zone adjacent to Riverwall to be designed as an environmental corridor and naturalization/enhancement zone and including: canopy trees with adequate soil volumes and measures (i.e., root guards, soil technology), pollinator species, any proposed enhancement such as bird boxes or bat boxes, educational signage, etc.;
 - 3 m trail connection including look out areas for the public to view the river;
 - 4m zone to separate the public and private realm.
 - If an emergency access route is required through the Riverwalk, extend the width to 18 metres.
- That the recommendations from the Structural Assessment of the existing below grade retaining wall be implemented by the developer;
- That the detailed design of the Riverwalk include further and detailed consideration for public access to the river in 2 or more locations;
- That the City encourage the pedestrian bridge connection (s) to occur as soon as feasible;
- That City comments from Parks, Engineering and Planning staff are addressed to their satisfaction;
- That an EIR be prepared by the developer in conjunction with the detailed design of the Riverwalk;
- That RSAC supports large canopy trees along the Riverwalk;
- That RSAC recommends City Staff exploring enhancement of riparian vegetation buffer function, as future of the retaining wall is determined;
- That RSAC support 10% parkland dedication and it occur along the river frontage;
- That RSAC has a concern about the massing and angular plane in phases 4 and 5, and would like them to come back for review at the preliminary site plan stage;
- That RSAC encourage staff to look at reducing the minimum number of required parking spaces per unit.”

Motion carried on December 4th, 2013

“The River Systems Advisory Committee recommends that the City include in its budget resources for a public realm transportation plan for the Arthur-MacDonnell-Wellington-Neeve development area that addresses in a comprehensive manner:

- Pedestrian movement and bridges;
- River system trails and crossings;
- Non-functional bridge infrastructure;
- Railway interplay; and
- The future of Allan’s Mill Pond Dam

with consideration of multi-seasonal maintenance and in consideration for the natural environment.”

STAFF REPORT



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FILE: 16.131.001

TO: Katie Nasswetter, Senior Development Planner
FROM: Development Engineering
DEPARTMENT: Engineering Services
DATE: June 25, 2014
SUBJECT: 5 Arthur Street South – Official Plan and Zoning By-law Amendment – (OP1302/ZC1305)

The application is for an Official Plan Amendment and a Zoning By-Law Amendment for the subject properties. Engineering Services have reviewed the Traffic Impact Study, the Functional Servicing Report and the Environmental Impact Statement submitted in support of this application. We provide the following comments:

1 (a) Road Infrastructure

The developer of the subject lands has identified six potential phases of construction and development. Phases one (1) thru four (4) and phase six (6) are located on the west side of Arthur Street South with frontage onto both Cross Street and Neeve Street and is bordered by the Speed River to the west and the Guelph Junction Railway to the north. Currently Arthur Street South is a two (2) lane local road with curb & gutter and sidewalks on only the east side. Cross Street is a two (2) lane local road with curb & gutter and sidewalks on both sides of the street. Neeve Street is also a two (2) lane local road and bridge over the Speed River complete with curb & gutter and sidewalks on both sides of the road. Phase five (5) land parcel is located north of the Guelph Junction Railway and is at the intersection of Arthur Street South and Elizabeth Street.

The intersection of Arthur Street South and Elizabeth Street has been identified in the City of Guelph's Official Plan for improvement which will require a land dedication from the applicant. At this time, an exact land dedication cannot be specified as the intersection design is preliminary and conceptual only. This land dedication will be required as a condition for future phases beyond Phase 1, so that the traffic infrastructure can be improved to accommodate the future growth.

1 (b) Traffic Study: Access and Parking

City staff has reviewed the report entitled "Woods Property 5 Arthur Street Updated Traffic Impact Study" that was prepared by Paradigm Transportations Limited in May 2014. Based on the review of this study, we offer the following transportation comments.

The development site will accommodate a mix of 700 condominium units, 21 townhouses, about 11,150 square feet of office space and 32,090 square feet of commercial space. The site will be built out and occupied by 2025 through six phases. The vehicular access to the site is provided by one driveway on Arthur Street about 30m north of the GJR railway tracks, two driveways on Arthur Street south of the railway tracks, and one driveway on Cross Street. An internal road connection will link all driveways to the south of the railway tracks.

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A total of about 378 and 669 vehicular trips are expected to be generated by the development during the AM and PM peak hours respectively, taking into account the trip reduction due to mode shift to transit and active transportation. This trip reduction is considered conservative given the proximity to the City's transit hub, downtown shopping area, and the mix land-use feature. No additional trip reduction is assumed for internal trip synergy and pass-by trips related to the proposed commercial land use. Future total traffic projections are a combination of site trips, background traffic growth and trips contributed by other planned developments.

After review of the TIS staff has identified and recommend several modifications to the existing traffic infrastructure in order to accommodate this development. These modifications include the following;

- The addition of a 40 metre long westbound turn lane on Elizabeth Street;
- Traffic calming measures within the study area;
- Pedestrian connectivity.

The implications of these modifications are summarized below;

- The T-intersection at Elizabeth Street and Arthur Street South is currently under a stop control on Arthur Street South allowing free flow traffic along Elizabeth Street. The study recommends keeping the stop control and adding a 40 metre westbound left turn lane on Elizabeth Street upon the completion of Phase 1 by 2015 horizon year. With this left turn lane, through traffic including buses will less likely be blocked by turning vehicles and drivers in this westbound left turn lane will have better sightlines to detect opposing traffic and pedestrian crossing. The inclusion of this left turn lane should be designed in the context of reconfiguration of Macdonell/Elizabeth/Arthur intersection as proposed in the "Downtown Guelph Streetscape Manual and Built Form Standards." The developer will responsible for the actual cost of design and reconstruction of this intersection as well as any land acquisitions that may be necessary.
- The development is of significant size and will generate trips within an existing residential area. The majority of these trips will be distributed to Wellington Street, Woolwich Street and Elizabeth Street as these roads offer direct and convenient road connections between major origins and destinations. A small proportion of traffic will travel through local roads to reach York Road. This is consistent with the trip distribution in the "Ward One Community Improvement Plan – Traffic Impact Study" prepared by Paradigm in 2001. These trips mainly originate from/destine to Hwy 7 and Victoria Road south of York Road. Following the Ward One Study, City has undertaken several initiatives involving public consultations with the area residents with regard to the short-cutting traffic and speeding issues. Some traffic calming measures have been in place. Among the traffic calming measures suggested in "Ward One Community Improvement Plan – Traffic Impact Study", the traffic consultant should identify the locations and construct the most effective types of traffic calming measures within the study area based on the experience built over the last two decades. The costs associated with constructing the traffic calming measures are the responsibility of the developer.

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- A sidewalk along the west side of the Arthur Street South should be provided to complete a pedestrian network in this area. The developer/owner will be responsible for the cost associated with constructing and designing a sidewalk on the west side of Arthur Street South.

2. Municipal Services

The following is the municipal infrastructure presently located within the Arthur Street South right of way:

- 225mm sanitary sewer;
- 250mm increasing to a 1200mm storm sewer;
- 200mm watermain.

Within the subject lands the following City-owned infrastructure currently bisects the site:

- 250mm and 375mm sanitary sewer;
- 1200mm storm sewer.

Both on-site sanitary sewers were reconstructing in 2011/2012 in support of the building demolition and foundation removal. A Sewer Relocation Agreement for this reconstruction was presented to Council and registered on title on November 15, 2013.

The City has recently completed a Class Environmental Assessment (EA) to evaluate and provide alternatives for the existing trunk sanitary sewers located within Arthur Street South, crossing the Speed River as well as along the banks of the Speed. It has been concluded that the trunk sewer is to be relocated within the municipal rights-of-ways surrounding the proposed site and will therefore eliminate the need for the sanitary sewers located within the subject lands. The completion of the first phase of residential units is projected for the autumn of 2016 which may coincide with the projected reconstruction of the infrastructure improvements on Arthur Street South, Cross Street and Neeve Street. The Functional Servicing Report has suggested that should the right-of-way reconstruction be delayed, Phase 1 as proposed could be accommodated utilizing the existing infrastructure. Infrastructure staff has confirmed that adequate water pressure, during both the peak hourly and average day demand scenario, as well as sanitary capacity is available for the first phase of development as proposed.

Prior to permitting a development proposal for future phases (beyond Phase 1), the City is to be satisfied that there are available municipal services (water pressure/volume and sanitary sewer capacity) to accommodate the development needs.

3. Storm Water Management

A Stormwater management report was submitted as part of the site plan application and was reviewed and comments provided to the developer. The report required amendments to reflect the updates. The cost of all the stormwater management works and quality controls will be the responsibility of the developer. A revised site

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servicing plan as well as a grading and drainage plan will also have to be submitted for review and approval as part of the site plan application.

4. Roadworks and Services Relocation

The relocation of the existing services that currently bisect the subject lands will be undertaken by the City during the proposed reconstruction of Arthur Street South, Cross Street and Neeve Street. The applicant will be responsible for the proportionate share of the reconstruction of the road and municipal sewers across the frontage of Arthur Street South, Cross Street and Neeve Street exclusive of any commitments that have been previously identified in the executed Sewer Relocation Agreement (January 13th, 2012) that is registered on title.

5. Environmental

A risk assessment was undertaken for the subject lands to establish any threats that the existing contaminants from the historic land uses, posed to the future users of the site. The assessment identified the appropriate Risk Management Measures (RMM) that need to be implemented in order to ensure that the property was suitable for the proposed land uses. As such, the Ministry of the Environment reviewed the assessment and concluded that it was done in accordance with the O. Reg. 153/04 as amended and issued a Certificate of Property Use (CPU) for the described lands.

The CPU issued by the MOE as well as the RMM has identified for the property owner the need for ongoing inspection, monitoring and maintenance of the existing retaining wall that is a barrier to the impacted soils found on-site.

Considering that the public will access the lands on a proposed surface easement, in the area known as the Riverwalk, the Developer shall complete the following to ensure that the lands are suitable for the intended use:

- a) Submit to the City prior to site plan approval for Phase 1, a structural assessment of the existing retaining wall along the Speed River in accordance with the Terms of Reference provided to the applicant, to the satisfaction of the General Manager/City Engineer.
- b) The Developer shall at their cost, address and be responsible for adhering to all the recommended measures that is contained in the structural assessment, to the satisfaction of the General Manager/City Engineer. The City may have such report be peer reviewed and all associated costs with the peer review will be the responsibility of the developer/owner.

6. Conditions to be met prior to lifting of Holding (H) Designation

The Official Plan states that municipal services must be adequate to accommodate the development proposals. As such, it will be a requirement of this development application that there be a Holding designation (H) for any development of the lands beyond Phase 1 (134 Units). Prior to removal of the Holding designation for Phases 2 thru 6, the following condition must be satisfied:

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1. The developer/owner shall obtain the approval of the City with respect to the availability of adequate water supply, sewage capacity and sewage treatment capacity, prior to the site plan approval for each phase of the development.

Prior to removal of the Holding Designation for Phases 5 only, the following condition must be satisfied:

1. The developer/owner shall deed at no cost to the City, a land dedication as identified in the City of Guelph's Official Plan for future intersection improvements at Elizabeth Street and Arthur Street South that is free of all encumbrances and satisfactory to the City Solicitor.

7. Recommended conditions of Approval

We recommend the following conditions be imposed for the approval of this proposed Official Plan & Zone Change Amendment:

1. The Developer shall submit to the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan for each phase, indicating the location of the building, landscaping, parking, circulation, access, lighting, grading and drainage on the said lands to the satisfaction of the General Manager of Planning Services and the General Manager/City Engineer, and furthermore the Developer agrees to develop the said lands in accordance with the approved plan.
2. Prior to site plan approval of each phase, the Developer shall have a Professional Engineer design a grading plan and stormwater management system, satisfactory to the General Manager/City Engineer.
3. That the developer/owner grades, develops and maintains the site including the storm water management facilities designed by a Professional Engineer, in accordance with a Site Plan that has been submitted to and approved by the General Manager/City Engineer. Furthermore, the Developer shall have the Professional Engineer who designed the storm water management system certify to the City that he/she supervised the construction of the storm water management system, and that the storm water management system was approved by the City and that it is functioning properly.
4. Prior to site plan approval for each phase and prior to any construction or grading on the lands, the Developer shall construct, install and maintain erosion and sediment control facilities, satisfactory to the General Manager/City Engineer, in accordance with a plan that has been submitted to and approved by the General Manager/City Engineer.
5. Prior to site plan approval of Phase 1, the developer/owner shall provide to the City, to the satisfaction of the General Manager/City Engineer, any of the following studies, plans and reports that may be requested by the General Manager/City Engineer:
 - i. a revised traffic impact and operations report covering all aspects of access and egress to the site and the effect of the development on the surrounding roads;

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- ii. a servicing and stormwater management report certified by a Professional Engineer in accordance with the City's Guidelines and the latest edition of the Ministry of the Environment's "Stormwater Management Practices Planning and Design Manual" which addresses the quantity and quality of stormwater discharge from the site together with a monitoring and maintenance program for the stormwater management facility required;
 - iii. a structural assessment of the existing retaining wall along the Speed River in accordance with the Terms of Reference provided to the developer/owner.
6. The developer/owner shall at their cost, address and be responsible for adhering to all the recommended measures that is contained in the plans, studies and reports outlined in subsections 5 i), 5 ii) and 5 iii) inclusive to the satisfaction of the General Manager/City Engineer. The City may have such report be peer reviewed and all associated costs with the peer review will be the responsibility of the developer/owner.
7. The developer/owner shall design and construct all works associated with the westbound turn lane on Elizabeth Street including any road widening requirements. Also the developer/owner shall design and construct all works associated with the traffic calming measures located within the Traffic Impact Study area. Furthermore the developer/owner shall pay to the City the estimated cost of all works associated with the design and construction of the westbound turn lane on Elizabeth Street and traffic calming measures located within the Traffic Impact Study area prior to site plan approval of Phase 1, as determined by the General Manager/City Engineer.
8. The developer/owner shall deed at no cost to the City, free of all encumbrances, any road widenings necessary to accommodate the westbound turn lane on Elizabeth Street prior to site plan approval of Phase 1.
9. The developer/owner shall pay to the City, their proportionate share of the actual cost of constructing municipal services on Arthur Street South, Cross Street and Neeve Street across the frontage of the lands, including road works, local sanitary sewer, storm sewer, watermain, curb and gutter, catch basins, sidewalks and street lighting as determined by the General Manager/City Engineer, prior to site plan approval of Phase 1.
10. Prior to site plan approval of Phase 1, the developer/owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the said lands.
11. The developer/owner shall pay to the City the actual cost of constructing and installing any new service laterals required and furthermore, prior to site plan approval for each phase, the developer/owner shall pay to the City the estimated cost of the service laterals, as determined by the City Engineer.
12. The Developer shall pay to the City the actual cost of removing any existing service laterals that are not being used for the condominium development and furthermore, prior to site plan approval for each

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- phase, the Developer shall pay to the City the estimated cost of removing the existing service laterals, as determined by the General Manager/City Engineer.
13. The developer/owner shall pay to the City the actual cost of the construction of the new access and the required curb cut, prior to site plan approval for each phase and prior to any construction or grading on the lands, the developer/owner shall pay to the City the estimated cost as determined by the City Engineer.
 14. The developer/owner shall pay to the City the actual cost of the removal and restoration of the boulevard where the existing accesses are located, prior to site plan approval for each phase and prior to any construction or grading on the lands, the developer/owner shall pay to the City the estimated cost as determined by the City Engineer.
 15. The Developer shall pay to the City the actual cost of the construction of the new driveway accesses, curb cut including boulevard restoration, i.e. topsoil/sod within right-of-way allowance prior to site plan approval for each phase. Furthermore, prior to site plan approval for each phase, the Developer shall pay to the City the estimated cost of constructing the new driveway accesses, curb cut, including boulevard restoration, i.e. topsoil/sod within the right-of-way allowance as determined by the General Manager/City Engineer.
 16. That the developer/owner makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the development of the lands.
 17. That all electrical services to the lands are underground and the developer/owner shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the development of the lands.
 18. The developer/owner shall ensure that all telephone service and cable TV service in the Lands shall be underground. The Developer shall enter into a servicing agreement with the appropriate service providers for the installation of underground utility services for the Lands.
 19. Prior to the issuance of a building permit, any monitoring wells and boreholes drilled for hydrogeological or geotechnical investigations shall be properly abandoned in accordance with current Ministry of the Environment Regulations and Guidelines. The Developer shall submit a Well Record to the satisfaction of the General Manager/City Engineer.
 20. That prior to site plan approval, the developer/owner shall enter into an agreement with the City, registered on title, satisfactory to the City Solicitor and the General Manager/City Engineer, covering the conditions noted above.

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T 519-837-5604
F 519-822-6194
engineering@guelph.ca

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Mary Angelo, P. Eng.
Acting Manager, Transportation and
Development Engineering

Michelle Thalen, C.Tech
Development Technologist

STAFF REPORT



INTERNAL MEMO



DATE June 25, 2014

TO **Katie Nasswetter**

FROM Jyoti Pathak
CC Karen Sabzali

DIVISION Parks and Open Space-Planning and Development
DEPARTMENT Parks and Recreation
SERVICE AREA Community and Social Services

SUBJECT 5 Arthur Street South -Proposed Official Plan and Zoning By-law Amendment (OP1302/ZC1305)

Parks have reviewed the documents listed below in support of an Official Plan and Zoning Bylaw amendment application for 5 Arthur Street dated February, 2014.

- Urban Design Master Plan, prepared by Kirkor Architects & Planners, dated January 2014;
- Draft Functional Servicing Report, prepared by Valdor Engineering Inc, dated January 2014;
- Second Addendum Letter to the Planning Justification Report, prepared by The Planning Partnership, dated February 6, 2014;
- Draft Zoning By-law, prepared by The Planning Partnership, dated February 6, 2014;
- Environmental Noise Feasibility Assessment (Draft Version 2.2), prepared by Novus Environmental, dated February 7, 2014;
- Scoped Environmental Impact Study Addendum, prepared by Stantec Consulting, dated February 3, 2014;
- Urban Design Master Plan Review Letter, prepared by Stantec Consulting, dated February 5, 2014;
- Urban Design Master Plan Support Letter, prepared by Valdor Engineering Inc., dated February 10, 2014;
- Revised Urban Design Master Plan Review Letter, prepared by E.R.A. Architects Inc., dated February 7, 2014.
- Certificate of Property Use
- Recreation Trail on Guelph Junction Railway – Risk Assessment/ Safety Audit

The proponent has made an application for a Zoning By-law Amendment as well as an Official Plan Amendment. The application is to amend the Official Plan policies to permit a reduced setback of development from the river (policy 6.9.5.1 which requires a 30 m setback from the river's edge), a range of non-residential uses, permit a site density of 2.0 FSI, and **a reduced parkland dedication requirement of 5 %**. As well, the application proposes to rezone the portion of the property which is currently zoned R.4B (H2) to a specialized high density residential zone to permit both apartment and multiple residential development including live/work units, together with a range of commercial, retail, service and community service uses.

The current proposal includes a River Walk along the river within flood plain. The site is currently designated as Core Greenlands (Natural Hazard and Significant Environmental Corridor) along the 15 metre swath adjacent to the river and Special Policy Area/ Floodplain

on the balance of the lands. The site is currently zoned as Floodway (FL) along the 15 metre swath adjacent to the river.

Proposed Official Plan Amendment:

For this site, parkland dedication is a requirement under City's Parkland Dedication Bylaw sections 209-3. (b)(iv) and 209-4 (iv). Parkland Dedication for this property is set at 10%.

Proposed Zoning By-law Amendment:

Parks Planning and Development has no objection to rezoning of the subject property from current zoning of R.4B (H2) to specialized high density residential R.4B-? zones and FL zones if the following conditions are fulfilled:

Conditions of Site Plan/ Development approval:

1. The Developer shall be responsible for the cost of design and development of the **demarcation** of all City owned lands in accordance with the City of Guelph Property Demarcation Policy. This shall include the submission of drawings and the administration of the construction contract up to the end of the warrantee period completed by an Ontario Association of Landscape Architect (OALA) member for approval to the satisfaction of the Executive Director of Community and Social Services. The Developer shall provide the City with **cash or letter of credit** to cover the City approved estimate for the cost of development of the demarcation for the City lands to the satisfaction of the Executive Director of Community and Social Services. (Parks Planning & Development)
2. The Developer shall be responsible for the assessment of the existing **River Retaining Wall** on subject property. This shall include a structural assessment, projected life cycle, and expected yearly maintenance costs prior to any site plan approvals.
3. The Developer shall be responsible for all costs and obligations arising from the assessment and pre-existing condition of the wall, including but not limited to: on-going maintenance, insurance, and conditions arising from the Certificate of Property Use.
4. The Developer shall be responsible for the cost of preparation of a 'Health and Safety Plan' and a 'Soil Management Plan' including submitting these plans for City approval to the satisfaction of the Executive Director of Community and Social Services prior to any site plan approvals.
5. The developer shall ensure City approval of the "Environmental Implementation Report" prior to any site plan approvals.
6. The Developer shall be responsible for the cost of design and implementation of the **Open Space Works and Restoration** within the **core green lands/ environmental corridor** in accordance with the "Environmental Implementation Report" to the satisfaction of the Executive Director of Community and Social Services. The Developer shall provide the City with **cash or letter of credit** to cover the City's estimate for the cost of the Open Space works and restoration for the Public Open Space to the satisfaction of the Executive Director of Community and Social Services.

7. The Developer shall be responsible for the cost of the **design** of the **River Walk** and **associated trail system** on the subject property, to the City standards prior to any site plan approvals. This shall include identifying the trail system, detailed design as per the City's approved **Urban Design Master Plan** for the subject property and **City standards** including: layout, grading and drainage, planting, interpretative signage design and submitting drawings for City approval. The design is to be completed by a full member of Ontario Association of Landscape Architects (OALA) to the satisfaction of the Executive Director of Community and Social Services.
8. The Developer shall be responsible for the **costs and construction** of the **River Walk** and **associated trail system** on the subject property to the City standards as per the UDM and the City's approved detailed design. This shall include preparation of construction documentation, obtaining required permits, tendering process, implementation, and contract administration, up to the end of the 2 year warrantee period to be completed by a full member of Ontario Association of Landscape Architects (OALA) to the satisfaction of the Executive Director of Community and Social Services. The Developer shall provide the City with **cash or letter of credit** to cover the City's estimate for the cost of the construction of the River Walk and associated trail system to the satisfaction of the Executive Director of Community and Social Services.
9. The Developer shall provide a **permanent surface easement** for the **River Walk**, and **Public Access Easement** for the **associated public trail system as shown on the schedule 1**, (south and west of existing Heritage Structures, from the River Walk to the Guelph Junction Railway Corridor) in favour of the City to the satisfaction of the Executive Director of Community and Social Services prior to any site plan approvals.
10. Obligations for maintenance, insurance, environmental risk management measures and other obligations regarding the riverwalk will be included in the ~~statutory condominium documents between the City and condominium~~ **parks portion of the development agreement**.
11. **Cash in-lieu of parkland conveyance (10%)** is required for the entire development, in accordance with the City of Guelph By-law (1989)-13410, as amended by By-law (1990)-13545, By-Law (2007)-18225 or any successor thereof. Subject to the successful completion of items 8 & 9 above, the Developer may apply to the Executive Director of Community and Social Services to have the By-provisions set aside.
12. The Developer shall provide Parks and Recreation with a digital file in AutoCAD - DWG format containing the following final approved information: parcel fabric, development layout and trail design, grades/contours and landscaping. (Parks Planning & Development)

Summary:

The above comments represent Parks Planning & Development's review of the proposed Official Plan and zoning bylaw amendments on the subject property to permit the proposed development.

Based on the current information provided, Parks Planning supports the proposed development subject to the conditions outlined above.

STAFF REPORT

Page 4 of 4

Please call me if you have any questions.
Regards,

Jyoti Pathak, Parks Planner

STAFF REPORT



INTERNAL MEMO



DATE June 25, 2014
TO Katie Nasswetter
FROM Stephen Robinson, Senior Heritage Planner
DIVISION Planning, Building, Engineering & Environment
DEPARTMENT Policy Planning
SUBJECT **5 Arthur Street -Proposed Official Plan and Zoning By-law
Amendment (OP1302/ZC1305)**

Katie,

I have reviewed the following document:

- Urban Design Master Plan* by KIRKOR Architects & Planners dated May 2014;

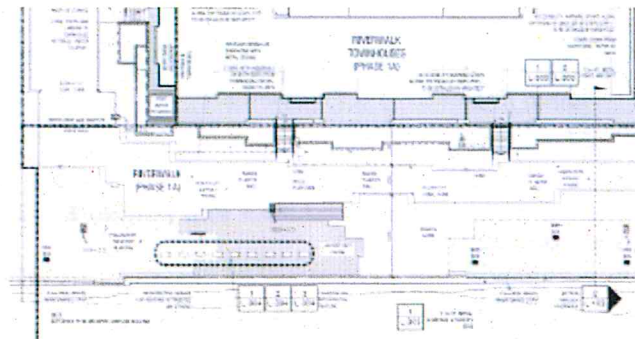
I have the following comments, some of which (in bold) are still outstanding from my comments from previous comments:

- Page 2**
 - Indicate all photo/illustration sources and give appropriate credits – throughout document**
 - What does "Page Credit" mean?**
- Page 6**
 - Indicate all photo/illustration sources and give appropriate credits**
- Page 18**
 - View of Church of Our Lady is no longer obstructed by gravel pile – retake photo and replace**
 - View 4. This looks south only**
- Page 22**
 - Typo – "Speedy River". Cute but incorrect.**
- 27 and 28**
 - River Walk (typical built form)**
 - Retaining wall from river to grade does not appear to be the correct height**
 - Where and how is the original heritage brick wall being "represented" in these section drawings?**
- Page 46**
 - Not clear when the development of the heritage building parking area, the River Walk and the heritage buildings will be developed.**

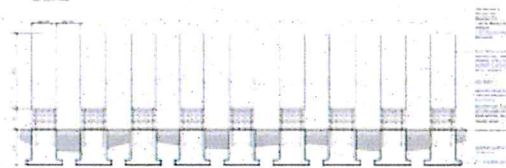
STAFF REPORT

Riverwalk design and proposed shadow wall

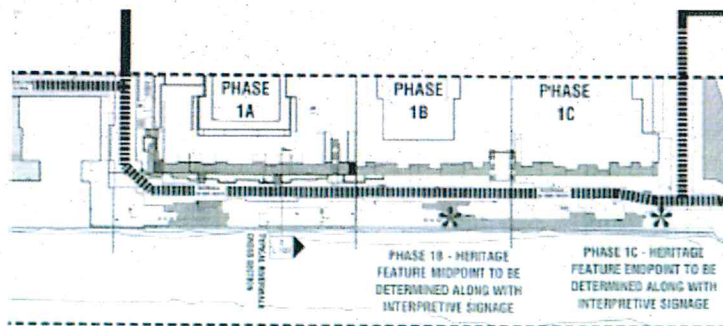
According to details in Landscape Plan drawing (L-100), Riverwalk – All Phases Conceptual (L-102) and Shadow Wall Details (L-304) from the second submission in the Phase 1 Site Plan application (18 June 2014), the proponent intends to “incorporate brick salvaged from the dismantled heritage brick wall in a “representation” of the former heritage wall - what the proponent refers to as a “Public Art Shadow Wall”.



1. SHADOW WALL - CONCEPT RENDER



2. SHADOW WALL - FRONT ELEVATION



The original 33 window openings will be represented arch-top openings created in oxidized metal standing on a masonry seat. Heritage Planning staff and Heritage Guelph have indicated a preference for the shadow wall design to portray the original length of the brick wall. This may have been achieved by the proponent's proposal to create nine metal window arches in Phase 1 and an additional three metal window arches placed within Phase 1B where the original heritage brick wall stood. The effect could be described as creating bookends to stand for both ends of the original heritage brick wall and the viewer would

STAFF REPORT

imagine the window openings between.

According to Heritage Guelph's recommendations from their 13 January 2014 meeting:

- Heritage brick wall representation plan [shadow wall] for the entire River Walk area must be approved by the City before Site Plan Approval of Phase 1 of the development

Heritage Planning staff recommends that the following recommendations, from the 13 January 2014 meeting of Heritage Guelph, be added as conditions of approval for proposed Official Plan and Zoning By-law Amendment (OP1302/ZC1305) to be carried out in the Site Plan Approval process as described below:

- That for heritage buildings 1 and 2, the proponent will submit to the satisfaction of Planning staff and Heritage Guelph a Cultural Heritage Conservation Plan (CHCP) to be completed in two stages:
 - CHCP Stage 1 will determine the heritage attributes of the property and guide stabilization, interim maintenance, and temporary uses of the heritage buildings 1 and 2 including measured elevation, plan and section drawings. CHCP Stage 1 to be completed prior to Site Plan Approval of Phase 1 of the redevelopment
 - CHCP Stage 2 will guide the proposed reuse, redevelopment and long-term maintenance of the heritage building complex and is to be completed prior to Site Plan Approval of Phase 4 or the Heritage Phase of the redevelopment, whichever comes first.
- That for the remaining brick walls of heritage buildings 3 and 4, the proponent will submit to the satisfaction of Planning staff and Heritage Guelph a representation plan prior to Site Plan Approval for any riverwalk portion of the site.
- That Heritage Guelph be circulated on all Site Plan Approval submissions for 5 Arthur Street South that may impact the property's identified heritage attributes.
- THAT Heritage Guelph supports a mix of uses including commercial, residential, institutional or community uses for the heritage buildings and encourages the timely development of the heritage buildings 1 and 2.
- THAT at this time and with the information available to date, Heritage Guelph does not support the addition of extra floor levels to heritage buildings 1 and 2, with the exception of the reconstruction of the original central tower form of heritage building 2.
- THAT Heritage Guelph encourages the reconstruction of the original central tower form of heritage building 2 based on historic photographs or other documentary evidence.
- THAT Heritage Guelph identifies to Planning Staff that a sufficient number of parking spaces needs to be accommodated within the development for the intended use of the heritage building complex to ensure its long-term viability.
- THAT working with the owner, following the completion of the Cultural

STAFF REPORT



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

A copy of the adopted Minutes of the 13 January 2014 meeting of Heritage Guelph are attached.

STAFF REPORT

Excerpt of Heritage Guelph Minutes – January 13, 2014:

Item 5.1
5 Arthur St South

Delegations: Larry Kotseff, Heather Scrannage (Fusion Homes)

Stephen Robinson presented Planning staff's revised recommendation regarding conditions and comments for the proponent's re-zoning application as it affects the heritage elements of the property. The Committee had discussions on the parking clause and the timing of the heritage phase. Stephen clarified that the parking around the heritage building is designated for the use of the heritage building. Committee members noted that they still have concerns on the timing of the heritage phase and that they are concerned that the building will be neglected if it is not being used.

Moved by Martin Bosch and seconded by Susan Ratcliffe,

“THAT Heritage Guelph supports approval of Zoning By-law Amendment ZC1305 and Official Plan Amendment OP1302 for 5 Arthur Street South subject to the conditions below:

1. For heritage buildings 1 and 2, the proponent will submit to the satisfaction of Planning staff and Heritage Guelph a Cultural Heritage Conservation Plan (CHCP) to be completed in two stages:
 - CHCP Stage 1 will determine the heritage attributes of the property and guide stabilization, interim maintenance, and temporary uses of the heritage buildings 1 and 2 including measured elevation, plan and section drawings. CHCP Stage 1 to be completed prior to Site Plan Approval of Phase 1 of the redevelopment
 - CHCP Stage 2 will guide the proposed reuse, redevelopment and long-term maintenance of the heritage building complex and is to be completed prior to Site Plan Approval of Phase 4 or the Heritage Phase of the redevelopment, whichever comes first.
2. For the remaining brick walls of heritage buildings 3 and 4, the proponent will submit to the satisfaction of Planning staff and Heritage Guelph a representation plan prior to Site Plan Approval for any riverwalk portion of the site.
3. That Heritage Guelph be circulated on all Site Plan Approval submissions for 5 Arthur Street South that may impact the property's identified heritage attributes.

THAT Heritage Guelph supports a mix of uses including commercial, residential, institutional or community uses for the heritage buildings and encourages the timely development of the heritage buildings 1 and 2; and

THAT at this time and with the information available to date, Heritage Guelph does not support the addition of extra floor levels to heritage buildings 1 and 2, with the exception of the reconstruction of the original central tower form of heritage building 2; and

THAT Heritage Guelph encourages the reconstruction of the original central tower form of heritage building 2 based on historic photographs or other documentary evidence; and

STAFF REPORT

THAT Heritage Guelph identifies to Planning Staff that a sufficient number of parking spaces needs to be accommodated within the development for the intended use of the heritage building complex to ensure its long-term viability; and

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

CARRIED

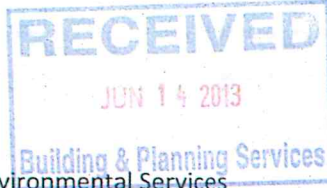
STAFF REPORT



395 Southgate Drive
Guelph, ON N1G 4Y1
Tel: 519-837-4719
Fax: 519-822-4963
Email: mwittmund@guelphhydro.com
www.guelphhydro.com

June 10, 2013

Mr. Blair Labelle
City Clerk
City of Guelph
Planning, Engineering and Environmental Services
1 Carden Street
Guelph, ON N1H 3A1



RECEIVED
JUN 12 2013
CITY CLERK'S OFFICE

Dear Sir:

Re: 5 Arthur Street South (File No. OP1302/ZC1305)

We would like to submit the following comments concerning this application:

1. The Hydro service for this property will be underground.
2. A minimum distance of 3.0 metres must be maintained between any dwelling units and pad-mounted transformers.
3. A minimum distance of 1.5 metres must be maintained between any driveways and distribution poles, guy wires and anchors, or pad-mounted transformers. Any relocation required will be at the developer's expense.
4. Hydro supply for this development will be from Arthur Street South.
5. A blanket easement will be required for this development to provide service corridors and space for transformers and equipment.

Sincerely,

GUELPH HYDRO ELECTRIC SYSTEMS INC.

A handwritten signature in black ink, appearing to read "Michael Wittmund".

Michael Wittmund, P.Eng.
Director of Engineering

MW/gc

STAFF REPORT



400 Clyde Road, P.O. Box 729, Cambridge, ON N1R 5W6
Phone: 519-621-2761 Toll free: 866-900-4722 www.grandriver.ca

PLAN REVIEW REPORT TO: City of Guelph
Katie Nassetter, Senior Development Planner

DATE: March 27, 2014
GRCA FILE: Guelph/2013/ZC/C

YOUR FILE: OP1302 & ZC1305

RE: Application for Official Plan and Zoning By-law Amendment
5 Arthur Street South, City of Guelph
WC Woods Property, 2278560 Ontario Inc.

GRCA COMMENT:

The Grand River Conservation Authority has no objection to the proposed Official Plan and Zoning By-law Amendment application subject to the comments below being addressed prior to final approval.

We have reviewed the revised submission for the proposed mixed used development, received by GRCA on February 20, 2014 and we offer the following comments:

The Special Policy Area (SPA) limit across the site is 15 metres from the surveyed river's edge. The 15 metres between the river edge and SPA limit is within the floodway of the Speed River where new development is prohibited in accordance with the approved SPA policies within the City's Official Plan. The draft Zoning By-law provided with this revised submission proposes two exception zones within the floodway: one for the area containing a portion of the existing heritage building; the other to permit the encroachment of a portion of the new development into the floodway. We suggest that the floodway exception zone pertaining to the new development be removed to prevent new development within the floodway zone.

As previously noted, we have no objection in principle to the retention and re-use of the existing building within the floodway in order to retain the building's existing urban form and significance as a cultural heritage resource. We suggest that for the portion of the building in the floodway the proposed zoning only permit its retention and re-use and not permit the potential for new development, intensification, or its replacement if destroyed. The by-law also identifies residential as a permitted use within the existing heritage building. Considering a portion of the building is within the floodway, all residential uses within the existing building need to be above the regulatory flood level and should be outside of the portion located within the floodway.

The submitted zoning also lists day cares as a use permitted in the proposed development. The GRCA does not support this use within the proposed development. The Provincial Policy Statement, GRCA

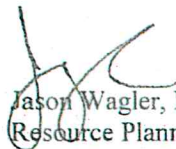
STAFF REPORT

policies, and the City's Official Plan policies do not permit day cares or similar institutional uses within the floodplain where there is a threat to the safe evacuation of the young during an emergency as a result of flooding or the failure of floodproofing measures.

We believe that subject to addressing the comments concerning the proposed zoning by-law, and subject to further details being provided through the detailed design process, the development could conform to the policies developed for the Guelph Special Policy Area.

Should you have any questions or require further information, please contact me at 519-621-2763 ext. 2320.

Yours truly,



Jason Wagler, MCIP, RPP
Resource Planner
Grand River Conservation Authority

* *These comments are respectfully submitted to the Committee and reflect the resource concerns within the scope and mandate of the Grand River Conservation Authority.*

cc. 2278560 Ontario Inc
Stantec
Valdor Engineering
Kirkor Architects & Planners
The Planning Partnership

STAFF REPORT



UPPER GRAND DISTRICT SCHOOL BOARD

500 Victoria Road North, Guelph, Ontario N1E 6K2
Phone: (519) 822-4420 Fax: (519) 826-9534

Martha C. Rogers
Director of Education

March 13, 2014

PLN: 14-17
File Code: R14
Sent by: Email & Mail

Katie Nasswetter
Planning, Building, Engineering and Environment
City of Guelph
1 Carden St.
Guelph, ON N1H 3A1

Dear Ms. Nasswetter:

**Re: Notice of Revised Application (OP1302 /ZC1305)
5 Arthur St. South**

Planning staff at the Upper Grand District School Board has received and reviewed the above noted revised application dated February 14, 2014. Consistent with our letter dated July 30, 2013, Planning Staff *does not object* to the proposal subject to the following conditions:

- Education Development Charges shall be collected prior to the issuance of a building permit;
- The developer agrees to provide the Upper Grand District School Board with a digital file of the plan of subdivision in either ARC/INFO export or DXF format containing parcel fabric and street network; and
- That adequate sidewalks, lighting and snow removal is provided within the subdivision to allow children to walk safely to school or to a congregated bus stop.

Furthermore, please note that given this development has a private road access, Service de transport de Wellington-Dufferin Student Transportation Services does not run school buses on private roadways and therefore potential students who qualify for busing will be required to meet the bus off site at a congregated pick-up point.

Thank you for the opportunity to provide comments on this application. Should you require additional information, please feel free to contact me at (519) 822-4420 x824.

Thank you,



Heather Imm, BES, MCIP, RPP
Senior Planner

STAFF REPORT



Wellington-Guelph Housing Committee
c/o Wellington-Dufferin-Guelph Public Health
503 Imperial Road, Guelph, ON, N1H 6T9

July 3, 2013

Guelph City Clerk
1 Carden Street
Guelph, ON
N1H 3A1

Dear Mayor and Members of Council:

I am writing to you as Chair of the Wellington & Guelph Housing Committee, a non-partisan broad-based community group advocating for adequate and affordable housing for low and modest income individuals and families.

The application to amend the City Official Plan and Zoning By-Law at 5 Arthur Street South for mixed use, high-density residential apartments is an important opportunity to increase the supply of rental housing in Guelph. Also, it presents an opportunity for the City of Guelph to further its affordable housing objectives by requesting a portion of the units be affordable by offering such incentives as bonusing, deferment of development charges and/or a reduction of parkland dedication requirements.

As you are aware, average incomes have not kept pace with housing costs across Canada. There is a growing demand for rental housing and many communities, including Guelph, do not have an adequate supply. As of the fall of 2012 the vacancy rate in Guelph was 1.4% indicating a tight rental market (CMHC Rental Market Report). For a modest or low-income household, finding an affordable unit in good repair in the private market is a near impossible task. Based on demographic changes such as an increase in senior and non-senior one-person households there is a need for smaller apartment units such as studios and one-bedroom units. Mobility friendly and accessible units in the affordable range are also very hard to find in the private rental market.

Not only would this development increase rental housing, our Committee recommends that the City work with the Developer to create a portion of the units at lower than average market rent accessible to modest and low-income households. For example, given the proximity of the site to downtown this development could provide much needed housing for households working in jobs such as retail or food services.

Thank your for your consideration of these preliminary comments and we look forward to further input regarding the proposed Arthur Street development.

Sincerely,



Suzanne Swanton
Chair, Wellington-Guelph Housing Committee

STAFF REPORT

Attachment 13 Comments from the Public

<u>RESPONDENT</u>	<u>KEY ISSUES/CONCERNS</u> (*see attached summary correspondence)
The Ward Residents' Association (Executive Members): Maria Pezzano, William Sleeth, Thomas Brenndorfer, Linda Murphy, Gisela Gazzola)	Concerns with the blank building wall along the Riverwalk, funding for associated City capital projects, Arthur streetscape and neighbourhood transition*
Allen Dyer and Linda Reith	Concern about parking reduction, traffic increase in neighbourhood, encourage removal of remnant heritage wall*
Riverwalk Condominiums	Concern about height of Phase 4, traffic, parking and Riverwalk*
Lorraine Pagnan and Fred Thoonen	Concerns with increased traffic in Ward 1, heritage retention*
Bonnie Edwards	Concern about requested density and regulation reductions and parkland dedication*
Emily Simpson	Visual impact of Phase 4 Building, amount of park and green space on site*
Nancy McLarty (Allan's Mill Pond Neighbourhood Traffic and Parking Working Group)	Neighbourhood traffic concerns, encourage pedestrian and cycling movement*
Stan Kozak	Concern about automobile impact, encourage alternative transportation and limit parking, building massing for Phases 4 & 5, and adequacy of river setback *
Yvette Tendick	Concern about automobile dependency, encourage parking reduction and increased parkland*

5 Arthur Street Urban Design Master Plan – Fusion Homes

The Ward Residents Association comments:

The re-development of the 5 Arthur Street site is a significant opportunity, perhaps the last such opportunity that Guelph may have to create a new and wonderful urban public place along the Speed River in concert with a supporting development. All of the existing modern urban developments along the river have turned their back and have not been successful in the integration of the public realm with the development. This new public space and its relationship to Downtown Guelph are too important to not succeed. The proposal to create a new linear public space along the river with a one or two storey concrete wall along one side for most of its length represents a failure to create a vibrant and successful public place. We urge Fusion Homes to revise their plans.

Our detailed comments presented in this report include the following key issues:

1. The proposed isolation of the riverside walk and public open space from the adjacent residential development effectively diminishing its viability as a successful public place.
2. The importance of the pedestrian bridges over the Speed River, connecting the new residential development and the riverside walk to downtown Guelph and ensuring these are considered in detail as part of the urban design master plan.
3. The Arthur Street streetscape and the importance of considering both sides of the street in creating an effective transition from the existing neighbourhood to the proposed development.

Maria Pezzano, Chair

April 26, 2013

Thomas Brenndorfer

Linda Murphy

William Sleeth

Gisela Gazzola

STAFF REPORT



Mayor Karen Farbridge, Councillor Jim J. Furfaro, Councillor Bob Bell, Councillor Ian Findlay

I have reviewed the proposal for the above site and am in agreement with the overall proposal.

I have some concerns with the following areas:

• One of the Zoning By-Law amendments focuses on reduced parking requirements. I do not agree with any reduction in parking. Insufficient parking for visitor parking is the norm with these large developments. They generally provide parking for their tenants (i.e. chargeable parking) and limited parking to visitors and guests. I regularly visit a friend in an apartment on Neeve St. and have to park on the Cross Street. With 700 units in the new development, that will mean a lot of people will be like me and it will put a lot of pressure on the surrounding area streets. With 2 events centres in the area, the pressure for parking during these times will be very high.

- How many parking places are being provide for visitor parking?
- How is this number calculated?
- Will overnight parking for visitors be provided?

• With the development, traffic will increase at the Macdonell St., Elizabeth St. and Arthur St. N. corner and the Macdonell St. and Wellington St corner. The current level of traffic leads to frustration during the rush hours. This frustration is reflected in increased horn usage, loud motors sounds, loud music, tire noise and poor driving habits. Although the study indicates that the intersection will physically handle the traffic, the frustration and noise levels are not addressed. It is clear that traffic noise will increase with the increased traffic. We live on the Macdonell St., Elizabeth St. and Arthur St. N. corner and this is a major concern to our enjoyment of the area. This is an greater concern in the summer when we spend more time outside.

The River House development and the proposed development on the Marsh Tire site will also increase traffic pressure on the area. These developments were not included in the study. A wider study of traffic flow is important to the area.

- What work has been done with the proposed development to move traffic flow away from these busy intersections?
 - To reduce traffic on the two busy intersections, the city should install “No Left Turn” signs (during morning and evening rush hour) on Arthur St. S. at Elizabeth St. corner.
- What can be done to reduce traffic noise?

• I noticed in the traffic study that traffic flow in and out of phase 5 will be limited (Only right hand entry and right exit from that phase.)

- Due to this concern, the size of the phase 5 area should be reduced. Other areas of the proposal may be increased to balance this reduction.

STAFF REPORT

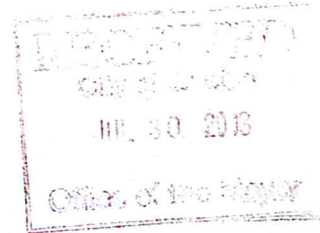


The yellow brick wall does not enhance the area. I would highly recommend that the wall be removed or the size of it be reduced to a minimum.

Thank you for your consideration of these concerns

Allan Dyer and Linda Reith
16 Arthur St N, Unit 101
Guelph, Ontario
N1E 4T8
519.546.2188

STAFF REPORT



RiverWalk Condominiums
Wellington Condominium Corporation #90
83 Neeve Street, Guelph, Ont. N1E 5R9

July 24, 2013

RECEIVED
SEP 20 2013
CITY CLERK'S OFFICE

Mayor Karen Farbridge,
Councillors Furfaro, Bell, Findlay, Hellemond, Laidlaw, Hofland, Kovach, Guthrie, Burcher, Piper,
Dennis, Wettstein,
K. Nasswetter, Senior Development Planner,
DTAH- Joe Lobko and Megan Torza
Fusion – Lee Piccoli
TWRA – Maria Pezzano

Re: plans for 5 Arthur Street South

Everyone,

In response to the Council Planning Meeting of July 5 and the Urban Design Master Plan downloaded from Fusion Homes, the owners/residents of 83 Neeve Street have concerns.

1. The Height of the tower planned for Cross Street

Ours is a 3 storey, converted stone factory on Neeve Street facing the proposed development. There are 2 taller buildings behind ours (the Victor Davis Building and a Seniors Residence) both of which are set well back from the street and do not intrude on the streetscape. Further along Neeve Street from the corner of Cross Street, there are a series of joined 2-storey townhouses (possibly of heritage value). The Mill Lofts buildings at the other end of Cross Street are 3 storeys high and the homes along Arthur are bungalows or 2-storeys. We appreciate that much concern has been taken along Arthur Street to step-down the proposed building heights and maintain a residential streetscape. We believe the same consideration must be given to Cross Street. We do not want a 14 storey colossus springing up from the sidewalk and dwarfing all other buildings in sight. There needs to be some set-back from the street and the height needs to be confined to 4-5 storeys. It is suggested that the units lost from this alternative plan could easily and more appropriately be added to the building at the north end of the property where there is no neighbourhood streetscape similar to the south end and where there are already plans for 2 highrise condominium buildings on either side of the railway tracks. Keep the tallest towers together.

STAFF REPORT

2. Traffic

No matter how often you say the population of this new 5 Arthur Street development is going to be attracted to the site because of access to nearby public transit, there will still be hundreds and hundreds of automobiles added to the traffic in the area each day. Neeve Street is a fairly busy street leading to Wellington and, at peak traffic times, can be backed up to and beyond the Cross Street intersection waiting for a traffic light change. This development has the potential to create chaos where traffic is trying to move from Arthur onto Elizabeth or from Cross onto Neeve onto Wellington. Cross Street at least needs to be widened and that affects the design of the building on Cross Street. Think of it as an opportunity to come up with a design more in keeping with the current streetscape.

3. Parking

The streets in the area are now parked solid with people walking to jobs in the downtown area. If 650-750 units are built, we're looking at a population increase of around 1000 minimum. Most of those people are going to own cars. Yes, it would be nice to think they are all environmentally aware and want to walk, bike or take transit everywhere they go, but it is more likely that the people who can afford to live in these new buildings will *each* own a car which needs to be parked even if they take the GO train to work. And heaven help us if people have visitors who arrive by auto. Where is the parking for the proposed commercial aspect mentioned for the base of the Cross Street building? Parking is a major, major concern.

4. Riverwalk

We would like to echo the opinions raised by several at the July 8 Planning Meeting that the public riverwalk area as presented in the plan has too much hard surface and is not user friendly unless you belong to an inline skating group. The river walk behind our building is mostly a grassy area and is well used by dog-walkers, joggers and folks out for a stroll, toddlers playing, ball catching and frisbee throwing, bench sitting and a general appreciation of trees, green grass and cool shade on a hot summer day. Views of the river are constant all along the walkway and it is well used in all seasons.

Much of what DTAH/Fusion is proposing is very encouraging. A lot will depend on the quality of the architecture of the buildings and the quality of materials and workmanship but the potential is here for Fusion to create an exciting addition to our neighbourhood. We are thankful for the opportunity to input the planning and for being kept so well informed along the way. We look forward, with some trepidation, to the future.

Thank you for your consideration,

Sylvia Tarlin, Glen Tarlin, Joe Colasanti, Barbara Harry-Becker, Ed Becker, Eric Poisson, Dawn Elsley,
Jolen Downham, Jane Dawkins.

Dawn Elsley

Jolen Downham

Sylvia Tarlin

Eric Poisson

Barbara Harry-Becker

Ed Becker

Joe Colasanti

Glen Tarlin

STAFF REPORT

We have the following comments to make regarding 5 Arthur Street:

We are not in favour of the planned turning lanes at Wellington and Neeve. The Sir John A MacDonald Neighbourhood Association were instrumental in having the wider sidewalk made on the bridge during its time of reconstruction. The engineer wanted a wider road but we felt a wider sidewalk was a more sustainable and pedestrian friendly alternative, since many pedestrians use this route everyday. There would be no need to add these extra turning lanes if the city would "Just deal with the cut through traffic in the Ward". It is a well know fact that short cutting has been an ongoing issue in our neighbourhood since at least 1992.

We have concerns that there is no mention of the recommendations from the Ward One Community Improvement Plan Traffic Impact Study by Paradigm Transportation Solutions adopted by Council in 2001-2003, which states; "The area is limited in its traffic capacity by various constraints, that include narrow streets, many with on street parking." "There is also an ongoing concern in some of the residential neighbourhoods, with respect to traffic infiltration, which is believed to be caused by vehicles shortcutting from York Road.", and, "Given the projected growth in travel demands, the neighbourhood traffic issues are expected to continue and worsen in the future. The redevelopment of existing industrial uses will reduce conflicts associated with truck traffic on residential streets. However, the volume of traffic in the area will increase and traffic speeds and resulting safety issues will remain or grow."

The traffic consultants have projected between 650-780 residential units, almost double to what was initially planned for the site in 1996, plus a commercial mixture. "The site is to occur in 5 phases and to be built out by 2025. Based on ITE trip generation rates, the estimated trip reductions and overall general shift towards more sustainable modes of transportation the site is estimated to have a net generation of approximately 350 trips during the AM peak hour and approximately 499 vehicle trips during the PM peak hour." Although it would be great to see such "trip reductions and a shift towards more sustainable modes of transportation", I think it is unfair and unrealistic to accept these ITE trips. The time line is only eight years off and people like and demand their cars. Therefore more must be required of the developer and the CITY ENGINEERS to make the neighbourhood more walkable and pedestrian friendly and this is not done by increasing density and adding turning lanes at Elizabeth/Arthur and Wellington/Neeve. This is done by acknowledging the issues already occurring in the neighbourhood, fixing the skewed intersections, diverting cut through traffic, etc.

In the consultants "Future Total Traffic Conditions" it states "that during the year 2020 horizon the Arthur Street South approach to Elizabeth will start to approach capacity." It is expected that the northbound traffic on Arthur Street South will seek alternative means to exit the study area via Cross Street and Neeve Street to avoid the increase delays". Nothing again is mentioned about the affect of this development on Ontario Street. This is a no brainer considering again that both Arthur Street and Neeve street meet Ontario Street and that it is a direct route York Road.

Our next biggest concern is preservation of the heritage portions of the site that are to be retained, which includes partial walls along the river and the stone building, formerly the Allan's distillery. The plan for the brick wall to be incorporated along the River Walk seems to have disappeared from the plan. This was identified as a heritage structure from the very beginning of this process. We can

STAFF REPORT



understand that the whole wall may not be incorporated but there needs to be retention of portions of the wall along the River Walk. We are very concerned that nothing concrete has been identified by the consultants or a staging in for the heritage limestone structure. The intact limestone structure must be given first staging on the site along with the planned high-rise. If heritage buildings don't have a planned use we loose them! It is therefore imperative that the development of the site must have the limestone heritage structure staged in. It just seems to be left hanging to be dealt with later. I am sure that Council does not want another Wilson Farmhouse on their hands.

Thank-you all for taking the time to read our comments.

We have also included the previous comments that we sent Fusion Homes back in March 2013.

Regards,
Lorraine Pagnan and Fred Thoonen

July 3, 2013

RESPONSE TO “COMPLETE & PUBLIC MEETING NOTICE”

“5 Arthur Street South (File: OP13002/ZC1305)”

I have chosen to live in Guelph for over thirty years because the City of Guelph has shown itself to be an innovative and environmentally concerned planner. I have lived in downtown Guelph, first behind the Church of Our Lady and now in the Mill Lofts, because I enjoy the culture of the downtown neighbourhoods and their family friendly green spaces. Most of the proposed changes in the Proposal for 5 Arthur Street South do not appear consistent with these our city’s strengths.

The Proposal suggests that about 700 residential units be allowed on the site. This likely means 1400 people—ONE PERCENT of the city’s population within two or three square blocks! The neighbourhood does not have the service amenities to support this huge influx. This number of residential units also means bringing about 1400 vehicles into a neighbourhood already tight for street parking.

Please consider the merits of the following concerns. I would love to continue to live at Cross and Arthur in Guelph the Good; not at Jane and Finch in Toronto the Terrible.

Proposed Official Plan Amendments

- To permit a reduced setback....

The City of Calgary has been chided for its lack of preparedness for flooding. Surely with the changes in water levels and storm patterns we will be seeing with global warming, we should be even **more** careful of planning in a flood plan than our old official plan suggests. **Increase** the setback and develop more trails along the riverbank.

- To permit a greater number and size of commercial uses...

The neighbourhood is in great need of small grocery stores, bakeries and delicatessens. The site is ideal for galleries, specialty shops and cafes. We do not need recycling yards, used car lots or discount stores. Office space for lawyers, doctors, accounts and real estate agents would be appropriate use.

- To permit a mixed used development ... FSI of 2.0...

Please see the Appendix for my concerns regarding an FSI of 2.0 for the site as a whole. Especially given possible later severance of parts of the site, the method for calculating the FSI must be made extremely clear.

- To reduce...for Parkland Dedication

The amount of green space on the site will determine whether the project becomes an asset to the neighbourhood and to the city in its mixed use capacity. Not only do we need **more** designated parkland, we need to use as much of the remaining space as possible between and around the buildings for play areas, community vegetables gardens, walking and sitting areas and sidewalk restaurants.

Proposed Zoning By-Law Amendment

- Reduced common amenity area and Landscaped Open Space Requirements

These should both be **increased** to make the project people friendly. Let some of the low-rise housing become medium-rise but do not cramp the buildings. People need green space and good direct lighting through their windows.

- Reduced Front and Side Yard Setbacks

For the sake of green space and play space, these setbacks should be **increased**.

- Increased building heights on part of the site.

Please see the Appendix for consideration of FSI and heights for the “high-rise” buildings.

- Addition of ... minimum distances between buildings

Yes, make specific regulations for **large** minimum distances.

- Removal of ... angle plane...

Consider state of the art planning for flood control when determining the contours of the site. Perhaps a dike between the riverbank and developed land would make angling the site toward Arthur easy. Also, see my comments on parking next.

- Reduced parking requirements

This is **absurd**. The neighbourhood does not have room for any more vehicles parking on its streets. Every residential unit should have, without exception, two designated spaces. All parking should be under the buildings or under parkland and gardens. Even the parking that is close to the heritage building should be

STAFF REPORT

underground—put a splash pool and a children’s grassy play area on top. There is too little area for people and trees to waste it on vehicles.

- Addition of specific bicycle parking requirements.

Each residential building that does not have dedicated garages, should have an ample bicycle locker in its under-building parking area. Bicycle racks should be situated close to all commercial use buildings.

- Addition of bonusing and severability provisions.

Again, please consult the Appendix below. If there is a possibility that the site may ever be severed, those division boundaries should be drawn **now**. In this way, all of the rules and regulations presently under discussion may be applied to the individual sub-sites as seems appropriate for the location of that sub-site.

Summary

- regulate plenty of open space, public space, green space
- put all parking below buildings or parkland
- consider the issue of varied FSI before dealing with severance

And a Make a Green Plan Worthy of Guelph

While moving earth, protecting against floods, drilling and digging foundations, leveling for roadways and appropriately angling the site, take the opportunity to

INSTALL GEOTHERMAL HEATING AND COOLING FOR THE WHOLE PROJECT.

Become the future that Canadian cities want to see!

Sincerely,

Bonnie Edwards

STAFF REPORT



Good afternoon,

I hope this email finds you well.

Thank you for mailing notice of the Open House and Public Meeting to take place on March 5th re: development of the 5 Arthur St S site. I appreciate the attached information, as well.

First Concern - Existing Mill Loft Building facing Cross St / End Units to be blocked by Phase 4 Building Construction:

I reside in the Mill Lofts building, in an end unit facing Cross St, and the 5 Arthur St S site. I attended one of the initial public forums, as ideas were forming regarding the proposed condos/commercial areas etc.

At that time, I would have been facing a parking lot.

I learned at the Public Meeting held on July 8, 2013 that instead, I'll be facing a 5 storey mixed apartment/commercial use building (Phase 4).

I live on the 3rd floor, with large windows facing Cross St.

When Phase 4 is complete, I'll be facing a 5 storey building, with a Minimum Front Yard space of 2.0 meters facing Cross St.

I will have no privacy, and no view.

I am concerned this will drastically decrease my property's value.

And, I'm a private person. I don't want to be looking into someone's window, or have them looking into mine.

This is so upsetting!!!! :(

Is this negotiable?

Can the proposed building in Phase 4 on the south end of the property facing Cross St not be designed so the Mill Loft building is facing open space, such as Park space, or parking, as opposed to the side of a building? I can't imagine potential buyers on the 5 Arthur St site will want to be facing the Mill Loft building either, since our windows are so large.

2nd Concern - Park Space Dedication & Walking Trail by the River:

In the literature provided by mail, I see only one reference to Parkland for a walking trail has also been proposed.

In the Public Meeting on July 8th, 2013 the proposal was to reduce the amount of land identified for Parkland Dedication to 5%, from the existing by-law requiring 10%.

STAFF REPORT



Guelph is a GREEN city - a leader in recycling and environmentally-friendly approaches. We walk dogs. Many of us use walking as our primary mode of transportation, since downtown services are relatively connected.

Providing trails through the site, accessible to the surrounding community, is key towards inclusion.

And creating a safe walking trail by the river can only be good for the health and vibrancy of the downtown core.

If we want people using the services, they need to be accessible to everyone.

Thank you for reviewing my concerns.
I'd like them to be discussed by Council.

Emily Simpson
Mill Lofts Resident
26 Ontario St, Unit 303

PS. I'm also the resident that had 2 windows shattered by a large bolt during the demolition of the Woods Inc building. Fortunately I wasn't home; however, the bolt shattered the windows where I usually work on my computer. And it landed on my bed. It was November, and my window remained unfixed with open holes for 2 weeks. This hasn't been a positive experience for me so far.

STAFF REPORT

Hi Katie,

I am a member of the Alan's Mill Pond Neighbourhood Traffic and Parking Working Group.

We meet recently to discuss the project at 5 Arthur Street also known as File ZC1305/OP1302.

I have summarized our discussions and consequent recommendations as follows:

Overall we **STRONGLY** feel the planning associated with the development at 5 Arthur Street South should be to **MAXIMIZE** the **PEDESTRIAN** mode and diminish the vehicular mode of movement.

The 5 Arthur St S traffic study already notes **EXCESSIVE** loading of traffic in this area **AND** this study did **NOT** take into account the two high density Tricar developments.

Accordingly, we recommend that:

1. The parking allotment per unit be minimized to encourage pedestrian and cycling transport.
2. Development approval not to exceed capacity of the neighbouring transportation infrastructure including:
 - a) intersections', at both ends of the MacDonnell Bridge, ability to handle anticipated traffic loads generated from this site and the two other high density Tricar developments,
 - b) neighbouring streets' (Arthur St N, Arthur St S, Cross St) ability to handle increased traffic loads from this site and the two other high density Tricar developments.
3. Intersection redesign at both ends of MacDonnell bridge to ensure ease of pedestrian movement. We note that planned pedestrian/bike bridges will direct increased numbers to the MacDonnell/Wellington intersection.
4. Cost for intersection improvements accrue to the developments being approved for this area.

Thank-you for your attention to this.

We look forward to hearing the follow-up to our recommendations.

Nancy McLarty,
Member, Allan's Mill Pond Neighbourhood Traffic and Parking Working Group

STAFF REPORT



Comments on the Updated Development Proposal for 5 Arthur St South

March 14, 2014

To: Planning Department

City of Guelph

Attention: katie.nasswetter@guelph.ca

From: Stan Kozak

Resident - 52 Arthur St N
519 836-4186
skozak@sentex.ca

Background

The current design for the 5 Arthur St S development proposal presented by Kirkor Architects and Planners recently in a public meeting shows considerable improvement over earlier versions. This is another example of how authentic public involvement in the planning process leads to a better product for the proponent and eventually better for the community as well. On close examination it is evident though that this process needs to continue and that further changes in the proposal are required.

Issues

This development proposal and current zoning for the site promote automobile use as the dominant mode of transportation. This leads to unacceptable impacts on the design and the eventual transportation patterns that will result. As this area will become that part of the city with the highest density, it is extremely important that automobile use curtailment guide planning and design.

Recommendations

Parking

Measures should be taken to reduce car ownership in the continuing redesign of this site. These should include:

- minimization of the parking allotment per unit
- planning for and modifying building design, site design and affected intersections for active transport

- separating purchase of residential units from parking spaces in the sale of the first building so that it can be demonstrated that the parking ratio allocated is not required. Cost for parking spaces has been noted to be as high as \$40, 000 per spot. Approval of development of this site should support those eventual residents who wish to use public and active transit. Requiring them to purchase a parking spot when they do not wish to use one is a severe deterrent to this growing segment of the population. In addition, experience with some Toronto condo sales has indicated that when purchasers have this choice the number of parking spots needed is greatly less than anticipated.
- Ensuring that car co-operative parking allocation and bike parking at rates consistent with City active transport goals are included in every multi-residential building .

Urban Design Changes to PH 4 and 5

- Modifications presented by Kirkor to the centre three blocks have vastly improved the urban design. This approach needs to be applied to the buildings at each end of the development (PH 4 and PH5). Massing of these buildings as presented is grotesque. The massing nature of these buildings as currently presented results from the planned domination of automobile use by eventual residents. Kirkor has been successful in providing a preferred option to the wall effect on the river walk. They should be charged with addressing the massing effect of the 5 and 4 storey podiums of the buildings identified.

Park Allotment

Park space planned for the site is inadequate in the current design and the 10% target should be required.

Function of the River Setback

- Current design plans show a 15 meter setback from the river. Considering the multiplicity of uses that this area will be required to address, a 15 m set back is inadequate.
- Park space allocation to achieve 10% is best located by adding to the currently designated river walk area allowing the site to better meet the many demands placed on it.

STAFF REPORT



Comments on the Updated Development Proposal for 5 Arthur St South

March 16, 2014

To: Planning Department

City of Guelph

Attention: katie.nasswetter@guelph.ca

From: Yvette Tendick

Resident – 175 Huron Street
519 780-2462
yvelep@hotmail.com

Dear Ms. Nasswetter,

I am pleased that Kirkor Architects and planners are listening and making changes due to public input on the former Woods site. The end product will be better for the developer and the community alike.

However, there is still some aspects of the development that need to be reconsidered.

Remember that a long term goal for the city is to reduce auto dependence. The short term goal is to reduce congestion in this part of the city. This important goal can be achieved through careful design that benefits all prospective buyers of the homes in this location.

For example, if there is a minimization of the parking allotment per unit, the costs per unit for the developer and the buyer will be lessened. Fewer spots can be accompanied with one or two Car Share spots, as well as a safe location to store bikes.

If the purchase of the residential units is separate from the parking spaces, then people can choose whether or not they actually want one or two parking spots (or none). When the cost of the parking

STAFF REPORT



spot is taken into account (it can be as high as \$40,000 per spot, if I understand correctly) some buyers may choose public and active transit over owning a car. Buyers should be given a choice and not automatically have to pay extra for parking that they don't want or need.

The parking spots that are saved through this process would allow for more parkland. 10% parkland should be a minimum requirement. Some of this parkland should be added to the river walk which will surely become extremely popular in this newly designed community.

Thank you for considering this,

Yvette Tendick

Attachment 14 Public Notification Summary

May 17, 2013	Official Plan and Zoning By-law Amendment Application received by the City of Guelph
May 29, 2013	Applications deemed to be complete
June 3, 2013	Notice of Complete Application and Public Meeting Notice mailed to prescribed agencies and surrounding property owners within 120 metres of the subject site
June 6, 2013	Notice of Public Meeting advertised in the Guelph Tribune for the Statutory Public Meeting
July 8, 2013	Statutory Public Meeting
February 19, 2014	Notice of Revised Application and Public Open House mailed to prescribed agencies and surrounding property owners within 120 metres of the subject site
August 5, 2014	Notice of Decision Meeting mailed to persons providing comments or attendees at the public meeting who signed in and requested further notice
August 25, 2014	City Council Meeting to consider staff recommendation