

PLANNING REPORT

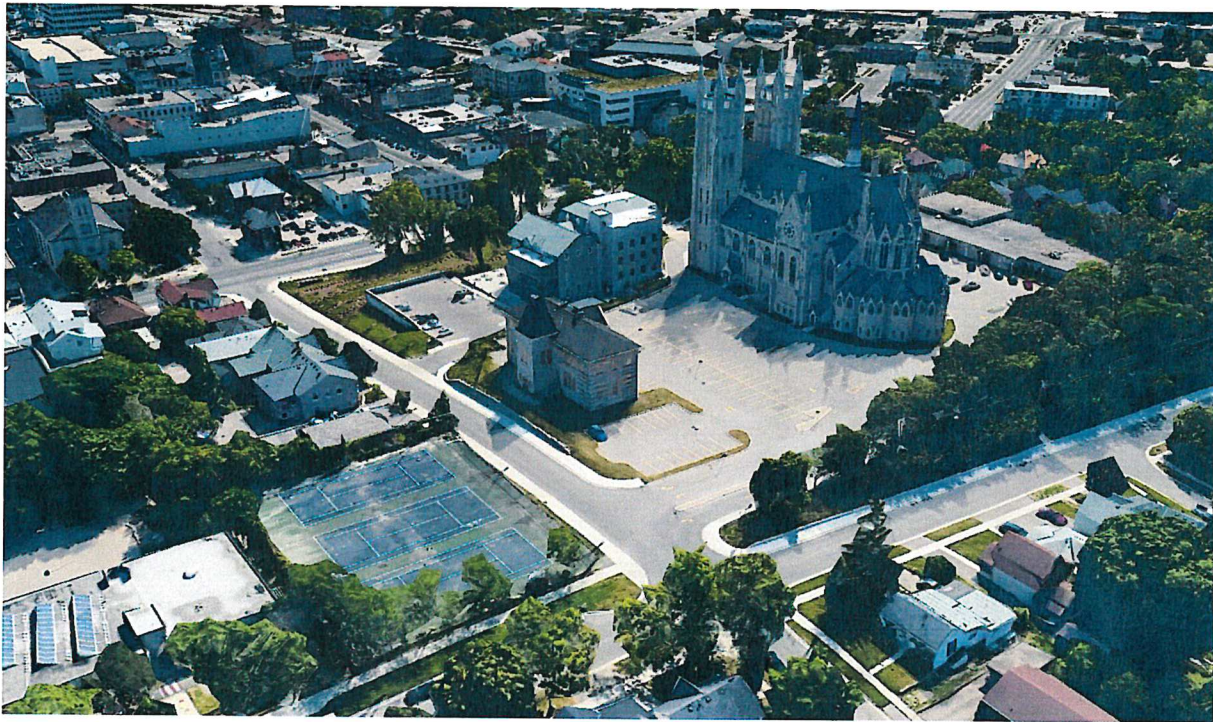
Churchill Court
75 Dublin Street North
City of Guelph

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Prepared on behalf of
Rykur Holdings Inc.



September 21, 2017

Project No. 1227

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Table of Contents

	Page
1. <u>Introduction</u>	1
2. <u>Description of the Proposal</u>	3
2.1 Proposed Official Plan Policy	5
2.2 Proposed Zoning	5
2.3 Proposed Holding Zone	8
2.3.1 Planning Act	9
2.3.2 Guelph Official Plan (2014 Consolidation)	9
2.3.3 Official Plan Amendment No. 48	10
2.3.4 Guelph Zoning By-law	11
2.4 Side Yard	14
2.5 Shadow Analysis	16
2.6 Building Height	20
2.7 Rear Yard	25
2.8 Dublin Street North Parking Restrictions	26
3. <u>Existing Conditions and Surrounding Land Uses</u>	27
4. <u>Planning Framework</u>	34
4.1 Provincial Policy Statement (2014)	34
4.2 Places to Grow (2017)	38
4.3 City of Guelph Official Plan (September 2014 Consolidation)	40
4.3.1 Urban Growth Centre (Downtown Guelph) and Built-Up Area	40
4.3.2 Affordable Housing	42
4.3.3 Cultural Heritage	43
4.3.4 Downtown Secondary Plan	44
4.3.5 Urban Design	48
4.3.6 Official Plan Designation of the Neighbouring Lands	51
4.3.7 Crime Prevention Through Environmental Design	53
4.4 Envision Guelph Draft Official Plan (OPA No. 48)	54
4.5 Zoning By-law	56
5. <u>Conclusion</u>	58

List of Figures

Figure 1	Proposed Concept Plan (October 31, 2016)	4
Figure 2	Zoning Compliance	6
Figure 3	Differences between the Rykur and the City Zoning	7
Figure 4	Examples of Existing Guelph Holding Zones	13

Figure 5	Existing Side Yard of Central Public School	15
Figure 6	Comparison between the Rykur and “As of Right” Building Heights	16
Figure 7	New Net Shadow from the Rykur Proposal	17
Figure 8	Excerpt from Upper Grand District School Board Policy	18
Figure 9	Proposed Building Elevation from Dublin Street North	20
Figure 10	Geodetic Building Elevations	22
Figure 11	Building Elevation of 171 Kortright Road West, Guelph	24
Figure 12	Parking Restrictions on Dublin Street North	26
Figure 13	Surrounding Land Use	27
Figure 14	Banner of Previous Central Public School	27
Figure 15	Rear Playground of Central Public School	28
Figure 16	33 Cork Street West	28
Figure 17	Vacant St. Agnes School and Retaining Wall on Cork Street West	29
Figure 18	Parking Lot and Building Addition for the Guelph Museum	29
Figure 19	Guelph Museum Building Addition	30
Figure 20	5 Storey Guelph Museum Building	30
Figure 21	4 Storey Guelph Museum Building Addition	31
Figure 22	4 Storey Rectory	31
Figure 23	St. John Bosco Secondary School	32
Figure 24	Dublin Street North	32
Figure 25	Glasgow Street North Apartment Building	33
Figure 26	Glasgow Street North and Cambridge Street Apartment Building	33
Figure 27	Dublin Street North and Northumberland Street Apartment Building	34
Figure 28	Guelph Official Plan – Growth Plan Elements	41
Figure 29	Downtown Secondary Plan Mobility Plan	45
Figure 30	Downtown Secondary Plan Land Use Plan	47
Figure 31	Downtown Secondary Plan Minimum and Maximum Building Heights	51
Figure 32	Back Fenced Yard of Central Public School	53
Figure 33	Fenced Stairway Access to Central Public School from the Downtown	54
Figure 34	Existing Zoning	57
Figure 35	Proposed Downtown Zoning By-law	57
Figure 36	Downtown Zoning By-law - Minimum and Maximum Building Height	58

1. Introduction

This report has been prepared in support of an Official Plan Amendment and Zoning Amendment (ZC1612) for the property municipally addressed as 75 Dublin Street North, City of Guelph, and legally described as Lot 1051 and Part of Lot 1052 Registered Plan 8, City of Guelph. The subject property is owned by Rykur Holdings Inc.

On September 1, 2016 Rykur Holdings Inc. was informed that the proposal for 75 Dublin Street North had been selected to receive Investment in Affordable Housing (IAH) funding for 20 affordable senior rental apartments including 4 barrier free units. A requirement of this funding was that a building permit be available by April 2017.

The subject property is included within the Downtown Secondary Plan and the proposed Downtown Zoning By-law. On September 8, 2016 a letter was provided to Council on behalf of Rykur Holdings Inc. outlining the revisions required to implement this affordable housing project. This request was presented to Council on behalf of Rykur Holdings Inc. at the Public Meeting held on September 12, 2016 for the Downtown Zoning By-law.

At the September 12, 2016 Public Meeting for the Downtown Zoning By-law Guelph Council approved the following two motions;

"That staff be directed to bring forward the portion of the Downtown Zoning By-law related to 75 Dublin St North to a November 2016 council meeting for a decision, in order to facilitate the required April 2017 building permit timing of the investment in affordable housing grant and that a public process be provided.

That staff be directed to initiate a site specific Official Plan Amendment for 75 Dublin Street North in order to facilitate the investment in Affordable Housing Grant."

A second Public Meeting was held on October 17, 2016 for the Downtown Zoning By-law as it related to the 75 Dublin Street North request and was combined with a Public Meeting related to the proposed City-initiated Official Plan Amendment.

On October 27, 2016 Rykur Holdings Inc. held an Informal Public Open House at 371 Waterloo Avenue to present their revised zoning and official plan amendment proposal to the public and provide a tour of their existing affordable housing development.

On November 30, 2016 the Guelph Council Minutes state that,

*"Councillor Bell requested Council to consider **a motion to amend the recommendation provided by Ms. Astrid Clos, Planning Consultant**, prior to consideration of the original staff recommendation."*

This motion to approve the Official Plan Amendment recommended on behalf of Rykur Holdings Inc. to approve a 5 storey building height was voted on by Council and was defeated.

Council **then** voted to support the staff recommendation to refuse the Official Plan Amendment 5 storey building height.

On December 13, 2016 the City of Guelph issued a Notice of Decision with respect to a proposed amendment to the Official Plan by the Corporation of the City of Guelph.

On December 20, 2016 Rykur Holdings Inc. appealed application number OP1603 (OPA No. 65) which is applicable to 75 Dublin Street North.

On December 23, 2016 Rykur Holdings Inc. submitted an **Official Plan Amendment application for 75 Dublin Street North, including the completed application form and cheque in the amount of \$7,036.00 for the application fee, to the City.** The list of the requirements for a complete Official Plan Amendment application, which had previously been received and reviewed by the City and posted on the City's website, was provided. The cover letter included with the submission stated that, *"Rykur Holdings Inc. would like to proceed with a Official Plan Amendment application in order to have a designated and zoned "shovel ready" affordable housing project for 75 Dublin Street North . While the County has allocated the 2017 AIH funding, the 2018 AIH funding has not been allocated at this time. In addition, there may be future funding available that Rykur Holdings Inc. would like to have their site in a position to respond to a request for proposals for affordable housing funding when it is announced."*

On January 20, 2017 a letter was received from Sylvia Kirkwood, City of Guelph, which stated that ***"In accordance with the above (Pre-consultation) Bylaw we are refusing to accept the Application at this time. The application materials and fees will be returned to you. Based on the above, we would kindly request that you complete the attached 'Mandatory Pre-consultation Meeting Request Form."***

On February 2, 2017 the completed Pre-Submission Consultation Meeting Request Form was submitted to the City by Rykur Holdings Inc.

On February 22, 2017 the Development Review Committee Meeting was held to consider the Official Plan Amendment application and an email clarifying to the City that *"the applicant is proposing an owner initiated amendment to the City's Official Plan, not an amendment to OPA No. 65"* was provided.

On March 23, 2017 a letter from Todd Salter, City of Guelph, regarding the Pre-consultation held at the Development Review Committee meeting. The letter stated that, *"If the proposal is to amend the Official Plan to allow for a site-specific maximum building height permission of 5 storeys for 75 Dublin Street North, then a request for an amendment to Section 11.1.7.4, Mixed Use 2 Areas could be submitted. As you are aware, a City initiated amendment that would have had the same effect was considered by Council in November 2016."*

On August 4, 2017 the City of Guelph filed a notice of motion to the OMB seeking an Order of the Board that the Official Plan amendment appeal filed by the appellant Rykur Holdings Inc. be declared invalid and be dismissed. The OMB has not yet considered the City's motion. The Board has set a date of November 17, 2017 to consider the City's motion.

This Planning Report has been prepared on behalf of Rykur Holdings Inc. in support of an Official Plan amendment application as indicated at the pre-consultation meeting held on February 22, 2017 as being required as part of a complete application prior to processing this application.

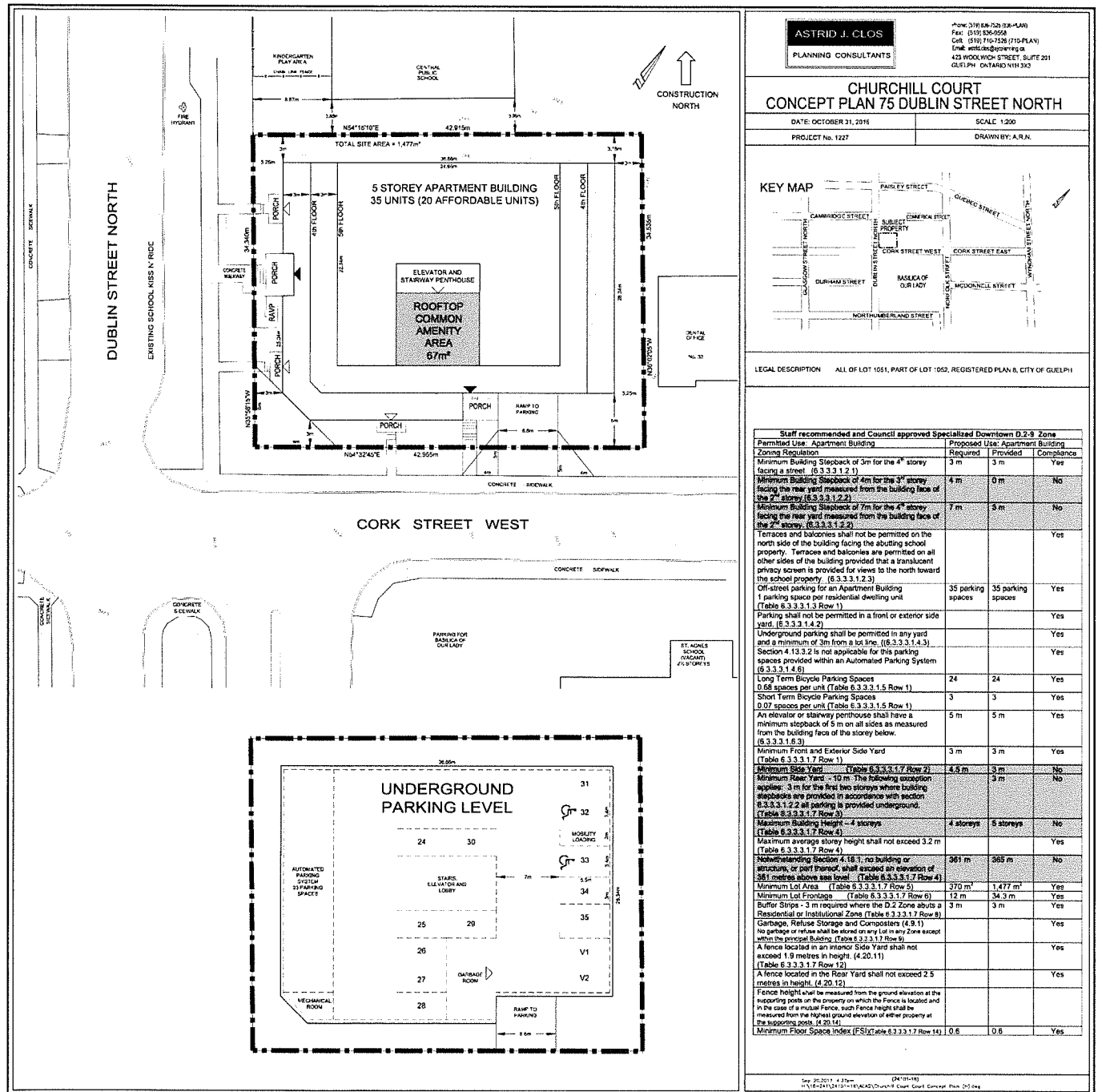
2. Description of the Proposal

A number of revisions have been made to the original proposal for 75 Dublin Street North (presented to Council at the Public Meetings on September 12, 2016 and October 17, 2016) to address the agency and public comments received. These revisions include the following;

- The total number of units has been reduced from 42 units to 35 units.
- 3m building setbacks to the 4th and 5th storeys are proposed from the rear yard, (facing east toward downtown), front yard (facing toward Dublin Street) and exterior side yard (facing toward Cork Street).
- The required parking of 35 parking spaces is being met on-site by the proposal.
- The required visitor parking of 2 parking spaces is being met on-site by the proposal.
- The 3 required short term bicycle parking spaces are being provided on-site.
- The 24 required long term bicycle parking spaces are being provided on-site.
- A regulation has been added to require a maximum average building height per storey of 3.2 m.
- A regulation has been added to require a maximum geodetic elevation building height of 365 m measured at the top of the elevator and/or stairway penthouse.
- A regulation has been added to prohibit terraces and balconies on the north face of the building overlooking the school property. For terraces siding onto the school property a translucent privacy screen is required.
- A minimum setback of 5m for any rooftop mechanical equipment, elevator or stairway penthouse on all sides.
- The elevator and/or stairway penthouse has been relocated to the south side of the proposed building to reduce any shadow impact on the Central School rear yard playground.

The proposed Concept Plan included as Figure 1, indicates that 35 apartment units are proposed including 20 affordable units for seniors. Included within these 20 units will be 4 barrier free units. A total of 37 underground parking spaces will be provided with access provided from Cork Street West. Two Type A (Van) Accessible Space will be provided in the underground parking lot in accordance with the City of Guelph – 2015 Facility Accessibility Design Manual. Two visitor parking spaces will be provided. A minimum 3m buffer strip will be provided on the property between the proposed building and Central Public School and the abutting dental office. The 9m corner sight line triangle is shown on the Concept Plan and will be respected by the proposal. The driveway sight line triangle required along the sidewalk is also shown on the Concept Plan and will be respected by the proposal. The first three building storeys will be in line with the 3m underground parking setback. The fourth floor will be setback 6m from Dublin Street North, Cork Street West and the rear yard. The fifth floor will be setback 9m from Dublin Street North, Cork Street West and the rear yard. A co-generation facility and/or solar panels will be provided. Long and short term bicycle parking will be provided for a minimum of 27 bicycles. An area located off the lobby will be provided to store mobility devices for seniors, such as scooters, and be equipped with a washing station for bikes, scooters and companion animals. A multi-purpose room will be provided to offer support services for seniors. (ie. VON) The intent of Rykur Holdings Inc. is to obtain the Official Plan and Zoning permissions for a shovel ready project to allow for an application for affordable housing funding. The total area of the property subject to these applications is 0.147 hectares.

Figure 1 – Proposed Concept Plan (October 31, 2016)



The Official Plan Amendment proposes to increase the maximum building height from 4 storeys to 5 storeys subject to 9m setbacks from the rear yard, Cork Street West and Dublin Street North for the 5th storey.

The Zoning Amendment proposes to change the current I.1 zoning of the subject property to a Specialized D.2-___ Zone with a Holding Zone. The proposed Specialized D.2-___ Zone with the H would permit a maximum 4 storey building height. If the condition of the Holding Zone is satisfied regarding the provision of affordable housing and the H is lifted by Council, then the maximum building height permitted would be 5 storeys.

The proposed Rykur zoning for 75 Dublin Street North incorporates the specialized zoning regulations included within the D.2-9 Zone recommended by City staff and approved by Council with some exceptions. The specialized zoning proposed to implement the Rykur proposal differs from the City's D.2-9 Zoning in the following ways;

- The Rykur zoning proposes a minimum interior side yard of 3m where the D.2-9 Zone proposes a minimum interior side yard of 4.5m.
- The Rykur zoning proposes a minimum rear yard of 3m for the 3rd storey where the D.2-9 Zone proposes a minimum rear yard of 7 m for the 3rd storey.
- The Rykur zoning proposes a minimum rear yard of 6m for the 4th storey where the D.2-9 Zone proposes a minimum rear yard of 10 m for the 4th storey.
- The Rykur zoning proposes a minimum rear yard of 9m for the 5th storey where the D.2-9 Zone does not permit a 5th storey.
- The Rykur zoning proposes a Holding Zone with a condition related to the provision of affordable housing which if satisfied would permit a maximum of 5 storeys.
- The Rykur zoning proposes a maximum building height, including the mechanical penthouse, of a geodetic elevation of 365m where the D.2-9 Zone proposes a maximum geodetic elevation of 361m.

2.1 Proposed Official Plan Policy

The Official Plan Amendment for 75 Dublin Street North requests that the maximum building height increase from 4 to 5 storeys. The Official Plan is proposed to be amended by the addition of the following policy;

"Notwithstanding Schedule D: Downtown Secondary Plan Minimum & Maximum Building Heights the Maximum Building Height permitted for the 75 Dublin Street North property shall be 5 storeys. The 5th storey shall be setback a minimum of 9 metres from the rear yard and from the street lines of Dublin Street North and Cork Street West."

2.2 Proposed Zoning

The requirements of the D.2-9 Zone, as recommended by staff and approved by Council, are listed in the chart below as Figure 2 and compared with the zoning proposed to implement the October 31, 2016 Concept Plan for 75 Dublin Street North (referred to as the "Rykur" proposal).

Figure 2 – Zoning Compliance

Staff recommended and Council approved Specialized Downtown D.2-9 Zone			
Permitted Use: Apartment Building	Proposed Use: Apartment Building		
Zoning Regulation	Required	Provided	Compliance
Minimum Building Stepback of 3m for the 4 th storey facing a street. (6.3.3.3.1.2.1)	3 m	3 m	Yes
Minimum Building Stepback of 4m for the 3 rd storey facing the rear yard measured from the building face of the 2 nd storey. (6.3.3.3.1.2.2)	4 m	0 m	No
Minimum Building Stepback of 7m for the 4 th storey facing the rear yard measured from the building face of the 2 nd storey. (6.3.3.3.1.2.2)	7 m	3 m	No
Terraces and balconies shall not be permitted on the north side of the building facing the abutting school property. Terraces and balconies are permitted on all other sides of the building provided that a translucent privacy screen is provided for views to the north toward the school property. (6.3.3.3.1.2.3)			Yes
Off-street parking for an Apartment Building 1 parking space per residential dwelling unit (Table 6.3.3.3.1.3 Row 1)	35 parking spaces	35 parking spaces	Yes
Parking shall not be permitted in a front or exterior side yard. (6.3.3.3.1.4.2)			Yes
Underground parking shall be permitted in any yard and a minimum of 3m from a lot line. ((6.3.3.3.1.4.3)			Yes
Section 4.13.3.2 is not applicable for this parking spaces provided within an Automated Parking System (6.3.3.3.1.4.6)			Yes
Long Term Bicycle Parking Spaces 0.68 spaces per unit (Table 6.3.3.3.1.5 Row 1)	24	24	Yes
Short Term Bicycle Parking Spaces 0.07 spaces per unit (Table 6.3.3.3.1.5 Row 1)	3	3	Yes
An elevator or stairway penthouse shall have a minimum stepback of 5 m on all sides as measured from the building face of the storey below. (6.3.3.3.1.6.3)	5 m	5 m	Yes
Minimum Front and Exterior Side Yard (Table 6.3.3.3.1.7 Row 1)	3 m	3 m	Yes
Minimum Side Yard (Table 6.3.3.3.1.7 Row 2)	4.5 m	3 m	No
Minimum Rear Yard - 10 m The following exception applies: 3 m for the first two storeys where building stepbacks are provided in accordance with section 6.3.3.3.1.2.2 and all parking is provided underground. (Table 6.3.3.3.1.7 Row 3)		3 m	No
Maximum Building Height – 4 storeys (Table 6.3.3.3.1.7 Row 4)	4 storeys	5 storeys Holding	No
Maximum average storey height shall not exceed 3.2 m (Table 6.3.3.3.1.7 Row 4)			Yes

Zoning Regulation	Required	Provided	Compliance
Notwithstanding Section 4.18.1, no building or structure, or part thereof, shall exceed an elevation of 361 metres above sea level (Table 6.3.3.3.1.7 Row 4)	361 m	365 m	No
Minimum Lot Area (Table 6.3.3.3.1.7 Row 5)	370 m ²	1,477 m ²	Yes
Minimum Lot Frontage (Table 6.3.3.3.1.7 Row 6)	12 m	34.3 m	Yes
Buffer Strips - 3 m required where the D.2 Zone abuts a Residential or Institutional Zone (Table 6.3.3.3.1.7 Row 8)	3 m	3 m	Yes
Garbage, Refuse Storage and Composters (4.9.1) No garbage or refuse shall be stored on any Lot in any Zone except within the principal Building (Table 6.3.3.3.1.7 Row 9)			Yes
A fence located in an interior Side Yard shall not exceed 1.9 metres in height. (4.20.11) (Table 6.3.3.3.1.7 Row 12)			Yes
A fence located in the Rear Yard shall not exceed 2.5 metres in height. (4.20.12)			Yes
Fence height shall be measured from the ground elevation at the supporting posts on the property on which the Fence is located and in the case of a mutual Fence, such Fence height shall be measured from the highest ground elevation of either property at the supporting posts. (4.20.14)			
Minimum Floor Space Index (FSI)(Table 6.3.3.3.1.7 Row 14)	0.6	0.6	Yes

On November 30, 2016 Guelph Council approved the D.2-9 Zone recommended by City staff which differed from the zoning being requested by Rykur Holdings Inc. Figure 3 below outlines the differences between the City and the Rykur zoning. Note that the chart below includes only the regulations which are different. All other zoning regulations not included on the chart below are in agreement between the City and Rykur.

Figure 3 – Differences between the Rykur and the City Zoning

City staff recommended D.2-9 Zone approved by Council November 30, 2016.	Zoning regulations proposed by Rykur Holdings Inc.
Minimum Interior Side Yard of 4.5 m.	Minimum Interior Side Yard of 3m.
A minimum rear yard setback of 3 m for the first two storeys of any building where required stepbacks are provided and where all required parking spaces are provided in an underground parking area.	Minimum Rear Yard of 3 m where required stepbacks are provided and where all required parking spaces are provided in an underground parking area.
A minimum building stepback facing a rear yard (adjacent to 33 Cork Street West) shall be 4m for the 3 rd storey and 7 m for the 4 th storey, as measured from the building face of the 2 nd storey.	A minimum building stepback facing a rear yard (adjacent to 33 Cork Street West) shall be 3m for the 4 th storey and 6m for the 5 th storey, as measured from the building face of the 3 rd storey.
Maximum Building Height is 4 storeys.	Maximum Building Height is 4 storeys. A Maximum of 5 storeys is permitted once the condition is satisfied and the H is lifted.
A maximum geodetic elevation of 361 caps the maximum building height including the mechanical penthouse.	A maximum geodetic elevation of 365 caps the maximum building height including the mechanical penthouse.

2.3 Proposed Holding Zone

The proposed Rykur zoning would permit a maximum 5 storey apartment building subject to a Holding Zone. The proposed Specialized D.2- ___ Zone with the H would permit a maximum 4 storey building height. If the condition of the Holding Zone is satisfied regarding the provision of affordable housing and the H is lifted by Council, then the maximum building height permitted would be 5 storeys.

The proposed Holding provisions for the Rykur proposal related to 75 Dublin Street North are as follows;

"Holding Zone (H) Provision"

Purpose

The purpose of the Holding provision is to ensure that development of the lands at 75 Dublin Street North for a maximum 5 storey apartment building does not proceed until the owner has completed a condition to the satisfaction of the City.

Interim Uses Prior to the Removal of the "H"

- a) *Buildings or structures legally existing on the effective date of this By-law shall be permitted; and*
- b) *A maximum 4 storey apartment building in accordance with the specialized zoning applicable to 75 Dublin Street North.*

Condition

Prior to the removal of the holding symbol "H", the owner shall provide evidence to the satisfaction of the City that an agreement has been registered on the title of 75 Dublin Street North for the provision of a component of the development as affordable rental units in accordance with the Investment in Affordable Housing (IAH) funding or an equivalent program."

The Planning Act allows council to pass a by-law with a Holding symbol specifying the use of lands, buildings or structures once the holding symbol is removed. In this case, a maximum 5 storey apartment building would be permitted once the condition is satisfied and the Holding Zone is removed.

The Guelph Official Plan (2014 and OPA No. 48) includes policies relating to the use of Holding Zones. These Official Plan policies allow the City to utilize the holding symbol 'H' where the use of land is definitely established but a specific development proposal is considered premature for immediate implementation. In this case, the zoning permits a 5 storey building once the agreement related to the provision of affordable housing is registered on the title of the lands and the H is lifted by Council. The Official Plan policies allow the City to implement a Holding Zone in one or more of the following circumstances; where it is necessary to secure commitments consistent with the policies of the Official Plan, and where development is contingent upon other related matters occurring first, such as securing funding agreements. The provision of affordable housing is consistent with the policies of the Official Plan and a funding agreement is required prior to the affordable housing being provided.

The Guelph Official Plan policies allow the City to remove the holding (H) symbol where Council

is satisfied that all requirements or conditions of the City have been met to ensure appropriate development. The satisfactory completion of conditions may include, but not be limited to, appropriate financial and servicing requirements and the signing of necessary agreements. In this case the City would be provided with evidence of the executed affordable housing funding agreement being registered on the title of the lands prior to the H being lifted. If the H is not lifted, then a 4 storey apartment building would be permitted by the zoning.

The Guelph Official Plan policies allow the City to permit interim uses which are deemed appropriate by Council and which do not adversely impact the future development potential of the lands and which are compatible with surrounding land uses. A 4 storey apartment building has been deemed by Council to be appropriate and compatible with the surrounding land uses and would be constructed if the owner was not able to secure the funding for affordable housing. If the affordable housing funding is not secured, the 5 storey building would not be constructed allowing the 4 storey building to proceed.

2.3.1 Planning Act

"Holding provision by-law

36. (1) *The council of a local municipality may, in a by-law passed under section 34, by the use of the holding symbol "H" (or "h") in conjunction with any use designation, **specify the use to which lands, buildings or structures may be put at such time in the future as the holding symbol is removed by amendment to the by-law.** R.S.O. 1990, c. P.13, s. 36 (1).*

Condition

(2) *A by-law shall not contain the provisions mentioned in subsection (1) unless there is an official plan in effect in the local municipality that contains provisions relating to the use of the holding symbol mentioned in subsection (1). R.S.O. 1990, c. P.13, s. 36 (2)."*

2.3.2 Guelph Official Plan (2014 Consolidation)

"Affordable Housing

2.4.11 **Affordable Housing** *In order to maintain and enhance a healthy and complete community, the City will make provisions for an adequate range of housing type and affordability options by:*

- b) *permitting and facilitating all forms of housing required to meet social, health and well being requirements, including special needs requirements of current and future residents.*

7.2.2 *The City shall encourage and assist, where possible, in the production of an adequate supply and mix of **affordable housing** by:*

- a) *Expediting the development approval process and other administrative requirements;*
- b) *Partnering with the private sector and other government levels to implement housing programs;*

- i) *Supporting the provision of specialized housing facilities to meet the needs of persons with disabilities.*

Principle 2. Set the Scene for Living Well Downtown

Objectives

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

- c) *Ensure Downtown contains a diversity of housing types, sizes and tenures and **affordable housing**;*

Targets

- iii) *Meet or exceed the City-wide target for **affordable housing**.*

11.1.7 > LAND USE AND BUILT FORM

Objectives

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

- d) *Promote the development of diverse neighbourhoods in Downtown with a variety of housing choices, including units suitable for families and **affordable housing**."*

2.3.3 Official Plan Amendment No. 48

"10.5 Holding By-law

1. *The City may use the holding symbol 'H' or any other appropriate symbol pursuant to the provisions and regulations of the Planning Act **where the use of land is definitely established but a specific development proposal is considered premature or inappropriate for immediate implementation.***
2. *The City may apply a holding (H) symbol in conjunction with the implementing Zoning By-law for any land use designation of this Plan in one or more of the following circumstances:*
 - i) *where municipal services such as sanitary sewers, stormwater management facilities, water supply, parks, schools, community services and facilities and community infrastructure have been determined to have insufficient capacity to serve the proposed development until necessary improvements are made;*
 - ii) *where the submission and acceptance of special studies or support studies as required by this Plan are required prior to development;*

- iii) to ensure that natural heritage features or cultural heritage resources are protected in accordance with the policies of this Plan prior to development;
 - iv) to ensure that potential natural hazards or development constraints are safely addressed in accordance with the policies of this Plan prior to development;
 - v) **where it is necessary** to require the phasing of an overall development to ensure logical and orderly land use, to minimize negative impacts or **to secure commitments consistent with the policies of this Plan;**
 - vi) **where development is contingent upon other related matters occurring first**, such as the consolidation of land ownership to ensure orderly development and phasing of the project **or to secure funding agreements** on necessary infrastructure or services; and
 - vii) where environmental remediation or mitigation measures are required.
3. The City may remove the holding (H) symbol in the implementing Zoning By-law where Council is satisfied that all requirements or conditions of the City have been satisfied to ensure appropriate development. The **satisfactory completion of conditions may include, but not be limited to, appropriate financial and servicing requirements**, approval of studies, **and the signing of necessary agreements** under the provisions of the Planning Act. 4. Where the holding symbol "H" is in effect, the use of land may be restricted to the following:
- i) agricultural uses, excluding livestock-based agricultural uses;
 - ii) uses existing at the date of passing of the Holding By-law;
 - iii) open space; and
 - iv) **other uses deemed appropriate by Council and which do not adversely impact the future development potential of the lands and which are compatible with surrounding land uses."**

2.3.4 Guelph Zoning By-law

"Holding By-law

- 9.10.7 The City may utilize the holding symbol 'H' or any other appropriate symbol pursuant to the provisions and regulations of the Planning Act **where the use of land is definitely established but a specific development proposal is considered premature or inappropriate for immediate implementation.**
- 1. The City may apply a holding (H) symbol in conjunction with the implementing Zoning By-law for any land use designation of this Plan in one or more of the following circumstances:
 - a) Where municipal services such as sanitary sewers, storm water management facilities, water supply, parks and schools and community facilities have been determined to have insufficient capacity to serve the proposed development until necessary improvements are made;

- b) *Where the submission and acceptance of special studies or support studies as required by this Plan are required prior to development;*
- c) *To ensure that natural heritage features or cultural heritage resources are protected in accordance with the policies of this Plan prior to development;*
- d) *To ensure that potential natural hazards or development constraints are safely addressed in accordance with the policies of this Plan prior to development;*
- e) ***Where it is necessary to require the phasing of an overall development in order to ensure logical and orderly land use, to minimize negative impacts or to secure commitments consistent with the policies of this Plan;***
- f) ***Where development is contingent upon other related matters occurring first, such as the consolidation of land ownership to ensure orderly development and phasing of the project or to secure funding agreements on necessary infrastructure or services.***

9.10.8 *The City may remove the holding (H) symbol in the implementing Zoning By-law where Council is satisfied that all requirements or conditions of the City have been satisfied to ensure appropriate development. **The satisfactory completion of conditions may include, but not be limited to, appropriate financial and servicing requirements, approval of studies, and the signing of necessary agreements** under the provisions of the Planning Act.*

9.10.9 *Where the holding symbol "H" is in effect, the use of land may be restricted to the following;*

- a) *Agricultural uses, excluding livestock-based agricultural uses;*
- b) *Uses existing at the date of passing of the Holding By-law;*
- c) *Open space;*
- d) ***Other uses deemed appropriate by Council and which do not adversely impact the future development potential of the lands and which are compatible with surrounding land uses."***

Figure 4 – Examples of Existing Guelph Holding Zones

Holding Zone	Location	Conditions of the Holding Zone
H2	5 Arthur Street	2. 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, as amended.
		3. 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.
		4. 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 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.
H4	45 Elizabeth Street	4. The owner shall submit to the City, in accordance with Section 41 of The Planning Act, R.S.O. 1990, cP.13, as amended from time to time or any successor thereof, a fully detailed site plan (complete with the building elevations)... 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.
H25	Silver Creek Junction	1. Completion and final approval of the class environmental assessment processes for a grade-separated crossing at the intersection of Silvercreek Parkway and the C.N.R. rail line at the north edge of the subject lands; and for the re-alignment of Silvercreek Parkway between Paisley Road and Waterloo Avenue and a new public road on the subject lands east of Silvercreek Parkway [right-of-way of 18 m (59 ft.)]

Holding Zone	Location	Conditions of the Holding Zone
(H30)	Downtown Zones Holding Provision	<p><u>Interim Uses Prior to Removal of the "H"</u></p> <p>For such time as the "H" symbol is in place, only the following replacements, additions or expansions of Buildings or structures legally existing on the effective date of this By-law shall be permitted:</p> <p>a) Modifications to existing Building façade(s).</p> <p>b) Minor additions to existing Buildings, to a maximum of 10 square metres.</p> <p><u>Conditions</u></p> <p>Prior to the removal of the Holding symbol "H" a municipal services review shall be completed to the satisfaction of the City. The scope and boundary of the municipal services review will be determined by the City and may include but is not limited to: watermain condition and water supply; sanitary sewer condition and capacity; stormwater management facility condition and capacity; road an intersection condition and capacity; transportation facilities; and hydro services.</p> <p>a) Should the municipal serves review demonstrate that all necessary municipal services are adequate and available to the satisfaction of the City, the "H" may be lifted; or,</p> <p>b) Should the municipal serves review demonstrate that all necessary municipal services are not adequate and available then prior to the "H" being lifted:</p> <ul style="list-style-type: none"> • The actual design and construction costs of any required municipal services shall be secured where appropriate and in a manner satisfactory to the City ; and • Any required municipal services shall be designed to the satisfaction of the City; and, <p>Any required municipal services shall be constructed to the satisfaction of the City prior to any intensification of the lands."</p>

2.4 Side Yard

The minimum side yard requested for the Rykur proposal of 3m is 1.5m less than the 4.5m side yard recommended by staff and approved by Council.

The 3m side yard proposed for the Rykur application is adequate to allow a landscape buffer strip between the proposed building and the property line. 3m is the standard width requirement

for a landscape buffer strip used in the proposed Downtown Zoning By-law and in the City of Guelph Zoning overall. An additional 1.5 m side yard setback will have no discernable difference in shadow, privacy, maintenance or any other potential impact from the proposed building to the abutting school use. The underground parking is permitted to have a 3m side yard in the City's approved zoning which allows the required number of parking spaces to be provided underground on the subject property.

The current zoning of the abutting Central Public School property is the Institutional I.1 Zone which requires a side yard of 6 metres. Central Public School has a side yard of 3.88m which appears to be in non-compliance with the minimum 6m side yard requirement in the I.1 Zone.

Central Public School has a similar 3m setback to the property line as is proposed by Rykur. The existing retaining wall on the Rykur property is located on the property line. A 3 m setback from the property line will provide just over a 6m distance between the Central Public School building and the proposed building on the subject property. There are no windows on the south side of Central Public School (as shown in Figure 5) to be impacted by the proposed side yard of 3 m.

Figure 5 - Existing Side Yard of Central Public School

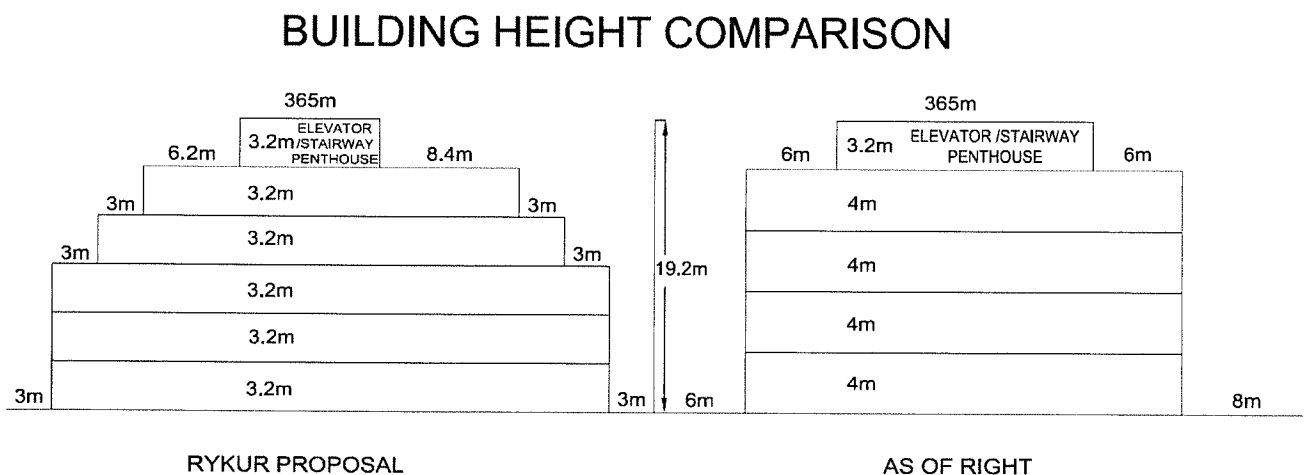


On February 13, 2017 Guelph Council approved a 12 storey apartment building for 45 Baker Street in downtown Guelph. Abutting this site is a heritage building (The Raymond Sewing Machine Company Building) at 37 Yarmouth Street and low rise detached residential dwellings across Yarmouth Street to the west. The Downtown Secondary Plan policies in effect establish a minimum building height of 4 storeys and a maximum building height of 12 storeys for 45 Baker Street. The staff Decision Report Number IDE 17-12 recommended a 1.1 m side yard between windows to a habitable room and the adjacent southerly lot line between the proposed 12 storey building and the property line to a heritage building which was approved by Council.

2.5 Shadow Analysis

The Urban Design Brief prepared by James Fryett Architects Inc. includes a shadow analysis comparing the “as of right” zoned building of 75 Dublin Street North and the proposed Rykur building. The “as of right” building is based on the existing I.1 Zoning of the subject property. The Rykur proposal is based on the October 31, 2016 Concept Plan.

Figure 6 - Comparison between the Rykur and “As of Right” Building Heights



Based on comments received from the Upper Grand District School Board, the key shadow impact areas identified are as follows:

- Rear yard play area of 2,230 m²
- Front yard kindergarten play area of 250 m²
- Side yard known as the Peace Garden of 97 m²
- Rooftop solar panels

The City of Guelph does not have shadow analysis guidelines, however, City staff determined that the following times should be evaluated for shadow impact from 10am to 2pm, the outdoor recess times, on;

- March 21/September 21
- June 21
- December 21

In the absence of City of Guelph shadow analysis guidelines, City staff referenced the shadow analysis guidelines of the City of Mississauga, City of Ottawa and the Town of Richmond Hill since these guidelines specifically referred to school yards. Based on these guidelines, the City identified two principles to evaluate shadow impact;

1. The analysis of shade impact must evaluate the '**new net shadow**' above that permitted "as of right" in the Zoning By-law. ie. the shadow created in addition to the existing school shadow and in addition to the "as of right" building based on the existing zoning.
2. Shadows from proposed developments should allow for **50% full sun** on the total area of the school playground on March 21/September 21, June 21, and December 21.

The total of the school yard area is 2,577 m². New Net Shadow is the percentage difference between the shadow from the existing school plus the "as of right" shadow compared with the new shadow from the Rykur proposal.

Figure 7 - New Net Shadow from the Rykur Proposal

	March 21/ September 21	June 21	December 21
10:00 am	+4%	+3%	+17%
11:00 am	+6%	+4%	+3%
12:00 pm	+4%	+5%	+5%
1:00 pm	+4%	0%	+7%
2:00 pm	+6%	0%	+4%

Source: James Fryett Architect Inc. Urban Design Brief

The shadow analysis prepared by James Fryett Architect Inc. concluded that the comparison between the as-of-right building and the proposed (Rykur) development highlighted that the **New Net Shadow** creates little new shadow impact and does not create an unacceptable adverse shadow impact to the school yard.

The shadow analysis prepared by James Fryett Architect Inc. also considered the amount of **Full Sun** on the school yard considering the shadow of the existing school and the proposed Rykur building. The shadow study completed by James Fryett Architect Inc. determined that;

- On June 21 the school yard has more than 50% full sun from 10:00am to 2:00pm.
- On September 21 and March 21 the school yard has more than 50% full sun from 10:00am to 2:00pm.
- On December 21 the school yard has more than 50% full sun before 11:00am.
- On December 21 the school yard has less than 50% full sun from the shadow of the existing school and the "as of right" building between 11:00 am and 2:00pm.

The shadow analysis prepared by James Fryett Architect Inc. concludes that the proposed Rykur building has no additional shadow impact on the solar panels located on the roof of Central Public School.

The James Fryett Architect Inc. shadow analysis evaluated the shadow impact on the Central Public School and concluded that the New Net Shadow does not have significant impact to Central Public School. In addition, except for the times that the as-of-right building would be shading the school yard already, the Rykur proposal provides more than 50% full sun on the school yard. On that basis, the Rykur proposal maintains reasonable solar access for Central Public School. The shadow impacts do not exceed acceptable levels for new shadowing on the school yard.

It is significant that the use being evaluated for potential shadow impact is a school. Existing policy surrounding sun exposure for children recognizes the importance of providing shade in school yards.

“Upper Grand District School Board

The Importance of Shade

The importance of increasing shade on the schoolyard is an essential factor to be considered. Skin cancer is the most common form of cancer in Ontario. Children are at school during the highest risk period of the day – between 10am and 4pm. UV radiation may also cause eye problems such as cataracts. The effects of heat exhaustion must also be mitigated, in light of the Intergovernmental Panel on Climate Change findings that scientists expect climate change to increase global temperatures by 2 to 6 degrees by the end of the century.”

Figure 8 – Excerpt from Upper Grand District School Board Policy



Source: Upper Grand District School Board, 2017

"Government of Canada - Sun safety tips for parents"

- Too much sun can be harmful. Babies and young children have sensitive skin that can be damaged easily by ultraviolet radiation from the sun.
- Remember! Practice sun protection year-round.
- To keep you and your child safe, you should keep out of the sun between 11am and 4 pm. When your shadow is shorter than you, the sun is very strong. Look for places with lots of shade...
- Never let young children stay in the sun for long periods, even when wearing sunscreen."

"Public Health Wellington-Dufferin-Guelph- Sun Safety"

- The thinning of the ozone layer allows more dangerous ultraviolet radiation to reach the earth. Children have sensitive skin and are more at risk.
- How else can children be protected against the sun? Arrange play times to keep children out of the sun from 11 am to 4 pm to avoid the sun's strongest ultraviolet rays.
- Plan appropriate activities in shaded areas during the hottest part of the day.
- Remember, cloudy days are not a protection from the sun's rays, because ultraviolet rays can still pass through to reach the ground.
- Check play equipment on a sunny day. The sun can make the equipment very hot and children can suffer contact burns."

"Canadian Cancer Society - Sun safety and children"

- Children spend a lot more time outside than adults and they need to be protected from the sun's rays.
- Provide shade in your play area.
- Try to keep toddlers and children out of the sun between 11 am and 3 pm, when the rays are at their strongest."

"Canadian Cancer Society - Vitamin D"

- For most people, just a few minutes out in the sun - the short, casual exposure you get while going about daily life - will be enough. Even with the benefits of Vitamin D, we recommend that you still practice Sunsense.
- Getting your vitamin D from your diet (many foods are fortified with vitamin D) or by taking vitamin supplements is safer than UV-ray exposure."

"Health Canada"

June 2012

Safe fun in the sun

As the weather gets warmer, remember to stay safe in the sun. Before you and your child head outside, check the UV index on The Weather Network or Environment Canada websites.

When you go outside, wear sunglasses, hat, and sunscreen (SPF of 15 or higher). And if the UV index is 6 or more (high), also stay in the shade.

Keep in mind that babies and children burn more quickly from the sun. Sunscreen is not recommended for babies under 6 months old, but is safe to use on children.

For more information about sun safety, visit Health Canada at www.healthcanada.gc.ca."

“Central Public School May 2017 Newsletter

SAFE FUN IN THE SUN As the weather gets warmer, remember to stay safe in the sun. Before you and your child head outside, check the UV index on The Weather Network or Environment Canada websites. When outside, wear sunglasses, hat and sunscreen (SPF of 15 or higher). And if the UV index is 6 or more (high), also stay in the shade.”

2.6 Building Height

The current zoning of the subject property is the Institutional I.1 Zone which permits a 4 storey building. The existing I.1 Zone also permits a 4 storey building on the Central Public School property located to the north of the subject property. The existing I.1 Zone permits a 4 storey building on the Basilica of Our Lady property located to the south of the subject property. The previous convent building, now the Guelph Museum has 5 storeys with a new 4 storey addition constructed in close proximity to the Basilica of Our Lady Immaculate. The existing R.1B Zoning to the west side of Dublin Street permits a maximum building height of three storeys. The proposed Downtown Zoning By-law permits a 4 storey building on the dentist office property which abuts 75 Dublin Street North and Central Public School.

Figure 9 – Proposed Building Elevation from Dublin Street North



Source: James Fryett Architect Inc.

The current I.1 zoning on the subject property permits a four storey building with no maximum height applied to each storey. In addition, an elevator/stairway penthouse is exempt from the maximum building height regulation. The Downtown Secondary Plan designates the subject property as Mixed Use 2. The Mixed Use 2 designation permits an apartment building with a maximum of 4 storeys with no maximum height applied to each storey. The Downtown Secondary Plan is in effect and permits a maximum building height of 4 storeys.

In order to implement the Downtown Secondary Plan, the City initiated the Downtown Zoning By-law which proposed to zone the subject property within the Downtown D.2 Zone. The Downtown D.2 Zone permits a maximum 4 storey apartment building with no maximum height applied to each storey.

The proposed Rykur zoning includes an average maximum floor height of 3.2 m resulting in a total building height which is the same as a 4 storey building permitted by the “as of right” zoning. This is illustrated in the diagram included as Figure 6. The Rykur proposed zoning permits the same geodetic elevation of 365 m as the “as of right” building.

The Rykur building design by James Fryett Architect Inc. includes stepbacks of the 4th and 5th storeys, a further stepback for the mechanical penthouse (elevator/stairway penthouse), a chamfered corner of the building at the intersection, articulation provided through cut-outs to the building at the pedestrian entrance onto Dublin and at the underground parking access onto Cork. The design includes a predominately stone exterior with a cornice at the third level with different colours and materials used above the third floor. There are a series of walkways and covered doorways to the building along the street frontages creating a rhythm of front porches similar to the surrounding residential area. Foundation plantings and street trees will be provided. The proposed terraces located on the 4th and 5th floors along the street frontages and the rear of the building, as well as the roof top common amenity area, will add greenery to the building. The design elements included in the Rykur proposal have the effect of reducing the overall massing of the building. These elements will moderate the mass and shadow impacts of the proposal.

Located on Catholic Hill, in close proximity to the Basilica of Our Lady Immaculate, is the 4 storey rectory to the south and the 5 storey Guelph Museum to the north. These existing 4 and 5 storey buildings located in close proximity on either side of the Basilica of Our Lady Immaculate do not interfere with the church being the most prominent building of the Catholic Hill skyline. (see Figures 22 and 23)

Schedule D of the Downtown Secondary Plan identifies “Protected Public View Corridors” where views to the Basilica of Our Lady should be protected. The subject property is not located within an identified “Protected Public View Corridor.”

A Cultural Heritage Resource Impact Assessment of the Rykur proposal for 75 Dublin Street North has been prepared by CHC Limited which concludes that;

“the proposed development poses no negative impacts to the cultural heritage resources of the area or to views of, or from the cultural heritage resources of the area.”

While not required by the proposed Downtown Zoning By-law, the proposed Rykur Building meets the angular plane requirements of the City of Guelph By-law from both Cork Street West and Dublin Street North. This is an indication that the setbacks and the stepbacks of the proposed Rykur building have been suitably designed.

The vacant St. Agnes school building is also located on Catholic Hill with a building height at a geodetic elevation of 360.15 m which is slightly higher than the geodetic elevation of the top of the 5th storey of the proposed Rykur building which is lower at 359.85 m. The Rykur building is not located on Catholic Hill, but the proposal will reinforce the Basilica of Our Lady Immaculate as the most prominent building of the Catholic Hill skyline. (Figure 10)

Figure 10 - Geodetic Building Elevations



Proposed Rykur Building

St. Agnes School

Source: James Fryett Architect Inc.

The Downtown Zoning By-law does not require a setback for the fourth floor of the proposed residential building, however, a 3m setback is proposed in the Rykur building. In addition, the setback proposed for the fifth floor is double that required by the Downtown Zoning By-law. The proposed 5th floor of the building is located a minimum of 9 m from Dublin and Cork Streets. The building is also proposed outside of the 9m sight line triangle required by the City's Zoning By-law. The proposed 4th and 5th floor setbacks exceed those required by the Downtown Zoning By-law.

The shadow study prepared by James Fryett Architect Inc. concluded that the new net shadow from the 5 storey Rykur proposal does not create an unacceptable adverse shadow impact.

The proposed grading of the property indicates that more than 50% of the underground parking level will be below the finished grade. GM Blue Plan, the project engineers, have advised based on the Preliminary Grading Plan, that the *"average finished grade around the building is 343.51. Based on the proposed garage floor elevation of 341.90, we have calculated that more than 50% of the underground parking level/garage floor level is below the average finished grade."* The Site Servicing and Stormwater Management letter dated September 19, 2017 prepared by GM Blue Plan confirms that the site will be graded to match the existing elevations along the property limits.

The proposed 5th floor of the apartment building is necessary to provide the floor area for the affordable and market units proposed and make the scale of the project viable.

The 9m setbacks (building setbacks) required in the Rykur proposed zoning result in a building area for the 5th floor of approximately 551 m², which is 56% of the building's total footprint of approximately 979 m².

RWDI Consulting Engineers & Scientists provided a Pedestrian Wind Assessment dated October 24, 2016 for the 5 storey Rykur proposal. The findings of this assessment are below;

"The proposed design incorporates several positive features that are favourable for wind control:

- The Dublin Street entrance to the building is recessed from the main façade and designed with a vestibule. The secondary entry/exit on Cork Street is also recessed. These entrances and other entrances to the ground units are protected by canopies;*
- The southwest corner of the building is chamfered, which will reduce the wind flow accelerations around the corner;*
- The proposed building setbacks from the adjacent public streets, and the 4th and 5th floors of the building setback further from the lower floors, reducing the potential wind impact; and,*
- Landscaping, including trees and trellises, is proposed along sidewalks and on the aboveground terraces.*

CONCLUSION

*Given the local wind climate and surroundings, the project site is exposed to the prevailing westerly winds in the area. **The proposed development includes several positive design features for wind control, such as recessed entrances, canopies, the chamfered southwest building corner, trellises and landscaping. As a result, suitable wind conditions are generally expected at building entrances, sidewalks and above-ground terraces. Increased wind speeds are predicted at the southwest and northeast corners, but the resultant wind conditions are expected to be comfortable for pedestrian walking in general. The potential wind impact is expected to be localized and does not extend to the church parking lots to the south and the school playground to the north.***"

The RWDI Pedestrian Wind Assessment for the proposed 5 storey Rykur building concluded that the building design includes positive design features for wind control, such as recessed entrances, canopies, a chamfered southwest building corner, trellises and landscaping which results in suitable wind conditions for the building entrances, sidewalks and above-ground terraces with comfortable wind conditions for pedestrian walking in general. The potential wind impact is expected to be localized and does not extend to the church parking lots to the south and the school playground to the north. RWDI has determined that no unacceptable adverse wind impact is expected from the proposed 5 storey Rykur building.

The Guelph Official Plan includes policies related to increasing the potential for informal surveillance in order to reduce opportunities for crime. These policies encourage new development to be designed in a manner that provides opportunity for the informal surveillance of outdoor spaces. The rear and side yard playground areas of Central Public School are hidden from the view of the street and are isolated. The proposed 5 storey building provides the potential for informal surveillance of these school yards in order to deter a potential offender.

The residential neighbourhood located to the west of Dublin Street is abutting Downtown Guelph which is within the Urban Growth Centre. The neighbourhood located to the west of Dublin Street is within the Built-Up Area in the Guelph Official Plan. The City Official Plan states that the City will meet the forecasted growth within the settlement area through **intensifying generally within this built-up area, with higher densities within Downtown Guelph.** This neighbourhood abutting the subject property is in the Built-Up Area where intensification is directed to occur by Places to Grow and by the City's Official Plan to occur. The proposed 5

storey Rykur building is an appropriate building height transition to the Built-Up Area where a three storey apartment building is permitted in the Low Density Residential designation of these surrounding lands in OPA No. 48. The surrounding neighbourhood also contains existing apartment buildings as identified in Figures 13, 25, 26 and 27 of this report.

The Guelph Official Plan includes a definition of compatible which is applicable in the Downtown Secondary Plan.

“Compatibility/compatible means: Development or redevelopment which may not necessarily be the same as, or similar to, the existing development, but can coexist with the surrounding area without unacceptable adverse impact.”

In other words, a proposed development does not have to be the same or similar to the existing development in the surrounding area, but it can coexist with the surrounding area without an unacceptable adverse impact to be considered compatible. In this case, the proposed 5 storey building can coexist with the surrounding area without an unacceptable adverse impact. The 5 storey Rykur proposal has been evaluated from the design, height, massing, heritage considerations, traffic, parking, shadow, privacy and wind and found to have no unacceptable adverse impact to the surrounding area. The 5 storey Rykur building therefore is considered compatible development.

The overall design of the proposed building, including the 5 storey building height, respects and implements the urban design principles of the Downtown Secondary Plan by providing enhanced building stepbacks, providing all required parking underground, providing a stone building material, and providing appropriate front, side and rear building setbacks.

On February 28, 2017 the Ontario Municipal Board rendered their final decision (PL150430) regarding 171 Kortright Road West in the City of Guelph an application to rezone a property zoned I.1 to permit a 5 storey apartment building. The zoning approved by the OMB, which was supported by the City, permits a maximum 5 storey building height except for the east and north edges of the building where stepbacks to the 5th storey are required. This 5 storey apartment building directly abuts single detached homes. This property is located in a suburban setting and is not within a location identified for intensification in the Guelph Official Plan.

Figure 11 - Building Elevation of 171 Kortright Road West, Guelph



2.7 Rear Yard

The 10m Minimum Rear Yard regulation proposed in the Downtown Zoning By-law is based on the City's Office Residential Zone which is typically applied to areas with existing single detached homes converted to office and other uses with parking provided in the rear yard. While other properties located on Cork Street have existing buildings and are currently within the OR Zone, the subject property is not. However, all of these properties were proposed by the City to be included in the same Downtown Zone.

The 10m rear yard is not applicable to the subject property since there is no existing building on the property and parking is not being provided in the rear yard, but instead is being provided entirely underground. The required 3m landscape buffer and fence will be accommodated in the 3m rear yard setback provided.

The D.2-9 Zone supported by City staff and approved by Council for 75 Dublin Street North does not propose a 10 m rear yard for the property but recognizes that 3 m is an appropriate rear yard setback given that the parking will be provided underground and that building setback from the rear yard will be provided. However, the rear yard regulations in the D.2-9 Zone differ from the Rykur proposed zoning in the following ways;

- The Rykur zoning proposes a minimum rear yard of 3m for the 3rd storey where the D.2-9 Zone proposes a minimum rear yard of 7 m for the 3rd storey.
- The Rykur zoning proposes a minimum rear yard of 6m for the 4th storey where the D.2-9 Zone proposes a minimum rear yard of 10 m for the 4th storey.
- The Rykur zoning proposes a minimum rear yard of 9m for the 5th storey where the D.2-9 Zone does not permit a 5th storey.

These increased setbacks from the rear yard in the D.2-9 Zone do not create a significant reduction in the shadow impact.

The rooftop mechanicals (elevator/stairway penthouse) are required by the proposed zoning to be setback a minimum of 5m from the storey below and the Urban Design Brief prepared by James Fryett Architect Inc. has confirmed that the rooftop mechanicals will not be visible from the surrounding streets either nearby or from a distance.

The conceptual massing provided by the staff recommended D.2-9 Zone (included on page 55 of Attachment 6 to Decision Report 16-85) does not include the 6m building cut out required from Cork Street to accommodate the driveway to the underground parking and the transformer location. On page 57 of this report City staff are assuming that the building constructed in compliance with the D.2-9 Zone would result in a building of 3,500 m² and that this would not be a downzoning from the proposed Downtown Zoning By-law. However, the impact of the additional setbacks proposed by City staff at the rear of the building would have the effect of reducing the permitted floor area of the building to below the 3,400 m² permitted by the Downtown Zoning By-law.

The City's D.2-9 Zone proposes;

- A minimum **rear yard** setback of 3 m **for the first two storeys** of any building where required setbacks are provided and where all required parking spaces are provided in an underground parking area.

- A minimum building **stepback** facing a rear yard (adjacent to 33 Cork Street West) shall be 4m for the 3rd storey and 7 m for the 4th storey, as measured from the building face of the 2nd storey.

The Rykur zoning does not permit terraces or balconies on the north face of the building overlooking the school property. The terraces which side onto the school will be required to have a translucent privacy screen to prevent overlook to the school property. The Rykur building design has also reduced the number of windows facing onto the rear school yard.

The proposed building height of 5 storeys with the inclusion of the Rykur specialized zoning regulations conforms with the Built Form policies of section 11.1.8.1.4 of the Downtown Secondary Plan, *"to ensure compatibility among buildings of different types and forms, the minimization and mitigation of adverse shadow and view impacts, and the creation and maintenance of an inviting and comfortable public realm."*

2.8 Dublin Street North Parking Restrictions

There is an existing maximum 5 minute on-street parking restriction along a portion of the east side of Dublin Street North from 8:00am to 4:30pm Monday to Friday from September 1 to June 30.

Figure 12 - Parking Restrictions on Dublin Street North



3. Existing Conditions and Surrounding Land Uses

75 Dublin Street North has existing fenced tennis courts and retaining walls which extend beyond the legal property limit into the municipal road allowance.

The existing surrounding land uses include:

North - Central Public School (I.1 Zone permitting a maximum 4 storey building height.)
(Previous Central Public School was 4 storeys)

Figure 13 - Surrounding Land Use

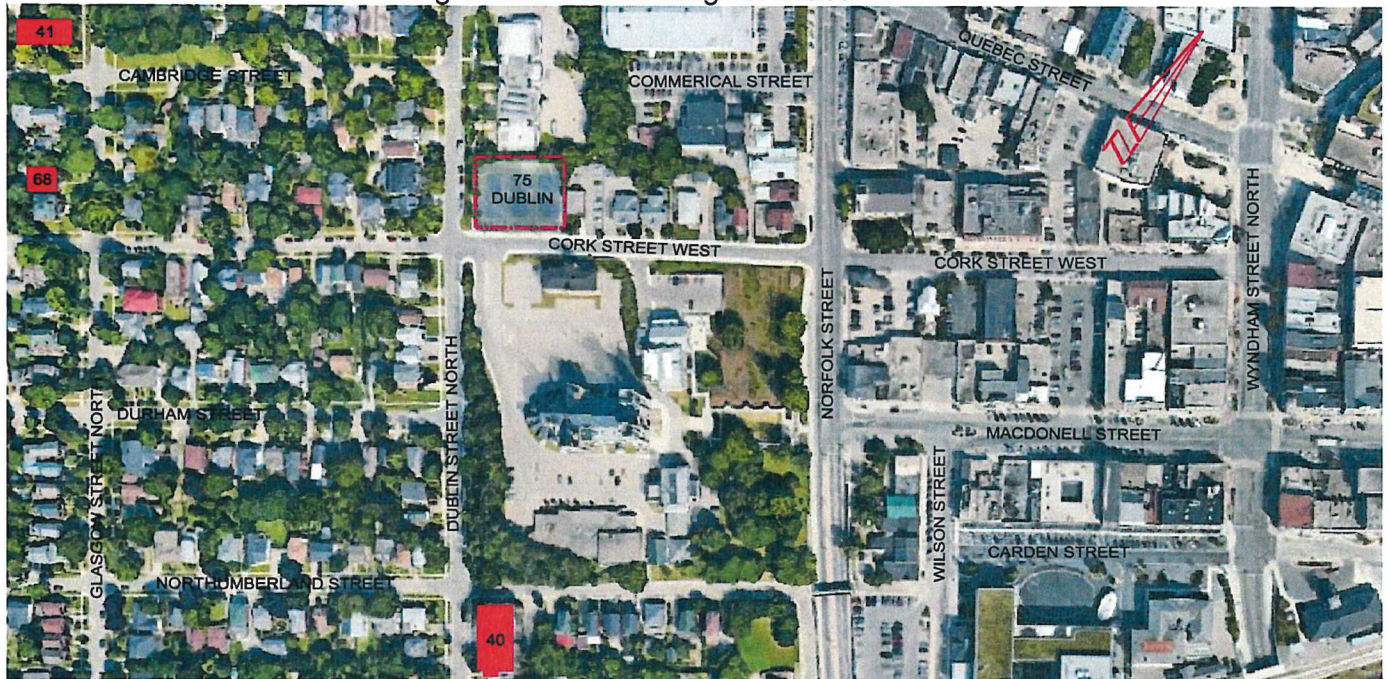


Figure 14 – Banner of Previous Central Public School

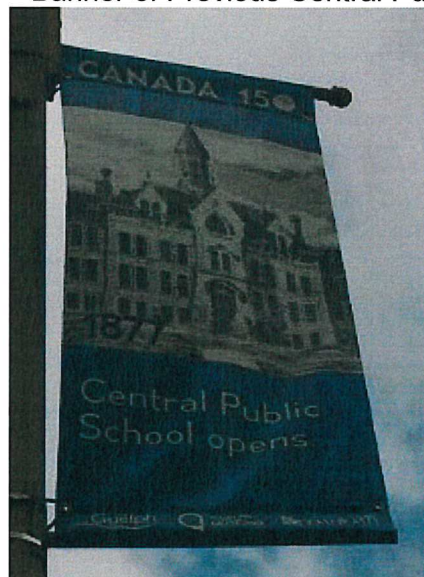


Figure 15 – Rear Playground of Central Public School



Figure 16 - 33 Cork Street West



South - Cork Street West and Catholic Hill. Parking for Basilica of Our Lady (I.1 Zone permitting a 4 storey building height.) Parking lot and glass and rear addition to the Convent building to create the Guelph Museum. St. John Bosco Secondary School and vacant St. Agnes School building.

Figure 17 – Vacant St. Agnes School and Retaining Wall on Cork Street West

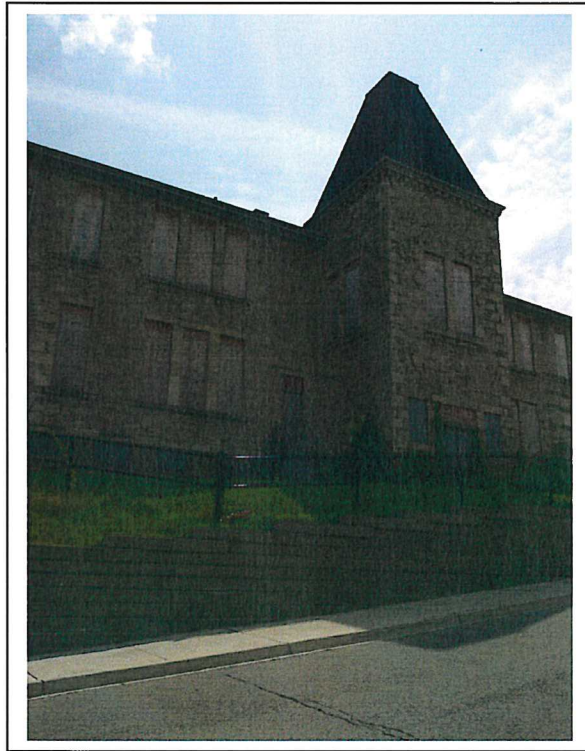


Figure 18 - Parking Lot and Building Addition for the Guelph Museum

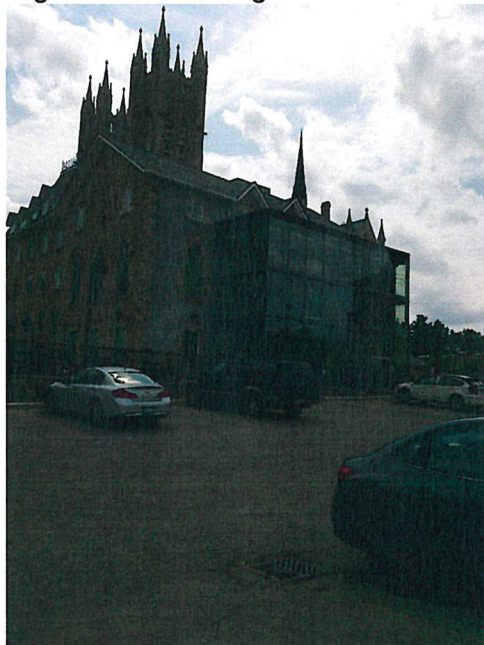


Figure 19 - Guelph Museum Building Addition



Figure 20 - 5 Storey Guelph Museum Building



Figure 21 - 4 Storey Guelph Museum Building Addition

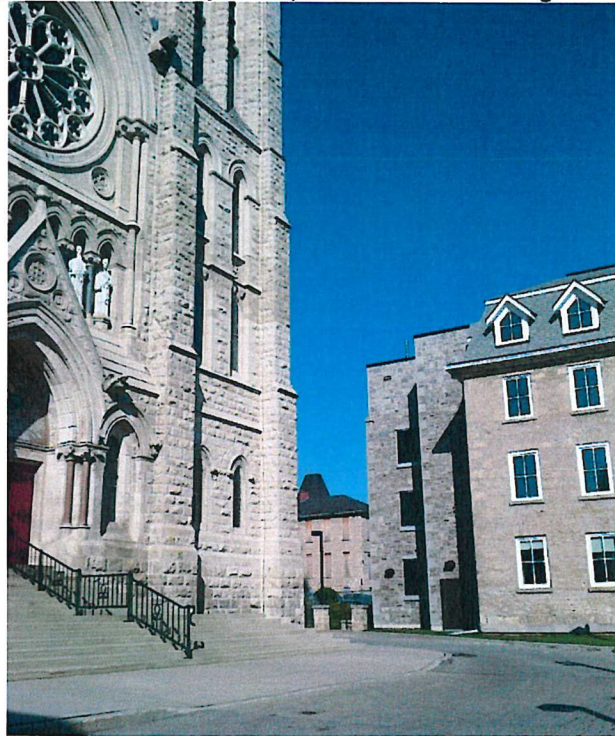


Figure 22 - 4 Storey Rectory

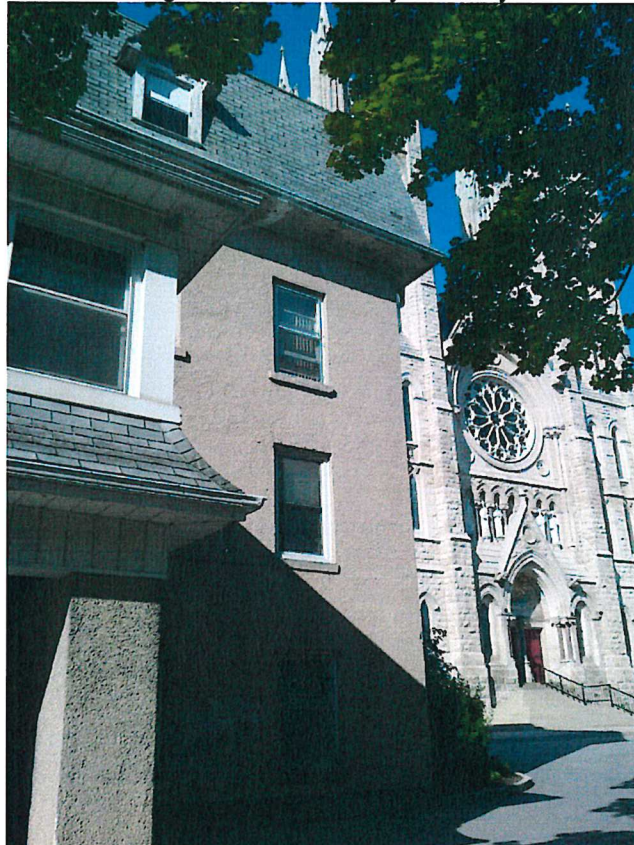
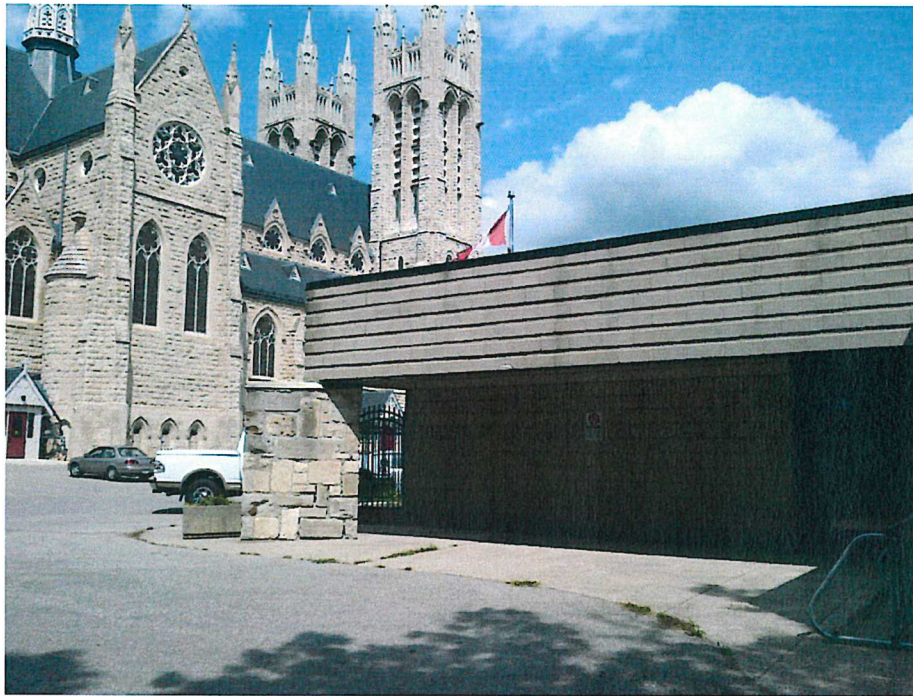


Figure 23 - St. John Bosco Secondary School



West - Dublin Street North and single and semi-detached homes with some converted to apartment units (R.1B Zone permitting a 3 storey building height) Existing apartment buildings are located in the surrounding neighbourhood.

Figure 24 - Dublin Street North



Figure 25 - Glasgow Street North Apartment Building



Figure 26 - Glasgow Street North and Cambridge Street Apartment Building



Figure 27- Dublin Street North and Northumberland Street Apartment Building



4. Planning Framework

4.1 Provincial Policy Statement 2014

The Provincial Policy Statement 2014 (PPS) is issued under the authority of Section 3 of the Planning Act and was in effect as of April 30, 2014. It replaces the Provincial Policy Statement issued March 1, 2005. In respect of the exercise of any authority that affects a planning matter, section 3 of the *Planning Act* requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the Act.

The Provincial Policy Statement is more than a set of individual policies. It is to be read in its entirety and the relevant policies are to be applied to each situation. When more than one policy is relevant, a decision-maker should consider all of the relevant policies to understand how they work together. The language of each policy, including the Implementation and Interpretation policies, will assist decision-makers in understanding how the policies are to be implemented.

Provincial plans are to be read in conjunction with the Provincial Policy Statement. They take precedence over the policies of the Provincial Policy Statement to the extent of any conflict, except where the relevant legislation provides otherwise.

The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning and development. Excerpts from the Provincial Policy Statement which relate to the proposal are included below;

"1.1.3 Settlement Areas

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

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

a. densities and a mix of land uses which:

- 1. efficiently use land and resources;**
- 2. are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; and**
- 3. minimize negative impacts to air quality and climate change, and promote energy efficiency in accordance with policy 1.8; and**

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

"1.6.3 a) The use of existing infrastructure and public service facilities should be optimized;"

"1.6.6.2 Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas. Intensification and redevelopment within settlement areas on existing municipal sewage services and municipal water services should be promoted, wherever feasible.

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

"1.0 Building Strong Healthy Communities

1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

1.1.1 Healthy, liveable and safe communities are sustained by:

- b) accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;"**

“1.4 Housing

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

- a) establishing and **implementing** minimum targets for the provision of **housing which is affordable to low and moderate income household**. However, where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities;
- b) permitting and facilitating:
 - 1. all forms of housing required to meet the social, health and well being requirements of current and future residents, **including special needs requirements**;
- c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;
- d) **promoting densities for new housing which efficiently use land**, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed; and
- e) establishing development standards for residential intensification, redevelopment and new residential development which **minimize the cost of housing and facilitate compact form**, while maintaining appropriate levels of public health and safety.”

“Affordable: means

- a) in the case of ownership housing, the least expensive of:
 - 1. housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for low and moderate income households; or
 - 2. housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the regional market area;
- b) in the case of rental housing, the least expensive of:
 - 1. a unit for which the rent does not exceed 30 percent of gross annual household income for low and moderate income households; or
 - 2. a unit for which the rent is at or below the average market rent of a unit in the regional market area.”

“**Special needs**: means any **housing**, including dedicated facilities, in whole or in part, that is used by people who have specific needs beyond economic needs, including but not limited to, needs such as **mobility requirements** or support functions required for daily living. Examples of special needs housing may include, but are not limited to, housing for persons with disabilities such as physical, sensory or mental health disabilities, and housing for older persons.”

“Cultural Heritage

- 2.6.3 *Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.*

*Cultural heritage landscape: means a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Aboriginal community. The area may involve features such as structures, spaces, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association. Examples may include, but are not limited to, heritage conservation districts designated under the Ontario Heritage Act; villages, parks, gardens, battlefields, mainstreets and neighbourhoods, cemeteries, trailways, viewsheds, natural areas and industrial complexes of heritage significance; and areas recognized by federal or international designation authorities (e.g. a **National Historic Site** or District designation, or a UNESCO World Heritage Site).”*

The subject proposal is consistent with the Provincial Policy Statement 2014 in that;

- The proposal is located within a settlement area which is intended to be the focus of growth and promote the vitality and regeneration of settlement areas. The proposed building will add shoppers to the downtown and potentially new elementary students to attend Central Public School.
- The proposal is for a density which will efficiently use land and resources. This vacant parcel which has existing municipal services available will add residential units without the need to extend municipal services.
- The proposal will efficiently use the infrastructure and public service facilities which are available, and avoid the need for their unjustified and/or uneconomical expansion. The transit routes and Major Transit Station in the downtown are available to the future residents as are the commercial and medical facilities in the downtown.
- The proposal is for intensification and redevelopment within a settlement area on existing municipal sewage services and municipal water services.
- The proposal provides for an appropriate range and mix of housing types and densities in the neighbourhood.
- Providing the opportunity for **affordable housing and housing for older persons** creates a healthy, liveable and safe community.
- The proposal assists the City in implementing its minimum targets for the provision of housing affordable to low and moderate income household including special needs requirements.
- The proposal establishes development standards for residential intensification, minimizes the cost of housing for residents and facilitates a compact form.
- The proposal provides the opportunity to provide special needs housing used by people who have specific needs such as **mobility requirements** for daily living. Examples of special needs housing may include, but are not limited to, housing for persons with physical disabilities and housing for older persons.
- The proposal has been evaluated by a Cultural Heritage Impact Assessment and it has been demonstrated that *“the proposed development poses no negative impacts to the cultural heritage resources of the area or to views of, or from the cultural heritage resources of the area.”*

4.2 Places to Grow (2017)

The Growth Plan for the Greater Golden Horseshoe (2017) came into effect on July 1, 2017. *"This Plan applies to the area designated by Ontario Regulation 416/05 as the Greater Golden Horseshoe growth plan area. All decisions made on or after July 1, 2017 in respect of the exercise of any authority that affects a planning matter will conform with this Plan, subject to any legislative or regulatory provisions providing otherwise."*(1.2.2)

Excerpts from the Growth Plan are included in this report. **Bolding** has been added for emphasis. The Growth Plan prioritizes intensification and higher densities within the urban growth centre and built-up area to make efficient use of land and infrastructure and support transit viability. The subject property is located within Downtown Guelph which is within the urban growth centre. The subject property abuts the built-up area.

"1.2.1 Guiding Principles

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

- ☐ ***Prioritize intensification and higher densities to make efficient use of land and infrastructure and support transit viability.***
- ☐ *Support a range and mix of housing options, including second units **and affordable housing**, to serve all sizes, incomes, and ages of households.*

2.2.2 Delineated Built-up Areas

1. *By the year 2031, and for each year thereafter, a minimum of 60 per cent of all residential development occurring annually within each upper- or single-tier municipality will be within the delineated built-up area.*
2. *By the time the next municipal comprehensive review is approved and in effect, and each year until 2031, a minimum of 50 per cent of all residential development occurring annually within each upper- or single-tier municipality will be within the delineated built-up area.*
3. *Until the next municipal comprehensive review is approved and in effect, the annual minimum intensification target contained in the applicable upper- or single-tier official plan that is approved and in effect as of July 1, 2017 will continue to apply.*
4. *All municipalities will develop a strategy to achieve the minimum intensification target and intensification throughout delineated built-up areas, which will:*
 - a) *encourage intensification generally to achieve the desired urban structure;*
 - b) *identify the appropriate type and scale of development and transition of built form to adjacent areas;*
 - c) *identify strategic growth areas to support achievement of the intensification target and recognize them as a key focus for development;*
 - d) *ensure lands are zoned and development is designed in a manner that supports the achievement of complete communities;*

- e) *prioritize planning and investment in infrastructure and public service facilities that will support intensification; and*
- f) *be implemented through official plan policies and designations, updated zoning and other supporting documents.*

2.2.3 Urban Growth Centres

- 1. *Urban growth centres will be planned:*
 - b) *to accommodate and support the transit network at the regional scale and provide connection points for inter- and intra-regional transit;*
 - d) *to accommodate significant population and employment growth.*

Outer Ring

*The geographic area consisting of the cities of Barrie, Brantford, **Guelph**, Kawartha Lakes, Orillia, and Peterborough; the Counties of Brant, Dufferin, Haldimand, Northumberland, Peterborough, Simcoe, and Wellington; and the Regions of Niagara and Waterloo.*

4.2.7 Cultural Heritage Resources

- 1. *Cultural heritage resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas.*

Built Heritage Resource

*A building, structure, monument, installation or any manufactured remnant that contributes to a property's cultural heritage value or interest as identified by a community, including an Aboriginal community. Built heritage resources are generally located on property that has been designated under Parts IV or V of the Ontario Heritage Act, or included on local, provincial and/or **federal registers**. (PPS, 2014)*

Conserved

*The identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained under the Ontario Heritage Act. **This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment.** Mitigative measures and/or alternative development approaches can be included in these plans and assessments. (PPS, 2014)*

Cultural Heritage Resources

Built heritage resources, cultural heritage landscapes and archaeological resources that have been determined to have cultural heritage value or interest for the important contribution they make to our understanding of the history of a place, an event, or a people. While some cultural heritage resources may already be identified and inventoried by official sources, the significance of others can only be determined after evaluation. (Greenbelt Plan)

Cultural Heritage Landscape

A defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Aboriginal community.

*The area may involve features such as structures, spaces, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association. Examples may include, but are not limited to, heritage conservation districts designated under the Ontario Heritage Act; villages, parks, gardens, battlefields, mainstreets and neighbourhoods, cemeteries, trailways, viewsheds, natural areas and industrial complexes of heritage significance; and areas recognized by federal or international designation authorities (e.g., a **National Historic Site** or District designation, or a UNESCO World Heritage Site). (PPS, 2014)"*

The proposal is consistent with the Places to Grow policies approved and in effect as of July 1, 2017 in the Guelph Official Plan in that;

- The proposal has been evaluated by a Cultural Heritage Impact Assessment and it has been demonstrated that *"the proposed development poses no negative impacts to the cultural heritage resources of the area or to views of, or from the cultural heritage resources of the area."*
- The proposal for the subject property will assist the City to meet the Places to Grow guiding principles by prioritizing intensification and higher densities to make efficient use of land and infrastructure and support transit viability.
- The proposal for the subject property will assist the City to meet the Places to Grow principle to build in a compact and efficient form in the Urban Growth Centre and provide a range and mix of housing types including affordable housing. Both the site itself in the Urban Centre and the surrounding neighbourhood within the Built-Up Area have been identified by Places to Grow as areas where intensification is encouraged.

4.3 City of Guelph Official Plan (September 2014 Consolidation)

The subject property is included within the Urban Growth Centre identified by the Province and included within the Guelph Official Plan. This area is identified for higher densities. The City's Official Plan promotes intensification in particular within the Urban Growth Centre (Downtown). The subject property abuts the Built-Up Area where intensification is to be promoted. Excerpts from the Guelph Official Plan relevant to this proposal are included within this section of the report.

4.3.1 Urban Growth Centre (Downtown Guelph) and Built-Up Area

The subject property is located within the Urban Growth Centre (Downtown Guelph) as identified on Schedule 1B of the Official Plan. (Figure 28) The surrounding area located to the west is located within the Built-Up Area where the City will promote and facilitate intensification throughout the built-up area.

"2.4.4 Settlement Area Boundary

The City's future *development* to the year 2031 will be accommodated with the City's *settlement area* boundary identified on Schedule 1B of this Plan.

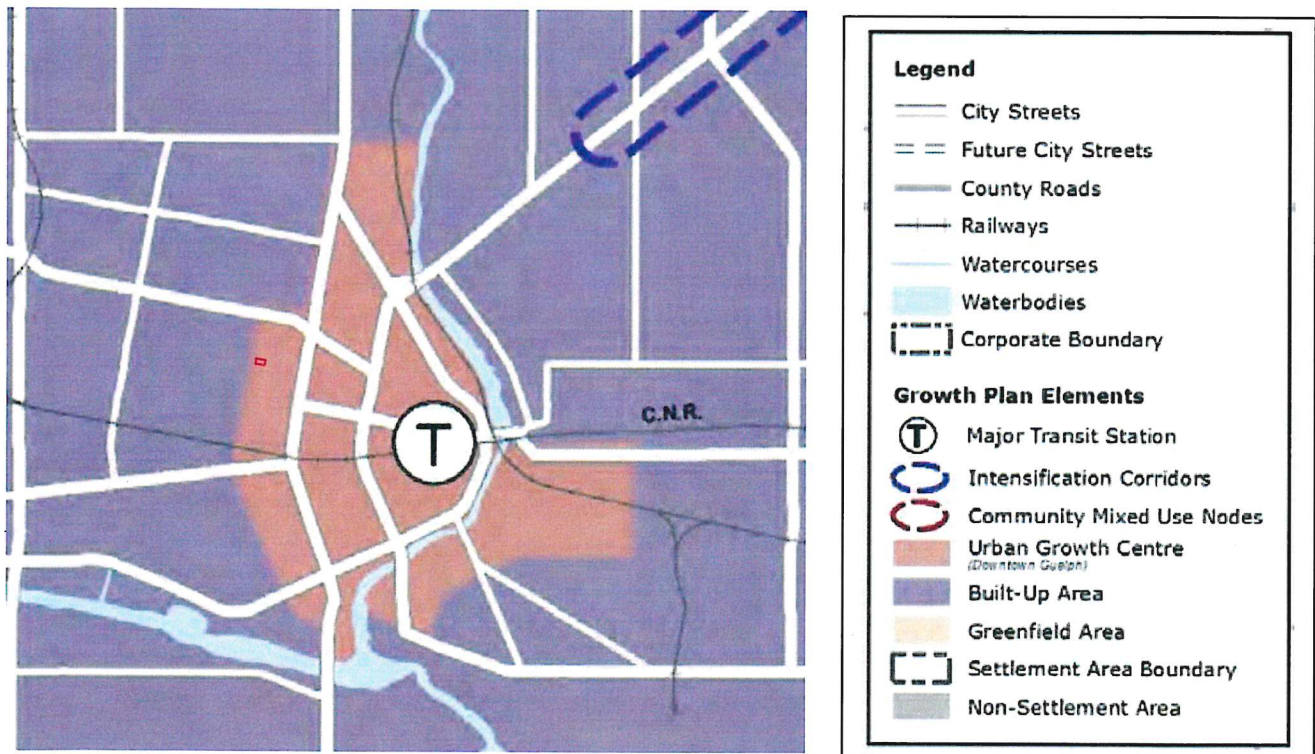
- 2.4.4.1 The City will meet the forecasted growth within the *settlement area* through:

- b) intensifying generally within the **built-up area**, with higher densities **within Downtown Guelph**, the community mixed use nodes and within the identified *intensification corridors*;"

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

- 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".**

Figure 28 – Guelph Official Plan – Growth Plan Elements



"2.4.6 Urban Growth Centre (Downtown Guelph)

The Urban Growth Centre is Downtown Guelph as identified on Schedule 1B. (Figure - 28) The Urban Growth Centre will be focal area for attracting a significant share of the City's residential growth.

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.**

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;"**

The subject property is located within the Urban Growth Centre (Downtown Guelph). The Urban Growth Centre is identified as an area to accommodate intensification with higher densities. The Downtown is intended to attract a significant share of the City's residential growth. The Downtown has the highest minimum density target in the City. The proposal is in conformity with the policies encouraging intensification and higher densities within the downtown.

The surrounding area located to the west is located within the Built-Up Area where the City will promote and facilitate intensification throughout the Built-Up Area.

4.3.2 Affordable Housing

The Investment in Affordable Housing (IAH) funding (or an equivalent funding program) for the 20 affordable rental senior units proposed is an opportunity for the City to implement their Official Plan policies related to ensuring that Downtown contains a diversity of housing types and tenures including affordable housing.

"2.4.11 Affordable Housing

*In order to maintain and enhance a healthy and complete community, the **City will make provisions for an adequate range of housing type and affordability options by:***

- b) **permitting and facilitating all forms of housing required to meet social, health and well being requirements, including special needs requirements of current and future residents."**

"2.4.6.1 Downtown Guelph will be planned and designed to:

- 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;"**

"Affordable Housing means accommodation, which is affordable to households with incomes in the lowest 60 % of the income distribution for the Guelph housing market. Affordable housing also includes not-for-profit housing.

Affordable housing means: a) in the case of ownership housing, housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the City of Guelph; b) in the case of rental housing, a unit for which the rent is at or below the average market rent of a unit in the City of Guelph.”

“Principle 2. Set the Scene for Living Well Downtown

*More people living in Downtown will be critical to adding and maintaining economic vitality and creating a vibrant place to live. Along with **a variety of housing options** in and around the historic core, Downtown will attract more residents by offering diverse employment opportunities, unique shopping, excellent entertainment, arts and culture and important amenities like an easy-to-use public transit system and recreation options.*

Objectives

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

- c) ***Ensure Downtown contains a diversity of housing types, sizes and tenures and affordable housing;***

The proposal including the 20 affordable rental senior units is in conformity with the Official Plan by ensuring that Downtown contains a diversity of housing types and tenures including affordable housing.

4.3.3 Cultural Heritage

The subject property is not included on the Municipal Register of Cultural Heritage Properties, nor has it been designated as having heritage significance. While the subject property is not municipally designated nor of heritage interest, the Official Plan encourages development proposals to be designed to preserve and enhance the context in which cultural heritage resources are situated. The Basilica of Our Lady Immaculate is a designated National Historic Site. In addition, there are homes of heritage interest located in proximity to the proposal. A Heritage Impact Assessment by CHC Limited has been prepared to evaluate the proposed design at 75 Dublin Street North.

The Guelph Official Plan (2014 Consolidation) encourages the design of development proposals to preserve and enhance the context of cultural heritage resources.

“3.5 Cultural Heritage Resources

General Policies

- 3.5.2 *This Plan promotes the design of development proposals in a manner, which preserves and enhances the context in which cultural heritage resources are situated.”*

In 2012 the addition and adaptive reuse of the Loretto Convent building to establish the Guelph Museum was constructed on “Catholic Hill” in proximity to the Basilica of Our Lady Immaculate.

Final Report of the Task Force - Future of the Loretto Convent March 22, 2005;

"The Task Force believes the Convent is an ideal site for the Museum...The other concept discussed in some detail by the Task Force was an innovative residential development for the Convent, perhaps including other facilities on Catholic Hill. While this concept remains with the Diocese to explore and develop, the Task Force noted the opportunity this plan might offer for revenue generation - potentially used by the Diocese for the restoration and on-going maintenance of the Convent and perhaps other facilities on Catholic Hill. Providing additional residences close to downtown Guelph would also support the development of the downtown, consistent with the interests of the Downtown Advisory Group."

RECOMMENDATION 1

The Task Force recommends that City Council encourage and actively facilitate development of the Convent and the other buildings on Catholic Hill. This includes the Loretto Convent and St. Agnes School. Demolition of these facilities should not be approved."

A Cultural Heritage Resource Impact Assessment of the proposal for 75 Dublin Street North has been prepared by CHC Limited which concludes that;

"the proposed development poses no negative impacts to the cultural heritage resources of the area or to views of, or from the cultural heritage resources of the area."

4.3.4 Downtown Secondary Plan

The Official Plan promotes the downtown as the focal point for investment where regulating tools will be reviewed to facilitate and support economic vitality. The Downtown Mobility Plan identifies the subject property as being located on Cork Street West, a local street within the Downtown which is intended to provide access to development and facilitate circulation by all modes. (Figure 29) 75 Dublin Street North is included within the Mixed Use Node 2 designation which permits multiple unit apartment buildings. (Figure 30)

The Rykur proposal for 75 Dublin Street North is in conformity with section 11.1.7.4.4 of the Guelph Official Plan as it maintains the general character of the Mixed Use 2 area by being designed to be compatible with the character of the surrounding area and to respect the character of neighbouring buildings in terms of their scale, materials, articulation, landscaping and relationship to the street. The proposed building setbacks along the street are generally consistent with those of neighbouring buildings within the Mixed Use 2 area. Parking is proposed to be provided underground and not between the front of the building and the street.

"11.1.3.2 Downtown Investment

11.1.3.2.1 *The City will, through economic development initiatives, **promote Downtown as a focal point for private and public investment**, as well as tourism."*

11.1.3.2.4 *The **City will continue to implement incentive programs** to achieve economic vitality through such measures as Community Improvement Plans.*

11.1.3.2.5 The City will continue to review its regulating tools and processes and identify opportunities to promote, facilitate and support the economic vitality of Downtown, consistent with the policies and objectives of the Downtown Secondary Plan."

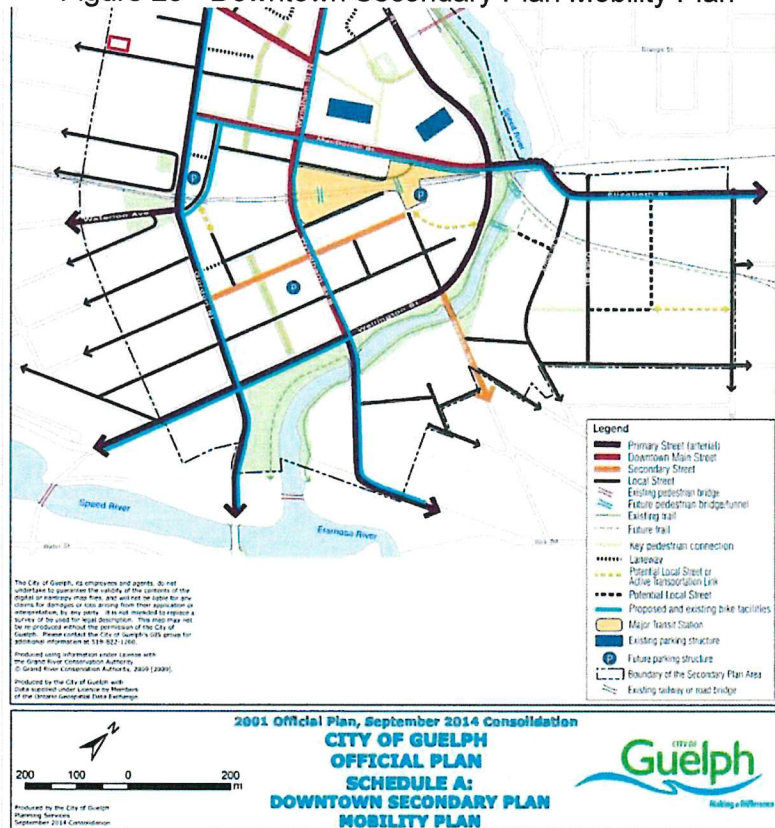
"11.1.4.2.5 Existing and potential new future Local Streets are intended to provide access to development and facilitate circulation by all modes Downtown. They generally will accommodate two travel lanes and parking on one or both sides. All Local Streets should have sidewalks on both sides and be designed such that cyclists can safely share the road with vehicles."

"11.1.7 LAND USE AND BUILT FORM

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

- a) **Promote design excellence.**
- b) **Encourage a wide range of land uses and built forms.**
- d) **Promote the development of diverse neighbourhoods in Downtown with a variety of housing choices, including units suitable for families and affordable housing.**
- f) **Ensure the built form of development contributes to attractive streetscapes and open spaces and supports an inviting, comfortable and active public realm.**
- g) **Ensure new development respects the character of downtown's historic fabric and the quality of life in surrounding neighbourhoods."**

Figure 29 - Downtown Secondary Plan Mobility Plan



“11.1.7.4 Mixed Use 2 Areas

11.1.7.4.1 Mixed Use 2 areas, as identified on Schedule C, are those areas of downtown that were historically mostly residential with a mixture of housing styles but have evolved to accommodate a range of uses, many in partially or fully converted houses. Therefore the **predominant character of this area is of low-rise buildings that are residential in character, with landscaped front yards**, and small-scale, visually unobtrusive commercial signage. In addition, many of the existing buildings and properties in these areas are of Cultural Heritage Value or interest and contribute to Downtown’s unique identity. **As land uses evolve, the predominant character of Mixed Use 2 areas should be maintained.**

11.1.7.4.2 The following uses may be permitted in Mixed Use 2 areas:

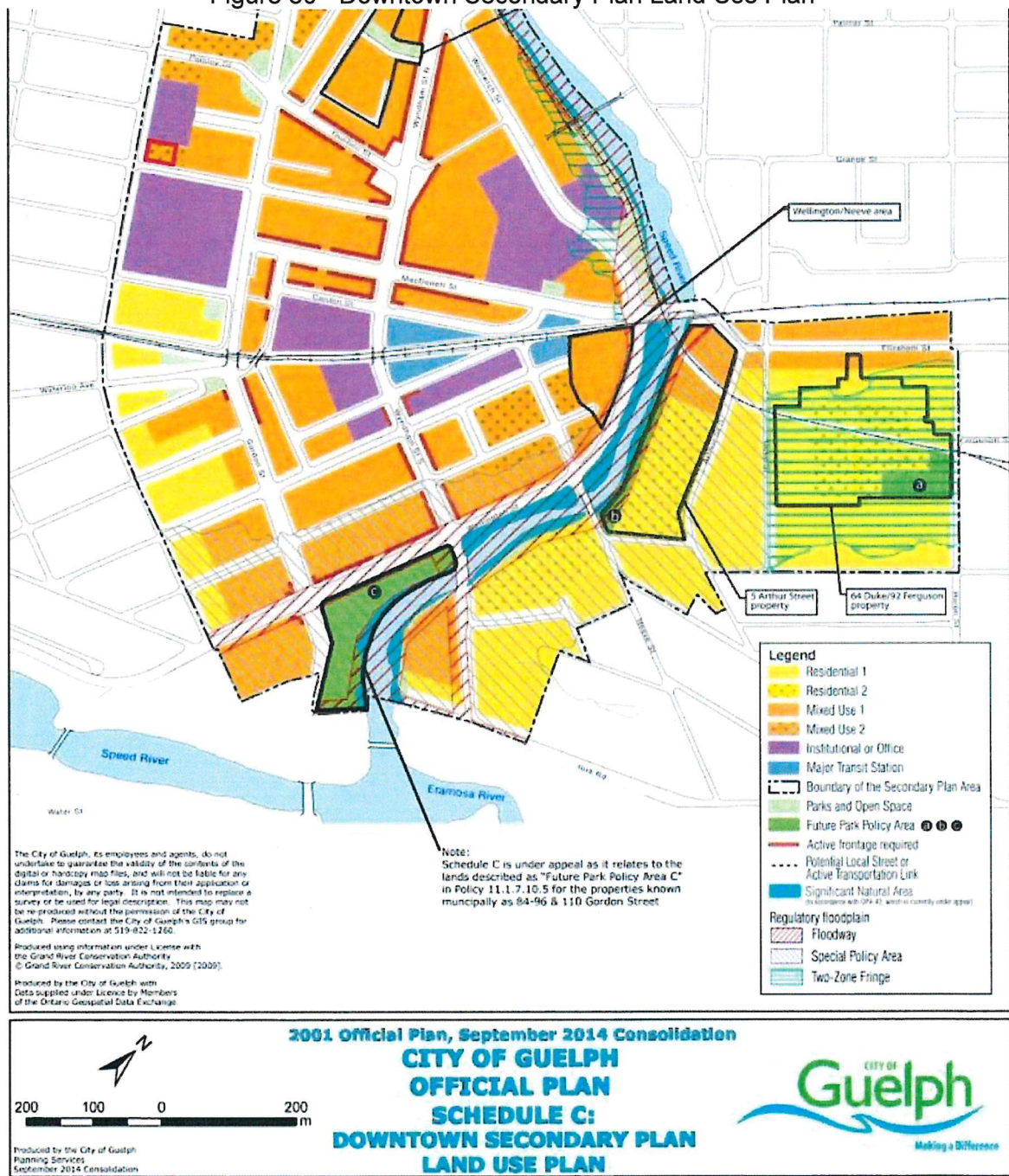
- a) small-scale retail uses and convenience commercial;
- b) personal service uses;
- c) detached, semi-detached and duplex dwellings, townhouses and **multiple unit apartment buildings**;
- d) live/work uses;
- e) offices, including medically related uses;
- f) community services and facilities;
- g) cultural, educational and institutional uses;
- h) small-scale hotels; and
- i) parks, including urban squares.

11.1.7.4.3 The minimum floor space index (FSI) in Mixed Use 2 areas shall generally be 0.6.

11.1.7.4.4 To maintain the general character of Mixed Use 2 areas, development shall adhere to the following:

- a) **Development shall be compatible with the character of the surrounding area and respect the character of neighbouring buildings in terms of their scale, materials, articulation, landscaping and relationship to the street.**
- b) **Building setbacks along the street shall be generally consistent with those of neighbouring buildings within the Mixed Use 2 area.**
- c) *Parking and servicing areas shall generally be located at the rear or side of buildings. Parking shall generally not be permitted between the front of a building and the street.”*

Figure 30 - Downtown Secondary Plan Land Use Plan



The Rykur proposal will bring investment to the downtown which will facilitate and support economic vitality. Cork Street West will provide vehicular access to the proposed development. 75 Dublin Street North is included within the Mixed Use Node 2 designation which permits multiple unit apartment buildings. To maintain the general character within this designation, the proposal has been designed to be compatible with the character of the surrounding area by providing setbacks, cut-outs and stepbacks in the building design, a series of walkways to front doors, underground parking, landscaping and a similar orientation to the street as buildings within the area.

In accordance with section 11.1.7.4.1 the proposal is in conformity with the Mixed Use 2 area policies in that it is;

- A proposal for a residential use which the area is mostly residential.
- The area has a mixture of housing styles including apartment buildings and an apartment building is specifically listed as a permitted use within this designation.
- The proposal maintains the predominant character of this area of low-rise buildings that are residential in character with landscaped front yards. The building has been carefully designed with a series of “front porches”, building stepbacks and cutouts, landscaping, walkways to front doors and stone building material to be compatible in design and use of the character of this area.
- The predominant character of this Mixed Use 2 area is maintained by the proposal.

4.3.5 Urban Design

The proposed five storey apartment building is oriented to the street with pedestrian entrances proposed onto both Dublin Street North and Cork Street West. High quality enduring materials are proposed for this building. The maximum building height of 5 storeys has been designed to address any potential mass and shadow impacts by incorporating building stepbacks which exceed those required by the proposed Downtown Zoning By-law. Parking for the proposal will be provided underground. No parking is proposed on the property between the building and the street. The subject property is not located within a “Protected Public View Corridor” to the Basilica of Our Lady. The proposed building design, while less than 6 stories, proposes a massing and articulation which moderates the perceived building mass and shadow impacts, provides appropriate transitions to areas with lower 3 and 4 storey permitted heights and contributes to a varied skyline ensuring that the Church of Our Lady is most prominent feature of the skyline.

The proposed building is not considered a long building and is less than 40 m long, however, the design does break up the visual impact of the building by providing vertical recesses and changes in building material. The mechanical penthouse and elevator core are stepped back from the edge of the building. Balconies are integrated into the design through stepbacks in the building. A layby for on-street parking and residential pick-up and drop off is provided on Dublin Street North. Ground floor residential units are provided with a raised transition to their doorways to provide a privacy and transition between the public and private realm.

Vehicular parking is provided underground with an access from Cork Street West to help create a pedestrian-oriented streetscape.

“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**
- 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.**
- e) **Generally no parking shall be permitted between the front of a building and the street to help create pedestrian-oriented streetscapes."**

"11.1.4.5 Parking 11.1.4.5.1 **Downtown shall continue to be served by a range of parking facilities, including but not limited to above ground and below-ground parking structures, small public and private surface parking lots, and on-street parking.** The City shall continue to play an active role in the supply of off-street parking in the Downtown."

"11.1.4.5.3 **The City may reduce or exempt any requirement for private off-street parking for development in Downtown provided there is adequate alternative parking."**

"11.1.8.11 Definitions

In addition to definitions of the Official Plan, the following definitions are applicable in the Downtown Secondary Plan:

Compatibility/compatible means: **Development or redevelopment which may not necessarily be the same as, or similar to, the existing development, but can coexist with the surrounding area without unacceptable adverse impact."**

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."*

There are seven different height categories identified in the Downtown by Schedule D of the proposed Downtown Zoning By-law;

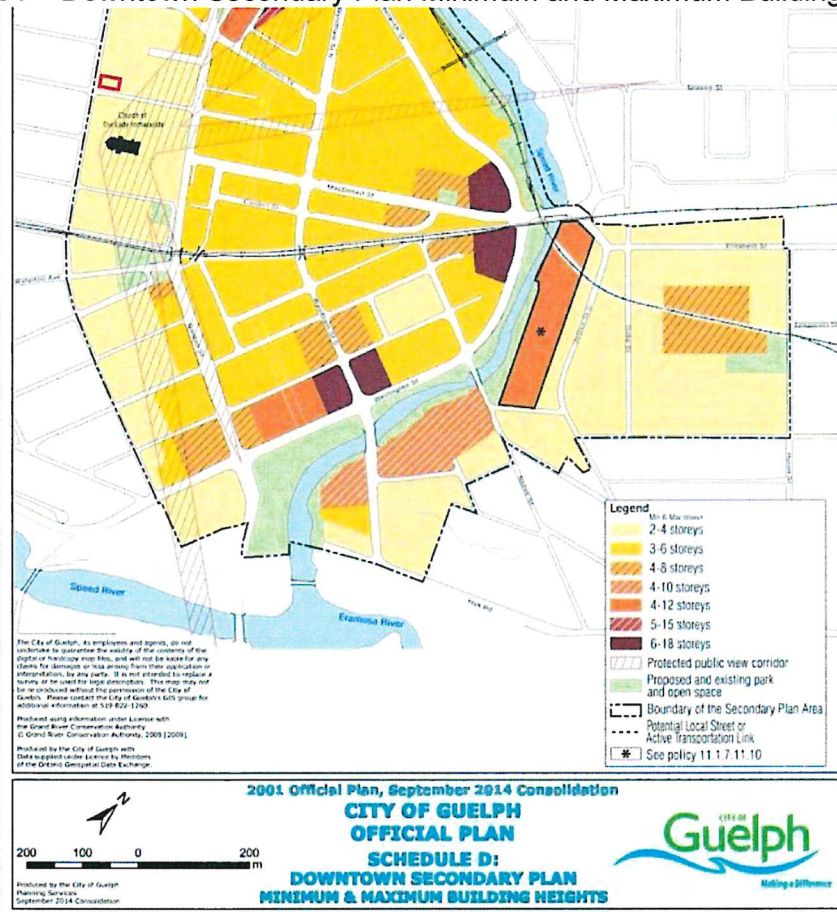
- 6 to 18 storeys
- 5 to 15 storeys
- 4 to 12 storeys
- 4 to 10 storeys
- 4 to 8 storeys
- 3 to 6 storeys
- **2 to 4 storeys**

The maximum height of 4 storeys permitted for the subject property recognizes the Church of Our Lady's status as a landmark and signature building. The proposed building at 5 storeys will not be taller than the elevation of the Church of Our Lady and maintains the Church of Our Lady's status as a landmark and signature building. The proposed 5 storey building is still less height than the next category of building heights in the proposed Downtown Zoning By-law of 3 to 6 storeys.

"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."

The subject property is not located in a protected view corridor to the Church of Our Lady which are identified on Schedule D. The subject property is also not located in a protected view corridor to the Church of Our Lady identified in the proposed Downtown Zoning By-law. (Figure 31)

Figure 31 – Downtown Secondary Plan Minimum and Maximum Building Heights



James Fryett Architect Inc. has prepared an Urban Design Brief in support of the 5 storey proposed apartment building for 75 Dublin Street North which concludes that;

"The proposed built form respects the existing downtown core historical building fabric with a 3 storey stone façade oriented to the streets and acting as an anchor to the terraced upper floors of the structure. The 3 storey façade is further enhanced for pedestrian compatibility through the provision of secondary private entrances to ground related dwelling units which provide articulation and interest to the development. High quality materials and finishes are incorporated into the building fabric to enhance the visual relationship to the street and minimize long term maintenance requirements. All parking is provided below grade including sheltered visitor parking and internalized bicycle parking. The project design realizes the policy goals of the City of Guelph."

4.3.6 Official Plan Designation of the Neighbouring Lands

The neighbourhood located to the west of Dublin Street is abutting Downtown Guelph which is within the Urban Growth Centre. The neighbourhood located to the west of Dublin Street is within the Built-Up Area in the Guelph Official Plan. The City Official Plan states that the City will meet the forecasted growth within the settlement area through **intensifying generally within the built-up area, with higher densities within Downtown Guelph.** This

neighbourhood abutting the subject property is in the Built-Up Area is where intensification is expected to occur as identified by Places to Grow and the Guelph Official Plan.

The neighbourhood located to the west of Dublin Street North is designated "General Residential" in the City's current Official Plan. The Official Plan states that all forms of residential development shall be permitted in conformity with the policies of this designation. The general character of development will be low-rise housing forms. Multiple unit residential buildings will be permitted without amendment to this Plan, subject to the satisfaction of specific development criteria as noted by the provisions of policy 7.2.7. Apartment proposals in the General Residential designation shall be subject to the development criteria contained in policy 7.2.7. The General Residential designation permits a **maximum net density of 100 units per hectare**.

"7.2.7 Multiple unit residential buildings, such as townhouses, row dwellings and apartments, may be permitted within designated areas permitting residential uses. The following development criteria will be used to evaluate a development proposal for multiple unit housing:

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

The City's new Official Plan OPA No. 48 which has been adopted by Council and is expected to be in effect as of September 25, 2017 designates the neighbourhood located to the west of Dublin Street North as "Low Density Residential." The Low Density Residential designation applies to residential areas within the built-up area of the City which are currently predominantly low-density in character. Detached, semi-detached, duplex, townhouses and apartments are permitted in the Low Density Residential designation subject to the policies of the plan. The "Low Density Residential" policies recognize that the built-up area is intended to provide for development that is compatible with existing neighbourhoods while also accommodating appropriate intensification to meet the overall intensification target for the built-up area. The maximum height permitted is 3 storeys. A net residential density between 15 and 35 units per hectare is permitted in the Low Density Residential designation.

The transition between the proposed 5 storey building located in the Guelph Downtown Urban Centre and the 3 storey building height permissions in the abutting Built-Up Area and the 4 storey building height zoning permissions to the north and south of the subject property is appropriate. The proposed building has been carefully designed to ensure that the transition between the proposed 5 storey building and Central Public School, the existing homes on Dublin Street North and "Catholic Hill" is appropriate.

4.3.7 Crime Prevention Through Environmental Design

The current Guelph Official Plan (2014 consolidation) and OPA No. 48 include policies related to increasing the potential for informal surveillance in order to reduce opportunities for crime. These policies encourage new development to be designed in a manner that provides opportunity for the informal surveillance of outdoor spaces. While the front playground of Central Public School has good potential for informal surveillance the rear and side yard playground areas are hidden from the view of the street and are isolated. The rear yard of the school is fenced to restrict access to the school yard from the downtown. The proposed 5 storey building provides the potential for informal surveillance of these school yards in order to deter a potential offender.

"3.6 Urban Design

*Urban design seeks to create a **safe, functional and attractive environment**. Urban design policies address the relationship between buildings, the spaces that surround them and the area's context. Specific elements of urban design make up the character of the city. This section of the Plan outlines broad policies, **which apply to all lands within the City of Guelph**.*

Objectives

*k) To **improve the conditions for greater personal security** within publicly accessible spaces by designing them to make them attractive to the public, **increase the potential for informal surveillance and reduce opportunities for crime**.*

Personal Security

*3.6.21 The City will encourage the promotion of safety in the public realm through the implementation of this Plan's policies. Proper design and the effective use of the built environment can lead to a reduction in the incidence and fear of crime and result in an improved quality of life. **New development should be designed in a manner that:***

- a) **Provides opportunity for informal surveillance of outdoor spaces ("eyes on the street") in order to deter a potential offender;"***

Figure 32 - Back Fenced Yard of Central Public School



Figure 33 – Fenced Stairway Access to Central Public School from the Downtown



4.4 Envision Guelph Draft Official Plan (OPA No. 48)

Official Plan Amendment No. 48 is the 5 year review of the Guelph Official Plan. OPA No. 48 has been appealed to the Ontario Municipal Board and is not in effect. OPA No. 48 includes Height and Density Bonus provisions for affordable housing which are intended to apply everywhere in the City except for Downtown Guelph.

“9.2 Residential Uses

9.2.1 General Policies for Residential Uses

1. ***Affordable housing is encouraged wherever residential uses are permitted.***

“10.7 Height and Density Bonus Provisions

1. *The Planning Act allows the City to consider increases in the height and density of development otherwise permitted on a specific site in exchange for community benefits as set out in the Zoning By-law.*

2. *The City will consider authorizing increases in height and density provided that the development proposal:*

- i) *is consistent with the goals, objectives and policies of this Plan;*
 - ii) *is compatible with the surrounding area;*
 - iii) *provides community benefits above and beyond those that would otherwise be provided under the provisions of this Plan, the Planning Act, Development Charges Act or other statute; and*
 - iv) *provides community benefits that bear a reasonable planning relationship to the increase in height and/or density such as having a geographic relationship to the development or addressing the planning issues associated with the development.*
3. *Subject to policy 10.7.2, the community benefits may include but are not limited to:*
- i) ***housing that is affordable to low and moderate income households, special needs housing*** or social housing;
 - iv) *buildings that incorporate sustainable design features;*
4. *In considering community benefits the City may give priority to identified community needs, any identified issues in the area and the objectives of this Plan.*
5. *Increases to height and/or density shall only be considered where the proposed development can be accommodated by existing or improved infrastructure. Planning studies may be required to address infrastructure capacity for the proposed development and any impacts on the surrounding area.*
6. *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."*

While OPA No. 48 is not yet in effect, the proposal has been considered in relation to these policies.

The City's new Official Plan OPA No. 48 which has been adopted by Council and is expected to be in effect as of September 25, 2017 designates the neighbourhood located to the west of Dublin Street North as "Low Density Residential." The Low Density Residential designation applies to residential areas within the built-up area of the City which are currently predominantly low-density in character. Detached, semi-detached, duplex, townhouses and **apartments** are permitted in the Low Density Residential designation subject to the policies of the plan. The "Low Density Residential" policies recognize that the built-up area is intended to provide for development that is compatible with existing neighbourhoods while also accommodating appropriate intensification to meet the overall intensification target for the built-up area. The **maximum height permitted is 3 storeys**. A net residential density between 15 and 35 units per hectare is permitted in the Low Density Residential designation. Within the surrounding neighbourhood increased height and density may be permitted for development proposals on arterial and collector roads without an amendment to the Official Plan to a maximum height of six storeys and a maximum net density of 100 units per hectare in accordance with the Height and Density Bonus policies of the Official Plan.

4.5 Zoning By-law

The current zoning of the property is the Institutional I.1 Zone which permits a 4 storey building on the subject property. The existing I.1 Zone also permits a 4 storey building on the Central Public School property located to the north of the subject property. The I.1 Zone requires a side yard of "6 metres or one-half the Building Height, whichever is greater". Central Public School has a side yard of 3.88m which appears to be in non-compliance with the minimum 6m side yard requirement in the I.1 Zone. The existing I.1 Zone permits a 4 storey building on the Basilica of Our Lady property located to the south of the subject property. The existing convent building is a 5 storey building with a new 4 storey addition constructed within approximately 30 feet of the Basilica of Our Lady Immaculate. The existing R.1B Zoning on the west side of Dublin Street permits a maximum building height of three storeys. The proposed Downtown Zoning By-law permits a 4 storey building on the dentist office property which abuts 75 Dublin Street North and Central Public School.

The Guelph Zoning By-law definitions of a storey and half storey do not include a maximum height. In addition, section 4.18.1 i) of the Guelph Zoning By-law permits an elevator or stairway penthouse to exceed the maximum building height restriction in the by-law.

Excerpts from the Guelph Zoning By-law;

"Storey" means that portion of a Building, other than a cellar, which is situated between the surface of any floor and the surface of the floor next above and, if there is no floor above, that portion between the surface of such floor and the ceiling above;

"Half Storey" means a finished floor area within a roof space where the roof joists/rafters are directly supported by the floor system. When gables and/or dormers are incorporated, they shall not exceed 50% of the perimeter wall area of the storey directly below the half storey;

"4.18 HEIGHT RESTRICTIONS

4.18.1 No Building or Structure shall exceed the height restrictions set out in this By-law for the Zone in which such Building or Structure is located *except for the following:*

- a) an antenna or mast (when attached to or on a Building)
- b) a barn
- c) a belfry
- d) a chimney or smokestack
- e) a church spire or steeple
- f) a clock tower, bell tower, or church tower
- g) a cupola or other ornamental Structure or device
- h) an electrical power transmission tower or line and related apparatus
- i) **an elevator or stairway penthouse**
- j) a light standard, including Outdoor Sportsfield lighting facilities
- k) a flag pole
- l) a flight control tower
- m) a lightning rod
- n) a radio, television, or telecommunications reception or transmission tower, excluding a Satellite Antenna
- o) a silo or storage elevator
- p) a water tower
- q) a windmill or turbine
- r) a weathervane or other weather monitoring device s) storage tank"

Figure 34 - Existing Zoning

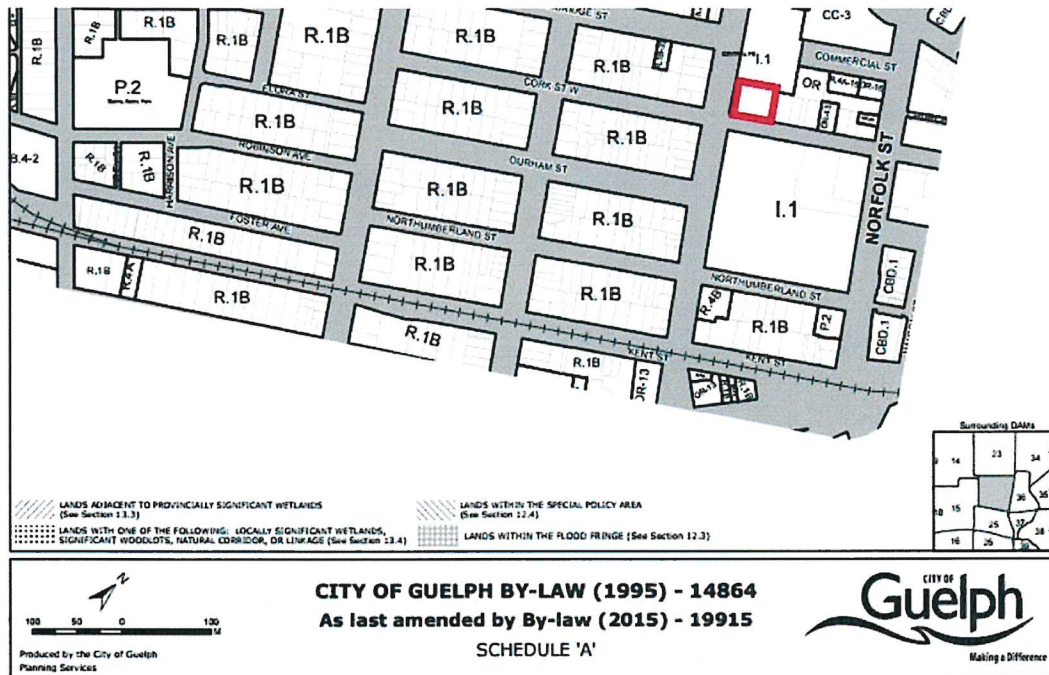


Figure 35 – Proposed Downtown Zoning By-law

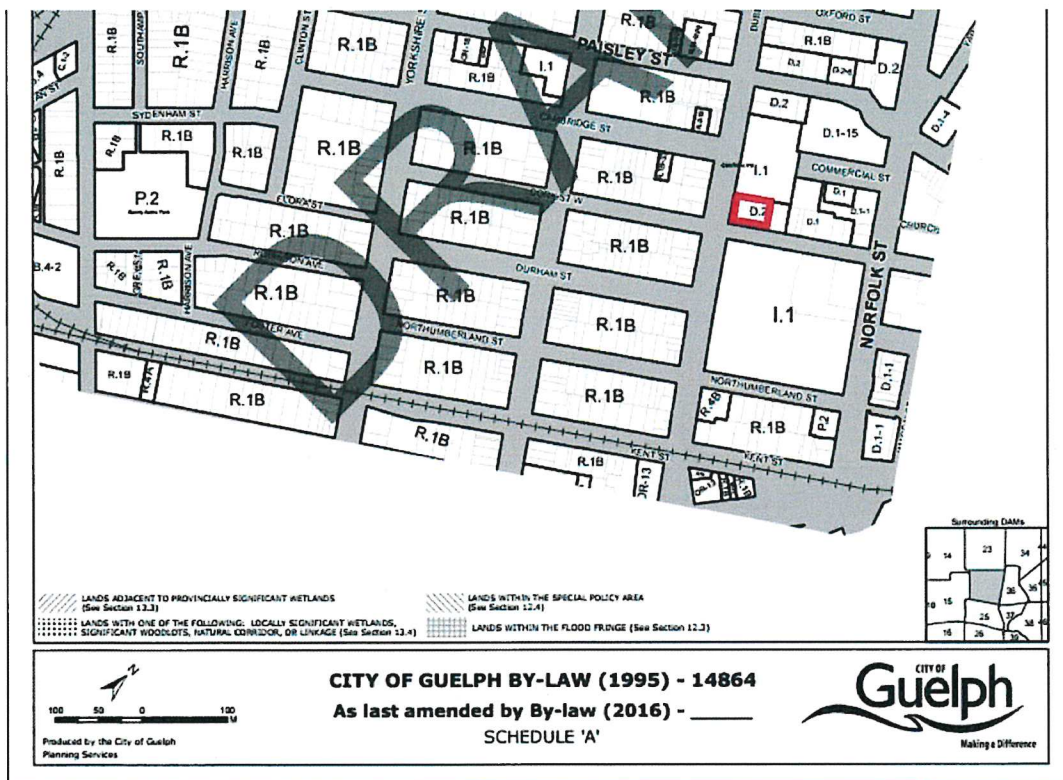
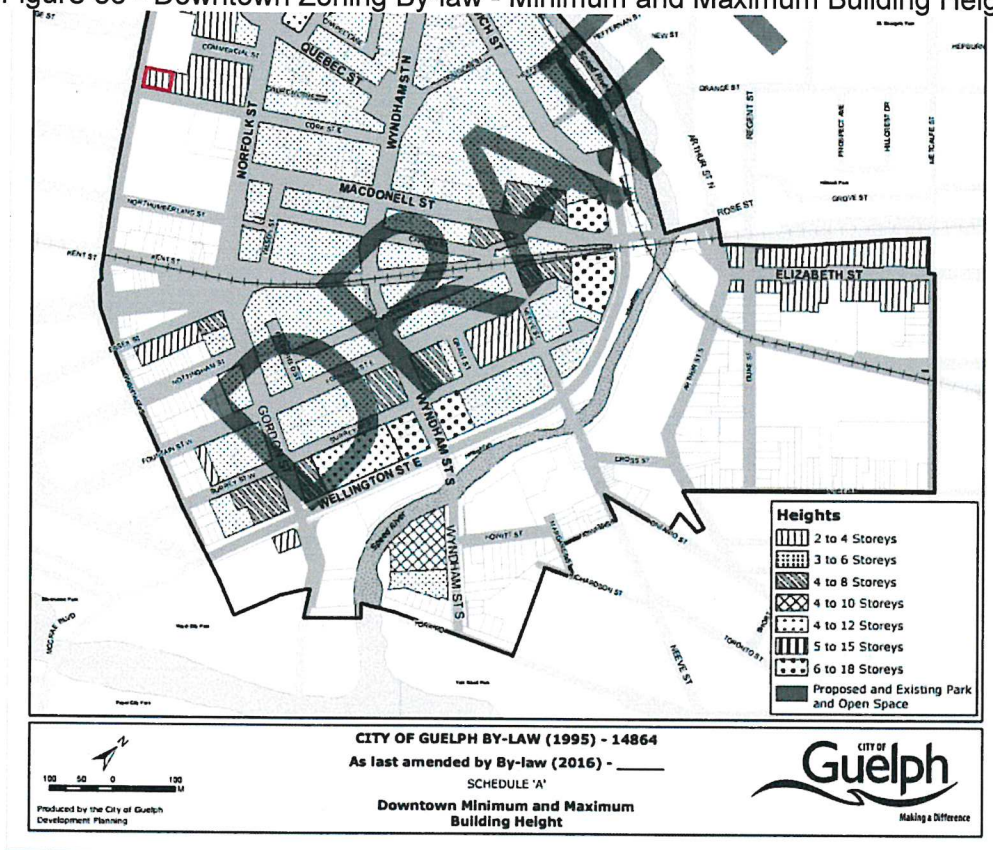


Figure 36 - Downtown Zoning By-law - Minimum and Maximum Building Height




As noted in section 2 of this report, the current zoning of the subject property is the I.1 Zone. Rykur Holdings Inc. requested a change to the Downtown Zoning By-law and City staff recommended and Council approved a Specialized D.2-9 Zone for the subject property. Rykur Holdings Inc. is requesting a Specialized D.2-__ Zone to permit a 5 storey apartment building including the provision of affordable housing.

5. Conclusion

This Planning Report has been prepared in support of the proposed Official Plan Amendment and Downtown Zoning Amendment to implement the proposed development including 20 affordable rental senior apartment units to receive Investment in Affordable Housing (IAH) or equivalent funding for 75 Dublin Street North as outlined within this report. In my professional opinion this proposal is consistent with the Provincial Policy Statement, is in conformity with the Growth Plan, is in conformity with the intent of the Guelph Official Plan and represents good planning.

This report has been prepared and respectfully submitted by,


 Astrid Clos, MCIP, RPP



September 21, 2017

Date

(1227.Planning Report for OPA.doc)