

# Staff Report



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To	<b>City Council</b>
Service Area	Infrastructure, Development and Enterprise Services
Date	Monday, September 10, 2018
Subject	<b>Decision Report 71 Wyndham Street South Official Plan Amendment and Zoning By-law Amendment File: OP1703 &amp; ZC1705 Ward 1</b>
Report Number	IDE-2018-109

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## Recommendation

1. That the application by Stantec Consulting Limited on behalf of Tricar Properties Limited, for approval of an Official Plan Amendment for the property municipally known as 71 Wyndham Street South and legally described as Part of Lots 171 and 172 Registered Plan 113 and portion of former bed of the River Speed lying in front of Broken Lot 3, Division F, City of Guelph to permit 4 additional storeys of height through bonusing where 2 additional storeys are permitted in the Official Plan, together with site specific policies permitting larger building floorplates, to develop a 14 storey apartment building with a ground floor commercial unit, be approved in accordance with ATT-2 of the Infrastructure, Development and Enterprise Report IDE-2018-109, dated September 10, 2018.
2. That the application by Stantec Consulting Limited on behalf of Tricar Properties Limited, for approval of a Zoning By-law Amendment from the CR-7 (Specialized Commercial Residential) Zone to a D.1-29(H) (Specialized Downtown 1 with a Holding Provision) Zone to permit the development of a 14 storey residential apartment building with ground floor commercial units on the property municipally known as 71 Wyndham Street South and legally described as Part of Lots 171 and 172 Registered Plan 113 and portion of former bed of the River Speed lying in front of Broken Lot 3, Division F, City of Guelph be approved, in accordance with ATT-3 of the Infrastructure, Development and Enterprise Report IDE-2018-109, dated September 10, 2018.
3. That in accordance with Section 34(17) of the *Planning Act*, City Council has determined that no further public notice is required related to the minor modifications to the proposed Zoning By-law Amendment affecting 71 Wyndham Street.

4. That Council authorize City Staff to negotiate and enter into a Section 37 bonusing agreement with the owner of 71 Wyndham Street South for the additional 4 storeys of height requested in exchange for a cash contribution to the acquisition of parkland downtown, subject to the details provided in the Infrastructure, Development and Enterprise Report IDE-2018-109, dated September 10, 2018.

## **Executive Summary**

### **Purpose of Report**

To provide a planning staff recommendation on applications requesting approval of Official Plan and Zoning By-law amendments to permit a 14 storey apartment building with a ground floor commercial unit, together with a request to permit four storeys of additional height through bonusing as permitted under Section 37 of the Planning Act.

### **Key Findings**

Staff recommend approval of the Official Plan and Zoning By-law amendments to permit a 14 storey apartment building with ground floor commercial units subject to a Holding provision to allow for the development and execution of a bonusing agreement for the additional four storeys of height requested. The recommended bonus is a cash contribution towards acquiring riverfront parkland, with the contribution value based on 25% of the increase in land value for the additional 4 storeys permitted on site.

### **Financial Implications**

Estimated City Development Charges (based on 2018 rates):

Residential Component: \$ 2,360,000

Commercial Component: Based on proposed GFA of 196 m<sup>2</sup>: \$21,000

Estimated Annual Tax Levy: \$594,000

## **Report**

### **Background**

Applications for an Official Plan amendment and a Zoning By-law amendment were received for the property municipally known as 71 Wyndham Street South on May 18, 2017 and deemed to be complete on June 9, 2017. The applicant originally proposed a fourteen storey apartment building containing 140 apartment units.

The applications were heard at a Statutory Public Meeting on July 10, 2017. Concerns were raised about the proposal including building height, traffic and impact on the river and trail. Several letters of support were also received.

The applicant reviewed their proposal in response to the concerns raised as well as staff comments and submitted several minor revisions. The applicant has now

proposed a mixed use 14 storey apartment building containing two ground floor commercial units fronting onto Wyndham Street and approximately 140 residential units.

### **Location**

The subject property is approximately 0.382 hectares in size and lands are located on the west side of Wyndham Street South; between Wellington Street and York Road, and abuts the Speed River on the west side (See Location Map and Orthophoto in ATT-1).

Surrounding land uses include:

- To the north, a three storey apartment building
- To the east across Wyndham Street are single detached dwellings and a small commercial parking lot;
- To the south of the site is a medical/office building (75 Wyndham Street S);
- To the west, the Speed River abuts the subject site.

### **Existing Official Plan Land Use Designations and Policies**

The Official Plan land use designation that applies to the subject property is "Mixed Use 1" (See ATT-3) within the Downtown Secondary Plan. The Mixed Use 1 designation is intended to accommodate a range of uses in compact development forms. Development within this designation shall contribute to the creation of a strong urban character and a high-quality, pedestrian-oriented environment. The Downtown Secondary Plan policies in effect establish a minimum building height of 4 storeys and a maximum building height of 10 storeys for the subject site and enable bonusing of up to an additional 2 storeys of height. The site is also subject to the Special Policy Area overlay which identifies land within the floodplain that is developable subject to specific criteria. Further details of this designation are included in ATT-4.

### **Official Plan Amendment #48 Land Use Designations and Policies**

Official Plan Amendment 48 is a comprehensive five-year update to the City's Official Plan that was approved by Council in 2012 and came into full force and effect in October 2017. OPA 48 incorporates the Downtown Secondary Plan (OPA 43) into Section 11 so additional analysis of these policies within OPA 48 is not necessary.

### **Existing Zoning**

The subject property is currently zoned "CR-7" (Specialized Commercial-Residential) Zone in the City of Guelph's Zoning By-Law (1995)-14865. The existing zoning is shown in ATT-5.

### **Description of the Proposed Official Plan Amendment**

The applicant originally requested to amend the Official Plan designation by increasing the allowable building height from the 10 storeys to 14 storeys. However, policies in the Downtown Secondary Plan, as shown in ATT-4, permit additional height on this site through the provision of bonusing for community benefits. As such, staff recommended that the Official Plan amendment be to

permit four storeys through bonusing instead of the existing maximum of two additional storeys on this site. The applicant also requires a second policy amendment to permit the site to have larger building floorplates than generally permitted in the Downtown Secondary Plan. The proposed Official Plan amendment is shown in ATT-2. Staff's review and planning analysis of these amendments is included in ATT-10.

### **Description of Proposed Zoning By-law Amendment**

The applicant initially requested to rezone the subject lands from the "CR-7" (Specialized Commercial-Residential) Zone to a new CR-?? (Specialized Commercial Residential) Zone with site specific regulations to permit the development of a residential building with 14 storeys containing a total of 140 apartment units. The following specialized zoning regulations were requested through the initial Zoning By-law amendment application:

- Increase in height to 14 storeys where 6 storeys is permitted;
- Change in angular plane to the street to 68 degrees where 45 degrees is required; Change in angular plane to the Speed River to 60 degrees where 40 degrees is required;
- Reductions of the side yard setback to 0.7m where one-half the building height or not less than 3 metres is required;
- Reduction of the front yard setback to 0.3 metres, where the average setback of adjacent properties is required.

Staff noted at the Public Meeting that new Downtown zoning regulations, intended to bring the zoning into conformity with the policies of the Downtown Secondary Plan, were likely to be recommended for approval shortly. These regulations were approved by Council on July 24, 2017 and are currently under appeal at the Local Planning Appeals Tribunal (LPAT). At an LPAT prehearing in July 2018, uncontested parts of the Zoning By-law amendment were brought into effect, including the by-law provisions relating to this site.

Staff have recommended that the applicant use the new Downtown zoning for this site. The Downtown Zoning By-law amendment rezoned the site to D.1(H30) (Downtown 1 with a holding provision to ensure adequate services are available) and this report proposes rezoning the site to a new D.1-29(H) (Specialized Downtown 1) Zone with a holding provision to enact the bonusing agreement following Council approval (see ATT-7 for Proposed Zoning). Staff have recommended the following specialized regulations to the D.1 Zone to implement the development as proposed in this report:

- Increase in height to 14 storeys with bonusing under Section 37 of the Planning Act, where 10 storeys is permitted;
- Additional maximum building floorplate restrictions as follows:
  - 7<sup>th</sup> and 8<sup>th</sup> storeys: a maximum of 1550 square metres where 1200 square metres is required;
  - 9<sup>th</sup> and 10<sup>th</sup> storeys: a maximum of 1475 square metres where 1000 square metres is required;
  - 11<sup>th</sup> and 12<sup>th</sup> storeys: a maximum of 1365 square metres where 1000 square metres is required;

- 13<sup>th</sup> and 14<sup>th</sup> storeys: a maximum of 1035 square metres where 1000 square metres is required.
- A minimum of 75 long term bicycle parking spaces where 96 are required
- Minimum Front Yard Stepbacks of 2 metres for all portions of the building above the 1<sup>st</sup> storey and 4 metres for all portions of the building above the 4<sup>th</sup> storey where the minimum stepback is 3 metres and required for all portions of the building above the 4<sup>th</sup> storey
- Minimum Rear Yard Stepbacks of 2 metres for all portions of the building above the 1<sup>st</sup> storey and 4 metres for all portions of the building above the 6<sup>th</sup> storey where the minimum stepback is 3 metres and required for all portions of the building above the 4<sup>th</sup> storey
- A non-residential use is required on the 1<sup>st</sup> storey facing Wyndham Street South a minimum of 100 square metres in size
- A minimum of 50% of the surface area of the 1<sup>st</sup> storey façade facing Wyndham Street must be comprised of transparent window and/or Active Entrances where 60% is required
- The minimum height of the 1<sup>st</sup> storey shall be 4.5 metres (4.5 metres required)
- The Building shall not exceed an elevation of 368 metres above sea level.
- A holding provision (H) will be placed on the zoning to ensure the community benefits required under Section 37 are set out in an agreement registered on title.

### **Proposed Development**

The original development proposal consisted of one residential apartment building 14 storeys high, containing approximately 140 residential units, four of these units were proposed to be at grade townhouse style units at the rear of the building. One level of underground parking was proposed together with three levels of above grade parking. The applicant's initial proposal is shown in ATT 8.

The applicant has refined the proposed building and it remains 14 storeys high but now three levels of underground parking are proposed together with parking on a portion of the main floor of the building. Two ground floor commercial units are now proposed facing Wyndham Street together with amenity area for the residential units at the back of the building overlooking the river and trail. Approximately 140 residential units with a mix of 1, 2 and 3 bedroom units are proposed on the second to fourteenth storeys. Vehicular access to the site is from Wyndham Street directly into the proposed parking garage on the south end of the building.

The applicant's current conceptual development plan and proposed building renderings are shown in ATT-9.

### **Staff Review/Planning Analysis**

The staff review and planning analysis for these applications is provided in ATT-10. The analysis addresses the issues and questions that were raised during the public

review of the applications, including issues raised by Council and the public at the statutory Public Meeting held on July 10, 2017. An Urban Design peer review process was completed which further refined the building; the process and results are summarized in ATT-12. Final comments on the revised proposal from City departments and public agencies are included in ATT-13.

### **Height and Density Bonusing**

This is the first site in the City to be recommended to Council with bonusing for additional height under Section 37 of the Planning Act. Bonusing allows for additional height or density on site above the permitted maximums, provided that the additional height or density is still considered to be good planning and that the owner provides an agreed upon benefit to the community for the 'bonused' additional developable space.

Through the Downtown Secondary Plan, bonusing may be permitted on this site and the recommended community benefit is money towards acquiring riverfront parkland. The contribution amount is proposed to be 25% of the increase in land value for the additional 4 storeys permitted on site. Further details about this site's suitability for bonusing and the proposed process are found in the planning analysis in ATT-10.

### **Planning Staff Recommendation**

Planning staff are satisfied that the Official Plan Amendment Application and Zoning By-law Amendment Application are both consistent with the 2014 Provincial Policy Statement and conform to the Growth Plan for the Greater Golden Horseshoe. These applications also conform to the objectives and policies of the Official Plan. Proposed OPA #67 to add two site specific policies for increased height to 14 storeys with bonusing for community benefits and to allow additional floorplate size are both appropriate, as the site as designed is compatible with the surrounding neighbourhood. The application meets the criteria in Section 9.3 of the Official Plan for the consideration of Official Plan Amendments.

The applicant has made a number of minor modifications to the proposed development in response to comments received since initially submitting the applications. Additional and modified specialized zoning regulations are also being recommended that were not identified at the Statutory Public meeting. However, the modifications to the development layout and the addition of specialized zoning regulations are considered to be minor and therefore staff recommend that no further public notice is required in accordance with Section 34(17) of the *Planning Act*.

Planning staff are recommending that Council approve the applications for an Official Plan Amendment and Zoning By-law Amendment subject to the conditions and zoning regulations outlined in ATT-3.

## **Financial Implications**

### **Estimated City Development Charges** (based on 2018 rates):

Residential Component: \$ 2,360,000

Commercial Component: Based on proposed GFA of 196 m<sup>2</sup>: \$21,000

Estimated Annual Tax Levy: \$594,000

## **Consultations**

The public agency and comments received from City departments during the review of the application are summarized in ATT-13. Key dates for the public process regarding the planning application are included in ATT-14.

## **Corporate Administrative Plan**

This report supports the following goals and work plans of the Corporate Administrative Plan (2016-2018):

### **Overarching Goals**

Service Excellence

### **Service Area Operational Work Plans**

Our People- Building a great community together

## **Attachments**

ATT-1	Location Map and 120 m Circulation and Orthophoto
ATT-2	Recommended Official Plan Amendment #67
ATT-3	Recommended Zoning Regulations and Conditions
ATT-4	Official Plan Land Use Designations and Policies
ATT-5	Existing Zoning
ATT-6	Proposed Zoning
ATT-7	Initial Site Concept Plan and Building Elevations (May 2017)
ATT-8	Revised Site Concept Plan and Building Elevations (July 2018)
ATT-9	Planning Analysis
ATT-10	Community Energy Initiative Commitment Letter
ATT-11	Urban Design Peer Review Summary
ATT-12	Departmental and Agency Comments Summary
ATT-13	Public Notification Summary

## Departmental Approval

Not applicable.

## Report Author

Katie Nasswetter  
Senior Development Planner

## Approved By

Chris DeVriendt  
Manager of Development Planning



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## Approved By

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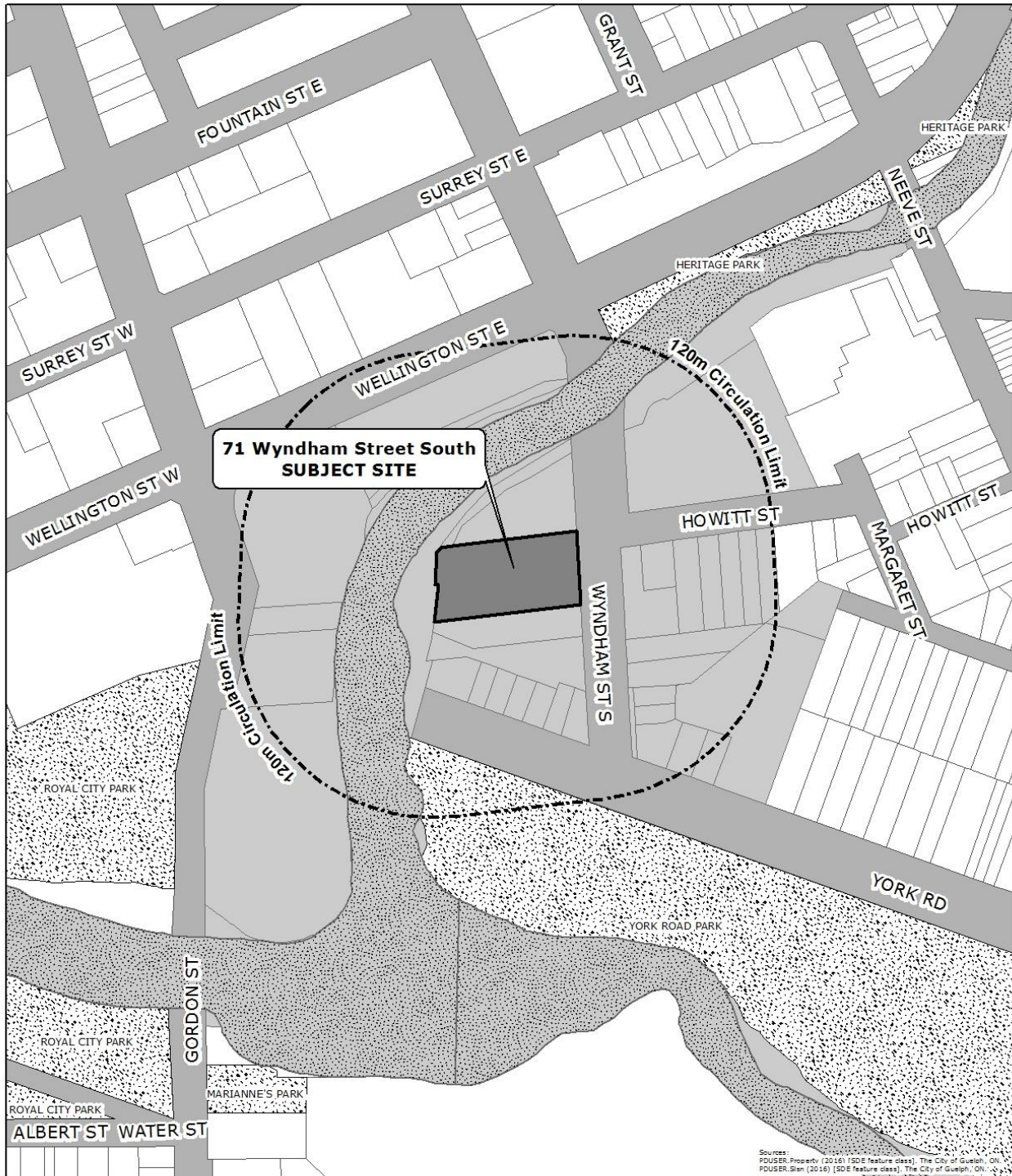
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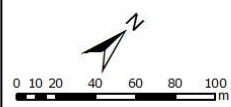
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## Recommended By

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# **ATT-1** **Location Map and 120m Circulation**





Produced by the City of Guelph  
 Planning, Urban Design and Building Services - Development Planning  
 May 2017

## **LOCATION MAP & 120m CIRCULATION** **71 Wyndham Street South**



# ATT-1 Orthophoto



0 4.25 8.5 17 25.5 34 m

Produced by the City of Guelph  
Planning, Urban Design and Building Services - Development Planning  
May 2027

2016 Orthophoto  
71 Wyndham Street South



**ATT-2**  
**Proposed Official Plan Amendment No. 67**

**O.P.A. #67:**

The purpose of Official Plan Amendment #67 is to amend Section 11.1.8.4 of the Official Plan, by adding a new site specific sub-policy for the property municipally known as 71 Wyndham Street South and legally described as Part of Lots 171 and 172 Registered Plan 113 and portion of former bed of the River Speed lying in front of Broken Lot 3, Division F, City of Guelph, to allow for up to four additional storeys of height above the identified maximum of ten (10) storeys, with the provision of community benefits as permitted under Section 37 of the Planning Act and subject to the criteria of Section 11.1.8.4.1. Furthermore, site specific maximum floorplate sizes of 1475 square metres above the eighth storey and a maximum floorplate of 1035 square metres above the twelfth floor may be permitted at 71 Wyndham Street South.

**11.1.7.3.10**

Within the Mixed Use 1 designation at 71 Wyndham Street South:

- a) In spite of Policy 11.1.8.4, the City may permit a maximum of four (4) additional storeys of height above the identified maximum height of 10 storeys through bonusing.
- b) In spite of Policy 11.1.7.2.3 h), the massing of the building will be based on a maximum floorplate of 1475 square metres above the eighth storey and a maximum floorplate of 1035 square metres above the twelfth floor.

**ATT-3**  
**Recommended Zoning Regulations and Conditions**

**PART A: ZONING REGULATIONS**

That the Zoning By-law Amendment application be approved and that City Staff be instructed to prepare the necessary amendment to Zoning By-law (1995)-14864, as amended, to transfer the subject lands from the Specialized Commercial Residential (CR-7) Zone to the following:

**PROPOSED ZONING: "Specialized Downtown 1 Zone" - D.1-29(H)**

In accordance with Section 4 (General Provisions) and Section 14 (Downtown) of Zoning By-law (1995)-14864, as amended, with the following site specific exceptions:

First Storey Use

14.6.2 A non-residential use is required on the first Storey of the Building facing Wyndham Street and shall be a minimum of 100 square metres of Gross Floor Area in size.

Maximum Building Height

14.6.3 Notwithstanding Table 14.1.8, Row 5, the minimum Building Height is 4 Storeys and the maximum Building Height is 10 Storeys.

Notwithstanding Section 14.6.3, no Building or Structure, or part thereof, shall exceed an elevation of 368 metres above sea level.

The height of the first Storey of the Building shall be a minimum of 4.5 metres.

Notwithstanding Section 14.6.3, the maximum Building Height is 14 Storeys, permitted only as bonusing under Section 37 of the Planning Act, RSO 1990, c P.13, as amended once the community benefit, identified as a monetary contribution to riverfront parkland acquisition has been secured. The contribution amount shall be 25% of the difference in land value between 10 and 14 storeys, as determined by a third party appraisal.

Built Form Regulations

14.6.4 Notwithstanding Section 14.1.3, the following Built Form Regulations shall apply:

Floorplate Sizes:

- The maximum Floorplate of the 7<sup>th</sup> and 8<sup>th</sup> storeys shall not exceed 1550 square metres.
- The maximum Floorplate of the 9<sup>th</sup> and 10<sup>th</sup> storeys shall not exceed 1475 square metres.
- The maximum Floorplate of the 11<sup>th</sup> and 12<sup>th</sup> storeys shall not exceed 1365 square metres.

- The maximum Floorplate of the 13<sup>th</sup> and 14<sup>th</sup> storeys shall not exceed 1035 square metres.

#### Front Building Stepbacks

The minimum Stepback shall be 2 metres and shall be required for all portions of the Building above the 1<sup>st</sup> Storey. Stepbacks shall be measured from the Building face of the 1<sup>st</sup> Storey facing Wyndham Street South.

The minimum Stepback shall be 4 metres, required for all portions of the Building above the 4th Storey. Stepbacks shall be measured from the Building face of the 1st Storey facing Wyndham Street South.

#### Rear Building Stepbacks

The minimum Stepback shall be 2 metres and shall be required for a portion of the Building above the 1st Storey. Stepbacks shall be measured from the rear Building face of the 1st Storey.

The minimum Stepback shall be 4 metres and shall be required for a portion of the Building above the 6th Storey. Stepbacks shall be measured from the rear Building face of the 1st Storey.

#### Front Façade Treatment

A minimum of 50% of the surface area of the first Storey façade facing Wyndham Street must be comprised of a Transparent Window and/or Active Entrances.

#### Bicycle Parking Spaces

Notwithstanding Table 14.1.7, Row 1, a total of 75 Bicycle Parking Spaces, Long Term and 11 Bicycle Parking Spaces, Short Term are required.

### **Holding Provision**

#### Purpose

To ensure that the increased maximum building height allowance of 14 storeys be permitted after the identified community benefit of a monetary contribution to acquiring downtown riverfront parkland is secured pursuant to Section 37 of the Planning Act, RSO 1990, c P.13, as amended.

#### Conditions

Prior to the removal of the Holding symbol "H", the following shall be completed to the satisfaction of the City:

1. An appraisal (or appraisals) of the site by an Appraisal Institute of Canada accredited appraiser (AACI) to determine the market value of the land assuming both 10 and 14 storeys are permitted. The owner shall be responsible for all costs associated with the appraisal(s);
2. The contribution by the owner of a fixed sum of money to the City towards the acquisition of riverfront parkland. The contribution shall be based on the appraisal(s) provided pursuant to condition 1, above, and

shall be equal to 25% of the difference in the determined market value of the land assuming 10 and 14 storeys, respectively, are permitted. Alternatively, the owner may enter into agreement(s) satisfactory to the City, which may be registered against the land, in accordance with subsections 37(3) and (4) of the Planning Act, RSO 1990, c P.13, to secure this contribution.

**PART B: PROPOSED CONDITIONS:**

The following conditions are provided as information to Council and will be imposed through a development agreement and/or site plan approval with the City, and may be registered in an agreement on title for the subject lands.

1. That the Developer shall submit to the City, in accordance with Section 41 of The *Planning Act*, a fully detailed site plan, indicating the location of the building, building design, landscaping, parking, traffic circulation, access, lighting, grading and drainage on the said lands to the satisfaction of the General Manager of Planning and the General Manager/City Engineer, prior to any construction or grading on the lands.
  - a. Further, the Owner commits and agrees that the details of the layout and design for the development of the subject lands shall be generally in conformance with the development concept plan and renderings attached as ATT-9 to the September 10, 2018 Planning, Urban Design and Building Services Report Number IDE-2018-109;
  - b. Further, the Owner shall implement the recommendations of the Urban Design Brief, dated May 17, 2018, by Stantec Consulting Ltd. and Kasian Architecture Ontario Inc. and the Urban Design Peer Review Summary Letter included in ATT-12 of Report IDE-2018-109 to the satisfaction of the General Manager of Planning, Urban Design and Building Services.
2. Prior to the issuance of site plan approval, the Owner shall provide the City with written confirmation that the building on the subject site will be constructed to a standard that implements energy efficiency in order to support the Community Energy Initiative to the satisfaction of the General Manager of Planning, Urban Design and Building Services and in accordance with the letter attached as ATT-11 to Report IDE 2018-109 dated September 10, 2018.
3. Prior to the issuance of site plan approval, written confirmation shall be received from the General Manager of Environmental Services or his or her designate that the proposed development is in conformance with By-law (2011)-19199, known as the Waste Management By-law. Further, the Owner agrees and commits to employ a three-stream waste collection system with considerations and opportunities developed in their Waste Management Plan that would facilitate the transition to City collection at some point in the future.

4. The Owner shall pay to the City, as determined applicable by the Chief Financial Officer/City Treasurer, development charges and education development charges, in accordance with the City of Guelph Development Charges By-law (2009)-18729, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to this issuance of any building permits, at the rate in effect at the time of the issuance of a building permit.
5. The Developer acknowledges and agrees that ensuring the suitability of the land from an environmental engineering perspective, for the proposed use(s) is the responsibility of the Developer/Landowner.
6. The Developer shall obtain a Site Alteration Permit in accordance with City of Guelph By-law (2007)-18420 to the satisfaction of the City Engineer if grading/earthworks are to occur prior to the approval of the required engineering studies, plans and reports.
7. The Developer shall prepare and implement a construction traffic access and control plan for all phases of servicing and building construction to the satisfaction of the City Engineer. Any costs related to the implementation of such a plan shall be borne by the Developer.
8. Prior to site plan approval and prior to any construction or grading on the lands, the owner shall provide to the City, to the satisfaction of the General Manager/City Engineer, any of the following studies, plans and reports that may be requested by the General Manager/City Engineer:-
  - i) a functional servicing report;
  - ii) a stormwater management report and plans certified by a Professional Engineer in accordance with the City's Guidelines and the latest edition of the Ministry of the Environment's "Stormwater Management Practices Planning and Design Manual" which addresses the quantity and quality of stormwater discharge from the site together with a monitoring and maintenance program for the stormwater management facility to be submitted; This stormwater management report is to demonstrate how the site will achieve a post-development groundwater recharge that is equal to the pre-development recharge. On-site permeameter testing is required to confirm that the recharge can be achieved.
  - iii) a geotechnical report certified by a Professional Engineer that analysis the permeability and hydraulic conductivity of the soils and recommends measures to ensure that they are not diminished by the construction and development;
  - iv) a grading, drainage and servicing plan prepared by a Professional Engineer for the site and detailed erosion and sediment control plan, certified by a Professional Engineer that indicates the means whereby

erosion will be minimized and sediment maintained on-site throughout grading and construction .

9. The Developer shall, to the satisfaction of the General Manager/City Engineer, address and be responsible for adhering to all the recommended measures contained in the plans, studies and reports outlined in subsections 8 i) to 8 iv) inclusive.
10. That the Developer grades, develops and maintains the site including the storm water management facilities designed by a Professional Engineer, in accordance with a Site Plan that has been submitted to and approved by the General Manager/City Engineer. Furthermore the Developer shall have the Professional Engineer who designed the storm water management system certify to the City that he/she supervised the construction of the storm water management system and that the storm water management system was built as it was approved by the City and that it is functioning properly.
11. That the Developer will ensure that any existing domestic wells as well as all boreholes and monitoring wells installed for environmental, hydrogeological or geotechnical investigations are properly decommissioned in accordance with current Ministry of the Environment regulations (O.Reg. 903 as amended) and to the satisfaction of the General Manager/City Engineer, prior to site plan approval and prior to any construction or grading on the lands.
12. Prior to site plan approval the developer shall provide a copy of all subsequent investigation (i.e. Supplemental Phase Two ESAs, if required) remediation and/ or risk assessment beyond the Phase One and Two ESAs, completed in accordance with O. Reg. 153/04 (as amended) and shall provide a copy of the RSC and the RSC acknowledgement from the MOECC.
13. That the develop shall deed a 3.0 metre wide road widening on Wyndham Street, at no cost to the City, free of all encumbrances and at no risk to public health and safety and to environment prior to site plan approval.
14. The Developer acknowledges that the City does not allow retaining walls higher than 1.0-metre abutting existing residential properties without the permission of the General Manager/City Engineer.
15. The Developer shall be responsible for the actual cost of any service laterals required for the lands and furthermore, prior to any grading or construction on the lands the Developer shall pay to the City, the estimated cost as determined by the General Manager/City Engineer of any service laterals.
16. That the Developer pay the actual cost of removing or decommissioning to the satisfaction of the General Manager/City Engineer, any existing sanitary sewers, storm sewers, manhole and/or watermain that are not going to be used for service laterals. Furthermore, prior any grading or construction on the lands, the Developer shall pay to the City, the estimated cost as determined

by the General Manager/City Engineer of the Developer's share of the cost of the removals and decommissioning works.

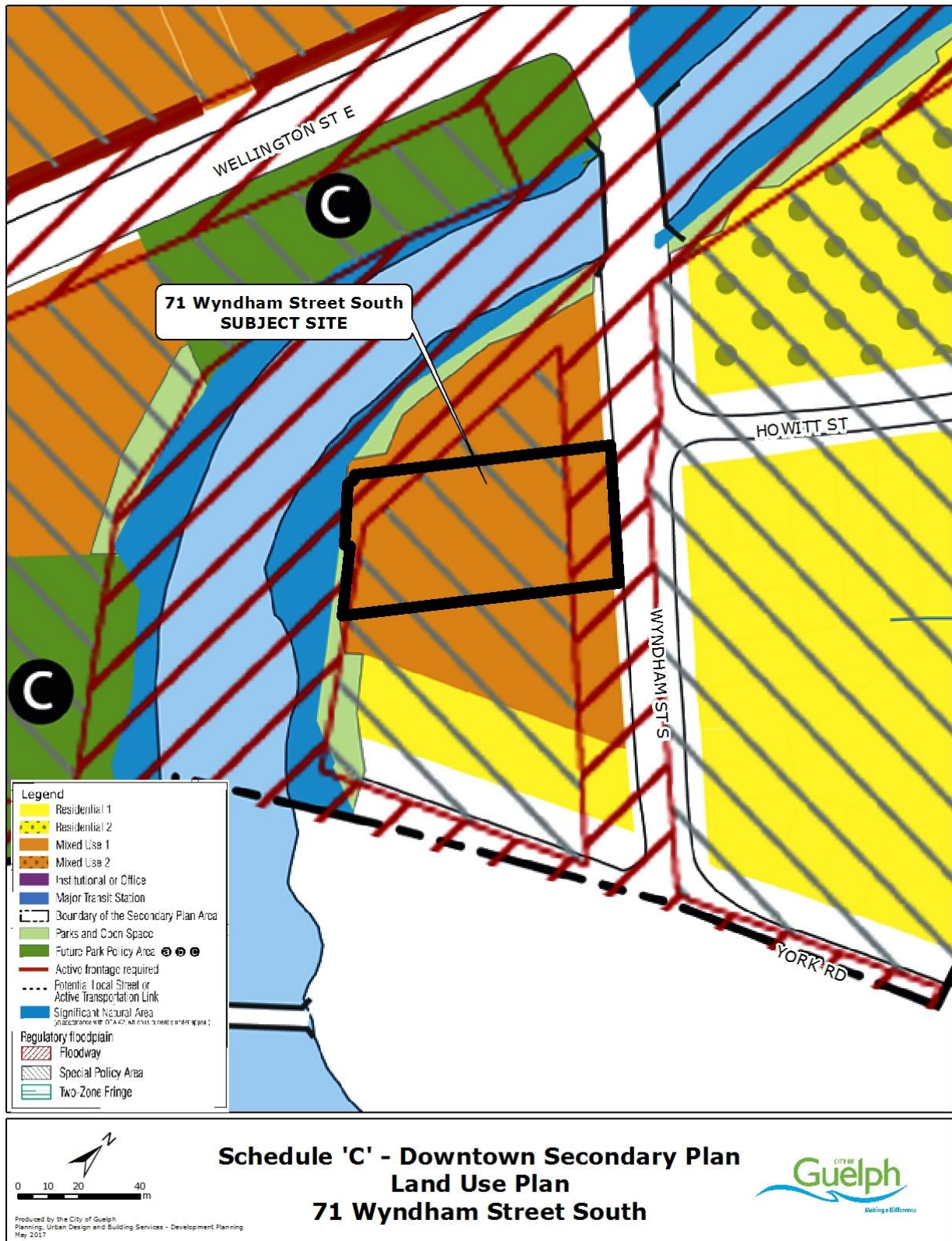
17. The Developer shall pay to the City the actual cost of the construction of the new driveway entrance and required curb cut and/or curb fill. Furthermore, prior to any grading or construction on the lands, the Developer shall pay to the City, the estimated cost as determined by the General Manager/City Engineer of the construction of the new driveway entrance and required curb cut and/or curb fill.
18. Prior to Site Plan approval, tree removal and/or site alteration, the developer shall prepare an Environmental Implementation Report (EIR), based on a Terms of Reference approved by the City and the Grand River Conservation Authority, to the satisfaction of the General Manager of Planning, Urban Design and Building Services. The EIR must at minimum include a description of the proposed development and details as to how the mitigation plan meets the conditions of approval and any other specialized requirement to protect the natural environment. Specifically, the EIR should include an analysis of habitat for significant species, a detailed Restoration Plan for the floodway lands which considers biodiversity enhancements, detailed Natural Heritage System mapping, a Stormwater Management Design that considers additional LIDs, an Environmental Management Plan that addresses dewatering during and post construction including a visual representation of the potential zone of influence, and a detailed erosion and sediment control plan.
19. The Developer shall be responsible for the cost of design and development of the demarcation of all lands conveyed to the City in accordance with the City of Guelph Property Demarcation Policy. This shall include the submission of drawings and the administration of the construction contract up to the end of the warrantee period completed by an Ontario Association of Landscape Architect (OALA) member for approval to the satisfaction of the Deputy CAO of Public Services. The Developer shall provide the City with cash or letter of credit to cover the City approved estimate for the cost of development of the demarcation for the City lands to the satisfaction of the Deputy CAO of Public Services.
20. The Developer shall be responsible for installing demarcation prior to registration of the Plan of Condominium.
21. The Developer shall be responsible for the cost of design and implementation of the Open Space Works and Restoration as per the approved 'Environmental Implementation Report' and 'Landscape Plans' to the satisfaction of the Deputy CAO of Public Services. This shall include the submission of drawings for approval and the administration of the construction contract up to the end of the warrantee period completed by a full member with seal of Ontario Association of Landscape Architects (OALA) to the satisfaction of the Deputy CAO of Public Services. The Developer shall provide the City with cash or letter of credit to cover the City approved estimate for the cost of the Open Space

works and restoration for the City lands to the satisfaction of the Deputy CAO of Public Services.

22. The Developer shall be responsible for the cost of design of the Pedestrian Trail System for the trail parcel. This shall include obtaining any required permits, submitting drawings for approval, identifying the trail system and trail design details, to the satisfaction of the Deputy CAO of Public Services. This shall include the submission of drawings completed by Ontario Association of Landscape Architects (OALA) full member with seal for approval to the satisfaction of the Deputy CAO of Public Services.
23. The Developer shall be responsible for the cost of design and development of the "Basic Trail Development" as per City's current trail standards as outlined in the Local Service Policy under City's Development Charges Bylaw, to the satisfaction of the Deputy CAO of Public Services. The Developer shall provide the City with cash or letter of credit to cover the City approved estimate for the cost of the 'Basic trail development' to the satisfaction of the Deputy CAO of Public Services.
24. The Developer shall provide Park Planning with a digital file in CAD format containing the following final approved information: parcel fabric, street network, grades/contours and landscaping of the trail corridor and open space blocks.
25. The Developer shall dedicate to the City a parcel for the City trail free and clear of all encumbrances. The final trail parcel dimensions will be finalized prior to Site Plan Approval and have a minimum width of 4m. The registered plan for the trail parcel shall be to the satisfaction of the Deputy CAO of Public Services.
26. The Developer shall pay cash in-lieu of parkland conveyance for the entire development, under City of Guelph By-law (1989)-13410, as amended by By-law (1990)-13545, By-Law (2007- 18225), or any successor thereof.
27. Prior to Site Plan approval, the Owner shall provide to the Deputy CAO of Public Services a satisfactory narrative appraisal report prepared for The Corporation of the City of Guelph for the purposes of calculating the payment of cash-in-lieu of parkland dedication pursuant to s.42 of the Planning Act. The appraisal report shall be prepared by a qualified appraiser who is a member in good standing of the Appraisal Institute of Canada, and shall be subject to the review and approval of the Deputy CAO of Public Services. Notwithstanding the foregoing, if the appraisal provided by the applicant is not satisfactory to the Deputy CAO of Public Services, acting reasonably, the City reserves the right to obtain an independent appraisal for the purposes of calculating the payment of cash-in-lieu of parkland dedication.
28. That all electrical services to the subject property are underground and the Owner shall make satisfactory arrangements with Guelph Hydro Electric

Systems Inc. for the servicing of the subject property, as well as provisions for any easements and/or rights-of-way for their plants, prior to site plan approval and prior to any construction or grading on the lands.

**ATT-4**  
**Official Plan Land Use Designations and Policies**



### **11.1.7.3 Mixed Use 1 Areas**

#### **11.1.7.3.1**

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

#### **11.1.7.3.2**

The following uses may be permitted:

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

#### **11.1.7.3.3**

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

#### **11.1.7.3.4**

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

- a) Retail and service uses, including restaurants and personal service uses, or entertainment uses shall generally be required on the ground floors of all buildings at the street edge.
- b) Notwithstanding subsection 11.1.7.3.4 a), offices are also permitted on the ground floors of these properties; however, such uses shall be encouraged to locate in other locations Downtown to ensure Downtown's main streets maintain a strong retail character. The Zoning By-law may restrict the size of such new uses and/or their width along the street to ensure they do not detract significantly from the intended commercial function of the street.

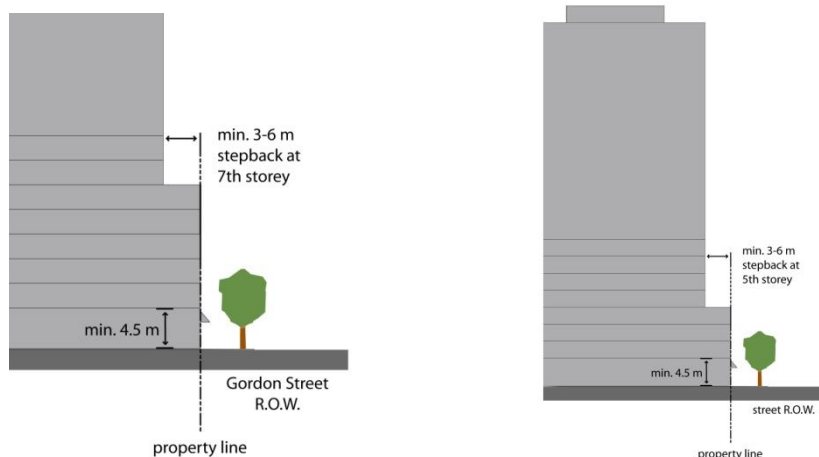
- c) Buildings shall contribute to a continuous street wall that has a minimum height of 3 storeys, with infrequent and minimal gaps between buildings.
- d) The width of retail stores and the frequency of entrances shall contribute to a continuously active public realm and give the street wall a visual rhythm. The width of stores and restaurants may be limited through the Zoning By-law to ensure a rhythm of commercial entrances and avoid long distances between commercial entrances.
- e) Ground floor heights will generally be a minimum of approximately 4.5 metres floor to floor, and windows shall correspond appropriately to the height of ground floors. Generally, a large proportion of the street-facing ground floor wall of a new mixed-use building shall be glazed.

#### 11.1.7.3.5

Generally buildings in Mixed Use 1 areas shall be built close to the front property line to help frame and animate adjacent streets. The Zoning By-law shall establish maximum setbacks on streets where active frontages are required. On all other streets minimum and maximum setbacks shall be established. The Zoning By-law may include limited exceptions to the build-to lines and maximum setbacks while ensuring that a consistent streetwall is extended, maintained or established.

#### 11.1.7.3.6

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



#### 11.1.7.3.7

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

#### 11.1.7.3.8

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

#### 11.1.7.3.9

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

### **11.1.8.4 Height and Density Bonusing**

#### 11.1.8.4.1

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

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

#### 11.1.8.4.2

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

- a) Contributions to riverfront parkland acquisition and development;
- b) The provision of public art;
- c) The provision of public parking;
- d) The provision of housing that is affordable to *low and moderate income households, special needs housing or social housing*;
- e) The adaptive re-use of cultural heritage resources within the Heritage Register;

- f) The provision of buildings that incorporate sustainable design features; and
- g) The provision of energy and/or water conservation measures that support the objectives of the Community Energy Plan.

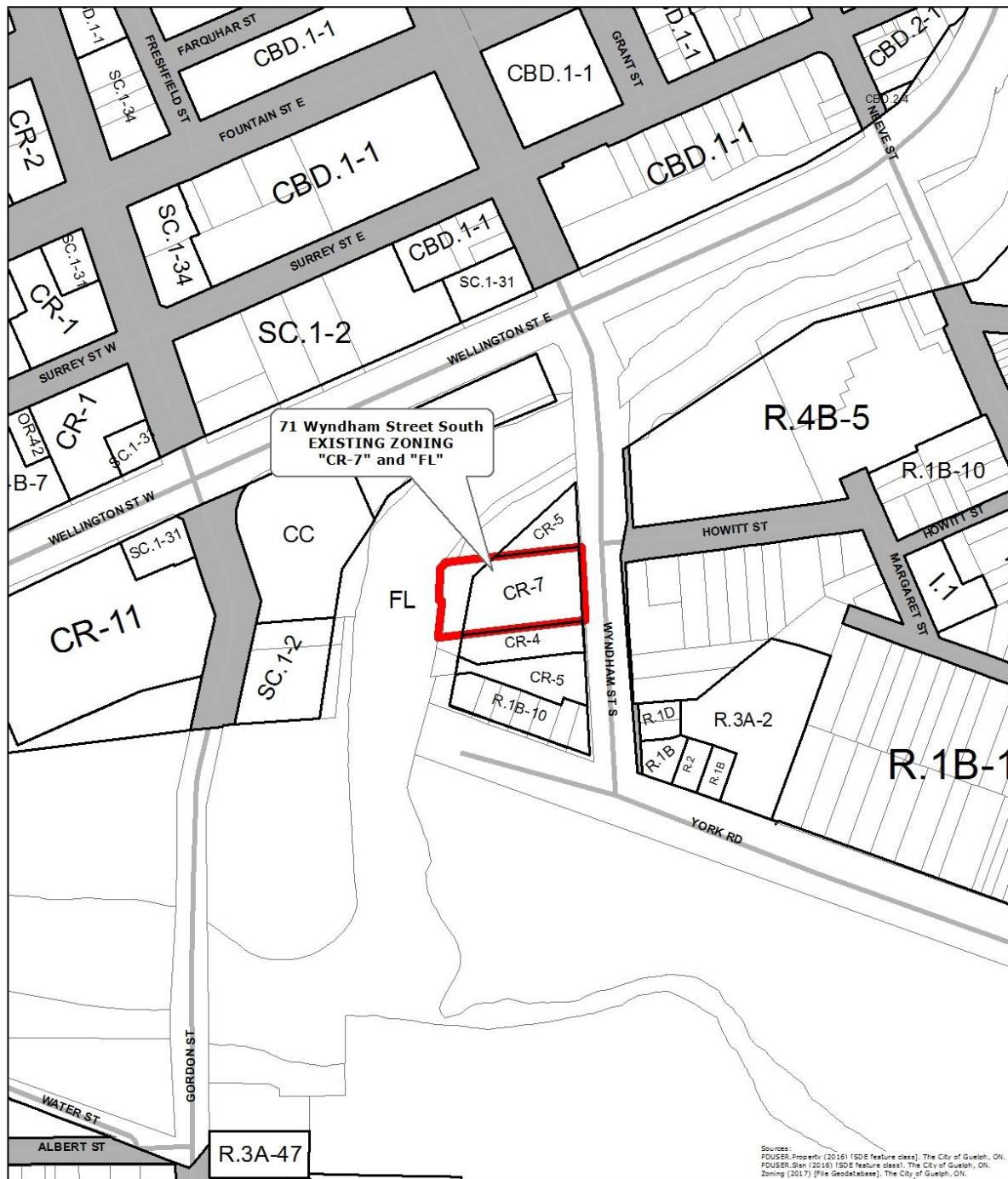
#### 11.1.8.4.3

Increases to height and/or density shall only be considered where the proposed development can be accommodated by existing or improved infrastructure. Planning studies may be required to address infrastructure capacity for the proposed development and any impacts on the surrounding area.

#### 11.1.8.4.4

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

## ATT-5 Existing Zoning





0 15 30 60 90 120 m

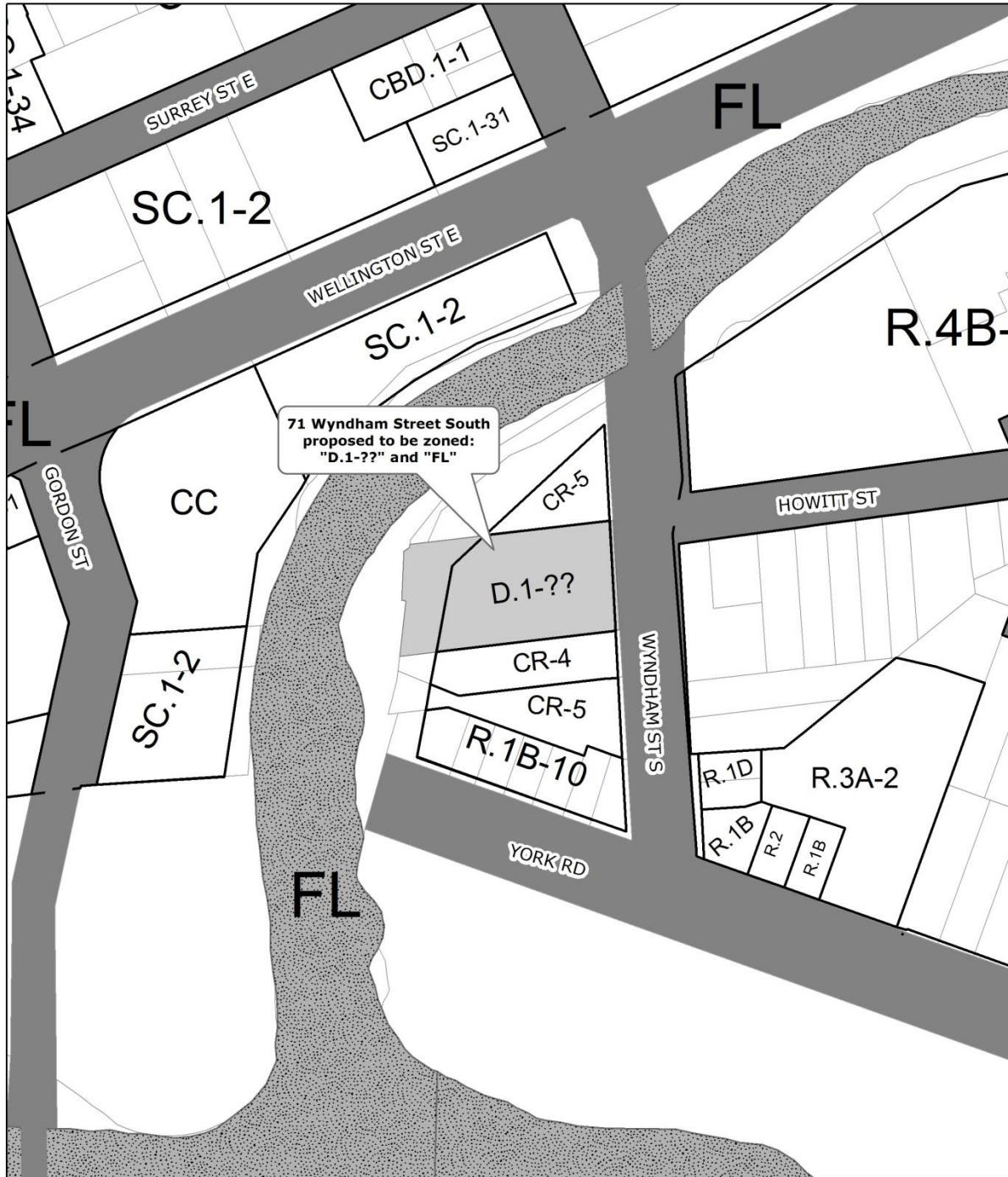
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Planning, Urban Design and Building Services - Development Planning  
June 2017


### EXISTING ZONING

## 71 Wyndham Street South




**ATT-6**  
**Proposed Zoning and Details**



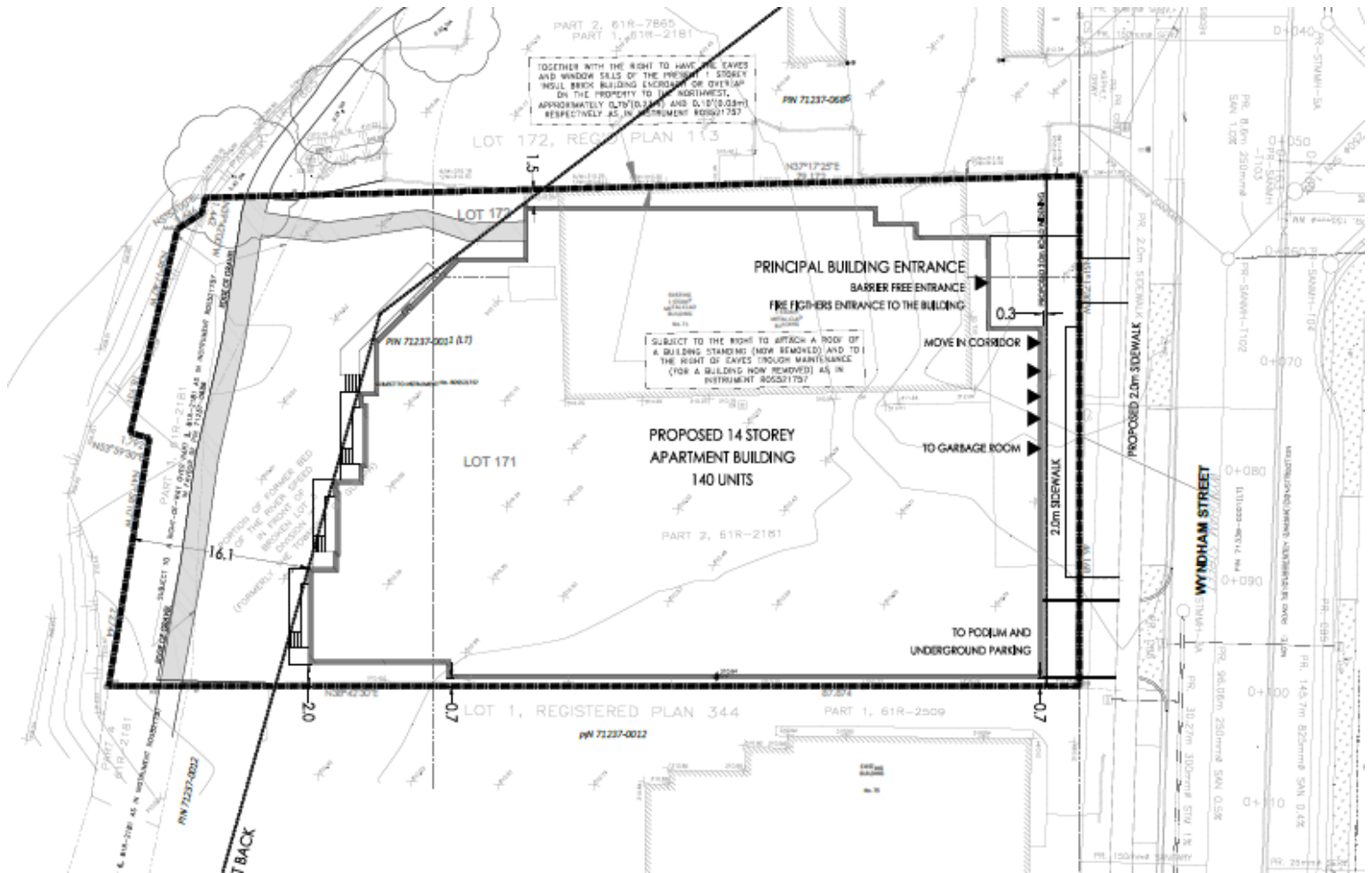
  
0 10 20 40 60 80 m

**PROPOSED ZONING**  
**71 Wyndham Street South**



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

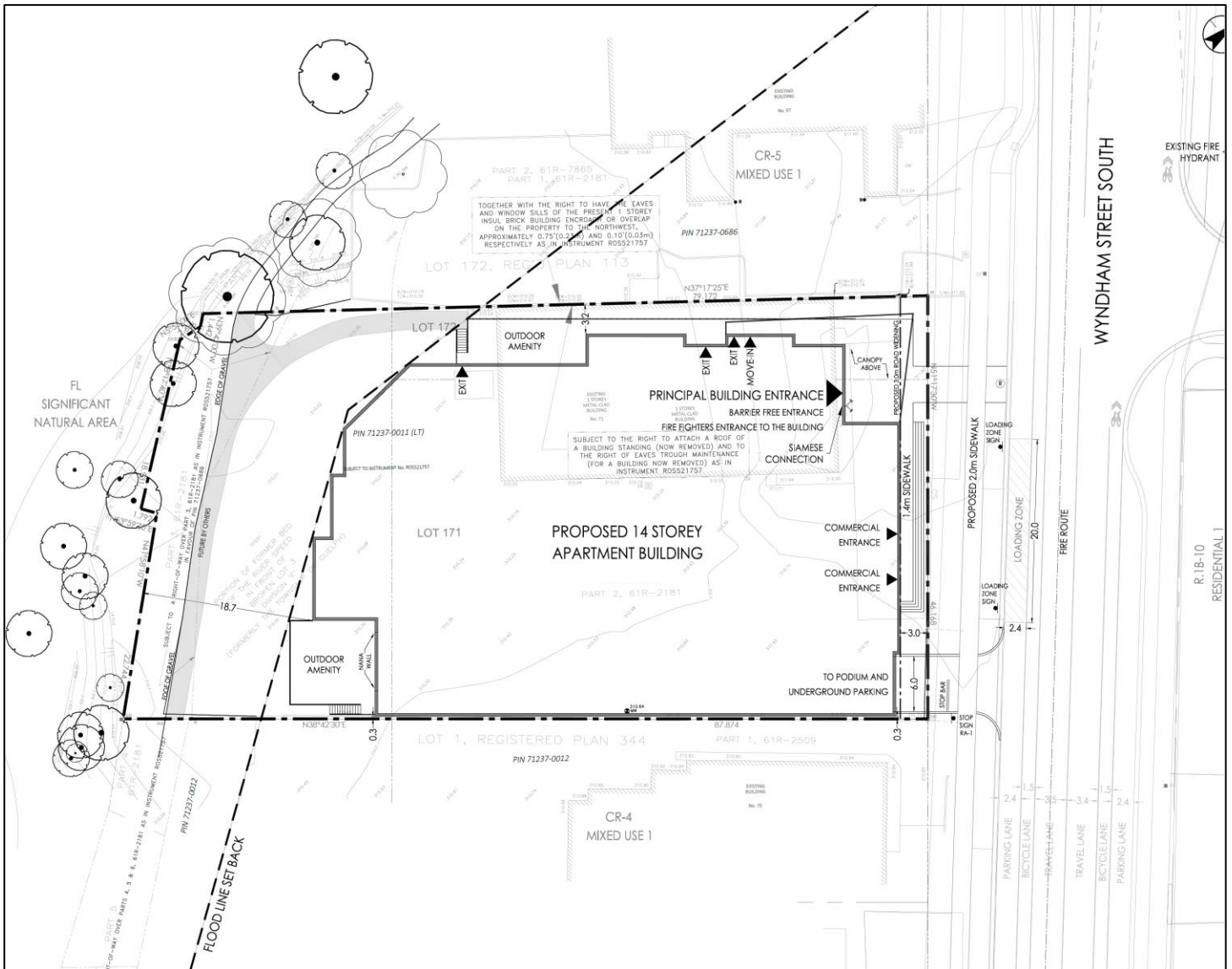
# **ATT-7** **Original Site Concept and Building Elevations (May 2017)**



**ATT-7 (continued)**  
**Original Building Elevations (May 2017)**



# **ATT-8** **Revised Site Concept and Building Elevations (July 2018)**



**ATT-8 (continued)**  
**Revised Building Elevations (July 2018)**

Front and north sides of building:



**ATT-8 (continued)**  
**Revised Building Elevations (July 2018)**

Front and south sides of building:



**ATT-8 (continued)**  
**Revised Building Elevations (July 2018)**

North and rear sides of building:



**ATT-8 (continued)**  
**Revised Building Elevations (July 2018)**

South and rear sides of building:



## **ATT-9**

### **Staff Review and Planning Analysis**

#### **2014 Provincial Policy Statement**

The 2014 Provincial Policy Statement (PPS) provides direction on matters of provincial interest related to land use planning and development and is issued under the authority of Section 3 of the *Planning Act*. In general, the PPS promotes efficient use of land and development patterns and addresses matters of provincial interest in land use planning. As per section 4.2, all planning decisions shall be consistent with the PPS. Policy Section 1.0 – Building Strong Healthy Communities speaks to efficient land use and development patterns to support sustainability by promoting strong, liveable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth.

Policy 1.1.1 of the PPS promotes creating and sustaining healthy, liveable and safe communities. This is achieved in part by promoting efficient development and land use patterns with an appropriate range and mix of residential and employment and other uses to meet long term needs [1.1.1 a), b)]. Also, development must avoid land use patterns that may cause environmental concerns, and be cost-effective, ensuring the necessary infrastructure is in place to meet the projected needs [1.1.1 c), e), g)].

Policy 1.1.3 requires development in settlement areas to use land and resources wisely, considering opportunities for intensification and redevelopment. Specifically, densities are to be appropriate for and efficiently utilize the infrastructure and public service facilities that are planned or available. In addition, land use and development patterns in settlement areas are to be efficient, transit supportive and take into account existing building stock [1.1.3.1, 1.1.3.2 a), b), 1.1.3.3]. Appropriate development standards are to be promoted, facilitating intensification and a compact built form, while mitigating risks to public health and safety [1.1.3.4]. New growth within designated growth areas should occur next to the built up area and have a compact form and mix of uses and densities [1.1.3.6]. For housing development, new housing is to be directed to locations where appropriate levels of infrastructure and public services are and will be available to support anticipated needs [1.4.3 c)].

The proposed development is consistent with the policies of the PPS. The proposal will provide new development in a compact form with a mix of uses that allow for the efficient use of land, infrastructure and public service facilities. The proposed development represents residential and commercial intensification supporting growth and vitality of the downtown, providing high density residential development in the downtown area of the City on a site that has adequate infrastructure and will support public transit. The proposal contributes to achieving an appropriate range of housing types and densities to help the City of Guelph meet projected requirements for current and future residents.

The PPS also states that appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while maintaining

appropriate levels of public health and safety. The proposed Official Plan and Zoning By-law amendments include site specific regulations to facilitate intensification, redevelopment and compact form in a compatible and contextually appropriate manner.

### **Provincial Growth Plan for the Greater Golden Horseshoe (Places to Grow)**

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

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

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

The Growth Plan designates Downtown Guelph as an Urban Growth Centre that is recognized as a key focus for infill development and intensification. Further, the Urban Growth Centre should be planned to accommodate a significant share of future population and employment growth and achieve an overall density of 150 persons and jobs per hectare. The subject site is within the City's Built-Up Area, and more specifically within the City's Urban Growth Centre. The proposed development will contribute towards meeting density targets, as well as achieving the broad goal of accommodating a significant share of population growth within an identified intensification area. The proposed development would introduce additional density to the site that makes efficient use of existing infrastructure and supports public transit.

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

### **Official Plan Conformity**

The proposed applications conform to several of the major goals of the Official Plan, including:

- assists in promoting a compact development pattern to avoid sprawl;
- facilitates development in an area where municipal services are readily available;
- provides for urban growth in a manner that ensures the efficient use of public expenditures without excessive financial strain upon the City;
- facilitates development in an established area of the City that is being done in a manner that is sympathetic and compatible with the built form of existing land uses;

- enhances the visual qualities of the City and protects existing heritage resources and unique character of the urban environment;
- maintains and strengthens the role of the Central Business District;
- assists in providing for an adequate supply and range of housing types and supporting amenities to satisfy the needs of all residents; and
- assists in enhancing an efficient and attractive urban landscape that reinforces and enhances Guelph's sense of place and image while acknowledging innovative design opportunities.

The proposed development also meets several of the objectives of the Official Plan, including:

- assisting in building a compact, vibrant and complete community;
- assisting in accommodating projected growth within the settlement area boundary, and more specifically, within the built-up area where capacity exists to accommodate growth;
- providing additional residential land uses;
- supporting a multi-modal transportation network by locating residential density within the urban growth centre; and
- supporting transit, walking and cycling for everyday activities.

### **Downtown Secondary Plan Conformity**

The Land Use and Built Form policies of the DSP designate the subject property as "Mixed Use 1" (see ATT-5). The proposed 14 storey building conforms to the intent of this land use designation, which is to accommodate a mix of uses in a highly compact development form, contributing to a strong urban character and a high-quality pedestrian-oriented environment. The proposed development also supports the following objectives of the Downtown Secondary Plan:

- achieves high quality design that contributes to the design excellence of the Downtown
- contributes to a wide range of land uses and built forms;
- concentrates higher density uses within walking distance to the transit terminal;
- adds to diverse neighbourhoods in the downtown with a variety of housing choices;
- the proposed built form contributes to attractive streetscapes and supports an inviting, comfortable, and active public realm; and
- respects the character of the downtown's historic fabric and the quality of life in surrounding neighbourhoods
- addresses the river as well as Wyndham Street
- secures and formalizes City ownership of the riverfront trail and public open space
- remediates and redevelops contaminated lands.

The proposed mixed use residential apartment building with two ground floor commercial units is a permitted use in the Mixed Use 1 designation and will create active and pedestrian-oriented urban frontage on Wyndham Street South.

### Urban Design Peer Review

As part of the urban design analysis of this application, the City retained an architect, Mr. Michael Spaziani of MSAi to assist in the review of the proposed development from an urban design and built form perspective. The applicant worked with staff and the peer review architect to refine the building as shown in ATT-8. The Peer Review architect's summary report is referred to below and included as ATT-11.

#### Urban Design Policy

From an urban design and built form perspective, the proposed building as refined meets the policies of the Mixed Use 1 designation by creating appropriate building stepbacks on all sides of the building, limiting the impacts of the building massing, and ensuring the building address both Wyndham Street and the river. The additional height proposed is compatible with the surrounding mixed use area. The recommended Zoning By-law provisions for the site (See ATT-3) will secure these key site design elements.

#### Building Height

The proposed height of 14 storeys requires an Official Plan amendment which staff can support from an urban design perspective. The surrounding neighbourhood consists of a mix of uses, including a 10 storey apartment building, low rise 2 and 3 storey single detached, townhouse and apartment dwellings and office-commercial buildings. The site is outside of the historic downtown core and at a low geodetic elevation. The building is compatible with the surrounding neighbourhood and to ensure site functions well, stepbacks and massing limits have been imposed that reduced the visual impact of the height and creating an appropriate transition to existing buildings and the adjacent street and riverside.

#### Built Form Refinements

The applicant has refined the building to create the stepbacks required in Section 11.1.7.3 of the DSP, where generally buildings taller than four storeys should have a substantial setback of 3-6 metres after the fourth storey. Specialized regulations have been added to the site specific zoning to require a stepback of 2 metres after the first storey and a total of 4 metres after the fourth storey from the front of the building to ensure this policy is met. The combined stepbacks work to de-emphasize the visual presence of the upper floors, creating a better massing and fit within the surrounding context. Similarly, the massing along the river is articulated through a series of significant stepbacks of about 3.5 metres each, creating private terraces that overlook the river.

The building fills the developable portion of the site, and requires an Official Plan amendment to the built form policies to permit alternative larger floorplate sizes. The amendment will address Policy 11.1.7.2.3 h) of the DSP, and require that the massing of the building will be based on a maximum floorplate of 1475 square metres above the eighth storey and a maximum floorplate of 1035 square metres above the twelfth floor. The zoning further articulates these limits to floorplate sizes. The stepbacks noted above work to significantly reduce of floorplate areas as the building rises. The floorplates decrease in size from 1695 square metres at the lower floors down to 1035 square metres at the highest floors. This reduction assists in reducing the loss of skyview and access to daylight in the immediate

context and providing an appropriate transition to existing buildings and well as the river.

The applicant's refinements have greatly improved the front façade of the building. Originally there was too much blank wall at the ground floor. By moving more of the parking below grade, there is now room on the main floor for commercial units fronting onto Wyndham Street which add active uses to the front of the building benefiting the pedestrian realm.

The rear façade steps down significantly and includes indoor and outdoor common amenity area on the lower levels to address the river appropriately and access to the public trail as another "front" or important face of the building.

For these reasons, staff are satisfied that the site concept plan and building elevations shown are contextually appropriate and meet City policies regarding urban design in the downtown.

#### Bonusing Background

Section 37 of the Planning Act allows municipalities to grant an increase to the allowable height and/or density of a proposed development in exchange for the provision of community benefits from the owner of the proposed development. The increased height and/or density must meet good planning principles and there must be a reasonable relationship between the community benefit and the approved height and density.

The development with a proposed height or density increase must still be considered good planning and meet the requirements of all City departments and public agencies to be considered for bonusing under Section 37. The City must have Official Plan policies permitting bonusing in certain situations. The proposed development must meet all the City's Official Plan policies and accepted planning standards around built form, compatibility with the surrounding neighbourhood and adequacy of infrastructure prior to approval.

The community benefits obtained through Section 37 may be used to obtain and fund facilities, services and matters that are not typically funded through other means such as development charges. The community benefits can be cash contributions towards local infrastructure, services and facilities that address an identified need or services in kind could be secured and provided. A reasonable planning relationship must exist between the benefit and the development, either within close geographic proximity or a clear benefit to the local community or City as a whole.

Staff have completed a review of other Ontario municipalities approaches to Section 37 contributions and recommend taking the common approach that a percentage of the increase in land value resulting from the additional height permission be taken as a cash contribution towards community benefits. Staff note that in their review, a general range of 15-35% of the assessed additional value of the land is being recommended, sometimes based on the identification of specific needs in that area.

In Guelph, policies were included in the Downtown Secondary Plan in 2012, identifying specific areas of the Downtown that could consider bonusing. OPA #48, approved by Council in 2012 and in full force and affect in October 2017, further permits height and density bonusing in the rest of the City, specifically for residential properties on arterial and collector roads.

#### Bonusing Recommendation

The subject site has been identified in the Downtown Secondary Plan as having the potential for two additional storey of height above the maximum identified if the development provides public benefits beyond what would be required by the DSP, in accordance with Section 37 of the Planning Act.

In the DSP, the maximum building height for the site is 10 storeys, with the potential for two additional storeys with bonusing. The development is proposed at 14 storeys, and through discussions with the applicant it was determined that it would be most appropriate that the Official Plan Amendment be to enable up to 4 additional storeys (rather than the 2 additional currently permitted). This would allow the proposed additional height to be evaluated in the context of corresponding community benefits rather than simply proposing a 14 storey building on the site with no bonusing and no associated community benefits. An Official Plan amendment is required to permit four additional storeys with bonusing for community benefits.

The criteria to allow bonusing in the DSP are met by the proposed development. The development proposal is consistent with the principles, objectives and policies of the DSP as noted earlier in the staff analysis. The site is compatible with the surrounding neighbourhood context both with the Ward neighbourhood to the east and how the river and public trail are addressed to the west. Compatibility is further confirmed through the Urban Design Brief, Urban Design Peer Review and Shadow Study.

#### Bonusing Community Benefit

Staff recommend that the community benefit in this case be a contribution to the City's future acquisition of downtown riverfront parkland. This is a goal of the Downtown Secondary Plan, listed first as an appropriate community benefit in the DSP and is contextually appropriate, given the riverfront location of the site, there's a direct planning relationship with the benefit to the site and the surrounding neighbourhood, as well as a net benefit to the City as a whole. It should also be noted that the financial model for Riverfront Parkland acquisition (referred to as Future Park Policy Area C) included financial contributions from any Section 37 bonusing granted downtown. This was outlined in the April 30, 2012 Staff Report (12-49) that provided the staff recommendations for the approval of the City-initiated Downtown Secondary Plan (OPA #43) where staff recommended that *"starting in 2012, revenues from cash-in-lieu and density bonusing in the downtown will be earmarked in the Parkland Reserve for this property acquisition"*. Therefore, directing the valuation of this community benefit towards parkland acquisition will

be consistent with the April 30, 2012 approval report for OPA 43 and assist in directing this important aspect of the Downtown Secondary Plan.

#### Bonusing Valuation

Staff recommend that given the benefit to the development of the additional four storeys in height, that 25% of the additional assessed value of the land from the additional four storeys, be set as the contribution amount from the property owner in this case.

In terms of process, staff propose that an independent appraiser be hired to determine the land values that are the basis of the 25% contribution and that a bonusing agreement under Section 37 of the Planning Act be prepared following the approval of the Zoning By-law amendment by Council.

As noted earlier, the April 30, 2012 approval report for OPA 43 indicated that any Section 37 bonusing granted downtown would be earmarked for riverfront parkland acquisition. Further, the recommended terms of the contribution amount have been agreed to (in principle) by the developer, therefore staff recommend approval of the Zoning By-law amendment at 14 storeys with the use of an "H" Holding Provision to allow for the development and execution of the Section 37 agreement with the Owner prior to the zoning coming into full force and effect. This gives both the City and the developer certainty about the approvals in place and available once the Section 37 agreement is in place. Once the agreement has been executed, staff will recommend that the Holding provision be lifted (by the passing of a By-law by Council) and the Owner can finalize their site plan approval and building permits.

#### Proposed Official Plan Amendment

For the reasons given above, staff recommend the two required site specific Official Plan policies. The four storeys of bonusing to permit a fourteen storey building meets the requirements set out in the Downtown Secondary Plan for good planning and is compatible with the surrounding neighbourhood. The larger floorplate maximums are appropriate for the site given the size of the site, the surrounding context and how the site appropriately addresses both Wyndham Street and the river. The proposed Official Plan amendment conforms to the goals and objectives of the Official Plan and more specifically of the Downtown Secondary Plan as appropriate urban scaled redevelopment.

The Official Plan Amendment will be referred to as 'Official Plan Amendment 65' or OPA 65.

#### Official Plan Amendment 48

On June 5, 2012, the City adopted OPA 48, a comprehensive update to its Official Plan, which was appealed and came into full force and effect in October 2017. Since the application for the subject property was submitted while OPA 48 was under appeal, this application was reviewed against the policies of the 2001 Official Plan, 2014 Consolidation. While this application is not required to conform to OPA 48, regard is given to the policies of this new plan since these policies provide current

guidance for development within the City and within the context of the Provincial Growth Plan.

### **Review of the Proposed Zoning**

Staff have reviewed the proposed zoning and are satisfied that appropriate and effective specialized regulations are being recommended that reflect the building as proposed in this report. The following specialized regulations are proposed:

#### Building Height

Specialized regulations are needed to permit an increased building height of 14 storeys as proposed. Staff recommend that the standard maximum height of 10 storeys be permitted as of right on the site, and that the 14 storey height limit only be permitted as a separate regulation which requires that the community benefit be secured. Staff further recommend an additional regulation that no part of the Building be higher than 368 metres above sea level, to ensure that the building does not conflict with the nearby downtown gateway sites that are permitted to be 18 storeys high.

#### Built Form Regulations

Staff have proposed the following maximum floorplate sizes:

- The maximum Floorplate of the 7<sup>th</sup> and 8<sup>th</sup> storeys shall not exceed 1550 square metres.
- The maximum Floorplate of the 9<sup>th</sup> and 10<sup>th</sup> storeys shall not exceed 1475 square metres.
- The maximum Floorplate of the 11<sup>th</sup> and 12<sup>th</sup> storeys shall not exceed 1365 square metres.
- The maximum Floorplate of the 13<sup>th</sup> and 14<sup>th</sup> storeys shall not exceed 1035 square metres.

These floorplates are reflected in the building elevations shown in ATT-9 and will further ensure that urban design policies of the Downtown Secondary Plan are met and the visual impact of the additional height is minimized and remains compatible with the surrounding area.

#### Bicycle Parking Spaces, Long Term

The Downtown zoning would require the development to have 95 long term bicycle parking spaces. The developer has provided 75 bicycle long term bicycle parking spaces. Staff find this reduction acceptable given that the regulation was not in effect at the time of application and the applicant redesigned their parking levels to accommodate this bicycle parking without losing vehicle parking spaces. The applicant also notes that on other similar apartment developments, some residents prefer to store their bicycle in their dwelling unit instead of the storage spaces within the parking garage, so likely more bicycles are being accommodated on site.

#### Front and Rear Building Stepbacks

Staff have proposed specific building stepbacks of 2 metres after the 1<sup>st</sup> storey on both the front and back of the building and four metres from the lot line after the 4<sup>th</sup> storey at the front face of the building and after the 6<sup>th</sup> storey at the rear face of the building to encourage..

### Commercial Use

A non-residential use is required on the first Storey of the Building facing Wyndham Street and is required to be a minimum of 100 square metres of Gross Floor Area in size. The applicant has agreed to provide commercial space on the ground floor of the building and currently proposes approximately 200 square metres of GFA. This revision to the plan greatly enhances the ground floor street front, which was previously a series of blank loading and waste doors.

### First Storey Regulations

Together with the required commercial use, staff have recommended adding regulations requiring a minimum of 50% of the surface area of the first storey façade facing Wyndham Street be comprised of transparent windows and/or active entrances. This will further ensure the development of the ground floor as a positive contribution the pedestrian realm.

The height of the first storey is also required to be a minimum of 4.5 metres to create an enhanced front entrance, a more suitable height for the commercial units and provide clearance for interior loading and garbage collection.

### Holding Provision

Planning staff have proposed that a holding provision be added to the zoning, to ensure that the increased height of 14 storeys only be permitted after the identified community benefit, a monetary contribution to acquiring downtown riverfront parkland, has been secured through an agreement registered on title. To lift the holding provision, the applicant will be required to agree to contribute a fixed sum as determined through appraisal to the City and enter into a Section 37 agreement that outlines their responsibilities regarding the contribution amount and payment time, to be registered on title. This approach provides additional surety to the City that a satisfactory community benefit has been secured before the applicant is permitted to proceed with 14 storeys of height on site.

### Traffic

Concerns about traffic impacts of the proposed development were raised at the public meeting, in terms of existing traffic on Wyndham Street South, and more specifically truck traffic since it is part of the provincial road network as Highway 7 as well as the cumulative impact of new and proposed development in the area. The potential for alignment of the site access with Howitt Street to the northeast was also considered.

Traffic Staff have reviewed the development proposal together with the Traffic Impact Study submitted by the applicant and agree that traffic volumes from the site can be accommodated entering onto Wyndham Street at this location. While it would be ideal to align the site entrance with Howitt Street across the street, Howitt Street actually aligns more with the adjacent property to the north. For this reason, the applicant has proposed the site access to be on the southerly end of the site and traffic staff have no objection to this access location.

### Parking

In the original concept plan for the development, parking for the site was proposed to be contained on one underground level and three above grade levels. In the revised concept plan, the applicant has proposed to build three levels of underground parking together with using part of the interior main floor for parking.

Being adjacent to the river, the applicant was required to submit a hydrogeological study to review any potential impact from going below grade to build parking. Staff had this study peer reviewed by a hydrogeologist and it was determined that the applicant hydrogeological study was appropriate to support the proposed rezoning.

### Servicing

Engineering staff have confirmed that adequate municipal services are available for the proposed development, so the Holding provision included in the Downtown Zoning By-law amendment (D.1-30 (H)) to ensure adequate services is not required for this application.

### Trail/Public Access

Public concerns were raised about the lack of public access to the river in this location and the need to light the trail for user safety. There is an existing informal trail that runs along the river on the current property, running along the back of the current property's parking lot. This trail is identified as a multi-use trail in the Natural Heritage Strategy and forms part of the Active Transportation Route as a connection between the York Road Park and the existing City trail Downtown along the river.

This area behind the current building is actually part of the floodplain and is zoned FL (Floodway). The owner has agreed to convey these floodplain lands to the City and further to development a 3 metres wide multi-use trail within these lands. The owner is also required to restore and enhance the FL area around the trail which acts as a buffer to the river, as set out in the Environmental Implementation Report requirements as noted in the conditions of site plan approval in ATT-3.

Consideration has been given to increased lighting along the trail which runs along the property. At this time, it is City policy to only light trails that are associated with other City facilities, though the need for lighting can be reviewed at the trail design stage.

### River

Public concern was raised about maintaining the natural heritage features of the river, ensuring public access to the river and providing better views to the river.

The applicant submitted an Environmental Impact Study (EIS) which was reviewed by City staff, the Grand River Conservation Authority and the Environmental Advisory Committee and the River Systems Advisory Committee. The EIS in its final

form was accepted and provides the background information for the Environmental Implementation Report to be reviewed and approved through the site plan review process which will provide the detailed site design and consider in depth the management and analysis of habitat for significant species, a detailed Restoration Plan for the floodway lands which considers biodiversity enhancements, detailed Natural Heritage System mapping, a Stormwater Management Design that considers additional low impact development strategies, an Environmental Management Plan that addresses dewatering during and post construction and a detailed erosion and sediment control plan.

As noted above, the owner will convey the floodplain lands to the City, and a City multi-use trail is proposed to permit public access to the river and extend the City's trail system along the river downtown. The building is designed to front both on Wyndham Street and onto the river and the side of the building facing the river has a series of stepbacks in the building as it rises which mimic an angular plane. The building is setback a minimum of 16 metres from its current property line and this area, which is currently a gravel parking lot, as determined by the floodplain elevations set by the Grand River Conservatino Authority. These lands will be conveyed to the City and naturalized and restored as functional buffer area to the river, enhancing the natural heritage attributes of the riverside floodway lands.

#### Waste Collection

The applicant has revised their plans to include internal waste storage and collection within the ground floor parking area. City staff are currently developing guidelines for alternative City waste pick up service on multi-residential sites like this one and the applicant will work with City staff through the site plan review to determine whether City waste collection is possible on site.

#### Amenity space

Given the urban context, the Downtown Zoning By-law does not require Common Amenity Area as a zoning regulation the same as for other sites outside of the downtown. The applicant has proposed indoor common amenity areas along the back of the building overlooking the river that join with outdoor common amenity patio space and a direct pedestrian access for future residents to the proposed City trail along the river.

#### Streetscape

Concerns were raised at the public meeting about the blank wall shown along Wyndham Street, between the building's main entrance on the north end of the façade and the parking garage on the south end of the front façade (see initial proposal in ATT-7). The applicant's revisions to the proposal have greatly improved this façade by adding two commercial units along this frontage incorporating additional windows for the commercial units. As noted early, specialized regulations have been included to ensure that commercial space is included along Wyndham, with window requirements and a 4.5 metre minimum height for this 1<sup>st</sup> storey. The result of these changes is a much improved streetscape and appropriately scaled and functional pedestrian realm.



## ATT-10 Community Energy Initiative Commitment Letter

URBAN DESIGN BRIEF  
71 WYNDHAM STREET SOUTH  
CITY OF GUELPH

Appendix G Community Energy Initiative  
May 14, 2018

### SITE SUSTAINABILITY OVERVIEW – 71 Wyndham Street

Urban Development	A dense and well utilized site serviced by vehicular and active transportation to the downtown core. Potential for future trail networks to connect the site to the River Frontage.
Existing and Proposed Trees	New trees on site and in the public right of way will contribute to the urban canopy, and new growth will add to the overall rejuvenation of the urban forest. It will provide a pleasant visualization for the existing adjacent buildings, as well as occupants of the proposed.
Site Lighting	Site lighting will be designed to direct to the ground and not to the sky.
Alternative Transportation	The site is adjacent to public transportation routes, pedestrian and cycling networks and has on-site bicycle storage. Future residents will have many active transportation choices, and the site is served by nearby retail and commercial uses in the downtown core which is within walking distance. The active pedestrian connection provides residents ease of access to the commercial/retail core.
Carbon Dioxide	The design and construction of the building will take into consideration the electrical and natural gas consumption for each major plant and electrical systems. Design will be balanced to provide more efficient equipment. Part of the design exercise will be to target larger electrical loads and the selection of the most efficient solution.
Landscape and Exterior Design	The proposed open space area is focused at the rear of the site adjacent to the Speed River to restore and enhance the natural environment. The Wyndham Street frontage will be planted with street trees and a pedestrian scale planting regime to define the entrance and drop off areas.
Heat Island	The building proposes light-colored building materials which have proven effective in reflecting more light. The roof will use lighter-coloured surfaces compared to a typical asphalt roof, which does not reflect a lot of solar radiation.
Exterior Design	Through responsible building design, mixes of building materials will be evaluated and selected to decrease the heat island effect and be energy efficient. The design of the new building will be subject to the recently amended Ontario Building Code requirements, particularly by energy modeling design evaluation approach, which largely influences the percentage of glazing, glazing type, building opening's orientation, etc. By the use of a responsible balance of materials and orientation, an energy efficient design will be synergized in an aesthetically pleasing and sustainable structure.

**URBAN DESIGN BRIEF  
71 WYNDHAM STREET SOUTH  
CITY OF GUELPH**

Appendix G Community Energy Initiative  
May 14, 2018

<b>Building Sustainability</b>	The building design, materials, and equipment have been selected and will be incorporated such that the building is sustainable in the long term. Sections of window walls will be designed in compartments to reduce the overall large expansion and contraction properties attributed with glass. The use of precast exterior wall panels and coating provides improved life cycle façade with minimal fading or delamination as found in other materials.
<b>Stormwater Management</b>	Stormwater Management has been designed to meet the GRCA water quality requirements and with consideration for the of the existing water budget. The site discharges directly to the Speed River and no quantity control is required.

**WATER EFFICIENCY**

<b>Water Efficient Landscaping</b>	Drought resistant landscape material will be specified as much as possible.
<b>Reduced Water Consumption - Domestic Use</b>	Low-flow faucets, toilets, and showerheads will be incorporated throughout the units to reduce water consumption. The intent is for hot water domestic supply to come via condensing boiler systems. Heated storage tanks will be utilized to reduce fluctuations in the requirement for hot water under peak demand. Allowing for on-site storage reduces the amount of time required by residents to wait for hot water to come from centralized systems.
<b>Reduced Water Consumption - Heating &amp; Cooling</b>	Through the integration of high efficiency chiller/cooling tower systems and condensing boilers, the heating and cooling systems will be completely closed looped systems. The evaporation losses and energy efficiencies will be minimized, even more than a conventional heating and cooling system.

**ENERGY & ATMOSPHERE**

<b>Design Features – Mechanical Systems</b>	The buildings HVAC system is centralized, individual controls will be provided in units for heating, cooling and lighting. The use of condensing boilers will be installed. Variable speed pumps for heating and cooling will be incorporated with integrated building controls. Low E windows will be used.
<b>Design Features – Electrical</b>	Energy efficient lighting will be utilized throughout the building. High efficiency florescent lighting will be utilized in most common areas which require 100% illumination at all time (parking garage, corridors, and stairs), and consideration for motion detection devices and/or LED lighting will be taken into consideration. Natural light is accommodated in all units and common areas to reduce the need for electrical consumption. Energy efficient appliances will be the standard inclusion for all units.

**URBAN DESIGN BRIEF  
71 WYNDHAM STREET SOUTH  
CITY OF GUELPH**

Appendix G Community Energy Initiative  
May 14, 2018

<b>Electrical Metering and Controls</b>	Utilities will be separately metered for individual units making residents aware of energy consumption. The building manager will be responsible for common areas and to monitor and reduce energy consumption. Common areas to be separately metered for electrical and natural gas.
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**MATERIALS & RESOURCES**

<b>Regional Materials</b>	The vast majority of materials are available locally (800km radius as defined in LEED standard), limiting environmental impact of source supply transportation.
<b>Low Emitting Materials</b>	Low VOC materials will be used where possible, including, membranes, soy based polyurethane insulation, paints, carpeting, etc.
<b>Collection of Recyclables</b>	Collection of recyclables will be in accordance with City by-laws. A collection room will be located in the base of the building with ample room for additional bins.
<b>Building Materials</b>	High recycled content material to be specified where possible. Renewable finishes (such as flooring) will be offered as choices to purchasers of residential units.
<b>Construction Waste Management</b>	A construction waste diversion program will be in effect during the construction period. On-site concrete washing out will not be done on-site, back washing of the concrete truck will be done at the batching plant.

**INDOOR ENVIRONMENT QUALITY**

<b>System Controllability</b>	Each unit will have access to individual controls for heating, cooling, lighting, and ventilation.
<b>Natural Ventilation</b>	Operatable windows are provided for every unit and individual balcony.
<b>Low VOC emitting Materials</b>	Low VOC materials will be utilized where possible.
<b>Natural Light</b>	The building provides natural light to all regularly utilized spaces, other than the below grade parking garage.

**INNOVATION & DESIGN PROCESS**

<b>Sustainable Consultants</b>	The building and units will be designed and developed with input from accredited sustainable consultants. The building will be constructed to SB10 of the Ontario Building Code, energy modeling will be completed and applied to the building design to exceed the requirements of SB10.
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G.4

# **ATT-11**

## **Urban Design Peer Review Summary**



**MICHAEL SPAZIANI ARCHITECT INC.**  
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August 1, 2018

Urban Design Peer Review, Official Plan Amendment OP1702 and Zone Change Application ZC1702

71 Wyndham St. South, Guelph

Final Draft

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MSAi was retained by the City of Guelph in April 2017 to peer review the urban design and architectural attributes of the above noted planning application. A process of submissions, peer review and response was conducted as noted below. As of this date the urban design and architectural concept has been deemed acceptable for moving forward to a detailed Site Plan Application stage.

A complete application was accepted on June 9 2017

August 15, 2017 - First Peer Review Meeting with staff and applicant team

October 11, 2017- 1<sup>st</sup> Peer Review Memo Issued to applicant

December 19, 2017- Second peer review meeting with staff and applicant team

March 19, 2018- Revisions by applicant in response to December 19, 2017 meeting

July 11, 2018- Peer Review Memo Issued to applicant

July 19, 2018- Latest drawing revisions

### **Urban Design Context**

The subject site is located at 71 Wyndham St. South, near its intersection with Howitt St. within Downtown Guelph. The site has significant frontage of about 46m on both Wyndham St to the northeast and the Speed River to the southwest.

To the immediate northwest of the site there is a 3 storey residential occupancy know as River House. To the southeast is a 2 storey pharmacy building.

Across Wyndham St. to the north, there is an existing 10 storey apartment building. Directly across from the subject site is a vacant lot used for the sale of cars. Further to the northeast on Howitt St. there are single detached 2-storey brick houses. To the southeast, across Wyndham St. there are a couple single detached houses and a recent infill townhouse project at 2-1/2 storeys, clad in brick masonry.

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Urban Design Peer Review, Official Plan Amendment and Zone Change Application 71 Wyndham St,  
Guelph, Ontario

Page 1

The Wyndham St. context reveals a mixed built form that includes 2 storey traditional brick house forms, 2 storey infill townhouse forms, low-rise commercial uses and a 10 storey apartment form. The district is evolving with recent development that anticipates the intensification of the downtown area.

On the Speed River side, the site abuts an undeveloped naturalized river bank. The far side of the river includes the rear elevations of commercial buildings that front onto Gordon St. The future planned function of the river bank will include public trails and significant landscaped environmental setbacks for new development. As such the river frontage is an important public realm exposure that requires sensitive built form and landscape edges at an appropriate scale, character and setback.

### Urban Design Issues

This peer review identified and considered the following issues derived from this urban design context.

- What is the appropriate streetscape along Wyndham St. given its existing mix of varying street edge conditions at different scales and setbacks?
- What is the appropriate landscape edge and built form response along the Speed River?
- What is the appropriate massing strategy for the site given the dual responsibility of sensitively meeting 2 distinct public realm environments?
- What is the appropriate relationship to each side lot property, in light of the potential visual exposure of both side walls?
- Does the site plan appropriately accommodate on-site services, commercial uses, lobby and/or amenities along Wyndham St. and along the Speed River?
- Does the site plan accommodate appropriate vehicular access functions while safely crossing pedestrian sidewalks?

### Urban Design Response

Through a series of meetings and review comments the subject development has achieved appropriate responses to the peer review concerns as follows:

#### Streetscape

Through the peer review dialog, a series of 5 distinct urban streetwall faces have been created. The principle building face at grade, has been set at the widened property line after a 3m wide conveyance, creating a public boulevard of about 11.5m, measured from the recently constructed Wyndham St. curb to the building face. This extent of public boulevard is generous in the downtown and can support a wide pedestrian clearway with street tree planting zones and amenities. The building location accommodates a proposed widening of the city-owned right-of-way, with the current as-built curb remaining in its current location. Steps and other building elements will require an encroachment agreement within the widened right-of-way.

The second streetwall plane steps back 2m and rises from the 2<sup>nd</sup> to the 4<sup>th</sup> floor. This establishes a low mid-rise podium base that reflects the existing lower built form context and emerging infill townhouse development. It is critical that these base components be clad in clay masonry to reflect a recognition of the context materials near grade.

### Speed River Landscape Edge

The building is setback to suit Conservation Authority requirements and to facilitate a meandering multi-use public trail. The proposed building is set back from the property line along the river approximately 16 to 20m. This setback plus the sloped river bank area outside the property line comprise a public realm open space adjacent to the proposed built form. Within this zone there is great potential to provide bank restoration, invasive species removal, animal habitat reinforcement and building, with both enhanced tree canopy and open shrub planting areas.

The building uses at grade include a shared outdoor amenity area directly connected to interior common amenity rooms. These uses are located at about 12 risers (about 2.5m) above the river bank grade. Through detailed Site Plan Review the applicant is encouraged to reduce this grade separation to create a more direct visual relationship to the riverbank public realm. Conversely any blank walls exposed to view from the river bank area should be treated in high quality materials such as stone and/or brick masonry, with plant materials and terraces that conceal such exposed walls.

In addition, the applicant is encouraged to allow a mid-block private pedestrian access walkway up the northwest side of the building connecting the river trail with the Wyndham St. sidewalk.

### Massing Strategy

As the building rises along the Wyndham St. frontage additional stepbacks have been provided above the 4<sup>th</sup> floor to reduce the perceived mass of the subject building. A third streetwall plane has been introduced by stepping back an additional 2m, rising from the 5<sup>th</sup> to the 10<sup>th</sup> floor. This plane references an urban scale that relates to the Wyndham St. right-of-way width at a tall mid-rise height reflecting the existing 10 storey building across the street.

A 4<sup>th</sup> streetwall plane steps back an additional 2m and rises from the 11<sup>th</sup> to 12<sup>th</sup> floors.

The 5<sup>th</sup> and final streetwall plane steps back another 2m for the 13<sup>th</sup> and 14<sup>th</sup> floor. The material treatment of the upper 2 floors is proposed to be window-wall which will help to de-emphasize the mass of these upper floors. The window wall treatment has been carried down to grade at the building corner at the northwest edges of the building, emphasizing the entry lobby and canopy as requested through the peer review process.

The combined stepbacks work to de-emphasize the visual presence of the upper 4 floors, creating a better massing and fit within the emerging downtown context.

Similarly, the massing along the Speed River is articulated through a series of significant stepbacks of about 3.5m, creating private terraces overlooking the river valley.

The stepbacks result in a significant reduction of floorplate areas as the building rises. The floorplates decrease in size from 1695sm at the lower floors down to 1039sm at the highest floors. This reduction assists in reducing the perceived mass of the subject building, while reducing the loss of skyview and access to daylight in the immediate context.

The stepping and terracing strategies on both frontages combine to establish a good contextual response, providing an appropriate transition to existing buildings, and fit for each key exposure.

### Side Lot Relationship

The side walls of the subject building will be clearly visible due to the presence of parking lots on both adjacent properties. As such concerns were raised with the applicant to ensure that each face is adequately set back, detailed and treated to account for such visibility.

Along the southeast property line, side yard setbacks above the first floor, are proposed at about 7.5m. The first floor is set back 0m where the building's loading and parking ramp is appropriately concealed within the building wall. Given the use of the adjacent property and its potential to be redeveloped in future, the setback above the first floor is appropriate with the expectation that any new adjacent development would adopt a similar side setback, resulting in a 15m building face separation above the first floor.

Varying side yard setbacks of 3.2m, 3.8m, 4.9 up to 6.1m are proposed on the northwest side of the property. Given the stable low-rise residential use of the adjacent apartment building, the setback is considered appropriate with the expectation that any new adjacent development would adopt a similar side setback at a lesser building height.

With respect to materials and massing, both sidewalls have included a stepped articulation using varying materials and colours with balcony projections creating a less massive visual exposure when viewed from the public realm.

### Wyndham Fronting Uses

Earlier design iterations did not include appropriate uses along the Wyndham sidewalk and had too many vehicular passages and exit doors. The plan has evolved through discussion, to now included highly transparent commercial storefronts for the majority of the frontage. Due to sloping sidewalk grades along Wyndham, a series of steps were required to access the storefronts. Through the peer review, these have been reoriented perpendicular to the building front face, eliminating a continuous railing, creating a more inviting and direct commercial entrance.

The building lobby entrance has been appropriately located facing Wyndham St. establishing a prominent address on that street. A sheltering canopy has been increased in size from earlier iterations, to better mark this major entry point.

### Site Plan Functionality

Concerns remain about the function of the loading and parking entrance and driveway. As designed it appears that trucks will be able to enter and exit the internal loading area in a forward motion, however they will require part of the sloped ramp to complete the turns. It appears that there will only be about 4.5m of overhead clearance which is not sufficient for overhead loading of waste. If successful waste loading cannot be accommodated, there is a the potential for unsafe pedestrian conflict with trucks backing out of the loading area and lifting bins in the public realm. Inconvenience may also cause trucks to avoid entering the garage and park along Wyndham St. to load and unload. Both outcomes would be detrimental to good urban design. The applicant is encouraged to continue to resolve this issue through detailed truck turning clearance testing through the Site Plan Review process.

The design concept as it has evolved through the peer review process has achieved a satisfactory urban design resolution at this stage, and through a detailed Site Plan Review process, will emerge as a positive addition to Guelph's Downtown urban environment.

Respectfully submitted,       Michael Spaziani, OAA, FRAIC

**ATT-12**  
**Departmental and Agency Comments Summary**

<b>Respondent</b>	<b>No Objection or Comment</b>	<b>Conditional Support</b>	<b>Issues /Concerns</b>
Planning		√	Subject to conditions in ATT-3
Engineering*		√	Subject to conditions in ATT-3
Park Planning*		√	Subject to conditions in ATT-3
Urban Design*			Subject to conditions in ATT-3
Grand River Conservation Authority*		√	Subject to conditions in ATT-3
Guelph Hydro*		√	Subject to conditions in ATT-3
Upper Grand District School Board	√		

# MEMO



FILE: 16.131.001

**TO:** Katie Nasswetter, Senior Development Planner  
**FROM:** Engineering Services  
**DEPARTMENT:** Engineering and Capital Infrastructure Services  
**DATE:** 11 July 2018  
**SUBJECT:** 71 Wyndham Street South – Official Plan and Zoning By-law Amendment Applications (OP1703/ ZC1705)

The application is for an Official Plan and Zoning By-law Amendment to permit the development of a fourteen (14) storey residential building containing 140 apartment units. The current zoning on the subject site is CR-7 (Commercial-Residential) Zone and the application is to amend the City's Zoning By-law to CBD.1 (Central Business District) Zone.

The subject property consists of a total area of approximately 0.4 hectares and is bounded by a three (3) storey apartment building to the north, a medical/office building to the south, single detached dwellings/commercial parking lot to the east and the Speed River immediately west of the site. The subject land is legally described as: Part Lots 171 and 172, Plan 113 and Part of the Bed of Speed River lying in front of Broken Lot 3, Division F (formerly Township of Guelph) designated as Parts 2 & 3, Reference Plan 61R-2181 City of Guelph.

The high level comments below are based on the review of the following plans & reports:

- Functional Servicing Report for 71 Wyndham Street South –Stantec (5<sup>th</sup> May 2017), Revised Sep 26<sup>th</sup> 2017
- Conceptual Servicing Plan- Stantec (4<sup>th</sup> May 2017);
- Conceptual Grading Plan- Stantec (2<sup>nd</sup> May 2017);
- Preliminary Site Plan – Stantec (11<sup>th</sup> May 2017);
- Traffic Impact Study – Stantec (12<sup>th</sup> May 2017);
- Phase One Environmental Site Assessment- XCG (12<sup>th</sup> July 2016); and
- Phase Two Environmental Site Assessment- XCG (16<sup>th</sup> August 2016).

#### Road Infrastructure:

*Wyndham Street* abutting the subject property is designated as a two (2) lane local road with grass boulevard on both sides, asphalt pavement, curb and gutter and concrete sidewalk on both sides of the street. The City's official plan requires the ultimate right-of-way width of Wyndham Street; from Wellington Street to York Road to be 30.00 metres. Therefore a road widening of 3.0 metres will be required and land dedicated to the City prior to site plan approval.

#### Traffic Study, Access, Parking and Transportation Demand Management:

# MEMO

Transportation Staff have no objection to the zone change application at 71 Wyndham Street South. However Staff remain concerned about the proposed curbside garbage collection arrangement. As illustrated in the technical memorandum “71 Wyndham Street South Traffic Impact Study | Response to August 2017 Comments,” dated May 30, 2018, the garbage truck and garbage bins would effectively block the sightlines for an egress vehicle. The sightline triangle areas should be clear of any visual obstructions. With these restrictive sightlines, we recommend an on-site solution for garbage storage and pickup and the design can be integrated with the site plan review process.

## Municipal Services:

### *Wyndham Street*

Existing services within the right-of-way along Wyndham Street are as follows:

- 300 mm diameter storm sewer. approximately 2.0m in depth;
- 225mm diameter sanitary sewer. approximately 1.8m in depth;
- 825mm diameter sanitary trunk sewer. approximately 4.5m in depth;
- 400mm diameter watermain. approximately 3.0m in depth;

The Developer shall be responsible for the entire cost of removing the existing sanitary sewer lateral and the water service lateral, and shall pay for the installation of new service lateral. The Developer will also be responsible to pay for the estimated and actual cost of any servicing upgrade including any curb cuts or curb fills if required, prior to site plan approval and prior to any construction or grading on the lands. It is to be noted that the City completed Stage 1: Wyndham Street Reconstruction from York Road to the Bridge at the Speed River in 2016 across the site frontage under City Contract No. 2-1514. Since the applicant could not install the site servicing lateral installation prior to top coat asphalt work on Wyndham Street S, please note that the City’s Design and Construction team may require for a full patch restoration of the top coat asphalt along the frontage of the property. Further comments will be provided during the site plan review.

The City’s Design and Construction/Infrastructure Technical Analyst has confirmed that adequate sanitary and water capacities are available to service the proposed redevelopment as follows:

### Sanitary Sewer Wastewater Collection System

Sufficient and adequate capacity is available in the existing sanitary sewer adjacent to the above noted site and of the downstream sanitary sewers to accommodate discharge of sanitary flows, in our system to accommodate the development, for the referenced type development at the above noted property, for the above noted proposed development, including existing loads (and no sanitary capacity constraints), according to the City’s wastewater collection system sanitary sewer model.

The referenced development would have no significant adverse impact to the downstream sanitary sewers according to the City’s wastewater collection system sanitary sewer model.

### Water Supply and Distribution System

Sufficient and adequate capacity is available of the City’s existing water supply and distribution system water main pressures, in our system to accommodate the development, for the referenced type development, for the referenced subdivision at the above noted property, for the above noted proposed development (and no water capacity

# MEMO

constraints), can be expected for most scenarios according to the City's InfoWater water model. However, there is potential for marginal water supply pressures in proposed development under certain conditions such as peak hour demand scenario at locations with elevation greater than 346 m height above mean sea level (AMSL) and average day demand scenario at locations with elevation greater than 340 m height AMSL in the existing water system.

Water pressure in the water mains in vicinity of proposed development under certain conditions such as peak hour demand scenario at locations with elevation at 346 m height above mean sea level (AMSL) could range from 38.0 to 42.0 psi (40 psi +/- 2.0 psi) and average day demand scenario at locations with elevation at 340 m height AMSL could range from 47.5 to 52.5 psi (50 psi +/- 2.5 psi) in the existing water system.

The referenced development would have no significant adverse impact to the City's water supply and distribution system according to the City's InfoWater water model.

Minimum water service size should be 25 mm for residential and all other services sized appropriately for demand based on potentially low pressures.

## Storm Water Management (SWM):

Clarification is required in the SWM Report Section 6.1.2 "Water Quantity – None if direct discharge to the Speed River, 0.0874 m<sup>3</sup>/s during the 5-year to City Sewers." Remove "0.0874 m<sup>3</sup>/s during the 5-year to City Sewers" as the City's Design and Construction group have confirmed that the storm sewer design for the recent Wyndham Street reconstruction only allows for road drainage. The intent of the SWM Criteria's allowable outlet rate was to outlet at the river not to the municipal sewer on Wyndham Street S.

Since the proposed development discharges directly to the Speed River, Engineering is in agreement with the GRCA that no quantity control is required however an enhanced level of water quality will be required for impervious areas other than roof area which is considered clean.

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Revise the "Monthly Water Balance Analysis" using data from the Guelph Arboretum Temperature and Precipitation Graph from 1971-2000 and amend the report accordingly. A storm easement may be required for the storm sewer outlet to the Speed River and will be determined during site plan review.

The FSR/SWM, grading/drainage and site servicing design will be reviewed in greater detail under site plan review and comments will be provided at that time.

## Environmental:

City staff reviewed the following Phase I and II Environmental Site Assessment (Phase I ESA) reports, prepared by XCG Consulting Limited (XCG) for The Tricar Group (Tricar):

- "Phase I Environmental Site Assessment, 71 Wyndham Street South, Guelph, Ontario" dated July 12, 2016.
- "Phase II Environmental Site Assessment, 71 Wyndham Street South, Guelph, Ontario" dated August 16, 2016

## Comments:

The property use is changing to a more sensitive use (i.e. from commercial-residential/central business district to residential use); so, in accordance with the City's new *Guidelines for Development of Contaminated or Potentially*

# MEMO

*Contaminated Sites (2016)*, an RSC is required for the Site development. To obtain the RSC, Phase One and Phase Two ESAs, and subsequent remediation and/or risk assessment must be completed per O. Reg. 153/04, as amended.

Requirements to support the zone change:

- Developer shall submit a copy of the Phase One ESA completed in accordance with O.Reg.153/04 (as amended).
- Engineering will support the zone change from an environmental perspective. However, it should be noted the Developer will be required to fulfill the following environmental conditions prior to site plan approval:

(a) a copy of all subsequent investigations (i.e. Phase Two ESAs), and remediation and/or risk assessment beyond the Phase One ESA, all completed by a Qualified Person (QP) in accordance with O.Reg.153/04 (as amended); and

(b) a copy of the RSC and the RSC acknowledgement from the MOECC.

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## Staff Recommendation

The following conditions are provided as information to Council and will be imposed through site plan approval unless noted otherwise.

1. That the Developer shall submit to the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan, indicating the location of the building, building design, landscaping, parking, traffic circulation, access, lighting, grading and drainage on the said lands to the satisfaction of the General Manager of Planning and the General Manager/City Engineer, prior to any construction or grading on the lands.
2. The Developer acknowledges and agrees that ensuring the suitability of the land from an environmental engineering perspective, for the proposed use(s) is the responsibility of the Developer/Landowner.
3. The Developer shall obtain a Site Alteration Permit in accordance with City of Guelph By-law (2007)-18420 to the satisfaction of the City Engineer if grading/earthworks are to occur prior to the approval of the required engineering studies, plans and reports.
4. The Developer shall prepare and implement a construction traffic access and control plan for all phases of servicing and building construction to the satisfaction of the City Engineer. Any costs related to the implementation of such a plan shall be borne by the Developer.
5. Prior to site plan approval and prior to any construction or grading on the lands, the owner shall provide to the City, to the satisfaction of the General Manager/City Engineer, any of the following studies, plans and reports that may be requested by the General Manager/City Engineer:-
  - i) a functional servicing report;
  - ii) a stormwater management report and plans certified by a Professional Engineer in accordance with the City's Guidelines and the latest edition of the Ministry of the Environment's "Stormwater

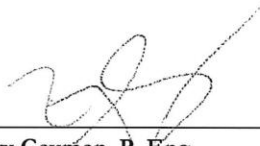
# MEMO

Management Practices Planning and Design Manual" which addresses the quantity and quality of stormwater discharge from the site together with a monitoring and maintenance program for the stormwater management facility to be submitted; This stormwater management report is to demonstrate how the site will achieve a post-development groundwater recharge that is equal to the pre-development recharge. On-site permeameter testing is required to confirm that the recharge can be achieved.

- iii) a geotechnical report certified by a Professional Engineer that analysis the permeability and hydraulic conductivity of the soils and recommends measures to ensure that they are not diminished by the construction and development;
  - iv) a grading, drainage and servicing plan prepared by a Professional Engineer for the site and detailed erosion and sediment control plan, certified by a Professional Engineer that indicates the means whereby erosion will be minimized and sediment maintained on-site throughout grading and construction .
6. The Developer shall, to the satisfaction of the General Manager/City Engineer, address and be responsible for adhering to all the recommended measures contained in the plans, studies and reports outlined in subsections 5 i) to 5 iv) inclusive.
  7. That the Developer grades, develops and maintains the site including the storm water management facilities designed by a Professional Engineer, in accordance with a Site Plan that has been submitted to and approved by the General Manager/City Engineer. Furthermore the Developer shall have the Professional Engineer who designed the storm water management system certify to the City that he/she supervised the construction of the storm water management system and that the storm water management system was built as it was approved by the City and that it is functioning properly.
  8. That the Developer will ensure that any existing domestic wells as well as all boreholes and monitoring wells installed for environmental, hydrogeological or geotechnical investigations are properly decommissioned in accordance with current Ministry of the Environment regulations (O.Reg. 903 as amended) and to the satisfaction of the General Manager/City Engineer, prior to site plan approval and prior to any construction or grading on the lands.
  9. Prior to site plan approval the developer shall provide a copy of all subsequent investigation (i.e. Supplemental Phase Two ESAs, if required) remediation and/ or risk assessment beyond the Phase One and Two ESAs, completed in accordance with O. Reg. 153/04 (as amended) and shall provide a copy of the RSC and the RSC acknowledgement from the MOECC.
  10. That the develop shall deed a 3.0 metre wide road widening on Wyndham Street, at no cost to the City, free of all encumbrances and at no risk to public health and safety and to environment prior to site plan approval.
  11. The Developer acknowledges that the City does not allow retaining walls higher than 1.0-metre abutting existing residential properties without the permission of the General Manager/City Engineer.

# MEMO

12. The Developer shall be responsible for the actual cost of any service laterals required for the lands and furthermore, prior to any grading or construction on the lands the Developer shall pay to the City, the estimated cost as determined by the General Manager/City Engineer of any service laterals.
13. That the Developer pay the actual cost of removing or decommissioning to the satisfaction of the General Manager/City Engineer, any existing sanitary sewers, storm sewers, manhole and/or watermain that are not going to be used for service laterals. Furthermore, prior any grading or construction on the lands, the Developer shall pay to the City, the estimated cost as determined by the General Manager/City Engineer of the Developer's share of the cost of the removals and decommissioning works.
14. The Developer shall pay to the City the actual cost of the construction of the new driveway entrance and required curb cut and/or curb fill. Furthermore, prior to any grading or construction on the lands, the Developer shall pay to the City, the estimated cost as determined by the General Manager/City Engineer of the construction of the new driveway entrance and required curb cut and/or curb fill.



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**Terry Gayman, P. Eng.**  
Manager, Infrastructure, Development &  
Environmental Engineering



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**Allister McIlveen**  
Manager, Transportation Services



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**Shophan Daniel**  
Engineering Technologist III

# INTERNAL MEMO



DATE July 5, 2017  
TO **Katie Nasswetter**  
FROM Tiffany Hanna  
DIVISION Parks Planning and Open Space Development,  
DEPARTMENT Public Services  
  
**SUBJECT 71 Wyndham Street South  
Official Plan Amendment (File No. OP1703) &  
Zoning By-law Amendment (File No. ZC1705)**

Park Planning & Open Space Development has reviewed the documents prepared by Stantec Consulting Ltd. listed below in support of the Official Plan Amendment and Zoning By-law Amendment as it pertains to 71 Wyndham Street South:

1. Planning Justification Report (May 2017)
2. Urban Design Brief (May 2017)
3. Functional Servicing Report (May 2017)
4. Environmental Impact Study (June 2017)
5. Site Plan (May 2017)

Park Planning offers the following comments:

**Zoning Bylaw Amendment:**

Park Planning has no objection to the Zoning By-Law Amendment to rezone the subject site from the current CR-7 (Commercial-Residential) Zone to CBD.1 (Central Business District) Zone with special regulations to permit the development of a 14 storey residential building, subject to the requirements and conditions outlined below:

**Official Plan Amendment:**

Park Planning has no objection to the Official Plan Amendment to increase the allowable height from 10 storeys to 14 storeys, subject to the requirements and conditions outlined below:

1. **Parkland Dedication:** The purpose Official Plan Amendment and Zoning By-law Amendment is to permit the development of 140 residential apartment units on the subject lands (0.4 hectares) at a net density of 350 residential units per hectare.
  - Cash-in-lieu of Parkland will be required for this development at a rate of 10% in accordance with City of Guelph By-law (1989)-13410, as amended by By-law (1990)-13545 and By-law (2007)-18225 or any successor thereof prior to the issuance of building permits. Please note that the City is currently in the process up updating the by-law and that the by-law enacted at the time of building permit will prevail.
  - A narrative appraisal report of the subject property will be required to determine the cash-in-lieu amount. The appraisal report shall be prepared by a qualified appraiser who is a member in good standing of the Appraisal Institute of Canada. The property owner is responsible for the cost and to arrange for the appraisal.
2. **Pedestrian Trail System:** The Official Plan (OPA 42) Schedule 8 – Trail Network identifies an important multi-use trail connection leading from York Road Park to the

Downtown Trail along the river. The connection also forms a part of the Active Transportation Route.

- The lands along the river be conveyed to the City and zoned P.1 (Conservation Lands) in order to develop a 3 metre wide public multi-use trail. The exact size and location of the trail parcel is dependent on the location of final trail alignment, trail materials and the associated grading and drainage design information.
  - The final trail alignment will be approved by Parks Planning and Active Transportation through the Environmental Impact Study (EIS) and the detail design will be finalized through the Site Plan Application.
  - Should a private trail connection from the proposed development to the public trail be wanted, it will be subject to an encroachment agreement to be finalized prior to site plan approval or registration of the plan of condominium.
  - The stormwater management pipe outleting to the river is considered a private connection and will require an easement over the public land – additional agreements will be required.
  - The developer will be responsible for 'Basic Trail Development' as identified under City's current Development Charges Bylaw – Local Service Policy. Should the developer wish to construct the trail as part of the development construction, the city would contribute funds to construct the trail fully. Constructing the trail as part of the development is encouraged to prevent additional construction in the future that will disrupt the natural area and residents. A cost estimate for these works will be required for budget and timing purposes.
3. **Property Demarcation:** Under City's property Demarcation Policy, Developer is required to demarcate City Owned parcels and the parcels to be dedicated to the City. The final type and configuration of the fencing and/or property markers will be determined during the detailed design stage and shown on the site plan.
4. **Open Space Works and Restoration:** The developer is required to restore disturbed areas and enhance natural area buffers and wildlife corridors and to address clean-up of debris and waste; removal of hazard trees along the trail system and residential properties, management of invasive species and provision of educational/ interpretive and stewardship materials/ signage as recommended through Environmental Impact Study and/or Environmental Implementation Report.

Landscape Plans will be required to provide details of compensation, restoration and enhancement plantings, interpretive/educational signage etc. as per the City's design standards and specifications. The landscape plans will be reviewed and approved by Park and Environmental Planning. Developer will be responsible to implement the approved landscape plans and to deposit a security for the landscape works. The security will be partially released after the substantial completion of the works and fully released after the final approval at the end of two years warranty period as per the City's specifications.

**Environmental Impact Study (EIS):**

Park Planning has reviewed the EIS dated June 2017 and offers the following comments:

- No specific hazard condition assessment was provided in the Tree Protection Plan. Recommendations for removal of poor condition trees based on striking distance,

condition, etc. should be included in the EIR. A meeting with city staff may help to facilitate these recommendations.

**Functional Servicing Report:**

Park Planning has reviewed the Functional Servicing Report dated May 2017 and offers the following comments:

- Provide more detailed grading information for the proposed trail. Please include spot elevations on either edge of the trail at regular intervals. It appears the trail design proposed will work; however not enough information has been provided.
- As noted in the Site Plan Comments: In the grading design of the trail, every effort should be made to reduce sheet drainage to reduce potential for wash-out. Trail standards are as follows: Trail design should be compliant with the Trails Master Plan and FADM Guidelines. Trails should have grades that are less than 4% with cross slopes of less than 2%. In addition, include 0.3-1.0m (ideally 1.0m) mow strips on either side of the trail with cross slope no greater than 2%.

**Conditions of Development:**

Based on the information available, following conditions for Development approval are recommended:

1. The Developer shall be responsible for the cost of design and development of the **demarcation** of all lands conveyed to the City in accordance with the City of Guelph Property Demarcation Policy. This shall include the submission of drawings and the administration of the construction contract up to the end of the warrantee period completed by a Ontario Association of Landscape Architect (OALA) member for approval to the satisfaction of the Deputy CAO of Public Services. The Developer shall provide the City with **cash or letter of credit** to cover the City approved estimate for the cost of development of the demarcation for the City lands to the satisfaction of the Deputy CAO of Public Services.
2. The Developer shall be responsible for installing **demarcation** prior to registration of the Plan of Condominium.
3. The Developer shall be responsible for the cost of design and implementation of the **Open Space Works and Restoration** as per the approved 'Environmental Implementation Report' and 'Landscape Plans' to the satisfaction of the Deputy CAO of Public Services. This shall include the submission of drawings for approval and the administration of the construction contract up to the end of the warrantee period completed by a full member with seal of Ontario Association of Landscape Architects (OALA) to the satisfaction of the Deputy CAO of Public Services. The Developer shall provide the City with **cash or letter of credit** to cover the City approved estimate for the cost of the Open Space works and restoration for the City lands to the satisfaction of the Deputy CAO of Public Services.
4. The Developer shall be responsible for the cost of design of the **Pedestrian Trail System** for the trail parcel. This shall include obtaining any required permits, submitting drawings for approval, identifying the trail system and trail design details, to the satisfaction of the Deputy CAO of Public Services. This shall include the submission of drawings completed by Ontario Association of Landscape Architects (OALA) full member with seal for approval to the satisfaction of the Deputy CAO of Public Services.

5. The Developer shall be responsible for the cost of design and development of the **"Basic Trail Development"** as per City's current trail standards as outlined in the Local Service Policy under City's Development Charges Bylaw, to the satisfaction of the Deputy CAO of Public Services. The Developer shall provide the City with **cash or letter of credit** to cover the City approved estimate for the cost of the 'Basic trail development' to the satisfaction of the Deputy CAO of Public Services.
6. The Developer shall provide Park Planning with a digital file in CAD format containing the following final approved information: parcel fabric, street network, grades/contours and landscaping of the trail corridor and open space blocks.
7. The Developer shall **dedicate to the City a parcel for the City trail** free and clear of all encumbrances. The final trail parcel dimensions will be finalized prior to Site Plan Approval and have a minimum width of 4m. The registered plan for the trail parcel shall be to the satisfaction of the Deputy CAO of Public Services.
8. The Developer shall pay **cash in-lieu of parkland conveyance** for the entire development, under City of Guelph By-law (1989)-13410, as amended by By-law (1990)-13545, By-Law (2007- 18225), or any successor thereof.
9. Prior to Site Plan approval, the Owner shall provide to the Deputy CAO of Public Services **a satisfactory narrative appraisal report** prepared for The Corporation of the City of Guelph for the purposes of calculating the payment of cash-in-lieu of parkland dedication pursuant to s.42 of the Planning Act. The appraisal report shall be prepared by a qualified appraiser who is a member in good standing of the Appraisal Institute of Canada, and shall be subject to the review and approval of the Deputy CAO of Public Services. Notwithstanding the foregoing, if the appraisal provided by the applicant is not satisfactory to the Deputy CAO of Public Services, acting reasonably, the City reserves the right to obtain an independent appraisal for the purposes of calculating the payment of cash-in-lieu of parkland dedication.

**Summary:**

The above comments represent Park & Open Space Planning's review of the documents and Reports submitted in support of the Official Plan Amendment and Zoning By-law Amendment. Based on the current information provided, Parks would support the proposed development subject to the above requirements.

Sincerely,

**Tiffany Hanna, OALA, CSLA**  
Park Planner

Parks and Recreation  
**Public Services**  
Location: City Hall

T 519-822-1260 x 3371  
E tiffany.brule@guelph.ca

# INTERNAL MEMO



DATE August 2, 2018

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

FROM David de Groot

DIVISION Planning Services

DEPARTMENT Infrastructure, Development and Enterprise Services

SUBJECT **Final Comments on 71 Wyndham Street: Official Plan Amendment and Zoning By-law Amendment Application**

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Urban Design Staff have the following comments on the proposed Zoning By-law Amendment application at 71 Wyndham Street South:

- Staff retained a peer review architect to review the application. Staff has reviewed the Architectural Peer review Report by Michael Spaziani Architect Inc. (August 1, 2018).
- Staff acknowledges that the applicant has been working with City Staff and the Peer Review Architect. This has resulted in a building design, massing and ground floor approach that has been refined and improved.
- Staff notes that the applicant has been working through the peer review process to revise the building and that the visuals in the urban design brief have evolved based on input from staff and the input from the peer reviewer.
- Through this process, staff have concentrated on a number of key issues including:
  - Adding ground floor commercial units along Wyndham Street South.
  - Creating additional setbacks along the Wyndham Street façade.
  - Commitment to using internal pick-up and servicing for waste.
- Generally Urban Design staff is supportive of the approach to the design of the site as outlined in the Urban Design Brief (dated May 14, 2018) and revised elevations/floorplates/site plan (dated July 19, 2018).
- This site is located outside the historic downtown core and has two key exposures: it faces both the Wyndham Street South and the river. The proposed building elevations and massing address both these exposures successfully. Along the river, the building steps down towards the river through a series of setbacks and voids. At the base, amenity space faces the river. Facing Wyndham Street, the building includes setbacks at the 2<sup>nd</sup>, 5<sup>th</sup> and 11<sup>th</sup> floors. A glazed commercial unit is provided at the ground level. Although the floorplates are greater than those envisioned in the Secondary Plan, staff agree with the urban design brief and peer review architect, that given this site's location it provides a good response to its context. This massing and articulation meet the direction of the Official Plan to ensure buildings taller than six stories moderate its perceived mass and shadow impacts and promoting design excellence.
- The additional building height proposed is compatible with the surrounding area and creates minimal impact. The site is located outside the historic downtown core and at a low geodetic elevation. It does not compete with the Secondary Plan's intent of creating gateways to the historic core and will not result in a building that is taller in geodetic elevation of the Basilica of Our Lady.
- There are some outstanding details identified through the peer review process and staff review that will require additional changes. These are minor in nature and can be addressed through the site plan process and further minor changes to the building design. These include:
  - Landscaping details in compliance with the Downtown Streetscape Manual.
  - Confirming details regarding waste management within the building.

Katie Nasswetter, Sr. Development Planner

August 2, 2018

**Final Comments on 71 Wyndham Street: Official Plan Amendment and Zoning By-law Amendment Application**

Page 2 of 2

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- Adequate soil volumes for street trees is critical. Consideration of alternative technologies (Silva Cell) to achieve soil volumes, especially in areas where there is competing need for hard pavement, is strongly encouraged.
- Street furniture such as bicycle parking, benches etc.
- Generally implementing the recommendations of the wind study.
- Keeping in mind bird-friendliness strategies in the design of the elevations.
- Materials and colours including railings, bricks colours etc.

Prepared By:

**David de Groot**

Senior Urban Designer

519.822.1260 ext. 2358

David.deGroot@guelph.ca

**ATTACHMENT:**

Peer Review Report dated August 1, 2018 by Michael Spaziani Architect Inc.



Administration Centre: 400 Clyde Road, P.O. Box 729 Cambridge, ON N1R 5W6

Phone: 519-621-2761 Toll free: 1-866-900-4722 Fax: 519-621-4844 [www.grandriver.ca](http://www.grandriver.ca)

<b>PLAN REVIEW REPORT TO:</b>	City of Guelph Katie Nasswetter, Senior Development Planner
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<b>DATE:</b>	July 25, 2017
<b>GRCA FILE:</b>	Guelph/2017/OPA/C

<b>YOUR FILE:</b>	OP1703 & ZC1705
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**RE:** Application for Official Plan and Zoning By-law Amendment  
71 Wyndham Street South, City of Guelph

**GRCA COMMENT:**

Further to our letter dated July 19, 2017, we offer these additional comments as clarification to our comments concerning the Special Policy Area and residential intensification.

The Special Policy Area (SPA) is an area where the City, GRCA, and the Province have agreed to recognize a higher risk of flood in order to permit development and redevelopment in accordance with the policies of the City's Official Plan in order to maintain the social and economic viability of the affected community.

As noted in our July 19, 2017 letter, the Province has provided clarification through the new Growth Plan that intensification is not permitted in a SPA beyond what has been approved by the Province without Provincial approval.

After further review, we have found that the original land use envisioned for the subject property was in fact High Density Residential.

We have attached a copy of the SPA technical background report prepared by GRCA and the City's Official Plan Amendment 1 approved by the Province. The Land Use Map, identified as Schedule '8' of OPA 1 identified these lands as High Density Residential, with the exception of the floodway at the rear of the property.

Subsequent SPA policy modifications and a revised SPA land use plan approved in 1995 as part of the City's Official Plan review identify the property as Commercial Mixed Use. The specific policies concerning new residential development were not strengthened and the requirements for safe access were relaxed to allow development.

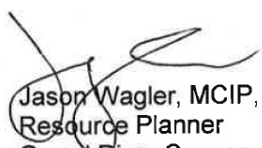
It is our understanding that the intent of section 3.1.4a) of the PPS is that Provincial approval is needed where there is a change or modification to the original land use designation within a Special Policy Area that would create an increase in risk (i.e., increase in the number of people subject to flooding and a potential additional strain on emergency resources, or increase in risk to property) that is not considered minor and cannot be appropriately mitigated. In our opinion, the number of units and risk associated with a high density apartment use has already been

accepted by the Province for this particular site. Provided that the development can achieve the floodproofing criteria stipulated in the City's Official Plan policies, we suggest that the risks to public safety associated with the development could be mitigated and would be considered minor.

Therefore, Grand River Conservation Authority has **no objection** to the approval of the applications for OPA and ZBA as submitted.

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

Yours truly,



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

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

cc. Krista Walkey, MCIP RPP Stantec  
Adele Labbe, City of Guelph

Encl. (1) – SPA documents



395 Southgate Drive  
Guelph, ON N1G 4Y1  
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Email: akappheim@guelphhydro.com  
www.guelphhydro.com

June 26, 2017

Katie Nasswetter  
Planning Services  
Infrastructure, Development and Enterprise  
City of Guelph  
1 Carden Street  
Guelph, ON N1H 3A1

Dear Ms. Nasswetter:

**Re: 71 Wyndham Street South (File No. OP1703/ZC1705)**

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

Given the existing site plan, dated May 11, 2017:

1. Hydro supply for this development will be from an existing overhead pole line on the east side of Wyndham Street South.
2. The hydro services for this development should be underground except for pad-mounted transformers.
3. A minimum distance of 3.0 metres must be maintained between any dwelling units and pad-mounted transformers.
4. A minimum distance of 1.5 metres must be maintained between any driveways/entrances and distribution poles, or pad-mounted transformers. Any relocations required would be done at the owner's expense.
5. An area of 6.5 metres by 5.0 metres is required at the development for a three-phase pad mounted transformer. The specific location of the transformer must be arranged with the Guelph Hydro Technical Services Department.

6. Transformer location must be accessible and protected from risk of any future erosion which may impact the location of the transformer or access to the transformer.

Sincerely,

GUELPH HYDRO ELECTRIC SYSTEMS INC.

A handwritten signature in blue ink, appearing to read 'A. Kappheim, P.Eng', with a stylized flourish at the end.

A. Kappheim, P.Eng  
Distribution Engineer  
AK/gc

**ATT-13**  
**Public Notification Summary**

May 18, 2017	Application received by the City of Guelph
June 9, 2017	Applications deemed complete
June 14, 2017	Notice of Complete Application and Public Meeting mailed to prescribed agencies and surrounding property owners within 120 metres
June 15, 2017	Notice of Public Meeting advertised in the Guelph Tribune
July 10, 2017	Statutory Public Meeting of Council
August 20, 2018	Notice of Decision Meeting sent to parties that commented or requested notice
September 10, 2018	City Council Meeting to consider staff recommendation