
To **City Council**

Service Area Infrastructure, Development and Enterprise Services

Date Monday, January 28, 2019

Subject **Supplementary Decision Report
89 Beechwood Avenue
Zoning By-law Amendment
File: ZC1706
Ward 3**

Report Number IDE-2019-08

Recommendation

1. That the application by MHBC Planning on behalf of the owner, 89 Beechwood Inc. to permit a residential townhouse development on the property municipally known as 89 Beechwood Avenue and legally described as Part of Lot 21, Concession Division 'A', Guelph Township as in Cs61764, City of Guelph, for approval of a Zoning By-law Amendment application to change the zoning on the site from the "Commercial Recreation Park" (P.5) Zone to a "Specialized Residential Townhouse with Holding Provisions" (R.3A-62(H)) Zone to permit the development of 22 residential townhouse units and to a "Specialized Community Park" (P.3-3) Zone, to recognize a portion of the existing City trail be approved in accordance with the zoning regulations and conditions in ATT-3 of the Infrastructure, Development and Enterprise Report IDE-2019-08 dated January 28, 2019.
2. That in accordance with Section 34(17) of the *Planning Act*, City Council has determined that no further public notice is required related to the minor modifications to the proposed Zoning By-law Amendment affecting 89 Beechwood Avenue.

Executive Summary

Purpose of Report

This is a supplementary report to Report IDE-2018-114, which was presented to Council on September 10, 2018. At its meeting on September 10 and 11, Guelph City Council referred this Zoning By-law Amendment application to City staff for additional consideration and consultation with the applicant. The applicant has revised their conceptual site plan and staff are recommending approval of this Zoning By-law Amendment application with Holding provisions to permit the development of 22 residential townhouse units.

Key Findings

Planning staff support the proposed Zoning By-law Amendment subject to the zoning regulations and recommended conditions in ATT-3.

Financial Implications

Estimated Development Charges: \$495,638 based on 2018 rates in effect at the time of writing this report.

Estimated Annual Taxes: \$66,000 based on assumptions and information available at this time (this number may differ significantly from the final assessment).

Report

Background

An application to amend the Zoning By-law was received for the property municipally known as 89 Beechwood Avenue from MHBC Planning on behalf of the owner, 89 Beechwood Inc. on July 10, 2017 and deemed to be complete on August 8, 2017. A Statutory Public meeting was held on September 11, 2017.

The purpose of the original proposal was to change the zoning from "Commercial Recreation Park" (P.5) to a "Specialized Residential Cluster Townhouse" (R.3A-?) Zone to permit the development of 34 residential townhouse units. The original proposal included:

- Two three-storey back-to-back cluster and stacked townhouse buildings with one building, fronting onto Beechwood Avenue, containing 16 units, and, the second building at the west portion of the property containing 18 units;
- Unit sizes vary from 2 to 3 bedrooms;
- 12 stacked townhouse units (end units) and 22 cluster townhouse units;
- Inclusion of upper and lower terraces;
- An interior courtyard/mews connected by a series of walkways internal to the site;
- One level of underground parking (containing 54 resident spaces and 3 visitor spaces) and 4 visitor spaces located above ground; and,
- Driveway access onto Beechwood Avenue along the south side of the property.

Following the September 11, 2017 Statutory Public Meeting, the applicant revised the concept to address substantial comments and concerns on the original proposal from City Council, members of the public, City departments and circulated agencies.

On March 21, 2018, the applicant submitted a revised development proposal for the property. The revised development proposal included 23 residential townhouse units, more specifically, the proposal included:

- seven (7) two-storey on-street townhouse units fronting onto Beechwood Avenue;
- 16 three-storey stacked townhouse units at the rear of the property;

- two (2) off-street parking spaces for each on-street townhouse unit (1 in the garage and 1 on the driveway);
- 27 off-street parking spaces for the 16 stacked townhouse units; and,
- three (3) off-street visitor parking spaces .

A Decision Report (Report IDE-2018-114) was presented to Guelph City Council, at its meeting on September 10, 2018. Staff provided an approval recommendation in the report, however, Guelph City Council referred the Zoning By-law Amendment application to City staff for additional consideration and consultation with the applicant.

On November 5, 2018, staff, the applicant and the Beechwood Chadwick Hearn Neighbourhood Association Executive Members met to discuss potential revisions to the application. Further details of this meeting are summarized later in this report under Supplementary Staff Review and Planning Analysis.

At the end of November 2018, the applicant provided a revised conceptual site plan to address neighbourhood and Council concerns. The revised conceptual site plan is included in ATT-4.

Revisions to the March 2018 Conceptual Site Plan include:

- The removal of one (1) on-street townhouse unit, for a total of 22 units;
- The stacked townhouse units have been shifted to the south;
- An increased setback to the park (north side) is proposed with 5.1 metres at the closest point which increases to 10.5 metres closer to Beechwood Avenue;
- Increased percentage of landscape area on the lot – from 38% to 45% of the lot area – this increase in landscaped area has removed the need for a specialized zoning regulation for minimum landscaped area; and,
- The building height of the stacked townhouse end units has been reduced to two storeys.

Location

The subject property is located on the west side of Beechwood Avenue, north of Waterloo Avenue (see ATT-1 - Location Map and ATT-2 - Orthophoto). The subject property has an area of 0.40 hectares (0.98 acres) and a frontage of 56 metres along Beechwood Avenue. The property is currently developed with a one-storey building and associated parking area that was previously used by the Optimist Club and is proposed to be demolished.

Surrounding land uses include:

- To the north: Howitt Park, beyond which are single detached residential dwellings;
- To the south: property zoned P.5, beyond which is a vacant industrial building, and further beyond is a multi-residential building;
- To the east: Beechwood Avenue, beyond which are single detached residential dwellings; and,
- To the west: Howitt Park, a City Trail and Howitt Creek.

Description of Proposed Zoning By-law Amendment

The purpose of the application is to change the zoning from the "Commercial Recreation Park" (P.5) Zone to a "Specialized Residential Cluster Townhouse" (R.3A-62) Zone and a Specialized Community Park" (P.3-3) Zone.

In addition to the regulations set out in Section 5.3.2 – "Residential Cluster Townhouse" (R.3A) Zone of Zoning By-law (1995)-14864, as amended, the following specialized regulations have been requested by the applicant to facilitate this proposal:

- To permit an angular plane of 54 degrees to a park zone.

In addition to the specialized regulations that the applicant has requested, staff are recommending the following additional specialized regulations:

- To permit On-Street Townhouses in the R.3A Zone;
- That a site-specific definition be added for "On-Street Townhouse" for this property to reflect the built form but also recognize that the "On-Street Townhouse" units will not be located on separate lots. For the purposes of this specialized zone, "On-Street Townhouse" means a *Townhouse* where each *Dwelling Unit* has independent driveway access onto a public street but is not located on a separate Lot;
- Minimum Lot Area Per Dwelling Unit and Minimum Lot Frontage do not apply to On-Street Townhouse uses;
- On-Street townhouses shall be limited in height to 2 storeys, whereas a maximum of 3 storeys is permitted in the residential townhouse zone;
- The end units of the Stacked Townhouses shall be limited in height to 2 storeys;
- The minimum side yard setback (on the north side) to the Stacked Townhouses shall be 5 metres;
- The minimum side yard setback (on the north side) to the On-Street Townhouses shall be 9 metres;
- A maximum of 16 Stacked Townhouses and a maximum of 6 On-Street Townhouses shall be permitted in this zone;
- A maximum of 22 Dwelling Units shall be permitted in this zone;
- 'H' Symbol – to ensure that all required municipal site services adequate to accommodate the specific development are in place prior to the development of the lands occurring. The 'H' (Holding) Symbol may be removed when the following condition has been met to the satisfaction of the City:

Design and construction of a storm sewer on Beechwood Avenue, to the satisfaction of the City Engineer/General Manager of Engineering and Capital Infrastructure Services or upon the actual design and construction costs of these works being secured in a manner satisfactory to the City Engineer/General Manager.

In addition to the above, staff are also recommending that the southerly portion of the existing City trail that encroaches onto the subject property be zoned

"Specialized Community Park" (P.3-3) to recognize the existing City trail that will be dedicated to the City prior to site plan approval.

Supplementary Staff Review and Planning Analysis

The staff review and planning analysis for this application was provided in Report IDE-2018-114, dated September 10, 2018. The staff review and planning analysis from this report remain unchanged. Report IDE-2018-114 is included in ATT-8 to this supplementary report. The previous staff review and planning analysis addresses all relevant planning considerations including:

- An analysis of how this application conforms to the 2014 Provincial Policy Statement;
- An analysis of how this application conforms to The Growth Plan for the Greater Golden Horseshoe (2017);
- An analysis of how this application conforms to the 2001 Official Plan policies;
- An analysis of how this application has had regard for policies of Official Plan Amendment #48;
- A full review and analysis of the proposed zoning and specialized zoning regulations; and,
- A response to the issues that were raised by Council and members of the public at the Statutory Public Meeting held on September 11, 2017 and additional Neighbourhood Meeting held on June 19, 2018 and all additional comments received from City departments, circulated Agencies and the public.

On November 5, 2018, staff, the applicant and the Beechwood Chadwick Hearn (BCH) Neighbourhood Association Executive Members met to discuss possible revisions to the conceptual site plan.

Issues raised from the BCH Neighbourhood Association and a response to how the applicant has revised the conceptual site plan to address these issues are noted below:

Preserving Sight lines to Park

One of the issues raised is the unobstructed view to the existing Howitt Park. To address neighbourhood concerns, the applicant has removed one (1) On-Street Townhouse unit and shifted the Stacked Townhouses to the south. These modifications result in a minimum setback of 5 metres from the Stacked Townhouse units to the side lot line (north side) at the closest point which increases to 10.5 metres closest to Beechwood Avenue. Staff have included specialized zoning regulations to ensure the setbacks as shown on the revised conceptual site plan are maintained to provide a level of comfort for the neighborhood. Additional tree preservation will be confirmed in an updated Tree Inventory and Preservation Plan submitted at the time of site plan approval.

There was also a concern raised regarding the type of fencing proposed along the north property line. There was an expressed desire to not have chain link fencing.

Staff have included a condition to be imposed through site plan approval that upgraded open-style fencing along the north property line is required.

Land dedication instead of cash-in-lieu of parkland dedication

Parks Planning staff have identified that a combination of cash-in-lieu of parkland dedication and land dedication will be taken for this development. As shown on the conceptual site plan and noted in the Environmental Impact Study, the City's existing trail encroaches onto the subject property in two locations. The City requests that the trail corner at the south of the property be conveyed to the City to ensure full use of the trail. The trail encroachment at the north end of the property will require a public easement. Dedication of land is not necessary for this corner as there is opportunity to realign the trail in the future.

The remainder of parkland dedication will be taken in the form of cash-in-lieu. The additional land that could be acquired through parkland dedication would be minimal. The revised conceptual site plan shows the removal of one (1) on-street townhouse unit which visibly provides more frontage to the park.

Two (2) Parking Spaces per Unit

Discussion occurred regarding increasing parking spaces to two (2) parking spaces per unit. Parking for the proposed development is being provided in excess of the parking requirements of the Zoning By-law. Two (2) off-street parking spaces are proposed for each on-street townhouse unit (1 in the garage and 1 on the driveway), for a total of 12 parking spaces and 30 off-street parking spaces are proposed for the 16 stacked townhouse units and visitors. Section 4.13.4.3 of the Zoning By-law requires 1 parking space per townhouse unit.

Staff have updated the recommended conditions in ATT-3 as follows:

- Administrative changes to update new staff titles; and,
- Added a condition to be imposed through Site Plan Approval to include upgraded open-style fencing (no chain link fencing) along the north property line.

Staff have updated the recommended zoning regulations in ATT-3 as follows:

- The minimum side yard setback (on the north side) to the Stacked Townhouses shall be 5 metres;
- The minimum side yard setback (on the north side) to the On-Street Townhouses shall be 9 metres;
- The end units of the Stacked Townhouses shall be limited in height to 2 storeys;
- To permit an angular plane of 54 degrees to a park zone;
- A maximum of 16 Stacked Townhouses and a maximum of 6 On-Street Townhouses shall be permitted in this zone; and,
- A maximum of 22 Dwelling Units shall be permitted in this zone.

All specialized zoning regulations are summarized in the chart below (including new specialized regulations as a result of the November 2018 revised Conceptual Site Plan and specialized zoning regulations previously recommended in the September 10, 2018 Decision Report).

Table 1 – Evaluation of Specialized Zoning Regulations

Specialized Regulation	Zoning By-law Requirement	Staff Comment
A minimum side yard setback (on the north side of the property) to the Stacked Townhouses shall be 5 metres.	A minimum side yard setback no closer than a distance equal to half of the building height and in no case less than 3.0 metres.	The minimum side yard setback is being met here. Staff are recommending this regulation to ensure the site is developed as proposed.
A minimum side yard setback (on the north side of the property) to the On-Street Townhouses shall be 9 metres.	A minimum side yard setback no closer than a distance equal to half of the building height and in no case less than 3.0 metres.	The minimum side yard setback is being met here. Staff are recommending this regulation to ensure the site is developed as proposed.
Add "On-Street Townhouse" as a permitted use in the R.3A Zone.	Not permitted in the R.3A Zone, but permitted in the R.3B Zone.	This is a technicality as both the R.3A and R.3B zones permit townhouses and are only divided to reflect ownership type.
Add a site-specific definition for "On-Street Townhouse".		This site-specific definition is recommended by staff to recognize that the "On-Street Townhouses" will not be located on separate lots but will have independent driveway access onto a public street. This is recognizing that the On-Street Townhouses and Stacked Townhouses will form part of one development and one future condominium corporation.
The minimum Lot Area and minimum Lot Frontage regulations for	The R.3B zone requires a minimum Lot Area of 180 square metres and a	This specialized regulation is recommended by staff as

On-Street Townhouses do not apply.	minimum Lot Frontage of 6 metres.	the On-Street Townhouses will not be located on separate lots and therefore will not be able to comply with this requirement.
Maximum building height for On-street Townhouses is 2 Storeys.	Maximum building height of 3 Storeys is permitted.	Staff are recommending this regulation to ensure an appropriate transition from the existing single detached dwellings on the street to the proposed 3 storey Stacked Townhouses at the rear of the subject property.
Maximum building height of end units of Stacked Townhouses is 2 Storeys.	Maximum building height of 3 Storeys is permitted.	Staff are recommending this regulation to ensure the site is developed as proposed.
To permit an angular plane of 54 degrees to a park zone,	The maximum angular plane permitted to a park zone is 40 degrees.	This is required for the 3 storey Stacked Townhouse units in relation to the City trail. The intent of the By-law is to limit the height in relation to a park, however, because the property is adjacent to the park zone on the north and west sides, the requirement is triggered. Staff have no concerns with this specialized regulation as it is needed because the alignment of the property boundary and City trail.
A maximum of 16 Stacked Townhouses and a maximum of 6 On-Street Townhouses shall be permitted in this zone.	Maximum number of units is not set out in the Zoning By-law. The Zoning By-law permits a maximum site density of 60 units per hectare in the R.3A Zone.	Staff are recommending this regulation to ensure that the site is developed as proposed. This number has been updated to reflect the removal of 1 On-Street Townhouse unit.

A maximum of 22 Dwelling Units shall be permitted in this zone.	Same as above.	Same as above. This number has been updated to reflect the removal of 1 unit.
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Staff Recommendation

The applicant has made a number of modifications to the proposed development in response to comments received since initially submitting the application. Additional and modified specialized zoning regulations are also being recommended that were not identified at the Statutory Public meeting or in the revised Public Notice, 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 satisfied that the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement and conforms to the 2017 Growth Plan for the Greater Golden Horseshoe. The proposed Zoning By-law Amendment conforms to the objectives and policies of the Official Plan and the specialized regulations proposed are appropriate for the site. Planning staff recommend that Council approve the Zoning By-law Amendment subject to the zoning regulations and proposed conditions of site plan approval outlined in ATT-3.

Financial Implications

Estimated Development Charges: \$495,638 based on 2018 rates in effect at the time of writing this report.

Estimated Annual Taxes: \$66,000 based on assumptions and information available at this time (this number may differ significantly from the final assessment).

Consultations

The Notice of Complete Application and Public Meeting was mailed on August 14, 2017 to local boards and agencies, City service areas and property owners within 120 metres of the subject property. The Notice of Public Meeting was also advertised in the Guelph Tribune on August 17, 2017. Notice of the application has also been provided by signage on the property.

A Notice of Revised Application was mailed on April 17, 2018 to local boards and agencies, City service areas, property owners within 120 metres of the subject property and any other interested member of the public who requested further notifications on the application. Two informal Neighbourhood Meetings and Open Houses were held on December 6, 2017 and December 12, 2017 and a Neighbourhood Meeting was held on June 19, 2018. The September 10, 2018 Notice of Decision Meeting was mailed to interested parties who provided comments on the application or requested to receive further notice on August 17, 2018.

A meeting was held on November 5, 2018 with staff, the applicant and the Beechwood Chadwick Hearn (BCH) Neighbourhood Association Executive Members.

A Notice of Referral and Revised Plan was mailed on December 5, 2018 to interested parties that provided comments on the application or requested to receive further notice. A Notice of Decision Meeting for the January 28, 2019 Council meeting date was mailed to interested parties on January 9, 2019.

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 120m Circulation
- ATT-2 Orthophoto
- ATT-3 Recommended Zoning Regulations and Conditions
- ATT-4 November 2018 Conceptual Site Plan
- ATT-5 November 2018 Conceptual Building Renderings of Stacked Townhouses
- ATT-6 March 2018 Conceptual Site Plan
- ATT-7 March 2018 Conceptual Building Elevations
- ATT-8 [September 10, 2018 Decision Report \(Report Number IDE-2018-114\)](#)

Departmental Approval

Not applicable.

Report Author

Lindsay Sulatycki
Senior Development Planner

Approved By

Chris DeVriendt
Manager of Development Planning



Approved By

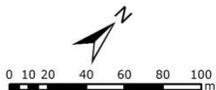
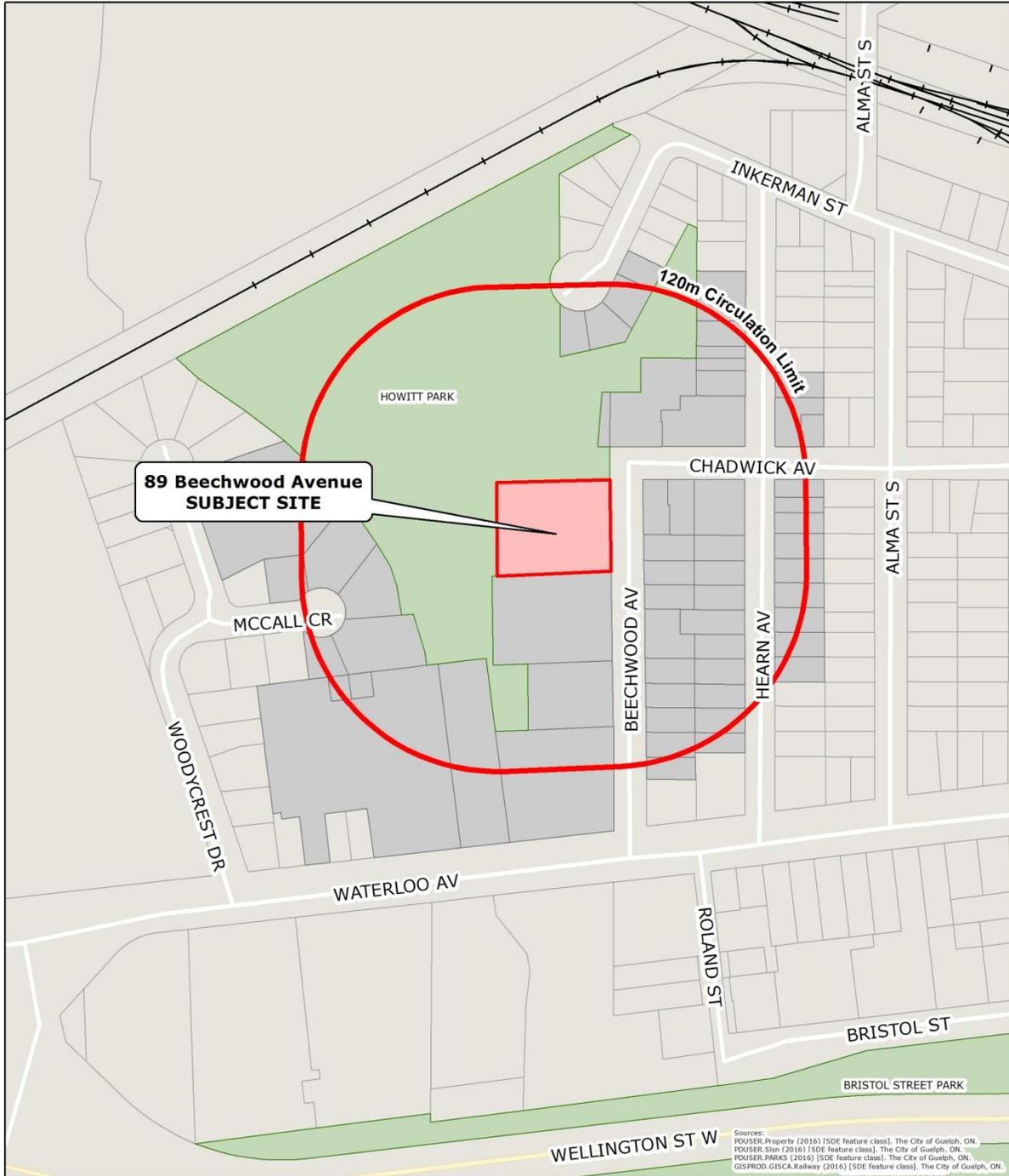
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ATT-1 Location Map and 120m Circulation



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

LOCATION MAP and 120m CIRCULATION AREA 89 Beechwood Avenue



ATT-2 Orthophoto



Sources:
GISPROD_GISCA_Property (2017) [SDE feature class], The City of Guelph, ON
POUSER_PARKS (2013) [SDE feature class], The City of Guelph, ON
POUSER_City_Boundary (2013) [SDE feature class], The City of Guelph, ON
Guelph2016.sld (2016) [file system raster], The City of Guelph, ON

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

2016 ORTHOPHOTO 89 Beechwood Avenue



ATT-3
Recommended Zoning Regulations and Conditions

Part A: Zoning Regulations

Proposed Zoning: "Specialized Residential Cluster Townhouse with Holding Provisions" (R.3A-62(H))

In addition to the regulations set out in Section 5.3.2 – "Residential Cluster Townhouse" (R.3A) Zone of Zoning By-law (1995)-14864, as amended, the following specialized regulations will apply:

- To permit a minimum side yard setback (on the north side) to the Stacked Townhouses of 5 metres;
- To permit a minimum side yard setback (on the north side) to the On-Street Townhouses of 9 metres;
- The end units of the Stacked Townhouses shall be limited in height to 2 storeys;
- To permit an angular plane of 54 degrees to a park zone;
- To permit On-Street Townhouses in the R.3A Zone;
- To add a site-specific definition for "On-Street Townhouse" in this specialized zone to reflect the proposed use but also recognize that the "On-Street Townhouse" units will not be located on separate lots. For the purposes of this specialized zone, "*On-Street Townhouse*" means a *Townhouse* where each *Dwelling Unit* has independent driveway access onto a public street but is not located on a separate Lot;
- Minimum Lot Area Per Dwelling Unit and Minimum Lot Frontage do not apply to On-Street Townhouse uses;
- On-Street townhouses shall be limited in height to 2 storeys;
- A maximum of 16 Stacked Townhouses and a maximum of 6 On-Street Townhouses shall be permitted in this zone;
- A maximum of 22 Dwelling Units shall be permitted in this zone;
- 'H' Symbol – to ensure that all required municipal site services adequate to accommodate the specific development are in place prior to the development of the lands occurring. The 'H' (Holding) Symbol may be removed when the following condition has been met to the satisfaction of the City:

Design and construction of a storm sewer on Beechwood Avenue, to the satisfaction of the City Engineer/General Manager of Engineering and Capital Infrastructure Services or upon the actual design and construction costs of these works being secured in a manner satisfactory to the City Engineer/General Manager.

Proposed Zoning: "Specialized Community Park" (P.3-3)

Permitted uses: Recreation Trail

Regulations: Table 9.2 of the Zoning By-law does not apply to this zone as the purpose of this specialized regulation is to recognize the existing City trail that will be dedicated to the City prior to site plan approval.

Part B: Proposed Conditions

The following are provided as information to Council and will be imposed through a future Site Plan application and Site Plan Agreement registered on title:

1. That the Owner/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 buildings, 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 Building Services and the General Manager/City Engineer, prior to any construction or grading on the lands.
 - a. Further, the Owner/Developer commits and agrees that the details of the layout and design for the development of the subject property shall be generally in conformance with the development plan shown in ATT-4 of the January 28, 2019 Infrastructure, Development and Enterprise Report IDE-2019-08; and,
 - b. The Owner/Developer commits and agrees that upgraded open-style fencing (no chain link fencing) shall be used along the north lot line.
2. That the Owner/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.
3. That the Owner/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 Owner/Developer.
4. That prior to site plan approval and prior to any construction or grading on the lands, the Owner/Developer 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-situ permeameter testing is required to confirm that the recharge can be achieved;
- iii) a geotechnical report certified by a Professional Engineer that analyzes the permeability and hydraulic conductivity of the soils and recommends measures to ensure that they are not diminished by the construction and development; and,
 - 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.
5. That the Owner/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 4 i) to 4 iv) inclusive.
 6. That the Owner/Developer constructs the new buildings at such an elevation that the lowest level of the new buildings can be serviced with a gravity connection to the sanitary sewer.
 7. That the Owner/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.
 8. That prior to site plan approval the Owner/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.
 9. That the Owner/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.
 10. That the Owner/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.
 11. That the Owner/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 watermains 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.

12. That the Owner/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.
13. That the Owner/Developer shall pay the actual cost of the removal of the existing driveway entrance including the asphalt pavement and gravel within the road allowance, the restoration of the boulevard with topsoil and sod including the required curb fill, with the estimated cost of the works as determined by the General Manager/City Engineer being paid, prior to any grading or construction on the lands.
14. That the Owner/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 warranty period completed by an Ontario Association of Landscape Architect (OALA) member for approval to the satisfaction of the Deputy CAO of Public Services. The Owner/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.
15. That the Owner/Developer shall be responsible for installing demarcation prior to registration of the future Plan of Condominium.
16. That the Owner/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 warranty 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.
17. That the Owner/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.

18. That the Owner/Developer shall dedicate to the City a parcel for the existing City trail at the south corner of the site free and clear of all encumbrances. The trail parcel will allow for the full use of the City trail and include a minimum 0.6m clear zone along the edge of the trail. The final trail parcel dimensions will be finalized prior to Site Plan Approval. The registered plan for the trail parcel shall be to the satisfaction of the Deputy CAO of Public Services.
19. That the Owner/Developer shall provide an easement in favour of the City for the existing City trail at the north-west corner of the site. The trail easement will allow for the full use of the City trail and include a minimum 0.6m clear zone along the edge of the trail. The final trail easement dimensions will be finalized prior to Site Plan Approval. An easement agreement for the trail parcel shall be to the satisfaction of the Deputy CAO of Public Services.
20. That the Owner/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.
21. That prior to Site Plan approval, the Owner/Developer 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.
22. That prior to site plan approval, the Owner/Developer shall prepare and implement an Environmental Implementation Report (EIR), based on terms of reference approved by the City and Grand River Conservation Authority (GRCA). The EIR will include details with respect to:
 - stormwater management design and monitoring;
 - water monitoring in relation to Howitt Creek;
 - detailed habitat and edge management plans including invasive species management, buffer enhancement/design and mitigation plans for wildlife habitat;
 - education and stewardship information;
 - detailed mitigation plans to support any required trail design or relocation;

- a salt management plan;
 - grading, drainage and erosion and sediment control plans and,
 - a monitoring program that includes pre and post development monitoring, baseline data, identifies thresholds and associates measures; and,
 - any other information to implement recommendations from the Environmental Impact Study dated July 2017, the EIS Addendum dated March 2018 and EIS Addendum dated July 2018.
23. That prior to site alteration or tree removal, the Owner/Developer shall prepare an updated Tree Inventory & Preservation Plan as well as a Landscaping, Compensation and Replacement Plan, satisfactory to the General Manager of Planning and Building Services prior to any site alteration, tree removal or construction occurring on the site.
24. That prior to site plan approval or site alteration or tree removal, the Owner/ Developer shall prepare a detailed Landscaping, Compensation and Replacement Plan, prepared by an OALA that includes provisions for street trees and landscaping of amenity space/ common elements of the future condominium satisfactory to the General Manager of Planning and Building Services.
25. That prior to site alteration or tree removal, the Owner/Developer shall provide a qualified Environmental Inspector, satisfactory to the General Manager of Planning and Building Services and the City Engineer, to inspect the site during all phases of development and construction including grading, servicing, and building construction. The environmental inspector shall monitor and inspect the erosion and sediment control and tree protection measures and procedures on a weekly or more frequent basis and report on their findings to the City on a monthly basis.
26. That prior to site plan approval the Owner/Developer prepare a Salt Management Plan for the future condominium satisfactory to the City's Risk Management Official for Source Water Protection.
27. That prior to site plan approval, the Owner/Developer shall complete and provide a security to the City to ensure the proper and timely completion of all landscaping in accordance with the approved Landscaping Plan(s). The amount of the securities required will be determined from a detailed cost estimate for the sited works, listing items, quantities, unit costs and total costs. The cost estimate is to be prepared by the consultant and to the satisfaction of the General Manager of Planning and Building Services.
28. That prior to site plan approval the Owner/Developer shall pay to the City the total cost of reproduction and distribution of the Guelph Residents Environmental Handbook, for all future residents of the subject development with such payment based on a cost of one handbook per residential dwelling unit as determined by the City.

29. That prior to site plan approval the Owner/Developer shall provide the City with a letter of credit to cover the City approved cost estimate for the post-development monitoring program to the satisfaction of the General Manager of Planning and Building Services.
30. That prior to site plan approval, the Owner/Developer shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc.
31. That the Owner/Developer shall pay to the City, as determined applicable by the Chief Financial Officer/City Treasurer, Development Charges and Education Development Charges, in accordance with the City of Guelph Development Charges By-law (2014)-19692, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to this issuance of any building permits, at the rate in effect at the time of the issuance of a building permit.
32. That the Owner/Developer and the Upper Grand District School Board shall reach an agreement regarding the supply and erection of a sign (at the Owner/Developer's expense and according to the Board's specifications) affixed to the permanent development sign advising prospective residents about schools in the area.
33. That the Owner/Developer shall agree to advise all purchasers/renters, by inserting the following clause in all offers of Purchase and Sale/Lease to the satisfaction of the Upper Grand District School Board:

"In order to limit liability, public school buses operated by the Service de transport de Wellington-Dufferin Student Transportation Services (STWDSTS), or its assigns or successors, will not travel on privately owned or maintained right-of-ways to pick up students, an potential busing students will be required to meet the bus at a congregated bus pick-up point."

34. That the Owner/Developer shall insert the following warning clause in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease for each dwelling unit within 300m of the railway right-of-way:

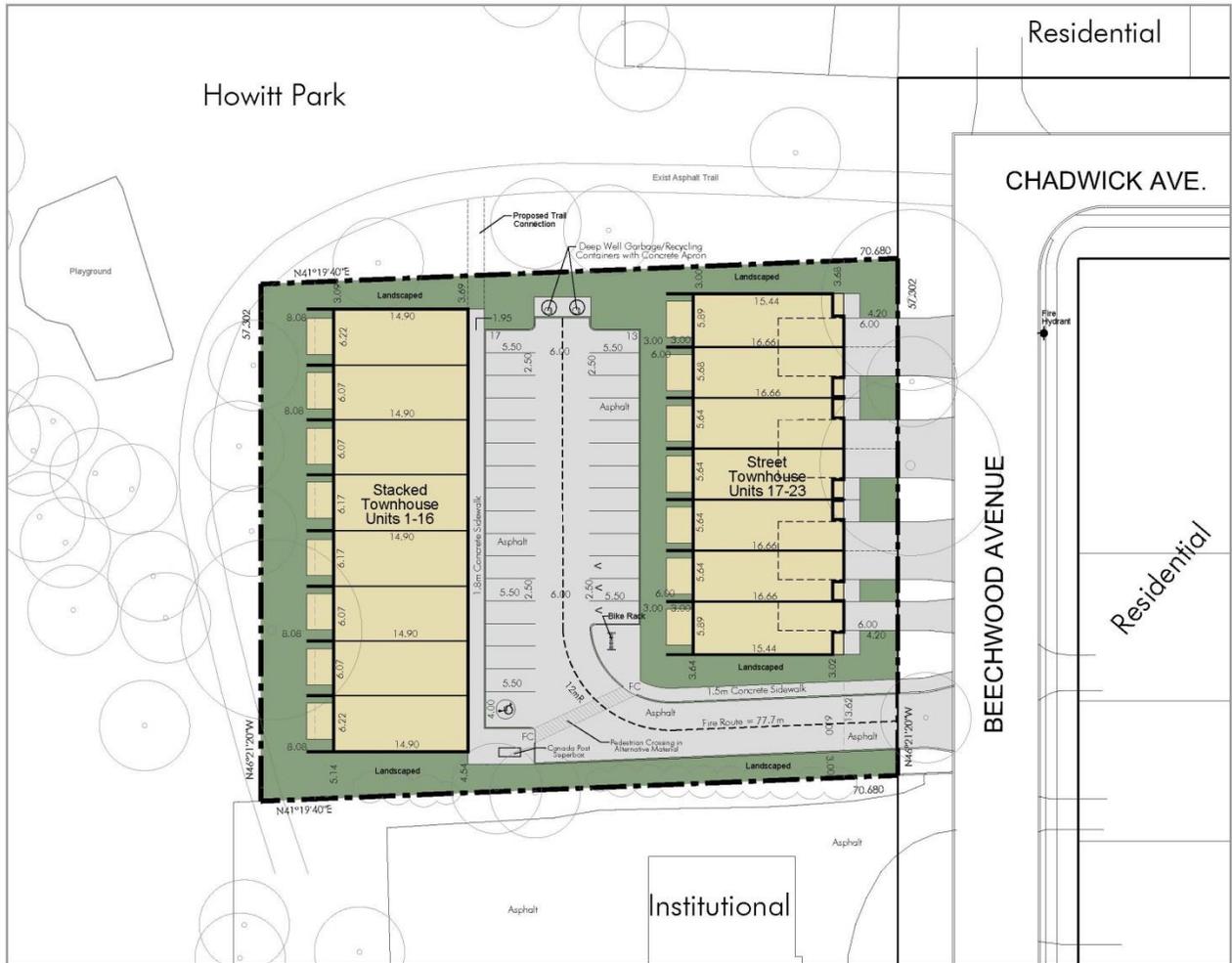
"Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the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

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

ATT-5
November 2018 Conceptual Building Renderings of Stacked Townhouses



ATT-6 March 2018 Conceptual Site Plan



ATT-7
March 2018 Conceptual Building Elevations

Front Elevation of Stacked Townhouses



Front Elevation of On-Street Townhouses

