
From: patrick.quirk
Sent: March 7, 2011 9:14 AM
To: Todd Salter
Subject: Re: Open House - Official Plan Update Directions

Hi Todd,

Thank you for getting back to me. I am hoping for an email response to my 2 concerns that were initially described in my email dated March 7, 2010 (below).

I am specifically concerned about a hard boundary on the Gordon St intensification corridor and protection for Lowes Rd and a portion of Dawn Ave to respect the size and scale of the existing neighbourhood.

I would also like to know where this official plan amendment stands - this has been going on for quite some time and I have lost track of the process.

Thanks for your help.

Pat

From: patrick.quirk
Sent: March 7, 2010 4:32 PM
To: Greg Atkinson
Subject: Re: Open House - Official Plan Update Directions

Hi Greg,

I am unable to attend either of these presentations. I have 2 questions.

1. Is there anything in these amendments dealing with infill developments - i.e. respecting the existing size and scale of the neighbourhood?
2. Is there a map showing what parts of Gordon St are to be considered high density intensification corridors - i.e. how far from Gordon St are these corridors?

Thanks for your time.

Pat Quirk

From: Karen Armstrong
Sent: August 19, 2011 2:37 PM
To: Tim Donegani
Subject: WDG Public Health Review of City of Guelph OP
Importance: High

Hi Tim,

On behalf of Wellington-Dufferin-Guelph Public Health's Healthy Living Team I am pleased to submit our comments on the Official Plan.

If you require clarification or have any comments on our feedback I would be pleased to speak with you.

Sincerely,

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OUR VISION

A community where individuals can achieve their highest level of health.

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Official Plan Review by Wellington-Dufferin-Guelph Public Health

Land use planning shapes us in ways that we are only just beginning to appreciate – obesity, heart disease, mental health, cancer, social isolation, air quality and nutrition. In a number of Canadian provinces and territories, health-related spending is consuming 40% or more of budgets. According to the Canadian Institute for Health Information, health care spending is growing faster than Canada's economy and spending on prescription and non-prescription drugs is growing faster than spending on hospitals and physicians. This is reflected in Ontario.

Wellington-Dufferin-Guelph Public Health works in conjunction with municipalities to support the development of healthy communities. This includes the key areas of: access to healthy foods; physical activity; shade and appropriate infrastructure that reduce injuries. Good urban development involves shaping and managing the built environment to support human, as well as environmental health. This involves designing the built environment to provide various opportunities as well as remove barriers to health.

Wellington-Dufferin-Guelph Public Health is pleased to support the work of the City of Guelph Planning Department in the Official Plan by providing comments which enhance community, individual and environmental health.

Section Number	Page Number	Title	Proposed Wording	Rationale (If Applicable)
1.1a	1	Introduction	"...social, health , economic, culture..."	
2.2e	6	Prosperous & Progressive	...prosperity in research and development and the advancement of education, training, wellness, recreation ...	Communities that focus on improving health prosper financially at a significant level, than those that do not.
2.2h	6	Collaborative & Cooperative	"...(environmental, health , cultural...)"	
2.3.1	6	Strategic Goals of the Plan	New: (c) Ensure that land use planning reduces disparities (e.g., social, economic, health) and inequities.	The determinants of health, including the social and physical environments play a key role in determining the health status of a population as a whole.
2.3.11	8	Transportation	Commend strategic goal.	Transportation is a key factor in healthy food access and includes the availability of public transit or safe walkable routes to healthy food outlets.
2.3.15(a)	9	Housing	Ensure that an adequate supply and range of safe housing types...	Ensuring that the affordable housing is safe will help to reduce injuries in the home such as falls, reducing emergency room visits and hospitalizations.
2.3.17(a)	9	Complete	New: "...affordable housing, access to healthy	Healthy eating opportunities and access to recreation vital

Section Number	Page Number	Title	Proposed Wording	Rationale (If Applicable)
		Community	eating opportunities, access to recreation...”	to public health of individuals and community.
3.2(m)	11	Objectives	To provide an environment that supports the safe use of transit, walking and cycling for everyday activities.	
3.2	12	Objectives	New: (p) To provide access to healthy food outlets within all residents areas.	In communities with little access to healthy food outlets such as grocery stores or farmer’s markets, it is common to see food being accessed at fast-food or convenience outlets. These types of food vendors tend to offer residents high cost, high calories and low nutrition food options. This type of scenario is especially prevalent in low-income neighbourhoods following the “migration of supermarkets to middle-class suburbs” post WWII, creating food deserts. Research shows that food deserts are associated with increased weight.
3.3	12	Population & Employment Forecasts	Commend the inclusion of recreation in 3.3.1.	
3.5.2.4(ii)	13	General Policies	“...transportation, trails, infrastructure and other active commuting modes as well as public service facilities;...”	
3.7 (iv) (vii) (viii)	14	Built Up Area & Intensification	Commend inclusion of mixed land use, high quality open space and development that supports the safe use of transit, walking & cycling for everyday activities.	Mixed land use and good infrastructure support increasing physical activity rates through walking and cycling. People who report having access to sidewalks are more likely to be active. A 5% increase in neighbourhood walkability (completeness of the sidewalk network, safety of street crossings, directness of route, etc) associated with 32.1% more minutes devoted to physically active travel. Those that take public transit increase walking. Transit users spend a median of 19 minutes daily walking to and from transit. 29% achieve 30 minutes of physical activity a day solely by walking to and from transit.
3.11.2(ii)	15	Community Mixed Use Nodes	“...walkable communities, access to healthy food , and live/work opportunities;”	
3.12.2(vii i)	16	Greenfield Area	New: Achieve access for all regardless of age, ability or mode of transportation.	Provides inclusive criteria.

Section Number	Page Number	Title	Proposed Wording	Rationale (If Applicable)
3.15.1(i)	17	Making Land Use & Transportation Connections	"...for moving people, increasing access to healthy food and good;"	
3.20.2	20	Community Infrastructure	"...and to foster a complete healthy community."	
4.6.6.1	76	Transportation – Urban Form/ Density	"...and development patterns that create a pedestrian oriented environment with mixed uses (e.g., services, jobs, recreation, open space). "	Moves that focus from compact urban form to pedestrian oriented community, while maintaining the compact and mixed land use philosophy. Should compact urban form be italicized, as there is a definition in the back?
4.6.8.4.6	79	Climate Change Mitigation	New: The City will incorporate shaded parks to moderate urban heat island effects which not only mitigate the effects of climate change but also moderate air pollution, cool buildings, reduce ozone production, affect human comfort and health and in heat wave conditions may even save lives.	Note: Shaded parks can cool buildings up to 4,000 feet from park borders, depending upon the size of the park and the amount of shade trees. Differences in temperature can be about 7 degrees C.
5.12	98	Movement of People & Goods – An Integrated Transportation Network	A balanced integrated transportation network shall contribute to vibrant streets where the road design influences the behaviours of all transportation users affecting the safety, health and quality of life for everyone within the transportation network.	Pedestrians and cyclists are more likely to be killed than motorists. Safe road design results in lower rates of vehicle-pedestrian collisions.
5.12.1(a)	98	Objectives	"...to move people and goods safely , efficiently..."	
5.12.1(c)	98	Objectives	To encourage walking and cycling as safe, healthy and...	To incorporate the health benefits of walking and cycling.
5.12.1(h)	98	Objectives	"...including people with disabilities and those of low-come. "	
5.12.3.1	99	Barrier Free Transportation	"...seniors, children, those of low-come , and those with reduced mobility by:"	Public transit does not always consider helping people access food outlets more effectively with respect to routes, schedules & space to store parcels en route. Addressing these barriers would help impact people's access to healthy foods.
5.12.3.1	99	Barrier Free Transportation	New: Long-term transportation planning shall identify community-wide safe routes to school	

Section Number	Page Number	Title	Proposed Wording	Rationale (If Applicable)
			<p><i>and implementation strategies to develop infrastructure that supports these routes.</i></p> <p><i>Creating safe routes and reducing the distances necessary for students to walk and cycle to school from adjacent neighbourhoods shall be considered in designating locations for new schools.</i></p>	
5.12.5	100	Active Transportation – Pedestrian Movement & Bicycles	Suggest a new #1 as “The City supports walking and cycling as priorities when designing the transportation network. This means that the infrastructure links the various uses in the community in such a way that it supports people’s daily mobility needs between residences, workplaces, commercial, places of worship, recreation and educational institutions.	To increase the importance of walking and cycling vs. vehicular transportation.
5.12.5	100	Active Transportation – Pedestrian Movement & Bicycles	Old #1 – “...designed to be comfortable and safe for pedestrians and cyclists.”	Incorporates injury prevention into language.
5.12.5	100	Active Transportation – Pedestrian Movement & Bicycles	#2 – “...serves commuter, recreational and utilitarian purposes...”	
5.12.5.3(v)	101	Active Transportation	Recommendation: Remove the word “accident.” The new sentence would read: “Implement design and maintenance standard which can reduce the risk of injuries.”	Injuries are predictable and preventable. For this reason, the use of the word “accident” is discouraged when referring to injuries.
5.12.5 (x)	101	Active Transportation	New: Ensure a coordinated system of transit, pedestrian and bicycling services and facilities.	A coordinated system is key to increasing usage. Research shows that if we change the built environment, people will change their behaviour. For each 1.6 km of bikeways per 100,000 residents, it will increase commuting 0.075%, all else being equal.

Section Number	Page Number	Title	Proposed Wording	Rationale (If Applicable)
5.12.5 (xi)	101	Active Transportation	New: Bicycle paths that are used for commuting will be open 24 hours a day, the same as roads. These routes require lighting (especially in winter months) and at the intersections of bike paths and surface streets; at night in underpasses and tunnels. All light will be pedestrian-scale and be sensitive to wildlife habitat areas and residences.	Supports 7.18.3 (page 145)
5.12.6.2(i i)	102	Public Transit	How do we determine which transportation option is first priority?	Rationale: Should it be active transportation methods, including public transit so that walking and cycling are included as a priority? Is the language “complete streets” appropriate to use here?
5.12.6.2(i ii)	102	Public Transit	“...Generally a transit stop...” Can we change it to “Where possible” vs. generally?	Suggestion is to convey it is important/priority and not something that can happen but is not mandated.
5.12.6.2(i ii)	102	Public Transit	Suggest adding “healthy food outlets and recreational opportunities” to (iii).	
5.12.6.2(xii)	102	Public Transit	“...terminals for easy access, parcel storage for groceries, etc. that is accessible... ”	
5.12.8.1	103	Public Transit	New: “Improving public transit service on routes which link residential concentrations with healthy food outlets and recreational opportunities.”	
5.12.8.1(i v)	103	Public Transit	“...bus stop shelters, parcel storage,... ”	Can maximize level of transit ridership.
5.12.8.1(vi)	103	Transit Promotion	Consider removing the word “speed” ...improving the timeliness and reliability of transit service...	Speeding is one of the main factors leading to motor vehicle collisions and resulting injuries as well as fatalities. It would be recommended to remove the word “speed” when making reference to the transit services in the City.

Section Number	Page Number	Title	Proposed Wording	Rationale (If Applicable)
5.12.10.9	104	Policies	Add: The employment of traffic calming strategies will slow vehicular traffic while maintaining efficient vehicle movement (e.g., around schools, older adult facilities, child care centres, bus stops); while make it safe for children and older adults.	Provides rationale for slowing traffic in key areas to support reducing risk of injury.
6.1.2.4	119	General Policies	Within new growth areas of the City, this Plan encourages the provision of new schools within a reasonable time of the construction of new housing in the area. <i>Creating safe routes and reducing the distances necessary for students to walk and cycle to school from adjacent neighbourhoods shall be considered in designating locations for new schools.</i>	
6.3.3.12	122	Policies	"...such as shopping, parks, <i>healthy food outlets, recreational opportunities...</i> "	
6.4.1(b)	126	Objectives	"...cultural, <i>health</i> , recreational..."	
6.5	126	Recreation & Parks	"An open space system...the character <i>and health</i> of the City."	Recognizes the importance of recreation and parks to the health of residents and the health of the community.
6.5.1(b)	127	Objectives	"To develop a <i>safe</i> , cohesive and comprehensive..."	
6.5.1(c)	127	Objectives	To improve community <i>and individual</i> health,	Stresses the important role of parks and recreation in

Section Number	Page Number	Title	Proposed Wording	Rationale (If Applicable)
			wellness and strengthen social cohesion.	developing a “sense of community” and in individual health, not just community health.
6.5.1(d)	127	Objectives	“...regardless of physical ability, age, geographic location within the City, ethnicity or economic means.”	Increases inclusiveness of objectives. Changed ethnic origin to ethnicity. Ethnicity is fluid and can change over one’s lifetime and refers to how a person currently identifies in an ethno-cultural sense. Conversely, ethnic origin refers to one’s ancestry. Ethnicity and ethnic origin/ancestry/heritage may differ. For example, my ethnic origin/ancestry is Polish and Scottish, but I don’t identify as either. Rather, I would speak of my ethnicity, or culture, to be Canadian.
6.5.1(g)	127	Objectives	“...and open space locations, linked by walking and cycling paths. ”	Moves to an integrated active transportation system within the City.
6.5.1(k)	127	Objectives	“....enhances eco-corridors, green corridors, tree-lined streets, streams... ”	Provides for greater protection.
6.5.1(o)	127	Policies	New: To alter the design, operation and maintenance of highly used places & spaces to encourage locals to assume as much of their stewardship as possible.	Is this/could this be a goal of the City?
6.5.1(p)	127	Policies	New: To plant trees to shade parked cars.	Reduces vehicular VOC emissions.
6.5.1(q)	127	Policies	New: To provide shade trees in parks and along trailways.	Tree leaves absorb 95% of UV radiation and provide a cooling effect.
6.5.1®	127	Policies	New: To provide parks with a large portion of their area in vegetation, especially trees, to reduce air temperature.	Children who live in greener neighbourhoods weigh less than their same age, same sex counterparts living in less green neighbourhoods. Furthermore, children in greener neighbourhoods less likely to show weight gains over 2 year period than same age, same sex peers living in less green neighbourhoods. Children living in relatively green environments are found to be more resilient. Association between green space and psychological health strongest for children, individuals with low levels of education and income; as well as individuals between the ages of 45 – 65 years of age.
6.5.1(s)	127	Policies	New: To provide recreation facilities on public	Increases usage of facilities.

Section Number	Page Number	Title	Proposed Wording	Rationale (If Applicable)
			transit routes.	
6.5.2.4(iii)	128	City Trail Network	Safely integrating abandoned railway...	
6.5.4.2	129	Urban Squares	"...consist of mostly hard surfaces, shaded sitting areas..."	To provide protection from the sun & increase usage in rainy weather.
6.5.5.2(vi)	130	Neighbourhood Parks	New: (vii) That playgrounds, picnic areas and benches be shaded by either natural or built structures.	
6.5.7	131	Parkland Dedication Table	Support the parkland dedication amounts.	Recommendation of the National Recreation & Parks Association, 2011 as well.
7.1(i)	135	Objectives	"To design space that is accessible to all, regardless of ability, and allows the space to be enjoyed safely and comfortably. "	More inclusive language and highlights safety and comfort in urban design.
7.1(n)	136	Objectives	New: To create innovative green spaces such as green roofs, community gardens, workplace gardening, edible landscaping and fruit bearing trees. "	
7.3	136	Sustainable Urban Design	Commend #4.	Research does show that people who live within ½ km of an open space, park, recreation facility etc. will use it.
7.4.2(vi)	136	Public Realm	What does "passive solar orientation of the built form" mean?	
7.4.6	137	Public Realm	New: "Provision of shade trees "	To provide protection from the sun, thereby ensuring comfort while shopping, walking and enjoying outdoor patios and events.
7.4.9(v)	137	Public Realm	"...measures such as canopies, awnings, shade trees , building projections..."	
7.4.9(viii)	138	Public Realm	New: "Ensuring that residential areas have access to healthy food outlets and recreational opportunities."	Land use planning can impact whether or not neighbourhoods have access to grocery stores, farmer's markets, etc. Access to healthy foods is essential for a thriving, vibrant and healthy community. Policies that support access to healthy food outlets such as grocery stores & farmer's markets contribute to long-term community well-being.
7.14	143	Parking	Support #8 on bicycle parking.	

Section Number	Page Number	Title	Proposed Wording	Rationale (If Applicable)
7.14	143	Parking	Should there be a piece on providing shade for parked cars here as well or instead of section 6.5.1?	
7.18	145	Lighting	Should #3 include bicycle lanes in the list?	Can reduce the risk of injury.
7.19.1(v)	145	Landscaping & Development	New: v) Provide shade where possible.	
7.19.2(vii)	145	Landscaping & Development	New: vii) Be appropriate for creating shade where appropriate.	
8.3.1(l)	154	Objectives	"...shopping, healthy food outlets , institutions..."	
8.3.1(p)	154	Objectives	New: Ensure healthy food is available and accessible in every residential neighbourhood.	Research shows that adolescents who go to school within a km of fast food restaurants are more likely to be overweight or obese. Similarly to schools, one can assume that neighbourhoods with access to fast food & convenience food vendors will also result in increased consumption of these foods contributing to unhealthy weights. This is especially profound in neighbourhoods that only have access to fast food and convenience foods as these are their only readily accessible food choices. One study examining the impact of the introduction of a farmers market on the price and availability of healthy food in an under-served urban neighbourhood found that the farmer's market had a major impact on grocery prices in the neighbourhood, which decreased by almost 12% in 3 years.
8.3.2.9	158	Day Care Centres	Should the title be Child Care Centres?	Staff working in the field have shifted the language to reflect that they are taking care of "children and not days."
8.3.2.9.2	158	Day Care Centres	New: Locate child care centres away from highways, arterials and major commercial and industrial developments.	This statement reduces the impact of poor air quality and reduces conflicts with traffic with one of the most vulnerable populations.
8.3.2.10.4	158	Non Residential Uses in Residential Areas	New: Food outlets shall be permitted that provide access to healthy foods to residents in the surrounding neighbourhood.	
8.3.2.10.1.2	158	Schools	New: Locate schools away from highways, arterials and major commercial and industrial developments.	This statement reduces the impact of poor air quality and reduces conflicts with traffic from a vulnerable population.

Section Number	Page Number	Title	Proposed Wording	Rationale (If Applicable)
8.4.1(h)	162	Objectives	New: <i>To ensure that residents have access to healthy eating opportunities and access to recreation opportunities Downtown.</i>	
8.5.1.1(f)	168	Objectives	“...live/work uses, <i>healthy food outlets and recreational opportunities...</i> ”	
8.5.1.3.1	170	Permitted Uses	Recommend adding <i>“healthy food outlets, including grocery stores and farmer’s markets”</i>	
8.5.2.3.1	173	Permitted Uses	Recommend adding <i>“healthy food outlets, including grocery stores and farmer’s markets”</i>	
8.5.3.1(a)	174	Objectives	“...local convenience, neighbourhood commercial uses, <i>healthy food outlets and recreational opportunities...</i> ”	
8.5.3.1(d)	174	Objectives	“...live/work uses, <i>healthy food outlets...</i> ”	
8.5.3.3.1	176	Permitted Uses	Recommend adding <i>healthy food outlets, including grocery stores and farmer’s markets...</i> to list of mixed uses.	
8.12	194	Open Space & Parks Designation	The NRPA recommended ratio is a minimum core system of parklands with 6.25 -10 acres of developed open space per 1,000 population.	Support the parkland dedication calculation in the OP.
8.12(g)	194	Open Space & Parks Designation	“...the need to balance (remove passive) recreational <i>and commuting</i> opportunities...”	Outlines the two types of use: recreation and commuting.
8.12.1(i)	195	Objectives	New: <i>“to foster opportunities for productive recreation such as community gardens.”</i>	
9.15.5(xii))	218	Site Control Plan	New: <i>Shade protection from the sun in parks, playgrounds, and other public spaces.</i>	

-----Original Message-----

From: Ryan Hayhurst
Sent: August 31, 2011 10:35 AM
To: Tim Donegani
Subject: Phase 1 Report

Hi Tim -

I have for you here a final draft of our recommendations for the Official Plan Update. Beyond the vast swath of detailed recommendations for the plan you will find in our summary a list of areas which we feel further research is required. It is an ambitious list that would likely keep a team of researchers busy for the next 5 years! Good thing you may well have a willing collaborator in our team at the Research Shop to help you navigate these questions in consultation with our community partners.

Please consider taking what you can from this work and 'beefing' up the OP in the current update; then consider meeting with us again in September to discuss a work plan for the fall and beyond.

We look forward to working with you in the future.

Ryan Hayhurst
Doctoral Student, Rural Studies PhD Program School of Environmental Design and Rural Development University of Guelph Landscape Architecture Building Guelph, ON N1G 2W1.



Institute for **Community** Engaged **Scholarship** (ICES)

The **Research** Shop



**Infusing a Sustainable Food Systems
Framework in Guelph's Official Plan:
Comprehensive Scan Recommendations for
City Staff Consideration**

August 27, 2011

Ryan Hayhurst, MEdes

Shelley Hazen, MA (cand.)

Frances Dietrich O'Connor, MA RPD (cand.)



Introduction

A review of academic literature and contemporary practice appears to suggest that the implementation of sustainable local food systems and urban agriculture can help create and foster healthy and complete communities. Evidence suggests that thoughtful integration of spaces for production, processing, distribution and consumption of food into the urban fabric in a socially just and environmentally considerate fashion will ensure that urban and rural communities alike have an opportunity to create systems that enable a thriving local food economy and inclusive local food culture (OPPI, 2011).

In recognizing the multitude of economic, environmental, social and spiritual dimensions of food, municipal planning tools should be used to promote and enable sustainable development that will improve the convenience of healthy food choices, increase food accessibility and create a resilient local economy. Capitalizing on under-used areas, creating multifunctional foodscapes in each community and fostering partnerships in urban agriculture are among to directions that planners can assist in supporting to help reduce a city's ecological footprint while ensuring sustainable and sound development in the future. Meanwhile full and complete accounting of the cost/benefit equation when it comes to food system's local and global ecological impacts relating to the consumption of water, energy, landfill, soil, air and other elements will ensure fair and just development outcomes for present and future generations.

While roads, sewers, subdivisions and other services have been the traditional domain of municipalities, food systems represent both a considerable challenge and an exciting new opportunity for local government to engage community stakeholders in a collaborative way. Though challenging in process, the impacts that this multi-stakeholder engagement can have on the cost-benefits for traditional municipal services (water, power, transport, urban design) can be considerable. It is therefore in everyone's best interest to address the impacts and outcomes of food system design and ensure that a process is in place to collectively steer the system in a direction that ensures healthy, safe and vibrant community futures.

Methods/Process

This body of work represents the culmination of our work fostered through a participatory action research framework. Beginning with the engagement of City staff in the spring of 2011, consultation with academic faculty and theoretical best practice throughout the project and consultation with community groups namely the Guelph Wellington Food Round Table (GWFRT) through the spring and summer, this set of recommendations represents not just the viewpoint of the authors but rather a broader opinion forged through dialogue among those who participated. This exercise has therefore been as much about developing a culture of inclusion in the planning process as it has been about generating a set of recommendations. It is our hope that the outcome that may have the most value moving forward is the will of the



partners to continue to work together in fostering an environment for participatory planning and collectively working towards a sustainable food systems framework in plan and in reality.

Our August 16th participatory planning session at the Guelph Community Health Centre was particularly pivotal as it put representatives from all stakeholder groups together in the same room for the first time around this issue. While the scope and depth of the session was limited by time and participant availability, the exercise was both immediately beneficial to all involved as well as constituting a foundation for future cooperation.

Section by Section Detailed Recommendations

In this section we make detailed, admittedly too detailed in some cases, recommendations as to how we see the Plan needing to be updated when viewed through a food systems lens. For comprehension purposes our recommendations are highlighted in yellow and those developed by City staff are in pink. By no means intended to be complete or refined, these comments should serve to highlight some areas that need work moving forward in addition to demonstrating where some immediate opportunities exist to impact the Official Plan.

1.0 Introduction

1.3: Interpretation

12. Amendments to the Plan

When considering an application to amend the Official Plan, Council shall consider the following matters:

viii) the impact of the proposed use on sewage, water and solid waste management systems, the transportation system, **food systems**, community facilities and the Natural Heritage System; and

x) the social, environmental and food system implications of the proposed development, for both present and future generations, in an increasingly complex world where food insecurity and climate variability are becoming persistent concerns for all

2.0 Strategic Directions

2.1: Vision

The vision for the City is derived from the Strategic Plan and seeks a healthy and liveable community. Vision: Integrated energy, transportation, **food systems** and land use planning will make a difference in the environmental sustainability, cultural vibrancy, economic prosperity and social well-being of Guelph and the world.



2.2: Guiding Principles

i) Secure, Sustainable and Inclusive Food System

“A sustainable food system is built on principles that further the ecological, social and economic values of a community and region. A sustainable food system is:

- **Secure and therefore reliable and resilient to change, and accessible to all members of society**
- **Energy, water and waste efficient**
- **An economic generator for farmers, whole communities and regions**
- **Environmentally beneficial or benign**
- **Balanced in food imports and capacities**
- **Climate adaptive, with agricultural practices and crop choices being regionally appropriate**
- **Highly productive in rural and urban areas**
- **Supported by multiple scales of food processing, storage, distribution and retail facilities**
- **Celebrated through community events, markets, restaurants and more**
- **Biodiverse in agro-ecosystems as well as in crop selection**
- **Educational to create awareness of food and agricultural issues**
- **Ethical, ensuring quality of life for livestock and providing a fair wage to producers and processors both locally and abroad (AU, p. 37)**

2.3: Strategic Goals of the Plan

5. Economy:

c) Acknowledge that community-based economies can and do provide opportunities for socio-economic inclusiveness around services such as food provision, childcare, care for the elderly and education. Fostering these grass-roots economies can ensure stable and resilient communities that contribute to meeting residents’ basic needs and are less susceptible to global market fluctuations that can de-rail and displace capital intensive private sector employers.

8. Community Infrastructure:

a) Plan to meet the needs of communities by ensuring that each neighbourhood has a hub to support a range of local programming including recreation, community gardening, education, celebration, food processing, storage and distribution space for locally produced, culturally appropriate foods.

13. Sustainability:



c) Foster the partnerships, infrastructure and incentives required to ensure that local sources of food which are sustainably produced and nutritionally rich are accessible for all city residents.

15. Housing:

b) Acknowledge that a lack of affordable housing can contribute to a host of other social problems, including food insecurity which can result in negative health and welfare for residents and additional social and economic costs to the public purse through loss of productivity, health care costs, policing, etc.

18. Urban-Rural Transition & Linkages

Insofar as both the physical space where urban meets rural and the multitude of socio-technical, -cultural, -economic and -environmental interfaces of urban and rural are key to creating a more sustainable food system and resilient landscape form, a special committee will be struck to look at opportunities and challenges at the urban edge and in other linkages between Guelph and Wellington County.

3.0 Planning Complete and Healthy Communities

3.5 Settlement Area/Rural Boundary Separation

3.5.2 General Policies

4. v) Local Food Systems Planning including distribution, processing, storage, education, celebration, agri-tourism, nutrient management and provision of other agricultural inputs, services and amenities.

5. the City will actively engage surrounding municipalities to foster the protection of arable and agricultural lands in the region.

3.12 Greenfield Area

2. The Greenfield Area will be planned and designed to:

v) create high quality public open spaces with site design and urban design standards that support opportunities for transit, walking cycling, urban agriculture and community gardens.

3.17 Culture of Conservation

1. The City will develop and implement policies and other strategies in support of the following conservation objectives.



vi) to encourage consumption of local and sustainable food, reducing food miles, carbon footprints and water use in agricultural production.

3.18 Energy Sustainability

2. The City will reduce energy consumption and promote renewable and alternate energy systems by developing policies and programs for:

vi) developing and adopting policies and programs to account for the economic and environmental costs associated with the City's food and agricultural footprint (Note: Area in need of future research).

3.20 Community Infrastructure

Community Infrastructure

1. The City will encourage an urban open space system that may include but is not limited to **community gardens, urban agriculture**, rooftop gardens, urban squares, communal courtyards and public parks.

4.0 Protecting what is Valuable

4.1.8.2 Policies

1. Healthy native, non-invasive trees within the *Urban Forest* shall be encouraged to be retained and integrated into proposed *developments*. **Where possible multi-functional trees, shrubs and ground covers should be encouraged and integrated into the proposed development, including food bearing species where appropriate.**

4.1.9 Vegetation Compensation Plan

6. Agricultural Land Compensation

The detailed requirements for an Agricultural Land Compensation Plan will be developed by the City. The requirements once developed will be applied to determine appropriate soil and land compensation for the loss of arable agricultural land through development and site alteration (Note: Further research required).

4.2.1.3 Environmental Impact Studies

1. The Environmental Impact Study shall as a minimum address the following:

xii) **conduct a cost benefit analysis of the loss of arable land in light of the benefit accrued to developers when rezoning and developing agricultural greenfield sites in order to share the resulting profits with the public good.**



4.4 Water Resources

4.4.1 Objectives

e) To encourage the design of natural and edible landscapes that demand less water so as to promote water conservation.

f) To encourage design and implementation of on-site grey water separation and re-use systems for edible landscaping, community gardening and urban agriculture applications.

4.4.2 Water Resource Protection and Conservation policies

14. The entire City area is considered to be a recharge area for public and private potable water supply. In order to protect this valuable water resource, the City will introduce conditions of development approval that:

viii) Chemical free urban agricultural methods, including those that make use of organic composts, natural plant-based and biological controls, are encouraged given the close proximity to vulnerable populations. Mulch, nitrogen fixing cover crops, bio-accumulators and other beneficial companion plant species are among the techniques which could be adopted.

15. Urban agricultural practices should look towards adopting minimum water consumption approaches that rely on techniques that include but are not limited to drought tolerant species selection, mulch, perennials, multi-story poly-culture food forests, etc. Exploring all possible financial incentives to create the shift to water wise edible landscapes incentives should be explored by all levels of government including the City (Note: Further research required).

4.5.2 Landfill Constraint Area

4.5.2.1 Objectives

d) waste diversion through nutrient recycling and composting should continue to be an important objective, ultimately making reuse of this valuable organic material in urban gardens.

4.5.3 Contaminated Properties

4.5.3.1 Objectives

f) To create programs and incentives that enable soil testing to occur, especially in public spaces, to ensure that urban agriculture and food production are not being undertaken on contaminated sites. When there is proof of contamination, remediation should be a priority and again appropriate programs and incentives should be devised (Note Further research required).



4.5.4 Noise and Vibrations

4.5.4.2 Other Provisions

19. Given that mass trucking of imported foods is both noisy and polluting, urban agriculture, community gardens and edible landscapes are encouraged to meet the food demand of the City. Reducing food miles and having fewer trucks on the road means less noise, less pollution and less cost to the City (Note: further study required).

4.6.5 End use Efficiency/Conservation

1. iv) new landscaping and maintenance practices will be strongly encouraged to minimize water consumption; these practices should be designed in such a way so as to reduce water needs and foster healthy soils to better withstand drought conditions.

v) alternative water supply and demand management systems such as , rain water harvesting and grey water reuse is encouraged in all new development or redevelopment; in particular, community gardens, residential food production, edible landscaping for public green spaces and urban agriculture projects should make full use of such techniques.

ix) food systems should be optimized around the sourcing of local provisions due to the reduced energy required to deliver local goods to end user. Similarly, food production systems should account for water consumption and evolve towards minimum water consumption approaches in order to account for how the city uses water in the production and energy in the transportation of food.

4.6.5.3 Food System Ecological Footprint Analysis & Field to Table to Field Energy Accounting (Note: Further research required.)

How much energy is Guelph using to feed itself? What is the carbon footprint of our food system? How much water are we using to produce our food? What are the other human and environmental costs?

Are these levels sustainable? Can they be improved upon, what would it cost us to improve on these levels and how much would it save us in the long run? What would reducing our energy, water and chemical use mean for the environment, both locally and globally? Would localizing our food system create greater food security and how could that be measured?

A comprehensive mapping and auditing system would provide the City, producers, distributors, processors and consumers with a way to evaluate the existing ecological footprint of our food system across a range of indicators such that collectively over time we could move towards greater socio-ecological resiliency.

Upon the completion of the food mapping process the results will be used by the City to:

i) provide an approach to integrate community food modeling and land-use spatial analysis to undertake strategic development of infrastructure assets and long-range planning to meet



food needs and greenhouse gas objectives while accommodating expected population growth;

ii) track and monitor food production and consumption and provide a clear link to land-use and transportation strategies;

iii) identify land-use, building development and transportation practices that have a direct impact on food demand and provide the opportunity to implement a process to lower energy demands;

iv) enable the City and local food production, distribution, processing and storage operators to collaborate on planning for food systems and encourage activities to address local food system challenges;

v) inform the Official Plan and other policies to identify additional land use policies needed to achieve the targeted reduction in greenhouse gas emissions, water and energy use efficiency and harmful chemical reduction targets.

4.6.6 Transportation-Urban Form/density

12. Improve energy efficiencies and air quality by directing land use and development patterns that ensure compact urban form that provides for a mix of employment, commerce and housing that promotes walking, cycling and the use of transit. Transit systems should aim to connect to food hubs and markets to maximize the efficiency of transportation routes and support local food systems. Transportation routes should be planned to enhance the access to healthy, local food choices and help reduce the City's ecological footprint and eliminate food deserts.

4.6.7 Corporate Leadership

The City will aim to achieve energy efficiency and water conservation through implementing programs and policies which include but are not limited to:

2. vii establishing greenhouse gas emission targets for municipal assets as well as establishing ecological footprint targets for food sourcing;

ix) implementing green purchasing and sustainable green fleet procedures; ie. implementing green purchasing including the sourcing of local, fair trade and sustainable food through Guelph Wellington Local Food; and

x) strongly encouraging the use of low maintenance landscaping throughout the City and exploring partnership development on residual urban lands that could be brought to higher uses in food production.

4.6.8 Climate Change

The development and redevelopment of Guelph needs to be conducted as an integrated system where density is the key to the development of new transport and renewable energy



systems and whose systems help to meet the City's targets for greenhouse gas reductions. Trails and bike paths throughout the City will spur walking and cycling while connecting green spaces, urban agriculture, recreation and other social gathering spaces. An integrated *Official Plan* will use a systems approach to create an over-arching vision and structure that shows low carbon energy opportunities, viable sustainable transportation routes and nodes, potential for expanding open space and employment areas and appropriate housing density **and by fostering agricultural systems that are grown in a way that reduces fossil fuel dependence, that encourage carbon sequestration and are suited to Guelph's climatic conditions to create more resilient food systems.** This integrated approach is essential to achieving many of the long-term goals of the *Official Plan* including taking measures to address climate change.

4.6.8.1 Objectives

d) to encourage the adoption of better adapted agricultural systems such as perennial over annual cultivation.

e) to encourage the localization of supply chains in order to reduce transportation requirements.

f) to encourage seed saving in order to ensure planting seeds that are better adapted to regional stresses versus seeds from non-local sources.

4.6.8.4 Climate Change Mitigation

3. The City will work towards reducing heat island effects through encouraging the use of reflective or green roofs, natural landscaping and increasing the tree canopy. **The City could also encourage and provide incentives for adopting an agro-ecological approach to food production by incorporating more trees into urban agricultural systems. These systems are more self-sufficient in nutrients when properly designed and are better at retaining water, are more resilient to climatic variability as well as regulating temperature and providing habitat/biodiversity.**

5. The City will incorporate the social **and environmental** cost of carbon emissions into its procurement, procedure, policies, capital planning and decision-making.

4.7 Cultural Heritage Resources

Cultural heritage resources are the roots of the community. They may include tangible features, structures, sites or landscapes that either individually or as a part of a whole are of historical, architectural, archaeological or scenic value. Cultural heritage resources may also represent intangible heritage such as customs, ways of life, values and activities. The resources may represent local, regional, provincial or national heritage interests and values. They include *built heritage resources, cultural heritage landscapes, archaeological resources* **and agricultural heritage.**

The *cultural heritage resources* paint the history of the City and provide identity and character while instilling pride and contributing to economic prosperity.



4.7.2 General Policies

13. It is acknowledged that agriculture has played an important role in the history of the City and as such, its lineage should be honoured to include the perspective of agricultural producers in Guelph. Agricultural heritage reflects on the strong historical linkages to Guelph's rural lifestyles and acknowledges that while agriculture is no longer the primary use of lands within the city as well as moving toward the future, both within the built up city and surrounding the area, agriculture still forms a vital part of the economy and culture of the City.

5.0 Municipal Services

5.7 Solid Waste Management

Objectives

- a) As the City's organic waste recycling system comes online, uptake of the compost outputs should be encouraged for use in urban farms, community gardens, edible landscapes, and residential gardens. Free or discounted compost should be made available to low income and community non-profit projects.
- b) Insofar as local food is produced in closer proximity to consumers and therefore requires less packaging to ensure freshness, whereas food from further afar requires more packaging and thus represents a cost to the municipal landfills and recycling facilities, the City will encourage local food consumption in order to reduce solid waste management costs.

5.8 Stormwater Management

5.8.2 Policies

9. The City strongly encourages the use of low impact development measures such as bio-filters, grasses swales, rain gardens, etc, in the design of new development, site alteration. Insofar as these stormwater management and other residual spaces can perform valuable ecological services they can also perform food system functions by being planted out with edible landscapes.

5.11 Electric transmission lines and pipelines

5.11.2 General Policies

4. Land within transmission corridors will be encouraged to be made available for urban agriculture so long as they have been deemed safe and free of residual contaminants. As with all residual and brownfield sites, comprehensive soil testing should be a priority.



5.12 Movement of People and Goods: An Integrated Transportation Network

5.12.5 Active Transportation – Pedestrian Movement and Bicycles

3. Due to reduced carbon emissions of bicycle transit, the City encourages the use of bicycles for transporting goods and services within the city including food wherever feasible.

5.12.6 Public Transit

2. vi) locate higher density housing, commercial, employment centres and **healthy local food services along** major transit routes;

5. Given the importance of public transit to low income community members not only for employment but also for access to services, including food services, all efforts should be made to create enabling price structures and routing to ensure low income communities have sufficient access to transit (Note: programming element must be considered in relation to infrastructure design and goes beyond, but not totally exclusive of, the official plan).

5.12.13 trucking and goods movement:

4. The City will restrict the location of land uses, activities, **food system practices** and home occupations that increases truck traffic. **In other words, food system design should minimize the transportation of provisions by building capacity into multi-functional mixed-use neighbourhoods where people live, work and play.**

5.12.18

3. The City will coordinate with surrounding municipalities, the province and beyond to ensure that food is brought into the City in a sustainable manner and will encourage coordinated planning around the production, transportation and processing of food.

6.0 Community Infrastructure

6.1 Community Facilities

6.1.2 General Policies

1. The City will encourage the adequate provision of community facilities in conjunction with new residential growth. For the purposes of this Plan, community facilities include, but are not limited to such things as municipal recreational facilities, institutional health care facilities, library and museum services, religious, educational facilities, **community food hubs and related infrastructure including urban agriculture, community gardens, and public spaces with edible landscapes.**

6.3 Affordable Housing



6.3.1 Affordable Housing Objectives

- c) To encourage and support education and awareness programs with private, public and local community stakeholders to highlight the economic and social advantages of *affordable housing* **including the connection between affordable housing and food security.**
- f) To promote innovative housing types and forms to ensure affordable, sustainable housing for all socio-economic groups throughout the city **which enable community energy planning, promote water conservation, urban greening and foster community food systems (and thus greater food security).**
- j) **To encourage affordable housing to be located in mixed income and mixed use neighbourhoods to enable access to services, and in particular food resources.**

Policies

11. The City may establish alternative development standards for *affordable housing* development proposals as conditions of approval, including the setting of maximum unit sizes, reduced parking requirements, etc. **so long as these standards do not deprive low income residents of community food system infrastructure such as potential space for community gardens, rooftop gardens, balconies, window boxes and yards.**

12. *Affordable, social and special needs* housing are encouraged to locate in **mixed income and mixed use areas** served by transit, and other services such as, shopping, parks and other community facilities. Housing proposed in the Downtown, and the Mixed Use designations is strongly encouraged for *affordable housing* because of the availability of nearby services.

6.4 Barrier Free Environment

6.4.1 Objectives

- b) To encourage the provision of **healthy food sources**, cultural, recreational and educational services and facilities in order to improve accessibility by all age groups, regardless of ability or socioeconomic status.

6.5 Recreation and Parks

An open space system of parks and trails provides a variety of recreational activity while having regard for the City's natural areas. It plays an important role in defining the character of the City.

6.5.1 Objectives

- o) To promote the growth of urban agriculture, community gardens, farmers markets, food education and celebration space within the city boundaries.**

6.5.5 Neighbourhood Parks

Neighbourhood parks will primarily cater to the needs and interests of the residents living within its general vicinity for unorganized, unstructured and spontaneous leisure



activities. Neighbourhood parks contain a mixture of passive areas, low to intermediate sports facilities, informal and formal play areas and may contain natural areas, **edible landscaping and community gardens.**

6.5.6 Community Parks

1. Community parks may be developed to accommodate the conservation of *cultural heritage resources* and/or preservation of *natural heritage resources* or to provide facilities for active recreational activities at an intermediate and/or major level such as sports fields, recreation and/or community centers. Community Parks may contain natural areas, beaches, trails, picnic areas public recreation facilities, passive areas, **community gardens, urban agriculture, and associated community food hub infrastructure.**

6.5.7 Regional Parks

Regional parks are designed primarily to provide facilities or features that attract visitors from the local community and from the broader region. Regional parks may include: civic centres, botanical gardens, wildlife sanctuaries, natural reserves, **community gardens, space for urban agriculture**, scenic portions of waterway systems, museums, major historic sites, golf courses, university facilities, major sports and community recreational facilities **such as community food hubs where appropriate.**

6.5.10

5 v) in consultation with residents, a certain proportion of parkland should be designated for urban agriculture and community garden spaces.

vi) In consultation with nearby community groups and urban agriculture interest groups, the industrial sector should consider dedicating their residual lands to agricultural production in partnership with private, not-for-profit and community groups.

6.5.11 Other Agencies

2. vi) where feasible, the City will encourage community gardens and agriculture uses as accessory uses for community facilities such as places of worship, schools, health centres, cultural and recreational institutions.

6.6 Urban Agriculture

1. The City encourages the use of underutilized sites, and long-term development parcels for *urban agriculture* where appropriate and feasible, without limiting the potential for future development. Inappropriate locations may include potentially contaminated properties.
2. Space for community gardens may be identified as part of the development approvals process.
3. The City encourages the provision of space for *urban agriculture* in addition to common amenity space requirements for new *development*, including roof-top gardens.



4. The City will encourage community gardens by facilitating the use of parks and underutilized public lands for community gardens subject to the “Principals and Guidelines for the location of Community Gardens” as may be prepared and amended. The City may support these community gardens by providing water, wood mulch, on-site compost or other forms of in-kind support.

5. The City may identify and remove or mitigate barriers to *urban agriculture*.

6. The City may partner with community stakeholders to develop mechanisms to promote urban agriculture.

7. In consultation with stakeholders, the City will consider developing policies that advance a healthy, sustainable, secure, resilient, accessible, economically vibrant, and equitable food system. These may include policies addressing local food procurement; facilitating additional farmers’ markets or farm stands throughout the city; planning for the availability of healthy foods within walking or biking distance of all residents; planning for food security to promote community resilience to changes to the world food system; and perusing opportunities for education and community building around producing local food.

7.0 Urban Design

7.1 Objectives

n) In order to encourage energy conservation in the food system, encourage accountability for water use and ensure that all residents of Guelph enjoy improved food security, the City will encourage and support the development of community food spaces in each neighbourhood, by helping to foster partnerships between the public, private, not-for-profit and community sectors.

7.3 Sustainable Urban Design

5. New developments should be required to build in community food spaces that allow for neighbourhood level production, processing, distribution, storage, celebration & education of culturally appropriate, fresh, healthy food. Where possible, these spaces should be linked to transit, incorporate a market space for local and regional vendors, and promote water and energy efficient chemical free growing techniques in the associated production spaces. These multi-functional ‘community food hubs’ are therefore as much education facilities as they are areas for recreation, production, consumption, distribution and celebration.

7.4 Public Realm

7. Acknowledging that while all such landscaped areas can contribute to aesthetic appeal, groundwater recharge, species habitat and biodiversity, they can also provide added multi-functionality to site users and nearby community partners by being designated urban agriculture pockets and where appropriate planted out with a mixture of food bearing perennials, native beneficial species and annual fruits and vegetables. Such measures may represent not only a cost saving to property owners from decreased landscaping charges, a



cost saving to the environment due to a measurable decrease in the amount of residual under-used lawns and berms to tend with noisy gas mowers and trimmers, but also represent a social, environmental and economic capital generation opportunity for an emerging class of urban micro-farmers. (Note: Future research required)

7.5 Landmarks Public Views & Vistas

3. Parks, schools, places of worship, **community food hubs** and other community facilities should be established in visually prominent, central and accessible locations to serve as neighbourhood focal points or gathering places. These focal features should have good access to all forms of transportation, be created to a high standard of design, and include uses serving the local community.

7.7 Built Form: Low Rise Residential Form

5. To create visual interest and diversity in the built environment, a wide variety of architectural designs are encouraged **and similarly horticultural diversity that adds variety, biodiversity and resiliency to neighbourhoods should be encouraged.**

7.9: Built Form: Buildings in Proximity to Residential and Institutional Uses

iv) a) providing perimeter landscape buffering incorporating a generously planted landscape strip, berming and/or fencing to delineate property boundaries and to screen the commercial or employment use from the adjacent use.

b) See section 7.4, #7.

Sec 7.13: Transition of Land Use

3. Integrated food and agricultural systems call for new approaches to planning and design of transition zones, which should be seen as opportunities to address mixed use and multi-functionality rather than segregation. Several different strategies can be used to create more value from transition zones depending on the uses contesting the space. It is thereby imperative for planners, landscape architects, architects, business owners, community groups and others to collaborate on design, implementations and management of such spaces. (Note: Subject well suited for additional research.)

7.14 Parking

1. Where permitted adjacent to the public realm, surface parking areas should be designed in a manner that contributes to an attractive public realm by providing screening and landscaping. Generously sized landscape strips incorporating combinations of landscaping, berming, **edible landscaping** and decorative fencing or walls shall be provided adjacent the street edge to provide aesthetically pleasing views into the site while screening surface parking areas.

7.16 Signage



5. The City will endeavour to create a special policy pertaining to signage for urban farms, community markets gardens and the like, which will create enabling conditions for producers looking to alert vehicular and pedestrian traffic to their establishments.

7.19 Landscaping and Development

1. Landscaping shall:

v) be low maintenance, minimally water consumptive and of maximum functionality in terms of agro-ecology and/or biodiversity.

2. The selection of plant material:

vii) where feasible is encouraged to yield food, fuel or fiber for the resident.

6. The retention of vegetation in front yards along residential streets is encouraged; vegetable gardening and edible landscaping in front yards is also permitted and encouraged.

7.22 Urban Squares

5. Neighbourhood farmer's markets shall be encouraged in all urban squares.

7.24 Development Adjacent to River Corridors

2. Riverfront lands that are available for public use shall be improved through opportunities such as the development review process. The improvement of riverfront lands that are available for public use, community gardens, pedestrian and cycling amenities is encouraged.

8.0 Land Use

8.1.2 Permitted Uses in All Land Use Designations excluding Natural Heritage System

1. The following uses may be permitted in all land use designations excluding Natural Heritage System subject to the applicable policies of this Plan:

i) existing uses;

ii) public and private infrastructure;

iii) community gardens and urban agriculture; and

iv) municipal parks and recreation facilities.

8.1.3.3 Agriculture

1. Community gardens and other compatible forms of *urban agriculture* may be permitted in all designations except Natural Areas and Significant Natural Areas unless otherwise limited by the provisions of this Plan and will be subject to City by-laws and guidelines.



2. New *livestock-based agricultural* operations or the expansion of existing *livestock-based agricultural* operations will not be permitted within any land use designation. (Note: Ensure clarification that appropriate scale livestock keeping is permitted in the case of residential or community urban agriculture.)

3. Notwithstanding the above policy, this Plan does not restrict livestock-based instruction, research and animal care on any lands used by the University of Guelph.

8.1.2.3

4. The sale of produce grown on site should be permitted from all land use designations, including the sale of eggs on the property of origin as permitted by the Chicken By-law.

8.3.2.10.2 Convenience Commercial

1. Convenience commercial uses may be permitted that provides goods and services primarily to residents in the surrounding neighbourhood. **It is encouraged that convenience commercial uses connect with local neighbourhood producers to provide greater access to fresh, local products. Where access to convenience commercial within walking distance is not available, the City shall work with residents to find a suitable location where retailing of healthy locally produced food can be sold.**

8.5 Mixed Use Areas, Corridors and Centres Designation

The Community Mixed Use Areas, Mixed Use Corridors and Neighbourhood Mixed Use Centres, identified on Schedule 2 are part of the City's commercial structure which also includes the Commercial Service and Commercial-Residential designations of this Plan.

The Community Mixed Use Areas, Mixed Use Corridors and Neighbourhood Mixed Use Centres will provide a range of uses in a compact urban form that is served by transit and linked to the surrounding community by trails and sidewalks. These areas are intended to develop over time as pedestrian-oriented urban villages with centralized public spaces and provide a range of uses including **urban agricultural**, retail and office uses, live/work opportunities, and medium to high density residential uses. These designations are an important opportunity for **adding** intensification **and multi-functionality** in the City.

8.5.1.1 Objectives

j) To honour the City's agricultural heritage and integrate it with urban design innovation by supporting urban agriculture where appropriate in conjunction with multi-use site development so as to capitalize on residual arable land and promote robust and sustainable local food systems.

8.12 Open Space and Parks Designation

Open space and parks provides health, environmental, aesthetic and economic benefits that are essential elements for a good quality of life. Lands designated Open Space and Parks are



public or private areas where the predominant use or function is recreational activities, parks, conservation management, **urban agriculture** and other open space uses.

8.12.1 Objectives

a) To develop a balanced distribution of open space, active and passive parkland, **community gardens** and recreation facilities that meet the needs of all residents and are conveniently located, accessible and safe.

b) To foster strategies to cooperate and partner with other public, quasi-public and private organizations in the provision of open space, **community gardens & urban agriculture**, trails and parks to maximize benefits to the community.

f) To work with the development community to encourage proponent built parks, urban squares, **farmer's markets and community gardens**.

h) To encourage edible landscapes and community gardens where appropriate that include indigenous species that are compatible with the site conditions.

8.12.3 Permitted Uses

1. vii) **urban agriculture and edible landscapes**

8.13 Major Utility Designation

8.13.3 Permitted Uses

vi) open space uses, **such as urban agriculture**

8.14.2.1 Guelph Innovation District Special Study Area

4. In light of the need to provide additional green space, community gardens and urban agriculture opportunities for City residents, the Innovation District Secondary Plan should be reviewed to evaluate the parcel's tremendous potential to become an urban agricultural district where innovation around sustainable local food systems can be fostered.

9.0 Implementation

9.1: Official Plan Update and Monitoring

2. To facilitate the updating of the Official Plan, the City may monitor the following matters:

xi) environmental impacts, including the achievement of energy reduction and generation targets **and environmental impacts of food production, distribution, storage and nutrient recycling.**



xii) social and economic food system, including access to food of nutritional quality (food security), cultural appropriateness of food, quantity and dollar value of local food produced and publicly procured.

xiii) other issues as required

9.2: Secondary Plans

(Note: Secondary Plans are beyond the scope of this phase of the research and may require revisions when subject to analysis through a food systems lens).

9.4: Community Improvement

9.4.2: General Policies

6. Recognizing that Community Food Hubs are an ideal vehicle to boost neighbourhood value and create synergies through programming and partnerships around food education, production, processing, storage, distribution and celebration, Community Improvement Plans should be actively utilized to stimulate the development of Community Food Hubs.

9.10: Pre-consultation and Complete Application Requirements

3. In addition to the requirements noted in the applicable sections of the Official Plan, the City may require additional information and material to be submitted as part of a complete application. The following broad categories describe additional information and material that may be required and the type of studies or documents that may be identified during the pre-consultation process as being required to be submitted as part of a complete development application:

ix) Sustainability:

The submission of reports, studies, and/or drawings that demonstrate, to the satisfaction of the City, how a particular development proposal and/or change in land use meets the energy, water, and sustainability policies of this Plan.

This may include, but shall not be limited to:

- Completion of the City's Sustainability Checklist
- District Heating Feasibility Study
- Renewable Energy Feasibility Study
- Water Conservation Efficiency Study
- Energy Conservation Efficiency Study
- Food System Impact Study

9.12: Bonus Provisions

2. Community benefits may include:



xiii) community centres, **community food hubs** and/or facilities and improvements to such centres and/or facilities; and

9.19 Sign By-Law

2. The City will endeavour to create a special policy pertaining to signage for urban farms, community markets gardens and the like, which will create enabling conditions for producers looking to alert local and tourism vehicular and pedestrian traffic to their establishments.

9.22 Poultry By-Law (1985) -11952

Enshrining the right to raise poultry subject to sound management and respect for ones neighbours, as permitted under the poultry by-law, is an important cornerstone in sustainable urban food production, education and celebration. This City should look to expand this By-Law to include all forms of small livestock suitable to urban environments, including bees, fish, snails, worms, swine, and ruminants as well as other birds and fowl. Doing so would represent an economic opportunity for urban producers, additional mechanisms for nutrient recycling and input substitution, social benefits from additional food access and food system resiliency and environmental benefits from reducing food miles.

Furthermore, if enshrining the right to produce food on one's property, front yard, back yard, roof-top and indoors, subject to good management and respect for ones neighbours, is a foundation for resilient food systems, it is in the City's best interest to ensure that the rest of the 'food system house' is built through education, incentive and full-cost accounting programs, Secondary Plans and By-Laws designed to ensure that we collectively foster the human resources and infrastructure capital required for these systems to manifest. While regulation and monitoring will play an important role in ensuring that urban livestock do not detract from the quality of urban living, Municipal partnerships with research and education facilities and robust community-engagement will be crucial to ensure the successful reintegration of appropriate scale local food production within urban spaces.

(Note: Further research required on what constitutes appropriate livestock in the City and how livestock are to be housed and cared for in the small-scale urban/residential/community context. Ex: does it make sense for backyard chicken coops to be subject to the same design considerations as large scale chicken barns? In the backyard/small-flock/free run context, for example, it makes no sense for them to be housed on a concrete floor as this would restrict their access to healthy pasture and insects, and as well limit their ability to serve as a mechanism to enrich garden soil.)

10.0 Glossary

10.2 Definitions



Agricultural Urbanism: An emerging planning, policy and design framework for integrating a wide range of sustainable food and agriculture system elements into a community at a site-, neighbourhood- or city-wide scale. In short it is a way of building a place around food. (Agricultural Urbanism, p. 240)

Community Food Security: “A situation in which all community residents obtain a safe, culturally acceptable diet through a sustainable food system that maximizes self-reliance and social justice” CFSC, based on Hamm and Bellows, 2011. Community Food Security Coalition. www.foodsecurity.org

Complete and Healthy Community: A City that meet people’s needs for daily living throughout an entire lifetime by providing convenient access to an appropriate mix of jobs, local services, a full range of housing, and community infrastructure **that fosters a sense of health, wellbeing and inclusiveness** including affordable housing, schools, **a range of green spaces to permit community gardening and recreation and enhance biodiversity** for their residents. Convenient access to public transportation and options for safe, non-motorized travel is also provided. **Food security for all residents is acknowledged as a central objective of a complete community.**

Edible Landscaping: Edible landscaping aims to maximize food production by integrating crop-yielding plants with common ornamental vegetation to create aesthetically pleasing landscaping while producing crops.

Food System: “The cycle of farming (aka food production), processing, transporting, distributing, celebrating and recovering food waste in the context of larger natural, social, political, and economic driving forces.” (Agricultural Urbanism, p. 36)

Food Security: “A condition in which all people at all times have access to safe, nutritionally adequate and personally acceptable foods in a manner which maintains human dignity.” Canadian Dietetic Association, 1991

Food Hub: A hub is an intermediary led by the vision of one or a small number of individuals which by pooling together producers or consumers adds value to the exchange of goods and promotes the development of a local supply chain. This added value may be gained through economies of scale, social value, educational work or services. In other words, the pure function of distribution is only one element of the hub and the distribution function may be contracted out to a third party. The hub may also provide a means for public sector services to reach disadvantaged communities, provide a space for innovation and act as a focal point for developing a political agenda around an alternative food system. (Horrell and Natelson, 2009)

Horrell, C. and Natelson, S. (2009). An investigation into the workings of small scale food hubs. Retrieved from: http://www.sustainweb.org/pdf/mlfw_hubs_research_summary.pdf



Resilience: The ability of a system to undergo change in response to external forces while retaining its basic structure and function. (AU, p.243)

Sustainable Local Food: Food that is locally produced and processed in an agricultural system that aims to maintain and improve the health and well-being of the biophysical environment and biodiversity while lowering energy consumption, reducing food miles and providing healthy and affordable food.

Urban Agriculture: The growing of crops or raising of animals for food at a small scale that is compatible with the surrounding neighbourhood. It may also include small-scale sales of urban agricultural products subject to zoning and other applicable regulations.

Summary

Production barriers to the development of a robust urban agriculture in Guelph do exist for both crops and livestock. Likewise Guelph lacks a comprehensive plan to create a sustainable food system in the face of inevitable local and global system shocks. As such increasing the resilience of Guelph's food system, ensuring food security for all while preserving and enhancing the ecological integrity of our urban green spaces and foodscapes, should be a priority. Proposed staff amendments to section 6.6 and 8.1 are a step in the right direction but as this report shows, much more work is required to infuse sustainable food systems into the Official Plan as well as By-Laws, Secondary Plans, Operational Plans and City budgets.

As the OPPI Call to Action around Planning for Food Systems in Ontario very clearly illustrated, barriers exist broadly and deeply throughout the lay of the land not just in terms of urban food production spaces, but correspondingly in the legal and planning frameworks that guide development, accounting and access to other infrastructure and amenities. Furthermore, the tensions between local and global systems, built form and growing space, as well as social justice and economic development are complex and interdisciplinary thus requiring thoughtful consideration and inclusive engagement processes.

Ultimately we see a need for both a strong set of guiding principles in the form of a policy statement (such as the GWFRT's Food Charter), and a more robust Official Plan informed by the knowledge that sustainable food systems can manifest but only will if conditions permit. This is not to say that the Official Plan is the only tool to make use of in fostering sustainable systems – much of this work has to be brought about through socio-cultural change manifested through shifts in consciousness, education and individual action. However, the literature does suggest that physical landscape, urban form and municipal infrastructure do play an important role in shaping behaviour, social norms, economic activity and environmental outcomes. As such, if planners are driven by the objective of fostering 'Healthy and Sustainable Communities' we feel it to be imperative to begin retooling the Official Plan as soon as possible.

Moving forward we hope to help you make this happen, beginning with this set of recommendations which we hope you will seriously consider both in making final changes to



the Fall 2011 Official Plan draft and in the future starting this fall by strategizing on next steps to a participatory planning process with the Research Shop and GWFRT. It is our feeling at the Research Shop, that ongoing involvement from our graduate students in conjunction with expertise and participation of the GWFRT will yield a most thoughtful and effective framework. In this regard we see this report as simply the beginning of a larger process in which we hope to be mutually engaged for some time.

Once City Staff has had a chance to digest this report and consider our suggestions for both immediate uptake and future research, we would like to recommend a meeting to discuss some areas of the plan that are ripe for further research before finalizing our fall work plan. In this regard, please consider the following subject areas:

- Consideration and detailed analysis of what constitutes appropriate vegetation, edible landscaping, and multi-functional landscape architecture in different scales and spaces throughout the City.
- Consideration of what constitutes appropriate agricultural practice at different scales, both in terms of animal husbandry and cropping, in the context of urban agriculture and how it differs from its rural counterpart. How do we balance public health considerations with the need to create capacity, opportunity and rationality in urban agriculture?
- Consideration of water and energy use in urban agriculture and some of the cropping systems, architectural considerations and socio-cultural norms that affect such use.
- Exploration of incentive schemes to encourage developers to build food system infrastructure into new developments; elements right across the food system landscape from production to education to post-harvest handling, processing and distribution and nutrient recycling.
- Exploration of how transitional lands create opportunities and challenges for agriculture; development practices in terms of soil removal and lost agricultural land resource compensation to the public good.
- Design and implementation of a Food System Report Card or Accounting System that can track performance measures such as water, energy, carbon, environmental pollution, biodiversity, economic benefits, food security, health and social justice.
- Consideration of how housing and transportation policy can affect both food security and food culture; how do mixed-use and mixed-income areas create opportunities and challenges for food system sustainability? What is the relationship between home ownership, poverty, food insecurity and health?
- Transition zone and residual urban spaces policy in relation to urban agriculture: how can we get more value from these spaces and save money on landscape maintenance costs by creating an enabling program to match these spaces with entrepreneurs and community groups that want to farm in the City?
- The Urban Edge and Rural-Urban Linkage: how can we create vibrant, high value agriculture zones in areas accessible to urban residents at the peri-urban margin of the City while preventing urban sprawl? How can we work with rural municipalities and rural residents to create partnerships that benefit urban and rural communities alike?



- What role can developers and other large private sector land owners play in creating capacity and opportunity for urban agriculture?
- What role can the City play beyond a regulatory framework to support the growth and development of a sustainable food system? Is the Community Improvement Plan mechanism an effective tool for developing neighbourhood level infrastructure to support local food systems?
- What role can institutions like University of Guelph, schools, hospitals and other large organizations play in system change?
- Are youth, seniors, new immigrant and other communities being engaged and empowered to capitalize of opportunities in the food system?
- What are some of the mechanisms that are showing the most promise in contribution to sustainable, resilient local food systems in other municipalities and how can we bring these ideas to Guelph?

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Wellington & Guelph Housing Committee

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

September 29, 2011

Re: Proposed Amendments to the Official Plan

The Wellington Guelph Housing Committee would like to comment on the proposed changes to Guelph's Official Plan. We applaud the ambitious targets related to the production of affordable ownership and rental as well as social rental housing and the fact that this housing will be integrated throughout the city. There is a clear need, particularly on the rental side, for additional supply in these areas as evidenced by the large number of families and individuals on the Centralized Wait list for Social Housing.

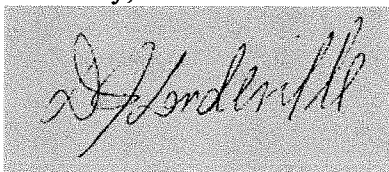
We also support the target of 90 accessory apartments a year. These provide affordable units for the occupants and also assist homeowners to afford their mortgage payments, as well as contributing to the city's intensification targets.

The production of an annual Affordable Housing Implementation Report to record progress towards these targets is also commendable. It will be important to measure progress towards these goals and adjust programs and incentives to ensure they are met.

Our concern with the targets is implementation. To encourage the production of lower price/rental properties, it will be necessary to devise incentives or other mechanisms to ensure the units are built in the appropriate price ranges. The Official Plan document mentions alternative development standards, alternative parking requirements and facilitated planning approval for affordable housing. It will be important to clarify these quickly to ensure the targets are met and other incentives may also be necessary. Even the target of 16% of units in the market rental category seems ambitious given the low number of market rent units that have been built in the last 20 years. It seems to be only economical to build new student rental housing at the present time; market rent is lower than economic rents for units for the general population still.

We would be happy to discuss any of these points if it would be useful. We are also willing to consult on incentives and other mechanisms to encourage affordable housing production; if you wish to discuss this further I can be reached at [REDACTED]
[REDACTED]

Sincerely,

A rectangular area containing a handwritten signature in cursive script, which appears to read "J. Londerville".

Jane Londerville, Chair
Wellington and Guelph Housing Committee



Labreche Patterson & Associates Inc.

Professional Planners, Development Consultants, Project Managers

May 20, 2010

(E-mailed: clerks@guelph.ca)

City of Guelph
City Clerk's Office
1 Carden Street
Guelph, ON
N1H 3A1
Attention: Lois A. Giles, City Clerk

Dear Ms. Giles:

Re: Comprehensive Official Plan Update – OPA Amendment 42 – City of Guelph

We are responding to the City of Guelph's notice relative to the statutory public meeting for the above noted subject matter to be held on May 20, 2010 at 7:00 p.m., Council Chambers. Please accept this as our written submission on this matter and we would ask that you please provide this to all of Council if possible in advance of their meeting tonight for their consideration.

Please be advised that we represent the member brands being A & W Food Services of Canada Inc., McDonald's Restaurants of Canada Ltd., the TDL Group Corp. (operators and licensors of Tim Hortons Restaurants), and Wendy's Restaurants of Canada Inc. as well as their industry group association being the Ontario Restaurant Hotel and Motel Association (ORHMA). We are providing this written submission to you on behalf of our clients after having reviewed the proposed new draft official plan for the City of Guelph and wish to note the following.

As some background to this, we wish to note that the ORHMA is Canada's largest provincial hospitality industry association. Representing over 11,000 business establishments throughout Ontario, its members cover the full spectrum of food service and accommodation establishments and they work closely with its members in the quick service restaurant industry on matters related to drive-through review, regulations, and guidelines. Along with its members and the assistance of Labreche Patterson & Associates Inc., the ORHMA has a strong record of working collaboratively with municipalities throughout the province to develop mutually satisfactory regulations and guidelines that are fair and balanced in its approach and implementation for new drive-through facilities proposed within any given municipality. These planning based solutions are most often specific urban design guidelines for drive-through facilities and may include specific zoning by-law regulations that typically relate to minimum stacking/queuing requirements amongst other things.

We together with the ORHMA wish to note that the drive-through service option that is available to several restaurants including the above brands throughout Ontario provides an important and relied upon service option to many in our communities with mobility/physical challenges and the elderly. Those with mobility challenges and the elderly often rely on drive-throughs to obtain services of the restaurant industry as well as other service throughout their daily activities.

Regarding the specific recommended Official Plan based policies proposed by planning staff in report number 10-59, the ORHMA and the noted member brands have recently requested that we review the proposed new official plan for the City of Guelph to determine if any proposed amendments would apply to its existing drive-through facility locations as well as areas of the City that should be considered for areas of future development.

Based on our review of the proposed Amended Official Plan, drive-through facilities would be prohibited in all land use designations except for the Commercial Service designation. This prohibition would result in 10 of the existing 18 locations of the four identified brands as no longer being permitted in their current location, this despite the fact that retail and service uses in general, including restaurants, will continue to be permitted along with their associated parking lots. We would object to their prohibition and further would note that all of the 18 locations are located along designated "Arterial" roads within the Official Plan which are the busiest and largest roads carrying the existing bulk of vehicles throughout the City other than the expressway and we see this as a contradiction.

Zoning based regulations and specific urban design guidelines for drive-through facilities are common throughout Ontario. However, it is important to note for your consideration that the implementation of Official Plan based policies that specifically prohibit drive-through facilities in areas that would otherwise permit service retail commercial uses, large format retail uses, plazas and supermarkets, which are considered destination oriented uses and accompanying expansive surface parking lots **is not a common or appropriate form of regulation applied to drive-through facilities in Ontario**. In fact, the Ontario Municipal Board has recently noted in a case regarding the new official plan for the City of Ottawa that *"the proper approach for controlling these is the one adopted by the City of Toronto, which prohibits these facilities through its zoning by-law and not in its Official Plan. Official Plans do not need to be prescriptive like zoning by-laws."* This is an approach repeated in almost every case, both at the Ontario Municipal Board and in the Courts, relative to Official Plan prohibitions on specific uses.

Further, based on the above comments, it would be a contradiction to prohibit a drive-through use, which is not a destination use but rather it relies on existing large volumes of vehicles already traveling on busy roads (often termed pass-by traffic) for the vast majority of its customers in the same areas that large format retail, plazas, and supermarkets, etc. would otherwise be permitted by the draft Official Plan. As an example, the land use designation of "Community Mixed Use Area" that is being applied to the Wal-mart, Home Depot and Canadian Tire sites at the intersection of Woodlawn Road East and Woolwich Street at Hwy#6 would not permit a drive-through facility which would certainly be a contradiction. These destination uses contribute the vast majority of traffic, all with large required parking lots, **not drive-through facilities**. We question; what is the difference between these destination uses and their large parking lots compared to drive-through facilities? In this regard, we ask "what is the problem with drive-throughs that can't be addressed by the zoning by-law and by urban design guidelines specific to the use." No specific justification has been provided in staff's report explaining the rationale for the restrictions on drive-through development in the material we have seen related to the new Official Plan.

Referring again to the Ottawa Official Plan decision, the Board in that case decided that:

"The Board agrees that the policy as it exists gives no consideration to the possibility of minimizing any possible effect on the pedestrian environment through design for the unique characteristics of specific locations and that there are a number of ways to develop drive-through facilities on "Traditional Mainstreets", while protecting and enhancing the pedestrian environment. The evidence proffered by the appellant shows that drive-through facilities in appropriate circumstances, can be designed to have minimal effect on traffic and the pedestrian environment."

The result of that decision was language in the OP that while discouraging drive-through facilities on Traditional Mainstreets, still allowed for their establishment if the policies of the OP that pertained to those streets could otherwise be maintained. This solution has now been followed in London, Kingston, and more recently in the downtown core of Ottawa. In other words, it may be appropriate to have additional specific policies for drive-through facilities for certain areas of a city but outright prohibition in areas where otherwise very similar uses are permitted are not justified.

Based on the above-noted commentary, it is our submission that official plan prohibition policies for drive-through facilities are not appropriate or necessary at the level of an official plan. We believe that at the basis of these rulings is the fact that drive-throughs locate in existing areas of any City that are already designated for service, large format, and destination oriented retail commercial land uses all of which rely on vehicular and pedestrian access already coming to and accommodated in the area by associated parking lots. As such, the only unique feature of a drive-through in these pre-determined commercial areas is the drive-through stacking or queuing lane. The drive-through facility and stacking is a detail which can clearly be regulated through the zoning by-law and/or urban design guidelines and under the municipal powers of Site Plan Control. Therefore, prohibition based policies at the level of an official plan is not warranted. To continue with the approach of official plan based prohibitions rather than more appropriately detailing possible restriction areas in the zoning by-law is a major concern for us and the brands we represent. Given the comments noted above relative to related OMB and court case decisions on the fact that drive-through facilities need not be prohibited or restricted at the level of the Official Plan, we attach hereto a memo prepared by Gowlings LLP that offers further case law research on this matter.

We wish to further note, contrary to what some may believe, that drive-through facilities **do contribute** to sustainability goals to a greater extent than the alternative which are parking lots. Based on our experience and related traffic and environmental impact studies of drive-through uses completed by others, the only other alternative to a drive-through for a restaurant use is larger parking lots in order to accommodate the same number of vehicles coming to these restaurants that would otherwise be split between the parking lot service option or using the drive-through option. Larger parking lots are needed if the drive-through didn't exist which leads to more asphalt heating, larger storm water management facilities, larger buildings to accommodate more people internal to these buildings, and larger HVAC units for these larger buildings all equating to a larger demand on the energy/hydro grid system. Further, based on related traffic studies and again in the City of Ottawa, the Ottawa Zoning By-law provides for a 20% reduction in the required number of parking spaces that applies to a restaurant when a drive-through service option is available with the restaurant. We are also aware that the City of Winnipeg provides for up to a 50% reduction in the same situation.

Furthermore, drive-throughs continue to be an ancillary use to the restaurant. In other words, the restaurant must be present in order for a drive-through to exist. Adding a drive-through is complementary to the restaurant use by lowering in-store demand which in turn helps in-store service and overall operating efficiencies of the restaurant.

In addition, a study was completed by RWDI Environmental Inc. on behalf of The TDL Group which compares the related emissions generated by vehicles that use the parking lot with those that use the combined drive-through service lane/parking lot during peak times in the morning rush hours. It was found that vehicles choosing the combined drive-through/parking lot services within the study period did not create more overall emissions than vehicles that would use the parking lot and often the overall emissions were less for vehicles using the combined drive-through/parking option. As a result of start up emissions, the parked car scenario creates somewhat higher overall emissions than if that car was to otherwise use the drive-through for service. **It is important to note that the RWDI study has been peer reviewed and accepted by Dr. Deniz Karman, PhD, P.Eng, Professor of Environmental Engineering, Carlton University.** A copy of the "Briefing Notes" of the RWDI study along with the comments of the peer review consultant is attached hereto.

We object to the 10 previously identified sites that would no longer be permitted within the proposed designations of these sites and we would also object to these locations becoming Legal Non-conforming within any future zoning by-law amendment pertaining to these existing locations as a result of any future approval of an implementing Zoning By-law for these locations.

Based on our review of other proposed policies we would also object to policy 4.5.4.2.15 (policies relative to Noise and Vibration) and policy 7.12 (Built Form: Vehicle-oriented Uses).

Based on the foregoing, we request an opportunity to meet with the appropriate planning staff at their earliest opportunity to discuss our objections to the current draft of the official plan and its specific prohibition of drive-through facilities. We thank the city for its consideration to our comments and look forward to working with city staff over the coming weeks to mutually resolve concerns.

Yours truly,
Labreche Patterson & Associates Inc.



Victor Labreche, MCIP, RPP
Senior Principal

VL/sl
Attach.

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Memorandum

To: Michael Polowin

Date: June 12, 2008 (updated to February 22, 2010 by Elad Gafni)

Re: Prohibition on Specific Uses in Official Plans

File Number: 01368989

1. INTRODUCTION

You asked me to research information relating to the existing jurisprudence, particularly in Ontario, relating to attempts to prohibit specific uses of land at the level of an official plan.

2. SHORT ANSWER

Having canvassed a wide range of sources, my research leads me to the following conclusions. The notion that official plans should remain broad and flexible is rife throughout the jurisprudence. The majority of courts and tribunals endorse the view that official plans should be broad policy statements that rise above the level of detailed regulation. Further, the prohibition of specific uses within municipalities, such as drive-throughs, adult entertainment and pinball machines have overwhelmingly been achieved through mechanisms other than the official plan, such as zoning by-laws.

Despite this being the overall consensus in the current jurisprudence, the law as it currently stands, does not appear to preclude municipalities from prohibiting specific uses in their official plans. In fact I was able to locate an Ontario Municipal Board (the "Board") decision where the City of Peterborough chose to regulate adult entertainment parlours using their official plan. However, since that 1989 decision I have been unable to find any other decisions where official plans have been used in a similar capacity, and as demonstrated in some of the more recent decisions that follow, that decision is an exception rather than the norm.

3. SUMMARY OF RELEVANT JURISPRUDENCE

3.1 Contents of an Official Plan – See Tab 1

(a) *Goldlist Properties Inc v. Toronto (City)*¹: In this case the city of Toronto adopted an official plan amendment to enact policies relating to the preservation and replenishment of rental housing, in part by restricting “the demolition of rental property and the conversion of rental units to condominiums.” While defining the scope of official plan contents the court at paragraph 14 explained that the *Planning Act*², apart from sections 16(1)(a) and 16(2)(b), does not contain any other specific provisions limiting the contents of what can be included in the official plan. The court, at paragraph 49, dealt with the issue of what could be included:

Section 16(1)(a) is cast in terms of the minimum requirements for an official plan, not the outside limits. It does not list heads of power or the subjects that may be addressed by the official plan. There are unquestionably limits to what a municipality may include within its official plan, but the wording and scope of s. 16(1)(a) indicate that those limits cannot be determined solely by a literal application of its terms. To determine what may be included in an official plan, as distinct from what must be included by virtue of s. 16(1)(a), reference must be had to the *Planning Act* as a whole. In this regard, it is important to bear in mind that the purpose of an official plan is to set out a framework of “goals, objectives and policies” to shape and discipline specific operative planning decisions. *An official plan rises above the level of detailed regulation* and establishes the broad principles that are to govern the municipality’s land use planning generally.³

Ultimately, the court held that the municipality had authority to limit/control the conversion or demolition of rental housing. This decision was based on the overall purpose of the *Planning Act* taken together with a specific legislative directive, the Provincial Policy Statement (1997), indicating that the municipality should provide for a full range of housing.⁴ The court stated that they were fortified in their decision by recent jurisprudence supporting the idea that decision-makers should avoid narrow and technical readings of municipal power.⁵

Paragraph 49 of the *Goldlist* decision, referred to above, is cited in the recent case of *Toronto (City) v. R & G Realty Management Inc.* for the proposition that “an Official Plan does not have the force of a statute”; rather, an Official Plan “is a ‘recommendation, or statement of intention only, which may or may not be implemented by the municipality by the enactment of appropriate zoning by-laws’”.⁶ In further support of the proposition that an Official Plan does not have the force of a statute, the Court in *R & G Realty Management* cites the decision in *Woodglen & Co. Ltd. v. City of North York et al.*, where it was held that “an official plan and amendments thereto are not effective in themselves to regulate land use” and that “an official plan is a recommendation, or statement of intention only, which may or may not be implemented by the

¹ [2003] O.J. No. 3931, D.L.R. (4th) 298, CanLII 50084 (Ont. C.A.) [*Goldlist* cited to CanLII].

² R.S.O. 1990, c. P.13.

³ *Supra* note 1, at para. 49. [emphasis added].

⁴ *Ibid.* at para. 55.

⁵ *Ibid.* at para. 57.

⁶ *Toronto (City) v. R & G Realty Management Inc.*, [2009] O.J. No. 3358 at para. 25 (Ont. Sup. Ct. J.).

municipality by the enactment of appropriate zoning by-laws".⁷ Neither case, however, deals with the issue of what may or may not be properly included in an Official Plan.

(b) *Frontenac-Lennox & Addington (County) Roman Catholic Separate School Board v. Kingston (City)*⁸: In this case there was an inconsistency between the city's new comprehensive official plan and a zoning by-law. While the zoning by-law permitted schools in industrial zones, the official plan prohibited it. As the Board commented at paragraph 5, "[t]he hitch is that the official plan forbids a school. However, the plan is a statement of objectives and policy, designed to guide the City's land use decision-makers. Normally, land use rights depend on the zoning, not the official plan."⁹ In a separate decision discussing the same issues arising from the same fact situation, the court determined that the official plan did not in fact prohibit schools in industrial zones, but rather stood for the proposition that they could be prohibited.¹⁰

(c) *Steven Polon Ltd. v. Metropolitan Toronto (Municipality) Licensing Commission*¹¹: In this case the Court considered an appeal from the decision of the Metropolitan Licensing Commission refusing to issue to the applicant a salvage yard licence for land situate in the Township of Scarborough. In refusing to issue the licence to the applicant, the Commission based its decision on the Township's Official Plan, which designated the land at issue as agricultural and therefore did not permit the use of the land as a salvage yard or scrap yard, despite the fact that the Official Plan had not yet been implemented by a zoning by-law. The Court held that where an Official Plan has been enacted by a municipality, but no zoning by-law has yet implemented the plan, the official plan is simply a statement of intention and is not an effective instrument to restrict land use:

As a result of a perusal of ss. 10 to 20 of the *Planning Act*, R.S.O. 1960, c. 296, I am of the opinion that the Official Plan adopted by the respondent municipality is little more than a statement of intention of what, at the moment, the municipality plans to do in the future. Provisions for the amendment of an official plan make it clear that the municipality is not bound to carry out that intention and may from time to time as circumstances develop make such changes as appear desirable. The Official Plan is not therefore an effective instrument restricting land use.¹²

3.2 Policy Versus Regulation – See Tab 2

(a) *Re Whitchurch-Stouffville (Town) Interim Official Plan*¹³: Here, the town's official plan had provisions requiring both a 200 ft. set-back and a minimum 500 ft. lot frontage along a highway. The Board held that the sections of the official plan were regulatory in nature rather than a policy statement and ruled that such matters should be confined to by-laws: "The board is

⁷ *Woodglen & Co. Ltd. v. City of North York et al.* (1984), 47 O.R. (2d) 614 at 617 (Div. Ct.).

⁸ *Frontenac-Lennox & Addington (County) Roman Catholic Separate School Board v. Kingston (City)* (1994), 25 M.P.L.R. (2d) 110 at para. 5 (O.M.B.).

⁹ *Ibid.*

¹⁰ *Frontenac-Lennox & Addington (County) Roman Catholic Separate School Board v. Kingston (City)* (1994), 25 M.L.P.R. (2d) 102 (Ont. C.J.).

¹¹ *Steven Polon Ltd. v. Metropolitan Toronto (Municipality) Licensing Commission*, [1961] O.R. 810, 29 D.L.R. (2d) 620, CarswellOnt 147 (Ont. H.C.).

¹² *Ibid.* at para. 8.

¹³ (1983), 16 O.M.B.R. 280, CarswellOnt 1914 (O.M.B.) [*Whitchurch* cited to CarswellOnt].

disturbed that the mention of measurements relative to set-backs is really a regulatory process having no place in the official plan"; and later, "[o]nce again this is regulatory rather than a policy statement and should be confined to the by-law. The board agrees with the concept but not the regulatory approach used."¹⁴

(b) *Re Brampton Planning Area Official Plan Amendment 75*¹⁵: The City of Brampton proposed to remove provisions from their official plan regarding detailed traffic control. Here the Board agreed with the city planner who expressed the opinion that "traffic regulatory provisions and particularly in such detail, have no place in an official plan and that they also encumber council's jurisdiction under the *Municipal Act* to properly exercise their authority."¹⁶

3.3 Broad & Flexible Approach – See Tab 3

(a) *Re Bradford & West Gwillimbury Planning Area Official Plan Amendments 13, 13A & 13B*¹⁷: Here, the town proposed several amendments to their official plan. The Board agreed with the opinion of planner Donald Given, in that there should be flexibility in an official plan to eliminate the necessity of amendments.¹⁸

(b) *Cadillac Development Corp. v. Toronto (City)*¹⁹: Here, the court recognised the necessity in having a flexible official plan to avoid the need to amend official plans. As stated by Henry, J. "a council that wishes to permit development that conflicts with the policy of the plan is restrained and must first have recourse to the cumbersome machinery for amending the plan and the meticulous scrutiny it entails."²⁰

(c) *Halmir Investments Ltd. v. City of North York*²¹: This decision is illustrative of the problems faced by municipalities when official plans stray beyond policy. Here the applicant was seeking a specific text change in the district plan to permit the development of an apartment building as the plan only permitted a maximum density of 40 units to the acre. While the Board ultimately accepted the specific amendment to the official plan, to allow the requested 51 units per acre, the Board voiced its distaste for site specific amendments to official plans. As the Board stated, "this official plan could achieve the same result for the site in question by a more general statement of policy [...] This plan does not contain what several others do have incorporated within them, namely that the plan is not intended as an instrument to restrict the use of land in the manner of a zoning by-law."²²

The notion that official plans should remain flexible is rife throughout the jurisprudence dealing with the issue. That said, it is not uncommon for the Ontario Municipal Board to approve amendments that appear restrictive.

¹⁴ *Ibid.*

¹⁵ (1982), 14 O.M.B.R. 482, CarswellOnt 1966 (O.M.B.) [*Brampton* cited to Carswell Ont].

¹⁶ *Ibid.* at para. 5.

¹⁷ (1979), 10 O.M.B.R. 257, CarswellOnt 1669 (O.M.B.) [*Bradford* cited to Carswell Ont].

¹⁸ *Ibid.* at para. 45.

¹⁹ (1973) 1 O.R. (2d) 20, 39 D.L.R. (3d) 188, CarswellOnt 271 (Ont. S.C.) [*Cadillac* cited to Carswell Ont].

²⁰ *Ibid.* at para. 25.

²¹ (1980) 10 M.P.L.R. 241 (O.M.B.).

²² *Ibid.* at 246.

(d) *Elia Corp. v. Mississauga (City)*²³: Here, the city contended that the amendments to the official plan should reflect all of the elements contained in the zoning by-law, including the numerical standards, in order to ensure there would be no potential misunderstanding in the future. Despite the appellant's argument that flexibility should be maintained in an official plan which by definition is a broad policy document, the Board nonetheless proceeded to accept the city's position and approve the amendments with all the elements contained in the proposed zoning by-law.

The approach taken in *Elia* seems counter to the direction provided by the Supreme Court of Canada in *Subilomar Properties v. Cloverdale*.²⁴ In *Subilomar*, the court stated "[t]he purpose of an official plan has been said on many occasions to be an outline of a scheme or proposal for controlling the use of lands within the municipality."²⁵ The court then went on to cite *Campbell v. Regina (City)*,²⁶ where Johnson J. adopted the position taken by the city that, "the scheme is merely a general statement of future intentions. It contends that the scheme does not and is not intended to impose a straight jacket on future development."²⁷

(e) *Bele Himmell Investments Ltd. v. City of Mississauga et al.*²⁸: At issue in *Bele* was whether the Board erred in law or jurisdiction in deciding that a zoning by-law conformed to the official plan of the municipality. This case is often cited as providing direction on how official plans should be interpreted. At paragraph 22 the court explained that:

Official Plans are not statutes and should not be construed as such [...] Official Plans set out the present policy of the community concerning its future physical, social and economic development [...] It is the function of the Board in the course of considering whether to approve a by-law to make sure that it conforms with the Official Plan. In doing so, the Board should give to the Official Plan a broad liberal interpretation with a view to furthering its policy objectives.²⁹

3.4 Adult Entertainment Prohibited in Official Plan - See Tab 4

Having canvassed a wide range of sources, municipalities often regulate adult entertainment parlours through by-laws. That said, I have been able to locate an Ontario Municipal Board decision where the City of Peterborough chose to regulate adult entertainment parlours using their official plan. In *Re Peterborough (City) Official Plan Amendment 56*³⁰ the city approached a planning consultant who was already involved in a comprehensive official plan review and asked the planner to develop criteria for the regulation of adult entertainment parlours in Peterborough. Ultimately the policy was adopted in the official plan which provides very limited locations for adult entertainment parlours in the city.³¹ The amendment also provided for site-

²³ 2005 WL 2596774, CarswellOnt 6205 (O.M.B.) [*Elia* cited to CarswellOnt].

²⁴ [1973] S.C.R. 596 [*Subilomar*].

²⁵ *Ibid.* at 606.

²⁶ (1966), 58 D.L.R. (2d) 259 (Sask. Q.B.).

²⁷ *Ibid.* at 263.

²⁸ (1982), 13 O.M.B.R. 17, CarswellOnt 1946 (Ont. Div. Ct.) [*Bele* cited to CarswellOnt].

²⁹ *Ibid.* at para. 22.

³⁰ 23 O.M.B.R. 57, 1989 CarswellOnt 3512 (O.M.B.) [*Peterborough* cited to CarswellOnt].

³¹ *Ibid.* at para. 7.

specific amendments to the zoning by-law to review any development proposal of an adult entertainment parlour in the municipality.

3.5 Regulation of Drive-Throughs – See Tab 5

(a) *TDL Group Ltd. v. City of Ottawa*³²: At issue in this decision was the 2003 City of Ottawa official plans, which prohibited the establishment of new drive-through facilities in certain areas. TDL opposed the prohibition on the ground that there was no planning justification for the city adopting such a prohibition. The city, on the other hand, justified the prohibition as a means of protecting and enhancing the pedestrian environment in the given areas. In coming to their decision the Board took note of a decision rendered by the Board in 2004, commonly referred to as the “Toronto Drive-Through” case.³³ Further, the Board was accepting of the evidence that “urban drive-throughs” can be designed to suit the unique characteristics of specific locations, and took note of the City of Ottawa’s Urban Design Guidelines for Drive-Throughs released in May of 2006. Ultimately, the Board ruled that there was no proper basis to support the prohibition, and that such matters should be dealt with in zoning by-laws. The Board’s position was summarized as follows:

The Board agrees that the policy as it exists gives no consideration to the possible effect on the pedestrian environment through design for the unique characteristics of specific locations and that there are a number of ways to develop drive-through facilities on “Traditional Mainstreets”, while protecting and enhancing the pedestrian environment. The evidence proffered by the appellant shows that “drive-through facilities” in appropriate circumstances, can be designed to have minimal impact on traffic and the pedestrian environment. [...] The proper approach for controlling [drive-through facilities] is the one adopted by the City of Toronto, which prohibits these facilities through its zoning by-law and not in its official plan. Official plans do not need to be prescriptive like zoning by-laws.³⁴

This case is consistent with the view expressed in *Goldlist* that official plans rise above the level of detailed regulation. Apart from this decision, and the decision mentioned therein, there does not appear to exist any other cases dealing with the prohibition of drive-throughs in Ontario.

³² Decision/Order No. 2649, issued September 21, 2006 (O.M.B.).

³³ *TDL Group Ltd. v. City of Toronto*, Decision/Order No. 0154, issued January 23, 2004 (O.M.B.).

³⁴ *Ibid.* at 19.

Briefing Note - Summary of the Air Quality Assessment of Tim Hortons Restaurants: Ontario, Canada (May 2008)

Conducted By RWDI AIR Inc Consulting Engineers & Scientists

650 Woodlawn Road West Guelph, Ontario N1K 1B8 www.rwdi.com

PROJECT DIRECTOR: MIKE LEPAGE, M.S., CCM

PROJECT MANAGER: COLIN WELBURN, M.ENG., P.ENG.

PROJECT SCIENTIST: TERRY LYN PEARSON, B. SC. (AGR.)

SENIOR ENGINEER: SHARON SCHAJNOHA, P.ENG

PEER REVIEWER: DR. DENIZ KARMAN, PHD, P.ENG, PROFESSOR OF
ENVIRONMENTAL ENGINEERING, CARLETON UNIVERSITY

Purpose:

RWDI AIR Inc. (RWDI) was retained by the TDL Group Corp. to conduct an air quality study of vehicles using their facilities. The TDL Group is interested in having sound technical information on vehicle emissions at its facilities that have a drive-through component. The TDL Group also requested comparing these vehicles emissions to other common sources of air pollution to assist the public with an easily understood comparison when discussing vehicle emissions at drive-throughs.

In addition, the TDL Group wanted to know how the drive-through emissions will change in the future as aging models of automobiles are gradually phased out and replaced by newer models with lower emissions. Finally, the TDL Group wants information on how the emissions at drive-through facilities affect the local air quality around those facilities.

Methodology

Based on actual traffic surveys taken at peak times in four typical stores, an emission inventory was developed for two scenarios, Scenario 1: a conventional store with both drive-through and in-store operations and Scenario 2: a store with in-store service only (no drive-through.) Typical patterns or modes of operation for vehicles using the drive through and the parking lot were developed from these and other observations

This study examined the main pollutants of concern for motor vehicles, which are as follows:

- Smog pollutants – oxides of nitrogen (NO_x), hydrocarbons (HC), sulphur dioxide (SO_2) and particulate matter (PM);
- Local pollutants – carbon monoxide (CO); and
- Greenhouse gases – carbon dioxide (CO_2).

Emission models produced by the U.S. Environmental Protection Agency and other accepted methodologies were used to estimate emissions. Tedesco Engineering provided detailed traffic survey data that was used to calculate site-specific emissions.

The emission inventory for the drive-through portion of the facility was compared to "everyday" emission sources (i.e. lawn mowers, snow blowers, etc.). Dispersion modelling was conducted for a drive-through facility to predict maximum pollutant concentrations in the areas adjacent to a Tim Hortons store and compare them to provincial standards set out by the Ontario Ministry of the Environment (MOE).

Further technical details of the methodology can be found in the main text of the report. The method and findings were subjected to peer review by Dr. Deniz Karman of Carleton University http://www.carleton.ca/engineeringdesign/research/profiles/personal_bio.php?id=64.

Briefing Note - Summary of the Air Quality Assessment of Tim Hortons Restaurants: Ontario, Canada (May 2008)

Findings

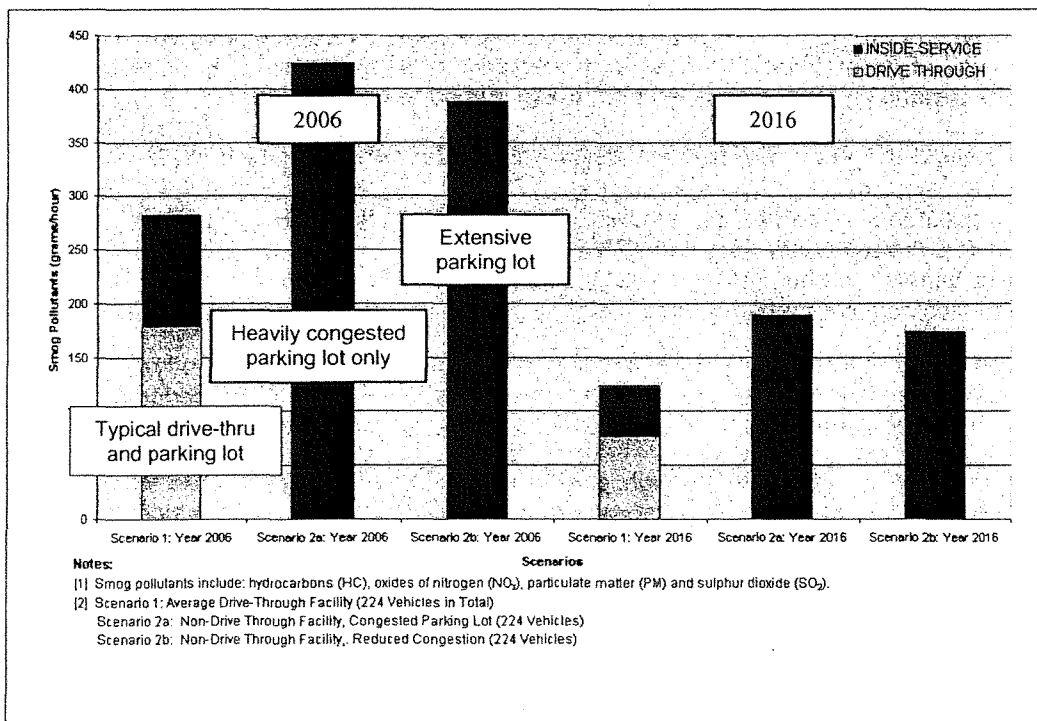
The total number of vehicles that use a conventional Tim Hortons facility during the morning peak hour was averaged to be 224; for vehicles using the drive-through, the average time on site ranged from 3 to about 4.5 minutes and for vehicles using the parking lot, the average time on site is about double, ranging from 7 to 8 minutes.

Modes of operation that produce emissions were determined to be:

- Moving into position in the queue lane or moving into a parking space (this mode of operation is referred to as "crawling");
- Idling while waiting for a parking space or warming up a vehicle in a parking space or waiting in the queue lane of the drive-through
- Pulling into and out-of a parking space;
- Starting up the engine in a parking space before exiting (referred to as a "start-up");
- Moving from the service window or from a parking space to the curb while exiting the site ("additional crawling"); and,
- Idling at the curb while waiting to get on the street.

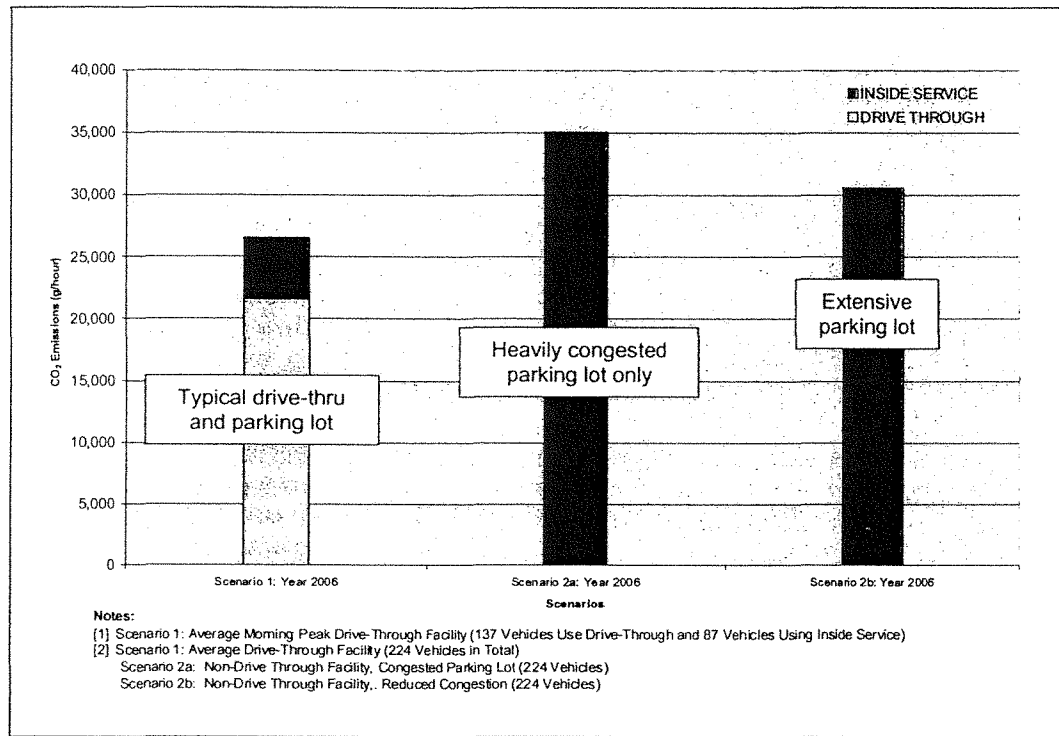
Applying the standard vehicle emission data to these modes of operation for the average number of Tim Hortons customers at peak times in stores with drive throughs and without (using two scenarios in which the parking lot was approximately doubled and tripled in size, 2a and 2b respectively) produced the following emissions results during a peak hour of operation:

Figure i: Smog Pollutant Emissions for Drive-Through Restaurants (Scenario 1) and Non-Drive-Through Restaurants (Scenarios 2a and b)



Briefing Note - Summary of the Air Quality Assessment of Tim Hortons Restaurants: Ontario, Canada (May 2008)

Figure ii: CO₂ Emissions for Drive-Through Restaurants (Scenario 1) and Non-Drive-Through Restaurants (Scenarios 2a and b)



Conclusions

- Overall, the findings for the Tim Hortons stores examined in this study indicate no air quality benefit to the public from eliminating drive-throughs.
- For a Tim Hortons store with no drive-through, the congestion that occurs in the parking lot, together with the start-up emissions and emissions from the extra travel distance to get to and from a space, all contribute to produce somewhat higher emissions per vehicle compared to a store that has a drive-through, this is particularly true in the case of smog pollutants and carbon monoxide (about 40 to 70% higher for those pollutants) but is also true for greenhouse gases (about 10 to 30% higher). These results are considered to be representative for Tim Hortons stores but cannot be generalized to other types of drive-through facilities.
- To put drive-throughs into perspective, combined emissions generated from all vehicles using a drive-through facility during a peak-hour of operation are relatively small in relation to other common emission sources: smog pollutant emissions from all vehicles are comparable to a single chain saw operating for one hour; CO₂ emissions are comparable to a single bus operating for one hour; emissions from all vehicles using a store with a drive-through during the peak hour are less than one fifth of the emissions at an urban intersection; and emissions of smog pollutants and greenhouse gases from a single vehicle using a drive-through are less than 10% and 5% respectively of a typical 30-minute morning commute.

Briefing Note - Summary of the Air Quality Assessment of Tim Hortons Restaurants: Ontario, Canada (May 2008)

- A comparison of Year 2006 and Year 2016 modelling indicates that predicted trends in fleet-wide emissions will result in reduced impacts from smog pollutants and carbon monoxide in the future.
- Dispersion modeling shows that 1-hour off-site concentrations of CO and NO_x are below the provincial standards in 2006 and even further below in 2016. Therefore, based on a typical site layout, there are no adverse air effects predicted for land uses adjacent to the drive-through facility.

Peer Review

Dr. Deniz Karman, PhD, P.Eng, received a Ph.D. in Chemical Engineering from the University of New Brunswick and is now a professor of environmental engineering at Carleton University in Ottawa. His research interests include: motor vehicle emissions and air quality in microenvironments; air pollution sources, control methods and dispersion modelling; and greenhouse gas emissions from industrial sources.

In addition to pursuing his own research interests, Doctor Karman has acted as a consultant on projects involving motor vehicle emissions monitoring, alternative fuel effects on motor vehicle emissions, dispersion modelling for roadways and street canyons, and receptor modelling source apportionment for volatile organic and particulate matter. http://www.carleton.ca/engineeringdesign/research/profiles/personal_bio.php?id=64

After reviewing the RWDI study Dr. Karman concluded

The RWDI study is a detailed quantitative attempt to estimate emissions from different vehicle patterns around *Tim Hortons* facilities with and without drive-through service. It has applied appropriate methodologies for quantifying these emissions in typical cases, has put the results obtained in the context of other emission sources, and estimated ambient concentrations around a typical facility. It provides a sound basis for estimating the effect of the two types of *Tim Hortons* facilities.

Project Director

Mike Lepage, M.Sc., CCM, Principal / Project Director, joined RWDI in 1981 and became an Associate of the firm in 1988. As a Project Director, he provides overall direction on air quality and meteorological projects, ensuring that a high level of service is provided and, at the same time, RWDI's interests are preserved on all projects. Mike also oversees RWDI regional atmospheric modeling group, which is involved in high-end numerical modeling of regional air pollutants such as ground-level ozone and fine particulate matter. In recent years he has been extensively involved in regional modeling of meteorology and atmospheric chemistry to investigate large scale smog events, using models such MM5, Models-3/CMAQ, SAQM, CALGRID and CALPUFF.

RWDI

RWDI is the leading wind engineering consulting services firm in the world. With 400+ staff and offices in five countries, the company offers a complete range of wind engineering, sustainable design, environmental air quality, noise and risk services.



UPPER GRAND DISTRICT SCHOOL BOARD
 500 Victoria Road North, Guelph, Ontario N1E 6K2
 Phone: (519) 822-4420 Fax: (519) 822-9097

Martha C. Rogers
Director of Education

May 17, 2010

PLN: 10-21
 File Code: R14
 Sent by: mail & email

Mrs. Lois Giles
 City Clerk, City of Guelph
 City Hall, 1 Carden Street
 Guelph, Ontario N1H 3A1

RECEIVED
 MAY 19 2010

CITY CLERK'S OFFICE

Dear Mrs. Giles;

Re: Official Plan Update - OPA 49, City of Guelph

Further to my telephone message today, I would like to pass on a comment from the Upper Grand District School Board regarding the Official Plan Update - OPA 49. The Draft Schedule 2: Land Use Plan for OPA 49 indicates only 1 potential school site - a site which the UGDSB has an option agreement to purchase. The recent Central Guelph Accommodation Review has identified a need for the construction of that school in south Guelph - referred to by the Board as Kortright East - sometime prior to 2017.

Notably absent from Schedule 2 is a site which is present in the current OP Land Use Plan (Schedule 1) - a site located south of Grange and east of Cityview. The need for this site was established in the Eastview Secondary Plan and current student yields in the area would suggest that a second public elementary school will still be required - in addition to the recently opened Ken Danby PS.

In 2009 the Board's Education Development Charges (EDC) Background Study identified a need for a 500 pupil place school in Northeast Guelph and based on this determination the Board's EDC by-law includes a charge based on the need for a site for this school.

I am requesting this Potential School Site, as shown in the current Official Plan, be included on Schedule 2: Land Use Plan in OPA 49.

Please contact me at the number below, to further discuss this request.

Sincerely,

Dennis Cuomo MCIP, RPP
 Manager of Planning
 519-822-4420 Ext. 820

Represented by Sally Ludwig

www.transitionguelph.org

Mayor Farbridge, Councillors:

I am here representing Transition Guelph. Transition Guelph is a grass-roots process for building greater resilience in our communities; our theme is "Resilient Guelph 2030." We are connecting people in order to generate creative responses to the environmental, social and economic challenges facing us and navigate a transition to a way of living with reduced inputs of fossil fuel energy, lower emissions for a healthier climate, and greater satisfaction for citizens. We have a list of 450 interested Guelphites, many of whom participated in visioning sessions for the City in 2030. I would like to share the Transition Guelph vision for community components covered by the Official Plan.

In 2030, Guelph will be a community of dense, diverse, largely self-contained neighbourhoods connected by healthy natural corridors with clear, free-flowing streams. Everyone will live near community gardens and communal play areas. Rain runoff will approach natural rates, largely soaked up by green roofs, street trees, gardens and permeable street surfaces.

Vegetable gardens will be numerous, replacing lawns and sprouting in schoolyards. University lands will be operating farms. Fruit and nut trees and shrubs will be widespread, and cold frames and greenhouses will be common. Some livestock and bee-keeping will be permitted. Bustling neighbourhood and central markets will be open daily. Permaculture methods will be popular; local food processing will proliferate.

Buildings – many attached - will be energy-self-sufficient and often energy-producing. Solar energy - passive, solar thermal, solar PV – will be used extensively along with highly effective insulation. Where appropriate, wind, water-power, ethanol and geothermal energy will be tapped and community energy sharing organized. Grey water systems will be routine. Affordable housing will be plentiful and unused big box stores will be transformed into community spaces.

Local business will flourish throughout the city, providing meaningful work for all. Many transactions will use local currency or other systems of exchange. The proximity of work and play will leave little need for distant travel. Regional and local public transit – rail and bus - will be integrated, affordable, convenient and renewably powered. Most people will walk and bike, enjoying a safe, extensive network of trails and streets. Cars will be few, very small, shared and powered renewably. Electric bikes and scooters will be numerous.

Neighbours will know each other and work together on projects they initiate. People at all stages of life will be valued and have opportunities to contribute their ideas to benefit their communities.

The Official Plan's strategic directions, principles and goals all fit well with the Transition Guelph vision. Features like the Culture of Conservation, Energy Sustainability, Natural Heritage System, and support for urban agriculture are very compatible.

We have some suggestions. The detail of the OP is hard to grasp in a brief review so we apologize if some are indeed covered.

1. We suggest recognition of the role of green infrastructure. Green space is discussed for recreational and natural heritage value, and there are policies for Low Impact Development. But the major role of green space for hydrological and micro-climate values is not clear. As built infrastructure becomes more expensive and climate change imposes bigger stresses (e.g., storms, heat, and less reliable rainfall and groundwater supply), we believe green infrastructure will be critical and that it deserves more explicit recognition. We also encourage consideration of policies for daylighting streams associated with natural or restored natural corridors.
2. We find the Trail map confusing – many of the mapped trails are simply sidewalks along roads.
3. Transition Guelph suggests that the Land Use Plan encourage even more mixed use areas, e.g. commercial residential along more arterials/collectors to create walkable neighbourhoods for daily needs. This concept may correspond to what are called “main streets”. We note and welcome encouragement of urban villages in the Greenfield planning but wonder if Guelph can retrofit the built-up area similarly in its movement toward becoming a “complete” city. The draft appears to allow only convenience commercial in the extensive residential designations. Intensification corridors appear to be largely residential intensification: we urge that both also include commercial and service uses.
4. While we are pleased to see policies encouraging transit, walking and cycling, we note that the goal is just 33% of trips in those modes. We are concerned that this percentage is too low for the immediate mitigation of climate change that is needed, and will impose hardships on residents as gas prices rise. The focus on cars means that planned bicycle lane space is still far too limited; it also shifts the whole plan (e.g., commercial nodes assume cars). We realize that abrupt major transition can be disruptive. But in our view, it raises the importance of the Official Plan monitoring so that aspects of it can adapt to changing conditions - changes that Transition Guelph members believe may be enormous in the next 20 years.
5. The section on monitoring (9.1) receives just ½ a page. It also tends to list just internal features rather than contextual features that drive the internal ones. By context we mean price of fossil fuel, availability of food and groundwater, climate change distress etc. We urge inclusion of context monitoring and consideration of the implications it can have to the Plan. We also suggest monitoring of attainment of OP objectives.

Other monitoring points include:

- Include Community Energy Initiative attainment of its objectives with brief, clear public reporting;
- The Natural Heritage System has good monitoring policies. We suggest adding policies to monitor pre- and post- development to help improve future Environmental Impact Statements.

We commend the City councillors and staff on this excellent draft Official Plan and urge consideration of our suggestions. Thank you for this opportunity to give input and for your kind attention.



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File: P-1865

May 20, 2010

City of Guelph
1 Carden Street
Guelph, Ontario
N1H 3A1

Attention: Ms. Lois Giles
City Clerk

Re: City of Guelph Official Plan Amendment No. 42
Guelph Watson 5-3 Inc.
c/o Metrus Development Inc.
City of Guelph

Dear Ms. Giles:

As you are aware, KLM Planning Partners Inc. acts on behalf of Guelph Watson 5-3 Inc. in relation to their lands located on the north and south side of Starwood Drive, immediately west of Watson Parkway North.

Further to our comments provided in writing to Ms. Marion Plaunt and dated March 31, 2010 as it relates to the City of Guelph Official Plan Amendment No. 42, our concerns continue to be as follows:

1. The draft land use schedule proposes three different land use designations for the Guelph Watson 5-3 Inc. lands on the north side of Starwood Drive, including High Density Residential, Medium Density Residential and Community Mixed Use.

It continues to be our opinion that given the size (approx. 5.5 hectares excluding the library), configuration and the recently constructed library, it is our opinion the City is continuing to try and "shoe horn" too many land uses onto a small parcel of land.

The draft Official Plan sets out a maximum retail floor space for the "Watson Community Mixed Use Node Area" at 28,000 square metres. This is continuation of the policy in the existing City of Guelph Official Plan. As noted in our earlier correspondence, we understand that Loblaws is planning on utilizing

approximately 11,800 square metres which continues to leave a residual of 16,200 square metres of commercial floor area.

If the Guelph Watson 5-3 Inc. lands were to be developed exclusively with retail uses, at approximately 20% coverage it would only yield an estimated 11,000 square metres of retail floor space. It would seem as though the retail targets set for this node cannot be achieved and will be in direct conflict with the higher density residential development that is proposed.

2. The draft Official Plan continues to include a High Density Residential designation on the Guelph Watson 5-3 Inc. land. It continues to be our opinion this is not an appropriate location given that it is not adjacent to a major intersection, has limited transit opportunities in the area and is not compatible with the surrounding community which consists largely of single detached dwellings.
3. As stated in our earlier correspondence, it remains our opinion the Guelph Watson 5-3 Inc. lands are better suited to permit medium density residential uses which as outlined in the current draft, will permit up to a maximum of 100 units per hectare. The housing type and density permitted will be in keeping with the surrounding community and will provide a critical mass that would support transit and the commercial uses and provide a pedestrian friendly built form along the Watson Parkway street edge.
4. As a general comment, the draft Official Plan continues to set height limitations. In our opinion, the height limitations should be removed so that it will promote compact urban forms. Further, if the thought is to have height restrictions so that density bonusing will come into effect should a proponent wish to exceed the maximum height requirement, this will continue to act as a disincentive rather than an incentive, especially if additional fees will need to be paid in order to allow for the additional height.

Based on the above, it remains our opinion the Guelph Watson 5-3 Inc. land is better suited to develop solely with a Medium Density Residential designation as opposed to the High Density Residential and Community Mixed Use Node designations that are contemplated in the current draft Official Plan.

We have made numerous requests to meet with staff in order to discuss our concerns with the draft Official Plan. Although we have not received any response, we are still available and would appreciate meeting with staff to discuss the above noted concerns.

Finally, we request to be notified of any decisions related to Official Plan Amendment No. 42.

Yours very truly,

KLM PLANNING PARTNERS INC.

A handwritten signature in black ink, appearing to read 'K MacKinnon', written over the company name.

Keith MacKinnon, BA, MCIP, RPP
Partner

cc. Mr. Fraser Nelson – Metrus Development Inc.
cc. Mr. Peter Murphy – Metrus Development Inc.
cc. Mr. Chris DeVriendt – City of Guelph
cc. Mr. Greg Atkinson – City of Guelph



ZELINKA PRIAMO LTD
A Professional Planning Practice

VIA EMAIL AND REGULAR MAIL

May 20, 2010

Clerk's Department
City of Guelph
City Hall, 1 Carden Street
Guelph, ON
N1H 3A1

Attention: Ms. Lois A. Giles, City Clerk

Dear Ms. Giles:

**Re: City of Guelph Draft Official Plan Amendment Number No. 42
Preliminary Comments on Behalf of Loblaw Properties Limited
Guelph, Ontario
Our File: LPL/GPH/04-01**

We are the planning consultants for Loblaw Properties Limited (Loblaw) for City of Guelph draft Official Plan Amendment No. 42. Loblaw is the owner or lease holder of the following lands within the City of Guelph, including lands that are currently subject to planning approvals:

- The vacant lands at 115 Watson Parkway North (formerly 72 Watson Road North), which are subject to a Zoning By-law Amendment Application (File No. ZC0512) and an application for Site Plan Approval (File No. SP05C051);
- The vacant lands at 1750 Gordon Street, which are subject to an application for Site Plan Approval (File No. SP07C013). Please note that GSP Group are the agents for the application and have been copied on this letter;
- The existing Zehrs store at 1045 Paisley Road;
- The existing Zehrs store at 297 Eramosa Road;
- The existing No Frills store at 191 Silvercreek Parkway North; and
- The existing No Frills store at 35 Harvard Road.

On Thursday April 29, 2010 Loblaw was made aware of the draft Official Plan Amendment No. 42. On behalf of Loblaw, we have preliminary comments as outlined below, and will continue to review the draft Official Plan Amendment policies in more detail, and may provide further comments as required.

At this time, our preliminary comments are as follows:

- In general:
 - The ongoing Zoning By-law Amendment and Site Plan Approval applications as described above should continue to be considered under the current, in force, Official Plan and policies;

- We respectfully suggest that there should be wording to provide for flexibility or a recognition that policies will be implemented and transitioned over the long term as development and intensification comes to fruition;
 - It may be appropriate to include wording for implementation of the Official Plan Amendment whereby existing development approved under previous amendments are deemed to conform to the Official Plan, and that minor extensions or expansions of non-conforming development are permitted without amendment; and
 - The overall application of Built Form, Public Realm and other urban design policies may not be applicable or appropriate to individual sites, and may result in unforeseen adverse conditions when not allowing for flexible implementation and interpretation of the policies.
- Section 4.1.4.1.3: For the new minimum buffers and adjacent lands that are as summarized and shown in Table 4.1, based on our preliminary review, the lands at 115 Watson Parkway North may be subject to buffers related to the Natural Heritage designations on Schedules 4, 4A, 4B, 4C, 4D and 4E. Clarification is requested as to how the required minimum buffers relate to the work that has been prepared for the valley lands as well as the recommendations that were previously accepted by the City.
 - Section 4.1.7.2.1: It is unclear as to basis for the wildlife crossing location designation near the lands at 115 Watson Parkway North as shown on Schedule 4. Details and clarification are requested.
 - Section 4.6.5.1.1.v: We have a concern that "ensuring" the energy efficient building design policies may not provide flexibility in the requirements, including those for a green or reflective roof when photovoltaic technology is proposed. In addition, the implications of minimizing surface parking are not clear.
 - Section 4.7.7.1: With the existing Zehrs store at 1045 Paisley Road proposed to be designated Areas of Potential Archaeological Resources on Schedule 10, we request confirmation as to the basis for the designation in order to confirm whether the designation is appropriate.
 - Section 5.4.2.3: A definition of "Municipal services" is not provided, and it is not clear whether roads would be included. Clarification is requested.
 - Section 7.4.9: We have a concern that there is a lack of flexibility in the Public Realm policies related to locating built form and placing principal building entrances towards the street and maintaining or extending a continuous building façade or streetwall along the street. We would suggest that "New development shall be designed..." be changed to "New development is encouraged to be designed..."
 - Section 7.5.6: The wording "where possible" has been removed from the existing policy 7.4.46.2, while the "visual access" wording is new. We have a concern that the policy no longer provides for flexibility, while the term "visual access" lacks clarity. In addition, we are concerned that the lack of flexibility will create a conflict with Section 7.4.9 where built form is required to be placed adjacent to the street edge.
 - Section 7.8.1: For the lands within a Greenfield area such as 115 Watson Parkway North, there is currently no prevailing neighbourhood pattern to enhance. The policy related to blank facades will impact upon large commercial

buildings where exterior walls may not have consistent windows at ground level due to the requirements of internal operations.

- Section 7.8.8: We have concerns with the requirement that buildings be “unique” to a site and not simply reflect a standard corporate or franchise design. Franchise or prototype buildings change over time, and within a municipality there may be several different existing prototypes. Prototype buildings are carefully considered and reflect the internal operations and needs of a retail commercial use and the public. In addition, the policy may be in conflict with the Urban Design Objective under Section 7.1.h), since prototype buildings can provide for a range of architectural styles and promote expression and diversity in urban form and architectural design while responding appropriately to the local context and achieving compatibility.
- Section 7.14.7: For 115 Watson Parkway North, the avoidance of parking adjacent to the proposed buffer for the natural heritage feature is difficult at best. It is not clear whether there must be an intervening building, or whether a landscape strip qualifies as a separator. If not the latter, then it would be impossible, not difficult to accommodate, since long buildings cannot be placed at both the street edge as required under 7.4.9 and the back of the lands as required under 7.5.6.
- Section 7.14.11: There is a lack of clarity as to how and when underground parking structures “may be required” and whether any financial incentives will be provided by the City.
- Sections 7.22.1 through 7.22.4: We have a concern with the lack of flexibility whereby urban squares “shall generally be included”, while the lands for urban squares would only be provided through easement or dedication and not through expropriation or purchase. In addition, it is not clear whether lands to be provided for urban squares will be included under the minimum and maximum FSI calculation as required under Section 8.5.
- Community Mixed Use Area Policies:
 - Sections 8.5.1.1.e and 8.5.1.1.g: It is unclear whether development can proceed prior to the preparation of a Secondary Plan and as to how residential uses will be ensured to locate within each Community Mixed Use Area.
 - Section 8.5.1.2.8: We request clarification as to the intention for the most restrictive parking standard that will apply to mixed use and main street type development.
 - Section 8.5.1.3.2: We have a concern that drive-through facilities including gas bars will no longer be permitted. We are unaware of any specific justification to remove the permissions for drive-throughs and gas bars.
 - Section 8.5.1.3.5: We are concerned with the new requirement for a main street-type environment and for freestanding individual retail uses exceeding 5,575 sq. m to locate on peripheral sites. There is a lack of clarity as to the definition of peripheral sites and how the policy will be interpreted for lands such as 115 Watson Parkway North and 1750 Gordon Street. In addition, there is a lack of justification of a requirement to locate freestanding individual retail uses exceeding 5,575 sq. m on peripheral sites.
 - Sections 8.5.1.4.1 and 8.5.1.4.3: We have concerns with the policy to require a minimum total floor space index (FSI) of 0.5 and a specific number of

residential units, as it is unclear where or how the residential units will be accommodated. The minimum FSI of 0.5 is well above current retail commercial FSI, and is related to the policies limiting surface parking, potentially requiring parking structures and requiring a minimum of 2 storeys. In addition, it is not clear whether expansions to existing buildings would need to be at 0.5 FSI. Lastly, it is not clear as to whether Buffer Areas as proposed to be required under Table 4.1 will be counted in the FSI calculation.


- Section 8.5.1.4.5: We have a concern with the minimum requirement of two (2) storeys of usable space for development. There is a lack of flexibility, for example, for the permitted freestanding individual retail uses exceeding 5,575 sq. m, while it is not clear whether a partial mezzanine would satisfy the 2 storey requirement for "usable space". For existing development it is not clear whether a building expansion would need to be a minimum of two storeys.
- Section 8.5.1.4.7: For 115 Watson Parkway North within the Greenfield Area, a concept plan with future phasing will be required to achieve a minimum initial FSI of 0.3. We have a concern that the ultimate concept plan provisions may affect the design and function of the initial development. In addition, as noted above, it is not clear as to whether Buffer Areas as proposed to be required under Table 4.1 will be counted in the FSI calculation.
- Section 8.5.1.5.1: The policy confuses the interpretation of Section 7.14.11, where underground or structured parking may be required. Clarification is requested.
- Section 8.5.1.6.1: It is not clear from the policy whether development can proceed prior to the preparation of a Secondary Plan. Clarification is requested.
- Mixed Use Corridor Policies:
 - Section 8.5.2.3.2: We have a concern that drive-through facilities including gas bars will no longer be permitted. We are unaware of any specific justification to remove the permissions for drive-throughs and gas bars.
 - Sections 8.5.2.4.1 and 8.5.2.4.2: It is not clear how 8.5.2.4.1 and 8.5.2.4.2 interact, since there appears to be maximum of 0.5 FSI under 8.5.2.4.1 and a maximum of 2.5 FSI for commercial development under 8.5.2.4.2.
 - Section 8.5.2.4.4: For the minimum of two (2) storeys of usable space for development, it is not clear whether the requirement would apply to expansions to existing buildings.
 - Section 8.5.2.5.1: The policy encouraging underground or structured parking confuses Section 7.14.11, where underground or structured parking may be required.
- Neighbourhood Mixed Use Centre Policies:
 - Section 8.5.3.3.2: We have a concern that drive-through facilities including gas bars will no longer be permitted. We are unaware of any specific justification to remove the permissions for drive-throughs and gas bars.
 - Section 8.5.3.4.2: For the minimum of two (2) storeys of usable space for development, it is not clear whether the requirement would apply to expansions to existing buildings.
 - Section 8.5.3.5.1: The policy encouraging underground or structured parking confuses Section 7.14.11, where underground or structured parking may be required.

We would welcome the opportunity to meet with Staff to discuss our preliminary comments and a process for implementing appropriate policies while working towards the goals of draft Official Plan Amendment No. 42 over the longer term.

Should you have any questions, or require further information, please do not hesitate to call. In addition, please kindly add the undersigned for notification of any further meetings with respect to this matter as well as notice of the adoption of the Official Plan Amendment.

Yours very truly,

ZELINKA PRIAMO LTD.



Jonathan Rodger, MScPl, MCIP, RPP
Senior Planner

- cc. Loblaw Properties Limited (Via Email)
Mr. Steven Zakem, Aird & Berlis LLP (Via Email)
Mr. Hugh Handy, GSP Group (Via Email)
Mr. Al Hearne, Senior Development Planner, City of Guelph (Via Email)
Mr. Greg Atkinson, Policy Planner, City of Guelph (Via Email)



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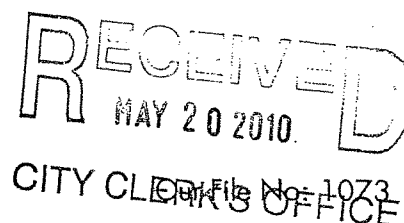
www.gspgroup.ca

May 20, 2010

City of Guelph
City Hall, 1 Carden Street
Guelph, ON
N1H 3A1

Attn: Lois Giles, City Clerk

Re: City of Guelph Official Plan Update (Official Plan Amendment No. 42)
Loblaw Properties Limited & Fieldgate Commercial Properties Limited
1750 Gordon Street, City of Guelph



We act as planning consultants for Loblaw Properties Limited ("Loblaw") and Fieldgate Commercial Properties Limited ("Fieldgate") on a commercial development at the northeast corner of Clair Road and Gordon Street.

We are in receipt of a letter from Zelinka Priamo Ltd. dated May 20, 2010 in which they make comment on a number of issues and concerns related to OPA 42 ("draft OP") on behalf of Loblaw for all their sites in Guelph, including 1750 Gordon Street (the "Site").

Our firm has worked with Loblaw for a number of years on the planning and development of this Site. The Site at the northeast corner of Clair Road and Gordon Street is current designated as part of the Mixed Use Node and has a site specific zone (CC-17) to implement the proposed commercial development. There is currently an active site plan approval application for the Site (File No. SP07C013). It is our opinion that this site plan approval application should continue to be considered under the current, in force, Official Plan and policies.

In the fall of 2009, site plan approval was given for Phase 1 of the development, which includes two banks at the corner of Clair Road and Gordon Street (CIBC and Meridian), a City of Guelph bus transit transfer on Clair Road and an LCBO at the corner of Clair Road and Farley Drive. A parcel containing the two banks and another parcel containing the LCBO are now owned by Fieldgate and are currently under construction. Phase 2 of the development is planned for a major food store on the north end of the Site and will require site plan approval by the City.

On behalf of Loblaw and Fieldgate, we would echo the preliminary concerns brought forward in the May 20, 2010 Zelinka Priamo letter. We would also reserve the opportunity to further comment on the draft OP after meeting with City staff and reviewing the document in greater detail.

Our comments relate to two general policy areas in the draft OP:

1. Proposed buildings heights in Medium and High Density Residential Designations
2. Wetland and wetland boundary mapping

Item #1: Proposed Building Heights

The draft OP permits a maximum building height of five (5) storeys and a maximum density of 100 units per hectare in the Medium Density Residential designation. We note that the existing Official Plan does not provide a height limit on the Site ("General Residential" designation) and regulates building form through a maximum permitted density of 100 units per hectare. In light of the existing policies, an Official Plan Amendment was not required on the Site to permit the proposed six (6) storey residential building plus an underground parking level. The applicant applied to the City for a Zoning By-law Amendment to implement the existing General Residential Designation.

While the building height in the new Medium Density Residential designation is proposed to be limited to five (5) storeys, the Site forms part of intensification corridor. The intensification corridor is to be planned to achieve *'increased residential and employment densities that support and ensure the viability of existing and planned transit service levels'*. Land on the east side of Gordon Street (across from the Site) also forms part of the intensification corridor and is designated "High Density Residential". This designation permits a building height of ten (10) storeys. Land immediately south of the Site is designated as a "Neighbourhood Mixed Use Centre".

Section 7 of the draft OP outlines the urban design policies for the City. Section 7.8.1 states that the built form for new buildings shall *'have front façades with entrances and windows that face the street and that reflect and, where appropriate, enhance the rhythm and frequency of the prevailing neighbourhood pattern'*. The draft OP states in Section 7.10 that the built form for mid-rise buildings is between four (4) to six storeys (6) and high-rise buildings are above six (6) storeys. Where there is a transition between different land uses:

Development will be designed to create an appropriate transition through the provisions of roads, landscaping, spatial separation of land uses and compatible built form. Where proposed buildings exceed the built height of adjacent buildings, the City may require the new buildings to be stepped back, terraced or set back to reduce adverse impacts on adjacent properties and/or the streetscape (Section 7.13.1 and 7.13.2).

We would appreciate the opportunity to discuss with the City the rationale for the height limitation of 5 storeys on the Site given our current zoning application and the proposed "High Density" designation on the east side of Gordon Street. Further, the urban design policies envision mid-rise building form between four (4) to six (6) storeys in height, while the policies for the Medium Density Residential limit the height to five (5) storeys.

Item #2: Wetland Boundary Delineation

Draft Schedule 4B, 'Areas of Natural and Scientific Interest, Habitat for Provincially Threatened and Endangered Species Significant Wetlands' map to the draft OP illustrates the location and extent of wetlands and the associated buffers in the City. The map illustrates the Provincially Significant Wetland (PSW) and wetland buffer on the Site as extending to Gordon Street.

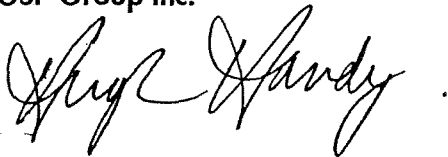
It is our understanding through conversations with City staff that this schedule was generated from the base mapping information prepared by the Ministry of Natural Resources using aerial photography. Both the Official Plan and watershed mapping delineated the extent of wetlands in the City through the use of aerial photography as opposed to on-site investigations.

As part of the Zone Change application for the Site, the applicant retained Stantec Consulting to prepare an Environmental Impact Statement (EIS). The EIS included an on-site evaluation of the wetland and delineated the actual extent of the wetland and wetland buffer. The extent of the wetland on the Site, as illustrated in the EIS, has been confirmed by both the Grand River Conservation Authority and the City of Guelph and endorsed by the Guelph Environmental Advisory Committee on April 14th, 2010. We would request that Schedule 4B be updated to reflect the actual extent of the PSW and the 30 metre wetland buffer boundary.

We would be happy to discuss these issues in greater detail with the City. Also, we would appreciate a written response to the issues raised in this letter. Should you have any questions or comments in the meantime, do not hesitate to contact me.

Yours very truly,

GSP Group Inc.



Hugh Handy, MCIP, RPP
Associate

cc: Paul Aneja, Gordon Creek Development Inc.
Mickey Grover, Gordon Creek Development Inc.
John Valeriote, Smith Valeriote, LLP
Joe Harris, Stantec
Gwendolyn Weeks, Stantec
Jessica McEachren, City of Guelph
Katie Nasswetter, City of Guelph

RECEIVED
MAY 20 2010
CITY CLERK'S OFFICE



May 20, 2010

File No.: 10051.93

City of Guelph
City Hall, 1 Carden Street
Guelph, Ontario
N1H 3A1

Attn: Lois Giles, City Clerk

Re: City of Guelph Official Plan Update –
Official Plan Amendment No. 42
SmartCentres – 6 & 7 Developments Ltd.
11 Woodlawn Road West, City of Guelph

We act as planning consultants on behalf 6 & 7 Developments Ltd., GSP Group has reviewed the draft Official Plan entitled envision Guelph for the City of Guelph ("draft OP"), dated April 2010 on behalf of our clients. We are providing our preliminary comments on OPA 42 at this time. We will provide additional comments in the near future following meetings with City staff and based on further review of the document.

6 & 7 Developments Ltd. owns a property at the northwest corner of Woodlawn Road and Woolwich Street (the "Site"). The Site is approximately 40 acres in size and contains a recently expanded Walmart store (now a Supercentre) and two additional commercial buildings.

The City granted zoning and Site Plan approvals in 2006 for the first phase of the Walmart store, as well as an additional 20,000 sq.ft. of retail space. Full Site Plan Approval and zoning for the full build-out of the Site was granted by the City in early 2009. These approvals required working very closely with Council and City staff to ensure the overall vision for the future development of the Site was implemented appropriately. With that in mind, it is our opinion that the site plan approval for the Site should continue to be considered under the current Official Plan and related policies.

The proposed designation of the Site in the draft OP is "Community Mixed Use Area" (more specifically the Woodlawn Community Mixed Use Area). The proposed designation essentially brings forward the overarching policy direction as a commercial node from the current Official Plan. While the overall importance of the Site for commercial use has generally been recognized by the draft OP, after reviewing the document we have a number of concerns and issues that we would appreciate further clarification from City staff.

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The following represents our preliminary concerns based on our review of the document to date, as follows:

1. **Strategic Directions (Section 2)** – There is no recognition of the overall importance of existing commercial areas or the existing commercial structure in Guelph.
2. **Urban Form Policies (Section 3)** – Requires residential uses in the Community Mixed Use Areas, rather than encouraging residential uses which is the case in the current OP. Also, the Official Plan objectives are very prescriptive in requiring these Community Mixed Use areas to accommodate residential growth.
3. **Wellhead Protection Policies (Section 4)** – The Site is located in the Wellhead Protection Area B. What triggers the need for technical studies related to a development application?
4. **Energy Conservation Policies (Section 4)** – The Site has been designed and approved to meet a high level of energy conservation standards. In fact, the Site Plan Agreement (Section 6a) outlines energy efficiency requirements for the Site. We are concerned that any further modifications through the site plan process (i.e. movement of a building) might trigger additional studies relating to energy usage and environmental design, etc.
5. **Urban Design Policies (Section 7)** – As Council and staff are aware, the Site has been designed and built to a high level of architectural and urban design. In general, the urban design policies are very prescriptive in the draft OP and leave little flexibility to work with the unique aspects of a specific site, marketing for the development and the end retail users. For example, the requirement in the draft OP for all commercial buildings and storefronts to be unique to the site and not simply reflect a standard corporate or franchise is very onerous. Further, the requirement for a building's first storey to generally be taller in height to accommodate a range of non-residential uses, where appropriate, potentially complicates the architectural design process, building costs and satisfying the needs of the end retail user.
6. **Community Mixed Use Areas designation (Section 8)** - The land use policies appear to be moving to creating an "urban village/main street" within this Community Mixed Use Area by requiring additional land uses on a site that is already fully zoned and site plan approved. While we recognize and can appreciate a long term vision for these Community Mixed Use Areas, the prescriptive wording in the draft OP is very concerning. Accordingly, we would appreciate discussing transition wording to be included in the draft OP to recognize the current planning approvals for the Site and to allow for the proper, orderly and timely build-out based on the current commercial development plans for the 6 & 7 Site.

Other areas of concern with the policies in Section 8 include:

- Requirement to accommodate 750 residential units;
- Outright prohibiting drive-throughs;
- Requirement for a minimum floor space index of 0.5 on the Site;
- Requirement for a minimum of two floors of useable space;
- Encouragement for underground and structured parking;
- Requirement for locating freestanding retail to create a main-street type of development or to locate uses on peripheral sites within the designation, which are directly linked to the main street;
- Allowance for the preparation of Secondary Plans within these Community Mixed Use Areas with no policies to indicated what triggers these plans, who is responsible and the reasons for undertaking the plan.

7. **Appendix 1 – Natural Heritage Strategy Ecological Classifications** – We note the inclusion of two appendices in the Official Plan, including Appendix 1. According to Appendix 1, the Site contains "Cultural Woodland" and "Cultural Meadow" features. We are concerned about the use of appendices in the draft OP, especially when specific policies are included in the text that relate to "Cultural Woodland" mapped in Appendix 1. Again, we note that the 6 & 7 Developments has been granted final Site Plan Approval for the full build-out of the Site and they have undertaken the necessary natural heritage work. The inclusion of features on the Site appears to be inappropriate.

We appreciate the opportunity to provide our preliminary comments on the draft OP. We look forward to discussing these issues and concerns in greater detail with the City staff.

We would also request to be added to the notification list with respect to any future meetings on this matter. Further, we would appreciate formal notification of the adoption of the Official Plan Amendment 42.

Should you have any questions or comments in the meantime, do not hesitate to contact me.

Yours very truly,

GSP Group Inc.



Hugh Handy, MCIP, RPP
Associate

cc Christine Cote, SmartCentres
Emily Edmunds, SmartCentres



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May 20, 2010

File No.: 10008

City of Guelph
City Hall, 1 Carden Street
Guelph, Ontario
N1H 3A1

Attn: Lois Giles, City Clerk

**Re: City of Guelph Official Plan Update –
Official Plan Amendment No. 42
The Tricar Group
9 Valley Road and 1242 and 1250 Gordon Street, Guelph**

We act as planning consultants for The Tricar Group in relation to the above-noted properties. GSP Group has reviewed the draft City of Guelph Official Plan entitled envision Guelph ("draft OP"), dated April 2010 on behalf of our clients.

We are providing our preliminary comments on OPA 42 at this time. We will provide additional comments in the near future following meetings with City staff and based on further review of the document. We submitted previous comments on the draft Natural Heritage Study (NHS) on February 24, 2010 in relation to the above-noted properties, which I have attached for reference.

The subject properties (the "Site") are located on the east side of Gordon Street, at the intersection of Gordon Street and Edinburgh Road. The Site has a combined lot area of approximately 5 acres with frontage on Gordon Street and Valley Road.

The Tricar Group is interested in developing the Site for high density residential use. Based on our review of the draft OP, the Site is within the "Built-Up Area" and is part of the "Intensification Corridor" along Gordon Street as shown on Schedule 1 – Growth Plan Elements.

We also note that a portion of the property (along the Gordon Street) is proposed to be designated "High Density Residential", while the property Valley Road appears to be designated "Low Density Residential". At this time only preliminary concepts have been prepared for the Site. Therefore we would appreciate the opportunity to work with City staff to determine the appropriate extent of designations for the Site.

Also, we have reviewed Section 8.3.6 of the draft OP (High Density Residential Designation) and we note the proposed maximum density is 150 units per hectare and maximum height limitation of 10 storeys. Accordingly, we would appreciate the opportunity to discuss "High Density Residential" policies with City staff, along with the related urban design policies contained in Section 7. We would also appreciate clarification of how the affordable housing policies and targets (Section 6.3) are intended to be implemented.

Based on our February 24, 2010 comments on the NHS, we would still appreciate clarification for the extent of the "Significant Natural Areas" designation on the Site. Further, we note the proposed "Open Space and Parks" designation on the Site and would appreciate clarification as to the rationale for including this designation on the Site.

We appreciate the opportunity to provide our preliminary comments on the draft OP. We look forward to discussing these issues and concerns in greater detail with the City staff.

We would also request to be added to the notification list with respect to any future meetings on this matter. Further, we would appreciate formal notification of the adoption of the Official Plan Amendment 42.

Should you have any questions or comments in the meantime, do not hesitate to contact me.

Yours very truly,

GSP Group Inc.

A handwritten signature in black ink, appearing to read "Hugh Handy". The signature is fluid and cursive, with a large initial "H" and "H".

Hugh Handy, MCIP, RPP
Associate

cc Adam Carapella, The Tricar Group
Chris Leigh, The Tricar Group
Al Hearne, City of Guelph



May 20, 2010

Jim Riddell, MCIP, RPP
Director of Community Design & Development Services
City of Guelph
City Hall
1 Carden St.
Guelph, Ontario, N1H 3A9

Re: City of Guelph Official Plan Update – April 2010 Draft Document

Dear Mr. Riddell,

Bell Canada thanks you for the opportunity to participate in the City of Guelph's Official Plan (OP) update. We have reviewed the April 2010 draft document and would like to provide the following comments to assist the City in ensuring that the updated Official Plan adequately considers the provisioning of utilities, such as communications /telecommunications. This will also assist the City in achieving its guiding principle of being "willing and able to invest in high-quality infrastructure" (Section 2.2.g).

As you are aware, Bell Canada is Ontario's principal telecommunications infrastructure provider. The *Bell Canada Act*, a federal statute, requires that Bell manage and operate most of the trunk telecommunications system in Ontario. Bell is also responsible for the infrastructure that supports most 911 emergency services in the Province.

The Provincial Policy Statement (PPS) and the Growth Plan for the Greater Golden Horseshoe (Places to Grow) both strongly support the integrated planning of communities, including telecommunications infrastructure. The PPS specifically requires that "planning for infrastructure and public service facilities shall be integrated with planning for growth so that these are available to meet current and projected needs" (Section 1.6.1). Furthermore, the PPS states that infrastructure should be located to support the delivery of emergency management services (Section 1.6.3). We note that the definition of infrastructure in the PPS includes communications/telecommunications.

In light of Provincial policy, it is critical to understand the complexity of expanding and enhancing the telecommunications network to accommodate growth, both through outward expansion of an urban area and through intensification, infill and redevelopment. All types of growth and development place demands on the telecommunications network and its associated support infrastructure. Beyond simply extending fibre or copper cable, growth and development can precipitate the need for reinforcement and replacement of the support infrastructure. Reinforcement and replacement of the telecommunications network can represent an extensive and costly undertaking, which needs to be managed to avoid disruption of public services. This is particularly critical in relation to the

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provisioning of 911 emergency services and the services essential to City of Guelph's businesses operating in a global economy.

One of Bell's main objectives is to become involved early in the planning process. This allows us to coordinate with the City on the provisioning of appropriate telecommunications infrastructure for new growth and development in a timely fashion. It also allows for greater consideration of the size and locational needs of large telecommunications infrastructure and equipment that house key electronics.

We were pleased to see that utilities and communications infrastructure had been taken into consideration in the draft Official Plan document; however, we feel that the document would benefit from some additional policies. As such, we would like to offer the following suggested policy wording relating to utility services, such as telecommunications, to be considered for inclusion in the draft document. Similar wording has been incorporated in municipal planning documents throughout Ontario and our suggested changes are shown in *italics*.

Section 4.64 – Local Sustainable Transmission

We were pleased to see that the City is cognizant of the importance of recognizing changing technology, such as telecommunications, to ensure that the City remains competitive in the global economy and provides its residents with access to the necessary infrastructure to meet their growing needs.

Section 5 – Municipal Services

Section 5.3 recognizes the importance of ensuring that adequate telecommunications facilities are, or will be, in place to service all new developments, where feasible and appropriate, in a coordinated, efficient, integrated and cost-efficient manner to meet current and projected needs. Although this supports the adequate provisioning of services, we would note that it also specifies that electrical and cabled services will be located underground. As the burial of cabled services is not always feasible due to safety and maintenance requirements, we would ask that the following modification be made to this section:

5.3.6

Electrical and cabled services will be located underground, *where feasible*.

We would also like to highlight that the continual advancement of telecommunications technology, coupled with the need for rapid information transfer, has had a significant impact on the future growth, development and economic vitality of Guelph. Furthermore, as communities move towards an emphasis on leading-edge technological advancement to support the growth of existing businesses, and ensure an areas' ability to attract new employment opportunities, it becomes vitally important to be cognizant of the fact that much of the "backbone" of these new advancements relates to Bell Canada's infrastructure. As a result, to properly reflect the importance of utility services, such as communications/telecommunications to the development feasibility of an area, we would recommend that the following be added to Section 5.3:

5.3.x

Prior to permitting a development proposal, the City shall undertake discussions with utility providers to ensure that adequate services are or will be in place to serve the development.

We would also recommend that the following modifications be made to Section 5.3.13:

5.3.13

The City will ensure that infrastructure and public service facilities are provided in a coordinated, efficient, integrated and cost-efficient manner to meet current and projected needs, including:

iv) the clustering or grouping of utilities, where feasible, and consideration of the locational requirements of larger infrastructure.

Section 5.4.2 – General Policies Re: Staging of Development

It is important for municipalities to undertake discussions with both public and private infrastructure service providers to ensure that sufficient infrastructure is, or will be, in place to meet new development or redevelopment needs. This includes looking at the need for infrastructure reinforcement and/or replacement, particularly as it relates to infill and intensification. As a result, we would ask that the following modifications be made to Sections 5.4.2.1 and 5.4.2.8:

5.4.2.1

Development and redevelopment will be staged relative to a program for orderly extension, repair and upgrading of municipal storm, ~~and~~ sanitary sewers and watermains, *and other required infrastructure.*

5.4.2.8

The City will prepare a Development Priorities Plan to assist in defining the rate, timing and location of development and redevelopment in the City. This Plan will be prepared and updated on an annual basis and will provide a multi-year forecast for growth. The following matters will be considered in the preparation of the Plan:

iii) Ensuring the co-ordinated and orderly provision of municipal *and other utility* services and community facilities in conjunction with growth; and

Section 5.12 – Movement of People and Goods – An Integrated Transportation Network

It is also important to consider utility provisioning requirements within the transportation and road policies of an Official Plan as utilities often contribute to the streetscape. This is of particular importance as investments in transportation affect the location, density and design of new developments, thus impacting the level and provisioning of utility networks to service them, such as telecommunications and infrastructure. Furthermore, new transportation initiatives, such as road improvements, and revitalization and intensification initiatives along transportation corridors, may also affect existing utility infrastructure.

Section 5.12.12.5 indicates that the design of roads and road networks will incorporate streetscape design elements. We assume that this will include reviewing existing and future impacts on utility providers; however, to further support this objective, we would recommend that the following wording be added to Section 5.12.12 (Road Design):

5.12.12.x

To consider the potential impacts on existing utility infrastructure and opportunities for enhancement and/or replacement as part of street construction improvements and maintenance through discussion with utility providers.

These policies will help to assure utility providers that the City recognizes the potential impacts of transportation infrastructure improvements on the provisioning of utility services, and the need for cohesive planning to mitigate impacts, and undertake infrastructure improvements in a coordinated and cost-effective manner.

Section 7.0 – Urban Design

As municipalities in Ontario move towards incorporating contemporary urban design guidelines to planning policies, it is important to understand that there is a certain degree of acceptable impact that will occur when services are provided to communities to meet the public need. Bell is aware of the public interest related to urban aesthetics and the design of the public realm. However, this interest must be balanced with the need to provide communities with essential public services, such as utilities and telecommunication services. We are willing to work with municipalities to ensure compatibility between our larger infrastructure and the surrounding area. However, inflexible urban design guidelines can create very real concern, which may result in an inability to serve the community's needs.

Section 7.4 outlines policies related to the public realm and a need to increase the aesthetic quality of the streetscape in new developments. Although we understand the desire to create vibrant and sustainable public realm throughout the City, it is important to remember that not all elements of servicing facilities, such as telecommunications, can be placed underground for maintenance and safety purposes. As a result, we would ask that the following modifications be made to Sections 7.4.9.vii and 7.4.10:

7.4.9

New development shall be designed to contribute to a pedestrian-oriented streetscape through:

vii) Ensuring that the placement of above-ground utilities do not visually distract from a cohesive streetscape, *by ensuring that appropriate locations and potential cluster sites have been determined and that utility providers are encouraged to consider innovative methods of containing these services on or within streetscape features, where applicable.*

7.4.10

Where feasible, utilities within new development should be located underground. Upon replacement, utilities within the Built-Up Area are also encouraged to be located underground, *where feasible.*

We would also like to note that Bell Canada has produced an Urban Design Manual to assist municipalities in making informed decisions regarding the appropriate location of telecommunications infrastructure in both urban and suburban contexts commonly found in Ontario. This Manual presents an overview of the telecommunications infrastructure network, and provides guidelines, principles, and siting criteria to ensure that it is both

well integrated in the public realm, and of sufficient technical resilience to provide for the increasing number and quality of services demanded by the public. We have attached a copy of the Manual to this letter for your convenience, and would ask that it be considered as part of this, and future, urban design initiatives undertaken by the City. We are also available to meet to discuss this initiative in more detail at your convenience.

Section 8 – Land Use

We were very pleased to see that public and private infrastructure, which includes telecommunications, are permitted in any land use designation, subject to the criteria set-out in Section 8.1.3.2.2 of the Draft Official Plan.

Definitions

We were also pleased to find that the City's definition of "infrastructure" and "public and private infrastructure" in the draft Official plan includes telecommunications. We would suggest however that a definition of "utilities" be added as well as we feel that it will assist the City in providing greater clarification with respect to the policies of the updated Official Plan as this term is used throughout the document. Our suggested definition is as follows:

Utility: An essential public service such as electricity, gas, television or communications/telecommunications that is provided by a regulated company or government agency.

We would like to thank you for the opportunity to provide comments on City's Official Plan Review. Please advise Bell of any further meetings, reports, decisions, etc. related to this matter. We would ask all documents and information be forwarded to our Development and Municipal Services Control Centre:

Mr. John La Chapelle, MCIP, RPP
Manager – Municipal Relations
Access Network Provisioning, Ontario
Development and Municipal Services Control Centre
Bell Canada
Floor 5 BLUE, 100 Borough Drive
Toronto, Ontario
M1P 4W2

May 20, 2010

7

If you have any questions, please direct them to the undersigned.

Yours truly,

A handwritten signature in black ink, appearing to read 'J. La Chapelle', with a long horizontal flourish extending to the right.

John La Chapelle, MCIP, RPP
Manager – Municipal Relations
Access Network Provisioning, Ontario

cc: Wayne Corrigan – Associate Director – Access Network – Bell Canada
Mike Underwood – Associate Director – Access Implementation – Bell Canada
Chris Tyrrell - MMM Group Ltd



Community Design
and Development Services

MAY 17 2010

May 13, 2010

City of Guelph
1 Carden Street
Guelph, Ontario
N1H 3A1

Attention: Mayor Farbridge and Members of Council

Re: Guelph Official Plan Update (Released April 19, 2010)

The Guelph Wellington Development Association (GWDA) has reviewed the proposed changes to the Official Plan in detail. Please provide a written response to our concerns. The Official Plan is an important planning document which must be carefully worded and be in compliance with the legislation that permits it to exist. The proposed Official must also be consistent with the 2005 Provincial Policy Statement. The GWDA are very concerned with a number of the policies included in this proposed Official Plan.

GWDA have recently been informed that the Natural Heritage policies and map schedules of the of the proposed Official Plan will be brought to Council in July ahead of the remainder of the Official plan. GWDA specifically raised concerns regarding such an important document as the Official Plan coming to Council in July for a decision. Splitting the Official Plan into two parts will create more work for City staff and result in appeals that will have to be consolidated at any future OMB hearings. Nothing is gained by splitting the Official Plan approval. The Official Plan should be brought forward as one complete document once the issues have been reviewed and resolved by staff.

The GWDA general comments are below followed by more specific comments and concerns. The general comments regarding the Draft Official Plan are:

Consideration of the Official Plan Comprehensively

It would be premature to consider the Natural Heritage Strategy separately from the overall Official Plan to be considered by Council after the election. There needs to be further consultation with the GWDA regarding the implications of the NHS on future development and our comments on the NHS need to be incorporated in the policy considered by Council.

Sharing Population and Employment Targets

The existing built up areas of the City need to share in the burden/benefits of intensification with other parts of the City.

Impact of Proposed Affordable Housing Policies

The GWDA has participated in workshops and commented on the policies related to affordable housing but no one is listening at the city staff level. The existing housing stock has a significant role to play in the provision of the affordable housing targets established. The affordable housing targets are not realistic and are not supported by a financial incentive program.

Basis of Legislative Authority

The proposed Official Plan contains a variety of detailed policy areas beyond the legislative authority of the City.

Detail Contained in the Proposed Official Plan

In many instances, the proposed Official Plan contains details beyond what is expected and required in an official plan. The official plan should function as a general guide and be implemented through the zoning bylaw. The level of detail proposed to be contained in the Official Plan will lead to unnecessary amendments and bureaucracy on a go forward basis which are both time consuming and costly.

Unnecessary Secondary Plan Requirements

Secondary Plans proposed as amendments to the official plan are burdensome and unnecessary. The same effect can be accomplished through more detailed planning that is used to finalize the implementing zoning bylaw.

Complex Schedules

There are far too many schedules in the proposed official plan especially pertaining to the Natural Heritage Strategy. These in particular go far beyond the established provincial policies dealing with environmentally significant areas.

Natural Heritage Strategy

In many sections within the Official Plan policies are proposed which go beyond the legislative authority provided to a municipality and should not be included in

the Official Plan. The examples are found in the detailed comments within this letter. (Vegetation Compensation Plan, Cash-in-lieu of Trees for example)

The Natural Heritage System (NHS) is not consistent with but exceeds the powers provided by the Provincial Policy Statement (PPS). Areas that are not identified by the PPS as significant and to be protected are proposed to be protected by the proposed NHS policies. The NHS policies propose to protect slopes which are not significant natural features that need to be protected. The NHS then overlays ecological linkages overtop of these slopes. The ecological linkages have in many cases been randomly located or relocated without the benefit of ecological expertise and have no significant ecological function. These matters must be resolved before the Official Plan is brought forward to Council for a decision.

The Natural Heritage System designations will be almost impossible to use to determine which policies in the Official Plan apply to which properties. GWDA challenges any member of Council to select a property that they are familiar with in the City and try to determine which Natural Heritage policies apply to that property based on the Official Plan as released. The document is unnecessarily cumbersome and should be rewritten.

GWDA is proposing an alternative approach which is consistent with the Provincial Policy Statement and will protect the Natural Heritage System within the City of Guelph.

The Official Plan should include the following designations:

Significant Natural Areas

Dark green designation that includes all Provincially Significant features as defined by the PPS. These areas are protected from Development.

Natural Areas

Light Green designation that identifies the buffers to Provincially Significant features as recommended by the PPS. This designation can also include all of the features that the City can legitimately consider to be locally significant. Roads, municipal services, stormwater management and development is permitted subject to an EIS or EA.

Ecological Linkages

Striped light green area. Roads, municipal services, stormwater management and development permitted subject to an EIS or EA.

All three of these designations may be shown on Schedule 2 - Land Use Plan without the need for the proposed nine NHS Schedules and Appendices. Three sets of policies can be written for the Official Plan which apply to these three land use designations. GWDA has been consistent since the NHS was begun that this is the appropriate approach.

Specific Comments related to the Draft Official Plan released April 19, 2010

1. Introduction	
Section	Comment
Section 1.2	Why are the Appendices included if they are not part of the Official Plan? They should not be included in the OP.
Section 1.3.16	The Natural Heritage policies go beyond what is permitted by the PPS. The Official Plan recognizes these more restrictive policies. GWDA questions the legality of this.
3. Planning Complete and Healthy Communities	
3.16 Natural Heritage System	The areas "connecting" natural heritage features are not themselves natural heritage features. The Official Plan confuses this depending on which section of the Official Plan is referenced.
3.16.2	"Development will be prohibited within defined features in accordance with the Natural Heritage System provisions." What does this mean? What are defined features?
4. 1 Natural Heritage System	
4.1 Natural Heritage System	Ecological linkages. Some of linkages included are arbitrary and have no proven ecological value. The linkages are there to provide legitimacy to protecting slopes. Both should be removed from the natural heritage designation.
4.1.1 Purpose	i) "provides permanent protection to the Significant Natural Areas and established buffers;" An EIS should be able to alter the areas being protected and the buffers. Protection from what?
4.1.1	Buffers should not be included in the Significant NH designation. Until development plans are created and transportation, servicing/SWM is known the buffers cannot be defined. What began as buffers being included in the NH designation is now "minimum buffers" which means that buffers on top of buffers will be required when development is proposed. This will result in a very inefficient land use and servicing within an urban area identified for development. "Significant Landform" This has no basis in provincial policy in the context that it is proposed in Guelph and should be deleted from the Official Plan.

	SWM facilitates should not be included in the Natural Heritage designation.
Schedules 4A to 4D	The land use schedule should include all the information related to land use designations.
Schedule 4 – Wildlife crossings	How were these identified, based on what evidence?
4.1.2	A hydrogeologist was not included on the project team for the NHS. The team assembled is not qualified to comment on the surface water, groundwater, ecological and hydrologic functions being retained. These have been arbitrarily established and revised by City staff with no consistent or scientifically defensible methodology.
4.1.2 h)	"To protect and enhance tree canopy cover within the City while providing for meadow habitat." This seems to apply City wide, not just in the NH designation.
4.1.2 i)	"significant portions of the moraine" have been arbitrarily identified and protected through the use of non-scientific criteria that go beyond the PPS.
4.1.3.2	site alteration (ie. grading) is not permitted in significant natural areas or buffers. This will be problem for servicing, roads and stormwater management areas. This policy should be deleted from the OP.
4.1.3.3	The adjacent lands definition should be used as found in the PPS. This section of the OP will require adjacent lands to include linkages between natural heritage areas, SVM facilities and slopes. The adjacent lands will extend into areas that it should not.
4.1.3.6	"Development or site alteration <u>shall generally</u> not be permitted within restoration area." Delete this sentence. It is very misleading.
4.1.4.1	Include <u>linear and transportation</u> as permitted uses within the general permitted uses in the Natural Heritage System subject to an EIS or EA. This is required to be consistent with other policies found within the draft Official Plan.
4.1.4.1	Adjacent lands should use the PPS definition. Not be measure from the NHS designation.
Table 4.1	Established buffers and minimum buffers appear to the same and are included in the designated NH areas. When development applications occur, in order to create viable parcels for development, buffers tend to be increased in some areas and decreased in other areas. Where buffers are decreased, enhancement plans including plantings are prepared. This flexibility is required and should be included in the OP policies. The NHS creates many areas which are not developable. The City will not be able to meet its Provincial density targets.

	<p>Where are the calculations that show that the density targets can be met by the City? The MOE study requested by the City concluded that no additional legislation or policies were required to protect the moraine. The City has invented criteria in the NHS to go beyond the provincial plans.</p> <p>Other wetlands and plantations (cultural woodlands) should not be included as part of the Natural Heritage designation. There was a commitment from municipal staff that plantations would be removed from the NHS which has not been honoured.</p> <p>What is meant by "other activities" in this section? It should be noted in this section that not all activities on private property require City approval. Specific exemptions of some activities are provided by City By-laws.</p> <p>The significant wetland definition in the PPS should be used in the Official Plan and that is what should be protected by the NH designation. The Official Plan should be consistent with the PPS and not misuse the terms and definitions found in the PPS.</p> <p>All wetlands whether they are provincially significant, locally significant or other wetlands are all proposed to be "significant wetlands" and afforded with the same level of protection in the OP. This is an error in the plan.</p> <p>As an example, a road should be permitted to be located within the buffer of an "other wetland." This policy would not permit that.</p> <p>The definition of a significant woodland should be the same as the one in the PPS. There should be no confusion on this point.</p> <p>Roads should be permitted in the established buffer of a woodland subject to an EIS or EA.</p> <p>Significant valleys should use the PPS definition. What happens if a road is required to cross a significant valleyland? It does not appear that this would be permitted by the current policies.</p> <p>This section should be deleted from the Official Plan. The significance of this has not been established. Significant landform and linkage wording is intermingled in this section. Essentially the City is trying to create arbitrary linkages that overlay slopes and using both of these to justify each other.</p> <p>What does "in proximity to other natural heritage features or areas included in the natural</p>
4.1.4.2.3	
4.1.5.3	
4.1.5.3.2	
4.1.5.3.3	
4.1.5.3.3	
4.1.5.6	
4.1.5.7 Significant Landform	
4.1.5.7.2	

	heritage system mean?" How close does it have to be? What is the difference between a natural heritage <u>area</u> vs a <u>feature</u> ? Where is this mapped? How do different policies apply to them?
4.1.5.7	Municipal services are permitted in Significant Landform as long as there is no negative impact to the contours. This is not possible and should not be included as a requirement. SWM should be permitted in the Landform since it is one of the identified functions in the OP of these areas. Roads should also be permitted in the Significant Landform.
4.1.5.8	Use the definition in the PPS for significant wildlife habitat. Ecological linkages should <u>not</u> be included in areas designated as significant wildlife habitat. There should be separate permitted uses for the features vs. the buffers. The features and the buffers should be in separate designations with different policies. Roads, services and SWM should be permitted in buffers subject to an EIS or EA. The Land Use Map 2 should clearly indicate where these designations are located and the policies should clearly identify what is permitted in each designation. The current mapping and policies fail to do this.
4.1.5.8.3	Add to the end of this "have been approved by an EIS or EA."
4.1.5.8.3.11	This section allows ecological linkages to be refined but not be less than 50 m wide. The 50 m minimum should be permitted to be reduced subject to an EIS or EA.
4.1.5.9	SWM areas should not be included as restoration areas. The objectives do not even recognize their SWM function which is why they exist.
4.1.6.1.3 vii)	Why does the "other wetland" policy include a linkage between larger wetlands or significant natural areas?
4.1.6.2	Are cultural woodlands part of the NHS? There was a commitment made to the development industry through this process that plantations would not be included as part of the NHS. What is the definition of a healthy tree? Does it include a tree raised for commercial purposes?
4.1.6.2.3.2	This policy states that if the plantation is not already designated in the NH designation development and site alteration is permitted. Many of the plantations are included in the NH.
4.1.6.2.3 iii)	Shrubs to be protected must be identified in a tree saving plan?

4.1.6.2.3.4	What does "protected to the full extent possible mean?" This is in italics is it defined?
4.1.6.2.3.8	A Vegetation Compensation Plan shall be required. Where is the legislative authority for this in the Municipal Act? (identifying and compensating for all healthy native shrubs.)
4.1.6.3	Habitat for Significant Species Why is this being repeated from the earlier section?
4.1.6.3.2.4	The Locally significant species list for Wellington County has not been accepted, has no status and should not be referenced in the City's Official Plan.
4.1.6.3.3.3	"Development and site alteration may be permitted provided that there is no negative impact to maintenance and survival of the species." What does this mean since these "locally significant species" survive in developed areas. These policies should not be included in the Official Plan.
4.1.7.2.2	The criteria to identify wildlife crossing locations is, "areas where wildlife is likely to cross." Apparently no evidence is required.
4.1.7.3	"Potential wildlife crossings" are protected.
4.1.7	Essentially every tree in the City is protected by this policy even though it is not in the NH designation. The Urban Forest should include street trees, park trees and they should be incorporated into the City's tree cover canopy cover calculation.
4.1.8.2.1	Plantations are Cultural Woodlands. Why are there separate policies?
4.1.8.2.1 ii)	Plantations that do not provide ecological linkages are permitted to be developed. However, the ecological linkages have been arbitrarily applied in the NHS where plantations are located.
4.1.8.2.1.2 and .3	Native shrubs are to be protected and a Vegetation Compensation Plan required. No legislative authority for this under the Municipal Act..
4.1.9	Vegetation Compensation Plan, no legislative authority in the Municipal Act to require this.
4.1.94	The plantings that occur as part of site plan approval are not included as part of the compensation plantings. Why not?
4.1.9.5	"Where replanting is not possible on the subject property the planting can be directed off-site or cash-in-lieu of plantings will be required." There is no legislative authority for this in the Planning Act. Delete this requirement.
4.5.3.2.2	The last sentence should include the words in italics, "On a site known to be contaminated" a Record of Site Condition will also be required where a more sensitive land use is proposed.

4.5.4	Add the wording in italics to this section, Noise, vibration, and other emissions such as dust and odours <i>"which exceed MOE Guidelines,"</i> from specific land uses ...
4.5.4.2.13	Add the wording in italics to this section, New noise-generating activities <i>"which exceed MOE Guidelines"</i> will be located away from sensitive land uses.
4.5.4.2.14	"Drive-through lanes and similar uses adjacent to sensitive land uses will be avoided." What does adjacent mean in this case? What if a drive-through is permitted in the land use designation? Mitigation should be an option to deal with any potential issue. <i>"will be protected to the fullest extent possible."</i>
4.7.9 Heritage Trees	Will heritage trees be identified in City parks and along City road allowances? The definition of a heritage tree in the glossary of the OP includes the <i>"beauty"</i> of the tree and a <i>"tree treasured by a community"</i> . Would the trees in Royal City recently cut down by the City have been considered heritage trees under these Draft OP policies?
5.8.2.8	"Stormwater management facilities are not permitted in all land use designations on Schedule 2." I think that this statement needs to be reworded.
5.8.2.8.14	The Special Study Area south of Clair Road should correspond with the "Reserve Land" designation in the existing Official Plan. All the land south of Clair Road does not require a watershed study.
5.12.5.8	"In new developments, sidewalks shall be provided on both sides of the street except on streets with less than 10 units." Current City standards define the sidewalk requirements based on road width and classification and are working well.
5.12.21 Road Widenings	"Road widenings in excess of the ultimate widths listed in Table 5.1 may be required at intersections listed in Table 5.2 for traffic operation and safety improvements such as sidewalks, bike lanes, daylight triangles, turn lanes, channelization, transit priority measures, grade separations and where topographic challenges exist." Road widenings must be specifically identified in the Official Plan. There is no legislative authority in the Planning Act to

	take these additional road widenings.
6.3.2.2	<p>According to this policy, almost half of all new housing constructed in Guelph will be affordable housing (36% plus 90 accessory apartments annually) This is an inappropriate target for Guelph. Existing affordable housing should be included in the calculation and the housing target modified. The private sector should only be expected to provide affordable housing when municipal incentives are offered.</p> <p>Developers and builders cannot build residential units that are not profitable. Blocks of serviced land in an urban area meant for development will be sterilized with affordable housing designations (H) being applied. All housing in the City will become more expensive and unattainable for more purchasers while these blocks of land sit vacant.</p> <p>The restrictions on demolitions should be rethought. The City is proposing to demolish 14 affordable rental housing units in the downtown for the library relocation. Would this have been permitted under the proposed OP policies?</p> <p>Due to the unfavourable tax regime for rental housing many building owners are converting their properties to condominium and continuing to rent the units. This maintains the City's rental housing stock as a good investment and in good repair. This should be recognized by the OP policies.</p> <p>Is an "environmental corridor" defined in the OP?</p> <p>The parkland dedication policies must be within the legislative mandate of the Planning Act. Additional land beyond the legislative requirements for park purposes may not be required by the City.</p> <p>"Reverse lotting and 'eyebrow streets' flanking arterial and collector roads should be avoided."</p> <p>What is the definition of an "eyebrow street" in the Official Plan?</p> <p>"Entrance features to new subdivisions, such as ornamental walls and signs are strongly discouraged." Why are gateway features encouraged on commercial and mixed use sites and at entrances to the City but not for residential development? This seems inconsistent.</p> <p>"Front facing garages should be no wider than half the width of the house. Garage doors should be recessed and not project ahead of the front wall of the house." Double car garages will be permitted only on a very few large lots in the City based on this policy. Garages should</p>
6.3.5 Retention of Existing Housing	
6.3.6 Condominium Conversion from Rental	
6.5.2.6	
6.5.10	
7.4.5	
7.6.9	
7.7.3	


	be able to project ahead of the front wall if a front porch is provided.
7.14.7	<i>"Parking adjacent to identified natural heritage features and associated buffers should be avoided."</i> Parking is not encouraged in a front yard so it has to be provided somewhere.
7.14.11	<i>"Underground parking structures are encouraged and may be required to provide opportunities for intensification and open space amenities."</i> Underground parking is not always financially viable or physically possible and should not be required.
8.	Secondary Plans should not be required for Mixed Use Nodes.
8.3.2.2.3	This section should state that a Planning Justification Report for applications within the built up area "may" be required. It should not be necessary for every application.
8.3.2.10.2	The maximum GFA for Convenience Commercial should be increased to 400m ² to be consistent with the C.1 Zone. Alternatively is should be increased even higher since Convenience Commercial allows residential units in the same building and this will allow for small scale intensification in existing neighbourhoods.
8.3.6.1	The High Density designation permits townhouses therefore the minimum height in section 8.3.6.2.2 should be permitted to be 2 storeys and not 3 storeys. The maximum building heights should be increased since these buildings will only be constructed if they are financially viable.
8.3 Downtown Guelph Designation	The sub areas and policies related to the downtown should be reconsidered. Flexibility should be the main goal for the downtown policies. It is difficult to proposed redevelopment in the downtown due to heritage buildings, inadequate municipal services, inadequate hydro service, inadequate stormwater management facilities, land values and land assembly requirements. The Official Plan should not be a road block to reinvestment and redevelopment in the downtown.
8.5	Community Mixed Use Areas should not be required to accommodate residential development. How will the OP be interpreted in the Clair Community Mixed Use Area, for example, where only one corner does not have any development approvals? Will this corner be required to accommodate all 550 units allocated to this area? The mixed use nodes are for the most part surrounded by residential designations which should be adequate. The Draft Official Plan by requiring residential development proposes to take significant value away from the sites that

	are now designated Community Mixed Use.
8.5.1.3.2	Drive through Uses should be permitted as long as they meet specified locational criteria. The Official Plan should not prohibit them.
8.5.1.3.2.5	The minimum building height of 2 usable storeys for all buildings in the Mixed Use Node should not be a requirement. Single use larger buildings will not be able to achieve this in the Guelph market. Examples from downtown Toronto or Chicago to not translate to the Guelph land values and market reality.
8.5.1.5	Underground and structured parking is not financially viable in all cases.
8.5.1.6	Secondary Plans should not be required for Community Mixed Use Areas. The requirement for Secondary Plans will delay the development of these properties and little value since detailed concept plans are required in support of the zone change applications required for these sites.
8.8.4	<i>"In the Greenfield Area, the City shall plan to achieve average density targets of 70 jobs per hectare."</i> This exceeds the Places to Grow Target of 50 people and jobs per hectare and is entirely unrealistic.
8.13.2.3 Major Utility Designation	"The expansion of a major utility use or establishment of a new facility beyond the boundaries of the Major Utility designation outlined on Schedule 2 shall require an amendment to this Plan..." Utilities should not require Official Plan Amendments.
8.14.1 8.14.1 Special Study Areas Designation	The limit of the Special Study Area designation south of Clair Road should correspond with the "Reserve Lands" designation in the current Official Plan. In addition, <u>all</u> land south of Clair that will be subject to a future Secondary Plan should be shown as part of the Special Study Area. There should be no other (NHS) designations within this area. Designating the Natural Heritage System is premature until the servicing, stormwater management, traffic routes and land uses are determine for the "Reserve Lands". This will allow the area to be planned in a comprehensive manner. No development will be permitted prior to the Secondary Plan being completed for the Special Study Area.
9.10.4 Complete application	<i>"The date of application shall be date upon which all required information and material is submitted in a form that is satisfactory to the Director of Community Design and Development Services."</i> Should this state that, the date of a 'complete' application...?
9.11.8	<i>"The Zoning By-law may provide for certificates of occupancy for specified uses of land."</i> Please provide the legislative authority for the City to provide certificates of occupancy.

9.15.4 x) Site Plan Control	<p>"achieve the energy reduction targets of the City's Community Energy Plan consistent with policies of this Plan." Please provide the legislative authority for the City to require this through site plan approval. The entire section 9.15.4 of the Official Plan should be deleted since section 9.15.5 includes the items permitted pursuant to the Planning Act.</p>
10. Glossary	<p>Every word or series of words which is already defined in the Provincial Policy Statement should have the same definition in the Official Plan, particularly those words associated with the Natural Heritage System. The definition of "Significant" in the draft Official Plan goes far beyond what the PPS defines. The same is true for definitions provided in other legislation (ie. Building Code, Municipal Act, Condominium Act, Heritage Act) which includes definitions. The same definition should be used in the Official Plan.</p>
Ecosystem Services	What is the source of this definition?
Environmental Impact Study	The proposed definition is unclear. The definition in the current Official Plan should be used.
Heritage Tree	"Beauty" and "treasured by the community" are too subjective and should not be included in the definition.
Woodlands	What is the source of this definition?

Thank you for the opportunity to provide these comments. GWDA have been actively participating in the Official Plan process without significant changes to the proposed Official Plan being realized. The City needs to have considerably more dialogue with the GWDA. This needs to occur prior to the consideration of the proposed Official Plan by Council or any amendment to the existing Official Plan on a piece meal basis such as any amendment dealing with the Natural Heritage Strategy which the City is trying to unnecessarily expedite. We sincerely hope that our concerns will be satisfactorily addressed before the Official Plan returns to Council for a decision.

Yours truly,

A handwritten signature in black ink, appearing to read 'Alfred Artinger', with a stylized, flowing script.

Alfred Artinger, P.Eng.
President

cc: Jim Riddell, Director of Community Design and Development Services
Marion Plaunt, Manager of Policy Planning and Urban Design

(GWDA.Draft Official Plan Comments.doc)

May 17, 2010.

City of Guelph,
1 Carden Street,
Guelph, ON. N1H 3A1.

RECEIVED
MAY 19 2010

CITY CLERK'S OFFICE

Attention: The City Clerk's Office and Guelph City Council

Re: Official Plan Amendment 42 Concerning the Proposed Update to Guelph's Official Plan and the Plan's Proposed Policies for Non-designated Built Heritage Resources and Non-designated Cultural Heritage Landscapes

The authors of this letter previously stated before Council that:

- the list of non-designated properties added to the Municipal Register was completed in the absence of weighting and/or ranking criteria used to evaluate the cultural/heritage characteristics of the properties listed;
- the list of non-designated properties subsequently added to the Municipal Register was completed prior to existing Provincial legislation and policy which permits the addition of non-designated buildings and landscapes to the Municipal Register;
- the City of Guelph has chosen to make property owners responsible for the provision of information necessary to remove their property from the Municipal Register (reverse onus); and
- the City states that removal from the non-designated properties listed in the Municipal Register may require support documentation provided by a heritage professional where the costs of that professional work must be paid by the applicant requesting removal of their property from the Municipal Register. Therefore, there are potentially direct costs to individual property owners as a result of the non-designated status. There may also be other costs to property owners whose properties are included as non-designated. These other costs have not been evaluated by the City.

Nothing that has been done by the City of Guelph since those statements were made that would alter those same statements. In fact, the City proposes to place additional responsibilities on homeowners whose properties are listed as non-designated.

The necessity for adding non-designated properties to the municipal register was presented to Council and to the public as necessary because of timelines associated with demolition. The short timelines could be increased to 60 days for non-designated properties on the municipal register. The need for the non-registered list was therefore centered on demolition or removal and the evidence for this is found in past documents. Excerpts of documentation are found in Appendix 1. Underlining has been added to the quoted document information to emphasize specific words. Additional proof of the demolition rationale for the list of non-designated properties occurred during Guelph City Council discussions. Counselor Kovach asked city staff if the purpose of the non-designated list was for demolition purposes only. The reply to that question was yes. Counselor Kovach sought clarification and continued by asking if the addition of the non-designated property to the Municipal Register would affect people's decisions and ability to make alterations to their homes if they were on the non-designated list. The reply was that those decisions and abilities would not be affected. Unfortunately, the minutes of Council meetings do not include a verbatim, or minimal reference to, all questions and answers made as part of those Council meetings.

In the interim, the undersigned had the opportunity to discuss the process that another landowner with property on the non-designated list had to go through in order to obtain a building permit. Full or partial demolition of the structure was not anticipated and has not occurred. In this instance, the landowner felt compelled to attend a meeting with Heritage Guelph and had to defend decisions made about the replacement of rotten wood siding and the addition of windows to the structure. Therefore, the building permit process for non-designated properties would appear to require the provision of information unrelated to demolition.

Regardless of the wording used within previous documents and meetings, the proposed Guelph Official Plan will change the way in which homeowners can make decisions about their property if that property is listed as non-designated. Interestingly, the proposed Official Plan already supports previous statements about a lack of rigorous factual analysis associated with the formulation of the list of non-designated properties. The plan suggests by its wording in section 4.7.6(3) that all that Council has to do is believe that a particular property may have *cultural heritage value or interest* and that that is sufficient rationale for adding that property to the Heritage Register. As outlined previously, the wording of the proposed Official Plan referenced within this letter has been included in Appendix 2. Underlining has been added within the referenced excerpts to assist the reader in finding the wording discussed within this letter.

The proposed Official Plan has phrases that can be interpreted to require owners of non-designated properties to provide Cultural Heritage Impact Assessments or Scoped Cultural Heritage Impact Assessments if they should apply for a building permit or require a minor variance. This requirement is significantly different from the rationale related to demolition presented previously.

In summary, the proposed Official Plan broadens the scope of activities subject to review by the City of Guelph for owners of non-designated properties. The proposed wording suggests that all the City of Guelph and Guelph Heritage are required to do is believe that property may have characteristics of cultural heritage value or interest and that that belief is sufficient rationale for forcing the owners of the property to provide factual information to assure the City that an activity such as adding a bathroom to their home will not negatively affect cultural heritage value or interest. How such a power relationship as well as an approach to the provision of information will encourage people to maintain and/or improve their property has not been referenced within the Plan.

Because the proponent of the current as well as any proposed new non-designation list is the City of Guelph as well as Heritage Guelph, the provision of a defensible systematic cultural heritage evaluation is the responsibility of the City and Heritage Guelph. Allowing the City and Heritage Guelph to force others to provide that information is, at minimum, not sustainable and is therefore not good planning. All reference to requirements related to matters other than demolition as they relate to non-designated properties are recommended to be removed from the proposed Official Plan.

Sincerely,
Michael K. Hoffman and Linda E. Clay

APPENDIX 1

BACKGROUND INFORMATION EXCERPTS

1. Community Design & Development Services (Report 07 - 64) July 6, 2007 Expansion of the Municipal Register of Cultural Heritage Properties Work Plan

Amendments made to the Ontario Heritage Act in June 2006 provide interim protection from demolition for non-designated properties included on the Municipal Register. Owners of listed properties must provide the municipality with at least 60 days notice of their intention to demolish or remove a structure on the property. This allows sufficient time for a municipality to decide if it intends to formally designate a property under the Ontario Heritage Act which would provide greater protection including prohibiting the demolition of any structures of cultural heritage significance. This additional protection is essential in light of the accelerated building permit review timeframes established through changes to the Ontario Building Code Act in January 2006.

Currently the combined Heritage Inventory is used by the City as a source of potential designations and is a consideration in the development approval process. The inventory is included in the City's property tracking system, AMANDA, which serves as a flag for any development applications or queries made on a property. Essentially, owners become aware of their inclusion on the inventory when they want to do something with their property. The inventory has not been part of a comprehensive public consultation process nor has it been approved by City Council. Management of the inventory has been left up to Heritage Guelph members and City staff. In addition, there has been no assessment or weighting of properties on the inventory to guide the priority of future designations, however, this is contemplated in the future.

2. CD&ES Report No. 08-108 Expansion of the Municipal Register of Cultural Heritage Properties to Include Non-designated Burcher-Stokes Properties (Revised)

The Register may be expanded to also include "non-designated" properties that a Council believes to be of cultural heritage value or interest on its Municipal Register under section 27.1.2 of the Ontario Heritage Act. If an owner wishes to remove or demolish a "non-designated" property included on the Municipal Register the owner must provide the City with at least 60 days notice. This time period provides a municipality with additional time to consider the application and decide if the property should be designated. If designated, the heritage elements identified in the designation by-law would be protected and their demolition/removal subject to an approval process prescribed in the Ontario Heritage Act. For properties not listed on the Municipal Registry, a municipality has 10 working days to consider a residential demolition permit and 20 working days to consider a commercial/industrial demolition permit under the Ontario Building Code. These review timeframes are typically inadequate to determine the heritage significance of a property and whether further protection should be applied to elements of the property through designation.

APPENDIX 2

EXCERPTS FROM THE PROPOSED OFFICIAL PLAN RELATED TO NON-DESIGNATED BUILT HERITAGE RESOURCES AND CULTURAL HERITAGE LANDSCAPES

4.7.6 Non-Designated Properties Included in the Heritage Register

1. A Heritage Register shall be maintained and kept up to date by the City that includes non-designated properties that Council believes to be of cultural heritage value or interest. Such properties are identified as properties included in the Heritage Register.
2. Council, in consultation with Heritage Guelph, as appropriate, may remove non-designated properties from the Heritage Register, provided it has been demonstrated through a Cultural Heritage Review to the satisfaction of Council, that the property is no longer of cultural heritage value or interest.
3. Properties may be added to the Heritage Register where Council, in consultation with Heritage Guelph, believes the property to be of cultural heritage value or interest.
4. Non-designated built heritage resources or cultural heritage landscapes included in the Heritage Register shall not be demolished or removed without the owner providing written notice to the City of the intent to demolish in conjunction with an application for a demolition permit. Council, in consultation with Heritage Guelph, will assess requests for demolition to determine the significance of the built heritage resources and/or cultural heritage landscapes affected. The Council may refuse to issue the demolition permit and determine that the property is of sufficient cultural heritage value or interest that it should be designated under Part IV of the Ontario Heritage Act.
5. Council, in consultation with Heritage Guelph, may determine that a property included in the Heritage Register has no cultural heritage value or interest, and in such instances, demolition may be permitted.
6. Built heritage resources and cultural heritage landscapes that have been included in the Heritage Register may be considered for conservation and/or incorporation into development applications initiated under the Planning Act, unless the applicant demonstrates to Council in consultation with Heritage Guelph, through a Cultural Heritage Impact Assessment, Scoped Cultural Heritage Impact Assessment or Cultural Heritage Review, that the built heritage resource or cultural heritage landscape does not meet the criteria for designation under the Ontario Heritage Act.
7. Where a non-designated built heritage resource or cultural heritage landscape is included in the Heritage Register, the City may require, as a condition of approval of a development application under the Planning Act, a building permit, a partial demolition or change of use, that the proponent enter into agreements to conserve and/or permit to be designated, by the City, in consultation with Heritage Guelph, the built heritage resource or cultural heritage landscape.
8. The City may require the proponent to prepare a Cultural Heritage Conservation Plan as a condition of approval for a development proposal, a building permit, including partial demolition, and/or a change in use that has the potential to impact a non-designated built heritage resource or a cultural heritage landscape included in the Heritage Register.

4.7.10 Cultural Heritage Impact Assessment

1. The City will require as a condition of approval, a Cultural Heritage Impact Assessment or a Scoped Cultural Heritage Impact Assessment for the following development application types if the subject property has been designated under the Ontario Heritage Act or has been included as a non-designated property in the Heritage Register: Official Plan Amendment (when combined with a Zoning by-law Amendment or a Plan of Subdivision) Consent Zoning By-law amendment Plan of Subdivision Minor Variance Site Plan Control.
2. A Cultural Heritage Impact Assessment or a Scoped Cultural Heritage Impact Assessment shall be carried out to the satisfaction of the City, in consultation with Heritage Guelph, to identify and evaluate potential impacts (proposed by the development, redevelopment or alteration) to designated properties or non-designated properties included in the Heritage Register.
3. The Cultural Heritage Impact Assessment shall be conducted by professional(s) qualified in the field of cultural heritage resources and in accordance with the City's Cultural Heritage Impact Assessment Guidelines.
4. The Cultural Heritage Impact Assessment shall include, but is not limited to the following:

- i) a description of the proposed development, redevelopment or alteration, including a location map showing proposed buildings, existing land uses, and a site survey, architectural drawings, detailed conceptual façade renderings, interior architectural details where the heritage attributes are identified within a building or structure and other details as specified by the City;
- ii) a detailed description of the built heritage resource(s), cultural heritage landscape features, heritage attributes, sources of research and conclusions regarding the significance of the cultural heritage resource with respect to their cultural heritage value or interest;
- iii) a description of the existing regulations if any, affecting the proposal (e.g. flood or fill regulation);
- iv) a description of cultural heritage resources and heritage attributes that might directly or indirectly be affected by the proposal;
- v) a description of the impacts that might reasonably be caused to the cultural heritage resource or heritage attributes and how the impacts may affect the value or interest of the resource or attribute;
- vi) an evaluation of alternative conservation and mitigation measures and their effectiveness in conserving the cultural heritage resource or heritage attributes. Such evaluation shall be based on established principles, standards and guidelines for heritage conservation and include an assessment of the advantages and disadvantages of each;
- vii) an implementation and monitoring plan shall be required and include a reporting structure, for the implementation of the recommended actions as development and site alteration proceeds; and
- viii) any other information required by the Province or the City, in consultation with Heritage Guelph, that is considered necessary to evaluate the proposal.

4.7.11 Scoped Cultural Heritage Impact Assessment

1. A Scoped Cultural Heritage Impact Assessment may be prepared in instances where the proponent can demonstrate, to the satisfaction of the City, in consultation with Heritage Guelph, that a particular proposal can proceed without adverse impact on any cultural heritage resources or heritage attributes.
2. The Scoped Cultural Heritage Impact Assessment shall be conducted by a professional(s) qualified in the field of cultural heritage resources and in accordance to the City's Cultural Heritage Resource Impact Assessment Guidelines.
3. Heritage Guelph may assist in the review of Cultural Heritage Impact Assessments and/or Scoped Cultural Heritage Impact Assessments and provide recommendations to Council. The conservation and/or designation of any cultural heritage resource identified through the assessment may be a condition of a development approval by the City.

4.7.12 Cultural Heritage Conservation Plan

1. A Cultural Heritage Conservation Plan shall be required as part of, or separate from the Cultural Heritage Impact Assessment, and describe the recommended actions necessary to prevent, change and/or mitigate, change, remedy or avoid expected impacts upon the cultural heritage resources or heritage attributes. The Cultural Heritage Conservation Plan may also describe how the heritage attributes will be integrated into or commemorated within the new development.

4.7.13 Cultural Heritage Review

1. A Cultural Heritage Review is required when requests are made to remove, add or modify a description of non-designated properties included in the Heritage Register.
2. A Cultural Heritage Review will be conducted in accordance with the Cultural Heritage Review Guidelines.

4.7.14 Implementation Policies

Pursuant to the Planning Act, the Municipal Act, the Building Code Act and other relevant legislation, the City may pass by-laws or implement other tools to ensure the conservation of built heritage resources and cultural heritage landscapes, including but not limited to the following:

1. The City may use a range of implementation tools to achieve the objectives with respect to built heritage resources and cultural heritage landscapes, including Site Plan Control to require exterior design drawings which address matters such as: the character, massing, scale, appearance and design features of buildings; relationship of proposed building to adjacent buildings and the street; interior walkways; stairs; elevators, etc. that are accessible to the general public; and impacts on the design elements within the municipal right of way.

2. Regulate development so that it is sympathetic in height, bulk, location and character with built heritage resources and cultural heritage landscapes, where character includes, but is not limited to, form and massing, materials, fenestration, facade treatments, building orientation, existing scale and pattern and existing landscape and streetscape qualities.
3. Control demolition of built heritage resources in a defined area.
4. Provide financial incentives to encourage the retention of built heritage resources and cultural heritage landscape.
5. Provide for an exemption from parking requirements or for increasing the height or density of development when deemed appropriate through the bonusing provision of this plan, for specific development proposals.
6. Facilitate the retention of built heritage resources and cultural heritage landscapes.
7. The City may enter into heritage easement agreements with the owner of any real property pursuant to the provisions of the Ontario Heritage Act for the purpose of:
 - i) conserving, protecting and maintaining the heritage features of the property in perpetuity;
 - ii) preventing any demolition, construction, alteration, addition or any other action which would adversely affect the heritage features of the property; and
 - iii) establishing criteria for the approval of any development affecting the heritage property.

Include means:

In the context of the Municipal Register of Cultural Heritage Properties, the addition of non-designated properties to the Heritage Register that have been identified by Council as having cultural heritage value or interest.

Municipal Register of Cultural Heritage Properties (Heritage Register) means:

A register established pursuant to Section 27 of the Ontario Heritage Act and filed with the Clerk which identifies properties of cultural heritage value or interest within the City. Designated properties are listed in the Municipal Register of Cultural Heritage Properties. Non-designated properties are included in the Municipal Register of Cultural Heritage Properties.

May 18, 2010.

City of Guelph,
1 Carden Street,
Guelph, ON. N1H 3A1.

Attention: The City Clerk's Office and Guelph City Council

Re: Values and a Full Spectrum of Housing Types - Comments concerning the Proposed Update to Guelph's Official Plan

The authors of this letter previously attended open houses related to the Official Plan update for the City of Guelph. Questions were posed to Guelph planning staff that have not been explicitly answered within the proposed Official Plan, were not answered verbally during the open house or answered within background documents for the Plan update. In general terms these questions include:

1. Is the Official Plan based primarily on probabilities or possibilities (fact or fiction)? Where are all references listed for those facts used within the Plan?
2. Is the Official Plan a document of permissions or a document of prohibitions? Will the plan permit the people of Guelph a full spectrum of choices to create the built environment in which they wish to live?

In answer to the first question, the Plan does not contain a references section containing the scientific literature supporting the built environment recommended within the proposed Plan. Neither does the Plan include reference to general literature documenting the changing physical and social needs of city dwellers when the availability of energy will be low and the costs for that energy high (see Rubin, Homer-Dixon or Kunstler).

With respect to the second question, the wording within the Plan can be interpreted as a prohibition against some housing types. The prohibition can best be illustrated by use of an example in the form of a group of questions. Could a group of individuals choose to put together a small development in a form that would:

- have no flow through traffic and an entry point that would allow the development to be gated?
- have individual architecturally designed houses of less than 2000 ft.² similar to those produced by Eichler?
- be designed to include elements of modern or midcentury modern housing?

The wording of the Plan in section 5.12.6 (vii) referring to a grid street pattern would prevent the curvilinear streetscape normally part of Eichler developments. As well, discussions within section 7.4 (2) of the proposed Official Plan would discourage midcentury modern house designs because those designs present a blank face to the public. The houses are also designed to have a direct connection to the out of doors and the large windows allowing this connection are to the side and/or back of the house. The connection to the out of doors is intended to be private as opposed to public. In addition, discussions with Guelph planning staff suggested that the proposed Official Plan intended to discourage development such as the one called Manor Park located in Guelph or to allow development of strata like those found in British Columbia.

The information previously presented within this letter provides evidence that the proposed Official Plan for the City of Guelph cannot meet section 1.4.3. (b) of the Provincial Policy Statement (2005) which states that: *Planning authorities shall provide for an appropriate range of housing types and densities to meet projected requirements of current and future residents of the regional market area by... permitting and facilitating all forms of housing required to meet the social, health and well-being requirements of current and future residents, including special-needs requirements...*

Therefore, it is recommended that the wording in the proposed Official Plan be changed to permit all forms of housing.

Sincerely,
Michael K. Hoffman and Linda E. Clay

APPENDIX 1

LITERATURE CITED

- Ditto, Jerry, Marvin Wax and Lanning Stern. 1995. *Eichler Homes Design for Living*. Chronicle Books, San Francisco, California.
- Homer-Dixon, Thomas F. 2006. *The Upside of down: Catastrophe, Creativity and the Renewal of Civilization*. A. A. Knopf. Toronto, Ontario.
- Kunstler, James Howard. 2005. *The Long Emergency: Surviving the Converging Catastrophes of the Twenty-first Century*. Atlantic Monthly Press, New York, New York.
- Rubin, Jeff. 2009. *Why Your World Is about to Get a Whole Lot Smaller: Oil and the End of Globalization*. Random House Canada, Toronto, Ontario.

RE: Proposed OPA # 42

Madame mayor and Council

May 20 2010

Many years ago the existing citizens of Guelph spoke out loudly against Guelph becoming another version of Mississauga or Brampton. We could grow but we would do it differently. We would not become the next Mississauga or Brampton. We were different: we had extensive green spaces, scenic moraine views, beautiful tree lined streets and watersheds that we wanted protected. These are just a few reasons why Guelph is a desirable place to live.

You have an opportunity and an obligation to future generations in this OPA to protect the natural heritage that sustains our air and water.

However, the OPA that is before you tonight is a blueprint that will turn Guelph into just another suburb of Toronto. It is already happening. Council has been lock step with the Places to Grow.

This OPA does not deal with the grim economic reality that is already happening because growth does not pay for itself. And the Ontario government has not told us how we are going to pay for it in the short or long term. It has been left to you our councilors. According to the 2 CN Watson Reports to Council growth does not pay for itself. No: it should cost us a 4.5 to 5% increase in property taxes each and every year to pay for the shortfall in development charges and the services that each new citizen who comes to Guelph will need and/or demand. Instead we have a less than 4.5% tax increase and now reductions of services such as transit are occurring. What services will be cut next year to keep our property taxes artificially lower than the true costs of growth?

So where in this OPA is the fiscal economic responsibility to ratepayers? Is it responsible to pass an OPA that supports more residential growth and while knowingly cutting services of existing residents at the same time?


In fact the Planning Act provides that good planning must consider the impact that new development has fiscally, ecologically and on the health and safety of the current residents who live in this city, here and now.

Our green infrastructure within our city boundaries which excludes the Guelph Lake Conservation area are not now protected adequately. Our canopy cover is shrinking not growing. Our Urban Forest Strategy is apparently stagnant since April 2009 while mature city street and park trees are being logged or damaged during new infrastructure activities and mature forests are logged. This council and OPA talks about climate change yet at the same time is not protecting or stewarding the local ecosystem where we live. The proposed Natural Heritage Strategy does not protect the recommended areas contained in the 1994 Hanlon Creek Watershed Plan or the 2004 State of the Hanlon Creek Watershed Study. Other natural heritage areas are not recommended for protection or restoration.

It is premature and unnecessary to advance the Natural heritage Strategy while other portions of the OP are still being circulated for comment. To prematurely move the Natural Heritage strategy forward, in effect, approves the Draft Land Use Plan Schedule 2 in advance of the entire OPA 42 approval, resulting in the jump starting of development in adjacent or sensitive lands identified in the Natural Heritage Strategy Report. For instance, currently there is no protection for provincially significant plant communities in the proposed OPA. Some locally significant species are not protected so their habitat will not be protected. An example of this is the apparent removal of 2 bird species from the mapping on the lands proposed for an apartment building at Edinburgh and Gordon adjacent to the Hanlon PSW.

I am still reviewing the proposed OPA as it is my understanding that there are more opportunities for comment before final approval. It would be helpful if Council were to direct city staff to produce a comparison between the existing OP and what is now proposed. What has been altered, added or deleted? Without this comparison it is difficult to know what areas and policies of the old OP are still in the proposed OPA. My wife Laura attended the last Envision Guelph information session and indicated her concerns with the OPA. There were no comment sheets at this meeting. One should not have to take the time to go home and submit the same comments twice.

Dr. Dennis Murr



May 19, 2010

City of Guelph
1 Carden Street
Guelph, Ontario
N1H 3A1

RECEIVED
MAY 20 2010
CITY CLERK'S OFFICE

Attention: Mayor Farbridge and Members of Council

Re: Public Meeting May 20, 2010
132 Clair Road West, 1827 & 1843 Gordon Street, City of Guelph
Guelph Official Plan Update OPA No. 42 (Released April 19, 2010)

These comments are being provided to Council on behalf of the owners of the property located at 132 Clair Road West, 1827 and 1843 Gordon Street, City of Guelph. This property is located at the southwest corner of Clair Road and Gordon Street. The area of this property is approximately 44 hectares (108 acres).

This property was annexed into the City of Guelph in 1993 to provide urban land for future growth. This property was also the subject of an Ontario Municipal Board hearing which resulted in the current land use designations for the property which are shown in the Official Plan which include mixed use, residential and employment lands. Severances have been taken from this property over the years for public purposes such as a park, high school, church and municipal emergency services facility.


The proposed OPA No. 42 proposes to make more than half of the area of the subject property undevelopable. This is unacceptable to the owners of this property. We have met with City staff and expressed our concerns regarding the proposed Natural Heritage designations for this property and the new restrictions proposed to be applied to the remaining undeveloped Mixed Use corner at Clair and Gordon. We require changes to be made to OPA No. 42 to address our concerns. Our concerns are listed below:

1. The Natural Heritage designations should be applied only to the features recognized as requiring protection from development in the Provincial Policy Statement 2005 (PPS). Slopes and closed depressions are not required to be protected in the PPS and should be deleted from the Natural Heritage designations proposed on the subject property.
2. The requirement for 550 residential units to be provided in the Clair Gordon Community Mixed Use Area should be deleted. This requirement was not imposed on the other three corners which have now been developed, or are underway, and it is unfair to add this new requirement to apply to the only remaining corner which has not yet been developed.

3. The requirement to provide a minimum building height of 2 storeys of usable space should be deleted. This is an unrealistic requirement in the Guelph market and will result in the land remaining vacant and unleaseable for commercial tenants. This is a relatively small commercial site and cannot support this unreasonable requirement.
4. The prohibition of drive-throughs in the Community Mixed Use Area should be deleted. Locational criteria related to the provision of drive throughs would be acceptable. The other commercial sites at Clair and Gordon have well designed drive throughs that do not interfere with pedestrian activity. This corner should have the same opportunity to provide well designed drive through facilities.
5. The requirement for a Secondary Plan for Mixed Use Areas should be deleted.
6. The requirement that "residential uses should be provided primarily above commercial uses" should be deleted. This is an unfair requirement for the last corner of this intersection to be developed and will not find uptake in the Guelph market
7. The requirement for underground or structured parking in the Community Mixed Use Area should be deleted. The cost to provide this would prohibit the development of this corner.

We would appreciate the requested changes being made to OPA No. 42 prior to it coming back to Council for a decision. These are serious concerns which will impact the viability of this property to be developed. The City should not approve an Official Plan which will make serviced urban land unable to develop. Thank you for the opportunity to provide these comments.

Yours truly,


Herb Neumann



ZELINKA PRIAMO LTD
A Professional Planning Practice

RECEIVED
MAY 31 2010
CITY CLERK'S OFFICE

VIA EMAIL AND REGULAR MAIL

May 28, 2010

Clerk's Department
City of Guelph
City Hall, 1 Carden Street
Guelph, ON
N1H 3A1

Attention: Ms. Lois A. Giles, City Clerk

Dear Ms. Giles:

**Re: City of Guelph Draft Official Plan Amendment Number No. 42
Preliminary Comments on Behalf of Home Depot Holdings Inc.
63 Woodlawn Road West
Guelph, Ontario
Our File: HOM/GPH/04-01**

We are the planning consultants for Home Depot Holdings Inc. (Home Depot) for City of Guelph draft Official Plan Amendment No. 42. Home Depot is the owner of the lands known municipally as 63 Woodlawn Road West, which was recently developed with an approximately 85,290 sq. ft. (7,293 sq. m) Home Depot store.

On Wednesday May 19, 2010 Home Depot was made aware of the draft Official Plan Amendment No. 42. The Home Depot lands are proposed to be designated Community Mixed Use Areas and Significant Natural Areas according to draft Schedule 2 – Land Use Plan. It is our understanding that the Home Depot Store would be interpreted as one of the four permitted free standing individual retail uses exceeding 5,575 sq. m of gross leasable floor area within the Woodlawn Community Mixed Use Area.

On behalf of Home Depot, we have preliminary comments as outlined below, and will continue to review the draft Official Plan Amendment policies in more detail, and may provide further comments as required. At this time, our preliminary comments are as follows:

- In general:
 - We respectfully suggest that there should be wording to provide for flexibility or a recognition that policies will be implemented and transitioned over the long term as development and intensification comes to fruition;
 - It may be appropriate to include wording for implementation of the Official Plan Amendment whereby existing development approved under previous amendments is deemed to conform to the Official Plan, and that minor extensions or expansions of non-conforming development are permitted without amendment; and

- The overall application of Built Form, Public Realm and other urban design policies may not be applicable or appropriate to individual sites, and may result in unforeseen adverse conditions when not allowing for flexible implementation and interpretation of the policies.
- Community Mixed Use Area Policies:
 - Sections 8.5.1.4.1 and 8.5.1.4.3: We have concerns with the policy to require a minimum total floor space index (FSI) of 0.5 and a specific number of residential units, as it is unclear where or how the residential units will be accommodated. In addition, it is not clear whether expansions to existing buildings would need to be at 0.5 FSI; and
 - Section 8.5.1.4.5: We have a concern with the lack of flexibility of the minimum requirement of two (2) storeys of usable space for development. It is not clear whether a building expansion would need to be a minimum of two storeys.

We would welcome the opportunity to meet with Staff to discuss our preliminary comments and a process for implementing appropriate policies while working towards the goals of draft Official Plan Amendment No. 42 over the longer term.

Should you have any questions, or require further information, please do not hesitate to call. In addition, please kindly add the undersigned for notification of any further meetings with respect to this matter as well as notice of the adoption of the Official Plan Amendment.

Yours very truly,

ZELINKA PRIAMO LTD.



Jonathan Rodger, MScPI, MCIP, RPP
Senior Planner

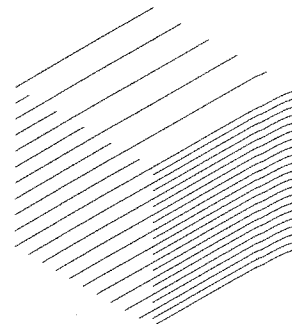
cc. Home Depot Holdings (Via Email)
Mr. Greg Atkinson, Policy Planner, City of Guelph (Via Email)

**Walker, Nott, Dragicevic
Associates Limited**
Planning
Urban Design

May 20, 2010

City of Guelph
Community Design and Development Services
Planning and Development Services
1 Carden Street
Guelph, ON
N1H 3A1

Attention: Mr. J. Riddell, MCIP, RPP
Director, Community Design & Development Services



Dear Sir:

**Re: City of Guelph Draft Official Plan
Our File 10- 529**

90 Eglinton Avenue East
Suite 701
Toronto, Ontario
M4P 2Y3
Tel. 416/968-3511
Fax. 416/960-0172
e-mail: admin@wndplan.com
web: www.wndplan.com

We act as planning consultants to Armel Corporation ('Armel') who is an owner of substantial landholdings within the City of Guelph. In this regard, we and our client have initiated a preliminary review of the recently-released Draft Official Plan and are providing the following preliminary comments as input to the further review and refinement of the document.

At this time, our comments focus on two components of the draft document:

1. The 'Community Mixed Use Node' component of the Plan, including surrounding planned residential land uses (Section 8.5); and,
2. The 'Natural Heritage Strategy' policies of the Plan (Section 4).

Once we have had an opportunity to review the complete document, additional comments will be provided on these and other sections of the Plan.

1. Community Mixed Use Node

The following comments deal with the draft Official Plan's approach to community mixed use nodes. In this regards, Armel's interests focus on its landholdings in the westerly portion of the City.

1.1 Guelph's Proposed Urban Structure

Building upon the City's Local Growth Management Strategy, Official Plan Amendment No. 39 ('OPA 39') provides the urban structure framework for the draft Official Plan. That urban structure framework consists of:

- A Provincial 'Urban Growth Centre' in the Downtown;
- Four 'Community Mixed Use Nodes', located in the north, east, south and west areas of the City (with a fifth node recently incorporated at Silver Creek Junction);

Peter R. Walker, FCIP, RPP
Wendy Nott, FCIP, RPP
Robert A. Dragicevic, MCIP, RPP
Senior Principals

Martha Coffey
Controller

- Built-up urban areas;
- Greenfield development areas; and,
- Intensification corridors along portions of major roads.

Each of these structural components is intended to contribute to the achievement of Provincial and local policy objectives, including those of the Growth Plan.

OPA 39 established a policy framework for CMUNs (Section 2.4.9) which indicated:

Community mixed use nodes are identified on Schedule 1B. These areas will be planned for higher density mixed uses including residential and employment uses, as well as a wide range of retail, service, entertainment, and recreational commercial uses that serve the local and wider community.

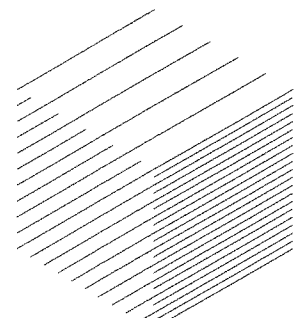
The community mixed use nodes will be planned and designed to:

- a) be well served by transit and facilitate pedestrian and cycling traffic;*
- b) provide a mix of commercial, offices and residential development in a higher density compact urban form that supports walkable communities and live/work opportunities; and*
- c) allow complementary uses such as open space, institutional, cultural and educational uses, hotels and live/work studios.*

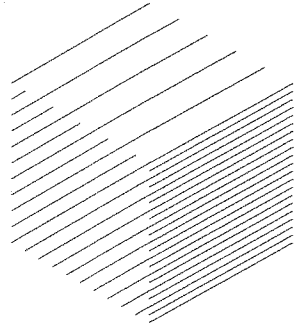
Of significant note is that the delineation of the 'Community Mixed Use Node' ('CMUN') elements in OPA 39 (Schedule 1B) is that of a symbol centred on various major roads. Further, the symbols were an overlay to two other urban structure elements: Built-up areas and Greenfield areas. Therefore, in our submission, the logical intent of the CMUN was to capture a range of existing or planned land uses, both in Greenfield and Built-up area situations.

In the case of the Elmira CMUN, the symbol was focussed on the intersection of Imperial Road, Elmira Road North and Paisley Road and thus encompassed existing developed lands within the built-up area containing community, commercial and a variety of residential uses, as well as undeveloped Greenfield lands presently designated for commercial and various residential uses.

Similarly, in the City's Urban Design Action Plan (April 2009), a land use symbol centred on the same area identifies the 'West Community Node' (albeit the geographic area captured by this symbol is larger than that of OPA 39; extending north of the rail line and east of Imperial Road). The proposition that the node would be comprised of an extended geographic area containing a number of properties with a range of land uses was apparent, understandable, and consistent.



On the basis of the general policy framework of CMUNs established in OPA 39 which indicated a clear intent regarding the inclusion of the residentially-designated and zoned lands as part of the CMUN, Armel had no concerns with the proposed urban structure or the identification of the westerly CMUN at Elmira Road North and Paisley Road. Further, these demarcations were consistent with long standing planning intentions expressed in previous official plans and historical planning policy documents pertaining to these lands to establish a focal point of land use activity to serve as a hub for the west side of Guelph. The West Hills portion of the commercial node is currently partially developed in a manner consistent with official plan designation(s) that have been in place for decades, and leasing commitments to existing tenants have been made based on these lands being built out as a commercial shopping centre.



1.2 Commercial Policy Review

The current Official Plan reflects and implements the results of the City's 2005 comprehensive commercial review (CPR) which evaluated and revised the policy framework for commercial development throughout the municipality.

The conclusions of that review formed the basis of the existing Mixed Use Node designations, including the range of permitted commercial uses. Specifically, the absolute amount of land so designated purposely correlated to the retail floor area assigned to each location. Therefore, the current Official Plan prescriptively controlled the scale of each Mixed Use Node by limiting both the assigned new retail floor space and the land area available to accommodate that assigned floor space.

In the case of the (then) Paisley/Imperial Mixed Use Node, the existing commercial development (i.e. Zehrs and commercial plaza at the southeast corner of Paisley/Imperial) was excluded from the new retail floor space limitation. Thus the land area available to achieve the assigned 42,000 sm new floor space is less than that encompassed by the designation.

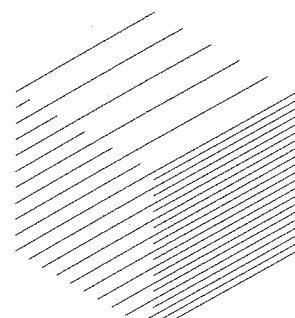
1.3 Mixed Use Node in the 2001 Official Plan

The 2001 Official Plan (OP), as amended, is the policy document currently in effect in the City. The most significant amendment to the 2001 OP occurred in 2006, when the entire commercial policy section was repealed and replaced (via OPA 29) to reflect current and go forward commercial planning philosophy. As noted, OPA 29 followed on the heels of a very extensive commercial policy study, one element of which was to forecast commercial floorspace needs for the municipality to the year 2021.

The 2001 Official Plan as amended by OPA 29 designated significant portions of Armel lands as "Mixed Use Node" (MUN). This designation carried with it an apportionment of the total retail floorspace needs for the City to the year 2021, specifically in the case of the Armel node, 42,000 square metres of **new** retail floorspace. In other words, the 42,000 m2 of new retail floorspace was allocated

to the Armel MUN, and this was exclusive of any existing retail floorspace in place prior to the passing of OPA 29.

Based on the approach and the steps that were followed by the City, it is CLEAR that the intent of the MUN designation of OPA 29 (Section 7.4.5 and 7.4.6) was to establish a policy framework for the creation of **retail** focal points, one on the Armel lands, and others around the City. These are collectively intended to serve the future retail needs of neighbourhood residents/workers as well as to provide City-wide shopping services. The further intent was to group complementary uses in proximity to each other in order to “...satisfy several shopping and service needs in one location.”



Thus, in our submission, the primary function of the Mixed Use Node designation in the existing Official Plan is to accommodate commercial activities. This conclusion is supported by the range of permitted uses (Section 7.4.9) which focuses on “... retail, service, entertainment and recreational commercial uses ...” with a permitted cumulative new retail floor area of 42,000 sm (i.e. existing and permitted new retail floor area will require all of the area designated MUN). While the 2001 Official Plan also permits medium and high density residential uses, such uses are not mandatory elements of a development proceeding under the Mixed Use Node designation.

In fact, the City's prevailing Zoning By-law presently zones the Mixed Use Node lands as established by the 2001 Official Plan as 'Community Commercial', 'Service Commercial' and 'Urban Reserve'. Residential uses are not permitted in any of these zone categories. This reinforces the 2001 Official Plan's intent that Mixed Use Node designations were primarily intended for community- and City-serving commercial uses. Any development which sought to integrate residential uses on-site would have required a re-zoning application. This again reinforces the primacy of the Mixed Use Area designation for commercial purposes.

It logically follows that commercial uses are directed primarily to lands having commercial designations and zoning, while residential uses would be established on lands having residential designations and zoning. We understand that the new Official Plan is intended to introduce current planning philosophy with respect to a 'mixing of uses'.

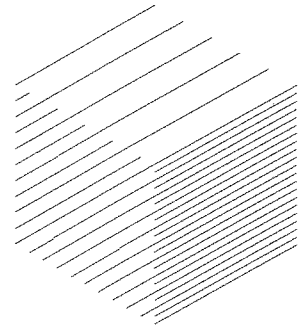
1.4 Background to the Elmira CMUN

In our submission, the historical planning context is relevant and must also be considered to ensure proper calibration of the new policy framework, particularly where 'nodes' are already in place, partially developed, or where previous planning decisions have contemplated the provision of higher density residential uses in proximity to (but not within) the commercial centre.

The planning for this westerly area of the City (originally known as 'West Hills') commenced in the mid-1970s with the most recent phase of development having been zoned and draft plan approved in 1986. The area as originally conceived

was intended to advance a complete community with a range of commercial, institutional, recreational and residential uses.

With respect to residential uses, the West Hills area provides for a range of medium and high density housing. In particular, blocks in proximity to the commercially-zoned lands at Elmira/Paisley/Imperial were established and zoned for multiple-family housing types. This occurred with the same intent of current day policy: that is, to establish a vibrant, intensive mix of land uses to serve as a focal point for the west side community. While some of these blocks have been built over the last ten years, many blocks remain undeveloped today as a result of consumer choice preference, residential land/housing supply and demand, and further demographic/market conditions not yet supporting these housing types.



However, as noted the intended residential use of these lands continues to support the long-range objective for the Elmira CMUN to contain a mix of housing types, including medium and high density residential uses in locations which are complemented by community-serving commercial, recreational and institutional uses that will support local transit use. The characteristic evolution of suburban mixed use nodes is that of establishment of the commercial uses followed by more intensive residential development. Outside of downtown or major core areas, the commercial and higher density residential uses rarely develop simultaneously. For example, the residential components of the Mississauga City Centre have only been realized in the past decade; prior to that time, the centre was primarily a commercial focal point. Similarly, the 40-year Don Mills Centre was demolished two years ago and re-built as a life-style commercial centre with abutting high density residential uses.

1.5 Does the Draft Official Plan properly implement the new Urban Structure?

Armel's primary concerns with the Elmira CMUN as it is now being advanced within the draft Official Plan are:

- The more limited geographic area assigned to the CMUN designation in the draft Official Plan, as compared to that indicated (by symbol) in OPA 39 and other reports;
- The prescriptive policy framework for this designation; and,
- The failure for the proposed Official Plan to reflect the historic context of planning that has shaped this westerly mixed use node.

As noted above, OPA 39 indicated a CMUN area which encompassed lands that were designated for commercial, recreational and a range of residential uses in the current Official Plan. Such delineation appropriately reflected that nodes contain a number of properties within a larger area and that properties within the broader area may develop with a single land use or a mix of land uses on any particular site but, in totality the appropriate diversity of land uses in a relatively compact, walkable urban form can be achieved. In our submission, the limited definition of the CMUN lands to the commercially-zoned lands is an inappropriate

implementation of OPA 39 and related documents (such as the Urban Action Plan and Commercial Policy Review).

The proposed policy framework for CMUNs while retaining many of the existing Official Plan policies (such as objectives which direct the CMUNs provide an adequate supply of commercial land and to form major concentrations of commercial activity) is advancing a more prescriptive residential development framework.

Specifically the requirement that the Elmira CMUN contain (approximately) 625 residential units on the limited area of land so designated is seemingly arbitrary, and problematic from an implementation perspective. We also respectfully request clarification of the determination of the 625-unit allocation.

As previously noted, the geographic assignment of the entire CMUN designation to only the commercially-zoned lands in this location will frustrate the achievement of the planned commercial function of these lands to accommodate the assigned 42,000 sm new retail floor space identified through the Commercial Policy Review and implemented through OPA 29 as the land base is insufficient to accommodate both the intended commercial function and the requirement for 625 residential units.

Further, imposing a requirement for the Elmira CMUN to accommodate 625 residential units through its next phase of development will result in an inequitable treatment of the five CMUNs advanced in the draft Official Plan. Other CMUN sites which are built or have site plan approval will not be required to accommodate their assigned residential unit assignments within any short- to medium-term planning horizon. In fact, achievement of any potential residential uses on these other CMUNs may only occur when the sites are redeveloped from their current commercial purposes.

As previously noted, Armel did not have concerns with the CMUN component of the City's urban structure as generally advanced through OPA 39. In that context, the CMUN would be addressed in a more holistic manner and include a broader area within which a mix of land uses (including medium and high density residential uses) would be provided in a compact, walkable and transit-supportive manner. By taking this broader, more appropriate perspective then the Elmira CMUN would properly include the existing lands designated and/or zoned for medium and high density residential uses as contributing to the residential component of the mixed use area. For example, the existing West Hills Community Centre and high school would similarly contribute to the mixed use function of the broader area.

Armel has historically supported the City's objectives to realize a CMUN in this area. However, the proposed policy framework should recognize a more encompassing approach to the CMUN which reflects the contributions of a number of existing and planned sites to the achievement of the City's overall

objectives. In our estimation, existing medium and high density residential sites adjacent to or in close proximity with the Elmira CMUN will contribute significantly to the policy objectives of a mixed use area containing concentrated retail and residential development.

Armel does support a flexible policy that would permit (but not require) medium and high density residential uses on the CMUN lands in order to allow such sites to evolve in response to demographic and market demands. By providing such policy flexibility, the private sector can respond to current market realities as well as envisioned long term planning trends, when they emerge.

1.6 Residential Development in the Elmira CMUN

As noted above, there are existing residential land use designations adjacent, or in close proximity to the Elmira CMUN. The draft Official Plan maintains these designations and carries forward a number of related residential policies from the existing Official Plan. In this regard, Armel encourages the City to consider other contemporary forms of housing, such as stacked townhouse and back-to-back townhouses. These housing forms can advance the City's objectives of achieving a greater mix and higher densities of residential development as part of a CMUN, while responding to more immediate demographic and market demands. Such forms of housing can also provide appropriate transitions between the areas of existing low density residential housing forms and the planned medium/high density residential areas and non-residential uses.

In this regard, Armel would like to discuss opportunities for alternative forms of housing (such as stacked and back-to-back townhouses) that would support these policy objectives and therefore are appropriately included in the draft Official Plan.

1.7 Secondary Plan Requirement

The draft Official Plan suggests (Section 8.5.1.6.1) secondary plan may be prepared for CMUNs to detail policies for future development. With respect to the Elmira CMUN, the detailed geographic planning framework was established by the subdivision plan approvals. The current and future development within this area is now focussed on the development of the last of the vacant lands. We note that the language of Section 8.5.1.6.1 is permissive (i.e. 'may') and in our submission, there is no need for a secondary plan to facilitate the balance of the development of the Elmira CMUN.

1.8 Other CMUN Matters

Armel has a number of other comments with respect to other policies for the CMUNs such as the minimum and maximum development densities/building heights.

We would appreciate an opportunity to review these CMUN matters City Staff.

2. Natural Heritage Strategy

Armel recognizes and supports the public interests and benefits arising from a comprehensive approach to the planning for significant environmental features. However, the Official Plan policy framework should be based on a holistic approach which balances environmental considerations with other aspects of the development of a complete community in Guelph.

2.1 Early Approval of the Natural Heritage Strategy Policies

It is our understanding that the City may advance its new Official Plan in two phases; the first being only the Natural Heritage Strategy ('NHS') policies (Section 4 primarily), with the balance of the policies of the draft Official Plan to be considered for approval at a later date.

The draft Official Plan itself requires (Section 1.3) that it be considered as one whole policy document, as illustrated by the following (*emphasis added*):

1. ***The Plan must be read in its entirety as a comprehensive policy framework to be used in evaluation for decision making by Council, committees appointed by Council, Boards and Commissions having jurisdiction within the City, and by staff and the public, including the Ontario Municipal Board.***
2. ***All Schedules form part of the Plan and must be read in conjunction with the text of the Plan.***

The policies of Section 4 in particular cross over and integrate with many other sections of the draft document. It is reasonable to expect that when the balance of the Official Plan is finalized, there may be potential revisions to parts of the Official Plan as currently drafted, which may then require modifications to the (pre-adopted) NHS policies. As noted above, the draft Official Plan in fact contains language indicating it would be inappropriate to consider individual sections of the document on their own, and that the Plan must be considered in its entirety.

We would encourage Council to provide appropriate time for the entire document to be properly considered in an integrated manner and to not independently adopt the Official Plan on an incremental basis.

2.2 NHS Policies

Section 4.0 (representing the natural heritage strategy) sets out over sixty-five pages of detailed policies, regulations, constraints, prohibitions, and approval process requirements, together with six Official Plan schedules and an appendix illustrating the natural heritage system.

A review of the draft policies suggests that there are a number of new approaches being adopted from other jurisdictions (such as those established for the Oak Ridges Moraine) together with other new policies being proposed for Guelph. We also question the application and/or interpretation of a number of policies, including (but not limited to) the following:

- Measurement of the 15-metre setback from watercourses (Section 4.1.5.4);
- Meeting even one criteria for identification (as a wetland) automatically will result in protection of 'Other Wetlands' even though it may be that the area does not contribute to the ecological or hydrological function of a Significant Natural Area (Section 4.1.6.1).
- Minimum size requirements for significant and/or cultural woodlands (Sections 4.1.5.5 and 4.1.6.2).
- The implementation of the 'Vegetation Compensation Plan' (Section 4.1.6.2.3.8) is to be based on the yet to be completed Urban Forest Management Plan (Section 4.1.9). No compensation policy should be included in the new Official Plan until the details of the implementation framework are drafted and subject to public review.
- In general, the Vegetation Compensation Plan requirements (Sections 4.1.6.2.1.e and 4.1.6.2.3.8) could be a prohibitively expensive measure with, as noted above, the implementation details not being defined at this time.
- Minimum buffers are established for many of the natural heritage features but criteria for establishing ultimate width are left to the discretion of the City (Section 4.1.6.2.3). Definitive criteria should be identified and confirmed through the required EIS study process based on the site-specific context. Further, buffers are often varied (with the consent of the Conservation Authority) to accommodate viable development parcels, etc whereas the draft policies imply that the buffer widths are absolute.
- Definitions inconsistent with the Provincial Policy Statement;
- NHS policy requirements that exceed the Provincial Policy Statement;
- Lack of reference to the involvement of the Conservation Authority in several components of the NHS.
- Inconsistent permissions for land uses within several components of the NHS; in particular, servicing and transportation infrastructure.
- Multiple schedules identifying a series of various environmental constraints are included, some which seem to be inconsistent with what is shown on the Land Use Schedule. Schedule 4A is particularly problematic, showing erroneous classifications on Armel lands.

Additional dialogue to permit a fulsome understanding of the basis for, and inter-relationships between the components of the NHS and related policies would be beneficial. However, as noted above, such discussions should be set within the context of the entire framework of the proposed Official Plan.

2.3 Armel Properties Affected by the NHS

Armel has been involved in the NHS process and have in the past identified various concerns to the City respecting various Armel holdings, primarily in the west side of Guelph. Over the decades, Armel and the City have worked collaboratively in reaching agreement on land use approvals for the west side of the City. Development has incrementally occurred in a manner consistent with approvals to the point where the west side is near maturity in terms of

development. Although there remain some Armel lands which are not yet developed, for the most part these lands are approved for development in terms of their Official designations, zoning and/or draft approval status.

The new environmental policy directions of the draft Official Plan in some cases are contrary to existing planning approvals on undeveloped Armel lands. In such instances, it would be reasonable for the new Official Plan to reflect the status of existing approvals and such an approach would also be consistent with transitional planning principles and regulations.

The attached map illustrates two specific properties which Armel has previously discussed with the City. Discussions with staff to-date have been open and constructive. However, prior to Council adoption of Section (as currently proposed) coming into effect we believe additional discussion is required. In our view, both noted properties should retain the development status as are currently in place, and this should be recognized in the new Official Plan (if necessary, by way of a special policy area):

a) *Property 1 – Mitchell Farm Phase II Draft Approval Area*

This parcel is located at the extreme westerly edge of the City, in what will be the final registered phase of what has become known as the Chillico area, likely to be built out in the next 2-3 years.

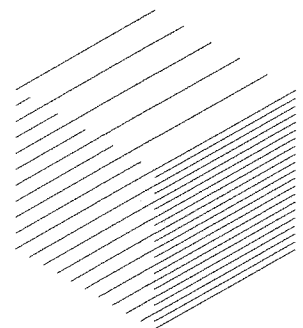
This parcel is draft approved and zoned (R.3A) and was subject to previous consideration in an environmental study required to secure draft approval, with some additional further detailing being required as part of a future site plan approvals submission.

The Schedule 2: Land Use Plan in the draft document correctly designates this site. However Schedules 4A, 4C, 5, and Draft Appendix 1 all infer (in the context of the draft NHS policies) future uncertainty with respect to the existing, planned development potential of this parcel, and/or adjacent trail systems which is inconsistent with the development approvals (including previous supporting environmental analyses) currently in place.

For clarity, the new Official Plan should identify this land as a special policy area if necessary, reflecting the existing development approval status. Armel's discussions with staff regarding this property have been positive and constructive and Armel would be pleased to continue these discussions with staff to resolve this matter.

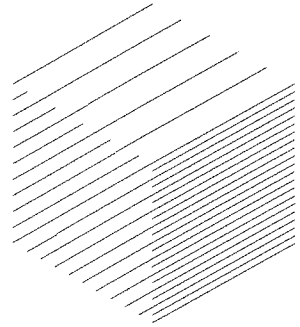
b) *Property 2 – West Hills Draft Approval Area*

The parcel is located on the south side of Paisley Road between Elmira Road and Whitelaw Road and is the final undeveloped parcel in the West Hills draft plan of subdivision (zoned R.4A). Even though these lands are undeveloped, the lands have been assessed and taxed at the value of



their planned land use for a number of years thus contributing to the City's financial base.

Beyond consideration of zoning, Armel has discussed with staff, the practical requirement for significant grading of this site to accommodate its planned future development. The site was originally approved in the 1980's but the zoning bylaw more recently has been amended to show a constraint area generally near the intersection of Elmira and Paisley associated with a treed area. The original (existing) grade of this area is 3 – 5 metres below the grade at the corner of the now constructed Elmira and Paisley Roads. Analogous constraint areas are illustrated in the zoning bylaw on nearby lands which have been since been developed and/or graded to accommodate the in place zoning of the land.



Similar to Property 1, it would be appropriate to establish a special policy area for this site within the new Official Plan that would recognize reflecting the existing development approval status.

2.4 NHS Summary

In summary, we encourage the City to provide further opportunity for the plan to be considered in its entirety, that the NHS section (Section 4) not be separated out and adopted in advance of the balance of the plan. Further, Armel would request and opportunity to discuss its concerns with respect to the two properties noted herein, as well as a discussion of the general comments.

Armel also generally supports a number of the comments relating to the NHS policies as raised by the Guelph Wellington Development Association.

In general, Armel supports a balanced policy framework that recognizes all key attributes of the City, including those reflective of the positive character of Guelph as a complete community, with relatively affordable housing options in both older and recently-built areas of the City. Guelph is consistently ranked as one of the most desirable places to live by national media. This image has evolved based on the balanced planning framework currently in place.

3. Other Matters

The full version of draft Official Plan has only very recently been released for consideration and review by the public. It introduces many significant new policy directions, some being enacted in response to Provincial requirements and others being an extension of Provincial control. Implementation strategies for many of these policy directions have not been yet developed. Given the many 'new' approaches and magnitude of the new, restrictive and regulatory aspects the draft OP, appropriate time is required to fully consider and appreciate how in practice the new framework will work and apply *in its entirety*.

In addition, we are conducting a review with Armel of the balance of the draft Official Plan and will be providing further commentary on other topics, and/or expanding on our initial comments contained herein. Armel's objective is to work collaboratively with staff with the intent of arriving at a mutual understanding and, hopefully, resolution of these concerns prior to adoption of the new Official Plan by City Council (and void any need to protract the process through appeals).

We would be pleased to discuss these comments at your convenience.

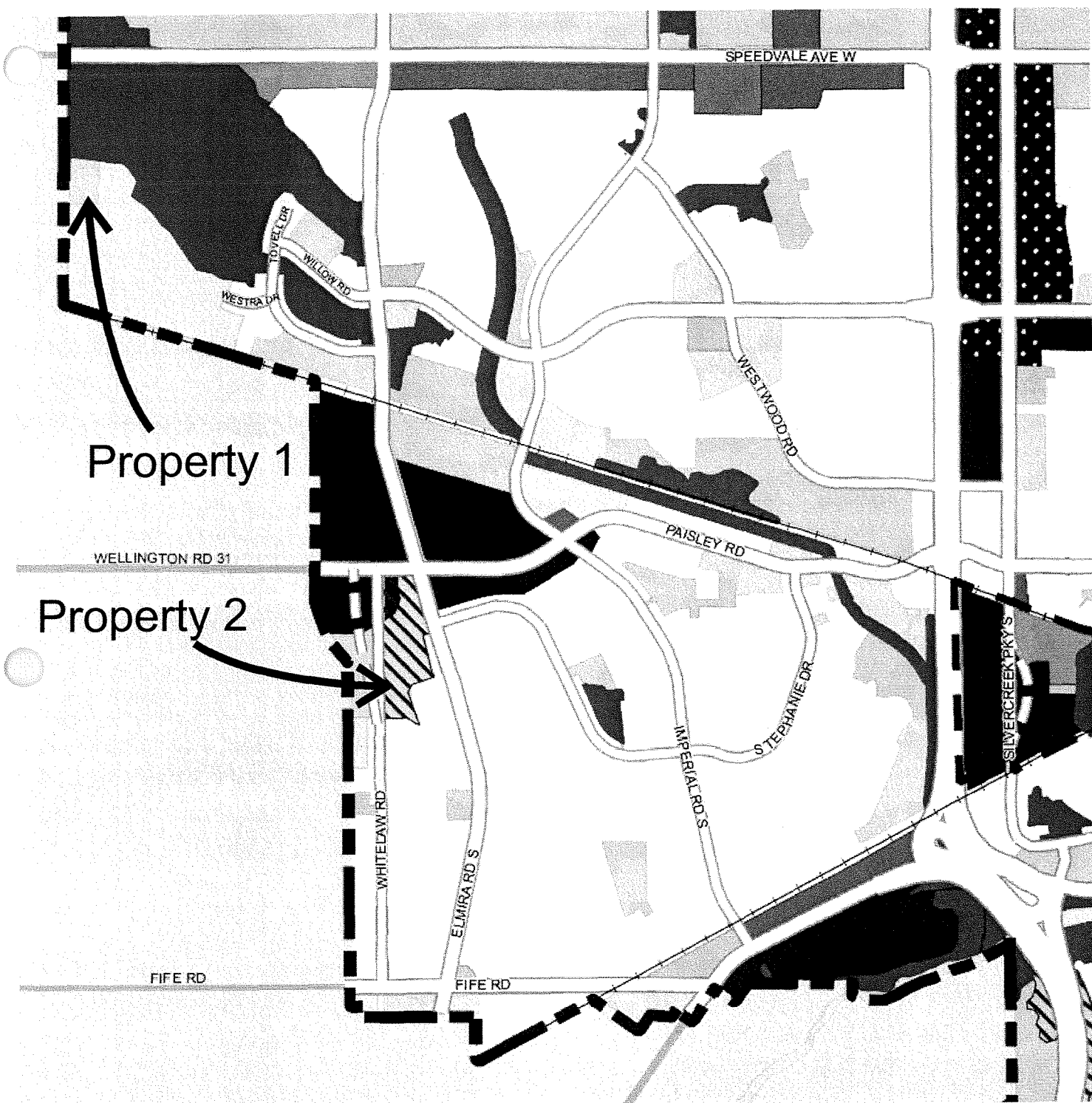
Yours very truly,

WALKER, NOTT, DRAGICEVIC ASSOCIATES LIMITED
Planning · Urban Design



Wendy Nott, FCIP, RPP
Senior Principal

cc. C. Corosky, Armel Corporation
City Clerk (for members of Council)
N. Shoemaker



Legend

- City Streets
- Future City Streets
- County Roads
- Railways
- Watercourses
- Waterbodies
- Corporate Boundary

Land Use Designations

- General Residential (Built-Up Area)
- General Residential (Greenfield Area)
- Medium Density Residential
- High Density Residential
- Downtown
- Mixed Use Corridors
- Community Mixed Use Areas
- Commercial Service
- Neighbourhood Mixed Use Centres
- Commercial Residential
- Industrial
- Corporate Business Park
- Institutional / Research Park
- Major Institutional

- Special Study Areas
- Regeneration Areas
- Major Utility
- Open Space and Parks
- Approved Secondary Plans
- Potential School Sites

Natural Heritage System

- Significant Natural Areas
- Natural Areas

JUN 16 2010

June 14, 2010

City of Guelph
1 Carden Street
Guelph, Ontario
N1H 3A1

Attention: Mayor Farbridge and Members of Council

Re: Guelph Official Plan Update (Released April 19, 2010)

The Guelph and District Homebuilders' Association (GDHBA) has reviewed the proposed Official plan Amendment No. 42. The Official Plan is an important planning document which must be carefully worded and be in compliance with the legislation that permits it to exist. The proposed Official must also be consistent with the 2005 Provincial Policy Statement.

GDHBA objects to the Natural Heritage policies and map schedules of the proposed Official Plan being brought to Council in July ahead of the remainder of the Official Plan. GWDA specifically raised concerns regarding such an important document as the Official Plan coming to Council in July for a decision. Splitting the Official Plan into two parts will create more work for City staff and result in appeals that will have to be consolidated at any future OMB hearings. The Official Plan should be brought forward as one complete document once the issues have been reviewed and resolved by staff.

Impact of Proposed Affordable Housing Policies

The GDHBA is very concerned about the affordable housing policies proposed in the OPA No. 42. The existing housing stock has a significant role to play in the provision of the affordable housing targets established. The affordable housing targets are not realistic and are not supported by a financial incentive program.

Basis of Legislative Authority

The proposed Official Plan contains a variety of detailed policy areas beyond the legislative authority of the City. The City Legal Department should review the Official Plan on this basis before it comes back to Council for approval.

Unnecessary Secondary Plan Requirements

Secondary Plans proposed as amendments to the official plan are burdensome and unnecessary. The same effect can be accomplished through more detailed planning that is used to finalize the implementing zoning bylaw.

Complex Schedules

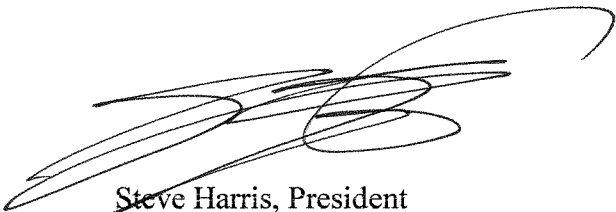
There are far too many schedules in the proposed official plan especially pertaining to the Natural Heritage Strategy. These in particular go far beyond the established provincial policies dealing with environmentally significant areas.

Natural Heritage Strategy

In many sections within the Official Plan policies are proposed which go beyond the legislative authority provided to a municipality and should not be included in the Official Plan. The examples are found in the detailed comments within this letter. (Vegetation Compensation Plan, Cash-in-lieu of Trees for example)

The Natural Heritage System (NHS) is not consistent with but exceeds the powers provided by the Provincial Policy Statement (PPS). Areas that are not identified by the PPS as significant and to be protected are proposed to be protected by the proposed NHS policies. The NHS policies propose to protect slopes which are not significant natural features that need to be protected. The NHS then overlays ecological linkages overtop of these slopes. The ecological linkages have in many cases been randomly located or relocated without the benefit of ecological expertise and have no significant ecological function. These matters must be resolved before the Official Plan is brought forward to Council for a decision. The document is unnecessarily cumbersome and should be rewritten.

Please provide a written response to our concerns.



Steve Harris, President
Guelph and District Home Builders Association

cc: Jim Riddell, City of Guelph
Greg Atkinson, City of Guelph

(GDHBA.OPA 42.doc)

Ministry of
Municipal Affairs
and Housing

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Western

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June 25, 2010

Ms. Marion Plaunt
Manager of Policy Planning and Urban Design
Community Design and Development Services
City of Guelph
City Hall, 1 Carden Street
Guelph, ON N1H 3T9

Dear Ms. Plaunt,

**Re: Proposed Official Plan Amendment No. 42
Official Plan 5 Year Review-Chapter Four Policies
City of Guelph**

Thank you for your recent circulation of the above-noted matter. It is understood proposed Official Plan Amendment No. 42 is the second phase of the City's comprehensive Official Plan update. Phase one of the update was approved by the Ministry in 2009 (Official Plan Amendment No. 39) and established a growth management framework for the City to the year 2031. Official Plan Amendment No. 42 proposes to address consistency with the 2005 Provincial Policy Statement, detailed implementation of the City's growth management framework, recent changes to Provincial legislation, recommendations from recent Master Plan and studies, and a range of other planning matters including natural heritage, urban design, cultural heritage, energy conservation, affordable housing, transportation and other community infrastructure. The proposed changes apply to all lands within the municipal boundaries of the City of Guelph.

Regarding process, it is understood Chapter Four titled 'Protecting what is Valuable' is proposed to be adopted by City Council under Section 26 of the *Planning Act* at the end of July, 2010 and the remainder of the amendment will be adopted by City Council under Sections 17 and 22 of the *Planning Act* (Exempt Official Plan Amendment) early next year. Section 26 of the *Planning Act*, as amended, states that before the City of Guelph adopts the policies contained in Chapter Four of Official Plan Amendment No. 42, the City needs to be satisfied that the policies are consistent with the 2005 Provincial Policy Statement and conforms with provincial plans. The City of Guelph falls within the jurisdiction of the Growth Plan for the Greater Golden Horseshoe.

On June 7th, 2010, staff from the Grand River Conservation Authority, the Ministry of the Environment, the Ministry of Natural Resources and the City of Guelph met to review and discuss the policies contained in Chapter Four. This was a productive meeting and we commend and thank the City of Guelph for taking the initiative to host this meeting. The comments provided below are being offered for the City's consideration and reflect most of the discussions from our meeting. If/when comments are received from the Ministry of Culture (MCL), they will be provided under separate cover.

Ministry of Natural Resources (MNR)

Section 4.1, Natural Heritage System

In Section 4.1.1 MNR notes both the terms *natural features* and *natural heritage features and areas* are used. MNR also notes that a definition for *natural features* is not included in the glossary and the glossary definition provided for *Natural Areas* refers to the PPS definition for *natural heritage features and areas*. MNR suggests this is potentially confusing given the description in Section 4.1.1 that indicates Natural Areas are comprised of three distinct feature types, whereas *natural heritage features and areas* refers to a greater number and range of features. Given the use of the term *natural heritage features and areas* and its corresponding definition, MNR suggests it may not be necessary to include both terms in the OP.

Further and as discussed, MNR suggests the treatment of *Ecological Linkages* in the context of the City's Natural Heritage System (NHS) is not clear. While Schedule 4 indicates that Ecological Linkages are part of the NHS, the corresponding description of the NHS provided in Section 4.1.1 does not refer to these features. Ecological Linkages are addressed in Section 4.1.5.8 as one of the criterion for the identification of Significant Wildlife Habitat (SWH); however no linkages are mapped on the corresponding SWH schedule (4E). The City may wish to review the NHS framework to clarify the treatment of these features.

Similarly, there appear to be conflicting statements in Section 4.1.1 about the status/treatment of *Natural Areas* within the NHS. It is stated in Section 4.1.1 that Natural Areas are one of two designations that make up the NHS and this is reflected on Schedule 4. Schedule 4 clearly shows Natural Areas as part of the NHS. However, elsewhere in Section 4.1.1 (and in subsequent sections of the OP) MNR notes that Natural Areas require further study to determine whether or not there are features and functions that require long term protection. MNR suggests these statements give the impression that Natural Areas are not part of the NHS unless it can be demonstrated they meet the criteria for inclusion as *Significant Natural Areas* (SNA), and that where a Natural Area is further evaluated and determined to not be significant it would be removed from the NHS. MNR suggests it may be helpful to review and clarify the treatment of Natural Areas within the NHS framework.

Also, MNR notes *Restoration Areas* are identified as *Significant Natural Areas* in Section 4.1.1. However, this term is not defined in the glossary, nor is it included in the definitions that are provided for *Significant* (as used in relation to 'natural areas') or *natural heritage features and areas*. The City may wish to review the use of this term in the OP to determine if any amendments to the glossary or Section 4.1.1 are necessary. Similarly, MNR notes the term *significant portions* is used/italicized in policy (objective) 4.1.2(i) in relation to the Paris Galt Moraine, but a corresponding definition is not included in the glossary. MNR also suggests the City review policy 4.1.3.6 regarding *Restoration Areas* to ensure that the development permissions/restrictions are accurately described. As drafted, the current wording of this policy is somewhat confusing.

MNR suggests that policy 4.1.3.9 be amended, or a new policy added, to recognize that in addition to species designations the boundaries and status of natural heritage features can also change over time. Further, through periodic investigations or site-specific studies that may take place as part of the development application review process (e.g. EIS) new natural heritage features may be identified. MNR suggests the OP should include policy to address the potential for these situations, and to require appropriate recognition in planning processes for newly identified features and/or where a feature's status may have changed. Further, MNR suggests the second sentence in policy 4.1.4.2.3 be reviewed to ensure the policy direction is clear.

Under Section 4.1.5.1, MNR notes that while a policy for development on lands adjacent to Earth Science ANSI is provided (policy 4.1.5.1.3.3) a similar policy for Life Science ANSI does not seem to be included. It also does not appear that policy to address development on *adjacent lands* is included for most of the SNA feature policy sections. As discussed, if the intent is to defer to the


general policy for development on adjacent lands that is provided in 4.1.3.3, then it is not clear why a specific adjacent lands policy has been included for Earth Science ANSI. Further, although a policy prohibiting development in SNA is provided in the general policies section (policy 4.1.3.2), this policy is also reiterated in each specific SNA feature policy section. This appears to differ from the policy approach that seems to have been taken for development on lands adjacent to SNA. The City may wish to review Section 4.1 to ensure consistency in approach.

Section 4.1.5.2 addresses the Significant Habitat of Endangered and Threatened Species. The criterion listed for the identification of such habitat in the OP is "the *Significant Habitat of Provincially Endangered and Threatened Species* identified by the *Ontario Endangered Species Act...*". MNR notes that the '*significant habitat of endangered and threatened species*' is defined pursuant to and for the purposes of the PPS. 'Habitat' may also be defined under and for the purposes of the Endangered Species Act (ESA). The definitions of habitat under the PPS and ESA are different, and while there would likely be a reconciliation of different habitat definitions on any site-specific basis, the section/policy as currently worded seems to confuse the relationship between the PPS and ESA. MNR suggests Section 4.1.5.2 be reviewed to clarify the relationship between the PPS and ESA regarding significant habitat of endangered and threatened species.

MNR notes section 4.1.5.8 addresses *Significant Wildlife Habitat* and defines three criteria for its identification, including 'habitat for provincially *significant* vegetation types'. The habitat for provincially significant (wildlife) species does not appear to be addressed in this section, but is treated as a *Natural Area* feature type (section 4.1.6.3). MNR is not clear why the City has made a distinction between significant vegetation and significant wildlife because a variety of wildlife habitat/values could potentially be evaluated and determined to be SWH (as described in the Ministry's *Significant Wildlife Habitat Technical Guide*). MNR suggests it may be more appropriate to treat habitat for significant wildlife species as a *Significant Natural Area* under *Significant Wildlife Habitat*.

Under 4.2.1.1(a), regarding Environmental Study Requirements, MNR notes the term *Environmental Assessments* is used/italicized but that a corresponding definition is not included in the glossary. Similarly, the term *ecologic function* is used but not defined (although a definition for *ecological function* is provided in the glossary). The City may wish to consider adding definitions for 'Environmental Assessments' and 'Ecologic Function' to the glossary of terms.

As discussed, MNR notes the term 'Environmental Study Report' is used in policy 4.2.1.2 and both terms 'Environmental Study Report' and 'Environmental Implementation Report' are used in Section 4.2.1.4. Neither of these terms appear to be used elsewhere in the OP, nor do they appear to be defined in the glossary. MNR suggests the relationship of the Environmental Study Report and Environmental Implementation Report to Environmental Impact Studies (EIS) and Environmental Assessments (terms used earlier and more consistently in the OP) is not clear. MNR also suggests policy 4.2.1.3(iv) should be reviewed to ensure the EIS requirement is clear (e.g. '*description of the Natural Heritage System, surface water...*').

Further, MNR notes that the term *comprehensive environmental impact study* is used in policy 4.3.2.1, but a corresponding definition does not appear to be provided in the glossary and nor is the term referred to in Section 4.2.1.3 regarding EIS. MNR suggests the City may wish to consider adding a definition for 'comprehensive environmental impact study' to the glossary of terms and referencing this term in Section 4.2.1.3. 

Under policy 4.4.2.8, MNR notes the term 'designated vulnerable areas' is not defined, and it is therefore not clear what features this would include. Conversely, a definition is provided for the term *sensitive* in the glossary, but this term is not italicized in policy 4.4.2.8. The City may wish to review this policy (and the Water Resources section more generally) to ensure terminology is clear, consistent and linked to the glossary.

It appears policy 4.4.2.14(vii) proposes to place restrictions on certain land uses in 'areas of greatest risk to contamination of groundwater resources'. MNR notes it is not clear from this policy what the 'areas of greatest risk' are interpreted to be. This policy does not seem to be linked to 'sensitive' or 'vulnerable' areas, or the various Wellhead Protection Area (WHPA) categories that are defined in Section 4.4.3.1. MNR suggests that if certain land uses are proposed to be restricted it should be clear in the OP where such restrictions are being contemplated. MNR would be pleased to discuss this further with the City of Guelph.

Mineral Aggregate Resources

While not specific to Chapter Four, MNR notes the OP does not contain mapping or policies related to mineral aggregate resources. This is concerning given that primary and secondary mineral aggregate resource areas are present within the City, notably in the area north of Forestell Road, between the Hanlon Expressway and Downey Road. A licenced mineral aggregate operation (MAO) also occurs adjacent to and partially within the City limit, west of the Hanlon Expressway between Wellington Road and College Avenue.

As discussed, MNR suggests the OP should contain policies to protect the existing MAO and identified resource areas from incompatible development. MNR also suggests policy should be included to allow opportunity for access to resource areas, including provisions for resource recovery where feasible and in conjunction with any future development of the south/southwest area of the City.

Further, MNR notes the natural heritage policies included in the OP restrict development in a wide range of feature types, including non-provincially significant features. MNR suggests some of the natural heritage policies would be unduly restrictive on the development of a mineral aggregate operation.

To address these matters and in keeping with the provisions of the PPS, MNR suggests that a policy framework should be established that provides for the long-term protection of mineral aggregate resources, making resources available close to markets and protecting resource areas and operations from incompatible development.

Mapping

MNR notes Schedule 4A identifies areas of 'Significant Habitat for Provincially Endangered and Threatened Species - Habitat for species provincially designated Endangered (END) or Threatened (THR) in Ontario's Endangered Species Act'. As discussed, MNR is responsible for identifying/approving such habitat, and it is not clear on what basis these areas have been mapped. Further, mapping for species at risk is considered sensitive information and MNR is not necessarily supportive of including such information in a publicly available document such as an OP. As noted above, there is a distinction between 'significant habitat' under the PPS and 'habitat' under the Endangered Species Act, each of which is referred to on Schedule 4A. As a result of our June 7th, 2010 discussions, MNR understands the significant habitat mapping included is based on known occurrences of Butternut. MNR is giving this matter further consideration and may wish to provide additional comments regarding this matter. If MNR provides additional comments, they will be shared with the City under separate cover.

Also, MNR notes Schedule 4B identifies the Speed and Eramosa Rivers as warm water fish habitat. Please be advised these should be considered cool water features and mapped accordingly.

Finally, MNR notes Records for significant species are delineated using numbered dots on Schedule 4E. As a result of our June 7th, 2010 meeting, MNR better understands the use of the numbered dots.

Ministry of the Environment (MOE)

MOE has reviewed Chapter 4 of the City of Guelph Draft Official Plan Update and offers the following comments for the City's consideration.

As discussed at our June 7th meeting, Section 4.4.2.14 iii) speaks to the need for adherence to MOE's "...containment policies and guidelines". The MOE Guideline referred to in Section 4.4.2.14 iii) is unclear however, City staff are confident that a MOE containment requirement guideline exists. MOE requests the containment policies and guidelines referred to Section 4.4.2.14 iii) be specified.

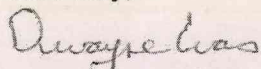
Further, three additional items were discussed at our June 7th meeting. The first item was with regards to the numerous references to an environmental assessment. The second item was a reference to the completion of an *Environmental Study Report* in Sections 4.2.1.2 7 and 4.2.1.4, respectively, and the third item was with regards to groundwater being restored to an appropriate potable condition (Section 4.4.2.14 vi).

As discussed, it is understood the environmental assessment phrases in Chapter Four were in reference to the *Environmental Assessment Act* and the 'Environment Study Report' mentioned in Sections 4.2.1.2 7 and 4.2.1.4, respectively, should have read 'Environmental Impact Report'. Regarding the restoration of groundwater to an appropriate potable condition, it is understood Section 4.4.2.14 vi will be revised to reference Ontario Regulation 153/04. Last, but not least, at our June 7th meeting the City made it clear that they are seeking the support of the Province with respect to the policies contained in Chapter 4.

As alluded to during our meeting and at this time, MOE has not formulated anything specific that would address the *significant landforms* and specifically the Paris-Galt Moraine. However, while the Ministry's EBR Review Response (April 2009) concluded that additional legislation was not required to protect the Moraine, the response also indicated that MOE would develop guidance materials to address the protection of hydrologic functions. The City should continue to seek the advice of the Ministry of the Environment's Land Use Policy Branch in this regard. You may wish to contact Barbara Anderson, Senior Policy Analyst, Ministry of the Environment at: (416) 314-7046 or email: Barbara.Anderson@ontario.ca.

On behalf of our Ministry, and the other provincial Ministries, thank you for the opportunity to review and provide comments on the proposed Official Plan Amendment. If there are any questions or concerns on these comments, please contact me at (519) 873-4695 or by email at: Dwayne.Evans@ontario.ca

Yours truly,



Dwayne Evans, M.A., MCIP, RPP
Planner
Municipal Services Office – Western

c.c Barb Slattery, MOE (Hamilton)
 Heather Doyle, MTO (St.Catharines)
 Ian Smyth, MTO (London)
 Ragini Dayal, MCL (Toronto)
 Tanzeel Merchant, MEI (Toronto)
 Mike Stone, MNR (Guelph)
 Fred Natolochny, GRCA (Cambridge)
 Barbara Anderson, MOE (Toronto)

-----Original Message-----

From: Ian Brown

Sent: May 4, 2010 2:30 PM

To: Mayors Office; guelphtribune.com; guelphmercury.com

Subject: Mobile signs

Dear; Mayor

In the development of an official plan and specifically the section related to "design" I am wondering if we can expect that much tighter regulations around the use of mobile signs and the "blight" it is creating will be addressed?

Is it reasonable that ALL non downtown commercial areas (with the exception of Stone Road Mall) and new commercial areas in the city be accompanied by big black neon lettering signage?

Everywhere we go in Guelph is "polluted" with these terrible signs that exist year round. In fact, I see that the City itself is using these signs. The City hence is endorsing there use? And adding to our blight!

This is not an acceptable 21st century version of a window display!

Sincerely, Ian Brown

Sent from my BlackBerry device on the Rogers Wireless Network

ENVISION GUELPH

SCHEDULE

GUELPH
CITY HALL

Date

COMMENT SHEET, 21 APRIL 2010

(OPA #2) PLANNING

⑦

ROAD & RAIL DRAFT,

LONG TIME NEED (10 YEARS) CONNECTING (BRIDGE)
 YORK/ YORK ROAD TO WELLINGTON
 TO DIRECT ^{PASSING} TRAFFIC AWAY FROM DOWNTOWN.

— RING ROADS OUTER & INNER
NEEDED TO AID CIRCULATION.

— MANY MORE TRAFFIC CIRCLES NEEDED
 AT JUNCTIONS TO CALM TRAFFIC
 & ELIMINATE EXPENSIVE TRAFFIC LIGHTS

— PREPLAN GREEN BELT AROUND CITY
 TO ACCOMMODATE FARMERS MARKETS.
AND ELECT. TRAMWAY RING.

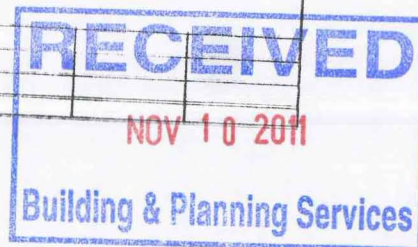
— REVERT CITY TO SQUARE GRID PLAN
 TO SIMPLIFY TRANSPORTATION ROUTES
 BUSES TO CIRCLE (EAST/WEST)
 AND TRAMWAY LINES TO RUN.
 (NORTH SOUTH) TO SERVE
 VILLAGES & WELLINGTON COUNTY,
 BY POTENTIAL CONTINUOUS EXTENSION

— ALMA MATRONS | GUELPH & COUNTY WELLINGTON
 TO SIMPLIFY GOVERNMENT & PLANNING.
ALMA H. WILLIS.

GWDA

RECEIVED			
Division	Action	Info	Seen
General Manager			
NOV 10 2011			
Development			
Building			

October 11, 2011



Mr. J. Riddell
 Director, Community Design and Development Services
 City of Guelph
 1 Carden Street
 Guelph, ON N1H 3A1

Dear Mr. Riddell,

RE: Redesignation of the 'Reserve Lands'

The land located south of Clair Road, identified as the 'Reserve Lands' were annexed in 1993 and have yet to be designated for development. In the meantime, approval has been obtained for Hanlon Creek Business Park and Southgate Business Park which upon build-out, has the ability to create tens of thousands of jobs in Guelph.

Recently the Chamber of Commerce made a presentation to a GWDA meeting and identified the shortage of housing as a major constraint to future industrial development in the City of Guelph. There will not be enough housing and choice of housing nearby for future employees. Failure to deal with this situation has the potential to result in an overinflated housing market in the City, employees commuting from other communities and the inability to attract new businesses to the City of Guelph.

Furthermore, the failure to provide the sufficient housing will not result in the creation of complete communities; and the risk of increased commuting is the polar opposite of what the Places to Grow legislation intends.

The City of Guelph Council recently approved OPA No. 42 setting the Natural Heritage Strategy (NHS) for these Reserve Lands. OPA No. 42 is the subject of 14 OMB appeals. The City should defer OPA No 42 as it applies to the Reserve Lands and complete the land use, servicing and traffic studies required to designate these lands for development within the Official Plan.

Section 7.16.4 of the November 2006 Consolidation of the Official Plan states that "the redesignation of 'Reserve Lands' to other land use designations will be considered at the next Official Plan Review." Envision Guelph is the next Official Plan Review and the redesignation of these lands should be occurring as part of the Official Plan Review.

GWDA members were advised that the redesignation of these lands would commence in 2008 and that the funds were available for this redesignation in the Development Charge Reserve Fund. The GWDA therefore requests that City commence with the redesignation of the 'Reserve Lands' as part of the Envision Guelph Official Plan Review.

Should you wish to discuss this with us further a group of our members would be willing to meet with you at your earliest convenience.

We thank you for your consideration of this very important issue.

Sincerely,

Guelph Wellington Development Association

A handwritten signature in blue ink, appearing to read 'Alfred Artinger', with a long horizontal flourish extending to the right.

Alfred Artinger

President

Mayor Farbridge, Councillors and Planning Staff:

Further to our telephone and email discussions with Mr. Greg Atkinson, we are writing to comment on the draft official plan.

(a) We are the registered owners of the northwest commercial/residential corner at College & Gordon. We are pleased to note that the draft official plan has shown this area as 'neighbourhood mixed use centre'; however, we would like clarification that the boundary of this designation includes, our contiguous holdings at this corner (both 363-369 Gordon Street as well as our additional holding at 1 College Avenue, immediately to the west of the corner.) Furthermore, the Old University CIP recommended that the corner be expanded to the north and west and accordingly, the draft OP should be specifically amended to reflect this. Can you please confirm by return mail or by memo in the OP the inclusion of these two properties in the boundary of this 'neighbourhood mixed use centre' as well as the intent to expand the corner as directed in the CIP.

(b) Again with respect to the same property, we note that the draft OP contains provisions for road widening at this corner. We are strongly opposed to any such widening. Any widening on the west side of Gordon Street or the north side of College would cause a severe and permanent loss of value, use and functionality of this important small neighbourhood site. Furthermore, any widening would be at the expense of the existing sidewalk, making it dangerous for pedestrians. Any road widening contemplated at this corner must therefore be taken on the east side of Gordon or south side of College.

(c) There is a provision for road widening at Victoria approaching Eramosa Road and Eramosa approaching Victoria Road. We would respectfully submit that the city has just completed reconstruction at this intersection and that reference be made in the OP specifically excluding any contemplated road widening at this intersection, or alternatively be taken from the City park on the northwest corner.

Please give us written response to our queries herein. Thank you.

Yours truly,

Robert Mason

Mason Real Estate Limited



March 28th, 2011

City of Guelph
1 Carden St.
Guelph, ON N1G 3A1

**Attention: Jim Riddell, General Manager
Planning & Building Services**

Re: Springfield Golf Course, 2054 Gordon Street

Dear Mr. Riddell,

As the Official Plan review for Guelph is underway, I would like to make the request for consideration of the Springfield Golf Course property in the south end. Twenty two years ago I purchased the land that is now Springfield for future residential development and built the golf course as an interim use within the urban boundary. As you know, my primary business interest is as a developer and homebuilder.

We have been careful stewards of this property and I am proud that Springfield is fully Audubon certified.

Since our land is currently designated as "Open Space", I would like to request that residential use is the future designated use in the updated Official Plan. The conversion of this property to residential will assist the City in meeting the Places to Grow population target. As the population of Guelph continues to grow and the new Hanlon Creek Business Park and Southgate Business Park bring in new jobs, there will be a need for future residential development, particularly in the south end. Therefore I kindly request that you consider 2054 Gordon Street for future residential use. I thank you for your co-operation and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Krizsan", with a stylized flourish at the end.

Tom Krizsan

CC: Astrid J Clos, Planning Consultants

From: Mike Salisbury
Sent: October 11, 2011 6:15 PM
To: Jim Riddell
Subject: Recommendation to the May 2010 DRAFT Official Plan Update

Jim Riddell

Planning Services, Guelph City Hall
 1 Carden Street, 3rd Floor, Guelph, Ontario, N1H 3A1

DRAFT Official Plan Update - Request to extend the Community Mixed Use Area designation along the West side of Silvercreek Pkwy South to Waterloo Avenue

HAND DELIVERED AND EMAILED - OCTOBER 11 2011

Dear Jim:

On behalf of the landowners of 211 Silvercreek Parkway South (aka 501 Wellington Street) we respectfully submit this recommendation to the May 2010 DRAFT Official Plan Update for your consideration.

The property consists of approximately 2.5 acres, is home to the historical Sleeman Manor, is located within approximately 150 meters of the approved Silvercreek Junction Secondary Plan and is bounded by

- a diverse mix of uses including a six storey residential apartment tower to the North
- single family detached homes and a place of worship to the East,
- vacant City owned property (remnants from the Wellington street realignment) and several 11 storey residential apartment towers to the South/East,
- Wellington Rd and the Speed River Park to the South and the Hanlon Expressway to the West.

The City of Guelph Official Plan 2001 designates the property as “General Residential” while the site is currently zoned Specialized Service Commercial.

The extension of the Community Mixed Use designation along the West side of Silvercreek Parkway South to Waterloo Avenue brings the Official Plan in alignment with the current land use and existing SC.1-21 zoning while contributing to the creation of a compact, well-defined node at the intersection of Highways 7, 6 and 24.

We believe this update is in keeping with the urban design policies and guidelines of the Official Plan Update, by facilitating a range of uses including, retail and office uses, live/work opportunities, and medium to high density residential uses consistent with the character of the neighbourhood.

Thank you for the careful consideration of this request.

Mike Salisbury

To the Guelph City Council:

I am writing in respect to Schedule 7 of the draft Guelph Official Plan update. Residents of many neighbourhoods, particularly throughout the older parts of the City, are extremely frustrated by the City's lack of progress in implementing effective traffic calming measures. Road classification is part of the backbone to good traffic calming.

The example that concerns me most is Regent Street. The update in the OP provides an opportunity to reclassify it as a Local road. There are several reasons why it should not be classified as a Collector.

1. It is significantly narrower than the desired width for Collectors (which is a minimum of 8.5 metres of pavement). I wonder if in determining the width of Regent St city staff have incorrectly considered the two separate Regent Streets to be one street. Note that "lower" Regent is 5-10 metres below the elevation of "upper" Regent, and separated by a huge concrete wall. These two separate streets should not be considered to be one street. Is lower Regent proposed to be a collector as well? It neither leads from anywhere, nor goes anywhere, except to about 5 residences.

2. According to the OP, on collectors "direct access to private property may be permitted, but controlled to avoid traffic hazards." Nothing is being done to control traffic hazards for the residents of (upper) Regent St. Because it is on a hill, drivers are generally accelerating to climb it, or speeding down it. Regent is a short stretch of straight road, and it is difficult for residents exiting onto it from their driveways to see approaching vehicles in time.

3. It is very dangerous for pedestrians (and there are a lot of them) crossing at the corner of Regent and Grange. There is no sidewalk at the top of the stairs on Grange, so pedestrians have to cross at that corner. But there is no crosswalk to allow them to cross safely. Traffic volume and speeds are high as is common on collectors, and non-regulated; pedestrians do not have enough time to cross safely.

Thank you for your consideration.

Sincerely,

Meg Thorburn

May 20, 2010

Lois Giles
City Clerk
City of Guelph
City Hall
1 Carden Street
Guelph, ON
Phone: 519-837-5603
Email: clerks@guelph.ca

RECEIVED
MAY 20 2010
CITY CLERK'S OFFICE

Dear Ms. Giles,

Please accept this letter as comment to the Official Plan Update for the City of Guelph, scheduled for public meeting on May 20, 2010.

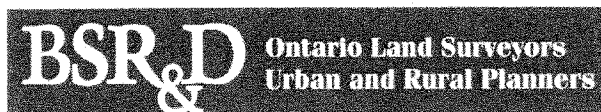
We intend to continue operating our business at [REDACTED] with the potential for future expansion and development at our location. It is our hope that the official plan will not hinder our operation or the potential for future expansion or development at our location.

Thank you,

Fritz and Teresa Marthaler

BLACK, SHOEMAKER, ROBINSON & DONALDSON

LIMITED



351 Speedvale Avenue West
Guelph, Ontario N1H 1C6

TEL: 519-822-4031
FAX: 519-822-1220

May 19, 2010

Project: 03-5169

Ms. Suzanne Young
Environmental Planning
Community Design and Development Services
City of Guelph
1 Carden Street
GUELPH, Ontario N1H 3A1

Dear Ms. Young:

**Re: River Valley Developments Inc.
(Guelph Do-Lime Property)
Draft Official Plan and Natural Heritage System**

I am writing to you on behalf of the owner of the above-noted property and wish to advise you of my client's objection to the proposed "Open Space and Parks" land use designation that is identified on the "Schedule 2: Land Use Plan". You will recall that we discussed this matter some time ago and staff was to investigate a possible mapping error in this area.

River Valley Developments owns the lands between the west side of the Hanlon Expressway and the City of Guelph Corporate boundary, extending from Stone Road, north to the Speed River. These lands are within a licensed quarry operation. The proposed "Open Space and Park" designation is inappropriate on this property.

In addition, the owner's environmental consultant wrote to the City in October 2008 identifying a number of concerns regarding the designation of a small wooded area adjacent to the Hanlon Expressway as part of the Natural Heritage Strategy. This continues to be a concern to my client. The draft Official Plan includes a "Locally Significant Natural Areas" designation on these lands. It is not clear in the text of the Official Plan what is contemplated with this designation. Until we receive a response to the concerns raised in correspondence from North-South Environmental, the owner continues to have objections to this proposed designation.

We would welcome the opportunity to discuss this matter in greater detail as you move forward with this Official Plan update.

Yours truly,

BLACK, SHOEMAKER, ROBINSON & DONALDSON LIMITED

A handwritten signature in black ink, appearing to read 'Nancy Shoemaker', with a long horizontal flourish extending to the right.

Nancy Shoemaker, MCIP, RPP

Copy: River Valley Developments Inc.
Marion Plaunt, Manager of Policy Planning
Jim Riddell, Director of Community Design and Development Services
John Valeriote, Smith Valeriote

AIRD & BERLIS LLP

Barristers and Solicitors

Steven A. Zakem
416.865.3440
E-mail: szakem@airdberlis.com

VIA FACSIMILE

May 20, 2010

File No. 94693

Mayor and Members of Council
City of Guelph
1 Carden Street
Guelph, Ontario N1H 3A1

Attention: Lois A. Giles, City Clerk

Dear Ms. Giles:

Re: Proposed Official Plan Amendment No. 42
Public Meeting Date: May 20, 2010

We are counsel to Silvercreek Guelph Developments Limited. As the City is aware, our client owns approximately 22 hectares of land known municipally as 35 and 40 Silvercreek Parkway South (the "Lands"). The Lands comprise a former gravel pit and ready-mix plant and have been vacant since 1994.

In January 2010, the Ontario Municipal Board approved our client's applications, supported by the City and the Howitt Park Neighbourhood Residents Association, for an Official Plan Amendment and Zoning By-law Amendment to permit a mixed-use development comprised of a Mixed Use Node, Business Park and High Density Residential components. The approval followed a five-year process of application review and negotiations between the parties. Since that time, our client has been progressing toward the next stage of approvals.

We have reviewed the policies of proposed Official Plan Amendment No. 42 and have the following comments on behalf of our client:

1. Schedule 4D depicts a Regulatory Flood Plain not only along Howitt Creek but also along an east-west watercourse which has been shown not to exist on the subject lands and has been removed from Schedule 4 (Natural Heritage System). Likewise, Schedule 5 (Development Constraints) incorrectly shows a Regulatory Flood Line along the same watercourse.
2. Schedule 2 (Land Use Plan) of OPA No. 42 ought to be revised to remove the Silvercreek stormwater management area (east of Howitt Creek) from the "Significant Natural Area" designation due to its stormwater management function.
3. The Urban Design policies of OPA 42 (section 7.5) include the following:

"5. Reverse lotting onto natural areas and other components of the public realm are discouraged.

6. Buildings should be oriented to maintain public vistas of and visual access to natural features on lands adjacent to the site.

7. Streets should create view corridors and vistas of significant natural areas, the river valleys and park facilities."

These policies have the potential to conflict with the concept plan which forms part of the instruments approved by the Board and has been incorporated into the proposed Silver Creek Junction Secondary Plan.

4. Section 8.5.1.5 (Parking) states that, in the Community Mixed Use Area designation, underground or structured parking will be encouraged and that surface parking shall only be permitted in the rear and side yard. This policy may well result in a conflict with the concept plan which forms part of the Secondary Plan. As you know, this concept plan formed the basis of the settlement between the City and Silvercreek, was endorsed by the Board and is specifically referenced in the Minutes of Settlement.

5. The policies in sections 7.10 and 7.11 (Mid-rise and High-rise Buildings) encouraging below-grade parking with limited visitor surface parking may make the high density residential development of the Silvercreek lands a challenge.

6. Policy 7.14, which states that, "Parking adjacent to identified natural heritage features and associated buffers should be avoided" may be incompatible with the concept plan in the Secondary Plan.

7. The policies pertaining to "Community Mixed Use Area" (section 8.5.1.2) provide that:

"iii) residential uses should be provided primarily above commercial uses in addition to some free-standing residential buildings; and

iv) the width of storefronts should be limited to encourage pedestrian activity along the street. ...

8. The Zoning By-law may establish the maximum length of frontage along arterial roads that may be used for surface parking. This provision may provide different standards for various land uses with the most restrictive standard applying to mixed use and main street type development."

Since the Zoning By-law Amendment with respect to the Silvercreek lands has already been approved, the potential inconsistency between these provisions and the Silvercreek plan is not of immediate concern. However, we would request that the lands be exempted from the application of these policies.

8. Policy 8.5.1.3, paragraph 2, states that "2. Drive-through facilities of any type, vehicle sales and vehicle related uses, including vehicle service stations shall not be

permitted." This is inconsistent with the approved Zoning By-law for the Silvercreek lands which states that "Drive-Through Uses shall be prohibited within 30 metres of the Market (Public) Square."

9. Policy 8.5.1.3, paragraph 4, states as follows: "The permitted uses can be mixed vertically within building or horizontally within multiple-unit mall buildings or may be provided in free-standing individual buildings. Where an individual development incorporates a single use building in excess of 5,575 square metres (60,000 sq. ft) of gross leasable floor area, the site shall also be designed to provide the opportunity for smaller buildings amenable to the provision of local goods and services to be located near intersections and immediately adjacent to the street line near transit facilities. These smaller buildings shall comprise a minimum of 10% of the total gross leasable floor area within the overall development." We assume that the effect of this policy would not be counter to the concept plan and reasonable modifications thereto.

10. The maximum FSI set out in section 8.5.1.4 may not correspond to the development approved in the Secondary Plan.

11. The draft policies of the Silver Creek Junction Secondary Plan indicate that, "Where there is a conflict between the provisions of this Secondary Plan and the Official Plan, the provisions of the Secondary Plan apply." This appears to leave a measure of uncertainty as to what would constitute a conflict. For instance, the Silvercreek Official Plan Amendment approved by the Board intentionally requires "a minimum building massing equivalent to two storeys (7.6m)", whereas proposed OPA 42 states that "development shall be a minimum of two storeys of usable space" in the Community Mixed Use designation.

12. The Minutes of Settlement between the City and Silvercreek indicate that the City would bring forward an amendment to its Brownfield Community Improvement Plan to permit retroactive applications under the TIBGP, for eligible costs, notwithstanding the fact that the costs were not pre-approved by the City. We would request that such an amendment be brought forward.

Our client respectfully requests a site-specific exemption from any policies in the proposed Official Plan Amendment which would be inconsistent with the instruments endorsed by Council and approved by the Board with respect to the Silvercreek lands.

Given our understanding that the City's work on fine-tuning OPA 42 is ongoing, our client may have additional comments with respect to the proposed policies as the process progresses.

We would be pleased to discuss this matter further with City Staff.

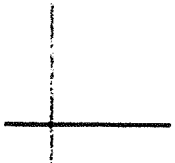
Yours very truly,

AIRD & BERLIS LLP


Steven A. Zakem
SAZ/TH

Cc: Silvercreek Guelph Developments Limited
Greg Atkinson
Scott Hannah
Peter Pickfield

6743916.2



May 20, 2010

Madame Mayor and Councillors:

RE: Envision Guelph – City of Guelph Proposed Draft Official Plan

At a Kortright Hills Community Association meeting on May 19, 2010 a discussion was held with respect to the proposed changes contained in Draft Schedule 2: Land Use Plan and Draft Schedule 8; Trail Network and how these proposed changes may impact the residents in Kortright Hills. The majority of members present supported KHCA opposing the changes to re-designate portions of Kortright Hills to medium density. The trail linkage from Hazelwood to Downey was also discussed. Recognizing that all members of KHCA Inc. were not present at our meeting, we understand that our position may not represent the neighbourhood and membership as a whole and that individual members and residents still have the right to express their support, concerns and objections for the proposed OPA changes in writing or at meetings.

Proposed medium density: (see attached map)

Specifically, comments and concerns were received with respect to the proposed medium density designation on Niska Rd., Teal and 146 Downey these include:

General Comments about increased density:

- Potential negative impacts of increased density on quality of life of existing residents
- Increased density must be compatible with and not negatively impact adjacent residents and our community as a whole
- OPA policies should support compatible development in existing neighbourhoods
- More density will further exacerbate existing traffic problems
- Residents cannot support higher density in Kortright Hills as no comprehensive traffic management plan has been conducted.
- Concern about economic impacts of growth and increased property taxes

146 Downey Rd.

Since 146 Downey Road will be covered by a site-specific zoning by-law under the provisions of the in-force Official Plan, it would be inappropriate to re-designate the site as "Medium Density Residential" in the proposed Official Plan amendments. City Staff, adjacent residents and the developer have already gone through an extensive consultative planning process with agreements reached for a 45 unit development. Any future developer should be bound by the same site-specific by-law, if, for whatever reason, Seaton Ridge were unable to develop the site.

Therefore KHCA cannot support the proposed re-designation of 146 Downey to medium density.

Teal Drive

Proposed re-designation to medium density from R-3 to change the existing minimum and maximum density and allow up to 5 storey apartment buildings on lands already zoned for R3 - cluster townhomes.

This cluster townhouse straddles lands in Phase 4 of Kortright Hills and lands that are part of the Hanlon Creek Business Park. This zoning has already gone through an extensive public planning process as part of Kortright Hills Phase 4 and the Hanlon Creek Business Park. The Draft Plan of Subdivision and zoning approved by the OMB appears to show the portion of the lands proposed for re-designation in the HCBP as R3 which does not appear to allow the proposed medium density with potential for up to 5 stories. Therefore KHCA cannot support this proposed re-designation.

Niska Rd.

On April 9th 2010 a request was made to planning staff for further information with respect to the maximum number units that could be allowed on Niska related to the number of hectares to be re-designated to medium density residential. In other words how many 5 storey apartments could potentially be built if the lands were rezoned? To date we have not received this information. Without this information there is insufficient information to evaluate what impacts higher density will have on residents on Ptarmigan and the community as a whole.

Residents along Niska Rd. are already negatively impacted by regional traffic from Highway 24. Niska RD. was originally designed to discourage regional traffic. Niska was not designed to be an arterial road. Without a comprehensive traffic management plan the re-designation of lands on Niska to medium density will further aggravate existing health and safety problems related to traffic and is therefore inappropriate.

The one lane Bailey bridge is a courtesy bridge with history of fatalities and accidents. A one way traffic light at this bridge could potentially alleviate some of the safety issues at this bridge. Members did not support the upgrading of the bridge to a 2 lane structure as this would only increase regional traffic. The current road grades and elevations are not safe for the existing volume of traffic especially in winter. The intersection of Niska and Downey meets the warrants for traffic lights but may not be permitted related to the location of Woodland Glen and the Hanlon.

The Niska Rd. Environmental Assessment is needed before any changes in density are approved.

Medium density on Niska does not appear to support the OP principles of a walk able, compact community as this proposal is on the fringe of the city and there are few services in this area.

Higher density may impact the ecological integrity of the adjacent Speed River PSW.

The proposed minimum density does not allow flexibility in future zoning proposals.

Proposed Re-designation of lands on the north side of Niska to Open Space and Park.

To date there has been no community consultation with respect to this area as regional "major sports complex.

Residents supported the re-designation of these lands as open space but did not support the plan for a regional "major sports complex" on these lands as an appropriate use. This area is part of the adjacent lands to the Speed River PSW and should be zoned for passive parkland uses only. The land could be reforested.

Proposed Trail Linkage on OP Draft Schedule 8 from Hazelwood to Downey (see attached map)

As one member put it this trail is in a "rubber boot area". This proposed trail appears to be within close proximity to an identified provincially rare vegetation community. Concerns were raised about negative impacts to the ecosystem. Members agreed that a trail could be supported if it was appropriately designed and constructed did not impact the ecological integrity of the wetland. The area would need good trail stewardship post development.

Respectfully submitted on behalf of KHCA Inc. by:

Laura Murr
President KHCA Inc.

Map of the proposed medium density area in the northern part of the site. The map shows a network of roads including Stone Rd, Mary Rd, Northlight Rd, Scotts Rd, Hanlon Expwy, and Laird Rd. A large area in the north is outlined with a thick black line and labeled "Proposed Medium Density". Arrows point from this label to the outlined area.

**Proposed
Medium
Density**

FROM: Draft Schedule 2
LAND USE PLAN

Attachment #1

Extracted from - From City of Guelph Draft OP Schedule 2 Land Use Plan

RECEIVED
MAY 19 2010
CITY CLERK'S OFFICE



May 18th, 2010

File No.: 6058.30

City of Guelph
City Hall, 1 Carden Street
Guelph, Ontario
N1H 3A1

Attn: Lois Giles, City Clerk

**Re: Draft Official Plan
Gordon Creek Developments Inc.
1291 Gordon Street, Guelph**

PLANNERS
URBAN DESIGNERS
LANDSCAPE ARCHITECTS

As the authorized agent for Gordon Creek Development Inc., we are pleased to provide comments on the draft Official Plan for the City of Guelph ("draft OP"), dated April 2010. We appreciate the opportunity to provide comments on this important initiative.

By way of background, Gordon Creek Development Inc. submitted a Zone Change application in July of 2009 for land known municipally as 1291 Gordon Street (the "Site"). The Zone Change application is requesting that the Site be rezoned to permit a 6-storey multi-residential building plus one level of underground parking. We note that GSP submitted previous comments on February 24th, 2010 on behalf of Gordon Creek Development Inc. regarding the draft Natural Heritage Strategy.

Schedule 1 ('Growth Plan Elements') to the draft OP identifies the Site as being part of the "Built-up Area" with an "Intensification Corridor Overlay". The Site is designated on Schedule 1 ('Land Use Plan') as "Medium Density Residential" and "Significant Natural Area". Schedule 4, the 'Natural Heritage System' illustrates an "Ecological Linkage" on the Site (deer corridor).

The 'Areas of Natural and Scientific Interest, Habitat for Provincially Threatened and Endangered Species Significant Wetlands' map (Schedule 4A) illustrates the Provincially Significant Wetland (PSW) and wetland buffer on the Site as extending to Gordon Street.

GSP Group Inc.
72 Victoria Street S., Suite 201
Kitchener, ON N2G 4Y9

P 519.569.8883
F 519.569.8643

Our comments relate to two general policy areas in the draft OP:

1. Proposed buildings heights in Medium and High Density Residential Designations
2. Wetland and wetland boundary mapping

Item #1: Proposed Building Heights

The draft OP permits a maximum building height of five (5) storeys and a maximum density of 100 units per hectare in the Medium Density Residential designation. We note that the existing Official Plan does not provide a height limit on the Site ("General Residential" designation) and regulates building form through a maximum permitted density of 100 units per hectare. In light of the existing policies, an Official Plan Amendment was not required on the Site to permit the proposed six (6) storey residential building plus an underground parking level. The applicant applied to the City for a Zoning By-law Amendment to implement the existing General Residential Designation.

While the building height in the new Medium Density Residential designation is proposed to be limited to five (5) storeys, the Site forms part of intensification corridor. The intensification corridor is to be planned to achieve *'increased residential and employment densities that support and ensure the viability of existing and planned transit service levels'*. Land on the east side of Gordon Street (across from the Site) also forms part of the intensification corridor and is designated "High Density Residential". This designation permits a building height of ten (10) storeys. Land immediately south of the Site is designated as a "Neighbourhood Mixed Use Centre".

Section 7 of the draft OP outlines the urban design policies for the City. Section 7.8.1 states that the built form for new buildings shall *'have front façades with entrances and windows that face the street and that reflect and, where appropriate, enhance the rhythm and frequency of the prevailing neighbourhood pattern'*. The draft OP states in Section 7.10 that the built form for mid-rise buildings is between four (4) to six storeys (6) and high-rise buildings are above six (6) storeys. Where there is a transition between different land uses:

Development will be designed to create an appropriate transition through the provisions of roads, landscaping, spatial separation of land uses and compatible built form. Where proposed buildings exceed the built height of adjacent buildings, the City may require the new buildings to be stepped back, terraced or set back to reduce adverse impacts on adjacent properties and/or the streetscape (Section 7.13.1 and 7.13.2).

We would appreciate the opportunity to discuss with the City the rationale for the height limitation of 5 storeys on the Site given our current zoning application and the proposed "High Density" designation on the east side of Gordon Street. Further, the urban design policies envision mid-rise building form between four (4) to six (6) storeys in height, while the policies for the Medium Density Residential limit the height to five (5) storeys.

Item #2: Wetland Boundary Delineation

Draft Schedule 4B, 'Areas of Natural and Scientific Interest, Habitat for Provincially Threatened and Endangered Species Significant Wetlands' map to the draft OP illustrates the location and extent of wetlands and the associated buffers in the City. The map illustrates the Provincially Significant Wetland (PSW) and wetland buffer on the Site as extending to Gordon Street.

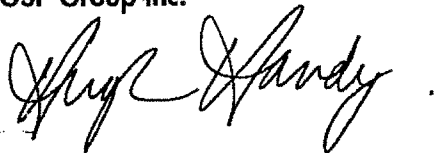
It is our understanding through conversations with City staff that this schedule was generated from the base mapping information prepared by the Ministry of Natural Resources using aerial photography. Both the Official Plan and watershed mapping delineated the extent of wetlands in the City through the use of aerial photography as opposed to on-site investigations.

As part of the Zone Change application for the Site, the applicant retained Stantec Consulting to prepare an Environmental Impact Statement (EIS). The EIS included an on-site evaluation of the wetland and delineated the actual extent of the wetland and wetland buffer. The extent of the wetland on the Site, as illustrated in the EIS, has been confirmed by both the Grand River Conservation Authority and the City of Guelph and endorsed by the Guelph Environmental Advisory Committee on April 14th, 2010. We would request that Schedule 4B be updated to reflect the actual extent of the PSW and the 30 metre wetland buffer boundary.

We would be happy to discuss these issues in greater detail with the City. Also, we would appreciate a written response to the issues raised in this letter. Should you have any questions or comments in the meantime, do not hesitate to contact me.

Yours very truly,

GSP Group Inc.



Hugh Handy, MCIP, RPP
Associate

cc: Paul Aneja, Gordon Creek Development Inc.
Mickey Grover, Gordon Creek Development Inc.
John Valeriote, Smith Valeriote, LLP
Joe Harris, Stantec
Gwendolyn Weeks, Stantec
Jessica McEachren, City of Guelph
Katie Nasswetter, City of Guelph



OFFICE OF THE VICE-PRESIDENT
Finance and Administration

May 17, 2010

Mayor Karen Farbridge
City of Guelph
1 Carden Street
Guelph, ON N1H 3A1

Dear Mayor Farbridge,

RE: Draft Guelph Official Plan Update

The University of Guelph welcomes the opportunity to provide comments to you and City Council on the proposed changes to the Official Plan as they affect University properties. For ease of reference, we have provided the comments below as they pertain to each property:

1. Edinburgh and College (17 acres) - Change from "General Residential" to "High Density Residential"

Comment: The University does not object to this change and understands that it is consistent with the City's stated intention of intensification in the urban area.

2. Dairy Bush - Change from "Non-Core Greenlands Overlay" to "Significant Natural Areas."

Comment: We do not object to this change which is consistent with the intent of the University Campus Master Plan.

3. Wellington Woods Student Family Townhouses - (11 acres) - from "Institution/ Research Park" to "High Density Residential."

Comment: The University does not support this change. We wish to retain the ability in the long term to extend the existing Research Park south of Stone Road West should the existing family student housing cease to exist. There is no plan at this time to change the current use of this site as student family housing. However, looking to the future, given the location and the importance of having land available to support the significant Agri-Food and Life Science sectors, we believe that it is important to retain the current "Institutional / Research Park" designation for this strategic 11 acres. We believe that this is consistent with the City's long-term economic development plans to attract future employers in the agri-food and life sciences sectors to Guelph.

4. Holiday Inn on Stone Road West (5.5 acres), **U. of G. Stone Road Retail lands**, including Edinburgh Market Place and the Zellers/Canadian Tire/Future Shop lands- from "Intensification Area" to "Mixed Use Corridor"

Comment: The University supports these changes as they reflect the current uses and will permit a wide range of retail and service uses, plus medium to high density residential and offices.

5. Brown's Wood - change from "Major Institutional" to "Significant Natural Areas"

Comment: The University supports this change provided the uses anticipated by the OVC as part of its overall teaching/clinical role related to small animal care are permitted under the "Significant Natural Areas" designation. Attached please find a copy of letter to the City's planning staff that outline the intended uses.

6. University Arboretum - changes from "Major Institutional with Core Greenlands and Non-Core Greenlands Overlay" to either "Significant Natural Areas" or "Locally Significant Natural Areas"

Comment: The University generally supports the proposed changes; however, we are seeking clarification on the aerial extent of the two designations to ensure that existing and proposed buildings in the Arboretum are not affected. We will provide additional comments once this determination has been made.

7. Turf Grass Institute, east on Victoria Road, change from "Major Institutional" to "Special Study Area."

Comment: The University has no comment on this proposed change for provincially owned lands which are now used as the Guelph Research Station managed by the University as part of the OMAFRA Agreement. We look forward to participating and commenting on the policies land use initiatives at the secondary plan process.

The University welcomes the opportunity to provide these comments. We look forward to further dialogue and discussions with the City prior to the adoption of the Official Plan Update.

Yours truly,



Nancy Sullivan,
Vice President (Finance and Administration)

C: Robert J Carter, Assistant Vice-President (Physical Resources)
P. Wong, Director (Real Estate Division)

November 29, 2011

Guelph City Hall
1 Carden Street
Guelph, Ontario
N1H 3A1

Attention: Mr. Todd Salter, Manager of Policy Planning

**Re: Envision Guelph
Gordon Street and Clair Road West
Herbert Neumann, Frank Cerniuk, Sieben Holdings Limited,
H and J Produce Limited and McEnergy Industry Limited**

I am providing this letter on behalf of the owners of this property which include, Herbert Neumann, Frank Cernluk, Sieben Holdings Limited, H and J Produce Limited and McEnergy Industry Limited (Neumann Property). The area of this property is approximately 40.4 hectares.

The designations for this property in the current Official Plan include Mixed Use Node, Corporate Business Park and Industrial with a Non-Core Greenland Overlay on the southern portion. The Non-Core Greenland Overlay permits development with an approved Environmental Impact Study.

The property was annexed into the City in 1993 and has been marketed as Corporate Business Park and Industrial for many years with no interest from any purchaser. The only designation with any market interest has been the Mixed Use Node which was recently severed and sold and is now subject to a Zone Change application by Sobeys. There remains a Mixed Use Node designation on the Neumann Property which is 40m in depth along the extension of Gosling Garden.

OPA No. 42 (Natural Heritage Strategy), which proposes to sterilize from development much of this property, is under appeal by the landowners.

The Draft Official Plan (Envision Guelph May 2010) now in circulation, proposes to designate the property as Corporate Business Park and appears to recognize the OPA No. 42 designations which are under appeal.

The landowners are hereby requesting that the City change the designation to General Residential through a comprehensive municipal review as part of this Official Plan Envision Guelph process.

-2-

The City of Guelph Employment Lands Strategy was prepared in July 29, 2008 by Watson & Associates. The conclusions of this study are as follows:

"Over the short to medium term (i.e. 2008 to 2013) the City has identified that approximately 267 hectares (661 acres) of employment lands will be serviced within the Hanlon Creek Business Park and South Guelph Industrial Area." (Page 5-6)

"In accordance with the existing net developable supply of vacant employment lands, the City has an adequate amount of designated employment lands to accommodate future demands on employment lands to 2031; (Page 8-3)

By 2031 a surplus of 238 net ha (588 net acres) has been identified in accordance with the employment growth forecast and land needs analysis in Chapters 6 and 7 of this report;" (Page 8-3)

The City appears to have a healthy supply available of short, medium and long term employment lands. In fact, a surplus of 238 hectares (588 acres) has been identified by the City's Employment Lands Strategy by 2031.

The City's Employment Lands Strategy also identified important market choice requirements for employment lands. These market requirements include:

- "• neighbourhood and setting;*
- visibility;*
- highway access;*
- topography;" (Page 5-2)*

The market requirements identified in the City's Employment Lands Strategy are consistent with our experience trying to actively market this property over many years. The Neumann Property has no highway access, has topography which is virtually impossible to grade to accommodate the need for large, flat industrial sites, visibility is very poor to the Neumann Property and the neighbourhood setting is parkland, recreational facilities, residential, shopping and schools. Clearly the site does not meet the market requirements for employment lands and the market agrees since there has been no uptake on this land over many years of having a willing seller.

An important concept that the City's Employment Lands Strategy also identifies is that,

"ensure that the City's employment demand is not unduly constrained by a lack of appropriately designated supply." (Page 7-7)

In other words, if inappropriate lands are designated as employment lands that will never proceed to be serviced and available, the City's employment demand will be

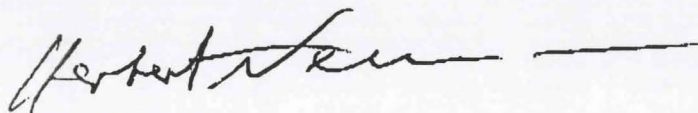
-3-

unduly constrained. The Neumann Property, by being designated Corporate Business Park, with no prospect of ever proceeding to be part of the employment land supply, is actually hurting the City's ability to designate appropriate employment lands that meet the market requirements that will proceed to be serviced and available.

We, therefore, respectfully request that the City seriously consider the designation of the Neumann Property as General Residential. In addition, we believe that Envision Guelph should not proceed ahead of the resolution of the OPA No. 42 appeals at the OMB. Once the OPA No. 42 appeals have been resolved by the OMB the City will know the Natural Heritage designations that they are dealing with in the revised Draft Official Plan.

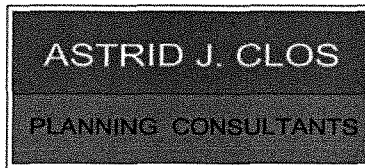
- Could we please meet with you to review the status of the Official Plan process and how it impacts our property. I can be reached at [REDACTED] to set up this meeting.
- Please also provide us with all notices of Public Meetings, Open Houses and the release of documents related to the Official Plan. Thank you very much for the consideration of our request.

Yours truly,



Herb Neumann

cc: Mayor Farbridge and Members of Council



December 16, 2011

Project No: 1131

Guelph City Hall
1 Carden Street
Guelph, Ontario
N1H 3A1

Attention: Todd Salter, RPP, MCIP, Manager of Policy Planning

Re: **Lowes Road Area**
Envision Guelph

Thank you for meeting with us on December 2, 2011 to review the Draft Official Plan policies and designations as proposed in the Envision Guelph Draft Official Plan (released April 19, 2010). As discussed at our meeting, [REDACTED]

Current Official Plan (November 2006 Consolidation)

The current Guelph Official Plan designates the subject properties as General Residential. The General Residential designation permits all forms of low-rise residential development subject to the development criteria found in policy 7.2.7 being satisfied. (7.2.31) The maximum density permitted in the General Residential designation is 100 units per hectare. (7.2.32)

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

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

It is my understanding that within current Official Plan in the "General Residential" designation on the subject properties, townhouses and apartments with a maximum density of 100 units per hectare (in conformity with the Official Plan policies) are permitted without an amendment to the Official Plan.

423 Woolwich Street, Suite 201, Guelph, Ontario, N1H 3X3
Phone (519) 836-7526 Fax (519) 836-9568 Email astrid.clos@ajcplanning.ca

OPA No. 39 (Local Growth Strategy) OMB March 17, 2010

OPA No. 39 (Schedule 1B Growth Plan Elements) identifies the subject properties as part of the "Built-Up Area" and introduced an "Intensification Corridor" along Gordon Street in proximity to the subject properties.

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

- a) *By 2015 and for each year thereafter, a **minimum of 40% of the City's annual residential development will occur within the City's built-up area** as identified on Schedule 1B. Provision may be made for the fulfillment of this target sooner than 2015.*
- b) *The **City will promote and facilitate intensification throughout the built-up area**, and in particular within the urban growth centre (Downtown), the community mixed use nodes and the intensification corridors as identified on Schedule 1B "Growth Plan Elements".*
- c) *Vacant or **underutilized lots**, greyfield, and brownfield sites will be revitalized through the **promotion of infill development, redevelopment** and expansions or conversion of existing buildings.*
- f) *Intensification of areas will be encouraged to generally achieve **higher densities than the surrounding areas** while achieving an appropriate transition of built form to adjacent areas.*
- i) *The **City will** identify the appropriate type and scale of development within intensification areas and **facilitate infill development where appropriate.**"*

"2.4.8.1 ***Intensification corridors** will be planned to achieve:*

- a) ***increased residential and employment densities** that support and ensure the viability of existing and planned transit service levels;"*

Definitions introduced by OPA No. 39 include:

***"Intensification Corridors** means intensification areas identified along major roads, arterials or higher order transit corridors that have the potential to provide a focus for higher density mixed-use development consistent with planned transit service levels."*

***"Intensification** means the development of a property, site or area at a higher density than currently exists through:*

- a. *redevelopment, including the reuse of **brownfield sites**;*
- b. *the development of vacant and/or **underutilized lots within previously developed areas**;*
- c. ***infill development; and***
- d. *the expansion or conversion of existing buildings."*

OPA No. 39 identifies the subject properties as within the “built-up area”. In accordance with the Official Plan a minimum of 40% of the City’s annual residential development will occur within the City’s built-up area. The City will promote and facilitate intensification throughout the built-up area. Underutilized lots, such as the subject properties, are intended to be redeveloped to achieve higher densities than the surrounding areas while achieving an appropriate transition of built form to adjacent areas.

OPA No. 39 also identifies the subject properties as being located in proximity to the “Intensification Corridor” along Gordon Street. “Intensification Corridors” are intended to provide increased residential densities to support and ensure the viability of transit service levels. There is some question with respect to the physical limit of the “Intensification Corridors” and how much land is captured within the corridor. The “Intensification Corridors” shown in Schedule 1B appear conceptual and bisect property lines. The intent is that the densities of development within the “Intensification Corridors” be transit supportive.

Transit Supportive Land Use Planning Guide (April 1992 MTO and MMAH)

“Guideline: 3.4.1 - A maximum walking distance of 400 m to a transit stop is the commonly accepted standard in North America. To help to achieve this standard, **properties located adjacent to transit routes should be designated for higher density development.**”

Based on the accepted 400 m walking distance to a transit stop and that the “Intensification Corridors” are meant to increase development densities to support transit use, there is justification to interpret the “Intensification Corridors” as capturing properties located within 400 metres of the transit stops located along Gordon Street.

Could City staff please clarify in writing how the physical limits of the “Intensification Corridor” will be interpreted with respect to development applications?

Draft Envision Guelph Official Plan (April 19, 2010)

The Draft Schedule 2 – Land Use Plan proposes to designate the subject properties as “General Residential (Built-Up Area) and “Medium Density Residential.” The boundary between these designations does not follow the property lines of the unidentified lots but bisects properties in a somewhat arbitrary location.

“8.3.3 General Residential - Built Up Area Designation

The character of development shall generally be low-rise housing forms.

8.3.3.1 Permitted Uses

- iv) *multiple unit residential buildings such as townhouses and apartments, may be permitted without amendment to this Plan, provided the Development Criteria for all Residential Development and the Development Criteria for Residential Development within the Built Up Area are met.*

8.3.3.2 Density and Height

The Built-Up Area is intended to provide for lower densities that are compatible with existing neighbourhoods while also accommodating intensification. The general character will be low-rise housing forms. The following density and height policies apply within this designation:

1. *Development may be permitted up to a **maximum density of 35 units per hectare** and not less than a minimum density of 15 units per hectare.*
2. *Buildings may be permitted up to a **maximum height of three (3) storeys**.*
3. *Notwithstanding subsections 1 and 2, **increased density and height may be permitted up to a maximum density of 100 units per hectare and a maximum of four (4) storeys adjacent to arterial or collector roads** in accordance with the Development Criteria outlined in this section."*

8.3.2.1 Development Criteria for Residential Development

Residential development proposals may be permitted provided the following Development Criteria and all other applicable provisions of this Plan are met within all Residential designations.

1. *Building form, scale, height, setbacks, massing, appearance and siting are compatible in design, character and orientation with the surrounding neighbourhood.*
2. *Where a development represents a transition between different land use designations or housing forms, a gradation in building height will be encouraged to achieve a transition from adjacent development.*
3. *Residential development can be adequately served by local convenience and neighborhood shopping facilities, schools, parks and recreation facilities and public transit.*
4. *Vehicular traffic generated from the proposed development will have minimal impact on local residential streets and intersections.*
5. *Vehicular access, parking and circulation can be adequately provided or impacts mitigated.*
6. *Surface parking shall be minimized.*
7. *Development on larger sites shall extend, establish or reinforce a street grid network to ensure appropriate connectivity for pedestrians, cyclist and vehicular traffic.*
8. *Impacts on adjacent properties are minimized in relation to grading, drainage, location of service areas, privacy, views, and microclimatic conditions such as wind and shadowing.*
9. *New development backing on open space, parks and the Natural Heritage System will be discouraged.*

10. *The conservation and integration of built heritage resources and structures can be achieved subject to the provisions of the Cultural Heritage Resources section of this Plan.*
11. *Affordable housing and special needs housing will be encouraged throughout all residential designations in accordance with the Affordable Housing provisions of this Plan.*
12. *That adequate municipal infrastructure, services, utilities and amenity areas for the residents can be accommodated.*
13. *The upgrading and rehabilitation of existing housing, particularly in older neighbourhoods, is encouraged.*
14. *Notwithstanding the maximum residential densities that are specified for various land use designations of this Plan, development projects designed exclusively for occupancy by senior citizens may be permitted to exceed the maximum permitted unit density allowed without bonusing and provided that the applicable Residential policies are met.*

8.3.2.2 Development Criteria for Residential Development within the Built Up Area

In addition to the Development Criteria for Residential Development (Uses), the following criteria apply to development within the Built-up Area.

1. *That the building form, massing, appearance and siting are compatible in design, character and orientation with buildings and general lot fabric in the immediate vicinity.*
2. *That the site is of sufficient frontage and depth to accommodate appropriate intensification.*
3. *Where a development application is proposed within the Built up Area a Planning Justification Report will be required to demonstrate how the proposed development can be integrated into the existing community and how the residential policies and development criteria are met. Architectural drawings or modeling may be required."*

"8.3.5 Medium Density Residential Designation

The predominant use of land within the Medium Density designation will be medium density housing forms that can be supported by transit.

8.3.5.1 Permitted Uses

1. *In addition to the Permitted Uses within Land Use Designations Permitting Residential Use, the following building forms may be permitted subject to the General Policies for Residential Development and the applicable provisions of this Plan:*
 - i) *all forms of multiple unit residential buildings;*
 - ii) *townhouses and row-dwellings;*
 - iii) *walk-up apartments and apartments; and*
 - iv) *low density housing forms, such as detached and semi-detached dwellings, in limited circumstances to provide a transition to existing low density development.*

8.3.5.2 Density and Height

1. *Development may be permitted up to a maximum density of 100 units per hectare and not less than a minimum density of 35 units per hectare.*
2. *Buildings may be permitted up to a maximum of five (5) storeys and not less than two (2) storeys.*
3. *Notwithstanding subsections 1 and 2, increased density and height may be permitted in accordance with the bonusing policies contained within the Implementation section of this Plan.*

8.3.5.3 Parking

1. *Structured or underground parking is encouraged."*

Recommended Revisions to the Draft Official Plan

Please see the attached plan which identifies our proposed designations for this area in the City's new Official Plan as also outlined below. The "General Residential" designation should be identified along the Dawn Avenue corridor including a lot depth. This is consistent with the severances that have been approved along Dawn Avenue and the stable residential area identified in the South Gordon Community Plan for this area.

Now that Places to Grow and the City's Local Growth Strategy are in effect in the City's Official Plan, the land between Gordon Street and the rear of a lot depth facing onto Dawn Avenue should be included within the "Medium Density Residential" designation. The City's Official Plan policies clearly encourage intensification and transit supportive densities along the Gordon Street corridor. There should not be a need to have the Official Plan interpreted to extend the Medium Density designation to extend onto these lands, or a need for an Official Plan amendment. In addition, the City's intention should be clear in the mapping to allow the existing residents to see the intention for future redevelopment of this area. The northwest corner of Gordon and Lowes should be included within a mixed use designation.

We look forward to reviewing the revised version of the Draft Official Plan. Could you please respond to our letter in writing. Please inform us of any meetings and reports being released related to the Official Plan review.

Yours truly,



Astrid Clos, RPP, MCIP

cc: Parry Schnick

(1131.Envision Guelph Comments.doc)

