

- ADDENDUM -
- GUELPH CITY COUNCIL MEETING -
- July 26, 2010 -

DELEGATIONS

- a) 15 Carere Crescent Upcoming Ontario Municipal Board Hearing (Consent Report A-1):
 - Len Griffiths on behalf of The By The Lake Conservation Neighbourhood Group

- b) Guelph Transit Growth Strategy and Plan & Mobility Services Review (Emergency Services, Community Services & Operations Committee Consent Report Clause 2):
 - Lloyd Longfield on behalf of the Guelph Chamber of Commerce

- c) Updated Private Tree By-law (Community Development & Environmental Services Committee Consent Report Clause1):
 - George Milla
 - Norah Chaloner on behalf of Guelph Urban Forest Friends
 - Judy Martin

- d) Guelph Farmers' Market – Insurance Requirements (Emergency Services, Community Services & Operations Committee Consent Report Clause 3):
 - Wendy McBratney

CORRESPONDENCE

- a) Updated Private Tree By-law (Community Development & Environmental Services Committee Report 1):
 - Dave Sills
 - Frank Scott
 - Pearl Van Geest
 - Cynthia Folzer

- b) Proposed Closure of Phelan Drive and McWilliams Road (Finance, Administration & Corporate Services Committee Report 1):
 - Township of Puslinch

CONSENT AGENDA

"THAT By-law Numbers (2010)-19044 to (2010)-19056, inclusive, are hereby passed."

BY-LAWS

<p>By-law Number (2010)-19054 A by-law to authorize the conveyance to the Guelph General Hospital with respect to the lands described as: Lots 36 to 39 inclusive, Plan 133; Part of Lots 35, Plan 133, designated as Parts 1 & 2, 61R11415; Part Lots 40 and 41, Plan 133, designated as Parts 4, 5 and 6, 61R11415; and Part of Lots 10 and 11, Range 1, Division "F" (formerly Guelph Township), designated as Parts 6 to 10 inclusive, WGR50, City of Guelph. (transfer of lands located at 73-115 and 125 Delhi Street from the City to the Guelph General Hospital)</p>	<p>Transfer of lands from the City to The Guelph General Hospital as per Council resolution October 26, 2009.</p>
<p>By-law Number (2010)-19055 A by-law to authorize conveyance of an Easement in favour of the Guelph General Hospital over Part of Lot 41, Plan 133, designated as Part 2, WGR50, City of Guelph.</p>	<p>To authorize conveyance of an Easement.</p>
<p>By-law Number (2010)-19056 A by-law to confirm the proceedings of meetings of Guelph City Council held July 5, 12 and 26, 2010.</p>	<p>To confirm proceedings of meetings of Guelph City Council.</p>

**A PRESENTATION TO GUELPH CITY
COUNCIL BY “THE BY THE LAKE
NEIGHBOURHOOD CONSERVATION
GROUP” IN REFERENCE TO APPLICATION
A38/09 – 15 CARERE CRESCENT**

JULY 26, 2010

- NATURE OF THE COMMUNITY
- COMMUNICATION GAPS
- LATEST PROPOSAL (APPLICATION A38/09)
- IMPACTS ON THE COMMUNITY
 - SAFETY AND SECURITY
 - PARKING
 - QUALITY OF THE NEIGHBOURHOOD
 - IMPACT ON THE ENVIRONMENT
- COMMITTEE OF ADJUSTMENT MEETING –
APRIL 27, 2010
- OUR POSITION AND REQUEST OF COUNCIL

July 20, 2010

Mayor Karen Farbridge
Guelph City Council

Your worship, members of council,

On July 26th you are going to vote on whether or not to participate in an Appeal to the OMB of the Committee of Adjustment's refusal of the application number A38/09 at the City of Guelph, which is also referred to as 15 Carere Crescent. The official area falls under the Victoria View development area and it is a "Greenfield" site.

We are writing on behalf of "The By The Lake Conservation Neighbourhood Group" ("The Group") which includes the area around the planned development for 15 Carere Crescent. Our group of residents are from Carere Crescent, Atto Drive, Price Street, Muskoka Drive and Woodlawn Road. Our subdivision is in the far northeast corner of the city of Guelph.

We want to first of all highlight to you that the "15 Carere Crescent" parcel of land is bordered on three sides by high end single family homes (purchase prices in the \$350, 000 to over \$500, 000 ranges) and the Guelph Conservation Area. The proximity to a well maintained and nature sensitive conservation area was a key reason many of us were immediately attracted to this North End part of Guelph.

Our neighbourhood has developed to the point where people know each other and have a relationship with their neighbours. The homeowners are a mixture of young families with children and retirees and we enjoy living in Guelph: a city with parks; a beautiful conservation area and - when we purchased our homes - a quiet area bordering on this conservation land.

While we were aware from the outset that the "15 Carere Crescent " property was zoned R.3A, we were assured by the builder (Reid Homes) and their representatives that there were to be only 47 Executive Townhomes built on this property. Home purchasers, as recently as 6 months ago, continue to receive this same assurance.

While official documentation in 2005 shows a townhouse development proposed in keeping with the R.3A zoning (47 cluster townhomes), the application, as we discovered, to our dismay, in early 2009 (in advance of a subsequently adjourned Committee of Adjustment meeting) had evolved to a completely unacceptable level of 118 stacked townhouse units, with variances proposing to allow for units

that will be 3 1/2 stories tall and lesser than the regular R.3A zoning distances between units and the sides of the property. What we are facing is a high density townhouse development right up against a high end single family home subdivision and bordering directly on to the Guelph Conservation Area. The By the Lake Conservation Neighbourhood Group was formed in April 2009 to bring forward our collective concerns over these serious modifications to the original plans for this piece of property.

In our post April 2009 investigation of this matter, we were disappointed to hear that the City of Guelph Planning Department was an active partner with the builder/developer in developing this latest high density plan for this property. While we acknowledge that the province's "Places to Grow" directions (guidelines only) had come along in mid 2006 to encourage more intensification in the use of properties, it is completely ridiculous to put this level of household density on this "Greenfield" piece of property at the far extreme northeast corner of the City of Guelph and right up against a high end neighbourhood and the Guelph Conservation Area.

The By the Lake Conservation Neighbourhood Group wants to be very clear that we are not opposed to a plan for the "15 Carere Crescent" property that is in keeping with the R.3A zoning provisions (a density of 96 units, 3 stories tall and with the distance allowances as cited in the bylaw). We would like to ensure that there is at least one exit from the property on to Woodlawn Road.

The By the Lake Conservation Neighbourhood Group's concerns can be summarized as follows;

1. Safety and Security

- a. Increased traffic, including disruption caused by exit and egress lanes proposed directly into the existing neighbourhood's streets
- b. Referring to the VitalSigns 2009 publication of Guelph Community Foundation we read that in 2006 there are 1.7 cars per household. With 120 residences and assuming there will be one household per residence we find ourselves with 204 extra cars traveling this area.
- c. Safety and security from a policing and fire standpoint, as this high density community is on the very fringes of town, with no police station anywhere close. The current plan, with its narrow and often dead end streets, certainly looks problematic from a fire engine access standpoint.

2. Parking

- a. In the current plan there are not enough parking spaces according to the publication VitalSigns 2009. Overflow on city streets will be a cause for even more safety concerns as parked cars will hinder the viewing of children playing in the area and attempting to cross the neighbourhood streets.

3. Quality of the neighbourhood

- a. The current residents are working hard to ensure the quality of the homes they have purchased (including their appearance and adjoining property). The builder does not have a good reputation for the initial quality of the homes he has built and his follow up on complaints about same. This situation is likely to be exacerbated in his dealings with high density rental townhomes. We do not wish the look of the community to deteriorate and our homes depreciate in value as a result.

4. Impact on environment

- a. As stewards of the conservation area, we feel that the impact on the environment is something that needs to be considered more closely. The proximity of this high density community to the Guelph Conservation Area creates worries about the delicate eco balance.
- b. We as The Group are not against the fact that the City of Guelph is zoning the area for clustered or stacked town homes – we understand that the city must grow, as outlined in the Places to Grow legislation. We feel, however, that not enough consideration is given to basic infrastructure service concerns. With 120 units and an average of 3 person families the city is adding 360 residents on a 1.6 hectare parcel of land. The requirements for Greenfield development is **not less than 50 residents and jobs combined per hectare**. With the intensified proposal, the minor variances will allow over 200 more people on the property (300% more people). The added impact on the area's water, sewage, garbage and other basic services is of concern.

5. Impact on quality of the area

- a. With over 300 people being added to this high density area, we are very concerned about the added noise and other environmental distractions (lights etc) created by this size of community directly bordering on our single family homes.

On April 27, 2010, we were finally able to present our concerns over the "15 Carere Crescent" to the Committee of Adjustment. They were unanimous in their view that the minor variances as proposed, when considered cumulatively, did not represent a minor variance application and refused the application.

While we appreciate the difficulty that the Committee of Adjustment decision creates for City Council (as the City Planning Department supported the minor variances as proposed in the application), we are asking that you assist us, as taxpaying and very concerned residents, in participating as a "party" in defending the Committee of Adjustment's position at the OMB Appeal Hearing on August 26, 2010. We, the residents of this Guelph neighbourhood, are the ones who will have to live with the final results of this application.

Thank you for your kind consideration of our request.

Signed by,

On behalf of The By The Lake Conservation Neighbourhood Group

**Community Petition Opposing the Zoning Variances Being
Sought By Reid Homes Re: 15 Carere Crescent property**

Application A-39/09

We, the undersigned are strongly opposed to the Reid Homes Application (A-39/09) wherein they are seeking multiple variances to allow for a substantial increase in the density and the number of townhomes proposed for the 15 Carere Crescent property.

We are very concerned about the impact on the existing neighbourhood of high end single family homes (also built by Reid Homes) bordering on this proposed new development. The natures of the impacts we are concerned about are as follows;

- Increased traffic, including the disruption caused by exit and egress lanes proposed directly into the existing neighbourhood's streets**
- Safety and security concerns for our residents due to traffic and the presence of high density units with rental occupants**
- Noise and other detrimental environmental impacts due to the extreme concentration of people, cars etc.**
- Parking issues, as the high density units will have inadequate parking provided and there is no practical overflow option other than on to other local streets.**
- Quality of the neighbourhood – The current residents are working hard to ensure the quality of the homes they have purchased. The builder does not have a good reputation for the initial quality of their buildings and follow up on complaints. The situation is not likely to improve with high density townhomes added to the mix. We do not wish the look of the community to deteriorate and our homes to depreciate in value as a result.**
- We also have concerns about the ability of the city to ensure the provision of basic services to this high density rental community.**

In this regard we are referring to basic items such as water, power, policing and fire response and transit options.

50 Signatures Received

From: Dave Sills
Sent: July 21, 2010 9:39 PM
To: Lise Burcher; Mayors Office; Maggie Laidlaw; Christine Billings;
Gloria Kovach; Ian Findlay; Leanne Piper; Mike Salisbury; Karl Wettstein;
Bob Bell; Vicki Beard; June Hofland; Kathleen Farrelly
Subject: Pruning the proposed tree bylaw

Mayor Farbridge and Councillors,

Re the Guelph Mercury article on the 'pruning' of the proposed tree bylaw, see this as yet another sign that Guelph isn't really as progressive as people like to think. Toronto has had a tree bylaw for small lots for many years. I know because I lived there in the mid-90's and saw the occasional sign saying that an application had been received to remove a tree.

In Guelph, it all seems to come down to some people's obsession with their property rights. Yes, it might be **your** property, but that tall, healthy tree of yours might be important to your neighbours, too. And **their** mature tree might be important to **you**. The bylaw would have ensured no one could cut down such a tree 'just because', or without consideration of the impact of such an action.

This will become more and more important as density increases in Guelph.

The bylaw needed some tweaking, and staff had apparently done some of this in the new draft. But exempting small lots will make the bylaw practically worthless.

I'll be extremely disappointed if Council passes this very much weakened bylaw. It would be one more strike against our struggling urban tree canopy (something Mayor Farbridge set out to increase!).

Please do the right thing, take a stand against the self-interested 'property rights' crowd (remember Rocco Furfaro?!), and do something good for City as a whole by putting small lots back in the bylaw. I hope we can be at least as progressive as Toronto was on this issue - more than a decade ago.

Sincerely,

Dave Sills
Guelph

From: Frank Scott
Sent: July 23, 2010 1:50 PM

To whom it may concern:

I have read the information from the Guelph Civic League and I truly believe that they have a point or several good points. The by law to protect trees in Guelph needs to cover all properties regardless of size, naturally if one tree is removed another could just as easily take its place and I agree that there are too many "unnecessary exemptions" in the by law for commercial and industrial lands, golf courses, etc.

With the current and ongoing dire straits of climate change we desperately need all of the healthy trees we have and then some. Do something good for the planet and for your future grandchildren who will thank you for saving and replacing the absolutely necessary canopy of trees.

Don't dilly dally just get it done!!

Yours sincerely,

Mr. & Mrs. Scott

From: Pearl Van Geest
Sent: July 23, 2010 8:20 AM
To: Mayors Office
Subject: Tree By-Law

Dear Karen,

Guelph Urban Forest Friends has drawn my attention to the Tree By-Law which will be voted on the 26th. I am in strong agreement with their concerns that the by-law is inadequate.

Here are the particular points:

- all** properties in Guelph should be covered by the tree by-law
- there are too many **unnecessary exemptions** in the by-law for commercial and industrial lands, golf courses, etc.
- when trees are cut, tree replacement plantings should be **required**
- posting of notices about plans to cut trees should be done **before** the city grants approval for the cutting, not after
- we need a strong by-law to protect **all** of our urban forest and canopy if we hope to reach the 40% canopy goal set by the City
- it is important to protect our **mature trees** because there is no guarantee that replacement trees planted now will ever reach maturity due to harsh growing conditions and climate change
- Guelph's tree by-law should **set the standard** for strong protections, and the current proposal is only a marginal improvement over the old 1986 by-law

Having a strong private-property tree by-law doesn't mean you would never be able to cut down a healthy tree in Guelph. It would mean that you will need to have a **good reason** to cut down a healthy tree (for example, when tree destruction is unavoidable under an approved building permit).

Unfortunately, some vocal opponents of a strong tree by-law seem to be drowning out those of us who understand the enormous benefits of trees to the quality of life in our City and the need to protect our mature trees from being cut down on a whim. Please contact your councillors today and let them know that you want a **strong, protective tree by-law** for all of Guelph that will benefit our citizens for years to come!

Best,
Pearl Van Geest

25 July 2010

11 Cambridge St.
Guelph, ON N1H 2T8

RECEIVED
JUL 26 2010
CITY CLERK'S OFFICE

Mayor Farbridge and Members of Council

RE: Tree Protection By-law

Trees have a value to the community that extends far beyond the property on which they are located. However, the person who owns the land where they grow generally owns the tree. Since the benefit that trees provide to society is so important, local governments have been given the legislative authority to protect them. The Planning Act, the Municipal Act, and the Ontario Heritage Act provide you with this legislative authority.

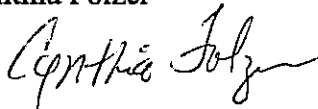
Guelph deserves a better tree protection by-law than what is currently being proposed. Council must ensure that the by-law applies to all properties in Guelph, not just those over 0.2 hectares and must also ensure that no exemptions be allowed for golf courses, industrial lands, city owned property, cemeteries, etc. Most of our mature trees live in our older neighborhoods on properties much less than 0.2 hectares. Imagine the loss to these neighborhoods and to our city if these trees were removed.

The draft by-law, "Private Tree Protection By-law" circulated at the June 3 and June 8, 2010 community workshops provides much more protection than the current proposal which provides little more protection than the 1986 by-law.

It is important that Guelph establish an Urban Forestry Department. Many municipalities much smaller than Guelph have such a department. Our trees in Guelph deserve the care and protection of an Urban Forestry Department.

The value that a well maintained tree adds to the assessed property value of a property, \$10,000 to \$15,000 for a mature tree, ensures that the municipality is more than compensated for the added care burden. It has been demonstrated that a well cared for mature tree adds about \$5. to \$6. in value to the municipality in terms of taxes and other benefits, for every \$1. spent by the City on tree maintenance.

Sincerely
Cynthia Folzer



Township of Puslinch

7404 Wellington Rd. 34, R.R.3, Guelph, Ontario N1H 6H9
Telephone: (519) 763-1226 Fax: (519) 763-5846



July 22, 2010

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

RECEIVED
JUL 23 2010
CITY CLERK'S OFFICE

Attention: Mayor Farbridge & Members of Council

**Re: Proposed Closure of Part of
McWilliams Road and Phelan Drive**

Dear Mayor Farbridge and Members of Council:

On July 16, 2010 the Township of Puslinch received formal notice from the City of Guelph (fax from Mr. P. Cartwright, General Manager, Economic Development & Tourism Services) that portions of McWilliams Road and Phelan Drive would be closed as part of the new Hanlon Creek Business Park Phase II development.

The Township recognizes that the formal closures are required for this project however we ask the City's indulgence and co-operation regarding the physical closing of Phelan Drive.

It is the request of the Township that the City maintain access and egress across Phelan Drive for as long as possible to the local residents until actual construction work is ready to commence in that area of the development.

We further request that the City restrict the use of Forestell Road to local traffic and not allow construction traffic to use this street as a "haul route" or construction road for the new business park.

We appreciate this opportunity to express our concerns as part of the City's consideration of the by-law and subsequent works.

All of which is respectfully submitted.

Yours very truly,

(Mrs.) Brenda Law, AMCT
CAO/Clerk-Treasurer
BL*hk