

# COUNCIL PLANNING AGENDA



**DATE Monday, March 5, 7:00 p.m.**

Please turn off or place on non-audible all cell phones, PDAs, Blackberrys and pagers during the meeting.

**O Canada  
Silent Prayer  
Disclosure of Pecuniary Interest**

## **PUBLIC MEETING TO HEAR APPLICATIONS UNDER SECTIONS 17, 34 AND 51 OF THE PLANNING ACT**

<b>Application</b>	<b>Staff Presentation</b>	<b>Applicant or Designate</b>	<b>Delegations (maximum of 10 minutes)</b>	<b>Staff Summary</b>
148-152 Macdonell Street: Proposed Official Plan & Zoning By-law Amendment (Files OP1104/ZC1114) – Ward 1	<ul style="list-style-type: none"> <li>Stacey Laughlin</li> </ul>	<ul style="list-style-type: none"> <li>Jason Ashdown</li> <li>Tom Lammer</li> </ul>	<ul style="list-style-type: none"> <li>Dan Lawson, Guelph Chamber of Commerce</li> <li>Marty Williams, DGBA</li> <li>Barbara Turley-McIntyre, Co-operators</li> <li>Doug Minett, Downtown Advisory Committee</li> <li>Dennis Deters</li> <li>John Leacock</li> <li>Maria Pezzano, Ward 1 Residents' Association</li> </ul> <p><u>Correspondence:</u></p> <ul style="list-style-type: none"> <li>Elizabeth Gray</li> <li>Scott MacDonald</li> <li>Lissa Akerstream</li> <li>Lillian Links</li> <li>Robin de Bled</li> <li>Nigel J. Bunce</li> <li>Maria Pezzano, Ward 1</li> </ul>	√

			Residents' Association	
			• Patti Maurice	

**CONSENT AGENDA**

"The attached resolutions have been prepared to facilitate Council's consideration of the various matters and are suggested for consideration. If Council wishes to address a specific report in isolation of the Consent Agenda, please identify the item. The item will be extracted and dealt with immediately. The balance of the Consent Agenda can be approved in one resolution."

<b>COUNCIL CONSENT AGENDA</b>			
<b>ITEM</b>	<b>CITY PRESENTATION</b>	<b>DELEGATIONS (maximum of 5 minutes)</b>	<b>TO BE EXTRACTED</b>
A-1) Supplementary Report 180 Gordon Street Proposed Official Plan Amendment and Zoning By-law Amendment (Files OP1106 & ZC1107) – Ward 5		<ul style="list-style-type: none"> <li>• Bernard Luttmer or Oskar Johannson</li> <li>• Hugh Whiteley</li> <li>• Karen Balcom</li> </ul> <u>Correspondence:</u> <ul style="list-style-type: none"> <li>• Hugh Whiteley</li> </ul>	√
A-2) Watson East Subdivision (23T-98501) Request for an Extension of Draft Plan Approval – Ward 1			
A-3) Shared Rental Housing		<u>Correspondence:</u> <ul style="list-style-type: none"> <li>• Deb Maskens &amp; Ken Dodge</li> </ul>	

**ANNOUNCEMENTS**

**ADJOURNMENT**

TO **Guelph City Council**

SERVICE AREA Planning & Building, Engineering and Environment  
DATE March 5, 2012

**SUBJECT 148-152 Macdonell Street  
Proposed Official Plan Amendment &  
Zoning By-law Amendment  
(Files OP1104 & ZC1114)  
Ward 1**

REPORT NUMBER 12-21

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## **SUMMARY**

### **Purpose of Report**

To provide planning information on applications requesting approval of Official Plan and Zoning By-law Amendments to permit the development of an 18-storey mixed-use building with 130 residential dwelling units and approximately 335m<sup>2</sup> of ground floor commercial floor area. This report has been prepared in conjunction with the statutory public meeting for these applications.

### **Council Action**

Council will hear public delegations regarding the applications, ask questions of clarification and identify planning issues. The report is to be received and no decisions are to be made at this time.

## **RECOMMENDATION**

“THAT Report 12-21 regarding Official Plan and Zoning By-law Amendment applications by Stantec Consulting Ltd. on behalf of The Tricar Group, to permit the development of an 18-storey mixed use building for the property municipally known as 148-152 Macdonell Street, and legally described as Part of Lots 1, 2, 4 & 17 and Lot 3 and Part of Priory Street, Registered Plan 16 and Part of Lot 3 Registrar’s Compiled Plan No. 712, City of Guelph, from Planning & Building, Engineering and Environment dated March 5, 2012, be received.”

## **BACKGROUND**

Applications for Official Plan and Zoning By-law Amendments have been received for the property municipally known as 148-152 Macdonell Street from Stantec Consulting Ltd. The applications were deemed complete on December 7, 2011.

### **Location**

The subject property is located on the northwest corner of Macdonell Street and Woolwich Street (see Attachment 1 – Location Map). The property has

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approximately 56 metres of frontage on Woolwich Street, approximately 70 metres of frontage on Macdonell Street and a site area of 0.32 hectares. There are two existing buildings on the site which are currently vacant.

The land uses surrounding the subject property consist of a car wash and the Sleeman Centre to the north; John Galt Park and the Speed River to the east (across Woolwich Street); the CN Rail tracks and a vacant parcel known as the Marsh Tire site to the south (across Macdonell Street); and the entrance to the East Parkade and Priory Park/Blacksmith's Fountain to the west.

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

The Official Plan Land Use Designations and Related Policies are included in Attachment 2 of this report.

The existing Official Plan land use designation that applies to the subject lands is "Central Business District" (CBD). This designation permits many different land uses with the exception of new industrial uses. The land use distribution in the CBD consists of a variety of sub-areas, which are shown on Schedule 6 of the Official Plan. The subject property is identified as "Office or Residential" on Schedule 6 which emphasizes a mixture of office buildings and residential buildings as well as multiple-use buildings for both of these uses. The Schedule 6 concept provides flexibility to recognize the coexistence of a wide range of activities to allow innovative development proposals. The CBD designation permits residential uses to a maximum density of 200 units per hectare.

The northeast corner of the site is also subject to the "Non-Core Greenlands Overlay" because this section of the site is within the flood fringe. Development that is consistent with the underlying land use designation may occur on lands associated with the Non-Core Greenlands overlay in instances where an environmental impact study has been completed and it can be demonstrated that no negative impacts will occur on the natural features or the ecological functions associated with the area. The matters associated with "hazard lands" as noted in Section 5 of the Official Plan must be safely addressed. Further, development within the flood fringe areas of the Two Zone Flood Plain is to be guided by the policies of subsection 7.14 of the Official Plan.

The applicant has submitted a Scoped Environmental Impact Study which has been reviewed by staff and agencies.

The City's Growth Plan Conformity Amendment, Official Plan Amendment (OPA) #39, which is in full force and effect, identifies the site within the "Built-Up Area" of the City. The "Built-Up Area" is intended to accommodate a significant portion of new residential and employment growth through intensification. More specifically, OPA 39 identifies the site within the "Urban Growth Centre" (UGC). The UGC is intended to accommodate the highest density of people and jobs within the City, a minimum of 150 persons and jobs combined per hectare, which is measured across the entire Downtown.

Official Plan Amendment (OPA) #42 (subject of appeals), does not designate any of the site as "Significant Natural Areas".

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The Draft Downtown Secondary Plan proposes to designate the subject site as "Mixed Use 1" with a "Two Zone Fringe" (floodplain) overlay in the northeast corner of the site. The draft Secondary Plan was considered at a Council Statutory Public Meeting on November 7, 2011 and will be brought forward to Council for adoption in 2012. "Mixed Use 1" areas are intended for a broad range of land uses including retail and service, multiple residential, live/work, office, entertainment and recreational commercial, cultural, educational and institutional, in a mix of highly compact development form.

### **Existing Zoning**

The site is zoned CBD.1 (Central Business District) Zone as illustrated in Attachment 3. Details of this zone are also included in Attachment 3. The northeast corner of the subject lands are also identified with a "Lands within the Flood Fringe" overlay which refers to Section 12.3 of the Zoning Bylaw. Section 12.3 of the Zoning Bylaw entitled "Regulations for Lands within the Flood Fringe" requires floodproofing for the permitted uses (See Attachment 3).

## **REPORT**

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

The application proposes to add a site specific policy for 148-152 Macdonell Street into Section 7.3.7 of the Official Plan in order to permit a maximum residential density of 408 units per hectare for the subject site. Currently, Section 7.3.7 of the Official Plan permits a maximum density of 200 units per hectare. The Central Business District designation for this site is not proposed to be amended.

### **Description of Proposed Zoning Bylaw Amendment**

The application proposes to rezone the subject lands from the CBD.1 (Central Business District) Zone to a Specialized CBD.1 (Central Business District) Zone, to permit the development of an 18 storey building. Specialized zoning regulations are being requested to permit: a maximum building height of 18 storeys; an increased angular plane from the centreline of the street; and a change in the height requirements for the building within 15m of the street allowance. See Attachment 3 for the proposed zoning mapping, as well as the proposed specialized regulations and the typical CBD.1 regulations.

### **Proposed Development Concept Plan**

The site concept plan for the proposed development is shown on Attachment 4. The concept plan proposes an 18-storey building, with 130 residential units and approximately 335m<sup>2</sup> of ground floor commercial area. The commercial units are proposed to front on to Macdonell Street. Two vehicular accesses to the site are proposed. From Woolwich Street, the proposed driveway will access the underground portion of the parking garage. Another access is proposed indirectly from Macdonell Street, by way of the East Parkade driveway, which will access the two levels of above-ground parking that are proposed within the building. On top of the parking levels, an outdoor terrace area for the residents of the building is proposed.

Based on the type of residential dwellings types proposed (apartments) and the amount of commercial floor area (335m<sup>2</sup>), it is estimated that the 0.32 hectare site will yield 222 persons and 30 jobs. This is equivalent to a density of approximately 787 persons and jobs per hectare.

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The following reports and material have been submitted in support of the rezoning application:

- Planning Justification Report, dated November 2011, by Stantec Consulting Ltd.
- Functional Servicing and Stormwater Management Report, dated October 2011, by Stantec Consulting Ltd.
- Scoped Environmental Impact Study, dated October 5, 2011, by Stantec Consulting Ltd.
- Traffic Impact Study, dated October 2011, by Stantec Consulting Ltd.
- Urban Design Brief, dated November, 2011, by Stantec Consulting Ltd.
- Preliminary Noise and Vibration Analysis, dated September 30, 2011, by J.E. Coulter Associates Limited
- Phase I Environmental Site Assessment, dated November 23, 2007, by Jacques Whitford
- Phase II Environmental Site Assessment, dated April 25, 2011, by XCG Consultants Ltd.

### **Staff Review**

The review of this application will address the following issues:

- Evaluation of the proposal against the Provincial Policy Statement and the Places to Grow Plan
- Evaluation of the proposal against the land use designation and policies of the Official Plan including Official Plan Amendment 39
- Review of the proposed zoning and need for specialized regulations
- Consideration of the flood plain issues and policies associated with the site
- Consideration of the Urban Design Brief relating to the Section 3.6 of the Official Plan, as well as the draft Downtown Guelph Secondary Plan
- Consideration of the required site remediation for the property
- Evaluation of the Functional Servicing and Stormwater Management Report, the Scoped Environmental Impact Study, the Traffic Impact Study and Preliminary Noise and Vibration Analysis
- Community Energy Initiative considerations
- Evaluation of the proposal against the River Systems Management Plan (RSMP)

To date, staff have completed their review of the Scoped Environmental Impact Study (EIS), Traffic Impact Study, and Functional Servicing and Stormwater Management Report. A preliminary review of the Noise and Vibration Analysis has been completed and additional information has been requested. Review of the other submission materials is ongoing.

### Scoped Environmental Impact Study

The Scoped EIS has been reviewed by Planning staff, the City's Environmental Advisory Committee (EAC), the City's River Systems Advisory Committee (RSAC) and the Grand River Conservation Authority (GRCA). GRCA is satisfied with the information provided in the Scoped EIS and will provide additional review and comments at the detailed design stage through their permit process. EAC provided conditional support for the Scoped EIS subject to the implementation of its recommendations being carried out at the detailed design stage. RSAC supported the Scoped EIS, however, requested additional information to be included in the

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Planning Justification Report and Urban Design Brief relating to the Principals and Objectives of the River Systems Management Plan. Planning staff are also satisfied with the Scoped EIS subject to the implementation of its recommendations being carried out at the detailed design stage.

#### Traffic Impact Study

Engineering staff have reviewed the Traffic Impact Study. The traffic analysis for the development is based on 166 dwelling units and the proposal has been reduced to 130 dwelling units. The development proposes to use the existing driveway to the East Parkade to access the proposed above-grade parking garage, while a right-in-right-out driveway is proposed to be provided on Woolwich Street to access the underground parking garage. The traffic impacts, although conservatively assessed, are not significant. For example, the afternoon peak hour development traffic is estimated to be 75 vehicles per hour (50 inbound vehicles and 25 outbound vehicles). 80% of the traffic is expected to use Macdonell Street, Woolwich Street and Wellington Street on the west side of the Speed River, while 20% of the traffic (15 vehicles in the afternoon peak hour) will cross the river to Elizabeth Street. The traffic analysis has also taken into account impacts from anticipated future adjacent developments (residential dwellings units at 150 Wellington Street and a mix of residential dwelling units and commercial uses at 5 Arthur Street). No road widening is required to accommodate this development. However, as noted below, there will be road reconstruction to accommodate municipal servicing. As part of the road reconstruction, there will be modifications to the southerly leg of the Macdonell/Wellington-Woolwich intersection to facilitate pedestrian movement.

#### Functional Servicing and Stormwater Management Report

Engineering staff have reviewed the Functional Servicing and Stormwater Management Report. Municipal services and utilities in the Woolwich corridor are currently located on the old Priory Street right-of-way which is now part of the redevelopment land. As indicated in the January 19, 2012 Council Information Report entitled Development Intensification and Infrastructure Requirements, the relocation of these services will be undertaken in 2012 (May-August) to enable the commencement of site remediation work at the developer's cost.

#### Site Remediation/Brownfield issues

Given the previous land uses on this property (automotive repair including tire repair, vulcanizing service and battery repair, as well as a building/"foundry" supply company) and the proposed change to a more sensitive residential land use, site remediation will be required prior to redevelopment. The developer has applied for assistance for remediation work under the City's Brownfield Redevelopment Community Improvement Program (CIP). The applications are currently under review. The remediation work will be undertaken according to a City approved Work Plan that will include plans for dust control, traffic management and site management. The remediation work is expected to commence in April 2012.

In addition to the above information, the following departments/agencies have indicated they have no comments or concerns regarding these applications:

- Guelph Police Service
- Guelph Emergency Services/Fire

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- Upper Grand District School Board (subject to Education Development Charges being paid prior to the issuance of a building permit)
  - Union Gas Ltd.
  - City of Guelph Zoning Services
  - Grand River Conservation Authority

Additional comments may still be received and will be addressed in a future report.

Once the review of the applications is completed and all issues are addressed, a report from Planning & Building, Engineering and Environment with a recommendation will be considered at a future meeting of Council.

### **CORPORATE STRATEGIC PLAN**

Urban Design and Sustainable Growth Goal #1: An attractive, well-functioning and sustainable City.

### **FINANCIAL IMPLICATIONS**

Financial implications will be reported in the future Planning & Building, Engineering and Environment recommendation report to Council.

### **COMMUNICATIONS**

The Notice of Complete Application was mailed December 9, 2011 to local boards and agencies, City service areas and property owners within 120 metres of the subject site for comments. The same Notice was provided by signage on the site. The Notice of Public Meeting was advertised in the Guelph Tribune on February 9, 2012 and mailed to surrounding property owners on February 13, 2012.

### **ATTACHMENTS**

- Attachment 1 – Location Map
- Attachment 2 – Existing Official Plan Land Use Designations and Policies
- Attachment 3 – Existing & Proposed Zoning
- Attachment 4 – Site Concept Plan

#### **Prepared By:**

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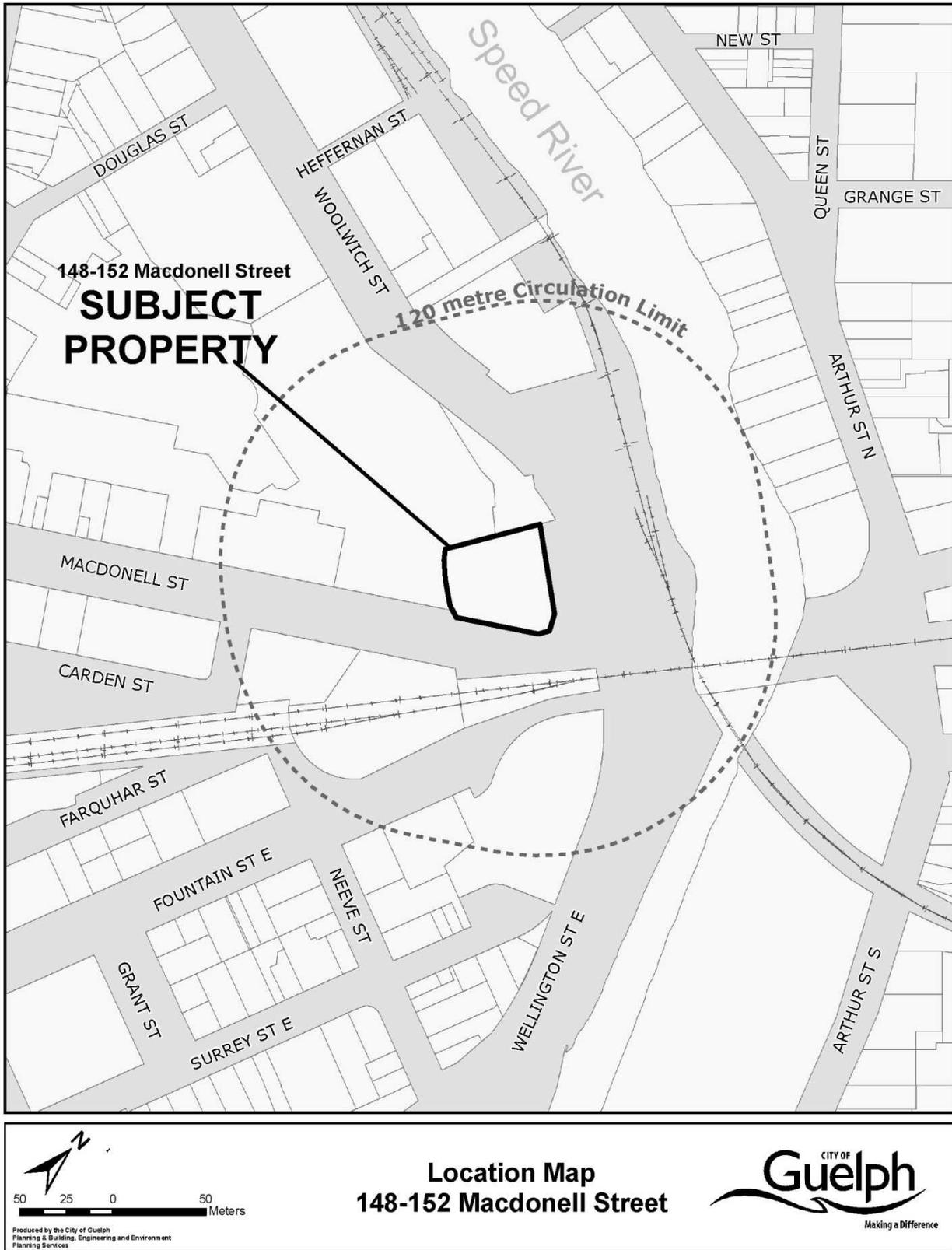
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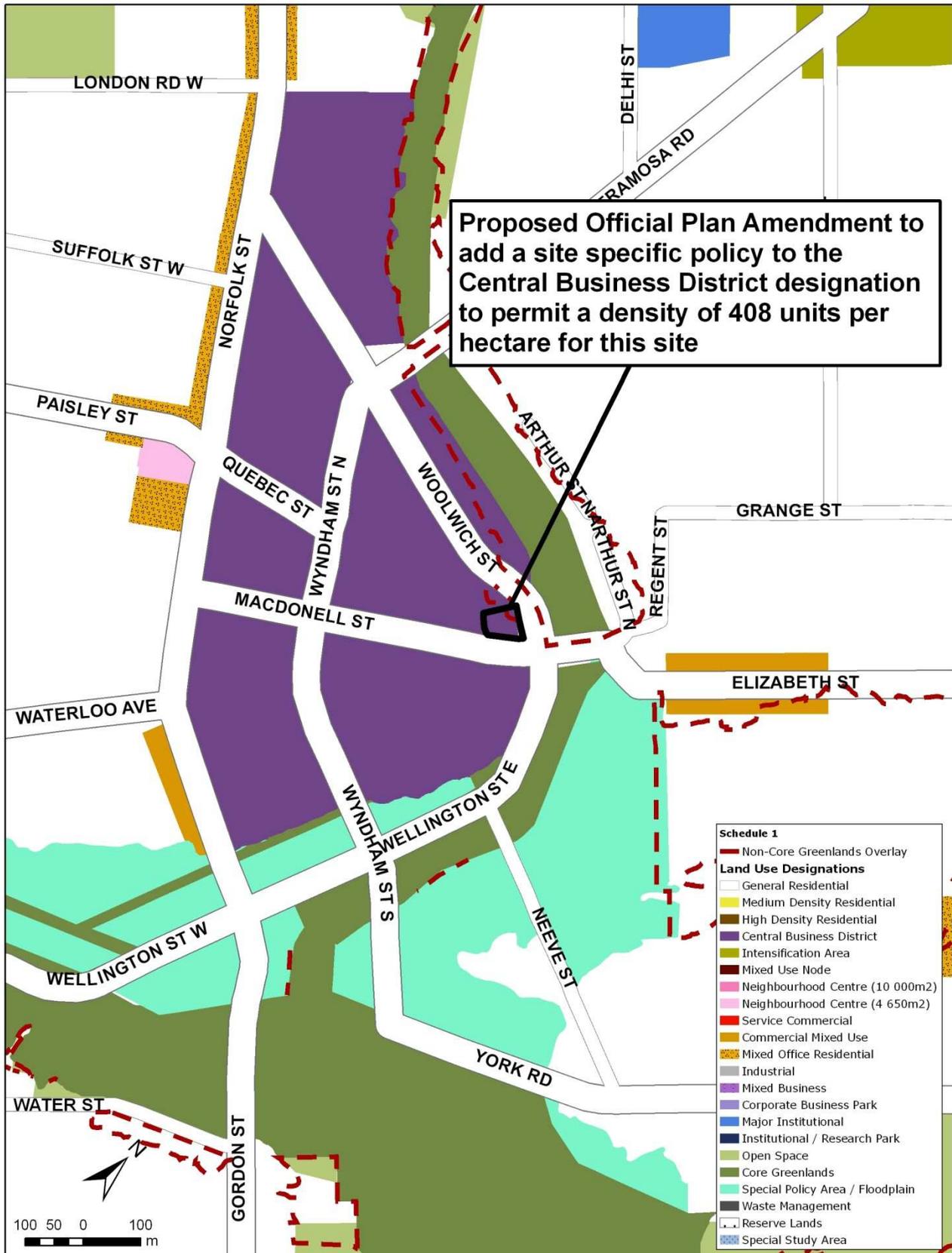
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## Attachment 1 – Location Map



## Attachment 2 – Official Plan Land Use Designations and Related Policies



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## Attachment 2 – Official Plan Land Use Designations and Related Policies

### 7.3 Central Business District (Downtown)

The Central Business District (Downtown) of the City is promoted by this Plan as a beautiful, vibrant multiple-functional urban centre for Guelph that is a focal area for investment, employment and housing. The Plan promotes the C.B.D. as the community's civic, cultural, social and economic centre with a high concentration of activities and land uses developed in concert with excellent quality design standards. It is the overall goal of this Plan to see the C.B.D. rank amongst the finest of City centres and be a source of great public pride for the benefit of Guelph's residents.

- a) To promote the development of the C.B.D. as a major community focus and the civic, cultural, social, and economic centre of the City.
- b) To promote the development of the C.B.D. as a vibrant multiple use, multiple function district providing institutional, civic and public service uses, residential uses, recreational and cultural uses and a variety of commercial functions including office and other services, retail and entertainment uses serving both the wider city as well as the downtown area residential neighbourhoods.
- c) To ensure the C.B.D. remains as a place for people, for recreation, doing business, pursuing cultural interests, engaging in civic and other government activities and for living.
- d) To maintain and promote the current resources of the C.B.D.; its heritage buildings, scenic and carefully tended rivers, intensive vegetation, attractive streets and landmarks.
- e) To maintain and enhance the physical appearance, historic characteristics and *cultural heritage resources* of the C.B.D. with particular emphasis on Wyndham Street.
- f) To develop additional public open space, tourist, recreational and cultural facilities within the downtown.

#### General Policies

- 7.3.1 The area designated on Schedule 1 as the 'Central Business District' (C.B.D.) is generally defined by London Road, Gordon/Norfolk Streets and the Speed River.
- 7.3.2 The City will work in co-operation with the "Downtown Board of Management" which has been established under the provisions of the Ontario Municipal Act as the administrative body for the downtown Business Improvement Area (BIA). The primary intent of this organization is to assist in improving business within the BIA of the downtown. The BIA is defined by by-law for the purposes of levying a special charge on rateable property within a defined area of the C.B.D. This area is defined by boundaries including the following lands: property to the north of the CNR tracks; property to the east of Norfolk Street; property to the east of Yarmouth Street; and property to the west of Wellington Street.
- 7.3.3 The land use distribution in the C.B.D. consists of a variety of sub-areas and it shall be the policy of this Plan to encourage the preservation, rehabilitation and implementation of the desirable elements of identified sub-areas of the C.B.D.
  1. The "Guelph C.B.D.-Concept Plan", as shown on Schedule 6, indicates land use areas and the transportation facilities necessary to realize the objectives for the C.B.D.
  2. The concept plan provides flexibility to recognize the coexistence of a wide range of activities and to allow innovative *development* proposals.

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## Attachment 2 – Official Plan Land Use Designations and Related Policies

3. Without limiting the generality of this Plan, the location, nature and scale of development shall be determined by individual proposals and shall be specified in the *Zoning By-law*.
4. The categories of land-use shown on the "Guelph C.B.D. - Concept Plan" are as follows:
  - a) "Commercial Base, Office and/or Residential Emphasis Above"

This category includes multiple use of buildings. The "base" referred to is the bottom layer (i.e. street-level) usually in the form of a store. Where development is to take place above that base, office and/or apartment uses would be favoured.
  - b) "Office or Residential"

This category emphasizes a mixture of office buildings and residential buildings as well as multiple-use of buildings for both these uses.
  - c) "Office Emphasis' and `Residential Emphasis"

These two categories describe areas where it is desirable to encourage pure office use or pure residential uses, respectively. It does not mean that other uses cannot be considered but that one use should be favoured, and other land uses introduced into these areas should at least be compatible with the dominant use.
  - d) "Sensitive Commercial"

This category encourages the retention of existing old mansions and houses. It provides for their *conversion* to boutiques, offices or agencies especially at the ground floor, with residential units in the upper floors of the existing buildings, and for infilling of new small scale commercial *developments*.
  - e) "Open Space"

This category includes parks and pedestrian-oriented open space, walkways and squares. A civic centre or other recreational facilities may be located within an "Open Space" area.
  - f) "C.B.D. Transition Area" - Goldie Mill Secondary Plan Area

The area designated on Schedule 6 as the "C.B.D. Transition Area" is generally defined as the area bounded by London Road, Woolwich Street, Eramosa Road, and the Speed River. The "C.B.D. Transition Area" permits limited grade level commercial and office uses, as well as more intensive residential uses near the traditional core area of the CBD. The more intensive residential uses shall be directed to larger, consolidated land parcels where older industrial or commercial buildings exist - primarily along Cardigan Street. Existing open space uses are permitted and development of additional open space areas are encouraged. The maximum *net density* of 200 units per hectare specified in subsection 7.3.7 of this Plan may not be achievable on all potential *development* or *redevelopment* sites within the "Transition Area" and shall not be interpreted as an expected target or yield for all properties. Achievable density for any *development* proposal will be determined by the built form envelope permitted on a particular site through the imposition of controls such as angular planes, build-to lines, and floor space index ratios specified by the *Zoning By-law*. All *development* in the "Transition Area" as designated on Schedule 6 shall be:

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## Attachment 2 – Official Plan Land Use Designations and Related Policies

- i. Developed in a manner that is compatible with adjacent and nearby established low density residential uses, open space and natural areas;
  - ii. Generally less intensive in character on streets serving a primarily local function, particularly where such areas occur adjacent to land designated 'General Residential' or which would have an impact on nearby lower density residential areas. More intensive *development* will be encouraged on available large, or consolidated land parcels which are not directly adjacent to areas designated 'General Residential';
  - iii. Subject to site plan control where design issues such as compatibility with adjacent and nearby development, sensitivity to local topography and natural features will be reviewed; and
  - iv. Regulated through specialized *Zoning Bylaw* requirements. Generally the "Transition Area" will encourage a stepping down of intensity of use and built form between the traditional core commercial sectors of the C.B.D. and surrounding lower density residential uses.
- 7.3.4 Due to special problems relating to land assembly, land costs, parking, urban design and structure, the City will promote and assist new *development* in the 'Central Business District' by:
- a) Actively participating in the promotion of commercial *development* and conducting market studies from time to time;
  - b) Encouraging and co-operating with the private sector in a full and longterm program supporting downtown revitalization to ensure a favourable climate for commercial and residential activity in the core;
  - c) Promoting the development of special events, cultural activities, entertainment facilities and public open space;
  - d) Implementing a long range plan for the provision of off-street municipal parking;
  - e) Encouraging the private sector to provide off-street parking;
  - f) Considering municipal lands for *development*, generally by way of lease arrangements;
  - g) Establishing priorities in the municipal capital budget specifically for downtown rejuvenation.
- 7.3.5 The City may reduce or exempt any requirement for private off-street parking for *development* in the downtown provided adequate alternative parking facilities are available in the general vicinity. A *development* agreement or cash-in-lieu of parking may be required where a *development* proposal is granted an exemption or is permitted to reduce the parking requirement.
- 7.3.6 In order to maximize the number of people in the downtown at all times and keep it economically viable, the City will encourage the expansion of the residential function of the 'Central Business District' by:
- a) Encouraging the *development* and use of lands for mixed-use commercial/residential buildings;
  - b) Encouraging new housing to locate in areas where municipal *infrastructure* is available and in close proximity to residential amenities and open space;
  - c) Encouraging the rehabilitation and *renovation* of the upper stories of existing buildings and their *conversion* to residential use.
- 7.3.7 The maximum *net density* for residential use within the 'Central Business District' shall not exceed 200 units per hectare (80 units per acre), except as noted in policy 7.3.7.1.

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## Attachment 2 – Official Plan Land Use Designations and Related Policies

1. The *net density* for residential uses within the "Sensitive Commercial" sub-area of the "Guelph C.B.D. - Concept Plan" shall not exceed 100 units per hectare (40 units per acre).
- 7.3.8 In recognizing the high density residential limits permitted by policy 7.3.7, the wide range of uses permitted by policy 7.3.3 and the historically and architecturally significant context of the downtown, this Plan requires that the design of *development* proposals be in keeping with, and be compatible with, their surrounding built and open space environments.
1. The urban design principles as noted in subsection 3.6 of this Plan will be used to guide *development* proposals within the C.B.D.
- 7.3.9 The City will encourage the majority of new *multiple unit residential buildings* to be designed for the accommodation of singles, couples, students and senior citizens.
- 7.3.10 For the purpose of encouraging residential *development* in the downtown, the City may consider incentives, such as:
- a) Exempting new residential units in rehabilitated buildings from off-street parking requirements;
  - b) Providing financial assistance as part of a community improvement plan or other program.
- 7.3.11 Public open space will be developed in accordance with Schedule 6 to this Plan. The basic open space components of the "Guelph C.B.D. - Concept Plan" include:
- a) Expansion and development of public open space along the banks of the Speed and Eramosa Rivers, by acquiring lands when they become available, and utilizing rail and other public lands in the downtown;
  - b) Maintenance of St. George's Square as a focal point for the downtown and the improvement of other downtown public squares;
  - c) Provision of a system of pedestrian walkways and malls throughout the downtown and linked with the citywide open space network.
- 7.3.12 In order to support development in the C.B.D., it shall be the policy of the City to encourage major entertainment anchor uses to locate in the downtown.
- 7.3.13 The civic government functions of the City of Guelph, County of Wellington, Provincial and Federal offices will be encouraged to retain their present prominence within the C.B.D. Other civic agencies and boards will be encouraged to remain or relocate to the downtown.
- 7.3.14 It is the policy of this Plan to improve access to and within the downtown for various modes of transportation: pedestrian, bicycle, public transit and automobiles.
1. In the review of *development* proposals, the City will encourage the retention or creation of mid-block pedestrian corridors to improve pedestrian access to all areas within the C.B.D.
  2. The creation of on-road bicycle lanes and routes to and through the C.B.D. will be encouraged.
  3. The continued existence of the inter-city and intra-city public transit terminals as well as the VIA rail train station in the downtown will be encouraged.
  4. The maintenance of the road network in accordance with the "Guelph C.B.D. - Concept Plan" will be encouraged. Specifically, this Plan promotes the retention of a landscaped ring-road system - Wellington Street to the south, Woolwich Street to the east, Norfolk and Gordon Streets to the west - for through automotive traffic.

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## Attachment 2 – Official Plan Land Use Designations and Related Policies

7.3.15 Because the design or layout of the downtown and the concentration of historic, cultural and architecturally significant buildings in the C.B.D. gives Guelph a distinctive character, the City will promote the retention of the existing downtown townscape; specifically, the focal points, view corridors, landmarks, prominent buildings and entranceways/gateways will be recognized. This Plan shall encourage and support townscape improvements by:

- a) Considering development of a co-ordinated program to improve the townscape features of publicly owned lands and to support the cosmetic improvement of privately owned lands;
- b) Encouraging the retention, renewal and conservation of *built heritage resources* and historic landmarks in the 'Central Business District';
- c) Strengthening and promoting areas with special identity through the designation of heritage conservation districts under the Ontario Heritage Act;
- d) Preserving the significant views in the downtown through building height controls and “protected view areas” in the implementing *Zoning By-law*, and
- e) Utilizing the urban design principles as outlined in subsection 3 .6 of this Plan to promote compatible *development* and improvements to public space (i.e. the Speed River corridor and other open spaces and public rights-of-way).

1. The City will utilize the detailed design elements of the Council-approved “Downtown Guelph Public Realm Plan” and the “Downtown Guelph Private Realm Improvements Manual” to promote an enhanced downtown townscape.

7.3.16 It is the policy of this Plan to discourage the location or retention of uses in and near the C.B.D., which are incompatible with the primary role of the downtown.

7.3.17 While new industrial buildings are not permitted in the C.B.D., the City shall recognize existing industrial activities by:

- a) Permitting the continued operation and rehabilitation of existing activities;
- b) Permitting the establishment of new industry occupying an existing industrial building provided that the new industrial use would be environmentally compatible with other land uses in the area. The Ministry of the Environment guidelines will be consulted in this regard.

7.3.18 The City will encourage the *conversion* or *redevelopment* of existing obsolete industrial buildings and sites.

### Non-Core Greenlands Overlay

7.13.5 The lands associated with the Non-Core Greenlands overlay on Schedule 1 may contain *natural heritage features*, *natural feature adjacent lands* and *natural hazard lands* that should be afforded protection from *development*. The following *natural features* and their associated *adjacent lands* are found within the Non-Core Greenlands area: *fish habitat*, *locally significant wetlands*, *significant woodlands*, *significant environmental corridors and ecological linkages*, *significant wildlife habitat*. In many instances these *natural features* also have *hazards* associated with them which serve as development constraints.

1. Policies relating to *natural heritage features* are contained in Section 6 of this Plan.
2. Policies relating to *natural hazard lands* are contained in Section 5 of this Plan.

7.13.6 *Development* may occur on lands associated with the Non-Core Greenlands overlay consistent with the underlying land use designation in instances where an environmental

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## Attachment 2 – Official Plan Land Use Designations and Related Policies

impact study has been completed as required by subsection on the *natural features* or the *ecological functions* which may be associated with the area. Where appropriate and reasonable, consideration will be given to measures to provide for the enhancement of any identified *natural heritage feature* as part of such environmental impact study.

- 7.13.7 It is intended that the *natural heritage features* associated with the Non-Core Greenlands overlay are to be protected for their *ecological value* and *function*. The implementing *Zoning By-law* will be used to achieve this objective by placing such delineated features from an approved environmental impact study in a restrictive land use zoning category.
- 7.13.8 *Development* may occur on lands associated with the Non-Core Greenlands overlay where the matters associated with *hazard lands* as noted in Section 5 can be safely addressed. In addition, *development* within the *flood fringe* areas of the Two Zone Flood Plain will be guided by the policies of subsection 7.14.

### Interpretation Considerations

- 7.13.9 The physical limits of the ‘Core Greenlands’ designation and Non-Core Greenlands overlay on the various Schedules to this Plan may be subsequently refined by more detailed mapping on individual properties or through the completion of *scoped* and *comprehensive environmental impact studies*. It is intended that, in circumstances where more detailed mapping is available, this Plan will be interpreted as applying to the most recent information available.
- 7.13.10 The boundaries of the Greenlands System are approximate. The completion of environmental impact studies will be used to determine the exact limits of *development* and areas to be afforded protection. In instances where an approved environmental impact study adjusts the boundaries of the ‘Core Greenlands’ designation or the Non-Core Greenlands overlay, the land use policies of the adjacent or underlying designation will apply.

### 7.14 Flood Plains (Two Zone and Special Policy Area)

#### Objectives

- a) To minimize conditions which may be hazardous to human life or may cause significant property damage due to flooding.
- b) To recognize existing development within the *flood plain*, and, where the flooding hazards will not be aggravated, provide for infill and *redevelopment* in existing built-up areas of the City.

#### General Policies

- 7.14.1 This Plan requires that the following uses not be located within lands comprising the Two Zone Flood Plain and the ‘Special Policy Area Flood Plain’ as described by the provisions of this Plan:
- a) New land uses which are associated with the manufacture, storage, disposal and/or consumption of hazardous substances or the treatment, collection and disposal of sewage are not permitted to locate within the *flood plain*.
  - b) New essential services, such as police, fire and ambulance service, as well as electrical sub-stations are not permitted to locate within the *flood plain*. Existing essential services that wish to expand/renovate will be encouraged to relocate to a site outside of the *flood plain* area.
  - c) Elementary schools, nursery schools, *day care centres*, hospitals, homes for the aged, *nursing homes*, *rest homes*, *group homes* for the physically or mentally

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## Attachment 2 – Official Plan Land Use Designations and Related Policies

challenged, or similar residential care and institutional facilities, shall not be located within the *flood plain*.

### Two Zone Flood Plain

The “Provincial Policy Statement” generally encourages the prohibition of *development* or *redevelopment* within the *regulatory flood plain* due to inherent dangers, such as loss of life, property damage and social disruption, should flooding occur. The “Policy Statement” does however, recognize special circumstances where the general prohibition of new *development* or *redevelopment* in *flood plain* areas of historic communities is not practical. Therefore, the “Policy Statement” makes provision for the delineation of certain lands within a *flood plain* area as “*floodway*” and “*flood fringe*” – these are the lands that distinguish it as a Two Zone Flood Plain area.

7.14.2 The Two Zone *floodways* of the Speed and Eramosa Rivers are defined as a component of the ‘Core Greenlands’ designation. For a more specific definition of their extent, reference can be made to Schedule 2 where the *floodway* is illustrated. The following policies are applicable to the *floodway*:

1. No *development* is permitted within the *floodway*; however, existing buildings/structures within the *floodway* will be recognized as legal nonconforming.
2. The *floodway* may be used for:
  - a) Outdoor recreation, including small, municipal ancillary buildings and structures (e.g. picnic shelters) provided that damage potential is minimized and proposed structures will not affect the hydraulic characteristics of the *flood plain*;
  - b) Open space and conservation areas;
  - c) Wildlife sanctuaries; and
  - d) Nurseries and forestry.
3. This Plan does not imply that *floodway* lands are open to the general public or that such lands will be purchased by the City, or any other public agency.
4. *Floodway* lands will be zoned in an appropriate hazard category in the implementing *Zoning By-law*.
5. In spite of policies 7.14.2.1 and 7.14.2.2, the use of lands described as Part of Lots 1 and 2, Concession 2, Division "D", more particularly described as Parts 7, 8, 9, 10, 11 and 12, Reference Plan 61R-5491, being lands located on the north side of Woodlawn Road East and along the west side of the Speed River, shall be extended to include three additional land uses as follows: a private road; a day use parking area at the existing grade; a dry land access road bed to service the senior citizen's residential project located to the east.

7.14.3 The Two Zone *flood fringe* for the Speed and Eramosa Rivers is outlined as a component on the Non-Core Greenlands overlay on Schedule 1. For a more specific definition on its extent, reference can be made to Schedule 2 where the flood fringe is defined as the lands that lie between the *floodways* of these river *flood plains* and the *regulatory flood line*.

1. *Development/redevelopment* may be permitted within the *flood fringe* subject to the use, building and/or structure being *floodproofed* to the *regulatory flood level* as required by the Grand River Conservation Authority.

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## Attachment 2 – Official Plan Land Use Designations and Related Policies

2. Subject to policy 7.14.1, permitted uses within the *flood fringe* are established by the underlying land use designations on Schedule 1. These lands will be zoned in the appropriate categories of the implementing *Zoning Bylaw*.

### 5.2 Flood Plains

Lands that are associated with rivers and creeks in the City may be subject to *flooding* conditions from time to time. This Plan outlines policies and mapping schedules that delineate/designate these lands that may be *hazardous* to life and property. Various *flood plain* planning techniques are used to provide this protection and to reflect existing development circumstances in the community. These techniques, for example, differentiate between parts of the City where past development has occurred within the *flood plain* area, and newer growth areas of the City where no *development* is permitted within a *flood plain* area.

The City uses three techniques for *flood plain* planning permitted by way of provisions of the “Provincial Policy Statement”: One Zone, Two Zone and Special Policy Area concepts.

The One Zone area is used in those instances where the City wishes to prohibit *development* within the entire *flood plain* area. These areas are found around rivers and creeks in the outlying reaches of the community, where buildings/structures do not currently exist within the *flood plain*.

The Two Zone and Special Policy Area concepts are used in the older, established areas of the City where past development activities have occurred within the *flood plain* area. It is in these areas where some allowance is given to see existing development retained, and new *development* permitted if certain design criteria/standards are maintained to protect human life and minimize property damage during a flooding event.

#### Objectives

- a) To minimize conditions which may be hazardous to human life or may cause significant property damage due to flooding.
- b) To prevent the creation of new hazards caused by *development* within the *flood plains* in new growth areas of the City.
- c) To provide for *infill* and *redevelopment* in existing older, established areas of the City within the *flood plain* where flooding hazards will not be aggravated.

#### General Policies

- 5.2.1 The City has identified those areas of the community adjacent to rivers and creeks that are subject to *flooding* events from time to time. These areas, as defined by the Grand River Conservation Authority, are delineated on Schedule 2 by *regulatory floodlines*.
- 5.2.2 *Development* within *flood plain* areas is regulated in accordance with Provincial *flood plain* management policies and the regulations of the Grand River Conservation Authority.
- 5.2.3 The One Zone *flood plain* areas of the City are located within the no *development* ‘Core Greenlands’ land use designation of subsection 7.13 of this Plan. In general location description terms, these *flood plains* comprise *floodway* areas and are delineated by the *regulatory floodlines* of Schedule 2. The following river and creek areas, as illustrated on Schedule 1A comprise the One Zone *flood plain* areas of Guelph: the upper reach of the

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## Attachment 2 – Official Plan Land Use Designations and Related Policies

Eramosa River (east of Victoria Road), the upper reach of the Speed River (east and west of Victoria Road), the lower reach of the Speed River (west of the Hanlon Expressway), Hadati, Clythe and Watson Creeks, Torrance Creek, Hanlon Creek, Ellis/Chillico Creek, Howitt Creek.

1. No *development* is permitted within the One Zone *flood plain* areas of the City.
  2. Lands within the One Zone *flood plain* may be used for:
    - a) Outdoor recreation, excluding buildings and structures;
    - b) Open space and conservation areas;
    - c) Wildlife sanctuaries; and
    - d) Nurseries and forestry.
  3. This Plan does not imply that One Zone *flood plain* lands are open to the general public or that such lands will be purchased by the City, or any other public agency.
- 5.2.4 *Development* in the Two Zone and Special Policy Area *flood plain* areas of the City are guided by the land use policies of subsection 7.14, Flood Plains (Two Zone and Special Policy Area). Generally, these *flood plain* areas are centred on the Speed and Eramosa Rivers in the older, established areas of the City.
- 5.2.5 The City and the Grand River Conservation Authority will give consideration to a program of structural improvements, as well as other *flood* control works, to reduce the risk of *flood* within the *flood plains* of Guelph.
- 5.2.6 Council shall maintain its “Peacetime Emergency Plan” to ensure a prompt response and the co-ordination of all required services in the event of a *flood* emergency.
- 5.2.7 The City will continue to co-operate with the Grand River Conservation Authority in the operation of the Grand River watershed flood warning system.
- 5.2.8 The *floodlines*, that delimit the *flood plains* of this Plan, may be revised by amendment to this Plan where more current mapping becomes available or where flood control or other works alter or eliminate the *flood* prone area.

### **Official Plan Amendment 39**

#### **2.4.5 Built-up Area and General Intensification**

To ensure development proceeds in accordance with the objectives of Section 2.4.2 and to achieve the Growth Plan *intensification targets*, significant portions of new residential and employment growth will be accommodated within the *built-up areas* through *intensification*.

The *built-up area* is identified on Schedule 1B of this Plan. The *built-up area* has been delineated in accordance with Section 2.2.3.5 of the Growth Plan and is based on the limits of the developed urban area as it existed on June 16, 2006. The *built up area* will remain fixed in time for the purpose of measuring the *density* and *intensification targets* of the Growth Plan and the Official Plan.

- 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*

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## Attachment 2 – Official Plan Land Use Designations and Related Policies

- area* as identified on Schedule 1B. Provision may be made for the fulfilment 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.
  - d) The City will plan and provide for a diverse and compatible mix of land uses, including residential and employment uses to support vibrant communities.
  - e) A range and mix of housing will be planned, taking into account affordable housing needs and encouraging the creation of secondary suites throughout the *built-up area*.
  - 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.
  - g) The City will plan for high quality public open space with site design and urban design standards that create attractive and vibrant spaces.
  - h) Development will support transit, walking, cycling for everyday activities.
  - i) The City will identify the appropriate type and scale of development within *intensification areas* and facilitate *infill development* where appropriate.

### 2.4.6 Urban Growth Centre (Downtown Guelph)

The *Urban Growth Centre* is Downtown Guelph as identified on Schedule 1B. The precise boundary of the *Urban Growth Centre* will be clearly defined through a detailed secondary plan.

Downtown Guelph will continue to be a focal area for investment in office-related employment, commercial, recreational, cultural, entertainment, and institutional uses while attracting a significant share of the City’s residential growth. The Downtown will be maintained and strengthened as the heart of the community and will be the preferred location for *major office* and institutional uses as well as major transit infrastructure including a major transit station.

2.4.6.1 Downtown Guelph will be planned and designed to:

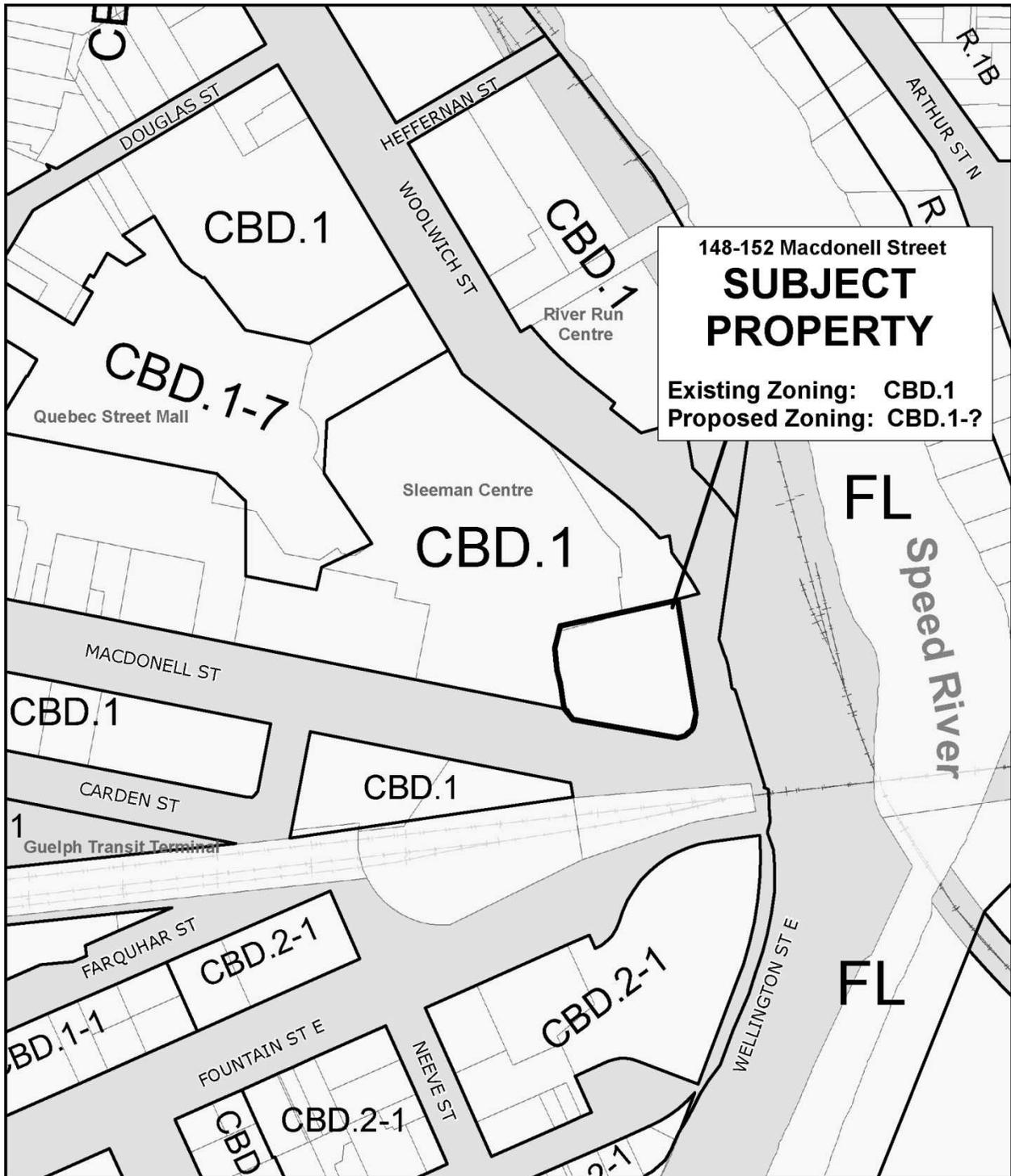
- a) achieve a minimum density target of 150 people and jobs combined per hectare by 2031, which is measured across the entire Downtown;
- b) serve as a high density major *employment area* that will attract provincially and potentially nationally and internationally significant uses;
- c) provide for additional residential *development*, including *affordable housing*, *major offices*, commercial and appropriate institutional development in order to promote *live/work* opportunities and economic vitality in the Downtown;

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## **Attachment 2 – Official Plan Land Use Designations and Related Policies**

- d) maintain, enhance and promote *cultural heritage resources*, the *natural heritage system*, unique streetscapes and landmarks within the Downtown;
- e) develop additional public *infrastructure* and services; public open space; and tourist, recreational, entertainment, and cultural facilities within the Downtown; and
- f) accommodate a major transit station and associated *multi modal* transportation facilities within the Downtown, which facilitates both inter and intra-city transit service.

**Attachment 3 – Existing and Proposed Zoning**



Produced by the City of Guelph  
 Planning & Building, Engineering and Environment  
 Planning Services

**Zoning**  
**148-152 Macdonell St**

**CITY OF Guelph**  
 Making a Difference

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## Attachment 3 – Existing Zoning

### 6.3.1.1 Central Business District (CBD) 1 Zone

#### Permitted Uses

*Agricultural Produce Market*  
*Amusement Arcade* in accordance with Defined Area Map 65  
*Arena*  
*Art Gallery*  
*Artisan Studio*  
*Auction Centre*  
*Bakery*  
*Bed and Breakfast* establishment in accordance with Section 4.27  
*Catering Service*  
*Club*  
*Commercial School*  
*Commercial Entertainment*  
*Courier Service*  
*Day Care Centre* in accordance with Section 4.26  
*Dry Cleaning Outlet*  
*Dwelling Units* with permitted commercial *Uses* in the same *Building* developed in accordance with Section 4.15.2  
*Financial Establishment*  
*Group Home* in accordance with Section 4.25  
*Home Occupation* in accordance with Section 4.19  
*Hotel*  
*Laundry*  
*Library*  
*Lodging House Type 1* in accordance with Section 4.25  
*Medical Office*  
*Medical Clinic*  
*Municipal Parkland*  
*Museum*  
*Office*  
*Parking Facility*  
*Personal Service Establishment*  
*Postal Service*  
*Print Shop*  
*Public Hall*  
*Recreation Centre*  
*Religious Establishment*  
*Rental Outlet*  
*Repair Service*  
*Restaurant*  
*Restaurant (take-out)*  
*Retail Establishment*  
*School*  
*Tavern*  
*Taxi Establishment*  
*Tourist Home*  
*Tradesperson's Shop*  
*Transportation Terminal*  
*Accessory Uses* in accordance with Section 4.23  
*Occasional Uses* in accordance with Section 4.21

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## Attachment 3 – Existing Zoning

### 6.3.2 REGULATIONS

Within the Central Business District (CBD) *Zones*, no land shall be *Used* and no *Building* or *Structure* shall be erected or *Used* except in conformity with the applicable regulations contained in Section 4 – General Provisions, the regulations set out in Table 6.3.2, and the following:

#### 6.3.2.1 Additional Regulations Governing Dwelling Units With Commercial Uses – CBD.1 Zone

In addition to the provisions of Section 4.15.2, the following shall also apply.

- 6.3.2.1.1 Where windows to *Habitable Rooms* do not open onto a public *Street* or publicly owned lands, a minimum distance of 6 metres shall be maintained between such window and the adjacent *Lot Line*.
- 6.3.2.1.2 One *Parking Space* per *Dwelling Unit* shall be provided except in that no off-*Street* parking shall be required for *Dwelling Units* constructed within *Buildings* which existed prior to June 7, 1971
- 6.3.2.1.3 *Dwelling Units* are not permitted in the *Cellar*, *Basement* or on the main floor level (i.e. in the first *Storey*).

#### 6.3.2.2 Hotel Regulations – CBD.1 Zone

In addition to the provisions of Section 4 and Table 6.3.2, the following shall also apply to *Hotels* in the CBD.1 *Zone*.

- 6.3.2.2.1 Where windows to *Habitable Rooms* do not open onto a public *Street* or publicly owned lands, a minimum distance of 6 metres must be maintained between such windows and the adjacent *Lot Line*.
- 6.3.2.2.2 Where rental units have direct access to a *Side Yard*, such *Side Yard* shall have a minimum width (measured at right angles to such access) of not less than 9 metres.
- 6.3.2.2.3 Where rental units have direct access to a *Rear Yard*, such *Rear Yard* shall have a minimum width (measured at right angles to such access) of not less than 9 metres and shall have a direct means of access to a public *Street*, such means of access having a minimum width of not less than 6 metres throughout its length.
- 6.3.2.2.4 Despite Section 4.13.4, the minimum off-*Street* parking ratio shall be one *Parking Space* per guest room.

#### 6.3.2.3 Building Height – CBD.1 Zone

In addition to the provisions of Sections 4.16 and 4.18, the following shall also apply:

- 6.3.2.3.1 No part of any *Building* or *Structure* constructed within 15 metres of the *Street* allowance for St. George's Square, Quebec Street, Wyndham Street, Wilson Street, Carden Street, Macdonell Street, Cork Street, Baker Street, Woolwich Street, Norfolk Street and the east side of Yarmouth Street shall be less than 3 *Storeys* in height, or exceed 5 *Storeys* in height above the elevation of the adjacent sidewalk. Refer to the Defined Area Map Number 67 for an illustration. Where Section 4.16 is in conflict with this section, Section 6.3.2.3.1 shall prevail.
- 6.3.2.3.2 No part of any *Building* or *Structure* constructed within 15 metres of the Douglas *Street* and the west side of the Yarmouth *Street* allowances shall be less than 2 *Storeys* in height, or exceed 3 *Storeys* in height above the elevation of the adjacent sidewalk. Refer

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## Attachment 3 – Existing Zoning

to Defined Area Map Number 67 for an illustration. Where Section 4.16 is in conflict with this section, Section 6.3.2.3.2 shall prevail.

### 6.3.2.4 Exterior Finishes Regulations – CBD.1 Zone

Despite the provisions of this or any other *By-law* for the *City of Guelph*, the following shall apply:

6.3.2.4.1 All visible walls of any *Building* within the Defined Area Map Number 64 shall be constructed of the transparent glass and coursed masonry and/or such materials which replicate coursed masonry as specified in Section 6.3.2.4.1.1:

6.3.2.4.1.1 Exterior facades – coursed masonry and/or materials which replicate coursed masonry (except plain, uncoloured concrete).

Exterior facade trim – all of the material permitted for exterior facades as well as plain, uncoloured concrete elements, wood and metal.

In addition, where a *Building* is located on the corner of any *Street* shown on Defined Area Map Number 64, the provisions of Section 6.3.2.4.1 shall apply to the *Building* wall or walls facing onto the crossing *Street*.

6.3.2.4.2 All windows of any *Building* existing within the CBD.1 Zone on the date of the passing of this *By-law*, or any predecessor thereof, shall be of transparent glass only.

6.3.2.4.3 No exterior walls of a *Building* constructed of natural stone within the CBD.1 Zone shall be defaced in any manner or covered, in whole or in part, with paint, stucco, metal, or other cladding material.

6.3.2.4.4 No window openings of any *Building* existing within the CBD.1 Zone on the date of the passing of this *By-law*, or any predecessor thereof, shall be closed up with any material except transparent glass.

## 12.3 REGULATIONS FOR LANDS WITHIN THE **FLOOD FRINGE**

Despite Section 4.2, no lands which have a shading pattern indicating **Flood Fringe** on the Defined Area Maps shall be **Used** and no **Building** or **Structure** shall be erected, located or **Used** thereon except in accordance with the regulations prescribed in this **By-law** for the **Zone** in which such lands are located and the regulations prescribed below:

### 12.3.1 Restricted **Uses**

12.3.1.1 The following **Uses** shall not be permitted unless **Floodproofed** to the **Regulatory Flood** level:

Elementary **Schools** (portable classrooms are not permitted)

**Group Home**

**Hotel**

**Medical Treatment Facility**

**Home for the Aged** or rest home

Any other residential care and institutional facilities which provides accommodation.

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- 12.3.1.2 Any **Use** requiring bulk storage of dangerous, flammable, explosive, toxic, corrosive or buoyant materials shall not be permitted on lands shaded on the Defined Area Maps.
- 12.3.1.3 The following **Uses** shall not be permitted in the **Flood Fringe**:  
ambulance service, fire department, and police department.
- Facilities existing at the time of the passing of this **By-law** will be permitted to expand or extend with the approval of the **City** of Guelph and the Grand River Conservation Authority.
- Major expansions to **Uses** existing at the time of the passing of this **Bylaw** will be required to meet the Provincial requirements for **Safe Access** and egress by emergency **Vehicles**.
- 12.3.2 Construction of **Parking Facilities**  
**Parking Facilities** shall be permitted subject to approval by the **City** and the Grand River Conservation Authority.
- 12.3.3 Regulations for Residential Construction
- 12.3.3.1 New **Development** and **Redevelopment** of **Buildings, Residential Infill**, and **Conversion** of Non-Residential **Buildings** or **Structures** to Residential **Use** New **Development** and **Redevelopment** of **Buildings, Residential Infill** and **Conversion** of non-residential **Buildings** or **Structures** to residential **Use** shall be permitted in accordance with the following regulations:
- 12.3.3.1.1 **Floodproofing**  
**Dry Passive Floodproofing** shall be required for the **Building** to the **Regulatory Flood** level.
- 12.3.3.1.2 Minimum **Habitable Floor Space** Elevation  
The **Habitable Floor Space** elevation of new **Dwelling Units** shall not be permitted below the **Regulatory Flood** level.
- 12.3.3.1.3 Location of **Building** Openings Windows, doors and other **Building** openings shall not be permitted below the **Regulatory Flood** level.
- 12.3.3.1.4 Location of **Building** Equipment Mechanical, electrical and heating equipment shall not be located below the **Regulatory Flood** level.
- 12.3.3.1.5 Access  
**Safe Access** shall be provided for all **Dwelling Units**.
- 12.3.3.2 **Renovation** of Existing Residential **Buildings Renovation** of existing residential **Buildings** will be permitted provided any new **Habitable Floor**

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**Space** is not lower than the elevation of the existing floor level and no new units are created below the **Regulatory Flood** level.

12.3.4 Regulations Governing Non-Residential Construction

12.3.4.1 New **Development** and **Redevelopment** of Non-Residential **Buildings** or **Structures** and **Conversion** of Existing Non-Residential **Buildings** or **Structures** to Commercial **Use** New **Development** and **Redevelopment** of new non-residential **Buildings** or **Structures** and **Conversion** of existing non-residential **Buildings** or **Structures** to commercial **Use** shall be permitted in accordance with the following regulations:

12.3.4.1.1 **Floodproofing**  
**Dry Floodproofing** shall be required for the **Building** or **Structure** to the **Regulatory Flood** level.

A certificate of approval from a Structural Engineer which indicates that the **Building** or **Structure** will maintain its structural integrity during a regional storm.

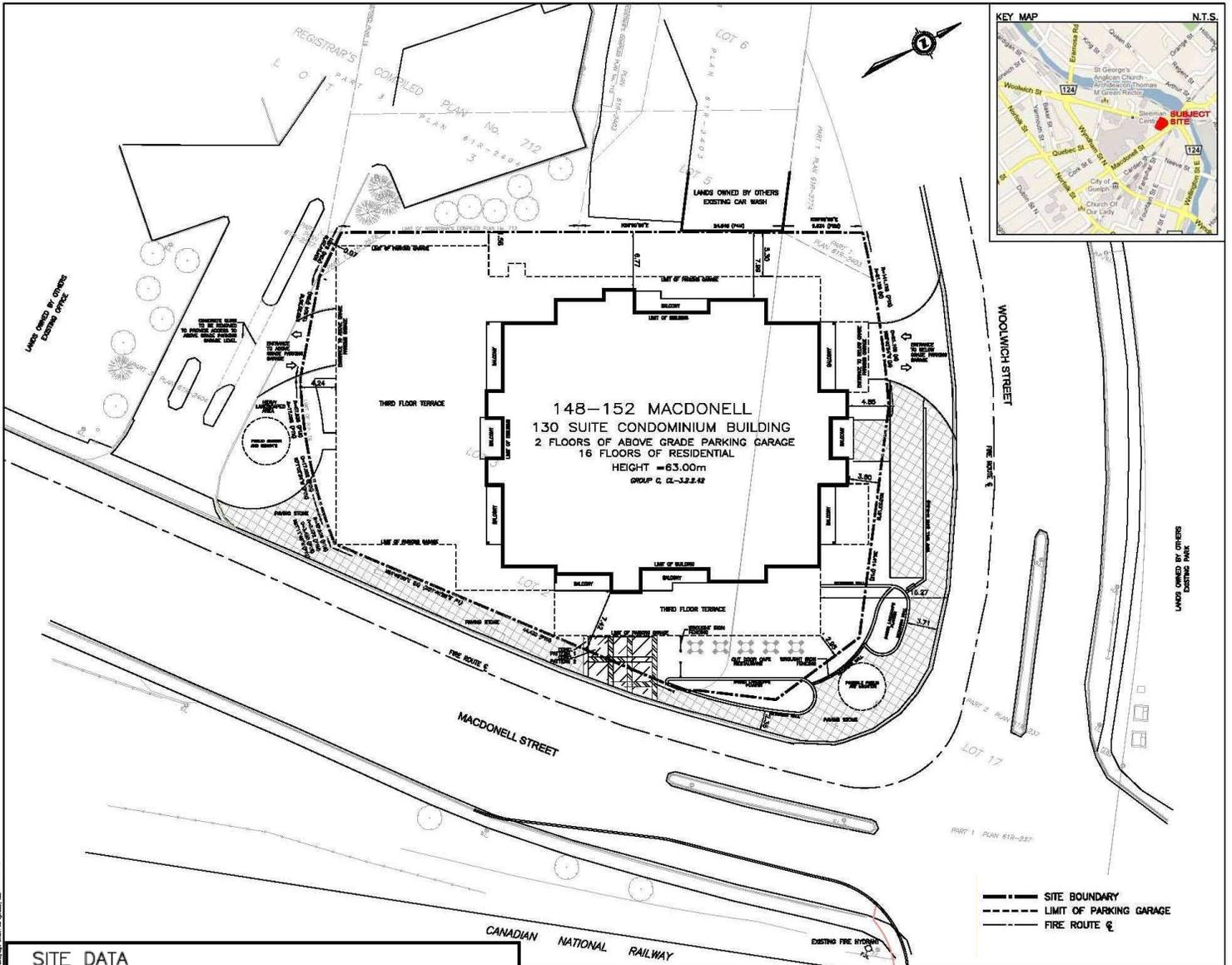
12.3.4.1.2 Location of **Building** Equipment  
Mechanical, electrical, and heating equipment shall not be located below the **Regulatory Flood** level.

12.3.5 Enforcement of Site Plan Control  
All **Development, Redevelopment, Conversion** and **Renovation** of **Buildings** or **Structures** shall be subject to the site plan control provisions of Section 41 of The Planning Act R.S.O 1990, Chapter P.13, or any successor thereof.

### Attachment 3 – Proposed Zoning

	<b>Existing Zoning</b>	<b>Proposed Zoning</b>
<b>Regulation</b>	<b>Required in the Standard CBD.1 Zone</b>	<b>Requested in the Specialized CBD.1 Zone</b>
Minimum Lot Area	--	--
Minimum Lot Frontage	--	--
Minimum Front Yard	The Street Line shall be the setback line	No change proposed
Minimum Exterior Side Yard	--	--
Minimum Side Yard	--	--
Minimum Rear Yard	--	--
Maximum Building Coverage (% of Lot Area)	100%	No change proposed
Maximum Building Height	6 storeys and in accordance with Section 6.3.2.3, 4.16 and 4.18	18 storeys in addition to specialized regulations relating to section 6.3.2.3 and 4.16 (see below)
Section 6.3.2.3	No part of any <i>Building</i> or <i>Structure</i> constructed within 15 metres of the <i>Street</i> allowance for Macdonell Street and Woolwich Street, shall be less than 3 <i>Storeys</i> in height, or exceed 5 <i>Storeys</i> in height above the elevation of the adjacent sidewalk.	Requesting to allow the building to be 2 storeys in height for the podium portion of the building and 18 storeys in height for the tower portion of the building – both are within 15 m of the street allowance
Section 4.16	Requires that a 45 degree angular plane be provided from the centreline of both Macdonell Street and Woolwich Street	Requesting that the angular plane regulation in the Zoning By-law not be applicable to the subject site – the approximate angular plane is 73 degrees
Off-street Parking	No parking required for commercial floor area 1 parking space per dwelling unit required	--
Off-street Loading	--	--
Fences	--	--
Buffer Strips	--	--
Enclosed Operations	In accordance with Section 4.22	No change proposed
Accessory Buildings or Structures	--	--
Exterior Finishes Regulations	In accordance with Section 6.3.2.4 and Defined Area Map 64	No change proposed
Garbage, Refuse Storage and Composters	In accordance with Section 4.9	No change proposed

# Attachment 4 – Site Concept Plan



SITE DATA		
Zone:	CBD 1	
Proposed Use:	HIGH DENSITY RESIDENTIAL	
Regulation	Requirement	Subject Proposal
Minimum Lot Area	N/A	0.3218 ha
Minimum Lot Frontage	N/A	58.65 m
Minimum Front Yard	The street line shall be the setback	3.60 m
Minimum Side Yard	N/A	1.80m – 5.30m (north) 0 – 7.42m (south)
Minimum Rear Yard	N/A	0 – 4.24m
Maximum Building Height	No building or structures within 15m of the street line (Macdonnell St) shall be less than 3 storeys or exceed 5 storeys in height above the elevation of the adjacent sidewalk – in accordance with bylaw 6.3.2.3  6 storeys when greater than 15m of the street line	18 storeys Stepback at 3rd storey and 17th and 18th
Angular Planes		approximately 74%
Massing		Ground/2nd floor Parking garage: 26,680sq.ft (2,480sq.m)  3rd floor to 16th floor: 13,730sq.ft (1,276sq.m)  17th: 11,250sq.ft (1,045sq.m)  18th: 9,650sq.ft (897sq.m)

Off-Street Parking	N/A	179 spaces – underground and above ground structured  No surface parking
Accessible Parking Spaces		2
Off-Street Loading	N/A	1, incorporated into the boulevard with seating. Encroachment agreement req.
Fences	N/A	
Buffer Strips	N/A	
Enclosed Operations	See Section 4.22 of bylaw for full details. Permitted outdoor uses can include: outdoor patio, parking, occasional outdoor sales and display area, a midway or carnival.	
Accessory Buildings or Structures	N/A	N/A
Maximum Building Coverage (% of lot area)	100%	78%
Exterior Finishes Regulations	N/A	High quality, stone, glass, precast concrete
Garbage, refuse storage and composters	Must be stored within the building or in the side or rear yard. Must have a visual screening consisting of a fence if it is visible to an adjoining site zoned residential, commercial, wetland, institutional, a park or river.	Interior to building

## CONSENT AGENDA

March 5, 2012

Her Worship the Mayor  
and  
Members of Guelph City Council.

### **SUMMARY OF REPORTS:**

The following resolutions have been prepared to facilitate Council's consideration of the various matters and are suggested for consideration. If Council wishes to address a specific report in isolation of the Consent Agenda, please identify the item. The item will be extracted and dealt with immediately. The balance of the Consent Agenda will be approved in one resolution.

#### **A Reports from Administrative Staff**

<b>REPORT</b>	<b>DIRECTION</b>
<p><b>A-1) 180 GORDON STREET – SUPPLEMENTARY REPORT PROPOSED OFFICIAL PLAN AMENDMENT AND ZONING BY-LAW AMENDMENT (FILES: OP1106 &amp; ZC1107) – WARD 5</b></p> <p>THAT Report 12-02 dated February 6, 2012 regarding a proposed Official Plan Amendment and Zoning By-law Amendment for the property municipally known as 180 Gordon Street from Planning &amp; Building, Engineering and Environment be received;</p> <p>AND THAT Supplementary Report 12-27 dated March 5, 2012 regarding a proposed Official Plan Amendment and Zoning By-law Amendment for the property municipally known as 180 Gordon Street from Planning &amp; Building, Engineering and Environment be received;</p> <p>AND THAT the application by Podium Developments on behalf of 180 Gordon Street Ltd. for approval of an Official Plan Amendment to add a site specific policy to permit a reduced setback from the river edge affecting lands municipally known as 180 Gordon Street and legally described as Part of Lot A, Plan 302, City of Guelph, be approved in accordance with the policies as set out in Schedule 2 of Planning &amp; Building, Engineering and Environment Report 12-02 dated February 6, 2012;</p> <p>AND THAT the application by Podium Developments on behalf of 180 Gordon Street Ltd. for approval of a Zoning By-law Amendment to change the zoning from the C.1-19 (Convenience Commercial) Zone and FL (Floodway) Zone to a Specialized R.3A (Townhouse) Zone to permit cluster townhouses for the property municipally known as 180 Gordon</p>	Approve

Street and legally described as Part of Lot A, Plan 302, City of Guelph, be approved in the form of a Specialized R.3A (Townhouse) Zone subject to a Holding provision, in accordance with the provisions set out in Schedule 2 of Planning & Building, Engineering and Environment Report 12-02 dated February 6, 2012.

**A-2) WATSON EAST SUBDIVISION (23T-98501): REQUEST FOR AN EXTENSION OF DRAFT PLAN APPROVAL – WARD 1**

Approve

THAT Report 12-10 dated March 5, 2012 regarding a request for a Draft Plan Approval extension for the final phase of the Watson East Subdivision (Draft Plan 23T-98501) from Planning & Building, Engineering and Environment, be received;

AND THAT the application by Black, Shoemaker, Robinson and Donaldson Limited for a five (5) year Draft Plan Approval extension to the Watson East Residential Subdivision (23T-98501) on lands legally described as Part of Lot 6, Concession 3, Division "C", City of Guelph BE APPROVED to an extended lapsing date of March 20, 2012, subject to the previously approved conditions, as revised.

**A-3) SHARED RENTAL HOUSING**

Approve

THAT Report 12-26 from Planning & Building, Engineering and Environment, and Legal Services, dated March 5, 2012, presenting background information regarding the repeal of Zoning Amendment By-law Number (2010)-19076, and the repeal of the Interim Control By-law for Shared Rental Housing Number (2010)-19019, and next steps for Shared Rental Housing, be received;

AND THAT By-law Number (2012)-19346, being a By-law to repeal By-law Number (2010)-19019, known as the Interim Control By-law for Shared Rental Housing, is hereby passed

**B ITEMS FOR DIRECTION OF COUNCIL**

**C ITEMS FOR INFORMATION OF COUNCIL**

attach.

# COUNCIL REPORT



TO **Guelph City Council**

SERVICE AREA Planning & Building, Engineering and Environment  
DATE March 5, 2012

**SUBJECT** **Supplementary Report**  
**180 Gordon Street**  
**Proposed Official Plan Amendment and**  
**Zoning By-law Amendment (Files: OP1106 & ZC1107)**  
**Ward 5**

REPORT NUMBER 12-27

## SUMMARY

**Purpose of Report:** This report provides a staff recommendation for the property at 180 Gordon Street to approve an Official Plan Amendment to introduce a site specific policy reducing the required setback to the river edge and to approve a Zoning By-law Amendment to rezone the subject property to a Specialized R.3A (Townhouse) Zone to permit cluster townhouses.

**Council Action:** Council is being asked to approve the proposed Official Plan Amendment and Zoning By-law Amendment for the subject lands.

## RECOMMENDATION

“THAT Report 12-02 dated February 6, 2012 regarding a proposed Official Plan Amendment and Zoning By-law Amendment for the property municipally known as 180 Gordon Street from Planning & Building, Engineering and Environment be received;

AND THAT Supplementary Report 12-27 dated March 5, 2012 regarding a proposed Official Plan Amendment and Zoning By-law Amendment for the property municipally known as 180 Gordon Street from Planning & Building, Engineering and Environment be received;

AND THAT the application by Podium Developments on behalf of 180 Gordon Street Ltd. for approval of an Official Plan Amendment to add a site specific policy to permit a reduced setback from the river edge affecting lands municipally known as 180 Gordon Street and legally described as Part of Lot A, Plan 302, City of Guelph, be approved in accordance with the policies as set out in Schedule 2 of Planning & Building, Engineering and Environment Report 12-02 dated February 6, 2012;

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AND THAT the application by Podium Developments on behalf of 180 Gordon Street Ltd. for approval of a Zoning By-law Amendment to change the zoning from the C.1-19 (Convenience Commercial) Zone and FL (Floodway) Zone to a Specialized R.3A (Townhouse) Zone to permit cluster townhouses for the property municipally known as 180 Gordon Street and legally described as Part of Lot A, Plan 302, City of Guelph, be approved in the form of a Specialized R.3A (Townhouse) Zone subject to a Holding provision, in accordance with the provisions set out in Schedule 2 of Planning & Building, Engineering and Environment Report 12-02 dated February 6, 2012.”

## **BACKGROUND**

On February 6, 2012, City Council received Report 12-02 from Planning & Building, Engineering and Environment regarding proposed Official Plan and Zoning By-law Amendments for 180 Gordon Street. Report 12-02 also included recommendations and requested Council to approve the proposed Official Plan and Zoning By-law Amendment applications. The February 6, 2012 Council meeting was the first Statutory Public Meeting for the requested Official Plan Amendment and the third Statutory Public Meeting for the requested Zoning By-law Amendment. On February 6, 2012, Council received the report, held the Statutory Public Meeting, however deferred making a decision regarding the development applications in order to hear and fully consider public delegations regarding the requested Official Plan Amendment prior to making any decision with respect to the applications.

### **Application History**

In early 2010, staff were involved in preliminary discussions with the property owner regarding the potential development of the site for a four-storey, 15 unit apartment building. At that time, staff provided feedback indicating that while infill development is supported, the mass and height of the building should be reduced.

In November 2010, staff were involved in further preliminary discussions with the property owner regarding the potential development of the site for 13 townhouse units, with the site access being located on the southerly side of the property. At that time, staff provided comments requesting that the number of units be reduced and that the driveway be located on the northerly side of the property to line up with the intersection of Gordon Street and Water Street.

In March 2011, the property owner submitted a Zoning By-law Amendment application of the property to permit the development of 12 townhouse units. The application was presented at the Public Meeting on May 3, 2011. Following the Public Meeting, based on comments made by members of the public and staff, the application was revised to further reduce the number of units proposed to eleven.

Additional detailed information with respect to the requested applications can be found in Planning & Building, Engineering and Environment Report 12-02 which is attached to this report as Attachment 2.

## **REPORT**

### **Issues Raised at the February 6, 2012 Public Meeting**

At the Public Meeting a number of issues were raised through both written and verbal comments including the following:

• Density of proposal is too high	Previously raised
• Lack of green space	Previously raised
• Traffic and site access	Previously raised
• Impact of the development on Marianne’s Park	Previously raised
• Building Height	Previously raised
• Shadow Impacts of the development	Previously raised
• Angular Plane	Previously raised
• Heritage Conservation District	Previously raised
• Number of Specialized Zoning Regulations	Previously raised
• Rooftop Terraces – how do they remain individual terraces rather than one large terrace?	New Issue
<ul style="list-style-type: none"> <li>• Reduced setback to the river and lack of conformity with the Official Plan and OPA 42 <ul style="list-style-type: none"> <li>• The required setback is similar to the setback required at 1291 Gordon Street</li> <li>• The proposed reduction will reduce or eliminate the vegetated riparian buffer</li> <li>• OPA 42 – it was an oversight that Marianne’s Park was not included as a Restoration Area</li> <li>• OPA 42 – reinforces the required 30 metre river setback for this property</li> <li>• EAC was not aware of the Official Plan requirement for a 30 metre setback when making their decision</li> </ul> </li> </ul>	Previously raised in part

For all of those issues that were previously raised, a detailed planning staff analysis has been completed and can be found in Report 12-02 dated February 6, 2012, Schedule 8 (Attachment 2 to this report), and no further analysis is provided in this report.

This Supplementary Report will provide further analysis regarding the following issues:

- How can it be ensured that the individual rooftop terraces for each unit will not be merged into one large terrace area in the future?
- The request to reduce the 30 metre setback set out in the Official Plan should not be altered as the requirement for the setback is confirmed by OPA 42.

## **Staff Planning Analysis**

### Rooftop Terraces

The typical R.3A zoning regulations require that private amenity areas be separate and not include walkways, play areas, or any other communal area [Section 5.3.2.5.1 g) of the Zoning By-law] and that they be defined by a wall or fence [Section 5.3.2.5.1 h) of the Zoning By-law]. These two zoning regulations remain applicable to the proposed development and through the site plan process detailed drawings will be provided to ensure compliance with these provisions. In the future, if the walls which separate the individual outdoor terrace areas are proposed to be removed, a minor variance will be required. Any future minor variance application will provide an opportunity for public input on the proposed changes.

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### Reduced Setback to the River

See Attachment 1 for an illustration of the proposed development at 180 Gordon Street and the 30 metre setback required by the City's Official Plan.

### *Comparison to 1291 Gordon Street*

The setback required for the proposed development at 1291 Gordon Street is 30 metres from a Provincially Significant Wetland (PSW) rather than a river. In that instance, an Environmental Impact Study was completed and reviewed by staff, the Grand River Conservation Authority (GRCA) and the City's Environmental Advisory Committee (EAC). It was concluded that the setback was required to ensure that the proposed development of the property would not have a negative impact on the ecological function of the PSW and, therefore, had to be retained. As outlined in the February 6, 2012 Report 12-02, a Scoped EIS has been completed for 180 Gordon Street and has been reviewed and approved by staff, the GRCA and EAC. It has been concluded that the proposed setbacks of 22.5 metres to structures and 24.5 metres to buildings will not have a negative impact on the river or its ecological function.

### *Reduction or Elimination of the Vegetated Riparian Buffer*

Currently there is not a vegetated riparian buffer along the river in this location. The existing land uses within the 30 metre setback include Marianne's Park (which is a manicured lawn) as well as a concrete retaining wall acting as the river bank. In order to create a vegetated riparian buffer in this location, Marianne's Park would have to be naturalized and the concrete retaining wall which is acting as the river bank would have to be removed.

As has been identified on previous occasions, Marianne's Park is a culturally significant park to the City of Guelph and it is not the intent of the City to naturalize these lands. Further, these lands are not currently owned by the City of Guelph.

Both Marianne's Park and the retaining wall along the Speed River are owned by the GRCA. Should the GRCA wish to remove the retaining wall they would need to prepare an Environmental Impact Study that would address the bank naturalization. It is expected that the EIS would need to be supported by a geomorphologic analysis as historical air photos suggest the retaining wall was likely constructed to mitigate significant erosion along the river bank.

In light of the above, the removal of the retaining wall along the Speed River in Marianne's Park would be a separate GRCA and City-led initiative that would require extensive analysis, which does not form part of the Planning Application.

Taking these two issues into consideration, it is clear that a vegetated riparian buffer cannot be created in this location through this application. Further, the Scoped EIS for the development demonstrates that there will be no negative impacts to the river as a result of the reduced setback.

### *OPA 42 – Restoration Areas*

At the February 6, 2012 Public Meeting it was suggested that OPA 42 should have identified Marianne's Park as a Restoration Area and that it was an oversight that it had not been. Through OPA 42, areas that meet the following criteria were identified as Restoration Areas:

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1. Existing and new stormwater management areas abutting the Natural Heritage System
  2. Areas within City parkland (including portions of Eastview Community Park) and GRCA lands which are not intended for active uses.
  3. Isolated gaps within the Natural Heritage System.

Marianne's Park does not meet criteria 1 and 3 and through extensive internal and public consultation which took place to identify and appropriately map the Natural Heritage System features and areas, this site was not identified as Restoration Area. GRCA staff reviewed the Natural Heritage System mapping and the City's Park Planners provided recommendations to identify appropriate locations for restoration within the City parks system. It was concluded that Marianne's Park was not an appropriate location for restoration.

*OPA 42 – Reinforces the Required 30 metre River Setback for this property*

The Natural Heritage System (NHS) is comprised of natural heritage features, including Significant Natural Area and the established minimum buffers, Natural Areas, Ecological Linkages, Restoration Areas and Wildlife Corridors. These natural heritage features, including established buffers, are identified on Schedule 10 of OPA 42. No portion of 180 Gordon Street is identified as a natural heritage feature on Schedule 10.

The NHS policies aim to strike a balance between protection of the NHS while providing for limited compatible development. Table 6.1 of OPA 42 indicates that a 30 metre buffer is required from cold and cool water fish habitat. However, Section 6.1.1 of OPA 42 also clarifies that where minimum buffers are identified on Table 6.1, the designations on Schedule 1 of OPA 42(Land Use Plan) may include the minimum buffers except where existing development has been previously approved within the minimum buffers. The intent of this is to allow flexibility within the built-up area of the City in order to strike a balance between protection of the NHS while allowing for compatible development. In this instance, development has been previously approved and occurred within the 30 metre buffer. Both Marianne's Park and the former gas station are considered to be development. Therefore, no portion of 180 Gordon Street or Marianne's Park has been identified on any Schedule of OPA 42 as a Significant Natural Area or established minimum buffer.

The stated Objectives of OPA 42 (Section 6.1.2) provide further clarification with respect to this matter. Section 6.1.2 f) indicates that an objective of OPA 42 is to protect, maintain, enhance and restore the NHS to the greatest extent possible, while providing for compatible development and activities that do not negatively impact the natural heritage features and their ecological or hydrological functions now and in the long term. As has been outlined, a Scoped EIS has been approved for the proposed development at 180 Gordon Street which concludes that the development will not have a negative impact on the river.

The General Policies of OPA 42 (Section 6.1.3) also provide further explanation. Section 6.1.3 2 indicates that development or site alteration shall not be permitted within Significant Natural Areas or their minimum buffers as illustrated on Schedule 2. No portion of 180 Gordon Street is identified on Schedule 2 of OPA 42. Further, Section 6.1.3 3 outlines that development or site alteration may be permitted

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within the adjacent lands to a Significant Natural Area provided it has been demonstrated through an EIS or Environmental Assessment (EA) that there will be no negative impacts on the protected natural heritage features or their associated ecological functions. As indicated above, a Scoped EIS has concluded that the proposed development at 180 Gordon Street will have no negative impacts on the Significant Natural Area, which is the river in this instance.

Although OPA 42 is not yet in effect, the staff review of these applications have had regard for these Council adopted policies. The requested Official Plan Amendment to permit a reduced setback from the edge of the river to the proposed development at 180 Gordon Street meets the intent of OPA 42.

#### *EAC's Decision Regarding the Development*

At the February 6, 2012 Public Meeting it was indicated that City Staff withheld from EAC that the Official Plan requires a 30 metre setback from the river edge. To provide clarification, the Scoped EIS that was submitted and reviewed by EAC referenced the required 30 metre setback in a number of places:

- Section 2.4 – Description of the Proposed Development: indicates that the retaining wall is within the 30 metre setback
- Section 3.2 – Buffers and Setbacks: outlines the 30 metre setback requirement and indicates that based on current conditions the setback is not necessary in this instance
- Figure 2 illustrates the location of the 30 metre setback from the river and where it is located on the property. Further it provides the distance from the edge of the river to the property line
- In July 2011 a staff report was prepared for EAC which indicated that the submitted Scoped EIS did not adequately address the proposed riparian setback (the reduction to the 30 metre requirement). The Scoped EIS was revised and accepted by EAC in August 2010.

EAC was aware of the required 30 metre setback when they made their decision with respect to the proposed development at 180 Gordon Street. Discussion regarding the 30 metre setback had occurred throughout the process, starting when the Terms of Reference for the Scoped EIS was reviewed by EAC and continuing until a decision with respect to the proposed development and the Scoped EIS was made.

#### **Staff Recommendation**

Planning staff are satisfied that the applications to amend the Official Plan and Zoning By-law are consistent with the Provincial Policy Statement and conform to the Places to Grow Plan. Further, the Official Plan Amendment application satisfies the criteria set out in Section 9.3.2 for Amendments to the Official Plan and the Zoning By-law Amendment application conforms to the land use designation and policies within the City's Official Plan. Staff recommend that a Holding provision be placed on the property requiring that a Qualified Person certify that the lands to be developed meet the Site Condition Standards outlined by the Ministry of the Environment for the intended residential land use. These applications are

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recommended to Council for approval subject to the policies and provisions outlined in Schedule 2 of Planning & Building, Engineering and Environment Report 12-02 (Attachment 2 to this report).

### **CORPORATE STRATEGIC PLAN**

Goal 1: An attractive, well-functioning and sustainable City

Goal 3: A diverse and prosperous local economy

### **FINANCIAL IMPLICATIONS**

#### **Projected Taxation**

\$36,300 (estimated at \$3,300 per unit)

#### **Development Charges**

The anticipated development charges for the proposed development of 11 townhouse units is \$204,996 (\$18,636.00 per unit)

### **COMMUNICATIONS**

Notice of the March 5, 2012 Decision Meeting for the Official Plan Amendment and the Zoning By-law Amendment was circulated to current owners within 120 metres of the property and other interested members of the public on February 14, 2012.

### **DEPARTMENTAL CONSULTATION**

The public and agency comments received through the review of the applications are summarized on Schedule 9 of Planning & Building, Engineering and Environment Report 12-02 (see Attachment 2).

### **ATTACHMENTS**

Attachment 1 - Illustration of 30m River Setback

Attachment 2 - Planning & Building, Engineering and Environment Report 12-02

#### **Prepared By:**

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#### **Recommended By:**

Allan C. Hearne  
Acting Manager of Development Planning  
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Original Signed by:

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#### **Recommended By:**

Todd Salter  
Acting General Manager  
Planning Services  
519-837-5616, ext 2395  
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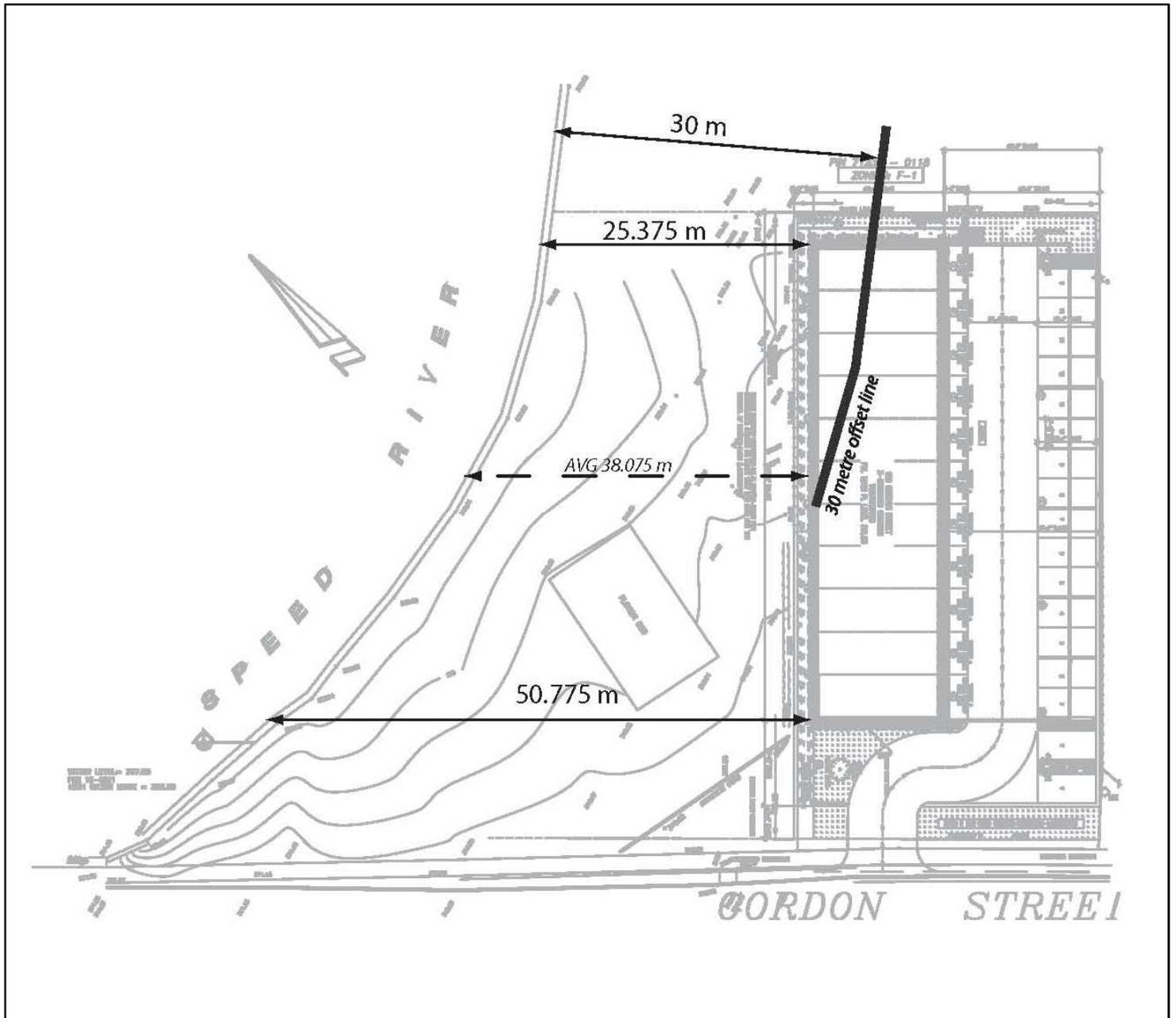
Original Signed by:

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#### **Recommended By:**

Janet L. Laird, Ph.D.  
Executive Director  
Planning & Building, Engineering  
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## Attachment 1 – Illustration of 30m River Setback



# COUNCIL REPORT



TO **Guelph City Council**

SERVICE AREA Planning & Building, Engineering and Environment  
DATE February 6, 2012

**SUBJECT** **180 Gordon Street**  
**Proposed Official Plan Amendment and Zoning By-law**  
**Amendment (Files: OP1106 & ZC1107)**  
**Ward 5**

REPORT NUMBER 12-02

## SUMMARY

**Purpose of Report:** This report provides a staff recommendation for the property at 180 Gordon Street to approve an Official Plan Amendment to introduce a site specific policy reducing the required setback to the river edge and to approve a Zoning By-law Amendment to rezone the subject property to a Specialized R.3A (Townhouse) Zone to permit cluster townhouses.

**Council Action:** Council will hear public delegations on the applications and is also being asked to approve the proposed Official Plan Amendment and Zoning By-law Amendment for the subject lands.

## RECOMMENDATION

“THAT Report 12-02 dated February 6, 2012 regarding a proposed Official Plan Amendment and Zoning By-law Amendment for the property municipally known as 180 Gordon Street from Planning & Building, Engineering and Environment be received;

AND THAT the application by Podium Developments on behalf of 180 Gordon Street Ltd. for approval of an Official Plan Amendment to add a site specific policy to permit a reduced setback from the river edge affecting lands municipally known as 180 Gordon Street and legally described as Part of Lot A, Plan 302, City of Guelph, be approved in accordance with the policies as set out in Schedule 2 of Planning & Building, Engineering and Environment Report 12-02 dated February 6, 2012;

AND THAT the application by Podium Developments on behalf of 180 Gordon Street Ltd. for approval of a Zoning By-law Amendment to change the zoning from the C.1-19 (Convenience Commercial) Zone and FL (Floodway) Zone to a Specialized R.3A (Townhouse) Zone to permit cluster townhouses for the property municipally known as 180 Gordon Street and legally described as Part of Lot A, Plan 302, City

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of Guelph, be approved in the form of a Specialized R.3A (Townhouse) Zone subject to a Holding provision, in accordance with the provisions set out in Schedule 2 of Planning & Building, Engineering and Environment Report 12-02 dated February 6, 2012;

## **BACKGROUND**

Applications to amend the Official Plan (OP1106) and Zoning By-law (ZC1107) have been received for the property municipally known as 180 Gordon Street from Podium Developments. The proposal is a request to add a site specific policy in the Official Plan to permit a reduced setback from the river edge for the subject site and to rezone the property from the C.1-19 (Convenience Commercial) Zone and FL (Floodway) Zone to a Specialized R.3A (Townhouse) Zone to permit the development of cluster townhouses.

The Zoning By-law Amendment application has been considered at two previous Public Meetings held on May 3, 2011 and October 3, 2011. In addition, a Community Meeting was held on November 10, 2011 regarding the proposed development. At the second Public Meeting in October 2011, concern was raised that the proposed Zoning By-law Amendment did not conform to the City's Official Plan, specifically Section 6.9.5 which indicates that the City will require development to be setback the greater of 30 metres from the river edge or 15 metres from the top of the slope. In this instance, 30 metres from the river edge is the applicable setback and the northeast corner of the proposed building does not meet the setback outlined in the Official Plan. Accordingly, the applicant has submitted an application to amend the Official Plan requesting a site specific policy to reduce the required setback for the subject site. The Official Plan Amendment application was deemed to be complete on December 12, 2011. As such, this meeting constitutes the formal public meeting under the *Planning Act* for the Official Plan Amendment. Proper statutory public notice has been provided. The development proposal for 11 townhouse units fronting on to Marianne's Park and the Speed River, was presented at the Statutory Public Meeting for the Zoning By-law Amendment on October 3, 2011 and has not changed since that time. Reports 11-40 and 11-85 from Planning & Building, Engineering and Environment provide additional background related to the proposed development and the requested Zoning By-law Amendment.

The subject property is also identified on the City's Inventory of potential brownfield sites. Financial Incentive Program Applications have been submitted and approved by Council through the City's Brownfield Redevelopment Community Improvement Plan.

## **Location**

The subject site is located east of the intersection of Gordon Street and Water Street (see Schedule 1 – Location Map). The site is currently vacant and is approximately 0.16 hectares in size. Surrounding uses include:

- Marianne's Park and the Speed River to the north
- A woodlot to the east
- Low density residential use to the south
- Low density residential use and parkland (Royal City Park) across Gordon Street to the west.

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## **Existing Official Plan Designations and Related Policies**

The subject lands are designated as "General Residential" in the Official Plan which permits all forms of residential uses, including townhouses, to a maximum density of 100 units per hectare.

The map shown on Schedule 3 illustrates that a portion of the lands in the northeast corner of the site are designated "Core Greenlands" as it was believed that they potentially fell within the floodway. Sections 7.13.9 and 7.13.10 of the Official Plan indicate that the boundaries of the Greenlands System are approximate and that the physical limits of the Core Greenlands designation may be subsequently refined by more detailed mapping on individual properties or through the completion of scoped and comprehensive environmental impact studies. The completion of these studies will be used to determine the exact limits of development and areas to be afforded protection. In instances where an approved environmental impact study adjusts the boundaries of the Core Greenlands designation, the land use policies of the adjacent designation will apply. A scoped environmental impact study has been approved for the subject site which has determined that there are no "Core Greenlands" on the subject site. Based on the approved study, the entire site is considered to be subject to the General Residential designation.

The Grand River Conservation Authority (GRCA) has reviewed the site as to where the floodplain actually falls on the property and determined that only small portions of both the northeast and northwest corners of the site originally fell within the floodplain area. The site is partially excavated at this time because of work that has occurred to remediate the site and the GRCA has recommended that it be filled to meet the regulatory floodline when the cleanup is finalized to ensure that no portion of the site is within the floodplain area. A Development, Interference with Wetlands and Alterations to Shorelines and Watercourses permit will be required for future remediation works. It should be noted that a permit was issued by GRCA to the former owner of these lands for the site remediation, however, because the remediation works were not completed, a new permit will be required by the current owner to remove and replace the material on site.

As outlined in the "Background" section of this report, Section 6.9.5 of the Official Plan requires development to be setback 30 metres from the river edge in this instance and the northeast corner of the proposed development does not meet the setback required by the Official Plan. Accordingly, an Official Plan Amendment application has been submitted.

Official Plan Amendment (OPA) #42 (subject of appeals), does not designate any of the site as "Significant Natural Areas" because it is considered to be a disturbed site that has been graded and altered. A map showing the "Significant Natural Areas" in proximity to the subject site is included in Schedule 3.

Official Plan Amendment #39 (in effect) identifies the site as being within the 'Built-Up Area' of the City. The 'Built-Up Area' is intended to accommodate a significant portion of new residential and employment growth through intensification.

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The Official Plan Land Use Designations and Related Policies are included in Schedule 3.

### **Existing Zoning**

The subject site is zoned C.1-19 (Convenience Commercial) Zone and FL (Floodway) Zone in the northeast corner. The Specialized Convenience Commercial Zone limits the use of the site to a vehicle service station. See Schedule 4 for the current zoning regulations.

## **REPORT**

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

The application proposes to add a site specific policy for 180 Gordon Street into Section 6.9.5 of the Official Plan in order to permit structures (such as retaining walls) to be setback a minimum of 22.5 metres and buildings to be setback a minimum of 24.5m from the edge of the river. Currently, Section 6.9.5 requires a minimum setback of 30 metres from the edge of the river or 15 metres from the top of slope adjacent to a river. For this property, the required setback is 30 metres from the edge of the river. The General Residential land use designation for this site is not proposed to be amended.

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

The applicant proposes to rezone the subject lands from the C.1-19 (Convenience Commercial) Zone and FL (Floodway) Zone to a Specialized R.3A (Townhouse) Zone, to permit the development of 11 cluster townhouses. Specialized zoning regulations have been requested for building height, density, lot area per dwelling unit, building coverage, landscaped open space, angular plane requirements, building setbacks from the rear and side property lines, location and size of the accessory structure, location of parking, and setback to the private amenity area. In addition, staff are recommending that the proposed Specialized R.3A (Townhouse) Zone be subject to a holding provision to ensure that the subject land is free of contamination and suitable for residential purposes. See Schedule 4 for proposed zoning mapping, as well as proposed specialized and standard regulations.

### **Proposed Development Concept Plan**

The concept plan for the proposed development is shown on Schedule 5 and is the revised concept plan that was presented at the October 3, 2011 Statutory Public Meeting for the Zoning By-law Amendment. The concept plan proposes that the 11 townhouse units will face north towards Marianne's Park and the Speed River. The vehicular access location lines up with the intersection of Gordon Street and Water Street and the parking is proposed along the southerly lot line with the carport structure assisting in providing a visual buffer between the dwelling units and the lands zoned R.1B to the south. A total of 17 parking spaces are being provided which complies with the Zoning By-law. Eleven of the parking spaces will be located within the carport structure and a minimum of two of the parking spaces are proposed to be identified as visitor parking spaces. Roof top patio areas are proposed as the required private amenity areas for these units. The development concept plan also demonstrates where snow storage areas are being provided.

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The density of the proposal under the Places to Grow Plan is approximately 170 persons per hectare or 70 units per hectare.

### **Staff Planning Analysis**

The staff review and planning analysis of this application is provided in Schedule 8. The analysis addresses the issues and questions that were raised during the review of the application, and also the issues raised by Council and members of the public at the Statutory Public Meetings held on May 3, 2011 and October 3, 2011, as well as the concerns raised by the Public through correspondence and at the Community Meeting on November 10, 2011. The questions raised generally relate to:

- Evaluation of the proposal against the Provincial Policy Statement and the Places to Grow Plan
- Evaluation of the proposal's conformity with the Official Plan, OPA #39, OPA #42 (subject to appeals)
- Review of the proposed zoning and need for specialized regulations
  - Evaluation of the proposed density
- Community Energy Initiative considerations
- Conformity with the River Systems Management Plan (RSMP) and the proposal's proximity to the river
  - 30m setback to the edge of the river
  - Location of the subject site at the principal gateway to the river system
  - Potential to open access to the south bank/south bank trail
  - Compatibility with the site's river setting (not arterial road setting)
  - Size of the proposed building
  - Views to the river
  - GRCA requirements
- Evaluation of the proposal's proximity to Marianne's Park
  - Shadow impacts on park
  - Buffer to park
    - Distinction between public and private space
  - Vista to park and river
  - Angular plane requirements
  - Cultural importance of park – potential conflict between the proposed residential use and the park
- Evaluation of the proposal in the context of the potential Heritage Conservation District
- Review of the proposed site layout including:
  - Overview issue of adjacent properties zoned R.1B
  - Buffer to cultural woodlot
  - Garbage storage
  - Snow Storage
  - Parking
    - Number of spaces provided
    - Functionality of the spaces

- 
- Balance of student rental and owner/family occupied housing in the neighbourhood
  - Traffic and Access
    - Location of the access
    - Any conflicts with the intersections of Gordon Street, Albert Street and Water Street, as well as the pedestrian crossing
  - Road widening provisions in the Official Plan
  - Servicing Capacity for water and wastewater

### **Staff Recommendation**

Planning staff are satisfied that the applications to amend the Official Plan and Zoning By-law are consistent with the Provincial Policy Statement and conform to the Places to Grow Plan. Further, the Official Plan Amendment application satisfies the criteria set out in Section 9.3.2 for Amendments to the Official Plan and the Zoning By-law Amendment application conforms to the land use designation and policies within the City's Official Plan for this site. Staff recommend that a holding provision be placed on the property requiring that a Qualified Person certify that the lands to be developed meet the Site Condition Standards outlined by the Ministry of the Environment for the intended residential land use. These applications are recommended for approval subject to the policies and provisions outlined in Schedule 2 of this report.

### **CORPORATE STRATEGIC PLAN**

Goal 1: An attractive, well-functioning and sustainable City

Goal 3: A diverse and prosperous local economy

### **FINANCIAL IMPLICATIONS**

#### **Projected Taxation**

\$36,300 (estimated at \$3,300 per unit)

#### **Development Charges**

The anticipated development charges for the proposed development of 11 townhouse units is \$204,996 (\$18,636.00 per unit)

### **COMMUNICATIONS**

Notice of the Public Meeting for the Official Plan Amendment and the Zoning By-law Amendment was circulated to current owners and other interested members of the public on January 11, 2012 and advertised in the Guelph Tribune on January 12, 2012.

### **DEPARTMENTAL CONSULTATION**

The public and agency comments received through the review of the application are summarized on Schedule 9.

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## **ATTACHMENTS**

- Schedule 1 - Location Map
- Schedule 2 - Policies and Provisions
- Schedule 3 - Official Plan Land Use Designations and Related Policies
- Schedule 4 - Existing and Proposed Zoning and Regulations
- Schedule 5 - Development Concept Plan & Elevations
- Schedule 6 - Shadow Study
- Schedule 7 - Community Energy Initiative Commitment
- Schedule 8 - Staff Planning Analysis
- Schedule 9 - Circulation Comments
- Schedule 10 - Public Notification Summary

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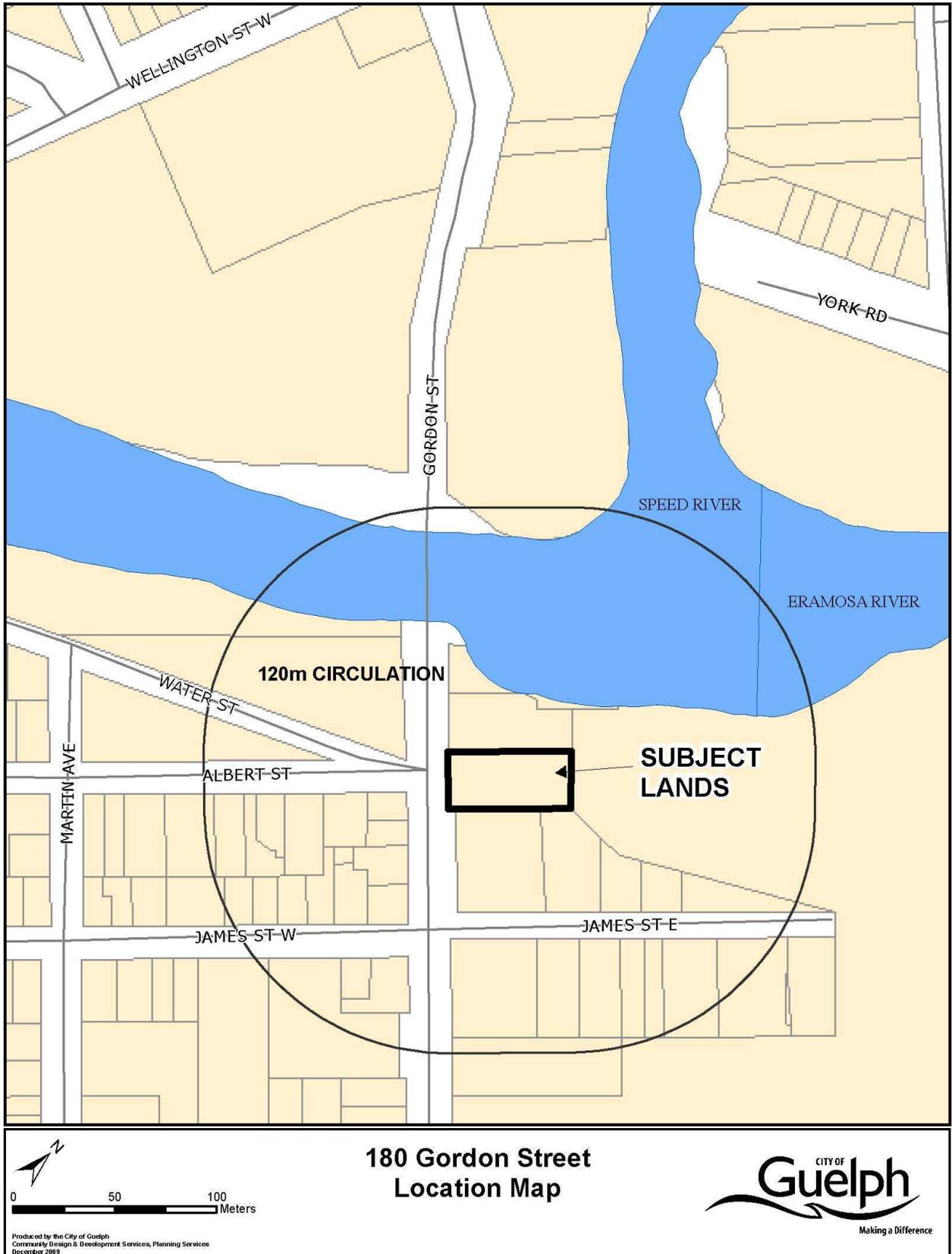
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## Schedule 1 – Location Map



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## Schedule 2 – Policies and Provisions

The property affected by the Official Plan Amendment and Zoning By-law Amendment applications is municipally known as 180 Gordon Street and legally described as Part of Lot A, Plan 302, City of Guelph.

### Official Plan Amendment

The following amendment adds a site specific policy to the City's Official Plan for the subject property:

- 6.9.5 1. c) Despite the river corridor 30 metre setback provisions of 6.9.1.2, 6.9.5 1. a) and 6.9.5 1 b), the City will require buildings to be setback a minimum of 24.5 metres, and structures (including retaining walls) to be setback a minimum of 22.5 metres from the Speed River edge on lands known municipally as 180 Gordon Street.

### Zoning By-law Amendment

The following zoning is proposed:

#### Specialized R.3A (Townhouse) Zone

##### Permitted Uses

- Cluster Townhouse
- Home Occupation in accordance with Section 4.19
- Accessory Use in accordance with Section 4.23

##### Regulations

In accordance with Section 4 (General Provisions) and Section 5.4.2 and Table 5.3.2 (Residential Townhouse Zone Regulations) of Zoning By-law (1995)-14864, as amended, with the following exceptions:

##### **Density**

The maximum permitted density shall be 70 units per hectare

##### **Building Height**

The maximum permitted building height shall be 4 storeys providing that the gross floor area of the fourth storey shall be limited to a maximum of 15m<sup>2</sup> per unit and shall not contain any habitable floor space.

##### **Building Setbacks**

The minimum rear yard setback to a cluster townhouse shall be 3m

The minimum side yard setback to a cluster townhouse shall be 1.8m

##### **Building Coverage**

The maximum building shall be 46% of the lot area

##### **Angular Plane**

Despite Section 4.16, the angular plane as applied to a river or a park shall be 82 degrees

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### **Landscaped Open Space**

The minimum landscaped open space shall be 17% of the lot area

### **Lot Area per Dwelling Unit**

The minimum lot area per dwelling shall be 143 m<sup>2</sup>

### **Private Amenity Areas**

Private Amenity Areas shall be provided in accordance with Section 5.3.2.5 except that the minimum distance from a side lot line shall be 1.8m

### **Accessory Structures**

The minimum side yard setback to an accessory structure shall be 0.3m

The maximum gross floor area of an accessory structure shall be 173m<sup>2</sup>

### **Location of Parking Spaces and Driveways**

A maximum of 2 visitor parking spaces, or parts thereof, may be located within the required front yard

A minimum setback of 0.3m to a parking area from any lot line

The minimum distance required between a surface driveway and a building entrance or window of habitable rooms shall be 2.15m

### **Holding Provision**

#### Purpose:

To ensure that the property to be developed is remediated to meet the Site Condition Standards of the intended residential land use.

#### Permitted Interim Uses:

Those uses permitted by the C.1-19 (Convenience Commercial) Zone:

- Vehicle Service Station including accessory sales of motor vehicles

#### Holding Provision Conditions:

Prior to the removal of the holding provision, the owner shall:

1. Submit all environmental site assessment, risk assessment, remediation and monitoring reports prepared in accordance with the Records of Site Condition regulation (O. Reg 153/04 as amended) describing the current conditions of the property known municipally as 180 Gordon Street to the satisfaction of the City;
2. File a Record of Site Condition (RSC) on the Ministry of the Environment (MOE) Environmental Site Registry for the property including certification by a Qualified Person as defined by O.Reg. 153/04 as amended that the environmental condition of the property meets the appropriate MOE Site Condition Standards for the intended land use; and,
3. Submit the MOE acknowledgment letters for the RSCs to the satisfaction of the City.

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## **Conditions**

The following conditions are provided as information to Council and will be imposed through site plan approval:

1. The Owner shall submit to the City, in accordance with Section 41 of the *Planning Act*, a fully detailed site plan, indicating the location of buildings, landscaping, parking, circulation, access, lighting, tree preservation, grading and drainage and servicing on the said lands to the satisfaction of the General Manager of Planning & Building Services and the General Manager/City Engineer, prior to the issuance of a building permit, and furthermore the Owner agrees to develop the said lands in accordance with the approved plan.
  - a. Further, the Owner commits and agrees that the details of the layout and design for the development of the subject lands, including: the proposed design of the building; and the size, height and location of the accessory structure; shall be generally in conformance with the development concept plan and elevations attached as Schedule 5 to the February 6, 2012 Planning & Building, Engineering and Environment Report Number 12-02.
2. Prior to the issuance of site plan approval, the owner shall provide the City with written confirmation that the building on the subject site will be constructed to a standard that implements energy efficiency in order to support the Community Energy Initiative to the satisfaction of the General Manager of Planning and Building Services and in accordance with the letter attached as Schedule 7 to Report 12-02 from Planning & Building, Engineering and Environment dated February 6, 2012.
3. In order to avoid overlook to a sensitive land use to the south, the Owner commits and agrees that any windows located on the third storey of the south elevation of the building will be not be transparent (i.e. frosted glass) and will only open the minimum amount required by the Ontario Building Code.
4. The Owner commits and agrees that open access to the southerly side of the roof-top areas will not be provided. The proposed roof-top amenity areas will be located between the fourth storey and the northerly side of the building.
5. Prior to the issuance of site plan approval for the lands, the owner shall pay to the City, the City's total cost of reproduction and distribution of the Guelph Residents' Environmental Handbook, to all future households within the project, with such payment based on a cost of one handbook per residential household, as determined by the City.
6. The Owner shall pay to the City, as determined applicable by the Chief Financial Officer/City Treasurer, development charges and education development charges, in accordance with the City of Guelph Development Charges By-law (2009)-18729, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended

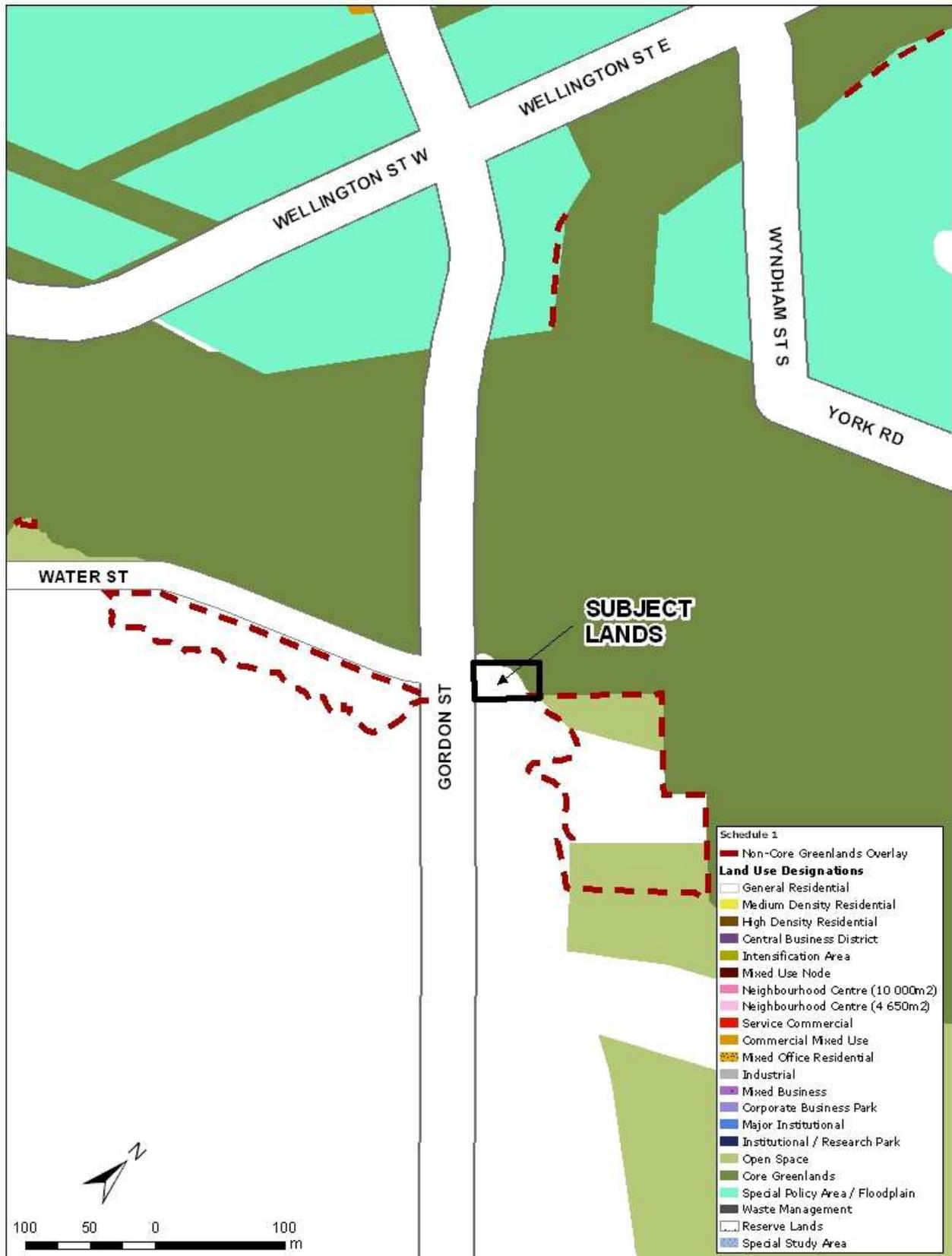
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from time to time, or any successor by-laws thereof, prior to this issuance of any building permits, at the rate in effect at the time of the issuance of a building permit.

7. That prior to the issuance of site plan approval, the Owner shall pay to the City cash-in-lieu of parkland dedication in accordance with By-law (1989)-13410, as amended from time to time, or any successor thereof.
8. Prior to site plan approval, the owner shall have a Professional Engineer design a grading plan and stormwater management system, satisfactory to the General Manager/City Engineer.
9. Prior to any development of the lands and prior to any construction or grading on the lands, the developer shall submit a detailed Storm water Management Report and plans to the satisfaction of the City Engineer which demonstrates how storm water will be controlled and conveyed.
10. That the developer grades, develops and maintains the site including the storm water management facilities designed by a Professional Engineer, in accordance with a Site Plan that has been submitted to and approved by the City Engineer. Furthermore, the owner shall have the Professional Engineer who designed the storm water management system certify to the City that he/she supervised the construction of the storm water management system, and that the storm water management system was approved by the City and that it is functioning properly.
11. Prior to any development of the lands and prior to any construction or grading on the lands, the developer shall construct, install and maintain erosion and sediment control facilities, satisfactory to the City Engineer, in accordance with a plan that has been submitted to and approved by the City Engineer.
12. Prior to Site Plan approval, the developer/owner shall pay to the City, their share of the actual cost of constructing municipal services on Gordon Street across the frontage of the land including roadworks, sanitary sewer, storm sewer, curb and gutter, catchbasins, sidewalks and streetlighting as determined by the City Engineer.
13. Prior to Site Plan approval, the developer/owner shall pay to the City the actual cost of existing service laterals as determined by the City Engineer.
14. The developer/owner shall pay to the City the actual cost of constructing and installing any new service laterals required and furthermore, prior to site plan approval, the developer shall pay to the City the estimated cost of the service laterals, as determined by the City Engineer.
15. The developer/owner shall pay to the City the actual cost of the construction of the new access and the required curb cut. Prior to site plan approval and prior to any construction or grading on the lands, the developer shall pay to the City the estimated cost as determined by the City Engineer of constructing the new access/private road and the required curb cut.

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16. That the developer/owner constructs the new buildings at such an elevation that the lowest level of the new buildings can be serviced with a gravity connection to the sanitary sewer.
  17. That the developer makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the development of the lands.
  18. That all electrical services to the lands are underground and the developer shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the development of the lands.
  19. The Developer shall ensure that all telephone service and cable TV service in the Lands shall be underground. The Developer shall enter into a servicing agreement with the appropriate service providers for the installation of underground utility services for the Lands.
  20. The developer/owner of 180 Gordon Street shall be responsible for all associated costs of the restoration of the GRCA parcel and City right-of-way, including but not limited to removal of asphalt and curb, placing topsoil and sod, install curb and gutter, and sidewalk replacement, across the frontage of 176 Gordon Street to the satisfaction of the City Engineer. Furthermore, prior to site plan approval, the developer shall pay to the City the estimated cost of the restoration, as determined by the City Engineer.
  21. Prior to Site Plan approval the developer/owner must provide a reference plan for the road widening dedication along the frontage of Gordon Street, registered on title.
  22. The Developer shall ensure that the height of any proposed retaining wall that abuts an existing residential property does not exceed 1.0 metre.
  23. That any domestic wells, septic systems and boreholes drilled for hydrogeological or geotechnical investigations shall be properly abandoned in accordance with current Ministry of the Environment Regulations and Guidelines. The developer shall submit a Well Record to the satisfaction of the City Engineer.
  24. The Owner agrees to obtain and register, prior to site plan approval, a Transfer Release and Abandonment with respect to the Easement described in Instrument No. ROS687098 which refers to the easement over 176 Gordon Street (Marianne's Park).
  25. That prior to site plan approval, the owner shall enter into a site plan control agreement with the City, registered on title, satisfactory to the City Solicitor, the General Manager of Planning & Building Services and the General Manager/City Engineer, covering the conditions noted above and to develop the site in accordance with the approved plans and reports.

## Schedule 3 – Official Plan Land Use Designations and Related Policies



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## Schedule 3 (cont'd) – Related Official Plan Policies

### Residential Policies

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.

7.2.8 The development criteria of policy 7.2.7 will be used to assess the merits of a rezoning application to permit new *multiple unit residential buildings* on sites that are presently not zoned to permit these particular housing forms.

### “General Residential” Land Use Designation

7.2.31 The predominant use of land in areas designated, as 'General Residential' on Schedule 1 shall be residential. All forms of residential *development* shall be permitted in conformity with the policies of this designation. The general character of development will be low-rise housing forms. *Multiple unit residential buildings* will be permitted without amendment to this Plan, subject to the satisfaction of specific development criteria as noted by the provisions of policy 7.2.7. Residential care facilities, *lodging houses*, *coach houses* and garden suites will be permitted, subject to the development criteria as outlined in the earlier text of this subsection.

7.2.32 Within the 'General Residential' designation, the *net density of development* shall not exceed 100 units per hectare (40 units/acre).

1. In spite of the density provisions of policy 7.2.32 the *net density of development* on lands known municipally as 40 Northumberland Street, shall not exceed 152.5 units per hectare (62 units per acre).

7.2.33 The physical character of existing established low density residential neighbourhoods will be respected wherever possible.

7.2.34 Residential lot *infill*, comprising the creation of new low density residential lots within the older established areas of the City will be encouraged, provided that the proposed *development* is compatible with the surrounding residential environment. To assess compatibility, the City will give consideration to the existing predominant zoning of the particular area as well as the general design parameters outlined in subsection 3.6 of this Plan. More specifically, residential lot *infill* shall be compatible with adjacent residential environments with respect to the following:

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## Schedule 3 (cont'd) – Related Official Plan Policies

- a) The form and scale of existing residential development;
- b) Existing building design and height;
- c) Setbacks;
- d) Landscaping and amenity areas;
- e) Vehicular access, circulation and parking; and
- f) Heritage considerations.

7.2.35 Apartment or townhouse *infill* proposals shall be subject to the development criteria contained in policy 7.2.7.

### Core Greenlands Designation

7.13.1 The 'Core Greenlands' land use designation recognizes areas of the Greenlands System which have greater sensitivity or *significance*. The following *natural heritage feature* areas have been included in the 'Core Greenlands' designation of Schedule 1: *provincially significant wetlands*, the *significant* portion of habitat of *threatened and endangered species*, and the *significant areas of natural and scientific interest (ANSI)*. *Natural hazard lands* including steep slopes, erosion hazard lands and unstable soils may also be associated with the 'Core Greenlands' areas. In addition, the *floodways* of rivers, streams and creeks are found within the 'Core Greenlands' designation.

1. Policies relating to *natural heritage features* are contained in Section 6 of this Plan.
2. Policies relating to *natural hazard lands* are contained in Section 5 of this Plan.

7.13.2 The *natural heritage features* contained within the 'Core Greenlands' designation are to be protected for the *ecological value and function*. *Development* is not permitted within this designation. Uses that are permitted include conservation activities, open space and passive recreational pursuits that do not *negatively impact* on the *natural heritage features* or their associated *ecological functions*.

7.13.3 The *natural heritage features* contained within the 'Core Greenlands' designation are outlined on Schedule 2 of this Plan. Where a *development* proposal is made on *adjacent lands* to these *natural heritage features*, the proponent is responsible for completing an environmental impact study in accordance with the provisions of subsection 6.3 of this Plan. Where appropriate and reasonable, consideration will be given to measures to provide for the enhancement of *natural heritage features* within the 'Core Greenlands' designation as part of such an environmental impact study.

7.13.4 In implementing the Greenlands System provisions of this Plan, 'Core Greenland' areas shall be placed in a restrictive land use category of the implementing *Zoning By-law*, which prohibits *development* except as may be necessary for the on-going management or maintenance of the natural environment.

7.13.9 The physical limits of the 'Core Greenlands' designation and Non-Core Greenlands overlay on the various Schedules to this Plan may be subsequently refined by more detailed mapping on individual properties or through the completion of *scoped* and *comprehensive environmental impact studies*. It is intended that, in circumstances

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where more detailed mapping is available, this Plan will be interpreted as applying to the most recent information available.

7.13.10 The boundaries of the Greenlands System are approximate. The completion of environmental impact studies will be used to determine the exact limits of *development* and areas to be afforded protection. In instances where an approved environmental impact study adjusts the boundaries of the 'Core Greenlands' designation or the Non-Core Greenlands overlay, the land use policies of the adjacent or underlying designation will apply.

### **Character of Development Adjacent to the Rivers and Public Open Spaces**

3.6.18 This Plan places a high priority on promoting "excellence in urban design" for lands bordering the Speed and Eramosa Rivers and other public open space lands. Open space lands serve as the "backbone" of the Guelph community and are a critical, integral component of Guelph's image.

1. Urban design principles of subsection 3.6 will be used to promote compatible *development* in the valleylands associated with the Speed and Eramosa Rivers and adjacent to public open spaces.
2. The City requires *development* proposals to have "animated" ground level building facades when they are located along the Speed River in the downtown area. This is to be accomplished by:
  - a) Requiring buildings designs to have entrances and windows face the river;
  - b) Requiring parking areas to be not visually apparent from the river's edge; and,
  - c) Requiring building functions that do not serve the public, such as loading bays, refuse and other storage areas, and blank walls not to face the river. Landscaping and screening may also be used to provide a visual buffer where these functions cannot be relocated.
3. This Plan promotes the improvement of riverfront lands that are available for public use, for pedestrian and cyclist amenity as well as the retention or restoration of *natural* and *cultural heritage* qualities.
4. This Plan promotes the retention and extension of view corridors to the rivers and landmarks within the river corridor.
5. This Plan promotes improved general public accessibility to the developed parks in the City's Speed and Eramosa River corridors.
6. This Plan encourages buildings and landscapes to be designed in a manner that respects the character of the adjacent park, river or public open space lands. Special building placement and design considerations may be required to protect as well as optimize views to the river or open space lands.
7. In order to promote public safety, active parks will be designed with adequate street frontage and placement of landscaping to permit visibility to and from the abutting street.

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## Schedule 3 (cont'd) – Related Official Plan Policies

### 6.9 Environmental Corridors and Ecological Linkages

*Environmental corridors* are linear biophysical features usually associated with river, stream and creek valleylands that provide essential links for plant and animal species and often serve as buffers to the riverine ecosystem. *Ecological linkages* are landscape areas that connect remnant *natural areas*. It is the City's intention to promote the retention, maintenance and enhancement of both of these types of *features*.

#### Objectives

- a) To promote the retention, maintenance and enhancement of linear biophysical features as well as natural landscaped connections that provide essential links between *natural heritage features*.

#### General Policies

- 6.9.1 The City encourages the connection of *natural heritage features* within the Municipality and adjacent to its municipal boundaries using *environmental corridors* and *ecological linkages*, where feasible.
  1. The City will promote the retention of *environmental corridors* and *ecological linkages*.
  2. The City will promote the protection and maintenance of all rivers, streams and creeks as *environmental corridors*.
    - a) Land within the area of influence of streams and rivers should, where possible, be retained as, or rehabilitated to enhance its *function* as an *environmental corridor*.
    - b) Generally, the City will require *development* to be set back a minimum of 10 metres from the top of the stream bank, or 30 metres from the stream edge, whichever is greater. This area is to be used for a vegetated riparian buffer.
  3. The City will encourage the incorporation of *environmental corridors* and *ecological linkages* into a *development* proposal's design to enhance social and environmental qualities of the landscape.
  4. In an effort to provide *ecological linkages* between *natural heritage features*, the City will continue to support a program for naturalization of vegetation of parks, open space and storm water management areas, where appropriate.

#### Significant Environmental Corridors and Ecological Linkages

- 6.9.2 The City has established certain *environmental corridors* and *ecological linkages* as being *significant* within the Municipality due to their important *ecological function* in interconnecting the natural heritage system of the community. These *significant features* consist of:
  - a) The riverine systems of the Speed and Eramosa Rivers and their numerous tributaries; and

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### Schedule 3 (cont'd) – Related Official Plan Policies

- b) A number of terrestrial systems that inter-link the *provincially significant wetlands* of the area (i.e. Hanlon, Torrance, Eramosa, Hadati, Northeast Guelph, Marden South, Ellis/Chillico, and Mill Creek) and the Speed/Eramosa Rivers.
- 6.9.3 *Significant environmental corridors and ecological linkages* are included within the Greenlands System on Schedule 1 of this Plan and are further delineated as *natural heritage features* on Schedule 2.
- 6.9.4 In instances where a *development* proposal is within or is on *adjacent lands* to an *environmental corridor* or *ecological linkage*, an environmental impact study will be required. Policy 6.3 outlines the general requirements of this study; more particularly, the study shall:
- a) Accurately identify and recognize the *environmental corridor* or *ecological linkage* including its vegetative, wildlife and/or landscape *functions*;
  - b) Assess the potential viability and integrity of *the environmental corridor or ecological linkage* as a result of the *development* proposal;
  - c) Make recommendations to restore, protect, enhance or mitigate *negative impacts* upon the *natural heritage feature* and its associated *ecological functions*.
- 6.9.5 The City promotes the future naturalization and environmental enhancement of the Speed and Eramosa river valleys. It is hoped these measures will improve the rivers' water quality and *fish habitat*, prevent bank and steep slope erosion as well as provide the filtration of storm water run-off.
1. In spite of 6.9.1.2(b) in instances where a *development* proposal is within or on *adjacent lands* to the Speed and Eramosa Rivers' *environmental corridor*, the City will require *development* to be set back the greater of
    - a) 30 metres from the river edge; or
    - b) Where there is a steep slope adjacent to the river, 15 metres from the top of the slope.
  2. The City will encourage the creation of riparian buffers within this river *environmental corridor*. As a guideline, these vegetated buffers should be no less than 15 metres in width. They will be promoted in all appropriate instances where river-edge vegetation may be feasibly provided.
  3. The City will continue to investigate the feasibility of removing/modifying structured barriers in the Speed and Eramosa Rivers and their tributaries in order to permit natural stream processes and the formation of a natural stream morphology. This review will be conducted in consideration of the original intent for the provision of the river/stream structures.

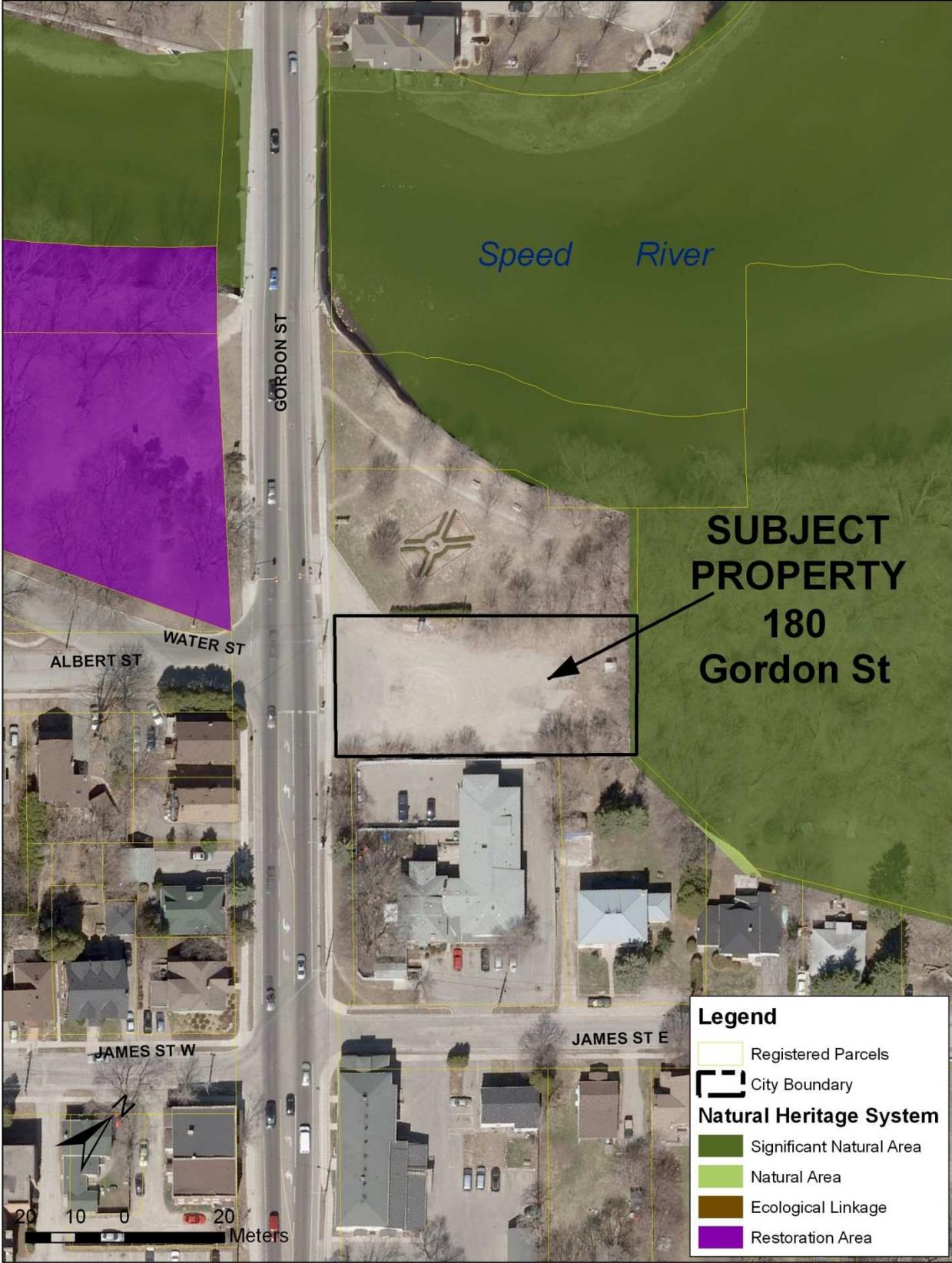
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## Schedule 3 (cont'd) – Related Official Plan Policies

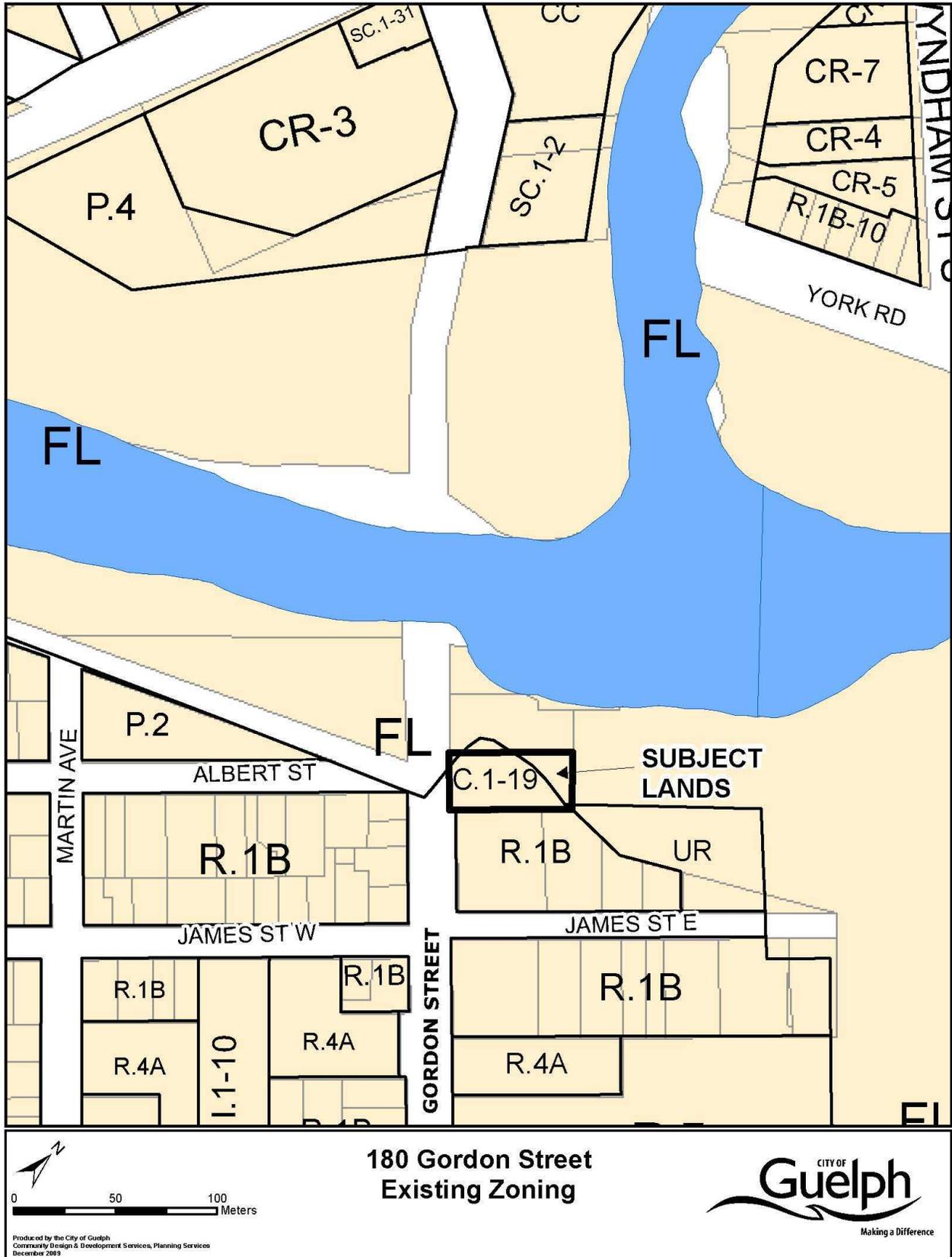
### 9.3 Official Plan Amendments

- 9.3.1 It is the policy of Council that any provision of this Plan may be amended pursuant to the requirements of the Planning Act.
- 9.3.2 When considering an application to amend the Official Plan, Council shall consider the following matters:
- a) The conformity of the proposal to the goals and objectives of this Plan;
  - b) Suitability of the site or area for the proposed use, especially in relation to other sites or areas of the City;
  - c) Compatibility of the proposed use with adjacent land use designations;
  - d) The need for the proposed use, in light of projected population and employment targets;
  - e) The market feasibility of the proposed use;
  - f) The extent to which the existing areas of the City designated for the proposed use are developed or are available for development;
  - g) The impact of the proposed use on sewage, water and solid waste management systems, the transportation system, community facilities and the natural environment; and
  - h) The financial implications of the proposed development.
- 9.3.3 Council shall provide information regarding a proposed amendment to the Official Plan to such boards, commissions, agencies and the public that may have an interest in it. Prior to approving a proposed amendment, Council shall afford such organizations and the public an opportunity to submit comments.
- 9.3.4 Council shall, prior to approving an amendment to this Plan, provide information and hold a public meeting for the purposes of obtaining public input concerning the proposal, subject to the provisions of the Planning Act.

**Schedule 3 (cont'd) – Natural Heritage System (OPA #42 – Under Appeal)**



## Schedule 4 – Existing Zoning



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## **Schedule 4 – Existing Zoning Regulations for the C.1-19 (Convenience Commercial) Zone**

### **Permitted Uses**

- Vehicle Service Station including accessory sales of motor vehicles

### **Regulations**

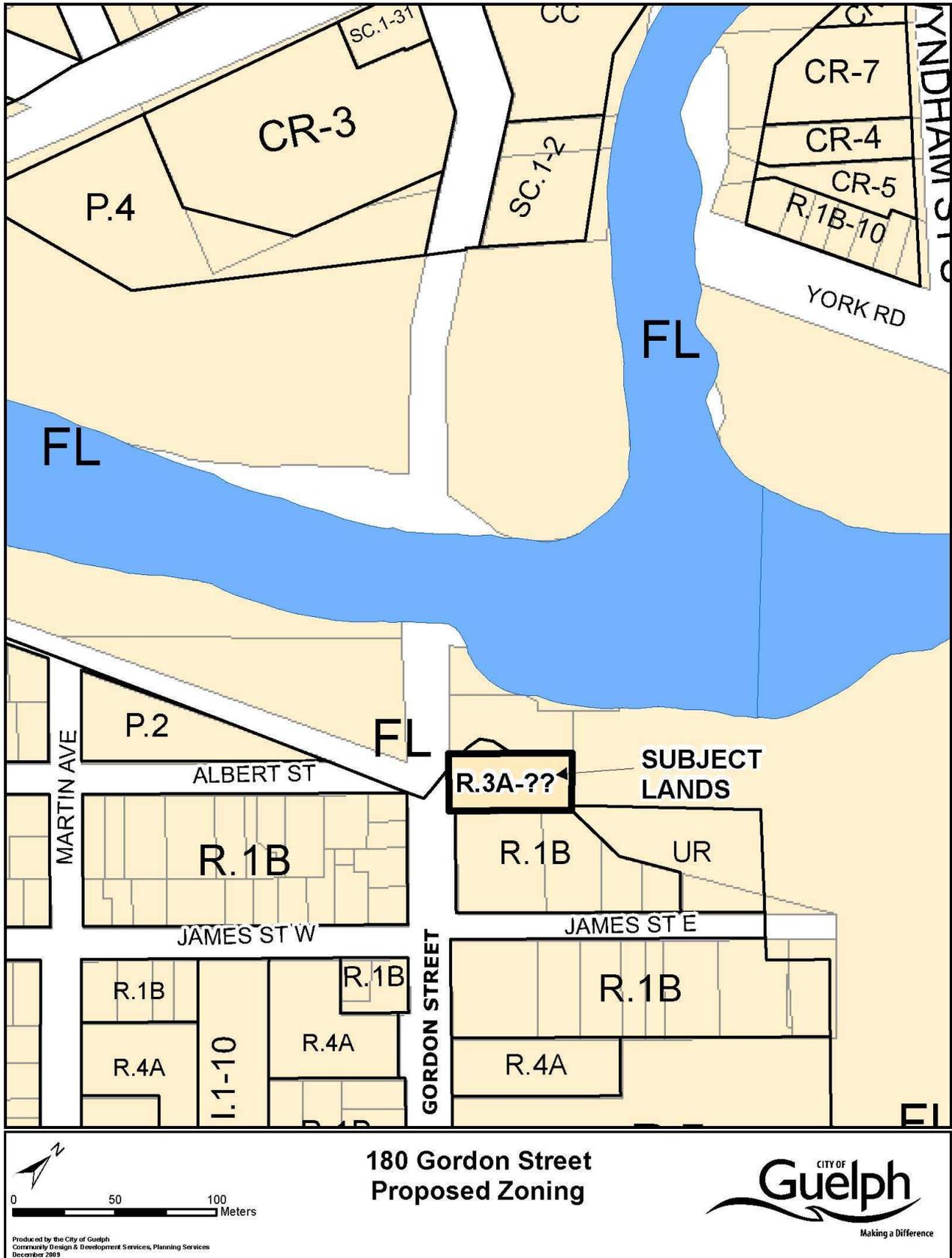
Building or structures in the C.1-19 Zone which existed legally prior to the passage of this By-law shall be deemed to conform with this By-law. Any extension or enlargement of existing buildings or structures require an amendment to the Zoning By-law and be in accordance with Sections 4 and 6.1.2 and the following additions and exceptions:

Minimum Lot Area – 2,780 m<sup>2</sup>

Minimum Lot Frontage – 45.5 m

Within the C.1-19 Zone, the sale of used vehicles is permitted as an accessory use to a vehicle service station, provided that the number of used vehicles at any given time does not exceed the ratio of 2 vehicles for every 1 service bay located at the place.

## Schedule 4 – Proposed Zoning



## Proposed Specialized Zoning Regulations for the Specialized R3A-?? (Townhouse) Zone

### Permitted Uses

Cluster Townhouse

Home Occupation in accordance with Section 4.19

Accessory Use in accordance with Section 4.23

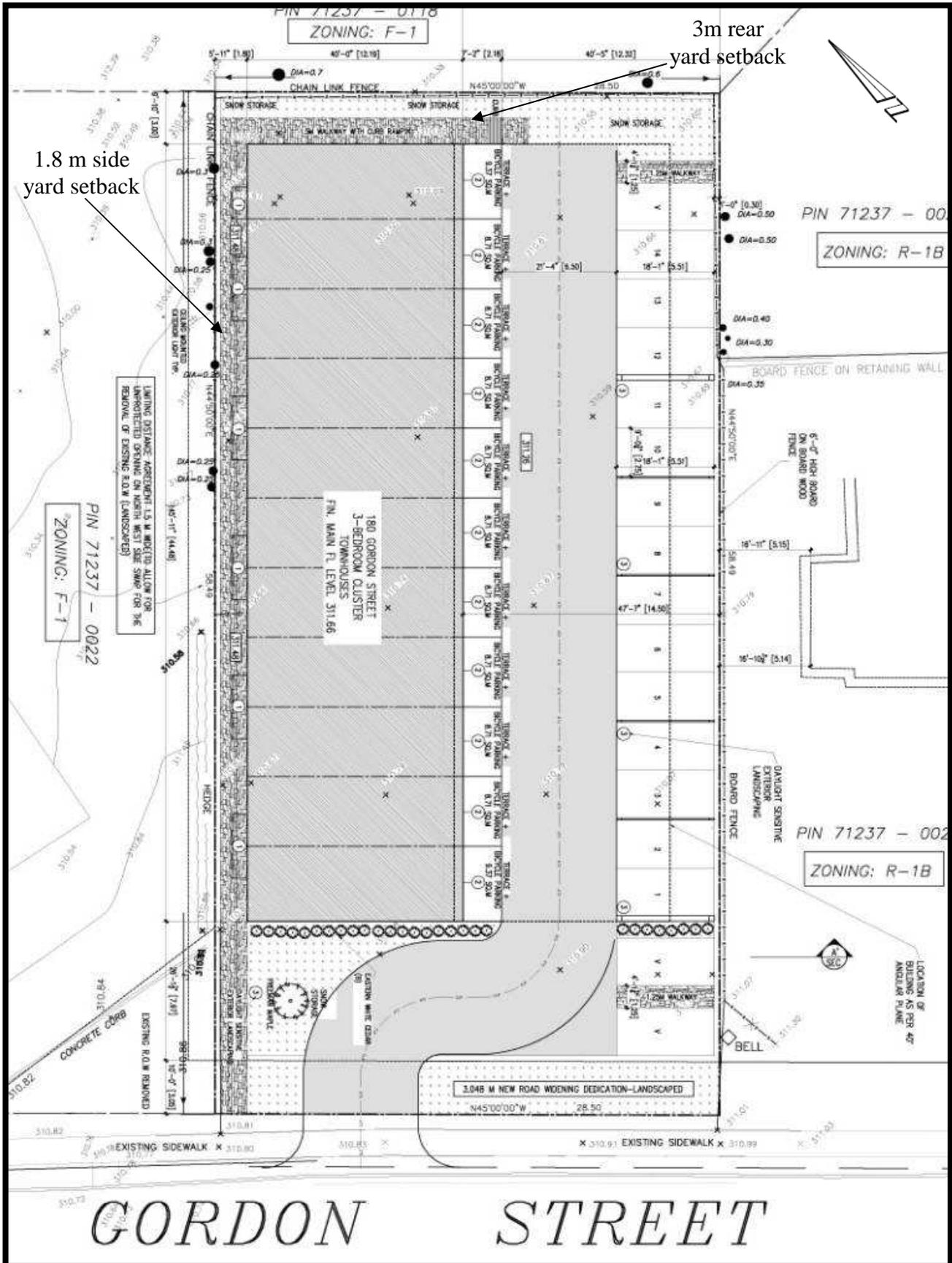
<b>Regulation</b>	<b>Required in the Standard R.3A Zone</b>	<b>Requested in the Specialized R.3A Zone</b>
Minimum Lot Area	800m <sup>2</sup>	--
Minimum Lot Area per Dwelling Unit	270 m <sup>2</sup>	143m <sup>2</sup>
Minimum Lot Frontage	18m	--
Minimum Front Yard	6m & Section 4.24	--
Minimum Exterior Side Yard	n/a	n/a
Minimum Side Yard	3m or ½ the building height	1.8m
Minimum Rear Yard	3m or ½ the building height	3m
Maximum Building Coverage	30%	46%
Maximum Building Height	3 storeys	4 storeys with use and gfa limitations for the 4 <sup>th</sup> storey
Minimum Distance Between Buildings	n/a	n/a
Minimum Common Amenity Area	n/a (less than 20 units proposed)	n/a
Minimum Private Amenity Area	Section 5.3.2.5.1 a)-i)	complies except for 5.3.2.5.1 i) (see below)
Minimum Setback to a private amenity area from a side lot line	3m	1.8m
Minimum Landscaped Open Space	40%	17%
Buffer Strip	Required adjacent to residential, institutional, park, wetland or urban reserve Zones	Complies – buffer strip to be provided along southerly side lot line
Off-Street Parking	14 spaces	--
Minimum Setback to Parking	3m	0.3m
Location of parking spaces (Section 4.13.2.2.1)	Visitor parking may be located in the front or exterior side yard provided it is to the rear of the required front or exterior side yard	Two parking spaces are proposed in the required front yard
Minimum separation between driveway or parking area and a building entrance or windows of habitable rooms (Section 4.13.2.2)	3m	2.15m
Maximum Density of Site	37.5 units per hectare	70 units per hectare
Minimum Angular Plane Setback	40 degrees	82 degrees
Minimum Side Yard setback to an accessory structure	0.6m	0.3m
Maximum size of an accessory structure	70m <sup>2</sup>	173m <sup>2</sup>

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## **Proposed Specialized Zoning Regulations for the Specialized R3A-?? (Townhouse) Zone**

- A minimum lot area per dwelling unit of 143 m<sup>2</sup> whereas 270m<sup>2</sup> is required
- A minimum rear yard setback of 3m whereas ½ the building height is required
- A minimum side yard setback of 1.8m whereas ½ the building height is required
- A maximum building height of 4 storeys whereas 3 storeys is permitted with the following additional regulation:
  - That the gross floor area of the fourth storey shall be limited to a maximum of 15m<sup>2</sup> per unit and shall not contain any habitable floor space.
- A minimum setback to a private amenity area of 1.8m from a side lot line whereas 3m is required
- A minimum landscaped open space of 17% of the lot area whereas 40% of the lot area is required
- A maximum building coverage of 46% of the lot area whereas 30% of the lot area is permitted
- A minimum setback of 0.3m to the parking area whereas a minimum setback of 3m is required
- To permit 2 visitor parking spaces to be located within the required front yard whereas parking in the required front yard is not permitted
- To permit the minimum distance required between a surface driveway and a building entrance or window of habitable rooms to be 2.15m whereas 3m is required
- To permit a maximum density of 70 units per hectare whereas 37.5 units per hectare is permitted
- To permit the angular plane from a river or park to be 82 degrees whereas a 40 degree angular plane is required
- To permit a minimum side yard setback to an accessory structure of 0.3m whereas 0.6m is required
- To permit the maximum floor area of an accessory structure to be 173m<sup>2</sup> whereas 70m<sup>2</sup> is permitted

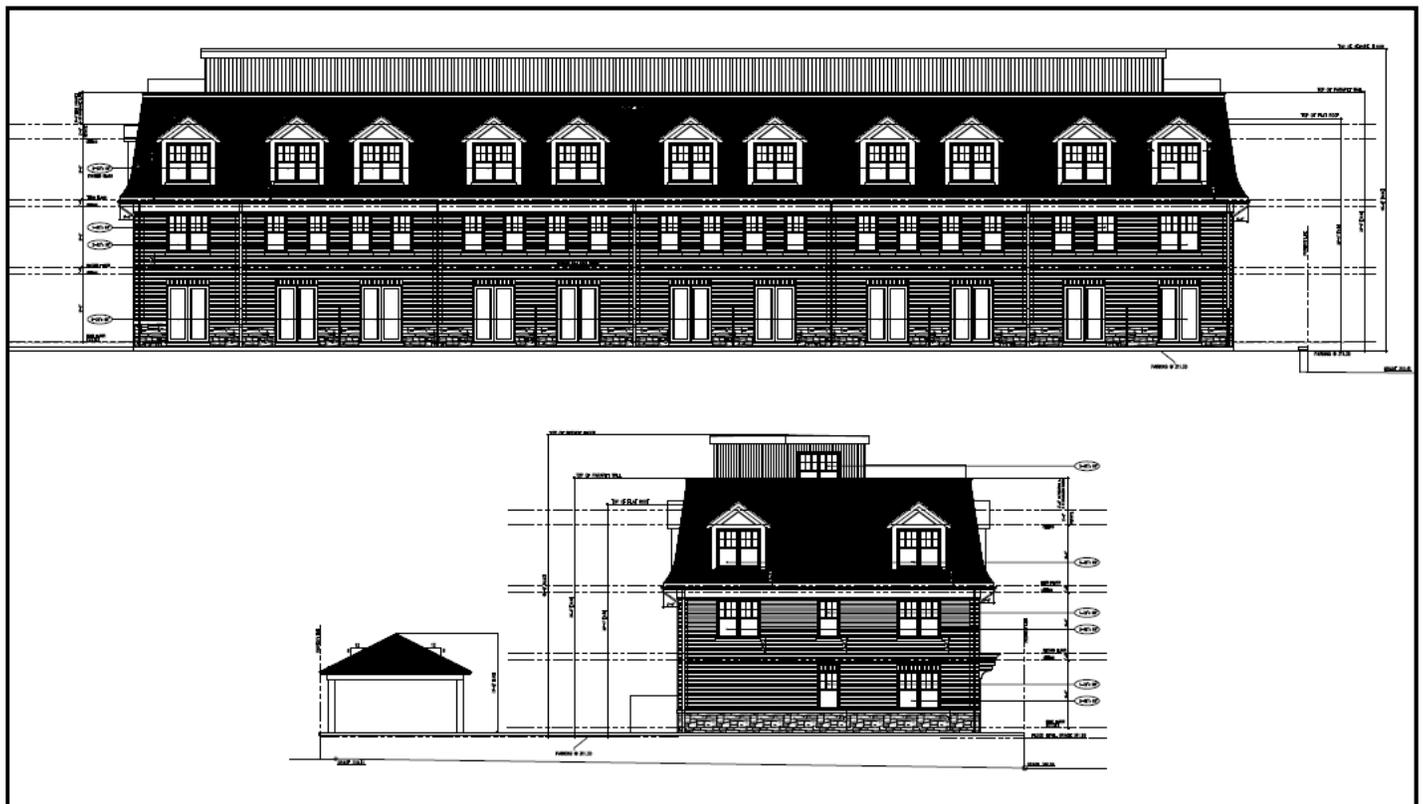
## Schedule 5 – Concept Plan



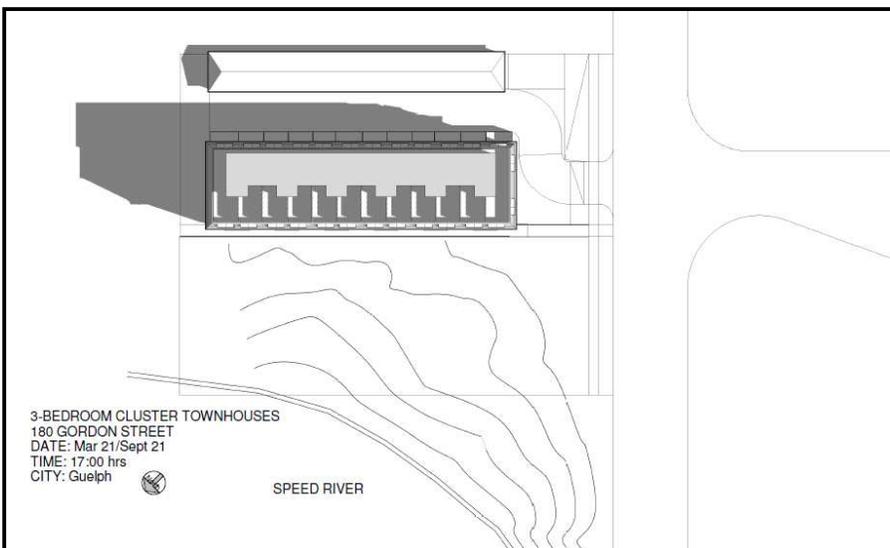
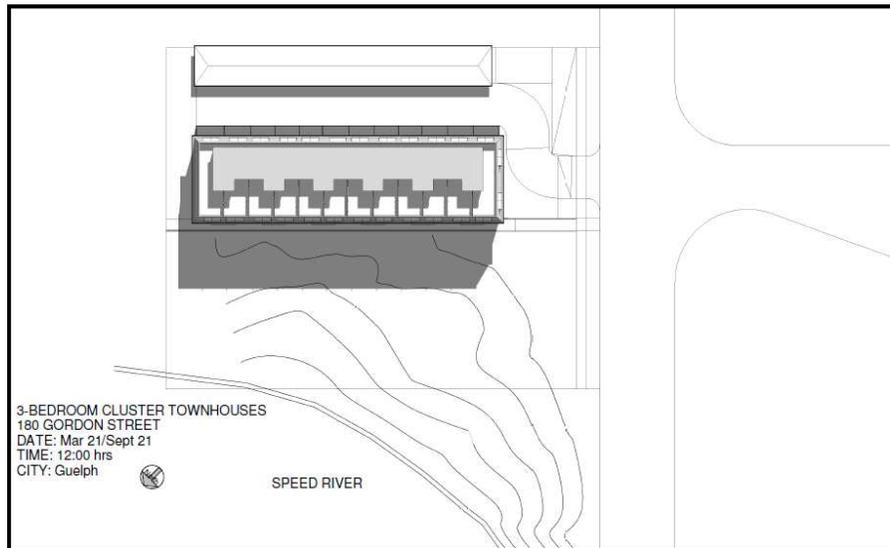
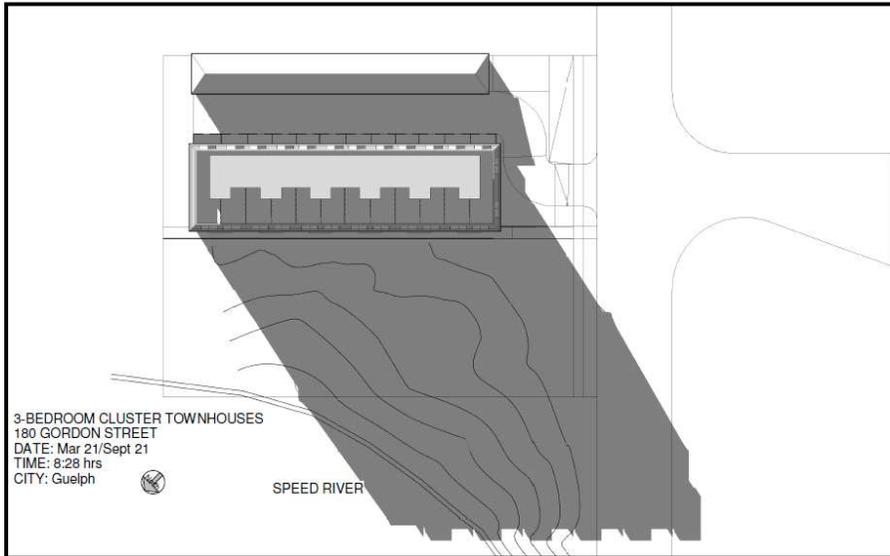
## Schedule 5 – Concept Elevations



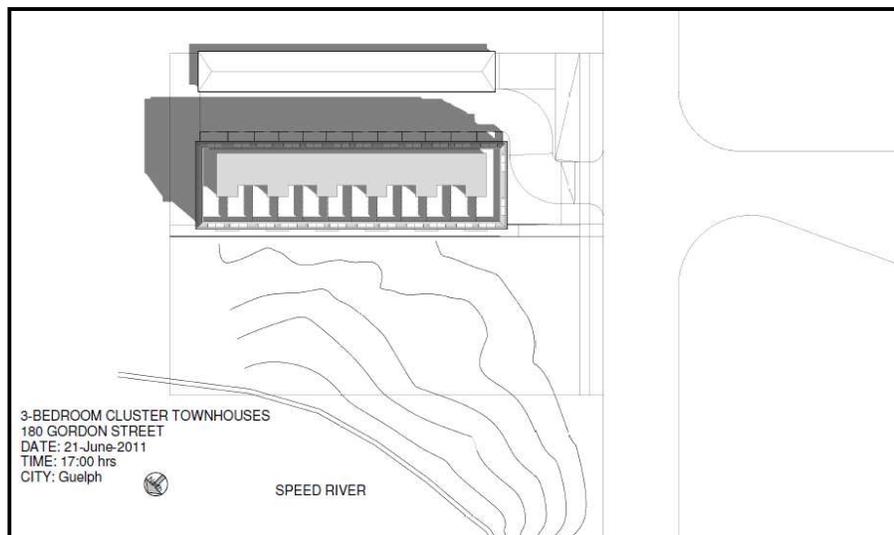
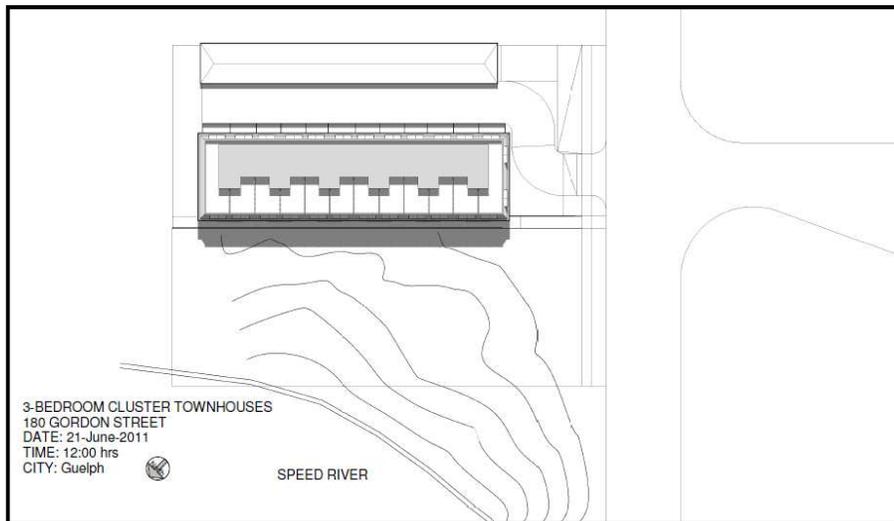
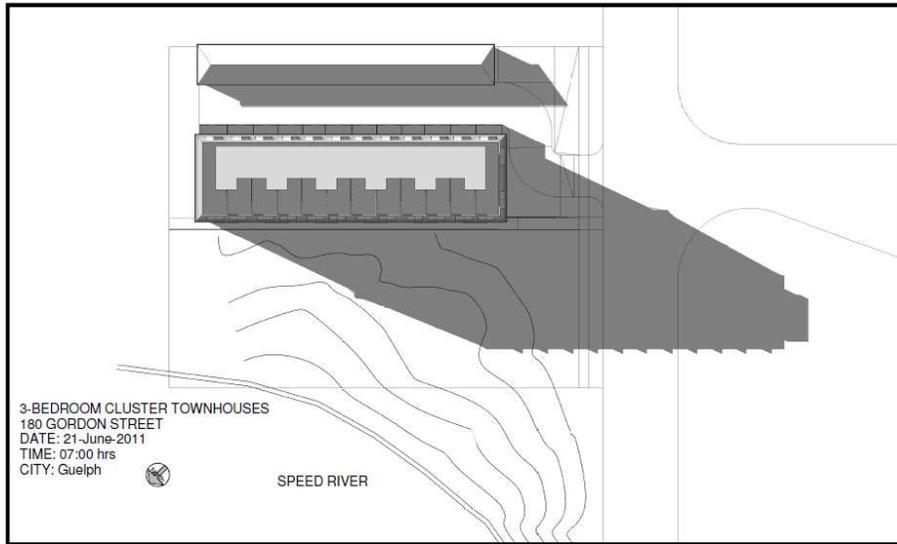
## Schedule 5 – Concept Elevations



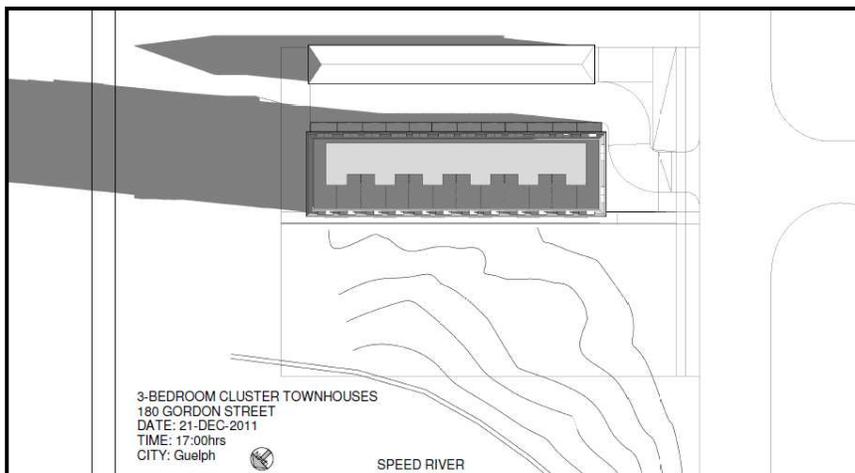
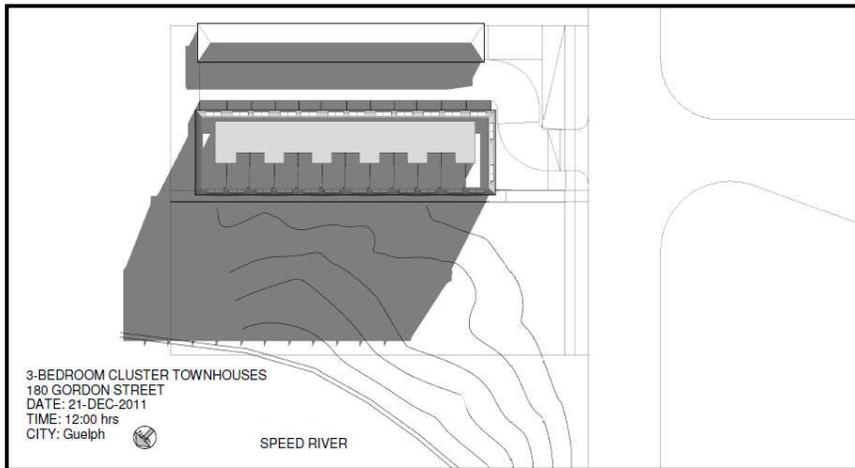
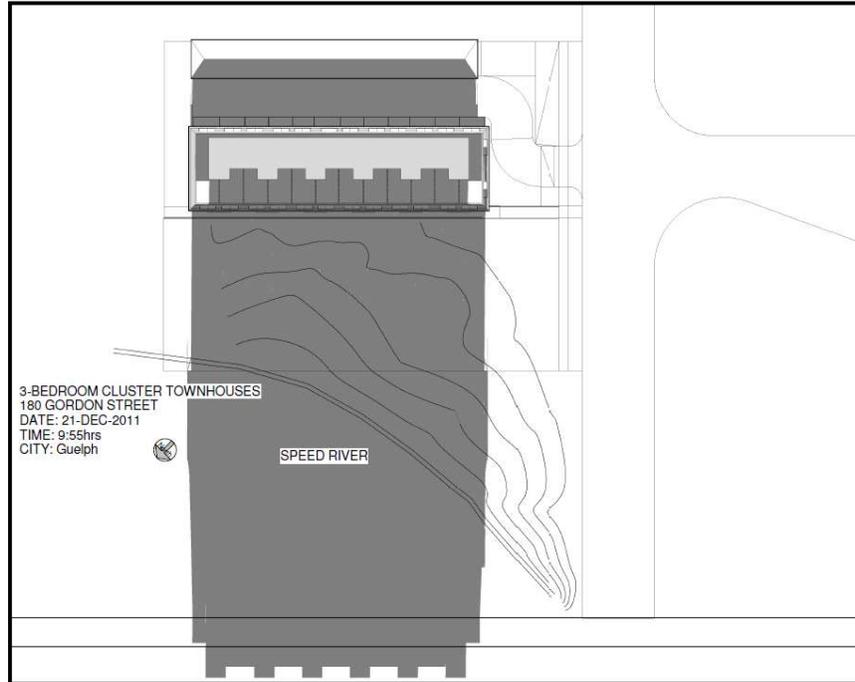
## Schedule 6 – Shadow Study March 21/September 21



## Schedule 6 – Shadow Study (cont'd) June 21



## Schedule 6 – Shadow Study (cont'd) December 21



## Schedule 7 – Community Energy Initiative Commitment



December 7, 2011

Stacey Laughlin  
Senior Development Planner - City of Guelph  
1 Carden Street  
Guelph ON N1H 3A1  
Tel: 519.822.1260 ext. 2327  
Email: Stacey.laughlin@guelph.ca

### **RE: 180 GORDON STREET COMMUNITY ENERGY INITIATIVE**

Stacey,

As per your request Podium Developments will be including many energy efficient upgrades in the construction of the proposed development at 180 Gordon Street. Such items include the following:

#### **SITE SUSTAINABILITY**

- Compact well utilized site located in downtown core to help contain urban sprawl / increase population in downtown core
- Clean up of a Brownsfield / previously developed site with excellent community connectivity to a variety of services and to public transportation
- 11 bicycle parking spaces, on major bus route and walking distance to downtown core thus discouraging the use of a motorized vehicle
- Reduced light pollution
  - Exterior and common area lighting on timers
  - Lighting not pointed skyward
  - Lighting sufficient for safety but not excessive
- Large windows which will promote greater "Day-Lighting" by occupants
- Site design incorporated CPTED principles
- Interior and exterior of site is designed to reduce sound impact on occupants and neighbouring residents
- New tree planting contributes to the overall rejuvenation of the urban forest
- Comprehensive erosion and sedimentation control plan will be in effect during construction
- Building is designed for efficient recycling of: (compliance with City by-laws)
  - Organics
  - Paper and
  - Plastic materials

#### **ENERGY EFFICIENCY & ATMOSPHERE**

- Appliances in compliance with ban on ozone-depleting refrigerant gases
- Low E Energy Star Rated Windows

3 Bridgman Avenue Suite 202  
Toronto ON M5R 3V4

Tel: 416.792.6114  
Fax: 866.870.8817

Mail: info@podiumdevelopments.com  
Web: www.podiumdevelopments.com



- 100% Energy Star Rated Appliances:
  - Furnace
  - Air Conditioner
  - Hot Water Tank
  - Laundry Washer
  - Fridge
  - Dishwasher
  - Lighting
- High Efficiency Lighting
- Large windows which will promote greater “Day-Lighting” by occupants
- HRV (Heat Recovery Ventilator) in every unit
- High Efficiency (95%) heating system will be used to save natural gas
- Air Conditioner will be 13 SEER which exceeds the MNEC and OBC requirement
- Sealed Supply and Return Plenums
- Utilities separately metered for every unit. Make occupants aware/conscious of energy use (KW & \$)

#### **INDOOR & EXTERIOR ENVIRONMENT QUALITY**

- Low VOC Paint
- CO2 Monitoring
- Each unit will have individual controls for HEATING, COOLING, LIGHTING and VENTILATION
- HRV, (Heat Recovery Ventilator) in every unit
- All occupied spaces have access to an operable window
- The building provides natural light to 100% of regularly occupied spaces
- Kitchens
  - Manufactured using no urea formaldehyde
  - Low HAPS (hazardous air pollutants) finish
- Sound Ratings
  - STC ratings between suites exceeds minimum requirements by 7 points, (14%)
    - Our STC rating 57
    - Minimum STC Rating 50
  - Bedroom walls exceed standard sound ratings by 4 STC points, (12.5%)
    - Our STC rating 36
    - Standard bedroom wall construction STC rating 32
  - In Suite interior floor partitions exceed standard sound ratings by 19 STC, (61.3%) and 17 IIC points, (65.4%)
    - Our STC rating 50
    - Minimum STC 31
    - Our IIC rating 43

3 Bridgman Avenue Suite 202  
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- Minimum IIC 26
- HVAC system is mitigated for sound impact to neighbours
  - AC Units rated @ 54 DBA
- Building is designed to mitigate the impact of traffic noise from Gordon Street  
SEE DESIGN

**WATER EFFICIENCY**

- Drought resistant soft landscaped material will be specified as much as possible
- Controlled roof drains provided to control flow rate of storm water
- Low Flow Fixtures:
  - Toilets
    - Our Toilets meet ULFT rebate standards
    - Our Toilets will use: 1.6 GPF
    - Standard Toilet uses: 3.4 GPF
    - Uses 54% less water than standard
  - Shower Heads
    - Our Shower Heads will use: 2.5 GPM
    - Standard Shower Head use: 5.5 GPM
    - Uses 55% less water than standard
  - Faucets
    - Our Faucets will use: 1.5 GPM
    - Standard Faucets use: 2.2 GPM
    - Uses 32% less water than standard

**MATERIALS & RESOURCES**

- Vast majority of materials are available locally (within 800 km radius as defined in LEED Standard)
- High recycled content material to be specified wherever possible
- A construction waste management plan will be implemented
- Collection of Recyclables in compliance with City by-laws

Podium Developments trusts that the above noted items will be satisfactory to the City of Guelph Community Energy Initiatives. Please feel free to contact us if you have questions or concerns.

Respectfully,

**Oskar Johansson**  
Director

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## **Schedule 8 – Staff Planning Analysis**

### ***Provincial Policy Statement and Places to Grow***

The Provincial Policy Statement (PPS) promotes efficient development and land use patterns that do not cause environmental or public health and safety concerns and promote cost-effective development standards to minimize land consumption and servicing costs [PPS 1.1.1 (a), (b), (c), (d), (g)]. The proposed amendments to permit the development of eleven townhouse units at 180 Gordon Street promote efficient development and land use patterns, avoid causing environmental or public health and safety concerns, promote cost-effective development standards, and the necessary infrastructure and public service facilities are available. Overall, the amendments promote a healthy, liveable and safe community.

The Provincial Policy Statement (PPS) refers to focusing growth within settlement areas with densities and a mix of land uses which efficiently use land and resources [PPS 1.1.3.2 a)]. In addition, the PPS indicates that Planning authorities shall identify and promote opportunities for intensification and redevelopment where this can be accommodated, taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs [PPS 1.1.3.3]. The proposed amendments allow development within the City's settlement area; increase the permitted density of this area and will allow efficient use of existing infrastructure. Further, they promote the redevelopment of a brownfield site.

The Provincial Policy Statement also indicates that appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while maintaining appropriate levels of public health and safety [PPS 1.1.3.4]. Further, an appropriate range of housing types and densities should be provided [PPS 1.4.3]. The Zoning By-law Amendment proposes site specific zoning regulations which facilitate intensification, redevelopment and compact form as well as providing a different form of housing in this neighbourhood.

The PPS also indicates that development and site alteration shall not be permitted on adjacent land to natural heritage features unless it has been demonstrated that there will be no negative impact on the natural features or their ecological function [PPS 2.1.6]. In addition, development shall be directed to areas outside of hazardous lands adjacent to a river system [PPS 3.1.1 (b)]. It has been demonstrated through a Scoped Environmental Impact Study that the proposed development of 180 Gordon Street will not negatively impact any adjacent natural heritage features and that it is outside of the hazardous lands adjacent to the river.

Overall, the proposed Official Plan and Zoning By-law Amendments are consistent with the Provincial Policy Statement.

The "Growth Plan for the Greater Golden Horseshoe" includes policies that direct a significant portion of growth to the built-up area of the community through intensification where the capacity exists to best accommodate the expected population and employment growth. More specifically, by the year 2015, a minimum of 40% of all residential development will be within the built-up area.

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Further, the development of compact, vibrant and complete communities with a diverse mix of land uses, and a range and mix of employment and housing types is encouraged. The promotion of transit-supportive densities and the optimal use of existing and new infrastructure to support growth in a compact, efficient form, is also encouraged by the Growth Plan.

The proposed Zoning By-law Amendment allows for residential development within the City's Built-Up Area and promotes intensification and introduces a new housing type to this neighbourhood. The introduction of additional density on this site makes efficient use of existing infrastructure and supports public transit. Overall, the proposed Zoning By-law Amendment conforms to the Growth Plan for the Greater Golden Horseshoe.

### ***Conformity with the Official Plan***

#### Official Plan Amendment Criteria

Section 9.3 of the Official Plan indicates that any provision of the Official Plan may be amended pursuant to the requirements of the *Planning Act*. This section also provides direction to Council on what matters should be considered when an application to amend the Official Plan is being reviewed (see Schedule 3, page 20). The applicable criteria that need to be considered with respect to the proposed Official Plan Amendment are as follows:

- the conformity of the proposal to the goals and objectives of the plan;
- suitability of the site or area for the proposed use
- compatibility of the proposed use with adjacent land use designations
- the impact of the proposed use on sewage, water and solid waste management systems, the transportation system, community facilities and the natural environment

The requested Official Plan Amendment to add in a site specific policy permitting a reduced setback to the edge of the river is in conformity with the goals and objectives of the plan. The recommended Amendment does not change the designation or permitted uses and, therefore, most of these criteria are not applicable. The proposed site specific policy provides an appropriate balance between permitting intensification and the development of a brownfield site with the protection of the City's Natural Heritage System which has been demonstrated through a Scoped Environmental Impact Study.

The site specific policy is not proposing to change the use of 180 Gordon Street, rather it assists in facilitating the use of the subject lands for the intended General Residential land use.

The site specific policy does not affect the compatibility of the proposed residential land use with adjacent land use designations. The land use designation is not changing from General Residential and therefore remains compatible with the surrounding lands which are also designated General Residential. The proposed townhouses are not out of character with the surrounding area and are similar to existing buildings in the area with respect to use, building mass and height. With respect to the suitability of the area of encroachment by the proposed use and the impact of the proposed use on the natural environment, a Scoped Environmental Impact Study has been completed and approved by City Staff and accepted by the

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City's Environmental Advisory Committee (see page 53) which demonstrates that the proposed development, including the reduced setback to the edge of the river, will not have a negative impact on the river or its ecological function.

Overall the proposed site specific policy to permit reduced setbacks of 22.5 metres to structures (such as retaining walls) and 24.5 metres to buildings from the river edge rather than 30 metres in this instance satisfies the criteria outlined in Section 9.3 for an amendment to the Official Plan.

#### General Residential

The proposed Zoning By-law Amendment to allow the development of cluster townhouses in a Specialized R.3A Zone conforms to the "General Residential" designation of the Official Plan which applies to this property (Schedule 3).

Section 7.2.31 of the Official Plan (OP) indicates that the predominant use of land in the General Residential designation shall be residential. Further, all forms of residential development shall be permitted and the general character of development will be low-rise housing forms. Multiple unit residential buildings are permitted without amendment to the Official Plan subject to the satisfaction of the development criteria outlined in Section 7.2.7. The proposed Amendment allows cluster townhouses up to 4 storeys in height which is considered to be low-rise multiple unit residential development.

Section 7.2.32 indicates that the net density of development shall not exceed 100 units per hectare. Based on the proposed development concept plan, the overall density of the site is 70 units per hectare. With respect to density, the proposed Amendment conforms to the Official Plan because the permitted density is less than the maximum permitted by the General Residential designation.

As indicated, multi-unit residential buildings are to be evaluated against the criteria outlined in Section 7.2.7 of the Official Plan. These criteria are as follows:

- 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 vehicle traffic generated from the proposal can be accommodated with minimal impact on local residential streets and intersections and, in addition, vehicular circulation, access and parking facilities can be adequately provided; and,
- d) That adequate municipal infrastructure, services and amenity areas for the residents can be provided

The proposed Zoning By-law Amendment meets the criteria outlined in Section 7.2.7. The proposed Amendment allows a maximum building height of four storeys with additional regulations that limit the fourth storey in size to 15 m<sup>2</sup> per unit and do not permit habitable floor space on the fourth storey. These additional regulations assist in ensuring that the fourth storey is small and, therefore not highly visible from the surrounding area. In conjunction with the proposed accessory structure that will act as a buffer and appropriate setbacks from existing

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lower density development to the south, the proposed design as shown on Schedule 5, conforms to criteria a).

The proposed Amendment, which allows a maximum density of 70 units per hectare or a maximum of 11 cluster townhouse units can be adequately served by local shopping facilities, schools, parks and recreation facilities, as well as public transit. Further, there is adequate municipal infrastructure, services (see page 50 for additional comments regarding servicing and the submitted Preliminary Servicing and Stormwater Management Report) and amenity areas provided. Therefore, criteria b) and d) are satisfied.

Engineering Services has reviewed the proposed development and concluded that the vehicle traffic generated by the proposed eleven townhouse units can be accommodated by the streets and intersection in the immediate vicinity, being Gordon Street and the intersection of Gordon Street/Water Street/Albert Street based on the existing traffic flow and the anticipated number of trips per day to be generated by this development. The proposed site layout, which lines up the site access point with the intersection of Gordon Street and Water Street assists in ensuring that safe access is being provided to the site. Adequate on-site vehicle circulation and parking facilities are also being provided. Criteria c) is satisfied.

With respect to land use, height and density, the proposed Zoning By-law Amendment application conforms to the Official Plan.

#### Character of Development Adjacent to the Rivers and Public Open Spaces (3.6.18)

In general, Section 3.6.18, implements the River Systems Management Plan within the Official Plan. The subject application is reviewed in the context of the River Systems Management Plan in detail (see page 41).

Section 3.6.18 indicates the following:

- High priority is placed on promoting “excellence in urban design” for lands bordering the rivers and other public open space lands;
- Urban design principles of the Plan are to be used to promote compatible development in the valleylands associated with the rivers and adjacent to public open spaces;
- Development proposals are required to have “animated” ground level building facades when they are located along the Speed River in the downtown area. This is to be accomplished by:
  - Requiring building designs to have entrances and windows face the river;
  - Requiring parking areas to be not visually apparent from the river’s edge; and,
  - Requiring building functions, such as loading bays, refuse and other storage areas, and blank walls not to face the river. Landscaping and screening may also be used to provide a visual buffer for these functions.
- The improvement of riverfront lands that are available for public use is promoted;

- 
- The retention and extension of view corridors to the rivers and landmarks is promoted
  - The improved general public accessibility to the developed parks in the river corridors is promoted;
  - Buildings and landscapes are encouraged to be designed in a manner that respects the character of the adjacent park, river or public open space lands. Special building placement and design considerations may be required to protect as well as optimize views to the river or open space;
  - Active parks will be designed with adequate street frontage and placement of landscaping to permit visibility to and from the abutting street in order to promote public safety.

Overall, the proposal conforms to Section 3.6.18 of the Official Plan. The development proposal faces the park and the river; the development improves riverfront lands that are available for public use; the existing view corridor to the river is retained; the design of the building and landscape respects the character of the adjacent park and river; and the proposal improves the street frontage available to the existing park.

***Conformity with the Local Growth Management Strategy in Official Plan Amendment #39***

Official Plan Amendment #39 aims to build a compact, vibrant and complete community by directing growth to locations within the built-up area. Generally within the built-up area, vacant or underutilized lots, greyfields and brownfields will be revitalized through the promotion of infill development, redevelopment and expansions or conversions of existing buildings. By the year 2015 and each year after, a minimum of 40% of residential development will occur in the built-up area [section 2.4.5.1 (a) and (c)]. The proposed development is located within the City's built-up area and proposes to develop an existing brownfield site.

In addition, development should support transit, walking and cycling for everyday activities [section 2.4.5.1 (h)]. The subject site's proximity to downtown and the City's multi-modal transit terminal, as well as its location on a street that has bike lanes and is a transit route, makes it ideal for supporting transit, walking and cycling for everyday activities.

Official Plan Amendment #39 also directs that the City will plan for high quality public open space with site design and urban design standards that create attractive and vibrant spaces. Further, infill development is to be facilitated where appropriate [section 2.4.5.1 (g) and (i)]. The development as allowed by the Amendments proposes high quality urban design and site design standards and appropriately frames an existing park to enhance the attractiveness and increase the vibrancy of the existing public open space.

With respect to the City's Natural Heritage System, Official Plan Amendment #39 provides direction to protect, maintain and enhance natural heritage features over the long term. Section 2.4.14.4 encourages an urban open space system that may include rooftop gardens, communal courtyards and public parks. As indicated, a

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Scoped Environmental Impact Study has been prepared and reviewed by City staff and the City's Environmental Advisory and River Systems Advisory Committees, which indicates that the proposed development at 180 Gordon Street will not have a negative impact on the City's Natural Heritage System. Further, rooftop gardens are proposed which will contribute to the urban open space system which is being encouraged.

The proposed Amendments for 180 Gordon Street conform to Official Plan Amendment #39.

***Conformity with the Natural Heritage System in Official Plan Amendment #42 (subject of appeals)***

Official Plan Amendment (OPA) #42 (subject of appeals), does not designate any of the site "Significant Natural Areas" because it is considered to be a disturbed site that has been graded and altered. A map showing the "Significant Natural Areas" in proximity to the subject site is included in Schedule 3. To the north of the site, the river is considered to be "cool water fish habitat" in this area and to the east of the site, the woodlot is considered to be "cultural woodlands". For the area shown on the map attached in schedule 3, the buffers are incorporated into the Significant Natural Area. A required buffer to cultural woodlands is not specified in OPA 42.

The Natural Heritage System policies aim to strike a balance between protection of the Natural Heritage System while providing for limited compatible development (section 6.1.1). Development may be permitted within the adjacent lands to Significant Natural Areas provided it has been demonstrated through an Environmental Impact Study that there will be no negative impacts on the natural features or their ecological functions (sections 6.1.3 and 6.1.4.1). A Scoped Environmental Impact Study has been prepared and reviewed for the development proposal which demonstrates that there will be no negative impact on the natural features or their ecological functions.

Within the Built-up area the study requirements on adjacent lands may be reduced where development exists between the proposed development and the natural heritage feature (section 6.1.4.3).

Table 6.1 of OPA 42 indicates a buffer with a minimum width of 30m adjacent to surface water and cold/cool water fish habitat. The proposed development does not meet this distance, however, OPA 42 is not yet in effect. In addition, a Scoped Environmental Impact Study has been prepared which demonstrates that the reduced setback will not have a negative impact on the river or its ecological function. As is demonstrated by Sections 6.1.1, 6.1.3, 6.1.4.1 and 6.1.4.3, it is intended that some flexibility be provided in the City's Built-up area.

Although OPA 42 is not yet in effect, the proposed Amendments for 180 Gordon Street generally conform to the proposed Natural Heritage System policies.

***Conformity with the River Systems Management Plan (RSMP) & Evaluation of the proposal's proximity to the Rivers***

Through the public process, concern has been raised with respect to the proposal's proximity to the river. Particularly questions have been raised about: the RSMP's suggestion to have a 30m setback to the river edge; the location of the

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development at the principal gateway to the river systems; potential to open access to the south bank and a south bank trail; compatibility with the site's river setting rather than its arterial road setting; and views to the river. These issues generally relate to the requirements of the River Systems Management Plan and therefore, are addressed through this section of the report.

The RSMP is comprised of several components: inventory and analysis of existing conditions; goals and objectives describing the conceptual basis of the master plan; a master plan illustrating physical recommendations; environmental, urban and park design principles to direct development and redevelopment; and, an implementation strategy for realizing the master plan. The intent of the study which resulted in the RSMP was to create a comprehensive vision for the rivers and the "Master Plan and Principles" within the RSMP provide guidelines to achieve the vision.

The City's River Systems Advisory Committee (RSAC) has reviewed the development proposal. The purpose of RSAC is to provide advice and assistance to City staff and Council on issues that impact waterways and adjacent lands within the City. Part of the Committee's mandate is to provide recommendations to City Staff and Council with respect to monitoring, implementing and updating the River Systems Management Plan which was finalized in 1993.

On November 23, 2011, RSAC passed the following resolution:

*"That the River Systems Advisory Committee support the Application for 180 Gordon St. subject to the following:*

- *That LID measures be considered for the site when appropriate;*
- *That urban and landscape design address the watercourse;*
- *That a 30m riparian setback be established given the constraints on the property and further detail be provided for the proposed encroachments;*
- *That general support be given to the design brief;*
- *That strong support be given for a 30m setback from the River's edge; and*
- *That the inclusion of a native plant/vegetation corridor be incorporated at the transition from the building to the park."*

River Systems Advisory Committee has indicated in the above resolution that they give strong support for the 30m setback from the river's edge to be maintained, however, specific reasons for this were not provided by the Committee. The development is proposing a setback of 22.5 metres from the edge of a river to a retaining wall. The River Systems Management Plan suggests that the City adopt setbacks, within which a minimum 15 m vegetated buffer is provided, as follows:

- A setback equal to the Regulatory flood line, or
- 30 m development setback from the river edge, or wetland
- 10 m setback from the edge of the dripline of significant vegetation,

whichever is greater. In this instance, the proposed development will not be within the regulatory flood line. By providing different options in the suggested setbacks, the River Systems Management Plan is providing some flexibility in the setback, which should be applied in the built-up areas of the City. Overall, the reduction to the setback for a portion of the proposed development is still in keeping with the overall goal of the River Systems Management Plan.

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The River Systems Management Plan (RSMP) is based on several principles including: public use and enjoyment of the corridors – walking, driving and playing along the river, seeing the rivers, etc; and, sensitive built form that respects, and indeed celebrates, the paramount importance of a riverside location. Several Goals and Objectives are set out in the Management Plan for the river system as a whole, as well as specific areas within the system.

Goal #1 outlines that an ambition of the RSMP is to enhance the ecological integrity of the rivers by enhancing base flow, water quality, aquatic habitat vegetation and wildlife habitat.

Response: As has been demonstrated through an Environmental Impact Study, the proposed development at 180 Gordon Street will not impact the environmental integrity of the river systems.

Goal #2 is to provide a sense of continuity along the rivers and between the rivers and the City. To achieve this goal, the following objectives have been set out:

6. provide continuous public access along the Speed and Eramosa Rivers;
7. protect and enhance views to the Speed and Eramosa Rivers;
8. improve public open space in the corridors of the Speed and Eramosa Rivers

Response: The proposed development for 180 Gordon Street does not impact public access being provided to the confluence of the Speed and Eramosa Rivers nor does it block access to the south bank or a future south bank trail. Marianne's Park, which is owned by the Grand River Conservation Authority immediately abuts the river and provides public access to the river's edge. In addition, the view of the river is not being blocked by the proposed development. The proposed building is setback from and runs perpendicular to Gordon Street and along the edge of the park, and therefore, existing public views of the river are not blocked by the proposed development. The proposed development will also help to frame the existing park, providing informal surveillance of the area and improving the space compared to the existing situation.

Goal #3 is to ensure that new development is compatible and sensitive to the character and qualities of the river corridor and downtown Guelph. Appropriate fit occurs when the type of use, building height, mass, materials, siting are sensitive to the conditions of a particular street, neighbourhood and river edge.

Response: The proposed Amendments enable this to be achieved by allowing a building which is similar in use, height and mass to existing buildings in the surrounding area, as well as allowing the building to be sited in such a manner that appropriate setbacks are provided to existing detached dwellings.

Objective 11 indicates that development in the corridors should face, focus and feature the riverland setting.

Response: The proposed development of 180 Gordon Street faces the river, having front doors and an attractive building facade focusing on

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and featuring its riverland setting. These matters will be controlled at the site plan stage.

The RSMP also sets out a 'Master Plan' in order for the Goals and Objectives of the Management Plan to be realized. The Master Plan identifies the Gordon Street bridge as the most significant gateway to the City where building and natural forms interface. The Master Plan indicates that the confluence should be treated as a special public place and feature, and urban design guidelines to control built form and major streetscape treatment should be implemented on Gordon Street. To date, specific urban design guidelines for the confluence have not been developed, however, the development proposes a high level of urban design and a building that does not overpower the park or river.

The applicable Design Principles from the Master Plan are:

Principle 13 – General Concern for Urban Design

Principle 14 – Land Use

Principle 15 – Floor Space Index/Landscape Open Space

Principle 16 – Building Height/Build-To Lines

Principle 19 – Location of Parking and Services

Principle 13 outlines that the character and disposition of built form adjacent to the riverlands plays a critical role in the quality of the public open space. This principle suggests that built form should be controlled using Floor Space Index (FSI) rather than density (units per hectare). It also indicates that a Secondary Plan should be developed for the entire river system on a sector by sector basis in order to determine the appropriate FSI, angular planes and build-to lines for that specific area.

Response: To date, Secondary Plans have not been developed for each sector of the river system. A general angular plane requirement has been included in the City's Zoning By-law for all properties adjacent to a river or park. However, the angular plane does not recognize the unique features of different areas of the river. As such, individual development applications must be analyzed on their own merits and in the context of all applicable planning policies.

Principle 14 encourages a mix of land uses, other than industrial, along the river edge, however, no building which impinge their scale on the river corridor or neighbourhood, or which inhibit public access through to and along the river should be developed.

Response: The proposed development provides residential units in proximity to the river and the proposed building is of an appropriate scale given the width of the park as well as the width of the river in this location; it does not inhibit river access.

Principle 15 outlines that appropriate FSI requirements should be established for the various precincts of the City. Additional tools such as Build-To lines, Angular Planes, View Corridors can be implemented to address specific urban design ambitions. This principle also indicates that landscape open space requirements

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should be applied as a secondary requirement to the previously mentioned design controls.

Response: Specific FSI designations have not been developed for the various precincts of the City, however, the proposed building is an appropriate scale to compliment the park and the river in this setting as the proposed height and mass does not overpower the park or the river.

Principle 16 outlines that building height should relate directly to the adjacent public street, river's edge or park as a primary condition of the character and amenity of the space. Angular planes allow height to be established on the basis of a desired relationship between building height and the width of the street or public open space. This rationale allows the amenities of the public open space – light, views and appropriate scale – to be considered and adjusted to suit the particular condition.

Response: In this instance, Marianne's Park is located between the river and the proposed building. The combination of the width of the river at this location and the park provides a wide open public space which can be appropriately framed by a building with a height and mass of the one proposed. If the angular plane was applied from the edge of the river to the closest point of the building, it would be approximately 30 degrees.

Principle 19 states that the use of lands abutting the river for parking or for the storage of garbage and other items should be avoided as this wastes opportunities for buildings to address the river, for "eyes" to be on the riverside trail, and to enliven the corridor with activity.

Response: The proposed development is configured on the site to ensure that all parking and storage areas are not located between the building and the river, and further, provides front doors and windows facing the park and river to both enliven the corridor and provide casual surveillance of these areas.

As demonstrated in the analysis above, the proposed Amendments for the development at 180 Gordon Street meet the goals, objectives and principles of the River Systems Management Plan. Detailed design matters will be addressed at the site plan stage.

### ***Evaluation of the Proposal's Proximity to Marianne's Park***

#### **Shadow impacts on park**

The applicant has provided a shadow study (see Schedule 6) which demonstrates that the shadow impacts are acceptable. In March and September, portions of the park will be in shadow for a few hours in the morning. However, during peak user times, in the afternoon and evening hours of the summer, the park will not be shadowed by the proposed townhouses.

#### **Buffer to park**

The proposed site layout for 180 Gordon Street includes a delineated 1.8m wide private walkway which runs along the north property line and provides separation between the building and the park. The setback proposed, which is included in the

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proposed zoning, provides a separation distance that assists in making a clear distinction between public and private space, however, does not allow for residents to use this space as a private amenity area or for the storage of items. If the space were larger and could be used as a private amenity space or for the storage of personal items, it would be more likely that future residents would try to 'take-over' the park and use it as additional private amenity space.

In addition to an appropriate setback being provided, a grade change is proposed which will further delineate the public space from the private space. A retaining wall with a height ranging from approximately 0.6 metres to approximately 0.9m metres will be constructed on the subject lands and the grade will be raised slightly. A decorative metal fence will run along the top of the retaining wall which will clearly distinguish public space from private space.

The applicant is also proposing to retain and enhance the existing cedar hedge that is located in the park and runs along the shared property line. The enhancement of this hedge will assist in providing additional buffer and a further distinction between public and private space.

The above grading and landscaping matters will be secured at the site plan stage.

#### Vista to park and river

As previously indicated, the building is proposed to be setback from Gordon Street and will not block public views of the park or river from Gordon Street.

#### Angular plane requirements

As outlined in the River Systems Management Section of this report (see page 41), the angular plane requirement in the Zoning By-law is based on Principle 16 of the River Systems Management Plan (RSMP). The RSMP intended that specific build to and angular planes be established on a street-by-street basis following detailed analysis. This detailed analysis has not yet been completed and, instead, a generic angular plane requirement was included in the Zoning By-law for all rivers and parks within the City. The angular plane was intended to be established based on the desired relationship between building height and the width of the street or public open space. The basic premise being that the wider the street or public open space, the taller the building or higher the angular plane could be. In applying this theory to the subject proposal, the width of the public open space is over 100 metres, being the combination of the river and Marianne's Park, and means that a taller building or higher angular plane can be supported.

#### Cultural importance of the park – potential conflict between the proposed residential use and the park

Marianne's Park is a culturally significant park within the City of Guelph. It was established to honour the memory of a woman who was murdered by her partner, and also honours all women who are subjected to violence. The park is a place where people come together for such events as Take Back the Night and also for the December 6 vigil. The park is also used for private reflection and memorials.

Concern has been raised that the introduction of townhouse units facing the park and the river is in conflict with Marianne's Park because residents of the units will be able to overlook people using the park and thereby make them feel unsafe. The

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River Systems Management Plan, as well as the City's Urban Design Guidelines, indicate that windows should be provided overlooking public spaces such as streets and parks. This provides opportunities for informal or casual surveillance of the public realm, making these spaces safer for all users. The addition of residential units adjacent to the park, will not impact the park's primary function of providing a place for people to honour those women who are subjected to violence, nor will it impede on the park's ability to host events such as Take Back the Night.

There are other examples of culturally important places, such as cemeteries and war memorials that are surrounded by more intense land uses, yet they can still function as they are intended to as places of contemplation and respect.

As outlined in the Background section of this report, the current zoning permits a gas station. This type of land use would be more disruptive and less respectful of Marianne's Park than the proposed townhouse units.

### ***Evaluation of the proposal in the context of the potential Heritage Conservation District***

The subject development was presented to Heritage Guelph in April of 2011 by Planning staff. At that time, Heritage Guelph had no objection to the proposed development. The Brooklyn and College Hill Heritage Conservation District (HCD) designation process was only beginning at that time, however, as the HCD study has progressed, Heritage Planning staff continue to indicate that the proposed development will not have a negative impact on the potential Heritage Conservation District. As proposed, the development will not be out of character with the immediate neighbourhood in terms of the proposed building scale or mass. Through the Site Plan Approval process, Heritage Planning staff will continue to make suggestions with respect to the design of the building and the materials being used to ensure that the development will be in keeping with the character of the neighbourhood and the potential heritage conservation district.

### ***Review of Proposed Zoning and Specialized Regulations***

The recommended rezoning of the subject site to a Specialized R.3A (Townhouse) Zone is appropriate to accommodate the development of eleven cluster townhouse dwelling units.

Specialized regulations relating to building height, density, lot area per dwelling unit, building coverage, landscaped open space, angular plane requirements, building setbacks from the rear and side property lines, location and size of the accessory structure, location of parking and drive aisle, and setback to the private amenity area are proposed.

The overall effect of the specialized regulations allows for a more urban townhouse layout to be achieved on the subject property. The current R.3A (Townhouse) Zone regulations in the City's Zoning By-law were developed for suburban townhouse developments and prior to the Places to Grow Plan coming into effect which encourages intensification and more compact built forms. In this context, unique sites require careful planning and urban design analysis with a view to formulating unique and thoughtful planning solutions.

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### Side and Rear Yard Setbacks

The proposed side and rear yard setbacks to the building and the amenity area are appropriate as these reduced setbacks will not have a negative impact on the adjacent properties. In this instance, the private amenity areas for these units will be provided on the roof of the building rather than in a typical 'back yard' setting. Therefore, the side and rear yard setbacks for the development function more for access, drainage and maintenance rather than an open space to be used for amenity purposes. As has been also indicated, the reduced side yard setback to Marianne's Park is appropriate to ensure that the outdoor area between the building and the park does not become a private outdoor amenity that could potentially extend into the public park. The rear yard setback is to "cultural woodlands". In this instance, the proposed building setback will not have a negative impact on the woodland because the site has previously been excavated.

### Building Coverage and Landscaped Open Space

The requested increase in building coverage and reduced landscaped open space regulations are appropriate in this instance as the outdoor amenity areas for the development are proposed to be on the roof of the building. Further, the subject property is located in proximity to an abundance of public open space and trails which can be used by the future residents of the development for recreation purposes.

### Setback to Parking and Accessory Structure Size and Location

The reduced setbacks to the parking area and to the accessory structure are appropriate as the proposed setbacks allow for the parking spaces to function, while still maintaining adequate drainage. Further, the size and location of the accessory structure, being 173m<sup>2</sup> and 0.3m from the southerly property line, allows it to act as a buffer to block views from the proposed townhouse units to the more sensitive land use to the south. Conditions 3 and 4 (Schedule 2) for Site Plan Approval compliment this objective.

### Location of Parking

The specialized regulation to permit two parking spaces to be located in the front yard is appropriate as these spaces will be for visitor parking only and, therefore, will not be occupied at all times. Further, the developer is exploring opportunities for these spaces to be constructed of a permeable type of material so that when they are not being used for the parking of cars they may appear to be more like landscaped open space than parking.

### Distance between Driveway and Building Entrances and Windows

The specialized regulation to permit a reduced minimum distance between the driveway and building entrances and windows of habitable rooms is appropriate in this instance because of the configuration of the driveway. The significant curve of the driveway at the entrance to the site will require cars to drive slowly into and on the site reducing noise impacts and safety concerns.

### Building Height

The specialized regulation to permit a maximum building height of four storeys is appropriate in this instance because the fourth storey has been limited in size to ensure that it only accommodates mechanical units required for the residential

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units and access to the rooftop amenity areas. The height regulations limits the size of the fourth storey and prohibits habitable floor space. Based on the proposed building design, the fourth storey will not be visible from most locations surrounding the site. Further, the building has been designed to appear to be two floors of living space, with a mansard roof. The roof contains a third floor of living space. This design ensures that height and mass of the building is visually reduced and is in keeping with the character of the surrounding area. A condition of approval has been included in Schedule 2 which requires any future development of the site to be generally in accordance with the concept plan and elevations attached as Schedule 5 to this report.

### Density

The specialized regulation to permit a maximum density of 70 units per hectare is appropriate in this instance for the following reasons:

- the Official Plan permits a maximum density of 100 units per hectare;
- the site's proximity to downtown;
- the abundance of open space and amenities surrounding the site;
- the site will physically function with adequate outdoor amenity and parking being provided;
- it can be supported by existing transportation and servicing infrastructure;
- it assists in facilitating the redevelopment of a brownfield site; and,
- will not have a negative impact on the surrounding area or surrounding properties.

Further, there are other properties south of James Street and Albert Street in proximity to the subject lands that are zoned R.4A (Apartment) Zone and allow for a maximum density of 100 units per hectare (see Schedule 4 - Existing Zoning Map).

### Angular Plane

The specialized regulation to permit an 82 degree angular plane from the adjacent park is appropriate in this instance for all of the reasons provided in reviewing the subject development in the context of the River Systems Management Plan (see page 41).

Overall, the site functions with respect to the location of the building, parking and service areas as well as the provision of amenity areas. The specialized regulations outlined in Schedule 2 of this report are appropriate.

### ***Review of the proposed site layout***

#### Overview issue of adjacent properties zoned R.1B

The layout of the subject site has been carefully considered to ensure that the privacy of the adjacent property to the south, 200 Gordon Street, is protected and that residents within the proposed townhouse units will not be able to look into the outdoor amenity area of the adjacent property. The proposed accessory structure blocks views from the first and second floor windows, and the third floor windows on the south elevation are not permitted to be fully transparent (see Condition #3, Schedule 2). The developer is currently proposing to have 'frosted' glass on the third floor windows. Further, these windows will only be permitted to open the minimum distance required by the Ontario Building Code. The combination of all of

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these factors ensures that there are no overview issues for the adjacent property to the south.

#### Buffer to cultural woodlot

A rear yard setback of 3 metres is provided from the proposed building. This setback ensures that the building will not impact the cultural woodlot to the east. In this instance, there is no concern that the proximity of the building to the woodlot will impact the root systems of nearby trees because the site has already been significantly altered due to the ongoing remediation that is occurring.

#### Garbage storage

The developer is proposing that each unit store their garbage within the area dedicated to their own units. This could be within the unit or on the rear at-grade terrace areas associated with each unit.

#### Snow Storage

The concept plan shown on Schedule 5 demonstrates that snow storage areas are being provided.

#### Parking

A total of 17 parking spaces are being provided on site which results in parking being provided at rate of 1.55 spaces per unit. The City's Zoning By-law requires 14 parking spaces at a rate of 1.2 spaces per unit for cluster townhouse units, which breaks down to 1 space per unit for resident parking plus 0.2 spaces per unit for visitor parking. In reviewing the parking requirements of other municipalities for townhouses, the typical requirement ranges between 1.0 space per unit – 2.25 spaces per unit. As indicated, the proposed development concept provides for 1.55 spaces per unit which is representative of the standards required by many other municipalities and greater than what the Zoning By-law would normally require in Guelph. As previously indicated, Schedule 2 recommends a condition of approval requiring any future development of the site to be generally in accordance with the development concept plan attached as Schedule 5 to this report. The amount of parking provided is adequate to serve the proposed townhouse development.

#### ***Traffic and Vehicular Access***

Engineering Services has reviewed the proposed development and concluded that the vehicle traffic generated by the proposed eleven townhouse units can be accommodated by the streets and intersection in the immediate vicinity, being Gordon Street and the intersection of Gordon Street/Water Street/Albert Street based on the existing traffic flow and the anticipated number of trips per day to be generated by this development. The proposed location of the access point, which lines up with the intersection of Gordon Street and Water Street is the best location for access to this site and assists in reducing conflicts with the intersection of Gordon Street/Albert Street/Water Street, as well as the pedestrian crossing.

#### ***Road widening provisions in the Official Plan***

Concern has been raised regarding the road widening provisions of the Official Plan. At a public meeting for the subject application, it was suggested that if a road is not going to be widened, then the Official Plan should be amended to recognize this. The road widening provisions of the Official Plan are reviewed, and if necessary,

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updated when a comprehensive review of the Official Plan occurs rather than on a site specific basis for development applications. In this case, Engineering has requested a road widening and Condition #21 (Schedule 2) requires a reference plan for this purpose.

***Balance of student rental and owner/family occupied housing in the neighbourhood***

A Zoning By-law cannot control whether new dwelling units are rental or owned. It also cannot control who occupies a dwelling unit, whether they be students, a family or otherwise. In this instance, the developer has indicated that the townhouse units are intended to be condominium units occupied by the owners. The developer has indicated that they intend to market the units to young professionals who wish to live in proximity to the amenities being provided downtown, including the easy access to inter-city transit.

***Environmental Impacts***

Concern has been raised that the subject lands will require remediation because of the former gas station use prior to residential uses being developed on the site. Accordingly, staff are recommending that the proposed Specialized R.3A (Townhouse) Zone be subject to a holding provision to require the developer to file a Record of Site Condition (RSC) on the Ministry of the Environment's Environmental Site Registry. The RSC will include certification by a Qualified Person that the environmental condition of the property meets the appropriate MOE Site Condition Standards for the intended residential land use. The applicant is currently working with the Ministry of the Environment on finalizing the risk assessment and remediation plan for the site. The remediation of the site will occur after the zoning is amended. Remediation of contaminated sites reduces the risk of contaminating the City's groundwater helping to protect existing and future sources of drinking water which is in keeping with the goals and objectives of Source Water Protection under the Clean Water Act. As well, in addition to assisting in meeting the grading requirements associated with the regulatory flood line, the proposed retaining wall along the northerly property line forms part of the remediation strategy for this site as it will provide a barrier between the subject site and Marianne's Park.

***Servicing Capacity***

Engineering Services has reviewed the Preliminary Servicing and Stormwater Management Report submitted for the proposal and have confirmed that services are available for the proposed development. The detailed servicing design for the development will be reviewed through the Site Plan Approval process.

***Community Energy Initiative Considerations***

The applicant has submitted information outlining some additional energy efficiency initiatives that are proposed in association with the construction of the proposed townhouses (see Schedule 7). Condition 2 has been included in Schedule 2 to ensure that the owner does submit written confirmation that the proposed building is constructed to a standard that implements energy efficiency in support of the Community Energy Initiative.

## SCHEDULE 9 – Circulation Comments

<b><u>RESPONDENT</u></b>	<b><u>NO OBJECTION OR COMMENT</u></b>	<b><u>CONDITIONAL SUPPORT</u></b>	<b><u>ISSUES/CONCERNS</u></b>
Planning		✓	Subject to conditions in Schedule 2
Engineering		✓	Subject to conditions in Schedule 2
Park Planning & Development		✓	Subject to cash-in-lieu of parkland being required in accordance with By-law (1989)-13410 or any successor thereof
Zoning	✓		
Environmental Advisory Committee (EAC)			See attached correspondence
River Systems Advisory Committee (RSAC)			See attached correspondence
Heritage Guelph	✓		
Guelph Fire	✓		April 2011 comment – Fire Department access must meet Ontario Building Code requirements and water supply must also conform Sept 2011 comment – numbering system and sign requirements to meet planning requirements
Guelph Police	✓		April 2011 comment – good use of this property Sept 2011 comment – only concern is with the safe entry and exit to the property as this is a very busy road and right at an intersection
Guelph Hydro		✓	Subject to standard hydro servicing conditions
Grand River Conservation Authority		✓	See attached correspondence

**SCHEDULE 9 – Circulation Comments (cont'd)**

<b><u>RESPONDENT</u></b>	<b><u>NO OBJECTION OR COMMENT</u></b>	<b><u>CONDITIONAL SUPPORT</u></b>	<b><u>ISSUES/CONCERNS</u></b>
Guelph Field Naturalists	✓		
Wellington Catholic District School Board		✓	No objection. Development charges required
Upper Grand District School Board		✓	No objection. Development charges required.
Guelph and Wellington Development Association	✓		Support application
Canada Post	✓		

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## **SCHEDULE 9 – Circulation Comments (cont'd)**

### **ENVIRONMENTAL ADVISORY COMMITTEE WEDNESDAY, AUGUST 10, 2011 AT 7:00 P.M. COUNCIL COMMITTEE ROOM C**

#### **180 Gordon Street**

“That the Environmental Advisory Committee accept the Scoped Environmental Impact Study prepared by MTE Consultants subject to the following conditions to be met and approved by City Staff:

- That the EIS incorporate more information about the composition of the woodlot and how appropriate mitigation measures apply;
- That the EIS include review of the Guelph Natural Heritage Strategy (OPA 42);
- That the EIS identify any potential LID measures that can potentially be utilized on site, and;
- That the Speed and Eramosa Rivers are clarified as cool water habitat;
- That the proposal ensure proposed perimeter fencing will be installed to the dripline of the trees within the woodlot at the site plan stage.”

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### **RIVER SYSTEMS ADVISORY COMMITTEE WEDNESDAY, NOVEMBER 23, 2011 AT 4:00 P.M. COUNCIL COMMITTEE ROOM B**

“That the River Systems Advisory Committee support the Application for 180 Gordon St. subject to the following:

- That LID measures be considered for the site when appropriate;
- That urban and landscape design address the watercourse;
- That a 30m riparian setback be established given the constraints on the property and further detail be provided for the proposed encroachments;
- That general support be given to the design brief;
- That strong support be given for a 30m setback from the River’s edge; and
- That the inclusion of a native plant/vegetation corridor be incorporated at the transition from the building to the park.”

## SCHEDULE 9 – Circulation Comments (cont'd)



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

Phone: 519.621.2761 Toll free: 866.900.4722 Fax: 519.621.4844 Online: [www.grandriver.ca](http://www.grandriver.ca)

June 7, 2011

City of Guelph, Planning  
City Hall  
59 Carden Street  
Guelph, Ontario N1H 3A1



Attention: Stacey Laughlin

**Re: Proposed Zoning By-law Amendment, 180 Gordon Street, City of Guelph ZC1107**

The GRCA has reviewed the Preliminary Servicing and Stormwater Management report prepared by AECOM and the Scoped Environmental Impact Study prepared by MTE that was submitted with the Zone Change application. We can confirm that we are satisfied with the information presented. We can support the proposal to rezone the property to Cluster Townhouse zone in principle. A Development, Interference with Wetlands and Alterations to Shorelines and Watercourses permit will be required to remediate the site. Detailed site/grading plans with geodetic elevations will be required to support the permit application.

Yours truly,

A handwritten signature in black ink that reads "Liz Yerex".

Liz Yerex  
Resource Planner  
Grand River Conservation Authority

cc: Bernard Luttmer, Podium Developments - [bernard@podiumdevelopments.com](mailto:bernard@podiumdevelopments.com)

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## Schedule 10 – Public Notification Summary

March 11, 2011	Zoning By-law Amendment Application received by the City of Guelph
March 24, 2011	Zoning By-law Amendment Application deemed to be complete
April 7, 2011	Notice of Public Meeting advertised in the Guelph Tribune for 1 <sup>st</sup> Public Meeting
April 6, 2011	Notice of Public Meeting mailed to prescribed agencies and surrounding property owners within 120 metres for 1 <sup>st</sup> Public Meeting
May 3, 2011	1 <sup>st</sup> Public Meeting of City Council regarding the Zoning By-law Amendment Application
September 8, 2011	Notice of Public Meeting advertised in the Guelph Tribune for 2 <sup>nd</sup> Public Meeting
September 9, 2011	Notice of Public Meeting mailed to prescribed agencies and surrounding property owners within 120 metres for 2 <sup>nd</sup> Public Meeting
October 3, 2011	2 <sup>nd</sup> Public Meeting of City Council
October 27, 2011	Letter providing notification for a community meeting regarding the development proposal mailed to surrounding property owners
November 10, 2011	Community Meeting with residents
December 12, 2011	Official Plan Amendment Application received by the City of Guelph and deemed to be complete
December 20, 2011	Notice of Complete Application mailed to prescribed agencies, surrounding property owners and other interested members of the public advising that a complete Official Plan Amendment Application has been received by the City.
January 11, 2011	Notice of Public Meeting mailed to surrounding property owners within 120 metres and other interested members of the public for the 1 <sup>st</sup> Public Meeting regarding the Official Plan Amendment Application and the 3 <sup>rd</sup> Public Meeting regarding the Zoning By-law Amendment Application
January 12, 2011	Notice of Public Meeting advertised in the Guelph Tribune for 1 <sup>st</sup> Public Meeting regarding the Official Plan Amendment Application and the 3 <sup>rd</sup> Public Meeting regarding the Zoning By-law Amendment Application
February 6, 2012	City Council Meeting for: <ul style="list-style-type: none"><li>- the 1<sup>st</sup> Public Meeting regarding the Official Plan Amendment Application;</li><li>- the 3<sup>rd</sup> Public Meeting regarding the Zoning By-law Amendment Application; and,</li><li>- City Council to consider the staff recommendation on both applications.</li></ul>

# COUNCIL REPORT



TO **Guelph City Council**

SERVICE AREA Planning & Building, Engineering and Environment  
DATE March 5, 2012

**SUBJECT Watson East Subdivision (23T-98501): Request for an Extension of Draft Plan Approval - Ward 1**

REPORT NUMBER 12-10

## SUMMARY

**Purpose of Report:** This report provides a staff recommendation on a request for a five year extension of the Draft Plan Approval for the final phase of the Watson East Subdivision (Draft Plan 23T-98501).

**Council Action:** Council is being asked to approve the Draft Plan Approval extension request to an extended lapsing date of March 20, 2017.

## RECOMMENDATION

“THAT Report 12-10 dated March 5, 2012 regarding a request for a Draft Plan Approval extension for the final phase of the Watson East Subdivision (Draft Plan 23T-98501) from Planning & Building, Engineering and Environment, be received;

AND THAT the application by Black, Shoemaker, Robinson and Donaldson Limited for a five (5) year Draft Plan Approval extension to the Watson East Residential Subdivision (23T-98501) on lands legally described as Part of Lot 6, Concession 3, Division “C”, City of Guelph BE APPROVED to an extended lapsing date of March 20, 2012, subject to the previously approved conditions, as revised.”

## BACKGROUND

### Application Details:

(See Schedule 2 for Approved Draft Plan)

Draft Plan Approval: March 20, 2001

Lapse Date: March 20, 2012 (a three year extension was granted in 2004 and a 5 year extension was granted in 2007)

Site Area: 4.36 hectares (unregistered portion)

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**Draft Plan Description:** The entire Watson East Subdivision included approximately 75 hectares of land east of Watson Parkway, between Eastview Road to the north and the CNR lands to the south (see Schedule 1). This plan was approved to accommodate between 746 and 974 residential units within a mixed density subdivision. To date there have been nine separate phases of this subdivision registered. The only remaining land within the draft plan to be registered includes approximately 4.36 hectares at the most southerly portion of the plan that are to be developed as employment uses (see Schedule 3). These lands subject to the draft plan extension request are zoned B.3-7 (Specialized Industrial) Zone (see current zoning on Schedule 4).

## **REPORT**

**Request:** Owners will not be able to fulfill all conditions of draft plan approval prior to lapsing date of March 20, 2012 and a five year draft plan extension is being requested. Section 51 (33) of the *Planning Act* allows the municipality to grant an extension of draft plan approval.

**Recommendation:** Five year draft plan extension to March 20, 2017 for the following reasons:

- Draft plan continues to conform to the land use policies of the Official Plan.
- Draft plan extension request applies one small distinct area at the most southerly portion of the Watson East Subdivision adjacent to the CNR line. These industrial lands will accommodate future employment uses and are considered to be the most appropriate land use in proximity to the operation of the railway.
- The registration of this final phase is dependent on market demand for employment uses. Given current economic uncertainties, the request for a five year extension is considered reasonable.
- Conditions of draft plan approval remain relevant and include all of the conditions previously endorsed by City Council, with some revisions made to update standard wording, new service area names and staff titles, and a new lapsing date. Revised conditions available on request.
- The 2011 Development Priorities Plan identifies the registration of this subdivision (23T-98501) post 2012.

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## **CORPORATE STRATEGIC PLAN**

Urban Design and Sustainable Growth Goal #1: An attractive, well-functioning and sustainable City.

Supports Economic Opportunity Goal #3: A diverse and prosperous local economy

## **FINANCIAL IMPLICATIONS**

None arising from this report.

## **DEPARTMENTAL CONSULTATION**

The request for the proposed extension of draft plan approval was circulated to City departments. No objections received.

## **ATTACHMENTS**

Schedule 1 – Location Map

Schedule 2 – Original Draft Plan of Subdivision 23T-98501

Schedule 3 – Unregistered Portion of Draft Plan 23T-98501

Schedule 4 – Current Zoning

### **Prepared By:**

Chris DeVriendt  
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### **Recommended By:**

Allan C. Hearne  
Acting Manager of Development Planning  
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al.hearne@guelph.ca

Original Signed by:

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### **Recommended By:**

Todd Salter  
Acting General Manager  
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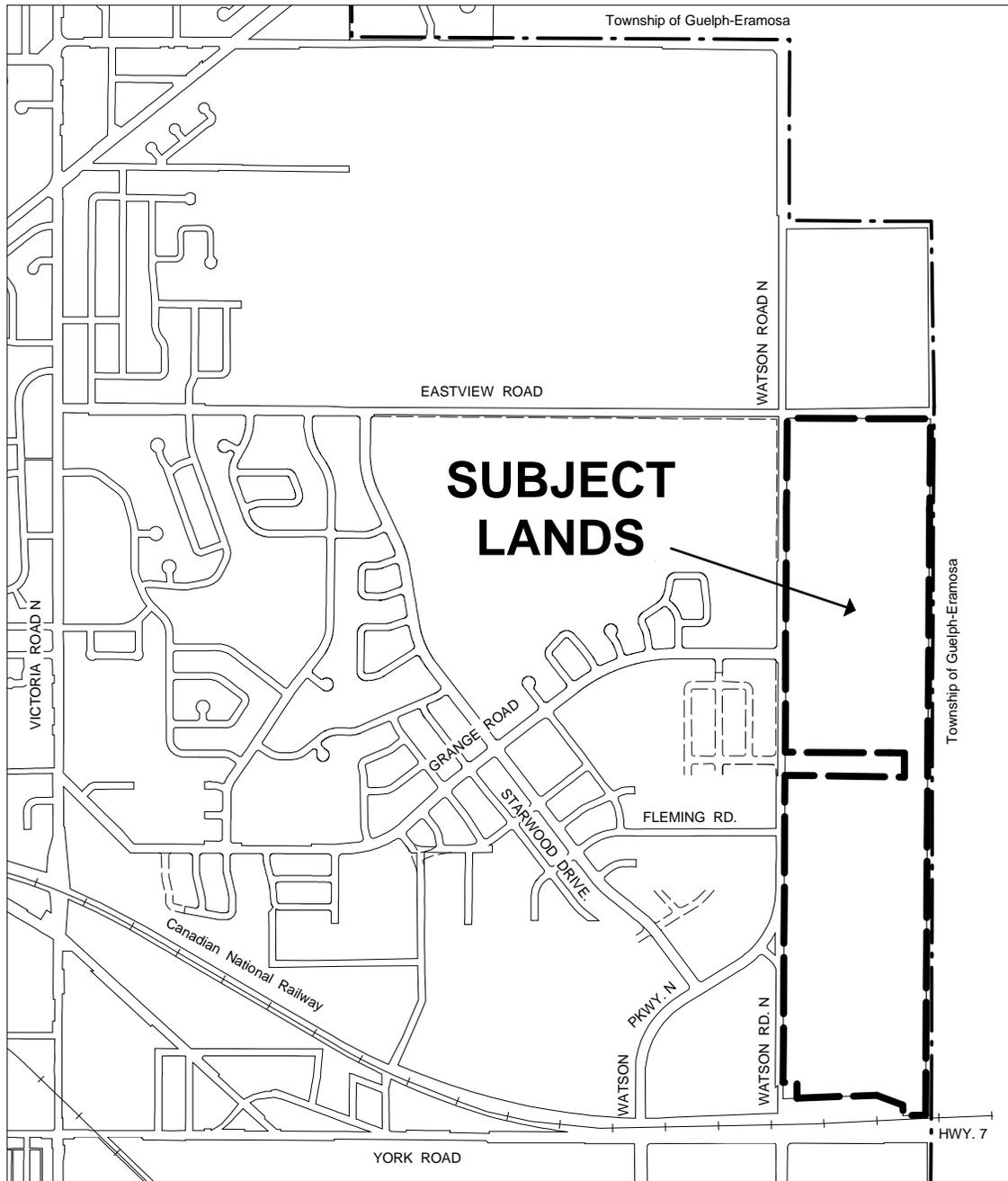
Original Signed by:

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### **Recommended By:**

Janet L. Laird, Ph.D.  
Executive Director  
Planning & Building, Engineering  
and Environment  
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janet.laird@guelph.ca

# SCHEDULE 1 Location Map

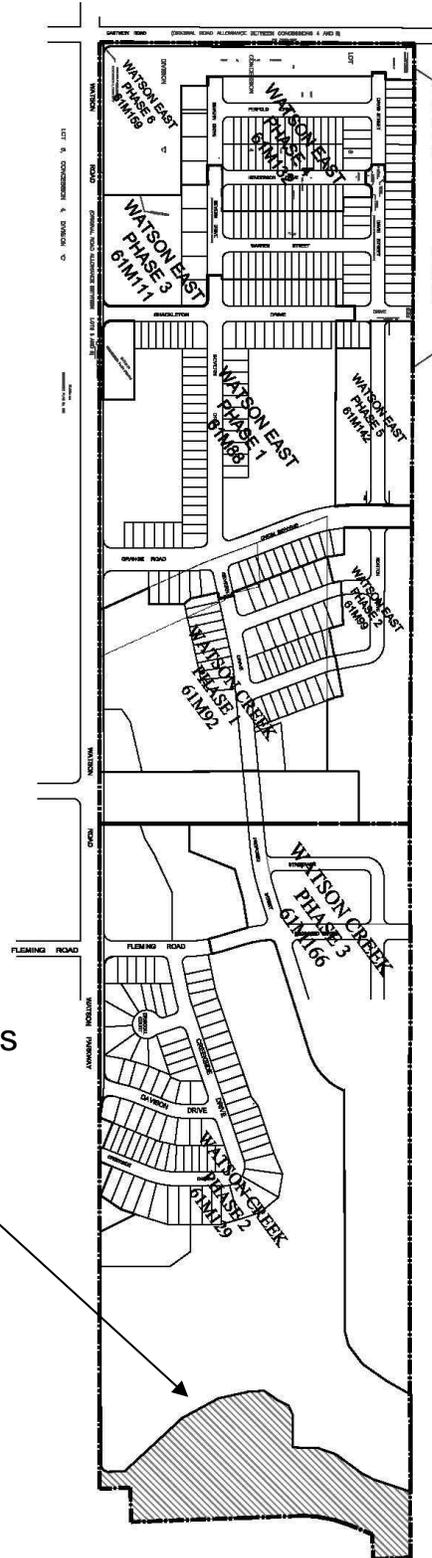




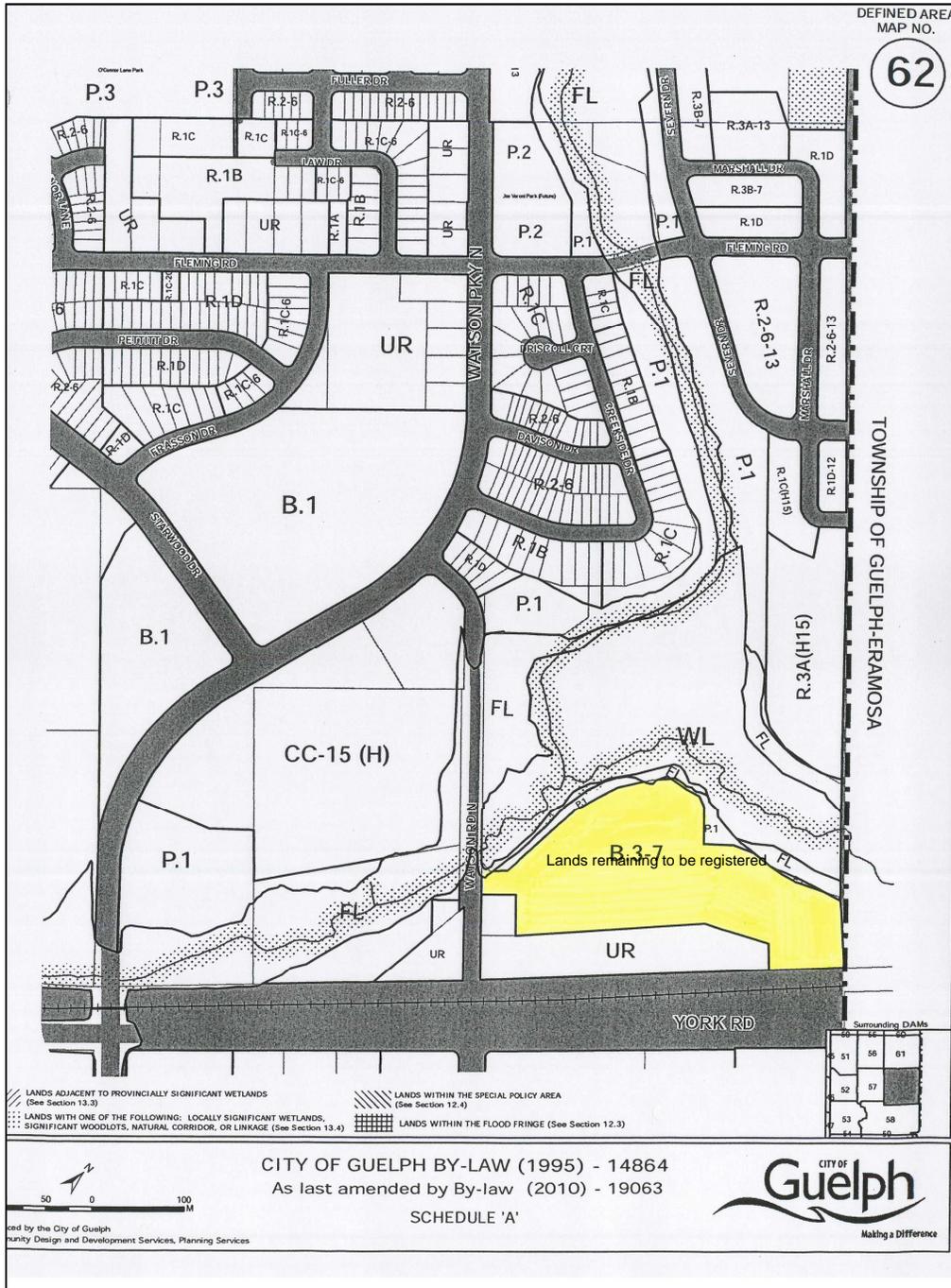


**SCHEDULE 3**  
**Unregistered Portion of Draft Plan 23T-98501**

Remaining Unregistered Lands  
Subject to current Draft Plan  
Extension Request



# Schedule 4 Current Zoning



**TO** **Guelph City Council**

**SERVICE AREA** Corporate and Human Resources  
Planning & Building, Engineering and Environment

**DATE** March 5, 2012

**SUBJECT** **Shared Rental Housing**

**REPORT NUMBER** 12-26

## **SUMMARY**

### **Purpose of Report:**

To present background information relating to the repeal of Zoning By-law Amendment Number (2010)-19076, and the repeal of the Interim Control By-law for Shared Rental Housing Number (2010)-19019 and next steps for Shared Rental Housing, arising from the Council Resolutions passed on January 30, 2012.

### **Council Action:**

To receive the report regarding Shared Rental Housing.

## **RECOMMENDATION**

“THAT Report 12-26 from Planning & Building, Engineering and Environment and Legal Services, dated March 5, 2012, presenting background information regarding the repeal of Zoning By-law Amendment Number (2010)-19076, and the repeal of the Interim Control By-law for Shared Rental Housing Number (2010)-19019 and next steps for Shared Rental Housing, be received;

AND THAT By-law Number (2012)-19346, being a By-law to repeal By-law Number (2010)-19019, known as the Interim Control By-law for Shared Rental Housing, is hereby passed.”

## **BACKGROUND**

On June 7, 2010 City Council passed Interim Control By-law Number (2010)-19019 (the “Interim Control By-law”), which prohibited the development of any new Lodging House Type 1, any new Lodging Unit, any new Accessory Apartment or any new room in an Accessory Apartment, on lands zoned as R.1 or R.2 in Ward 5 and east of the Hanlon Expressway in Ward 6. The by-law was passed in order to provide the City with a “time out” to examine shared rental housing issues comprehensively and recommend changes to the Zoning By-law to better address concerns raised by neighbourhood groups which included:

- Concentration of shared rental housing leading to the deterioration / destabilization of some identified neighbourhoods;

- 
- Increased instances of noise, nuisance and property standards infractions in areas where there was a high concentration of shared rental housing; and
  - Current definition of lodging houses and the significant concern in the community about the proliferation of housing units which would appear to function like a lodging house but were not defined as such under the City's Zoning By-law.

The interim measure was intended to be in place for up to one (1) year to allow the City to investigate and potentially approve new zoning regulations for shared rental housing that would apply City-wide. This was accomplished on September 20, 2010, with the passing of Zoning By-law Amendment Number (2010)-19076. Ordinarily the interim control by-law would have been repealed at this time or would have automatically terminated after the one-year period. However, Zoning By-law Amendment Number (2010)-19076 was appealed to the Ontario Municipal Board (OMB) leaving the Interim Control By-law in place while the matter was before the OMB.

On January 30, 2012 Council considered the matter in closed session and passed the following special resolutions in the public session:

“THAT Zoning By-law Amendment Number (2010)-19076 is repealed, and staff shall take any necessary actions arising from such repeal, including taking steps to terminate the Appeals of the by-law currently before the Ontario Municipal Board;

AND THAT staff be directed to bring forward at a subsequent Council meeting, a by-law repealing Interim Control By-law Number (2010)-19019;

AND THAT staff be directed to proceed forthwith with development of a Shared Rental Housing Licensing program for Council's consideration, including consultation with the Ontario Human Rights Commission.”

This report provides background information with respect to Council's decision to repeal the Zoning By-law Amendment and to direct the repeal of the Interim Control By-law. It also responds to the third clause of the resolution.

## **REPORT**

On January 30, 2012, Council received a closed session report from Legal Services containing legal advice regarding the shared rental housing litigation. Council held discussions in closed session regarding the legal advice and brought special resolutions into open session repealing Zoning By-law Amendment (2010)-19076 regarding shared rental housing, and directing that staff bring forward a by-law repealing the Interim Control By-law. None of the contextual information regarding the resolutions was provided in open session.

Following the meeting, it became apparent that a public report regarding the repeal of the zoning by-law amendment would be valuable, to demonstrate transparency behind Council's decision. This public report responds to Council's direction of February 27, 2012, to provide information that was subject to solicitor-client

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privilege and closed meeting confidentiality, but which Council wishes to reveal.

In deciding to repeal the Zoning By-law Amendment and to direct the repeal of the Interim Control By-law, Council considered information that included the following:

1) Costs to Date:

Estimated staff time working on the Appeals to date was over 700 hours, at a cost of over \$50,000 to the City.

2) Costs of Proceeding to a Full Hearing:

Continuation of the Appeals to a full hearing would have required the City retaining additional consultants, at an estimated cost of up to \$200,000, along with additional staff time estimated in the range of 900 hours (approximately \$65,000).

3) Ontario Human Rights Commission:

Since 2010, the OHRC has become increasingly proactive in planning matters, and this is an evolving area with a fair degree of uncertainty.

The OHRC did not appeal the Zoning By-law Amendment. However, upon request to the OMB, the OHRC was added as a party to the Appeals in June of 2011. The issues raised by the OHRC were included in the issues list approved by the Board in October of 2011.

The OHRC raised the question of whether the Zoning By-law Amendment complied with the procedural and substantive requirements of the Ontario Human Rights Code. These concerns were framed broadly as discrimination. The involvement of the OHRC also raised procedural questions surrounding the following:

- Whether a municipality is required to investigate and gather detailed evidence on potential human rights impacts before taking actions under the *Planning Act*; and
- Who has the onus of proving key human rights facts (for example, proving absence of a violation of the Human Rights Code) in a challenge of a planning decision.

The involvement of the OHRC added a new layer of complexity to the hearing process. Proceeding to a hearing on these issues would involve uncertainty and substantial costs to the City.

4) Benefits of Repealing the Amendment:

Repeal of the Amendment would allow staff resources to be redirected to preparing a licensing by-law, and to actively engage the OHRC as a stakeholder to share its concerns and provide input during the process.

5) Implications for the Interim Control By-law:

The Interim Control By-law would cease to have effect when the OMB issues an Order disposing of the Appeals, unless it is repealed earlier. Upon repeal of the Zoning By-law Amendment, there could be no certainty as to the timeframe in which the OMB might formally dispose of the Appeals. Accordingly Council

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directed that a by-law formally repealing the Interim Control By-law be presented.

#### Subsequent Information:

Council has requested information on site specific Committee of Adjustment applications and related OMB appeals solely related to the Interim Control By-law. Council has also requested an estimate of how much staff time and cost is expected to be saved as a result of termination of the Interim Control By-law.

Over the past 18 months staff from six (6) divisions have expended a total of approximately 2,460 hours, the equivalent of approximately 1.4 FTE's dealing with the Interim Control By-law. Approximately 33 percent of minor variance applications from the Interim Control By-law required no additional variances beyond relief from the Interim Control By-law. In the past year, three (3) OMB hearings were attributed to applications of this nature, two of which involved City staff resources. Removal of the Interim Control By-law is estimated to save 495 hours, representing four (4) months of staff time.

The OMB has, as of February 24, 2012, closed its file on the Appeals, rendering the Interim Control By-law of no further effect. However, staff recommend that the By-law be formally repealed so that it is removed from the City's active records. As directed by Council's resolution of January 30, 2012, a by-law to repeal the Interim Control By-law will be on the Council agenda for March 5, 2012. A copy is attached to this Report.

#### Shared Rental Housing Next Steps:

Council approved a Shared Rental Housing Work Plan in May 2010 which included:

- Enhanced enforcement regarding property, noise, fire safety and parking by-laws;
- Increased public education; and
- Consultation with the community on exploring a program for licensing rental housing.

The City has been implementing enhanced enforcement measures. Licensing is the third prong of the previously approved Work Plan. As directed by Council in its resolution of January 30, 2012, with the repeal of the Zoning By-law Amendment and Interim Control By-law, staff will now focus on preparing a work plan to develop a licensing program for rental housing. It is anticipated that licensing might be a useful tool in addressing some of the concerns previously raised by neighbourhood groups.

Zoning regulations address the location, density and intensity of residential uses. In comparison, licensing might be used to regulate the business and activity of renting buildings for residential use. Licensing might be used to essentially govern how the business of rental housing may be carried out.

The *Municipal Act, 2001*, on its face, permits a municipality to use licensing to regulate any activities, matters or things that a municipal council considers

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necessary or desirable for the public. Licensing, regulating or governing the rental of residential units was previously not allowed under the *Municipal Act, 2001*.

Unlike new zoning regulations, new licensing regulations can be imposed on existing operations regardless of when they were established, i.e. grandfathering would not apply.

The licensing work plan, including timelines, will be presented at an upcoming PBEE Committee meeting. The work plan will be developed by a working group with representatives from Policy Planning and Urban Design, Zoning, Building Services, By-law Compliance, Communications, Emergency Services, Legal Services, and the City Clerk's Office. The work plan will build on work already completed on the broader shared rental housing issue along with a review of licensing programs within other comparator municipalities.

Some of the issues the work plan will address regarding the development of a licensing program include:

1) Whether licensing related to rental housing may be permitted under the Ontario Human Rights Code

2) To the extent licensing is permitted:

- Determine what classes of rental housing to licence;
- Determine specific licensing conditions to apply to rental housing;
- Determine how to best phase-in existing two-unit properties and lodging houses to licensing;
- Estimate of proposed licence fees (based on cost recovery);
- Estimate of costs and resource requirements of implementation; and
- Determine most appropriate licensing appeals process and penalties for failure to comply with licensing requirements.

The OHRC has become more active in the area of Shared Rental Housing throughout the Province. On February 17, 2012, the OHRC launched a new policy document called *In the Zone: Housing, human rights and municipal planning*, which will form the basis for discussions with municipalities on the issue of Shared Rental Housing. The work plan will include a public consultation strategy including the Ontario Human Rights Commission as a key stakeholder. Any licensing program must comply with the Ontario Human Rights Code.

The process of investigating a licensing program will also include significant public and stakeholder engagement beyond the Ontario Human Rights Commission.

This approach builds on the City's objective of a community-focused, responsive and accountable government.

Staff will continue work on enhanced enforcement and increased public education concerning shared rental housing.

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## **CORPORATE STRATEGIC PLAN**

- Urban Design and Sustainable Growth Goal #1: An attractive, well-functioning and sustainable city.
- Government and Community Involvement Goal #5: A community-focused, responsive and accountable government.

## **FINANCIAL IMPLICATIONS**

There are no costs associated with repealing the Interim Control By-law. Potential costs associated with developing a licensing program will be addressed in the future report on the licensing work plan.

## **DEPARTMENTAL CONSULTATION**

Corporate Communications

## **COMMUNICATIONS**

The quick link on the City's website called "shared rental housing" includes relevant information on the Interim Control By-law, Zoning By-law Amendment and enforcement activities regarding shared rental housing.

A comprehensive public consultation program will be included as part of the licensing work plan.

## **ATTACHMENTS**

By-law Number (2012)-19346, being a By-law to repeal By-law Number (2010)-19019, known as the Interim Control By-law for Shared Rental Housing

### **Prepared By:**

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Original Signed by:

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### **Recommended By:**

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THE CORPORATION OF THE CITY OF GUELPH

By-law Number (2012) – 19346

A By-law to repeal By-law Number (2010)–  
19019, known as the Interim Control By-law  
for Shared Rental Housing.

WHEREAS the Council of The Corporation of the City of Guelph passed Interim  
Control By-law Number (2010)-19019 on June 7, 2010;

AND WHEREAS The Corporation of the City of Guelph on January 30, 2012 has  
deemed it necessary and expedient to repeal the Interim Control By-law.

NOW THEREFORE THE CORPORATION OF THE CITY OF GUELPH  
ENACTS AS FOLLOWS:

1. By-law Number (2010)-19019 be and hereby is repealed.

PASSED this 5th day of March, 2012.

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KAREN FARBRIDGE – MAYOR

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BLAIR LABELLE – CITY CLERK

GUELPH ON NIGHTS  
OCT. 18, 2011.

Members of City Council  
+ Planning Dept.

PLEASE REJECT THE 18 STORY BUILDINGS BEING PROPOSED FOR DOWNTOWN GUELPH. THEY WILL OVERWHELM THIS AREA OF HISTORICAL BUILDINGS + HOUSES. EVEN THE MONSTER BUILDINGS ON THE FORMER SITES OF THE YMCA + CPR STATION ARE NOT 18 STORIES. THE HEAD OFFICE OF THE CO-OPERATORS IS 9 STORIES, SO THE 6 BUILDINGS PROPOSED FOR ITS PARKING LOT/DAYCARE, FORMER MARSH TIRE PROPERTY, + W.C. WOODS PLANT #1 WILL BE TWICE AS TALL AS THE PRESENT CO-OPERATORS BUILDING. THE 4 TOWERS PROPOSED FOR W.C. WOODS WILL BLOCK THE SUN FOR HOUSES ON ARTHUR ST. SOUTH, ALICE ST, DUKE ST. + ELIZABETH ST, ESPECIALLY DURING THE WINTER MONTHS. THEY WILL ALSO PRESENT A VIRTUAL WALL BETWEEN THE EAST END + DOWNTOWN.

THOSE ON ARTHUR ST. NORTH, GROVE ST + THE HILL IN ST. GEORGE'S WARD WILL ALSO BE FACING A WALL.

I HAVE LIVED IN MY PRESENT HOME FOR 41 YEARS + SEEN A LOT OF CHANGES ACROSS THE RIVER. THESE PROPOSED MEGA-STORY APARTMENT BUILDINGS ARE BY FAR THE MOST UPSETTING.

I AM PROUD THAT MY GREAT GRANDFATHER RICHARD MAHONEY SR. BUILT MANY OF THE FINE HOMES IN GUELPH IN THE LATTER 1800S + EARLY 1900S. THEY ARE STILL STANDING PROUDLY IN THE OLDER AREAS. I AM PROUD TO HAVE LIVED IN GUELPH ALL MY LIFE, AS DID BOTH MY PARENTS.

THE HEIGHT PROPOSED BY THE PLANNERS + DEVELOPERS WILL DEVASTATE GUELPH. PLEASE TRY TO BE REASONABLE SO THAT NEW BUILDINGS DON'T DOMINATE THE CITY, BUT BLEND IN + COMPLIMENT BUILDINGS THAT HAVE BEEN HERE OVER 100 YEARS.

YOURS TRULY  
(Mrs H) Elizabeth Gray  
[ELIZABETH (AUSTEN) GRAY]

RECEIVED GUELPH ON N1E4T8  
FEB 23 2012 FEB. 20, 2012.

MAYOR KAREN FARBRIDGE  
COUNCIL MEMBERS. CITY CLERK'S OFFICE

RE YOUR PUBLIC MEETING NOTICE DATED FEB. 13, 2012.

I AM STRONGLY OPPOSED TO ANY 18 STORY BUILDINGS IN HISTORIC DOWNTOWN GUELPH. DOES ANYONE REALIZE HOW TALL THIS ACTUALLY IS?

THE PROPOSED BUILDING FOR 148-152 MACDONELL STREET IS DIRECTLY BEHIND MY HOME OF 42 YEARS. I HAVE SEEN MANY CHANGES ACROSS THE RIVER, BUT NONE WILL ALTER THE AREA AS MUCH AS THIS BUILDING.

ACCORDING TO YOUR SHADE STUDIES MY HOME WILL HAVE NO SUN SHINING INTO MY PORCH FOR MOST AFTERNOONS IN DEC. THIS WILL GREATLY AFFECT MY HEATING BILL.

THE ANGULAR PLANE OF BUILDINGS NEAR THE RIVER IS TO BE 40°. THIS BUILDING GOES STRAIGHT UP.

ALSO, THE MASSING PROPORTIONAL TO THE RIVER IS WAY OVER THE LIMITS.

IF YOU APPROVE THIS BUILDING OF 18 STORIES YOU WILL FOREVER AFFECT THE SKYLINE OF MY NATIVE CITY + ALSO ALTER HISTORIC AREAS OF DOWNTOWN. BEFORE YOU APPROVE THIS BUILDING PLEASE DRIVE OR WALK ALONG GORDON, ELIZABETH, ARTHUR N + S, + YORK RD. IMAGINE A BUILDING TWICE AS TALL AS THE CO-OPERATOR'S HEAD OFFICE. IS THAT WHAT YOU WANT TO DOMINATE DOWNTOWN? THEN IMAGINE A SIMILAR BUILDING ON THE MARSH TIRE PROPERTY (SAME DEVELOPER), + 4 MORE ON WOOD'S PLANT #1. PLEASE THINK CAREFULLY BEFORE YOU VOTE.

YOURS TRULY  
(MASH) Elizabeth Gray  
(ELIZABETH GRAY)  
519-821-0695

**From:** Scott MacDonald  
**Sent:** Thursday, February 23, 2012 10:37 PM  
**To:** June Hofland; Maggie Laidlaw  
**Subject:** 148-152 Macdonell Street - March 5th, 2012

Hi June and Maggie,

I wanted to email my thoughts on this proposal to you both as I am unable to attend the council meeting March 5th, nor can find how to submit written submissions on [guelph.ca](http://guelph.ca). I live in your riding at \_\_\_\_\_, just south of Ex Park.

I wanted to share my complete support for this redevelopment. I have just recently moved from the Ward and support redevelopment and reuse of underused land in the downtown area. I understand that the size of the tower and in intensity of density will be undesirable to some, but I urge council to allow the redevelopment. I believe that it will the intensification which will force GO improve service, redevelopment in more desirable locations will increase the value of redevelopment at sites on Huron Street and Elizabeth, condo towers are more efficient in terms of taxation and will help create a more diverse downtown from the bar driven downtown we have today. Yes these developments may hinder the views of our lady, but it is time we moved past this obsession with one view line in our city. I would rather a diverse neighbourhood, full of high quality commercial units and homes than a view.

Thanks for your consideration.  
Best wishes,

Scott MacDonald

**From:** J AKERSTREAM  
**Sent:** January 25, 2012 1:28 PM  
**To:** Mayors Office  
**Subject:** 16 Stories

Hello. I couldn't believe my eyes when I glanced at the headlines in the Mercury Tuesday edition - 16 story buildings at the Wood Site!! Has the city gone mad? This type of building downtown would RUIN the beauty that you are looking for and trying to maintain. What could council possibly be thinking or are they? The developers don't care who we are or what Guelph is and what Guelph should be trying to maintain. There are places for industry, places for appropriate residential growth, malls and such. But not highrises downtown. They would ruin the skyline for all in the downtown area, block views and sunrises and sunsets, the Ward, one of the most beautiful assests that Guelph has, and desicrate wildlife and birds. Please stop this nonsense now. Do the right and beautiful thing. I look forward to your and council"s response. Thank you.

Lissa Akerstream.

**From:** Links Family  
**Posted At:** December 17, 2011 6:31 PM  
**Posted To:** Planning Division Emails  
**Conversation:** proposed by-law amendment  
**Subject:** proposed by-law amendment

Dear Mayor, Councilors and Administration for the City of Guelph

I just don't know how else to say it. I implore you to decide against allowing high-rise development in the downtown core. Even one 18-storey building will detract from downtown's charm, but this decision will have an even greater impact in the future. The precedent will be set and it will become very difficult, if not impossible, to prevent further high-rise development. Guelph's downtown will become a colder, less hospitable place and much of its beauty and charm will be lost forever.

Please don't allow that to happen. Maintain the current height restrictions in the downtown and, if need be, allow high-rise developments on the outskirts of the city. Preserve the old world charm of downtown .... please.

Sincerely,

Lillian Links

Dear Madam Mayor, Councillor Bell and Councillor Furfaro

I am writing in regards to the proposed new developments on the former Marsh Auto property and the Co-Operator's daycare property. As you know, there are plans to erect buildings as tall as 18-storeys on these lots, creating what has been described as a "gateway to downtown". Far from being a gateway, I believe that buildings of this size will form a barrier to downtown, both visually and physically. They will block sight lines to the core, especially to the Church of Our Lady, a defining feature of the Guelph skyline, and will lead to such an increase in automobile traffic that the entire area risks becoming choked with cars and very unpleasant to walk through.

Downtown sorely needs new residential development, but that development must be in keeping with the scale and character of the existing urban form. Few buildings in the downtown core or even at its periphery are more than four or five storeys. It is that very human scale that gives most of downtown Guelph a pleasant, walkable atmosphere. Those buildings that have been built taller, such as the Park Mall apartments, the CoOperators building, and the Carden Street apartments, stand out for their size and poor integration with the aesthetic of the core. Although each in its day may have been hailed as a great step forward for downtown Guelph, the record of tall buildings in the core of this city are dismal. Compare this to the Matrix building at 141 Woolwich Street which fits well with its surroundings and genuinely forms an attractive anchor to the northern edge of downtown. It too was originally proposed as a taller structure but good judgement prevailed and its height was reduced. It stands out as a successful modern addition to the core.

It is a mistake to assume that density can only be achieved by building upwards. Consider Amsterdam, a city renowned for its beautiful urban form. Most residential buildings there are six storeys or fewer, yet Amsterdam achieves a population density of over 3500 per square kilometer. Guelph is not Amsterdam, and of course Guelph won't build the same way, but placing one or two enormous towers on the edge of an historic downtown filled with stone buildings of three and four storeys risks harming the cohesion of the entire area in a very permanent way.

Guelph is growing fast, but that shouldn't mean that the decisions guiding its growth should be hasty. Surely a developer could profitably build on the sites in question at a smaller scale. Although it is tempting to embrace any new residential development, it is important that the character of downtown Guelph be preserved. I believe that building at the proposed height will not preserve that character.

I hope you will take my comments on this issue into consideration.

Sincerely,

Robin de Bled  
BA Regional & Urban Development, MUP

**From:** Robin de Bled  
**Sent:** September 5, 2011 7:38 PM  
**To:** Mayors Office; Bob Bell; Jim Furfaro  
**Subject:** Re: Proposed residential developments downtown

Dear Madam Mayor, Councillor Bell and Councillor Furfaro,

I wrote to you on August 21st regarding the new condominium development at the Co-Operator's daycare property and expressed my concern that the building as proposed will be out of scale with the rest of downtown, will damage sight lines to the Church of Our Lady, and will not form the "gateway to downtown" that the developer has described.

Wishing to get a better sense of the impact of such a development, I built a digital model. I based my model on a structure of 180 feet in height on the daycare property, with a building footprint of 106 x 130 feet. While this may not be the exact dimensions of the actual building, the intention was not to be precise but rather to model the impact of the structure on the skyline.

Newspaper articles about the project have quoted city staff and others as stating that the slope of the land will minimize the visual effect of the building height. My model places the new building at the lowest elevation of the property. Indeed, the impact is less than if the building were sited on higher ground, but as you will see from the images I have attached, the impact is significant. Each image is rendered from the perspective of a person 5'8" from the ground using the actual topography of the downtown area.

As I stated in my previous email, I am not against higher density development in downtown Guelph. I believe that increasing residential density in the core is the best way to bring life back to the city center, but there are better ways to increase density than this. The city's history of residential tower development around downtown is not encouraging. Guelph needs more development like the new residences on the former Stuart Lumber yard or like the Matrix building at the corner of Woolwich and Eramosa, and fewer like the Cardigan Street apartments or the Park Mall. The city should not be lured into accepting inappropriate development simply for the sake of increasing density on a single parcel of land.

I hope that you will find the attached images useful. I trust that you will give appropriate consideration to this issue.

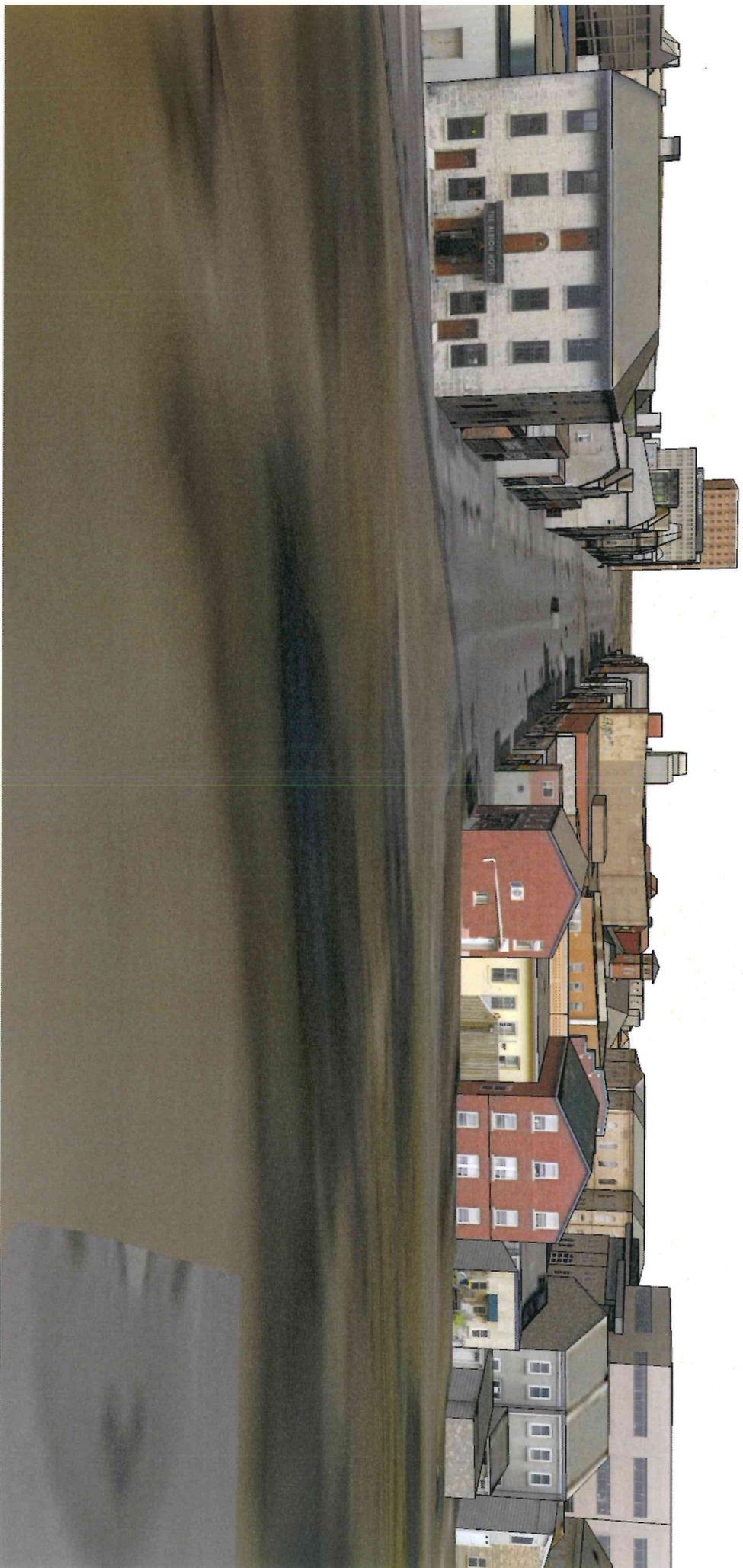
Sincerely,

Robin de Bled  
BA Regional and Urban Development, MUP



View across Speed River from Arthur Street North

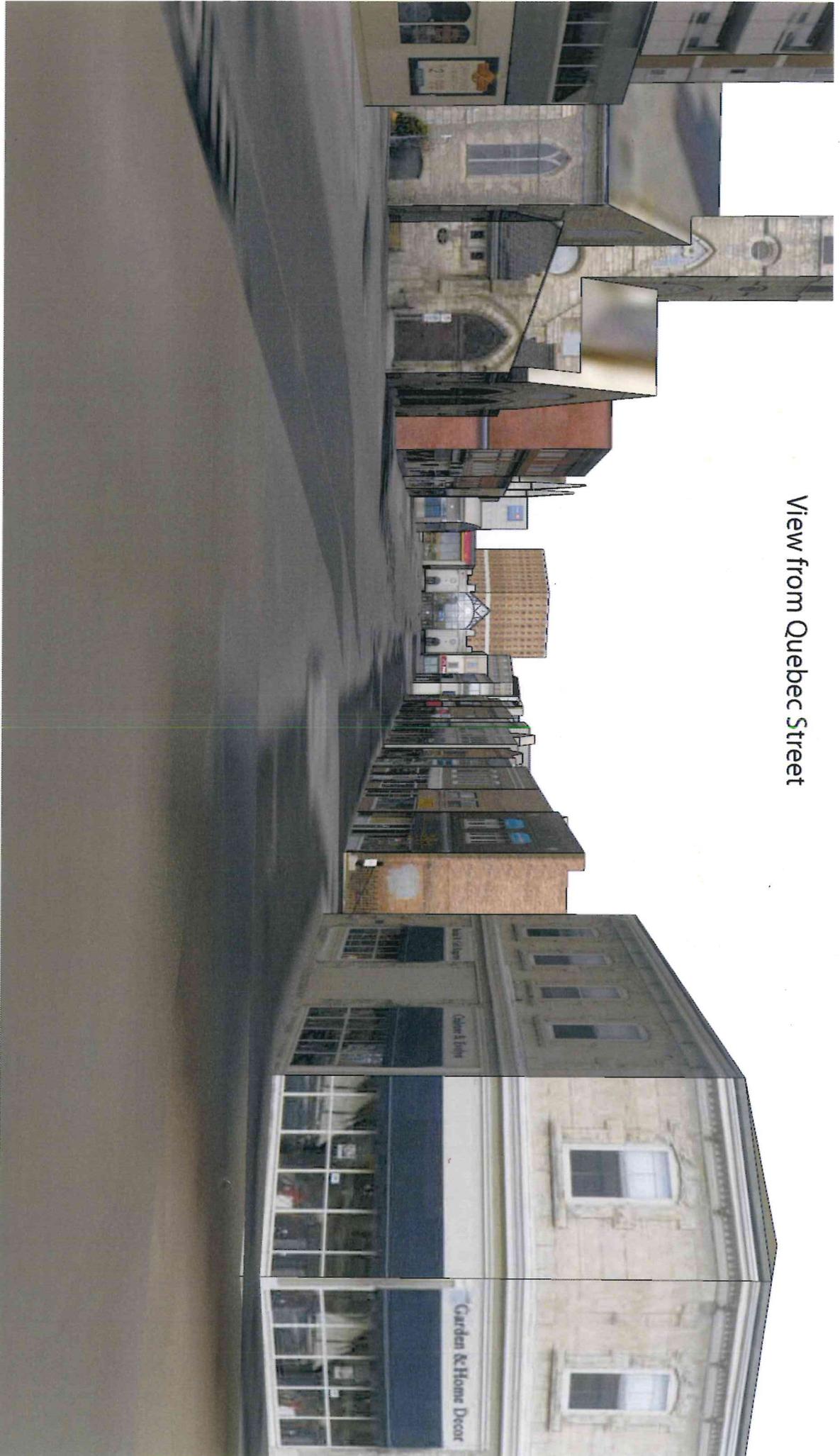
View from steps of Church of Our Lady



View from Cork Street



View from Quebec Street



View from Via Station

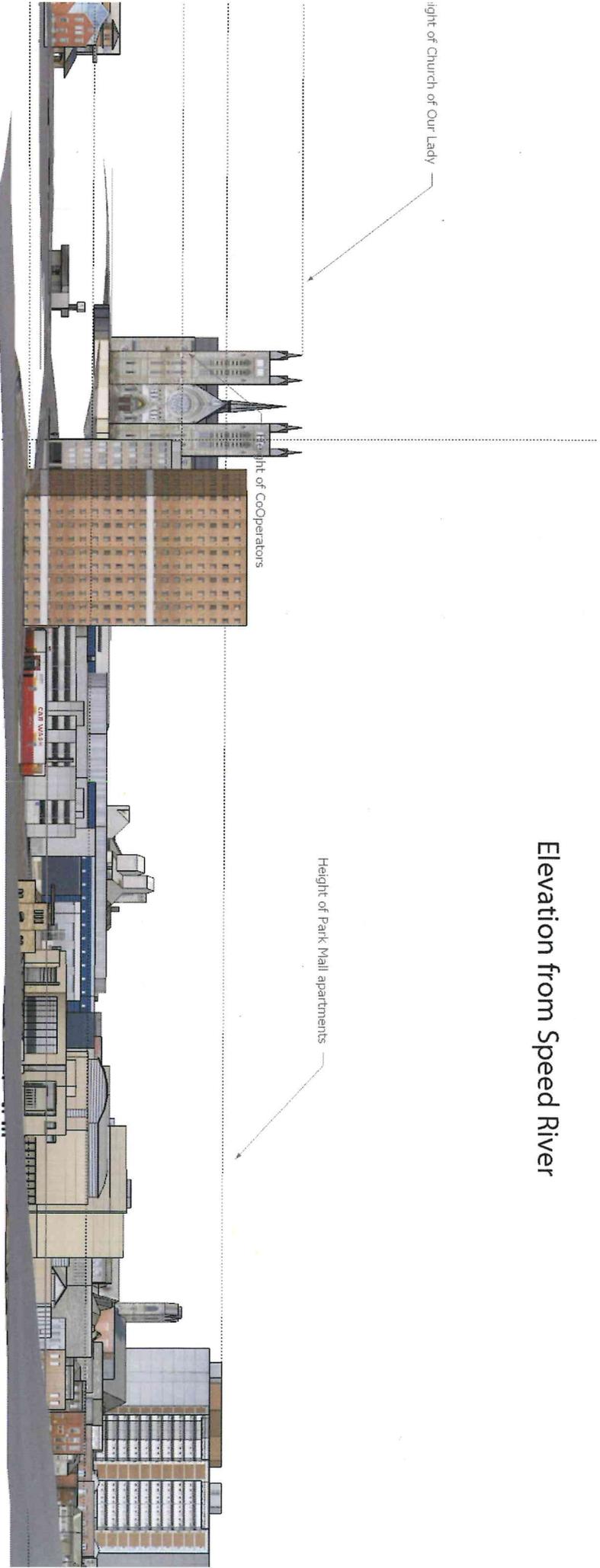


View from Woolwich and Eramosa





# Elevation from Speed River



# Elevation (front)



**From:** Nigel Bunce  
**Sent:** February 27, 2012 4:49 PM  
**To:** Mayors Office; Bob Bell; Jim Furfaro  
**Cc:** Robin de Bled  
**Subject:** Tonight's meeting: 18 storey buildings

Dear Madam Mayor and Councillors:

I am writing as I will not be able to attend tonight's council meeting. Nevertheless, I wish my opinion to be on record.

I wrote to you several months ago on this subject, and expressed my concerns about the proposed development. Please understand that I do not oppose residential densification in the downtown and surrounding areas. Neither will this development impact upon the view from my own house. My concern is with the erection of very tall buildings that will irreversibly change the appearance of our city. High-rise buildings, once constructed, cannot be torn down if the result is displeasing.

The proposed development at the former cooperative daycare site will presumably be used as a precedent for the Marsh Tire and W.C. Woods sites. This makes it imperative to get this first one right. An 18 storey building is almost twice the height of the Park Mall apartments and the Cooperators office building. I think that you will agree that neither of these buildings has a positive impact aesthetically on the downtown streetscape. Yet this proposal is for something twice the height. We should remember, I think, that Guelph is not Toronto, and we would not (I hope) wish it to become like Toronto in terms of building heights. I point to the redevelopment of the site on lower Cardigan Street (opposite the Guelph Youth Music Centre) as an example of a well done and appropriate residential development that is pleasing to the eye and which retains the "human scale" that has up to now characterized Guelph. Major European cities such as Stockholm, Paris, and Madrid achieve high population density with buildings 5-6 storeys high, as do the late 19th century "brownstone" type developments in the inner suburban areas of US cities such as Boston, New York, and Chicago. These should be, in my opinion, our models for densification in Guelph.

Some time ago, Mr Robin De Bled sent me a copy of some streetscapes that he had produced digitally, and sent to Council, to show the effect of an 18 storey building on the Wellington/Macdonnell site. I hope that they will be part of your deliberations tonight.

Finally, I have to say that precedent in the development of tall buildings in Guelph gives me no reason for optimism about this proposed development. As you make your decisions, please bring to your minds' eyes (a) the Park Mall (b) the Cooperators (c) the high rise apartments on upper Cardigan Street. These are the architectural quality that has characterized past high-rise developments in our city. A development of twice the height and equal ugliness will irreparably damage the appearance of our downtown.

Sincerely

Nigel J. Bunce

The Ward Residents' Association  
Honouring our Past\_Developing our Future

Mayor Farbridge  
City Councilors  
Planning Department  
City of Guelph

Dear Madame Mayor

My name is Maria Pezzano and I am the Chair for The Ward Residents' Association. We thank you for this opportunity. TWRA first mobilized 2 years ago March 9 when the first Downtown Secondary Plan was revealed, and we were made aware of changes in our neighbourhood that directly affected us.

We are here today in regards to the proposed Zone Change and Official Plan Amendment to permit the construction of an 18 storey building at the corner of MacDonnell and Wellington Streets. The Ward Residents' Association considers this proposal to be premature. We request that any decision regarding the proposal be deferred until after Council approval and adaptation of the Downtown Secondary Plan.

The Ward resident's Association has been a participant in the preparation of the Downtown Secondary Plan along with many other citizen groups and members of the public over the past two years. Not to mention the countless hours Our City Planners have put in, also encouraging and respecting community engagement.

We believe we have made a contribution to the preparation of this plan which has been the subject of rigorous review and discussion with the citizens of Guelph for several years, prior to our involvement. We are nearing completion of a final draft leading to a final review and adoption of this plan by Council. This plan includes bold and significant changes to Downtown Guelph to bring a greater concentration of residents and employment opportunities within the urban core. This includes the consideration of buildings of up to 18 stores in some key locations within the downtown.

We urge our elected representatives to complete the full and thorough public process of the Downtown Secondary Plan. To ensure that major decisions effecting significant changes to the heart of our community are made with consideration of the downtown as a whole. We are very concerned that the approval of an Official Plan Amendment for this one site would be pre-emptive and potentially prejudicial to the downtown plan as a whole and set an irreversible precedent.

The Ward Residents' Association  
Honouring our Past\_Developing our Future

We ask that you defer this plan until the Downtown Secondary Plan has been approved and passed. We ask that the process is respected, Our City Planners and their time and expertise be respected and input from residents be respected.

We think the City Planners, Councillors and citizens of Guelph deserve the opportunity to complete their work on the Downtown Secondary Plan. To do otherwise is an insult to our Planning Department, our City and the democratic process.

Sincerely  
Maria Pezzano  
Chair for  
The Ward Residents' Association  
"honouring our past-developing our future"

**From:** Patti Maurice

**Sent:** February 26, 2012 1:51 PM

**To:** Mayors Office; Bob Bell; Maggie Laidlaw; June Hofland; Lise Burcher; Leanne Piper; Karl Wettstein; Ian Findlay; Jim Furfaro; Andy VanHellemond; Cam Guthrie; Gloria Kovach; Todd Dennis

**Subject:** 148-152 Macdonell St.

Dear Honourable Mayor and Councilors:

I urge you to send the planning department back to the drawing board with regard to the 18-storey condo building proposed by the Tricar Group at 148-152 Macdonell Street.

I am concerned that with the other proposed buildings for this area - the old Woods property, and the proposed development for Marianne's Park - that the City is allowing a future clustering of high-rises that will irrevocably change the downtown. By allowing 18-storey high buildings we are overlooking the value of green spaces, of the river and its views, of the sun as we walk the streets and bike paths, and of the unique topography that Guelph has. Buildings of 18 storeys disconnect people even further from outdoor spaces so let's not jump on the develop-at-any-cost band-wagon. With a building of this height downtown of Guelph will look and feel more like other cities with skyscrapers shutting out the sun and creating wind tunnels. Just stand at the corner of Paisley-Quebec and Norfolk Streets to get an idea of what any pedestrian encounters on even the least windy day.

Rather, require that this development incorporate a human-scale building of 6 storeys or less, perhaps even varying storey heights. Developers build to make money, and even though the City must comply with Places to Grow legislation, please let's also be smart about the types of buildings we allow. The people of Guelph must live with these buildings, especially those who will not be living IN them.

Respectfully,

Patti Maurice

From: Hugh R Whiteley  
Sent: February 20, 2012 2:10 PM  
To: Mayors Office  
Subject: Urgent request for more community involvement on 180 Gordon Street proposal

Mayor Farbridge:

Karen, I may be intruding on your family-day time I know but am hoping that this might be an opportune time to catch your attention amid a landslide of other City Council issues. I am very concerned that a decision on 180 Gordon Street is being forced on City Council without proper consultation and negotiation with the neighbourhood and the wider community. As noted below I see good prospects for a win-win solution that will address the concerns of the neighbourhood and produce a high quality infill. All that is needed is the facilitated discussion/negotiation step that has been, and I hope still is, the tried and true Guelph approach.

Guelph's Official Plan and Strategic Goals have, for many decades, included encouraging compatible infill as a necessary part of building a compact efficient and sustainable city. The city's commitment to the intensification of built-up areas that is part of its Places-to-Grow programme reinforces and prioritizes this long-standing policy.

An equally important and long-standing city policy has been to ensure that intensification infill was sensitive to city-wide and neighbourhood requirements for compatibility. Judgements about compatibility have been based on Official Plan and Zoning by-law requirements that set out carefully considered and agreed guidelines for compatibility.

City staff and City Council has given great weight to the views of the general public, and particularly the views of the neighbourhood most effected, on how to apply these guidelines on infill compatibility. It has been standard practice, in instances where there is fundamental disagreement between the developer and the public and neighbourhood on the compatibility of the form of infill proposed, for City Council to instruct staff to facilitate discussion between the community members and the developer to arrive at an agreed proposal that satisfies both the community and the developer.

This process for refining infill proposals has worked well up to now. In many cases discussion has quickly reached a consensus on infill compatibility. In some cases, the 146 Downey Road infill is one instance, it has been necessary to use mediated discussion and multiple revisions to arrive at an agreed solution (For 146 Downey Road it was option G that was finally agreed on). In every case that I am aware of the process has produced infill projects that City Council is assured are satisfactory to the developer and supported by at least a large majority of those expressing views from a neighbourhood and city-wide perspective. The approved projects have satisfied Places-to-Grow requirements and have demonstrated that both intensification and compatibility requirements can

be met while preserving and enhancing neighbourhood values and producing city-wide benefits.

In the case of the 180 Gordon Street infill this tried and true process of negotiation between the developer and the neighbourhood and community has not been followed. The negotiation process has been used in a selective fashion to modify the proposal to meet the concerns of one of the two neighbouring properties to the south (the other property owner has no expressed concerns). There has also been some unilateral tweaking of the proposal (reduction of number of proposed units from 12 to 11, increase in buffer to woodland by about 1 m to 3 m, provision of snow-storage areas, increasing the height of the rooftop parapet) that has met some of the expressed concerns from the public.

However, as City Council is well aware, there are a large number of very substantial concerns of the neighbours in the immediate area, of the Old University Neighbourhood Residents' Association, and of members of the wider community, that have not been resolved. These views have been expressed at all the Public Meetings of Council on this proposal and at the Community Meeting held November 10th. The crux of these objections is that there is much too high an intensity of development proposed for the site for the proposal to be compatible. The consequences of this incompatibility will be felt by the neighbourhood and are especially damaging to the values of Marianne's Park and the riverside setting.

The purpose of the Public Meeting on November 10th was "to further discuss and resolve issues regarding the application". At this meeting there was ample discussion of all the issues that remained unresolved but there was not even the beginning of a discussion on how to resolve the issues. To my knowledge no minutes were kept of the meeting and distributed to participants, no alternatives to the current proposed development were presented, no attempt was made to narrow the issues or list aspects that had consensus.

I am very concerned that the process followed for the 180 Gordon Street development shows that Guelph has abandoned the very important principle of community participation in planning decisions on infill. This participation is called for in the Official Plan, has been the mainstay of sound planning in Guelph, and has worked well up to now.

I am particularly distressed that due process has been set aside for 180 Gordon Street not only because of the importance and sensitivity of the site and of the compatibility issues involved but because even a modest effort at negotiation has good prospects for arriving at a superior proposal for infill that meets all the major compatibility requirements of the neighbourhood.

For illustrative purposes only I present one solution that has not been considered. This alternative involves keeping both the architectural form proposed and the forward placement close to the northern boundary but reduces the number of units from 11 to 7 and partitions the 7 units into a 4-unit block and a 3-unit block, with the 3-unit block set further back

from the river to preserve the 30 m required buffer. This configuration leaves the proposed internal roadway and garage (reduced in length) in the position agreed with the southern neighbor, allows adequate parking well screened from the park, and includes an attractive and needed outdoor amenity space in the southwest corner where it would be adjacent to and compatible with the large backyard of the 22 James Street property.

By this email I am asking whether you support the process of negotiation to resolve neighbourhood concerns about infill compatibility.

If you do support this tried and true approach what can you do to see that it is followed for the 180 Gordon Street proposal? For example are you prepared to support an instruction to staff to facilitate proper negotiations before bringing the proposal to City Council for decision?

Another related question is whether you have been given the answer to a question posed earlier by City Council which was "What is the minimum number of units required on 180 Gordon Street to satisfy the City's Places-to-Grow commitment ?"

There is great urgency to these requests as the unaltered Official Plan Amendment and Zoning By-law are scheduled to come to Council for decision on March 5.

Thank you for giving attention to these requests.

Hugh Whiteley

**Submission to City Council March 5 2012: Planning Application for 180 Gordon Street**

**Submitted by Hugh Whiteley 226 Exhibition Street Guelph ON N1H 4R5**

**Outstanding Issues**

The supplemental staff report of March 5 records the many issues raised by neighbourhood and community commentators that remain unresolved. The length of the list should be sufficient grounds to reach a decision that this proposal as it stands to-day is not acceptable.

I will restrict my comments to three issues (1) density is too high (2) impact of the development on Marianne's Park and (3) lack of conformity to the Official Plan's protection of river corridors.

(1) Density is too high

The intensity of infill developments is the key factor in determining the compatibility of infill with the surrounding neighbourhood. The Official Plan has much to say about the criteria to be used to determine compatibility and most of these factors have density as a surrogate measure. The staff report reduces the issue of conformity of the Official Plan as to density to one measure, the maximum density permitted for any type of development anywhere in the City, and suggests that this proposal is in conformity with the OP density provisions because its density is less than the maximum 100 units/ha permitted.

This judgement trivializes the compatibility provisions of the Official Plan, and the expressed deep concerns of the neighbourhood, and is the antithesis of good planning as it has been practised in Guelph up to now. The compatibility provisions of the Official Plan have been carefully thought out and are expressed in concrete form in the Zoning By-law, an instrument that must, by law, be in conformity with the Official Plan.

The Zoning-Bylaw defines compatibility for townhouse developments as requiring a density of 37.5 units/ha or less. There have been 61 cases of townhouse developments requiring variations from the standards set out in Table 5.3.2 of the Zoning By-Law. Only 10 of these 61 required the density provision to be varied, and the varied density was as often a lowering of density below 37.5 units/ha as an increase above this limit. The median density set for these ten cases with density variation is 38 units/ha, right on the maximum in Table 5.3.2.

Council may be surprised to learn that the bitterly contested 146 Downey townhouse development ended up at a mutually agreed 37.5 units/ha and required no density variation in the approved By-law.

As an aside I am very concerned that Council has been given the impression that Places to Grow requires large adjustments to previous planning standards and practices in Guelph. I have expressed strong reservations about the Places to Grow initiative because it totally ignored sustainability as the grounding principle of good community planning but this should not be

interpreted as a lack of support by me of the community form principles imbedded in Places to Grow.

Careful evaluation of the Places to Grow requirements set by the Province for community form will show that these requirements uniformly reflect the direction of planning already set for the City of Guelph in its Official Plan and Zoning By-law. Guelph has long advocated compact community form, efficient use of land and energy resources, and higher-than-suburban intensity in infill as a way of achieving these objectives. Not only is the Places to Grow population target for Guelph exactly what was already projected in the Official Plan before PTG was set; the means used to achieve compact and efficient community form were also already in the OP.

Guelph has not always been diligent in its efforts to shape development in ways that conform to the Official Plan. The helpful contribution to planning made in Places to Grow is to make compulsory the standards and attitudes that had been adopted in principle but frequently let slide in practice.

In practical terms a density of 40 units/ha, averaged over infill developments will comfortably meet the Places To Grow requirement for compact communities. For an especially sensitive site such as 180 Gordon Street the reasonable expectations of the neighbourhood and community is that a density around or below 40 units/ha will satisfy both compatibility and compact community form requirements. A density of 70 units/ha, not just above the By-Law standard but double the By-law standard is an unjustifiable infringement on compatibility.

## (2) Impact of development on Marianne's Park

The basic problem with the proposal for 180 Gordon is not the carefully crafted and elegant façade. The proposal is wrong for the site because it is designed to meet the wrong aesthetic need. The proposed high very long façade is a big-city urban form created for the setting of a residential square where elegant four to six story facades are formed around and frame a protected and enclosed formal open space. This form is wrong in form, scale and position for 180 Gordon because the open space here has needs that are the antithesis of "framing" Developments next to rivers and small riverland parks must provide visual expansiveness, openings and a sense of freedom from enclosure for the river and park.

There are two approaches that address the massing and positioning needs next to Marianne's Park. The approach set out in the Official Plan and Zoning-Bylaw relies on setback and angular plane restrictions to provide the needed open feel for the park. While this is the better approach in general there are specific situational elements of 180 Gordon Street that make an angular plane approach difficult if not unfeasible. This requires a move to "Plan B".

Plan B removes the unwanted sense of enclosure by providing a large gap in a proximate façade i.e. by separating the proposed single large building into two or more units with a generous space

between. This opening provides the needed sense of spaciousness and reduces the perception of intrusiveness to a tolerable level.

Turning once again to 146 Downey for guidance a major concern of neighbourhood residents was identical to concerns about 180 Gordon e.g. the intrusive impact of the long high façade of a single-block multi-unit townhouse block on the adjacent public open space. The ad hoc committee of residents called for, and were given, relief from the overwhelming façade by changes in blocking/massing – the introduction of gaps through the separation of one block into four smaller blocks. The planning consultant who advised the ad hoc residents group approved of this change, stating that “the change in the massing of the units on the east end of the site makes the development more compatible and reduces the impact onto the adjacent open space”.

The concerns of the community and neighbourhood about the impact of a single large façade on Marianne’s Park are entirely legitimate. Surely this site deserves the same standard of compatibility that was applied to 146 Downey!

### (3) Lack of conformity to the Official Plan’s protection of river corridors

A central theme of Guelph’s Official Plan is the protection, restoration and enhancement of the Speed and Eramosa valleys as primary environmental corridors. To ensure that this protection and enhancement takes place the Official Plan identifies with great specificity a 30 m minimum set back of development from the edge of the river. The purpose of this setback is not limited to satisfaction of one objective, to protect the water quality of the river for example.

The environmental corridors of the rivers have a multiplicity of functions set out in both the Open Space policies of the city and in the Natural Heritage policies. The setback meets objectives for both the connected open space system and for the Natural Heritage System. Of great importance is the recognition that the Natural Heritage System is an important part of the open space system but is only one part. Especially in the case of the river corridors a holistic view of all the interactive functions performed by river corridors as open space and as NHS elements must be kept in mind.

The judgment that the current proposal conforms to the Official Plan requirements for protection, restoration and enhancement of the river corridor is based on the reductionist argument that environmental protection can be reduced to narrow technicalities and legal sophistry with the intentions of the Official Plan lost in a barrage of highly selective references to policy detail backed by inappropriately narrow analysis..

I will give three examples. The first is the finding that the north east corner of 180 Gordon is not Core Greenland despite it being within the 30 m setback specifies to be a vegetated buffer free from development in the Official Plan.. The finding is based on the assertion that the only purpose of Core Greenlands in the river corridor is to provide protection against damages caused by flooding. The GRCA has agreed that if the corner of the property is filled to above the regional flood line it will be out of the Floodway. The conclusion drawn is that this filling, if it took place, would remove the Core Greenland designation

This misses entirely the equally valid and separate reason for Core Greenland designation, the presence of a primary environmental corridor, a corridor separated out for special mention in the Official Plan as part of the backbone of the City's NHS and Open Space system. Whether or not the corner is filled the Core Greenland Designation remains.

Example two is the argument that Marianne's Park does not qualify for a restoration area and should be part of the City's Natural Heritage System. A fact of first order importance is that there is a 7 km length of river corridor on the south (left) bank of the Eramosa and Speed River extending from the City Boundary upstream of Stone Road to the Township of Guelph-Eramosa line at the Dolime quarry. Of this 7000 m length only 58 m, the 58 m of Marianne's Park is Not designated as Significant Natural Area. The south bank portion of Royal City Park is Significant Natural Area and a Restoration site despite having landscaped features and a heritage stone wall at the rivers edge.

The criteria for inclusion in the NHS are (1) provides connectivity by filling gap and (2) city parkland not intended for sports field use. The connectivity criteria puts Marianne's Park at the head of the list for inclusion in the NHS to fill the last gap in the 7 km connected open space corridor. The intended use is not for a sports facility and Marianne's Park is identical in features and intended use to the adjacent section of Royal City Park. If Royal City Park, with its grassy areas and stone wall, qualifies as a restoration area then so does Marianne's Park.

The third example is the statement that the City has no intention of enhancing Marianne's Park with some careful naturalization. This is contradicted at once by the current status of the park's vegetation. The eastern 11 m of the park are already wooded and natural – an aspect of the park not described in the staff report. The lot that is now Marianne's Park, 176 Gordon, was purchased jointly by the City and the GRCA to provide vegetated public open space at the rivers edge. The purchase was proposed by the City of Guelph and the city paid about 50% of the cost of purchase and site preparation including bearing the full costs for demolition of the house on the property and grading of the site. The GRCA covered 25 % of the purchase cost and was the owner of record so that the purchase qualified for a provincial grant that covered the remaining 25 % and was only available for valleyland purchases made by the GRCA.

The general intention of the City to introduce further naturalization along the river corridor as appropriate and as circumstances permit is very well expressed in the 2009 Royal City Park Plant Materials Management Plan. The proposal contained in this plan for the south bank portion of Royal City Park applies with no alteration needed to Marianne's Park.

## Conclusion

Approval of the proposal as it stands would be a decision to ignore community opinions and community values. No justification has been given for approval of a proposal so markedly out of conformity with the provisions of the Official Plan and with the expressed opinions of Guelph's citizens. A decision to approve would be especially wrong headed because with small but vitally important adjustments to the proposal in terms of number of units and positioning all the City's objectives, and those of the community and neighbourhood could be met.

**From:** Deborah Maskens  
**Sent:** February 6, 2012 3:27 PM

We do understand that the City of Guelph is considering repealing the current Moratorium at their City Council meeting on Feb 27th. As residents of Ward 6, we are strongly against this move and urge our Ward 6 Councillors to ensure that other control measures are in place BEFORE the Interim Control By-law is repealed.

Thank you.

Deb Maskens & Ken Dodge