

# City Council Meeting Agenda



**Monday, November 28, 2016 – 5:30 p.m.**  
**Council Chambers, Guelph City Hall, 1 Carden Street**

Please turn off or place on non-audible all electronic devices during the meeting.

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## **Authority to move into closed meeting**

That the Council of the City of Guelph now hold a meeting that is closed to the public, pursuant to the Municipal Act, to consider:

**Confirmation of Minutes for the closed Council meeting as Shareholder of Guelph Municipal Holdings Inc. held October 24, 2016, the closed Council meetings held October 25 and November 9, 2016.**

**C-2016.56                      Update on Development of Brant Community Hub**  
(Section 239 (2) (c) related to a proposed acquisition of land by the municipality)

**C-2016.57                      Dolime Quarry – Mediation Process Update**  
Section 239 (2) (e) and (f) litigation or potential litigation, including matters before administrative tribunals and advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

## **Open Meeting – 6:30 p.m.**

O Canada

Silent Reflection

Disclosure of Pecuniary Interest and General Nature Thereof

## **Closed Meeting Summary**

### **Presentation:**

- a) Access Awareness Recognition Awards - Guelph Barrier Free Committee
- b) Mayoral presentation of certificates to Guelph athletes who competed in the 2016 Olympic Games in Rio

### **Confirmation of Minutes:** (Councillor Gordon)

That the minutes of the open Council Meeting as Shareholder of Guelph Municipal Holdings Inc. held October 24; the open Council Meetings held October 11, 17, 24, 25, 26, 2016 and November 3, 9, 2016; the open Council meeting as the Striking

Committee held November 14, 2016, and the special Committee of the Whole meeting held on November 7, 2016 be confirmed as recorded and without being read.

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## **Committee of the Whole Consent Report:**

The following resolutions have been prepared to facilitate Council's consideration of various matters and are suggested for consideration. If Council wishes to address a specific report in isolation of the Committee of the Whole Consent Report, please identify the item. It will be extracted and dealt with separately as part of the Items for Discussion.

### **Living Wage Campaign**

#### **Recommendation:**

That the City of Guelph supports the principles of the Guelph and Wellington Living Wage Employer Recognition Program and is encouraged by the participation of local businesses/organizations who have adopted living wage policies.

### **20,000 Homes Initiative**

#### **Recommendation:**

That staff further examine policies or procedures that can be adopted through our intergovernmental department, planning and/or the building department to help address the matters contained within the final local report of the 20,000 Homes Campaign.

### **COW-GOV-2016.1      2016-2018 Public Appointments to Advisory Boards and Committees**

(Section 239 (2) (b) personal information about identifiable individuals)

#### **Recommendation:**

#### **Policy Amendments**

1. That the City's Advisory Committee Meeting Procedures Policy and Citizen Appointment Policy be amended as shown in Attachment 1 to the "Fall 2016 Appointments to Advisory Boards and Committees Report".

### **Accessibility Advisory Committee**

2. That Jason Dodge, Raminder Kanetkar and Marlene Pfaff be reappointed to the Accessibility Advisory Committee for a term ending November 30, 2018 or until such time as successors are appointed.
3. That Luc Engelen and Joanne O'Halloran be appointed to the Accessibility Advisory Committee for a term ending November 30, 2017 or until such time as successors are appointed.

### **Art Gallery of Guelph Board of Directors**

4. That Timothy Dewhirst and Tanya Lonsdale be reappointed to the Art Gallery of Guelph Board of Directors for a two year term ending November 30, 2018 or until such time as successors are appointed.

### **Board of Trustees of the Elliott**

5. That Ravi Sathasivam, John Schitka, E.J. Stross, and Jackie Wright be reappointed to the Board of Trustees of the Elliott Community for a three year term ending November 30, 2019 or until such time as successors are appointed.
6. That Bill Koornstra be appointed to the Board of Trustees of the Elliott Community for a three year term ending November 30, 2019 or until such time as successors are appointed.

### **Downtown Advisory Committee**

7. That Dorothe Fair and Sara Mau be reappointed to the Downtown Advisory Committee for a term ending November 30, 2018 or until such time as successors are appointed.

### **Economic Development Advisory Committee**

8. That Greg Sayer be reappointed to the Economic Development Advisory Committee for a term ending November 30, 2018 or until such time as successors are appointed.

### **Environmental Advisory Committee**

9. That Ash Baron, Virginia Capmourteres, Lynette Renzetti, Amanjot Singh and Leila Todd be reappointed to the Environmental Advisory Committee for a term ending November 30, 2018 or until such time as successors are appointed.

10. That Adam Miller and Matt Wilson be appointed to the Environmental Advisory Committee for a term ending November 30, 2017 or until such time as successors are appointed.

#### **Guelph Cemetery Commission**

11. That Doug Gilchrist and David Ralph be reappointed to the Guelph Cemetery Commission for a term ending November 30, 2018 or until such time as successors are appointed.

#### **Guelph Museums Advisory Committee**

12. That Paul Baker and Robert Hohenadel be reappointed to the Guelph Museums Advisory Committee for a term ending November 30, 2018 or until such time as successors are appointed.
13. That no further action be taken to fill the remaining vacancy at this time.

#### **Guelph Public Library Board of Directors**

14. That Jennifer Mackie be reappointed to the Guelph Public Library Board of Directors for a term ending November 30, 2018 or until such time as a successor is appointed.
15. That staff be directed to conduct further recruitment to fill the remaining two vacancies for the Guelph Public Library Board of Directors.

#### **Guelph Sports Hall of Fame Board of Directors**

16. That Trevor Reid be reappointed to the Guelph Sports Hall of Fame Board of Directors for a term ending November 30, 2018 or until such time as a successor is appointed.

#### **Heritage Guelph**

17. That Dave Waverman be reappointed to Heritage Guelph committee for a term ending November 30, 2018 or until such time as a successor is appointed.

#### **River Systems Advisory Committee**

18. That Beth Anne Fischer be reappointed to the River Systems Advisory Committee for a term ending November 30, 2018 or until such time as a successor is appointed.
19. That Kendall Flower and Jesse Van Patter be appointed to the River Systems Advisory Committee for a term ending November 30, 2017 or until such time as a successor is appointed.



### **Tourism Advisory Committee**

20. That Frank Cain, Barbara Fisk, Heather Grummett, Andrea McCulligh, Gregory Mungall, Anuradha Saxena and Dana Thatcher be reappointed to the Tourism Advisory Committee for a term ending November 30, 2018 or until such time as successors are appointed.
21. That Lynn Broughton and Jennifer Whyte be appointed to the Tourism Advisory Committee for a term ending November 30, 2017 or until such time as successors are appointed.

### **Transit Advisory Committee**

22. That Justine Kraemer and Steve Petric be appointed to the Transit Advisory Committee for a term ending November 30, 2017 or until such time as successors are appointed.
23. That the Central Students Association, Local Affairs Commissioner at the University of Guelph be appointed to the Transit Advisory Committee for a term ending November 30, 2017 or until such time as successors are appointed.

### **Waste Resource Innovation Public Liaison Committee**

23. That Bill Mullin be appointed to the Waste Resource Innovation Public Liaison Committee for a term ending November 30, 2017 or until such time as a successor is appointed.

### **COW-GOV-2016.3 2017 Council and Committee Meeting Schedule**

#### **Recommendation:**

That the 2017 Council and Committee meeting schedule as shown in Attachment "A" to the "2017 Council and Committee Meeting Schedule" report dated November 7, 2016 be approved.

### **COW-GOV-2016.4 Chief Administrative Officer Employment Contract**

#### **Recommendation:**

That Council direct staff to post highlights of the Chief Administrative Officer's (CAO) Employment contract on the Guelph.ca website.

## **COW-GOV-2016.5    Proposed Framework for an Affordable Housing Financial Incentives Program**

### **Recommendation:**

1. That City Council confirms it will establish an Affordable Housing Financial Incentives Program, in addition to the funding provided by the City to the County as the Service Manager for Social Housing.
2. That funding for an Affordable Housing Financial Incentives Program be included as part of the 2017 budget discussions.
3. **That the following clauses of the proposed framework for an affordable housing financial incentives program be referred back to staff to report back to the Committee of the Whole.**

**"That the proposed recommendations for a framework for an Affordable Housing Financial Incentives Program be approved, as outlined in report #CAO-I-1607: Proposed Framework for an Affordable Housing Financial Incentives Program.**

**That staff be directed to develop the program details and implementation plan for an Affordable Housing Financial Incentives Program."**

## **Private Members Bill (46)**

### **Recommendation:**

**That the City of Guelph endorse Bill 46 – an act respecting pregnancy and parental leaves for municipal council members as it relates to changes to the Ontario Municipal Act.**

## **COW-IDE-2016.10    Commercial Policy Review: Terms of Reference**

### **Recommendation:**

**That the Commercial Policy Review Terms of Reference, included as Attachment 1 to Report #16-84 be approved.**

**COW-IDE-2016.11    Downtown Parking Items: Conclusion of Essex Street One Year Pilot and Updated Downtown On-street Temporary Use Policy**

**Recommendation:**

1. That the Essex Street parking restrictions, between Gordon and Dublin Streets, developed and tested through the 2015-16 pilot project, are to be continued as the current standard for that section of the street.
2. That Guelph City Council approves the proposed framework for updating the 'Temporary Permits for On-street Parking Space Use' standard operating procedure and that the updated fees come into force at the time of Council passing this motion.

**COW-IDE-2016.14    115 Dawn Avenue: Letter of Refusal for Tree Removal as per the City of Guelph Private Tree Bylaw**

**Recommendation:**

**That the removal of the trees identified be approved, based upon the completion of the landscaping design as presented by the homeowner, as amended, subject to replacement of removed trees at a ratio of 3:1 with three trees being native trees.**

**COW-IDE-2016.15    Development Engineering Manual**

**Recommendation:**

1. That the Development Engineering Manual, included as Attachment 1 to this report, be approved.
2. That future amendments to the Development Engineering Manual be approved through delegated authority to Deputy CAO, Infrastructure, Development and Enterprise.

**COW-CS-2016.6    Reserve and Reserve Fund Consolidation and Policy**

**Recommendation:**

1. That the revised Development Charge Exemption Policy, included as Attachment 1, be approved and adopted by By-law, and repeal By-law Number (2013) – 19537 Development Charge Exemption Policy.
2. That Council approve the consolidation, closing and renaming of the following Compensation reserves:

Salary Gapping Contingency Reserve (191)  
Joint Job Evaluation Committee Reserve (196)

Human Resources Negotiations Reserve (197)  
Early Retiree Benefits Reserve (212)  
Into the Employee Benefit Stabilization Reserve, which is to be renamed the 'Compensation Contingency Reserve' (131).

3. That Council approve the consolidation, closing and renaming of the following Capital reserve funds:

Fire Equipment Replacement Reserve Fund (111)  
Transit Equipment Replacement Reserve Fund (113)  
Waste Management Equipment Replacement Reserve Fund (116)  
Computer Equipment Replacement Reserve Fund (118)  
Play Equipment Replacement Reserve Fund (121)  
Operations & Fleet Equipment Replacement Reserve Fund (124)  
Parking Capital Reserve Fund (151)  
Roads Capital Reserve Fund (164)  
Park Planning Capital Reserve Fund (166)  
Economic Development Capital Reserve Fund (168)  
Operations Capital Reserve Fund (169)  
Culture Capital Reserve Fund (171)  
Transit Capital Reserve Fund (172)  
Information Services Capital Reserve Fund (176)  
Waste Management Capital Reserve Fund (186)  
Capital Strategic Planning Reserve Fund (154)  
Roads Infrastructure Capital Reserve Fund (160)  
Building Lifecycle Capital Reserve Fund (190)  
Into the Capital Taxation Reserve Fund, which is to be renamed the 'Infrastructure Renewal Reserve Fund' (150).

Policy Planning Capital Reserve Fund (167)  
Into the Development Charge Exemption Reserve Fund, which is to be renamed the 'Growth Capital Reserve Fund' (156).

Greening Reserve Fund (355)  
Into the Accessibility Capital Reserve Fund, which is to be renamed the 'City Building Capital Reserve Fund' (159).

4. That Council approves the creation of the Stormwater Rate Stabilization Reserve and the Stormwater DC Exemption Reserve Fund.

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### **Council Consent Report:**

The following resolutions have been prepared to facilitate Council's consideration of various matters and are suggested for consideration. If Council wishes to address a specific report in isolation of the Council Consent Report, please identify the item. It will be extracted and dealt with separately as part of the Items for Discussion.

**CON-2016.62      City of Guelph's Submission to the Ministry of the  
Environment and Climate Change Regarding Ontario's  
Water-Taking Regulations**

**Recommendation:**

1. That Council direct staff to provide the Ministry of the Environment and Climate Change (MOECC) with the attached itemized package, (identified as attachment 1 to Staff Report CAO-I-1610) to consider in its review of water-taking policies.
2. That Council support the Province's moratorium on the issuance of new or increasing permits for water bottling until January 1, 2019. Thereby prohibiting any new or increased use of groundwater taking in Ontario for bottling, to allow the MOECC to undertake a comprehensive review of the rules that govern water bottling facilities in Ontario. The City of Guelph recommends that elements of the review include, but not be limited to, costs charged to large water users and the composition/disposal of plastic bottles.
3. That Council recommend the province develop a provincially funded, comprehensive water management program. The program and associated regulatory changes should ensure:
  - an evidence (science) and principle-based approach to water-taking in the province
  - a precautionary approach to the future sustainability of water quality and quantity
  - community or public water needs are a recognized priority
  - a balance between economic opportunities and environmental sustainability
  - adequate funding to municipalities to support the implementation and management of the framework
4. That Council direct staff to provide MOECC with the attached correspondence (identified as attachment 2 to Staff Report CAO-I-1610) as the City's formal response to the EBR Registry Number: 012-8783, entitled "A regulation establishing a moratorium on the issuance of new or increasing permits to take water for water bottling."
5. That Council direct staff to continue to promote the overall quality of Guelph's drinking water and the consumption of municipally-treated tap water in the city. This includes the City's continued master planning for long-term sustainability of Guelph's water supply to accommodate growth targets and community needs (i.e. the Water Supply Master Plan), as well as tap water promotion through programs such as the City's Blue W and Water Wagon at community events.
6. That Council direct staff to continue to promote reduction of waste, recycling and reuse within the Guelph.

7. That given the recommendations noted above and contained within Staff Report CAO-I-1610, the motion made by Councillor Gordon and amended by Councillor Gibson at the September 26, 2016 Council meeting, which read "That Council, with administrative assistance from Intergovernmental Relations, Policy and Open Government staff, submit comments through the Ontario Environmental Registry Process expressing Guelph's concern about the future sustainability of water-taking from the watershed shared by the City of Guelph" be withdrawn.

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## **Items for Discussion:**

The following items have been extracted from the Committee of the Whole Consent Report and the Council Consent Agenda and will be considered separately. These items have been extracted either at the request of a member of Council or because they include a presentation and/or delegations.

**CON-2016.63      City-initiated Official Plan Amendment (OP1603) -  
Proposed revision to the Downtown Zoning By-law  
Amendment (ZC1612) as it pertains to 75 Dublin Street  
North**

### **Presentation:**

Stacey Laughlin, Senior Policy Planner

Melissa Aldunate, Manager, Policy Planning and Urban Design

### **Delegations:**

Alan Heisey, on behalf of the Upper Grand District School Board

Brian Campbell

Ian Flett, on behalf of the Old City Resident's Committee

Susan Ratcliffe

Amber Sherwood-Robinson

### **Correspondence:**

Janet Dalgleish

Christine Main

Kathryn Folkl

Nick Black

Joan Hicks

Claudia Durbin, Elizabeth Ferreira, L.J. – Patrol Captains at Central Public School

Rev. Dennis Noon

Lois Etherington Betteridge

Alex Folkl

Cherolyn Knapp

Leanne Johns

Bogna Dembek

Bill Chesney and Jane Macleod

Michael Bennett

Lynn Punnett

**Recommendation:**

1. That the City-initiated Official Plan Amendment for 75 Dublin Street North to permit a maximum building height of five (5) storeys; whereas a maximum of four (4) storeys is currently permitted be refused.
2. That the proposed Zoning By-law Amendment from the I.1 (Institutional) Zone to a modified D.2-9 (Downtown) Zone be approved as part of the Downtown Zoning By-law Amendment as it pertains to the land municipally known as 75 Dublin Street North in accordance with the zoning regulations and conditions outlined in ATT-2 of Infrastructure, Development and Enterprise Services Report 16-85, dated November 28, 2016.
3. That in accordance with Section 34(17) of the Planning Act, City Council has determined that no further public notice is required related to the minor modifications to the proposed revision to the Downtown Zoning By-law Amendment as it pertains to 75 Dublin Street North.

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**By-laws**

Resolution to adopt the By-laws (Councillor Piper).

**“THAT By-law Numbers (2016)-20111 to (2016)–20113 inclusive, are hereby passed.”**

By-law Number (2016)-20111	A by-law to enact a Development Charge Exemption Policy and repeal By-law Number (2013)-19537.
By-law Number (2016)-20112	A by-law to amend By-law Number (2002) – 17017- the Traffic By-law (to amend No Parking in Schedule XV).
By-law Number (2016)-20113	A by-law to amend By-law Number (1995)-14864, as amended, known as the Zoning By-law for the City of Guelph as it affects property known municipally as 75 Dublin Street North and legally described as All of Lot 1051, Part of Lot 1052, Registered Plan 8, City of Guelph (ZC1612).

**Mayor’s Announcements**

Please provide any announcements, to the Mayor in writing, by 12 noon on the day of the Council meeting.

### **Notice of Motion**

Notice of motion provided by Mayor Guthrie.

### **Adjournment**



**Minutes of Guelph City Council Meeting as Shareholder of  
Guelph Municipal Holdings Inc.  
Held in the Council Chambers, Guelph City Hall on  
Monday, October 24, 2016 at 5:00 p.m.**

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**Attendance**

Council:	Mayor C. Guthrie	
	Councillor P. Allt	Councillor J. Hofland
	Councillor B. Bell	Councillor M. MacKinnon
	Councillor C. Billings	Councillor L. Piper
	Councillor C. Downer	Councillor M. Salisbury
	Councillor D. Gibson	Councillor K. Wettstein
	Councillor J. Gordon	
Absent:	Councillor A. Van Hellemond	
Staff:	Mr. D. Thomson, Chief Administrative Officer	
	Mr. M. Amorosi, Deputy CAO of Corporate Services	
	Ms. C. Clack, Deputy CAO of Public Services	
	Mr. S. Stewart, Deputy CAO of Infrastructure, Development and Enterprise Services	
	Ms. D. Jaques, General Manager/City Solicitor	
	Ms. T. Sprigg, General Manager, Corporate Communications and Customer Service	
	Ms. B. Swartzentruber, Executive Director, Intergovernmental Relations, Policy, and Open Government	
	Mr. S. O'Brien, City Clerk	
	Ms. G. van den Burg, Council Committee Coordinator	
Others Present:	Mr. P. Sardana, Chief Financial Officer, GMHI	

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**Call to Order** (5:00 p.m.)

Mayor Guthrie called the meeting to order.

**Authority to Resolve into a Closed Meeting of Council**

1. Moved by Councillor Piper  
Seconded by Councillor Billings

That the Council of the City of Guelph now hold a meeting that is closed to the public, pursuant to Section 239 (2) (b) and (g) of the Municipal Act with respect to personal matters about an identifiable individual and a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act, respectively.

Carried

## **Closed Meeting (5:02 p.m.)**

### **Disclosure of Pecuniary Interest and General Nature Thereof**

There were no disclosures.

The following matters were considered:

#### **GMHI-C-2016.3 Decision Making: Terms of Reference/Scope – Follow Up on February 29, 2016 Matter**

## **Rise and recess from Closed Meeting (5:24 p.m.)**

Council recessed.

## **Open Meeting (5:30 p.m.)**

Mayor Guthrie called the meeting to order.

### **Closed Meeting Summary**

Mayor Guthrie spoke regarding the matters addressed in closed and identified the following:

#### **Minutes – Council as Shareholder of Guelph Municipal Holdings Inc. Closed Session – September 26, 2016**

These minutes were adopted by Council as Shareholder of GHMI.

#### **GMHI-C-2016.3 Decision Making: Terms of Reference/Scope – Follow Up on February 29, 2016 Matter**

Staff were given direction on this matter.

### **Disclosure of Pecuniary Interest and General Nature Thereof**

There were no disclosures.

## **Items for Discussion**

### **GMHI-2016.6 Rationalization of GMHI Corporate Structure**

Mr. Derrick Thomson, Chief Executive Officer of GMHI, presented recommendations on the implementation of transitioning oversight of Guelph Hydro to the City, deferring active operations of GMHI and the oversight and management of Envida.

Councillor Billings raised a point of privilege regarding the language used to describe the situation of Guelph Municipal Holdings Inc.

2. Moved by Councillor Wettstein  
Seconded by Councillor Downer

1. That the CAO be directed to begin implementing:
  - (a) The transfer of functional control of Guelph Hydro Electric Systems Inc. ("Guelph Hydro"), currently owned by Guelph Municipal Holdings Inc. ("GMHI"), to the City;
  - (b) Deferring active business operations of GMHI and the development corporation until it is determined by Council that there are adequate City resources to support this activity or a clear objective with corresponding and compelling business case; and,
  - (c) Transfer oversight and management of Envida Community Energy Inc. ("Envida") and the Strategies and Options Committee to City management, with support from Guelph Hydro, who will report to Council.
2. That, to initiate the process of implementation of the actions in recommendation 1:
  - (a) The CAO, Derrick Thomson, is appointed as the director of GMHI for a term commencing on the date of appointment and ending at the June 2017 AGM;
  - (b) The CAO continue as the CEO of GMHI and the Guelph Hydro CEO continue as the CFO of GMHI and the sole director and CEO of Envida;
  - (c) Mr. Thomson shall be appointed by the GMHI Board as a member of the Guelph Hydro Board of Directors for a term commencing on the date of appointment and ending at the June 2017 AGM;
  - (d) The existing City-GMHI and GMHI-Guelph Hydro Shareholder Declarations are rescinded; and,
  - (e) The CAO is directed to execute the new City-GMHI and City-GMHI-Guelph Hydro Shareholder Declarations attached as Attachment 1 and Attachment 2, respectively, to Report GMHI-2016-10 Rationalization of GMHI Structure dated October 24, 2016.
3. That the CAO shall report back to Council at a January, 2017 Council meeting with the required actions to complete the implementation of the actions in Recommendation 1.

### **First Amendment**

3. Moved by Councillor Wettstein  
Seconded by Councillor Hofland

That the word "new" be inserted between the words 'Deferring active' in clause 1 (b) so as to read "Deferring new active business operations...".

**Voting in Favour:** Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gibson, Gordon, Hofland, MacKinnon, Piper, and Wettstein (11)

**Voting Against:** Councillor Salisbury (1)

Carried

### **Second Amendment**

4. Moved by Councillor Billings  
Seconded by Councillor Gibson

That the organizations "GHESI, and Envida" be inserted between the words 'GMHI, and the consolidated statements' noted in Article 6.02 (a) of Attachment 1 – City-GMHI Shareholder Declaration with summary.

**Voting in Favour:** Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gibson, Gordon, Hofland, MacKinnon, Piper, Salisbury, and Wettstein (12)

**Voting Against:** (0)

Carried

### **Main Motion as Amended**

5. Moved by Councillor Wettstein  
Seconded by Councillor Downer

1. That the CAO be directed to begin implementing:
  - (a) The transfer of functional control of Guelph Hydro Electric Systems Inc. ("Guelph Hydro"), currently owned by Guelph Municipal Holdings Inc. ("GMHI"), to the City;
  - (b) Deferring **new** active business operations of GMHI and the development corporation until it is determined by Council that there are adequate City resources to support this activity or a clear objective with corresponding and compelling business case; and,
  - (c) Transfer oversight and management of Envida Community Energy Inc. ("Envida") and the Strategies and Options Committee to City management, with support from Guelph Hydro, who will report to Council.
2. That, to initiate the process of implementation of the actions in recommendation 1:
  - (a) The CAO, Derrick Thomson, is appointed as the director of GMHI for a term commencing on the date of appointment and ending at the June 2017 AGM;
  - (b) The CAO continue as the CEO of GMHI and the Guelph Hydro CEO continue as the CFO of GMHI and the sole director and CEO of Envida;

- (c) Mr. Thomson shall be appointed by the GMHI Board as a member of the Guelph Hydro Board of Directors for a term commencing on the date of appointment and ending at the June 2017 AGM;
  - (d) The existing City-GMHI and GMHI-Guelph Hydro Shareholder Declarations are rescinded; and,
  - (e) The CAO is directed to execute the new City-GMHI and City-GMHI-Guelph Hydro Shareholder Declarations attached as Attachment 1 and Attachment 2, respectively, to Report GMHI-2016-10 Rationalization of GMHI Structure dated October 24, 2016.
  - (f) **That the organizations “GHESI, and Envida” be inserted between the words ‘GMHI, and the consolidated statements’ noted in Article 6.02 (a) of Attachment 1 – City-GMHI Shareholder Declaration with summary.**
3. That the CAO shall report back to Council at a January, 2017 Council meeting with the required actions to complete the implementation of the actions in Recommendation 1.

**Voting in Favour:** Mayor Guthrie, Councillors Alit, Bell, Billings, Downer, Gibson, Hofland, MacKinnon, Piper, and Wettstein (10)

**Voting Against:** Councillors Gordon and Salisbury (2)

Carried

Council as Shareholder of Guelph Municipal Holdings recessed at 7:10 p.m. and reconvened at 7:22 p.m.

## **GMHI-2016.7 Strategies and Options Committee Communications and Engagement**

Mr. Derrick Thomson provided an overview of the purpose and role of the Strategies and Options Committee in relation to investigating opportunities for Guelph’s energy assets.

Ms. Tara Sprigg, General Manager, Corporate Communications and Customer Service, outlined how the city will proceed with engaging the community on the future of Guelph Hydro.

6. Moved by Councillor MacKinnon  
Seconded by Councillor Hofland

That CAO Report GMHI-2016-11 titled “Strategies and Options Communications and Engagement”, dated October 24, 2016, be received.

**Voting in Favour:** Mayor Guthrie, Councillors Alit, Bell, Billings, Downer, Gibson, Gordon, Hofland, MacKinnon, Piper, Salisbury, and Wettstein (12)

**Voting Against:** (0)

Carried

**Adjournment** (7:35 p.m.)

7. Moved by Councillor Bell  
Seconded by Councillor Allt

That the meeting be adjourned.

Carried

Minutes to be confirmed at the November 28, 2016 Council Meeting.

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Mayor Guthrie

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Stephen O'Brien - City Clerk

**Minutes of Guelph City Council  
Held in the Council Chambers, Guelph City Hall on  
October 11, 2016 at 6:30 p.m.**

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**Attendance**

Council: Mayor C. Guthrie  
Councillor P. Allt  
Councillor B. Bell  
Councillor C. Billings  
Councillor C. Downer  
Councillor D. Gibson  
Councillor J. Gordon  
Councillor M. MacKinnon  
Councillor L. Piper  
Councillor M. Salisbury  
Councillor A. Van Hellemond  
Councillor K. Wettstein

Absent: Councillor J. Hofland

Staff: Mr. S. Stewart, Deputy CAO, Infrastructure, Development and Enterprise Services  
Mr. T. Salter, General Manager, Planning, Urban Design and Building Services  
Ms. M. Aldunate, Manager, Policy Planning and Urban Design  
Ms. S. Sulatycki, Senior Development Planner  
Ms. J. Jylanne, Senior Policy Planner  
Mr. M. Witmer, Development Planner  
Ms. T. Agnello, Deputy Clerk  
Mr. D. McMahon, Council Committee Coordinator

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**Open Meeting (6:30 p.m.)**

Mayor Guthrie called the meeting to order.

**Disclosure of Pecuniary Interest and General Nature Thereof**

There were no disclosures.

**Council Consent Report**

**Balance of Council Consent Items**

1. Moved by Councillor MacKinnon  
Seconded by Councillor Bell

**CON-2016.59      Heritage Review Application requesting removal of  
the bank barn at 331 Clair Road East from the  
Municipal Register of Cultural Heritage Properties**

**Recommendation:**

1. That staff be authorized to remove all references to the bank barn at 331 Clair Road East from the Municipal Register of Cultural Heritage Properties.

2. That, should the demolition of the bank barn be approved, the applicant be requested to consult the Senior Heritage Planner and the Manager of Integrated Services, Solid Waste Resources within Infrastructure, Development and Enterprise regarding options for the salvage, reuse or recycling of all demolition materials.

**Voting in Favour:** Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gibson, MacKinnon, Piper, Salisbury, Van Hellemond and Wettstein (11)

**Voting Against:** Gordon (1)

Carried

## **Planning Public Meeting**

Mayor Guthrie announced that in accordance with The Planning Act, Council is now in a public meeting for the purpose of informing the public of various planning matters. The Mayor asked if there were any delegations in attendance with respect to the planning matters listed on the agenda.

### **978-1042 Paisley Road Proposed Vacant Land Condominium Subdivision (23CDM16507) – Ward 4**

Michael Witmer, Development Planner, presented the proposed 978-1042 Paisley Road Proposed Vacant Land Condominium Subdivision. Specifically, Mr. Witmer outlined the proposal to create four condominium apartment buildings on the subject property. He advised that three of the four apartment buildings had already received site plan approval and building permits while the fourth building was progressing through the site plan process.

Al Allendorf, agent for the developer, indicated that the first site plan application had covered the entire subject property and that the total available parking was in excess of what the Zoning By-law required. Specifically, Mr. Allendorf explained that the decision to turn the four apartments into individual condominiums was made in consultation with staff and may assist in financing and future sale of the property. Mr. Allendorf also clarified that all of the units within the four apartment buildings would be rented while the buildings themselves could be bought and sold.

2. Moved by Councillor Salisbury  
Seconded by Councillor MacKinnon

That Report 16-72 regarding a proposed four (4) unit Vacant Land Condominium Subdivision application (File: 23CDM16507) by Joylife Imperial Towers Limited on the property municipally known as 978-1042 Paisley Road, and legally described as Block 139, Registered Plan 61M-8, and Blocks 2, 3 and 4, Registered Plan 61M-53, City of Guelph from Infrastructure, Development and Enterprise dated October 11, 2016, be received.

**Voting in Favour:** Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gibson, Gordon, MacKinnon, Piper, Salisbury, Van Hellemond and Wettstein (12)

**Voting Against:** (0)

Carried



## **108 and 110 Nottingham Street proposed Zoning By-law Amendment (ZC1611) – Ward 5**

Lindsay Sulatycki, Development Planner, indicated that the rezoning of 108 and 110 Nottingham Street, if approved, would recognize the existing semi-detached dwelling to make possible a severance of the land so that the parcels could be sold as separate properties.

Jeff Buisman, agent for the owner, indicated that the intention of the proposal was to re-zone the existing property to allow for severance so that each of the semi-detached dwellings could reside on a distinct piece of property. The severance would be processed through the Committee of Adjustment once the proposed rezoning had occurred.

3. Moved by Councillor MacKinnon  
Seconded by Councillor Allt

That Report 16-74 regarding a proposed Zoning By-law Amendment application (File: ZC1611) by Van Harten Surveying Inc. on behalf of Henry Hanlon to recognize the existing semi-detached dwelling on the property municipally known as 108 and 110 Nottingham Street, and legally described as Part of Lot 259, Plan 8, City of Guelph, Part 3 of 61R-20160, from Infrastructure, Development and Enterprise dated October 11, 2016, be received.

**Voting in Favour:** Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gibson, Gordon, MacKinnon, Piper, Salisbury, Van Hellemond and Wettstein (12)

**Voting Against:** (0)

Carried

## **Items for Discussion**

### **CON-2016.60 Affordable Housing Strategy: Final Report**

Joan Jylanne, Senior Policy Planner, presented the Affordable Housing Strategy: Final Report. She advised that this report establishes the strategy and that another report to review financing would be forthcoming to Council.

### **Main Motion**

4. Moved by Councillor Bell  
Seconded by Councillor Downer
  1. That Council approves the Affordable Housing Strategy included as Attachment 1 in Report 16-75 dated October 11, 2016.
  2. That Council refers the use of the financial actions contained within Section 6.3.3 of the Affordable Housing Strategy included as Attachment 1 in Report 16-75 dated October 11, 2016 to the development of a comprehensive policy for an Affordable Housing Incentive Program for permanent housing funded through the Affordable Housing Reserve fund.

## Referral

5. Moved by Councillor Salisbury  
Seconded by Councillor Gibson

That the Affordable Housing Strategy: Final Report be referred to staff to further explore and develop strategies to encourage the development of accessory apartments.

**Voting in Favour:** Mayor Guthrie, Councillors Billings, Gibson, Salisbury (4)

**Voting Against:** Councillors Allt, Bell, Downer, Gordon, MacKinnon, Piper  
Van Hellemond and Wettstein (8)

Defeated

## First Amendment

6. Moved by Councillor Gibson  
Seconded by Councillor Salisbury

That clause two of the recommendation be deleted and replaced with the following:

That Council refer the financial actions contained within section 6.3.3 back to staff to have the report reflect the secondary market in the affordable housing strategy targets.

## Amendment to the Amendment

7. Moved by Councillor Wettstein  
Seconded by Councillor Allt

That the amendment be further amended by inserting the words "the role, if any, of" after the words "That Council refer".

**Voting in Favour:** Mayor Guthrie, Councillors Allt, Billings, Gibson, Gordon, MacKinnon, Piper, Salisbury, Van Hellemond and Wettstein (10)

**Voting Against:** Councillors Bell and Downer (2)

Carried

## Amendment as Amended

8. Moved by Councillor Gibson  
Seconded by Councillor Salisbury

That Council refer **the role, if any, of** the financial actions contained within section 6.3.3 back to staff to have the report reflect the secondary market in the affordable housing strategy targets.

**Voting in Favour:** Mayor Guthrie, Councillors Billings, Gibson, MacKinnon, Piper, Salisbury, Van Hellemond and Wettstein (8)

**Voting Against:** Councillors Allt, Bell, Downer and Gordon (4)

Carried

## **Second Amendment**

9. Moved by Councillor MacKinnon  
Seconded by Councillor Gibson

That clause one be amended by inserting the words "excluding section 6.3.3" after the words "October 11, 2016".

**Voting in Favour:** Mayor Guthrie, Councillors Allt, Billings, Gibson, MacKinnon, Piper, Salisbury, Van Hellemond and Wettstein (9)

**Voting Against:** Councillors Bell, Downer and Gordon (3)

Carried

## **Main Motion as Amended**

10. Moved by Councillor Bell  
Seconded by Councillor Downer

1. That Council approves the Affordable Housing Strategy included as Attachment 1 in Report 16-75 dated October 11, 2016, **excluding section 6.3.3.**
2. **That Council refer the role, if any, of the financial actions contained within section 6.3.3 back to staff to have the report reflect the secondary market in the affordable housing strategy targets.**

**Voting in Favour:** Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gibson, Gordon, MacKinnon, Piper, Salisbury, Van Hellemond and Wettstein (12)

**Voting Against:** (0)

Carried

## **By-laws**

11. Moved by Councillor Gordon  
Seconded by Councillor Allt

That By-law Number (2016)-20099 is hereby passed.

**Voting in Favour:** Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gibson, Gordon, MacKinnon, Piper, Salisbury, Van Hellemond and Wettstein (12)

**Voting Against:** (0)

Carried

## **Mayor's Announcements**

Councillor Downer announced that there would be a Ward 5 Town Hall meeting held on October 19, 2016 at 7:00 p.m. at St. Joseph's Catholic School and that the City of Guelph would be hosting one of the Provincial Government's consultation sessions on Ontario Municipal Reform on November 1, 2016 in Peter Clark Hall at the University of Guelph.

## **Adjournment** (9:53 p.m.)

12. Moved by Councillor Bell  
Seconded by Councillor Piper

That the meeting be adjourned.

Carried

Minutes to be confirmed on November 28, 2016.

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Mayor Guthrie

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Tina Agnello – Deputy Clerk

**Minutes of Guelph City Council  
Held in the Council Chambers, Guelph City Hall on  
October 17, 2016 at 6:30 p.m.**

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**Attendance**

Council:	Mayor C. Guthrie	Councillor J. Hofland
	Councillor P. Allt	Councillor M. MacKinnon
	Councillor B. Bell	Councillor L. Piper
	Councillor C. Billings	Councillor M. Salisbury
	Councillor C. Downer	Councillor A. Van Hellemond
	Councillor D. Gibson	Councillor K. Wettstein

Absent: Councillor J. Gordon

Staff: Mr. S. Stewart, Deputy CAO, Infrastructure, Development and Enterprise Services  
Mr. T. Salter, General Manager, Planning, Urban Design and Building Services  
Ms. M. Aldunate, Manager, Policy Planning and Urban Design  
Ms. S. Laughlin, Senior Policy Planner  
Mr. D. deGroot, Senior Urban Designer  
Ms. A. Watts, Policy Planner  
Mr. D. Mast, Associate Solicitor  
Ms. T. Agnello, Deputy Clerk  
Mr. D. McMahon, Council Committee Coordinator

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**Open Meeting** (6:30 p.m.)

Mayor Guthrie called the meeting to order.

**Disclosure of Pecuniary Interest and General Nature Thereof**

There were no disclosures.

**Council Consent Report**

**Balance of Council Consent Items**

1. Moved by Councillor MacKinnon  
Seconded by Councillor Van Hellemond

**CON-2016.60 Public Meeting Re: Proposed Ward 5/6 Boundary Adjustment**

1. That staff be directed to bring forward a by-law for Council's consideration to implement the Ward 5/6 Ward boundary change at the October 24, 2016 Council meeting.

**VOTING IN FAVOUR:** Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gibson, Hofland, MacKinnon, Piper, Salisbury, Van Hellemond and Wettstein (12)

**VOTING AGAINST:** (0)

CARRIED

## **Planning Public Meeting**

Mayor Guthrie announced that in accordance with The Planning Act, Council is now in a public meeting for the purpose of informing the public of various planning matters. The Mayor asked if there were any delegations in attendance with respect to the planning matters listed on the agenda.

### **Statutory Public Meeting Report: City-Initiated Official Plan Amendment (OP1603) and Proposed Revision to the Downtown Zoning By-law Amendment (ZC1614) Specific to 75 Dublin Street North**

Stacey Laughlin introduced the Statutory Public Meeting Report: City-initiated Official Plan Amendment (OP1603) and Proposed Revision to the Downtown Zoning By-law Amendment (ZC1614) specific to 75 Dublin Street North. She discussed the history of the subject property and indicated that the proposed amendments to the Zoning By-law were to permit a building height of five stories, 24 parking spaces, zero visitor parking spaces, 19 bicycle parking spaces and a rear yard setback of five metres.

Astrid Clos, planning consultant on behalf of Reiker's Holdings, invited residents to an informal open house hosted by the developer for 75 Dublin Street before outlining each of the proposed zoning changes for the subject property as well as Official Plan policies regarding affordable housing. Ms. Clos also discussed the impact of the development on nearby on-street parking and on the protected view for the Basilica of Our Lady.

Tom Lammer, owner of 75 Dublin Street indicated that in order to make the proposed development financially viable, with 20 affordable units, a fifth storey is required. Furthermore, Mr. Lammer indicated that he believed parking in the downtown was a problem facing all businesses and developments but that future parking plans, such as the Wilson Street Parkade, would help mitigate the problem. Mr. Lammer indicated that the units advertised as not including a parking space would attract tenants who do not own cars.

Jim Fryett, James Fryett Architect Inc, presented and described a shadow study conducted for the proposed development. Mr. Fryett indicated that the shadow from the proposed development would impact the school board solar collectors in the winter months.

Discussion ensued regarding the additional funding required from the City's Affordable Housing Reserve Fund, the formula for the rent of the affordable units and parking requirements.

Melissa Dean indicated the height should be limited to the height of nearby St. Agnes School, a minimum 10 metre rear yard setback should be established, no shading of the school at any time should be permitted and a maximum floor space should be established to ensure compatibility with nearby buildings.

Kelly Dewbury stated that he had concerns for children during and after the construction of the proposed development. He indicated that because of the proximity to Central Public School there was a concern for children's safety due to additional traffic in an area that already lacks parking spaces.

Olivia Dewbury indicated that the construction would be disruptive to students at Central Public School, that the proposed building would cast a shadow over the school yard and that tenants would be looking down on students from the windows.

Joseph Macerollo was concerned about possible effects of high density equipment digging an underground parking garage close to older residential homes. Specifically, Mr. Macerollo requested that street lights be added should the development move forward as a means of ensuring the safety of residents. Mr. Macerollo was also concerned about a lack of notification for neighbours regarding the development.

John Farley, developer of the Market Commons condominium, indicated that he supported the proposed development at 75 Dublin because several similar re-zoning requirements also existed on the site of Market Commons. Furthermore, he indicated that the Market Commons development was operating as intended with no visitor parking spaces, several spots for bicycles and a rear yard setback of zero metres.

Corinne Maloney, a resident of the community surrounding 75 Dublin Street, indicated she does not support the OPA and ZBA changes or the expedited approval process as it is immediately adjacent to a school and designated heritage site. Ms. Maloney showed a series of images with a black box representing the proposed development.

Jennifer Jupp, area resident, stated her concern about the impact of the development on parking as well as the impact of construction on students at Central Public School.

John Parkyn, suggested that the proposed development was twice the foot print, three times the volume and 1.3 times the height of nearby St. Agnes School and that therefore this location is not well suited to the proposed development.

Jesse Ariss indicated that his parents did not receive a written notice in advance of the public meeting despite being located within the circulation area and asked that all future notices regarding the proposal be distributed to 66 Paisley Avenue. Mr. Ariss, concurred with the presentation of Corinne Maloney and that views of the Basilica of Our Lady should be protected.

Brian Campbell, area resident, indicated that he believed the regulations contained in the Official Plan and Zoning By-law are appropriate for the subject property and crafted by experts and that any attempt to overcome these by-laws should be taken with care.

Henry Cimerman, area resident, agreed with previous delegates regarding building height, parking, bicycle parking and the expedited approval process. Mr. Cimerman indicated that the streets near the development were unsuitable for those using mobility aides.

Jayne and Allan Suzuki indicated they agreed with previous delegates, in opposition to the development.

Patrick Martin agreed with previous delegates in opposition to the development; especially regarding the impact on the nearby heritage property.

Dana Bowman indicated he does not support the proposed development because it will exacerbate the existing parking situation and offer a poor location choice for low income seniors due to poor walkability and proximity to transit.

Catherine Killen agreed with previous delegates in opposition to the development and suggested that the zoning for the subject property should be made more restrictive to prevent any shadowing of the yard at Central public School.

Council recessed at 9:30 p.m. and resumed at 9:40 pm.

Susan Watson suggested that international convention (the Venice Charter) indicates that buildings near heritage sites must preserve a setting which is not out of scale and that only a one or two storey building should be permitted on the subject site. Ms. Watson also indicated support for a land swap and expressed concern regarding the expedited approval process.

Claire Jeffrey suggested that the shadow cast by the proposed development would have impacts on the health of children at Central public School by reducing the amount of Vitamin D they receive.

Alan Milliken Heisey, solicitor for the Upper Grand District School Board, suggested that from a planning perspective it's not relevant if there is affordable housing in the proposed development because concerns surrounding shadows, construction impacts and parking remain regardless of who rents the units. Mr. Heisey also asked if a Heritage Impact Study had been completed.

Chris Findlay, area resident, noted that traffic had increased considerably in previous years and is creating safety concerns.

Glynis Logue indicated there was very short notice provided in order to speak at this public meeting and that the current systems to notify the community are inadequate. She expressed concerns related to parking and the appropriateness of the location for seniors.

Tom Dowd indicated he agreed with previous delegates in opposition to the development.

Anne Gajerski-Cauley stated she is upset by the expedited approval process for the proposed development and that the location is not suitable for low income seniors.

Noelle O'Brien indicated she supported the concerns of the previous delegates in opposition to the development.

Catrien Bouwan, area resident, indicated she believes that students require sun at recess and that the proposed development would cast a shadow over the school yard.

Bryan Connell discussed the logistical challenges of using the three stream waste collection system at the subject property if a development with this many units is approved, especially where no boulevard exists.



Lisa Woolgar, parent of child at Central Public School, stated that she supports intensification and infill, but that the proposed location for this development is not a good fit for the project because of shadow and overlook.

Paul Hettinga, area resident, agreed with the points made by previous delegates in opposition of the development.

2. Moved by Councillor Gibson  
Seconded by Councillor Billings

That Section 4.13 (a) of the Procedural By-law be invoked to allow Council to continue to 11:59 p.m.

CARRIED

Albert Knox, area resident suggested that a large building on a small property in this location is inappropriate.

Rodney Lanning, area resident, indicated that he believes the elevation of the proposed development to be six stories above grade and that would be two stories above what the Zoning By-law requires. Mr. Lanning also suggested that no windows should be placed on the side of the property overlooking the school.

Luke Wiler, area resident, expressed concern regarding the impact of construction, obstructed view of Catholic Hill, inappropriateness of location and lack of parking.

Deborah Elder, area resident, expressed concerns regarding safety on Dublin St. and indicated she believes parents of children attending Central Public School should all have been notified about the proposed development.

The following registered delegates were not present:

- Tad Malak
- Alan Millar
- Karen Hunter
- Leo Barei
- Alan Simmons
- Jean Turner

Staff was requested to consider the following information in the decision report drafted by staff:

- impediments to more restrictive zoning
- impediments to a land swap
- applicability of the Venice Charter and Official Plan passages on historic sites
- traffic sight lines north and south along Dublin Street
- if a four storey development is permitted as of right
- review of the shadow studies presented by the proponent
- consideration of wind studies along the Cork St. and Dublin St. corridor
- lightning restrictions and impact of lighting on neighbours
- consultation with heritage Guelph and Heritage Canada regarding impact on the adjacent historic site
- storm water runoff after the development is built
- consultation with Hamilton Archdiocese and Hamilton Catholic School Board

- how this development would contribute to the Community Energy Initiative
- effect on the vista from Norfolk looking west up to the Basilica of our Lady
- explanation of why the Official Plan permits four storeys at this location
- impact of further reductions in parking
- review of massing imagery to ensure it is representative
- effect on the view from the five points intersection at Norfolk St. and Paisley St.
- confirmation that the parking provided on similar applications is adequate
- review of the appropriateness of three stream waste collection

3. Moved by Councillor Bell  
Seconded by Councillor Allt

That Report 16-80 from Infrastructure, Development and Enterprise Services regarding a City-initiated Official Plan Amendment and a proposed revision to the draft Downtown Zoning By-law Amendment as it pertains to 75 Dublin Street North dated October 17, 2016 be received.

**VOTING IN FAVOUR:** Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gibson, Hofland, MacKinnon, Piper, Salisbury, Van Hellemond and Wettstein (12)  
**VOTING AGAINST:** (0)

CARRIED

### **Mayor's Announcements**

Mayor Guthrie announced that Harry Dunning, Manager, Emergency Services, had passed away.

The following ward meetings were announced:

Ward 5; St. Mike's Catholic School, Wednesday, October 19 at 7:00 p.m.

Wards 2 & 3; City Hall, Tuesday, October 25 at 7:00 p.m.

The following mayoral town halls:

City Hall; Tuesday, November 15 at 7:00 p.m.

Facebook Live; Tuesday, November 22 at 7:00 p.m.

West End Community Centre; Tuesday, November 29 at 7:00 p.m.

### **Adjournment** (11:33 p.m.)

4. Moved by Councillor Bell  
Seconded by Councillor Gibson

That the meeting be adjourned.

Carried

Minutes to be confirmed on November 28, 2016.

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Mayor Guthrie

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Tina Agnello – Deputy Clerk

**Minutes of Guelph City Council  
Held in the Council Chambers, Guelph City Hall on  
Monday, October 24, 2016 at 6:30 p.m.**

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**Attendance**

Council: Mayor C. Guthrie  
Councillor P. Allt  
Councillor B. Bell  
Councillor C. Billings  
Councillor C. Downer  
Councillor D. Gibson  
Councillor J. Gordon  
Councillor J. Hofland  
Councillor M. MacKinnon  
Councillor L. Piper  
Councillor M. Salisbury  
Councillor K. Wettstein

Absent: Councillor A. Van Hellemond

Staff: Mr. D. Thomson, Chief Administrative Officer  
Mr. M. Amorosi, Deputy CAO of Corporate Services  
Ms. C. Clack, Deputy CAO of Public Services  
Mr. S. Stewart, Deputy CAO of Infrastructure, Development and Enterprise Services  
Ms. D. Jaques, General Manager/City Solicitor  
Ms. T. Sprigg, General Manager, Corporate Communications and Customer Service  
Mr. T. Salter, General Manager, Planning, Urban Design, and Building Services  
Mr. A. MacDonald, General Manager, Emergency Services  
Ms. B. Swartzentruber, Executive Director, Intergovernmental Relations, Policy, and Open Government  
Ms. M. Aldunate, Manager, Policy Planning and Urban Design  
Ms. S. Laughlin, Senior Policy Planner  
Mr. J. Downham, Planner II - Policy and Analytics  
Mr. S. O'Brien, City Clerk  
Ms. G. van den Burg, Council Committee Coordinator

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**Call to Order (7:40 p.m.)**

Mayor Guthrie called the meeting to order.

**Disclosure of Pecuniary Interest and General Nature Thereof**

There were no disclosures.

**Confirmation of Minutes**

1. Moved by Councillor Gibson  
Seconded by Councillor Billings

That the minutes of the Council Meetings held September 6, 12 (as amended) and 26, 2016 and the open Committee of the Whole Meetings held September 6 and October 3, 2016 be confirmed as recorded and without being read.

**Voting in Favour:** Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gibson, Gordon, Hofland, MacKinnon, Piper, Salisbury, and Wettstein (12)

**Voting Against:** (0)

Carried

## **Committee of the Whole Consent Report and Council Consent Agenda**

The following items were extracted:

### **COW-PS-2016.1 Optimal Resource Deployment of Emergency Services**

#### **Balance of Consent Items**

2. Moved by Councillor MacKinnon  
Seconded by Councillor Downer

That the balance of the October 3, 2016 Committee of the Whole Consent Report and the Council Consent Agenda as identified below, be adopted:

### **COW-CS-2016.4 Business/Service Review Framework**

That the Business/Service Review Framework, outlined in report CS-2016-61 – Business/Service Framework, be approved.

### **COW-PS-2016.2 Land Ambulance Response Time Performance Plan for 2017**

That the Land Ambulance Response Time Performance Plan (RTPP) for 2017, as outlined in report PS-16-24: Land Ambulance Response Time Performance Plan for 2017, be approved.

### **COW-PS-2016.3 Taxi, Limousine and Second Hand Goods Licensing (Transfer from Guelph Police Service)**

1. That effective January 1, 2017, the City of Guelph assumes responsibility from the Guelph Police Service for the administration and enforcement of taxicabs, limousines, second hand goods vendors, salvage yards/shops and gold/jewelry dealers.
2. That City staff be directed to amend Business Licensing By-law (2009)-18855 to provide for the administration and enforcement of taxicabs, limousines, second hand goods vendors, salvage yards/shops and gold/jewelry dealers, and that such by-law amendments reflect the regulations and intent of the current Guelph Police Service Board By-laws 145-2011 and 146-2011.

3. That following the assumption of administration and enforcement of these business sectors by the City of Guelph, City staff be authorized to conduct a by-law review relating to taxicabs, limousines, second hand goods vendors, salvage yards/shops and gold/jewelry dealers including public and stakeholder consultation, and that staff report back to Council with recommendations for new or amended by-law regulations.

**COW-PS-2016.4      Business Licensing By-law Review – Food Vehicle  
Schedule and Temporary Food Sales**

1. That staff be directed to create a by-law amendment to the City's Business Licensing By-law for Council's approval to designate two on-street parking spaces within the Central Business District for the operation of Food Vehicles and Street Vendors, both such spaces being located on Wyndham Street – one adjacent to the Wyndham Street Parking Lot, and the other adjacent to the Fountain Street Parking Lot.
2. That staff be directed to create a by-law amendment to User Fee By-law (2015)-19994 to establish a fee of \$350 per month for use of City land associated with the operation of any authorized Food Vehicle or Street Vendor at any designated downtown location or within any permitted park location.

**COW-IDE-2016.9      Municipal Support for Local Renewable Energy Projects:  
Independent System Operator Feed-In-Tariff 5.0**

1. Whereas capitalized terms not defined herein have the meanings ascribed to them in the FIT Rules, Version 5.0.

And whereas the Province's FIT Program encourages the construction and operation of Rooftop Solar, Ground-mounted Solar Voltaic generation projects (the "Projects");

And whereas one or more Projects may be constructed and operated in City of Guelph;

And whereas, pursuant to the FIT Rules, Version 5.0, Applications whose Projects receive the formal support of Local Municipalities will be awarded Priority Points, which may result in the Applicant being offered a FIT Contract prior to other Persons applying for FIT Contracts;

Now therefore be it resolved:

The Council of the City of Guelph supports the construction and operation of the Projects anywhere in City of Guelph.

2. That Council direct the City Clerk to facilitate the signing by two elected officials of the attached Municipal Council Blanket Support Resolution (Attachment #1).

3. That Council direct the Manager, Community Energy to provide a completed and signed "Template: Municipal Council Blanket Support Resolution" (Attachment #1) to applicants requesting same for the purposes of submissions to the Independent Electricity System Operator's Feed-In-Tariff 5.0 Program.
4. That the Municipal Council Blanket Support Resolution remain in effect for one year from the date of adoption.

**CON-2016.56      Woodside Road – Proposed Permanent Closure of an Unused Portion of Woodside Road**

That Council enact a by-law to stop up and close certain lands that are currently dedicated as a public highway described as:

Part of Woodside Road, Plan 525, designated as Part 1, Reference Plan 61R-20914, City of Guelph.

**CON-2016.57      Proposed Demolition of 156 Niska Road, Ward 6**

That the proposed demolition of one (1) detached dwelling at 156 Niska Road be approved.

**CON-2016.58      Public Transit Infrastructure Fund Update**

That under the Public Transit Infrastructure Fund, staff be directed to initiate purchases of vehicles immediately as outlined in the report, with City funding to be approved through 2017 and 2018 Capital Budgets.

**Voting in Favour:** Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gibson, Gordon, Hofland, MacKinnon, Piper, Salisbury, and Wettstein (12)

**Voting Against:** (0)

**Items for Discussion**

**COW-CS-2016.3    Advertising Acceptability Policy**

Mayor Guthrie ceded the Chair to Councillor Hofland, Chair of Corporate Services area of Committee of the Whole

Registered delegate, Sian Matwey, was not in attendance.

3. Moved by Councillor Hofland  
Seconded by Councillor Allt

That the Advertising Acceptability Policy, as endorsed by the Corporate Management Team, be approved and put into effect immediately.

**Voting in Favour:** Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gibson, Gordon, Hofland, MacKinnon, Piper, Salisbury, and Wettstein (12)

**Voting Against:** (0)

Carried

Mayor Guthrie resumed the Chair.

**CON-2016.59          2016 Provincial Co-ordinated Land Use Planning Review  
Comments on the Proposed Growth Plan for the Greater  
Golden Horseshoe**

Melissa Aldunate, Manager, Policy Planning and Urban design, provided an overview of the comments and recommendations that will be submitted to the Province.

The following delegates spoke to this item:

Emile Compion, on behalf of the Good Growth Guelph organization team and attendees

Hugh Whiteley

Laura Murr

Karen Rathwell

The following individuals submitted correspondence:

Emile Compion, on behalf of the Good Growth Guelph organization team and attendees

Hugh Whiteley

Laura and Dennis Murr

4.      Moved by Councillor Salisbury  
         Seconded by Councillor Allt

That Report 16-70 from Infrastructure, Development and Enterprise Services dated Monday, October 24, 2016, be endorsed and submitted to the Ministry of Municipal Affairs as the City of Guelph's response to the Proposed Growth Plan for the Greater Golden Horseshoe 2016.

**Voting in Favour:** Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gibson, Gordon, Hofland, MacKinnon, Piper, Salisbury, and Wettstein (12)

**Voting Against:** (0)

Carried

**COW-PS-2016.1          Optimal Resource Deployment of Emergency Services**

Mayor Guthrie ceded the Chair to Councillor Downer, Chair of Public Services area of Committee of the Whole.

5.      Moved by Councillor Downer  
         Seconded by Councillor Billings

That staff prepare a five-year Guelph/Wellington Paramedic Services Master Plan, building on the recommendations contained within the Optimal Resource



Deployment of Emergency Services report for presentation to Council in Q2 2017.

**Voting in Favour:** Mayor Guthrie, Councillors Allt, Billings, Downer, Gibson, Gordon, Hofland, MacKinnon, Piper, Salisbury, and Wettstein (11)

**Voting Against:** Councillor Bell (1)

Carried

Mayor Guthrie resumed the Chair.

## **CON-2016.61          Haiti Emergency Fund**

Councillor Gordon addressed this item and suggested that a Humanitarian Fund be considered for the 2017 budget process.

Councillor MacKinnon left at 9:33 p.m. and returned at 9:36 p.m.

## **By-laws**

6.      Moved by Councillor Hofland  
         Seconded by Councillor Gordon

That By-laws Numbered (2016)-20100 to (2016)-20105, inclusive, are hereby passed.

**Voting in Favour:** Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gibson, Gordon, Hofland, Piper, Salisbury, and Wettstein (11)

**Voting Against:** (0)

Councillor MacKinnon was not present for the vote.

Carried

## **Mayor's Announcements**

## **Notice of Motion**

## **Adjournment** (9:40 p.m.)

7.      Moved by Councillor Bell  
         Seconded by Councillor Gordon

That the meeting be adjourned.

Carried

Minutes to be confirmed at the November 28, 2016 Council Meeting.

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Mayor Guthrie

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Stephen O'Brien - City Clerk

**Minutes of Guelph City Council  
Held in the Council Chambers, Guelph City Hall on  
Wednesday October 25, 2016 at 5:00 p.m.**

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**Attendance**

Council: Mayor Guthrie  
Councillor P. Allt  
Councillor B. Bell  
Councillor C. Billings  
Councillor C. Downer (arrived at 6:32 p.m.)  
Councillor D. Gibson (arrived at 6:32 p.m.)  
Councillor J. Gordon  
Councillor M. Salisbury  
Councillor K. Wettstein

Absent: Councillor J. Hofland  
Councillor M. MacKinnon  
Councillor L. Piper  
Councillor A. Van Hellemond

Staff: Mr. D. Thomson, CAO  
Mr. M. Amorosi, Deputy CAO of Corporate Services  
Ms. C. Clack, Deputy CAO of Public Services  
Mr. S. Stewart, Deputy CAO of Infrastructure, Development & Enterprise  
Mr. S. O'Brien, City Clerk  
Ms. D. Black, Council Committee Coordinator

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**Call to Order (5:00 p.m.)**

Mayor Guthrie called the meeting to order.

**Authority to Resolve into a Closed Meeting of Council**

1. Moved by Councillor Salisbury  
Seconded by Councillor Bell

That the Council of the City of Guelph now hold a meeting that is closed to the public, pursuant to Section 239 (2) (b) personal matters about identifiable individuals.

Carried

**Closed Meeting (5:03 p.m.)**

**Disclosure of Pecuniary Interest and General Nature Thereof**

There were no disclosures.

The following matters were considered:

**C-COW-2016.56 Solid Waste Services Negative Variance**  
(Section 239 (2) (b) personal matters about identifiable individuals)

**Rise and recess from Closed Meeting (5:28 p.m.)**

*Council recessed.*

**Open Meeting (6:30 p.m.)**

Mayor Guthrie called the meeting to order.

**Closed Meeting Summary**

Mayor Guthrie spoke regarding the matters addressed in closed and identified the following:

**C-COW-2016.56 Solid Waste Services Negative Variance**

Council received information regarding the Solid Waste Services Negative Variance.

**Adjournment (6:33 p.m.)**

2. Moved by Councillor Bell  
Seconded by Councillor Allt

That the meeting be adjourned.

Carried

Minutes to be confirmed on November 28, 2016.

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Mayor Guthrie

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Stephen O'Brien - City Clerk

**Minutes of Guelph City Council  
Held in Council Chambers, Guelph City Hall on  
Wednesday, October 26, 2016 at 6:00 p.m.**

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**Attendance**

Council: Mayor Guthrie  
Councillor P. Allt  
Councillor B. Bell  
Councillor C. Billings  
Councillor C. Downer  
Councillor D. Gibson  
Councillor J. Gordon  
Councillor J. Hofland  
Councillor M. MacKinnon  
Councillor L. Piper (arrived at 6:05 p.m.)  
Councillor A. Van Hellemond  
Councillor K. Wettstein

Absent: Councillor M. Salisbury

Staff: Mr. D. Thomson, Chief Administrative Officer  
Mr. M. Amorosi, Deputy CAO, Corporate Services  
Ms. C. Clack, Deputy CAO, Public Services  
Mr. S. Stewart, Deputy CAO, Infrastructure, Development and Enterprise Services  
Mr. J. Krauter, Acting General Manager, Finance/Treasurer  
Mr. R. Reynen, Chief Building Official  
Mr. B. Coutts, General Manager, Court Services  
Mr. P. Busatto, General Manager, Environmental Services  
Ms. K. Dedman, General Manager, Engineering and Capital Infrastructure Services  
Mr. W. Galliher, Plant Manager, Water Services  
Mr. T. Robertson, Interim Plant Manager, Wastewater  
Ms. D. Black, Acting Deputy Clerk  
Mr. D. McMahon, Council Committee Coordinator

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**Call to Order (6:00 p.m.)**

Mayor Guthrie called the meeting to order.

**Disclosure of Pecuniary Interest and General Nature Thereof**

There were no disclosures.

**2017 - 2026 Non-Tax Supported Operating and Capital Budget Presentation**

Joe Farwell, CAO, Grand River Conservation Authority (GRCA), provided background information on the GRCA and Grand River Watershed and introduced the GRCA Draft 2017 Budget.

Sonya Radoja, Manager of Corporate Services, GRCA, presented the 2017 GRCA Draft Operating Budget and highlighted GRCA sources of revenue, expenditures and current budget challenges. Ms. Radoja indicated that the projected municipal levy in Guelph would be raised by 2.3% in 2017 to generate a total of \$1,646,748.

Mark Amorosi, Deputy CAO, Corporate Services, provided an introduction to the role of the Ontario Building Code Administration, Court Services, Water Services, Wastewater Services and Stormwater Services at the City of Guelph. He also provided an overview of the 2017 budget approval process.

Rob Reynen, Chief Building Official, presented the 2017 Ontario Building Code Administration budget including key changes in 2017, the recommended 2017 operating budget and challenges associated with the 2017 – 2020 operating budget.

Brad Coutts, General Manager, Court Services, introduced the 2017 Court Services operating budget including funding models, budgetary trends, the recommended 2017 operating budget, the 2017 – 2026 capital budget, reserve funds and 2017 initiatives. He noted their objective is to become self-sufficient from the operating budget. He also advised that staff are not requesting any contributions to the reserve fund.

Wayne Galliher, Plant Manager, Water Services, discussed the provincially-mandated standards of care relating to safe drinking water, pressures on water and wastewater rates, rate setting objectives, demand forecasting methodology, major budget changes for 2017 and key 2017 initiatives. He advised that staff are not requesting any contributions to the reserve fund.

Peter Busatto, General Manager, Environmental Services, presented the 2017 recommended Wastewater budget including major changes, the 2017 – 2026 recommended capital budget and key 2017 initiatives. Mr. Busatto introduced Tim Robertson, Interim Plant Manager, and indicated he was available to answer technical questions if required.

Council recessed at 8:20 p.m. and resumed at 8:30 p.m.

Kealy Dedman, General Manager, Engineering and Capital Infrastructure Services, presented the new 2017 non-tax supported Stormwater Services budget. Specifically, Ms. Dedman provided a program overview, timelines for rate approval and commencement of billing, the sustainable funding strategy, the Stormwater rate change forecast and 2017 – 2026 capital budget.

Ms. Dedman presented the capital planning programs of work. She explained the purpose was to clearly delineate the non-tax and tax supported budgets and to find efficiencies. She highlighted key capital budget principles, 2017 – 2026 reserves, reserve fund projected balances and specific programs of work.

Mr. Amorosi thanked staff for their work on the non-tax supported budgets.

## **Recommendation**

1. Moved by Councillor Bell  
Seconded by Councillor Billings

That Report No. CS-2016-68 titled '2017 Non-Tax Supported Operating and Capital Budgets' be referred to the November 3, 2016 Council Budget meeting.

*VOTING IN FAVOUR: Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gibson, Gordon, Hofland, MacKinnon, Piper, Van Hellemond and Wettstein (12)*

*VOTING AGAINST: (0)*

CARRIED

Staff was requested to communicate the following information to Council prior to deliberations for the 2017 Non-Tax Supported Operating and Capital Budgets:

- the portion of the Water Services, Wastewater Services and GRCA budgets spent annually on source water protection
- the percentage of total water in Guelph used for potable applications

**Adjournment (10:01 p.m.)**

2. Moved by Councillor Bell  
Seconded by Councillor MacKinnon

That the meeting be adjourned.

*VOTING IN FAVOUR: Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gibson, Gordon, Hofland, MacKinnon, Piper, Van Hellemond and Wettstein (12)*

*VOTING AGAINST: (0)*

CARRIED

*Minutes to be confirmed on November 28, 2016.*

\_\_\_\_\_  
Mayor Guthrie

\_\_\_\_\_  
Dolores Black, Acting Deputy Clerk

**Minutes of Guelph City Council  
Held in the Council Chambers, Guelph City Hall on  
November 3, 2016 at 6:00 p.m.**

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**Attendance**

Council:	Mayor C. Guthrie	Councillor J. Gordon
	Councillor P. Alit	Councillor M. MacKinnon (arrived at 6:02 pm)
	Councillor B. Bell	Councillor L. Piper (arrived at 6:11 pm)
	Councillor C. Billings	Councillor M. Salisbury
	Councillor C. Downer (arrived at 6:04 pm)	Councillor A. Van Hellemond
	Councillor D. Gibson	Councillor K. Wettstein (arrived at 6:05 pm)

Absent: Councillor J. Hofland

Staff:

- Mr. D. Thomson, Chief Administrative Officer
- Mr. M. Amorosi, Deputy CAO of Corporate Services
- Ms. C. Clack, Deputy CAO of Public Services
- Mr. S. Stewart, Deputy CAO of Infrastructure, Development and Enterprise Services
- Mr. J. Krauter, Acting City Treasurer
- Ms. K. Dedman, General Manager of Engineering and Capital Infrastructure
- Ms. J. Sperling, Program Manager, Open Space Planning
- Mr. T. Gayman, Manager of Development and Environmental Engineering
- Mr. A. McIlveen, Manager of Transportation Services
- Mr. M. Neumann, Manager of Parks Operations - Forestry
- Mr. G. Clark, Program Manager, Capital Planning and Reporting
- Mr. D. Esmali, Manager of Corporate Asset Management
- Mr. S. O'Brien, City Clerk
- Ms. D. Black, Council Committee Coordinator

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**Call to Order** (6:00 p.m.)

Mayor Guthrie called the meeting to order.

**Disclosure of Pecuniary Interest and General Nature Thereof**

There were no disclosures.

**2017 Non-Tax Supported Operating and Capital Budgets**

1. Moved by Councillor Bell  
Seconded by Councillor MacKinnon
1. That for Water and Wastewater Services the following be approved:
  1. Proposed expansion packages in the net amounts of \$449,800 for Water Services and \$54,800 for Wastewater Services;
  2. 2017 Water and Wastewater Services Operating Budgets in the amounts of \$30,450,665 and \$30,946,448 respectively, inclusive of expansions;



3. 2017 Water and Wastewater Services Capital Budgets and 2018-2026 Forecasts in the amounts of \$180,151,100 and \$137,829,500 respectively;
  4. A City of Guelph water volume charge of \$1.67 per cubic metre effective January 1, 2017 and a wastewater volume charge of \$1.80 per cubic metre, effective January 1, 2017;
  5. That the City of Guelph water and wastewater basic service charges remain consistent with 2016 as per the attached schedule "A" effective January 1, 2017; and
  6. That the Water Services and Wastewater Services Fees and Services By-law be passed.
2. That for Stormwater the following be approved:
    1. A 2017 Stormwater Services Operating Budget in the amount of \$4,219,000.
    2. A 2017 Stormwater Services Capital Budget and 2018-2026 Capital Forecasts in the amount of \$40,695,000.
    3. A City of Guelph stormwater fee of \$4.00 per Equivalent Residential Unit effective January 1, 2017.
    4. That the Stormwater Fees and Services By-Law be passed.
  3. That for Court Services the following be approved:
    1. Proposed expansion package in the net amount of \$64,300 for Court Services.
    2. A 2017 Court Services Operating Budget in the amount of \$3,901,750.
    3. A 2017 Court Services Capital Budget and 2018-2026 Capital Forecasts in the amount of \$ 504,300.
  4. That for Ontario Building Code Administration the following be approved:
    1. A 2017 Ontario Building Code Administration Operating Budget in the amount of \$3,390,300, and
    2. The 2017 Ontario Building Code Administration Capital Budget and 2018-2026 Capital Forecasts in the amount of \$ 69,000.
  5. That for reserve and reserve funds the following be approved:

The proposed transfers to/from reserves and reserve funds incorporated in the 2017 non-tax supported budget attached as Schedule "B" be approved.

It was requested that Clauses 2.3 and 2.4 be separated from the remainder of the recommendation.

**2017 Non-Tax Supported Operating and Capital Budgets  
Clauses 1, 2.1, 2.2, 3, 4 and 5**

2. Moved by Councillor Bell  
Seconded by Councillor MacKinnon
  1. That for Water and Wastewater Services the following be approved:
    1. Proposed expansion packages in the net amounts of \$449,800 for Water Services and \$54,800 for Wastewater Services;
    2. 2017 Water and Wastewater Services Operating Budgets in the amounts of \$30,450,665 and \$30,946,448 respectively, inclusive of expansions;
    3. 2017 Water and Wastewater Services Capital Budgets and 2018-2026 Forecasts in the amounts of \$180,151,100 and \$137,829,500 respectively;
    4. A City of Guelph water volume charge of \$1.67 per cubic metre effective January 1, 2017 and a wastewater volume charge of \$1.80 per cubic metre, effective January 1, 2017;
    5. That the City of Guelph water and wastewater basic service charges remain consistent with 2016 as per the attached schedule "A" effective January 1, 2017; and
    6. That the Water Services and Wastewater Services Fees and Services By-law be passed.
  2. That for Stormwater the following be approved:
    1. A 2017 Stormwater Services Operating Budget in the amount of \$4,219,000.
    2. A 2017 Stormwater Services Capital Budget and 2018-2026 Capital Forecasts in the amount of \$40,695,000.
  3. That for Court Services the following be approved:
    1. Proposed expansion package in the net amount of \$64,300 for Court Services.
    2. A 2017 Court Services Operating Budget in the amount of \$3,901,750.
    3. A 2017 Court Services Capital Budget and 2018-2026 Capital Forecasts in the amount of \$ 504,300.

4. That for Ontario Building Code Administration the following be approved:
  1. A 2017 Ontario Building Code Administration Operating Budget in the amount of \$3,390,300, and
  2. The 2017 Ontario Building Code Administration Capital Budget and 2018-2026 Capital Forecasts in the amount of \$ 69,000.
5. That for reserve and reserve funds the following be approved:

The proposed transfers to/from reserves and reserve funds incorporated in the 2017 non-tax supported budget attached as Schedule "B" be approved.

**Voting in Favour:** Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gibson, Gordon, MacKinnon, Salisbury, Van Hellemond and Wettstein (11)

**Voting Against:** (0)

Carried

### **2017 Non-Tax Supported Operating and Capital Budgets Clauses 2.3 and 2.4 only**

3. Moved by Councillor Bell  
Seconded by Councillor MacKinnon
- 2.3. A City of Guelph stormwater fee of \$4.00 per Equivalent Residential Unit effective January 1, 2017.
- 2.4 That the Stormwater Fees and Services By-Law be passed.

**Voting in Favour:** Mayor Guthrie, Councillors Allt, Bell, Downer, Gibson, Gordon, MacKinnon, Salisbury, Van Hellemond and Wettstein (10)

**Voting Against:** Councillor Billings (1)

Carried

### **2017 – 2026 Tax Supported Capital Budget and Forecast**

Councillor Piper arrived at the meeting. (6:11 p.m.)

CAO, Derrick Thomson provided an introduction, summary and overview of the 2017 – 2026 Tax Supported Capital Budget and Forecast.

Acting City Treasurer, James Krauter provided an overview of the 2017 – 2026 Tax Supported Capital Budget and Forecast.

Discussion ensued regarding:

Outdoor Spaces

Eastview Park – washrooms, a Bike Park and Brant Park

Eastview/Summit Ridge/Starwood to Watson Parkway – resurfacing and active transportation sidewalks

Transit

Central Student Association contract re: transit spine work, extra service in south end

Vehicle and equipment – historical funding and business case options for vehicles

Waste collection vehicle for multi-residential units

Organics waste upgrades

**Delegations:**

The following delegate spoke to this item.

Susan Watson

The meeting recessed at 7:58 p.m. and resumed at 8:07 p.m.

**Delegations:**

The following delegate spoke to the 2017 – 2026 Tax Supported Capital Budget and Forecast.

Steve Cuevas was not present.

Ted Pritchard, Fair Tax Campaign

Yvette Tendick, Guelph Coalition for Active Transportation

Marty Williams, Downtown Guelph Business Association

Doug Minett, Downtown Advisory Committee

4. Moved by Councillor Salisbury  
Seconded by Councillor Gordon

That Report No. CS-2016-69 titled "2017 Tax Supported Capital Budget and Forecast be referred to the December 7, 2016 Council Budget meeting.

**Voting in Favour:** Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gibson, Gordon, MacKinnon, Piper, Salisbury, Van Hellemond and Wettstein (12)

**Voting Against:** (0)

Carried

Council requested information on the following subject matters:

- Timing of the Wilson Parkade project, parking meter installation and parkade funding
- Completion of the Woodlawn Road to Nicklin Road section funding and costs
- The level of debt and its relation to the tax rate
- Funding options for infrastructure grants

**Dedicated Infrastructure Renewal Levy**

CAO, Derrick Thomson, introduced the Dedicated Infrastructure Renewal Levy report and provided context for the purpose of the levy.

Daryush Esmali, Manager of Corporate Asset Management addressed the infrastructure backlog and explained the need to address the gap.

Greg Clark, Program Manager, Capital Planning and Reporting addressed the financial risks of not implementing the levy and explained the long-term capital strategy.

Scott Stewart, DCAO, Infrastructure, Development and Infrastructure, summarized the infrastructure issues and the purpose of the levy.

### **Delegations**

The following delegates spoke to this item.

Tyrone Dee was not present.

Pat Fung

Glen Tolhurst

Rena Ackerman

5. Moved by Councillor Piper  
Seconded by Councillor Bell

That report No. CS-2016-80 titled Dedicated Infrastructure Renewal Levy be referred to the December 7, 2016 Council meeting.

**Voting in Favour:** Mayor Guthrie, Councillors Allt, Billings, Downer, Gibson, Gordon, MacKinnon, Piper, Salisbury, Van Hellemond and Wettstein (11)

**Voting Against:** Councillor Bell (1)

Carried

6. Moved by Councillor Billings  
Seconded by Councillor Bell

That the meeting be extended beyond 11:00 p.m.

The meeting recessed at 10:42 p.m. and resumed at 10:49 p.m.

### **Financial Implications of City Building Projects on the Capital Budget**

Mark Amorosi, DCAO of Corporate Services, highlighted key findings regarding City building projects on the capital budget and explained the funding repercussions.

Colleen Clack, DCAO of Public Services provided information regarding the status of the south End Community Centre.

Scott Stewart, DCAO of Infrastructure, Development and Enterprise provided information regarding the status of the Downtown Implementation Program.

Mark Amorosi, DCAO of Corporate Services, outlined the recommendations from staff.

7. Moved by Councillor Gibson  
Seconded by Councillor Downer

1. That Report No. CS-2016-81 titled 'Financial Implications of City Building Projects on the Capital Budget' be received and that Phase 1 of the South End Community Centre as discussed on page 4 of this report be referred to the December 7, 2016 Council Budget deliberation meeting.

2. That discussion on Phase 2 of the South End Community Centre and projects related to the Downtown Secondary Plan including the Library be referred to workshops to be held in Q1 of 2017.

**Voting in Favour:** Mayor Guthrie, Councillors Allt, Billings, Downer, Gibson, Gordon, MacKinnon, Piper, Salisbury, Van Hellemond and Wettstein (11)

**Voting Against:** Councillor Bell (1)

Carried

## By-laws

8. Moved by Councillor Allt  
Seconded by Councillor Salisbury

That By-laws Numbered (2016) - 20106 to (2016) – 20108, inclusive, are hereby passed.

It was requested that the bylaw (2016) – 20107 be voted on separately.

9. Moved by Councillor Allt  
Seconded by Councillor Salisbury

That By-laws Numbered (2016) – 20106 and (2016) – 20108 are hereby passed.

**Voting in Favour:** Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gibson, Gordon, MacKinnon, Piper, Salisbury, Van Hellemond and Wettstein (12)

**Voting Against:** (0)

Carried

10. Moved by Councillor Allt  
Seconded by Councillor Salisbury

That by-law number (2016) – 20107 is hereby passed.

**Voting in Favour:** Mayor Guthrie, Councillors Allt, Bell, Downer, Gibson, Gordon, Hofland, MacKinnon, Piper, Salisbury, Van Hellemond and Wettstein (11)

**Voting Against:** Councillor Billings (1)

Carried

## Mayor's Announcements

The Mayor thanked staff for all their preparation for the meeting.

The Mayor announced the November 23, 2016 Council budget meeting has been cancelled and the Expansions and Reductions scheduled for discussion have been added to the November 9, 2016 Council budget meeting.

The Mayor advised Council that questions at the December 7, 2016 Council budget meeting should be to seek clarity and requested that Council submit known motions early so staff may have answers readily available for the budget meeting.

The Mayor announced he will be hosting the following Budget Town Hall meetings:  
November 15<sup>th</sup>, 7-9 pm at City Hall, Room 112 and  
November 29<sup>th</sup>, 7-9 pm at West End Recreation Center

Councillor MacKinnon announced there will be a Ward 6 Town Hall on November 17<sup>th</sup>,  
7-9 pm at the South End Emergency Services Center.

### **Notice of Motion**

There were no Notices of Motion

### **Adjournment** (11:26 p.m.)

11. Moved by Councillor Bell  
Seconded by Councillor Gibson

That the meeting be adjourned.

Carried

Minutes to be confirmed on November 28, 2016.

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Mayor Guthrie

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Stephen O'Brien - City Clerk

**Minutes of Guelph City Council Budget Meeting  
Held in the Council Chambers, Guelph City Hall on  
Wednesday, November 9, 2016 at 5:00 p.m.**

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**Attendance**

Council:	Mayor C. Guthrie	
	Councillor P. Allt	Councillor M. MacKinnon
	Councillor B. Bell	Councillor L. Piper
	Councillor C. Billings	Councillor M. Salisbury
	Councillor C. Downer	Councillor A. Van Hellemond
	Councillor D. Gibson	Councillor K. Wettstein
	Councillor J. Gordon	
Absent:	Councillor Hofland	
Staff:	Mr. D. Thomson, Chief Administrative Officer	
	Mr. M. Amorosi, Deputy CAO of Corporate Services	
	Ms. C. Clack, Deputy CAO of Public Services	
	Mr. S. Stewart, Deputy CAO of Infrastructure, Development and Enterprise Services	
	Mr. J. Krauter, Acting General Manager of Finance/Treasurer	
	Mr. A. MacDonald, General Manager, Emergency Services/Fire Chief	
	Ms. K. Dedman, General Manager, Engineering	
	Ms. H. Flaherty, General Manager, Parks and Recreation	
	Mr. P. Busatto, General Manager, Environmental Services	
	Mr. D. Godfrey, General Manager, Operations	
	Mr. S. O'Brien, City Clerk	
	Ms. G. van den Burg, Council Committee Coordinator	

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**Call to Order (5:00 p.m.)**

Mayor Guthrie called the meeting to order.

**Authority to Resolve into a Closed Meeting of Council**

1. Moved by Councillor Bell  
Seconded by Councillor Gordon

That the Council of the City of Guelph now hold a meeting that is closed to the public, pursuant to Section 239 (2) (d) of the Municipal Act with respect to labour relations or employee negotiations.

Carried

**Closed Meeting (5:03 p.m.)**

**Disclosure of Pecuniary Interest and General Nature Thereof**

There were no disclosures.



The following matters were considered:

**C-2016.57 2017 Non-Union Compensation Increase**

**Rise and recess from Closed Meeting (5:25 p.m.)**

Council recessed.

**Open Meeting (6:00 p.m.)**

Mayor Guthrie called the meeting to order.

**Closed Meeting Summary**

Mayor Guthrie spoke regarding the matters addressed in closed and identified the following:

**C-2016.57 2017 Non-Union Compensation Increase**

Information was received, no direction was given, and information relating to this matter will be brought forward to the December 7, 2016 Budget meeting.

**Disclosure of Pecuniary Interest and General Nature Thereof**

There were no disclosures.

**2017 Tax Supported Operating Budget**

Derrick Thomson, Chief Administrative Officer, provided an overview of the 2017 tax supported operating budget noting the budget reflects the new objectives from the Corporate Administrative Plan and recommended a base budget of 1.98% with no further reductions. Mr. Thomson continued to highlight projects within the Office of the Chief Administrative Officer and their impact on the budget.

Mayor Cam Guthrie, on behalf of the Mayor's Office and Council, outlined several of the key initiatives being undertaken in the Mayor's Office and requested additional support to providing for Councillors' Town Hall meetings.

Scott Stewart, Deputy CAO for Infrastructure, Development and Enterprise Services, Colleen Clack, Deputy CAO for Public Services, and Mark Amorosi, Deputy CAO for Corporate Services, provided an overview of their respective service areas; highlighted 2017 initiatives as they pertain to the new Corporate Administrative Plan and 2017 budget.

James Krauter, Acting General Manager of Finance/Treasurer, detailed the general and capital financing and reviewed the recommended budget expansions.

2. Moved by Councillor Downer  
Seconded by Councillor Bell

1. That report CS-2016-70 titled '2017 Tax Supported Operating Budget', dated November 9, 2016, with a net levy and payment in lieu of taxes requirement of \$221,944,377 or 1.98% above the 2016 tax levy and payment in lieu of taxes be referred to the December 7, 2016 Council budget meeting for Council consideration; and
2. That user fees and proposed reserve and reserve fund transfers be referred to the December 7, 2016 Council budget meeting.

**Voting in Favour:** Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gibson, Gordon, MacKinnon, Piper, Salisbury, Van Hellemond and Wettstein (12)

**Voting Against:** (0)

Carried

### **Mayor's Announcements**

Councillor Wettstein and Councillor MacKinnon are hosting a Ward 6 Town Hall Budget meeting on November 17<sup>th</sup> from 7-9 p.m. at the South End Community Centre on Clair Rd.

Mayor Guthrie will be hosting the first Mayor Town Hall Budget Meeting in the Council Chambers on November 15 from 7-9 p.m. and November 29 from 7-9 p.m. at the West End Community Centre. A Facebook Live Budget Town Hall will also be held on November 22 from 7-9 p.m.

### **Adjournment** (8:23 p.m.)

3. Moved by Councillor Bell  
Seconded by Councillor Allt

That the meeting be adjourned.

Carried

Minutes to be confirmed on Monday, November 28, 2016.

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Mayor Guthrie

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Stephen O'Brien - City Clerk

**Minutes of Guelph City Council as Striking Committee  
Held in the Council Chambers, Guelph City Hall on  
November 14, 2016 at 5:30 p.m.**

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**Attendance**

Council:	Mayor C. Guthrie	Councillor J. Gordon
	Councillor P. Allt	Councillor M. MacKinnon
	Councillor B. Bell	Councillor L. Piper
	Councillor C. Billings	Councillor M. Salisbury
	Councillor C. Downer	Councillor A. Van Hellemond
	Councillor D. Gibson	Councillor K. Wettstein
Absent:	Councillor J. Hofland	
	Councillor L. Piper	
Staff:	Mr. D. Thomson, Chief Administrative Officer	
	Mr. S. Stewart, DCAO, Infrastructure, Development and Enterprise	
	Ms. D. Black, Acting Deputy Clerk	
	Mr. D. McMahon, Council Committee Coordinator	

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**Call to Order** (5:30 p.m.)

Mayor Guthrie called the meeting to order.

**Disclosure of Pecuniary Interest and General Nature Thereof**

There were no disclosures.

**Audit**

1. Moved by Councillor Allt  
Seconded by Councillor Gibson

That Councillor Billings be appointed as Committee of the Whole Audit Services Chair for a term ending November 30, 2018 or until such time as successors are appointed.

**Voting in Favour:** Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gibson, Gordon, MacKinnon, Salisbury and Van Hellemond (10)

**Voting Against:** Councillor Wettstein (1)

Carried

2. Moved by Councillor MacKinnon  
Seconded by Councillor Salisbury

That Councillor MacKinnon be appointed Committee of the Whole Audit Services Vice-Chair for a term ending November 30, 2018 or until such time as successors are appointed.

**Voting in Favour:** Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gibson, Gordon, MacKinnon, Salisbury, Van Hellemond and Wettstein (11)

**Voting Against:** (0)

Carried

### **Corporate Services**

3. Moved by Councillor Salisbury  
Seconded by Councillor Billings

That Councillor MacKinnon be appointed as Committee of the Whole Corporate Services Chair for a term ending November 30, 2018 or until such time as successors are appointed.

**Voting in Favour:** Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gibson, Gordon, MacKinnon, Salisbury, Van Hellemond and Wettstein (11)

**Voting Against:** (0)

Carried

4. Moved by Councillor Salisbury  
Seconded by Councillor MacKinnon

That Councillor Billings be appointed as Committee of the Whole Corporate Services Vice-Chair for a term ending November 30, 2018 or until such time as successors are appointed.

**Voting in Favour:** Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gibson, Gordon, MacKinnon, Salisbury, Van Hellemond and Wettstein (11)

**Voting Against:** (0)

Carried

### **Infrastructure, Development and Enterprise**

5. Moved by Councillor Bell  
Seconded by Councillor Billings

That Councillor Gibson be appointed as Committee of the Whole Infrastructure, Development and Enterprise Chair for a term ending November 30, 2018 or until such time as successors are appointed.

**Voting in Favour:** Mayor Guthrie, Councillors Bell, Billings, Gibson, MacKinnon and Van Hellemond (6)

**Voting Against:** Councillors Allt, Downer, Gordon, Salisbury and Wettstein (5)

Carried

6. Moved by Councillor Gordon  
Seconded by Councillor Billings

That Councillor Piper be appointed as Committee of the Whole Infrastructure, Development and Enterprise Vice-Chair for a term ending November 30, 2018 or until such time as successors are appointed.

**Voting in Favour:** Mayor Guthrie, Councillors Alt, Bell, Billings, Downer, Gibson, Gordon, MacKinnon, Salisbury, Van Hellemond and Wettstein (11)

**Voting Against:** (0)

Carried

### **Public Services**

7. Moved by Councillor Billings  
Seconded by Councillor Van Hellemond

That Councillor Downer be appointed as Committee of the Whole Public Services Chair for a term ending November 30, 2018 or until such time as successors are appointed.

**Voting in Favour:** Mayor Guthrie, Councillors Alt, Bell, Billings, Downer, Gibson, Gordon, MacKinnon, Salisbury, Van Hellemond and Wettstein (11)

**Voting Against:** (0)

Carried

8. Moved by Councillor Downer  
Seconded by Councillor Billings

That Councillor Hofland be appointed as Committee of the Whole Public Services Vice-Chair for a term ending November 30, 2018 or until such time as successors are appointed.

**Voting in Favour:** Mayor Guthrie, Councillors Alt, Bell, Billings, Downer, Gibson, Gordon, MacKinnon, Salisbury, Van Hellemond and Wettstein (11)

**Voting Against:** (0)

Carried

### **Art Gallery of Guelph Board of Directors**

9. Moved by Councillor Gordon  
Seconded by Councillor Downer

That Councillor Alt be appointed to the Art Gallery of Guelph Board of Directors for a term ending November 30, 2018 or until such time as successors are appointed.

**Voting in Favour:** Mayor Guthrie, Councillors Alt, Bell, Billings, Downer, Gibson, Gordon, MacKinnon, Salisbury, Van Hellemond and Wettstein (11)

**Voting Against:** (0)

Carried

## **Board of Trustees of the Elliott Community**

10. Moved by Councillor MacKinnon  
Seconded by Councillor Downer

That Councillor Van Hellemond be appointed to the Board of Trustees of the Elliott for a term ending November 30, 2018 or until such time as successors are appointed.

**Voting in Favour:** Mayor Guthrie, Councillors Alt, Bell, Billings, Downer, Gibson, Gordon, MacKinnon, Salisbury, Van Hellemond and Wettstein (11)

**Voting Against:** (0)

Carried

## **Downtown Guelph Business Association Board of Management**

11. Moved by Councillor Downer  
Seconded by Councillor Billings

That Councillor Gibson be appointed to the Downtown Guelph Business Association Board of Management for a term ending November 30, 2018 or until such time as successors are appointed.

**Voting in Favour:** Mayor Guthrie, Councillors Alt, Bell, Billings, Downer, Gibson, Gordon, MacKinnon, Salisbury, Van Hellemond and Wettstein (11)

**Voting Against:** (0)

Carried

12. Moved by Councillor Billings  
Seconded by Councillor Bell

That Councillor Piper be appointed to the Downtown Guelph Business Association Board of Management for a term ending November 30, 2018 or until such time as successors are appointed.

**Voting in Favour:** Mayor Guthrie, Councillors Alt, Bell, Billings, Gibson, Gordon, Salisbury, Van Hellemond and Wettstein (9)

**Voting Against:** Councillors Downer and MacKinnon (2)

Carried

## **Grand River Conservation Authority**

13. Moved by Councillor Bell  
Seconded by Councillor Billings

That Councillor Salisbury be appointed to the Grand River Conservation Authority for a term ending November 30, 2018 or until such time as successors are appointed.

**Voting in Favour:** Mayor Guthrie, Councillors Alt, Bell, Billings, Gibson, Gordon, MacKinnon, Salisbury, Van Hellemond and Wettstein (10)

**Voting Against:** Councillor Downer (1)

Carried

14. Moved by Councillor Gibson  
Seconded by Councillor MacKinnon

That Councillor Bell be appointed to the Grand River Conservation Authority for a term ending November 30, 2018 or until such time as successors are appointed.

**Voting in Favour:** Mayor Guthrie, Councillors Bell, Billings, Gibson, Gordon, MacKinnon, Salisbury, Van Hellemond and Wettstein (9)

**Voting Against:** Councillors Alt and Downer (2)

Carried

### **Guelph Junction Railway**

15. Moved by Councillor MacKinnon  
Seconded by Councillor Bell

That Councillor Wettstein be appointed to the Guelph Junction Railway Board of Directors for a term ending November 30, 2018 or until such time as successors are appointed.

**Voting in Favour:** Mayor Guthrie, Councillors Alt, Bell, Billings, Downer, Gibson, Gordon, MacKinnon, Salisbury, Van Hellemond and Wettstein (11)

**Voting Against:** (0)

Carried

16. Moved by Councillor Billings  
Seconded by Councillor Gibson

That Councillor Bell be appointed to the Guelph Junction Railway Board of Directors for a term ending November 30, 2018 or until such time as successors are appointed.

**Voting in Favour:** Mayor Guthrie, Councillors Alt, Bell, Billings, Downer, Gibson, Gordon, MacKinnon, Salisbury and Van Hellemond (10)

**Voting Against:** Councillor Wettstein (1)

Carried

### **Guelph Police Services Board**

17. Moved by Councillor Gibson  
Seconded by Councillor Bell

That Mayor Guthrie and Councillor Billings be appointed to the Guelph Police Service Board for a term ending November 30, 2018 or until such time as successors are appointed.

**Voting in Favour:** Mayor Guthrie, Councillors Bell, Billings, Downer, Gibson, MacKinnon and Van Hellemond (7)

**Voting Against:** Councillors Alt, Gordon, Salisbury and Wettstein (4)

Carried

### **Guelph Public Library Board**

18. Moved by Councillor Bell  
Seconded by Councillor van Hellemond

That Councillor Gordon be appointed to the Guelph Public Library Board for a term ending November 30, 2018 or until such time as successors are appointed.

**Voting in Favour:** Mayor Guthrie, Councillors Alt, Bell, Billings, Downer, Gibson, Gordon, MacKinnon, Salisbury, Van Hellemond and Wettstein (11)

**Voting Against:** (0)

Carried

### **Well Interference Committee**

19. Moved by Councillor Bell  
Seconded by Councillor Gibson

That Councillor Van Hellemond be appointed to the Well Interference Committee for a term ending November 20, 2018 or until such time as successors are appointed.

**Voting in Favour:** Mayor Guthrie, Councillors Alt, Bell, Billings, Downer, Gibson, Gordon, MacKinnon, Salisbury, Van Hellemond and Wettstein (11)

**Voting Against:** (0)

Carried

20. Moved by Councillor Bell  
Seconded by Councillor Billings

That Councillor Gordon be appointed to the Well Interference Committee for a term ending November 20, 2018 or until such time as successors are appointed.

**Voting in Favour:** Mayor Guthrie, Councillors Alt, Bell, Billings, Downer, Gibson, Gordon, MacKinnon, Salisbury, Van Hellemond and Wettstein (11)

**Voting Against:** (0)

Carried

21. Moved by Councillor Van Hellemond  
Seconded by Councillor Bell

That Councillor Gibson be appointed to the Well Interference Committee for a term ending November 20, 2018 or until such time as successors are appointed.



**Voting in Favour:** Mayor Guthrie, Councillors Bell, Billings, Downer, Gibson, Gordon, MacKinnon, Salisbury, Van Hellemond and Wettstein (10)

**Voting Against:** Councillor Altt (1)

Carried

### **Wellington-Dufferin-Guelph Public Health Board of Directors**

22. Moved by Councillor Salisbury  
Seconded by Councillor Bell

That Councillors Hofland, MacKinnon and Billings be appointed to the Wellington-Dufferin-Guelph Public Health Board of Directors for a term ending November 30, 2018 or until such time as successors are appointed.

**Voting in Favour:** Mayor Guthrie, Councillors Altt, Bell, Billings, Downer, Gibson, Gordon, MacKinnon, Salisbury, Van Hellemond and Wettstein (11)

**Voting Against:** (0)

Carried

### **Adjournment** (5:53 p.m.)

23. Moved by Councillor Bell  
Seconded by Councillor Van Hellemond

That the meeting be adjourned.

Carried

Minutes to be confirmed on November 28, 2016.

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Mayor Guthrie

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Dolores Black – Acting Deputy Clerk

**Minutes of Committee of the Whole Meeting  
Held in the Council Chambers, Guelph City Hall on  
November 7, 2016 at 7:00 p.m.**

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**Attendance**

Council:	Mayor Guthrie Councillor P. Allt Councillor B. Bell Councillor C. Billings Councillor C. Downer Councillor D. Gibson	Councillor J. Gordon Councillor L. Piper Councillor M. Salisbury (arrived at 7:26 p.m.) Councillor A. Van Hellemond Councillor K. Wettstein
Absent:	Councillor J. Hofland Councillor M. MacKinnon	
Staff:	Mr. D. Thomson, Chief Administrative Officer Mr. S. Stewart, Deputy CAO, Infrastructure, Development and Enterprise Services Ms. B. Swartzentruber, Executive Director, Policy, Intergovernmental Relations and Open Government Mr. P. Bussato, General Manager, Environmental Services Ms. C. Kennedy, Manager, Policy and Intergovernmental Affairs Mr. D. Belanger, Water Supply Program Manager Ms. M. Grassi, Supervisor Corporate Communications Mr. S. O'Brien, City Clerk Mr. D. McMahon, Council Committee Coordinator	

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**Call to Order (7:00 p.m.)**

Mayor Guthrie called the meeting to order.

**Disclosure of Pecuniary Interest and General Nature Thereof**

There were no disclosures.

**Items for Discussion – Infrastructure, Development and Enterprise**

Councillor Bell assumed the Chair.

Mayor Guthrie assumed the Chair.

**COW-IDE-2016.18      Process to Support the City's Submission to the  
Ministry of the Environment and Climate Change  
Regarding Ontario's Water-Taking Regulations**

Barbara Swartzentruber, Executive Director, Policy, Intergovernmental Relations and Open Government, introduced Cathy Kennedy, Manager, Policy and Intergovernmental Affairs, who described the process by which the City could make a submission to the Ministry of the Environment and Climate Change Regarding Ontario's Water Taking Regulations.

1. Moved by Councillor Gordon  
Seconded by Councillor Allt

That Staff be directed to consider public comments, made through delegations at the November 7<sup>th</sup> Committee of the Whole meeting, and report back to Council on November 28<sup>th</sup> with a recommended resolution for approval and submission to the Ministry of the Environment and Climate Change regarding the province's water-taking review process.

VOTING IN FAVOUR: Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gibson, Gordon, Piper, Van Hellemond and Wettstein (10)

VOTING AGAINST: (0)

Carried

### **COW-IDE-2016.19 Nestlé Waters Canada – Permit to Take Water Technical Report**

Peter Bussato, General Manager, Environmental Services, introduced Dave Belanger, Water Supply Program Manager. Mr. Belanger presented the Nestle Waters Canada – Permit to Take Water Technical Report.

The following delegates spoke to this item:  
Martin Keller, Grand River Conservation Authority  
Patrick Sheridan

2. Moved by Councillor Downer  
Seconded by Councillor Van Hellemond

That this technical staff report on the 2016 Nestlé Aberfoyle Permit to Take Water renewal application be received for information.

VOTING IN FAVOUR: Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gibson, Gordon, Piper, Salisbury, Van Hellemond and Wettstein (11)

VOTING AGAINST: (0)

Carried

### **Councillor Gordon's Motion Regarding Permit to Take Water**

The following delegates spoke to this item:

Karen DelVecchio  
Mike Schreiner  
David Cadogan-Blackwood  
Maureen Blackwood  
Shayne Ward  
Mike Nagy, Wellington Water Watchers  
Rob Case, Wellington Water Watchers  
Tamanna Kohi, Wellington Water Watchers

Council recessed at 9:22 p.m. and resumed at 9:33 p.m.

The following delegates spoke to Councillor Gordon's Motion Regarding Permit to Take Water:

Maddison Ford  
Debbie Moore, Nestle Waters Canada  
Andreanne Simard, Nestle Waters Canada  
Jennifer Nikolasevic, Nestle Waters Canada  
Jim Goetz, Canadian Beverage Association  
Hugh Whiteley  
Elizabeth Griswold, Canadian Bottled Water Association  
Joseph St. Denis  
Sean Roberts  
John Farley  
Mike Darmon  
Karen Rathwell

### **Extension of Meeting Per Procedural By-law**

3. Moved by Councillor Allt  
Seconded by Councillor Bell

That Section 4.13 (b) of the Procedural By-law be invoked to allow Council to continue past 11:00 p.m.

CARRIED

The following delegates spoke to Councillor Gordon's Motion Regarding Permit to Take Water:

John Cherry  
John Cowan  
Harry Oussoren

Council recessed at 11:10 p.m. and resumed at 11:22 p.m.

The following delegates spoke to Councillor Gordon's Motion Regarding Permit to Take Water:

Cynthia Bragg  
Rob Frizzle  
Catherine Kormendy  
Sheri Longboat, Haudenosaunee Confederacy  
Lin Grist, Council of Canadians: Guelph Chapter

### **Suspending the Procedural By-law**

4. Moved by Councillor Bell  
Seconded by Councillor Piper

That Section 4.13 (b) of the Procedural By-law be suspended to allow Council to continue past midnight.

VOTING IN FAVOUR: Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gibson, Gordon, Piper, Salisbury, Van Hellemond and Wettstein (11)

VOTING AGAINST: (0)

Carried

The following delegates spoke to Councillor Gordon's Motion Regarding Permit to Take Water:

Maria Shallard

Sel Mullins

5. Moved by Councillor Salisbury  
Seconded by Councillor Allt

That the following motion be referred to the November 28, 2016 City Council meeting:

That Council, with administrative assistance from Intergovernmental Relations, Policy and Open Government staff, submit comments through the Ontario Environmental Registry Process expressing Guelph's concern about the future sustainability of water-taking from the watershed shared by the City of Guelph.

VOTING IN FAVOUR: Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gibson, Gordon, Piper, Salisbury, Van Hellemond and Wettstein (11)

VOTING AGAINST: (0)

Carried

**Adjournment** (12:12 p.m.)

6. Moved by Councillor Bell  
Seconded by Councillor Piper

That the meeting be adjourned.

CARRIED

*Minutes to be confirmed on November 28, 2016.*

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Mayor Guthrie

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Stephen O'Brien - City Clerk

# Guelph & Wellington Living Wage Employers



Family Counselling and  
Support Services  
FOR GUELPH-WELLINGTON

GUELPH  
Independent LIVING



# Guelph & Wellington Living Wage Employers



pearl street  
COMMUNICATIONS



volunteer centre  
of guelph/wellington  
Volunteering - Invaluable



# CITY OF GUELPH & LIVING WAGE

## STEPS TO BECOMING A LIVING WAGE EMPLOYER:



### EXPRESSION OF INTEREST

Call 1-800-265-7293 x.4293  
Email [info@gwpoverty.ca](mailto:info@gwpoverty.ca)



### APPLICATION

Complete the Living Wage Employer Enrolment Form ([click here](#))



### EMPLOYER DECLARATION & RECOGNITION

The employer signs a declaration and is officially recognized as a Living Wage Employer



### IMPLEMENTATION

We work with the Living Wage Employer to implement living wage policies

- Met with Mark Amorosi, Deputy CAO
- Confirmed that as of January 2017, all full-time employees at City of Guelph will earn living wage (Supporter Level)
- Concerns:
  - Living wage will be updated in 2017
  - Needs to be commitment to actively move to Partner level



# CITY OF GUELPH & LIVING WAGE

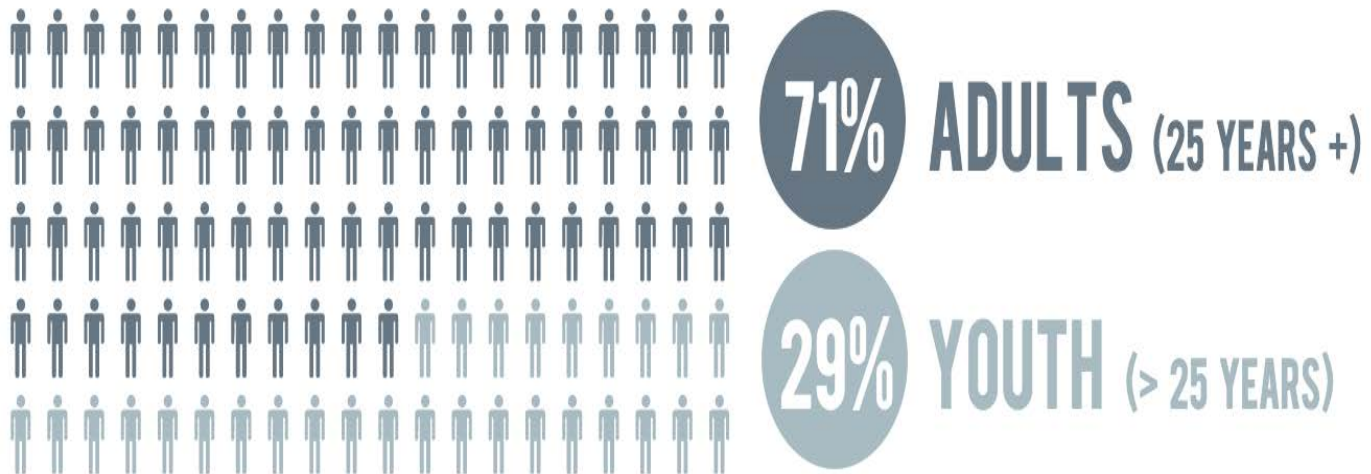
The City of Guelph supports the principles of the Guelph & Wellington Living Wage Employer Recognition Program and is encouraged by the participation of local businesses/organizations who have adopted living wage policies.

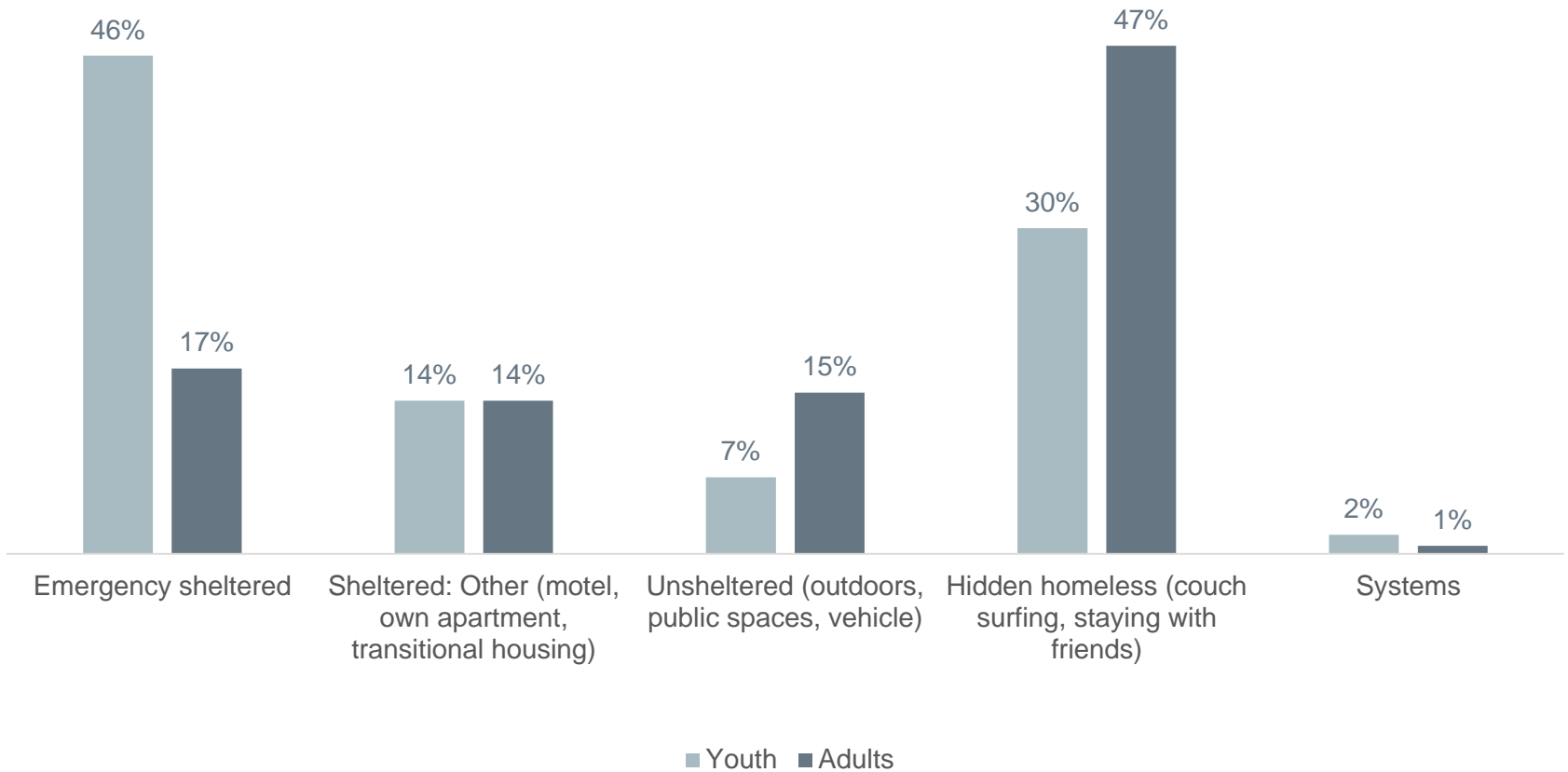
The 20,000 Homes Campaign is a national movement of communities working together to permanently house 20,000 of Canada's most vulnerable homeless people by **July 1, 2018.**

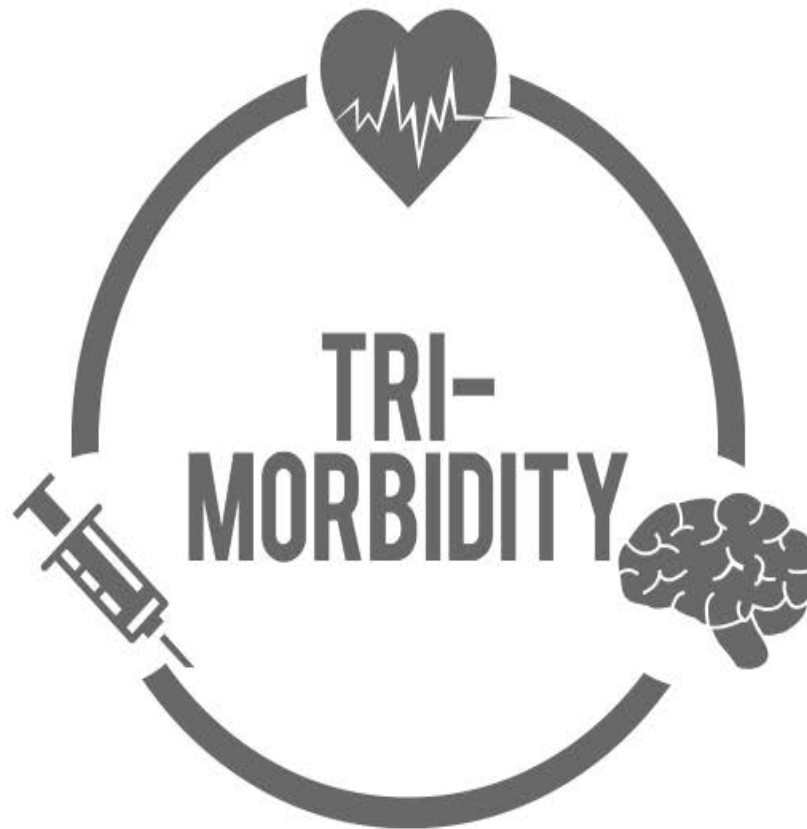


#gw20khomes

During Guelph-Wellington Registry Week,  
**295**  
individuals were identified as experiencing  
homelessness from  
April 25<sup>th</sup> to April 28<sup>th</sup>, 2016.







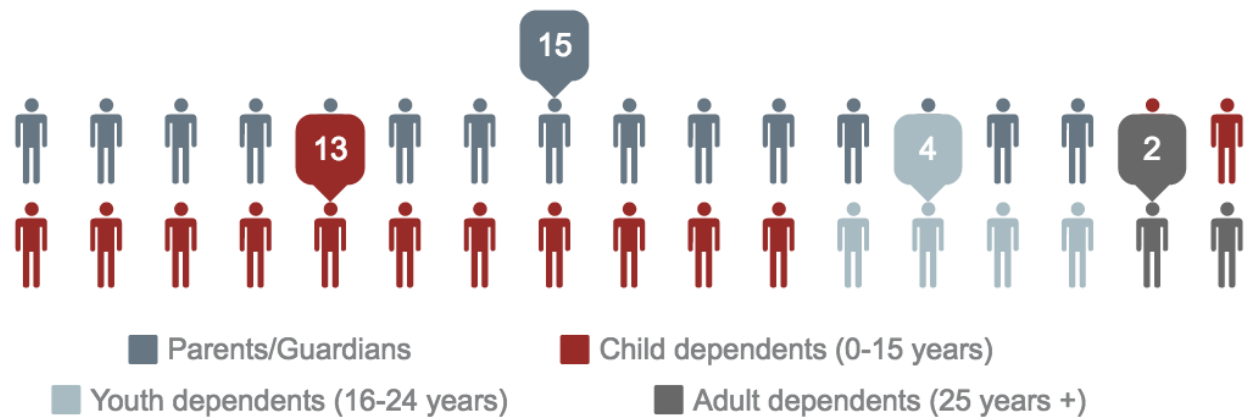
**30%**

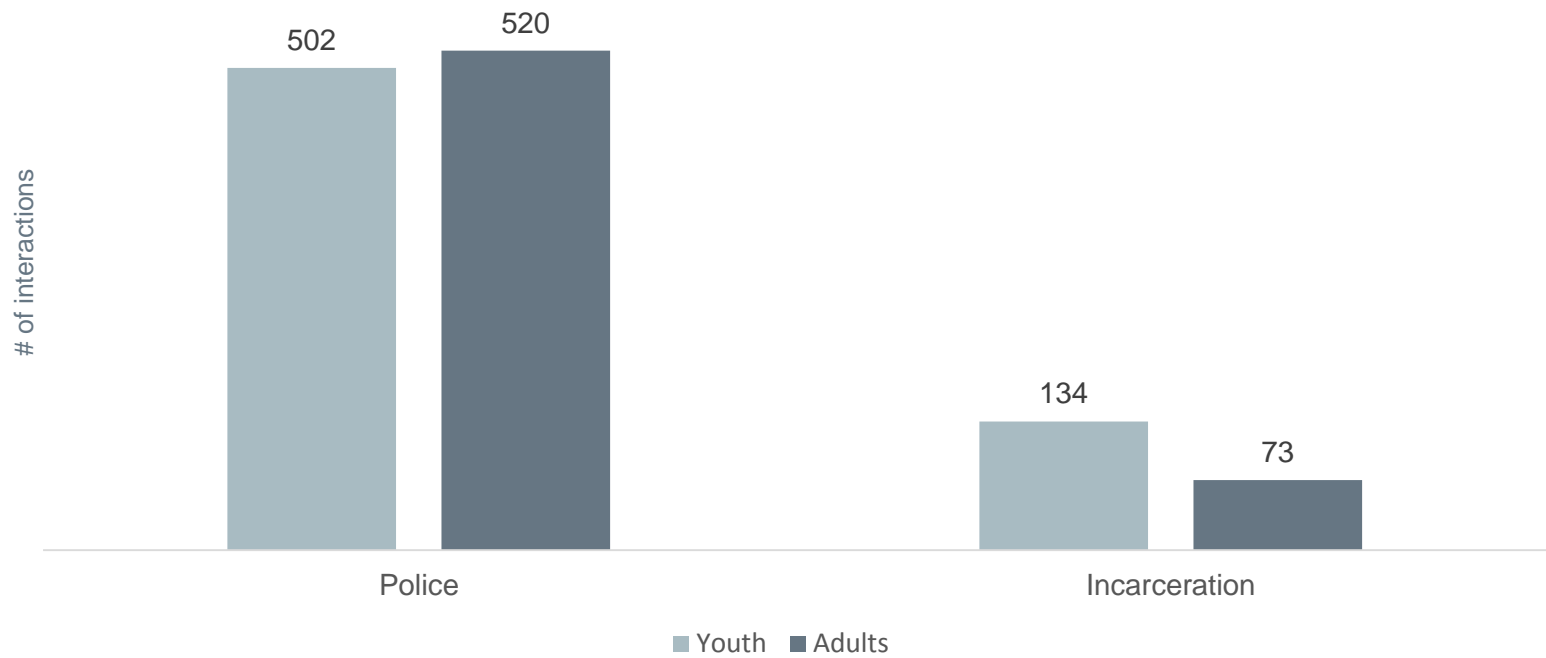
**YOUTH**

**23%**

**ADULTS**

# 14 FAMILIES INCLUDING →→→





	# of people	# of interactions	Average # of interactions per frequent user
Police	47	945	20
Incarceration	16	152	10



# Deliverables since registry week

- Identified Housing First caseload for Drop In (caseload 15)
- Funding for Housing First worker at Wyndham House (caseload 15)
- 21 Housing First clients housed
- Final Registry Week report to community
- Hosted 1-day Housing First training for front-line staff & ½ day Housing First 101 for community

# What next?

- Additional Research
- By Name List
- Coordinated Access & Assessment
- Finding Housing

# 20,000 homes & city of guelph

- Report brought forward for information
- City staff and Mayor to continue participating on 20K Leadership Committee (bi-annual meetings)
- City of Guelph Affordable Housing Strategy

**How else can the City of Guelph play an active role in ending homelessness and respond to issues highlighted in the 20,000 Homes Registry Week report?**

# Staff Report



To Committee of the Whole

Service Area Corporate Services

Date Monday, November 7, 2016

**Subject 2017 Council and Committee Meeting Schedule**

Report Number CS-2016-76

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## Recommendation

1. That the 2017 Council and Committee meeting schedule as shown in Attachment "A" be approved.

## Executive Summary

### Purpose of Report

To set the 2017 Council and Committee meeting schedule.

### Key Findings

Staff is presenting a meeting schedule for 2017 which is based on past practice and the new Committee of the Whole governance structure adopted by Council in 2016.

### Financial Implications

Staff anticipate budget savings resulting from the change from the Standing Committee structure to Committee of the Whole structure due to meeting time changes and number of required meetings.

## Report

Pursuant to the City of Guelph Procedural By-law, Council is required to establish an annual Council and Committee meeting schedule by way of Council Resolution.

To support the legislative process for City Council, and for accountability and transparency to the public, it is recommended that Council approve a regular meeting schedule.

In 2016, a Committee of the Whole (COW) structure was adopted by Council. This new structure resulted in the COW meetings replacing the Standing Committee meetings and new meeting times being established. These changes have been addressed within the proposed schedule.

The following principles guided the development of the proposed schedule:

1. Continuing the publication of agendas a minimum of ten days prior to the targeted meeting.
2. COW meetings generally scheduled the first Monday of the month.
3. Council Planning meetings generally scheduled the second Monday of the month.
4. Council meetings generally scheduled the fourth Monday of the month.
5. COW meetings to consist of two or three Service Areas reporting on alternating months with exceptions to be made for matters of a timely nature.
6. Maintaining two weeks between Planning Council and Regular Council meetings.
7. Closed Council and closed COW meetings to be scheduled one hour before the regular open meeting. (Meeting cancellations and adjusted start times to be based upon agenda content.)
8. Changes to the meeting calendar will be publicly posted as soon as feasible.
9. Generally allowing for one special Council Meeting Placeholder per month.
10. Council budget meetings will be scheduled once established in collaboration with the Finance Department.

### **Council Meetings**

1. Regular Council meetings are scheduled to meet at 6:30 p.m. on the 4<sup>th</sup> Monday of the month with the following exceptions:
  - January – the meeting is scheduled for the 5<sup>th</sup> Monday of the month
  - May – the meeting is scheduled for the 4<sup>th</sup> Tuesday due to the statutory holiday, Victoria Day
  - August – no meetings are scheduled due to the summer recess
  - December - meeting is scheduled for the 3<sup>rd</sup> Monday of the month as Christmas falls on the 4<sup>th</sup> Monday
2. Council Planning meetings are scheduled to meet on the 2<sup>nd</sup> Monday of the month with the following exceptions:
  - January – no meeting scheduled to provide a partial winter recess
  - March – the meeting is scheduled for the 3<sup>rd</sup> Monday of the month to accommodate March break
  - August - no meetings scheduled due to the summer recess period
  - October – the meeting is scheduled for the 2<sup>nd</sup> Tuesday of the month due to the statutory holiday, Thanksgiving Day

3. Committee of the Whole Meetings are scheduled for the 1<sup>st</sup> Monday of the month with the following exceptions:
  - January - the meeting is scheduled for the 3<sup>rd</sup> Monday of the month to provide a partial winter recess
  - July – the meeting is scheduled for the 1<sup>st</sup> Tuesday of the month due to the statutory holiday observance, Canada Day
  - August – no meetings scheduled due to the summer recess period
  - September – the meeting is scheduled for the 1<sup>st</sup> Tuesday of the month due to the statutory holiday, Labour Day
4. Council placeholder dates have generally been set once a month to handle matters that arise that cannot be accommodated within the regularly scheduled meetings. The placeholder meetings have been scheduled for the 3<sup>rd</sup> Monday of the month with the following exceptions:
  - January – no placeholder has been set due to the partial winter recess
  - February – the placeholder has been set for the second Wednesday of the month due to statutory holidays
  - March and April– the placeholder has been set for the 2<sup>nd</sup> Tuesday of the month due to statutory holidays and March break
  - August – no placeholder has been set due to the summer recess
  - December – no placeholder has been set due to the seasonal break

### **Future Considerations**

The City Clerk will provide a report in the latter portion of 2017 regarding the Committee of the Whole structure and will address any scheduling issues at that time.

### **Financial Implications**

Staff anticipate budget savings resulting from the change from the Standing Committee structure to Committee of the Whole structure due to meeting time changes and number of required meetings.

### **Corporate Strategic Plan**

2.2 Deliver public services better

2.3 Ensure accountability, transparency and engagement.

3.3 Strengthen citizen and stakeholder engagement and communications.

### **Communications**

The final 2017 Council and Committee Meeting Schedule will be forwarded to the media, internal and community stakeholders, and published on the City's website. Any changes to the calendar will be immediately posted to the website.

### **Attachments**

ATT-1      2017 Council and Committee Meeting Schedule

**Report Author**

Dolores Black  
Council Committee Coordinator



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**Approved By**

Stephen O'Brien  
City Clerk  
519-822-1260 ext. 5644  
stephen.obrien@guelph.ca



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**Recommended By**

Mark Amorosi  
Deputy CAO  
Corporate Services  
519-822-1260 ext. 2281  
mark.amorosi@guelph.ca

# 2017 COUNCIL AND COMMITTEE MEETING SCHEDULE



**AUD** - Audit

**COW** - Committee of the Whole

**CS** - Corporate Services

**GOV** - Governance

**IDE** - Infrastructure Development & Enterprise

**PS** - Public Services

JANUARY					
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday Sunday
					1 New Year's Day
2 New Year's Day Observed	3	4	5	6	7
					8
9	10	11	12	13	14
					15
16 COW (IDE/GOV) 2 pm				20	21
					22
23 Council Placeholder 6:00 pm	24	25			28
					29
30 Council 6:30 pm	31				

FEBRUARY					
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday Sunday
		1	2	3	4
					5
6 COW (CS/PS/AUD) 2 pm	7	8	9	10	11
					12
13 Council Planning 6:30 pm	14	15 Council Placeholder 6:00 pm	16	17	18
					19
20 Family Day					25
					26
27 Council 6:30 pm	28				



# 2017 COUNCIL AND COMMITTEE MEETING SCHEDULE



**AUD** - Audit

**COW** - Committee of the Whole

**CS** - Corporate Services

**GOV** - Governance

**IDE** - Infrastructure Development & Enterprise

**PS** - Public Services

MARCH					
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday Sunday
		1	2	3	4
					5
6 COW (GOV/IDE) 6:30 pm	7 Council Placeholder 6:00 pm	8	9	10	11
					12
13	14	15		17	18
		March Break			19
20 Council Planning 6:30 pm		22		24	25
					26
27 Council 6:30 pm	28	29	30	31	

APRIL					
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday Sunday
					1
					2
3 COW (PS/CS/AUD) 2 pm	4	5	6	7	8
					9
10 Council Planning 6:30 pm	11 Council Placeholder 6:00 pm	12	13	14 Good Friday	15
					16
17 Easter Monday	18	19	20	21	22
					23
24 Council 6:30 pm	25	26	27	28	29
					30

# 2017 COUNCIL AND COMMITTEE MEETING SCHEDULE



**AUD** - Audit

**COW** - Committee of the Whole

**CS** - Corporate Services

**GOV** - Governance

**IDE** - Infrastructure Development & Enterprise

**PS** - Public Services

MAY					
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday Sunday
1 COW (IDE/GOV) 6:30 pm	2	3	4	5	6 7
8 Council Planning 6:30 pm	9	10	11	12	13 14
15 Council Placeholder 6:00 pm	16	17	18	19	20 21
22 Victoria Day	23 Council 6:30 pm	24	25	26	27 28
29	30	31			

JUNE					
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday Sunday
			1	2	3 4
5 COW (CS/PS/AUD) 2 pm	6	7	8	9	10 11
12 Council Planning 6:30 pm	13	14	15	16	17 18
19 Council Placeholder 6:00 pm	20	21	22	23	24 25
26 Council 6:30 pm	27	28	29	30	

# 2017 COUNCIL AND COMMITTEE MEETING SCHEDULE



**AUD** - Audit

**COW** – Committee of the Whole

**CS** – Corporate Services

**GOV** - Governance

**IDE** – Infrastructure Development & Enterprise

**PS** – Public Services

JULY					
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday Sunday
					1 Canada Day
					2
3 Canada Day Observance	4 COW (GOV/IDE) 2 pm	5	6	7	8
					9
10 Council Planning 6:30 pm	11	12	13	14	15
					16
17 Council Placeholder 6:00 pm	18	19	20	21	22
					23
24 Council 6:30 pm	25	26	27	28	29
					30
31					

AUGUST					
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday Sunday
	1	2	3	4	5
					6
7 Civic Holiday/ John Galt Day	8	9	10	11	12
					13
14	15	16	17	18	19
					20
21	22	23	24	25	26
					27
28	29	30	31		



# 2017 COUNCIL AND COMMITTEE MEETING SCHEDULE



**AUD** - Audit

**COW** - Committee of the Whole

**CS** - Corporate Services

**GOV** - Governance

**IDE** - Infrastructure Development & Enterprise

**PS** - Public Services

## SEPTEMBER

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday Sunday
				1	2
					3
4 Labour Day	5 COW (PS/CS/AUD) 2 pm	6	7	8	9
					10
11 Council Planning 6:30 pm	12	13	14	15	16
					17
18 Council Placeholder 6:00 pm	19	20	21	22	23
					24
25 Council 6:30 pm	26	27	28	29	30

## OCTOBER

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday Sunday
					1
2 COW (IDE/GOV) 2 pm	3	4	5	6	7
					8
9 Thanksgiving Day	10 Council Planning 6:30 pm	11	12	13	14
					15
16 Council Placeholder 6 pm	17	18	19	20	21
					22
23 Council 6:30 pm	24	25	26	27	28
					29
30	31				

# 2017 COUNCIL AND COMMITTEE MEETING SCHEDULE



**AUD** - Audit

**COW** – Committee of the Whole

**CS** – Corporate Services

**GOV** - Governance

**IDE** – Infrastructure Development & Enterprise

**PS** – Public Services

## NOVEMBER

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday Sunday
		1	2	3	4
					5
6 COW (CS/PS/AUD) 2 pm	7	8	9	10	11 Remembrance Day
					12
13 Council Planning 6:30 pm	14	15	16	17	18
					19
20 Council Placeholder 6:30 pm	21	22	23	24	25
					26
27 Council 6:30 pm	28	29	30		

## DECEMBER

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday Sunday
				1	2
					3
4 COW (IDE/GOV) 2 pm	5	6	7	8	9
					10
11 Council Planning 6:30 pm	12	13	14	15	16
					17
18 Council 6:30 pm	19	20	21	22	23
					24 Christmas Eve
25 Christmas Day	26 Boxing Day	27	28	29	30
					31

# Staff Report

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To Committee of the Whole

Service Area Office of the Chief Administrative Officer

Date Monday, November 7, 2016

**Subject Chief Administrative Officer Employment Contract**

Report Number CAO-C-1606

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## Recommendation

1. That Council direct staff to post highlights of the Chief Administrative Officer's (CAO) Employment contract on the Guelph.ca website.

## Executive Summary

### Purpose of Report

The purpose of the report is to provide highlights of the Chief Administrative Officer's (CAO) employment contract.

### Key Findings

The hiring of the CAO is one of the key responsibilities of Council. The CAO is the only position that Council is directly responsible for hiring.

For transparency and disclosure purposes, highlights from the Chief Administrative Officer (CAO) contract that will be posted on Guelph.ca will include:

1. **Term of Agreement**
2. **Base salary**
3. **Benefits**
4. **Automotive Allowance**
5. **Vacation**
6. **Overtime**

### Financial Implications

All financial compensation expenses are budgeted and approved by Council on an annual basis.

## **Report**

The Municipal Act provides for the establishment of a Chief Administrative Officer (CAO) position as the head of the administrative arm of city government.

A primary function of Council is to ensure the effective management of the affairs of the Corporation of the City of Guelph for the purpose of ensuring the efficient and effective operation of the municipality.

The CAO is responsible to Council to administer the business affairs of the City in accordance with the policies and plans established and approved by Council.

The hiring of the CAO is one of the key responsibilities of Council. The CAO is the only position that Council is directly responsible for hiring.

Current disclosure practices, including the Ontario's Public Sector Salary Act (the so-called "Sunshine List") do not provide a thorough picture of Municipal Executive compensation and performance. Current limitations include:

1. The list reports taxable income earned in a specific calendar year, rather than the current annual salary;
2. Income amounts may include onetime payments such as bonuses, retroactive pay;
3. Only taxable benefits are reported; other components of the benefits package are excluded.

Once approved by Council highlights of the CAO's employment agreement will be posted on Guelph.ca.

## **Financial Implications**

All financial compensation expenses are budgeted and approved by Council on an annual basis.

## **Corporate Strategic Plan**

2.3 Ensure accountability, transparency and engagement.

## **Communications**

Donna Jaques, City Solicitor and Stephen O'Brien, City Clerk were both consulted on the report.

Highlights from the CAO employment contract will be posted on Guelph.ca

## Attachments

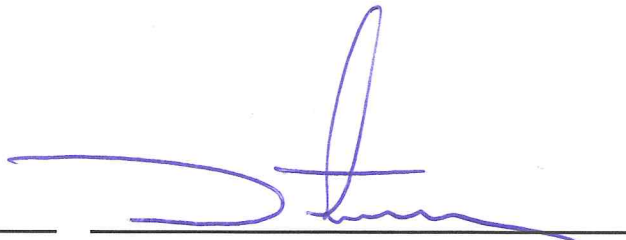
None



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**Approved By**

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**Recommended By**

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# Staff Report

To Committee of the Whole

Service Area Office of the Chief Administrative Officer

Date Monday, November 7, 2016

**Subject Proposed Framework for an Affordable Housing Financial Incentives Program**

Report Number CAO-I-1607

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## Recommendation

1. That City Council confirms it will establish an Affordable Housing Financial Incentives Program, in addition to the funding provided by the City to the County as the Service Manager for Social Housing.
2. That the proposed recommendations for a framework for an Affordable Housing Financial Incentives Program be approved, as outlined in report **#CAO-I-1607: Proposed Framework for an Affordable Housing Financial Incentives Program**.
3. That staff be directed to develop the program details and implementation plan for an Affordable Housing Financial Incentives Program.
4. That funding for an Affordable Housing Financial Incentives Program be included as part of the 2017 budget discussions.

## Executive Summary

### Purpose of Report

Provide Council with a proposed framework for an Affordable Housing Financial Incentives Program to encourage the creation of new affordable housing developments within the city.

Upon Council endorsement of the framework and associated criteria, program details will be established.

### Key Findings

The City has maintained an Affordable Housing Reserve (AHR) since 2002 with the purpose to:

- Fund the City's share of capital cost for affordable housing projects in partnership with Wellington County pursuant to the Federal-Provincial programs available at the time; and
- Offer incentives to encourage affordable housing projects

The existing policy provides minimal direction to staff and Council for assessing funding requests and determining an appropriate funding amount. Over the past several years, staff and Council have consistently identified the need to develop a more comprehensive, contemporary Affordable Housing Financial Incentives Program (AHFIP) and sustainable funding model.

The development of the framework for an Affordable Housing Financial Incentives Program (AHFIP) was influenced by some key principles and beginning assumptions which were approved by Council in the project charter (presented to Council on May 24, 2016). These principles were:

- An AHFIP will be focused on the creation of new, permanent housing<sup>1</sup>
- Council support for an AHFIP, as demonstrated by their decision to allocate funds to the reserve in both the 2015 and 2016 budgets
- The requirement for meaningful incentives to encourage and influence the development of new affordable housing opportunities in the city
- The AHFIP will be designed to have an impactful influence on the creation of affordable housing within the city
- The AHFIP must maintain a healthy financial balance and make funds available to entities (e.g. developers, providers, others) which create affordable housing.

The framework recommended for an AHFIP is based on research and analysis of the city's housing needs, pro forma modelling and key stakeholder consultation. The framework includes proposed eligibility and priority ranking criteria. These criteria relate to a project's:

- Tenure (i.e. rental, ownership)
- Form (e.g. apartment, townhouse, etc.)
- Size of unit
- Project readiness
- Amount of incentives required
- Other funding sources.

In summary, staff recommend:

- Priority be given to primary rentals and small units
- Priority be given to projects where a municipal contribution is required to

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<sup>1</sup> **Permanent Housing** refers to housing without a designated length of stay. In contrast, **non-permanent housing** is considered to be time-limited, temporary or interim accommodations for individuals and families who have no shelter, are at risk of homelessness or are in crisis. Refer to **ATT-2 – Permanent versus Non-Permanent Housing Graphic**

- access funding from another level of government
- Provide incentives for secondary rentals and ownership units if certain conditions are met
- Incentives be provided based on affordable rent and ownership benchmarks
- Rental units (both primary and secondary) be eligible for grant incentives
- Ownership units be eligible for loan incentives only (e.g. deferred and/or late payments)
- Maximum incentives in the range of \$60,000 to \$80,000 per affordable unit.

On October 11, 2016, staff presented the City's Affordable Housing Strategy (AHS), report **#16-75: Affordable Housing Strategy: Final Report**, to City Council. At that meeting, Council passed a resolution that:

"refers the role, if any, of the financial actions contained within section 6.3.3 back to staff to have the report reflect the secondary market in the affordable housing strategy targets."

Specifically, staff was directed to review the role of accessory apartments, as a form of secondary rentals, on the AHS targets and as a possible housing form for financial incentives. At Council's direction, staff will conduct a deeper review of secondary rentals, including accessory apartments and report back to Council with further/revised recommendations in Q1 of 2017. Following this review and Council's direction, any corresponding AHFIP details will be developed.

## **Financial Implications**

Pro-forma modelling identified a "tipping point" of \$60,000 - \$80,000 per unit is required to incent the creation of permanent affordable rental housing. Report **#16-75** identified that to incent 40-50% of the City's affordable rental target of 34 units per year, an annual funding level of \$820,000 - \$1.3 million would be required. Although Council did not endorse the financial actions of Report **#16-75** and directed that additional analysis of the 3% rental target be reviewed to consider the secondary rental market, this overall quantum of funding has been used to inform the proposed 2017 budget expansion outlined in this report.

The current balance of the AHR is \$650,493 (as of December 31, 2015). Staff recommend that funding for an AHFIP be included as part of the 2017 budget discussions. The 2017 budget includes a base amount of \$100,000 for the AHR. An expansion request for \$500,000 has been submitted for Council's consideration, which would bring the reserve balance to \$1,304,400 in 2017.

Staff is putting forward these financial recommendations for year one of the AHFIP only. The forthcoming review of secondary rentals for the AHS may modify the City's rental targets. Any adjustment to the rental target could result in a change to the required financial need for an AHFIP.

## **Report**

## History of the Affordable Housing Reserve

Since 2002, the City has had an Affordable Housing Reserve (AHR). The AHR was established as part of the implementation of the City's 2002 Affordable Housing Action Plan. The current AHR policy identifies the reserve's purpose to:

- fund the City's share of capital cost for affordable housing projects in partnership with Wellington County pursuant to the Federal-Provincial programs available at the time; and
- Offer incentives to encourage affordable housing projects.

The existing policy provides minimal direction to staff and Council for assessing funding requests and determining an appropriate funding amount. Over the past several years, staff and Council have consistently identified the need to develop a more comprehensive, contemporary Affordable Housing Financial Incentives Program (AHFIP) and sustainable funding model.

Historically, the AHR has funded the capital costs to renovate a building to establish a youth shelter and to offset City fees for:

- non-profit housing;
- affordable home ownership units; and
- supportive housing.

In addition to the incentives provided through the AHR, the City has provided tax relief to affordable housing, such as Michael House. Tax relief is not funded through the AHR; it waives property taxes payment obligations and is lost revenue to the City.

On May 24, 2016, through report **#CAO-I-1602: Project Charter to Update the City's Affordable Housing Reserve Policy**, Council approved the project charter to update the criteria and guidelines for accessing funds from the City's AHR. This work is coordinated with the development of the City's Affordable Housing Strategy (AHS) by Planning, Urban Design and Building Services and Finance's work to provide Council with an update on the Reserve and Reserve fund policy and consolidation project, report **#CS-2016-62: Reserve and Reserve Fund Consolidation & Policy**, being presented to Committee of the Whole on November 7, 2016.

The City's existing AHR is part of Finance's comprehensive review of all reserves/reserve funds and the consolidation of reserves/reserve funds, wherever possible. For clarity going forward, the work describing proposed eligibility criteria and priorities to fund the creation of affordable housing is referred to as the "Affordable Housing Financial Incentives Program (AHFIP)". The proposed AHFIP is intended to be funded by the AHR.

## Influences on the Development of an Affordable Housing Financial Incentives Program

The proposed framework for an Affordable Housing Financial Incentives Program (AHFIP) is influenced by a number of input sources including:

- Provincial Growth Plan
- Planning Act
- City's AHS
- County's Ten-year Housing and Homelessness Plan (HHP)
- Stakeholder engagement.

The Planning Department recently completed the development of an AHS (report **#16-75: Affordable Housing Strategy: Final Report**) which was presented to Council on October 11, 2016. The purpose of this strategy was to address municipal requirements under the Provincial Growth Plan and Provincial Policy Statement to plan for a range and mix of housing types and densities by establishing and implementing minimum targets for the provision of affordable rental and ownership housing. The AHS focused on affordable ownership and rental market housing<sup>2</sup>.

The AHS work identified three key affordable housing issues facing our city:

1. There are not enough small units to rent or buy to meet the affordability needs of all smaller households
2. A lack of available primary rental<sup>3</sup> supply makes it difficult for people to find affordable rental housing
3. The secondary rental<sup>4</sup> market provides choice of affordable dwelling types but the supply is not as secure as the primary rental market.

The strategy provided concrete recommendations on how to best support achievement of the city-wide 30% affordable housing target, along with mechanisms to monitor achievement of the target.

One series of recommendations arising from the AHS is that financial incentives be provided to incent the creation of affordable housing. Specifically, these recommendations were:

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<sup>2</sup> **Market Housing** refers to rental or owned housing that receives no direct government subsidies and, as such, has rents and purchase prices that are determined through market forces

<sup>3</sup> **Primary rental** refers to structures with three or more units, composed of self-contained units where the primary purpose of the structure is to house rental tenants (CMHC). It includes both townhouse and apartment units that are not held in condominium ownership.

<sup>4</sup> **Secondary rental** refers to all rented units other than those in the primary rental market. It consists of rented units within single detached, semi-detached and townhouse homes, accessory apartments, condominium apartments, and one or two apartments located in a commercial or other type of structure. (Affordable Housing Strategy: The Current State of Housing In the City of Guelph)

1. That the City provides a variety of financial assistance for the development of affordable housing.
2. That the City develop a Community Improvement Plan (CIP) for affordable housing to allow financial incentives to be provided to the private sector across the City.
3. That the City provides financial incentives to support the development of both primary rental housing units and purpose built secondary rental housing units with priority given to primary rental units.
4. That financial incentives focus on affordable housing projects containing smaller unit sizes (i.e. bachelor and one bedroom units).
5. That priority be given to affordable housing proposals that include funding from other levels of government.
6. That an annual financial contribution of \$60,000 to \$80,000 per unit be referred to the development of a comprehensive policy for an Affordable Housing Incentive Program for permanent housing funded through the Affordable Housing Reserve fund.

City Council excluded the above financial actions when it approved the AHS on October 11, 2016. In addition, Council made the resolution:

That Council refers the role, if any, of the financial actions contained within section 6.3.3 back to staff to have the report reflect the secondary market in the affordable housing strategy targets.

The AHS included research on the secondary rental market. The targets included in the AHS are for affordable ownership housing and primary rental housing. The intent is to include secondary rental units that align with Canada Mortgage and Housing Corporation's (CMHC) Rental Market Survey for the City of Guelph (i.e. ownership buildings where at least 50% of the units are rented). Currently, accessory apartments are monitored as part of a separate annual target recognizing their different nature. In response to Council's direction to reflect this secondary rental market in the targets, staff will report on the following in Q1 of 2017:

- Review other municipalities to determine how affordable housing targets are determined and measured in terms of the treatment of secondary rental housing;
- Determine, where possible, the secondary rental market units that are included in CMHC's Rental Market Survey for the City of Guelph and their impact on measuring the City's affordable housing rental target; and
- Assess and analyze the impact of including secondary rental units, including accessory apartments, on the City's affordable housing rental target; and
- Review the financial requirements for an AHFIP based on the outcome of the review of the targets.

The City's AHS complements the County of Wellington's HHP, which is a comprehensive, multi-year plan to address local housing and homelessness needs. The County, as Service Manager for social housing, is responsible for the non-market end of the housing continuum<sup>5</sup>, its related programs which the City supports through its funding to the County in the social services budget, and to develop an HHP in accordance with the *Housing Services Act, 2011* and the Ontario Housing Policy Statement, 2011. ATT-2 provides a graphic representation of market and non-market housing.

The research findings and consultations to develop the HHP parallel the findings of the AHS in identifying the low rental vacancy rate and limited affordable housing options. The HHP outlined a number of goals and associated actions to achieve the vision that "everyone in Guelph Wellington can find and maintain an appropriate, safe and affordable place to call home". Goal #4 of the HHP is "to increase the supply and mix of affordable housing options for low- to moderate-income households". Action 4.7 of the HHP is to "provide incentives to support affordable housing in new developments".

Other related work includes Finance's update of the Reserve and Reserve fund policy and consolidation project (Report #**CS-2016-62: Reserve and Reserve Fund Consolidation & Policy**). This project involves resetting the capital reserve fund management to align with the recommendations presented in the 2015 BMA Financial Condition Assessment, along with performing a comprehensive review of all reserves and reserve funds and to consolidate them wherever possible. A full review of the General Reserve and Reserve Fund Policy will also be done that includes recommended revisions and the inclusion of an appendix of all City of Guelph reserves and reserve funds that identifies the purpose, target balance, and source and use of funds for each.

### **Key Principles for Creating an Affordable Housing Financial Incentives Program**

Development of the framework for an Affordable Housing Financial Incentives Program (AHFIP), previously referred to as the "Affordable Housing Reserve (AHR) Policy", was guided by key principles and beginning assumptions which were set out in the Council approved project charter (ATT-1: Project Charter). These principles and assumptions are:

- The AHFIP will be focused on the creation of new, permanent housing.

This approach aligns with the financial incentives proposed in the City's AHS and supports the goal of the County's HHP. Focussing on the creation of permanent housing also aligns with the Housing First principle which is the contemporary approach towards ending homelessness that moves homeless people directly into permanent housing.

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<sup>5</sup> **Non-market housing** is rental or ownership housing that requires government money to build or operate

For the purposes of developing the AHFIP, non-permanent housing is considered to be temporary or interim accommodations for individuals and families, who have no shelter, are at risk of homelessness or are in crisis. Funding for non-permanent housing and programs, such as homelessness, emergency shelters and transitional housing, will continue to be supported through the City's social services budget to the County, as Service Manager, and the City's direct funding to Wyndham House Youth Emergency Shelter.

- Council supports financial incentives for affordable housing as demonstrated by their decision to allocate funds to the Affordable Housing Reserve in both the 2015 and 2016 budgets
- Meaningful incentives are required to encourage and influence the development of new affordable housing opportunities in the city
- The AHFIP will be designed to have an impactful influence on the creation of affordable housing within the city
- The AHFIP must maintain a healthy financial balance and make funds available to entities (e.g. developers, providers, others) which create affordable housing.

## Methodology

The work to develop an AHFIP framework was led by Intergovernmental Relations, Policy and Open Government, in collaboration and/or consultation with:

- Planning, Urban Design and Building Services
- Finance
- Legal and Realty Services
- Business Development and Enterprise
- Communications

The process to develop the AHFIP framework included:

- Research, including an environmental scan of other municipalities
- Creation of pro forma<sup>6</sup> models that calculate the "tipping point" at which a City investment/financial incentive will produce units which meet the City's affordability benchmarks
- Consultation with key stakeholders.

## **Research and Environmental Scan**

The **Affordable Housing Strategy: Draft Directions Report (report #15-101)** presented at Infrastructure, Development and Enterprise Committee on December

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<sup>6</sup> **Pro forma** is a set of calculations that projects the financial return that a proposed real estate development is likely to create. It begins by describing the proposed project in quantifiable terms. It then estimates revenues that are likely to be obtained, the costs that will have to be incurred, and the net financial return that the developer expects to achieve. (Wayne Lemmon. "Pro-Forma 101: Part 1 – Getting Familiar With a Basic Tool of Real Estate Analysis", *Planners Web*, viewed October 11, 2016, <http://libguides.utep.edu/c.php?g=429658&p=2930672>)



8, 2015 identified that Ottawa, Kingston and Hamilton all provide financial incentives for affordable housing. Each of these cities is also Service Manager for social housing and as a result, is receiving upper tier funding for housing (e.g. Investment in Affordable Housing funding).

Building on this work, municipalities which are not the Service Manager for social housing were reviewed, particularly separated cities that are urban centres. These cities were: Barrie, Belleville, Brockville, Orillia and County of Peterborough. The City of Waterloo, a lower tier city within a region, was also reviewed. Of these municipalities, only Barrie and Waterloo provide financial incentives for affordable housing.

On October 3, 2016, Barrie City Council approved a Built Boundary Community Improvement Plan (CIP) which provides incentives for affordable housing. Incentives range from 25% to 100% of the value for development charges, building permits and planning fees, plus tax increment grants for five years. Staff estimates a budget of approximately \$350,300 for this program would be required for this program.

The City of Waterloo has a “Minor Activity Grant Program” which is intended to facilitate small expansions and new construction that create spaces of up to 464.5 square metres (5,000 square feet) for affordable housing uses and/or office employment uses. The program provides additional incentives for developments that include heritage conservation and/or sustainable building design. The maximum grant is \$50,000 per project/property.

### **Pro Forma Models**

To better understand the full cost to develop affordable housing units, a consultant was retained to create pro forma models based on various structure types, build conditions, tenure, location and unit sizing. Recent developments and development trends were used to inform the model criteria and project statistics. In total, 13 models were developed which included infill and greenfield apartments and townhouse models.

This work was done as a theoretical exercise to generate pro forma models of the costs for development under the categories of land costs, hard costs and soft costs. The models are not a replica of any one particular development. To create the models, various assumptions were made based on current trends in development and planning applications, research of the local real estate market and the expertise and experience of the consultants. The pro forma models are intended to be an approximation of costs only for the purpose of better understanding the costs of housing development. Actual costs will vary due to each site’s unique aspects.

The goal of this work was to identify the “tipping point” at which a development produces units which meet the City’s affordability benchmarks (i.e. \$326,064 for ownership and \$1,003 per month for rental based on 2015 rates). For each model, the amount of incentive required in order that each unit in the model met the benchmark was calculated.

ATT-4: Pro Forma Summary Sheet – Revenue Not Exceeding City of Guelph Affordability Criteria summarizes the project statistics, totals for each cost centre, total revenues, rate of return on investment (i.e. “hurdle rate”) and average per unit incentive required. In brief, the findings were as follows:

- The apartment models are the only models that include the small unit sizes (i.e. bachelor and one-bed units) which are in short supply in the city
- Rental units require more incentives than ownership units
- Redevelopment apartment units in the downtown core required more incentives than apartments outside downtown (both redevelopment and on greenfield)
- Redevelopment stacked townhouses outside downtown are the form which requires the least amount of incentive for rental units
- A 16 unit detached house project requires \$208,000 of incentives per unit
- Excluding detached houses, incentives for ownership units range from \$29,000 to \$51,000
- Incentives for rental units range from \$59,000 to \$79,000 per unit

The pro forma models were validated with local developers who have affordable housing experience within the city. A summary of their feedback is captured in ATT-3: Summary of Research and Key Stakeholder Consultation.

### **Key Stakeholder Consultations**

Consultation with key stakeholders included local developers of affordable housing and representatives with an interest in affordable housing in the community. The feedback received is summarized ATT-3 and incorporated into the “Summary of Recommended AHFIP Criteria” section below. Additionally, developers were asked to validate the pro forma models. ATT-3 provides a summary of the feedback received from developers on the pro forma models.

### **Summary of Recommended AHFIP Criteria**

Based on research and analysis of the housing needs in the city, a number of criteria were generated to determine eligibility for funding under an AHFIP, specifically:

- Tenure (i.e. rental, ownership)
- Form (e.g. apartment, townhouse, etc.)
- Size of unit
- Project readiness
- Amount of incentives required
- Other funding sources

The stakeholders were asked for their recommendations on identified criterion, summarized in ATT-3. The following table provides a summary of the recommended criteria for an AHFIP. Program details will be determined upon Council support for an AHFIP.

Condition	Recommendations
Tenure	<p>Primary and purpose-built secondary rental units</p> <p>Ownership units that are developed in connection with a program that protects the City's investment to create affordable housing by ensuring the units house low to moderate income households</p>
Form and size	Projects that contain small units (i.e. bachelor and 1-bedroom units)
Timing of incentives	Planning pre-consultation stage
Amount and form of incentive	<p>Based on affordable benchmark rents, with consideration given to unit size</p> <p>Grants for primary rental and purpose-built secondary rental units</p> <p>Loans for home ownership programs modeled on deferred charges (e.g. Options for Homes)</p> <p>Maximum amount of \$60,000 to \$80,000 per unit. This amount will be reviewed after Q1 2017</p>
Other funding sources	Projects where a municipal contribution is required to access funding from another level of government

## Financial Implications

Over its life, the AHR has been funded from operating surplus allocations and from annual budgeted transfers from the City's operating budget. A consistent funding source or amount has not been established. In the last two budget cycles (2015 and 2016), City Council contributed \$250,000 and \$100,000 respectively to the AHR.

Pro-forma modelling identified a "tipping point" of \$60,000 - \$80,000 per unit is required to incent the creation of permanent affordable rental housing. Report #**16-75** identified that to incent 40-50% of the City's affordable rental target of 34 units per year, would require an annual funding level of \$820,000 - \$1.3 million. Although Council did not endorse the financial actions of Report #**16-75** and directed that additional analysis of the 3% rental target be reviewed to consider the secondary rental market, this overall quantum of funding has been used to inform the proposed 2017 budget expansion outlined in this report.

The current balance of the AHR is \$650,493 (as of December 31, 2015). Staff recommend that funding for an AHFIP be included as part of the 2017 budget discussions. The 2017 budget includes a base amount of \$100,000 for the AHR. An expansion request for \$500,000 has been submitted for Council's consideration, which would bring the reserve balance to \$1,304,400 in 2017.

Staff is putting forward these financial recommendations for year one of the AHFIP only. The forthcoming review of secondary rentals for the AHS may modify the City's rental targets. Any adjustment to the rental target could result in a change to the required balance for an AHFIP.

At the May 3, 2016 Governance Committee meeting to present the AHFIP project charter, members of City Council asked for information on the social benefits of supporting the creation of affordable housing. The Mowat Centre is an independent public policy think tank located at the School of Public Policy & Governance at the University of Toronto. The Centre's September 2014 report, *Building Blocks, The Case for Federal Investment in Social and Affordable Housing in Ontario*, calculated the social return on investment<sup>7</sup> for affordable (and social) housing. Research showed that,

"As a result of living in social and affordable housing:

- An estimated 35,000 individuals in core housing need would see increased employment, generating \$9500 each in new gross earnings at part-time minimum wage (2006).
- 177,000 children in housing need could improve educational performance, increasing their lifetime earnings by over \$2600 per year.
- 278,000 individuals in need are less likely to need an emergency room when no longer vulnerably housed, saving \$148 per visit.
- Nearly 21,000 male inmates could see reduced risk of recidivism if they are not at risk of homelessness on discharge, saving government an average of \$9,500 per correctional stay".<sup>8</sup>

## Corporate Strategic Plan

2.3 Ensure accountability, transparency and engagement.

3.1 Ensure a well designed, safe, inclusive, appealing and sustainable City.

3.2 Be economically viable, resilient, diverse and attractive for business.

## Communications

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<sup>7</sup> **Social Return on Investment** tries to capture the economic impact of providing services to a target population. More than just counting how many people have been served through a program, SROI goes further to capture the external economic impact of outcomes that a service facilitates. (Central City Foundation, <https://www.centralcityfoundation.ca/wp-content/uploads/2015/10/CCF-Community-Report-2015.pdf>)

<sup>8</sup> Mowat Centre (2010) "Building Blocks: The Case for Federal Investment in Social and Affordable Housing in Ontario" Mowat Centre, University of Toronto

Key stakeholders involved to date in this work will be notified of Council's decision on the AHFIP framework and updated information will be posted on the City's website.

## Attachments

ATT-1	Project Charter
ATT-2	Permanent versus Non-Permanent Housing Graphic
ATT-3	Summary of Research and Key Stakeholder Consultation
ATT-4	Pro Forma Summary Sheet – Revenue Not Exceeding City of Guelph Affordability Criteria

## Report Author

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## PROJECT CHARTER

Date:	01-04-16
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Project Name:	Affordable Housing Reserve Policy
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### PROJECT DEFINITION

#### CORPORATE PROJECT PURPOSE:

To develop a policy which governs the use and funding of the City's Affordable Housing Reserve (AHR)

#### CRITICAL SUCCESS FACTORS:

Project success will be influenced by:

- A reserve which can make a impactful influence on creating affordable housing within the city
- A stable funding source for the reserve
- Support from municipal and sector specialists
- Support from City Council
- Connection with and implementation of the City's Affordable Housing Strategy (AHS) and the city-related strategies of the County's 10-year Housing and Homelessness Plan (HHP)

#### PROJECT GOALS:

The policy will outline:

- The type of projects and/or investments which are eligible for funding
- The type of organizations which are eligible to apply for funding
- The amount (or range) of funding available for each type of project / investment
- The process to administer funding to eligible organizations and projects / investments
- Funding sources for the reserve
- Connections with and ability to leverage other funding sources

#### PROJECT STRATEGY :

The approach to the project work will:

- Be guided by the issues identified and actions (directions) proposed in the City's AHS
- Be designed so that the financial incentives provided will be impactful on the creation of affordable housing
- Utilize a consultant to perform "pro forma modelling" that:
  - Calculates and itemizes the cost of development under various conditions (e.g. new construction, renovation, etc.), tenures (e.g. rental, ownership, etc.) and unit sizing
  - Calculates the "tipping point" at which the City's investment / financial incentive impacts the affordability of housing development
  - Provides insight into the cost factors which drive the development of ownership units over rental units
  - Will be used to assess the financial feasibility of funding-related directions in the AHS
- Be based on latitudes and limitations of governing legislations (e.g. Planning Act, Municipal Act, etc.)
- Support / complement strategies and plans (including the HHP) developed by the Wellington County as the Service Manager for social and affordable housing
- Employ community engagement and open government principles for policy development
  - Engagement will be limited to elements of the proposed policy which are within scope
- Consider the practices of other municipalities' use of incentives for the creation of affordable housing
- Examine past funding practices and use of reserve funds
- Consider/use community engagement feedback received during the development of the AHS

When completed, the AHR policy will be presented to Council for approval. Presentation of the policy

## **PROJECT CHARTER**

**will be in sufficient time to provide Council with a framework for decision-making regarding the AHR for the City's 2017 budget process**

### **PROJECT PRODUCT DEFINITION**

#### **END PRODUCTS:**

##### **A detailed policy which defines:**

- **The type of projects and/or investments that are eligible for funding**
- **The type of organizations which are eligible to apply for funding**
- **The high-level process to administer funding to eligible organizations and projects/investments (i.e. establish decision-making authority to administer funding)**
- **Funding sources for the reserve**

#### **KEY INTERIM PRODUCTS:**

- **Open government policy development framework**
- **Community engagement framework**
- **Communications plan**
- **Staff report to Governance Committee which approves the scope and approach to the project**

### **PROJECT SCOPE**

<b>Project Scope Is (Includes):</b>	<b>Project Scope Is Not (Does Not Include):</b>
<b>Funding which incents the creation of new permanent affordable housing within both the market<sup>9</sup> and non-market<sup>10</sup> end of the housing continuum</b>	<b>Deliberation of whether or not the City should maintain an affordable housing reserve</b>
<b>A spectrum of financial transaction types for fund uses will be considered such as direct financial incentives, purchasing of land, fee waivers, forgivable loans, etc.</b>	<b>Undertaking any actions to develop new corporate entities which may complement the City's efforts to encourage new affordable housing development</b>
<b>An analysis of the legal and financial implications of the various ways in which the fund could be used</b>	<b>Providing funding commitments to any stakeholders</b>
<b>Retaining a consultant to perform "pro forma modelling" to calculate the cost of development under various conditions (e.g. new construction, renovation, etc.), tenures (e.g. rental, ownership, etc.) and unit sizing and calculate the "tipping point" at which the City's investment / financial incentive impacts the affordability of housing development</b>	<b>Development of any application forms, etc. to access reserve funding</b>
<b>Utilization of the consultant's work to assess the financial feasibility of funding-related directions of the AHS</b>	<b>Development of any legal contracts, etc. for reserve fund recipients</b>

<sup>9</sup> Market Housing refers to rental or owned housing that receives no direct government subsidies and, as such, has rents and purchase prices that are determined through market forces

<sup>10</sup> Non-market housing is rental or ownership housing that requires government money to build or operate

## PROJECT CHARTER

A defined process to access funding from the AHR, including a timeframe during which requests for funding can be made	Review and/or change to any funding provided through other mechanisms, such as Community Benefit Agreements (e.g. CBA with Wyndham Housing for the Youth Emergency Shelter)
Consultation with expert stakeholders who can advise the City on financial incentives which will have a meaningful impact on the creation of affordable housing	Funding for any forms of temporary housing, including emergency shelters and transitional housing
Recommendations for a source and amount of sustainable funding	If the AHR funding is supplemented with other municipal funding sources to leverage federal/provincial funding, determining any conditions or parameters for this additional funding falls outside the scope of the AHR policy development
The AHR will be considered the first source for any City contributions required to leverage federal and/or provincial funding of affordable housing opportunities which could be supplemented by other municipal sources as appropriate	Funding for retrofits or other incentives for existing housing
Community engagement principles and open government practices	

## PARAMETERS

PROJECT OBJECTIVES	
SCHEDULE:	
April – July 2016:	Research practices of other municipalities Review past practices and uses of the current AHR Retain consultant and complete related work Research and analyze elements of draft policy
Aug - Oct 2016:	Propose AHR contribution for 2017 budget based on work to date Conduct all stakeholder consultation Modify draft policy with stakeholder input
Nov 2016:	Submit report and draft policy to Governance Committee
BUDGET:	
TBD	
KNOWN CONSTRAINTS:	
RESOURCES:	
Time	Historically, the AHR has been funded by annual contributions which have been decided upon through the City's budget process. The policy, and its anticipated approval, must be completed in time to guide the 2017 budget process and provide Council with a framework to determine reserve contributions for future years
Staffing	The Project Committee is committed to this project until completion of the policy



## **PROJECT CHARTER**

The proposed timelines and strategy are ambitious. Priority and dedicated time must be assigned to this project by the Steering Committee

Additional expertise will be accessed as required

### **Cost**

Planning has funds available for consulting fees if required. These funds are part of the AHS strategy

### **OTHER:**

### **Scope**

The project scope is limited to the development of the policy for Council's approval. Implementation of any approved policy will be managed as work outside the scope of this project

### **BEGINNING ASSUMPTIONS:**

- Council wants and supports an AHR as demonstrated by their decision to allocate funds to the reserve as part of the 2015 and 2016 budget
- Council wants to establish an AHR that can have a impactful influence on the creation of affordable housing within the city
- Encouraging and influencing the development of new affordable housing opportunities would be strongly enhanced by providing impactful municipal financial incentives, in conjunction with other tools and strategies to be identified through the AHS. The AHR is one of the tools available to the City to help address affordable housing issues
- In order to be an effective tool, the AHR must maintain a healthy financial balance and make those funds available to entities (e.g. developers, providers, others) which create affordable housing
- The policy will be connected to the findings and recommendations from the City's AHS (and associated reports) and also the County's HHP, for guiding the use, access and funding of the AHR
- Staff will propose an AHR contribution amount based on the work done to date as part of the budget building process (est. July 2016). The policy will be completed in time to provide a framework for Council when deliberating a contribution to the AHR as part of the 2017 budget (est. Nov 2016)
- The reserve will be focused on the creation of new, permanent housing. This approach will also address the financial incentives proposed in the draft directions of the AHS. It also aligns with Housing First principles. Housing First is the contemporary approach towards ending homelessness that moves homeless people directly into permanent housing.
- Non-permanent housing options on the housing continuum (i.e. homelessness, emergency shelters and transitional housing) will not be eligible to receive financial incentives from the Affordable Housing Reserve. These services will continue to be supported through the City's funding to the County, as Service Manager for the social programs which include homelessness, emergency shelters and transitional housing
- New requests for funding from the existing AHR will not be considered until the policy and associated funding model are approved by Council
- The policy and procedures surrounding an AHR may require updating / reworking if/when proposed legislative changes take effect (e.g. inclusionary zoning)

## PROJECT CHARTER

- Historically, federal and/or provincial funding of new affordable housing developments has required a municipal contribution. The AHR will be the first source of funding for the municipal contribution. Other municipal funding sources may be utilized to supplement the AHR as appropriate
- The City provides support (facilities, funding, other) to organizations via other mechanisms, such as Community Benefit Agreements. These other funding/support mechanisms fall outside the scope of the review and development of the AHR policy
- The list of expert stakeholders used for the Affordable Housing Strategy will be the basis for the expert stakeholders for the AHR, plus others as appropriate

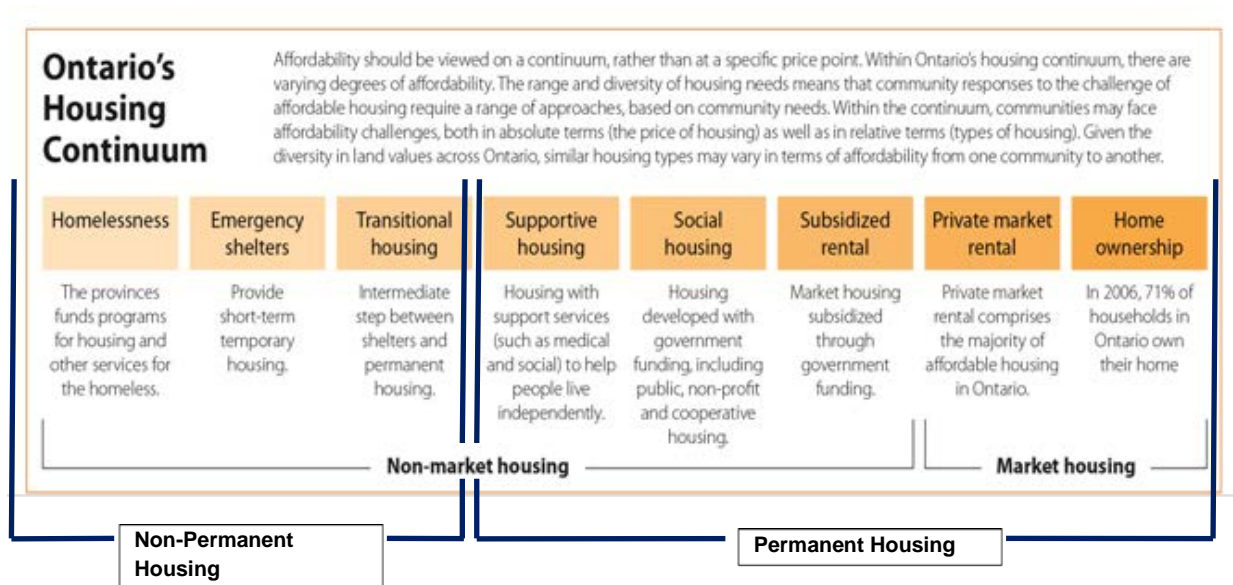
RISK ASSESSMENT:	(High, Medium, Low)	
	Probability	Impact
Schedule Risk:  2017 budget timelines are changed and Council deliberations are held earlier than previous years	Low	Low
Budget Risk:  A consultant is needed to either conduct research or facilitate stakeholder and/or public consultation sessions	High	Low
Technical Risk:  Proposed provincial legislations are enacted which negatively impact proposed policy recommendations	Medium	Low
Other Risk:		

REPORTING RELATIONSHIPS:
Interim report(s) and the final policy will be presented to City Council for approval through the Governance Committee

COMPLETION CRITERIA
<p>The project will be considered complete when:</p> <ul style="list-style-type: none"> <li>▪ A draft policy has been developed</li> <li>▪ The draft policy has been presented to Governance Committee</li> </ul>

## ATT-2: Permanent versus Non-Permanent Housing Graphic

### PERMANENT VERSUS NON-PERMANENT HOUSING



## **ATT-3: Summary of Research and Key Stakeholder Consultation**

### **Summary of Research and Key Stakeholder Consultation**

Consultation was done with key stakeholders. Invited stakeholders included local developers of affordable housing and representatives with an interest in affordable housing in the community, including:

- Wellington County
- Poverty Taskforce
- Wellington Guelph Affordable Housing Committee
- University of Guelph
- Guelph and District Association of Realtors
- Habitat for Humanity
- Older Adult Strategy representative
- Guelph and District Homebuilders Association
- Canada Mortgage and Housing Corporation
- Chamber of Commerce
- Local property management firms

The consultation asked stakeholders for their recommendations on various eligibility and priority criteria to receive AHFIP funding which were developed based on the research findings.

### **Proposed Eligibility and Priority Criteria for an AHFIP**

Based on research and analysis of the housing needs in the city, a number of criteria were generated to determine eligibility for funding under an AHFIP. These criteria were:

- Tenure (i.e. rental, ownership)
- Form (e.g. apartment, townhouse, etc.)
- Size of unit
- Project readiness
- Amount of incentives required
- Other funding sources

The stakeholders were presented with details on each criterion and asked for their recommendations.

#### **Tenure**

Tenure refers to rental or ownership. Rental could be primary rental or secondary rental. Primary rental is purpose-built rental housing while secondary rental is rented units outside of purpose built rental projects.

Factors which were considered for tenure recommendations included:

- The City's AHS identified a lack of available primary rental supply which makes it difficult for people to find affordable rental housing
- The Official Plan Update includes a city-wide target of 30% of all new housing be affordable
  - 27% ownership (or approximately 304 units per year)
  - 3% rental (or approximately 34 units per year)
- Private sector development in the city has been meeting the affordable ownership target every year since 2009
- The rental target has only been met in 2012

### **ATT-3: Summary of Research and Key Stakeholder Consultation**

- Over the last 7 years, the only affordable market rental housing built are the senior apartments at the Residences at St. Joseph's
- In October 2015, the city's vacancy rate for rental housing was 1.2% which is the lowest rate in Ontario (3% is considered to be a healthy vacancy rate)
- 21% of renters spend more than 50% of their income on housing (i.e. in deep core housing need)
- 7% of owners spend more than 50% of their income on housing
- Secondary rental includes accessory apartments
- The City maintains a separate target for new accessory apartments per year
- The target for accessory apartments has been exceeded every year
- Generally, rented accessory apartments meet affordability requirements, which on average are:
  - 1 bedroom accessory apartment rents for \$750
  - 2 bedroom accessory apartment rents for \$911
- In a 2014 survey of accessory apartment owners, the City found that almost 25% of accessory apartments were not being rented
- Generally, other types of secondary rental units (e.g. townhouse, condominium apartments) do not meet affordability requirements
- Of these "Other types of secondary rental", only 1 bedrooms are affordable at \$875
  - 2 bedrooms rent at \$1151
  - 3 bedrooms rent at \$1431

There was no general consensus from the stakeholders on the tenure criteria. Some were of the opinion that an affordable unit is an affordable unit, regardless of whether it is for ownership or rental, while others felt that the turnover in a rental unit will help more people over time.

Some also felt that accessory apartments should be a factor when considering the rental supply gap and also the annual rental target. Stakeholders were unanimous that no incentives should be provided for accessory apartments since the City is already exceeding its accessory apartment target without incentives. However, at Council's direction, staff will conduct a deeper review of secondary rentals, including accessory apartments and report back to Council with further/revised recommendations in Q1 of 2017.

#### **Form and Size**

Form refers to the structure type (e.g. apartment, townhouse and single detached) and size refers to the bedroom count. Stakeholders were asked to consider the minimum housing size needed for the household composition, based on the National Occupancy Standard. In other words, the City would not provide incentives to support a household's choice to be "over housed". Other considerations were:

- The City's AHS identified that there are not enough small units to rent or buy
- The average size of households has been declining for over 20 years
- Half of the city's population needs only a 0 or 1 bedroom unit and there's increased competition for the smaller units
- Individuals living alone represent 26% of Guelph's households
- Couples without children represent 24% of Guelph's households

### **ATT-3: Summary of Research and Key Stakeholder Consultation**

- 1-person renter households have the highest level of core housing need at 13% versus 6% of lone parent renter households and 3% of couples with children
- 55% of Guelph's existing housing stock is single detached dwellings

Consensus was that priority should be given to small units and that incentives should be provided to what is needed (e.g. smaller, affordable units). On the issue of form, no one particular form came to the front but there was agreement that a mix of size of units in buildings was best. Rather than form, stakeholders discussed factors which make a development affordable for both the developer and the people who live there, such as parking requirements, location of the build, proximity to amenities, etc.

#### **Project Readiness**

When asked at what stage a project should be in order to consider financial incentives, stakeholders recommended it be at the project pro forma stage. In other words, when a project is first being costed out and prior to a zoning amendment and/or site plan approval, is a good time for the City to confirm if a project would be eligible for incentives. Although it's preferable that incentives are provided as early in the development process as possible, developers advised that the commitment for incentives was more important. By way of comparison, the County's Investment in Affordable Housing (IAH) funding is provided in stages, as construction milestones are reached.

#### **Amount and Form of Incentives**

Stakeholders were asked what, if any, consideration should be given either to the amount of incentives per unit being requested and/or the total amount of incentives requested for the entire project. Stakeholders recommended that the overall project viability should be part of the evaluation criteria, rather than setting a specific, per unit amount.

The City's AHS identified that financial incentives should focus on achieving the City's affordable housing targets and address identified housing issues. The City's challenge has been meeting the annual 3% affordable rental housing target which equates to approximately 34 rental units per year. Although not discussed with the stakeholders, the pro forma models show that the average amount of incentives required to allow for the construction of affordable rental housing is \$60,000 to \$80,000 per unit. Since the AHS includes other actions that support meeting the City's affordable rental target and identified housing issues, the strategy recommends incenting 40% to 50% of the City's affordable rental target (i.e. 14 to 17 units per year).

Developers were asked if the form of the incentive was important. In other words, would receiving the incentive in the form of a waiver of fees and charges be more advantageous than receiving a cash incentive, or vice versa? Rather than identify a preferred form of incentive, developers stated that incentives should not be limited to waiver/deferral of development charges. Depending upon the project, an amount equivalent to development charges is not sufficient. Developers advised that not all projects are equal and that a different approach is needed for each project. For example, small projects (e.g. 34 units) pose a challenge because developers can't

### **ATT-3: Summary of Research and Key Stakeholder Consultation**

achieve economies of scale with density as they could on larger projects. In general, deferral of fees is unlikely to be sufficient to bring affordable housing units online; therefore, waivers or grants are required. However, for projects developed in connection with not-for-profit programs, a deferral of fees can be sufficient to create affordable units, or provide for low cost mortgages, that are accessible to low to moderate income households. Developers also recommended that incentives should not be provided on a per unit basis, but rather on a project basis. When asked if the City should provide incentives to bring units online at below average market rent, stakeholders were unanimous that the City cannot afford that depth of incentives. The County's funding programs and rent supplements will address rents below average market rates.

#### **Other Funding Sources**

Staff asked if projects which are receiving funding from other sources, especially funding from other levels of government, should be given higher priority for AHFIP funding than projects without other funding or partnership sources. Stakeholders advised staff that these projects should not receive higher priority. Rather, the project's overall financial viability is more important than how a project will be funded.

#### **Developer Consultations**

Following the broader stakeholder session, meetings were held with local developers to validate the pro forma models and for consultation on policy aspects requiring direct housing development expertise. Developers were asked to validate the models which closely matched their experience within the city.

The following is a summary of the feedback received from developers on the pro forma models:

- Overall, there was approval of the cost centres and categories of the models
- Some developers considered the project statistics (i.e. number and type of units) to be too dense and not fully reflecting typical build conditions
- Values of land in the models are highly variable. Factors influencing land costs include:
  - Location
  - Existence of site servicing (i.e. sewers, water, etc.)
  - Site suitability and geometry
  - Environmental and/or geotechnical issues
- Land costs used in the pro forma models may be on the low side when considering that the models are based on the value/cost for zoned land. The amount may be more reflective of the value for unserviced land
- The "per door" construction costs may also be on the low side
- Cost for constructing surface parking is accurate but costs for construction of underground parking is too low. The underground parking costs are more reflective of cost for "under building" parking
- The soft costs of the model may be slightly too conservative
- Other factors which influence the cost of development are:
  - Construction materials (i.e. wood frame is less expensive than concrete)
  - Urban design adjustments required from Site Plan

### **ATT-3: Summary of Research and Key Stakeholder Consultation**

- Amount and type of amenity space provided
  - Parking requirements and the required mix of surface, underbuilding, or fully structured parking
- The pro forma models were calculated using a 12% hurdle rate (i.e. return on investment). Depending on market conditions, the developers advised that a project may still go forward with a lower hurdle rate or, if there's higher risk factors, a higher hurdle rate is required



Residential Development  
City of Guelph

September 30, 2016

REVENUE NOT EXCEEDING CITY OF GUELPH AFFORDABILITY CRITERIA

3.2 PRELIMINARY PROJECT PROFORMA SUMMARY SHEET - REVENUE NOT EXCEEDING CITY OF GUELPH AFFORDABILTY CRITERIA

Project Statistics/Parameters													
Building Type	Apartments		Apartments (No Commercial)		Apartments				Townhouses		Stacked Townhouses		Detached Houses
Location	Down Town Core		Down Town Core		Outside Down Town Core Green Field / Vacant Lot		Outside Down Town Core Built-up / Redevelopment		Outside Down Town Core Green Field / Vacant Lot		Outside Down Town Core Built-up / Redevelopment		Outside Down Town Core Green Field / Vacant Lot
For Sale or Rent	for sale	for rent	for sale	for rent	for sale	for rent	for sale	for rent	for sale	for rent	for sale	for rent	for sale
Total No. of Residential Units	80		96		80				28		30		16

Project Budget													
Options	1A	1B	1C	1D	2A	2B	2C	2D	3A	3B	4A	4B	5A
Land Costs	\$2,000,000	\$2,000,000	\$2,400,000	\$2,400,000	\$1,800,000	\$1,800,000	\$1,800,000	\$1,800,000	\$980,000	\$980,000	\$900,000	\$900,000	\$1,600,000
Hard Costs	\$18,953,707	\$18,014,597	\$19,440,526	\$18,313,593	\$14,965,779	\$14,392,889	\$15,070,779	\$14,497,889	\$4,481,295	\$4,393,095	\$4,210,071	\$4,153,371	\$4,126,080
Soft Costs	\$6,599,197	\$5,659,807	\$7,307,094	\$5,988,625	\$6,046,788	\$4,942,830	\$6,182,509	\$4,987,080	\$2,270,951	\$2,098,802	\$2,395,411	\$2,221,898	\$1,765,303
Gross Project Budget (A)	\$27,552,904	\$25,674,404	\$29,147,620	\$26,702,218	\$22,812,567	\$21,135,719	\$23,053,288	\$21,284,969	\$7,732,246	\$7,471,897	\$7,505,482	\$7,275,269	\$7,491,383

Project Revenue - Sales													
Total Revenue & Recoveries (B)	\$27,956,359		\$27,702,412		\$22,697,072		\$22,698,309		\$7,852,568		\$7,206,449		\$5,062,343
Profit/(Loss) = (B) - (A)	\$403,456		(\$1,445,208)		(\$115,495)		(\$354,979)		\$120,322		(\$299,033)		(\$2,429,040)
ROI (PROFIT/COSTS)	1.5%		-5.0%		-0.5%		-1.5%		1.6%		-4.0%		-32.4%

Project Net Annual Operating Income - Rental													
Total Net Annual Operating Income		\$884,872		\$730,524		\$599,280		\$599,280		\$195,858		\$220,648	
ROI (NET ANNUAL OPERATING INCOME/GROSS PROJECT BUDGET)		3.4%		2.7%		2.8%		2.8%		2.6%		3.0%	

HURDLE RATE	12.0%	5.0%	12.0%	5.0%	12.0%	5.0%	12.0%	5.0%	12.0%	5.0%	12.0%	5.0%	12.0%
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AVERAGE INCENTIVE/SUBSIDY COST PER UNIT	\$36,286		\$51,489		\$35,663		\$39,017		\$28,841		\$39,990		\$208,000
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PRESENT VALUE OF THE AVERAGE ANNUAL INCENTIVE/SUBSIDY COST PER UNIT		\$62,132		\$78,484		\$71,269		\$72,432		\$79,107		\$59,451	
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# Staff Report

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To Committee of the Whole

Service Area Infrastructure, Development & Enterprise Services

Date Monday, November 7, 2016

**Subject Commercial Policy Review: Terms of Reference**

Report Number 16-84

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## Recommendation

1. That the Commercial Policy Review Terms of Reference, included as Attachment 1 to Report #16-84 be approved.

## Executive Summary

### Purpose of Report

To present a proposed Terms of Reference for a comprehensive Commercial Policy Review process to be initiated for the City of Guelph for approval prior to retaining a consultant team.

### Key Findings

The City's last Commercial Policy Review was implemented through Official Plan Amendment 29 (OPA 29) which was adopted by Council in March 2006 and was based on a planning horizon of 2021

Phase 3 of the City's most recent Official Plan Review (OPA 48) carried forward the policy framework established through the OPA 29, 2006 work which is now ten years old.

Since the last Commercial Policy Review growth plan elements including an Urban Growth Centre (Downtown), Intensification Corridors and Community Mixed-use Nodes were incorporated into the City's Official Plan through OPA 39. The nodes and corridors established through OPA 39 have been developing and evolving and require an updated commercial framework.

The City has completed the Downtown Secondary Plan (OPA 43), the Guelph Innovation District Secondary Plan (OPA 54 under appeal) and Silvercreek Parkway South was included in the Official Plan as a Mixed use Node (OPA 38).

A number of commercial policy issues have arisen including the role, type and amount of commercial space in the Urban Growth Centre (Downtown), Community Mixed-use Nodes, Intensification Corridors and Service Commercial designations.

An updated commercial policy framework is needed with a planning horizon of 2031 in line with OPA 48 and a planning horizon of 2041 to inform the next Official Plan update, the ongoing Clair-Maltby Secondary Plan and the city-wide update of the land budget related to the proposed Growth Plan for the Greater Golden Horseshoe conformity exercise.

A three stage process is recommended in the proposed Terms of Reference (Attachment 1). Stage 1 includes a market analysis (supply and demand) and background report which will report on commercial policy trends. Stage 2 includes a review of the City's existing policies, development and assessment of policy framework alternatives and selection of the preferred commercial policy framework directions. Stage 3 includes the development of an Official Plan Amendment and associated Zoning By-law Amendment. The first two stages will be led by the consultant team with City staff completing the third stage.

### **Financial Implications**

The Commercial Policy Review is funded through approved capital funding.

## **Report**

### **Background**

The last comprehensive commercial policy review undertaken for the City of Guelph was initiated in July 2004 and implemented through Official Plan Amendment 29 (OPA 29) which was adopted by Council in March 2006 with a planning horizon of 2021. Official Plan Amendment 29 created a commercial structure that was considered to be more flexible than the traditional regional and community hierarchy. Official Plan Amendment 29 introduced the node concept which provided both local and community uses. A greater range in uses was permitted for established centres and Neighbourhood Centres to promote intensification, revitalization and mixed use opportunities for local services. A variety of commercial formats were permitted within the nodes including freestanding uses without limiting individual store sizes. However the nodes were limited to four large stand alone pads (60,000 ft<sup>2</sup> +). Official Plan Amendment 29 designated more land for commercial uses to meet forecasted needs to 2021. In addition, OPA 29 included urban design policies recognizing all commercial development requires high quality and locally contextual urban design.

The City's latest Official Plan Review (OPA 48) has a planning horizon of 2031 and carried forward the policy framework established through the OPA 29, 2006 work and a letter of opinion from a real estate and economic consultant regarding a market impact assessment to consider the impacts of new Neighbourhood Mixed-use Centre designations proposed through OPA 48. The analysis concluded that the proposed new neighbourhood mixed use centres would have no impact within the 2031 planning horizon on the retail service space allocated to existing community and neighbourhood mixed use areas and the downtown.

Over the past decade a number of land use policy changes have occurred impacting the commercial land use sector which necessitates a comprehensive commercial policy review. Overall, commercial trends have moved away from a commercial hierarchy, including big box retail, to mixed use nodes and corridors including urban village layouts with main street areas. The structure was meant to disperse and distribute commercial areas throughout the City, moving the downtown into a more multi-functional district. Official Plan Amendment 39 (OPA 39) brought the City's Official Plan into conformity with the planning framework of the Growth Plan for the Greater Golden Horseshoe by establishing a 2031 planning horizon and associated growth related targets, and incorporating growth plan elements into the Official Plan which include an Urban Growth Centre, Intensification Corridors and Community Mixed-use Nodes. The nodes and corridors established have been developing and evolving and require an updated commercial framework.

Section 9.4 of OPA 48, notes that Commercial and Mixed-Use designations are meant to be pedestrian oriented and transit-supportive, and provide a range of uses to meet the needs of daily living. Community Mixed-use Centres and Mixed-use Corridors are meant to develop into distinct areas including a range of retail and office uses, live/work opportunities and medium to high density residential uses. The key commercial designations contained in OPA 48 include five Community Mixed-use Centres, three Mixed-use Corridors, a number of Neighbourhood Commercial Centres as well as Service Commercial areas.

In addition, the City has completed the Downtown Secondary Plan (OPA 43) which includes Mixed Use 1 and Mixed Use 2 designations which allow a range of retail, convenience commercial and personal service uses. The Guelph Innovation District Secondary Plan was adopted (OPA 54 under appeal) which is to be anchored by a mixed-use urban village and includes a main street. Silvercreek Parkway South was included into the Official Plan as a Mixed Use Node (OPA 38) which permits a range of land uses with retail space requirements.

## **Terms of Reference**

A Terms of Reference has been developed to guide the development of the Commercial Policy Review, including the hiring of a consultant for the project to work with City staff. The Terms of Reference included in Attachment 1 outlines the purpose, approach and outcomes for the Commercial Policy Review.

## **Project Purpose**

The Commercial Policy Review will generally address, but is not limited to:

- updating the commercial policy structure in light of significant changes in the retail market nationally, provincially and locally;
- ensuring the amount, location and type of commercial land designated is in line with the 2031 planning horizon of OPA 48 and the 2041 planning horizon established by the Province to provide background to the next Official Plan update;
- addressing the role, type and amount of commercial space in the Urban Growth Centre (Downtown), Community Mixed-use Nodes (e.g. Silvercreek, Starwood/Watson), Intensification Corridors (e.g. York Road) and Service Commercial designations; and
- considering the feasibility of second storey commercial space in the Growth Centre (Downtown), Community Mixed-use Nodes and Intensification Corridors.

The Commercial Policy Review will inform the Clair-Maltby Secondary Plan, and the city-wide update of the land budget related to the 2041 targets and the future conformity exercise associated with the proposed Growth Plan for the Greater Golden Horseshoe.

## **Project Approach**

A three stage process as outlined in the proposed Terms of Reference (Attachment 1) is recommended comprised of:

- 1) Market Analysis and Background Report consisting of a supply and demand study including a review of commercial and retail policy trends, patterns and preferences using primary research (e.g. licence plate survey, consumer preference survey, etc.) and secondary research (e.g. Statistics Canada data, literature review, etc.);
- 2) Policy Review and Development consisting of a review of current policy directions, development of commercial principles, the development and assessment of policy framework alternatives, selection of a preferred commercial policy framework and recommendations for the City's Official Plan policy and Zoning By-law regulations to implement the preferred framework; and

### 3) Official Plan Amendment and Zoning By-law Amendment.

The work will include community engagement opportunities throughout the process including the development of commercial principles and the review of policy framework alternatives. Additional consultations with key stakeholders will be undertaken at key decision points to help inform next step directions.

It is recommended that a consultant be hired to complete both the market analysis, and policy review and development work since the work requires a specialized skill set. City staff will provide background materials, assistance and overall guidance to the consultant work. A Project Team will be established consisting of City staff and the selected consultant(s). The Project Team includes staff from the following areas: Business Development and Enterprise; Policy Planning and Urban Design; Communications and Customer Service; Development Planning; Intergovernmental Relations; Policy and Open Government; Transportation Services; and Zoning.

Attachment 1 presents a Terms of Reference for the consultant work.

#### **Project Outcomes**

Completion of the comprehensive Commercial Policy Review will result in an updated inventory, needs assessment and commercial policy framework, for both a 2031 and 2041 planning horizon, to inform the development of an Official Plan Amendment and Zoning By-law Amendment. City staff will draft the Official Plan Amendment and Zoning By-law Amendment to implement the results of the Commercial Policy Review.

The entire project is scheduled to take approximately 24 months to complete. Stage 1, comprised of the market analysis and background report, will take approximately eight (8) months and conclude with a staff report to Council. Stage 2, comprised of a review of existing commercial policy and development of alternatives and a recommended policy framework, will take approximately eight (8) to ten (10) months. As noted earlier this stage will include community engagement activities and two staff reports to Council. Stage 3, comprised of amendments to the Official Plan and Zoning By-law, will take approximately eight (8) to ten (10) months. This stage will include stakeholder meetings, as appropriate, public open house(s), and two (2) staff reports to Council.

Key project milestones are as follows:

Project Initiation	Q4 2016
Stage 1: Market Analysis, Background Report	Q3 2017
Stage 2: Commercial Policy Framework	Q1 2018
Alternatives and Recommended Policy Framework	
Development of Policy and Regulation Directions	Q3 2018

for Official Plan and Zoning By-law Amendments  
Stage 3: Draft Official Plan and Zoning By-law Amendments Q4 2018  
Final Official Plan and Zoning By-law Amendments to Council Q1 2019

## **Financial Implications**

The Commercial Policy Review is funded through approved capital funding.

## **Corporate Strategic Plan**

City Building

3.1 Ensure a well designed, safe, inclusive, appealing and sustainable City.

## **Communications**

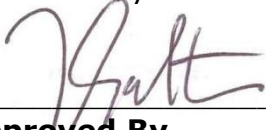
Planning staff will work with Communications and Customer Service, and Intergovernmental Relations, Policy and Open Government staff to determine the best way to communicate with key stakeholders about this policy review and related engagement opportunities. Key stakeholders, including the development industry, commercial land and building owners and commercial real estate members, will be consulted at key decision points to help inform next step directions. Engagement opportunities will inform the development of commercial principles and commercial policy framework alternatives.

## **Attachments**

ATT-1 Commercial Policy Review Terms of Reference

### **Report Author**

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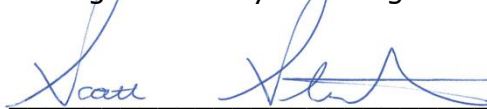


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# Commercial Policy Review Terms of Reference

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# Commercial Policy Review

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### Introduction

The City of Guelph is undertaking a comprehensive Commercial Policy Review in order to develop an updated commercial policy framework for the City of Guelph with a horizon year of 2031 and 2041 to align with the planning horizons of the latest Official Plan update, OPA 48 (2031) and the next Official Plan update (2041). The first stage of work will include a market analysis consisting of a supply and demand study including a literature review of commercial policy trends. The second stage will be to apply the results of stage one to determine an appropriate commercial policy framework including the type, form and location of commercial uses to include in amendments to the City's Official Plan and Zoning By-law, which will be developed by City staff as Stage 3 of the process.

### Background

The City's commercial policy framework was last amended in 2006 in order to update the commercial policy structure in the City's 2001 Official Plan dating from the early 1990's. The framework was updated for the following reasons:

1. Ensure amount of designated commercial land is sufficient to meet 2021 planning horizon needs.
2. Update commercial policy structure in light of significant changes in the retail market nationally, provincially and updated local commercial policy objectives.
3. Recognize and clarify the role and function of the downtown in the context of updated commercial policies.
4. Update the Official Plan in light of the issues, policy interpretations and findings from major hearings related to the Plan's existing commercial policies and designations determined by the Ontario Municipal Board.
5. Incorporate clear urban design policies.

The results implemented through Official Plan Amendment Number 29 (OPA 29), provided a contemporary commercial planning framework consistent with provincial policy to achieve the desired planning objectives set out in the Official Plan. The Official Plan commercial policies moved away from a hierarchy of regional, community and neighbourhood centres to a mixed use node and intensification area structure. The structure was meant to disperse and distribute commercial areas throughout the City and moving the downtown into a more multi-functional district. Mixed use nodes were created centred on major commercial concentrations, and neighbourhood commercial centre and service commercial policies were revised. Urban design policies for commercial mixed use areas were also incorporated into the Official Plan.

# Commercial Policy Review

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Official Plan Amendment 39 (OPA 39) brought the City's Official Plan into conformity with the planning framework of the Growth plan for the Greater Golden Horseshoe by incorporating growth plan elements into the Official Plan which include an urban Growth Centre (Downtown), Intensification Corridors and Community Mixed-use Nodes. The nodes and corridors established have been evolving and require an updated commercial framework.

Official Plan Amendment 48 (OPA 48), the comprehensive Official Plan update which is currently under appeal, did not amend any key components of the commercial policies. However, a letter of opinion regarding a market impact assessment of new retail space proposed in the Official Plan update was conducted to consider the impacts of proposed new neighbourhood mixed use centre designations, if any and whether the impacts would impair the planned function of existing designated mixed use centres. The analysis concluded that the proposed new neighbourhood mixed use centres would have no impact within the 2031 planning horizon on the retail service space allocated to existing community and neighbourhood mixed use areas and the downtown.

Section 9.4 of OPA 48, notes that Commercial and Mixed-Use designations are intended to provide a range of uses to meet the needs of daily living. The dispersal of commercial uses throughout the City is supported while discouraging the creation of strip development. The mixed use areas are meant to be pedestrian oriented and transit-supportive. Community Mixed-use Centres and Mixed-use Corridors are intended to develop into distinct areas including a range of retail and office uses, live/work opportunities and medium to high density residential uses. The key commercial designations contained in OPA 48 include five Community Mixed-use Centres, three Mixed-use Corridors, a number of Neighbourhood Commercial Centres as well as Service Commercial areas.

In addition the City's recently approved Downtown Secondary Plan includes Mixed Use 1 and Mixed Use 2 designations which allow a range of retail, convenience commercial and personal service uses. The relevant objectives of the Downtown Secondary Plan include:

- ensure new development includes or is supported by commercial amenities and community services for existing and future residents;
- reinforce and expand the role of Downtown as a retail, dining and entertainment destination; and
- accommodate commercial businesses that support the food sector of Guelph's economy and the agri-innovation cluster.

# Commercial Policy Review

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Other recent developments include Council approval of the Guelph Innovation District (GID) Secondary Plan, currently under appeal, which includes a Mixed-use Corridor (GID) designation that permits commercial, retail and service uses as well as entertainment and recreational commercial uses. The GID is to be anchored by a mixed-use urban village which includes a main street treatment of College Avenue East which extends into the district.

The Commercial Policy Review will have regard for the vision, goals and objectives set out in Official Plan Amendment 48 for the entire City, in particular objectives for the Urban Growth Centre (Downtown), Intensification Corridors and Community Mixed-use Nodes that represent concentrated growth areas for the City with a mix of uses including commercial development. These objectives provide direction for a wide scope of things to be considered and include:

- Building a compact, vibrant and complete community for current and future generations;
- Planning the greenfield area to provide for a diverse mix of land uses at transit supportive densities;
- Supporting a multi-modal transportation network and efficient public transit system;
- Supporting transit, walking and cycling for everyday activities;
- 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 1 "Growth Plan Elements";
- The City will identify the appropriate type and scale of development within intensification areas and facilitate infill development where appropriate;
- Intensification Corridors will be planned to achieve a mix of residential, office, institutional and commercial development where appropriate;
- The Community Mixed-use Nodes will be planned and designed to provide a mix of commercial, offices and residential development in a higher density compact urban form that supports walkable communities and live/work opportunities; and
- Community Mixed-use Nodes will evolve over the Plan horizon and beyond through intensification and redevelopment to provide a compact built form. Commercial uses within the Nodes will be integrated more fully with surrounding land uses and will accommodate mixed-use buildings.

# Commercial Policy Review

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### **Purpose/Objectives**

The purpose of the Commercial Policy Review is to develop a contemporary commercial policy framework for the City which provides updated planning objectives, a contemporary commercial structure, and land use designations, including updated policies and sufficient amounts of appropriately designated lands, to direct future commercial development within the City.

The Commercial Policy Review should generally address, but is not limited to:

- i. Ensure the amount of recommended designated commercial land is sufficient to meet 2041 planning horizon needs within the City's current settlement area boundary;
- ii. Determine the amount, location and type of designated commercial land needed for a 2031 planning horizon and a 2041 planning horizon in accordance with Places to Grow population and employment forecasts;
- iii. Potential commercial/mixed use designation categories and locations for those designations;
- iv. Phasing of commercial lands in consideration of OPA 48's 2031 planning horizon and the 2041 planning horizon of the next Official Plan update;
- v. Update the commercial policy structure in light of significant changes in the retail market nationally, provincially and locally, e.g. ecommerce;
- vi. Recognize and clarify the role, function and amount of commercial space within the Growth Centre (Downtown), Community Mixed-use Nodes (e.g. Silvercreek, Starwood/Watson Parkway), Intensification Corridors (e.g. York Road) and Service Commercial designations in the context of updated commercial policies;
- vii. Consider feasibility of two storey commercial space in Growth Centre (Downtown), Community Mixed-use Nodes and Intensification Corridors;
- viii. Consider connectivity of the proposed commercial policy framework with existing developed or planned commercial development areas of the City;
- ix. Recommendations for updates to the Official Plan in light of the issues, policy interpretations and findings from development applications including Official Plan Amendments, Zoning By-law Amendments and minor variances related to the Official Plan's existing commercial policies, designations and regulations;
- x. Recognize patterns of land use, land use designations and density, and associated population and employment densities contained within OPA 48;
- xi. Recognize the City's urban design directions included in OPA 48 and the Urban Design Action Plan; and

# Commercial Policy Review

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- xii. Recognize transportation approaches including transit, pedestrian and bicycle connections contained within OPA 48.

The objective of the Commercial Policy Review is to develop a comprehensive commercial policy framework for the City based on a market analysis of commercial land supply and demand, and a review of commercial policy trends that will serve the City for 2031 and until 2041. The Commercial Policy Review will be in keeping with the direction provided by the Official Plan and the City's Urban Design Action Plan. The process needs to connect with elements of the Clair-Maltby Secondary Plan process as well as the proposed Growth Plan for the Greater Golden Horseshoe, 2016 and future conformity exercise. In addition community engagement/communications opportunities need to be incorporated throughout the process.

### Study Process

A three stage process outlined below and represented in Figure 1 will be followed. The consultant team will be actively involved in the completion of Stages 1 and 2 with City staff taking the lead on Stage 3 with technical assistance from the consultant team as required.

### Project Staging

#### Project Initiation Stage

During the project initiation phase, a Project Team, comprised of representatives from various City departments was formed to provide guidance and technical expertise to assist with project implementation including consultant selection, community engagement, market analysis, development of alternative scenarios and policy development. The initiation phase has resulted in this Terms of Reference. The Project Initiation Phase will conclude with awarding the consulting team contracts.

#### Stage 1 – Market Analysis and Background Report

Stage 1 will commence the commercial policy review.

Review of the background documents and other background research will occur during this phase. Background population and commercial data will be collected for the City to inform the market analysis of commercial land supply and demand. A review of the City's current commercial policy structure will be completed. Finally retail trends, patterns and preferences will be researched in the context of national,

# Commercial Policy Review

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provincial and local commercial trends to inform potential policy directions for future commercial land needs.

Attendance at approximately four (4) meetings will be required throughout Stage 1 which may include one (1) Council or Committee of the Whole meeting.

Stage 1 will conclude with the public release of the commercial market analysis and background report on the City's current commercial policy structure in light of commercial market trends.

### **Key Tasks of Stage 1:**

- Review of relevant background materials
- Develop an inventory of existing commercial space, and vacant commercial land, by location and type
- Characterize Guelph customers' current shopping patterns and unmet commercial preferences using primary research (eg. Licence plate survey, consumer preference survey) and secondary research (analysis of Statistics Canada data, other data sources)
- Literature review of national, provincial and local commercial trends
- Conduct a needs analysis with a 2031 and a 2041 planning horizon in accordance with OPA 48 and Places to Grow population and employment forecasts, and based on the above as well as the identification and analysis of trade areas

### **Overview of current commercial policy structureMajor Deliverables of Stage 1:**

- Commercial market analysis
- Background Report on City's current commercial policy structure in light of commercial market trends
- Community Engagement Plan and Communications Plan
- Council Report (prepared by staff)

### **Stage 2 – Policy Review and Development**

Stage 2 focuses on a recommended commercial policy framework based on Stage 1 work and an assessment of alternative policy options.

Review of the City's current policy directions, development of commercial policy principles through community engagement, development of commercial policy framework alternatives and community engagement on the alternatives will occur during this stage. In addition a preferred commercial policy framework will be developed and presented to Council for endorsement. The stage will end with the

# Commercial Policy Review

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development of general commercial policies, land use designations and zoning regulation directions based on the Council endorsed preferred commercial policy framework.

Attendance at approximately eight (8) meetings will be required throughout Stage 2 which may include three (3) community engagement sessions and two (2) Council or Committee of the Whole meetings.

Throughout Stage 2 connections with the Clair-Maltby Secondary Plan process as well as the proposed Growth Plan for the Greater Golden Horseshoe conformity exercise will be made. The commercial policy framework will be considered by Council for endorsement.

### **Key Tasks of Stage 2:**

- Community engagement session to inform public on review and to develop commercial policy principles to guide development of policy framework
- Develop assessment criteria for alternatives
- Review of current policy directions (strengths and weaknesses)
- Analyse the technical and market feasibility of intensifying existing commercial areas with additional commercial and non-commercial uses
- Develop commercial policy framework alternatives
- Key stakeholder engagement
- Community engagement on assessment of alternatives
- Select preferred commercial policy framework for Council endorsement
- Develop general commercial policies, land use designations (amount, location and policies) and zoning regulation directions based on Council endorsed preferred commercial policy framework

### **Major Deliverables of Stage 2:**

- Identified commercial policy issues
- Community engagement materials for development of commercial principles
- Commercial policy framework alternatives
- Key stakeholder engagement materials
- Community workshop materials for alternatives
- Preferred commercial policy framework and policy directions for Official Plan Amendment and Zoning By-law Amendment
- Council Reports – Commercial Principles (including community engagement results), Preferred Policy Framework (including community engagement results), Policy directions to inform Official Plan Amendment and Zoning By-law Amendment (prepared by staff)



# Commercial Policy Review

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### **Stage 3 – Official Plan Amendment and Zoning By-law Amendment**

Stage 3 will be the final phase of the commercial policy review. Staff will lead this portion of the project with technical assistance from the consultants as needed.

The preferred commercial policy framework and commercial land use designations for the City for the 2031 planning horizon will be incorporated into the City's Official Plan and Zoning By-law through amendments to be produced by City staff.

Amendments to planning documents required for the 2041 planning horizon will be addressed through future planning processes i.e. Clair-Malty Secondary Plan and next five-year Official Plan update).

Attendance at approximately two (2) meetings will be required throughout Stage 3 which may include public and/or Council or Committee of the Whole meetings.

A draft Official Plan Amendment and Zoning By-law Amendment will be prepared and released for public comment as well as presented at a Public Open House. Public comments will be considered in the Official Plan Amendment and Zoning By-law Amendment presented to Council at the Statutory Public Meeting(s). The final Official Plan Amendment and Zoning By-law Amendment will be presented to Council for adoption. City staff will prepare the required Council Reports for the Public Meeting(s) and the Council decision meeting(s).

### **Key Tasks of Stage 3:**

- Finalize all studies
- Prepare Draft Official Plan Amendment and Zoning By-law Amendment
- Public Open House
- Revise/refine Official Plan Amendment and Zoning By-law Amendment
- Present Official Plan Amendment and Zoning By-law Amendment to Council at Statutory Public Meeting(s)
- Council Decision Meeting(s)

### **Major Deliverables of Stage 3:**

- Draft Official Plan Amendment and Zoning By-law Amendment
- Summary of public comments
- Final Official Plan Amendment and Zoning By-law Amendment
- Council Report (prepared by City staff)



# Commercial Policy Review

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### **Community Engagement & Communications**

#### **Introduction**

Community engagement and communication will be crucial to the success of the Commercial Policy Review.

The Community Engagement and Communications Plans will be developed in collaboration with staff to set out the community engagement and communications that will occur in each stage of the Study process.

Community engagement and communications activities will be completed in collaboration with the City's Communications and Community Engagement teams, as well as in accordance with the City's Community Engagement Framework, Corporate Identity Guidelines and House Style Guidelines.

The Community Engagement Plan will incorporate the City's established Community Engagement Guiding Principles:

1. Inclusive
2. Early Involvement
3. Access to Decision Making
4. Coordinated Approach
5. Transparent and Accountable
6. Open and Timely Communication
7. Mutual Trust and Respect
8. Evaluation and Continuous Improvement

#### **Consultant Responsibilities**

The responsibility of implementing the required tactics of the community engagement and communications approaches will be shared by the Consultant Team and the designated Communications Officer and Community Engagement Coordinator, under the lead of the City's overall Project Manager. A clear division of responsibilities will be identified once the Community Engagement and Communications Plans are finalized during Stage 1 of the Commercial Policy Review. The following sets out, in general terms, the minimum engagement and communications expectations that are to be addressed by bidding consultants.

1. Lead and maintain contact with key internal City departments throughout the course of the study through the Project Team. The Project Team includes representatives from most City Departments.
2. Assist with the preparation of materials for all public meetings (e.g. Presentation boards, PowerPoint slides, etc).

# Commercial Policy Review

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3. All paid advertising and promotional communications will need to be approved by Corporate Communications before implementation. The City will post the prepared notifications in the local newspaper and City website at its own cost.
4. Hold a minimum of three (3) community engagement sessions to seek feedback and input from key stakeholders and the public on commercial principles and commercial policy framework alternatives.
5. Provide technical content and assistance for any print and broadcast media material where appropriate in collaboration with the City's Corporate Communications Department.
6. Attend (and where appropriate present at) a minimum of three (3) meetings of Guelph City Council or Committee of the Whole.

### Deliverables

Deliverables will be provided in hard copy and digital formats throughout the study timeframe. Geospatial and tabular information should be received by the City in an ESRI file format that is compatible with the City's current software products.

This document outlines the major deliverables in each phase.

The Consultant Team will be responsible for providing the identified deliverables to the satisfaction of the City of Guelph. All deliverables will become the property of the City of Guelph.

### Timeline

The study will commence in early 2017 by retaining the consultant team. The following chart outlines the proposed approximate timelines:

<b>Stage 1</b>	8 months
<b>Stage 2</b>	8 - 10 months
<b>Stage 3</b>	8 - 10 months
Total	24 - 28 months

### Project Management

The proposed structure of this study will involve a Project Team consisting of City staff and the selected consultant(s) with Planning Services providing the lead project management function.

# Commercial Policy Review

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The Project Team consists of the following City staff:

Department	Function
Policy Planning and Urban Design	Project management; policy planning; urban design and downtown policy and development; and policy analytics support
Development Planning	Development planning support
Zoning	Zoning support
Business Development and Enterprise	Business development; and downtown policy and development expertise
Engineering and Capital Infrastructure Services	Transportation planning support
Intergovernmental Relations, Policy and Open Government	Community engagement support
Corporate Communications and Customer Service	Communications support

The Consultant's Project Manager will be responsible for management of the project and will liaise with the City and with the Consultant's team for the purpose of completing the scope of work. Under the direction of the staff project manager, the Project Team will lead the project and guide the tasks and functions of any other affected groups. The selected consultants will not only have the technical skills required but will be capable of strategically thinking through problems and opportunities to create innovative solutions.

## Background Materials

### GENERAL DOCUMENTS

- Provincial Policy Statement 2014 (PPS, 2014)
- The Growth Plan for the Greater Golden Horseshoe 2006 (Office Consolidation 2013) including any additional Amendments
- [Hemson Greater Golden Horseshoe Growth Forecasts to 2041](#) (June 2013)
- Final Places to Grow as issued by the Province
- Proposed Growth Plan for the Greater Golden Horseshoe
- Amendment Number 29 to the 2001 Official Plan – The Commercial Policy Review Amendment
- City of Guelph Official Plan (2001), September 2014 Consolidation, including any additional amendments
- City of Guelph Zoning By-law
- City of Guelph Official Plan Amendment 48 – OP update (under appeal)

# Commercial Policy Review

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- Downtown Secondary Plan Amendment 43
- Guelph Innovation District Secondary Plan Amendment 54 (under appeal)
- Clair-Maltby Secondary Plan materials as developed
- Citywide Commercial Inventories in Support of Silvercreek Junction Planning Application (ca. 2008)
  - Kircher
  - Tate Economic Research
- Robin Dee & Associates Letter of Opinion re Market Impact of New Retail Space Designations 2010 City of Guelph Draft Official Plan Update
- Urban Design Action Plan (2009) including any updates
- City's Community Engagement Framework, Corporate Identity Guidelines and House Style Guidelines
- Development Charges Background Study, 2014

### **TRANSPORTATION**

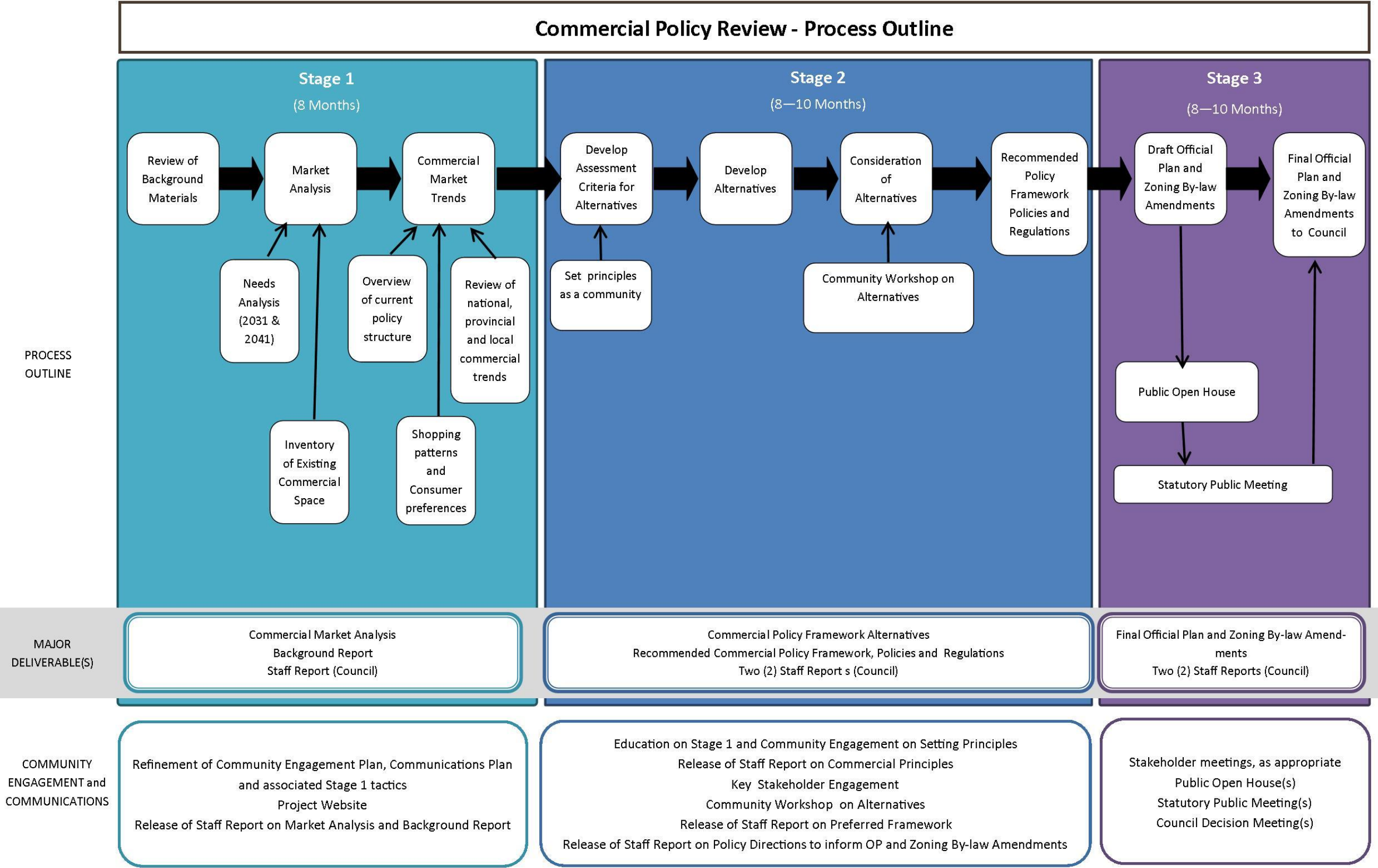
- Guelph-Wellington Transportation Study (2005)
- Transit Growth Strategy and Plan (2012)
- Cycling Master Plan – Bicycle-Friendly Guelph (2012)
- Active Transportation Network Study (in progress)
- Parking Master Plan for Guelph's downtown (in progress)
- City of Guelph Travel Demand Model
- City of Guelph Traffic Impact Guidelines

### **CITY-WIDE STUDIES THAT THE COMMERCIAL POLICY REVIEW WILL INFORM**

The following studies are either underway or yet to be initiated. Development of the Commercial Policy Review needs to connect with elements of the Clair-Maltby Secondary Plan process as well as the proposed Growth Plan for the Greater Golden Horseshoe, 2016 conformity exercise. Timing of City-wide studies is presented in parenthesis as estimated time ranges.

- Update to the Commercial Policy Review (2016/2017)
- Update to the land budget related to the proposed Growth Plan for the Greater Golden Horseshoe, future conformity exercise

FIGURE 1



# Staff Report

To Committee of the Whole

Service Area Infrastructure, Development & Enterprise Services

Date Monday, November 7, 2016

**Subject                   Downtown Parking Items:  
Conclusion of Essex Street One Year Pilot and  
Updated Downtown On-street Temporary Use Policy**

Report Number       IDE-BDE-1620

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## Recommendation

1. That the Essex Street parking restrictions, between Gordon and Dublin Streets, developed and tested through the 2015-16 pilot project, are to be continued as the current standard for that section of the street.
2. That Guelph City Council approves the proposed framework for updating the 'Temporary Permits for On-street Parking Space Use' standard operating procedure and that the updated fees come into force at the time of Council passing this motion.

## Executive Summary

### Purpose of Report

This report provides an update on two parking items within the Downtown:

1. The recommended direction to conclude the Essex Street on-street parking pilot.
2. Recommended updates to the policy for temporary use permits for on-street parking spaces for construction/renovation projects.

### Key Findings

1. The Essex Street on-street parking pilot project (between Gordon and Dublin), which was designed to improve public access to the street to support weekday commercial activity, has been judged a success and staff are recommending that the operations be permanently incorporated into the Traffic By-law.

2. As directed by Council, staff undertook a review of the current policies for the temporary permitting of exclusive use of on-street parking downtown for activities such as construction or renovation projects (requiring bins or crew access to a site for instance).

Staff are recommending an updated policy that reflects our best-practices scan that balances the desire to support renovation and construction activities downtown with the need to make these temporary needs use the spaces in a timely way and return the parking to public use as soon as possible.

### **Financial Implications**

1. Essex Street: No financial implications.

2. Temporary Permits for the use of On-street Parking Spaces: Staff believe that the minor revenue change that would result from reducing current temporary-use permit fees is a more fair and equitable use of on-street parking spaces under the free 2 hour, once per day parking prohibitions and does not severely impact the parking revenue.

### **Report**

Staff are reporting back to Council on two matters related to Downtown parking operations that have been identified over the last year and are being tracked through the adoption of the Parking Master Plan.

#### **1. ESSEX STREET (GORDON TO DUBLIN)**

Following discussions and engagement with local residents and businesses on Essex Street adjacent to Downtown, Staff were directed by Council July 2015 to undertake a pilot on-street parking arrangement on Essex Street between Gordon and Dublin Streets. The pilot was to test the impact of the provision of more 2 hour restricted spaces during weekday, business hours in order to improve turnover and support the commercial interests on the street.

The pilot ran from September 15, 2015 to September 2016. A six-month update was provided to Council April 2016.

At the end of September 2016, BDE staff re-canvassed the neighbourhood to gather concluding feedback on the pilot. In addition, staff re-measured turnover and occupancy on the street during September.

## Findings:

- The feedback has been consistent that the operational changes increased parking availability during the weekday, daytime period as intended.
- The impact of the change did impact employees looking for all-day parking and had the predictable spill-over effect on other nearby streets.
- Compliance of the parking operations needs to be consistently maintained in order to sustain the objectives of the changes.

## Essex Street Recommendation:

This segment of Essex Street has a unique mix of users and needs which required the pilot to test the outcome -- where conventional parking surveys had not been able to develop a consensus. Staff are satisfied that the test has changed the usage pattern and is appropriate for the current form of Essex between Gordon and Dublin Streets.

No amendment to the Traffic Bylaw is required as an amendment was already approved by Council as part of the pilot project in order for the new parking arrangement to be enforceable.

In the longer term, to address the issues identified as part of the 'spillover' effect that downtown and commercial activity is having in adjacent neighbourhoods, Staff are currently completing a GIS inventory of the entire downtown area 'shoulder streets' parking regulations to develop the more comprehensive approaches as described in the Parking Master Plan. This work will be presented as part of the annual PMP update coming in Q1 2017.

## 2. TEMPORARY PERMITS FOR THE USE OF ON-STREET PARKING

On June 27, 2016 Council directed:

"That staff be directed to report back as soon as possible on a scan of best practices in other downtown areas of municipalities parking relief programs regarding construction and/or renovation for implementation within Guelph."

This direction came through the discussion of the renovation of 42 Carden Street by the 10 Carden group. Their delegation to Council identified that on-street spaces being utilised by their trades and bins caused by the heavy construction going on in the building was being charged at a flat-rate of \$27/day, equating to over \$800/month per space. For a non-profit, community organisation, and the fact that this major renovation would take months to complete, this was creating a substantial cost to the project.



Staff undertook a scan of our comparator cities on the issue of providing relief or exemption for temporary use of public realm areas and/or public parking areas within their downtowns and have identified that this is a policy area that has a wide-range of local practice across the province – ranging from no relief to full relief at no cost. (See **Attachment 1**)

Fundamentally, staff agree that the current policy, based on an older parking regime (bagging meters) is outdated. For additional context, the current policy generates approximately \$20,000 in revenue to the parking business unit in an overall revenue projection of \$2.4M/year through permits and fees (ie. approximately 0.8% of total).

There remain two divergent objectives in considering the policy:

- Creating a supporting environment for renovations and/or the emergency use of the on-street parking supply to support investments or repairs being made downtown.
- Recognizing that the on-street parking supply is an important component of the downtown economic activity, and therefore the need to emphasize timeliness regarding the utilisation and minimisation of on-street spaces being used for construction activities.

Staff are proposing the following:

Temporary Permits to Use On-street Parking Spaces	Recommended Fee (For all prices add HST)
<u>Administration/Set-up Fee</u> For transparency, establishing a one-time set-up/take down/administration charge. This covers the administration, delivery, erection and removal of signage and markings changes required to create the parking exemption area. Price per application.	\$50
<u>Daily Rate:</u> For short term needs, daily rates that are lower than the potential parking fine rate. Price per space.	\$20 for the first day and \$10 dollars for subsequent consecutive days
<u>Weekly Rate:</u> Priced at a rate lower than the 7 day multiple of the daily rate. Price per space.	\$70/7 consecutive days
<u>Monthly Rate:</u> For longer projects, a rate that is higher than a monthly off street permit, but much less than an extended daily rate. This discourages applications taking up more parking than is needed from the local supply. Price per space.	\$200/month

## Financial Implications

Essex Street: There are no financial implications as the signage and Traffic By-law changes were established through the pilot program.

Temporary Permits for the use of On-street Parking Spaces: Staff believe that the minor revenue change that would result from reducing current temporary-use permit fees is a more fair and equitable use of on-street parking spaces under the free 2 hour, once per day parking prohibitions and does not severely impact the parking revenue.

Staff are proposing that the changes to the Temporary Use policy take place immediately and that current permit holders will have their permits fees adjusted as of the date of Council passing the motion.

## Corporate Administrative Plan

### Service excellence

Achieving quality and showing results  
Continuous Improvement

### Financial stability

Managing our resources to achieve maximum public value

## Communications

N/A

## Attachments

Att-1          Comparator Cities Scan of Temporary On-street Permit Use

## Report Author

Ian Panabaker



### Approved By

Peter J. Cartwright, PLE, RPP, MCIP  
General Manager  
Business Development & Enterprise  
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### Recommended By

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## Attachment 1 – Comparator Cities Scan of On-street Temporary Use

### Cities with Free Hourly On-street Parking

CITY	PARKING	CURRENTLY	COMMENT
NIAGARA FALLS	90 minutes free parking	Authorize temporary exemption; advise bylaw; No charge	Downtowns are different I would not recommend this approach
BRANTFORD	2 hours free	\$8/day/space (\$240/mo.)	Possibility, but still amounts to substantial dollars in long term situations
CAMBRIDGE	2 hours free	Exemption is granted, no charge	Downtowns are different I would not recommend this approach
RICHMOND HILL	1 hour free	No Exemptions granted park off-street	This is severe and I would not recommend

### Cities with Paid Hourly On-Street Parking

CITY	PARKING	CURRENTLY	COMMENT
KINGSTON	\$1/hour, some free	\$12/7 days/space or \$24/14 days/space (\$51.4/mo.)	Possibility but does not address longer times
ST.CATHERINES	\$1.50/hour	\$22.50/space/day (\$675/mo.)	Does not address longer time periods
BURLINGTON	\$2.00/hour	\$21/day/space (\$630/mo.)	Does not address longer time periods
OAKVILLE	\$2.00/hour	Goes through Engineering as part of SOP; cost?	
KITCHENER	2 hours free	\$30/day/space (\$900/mo.)	Does not address longer time periods
LONDON	\$1.50/hour	\$50 admin. fee and \$9 per day per space (\$270/mo.)	Possibility with 1 established admin. Cost and relatively low daily fee
BRAMPTON	\$2.00 per hour	\$9/day/space (\$270/mo.)	No admin costs and no sliding scale
HAMILTON	\$1.00 per hour	\$10-13/day/space or \$50 for 14 days plus 15% admin fee (\$107/mo.)	Possibility but no sliding scale.

# Staff Report



To Committee of the Whole

Service Area Infrastructure, Development & Enterprise Services

Date Monday, November 7, 2016

**Subject 115 Dawn Avenue: Letter of Refusal for Tree Removal as per the City of Guelph Private Tree Bylaw**

Report Number 16-61

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## Recommendation

1. That Council support the Inspector issued Refusal to Issue Permit, as per the Private Tree Bylaw (2010) - 19058, for 115 Dawn Avenue.

## Executive Summary

### Purpose of Report

That Council support the Inspector issued Refusal to Issue Permit, as per the Private Tree Bylaw (2010) - 19058, for 115 Dawn Avenue.

### Key Findings

The Inspector is of the opinion the request by the owner of 115 Dawn Avenue to remove trees due to a dislike of the tree species and locations in their front yard, does not meet the criteria of the Private Tree Bylaw for the injury or destruction of what are deemed Regulated Trees under the Bylaw. The owner's willingness to provide financial compensation for the proposed tree loss is not an option in this scenario. The trees in question are in good condition, are not impacting the development of the site as proposed and are not a hazard to life or public/private asset. Therefore, the request does not meet the considerations to be made by the Inspector when reviewing the criteria whether to issue a Permit to injure or destroy a tree.

The Inspector is of the opinion the Letter of Refusal issued for a Tree Removal Permit at 115 Dawn Avenue, is in keeping with City's Private Tree Bylaw.

### Financial Implications

None

## **Report**

### **Background:**

In 2010, City Council passed a Bylaw (Private Tree Bylaw (2010)-19058) (ATT-1) to regulate the injury or destruction of trees in the City. The purpose of the Bylaw is to help protect the City's existing canopy cover and mitigate injury or destruction of any tree measuring at least 10 centimetres in diameter at 1.4 metres above the ground, on lots larger than 0.2 hectares, to be known as a Regulated tree. Some trees are exempt from the bylaw and can be removed without a permit including dead or dying trees, trees posing danger to life or property, or trees impacted by unforeseen causes or natural events. A full list of exemptions can be found on page 4 of the Bylaw.

When reviewing a Permit Application for the injury or destruction of a Regulated tree, the Inspector considers the following criteria as set out in the by-law:

- (a) The species of each Regulated Tree, and particularly whether it is native to the area, is considered regionally or locally significant or is an endangered species or threatened species as defined in the Endangered Species Act, 2007, S.O. 2007, c.6, as amended or replaced from time to time, or in the Species at Risk Act, S.C. 2002, c. 29, as amended or replaced from time to time;
- (b) the condition of the Regulated Tree;
- (c) the location of the Regulated Tree;
- (d) the reason or reasons for the proposed Destruction or Injuring of the Regulated Tree;
- (e) whether the Regulated Tree is a Heritage Tree;
- (f) the presence, within the Regulated Tree, of breeding birds as contemplated in the Migratory Birds Convention Act, 1994, S.C. 1994, c.22, as amended or replaced time to time;
- (g) the protection and preservation of ecological systems and their functions, including the protection and preservation of native flora and fauna;
- (h) erosion, flood control and sedimentation of watercourses;
- (i) the submissions of such persons or agencies as the Inspector may consider necessary to confer with the proper review of the Application;
- (j) any other legislation that may apply or approvals that may be required.

Trees on lots 0.2 hectares or smaller are not regulated by the City.

### **Subject Property:**

The subject property is located to the southwest of Dawn Avenue, northeast of the intersection between Dawn Avenue and Lowes Road in a residential area (ATT-2). Dawn Avenue runs to the north, Lowes Road and Gordon Street are to the east, Clairfields Road West and Clairfields Road East are to the south and intersect with Gordon Street. The intersection between Dawn Avenue and Lowes Road is to the south east of the property.

The property is an 'L' shaped lot, approximately 1.6acres (0.65ha) that is orientated in a northeast to southwest direction. The subject property is zoned R.1B (Residential Single Detached) Zone, which permits single detached dwellings, accessory apartments, bed and breakfast establishments, day care centres, group homes, home occupations and lodging houses Type 1.

### **Tree Removal Permit Request:**

In March of 2016, the owner submitted an Application to Permit the Injury or Destruction of Trees Permit to the removal of 3 trees (2 Cedar and 1 Pine). The Inspector confirmed through a site inspection that the request would be for five (5) thuja occidentalis (Cedar) and one (1) Pinus resinosa (Red Pine) in the front yard.

Based on an Arborist's assessment, the Pine was determined to be dying, while the Cedars were noted to be in good condition. Given this information, the Inspector supported the findings and the Pine was determined to be exempt from a Permit. However given the Cedars were noted to be in good condition and were not impacting the development of the site as proposed, were not a hazard to life or asset and reasons for their removal (which was expressed by the owner as an aesthetic preference), failed to satisfy the Inspector's support and the destruction of the five (5) Cedars were refused. A Refusal to Issue Permit was issued on April 1, 2016 (ATT-8)

Once the owner received the Refusal Permit, further discussion occurred between the Inspector and the owner. Clarification from the owner that any tree removed would be financially compensated as per the Bylaw was not satisfactory to the Inspector. The Inspector noted the reason for removal was not supported by the criteria of the Bylaw, as well as the Urban Forest Management Plan and Official Plan Policies, which speak to preservation and protection of our urban forest canopy.

As per the Bylaw, if the Inspector refuses to issue a Permit, or if the Applicant objects to a Condition attached to the Permit by an Inspector, the Applicant may appeal to the Committee of the Whole. Upon considering the Appeal, the Committee of the Whole may recommend that the Inspector refuse the Permit, issue the Permit or issue the Permit upon such Conditions as the Committee considers appropriate. Council shall consider the Committee's recommendation and make the final decision on the appeal.

The owner objected to the Refusal to Issue Permit and requested an Appeal. It is understood that the owner will be delegating at the November 7, 2016 Committee of the Whole Meeting to express his reasons for seeking to appeal the inspector's refusal.

### **Financial Implications**

None

## Corporate Strategic Plan

3.1 Ensure a well designed, safe, inclusive, appealing and sustainable City.

## Communications

None

## Consultation:

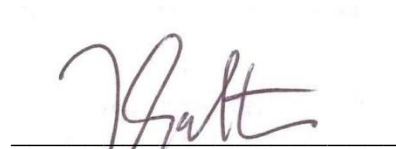
Building Services  
Policy Planning and Urban Design

## Attachments

- ATT-1 City of Guelph Private Tree By-law  
\*ATT-1 is available on the City of Guelph website at: [City of Guelph Private Tree Bylaw](#)  
ATT-2 Location of Subject Property  
ATT-3 Aerial Photograph  
ATT-4 Photographs of the Subject Trees  
ATT-5 Application to Permit the Injury or Destruction Form  
ATT-6 Refusal to Issue Permit Letter

### Report Author

Rory Templeton  
Landscape Planner



### Approved By

Todd Salter  
General Manager  
Planning, Urban Design and  
Building Services  
519-822-1260, ext. 2395  
todd.salter@guelph.ca

### Approved by

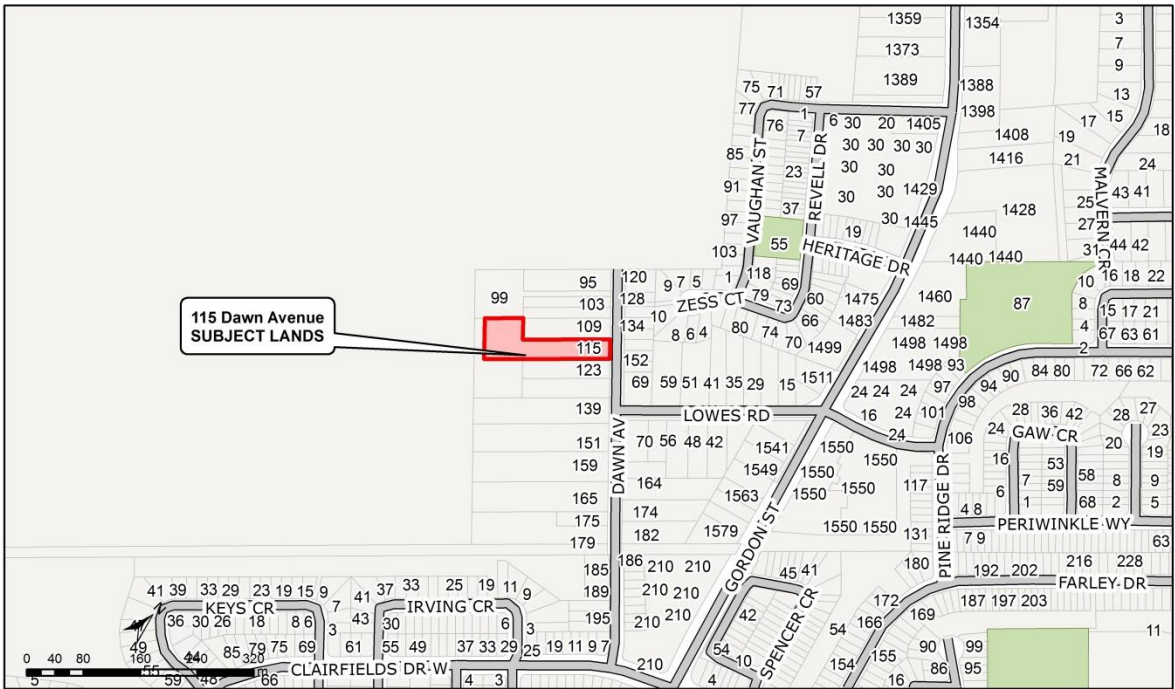
Chris DeVriendt  
Senior Development Planner



### Recommended By

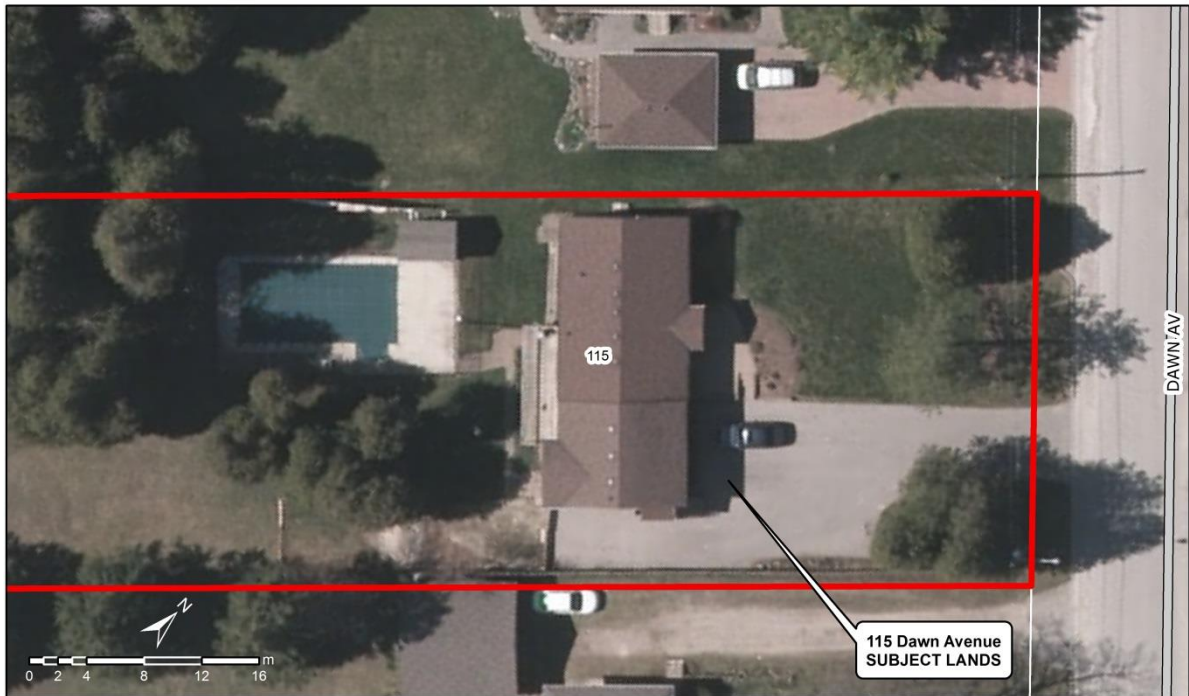
Scott Stewart, C.E.T.  
Deputy CAO  
Infrastructure, Development and Enterprise  
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scott.stewart@guelph.ca

Attachment 2 – Location of Subject Property

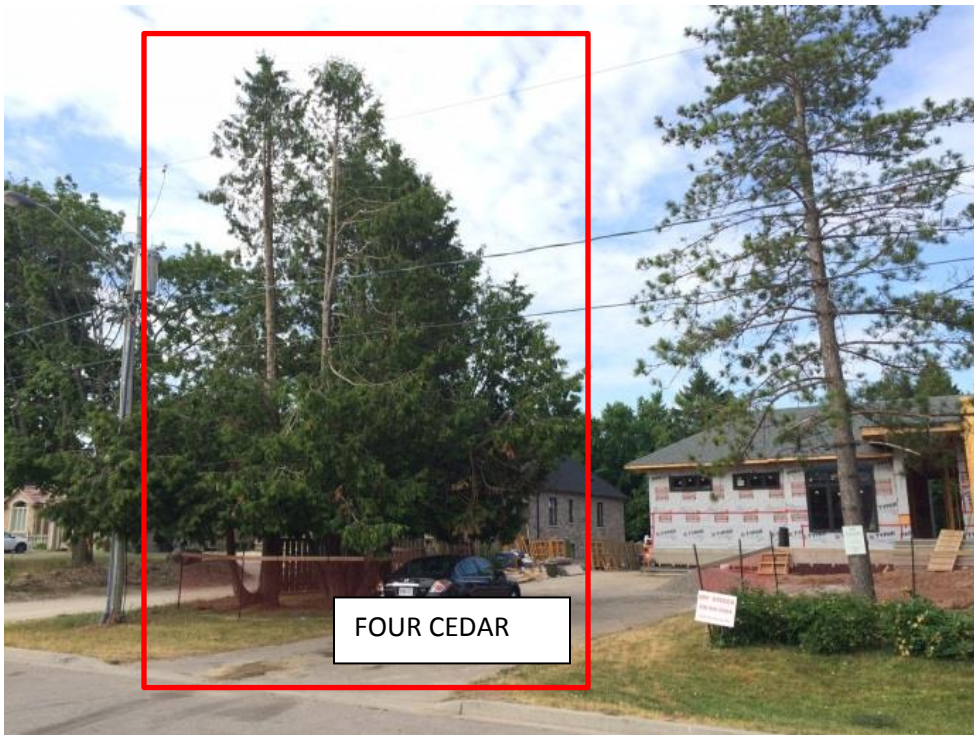
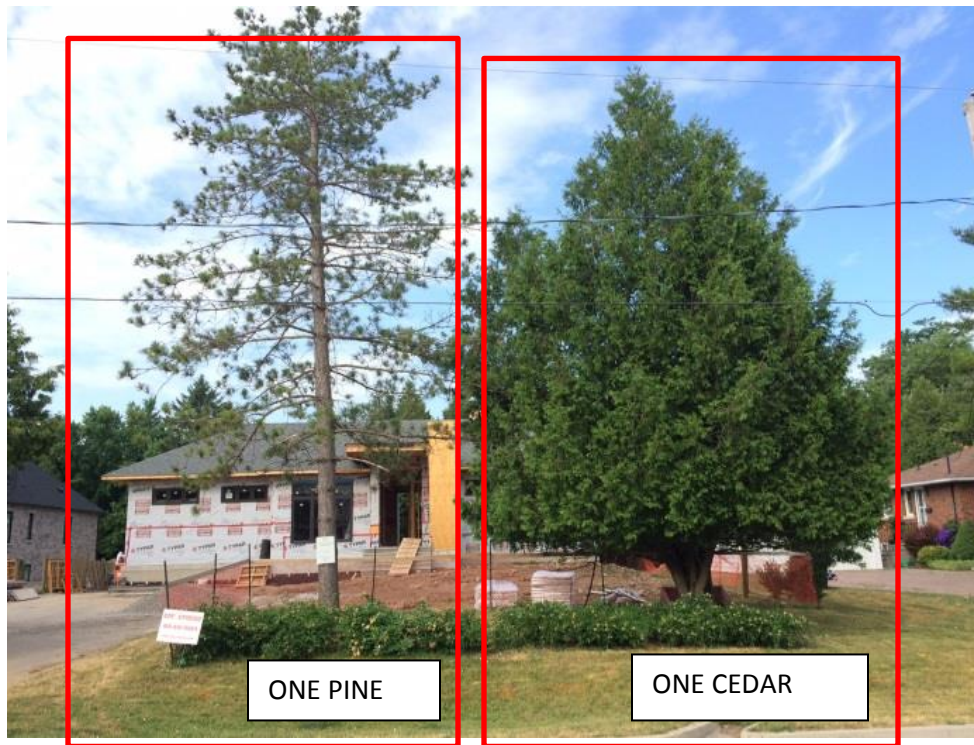




### ATTACHMENT 3 - Aerial Photograph



## ATTACHMENT 4 – Photographs of Subject Trees



## ATTACHMENT 5 March 2016 Tree Permit Application Form



### Application to Permit the Injury or Destruction of Trees

<b>Registered Property Owner (Applicant) and Property Address (Tree Location)</b>					
APPLICANT NAME	Last Name Dykstra	First Name Mike			
PROPERTY ADDRESS:	Street No. 115	Street Name Dawn Avenue			
CITY: Guelph		PROVINCE:	Ontario	POSTAL CODE:	N1G 4X2
EMAIL:	<a href="mailto:mike.dykstra@midproperties.ca">mike.dykstra@midproperties.ca</a>		PHONE:	289-259-9317	
<b>2nd Applicant Name and Address (If any part of tree is located on adjacent property)</b>					
APPLICANT NAME	Last Name	First Name			
PROPERTY ADDRESS:	Street No.	Street Name			
CITY:		PROVINCE:		POSTAL CODE:	
EMAIL:			PHONE:		
<b>Additional Information</b>					
Is the tree located on land used for a cemetery, golf course, commercial or institutional use? (defined in common terms)				<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
Is the tree Diseased or Dying? (If required, please attach Arborist Report) <i>PINE ONLY</i>				<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Is the tree causing structural damage?				<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
Contaminated Property (where proof of remediation efforts is provided to the City)				<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
Forest Management Plan?				<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
<b>Tree Information</b>					
Tree Species	# of Trees	Diameter at 1.4 metres	Specify Action to be Taken		
Swamp Cedar	2	Approximately 16"	removed		
Pine	1	Approximately 8"	removed		





### Declaration of Applicant

I, MIVE PUKSTRA (print name) certify that:  
I/we have read and understand the attached information sheet and I am/we are aware of the permit procedures required under the provisions of the Private Tree By-law. I/we hereby certify that the information and plans provided are correct and truly indicate my/our intentions respecting the proposed work. In submitting this application, I/we consent and agree to allow The City of Guelph employees to enter onto the property for the purposes of conducting any inspections required.

MAR 31/16  
Date

[Signature]  
Signature of applicant

### Declaration of Adjacent Property Owner (if applicable)

I, \_\_\_\_\_ (print name) \_\_\_\_\_ (print address) certify that:  
I/we have read and understand the attached information sheet and I am/we are aware of the permit procedures required under the provisions of the Private Tree By-law. I/we hereby consent to the injury or destruction of the tree(s) shown on the plan above and I/we hereby consent and agree to allow The City of Guelph employees to enter onto my/our property for the purposes of conducting any inspections required.

\_\_\_\_\_  
Date

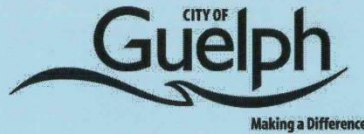
\_\_\_\_\_  
Signature of applicant

### Sketch:

- see photos / landscape design plan submitted

Permit Fee	ALREADY SUBMITTED	\$ 122.00
<u>[Signature]</u> Signature of Applicant	<u>MAR 31/16</u> DATE	

## ATTACHMENT 6 - Refusal to Issue Permit Letter



### REFUSAL TO ISSUE PERMIT

Private Tree Protection By-law #19058

Date: April 1, 2016

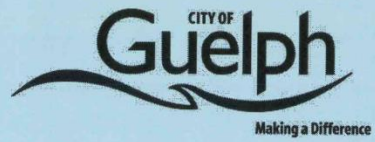
Application for permission to Destroy or Injure a Tree(s) in the City of Guelph.

Address: 115 Dawn Ave  
Guelph ON  
N1G 4X2

Application: TP #16 000609 Proposed Destruction or Injuring of five (5) Thuja occidentalis (White Cedar).

Applicant(s): Mike Dykstra

- 
1. The Applicant is **refused** permission to Destroy or Injure the tree(s), as outlined in the application, for the following reasons:
    - a. The trees are in good condition and show no signs of disease.
    - b. The tree locations do not impact the proposed building(s) or any proposed services on the property.
    - c. The reason to remove them based on a personal dislike for the tree type or form is not a supportive and/or good rationale.
  2. If the Applicant wishes to appeal this refusal, they must submit written notice to the Inspector, to be received within 7 days after the date of this refusal. The appeal would be heard by the Planning, Building, Engineering and Environment Committee and the final decision would be made by City Council. Should you wish to appear as a delegation at the meeting, please contact the City's Clerks Department to register.
  3. Should you require further information regarding this refusal, please contact the undersigned at (519) 822-1260 ext. 2563.



Sincerely,

A handwritten signature in black ink, appearing to read "Rory Barr Templeton".

**Rory Barr Templeton**  
**Landscape Planner**  
**Planning, Urban Design and Building Services**

**Infrastructure,  
Development  
and Enterprise  
Planning**

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# Staff Report



To Committee of the Whole

Service Area Infrastructure, Development & Enterprise Services

Date Monday, November 7, 2016

**Subject DEVELOPMENT ENGINEERING MANUAL**

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## Recommendation

1. That the Development Engineering Manual, included as Attachment 1 to this report, be approved.
2. That future amendments to the Development Engineering Manual be approved through delegated authority to Deputy CAO, Infrastructure, Development and Enterprise.

## Executive Summary

### Purpose of Report

This report provides information to the Committee of the Whole regarding the creation of the new Development Engineering Manual (DEM).

### Key Findings

The DEM provides engineering guidelines, standards, and process information for use when preparing the engineering aspects of a development application. The DEM replaces several historical and out-dated engineering documents, and provides a single source of information for development engineering requirements. The key objectives of the DEM are to:

- Document existing process information related to the engineering submission of a development application;
- Outline requirements and standards for the engineering design of new developments within the City; and

- Provide guidance and framework for stakeholders submitting, and city staff reviewing, engineering designs and reports in support of a development application.

Overall, the DEM is expected to help streamline the development review process by facilitating improved quality of engineering designs submitted to the City and enhancing consistency in staff review.

### **Financial Implications**

There are no financial, staffing or legal implications associated with the endorsement of this report.

### **Report**

The City of Guelph (City) Development Engineering Manual (DEM) was prepared by engineering staff to transparently provide guidance related to the engineering aspects of development work. Presently, City staff rely on multiple documents for engineering standards, including, but not limited to:

- Draft 1974 Engineering Standards of Design for Subdivision Engineering, Sewers, Roads and Watermains
- 1996 Alternative Development Standards
- 1996 Design Principles for Storm Water Management

The DEM consolidates the relevant portions of the above historical documents and combines them with current practices, which have evolved over time since the historical documents were prepared.

The DEM provides a single source for the City's current engineering requirements, guidelines, specifications, and standards that form the basis for obtaining engineering approvals related to the following types of development applications:

- Plans of Subdivision;
- Site Plan;
- Zoning By-Law Amendments;
- Official Plan Amendments;
- Plans of Condominium;
- Part Lot Control;
- Consents (severances);
- Minor Variances; and
- Site Alteration Permit.



The DEM is intended for use by residents, City staff, and development industry parties such as land developers, builders, consultants, and contractors. The DEM will assist the development industry in preparing, and City staff in processing, engineering submissions that form part of a development application.

The key objectives of the DEM are to:

- Document existing process information related to the engineering submission of a development application;
- Outline requirements and standards for the engineering design of new developments within the City;
- Provide guidance and framework for stakeholders submitting, and city staff reviewing, engineering designs and reports in support of a development application; and
- Streamline the development review and approval process by facilitating improved quality of the engineering designs submitted to the City and enhancing consistency in staff review.

### **Community Engagement and Continuous Improvement:**

To ensure the DEM accurately reflects the City's current engineering requirements, City staff conducted engagement activities with development and agency partners. These stakeholders were asked to review a draft version of the DEM and provide feedback regarding the following questions:

- 1) Does the DEM accurately reflect your understanding of the City's current engineering requirements?
- 2) What engineering practices do you think the City review and consider potential future revisions to?

The City received a response from: Guelph and Wellington Development Association (GWDA), Guelph & District Home Builders' Association (GDHBA), Guelph Hydro, Grand River Conservation Authority, and the Upper Grand District School Board.

The responses enabled the City to further clarify information in the Draft DEM, and document a list of items for future consideration as part of subsequent versions of the DEM.

As part of continuous improvement business practices, City staff intend to regularly review the DEM to ensure the document is providing the best possible level of service to its users. Accordingly, staff will update the DEM as needed based on new research, lessons learned, etc. to ensure that the City's requirements keep up-to-date with the industry best practices. This will ensure that development engineering submissions can be prepared with the highest quality, the review can be streamlined and consistent, and that development proceeds as responsibly both now and in the future.

## Financial Implications

There are no financial, staffing or legal implications to the City if the DEM is endorsed. However, a more efficient review process is expected to reduce the overall timing for development approvals which may translate into cost savings for the applicant.

## Corporate Strategic Plan

2.2 Deliver public services better

2.3 Ensure accountability, transparency and engagement.

3.1 Ensure a well designed, safe, inclusive, appealing and sustainable City.

3.3 Strengthen citizen and stakeholder engagement and communications.

## Internal Consultation

This DEM was prepared by the City's Development Engineering Services team, with input from other City Service Areas, including: Planning, Urban Design and Building Services, Legal and Realty Services, Parks and Recreation, Water Services, and Engineering and Capital Infrastructure Services.

## Communications

Following approval by Council, the DEM will be posted under the development and planning section of the City's website and all stakeholders will be notified. Future updates/revisions will also be posted online.

## Attachments

Attachment 1 - Development Engineering Manual

\*Att-1 is available on the City of Guelph website at: [City of Guelph Development Engineering Manual](#)

## Report Author

Terry Gayman, P.Eng.,  
Manager – Infrastructure, Development and Environmental Engineering



### Approved By

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Engineering and Capital  
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kealy.dedman@guelph.ca



### Recommended By

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scott.stewart@guelph.ca

# Staff Report



To Committee of the Whole

Service Area Corporate Services

Date Monday, November 7, 2016

**Subject Reserve and Reserve Fund Consolidation & Policy**

Report Number CS-2016-62

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## Recommendation

That based on Report No. CS-2016-62 titled 'Reserve and Reserve Fund Consolidation and Policy'

1. That the revised Development Charge Exemption Policy, included as **Attachment 1**, be approved and adopted by By-law, and repeal By-law Number (2013) – 19537 Development Charge Exemption Policy.
2. That Council approve the consolidation, closing and renaming of the following Compensation reserves:

Salary Gapping Contingency Reserve (191)  
Joint Job Evaluation Committee Reserve (196)  
Human Resources Negotiations Reserve (197)  
Early Retiree Benefits Reserve (212)

**Into** the Employee Benefit Stabilization Reserve, which is to be renamed the 'Compensation Contingency Reserve' (131).

3. That Council approve the consolidation, closing and renaming of the following Capital reserve funds:

Fire Equipment Replacement Reserve Fund (111)  
Transit Equipment Replacement Reserve Fund (113)  
Waste Management Equipment Replacement Reserve Fund (116)  
Computer Equipment Replacement Reserve Fund (118)  
Play Equipment Replacement Reserve Fund (121)  
Operations & Fleet Equipment Replacement Reserve Fund (124)  
Parking Capital Reserve Fund (151)  
Roads Capital Reserve Fund (164)  
Park Planning Capital Reserve Fund (166)  
Economic Development Capital Reserve Fund (168)

Operations Capital Reserve Fund (169)

Culture Capital Reserve Fund (171)

Transit Capital Reserve Fund (172)

Information Services Capital Reserve Fund (176)

Waste Management Capital Reserve Fund (186)

Capital Strategic Planning Reserve Fund (154)

Roads Infrastructure Capital Reserve Fund (160)

Building Lifecycle Capital Reserve Fund (190)

**Into** the Capital Taxation Reserve Fund, which is to be renamed the 'Infrastructure Renewal Reserve Fund' (150).

Policy Planning Capital Reserve Fund (167)

**Into** the Development Charge Exemption Reserve Fund, which is to be renamed the 'Growth Capital Reserve Fund' (156).

Greening Reserve Fund (355)

**Into** the Accessibility Capital Reserve Fund, which is to be renamed the 'City Building Capital Reserve Fund' (159).

4. That Council approves the creation of the Stormwater Rate Stabilization Reserve and the Stormwater DC Exemption Reserve Fund.

## **Executive Summary**

### **Purpose of Report**

The purpose of this report is to provide Committee of the Whole with an update on the Reserve and Reserve fund policy and consolidation project, as per the Reserve and Reserve Fund Statement report dated May 2, 2016.

### **Key Findings**

The reserve and reserve fund policy and consolidation project is being completed in two phases. The first phase of work is complete and is explained throughout this report. In addition, the second phase of this project is discussed in detail and timelines for completion of this work are provided.

Twenty tax-supported capital reserve funds were identified for consolidation into one of three new categories: Infrastructure Renewal, Growth, and City Building.

The Capital Taxation Reserve Fund was renamed the 'Infrastructure Renewal Reserve Fund' (150).

The Development Charge Exemption Reserve Fund was renamed the 'Growth Capital Reserve Fund' (156).

The Accessibility Capital Reserve Fund was renamed the 'City Building Capital Reserve Fund' (159).

The Development Charge Exemption policy was updated due to the consolidation of the new Growth Capital Reserve Fund and the introduction of a new Stormwater Development Charge Exempt Reserve Fund. This new reserve fund is required because as of January 1, 2017, Stormwater Services will operate as a non-tax supported budget.

Creation of the Stormwater Rate Stabilization Reserve as Stormwater Services will operate as a non-tax supported budget as of January 1, 2017.

Four compensation and staffing reserves were closed and consolidated into the Employee Benefit Stabilization Reserve.

The Employee Benefit Stabilization Reserve was renamed the 'Compensation Contingency Reserve' (131).

Review the Compensation Reserve Policy based on the consolidations being recommended in this report.

The Miscellaneous tax-supported reserves review brought to light the challenge of various policies, by-laws and agreements being connected to many of these reserves.

Phase 2 of the project includes the following action items to be completed by the end of Q2 2017:

- Establish funding targets for miscellaneous reserves and reserve funds where appropriate;
- Update the General Reserve and Reserve Fund Policy and create an Appendix detailing all City reserves and reserve funds, including the name of the reserve or reserve fund, purpose, target balance and source and use of funds;
- Continue to review and consolidate the miscellaneous reserves and reserve funds;
- Update the Capital Closing Procedure;
- Review the Non-tax and Local Boards' capital reserve funds to consider structuring them into three categories: Infrastructure Renewal, Growth and City Building.

### **Financial Implications**

There are no direct financial implications resulting from this report.

The Reserve and Reserve fund policy review and resulting consolidations will positively impact the approach to budget development.

Reserves and reserve funds are established by Council to assist with long-term financial stability, operating and capital budgeting and absorbing unexpected shifts in revenue or expenditures.

## **Background**

Staff Report CS-2016-24 2015 Reserve and Reserve Fund Statement dated May 2, 2016 identified a number of planned 2016 actions to bring clarity and efficiency to managing the City's Reserves and Reserve Funds. The action items included in this report were as follows:

1. Reset the capital reserve fund management to align with the recommendations presented in the 2015 BMA Financial Condition Assessment.
2. Perform a comprehensive review of all reserves and reserve funds and consolidate where needed.
3. Establish funding targets for miscellaneous reserves and reserve funds where appropriate, and recommend funding reallocations where targets have been reached.
4. Review and recommend changes to the General Reserve and Reserve Fund Policy as well as the Compensation Reserve Policy.
5. Review and update the Hanlon Creek Business Park business case for slower than planned industrial land sales. Recommend alternative strategies and mitigation measures to address the cash flow concerns.

Although staff made substantial progress to-date on the above actions, it has become apparent that the scope of this body of work is broader than originally anticipated. Therefore, it was decided that the Reserve and Reserve fund project be approached in two phases.

Phase 1 of the project addresses action items 1 and 2. This work is substantially complete and detailed throughout this report.

For Phase 2 of the project, action items 3 and 4 will be completed along with further review of action item 2. This work is expected to be completed by the end of Q2 of 2017.

Action item 5 will be addressed by the Business Development and Enterprise department, as they will be bringing the Hanlon Creek Business Park business case report and recommendations to Committee of the Whole in January 2017.

## Report

### **Action Item 1: Reset the capital reserve fund management to align with the recommendations presented in the 2015 BMA Financial Condition Assessment Report.**

The BMA Financial Condition Assessment report identified that the City's decentralized approach of managing capital projects reduces flexibility making it more difficult to fund projects based on identified priorities. At that time BMA recommended that the City consolidate its capital reserve funds in order to provide additional flexibility to address priority projects. Along with the consolidation, they recommended that the capital reserve funds be segregated between funds for existing assets and funds for new assets.

In order to align corporate capital planning, staff reviewed the current reserve funds and determined that there was no benefit to segregating tax-supported capital funds by department and that a consolidation into three corporate reserve funds was appropriate.

The review for all tax-supported capital reserve funds, excluding Local Boards, involved 28 individual reserve funds from 4 existing categories: equipment replacement, department capital, and strategic, and miscellaneous discretionary. From this review, 20 reserve funds were identified for consolidation into one of three new categories: Infrastructure Renewal, Growth, and City Building. These categories align with the capital funding concept that was introduced during the 2016 Budget process.

Department specific reserve funds were identified to be closed, consolidated and renamed as follows:

- Fire Equipment Replacement Reserve Fund (111)
- Transit Equipment Replacement Reserve Fund (113)
- Waste Management Equipment Replacement Reserve Fund (116)
- Computer Equipment Replacement Reserve Fund (118)
- Play Equipment Replacement Reserve Fund (121)
- Operations & Fleet Equipment Replacement Reserve Fund (124)
- Parking Capital Reserve Fund (151)
- Roads Capital Reserve Fund (164)
- Park Planning Capital Reserve Fund (166)
- Economic Development Capital Reserve Fund (168)
- Operations Capital Reserve Fund (169)
- Culture Capital Reserve Fund (171)

Transit Capital Reserve Fund (172)  
Information Services Capital Reserve Fund (176)  
Waste Management Capital Reserve Fund (186)  
Capital Strategic Planning Reserve Fund (154)  
Roads Infrastructure Capital Reserve Fund (160)  
Building Lifecycle Capital Reserve Fund (190)  
Into the Capital Taxation Reserve Fund, which is to be renamed the 'Infrastructure Renewal Reserve Fund' (150).

Policy Planning Capital Reserve Fund (167)  
Into the Development Charge Exemption Reserve Fund, which is to be renamed the 'Growth Capital Reserve Fund' (156).

Greening Reserve Fund (355)  
Into the Accessibility Capital Reserve Fund, which is to be renamed the 'City Building Capital Reserve Fund' (159).

The three remaining reserve funds will be used to manage tax-supported capital funds corporately.

### **The Infrastructure Renewal Reserve Fund (150)**

The purpose of this fund is to provide funds for the replacement and rehabilitation of Guelph's infrastructure.

The source of funds will be from an annual transfer from the City's operating budget, as approved by Council, along with the proceeds from the sale of vehicle and equipment replacement assets.

Funds will be used to replace or renew existing infrastructure including roads, facilities, vehicles and equipment.

### **The Growth Capital Reserve Fund (156)**

The purpose of this fund is now twofold:

1. To provide funds to cover the Development Charge exemptions that are permitted by the City's Development Charge By-law. This was the original purpose of the DC exemption reserve. These exemptions form part of the tax-supported cost of growth.



2. To provide funds to cover the growth-related capital costs that are legislatively excluded by the Development Charges Act (i.e. the 10% reduction for soft services, excluding Fire and Police).

The City's Development Charge Exemption Policy has been updated to reflect this dual purpose and also includes reference to the new Stormwater DC Exemptions Reserve Fund. Reserve fund names were updated throughout the policy. The purpose of the Development Charge Exemption Policy has not changed. There is no impact or change to the current Development Charges By-law.

The source of funds will be from an annual transfer from the City's operating budget, as approved by Council, based on an estimate of the past three year's exemptions, plus an estimated cost to fund growth-related projects not covered by development charges.

Use of funds will be approved through the annual capital budget for the City's share of growth costs and to fund the annual Development Charge exemptions.

The creation of the Stormwater DC Exemption Reserve Fund and the Stormwater Rate Stabilization Reserve are being recommended in this report due to the introduction of the new Stormwater fees and charges By-law and Sustainable Funding Strategy for 2017.

### **The City Building Capital Reserve Fund (159)**

This reserve will now hold all funds related to enhancing or improving City assets that are non-growth related, including those related to accessibility.

The source of funds will be from an annual transfer from the City's operating budget, as approved by Council.

Funds will be used for capital expenditures that enhance existing assets or introduce new assets.

Setting minimum target balances, along with determining annual contributions that align with the development of the corporate asset management plan, will be determined during the second phase of this project.

Five capital reserve funds were not consolidated due to the following restrictions:

Reserve Fund	#	Restriction
Police equipment replacement	115	Local board
Library capital	157	Local board
Police capital	158	Local board
Stormwater capital	165	Included with the non-tax supported reserve funds as of 2017.
Capital Asset Renewal	351	Not tax funded. Funds transferred in from the monetization of the City's interest in Guelph Hydro. Funds are earmarked for investment-type projects, as per the Council approved CARR policy.

**Action Item 2: Perform a comprehensive review of all reserves and reserve funds and consolidate where needed.**

As identified in the BMA Financial Condition Assessment report in 2015, the City's reserves and reserve funds needed to be consolidated where possible. The current volume was inefficient to manage, the purpose of like-funds had become confusing and the flexibility for long-term financial planning purposes was limited.

The work completed to-date on Action item 1 involved performing a review of the tax-funded discretionary reserve funds, commonly referred to as "the capital reserves". Action item 2 involves a comprehensive review of all other reserves and reserve funds.

The approach taken for the review process was to look at reserves and reserve funds by category:

Summary of Reserve Review and Consolidation				
CATEGORY	# OF RESERVES		STATUS	TIMELINE
	START	END		
<b>RESERVES</b>				
COMPENSATION/STAFFING	11	5	complete	n/a
MISCELLANEOUS TAX SUPPORTED	16	15	partially complete	Q2 2017
MISCELLANEOUS NON-TAX SUPPORTED	6	6	incomplete	Q2 2017
<b>OBLIGATORY RESERVE FUNDS</b>				
PARKLAND DEDICATION	2	2	out of scope	n/a
OBC STABILIZATION	1	1	out of scope	n/a
DEDICATED GAS TAX	2	2	out of scope	n/a
DEVELOPMENT CHARGES	15	15	out of scope	n/a
<b>DISCRETIONARY RESERVE FUNDS</b>				
EQUIPMENT REPLACEMENT - TAX SUPPORTED	7	1	complete	n/a
DEPARTMENT CAPITAL - TAX SUPPORTED	13	4	complete	n/a
STRATEGIC RESERVE FUNDS - TAX SUPPORTED	8	5	complete	n/a
MISCELLANEOUS RESERVE FUNDS - TAX SUPPORTED	17	15	partially complete	Q2 2017
DEPARTMENT CAPITAL - NON-TAX SUPPORTED	7	7	incomplete	Q2 2017
<b>TOTAL</b>	<b>105</b>	<b>78</b>		

The first category reviewed was Compensation and Staffing. The following reserves were identified to be closed, consolidated and renamed as follows:

Salary Gapping Contingency Reserve (191)

Joint Job Evaluation Committee Reserve (196)

Human Resources Negotiations Reserve (197)

Early Retiree Benefits Reserve (212)

Into the Employee Benefit Stabilization Reserve, which is to be renamed the 'Compensation Contingency Reserve' (131).

Consolidation of the compensation reserves lead to the review of the Compensation Reserve Policy. It is anticipated that the remaining compensation reserves will be included in the General Reserve and Reserve Fund Policy, so there will no longer be a need for a separate Compensation Reserve Policy. A revision or repeal of this policy will occur by the end of Q2 2017.

The second category of reserves reviewed was Miscellaneous tax-supported. The challenge of consolidating the Miscellaneous tax-supported reserve funds involves the fact that many are referenced by, or within, specific policies, by-laws, or Community Improvement Plans. A full review of these impacts is necessary before closing any of the reserve funds under this category. Where appropriate, staff will consolidate the 15 remaining Miscellaneous reserves. This work will occur during phase 2 of the project.

The third category of reserves reviewed was Miscellaneous discretionary tax-supported. During the review of these reserves, several potential consolidations were identified but not closed. When attempting to close out or consolidate reserve funds in this category, the funding source often prevented us from doing so. When a reserve has its own source of funding, there is often a legally binding agreement associated with the funds, as is the case with donations.

The challenges around this set of reserve consolidations will also be addressed during phase 2 of the project. Where appropriate, staff will consolidate the 15 remaining Discretionary Miscellaneous reserve funds.

**Action Item 3: Establish funding targets for miscellaneous reserves and reserve funds where appropriate, and recommend funding reallocations where targets have been reached.**

Target balances:

- Have been determined for several reserves (i.e. Compensation reserves);
- Will be determined for all remaining reserves and reserve funds, where appropriate;
- Will be included in the Appendix to the revised General Reserve and Reserve fund policy; and

- Should be flexible (%) not fixed (\$) and be based on a methodology that reflects best practices and situations that may be specific to the City of Guelph.

Target balances will be determined for each reserve and reserve fund, where appropriate. This action will be performed during phase 2 of this project and will be complete by the end of Q2 2017.

#### **Action Item 4: Review and recommend changes to the General Reserve and Reserve Fund Policy as well as the Compensation Reserve Policy.**

The revised General Reserve and Reserve Fund Policy has been drafted and is awaiting review and discussion with management. The purpose of the review was to condense and simplifying this overarching policy and have it inform all of the City's reserves in terms of process and procedure. The appendix to the policy will list all of the City's reserves by category and will be modified as we close or create new reserves, change targets, or alter funding sources and uses of funds.

This body of work involves research and outreach to other municipalities in order to implement a comprehensive policy based on municipal best practices.

The updated General Reserve and Reserve Fund Policy, along with the detailed appendix, will be recommended for approval by the end of Q2 2017.

#### **Action Item 5: Review and update the Hanlon Creek Business Park business case for slower than planned industrial land sales. Recommend alternative strategies and mitigation measures to address the cash flow concerns.**

The Business Development and Enterprise department will be bringing the Hanlon Creek Business Park business case report and recommendations to Committee of the Whole in January 2017. The Finance department and the Executive Team will be consulted during the scoping phase of this report. The cash flow concerns are specifically related to the HCBP land sales.

### **Summary**

Future action items to be completed by the end of Q2 2017:

- Establish funding targets for miscellaneous reserves and reserve funds where appropriate and recommend funding reallocations where targets have been reached;

- Update the General Reserve and Reserve Fund Policy and create an Appendix detailing all City reserves and reserve funds including the name of the reserve or reserve fund, purpose, target balance and source and use of funds;
- Review the Compensation policy and decide whether to incorporate it into the General policy or update it to reflect the consolidations completed to date;
- Continue to review and consolidate reserves in the following categories:
  - Reserves - Operating**
    - Miscellaneous Tax supported
    - Miscellaneous Non-Tax supported
  - Discretionary Reserve Funds - Capital**
    - Miscellaneous Tax-supported
    - Miscellaneous Non-Tax supported
- Update the Capital Closing Procedure to formalize the capital project close and capital budget reallocation process, as recommended in the BMA Condition Assessment Action Plan;
- Review the Non-tax and Local Boards' capital reserve funds to consider structuring them similar to the Tax-supported capital reserve funds with three separate funds for Infrastructure Renewal, Growth and City Building.

## **Corporate Strategic Plan**

### **2.3 Ensure accountability, transparency and engagement.**

#### **Departmental Consultation**

Human Resources, Business Development and Enterprise, Culture Tourism and Community Investment, Information Technology

#### **Communications**

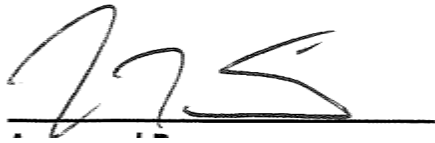
None noted

#### **Attachments**

ATT-1: Development Charge Exemption Policy

**Report Author**

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**Approved By**

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POLICY	<b>Development Charge Exemption Policy</b>
CATEGORY	Finance
AUTHORITY	Council
RELATED POLICES	General Reserve and Reserve Fund Policy
APPROVED BY	Council
EFFECTIVE DATE	November 2016
REVISION DATE	As required

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## 1. POLICY STATEMENT

It is the policy of the City of Guelph

- to track Development Charge exemptions, phasing, and other such concessions, and
- to maintain reserve funds to address the resulting shortfall in capital cost recovery related to development and redevelopment within the municipality.

## 2. POLICY PURPOSE

Under paragraph 3 of sub-section 5 (6) of the *Development Charges Act, 1997*, if the development charge by-law will exempt a type of development, phase in a development charge, or otherwise provide for a type of development to have a lower development charge than is allowed, the rules for determining development charges may not provide for any resulting shortfall to be made up through higher development charges for other development. That is to say, exemptions and phase-ins will result in the development charges collected being insufficient to fund the capital projects to the same extent that they had been estimated in the calculation of the development charge rates. The purpose of this policy is to ensure that provision is made to offset the loss of development charge revenue resulting from exemptions, phasing-in, and other such concessions.

## 3. DEFINITIONS

In this policy,

**“Capital cost”** means a cost incurred or proposed to be incurred by the City or a local board thereof directly or by others on behalf of, and as authorized by, the City or local board,

- (a) to acquire land or an interest in land, including a leasehold interest,
- (b) to improve land,
- (c) to acquire, lease, construct or improve buildings and structures,
- (d) to acquire, lease, construct or improve facilities including,
  - (i) furniture and equipment, other than computer equipment, and

- 
- (ii) materials acquired for circulation, reference or information purposes by a library board, and
  - (iii) rolling stock with an estimated useful life of seven years or more, or
  - (e) to undertake studies in connection with any of the matters referred to in clauses (a) to (d) above, including the development charge background study, required for the provision of services designated in the Development Charge By-law within or outside the City, including interest on borrowing for those expenditures under clauses (a) to (d) above that are growth-related.

**“Development”** means the construction, erection, or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of increasing the size or usability thereof, and includes redevelopment.

**“Development charge”** means a charge imposed with respect to the Development Charge By-law.

**“Exemption”** means a provision in the Development Charge By-law whereby the amount of development charges otherwise applicable is not imposed with respect to specified development.

**“Hard services”** means water services, waste water services, storm water drainage and control services, and roads and related services.

**“Reserve fund”** means a fund with assets which are segregated and restricted to meet the purpose of the reserve fund. It is prescriptive as to the basis for collection and use of monies in the fund.

**“Soft services”** means all services other than water services, waste water services, storm water drainage and control services, and roads and related services.

## **4. SCOPE**

The Development Charge Exemption Policy applies to all departments and local boards (including Library and Police Services) of the Corporation of the City of Guelph.

## **5. PROCEDURE / ADMINISTRATION**

### **5.1 Tracking**

- (a) The City of Guelph will track by service the amount of development charges otherwise payable with respect to exemptions authorized by the Development Charge By-law in force, including, but not limited to, any of the following:



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### Mandatory exemptions

- The enlargement of an existing dwelling unit or the creation of up to two additional dwelling units in prescribed classes of existing residential buildings;
- Lands owned by and used for the purposes of the City, a local board of the City, a board of education, the County of Wellington, or a local board of the County of Wellington;
- The portion of an enlargement, whether attached or separate, of the gross floor area of an existing industrial building up to 50% of the gross floor area before the first enlargement for which an exemption was granted.

### Discretionary exemptions

- Development of certain land, buildings, or structures for the University of Guelph or university-related purposes;
  - A place of worship, cemetery, or burial ground;
  - Non-residential temporary uses permitted pursuant to section 39 of the Planning Act;
  - Non-residential farm buildings constructed for bona fide farm uses;
  - Development creating or adding an accessory use or accessory structure not exceeding 10 square metres of gross floor area;
  - A public hospital.
- (b) The City will track by service the amount of development charges otherwise payable with respect to phasing at a percentage less than 100% as authorized by the Development Charge By-law in force.
- (c) The City will track by service, the amount of development charges otherwise payable with respect to any other concessions authorized by the Development Charge By-law in force.

## **5.2 Reserve Funds**

Council may establish a reserve fund to be used for any authorized exclusive purpose. A discretionary reserve fund may be created where Council wishes to set aside from general operations a revenue amount for financing future expenditures to ensure that it will not be used for any other purpose and be available when needed.

Funds will be transferred into the Growth Capital Reserve Fund (156), Water Capital Reserve Fund (152), Wastewater Capital Reserve Fund (153) and Stormwater Capital Reserve Fund (165) as contributions from operating budgets to help finance approved growth-related capital costs where development charge contributions have been reduced as a result of exemptions, phasing-in, and other such concessions. Budgeted transfers into these DC exemptions reserve funds will be based on the tracked average of Development Charge exemptions, phasing, and other such concessions during the previous three years.

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## 5.3 Limitations

- 5.3.1 Transfers shall be made into or from the Growth Capital Reserve Fund (156), Water Capital Reserve Fund (152), Wastewater Capital Reserve Fund (153) and Stormwater Capital Reserve Fund (165) as approved by by-law, including but not limited to the annual budget by-law.
- 5.3.2 A reduction in the amount of development charges otherwise payable for redevelopment involving demolition or conversion will be tracked, but the amount will not be included in budgeted transfers into DC exemptions reserve funds except when the demolition / conversion is not followed by construction in a timely manner. When construction is delayed, the excess service capacity benefits all developers, the need for services is increased by the new construction, and the cost of the DC reduction would have to be added into the cost of the annual recoveries from operating budgets.
- 5.3.3 Annually the amount of exemptions granted will be calculated and an amount equaling this will be transferred from either the Growth Capital Reserve Fund (156), Water Capital Reserve Fund (152), Wastewater Capital Reserve Fund (153) and Stormwater Capital Reserve Fund (165) to the affected DC Reserve Fund to ensure that the reserve fund is made whole as if the exemption had not been made.

# Staff Report

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To	City Council
Service Area	Office of the Chief Administrative Officer
Date	Monday, November 28, 2016
Subject	<b>City of Guelph's Submission to the Ministry of the Environment and Climate Change Regarding Ontario's Water-Taking Regulations</b>
Report Number	CAO-I-1610

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## Recommendation

1. That Council direct staff to provide the Ministry of the Environment and Climate Change (MOECC) with the attached itemized package, (identified as attachment 1 to Staff Report CAO-I-1610) to consider in its review of water-taking policies.
2. That Council support the Province's moratorium on the issuance of new or increasing permits for water bottling until January 1, 2019. Thereby prohibiting any new or increased use of groundwater taking in Ontario for bottling, to allow the MOECC to undertake a comprehensive review of the rules that govern water bottling facilities in Ontario. The City of Guelph recommends that elements of the review include, but not be limited to, costs charged to large water users and the composition/disposal of plastic bottles.
3. That Council recommend the province develop a provincially funded, comprehensive water management program. The program and associated regulatory changes should ensure:
  - an evidence (science) and principle-based approach to water-taking in the province
  - a precautionary approach to the future sustainability of water quality and quantity
  - community or public water needs are a recognized priority
  - a balance between economic opportunities and environmental sustainability
  - adequate funding to municipalities to support the implementation and management of the framework
4. That Council direct staff to provide MOECC with the attached correspondence (identified as attachment 2 to Staff Report CAO-I-1610) as the City's formal response to the EBR Registry Number: 012-8783,

entitled "A regulation establishing a moratorium on the issuance of new or increasing permits to take water for water bottling."

5. That Council direct staff to continue to promote the overall quality of Guelph's drinking water and the consumption of municipally-treated tap water in the city. This includes the City's continued master planning for long-term sustainability of Guelph's water supply to accommodate growth targets and community needs (i.e. the Water Supply Master Plan), as well as tap water promotion through programs such as the City's Blue W and Water Wagon at community events.
6. That Council direct staff to continue to promote reduction of waste, recycling and reuse within the Guelph.
7. That given the recommendations noted above and contained within Staff Report CAO-I-1610, the motion made by Councillor Gordon and amended by Councillor Gibson at the September 26, 2016 Council meeting, which read "That Council, with administrative assistance from Intergovernmental Relations, Policy and Open Government staff, submit comments through the Ontario Environmental Registry Process expressing Guelph's concern about the future sustainability of water-taking from the watershed shared by the City of Guelph" be withdrawn.

## **Executive Summary**

### **Purpose of Report**

On Monday, November 7, 2016 a special Committee of the Whole meeting was held to receive City staff reports and public input regarding water and water-taking permits within Guelph and the surrounding area outside of the City's boundaries.

Two staff reports were presented: the first recommended a process to provide the Ministry of the Environment and Climate Change (MOECC) with feedback to its water-taking review process; and the second provided a technical briefing related to Nestlé Waters Canada's anticipated future permit to take water for its Aberfoyle plant.

Council endorsed the recommendation submitted by staff "that Staff be directed to consider public comments, made through delegations at the November 7, 2016 Committee of the Whole meeting, and report back to Council on November 28, 2016 with a recommended resolution for approval and submission to the MOECC regarding the Province's water-taking review process." The proposed tactics included:

- Working with MOECC to facilitate an in-person, open, public consultation session in Guelph
- Considering comments made by the public, through delegations, on November 7, 2016
- Submitting the applicable resolution and written comments to the Ministry of the Environment and Climate Change for review/consideration

- Providing MOECC with a videotaped recording of the delegations and Council meeting held on November 7, 2016.

A total of 30 delegations presented to Council, which provided a wide range of community input on this topic.

The purpose of this report is to submit recommendations for Council's consideration regarding the Province's review of water-taking policies. Given that Nestlé's application for a renewed Permit to Take Water has not been publicly posted to the Environmental Registry, this report will not speak to a proposed response to Nestlé's permit application regarding its Aberfoyle plant.

## **Key Findings**

On November 7, 2016, Council held a special Committee of the Whole meeting to receive staff reports and community input regarding water and water-taking permits within Guelph and the surrounding area outside of the city's boundaries. A total of 30 delegations led by citizens and businesses presented to Council. Varying and sometimes conflicting positions regarding the water-bottling industry were presented. A key and common principle expressed by most delegates and echoed by staff and Council, was the need for an evidence or science- based approach to water planning and use in the province.

MOECC has taken important steps to recognize this principle through its proposed two-year moratorium on new or expanded water takings from groundwater by water bottling companies, as well as potential stricter rules for existing permits. While the proposed moratorium is in place, in the context of overall water management in Ontario, the MOECC will also consider new science, public reporting and operating rules. Comments on the Environmental Registry are welcome until December 1, 2016.

From a technical perspective, City staff recommends that the following needs be addressed through the proposed regulation:

- A broad application to other non-municipal water takers and priority for municipal water takings in order to meet provincial growth targets.
- Better management of bottling permit approvals and performance; ensuring permits do not compete with current or future municipal water takings.
- Ensuring that water bottling permits adapt to climate change and drought and encourage efficient water use.
- Encouraging the reduction of packaging waste, wherever possible and requiring product producers to assume the full cost of product waste diversion.

- Cost recovery support for the Province and municipalities related to administration and enforcement of the regulation in order to improve the scientific understanding of the resource and protecting the resource.

## **Financial Implications**

Staff anticipate that any changes to provincial permits to take water legislation may also impact on the City's own permits. While the proposed recommendations call on the province to provide adequate funding to support the implementation and management of the framework, staff would incorporate additional costs related to these changes into future budgets presented to Council for approval.

## **Report**

### **Background**

On September 26, 2016 Council passed a motion stipulating "that Council, with administrative assistance from Intergovernmental Relations, Policy and Open Government staff, submit comments through the Ontario Environmental Registry Process expressing Guelph's concern about the future sustainability of water-taking from the watershed shared by the City of Guelph. And further "That this motion be referred to the November 7, 2016 Committee of the Whole Meeting."

Intergovernmental staff submitted the report #CAO-I-1609 entitled "Process to Support the City's Submission to the Ministry of the Environment and Climate Change Regarding Ontario's Water-Taking Regulations." to the November 7, 2016 Committee of the Whole meeting.

The report recommended that in addition to inviting the MOECC to facilitate an in-person, open, public consultation session in a convenient location in Guelph, the City provide the MOECC with the following to satisfy Council direction:

- Applicable staff reports and associated presentations presented to Council on November 7, 2016 and November 28, 2016
- Copy of delegation presentations delivered during the Committee of the Whole meeting on November 7, 2016
- Video recording of Committee of the Whole Meeting

At that meeting, Council passed the motion "that Staff be directed to consider public comments, made through delegations at the November 7, 2016 Committee of the Whole meeting, and report back to Council on November 28, 2016 with a recommended resolution for approval and submission to the Ministry of the

Environment and Climate Change regarding the Provinces' water-taking review process".

### **Staff Input**

Water Services staff with input from Solid Waste Services, Planning, Engineering Services, and Source Water Protection Planning have reviewed the Environmental Registry posting and provided written comments to address the following major concerns. These comments, incorporated as correspondence in Attachment 2 are provided to the Province for their consideration in drafting the proposed regulation:

- The need for the regulation to apply broadly to other non-municipal water takers and prioritize existing and future municipal water takings that support growth targets identified by the Province.
- The need for the regulation to better manage where, based on groundwater availability, and how (class environmental assessment approach with consideration of source protection planning) water bottling permits are approved and to prevent these permits from competing with current or future municipal water takings.
- The need for water bottling permits to require self-monitoring and be adaptable to climate change, encourage efficient water use and compliance with Ontario's low water response strategy for drought.
- The need to encourage the reduction of packaging waste, wherever possible and requiring product producers to assume the full cost of product waste diversion.
- The need to support cost recovery for the Province and municipalities related to administration and enforcement of the regulation, improving the scientific understanding of the resource, and protecting the resource.

### **Community Input**

The Committee of the Whole meeting on November 7, 2016 provided citizens and businesses the opportunity to voice opinions and facts regarding local water taking. Divergent positions were expressed that ranged from support for the employment and economic benefits of the water-bottling industry to concerns regarding the need to properly monitor and manage all water-taking—including the taking of water for profit. Consistent themes identified the need for the following: a comprehensive water policy and management system that is both evidence (science) and principle-based; a precautionary approach to ensuring the future sustainability of water quality and quantity; effective and meaningful provincial consultations with indigenous groups and priority for community or public water needs. Further, a provincially funded, water management program was recommended to ensure risks are identified and managed to ensure sustainability for the future.

## **Recommendations**

Given that the substantial elements of the motion made by Councillor Gordon and amended by Councillor Gibson at the September 26, 2016 Council meeting have been addressed in this current report, it is recommended that this motion be withdrawn (See Recommendation #8). Additional recommendations as proposed provide actions for the City to continue its leadership/stewardship on the matter of responsible and sustainable water resource management, while respecting Provincial growth targets and community needs. Furthermore, it offers Guelph's voice and varying perspectives to assist the MOECC in their review of current water-taking regulations. It is clear that the City of Guelph, a Blue Dot community, supports sustainable, clean and safe drinking water now and in the future.

## **Financial Implications**

City staff anticipate that any changes to provincial permits to take water legislation may also impact on the City's own permits.

While the proposed recommendations call on the province to provide adequate funding to support the implementation and management of the framework, staff would incorporate additional costs related to these changes into future budgets presented to Council for approval.

## **Corporate Strategic Plan**

2.3 Ensure accountability, transparency and engagement.

3.3 Strengthen citizen and stakeholder engagement and communications.

## **Communications**

The City will continue to promote responsible and sustainable water-taking practices, municipally-treated tap water, water conservation and source water protection.

The City will also build on the MOECC's efforts to inform the Guelph community of opportunities to participate in local water-taking review matters.

## **Attachments**

ATT-1 City of Guelph Package for MOECC

ATT-2 City of Guelph Response to EBR Registry Number: 012-8783, entitled "A regulation establishing a moratorium on the issuance of new or increasing permits to take water for water bottling."



**Approved By**  
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**R**\_\_\_\_\_,  
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**Supplementary Information provided to the Ministry of the Environment  
and Climate Change (MoECC)**

The following items are included in the Ministry of the Environment and Climate Change (MoECC) submission package, but are not enclosed in the Council agenda package:

- Guelph Water-Related Questions and Answers  
(<http://guelph.ca/living/environment/water/nestle/>)
- Recording on Compact Disk of the November 7, 2016 Special Committee of the Whole Meeting.
- Delegation presentations and speaking notes authorized for release to MoECC from the November 7, 2016 Special Committee of the Whole Meeting (see consolidated agenda at: [http://guelph.ca/wp-content/uploads/special\\_cow\\_consolidated\\_agenda\\_100716.pdf](http://guelph.ca/wp-content/uploads/special_cow_consolidated_agenda_100716.pdf))
- Art Work provided during children's delegation on November 7, 2016 Special Committee of the Whole



# MEMO

**TO:** Honourable Glen R. Murray,  
Minister, Ministry of the Environment and Climate Change  
Ferguson Block 11th Floor,  
77 Wellesley Street West,  
Toronto, Ontario  
M7A 2T5

**DEPARTMENT:** Infrastructure, Development and Enterprise Services – Environmental Services Department,  
Water Services Division

**DATE:** November 16, 2016

**SUBJECT:** City of Guelph Staff Comments on “A regulation establishing a moratorium on the issuance of new or increasing permits to take water for water bottling”

The Ontario Ministry of the Environment and Climate Change (MOECC) has posted a Regulation Proposal Notice on the Environmental Registry entitled “A regulation establishing a moratorium on the issuance of new or increasing permits to take water for water bottling” - EBR Registry Number 012-8783 (the Regulation). The Regulation would establish a moratorium on the issuance of new or increasing permits for water bottling by prohibiting a person from using groundwater for the purpose of manufacturing bottled water or manufacturing water as a product that is sold in other types of portable containers.

In addition, and also of particular interest to the City of Guelph, the MOECC is proposing to undertake work related to groundwater use and overall water management in Ontario with respect to water taking permits. The Ministry will review the existing rules governing water takings in Ontario to determine if they are adequate to protect and conserve water for future generations.

The MOECC is accepting comments on the Regulation until December 1, 2016. City of Guelph staff—including Water Services, Solid Waste Services, Planning, Engineering Services, and Source Water Protection Planning—provides the following comments on the Regulation for consideration by the MOECC.

## **Staff Comments on Proposed Bottled Water Regulation**

Make the Permit to Take Water (PTTW) Process Fair and Equitable - The proposed amendments suggest that the process to obtain a PTTW may be more onerous for bottled water/ manufacturing companies. This position appears to be based, in part, on the high consumptive use of bottled water. However, other water takers may also return little of the water they take to the source watershed. Furthermore, some water takings, such as quarry dewatering, remove water from a water supply aquifer that remains in the watershed, however it is no longer available as groundwater supply. For non-municipal water taking, if the MOECC’s intent is to manage consumptive use and to preserve water for more beneficial uses, the MOECC should ensure that the PTTW process is fair and equitable for all water takings and end use types.

# MEMO

In addition, City staff has concerns that this change in the process may affect the municipal sector and increase the burden for municipalities seeking a new PTW for a new municipal water supply. There is already a rigorous process to be followed for municipalities to obtain new municipal water supply under the existing regime.

The Regulation Should Apply to All Water Sellers - The regulation appears to be targeted specifically at water bottlers. Staff believes there is no distinction between water bottlers and the sellers of bulk water and that the regulation should apply to all sales of water, whether in small packaged containers or large water tankers. Furthermore, the regulation should apply to all takers of water for these purposes—including takers using less than 50,000 litres of water per day.

Restrict Where These Water Takings Are Approved - Water bottlers should only be allowed to obtain or maintain permits in locations with abundant, available groundwater that do not compete with municipalities for the same groundwater supply. Bottlers should not establish new permits or increased permits in areas already identified in source protection studies as quantity stressed. If the quantity risk ranking of a watershed changes to high risk, then the Province should have the ability to modify existing bottling permits to ensure water supply capacity is reserved for higher priority uses.

Furthermore, to initiate a new well, bottlers should be required to develop/model the wellhead protection area (WHPA) for the proposed taking to ensure the WHPA does not overlap with nearby current or future municipal water takings and the long-term water quantity of the aquifer. This information should also be included in any existing water quantity models for the watershed to ensure the long-term water quantity. In the case of overlap with existing or future municipal takings, the permit should be denied by the Province.

Requirement for Adaptive Management of Bottling Permits - Water bottling permits should have monitoring requirements linked to annual reporting. Based on the results of the annual reporting, the MOECC should have the ability, with reasonable notice, to modify the permits to reduce negative environmental impacts or impacts on other permit holders.

Assessing a Price for Water Extraction - Water bottlers and bulk water sellers should be assessed a volumetric price by the province that, at a minimum, covers the following costs currently paid by the province and municipalities:

- MOECC costs to administer and enforce this regulation and related permits to take water;
- Provincial and municipal costs for scientific studies and computer modelling to better understand the resource and the potential impacts of climate change; and the
- Provincial and municipal costs of protecting the resource, including localized source water protection implementation costs currently paid by municipalities.

Encouraging Efficient Water Use – Water bottlers should follow industry best practices to minimize the amount of water used in production to produce a finished product. This requirement would ensure that a minimal amount of water is wasted and that Ontario's finite groundwater supply is used efficiently.

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Minimizing Waste and Full Producer Responsibility - Water bottlers should be mandated to use more environmentally sustainable alternatives to single-use, recyclable plastic bottles and take steps to minimize the potential for waste wherever possible. In alignment with the Hierarchy of Waste, after waste minimization measures have been exhausted, water bottlers should be responsible for fully funding the costs to dispose of their products' packaging. The costs should be inclusive of collection and disposal of materials that end up in the garbage stream including the cost of dealing with litter created by these same materials.

Producer responsibility should include all designated materials that enter the market place regardless of where they are placed for disposal (e.g. municipal collection, public consumption away from home and industrial, commercial and institutional collection). This also avoids any contradictory enticements for producers to not meet their diversion targets.

## **Staff Comments on Actions Planned During the Moratorium**

Set Priorities for Water Use – At present, Ontario's permit to take water process is based on fair sharing, conservation and preservation of our water resources. However, as Ontario continues to grow under provincial growth targets, there will be competition for the finite water resources available for municipal water supply. The MOECC should consider establishing priorities for water use and placing municipal water supply as a high priority use, particularly in areas where there may be documented risks to available groundwater quantities. This priority setting may be achieved through the application and enforcements of Section 33 of the Ontario Water Resources Act wherein the MOECC Director can define an area for protection of public water supply. In addition, the MOECC should work collaboratively with and enable municipalities to maintain existing and develop new water supplies in order to meet growth targets under Places to Grow.

Level the Playing Field – Water takings for municipal water are assessed differently than other permitted water takings. New municipal water takings are generally assessed through a Class Environmental Assessment where alternatives are evaluated and the preferred alternative(s) are determined based on minimizing potential environmental impacts, public consultation, and the requirements of a permit to take water process. Non-municipal water takings are generally not assessed in the same comprehensive manner with only limited assessments and public comment. Non-municipal water takings should be subject to the same scrutiny and open public consultation process as municipal water takings, in addition to the enforcement of more detailed and comprehensive operational practices as proposed for the bottled water industry by the MOECC.

Recognize the Results of the Tier 3 Water Budget and Water Quantity Risk Assessments – Recently completed Tier 3 Water Budget programs have identified areas of risk for Significant Drinking Water Threats (SDWT) for water quantity. The designated wellhead protection areas for water quantity should be identified in any new rules for permitting water takings and ensure that water takings comply with Source Protection Plans under the Clean Water Act to protect drinking water sources. New PTTW in the SDWT areas should be restricted and/or screened

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against the existing water takings in the area to ensure that new takings do not exacerbate the risks to municipal water sources. The screening of new water takings in the SDWT areas should consider application of the municipalities' Tier 3 water budget integrated groundwater-surface water models to aid in the approval decision making process. To maintain the Tier 3 groundwater flow models, as part of the re-evaluation of the rules for water taking and the examination of pricing tools, the MOECC should consider establishing a financially sustainable source of funding for municipalities to maintain and continuously improve the computer models.

Support the Clean Water Act and Source Protection Policies – The MOECC, in its review of the rules for water taking should consider providing more control to municipalities on water taking through the development of water quantity policies. For areas where Tier 3 studies have been completed, there is an opportunity to include new policies in the local source protection plan to manage water quantity threats and protect municipal drinking water sources. In some areas of the province, municipalities are competing for water supply capacity with bottled water and other industries. A comprehensive review and analysis of how such competing sectors can proportion and share groundwater resources needs to be completed as part of this review to ensure future municipal water supply capacity.

Improve the Knowledge Base of Groundwater Resources – In the discussion on advancing knowledge of water resource, the MOECC should consider distributing existing and new information generated as part of the existing PTTW program. In the current program, the MOECC requires the reporting of daily water takings across the province and most permits may also include monitoring of potential impacts of the water taking and requirements for annual reports. When combined with the MOECC water well record database, this geological and hydrogeological information represents an extensive database of information on the groundwater resources but it is not collected in a way that it can be used to improve the knowledge or management of Ontario water resources. The MOECC should consider investing in data management and public data sharing so the existing and future data can be easily applied to improve the conservation and protection of water resources in Ontario.

Use New Rules to Protect Municipal Water Supplies – The Regulation Proposal Notice states that the Ministry needs to ensure that the rules governing water takings are adequate to protect and conserve groundwater for future generations. If new rules are proposed, municipalities should be consulted in any discussions that may impact municipal permits; and the MOECC should provide fair consideration of all the facts it receives as comments regarding the maintenance and protection of municipal permits. New rules should be developed that offer municipalities the opportunity to provide sustainable supplies for the benefit of the local communities and should not add more constraints on municipal permits.

Achieving Provincial Growth Targets By Prioritizing Municipal Water Supplies – The City of Guelph is a groundwater based community that relies on groundwater for its municipal water supply. Therefore, as noted in the City's comments on the 2016 Provincial Co-ordinated Land Use Planning Review (specifically the proposed new Growth Plan for the Greater Horseshoe (Council Report 16-70), the availability of sustainable groundwater supplies must be a factor when allocating growth to the City, particularly for the 2031-2041 planning horizon.

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The City must consider available and future municipal water supply when approving potential new non-municipal facilities, which requires water from the municipal water system for their operations. New rules for water taking should consider the economic value of the water taking, recognize constraints on available water taking and weigh the value against potential reductions in future municipal water supply capacity. Greater weight needs to be given to future municipal water supply requirements over non-municipal water-takings, in order to ensure groundwater-based municipalities like Guelph, can achieve provincially mandated population and employment growth targets.

Study Climate Change and Impacts on Future Water Takings - The City of Guelph is required, as part of the Drinking Water Quality Management System Risk Assessment Process, to review potential climate change impacts to the drinking water system. This includes reviewing the risk to municipal drinking water supply from drought. In its review of water taking, the MOECC should consider conducting or funding research on the Ontario climate change effects on groundwater resources to establish climate change models that can be used to study potential changes to the management of groundwater resources.

The City is an active member of the Ontario Low Water Response Program Team coordinated by the Grand River Conservation Authority. In response to low water conditions, the City has implemented an Outside Water Use Program that allows the City to reduce their water taking during a drought, as per the Ontario Low Water Response Program guidelines. The Ontario Low Water Response Program currently requests voluntary reductions of all water takings (Permit to Take Water holders) based on watershed and sub-watershed conditions. It is suggested that this program be reviewed by the MOECC, as part of the proposed regulation, to include mandatory water use restrictions for all non-municipal permit to take water holders when declarations of low water are made. These mandatory restrictions for permit holders should include a fine/fee structure that is appropriate based on the compliance requirements.

Adequately Resource Support and Enforcement of New Rules on the Issuance of Permits – It may be expected that new rules for permits to take water may increase the level of effort for the issuance of permits and the MOECC should consider increasing its staff resources to support the increase in demand for new and renewed permits. In addition, new rules will place a higher burden on enforcement of permit terms and conditions and therefore, more resources may also be required to ensure compliance with the new rules.

Ensure Timely and Consistent Response to Drought – Staff agree that water bottlers, through their water taking permits, should comply with directives of the Ontario's Low Water Response program that requires water takers to reduce their taking during times of drought.

Consistency of Approach to Managing Permits - The Province should consider that many of the concerns and recommendations presented here would apply equally to other major permitted water users including but not limited to water takings for agriculture, golf courses, mining and aggregate, and other wet process industries.



# MEMO

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Yours truly,

**Peter Busatto, General Manager of Environmental Services**

**Wayne Galliher, Water Services Plant Manager**

**Dave Belanger, Water Supply Program Manager**

**Peter Rider, Risk Management Official**

**Emily Stahl, Manager of Technical Services**

**John-Paul Palmer, Compliance Coordinator**



**From:** Janet DALGLEISH

**Sent:** October 25, 2016 9:58 PM

**To:** Phil Allt; Andy VanHellemond; Cathy Downer; Christine Billings; James Gordon; Leanne Piper; Mike Salisbury; Bob Bell; Karl Wettstein; June Hofland; Mayors Office; Dan Gibson; Mark MacKinnon

**Subject:** TO CITY COUNCIL RE DUBLIN STREET DEVELOPMENT PROPOSAL

I am neither an area resident nor a worshipper at the Church of Our Lady, but I did have occasion recently to walk up the hill past the Museum from Norfolk to Dublin and as a senior with leg problems, I found it very hard going. It made me realise that it is totally unrealistic to propose building affordable seniors' accommodation in this location, because for any residents with mobility issues and without a car or mobility scooter, it will be a prison sentence!

It has also been my understanding that for many years, new developments have had height restrictions imposed to preserve our very unique skyline with the Church of Our Lady dominating it. It is one of the attractions of the city that we have such an important landmark and it will be ruined if an inappropriate building is erected beside it.

Please consider this comment and many others, before you take your decision to approve this proposal

Sincerely

Janet Dalgleish

**From:** Christine Main

**Sent:** November 2, 2016 11:19 PM

**To:** Stacey Laughlin

**Cc:** Christine Billings; Dan Gibson; James Gordon; Karl Wettstein; [andyvanhellemond@guelph.ca](mailto:andyvanhellemond@guelph.ca); Bob Bell; [cath.downer@guelph.ca](mailto:cath.downer@guelph.ca); Leanne Piper; June Hofland; Phil Allt; Mayors Office; Mike Salisbury; Mark MacKinnon; Clerks

**Subject:** Proposed housing development by Central Public School

Dear Stacey,

I just wanted to share with you my personal story about my 9 year daughter's reaction to hearing about an apartment building being built beside her school and possibly infringing upon their Peace Garden (a small strip of land between the school and property line, I believe):

She said, "Mom, do you know what I think will happen? I don't think they'll be anymore peace at Central! The peace garden is a place where kids go to privately discuss problems they might be having. We won't have anywhere to go then. It would be so uncomfortable to have people looking down on us from their apartments!"

Central PS is already disadvantaged in green space. Just imagine the mental effect on the kids if we could use that property for greening rather than more concrete! Please reconsider this development for the benefit of our children.

With gratitude,

Dr. Christine Main

**From:** Kathryn Folkl

**Sent:** November 4, 2016 4:25 PM

**To:** Dan Gibson; Bob Bell; 'andyvanhellemond@guelph.ca'; James Gordon; June Hofland; Phil Allt; Mike Salisbury; Christine Billings; Leanne Piper; Cathy Downer; Karl Wettstein; Mark MacKinnon; Mayors Office; Andy VanHellemond

**Cc:** Clerks; Stacey Laughlin

**Subject:** Reject the requested amendments for project proposed at 75 Dublin St. N

**Importance:** High

Dear Councilors & Mayor Guthrie –

I wrote to you three weeks ago asking you to reject the requested amendments for the project proposed at 75 Dublin St. N. Since that time, you held a public meeting (Oct. 17<sup>th</sup>) and the developer and his team have submitted revised plans to address the concerns posed by the delegates at that meeting. **I am writing to you today to again ask you to reject the requested amendments to the official plan and draft downtown zoning by-laws for the project proposed at 75 Dublin St. North.**

Below is a list of 21 concerns posed by delegates on Oct. 17<sup>th</sup>, revisions proposed by the developer's team to address them and a colour-coded assessment of whether revisions posed actually address concerns. I was surprised to find that despite Rykur Holdings' cover letter stating that "*revisions have been made to the ... proposal to address the comments*", **very few of the concerns have actually been addressed by the revisions.**

In fact, eleven of the concerns were not addressed whatsoever.

Please take the time to read through this assessment and let it inform your decision on November 28<sup>th</sup>.

Concerns from delegations on Oct. 17 <sup>th</sup> public meeting	Developers response	Concern resolved?
<b>Building is too large, setbacks don't match, massing concerns;</b> Location on property doesn't match existing setbacks (Central school, neighbouring houses); <b>1.</b> Rear yard setback amendment reducing 10m requirement increases mass of building; 'Don't build an elephant on a postage stamp'.	Units reduced from 37 to 35; no changes to set backs from front; no change to rear yard setback amendment request.	<b>No.</b> <b>Building is still too large;</b> concerns regarding matching existing front setbacks continue (3m vs. matching 9m setback of school); Rear yard setback still requires amending by-law, rear-yard setback amendment would increase overlook of school playground & massing concerns; Don't build an elephant on a postage stamp issue continues.
<b>Building height is too tall and location shades Central playgrounds in winter months when sunlight is necessary for children's well-being.</b> <b>2.</b>	5 storeys + 6 <sup>th</sup> (mechanicals) continue; increased step backs on 4 <sup>th</sup> & 5 <sup>th</sup>	<b>No.</b> <b>Building proposed is still 5 storeys + mechanicals (contravenes official plan which</b>

	storey and relocation of mechanicals	says 2-4 storeys), continues to shade Central playgrounds in winter resulting in children's health and well-being concerns.
<p><b>Building does not fit character of neighbourhood;</b> adjacent properties are residential, with single family and semi-detached 19<sup>th</sup> Century dwellings predominating. Six of these are listed on the City's Heritage Register. Official plan 11.2.7 'Ensure new development respects the character of downtown's historic fabric and the quality of life in surrounding neighbourhood.</p> <p>3.</p>	No changes proposed to address this concern.	<p>No.</p> <p><b>Building proposed is still 5 storeys + mechanicals, continues to contravene official plan of 2-4 stories and does not fit character of neighbourhood, does not 'respect the quality of life in surrounding neighbourhood'.</b></p>
<p>4. <b>Developer is requesting height bonusing despite being told publicly, at the September 12th Council meeting, that bonusing does not apply to 4-storey buildings in the D2 zone.</b></p>	Developer continues to ask for extra (5 <sup>th</sup> floor) under the bonusing policy.	<p>Somewhat.</p> <p><b>We are confident that the City knows its own policy and will stick to it. Bonusing continues to not apply to 2-4 storey buildings in the D2 zone.</b></p>
<p>5. <b>Building shades Central solar panels</b></p>	Builder will compensate Central for a limited time period	<p>Somewhat.</p> <p><b>Central will still lose out on solar energy after compensation period ends.</b></p>
<p>6. <b>Parking site per unit required</b> plus visitor parking is absolute necessity in parking-plagued downtown,</p>	Met with mechanical device (Klaus lift) in underground parking	Yes.
<p>7. <b>Visitor parking is required</b> for tenants and prevent increasing neighbourhood parking problems</p>	2 spaces provided	Yes.
<p>8. <b>Bicycle parking should meet bylaw for the promotion of bicycle-friendly nature of Guelph.</b></p>	Required spaces met	Yes.
<p>9. <b>Neighbours don't know how tall the building will be and whether this fit in with neighbourhood and act as the 'transition zone'</b></p>	Maximum geodetic elevation provided (365 m) by developer.	<p>No.</p> <p><b>Building is too tall for existing neighbourhood . Ground level of site is 345 m,</b></p>

that it was meant to be in the D2 Zone.

**Children/parents concerned about  
10. tenants/residents watching them while they  
play (fishbowl effect)**

Terraces and balconies have translucent privacy screen; northeast corner units do not have living room windows

**Children exposed to increase risk at drop off  
11. due to increased traffic; safety of children  
crossing road around/during construction.**

Relocate Kiss and Ride spaces from in front of 75 Dublin to mostly in front of Central; relocate cross walk.

**Tenants' safety at the four-way intersection of  
Cork and Dublin is a concern, especially for  
tenants with mobility constraints.**

**12. The intersection is at the peak of each street.  
Visibility is hampered from each direction.  
Depending on time of day and year, the sun can  
blind any approaching driver.**

No changes proposed to address this concern.

**13. Noise and vibrations during construction will  
impact children's ability to learn**

Ryker holdings would seek exemption to bylaw to continue construction beyond 7pm in summer

**14. Concerns regarding siting/context of**

No changes to proposal by

developer ceiling of 365 m means building could be as tall as 20 m *and at the top of the hill, further exaggerating height discrepancy*. Five storeys here is the same as 8-10 stories in other areas of proposed D2 zoning because of topography.

**No.**

**Fishbowl effect not resolved: All 5 storeys of windows continue on north side of building looking down onto playground** (since playground below is below grade, this effect is also exaggerated).

**Somewhat.**

**Limited impact on safety or traffic concern;** Developer plan will remove some of the very limited green space at Central where children & parents gather before/after school (to move Kiss & Ride there).

**No.**

**Tenant safety at corner of Cork and Dublin continues to be a concern as drivers accelerate up the hill in every direction.** For tenants with mobility issues, this is particularly problematic.

**No.**

**Construction noise will continue to impact school children** for ~12-14 months of exterior construction; Construction noise will now also impact residents in early morning or evening during if exemption passed.

**No. Building does not enhance cultural**

<p><b>proposed development on Catholic Hill:</b> Official Plan 3.5.2 ‘promotes the design of proposals in a manner which preserves and enhances the context in which cultural heritage resources are situated.’ <b>Building adjacent to National Heritage Site does not preserve or enhance resource.</b></p>	<p>developer.</p>	<p>heritage resource (Basilica of our Lady).</p>
<p><b>Venice Charter articles #6: The conservation of a monument implies preserving a setting which is not out of scale.</b> Wherever the</p> <p>15. traditional setting exists, it must be kept. No new construction, demolition or modification which would alter the relations of mass and colour must be allowed.</p>	<p>No changes to proposal by developer; Cultural Resource Impact Assessment submitted to city.</p>	<p>No. <b>Conservation of Basilica continues to be a concern;</b> On p. 16 of Cultural Assessment the consultant, Owen Scott, addresses material and colours, but not the "relations of mass".</p>
<p><b>Heritage Adjacency concern</b> Official Plan Amendment No. 48</p> <p>16. 4.8.4.1 Mitigation or avoidance measures may be required to conserve the heritage attributes of the protected heritage property affected by the adjacent development or site alteration.</p>	<p>Developer acknowledges that site is adjacent to heritage site, would consider a land exchange with city owned property.</p>	<p><b>Yes!</b> Residents applaud developer to consider alternate location;</p> <p>... or No. Heritage conservation concerns remain if the proposed size of building goes forward in proposed site (adjacent to Catholic Hill Campus).</p>
<p>17. <b>10-20 Garbage bins in front of Central school on Dublin St. preventing access from kiss &amp; ride to sidewalk; potentially blocking fire hydrant.</b></p>	<p>Relocated garbage site to flat portion of Cork St.</p>	<p>Somewhat. Garbage blocking Dublin St. no longer a concern; New concern – bins rolling down Cork St. Is there a flat portion? Is this large enough to accommodate 10-20 large bins?</p>
<p>18. <b>Residents question whether federal incentive is restricted to \$3 million in total or \$150,000 per unit?</b></p>	<p>Developer confirmed \$150,000 per unit</p>	<p><b>Yes! Residents thrilled that this large a building is not required for developer to access grant.</b> There is no requirement to have 35 units (only 20 units necessary to get all \$3 million) or developer could still proceed with smaller luxury market condo building + rentals</p>

19. **Our federal tax dollars *plus* almost half a million in city funding going to developer ?**

Developer confirms low income units will be rented for 80% of market value; states will break-even.

and still receive infrastructure funds /provide low income housing; a true win: win.

**Not really.** As much as \$800/unit/month in incentive to developer from a combination of infrastructure funding and city subsidy does not result in developer 'breaking even'. Low-income rental revenue will decrease ~\$200/month/unit.

Further public funding requested (a property tax and fee subsidy) is not required from the city and is a continuing concern.

20. **Term of Low Income Senior housing is not known and potentially of limited benefit to community.**

Program will last 20 years, with a 5 year phase out.

**Not really.** Concern regarding length of program continues: not a perpetual benefit, trade-off for having this building here in perpetuity.

21. **Site selection for seniors with mobility issues not ideal.** Site is at the top of both Dublin St. hill and Cork St. hill, a challenging location for tenants with mobility issues at the best of times and particularly problematic in slippery winter conditions. Further, promotion of site as having pedestrian-friendly access to groceries and public transit is a stretch to say the least.

No changes to proposal by developer; developer would consider land exchange with city owned property.

**Yes!** Residents applaud developer to consider alternate location;

... or no. Concerns remain regarding mobility/senior access and true 'pedestrian-friendliness' or barrier-free nature of current site.

What I learned from listening to all the delegates was how important this site is to so many people in the community, for a variety of reasons. The developer is requesting special zoning for it, and I agree – special zoning is required for this site. But where we differ is that the special zoning I see being necessary is that which complies to official plans. Restrict to 2-4 storeys, reduce overlook, reduce shading, enforce or increase required setbacks and protect this important site from incompatible development.

Sincerely,  
Kathryn Folkl  
Guelph, ON,

Dear Councillors;

As a resident of 20 Cambridge st. the below summarizes most, but not all of my concerns... over 200 children at the school will be terribly affected and put in danger should this project proceed.... Traffic during and after construction will be unbearable, you cannot have the cross walk on the other side of the Cambridge street as this would force children to cross the road half way up the hill - in the winter???? There will be much too much traffic after construction... with no parking as it is on the streets nearby. Lastly, this land should be bought by the city in a land swap so that much needed park land could be established on this spot, the children will be safe, and the heritage view of the Church of our Lady will be maintained.

This development is nothing more than a transfer of public funds into private hands - for what reason is up to conjecture... Please see below and preserve safety and integrity of this downtown neighbourhood.

Regards

Nick Black

## **Community Concerns**

### **1) “Elephant on a postage stamp”**

The proposed development would result in “over-intensification” on this site. It is out of proportion with the one-storey building heights to the north (Central School) and the east (dental office) and the 2-storey homes in the immediate heritage neighbourhood. The developer is asking for height and set-back exemptions which would violate new zoning rules not yet voted on by City Council. Moreover, the location of the site at the summit of Catholic Hill exaggerates the height and impact of the proposed building. The most serious impact will be on the playgrounds of Central School. School playgrounds need a mix of sun and shade. The proposed building will throw a majority of the playground areas into deep shadow during the winter months when children most need the emotional and health benefits of sunshine. Ambient temperature will drop and ice will not melt, creating slip hazards. Further, years of investment of money and volunteer time to green the schoolyard will be jeopardized.

We have recently learned that the developer wants to extend the lay-by parking in front of 75 Dublin St. N. and re-locate the school crosswalk to the other side of Cambridge St. There are a number of safety concerns with this proposal. The fact that the sidewalk on the north side of Cambridge Street ends one-third of the way down the hill to Glasgow Street indicates a lack of understanding on the part of the developer regarding the needs of the children at Central School.

### **2) “Affordable housing”: Public benefit or private gain?**

Rykur Holdings has been awarded a \$3 million Federal infrastructure grant by Wellington County for the “affordable housing” aspect of this development, contingent on City approvals. Let’s be clear: This is not rent-geared-to-income “social housing” for the poorest seniors in our community. Rent for one-bedroom units will begin at \$708 per month, 20% below Wellington County market rents of \$885 per month.

Closer examination of the terms of the grant contract raise serious concerns about who benefits from this investment of public tax dollars. During the first year of operation, only \$42,480 or 1.4% of the original \$3 million grant will benefit tenants in the form of reduced rent. Initial estimates indicate that only 1/3 of the grant may benefit senior



renters during the 20-year span of the contract. Roughly \$2 million of the original grant may remain in private hands in the form of a lucrative real estate asset.

In addition, the developer is asking the City for \$23,000 per unit from our municipal Affordable Housing Reserve – a total of \$460,000!

Our tax dollars are not being invested in public infrastructure which would benefit the community in perpetuity. The biggest beneficiary of these grants and subsidies appears to be the developer.

### **3) Heritage: Guelph's most iconic viewscape**

Catholic Hill is Guelph's most iconic viewscape and the heart of our City's history. This kind of "ecclesiastical campus", made up of the Basilica, the Rectory, the Convent and St. Agnes School, is defined as a "Cultural Heritage Landscape" in Provincial planning documents. At the heart of this ecclesiastical campus sits Church of Our Lady, a National Historic Site and a minor basilica, as designated by the Pope in 2014.

More than \$25 million has been invested in renovations to the church and the convent over the past decade. This funding came from the Diocese of Hamilton, the Federal and Provincial governments, the City of Guelph and community donations.

The Venice Charter, an international framework for the preservation of historic sites and monuments, underlines the importance of preserving a setting:

*Article 6. The conservation of a monument implies preserving a setting which is not out of scale. Wherever the traditional setting exists, it must be kept. No new construction, demolition or modification which would alter the relations of mass and colour must be allowed.*

The height and mass of the proposed development is out of scale with the Catholic Hill Cultural Heritage Landscape and will permanently alter our most iconic viewscape.

### **4) A bad precedent**

The latest revision of Guelph's Downtown Secondary Plan lays out guidelines for the transition of downtown intensification into bordering historic neighbourhoods. The anticipated zoning, not yet passed, envisions a range of heights from 2-4 storeys and rear-yard setbacks of 10 meters. If the very first project to come forward ahead of this new zoning secures significant exemptions, what kind of precedent does this set for ALL subsequent development in these border areas? Other developers will expect the same concessions, surpassing the height and setback limits originally envisioned in our Official Plan and creating a negative impact on our historic downtown neighbourhoods.

## **Proposed Solutions**

Historic records show that for a brief time there was a small wood-frame structure on the site of 75 Dublin St. N. However, for most of its history, the site has been either gardens or a recreational space.

Central School has little greenspace available for students. An ideal solution for 75 Dublin would be the creation of a public park on the summit of Catholic Hill. This could be accomplished via a land swap, parkland acquisition by the City, or a parkland allocation credit for the developer.

If development proceeds, an example of appropriate and compatible development could be a row of two-storey townhomes facing Cork St. with a 10-meter rear-yard setback to

the school. This would be in keeping with the scale of the neighbourhood, would preserve the viewscape, and would reduce or eliminate shading impacts on the school. The intent of the Downtown Secondary Plan Zoning Amendment is *“to ensure that buildings have a positive impact on the public realm and are compatible with surrounding buildings.”*

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I am very much against this project. Tom Lammers is the one to profit from this. We need affordable housing, but we also need now nursing home beds. We have so many people in retirement homes and hospital waiting for a nursing home bed.

I have attended many of these meetings on affordable housing and no one really listens.

If Mr. Lammers want to do something for the city why not a complex similar to St Luke's Place Cambridge. It has been around for about 40 years and has all aspects from retirement apartments (affordable) nursing home and long term care all on the same site with lots of outdoor parking. They are now in the process of purchasing more property to upgrade.

They have social activities and it is keeping the clients happy. I have mentioned this at other meetings and haven't really received a good answer.

I hope with the money the city is putting into this project the government would be advised to build a whole complex. We have enough expensive retirement homes that no one can afford. I visit these places and the people worry they are running out of money and where are they going.

I live in a condo now and I would never move into Dublin St. if it was free.

Sincerely

Joan Hicks

**PROPOSED FIVE STOREY APARTMENT BUILDING  
ON DUBLIN STREET  
BESIDE CENTRAL PUBLIC SCHOOL**

We are three students from the graduating class of Central Public School (CPS). We love our school, and we want to keep it safe and not interfered with, even when we are gone to Grade 7. Education is too important to be interfered with.

We are three patrols from Central and we went to the public meeting on October 17. We are extremely concerned about the possible building of the apartment for the following reasons:

1. Cars are parked on the road, spoiling the vision for patrols and students and this is very unsafe. There's a kiss and ride zone outside the front of our school which is for parents to drop off their children. Already, this zone, because it is unmonitored, is used by people who are going to work. This is another safety hazard. The new speed limit is continually broken and unsafe driving happens – another safety hazard. The apartment, with so many residents added, will add to the chaos.
2. The construction of an apartment will again hurt students' learning because of distraction and lack of safety. We have been through enough of this with all the work the city has had to do. An apartment is not something that is needed. Added to the lack of safety for students is the fact that this will continue for people who are living in the apartment and for the students. Much more room and fewer hills are needed for this kind of apartment.
3. We are very concerned about the by-laws being changed because this will add more to points 1 and 2, above.

We hope that the city will pay attention to us. We probably know more than anyone what the concerns are because we are patrols, in charge of safety for the students and families of Central PS. **Keep our educational home safe!**

Respectfully submitted,

Claudia Durbin, patrol captain, CPS

Elizabeth Ferreira, patrol, CPS

L. J., patrol, CPS

From: dennis noon

Cc: Stephen Robinson (Heritage Guelph) <stephen.robinson@guelph.ca>

Sent: Monday, November 7, 2016 3:05 PM

Subject: 75 Dublin Street

To Whom It May Concern:

As pastor of the Basilica Of Our Lady and on behalf of our parishioners I wish to state that we are not in support of the proposal at 75 Dublin street for all the reasons that have been stated by our community partners. I was able to attend one of their meetings and support all the concerns they have expressed. There will be a serious issue of parking which will result in people using our lots during times when we will need the appropriate spots. As you are well aware it is a challenge for our Sunday parishioners to find adequate parking and many park downtown and walk to church. Since our restoration of the church we have had a great increase in groups and individuals coming for tours of the church. We are also concerned about the sight-lines that may be affected by this proposed building and have concerns for the safety of the students at Central Public School. I sincerely hope that you will seriously consider the concerns of the community partners and take a good look at the effect this proposed building will have on our neighbourhood.

Sincerely Yours,

Rev Dennis Noon

Rector, Basilica Of Our lady Immaculate

November 7, 2016

Sirs

There is absolutely no reason or excuse to build a 5 story, alone 4 story condo, ignoring rules about proximity to the street and the bad effect on the nearby school with its necessity of safety rules to protect young children's well-being and lives.

The number of parking lots per capita all crammed into the lot is not viable...nor forgivable either.

Please do not allow the fifth story for sure and the 4th if possible.

Yours truly,

Lois Etherington Betteridge

Dear Councillors and Mayor Guthrie,

I'm writing to inform you of the health implications of increasing shade on the playgrounds at Central Public School. According to shadow studies posted on the City of Guelph's website, the proposed development at 75 Dublin St. North will throw Central's playgrounds into shade during school hours. This occurs for the JK/SK playground year-round, but is most pronounced on all playgrounds during the cold, dark winter months.

This extra shading may have ill effects on the health and well-being of Central students. More sunlight has been associated with better mood (see reference 1, below), decreased risk of ADHD (2), and increased cognitive performance (3). You may be aware that science in this area is new, and current studies, including those I've cited, are small. But until we know better, let's be cautious, and avoid casting any more shade on Central kids.

Please apply restrictive zoning to 75 Dublin St. to prevent any additional shading of Central's playgrounds during the winter months.

Thank you,

Alex Folkl

1. Aan het Rot M., Moskowitz D.S., and Young S.N. Exposure to bright light is associated with positive social interaction and good mood over short time periods: A naturalistic study in mildly seasonal people. *Journal of Psychiatric Research*, 2008. 42(4): 311-319.
  2. Arns N., van der Heijden K.B., Arnold L.E., and Kenemans J.L. Geographic variation in the prevalence of attention-deficit/hyperactivity disorder: the sunny perspective. *Biological Psychiatry*, 2013. 74(8): 585-590.
  3. Kent S.T., McClure L.A., Crosson W.L., Arnett D.K., Wadley V.G., Sathiakumar N. Effect of sunlight exposure on cognitive function among depressed and non-depressed participants: a REGARDS cross-sectional study. *Environmental health : a global access science source*, 2009. 8:34
-

Hello June and Phil,

I live on Cambridge St, a block and a half away from the proposed condominium development for 75 Dublin St.

Although I understand and support the need for urban intensification, I have concerns about the proposed project as follows:

1. Acceleration of the approval process: Processes exist for a reason. The time frames are there to permit fulsome exploration of potential issues and time to ascertain if they can be addressed adequately or not. It will always be possible to argue in favour of circumventing process for specific situations. In my view this is not in the best interests of the community and sets a precedent that would be difficult not to follow in future cases. The process should not have been accelerated.

2. The location and proposed building height: I love that I can see the Basilica of Our Lady from almost every point in Guelph. The aesthetic and history that this view evokes contributes to my feeling of wellbeing in Guelph. This feeling is compounded by being fortunate enough to live in the neighbourhood in the lee of Catholic Hill.

In addition to being a resident who will be directly affected, I am a business-owner and employer in Guelph. I understand the realities and needs of business and developers but it is critical that we also take into account the building blocks of a vibrant, healthy downtown community.

I am dismayed at the thought of a 5 storey condo block right on the top of the hill. It will be a blight on our beautiful skyline, it will contribute to wind tunneling (already an issue at the corner of Quebec and Norfolk St) will make the area cold and dark, and it is simply not the right fit for the location.

As a resident of the neighbourhood, I can attest that the steep hills will mean for lack of accessibility for elderly residents or those with mobility impairments. I am not persuaded by the stated reasons for bending the rules to add height and reduce setbacks for this project. If it can't be built within the existing parameters then another site should be found.

3. Parking and traffic: Cambridge Street is already an unofficial parking lot for downtown employees and high school students. Cars speeding through the residential streets looking for parking is a safety concern for residents, children and pets. The lack of parking spots planned for the building is shortsighted and should not be overlooked. Increasing the number of residents, visitors and support persons to that site should only be done with a sound parking and traffic calming plan.

4. Alternatives: creation of a park on this site would add much needed green space in the downtown core and would nicely supplement the civic museum (and neighbouring primary school) as a destination for residents and visitors to Guelph. For many years, that site was used for recreation (as tennis courts) it would be a shame to lose that forever over the short term appeal of an infrastructure grant.

I hope you will consider these comments when making decisions about the application.

Sincerely,  
Cherolyn Knapp



Dear Mayor Guthrie and City Councilors,

Do not confuse the need for affordable housing with Guelph's landmark central hill. The Basilica, Museum and surrounding historic buildings have become the visual centerpiece of Guelph, viewed from a distance and a destination for visitors. Any modern building on the hill will be an eyesore.

We remember Councils from the past who have left us with bad decisions based on their lack of vision (our Carnegie Library and Post Office come to mind immediately). An apartment block at 75 Dublin Street North will be seen as a lack of vision in the future.

I urge you to approve affordable housing on other sites and to keep any modern building on our Guelph hill at just one or two stories.

Future generations will remember you for your vision.

Sincerely,  
Leanne Johns  
November 12 2016

I am not in the habit of writing about issues that I find troubling in my city, but the proposed condominium at 75 Dublin has raised so many issues that I feel the need to add my voice to those who have already identified them.

Although there are a number of problems with the proposed development (over-intensification, lack of sunlight on school property, safety concerns for students, lack of parking, alteration of iconic viewscape of the Church of Our Lady Basilica, etc. etc.) what has caused me to write is the fast tracking of the proposal so the developer can access \$3 million in Federal funding and \$460,000 from the municipal Affordable Housing Reserve.

It is my understanding that in the first year of operation, only 1.4% of the original \$3 million grant will benefit tenants in the form of reduced rent and that only 1/3 of the grant may benefit senior renters during the 20 year contract. After the contract runs out the condos can be rented at market levels or sold by the developer, as an asset. The biggest beneficiary of tax dollars - both Federal and municipal, if council agrees to the request from the affordable Housing Reserve - is the developer.

As a taxpayer, helping a private business "get richer" is not where I want my tax dollars to go. Providing funding for affordable housing is an admirable and good use of tax dollars but when the funding is not actually benefiting the intended recipients and tax dollars are an 'investment' for only 20 years, then this is another example of a public system being used for private gain. Does council really believe that affordable housing is only needed for 20 years?

This proposal is the first to come forward prior to the passing of the new Guelph Downtown Secondary Plan. It is asking for a number of exemptions from that plan and sets a dangerous precedent which does not bode well for preserving the historic nature of the downtown neighbourhoods. These neighbourhoods have risen in popularity partly due to the heritage homes, heights and setback limits.

There is a general disillusionment with the status quo where there is income inequality and a sense that the system is set up to benefit those who need it the least. The 75 Dublin St proposal is another example of this. Please listen to the voices of constituents who have spoken up and prevent another instance of public dollar used for private gain.

Respectfully,

Bogna Dembek

November 16, 2016

Mr. Mayor, and Members of Guelph City Council:

I am writing to formally submit further comments on the proposed development of the site at 75 Dublin Street North, for consideration by Council at their meeting on November 28, 2016, and following up on the letter I submitted October 13. My wife and I are residents of the immediate neighbourhood, and we remain opposed to the proposed building and zoning amendment, despite the considerable number of changes that we can see have been made to the proposed building design.

Basically, Churchill Court, even if it includes affordable seniors' housing, will harm the neighbourhood. The building is over-scale for its proposed site, even at only 4 storeys high, and with the proposed setbacks on the upper floors. The site isn't great for seniors, especially those without cars, given that the nearest bus stop is a minimum of 170 m away, down a steep hill in any direction. From what I am able to understand about the federal and municipal grants being provided to the developer, taxpayer funds aren't going to significantly assist seniors with rent subsidies or ideal living conditions, either now or in the future. Finally, to allow such a significant exemption before the new Downtown Secondary Plan has even come into effect sets a terrible precedent, one that will make it much harder in future for Council to turn down such requests for other developments located in the transition zones of the city – and this one is in one of Guelph's most iconic settings.

For Council to make an informed and responsible decision about the proposed development, I believe the following needs to be available for review by council members, residents of the local neighbourhood, and the general public:

- A more accurate portrayal of the impact the proposed building will have on the local streetscape. Views currently available in the agenda package misrepresent the actual impact the Churchill Court building mass would have. Two more views, accompanied by matching images of the current streetscape, are needed: from the northeast corner of Cork Street (and including St Agnes School in the view); and from the northeast or northwest corner of Cambridge Street (and including Central School in the view);
- Additional shadow study views, or at least a statement acknowledging the actual shadow impact on Central School's playground, on a month-by-month basis and in concrete terms. The revised shadow study currently available creates the impression that for most of the time, the playground is not significantly shadowed by the proposed building. However, extrapolating backwards from December 21 to the beginning of November, and forward through January and February to March 21, it is clear that at least half of the available playground behind Central School will be in shadow all day long for the entirety of the winter months. This impact needs to be transparently acknowledged, and included in the agenda package;
- Much more detailed information regarding the proposed underground parking arrangement: what is the exact nature of the mechanical structure that stacks the cars as depicted? What constraints exist to prevent the developer from abandoning the approach at any point during construction, should it be deemed too expensive to implement (or unwieldy or impractical for other reasons)?
- What happens if seniors do not, in fact, find the accommodation to their liking (small quarters, inconvenient in terms of services, at the top of a steep hill from any direction)? What is in place

to prevent the developer from making some or all of the first two floors into ordinary rental market apartments?

A park, or a smaller scale row of two-storey townhouses, would be a far better use of the site, and more in keeping with the surrounding area, defined as it is by the Our Lady basilica and campus. We believe that finally, a different site for the project should be found, perhaps through either a land swap or parkland allocation credit for the developer, or parkland acquisition of the site by the city. In any case, to allow the variances proposed for the development as it stands right now, will be terrible for the immediate neighbourhood in one of Guelph's most beautiful and iconic streetscapes, not great for the potential senior residents, and will set a very bad precedent for all future proposals in the transition zones of the city. Intensification is in general a good thing, but in specific instances when implementing it, neighbourhoods like ours must be brought on-side; and this is not the way to do that.

Thank you for considering our written submission.

Bill Chesney and Jane Macleod

Mayor Guthrie, Council and Staff

I am writing this letter to address the proposed official plan & Zoning By-Law Amendments for 75 Dublin St. N. (City Files: OP1603 and ZC1612)

As a nearby neighbour living a block west and 2 blocks south of this location, I support this application and would like to see the current Tennis Courts? Theme Park? Vacant Lot redeveloped.

The revised plans and design of the building being proposed does a good job of balancing the needs/request of the neighbours and still attempting to maximize the density of the site. I like it! Will it change my neighbourhood and community? Yes, but change is needed.

As someone who has recently dealt with the challenges of aging parents and the desperate need for additional affordable rental units catering to seniors, I love the fact that the developer has worked hard to bring some of the federal funding available for this to our core. We need to those 20 units.

In closing, the benefit of the affordable seniors rental units in our core, the reuse of a vacant lot, the increased residents downtown supporting our downtown businesses far outweigh any negative impact I can see from increasing the height to 5 floors.

Respectfully,

Michael Bennett

The changes Mr. Lammers made to his proposal are insufficient for the site at 75 Dublin Street. I hope the City will do a land swap at a more appropriate site.

Lynn Punnett  
Neighbour of 75 Dublin Street

# Staff Report



To City Council

Service Area Infrastructure, Development & Enterprise Services

Date Monday, November 28, 2016

**Subject Decision Report  
City-initiated Official Plan Amendment (OP1603)  
Proposed revision to the Downtown Zoning By-law  
Amendment (ZC1612) as it pertains to  
75 Dublin Street North**

Report Number 16-85

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## Recommendation

1. That the City-initiated Official Plan Amendment for 75 Dublin Street North to permit a maximum building height of five (5) storeys; whereas a maximum of four (4) storeys is currently permitted be refused.
2. That the proposed Zoning By-law Amendment from the I.1 (Institutional) Zone to a modified D.2-9 (Downtown) Zone be approved as part of the Downtown Zoning By-law Amendment as it pertains to the land municipally known as 75 Dublin Street North in accordance with the zoning regulations and conditions outlined in ATT-2 of Infrastructure, Development and Enterprise Services Report 16-85, dated November 28, 2016.
3. That in accordance with Section 34(17) of the Planning Act, City Council has determined that no further public notice is required related to the minor modifications to the proposed revision to the Downtown Zoning By-law Amendment as it pertains to 75 Dublin Street North.

## Executive Summary

### Purpose of Report

This report provides a staff recommendation to refuse a City-initiated Official Plan Amendment to allow a maximum building height of 5 storeys for the property municipally known as 75 Dublin Street North. The report also provides a staff recommendation to approve a Zoning By-law Amendment from the I.1 (Institutional) Zone to a modified D.2-9 (Downtown) Zone. The proposed zoning

would permit a four-storey building with a front and exterior side yard setback of 3m, side yard setback of 4.5m, rear yard setback of 3m to the first two storeys, and required building stepbacks facing the street and the rear yard.

### **Key Findings**

Planning staff support the modified zoning regulations as set out in ATT-2 of this report. The complete planning analysis of both the Official Plan Amendment and the Zoning By-law Amendment are set out in ATT- 5.

### **Financial Implications**

The recommended zoning regulations result in a building with a maximum gross floor area of approximately 3500 m<sup>2</sup>. Based on this, it is assumed that between 20 and 29 dwelling units could be accommodated within the building and the following estimates have been calculated:

Estimated Development Charges: \$370,000 – \$460,000

Estimated Annual Taxes (city portion only): \$95,000 – \$110,000

(does not account for existing taxes)

These estimates may differ significantly from the final assessment and taxation based on the ultimate development of the subject property.

## **Report**

### **Background**

The Downtown Zoning By-law project has been in process since the project charter was approved by Council on June 22, 2015.

Following stakeholder consultation, the preparation and presentation of a draft Downtown Zoning By-law Discussion Paper to Council on April 20, 2016, and additional community engagement regarding a preliminary draft Downtown Zoning By-law Amendment, a Statutory Public Meeting for the draft Downtown Zoning By-law Amendment was held on September 12, 2016. At the meeting staff presented the draft Downtown Zoning By-law Amendment and received comments from the public and Council. No decisions were made regarding the proposed amendment at the Public Meeting. In addition to receiving the staff report, Council passed the following additional motions at the public meeting:

1. That staff be directed to bring forward the portion of the Downtown Zoning Bylaw related to 75 Dublin Street North to a November 2016 council meeting for a decision, in order to facilitate the required April 2017 building permit timing of the investment in affordable housing grant and that a public process be provided.



2. That staff be directed to initiate a site specific Official Plan Amendment for 75 Dublin Street North in order to facilitate the investment in Affordable Housing Grant.

Accordingly, staff initiated a site specific Official Plan Amendment (OPA) and further examined site specific D.2 (Downtown) zoning regulations for 75 Dublin Street North. A Statutory Public Meeting to consider the OPA and site specific zone regulations was held on October 17, 2016. This meeting was the first statutory public meeting for the Official Plan Amendment and the second statutory Public Meeting for the Downtown Zoning By-law Amendment. At this meeting, Council received Report 16-80 that provided background information related to the proposed amendments which were based upon submissions made by the property owner in September 2016 (the "September 2016 Proposal").

Following the October 17, 2016 Public Meeting, the owner of the subject lands made revisions to their proposal for the property (the "October 2016 Proposal"). These revisions included:

- Reducing the total number of dwelling units to 35
- Providing all required parking (vehicle, visitor, short and long-term bicycle parking) on-site
- Adding additional setbacks to the fourth and fifth storeys of the building on the easterly building façade (rear yard)

The chart below compares the September 2016 proposal and the October 2016 proposal with respect to compliance with the Draft Downtown Zoning By-law Amendment presented at the Statutory Public Meeting in September 2016.

Chart 1

Property Owner's Proposal September 2016 (37 dwelling units)	Property Owner's Proposal October 2016 (35 dwelling units)
-building height of 5 storeys; whereas the draft downtown zoning by-law proposed a maximum building height of 4 storeys for this property	No change
-24 parking spaces to be provided for the residential dwelling units; whereas the draft Downtown Zoning By-law proposed a requirement of 1 parking space per dwelling unit (37 parking spaces)	Revised: proposal revised to comply with parking requirements – 35 parking spaces proposed to be provided at a rate of 1 parking space per dwelling unit
-0 visitor parking spaces to be provided;	Revised: proposal revised to comply with

whereas the draft Downtown Zoning By-law proposed a requirement of 0.05 parking spaces per dwelling unit (2 visitor parking spaces)	visitor parking requirements – 0.05 parking spaces per dwelling unit to be provided (2 visitor parking spaces)
-19 bicycle parking spaces to be provided; whereas the draft Downtown Zoning By-law proposed a requirement of 0.68 bicycle parking spaces per dwelling unit (26 bicycle parking spaces)	Revised: proposal revised to comply with bicycle parking requirements – 0.68 bicycle parking spaces per dwelling unit to be provided (24 bicycle parking spaces for 35 dwelling units)
-rear yard setback of 3m; whereas the draft Downtown Zoning By-law proposed a requirement of 10m for a rear yard setback -no rear yard setbacks	No change: rear yard setback of 3m; whereas the draft Downtown Zoning By-law proposed a requirement of 10m for a rear yard setback Revised: proposal was revised to propose a 3m setback at the fourth storey and an additional 3m setback at the fifth storey

## Location

The subject property is located at the north-east corner of Cork Street West and Dublin Street North (see ATT-1 Location Map). The subject property is approximately 0.15 ha in size with frontage along both Dublin Street North and Cork Street West. The subject property was formerly used for recreational purposes (tennis courts).

Surrounding land uses include:

- To the north: Central Public School;
- To the south: Basilica of Our Lady, St. Agnes School, Guelph Civic Museum (formerly convent), the Rectory, the Annex and St. John Bosco school, together known as “Catholic Hill”;
- To the east: lands zoned OR (office residential) zone; and,
- To the west: across Dublin Street North are lands zoned R.1B for single-detached residential uses.

## Existing Official Plan Land Use Designations and Policies

The Official Plan land use designation that applies to the subject property is “Mixed Use 2” in the Downtown Secondary Plan (DSP). Mixed Use 2 areas are those areas that were historically mostly residential with a mixture of housing styles but have evolved to accommodate a range of uses, many in partially or fully converted houses. The predominant character of Mixed Use 2 areas is low-rise buildings that are residential in character. Uses permitted in Mixed Use 2 areas include small-scale retail and commercial uses; personal service uses; various residential uses; live/work uses; offices, including medically related uses; community services and facilities; cultural, educational and institutional uses; small-scale hotels; and, parks,

including urban squares. Schedule 'D' of the DSP sets out the minimum and maximum permitted building heights for the downtown area. For this site, the minimum height permitted is 2 storeys and the maximum height permitted is 4 storeys. The relevant policies for the "Mixed Use 2" land use designation are included in ATT-3.

### **Official Plan Amendment 48 Policies**

OPA 48 (under appeal), a comprehensive update to the City's Official Plan, does not provide detailed policies for Downtown as these are contained in the Secondary Plan. However, it does provide general direction with respect to complete communities, compatibility, cultural heritage resources and the evaluation of OPAs. Staff must have regard to the applicable Council adopted policies and designations of OPA 48.

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

The purpose of the proposed Official Plan Amendment is to permit a maximum building height of five (5) storeys whereas a maximum building height of four (4) storeys is currently permitted for the subject property.

### **Existing Zoning**

The subject lands are currently zoned "I.1" (Institutional) Zone according to Zoning By-law (1995)-14864, as amended, which permits the following uses: art gallery; day care centre; group home; library; museum; outdoor sportsfield facilities; religious establishment; and, school. Details of the existing zoning are included in ATT-4. The I.1 Zone permits a maximum building height of four (4) storeys. This site was zoned I.1 during the 1995 comprehensive zoning by-law update that resulted in the current Zoning By-law (1995)-14864.

### **Draft Downtown Zoning By-law**

#### **(considered at a Public Meeting on September 12, 2016)**

The draft of the Downtown Zoning By-law considered at a Public Meeting of Council on September 12, 2016 proposed to zone the subject property "D.2" (Downtown) Zone which proposes to permit the following uses: a variety of residential uses; retail establishment; agricultural produce market; artisan studio; commercial school; day care centre; restaurant; service establishment; medical clinic and/or office; office; art gallery; government office; library; museum; religious establishment; school; post-secondary school; bed and breakfast; tourist home; and, public parking facility.

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

The purpose of the proposed Zoning By-law Amendment is to change the zoning from the "I.1" (Institutional) zone to a specialized "D.2-9" (Downtown) Zone to bring the D.2 (Downtown) zone into effect for these lands.

**Property Owner's Proposed Development:**

As outlined in Chart 1 above, the most recent development concept presented by the owner of the subject lands is a five-storey, 35-unit residential building on this property which would require some specialized regulations from the D.2 zone proposed at the September 12, 2016 Public Meeting.

**Staff Recommended Zoning:**

Staff has reviewed the proposal put forward by the property owner and is recommending modified zoning regulations for the proposed D.2-9 (Downtown) Zone.

The proposed zoning regulations accommodate a building with a maximum gross floor area of approximately 3500m<sup>2</sup>, which is smaller than the property owner's development concept for a building with a gross floor area of approximately 4250m<sup>2</sup>. Also to be noted, the recommended zoning regulations do not "down zone" the property or reduce the permitted gross floor area when compared to the existing I.1 (Institutional) Zone, which would accommodate a maximum gross floor area of approximately 2600m<sup>2</sup>, or the D.2 (Downtown) Zone that was proposed in September 2016 for this property. A chart comparing the property owner's development concept, the staff recommended zoning regulations, the I.1 (Institutional) Zone regulations and the draft D.2 (Downtown) zoning regulations has been included as ATT-7.

The modified specialized D.2-9 (Downtown) zoning regulations being recommended are as follows:

- a. A minimum front yard and exterior side yard setback of 3m;
- b. A minimum side yard setback of 4.5m;
- c. A minimum rear yard setback of 3m for the first two storeys of any building where required setbacks are provided and where all required parking spaces are provided in an underground parking area;
- d. A minimum setback facing a street (Dublin St. N. and Cork St. W.) shall be 3m for the 4th storey, as measured from the building face of the 3rd storey;
- e. A minimum setback facing a rear yard (adjacent to 33 Cork St. W.) shall be 4m for the 3rd storey and 7m for the 4th storey, as measured from the building face of the 2nd storey;
- f. A minimum setback of 5m for any rooftop mechanical equipment, elevator or stairway penthouse on all sides;
- g. No overlook from any outdoor amenity space (including rooftop areas, terraces and balconies) to the north (i.e. Central Public School property) shall be permitted;
- h. Parking may be provided by way of an 'Automated Parking System';
- i. A maximum average building storey height of 3.2m; and,

- j. A maximum geodetic elevation of 361m caps the maximum building height including the mechanical penthouse.

These specialized regulations are revised from the proposed D.2 (Downtown) regulations in the draft Downtown Zoning By-law considered at a Public Meeting of Council on September 12, 2016.

### **Staff Review/Planning Analysis and Recommendation**

Staff has reviewed the development concept proposed by the owner of the subject property, the technical studies and supporting materials, as well as the input received from the community regarding the development of this property.

Based on the review, staff is recommending refusal of the City-initiated Official Plan Amendment to permit a building height of five storeys for 75 Dublin Street North.

With respect to the zoning by-law amendment for this property, staff is recommending modified specialized D.2-9 (Downtown) zoning regulations as outlined above.

The complete staff review and planning analysis of these applications is provided in ATT-5. The analysis addresses all relevant and planning considerations including the issues and questions raised by Council and members of the public at the Statutory Public Meeting held on October 17, 2016, as well as the concerns raised by the public through correspondence.

The City aims to build a compact, vibrant, and complete community for current and future generations. Complete Community means “a City that meet people’s needs for daily living throughout an entire lifetime by providing convenient access to an appropriate mix of jobs, local services, a full range of housing, and community infrastructure including affordable housing, schools, recreation and open space for their residents. Convenient access to public transportation and options for safe, non-motorized travel is also provided” as defined by the City’s Official Plan.

The subject site is at the edge of the City’s urban growth centre and adjacent to a lower density residential neighbourhood that is designated ‘General Residential’ in the City’s current Official Plan and ‘Low Density Residential’ in the Council-adopted Official Plan (i.e. OPA 48). Accordingly, the intent is that this site assists in providing a transition between the urban downtown core of the City and the surrounding low density neighbourhood, balancing the need to meet the density targets set by the Growth Plan for the Greater Golden Horseshoe while not adversely impacting stable residential neighbourhoods.

In addition, the subject site is immediately adjacent to Central Public School. Staff considers a school to be a sensitive land use that requires care and consideration when developing adjacent properties. Recognizing the importance of having schools

in all areas of the City to encourage the creation of complete communities, the DSP identifies that “The City shall encourage the two existing schools Downtown to remain open and maintained. In the event either of them closes or is relocated, the City may seek to acquire all or part of the property for new public uses (Section 11.1.5.3.6)”. Further, Section 11.1.7.5.4 of the DSP recognizes that existing Institutional or Office uses, such as Central Public School, are expected to remain for the life of the DSP (i.e. to 2031). Accordingly, staff is seeking to minimize and mitigate any adverse impacts on the school property from new development.

### **Staff is recommending refusal of the Official Plan Amendment**

The DSP was adopted by Council in 2012 and this document confirmed that a maximum building height of four storeys is appropriate for this site.

Given the following:

- The site’s location is at the edge of the urban growth centre, where a transition to the adjacent low density residential neighbourhood across Dublin Street North is appropriate;
- The site’s location at a topographical high point within the City and concerns identified with its relationship to the adjacent school yard;
- Concerns identified regarding compatibility, especially related to the adjacent school (e.g. shadow impacts); and,
- The property is designated Mixed Use where the predominant character of this area is of low-rise buildings,

Planning staff concludes that this site is not an appropriate location for increasing building height permissions and is recommending that the proposed Official Plan Amendment be refused.

The Planning Justification Report submitted by the property owner in support of their development concept relies on the concept of bonusing as justification for the additional height in this instance. The property owner did not apply for bonusing under Section 37 of the Planning Act and bonusing does not apply to this site under the bonusing policies of the DSP. The DSP provides for a maximum of two additional stories through bonusing only for the areas with maximum height limits of 8 storeys, 10 storeys or 12 storeys, not the subject site which has a maximum height limit of 4 storeys.

### **Staff is recommending approval of a modified Zoning By-law Amendment**

The recommended Zoning By-law Amendment (see ATT-2) is consistent with the Provincial Policy Statement and conforms with the Growth Plan for the Greater Golden Horseshoe.

The zoning regulations being recommended by City staff:

- do not require an OPA, meet the goals and objectives of the Official Plan and the DSP specifically;

- ensure that future development of the site will be sympathetic to the surrounding neighbourhood; and,
- is compatible with the built form of existing land uses.

As indicated above, ATT-7 is a comparison chart demonstrating the similarities and differences between the property owner's development concept, the staff recommended zoning regulations, the I.1 (Institutional) Zone regulations and the draft D.2 (Downtown) Zone regulations.

### **Building Height**

This property has been zoned I.1 (Institutional) since 1995 when the City's Comprehensive Zoning By-law (1995)-14864 came into effect, and therefore, has had permission for a maximum building height of four storeys since that time.

Staff is recommending a maximum building height of four storeys continue to be permitted. However, additional regulations are proposed which assist in shaping the building in order to ensure that any impacts on surrounding properties are minimized and mitigated.

Further, a maximum geodetic elevation has been included in the proposed zoning regulations to ensure that any rooftop mechanicals are limited to a maximum height in order to reduce their impact; ensure compatibility with the surrounding area; and, help create an appropriate relationship with the former St. Agnes School.

Finally, the Staff recommended zoning includes a regulation that will prevent overlook from outdoor amenity spaces on balconies, terraces or the roof of a building on this property on to the school yard. This regulation could be satisfied through the use of translucent panels and assists in minimizing and mitigating any impact a future building may have.

### **Front, Rear and Side Yard Setbacks**

Staff has reviewed the average front yard setbacks in the area (i.e. along Dublin Street) and is of the opinion that a 3m front yard setback is generally consistent and compatible with those in the area.

Increasing the side yard setback to 4.5m as proposed by city staff (from the 3 metres as shown in the property owner's proposal) provides the opportunity for additional plantings to allow for a more compatible transition between the building and Central Public School.

Staff is recommending a minimum rear yard setback of 3m. As proposed, this reduction would only be applicable if all required parking is being provided in an underground parking area. Further, with the minimum setback requirements outlined below, this reduction would only be applicable to the first two storeys of a building.

### **Additional building setbacks are being recommended**

The recommended zoning includes required stepbacks facing the public streets and larger stepback requirements facing the rear yard which better mitigate and minimize the shadow, massing, overlook and general compatibility issues that have been raised with the Central Public School in particular.

### **Shadow Impacts**

Staff have compared the shadow impacts of the existing zoning envelope (i.e. the “as-of-right” heights and setbacks of the Institutional Zoning), with the staff recommended zoning envelope. With the recommended height of four storeys, additional side yard setback and additional rear yard stepbacks requirements, the staff recommendation will generally result in minimal new net shadow impacts to Central Public School (as compared against the existing, as-of-right zoning). Therefore, the staff recommended zoning regulations will not result in unacceptable adverse shadow impacts.

### **Cultural Heritage Review**

From a heritage perspective, the proposed development would not have a negative impact on the heritage attributes of the Basilica of Our Lady Immaculate and the potential cultural heritage landscape of “Catholic Hill”.

The property owner’s concept was considered by Heritage Guelph on November 14, 2016. At this meeting Heritage Guelph passed a motion (see ATT-10) indicating that due to incomplete information regarding secondary view sheds, including night time and winter views, and incomplete studies of shadows cast upon the protected cultural heritage attribute by the current design proposal it cannot be determined if there is a negative impact on the heritage attributes of the Basilica of Our Lady Immaculate and the potential cultural heritage landscape of “Catholic Hill.”

The City’s Official Plan and Zoning By-law identify public view corridors to the Basilica that are to be protected by limiting the height of buildings to ensure the protected long view is not impacted. The subject property is not within any of the identified protected public view corridors.

The subject property is approximately 80 metres from the Basilica of our Lady and the geodetic elevation of the roof ridgeline of the Basilica is approximately 370 metres above sea level, which is taller than the recommended zoning regulation of 361 metres above sea level. Therefore, staff are of the opinion that further information is not required to determine that there is no negative impact on the heritage attributes of the Basilica of Our Lady Immaculate and the potential cultural heritage landscape of “Catholic Hill.”

The staff recommendation to Heritage Guelph for the property owner’s concept was that it would have no negative impact on the Basilica or the “Catholic Hill” cultural heritage landscape. The staff recommended zoning regulations further reduce the permitted building height and mass and therefore may address the Committee’s concerns.

In response to Heritage Guelph concerns, staff note that:



- Night time lighting and photometrics are reviewed through the Site Plan Approval Process to ensure that no light is cast beyond the property lines
- Shadow studies have been further developed and reviewed by staff and based on common technical standards there are no negative shadow impact on the Basilica as a protected property
- Winter views of the protected public view corridors would not alter staff's opinion

### **Parking**

The zoning being recommended by staff does not contemplate any reduction to the parking rates. Resident and visitor vehicle parking, as well as short and long term bicycle parking will be required as per the draft D.2 zone presented to Council at the September 2016 Public Meeting.

### **Details to be addressed through Site Plan**

Other issues regarding the development of this property that would more appropriately be addressed through a future application for site plan approval include: the location of building entrances, building materials, articulation and waste collection.

### **Process and Procedure for these Amendments**

As outlined above, in September 2016 Council directed staff to bring forward the portion of the Downtown Zoning By-law related to 75 Dublin Street North for a decision in November of 2016 and initiate a site specific Official Plan Amendment for 75 Dublin Street North in order to facilitate an Investment in Affordable Housing Grant. In accordance with Council's direction, staff determined a process that would meet the requirements of the Planning Act with respect to providing notice to the public and obtaining public feedback with respect to the amendments. We can confirm that notice for the Public Meeting on October 17, 2016 was mailed to all properties within 120m of the subject property in accordance with the most accurate information available at the time. Notice of the Decision Meeting was mailed to all those that signed in at the Public Meeting, delegated at the Public Meeting or submitted written comments with respect to the proposed amendments.

Staff can confirm that although the process was expedited, the requirements of the Planning Act with respect to providing notice and community engagement have been met.

### **Issues raised at the Public Meeting to be addressed**

#### **Affordable Housing**

Questions were raised at the Public Meeting regarding how the Investment in Affordable Housing (IAH) program works and how funding is potentially being provided to this project.

The property owner of 75 Dublin Street North, Tom Lammer of Rykur Holdings Inc. has provided clarification with respect to the funding related to the IAH Program. Up to \$150,000 of capital contribution per unit, with a maximum of \$3,000,000 in

total, was available under the IAH Program and corresponding Request for Proposals issued by the County of Wellington. The 75 Dublin Street North project was awarded funding to assist in the development of 20 targeted senior rental one bedroom units. Maximum rents that can be charged for these 20 units is 80% of the prevailing CMHC average rents for Wellington County. For 2015 that rent would be \$708.00 per month for a one-bedroom unit. To ensure that any affordable rental housing units are made available to low to moderate income households, gross tenant household income targets will be established by the County (at \$708 monthly rent, the expected target income would be \$34,000). Potential residents must provide proof of current annual income via pay stubs, previous year's tax returns, confirmation of pension or disability income etc.

In addition, the County of Wellington has provided clarification regarding the IAH program, outlining that the funding received through the program for the seniors rental housing component of the project is divided into two allotments of \$1.5 million in each of 2016-17 and 2017-18. The funding commitments for the IAH program need to be made in the form of Contribution Agreements no later than December of 2016 and December of 2017. The maximum funding for the Rental Housing Component of the IAH is the lesser of 75% of the total capital cost per unit or \$150,000 per unit.

Based on the information provided by both the property owner and the County of Wellington, staff can advise that the IAH program funding can be allotted in differing amounts subject to the criteria of the program being met.

### **Potential Land Swap/Greenspace/Park**

City staff has reviewed and filtered through all City-owned assets. While there are City-owned properties that are zoned residential and are comparable in size to 75 Dublin Street North, none of them would accommodate a building permit by April 2017 for a 5-storey apartment building. Therefore, at this time the City is not able to entertain a land swap that meets the property owner's criteria.

Planning staff has also been advised by the Upper Grand District School Board that they were contacted by the Roman Catholic Diocese of Hamilton (the previous owners of the property) advising that the Diocese was interested in selling the tennis court property at 75 Dublin Street North prior to its sale to the current owner. The School Board did not submit an offer to purchase the property at that time.

### **Financial Implications**

The recommended zoning regulations result in a building with a maximum gross floor area of approximately 3500 m<sup>2</sup>. Based on this, it is assumed that between 20

and 29 dwelling units could be accommodated within the building and the following estimates have been calculated:

Estimated Development Charges: \$370,000 – \$460,000

Estimated Annual Taxes (city portion only): \$95,000 – \$110,000 (does not account for existing taxes)

These estimates may differ significantly from the final assessment and taxation based on the ultimate development of the subject property.

## **Corporate Strategic Plan**

City Building

3.1 Ensure a well designed, safe, inclusive, appealing and sustainable City.

## **Departmental Consultation**

The comments received from City departments and circulated public agencies during the review of these amendments are summarized in ATT-9.

## **Communications**

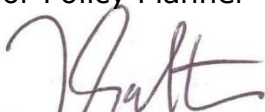
Key dates for the public process regarding the planning amendments are included in ATT-11.

## **Attachments**

ATT-1	Location Map
ATT-2	Staff Recommendation – Zoning By-law Amendment
ATT-3	Existing Official Plan Land Use Designations and Policies
ATT-4	Existing Zoning and Details
ATT-5	Planning Analysis
ATT-6	Visual Comparison of Concepts
ATT-7	Concept Comparison Chart
ATT-8	Community Energy Initiative Letter
ATT-9	Circulation Comments
ATT-10	Heritage Guelph Recommendation
ATT-11	Public Notification Summary

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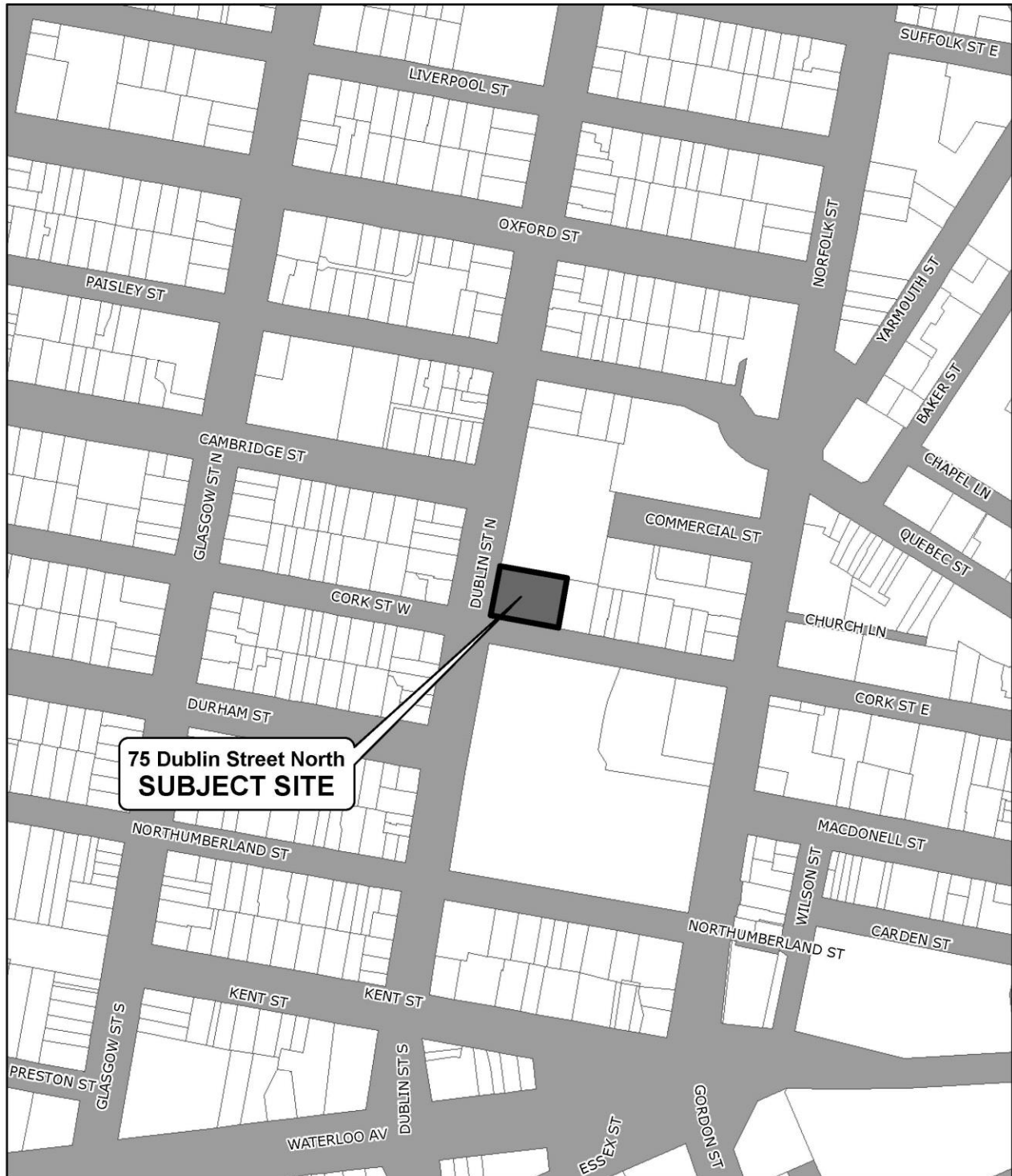
Melissa Aldunate  
Manager, Policy Planning and Urban Design

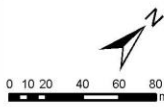


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# **ATT-1 Location Map**





0 10 20 40 60 80 m

**LOCATION MAP**  
**75 Dublin Street North**



Produced by the City of Guelph  
Planning, Building, Engineering and Environment, Development Planning  
September 2018

T:\Planning\URBAN DESIGN\Urban Design Technical\Mapping Requests\Dublin St N - 75

**ATT-2**  
**Staff Recommendation – Zoning By-law Amendment**

**ZONING BY-LAW AMENDMENT**  
**75 DUBLIN STREET NORTH**  
**ZC1612**

Changes and additions to the Draft Downtown Zoning By-law D.2 zone presented to Council at a public meeting on September 12, 2016 are displayed in a text box. Deletions are shown with a ~~striketrough~~.

6.3.3.3 **Specialized Downtown 2 (D.2) Zones**

6.3.3.3.1 **D.2-9**

75 Dublin St. N.

As shown on Defined Area Map 24 of Schedule "A" of this **By-law**.

6.3.3.3.1.1 **Permitted Uses**

**Residential Uses**

- **Accessory Apartment** in accordance with Section 4.15
- **Apartment Building**
- **Duplex Dwelling**
- **Group Home** in accordance with Section 4.25
- **Home for the Aged**
- **Nursing Home**
- **Home Occupation** in accordance with Section 4.19
- **Live-Work Units**
- **Lodging House Type 1** in accordance with Section 4.25
- **Mixed-Use Building**
- **Multiple Attached Dwelling**
- **Semi-Detached Dwelling**
- **Single Detached Dwelling**
- **Townhouse**

**Retail Uses**

- **Agricultural Produce Market**
- **Retail Establishment**, maximum **G.F.A.** 500 m<sup>2</sup>

**Service Uses**

- **Artisan Studio**
- **Commercial School**
- **Day Care Centre**
- **Restaurant**, maximum **G.F.A.** 500 m<sup>2</sup>
- **Service Establishment**, maximum **G.F.A.** 500 m<sup>2</sup>

**Office Uses**

- **Medical Clinic**
- **Medical Office**
- **Office**

**Community Uses**

- **Art Gallery**
- **Government Office**
- **Library**
- **Museum**
- **Religious Establishment**
- **School**
- **School, Post Secondary**

**Hospitality Uses**

- **Bed and Breakfast** in accordance with Section 4.27 except 4.27.3

- **Tourist Home**

Other

- **Accessory Uses**
- **Occasional Uses** in accordance with Section 4.21
- **Public parking Facility**

6.3.3.3.1.1.2

The following definitions shall apply to the D.2-9 **Zone**:

**"Automated Parking System"** means a mechanical system, wholly contained within an enclosed **Building** or **Structure**, which moves motor **Vehicles** to a **Parking Space** in a parking garage without the **Vehicles** being occupied or operated by a human being.

**"Bicycle Parking Space"** means a **Bicycle Parking Space, long-term** and/or a **Bicycle Parking Space, short term**.

**"Bicycle Parking Space, long-term"** means an area that is equipped with a bicycle rack or locker that is accessible, secure, weather-protected and for use by occupants or tenants of a **Building** and is not provided within a **Dwelling Unit**, suite, or on a **Balcony**.

**"Bicycle Parking Space, short-term"** means an area for the purpose of parking and securing bicycles with a bicycle rack that is accessible for visitors to a **Building** and is located outdoors or indoors but not within a commercial suite, secured room, enclosure or bicycle locker.

**"Government Office"** means a **Building** or portion thereof **Used** by the public (Federal, Provincial, County or Municipal) sector Government(s) to conduct public administration.

**"Live-Work Unit"** shall mean a unit within a **Building**, in which a portion of the unit at grade level may be **Used** as a business establishment and the remainder of the unit shall be a **Dwelling Unit** and whereby each "live" and "work" component within a portion of the unit has an independent entrance from the outside and an interior access between the "live" and "work" components.

**"Mixed-Use Building"** means a **Building** in a Downtown **Zone** containing residential **Uses** and at least one other non-residential **Use** permitted by this **By-law**.

**"Public Parking Facility"** means a **Place** other than a **Street**, **Used** for the parking of **Vehicles** that is owned or operated by the public (Federal, Provincial, County, or Municipal) sector Government(s).

**"Service Establishment"** means a **Place** providing services

related to the grooming of persons (such as a barber or salon), a **Place** providing the cleaning, maintenance or repair of personal articles and accessories (such as dry cleaning and laundering), small appliances or electronics, or a **Place** providing services related to the maintenance of a residence or business (such as private mail box, photocopying, courier or custodial services), but does not include a: **Parlour, Adult Entertainment; Small Motor Equipment Sales; Storage Facility; Tradesperson's Shop; Warehouse; and Wholesale.**

**"Stepback"** means a portion of a **Building** that is further set back from the **Building** face in accordance with the requirements of this **By-law**.

#### 6.3.3.3.1.2 Built Form Regulations

6.3.3.3.1.2.1 The minimum **Stepback** shall be 3 metres for the 4<sup>th</sup> **Storey** facing a **Street**, as measured from the **Building** face of the 3<sup>rd</sup> **Storey**.

6.3.3.3.1.2.2 The minimum **Stepback** shall be 4 metres for the 3<sup>rd</sup> **Storey** facing the **Rear Yard**, as measured from the **Building** face of the 2<sup>nd</sup> **Storey**.

The minimum **Stepback** shall be 7 metres for the 4<sup>th</sup> **Storey** facing the **Rear Yard**, as measured from the **Building** face of the 2<sup>nd</sup> **Storey**.

6.3.3.3.1.2.3 Terraces and balconies shall not be permitted on the north side of the **Building** facing the abutting school property. Terraces and balconies are permitted on all other sides of the **Building** provided that a translucent or opaque privacy screen is provided to screen views to the north toward 97 Dublin Street North.

#### 6.3.3.3.1.3 Required **Parking Spaces**

Notwithstanding Section 4.13.4, off-street Parking Spaces shall be provided in accordance with the following:

Table 6.3.3.3.1.3		
Row	Use	Minimum Number of Parking Spaces
1	<b>Apartment Building, Duplex, Multiple Attached, Single –Detached, Semi-Detached, Townhouse</b>	1 per residential <b>Dwelling Unit</b> (1)
2	<b>Live-Work Unit, Mixed-Use Building</b>	In addition to the non-residential parking requirement, 1 <b>Parking Space</b> per residential



		<b>Dwelling Unit</b> is required
3	<b>Home Occupation, Lodging House Type 1, Accessory Apartment, Group Home, Nursing Home</b>	In accordance with 4.13.4
4	Retail <b>Uses</b>	1 per 100 m <sup>2</sup> <b>G.F.A.</b>
5	Service <b>Uses</b>	1 per 100 m <sup>2</sup> <b>G.F.A.</b>
6	Office <b>Uses</b>	1 per 67 m <sup>2</sup> <b>G.F.A.</b>
7	Community <b>Uses</b>	1 per 67 m <sup>2</sup> <b>G.F.A.</b>
8	Hospitality <b>Uses</b>	0.75 per guest room (2)

Additional Regulations for Table 6.3.3.3.1.3:

- (1) **Apartment Buildings, Cluster Townhouses** or **Mixed-Use Buildings** in a D.2 **Zone**, with more than 10 **Dwelling Units**, require a minimum of 0.05 **Parking Spaces** per **Dwelling Unit** in addition to the requirements of Table 6.3.3.3.1.3, Rows 1 and 2, for the **Use** of visitors to the **Building** and such **Parking Spaces** shall be clearly identified as being reserved for the exclusive **Use** of residential visitors.
- (2) a) For a **Hotel**, an additional 1 **Parking Space** is required per 10 m<sup>2</sup> **G.F.A.** that is open to the public, excluding corridors, lobbies or foyers.  
  
b) For a **Tourist Home** or **Bed and Breakfast** establishment in a D.1 or D.2 **Zone**, 1 additional **Parking Space** shall be provided. Required **Parking Spaces** may be in a stacked arrangement.

- 6.3.3.3.1.3.1 If the calculation of the required **Parking Spaces** in accordance with Table 6.3.3.3.1.3 results in a fraction, the required **Parking Spaces** shall be the next higher whole number.
- 6.3.3.3.1.4 Parking Regulations
- 6.3.3.3.1.4.1 In addition to the parking provisions in Table 6.3.3.3.1.3 and sections 4.13.1, 4.13.3 and 4.13.5 the following parking regulations shall apply.
- 6.3.3.3.1.4.2 **Parking Areas** shall not be permitted in the **Front Yard** or **Exterior Side Yard**. Notwithstanding any **Yard** regulations, **Parking Areas** shall be permitted in the **Rear Yard** and **Side Yard**. No part of a **Parking Space** is located closer than 3 metres to a **Street Line**.
- 6.3.3.3.1.4.3 An underground **Parking Area** shall be permitted in any **Yard** and may be located within 3 metres of a **Lot Line**.
- 6.3.3.3.1.4.4 Where an unenclosed **Parking Area** is located within 1 metre of any **Lot Line** adjacent to a **Single Detached Dwelling, Semi-Detached Dwelling, Duplex Dwelling** or **On-Street**

**Townhouse** it is to be screened along those **Lot Lines** with a minimum 1.5 metre high solid **Fence**.

6.3.3.3.1.4.5 A **Parking Area** is prohibited in the first **Storey** of a **Building** for the first 4.5 metres of the depth measured in from the **Street Line**.

6.3.3.3.1.4.6 Section 4.13.3.2 is not applicable for those **Parking Spaces** provided within an **Automated Parking System**.

6.3.3.3.1.4.7 The following provisions shall apply to a **Single Detached Dwelling, Semi-Detached Dwelling, Duplex Dwelling** and **On-Street Townhouses** for residential **Uses**:

6.3.3.3.1.4.7.1 1 **Driveway (Residential)** access only shall be permitted per **Lot**.

6.3.3.3.1.4.7.2 All off-street parking in the **Front Yard** and **Exterior Side Yard** shall be confined to the **Driveway (Residential)** area and any legal off-street **Parking Area**. The **Front Yard** of any **Lot** except the **Driveway (Residential)** shall be landscaped.

6.3.3.3.1.4.7.3 A **Driveway (Residential)** shall have a minimum driveway width of 3.0 metres and a maximum width of 3.5 metres. The minimum driveway width may be reduced to 2.5 metres at the point of entry of a **Garage** entrance or a **Fence** opening.

6.3.3.3.1.4.7.4 Notwithstanding Section 6.3.3.1.4.7.3 a surfaced walk within 1.5 metres of the nearest foundation wall is permitted provided that it is not **Used** for **Vehicle** parking.

6.3.3.3.1.4.7.5 Every required **Parking Space** shall be located a minimum distance of 6 metres from the **Street Line** and to the rear of the front wall of the main **Building**.

6.3.3.3.1.4.7.6 Attached **Garages** shall not project beyond the main front wall of the **Building**.

6.3.3.3.1.4.7.7 For **Single Detached Dwellings** section 4.13.7.4 shall be applicable.

6.3.3.3.1.5 **Bicycle Parking Spaces**

Table 6.3.3.3.1.5			
Row	Use	Minimum Number of <b>Bicycle Parking Spaces, Long Term</b>	Minimum Number of <b>Bicycle Parking Spaces, Short Term</b>

1	<b>Apartment Building, Multiple Attached, Stacked Townhouse</b>	0.68 per <b>Dwelling Unit</b>	0.07 per <b>Dwelling Unit</b>
2	<b>Live-Work, Mixed-Use Building</b>	In addition to the non-residential parking requirement, 0.68 per <b>Dwelling Unit</b> is required	In addition to the non-residential parking requirement, 0.07 per <b>Dwelling Unit</b> is required
3	Retail <b>Uses</b>	0.085 per 100 m <sup>2</sup> <b>G.F.A.</b>	0.25 per 100 m <sup>2</sup> <b>G.F.A.</b>
4	Office <b>Uses</b>	0.17 per 100 m <sup>2</sup> <b>G.F.A.</b>	0.03 per 100 m <sup>2</sup> <b>G.F.A.</b>
5	All other non-residential <b>Uses</b>	4% of the required parking under Table 6.3.3.3.1.4	4% of the required parking under Table 6.3.3.3.1.4

- 6.3.3.3.1.5.1 If the calculation of the required **Bicycle Parking Spaces** in accordance with Table 6.3.3.3.1.5 results in a fraction, the required **Bicycle Parking Spaces** shall be the next higher whole number.
- 6.3.3.3.1.5.2 Regulations governing **Bicycle Parking Spaces, long term:**
- 6.3.3.3.1.5.2.1 Where a **Bicycle Parking Space, long term** is in a horizontal position it shall have a dimension of at least 0.6 metres in width by 1.8 metres in length and 1.2 metres in height.
- 6.3.3.3.1.5.2.2 Where a **Bicycle Parking Space, long term** is in a vertical position it shall have a dimension of at least 0.6 metres in width by 1.2 metres in length and 1.8 metres in height.
- 6.3.3.3.1.5.3 Regulations governing **Bicycle Parking Space, short term:**
- 6.3.3.3.1.5.3.1 The **Bicycle Parking Space, short term** shall have a horizontal dimension of at least 0.6 metres in width by 1.8 metres in length and 1.2 metres in height.
- 6.3.3.3.1.6 Location of Mechanical Servicing
- 6.3.3.3.1.6.1 Notwithstanding Section 4.2 of this **By-law**, transformer and telecommunications vaults and pads shall not be located above-ground in the **Front Yard** or **Exterior Side Yard**.
- 6.3.3.3.1.6.2 Air vents associated with a parking **Structure** are not permitted in a **Front Yard** or **Exterior Side Yard** unless it is at or within 0.2 metres above or entirely below **Finished Grade** or above the first **Storey**.

## 6.3.3.3.1.6.3

An elevator or stairway penthouse shall have a minimum **Stepback** of 5 metres on all sides as measured from the building face of the **Storey** below.

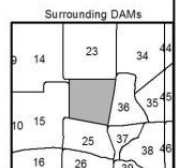
Table 6.3.3.3.1.7 Regulations Governing D.2-9 **Zone**

Row		
1	Minimum <b>Front Yard</b> or <b>Exterior Side Yard</b>	<p>3 m</p> <p>In accordance with Section 4.6</p> <p>In accordance with Section 4.24</p>
2	Minimum <b>Side Yard</b>	4.5 m
3	Minimum <b>Rear Yard</b>	<p>10 m</p> <p>The following exception applies:</p> <p>a) 3 m to the first two <b>Storeys</b> where <b>Stepbacks</b> are provided in accordance with Section 6.3.3.3.1.2.2 and where all required <b>Parking Spaces</b> are provided in an underground <b>Parking Area</b>.</p>
4	Minimum and Maximum <b>Building Height</b>	<p>The minimum <b>Building Height</b> is 2 <b>Storeys</b>.</p> <p>The maximum <b>Building Height</b> is 4 <b>Storeys</b>.</p> <p>Maximum average <b>Storey</b> height shall not exceed 3.2 metres.</p> <p>Notwithstanding Section 4.18.1, no <b>Building</b> or <b>Structure</b>, or part thereof, shall exceed an elevation of 361 metres above sea level.</p> <p>Section 4.16 is not applicable.</p>
5	Minimum <b>Lot</b> Area	370 m <sup>2</sup>
6	Minimum <b>Lot</b> Frontage	12 m
7	Access to <b>Parking Area</b>	<b>Vehicle</b> access to a <b>Parking Area</b> in a <b>Rear Yard</b> is by 1 <b>Driveway (non-residential)</b> only, such <b>Driveway (non-residential)</b> shall have a width of not less than 3 metres and an overhead clearance of not less than 4.5 metres.

8	<b>Buffer Strips</b>	3 m required where the D.2 <b>Zone</b> abuts a Residential, Institutional, Park or Wetland <b>Zone</b> .
9	Garbage, Refuse Storage and Composters	In accordance with Section 4.9.
10	Outdoor Storage	In accordance with Section 4.12.
11	Enclosed Operations	In accordance with Section 4.22.
12	<b>Fences</b>	In accordance with Section 4.20.
13	Accessory <b>Buildings</b> or <b>Structures</b>	In accordance with Section 4.5.
14	Minimum <b>Floor Space Index (F.S.I.)</b>	0.6



LANDS ADJACENT TO PROVINCIAL SIGNIFICANT WETLANDS (See Section 13.3)  
LANDS WITH ONE OF THE FOLLOWING: LOCALLY SIGNIFICANT WETLANDS, SIGNIFICANT WOODLOTS, NATURAL CORRIDOR, OR LINKAGE (See Section 13.4)  
LANDS WITHIN THE SPECIAL POLICY AREA (See Section 12.4)  
LANDS WITHIN THE FLOOD FRINGE (See Section 12.3)

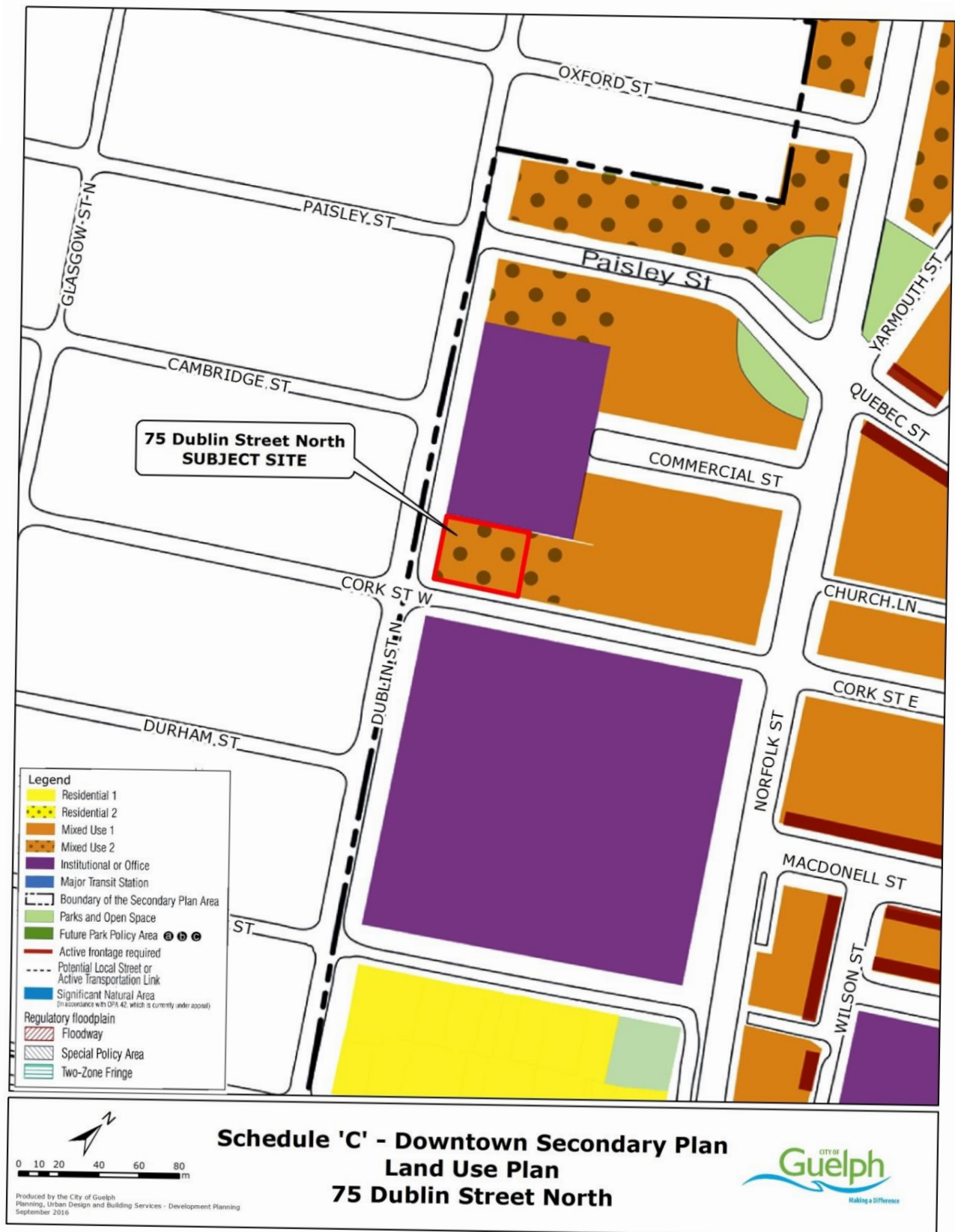


**CITY OF GUELPH BY-LAW (1995) - 14864**  
**As last amended by By-law (2016) - \_\_\_\_\_**  
**SCHEDULE 'A'**



Produced by the City of Guelph  
Planning Services

### ATT-3 Existing Official Plan Land Use Designation and Policies





## **ATT-3 (continued)**

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

#### **11.1.7.4 Mixed Use 2 Areas**

##### **11.1.7.4.1**

Mixed Use 2 areas, as identified on Schedule C, are those areas of downtown that were historically mostly residential with a mixture of housing styles but have evolved to accommodate a range of uses, many in partially or fully converted houses. Therefore the predominant character of this area is of low-rise buildings that are residential in character, with landscaped front yards, and small-scale, visually unobtrusive commercial signage. In addition, many of the existing buildings and properties in these areas are of Cultural Heritage Value or interest and contribute to Downtown's unique identity. As land uses evolve, the predominant character of Mixed Use 2 areas should be maintained.

##### **11.1.7.4.2**

The following uses may be permitted in Mixed Use 2 areas: a) small-scale retail uses and convenience commercial; b) personal service uses; c) detached, semi-detached and duplex dwellings, townhouses and multiple unit apartment buildings; d) live/work uses; e) offices, including medically related uses; f) community services and facilities; g) cultural, educational and institutional uses; h) small-scale hotels; and i) parks, including urban squares.

##### **11.1.7.4.3**

The minimum floor space index (FSI) in Mixed Use 2 areas shall generally be 0.6.

##### **11.1.7.4.4**

To maintain the general character of Mixed Use 2 areas, development shall adhere to the following:

- a) Development shall be compatible with the character of the surrounding area and respect the character of neighbouring buildings in terms of their scale, materials, articulation, landscaping and relationship to the street.
- b) Building setbacks along the street shall be generally consistent with those of neighbouring buildings within the Mixed Use 2 area. c) Parking and servicing areas shall generally be located at the rear or side of buildings. Parking shall generally not be permitted between the front of a building and the street.



## **ATT-3 (continued)**

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

#### **11.1.7.2 General Built Form and Site Development Policies**

##### **11.1.7.2.1**

Schedule D identifies building height ranges to be permitted within the Downtown Secondary Plan Area. In general, the predominant mid-rise built form of Downtown shall be maintained with taller buildings restricted to strategic locations, including gateways that act as anchors for key streets. Taller buildings in these locations will have minimal direct impacts to existing neighbourhoods and the historic core of Downtown, and they will be outside protected public view corridors. In the height ranges contained on Schedule D, the lower number represents the minimum height in storeys for buildings and the higher number represents the maximum permitted height in storeys. The maximum heights recognize the Church of Our Lady's status as a landmark and signature building; it is the general intent that no building Downtown should be taller than the elevation of the Church. Exemptions from minimum height requirements may be permitted for utility and other buildings accessory to the main use on a site.

##### **11.1.7.2.2**

Notwithstanding Schedule D, the Zoning By-law may establish maximum building heights lower than those shown in order to maintain the protected long views to the Church of Our Lady, as generally identified in Schedule D. The Zoning By-law shall more precisely define the protected views and shall be amended, where appropriate, to reflect the location and scope of the views identified in Schedule D.

##### **11.1.7.2.3**

The following additional built form policies shall apply to all areas of Downtown:

- a) Generally, buildings shall be oriented towards and have their main entrance on a street or open space.
- b) Long buildings, generally those over 40 metres in length, shall break up the visual impact of their mass with evenly spaced vertical recesses or other architectural articulation and/or changes in material.
- c) Mechanical penthouses and elevator cores shall be screened and integrated into the design of buildings.
- d) Generally balconies shall be recessed and/or integrated into the design of the building facade. Exposed concrete balconies generally shall not be permitted.
- e) Residential pick-up and drop-off areas and lay-bys should be located on Secondary or Local Streets and/or Laneways, and not on Primary Streets.
- f) Front patios for ground-floor residential units, where appropriate, should be raised to provide for privacy and a transition between the public and private realms.

**ATT-3 (continued)**  
**Existing Official Plan Land Use Designations and Policies**

- g) All buildings downtown should be finished with high quality, enduring materials, such as stone, brick and glass. Glass should be transparent or tinted with a neutral colour. Materials that do not age well, including stucco, vinyl, exterior insulation finishing system (EIFS) and highly reflective glass, shall be strongly discouraged and may be limited through the implementation documents and by-laws.
- h) The massing and articulation of buildings taller than six storeys shall moderate their perceived mass and shadow impacts, provide appropriate transitions to areas with lower permitted heights, and contribute to a varied skyline in which the Church of Our Lady is most prominent. Generally, the maximum floorplate of any floor above the sixth storey, where permitted, shall be 1,200 square metres. Furthermore, the floorplates of floors above the eighth storey, where permitted, generally shall be a maximum of 1000 square metres and should not exceed a length to width ratio of 1.5:1.

**11.1.7.2.4**

The following general policies respecting parking, loading and servicing shall apply to all areas of downtown:

- a) Vehicular entrances to parking and servicing areas generally be on Local Streets, Secondary Streets or Laneways and should be consolidated wherever possible to maximize and accentuate building frontages and front yards and minimize the number of curb cuts. Shared driveways between two properties shall be encouraged.
- b) Loading and service areas generally shall be located in the interior of a development block, at the rear of building, where possible. Enclosed loading and servicing areas shall be encouraged. Where loading and servicing is visible at the rear or side of a building, it shall be screened.
- c) Parking for apartment dwellings, including visitor parking, generally shall be located in underground or above-ground structures or surface parking lots at the rear of the building, unless other arrangements for off-site parking have been made to the City's satisfaction.
- d) Requirements for on-site parking for institutional, office and retail uses may be waived or reduced, subject to the Downtown Parking Strategy. Where parking for such uses is provided on site, it shall be located in underground or above-ground structures or surface parking lots at the rear of the building. However, new office or institutional buildings, with or without other uses on the ground floor, generally shall include at least one level of underground parking.
- e) Generally no parking shall be permitted between the front of a building and the street to help create pedestrian-oriented streetscapes.

**ATT-3 (continued)**  
**Existing Official Plan Land Use Designations and Policies**

11.1.7.2.5

The following policies shall apply to above-grade parking structures:

- a) Parking structures should generally be accessed by motor vehicles from a Local Street, Secondary Street or Laneway and should be located in the middle of a block where possible, behind other uses fronting the street.
- b) Parking structures on a street shall generally contain active uses on the ground floor subject to technical considerations and the entire façade shall be designed to appear as fenestrated buildings, with a regular articulation of openings and materials that are consistent in type and quality with those of surrounding buildings.
- c) Vehicular entrances to above-grade or underground parking structures on public streets shall be integrated into the design of the building.
- d) Pedestrian entrances to parking structures shall be clearly identified and well lit.

11.1.7.2.6

The use of the maximum Floor Space Index (FSI) to justify extra height, the use of the maximum height to justify extra density, or use of either of those regulations to deviate from the other built form policies of this plan will be deemed to meet neither the intent nor spirit of this plan.

9.4 Official Plan Amendments

9.4.1 It is the policy of Council that any provision of this Plan may be amended pursuant to the requirements of the Planning Act.

9.4.2 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.

9.4.3 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.

- 9.4.4 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.

# **ATT-4** **Existing Zoning and Details**





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Produced by the City of Guelph  
Planning, Urban Design and Building Services - Development Planning  
September 2015

## EXISTING ZONING

### 75 Dublin Street North



**ATT-4**  
**Existing Zoning and Details**

8.1 PERMITTED **USES**

The following are permitted **Uses** within the Institutional – (I.1, I.2, and I.3) **Zones**:

8.1.1 Educational, Spiritual, and Other Services – I.1 **Zone**

- **Art Gallery**
- **Day Care Centre** in accordance with Section 4.26
- **Group Home** in accordance with Section 4.25
- **Library**
- **Museum**
- **Outdoor Sportsfield Facilities**
- **Religious Establishment**
- **School**

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- **Occasional Uses** in accordance with Section 4.21.

8.1.1.1 Administrative **Office**, **Nursing Home**, activity room, **Recreation Centre**, nursing station, **Research Establishment**, chapel, residence and other **Accessory Uses** are permitted provided that such **Use** is subordinate, incidental and exclusively devoted to a permitted **Use** listed in Section 8.1.1 and provided that such **Use** complies with Section 4.23.

8.2 REGULATIONS

Within the Institutional (I) **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 8.2, and the following:

8.2.1 Additional Regulations for the I.2 **Zone**

8.2.1.1 Location of Off-Street Parking and Off-Street Loading

No off-street parking or off-street **Loading Space** shall be located within 3 metres of any public **Street** boundary of an Institutional (I.2) **Zone** at the University of Guelph.

**ATT-4 (continued)**  
**Existing Zoning and Details**

**TABLE 8.2 - REGULATIONS GOVERNING INSTITUTIONAL (I) ZONES**

Row 1	Institutional <b>Zones</b>	Educational, Spiritual and Other Services (I.1) <b>Zone</b>
2	Minimum <b>Lot Area</b>	700 m <sup>2</sup>
3	Minimum <b>Front</b> and <b>Exterior Side Yard</b>	6 metres and in accordance with Sections 4.16 and 4.24.
4	Maximum <b>Front</b> and <b>Exterior Side Yard</b>	20 metres
5	Minimum <b>Side Yard</b>	6 metres or one-half the <b>Building Height</b> , whichever is greater.
6	Minimum <b>Rear Yard</b>	7.5 metres or one-half the <b>Building Height</b> , whichever is greater.
7	Minimum <b>Lot Frontage</b>	30 metres
8	Off-Street Parking	In accordance with Section 4.13.
9	Off-Street Loading	In accordance with Section 4.14.
10	Accessory <b>Buildings</b> and <b>Structures</b>	In accordance with Section 4.5.
11	<b>Fences</b>	In accordance with Section 4.20.
12	Maximum <b>Building Height</b>	4 <b>Storeys</b> and in accordance with Sections 4.16 and 4.18.
13	<b>Buffer Strips</b>	Where an Institutional <b>Zone</b> abuts any Residential, Park, Wetland or Urban Reserve <b>Zone</b> , a <b>Buffer Strip</b> shall be developed.
14	Garbage, Refuse Storage and Composters	In accordance with Section 4.9.

## **ATT-5 Planning Analysis**

Staff has reviewed the development concept proposed by the owner of the subject property, the technical studies and supporting materials, as well as the input received from the community regarding the development of this property.

Based on the review, staff is recommending refusal of the City-initiated Official Plan Amendment to permit a building height of five storeys for 75 Dublin Street North.

With respect to the zoning by-law amendment for this property, staff is recommending modified specialized D.2-9 (Downtown) zoning regulations (outlined below).

The City aims to build a compact, vibrant, and complete community for current and future generations. Complete Community means “a City that meet people’s needs for daily living throughout an entire lifetime by providing convenient access to an appropriate mix of jobs, local services, a full range of housing, and community infrastructure including affordable housing, schools, recreation and open space for their residents. Convenient access to public transportation and options for safe, non-motorized travel is also provided” as defined by the City’s Official Plan.

The subject site is at the edge of the City’s urban growth centre and adjacent to a lower density residential neighbourhood that is designated ‘General Residential’ in the City’s current Official Plan and ‘Low Density Residential’ in the Council-adopted Official Plan (i.e. OPA 48). Accordingly, the intent is that this site assists in providing a transition between the urban downtown core of the City and the surrounding low density neighbourhood, balancing the need to meet the density targets set by the Growth Plan for the Greater Golden Horseshoe while not adversely impacting stable residential neighbourhoods.

In addition, the subject site is immediately adjacent to Central Public School. Staff considers a school to be a sensitive land use that requires care and consideration when developing adjacent properties. Recognizing the importance of having schools in all areas of the City to encourage the creation of complete communities, the Downtown Secondary Plan (DSP) identifies that “The City shall encourage the two existing schools Downtown to remain open and maintained. In the event either of them closes or is relocated, the City may seek to acquire all or part of the property for new public uses (Section 11.1.5.3.6)”. Further, Section 11.1.7.5.4 of the DSP recognizes that existing Institutional or Office uses, such as Central Public School, are expected to remain for the life of the DSP (i.e. to 2031). Accordingly, staff is seeking to minimize and mitigate any adverse impacts on the school property from new development.

In reviewing the development concept presented by the applicant, staff advise that there are no concerns with respect to the proposed use. A residential building conforms with the Mixed Use 2 land use designation, and the potential creation of affordable dwelling units is supported by staff. However, staff are concerned that



the overall size, mass and height of the proposed building is not compatible with the surrounding neighbourhood.

The zoning regulations being recommended by staff accommodate a building with a maximum gross floor area of approximately 3500m<sup>2</sup>, which is smaller than the property owner's development concept for a building with a gross floor area of approximately 4250m<sup>2</sup>. The recommended zoning regulations permit more gross floor area than the existing I.1 (Institutional) zone and the D.2 (Downtown) zone that was initially proposed for this site through the Downtown Zoning By-law Amendment in September 2016, however they provide direction on how the building should be shaped to reduce the mass and shadow impacts. ATT-6 is a visual comparison of the concepts and ATT-7 is a comparison chart of the concepts. These attachments demonstrate the differences between the concepts and zoning regulations.

The following planning analysis is structured to evaluate the proposed Official Plan Amendment against the criteria laid out in the Official Plan for an amendment. Following evaluation of the OPA, the recommended zoning by-law amendment is assessed.

### **Proposed Official Plan Amendment**

The purpose of the proposed Official Plan Amendment is to permit a maximum building height of 5 storeys for the subject property; whereas a maximum building height of 4 storeys is currently permitted.

### **Official Plan Amendment Criteria**

Section 9.4 of the Official Plan indicates that any provision of the Official Plan may be amended pursuant to the requirements of the *Planning Act*. Section 9.4.2 also provides direction for Council on matters that should be considered when an application to amend the Official Plan is being reviewed (see Attachment 3). The applicable criteria that need to be considered with respect to the proposed Official Plan Amendment (OPA) are as follows:

- a) the conformity of the proposal to the goals and objectives of the 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.

In Planning staff's opinion, the proposed OPA to permit a building height of 5 storeys whereas 4 storeys is currently permitted at 75 Dublin Street North does not meet criteria a) outlined above and, therefore, the OPA should not be approved.

In reviewing the Major Goals of the Official Plan (Section 2.3), the property owner's development concept and the proposed official plan amendment would meet several of the major goals and objectives of the Official Plan. However, based on staff's review of the proposal it has been concluded that Major Goal 2.3.6, to "Ensure that any development in established areas of the City is done in a manner that is sympathetic and compatible with the built form of existing land uses" is not being met by the property owner's concept.

In reviewing the Principles and Objectives of the Downtown Section Plan it can also be concluded that the property owner's development concept and the proposed official plan amendment would meet several of the Principles and Objectives of the DSP. However, the DSP also includes the following objective:

"Ensure new development respects the character of downtown's historic fabric and the quality of life in the surrounding neighbourhoods." (11.1.7 g)

As staff have identified compatibility concerns with the impact of the fifth storey, staff do not feel the additional height of the OPA meets this objective.

In addition, when the DSP was being developed, the change made to the historic policy framework regarding height was identified as a major change in the policy regime Downtown.

The DSP set specific direction in regards to height, strategically locating building height permissions in order to provide flexibility for a variety of building typologies within the Downtown, while protecting the heritage character of Downtown, as well as surrounding low density residential neighbourhoods. This resulted in additional height permissions being proposed in areas on the periphery of the historic commercial core and at gateways to Downtown and/or at topographical low points.

Schedule 'D' of the DSP sets out the minimum and maximum permitted building heights for the downtown area. The subject property is not at a topographical low point and is on the edge of Downtown, accordingly the minimum height permitted is 2 storeys and the maximum height permitted is 4 storeys.

Given the following:

- The site's location is at the edge of the urban growth centre, where a transition to the adjacent low density residential neighbourhood across Dublin Street North is appropriate;
- The site's location at a topographical high point within the City and concerns identified with its relationship to the adjacent school yard;
- Concerns identified regarding compatibility, especially related to the adjacent school (e.g. shadow impacts); and,
- The property is designated Mixed Use where the predominant character of this area is of low-rise buildings.

Planning staff concludes that this site is not an appropriate location for increasing building height permissions and are recommending that the proposed Official Plan Amendment be refused.

### **Proposed Staff-Recommended Zoning By-law Amendment**

Through the Downtown Zoning By-law Amendment, staff has reviewed site specific zoning regulations for 75 Dublin Street North and are generally recommending the following zoning regulations for this site:

- Permitted Uses in accordance with the draft D.2 zone as presented in to Council in September 2016;
- A maximum building height of 4 storeys:
  - Maximum average building storey height of 3.2m; and,
  - Maximum geodetic height of 361m above sea level that no portion of the building may exceed (including any rooftop mechanical equipment, elevator or stairway penthouse);
- A minimum front yard and exterior side yard setback of 3m;
- A minimum side yard setback of 4.5m adjacent to Central Public School;
- A minimum rear yard setback of 3m where required minimum building setbacks are provided and where all required parking spaces are provided in an underground parking area;
- Building Setbacks as follows:
  - The minimum setback facing a street (Dublin St. N. and Cork St. W.) shall be 3m for the 4th storey, as measured from the building face of the 3rd storey;
  - The minimum setback facing a rear yard (adjacent to 33 Cork St. W.) shall be 4m for the 3rd storey and 7m for the 4th storey, as measured from the building face of the 2nd storey;
  - A minimum setback of 5m for any rooftop mechanical equipment, elevator or stairway penthouse on all sides;
- No overlook from any outdoor amenity space (including rooftop areas, terraces and balconies) to the north (i.e. Central Public School) shall be permitted; and,
- Parking in accordance with the draft Downtown Zoning By-law as presented in September 2016 i.e. one parking space per dwelling unit plus visitor parking and bicycle parking with the additional flexibility that parking may be provided by way of an 'Automated Parking System'.

The recommended zoning does not fully accommodate the revised development concept that has been presented by the owner of the subject lands. Staff have reviewed the submitted development concept, the technical studies and supporting materials, as well as the input received from the community regarding the development of this property. Based on the review, staff are recommending the modified D.2-9 (Downtown) zoning regulations and these will be evaluated in the following 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 recommended zoning by-law amendment promotes efficient development and land use patterns, does not cause environmental or public health and safety concerns, promotes cost-effective development standards, and the necessary infrastructure and public service facilities are available. Overall, the recommended zoning by-law amendment promotes 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 recommended Zoning By-law amendment will allow for development within the City's settlement area and will allow efficient use of existing infrastructure.

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 recommended zoning by-law amendment includes site specific regulations which facilitate intensification, redevelopment and compact form as well as providing additional residential density in the Downtown.

Overall, the recommended Zoning By-law Amendment is 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. A minimum of 40% of all residential development is to be within the built-up area. 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 Growth Plan designates Downtown as an Urban Growth Centre and indicates that Urban Growth Centres should be recognized as a key focus for development to accommodate intensification. Further, the urban growth centre should be planned to accommodate a significant share of population and employment growth.

The recommended zoning amendment allows for residential development within the City's Built-Up Area, more specifically within the City's Urban Growth Centre, and promotes intensification. The introduction of additional density on this site makes efficient use of existing infrastructure and may assist in supporting public transit.

Overall, the recommended Zoning By-law Amendment conforms to the Growth Plan for the Greater Golden Horseshoe.

### **Conformity of the proposed Zoning By-law Amendment with the Official Plan**

The zoning regulations being recommended by City staff:

- do not require an OPA, meet the goals and objectives of the Official Plan and DSP specifically;
- ensure that future development of the site will be sympathetic to the surrounding neighbourhood; and,
- is compatible with the built form of existing land uses.

### **Use**

The Official Plan land use designation that applies to the subject property is “Mixed Use 2” in the DSP. Mixed Use 2 areas are those areas that were historically mostly residential with a mixture of housing styles but have evolved to accommodate a range of uses, many in partially or fully converted houses. The predominant character is low-rise buildings that are residential in character. Uses permitted in Mixed Use 2 areas include small-scale retail and commercial uses; personal service uses; various residential uses; live/work uses; offices, including medically related uses; community services and facilities; cultural, educational and institutional uses; small-scale hotels; and, parks, including urban squares. The permitted uses outlined in the recommended zoning conform to the land use designation.

### **Building Height**

Schedule ‘D’ of the DSP sets out the minimum and maximum permitted building heights for the downtown area. The subject property is not at a topographical low point and is on the edge of Downtown, accordingly the minimum height permitted is 2 storeys and the maximum height permitted is 4 storeys.

The character of the Mixed Use 2 designation is described as follows:

“...the predominant character of this area is of low-rise buildings that are residential in character, with landscaped front yards, and small-scale, visually unobtrusive commercial signage.” (11.1.7.4.1)

The recommended zoning regulations permit a maximum height of 4 storeys which conforms with Schedule ‘D’ and is also considered to be a low-rise building.

### **Compatibility**

The DSP defines ‘compatibility’ as follows:

“Compatibility/compatible means: Development or redevelopment which may not necessarily be the same as, or similar to, the existing development, but can coexist with the surrounding area without unacceptable adverse impact.”

The Built form policies of the DSP are also concerned generally with compatibility:

“The built form policies of the Downtown Secondary Plan, and in particular those that apply to mid-rise and taller buildings, respond sensitively to the unique and historic fabric of Downtown Guelph and the surrounding neighbourhoods. Their primary intent is to ensure compatibility among

buildings of different types and forms, the minimization and mitigation of adverse shadow and view impacts, and the creation and maintenance of an inviting and comfortable public realm.” (11.1.8.1.4)

In evaluating compatibility, the following general observations about the site’s context have been made:

- The site sits high from a geodetic elevation perspective. Along Cork Street there is an elevation change as Cork descends towards Norfolk Street.
- The site is at the edge of the City’s urban growth centre and adjacent to a lower density residential neighbourhood that is generally designated ‘General Residential’ in the City’s current Official Plan and ‘Low Density Residential’ in the Council-adopted Official Plan (i.e. OPA 48).
- The site sits across the street from Catholic Hill and the former St. Agnes School.
- The site shares a lot line with an existing school. The site sits higher than the adjacent school yard. The proposed finished floor elevation shown by the property owner is 345m while the school yard elevation is approximately 339m.

In addition to the proposed maximum building height regulation outlined above, the following recommended zoning regulations have been developed to ensure that any development on the subject property will be compatible with the surrounding area:

- Maximum average building storey height of 3.2m;
- Maximum geodetic height of 361m above sea level that no portion of the building may exceed (including rooftop mechanicals);
- A front yard and exterior side yard setback of 3m;
- A side yard setback of 4.5m;
- A rear yard setback of 3m for the first two storeys of any building where required building setbacks are required and all required parking is provided in an underground parking area;
- Minimum building setbacks from the front, exterior side and rear yards and additional setbacks for rooftop mechanical equipment; and,
- Preventing overlook from outdoor amenity spaces including balconies/terraces/rooftop areas.

## **Height**

Skyline impacts are not typically an issue for a 4-storey building, however 75 Dublin Street North sits at a high elevation and will be visible from a distance. Furthermore, this property is adjacent to low density residential areas which are low rise in character. Limiting the height on this site will help ensure compatibility to buildings in the area.

The recommended Zoning regulations propose to include a maximum average height per storey of 3.2m to ensure that any future building does not have a greater impact than what has been reviewed through this process by increasing the height of each storey. Further, a maximum geodetic elevation has been included in

the proposed zoning regulations to ensure that any rooftop mechanicals are limited to a maximum height in order to reduce their impact; ensure compatibility with the surrounding area; and, help create an appropriate relationship with the former St. Agnes School.

Based on the recommended zoning regulations, Staff anticipate that the top of the third storey at 75 Dublin Street North would have a geodetic elevation similar to the eaves of St. Agnes School and the top of the fourth storey on the subject property would have a geodetic elevation similar to the ridgeline of the roof St. Agnes School.



The geodetic elevation of the top of the tower of St. Agnes School is approximately 361m above sea level. Therefore, the recommended zoning regulations propose to restrict any portion of any future building, including rooftop mechanical equipment/elevator or stairway penthouses to a maximum height equal to or less than the overall height of St. Agnes School (i.e. 361 m).

Finally, the location, height and size of the rooftop mechanical equipment has been raised as an issue. Typically, rooftop mechanicals include equipment related to the elevator in the building and therefore need to be located on the roof. The Downtown Built Form Standards state that "rooftop mechanical equipment and elevator cores should be architecturally integrated with the building design, or screened from view through a minimum 5 metre stepback" (pg. 60). Based on this, the recommended Zoning By-law requires a minimum 5 metre stepback for rooftop mechanical equipment. As indicated above, the height of this equipment would also be limited by the overall geodetic elevation height cap proposed in the recommended zoning.

## Setbacks

### Front Yard Setback:

Staff has reviewed the average front yard setbacks in the area (i.e. along Dublin Street) and is of the opinion that a 3m front yard setback is generally consistent and compatible with those in the area. A 3m front yard setback will still allow for

front yard landscaping and will provide for an appropriate relationship to the street that is compatible with the surrounding area while respecting the character of neighbouring buildings.

Staff recognize that Central Public School has a larger front yard setback from Dublin Street North than the recommended zoning regulations, however, this difference in setback is not seen as incompatible by staff as it is not anticipated that there will be an adverse impact resulting from the 3m setback.

### **Side Yard Setback:**

Increasing the side yard setback to 4.5 m as proposed by city staff (from the 3 metres as shown in the property owner's proposal) provides the opportunity for additional plantings to allow for a more compatible transition between the building and the school. This also has a positive impact on reducing shadow, overlook and massing.

### **Rear Yard Setback:**

The recommended zoning includes a minimum rear yard setback of 3m, which is in keeping with the development concept presented by the property owner. However, the recommended zoning also includes large setback requirements for the third and fourth storeys of the building facing the rear yard which effectively results in a minimum setback from the rear property line of 7m to the third storey of the building and 10m to the fourth storey of the building.

The 3m rear yard setback is recommended for the first two storeys provided that all required parking is provided in an underground parking area. Based on staff's review of the zoning, it is not anticipated that the reduced setback for the first two storeys will have a negative impact on the adjacent school property with respect to the overall mass of the building, shadow or overlook impacts.

### **Stepbacks**

The recommended zoning includes 3m setback requirements adjacent to Cork Street West and Dublin Street North for the fourth storey of the building. As outlined above, the recommended zoning also includes setback requirements for the third and fourth storeys of the building adjacent to the rear yard of the property.

The property owner's development concept for the property includes setbacks from Cork Street West and Dublin Street North on upper building storeys. Based on the documents provided by the property owner, the setbacks appear to be close or equivalent to a 45 degree angular plane taken from the centreline of the adjacent streets. The 45 degree angular plan is a commonly used to ensure an appropriate relationship with adjacent streets (e.g. achieving light access and a comfortable public realm). Therefore, the staff recommendation includes this setback.

Since the October 17, 2016 Public Meeting, the property owner has also included additional setbacks at the building's rear which begin to address some of the shadowing, overlook, and general compatibility issues raised at the public meeting.



However, from an urban design perspective and given the shadowing impacts (see discussion below), and resulting massing and overlook impacts, staff do not feel that the stepbacks proposed are sufficient. Therefore, the recommended zoning includes larger stepback requirements adjacent to the rear yard which better mitigate and minimize the shadow, massing, overlook and general compatibility issues that have been raised.

## **Overlook**

In assessing compatibility, overlook is a consideration that should be reviewed. Policy 11.1.8.1.4 outlines the primary intent of the Built Form Policies is to ensure compatibility among buildings of different types and forms, the minimization and mitigation of adverse shadow and view impacts and the creation and maintenance of an inviting and comfortable public realm.

In this instance, the subject property is immediately adjacent to an elementary school, which is a sensitive land use and the impact of overlook should be carefully considered. In addition to staff's view of the school as a sensitive land use, the Central Public School community, including the Upper Grand District School Board, has identified overlook as a concern.

The property owner's most recent proposal for this property does include translucent panels on the north elevation for outdoor amenity areas. In addition, the most recent proposal proposes to limit the number of windows to 'main living areas' on the north elevation that overlook the school. Staff support these revisions. However, this does not reduce a large portion of the building that still directly looks over the school and outdoor play yard.

Therefore, the staff recommended zoning for the site also includes requirements for larger stepbacks facing the rear yard of the property for the third and fourth storeys of any future building. The stepbacks for the upper floors assist in minimizing and mitigating overlook by pushing the portion of the mass of the building closer to alignment with the rear wall of the school building. This reduces the direct overlook condition for the dwelling units in the upper storeys on the northerly side of any proposed building on the subject property.

Furthermore, the recommended zoning does not allow for overlook to the north from any rooftop, balcony or terrace outdoor amenity space. The details of how this requirement is complied with would be determined through the site plan approval process, but the use of translucent panels as the property owner's most recent concept proposes would satisfy this requirement.

Finally, the recommended zoning includes a side yard setback requirement of 4.5m, which is increased from the original D.2 zone proposal for a 3m side yard setback. This additional space will allow for planting (e.g. a cedar hedge or similar) that will assist in the transition between the proposal and the existing school and reduce overlook concerns.

## Shadows<sup>1</sup>

Shadowing concerns have been raised at the public meeting, in public comments and by the Upper Grand District School Board specifically in regards to the impact on the adjacent school property.

In assessing compatibility and specifically “unacceptable adverse impact” (as per the definition of ‘compatibility’) shadow is an important consideration. This is also noted in policy 11.1.8.1.4 which talks about “minimization and mitigation of adverse shadow impacts” to ensure compatibility among buildings. In other words assessing compatibility with neighbouring buildings includes assessing shadowing impacts.

While the City of Guelph does not have shadow analysis guidelines, typically shadows are reviewed on March 21/September 21, June 21, and a more limited time period on December 21.

Based on solar aspect, different areas of the Central Public School property are impacted by shadow at different times of the year and at different times of the day. Comments received from the Upper Grand District School Board identified key shadow impact areas as:

- The rear yard play area;
- The full-day kindergarten play area in the front yard;
- The Peace Garden along the south side of the school building; and,
- The photo voltaic panels on the roof of the school building.



<sup>1</sup> The shadow volume modelling used in staff's analysis was completed using the ESRI suite of products, generally accepted as an industry standard when performing spatial analysis using GIS data. The inputs to the shadow mapping are based on the City's current GIS base data, including: building footprints, parcel fabric, orthophotography, and contours (0.5m). The accuracy of the generated shadows are dependant upon the precision of each of the data inputs and as such, the results of the shadow analysis should be treated as a representation of the real-world example.

In particular, the key times of the day are the outdoor recess times which fall between 10am and 2pm. Therefore, staff has concentrated on reviewing these times.

In the absence of Guelph specific guidelines, staff reviewed a number of guidelines from other municipalities across Ontario. From this research, there are two key common principles that staff has identified and used to evaluate shadow impact.

1. The analysis of shade impact must evaluate the 'new net shadow' above that permitted as-of-right in the Zoning By-law.

Shadow analysis should recognize the existing shadows (i.e. from the school itself) and as-of-right shadowing (i.e. from 75 Dublin based on the existing Institutional Zone 4-storey permissions). In other words, staff is evaluating the additional shadow impact of the proposal to increase the height to 5 storeys in combination with the proposed setbacks and stepbacks. This principle is used in other municipalities such as the City of Mississauga and the City of Ottawa.

2. An adverse impact to a school yard generally occurs the longer the duration that more than 50% of a school yard is in shade.

A review of other municipality's shadow analysis guidelines indicate that they generally recognize and contain guidelines regarding shadow impacts to school yards. For example, school yards are specifically mentioned in the shadow guidelines for the City of Mississauga, City of Ottawa, and the Town of Richmond Hill. The guidelines and terms of reference generally reference a standard of 50% of school yards being exposed to sunlight during specified time periods, including on December 21. While the 50% threshold is generally consistent, there are differences between the municipalities in terms of the duration of time permitted to exceed the 50% threshold. In other words, some municipalities do permit the 50% threshold to be exceeded for limited portions of a day.

Using these principles, staff has made the following observations based on the shadow impacts of the property owner's revised plan on the three areas of concern identified by the School Board:

### **The rear play yard area**

In reviewing the shadow analysis, the key time of year in terms of impact to the rear yard play area is the December 21 date. The existing school and the existing as-of-right zoning envelope for 75 Dublin creates a shadow that covers more than 50% of the rear yard play area at around noon. This percentage increases as the day goes on (see Table 1).

The property owner's proposal does create a new net shadow impact on the rear school yard. The shadowing would cover more than 50% of the rear yard play area before 11 am. In other words, the property owner's proposal would create a net shadow impact that results in less than one hour between 10 am and 2 pm where

the school yard is below the 50% threshold of being shaded. For this reason, staff has concerns about the adverse shadow impact on the rear yard play area.

In contrast, the staff-recommended zoning results in a shadow that approximately equals the as-of-right shadowing impact of the existing zoning. As there is generally little new net shadow impact on the rear yard play area staff conclude that the building envelope resulting from the recommended zoning regulations results in a minimal shadow impact that is not considered adverse.

### **The front yard kindergarten play area**

In reviewing the shadow analysis, the key time of year in terms of impact to the front yard kindergarten play area are the September 21/March 21 dates. Again, staff is concentrating on reviewing the time period between 10am and 2pm. During this time period, the existing school and the existing as-of-right zoning envelope for 75 Dublin create a shadow that covers more than 50% of the front yard play area for a short portion of the hour between 10 am and 11am. This percentage decreases as the day goes on. For the December 21 date, in all three scenarios the impact is less than 50% at 10am and decreases afterwards.

The property-owner's proposal has a net increase in shadow compared to the existing zoning. However, the net increase is less of an impact than the additional rear yard shading impact discussed above.

The staff-recommended zoning creates a shadow impact that is very similar to the existing zoning and has only a minor net shadow impact on the kindergarten yard from the as-of-right zoning. For this reason, staff does not consider the impact of the staff-recommended zoning to create an adverse shadow impact to the front yard kindergarten play area.

### **The peace garden**

In reviewing the shadow studies, the as-of-right shadow impacts to the Peace Garden are generally equivalent to both the property owner's proposal and staff's recommended Zoning By-law. However, increasing the setback as proposed by staff adjacent to the Peace Garden and maintaining a 4-storey height will marginally reduce the impact in this location. As there is generally little new net shadow impact on the Peace Garden, any impact is considered minor by staff.

### **Shadow impact on solar panels**

The School Board has raised concerns regarding shadow impacts upon their rooftop solar panels. Staff note that there appears to be some impact at certain times of the year.

Based on the property owner's concept, staff observe that there is a minor impact on one row of the panels between 9am and 10am DST on March and September 21. This impact appears to be eliminated with the reduction in height to 4 storeys as recommended by staff.

In December, there appears to be shading impacts on the photo voltaic panels until Noon based on the property owner's concept. The staff recommended building height of 4 storeys reduces, but does not eliminate this impact. However, the staff recommended regulations do not appear to create any additional net shadow impact from the as-of-right zoning. The Upper Grand District School Board acknowledges in their letter (see ATT-10) that the photo voltaic panels could be relocated further north on the school building.

### **Summary of shadow comments**

With respect to the revised development concept prepared by the property owner, Planning Staff:

- Is concerned about the impact that the additional height would create as demonstrated on the December 21 shadow analysis. There is new net shadow impacts that result in less than one hour between 10 am and 2 pm where less than 50% of the school yard is shaded.
- Additional new net shadow to the front yard kindergarten area is also observed. However, there is less of an impact on this area when compared to the rear yard.

With respect to the staff recommended zoning regulations for 75 Dublin Street North, staff conclude that the reduction in height, additional side yard setback and additional rear yard stepbacks will generally result in no new net shadow impacts to the school. Therefore, the staff recommended zoning regulations will not result in unacceptable adverse shadow impacts.

### **Cultural Heritage**

75 Dublin Street North is adjacent to what has become known as "Catholic Hill", a property owned by the Roman Catholic Diocese of Hamilton and known municipally as 19, 28 and 52 Norfolk Street within the city block bound by Norfolk Street, Cork Street West, Dublin Street North and Northumberland Street.

Catholic Hill is now considered a significant potential cultural heritage landscape with five of its major features of cultural heritage value already listed as non-designated built heritage resources on the city's Municipal Register of Cultural Heritage Properties:

- Basilica of Our Lady Immaculate;
- St. Agnes School;
- Loretto Convent (now Guelph Civic Museum);
- Rectory; and,
- Annex Building.

### **National Historic Site**

In 1990, the building and footprint of what is now the Basilica of Our Lady Immaculate was recognized under federal legislation as a National Historic Site (NHS) under the Historic Sites and Monuments Act (R.S.C. 1985, c.H-4).

The Act enables the Minister responsible for the Parks Canada Agency to:

- commemorate historic sites by means of plaques other signs;

- make agreements for care and preservation;
- establish historic museums;
- acquire property by purchase or lease; and,
- provide for the administration, preservation and maintenance of any historic places acquired pursuant the Act.

While the National Historic Site character defining elements include the “prominent siting at the top of a hill overlooking the city; viewsapes to and from the church and the city” there is no legislated requirement for the municipality to obtain federal approval for development proposed on adjacent lands.

The Ontario Ministry of Culture and the Ontario Heritage Trust has installed a plaque to commemorate the provincial significance of Joseph Connolly, the architect of the Basilica of Our Lady.

### **The Venice Charter – Article 6**

Article 6 of the *International Charter for the Conservation and Restoration of Monuments and Sites (The Venice Charter, 1964)* advises that a monument or site’s traditional setting must be kept. Planning staff are of the opinion that the setting of Catholic Hill is the area within the cultural heritage landscape and that the proposed new construction would not alter the relations of scale, mass or colour within the monument or site’s traditional setting.

### **Protected Public View Corridors**

Schedule D of the DSP and Defined Area Map No. 63 in the City’s Zoning By-law identify five protected view corridors relating to the Basilica of Our Lady Immaculate. Geodetic elevations indicated on Defined Area Map No. 63 restrict building heights within the protected view corridors. 75 Dublin Street North is not within one of the five protected view corridors and therefore, the heights permitted by the Official Plan (minimum height of 2 storeys, maximum height of 4 storeys) provide the policy framework for height permissions on this property.

### **Adjacency**

According to the Provincial Policy Statement (PPS 2014), a protected heritage property is defined as any of the following:

- property designated under Parts IV, V or VI of the Ontario Heritage Act;
- property subject to a heritage conservation easement under Parts II or IV of the Ontario Heritage Act;
- property identified by the Province and prescribed public bodies as provincial heritage property under the Standards and Guidelines for Conservation of Provincial Heritage Properties;
- property protected under federal legislation;
- UNESCO World Heritage Sites

The building and footprint of the Basilica of Our Lady Immaculate is recognized under federal legislation as a National Historic Site and, therefore, the building (as opposed to the real property) is considered a protected heritage property.

PPS policy 2.6.3 requires that planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

For the purposes of PPS policy 2.6.3, adjacent lands means those lands contiguous to a protected heritage property or as otherwise defined in the municipal official plan.

According to the City of Guelph Official Plan, in cases where a protected heritage property is located within real property that is 2.5 hectares or greater ... adjacent properties are those within 30 metres of the protected heritage property. The property known as "Catholic Hill" measures roughly 2.59 hectares and 75 Dublin Street North is more than 80 metres from the Basilica building.

Planning staff conclusion and recommendation related to Cultural Heritage:

- The building and footprint of the Basilica of Our Lady Immaculate is a protected heritage property in that it has only a certain amount of protection for the building itself under federal legislation through its commemoration as a National Historic Site.
- The proposed development is not adjacent to a protected heritage property according to the City's Official Plan.
- Although there is no requirement under provincial policy or the Official Plan to study the potential impact of the development on the adjacent listed heritage buildings, Planning staff through proper due diligence, have still required the property owner to submit a Cultural Heritage Resource Impact Assessment of the proposed development. A Cultural Heritage Resource Impact Assessment by CHC Limited (dated October 19, 2016 and updated October 24, 2016) was reviewed by Planning staff with all other required studies.
- Planning staff are of the opinion that the proposed development would not have a negative impact on the heritage attributes of the Basilica of Our Lady Immaculate and the cultural heritage landscape of "Catholic Hill".

### **Traffic**

A Traffic Impact Study (TIS) was prepared by Paradigm Transportation Solutions Limited and submitted by the property owner of this site in order to support development of the property for a residential building. Staff have reviewed the TIS and offer the following comments and recommendations:

### **Intersection Sightlines**

The TIS identifies that Dublin Street North generally crests at Cork Street West and effectively limits the available sightlines along Dublin Street North. Similarly, the TIS identifies that Cork Street West generally crests at Dublin Street North and effectively limits the available sightlines along Cork Street West. The TIS recommends that the City of Guelph consider implementing an all-way stop control condition at the intersection of Cork Street West and Dublin Street North, however,

also indicates that the traffic volumes at this location would likely not satisfy an all-way stop warrant. Engineering Services staff have reviewed this recommendation in the TIS and have indicated that if it is not warranted, an all-way stop control cannot be considered as a measure to mitigate insufficient sightlines.

While staff recognize that the sightlines at the intersection of Cork Street West and Dublin Street North are existing and are not proposed to be changed with the development of 75 Dublin Street North, through the Site Plan Approval process this issue can be further examined and the consultant will be requested to provide warrant analysis for all-way stop control at the intersection of Cork Street West and Dublin Street North.

### **Driveway Sightlines**

The TIS also identifies that there are insufficient sightlines for vehicles travelling on Cork Street approaching the proposed development driveway and therefore recommends that a 'Hidden Driveway' sign on Cork Street be installed to give advanced warning of vehicles exiting the driveway.

Engineering staff has reviewed this recommendation from the TIS and advised that 'Hidden Driveway' signs are typically installed on rural roadways where the presence of driveways might not be expected by the approaching motorist. Where sight distance is restricted due to horizontal or vertical curves in the roadway, the sign may be beneficial to the road user, particularly those who are unfamiliar with the area. 'Hidden Driveway' signs are not intended to be installed on residential or low-volume streets where the majority of the traffic is local to the area and the presence of driveways is a common expectation. As with any warning device it is important that this sign be used only where conditions warrant. Too many of these signs will only diminish their effectiveness. Therefore, Engineering Services staff does not support this recommendation as it does not resolve the issue of insufficient sight lines.

Like other planning applications brought forward to Council, there remain some outstanding traffic issues that are of a more technical/site design nature, that are typically and more appropriately resolved through the site plan approval process. In particular, the following issues will need to be addressed:

- Whether there are traffic weaving problems between the proposed driveway and the church driveway;
- The driveway ramp to the underground parking must be long enough so the slope will not be too steep, and egress vehicles with a 3m setback from the curb can be seen by motorists traveling on Cork Street West from both directions;
- If the ramp slope is deemed to be too steep, we suggest implementing ramp heating system to prevent ice and snow during winter months;
- The proponent must demonstrate that there is no visual obstruction within the daylight triangle areas; and,
- Revisions to the parking stalls adjacent to the garage door will be required as they do not appear as if they will function.



### **Kiss and Ride Zone on Dublin Street**

The property owner's revised proposal included a concept that would extend or relocate the Kiss and Ride zone on Dublin Street further north. Engineering Services has reviewed the proposed concept and the City's Traffic By-law. The parking restrictions within the City's Traffic By-law would need to be taken into consideration should the Kiss and Ride Zone be relocated. They are as follows:

1. "No Stopping or Parking Anytime" (signed regulations).
  - a. within fifteen (15.0) metres of a school crosswalk signed with a traffic control device.
  - b. within fifteen (15.0) metres of a non-signalized intersection.
2. "No Stopping or Parking Anytime" (unsigned regulation).
  - a. in front of, or within one (1.0) metre of a public or private driveway or laneway.
  - b. within nine (9.0) metres of any intersection.

As such, the proposed relocation of the Dublin Street Kiss and Ride Zone cannot be adequately accommodated within the school frontage without interfering with the Adult School Crossing Guard crossing and the intersection operation at Dublin Street and Cambridge Street.

In addition, the Upper Grand District School Board has advised that it is opposed to any extension of the existing Kiss and Ride zone along Dublin Street North. The School Board has indicated that extending the layby closer to the Cambridge Street intersection would result in vehicular movement in direct conflict with pedestrians and students in front of Central Public School. On-street parking is restricted in front of the majority of school sites in the City of Guelph in order to avoid exactly this condition. With respect to the potential modification to the Kiss and Ride zone, the School Board concluded that extending the layby in front of the school to address the development at 75 Dublin Street North's need for pick up and drop off at the main entrance and visitor parking convenient to the main entrance would only serve to create a condition which would be unacceptable for the existing school.

Based on the above, staff conclude that the amendments proposed to the Dublin Street North Kiss and Ride zone should not be pursued.

### **Parking**

The property owner's previous development concept for the site proposed a 37 dwelling unit building with a total of 24 parking spaces. At the Public Meeting on October 17, 2016 the proposed reduction in parking was raised as a significant concern by the community. Further, City staff were not in agreement with the finding and recommendations of the Traffic Impact Study (TIS) that addressed the reduced parking ratio.

Following the Public Meeting, the property owner revised the development concept for the site in order to provide all required resident and visitor vehicle and bicycle parking spaces on the site.

The property owner's revised development concept proposes to use the TrendVario 4300 multiparking system, which is an automated parking system, for the site. This system provides independent parking spaces for cars, arranged on three different levels, one on top of the other and side by side.

The platforms of both the lower floor and upper floor are moved vertically and the platforms of the ground floor move horizontally. On the ground floor there is always one parking space left available. This vacant space is used for shifting the ground floor parking spaces sideways, thus enabling an upper floor parking space or lower floor parking space to be lowered or lifted to the ground floor.

The platforms can only be moved behind electromagnetically locked doors to ensure safety.

The zoning being recommended by staff does not contemplate a reduced parking rate and requires parking to be provided at a rate of 1 parking space per dwelling unit plus additional visitor parking spaces. The recommended zoning also includes specialized regulations that would permit the use of an automated parking system to provide on-site parking.

### **Wind Analysis**

A pedestrian wind assessment was conducted by RWDI for the property owner's proposed development concept at 75 Dublin St. N. The assessment concludes that suitable wind conditions are expected at building entrances, sidewalks and above-ground terraces. Increased wind speeds are predicted at the southwest and northeast corners of the building, but the resultant wind conditions are expected to be comfortable for pedestrians walking in general. The potential wind impact is expected to be localized and does not extend to the church parking lots to the south and the school playground to the north.

### **Community Energy Initiative Considerations**

The property owner has submitted information outlining some additional energy efficiency initiatives that are proposed in association with the proposed development (see ATT-8). Through a future application for Site Plan Approval, the proposed initiatives outlined in the property owner's letter can be fully reviewed and implemented where possible in order to support the Community Energy Initiative.

### **Site Plan Issues**

#### **Materials, articulation, landscaping**

Materials, articulation and landscaping issues are addressed through the site plan process. To be clear, staff is only recommending a zoning envelope at this time.

A preliminary review by urban design staff indicates that based on the materials submitted by the property owner so far, additional items for discussion through a future site plan application would include building design (including material choices and articulation) and landscaping (including species and balcony features such as the trellises).

### **Lighting**

A photometric plan would be required through the site plan process to ensure no adverse lighting impacts and to minimize any light trespass across property lines.

### **Building entrance location**

The Upper Grand District School Board has commented that they are concerned about the location of the building entrance along Dublin Street and, in their view, it will create a potential conflict with the day-to-day operations of the school. The location of the principal entrance is typically a site plan issue. Staff would review this with the applicant during the site plan approval process while also ensuring that the main entrance to the building remains accessible in accordance with Ontario Building Code requirements..

### **Waste collection**

Waste collection is addressed through the site plan process. The proponent has provided an on-site garage room and has indicated that a property manager will take the waste bins to the curb.

The exact location for cart collection would be determined at the Site Plan stage and solutions explored. This could include reviewing pick-up times, for example, and ensuring waste collection occurs earlier or after school hours in order to avoid school traffic and to improve the safety of pedestrians in the school zone. Cart placement would also be reviewed to ensure the placement of carts do not impair the travel of persons with mobility issues or the opening of vehicle doors etc.

### **Mitigating Potential Construction Impacts**

While construction impacts are not considered a zoning issue, this issue is related to the development of the site. Staff encourages the property owner and the school board in particular to continue to discuss these concerns and work toward mutually agreeable mitigation measures. In addition, city staff will work to address these issues, to the extent possible, through future process related to the development of the site (e.g. site plan approval, building permit and the enforcement of other City by-laws). In addition, the proponent has indicated a number of potential mitigation measures in their letter dated October 24, 2016. Some key points include:

- Site hoarding will provide security during construction phase.
- Sub-surface investigations indicate granular materials therefore vibration and noise generation expected to be minimal.
- Erosion control to be implemented at construction start-up.
- Stage one construction will be the creation of all footings and foundations, subservicing and drainage requirements. The parking structure will provide secure staging area for construction materials and supplies.

- The building structure is designed to allow use of pre-fabricated systems and materials to reduce on site storage and allow for efficient construction.
- The City of Guelph Noise By-law prohibits the operation of construction equipment from 7:00 p.m. to 7:00 a.m. (to 9:00 a.m. on Saturdays) and at all times on Sundays and holidays. Rykur Holdings Inc. will respect the City's Noise By-law, however, would consider seeking an exemption to this Noise By-law in order to extend the construction hours during the summer when school is not in session in order to complete the majority of the construction while school is not in session.

## ATT-6 Visual Comparison of Concepts<sup>2</sup>

### (A) Existing I.1 Zone



### (B) Property Owner's draft Proposal



### (C) Staff Recommendation (D.2-9)



<sup>2</sup> The purpose of the images is to compare conceptual massing envelopes. Adjacent properties are shown conceptually for reference and contextual purposes only.

**ATT-7**  
**Concept Comparison Chart**

	<b>(A) Existing I.1 Zone</b>	<b>Draft Downtown Zoning By-law D.2 Zone, September 12, 2016 Public Meeting</b>	<b>(B) Property Owner's draft Proposal</b>	<b>(C) Staff Recommendation (D.2-9)</b>
<b>Minimum Front and Exterior Side Yard</b>	6 metres and in accordance with Section 4.16 and 4.24.	Shall be the average of the setbacks of the adjacent properties but in no case shall be less than 3 metres.  Where the average of the setbacks of the adjacent properties cannot be determined, the minimum Setback required shall be 3 metres.	3 metres	3 metres
<b>Minimum Side Yard</b>	6 metres or one-half the Building Height, whichever is greater.	3 metres	3 metres	4.5 metres
<b>Minimum Rear Yard</b>	7.5 metres of one-half the Building Height, whichever is greater.	10 metres	3 metres	A minimum rear yard setback of 3 metres to the first two storeys of any building and in accordance with rear yard stepback regulations, where required parking is provided in an underground parking area.
<b>Maximum Building Height</b>	4 Storeys and in accordance with Section 4.16 and 4.18.	4 Storeys	5 Storeys	4 Storeys
<b>Stepbacks</b>	No stepbacks	No stepbacks	Minimum building stepback of 3 metres for the 4 <sup>th</sup> storey facing	Minimum building stepback of 3 metres for the 4 <sup>th</sup> storey facing a street as measured

			<p>a street</p> <p>Minimum building stepback of 6 metres for the 5<sup>th</sup> storey facing a street</p> <p>Minimum building stepback of 3 metres for the 4<sup>th</sup> storey facing a rear yard</p> <p>Minimum building stepback of 6 metres for the 5<sup>th</sup> storey facing a rear yard</p>	<p>from the building face of the 3<sup>rd</sup> storey</p> <p>Minimum building stepback of 4 metres for the 3<sup>rd</sup> storey facing a rear yard as measured from the building face of the 2<sup>nd</sup> storey</p> <p>Minimum building stepback of 7 metres for the 4<sup>th</sup> storey facing a rear yard as measured from the building face of the 2<sup>nd</sup> storey</p> <p>Minimum building stepback of 5 metres for an elevator or stairway penthouse on all sides as measured from the storey below</p>
<b>Floor Space Index</b>	1.8	2.3	2.9	2.4
<b>Gross Floor Area</b>	2,600 m <sup>2</sup>	3,400 m <sup>2</sup>	4,258 m <sup>2</sup>	3,500 m <sup>2</sup>
<b>Geodetic elevation, including mechanicals</b>			365 metres	361 metres

**ATT-8**  
**Community Energy Initiative Letter**

RYKUR HOLDINGS INC.

October 23, 2016

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

Attention: Ms. Sylvia Kirkwood, Manager of Development  
Community Design and Development Services

Re: **75 Dublin Street North, City of Guelph**

Further to the City of Guelph's request we are outlining how this development will comply with the City of Guelph's Community Energy Initiative.

In regard to the above referenced project, the following items are proposed to bring the proposal in compliance with Guelph's Community Energy Initiative.

- The development will have roof top photovoltaic solar collection system with battery storage and/or a Co-gen system for hydro & heat generation.
- Building envelop will exceed current Building Code R Value factors for wall & roof systems to reduce heating and cooling loads.
- Energy star appliances to be provided in all senior affordable suites along with common laundry machines.
- Windows will be double thermal pain with Low E coating and Argon gas filled sealed glazing units to reduce heat loss & heat gain.
- Building has all parking contained in below grade structure eliminating blacktop heat sinks. Use of salt for parking lot safety is eliminated.
- Terraces will have trees for privacy and added benefit of shading to reduce cooling loads on shadowed roof and wall structures.
- Car Share Facility, full provision of both short and long term bicycle parking facilities, access to both public & mobility transit and downtown location close to a wide range of services encourages model split to non-car based options.
- LED lighting will be used in all base building fixtures including where practical, fixtures within all suites. Where allowed by Building Code occupancy sensor in any common areas and service rooms will be deployed to reduce electricity consumption.
- Low VOC paints to be used throughout project.
- Exterior lighting will all be LED fixtured with daylight sensors and lighting plan will be completed to minimize light pollution.
- Programmable digital thermostats will be provided in all units.



**ATT-9**  
**Circulation Comments**

<b>Respondent</b>	<b>No Objection or Comment</b>	<b>Conditional Support</b>	<b>Issues/Concerns</b>
Engineering*		✓	See attached letter
Environmental Planning*		✓	
Parks Planning*		✓	
Guelph Hydro*		✓	
Upper Grand District School Board			See attached letter
Heritage Planning*		✓	
Urban Design*			See attached letter

\* letters attached

# MEMO

FILE: 16.13.001

**TO:** Stacey Laughlin, Senior Policy Planner  
**FROM:** Development Engineering  
**DEPARTMENT:** Infrastructure Development and Environmental Engineering  
**DATE:** November 3, 2016  
**SUBJECT:** 75 Dublin Street – Zoning By-law Amendment – (File No. ZC1612)

The city-initiated proposal is to rezone the subject site from the current I.1 (Institutional – Education, Spiritual and Other Services) Zone to a D.2-9 (Downtown) Zone.

The site is approximately 0.148 hectares (ha) located at 75 Dublin Street North. The site is bound by existing institutional development (Central Public School) to the north, existing commercial development to the east, Cork Street to the south and Dublin Street to the west. The site currently consists of three tennis courts. The purpose of the proposal is to permit a 5 storey apartment building consisting of 35 units (20 Affordable Units) and the associated underground parking and landscape area.

The comments below are in response to the review of the following plans & reports:

- Site Grading and Servicing Plan – GM Blue Plan Engineering (Sept 27, 2016)  
Existing Conditions and Removals – GM Blue Plan Engineering (Sept 27, 2016)
- Preliminary Site Servicing, Stormwater Management Letter – GM Blue Plan Engineering (Sept 22, 2016)
- Phase 1 Environmental Site Assessment – Chung & Vander Doelen Engineering Limited (Oct 4, 2016)
- Traffic Impact Study, Parking Study & Bicycle Study Report – Paradigm Transportation Solutions Limited (Oct 2016)

## 1. Road Infrastructure:

*Dublin Street North* abutting the subject property is designated as a two (2) lane local road with grass boulevard on both sides, asphalt pavement, curb and gutter and concrete sidewalk on both sides of the street. The ultimate right-of-way width of Dublin Street North abutting the property is 30.18-metres (99.00 feet). In addition, there is a Kiss N' Ride Zone for the Central Public School along the Dublin street frontage of the subject property, therefore no driveway access will be permitted onto Dublin Street North as it may compromise the safety of the Kiss N' Ride program.

*Cork Street West* abutting the subject property is designated as a two (2) lane local road with asphalt pavement, curb and gutter and concrete sidewalk on the north sides and approx. 75m sidewalk on the south side of the street. The ultimate right-of-way width of Cork Street abutting the property is approximate 18.43-metres (60.47 feet).

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Infrastructure, Development & Enterprise

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# MEMO

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

### Parking Supply and Demand

The property owner's September 2016 development concept for the property proposed 37 dwelling units, with a parking supply of 24 spaces, no visitor parking spaces and a reduced number of bicycle parking spaces.

The suggestion to utilize the existing on-street parking opportunities within the surrounding neighbourhood as a means to mitigate the lack of on-site visitor parking is a strategy that does not align with the zoning bylaw and therefore is not supported by Transportation Services staff. Under TDM (Transportation Demand Management) initiatives the consultant recommended utilizing area developments for off-site parking. The proponent would need to secure this option and provide a copy of the legal document to the City for our records to consider this as a viable alternative.

Staff do not support a parking supply of 24 spaces for 37 units and do not feel the Traffic Impact Study (TIS) adequately justifies the substantial departure from the zoning bylaw, particularly as it pertains to the very low parking availability for affordable units (7 for 20 units). While it is typically a good TDM measure to charge for parking, the unbundled parking as a TDM measure does not work where there is available free parking on-street. Residents will simply park on-street for free rather than spending \$90 on monthly parking permits. The TIS's justification cites only two communities (Toronto and Oshawa) as having similarly low ratios, both of which are not comparable to Guelph. The lack of visitor parking is problematic for a seniors' residence where social interactions are important to quality of life and mental health. In addition to the increase in parking spaces, TDM measures should include unassigned parking (different from unbundled), as well as financial incentives for residents to use Guelph Transit and Community CarShare.

The property owner's revised development concept for the property which was provided following the Statutory Public Meeting, reduces the number of dwelling units to 35 and has been further revised to provide parking in accordance with the Draft Downtown Zoning Bylaw, including 1 parking space per dwelling unit, 0.05 visitor parking spaces per dwelling unit and 0.68 bicycle parking spaces per dwelling.

### Sightlines on Cork Street

Through the review of the area, the consultant has identified that there are insufficient sightlines for vehicles travelling on Cork Street approaching the proposed development driveway. It was recommended that "Hidden Driveway" sign on Cork Street be installed to give advanced warning of vehicles exiting the driveway. 'Hidden Driveway' signs are typically installed on rural roadways where the presence of driveways might not be expected by the approaching motorist. Where sight distance is restricted due to horizontal or vertical curves in the roadway, the sign may be beneficial to the road user, particularly those who are unfamiliar with the area. 'Hidden Driveway' signs are not intended to be installed on residential or low-volume streets where the majority of the traffic is local to the area and the presence of driveways is a common expectation. As with any warning device it is important that this sign be used only where conditions warrant. Too many of these signs will only diminish their effectiveness.

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Therefore, Transportation Services staff does not support this recommendation as it does not resolve the issue of insufficient sight lines.

The following issues will need to be addressed prior to site plan approval in a revised TIS report or an Addendum:

- whether there are traffic weaving problems between the proposed driveway and the church driveway and;
- the consultant shall provide warrant analysis for all-way stop control at the Cork and Dublin. If it is not warranted, the all-way stop control cannot be considered as a measure to mitigate insufficient sightlines.

In addition to above following are Transportation Services comments with regards to the revised concept plan that was submitted on October 24th, 2016, by Astrid J. Clos Planning Consultants.

## Driveway Ramp on Cork Street West

1. The driveway ramp to the underground parking must be long enough so the slope will not be too steep, and egress vehicles with a 3m setback from the curb can be seen by motorists traveling on Cork Street West from both directions.
2. If the ramp slope is deemed to be too steep, we suggest implementing ramp heating system to prevent ice and snow during winter months.
3. The proponent must demonstrate that there is no visual obstruction within the daylight triangle areas.
4. The parking stalls adjacent to the garage door do not appear to function, revisions to these parking stalls will be required.

## Kiss and Ride Zone on Dublin Street

The City's Traffic By-law parking restrictions would need to be taken into consideration should the Kiss and Ride Zone be relocated. They are as follows:

1. "No Stopping or Parking Anytime" (signed regulations).
  - a. within fifteen (15.0) metres of a school crosswalk signed with a traffic control device.
  - b. within fifteen (15.0) metres of a non-signalized intersection.
2. "No Stopping or Parking Anytime" (unsigned regulation).
  - a. in front of, or within one (1.0) metre of a public or private driveway or laneway.
  - b. within nine (9.0) metres of any intersection.

As such, the proposed relocation of the Dublin Street Kiss and Ride Zone cannot be adequately accommodated within the school frontage without interfering with the Adult School Crossing Guard crossing and the intersection operation at Dublin Street and Cambridge Street.

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## Bicycle/Scooter Parking

With respect to the supportive documents, the only comment is concerning the floor plans. The bicycle/scooter parking location should be improved. Residents have to cross the whole building to the back and navigate 90-degree turns in the hallway to get to it. It looks like there is an entrance to the bike parking from outside, but it shows stairs – this is not going to be acceptable.

Entrance should be at-grade or provide a wide ramp that someone walking beside their bicycle can easily navigate,

1. Situate the storage closer to the front entrance, or
2. See if the hallway can go straight back somehow (though the stairwell is currently the reason for the dog-leg, and this might not be possible).

## 3. Municipal Services:

### Dublin Street North

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

- Storm sewer not available along the frontage of the subject property.
- 200mm diameter sanitary sewer. approximately 2.35m in depth;
- 200mm diameter watermain. approximately 2.00m in depth;

### Cork Street

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

- 300mm diameter storm sewer approximately 2.36m in depth;
- 200mm diameter sanitary sewer approximately 2.98m in depth;
- 200mm diameter watermain approximately 2.45m in depth.

According to our service records, the subject property was pre-serviced by a 200mm diameter storm sewer lateral, 150mm diameter sanitary sewer lateral and a 150mm water service lateral in 2013 under City contract 2-1213. Please note that the City has not received payment for the servicing the subject site. As per the City's policies, it is the Owner's responsibility to pay for the cost of the installation of the municipal services. Therefore, prior to site plan approvals the Owner shall pay the City \$12, 056.08. In addition, and only if required the Developer shall be responsible for the entire cost of removing the existing 200mm diameter storm sewer lateral, 150mm diameter sanitary sewer lateral and the 150mm water service lateral. The Developer will also be responsible to pay for the estimated and actual cost of any servicing upgrade including any curb cuts or curb fills if required, prior to site plan approval and prior to any construction or grading on the lands.

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

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## Sanitary Sewer Wastewater Collection System

Sufficient and adequate capacity is available in the existing sanitary sewer adjacent to the above noted site and of the downstream sanitary sewers to accommodate discharge of sanitary flows, in our system to accommodate the development, for the referenced type development at the above noted property, for the above noted proposed development, including existing loads (and no sanitary capacity constraints), according to the City's wastewater collection system sanitary sewer model. The current condition of underground infrastructure adjacent to the above noted site is not known at this time.

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

## Water Supply and Distribution System

Sufficient and adequate capacity is available of the City's water supply and distribution system pressures, in our system to accommodate the development, for the referenced type development, for the referenced subdivision at the above noted property, for the above noted proposed development (and no water capacity constraints), can be expected for most scenarios according to the City's InfoWater water model. However, there is potential for marginal water supply pressures in proposed development under certain conditions such as peak hour demand scenario at locations with elevation greater than 347 m height above mean sea level (AMSL) and average day demand scenario at locations with elevation greater than 340 m height AMSL in the existing water system.

Water pressure in the water mains in vicinity of proposed development under certain conditions such as peak hour demand scenario at locations with elevation at 347 m height above mean sea level (AMSL) could range from 38.0 to 42.0 psi (40 psi +/- 2.0 psi) and average day demand scenario at locations with elevation at 340 m height AMSL could range from 47.5 to 52.5 psi (50 psi +/- 2.5 psi) in the existing water system.

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

## 3. Storm Water Management & Servicing:

On September 27, 2016 a Preliminary Site Servicing, Stormwater Management Report was submitted by GM Blue Plan Engineering, to document the preliminary servicing requirements for the proposed development. It is to be noted that the aforementioned report has discrepancies. Section 1.0 of the report states that the proposed "building will consist of 37 units including 20 affordable units..." please note that the provided information is not consistent with the planning report, we suggest the consulting Engineer to contact the planning consultant to ensure the number of units shown in the planning report match the engineering report.

The City provided the Stormwater Management criteria for the proposed development to GM Blue Plan Engineering on September 16, 2016. As noted within the City's stormwater management criteria City expects low impact development mechanisms (i.e. clean roof water runoff to be infiltrated) to be incorporated into the SWM

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design if soil conditions are conducive to infiltration technology. A detailed stormwater management report, as well as grading, erosion/sedimentation control and servicing plan will also have to be submitted for review and approval as part of the site plan application.

#### 4. Environmental:

The City's Environmental Engineer reviewed the following Phase I Environmental Site Assessment (Phase I ESA) report prepared by Chung & Vander Doelen Engineering Ltd. (CVD) for J. Lammer Developments Ltd.:

- "Phase I Environmental Site Assessment, 75 Dublin Street North, Guelph, Ontario" October 4, 2016.

The Phase I ESA was conducted in general accordance with the amended O. Reg. 153/04 and also conforms to Canadian Standards Association (CSA) Z768-01 (R2012) format. As indicated in the report, the purpose of the Phase I ESA was to evaluate the environmental conditions of the Site and to identify actual or potential sources of contamination associated with the Site and surrounding properties. This Phase I ESA was conducted as part of the due diligence requirements to support the development of the Site, and not with the objective of obtaining record of site condition (RSC) for the Site.

The Site is a rectangular-shaped property (~ 0.148 ha) and was formerly a tennis court from 1933 to 2011 (former Church of Our Lady Tennis Club).

Based on the findings of the Phase I ESA, only one area of potential environmental concern (APEC) was identified within and around the Site; as indicated below:

- **Fill of unknown quality** (on-site): Reportedly, the fill of unknown quality was imported (potential contaminating activities or **PAC**) onto the Site during the development of the tennis court to level the grade along the north and east side of the Site.

Previous environmental assessments (Phase I and II ESAs September and November 2012, respectively): Reportedly, the findings of Phase II ESA from November 2012 (seven boreholes, of which four were converted into monitoring wells) indicates "minor exceedances of applicable MOECC Table 2 standards" for petroleum hydrocarbons (PHC F3 and F4) and lead (metal) in a localized area on the northeast corner of the Site in the fill materials.

Based on the "minor" nature of exceedances in the fill material, APEC/PAC on the Site is reportedly considered not to pose an adverse impact on the proposed development and no further environmental investigation is recommended at the Site.

#### **COMMENT:**

Based on the City's "Guideline for the Development of Contaminated or Potentially Contaminated Sites", physical property/land use appears not to change (i.e. from tennis court (parkland) to residential use); as such, RSC filing with the MOECC is not required for the proposed development. However, appropriate actions should be undertaken to manage the impacted on-site fill materials during the development activities.

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**Note:** Site standard conditions for Residential, Parkland, and Institutional (RPI) property use (or land use) are the same for each property use; hence mandatory RSC filing is not required within the RPI property use.

The City requests the Qualified Person (QP) responsible for preparing the aforementioned Phase I ESA report to submit a Reliance letter to indicate that despite any limitations or qualifications included in the report, the City is authorized to rely on all information and opinion provided in the reports submitted for the proposed development.

Also, it is requested that previous Phase I and II ESAs completed by CVC in September and November 2012, respectively, be submitted to the City for its records and reference.

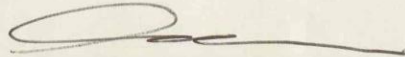
It should be noted that staff's review pertains to whether the report was conducted in a manner consistent with the Act (EPA), the Regulations (O. Reg. 154/03, as amended and CSA Z768-01), and associated guidance documents. Although the majority of the information included in the reports were looked at during the review process, City Staff does not independently verify information and data, the quality of which are solely the responsibility of the QP who prepared the report.

**Recommendation:**

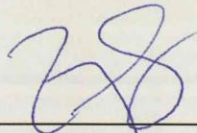
Engineering Services has concerns with the proposed concept as part of the City-initiated zoning by-law amendment as outlined in the memorandum above, particularly related to the Traffic Study, Access, Parking and Transportation Demand Management aspects of the concept. Engineering Services will require the aforementioned comments be addressed prior to site plan approval, additional comments and requirements will be provided at the site plan stage. Therefore, Engineering Services can support the City-initiated zoning by-law amendment as it stands for the purposes of the Zone Change for the subject lands.



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



**Allister McIlveen**  
Manager, Transportation Services



**Shophan Daniel**  
for Engineering Technologist III

**Engineering Services**  
Infrastructure, Development & Enterprise

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## Stacey Laughlin

---

**From:** April Nix  
**Sent:** October 13, 2016 10:51 AM  
**To:** Stacey Laughlin  
**Cc:** Adele Labbe  
**Subject:** 75 Dublin

Hi Stacey,

A couple of things to note on the 75 Dublin proposal, specifically:

The subject property is less than 0.2 hectares in size and therefore is not regulated by the Private Tree Protection By-law. However, consistent with the policies of the Official Plan, the City is committed to the protection and enhancement of its Urban Forest resources. Trees provide services to the neighborhood including reduction of air pollution, moderation of the urban heat island effect, carbon sequestration, shade and habitat for resident wildlife, and thus should be preserved to contribute to satisfying the City's targets to achieve and maintain 40% canopy cover.

Staff encourages the applicant to consult with an arborist in order to retain and protect as many of the boundary trees as possible on the subject property.

The following condition should also be included:

That prior to site plan approval and prior to undertaking activities which may injure or destroy City trees, the applicant is to submit a Tree Inventory and Preservation Plan (TIPP) for approval and to the satisfaction of the General Manager of Planning, Urban Design and Building Services;

Should you have any questions with respect to the above please let me know.

Cheers,

**April**

**April Nix, BES MCIP RPP** | Environmental Planner  
Planning, Urban Design and Building Services | **Infrastructure, Development and Enterprise**  
**City of Guelph**

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# INTERNAL MEMO



DATE November 2, 2016  
TO **Stacey Laughlin**  
FROM Tiffany Brûlé  
DIVISION Parks Planning and Open Space Development,  
DEPARTMENT Public Services  
**SUBJECT 75 Dublin Street North – City-initiated OPA (File No. OP1603) and ZBLA (File No. ZC1612)**

---

Park Planning & Open Space Development has reviewed the documents listed below in support of the City-initiated Official Plan Amendment and Downtown Zoning By-law Amendment as it pertains to 75 Dublin Street North:

1. Planning Report (September 2016)
2. Site Concept Plan (September 2016)
3. Preliminary Servicing and Stormwater Management Letter (September 2016)
4. Site Servicing and Grading Plans (September 2016)

Park Planning offers the following comments:

**Zoning Bylaw Amendment:**

Park Planning has no objection to the City-initiated Zoning By-Law Amendment to rezone the subject site from the current I.1 (Institutional) Zone to a specialized D.2-9 (Downtown) Zone.

**Official Plan amendment:**

Park Planning has no objection to the City-initiated Official Plan Amendment to add a site specific policy to the Official Plan to permit a maximum height of 5 storeys for the subject property.

**Parkland Dedication:**

The purpose of the City-initiated Official Plan Amendment and Zoning By-law Amendment is to permit the development of approximately 35 residential apartment units on the subject lands (0.147 hectares) at a net density of 238 residential units per hectare. Park Planning would require a minimum Parkland Dedication at a rate of 10% in accordance with City of Guelph By-law (1989)-13410, as amended by By-law (1990)-13545) and By-law (2007)-18225 or any successor thereof prior to the issuance of building permits. For this development the owner shall be responsible for the payment of cash-in-lieu of parkland dedication.

An appraisal of the subject property will be required to determine the cash in lieu amount pursuant to s.42 OR s.51.1 and s.53(13) of the Planning Act. The appraisal report shall be prepared by a qualified appraiser who is a member in good standing of the Appraisal Institute of Canada. The property owner is responsible for the cost and to arrange for the appraisal.

**Summary:**

The above comments represent Park Planning & Development's review of the documents and Reports submitted in support of the City-initiated Official Plan Amendment and Zoning

By-law Amendment. Based on the current information provided, Parks would support the proposed development subject to the above requirements.

Sincerely,

**Tiffany Brûlé, OALA CSLA**

Park Planner

Parks and Recreation

**Public Services**

Location: City Hall

T 519-822-1260 x 3371

E tiffany.brule@guelph.ca

P:\CommunityServices\Riverside\\_Park Planning\PLANNING\DOWNTOWN (Downtown Urban Growth Centre)\75  
Dublin Street\_OPZC



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October 17, 2016

Stacey Laughlin  
Planning, Urban Design and Building Services  
Infrastructure, Development and Enterprise  
City of Guelph  
1 Carden Street  
Guelph, ON N1H 3A1

**Re: 75 Dublin Street North (File No. ZC1612/OP1603)**

We would like to submit the following comments concerning this application. The following comments address only the development at 75 Dublin Street North:

Given the site plan, dated September 27, 2016:

1. Hydro supply for 75 Dublin Street North will be from Cork Street. Contact the Guelph Hydro Technical Services Department prior to servicing.
2. The hydro services for this development should be underground except for a pad-mounted transformer.
3. A minimum distance of 1.5 metres must be maintained between any driveways/entrances and poles or pad-mounted transformers. Any relocations required would be done at the owner's expense.
4. An area of 6.5 metres by 5.0 metres will be required at 75 Dublin Street North for a three-phase, pad-mounted transformer to service this development. This location must be located on property, along Cork Street. The specific location of the transformer must be arranged with the Guelph Hydro Technical Services Department.

Sincerely,

GUELPH HYDRO ELECTRIC SYSTEMS INC.

A handwritten signature in black ink, appearing to read "M. Wittmund", is written over a light blue horizontal line.

Michael Wittmund, P.Eng.  
Director of Engineering  
MW/gc

7 November 2016

Papazian | Heisey | Myers, Barristers & Solicitors  
Standard Life Centre, Suite 510,  
121 King St. W., P.O. Box 105  
Toronto, ON M5H 3T9

**Attention:** Mr. Alan M. Milliken Heisey Q.C.

Dear Mr. Heisey,

**RE:** 75 Dublin Street North  
Development Application  
Central Public School  
City of Guelph

WND File No. 16.665

As requested, we have reviewed various files and reports prepared by the consultants for the residential apartment building proposed for the lands located at 75 Dublin Street North, which is adjacent to the Central Public School located at 97 Dublin Street North, at the southwest corner of Dublin Street North and Cork Street, in the downtown area of the City of Guelph ("the subject site").

We have visited the subject site and attended at a meeting with the proponent and their planning and architectural advisors at the Upper Grand District School Board offices on October 21, 2016. At that time we were advised that changes would be made to the plans submitted to the City. Amended plans were to be filed with the City on October 24, 2016.

The Central Public School has been in operation at this location for decades. A school has been located on the site since 1876.

It is the only public elementary school in the Downtown area of the City and we have been advised that this school is expected to remain as an operating school in the long term. Full day kindergarten (FDK) programming is provided at the school, and the associated play yard is located in the western portion of the school site. The area between the school building and the subject site has been improved as a Peace Garden, used by the school for quiet times and passive activity.

The Central Public School has on its rooftop an array of solar energy panels, which are operated under a 20 year contract, and provides for some financial return to the School Board. The School Board's policies

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admin@wndplan.com www.wndplan.com



on sustainability make the continued availability of uninterrupted sunlight to these panels an important consideration for our client.

The Central Public School enjoys a pick up and drop off location in the form of a lay by on Dublin Street North, towards the southern end of the subject site and extending north along a portion of the Dublin Street North frontage of 75 Dublin Street North. A pedestrian cross walk supervised by an Adult School Crossing Guard is located on Dublin Street North at Cambridge Street.

### The Proposed Development

The development application filed for 75 Dublin Street North ("the property") involves a 37-unit, 5-storey apartment building, with an underground parking garage accessed from Cork Street.

The building will be developed as a condominium with 17 market units and 20 units of affordable rental housing to be operated under contract with Rykur Holdings Inc. for a guaranteed period of twenty to twenty five years, after which the units could be available as market units.

The market units will consist of one and two bedroom condominium apartment units, and the affordable units will be primarily one bedroom rental apartments. The market units will be located on floors three to five, with the affordable units on the first and second floors.

The primary pedestrian entrance to the building is to be located on the Dublin Street frontage, with a secondary access/exit on Cork Street. Balconies will be provided on the west and east faces of the building and the north face of the apartment building (the latter occurring as a result of the amended plans).

All vehicular access will occur from the Cork Street frontage leading to the underground parking garage.

A total of 37 parking spaces will be provided. The parking will be provided in a mechanical parking stacker, and in standard underground parking spaces. No surface parking is proposed to be provided on the site. The parking supply will allow for one (1) space per market unit, and 0.85 spaces per affordable unit. Two (2) visitor parking spaces will be provided in the underground parking garage near the entry to the parking garage on Cork Street.

The parking provided by the applicant in the revised application is consistent with recent parking standards for condominium buildings in the Downtown area of the City.

### Development Approvals Required

The development proposal requires an amendment to the City of Guelph Official Plan to allow for a 5-storey building, whereas city policy in the Downtown Secondary Plan would limit the height of the building to two to four storeys. The height limits in the Official Plan are intended to protect for views of the cultural heritage landscape features of Catholic Hill, and specifically the Basilica of Our Lady, which is a federally designated heritage site.

The proposed use of the property is otherwise consistent with the City's Official Plan.

The development proposal also seeks to amend the City of Guelph Zoning Bylaw to allow for the residential use of the property, an increase in the height allowance for the building, and to provide for site specific regulations, which would be expected to be tailored to the building placement on the site, including allowable gross floor area as well as parking. A notable change to the bylaw includes a reduction in the east portion of the property, which is technically a rear yard of the property according to the City's zoning bylaw. The development proposal seeks a reduction in the required rear yard from 10 metres to 3 metres. It should be noted that the current allowance permits a 4-storey building and the rear yard requirement applies only to a non-residential building on an as-of-right basis.

An application for site plan approval and a draft plan of condominium would also be required and have not been submitted to the City at this time.

The property was formerly developed with tennis courts and there is little in the way of trees or significant vegetation. The property is located in an area with considerable change in grade, necessitating the use of retaining wall on the east side of the property adjacent to a commercial property and along the northern property line shared with Central Public School. The elevation change along the subject site has been estimated to be 4.5 to 5m in height (from the base of the school building to the top of the property formerly occupied by the tennis courts). This elevation difference is the equivalent of one and half to two storeys in height of a typical residential apartment development.

### Issues

In our review of the proposed amendment, we have identified the following matters which may be of concern or issue:

#### **Official Plan Conformity**

As indicated above the proposed development requires an amendment to the Official Plan in respect to height of the building. This policy was developed largely in response to the federally designated heritage site of the church property to the west and its prominence on the skyline of the downtown. This policy was also developed for the entire downtown area and requires consideration of adjacent buildings (likely due to the extent of existing development within the Downtown and the expectation for infill type development). In the context of the proposed development for the property and its relationship to the school site the change in elevation between the property and the adjacent school building would require careful consideration to the impact of the proposed massing and placement on the school building and the areas around the school itself.

From our review of the proposed development, there is an issue with Official Plan policy which speaks to general building heights of two to four storeys. The elevation change alone account for a one and half storey differential in height, which would effectively establish the height of the proposed building as an equivalent of approximately 7-storeys in height (excluding the mechanical penthouse) to the facing condition with the Central Public School.

The proposed development also requires substantial reduction in the rear yard allowance from 10m to 3m. This reduction also introduces a substantial increase in the building massing which in turns affects the shadow cast onto the school site, particularly the Peace Garden which will be in shade much of the day as a result of the proposed building.

As the development requires an Official Plan Amendment, the onus should be on the proponent to provide an analysis of the additional height sought to allow an evaluation on the basis of the overall impact on the subject site.

**Impact of Height on the School Site**

Particularly to the FDK play area on the Dublin Street North frontage, to the Peace Garden along the south limit of the school site, and the hard surface play areas along to the east of the school building, the height and massing of the proposed residential building will create:

Loss of sunlight to the play areas in the typical operating months of operation of the school

In regards to the shadow impact of the proposed development, as there are no City of Guelph terms of reference or policies available to determine whether the potential shadows created by the proposed building will be provided at an acceptable level on the subject site, we have taken a practical approach in our review of the shadow studies prepared by the applicant. Typically, loss of sunlight is addressed in the context of the March, September and June time periods (taking into account Daylight Saving Time) and, occasionally, winter conditions are considered for public spaces.

In the context of the development application for the property, the applicant has provided sun shadow studies to demonstrate the impact of the proposed building to the subject site. At this time, we can advise that the shadow of the proposed building in the morning and early afternoon hours extend over the FDK play area, the Peace Garden, and into the southern extent of the easterly play area of the school (created by the proposed increased building height and width), beyond the shadow created by a building built as-of-right under the current zoning by-law. This condition is most pronounced in the winter months rendering those areas without sunlight for the bulk of the school day.

As outlined in our memorandum dated October 17, 2016, a number of concerns pertaining to the shadow studies were identified and recommendations were provided to assist in our review of the proposed residential development.

Loss of sunlight to the roof mounted solar panels

The solar panels will be subject to shadow such that there could be a loss of power generation capacity in the morning hours and this would have a financial impact to the school board. This is a matter which could be eliminated by a reduction in the building height or the relocation of the panels to the north. If the latter option is pursued this should be accomplished by a binding agreement prior to any amendment to the zoning bylaw.

Overlook to school's play areas from proposed main residential rooms windows, balconies and terrace

The orientation of the proposed main residential window, balconies and terraces could create an overlook condition to the kindergarten play area at the front of the school building, to the Peace Garden, and the rear yard school playground to the north. This is a matter of balancing the benefit of "eyes" on the publicly accessible area of the Peace Garden and the potential disbenefit or loss of privacy and overlook into these areas of the school site. The revised plans now present terraces on the northern facing levels



of the proposed building at the fourth and fifth floors. The terrace condition is now proposed to result in a 3m deep condition and this will be usable area for future residents. To mitigate concerns with direct overlook, features such as opaque/frosted panels, and/or planters/balcony guards can be required to prevent people on the terrace from being immediately at the edge of the terrace creating a condition of a longer view vs an immediate overlook to the Peace Garden and play areas.

#### **Impact of Building Massing to Heritage Property Considerations**

Given the importance of the heritage considerations to Church Hill, we note that the heritage impact study for the proposal was not submitted to the City or made available to the School Board until October 21, 2016. With the modifications to the proposal submitted on October 24<sup>th</sup>, this report will need to be updated and reviewed by the City. We have not provided any commentary on this report and have had insufficient time to do so but would anticipate this to be a significant document in the assessment of the overall proposal by the City.

#### **Impact of Location of Main Entrance to the Building**

The transportation report filed on October 14, 2016 for the subject site states:

*"There is existing on-street parking spaces along the Dublin Street North frontage of the subject property. These parking spaces function as a Kiss N' Ride zone for the Central Public School with a time limit of 5 minutes between 08:00 and 16:30 from Monday to Friday. Outside these hours, on-street parking is permitted at all times. These spaces and the other on-street parking areas along the adjacent roadways will serve as visitor parking for the subject site. Visitor parking is used predominately in the evenings and on weekends and is not expected to conflict with typical school operating hours."*

In our view, the location of the main entrance to the proposed apartment building on Dublin Street North will create a potential conflict with the day-to-day operations of the school which has the exclusive use of the existing lay by on the street.

The proposed building makes no provision for a lay by on either Dublin Street North or Cork Street West for pick-up and drop-off of residents by others, including cabs and handicapped accessible vehicles, and general deliveries. This conflict would be unavoidable given the extent of the hours the lay by would be used by the school and the normal day-to-day needs of residents of the apartment building particularly a building oriented to seniors. The location of the underground visitor parking spaces is not likely to be convenient for most deliveries or pick-up of residents, and is not designed to accommodate larger handicapped accessible type vehicles which may be needed by residents.

#### **Parking**

Given the proposed increase in the parking supply, this should not be a matter of issue. As discussed above, the more significant issue is the location of the parking and the lack of a proper pick up and drop off for the proposed building in order to avoid the conflicts anticipated in the lay by area on Dublin Street North as programmed and limited to allow continued and effective use by the Central Public School.

### **Inadequate Setbacks**

The proposed setbacks of 3 metres from the front , northerly and rear side yard setbacks are inadequate and create an incompatible relationship with the adjacent school.

Some guidance as to more appropriate minimum building setback distances for this development can be obtained by looking at the setbacks for development currently permitted for development on this site under the existing Institutional zoning.

Under the existing I.1 zoning a minimum front yard and side yard setback of 6 metres are required. The front yard and side yard standard from the I.1 zoning if applied to the proposed development would reduce the overlook and loss of indirect light to the Kindergarten Play area at the southwest corner of the School and the Peace Garden.

The I.1 zoning requires a minimum rear yard setback of 7.5 metres and the proposed D.2 zoning under the Downtown Zoning Bylaw proposes to require 10 metres. Given the impact of the reduced setback proposed on shadow on the asphalt playground during the morning months in the winter maintenance of the 10 metre rear yard setback from the Downtown Zoning Bylaw would be more appropriate.

### **Conclusion**

In our view, the proposed development should be required to address matters of fencing, landscape and lighting along the common property limit with the subject site. These details are typically advanced at a site plan approval stage and the Board technically would not have a right to review or materially affect those matters.

In our view, the application should be amended as follows to address the identified impacts to the school property:

- Relocate the main entrance to the building from Dublin Street North to Cork Street West or to the southwest corner of the building to be secured by the new zoning bylaw
- Increase the front yard and north side yard setbacks to 6 metres and incorporate a landscape plan to improve and enlarge the area of the Peace Garden (by design and not ownership)
- Increase the rear yard setback to 10 metres
- Limit the height of the development to 2-4 stories and express it in an actual measured height above grade
- Prohibit any protrusions above the height limit unless expressly permitted including prohibition of any telecommunications/wireless antennae
- Provide further setbacks at the upper levels on the east, west and north sides of the building to mitigate sun shadow loss and reduce the impact of the buildings massing on adjacent school activity areas and playgrounds
- Define the location , height and size of any proposed mechanical penthouse in the zoning bylaw
- Develop a building envelope in the zoning bylaw reflecting these performance standards
- Consider an approach to resolve loss of sunlight to the roof top panels on the school building

Should an amendment to the zoning bylaw be approved for the proposed development of the property, we would recommend specific regulations to limit the location, size and number of balconies, or terraces; and stepbacks and setbacks should be prescribed to ensure building placement and the light conditions demonstrated to be acceptable to the school board.

Given the unique characteristics and conditions of the school property, we would recommend the City amend the Downtown Zoning Bylaw as it affects this property to incorporate the recommendations contained in this letter to guide future development applications.

I trust this is satisfactory to your needs at this time. Should you have any questions or wish to discuss this please contact me.

Yours truly,

**WND associates**  
planning + urban design

A handwritten signature in black ink, appearing to read "Robert A. Dragicevic". The signature is fluid and cursive, with a large initial "R" and "D".

Robert A. Dragicevic, MCIP, RPP  
Senior Principal

# INTERNAL MEMO

DATE November 9, 2016  
TO **Stacey Laughlin**  
FROM Stephen Robinson  
DIVISION Planning Services  
DEPARTMENT Infrastructure, Development and Enterprise  
SUBJECT **75 Dublin Street North – Heritage Comments**

Heritage Planning offers the following comments with respect to the Council directed and City initiated Official Plan and Downtown Zoning By-law amendment (OP1603 and ZC1612) for 75 Dublin Street North as property adjacent to protected heritage property.

## Background

75 Dublin Street North is adjacent to what has become known as “Catholic Hill”, a property owned by the Roman Catholic Diocese of Hamilton and known municipally as 19, 28 and 52 Norfolk Street within the city block bound by Norfolk Street, Cork Street West, Dublin Street North and Northumberland Street.

Catholic Hill is now considered a significant potential cultural heritage landscape with five of its major features of cultural heritage value already listed as non-designated built heritage resources on the city’s Municipal Register of Cultural Heritage Properties:

- Basilica of Our Lady Immaculate
- St. Agnes School
- Loretto Convent (now Guelph Civic Museum)
- Rectory
- Annex Building



## National Historic Site

In 1990, the building and footprint of what is now the Basilica of Our Lady Immaculate was recognized under federal legislation as a National Historic Site (NHS) under the Historic Sites and Monuments Act (R.S.C. 1985, c.H-4).

The Act enables the Minister responsible for the Parks Canada Agency to:

- commemorate historic sites by means of plaques other signs
- make agreements for care and preservation
- establish historic museums
- acquire property by purchase or lease
- provide for the administration, preservation and maintenance of any





historic places acquired pursuant the Act

While the NHS character defining elements include the “prominent siting at the top of a hill overlooking the city; views to and from the church and the city” there is no legislated requirement for the municipality to obtain federal approval for development proposed on adjacent lands.

The Ontario Ministry of Culture and the Ontario Heritage Trust has installed a plaque to commemorate the provincial significance of Joseph Connolly, the architect of the Basilica of Our Lady.



#### The Venice Charter – Article 6

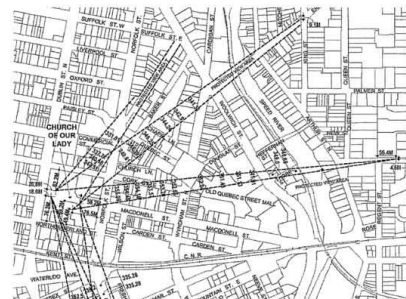
Article 6 of the *International Charter for the Conservation and Restoration of Monuments and Sites (The Venice Charter, 1964)* advises that a monument or site’s traditional setting must be kept. Planning staff are of the opinion that the setting of Catholic Hill is the area within its potential cultural heritage landscape and that the proposed new construction would not alter the relations of scale, mass or colour within the monument or site’s traditional setting.

#### Protected Public View Corridors

The City of Guelph Zoning By-law (1995)-14864 identifies five protected view corridors relating to the Basilica of Our Lady Immaculate. These views are illustrated in Schedule D of the Downtown Secondary Plan (OPA 43). Section 4.18.2 of the Zoning By-law restricts building heights within these corridors to the geodetic elevation indicated in Defined Area Map No.63.

75 Dublin Street North is not within one of the five protected view corridors.

The Official Plan permits a minimum of 2 storeys and a maximum of four storeys. The existing zoning allows a maximum height of four storeys.



#### Adjacency

According to the Provincial Policy Statement (PPS 2014), a protected heritage property is defined as any of the following:

- property designated under Parts IV, V or VI of the Ontario Heritage Act;
- property subject to a heritage conservation easement under Parts II or IV of the Ontario Heritage Act;
- property identified by the Province and prescribed public bodies as provincial heritage property under the Standards and Guidelines for Conservation of Provincial Heritage Properties;
- property protected under federal legislation;
- UNESCO World Heritage Sites

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The building and footprint of the Basilica of Our Lady Immaculate is recognized under federal legislation as a National Historic Site and, therefore, the building (as opposed to the real property) is considered a protected heritage property.

PPS policy 2.6.3 requires that planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

For the purposes of PPS policy 2.6.3, adjacent lands means those lands contiguous to a protected heritage property or as otherwise defined in the municipal official plan.

According to the City of Guelph Official Plan, in cases where a protected heritage property is located within real property that is 2.5 hectares or greater ... adjacent properties are those within 30 metres of the protected heritage property. The property known as "Catholic Hill" measures roughly 2.59 hectares and 75 Dublin Street North is more than 80 metres from the Basilica building.

Planning staff conclusion and recommendation:

- The building and footprint of the Basilica of Our Lady Immaculate is a protected heritage property in that it has only a certain amount of protection for the building itself under federal legislation through its commemoration as a National Historic Site.
- The proposed development is not adjacent to a protected heritage property according to the City's Official Plan.
- Although there is no requirement under provincial policy or the Official Plan to study the potential impact of the development on the adjacent listed heritage buildings, Planning staff through proper due diligence, have still required the proponent to submit a Cultural Heritage Resource Impact Assessment of the proposed development. A Cultural Heritage Resource Impact Assessment by CHC Limited (dated October 19, 2016 and updated October 24, 2016) was reviewed by Planning staff with all other required studies.
- Planning staff are of the opinion that the proposed development would not have a negative impact on the heritage attributes of the Basilica of Our Lady Immaculate and the potential cultural heritage landscape of "Catholic Hill".

# INTERNAL MEMO



DATE November 15, 2016

TO **Stacey Laughlin, Sr. Policy Planner**

FROM David de Groot, Senior Urban Designer

DIVISION Planning Services

DEPARTMENT Infrastructure, Development and Enterprise Services

**SUBJECT 75 Dublin Street: Official Plan Amendment and Zoning By-law Amendment  
OPA1603 and ZC1612  
Urban Design Comments**

## Introduction

Urban design staff has the following comments on the City-initiated Official Plan and Zoning By-law for 75 Dublin Street.

Urban design staff has concentrated on reviewing applicable urban design policies within the Official Plan and the Downtown Built Form Standards. Urban Design staff has also reviewed the property owner's proposal and the staff-recommended Zoning By-law from an urban design perspective.

## Key Policies

While the excerpts below do not represent all the applicable urban design policies for this site, urban design staff would like to highlight some key policies. In particular, key to urban design staff's understanding is around compatibility with the character of the surrounding area and respecting the character of neighbouring buildings (11.1.7.4.4a).

The Downtown Secondary Plan defines 'compatibility' as follows:

"Compatibility/compatible means: Development or redevelopment which may not necessarily be the same as, or similar to, the existing development, but can coexist with the surrounding area without unacceptable adverse impact."

The character of the Mixed Use 2 designation is described as follows:

"..Therefore the predominant character of this area is of low-rise buildings that are residential in character, with landscaped front yards, and small-scale, visually unobtrusive commercial signage." (11.1.7.4.1)

Built form policies of the Downtown Secondary Plan are also concerned generally with compatibility:

"The built form policies of the Downtown Secondary Plan, and in particular those that apply to mid-rise and taller buildings, respond sensitively to the unique and historic fabric of Downtown Guelph and the surrounding neighbourhoods. Their primary intent is to ensure compatibility among buildings of different types and forms, the minimization and mitigation of adverse shadow and view impacts, and the creation and maintenance of an inviting and comfortable public realm." (11.1.8.1.4)

## Key site specific urban design considerations

Urban design staff have the following general observations about the site's context:

- The site sits high from a geodetic elevation perspective. Along Cork Street there is an elevation change as Cork descends towards Norfolk Street.

- The site is at the edge of the City's urban growth centre and adjacent to a lower density residential neighbourhood that is generally designated 'General Residential' and the City's current Official Plan and 'Low Density Residential' in the Council-adopted Official Plan (i.e. OPA 48).
- The site sits across the street from Catholic Hill and the former St. Agnes School.
- The site shares a lot line with an existing school. The site sits higher than the adjacent school yard. The proposed finished floor elevation shown by the property owner is 345m while the school yard elevation is approximately 339m.

## **Height and Massing**

### *Height and Skyline*

In the property owner's proposal, the top of the third storey at 75 Dublin St. N. would approximately line up with the eaves of St. Agnes's geodetic elevation. The top height of the fourth storey is approximately the same geodetic elevation as the ridgeline of the roof of St. Agnes. The approximate geodetic elevation of the tower of St. Agnes is 361 m. Under the property owner's proposal, the mechanical penthouse could exceed this elevation by almost 4 metres.

Given the following:

- The site's location is at the edge of the urban growth centre, where urban design staff would be looking for a transition to the adjacent lower density residential neighbourhood across Dublin Street; and,
- the predominant character of this area identified as low-rise buildings in the Mixed Use 2 designation,

Urban design staff does not feel that this site is an appropriate candidate for increasing building height.

In addition, while skyline impacts are not typically an issue for a 5-storey building, this property sits at a high elevation and will be visible from a distance. Based on this, urban design staff would support a policy that would cap the overall building height (i.e. including mechanicals) on this property such that it does not exceed the overall height of St. Agnes school's geodetic elevation (e.g. 361m). This would help ensure compatibility to buildings in the area.

### *Stepbacks*

Stepbacks are proposed from Cork Street and Dublin on upper building storeys. Based on the materials provided, the stepbacks appear to be close or equivalent to a 45 degree angular plane taken from the centreline of the adjacent streets.

Since the public meeting, the applicant has also added additional stepbacks at the building's rear which begin to address some of the shadowing, overlook, and general compatibility issues raised at the public meeting. However, from an urban design perspective and given the shadowing impacts (see discussion below), and resulting massing impact as demonstrated in the following photo below (prepared by the Property Owner), staff do not feel that the stepbacks proposed are sufficient.





*Summary of height and massing comments*

Urban design staff has concerns about:

- The proposed additional building height given its location at the edge of the urban growth centre, the impact on the school yard (both the shadowing and the massing), its building height in relationship to St. Agnes school and the “low-rise” character of the Mixed Use 2 designation.
- The rear yard reduction given the increased height and the impact on the school yard (both the shadowing and massing). In other words, staff do not feel that the property owner’s additional rear yard setbacks are sufficient to address the issues identified.

Urban Design staff support:

- The setbacks proposed from Cork Street and Dublin.
- Recommending refusal on the additional height.
- Capping the overall geodetic height of the building (including the mechanical penthouse) so that it does not exceed the height of the tower of St. Agnes school.
- Increasing the rear yard setbacks to reduce the massing visible from the school yard and reduce the shadowing on the school yard (see discussion below).

**Shadows<sup>1</sup>**

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<sup>1</sup> The shadow volume modelling used in staff’s analysis was completed using the ESRI suite of products, generally accepted as an industry standard when performing spatial analysis using GIS

Shadowing concerns have been raised at the public meeting, in public comments and by the School Board specifically in regards to the impact on the adjacent school property.

In assessing compatibility and specifically “unacceptable adverse impact” (as per the definition of ‘compatibility’) shadow is an important consideration. This is also noted in policy 11.1.8.1.4 which talks about “minimization and mitigation of adverse shadow impacts” to ensure compatibility among buildings. In other words assessing compatibility with neighbouring buildings includes assessing shadowing impacts.

Based on comments received by the School Board, the key shadow impact areas identified are as follows:

- The rear yard play area;
- The full-day kindergarten play area in the front yard; and,
- The Peace Garden along the south side of the school building.



While the City of Guelph does not have shadow analysis guidelines, typically shadows are reviewed on March 21/September 21<sup>2</sup>, June 21, and a more limited time period on December 21.

In particular, the key times of the day are the outdoor recess times which fall between 10am and 2pm. Therefore, staff has concentrated on reviewing these times.

In the absence of Guelph specific guidelines, staff reviewed a number of guidelines from other municipalities across Ontario. From this research, there are two key principles that staff has identified and used to evaluate shadow impact.

1. *The analysis of shade impact must evaluate the 'new net shadow' above that permitted as-of-right in the Zoning By-law.*

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data. The inputs to the shadow mapping are based on the City's current GIS base data, including: building footprints, parcel fabric, orthophotography, and contours (0.5m). The accuracy of the generated shadows is dependent upon the precision of each of the data inputs and as such, the results of the shadow analysis should be treated as a representation of the real-world example.

<sup>2</sup> September 21 is similar to March 21, and therefore, criteria for Sept. 21 are deemed to apply to March 21.



Shadow analysis should recognize the existing shadows (i.e. from the school itself) and as-of-right shadowing (i.e. from 75 Dublin based on the existing 4-storey Institutional zone permissions). In other words, staff is evaluating the additional shadow impact of the proposal to increase the height to 5 storeys in combination with the proposed setbacks and stepbacks. This principle is used in other municipalities such as the City of Mississauga and the City of Ottawa.

2. *An adverse impact to a school yard generally occurs the longer the duration more than 50% of a school yard is in shade.*

A review of other municipality's shadow analysis guidelines indicate that they generally recognize and contain guidelines regarding shadow impacts to school yards. For example, school yards are specifically mentioned in the shadow guidelines for the City of Mississauga, City of Ottawa, and the Town of Richmond Hill. The guidelines and terms of reference generally reference a standard of 50% of school yards being exposed to sunlight during specified time periods, including on December 21. While the 50% threshold is generally consistent, there are differences between the municipalities in terms of the duration of time permitted to exceed the 50% threshold. In other words, some municipalities do permit the 50% threshold to be exceeded for limited portions of a day.

Using these principles, staff has made the following observations based on the shadow impacts of the property owner's revised plan on the three areas of concern identified by the School Board:

*The rear yard play area*

In reviewing the shadow analysis, the key time of year in terms of impact to the rear yard play area is the December 21 date. The existing school and the existing as-of-right zoning envelope for 75 Dublin creates a shadow that covers more than 50% of the rear yard play area at around noon. This percentage increases as the day goes on (see Table 1).

The property owner's proposal does create a new net shadow impact on the rear school yard. The shadowing would cover more than 50% of the rear yard play area before 11 am (see Table 1). In other words, the property owner's proposal would create a net shadow impact that results in less than one hour between 10 am and 2 pm where the school yard is below the 50% threshold of being shaded. For this reason, urban design staff has concerns about the adverse shadow impact on the rear yard play area.

In contrast, the staff-recommended zoning results in a shadow that approximately equals the as-of-right shadowing impact of the existing zoning. As there is generally little new net shadow impact on the rear yard play area staff feels that the staff-recommended zoning envelope results in a minimal shadow impact that is not considered adverse.

**Table 1 Percentage of rear yard play area in shade (December 21)**

	<b>Existing I.1 Zone</b>	<b>Property Owner's draft Proposal</b>	<b>Staff Recommendation (D. 2-9)</b>
December 21, 10am	20%	35%	27%

December 21, 11 am	42%	55%	44%
December 21, 12 pm	59%	71%	59%
December 21, 1 pm	73%	78%	73 %
December 21, 2 pm	84%	86%	85%

*The Full-day Front Yard Kindergarten Play Yard*

In reviewing the shadow analysis, the key time of year in terms of impact to the front yard kindergarten play area are the September 21/March 21 dates. Again, staff is concentrating on reviewing the time period between 10am and 2pm. During this time period, the existing school and the existing as-of-right zoning envelope for 75 Dublin create a shadow that covers more than 50% of the front yard play area for a short portion of the hour between 10 am and 11am. This percentage decreases as the day goes on (see Table 2). For the December 21 date, in all three scenarios the impact is less than 50% at 10am and decreases afterwards (see Table 3).

The property-owner's proposal has a net increase in shadow compared to the existing zoning. However, the net increase is less of an impact than the additional rear yard shading impact discussed above.

The staff-recommended zoning creates a shadow impact that is very similar to the existing zoning and has only a minor net shadow impact on the kindergarten yard from the as-of-right zoning. For this reason, staff does not consider the impact of the staff-recommended zoning to create an adverse shadow impact to the front yard kindergarten play area.

**Table 2 Percentage of the front yard full-day kindergarten play yard in shade (September 21)**

	<b>Existing I.1 Zone</b>	<b>Property Owner's draft Proposal</b>	<b>Staff Recommendation (D. 2-9)</b>
September 21, 9am (DST)	96%	98%	97%
September 21, 10 am (DST)	57%	83%	63%
September 21, 11 am (DST)	18%	30%	23%

**Table 3 Percentage of the front yard full-day kindergarten play yard in shade (December 21)**

	<b>Existing I.1 Zone</b>	<b>Property Owner's draft Proposal</b>	<b>Staff Recommendation (D. 2-9)</b>
December 21,	98%	100%	98%

9am (EST)			
December 21, 10 am (EST)	18%	49%	47%
December 21, 11 am (EST)	9%	6%	4%

*The Peace Garden*

In reviewing the shadow studies, the as-of-right shadow impacts to the Peace Garden are generally equivalent to both the property owner's proposal and staff's recommended Zoning By-law. However, increasing the setback as proposed by staff adjacent to the Peace Garden and maintaining a 4-storey height will marginally reduce the impact in this location. As there is generally little new net shadow impact on the Peace Garden, any impact is considered minor by staff.

*Summary of shadow comments*

Urban design staff:

- Is concerned about the impact that the additional height of the property owner's proposal would create as demonstrated on the December 21 analysis. There is new net shadow impacts that result in less than one hour between 10 am and 2 pm where less than 50% of the school yard is shaded.
- Additional new net shadow to the front yard kindergarten area is also observed. However, there is less of an impact on this area when compared to the rear yard.

Urban Design staff support:

- The reduction in height and additional setbacks and stepbacks that will generally result in no new adverse shadow impacts to the school. Therefore, urban design staff feels that the staff recommendation will not result in unacceptable adverse shadow impacts.

**Overlook**

In order to reduce overlook impacts, urban design staff supports including zoning by-law regulations that limit overlook onto the adjacent school yard (e.g. requiring the use of translucent materials). Including additional stepbacks to the rear of the building will help to reduce overlook. Finally, increasing the side yard setback (i.e. to 4.5m as recommended by staff) to allow for planting (e.g. a cedar hedge) will also assist in this transition and reduce overlook concerns.

**Setbacks**

*Front Yard Setback*

Staff has reviewed front yard setbacks in the area and is of the opinion that a 3m front yard setback is generally consistent with residential buildings in the area. A 3m front yard setback will still allow for front yard landscaping and will provide for an appropriate relationship to the street that is compatible with the surrounding area while respecting the character of neighbouring buildings.

*Side Yard Setback*

Increasing the side yard setback to 4.5 m as proposed by city staff (from the 3 metres as shown in the property owner's proposal) provides the opportunity for additional plantings to allow for a more compatible transition between the building and the school. This also has a positive impact on reducing shadow, overlook and massing.

*Summary of setback comments*

- Urban Design staff support the 3m front yard setback.



- Urban Design staff support increasing the side yard setback to 4.5m to improve the compatibility between the building and school.

#### **Rooftop Mechanical Equipment**

The location, height and size of the rooftop mechanical equipment has been raised by the School Board as an issue, as well as mentioned at the public meeting. Typically, rooftop mechanicals include equipment related to the elevator in the building and therefore need to be located on the roof. The Downtown Built Form Standards state that "rooftop mechanical equipment and elevator cores should be architecturally integrated with the building design, or screened from view through a minimum 5 metre stepback" (pg. 60). Based on this, the Zoning By-law could require a minimum 5 metre stepback for rooftop amenity equipment. The height of this equipment would also be limited by the overall geodetic elevation height cap proposed in the staff-recommended zoning.

#### **Materials, articulation, landscaping and other site plan issues**

As part of the site plan process, further detailed comments would be discussed for a development on this site. Materials and articulation would be further reviewed through a future site plan process; staff is only recommending a zoning envelope at this time. Additional items for discussion:

- Based on the submission by the property owner so far, staff would continue to discuss and refine any design, in particular reviewing the dark materials chosen along the rear of the building as well as how the building above the stepback relates and interlocks with the base of the building.
- As previously mentioned, the 3m front and exterior side yard will allow for the opportunity for landscaping behind the sidewalk with landscaped front yards. Landscaping between the school and building would also be reviewed. A landscaping review would take place as part of site plan.
- The size and location of the proposed trellises on the balconies.
- The location of the principal entrance, as the School Board has commented that they would like to move it away from the school. Staff would review this again with the applicant while ensuring that the main entrance to the building is accessible.
- A lighting plan would be reviewed to minimize any light trespass across property lines.





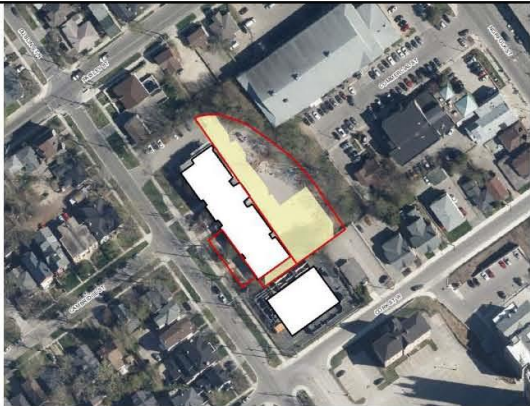

#### **Conclusions**

Urban design staff does not feel that this site is an appropriate candidate to increase building height given both the policy context and the context of this specific site. Staff also has concerns about compatibility including the shadow impact on the adjacent school's rear yard based on the December 21 shadow analysis. There is also an impact on the school's front yard full day kindergarten yard as observed on the March 21/September 21 shadow analysis.

To address this and help ensure a zoning envelope for the property that is compatible given its context, urban design staff supports the staff recommendation.

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**Shadow Analysis – December 21**  
**Institutional As-of-Right and City Recommended Zoning**

Time	Institutional As-of-Right Zoning	City Recommended Zoning
DEC 21 – 10AM EST		
DEC 21 – 11AM EST		
DEC 21 – 12 PM EST		



Time	Institutional As-of-Right Zoning	City Recommended Zoning
DEC 21 – 1 PM EST		
DEC 21 – 2 PM EST		



**Shadow Analysis – December 21**  
**Property Owner Proposal and City Recommended Zoning**







Time	Property Owner Proposal	City Recommended Zoning
DEC 21 – 10AM EST		
DEC 21 – 11AM EST		
DEC 21 – 12 PM EST		



Time	Property Owner Proposal	City Recommended Zoning
DEC 21 – 1 PM EST		
DEC 21 – 2 PM EST		





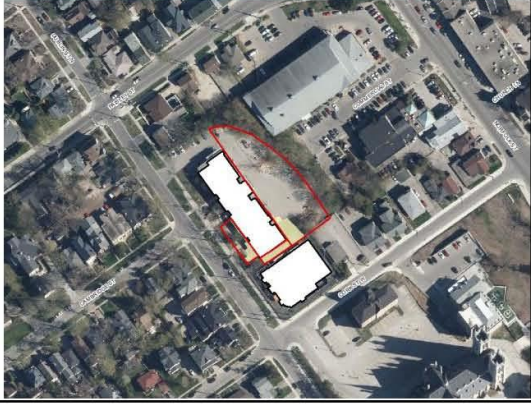
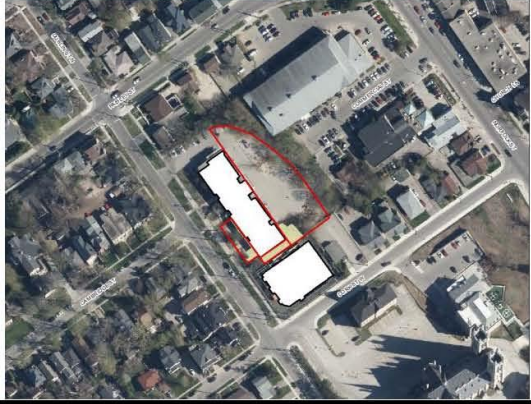


**Shadow Analysis – September 21**  
**Institutional As-of-Right and City Recommended Zoning**

Time	Institutional As-of-Right Zoning	City Recommended Zoning
SEPT. 21 – 9AM DST		
SEPT. 21 – 10AM DST		
SEPT. 21 – 11AM DST		



**Shadow Analysis – September 21**  
**Property Owner and City Recommended Zoning**

Time	Property Owner	City Recommended Zoning
SEPT. 21 – 9AM DST		
SEPT. 21 – 10AM DST		
SEPT. 21 – 11AM DST		

**ATT-10**  
**Heritage Guelph Recommendation**  
**November 14, 2016**

THAT Heritage Guelph intends to recommend to Council the designation of Catholic Hill as a cultural heritage landscape bounded by Cork, Dublin, Northumberland, and Norfolk Streets including, but not limited to, the Basilica, the Annex building, St. Agnes School, the Rectory, and the Convent/Guelph Civic Museum under Part IV of the Ontario Heritage Act.

CARRIED

THAT Heritage Guelph does not support staff's recommendation that the proposed development would not have a negative impact on the heritage attributes of the Basilica of Our Lady Immaculate and the potential cultural heritage landscape of "Catholic Hill" due to incomplete information regarding secondary view sheds, including night time and winter views, and incomplete studies of shadows cast upon the protected cultural heritage attribute by the current design proposal.

CARRIED

**ATT-11**  
**Public Notification Summary**

September 12, 2016	Statutory Public Meeting of City Council for the Downtown Zoning By-law Amendment
September 22, 2016	Notice of Public Meeting advertised in Guelph Tribune
September 26, 2016	Notice of Public Meeting mailed to prescribed agencies, surrounding property owners within 120 metres and interested parties requesting to remain informed
October 17, 2016	Statutory Public Meeting of City Council for the city-initiated Official Plan Amendment for 75 Dublin St. N. and the second Public Meeting for the Downtown Zoning By-law Amendment as it pertains to 75 Dublin St. N.
November 8, 2016	Notice of Decision Meeting mailed to interested parties that signed-in or commented at the Public Meeting or requested notice
November 10, 2016	Notice of Decision Meeting advertised in Guelph Tribune
November 28, 2016	City Council meeting to consider staff recommendation

# MEMO

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The City must consider available and future municipal water supply when approving potential new non-municipal facilities, which requires water from the municipal water system for their operations. New rules for water taking should consider the economic value of the water taking, recognize constraints on available water taking and weigh the value against potential reductions in future municipal water supply capacity. Greater weight needs to be given to future municipal water supply requirements over non-municipal water-takings, in order to ensure groundwater-based municipalities like Guelph, can achieve provincially mandated population and employment growth targets.

Study Climate Change and Impacts on Future Water Takings - The City of Guelph is required, as part of the Drinking Water Quality Management System Risk Assessment Process, to review potential climate change impacts to the drinking water system. This includes reviewing the risk to municipal drinking water supply from drought. In its review of water taking, the MOECC should consider conducting or funding research on the Ontario climate change effects on groundwater resources to establish climate change models that can be used to study potential changes to the management of groundwater resources.

The City is an active member of the Ontario Low Water Response Program Team coordinated by the Grand River Conservation Authority. In response to low water conditions, the City has implemented an Outside Water Use Program that allows the City to reduce their water taking during a drought, as per the Ontario Low Water Response Program guidelines. The Ontario Low Water Response Program currently requests voluntary reductions of all water takings (Permit to Take Water holders) based on watershed and sub-watershed conditions. It is suggested that this program be reviewed by the MOECC, as part of the proposed regulation, to include mandatory water use restrictions for all non-municipal permit to take water holders when declarations of low water are made. These mandatory restrictions for permit holders should include a fine/fee structure that is appropriate based on the compliance requirements.

Adequately Resource Support and Enforcement of New Rules on the Issuance of Permits – It may be expected that new rules for permits to take water may increase the level of effort for the issuance of permits and the MOECC should consider increasing its staff resources to support the increase in demand for new and renewed permits. In addition, new rules will place a higher burden on enforcement of permit terms and conditions and therefore, more resources may also be required to ensure compliance with the new rules.

Ensure Timely and Consistent Response to Drought – Staff agree that water bottlers, through their water taking permits, should comply with directives of the Ontario's Low Water Response program that requires water takers to reduce their taking during times of drought.

Consistency of Approach to Managing Permits - The Province should consider that many of the concerns and recommendations presented here would apply equally to other major permitted water users including but not limited to water takings for agriculture, golf courses, mining and aggregate, and other wet process industries.



# MEMO

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Yours truly,

**Peter Busatto, General Manager of Environmental Services**

**Wayne Galliher, Water Services Plant Manager**

**Dave Belanger, Water Supply Program Manager**

**Peter Rider, Risk Management Official**

**Emily Stahl, Manager of Technical Services**

**John-Paul Palmer, Compliance Coordinator**



# NOTICE OF MOTION



**Title of Motion: Commemoration of Veterans and  
Norfolk Street Bridge**

**Moved by: Mayor Guthrie**

## **SUMMARY**

The importance of recognizing our veterans, who have fought for our freedoms and paid the ultimate sacrifice for peace, is of utmost importance to Canadians and within the City of Guelph. I believe the City has an opportunity to consider commemorating and honouring our veterans during the reconstruction of the currently named “Norfolk Street Bridge”, through such possibilities as public art, renaming of the bridge or further options.

## **Motion:**

**That the following motion be referred to the January  
Committee of the Whole meeting:**

**That staff be directed to consider options to  
commemorate veterans as part of the Norfolk Street  
bridge reconstruction.**

**To be introduced: Dec 19<sup>th</sup>, 2016 – City Council Meeting**