

City Council - Planning Meeting Agenda



Monday, December 12, 2016 – 6:30 p.m.
Council Chambers, Guelph City Hall, 1 Carden Street

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

Please note that an electronic version of this agenda is available at guelph.ca/agendas.

Open Meeting – 6:30 p.m.

O Canada

Silent Reflection

First Nations Acknowledgement

Disclosure of Pecuniary Interest and General Nature Thereof

Council Consent Agenda:

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 Consent Agenda, please identify the item. It will be extracted and dealt with separately as part of the Items for Discussion.

CON-2016.64 200 Beverly Street – IMICO – Memorandum of Understanding

Recommendation:

1. That Guelph City Council authorizes the Mayor to sign the Memorandum of Understanding regarding the Redevelopment of 200 Beverly Street (Commonly Known as the former IMICO Property), as described in Report Number IDE-BDE-1621.
2. That Guelph City Council authorizes the General Manager of Business Development and Enterprise to manage those matters relating to the City of Guelph's participation in the Memorandum of Understanding regarding the Redevelopment of 200 Beverly Street (Commonly Known as the former IMICO Property), as described in Report Number IDE-BDE-1621.

**CON-2016.65 108 and 110 Nottingham Street Proposed Zoning By-law
Amendment File: ZC1611 - Ward 5**

Recommendation:

That the application submitted by Van Harten Surveying Inc. on behalf of Henry Hanlon to amend the Zoning By-law from the "Residential Single Detached" (R.1B) Zone to "Specialized Residential Semi-Detached/Duplex" (R.2-?) Zone to recognize the existing semi-detached dwelling on the property municipally known as 108 and 110 Nottingham Street, and legally described as as Part of Lot 259, Plan 8, City of Guelph, Part 3 of 61R-20160, City of Guelph, be approved in accordance with the zoning regulations and conditions outlined in ATT-3 of Infrastructure, Development and Enterprise Report 16-88, dated December 12, 2016.

**CON-2016.66 389 Speedvale Avenue West Proposed Zoning By-law
Amendment File: ZC1603 - Ward 4**

Recommendation:

1. That the application submitted by DS Lawyers LLP on behalf of U-Haul Co. (Canada) Limited to amend the Zoning By-law from the "Specialized Service Commercial" (SC.1-17) Zone to a "Specialized Highway Service Commercial" (SC.2-?) Zone to permit a self-storage facility and truck rental establishment on the property municipally known as 389 Speedvale Avenue West and legally described as Part Lot 7, Plan 599, Part 2, 61R-956, Guelph, City of Guelph, be approved in accordance with the conditions and zoning regulations outlined in ATT-3 of Infrastructure, Development and Enterprise Report 16-82, dated December 12, 2016.
2. That in accordance with Section 34(17) of the Planning Act, City Council has determined that no further public notice is required related to the minor modifications to the proposed Zoning By-law amendment affecting the subject property.

**Public Meeting to Hear Applications
Under Sections 17, 34 and 51 of The Planning Act**
(delegations permitted a maximum of 10 minutes)

1 & 15 Stevenson Street North and 8 William Street Proposed Zoning By-law Amendment and Draft Plan of Vacant Land Condominium (ZC1613 and CDM1609)

Staff Presentation:

Katie Nasswetter, Senior Development Planner

Staff Summary (if required)

Recommendation:

That Report 16-87 regarding a proposed Zoning By-law Amendment application and Draft Plan of Vacant Land Condominium (File: ZC1613 and CDM1609) by Van Harten Surveying Inc. on behalf of Paul and Maria Leombruni for three existing properties municipally known as 1 and 15 Stevenson Street North and 8 William Street, and legally described as Part of Lot 38, Plan 320, City of Guelph, from Infrastructure, Development and Enterprise dated December 12, 2016, be received.

Items for Discussion:

The following items have been extracted from 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. (delegations permitted a maximum of five minutes)

CON-2016.67 City of Guelph Response to the Provincial Review of the Ontario Municipal Board**Presentation:**

Joan Jylanne, Senior Policy Planner

Recommendation:

That Report 16-89 from Infrastructure, Development and Enterprise Services dated Monday, December 12, 2016, be endorsed and submitted to the Ministry of Municipal Affairs as the City of Guelph's response to the Review of the Ontario Municipal Board Public Consultation Document, October 2016.

Special Resolutions**By-laws**

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

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**Adjournment**

Staff Report



To City Council

Service Area Infrastructure, Development & Enterprise Services

Date Monday, December 12, 2016

Subject 200 Beverly Street – IMICO – Memorandum of Understanding

Report Number IDE-BDE-1621

Recommendation

1. That Guelph City Council authorizes the Mayor to sign the Memorandum of Understanding regarding the Redevelopment of 200 Beverly Street (Commonly Known as the former IMICO Property), as described in Report Number IDE-BDE-1621.
2. That Guelph City Council authorizes the General Manager of Business Development and Enterprise to manage those matters relating to the City of Guelph's participation in the Memorandum of Understanding regarding the Redevelopment of 200 Beverly Street (Commonly Known as the former IMICO Property), as described in Report Number IDE-BDE-1621.

Executive Summary

Purpose of Report

To present to Guelph City Council for its approval a Memorandum of Understanding (MOU), between the City of Guelph ("City"), Habitat for Humanity Wellington, Dufferin, Guelph ("Habitat") and ARQi R&D Inc. ("ARQi")

The MOU will serve as the basis for the above referenced parties to work cooperatively to redevelop 200 Beverly Street (commonly known as the former IMICO property) into more productive use.

The MOU will also serve to demonstrate the partnership between the City, Habitat and ARQi for purposes relating to applications for planning, environmental and development approvals, potential Federal and Provincial funding, and attracting private sector investment.

Key Findings

The full MOU is provided in **Attachment 1** of this report.

The attached MOU has been reviewed by: Business Development and Enterprise Services; Planning, Urban Design and Building Services; Legal and Realty Services; Engineering and Capital Infrastructure Services; and Finance Services.

It is acknowledged by each party that the MOU is a non-binding document, which may serve as the basis for future legally binding agreements and documents related to the redevelopment of 200 Beverly Street.

This MOU is not meant to imply the pre-approval by the City of Guelph or any other agency regarding any planning, environmental and/or development applications that will be required for the redevelopment of 200 Beverly Street. It also will not fetter Council's future decision making role.

The following goal statement will guide the redevelopment of the 200 Beverly Street.

'It is the intention of the "Parties" that the IMICO property will be redeveloped as a holistic urban village, which will be unique, vibrant and invigorating. Building upon smart urban planning and development principles, the village will positively contribute to the social and economic needs of the community, whilst being economically sustainable and financially viable.'

The MOU has been created within the framework and understanding of Council approved documents and reports as summarized in Section 2.0 GUIDING DOCUMENTS AND REPORTS of the MOU.

This MOU shall be in effect until December 31st, 2020. It is anticipated that this period will be sufficient to further detail the redevelopment requirements of the property, pursue funding applications, and finalize private sector and commercial investment commitments. Upon the mutual agreement of the parties, the MOU may be extended. The MOU also provides for its termination. These matters are found within Section 8.0 RESPONSIBILITIES.

Financial Implications

Each party will be responsible for funding its own activities in relation to the MOU, except as agreed to in writing from time to time.

Commitments to the funding of any development or construction of infrastructure or structure that will arise from this initiative are not included in the MOU; however it is the intent of the MOU to frame such funding requirements and responsibilities.

Specific to the City's financial responsibilities, the MOU acknowledges that the approval of Guelph City Council will be required for matters relating to budget and/or public sector funding applications.

Currently, the 2017 Capital Budget 10 year forecast request includes the following projects which may be applied to the redevelopment of the IMICO property:

IMICO Planning = \$100k. This project represents the City's contribution to advance site planning matters in partnership with the MOU Partners. (*Funding Source: PLO064*)

Site Monitoring & Remediation = \$3.5 m. These funds may be used to leverage anticipated Federal and Provincial funds relating to the remediation of the IMICO property. (*Funding Source: PL0040*)

IMICO Site Monitoring & Remediation = \$1m. These funds address the on-going environmental monitoring of the IMICO property. (*Funding Sources: ST0022 and WT0036*)

Report

Guelph City Council has directed Business Development and Enterprise to position the former IMCIO property for redevelopment and private sector investment.

Activities relating to the marketing of the property have resulted in partnership discussions between the City, Habitat and ARQi. The results of these discussions are summarized in the three parties Memorandum of Understanding ("MOU"), which is provided in Attachment 1.

The MOU provides a high level description of the roles, responsibilities and commitments of each party. This legally non-binding document will serve as the framework for jointly developing more detailed development concepts, budgets, schedules and development pro-formas, which will further advance discussions around such matters as the financial and development commitments for each party. The MOU is also intended to support anticipated public funding applications, and to position the development for private investment.

The MOU does not imply any planning, development or funding commitments by the City of Guelph. However it is intended to help advance planning, environmental and development matters and applications.

Should Council approve this MOU, next steps will be to finalize project schedules and further advance site planning matters (which are expected to be finalized for application purposes later in 2017). In order to keep the planning and development matters at arm's length from the City's role as approval authority, it is proposed that Business Development and Enterprise Services will represent the City's interests as property owner, and possibly development partner.

With respect to the development of joint budget and funding commitments, it is proposed that Business Development and Enterprise will attend to these matters through the City of Guelph's business case protocols, the finalization of which will be subject to Council approval.

In closing, it is Business Development and Enterprise's intention to report back to Council at key milestones (yet to be developed with the parties), or quarterly (whichever comes first).

Financial Implications

As provided previously in this report.

Corporate Administrative Plan

Service excellence

Achieving quality and showing results

Financial stability

Managing our resources to achieve maximum public value

Communications

Subject to the execution of this MOU it is the intention of staff to post the MOU on the IMICO portion of the City's web site.

It is also the intention to issue a media release, to be distributed through print and social media.

Target audiences will be the community, the investment community as well as other representatives of the Provincial and Federal Government.

All communications will be coordinated between Business Development and Enterprise, Intergovernmental Affairs as well as Corporate Communications.

Attachments

ATT-1 MEMORANDUM OF UNDERSTANDING REGARDING THE
 REDEVELOPMENT OF 200 BEVERLY STREET

Report Author

Peter J. Cartwright



Approved By

Peter J. Cartwright
General Manager
Business Development and
Enterprise
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Recommended By

Scott Stewart, C.E.T
Deputy CAO
Infrastructure Development and Enterprise
519-822-1260 ext. 3445
scott.stewart@guelph.ca

**MEMORANDUM OF UNDERSTANDING
REGARDING THE REDEVELOPMENT OF
200 Beverly Street
(Commonly Known as the IMICO Property)**

Dated _____

Between

The Corporation of the City of Guelph ('City')

And

Habitat for Humanity Wellington, Dufferin, Guelph ('Habitat')

And

ARQi R&D Inc. ('ARQi')

1.0 PROPERTY DESCRIPTION ('Subject Property')

- PT LOTS 1, 2, & 3, RANGE 3, DIVISION F ,PT BEVERLY ST, PLAN 343 ,
CLOSED BY DEP2184; DESIGNATED AS PART 1, REFERENCE PLAN
61R-7850; CITY OF GUELPH Civic Address: 200 Beverly Street,
Guelph, On. Canada
- Current Zoning: B4
- Area: 12.9 acres (5.2 ha)
- Map: See Attachment 1

2.0 GUIDING DOCUMENTS AND REPORTS

This Memorandum of Understanding (MOU) has been created within the framework and understanding of the following guiding documents and reports:

- St. Patrick's Ward Land Use Strategy – 2003
- St. Patrick's Ward Community Investment Strategy – 2003
- MOECC's Directors' Order (1994)
- MOECC's Provincial Officer's Order (2003)
- Phase 1 Environmental Site Assessment – Former IMICO Property –
200 Beverly Street, Guelph. On. (December 2007)
- Phase 2 Environmental Site Assessment – Former IMICO Property –
200 Beverly Street, Guelph. On. (December 2007)
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Beverly Street, Guelph. On. (March 2008)
- Phase 1 Environmental Site Assessment – Former IMICO Property –
200 Beverly Street, Guelph. On. (February 2014)

- Phase 2 Environmental Site Assessment – Former IMICO Property – 200 Beverly Street, Guelph. On. (April 2014)
- Preliminary Remediation Action Plan - Former IMICO Property – 200 Beverly Street, Guelph. On. (April 2014)
- Staff Report – FIN-ED-13-05 – Property Framework – 200 Beverly Street, Guelph Ontario (former IMICO Property)_ - September 2013
- Staff Report – FIN-ED-14-04- Disposition of Redevelopment of Property Framework, 200 Beverly Street (former IMICO Property) – April 2014
- Staff Report – FIN-ED14-08 – 200 Beverly Street – IMICO – Redevelopment Update – August 2014.
- Consideration was also given to recent City of Guelph activities relating to potential future affordable housing policy and funding programs

3.0 PURPOSE OF THE MEMORANDUM

The purpose of this Memorandum of Understanding (“MOU”) is to establish the roles, responsibilities and protocols between the City, Habitat and ARQI (collectively the “Parties”). This MOU will serve as the basis for the Parties to work cooperatively to redevelop the Subject Property into more productive use through a mutually agreed implementation strategy that reflects the goals and objectives of the Parties.

Each party will respectfully cooperate with each party to advance the intent of this MOU.

The Parties agree that this MOU is a non-binding document, which may serve as the basis for future legally binding agreements and documents related to the redevelopment of the Subject Property.

This MOU is not meant to imply the pre-approval by the City, or any other approval authority, of any planning, environmental and development applications that may be required, or to fetter Council’s decision making role.

4.0 DEFINITIONS

For the purposes of this MOU, the terms included below and referenced in this document, are being defined as follows:

- **Habitat for Humanity** is a not for profit provincially incorporated organization, without shared capital registered with the Canada Revenue Agency as a tax exempt registered charity that makes housing accessible to low income households who would otherwise not be able to afford to own a house. Habitat mobilizes volunteers and community partners in building affordable housing and promoting home ownership.
- **Creating Homes** is a not for profit corporation provincially incorporated organization, without shared capital. Creating Homes develops housing for purchase by moderate income households. They

- assist with the purchase by providing part of the down payment.
- **ARQi** – ARQi R&D Inc. is a privately held Canadian corporation which is driven to create an economically viable, mixed-use portfolio of attractive investment and development opportunities that are catalysts for urban revitalization and economic growth. ARQi's unique proposition embodied in its global reach to value creation through its network of partners and investors.
- **City of Guelph** – The City of Guelph means the Corporation of the City of Guelph, which is incorporated as a municipal corporation
- **Affordable Rental Housing** units are generally considered to rent for average market rents or less for that type of unit, as measured by Canada Mortgage and Housing Corporation's rental market survey for that area.
- **Supportive Housing** offers supports from social service agencies to tenants with special needs to allow them to successfully maintain their tenancy. They may pay market rent or receive some subsidy to assist them with the rent on the unit.
- **Affordable Ownership Housing** is ownership housing that meets the Provincial Policy Statement of Ontario, 2014 and the Provincial Growth Plan, 2006.
- **S.M.A.R.T.** is a management principle that will be adopted to guide in the setting of multiple objectives for achieving a targeted goal. The acronym stands for: S is Specific and Strategic, M is Measurable, A is Achievable and Assignable, R is Realistic and Relevant, and T is Timely.

5.0 GOAL STATEMENT

The Parties agree that the following goal statement will guide the redevelopment of the 'Subject Property'.

It is the intention of the "Parties" that the Subject Property will be redeveloped as a holistic urban village, which will be unique, vibrant and invigorating. Building upon smart urban planning and development principles, the village will positively contribute to the social and economic needs of the community, whilst being economically sustainable and financially viable.

6.0 REDEVELOPMENT PRINCIPLES

The following principles will be used to guide this initiative:

The redevelopment of the Subject Property as a holistic urban village will give consideration to the following:

- Unique, vibrant, smart and invigorating
- Integration of various economic, urban and social needs
- Attractive, pedestrian-oriented, supports both transit-and non-transit oriented dwellings

- d. Support for innovation, sustainable practices, smart technologies and employment
- e. The urban village will become a benchmark for the redevelopment for other brownfields
- f. The redevelopment will meet its planned social needs and investment targets

The urban village will include an economically balanced combination of dwelling unit types:

- a. Market-Priced units: traditional and transit-oriented condominium ownership and rental units;
- b. Habitat for Humanity and Creating Homes ownership units, as well as some affordable rental and supportive housing units;

In addition to the dwelling units, it is contemplated that the urban village will give consideration to a mix of retail, commercial, and community spaces, including but not limited to the following:

- a. Live/work units;
- b. Boutique restaurant spaces;
- c. Artisan manufacturing and incubator spaces;
- d. Artists space;
- e. Health and well-being service space;
- f. Indoor and outdoor recreational space;
- g. Community targeted services space;
- h. Offices (commercial and community);
- i. Community gardens;

The urban village will be an invigorating economic development hub for Guelph.

The development process of the urban village will adopt, where feasible, a sustainable practices mindset and energy saving measures.

The urban village will give consideration to green public spaces and, where feasible, to water fountains, streetscapes, walkways, rooftop gardening and seating areas.

The urban village will embrace S.M.A.R.T. principles with respect to:

- a. Infrastructure;
- b. Mobility;
- c. Home construction; and
- d. Communications.

The redevelopment of the Subject Property must be economically viable, profitable, and attractive to public/private investment and funding.

7.0 PRELIMINARY REDEVELOPMENT SCOPE

For the purpose of further developing concept plans, business models and other related activities, the Parties agree in principle to the following redevelopment scope:

- A diversified gross floor area of residential units shall be implemented according to a proposed Subject Property master plan that takes into consideration the Parties' interests, economic viability, market realities and investment targets.
- The development approach of the Subject Property shall be a phased in, economically balanced combination of diversified residential units, commercial and retail spaces and amenities.
- Village-appropriate commercial opportunities shall be considered in support of promoting local employment, providing retail access for village and neighbouring residents, and helping establish the village as a destination point.
- The scale of residential development shall be determined based on current and emerging residential needs, market conditions and economic viability, and give consideration to the City's intensification targets and affordable housing strategy, and the Provincial growth plan.
- It is acknowledged that ARQi and Habitat will determine through negotiation an agreed upon allocation of market and affordable dwelling units within each phase of development and within a reasonable timeframe.

The parties agree that the above redevelopment scope represents a starting point to frame future bilateral joint venture agreements between the Parties.

8.0 RESPONSIBILITIES

To support a collaborative and constructive process for the redevelopment of the Subject Property, the Parties agree to pursue in good faith the following commitments to this Memorandum of Understanding:

a. Joint Responsibilities

- A key objective is to develop a sustainable community of vibrant neighbourhoods that offer residents and visitors healthy, active and environmentally friendly lifestyles;
- The Parties shall make best efforts to understand the specific needs of each other and will collaborate to achieve the overarching project goals as stated in Section 5.0;
- The Parties shall support one another and work together by collaboratively establishing and reviewing major milestones, coordinating processes and efforts, developing an implementation strategy, and offering their respective resources to bring this redevelopment project to a successful completion;

- The Parties shall embrace the past and build on the success of the efforts and wills of all those who championed, envisioned, planned, and executed the redevelopment process;
- The Parties shall collaborate to address market realities based on schedules that allow the redevelopment process to be viable, responsive, and competitive;
- The Parties shall promote this innovative redevelopment as an everlasting legacy project;
- The Parties shall identify and coordinate processes involving all Parties relating to:
 - Master Planning and Site specific concept plans;
 - Preliminary budgets and development pro-formas;
 - Redevelopment schedules, phasing and milestones;
 - Planning and development applications and associated submission requirements (e.g. studies);
 - Public sector funding applications; and
 - Prospective private sector investment.
- The Parties shall develop and coordinate communication messages and implement related tactics;
- The Parties shall share information that will be relevant and material to achieve the objectives as stated within the MOU and shall maintain the confidentiality of information provided by prospective investors and the Parties.
- The Parties will engage the local community and neighbourhood, and other public and private sector organizations as deemed necessary to advance the goal statement of the project.

b. City Responsibilities

The City, as the owner of the Subject Property, will use its best efforts to:

- Act as the principle party responsible for the preparation of the Subject Property for redevelopment. This will include:
 - Continuing to conduct environmental monitoring of the property to comply with the Ontario Ministry of Environment's orders;
 - In coordination with the other Parties, assist with the preparation of environmental, planning and development applications for the Subject Property;
 - In coordination with the Parties, develop and make application for potential Provincial and Federal government funding programs relating to linear infrastructure and/or site reclamation;
 - In coordination with the other Parties, develop and make applications to implement scoped risk assessment and groundwater remediation plans to ensure the Subject Property meets applicable environmental standards, including containment of off-site spillage;
 - Facilitate the planned redevelopment of the urban village, along all stages of redevelopment;

- Provide all required linear infrastructure to the land to implement the envisioned Subject Property master plan;
- Negotiate an agreement of purchase and sale with ARQi to transfer title to Subject Property to ARQi;
- Explore measured financial support and development incentives to mitigate investment and development risk.
- The following are examples of such financial supports and incentives:
 - waiving of City fees such as: permits and site plan application fees, cash-in-lieu of parkland dedication, and municipal planning and buildings permit fees
 - property tax exemptions or reductions
 - late payment agreement for Development Charges or grant to offset Development Charges
 - Tax increment financing
 - Municipal Capital Facilities Agreements
- Engage local citizens, businesses, research and education institutions, and other public and private sector organizations as necessary to advance the goal statement for this redevelopment project;
- Champion the project as a whole.

The above activities will be coordinated through the City of Guelph's Business Development and Enterprise Services, which will act as the City's primary point of contact for the City. Business Development and Enterprise will form an interdisciplinary team to support the project and help facilitate the interests of all parties.

From time to time, the approval of Guelph City Council will be required for matters relating to: budget; planning, environmental and development applications; and public sector funding applications.

The above matters relate only to the City acting as the owner and land developer of the Subject Property.

c. Habitat Responsibilities

Habitat as the party responsible for matters relating to affordable housing will:

- Act as the principle party responsible for:
 - Coordinating opportunities within the affordable housing community and reporting back regularly to the Guelph-Wellington affordable housing community.
 - Making applications for affordable housing grants or other funding opportunities that will support the financial viability of the development.
 - Subscribing to, financing and acquiring the affordable ownership and rental housing, and supportive housing units.

- Subject to negotiation with ARQi, committing in a timely manner to the agreed upon allocation of dwelling units within each phase of development.
- Abiding by all agreements, regulations, and bylaws governing the affairs, operations, and responsibilities of the project condominiums.
- Agreeing to collaboratively work with ARQi in marketing and assigning its subscribed residential units

d. ARQi Responsibilities

ARQi will act as the master developer, builder, and planner of the Subject Property. As such, ARQi will:

- Plan and implement a master plan for the Subject Property that achieves the overarching goals of the project;
- Collaborate with other Parties to plan an overall implementation strategy which will be based on the redevelopment vision, market needs and economic feasibility;
- Develop the land using the most suitable diversified condominium types for the purpose intended which envisioned by both viable market realities and joint ventures mandates;
- Share information with Habitat on actual land cost incurred as the development progresses;
- Ensure affordable housing incentives conveyed by the City are apportioned to the Habitat units;
- Negotiate with Habitat equitable terms for apportioning actual costs of land acquisition as well as site development and project preparation of Habitat's residential units;
- Invite investors and developers that share the project goals as provided in Section 5.0 to participate in the redevelopment of the project;
- Lead efforts in project management and coordination, including communicating timely project updates and expectations to all parties;
- Create and promote various business initiatives that may facilitate the creation of employment opportunities on the project and engage institutions and companies to participate, sponsor, or grandfather some of these initiatives;
- Act as the lead to access social and private investors;
- Assist in facilitating advocacy initiatives with other levels of government;
- Engage local citizens, businesses, research and education institutions, and other public and private sector organizations as it deems necessary to advance the goal statement of the Project.
- In collaboration with the other Parties, ARQi or its subsidiaries will be responsible for preparing and submitting planning, development and environmental applications.

Project Management, Coordination and Protocols

The Parties will each appoint a lead person for this initiative, and through these individuals coordinate the activities of their respective party. The lead persons that are assigned to this project include:

- City – Peter J. Cartwright, General Manager – Business Development and Enterprise – City of Guelph.
- Habitat – Steve Howard — Chief Executive Officer, Habitat for Humanity Wellington Dufferin Guelph
- ARQi – Dr. Amer Obeidi, President and CEO

e. Funding

Each party will be responsible for funding its own activities in relation to this MOU, except as agreed to in writing from time to time. Commitments to the funding of any development or the construction of infrastructure or structure that will arise from this initiative are not included in this MOU, however it is the intent of this MOU to frame such funding requirements and responsibilities.

f. Term

This MOU shall be in effect until December 31st, 2020.

g. Renewal

Any revision to this MOU, including any renewal provisions will be communicated in writing to the respective Parties up to 60 days prior to the end of the Term of the MOU. After this period, and if all Parties agree, the MOU 'as-is' or 'amended' may be renewed for a further two year period.

h. Termination

At any time during the term of the MOU, with the exception of the Renewal period as per clause 'g', any party may initiate, by written notice, consultations with the other Parties to discuss the proposed terms of the termination of their involvement in this MOU. If no agreement is reached within 60 days after the written notice the party may terminate the MOU with 60 days further written notice.

i. Communication Protocols

Communication protocols must ensure that any public communication/engagement and marketing initiatives adhere to the following general principles:

1- The Parties shall develop a comprehensive communication/marketing strategy (including tactics) and agree on a set of keywords/messages to describe the redevelopment efforts on the Subject Property

2-The Parties shall avoid describing or promoting the redevelopment of the whole site as for affordable or social housing

3- The Parties shall appoint a lead spokesperson to communicate about the development — and each party shall appoint its own spokesperson to speak to specific issues within its purview.

In addition, all parties agree to meet regularly (as least quarterly or more frequently as required) to share information and generally advance the project.

IN WITNESS WHEREOF to make best efforts to adhere to the terms established in the Memorandum, the parties have executed this Memorandum.

The Corporation of the City of Guelph

Witness
Name (Print):

Cam Guthrie, Mayor

Habitat for Humanity Wellington, Dufferin, Guelph

Witness
Name (Print):

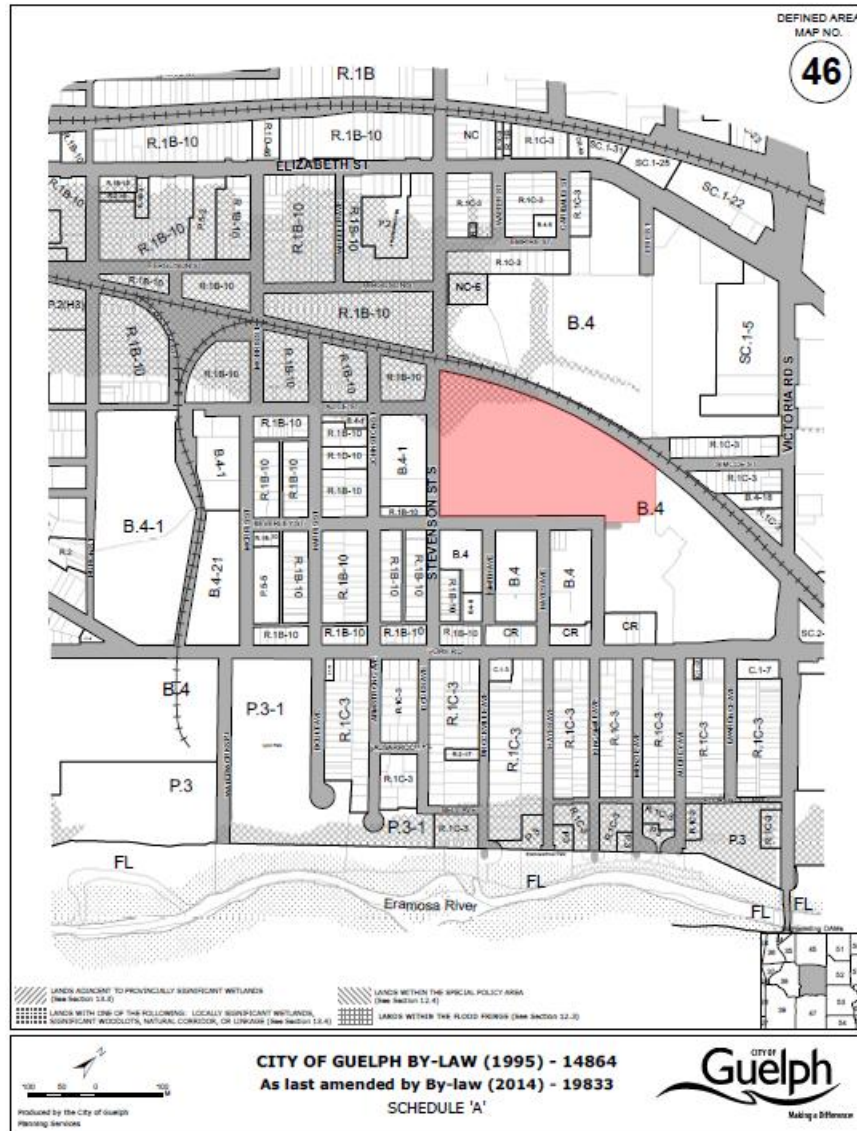
Steve Howard, CEO

ARQi R&D Inc.

Witness
Name (Print):

Amer Obeidi, President/CEO

ATTACHMENT 1 PROPERTY MAP



**MEMORANDUM OF UNDERSTANDING
REGARDING THE REDEVELOPMENT OF
200 Beverly Street
(Commonly Known as the IMICO Property)**

Dated _____

Between

The Corporation of the City of Guelph ('City')

And

Habitat for Humanity Wellington, Dufferin, Guelph ('Habitat')

And

ARQi R&D Inc. ('ARQi')

1.0 PROPERTY DESCRIPTION ('Subject Property')

- PT LOTS 1, 2, & 3, RANGE 3, DIVISION F ,PT BEVERLY ST, PLAN 343 ,
CLOSED BY DEP2184; DESIGNATED AS PART 1, REFERENCE PLAN
61R-7850; CITY OF GUELPH Civic Address: 200 Beverly Street,
Guelph, On. Canada
- Current Zoning: B4
- Area: 12.9 acres (5.2 ha)
- Map: See Attachment 1

2.0 GUIDING DOCUMENTS AND REPORTS

This Memorandum of Understanding (MOU) has been created within the framework and understanding of the following guiding documents and reports:

- St. Patrick's Ward Land Use Strategy – 2003
- St. Patrick's Ward Community Investment Strategy – 2003
- MOECC's Directors' Order (1994)
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- Staff Report – FIN-ED14-08 – 200 Beverly Street – IMICO – Redevelopment Update – August 2014.
- Consideration was also given to recent City of Guelph activities relating to potential future affordable housing policy and funding programs

3.0 PURPOSE OF THE MEMORANDUM

The purpose of this Memorandum of Understanding (“MOU”) is to establish the roles, responsibilities and protocols between the City, Habitat and ARQI (collectively the “Parties”). This MOU will serve as the basis for the Parties to work cooperatively to redevelop the Subject Property into more productive use through a mutually agreed implementation strategy that reflects the goals and objectives of the Parties.

Each party will respectfully cooperate with each party to advance the intent of this MOU.

The Parties agree that this MOU is a non-binding document, which may serve as the basis for future legally binding agreements and documents related to the redevelopment of the Subject Property.

This MOU is not meant to imply the pre-approval by the City, or any other approval authority, of any planning, environmental and development applications that may be required, or to fetter Council’s decision making role.

4.0 DEFINITIONS

For the purposes of this MOU, the terms included below and referenced in this document, are being defined as follows:

- **Habitat for Humanity** is a not for profit provincially incorporated organization, without shared capital registered with the Canada Revenue Agency as a tax exempt registered charity that makes housing accessible to low income households who would otherwise not be able to afford to own a house. Habitat mobilizes volunteers and community partners in building affordable housing and promoting home ownership.
- **Creating Homes** is a not for profit corporation provincially incorporated organization, without shared capital. Creating Homes develops housing for purchase by moderate income households. They

- assist with the purchase by providing part of the down payment.
- **ARQi** – ARQi R&D Inc. is a privately held Canadian corporation which is driven to create an economically viable, mixed-use portfolio of attractive investment and development opportunities that are catalysts for urban revitalization and economic growth. ARQi's unique proposition embodied in its global reach to value creation through its network of partners and investors.
- **City of Guelph** – The City of Guelph means the Corporation of the City of Guelph, which is incorporated as a municipal corporation
- **Affordable Rental Housing** units are generally considered to rent for average market rents or less for that type of unit, as measured by Canada Mortgage and Housing Corporation's rental market survey for that area.
- **Supportive Housing** offers supports from social service agencies to tenants with special needs to allow them to successfully maintain their tenancy. They may pay market rent or receive some subsidy to assist them with the rent on the unit.
- **Affordable Ownership Housing** is ownership housing that meets the Provincial Policy Statement of Ontario, 2014 and the Provincial Growth Plan, 2006.
- **S.M.A.R.T.** is a management principle that will be adopted to guide in the setting of multiple objectives for achieving a targeted goal. The acronym stands for: S is Specific and Strategic, M is Measurable, A is Achievable and Assignable, R is Realistic and Relevant, and T is Timely.

5.0 GOAL STATEMENT

The Parties agree that the following goal statement will guide the redevelopment of the 'Subject Property'.

It is the intention of the "Parties" that the Subject Property will be redeveloped as a holistic urban village, which will be unique, vibrant and invigorating. Building upon smart urban planning and development principles, the village will positively contribute to the social and economic needs of the community, whilst being economically sustainable and financially viable.

6.0 REDEVELOPMENT PRINCIPLES

The following principles will be used to guide this initiative:

The redevelopment of the Subject Property as a holistic urban village will give consideration to the following:

- Unique, vibrant, smart and invigorating
- Integration of various economic, urban and social needs
- Attractive, pedestrian-oriented, supports both transit-and non-transit oriented dwellings

- d. Support for innovation, sustainable practices, smart technologies and employment
- e. The urban village will become a benchmark for the redevelopment for other brownfields
- f. The redevelopment will meet its planned social needs and investment targets

The urban village will include an economically balanced combination of dwelling unit types:

- a. Market-Priced units: traditional and transit-oriented condominium ownership and rental units;
- b. Habitat for Humanity and Creating Homes ownership units, as well as some affordable rental and supportive housing units;

In addition to the dwelling units, it is contemplated that the urban village will give consideration to a mix of retail, commercial, and community spaces, including but not limited to the following:

- a. Live/work units;
- b. Boutique restaurant spaces;
- c. Artisan manufacturing and incubator spaces;
- d. Artists space;
- e. Health and well-being service space;
- f. Indoor and outdoor recreational space;
- g. Community targeted services space;
- h. Offices (commercial and community);
- i. Community gardens;

The urban village will be an invigorating economic development hub for Guelph.

The development process of the urban village will adopt, where feasible, a sustainable practices mindset and energy saving measures.

The urban village will give consideration to green public spaces and, where feasible, to water fountains, streetscapes, walkways, rooftop gardening and seating areas.

The urban village will embrace S.M.A.R.T. principles with respect to:

- a. Infrastructure;
- b. Mobility;
- c. Home construction; and
- d. Communications.

The redevelopment of the Subject Property must be economically viable, profitable, and attractive to public/private investment and funding.

7.0 PRELIMINARY REDEVELOPMENT SCOPE

For the purpose of further developing concept plans, business models and other related activities, the Parties agree in principle to the following redevelopment scope:

- A diversified gross floor area of residential units shall be implemented according to a proposed Subject Property master plan that takes into consideration the Parties' interests, economic viability, market realities and investment targets.
- The development approach of the Subject Property shall be a phased in, economically balanced combination of diversified residential units, commercial and retail spaces and amenities.
- Village-appropriate commercial opportunities shall be considered in support of promoting local employment, providing retail access for village and neighbouring residents, and helping establish the village as a destination point.
- The scale of residential development shall be determined based on current and emerging residential needs, market conditions and economic viability, and give consideration to the City's intensification targets and affordable housing strategy, and the Provincial growth plan.
- It is acknowledged that ARQi and Habitat will determine through negotiation an agreed upon allocation of market and affordable dwelling units within each phase of development and within a reasonable timeframe.

The parties agree that the above redevelopment scope represents a starting point to frame future bilateral joint venture agreements between the Parties.

8.0 RESPONSIBILITIES

To support a collaborative and constructive process for the redevelopment of the Subject Property, the Parties agree to pursue in good faith the following commitments to this Memorandum of Understanding:

a. Joint Responsibilities

- A key objective is to develop a sustainable community of vibrant neighbourhoods that offer residents and visitors healthy, active and environmentally friendly lifestyles;
- The Parties shall make best efforts to understand the specific needs of each other and will collaborate to achieve the overarching project goals as stated in Section 5.0;
- The Parties shall support one another and work together by collaboratively establishing and reviewing major milestones, coordinating processes and efforts, developing an implementation strategy, and offering their respective resources to bring this redevelopment project to a successful completion;

- The Parties shall embrace the past and build on the success of the efforts and wills of all those who championed, envisioned, planned, and executed the redevelopment process;
- The Parties shall collaborate to address market realities based on schedules that allow the redevelopment process to be viable, responsive, and competitive;
- The Parties shall promote this innovative redevelopment as an everlasting legacy project;
- The Parties shall identify and coordinate processes involving all Parties relating to:
 - Master Planning and Site specific concept plans;
 - Preliminary budgets and development pro-formas;
 - Redevelopment schedules, phasing and milestones;
 - Planning and development applications and associated submission requirements (e.g. studies);
 - Public sector funding applications; and
 - Prospective private sector investment.
- The Parties shall develop and coordinate communication messages and implement related tactics;
- The Parties shall share information that will be relevant and material to achieve the objectives as stated within the MOU and shall maintain the confidentiality of information provided by prospective investors and the Parties.
- The Parties will engage the local community and neighbourhood, and other public and private sector organizations as deemed necessary to advance the goal statement of the project.

b. City Responsibilities

The City, as the owner of the Subject Property, will use its best efforts to:

- Act as the principle party responsible for the preparation of the Subject Property for redevelopment. This will include:
 - Continuing to conduct environmental monitoring of the property to comply with the Ontario Ministry of Environment's orders;
 - In coordination with the other Parties, assist with the preparation of environmental, planning and development applications for the Subject Property;
 - In coordination with the Parties, develop and make application for potential Provincial and Federal government funding programs relating to linear infrastructure and/or site reclamation;
 - In coordination with the other Parties, develop and make applications to implement scoped risk assessment and groundwater remediation plans to ensure the Subject Property meets applicable environmental standards, including containment of off-site spillage;
 - Facilitate the planned redevelopment of the urban village, along all stages of redevelopment;

- Provide all required linear infrastructure to the land to implement the envisioned Subject Property master plan;
- Negotiate an agreement of purchase and sale with ARQi to transfer title to Subject Property to ARQi;
- Explore measured financial support and development incentives to mitigate investment and development risk.
- The following are examples of such financial supports and incentives:
 - waiving of City fees such as: permits and site plan application fees, cash-in-lieu of parkland dedication, and municipal planning and buildings permit fees
 - property tax exemptions or reductions
 - late payment agreement for Development Charges or grant to offset Development Charges
 - Tax increment financing
 - Municipal Capital Facilities Agreements
- Engage local citizens, businesses, research and education institutions, and other public and private sector organizations as necessary to advance the goal statement for this redevelopment project;
- Champion the project as a whole.

The above activities will be coordinated through the City of Guelph's Business Development and Enterprise Services, which will act as the City's primary point of contact for the City. Business Development and Enterprise will form an interdisciplinary team to support the project and help facilitate the interests of all parties.

From time to time, the approval of Guelph City Council will be required for matters relating to: budget; planning, environmental and development applications; and public sector funding applications.

The above matters relate only to the City acting as the owner and land developer of the Subject Property.

c. Habitat Responsibilities

Habitat as the party responsible for matters relating to affordable housing will:

- Act as the principle party responsible for:
 - Coordinating opportunities within the affordable housing community and reporting back regularly to the Guelph-Wellington affordable housing community.
 - Making applications for affordable housing grants or other funding opportunities that will support the financial viability of the development.
 - Subscribing to, financing and acquiring the affordable ownership and rental housing, and supportive housing units.

- Subject to negotiation with ARQi, committing in a timely manner to the agreed upon allocation of dwelling units within each phase of development.
- Abiding by all agreements, regulations, and bylaws governing the affairs, operations, and responsibilities of the project condominiums.
- Agreeing to collaboratively work with ARQi in marketing and assigning its subscribed residential units

d. ARQi Responsibilities

ARQi will act as the master developer, builder, and planner of the Subject Property. As such, ARQi will:

- Plan and implement a master plan for the Subject Property that achieves the overarching goals of the project;
- Collaborate with other Parties to plan an overall implementation strategy which will be based on the redevelopment vision, market needs and economic feasibility;
- Develop the land using the most suitable diversified condominium types for the purpose intended which envisioned by both viable market realities and joint ventures mandates;
- Share information with Habitat on actual land cost incurred as the development progresses;
- Ensure affordable housing incentives conveyed by the City are apportioned to the Habitat units;
- Negotiate with Habitat equitable terms for apportioning actual costs of land acquisition as well as site development and project preparation of Habitat's residential units;
- Invite investors and developers that share the project goals as provided in Section 5.0 to participate in the redevelopment of the project;
- Lead efforts in project management and coordination, including communicating timely project updates and expectations to all parties;
- Create and promote various business initiatives that may facilitate the creation of employment opportunities on the project and engage institutions and companies to participate, sponsor, or grandfather some of these initiatives;
- Act as the lead to access social and private investors;
- Assist in facilitating advocacy initiatives with other levels of government;
- Engage local citizens, businesses, research and education institutions, and other public and private sector organizations as it deems necessary to advance the goal statement of the Project.
- In collaboration with the other Parties, ARQi or its subsidiaries will be responsible for preparing and submitting planning, development and environmental applications.

Project Management, Coordination and Protocols

The Parties will each appoint a lead person for this initiative, and through these individuals coordinate the activities of their respective party. The lead persons that are assigned to this project include:

- City – Peter J. Cartwright, General Manager – Business Development and Enterprise – City of Guelph.
- Habitat – Steve Howard – Chief Executive Officer, Habitat for Humanity Wellington Dufferin Guelph
- ARQi – Dr. Amer Obeidi, President and CEO

e. Funding

Each party will be responsible for funding its own activities in relation to this MOU, except as agreed to in writing from time to time. Commitments to the funding of any development or the construction of infrastructure or structure that will arise from this initiative are not included in this MOU, however it is the intent of this MOU to frame such funding requirements and responsibilities.

f. Term

This MOU shall be in effect until December 31st, 2020.

g. Renewal

Any revision to this MOU, including any renewal provisions will be communicated in writing to the respective Parties up to 60 days prior to the end of the Term of the MOU. After this period, and if all Parties agree, the MOU 'as-is' or 'amended' may be renewed for a further two year period.

h. Termination

At any time during the term of the MOU, with the exception of the Renewal period as per clause 'g', any party may initiate, by written notice, consultations with the other Parties to discuss the proposed terms of the termination of their involvement in this MOU. If no agreement is reached within 60 days after the written notice the party may terminate the MOU with 60 days further written notice.

i. Communication Protocols

Communication protocols must ensure that any public communication/engagement and marketing initiatives adhere to the following general principles:

1- The Parties shall develop a comprehensive communication/marketing strategy (including tactics) and agree on a set of keywords/messages to describe the redevelopment efforts on the Subject Property

2-The Parties shall avoid describing or promoting the redevelopment of the whole site as for affordable or social housing

3- The Parties shall appoint a lead spokesperson to communicate about the development — and each party shall appoint its own spokesperson to speak to specific issues within its purview.

In addition, all parties agree to meet regularly (as least quarterly or more frequently as required) to share information and generally advance the project.

IN WITNESS WHEREOF to make best efforts to adhere to the terms established in the Memorandum, the parties have executed this Memorandum.

The Corporation of the City of Guelph

Witness
Name (Print):

Cam Guthrie, Mayor

Habitat for Humanity Wellington, Dufferin, Guelph

Witness
Name (Print):

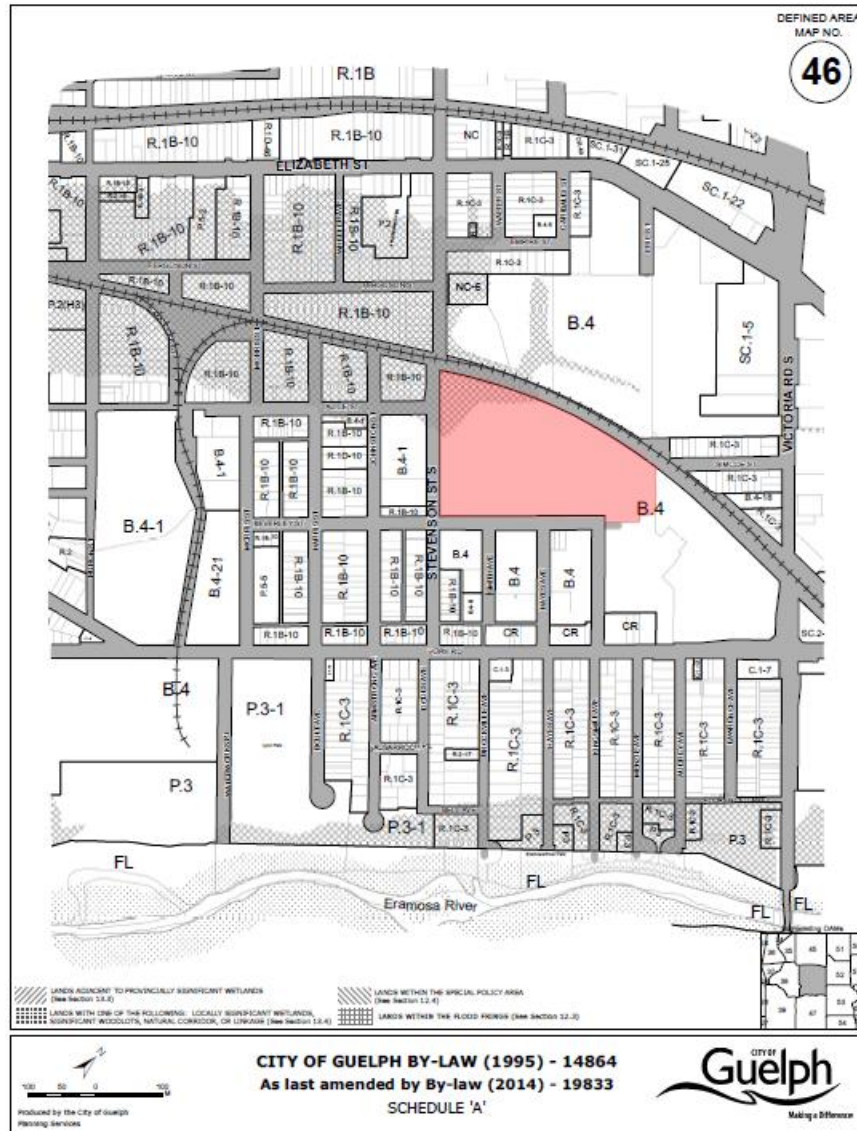
Steve Howard, CEO

ARQi R&D Inc.

Witness
Name (Print):

Amer Obeidi, President/CEO

ATTACHMENT 1 PROPERTY MAP



Staff Report

To City Council

Service Area Infrastructure, Development & Enterprise Services

Date Monday, December 12, 2016

**Subject Decision Report
108 and 110 Nottingham Street
Proposed Zoning By-law Amendment
File: ZC1611
Ward 5**

Report Number 16-88

Recommendation

1. That the application submitted by Van Harten Surveying Inc. on behalf of Henry Hanlon to amend the Zoning By-law from the "Residential Single Detached" (R.1B) Zone to "Specialized Residential Semi-Detached/Duplex" (R.2-?) Zone to recognize the existing semi-detached dwelling on the property municipally known as 108 and 110 Nottingham Street, and legally described as as Part of Lot 259, Plan 8, City of Guelph, Part 3 of 61R-20160, City of Guelph, be approved in accordance with the zoning regulations and conditions outlined in ATT-3 of Infrastructure, Development and Enterprise Report 16-88, dated December 12, 2016.

Executive Summary

Purpose of Report

This report provides a staff recommendation to approve the application to amend the Zoning By-law to a "Specialized Residential Semi-Detached/Duplex" (R.2-?) Zone to recognize the existing semi-detached dwelling on the property.

Key Findings

Staff support the proposed Zoning By-law amendment subject to the zoning regulations and conditions in ATT-3.

Financial Implications

The existing annual tax levy of \$3,760 is not anticipated to be impacted by this Zoning By-law amendment application.

Development Charges do not apply since no development is proposed through this application.

Report

Background

An application to amend the Zoning By-law was received for the property municipally known as 108 and 110 Nottingham Street from Van Harten Surveying Inc. on behalf of Henry Hanlon on June 30, 2016 and deemed to be complete on July 28, 2016. The intent of the application is to change the zoning from the "Residential Single Detached" (R.1B) Zone to a "Specialized Residential Semi-Detached/Duplex" (R.2-?) Zone to recognize the existing semi-detached dwelling. No development is proposed through this application. This application, if approved, will allow for a future application to the Committee of Adjustment for Consent to facilitate the sale of the existing semi-detached dwelling as two individual units.

Location

The subject property is located on the south side of Nottingham Street, between Bristol Street and Glasgow Street (see ATT-1 and ATT-2 - Location Map and Orthophoto). The subject property has an area of 355 square metres (3,821.2 square feet) and a frontage of 17.4 metres (57.1 feet) along Nottingham Street. The property is currently developed with an existing semi-detached dwelling.

Surrounding land uses include:

- To the north: Nottingham Street, beyond which are lands zoned for residential uses;
- To the south: lands zoned and used for a vehicle service station;
- To the east: lands zoned for residential uses;
- To the west: lands zoned for residential uses, beyond which is Bristol Street.

Existing Official Plan Land Use Designations and Policies

The Official Plan land use designation that applies to the subject property is "Special Policy Area/Floodplain". The permitted uses within the 'S.P.A. Flood Plain' designation are established by the land use designations shown on Schedule 8 – Special Policy Area and Floodplain Land Use Plan (see ATT-5), which designates the subject property as "General Residential". Within the "General Residential" land use designation, all forms of residential development are permitted which includes single and semi-detached dwellings. The 'Special Policy Area Flood Plain' designation illustrates a currently built-up portion of Guelph which is within the regulatory floodplain of the Speed and Eramosa Rivers. Development, redevelopment and rehabilitation of buildings and structures in this area is considered vital to the continued economic and social viability of the City. The relevant policies for the applicable land use designation are included in ATT-4.

Official Plan Amendment #48 Land Use Designations and Policies

Official Plan Amendment #48 (OPA 48) (under appeal), a comprehensive update to the City's Official Plan, proposes to designate the subject property as "Low Density Residential". This designation applies to residential areas within the built-up area of the City which are currently predominantly low-density in character. The predominant land use in this designation is residential and includes single and semi-

detached dwellings. The subject property is further identified as “Special Policy Area Floodplain” on Schedule 3 – Development Constraints (see ATT-7). This designation applies to older, established areas of the City. Development and redevelopment of these areas may be allowed subject to the “Special Policy Area Floodplain” policies. Although the application is being processed under the 2001 Official Plan, Staff must have regard to the Council adopted policies and designations of OPA 48. The land use designations and relevant policies contained in OPA 48 are included in ATT-6.

Existing Zoning

The subject property is currently zoned “Residential Single Detached” (R.1B), with a “Lands Within the Special Policy Area” overlay, according to Zoning By-law (1995)-14864, as amended.

Details of the existing zoning are included in ATT-8.

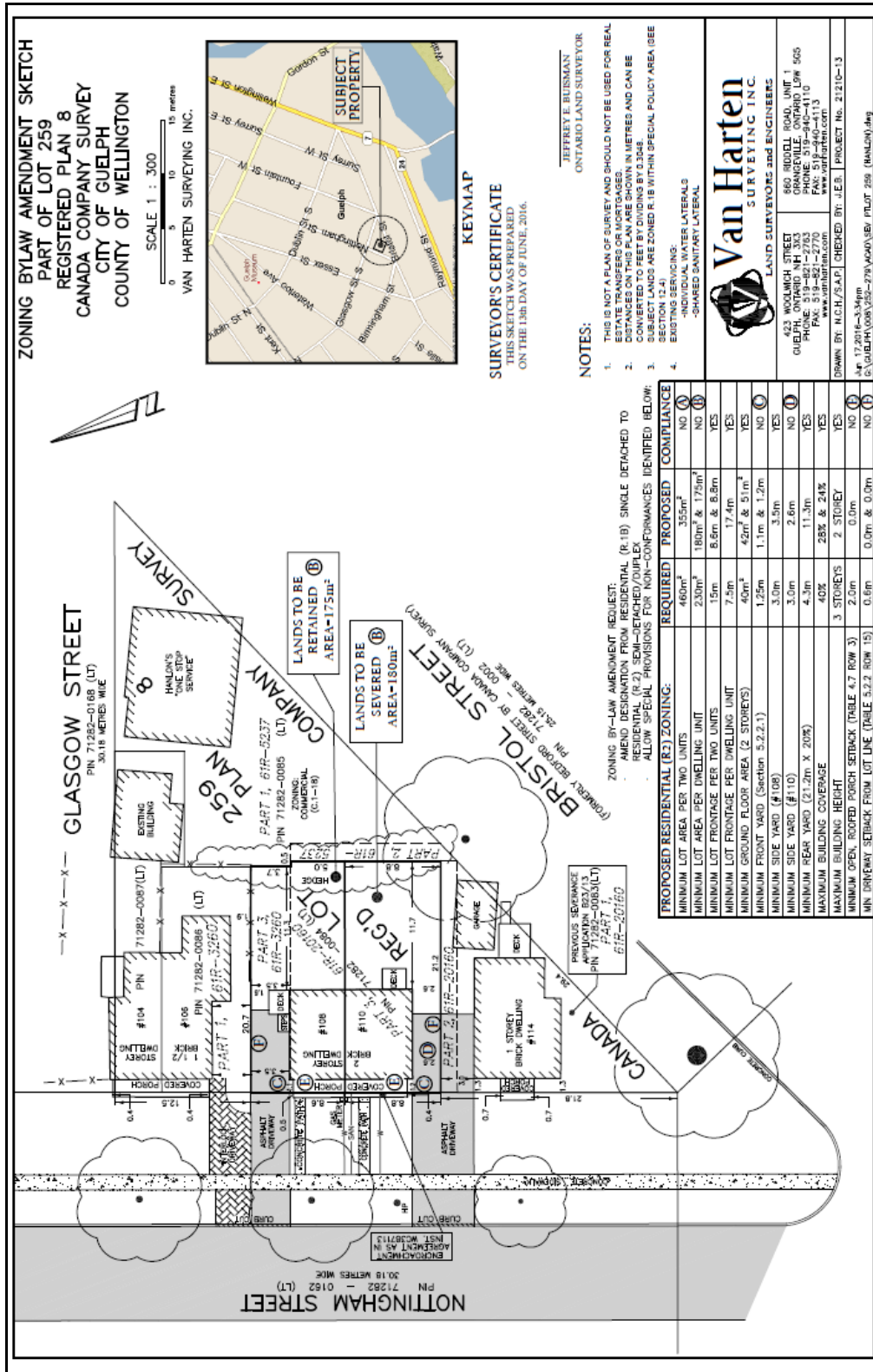
Description of Proposed Zoning By-law Amendment

The purpose of the proposed Zoning By-law Amendment is to change the zoning from “Residential Single Detached” (R.1B) to a “Specialized Residential Semi-Detached/Duplex” (R.2-?) Zone to recognize the existing semi-detached dwelling.

In addition to the regulations set out in Section 5.2 – Residential Semi-Detached/Duplex (R.2) Zone of Zoning By-law (1995)-14864, as amended, the following additional specialized regulations have been requested to facilitate this proposal (see Figure 1: Specialized Regulations):

- **A** - A minimum **Lot Area** for every two units of 355 square metres, whereas the Zoning By-law requires a minimum **Lot Area** for every two units of 460 square metres;
- **B** - A minimum **Lot Area** of 175 square metres for 108 Nottingham Street and 180 square metres for 110 Nottingham Street, whereas the Zoning By-law requires a minimum **Lot Area** of 230 square metres for each unit;
- **C** - A minimum **Front Yard** setback of 1.1 metres, whereas the Zoning By-law requires a minimum **Front Yard** setback of 1.25 metres;
- **D** - A minimum **Side Yard** setback of 2.6 metres, whereas the Zoning By-law requires a minimum **Side Yard** setback of 3.0 metres;
- **E** - An open, roofed porch not exceeding 1 storey in height to be 0 metres from the front lot line, whereas the Zoning By-law requires a minimum setback of 2 metres; and,
- **F** - A minimum **Landscaped Open** Space between the driveway and the side lot line of 0 metres, whereas the Zoning By-law requires a minimum **Landscaped Open Space** of 0.6 metres between the driveway and nearest **Lot Line** to be maintained as landscaped open space in the form of grass, flowers, trees, shrubbery, natural vegetation and indigenous species and may include a surfaced walk.

Figure 1: Specialized Regulations



Proposed Development

The applicant is not proposing any new development on the subject property. The existing semi-detached dwelling can be sold as individual units if this Zoning By-law Amendment application and future Consent application is approved.

The applicant's existing development plan is shown in ATT-10.

Supporting Documents

The following information was submitted in support of the application:

- Zoning By-law Amendment Sketch, prepared by Van Harten Surveying Inc., dated June 17, 2016; and,
- Planning Justification Report, prepared by Van Harten Surveying Inc., dated June 2016.

Staff Review and Planning Analysis

The staff review and planning analysis for this application is provided in ATT-11. The analysis addresses all relevant planning considerations. There were no issues raised at the Statutory Public Meeting held on October 11, 2016 and no written comments were received from members of the public. The analysis includes:

- Evaluation of the proposal against the 2014 Provincial Policy Statement and Places to Grow: Growth Plan for the Greater Golden Horseshoe;
- Evaluation of the proposal's conformity with the Official Plan; including any Official Plan Amendments;
- Review of the proposed zoning, including the need for any specialized regulations; and,
- Review of servicing.

Planning Staff Recommendation

Planning staff are satisfied that the Zoning By-law Amendment to change the zoning from the "Residential Single Detached" (R.1B) Zone to a "Specialized Residential Semi-Detached/Duplex" (R.2-?) Zone conforms to the objectives and policies of the Official Plan and is consistent with the 2014 Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe. Planning staff recommend that Council approve the application to amend the Zoning By-law subject to the zoning regulations and conditions outlined in ATT-3.

Financial Implications

The existing annual tax levy of \$3,760 is not anticipated to be impacted by this Zoning By-law amendment application.

Development Charges do not apply since no development is proposed through this application.

Corporate Strategic Plan

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

Communications

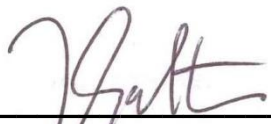
Key dates for the public process for this Zoning By-law amendment application are included in the Public Notification Summary found in ATT-13.

Attachments

- ATT - 1 Location Map and 120m Circulation
- ATT - 2 Orthophoto
- ATT - 3 Recommended Zoning Regulations and Conditions
- ATT - 4 Official Plan Land Use Designation and Policies
- ATT - 5 'Special Policy Area' Flood Plain Land Use Plan
- ATT - 6 Official Plan Amendment #48 Land Use Designation and Policies
- ATT - 7 Development Constraints
- ATT - 8 Existing Zoning and Details
- ATT - 9 Proposed Zoning and Details
- ATT - 10 Existing Development Plan
- ATT - 11 Planning Analysis
- ATT - 12 City Department and Agency Circulation Comments Summary
- ATT - 13 Public Notification Summary

Report Author

Lindsay Sulatycki
Senior Development Planner



Approved By

Todd Salter
General Manager
Planning, Urban Design and
Building Services
519.822.1260, ext. 2395
todd.salter@guelph.ca

Approved By

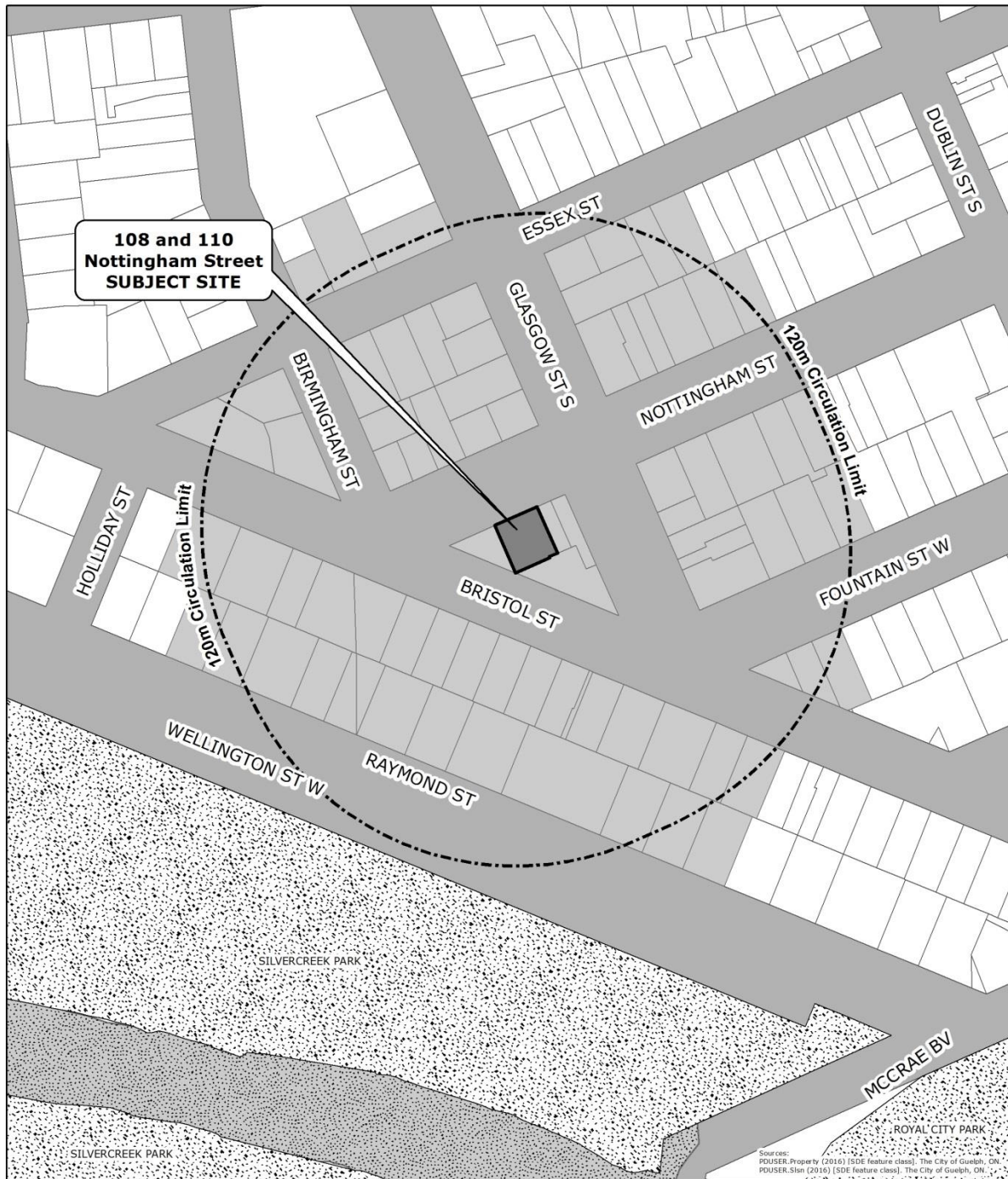
Chris DeVriendt
Senior Development Planner




Recommended By

Scott Stewart, C.E.T.
Deputy CAO
Infrastructure, Development and Enterprise
519.822.1260, ext. 3445
scott.stewart@guelph.ca

ATT-1 **Location Map and 120m Circulation**






0 10 20 40 60 m


Produced by the City of Guelph
Planning, Urban Design and Building Services - Development Planning
July 2016

LOCATION MAP & 120m CIRCULATION
108 and 110 Nottingham Street



**ATT-2
Orthophoto**






1:500

0 2.75 5.5 11 16.5 22 m

Produced by the City of Guelph
Planning, Urban Design and Building Services - Development Planning
July 2016

**2012 Orthophoto
108 and 110
Nottingham Street**



ATT-3

Recommended Zoning Regulations and Conditions

The property affected by the Zoning By-law Amendment application is municipally known as 108 and 110 Nottingham Street and legally described as as Part of Lot 259, Plan 8, City of Guelph, Part 3 of 61R-20160, City of Guelph.

PROPOSED ZONING – R.2-?

The following zoning is proposed for 108 and 110 Nottingham Street:

R.2 (Residential Semi-Detached/Duplex) Zone

In accordance with Section 5.2 of Zoning By-law (1995)-14864, as amended.

Permitted Uses

In accordance with Section 5.2.1 of Zoning By-law (1995)-14864, as amended.

Regulations

In accordance with Section 5.2.2 of Zoning By-law (1995)-14864, as amended (see Table 5.2.2 below), with the following exceptions:

- A minimum **Lot Area** for every two units of 355 square metres, whereas the Zoning By-law requires a minimum **Lot Area** for every two units of 460 square metres;
- A minimum **Lot Area** of 175 square metres for 108 Nottingham Street and 180 square metres for 110 Nottingham Street, whereas the Zoning By-law requires a minimum **Lot Area** of 230 square metres for each unit;
- A minimum **Front Yard** setback of 1.1 metres, whereas the Zoning By-law requires a minimum **Front Yard** setback of 1.25 metres;
- A minimum **Side Yard** setback of 2.6 metres, whereas the Zoning By-law requires a minimum **Side Yard** setback of 3.0 metres;
- An open, roofed porch not exceeding 1 storey in height to be 0 metres from the front lot line, whereas the Zoning By-law requires a minimum setback of 2 metres; and,
- A minimum **Landscaped Open Space** between the driveway and the side lot line of 0 metres, whereas the Zoning By-law requires a minimum **Landscaped Open Space** of 0.6 metres between the driveway and nearest **Lot Line** to be maintained as landscaped open space in the form of grass, flowers, trees, shrubbery, natural vegetation and indigenous species and may include a surfaced walk.

TABLE 5.2.2 – REGULATIONS GOVERNING THE R.2 **ZONE**

1	Residential Type	<ul style="list-style-type: none"> • Duplex Dwelling • Semi-Detached Dwelling • Accessory Apartment in accordance with Section 4.15.1 • Bed and Breakfast establishment in accordance with Section 4.27 • Group Home in accordance with Section 4.25 • Home Occupation in accordance with Section 4.19
2	Minimum Lot Area	460 m ² for every two units 230 m ² for each unit
3	Minimum Lot Frontage	15 metres for every two units. 7.5 metres for each unit. Despite the above, the Lots located within the boundaries of Defined Area Map Number 66 of Schedule "A" shall have a minimum Lot Frontage of not less than the average Lot Frontage established by existing Lots within the same City Block Face .
4	Minimum Ground Floor Area 1 Storey 1.5 Storeys 2 or more Storeys	80 m ² 55 m ² 40 m ²
5	Minimum Front Yard	6 metres and in accordance with Sections 4.6, 4.24 and 5.2.2.1.
5a	Minimum Exterior Side Yard	4.5 metres and in accordance with Sections 4.6, 4.24, 4.28, 5.2.2.1.
6	Minimum Side Yard (each side)	1.2 metres Where a Garage, Carport or off- street Parking Space is not provided for each Dwelling Unit , each Side Yard shall have a minimum width of 3 metres to accommodate off- street parking. Despite the above, no interior Side Yard is required along the common Lot line of Semi-Detached Dwellings .
7	Minimum Rear Yard	7.5 metres or 20% of the Lot Depth , whichever is less.
8	Accessory Buildings or Structures	In accordance with Section 4.5.
9	Fences	In accordance with Section 4.20.
10	Maximum Building Height	3 Storeys and in accordance with Section 4.18.
11	Maximum Lot Coverage	40% of the Lot Area .
12	Off- Street Parking	In accordance with Section 4.13.
13	Garages	For those Lots located within the boundaries indicated on Defined Area Map Number 66, where a roofed porch is provided, the Garage may be located ahead of the front wall of the dwelling (enclosing Habitable Floor Space on the first floor) equal to the projection of the porch to a maximum of 2 metres.
14	Garbage, Refuse Storage and Composters	In accordance with Section 4.9.
15	Minimum Landscaped Open Space	The Front Yard of any Lot , excepting the Driveway (Residential) , shall be landscaped and no parking shall be permitted within this Landscaped Open Space . Despite the definition of the Landscaped Open Space , for Buildings that do not have a shared Driveway (Residential) access, a minimum area of 0.6 metres between the driveway and nearest Lot Line must be maintained as landscaped space in the form of grass, flowers, trees, shrubbery, natural vegetation and indigenous species and may include a surfaced walk in accordance with Section 4.13.7.2.4.

PROPOSED CONDITIONS

There are no conditions recommended to be imposed through the Consent application as no development is proposed through this application.

ATT-4 **Official Plan Land Use Designations and Policies**



ATT-4 (continued)
Official Plan Land Use Designation and Policies

7.14 Flood Plains (Two Zone and Special Policy Area)

Objectives

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

General Policies

7.14.1 This Plan requires that the following uses not be located within lands comprising the Two Zone Flood Plain and the 'Special Policy Area Flood Plain' as described by the provisions of this Plan:

- a) New land uses which are associated with the manufacture, storage, disposal and/or consumption of hazardous substances or the treatment, collection and disposal of sewage are not permitted to locate within the *flood plain*.
- b) New essential services, such as police, fire and ambulance service, as well as electrical sub-stations are not permitted to locate within the *flood plain*. Existing essential services that wish to expand/renovate will be encouraged to relocate to a site outside of the *flood plain* area.
- c) Elementary schools, nursery schools, *day care centres*, hospitals, homes for the aged, *nursing homes*, *rest homes*, *group homes* for the physically or mentally challenged, or similar residential care and institutional facilities, shall not be located within the *flood plain*.

Special Policy Area (S.P.A.) Flood Plain

The "Provincial Policy Statement" generally prohibits *development* or *redevelopment* within the *regulatory flood plain* due to inherent dangers, such as loss of life, property damage and social disruption, should flooding occur. The "Policy Statement" does however, recognize there are special circumstances in historic communities where the general prohibition of new *development/redevelopment* is so onerous that it would degrade the community's vitality. Therefore, the "Provincial Policy" also makes provision for the designation of lands within the *flood plain* as a 'Special Policy Area.'

The 'Special Policy Area Flood Plain' area as generally designated on Schedule 1 and in more defined fashion denoted on Schedule 8 of this Plan illustrates a currently built-up portion of Guelph which is within the *regulatory flood plain* of the Speed and Eramosa Rivers. *Development, redevelopment* and rehabilitation of buildings and structures in this area is considered vital to the continued economic and social viability of the City. In addition, major relocation or complete acquisition by public

authorities is not feasible. Strict enforcement of the "Provincial Policy Statement's" One Zone and Two Zone Flood Plain concepts in these areas would lead to the physical deterioration of the infrastructure and unnecessary hardship to the City.

7.14.4 Within the 'Special Policy Area (S.P.A.) Flood Plain', as generally designated on Schedule 1 and in more detailed fashion on Schedule 8 of this Plan, the City, the Grand River Conservation Authority and the Province of Ontario have agreed to accept a higher *flood* risk than would normally be acceptable. This higher *flood* risk permits the *development* of a limited amount of new buildings and structures on these lands in accordance with the following:

1. The permitted uses within the 'S.P.A. Flood Plain' are established by the land use designations shown on Schedule 8. In addition, policy 7.14.1 is applicable within the 'S.P.A. Flood Plain'.
2. *Development/redevelopment* is not permitted within the *floodway*.
3. Hotels and motels may be permitted in the applicable Schedule 8 land use designations of this Plan if the use can be *floodproofed* to the *regulatory flood* level and *safe access* can be provided.
4. Within the 'S.P.A. Flood Plain' land use designation, service stations, gas bars and other uses involving the manufacture, disposal, consumption or storage of chemical, flammable, explosive, toxic, corrosive or other dangerous materials shall not be permitted.
5. Within the 'S.P.A. Flood Plain' land use designation, parking facilities shall be designed to the satisfaction of the City and the Grand River Conservation Authority so as to minimize *flood* damage and potential *flood* flow interference.
6. The City's implementing *Zoning By-law* will outline specific use and building regulations for lands within the 'S.P.A. Flood Plain' land use designation.

7.14.5 *Floodproofing* shall be required for all forms of building activity within the 'S.P.A. Flood Plain' land use designation to the satisfaction of the City and the Grand River Conservation Authority. The following sub-policies will give guidance to the *floodproofing* requirements:

1. Any new building or structure shall be designed such that its structural integrity is maintained during a *regulatory flood*. In spite of the lower minimum levels specified by the policies of this subsection, every attempt should be made to *floodproof* buildings and structures to the *regulatory flood* level.
2. The various forms of *floodproofing*, as outlined in the "Implementation Guidelines of the Provincial Policy Statement on *Flood Plain Planning*" (October, 1988) may be used to achieve the necessary *floodproofing* requirements of this Plan.

3. The replacement of a building or structure on the footprint of a previous structure which has been destroyed or demolished by fire or natural causes will be permitted, provided the building or structure is not located within the *floodway*.

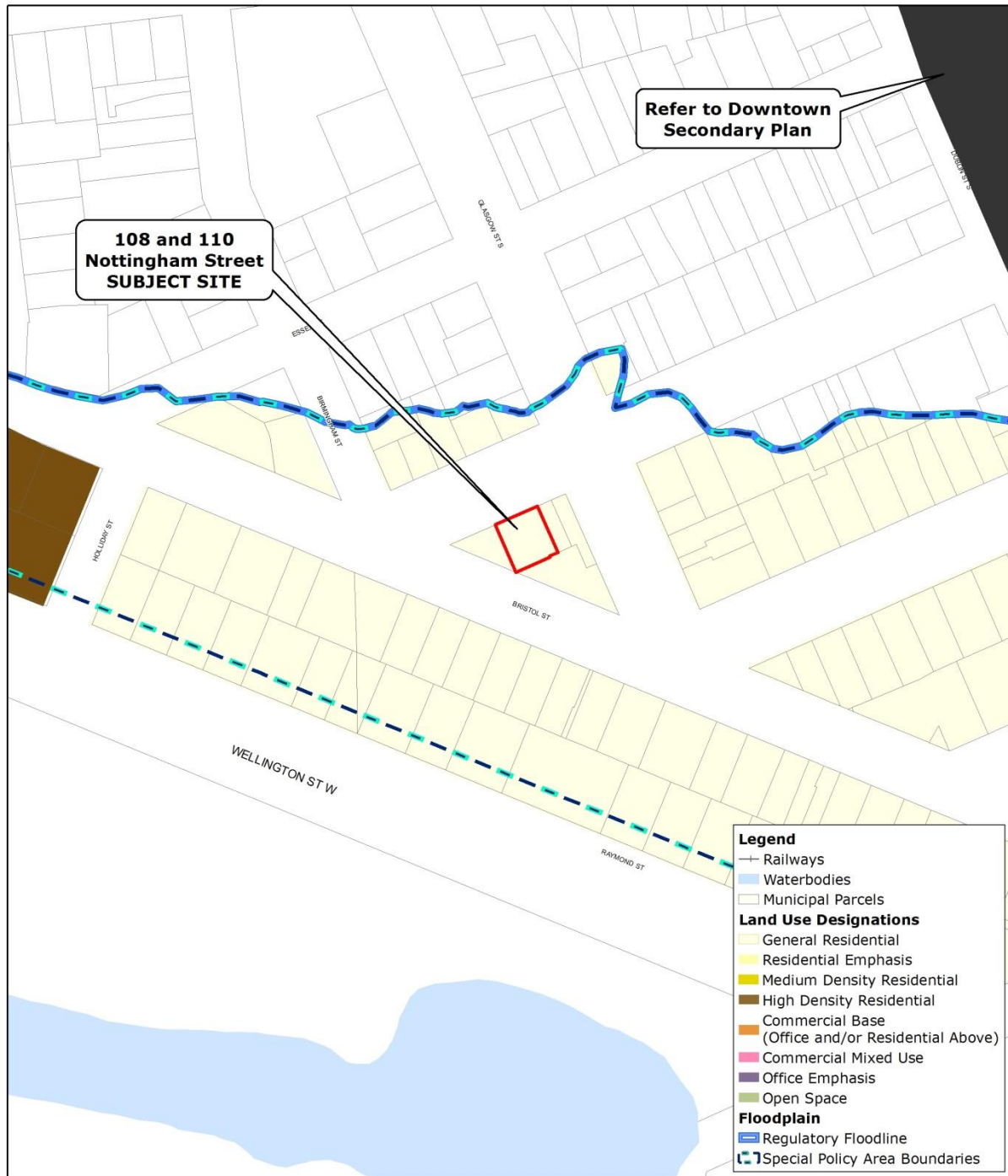
Floodproofing Requirements for Residential Uses within the 'S.P.A. Flood Plain' Land Use Designation

7.14.6 In addition to the requirements of policy 7.14.5, the following policies apply to the *renovation* of, intensification of, *conversion* to, *development* and *redevelopment* of residential uses.

1. *Renovation* of existing residential buildings shall be permitted provided any new *habitable floor space* is no lower than the elevation of the existing ground floor level.
2. Residential intensification, comprising the building of a new single/semi/duplex on an existing vacant lot, or adding an *accessory apartment* to an existing *single/semi/duplex* building or the creation of a new lot by *consent* for a single/semi/duplex dwelling, shall be permitted provided that the new building or structure is *floodproofed* to an elevation no lower than one metre below the *regulatory flood* level; and:
 - a) The *habitable floor space* is constructed to an elevation equal to, or greater than the ground floor elevation of adjacent buildings, but in no case lower than one metre below the *regulatory flood* level;
 - b) Mechanical, electrical and heating equipment will be located no lower than one metre below the *regulatory flood* level;
 - c) Basements will only be permitted in instances where the elevation of the basement floor is greater than the elevation of one metre below the *regulatory flood* level. In instances where this basement floor level elevation cannot be achieved, a crawl space of a maximum height of 1.2 metres may be permitted to facilitate servicing; and
 - d) Access is available to the site at an elevation no lower than one metre below the *safe access* level.
3. Conversion of a non-residential building to a residential use will be permitted provided the building is *floodproofed* to an elevation no longer than one metre below the *regulatory flood* level: and
 - a) The *habitable floor space* elevation of any new residential unit is located at an elevation no lower than one metre below the *regulatory flood* level;
 - b) Mechanical, electrical and heating equipment will be located no lower than one metre below the *regulatory flood* level; and
 - c) Access is available to the site at an elevation no lower than one metre below the *safe access* level.

4. *Development/redevelopment* of new residential units, excluding forms of residential intensification noted in policy 7.14.6.2, shall be permitted provided that the new building and related structures are *floodproofed* to the *regulatory floodlevel*; and
- a) The *habitable floor space* of any new residential unit is constructed to an elevation equal to or greater than the *regulatory flood level*;
 - b) Windows, doors and other building openings for any new residential unit will be located above the *regulatory flood level*;
 - c) Mechanical, electrical and heating equipment for any new residential unit will be located above the *regulatory flood level*;
 - d) Access is available to the site at an elevation no lower than one metre below the *safe access level*; and
 - e) Unenclosed parking facilities shall be located at or above an elevation of the *100 year flood level*. Enclosed facilities shall be *floodproofed* to the regulatory flood level.

ATT-5 **'Special Policy Area' Flood Plain Land Use Plan**



ATT-5 (continued)
'Special Policy Area' Flood Plain Land Use Plan

'General Residential' Land Use Designation

- 7.2.31 The predominant use of land in areas designated, as 'General Residential' on Schedule 1 shall be residential. All forms of residential *development* shall be permitted in conformity with the policies of this designation. The general character of development will be low-rise housing forms. *Multiple unit residential buildings* will be permitted without amendment to this Plan, subject to the satisfaction of specific development criteria as noted by the provisions of policy 7.2.7. Residential care facilities, *lodging houses, coach houses* and garden suites will be permitted, subject to the development criteria as outlined in the earlier text of this subsection.
- 7.2.32 Within the 'General Residential' designation, the *net density of development* shall not exceed 100 units per hectare (40 units/acre).
1. In spite of the density provisions of policy 7.2.32 the *net density of development* on lands known municipally as 40 Northumberland Street, shall not exceed 152.5 units per hectare (62 units per acre).
- 7.2.33 The physical character of existing established low density residential neighbourhoods will be respected wherever possible.
- 7.2.34 Residential lot *infill*, comprising the creation of new low density residential lots within the older established areas of the City will be encouraged, provided that the proposed *development* is compatible with the surrounding residential environment. To assess compatibility, the City will give consideration to the existing predominant zoning of the particular area as well as the general design parameters outlined in subsection 3.6 of this Plan. More specifically, residential lot *infill* shall be compatible with adjacent residential environments with respect to the following:
- a) The form and scale of existing residential development;
 - b) Existing building design and height;
 - c) Setbacks;
 - d) Landscaping and amenity areas;
 - e) Vehicular access, circulation and parking; and
 - f) Heritage considerations.
- 7.2.35 Apartment or townhouse *infill* proposals shall be subject to the development criteria contained in policy 7.2.7

ATT-6 **Official Plan Amendment #48 Land Use Designations and Policies**



ATT-6 (continued)
Official Plan Amendment #48 Land Use Designation and Policies

9.3.2 Low Density Residential

This designation applies to residential areas within the *built-up area* of the City which are currently predominantly low-density in character. The predominant land use in this designation shall be residential.

Permitted Uses

1. The following uses may be permitted subject to the applicable provisions of this Plan:
 - i) detached, semi-detached and duplex dwellings; and
 - ii) multiple unit residential buildings, such as townhouses and apartments.

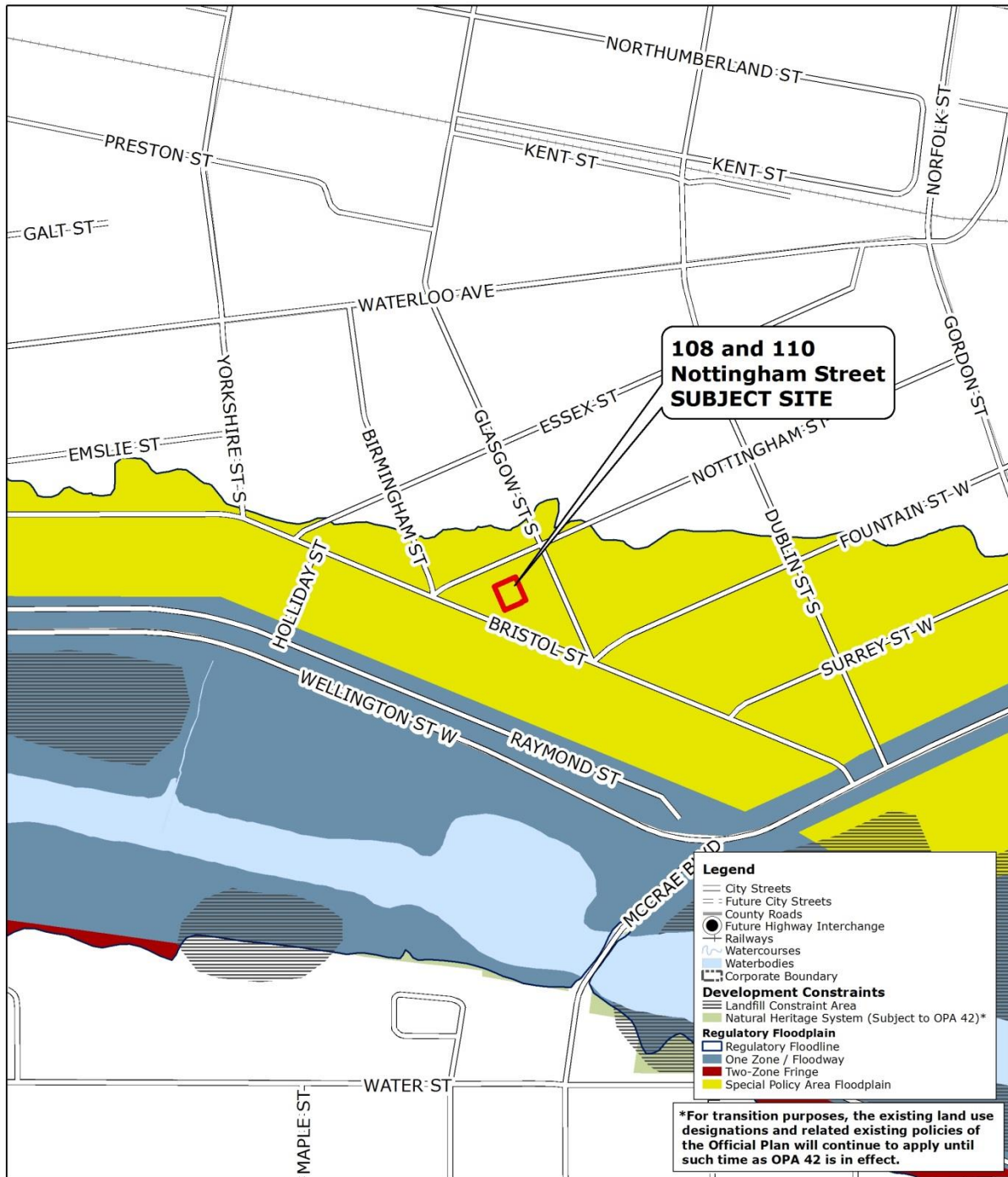
Height and Density

The *built-up area* is intended to provide for *development* that is *compatible* with existing neighbourhoods while also accommodating appropriate *intensification* to meet the overall *intensification target* for the *built-up area* as set out in Chapter 3.

The following height and density policies apply within this designation:

2. The maximum height shall be three (3) storeys.
3. The maximum *net density* is 35 units per hectare and not less than a minimum *net density* of 15 units per hectare.
4. Notwithstanding policies 9.3.2.2 and 9.3.2.3, increased height and density may be permitted for *development* proposals on arterial and collector roads without an amendment to this Plan up to a maximum height of six (6) storeys and a maximum *net density* of 100 units per hectare in accordance with the Height and Density Bonus policies of this Plan.

ATT-7 Development Constraints



ATT-7 (continued)

Development Constraints

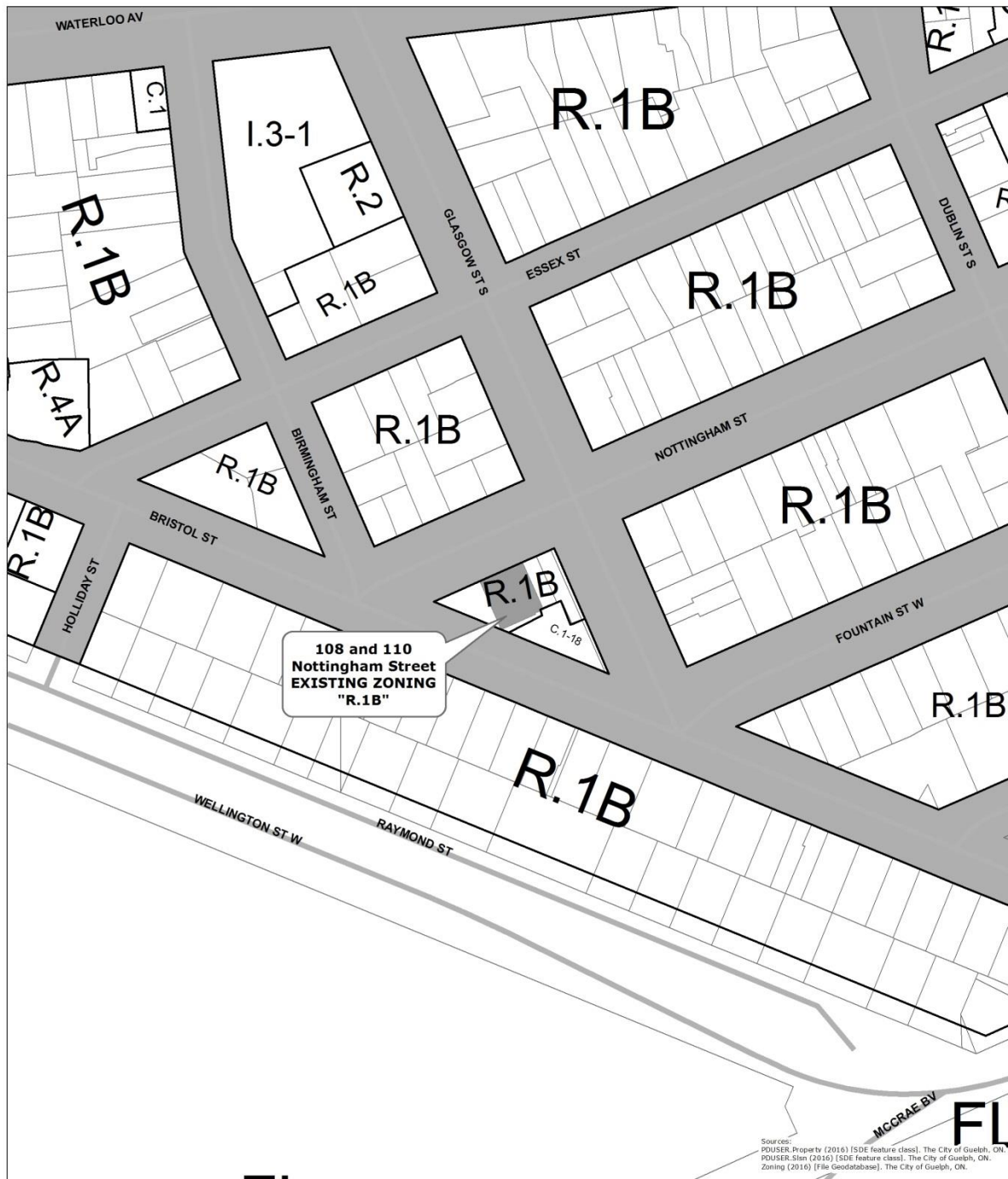
4.4.1 Floodplains

Special Policy Area (S.P.A.) Floodplain

26. Within the 'Special Policy Area (S.P.A.) Floodplain', identified on Schedule 3 of this Plan, the City, the Grand River Conservation Authority and the Province of Ontario have agreed to accept a higher *flood* risk than would normally be acceptable. This higher *flood* risk permits the *development* of a limited amount of new buildings and structures on these lands.
27. The permitted uses within the 'S.P.A. Floodplain' are established by the land use designations shown on Schedule 2, subject to the prohibited uses outlined above in the General Floodplain policies. In addition, policy 4.4.1.7 is applicable within the 'S.P.A. Floodplain'.
28. *Development/redevelopment* is not permitted within the *floodway*.
29. Within the 'S.P.A. Floodplain' hotels and motels may only be permitted if the use can be *floodproofed* to the *regulatory flood level* and *safe access* can be provided.
30. Within the 'S.P.A. Floodplain' service stations, gas bars and other uses involving the manufacture, disposal, consumption or storage of chemical, flammable, explosive, toxic, corrosive or other dangerous materials shall not be permitted.
31. Within the 'S.P.A. Floodplain' parking facilities shall be designed to the satisfaction of the City and the Grand River Conservation Authority so as to minimize *flood* damage and potential *flood* flow interference.
32. The City's implementing *Zoning By-law* will outline specific use and building regulations for lands within the 'S.P.A. Floodplain'.
33. *Floodproofing* shall be required for all forms of building activity within the 'S.P.A. Floodplain' to the satisfaction of the City and the Grand River Conservation Authority. The following will give guidance to the *floodproofing* requirements:
 - i) any new building or structure shall be designed such that its structural integrity is maintained during a *regulatory flood*. In spite of the lower minimum levels specified by the policies of this subsection, every attempt should be made to *floodproof* buildings and structures to the *regulatory flood level*;
 - ii) various forms of *floodproofing*, as specified by the Province, may be used to achieve the necessary *floodproofing* requirements of this Plan; and

iii)the replacement of a building or structure on the footprint of a previous structure which has been destroyed or demolished by fire or natural causes will be permitted, provided the building or structure is not located within the *floodway*.

ATT-8 **Existing Zoning and Details**



Sources:
POUSER Property (2016) [SDE feature class], The City of Guelph, ON.
POUSER Sites (2016) [SDE feature class], The City of Guelph, ON.
Zoning (2016) [File Geodatabase], The City of Guelph, ON.



0 10 20 40 60 80 m

Produced by the City of Guelph
Planning, Urban Design and Building Services - Development Planning
July 2016

EXISTING ZONING **108 and 110 Nottingham Street**



ATT-8 (continued)
Existing Zoning and Details

5.1 RESIDENTIAL SINGLE DETACHED (R.1) **ZONES**

5.1.1 PERMITTED **USES**

The following are permitted **Uses** within the R.1A, R.1B, R.1C, and R.1D **Zones**:

- **Single Detached Dwelling**
- **Accessory Apartment** in accordance with Section 4.15.1
- **Bed and Breakfast** establishment in accordance with Section 4.27
- **Day Care Centre** in accordance with Section 4.26
- **Group Home** in accordance with Section 4.25
- **Home Occupation** in accordance with Section 4.19
- **Lodging House Type 1** in accordance with Section 4.25

5.1.2 REGULATIONS

Within the Residential 1 (R.1) **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 listed in Table 5.1.2, and the following:

- 5.1.2.1 Despite Row 7 of Table 5.1.2, where a **Garage, Carport** or **Parking Space** is not provided in accordance with Section 4.13.2.1, one **Side Yard** shall have a minimum dimension of 3 metres.
- 5.1.2.2 Despite any required **Side Yard** on a residential **Lot, Carports** shall be permitted provided that no part of such **Carport** is located closer than 0.6 metres to any **Side Lot Line**.
- 5.1.2.3 In the event that there is a transformer easement on a particular **Lot**, portions of the **Single Detached Dwelling** may be required to be **Setback** further than specified in Row 6 of Table 5.1.2 in order that a minimum separation of 4.5 metres may be maintained between the transformer easement and any part of the dwelling.
- 5.1.2.4 Despite Rows 6 and 8 of Table 5.1.2, **Buildings** or **Structures** located on **Through Lots** shall have a **Setback** the same as the nearest adjacent **Main Building** and in accordance with Section 4.24.
- 5.1.2.5 Despite Row 4 of Table 5.1.2, the minimum **Lot Frontage** for a **Corner Lot** in a R.1D **Zone** shall be 12 metres.
- 5.1.2.6 Despite Row 4 of Table 5.1.2, the **Lots** located within Defined Area Map Number 66 of Schedule "A" of this **By-law** shall have a

minimum **Lot Frontage** of the average **Lot Frontage** established by the existing **Lots** within the same **City Block Face**, but in no case less than 9 metres. Nothing in this section shall require the minimum **Lot Frontage** to be greater than the minimum **Lot Frontage** established in Table 5.1.2. Where the average **Lot Frontage** of the existing **Lots** on the **Block Face** cannot be determined, the minimum **Lot Frontage** shall be as indicated in Table 5.1.2.

5.1.2.7 Despite Row 6 of Table 5.1.2, the minimum **Front** or **Exterior Side Yard** for dwellings located within Defined Area Map Number 66 of Schedule "A" of this **By-law**, shall be:

- i) The minimum **Front Yard** or **Exterior Side Yard** shall be 6 metres or the average of the **Setbacks** of the adjacent properties. Where the off-street **Parking Space** is located within a **Garage** or **Carport**, the **Setback** for the **Garage** or **Carport** shall be a minimum of 6 metres from the **Street Line**.
- ii) In accordance with Section 4.6 and 5.1.2.3; and
- iii) In accordance with the Ontario Building Code, as amended from time to time or any successor thereof, regulations for above ground electrical conductor clearances to **Buildings**.

Where a road widening is required in accordance with Section 4.24, the calculation of the required **Front** or **Exterior Side Yard** shall be as set out in Section 5.1.2.7, provided that the required **Front** or **Exterior Side Yard** is not less than the new **Street Line** established by the required road widening.

5.1.2.8 Despite Row 7 of Table 5.1.2, properties **Zoned** R.1B or R.1C with **Buildings** over 2 **Storeys** located within Defined Area Map Number 66 of Schedule "A" of this **By-law** shall have a minimum **Side Yard** requirement of 1.5 metres.

5.1.2.9 Deleted.

5.1.2.10 Despite Row 7 of Table 5.1.2 in the R.1A Zone, where a **Building** has a one **Storey** portion and a 1.5 to 2 **Storey** portion, the required **Side Yard** shall be 1.5m from the **Side Lot Line** to the foundation wall of the 1 **Storey** portion and 2.4m from the **Side Lot Line** to the wall of the 1.5 to 2 **Storey** portion.

5.1.2.11 Where **Lots** have less than 12 metres of **Frontage**, the **Garage** is limited to a maximum of 55% of the **Lot** width (as measured at the **Front Yard Setback**).

EXCERPT FROM TABLE 5.1.2 - REGULATIONS GOVERNING R.1 ZONES

1	Residential Type	Single Detached Dwellings
2	Zone	R.1B
3	Minimum Lot Area	460 m ²
4	Minimum Lot Frontage	15 metres and in accordance with Section 5.1.2.6.
5	Maximum Building Height	3 Storeys and in accordance with Section 4.18.
6	Minimum Front Yard	6 metres and in accordance with Sections 4.6, 4.24, 5.1.2.3, 5.1.2.4 and 5.1.2.7.
6a	Minimum Exterior Side Yard	4.5 metres and in accordance with Sections 4.6, 4.24, 4.28, 5.1.2.3, 5.1.2.4 and 5.1.2.7.
7	Minimum Side Yard 1 to 2 Storeys Over 2 Storeys	1.5 metres 2.4 metres and in accordance with Sections 5.1.2.8, 5.1.2.1 and 5.1.2.2.
8	Minimum Rear Yard	7.5 metres or 20% of the <i>Lot Depth</i> , whichever is less and in accordance with Section 5.1.2.4.
9	Accessory Buildings or Structures	In accordance with Section 4.5
10	Fences	In accordance with Section 4.20.
11	Off-Street Parking	In accordance with Section 4.13.
12	Minimum Landscaped Open Space	The <i>Front Yard</i> on any <i>Lot</i> , excepting the <i>Driveway (Residential)</i> shall be landscaped and no parking shall be permitted within this <i>Landscaped Open Space</i> . Despite the definition of <i>Landscaped Open Space</i> , a minimum area of 0.5 metres between the <i>Driveway (Residential)</i> and nearest <i>Lot Line</i> must be maintained as landscaped space in the form of grass, flowers, trees, shrubbery, natural vegetation and indigenous species.
13	Garbage, Refuse and Storage	In accordance with Section 4.9.
14	Garages	For those <i>Lots</i> located within the boundaries indicated on Defined Area Map Number 66, attached <i>Garages</i> shall not project beyond the main front wall of the <i>Building</i> . Where a roofed porch is provided, the <i>Garage</i> may be located ahead of the front wall of the dwelling (enclosing <i>Habitable Floor Space</i> on the first floor) equal to the projection of the porch to a maximum of 2 metres.

12.4 REGULATIONS FOR LANDS WITHIN THE SPECIAL POLICY AREA (S.P.A.)

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

12.4.1 Restricted Uses

12.4.1.1 **Development** or **Redevelopment** is not permitted within the **Hydraulic Floodway**.

12.4.1.2 **Hotels** may be permitted if the **Use** can be **Floodproofed** to the **Regulatory Flood** level and **Safe Access** can be provided.

12.4.1.3 Within the S.P.A., **Vehicle Service Stations**, **Vehicle Gas Bars** and other **Uses** involving the **Manufacture**, disposal, consumption or storage of chemical, flammable, explosive, toxic, corrosive or other dangerous materials shall not be permitted.

12.4.1.4 Within the S.P.A., **Parking Facilities** shall be designed to the satisfaction of the **City** and the Grand River Conservation Authority.

12.4.2 General **Floodproofing** Requirements **Floodproofing** shall be required for all forms of **Building** activity within the S.P.A. to the satisfaction of the **City** and the Grand River Conservation Authority.

12.4.2.1 Any new **Building** or **Structure** shall be designed such that its structural integrity is maintained during a **Regulatory Flood**.

12.4.2.2 All forms of **Floodproofing**, as outlined in the “Implementation Guidelines of the Provincial Policy Statement on Flood Plain Planning”, may be **Used** to achieve the necessary **Floodproofing** requirements of this **By-law**.

12.4.3 **Floodproofing** Requirements for Residential **Uses**

The following regulations apply to the **Renovation** of, intensification of, **Conversion** to, and **Development** or **Redevelopment** of residential **Uses**:

12.4.3.1 **Renovation** of existing residential **Buildings** shall be permitted provided any new **Habitable Floor Space** is not lower than the elevation of the existing ground floor level.

12.4.3.2 Residential intensification, comprising the **Building** of a new **Single Detached**, **Semi-Detached** or **Duplex Dwelling** on an existing vacant **Lot**, or adding an additional unit to an existing **Single Detached**, **Semi-Detached**, or **Duplex Dwelling** or the creation of a new **Lot** for a **Single Detached**, **Semi-Detached**, or **Duplex Dwelling**, shall be permitted provided that the new **Building** or **Structure** is **Floodproofed** to an elevation no lower than 1 metre below the **Regulatory Flood** level; and

12.4.3.2.1 The **Habitable Floor Space** is constructed to an elevation equal to, or greater than the elevation of at least one of the adjacent **Buildings** but in no case lower than 1 metre below the **Regulatory Flood** level;

12.4.3.2.2 basements will only be permitted in instances where the elevation of the basement floor is greater than the elevation of 1 metre below the **Regulatory Flood** level. In instances where this basement floor level elevation cannot be achieved, a crawl space of a maximum height of 1.2 metres may be permitted to facilitate servicing;

12.4.3.2.3 mechanical, electrical and heating equipment will be located no lower than 1 metre below the **Regulatory Flood** level; and

12.4.3.2.4 access is available to an elevation no lower than 1 metre below the **Safe Access** level.

12.4.3.3 **Conversion** of a non-residential **Building** to a residential **Use** will be permitted provided the **Building** is **Floodproofed** to an elevation no lower than 1 metre below the **Regulatory Flood** level; and

12.4.3.3.1 the **Habitable Floor Space** elevation of any new residential unit is located at an elevation no lower than 1 metre below the **Regulatory Flood** level;

12.4.3.3.2 mechanical, electrical and heating equipment will be located no lower than 1 metre below the **Regulatory Flood** level; and

12.4.3.3.3 access is available to the site at an elevation no lower than 1 metre below the **Safe Access** level.

12.4.3.4 **Development** and **Redevelopment** of new Residential Units shall be permitted provided that the new **Building** and related **Structures** are **Floodproofed** to the **Regulatory Flood** level; and

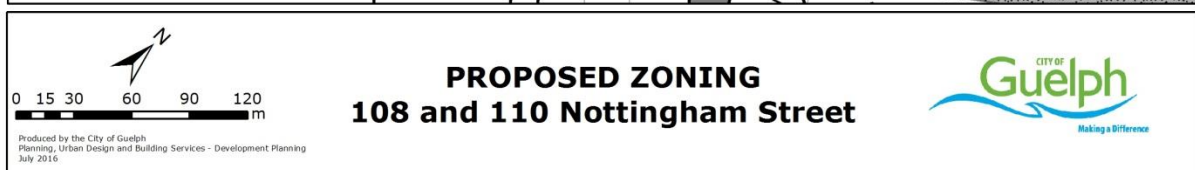
12.4.3.4.1 the **Habitable Floor Space** of any new residential unit is constructed to an elevation equal to or greater than the **Regulatory Flood** level;

12.4.3.4.2 windows, doors and other **Building** openings for any new residential unit will be located above the **Regulatory Flood** level;

12.4.3.4.3 mechanical, electrical and heating equipment for any new residential unit will be located above the **Regulatory Flood** level;

12.4.3.4.4 access is available to the site at an elevation no lower than 1 metre below the **Safe Access** level; and

12.4.3.4.5 unenclosed **Parking Facilities** shall be located at or above an elevation of the **100 Year Flood** level. Enclosed facilities shall be **Floodproofed** to the **Regulatory Flood** level.



ATT-9 (continued)
Proposed Zoning and Details

Proposed Zoning: Specialized Residential Semi-Detached/Duplex (R.2 - ?)

5.2 RESIDENTIAL SEMI-DETACHED/DUPLEX (R.2) ZONE

5.2.1 PERMITTED USES

- **Duplex Dwelling**
- **Semi-Detached Dwelling**
- **Accessory Apartment** in accordance with Section 4.15.1
- **Bed and Breakfast establishment** in accordance with Section 4.27
- **Group Home** in accordance with Section 4.25
- **Home Occupation** in accordance with Section 4.19

REGULATIONS

5.2.2 Within the Residential R.2 **Zone**, 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 5.2.2, and the following:

5.2.2.1 Minimum *Front* or *Exterior Side Yard*

5.2.2.1.1 Despite Row 5 of Table 5.2.2, the minimum ***Front* or *Exterior Side Yard*** for dwellings located within Defined Area Map Number 66 of Schedule “A” of this ***By-law***, shall be:

- i) The minimum ***Front Yard* or *Exterior Side Yard*** shall be 6 metres or the average of the ***Setbacks*** of the adjacent properties. Where the off-street ***Parking Space*** is located within a ***Garage* or *Carport***, the ***Setback*** for the ***Garage* or *Carport*** shall be a minimum of 6 metres from the ***Street Line***.
- ii) In accordance with Sections 4.6 and 5.2.2.1.3; and
- iii) In accordance with the Ontario Building Code, as amended from time to time or any successor thereof, regulations for above ground electrical conductor clearances to ***Buildings***.

Where a road widening is required in accordance with Section 4.24, the calculation of the required ***Front* or *Exterior Side Yard*** shall be as set out Section 5.2.2.1.1, provided that the required ***Front* or *Exterior Side Yard*** is not less than the new ***Street Line*** established by the required road widening.

- 5.2.2.1.2 Despite Row 5 of Table 5.2.2, the **Buildings** or **Structures** located on **Through Lots** shall have a Setback the same as the nearest adjacent **Main Building** and in accordance with Section 4.24.
- 5.2.2.1.3 In the event that there is a transformer easement on a particular **Lot**, portions of the dwelling may be required to be **Setback** further than specified in Row 5 of Table 5.2.2 in order that a minimum separation of 4.5 metres may be maintained between the transformer easement and any part of the dwelling.
- 5.2.2.2 Deleted.
- 5.2.2.3 Despite any required **Side Yard** in the R.2 **Zone**, **Carports** shall be permitted provided that no part of such **Carport** is located closer than 0.6 metres to any **Side Lot Line**.
- 5.2.2.4 Despite Table 4.7 Rows 1-3, for a **Lot** with a dwelling requiring a 0.0 interior **Side Yard**, the **Setback** to that interior **Side Lot Line** from a porch or a deck, inclusive of stairs, shall be 0.0 metres.

TABLE 5.2.2 – REGULATIONS GOVERNING THE R.2 ZONE

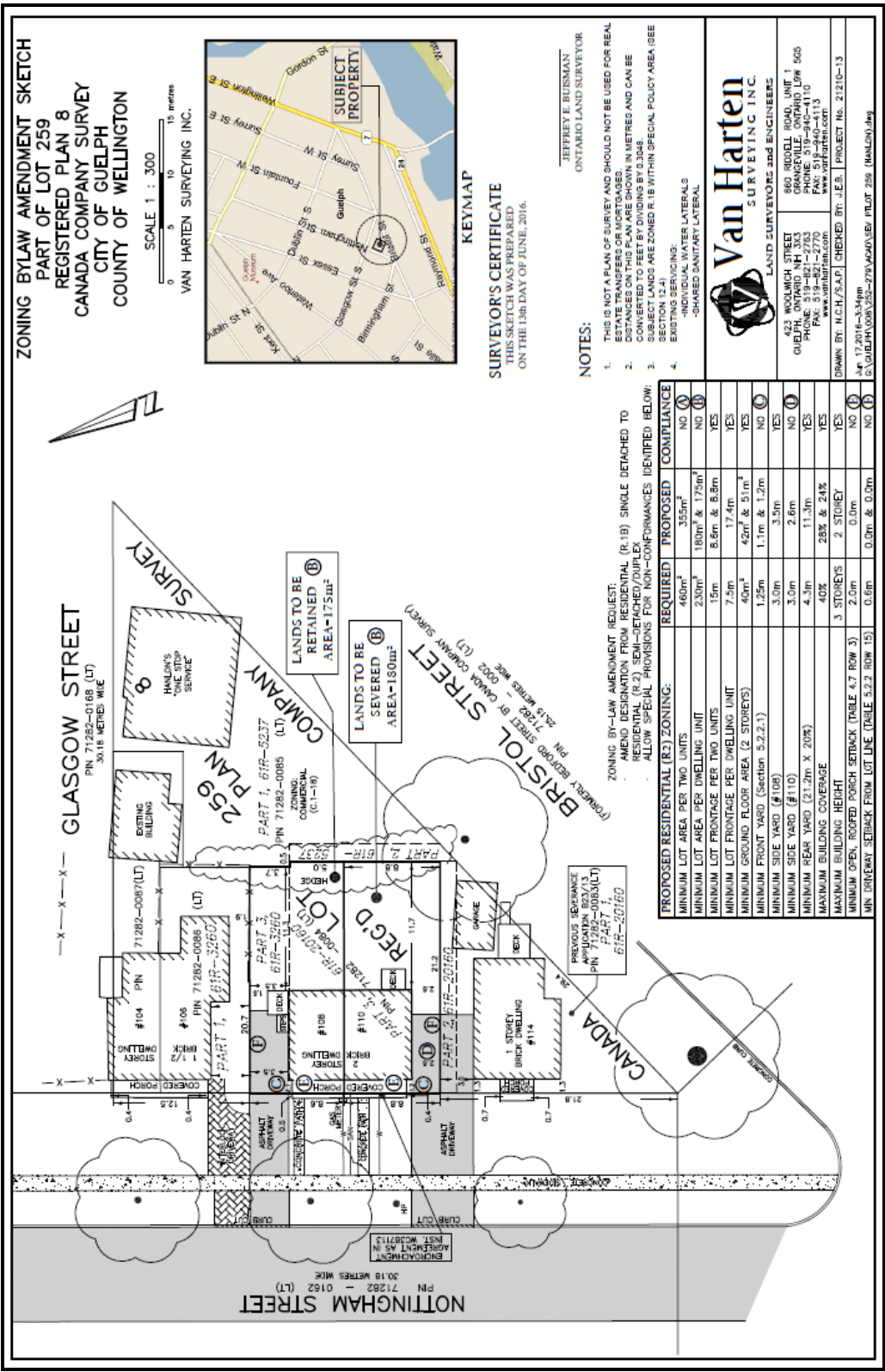
1	Residential Type	<ul style="list-style-type: none"> • Duplex Dwelling • Semi-Detached Dwelling • Accessory Apartment in accordance with Section 4.15.1 • Bed and Breakfast establishment in accordance with Section 4.27 • Group Home in accordance with Section 4.25 • Home Occupation in accordance with Section 4.19
2	Minimum Lot Area	460 m ² for every two units 230 m ² for each unit
3	Minimum Lot Frontage	15 metres for every two units. 7.5 metres for each unit. Despite the above, the Lots located within the boundaries of Defined Area Map Number 66 of Schedule "A" shall have a minimum Lot Frontage of not less than the average Lot Frontage established by existing Lots within the same City Block Face .
4	Minimum Ground Floor Area 1 Storey 1.5 Storeys 2 or more Storeys	80 m ² 55 m ² 40 m ²
5	Minimum Front Yard	6 metres and in accordance with Sections 4.6, 4.24 and 5.2.2.1.
5a	Minimum Exterior Side Yard	4.5 metres and in accordance with Sections 4.6, 4.24, 4.28, 5.2.2.1.
6	Minimum Side Yard (each side)	1.2 metres Where a Garage , Carport or off- street Parking Space is not provided for each Dwelling Unit , each Side Yard shall have a minimum width of 3 metres to accommodate off- street parking. Despite the above, no interior Side Yard is required along the common Lot line of Semi-Detached Dwellings .
7	Minimum Rear Yard	7.5 metres or 20% of the Lot Depth , whichever is less.

8	Accessory Buildings or Structures	In accordance with Section 4.5.
9	Fences	In accordance with Section 4.20.
10	Maximum Building Height	3 Storeys and in accordance with Section 4.18.
11	Maximum Lot Coverage	40% of the Lot Area .
12	Off- Street Parking	In accordance with Section 4.13.
13	Garages	For those Lots located within the boundaries indicated on Defined Area Map Number 66, where a roofed porch is provided, the Garage may be located ahead of the front wall of the dwelling (enclosing Habitable Floor Space on the first floor) equal to the projection of the porch to a maximum of 2 metres.
14	Garbage, Refuse Storage and Composters	In accordance with Section 4.9.
15	Minimum Landscaped Open Space	The Front Yard of any Lot , excepting the Driveway (Residential) , shall be landscaped and no parking shall be permitted within this Landscaped Open Space . Despite the definition of the Landscaped Open Space , for Buildings that do not have a shared Driveway (Residential) access, a minimum area of 0.6 metres between the driveway and nearest Lot Line must be maintained as landscaped space in the form of grass, flowers, trees, shrubbery, natural vegetation and indigenous species and may include a surfaced walk in accordance with Section 4.13.7.2.4.

In addition to the regulations set out in Section 5.2 – Residential Semi-Detached/Duplex (R.2) Zone of Zoning By-law (1995)-14864, as amended, the following additional specialized regulations have been requested to facilitate this proposal:

- A minimum **Lot Area** for every two units of 355 square metres, whereas the Zoning By-law requires a minimum **Lot Area** for every two units of 460 square metres;
- A minimum **Lot Area** of 175 square metres for 108 Nottingham Street and 180 square metres for 110 Nottingham Street, whereas the Zoning By-law requires a minimum **Lot Area** of 230 square metres for each unit;
- A minimum **Front Yard** setback of 1.1 metres, whereas the Zoning By-law requires a minimum **Front Yard** setback of 1.25 metres;
- A minimum **Side Yard** setback of 2.6 metres, whereas the Zoning By-law requires a minimum **Side Yard** setback of 3.0 metres;
- An open, roofed porch not exceeding 1 storey in height to be 0 metres from the front lot line, whereas the Zoning By-law requires a minimum setback of 2 metres; and,
- A minimum **Landscaped Open Space** between the driveway and the side lot line of 0 metres, whereas the Zoning By-law requires a minimum **Landscaped Open Space** of 0.6 metres between the driveway and nearest **Lot Line** to be maintained as landscaped open space in the form of grass, flowers, trees, shrubbery, natural vegetation and indigenous species and may include a surfaced walk.

ATT-10
Existing Development Plan



ATT-11 Planning Analysis

2014 Provincial Policy Statement and Places to Grow

The 2014 Provincial Policy Statement (PPS) provides direction on matters of provincial interest related to land use planning and development and is issued under the authority of Section 3 of the *Planning Act*. All planning decisions shall be consistent with the PPS. Policy 1.0 – Building Strong Healthy Communities speaks to efficient land use and development patterns to support sustainability by promoting strong, liveable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth.

PPS policies speak to accommodating an appropriate range and mix of residential uses (including second units, affordable housing and housing for older persons) and focusing growth within settlement areas. Land use patterns within settlement areas are based on densities and a mix of land uses which efficiently use land and resources and which are appropriate for, and efficiently use the infrastructure and public service facilities which are planned or available and avoid the need for their unjustified and/or uneconomical expansion. This application is placing the property into a more appropriate zone for the existing semi-detached dwelling. The semi-detached dwelling is on full municipal services and is already using existing infrastructure and public service facilities. This application can be considered to be a “technical” zone change to recognize an existing situation.

The proposed Zoning By-law Amendment is consistent with the policies of the 2014 Provincial Policy Statement.

Places to Grow: Growth Plan for the Greater Golden Horseshoe

The Growth Plan aims to create complete communities that offer more options for living, working, learning, shopping and playing. It also aims to curb sprawl and protect green spaces. This application is to recognize an existing semi-detached dwelling and no additional units will be created. This application does not conflict with the policies of the Growth Plan.

Official Plan

The Official Plan land use designation that applies to the subject property is “Special Policy Area/Floodplain”. The permitted uses within the ‘S.P.A. Flood Plain’ designation are established by the land use designations shown on Schedule 8 – Special Policy Area and Floodplain Land Use Plan, which designates the subject property as “General Residential”. Within the “General Residential” land use designation, all forms of residential development are permitted which includes single and semi-detached dwellings. The ‘Special Policy Area Flood Plain’ designation illustrates a currently built-up portion of Guelph which is within the regulatory floodplain of the Speed and Eramosa Rivers. Development, redevelopment and rehabilitation of buildings and structures in this area is considered vital to the continued economic and social viability of the City. The proposed Zoning By-law amendment will recognize an existing semi-detached dwelling which is a permitted use within the “General Residential” land use

designation and is therefore considered to conform to the policies of the Official Plan.

Official Plan Amendment #48 (OPA 48) (under appeal), a comprehensive update to the City's Official Plan, proposes to designate the subject property as "Low Density Residential". This designation applies to residential areas within the built-up area of the City which are currently predominantly low-density in character. The predominant land use in this designation is residential and includes single and semi-detached dwellings. The subject property is further identified as "Special Policy Area Floodplain" on Schedule 3 – Development Constraints. This designation applies to older, established areas of the City. Development and redevelopment of these areas may be allowed subject to the "Special Policy Area Floodplain" policies. Although the application is being processed under the 2001 Official Plan, Staff must have regard to the Council adopted policies and designations of OPA 48. The proposed Zoning By-law amendment will recognize an existing semi-detached dwelling which is a permitted use within the "Low Density Residential" land use designation and is therefore considered to conform to the policies of OPA 48.

Proposed Zoning and Specialized Regulations

The applicant has requested that the zoning on the subject property be changed to a "Specialized Residential Semi-Detached/Duplex" (R.2-?) Zone to recognize the existing semi-detached dwelling. A number of specialized regulations have been requested to recognize an existing situation. Staff have no concerns with the requested specialized regulations.

Community Energy Initiative Considerations

Since no development is proposed through this application, an energy efficiency initiative letter has not been requested.

Statutory Public Meeting Comments

No members of the public spoke or signed in at the Statutory Public Meeting held on October 11, 2016. Written correspondence was not received from any members of the public on the application.

ATT-12
City Department and Agency Circulation Comments Summary

Respondent	No Objection or Comment	Conditional Support	Issues / Concerns
Planning	√		
Engineering	√		
Parks Planning	√		
Upper Grand District School Board	√		
Heritage Planning	√		
GWDA	√		
Grand River Conservation Authority	√		
Guelph Hydro Electric Systems Inc.	√		
Union Gas Limited	√		

ATT-13
Public Notification Summary

June 30, 2016	Application received by the City of Guelph
July 28, 2016	Application deemed "complete"
August 4, 2016	Notice of Complete application mailed to prescribed Agencies and surrounding property owners within 120 metres of the subject property
September 15, 2016	Notice of Public Meeting advertised in the Guelph Tribune
September 20, 2016	Notice of Public Meeting mailed to prescribed Agencies and surrounding property owners within 120 metres of the subject property
October 11, 2016	Statutory Public Meeting of City Council
December 12, 2016	City Council Meeting to consider staff recommendation

Staff Report

To City Council

Service Area Infrastructure, Development & Enterprise Services

Date Monday, December 12, 2016

**Subject Decision Report
389 Speedvale Avenue West
Proposed Zoning By-law Amendment
File: ZC1603
Ward 4**

Report Number 16-82

Recommendation

1. That the application submitted by DS Lawyers LLP on behalf of U-Haul Co. (Canada) Limited to amend the Zoning By-law from the "Specialized Service Commercial" (SC.1-17) Zone to a "Specialized Highway Service Commercial" (SC.2-?) Zone to permit a self-storage facility and truck rental establishment on the property municipally known as 389 Speedvale Avenue West and legally described as Part Lot 7, Plan 599, Part 2, 61R-956, Guelph, City of Guelph, be approved in accordance with the conditions and zoning regulations outlined in ATT-3 of Infrastructure, Development and Enterprise Report 16-82, dated December 12, 2016.
2. That in accordance with Section 34(17) of the Planning Act, City Council has determined that no further public notice is required related to the minor modifications to the proposed Zoning By-law amendment affecting the subject property.

Executive Summary

Purpose of Report

This report provides a staff recommendation to approve the application to amend the Zoning By-law to a "Specialized Highway Service Commercial" (SC.2-?) Zone to permit a self-storage and truck rental establishment on the subject property.

Key Findings

Staff support the proposed Zoning By-law amendment subject to the conditions and zoning regulations in ATT-3.

Financial Implications

The existing annual tax levy of \$110,210 is not anticipated to be impacted by this Zoning By-law amendment application.

Development Charges will not apply since this is a conversion of existing buildings and the applicant is not proposing to expand or increase the square footage.

Report

Background

An application to amend the Zoning By-law has been received for the property municipally known as 389 Speedvale Avenue West from DS Lawyers LLP on behalf of U-Haul Co. (Canada) Limited. The application is a request to change the zoning from the current "Specialized Service Commercial" (SC.1-17) Zone to a "Specialized Highway Service Commercial" (SC.2 - ?) Zone to permit a self-storage facility and truck rental establishment.

Location

The subject property is located at the north-east corner of Royal Road and Speedvale Avenue West. The subject property is 2.33 hectares (5.77 acres) in size with frontage along Royal Road and Speedvale Avenue West. The subject property is developed with three (3) buildings formerly used as a building supply establishment (see Location Map and Orthophoto in ATT-1 and ATT-2).

Surrounding land uses include:

- To the north: lands zoned for industrial uses;
- To the south: Speedvale Avenue West, beyond which are lands zoned for service commercial uses;
- To the east: lands zoned for industrial uses;
- To the west: Royal Road, beyond which are lands zoned for industrial uses.

Existing Official Plan Land Use Designation and Policies

The subject property is designated "Service Commercial" in the Official Plan, which permits highway-oriented and service commercial uses that do not normally locate within a downtown because of site area or highway exposure needs and which may include commercial uses of an intensive nature that can conflict with residential land uses.

The relevant policies for the "Service Commercial" land use designation are included in ATT-4.

Official Plan Amendment #48 Land Use Designation and Policies

Official Plan Amendment 48 (OPA 48) (under appeal), a comprehensive update to the City's Official Plan, proposes to maintain the subject property's current "Service Commercial" land use designation. This designation permits highway-oriented and service commercial uses. Staff must have regard to the Council adopted policies

and designations of OPA 48 even though it is currently under appeal. The relevant policies for the "Service Commercial" land use designation of OPA 48 are included in ATT-5.

Existing Zoning

The subject property is currently zoned "Specialized Service Commercial" (SC.1-17). The existing zoning and details are included in ATT-6.

Description of Proposed Zoning By-law Amendment

The purpose of the proposed Zoning By-law Amendment application is to change the zoning on the subject property from the "Specialized Service Commercial" (SC.1-17) Zone to a "Specialized Highway Service Commercial" Zone (SC.2-?) Zone to permit a self-storage facility and truck rental establishment. All of the uses and regulations permitted in the standard SC.2 Zone are proposed, with the following exceptions:

Exceptions carried forward from the existing SC.1-17 zone:

Accessory Building Height

Despite Section 4.5.2, no accessory Building or Structure shall exceed 6.8 metres in height.

Fences

Despite Section 4.20, the following regulations shall apply to screen, boundary or security fences:

- a) Screen, boundary or security fences shall be permitted in any Yard.
- b) Screen, boundary or security fences shall not exceed a maximum height of 2.44 metres.

Exceptions recommended by staff:

Off-Street Parking

Parking Spaces associated with the Vehicle Sales Establishment:

- a) Shall not be located between the main building and Royal Road and not be located between the main building and Speedvale Avenue.

Outdoor Display Area

An Outdoor Display Area associated with the Vehicle Sales Establishment shall not be located between the main building and Royal Road and shall not be located between the main building and Speedvale Avenue.

Proposed Development

The applicant's conceptual site plan is shown in ATT-8 and proposed elevations are shown in ATT-9. There is currently one (1) main building and two (2) accessory buildings on site. The main building will be used for self-storage units and its associated retail component (which includes the office for the **Storage Facility** and

office for the Vehicle Sales Establishment (i.e. truck rental establishment). Parking for the Vehicle Sales Establishment will be located within the existing parking lot. The applicant has submitted a preliminary site plan application and it is currently under review by staff. Staff have recommended a condition that the existing landscape buffer along Speedvale Avenue be enhanced through additional plantings and materials and that a landscape peninsula be added adjacent to the main driveway entrance along Speedvale Avenue.

Supporting Documents

The following reports and materials have been submitted in support of this application:

- Planning Justification Report, prepared by DS Lawyers LLP, dated February 4, 2016
- Conceptual Site Plan, prepared by J.L. Richards & Associates Limited

Staff Review and Planning Analysis

The staff review and planning analysis for this application is provided in ATT-10. The analysis addresses all relevant planning considerations, including the issues that were raised by Council at the Statutory Public Meeting held on July 11, 2016. The analysis includes:

- Evaluation of the proposal against the 2014 Provincial Policy Statement and Places to Grow: Growth Plan for the Greater Golden Horseshoe;
- Evaluation of the proposal's conformity with the Official Plan; including any Official Plan Amendments;
- Review of the proposed zoning, including the need for any specialized regulations;
- Review of parking;
- Confirm support for the Community Energy Initiative; and
- Address all comments and issues raised during the review of the application.

Planning Staff Recommendation

Planning staff are satisfied that the Zoning By-law Amendment application is consistent with the 2014 Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe. In addition the application conforms to the objectives and policies of the Official Plan.

The applicant applied for the standard "Highway Service Commercial" (SC.2) Zone, however, staff are recommending a "Specialized Highway Service Commercial" (SC.2-?) Zone, to carry forward applicable specialized regulations relating to the existing accessory buildings and fences on the property. Staff are also recommending specific regulations for the parking spaces associated with the Vehicle Sales Establishment for Urban Design purposes. These specialized regulations are considered minor and therefore staff recommend that an additional public meeting is **not** required in accordance with Section 34(17) of the *Planning Act*. Planning staff recommend that Council approve the application to amend the Zoning By-law subject to the conditions and zoning regulations outlined in ATT-3.

Financial Implications

The existing annual tax levy of \$110,210 is not anticipated to be impacted by this Zoning By-law amendment application.

Development Charges will not apply since this is a conversion of existing buildings and the applicant is not proposing to expand or increase the square footage.

Corporate Strategic Plan

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

Communications

Key dates for the public process for this Zoning By-law amendment application are included in the Public Notification Summary found in ATT-13.

Attachments

- ATT - 1 Location Map and 120m Circulation
- ATT - 2 Orthophoto
- ATT - 3 Recommended Zoning Regulations and Conditions
- ATT - 4 Official Plan Land Use Designation and Policies
- ATT - 5 Official Plan Amendment #48 Land Use Designation and Policies
- ATT - 6 Existing Zoning and Details
- ATT - 7 Proposed Zoning and Details
- ATT - 8 Conceptual Site Plan
- ATT - 9 Proposed Elevations
- ATT - 10 Planning Analysis
- ATT - 11 Community Energy Initiative Letter
- ATT - 12 City Department and Agency Circulation Comments Summary
- ATT - 13 Public Notification Summary

Report Author

Lindsay Sulatycki
Senior Development Planner



Approved By

Todd Salter
General Manager
Planning, Urban Design and
Building Services
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todd.salter@guelph.ca

Approved By

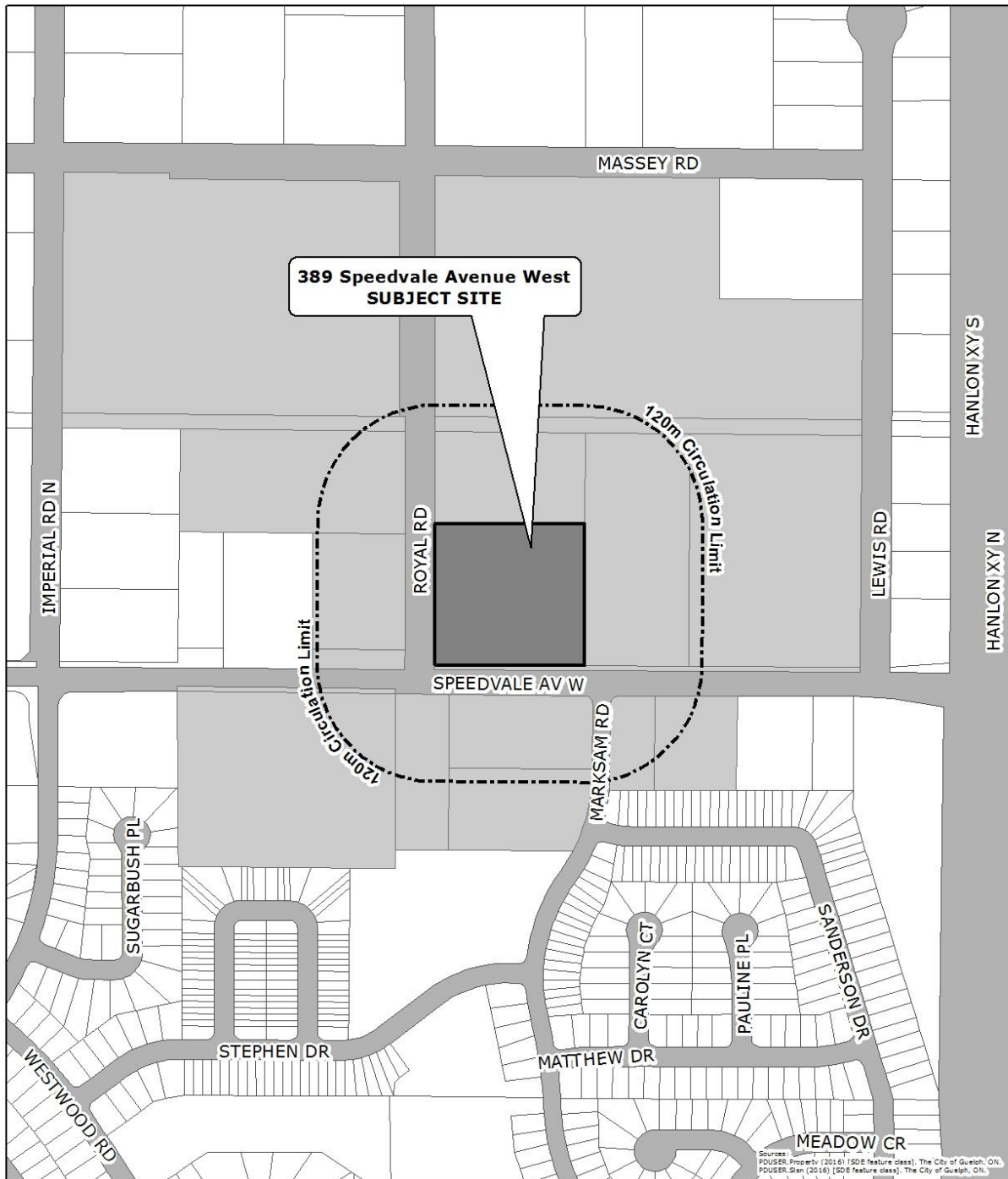
Chris DeVriendt
Senior Development Planner



Recommended By

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Deputy CAO
Infrastructure, Development and Enterprise
519.822.1260, ext. 3445
scott.stewart@guelph.ca

ATT - 1 **Location Map and 120m Circulation**





0 25 50 100 150 200 m


Produced by the City of Guelph
Planning, Urban Design and Building Services - Development Planning
February 2016

LOCATION MAP & 120m CIRCULATION
389 Speedvale Avenue West



**ATT - 2
Orthophoto**




0 12.5 25 50 75 100 m
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Planning, Urban Design and Building Services - Development Planning
February 2016

**2012 Orthophoto
389 Speedvale Avenue West**



ATT - 3

Recommended Zoning Regulations and Conditions

The property affected by the Zoning By-law Amendment application is municipally known as 389 Speedvale Avenue West and legally described as Part Lot 7, Plan 599, Part 2, 61R-956, Guelph, City of Guelph.

PROPOSED ZONING – “Specialized Highway Service Commercial” (SC.2-?)

Permitted Uses

In accordance with Section 6.4.1.2 of Zoning By-law (1995)-14864, as amended.

Regulations

In accordance with Section 6.4.2 of Zoning By-law (1995)-14864, as amended, with the following exceptions:

Accessory **Building Height**

Despite Section 4.5.2, no accessory **Building** or **Structure** shall exceed 6.8 metres in height.

Fences

Despite Section 4.20, the following regulations shall apply to screen, boundary or security fences:

- a) Screen, boundary or security fences shall be permitted in any **Yard**.
- b) Screen, boundary or security fences shall not exceed a maximum height of 2.44 metres.

Off-Street Parking

Parking Spaces associated with the **Vehicle Sales Establishment**:

- a) Shall not be located between the **Main Building** and Royal Road and shall not be located between the **Main Building** and Speedvale Avenue.

Outdoor Display Area

An **Outdoor Display Area** associated with the **Vehicle Sales Establishment** shall not be located between the **Main Building** and Royal Road and shall not be located between the **Main Building** and Speedvale Avenue.

PROPOSED CONDITIONS

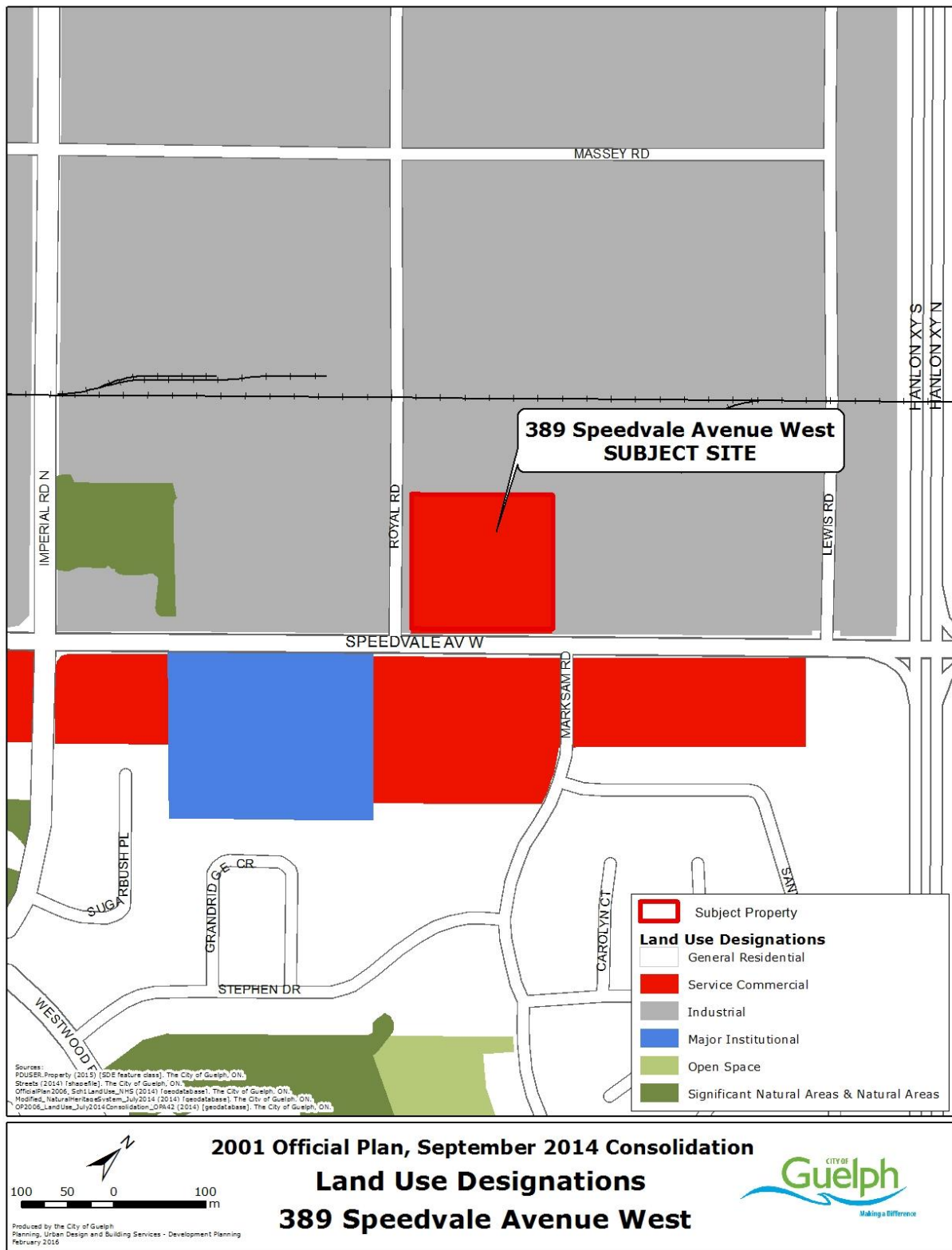
The following conditions are provided as information to Council and will be imposed through site plan approval and a site plan agreement with the City registered on title for the subject property:

1. That the Owner shall submit to the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan, indicating the location of the existing buildings, building design, landscaping, parking, circulation, access, grading and drainage on the said lands to the satisfaction of the General Manager of

Planning, Urban Design and Building Services and the General Manager/City Engineer, prior to any construction or grading on the lands.

2. That the landscaping plan shall demonstrate the following to the satisfaction of the General Manager of Planning, Urban Design and Building Services:
 - a) That the existing landscape buffer along Speedvale Avenue is enhanced with additional plantings and materials.
 - b) That a landscape "peninsula" being a minimum of 3 metres wide be added adjacent to the left side of the driveway along Speedvale Avenue.
3. That the Owner shall satisfy the requirements of Guelph Hydro Electric Systems Inc.

ATT - 4 **Official Plan Land Use Designation and Policies**



ATT - 4 (continued)
Official Plan Land Use Designation and Policies

Service Commercial Land Use Designation

- 7.4.32 The 'Service Commercial' designation on Schedule 1 is intended to provide a location for *highway-oriented* and *service commercial* uses that do not normally locate within a downtown because of site area or highway exposure needs and which may include commercial uses of an intensive nature that can conflict with residential land uses.
- 7.4.33 In order to promote continued commercial viability of the City's C.B.D. (Downtown) and planned mixed use and commercial areas, the City will limit the range of *retail commercial* uses that may locate within the 'Service Commercial' designation.
- 7.4.34 Complementary uses may be permitted in the 'Service Commercial' designation provided they do not interfere with the overall form, function and development of the specific area for *service commercial* purposes. Complementary activities include uses such as small scale offices, *convenience* uses, institutional, multiple-unit residential and commercial recreation or entertainment uses.
- 7.4.35 *Development* proposals within 'Service Commercial' designations will be considered only in instances, where adequate vehicular access, off-street parking and all municipal services can be provided.
- Specific *developments* within 'Service Commercial' designations may not necessarily be provided direct access to arterial roads. The City shall encourage, where feasible, the development of integrated centres between adjacent *service commercial* uses in terms of internal access roads, entrances from public streets, common parking areas, grading, open space and storm water management systems in order to minimize points of access, municipal *infrastructure* provision, parking, and to promote the efficient use of the land base.
- 7.4.36 The City will require the aesthetic character of site and building design to be consistent with the City's urban design objectives and guidelines and shall incorporate measures into the approval of *Zoning By-laws* and *site plans* used to regulate *development* within designated 'Service Commercial' areas to ensure such consistency.
- 7.4.37 Where *service commercial uses* are adjacent to designated 'Residential' areas, adequate design mechanisms shall be used to reduce potential incompatibilities. These design mechanisms will be specified in the implementing *Zoning By-law* and *site plans* and may include building location, buffering, screening and landscaping requirements.

- 7.4.38 This Plan will promote the retention of *service commercial uses* within well-defined areas by:
- 7.4.38.1 Discouraging the further establishment of new commercial strips and the conversion of residential and industrial lands, located outside of those areas designated for 'Service Commercial' use on Schedule 1, to commercial use; and
- 7.4.38.2 Promoting the retention of 'Service Commercial' designations along only one side of arterial roads in the City.

Urban Design Policies for Commercial and Mixed Use Areas:

- 7.4.39 In addition to the policies of section 3.6, and any Council approved urban design guidelines, the following urban design policies will be applied to the design and review of commercial and mixed use *development* proposals to create distinctive, functional and high quality commercial and mixed use areas:

7.4.40 Intersections:

- 7.4.40.1 Where a commercial or mixed use area is located at the intersection of major streets the development or redevelopment of each corner property will incorporate gateway features, prominent landscaping and pedestrian amenities with linkages into the site at the intersection.
- 7.4.40.2 Emphasize intersections of major streets by placing buildings in close proximity to the intersection and ensuring that building entrances are visually accessible from that intersection.
- 7.4.40.3 Use corner building placement, massing and roof treatment in combination with landscaping to screen large buildings and parking areas located within the interior of the site from view at the intersection.
- 7.4.40.4 Corner buildings will be designed as 'signature buildings' to take into account exposure to multiple street frontages and high public visibility by incorporating elements such as increased height, roof features, building articulation, windows and high quality finishes.
- 7.4.40.5 Where a use incorporates functions such as open storage, vehicle repair operations, gas bars, garden centres and drive-throughs, these functions shall not be permitted between the building and the street line or the building and an intersection of streets.

- 7.4.40.6 Surface parking and loading areas shall not be permitted immediately adjacent the four corners of an intersection.

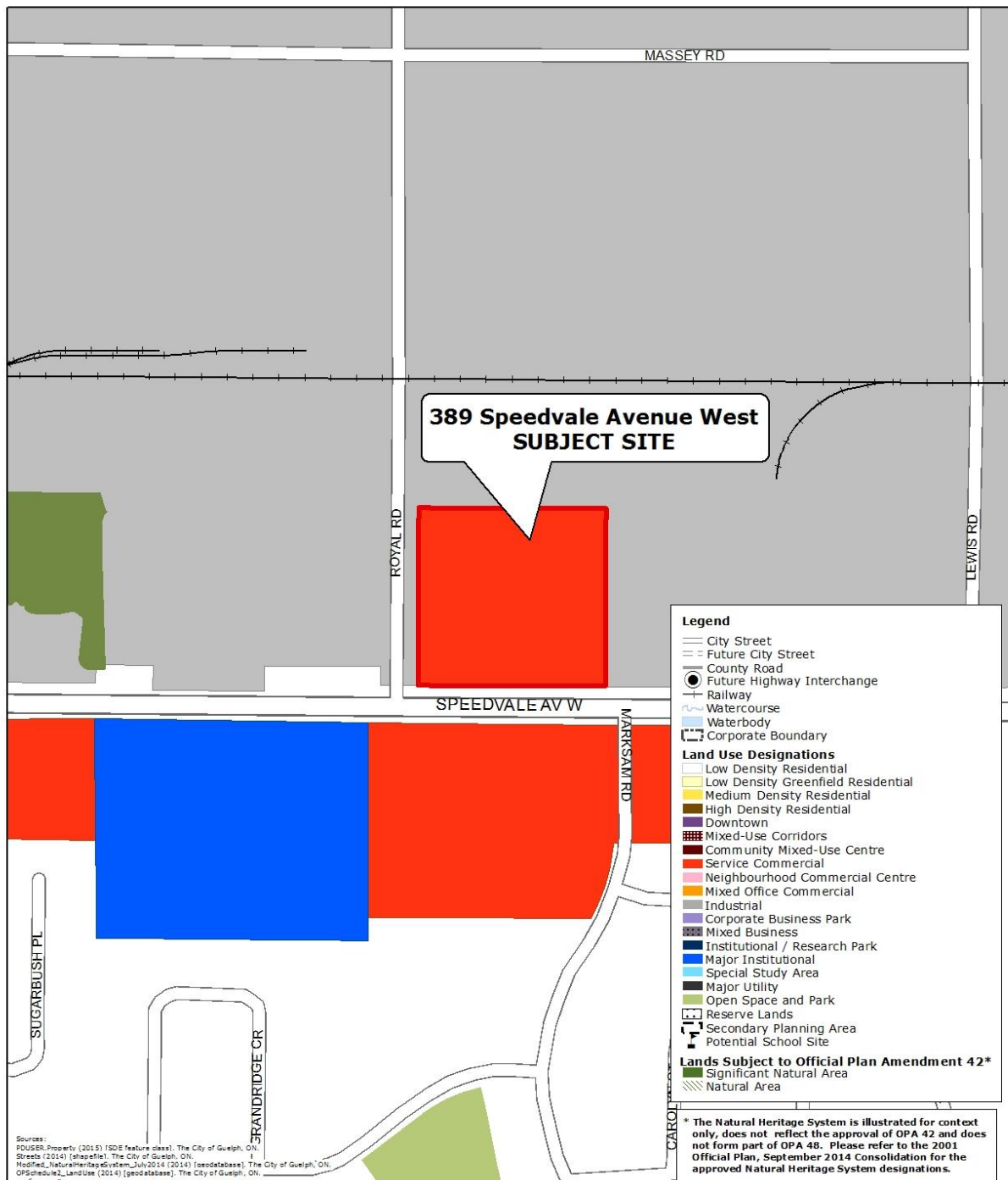
7.4.41 Street Edges:

- 7.4.41.1 Generously sized landscape strips incorporating combinations of landscaping, berming, and decorative fencing or walls shall be provided adjacent the street edge to provide aesthetically pleasing views into the site and to screen surface parking areas.
- 7.4.41.2 Locate free-standing buildings close to the street edge and avoid, where possible, surface parking between a building and the street.
- 7.4.41.3 Avoid locating outdoor storage areas along or adjacent to street edges.
- 7.4.41.4 Buildings adjacent the street edge will be designed to take into account high public visibility by incorporating elements such as increased height, roof features, building articulation, windows and high quality finishes.
- 7.4.41.5 Buildings will be designed to screen roof-top mechanical equipment from visibility from the public realm.
- 7.4.41.6 Avoid locating outdoor storage areas, outdoor display areas or garden centres adjacent to street edges.

7.4.42 Driveways, Internal Roads and Parking Areas:

- 7.4.42.1 Main driveway entrances will be defined by landscaping on either side of the driveway and / or by landscaped medians.
- 7.4.42.2 Internal roads will be physically defined by raised landscaped planters where they intersect with parking area driveways. Internal roads will be used to divide large sites into a grid of blocks and roadways to facilitate safe vehicular movement. Internal roads will be designed to interconnect with adjacent commercial lands to create an overall cohesive and integrated node.
- 7.4.42.3 Divide large parking areas into smaller and defined sections through the use of landscaping and pedestrian walkways.
- 7.4.42.4 Provide bicycle parking in close proximity and convenient to building entrances.

ATT - 5 **Official Plan Amendment #48 Land Use Designation and Policies**



ATT - 5 (continued)
Official Plan Amendment #48 Land Use Designation and Policies

9.4.5 Service Commercial

Objectives

- a) To ensure an adequate supply of service commercial uses throughout the City at appropriate locations.
- b) To concentrate highway-oriented and service commercial uses within well-defined designated areas, generally along arterial roads.
- c) To discourage the creation of new strip service commercial development.
- d) To promote a high standard of building and landscape design for service commercial uses and to ensure that pedestrian and vehicular circulation do no conflict.

Policies

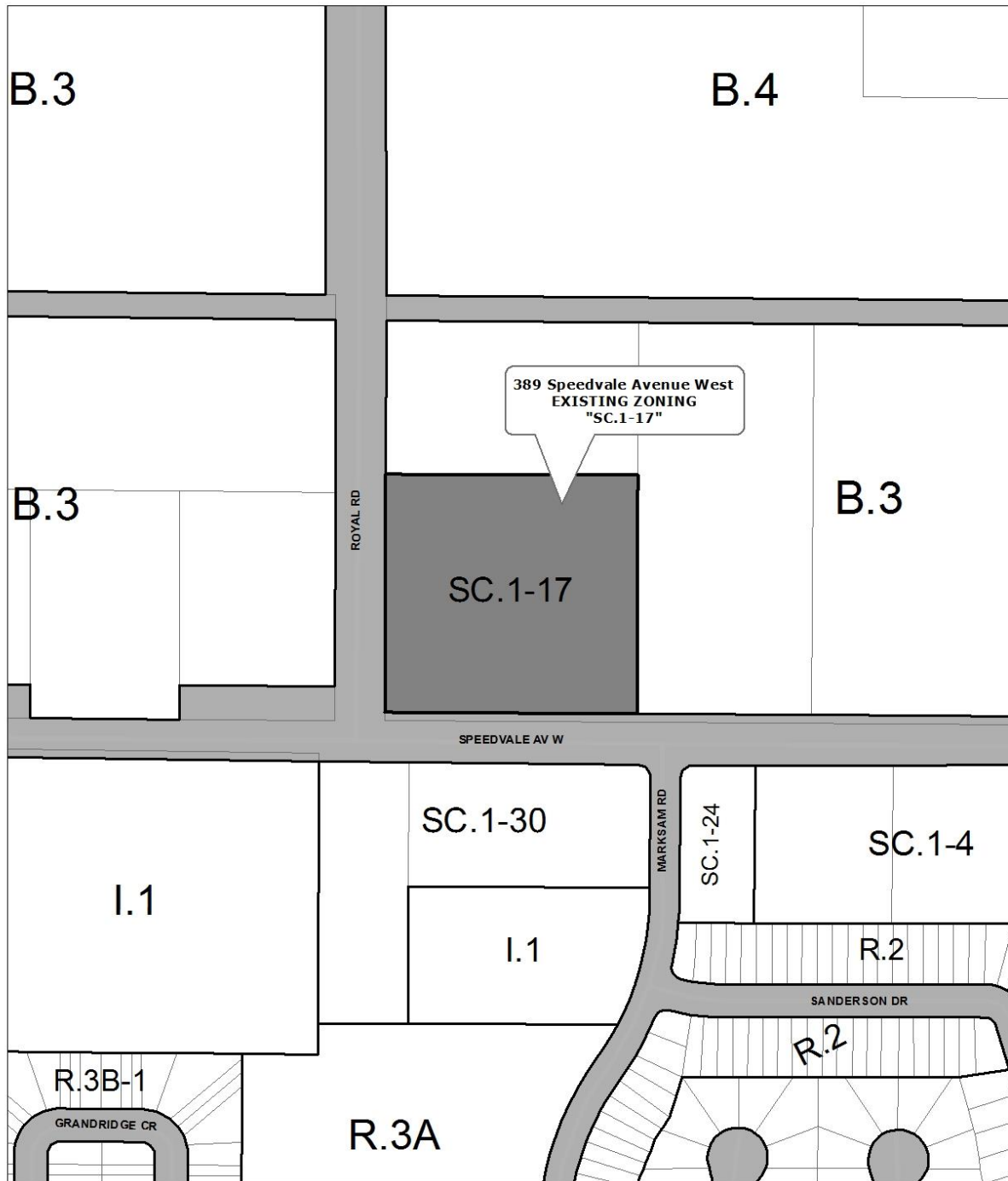
- 1. The 'Service Commercial' designation on Schedule 2 of this Plan is intended to provide a location for highway-oriented and *service commercial* uses that do not normally locate within Downtown because of site area or highway exposure needs and which may include commercial uses of an intensive nature that can conflict with residential land uses.
- 2. To promote continued commercial viability of Downtown and planned Mixed-use and Commercial areas, the City will limit the range of *retail commercial* uses that may locate within the Service Commercial designation.
- 3. *Development* proposals within Service Commercial designations will be considered only in instances, where adequate vehicular access, off-street parking and all municipal services can be provided.
- 4. In some circumstances *development* may not necessarily be provided with direct access to arterial roads. The City shall encourage integration between adjacent *service commercial* uses in terms of entrances to public streets, internal access roads, common parking areas, grading, open space, stormwater management systems and municipal *infrastructure* provision where feasible.
- 5. The City will require the aesthetic character of site and building design to conform to the Urban Design policies of this Plan and applicable guidelines and will incorporate measures into the approval of *Zoning By-laws* and Site Plans to ensure conformity.
- 6. This Plan will promote the retention of *service commercial* uses within the well-defined areas as identified on Schedule 2 by:


- i) discouraging the further establishment of new commercial strips and the conversion of lands, located outside of those areas designated Service Commercial on Schedule 2 to commercial use; and
 - ii) promoting the retention of Service Commercial designations along only one side of arterial roads in the City.
7. Where *service commercial* uses are adjacent to designated residential areas, design mechanisms, including those outlined in the Urban Design policies of this Plan shall be applied to reduce potential incompatibilities. These design mechanisms may be specified in the implementing *Zoning By-law* and Site Plans and may include building location, buffering, screening and landscaping requirements.

Permitted Uses

8. The following uses may be permitted within the Service Commercial designation subject to the applicable provisions of this Plan:
- i) *service commercial* uses;
 - ii) complementary uses such as small-scale offices, convenience uses, institutional and commercial recreation or entertainment uses.
9. Complementary uses may be permitted provided they do not interfere with the overall form, function and development of the specific area for *service commercial* purposes.

ATT - 6 **Existing Zoning and Details**






0 15 30 60 90 120 m

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Planning, Urban Design and Building Services - Development Planning
February 2016

EXISTING ZONING
389 Speedvale Avenue West



ATT - 6 (continued)
Existing Zoning and Details

Existing – “Specialized Service Commercial” (SC.1-17) Zone

SC.1-17

389 Speedvale Ave. W.

As shown on Defined Area Map Number 8 of Schedule “A” of this **By-law**.

Permitted Uses

- **Building Supply**
- **Accessory Uses** in accordance with Section 4.23
- **Occasional Uses** in accordance with Section 4.21

Regulations

Outdoor Storage

The outdoor storage of goods and materials associated with a **Building Supply** activity that shall be permitted in a **Side Yard** or **Rear Yard** provided that:

- a) **Outdoor Storage Areas** shall be fenced;
- b) Landscaping, consisting of trees, shrubbery and/or berms is located between the **Outdoor Storage Area** and any point(s) where the **Outdoor Storage Area** would be visible from a public **Street**;
- c) **Outdoor Storage Areas** shall be in addition to and separate from any required **Parking Spaces**;
- d) **Outdoor Storage Areas** shall be **Used** only for the storage of goods or products assembled or sold on-site or equipment **Used** in operation on, or from, the site.

Off-Street Parking

Despite Section 4.13.4, the following regulations shall apply:

- a) Retail Component: 5.5 **Parking Spaces** per 92.9 m² of **Gross Floor Area**.
- b) **Warehouse** Component: 1 **Parking Space** per 36 m² of **Gross Floor Area**.

Parking Space Size

Despite Section 4.13.3.2, every off-**Street Parking Space** shall have dimensions of not less than 2.74 metres by 6.0 metres.

Accessory Building Height

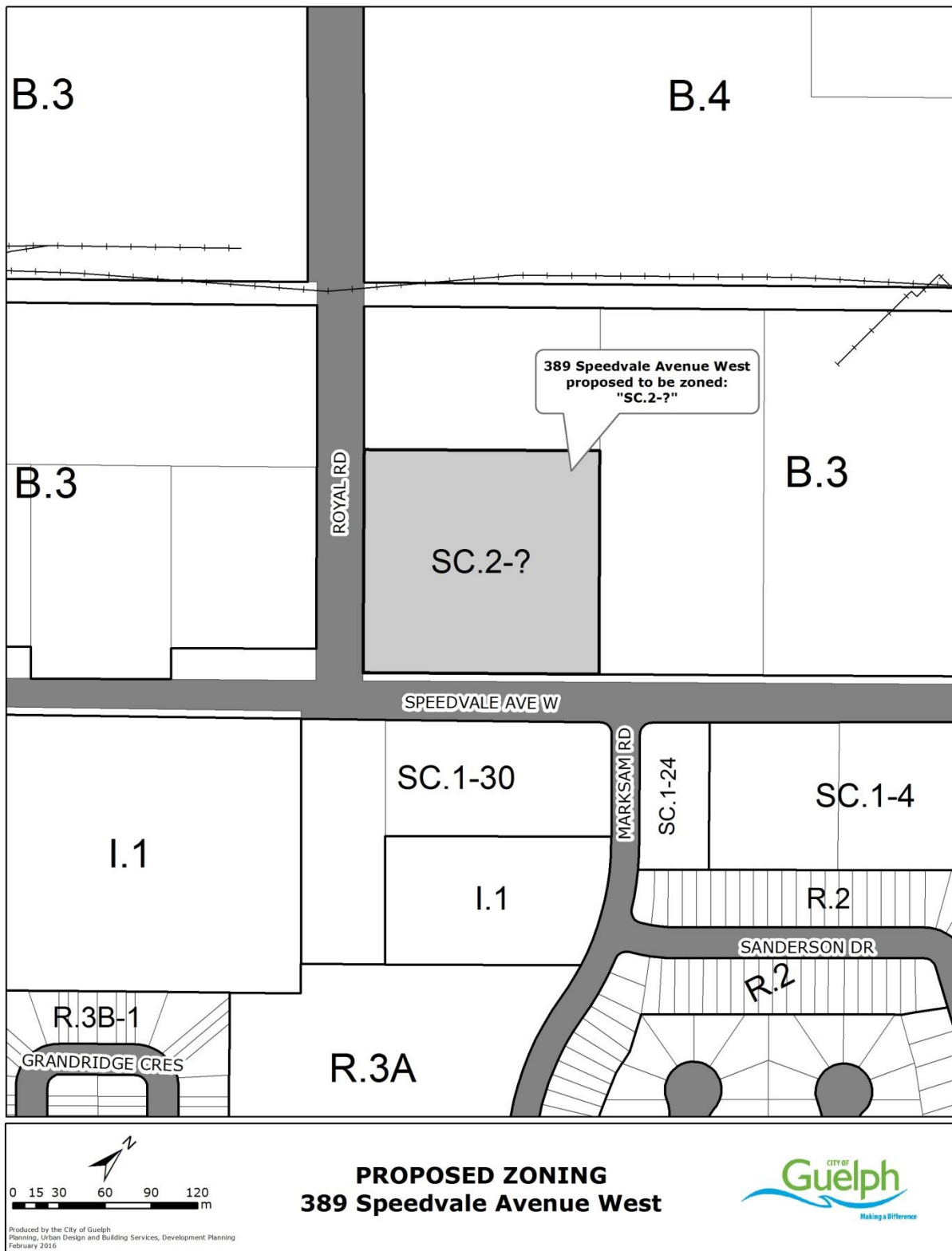
Despite Section 4.5.2, no accessory **Building** or **Structure** shall exceed 6.8 metres in height.

Fences

Despite Section 4.20, the following regulations shall apply to screen, boundary or security fences:

- b) Screen, boundary or security fences shall be permitted in any ***Yard***.
- b) Screen, boundary or security fences shall not exceed a maximum height of 2.44 metres.

ATT - 7 **Proposed Zoning and Details**



ATT - 7 (continued)
Proposed Zoning and Details

Proposed Zoning: “Specialized Highway Service Commercial” (SC.2 - ?)

PERMITTED **USES**

The following are permitted **Uses** within the Service Commercial – SC.1 and SC.2 **Zones**:

Service Commercial – SC.1 **Zone**:

- **Auto-oriented Department Store**
- **Car wash, Automatic**
- **Car wash, Manual**
- **Catalogue Sales Outlet**
- **Club**
- **Commercial School**
- **Commercial Entertainment**
- **Day Care Centre** in accordance with Section 4.26
- **Financial Establishment**
- **Funeral Home**
- **Group Home** in accordance with Section 4.25
- **Hardware Store**
- **Hotel**
- **Liquor Store**
- **Medical Clinic**
- **Office Supply**
- **Parking Facility**
- **Print Shop**
- **Public Hall**
- **Recreation Centre**
- **Religious Establishment**
- **Research Establishment**
- **Restaurant**
- **Restaurant (take-out)**
- Retail sales, service and rental of:
 - electrical/lighting supplies
 - electronic and audio-visual equipment
 - furniture and appliances
- **Tavern**
- **Tourist Home**
- **Vehicle Specialty Repair Shop**
- **Vehicle Service Station**
- **Vehicle Gas Bar**
- **Veterinary Service**

Within a **Mall**:

All **Uses** listed above and the following:

- **Artisan Studio**

- **Bake Shop**
- **Cleaning Establishment**
- **Convenience Store**
- **Dry Cleaning Outlet**
- **Florist**
- **Laundry**
- **Medical Office**
- **Office**
- **Personal Service Establishment**
- **Pharmacy**
- **Photofinishing Place**
- **Postal Service**
- **Rental Outlet**
- **Repair Service**
- **Taxi Establishment**
- **Vehicle Parts Establishment**
- **Video Rental Outlet**

Highway Service Commercial – SC.2 **Zone**

- Any **Use** permitted in the SC.1 **Zone** subject to the regulations of the SC.2 **Zone** plus the following additional **Uses**:
- **Amusement Park**
- **Auction Centre**
- **Building Supply**
- **Catering Service**
- **Contractor's Yard**
- **Courier Service**
- **Garden Centre**
- **Kennels**
- **Monument Sales**
- Retail sales, service and rental of: **Recreational Vehicles**, construction and farm equipment
- **Small Motor Equipment Sales**
- **Storage Facility**
- **Taxi Establishment**
- **Tradesperson's Shop**
- **Transportation Depot**
- **Trucking Operation**
- **Vehicle Body Shop**
- **Vehicle Establishment**
- **Vehicle Sales Establishment**
- **Accessory Uses** in accordance with Section 4.23
- **Occasional Uses** in accordance with Section 4.21

TABLE 6.4.2 - REGULATIONS GOVERNING SERVICE COMMERCIAL (SC) ZONES

Row 1	Commercial Type	Service Commercial	Highway Service Commercial
2	Zones	SC.1	SC.2
3	Minimum Lot Frontage	30 metres	
4	Minimum Front and Exterior Side Yard	6 metres and in accordance with Section 4.24.	
5	Minimum Side Yard	3 metres except where adjacent to any residential Zones in which case the minimum Side Yard shall be no less than 6 metres or one half the Building Height , whichever is greater.	
6	Minimum Rear Yard	One-half the Building Height but not less than 6 metres.	
7	Maximum Building Height	3 Storeys and in accordance with Sections 4.16 and 4.18.	5 Storeys and in accordance with Sections 4.16 and 4.18.
8	Buffer Strips	Where a SC Zone abuts any Residential, Institutional, Park, Wetland, or Urban Reserve Zone , a buffer strip shall be developed.	
9	Off- Street Parking	In accordance with Section 4.13.	
10	Off- Street Loading	In accordance with Section 4.14.	
11	Minimum Landscaped Open Space	10% of the Lot Area .	
12	Outdoor Storage	In accordance with Section 4.12.	
13	Fences	In accordance with Section 4.20.	
14	Accessory Buildings or Structures	In accordance with Section 4.5.	
15	Enclosed Operations	In accordance with Section 4.22.	
16	Garbage, Refuse Storage and Composters	In accordance with Section 4.9.	
17	Planting Area	A landscaped strip of land, 3 metres in width shall be maintained adjacent to the Street Line , except for those areas required for entry ramps.	

Specialized Regulations:

Accessory *Building Height*

Despite Section 4.5.2, no accessory **Building** or **Structure** shall exceed 6.8 metres in height.

Fences

Despite Section 4.20, the following regulations shall apply to screen, boundary or security fences:

- a) Screen, boundary or security fences shall be permitted in any ***Yard***.
- b) Screen, boundary or security fences shall not exceed a maximum height of 2.44 metres.

Off-Street Parking

Parking Spaces associated with the ***Vehicle Sales Establishment***:

- a) Shall not be located between the ***Main Building*** and Royal Road and shall not be located between the ***Main Building*** and Speedvale Avenue.

Outdoor Display Area

An ***Outdoor Display Area*** associated with the ***Vehicle Sales Establishment*** shall not be located between the ***Main Building*** and Royal Road and shall not be located between the ***Main Building*** and Speedvale Avenue.

Conceptual Site Plan



[illegible]

ATT - 10

Planning Analysis

2014 Provincial Policy Statement and Places to Grow

The 2014 Provincial Policy Statement (PPS) provides direction on matters of provincial interest related to land use planning and development and is issued under the authority of Section 3 of the *Planning Act*. All planning decisions shall be consistent with the PPS. Policy 1.0 – Building Strong Healthy Communities speaks to efficient land use and development patterns to support sustainability by promoting strong, liveable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth.

Policy 1.1.1(b) speaks to accommodating an appropriate range and mix of residential, employment (including industrial and commercial) institutional, recreation, park and open space, and other uses to meet long term needs.

Policy 1.1.3.1 speaks to settlement areas being the focus of growth and development.

Policy 1.1.3.2 states that land use patterns within settlement areas shall be based on:

- a) Densities and a mix of land uses which:
 - 1. Efficiently use land and resources;
 - 2. Are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available and avoid the need for their unjustified and/or uneconomical expansion

To summarize the above, PPS policies aim at focusing growth within settlement areas with densities and a mix of land uses which efficiently use land and resources. 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 and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate the projected needs. The proposed amendment allows for redevelopment within the City's settlement area, provides additional commercial uses that will meet the long term needs of residents and businesses and uses existing infrastructure.

The proposed Zoning By-law Amendment is consistent with the policies of the 2014 Provincial Policy Statement.

Places to Grow: Growth Plan for the Greater Golden Horseshoe

The Growth Plan aims to create complete communities that offer more options for living, working, learning, shopping and playing. It also aims to curb sprawl and protect green spaces.

Guiding principles are set out to build compact, vibrant and complete communities; plan and manage growth to support a strong and competitive economy and

optimize the use of existing and new infrastructure to support growth in a compact, efficient form.

The subject application will allow for redevelopment of an existing site within the “built-up” area of the City, while using existing infrastructure. Redevelopment of the site will offer more commercial self-storage options for residents and businesses. The application conforms to the Growth Plan.

Official Plan

The proposed Zoning By-law Amendment conforms to the “Service Commercial” land use designation of the Official Plan. Policy 7.4.32 of the Official Plan states,

The ‘Service Commercial’ designation on Schedule 1 is intended to provide a location for highway-oriented and service commercial uses that do not normally locate within a downtown because of site area or highway exposure needs and which may include commercial uses of an intensive nature that can conflict with residential land uses.

Policy 7.4.38 of the Official Plan states, this Plan will promote the retention of *service commercial uses* within well-defined areas by:

- 7.4.38.1 Discouraging the further establishment of new commercial strips and the conversion of residential and industrial lands, located outside of those areas designated for ‘Service Commercial’ use on Schedule 1, to commercial use; and
- 7.4.38.2 Promoting the retention of ‘Service Commercial’ designations along only one side of arterial roads in the City.

This application is not proposing to convert residential or industrial lands, but rather allow a property designated as “Service Commercial” to be developed with the full range of service commercial and highway service commercial uses permitted in the SC.1 and SC.2 Zones.

Through the site plan approval process, staff are recommending enhanced landscaped material and plantings within the existing landscape buffer along Speedvale Avenue and the addition of a landscape “peninsula” adjacent to the driveway entrance to satisfy Official Plan policies relating to intersections and street edges. Enhanced landscaping would help screen surface parking and outdoor display areas along Speedvale Avenue to satisfy the following Official Plan policies:

- 7.4.41.1 Generously sized landscape strips incorporating combinations of landscaping, berming, and decorative fencing or walls shall be provided adjacent the street edge to provide aesthetically pleasing views into the site and to screen surface parking areas.
- 7.4.41.6 Avoid locating outdoor storage areas, outdoor display areas or garden centres adjacent to street edges.

- 7.4.42.1 Main driveway entrances will be defined by landscaping on either side of the driveway and / or by landscaped medians.

Official Plan Amendment 48 (OPA 48) (under appeal), a comprehensive update to the City's Official Plan, proposes to maintain the subject property's current "Service Commercial" land use designation. This designation permits highway-oriented and service commercial uses. This application is requesting the standard "Highway Service Commercial" (SC.2) uses, which includes a **Storage Facility** and **Vehicle Sales Establishment** which is in conformity with the "Service Commercial" land use designation. Staff must have regard to the Council adopted policies and designations of OPA 48 even though it is currently under appeal. The proposed Zoning By-law Amendment conforms to the "Service Commercial" land use designation of OPA 48.

Proposed Zoning and Specialized Regulations

The applicant has requested that the zoning on the subject property be changed to the standard "Highway Service Commercial" (SC.2) Zone. Staff are recommending all of the uses permitted in the standard SC.2 Zone (which also includes all of the uses permitted within the "Service Commercial" (SC.1) Zone). The applicant is specifically looking to use the existing buildings and parking area for a self-storage facility (referred to as a **Storage Facility** in the Zoning By-law) and truck rental establishment (referred to as a **Vehicle Sales Establishment** in the Zoning By-law). The buildings on the property are currently vacant.

Staff recommend a "Specialized Highway Service Commercial" (SC.2-?) Zone, to carry forward applicable specialized regulations relating to the existing accessory buildings and fences on the property. Staff are also recommending specific regulations for the parking spaces/outdoor display area associated with the Vehicle Sales Establishment (truck rental establishment). These specialized regulations are as follows:

Off-street Parking

Parking Spaces associated with the **Vehicle Sales Establishment**:

- a) Shall not be located between the **Main Building** and Royal Road and shall not be located between the **Main Building** and Speedvale Avenue.

Outdoor Display Area

An **Outdoor Display Area** associated with the **Vehicle Sales Establishment** shall not be located between the **Main Building** and Royal Road and shall not be located between the **Main Building** and Speedvale Avenue.

These specialized zoning regulations are recommended to satisfy Official Plan policies relating to commercial developments located at intersections. Parking associated with the Vehicle Sales Establishment is not appropriate between the main building and streets as it would visually obstruct the building and not enhance the intersection.

The proposed zoning would specifically prohibit the parking/display of vehicles associated with the truck rental establishment (U-Haul) between the main building and Royal Road and between the main building and Speedvale Avenue. Vehicular parking would still be permitted within the existing parking spaces between the main building and Royal Road and between the main building and Speedvale Avenue. Through the review of the site plan application staff have encouraged and will continue to encourage the applicant to replace the excess parking spaces located nearest the Royal Road/Speedvale Avenue intersection with landscaping.

The recommended specialized regulations carried forward from the existing zoning on the property are as follows:

Accessory **Building Height**

Despite Section 4.5.2, no accessory **Building** or **Structure** shall exceed 6.8 metres in height.

Fences

Despite Section 4.20, the following regulations shall apply to screen, boundary or security fences:

- a) Screen, boundary or security fences shall be permitted in any **Yard**.
- b) Screen, boundary or security fences shall not exceed a maximum height of 2.44 metres.

Access and Parking

There are three (3) existing accesses to the property (one (1) off of Speedvale Avenue and two (2) off of Royal Road) that the applicant is proposing to maintain.

The following chart summarizes the parking requirements for this application as per Section 4.13.4.2 of the Zoning By-law:

Use	Minimum Required <i>Parking Spaces</i>	Gross Floor Area (G.F.A.)	Requirement
Retail Establishment	1 per 16.5 square metres of G.F.A.	324 square metres	20
Storage Facility	1 per 50 square metres of G.F.A.	5,241 square metres	105
Vehicle Sales Establishment	1 per 25 square metres of G.F.A. or a minimum of 2, whichever is greater (exclusive of display or storage areas)	located in retail area	2
Total			127

127 parking spaces for the **Storage Facility**, **Retail Establishment** and **Vehicle Sales Establishment** are required and 127 parking spaces including 6 barrier free parking spaces, plus 15 designated truck parking spaces are provided.

Community Energy Initiative

The proposed reuse of the existing buildings will contribute towards implementing the Community Energy Initiative (CEI) in recognition that it satisfies many of the objectives and policies outlined in Section 3.8 of the Official Plan that promote energy conservation. The applicant has made a commitment to implement specific CEI measures, as outlined in ATT-11.

Statutory Public Meeting Comments

No members of the public spoke or signed in at the Statutory Public Meeting held on July 11, 2016. There was no written correspondence received from any member of the public.

There was a comment from Council at the Statutory Public Meeting regarding landscaping along Speedvale Avenue. The Zoning By-law requires a landscaped strip of land, 3 metres in width adjacent to the street line, except for at accesses. Since this site was previously used as a building supply establishment, there is an existing landscape strip of 5 metres along Speedvale Avenue. Staff have recommended a condition that through the site plan application, the existing landscaped strip be enhanced with additional plantings and materials for Urban Design purposes.

ATT - 11
Community Energy Initiative Letter



Attn: Lindsay Sulatycki,
Senior Development Planner
Planning Services
City of Guelph

October 5, 2016

Hi Lindsay,

Re: 389 Speedvale Avenue West, Guelph, On

Our plans to promote and meet energy conservation and Climate Change Protection Objectives for City of Guelph and U-Haul Company's sustainability objectives.

1. Florescent interior lighting upgraded to energy efficient T8's.
2. Outdoor lighting replaced with energy efficient LED lighting
3. Dual pane window replacement
4. Energy efficient HVAC units
5. Truck and trailer Sharing - consider homeowner who uses his own LCV to transport household goods back and forth until move is complete. Using a properly sized U-Haul truck will allow the homeowner to move in one trip, saving time, money, and reducing traffic and emissions in the city.
6. U-Haul Sells sustainable retail products
 - Biodegradable Packing Peanuts - made primarily of corn and potato starch, the peanuts dissolve/ degrade in water as an Eco-friendly alternative to Styrofoam. Annual diversion of more than 407,000 cubic feet of materials formerly destined for landfills.
 - Box Exchange & Take a Box Leave a Box

Both programs encourage reuse of U-Haul boxes, which are built to be reused again and again. Nearly 1 million boxes are reused every year.

7. U-Haul Storage Re-Use Centers
 - Re-use center in side self storage area, were customer can put, unneeded items, which other customers will pick up and re-use.

Thank you

A handwritten signature in black ink, appearing to read "David Anstett".

David Anstett
Marketing Company President
U-Haul Company of Western Ontario
2810 Dougall Road
Windsor, Ontario N9E 1R9
office 226-315-1754
mobile 519-977-2852

Moving Made Easier SM

ATT - 12
City Department and Agency Circulation Comments Summary

Respondent	No Objection or Comment	Conditional Support	Issues / Concerns
Planning		√	Subject to conditions in Attachment 3.
Guelph Hydro Electric Systems Inc. *		√	Subject to conditions in Attachment 3.
Engineering	√		
Parks Planning	√		
Environmental Planning	√		
Guelph Fire	√		
Union Gas Limited	√		
GWDA	√		

*Letters Attached

ATT – 12 (continued)
City Department and Agency Circulation Comments Summary



395 Southgate Drive
Guelph, ON N1G 4Y1
Tel: 519-837-4719
Fax: 519-822-4963
Email: mwittemund@guelphhydro.com
www.guelphhydro.com

May 24, 2016

Lindsay Sulatycki
Planning Services
Infrastructure, Development and Enterprise
City of Guelph
1 Carden Street
Guelph, ON N1H 3A1

Dear Madam:

Re: 389 Speedvale Avenue West (File No. ZC1603)

We would like to submit the following comments concerning this application:

Given the existing concept plan, dated October 7, 2015:

1. Hydro supply for 389 Speedvale Avenue West will be underground from Royal Rd. 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. The chain link hydro enclosure shown on the drawing is incorrectly identified. Hydro transformer is located within the adjacent concrete block wall. Equipment within the chain link enclosure is not hydro property.

Sincerely,

GUELPH HYDRO ELECTRIC SYSTEMS INC.

A handwritten signature in blue ink, appearing to read "M. Wittemund", is written over a faint, larger blue ink signature.

Michael Wittemund, P.Eng.
Director of Engineering

MW/gc

395 Southgate Drive, Guelph ON N1G 4Y1 www.guelphhydro.com

ATT – 13
Public Notification Summary

February 8, 2016	Application received by the City of Guelph
March 8, 2016	Application deemed “incomplete” for missing concept plan in according with the Planning Act O. Reg. 545/06, Schedule 1
May 9, 2016	Application deemed “complete”
May 13, 2016	Notice of Complete Application mailed to prescribed Agencies and surrounding property owners within 120 metres
June 16, 2016	Public Meeting Notice advertised in the Guelph Tribune
June 20, 2016	Public Meeting Notice mailed to prescribed Agencies and surrounding property owners within 120 metres
July 11, 2016	Statutory Public Meeting of City Council
December 12, 2016	City Council Meeting to consider staff recommendation

Staff Report



To City Council

Service Area Infrastructure, Development & Enterprise Services

Date Monday, December 12, 2016

**Subject Statutory Public Meeting Report
1 & 15 Stevenson Street North and 8 William Street
Proposed Zoning By-law Amendment and Draft Plan
of Vacant Land Condominium
File: ZC1613 and CDM1609**

Report Number 16-87

Recommendation

1. That Report 16-87 regarding a proposed Zoning By-law Amendment application and Draft Plan of Vacant Land Condominium (File: ZC1613 and CDM1609) by Van Harten Surveying Inc. on behalf of Paul and Maria Leombruni for three existing properties municipally known as 1 and 15 Stevenson Street North and 8 William Street, and legally described as Part of Lot 38, Plan 320, City of Guelph, from Infrastructure, Development and Enterprise dated December 12, 2016, be received.

Executive Summary

Purpose of Report

To provide planning information on joint applications for rezoning and a Draft Plan of Vacant Land Condominium. The applicant is requesting approval of a Zoning By-law Amendment to rezone the subject site, municipally known as 1 and 15 Stevenson Street North and 8 William Street to permit the development of additional single detached dwellings, together with a Draft Plan application for a seven unit Vacant Land condominium. This report has been prepared in conjunction with the Statutory Public Meeting for these applications.

Key Findings

Key findings will be reported in the future Infrastructure, Development and Enterprise recommendation report to Council.

Financial Implications

Financial implications will be reported in the future Infrastructure, Development and Enterprise recommendation report to Council.

REPORT

Background

An application to amend the Zoning By-law was received for the subject site, municipally known as 1 and 15 Stevenson Street and 8 William Street from Van Harten Surveying Inc. on behalf of Paul and Maria Leombruni on July 27, 2016 and deemed to be complete on August 26, 2016. The subsequent application for a Draft Plan of Vacant Land Condominium was received on October 4, 2016 and deemed complete on November 3, 2016.

The intent of the applications is to change the zoning from the "Residential Single Detached" (R.1B) Zone to a "Specialized Single Detached" (R.1D-?) Zone to permit additional single detached dwellings with smaller frontages and lot sizes. The proposed Draft Plan of Vacant Land Condominium intends to create a seven (7) unit condominium.

This application, if approved, will also allow for future applications to the Committee of Adjustment for Consent to sever to create a new lot on Stevenson Street North and a new lot on William Street. In total, one (1) house is proposed to be demolished and ten (10) new single detached dwellings are proposed to be built.

Location

The subject site is located on the east side of Stevenson Street north, just north of the Metrolinx railway (see ATT 1 - Location Map). The subject site has an area of approximately 0.7 hectares and a frontage of 50.9 metres along Stevenson Street North and a frontage of 24.4 metres along William Street. The site currently contains 3 single detached dwellings with one at each of 1 and 15 Stevenson Street North and one detached dwelling at 8 William Street (See ATT-2 for an aerial view of the site).

Surrounding land uses include:

- To the north: single detached dwellings;
- To the south: the Metrolinx railway;
- To the east: single detached dwellings along William Street;
- To the west: single detached dwellings across Stevenson Street North.

Existing Official Plan Land Use Designations and Policies

The Official Plan land use designation that applies to the subject property is "General Residential". Within the "General Residential" land use designation, all forms of residential development are permitted which includes single and semi-

detached dwellings. The related policies for this land use designation are included in ATT-3.

Official Plan Amendment #48 Land Use Designations and Policies

Official Plan Amendment #48 (OPA 48) (under appeal), a comprehensive update to the City's Official Plan, proposes to designate the subject property as "Low Density Residential". This designation applies to residential areas within the built-up area of the City which are currently predominantly low-density in character. The predominant land use in this designation is residential and includes single and semi-detached dwellings. Although the application is being processed under the 2001 Official Plan, Staff must have regard to the Council adopted policies and designations of OPA #48. The land use designations and relevant policies contained in OPA #48 are included in ATT-4.

Existing Zoning

The subject property is currently zoned "Residential Single Detached" (R.1B) in Zoning By-law (1995)-14864, as amended, which permits single-detached dwellings and associated uses.

Details of the existing zoning are included in ATT-5.

Description of Proposed Zoning By-law Amendment

The purpose of the proposed Zoning By-law Amendment is to change the zoning from "Residential Single Detached" (R.1B) to a "Specialized Residential Single Detached (R.1D-?) Zone. In addition to the regulations set out in Section 5.1 – Residential Single Detached (R.1D) Zone of Zoning By-law (1995)-14864, as amended, one specialized regulation has been requested to facilitate this proposal:

- That despite Table 5.1.2, Row 10 and Section 4.20 of the Zoning By-law, fences shall not be located in the side yard between dwelling units.

Details of the proposed zoning are included in ATT-6.

Proposed Development

The applicant is proposing to rezone the subject site from the current "Residential Single Detached" (R.1B) to a "Specialized Single Detached" (R.1D-?) Zone to permit additional single detached dwellings with smaller frontages and lot sizes. The applicant has proposed to demolish the house at 15 Stevenson Street North and sever that lot to build two new detached dwelling units fronting onto Stevenson street North. The land behind these new lots would be subject to a Draft Plan of Vacant Land condominium with a total of 7 new single detached dwellings internal to the site that are accessed from Stevenson Street North via a private road. The existing lot on William Street is also proposed to be severed and one new detached dwelling would be built fronting onto William Street. The existing houses at 1 Stevenson Street North and 8 William Street are proposed to be retained.

The proposed development plan and proposed front building elevation of the detached dwellings are shown in ATT-7.

Supporting Documents

The following information was submitted in support of the applications:

- Planning Justification Report, prepared by Van Harten Surveying Inc., dated July, 2016;
- Preliminary Servicing and Stormwater Management Report, prepared by Van Harten Surveying Inc., dated July 22, 2016;
- Noise and Vibration Feasibility Study, prepared by HGC Engineering, dated July 4, 2016;
- Phase 1 Environmental Site Assessment, prepared by TRY Environmental Service Inc., dated June 14, 2016;
- Proposed Site Plan, prepared by Van Harten Surveying Inc., dated July 26, 2016;
- Tree Preservation Plan, prepared by Aboud and Associates Inc., dated August 2016;
- Revised Site Plan, Grading Plan and Site Servicing Plan, prepared by Van Harten Surveying Inc., dated October 3, 2016; and
- Site Line Analysis Report, prepared by Paradigm Transportation Solutions Ltd., dated September 9, 2016.

Staff Review

The review of this application will address the following issues:

- Evaluation of the proposal against the 2014 Provincial Policy Statement and Places to Grow: Growth Plan for the Greater Golden Horseshoe;
- Evaluation of the proposal's conformity with the Official Plan; including any Official Plan Amendments;
- Review of the proposed zoning, including the need for any specialized regulations;
- Review of servicing; and,
- Address all comments and issues raised during the review of the application.

Once the application is reviewed and all issues are addressed, a report from Infrastructure, Development and Enterprise with a recommendation will be considered at a future meeting of Council.

Financial Implications

Financial implications will be reported in the future staff recommendation report to Council.

Corporate Strategic Plan

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

Communications

The Notice of Complete Application for the Zoning By-law amendment was mailed on September 9, 2016 to local boards and agencies, City service areas and property owners within 120 metres of the subject property. The Notice of Complete Application for the Draft Plan of Vacant Land Condominium together with the Public Meeting Notice was mailed on November 17, 2016 to local boards and agencies,

City service areas and property owners within 120 metres of the subject property and was also advertised in the Guelph Tribune on November 17, 2016. Notice of the application has also been provided by signage on the site facing Stevenson and William Street.

Attachments

ATT-1	Location Map and 120m Circulation
ATT-2	Orthophoto
ATT-3	Official Plan Land Use Designations and Policies
ATT-4	Official Plan Amendment #48 Land Use Designations and Policies
ATT-5	Existing Zoning and Details
ATT-6	Proposed Zoning and Details
ATT-7	Proposed Development Plan

Report Author

Katie Nasswetter
Senior Development Planner



Approved By

Todd Salter
General Manager
Planning, Urban Design and
Building Services
519.822.1260, ext. 2395
todd.salter@guelph.ca

Approved By

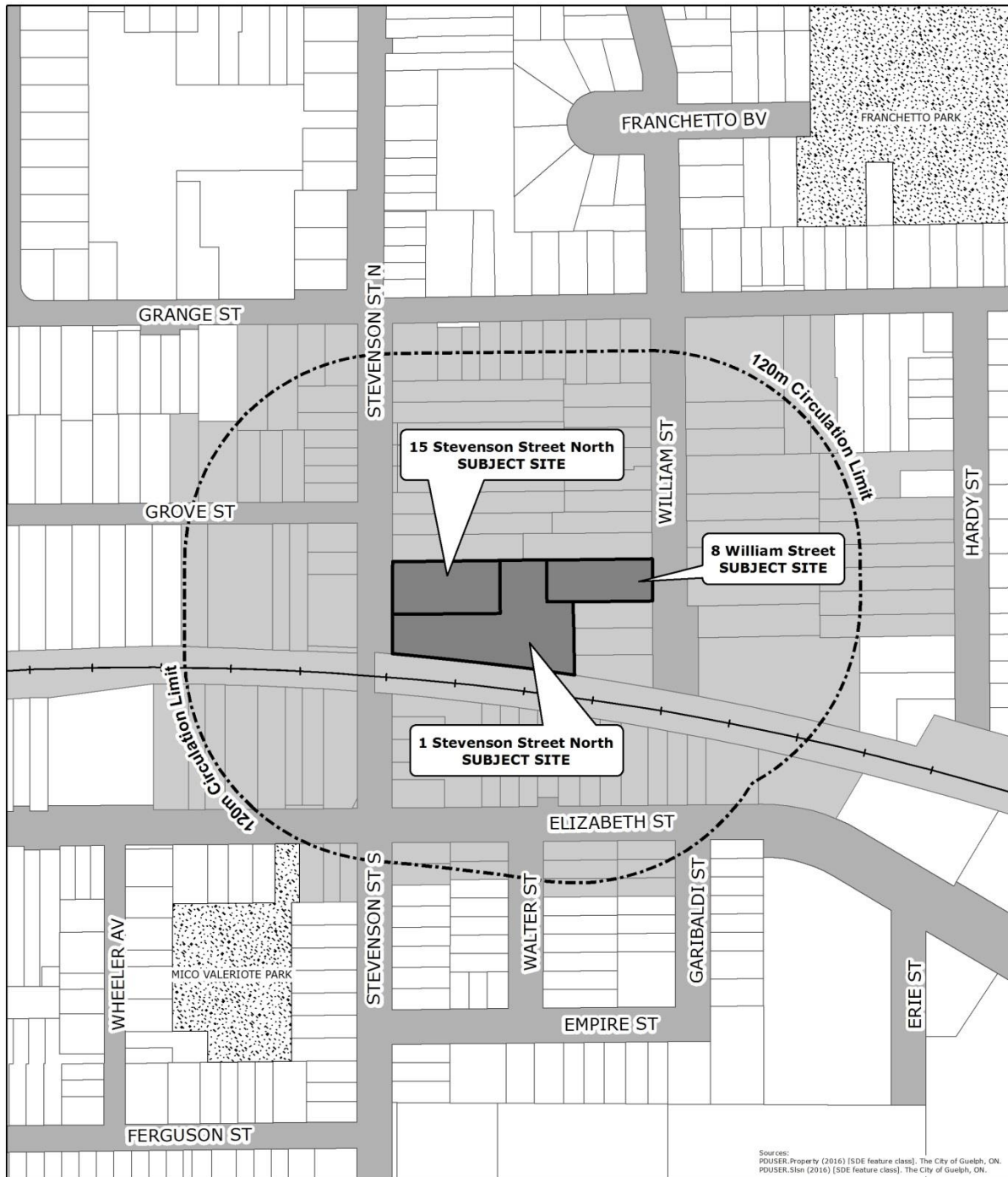
Chris DeVriendt
Senior Development Planner




Recommended By

Scott Stewart, C.E.T.
Deputy CAO
Infrastructure, Development and Enterprise
519.822.1260, ext. 3445
scott.stewart@guelph.ca

ATT-1 **Location Map and 120m Circulation**




Sources:
POUSER, Property (2016) [SDE feature class], The City of Guelph, ON.
POUSER, Stn (2016) [SDE feature class], The City of Guelph, ON.



0 10 20 40 60 80 100 m

Produced by the City of Guelph
Planning, Urban Design and Building Services - Development Planning
September 2016

LOCATION MAP & 120m CIRCULATION
1 & 15 Stevenson Street
and 8 William Street



ATT-2 Orthophoto



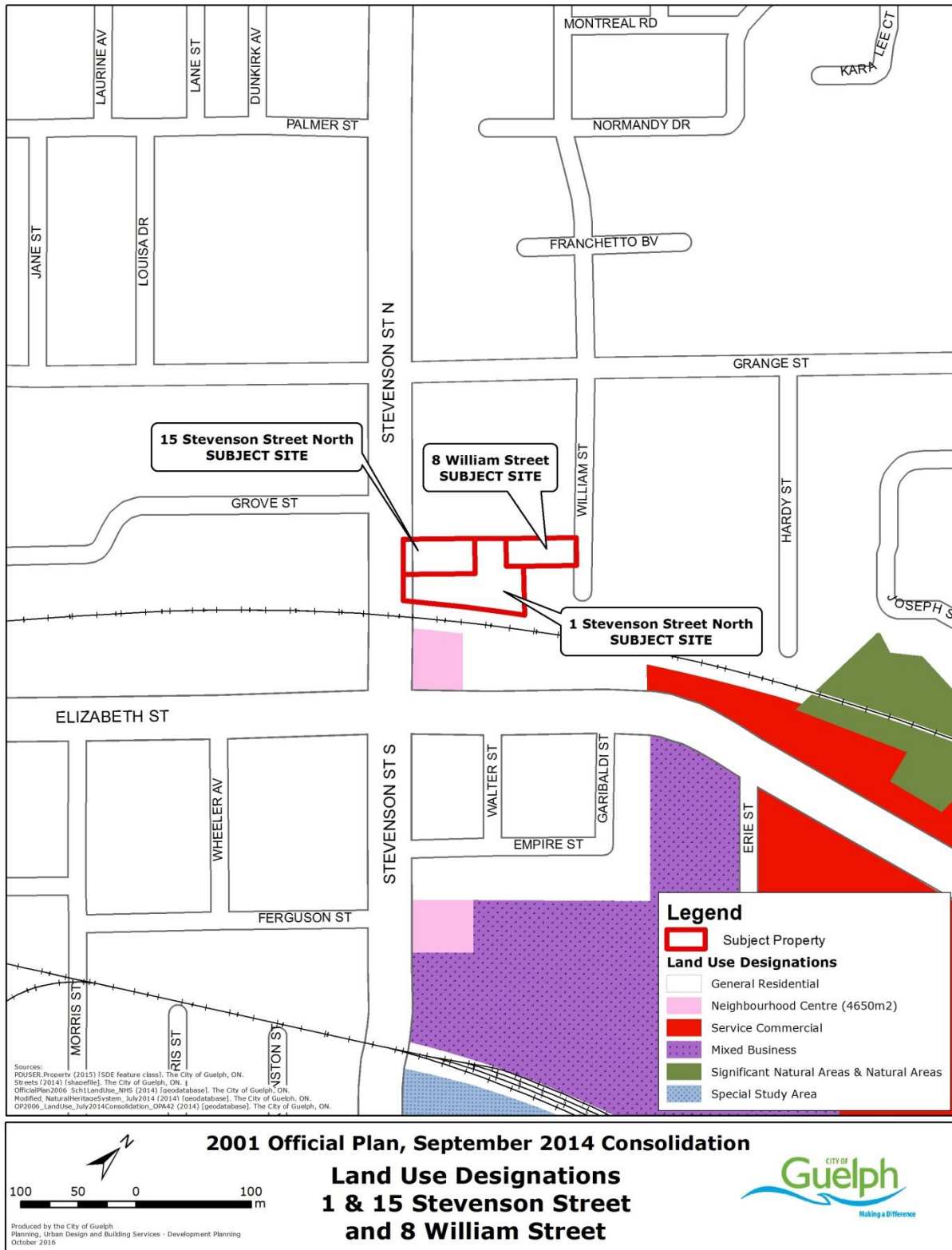
1:500

0 5 10 20 30 40 m

Produced by the City of Guelph
Planning, Urban Design and Building Services - Development Planning
October 2016

2016 Orthophoto 1 & 15 Stevenson Street and 8 William Street

ATT-3 **Official Plan Land Use Designations and Policies**

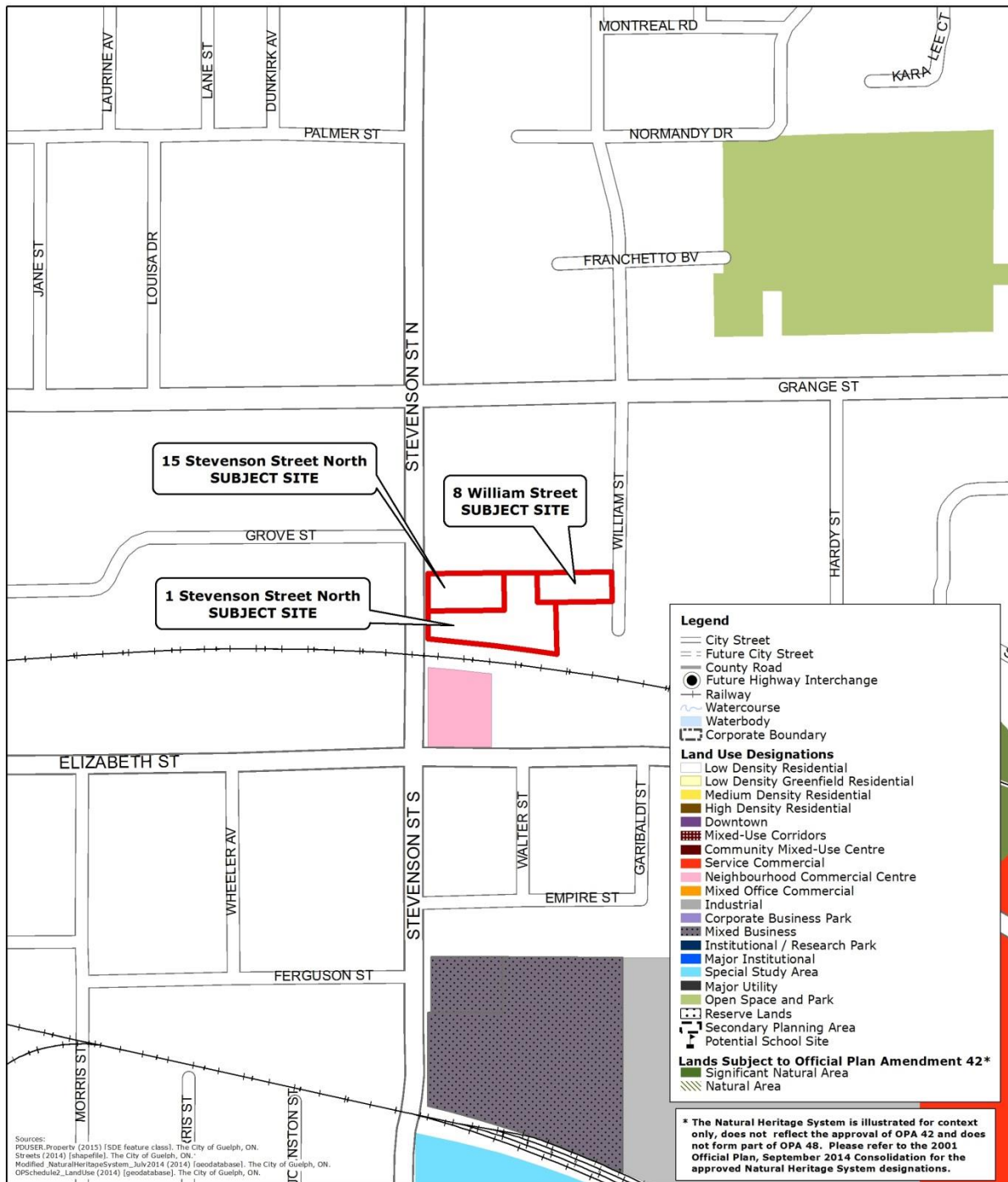


ATT-3 (continued)
Official Plan Land Use Designations and Policies

'General Residential' Land Use Designation

- 7.2.31 The predominant use of land in areas designated, as 'General Residential' on Schedule 1 shall be residential. All forms of residential *development* shall be permitted in conformity with the policies of this designation. The general character of development will be low-rise housing forms. *Multiple unit residential buildings* will be permitted without amendment to this Plan, subject to the satisfaction of specific development criteria as noted by the provisions of policy 7.2.7. Residential care facilities, *lodging houses, coach houses* and garden suites will be permitted, subject to the development criteria as outlined in the earlier text of this subsection.
- 7.2.32 Within the 'General Residential' designation, the *net density of development* shall not exceed 100 units per hectare (40 units/acre).
1. In spite of the density provisions of policy 7.2.32 the *net density of development* on lands known municipally as 40 Northumberland Street, shall not exceed 152.5 units per hectare (62 units per acre).
- 7.2.33 The physical character of existing established low density residential neighbourhoods will be respected wherever possible.
- 7.2.34 Residential lot *infill*, comprising the creation of new low density residential lots within the older established areas of the City will be encouraged, provided that the proposed *development* is compatible with the surrounding residential environment. To assess compatibility, the City will give consideration to the existing predominant zoning of the particular area as well as the general design parameters outlined in subsection 3.6 of this Plan. More specifically, residential lot *infill* shall be compatible with adjacent residential environments with respect to the following:
- a) The form and scale of existing residential development;
 - b) Existing building design and height;
 - c) Setbacks;
 - d) Landscaping and amenity areas;
 - e) Vehicular access, circulation and parking; and
 - f) Heritage considerations.
- 7.2.35 Apartment or townhouse *infill* proposals shall be subject to the development criteria contained in policy 7.2.7

ATT-4 **Official Plan Amendment #48 Land Use Designations and Policies**



ATT-4 (continued)
Official Plan Amendment #48 Land Use Designations and Policies

9.3.2 Low Density Residential

This designation applies to residential areas within the *built-up area* of the City which are currently predominantly low-density in character. The predominant land use in this designation shall be residential.

Permitted Uses

1. The following uses may be permitted subject to the applicable provisions of this Plan:
 - i) detached, semi-detached and duplex dwellings; and
 - ii) multiple unit residential buildings, such as townhouses and apartments.

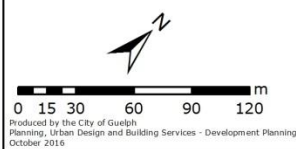
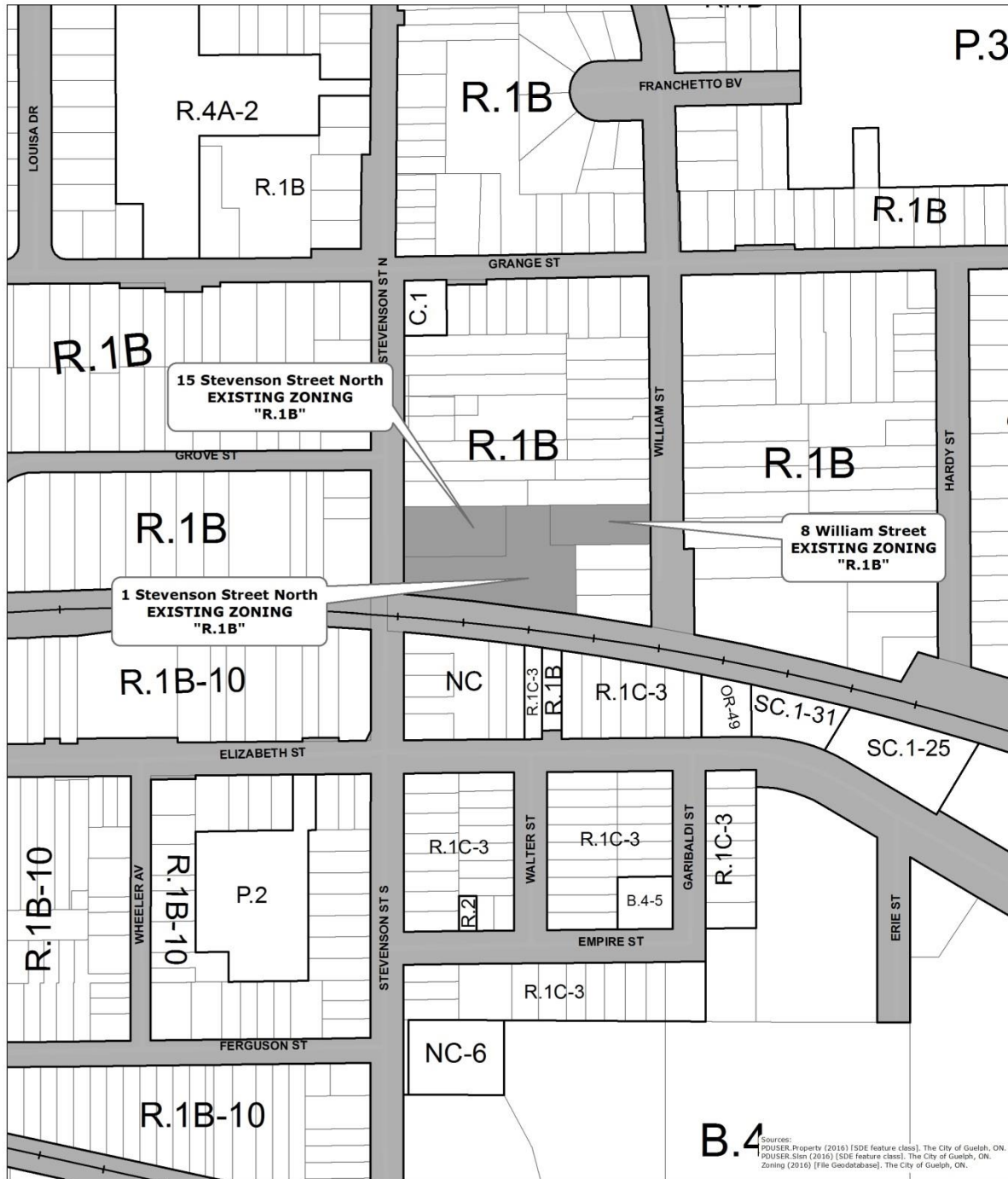
Height and Density

The *built-up area* is intended to provide for *development* that is *compatible* with existing neighbourhoods while also accommodating appropriate *intensification* to meet the overall *intensification target* for the *built-up area* as set out in Chapter 3.

The following height and density policies apply within this designation:

2. The maximum height shall be three (3) storeys.
3. The maximum *net density* is 35 units per hectare and not less than a minimum *net density* of 15 units per hectare.
4. Notwithstanding policies 9.3.2.2 and 9.3.2.3, increased height and density may be permitted for *development* proposals on arterial and collector roads without an amendment to this Plan up to a maximum height of six (6) storeys and a maximum *net density* of 100 units per hectare in accordance with the Height and Density Bonus policies of this Plan.

ATT-5 **Existing Zoning and Details**



EXISTING ZONING **1 & 15 Stevenson Street North** **and 8 William Street**



ATT-5 (continued)
Existing Zoning and Details

5.1 RESIDENTIAL SINGLE DETACHED (R.1) **ZONES**

5.1.1 PERMITTED **USES**

The following are permitted **Uses** within the R.1A, R.1B, R.1C, and R.1D **Zones**:

- **Single Detached Dwelling**
- **Accessory Apartment** in accordance with Section 4.15.1
- **Bed and Breakfast** establishment in accordance with Section 4.27
- **Day Care Centre** in accordance with Section 4.26
- **Group Home** in accordance with Section 4.25
- **Home Occupation** in accordance with Section 4.19
- **Lodging House Type 1** in accordance with Section 4.25

5.1.2 REGULATIONS

Within the Residential 1 (R.1) **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 listed in Table 5.1.2, and the following:

- 5.1.2.1 Despite Row 7 of Table 5.1.2, where a **Garage, Carport** or **Parking Space** is not provided in accordance with Section 4.13.2.1, one **Side Yard** shall have a minimum dimension of 3 metres.
- 5.1.2.2 Despite any required **Side Yard** on a residential **Lot, Carports** shall be permitted provided that no part of such **Carport** is located closer than 0.6 metres to any **Side Lot Line**.
- 5.1.2.3 In the event that there is a transformer easement on a particular **Lot**, portions of the **Single Detached Dwelling** may be required to be **Setback** further than specified in Row 6 of Table 5.1.2 in order that a minimum separation of 4.5 metres may be maintained between the transformer easement and any part of the dwelling.
- 5.1.2.4 Despite Rows 6 and 8 of Table 5.1.2, **Buildings** or **Structures** located on **Through Lots** shall have a **Setback** the same as the nearest adjacent **Main Building** and in accordance with Section 4.24.
- 5.1.2.5 Despite Row 4 of Table 5.1.2, the minimum **Lot Frontage** for a **Corner Lot** in a R.1D **Zone** shall be 12 metres.
- 5.1.2.6 Despite Row 4 of Table 5.1.2, the **Lots** located within Defined Area Map Number 66 of Schedule "A" of this **By-law** shall have a

minimum **Lot Frontage** of the average **Lot Frontage** established by the existing **Lots** within the same **City Block Face**, but in no case less than 9 metres. Nothing in this section shall require the minimum **Lot Frontage** to be greater than the minimum **Lot Frontage** established in Table 5.1.2. Where the average **Lot Frontage** of the existing **Lots** on the **Block Face** cannot be determined, the minimum **Lot Frontage** shall be as indicated in Table 5.1.2.

5.1.2.7 Despite Row 6 of Table 5.1.2, the minimum **Front** or **Exterior Side Yard** for dwellings located within Defined Area Map Number 66 of Schedule "A" of this **By-law**, shall be:

- i) The minimum **Front Yard** or **Exterior Side Yard** shall be 6 metres or the average of the **Setbacks** of the adjacent properties. Where the off-street **Parking Space** is located within a **Garage** or **Carport**, the **Setback** for the **Garage** or **Carport** shall be a minimum of 6 metres from the **Street Line**.
- ii) In accordance with Section 4.6 and 5.1.2.3; and
- iii) In accordance with the Ontario Building Code, as amended from time to time or any successor thereof, regulations for above ground electrical conductor clearances to **Buildings**.

Where a road widening is required in accordance with Section 4.24, the calculation of the required **Front** or **Exterior Side Yard** shall be as set out in Section 5.1.2.7, provided that the required **Front** or **Exterior Side Yard** is not less than the new **Street Line** established by the required road widening.

5.1.2.8 Despite Row 7 of Table 5.1.2, properties **Zoned** R.1B or R.1C with **Buildings** over 2 **Storeys** located within Defined Area Map Number 66 of Schedule "A" of this **By-law** shall have a minimum **Side Yard** requirement of 1.5 metres.

5.1.2.9 Deleted.

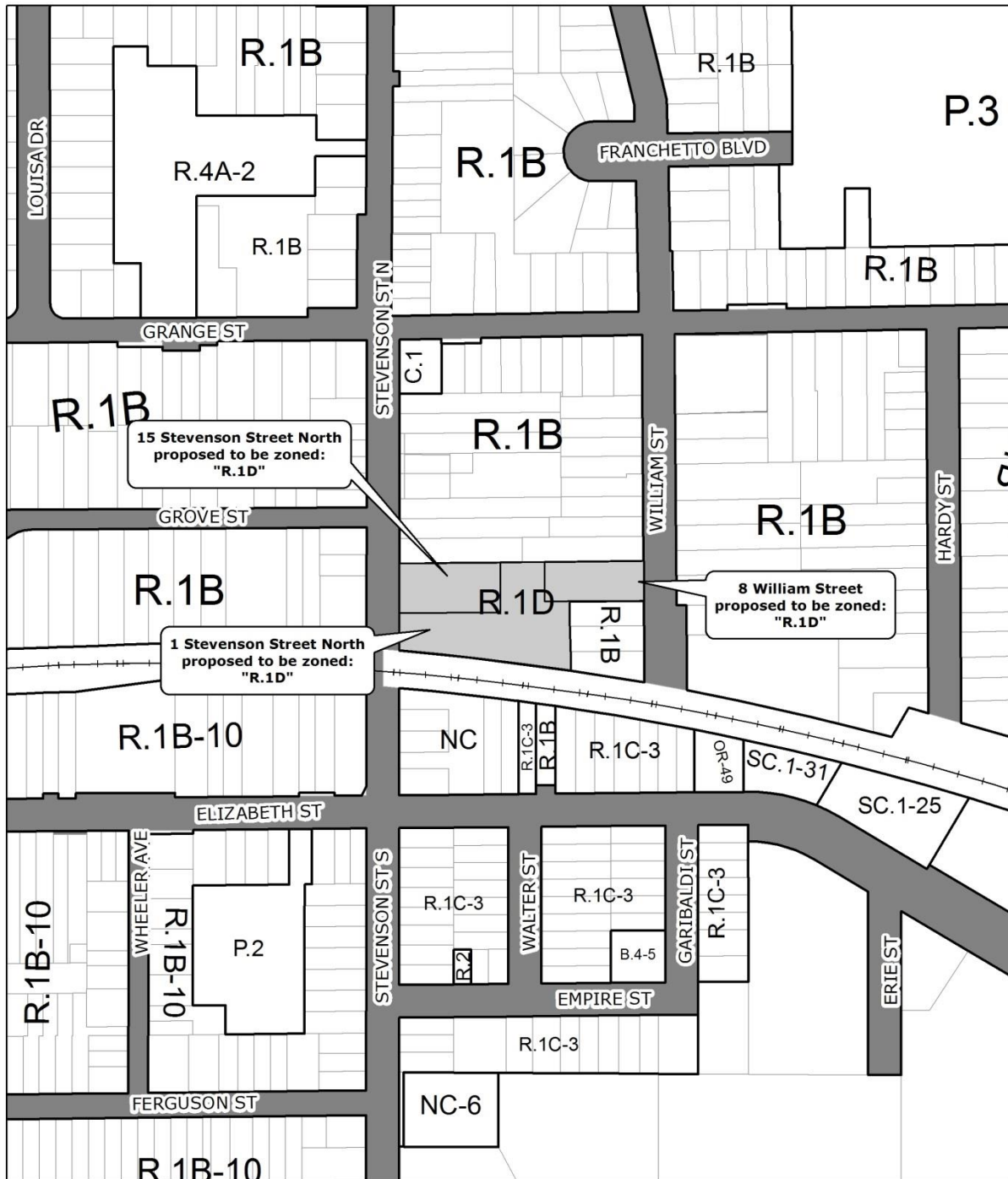
5.1.2.10 Despite Row 7 of Table 5.1.2 in the R.1A Zone, where a **Building** has a one **Storey** portion and a 1.5 to 2 **Storey** portion, the required **Side Yard** shall be 1.5m from the **Side Lot Line** to the foundation wall of the 1 **Storey** portion and 2.4m from the **Side Lot Line** to the wall of the 1.5 to 2 **Storey** portion.

5.1.2.11 Where **Lots** have less than 12 metres of **Frontage**, the **Garage** is limited to a maximum of 55% of the **Lot** width (as measured at the **Front Yard Setback**).

EXCERPT FROM TABLE 5.1.2 - REGULATIONS GOVERNING R.1 ZONES

1	Residential Type	Single Detached Dwellings
2	Zone	R.1B
3	Minimum Lot Area	460 m ²
4	Minimum Lot Frontage	15 metres and in accordance with Section 5.1.2.6.
5	Maximum Building Height	3 Storeys and in accordance with Section 4.18.
6	Minimum Front Yard	6 metres and in accordance with Sections 4.6, 4.24, 5.1.2.3, 5.1.2.4 and 5.1.2.7.
6a	Minimum Exterior Side Yard	4.5 metres and in accordance with Sections 4.6, 4.24, 4.28, 5.1.2.3, 5.1.2.4 and 5.1.2.7.
7	Minimum Side Yard 1 to 2 Storeys Over 2 Storeys	1.5 metres 2.4 metres and in accordance with Sections 5.1.2.8, 5.1.2.1 and 5.1.2.2.
8	Minimum Rear Yard	7.5 metres or 20% of the <i>Lot Depth</i> , whichever is less and in accordance with Section 5.1.2.4.
9	Accessory Buildings or Structures	In accordance with Section 4.5
10	Fences	In accordance with Section 4.20.
11	Off-Street Parking	In accordance with Section 4.13.
12	Minimum Landscaped Open Space	The <i>Front Yard</i> on any <i>Lot</i> , excepting the <i>Driveway (Residential)</i> shall be landscaped and no parking shall be permitted within this <i>Landscaped Open Space</i> . Despite the definition of <i>Landscaped Open Space</i> , a minimum area of 0.5 metres between the <i>Driveway (Residential)</i> and nearest <i>Lot Line</i> must be maintained as landscaped space in the form of grass, flowers, trees, shrubbery, natural vegetation and indigenous species.
13	Garbage, Refuse and Storage	In accordance with Section 4.9.
14	Garages	For those <i>Lots</i> located within the boundaries indicated on Defined Area Map Number 66, attached <i>Garages</i> shall not project beyond the main front wall of the <i>Building</i> . Where a roofed porch is provided, the <i>Garage</i> may be located ahead of the front wall of the dwelling (enclosing <i>Habitable Floor Space</i> on the first floor) equal to the projection of the porch to a maximum of 2 metres.

ATT-6 **Proposed Zoning and Details**



Produced by the City of Guelph
Planning, Urban Design and Building Services - Development Planning
October 2016

PROPOSED ZONING
1 & 15 Stevenson Street
and 8 William Street

ATT-6 (continued)
Proposed Zoning and Details

Proposed Zoning: Specialized Residential Single Detached (R.1D - ?)

The regulations governing R.1 Zones in Section 5.1 as noted in ATT-5 above, with the following regulations and exception:

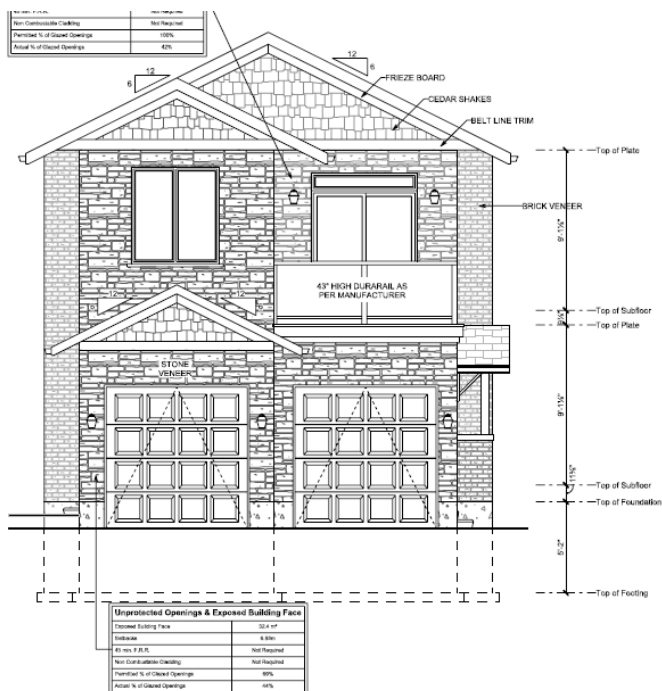
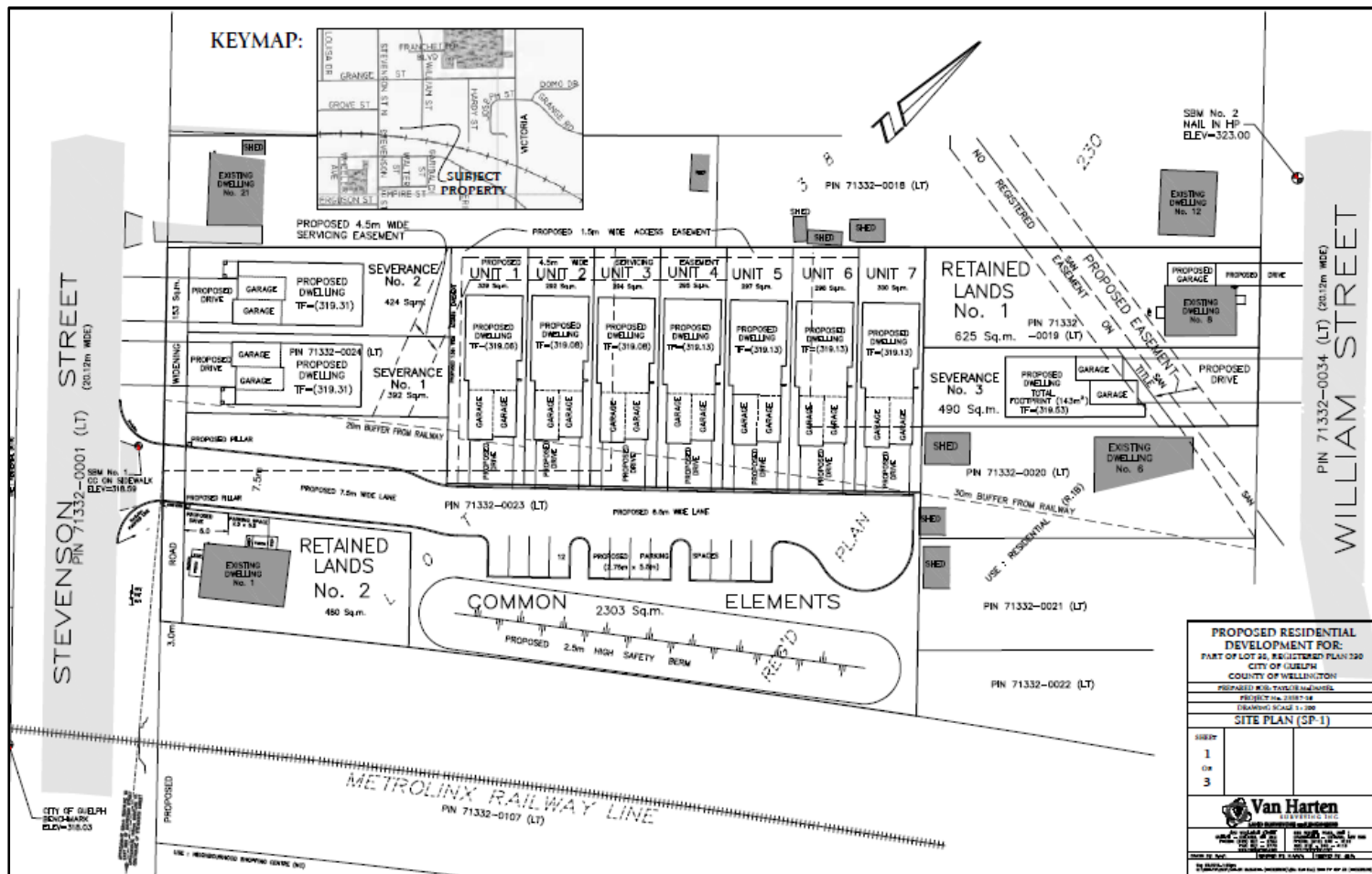
EXCERPT FROM TABLE 5.1.2 - REGULATIONS GOVERNING R.1 ZONES

1	Residential Type	Single Detached Dwellings
2	Zone	R.1D
3	Minimum Lot Area	275 m ²
4	Minimum Lot Frontage	9 metres and in accordance with Section 5.1.2.5 and 5.1.2.6.
5	Maximum Building Height	3 Storeys and in accordance with Section 4.18.
6	Minimum Front Yard	6 metres and in accordance with Sections 4.6, 4.24, 5.1.2.3, 5.1.2.4 and 5.1.2.7.
6a	Minimum Exterior Side Yard	4.5 metres and in accordance with Sections 4.6, 4.24, 4.28, 5.1.2.3, 5.1.2.4 and 5.1.2.7.
7	Minimum Side Yard 1 to 2 Storeys Over 2 Storeys	0.6 metres and in accordance with Sections 5.1.2.1 and 5.1.2.2.
8	Minimum Rear Yard	7.5 metres or 20% of the <i>Lot Depth</i> , whichever is less and in accordance with Section 5.1.2.4.
9	Accessory Buildings or Structures	In accordance with Section 4.5
10	Fences	In accordance with Section 4.20.
11	Off-Street Parking	In accordance with Section 4.13.
12	Minimum Landscaped Open Space	The <i>Front Yard</i> on any <i>Lot</i> , excepting the <i>Driveway (Residential)</i> shall be landscaped and no parking shall be permitted within this <i>Landscaped Open Space</i> . Despite the definition of <i>Landscaped Open Space</i> , a minimum area of 0.5 metres between the <i>Driveway (Residential)</i> and nearest <i>Lot Line</i> must be maintained as landscaped space in the form of grass, flowers, trees, shrubbery, natural vegetation and indigenous species.
13	Garbage, Refuse and Storage	In accordance with Section 4.9.
14	Garages	For those <i>Lots</i> located within the boundaries indicated on Defined Area Map Number 66, attached <i>Garages</i> shall not project beyond the main front wall of the <i>Building</i> . Where a roofed porch is provided, the <i>Garage</i> may be located ahead of the front wall of the dwelling (enclosing <i>Habitable Floor Space</i> on the first floor) equal to the projection of the porch to a maximum of 2 metres.

Proposed Specialized Regulation:

- That despite Table 5.1.2, Row 10 and Section 4.20 of the Zoning By-law, fences shall not be located in the side yard between dwelling units.

Proposed Development Plan and Building Front Elevation



Staff Report

To City Council

Service Area Infrastructure, Development & Enterprise Services

Date Monday, December 12, 2016

Subject City of Guelph Response to the Provincial Review of the Ontario Municipal Board

Report Number 16-89

Recommendation

1. That Report 16-89 from Infrastructure, Development and Enterprise Services dated Monday, December 12, 2016, be endorsed and submitted to the Ministry of Municipal Affairs as the City of Guelph's response to the Review of the Ontario Municipal Board Public Consultation Document, October 2016.

Executive Summary

Purpose of Report

The purpose of this report is to bring forward staff's response to the Province's request for input into the Review of the Ontario Municipal Board Public Consultation Document, for Council's consideration and endorsement. The deadline to provide comments to the Ministry of Municipal Affairs is Monday, December 19, 2016.

Key Findings

The City of Guelph is supportive of the Province's review of the scope and effectiveness of the Ontario Municipal Board (OMB). Overall, the current OMB process has been criticized as too slow, too expensive and too litigious and for not giving proper deference to local municipal decisions. The Province is considering changes that could:

- Protect municipalities from certain board hearings by limiting matters that can be appealed, especially those that implement provincial policy or address matters of provincial interest;

- Move to a standard where the current “de novo” appeals process that allows the OMB to approve, reject, or modify a planning proposal with minimal regard to the decision made by Council would be replaced by a more limited review whereby the OMB would be limited to assessing the reasonableness of the municipal decision in regards to good planning. This will likely result in improved land use planning submissions to the City and require greater deference to the local decision making process;
- Improve transparency, access, funding and resources for the citizen liaison office which could assist citizen participation and understanding of the OMB process and procedures and help citizens prepare for the hearing itself;
- Limit appeals of certain planning matters, and scope hearings with well-defined and clear issue lists which are limited to matters that are part of the municipal council decision, which should result in more efficient faster hearings with better decisions;
- Increase the use of multi-member panels, with members appropriate to the subject of the hearing, and improving mediation procedures and resources to advance the efficiency, speed and quality of hearing decisions; and
- Make improvements to increase the consistency of decisions and to ensure that the Board focuses on good planning and the fairness of hearings to both the public and development industry.

Financial Implications

This review does not have any immediate financial implications to the City. In the broader context, the financial implications to municipalities and the public, related to OMB policies and procedures has been a key area of concern. The OMB process is expensive to all parties including municipalities and members of the public/community groups. Implementing changes to the policies and procedures should recognize the financial costs associated with defending a municipal decision and/or members of the public/community groups launching an appeal and/or maintaining party status at an OMB hearing.

Report

The OMB is an independent tribunal (a court-like body) that makes decisions at arm's length from government, and hears matters under a large number of public statutes (laws). The OMB is granted its powers under these statutes as well as by the Ontario Municipal Board Act, and reports administratively through Environment and Land Tribunals Ontario (ELTO) to the Ministry of the Attorney General.

While the OMB has diverse powers and responsibilities, its primary function is that of an appeal body on land use planning issues, and most matters before the Board are appeals under the Planning Act. The Board also deals with non-planning matters including expropriation, development charges, and ward boundaries.

The OMB makes independent decisions with reasoning based on applicable law and policies and the evidence presented. Currently, it has the authority to overturn decisions made by municipal council or to make a decision when council has not done so. Most OMB hearings are conducted on a "hearing de novo" basis, which literally means that the decision making process "starts anew". This means that most hearings are not true appeals of local level decisions in that the OMB process often involves hearing new evidence and new issues or concerns may be raised and although the OMB is required to consider any decision of a local approval body (such as a municipal council), it has the power to reject that decision and replace it with any other decision that could have been made at the local level.

In 2014, the Government of Ontario announced it would review the scope and effectiveness of the Ontario Municipal Board (OMB) and recommend potential changes "that would improve the OMB's role within the broader land use planning system". At the time City staff provided the Province with comments on OMB reform as part of its response to the Provincial Review of the Land Use Planning and Appeal System which were endorsed by Council via Staff Report 14-02 dated February 10, 2014 (Attachment 2). A key finding of the report was that the resources required to participate in an OMB hearing can be extensive and present barriers to participation. The report also stated that the OMB process should be reviewed so that appeals are dealt with in a timely and cost effective manner and to ensure that the process engages all interested parties without undue financial or resource impacts.

In June 2016 the Province launched a review of the Ontario Municipal Board (OMB).

The guiding principles established by the Province to help frame the OMB review include:

1. Protect long-term public interests;
2. Maintain or enhance access to dispute resolution;
3. Provide transparency in hearing processes and decision-making; and
4. Minimize impacts on the court system.

In October 2016 the Province released the Review of the Ontario Municipal Board Public Consultation Document that contains 24 questions regarding changes being considered by the Province (Attachment 3). The public consultation document

presents what they have heard, what they have done, changes they are considering and the discussion questions under the following five (5) themes to help guide public input on:

1. OMB's jurisdiction and powers
2. Citizen participation and local perspective
3. Clear and predictable decision-making
4. Modern procedures and faster decisions
5. Alternative dispute resolution and fewer hearings

This document also states that "it is important that Ontario continue to have an independent appeal tribunal that can resolve some land use disputes – not having an OMB would result in more appeals to the courts. Tribunals can support an efficient process, they are designed to be faster and less costly than the courts, and their members are subject matter experts." In other words, the province is not considering elimination of the OMB or replacing it with another appeals system.

Planning, Urban Design and Building Services and Legal Services staff have collaborated to formulate responses to the questions contained in the Review of the Ontario Municipal Board Public Consultation Document included as Attachment 1 to this report. The responses include relevant feedback from the City's response to the 2014 Provincial Review of the Land Use Planning and Appeal System.

The changes being considered by the Province and a highlight of responses from each of the five themes are presented below.

1. OMB's Jurisdiction and Powers

Changes being considered:

Protect public interests for the future

- Province specify parts of its decisions on official plans not subject to appeal
- Province's decisions on new official plans or proposed official plan amendments where implementing required Provincial Plans not subject to appeal
- Minister's Zoning Order not subject to appeal

Bring transit to more people

- Restrict appeals of official plans, amendments to official plans and zoning by-laws for development that supports provincially funded transit infrastructure. Ensure sufficient densities to support transit investments

Give communities a stronger voice

- No appeal of a municipality's refusal to amend a new secondary plan for two years

- No appeal of a municipal interim control by-law
- OMB's authority limited to matters that are part of the municipal council's decision
- OMB required to send significant new information from a hearing back to municipal council for re-evaluation of the original decision

"De novo" hearings

- Move away from de novo (starting anew) hearings to reviewing municipal decision made on a standard of reasonableness
- Only authorize OMB to overturn a decision that does not follow local or provincial policies, e.g. permitting development in a provincially significant wetland

Transition and use of new planning rules

- All planning decisions, not just those after 2007, be based on planning documents (provincial and municipal) in place when decision made

Response Highlights:

- Agree with limiting what can be appealed provided municipal right of appeal is maintained
- Municipalities must retain the ability to appeal parts or all of provincial decisions
- Should limit or eliminate the ability to appeal parts of municipal planning documents that implement or achieve conformity with provincial plans
- Remove the right to appeal all municipally initiated comprehensive and area wide official plan amendments, i.e. not allow land owners and community interest groups to appeal policies as they apply to the full geographical area of the municipality
- Support restricting appeals proposed on provincially funded transit infrastructure in principle and suggest it be expanded to planned and funded publicly funded transit infrastructure
- Support sending significant new information presented at a hearing back to municipal council for both decision and non-decision appeals
- No appeals should be permitted on municipal interim control by-laws except on questions of jurisdiction
- Support, in principle, limiting the OMB's authority to matters that are part of the municipal council's decision
- Agree with removing appeals from municipal refusals to amend a new secondary plan for at least two years from when the plan comes into effect, although it should go further, and similar to changes implemented through Bill 73, it should not allow privately initiated applications to amend new secondary plans unless permitted by the municipal council
- Support moving away from de novo hearings, subject to further detail and consultation on how an alternate system would be operationalized

- Support moving towards a standard of reasonableness that requires greater deference to local decisions and focuses on scoping hearings and interpreting policy to ensure good planning decisions are made

2. Citizen participation and local perspective

Changes being considered:

- Expand the Citizen Liaison Office (CLO) from one employee by hiring more staff (CLO answers questions around OMB process, citizen's role, what happens at a hearing and how a decision is made and issued)
- Reconfigure the CLO, including moving it outside of the Environment and Land Tribunals Ontario (ELTO)
- Reconfigured CLO might include in house planning experts and lawyers
- Explore funding tools to help citizens retain planning experts and/or lawyers

Response Highlights:

- Support measures to eliminate barriers to citizen participation so that the public can effectively engage in the planning and appeals process
- Support a strengthened arms-length CLO that can effectively provide support and advice to clarify the process for citizens regarding their roles and options (party vs. participant), how to navigate the system, potential hearing costs, and how to access resources including funding, legal representation and expert witnesses
- Support some form of a Provincial intervener funding program for community groups/individual members of the public

3. Clear and predictable decision-making

Changes being considered:

- Increasing number of OMB adjudicators
- Further training – decision writing, active adjudication and dealing with parties with no legal representation
- Having multi-member panels only conduct complex hearings
- Having multi-member panels conduct all hearings

Response Highlights:

- Support increasing the overall OMB resources especially for large policy appeals, so that hearings can be scheduled and completed in a much more timely manner
- Support a multi-member panel from cross disciplines for complex hearings
- OMB members should have strong mediation skills training, land use planning training and plain language communication skills

- OMB members should have regular performance reviews completed and connected to re-appointment decisions
- Decisions should include a summary and clarity regarding next steps should be provided in plain language

4. Modern procedures and faster decisions

Changes being considered:

- Adopt less complex and more accessible tribunal procedures
- Allow active adjudication (let adjudicator explain rules and procedures, scope issues and evidence, question witnesses)
- Set appropriate timelines for decisions
- Increase flexibility for how evidence can be heard
- More hearings in writing in appropriate cases
- Establish clear rules for issues lists (specific questions related to concerns raised by parties)
- Introduce maximum days allowed for hearings

Response Highlights:

- The OMB needs to review and improve the case management of large policy appeals, e.g. ensure appropriate phasing of larger matters; set an appropriate number of days through the pre-hearing; and hold people accountable to set timelines
- OMB appeals must be scoped early on and potential appellants must indicate which policy or regulation they are appealing and why
- Written hearings might work for appeals based on jurisdictional issues, legal arguments, procedure and summary dismissal, motions and settlements, minor variances, site plan related appeals, small one or two issues cases and straight forward policy interpretation questions
- Videoconferencing could be used for hearing evidence since it allows the expert to be cross examined

5. Alternative dispute resolution and fewer hearings

Changes being considered:

- More actively promoting mediation
- Require all appeals to be considered by a mediator before scheduling a hearing
- Allowing government mediators to be available at all times during an application process, including before an application arrives at municipal council

- Strengthening case management to better stream, scope and identify matters that can be resolved at pre-hearing and further support OMB members during hearings
- Creating timelines and target for scheduling cases, including mediation

Response Highlights:

- Support the OMB actively promoting mediation and increasing resources
- The OMB needs to develop processes and resources to manage the mediation process
- Recognizing that not everything can be mediated since positions may be too polarized, parties may be too entrenched on principle/philosophical grounds, there may be no common ground and/or issues may be too broad, mandatory mediation is not supported. However mediation assessments should be carried out in most instances to determine if mediation could be fruitful
- Mediation needs to recognize that there can also be a big power imbalance in mediations between applicants and citizens. Also the OMB should consider if there is a way of including participants in the mediation process
- Mediation is effective when both sides are willing and issues are scoped and well-defined

The City of Guelph is supportive of the Province's review of the scope and effectiveness of the Ontario Municipal Board (OMB) and many of the changes under consideration could address previous comments/concerns expressed by the City. Providing more weight to local decision making by limiting appeal matters, especially those that implement provincial policy are encouraging along with moving away from "de novo" hearings that start hearings anew. Moving to a reasonableness standard will likely result in improved submissions to City staff and Council as part of the local decision making process.

Improving transparency, access, funding and resources for the citizen liaison office will assist citizen participation and help to level the playing field between citizens and the often well-equipped development industry. Limiting appeal matters, scoping hearings with tight issue lists, limiting the OMB's authority to only deal with matters that are part of the municipal council decision, and the use of multi-member panels and/or a mediation approach where appropriate, should improve the efficiency, speed and quality of hearing decisions.

Improvements are also needed to increase the consistency of decisions and to ensure that the Board focuses on good planning and the fairness of hearings to both the public and development industry.

Financial Implications

This review does not have any immediate financial implications to the City. In the broader context, the financial implications to municipalities and the public, related to OMB policies and procedures has been a key area of concern. The OMB process is expensive to all parties including municipalities and members of the public/community groups. Implementing changes to the policies and procedures should recognize the financial costs associated with defending a municipal decision and/or members of the public/community groups launching an appeal and/or maintaining party status at an OMB hearing.

Corporate Strategic Plan

City Building

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

3.3 Strengthen citizen and stakeholder engagement and communications.

Communications

The Province has been responsible for communicating with and engaging the public with respect to the Review of the Ontario Municipal Board. At the City's request, the Province held a town hall meeting in Guelph on November 1, 2016 that provided an overview of the OMB Review and an opportunity to discuss the ideas for reform as part of a facilitated session and plenary discussion. City staff participated in the Town Hall. The Province is encouraging members of the public, the development community, municipalities and other interested stakeholders to provide comments to them by the Monday, December 19, 2016 deadline.

Attachments

ATT-1 City of Guelph Response to the Provincial Review of the Ontario Municipal Board, 2016

ATT-2 Staff Report 14-02 City of Guelph Response to the Provincial Review of the Land Use Planning and Appeal System

*ATT-2 is available on the City of Guelph website at:

http://guelph.ca/wp-content/uploads/council_agenda_021014.pdf#page=160

ATT-3 Review of the Ontario Municipal Board Public Consultation Document

*ATT-3 is available on the Ministry of Municipal Affairs website at:

<http://www.mah.gov.on.ca/Page15027.aspx>

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ATTACHMENT 1

City of Guelph Response to the Provincial Review of the Ontario Municipal Board, 2016

The following comments are provided by the City of Guelph on the Provincial Review of the Ontario Municipal Board. Comments are categorized by the following themes:

1. OMB's jurisdiction and powers;
2. Citizen participation and local perspective;
3. Clear and predictable decision-making;
4. Modern procedures and faster decisions; and
5. Alternative dispute resolution and fewer hearings.

Questions from the consultation document are provided below by theme with the changes being considered summarized ahead of the questions. The last comment provided is in response to a general question for any other comments or points about the scope and effectiveness of the OMB with regards to its role in land use planning.

Theme 1: OMB's Jurisdiction and Powers

1. Protect public interests for the future: Changes being considered

- Province specify parts of its decisions on official plans not subject to appeal
- Province's decisions on new official plans or proposed official plan amendments where implementing required Provincial Plans not subject to appeal
- Minister's Zoning Order not subject to appeal

Q1. What is your perspective on the changes being considered to limit appeals on matters of public interest?

Response:

The City of Guelph is supportive of limiting what can be appealed by third parties with respect to provincial decisions on new Official Plans and municipally initiated Official Plan Amendments, provided that the municipal right to appeal the provincial decision is kept. Municipalities are the local decision making body and need greater shelter from appeals when implementing provincial policy. The province needs to clearly define under what circumstances it would invoke this limitation and outline who is not allowed to appeal.

The province should limit or eliminate appeal rights for parts of municipal planning documents that implement or achieve conformity with provincial plans. For example, where the Provincial Policy Statement (PPS) establishes minimum provincial policy standards and a municipal official plan does not exceed these, there is no reason those policies should be appealable, since municipalities are required to "be consistent with" the PPS. Further discussion is required regarding how far such appeal limitations would extend into subsequent planning processes, e.g. review of comprehensive zoning by-laws to implement official plan conformity amendments.

There are significant concerns from a municipal perspective attached to limiting municipal appeals of ministerial decisions on municipally initiated Official Plans that require provincial

approval. If the municipality is not able to challenge a ministerial modification to a council approved official plan (or OPA) then there is a possibility of the province overriding municipal level decision making with respect to the implementation of provincial policy. This could however be positive for the City (and indeed, city staff requested something like it) provided the intention is to limit third party appeals in areas where the City is clearly implementing policy as directed by the province. It is unfair that the City must devote resources to defending appeals of matters that are clearly implementing provincial policy as required by the Planning Act.

Municipalities must retain the ability to appeal parts or all of provincial decisions. Strengthened consultation with the province during development of municipal OP's/OPA's introduced by Bill 73 should reduce the occurrence of the need for such appeals.

The Province should remove the right to appeal all municipally initiated comprehensive and area wide official plans and official plan amendments (i.e. OPAs that apply to the entire municipality or a large geographic area such as a secondary plan). Municipalities need to be able to operate with and implement official plan policies that are up-to-date and in force. This allows foundational policy documents to be in place and not held up in totality by the resolution of site specific appeals. How the foundational policies impact development rights on particular pieces of land would still retain the right to appeal with the benefit of a reformed OMB process without compromising the implementation and application of the overall policy.

Ministerial Zoning Orders (while rare in Guelph) should remain subject to appeal by the municipality in question to avoid subverting local decision making.

2. Bring transit to more people: Changes being considered

- Restrict appeals of official plans, amendments to official plans and zoning by-laws for development that supports provincially funded transit infrastructure. Ensure sufficient densities to support transit investments

Q2. What is your perspective on the changes being considered to restrict appeals of development that supports the use of transit?

Response:

The City of Guelph generally supports the proposed transit based changes being considered in principle and recommends it be broadened to include all publicly planned and funded transit infrastructure. Not all municipalities are receiving provincial funding to fund all or parts of their transit systems, but many are still required to invest heavily in transit infrastructure to meet growth needs, particularly within the Greater Golden Horseshoe where the Growth Plan explicitly requires municipalities to align planning in strategic growth areas with transit investments. Need to tie it to where transit supportive densities are planned not just funded.

While this change would encourage transit supportive development, it is unclear how it would be implemented. There is a danger in restricting appeals of transit supportive development, particularly if a decision to refuse remains subject to appeal but a decision to approve is not, as this could encourage the approval of poor development proposals and would likely be relied on by the development industry to push larger, denser development on municipal councils and increase their leverage (i.e. if a council refuses an appeal will follow, but if they approve they will be assured of no appeals). To resolve this issue, the proposed restriction could be limited to municipally initiated amendments, e.g. municipally initiated zoning by-law review to pre-zone lands in strategic growth areas.

3. Give communities a stronger voice: Changes being considered

- No appeal of a municipality's refusal to amend a new secondary plan for two years
- No appeal of a municipal interim control by-law
- OMB's authority limited to matters that are part of the municipal council's decision
- OMB required to send significant new information from a hearing back to municipal council for re-evaluation of the original decision

Q3. What is your perspective on the changes being considered to give communities a stronger voice?

Response:

The requirement to send significant new information presented at a hearing back to council for re-evaluation would be a positive step. This can be done now for some appeals (although this doesn't seem to happen often in practice) but should be extended to non-decision appeals so that all hearings are treated the same. The change would also prevent "trial by ambush" and remove the temptation for proponents to reserve their best proposals for OMB hearings in cases where there is significant public or staff resistance to a proposal. It should be clarified what "significant" means in this context, as well as whether the information in question is being sent back for a new decision, or merely for comment.

More information/clarity is needed on how, when and why the OMB would send information back to municipal council for a decision. There is the potential to be caught in a loop going back and forth between the OMB and council without any benefits. Further information is needed on how to operationalize this process, e.g. is it just new technical information that would be sent back? What about significantly revised development concepts that are developed through mediation/settlement discussions or introduced during a hearing? Would there be opportunities for further public review of new information as part of the council re-evaluation process? Sufficient time would need to be allowed for such a process, so that it is seen by the public as a legitimate "second" review, without unduly delaying the process.

The City of Guelph views no appeals of a municipal interim control by-law as a positive step. Though, in practice, appeals of interim control by-laws generally concern allegations of bad faith against the municipality and it would be hard to limit these types of appeals as Judicial Review would remain an option. However a municipal council should retain the ability to grant exemptions to ICBL's (with no appeal rights regarding council's decision).

The City of Guelph agrees in principle to limiting the OMB's authority to matters that are part of the municipal council's decision. New evidence should not be introduced during an OMB hearing where reasonable efforts were not made to provide that evidence to the municipality prior to the decision, and appeals of municipal decision should not result in opportunities to introduce new proposals or further amendments in a manner that circumvents the local process. Limiting the OMB's authority to matters that are part of the council's decision would clarify what could be argued as the current state of the law and explicitly prohibit appeals that seek to add something entirely new to an already approved process.

The Province should consider expanding the "no appeals" provisions to clearly exclude existing policies that may have simply been carried forward into a revised Official Plan (e.g. renumbered but otherwise identical) and should also not allow argument that the municipality should have done something but didn't (e.g. should have included policies on a specific topic).

The City of Guelph agrees with removing appeals from municipal refusals to amend a new secondary plan for two years. However, this approach creates a situation where it will always be easier to refuse to amend (because it guarantees no appeals) but does not remove the need to consider a proposed amendment (i.e. Staff will still need to review the application, make recommendations, etc.). The City of Guelph suggests it would be better to limit applications to amend, or allow council to determine whether to accept applications to amend as a threshold question for two years. The Province needs to clarify that the two year protection is from the time the plan comes into full force and effect and not from another earlier decision point (e.g. council adoption).

4. "De novo" hearings: Changes being considered

- Move away from de novo (starting anew) hearings to reviewing municipal decision made on a standard of reasonableness
- Only authorize OMB to overturn a decision that does not follow local or provincial policies, e.g. permitting development in a provincially significant wetland

Q4. What is your view on whether the OMB should continue to conduct de novo hearings?

Response:

The City of Guelph supports moving away from "de novo" hearings (per the consultation document, the term "de novo" has been used to describe how the OMB deals with appeals of municipal land use planning decisions, by considering the same issue that was before the municipality as though no previous decision had been made). The City of Guelph is of the opinion that moving towards a standard of reasonableness would require greater deference to local decisions and focus on scoping hearings and interpreting policy to ensure good planning decisions are made. The reasonableness standard would ensure that the planning decision made was within an acceptable range of defensible decisions. This would help address concerns about giving due deference to democratically arrived at municipal

planning decisions, eliminate unnecessary processes and would likely result in shorter hearings. This approach would also help remove perceived biases that parties with the money and resources to employ expensive legal counsel and expert witnesses have more success at the OMB compared to members of the public.

Removing de novo hearings would increase the emphasis on local decision and restrict the ability of the OMB to supplant its own opinion of a planning matter for that of a municipal council. This change would also force applicants to present a solid case for their proposal (i.e. their 'best application' would have to be before council, potentially eliminating the 'bait and switch' where a new proposal is only brought forward at the time of an OMB hearing).

If council's decision is to be given more weight, the principles of natural justice demand that a more fulsome opportunity to present a case be given. This could lead to increased processing time for applications, a more adversarial process (including more adversarial presentations to council) and demands for more time to be allowed, particularly when staff is not recommending an application. One advantage for municipalities in a de novo hearing is that because the process begins anew, OMB hearings have tended to focus more (though obviously not entirely) on the planning merits of the application and not the process and decision making that occurred at the municipal/council level. If the reasonableness of the decision is the new threshold, municipalities can expect that their processes will receive significantly more attention at the OMB and in many cases it will be the process and recommendation to council that will be 'on trial' as opposed to the merits of the decision itself. Rather than expert exchanges on the planning merits, Board hearings may focus more on scrutinizing the decision making of council and the process that lead them to that decision. This will put additional pressure on staff and council to ensure that a robust process occurs at the council level.

Overall, in considering changes to the OMB's jurisdiction and powers under Theme 1 that could limit appeal rights, removing appeal rights from local decisions has the potential to download additional costs onto municipalities. For example, in order to fully respect the principles of natural justice a more fulsome process than what currently exists may be required at the council level up to and including opposing expert submissions, etc. The result could be that something approaching the current Board process being moved to the council level. That said, the Planning Act sets out requirements and procedures that are considered sufficiently robust to enable municipal councils to exercise their legitimate decision making authority and so it could be argued that it is the OMB process that unnecessarily duplicates the original decision making process rather than there being weaknesses in the municipal decision making process. The Province also needs to consider that increasing restrictions to the OMB may result in more divisional court matters.

Perhaps the province could explore options for the democratic municipal decision making process to be strengthened, e.g. delete non-decision appeals rights, or extend the timeframes to allow for appropriate public/municipal scrutiny which could alleviate concerns that the council process is less robust than access to a de novo hearing.

Q5. If the OMB were to move away from de novo hearings, what do you believe is the most appropriate approach and why?

Response:

The OMB should move towards an approach that requires greater deference for local decisions and focuses on scoping hearings and interpreting policy to ensure good planning decisions are made.

A standard of reasonableness is preferred over the current hearing de novo process which encourages parties with the greatest resources to use the OMB to try to get the decision they want when they know the municipality disagrees.

The standards of review in administrative hearings are generally limited to de novo (the current process), correctness and reasonableness. The standard of correctness essentially asks if the best decision was made at the level below, and if not, a different decision can be put in place. This is likely not an appropriate standard in that it would not result in an increase in deference to the local decision maker, but rather add an additional step of reviewing the decision made and the process that led to it. This would effectively blend the negative aspects of review on a reasonableness standard with the flaws of the current de novo process. That is, the result would be municipal processes or decisions being scrutinized and rejected as insufficient or incorrect and supplanted by the views of the OMB.

A review on a standard of reasonableness would not be without issues, but would at least accomplish the goal of putting more authority in the hands of the local decision maker and remove the ability of the OMB to replace even reasonable municipal decisions with its own preferences. A reasonableness standard would also discourage purely tactical appeals of municipal decisions and require proponents to put their best application forward at the municipal level where the greatest level of public comment and local input is possible. Procedural changes to implement this new process of review would likely include a revamping of how submissions are made to the OMB and increased focus on the validity and appropriateness of the municipal level decisions. Appellants should be required to clearly define the reasons for their appeals, the issues that must be determined and the relief sought. The current process of open ended appeals followed by discussion and scoping of an issues list should be done away with and replaced by a system in which appellants are required to provide the basis of their case and a level of supporting evidence for those assertions before other parties are required to respond. This additional onus on the appellant party would reduce costs for all other parties, and reduce the current timeframes for appeals by ensuring that unsupported or irrelevant issues are quickly removed and the ability to alter an application outside of the context of bona fide settlement negotiations or mediation would be removed.

The de novo hearing system is a relic of a time in which municipalities and councils did not have access to professional planning advice and therefore lacked the ability to make sophisticated planning decisions or appropriately implement provincial policies in the local context. This is no longer the reality for Guelph, or indeed most of the Province.

5. Transition and use of new planning rules: Changes being considered

- All planning decisions, not just those after 2007, be based on planning documents (provincial and municipal) in place when decision made

Since 2007, the Planning Act has required that, going forward, land use decisions must reflect provincial policies in place when the decision is made, not when the application is made.

The government is now seeking input on possible changes that would expand the 2007 changes by requiring that all planning decisions, not just those after 2007, be based on provincial legislation and planning documents and municipal planning documents in effect at the time of the decision.

Q6. From your perspective, should the government be looking at changes related to transition and the use of new planning rules? If so:

- what is your perspective on basing planning decisions on municipal policies in place at the time the decision is made?

Response:

The City of Guelph is supportive in principle of the change provided the overall OMB system is improved. Municipal level planning decisions in the City of Guelph already “have regard” to the policies in place at the time the decision is made, and there has been some support for this approach at the OMB level.

However, while the change is certainly defensible from a planning perspective (i.e. the most up to date thinking and policies should underpin planning decisions) there are natural justice concerns with this proposed move as it puts the onus on the applicants to meet a standard that they may not know at the time of the application. In any fair process, the applicant should be entitled to know the standards they must meet to be successful and should not be subjected to a shifting standard. However, these impacts will be mitigated as long as planning policies are not implemented arbitrarily or in bad faith, and the positive benefits of this proposed change will likely outweigh any negative impacts.

The proposed change also has the potential to reduce the ‘deluge’ of applications prior to a major municipal policy change as applicants try to take advantage of the old rules; however, there is a corresponding likelihood of an increase in the number of appeals against more restrictive policies in order to preserve current rights. The effectiveness of the proposed change would therefore be enhanced if the province were to also take steps to prevent strategic appeals from delaying new policies coming into effect. Such strategic appeals become more problematic the longer the effected policies remain under appeal, because business carries on in the meantime under a cloud of uncertainty.

- what is your perspective on having updated provincial planning rules apply at the time of decision for applications before 2007?

Response:

The City of Guelph does not have a major concern with updating provincial planning rules so that they apply at the time of decision for applications before 2007. There would be relatively few active applications submitted prior to 2007.

Natural justice arguments mentioned above apply. There is still a chance that if provincial policies change while an application is being reviewed there will be a need to go 'back to the drawing board' on the pre 2007 applications.

The OMB might want to consider limiting the restriction to municipally initiated amendments and to zoning by-law appeals, not for private development proposals or Official Plan appeals.

Theme 2: Citizen Participation and Local Perspective

Changes being considered

- Expand the Citizen Liaison Office (CLO) from one employee by hiring more staff (CLO answers questions around OMB process, citizen's role, what happens at a hearing and how a decision is made and issued)
- Reconfigure the CLO, including moving it outside of the Environment and Land Tribunals Ontario (ELTO)
- Reconfigured CLO might include in house planning experts and lawyers
- Explore funding tools to help citizens retain planning experts and/or lawyers

Q7. If you have had experience with the Citizen Liaison Office, describe what it was like – did it meet your expectations?

Response:

The City of Guelph has no direct experience/interaction with the CLO. However, it appears that the effectiveness and public awareness of the current Citizen Liaison Office is somewhat questionable. The CLO is not well known and they are not well advertised by the OMB. There are many questions they can't answer for applicants with respect to the strength of a given case, and there are resourcing issues that restrict their ability to provide responses even to informational inquiries.

Q8. Was there information you needed, but were unable to get?

Response:

Not applicable.

Q9. Would the above changes support greater citizen participation at the OMB?

Response:

The City of Guelph is supportive of measures to eliminate barriers to citizen participation so that they can effectively engage in the planning and appeals process. Directing further

resources to the CLO offices and improved promotion would be positive actions. The proposed changes might also remove unfounded or vexatious appeals. In particular, if limited legal advice (given at arms-length from the OMB itself) could be given it might remove potential appeals, or improve ones that do come in by focusing them on triable issues.

Q10. Given that it would be inappropriate for the OMB to provide legal advice to any party or participant, what type of information about the OMB's processes would help citizens to participate in mediations and hearings?

Response:

The OMB should provide support and advice to clarify the process for citizens regarding their roles and options (party vs. participant), how to navigate the system, potential hearing costs, and how to access resources including funding, legal representation and expert witnesses. For example a directory on different types of experts and a "yellow pages" of consulting firms, etc. could be provided. City staff often get asked to assist inexperienced citizens and community groups in this regard and it can put planning and legal staff in an awkward position. The OMB could encourage citizens to scope issues to the most relevant planning matters and promote mediation to all parties.

Q11. Are there funding tools the province could explore to enable citizens to retain their own planning experts and lawyers?

Response:

The City of Guelph supports financial incentives/funding from the Province for community groups/individual members of the public to allow them to effectively engage in the planning and appeals process, similar to legal aid system. The expense of being a party at an OMB hearing can create a significant barrier to community groups/individual members of the public, e.g. issues lists, expert opinions, endless legal meetings, etc.

The OMB could consider a matching grant system for community groups/individual members of the public. Funding could be supported by imposing an additional fee on appellants to be directed to a citizen fund and/or charge appellants more to launch complex appeals. In the past, the province had some form of intervenor funding system that might provide some insight to a new program.

Q12. What kind of financial or other eligibility criteria need to be considered when increasing access to subject matter experts like planners and lawyers?

Response:

No comment.

Theme 3: Clear and Predictable Decision-making

Changes being considered

- Increasing number of OMB adjudicators
- Further training – decision writing, active adjudication and dealing with parties with no legal representation
- Having multi-member panels only conduct complex hearings
- Having multi-member panels conduct all hearings

Q13. Qualifications for adjudicators are identified in the job description posted on the OMB website (Ontario.ca/cxjf). What additional qualifications and experiences are important for an OMB member?

Response:

The OMB should increase the overall resources for large policy appeals. Multi-member panels appear more fair and reasonable for large or complex hearings. A panel of three (3) members, at least one of whom had a legal background and experience/training in case management as well as one with land use planning expertise would be a positive step. A member with expertise in the subject matter of the hearing is also advantageous.

All OMB members should have strong mediation skills training, land use planning training and plain language communication skills. Continuing education opportunities are essential which might include training in dispute resolution and exposure to best municipal practices on issues that frequent the OMB. Procedural consistency would be improved with training on granting party status and admitting new evidence.

Regular performance reviews should be completed and connected to re-appointment decisions. OMB member appointment terms should be adjusted to a six year staggered term with one right to request an appointment renewal subject to satisfactory performance reviews. Re-appointments should be made on the basis of merit and performance, and not political considerations.

OMB member(s) should physically visit the subject site to better appreciate arguments based on local knowledge, etc.

Q14. Do you believe that multi-member panels would increase consistency of decision-making? What should be the make-up of these panels?

Response:

The use of multi-member panels in complex hearing could improve consistency and result in faster decision making and report preparation. The composition of a multi-member panel should include cross disciplines to improve decisions. The composition could include a legal representative and a subject area expert(s) based on the key issues that will be before the panel.

Q15. Are there any types of cases that would not need a multi-member panel?

Response:

Simpler cases should not need panels. These would include Committee of Adjustment hearings involving simpler minor variance/consent cases, smaller hearings scoped to one or two issues, and most site specific zoning appeals.

Q16. How can OMB decisions be made easier to understand and be better relayed to the public?

Response:

The OMB appears to have come a long way in ensuring that decisions are relatively straightforward. However the decisions still tend to be very technical and not well-publicized.

It would be helpful if Board members took plain language training. In addition a summary of the decision and clarity regarding next steps should be provided (i.e. now the by-law needs to be written and agreed to).

Theme 4: Modern Procedures and Faster Decisions

Changes being considered

- Adopt less complex and more accessible tribunal procedures
- Allow active adjudication (let adjudicator explain rules and procedures, scope issues and evidence, question witnesses)
- Set appropriate timelines for decisions
- Increase flexibility for how evidence can be heard
- More hearings in writing in appropriate cases
- Establish clear rules for issues lists (specific questions related to concerns raised by parties)
- Introduce maximum days allowed for hearings

OMB Action Timelines

Action	Timeline
OMB decision issued following the end of a hearing	60 days
OMB minor variance cases (stand-alone) scheduled for a first hearing following receipt of a complete appeals package	120 days
Other OMB cases scheduled for a first hearing following receipt of a complete appeals package	180 days

Q17. Are the timelines in the above chart appropriate, given the nature of appeals to the OMB? What would be appropriate timelines?

Response:

Setting appropriate timelines depend on the complexity of the files in question. In some cases short timelines will restrict the ability of parties to participate fully or provide the best evidence and could limit opportunities for alternative dispute resolution in appropriate cases. Setting a time limit on the amount of time that can pass between the completion of a hearing and the issuance of an OMB Order/decision could be shortened to 30 days for simple matters such as minor variances, with 60 days set for complex cases.

Setting a time limit on the amount of time that can pass between when an appeal is filed and when it is scheduled to be heard by the OMB could be shortened to 90 days for stand-alone minor variance cases. The scheduling of a first hearing for more complex cases within 180 days should be a firm but flexible timeline provided that the issues lists, all procedural orders and pre-hearing(s) are completed within the 180 day timeline.

The Board should hold all parties accountable to timelines for materials, etc. The Board needs to focus on establishing clear rules for issues lists since this is the area that leads to unfocused long hearings that are more about lengthy delays than a planning decision. In addition mediation should play a role in issue list development.

Q18. Would the above measures help to modernize OMB hearing procedures and practices? Would they help encourage timely processes and decisions?**Response:**

The above measures would help modernize OMB hearings procedures and practices. OMB appeals must be scoped very early in process where possible which could allow portions/sections of a plan to come into effect while dealing with outstanding appeals. Potential appellants must indicate which policy or regulation they are appealing and why. This could be accomplished by requesting more information from the appellant on the appeal form. The OMB needs to review and improve the case management of large policy appeals to reduce overall length of time it takes for an appeal to be resolved. For example, the OMB needs to: ensure appropriate phasing of larger matters; set an appropriate number of days through the pre-hearing; and hold people accountable to established timelines.

The OMB could consider increasing the ability, even at the municipal level (i.e. before the Clerk passes on an appeal filed with the municipality), to determine the appropriateness of an appeal (perhaps limited to minor variance appeals). Adopting more standard tribunal practices for evidence (e.g. requiring the party alleging that a particular action constitutes bad planning to file their materials first) could eliminate the need to spend time and resources developing issues lists and naturally scope appeals by ensuring that responding parties only have to respond to the triable issues raised by the appellant.

The increased use of written submissions, particularly with respect to more straightforward matters, could reduce cost and hearing time. Exploring videoconferencing as a means of increasing the flexibility for how evidence can be heard while reducing costs to all parties

might also be beneficial; however, it is essential that evidence provided has the ability to be cross examined.

Q19. What types of cases/situations would be most appropriate to a written hearing?

Response:

The types of cases/situations that would be most appropriate to a written hearing include appeals based on jurisdictional issues, legal arguments, procedure and summary dismissal, motions and settlements. Certain minor planning matters or matters with issues that are well defined may also be appropriate including minor variances, site plan related appeals, small one or two issue cases, and straight forward policy interpretation questions. These situations often involve professional planner(s) engaged by all parties along with potentially paralegals to help guide the process. Guidance would be needed on submissions for written hearings.

Theme 5: Alternative Dispute Resolution and Fewer Hearings

Changes being considered

- More actively promoting mediation
- Require all appeals to be considered by a mediator before scheduling a hearing
- Mediators available at all times during an application process, including before an application arrives at municipal council
- Strengthening case management to better stream, scope and identify areas that can be resolved at pre-hearing and further support OMB members during hearings
- Creating timelines and target for scheduling cases, including mediation

Q20. Why do you think more OMB cases don't settle at mediation?

Response:

There are a number of reasons why cases don't settle at mediation. Mediation is not currently mandatory and the emphasis at the OMB appears to be about the OMB's decision, not about meditating a solution. There is often a lack of willingness to participate in mediation, and in some cases it is seen only as a delay tactic. At times an appellant views the OMB as an alternative decision making body, especially if city staff and/or local council do not appear supportive of the appellant's position. In addition because the awarding of costs is rare at the OMB, mediation is not as attractive an alternative compared to a contested hearing.

In addition not everything can be mediated. Positions may be too polarized, there may be no common ground and/or issues may be too broad. Parties can become too polarized and entrenched to support mediation. On large policy hearings the lack of provincial guidance can result in a policy vacuum that creates situations where positions can just be too far apart to support mediation (e.g. major land budget appeals). If issues are not appropriately scoped beforehand, mediation can become a delay tactic, where people are holding out for

the hearing and their chance to win, instead of trying to resolve issues. As long as a power imbalance remains between parties with few resources and those with extensive resources, e.g. time and money for expertise witnesses and legal defense, there will likely be limited interest in mediation by the party with the power advantage and less ability to engage in mediation for the disadvantaged parties. Mediation may become more successful with the other reforms suggested and a leveling of the playing field.

The OMB currently does not have measures, including processes and resources, in place to manage the mediation process. In fact mediation has been denied in cases where both/all parties are requesting it. Board appointed mediators are not available and waiting for one may ultimately delay the process. When allowed, difficulty scheduling dates is often a concern and the requirement to attend at the OMB offices in Toronto is often onerous.

Preparation can be more intensive in regards to cost, resources, complications and onerous technical requirements with no guarantee of results. In addition the mediated settlement needs to be brought to council. A whole new set of rules and a lot of detail needs to be sorted out for mediation to be more effective.

Q21. What types of cases/situations have a greater chance of settling at mediation?

Response:

Mediation is effective when both sides are willing and issues are scoped and well-defined. Mediation has a higher probability of success than negotiation where parties can be brought together by a third party, or a third party can help them recognize solutions they had not considered. Often, a key feature of OMB lead mediation is that sitting with a member often leads parties to recognize weaknesses in their own position and strengths in the position of the other party.

Mediation does not work well on broader policy issues where parties are entrenched on principle/philosophical grounds or when strong personalities are involved and a party is able and willing to put extensive money/resources into defending a position.

Mediation may be more effective if other proposed reforms that promote earlier definition of issues, and scoping of the appeals process are also adopted. A roadblock to mediation is often that issues are defined too broadly early in the process and parties have little incentive to engage in defining and supporting triable issues prior to a contested hearing.

Suggest considering collecting a small fee on all applications to support funding for these kinds of things.

Q22. Should mediation be required, even if it has the potential to lengthen the process?

Response:

The City of Guelph does not support mediation being mandatory in all instances. Requiring mediation in a situation where parties are not willing to compromise is likely counterproductive.

The City of Guelph does support the concept of a mandatory mediation assessment. Mediation should be done sooner in the process while the matter is fresh since lag time destroys the chances of being successful. Granting the board power to require it, where appropriate, is likely worth considering. Developers should be compelled to engage in mediation before filing an appeal or required prior to a hearing application being accepted. This could help limit developers holding out in the municipal process and using the OMB to get the decision they want.

Mediation, with the appropriate processes and resources in place, should shorten the appeal process and result in better decisions on key issues.

Q23. What role should OMB staff play in mediation, pre-screening applications and in not scheduling cases that are out of the OMB's scope?

Response:

The City of Guelph supports the OMB taking the lead role in mediation and being more proactive of its use. The OMB should increase the pre-screening of files and do a mediation assessment. The pre-screening could also occur at the municipal level in certain cases to share the costs. A framework should be formalized for mediation to occur with commitments to established timelines. The current process lacks repercussions.

The OMB could encourage mediation by explaining the potential benefits, e.g. lower costs, faster results, better decisions, etc.

No comment on scheduling cases out of the OMB's scope. Not sure why this would happen.

General Question:

Q24. Do you have other comments or points you want to make about the scope and effectiveness of the OMB with regards to its role in land use planning?

Response:

The focus of OMB reform should be about creating a less complex and more scoped process that is both more effective and fair for both the public and developers. The process should be about good local planning decisions, not good lawyers and who has the most money. The OMB needs to examine how its decisions can achieve more consistency, particularly those relating to the same provincial planning documents. Consistency could be assisted by having Provincial staff required to attend OMB hearings to give evidence in support of amendments to planning documents that have been approved at that level, especially if implementing provincial policy.

Bill 73 introduced a requirement for "enhanced reasons" as part of an appeal letter, which is seen as a crucial first step. However, the standards for submitting an appeal to the OMB

should be further raised to ensure that only disputes with valid land use planning grounds are accepted and that the matters under appeal are effectively scoped. The appeal application needs to include a rationale that addresses and defines the good planning grounds the appeal is founded upon along with specific changes being requested, including alternative policy wording or mapping, where appropriate.

Bill 73 also includes provisions that allow approval authorities the option to establish a time limit (20 days) for additional appeals following a non-decision appeal of official plans/official plan amendments. While this is viewed as a step in the right direction, it is recommended that this 20 day time limit be automatically invoked and not be at the discretion of the approval authority. Improved consistency is also required regarding the weight OMB members give to municipal planning guidelines. The Planning Act has been amended to include the promotion of well-designed built form as a matter of provincial interest. Design guidelines are relied upon by many municipalities to ensure well-designed built form. The increasing importance of design guidelines and other area specific guidelines that complement other policies warrants consistent treatment by OMB members since they often inform council's original decision.

The OMB should use its power to dismiss appeals and/or consider giving the OMB broader authority to dismiss appeals or portions thereof, e.g. change the wording to the OMB "shall" dismiss appeals that don't have merit. The dismissal of an appeal needs to be properly grounded and made public in order to meet any challenge for judicial review. A dismissal could require the OMB to be supported by professional planning staff so that files are screened for planning merits to determine if they are found to lack apparent land use planning grounds. Require that this be dealt with in a specific timeframe. Currently a motion to dismiss requires as much preparation as a hearing. The OMB should also consider shifting the onus to appellants to prove that an appeal has merit.

The OMB should take the lead to ensure submissions are made on time. There appear to be no repercussions if timelines for procedural orders etc. are not met.

The OMB should not allow new parties to be added to a hearing once the process has been started (fairness to parties already involved). In addition parties should be prevented from sheltering under or expanding existing appeals through requests for party status after the expiration of the appeal period.

Additional OMB resources are not only required to implement proposed changes but also to deal with the backlog of current files before the OMB, especially those that have been in the system for more than two years. The City's final stage of its comprehensive update to its Official Plan (OPA 48) to ensure that the Official Plan is in conformity with provincial legislation and plans and is consistent with the provincial Policy Statement has been before the OMB for close to four years. In addition the Secondary Plan for the Guelph Innovation District (OPA 54) has been before the OMB for over two years.