

Special City Council Meeting Agenda



Tuesday, February 27, 2018 – 6:00 p.m.
Council Chambers, Guelph City Hall, 1 Carden Street
Consolidated as of February 23, 2018

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 on guelph.ca/agendas.

Changes to the original agenda have been highlighted.

Open Meeting– 6:00 p.m.

Disclosure of Pecuniary Interest and General Nature Thereof

Special Council Meeting – 75 Dublin Street North Proposed Official Plan Amendment

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

Statutory Public Meeting Report 75 Dublin Street North Proposed Official Plan Amendment (File: OP1706)

Staff Presentation:

Katie Nasswetter, Senior Development Planner

Delegations:

Astrid J. Clos, Planning Consultants (presentation)

Scott Snider

Jennifer Passy, Manager Planning, Upper Grand District School Board

Alan Heisey, Legal Counsel, Upper Grand District School Board

Anne Gajerski-Cauley

Catherine Killen

Ian Flett, Solicitors for Guelph Old City Resident's Association Inc.

Elizabeth Macrae

Melissa Dean

John Parkyn

Declan Anderson (presentation)

Elizabeth Mulkins

Dr. Christine Main

Corinne Maloney (presentation)
Luke Weiler
Glynis Logue

Correspondence:

Sandy Clipsham
Dr. Mary Peirson
Daniel Cabena
Karen Hunter
Colleen Fava
Kathryn Folkl
Elizabeth Mulkins
Elizabeth Macrae
Janine Buisman Wilcox
Pia K. Muchaal
Alex Folkl
Dr. Christine Main
Guelph Old City Residents' Association
Elbert van Donkersgoed
Dr. Susan Douglas
Blythe Weber
Catherine Killen
Catrien Bouwman
Mervyn Horgan, PhD
Ian Flett, Solicitors for Guelph Old City Resident's Association Inc.
A. Milliken Heisey, Solicitors for Upper Grand District School Board

Staff Summary (if required)

Recommendation:

That Report IDE 2018-16 from Infrastructure, Development and Enterprise Services dated February 27, 2018, regarding a proposed Official Plan Amendment application (OP1706) from Astrid J. Clos Planning Consultants on behalf of Rykur Holdings Inc. to permit a five-storey residential development on the property municipally known as 75 Dublin Street North and legally described as All of Lot 1051, Part of Lot 1052, Registered Plan 8, City of Guelph, be received.

Adjournment

The Official Plan Amendment for 75 Dublin Street North requests that the maximum building height increase from 4 to 5 storeys. The Official Plan is proposed to be amended by the addition of the following policy;

“Notwithstanding Schedule D: Downtown Secondary Plan Minimum & Maximum Building Heights the Maximum Building Height permitted for the 75 Dublin Street North property shall be 5 storeys. The 5th storey shall be setback a minimum of 9 metres from the rear yard and from the street lines of Dublin Street North and Cork Street West.”



Affordable housing project owned and operated by Tom Lammer located at 371 Waterloo Avenue where the Open House was held for the neighbours on October 27, 2016.

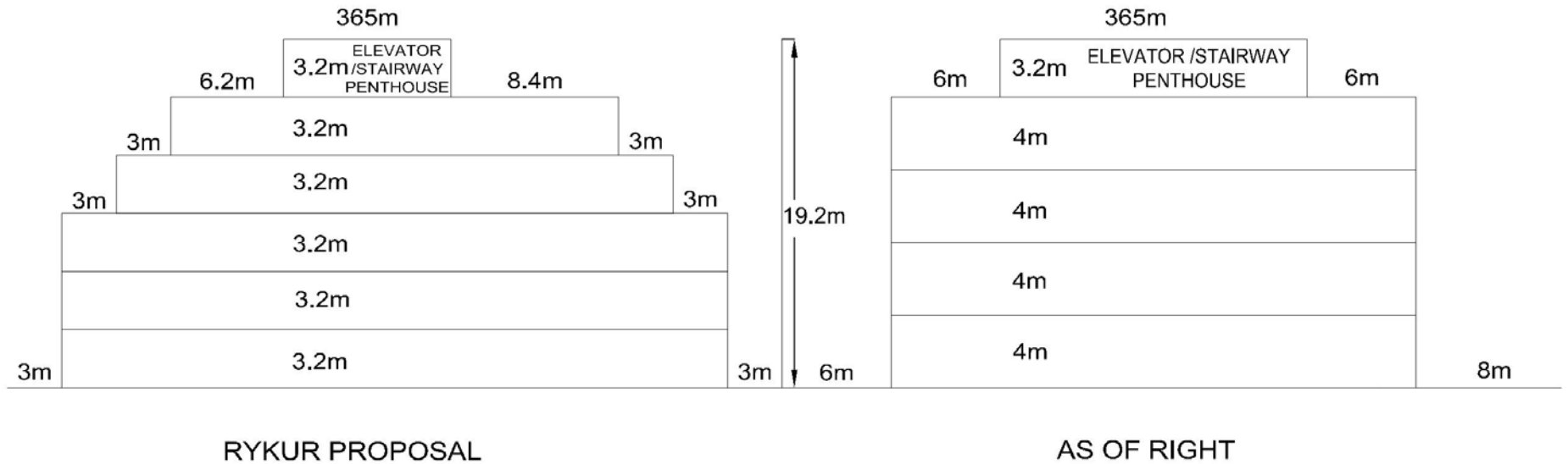




“The I.1 Zone permits a maximum building height of **four (4) storeys**. This site was zoned I.1 during the 1995 comprehensive zoning by-law update that resulted in the current Zoning By-law (1995)-14864.”

Source: Page 5 of City of Guelph Report 16-85

BUILDING HEIGHT COMPARISON





Rykur Proposal

St. Agnes School



Existing 5 storey Guelph Museum located on Catholic Hill to next to the Basilica of Our Lady.





HILLTOP PARK

75 Dublin St. N

Feb. 27, 2018



Quick Intro

- Declan Anderson, 2nd year Landscape Architecture student
- Son of a local resident, brought into discussion by John Parkyn
- Supporting the development of a park at 75 Dublin St. N

Design Objectives

- Bright, colourful inviting space
- Doesn't obstruct the view of the Basilica
- Resting place atop the hill
- Low maintenance
- Wide path for all users
- Enhance green space for schoolyard

Current Site



Conceptual Design



75 Dublin Street North



Notice:

An application has been submitted to amend the Official Plan to permit a five storey apartment building.



Public meeting scheduled for

To be scheduled at a later date.

Get in touch

 Katie Nasswetter
 519-837-5616 TTY: 519-826-9771
 planning@guelph.ca
 guelph.ca/development

File number:
OP1706

Date installed:
November 7, 2017

Accessible formats available upon request

To whom it may concern,

I've learned that there is an opportunity for public input on the development at 75 Dublin St. N. and I wanted to add my perspective.

As a neighbour and parent of two children attending Central Public School, it's my belief that this is the wrong project for the site. The primary concerns I have with it are:

1. Central is already hemmed in by the steep grade out behind the playground and a low elevation relative to the buildings on Cork Street. To build 6-7 storeys above the small playground area that is the only outdoor play space for these kids seems unjust.

2. Someone at the public meeting back in 2016 described it as fitting "an elephant on a postage stamp". I think that is a fitting image. I am all for downtown intensification, but I don't believe this is the best place for it.

3. The safety of children - sightlines are poor at the Cork / Dublin intersection as it is. Even if 1/10th of parents are dropping off by vehicle, it can be a very unpredictable spot for traffic and pedestrians. There are children as young as three years old attending the school, so road safety is a real issue when you're adding 37 units to that intersection. This is a real fear I have.

4. The heritage value of Catholic Hill would be compromised. This is the most iconic image of Guelph, and a modern building rising to a similar elevation would have a detrimental impact. This is even more pronounced in light of the news that the Catholic Diocese will be investing millions in refurbishing St. Agnes. Mr. Lammer might pause to consider the efforts he and his father have made to heritage preservation in this city, for which all residents should be grateful, and how this one project could overshadow that impressive legacy.

I believe there must be a creative way for Mr. Lammer to come out of this getting what he wants, which is to continue to build our great city profitably and with the support of the community. Whether that is through land swap, sale to a benefactor who can have it as a namesake park, or some other solution, I am confident that with the developer, the school board, residents, and the City working together, we can all get what we want in the end.

Thanks for your hard work and dedication to getting this matter resolved.

Sandy Clipsham

To the Mayor and Guelph City Councillors,

As Guelphites, we know the City is working towards intensification targets set out by the province. As more people move into the downtown, and as transportation infrastructure north and south of Guelph improve, we will see a significant increase in the number families and thus children potentially living downtown. Given the lack of availability of property for development in the core, it seems to me that we're headed toward a crisis in primary school spots somewhere in the future.

When one drives through Kitchener these days, it is abundantly obvious that a downtown revitalization is in full swing and that long-term, forward thinking planning is afoot. Guelph seems to lack that kind of long term vision. While Guelph may have some plans on the books, one can foresee many issues.

In central Kitchener, some of the older schools have been rebuilt, or had additions made to them. Fortunately in Kitchener, many of the older primary schools had large tracts of land attached to them. Unfortunately this is not the case in central Guelph. In Guelph, King George was replaced by the new John Galt school but Central PS and Victory PS have had no significant expansions or additions in decades. Victory is a sea of portables (but at least has Exhibition Park across the Street). Central is using all of the building now after having reacquired the portion that was used for many years for adult education. They have no space for portables or additions. John Macrae was rebuilt but I understand it to be at capacity already (and at least Royal City Park is nearby). What's the plan as thousands of people and families take up residence in the downtown condo towers to come? The pressure will increase further yet when GO commuter service to Toronto and KW is expanded.

The reason I mention this at all, is that when I look at Central Public School and its location I see an opportunity that would be lost if 75 Dublin is developed into a condominium block.

Central school is landlocked as we know. If that site does need to be redeveloped in the future for a larger multi-storey school, there will be additional pressure for onsite parking and increased pressure to reduce the size of the outdoor playground. A public park next door at 75 Dublin would help to offset some of that pressure no doubt. A land swap for the that property seems to be a smart, forward thinking plan. One also wonders though, if any consideration has been given to the derelict St. Agnes school? What if that site were to one day be redeveloped as part of a larger Central School 'campus' with a City Park central to that campus? It seems likely the Diocese of Hamilton would be more open to the possibility of St. Agnes returning to its purpose as an educational institution, than any commercial endeavour. The potential for a truly wonderful Central School in the tradition of the original as planned and executed by Guelph's founders, seems a possibility in that scenario.

While that scenario may seem a bit pie in the sky at this time, certainly other

communities are taking on projects such as this. The development of 75 Dublin into condominiums would severely curtail creative solutions for Central School in the future and would forever destroy the possibility of returning the highest point in Guelph to its historic purpose - an ecclesiastical and educational campus.

To that end I believe City Council should deny the developer's application for an official plan amendment, and the City should seek creative alternatives to the development of this historic and crucial site, in particular a land swap and use of parkland development fees to establish a city park at 75 Dublin Street.

Sincerely,
Dr. Mary Peirson

Dear Mr. Mayor and Councillors of the City of Guelph,

I have been following, with much concern, the discussion surrounding Tom Lammer's development proposals for 75 Dublin Street, and I feel that there are a couple of points that remain to be made.

Firstly, I feel that one must acknowledge that Mr. Lammer is the owner of 75 Dublin and that he is, therefore, entitled to dispose of that property, within the constraints of the law, in the manner that he sees fit. But I would suggest that that very fact - that an area so important to Guelph's geography and history should be under private ownership - is a serious problem, one that must be addressed by Council.

Surely this piece of land, designated now somewhat banally as "75 Dublin Street," is so crucial to Guelph's physical landscape and heritage that it really ought to be under public ownership and put towards civic use. The development of properties of such importance should be undertaken with care and intentionality and in such a way as deeply to involve public input. It should be undertaken with vision, in other words, the kind of vision that saw to fruition the relocation to Church Hill of the Guelph Civic Museum.

The ecclesiastical campus, which was established so long ago on Church Hill, was undertaken purposefully, with the intention of defining the city that would become the Guelph that we know today. I believe that the City of Guelph should and must undertake with the same purposefulness the redevelopment of the part of that site that is 75 Dublin Street. I believe, more specifically, that the site ought, therefore, to be acquired by any means necessary by the City and for its citizens. It strikes me that a "land-swap" would be the ideal mechanism by which for the City to acquire.

The value of the site ought not to be calculated numerically but, rather, in aesthetic and even moral terms: for we as citizens and you as our Mayor and representatives in Council have a duty to treat Guelph's heritage sites (and, in this case, the nation's) with the utmost respect. That responsibility must also, and critically, be shared by developers.

So, instead of trying, by a thousand painful cuts, to mitigate the massive wrongness of Mr. Lammer's proposed development, would it not be infinitely preferable to deny the current Official Plan Amendment request and to take all the time necessary to explore the very best, most beautiful, most appropriate and most visionary redevelopment possibilities for this area of Church Hill?

With sincere concern and regards,

Daniel Cabena.

Mayor Guthrie and Members of Council,

I live near 75 Dublin St. N. and am opposed to the location proposed for this apartment building. I am against this proposal for the same reasons you will hear on Tuesday evening. Let me summarize some of them:

The apartment's location will *negatively impact* our neighbourhood's *already* inadequate parking, our growing traffic congestion, as well as our troublesome student and pedestrian safety specifically in the area of 75 Dublin. N.

The apartment's location will *decrease* the quality of our neighbourhood school, our enjoyment of the beautiful Basilica and the touristic attraction of this nationally-recognized cathedral.

The apartment's location will *detract* from the neighbourhood's heritage character—a known real estate attribute—and therefore diminish home values.

The proposed apartment *does little, if anything*, to address Guelph's lack of affordable and/or seniors' housing. The rent will not be 'affordable' for most and the rooms designated for scooters and VON's are at odds with the apartment's location atop four large hills.

In a nutshell, **the apartment proposed for 75 Dublin St. N. is a square peg being forced into a round hole.**

Please try to find a creative solution that will enable this property to become much-needed green space.

Karen Hunter

Good evening:

Wanted to submit a letter in regards to the vacant site at 75 Dublin Street North. This lot is next to my 7-year old daughter, Poplar Fava's elementary school.

We moved from Toronto to Guelph in July 2017. One of the major reasons for relocating to Guelph was so my daughter would have more space to play - beautiful trees and a wonderful life to explore in this beautiful city.

Wanted to write this letter to request that the city consider an alternative usage for this vacant lot. A parkland that would service the community it is in - the 200 students who currently attend Central Public School and for the students for many generations to come.

Sincerely,
Colleen Fava
Concerned parent and community member

Dear Mr. Mayor Guthrie and City Councilors,

I am writing to you today as a parent of a Grade 1 student at Central Public School and as a neighbour to the proposed development at 75 Dublin St. North, Guelph. As you know, a building you've rejected once is being re-proposed that requires multiple zoning amendments before it can proceed. Concerns regarding the negative impacts on this development on the historic viewscape of our city, traffic and safety have all been voiced to you before and I'm hopeful that you'll take these under consideration again and block the proposed zoning amendments, potentially reducing the viability of this project for the developer.

But that's not why I'm writing to you. **I'm writing to challenge you to take advantage of this development mess as a potential opportunity for the students of Central School and the surrounding community. Please consider acquiring the proposed development site as a site for a park, an extension to the greenspace for Central School to provide our children with what all children deserve - a playing field.**

Nature is good for us. Evidence shows that it is important, healthy and fun for children to have frequent and varied opportunities for play outdoors—and especially outdoors with natural vegetation—as a part of their everyday lives. When they do, they are happier, healthier and smarter. They are more self-disciplined and focused. They are more self-confident, creative and cooperative. They are better problem-solvers, more optimistic and more physically fit.

In 2014, the UGDSB launched a new board-wide focus on environmental stewardship. Guelph council has always been community leaders in environmental stewardship and sustainability. What better way to demonstrate that commitment

than to work together with community partners, like the school, the neighbourhood and the developer, to restore this site to greenspace? Could this not be a flagship site in the UGDSB Environmental Sustainability Action Plan and Guelph's Natural Heritage planning?

Please consider whatever means you have to compensate Mr. Lammer and acquire this parcel for the good of all Guelphites. Once a building is built, this opportunity is lost. **We must act now for the health and well-being of our children.** With your leadership, we can provide the tools for the next generation to tackle head-on the real environmental restoration challenges they will face in their lifetime. Let's give our kids these tools. Let's demonstrate leadership. Let's inspire our community.

Sincerely,
Kathryn Folkl

Dear Mayor Guthrie and Members of Council,

Please support a green space creative solution for 75 Dublin St. N. rather than the proposed multi-story affordable housing development. The proposed structure will shadow the Central Public School playground. The additional vehicles/equipment, associated with the construction, and the vehicles of the residents of the proposed 2-4 (5) level building will endanger Central Public School students walking to and from school daily, and create chaos in the neighbourhood. Noise during construction will be additionally disturbing to the students inside and outside of the school.

Central Public School is Guelph's downtown elementary school, with students walking from adjacent neighbourhoods to reach their destination. Traffic is heavy, and the student crossing guards do their best to keep the other students safe, but it is very challenging.

A creative green solution for 75 Dublin St. N. is an appropriate use of the space, one that will benefit the downtown school's students for generations to come. A low profile, and tranquil green space complements the neighbourhood of students, family homes, and the beautiful heritage buildings of the Guelph Museum, and Church of Our Lady.

Please support this healthy initiative. I will see you on February 27 to show my support for a creative solution for 75 Dublin St. N. to become a green space.

Very best,
Elizabeth Mulkins

I hope you will consider very carefully the effect that a four or five level building would have on our downtown skyline and the immediate area. In my opinion it would be a travesty for many reasons, the first of which is the effect on Guelph's finest piece of outstanding unique architecture, the Basilica atop Catholic Hill. That silhouette has been our signature emblem for generations, protected by height bylaws as I had thought, and now we are letting it go? Surely there are alternative locations for condos or apartments!

Please re-consider this crucial decision and look for a better outcome, such as a parkette, overlooking the city, to be enjoyed by everyone for decades to come, including the children at Central school.

Sincerely,
Elizabeth Macrae

Dear Mayor, Councillors, and Staff,

In light of the council meeting next week in regards to 75 Dublin Street, I ask that you consider your vision of Downtown Guelph and the space we want to create for tourists and residents beside our biggest focal point in the city, Catholic Hill.

As a parent at Central School I have concerns about traffic safety - I walk with my 3 kids across Cork Street at Dublin twice daily, and safety is already a concern. I'm also concerned about the construction process and shading. Those are all more personal reasons as they impact my family directly. The real reason I'm writing though, is that we could have a fantastic opportunity to create something beautiful downtown Guelph if a landswap were to occur. I've been to a number of cities with mini parks in the downtown core, and they were always busling with families enjoying some greenspace while eating the snacks they'd picked up from nearby shops or just letting off steam in the midst of exploring the city. This could be a great focal point beside Catholic Hill.

Whatever becomes of the space, I'd like you to consider your vision of Guelph within it.

Thank you,
Janine Buisman Wilcox

Dear Mayor Guthrie & Members of Guelph City Council,

I am writing to you to express my opposition to Mr. Tom Lammer's proposed amendment that would allow for the re-zoning of 75 Dublin and facilitate the development of a 5-storey apartment complex at the site.

The proposed development is ill-conceived, and will, without a doubt, negatively impact the uniqueness and integrity not only of a long-standing Guelph community in which the land is situated, but also radically alter the landscape of the Basilica, Guelph's cultural heritage.

According to the Planning Report (PR) available on the City website, the proposed development is not in compliance with 5 out of the current 16 zoning regulations. Hence the developer's need for an amendment. If an amendment is allowed - the resulting structure would certainly NOT be in keeping with the character of the neighbourhood.

The developer has indicated there will be 35 parking spaces however, no allowance has been made for visitor parking. All non-resident vehicles will need to park on the neighbourhood streets. Street parking in the neighbourhood backing onto Church of Our Lady is VERY limited. Multiple-family dwellings that depend on street parking are peppered throughout the community. Some single family homes do not have their own private driveways. ***The less than required parking for visitors of the proposed development will worsen the current status of insufficient parking.***

In the immediate area of the proposed development, daily school activities (dropping off/picking up children) in hand with a large influx of residents and their attendant daily movements will increase the traffic congestion that already exists in the school zone. Furthermore, the building towers over Central School casting shadows and diminishing the limited available light during the Fall and Winter months.

Mr. Lammer has indicated his desire to include affordable units in his proposal. Guelph does need low-income housing, the benefits of the 'affordable' housing, however are limited. Specifically, Guelph needs housing ***geared to income***, not 'affordable' housing. Any grant Mr. Lammer may acquire from the government will not provide for long-term accommodation of affordable residency nor does it provide value for money for the residents of Guelph. Affordable units will only be available for a period of 20 years. After this time, these units will revert to market value and/or can be sold by the developer/owner. The need for affordable housing for seniors and for those on limited income will likely not vanish in 2038.

Church of our Lady is a national treasure, a City landmark which attracts visitors from within Canada and internationally. So valued is the Basilica that 12 million dollars were poured into its renovation. Furthermore, the Diocese of Hamilton has just announced plans to spend another several million dollars to renovate the rectory. The proposed development will sit in glaring contrast to the tapestry of Catholic Hill. The apartment complex will subordinate the Basilica and overwhelm the physical attributes of the significantly smaller buildings in the vicinity.

Growth is occurring rapidly in Guelph - developers continue to build without putting in green spaces as is required by City Plans. In lieu of the mandatory green space,

developers pay the penalty. This is resulting in the accrual of millions of dollars to the City coffers- money dedicated for the creation of parks within the City. The majority of schools in Guelph have green areas either adjacent or across from the institution. Children attending Central School would have to walk one kilometre to Sunny Acres Park to enjoy greenery.

I strongly urge you to think outside the box for a solution. The developer has gone on record and indicated he would consider a land exchange. The City has a dedicated budget to create green space. The children of Central School desperately require greenery for their well-being. Parkland would maintain the iconic viewscape that is unmistakably the City of Guelph.

I submit to you that identifying another piece of land for Mr. Lammer's proposed building in exchange for 75 N Dublin Street and the creation of Green Space at the site supports Guelph's coveted status of a great place to live and would be in keeping with Mayor Guthrie's sentiments captured in the Guelph-Mercury Tribune on February 20, 2018

"Protecting our character, our culture, our heritage, the way that our city has that neighbourly and welcoming community feel. It is something that we must always protect as we continue to grow."

Thank you for your consideration.

Respectfully submitted,
Pia K. Muchaal

Hello,

As a potential apartment development at 75 Dublin Street will again be appearing on the city's agenda in 2018, I'm writing again to voice support of an alternative plan for that site. A five story building on that site will dramatically and permanently alter the view of Guelph's most recognizable cultural landscape, Catholic Hill. It will overwhelm students at neighbouring Central Public School with nearly year-round shade in playing areas, and add to traffic congestion on Dublin Street, increasing safety hazards for children walking to school.

While it likely makes financial sense for the developer to put an apartment building at such an iconic Guelph location, it is not in the interest of the city or its residents to allow this development to go forward as planned. I would happily support a smaller building -- a maximum of 3 stories -- or, even better, parkland at that site. Parkland, specifically, would be a wonderful compliment to the planned improvements to Catholic Hill in the coming years and a terrific resource for Central students.

Thanks for considering,
Alex Folkl

To Council, City of Guelph,

Re: 75 Dublin Street North - Official Plan Amendment

We know that real estate is about location, location, location, but it appears that the City of Guelph and a local developer have somehow mislaid this wisdom. Rykur Holdings plan for a five-story apartment building just below the tip of the highest hill in downtown Guelph, right beside the landmark Basilica of Our Lady has clearly mislaid this wisdom.

How could this happen? How can a city that - presumably - long ago left behind the small-town planning approach, support whatever development comes our way? No serious planning questions asked — just review the present planning rules and see if we can squeeze this one in – but a little bit smaller – four stories instead of five. Guelph is not desperate for growth, There are more than 30 development applications active in the city. Change is everywhere. So what gives?

First, city planning has been pushed, by provincial mandate, into densification mode. Drop a five-story apartment complex on a former tennis court site, and presto, we have densification. Guelph feels pressured to support whatever densification comes its way. Provincial mandate has compromised our community's vision for our future.

Second, Guelph recently created a Downtown Secondary Plan as a "*focus for intensification and the achievement of a minimum density target of 150 people and jobs combined per hectare by 2031.*" The Plan has merit. In particular, long sightlines from various vantage points around the city to the historic Basilica of Our Lady are protected. You don't get to put up a building that blocks the tourist attraction of this iconic site. But, no consideration was given to the visual impact on its immediate neighbours or to the reaction of the many appreciative Guelphites who cherish the view where they live, work and walk. The tourist factor has overshadowed community care for the core.

Even the tourists will be distracted to what would lie beside the unfettered view of those soaring towers on the church — a boxy building, a jarring smudge above the tree tops, a blight on the elegant symmetry of the skyline.

Third, serious work has started on supporting the Downtown Plan with a Downtown Zoning By-law Update. Here's where things get technical. The city's draft by-law changes the land in question from institutional to a zone that technically allows four-story apartments everywhere in the downtown, including on top of the hill next to the church. Even before the by-law has been finalized, the developer was asking for major concessions — five stories, as well as the easing of other restrictions. The Ryker Holdings proposed development has potential to be a great asset to Guelph. The concept drawings have character. Almost anywhere else on the edge of Guelph's urban growth centre this proposal would be a tasteful addition.

But not here. Not right beside the Basilica of Our Lady. Not at the top of a hill that slopes steeply away in all four directions. Not beside a school, throwing its

playground and peace garden into shade. Not beside a neighbourhood of two-story family homes.

In our view, our city should be doing a special study of the immediate area around the Basilica and giving it a unique status in the city that limits the area to low-rise buildings.

Guelph can do better.

Please note, we own property on both Glasgow and Dublin. Our Dublin property is located kitty corner from the property on which the Basilica of Our Lady of our lady is located.

Shalom, Elbert

Elbert van Donkersgoed P. Ag. (Hon.)

Hello,

My name is Blythe Weber, and I live at 53 Harrison Ave. My son, is is jk at Central, and I'm writing today to voice my concern over the 5 story building that is slated to go up at 75 Dublin. As a parent, I'm very concerned with the construction that will take place in the coming years, as well as what that means for their outdoor education. As you know, the play ground is limited as it is! It would be such a shame to take sunlight and, the view of the church away from our little people. I'm also quite concerned with the increase traffic that will occur in the area. It is a dangerous hill!!!! More traffic, with all of us walking to school, is a disaster waiting to happen. I have to admit, there is not many things that get me speaking out, so the fact that I'm writing today, should be an indication as to how much I'm against this proposal. Please, listen to us taxpayers, dont destroy our beautiful skyline. Do something good for our downtown. I vote greenspace!

Kind regards,
Blythe Weber

I am writing again to voice my strong objection to the development of 75 Dublin St. I am writing for my child who goes to Central Public school, I am writing as a member of the local neighbourhood, and I am writing as a resident of this beautiful City. There are so many reasons (outlined more eloquently by others) as to why this piece of land should only be developed as green space. Children need green space for their mental health, not a looming 5 story building beside their school. The iconic Catholic hill needs to remain unsullied. This is perhaps not an easy decision to make, but doing the right thing isn't always easy. I am challenging all of you to do the right thing, do not allow an apartment to be built at 75 Dubling St.

Sincerely
Catrien Bouwman

Delegation to Guelph City Council in opposition to proposed development at 75 Dublin St. and in support of creating a park.

Dear Council,

I am the parent of 3 kids at Central Public School. Three kids all under 10 is a lot of kids to have at one small but vibrant school. I love Central Public School. I also love that the City of Guelph has committed to a form of open and accessible municipal government that should be flag-bearer for other municipalities in the Ontario and further afield.

There are several ground for opposing this development:

Site specific and context specific

The proposed development is incredibly dense, and is unparalleled for several blocks in every direction (one has to go to Gordon and Waterloo or Gordon and Quebec to get anything like this kind of density). Those sites are appropriate to the kinds of density that are on them, this site has a very different character. You will note that these other dense developments are located on major thoroughfares.

The Upper Grand District School Board is opposed to the development, and their delegate has outlined specific reasons why it is not in the interest of the school in terms of height, setbacks and massing in particular. The background to this is quite amazing – school boards in Ontario do not generally take positions on development matters. That the UGDSB has been motivated to act where in itself be telling.

There are immediate issues around run off and noise during construction. There issues of shade and overlook. This isn't just about construction, this is about long-term impact on not just a small downtown school but the kind of downtown that we want to create here in Guelph.

Why dwarf a school yard?

The school is already a bunker under siege on each side – it's cut off from the city. Most Guelphites don't even know that we have a downtown school. They might be standing 20 yards from the playground and not know. This school is already treated as second class in terms of the design of downtown. Behind the fence in the playground are a set of steps that lead right into downtown on Commercial Street, but these are blocked off.

Furthermore, the school yard is actually dug out - it is not at grade with the development. It is about two floors down – so essentially a 4 or 5 floor development is in effect a 6 or 7 floor development from the perspective for the schoolyard. In a previous delegation I asked Councillors to visit the playground to see what this would look like. I would like to invite you to do so again.

Your vote should be fully informed. Without a site visit your vote cannot be fully informed. Visiting the site will give you a sense of why we are deeply concerned about this development.

Before you vote, I invite you to go stand in the schoolyard at Central and tell citizens of Guelph that this kind of building on this site is a good idea.

Safety

One central issue here is safety. The kids who opened the last round of delegations are part of the school safety patrol – they manage foot traffic across the intersection at the start and the end of the day. They know what they are talking about.

I invite any member of council to spend 15 minutes between 8.35 and 8.50 or from 3.10 to 3.25 on any school day at that intersection. If you haven't already done so, I ask that you do so before you vote. Just cross back and forth: try it, with your years of experience crossing roads, and see how complex it already is. Now think about navigating that as a 9 or 10 year old, or better a 4 or 5 year old.

The City of Guelph is clearly serious about long-term planning. This means working toward creating downtown communities that are safe, sustainable and livable. Urban planning requires a conscientious engagement with affected communities and with the particularities of the immediate spatial context of the site. This is an especially sensitive one because it is located next to the *only* downtown school in the City of Guelph.

A land swap with the development and the development of a park for all citizens, both current voters and future voters, is a clear solution.

Mervyn Horgan, PhD

Donna Tremblay

From: Susan Douglas
Sent: February-23-18 9:56 AM
To: Clerks; Mayors Office; Dan Gibson; Bob Bell; James Gordon; Andy VanHellemond; Phil Allt; June Hofland; Mike Salisbury; Christine Billings; Leanne Piper; Cathy Downer; Mark MacKinnon; Karl Wettstein
Subject: 75 Dublin - GREEN SPACES WANTED
Attachments: PDF Letter Feb 23 2018 Dear Mayor and Members of Council 2.pdf; DOUGLAS - Re 75 Dublin St N_Feb 23 2018.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Dear elected representatives and staff,

I support the idea of a land-exchange for the developer of 75 Dublin. He is on record as being open to this suggestion.

Sincerely,

Dr Susan Douglas

57-59 Cork Street West
Guelph, Ontario,
N1H 2X3

Thursday, February 22, 2018

Dear Mayor and Members of Council,

As a resident living in the immediate vicinity of the proposed development I wish to express my very strong objection to the proposal submitted to the City of Guelph on behalf of developer T. Lammer to undertake Official Plan and Zoning Bylaw amendments for 75 Dublin Street North to allow the development of 5 story, 37 unit apartment complex. This proposal has generated a range of objections from fellow residents related to its location, the proposed height and configuration of the building, the safety of children in the adjacent school, difficulties in access to the building by tenants and its significant negative impacts on local traffic and parking. In addition concern is expressed regarding the circumstances under which the application is proceeding. Whilst I concur wholeheartedly with this broad range of serious public concerns, my written submission focuses on the negative impact of the proposed development on local traffic and parking.

Context

Although much higher density residential development can be appropriate along major roads or high use transit routes in urban areas, this proposal involves a site which is neither. It is located at the intersection of two streets on the boundary of an older single detached residential area (Zoned R.1B) possessing a grid pattern of somewhat narrow streets (average 6.5m) with the adjacent downtown area presently zoned I.1 (Institutional) and which the City plans to zone D.2 Downtown. The developer is requesting a revision to the Draft Downtown Zoning Amendment to create a "specialized "D2-9 zone to permit even greater residential intensification of the site (by approximately 24% in units) together with a 35% reduction in on-site parking to service site residents and visitors. The site is located at the summit of a significant hill which dominates the City and whose approach roads have grades up to 8% (Cork Street). The roads in the residential area are two lane (approximately 6.5m wide), reduced to one lane (4.5m) by the parking allowed on the one side of many of the streets. Significant pressure on on-street parking already exists from workers in and visitors to the downtown area during regular and weekend working hours and residents at evenings and weekends.

Parking –

Issue: The developer calls for a reduction in provision of parking units and an increase in the number of residential units, which will add to the burden already faced by residents on adjacent streets

FACTS

The Draft Downtown Zoning By-Law requires one parking space per dwelling unit plus visitor parking spaces for the building. The proposed revision to the Downtown Zoning By-Law (D.2.9) increases the size

of the building from 4 to 5 floors with a total of 37 dwelling units and allows for only 24 spots for the 37 dwelling units with no provision for visitor parking. The spaces available in front of the building are for school drop-off and pick-up only and limited to a maximum of five minutes between 8:30 am and 4:30 pm with no parking at night. Any visitor parking would have to be on adjacent streets, which are already heavily congested. Many of the adjacent streets do not permit parking during the daytime, and some limit parking between May and October.

POINT: Visitors to the proposed site, delivery trucks, service/ medical personnel and moving trucks would have extremely limited parking available. Existing neighbourhood residents would face increased competition for neighbourhood on-street parking.

Impact on Traffic

Traffic issues within the area of the proposal are not well known -except by its residents. According to the City, the intersection of Norfolk St and Cork St was traffic surveyed in 2015 and the school zone on Dublin St just south of Paisley was surveyed in 2016. However, the City charges \$102 (plus tax) for the results of each survey and hence the results are not readily available to ordinary members of the community. According to the City, no other data is available on traffic movement within the site area. Further, as noted above, many roads in the area are “narrowed” by vehicles parked on-street in accordance with existing parking regulations and these regulations become seasonally more restrictive.

POINT: Any serious consideration of the proposal requires detailed information on the current traffic situation in the area and how the proposal will impact it. The facts presented here indicate that the development would likely have a negative impact on both traffic flows and parking in the neighbourhood but the lack of adequate data precludes any proper evaluation at this time. Any decision should be postponed until such reliable data becomes available.

Nature of the Roads and Sidewalks

All of the roads in the vicinity of the proposed development (Dublin, Cork, Cambridge and Durham) are narrow and extremely steep limiting both traffic and pedestrian movement. Road sections can become treacherously icy in the winter as can the sidewalks. Although a consultant has described the location as “walkable” to downtown, it is clear that vehicles using the neighbourhood and pedestrians - especially elderly or infirm - would face challenges living on the site.

In short, I urge the City to deny the proposed Official Plan Amendment until such time as information is available to properly evaluate its impacts upon the neighbourhood.

Yours Truly

Susan Douglas Ph.D.

RE: City-initiated Official Plan Amendment and Downtown Zoning Bylaw Amendment specific to 75 Dublin Street North (City Files: OP1603 and ZC1612)

February 22, 2018

Dear Mayor and Members of Council,

As a resident living in the immediate vicinity of the proposed development (City Files: OP1603 and ZC1612), I wish to express my very strong objection to the proposal submitted to the City of Guelph on behalf of developer T. Lammer to undertake Official Plan and Zoning Bylaw amendments for 75 Dublin Street North to allow the development of a condominium apartment complex. These proposals have generated a range of objections from fellow residents related to its location, the proposed height and configuration of the building, the safety of children in the adjacent school, difficulties in access to the building by tenants and its significant negative impacts on local traffic and parking, all of which appear to be ignored. In addition, concern is expressed regarding the circumstances under which the application is proceeding. Whilst I concur wholeheartedly with this broad range of serious public concerns, my written submission focuses on the negative impact of the proposed development on adjacent properties and streets.

Issue 1: Impact of the Massing of the Building on Catholic Hill

Although much higher density residential development can be appropriate along major roads or high use transit routes in urban areas, this proposal involves a site that is neither. It is located at the intersection of two streets on the boundary of an older single detached residential area (Zoned R.1B) possessing a grid pattern of somewhat narrow streets (average 6.5m) with the adjacent downtown area presently zoned I.1 (Institutional) and which the City plans to zone D.2 Downtown. The developer originally requested a revision to the Draft Downtown Zoning Amendment to create a “specialized “D2-9 zone to permit even greater residential intensification of the site (by approximately 24% in units) together with a 35% reduction in on-site parking to service site residents and visitors. While he has since offered a minor modification to the proposal, residents in the area are yet to see an accurate architectural rendering of the proposed building and its impact on the viewscape of Guelph will be very considerable.

The site is located at the summit of a significant hill that dominates the City and whose approach roads have grades up to 8% (Cork Street). A study undertaken by the Heritage Guelph Committee on historic architectural landmarks in Guelph presented to City staff on November 14th provided convincing evidence that the panorama of Catholic Hill will be negatively impacted by the proposed development for a period of at least 100 years. Heritage Guelph has passed a unanimous motion recommending that the whole of Catholic Hill be designated a

National Historical Site under Part IV of the Ontario Heritage Act. This target aligns with the City's commitment to: **"Increase the number of cultural heritage resources designated under the Ontario Heritage Act."** Council should note in addition that it has the responsibility, as per the Official Secondary Downtown Plan, to: "Strategically locate and articulate tall buildings to minimize impacts on historic areas and preserve important public views." (November 2016 Consolidation, Objectives, at 1.e.).

The proposed development at 75 Dublin St North has exposed a serious oversight: the need for more restrictive, more sensitive zoning should have been considered on Cork St between Norfolk and Dublin due to its proximity to the ecclesiastical campus of the Church of Our Lady.

There is no doubt that the physical and visual connections to the immediate surroundings and broader downtown area will be negatively impacted if the Official Plan Amendment and Downtown Zoning Bylaw Amendment is passed.

Issue 2: Impact of the Height of the Building to Adjacent Heritage Property

The City's Secondary Downtown Plan (November 2016 Consolidation, 11.1.2.2. Principle 1) states: "Downtown Guelph has many assets, not the least of which is its rich inventory of historic buildings, many constructed of limestone. These buildings, and the streets and open spaces they frame, give Downtown a unique and attractive character. ***Downtown also overlaps with historic neighbourhoods whose qualities should be protected.***" Council should note that properties in the immediate area to the West of the proposed building site, including 57-59 Cork St West, are designated buildings of historical and architectural significance by the City of Guelph. These are homes with heritage attributes or designated heritage buildings and the proposed development will overshadow them and constitute an invasion of privacy and blight on the visual landscape.

Council also has the moral obligation to **"conserve significant heritage structures"** (November 2016 Consolidation, 11.1.2.2. Principle 1.a.). Erected at the top of Cork St W. in 1878, 57-59 Cork St West is a three-storey limestone building originally constructed by mason John Pike. The proposed development will have a negative geological impact that should be addressed. Construction activities are being envisioned upon strata at 75 Dublin St North that could result in considerable structural damage to the adjacent properties.

Issue 3: Impact of Development to Neighbourhood Streets

The developer's proposal will add to the significant burden already faced by residents on adjacent streets. All of the roads in the vicinity of the proposed development (Dublin, Cork,

Cambridge and Durham) are narrow and extremely steep limiting both traffic and pedestrian movement.

Road sections can become treacherously icy in the winter as can the sidewalks. Although a consultant has described the location as “walkable” to downtown, it is very clear that vehicles using the neighbourhood and pedestrians -- especially the elderly or infirm -- would face challenges living on the site. The roads in the residential area are two-lane (approximately 6.5m wide), reduced to one lane (4.5m) by the parking allowed on the one side of many of the streets. Significant pressure on pedestrians caused by vehicular movement and parking remain an issue, as pressure exists from workers in and visitors to the downtown area during regular and weekend working hours and residents at evenings and weekends. In addition, many roads in the area are “narrowed” by vehicles parked on street in accordance with existing parking regulations, and these regulations become more restrictive according to season.

Issue 4: Impact of Subject Property on Parking

The Draft Downtown Zoning ByLaw requires one parking space per dwelling unit plus visitor parking spaces for the building. The developer’s original plan to revise the Downtown Zoning ByLaw (D.2.9) increased the size of the building from 4 to 5 floors with a total of 37 dwelling units and allowed for only 24 spots for the 37 dwelling units with no provision for visitor parking. The spaces available in front of the building are for school drop-off and pick-up only and limited to a maximum of five minutes between 8:30 am and 4:30 pm with no parking at night. Any visitor parking would have to be on adjacent streets, which are already heavily congested. Many of the adjacent streets do not permit any parking during daytime hours, and some limit parking between May and October. The developer’s revised parking plan allows for one space per market unit, and 0.85 spaces per affordable unit with the addition of two visitor parking spaces provided in the underground parking garage.

This means that visitors to the proposed site, delivery trucks, service/ medical personnel and moving trucks would have extremely limited parking available. Existing neighbourhood residents would face increased competition for neighbourhood on-street parking.

Issue 5: Impact of Increased Traffic on the Neighbourhood

In the City’s Secondary Downtown Plan it states as a key objective for urban renewal: “Minimize and mitigate traffic impacts on existing residential neighbourhoods within and surrounding Downtown”. (November 2016 Consolidation, 11.1.2.2. Principle 6.g.)

Traffic issues within the area of the proposal are not well known -- except by its residents. According to the City, the intersection of Norfolk St and Cork St was traffic surveyed in 2015

and the school zone on Dublin St just south of Paisley was surveyed in 2016. However, the City charges \$102 (plus tax) for the results of each survey and hence the results are not readily available to ordinary members of the community. According to the City, no other data is available on traffic movement within the site area. Further, as noted above, many roads in the area are “narrowed” by vehicles parked on street in accordance with existing parking regulations and these regulations become seasonally more restrictive.

Any serious consideration of the proposal requires detailed information on the current traffic situation in the area and how the proposal will impact it. The facts presented here indicate that the development would likely have a negative impact on both traffic flows and parking in the neighbourhood but the lack of adequate data precludes any proper evaluation at this time. Any decision should be postponed until such reliable data becomes available.

In short, I urge the City to deny the proposed Official Plan Amendment and Reject the 5-storey development as proposed by Rykur holdings. Defer the decision on 75 Dublin St. N and place it back in the overall Downtown Secondary Plan Zoning Amendment process coming before Council in the Spring of 2017.

Yours truly

Susan Douglas Ph.D.

From: Catherine Killen
Sent: February-23-18 9:59 AM
To: Clerks; Mayors Office; Dan Gibson; Bob Bell; James Gordon; Andy VanHellemond; Phil Allt; June Hofland; Mike Salisbury; Christine Billings; Leanne Piper; Cathy Downer; Mark MacKinnon; Karl Wettstein
Subject: 75 Dublin St. North
Attachments: 75-Dublin-Street-North-Official-Plan-Amendment-Update-Feb-2018.pdf
Follow Up Flag: Follow up
Flag Status: Flagged

Dear Mayor Guthrie and Members of Council:

I am a Central School parent. Last night the representatives from the School Board updated parents on the [75 Dublin St. N.](#) file at our school council meeting. A summary of key points from that meeting has been posted on the Central School website at this link:

<https://www.ugdsb.ca/central/wp-content/uploads/sites/30/2018/02/75-Dublin-Street-North-Official-Plan-Amendment-Update-Feb-2018.pdf>

Clerks, could you please include this three-page document in the agenda for Tuesday's meeting? I believe the Board's statement contains some critical information about Central School's viability and the inability of the School Board to have purchased the [75 Dublin St. N. site](#) when it was offered to them by the Diocese of Hamilton.

Sincerely,
Catherine Killen

--

75 Dublin Street North Official Plan Amendment

- What:** On November 8, 2017 the City of Guelph issued a Notice of Complete Application for a proposed Official Plan Amendment for the 75 Dublin Street North property.
- Why:** Application has been filed by Rykur Holdings Inc. to amend the Official Plan to permit the development of a 5 storey apartment building, where 4 storeys is the maximum height permitted.
- When:** The City will hold a statutory public meeting on Tuesday, February 27, 2018 starting at 6:00pm
- Where:** Council Chambers at City Hall, 1 Carden Street

Where to find information

Information on the application is available online at <https://guelph.ca/2016/09/7dublinstreetnorth/> or <https://guelph.ca/city-hall/mayor-and-council/city-council/agendas-and-minutes/> for the staff report and public meeting agenda.

Delegations must register no later than Friday, February 23, 2018 at 10:00am and any written material to be provided to Council in advance of the meeting must be received by Clerks by this deadline:

- By Phone at 519-837-5603 or TTY 519-826-9771
- By Email at clerks@guelph.ca
- By Fax at 519-763-1269
- In person at the ServiceGuelph Counter at City Hall, 1 Carden Street, Guelph
- By regular mail or courier to Guelph City Clerk, 1 Carden Street, Guelph ON N1H 3A1

Additional information including copies of the staff report and related background information will be available for review by visiting 1 Carden Street, 3rd Floor or contacting Katie Nasswetter at (519) 837-5616, ext. 2356 or by email at katie.nasswetter@guelph.ca during regular office hours.

Copies of the Staff report will be available on February 16, 2018 and may be picked up at Infrastructure, Development and Enterprise (1 Carden Street, 3rd Floor) on, or after this date.

What is the Board Doing?

The Board is continuing to review the materials submitted with this new application. The Board is registered to appear as a delegation at the public meeting

Next Steps

City Staff will prepare a recommendation report, to be considered by Council at a later meeting. This date has not yet been determined.

Application History

In the fall of 2016 the City initiated applications to amend the Zoning By-law and Official Plan for 75 Dublin Street North to facilitate the construction of a residential apartment building which Rykur Holdings Inc. was advancing as an affordable housing project. Rykur had received a funding grant from the County of Wellington to construct affordable housing, however, the land was not zoned for this purpose and Rykur wanted several changes to permit the project; including increasing the height, reducing setbacks, reducing the amount of parking to be provided.

Throughout the fall of 2016 the Upper Grand District School Board, with the assistance of our planner and lawyer, advocated against the proposal as being too tall, too dense for the site, and incompatible – as it was proposed – with Central PS. Concerns around shadowing, oversight, traffic, etc. were raised with staff and Council.

In November 2016, Council approved the rezoning of the property to permit the development, but did not make a decision on the Official Plan Amendment which was necessary to achieve the 5 storeys requested by Rykur.

In December 2016, the Board, Guelph Old City Residents' Association and Rykur all appealed the City's decisions to the Ontario Municipal Board.

The City has challenged Rykur's ability to appeal the refusal of the City Initiated Official Plan Amendment. This point, amongst other procedural matters were raised in August 2017 at the first OMB pre-hearing and argued before the OMB in November 2017. A decision has not been issued by the OMB with respect to these matters.

Rykur has now filed its own Official Plan Amendment, since it wasn't the applicant the first time. This application is what is before the City now.

Frequently Asked Questions

Viability of Central Public School

It has come to our attention that there are rumours that Central PS is not a viable school. In November 2016 the Board submitted to the City that:

Central Public School is one of the oldest school sites in the City of Guelph and a public school has operated on the same site for approximately 140 years. The current school building was constructed in 1968 to replace the original structure. Central PS is the only operating school remaining in Guelph's downtown. It is the Board's view that Central PS will be on Dublin Street North for many generations to come.

The Board's Long Term Accommodation Plan Background Study identifies that enrolment at Central PS is projected to increase over the next 10 years reaching 89% utilization by 2027. There are no conclusions drawn from this Background Study, but the school well positioned to continue to serve the residents of the core of Guelph.

School Boards' Ability to Purchase Land

In order to build or put additions on schools the Board must apply to the Province for funding on a case by case basis. Boards which have more enrolment growth than decline are eligible to collect Education Development Charges which may be used where land is required to purchase new schools sites or expand school sites to meet growth-related needs.

There has not been a growth-related need to expand the Central PS school building or site. Only a growth-related need would have allowed the Board to spend Education Development Charge funds to have purchased the 75 Dublin Street North property.

The Board has maintained its position that the proposed development represents an overbuilding of the site with unacceptable massing and overlook, inadequate setbacks and unacceptable shadow impacts. It is the Board's position that the Official Plan permits low rise buildings having a minimum of 2 to a maximum of 4 stories in height and that any proposal needs to demonstrate compatibility with surrounding uses – the current proposal is not compatible in our opinion.

Donna Tremblay

From: Catherine Killen
Sent: February-23-18 10:04 AM
To: Clerks; June Hofland; Phil Allt
Subject: 75 Dublin St. North
Attachments: 75 Dublin.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Please accept my comments on the proposed amendment to the Official Plan to allow 5 storeys at 75 Dublin St.
N

Clerks, Please include in the meeting material for February 27th.

Thank you!

Catherine Killen

--

February 23, 2018

Re: Application to amend the Official Plan to allow 5 storeys at 75 Dublin St. N.

To the Council and Staff of the City of Guelph,

I oppose allowing a 5 storey building at this location.

Green Space would be Ideal Solution!

I support a creative solution that would see this property converted to a neighbourhood park. Both the developer and the City are on the record as being open to discussing a land swap / considering parkland at 75 Dublin St. N. I support the City engaging in discussions to make this happen. I believe this would represent the best long term solution for the neighbourhood for the following reasons:

1. Green Space would compliment the neighbourhood.
2. Green Space is appropriate for the awkward and busy traffic intersection at the corner of Dublin and Cork. It would not add intensity and danger.
3. A park would add economic value for the city by providing welcome and comfort for tourists visiting the Basilica.
4. A park would preserve the view from the property for residents and visitors to enjoy.
5. A park would provide a much needed expansion of outdoor activity space for Central School students. Currently, the school yard is very small and students regularly walk 1 km to Sunny Acres for physical education.
6. Most schools in Guelph are already adjacent to a park. Adding a park at this location would give Central students what most other students already have.

Downtown Guelph is expected to welcome 8,500 residents. However, with added intensification, there is a need to add more green space.

Planning documents show that additional green space is planned along the river which I fully support. However, I could not find data to verify that the planned green space will meet resident to park ratios. The City has an obligation to provide Green Space.

If not Green Space, a smaller building!

Any building at 75 Dublin Street needs to be compatible with the neighbourhood.

The City has made clear that development must be compatible with existing neighbourhoods. Further, the city and Mayor have emphasized that we need to protect our historical sites, and locations of cultural value.

The well established, historical neighbourhood is characterized by single family, 2 storey homes, with wide lawns and comfortable set backs. NO buildings in the area are oversized for the lot.

The drawings of the proposed building included in the meeting agenda for the February 27th public meeting, are not compatible with the neighbourhood. The building is clearly too large. The massing is materially larger than anything else in the neighbourhood.

I fully support intensification in the downtown. I would much rather see intensification in urban areas than building on precious farmland. Urban sprawl must be stopped and the Greenbelt must be expanded.

I support the building heights City of Guelph has identified recently in the Downtown Secondary Plan and the Downtown Zoning Bylaw. I understand that 75 Dublin St. was treated separately from these documents, however, I believe that allowing a 5 storey building is inappropriate for this site for the following reasons:

1. the adjacent school is one storey at street level
2. the neighbouring buildings are two or two and a half single family homes

75 Dublin St. is adjacent to the most recognizable vista in Guelph. It has significant historical, cultural and economic value for the City and must be protected. The preservation of this vista must be considered both in the daytime and at night when the lights from the proposed building are competing with the nighttime lighting of the Basilica.

In addition, significant investment has been made on Catholic Hill. The civic museum is beautiful. The Basilica has been extensively renovated and restored. Now, the rectory will be renovated, restored and preserved. The question is what will happen to St. Agnes. It seems probable that this building will also be restored. Therefore, the issue of what is appropriate at 75 Dublin becomes even more significant.

I fully support affordable housing, or reduced rent housing. If a reasonably sized building were to go on this property, I would celebrate if it included affordable housing.

Catherine Killen

From: Guelph Old City Residents' Association <oldcityrc@gmail.com>
Sent: February-23-18 9:31 AM
To: Clerks; Mayors Office; Dan Gibson; Bob Bell; James Gordon; Andy VanHellemond; Phil Allt; June Hofland; Mike Salisbury; Christine Billings; Leanne Piper; Cathy Downer; Mark MacKinnon; Karl Wettstein
Subject: GOCRA submission on the 75 Dublin St. N. application

Dear Mayor Guthrie and Members of Council:

"Protecting our character, our culture, our heritage, the way that our city has that neighbourly and welcoming community feel. It is something that we must always protect as we continue to grow."

Mayor Cam Guthrie, Guelph Mercury-Tribune February 20th, 2018

During the lead-up to the City Hall decision on 75 Dublin St. N. in November of 2016, the developer's planner, Astrid Clos, wrote the following in a letter to City Council:

Land Exchange

We have requested that the City confirm whether there are any municipally owned lands which would accommodate a building permit by April 2017 for this proposal and whether the City would entertain a land exchange.

<http://guelph.ca/wp-content/uploads/012016-10-24-Cover-Letter.pdf>

This was covered in an article on the "Guelph Today" website:

Developer would consider land swap with the City for proposed apartment site:

<https://www.guelphtoday.com/local-news/developer-would-consider-land-swap-with-city-for-proposed-apartment-site-448024>

The City responded to the developer's inquiry on p. 12 of the staff report:

Potential Land Swap/Greenspace/Park

City staff has reviewed and filtered through all City-owned assets. While there are City-owned properties that are zoned residential and are comparable in size to 75 Dublin Street North, none of them would accommodate a building permit by April 2017 for a 5-storey apartment building. Therefore, at this time the City is not able to entertain a land swap that meets the property owner's criteria

http://guelph.ca/wp-content/uploads/council_agenda_112816.pdf#page=211

The April 2017 deadline was tied to the affordable housing grant for which Rykur Holdings was eligible. Now that the grant is no longer in play, we would like the City and the developer to re-visit the possibility of creative solutions which would result in a win for all parties, as well as avoid a costly hearing at the OMB.

Potential solutions could include:

- A land swap for a more suitable site which would meet the developer's objectives of a 5-storey structure to include affordable housing;
- Purchase of the 75 Dublin St. N. site for park use using monies from the City of Guelph parkland dedication fund (an internal loan from the City-wide fund is an option);
- A land credit or land banking for the developer to be used in connection with other developments in the City;
- Or other reasonable benefits for the developer to be negotiated with the City.

Concerns have been raised about mild contamination on the site in fill used for the tennis courts. Remediation of this contamination would need to be part of negotiations prior to conveyance of the property as parkland to the City.

Central parents and the surrounding neighbourhood are simply looking for something which two-thirds of public school students already enjoy. Twenty-three out of thirty-three public schools already have a City park directly adjacent to their property. (Please see the list at the end of this document). Some schools, like Victory Public School, which are not listed as having an adjacent park have a City park in direct proximity – in the case of Victory – Exhibition Park is across the street.

In fact, in section 7.3.2.4. ii), it is City of Guelph Official Plan policy to site neighbourhood parks adjacent to schools:

4. The following criteria will be considered in the provision of Neighbourhood Parks:

i) that the site is located within a five to ten minute walk from the residential area served (service radius of about 500 metres) and is unobstructed by major barriers;

ii) that the site, where feasible and desirable, is located adjacent to school sites;

We are also looking to preserve our most iconic viewscape - Guelph's "brand". We learned yesterday that the Diocese of Hamilton will be investing \$3.5 - \$6 million in renovating and repairing another building on our most prominent cultural heritage landscape.

<https://www.guelphtoday.com/local-news/diocese-moving-ahead-with-multi-million-dollar-renovation-to-basilica-of-our-lady-rectory-845626>

GOCRA research to date has uncovered the following information:

- 1) The City of Guelph does indeed have Parkland Dedication funds. This money accrues when developers give money instead of parkland as part of a development application. It can only be spent to acquire new parks or to improve infrastructure in existing parks, not for operating costs. At the end of 2016, there was \$3,068,890 in the City-wide parkland reserve fund and \$540,546 in the Downtown Parkland Reserve Fund. These funds will only grow as infill continues to intensify.

<http://guelph.ca/wp-content/uploads/Parkland-Dedication-Reserve-Fund-Statement.pdf>

In 2016, close to \$1 million flowed into the Parkland Dedication fund. Figures for 2017 are not yet posted on the City website, however, given recent intensification in the City, they are likely substantial.

2) The City of Guelph's Official Plan has targets for ratios for the amount of green space in relation to population. As the downtown becomes more densely populated, we will also need to add more green space.

The target ratio of parkland per 1000 residents is already lower in the downtown than in other areas of the City. Current figures which include the Tricar developments and the Metalworks are not yet available.

The objective of the plan is to provide one Hectare of public parkland per 1000 residents of the downtown which is lower than the City-wide target and reflective of a more urban, downtown standard. Based on a proposed minimum residential population of 8,500 residents this means achieving a total of 8.5 ha within the Downtown Secondary Plan Area.

Other ratios under the Official Plan are as follows:

Neighbourhood open space

It is the policy of the City to maintain a minimum city-wide average rate of neighbourhood parks provision of 1.5 hectares (3.7 acres)/1000 population.

City wide open space

It is the policy of the City to maintain a minimum city-wide average rate of citywide parks provision of 1.8 hectares (4.45 acres)/1000 population.

Regional open space

The City will encourage the provision of regional open space facilities at the rate of 5.5 hectares (13.6 acres)/1000 population.

3) Other municipalities use creative strategies to increase parkland such as land swaps, land banks and purchase of available lands.

4) The City of Toronto presents a cautionary tale. Intensification has far outstripped provision of accompanying parkland, resulting in impacts on livability in downtown neighbourhoods. The example of Toronto shows that cash-in-lieu for parkland can accrue rapidly, beyond the ability of a city to spend it. Toronto currently has around \$250 million dollars in its parkland dedication fund, 50% of which was collected in just a two-year period:

<http://spacing.ca/toronto/2015/04/13/parks-in-crisis-part-1-all-built-up-and-no-place-to-go/>

https://www.thestar.com/news/city_hall/2016/07/23/finding-green-space-amid-unprecedented-development-challenges-council.html

5) City staff outlined the steps involved in conducting a land swap in correspondence with our group:

With respect to your question about all of the steps involved in a possible land exchange, Legal and Realty Services has provided the following:

If the City were to engage in a land exchange process, here are the steps:

- 1) *Identification of a comparable land to be exchanged*
- 2) *Following the steps as set out in the Policy for the Sale and Disposition of Real Property Interests, which can be found here: <http://guelph.ca/wp-content/uploads/SaleDispositionRealPropertyInterests.pdf>. The sale and disposition process may involve reporting in-camera to City Council, preparation of appraisal of the property, securing easements if needed, providing a notice to the public, drafting and execution of an agreement of purchase and sale, and preparation of a by-law to approve the sale or disposition transaction*
- 3) *Completion of the transaction: title search, off-title search, obtaining a title insurance, registration of ownership with the land registry office, preparation of a reporting letter, etc., this is typically done by the lawyers on the both sides*

6) Now that the pressure of a grant deadline no longer exists, a number of solutions can be considered. A potential land swap does not need to only focus on land which is currently zoned residential.

For example, once the Wilson St. parkade is completed, a potential candidate site for a land swap could be a severed and re-zoned portion of the City parking lot at 34 Macdonell St., fronting onto either Cork St. or Macdonell.

Sincerely,

Guelph Old City Residents' Association

List of Upper Grand Schools in Guelph which are adjacent to City Parks.

School	Adjacent to City Owned Park	Park Name
1 Arbour Vista PS (École)	Y	Jubilee Park
2 Brant Ave PS	Y	Brant Avenue Park
3 Centennial CVI	Y	Centennial Park
4 Central PS	N	
5 College Heights SS	Y	Centennial Park
6 Ed Johnson PS	N	
7 Fred A. Hamilton PS	Y	Hanlon Creek Park (open space abutting school sit
8 Gateway Dr PS	Y	Springdale Park
9 Guelph CVI	N	
10 Guelph Lake PS (École)	N	
11 Jean Little PS	Y	Rickson Park
12 JF Ross CVI	Y	Green Meadows Park
13 John Galt PS	N	
14 John McCrae PS	Y	Silvercreek Park (river corridor open space)
15 June Ave PS	N	
16 Ken Danby PS	Y	O'Connor Lane Park
17 King George PS (École)	N	
18 Kortright Hills PS	Y	Mollison Park
19 Mitchell Woods PS	Y	Earl Brimblecombe Park
20 Ottawa Cres PS	N	
21 Paisley Rd PS	Y	Goldie Park
22 Priory Park PS	Y	WE Hamilton Park

23	Rickson Ridge PS	Y	Hartsland Park
24	Sir Isaac Brock PS	Y	Howden Crescent Park
25	Taylor Evans PS	Y	Stephanie Drive Park
26	Tytler PS (closed)	N	
27	Victory PS	N	
28	Waverley Dr PS	Y	Waverley Park
29	Wellington Centre for Cont. Ed.	Y	Pine Ridge Park
30	Westminster Woods PS	Y	Orin Reid Park
31	Westwood PS	Y	Marksan Park
32	William C. Winegard PS	Y	Lee Street Park
33	Willow Rd PS	Y	City owned laneway and Norm Jary Park/Willowdal of school site
Schools with Park Adjacent		23	
Schools without Park Adjacent		10	

From: Guelph Old City Residents' Association <oldcityrc@gmail.com>
Sent: February-23-18 9:51 AM
To: Clerks; Mayors Office; Dan Gibson; Bob Bell; James Gordon; Andy VanHellemond; Phil Allt; June Hofland; Mike Salisbury; Christine Billings; Leanne Piper; Cathy Downer; Mark MacKinnon; Karl Wettstein
Subject: Views of Catholic Hill: Dr. Gil Stelter

Dear Mayor Guthrie and Members of Council:

The following statement was prepared for the Guelph Old City Residents' Association in 2016 by our eminent local historian, Dr. Gil Stelter:

75 Dublin Street

Comments on the planning staff's report of 75 Dublin Street

1. The current staff report is legalistic and technical, ignoring the larger issues of a major heritage site like Catholic Hill. The main issue before our community is that of the views, which earlier planning department staff, led by Norm Harrison understood when they worked on the municipal by-laws for five views. As I remember the discussions with Harrison, the intention clearly was to protect ALL the views. No one at that time expected that someone would try to put a huge building next to the ecclesiastical campus.
2. The size of the proposed building would greatly impact the important view coming from the west along Highway 24. It would totally block the view from North Dublin Street and Upper Cambridge Street, and, of course, from Central School. The important views from Cork Street as one comes up from Wyndham and Norfolk streets would now include a competing and distracting building if the project was allowed to proceed.
3. The main question faced by Guelphites and their City Council is: do the views of Catholic Hill matter? The views today from various angles represent Guelph's chief branding as a community with real pride in its heritage. Anything that detracts from it weakens Guelph's most important identifying symbol. Symbols are difficult things to define, but they are nevertheless real, and significant to the larger community. In this case, the symbolism of a dramatic skyline was a conscious objective of our city's founder, John Galt. In his writings he argued that a community's skyline was a good indication of what that community was like, and what it valued. He regarded what became Catholic Hill as a community project.
4. The symbolic significance of Catholic Hill for this city's self-image and for its promotion of itself to others should not be underestimated. I remember when working on the Smart Guelph project several years ago and we had surveys of why people moved to Guelph. I was surprised by how many said that they decided to locate here because the city took its heritage seriously while many other cities did not. Catholic Hill is the central element in that image.

Gil Stelter
November 20, 2016

From: Guelph Old City Residents' Association <oldcityrc@gmail.com>
Sent: February-23-18 9:59 AM
To: Clerks
Subject: Lawyer letter from GOCRA
Attachments: 161125 let FLETT-GUELPH re 75 Dublin Street.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Clerks:

We are re-submitting the correspondence from our lawyer which was sent in connection to the original City-initiated Official Plan Amendment and zoning change for 75 Dublin St. N. Our intent is to place our original concerns on the record for this new application.

Guelph Old City Residents' Association



IAN FLETT, J.D.
Telephone: +1 (416) 703-5400
Direct: +1 (416) 703-7034
Fax: +1 (416) 703-9111
Email: iflett@gillespielaw.ca

November 25, 2016

Delivered by email

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

Dear Mayor Guthrie and Councillors:

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

We represent an ad hoc group of Guelph citizens associated under the name of the Old City Residents' Committee ("OCRC"). The OCRC has followed closely the attempts to expedite an application for a site specific rezoning and official plan amendment at 75 Dublin Street. We have recommended, and our clients have instructed us to seek a deferral of the City Council's decision in respect of this matter to a later date.

75 Dublin Street is a particularly sensitive site and it deserves careful and thoughtful planning. The expedited process in this case risks destabilizing several important elements of the surrounding area. Those include the following:

1. 75 Dublin Street is adjacent to Central Public School, Guelph's only downtown elementary school. The development presents several compatibility issues with Central Public School. Many of OCRC's members are parents of students at Central Public School. They are concerned that the development does not make sufficient provision for safe traffic movements. The developer requests the movement of a cross-walk and extension of a to-be-shared lay-by with insufficient study. We understand the Upper Grand District School Board has expressed similar concerns to those shared by the parent members of OCRC.
2. There is significant concern over the shadow impacts of tall development with limited setbacks on the play area at the school. As most councillors are aware, shadows are progressively cast more broadly during the fall, winter and spring than during the summer. Therefore, the greatest shadow impacts will be concurrent with the school year. Unlike many development proposals that may be justified because of minimal shadow impacts during the summer, this application presents its worst impacts at the worst time for those most impacted.

3. Catholic Hill is an important heritage resource to the City of Guelph. A comprehensive and co-ordinated approach to zoning in its vicinity is required to make the most of this resource. Guelph has undertaken this approach within the context of its downtown zoning review. While the first draft of the zoning by-law for the area provides for 2-4 storeys, that does not necessarily mean 4 storeys is the acceptable height for a building at 75 Dublin Street North. Development on Catholic Hill should take impacts on the cultural heritage landscape into account.

We submit that the zoning by-law review should be completed before Guelph considers any site-specific applications. OCRC would support a reduced density of 2 storeys at 75 Dublin Street. Such a height would likely eliminate shadow impacts, reduce anticipated traffic concerns and bring development at that site more in line with its surrounding residential and institutional context. OCRC would also support a land swap that would make a park at the site a possibility and give the developer an opportunity to consider a potentially more appropriate site for residential intensification.

Yours very truly,

ERIC K. GILLESPIE
PROFESSIONAL CORPORATION

Per:



Ian Flett

From: Lorna Groves <groves@phmlaw.com>
Sent: February-23-18 10:25 AM
To: Clerks
Subject: FW: 75 Dublin Street North
Attachments: Letter to Council dated Feb 23, 2018.PDF

Follow Up Flag: Follow up
Flag Status: Flagged

Good morning,

Attached please find a copy of correspondence from Alan M. Heisey, Q.C. to His Worship Mayor Cam Guthrie and Members of Council dated February 23, 2018.

Thank you,

Lorna Groves

Legal Assistant to Alan M. Heisey Q.C.

Papazian | Heisey | Myers
Barristers & Solicitors
Standard Life Centre, Suite 510, 121 King St. W., P.O. Box 105, Toronto, ON M5H 3T9

Tel: 416 601 2002 | F: 416 601 1818 | groves@phmlaw.com | [Website](#)

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February 23, 2018

File No. 97120

VIA EMAIL - mayor@guelph.ca

**His Worship Mayor Cam Guthrie
and Members of Council
City of Guelph
Guelph City Hall
1 Carden Street
Guelph, ON N1H 3A1**

Your Worship and Members of Council:

**Re: 75 Dublin Street North
Re: Official Plan Amendment Application OP1706
Re: City of Guelph Council Meeting February 27, 2018**

Please be advised that we have been retained by the Upper Grand District School Board with respect to the above referenced development proposal and proposed planning instrument.

Our client owns and operates the Central Public School, located at 97 Dublin Street North immediately to the north of the above referenced property. Central Public School is one of the oldest school sites in the City of Guelph and a public school has operated on the same site for over 140 years. The current school building was constructed in 1968 to replace the original structure.

Central PS is the only operating school remaining in Guelph's downtown. The school currently has an enrolment of 218 students and utilization rate of 80%, the school will remain well utilized as enrolment is projected to increase over the next 10 years. The school is well positioned to continue to serve the residents of the core of Guelph.

An almost identical 5 storey residential development advanced by a City initiated Official Plan Amendment (OP1603) was considered by City Council previously at its meeting on November 30, 2016 **and refused**.

The Upper Grand District School Board's position remains unchanged and is reflected in the author's letter to City Council of November 24, 2016 and the letter from Bob Dragicevic, a well-regarded land use planner dated November 7, 2016, both attached, which outline in detail the School Board's objections.

The Upper Grand District School Board's mission and vision includes fostering achievement and well-being and creating positive and inclusive learning environments. The Board remains concerned with the access of its students to natural sunlight on school playgrounds throughout the school year and the safety and privacy of the Central PS school community. It is this lens which continues to inform the Board's position with respect to the proposal for the development of 75 Dublin Street North.

The Upper Grand District School Board is perplexed as to why Rykur has made Official Plan Amendment application OP1706. The Applicant, Rykur Holdings Inc. is also an appellant to the OMB from the refusal of City initiated Official Plan Amendment file OP1603 by City Council on November 30, 2016. In its appeal to the OMB of OP1603, Rykur takes the position *inter alia* that OP1603 was a joint Official Plan Amendment Application initiated by Rykur and the City and therefore Council's refusal of OP1603 is appealable to the OMB.

The City of Guelph brought a motion to the OMB, copy attached, on August 4, 2017 returnable November 17, 2017 to strike out Rykur's appeal from Council's refusal of OP1603 as being a City initiated Official Plan Amendment that is not appealable.

Member Jackson of the OMB heard the City's motion on November 17, 2017 and reserved her decision. It is submitted that it is premature to process Official Plan Amendment Application OP1706 until such time as the Board issues its decision in response the City's motion seeking to dismiss the Rykur OMB appeal of Council's refusal of OP1603.

If Rykur succeeds in opposing the City's motion before the OMB, Official Plan Amendment Application OP1706 may be redundant and unnecessary. To force the School Board and the Central Public School community through a second process before the outcome of the City's motion is unknown is both unfair and onerous.

The Upper Grand District School Board requests that the City of Guelph hold this application in abeyance pending the outcome of the City motion of November 17, 2017 and not schedule a public or decision meeting in respect of OP1706 at this time.

Please acknowledge receipt of this letter in writing.

Please provide the author with notice of adoption of any official plan amendment pursuant to application OP1706 and any future meetings to consider this application.

Yours very truly,



A. Milliken Heisey, Q.C.

AMH/lg

Attachment

cc: Martha Rogers, Director of Education, Upper Grand District School Board
Linda Busuttil, Chair, Upper Grand District School Board
Susan Moziar, Trustee, Upper Grand District School Board
Glen Regier, Superintendent of Finance, Upper Grand District School Board
Jennifer Passy, Manager of Planning, Upper Grand District School Board
Clerk of the City of Guelph (clerk@guelph.ca)
Councillor Phil Allt Ward 3
Councillor June Hofland Ward 3

November 24, 2016

Via email: mayor@guelph.ca

His Worship Mayor Cam Guthrie
and Members of Council
City of Guelph
Guelph City Hall
1 Carden Street
Guelph, Ontario
N1H 3A1

Your Worship and Members of Council

Re: 75 Dublin Street North
Re: Downtown Zoning Bylaw Amendment and Applications OP1603 and ZC1612
Re: City of Guelph Council Meeting November 28, 2016

Please be advised that we have been retained by the Upper Grand District School Board with respect to the above referenced development proposal and proposed planning instruments.

Our client owns and operates the Central Public School, located at 97 Dublin Street North immediately to the north of the above referenced property. Central Public School is one of the oldest school sites in the City of Guelph and a public school has operated on the same site for approximately 140 years. The current school building was constructed in 1968 to replace the original structure. Central PS is the only operating school remaining in Guelph's downtown. It is the Board's view that Central PS will be on Dublin Street North for many generations to come.

The Upper Grand District School Board's mission and vision includes fostering achievement and well-being and creating positive and inclusive learning environments. The Board is concerned with the access of its students to natural sunlight on school playgrounds throughout the school year and the safety and privacy of the Central PS school community. It is this lens which informs the Board's position with respect to the proposal for the development of 75 Dublin Street North.

Our client is of the opinion that both the proposed 5 storey development and the four storey alternative recommended by City Staff constitute an overbuilding of the site, with unacceptable massing and overlook, inadequate setbacks and landscaping and unacceptable shadow impacts.

Bob Dragicevic a well-regarded land use planner with significant experience advising school boards was retained to provide his comments concerning this development proposal. A copy

Standard Life Centre, Suite 510, 121 King St. W., P.O. Box 105, Toronto, ON M5H 3T9

T: 416 601 1800
F: 416 601 1818

of Mr. Dragicevic's comments was forwarded to City Planning Staff November 8 and is attached for Council's information.

Notwithstanding the changes to the development proposal by the owner of 75 Dublin Street North and staff's recommendations as described in Report Number 16-85 "Decision Report, City-initiated Official Plan Amendment (OP1603), Proposed revision to the Downtown Zoning By-law Amendment (ZC1612) as it pertains to 75 Dublin Street North" our client still has serious concerns with the development proposed for this site and cannot support the City-initiated amendments.

The location of the main entrance of the proposed building on Dublin and its close proximity to the Dublin Street parking layby will create conflicts between apartment and school users, and raises safety concerns that the Board does not feel have been adequately addressed. The two guest parking spaces located in or adjacent the underground parking garage, which has its driveway off of Cork Street, are questionably functional, inconveniently located to the main entrance, and will not be an attractive parking option for guests of this building.

Amendments to the Proposed Downtown Zoning Bylaw or a Site Specific Bylaw Amendment

The Board agrees with City staff that site specific zoning is required to address this property's unique characteristics and its relationship to adjacent land uses.

City staff places considerable reliance on the "as of right" Institutional zoning for this property in assessing the development proposal and making recommendations for amendments to the proposed Downtown Zoning Bylaw.

We are perplexed how an "as of right condition" analysis has applicability when there is before Council proposed changes in use, maximum height limit in the Official Plan and in the site regulations.

It is our position that the current Institutional zoning is not in conformity with the recently adopted Downtown Secondary Plan and that although the performance standards for the Institutional zoning might assist in informing a land use planning analysis for this site, site specific zoning must be informed first by, and be in conformity with, the approved official plan.

The Official Plan for this site designates the property as Mixed Use 2 area, which permits low-rise buildings a minimum of 2 to a maximum 4 stories in height that are residential in character. Individual circumstances of each application need to be addressed to determine the appropriate height of a building in order to demonstrate compatibility as set out in the City's Official Plan.

The Official Plan designation for this property does not guarantee a 4 storey building within this property's land use designation.

Even under the shadow generated by City Staff's 4 storey proposal, with the recommended setbacks and stepbacks, the Central PS main playground will be mostly in shadow during the morning hours in the late fall/winter and there will be a significant increase in shadow cast on the Full Day Kindergarten play yard at the front of the school during those months as well.

The shadows cast on the Central PS playgrounds by City Staff's 4 storey proposal will be considerably greater than that generated by a 2 storey building on the site and it is our opinion that the proponent or Staff should be required to demonstrate, through additional shadow analysis, the impact of that alternative in order to provide Council the complete picture, before it makes final decisions as to site specific zoning amendments for this property.

The need to examine the lower height range as permitted by the Official Plan is also suggested by the significant grade difference between the school playground and the property which increases the impact of the height of any building on this site. Effectively a 2 storey building on this property, as viewed from the School playground or from the south on Cork Street will be experienced as a nearly 4 - 5 storey building. A 4 storey building will be experienced as a 6 - 7 storey building from the same vantage points. Contrary to the Official Plan, the 4 storey proposal does not respond appropriately to the conditions of the site and surroundings.

We would request that site specific zoning by-law amendments adopted by Council for this property to the proposed Downtown Zoning Bylaw should include the following matters:

1. An absolute height limit for this property, including mechanical penthouses and telecommunication facilities and antennae, based on geodetic elevation datum, needs to be enshrined.
2. A maximum Floor Space Index (FSI).
3. Increased minimum front yard, in keeping with the average setback of buildings along the same block face of the east side of Dublin Street North, increased side yard setbacks and the 10 metre minimum rear yard setback required in the Downtown Zoning Bylaw.
4. Prohibition of balconies or main room windows on the northerly face of the building, overlooking the school site.

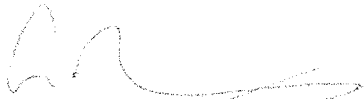
5. The location of the main entrance of any new building on the property should be located on Cork Street. Issues such as main building entrance location and other site specific matters are often addressed in zoning bylaws. The Board has no rights of appeal from a site plan decision and this issue is of sufficient importance to the public interest that it should be addressed now in the site specific zoning.

Further, consideration needs to be given to expanding the 45 degree plane required for new Downtown Zones abutting R1, R2 or R3 zones to include sensitive Institutional uses like the Central Public School property and its associated playfields, play areas and student gathering areas.

Please acknowledge receipt of this letter in writing.

Please provide the author with notice of the passing of any site specific zoning bylaw amendment affecting this property, the Downtown Zoning Bylaw or any part of it, notice of passing of any zoning bylaw amendment pursuant to application ZC1612 and notice of adoption of any official plan amendment application pursuant to application OP1603.

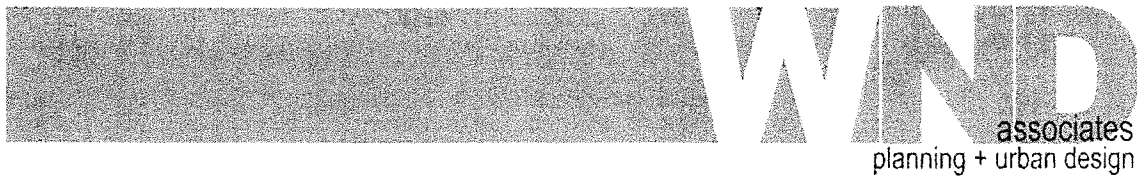
Yours very truly,



A. Milliken Heisey, Q.C.
AMH/cmb

Attachment

cc: Martha Rogers, Director of Education, Upper Grand District School Board
Mark Bailey, Chair, Upper Grand District School Board
Linda Busuttil, Trustee, Upper Grand District School Board
Susan Moziar, Trustee, Upper Grand District School Board
Glen Regier, Superintendent of Finance, Upper Grand District School Board
Jennifer Passy, Manager of Planning, Upper Grand District School Board
Clerk of the City of Guelph (clerk@guelph.ca)
Councillor Phil Allt Ward 3
Councillor June Hofland Ward 3



7 November 2016

Papazian | Heisey | Myers, Barristers & Solicitors
Standard Life Centre, Suite 510,
121 King St. W., P.O. Box 105
Toronto, ON M5H 3T9

Attention: Mr. Alan M. Milliken Heisey Q.C.

Dear Mr. Heisey,

**RE: 75 Dublin Street North
Development Application
Central Public School
City of Guelph**

WND File No. 16.665

As requested, we have reviewed various files and reports prepared by the consultants for the residential apartment building proposed for the lands located at 75 Dublin Street North, which is adjacent to the Central Public School located at 97 Dublin Street North, at the southwest corner of Dublin Street North and Cork Street, in the downtown area of the City of Guelph ("the subject site").

We have visited the subject site and attended at a meeting with the proponent and their planning and architectural advisors at the Upper Grand District School Board offices on October 21, 2016. At that time we were advised that changes would be made to the plans submitted to the City. Amended plans were to be filed with the City on October 24, 2016.

The Central Public School has been in operation at this location for decades. A school has been located on the site since 1876.

It is the only public elementary school in the Downtown area of the City and we have been advised that this school is expected to remain as an operating school in the long term. Full day kindergarten (FDK) programming is provided at the school, and the associated play yard is located in the western portion of the school site. The area between the school building and the subject site has been improved as a Peace Garden, used by the school for quiet times and passive activity.

The Central Public School has on its rooftop an array of solar energy panels, which are operated under a 20 year contract, and provides for some financial return to the School Board. The School Board's policies

Walker, Nott, Dragicevic Associates Limited
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Tel. 416.968.3511 Fax. 416.960.0172
admin@wndplan.com www.wndplan.com

on sustainability make the continued availability of uninterrupted sunlight to these panels an important consideration for our client.

The Central Public School enjoys a pick up and drop off location in the form of a lay by on Dublin Street North, towards the southern end of the subject site and extending north along a portion of the Dublin Street North frontage of 75 Dublin Street North. A pedestrian cross walk supervised by an Adult School Crossing Guard is located on Dublin Street North at Cambridge Street.

The Proposed Development

The development application filed for 75 Dublin Street North ("the property") involves a 37-unit, 5-storey apartment building, with an underground parking garage accessed from Cork Street.

The building will be developed as a condominium with 17 market units and 20 units of affordable rental housing to be operated under contract with Rykur Holdings Inc. for a guaranteed period of twenty to twenty five years, after which the units could be available as market units.

The market units will consist of one and two bedroom condominium apartment units, and the affordable units will be primarily one bedroom rental apartments. The market units will be located on floors three to five, with the affordable units on the first and second floors.

The primary pedestrian entrance to the building is to be located on the Dublin Street frontage, with a secondary access/exit on Cork Street. Balconies will be provided on the west and east faces of the building and the north face of the apartment building (the latter occurring as a result of the amended plans).

All vehicular access will occur from the Cork Street frontage leading to the underground parking garage.

A total of 37 parking spaces will be provided. The parking will be provided in a mechanical parking stacker, and in standard underground parking spaces. No surface parking is proposed to be provided on the site. The parking supply will allow for one (1) space per market unit, and 0.85 spaces per affordable unit. Two (2) visitor parking spaces will be provided in the underground parking garage near the entry to the parking garage on Cork Street.

The parking provided by the applicant in the revised application is consistent with recent parking standards for condominium buildings in the Downtown area of the City.

Development Approvals Required

The development proposal requires an amendment to the City of Guelph Official Plan to allow for a 5-storey building, whereas city policy in the Downtown Secondary Plan would limit the height of the building to two to four storeys. The height limits in the Official Plan are intended to protect for views of the cultural heritage landscape features of Catholic Hill, and specifically the Basilica of Our Lady, which is a federally designated heritage site.

The proposed use of the property is otherwise consistent with the City's Official Plan.

The development proposal also seeks to amend the City of Guelph Zoning Bylaw to allow for the residential use of the property, an increase in the height allowance for the building, and to provide for site specific regulations, which would be expected to be tailored to the building placement on the site, including allowable gross floor area as well as parking. A notable change to the bylaw includes a reduction in the east portion of the property, which is technically a rear yard of the property according to the City's zoning bylaw. The development proposal seeks a reduction in the required rear yard from 10 metres to 3 metres. It should be noted that the current allowance permits a 4-storey building and the rear yard requirement applies only to a non-residential building on an as-of-right basis.

An application for site plan approval and a draft plan of condominium would also be required and have not been submitted to the City at this time.

The property was formerly developed with tennis courts and there is little in the way of trees or significant vegetation. The property is located in an area with considerable change in grade, necessitating the use of retaining wall on the east side of the property adjacent to a commercial property and along the northern property line shared with Central Public School. The elevation change along the subject site has been estimated to be 4.5 to 5m in height (from the base of the school building to the top of the property formerly occupied by the tennis courts). This elevation difference is the equivalent of one and half to two storeys in height of a typical residential apartment development.

Issues

In our review of the proposed amendment, we have identified the following matters which may be of concern or issue:

Official Plan Conformity

As indicated above the proposed development requires an amendment to the Official Plan in respect to height of the building. This policy was developed largely in response to the federally designated heritage site of the church property to the west and its prominence on the skyline of the downtown. This policy was also developed for the entire downtown area and requires consideration of adjacent buildings (likely due to the extent of existing development within the Downtown and the expectation for infill type development). In the context of the proposed development for the property and its relationship to the school site the change in elevation between the property and the adjacent school building would require careful consideration to the impact of the proposed massing and placement on the school building and the areas around the school itself.

From our review of the proposed development, there is an issue with Official Plan policy which speaks to general building heights of two to four storeys. The elevation change alone account for a one and half storey differential in height, which would effectively establish the height of the proposed building as an equivalent of approximately 7-storeys in height (excluding the mechanical penthouse) to the facing condition with the Central Public School.

The proposed development also requires substantial reduction in the rear yard allowance from 10m to 3m. This reduction also introduces a substantial increase in the building massing which in turns affects the shadow cast onto the school site, particularly the Peace Garden which will be in shade much of the day as a result of the proposed building.

As the development requires an Official Plan Amendment, the onus should be on the proponent to provide an analysis of the additional height sought to allow an evaluation on the basis of the overall impact on the subject site.

Impact of Height on the School Site

Particularly to the FDK play area on the Dublin Street North frontage, to the Peace Garden along the south limit of the school site, and the hard surface play areas along to the east of the school building, the height and massing of the proposed residential building will create:

Loss of sunlight to the play areas in the typical operating months of operation of the school

In regards to the shadow impact of the proposed development, as there are no City of Guelph terms of reference or policies available to determine whether the potential shadows created by the proposed building will be provided at an acceptable level on the subject site, we have taken a practical approach in our review of the shadow studies prepared by the applicant. Typically, loss of sunlight is addressed in the context of the March, September and June time periods (taking into account Daylight Saving Time) and, occasionally, winter conditions are considered for public spaces.

In the context of the development application for the property, the applicant has provided sun shadow studies to demonstrate the impact of the proposed building to the subject site. At this time, we can advise that the shadow of the proposed building in the morning and early afternoon hours extend over the FDK play area, the Peace Garden, and into the southern extent of the easterly play area of the school (created by the proposed increased building height and width), beyond the shadow created by a building built as-of-right under the current zoning by-law. This condition is most pronounced in the winter months rendering those areas without sunlight for the bulk of the school day.

As outlined in our memorandum dated October 17, 2016, a number of concerns pertaining to the shadow studies were identified and recommendations were provided to assist in our review of the proposed residential development.

Loss of sunlight to the roof mounted solar panels

The solar panels will be subject to shadow such that there could be a loss of power generation capacity in the morning hours and this would have a financial impact to the school board. This is a matter which could be eliminated by a reduction in the building height or the relocation of the panels to the north. If the latter option is pursued this should be accomplished by a binding agreement prior to any amendment to the zoning bylaw.

Overlook to school's play areas from proposed main residential rooms windows, balconies and terrace

The orientation of the proposed main residential window, balconies and terraces could create an overlook condition to the kindergarten play area at the front of the school building, to the Peace Garden, and the rear yard school playground to the north. This is a matter of balancing the benefit of "eyes" on the publicly accessible area of the Peace Garden and the potential disbenefit or loss of privacy and overlook into these areas of the school site. The revised plans now present terraces on the northern facing levels

of the proposed building at the fourth and fifth floors. The terrace condition is now proposed to result in a 3m deep condition and this will be usable area for future residents. To mitigate concerns with direct overlook, features such as opaque/frosted panels, and/or planters/balcony guards can be required to prevent people on the terrace from being immediately at the edge of the terrace creating a condition of a longer view vs an immediate overlook to the Peace Garden and play areas.

Impact of Building Massing to Heritage Property Considerations

Given the importance of the heritage considerations to Church Hill, we note that the heritage impact study for the proposal was not submitted to the City or made available to the School Board until October 21, 2016. With the modifications to the proposal submitted on October 24th, this report will need to be updated and reviewed by the City. We have not provided any commentary on this report and have had insufficient time to do so but would anticipate this to be a significant document in the assessment of the overall proposal by the City.

Impact of Location of Main Entrance to the Building

The transportation report filed on October 14, 2016 for the subject site states:

"There is existing on-street parking spaces along the Dublin Street North frontage of the subject property. These parking spaces function as a Kiss N' Ride zone for the Central Public School with a time limit of 5 minutes between 08:00 and 16:30 from Monday to Friday. Outside these hours, on-street parking is permitted at all times. These spaces and the other on-street parking areas along the adjacent roadways will serve as visitor parking for the subject site. Visitor parking is used predominately in the evenings and on weekends and is not expected to conflict with typical school operating hours."

In our view, the location of the main entrance to the proposed apartment building on Dublin Street North will create a potential conflict with the day-to-day operations of the school which has the exclusive use of the existing lay by on the street.

The proposed building makes no provision for a lay by on either Dublin Street North or Cork Street West for pick-up and drop-off of residents by others, including cabs and handicapped accessible vehicles, and general deliveries. This conflict would be unavoidable given the extent of the hours the lay by would be used by the school and the normal day-to-day needs of residents of the apartment building particularly a building oriented to seniors. The location of the underground visitor parking spaces is not likely to be convenient for most deliveries or pick-up of residents, and is not designed to accommodate larger handicapped accessible type vehicles which may be needed by residents.

Parking

Given the proposed increase in the parking supply, this should not be a matter of issue. As discussed above, the more significant issue is the location of the parking and the lack of a proper pick up and drop off for the proposed building in order to avoid the conflicts anticipated in the lay by area on Dublin Street North as programmed and limited to allow continued and effective use by the Central Public School.

Inadequate Setbacks

The proposed setbacks of 3 metres from the front , northerly and rear side yard setbacks are inadequate and create an incompatible relationship with the adjacent school.

Some guidance as to more appropriate minimum building setback distances for this development can be obtained by looking at the setbacks for development currently permitted for development on this site under the existing Institutional zoning.

Under the existing I.1 zoning a minimum front yard and side yard setback of 6 metres are required. The front yard and side yard standard from the I.1 zoning if applied to the proposed development would reduce the overlook and loss of indirect light to the Kindergarten Play area at the southwest corner of the School and the Peace Garden.

The I.1 zoning requires a minimum rear yard setback of 7.5 metres and the proposed D.2 zoning under the Downtown Zoning Bylaw proposes to require 10 metres. Given the impact of the reduced setback proposed on shadow on the asphalt playground during the morning months in the winter maintenance of the 10 metre rear yard setback from the Downtown Zoning Bylaw would be more appropriate.

Conclusion

In our view, the proposed development should be required to address matters of fencing, landscape and lighting along the common property limit with the subject site. These details are typically advanced at a site plan approval stage and the Board technically would not have a right to review or materially affect those matters.

In our view, the application should be amended as follows to address the identified impacts to the school property:

- Relocate the main entrance to the building from Dublin Street North to Cork Street West or to the southwest corner of the building to be secured by the new zoning bylaw
- Increase the front yard and north side yard setbacks to 6 metres and incorporate a landscape plan to improve and enlarge the area of the Peace Garden (by design and not ownership)
- Increase the rear yard setback to 10 metres
- Limit the height of the development to 2-4 stories and express it in an actual measured height above grade
- Prohibit any protrusions above the height limit unless expressly permitted including prohibition of any telecommunications/wireless antennae
- Provide further setbacks at the upper levels on the east, west and north sides of the building to mitigate sun shadow loss and reduce the impact of the buildings massing on adjacent school activity areas and playgrounds
- Define the location , height and size of any proposed mechanical penthouse in the zoning bylaw
- Develop a building envelope in the zoning bylaw reflecting these performance standards
- Consider an approach to resolve loss of sunlight to the roof top panels on the school building

Should an amendment to the zoning bylaw be approved for the proposed development of the property, we would recommend specific regulations to limit the location, size and number of balconies, or terraces; and stepbacks and setbacks should be prescribed to ensure building placement and the light conditions demonstrated to be acceptable to the school board.

Given the unique characteristics and conditions of the school property, we would recommend the City amend the Downtown Zoning Bylaw as it affects this property to incorporate the recommendations contained in this letter to guide future development applications.

I trust this is satisfactory to your needs at this time. Should you have any questions or wish to discuss this please contact me.

Yours truly,

WND associates
planning + urban design

A handwritten signature in black ink, appearing to read "Robert A. Dragicevic". The signature is fluid and cursive, with a large initial "R" and "D".

Robert A. Dragicevic, MCIP, RPP
Senior Principal

ONTARIO MUNICIPAL BOARD

The appellants have appealed to the Ontario Municipal Board under Subsection 22(7) of the *Planning Act*, RSO 1990, c. P. 13, as amended, from Council's decision to refuse an Official Plan Amendment.

Appellant/Responding Party:	Rykur Holdings Inc.
Subject:	Official Plan Amendment – Refusal
Existing Designation:	Mixed Use 2 Land Use in the Downtown Secondary Plan
Proposed Designation:	Mixed Use 2 Land Use in the Downtown Secondary Plan
Purpose:	To permit a building height of 5 storeys whereas 4 storeys are permitted, etc.
Property Address:	75 Dublin St. North
Municipality:	City of Guelph
Approval Authority File No.:	OP 1603
OMB Case No.:	PL161294
OMB File No.:	PL162294

MUNICIPALITY/MOVING PARTY'S

NOTICE OF MOTION

The City of Guelph will bring a motion to the Ontario Municipal Board on Monday August 14, 2017, at 10:30 a.m. at Courtroom #3, 59 Carden Street Guelph, ON N1H 3A1

One day has been set aside for the motion.

The motion is to be heard orally.

RELIEF REQUESTED:

1. An Order of the Board that the City of Guelph's Motion is allowed and the Official Plan amendment appeal filed by the appellant Rykur Holdings Inc. ("Rykur") is declared invalid and dismissed.
2. Such further and other relief as counsel may advise and this Honourable Board deem just and proper.

THE GROUNDS FOR THE MOTION ARE:

BACKGROUND:

3. On August 11, 2016 City Staff met with Mr. Tom Lammer to discuss a proposal for a property at 75 Dublin Street North in the City of Guelph ("75 Dublin"). At that meeting, Mr. Lammer indicated that an opportunity had arisen to secure federal funding in the form of an investment in affordable housing grant through the County of Wellington, but that certain changes to the zoning permissions would be required on the site to make the proposal viable, including permitting a height of 5 storeys. Staff advised Mr. Lammer that an Official Plan amendment was likely required for such a change. (Affidavit of Stacey Laughlin, paragraph 7 and Exhibit D - notes of Stacey Laughlin and David DeGroot).
4. Mr. Lammer is understood to be the principal of the Appellant/Respondent Rykur and that Rykur is the registered owner of 75 Dublin (Affidavit of Stacey Laughlin, paragraph 5 and Exhibit C – Parcel Record for Property Identifier 71288-0170)
5. In a letter to Mr. Lammer dated August 17, 2016 the City's General Manager of Planning Services, Mr. Todd Salter, indicated that should Mr. Lammer's bid be selected by the City staff would be pleased to work with him to advance an application. (Affidavit of Stacey Laughlin at paragraph 8 and Exhibit E - letter from Todd Salter to Tom Lammer, August 17, 2016)
6. A letter was sent to the Mayor and Council for the City of Guelph (hereinafter "Council") dated September 8, 2016 from Ms. Astrid Clos on behalf of Rykur, with respect to the proposed development of the Property at 75 Dublin., which stated:

"It is my opinion that an Official Plan Amendment is not required to increase the maximum building height from 4 storeys to 5 storeys for the subject property and that a maximum 5 storey building height may be established by the Zoning By-law, including the proposed Holding Zone, in conformity with the policies of the Official Plan." (Affidavit of Stacey Laughlin paragraph 15 and Exhibit F – Letter from Astrid Clos dated September 8, 2016).

7. At its meeting of September 12, 2016 Council held a public meeting as required by Section 34(12)(a)(ii) of the *Planning Act*, R.S.O. 1990, c. P-13 with respect to Zoning By-law amendment ZC1612, being the City's proposed Downtown Zoning By-law amendment.
8. At the September 12, 2016 public meeting, Ms. Clos, as representative for Rykur, indicated to Council that a development project at 75 Dublin had received an Investment in Affordable Housing grant which would allow the creation of 20 affordable dwelling units in downtown Guelph, along with 22 market units. Ms. Clos indicated that this was contingent upon the issuance of a building permit by April 2017. Furthermore, Ms. Clos indicated that in order to receive a building permit four changes to the zoning proposed in the Downtown Zoning By-law amendment would be required. Specifically, Ms. Clos requested changes to the proposed zoning to permit a five storey building, 27 off-street parking spaces, zero visitor parking spaces and a three metre rear yard setback (Affidavit of Stacey Laughlin paragraph 20, and Exhibit G - Minutes of September 12, 2016 City of Guelph Council Planning Meeting).
9. Ms. Clos requested that Council pass a motion to direct staff to bring forward the portion of proposed Downtown Zoning By-law that related to the 75 Dublin property in order to make the requested changes within the timeline required (Affidavit of Stacey Laughlin paragraph 14, Exhibit G - Minutes of September 12, 2016 City of Guelph Council Planning Meeting).
10. Mr. Lammer also appeared as a delegate at the September 12, 2016 Council Planning Meeting, and in response to a question from a member of Council, indicated that they did not believe an Official Plan amendment would be required to implement the zoning changes they proposed for the property, consistent with the letter submitted by Ms. Clos (Affidavit of Stacey Laughlin paragraph 15, Exhibit G - Minutes of September 12, 2016 City of Guelph Council Planning Meeting).
11. Ms. Clos, in her remarks to Council, responding to a question from a member of Council about whether the proposal to amend the proposed downtown zoning would effectively by-pass the application process, stated that "this is not Tom Lammer's zoning by-law, this is the City's by-law...". (Affidavit of Stacey Laughlin, paragraph 18)
12. City Staff indicated that they had identified an Official Plan amendment would be required for the proposed Zoning changes. It was suggested that if Council wanted to examine the possibility of the proposed Zoning changes, staff should also be directed to initiate a site specific Official Plan amendment (Affidavit of Stacey Laughlin, paragraph 16).

13. Much of the debate at the September 12, 2016 Public Meeting concerned whether it would be preferable if Rykur made private planning applications as opposed to bringing forward the proposal as part of the existing Downtown Zoning By-law update initiated by the City. The representatives of Rykur indicated in response to questions from Councillors that they preferred to proceed under the auspices of the existing City process due to the tight timelines required to secure an investment in affordable housing grant (Affidavit of Stacey Laughlin, paragraph 17).
14. After debate, Council passed the following resolutions:
- That staff be directed to bring forward the portion of the Downtown Zoning Bylaw related to 75 Dublin St North to a November 2016 council meeting for a decision, in order to facilitate the required April 2017 building permit timing of the Investment in Affordable Housing grant and that a public process be provided (the "First Resolution")
- and,
- That staff be directed to initiate a site specific Official Plan Amendment for 75 Dublin Street North in order to facilitate the Investment in Affordable Housing Grant (the "Second Resolution"). (Affidavit of Stacey Laughlin paragraph 19, Exhibit G - Minutes of September 12, 2016 City of Guelph Council Planning Meeting).
15. In response to the direction of Council in the Second Resolution, City Staff initiated an Official Plan amendment (Municipal File #OP1603). It was understood that this Official Plan amendment was being initiated by Council pursuant to the authority granted in Section 21 of the *Planning Act*, RSO 1990, c P.13. (the "*Planning Act*") and that Section 17 of the *Planning Act* applied to the amendment (Affidavit of Stacey Laughlin, paragraph 21).
16. A statutory public meeting for the Proposed Official Plan amendment and a further public meeting for the portion of the downtown Zoning By-law amendment that related to 75 Dublin Street North were held on October 17, 2016. Notice of the public meeting was issued in accordance with subsection 17(17) and subsection 34(13) of the *Planning Act* (Affidavit of Stacey Laughlin, paragraph 26).
17. At its meeting of November 28, 2016 Council considered the portion of the Downtown Zoning amendment as it relates to 75 Dublin Street North and the City Initiated Official Plan amendment. City Staff recommended on the basis of their review and public comments received

through correspondence and at the October 17, 2016 Public Meeting, that the maximum height permitted for the property at 75 Dublin Street North should be four (4) storeys. As four (4) storeys is already permitted by the designation of 75 Dublin under the existing Official Plan, City staff also recommended that the Proposed Official Plan amendment be refused (Affidavit of Stacey Laughlin paragraph 29, Exhibit K - Minutes of November 28, 2016 City of Guelph Council Planning Meeting, and Exhibit L – Report IDE-16-85 dated November 28, 2016).

18. Ms. Clos, on behalf of Rykur, sent correspondence to Council dated November 22, 2016 advocating for the City Initiated Official Plan amendment to be approved. This correspondence included a draft motion with the following language:

That the City initiated Official Plan Amendment No. 65 (OP1603) for 75 Dublin Street North to permit a maximum building height of five (5) storeys; whereas a maximum of four (4) storeys is currently permitted be approved.

19. The correspondence from Ms. Clos dated November 22, 2016 also contained a draft official plan amendment for consideration by Council. The draft official plan amendment provided by Ms. Clos on behalf of Rykur made reference to section 21 of the *Planning Act* and subsection 17(15)(d) of the *Planning Act* (Affidavit of Stacey Laughlin paragraph 27, Exhibit M – Letter from Astrid Clos dated November 22, 2016).
20. After hearing submissions from City Staff and 32 delegations, including several submissions on behalf of Rykur, Council considered the proposed zoning by-law changes and the proposed Official Plan amendment. Council recessed at 1:28am Tuesday November 29, 2016 and reconvened at 4:00pm Wednesday November 30, 2016 to resume debate (Affidavit of Stacey Laughlin paragraph 29, Exhibit K - Minutes of November 28, 2016 City of Guelph Council Planning Meeting).
21. Council considered the draft motion proposed by Ms. Clos in her letter dated November 22, 2016, referred to above, and it was defeated on a vote of 8 against, 4 in favour (Affidavit of Stacey Laughlin paragraph 30, Exhibit K - Minutes of November 28, 2016 City of Guelph Council Planning Meeting).
22. After further debate, Council passed the following resolution with respect to the Proposed Official Plan amendment:

That the City-initiated Official Plan Amendment for 75 Dublin Street North to permit a maximum building height of five (5) storeys; whereas a maximum of

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four (4) storeys is currently permitted be refused. (Affidavit of Stacey Laughlin paragraph 31, Exhibit K - Minutes of November 28, 2016 City of Guelph Council Planning Meeting)

23. Notice of council's decision to refuse the City Initiated Official Plan amendment was published by the City of Guelph on December 13, 2016 (Affidavit of Stacey Laughlin paragraph 32, Exhibit N – Notice of Decision dated December 13, 2016). Rykur filed a Notice of Appeal from Council's decision with the Clerk of the Municipality on December 20, 2016 (the "Notice of Appeal").

REASON FOR THE MOTION:

24. Rykur's Notice of Appeal purports to be made pursuant to s. 22(7) of the *Planning Act*.
25. Despite acknowledging that the proposed Official Plan amendment had been characterized as a City initiated OPA, the covering letter for the Notice of Appeal states that "...in fact the application was in the nature of a joint application."
26. Council specifically directed that its Staff "initiate" the Official Plan amendment in the Second Resolution. Council speaks through its resolutions and/or By-laws and the Second Resolution did not direct staff to make any application, jointly with Rykur or otherwise, to amend the Official Plan.
27. Despite having been informed of the need for an Official Plan amendment, and having been given the opportunity to apply for one, Rykur did not file any application for an Official Plan amendment. Furthermore, Rykur did not request that Council initiate an Official Plan amendment at the September 12, 2016 Council meeting. On the contrary, the position taken by Rykur in Ms. Clos' letter of September 8, 2016 and at the September 12, 2016 Council meeting was that an Official Plan amendment was not required.
28. It is the City's position that the proposed Official Plan amendment was initiated by Council under the authority granted to it in Section 21 of the *Planning Act*, and that no application was ever made, jointly or otherwise, under section 22 of the *Planning Act*.
29. It should be noted that Rykur's agent, a professional planner, in correspondence to Council, referred to the proposed Official Plan amendment as 'City Initiated', and specifically cited section 21 of the *Planning Act* as the Council's authority to consider the amendment.
30. Section 21 of the *Planning Act* states that "...the council of a municipality that is within a planning area may initiate an amendment to or the repeal of any official plan that applies to the municipality, and section 17 applies to any such amendment or repeal."

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31. Subsection 17(9) of the *Planning Act* permits the Minister, subject to s. 26(6) of the *Planning Act* (which applies only to amendments required to bring an existing official plan into conformity with provincial plans), to exempt any or all proposed official plan amendments from his or her approval by order. Official plan amendments in the City of Guelph commenced after January 19, 1998 are exempt from the approval of the Minister under O.Reg 525/97, *Exemption from Approval (Official Plan Amendments)* made under the *Planning Act*.
 32. Where an official plan amendment that is exempt from approval has been adopted by the council of a municipality, s. 17(24) of the *Planning Act* permits certain persons and public bodies to appeal to the Ontario Municipal Board where notice of adoption has been issued under s. 17(23). Where an official plan amendment has not been adopted, and no notice of adoption has been issued, there is no provision under s. 17 of the *Planning Act* that permits an appeal to the Ontario Municipal Board.
 33. All notices and Council documents produced after the September 12, 2016 Council meeting referred to the proposed Official Plan amendment as a "City-initiated" amendment. It was understood by City staff that the proposed Official Plan amendment had been initiated pursuant to s. 21 of the *Planning Act*, and that section 17 of the *Planning Act* applied (Affidavit of Stacey Laughlin, at paragraph 22).
 34. The provisions of section 22 of the *Planning Act* deal with requests that a council amend its official plan, including privately initiated amendments.
 35. The provisions of section 22 of the *Planning Act* were not followed with respect to the proposed Official Plan amendment. Specifically:
 - a. No request to amend the official plan was forwarded to Council as required by subsection 22(1)(a) of the *Planning Act*;
 - b. No pre-consultation meeting was held as required by subsection 22(3.1)(b) of the *Planning Act* and City of Guelph By-law 2015-19937;
 - c. No fee was paid as required under section 69 of the *Planning Act* and City of Guelph By-law (2003)-17045, as amended;
 - d. No notice of complete application was issued as required by subsection 22(6.1) of the *Planning Act* (Affidavit of Stacey Laughlin, paragraph 25).
 36. Although a notice decision was issued with respect to Council's decision to refuse to adopt the proposed Official Plan amendment, this notice was not required and did not include the information required in a notice issued under subsection 22(6.6) of the *Planning Act*. The City

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- submits that it is not restricted from issuing notice of a decision despite the fact that it is not required to do so.
37. It is the position of the City that Subsection 22(7) does not apply to an official plan amendment initiated under section 21 of the *Planning Act*.
38. The general jurisdiction and powers of the Ontario Municipal Board are set out in section 37 of the *Ontario Municipal Board Act*, RSO 1990, c O.28, as amended. The Ontario Municipal Board has broad powers to hear and decide matters and applications within its jurisdiction, but its jurisdiction is limited to matters assigned to it by statute or under statutory authority.
39. It is the position of the City that the proposed Official Plan amendment was a City initiated amendment under section 21 of the *Planning Act*, to which section 17 of the *Planning Act* applies, and that the *Planning Act* does not allow an appeal from refusal to adopt an amendment initiated under this section.
40. It is the City's further position that section 22 does not apply to the proposed Official Plan amendment, and it is not open to the Ontario Municipal Board to hear an appeal from the refusal of the proposed Official Plan amendment that purports to be brought pursuant to subsection 22(7) of the *Planning Act*.

STATUTORY PROVISIONS:

41. Section 21 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended.
42. Section 17 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended.
43. Section 22 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended.
44. Section 37 of the *Ontario Municipal Board Act*, RSO 1990, c O.28, as amended.
45. O.Reg 525/97, *Exemption from Approval (Official Plan Amendments)*, as amended, made under the *Planning Act*.
46. City of Guelph By-law 2015-19937.
47. City of Guelph By-law (2003)-17045, as amended

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the motion:

- 48. The Affidavit of Stacey Laughlin, sworn August 2017, and the Exhibits attached thereto;
- 49. The contents of The Ontario Municipal Board's File No. PL161294, including the appeals; and,
- 50. Such further and other evidence as counsel may advise or this Honourable Board deem necessary.

ALL OF WHICH IS RESPECTFULLY SUBMITTED

August 4, 2017

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