

Special City Council Meeting Agenda

Consolidated as of December 6, 2019



**Wednesday, December 11, 2019 – 6:00 p.m.
Meeting Room C, Guelph City Hall, 1 Carden Street**

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

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

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Changes to the original agenda have been highlighted.

Open Meeting

Disclosure of Pecuniary Interest and General Nature Thereof

Special Council Workshop – Transportation Master Plan and Comprehensive Zoning Bylaw Review

1. Transportation Master Plan

Presentation:

Jennifer Juste, Manager, Transportation Planning
Shawn Doyle, Dillon Consulting Services
Rebecca Sutherns, Sage Solutions Inc.

Agenda:

- Welcome
- Setting the Stage
- Complete Streets Challenge Exercise
- Deciding How to Decide
- Close

2. Comprehensive Zoning Bylaw Review

Correspondence:

Robert Mullin, SmithValeriotte Law Firm LLP

Council Memo – Comprehensive Zoning Bylaw Review: Discussion Paper Council Workshop

Presentation:

Abby Watts, Project Manager, Comprehensive Zoning Bylaw Review
Natalie Goss, Senior Policy Planner

Agenda:

- Welcome, purpose and format of workshop
- Community engagement, what we've heard
- Council discussion topics
 - Small residential units
 - Driveway widths
 - Parking ratios for multi-unit residential buildings
 - Structures in floodways
- General comments from Council
- Next steps

Adjournment

November 28, 2019

Delivered by Email

City of Guelph
1 Carden Street
Guelph, ON N1H 3A1
ATTN: Mayor Guthrie and Members of Council

Dear Mayor Guthrie and Council:

**Re: 130 Macdonell Street & 70 Fountain / 75 Farquhar Street, Guelph;
Objection to Proposed rezoning through Comprehensive Zoning By-law Update;**

SmithValeriotte Law Firm LLP (SV Law) represents Skyline Real Estate Holdings Inc. and Skyline Commercial Real Estate Holdings Inc., each part of the Skyline Group of Companies and the owners of 130 Macdonell Street and 70 Fountain / 75 Farquhar Street, respectively.

Despite being within Guelph's downtown, these two properties were explicitly *excluded* from the Downtown Zoning By-law (2017)-20187 at the request of our clients and retain the predecessor CBD.1 (130 Macdonell) and CBD.1-1 (70 Fountain / 75 Farquhar) zoning, which permits a broader range of uses including residential. The reasons for the request are detailed in the July 5, 2017 correspondence sent to your attention by Mr. Jason Ashdown, which letter is appended hereto.

It has recently come to our clients' attention through the publication of the Comprehensive Zoning By-law Review Discussion Paper (October 2019), received by Council through report IDE-2019-92 at its October 7, 2019 Committee of the Whole meeting that staff are now recommending that these lands be rezoned to D.1 (Downtown) zoning as part of the City-wide comprehensive zoning by-law updated. The stated rationale for the rezoning (as stated on page 11-172 of the Discussion Paper) is that the exclusion of these properties was merely a 'deferral' in 2017.

Our clients strenuously object to the characterization of Council's decision to exclude these properties as a 'deferral', and in that regard we draw your attention to the enclosed Minutes of the July 24, 2017 meeting of Council, and specifically the amended motion on page 7 to approve "*the City-initiated Downtown Zoning By-law Amendment (ZC1612) as amended so as not to apply to the property municipally known as 130 Macdonell Street...and the property municipally known as 70 Fountain Street and 75 Farquhar Street...*"

There is absolutely no 'deferral' of Council's decision. Council made a unanimous decision to adopt By-law

Reply to Guelph Office: ☒

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(2017)-20187 without inclusion of our clients' properties. To attempt to slip an amendment through at this juncture through the comprehensive zoning update is inappropriate, and arguably offends the procedural by-law which would require a motion to reconsider and a two-thirds majority to re-open this question. The Downtown Zoning By-law update is complete and, but for the proposed inclusion of our clients' property, has nothing to do with the city-wide Comprehensive update (which update otherwise does not apply to Downtown zones).

We recognize that the Discussion Paper is merely providing options at this time, and no formal by-law has been drafted for public consultation or Council review, but wish to register our clients' objection at this very early juncture and ask that Council direct staff to respect its 2017 decision in the drafting of the by-law in early 2020. The circumstances that led to Mr. Ashdown's enclosed letter have not changed and as such, there is no policy basis for Council to reverse course on a settled matter.

Should you have any questions or concerns, please contact the undersigned at your convenience.

Yours Very Truly,
SMITHVALERIOTE LAW FIRM LLP



Robert Mullin, B.A. (Hons), LL.B., LL.M., A.C.C.I.(Law)
RMM/kmt/tt

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CC: Greg Jones, President, Skydevco Inc.: gjones@skylineonline.ca;
Karyn Sales, General Counsel, Skyline Group of Companies: ksales@skylineonline.ca
R. Jason Ashdown, Chief Operating Officer, Skyline Group of Companies: rjashdown@skylineonline.ca



Guelph City Hall
2017
1 Carden Street
Guelph, Ontario
N1H 3A1

July 5,

Attention: Mayor Cam Guthrie and Members of Council

Re: July 10, 2017 Guelph Council Meeting CON-2017.32
Proposed Downtown Zoning By-law (ZC1612)

Skyline is the proud owner of a number of properties in downtown Guelph. We have played an integral part in the regeneration of downtown by investing over \$100 million. Skyline has been engaging with city staff and providing our comments related to the Proposed Downtown Zoning By-law. We appreciate staff making some of the changes that we have requested. However, for 130 MacDonell Street and 70 Fountain Street our company cannot ignore that these properties are proposed to be down-zoned by taking away the current zoning permission which allows residential dwelling units.

130 MacDonell Street (Co-operators)

130 MacDonell Street is now zoned CBD.1 Zone which permits dwelling units with permitted commercial uses in the same building. The proposed D.3-2 Zone for 130 MacDonell Street does not permit dwelling units.

70 Fountain Street

70 Fountain Street is zoned Central Business District CBD.1-1 which permits dwelling units with permitted commercial uses in the same building. The proposed D.3-1 Zone for 70 Fountain Street does not permit dwelling units.

The existing permissions of the CBD.1 Zone including the ability to have residential units is important to Skyline for a number of reasons;

- While it is our strong desire to maintain the Co-operators as our tenant at 130 MacDonell Street, this may be beyond our control. Finding another office tenant for this building could take time, particularly with the amount of parking demanded by an office use. A vacant building in the downtown is not a good scenario for Skyline, the downtown or the municipality. Skyline needs to continue to have the option to transition this building to residential units rather than have it sit vacant. That is all that we are asking.
- City staff have advised us that they want to preserve office uses. While we understand this, office is a permitted use in every zone in the



downtown. There are many opportunities for offices to establish in the downtown zoning. Staff also have an obligation to encourage residential development in the downtown and ensure that downtown continues to thrive. Continuing the existing zoning which permits both office and residential dwellings would do this.

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- City staff have advised us that Skyline did not object to, or appeal the Downtown Secondary Plan which designated these properties as Institutional/Office based on their current office use. Unfortunately, to our knowledge Skyline did not receive any notice of the Downtown Secondary Plan. If a notice was provided by the City for the Downtown Secondary Plan, this notice may have been sent to the municipal address rather than the owner of the building. We are not sure how this occurred, but the fact remains that these properties are now designated to permit office.
- Staff have advised us that we could apply for an Official Plan Amendment for these properties, however, as I understand it, converting employment lands to a residential requires a municipal comprehensive review which the City does not plan to undertake until 2022 and there is no guarantee that this application would be approved once the current zoning permitting residential is no longer in effect.
- Skyline is not asking for anything that they did not already have when we purchased these buildings. We just want to retain the existing zoning for these properties.
- It is my understanding that if Council does approve this zoning request it will be conclusively deemed to be in conformity with the official plan as per section 24(4) of the Planning Act.
- The City has been able to take a practical approach in the Proposed Downtown Zoning By-law by adding new zones to facilitate the Wilson Street Parking Garage and the Guelph Police Services Headquarters to ensure that the Downtown Zoning By-law does not interfere with these City projects proceeding. (see the two attached scanned pages from Staff Report IDE 17-77) I am asking the City to take this same practical approach to the zoning of Skyline's properties.

In summary, Skyline is requesting that Council approve the following motion,



"That the Proposed Downtown Zoning By-law be amended as it relates to 130 MacDonell Street and 70 Fountain Street to continue to permit dwelling units"

Thank you for the opportunity to provide this input on an important matter to our company.

Yours truly,

A handwritten signature in blue ink, appearing to read "R. Jason Ashdown".

R. Jason Ashdown

Building materials

The City of Hamilton's zoning bylaw contains proposed rules for exterior building materials within an area of their downtown called a "Heritage Character Zone". Where construction and/or alteration to the exterior walls of a building are proposed, the materials that may be used for the first three storeys are limited to brick, concrete panels, stone block/veneer/artificial stone, stucco, or metal and metal panels. For properties designated under the Ontario Heritage Act, alternative building materials may be permitted through an approved Heritage Permit.

11.4 Phase 1 community engagement – what we heard

As part of phase 1 community engagement we heard the following about downtown zones:

- Licensed establishments (bars/nightclubs) should have rules. There should be rules restricting access to liquor, and
- Consideration should be given to how outdoor patios are regulated.

11.5 Analysis, options, and recommendations

This section outlines options and preliminary recommendations for a new zoning bylaw about:

- The zoning that should apply to properties designated Institutional or Office, Residential 1, Residential 2, Parks and Open Space, and Future Park Policy C
- Rules for licensed establishments, including restaurants and nightclubs, and
- Rules for building materials.

The Downtown Secondary Plan, comments from phase 1 community engagement, and zoning trends were considered in the development of the options and preliminary recommendations put forward in this chapter.

11.5.1 Downtown Secondary Plan zoning

Institutional or Office lands

Preliminary recommendation: there are five properties designated Institutional or Office that were not zoned as part of the downtown zoning bylaw amendment. These include the Basilica of Our Lady Immaculate (Basilica), Central Public School, the Guelph Youth Music Centre, 75 Farquhar Street/70 Fountain Street, and 128-130 Macdonnell Street. It is recommended that the Basilica and Central Public School be zoned the same institutional zone as places of worship and schools sites city-wide. These sites are an important part of the City's institutional land base. Continuing to recognize and permit them in a new zoning bylaw will help to ensure that they are retained.

Additionally it is recommended that the Guelph Youth Music Centre be zoned D.3. This zone will continue to permit the range of retail, service, and office uses that exist on this property and is consistent with the Institutional/Office land use designation. Portions of this property are also within a floodplain. This portion of the property is proposed to be zoned the same as the rest of the city's floodplain areas.

Finally, it is recommended that the two properties that were originally included in the downtown zoning bylaw amendment where a decision was deferred, 75 Farquhar Street/70 Fountain Street, and 128-130 Macdonnell Street, be zoned D.3-2. This was the zone that was recommended through the downtown zoning bylaw amendment. This proposed zoning is consistent with the Downtown Secondary Plan.

Residential 1 lands

Option 1 (preliminary recommendation): It is recommended that the preliminary recommendation for the low density residential lands, as described in Chapter 4, also apply to lands designated Residential 1. This is similar to the existing zoning for these properties and will reduce the number of zones within a new zoning bylaw. Properties that are currently zoned for and have existing small-scale employment uses are recommended to be zoned residential with a site specific provision to recognize the existing employment use. This option is consistent with the policies of the DSP.

Additionally, it is recommended that properties that are currently zoned to permit neighbourhood scale commercial or institutional uses, which are currently zoned commercial residential (CR) or educational, spiritual and other services zone (I.1), continue to be zoned to permit neighbourhood scale commercial or institutional uses. An updated convenience commercial (C.1) zone or educational, spiritual and other services zone (I.1) is recommended to apply to these properties. This will reduce the number of zones within a new zoning bylaw and will ensure that these neighbourhood commercial and institutional uses are retained.

Option 2: This option is the same as option one but includes a site specific provision for residentially zoned lands to permit a maximum building height of four storeys. Although the DSP permits building heights up to four storeys, additional policies require that new development generally maintain the character of these areas. Zoning the residential properties with permissions for building heights of a maximum of four storeys does not take into consideration, in all cases, compatibility with adjacent properties.

Residential 2 lands

Option 1 (preliminary recommendation): It is recommended that a medium density residential zone that is proposed city-wide also apply to the properties designated Residential 2. There are approximately 15 properties that are designated Residential 2. These properties are either already developed, are under development, or have special policies within the DSP that apply which would require site specific considerations. For these reasons a new zone to implement this land use is not recommended. A series of site specific provisions or other appropriate zoning rules are recommended to permit the heights and densities that are permitted for these lands in accordance with the DSP. This option reduces the number of zones within a new zoning bylaw, permits the range of residential uses contemplated within the land use designation, and recognizes the differences between this land use designation and the medium density residential Official plan land use, which is height and density.



**Minutes of Guelph City Council
Held in the Council Chambers, Guelph City Hall on
July 24, 2017 at 5:31 p.m.**

Attendance

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

Absent: Councillor D. Gibson

Staff: Mr. S. O'Brien, City Clerk
Ms. D. Black, Council Committee Coordinator

Call to Order (5:31 p.m.)

Mayor Guthrie called the meeting to order.

Authority to Resolve into a Closed Meeting of Council

1. Moved by Councillor Downer
Seconded by Councillor Van Hellemond

That the Council of the City of Guelph now hold a meeting that is closed to the public, pursuant to Section 239 (2) (c), (e) and (f) of the Municipal Act with respect to proposed or pending acquisition of land by the municipality, litigation or potential litigation and advice that is subject to solicitor client privilege

Carried

Closed Meeting (5:32 p.m.)

Disclosure of Pecuniary Interest and General Nature Thereof

There were no disclosures.

The following matters were considered:

Confirmation of Minutes

Confirmation of minutes of the closed Council meetings held June 12 and 13, 2017.

C-CON-2017.14 Proposed Downtown Zoning By-law Amendment

**C-CON-2017.12 1229 Victoria Road Zoning By-law Amendment, Ontario
Municipal Board Appeal**

C-CON-2017.13 York Road/Victoria Road South

6. Moved by Councillor Wettstein
Seconded by Councillor Allt

That the framework to develop a new Community Plan for Guelph, as outlined in the CAO report "Corporate Administrative Plan Update" CAO-S-1701 dated July 24, 2017, be approved.

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

Voting Against: (0)

Carried

**CON-2017.32 Proposed Downtown Zoning By-law Amendment
(ZC1612)**

Stacey Laughlin, Senior Policy Planner provided a summary of the Downtown Zoning By-law Amendment.

The following person spoke to this item:
Jason Ashdown, on behalf of Skyline

7. Moved by Councillor MacKinnon
Seconded by Councillor Wettstein
1. That the City-initiated Downtown Zoning By-law Amendment (ZC1612) be approved in accordance with the zoning regulations outlined in Attachment 1 of the Infrastructure, Development and Enterprise Report 17-77, dated July 10, 2017.
 2. That in accordance with Section 34(17) of the *Planning Act*, City Council has determined that no further public notice is required related to the changes to the proposed Zoning By-law Amendment affecting Downtown.

Amendment

8. Moved by Councillor MacKinnon
Seconded by Councillor Wettstein
1. That the City-initiated Downtown Zoning By-law Amendment (ZC1612) be approved in accordance with the zoning regulations outlined in Attachment 1 of the Infrastructure, Development and Enterprise Report 17-77, dated July 10, 2017, as amended by the Memo dated July 7, 2017 and further amended so as not to apply to the property municipally known as 130 Macdonell Street and legally described as Pt Lots 8, 9, 10, 225 & 226, Designated as Pt 13, Reference Plan 61R2356, City of Guelph and the property municipally known as 70 Fountain Street and 75 Farquhar Street and legally described as Lots 19 & 20, Plan 8, City of Guelph from the By-law 2017-20187.
 2. That in accordance with Section 34(17) of the *Planning Act*, City Council has determined that no further public notice is required related to the changes to the proposed Zoning By-law Amendment affecting Downtown.

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

Voting Against: (0)

Carried

Main Motion as Amended

9. Moved by Councillor MacKinnon
Seconded by Councillor Wettstein

1. That the City-initiated Downtown Zoning By-law Amendment (ZC1612) be approved in accordance with the zoning regulations outlined in Attachment 1 of the Infrastructure, Development and Enterprise Report 17-77, dated July 10, 2017, as amended by the Memo dated July 7, 2017 and further amended so as not to apply to the property municipally known as 130 Macdonell Street and legally described as Pt Lots 8, 9, 10, 225 & 226, Designated as Pt 13, Reference Plan 61R2356, City of Guelph and the property municipally known as 70 Fountain Street and 75 Farquhar Street and legally described as Lots 19 & 20, Plan 8, City of Guelph from the By-law 2017-20187.
2. That in accordance with Section 34(17) of the *Planning Act*, City Council has determined that no further public notice is required related to the changes to the proposed Zoning By-law Amendment affecting Downtown.

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

Voting Against: (0)

Carried

COW-IDE-2017.33 Guelph Active Transportation Network Design Guidelines and Feasibility Study

Jennifer Juste, Program Manager, Transportation Demand Management provided clarity regarding the Guelph Activation Transportation Network Design

The following persons spoke to this matter:

Yvette Tendick, on behalf of Guelph Coalition of Active Transportation

Jake DeBruyn

Jordan Richard

Patrick Sheridan, on behalf of Guelph Bikes

Mike Darmon, on behalf of Guelph Coalition of Active Transportation

10. Moved by Councillor Hofland
Seconded by Councillor Piper

1. That the Guelph Active Transportation Network Design Guidelines and Feasibility Study dated June 2017, prepared by WSP and Paradigm Transportation Solutions Limited, be approved.