



**Minutes of Guelph City Council
Held in the Council Chambers, Guelph City Hall on
Monday January 27, 2014 at 6:00 p.m.**

Attendance

Council: Mayor Farbridge
Councillor B. Bell
Councillor L. Burcher
Councillor T. Dennis
Councillor I. Findlay
Councillor J. Furfaro
Councillor C. Guthrie
Councillor J. Hofland
Councillor G. Kovach
Councillor M. Laidlaw
Councillor L. Piper

Absent: Councillor Van Hellemond
Councillor Wettstein

Staff: Ms. A. Pappert, Chief Administrative Officer
Mr. M. Amorosi, Executive Director, Corporate & Human Resources
Mr. D. Thomson, Executive Director, Community & Social Services
Mr. A. Horsman, Executive Director, Finance & Enterprise
Mr. D. McCaughan, Executive Director, Operations, Transit & Emergency Services
Mr. T. Salter, General Manager Planning Services
Ms. T. Agnello, Deputy Clerk
Ms. J. Sweeney, Council Committee Coordinator

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

Mayor Farbridge called the meeting to order.

Authority to Resolve into a Closed Meeting of Council

1. Moved by Councillor Dennis
Seconded by Councillor Hofland

That the Council of the City of Guelph now hold a meeting that is closed to the public, pursuant to Section 239 (2) (e) and (f) of the *Municipal Act* with respect to litigation or potential litigation and advice that is subject to solicitor-client privilege.

CARRIED

Closed Meeting (6:01 p.m.)

Disclosure of Pecuniary Interest and General Nature Thereof

There were no disclosures.

The following matters were considered:

- C.2014.1 OPA 42 (Natural Heritage System) Appeals – Ontario Municipal Board –
2007 Victoria Road South**

**C.2014.2 OPA 42 (Natural Heritage System) Appeals – Ontario Municipal Board –
132 Clair Road West**

Rise from Closed Meeting (6:50 p.m.)

Council recessed.

Open Meeting (7:00 p.m.)

Mayor Farbridge called the meeting to order.

Disclosure of Pecuniary Interest and General Nature Thereof

There were no disclosures.

Presentations

Ms. Ann Pappert, Chief Administrative Officer provided a quarterly progress update. She highlighted key reports and items that will be coming forward to Council and Standing Committees between now and March and provided an overview of recent successes.

Chief Shawn Armstrong recognized the following; Dan Mackenzie, Angelo Tassone, Frank Tassone, Mike Guerin, Ange Marcato, Joe Figliuzzi, Jon Green, Tony Capaldi, Mark Gazzola, Matt Jotham, Gino Santi, Paul Matteis, Trevor Kurtz, Darryl Keats, Sheldon Butts, John Garrafa, Bruno Muzzi, Matt Borghese and Steve Gill for their skills and acute response that saved an individual's life at the West End Community Centre. He advised that Mr. Mike Hoffman, Manager National AED Programs from the Heart & Stroke Foundation is present and is donating 4 new defibrillators to the City of Guelph.

Confirmation of Minutes

1. Moved by Councillor Findlay
Seconded by Councillor Kovach

That the minutes of the Council as the Striking Committee Meeting held December 2, 2013 and the Council Meetings held on December 2, 3 and 16, 2013 and the minutes of the Closed Meetings of Council held December 2 and 16, 2013 and the Closed Meeting of Council as Shareholder of Guelph Junction Railway held December 16, 2013 be confirmed as recorded.

VOTING IN FAVOUR: Mayor Farbridge, Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw and Piper (11)

VOTING AGAINST: (0)

CARRIED

Consent Reports

Guelph Municipal Holdings Inc. First Consent Report

Mayor Farbridge presented the Guelph Municipal Holdings Inc. First Consent Report.

2. Moved by Councillor Hofland
Seconded by Councillor Furfaro

That January 27, 2014 Guelph Municipal Holdings Inc. First Consent Report as identified below, be adopted:

GMHI-2014.1 Shareholder Declaration Amendment and CAO By-law Amendment

1. That the Shareholder Declaration dated August 16, 2011, as amended, be amended as follows:

- (a) Section 5.6 of the Declaration shall be deleted and the following inserted:

Officers of GMHI – The officers of GMHI shall be the Persons selected by the Board of GMHI, or its delegate, from time to time. Pending selection by the Board of GMHI, the CEO of GMHI shall be the Chief Administrative Officer of the City, the Chief Financial Officer of GMHI shall be the Chief Financial Officer of the City and the General Counsel and Secretary of GMHI shall be the City Solicitor of the City. The selection of Officers of GMHI does not require the approval of the City.

- (b) Section 5.10 of the Declaration shall be deleted and the following inserted:

Officers – Any officer of GMHI who is also a Municipal Member or an employee of, or consultant to, the City of any agency, board, commission or corporation of the City, shall receive compensation for serving in such capacity in addition to such officer's compensation, if any, as an employee of or consultant to the City, in an amount determined by the Board of GMHI.

- (c) Section 15 of the Declaration shall be deleted and the following inserted:

GMHI and the City shall enter into a services agreement for the provision of services by City employees or the use of other resources of the City by GMHI. GMHI may have its own employees perform these services in lieu of City employees and may purchase its own resources as required.

2. That By-law Number (2011)-19310, being the by-law appointing Ann Pappert as the CAO of the City, be amended as follows:

Section 1(1) of Schedule A to By-law Number (2011)-19310 shall be deleted and the following inserted:

- (i) To serve as the Chief Executive Officer of Guelph Municipal Holdings Inc. providing leadership and direction as non-voting member of the Board of Directors unless and until the Board of Guelph Municipal Holdings Inc. selects a Chief Executive Officer other than the CAO of the City. Reasonable expenses for travel and/or training in respect of this role may be incurred in accordance with policies established by the Board and approved by Council.
- (ii) To act as the City's "Shareholder Representative" for the purpose of communicating Council decisions to the Board of Guelph Municipal Holdings Inc.

VOTING IN FAVOUR: Mayor Farbridge, Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw and Piper (11)

VOTING AGAINST: (0)

CARRIED

Council Consent Agenda

The following item was extracted:

CON-2014.3 2013 Development Charge Background Study and 2014 By-law

Balance of Council Consent Items

3. Moved by Councillor Guthrie
Seconded by Councillor Hofland

That balance of the January 27, 2014 Consent Agenda as identified below, be adopted:

CON-2014.1 158 Fife Road Proposed Zoning By-law Amendment (File ZC1215) – Ward 4

1. That Report 13-63 regarding a proposed Zoning By-law Amendment application by Astrid J. Clos Planning Consultants on behalf of Marann Homes Ltd., to rezone lands legally described as Part of Lot B, Concession 2, Division E, municipally known as 158 Fife Road, City of Guelph, to permit a total of 25 townhouse dwellings, from Planning, Building, Engineering and Environment dated January 27, 2014, be received.
2. That the application by Astrid J. Clos Planning Consultants on behalf of Marann Homes Ltd., to rezone lands legally described as Part of Lot B, Concession 2, Division E, municipally known as 158 Fife Road, City of Guelph, from the existing UR (Urban Reserve) Zone to a Specialized R.3A (Cluster Townhouse) Zone, to permit an additional 13 cluster townhouse dwellings on the rear portion of the subject property and modify the existing R.3A-40 Zone to permit a reduction in frontage from 18m to 12m, to allow the development of the lands for a total of 25 townhouse dwellings, be approved in accordance with the zoning and conditions highlighted in Attachment 1 hereto attached.

CON-2014.2 1820 Gordon Street – Proposed Redline Revision to an Approved Draft Plan of Subdivision (Phase 2) and Zoning By-law Amendment (Files: 23T-03507/ZC1201) – Ward 6

1. That Report 14-05 regarding applications for a redline amendment to an approved draft plan of subdivision (Pergola Subdivision, Phase 2) and a zoning by-law amendment by Black Shoemaker Robinson Donaldson Ltd., on behalf of FCHT Holdings (Ontario) Corporation on lands municipally known as 1820 Gordon Street, legally described as a Portion of Plan 23T-03507 being Part of the Southwest Part of Lot 11, Concession 8, (Part of Part 1, Plan 61R-10803), City of Guelph, from Planning, Building, Engineering and Environment dated January 27, 2014 be received.

2. That the applications for a Redline Amendment to an Approved Draft Plan of Subdivision (Phase 2 of Pergola Subdivision) and a Zoning By-law Amendment by Black Shoemaker Robinson Donaldson Ltd., on behalf of FCHT Holdings (Ontario) Corporation on lands municipally known as 1820 Gordon Street, legally described as a (Portion of Plan 23T-03507) being Part of the Southwest Part of Lot 11, Concession 8, (Part of Part 1, Plan 61R-10803), City of Guelph, to permit a range of between 92 to 115 residential townhouse/apartment dwelling units be approved in accordance with the zoning and conditions highlighted in Attachment 2 hereto attached.
3. That in accordance with Section 34 (17) of the Planning Act, City Council has determined that no further public notice is required related to the minor modifications to the proposed applications for a Redline Amendment to an Approved Draft Plan of Subdivision (Phase 2 of Pergola Subdivision) and a Zoning By-law Amendment affecting 1820 Gordon Street as set out in Report 14-05 from Planning, Building, Engineering and Environment dated January 27, 2014.

CON-2014.4 Development Charge, Provincial Consultation

1. That the report FIN 14-03 Development Charge, Provincial Consultation, dated January 27, 2014 regarding the City's feedback to the Province's request for feedback on the Development Charge Act, 1997 be received and referred to the February 10, 2014 meeting of Council for approval.

CON-2014.5 Macdonald Stewart Community Art Centre Agreement

1. That the draft Art Gallery of Guelph Act, appended to this report, be approved.
2. That City staff be authorized to enter into an agreement among Macdonald Stewart Art Centre, the University of Guelph, the Upper Grand District School Board and the City of Guelph, in a form and content substantially in accordance with the draft agreement appended to the Report of Community and Social Services # CSS-CT-1401 dated January 27, 2014 and satisfactory to the Executive Director of Community and Social Services.

VOTING IN FAVOUR: Mayor Farbridge, Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw and Piper (11)

VOTING AGAINST: (0)

CARRIED

Planning Public Meeting

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

95 Willow Road – Proposed Zoning By-law Amendment (File: ZC1316) – Ward 3

Ms. Stacey Laughlin, Senior Development Planner highlighted the application to amend the zoning on the subject property to a Specialized I.1 (Institutional) Zone to permit a day care

centre and municipal office uses. She advised that the County of Wellington has submitted a site plan showing the day care centre to be slightly smaller than the previous one with the parking area moved to the westerly side of the site to protect the existing trees.

It was requested that staff provide information on the average structural setbacks on Willow Road and clarify waste collection for the site.

4. Moved by Councillor Hofland
Seconded by Councillor Laidlaw

1. That Report 14-03 regarding a City-initiated Zoning By-law Amendment to permit a day care centre and municipal office uses for the property municipally known as 95 Willow Road, and legally described as Lot 9, Plan 593, City of Guelph, from Planning, Building, Engineering and Environment dated January 27, 2014, be received.

VOTING IN FAVOUR: Mayor Farbridge, Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw and Piper (11)

VOTING AGAINST: (0)

CARRIED

Extracted Item

CON-2014.3 2013 Development Charge Background Study and 2014 By-law

Mr. Al Horsman, Executive Director Finance & Enterprise provided an overview of the recommendations before Council. He summarized the policies relating to single non-residential rate, University exemption, administration of affordable housing and social housing initiatives through other corporate programs and the introduction of health services. He provided information on the development charge rates for other municipalities.

Mr. Gary Scandlan, consultant, provided clarification on the rationale for the proposed blended rate for industrial and commercial development charge.

Councillor Kovach retired from the meeting at 8:03 p.m.

Mr. Kevin Brousseau on behalf of the Guelph & District Home Builders Association and the Guelph Wellington Developers Association, expressed concern that key dates were not met which made it difficult to for the industry to review the proposals. He requested that the City continue with a third party peer review during future development charges review, that the City's Development Charge Update Team provide a response to the January 8th peer review with a clear and brief explanation justifying the increases.

Mr. Hugh Whiteley expressed concern with the relocation of a skatepark being funded with development charges and not being listed in the existing level of service. He further expressed concern that the by-law was developed without any public comment.

Mr. John Sloat was not present.

Ms. Susan Watson advised of support in raising the development charges to the maximum residential and she suggested that growth does not pay for itself and that taxpayers should not

be expected to make up the shortfall. She further expressed concern that there was not an effective public engagement component in the review.

Main Motion

5. Moved by Councillor Dennis
Seconded by Councillor Burcher
 1. That Council approve the 2013 Development Charge Background Study dated November 1, 2013 as amended on January 7, 2014.
 2. That Council has determined, in accordance with the Development Charges Act, 1997, that no further public meeting is required in respect of the proposed 2014 Development Charges By-law.
 3. That Council approve the 2014 Development Charge By-law in the form set out in Appendix F of the 2013 DC Background Study, to come into force on March 2, 2014.
 4. That Council approve the capital project listing set out in Chapter 5 of the 2013 Development Charges Background Study, as amended, and subject to further annual review during the capital budget process.
 5. That Council, whenever appropriate, request that grants, subsidies and other contributions be clearly designated by the donor as being to the benefit of existing development (or new development as applicable).
 6. That Council adopt the assumptions contained herein as an 'anticipation' with respect to the capital grants, subsidies and other contributions.

Amendment

6. Moved by Councillor Guthrie
Seconded by Councillor Bell

That the blended development charge for Industrial/Commercial be split with Industrial development charge being set at \$6.54 and the Commercial development charge being \$12.61.

VOTING IN FAVOUR: Councillors Bell, Furfaro, Guthrie and Piper (4)

VOTING AGAINST: Mayor Farbridge, Councillors Burcher, Dennis, Findlay, Hofland and Laidlaw (6)

DEFEATED

Main Motion

It was requested that the clauses be voted on separately.

7. Moved by Councillor Dennis
Seconded by Councillor Burcher
 1. That Council approve the 2013 Development Charge Background Study dated November 1, 2013 as amended on January 7, 2014.

VOTING IN FAVOUR: Mayor Farbridge, Councillors Bell, Burcher, Dennis, Findlay, Hofland, Laidlaw and Piper (8)

VOTING AGAINST: Councillors Furfaro and Guthrie (2)

CARRIED

8. Moved by Councillor Dennis
Seconded by Councillor Burcher

2. That Council has determined, in accordance with the Development Charges Act, 1997, that no further public meeting is required in respect of the proposed 2014 Development Charges By-law.

VOTING IN FAVOUR: Mayor Farbridge, Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland and Piper (9)

VOTING AGAINST: Councillors Laidlaw (1)

CARRIED

9. Moved by Councillor Dennis
Seconded by Councillor Burcher

3. That Council approve the 2014 Development Charge By-law in the form set out in Appendix F of the 2013 DC Background Study, to come into force on March 2, 2014.

VOTING IN FAVOUR: Mayor Farbridge, Councillors Burcher, Dennis, Findlay, Hofland, Laidlaw and Piper (7)

VOTING AGAINST: Councillors Bell, Furfaro and Guthrie (3)

CARRIED

10. Moved by Councillor Dennis
Seconded by Councillor Burcher

4. That Council approve the capital project listing set out in Chapter 5 of the 2013 Development Charges Background Study, as amended, and subject to further annual review during the capital budget process.

VOTING IN FAVOUR: Mayor Farbridge, Councillors Bell, Burcher, Dennis, Findlay, Hofland, Laidlaw and Piper (8)

VOTING AGAINST: Councillors Furfaro and Guthrie (2)

CARRIED

11. Moved by Councillor Dennis
Seconded by Councillor Burcher

5. That Council, whenever appropriate, request that grants, subsidies and other contributions be clearly designated by the donor as being to the benefit of existing development (or new development as applicable).

VOTING IN FAVOUR: Mayor Farbridge, Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Laidlaw and Piper (10)

VOTING AGAINST: (0)

CARRIED

12. Moved by Councillor Dennis
Seconded by Councillor Burcher

6. That Council adopt the assumptions contained herein as an 'anticipation' with respect to the capital grants, subsidies and other contributions.

VOTING IN FAVOUR: Mayor Farbridge, Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Laidlaw and Piper (10)

VOTING AGAINST: (0)

CARRIED

Special Resolution

Councillor Piper's motion for which notice was given November 25, 2013.

13. Moved by Councillor Piper
Seconded by Councillor Dennis

That the regulation of large, stand-alone donation boxes on public and private land be referred to the Operations, Transit & Emergency Services Committee.

VOTING IN FAVOUR: Mayor Farbridge, Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Laidlaw and Piper (10)

VOTING AGAINST: (0)

CARRIED

By-laws

14. Moved by Councillor Furfaro
Seconded by Councillor Bell

That By-laws Numbered (2013)-19681 to (2013)-19690, inclusive, are hereby passed.

VOTING IN FAVOUR: Mayor Farbridge, Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Laidlaw and Piper (10)

VOTING AGAINST: (0)

CARRIED

Notice of Motion

Councillor Findlay gave notice that he will be bringing a motion to a subsequent meeting on full cost accounting on planning reports.

Councillor Guthrie gave notice that he will be bringing a motion to a subsequent meeting on concerned employees and citizen's hotline.

Adjournment (9:18 p.m.)

15. Moved by Councillor Furfaro
Seconded by Councillor Hofland

That the meeting be adjourned.

CARRIED

Minutes to be confirmed on February 24, 2014.

Mayor Farbridge

Deputy Clerk

The property affected by the Zoning By-law Amendment application is lands legally described as Part of Lot B, Concession 2, Division E, municipally known as 158 Fife Road, City of Guelph (File ZC1215).

PROPOSED ZONING

Existing Specialized R.3A-40 Zone (front portion of property)

The existing Specialized R.3A-40 Zone shall remain unchanged, with the following exception:

Minimum Lot Frontage

Despite Row 4, Table 5.3.2 of the Zoning Bylaw, the minimum lot frontage shall be 12 metres rather than 18 metres.

New Specialized R.3A-? Zone (rear portion of property)

A new Specialized R.3A-? Zone shall apply to the balance of the lands (rear or southerly part of site) as follows:

Permitted Uses

All uses included in Section 5.3.1.1 of the Bylaw.

- ~~Maisonette dwelling~~ DELETED
- ~~Stacked Townhouse~~ DELETED
- Cluster Townhouse
- Home Occupation in accordance with Section 4.19
- Accessory Use in accordance with Section 4.23

Regulations

All regulations in Section 5.3.2 of the Bylaw shall apply with the following exceptions:

Minimum Lot Frontage

Despite Row 4, Table 5.3.2 of the Zoning Bylaw, the minimum lot frontage shall be 12 metres rather than 18 metres.

Maximum Number of Dwelling Units

A maximum of 13 Dwelling Units shall be permitted.

Maximum Building Height

Despite Row 9, Table 5.3.2 of the Zoning Bylaw, the maximum building height shall be two storeys.

Minimum Setback from Railway Right-of-Way

15 metres.

PROPOSED CONDITIONS

The site plan conditions approved by the OMB for lands identified as the existing Specialized R.3A-40 Zone (front portion of property), (Attachment 4a) shall apply without any changes.

The following site plan conditions shall apply to the new Specialized R.3A-? Zone (rear portion of property):

1. The Developer acknowledges and agrees that the suitability of the land for the proposed uses is the responsibility of the landowner. The Developer shall retain a Qualified Person (QP) as defined in Ontario Regulation 153/04 to prepare and submit a Phase 1 **Environmental Site Assessment** and any other subsequent phases required, to assess any real property to ensure that such property is free of contamination. If contamination is found, the consultant will determine its nature and the requirements for its removal and disposal at the Developer's expense. Prior to the site plan approval, a Qualified Person shall certify that all properties to be developed are free of contamination.
2. If contamination is found, the Developer shall:
 - a) submit all environmental assessment reports prepared in accordance with the **Record of Site Condition** (O. Reg. 153/04) describing the current conditions of the land to be developed and the proposed remedial action plan to the satisfaction of the City;
 - b) complete any necessary remediation work in accordance with the accepted remedial action plan and submit certification from a Qualified Person that the lands to be developed meet the Site Condition Standards of the intended land use; and
 - c) file a Record of Site Condition (RSC) on the Provincial Environmental Registry for lands to be developed.
3. That the Developer shall submit to the City, in accordance with Section 41 of The Planning Act, a fully detailed **site plan**, indicating the location of buildings, landscaping, parking, circulation, access, lighting, grading and drainage on the said lands to the satisfaction of the General Manager of Planning and Building Services and the General Manager/City Engineer, prior to Site Plan approval, and furthermore the Developer agrees to develop the said lands in accordance with the approved plan.
4. The Developer commits and agrees that the details of the site layout and design for development of the subject lands shall be in general accordance and conformity with the **Developer's concept plans** included as Attachment 6a of the Planning, Building, Engineering and Environment Report 13-63 dated January 27, 2014 (Site Plan, prepared by Astrid J. Clos, Planning Consultant, Project No.1216, dated October 17, 2013). In order to address area residents' site plan issues, the Developer further agrees to the site plan details that are listed in Attachment 8 of the Planning, Building, Engineering and Environment Report 13-63 dated January 27, 2014.
5. The Developer acknowledges and agrees that the General Manager of Planning Services will advise property owners directly adjacent to the site in writing when a formal application for site plan approval has been filed with the City to **allow residents the opportunity to view the plans** and make suggestions, for the consideration of the General Manager of Planning Services and the Site Plan Review Committee, prior to the approval of the site plan.
6. Prior to the issuance of site plan approval, the Developer shall provide the City with written confirmation that the buildings on the subject lands will be constructed to a

standard that implements energy efficiency in order to support the **Community Energy Initiative** to the satisfaction of the General Manager of Planning Services in accordance with the letter attached as Attachment 7 of the Planning, Building, Engineering and Environment Report 13-63 dated January 27, 2014.

7. The Developer shall prepare and submit to the City for approval, an **addendum to the Tree Report** that addresses the comments of the GRCA, EAC, Environmental Planner and Parks Planner, to the satisfaction of Planning, Building, Engineering and Environment, prior to the site plan approval.
8. That the Developer/owner shall pay **development charges** to the City in accordance with By-law Number (2009)-18729, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereto.
9. Prior to the issuance of a building permit, the Developer shall pay to the City **cash-in-lieu of park land dedication** in accordance By-law (1989)-13410, as amended by By-law (1990)-13545, or any successor thereof.
10. Prior to site plan approval and prior to any construction or grading on the lands, the Developer shall have a Professional Engineer design a **grading and drainage plan** for the site, satisfactory to the General Manager/City Engineer.
11. The Developer grades, develops and maintains the site including the **storm water management facilities** designed by a Professional Engineer, in accordance with a Site Plan that has been submitted to and approved by the General Manager/City Engineer. Furthermore, the Developer shall have the Professional Engineer who designed the storm water management system certify to the City that he/she supervised the construction of the storm water management system, and that the storm water management system was approved by the City and that it is functioning properly.
12. Prior to site plan approval and prior to any construction or grading on the lands, the Developer shall construct, install and maintain **erosion and sediment control facilities**, satisfactory to the General Manager/City Engineer, in accordance with a plan that has been submitted to and approved by the General Manager/City Engineer.
13. The Developer shall pay to the City the actual cost of replacing, extending, filling, repairing all **curb and gutter and sidewalk/boulevard** along the frontages of the subject site, that are required in order to service the proposed development, to the satisfaction of the General Manager/City Engineer and furthermore, prior to site plan approval, the Developer shall pay to the City the estimated cost, as determined by the General Manager/City Engineer, of replacing, extending, filling, repairing all curb and gutter and sidewalk/boulevard along the frontages of the subject site, that are required in order to service the proposed development.
14. The Developer shall pay to the City the actual cost of the construction of the **new access** and the required **curb cut**, prior to any construction or grading on the lands,

prior to site plan approval the developer shall pay to the City the estimated cost as determined by the General Manager/City Engineer of constructing the new access and the required curb cut.

15. The Developer shall construct the new buildings at such an elevation that the lowest level of the new buildings can be serviced with a **gravity connection** to the sanitary sewer.
16. The Developer shall pay to the City the actual cost of constructing, installing or removal of any **service laterals** required and furthermore, prior to site plan approval, the developer shall pay to the City the estimated cost of the service laterals, as determined by the General Manager/City Engineer.
17. Prior to the issuance of a building permit, any monitoring **wells and boreholes** drilled for hydrogeological or geotechnical investigations shall be properly abandoned in accordance with current Ministry of the Environment Regulations and Guidelines. The Developer shall submit a Well Record to the satisfaction of the General Manager/City Engineer.
18. Prior to the issuance of site plan approval for the lands, the Developer shall pay to the City, the City's total cost of reproduction and distribution of the **Guelph Residents' Environmental Handbook**, to all future households within the project, with such payment based on a cost of one handbook per residential household, as determined by the City.
19. The Developer shall make satisfactory arrangements with **Union Gas** for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to site plan approval.
20. That all electrical services to the lands are underground and the Developer shall make satisfactory arrangements with **Guelph Hydro Electric Systems Inc.** for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to site plan approval.
21. The Developer shall ensure that all **telephone service and cable TV service** in the Lands shall be underground. The Developer shall enter into a servicing agreement with the appropriate service providers for the installation of underground utility services for the Lands.
22. Prior to site plan approval, the Developer shall satisfy all requirements and conditions of **Canada Post Corporation** and shall provide the City with written confirmation from Canada Post that the Developer has satisfied all Canada Post requirements, financial and otherwise, regarding the installation of community mail boxes, notice to prospective purchasers that home/business mail delivery will be provided via CMB and shall enter into any required agreements with Canada Post, to the satisfaction of Canada Post.

23. Prior to site plan approval, the Developer shall satisfy all requirements and conditions of **Canadian National Railway** and shall provide the City with written confirmation from CN that the Developer has satisfied all CN requirements, financial and otherwise, regarding agreements, setbacks from the rail right-of-way, fencing, environmental easement registration, grading and drainage and confirmation that CN's standard spur line warning clause is inserted in all agreements, offers to purchase and agreements of Purchase and Sale or Lease of each dwelling unit within 300m of the Railway right-of-way, to the satisfaction of CN.
24. Prior to site plan approval, the Developer shall provide evidence to the City that the Summary of Recommendations and Implementation (Sections 6 and 6.1) in the '**Rail Traffic Noise Feasibility Study** 158 Fife Road' by HGC Engineering, dated December 6, 2012, applying requirements and conditions to the proposed development including a noise warning clause and upgraded building construction for specific dwelling units, will be implemented to the satisfaction of the General Manager of Planning Services.
25. Prior to site plan approval, the Developer shall enter into an **agreement** with the City, registered on title, satisfactory to the City Solicitor and General Manager/City Engineer, covering the conditions noted above and to develop the site in accordance with the approved plans and reports.

The property affected by the application are lands municipally known as 1820 Gordon Street, legally described as a Portion of Plan 23T-03507 being Part of the Southwest Part of Lot 11, Concession 8, (Part of Part 1, Plan 61R-10803), City of Guelph (Files 23T-03507/ZC1201).

ZONING

<u>Proposed Zoning Schedule</u>					
Land Use	Blocks	Zone	Regulation	Specialized Regulations	Exemption
On-Street Townhouses	Blocks 1 to 6	R.3B-?	Minimum Lot Area Minimum Lot Area/Unit Minimum Lot Frontage Maximum Building Coverage Add: Required Fencing	152 m ² 152 m ² 5.5 m 50%	152 m² in lieu of 180 m² 152 m² in lieu of 180 m² 5.5m in lieu of 6.0 m 50% in lieu of 40% Privacy fencing required along the westerly lot line.
Cluster Townhouse	Block 7	R.3A-?	Minimum Front Yard Maximum Density	4.5m to front wall of dwelling and 6m to garage face if garage access is from a public street. 40 u/ha	4.5 m in lieu of 6.0 m applying to habitable floorspace. 40 u/ha in lieu of 37.5 u/ha
All uses permitted under R.3A and R.4A Zoning.	Block 8	R.4A-?	Setback Regulations	Where an R.4A-? abuts an R.3A-? Zone and the lands are to be developed jointly with townhouses, the R.3A-? regulations shall apply. The zone line/lot line between the two zones shall not be considered a setback line if these two zones are developed jointly for townhouses	Elimination of setbacks between Blocks 7 and 8 when these blocks are developed as one cohesive townhouse development.
Open Space /Wildlife Corridor	Block 9	P.1 Zone			

CONDITIONS

City Conditions

1. That this approval applies only to the revised redlined Phase 2 draft plan of subdivision for Pergola Subdivision (23T-03507/ZC1201), prepared by BSRD, Project No. 96-0299-15, dated May 17, 2013, included as Attachment 6a of the Planning, Building, Engineering and Environment Report 14-05 dated January 27, 2014.

Conditions to be met prior to grading and site alteration

2. That prior to any grading or construction on the site, the developer enters into an agreement with the City or obtains a **Site Alteration Permit**, to be registered on title, satisfactory to the City Solicitor, which includes all requirements, financial and otherwise, to the satisfaction of the City of Guelph.

3. That the developer shall prepare a **site drainage and grading plan** for the entire subdivision, satisfactory to the City Engineer. Such a plan will be used as the basis for a detailed lot grading plan to be submitted prior to the issuance of any building permit within the subdivision.
4. That the developer submits a detailed **stormwater management report and plans** to the satisfaction of the City Engineer which shows how storm water will be controlled and conveyed to the receiving water body. The report and plans shall address the issue of water quality in accordance with recognized Best Management Practices and Provincial Guidelines. Maintenance and operational requirements for any control and/or conveyance facilities must be described in a format to be made available to the City's Public Works Department.
5. The developer shall complete a **Tree Inventory, Preservation and Compensation Plan** satisfactory to the General Manager of Planning, in accordance with the City of Guelph Bylaw (2010)-19058 prior to any tree removal, grading or construction on the site.
6. That the developer agrees to **stabilize all disturbed soil** within 90 days of being disturbed, control all noxious weeds and keep ground cover to a maximum height of 150 mm (6 inches) until the release of the subdivision agreement on the block/lot so disturbed.
7. That the developer constructs, installs and maintains **erosion and sediment control facilities**, satisfactory to the City, prior to any grading or construction on the subdivision lands in accordance with a plan that has been submitted to and approved by the City Engineer.
8. The developer shall provide a qualified **Environmental Inspector**, satisfactory to the City Engineer, to inspect the site during all phases of development and construction including grading, servicing and building construction. The Environmental Inspector shall monitor and inspect the erosion and sediment control measures and procedures, and compliance with the Environmental Impact Study and the Environment Implementation Report on a weekly or more frequent basis if required. The Environmental Inspector shall report on their findings to the City on a monthly or more frequent basis.
9. The developer shall prepare an **Environmental Implementation Report (EIR)** based on Terms of Reference approved by the City and the Grand River Conservation Authority (GRCA). Such report will include an implementation strategy and monitoring program based on recommendations of the approved Environmental Impact Study as well as the approved Environmental Implementation Report completed for Phase 1 lands, as applicable. It will also address comments from the City's Environmental Planner and the Environmental Advisory Committee dated November 14th, 2012 and the GRCA. As well, it shall consider comments from the Guelph Field Naturalists dated November 17th, 2004 and outlined in the November 14, 2012 EAC meeting minutes.

10. That the developer agrees to prepare a **construction traffic access and control plan** for all phases of servicing and building construction to the satisfaction of the City. Any costs related to the implementation of such a plan shall be borne by the Developer. Any damage or maintenance required to surrounding streets as a result of such traffic shall be at the developers cost.
11. That the developer agrees that no work, including, but not limited to tree cutting, grading or filling, will occur on the lands until such time as the developer has obtained **written permission** from the City Engineer or has entered into a Subdivision Agreement with the City.
12. That any **domestic wells and boreholes** drilled for hydrogeological or geotechnical investigations be properly decommissioned in accordance with current Ministry of the Environment Regulations and Guidelines to the satisfaction of the City Engineer.
13. Prior to any development or grading of the site, the developer shall submit to the City, a report indicating how regular **dust suppression** will be accomplished during the construction phase of the subdivision.
14. The Developer shall ensure that the height of any proposed **retaining wall** does not exceed 1.0 metre to the satisfaction of the City Engineer.

Conditions to be met prior to execution of subdivision agreement

15. The developer agrees that, in the event that development of the property is to be phased, a **phasing plan** must be submitted prior to final approval and registration. The phasing plan shall indicate consistency with the approved Development Priorities Plan, the sequence of development, the land areas in hectares, the number of lots and blocks in each phase, the proposed use of each block, the specific lots to be developed, site access to each phase, grading and the construction of public services, all to the satisfaction of the City of Guelph.
16. The developer is responsible for the **cost of the design and construction of all municipal services** required to service the lands within and external to the limits of the plan of subdivision including roadworks, and sanitary, storm and water facilities unless otherwise funded under the provisions of the City's Development Charges Bylaw (2004)-17361, as amended, the Local service Bylaw (1994)-14553, as amended, or a legal and binding agreement with another party. The distance and alignment of such services will be determined by the City of Guelph. In addition, the Developer will be required to pay the cost of the design, construction and removal of any works of a temporary nature including temporary cul-de-sacs, sewers, stormwater management facilities, watermains and emergency accesses.
17. The developer agrees that no development will be permitted on Blocks 1 to 8 inclusive unless the grading plan prepared for the subdivision and approved by the City Engineer indicates that the maximum proposed elevation on the block to be developed is less than 344 metres or until the City Engineer confirms that **adequate water pressure** is available to service Blocks 1 to 8.

18. That the developer makes arrangements, satisfactory to the City Engineer, concerning the **scheduling of the development** and the developer's payment of costs for services within the subdivision.
19. The developer shall have **engineering servicing drawings** and final reports prepared for the approval of the City Engineer. These drawings must reflect the recommendations of all approved reports and studies prepared in support of this application. Such recommendations will be implemented at the cost of the developer.
20. That the developer shall submit a **Geotechnical Report** to the satisfaction of the City Engineer which describes the potential impacts of groundwater and provides recommendations for pavement design and pipe bedding.
21. That the developer agrees to provide two second order, second level **Geodetic Benchmarks** in locations within the proposed subdivision to the satisfaction of the City Engineer.

Conditions to be met prior to registration

22. That the developer shall pay any outstanding **debts** owed to the City, prior to the registration of the proposed Plan of Subdivision.
23. That the registration of the plan, or any part thereof, shall require approval of the City with respect to **adequate water supply and sewage treatment capacity** being available, prior to the registration of the plan.
24. That any dead ends and open sides of road allowances created by this Draft Plan, or the phasing thereof, be terminated in **0.3 metre reserves** which shall be conveyed to the City. Further, the developer shall **dedicate Block 9** to the City for wildlife corridor/open space protection.
25. That the **road allowances** included in the Draft Plan be dedicated as public highways and that prior to the registration of any phase of the subdivision, the City shall receive a letter from the O.L.S. preparing the plan that certifies that the layout of the roads in the plan conforms to the City's "Geometric Design Criteria - July 23, 1993" with any exceptions.
26. That any lots or blocks to be identified by the City, shall be deeded to the City and held until **specific roads** in the plan can be constructed and extended beyond the terminus of the road as shown on the Draft Plan, or it is demonstrated that the lots can be graded to final elevations to the satisfaction of the City Engineer.
27. The developer shall notify all prospective purchasers and homeowners of any lots in the subdivision with frontage or flankage along roads proposed as **transit routes**, and that these streets may be used as part of a transit route to provide public transit service through the subdivision.
28. The developer shall pay to the City the cost of installing **bus stop pads** and transfer facilities in the subdivision, if required, at the locations to be determined by Guelph Transit, prior to the registration of the plan.

29. The developer shall build all streets proposed as a transit route with a roadway having a **minimum pavement width of 10 metres** and sidewalks on both sides of these streets to the satisfaction of the City.
30. That the developer shall **erect signs** at all entrances to the subdivision advising that the storm sewer system has been designed and constructed using the principles of storm water detention. The exact wording and size of the sign and lettering is to be provided by the City Engineer.
31. The developer shall notify all purchasers that **sump pumps** will be required for every lot unless a gravity outlet for the foundation drain can be provided on the lot in accordance with a certified design by a Professional Engineer. Furthermore, the developer shall ensure that all sump pumps are discharged to the rear yard and the developer shall notify all purchasers that the discharge shall be to the rear yard.
32. That the developer pays the cost of erecting **street name and traffic control signs and traffic signals** in the subdivision, to the satisfaction of the City.
33. That the developer is responsible for the total cost of preparing a **tree planting plan for the roadways** shown on the plan of subdivision and implementing such plan to the satisfaction of the City Engineer.
34. That all **easements, blocks, reserves and rights-of-way** required within or adjacent to the proposed subdivision be granted to the satisfaction of the City, Guelph Hydro Electric Systems Inc. and other Guelph utilities.
35. That **street lighting and underground wiring** shall be provided throughout the subdivision at the developer's expense and in accordance with the policies of the City and Guelph Hydro Electric Systems Inc.
36. That the developer shall notify all prospective purchasers and homeowners that **on-street parking measures** will be implemented in the subdivision. Further, the developer shall provide an on-street parking plan to the satisfaction of the City Engineer, prior to the registration of the proposed plan of subdivision.
37. That the developer shall pay **development charges** to the City in accordance with By-law Number (2004)-17361, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and The Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereto, prior to the issuance of a building permit, at the rates in effect at the time of the issuance of a building permit.
38. That the developer shall at its expense implement and address all recommendations contained in the latest **Environmental Impact Study** that has been approved by the City and the developer shall address each recommendation to the satisfaction of the Grand River Conservation Authority and the City.

39. That the developer shall **erect signs at the entrances to the subdivision** showing the proposed land uses and zoning of all lots and blocks within the proposed subdivision and predominantly place on such signs the wording "For the zoning of all lands abutting the subdivision, inquiries should be directed to Planning Services, City Hall".
40. The Developer shall pay to the City **cash-in-lieu of park land dedication** in accordance with By-law (1989)-13410, as amended by By-law (1990)-13545, or any successor thereof, to the satisfaction of the Manager of Parks and Open Space.
41. The developer shall be responsible for the cost of design of the **Open Space Block 9** which shall include submitting drawings for approval, phasing, interpretative signage and other required details, to the satisfaction of the City.
42. The developer shall provide the General Manager of Planning Services with a **digital file** in either AutoCAD - DWG format or DXF format containing the following final approved information: parcel fabric, street network, grades/contours and landscaping of open space block 9.
43. The developer shall meet all conditions and recommendations of the **Traffic Impact Study** and shall implement all conditions and recommendations to the satisfaction of the City, prior to the registration of the subdivision. Further, the developer shall submit a Traffic Calming Management Plan to the City for approval and shall incorporate the recommendations into the final subdivision design and shall implement all conditions and recommendations to the satisfaction of the City.
44. Prior to the registration of the subdivision plan or any part thereof, the developer shall pay to the City, the City's total cost of reproduction and distribution of the **Guelph Residents' Environmental Handbook**, to all future homeowners or households within the plan, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City.
45. That the developer agrees to locate and construct all **driveways** accessing municipal streets to the satisfaction of the City Engineer.
46. That all existing roads to be closed and all roads to be used for **emergency access** be constructed to a standard acceptable to the City Engineer at the expense of the developer.
47. That the developer acknowledges that the suitability of the land for the proposed uses is the responsibility of the landowner. The developer shall retain a properly qualified consultant to prepare a Phase 1 **Environmental Site Assessment** (and any other subsequent phases required), to assess any real property to be conveyed to the City to ensure that such property is free of contamination. If contamination is found, the consultant will determine its nature and the requirements for its removal and disposal at the developer's expense. Prior to the registration of the plan, the consultant shall certify that all properties to be conveyed to the City are free of contamination.

48. That the developer agrees to **erect signage** at all entrances to the subdivision prior to the sale of any lots and prior to commencement of subdivision construction which provides notification of the proposed land use within and surrounding the subdivision, road pattern, lotting, phasing of the proposed subdivision, the properties abutting the development, location of postal facilities and stormwater management facilities, and lots subject to warning clauses. The signs shall be resistant to weathering and vandalism.
49. That the developer agrees to place the following **notifications** in all offers of purchase and sale for all lots and/or units and in the City's subdivision agreement to be registered on title:
- a) "Purchasers and/or tenants of lots or units adjacent to or near the Stormwater Management Block are advised that the Stormwater Management Block has been vegetated to create a natural setting. Be advised that the City will not carry out routine maintenance such as grass cutting. Some maintenance may occur in the areas that are developed by the City for public walkways, bikeways and trails."
 - b) "Purchasers and/or tenants of all lots or units are advised that if any fee has been paid by the purchaser to the Developers for the planting of trees on City boulevards in front of residential units does not obligate the City nor guarantee that a tree will be planted on the boulevard in front or on the side of a particular residential dwelling."
 - c) "Purchasers and/or tenants of all lots or units are advised that a transit route may be installed on streets within the subdivision at the discretion of the City. The location of such route and bus stops will be determined based on the policies and requirements of the City. Such bus stops may be located anywhere along the route, including lot frontages."
 - d) "Purchasers and/or tenants of all lots or units located in the subdivision plan, are advised prior to the completion of home sales, of the time frame during which construction activities may occur, and the potential for residents to be inconvenienced by construction activities such as noise, dust, dirt, debris and construction traffic".
 - e) "Purchasers and/or tenants of lots or units in the area of 'stub roads' are advised that these roads are to be extended at some future date when the adjacent lands are developed".
50. The Developer agrees to eliminate the use of any covenants that would restrict the use of **clotheslines** and that prior to the registration of all or any portion of the plan, the Developer's lawyer shall certify to the General Manager of Planning Services there are no restrictive covenants which restrict the use of clotheslines.

Conditions to be met prior to Site Plan Approval

51. The developer acknowledges and agrees that the dwelling units in the subdivision will be constructed to the ENERGY STAR standard or an equivalent that promotes energy efficiency and further agrees to implement the measures outlined in the letter of commitment dated December 12, 2013, included in Attachment 8 of the Planning, Building, Engineering and Environment Report 14-05 dated January 27, 2014 to comply with the **Community Energy Initiative**, to the satisfaction of the City.

Conditions to be met prior to issuance of a building permit

52. The developer shall submit a report prepared by a Professional Engineer to the satisfaction of the Chief Building Official **certifying all fill** placed below proposed building locations. All fill placed within the allowable zoning by-law envelope for building construction shall be certified to a maximum distance of 30 metres from the street line. This report shall include the following information: lot number, depth of fill, top elevation of fill and the area approved for building construction from the street line.
53. The developer shall submit a report prepared by a Professional Engineer to the satisfaction of the Chief Building Official providing an opinion on the presence of **soil gases** (radon and methane) in the plan of subdivision in accordance with applicable provisions contained in the Ontario Building Code.

Agency Conditions

54. The developer agrees to meet all requirements of **Guelph Hydro Electric Systems Inc.** including the relocation of existing hydro services and the installation of new hydro services and shall enter into any agreements required by Guelph Hydro Electric Systems Inc. in order to fully service the said lands with hydro facilities to the satisfaction of Guelph Hydro Electric Systems Inc., prior to the registration of the plan.
55. That all **telephone service and cable TV service** in the plan shall be underground and the developer shall enter into a Servicing Agreement with the appropriate service provider for the installation of underground telephone service prior to registration of the Plan of Subdivision.
56. That the developer agrees to provide the **Upper Grand District School Board** with a digital file of the plan of subdivision in either ARC/INFO export or DXF format containing the following information: parcel fabric and street network.
57. That the developer and the **Upper Grand District School Board** shall reach an agreement regarding the supply and erection of a sign (at the developer's expense and according to Upper Grand District School Board specifications) affixed to the permanent development sign advising perspective residents that students may be directed to schools outside the neighbourhood.
58. That the developer and the **Wellington Catholic District School Board** reach an agreement regarding the supply and erection of signage, at the developer's expense and according to the Board's specifications, affixed to the subdivision sign advising potential Separate School supporters of the location of schools serving the area and the current practice of busing students outside the immediate area should school in the area be at capacity.
59. That the developer provides the **Wellington Catholic District School Board** with a digital file of the plan of subdivision in either ARC/INFO export or DXF format containing parcel fabric and street network.
60. The developer shall satisfy all requirements and conditions of **Canada Post** including advisories and suitable mailbox locations. The developer shall ensure that the eventual lot/home owner is advised in writing by the developer/sub divider/builder that Canada

Post has selected the municipal easement to their lot for a Community Mail Box installation and the developer shall be responsible for the installation of concrete pads in accordance with the requirements of Canada Post, in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes. The concrete pads are to be poured at the time of curb installation within each phase of the subdivision.

61. That prior to any grading or construction on the site and prior to the registration of the plan, the owners or their agents shall submit the following plans and reports to the satisfaction and approval of the **Grand River Conservation Authority**:
- a) A detailed storm water management report and plans in accordance with the Ministry of Environment and Energy Report entitled, Stormwater Management Practices Planning and Design Manual, 2003. This report should include geotechnical information addressing the infiltration potential of the site. In addition, a storm servicing plan for the site should be included.
 - b) A Lot Grading and Drainage Control Plan showing the limits of all grading, including existing and proposed grades including a Tree Conservation Plan.
 - c) An erosion and sediment control plan and plan in accordance with the Grand River Conservation Authority's Guidelines on Erosion and Sediment Control for construction sites, indicating the means whereby erosion will be minimized and sediment maintained on site throughout all phases of grading and construction, including a monitoring and maintenance plan.
62. That the subdivision agreement between the owners and the municipality contain provisions for the completion and maintenance of the works in accordance with the approved plans and reports, to the satisfaction of the **GRCA**.
63. The developer shall at its expense, construct a privacy fence along the entire westerly boundary of the subject lands where it abuts property municipally known as **1858 Gordon Street**, to the satisfaction of the City.
64. That the developer enters into a **Subdivision Agreement** with the City, registered on title, satisfactory to the City Solicitor that covers the conditions of approval.
65. That prior to the registration of all, or any portion of, the plan, Guelph Hydro Electric Systems Inc. shall advise the City in writing, how conditions 34, 35 and 54 have been satisfied.
66. That prior to the registration of all, or any portion of, the plan, Bell Canada shall advise the City in writing, how condition 55 has been satisfied.
67. That prior to the registration of all, or any portion of, the plan, the Upper Grand District School Board shall advise the City in writing, how conditions 56 and 57 have been satisfied.

68. That prior to the registration of all, or any portion of, the plan, the Wellington Catholic District School Board shall advise the City in writing, how conditions 58 and 59 have been satisfied.

69. That prior to the registration of all, or any portion of, the plan, the Canada Post shall advise the City in writing, how condition 60 has been satisfied.

70. That prior to the registration of all, or any portion of, the plan, the Grand River Conservation Authority shall advise the City in writing, how conditions 9, 38, 61 and 62 have been satisfied.

Note: Draft Plan Approval of the Pergola Drive-In Limited Subdivision, shall lapse at the expiration of **3 years** from the date of issuance of Draft Plan Approval (current lapsing date is May 26, 2015).