

Council Caucus Room
May 7, 2012 5:00 p.m.

An Open Meeting of Guelph City Council.

Present: Mayor Farbridge, Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Van Hellemond and Wettstein

Absent: Councillors Laidlaw and Piper

Staff Present: Ms. A. Pappert, Chief Administrative Officer; Mr. M. Amorosi, Executive Director of Corporate & Human Resources; Dr. J. Laird, Executive Director of Planning & Building, Engineering and Environment; Ms. C. Bell, Executive Director of Community & Social Services; and Ms. T. Agnello, Deputy City Clerk

- 1. Moved by Councillor Burcher
Seconded by Councillor Dennis
THAT the Council of the City of Guelph now hold a meeting that is closed to the public with respect to:

OMB Appeal Update – 716 Gordon Street

S. 239 2 (e) of the *Municipal Act* - litigation or potential litigation

Litigation Relating to the Construction of City Hall

S. 239 2 (e) of the *Municipal Act* - litigation or potential litigation

Labour Relations

S. 239 2 (d) of the *Municipal Act* - labour relations or employee negotiations

Carried

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Mayor

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Deputy City Clerk

Council Caucus Room
May 7, 2012 5:02 p.m.

A Closed Meeting of Guelph City Council.

Present: Mayor Farbridge, Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper (arrived at 5:22 p.m.), Van Hellemond and Wettstein

Staff Present: Ms. A. Pappert, Chief Administrative Officer; Mr. M. Amorosi, Executive Director of Corporate & Human Resources; Dr. J. Laird, Executive Director of Planning & Building, Engineering and Environment; Ms. C. Bell, Executive Director of Community & Social Services; Ms. D. Jaques, General Manager of Legal and Realty Services/ City Solicitor; Mr. S. Worsfold, Deputy City Solicitor; Ms. C. Clack, General Manager of Arts, Culture and Entertainment; Mr. G. Hunt, Manager, Labour Relations, Health & Safety/Assistant Director of Human Resources; and Ms. T. Agnello, Deputy City Clerk

DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT AND THE GENERAL NATURE THEREOF

Councillor Piper declared a possible pecuniary interest with regards to OMB Appeal Update – 716 Gordon Street by virtue of her employment with the University of Guelph and vacated the room for that portion of the meeting.

Litigation Relating to the Construction of City Hall

1. Moved by Councillor Hofland
Seconded by Councillor Burcher
That Derek Schmuck and Brian Decaire, legal counsel on behalf of the City, be invited to address Council in closed session.

Carried

The solicitors provided a status update of a litigation matter relating to the construction of City Hall.

2. Moved by Councillor Hofland
Seconded by Councillor Bell
That the verbal report from legal Counsel regarding a litigation matter relating to the construction of City Hall be received.

Carried

OMB Appeal Update – 716 Gordon Street

Councillor Piper vacated the room for discussion and voting relating to this matter.

Scott Worsfold provided a verbal report on this matter.

- 3. Moved by Councillor Burcher
Seconded by Councillor Laidlaw
That the verbal report from legal Counsel regarding an OMB appeal update for 716 Gordon Street be received.

Carried

Labour Relations

The Executive Director of Corporate & Human Resources and the Manager, Labour Relations, Health & Safety/Assistant Director of Human Resources provided a verbal report on Labour Relations matters.

- 4. Moved by Councillor Piper
Seconded by Councillor Laidlaw
That staff be given direction with regard to a labour relations matter.

Carried

Adjournment

- 5. Moved by Councillor Burcher
Seconded by Councillor Findlay
That the Closed Meeting of Council of May 7, 2012 be adjourned.

Carried

The meeting adjourned at 6:41 p.m.

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Mayor

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Deputy City Clerk

Council Chambers
May 7, 2012 7:00 p.m.

An Open Meeting of Guelph City Council

Present: Mayor Farbridge, Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Van Hellemond and Wettstein

Staff Present: Dr. J. Laird, Executive Director of Planning & Building, Engineering and Environment; Mr. A. Hearne, Acting Manager of Development Planning; Mr. I. Panabaker, Corporate Manager, Downtown Renewal; Mr. R. Philips, Manager of Transportation Planning & Development Engineering; Ms. T. Agnello, Deputy City Clerk; and Ms. D. Black, Council Committee Coordinator

DECLARATIONS OF PECUNIARY INTEREST AND THE GENERAL NATURE THEROF

Councillor Findlay declared a pecuniary interest with regard to the 55 Yarmouth Street and 68 Baker Street Amendment to Draft Plan Of Condominium (Conversion) (File: 23 CDM-11051) – Ward 1 because he is a commercial tenant of the property and did not discuss or vote on the matter.

Consent Agenda

The following item was extracted from the May 7, 2012 Consent Agenda to be voted on separately:

A-3 148-152 Macdonell Street: Proposed Official Plan Amendment & Zoning By-Law Amendment (Files OP1104 & ZC1114) – Ward 1

30, 34 and 40 Arkell Road: Proposed Zoning By-Law Amendment (File: ZC1115) – Ward 6

1. Moved by Councillor Burcher
Seconded by Councillor Laidlaw

Ms. A. Clos
Dr. J. Laird
Mr. T. Salter
Ms. S. Aram
Mr. D. McCaughan

THAT Report 12-42 dated May 7, 2012 regarding a proposed Zoning By-law Amendment for the properties municipally known as 30, 34 and 40 Arkell Road from Planning, Building, Engineering and Environment be received;

AND THAT the application by Astrid J. Clos Planning Consultants for a Zoning By-law Amendment to change the zoning from the R.3A-38 (Specialized Cluster Townhouse) Zone and the R.1B (Single Detached Residential) Zone to a Specialized R.3A-? (Cluster

Townhouse) Zone for the properties municipally known as 30, 34 and 40 Arkell Road, and legally described as Part Lot 6, Concession 8, Geographic Township of Puslinch, Lot 1 and Part of Lot 2, Registered Plan 514, City of Guelph be approved in accordance with the regulations and conditions set out in Attachment 2 of Planning, Building, Engineering and Environment Report 12-42 dated May 7, 2012 attached hereto as Schedule 1;

AND THAT in accordance with Section 34(17) of the *Planning Act*, City Council has determined that no further public notice is required related to the minor modifications to the proposed Zoning By-law Amendment affecting 30, 34 and 40 Arkell Road as set out in Report 12-42 from Planning, Building, Engineering and Environment dated May 7, 2012;

AND THAT the request to demolish the detached dwelling located on the property municipally known as 40 Arkell Road be approved.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Van Hellemond, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

**55 Yarmouth Street and 68 Baker Street
Amendment to Draft Plan of Condominium
(Conversion) (File: 23CDM-11051) – Ward 1**

Councillor Findlay vacated his chair and did not speak or vote on the matter.

2. Moved by Councillor Furfaro
Seconded by Councillor Hofland

Ms. A. Clos
Dr. J. Laird
Mr. T. Salter
Ms. S. Aram
Mr. D. McCaughan

THAT Report 12-24 regarding a proposed amendment to a Draft Plan of Condominium, applying to properties municipally known as 55 Yarmouth Street and 68 Baker Street from Planning, Building, Engineering and Environment, dated May 7, 2012, be received;

AND THAT the application by Astrid J. Clos Planning Consultants, on behalf of Skyline Inc., requesting an amendment to an approved Draft Plan of Condominium, as shown on Attachment 4, applying to properties municipally known as 55 Yarmouth Street and 68 Baker Street and legally described as Part of Lots 91 and 93 and Lot 92, Registered Plan 8, City of Guelph, be approved, subject to conditions outlined in Attachment 2 of Planning,

Building, Engineering and Environment Report 12-24, dated May 7, 2012 hereto attached as Schedule 2.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Van Hellemond, Wettstein and Mayor Farbridge (12)

VOTING AGAINST: (0)

Councillor Findlay did not speak or vote on the matter.

Carried

PLANNING PUBLIC MEETING

Mayor Farbridge announced that in accordance with The Planning Act, Council was 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 planning matters listed on the agenda.

DELEGATIONS

0 Speedvale Avenue: Proposed Redline Amendment to a Draft Plan of Subdivision and a Zoning By-law Amendment (Files: 23T88009/ZC1203) – Ward 4

Ms. Melissa Aldunate, Senior Policy Planner, advised the application is requesting a change from the single detached residential to permit a different range and mix of housing that will result in an increase in the density and total number of residential units to include on-street townhouses.

Ms. Nancy Shoemaker, on behalf of the applicant, advised that the applicant is requesting to add some on-street cluster townhouses and some semi-detached lots and reduce the remaining single lots from 15 meters to 9-10 meters so they can accommodate 58 persons per hectare. She believes this proposal will make the property more in line with provincial and municipal policies.

3. Moved by Councillor Kovach
Seconded by Councillor Dennis

Dr. J. Laird
Mr. T. Salter

THAT Report 12-50 regarding applications for a redline amendment to an approved draft plan of subdivision and a zoning by-law amendment by BSRD Ltd. on behalf of Armel Corporation on lands municipally known as 0 Speedvale Avenue West and legally described as Part of Lots 6 and 7, Concession 1, Division 'B', City of Guelph,

from Planning, Building, Engineering and Environment dated May 7, 2012 be received.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Van Hellemond, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

316 Waterloo Avenue: Proposed Zoning By-law Amendment (File: ZC1116) – Ward 5

Ms. Rita Kostyan, Development Planner, advised that the applicant is requesting the zoning be changed to permit the development of two single detached dwellings on one property. The owner wants to convert the concrete block building into a residential building and have two residential buildings on site with four parking spaces.

In response to questions, she advised the property is fairly level and will use only one driveway. She will provide illustrations showing green space on the property when the report comes back to Council.

Staff were directed to follow up with 281 Bristol Street residents that submitted a petition to ascertain their concerns and work to mitigate the issues.

Mr. Jeff Buisman, on behalf of the applicant, stated that the block building at the back of the property was formerly used by the Guelph Humane Society and was turned into a residence by a former owner with a permit and the current owner has been using the operating a roofing company which is not a permitted. The owner intends to bring make the building a two bedroom residence. He said there are amenities in place to service the two units. He confirmed there will be one driveway for access to Waterloo Avenue and two parking spots on the side of the house and two spots either in the garage or in front of the building at the back of the property.

Staff were directed to ensure there was adequate emergency vehicle access. They will also determine whether remediation of the property is required and who will be responsible to cover the costs.

Dr. J. Laird
Mr. T. Salter

4. Moved by Councillor Laidlaw
Seconded by Councillor Furfaro
THAT Report 12-51 regarding an application for a Zoning By-law Amendment to permit two single detached residential dwellings at 316 Waterloo Avenue, legally described as Lot 23, Registered Plan 34, City of Guelph, from Planning, Building, Engineering and Environment, dated May 7, 2012, be received.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Van Hellemond, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

148-152 MACDONELL STREET: PROPOSED OFFICIAL PLAN AMENDMENT & ZONING BY-LAW AMENDMENT (FILES OP1104 & ZC1114) – WARD 1

Ms. Stacey Laughlin, Senior Development Planner, outlined highlights of the development as noted in her report and said the design details will be established in the site plan approval process.

In response to questions, staff confirmed that the building height of 18 storeys does not include the mechanical equipment. The peer review is a supplement to the site plan review process, not replacing it. Staff advised the building is designed district energy ready and all heating and cooling will be done by district energy but a timeline cannot be determined yet because Guelph Hydro timelines are not yet known. The uncertainty of requirements for greywater use was a factor in the developer's decision to utilize district energy.

Staff believes traffic impact on the other side of the river will be minimal and there will not be a significant impact on the downtown.

Staff clarified that the access facing Macdonell Street includes three doors: one each for residential, commercial and service-oriented. The grade separation between Macdonell Street and Woolwich Street is approximately five feet at most.

Ms. Laughlin clarified the angular plane requirements, the grading requirements and explained that the main entrances face Macdonnell because of flood line restrictions on Woolwich. She said that all residents of any rental unit must be apprised of an evacuation plan

and requirements for fire safety are within the Ontario Building Code and Ontario Fire Code. She also advised that the stone masonry for the first two floors and the precast concrete colours will complement existing downtown buildings.

Ms. Krista Walkey, on behalf of the applicant, advised the project is a redevelopment of a brownfield site and will improve the pedestrian realm and be a catalyst for downtown development. She stated the ground floor will be commercial space; there will be a rooftop amenity space and 16 storeys of condominium units. She said since their original application, they have reduced massing by 30%; reduced the number of units by 22%, implemented changes to lessen the effect of the podium at street level and reduced mechanical rooftop by 29%. She believes the project meets the principles and objectives of the Downtown Secondary Plan and is consistent with policies to provide housing in the central business district and brownfield redevelopment. She noted that intersection improvements and infrastructure improvements are being made as a result of the project, and it will be well served by transit.

In response to questions from Council, she confirmed that a community garden is being considered for the rooftop. She stated that the glass for the windows will not be two-way at the parking levels and they are reviewing options to best mitigate bird collisions. She also said that lighting at street level is required for safety and rooftop lighting will be geared to times of usage, but shields and other measures will be used to minimize lighting affecting neighbouring properties. The site plan approval process will address these items.

Mr. Adam Carapella, owner, believes the development will be a catalyst for revitalizing downtown. He said the servicing work on Macdonell Street is the first step towards remediation and is required regardless of how the property will be developed. They are trying to complete the work as quickly as possible to minimize interference with the opening of the new transit hub. He noted that public art is not defined in the plan, but will be addressed during the site plan approval process. He believes the development is a significant connection between the river and downtown and is a sustainable project.

He confirmed that they will have tri-sorter garbage shutes. He said they plan to have the project started within weeks of approval and will use local contractors whenever possible. He stated they do not want antenna

on the roof and can add that condition into the condominium agreements.

Mr. Tom Lammer, a downtown stakeholder, supports the project and anticipates it to be a positive commercial influence. He said that the project has already generated leasing enquiries for the Old Quebec Street Mall because retailers are anticipating future needs resulting from the development. He feels social places will also benefit from the increase in residents within the downtown and encourages Council to approve the proposal.

Ms. Barbara Turley-McIntyre, representing the Co-operators, advised they agree that this development will be a catalyst to downtown revitalization. She said local retailers and restaurateurs are excited about the project and urged Council to approve the application.

Mr. Lloyd Longfield, President, Guelph Chamber of Commerce, advised they support the application and believes it is a good fit for the Chamber of Commerce and innovation center directly across the street.

Mr. Marty Williams, Chair, Downtown Guelph Business Association, said they also believe the development will be a catalyst for economic and cultural growth in downtown Guelph. He said he is confident the building is beautiful inside and out to attract buyers. He stated that the active use on Macdonell Street and Woolwich Street gives a reason for people to venture further down the block and amenities will need to be provided. He believes this project will bring people and other projects into the core. He requested Council to vote in favour of the proposed application.

Mr. William Sleeth, The Ward Residents Association, stated that the building does not meet the criteria set out in the Downtown Secondary Plan. He does not see a setback at the 6-8 storey level and is concerned about the pedestrian realm being negatively affected by downward winds. He would like the location of the podium to be reconsidered to address the lack of commercial frontage onto MacDonell Street. He also wants to ensure that anti-graffiti treatments are used. He does not want to see antennas on the rooftop. He said the sidewalks should be a minimum of three metres wide and the trees need to be large stature and require a minimum of 48 cubic metres of soil per tree so that the trees are planted properly to survive.

Ms. Aidan Ware, does not support the development because she does not believe it complies with the

community; it is a generic high-rise and lacks creativity. She said the development is not unique or innovative and the City's biggest building should be its biggest pride. She said the highrise is not social, unique or innovative and will not be an asset to downtown and asked Council not to approve the development unless an innovative architectural plan is presented.

Mr. Dave Sills, on behalf of the Guelph Civic League, said citizens do not feel they have been heard because they do not see action on their concerns and is creating cynicism and lack of action. He stated that beginning the construction before the meeting has caused the public to give up. He does not believe the development is compatible or considerate of protecting the existing heritage resources. He noted the street level commercial will not be at street level because of the grade. He would like council to take public input seriously and get assurances that the concerns are addressed before giving approval.

Mr. Tony Darmon, advised that the Guelph Civic League survey revealed that most people feel the buildings in downtown should not exceed 12 storeys. He said a heritage assessment review should take place before approval is given and believes this development is a mistake and is setting a dangerous precedent.

Mr. Stan Kozak, on behalf of the Allan's Pond Neighbourhood Group, would like to see a cap of ten storeys. He stated this development exceeds the Downtown Secondary Plan requirements. He said the building is actually 20.5 storeys when the mechanical equipment floor is added in. He noted that the floor plates also exceed the maximum within the Downtown Secondary Plan. He said the proposal is too tall and too massive and needs to be revised. He suggested a reduction in development charges as an incentive to try to develop a signature building. He also raised a concern about neighbourhood traffic impacts and noted that the level of cut through traffic already exceeds the guidelines. He would like to see measures taken to eliminate cut through traffic in the surrounding neighbourhood.

5. Moved by Councillor Laidlaw

Seconded by Councillor Guthrie

THAT Report 12-47 regarding Official Plan and Zoning By-law Amendment applications by Stantec Consulting Ltd. on behalf of The Tricar Group, to permit the development of an 18-storey mixed use building for the property municipally known as 148-152 Macdonell Street, and legally described as Part of Lots 1, 2, 4 & 17 and Lot 3

and Part of Priory Street, Registered Plan 16 and Part of Lot 3 Registrar's Compiled Plan No. 712, City of Guelph, from Planning, Building, Engineering and Environment dated May 7, 2012, be received;

AND THAT the application by Stantec Consulting Ltd. on behalf of The Tricar Group for approval of an Official Plan Amendment to add a site specific policy to permit a maximum density of 408 units per hectare affecting lands municipally known as 148-152 Macdonell Street and legally described as Part of Lots 1, 2, 4 & 17 and Lot 3 and Part of Priory Street, Registered Plan 16 and Part of Lot 3 Registrar's Compiled Plan No. 712, City of Guelph, be approved in accordance with the policies as set out in Attachment 2 of Planning, Building, Engineering and Environment Report 12-47 dated May 7, 2012 attached hereto as Schedule 3;

AND THAT the application by Stantec Consulting Ltd. on behalf of The Tricar Group for approval of a Zoning By-law Amendment to change the zoning from the CBD.1 (Central Business District) Zone to a Specialized CBD.1 (Central Business District) Zone to permit the development of an 18-storey mixed-use building for the property municipally known as 148-152 Macdonell Street and legally described as Part of Lots 1, 2, 4 & 17 and Lot 3 and Part of Priory Street, Registered Plan 16 and Part of Lot 3 Registrar's Compiled Plan No. 712, City of Guelph, be approved, in accordance with the provisions set out in Attachment 2 of Planning, Building, Engineering and Environment Report 12-47 dated May 7, 2012 attached hereto as Schedule 3;

AND THAT in accordance with Section 34(17) of the *Planning Act*, City Council has determined that no further public notice is required related to the minor modifications to the proposed Zoning By-law Amendment affecting 148-152 Macdonell Street as set out in Report 12-47 from Planning, Building, Engineering and Environment dated May 7, 2012.

6. Moved in Amendment by Councillor Bell
Seconded by Councillor Kovach

THAT the provisions set out in Attachment 2 of Planning, Building, Engineering and Environment Report 12-47 dated May 7, 2012 attached hereto as Schedule 3 be amended to include the Clause:

"That prior to the registration of the condominium, the developer agrees to include the following clause in the Condominium Declaration 'That rooftop communications antennas are prohibited'."

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Van Hellemond, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

7. Moved in amendment by Councillor Findlay
Seconded by Councillor Dennis

THAT staff, with the participation of the King/Queen/Arthur Street neighbourhood, conduct a three year monitoring program to measure the impact of the Tricar Development on local traffic;

AND THAT staff be directed to implement local traffic measures to address any unforeseen negative impacts on traffic by the development.

Councillor Bell declared a possible pecuniary interest on this amendment because he resides in the neighbourhood. He vacated the room and did not speak or vote on this matter.

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

VOTING AGAINST: Councillor Kovach (1)

Councillor Bell vacated his seat and did not vote or speak on the matter.

Carried

8. Moved as amended by Councillor Laidlaw
Seconded by Councillor Guthrie

Ms. K. Walkey
Mr. A. Carapella
Dr. J. Laird
Mr. T. Salter
Mr. D. McCaughan
Ms. S. Aram

THAT Report 12-47 regarding Official Plan and Zoning By-law Amendment applications by Stantec Consulting Ltd. on behalf of The Tricar Group, to permit the development of an 18-storey mixed use building for the property municipally known as 148-152 Macdonell Street, and legally described as Part of Lots 1, 2, 4 & 17 and Lot 3 and Part of Priory Street, Registered Plan 16 and Part of Lot 3 Registrar's Compiled Plan No. 712, City of Guelph, from Planning, Building, Engineering and Environment dated May 7, 2012, be received;

AND THAT the application by Stantec Consulting Ltd. on behalf of The Tricar Group for approval of an Official Plan Amendment to add a site specific policy to permit a maximum density of 408 units per hectare affecting lands

municipally known as 148-152 Macdonell Street and legally described as Part of Lots 1, 2, 4 & 17 and Lot 3 and Part of Priory Street, Registered Plan 16 and Part of Lot 3 Registrar's Compiled Plan No. 712, City of Guelph, be approved in accordance with the policies as set out in Attachment 2 of Planning, Building, Engineering and Environment Report 12-47 dated May 7, 2012 attached hereto as Schedule 3;

AND THAT the application by Stantec Consulting Ltd. on behalf of The Tricar Group for approval of a Zoning By-law Amendment to change the zoning from the CBD.1 (Central Business District) Zone to a Specialized CBD.1 (Central Business District) Zone to permit the development of an 18-storey mixed-use building for the property municipally known as 148-152 Macdonell Street and legally described as Part of Lots 1, 2, 4 & 17 and Lot 3 and Part of Priory Street, Registered Plan 16 and Part of Lot 3 Registrar's Compiled Plan No. 712, City of Guelph, be approved, in accordance with the provisions set out in Attachment 2 of Planning, Building, Engineering and Environment Report 12-47 dated May 7, 2012 attached hereto as Schedule 3;

AND THAT in accordance with Section 34(17) of the *Planning Act*, City Council has determined that no further public notice is required related to the minor modifications to the proposed Zoning By-law Amendment affecting 148-152 Macdonell Street as set out in Report 12-47 from Planning, Building, Engineering and Environment dated May 7, 2012;

AND THAT the provisions set out in Attachment 2 of Planning, Building, Engineering and Environment Report 12-47 dated May 7, 2012 attached hereto as Schedule 3 be amended to include the Clause:

"That prior to the registration of the condominium, the developer agrees to include the following clause in the Condominium Declaration 'That rooftop communications antennas are prohibited'."

AND THAT staff, with the participation of the King/Queen/Arthur Street neighbourhood, conduct a three year monitoring program to measure the impact of the Tricar Development on local traffic;

AND THAT staff be directed to implement local traffic measures to address any unforeseen negative impacts on traffic by the Tricar development.

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

VOTING AGAINST: Councillors Bell, Piper and Van Hellemond (3)

Victoria Road South Reconstruction Contract No. 2-1207

Dr. J. Laird

9. Moved by Councillor Findlay
Seconded by Councillor Hofland
THAT the tender from Capital Paving Inc., Guelph be accepted and that the Mayor and Clerk be authorized to sign the agreement for Contract 2-1207 for Victoria Road South Reconstruction between Arkell Road and MacAlister Boulevard for a total tendered price of \$4,584,928.46 with actual payment to be made in accordance with the terms of the contract.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Van Hellemond, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

ADJOURNMENT

10. Moved by Councillor Kovach
Seconded by Councillor Laidlaw
THAT the Council meeting of May 7, 2012 be adjourned.

The meeting adjourned at 9:17 p.m.

Minutes to be confirmed on May 28, 2012.

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Mayor

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Deputy City Clerk

Regulations and Conditions

The properties affected by the Zoning By-law Amendment application are municipally known as 30, 34 and 40 Arkell Road and legally described as Lot 6, Concession 8, Geographic Township of Puslinch, Lot 1 and Part of Lot 2, Registered Plan 514, City of Guelph.

The following zone is proposed:

Specialized R.3A-? (Cluster Townhouse) Zone

Permitted Uses

In addition to the Uses listed in Section 5.3.1 of Zoning By-law (1995) – 14864, as amended, the following Use shall also be permitted:

- ***Multiple Attached Dwelling*** – shall mean a building consisting of 3 or more dwelling units which are horizontally and vertically attached, which are entered from an independent entrance directly from the outdoors or from an internal hall or corridor and which share common facilities such as common amenity area, parking and driveways

Regulations

Minimum Front Yard

- 4 metres

Minimum Rear Yard

- 3 metres

Minimum Side Yard

- 4.7 metres from the westerly lot line
- 3 metres from the easterly lot line

Minimum Private Amenity Area

- minimum private amenity area of 12 square metres
- minimum depth of private amenity area of 2.4 metres
- minimum area for above grade private amenity area of 3.3 square metres

Minimum Distance between Buildings

- 6 metres

Maximum Building Height

4 storeys

Maximum Density

- 61.5 units per hectare

Conditions

The following conditions are provided as information to Council and will be imposed through site plan approval:

1. The Owner shall submit to the City, in accordance with Section 41 of the *Planning Act*, a fully detailed site plan, indicating the location of buildings, landscaping, parking, circulation, access, lighting, tree preservation, grading and drainage and servicing on the said lands to the satisfaction of the General Manager of Planning Services and the General Manager/City Engineer, prior to the issuance of a building permit, and furthermore the Owner agrees to develop the said lands in accordance with the approved plan.
 - a. Further, the Owner commits and agrees that the details of the layout, elevations and design for development of the subject lands shall be in general accordance and conformity with the Owner's concept plans attached as Attachment 6 to the May 7, 2012 Planning and Building, Engineering and Environment Report Number 12-42 (Site Plan, prepared by Astrid J. Clos Planning Consultants, Project No. 0907, dated February 22, 2012).
2. Prior to the issuance of site plan approval, the Owner shall provide the City with written confirmation that the building on the subject site 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 6 to Report 12-42 from Planning and Building, Engineering and Environment dated March 7, 2012.
3. The Owner shall be responsible for the payment of cash-in-lieu of parkland dedication in accordance with the City of Guelph By-law (1989)-13410, as amended by By-law (1990)-13545 and By-Law (2007)-18225, or any successor thereof prior to the issuance of building permits.
4. The Owner shall apply to the Committee of Adjustment for a consent to sever the remainder of Lot 2, Registered Plan 514 (not included within this zoning by-law amendment application) and convey the land as a lot addition to the lands to the north, legally described as Part Lot 6, Concession 8, for the use as an access.

5. The Owner acknowledges and agrees that the suitability of the land for the proposed uses is the responsibility of the landowner. The Owner 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/owner's expense. Prior to site plan approval, a Qualified Person shall certify that all properties to be developed are free of contamination.

If contamination is found, the Owner 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.
6. That the Owner 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 City Engineer. Furthermore, the Owner 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.
 7. That the Owner has a Professional Engineer identify any private water wells on the adjacent properties and ensure that the development of the subject lands do not adversely impact those wells.
 8. The Owner shall pay to the City, their share of the actual cost of constructing municipal services on Arkell Road across the frontage of 30 and 34 Arkell Road, including roadworks, sanitary sewer, storm sewer, curb and gutter, catchbasins, sidewalks, streetlighting as determined by the City Engineer, prior to site plan approval.

9. The Owner shall pay to the City, their share of the actual cost of the existing Municipal Stormwater Management facility as determined by the General Manager/City Engineer, prior to site plan approval.
10. The Owner shall pay to the City the actual cost of the existing service lateral to 34 Arkell Road as determined by the City Engineer, prior to site plan approval. In addition, the Owner shall be responsible for the actual cost of abandoning and disconnecting at the watermain any existing water services that are not going to be used by the development, and furthermore, the owner shall pay to the City the estimated cost of abandoning and disconnecting the existing water services at the watermain as determined by the General Manager/City Engineer.
11. The Owner shall pay to the City the actual cost of constructing and installing any new service laterals required and furthermore, prior to site plan approval, the Owner shall pay to the City the estimated cost of the service laterals, as determined by the General Manager/City Engineer.
12. The Owner shall pay to the City the actual cost of the construction of the new access and the required curb cut, prior to site plan approval and prior to any construction or grading on the lands, the Owner shall pay to the City the estimated cost as determined by the General Manager/City Engineer of constructing the new access/private road and the required curb cut.
13. Prior to site plan approval, the Owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the said lands.
14. The Owner shall deed to the City, free of all encumbrance and satisfactory to the City Solicitor a 4.940 metre road widening across the frontage of 30 Arkell Road and a 1.892 metre road widening across the frontage of 34 & 40 Arkell Road.
15. The Owner 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. That all telephone and Cable TV service to the lands be underground and the Owner shall enter into a servicing agreement with the appropriate service providers to provide for the installation of underground telephone service, prior to any construction or grading on the lands.
17. The Owner 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 any construction or grading on the lands.

18. That all electrical services to the lands are underground and the Owner 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 any construction or grading on the lands.
19. The 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.
20. That any domestic wells and boreholes drilled for hydrogeological or geotechnical investigations shall be properly abandoned in accordance with current Ministry of the Environment Regulations and Guidelines to the satisfaction of the General Manager/City Engineer.
21. That prior to site plan approval, the Owner shall enter into an agreement, registered on title, satisfactory to the City Solicitor and the General Manager/City Engineer, covering the conditions noted above.

Conditions of Approval

1. That this approval applies to the draft plan of condominium prepared by Van Harten Surveying, Project Number 19724-10, dated April 4, 2012, illustrating a total of 72 apartment units, 6 commercial or office units and 51 parking units.
2. The owner agrees to submit and receive approval from 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 and servicing to the satisfaction of the General Manager of Planning Services and the City Engineer, prior to the registration of the Plan of Condominium. Alternatively, the owner shall agree to a Site Plan Agreement being registered on title of the lands and receives conditional site plan approval prior to the registration of the Plan of Condominium.
3. That the owner develops the property in accordance with the site plan as approved by the City, prior to the registration of the Plan of Condominium. The owner acknowledges and agrees that the City shall make a detailed site inspection at 55 Yarmouth Street/68 Baker Street to ensure the site is completed according to the plans approved by the City in condition 2 above, prior to the registration of the Plan of Condominium. Alternatively, the owner shall agree to a Site Plan Agreement being registered on title of the lands, receives conditional site plan approval and post securities for 100% of the required on and off-site works prior to the registration of the Plan of Condominium.
4. That the owner pays any outstanding debts owed to the City, prior to the registration of Plan of Condominium.
5. That prior to the registration of the Plan of Condominium the owner shall provide the City with a drainage certificate from an Ontario Land Surveyor or a Professional Engineer stating that the building constructed and the grading of the property is in conformity with the drainage plan and that any variance from the plan has received the prior approval of the General Manager/City Engineer.
6. Prior to the registration of the Plan of Condominium, the wood fence, concrete sidewalk and step encroachments of 74 Baker Street upon the 68 Baker Street lands be resolved satisfactory to the General Manager/City Engineer and the City Solicitor.

7. The owner shall pay the actual costs associated with the closure of the existing driveway entrance including the required curb fill and the boulevard restoration within the Baker Street right-of-way, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the registration of the Plan of Condominium.
8. That prior to the registration of the Plan of Condominium the owner shall provide the City with a certificate from a Professional Engineer certifying that the sanitary sewers, building drains, building sewers, building storm drains, building storm sewers, watermains, water distribution system, driveways, parking areas and sidewalks that are to become part of the common facilities and areas, are in good repair, free from defects and functioning properly.
9. That a Professional Engineer and/or Ontario Land Surveyor identifies all the sanitary sewers, building drains, building sewers, building storm drains, storm sewers, watermains, water distribution system, serving the property and also identifies the locations where easements are required, prior to the registration of the Plan of Condominium.
10. That prior to the registration of the Plan of Condominium the owner retains an Ontario Land Surveyor at their own expense to prepare and deposit at the Registry Office an appropriate Reference Plan to facilitate Agreements between the Owner and the City, which said Reference Plan will show the nature and extent of the encroachments upon the adjacent road allowances.
11. Prior to the registration of the Plan of Condominium, the owner shall enter into an Encroachment Agreement with the City, satisfactory to the General Manager/City Engineer and the City Solicitor, for the use of the road allowance for parking purposes.
12. That prior to the registration of the Plan of Condominium the owner enters into an Encroachment Agreement with the City, satisfactory to the General Manager/City Engineer and the City Solicitor, for the necessary encroachments upon the road allowances (such as planters, vault and interlocking pavers) within the same.
13. That prior to the registration of the Plan of Condominium the owner enters into a Maintenance Agreement with the City, satisfactory to the General Manager/City Engineer and the City

Solicitor, for the necessary maintenance requirements for any approved improvements (such as planters, vault and interlocking pavers) within the same.

14. That prior to the registration of the Plan of Condominium, an independent lawyer shall certify that the proposed condominium phase has easements for all the sanitary sewers, building drains, building sewers, building storm drains, storm sewers, watermains and water distribution system serving the condominium phase.
15. That prior to registration of the Plan of Condominium, a Professional Engineer and/or Ontario Land Surveyor shall identify all the rights-of-way required to provide access to the parking spaces on the site.
16. That prior to registration of the Plan of Condominium, an independent lawyer shall certify that easements for all the rights-of-way are in place to provide parking spaces and vehicular access to all the parking spaces required to be provided for the site, when the parking or vehicular access is on private lands other than the lands included in the phase being registered.
17. That prior to registration of the Plan of Condominium, that if any previously allowed reductions in parkland dedication occurred, current Parkland Dedication requirements will be met, as per the Parkland Dedication By-law, to the satisfaction of the General Manager of Planning Services.
18. That prior to registration of the Plan of Condominium, a written opinion be provided from a qualified professional engineer, stating the age and physical condition of the building and appurtenances.
19. That prior to registration of the Plan of Condominium, that the owner of 1 Douglas Street enter into an agreement with the City of Guelph, registered on title of the site known as 1 Douglas Street, requiring that 18 apartment dwelling units be made available as rental housing for a period of not less than 10 years.
20. That prior to registration of the Plan of Condominium, the owner shall pay to the City, the City's total cost of reproduction and distribution of 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.

21. That prior to the registration of the Draft Plan of Condominium, a strata reference plan be deposited on title for the north parking lot which creates parts above and below the at-surface parking units for future development rights to the satisfaction of the General Manager of Planning Services.
22. The developer agrees to provide the City's Planning Services with a digital file of the Plan of Condominium in either ARC/INFO export or ACAD2010 .dwg format containing parcel fabric, building footprints and the internal driveway network.
23. That this draft plan of condominium shall lapse on April 4, 2016.
24. Prior to the City's final approval of the plan of condominium, the City shall be advised in writing by the owner how conditions 1 through 23 have been satisfied.

Policies, Provisions and Conditions

The property affected by the Official Plan Amendment and Zoning By-law Amendment applications is municipally known as 148-152 Macdonell Street and legally described as Part of Lots 1, 2, 4 & 17 and Lot 3 and Part of Priory Street, Registered Plan 16 and Part of Lot 3 Registrar's Compiled Plan No. 712, City of Guelph.

Official Plan Amendment

The following amendment adds a site specific policy to the City's Official Plan for the subject property:

- 7.3.7 2. Despite the maximum net density for residential uses set out in policy 7.3.7, the net density for residential uses at 148-152 Macdonell Street shall not exceed 408 units per hectare.

Zoning By-law Amendment

The following zoning is proposed:

Specialized CBD.1 (Central Business District) Zone

Permitted Uses

In accordance with Section 6.3.1.1 of Zoning By-law (1995)-14868, as amended.

Regulations

In accordance with Section 4 (General Provisions) and Section 6.3.2 and Table 6.3.2 (Central Business District Regulations) of Zoning By-law (1995)-14864, as amended, with the following exceptions:

Building Height

Despite Row 8 of Table 6.3.2, the maximum permitted building height shall be 18 storeys

Despite Row 8 of Table 6.3.2, Section 6.3.2.3.1 requiring buildings to be a minimum of 3 storeys and a maximum of 5 storeys within 15 metres of the street allowance shall not be applicable.

Angular Plane

Section 4.16 outlining a maximum angular plane of 45° from the centerline of the street shall not be applicable

Policies, Provisions and Conditions (cont'd)

Conditions

The following conditions are provided as information to Council and will be imposed through site plan approval:

1. The Owner shall submit to the City, in accordance with Section 41 of the *Planning Act*, a fully detailed site plan, indicating the location of buildings, landscaping, parking, circulation, access, lighting, tree preservation, grading and drainage and servicing on the said lands to the satisfaction of the General Manager of Planning Services and the General Manager/City Engineer, prior to the issuance of a building permit, and furthermore the Owner agrees to develop the said lands in accordance with the approved plan.
 - a. Further, the Owner commits and agrees that the details of the layout and design for the development of the subject lands including: the proposed design of the building, the proposed stone masonry on the podium of the building and the colour pallet for the building, shall be generally in conformance with the development concept plan and elevations attached as Attachment 5 to the May 7, 2012 Planning, Building, Engineering and Environment Report Number 12-47.
 - b. Further, the Owner commits and agrees to explore opportunities to use enhanced tree planting standards or new rooting technologies for any trees planted within City-owned lands to assist in improving the survivorship and longevity of trees.
2. Prior to the issuance of site plan approval, the owner shall provide the City with written confirmation that the building on the subject site 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 and in accordance with the letter attached as Attachment 7 to Report 12-47 from Planning, Building, Engineering and Environment dated May 7, 2012.
3. Prior to the issuance of full site plan approval for the lands, the owner shall provide written confirmation from the owners of 20 Woolwich Street (superior Car Wash), 50 Woolwich Street (Sleeman Centre) and 128-130 Macdonell Street (the Co-operators building) to the satisfaction of the General Manager of Planning Services that the recommendations in the Noise & Vibration Study dated September 30, 2011 from J.E. Coulter Associates Limited and the letter dated February 15, 2012 from J.E. Coulter Associates Limited regarding 148-152 Macdonell Street can and

will be implemented on the affected sites. Alternatively, a revised Noise Report will have to be completed indicating how the recommendations will be completed and the process and mechanism for implementation to the satisfaction of the General Manager of Planning Services..

4. Prior to the issuance of site plan approval, written confirmation shall be received from the General Manager of Solid Waste Resources or his or her designate that the proposed development is in conformance with By-law (2011)-19199, known as the Waste Management By-law.
5. Prior to the issuance of site plan approval for the lands, the owner 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.
6. The Owner shall pay to the City, as determined applicable by the Chief Financial Officer/City Treasurer, development charges and education development charges, in accordance with the City of Guelph Development Charges By-law (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 thereof, prior to this issuance of any building permits, at the rate in effect at the time of the issuance of a building permit.
7. That prior to the issuance of site plan approval, the Owner shall pay to the City cash-in-lieu of parkland dedication in accordance with By-law (1989)-13410, as amended from time to time, or any successor thereof.
8. Prior to site plan approval, the Developer shall have a Professional Engineer design a grading plan and stormwater management system, satisfactory to the General Manager/City Engineer.
9. Prior to site plan approval, the Developer shall update and finalize as required by the City, any or all of the following studies, plans and reports to the satisfaction of the General Manager/City Engineer:
 - i) a traffic impact and operations report covering all aspects of access and egress to the site and the effect of the development on the surrounding roads including recommendations with detailed cost estimates of the works recommended on the municipal roadways;

- ii) a geotechnical report certified by a Professional Engineer that analysis the permeability and hydraulic conductivity of the soils and recommends measures to ensure that they are not diminished by the construction and development;
 - iii) a servicing and stormwater management report certified by a Professional Engineer in accordance with the City's Guidelines and the latest edition of the Ministry of the Environment's "Stormwater Management Practices Planning and Design Manual" which addresses the quantity and quality of stormwater discharge from the site together with a monitoring and maintenance program for the stormwater management facility;
 - iv) a detailed erosion and sediment control plan in accordance with the Grand River Conservation Authority Guidelines, certified by a Professional Engineer that indicates the means whereby erosion will be minimized and sediment maintained on-site throughout all phases of grading and construction.
10. The Developer shall, to the satisfaction of the General Manager/City Engineer, address and be responsible for adhering to all the recommended measures contained in the plans, studies and reports outlined in subsections 3 i) to 3 iv) inclusive
11. Following the completion of site remedial works, the owner shall submit all environmental documentation related to the remediation including, but not limited to, remediation activities summary and monitoring reports prepared in accordance with the Records of Site Condition regulation (O. Reg. 153/04 as amended) describing the current conditions of the property known municipally as 148-152 Macdonell Street to the satisfaction of the City.
12. Prior to issuance of any residential building permit for the property, the owner shall complete the following:
- a) File a Record of Site Condition (RSC) on the Ministry of the Environment (MOE) Environmental Site Registry for the property including certification by a Qualified Person as defined by O.Reg. 153/04 that the environmental condition of the property meets the appropriate MOE Site Condition Standards for the intended land use; and,
 - b) Submit the MOE acknowledgment letter for the RSC to the satisfaction of the City.

13. The owner shall complete a Phase 2 ESA to confirm the presence and extent of contamination from the property beneath the adjacent City lands. If contamination from the property is present on City lands, the Owner shall prepare a Remedial Work Plan, to the satisfaction of the City, and implement said approved plan to address the contamination.
14. The Developer agrees to enter into a Municipal Services Relocation Agreement with the City and pay for the developer's share of the cost of relocation of services from Priory Street, the installation of new watermain on Macdonell Street, the service connections to the subject property and related roadworks on Woolwich Street and Macdonell Street, based on the design and cost estimates prepared by the City.
15. That 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.
16. Prior to site plan approval, the Developer shall enter into an Encroachment Agreement with the City, satisfactory to the General Manager/City Engineer and the City Solicitor, for the necessary encroachments upon the road allowances (such as planters, retaining walls and interlocking pavers) within the same. The developer shall replace and restore at his own cost all surface features including curb and gutter, sidewalks and boulevards and any underground services within the road allowance that may have been removed or damaged during site development.
17. Prior to site plan approval, the Developer shall enter into a Maintenance Agreement with the City, satisfactory to the General Manager/City Engineer and the City Solicitor, for the necessary maintenance requirements for any approved improvements (such as planters, retaining walls and interlocking pavers) within the same.
18. That the Developer makes 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 the development of the lands.

19. 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 the development of the lands.
20. 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.
21. That prior to site plan approval a detailed noise study be submitted and the recommendations of the study be integrated into the design of the building particularly with respect to specifications for upgraded windows within the building and air-conditioning requirements.
22. That the following warning clauses be incorporated into a future site plan agreement:
 - "Warning: GEXR or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwellings(s). GEXR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way."
 - "Warning: Ontario Southland Railway Inc. or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwellings(s). Ontario Southland Railway Inc. will not be responsible for any complaints or claims

arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way.

23. That prior to the registration of the condominium, the developer agrees to include the following clause in the Condominium Declaration 'That rooftop communications antennas are prohibited'.
24. That prior to site plan approval, the owner shall enter into a site plan agreement with the City, registered on title, satisfactory to the City Solicitor, the General Manager of Planning Services and the General Manager/City Engineer, covering the conditions noted above and to develop the site in accordance with the approved plans and reports.