



**Minutes of Guelph City Council  
Held in the Council Chambers, Guelph City Hall on  
Monday August 25, 2014 at 5:30 p.m.**

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**Attendance**

Council: Mayor Farbridge  
Councillor B. Bell  
Councillor T. Dennis  
Councillor I. Findlay  
Councillor J. Furfaro  
Councillor C. Guthrie

Councillor Hofland  
Councillor G. Kovach  
Councillor M. Laidlaw  
Councillor L. Piper  
Councillor A. Van Hellemond  
Councillor K. Wettstein

Absent: Councillor Burcher

Staff: Mr. M. Amorosi, Executive Director, Corporate & Human Resources  
Mr. D. Thomson, Executive Director, Community & Social Services  
Mr. A. Horsman, Executive Director, Finance & Enterprise  
Ms. J. Laird, Executive Director, Planning & Building, Engineering and Environment  
Mr. D. McCaughan, Executive Director, Operations, Transit & Emergency Services  
Mr. S. O'Brien, City Clerk  
Ms. J. Sweeney, Council Committee Coordinator

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**Call to Order (5:30 p.m.)**

Mayor Farbridge called the meeting to order.

**Authority to Resolve into a Closed Meeting of Council**

1. Moved by Councillor Hofland  
Seconded by Councillor Laidlaw

That the Council of the City of Guelph now hold a meeting that is closed to the public, pursuant to Section 239 (2) (b) and (c) of the *Municipal Act* with respect to personal matters about an identifiable individual and proposed or pending acquisition or disposition of land.

CARRIED

**Closed Meeting (5:31 p.m.)**

**Disclosure of Pecuniary Interest and General Nature Thereof**

There were no disclosures.

The following matters were considered:

**C.2014.42 Disposition of Permanent Easements to Hydro One Networks Inc.**

**C.2014.43 Report of the Audit Committee – External Auditor Performance Review**

**Rise from Closed Meeting (5:40 p.m.)**

*Council recessed.*

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**Open Meeting** (7:00 p.m.)

Mayor Farbridge called the meeting to order.

**Disclosure of Pecuniary Interest and General Nature Thereof**

Councillor Furfaro disclosed a pecuniary interest regarding the 5 Arthur Street South proposed zone change because he owns property across the street from the subject property.

**Confirmation of Minutes**

1. Moved by Councillor Van Hellemond  
Seconded by Councillor Dennis
  1. That the minutes of the Council Meetings held on June 18 and August 5, 2014 and the minutes of the Closed Meetings of Council held July 28 and August 5, 2014 be confirmed as recorded.
  2. That the minutes of the Council Meeting held on July 28, 2014 be amended to reflect Councillors Laidlaw and Burcher moving and seconding motion to adopt the minutes.

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

*VOTING AGAINST: (0)*

CARRIED

**Consent Reports**

**Audit Committee Fourth Consent Report**

Councillor Guthrie presented the Audit Committee Fourth Consent Report.

2. Moved by Councillor Guthrie  
Seconded by Councillor Furfaro

That the August 25, 2014 Audit Committee Fourth Consent Report as identified below, be adopted:

**AUD-2014.20      Policy for the Implementation of PS 3260 – Liability for Contaminated Sites**

1. That FIN-14-40 Policy for the Implementation of PS 3260 – Liability for Contaminated Sites be received.
2. That the Contaminated Sites Policy, attached as Appendix 1, to report FIN-14-40, be approved.

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

*VOTING AGAINST: (0)*

CARRIED

## **Corporate Administration, Finance & Enterprise Committee Seventh Consent Report**

The following items were extracted:

- CAFE-2014.34      Enterprise Services – Annual Activity Report**  
**CAFE-2014.36      Municipal Development Corporation Business Case Study Update**

### **Balance of Corporate Administration, Finance & Enterprise Committee Consent Items**

Councillor Hofland presented the balance of the Corporate Administration, Finance & Enterprise Committee Seventh Consent Report.

3.      Moved by Councillor Hofland  
          Seconded by Councillor Furfaro

That the balance of the August 25, 2014 Corporate Administration, Finance & Enterprise Committee Seventh Consent Report as identified below, be adopted:

### **CAFE-2014.35      200 Beverley Street – IMICO Redevelopment Update**

1. That Council receive report # FIN-ED-14-08 titled '200 Beverly Street – IMICO – Redevelopment Update'; and
2. That Council direct staff to proceed with the IMICO Phase 2 Marketing Program as described in report FIN-ED-14-08; and
3. That Council approve the transfer of funds in the amount of Forty-Four Thousand, Six Hundred and Ten Dollars (\$44,610.00) from the DC Exempt Reserve Fund Account #156 for the purpose of implementing the IMICO Phase 2 Marketing Program as described in report FIN-ED-14-08; and
4. That Council direct staff to report back to Council on the status of the IMICO Phase 2 Marketing Program as described in report FIN-ED-14-08 by no later than the end of Q1 2015.

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

*VOTING AGAINST: (0)*

CARRIED

## **Planning & Building, Engineering and Environment Committee Sixth Consent Report**

The following items were extracted:

- PBEE-2014.25      Enbridge Line 9B Application**  
**PBEE-2014.27      Downtown Streetscape Manual, Built Form Standards and St.  
                                 George's Square Concept**

### **Balance of Planning & Building, Engineering and Environment Committee Consent Items**

Councillor Bell presented the balance of the Planning & Building, Engineering and Environment Committee Sixth Consent Report.

4. Moved by Councillor Bell  
Seconded by Councillor Guthrie

That the balance of the August 25, 2014 Planning & Building, Engineering and Environment Committee Sixth Consent Report as identified below, be adopted:

**PBEE-2014.26 Rental Housing Licensing Recommended Approach**

1. That Report 14-29 from Planning, Building, Engineering and Environment regarding the Rental Housing Licensing Recommended Approach dated August 5, 2014 be received.
2. That Council approve, in principle, the recommended alternative approach to a rental housing licensing program described in Report 14-29 from Planning, Building, Engineering and Environment dated August 5, 2014.
3. That the proposed expansion package for one full-time proactive inspector and a comprehensive communications and education plan be referred to the 2015 budget process.
4. That staff report back in Q4 in 2015 to demonstrate the effectiveness of the alternative approach.

**PBEE-2014.29 Sign By-law Variances – 679 Southgate Drive**

1. That the report from Planning, Building, Engineering and Environment dated August 5, 2014, regarding sign by-law variances for 679 Southgate Drive, be received.
2. That the request for variances from the Sign By-law for 679 Southgate Drive to permit four (4) signs to be located on the second storey of the building (one on each building face), be approved.

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

*VOTING AGAINST: (0)*

CARRIED

**Council Internal Audit Third Consent**

The following items were extracted:

- IA-2014.6 Learning and Development Audit Report**  
**IA-2014.7 Learning and Development Audit Management's Response**

**Council Consent Agenda**

The following items were extracted:

- CON-2014.45 5 Arthur Street South – Proposed Zoning By-law Amendment (File: ZC1305) – Ward 1**

## **Balance of Council Consent Items**

5. Moved by Councillor Guthrie  
Seconded by Councillor Furfaro

That balance of the August 25, 2014 Consent Agenda as identified below, be adopted:

### **CON-2014.39 Disposition of Permanent Easements to Hydro One Networks Inc.**

1. That the report (CHR-2014-54) entitled "Disposition of Permanent Easements to Hydro One Networks Inc.", be received; and
2. That the City Solicitor be directed to enter into agreements with Hydro One Networks Inc. for the grant of easements for the purposes of constructing and maintaining electrical equipment on the lands described as:
  - i) Part 1 on Reference Plan 61R-20363
  - ii) Part 1, 2, 3 and 4 on Reference Plan 61R-313
  - iii) Part 1 and 2 on Reference Plan 61R-20389
  - iv) Part 3 and 4 on Reference Plan 61R-20389
  - v) Part 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 on Reference Plan 61R-20391subject to the terms and conditions of the easement agreements being satisfactory to the City Solicitor.

### **CON-2014.40 Culture and Tourism Department – Advisory Committees**

1. That the August 25, 2014 report entitled "Culture and Tourism Department – Advisory Committees", be received; and
2. That the Cultural Advisory Committee be dissolved and that the committee members be formally thanked for their service; and
3. That a Public Art Advisory Committee and a Tourism Advisory Committee be established.

### **CON-2104.41 2015 Council and Committee Meeting Schedule**

1. That the 2015 Council and Committee meeting schedule, attached as Attachment 1, be approved.

### **CON-2014.42 2014 Municipal Election – Amendment to Special Voting Provisions**

1. That report CHR-2014-56 dated August 25, 2014 regarding 2014 Municipal Election – Amendment to Special Voting Provisions be received.
2. That the attached by-law, to the report, be brought forward for Council's enactment.

### **CON-2104.43 By-laws for The Elliott Long-Term Care Residence**

1. That the by-law to "establish and maintain The Elliott Long-Term Care Residence" and the by-law to "delegate authority The Elliott to operate to The Elliott Long-Term Care Residence" be approved.

**CON-2104.44 Proposed Demolition of 85 University Avenue West – Ward 5**

1. That Report 14-44 regarding the proposed demolition of a detached dwelling at 85 University Avenue West, legally described as Plan 583, Lot 6; City of Guelph, from Planning, Building, Engineering and Environment dated August 25, 2014, be received; and
2. That the proposed demolition of the detached dwelling at 85 University Avenue West be approved; and
3. That the applicant be requested to erect protective fencing at one (1) metre from the dripline of any existing trees on the property or on adjacent properties which can be preserved prior to commencement of demolition and maintain fencing during demolition and construction of the new dwelling; and
4. That the applicant be requested to contact the General Manager of Solid Waste Resources, within Planning, Building, Engineering and Environment regarding options for the salvage or recycling of all demolition materials.

**CON-2104.46 Elsegood Court: Proposed Street Name Change, Ward 6**

1. That Elsegood Court, as shown on Attachment 1 of Planning, Building, Engineering and Environment Report 14-43 be renamed to Phelan Court; and
2. That Council enact a By-law authorizing the name change of Elsegood Court to Phelan Court.

**CON-2014.47 Proposed Demolition of 103 Grange Street West – Ward 1**

1. That Report 14-48 regarding the proposed demolition of a detached dwelling at 103 Grange Street, legally described as Plan 298, Lot 9, Part Lot 8, 61R4686, Part 2, Part 3, from Planning, Building, Engineering and Environment dated August 25, 2014, be received; and
2. That the proposed demolition of the detached dwelling at 103 Grange Street be approved; and
3. That the applicant prepare and submit a Tree Inventory, Preservation and Compensation Plan in accordance with the Private Tree Protection By-law to the satisfaction of the General Manager of Planning Services prior to issuance of a demolition permit; and
4. That the applicant erect any required protective fencing recommended by the Tree Inventory, Preservation and Compensation Plan at one (1) metre from the dripline of any existing trees on the property or on adjacent properties prior to the commencement of demolition and maintain fencing during demolition and construction of the new dwelling; and
5. That the applicant be requested to contact the General Manager of Solid Waste Resources, within Planning, Building, Engineering and Environment regarding options for the salvage or recycling of all demolition materials.

**CON-2014.48 Issuer of Lottery Licences**

1. That the Council Report # OTES081433, Issuer of Lottery Licences, dated August 25, 2014, be received; and
2. That the administration and the issuance of Lottery Licences be delegated to the Manager of By-law, Compliance, Security and Licensing as set out in Council Report # OTES081433 dated August 25, 2014; and
3. That the Delegation By-law amendment (2014)-19792 as set out in Council Report #OTES081433 be approved.

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

*VOTING AGAINST: (0)*

CARRIED

**Extracted Items**

**CAFE-2014.34 Enterprise Services – Annual Activity Report**

Mr. Al Horsman, Executive Director of Finance and Enterprise, introduced Building a City, Guelph Enterprise Services Annual Review.

Mr. Ian Panabaker, Corporate Manager of Downtown Renewal highlighted the achievements over the past four years related to downtown renewal.

Mr. Rob Kerr, Corporate Manager of Community Energy, provided an overview of the activities related to the Community Energy Initiative and the changes made that allows the City to retain money spent on energy locally.

Mr. Peter Cartwright, General Manager of Economic Development, outlined the economic development activities and initiatives.

Mr. Lloyd Longfield spoke on behalf of the Guelph Chamber of Commerce and highlighted the growing connections between the Chamber of Commerce and Enterprise Services relating to building investment, infrastructure, downtown, relationships, capacity and prosperity.

6. Moved by Councillor Hofland  
Seconded by Councillor Furfaro

1. That report number FIN-ED-14-07 titled, '*Enterprise Services –Annual Activity Report*' be received for information.

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

*VOTING AGAINST: (0)*

CARRIED

**CAFE-2104.36      Municipal Development Corporation Business Case Study Update**

Laura Murr advised she is not opposed to the formation of a municipal development corporation, but expressed concern on the type of assets that could be moved into the corporation. She requested a list of specific assets that could be transferred to the development corporation be created and only those assets be transferred and if additional assets not on the list are to be transferred, Council approve the transfer.

7.      Moved by Councillor Hofland  
          Seconded by Councillor Furfaro
  1. That Council receive report # FIN-ED-14-09 titled 'Municipal Development Corporation Business Case Study Update'; and
  2. That Council approve the business case study attached to Report FIN-ED-14-09; and
  3. That Council directs staff to incorporate a municipal development corporation, as described in report # FIN-ED-14-09, with the first director of the corporation to be Barry Chuddy, CEO of GMHI.

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

*VOTING AGAINST: (0)*

CARRIED

**PBEE-2014.27      Downtown Streetscape Manual, Built Form Standards and St. George's Square Concept**

Mr. Todd Salter, General Manager of Planning Services, introduced the report.

Mr. David DeGroot, Urban Designer, provided an overview of the Downtown Streetscape Manual, Built Form Standards and St. George's Square Concept. He highlighted the collaborative engagement process undertaken with the various public stakeholders.

Mr. Steve Baldamus was not present.

Mr. Marty Williams was present on behalf of the Downtown Guelph Business Association, and thanked staff for the opportunities to comment on the document. He advised the Association is supportive of the overall plan but have not reached a conclusion of what St. George's Square should look like. He suggested there is time to work out the details prior to the final proposal being presented to Council.

8.      Moved by Councillor Bell  
          Seconded by Councillor Wettstein
  1. That the Planning, Building, Engineering and Environment Report 14-47, regarding the Downtown Guelph Downtown Streetscape Manual, Built Form Standards and St. George's Square Concept, dated August 5, 2014, be received.
  2. That the Streetscape Manual (contained in Chapter 2 of Attachment 1) be adopted and that staff be directed to use the Streetscape Manual to guide the design of the



City's public realm capital projects and private investments that impact the public realm in the Downtown.

3. That the Downtown Built Form Standards (contained in Chapter 3 of Attachment 1) be adopted and that staff be directed to use the document to guide the review of development applications within Downtown.
4. That Council endorse the vision, principles and general design elements illustrated by the Conceptual Design for St. George's Square (contained in Chapter 4 of Attachment 1)
5. That, as individual public realm capital projects begin advancing through the detailed design phase prior to construction, such as St. George's Square and other streetscape reconstruction projects, staff continue to engage the public and businesses in the design and construction planning process phase; and that staff keep council informed regarding refinements and improvements to the design made through the detailed design process.
6. That the cost estimates for the Streetscape Manual and the Conceptual Design for St. George's Square be referred to the 2015 operating and capital budget and 10 year capital budgeting process.

### **Deferral**

9. Moved by Councillor Kovach  
Seconded by Councillor Guthrie

That consideration of the Downtown Streetscape Manual, Built Form Standards and St. George's Square Concept be deferred to the 2014-2018 Council for consideration.

*VOTING IN FAVOUR: Councillors Bell, Furfaro, Guthrie, Kovach and Van Hellemond (5)*

*VOTING AGAINST: Mayor Farbridge, Councillors, Dennis, Findlay, Hofland, Laidlaw, Piper and Wettstein (7)*

DEFEATED

### **Amendment**

10. Moved by Councillor Bell  
Seconded by Councillor Furfaro

That Clause 6 be amended by removing "and the Concept Design for St. George's Square" and be replaced with "for Macdonel Street".

*VOTING IN FAVOUR: Councillors Bell, Furfaro, Guthrie, Kovach and Van Hellemond (5)*

*VOTING AGAINST: Mayor Farbridge, Councillors Dennis, Findlay, Hofland, Laidlaw, Piper and Wettstein (7)*

DEFEATED

### **Main Motion**

It was requested that the clauses be voted on separately.

11. Moved by Councillor Bell  
Seconded by Councillor Wettstein

1. That the Planning, Building, Engineering and Environment Report 14-47, regarding the Downtown Guelph Downtown Streetscape Manual, Built Form Standards and St. George's Square Concept, dated August 5, 2014, be received.

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

*VOTING AGAINST: (0)*

CARRIED

12. Moved by Councillor Bell  
Seconded by Councillor Wettstein

2. That the Streetscape Manual (contained in Chapter 2 of Attachment 1) be adopted and that staff be directed to use the Streetscape Manual to guide the design of the City's public realm capital projects and private investments that impact the public realm in the Downtown.

*VOTING IN FAVOUR: Mayor Farbridge, Councillors Bell, Dennis, Findlay, Furfaro, Hofland, Laidlaw, Piper and Wettstein (9)*

*VOTING AGAINST: Councillors Guthrie, Kovach and Van Hellemond (3)*

CARRIED

13. Moved by Councillor Bell  
Seconded by Councillor Wettstein

3. That the Downtown Built Form Standards (contained in Chapter 3 of Attachment 1) be adopted and that staff be directed to use the document to guide the review of development applications within Downtown.

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

*VOTING AGAINST: Councillor Kovach (1)*

CARRIED

14. Moved by Councillor Bell  
Seconded by Councillor Wettstein

4. That Council endorse the vision, principles and general design elements illustrated by the Conceptual Design for St. George's Square (contained in Chapter 4 of Attachment 1).

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

*VOTING AGAINST: Councillors Bell, Furfaro, Guthrie, Kovach and Van Hellemond (5)*

CARRIED

15. Moved by Councillor Bell  
Seconded by Councillor Wettstein

5. That, as individual public realm capital projects begin advancing through the detailed design phase prior to construction, such as St. George's Square and other

streetscape reconstruction projects, staff continue to engage the public and businesses in the design and construction planning process phase; and that staff keep council informed regarding refinements and improvements to the design made through the detailed design process.

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

*VOTING AGAINST: Councillor Kovach (1)*

CARRIED

16. Moved by Councillor Bell  
Seconded by Councillor Wettstein

6. That the cost estimates for the Streetscape Manual and the Conceptual Design for St. George's Square be referred to the 2015 operating and capital budget and 10 year capital budgeting process.

*VOTING IN FAVOUR: Mayor Farbridge, Councillors Dennis, Findlay, Hofland, Kovach, Laidlaw, Piper, Van Hellemond and Wettstein (9)*

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

CARRIED

**CON-2104.45      5 Arthur Street South – Proposed Zoning By-law Amendment (File: ZC2305) – Ward 1**

Mr. Todd Salter, General Manager of Planning Services, introduced the report and provided a brief history of the application.

Ms. Katie Nasswetter, Senior Development Planner, highlighted the application for a six (6) phased mixed use, residential and commercial development on the property known as 5 Arthur Street South. She reviewed the proposed holding provisions that must be completed before development can proceed.

Ms. Pamela Kraft was present on behalf of Fusion Homes and advised City documents allow a 12 storey building on the site and the proposed building heights allow flexibility to address urban design and market demand. She advised the applicant is continuing to examine options for the development of the heritage building.

Ms. Lin Grist read the statement from Hugh Whiteley who was unable to attend the meeting, who requested that the policy of acquiring riverside corridors for publicly-owned parks be maintained and applied to the proposed development at 5 Arthur St. S. He expressed concern that the proposed easement for public access does not allow the creation of a park as called for in Official Plan Amendment 43.

Ms. Maria Pezzano, Co-Chair of The Ward Residents' Association, expressed concern their Association was not made aware of the change to the height of the central buildings. She requested that Council limit the three central building's height to ten stories.

Mr. William Sleeth advised he supports the comments made by the previous delegation. He expressed concern that no public consultation was sought relating to the change in height of the central buildings.

Ms. Laura Murr advised she is a member of the Living Rivers and Greenways Group Guelph and strongly supports public ownership of the river corridor and access to the rivers and their valleylands. She requested the policy of acquiring riverside corridors be maintained which would allow for the creation of a park called for in the Official Plan Amendment 43. She suggested the cash-in-lieu of parkland to be received from this development be used to purchase the riverwalk.

17. Moved by Councillor Kovach  
Seconded by Councillor Hofland

1. That Report 14-38 regarding Official Plan and Zoning By-law Amendment applications by 5 Arthur Street Developments, 2278560 Ontario Inc., for approval of an Official Plan Amendment and Zoning By-law Amendment to permit the development of a six (6) phase mixed use, residential and commercial development for the property municipally known as 5 Arthur Street South, and legally described as Part of Grist Mill Lands, East side of Speed River, Plan 113 and Part Lot 76, and Lots 77, 78, 79, 80, 81 and 82, Plan 113, (as amended), designated as Parts 11, 12 and 13, Reference Plan 61R11955, together with an easement over Part 17, 61R11955 as in Instrument No. WC212993; Guelph and Part of Grist Mill Lands, Plan 113, East of River Speed, designated as Parts 14, 15 and 16, Reference Plan 61R11955; subject to an Easement as in Instrument No. RO682767; together with an Easement over Part 17, 61R11955 as in Instrument No. WC212993; City of Guelph, be approved in accordance with the zoning regulations and conditions outlined in Attachment 2.
2. That in accordance with Section 34(17) of the Planning Act, City Council has determined that no further public notice is required related to the minor modifications to the proposed Zoning By-law Amendment affecting 5 Arthur Street South.
3. That the CAO be authorized to approve a development agreement or related agreement(s) including terms described in Staff Report 14-38 pursuant to terms described in the staff report and subject to applicable policies and legislation, in consultation with the City Solicitor, Executive Director for Community and Social Services, the Executive Director Planning Building, Engineering & Environment and the Chief Financial Officer, for the period of September 12, 2014 through to December 1, 2014.

### **Amendment**

18. Moved by Councillor Bell  
Seconded by Councillor Laidlaw

That the maximum heights of Buildings 1, 2 and 3 be 10, 11 and 10 storeys respectively.  
*VOTING IN FAVOUR: Mayor Farbridge, Councillors Bell, Findlay, Guthrie, Hofland, Laidlaw, Piper and Van Hellemond (8)*

*VOTING AGAINST: Councillor Dennis, Kovach and Wettstein (3)*

*Councillor Furfaro did not vote due to his declared potential pecuniary interest.*

CARRIED

## Main Motion

19. Moved by Councillor Kovach  
Seconded by Councillor Hofland
1. That Report 14-38 regarding Official Plan and Zoning By-law Amendment applications by 5 Arthur Street Developments, 2278560 Ontario Inc., for approval of an Official Plan Amendment and Zoning By-law Amendment to permit the development of a six (6) phase mixed use, residential and commercial development for the property municipally known as 5 Arthur Street South, and legally described as Part of Grist Mill Lands, East side of Speed River, Plan 113 and Part Lot 76, and Lots 77, 78, 79, 80, 81 and 82, Plan 113, (as amended), designated as Parts 11, 12 and 13, Reference Plan 61R11955, together with an easement over Part 17, 61R11955 as in Instrument No. WC212993; Guelph and Part of Grist Mill Lands, Plan 113, East of River Speed, designated as Parts 14, 15 and 16, Reference Plan 61R11955; subject to an Easement as in Instrument No. RO682767; together with an Easement over Part 17, 61R11955 as in Instrument No. WC212993; City of Guelph, be approved in accordance with the zoning regulations and conditions, **as amended**, outlined in Attachment 2.
  2. That in accordance with Section 34(17) of the Planning Act, City Council has determined that no further public notice is required related to the minor modifications to the proposed Zoning By-law Amendment affecting 5 Arthur Street South.
  3. That the CAO be authorized to approve a development agreement or related agreement(s) including terms described in Staff Report 14-38 pursuant to terms described in the staff report and subject to applicable policies and legislation, in consultation with the City Solicitor, Executive Director for Community and Social Services, the Executive Director Planning Building, Engineering & Environment and the Chief Financial Officer, for the period of September 12, 2014 through to December 1, 2014

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

*VOTING AGAINST: (0)*

*Councillor Furfaro did not vote due to his declared potential pecuniary interest.*

CARRIED

### **IA-2014.6 Learning and Development Audit Report**

### **IA-2014.7 Learning and Development Audit Management's Response**

Ms. Katherine Gray, Business Performance Specialist, presented the Learning and Development Audit and highlighted the seven recommendations.

Mr. David Godwaldt, General Manager of Human Resources, reviewed managements response and outlined the actions to be undertaken to address the recommendations in the Learning and Development Audit.

20. Moved by Councillor Laidlaw  
Seconded by Councillor Piper

That the City of Guelph Procedural By-law be suspended to allow Council to continue beyond 11:00 p.m.

CARRIED

21. Moved by Councillor Piper  
Seconded by Councillor Dennis

1. That the Council receive the Learning and Development Audit report.
2. That the August 25, 2014 report titled "Learning and Development Management Response" be received for information.

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

*VOTING AGAINST: (0)*

CARRIED

**PBEE-2014.25 Enbridge Line 9B Application**

22. Moved by Councillor Bell  
Seconded by Councillor Guthrie

That no action be taken regarding the Enbridge Line 9B Application.

*VOTING IN FAVOUR: Mayor Farbridge, Councillors Bell, Dennis, Findlay, Furfaro, Guthrie, , Kovach, Laidlaw, Van Hellemond and Wettstein (10)*

*VOTING AGAINST: Councillors Hofland and Piper (2)*

CARRIED

**By-laws**

23. Moved by Councillor Wettstein  
Seconded by Councillor Findlay

That By-laws Numbered (2014)-19789 to (2014)-19792 and By-laws Numbered (2014)-19794 to (2014)-19802, inclusive, are hereby passed.

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

*VOTING AGAINST: (0)*

CARRIED

24. Moved by Councillor Wettstein  
Seconded by Councillor Findlay

That By-law Number (2014)-19793, as amended, is hereby passed.

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

*VOTING AGAINST: (0)*

*Councillor Furfaro did not vote due to his declared potential pecuniary interest.*

CARRIED

**Notice of Motion**

Councillor Kovach gave notice that she will be bringing forward a motion to a subsequent meeting with respect to financial reporting.

Councillor Guthrie gave notice that he will be bringing forward a motion to a subsequent meeting with respect to communication procedures to residents relating to developments.

**Adjournment (11:20 p.m.)**

25. Moved by Councillor Dennis  
Seconded by Councillor Hofland

That the meeting be adjourned.

CARRIED

*Minutes to be confirmed on September 8, 2014.*

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Mayor Farbridge

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City Clerk

<b>JANUARY</b>					
<b>Monday</b>	<b>Tuesday</b>	<b>Wednesday</b>	<b>Thursday</b>	<b>Friday</b>	<b>Saturday</b> <b>Sunday</b>
			1 New Year's Day	2	3 4
5	6	7	8	9	10 11
12	13	14	15	16	17 18
19	20	21 Council-Budget (6:00 pm) Presentation of Non-Tax Supported Budgets	22	23	24 25
26 Council -Budget (6:00 pm) Presentation of Tax Supported Capital Budget/Public Delegations	27	28 Council-Budget (6:00 pm) Approval of Non-Tax Supported Budgets	29	30	31

<b>FEBRUARY</b>					
<b>Monday</b>	<b>Tuesday</b>	<b>Wednesday</b>	<b>Thursday</b>	<b>Friday</b>	<b>Saturday</b> <b>Sunday</b>
					1
2 PBEE (2:00 pm) CAFE (5:30 pm)	3 GOV (3:00 pm) OTES (5:00 pm)	4	5 AUD (4:00 pm)	6	7 8
9 Council Planning (7:00 pm)	10 CSS (5:00 pm)	11	12	13	14 15
16 Family Day	17	18 Council Placeholder (6:00 pm)	19	20	21 22
23 Council (7:00 pm)	24	25 Council-Budget (6:00 pm) Presentation of Tax Supported Operating Budget	26 Council-Budget (6:00 pm) Presentation of Local Boards & Shared Services	27	28



MARCH					
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday Sunday
					1
2 PBEE (2:00 pm) CAFE (5:30 pm)	3 GOV (3:00 pm) OTES (5:00 pm)	4	5 Council- Budget (6:00 pm) Delegations	6	7 8
9 Council Planning (7:00 pm)	10 CSS (5:00 pm)	11 Council – Budget Night (6:00 pm)	12 Council – Budget Night continuation if required (6:00 pm)	13	14 15
16	17	18	19	20	21 22
<div style="border: 1px solid black; border-radius: 10px; padding: 2px; display: inline-block;">March Break</div> 					
23 Council (7:00 pm)	24	25 Council Placeholder (6:00 pm)	26	27	28 29
30 Council Placeholder (6:00 pm)	31				

APRIL					
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday Sunday
		1	2	3 Good Friday	4 5 Easter
6 Easter Monday	7 PBEE (2:00 pm) CAFE (5:30 pm)	8 GOV (3:00 pm) OTES (5:00 pm)	9	10	11 12
13 Council Planning (7:00 pm)	14 CSS (5:00 pm)	15 AUD (4:00 pm)	16	17	18 19
20 Council Placeholder (6:00 pm)	21	22 Council Placeholder (6:00 pm)	23	24	25 26
27 Council (7:00 pm)	28	29	30		

<b>MAY</b>					
<b>Monday</b>	<b>Tuesday</b>	<b>Wednesday</b>	<b>Thursday</b>	<b>Friday</b>	<b>Saturday</b> <b>Sunday</b>
				1	2 3
4 PBEE (2:00 pm) CAFE (5:30 pm)	5 GOV (3:00 pm) OTES (5:00 pm)	6	7	8	9 10
11 Council Planning (7:00 pm)	12 CSS (5:00 pm)	13	14	15	16 17
18 Victoria Day	19	20 Council Placeholder (6:00 pm)	21	22	23 24
25 Council (7:00 pm)	26	27 Council Placeholder (6:00 pm)	28	29	30 31

<b>June</b>					
<b>Monday</b>	<b>Tuesday</b>	<b>Wednesday</b>	<b>Thursday</b>	<b>Friday</b>	<b>Saturday</b> <b>Sunday</b>
1 PBEE (2:00 pm) CAFE (5:30 pm)	2 GOV (3:00 pm) OTES (5:00 pm)	3	4	5 FCM Conference	6 7
8 FCM Conference	9 CSS (5:00 pm)	10 AUD (4:00 pm)	11	12	13 14
Council Planning (7:00 pm)					
15 Council Placeholder (6:00 pm)	16	17	18	19	20 21
22 Council (7:00 pm)	23	24	25	26	27 28
29 Council Placeholder (6:00 pm)	30				

<b>JULY</b>					
<b>Monday</b>	<b>Tuesday</b>	<b>Wednesday</b>	<b>Thursday</b>	<b>Friday</b>	<b>Saturday</b> <b>Sunday</b>
		1 Canada Day	2	3	4 5
6 PBEE (2:00 pm) CAFE (5:30 pm)	7 GOV (3:00 pm) OTES (5:00 pm)	8	9 CSS (5:00 pm)	10	11 12
13 Council Planning (7:00 pm)	14 Council Placeholder (6:00 pm)	15	16	17	18 19
20 Council (7:00 pm)	21	22	23	24	25 26
27	28	29	30	31	

<b>AUGUST</b>					
<b>Monday</b>	<b>Tuesday</b>	<b>Wednesday</b>	<b>Thursday</b>	<b>Friday</b>	<b>Saturday</b> <b>Sunday</b>
					1 2
3 John Galt Day / Civic Holiday	4	5	6	7	8 9
10	11	12	13	14	15 16 AMO Conference
17 18 19 AMO Conference (dates to be confirmed)			20	21	22 23
24	25	26	27	28	29 30
31					

SEPTEMBER					
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday Sunday
	1 PBEE (2:00 pm) CAFE (5:30 pm)	2	3 AUD (4:00 pm)	4	5 6
7 Labour Day	8 GOV (3:00 pm) OTES (5:00 pm)	9 CSS (5:00 pm)	10	11	12 13
14 Council Planning (7:00 pm)	15	16	17	18	19 20
21 Council Placeholder (6:00 pm)	22	23 Council Placeholder (6:00 pm)	24	25	26 27
28 Council (7:00 pm)	29	30			

OCTOBER					
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday Sunday
			1	2	3 4
5 PBEE (2:00 pm) CAFE (5:30 pm)	6 GOV (3:00 pm) OTES (5:00 pm)	7	8	9	10 11
12 Thanksgiving Day	13 Council Planning (7:00 pm)	14 CSS (5:00 pm)	15	16	17 18
19 Council Place Holder (6:00 pm)	20	21 Council Placeholder (6:00 pm)	22	23	24 25
26 Council (7:00 pm)	27	28	29	30	31

<b>NOVEMBER</b>					
<b>Monday</b>	<b>Tuesday</b>	<b>Wednesday</b>	<b>Thursday</b>	<b>Friday</b>	<b>Saturday</b> <b>Sunday</b>
					1
2 PBEE (2:00 pm) CAFE (5:30 pm)	3 GOV (3:00 pm) OTES (5:00 pm)	4	5 AUD (4:00 pm)	6	7 8
9 Striking Committee (5:00 pm potentially) Council Planning (7:00 pm)	10 CSS (5:00)	11 Remembrance Day	12	13	14 15
16 Council Placeholder (6:00 pm)	17	18	19	20	21 22
23 Council (7:00 pm)	24	25	26	27	28 29
30 Council Placeholder (6:00 pm)					

<b>DECEMBER</b>					
<b>Monday</b>	<b>Tuesday</b>	<b>Wednesday</b>	<b>Thursday</b>	<b>Friday</b>	<b>Saturday</b> <b>Sunday</b>
	1 PBEE (2:00 pm) CAFE (5:30 pm)	2	3 Council Placeholder (6:00 pm)	4	5 6
7 Council Planning (7:00 pm)	8 GOV (3:00 pm) OTES (5:00 pm)	9 CSS (5:00 pm)	10	11	12 13
14 Council (7:00 pm)	15	16	17	18	19 20
21	22	23	24	25 Christmas Day	26 Boxing Day 27
28	29	30			

The property affected by the Zoning By-law Amendment application is municipally known as 5 Arthur Street South and legally described as Part of Grist Mill Lands, East side of Speed River, Plan 113 and Part Lot 76, and Lots 77, 78, 79, 80, 81 and 82, Plan 113, (as amended), designated as Parts 11, 12 and 13, Reference Plan 61R11955, together with an easement over Part 17, 61R11955 as in Instrument No. WC212993; Guelph and Part of Grist Mill Lands, Plan 113, East of River Speed, designated as Parts 14, 15 and 16, Reference Plan 61R11955; subject to an Easement as in Instrument No. RO682767; together with an Easement over Part 17, 61R11955 as in Instrument No. WC212993, City of Guelph.

### **Zoning By-law Amendment**

The following zoning is proposed:

1. By-law (1995) - 14864, as amended, is hereby further amended:

(x) By adding the following definition to Section 3 (Definitions)

**“Micro-brewery or Brew Pub”** means a **Place** used for the small scale and independent manufacturing of specialty or craft beer or wine produced for retail sale and consumption off-premises, or on-site consumption when located in combination with a permitted restaurant or tavern.

2.

(1) By adding to Section 5.4.3.2 – Restricted Defined R.4B Areas – Specialized R.4B Zones the following new sections and provisions:

5.4.3.2.X R.4B-X(H)  
5 Arthur Street South  
As shown on Defined Area Map Number 38 of Schedule “A” to this  
**By-law:**

The following definition that shall apply to the R.4B-X Zone

**“Community Services Facilities”** means a **Place** used for smaller-scaled community, institutional, cultural or recreational uses of either a public or private nature, including but not limited to uses such as a library branch, gallery or museum, educational or training centre, office of a government or a non-profit agency or corporation or a gymnasium or multi-purpose room(s) available for meetings, events and activities.

5.4.3.2.X.1 **Permitted Uses:**  
Despite Section 5.4.1.2, the following **Uses** shall be permitted:

- **Apartment Building**
- A **Townhouse** or **Multiple Attached Dwelling** together with an **Apartment Building**
- A **Home Occupation** in accordance with Section 4.19

5.4.3.2.X.2 **Regulations**  
In accordance with the provisions of Section 5.4.2 of Zoning By-law (1995)-14864, as amended, with the following exceptions and additions:

- 5.4.3.2.X.2.1 **Maximum Floor Space Index (FSI)**  
 Notwithstanding Table 5.4.2, Row 18, the maximum **Floor Space Index** (FSI) shall be 2.0. In addition, the FSI on individual portions of the 5 Arthur Street site may exceed the maximum permitted FSI, provided that the maximum FSI over the entirety of the 5 Arthur Street site is achieved. The calculation of Gross Floor Area and FSI will not include space within the basement of a building, within an underground, at-grade or above-grade parking structure or any floor area which does not have a clear floor to ceiling height of 2.15 metres. Floor space in the existing heritage building shall not be included in the calculation of FSI.
- 5.4.3.2.X.2.2 **Front Yard**  
 For the purposes of this zone, the **Front Yard** shall be considered the Arthur Street frontage.
- 5.4.3.2.X.2.3 **Minimum Distance Between Buildings**  
 Notwithstanding Section 5.4.2.2 and Table 5.4.2 the minimum distance between the **Building** face of one Apartment **Building** and the face of another Apartment **Building** shall be:
- |                                |      |
|--------------------------------|------|
| - At or below 6 <b>Storeys</b> | 18 m |
| - Above 6 <b>Storeys</b>       | 25 m |
- 5.4.3.2.X.2.3.1 Townhouse blocks shall be a minimum of 4.0 metres apart from one another
- 5.4.3.2.X.2.4 **Angular Planes**  
 Despite Section 4.16, Angular Planes shall not apply to any **Building** or **Structure** on the **Lot**
- 5.4.3.2.X.2.5 **Minimum Off-Street Parking:**  
 Notwithstanding Section 4.13 and Table 5.4.2 Row 14, the following minimum number of **Parking Spaces** shall be provided within an underground garage or an above-grade parking structure for the following uses:
- |                      |  |
|----------------------|--|
| Residents            | 1.0 per <b>Dwelling Unit</b>                         |
| Visitors             | 0.15 per <b>Dwelling Unit</b>                        |
| Non-Residential Uses | 1.0 per 33 m <sup>2</sup> of <b>Gross Floor Area</b> |
- 5.4.3.2.X.2.6 **Bicycle Parking**  
 5.4.3.2.X.2.6.1 Bicycle Parking Shall be provided at the ratio of 0.65 bicycle parking spaces per **Dwelling Unit** on the **Lot** and 0.3 bicycle parking spaces per 100 square metres of non-residential **Gross Floor Area**.
- 5.4.3.2.X.2.6.2 Bicycle Parking may be provided for by a combination of racks at the surface, within a **Basement** or **Garage** of an **Apartment Building**, a secure parking area, room or enclosed container, or within a specially designed and designated spot provided within a storage locker.

5.4.3.2.X.2.7 The provisions of this By-law shall continue to apply collectively to the whole of the lands identified on Schedule "A" as R.4B-X, including any sub-zones (i.e. R.4B-X.1) despite any future severance, conveyance, dedication, taking, widening, partition or division for any purpose.

5.4.3.2.X.2.8 Holding Provision:

Purpose:

To ensure that development of the subject lands does not proceed until the following conditions have been met to the satisfaction of the City related to the subject development.

Conditions:

1. That a structural assessment of the existing retaining wall along the Speed River in accordance with the Terms of Reference provided to the developer be completed and approved to the satisfaction of the General Manager/City Engineer.
2. That an Environmental Implementation Report be completed and approved to the satisfaction of the General Manager of Planning Services, as further outlined in condition #11 of the conditions of site plan approval in Attachment 2 of Council Report 14-38, dated August 25, 2014.
3. A Development Agreement will be entered into and registered on title regarding the proposed Riverwalk and publicly accessible portions of the site. The agreement will include, but not be limited to parkland dedication requirements, responsibility for the design and construction of publicly accessible areas of the site, a temporary trail along the river, easements, and further agreements regarding future maintenance and liability, to the satisfaction of the Executive Director of Community and Social Services.
4. That a final Urban Design Master Plan be completed and approved, to the satisfaction of the General Manager of Planning Services.
5. That the developer pay to the City, their proportionate share of the actual cost of constructing municipal services on Arthur Street South, Cross Street and Neeve Street across the frontage of the lands including road works, local sanitary sewer, storm sewer, watermain curb and gutter, catchbasins, sidewalks, streetscaping and street lighting as determined by the City Engineer. Furthermore, the developer shall pay to the City their proportionate share of the estimated cost of the municipal services determined by the City Engineer for the frontage associated with the first phase of development prior to the removal of this Holding Provision.



- 5.4.3.2.X.3 **R.4B-X.1**  
5 Arthur Street South  
As shown on Defined Area Map Number 38 of Schedule "A" to this **By-law**:
- 5.4.3.2.X.3.1 Additional Permitted Use, as part of a Commercial/ Residential Building:  
• **Restaurant**
- 5.4.3.2.X.3.2 Regulations  
In addition to the regulations in Sections 5.4.2 and 5.4.3.2.X.2, the following regulations shall apply to the R.4B-X.1 **Zone**:
- 5.4.3.2.X.3.2.1 Additional Permitted Commercial Use  
A **Restaurant** shall be permitted on the ground floor of the **Building** and limited to 50 square metres of **Gross Floor Area**.
- 5.4.3.2.X.3.2.2 Minimum Common Amenity Area  
Despite Section 5.4.2.4.1 and Table 5.4.2, Row 12, the minimum Common Amenity Area shall be a total of 600 m<sup>2</sup>
- 5.4.3.2.X.3.2.3 Minimum Landscaped Open Space  
Despite Table 5.4.2, Row 13, the minimum Landscaped Open Space shall be a total of 1800 m<sup>2</sup>
- 5.4.3.2.X.3.2.3.1 Despite the definition in Section 3.1, **Landscaped Open Space** may include open space located either at grade or above a **Building** or **Structure**.
- 5.4.3.2.X.3.2.4 Maximum Building Floor Plate Area
- |                                  |                     |
|----------------------------------|---------------------|
| Above the 6 <sup>th</sup> Storey | 1200 m <sup>2</sup> |
| Above the 9 <sup>th</sup> Storey | 1000 m <sup>2</sup> |
- 5.4.3.2.X.3.2.5 Minimum Yards
- 5.4.3.2.X.3.2.5.1 Minimum Front Yard  
Despite Section 4.24 and Table 5.4.2, Row 6, the minimum **Front Yard** shall be:  
- From Arthur St to **Townhouse** front face 2.5 m  
- From Arthur St to raised walkway/patio 1.0 m
- 5.4.3.2.X.3.2.5.2 Despite Section 4.7, all raised patios, walkways, ramps, retaining walls, planters are permitted to project into the required **Front Yard** between the main wall of the **Townhouses** and the front **Lot** line to a maximum distance of 1.5 metres, except that stairs and ramps may have a minimum setback of 0.0 metres from the front **Lot** line
- 5.4.3.2.X.3.2.6 Setbacks

- 5.4.3.2.X.3.2.6.1 Underground Parking Setback  
 An underground parking structure is permitted to be setback 0 metres from a **Lot** line.
- 5.4.3.2. X.3.2.6.2 Setbacks of Upper **Storeys** of **Apartment Buildings**  
 The minimum setback for the tower portion of an **Apartment Building**, above 4 **Storeys** shall be:  
 From Arthur Street **Lot** Line: 12 metres  
 From the easterly edge of the FL Zone: 10 metres
- 5.4.3.2.X.3.2.7 **Building** Heights  
 Despite Table 5.4.2 Row 10 and Sections 4.16, 5.4.2.1 and Defined Area Map No. 68, the maximum **Building** Heights are:  
 For Podium/**Townhouses** 4 storeys  
 For **Apartment Buildings** 10 storeys
- 5.4.3.2.X.4 **R.4B-X.2**  
 5 Arthur Street South  
 As shown on Defined Area Map Number 38 of Schedule "A" to this **By-law**:
- 5.4.3.2.X.4.1 Regulations  
 In addition to the regulations in Sections 5.4.2 and 5.4.3.2.X.2, the following regulations shall apply to the R.4B-X.1 **Zone**:
- 5.4.3.2.X.4.1.1 Minimum **Common Amenity Area**  
 Despite Section 5.4.2.4.1 and Table 5.4.2, Row 12, the minimum Common Amenity Area shall be a total of 1000 m<sup>2</sup>
- 5.4.3.2. X.4.1.2 Minimum **Landscaped Open Space**  
 Despite Table 5.4.2, Row 13, the minimum **Landscaped Open Space** shall be a total of 1500 m<sup>2</sup>
- 5.4.3.2.X.4.1.2.1 Despite the definition in Section 3.1, **Landscaped Open Space** may include open space located either at grade or above a **Building** or **Structure**.
- 5.4.3.2.X.4.1.3 Maximum Building Floor Plate Area
- |                                   |                     |
|-----------------------------------|---------------------|
| Above the 6 <sup>th</sup> Storey  | 1200 m <sup>2</sup> |
| Above the 10 <sup>th</sup> Storey | 800 m <sup>2</sup>  |
- 5.4.3.2.X.4.1.4 Maximum Floor Plate Ratio Restriction  
 Above 10<sup>th</sup> Storey Only 2.5:1.0
- 5.4.3.2.X.4.1.5 Minimum Yards
- 5.4.3.2. X.4.1.5.1 Minimum **Front Yard**  
 Despite Section 4.24 and Table 5.4.2, Row 6, the minimum **Front Yard** shall be:  
 - From Arthur St to **Townhouse** front face 2.5 m

- From Arthur St to raised walkway/patio 1.0 m

5.4.3.2. X.4.1.5.2 Despite Section 4.7, all raised patios, walkways, ramps, retaining walls, planters are permitted to project into the required **Front Yard** between the main wall of the **Townhouses** and the front **Lot** line to a maximum distance of 1.5 metres, except that stairs and ramps may have a minimum setback of 0.0 metres from the front **Lot** line

5.4.3.2. X.4.1.6 Setbacks

5.4.3.2. X.4.1.6.1 Underground Parking Setback

An underground parking structure is permitted to be setback 0 metres from a **Lot** line.

5.4.3.2. X.4.1.6.2 Setbacks of Upper **Storeys** of **Apartment Buildings**

The minimum setback for the tower portion of an **Apartment Building**, above 4 **Storeys** shall be:

From Arthur Street <b>Lot</b> Line:	12 metres
From the easterly edge of the FL Zone:	10 metres

5.4.3.2.X.4.1.7 **Building** Heights

Despite Table 5.4.2 Row 10 and Sections 4.16, 5.4.2.1 and Defined Area Map No. 68, the maximum **Building** Heights are:

For Podium/ <b>Townhouses</b>	4 storeys
For <b>Apartment Buildings</b>	11 storeys

5.4.3.2.X.4.1.8 Holding Provision:

Purpose:

To ensure that development of the subject lands does not proceed until the following conditions have been met to the satisfaction of the City related to the subject development.

Conditions:

1. That the Owner prepare an Urban Design Brief confirming that this phase of development is consistent with the approved Urban Design Master Plan for the site, to the satisfaction of the General Manager of Planning Services. In addition, an architectural peer review for this phase is required to the satisfaction of the General Manager of Planning Services. The Owner may prepare one brief and complete a peer review that addresses one or more phases at a time, enabling the City to simultaneously lift the Holding Provision on multiple phases. Clearing of this condition may be done in advance of, or in conjunction with, submission of a Site Plan Approval application for each phase.
2. The owner shall obtain the approval of the City with respect to the availability of adequate water supply, sewage capacity and sewage treatment capacity, prior to the site plan approval for each phase of the development.

3. That the owner pay to the City, their proportionate share of the actual cost of constructing municipal services on Arthur Street South, Cross Street and Neeve Street across the frontage of the lands including road works, local sanitary sewer, storm sewer, watermain curb and gutter, catchbasins, sidewalks, streetscaping and street lighting as determined by the City Engineer. Furthermore, that the owner pay to the City their proportionate share of the estimated cost of the municipal services determined by the City Engineer for all remaining frontage prior to the removal of this Holding Provision.

- 5.4.3.2.X.5      **R.4B-X.3**  
 5 Arthur Street South  
 As shown on Defined Area Map Number 38 of Schedule "A" to this **By-law**:
- 5.4.3.2.X.5.1      Regulations  
 In addition to the regulations in Sections 5.4.2 and 5.4.3.2.X.2, the following regulations shall apply to the R.4B-X.3 **Zone**:
- 5.4.3.2.X.5.1.1      Minimum **Common Amenity Area**  
 Despite Section 5.4.2.4.1 and Table 5.4.2, Row 12, the minimum Common Amenity Area shall be a total of 700 m<sup>2</sup>
- 5.4.3.2. X.5.1.2      Minimum **Landscaped Open Space**  
 Despite Table 5.4.2, Row 13, the minimum **Landscaped Open Space** shall be a total of 1700 m<sup>2</sup>
- 5.4.3.2.X.5.1.2.1      Despite the definition in Section 3.1, **Landscaped Open Space** may include open space located either at grade or above a **Building** or **Structure**.
- 5.4.3.2.X.5.1.3      Maximum Building Floor Plate Area
- |                                   |                     |
|-----------------------------------|---------------------|
| Above the 6 <sup>th</sup> Storey  | 1200 m <sup>2</sup> |
| Above the 10 <sup>th</sup> Storey | 1000 m <sup>2</sup> |
- 5.4.3.2.X.5.1.4      Maximum Floor Plate Ratio Restriction
- |                                    |         |
|------------------------------------|---------|
| Above 10 <sup>th</sup> Storey Only | 1.5:1.0 |
|------------------------------------|---------|
- 5.4.3.2.X.5.1.5      Minimum Yards
- 5.4.3.2. X.5.1.5.1      Minimum **Front Yard**  
 Despite Section 4.24 and Table 5.4.2, Row 6, the minimum **Front Yard** shall be:
- |   |       |
|---|-------|
| From Arthur St to <b>Townhouse</b> front face | 2.5 m |
| From Arthur St to raised walkway/patio        | 1.0 m |
- 5.4.3.2. X.5.1.5.2      Despite Section 4.7, all raised patios, walkways,

ramps, retaining walls, planters are permitted to project into the required **Front Yard** between the main wall of the **Townhouses** and the front **Lot** line to a maximum distance of 1.5 metres, except that stairs and ramps may have a minimum setback of 0.0 metres from the front **Lot** line

5.4.3.2. X.5.1.6 Setbacks

5.4.3.2. X.5.1.6.1 Underground Parking Setback

An underground parking structure is permitted to be setback 0 metres from a **Lot** line.

5.4.3.2. X.5.1.6.2 Setbacks of Upper **Storeys** of **Apartment Buildings**

The minimum setback for the tower portion of an **Apartment Building**, above 4 **Storeys** shall be:

From Arthur Street <b>Lot</b> Line:	12 metres
From the easterly edge of the FL Zone:	10 metres

5.4.3.2.X.5.1.7 **Building** Heights

Despite Table 5.4.2 Row 10 and Sections 4.16, 5.4.2.1 and Defined Area Map No. 68, the maximum **Building** Heights are:

For Podium/ <b>Townhouses</b>	4 storeys
For <b>Apartment Buildings</b>	<b>10 storeys</b>

5.4.3.2.X.5.1.8 Holding Provision:

Purpose:

To ensure that development of the subject lands does not proceed until the following conditions have been met to the satisfaction of the City related to the subject development.

Condition:

1. That the Owner prepare an Urban Design Brief confirming that this phase of development is consistent with the approved Urban Design Master Plan for the site, to the satisfaction of the General Manager of Planning Services. In addition, an architectural peer review for this phase is required to the satisfaction of the General Manager of Planning Services. The Owner may prepare one brief and complete a peer review that addresses one or more phases at a time, enabling the City to simultaneously lift the Holding Provision on multiple phases. Clearing of this condition may be done in advance of, or in conjunction with, submission of a Site Plan Approval application for each phase.
2. The developer/owner shall obtain the approval of the City with respect to the availability of adequate water supply, sewage capacity and sewage treatment capacity, prior to the site plan approval for each phase of the development.
3. That the owner pay to the City, their proportionate share of the actual cost of constructing municipal services on Arthur Street

South, Cross Street and Neeve Street across the frontage of the lands including road works, local sanitary sewer, storm sewer, watermain curb and gutter, catchbasins, sidewalks, streetscaping and street lighting as determined by the City Engineer. Furthermore, that the owner pay to the City their proportionate share of the estimated cost of the municipal services determined by the City Engineer for all remaining frontage prior to the removal of this Holding Provision.

5.4.3.2.X.6

**R.4B-X.4**

5 Arthur Street South

As shown on Defined Area Map Number 38 of Schedule "A" to this **By-law**:

5.4.3.2.X.6.1

Additional Permitted Uses, as part of a Commercial/ Residential Building

- **Agricultural Produce Market**
- **Art Gallery**
- **Artisan Studio**
- **Bake Shop**
- **Boutique**
- **Community Services Facilities**
- **Convenience Store**
- **Dry Cleaning Outlet**
- **Financial Establishment**
- **Florist**
- **Home Occupation**
- **Laundry**
- **Medical Clinic**
- **Medical Office**
- **Office**
- **Parking Facility** (within structure only)
- **Personal Service Establishment**
- **Pharmacy**
- **Postal Service**
- **Print Shop**
- **Recreation Centre**
- **Restaurant**
- **Restaurant (take-out)**
- **Retail Establishment**

5.4.3.2.X.6.2

Regulations

In addition to the regulations in Sections 5.4.2 and 5.4.3.2.X.2, the following regulations shall apply to the R.4B-X.4 **Zone**:

5.4.3.2.X.6.2.1

Additional Permitted Commercial Uses

5.4.3.2.X.6.2.1.1

Commercial **Uses** permitted in Section 5.4.3.2.X.8.1 shall be limited to a **Gross Floor Area** of 500 square metres in size.

5.4.3.2.X.6.2.1.2 Notwithstanding the permitted uses in 5.4.3.2.X.1 and 5.4.3.2.X.8.1, the ground floor of this **Building** shall contain a minimum of one commercial units fronting onto each of Arthur Street South, Cross Street, and the river.

5.4.3.2.X.6.2.2 Minimum **Common Amenity Area**

Despite Section 5.4.2.4.1 and Table 5.4.2, Row 12, the minimum Common Amenity Area shall be a total of 1500 m<sup>2</sup>

5.4.3.2.X.6.2.3 Minimum **Landscaped Open Space**

Despite Table 5.4.2, Row 13, the minimum **Landscaped Open Space** shall be a total of 2000 m<sup>2</sup>

5.4.3.2.X.6.2.3.1 Despite the definition in Section 3.1, **Landscaped Open Space** may include open space located either at grade or above a **Building** or **Structure**.

5.4.3.2.X.6.2.4 Maximum Building Floor Plate Area

Above the 6 <sup>th</sup> Storey	1200 m <sup>2</sup>
Above the 8 <sup>th</sup> Storey	1000 m <sup>2</sup>

5.4.3.2.X.6.2.5 Maximum Floor Plate Ratio Restriction

Above 10 <sup>th</sup> Storey Only	1.5:1.0
------------------------------------	---------

5.4.3.2.X.6.2.6 Setbacks

5.4.3.2.X.6.2.6.1 **Front Yard** Setback

Despite Section 4.24 and Table 5.4.2, Row 6, the 5-storey Building podium shall not encroach within an area on the property directly adjacent to the intersection of Arthur Street South and Cross Street, defined by connecting the following three points:

1. The point at the immediate southeast corner of the property and directly adjacent to the intersection of Arthur Street South and Cross Street;
2. A point located approximately 40 metres from the intersection of Arthur Street South and Cross Street, measure northwest along the Arthur Street frontage;
3. A point located approximately 25 metres from the intersection of Arthur Street South and Cross Street, measure northwest along the Cross Street frontage

5.4.3.2.X.6.2.6.2 **Exterior Side Yard** Setback (Cross Street)

Despite Section 4.24 and Table 5.4.2, Row 6, the Building shall be setback a minimum of 2.5 metres from Cross Street.

5.4.3.2.X.6.2.6.3 Underground Parking Setback

An underground parking structure is permitted to be setback 0 metres from a **Lot** line.

5.4.3.2.X.6.1.5.2 Setbacks of Upper **Storeys** of **Apartment Buildings**

The minimum setback for the tower portion of an **Apartment Building**, above 5 **Storeys** shall be:

From Arthur Street <b>Lot</b> Line:	25 metres
From Cross Street <b>Lot</b> Line:	5.5 metres
From Neeve Street <b>Lot</b> Line:	35 metres

5.4.3.2.X.6.1.6 **Building Heights**

Despite Table 5.4.2 Row 10 and Sections 4.16, 5.4.2.1 and Defined Area Map No. 68, the maximum **Building** height is 14 storeys.

5.4.3.2.X.6.1.6.1 **Minimum Ground Floor Height**

For ground floor non-residential units, the minimum floor-to-ceiling height shall be 4.5 metres.

5.4.3.2.X.6.1.7 **Holding Provision:**

Purpose:

To ensure that development of the subject lands does not proceed until the following condition has been met to the satisfaction of the City related to the subject development.

Condition:

1. That the Owner prepare an Urban Design Brief confirming that this phase of development is consistent with the approved Urban Design Master Plan for the site, to the satisfaction of the General Manager of Planning Services. In addition, an architectural peer review for this phase is required to the satisfaction of the General Manager of Planning Services. The Owner may prepare one brief and complete a peer review that addresses one or more phases at a time, enabling the City to simultaneously lift the Holding Provision on multiple phases. Clearing of this condition may be done in advance of, or in conjunction with, submission of a Site Plan Approval application for each phase.
2. The developer/owner shall obtain the approval of the City with respect to the availability of adequate water supply, sewage capacity and sewage treatment capacity, prior to the site plan approval for each phase of the development.
3. That the owner pay to the City, their proportionate share of the actual cost of constructing municipal services on Arthur Street South, Cross Street and Neeve Street across the frontage of the lands including road works, local sanitary sewer, storm sewer, watermain curb and gutter, catchbasins, sidewalks, streetscaping and street lighting as determined by the City Engineer. Furthermore, that the owner pay to the City their proportionate share of the estimated cost of the municipal services determined by the City Engineer for all remaining frontage prior to the removal of this Holding Provision.



- 5.4.3.2.X.7      **R.4B-X.5**  
5 Arthur Street South  
As shown on Defined Area Map Number 38 of Schedule "A" to this **By-law**:
- 5.4.3.2.X.7.1      Additional Permitted **Uses**
- Office
- 5.4.3.2.X.7.1.1      Additional Permitted Uses, as part of Commercial/ Residential **Building**
- **Agricultural Produce Market**
  - **Art Gallery**
  - **Artisan Studio**
  - **Bake Shop**
  - **Boutique**
  - **Micro-Brewery or Brew Pub**
  - **Commercial School**
  - **Community Services Facilities**
  - **Convenience Store**
  - **Dry Cleaning Outlet**
  - **Financial Establishment**
  - **Florist**
  - **Laundry**
  - **Medical Clinic**
  - **Medical Office**
  - **Office**
  - **Parking Facility** (within structure only)
  - **Personal Service Establishment**
  - **Pharmacy**
  - **Postal Service**
  - **Recreation Centre**
  - **Restaurant**
  - **Restaurant (take-out)**
  - **Retail Establishment**
  - **Tavern**
- 5.4.3.2.X.7.2      Regulations  
In addition to the regulations in Sections 5.4.2 and 5.4.3.2.X.2, the following regulations shall apply to the R.4B-X.5 **Zone**:
- 5.4.3.2.X.7.2.1      Ground Floor Commercial **Uses**  
Notwithstanding the permitted uses in 5.4.3.2.X.1 and 5.4.3.2.X.3.1, the ground floor of this **Building** shall contain at least one commercial **Use** fronting on to each of Arthur Street South and Elizabeth Street.
- 5.4.3.2.X.7.2.2      Setbacks from Railways
- 5.4.3.2.X.7.2.2.1      The minimum separation of the residential portion of any **Building** from the CN Railway Right-of-Way, shall be 30 metres

- 5.4.3.2.X.7.2.2 The minimum separation of the residential portion of any **Building** from the Guelph Junction Railway Right-of-Way shall be 15 metres
- 5.4.3.2.X.7.2.3 Minimum **Common Amenity Area**  
Despite Section 5.4.2.4.1 and Table 5.4.2, Row 12, the minimum Common Amenity Area shall be a total of 500 m<sup>2</sup>
- 5.4.3.2.X.7.2.4 Minimum **Landscaped Open Space**  
Despite Table 5.4.2, Row 13, the minimum Landscaped Open Space shall be a total of 900 m<sup>2</sup>
- 5.4.3.2.X.7.2.4.1 Despite the definition in Section 3.1, **Landscaped Open Space** may include open space located either at grade or above a **Building** or **Structure**
- 5.4.3.2.X.7.2.5 Minimum Yards
- 5.4.3.2.X.7.2.5.1 Minimum **Front Yard** (Arthur St)  
Despite Section 4.24 and Table 5.4.2, Row 6, the minimum **Front Yard** shall be 3.0 metres
- 5.4.3.2.X.7.2.5.2 Minimum **Exterior Side Yard** (Elizabeth St)  
Despite Section 4.24 and Table 5.4.2, Row 6, the minimum **Exterior Side Yard** shall be 3.0 metres
- 5.4.3.2.X.7.2.6 Underground Parking Setback  
An underground parking structure is permitted to be setback 0 metres from a **Lot** line.
- 5.4.3.2.X.7.2.7 **Building Heights**  
Despite Table 5.4.2 Row 10 and Sections 4.16, 5.4.2.1 and Defined Area Map No. 68, the minimum Building height is 4 storeys and the maximum Building height is 14 storeys
- 5.4.3.2.X.7.2.7.1 Minimum Ground Floor Height  
For ground floor non-residential units, the minimum floor-to-ceiling height shall be 4.5 metres.
- 5.4.3.2.X.7.2.8 Maximum **Building** Floor Plate Area
- |                                  |                     |
|----------------------------------|---------------------|
| Above the 6 <sup>th</sup> Storey | 1200 m <sup>2</sup> |
| Above the 8 <sup>th</sup> Storey | 1000 m <sup>2</sup> |
- 5.4.3.2.X.7.2.9 Maximum Dimensional Floor Plate Ratio
- |                              |         |
|------------------------------|---------|
| Above 4 <sup>th</sup> Storey | 2.2:1.0 |
|------------------------------|---------|
- 5.4.3.2.X.7.2.10 Setbacks of Upper **Storeys** of **Apartment Buildings**  
The tower portion of an **Apartment Building** above a 4 **Storey** podium facing a **Public Street** or the Speed River shall be setback an additional 3.0 metres from the podium **Building** face.

5.4.3.2.X.7.2.11 Holding Provision:

Purpose:

To ensure that development of the subject lands does not proceed until the following condition has been met to the satisfaction of the City related to the subject development.

Conditions:

1. That the Owner implement CN's principal main line requirements for adjacent development, including addressing the interface with the elevated CN mainline adjacent to this phase of development, to the satisfaction of CN or its assigns.
2. The developer/owner shall obtain the approval of the City with respect to the availability of adequate water supply, sewage capacity and sewage treatment capacity, prior to the site plan approval for each phase of the development.
3. The developer/owner shall deed at no cost to the City, a land dedication as identified in the City of Guelph's Official Plan for future intersection improvements at Elizabeth Street and Arthur Street South that is free of all encumbrances and satisfactory to the City Solicitor.
4. That the Owner prepare an Urban Design Brief confirming that this phase of development is consistent with the approved Urban Design Master Plan for the site, to the satisfaction of the General Manager of Planning Services. In addition, an architectural peer review for this phase is required to the satisfaction of the General Manager of Planning Services. The Owner may prepare one brief and complete a peer review that addresses one or more phases at a time, enabling the City to simultaneously lift the Holding Provision on multiple phases. Clearing of this condition may be done in advance of, or in conjunction with, submission of a Site Plan Approval application for each phase.
5. That the owner pay to the City, their proportionate share of the actual cost of constructing municipal services on Arthur Street South, Cross Street and Neeve Street across the frontage of the lands including road works, local sanitary sewer, storm sewer, watermain curb and gutter, catchbasins, sidewalks, streetscaping and street lighting as determined by the City Engineer. Furthermore, that the owner pay to the City their proportionate share of the estimated cost of the municipal services determined by the City Engineer for all remaining frontage prior to the removal of this Holding Provision.

- 5.4.3.2.X.8      **R.4B-X.6**  
5 Arthur Street South  
As shown on Defined Area Map Number 38 of Schedule "A" to this **By-law**:
- 5.4.3.2.X.8.1    **Permitted Uses**  
The **Uses** listed in Section 5.4.3.2.X, together with the following **Uses**, shall be permitted within the existing heritage building, including within the portion of the building in FL (Floodway) Zone, subject to approval by the Grand River Conservation Authority:
- **Agricultural Produce Market**
  - **Art Gallery**
  - **Artisan Studio**
  - **Bake Shop**
  - **Boutique**
  - **Micro-Brewery or Brew Pub**
  - **Commercial School**
  - **Community Services Facilities**
  - **Convenience Store**
  - **Dry Cleaning Outlet**
  - **Financial Establishment**
  - **Florist**
  - **Laundry**
  - **Medical Office**
  - **Office**
  - **Personal Service Establishment**
  - **Pharmacy**
  - **Postal Service**
  - **Recreation Centre**
  - **Restaurant**
  - **Restaurant (take-out)**
  - **Retail Establishment**
  - **Tavern**
- 5.4.3.2.X.8.2    **Regulations**  
In addition to Sections 5.4.2, 12.2.1 and 12.2.2, and 5.4.3.2.X, the following regulations shall apply to the R.4B-X.6 Zone and the entire existing heritage building:
- 5.4.3.2.X.8.2.1   **Minimum Common Amenity Area**  
Despite Section 5.4.2.4.1 and Table 5.4.2, Row 12, the minimum **Common Amenity Area** shall be a total of 500 m<sup>2</sup>
- 5.4.3.2.X.8.2.2   **Minimum Landscaped Open Space**  
Despite Table 5.4.2, Row 13, the minimum **Landscaped Open Space** shall be a total of 1200 m<sup>2</sup>
- 5.4.3.2.X.8.2.3   **Minimum Yards**  
Despite Table 5.4.2 Row 6, Row 8 and Row 9, the minimum yards shall be as exists on the Date of Passing of this **By-law**.

5.4.3.2.X.8.2.4 **Building Heights**

Despite Table 5.4.2 Row 10, the maximum **Building** heights shall be as exists on the Date of Passing of this **By-law**.

5.4.3.2.X.8.2.5 **Minimum Distance Between Buildings**

Despite Section 5.4.3.2.X.2.3, the minimum distance between the existing heritage **Building** and any other **Building** shall be 16 metres.

5.4.3.2.X.8.2.6 **Minimum Off-Street Parking**

5.4.3.2.X.8.2.6.1 Despite Section 5.4.3.2.X.2.5, a minimum of 30 **Parking Spaces** shall be provided for the users or residents of the existing heritage building within a surface parking lot between the existing building and Arthur Street South.

5.4.3.2.X.8.2.6.2 Despite Section 4.13.2.2, a Parking Area for resident and/or visitor parking spaces adjacent to the existing heritage building may be located within the **Front Yard** provided that the nearest parking spaces are set back a minimum of 3.0 metres from the Arthur Street South **Lot** line.

5.4.3.2.X.8.2.7 **Holding Provision:**

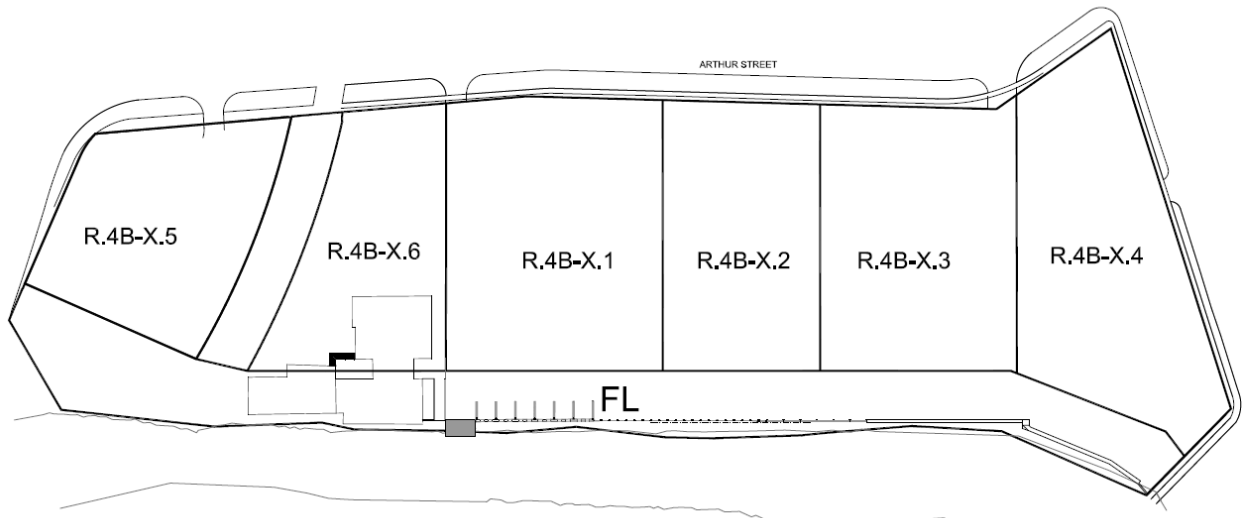
Purpose:

To ensure that development of the subject lands does not proceed until the following condition has been met to the satisfaction of the City related to the subject development.

Conditions:

1. The developer/owner shall obtain the approval of the City with respect to the availability of adequate water supply, sewage capacity and sewage treatment capacity, prior to the site plan approval for each phase of the development.
2. That the owner pay to the City, their proportionate share of the actual cost of constructing municipal services on Arthur Street South, Cross Street and Neeve Street across the frontage of the lands including road works, local sanitary sewer, storm sewer, watermain curb and gutter, catchbasins, sidewalks, streetscaping and street lighting as determined by the City Engineer. Furthermore, that the owner pay to the City their proportionate share of the estimated cost of the municipal services determined by the City Engineer for all remaining frontage prior to the removal of this Holding Provision.

Recommended Zoning Map – R4B-X (H) Zone



Schedule A (Draft)  
Lands Subject to By-law 2014-XXX  
Building envelopes and other site information shown only  
for illustrative purposes for draft By-law review

## **Recommended Conditions of Approval**

### **Conditions of Site Plan Approval**

The following conditions are provided as information to Council and will be imposed through site plan approval for all phases of development unless noted otherwise. The phases of development referred to are based on the phasing plan shown in Attachment 6 of this report.

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 shall be generally in conformance with the development concept plan and elevations for Phase 1, attached as Attachment 5 and Attachment 7 to the August 25, 2014 Planning, Building, Engineering and Environment Report Number 14-38.
  - b. That Heritage Guelph be circulated on all Site Plan Approval submissions for 5 Arthur Street South that may impact the property's identified heritage attributes.
  - c. That the develop agrees to consider options for including space to be made available for community uses, in the redevelopment of the heritage building (Phase #6), prior to Site Plan Approval for Phase #6.
2. The Owner shall implement the guidelines of the approved Urban Design Master Plan and approved Urban Design Brief as required for Phases 2 to 5, as updated in consultation with City staff, to the satisfaction of the General Manager of Planning Services to contribute to meeting the applicable principles, objectives and policies of the Downtown Secondary Plan.
3. Prior to the issuance of site plan approval, the Owner shall provide the City with written confirmation that each 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 11 to Report 14-38 from Planning, Building, Engineering and Environment dated August 25, 2014.
4. That the Owner commits and agrees to provide one or more off-street parking spaces for shared use vehicles as part of a community carshare program in each phase of the development and shall consider accommodating additional spaces in each future phase, to the satisfaction of the General Manager/City Engineer.
5. That prior to site plan approval of each phase of development, the Owner must provide evidence of agreement to have the development serviced by the Galt District Energy System or, if the Owner is unable to incorporate district energy services in the development, they must provide evidence on how the development will contribute to the Guelph District Energy Strategic Plan or Community Energy Initiative, to the satisfaction of the Corporate Manager of Community Energy.

6. That for the remaining brick walls of heritage buildings 3 and 4 (as shown in Attachment 8 of Council Report 14-38, dated August 25, 2014), that are proposed to be removed, the proponent will submit to the satisfaction of the General Manager of Planning Services and Heritage Guelph, a representation plan prior to Site Plan Approval for Phase 1 of the development. The approved representation plan, showing how the walls of the former industrial buildings on the site would be acknowledged on the Riverwalk, will be incorporated into all site plan submissions as appropriate, to the satisfaction of the General Manager of Planning Services and Heritage Guelph.
7. That for heritage buildings 1 and 2 (as shown in Attachment 8 of Council Report 14-38, dated August 25, 2014), the proponent will submit to the satisfaction of Planning staff and Heritage Guelph a Cultural Heritage Conservation Plan (CHCP) to be completed in two stages:
  - a. CHCP Stage 1 will determine the heritage attributes of the property and guide stabilization, interim maintenance, and temporary uses of the heritage buildings 1 and 2 including measured elevation, plan and section drawings. CHCP Stage 1 to be completed prior to Site Plan Approval of Phase 1 of the redevelopment
  - b. CHCP Stage 2 will guide the proposed reuse, redevelopment and long-term maintenance of the heritage building complex and is to be completed prior to Site Plan Approval of Phase 4 of the development or the Heritage Phase (Phase 6) of the redevelopment, whichever comes first.
8. 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. Further, the Owner agrees and commits to employ a three-stream waste collection system with considerations and opportunities developed in their Waste Management Plan that would facilitate the transition to City collection at some point in the future.
9. 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 and commercial units within the project, with such payment based on a cost of one handbook per residential household and commercial unit, as determined by the City.
10. 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 (2014)-19692, 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.
11. That prior to any site alterations, tree removal or Site Plan approval an Environmental Implementation Report be completed and approved to the satisfaction of the General Manager of Planning Services and the General Manager/City Engineer, addressing the following:
  - a. How all the conditions of development approval have been met;
  - b. How municipal infrastructure servicing and the protection of natural heritage features



- and their associated ecological functions have been addressed (including a street tree plan);
- c. Any other special requirements that are required to protect the overall natural environment of the area;
  - d. How the Environmental Advisory Committee and River System Advisory Committee comments and motions of March 12 and March 19, 2014, respectively, have been addressed;
  - e. A summary of the Structural Analysis for the below grade retaining wall and applicable recommended mitigation measures which may arise as a result of the study;
  - f. A Stormwater Management Plan including details of Low Impact Development (including green roofs);
  - g. Grading, erosion and sediment control and dewatering plans;
  - h. A Salt Management Plan;
  - i. A summary of geotechnical requirements and soil management needs;
  - j. An analysis indicating how buildings will be designed to be bird-friendly;
  - k. Detailed design of the entire Floodway Zone (Riverwalk and Allan's Green);
  - l. Ecological enhancement details and plans;
  - m. Landscape Plans completed by a member of the Ontario Association of Landscape Architects;
  - n. Education and Stewardship materials; and
  - o. A baseline, during and post-construction monitoring plan;
  - p. Any recommendations for inclusion within the Declaration of Condominium as it relates to the environment;
  - q. That opportunities for public access down to the river from the riverwalk be explored.
12. Prior to site plan approval of each phase, the Developer shall have a Professional Engineer design a grading plan and stormwater management system, satisfactory to the General Manager/City Engineer.
13. That the developer/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 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.
14. Prior to site plan approval for each phase 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.
15. Prior to site plan approval of Phase 1, the developer/owner shall provide to the City, to the satisfaction of the General Manager/City Engineer, any of the following studies, plans and reports requested by the General Manager/City Engineer:
- a. a revised 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;
  - b. 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 required;

- c. a structural assessment of the existing retaining wall along the Speed River in accordance with the Terms of Reference provided to the developer/owner.
16. The developer/owner shall at their cost, address and be responsible for adhering to all the recommended measures that is contained in the plans, studies and reports outlined in the previous condition, subsections 15 a), 15 b) and 15 c) inclusive to the satisfaction of the General Manager/City Engineer. The City may have such report be peer reviewed and all associated costs with the peer review will be the responsibility of the developer/owner.
17. The developer shall be responsible for implementing any recommended improvements, repairs to, or replacements of any portion of the existing retaining wall along the Speed River prior to building permit issuance for Phase #1, and as identified in a site plan control agreement, registered on title, all to the satisfaction of the General Manager/City Engineer.
18. The developer/owner shall design and construct all works associated with the westbound turn lane on Elizabeth Street including any road widening requirements. Also the developer/owner shall design and construct all works associated with the traffic calming measures located within the Traffic Impact Study area. Furthermore the developer/owner shall pay to the City the estimated cost of all works associated with the design and construction of the westbound turn lane on Elizabeth Street and traffic calming measures located within the Traffic Impact Study area prior to site plan approval of Phase 1, as determined by the General Manager/City Engineer.
19. The developer/owner shall deed at no cost to the City, free of all encumbrances, any road widenings necessary to accommodate the westbound turn lane on Elizabeth Street prior to site plan approval of Phase 1.
20. The developer/owner shall pay to the City, their proportionate share of the actual cost of constructing municipal services on Arthur Street South, Cross Street and Neeve Street across the frontage of the lands, including road works, local sanitary sewer, storm sewer, watermain, curb and gutter, catch basins, sidewalks and street lighting, as per Appendix E – Local Service Guidelines under the Development Charges By-law, and as determined by the General Manager/City Engineer.
21. Prior to site plan approval of Phase 1, the developer/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.
22. The developer/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 for each phase, the developer/owner shall pay to the City the estimated cost of the service laterals, as determined by the City Engineer.
23. The Developer shall pay to the City the actual cost of removing any existing service laterals to the site that are not being used for the condominium development, consistent with the Sewer Relocation Agreement dated January 13, 2012, and furthermore, prior to site plan approval for each phase, the Developer shall pay to the City the estimated cost

of removing the existing service laterals, as determined by the General Manager/City Engineer.

24. The developer/owner shall pay to the City the actual cost of the removal and restoration of the boulevard where the existing accesses are located, prior to site plan approval for each phase and prior to any construction or grading on the lands, the developer/owner shall pay to the City the estimated cost as determined by the City Engineer.
25. The Developer shall pay to the City the actual cost of the construction of the new driveway accesses, curb cut including boulevard restoration, i.e. topsoil/sod within right-of-way allowance prior to site plan approval for each phase. Furthermore, prior to site plan approval for each phase, the Developer shall pay to the City the estimated cost of constructing the new driveway accesses, curb cut, including boulevard restoration, i.e. topsoil/sod within the right-of-way allowance as determined by the General Manager/City Engineer.
26. That the developer/owner 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.
27. That all electrical services on the Lands are underground and the developer/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 the development of the lands.
28. The developer/owner 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.
29. 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.
30. The following warning clause shall be incorporated into a future site plan control agreement, offers to purchase and agreements of purchase and sale or lease of each dwelling unit within 300 metres of the railway right-of-way:

"Warning: Canadian National Railway Company 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). CNR 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."

31. The Owner acknowledges and agrees that any proposed alterations to the existing drainage pattern affecting railway property must receive prior concurrence from the CN Railway and be substantiated by a drainage report to the satisfaction of the Railway.
32. The Owner shall through restrictive covenants to be registered on title and all agreements of purchase and sale or lease provide notice to the public that any fencing and vibration isolation measures implemented are not to be tampered with or altered and further that the Owner shall have the sole responsibility for and shall maintain these measures to the satisfaction of CN.
33. The Owner shall enter into an Agreement with CN stipulating how CN's concerns will be resolved and will pay CN's reasonable costs in preparing and negotiating the agreement.
34. The Owner shall be required to grant CN an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN.
35. That prior to the issuance of 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 noise mitigation specifications for upgraded windows/cladding, outdoor amenity areas and air-conditioning requirements to the satisfaction of the General Manager of Planning Services.
36. The developer shall implement / incorporate the noise attenuation measures as recommended in the Environmental Noise Feasibility Assessment prepared by NOVAS ENVIROMENTAL dated April 12<sup>th</sup> 2013 in all buildings constructed. The proponent shall further submit prior to the issuance of site plan approval, a refined noise attenuation study completed by an Acoustical Consultant as recommended in the above mentioned NOVAS study for approval by the Guelph Junction Railway (GJR). The proponent shall be required to implement any additional noise attenuation measures recommended in the refined study.
37. The developer shall implement / incorporate the vibration attenuation measures as recommended in the Railway Vibration Analysis prepared by NOVAS ENVIROMENTAL dated April 12 2013 in all buildings constructed. The proponent shall further submit prior to the issuance of a building permit a refined vibration attenuation study completed by a qualified Professional Engineer for approval of the GJR. The proponent shall be required to implement any additional vibration attenuation measures as recommended in the refined study prior to site plan approval.
38. The proponent shall prior to the issuance of site plan approval undertake to establish a clear railway site line as referenced in the MRC Safety Crossing Assessment dated April 12th 2013. The proponent further agrees to maintain the aforementioned railway safety site line and shall incorporate such restrictions into building and landscape plans. All proposed driveway locations shall be located to conform with Transport Canada CRRGCS Standards, to the satisfaction of the GJR.
39. The GJR will not accept any overland drainage from abutting properties and existing property line elevations are to be maintained.
40. The proponent shall prior of the issuance of a building permit for demolition, construction or excavation on lands immediately adjacent to the railway right of way submit a detailed

plan of slope stabilization / shoring completed by a qualified Professional Engineer for approval of the GJR.

41. The proponent shall include the following Warning Clause in all Agreements of Purchase, sale or lease.

“Purchasers are advised that the Guelph Junction Railway or its assigns or successors in interest has or have a right of way within 300 metres from the land subject thereof. There may be alterations to or expansion of the rail facilities on such right 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 dwelling[s]. The Guelph Junction Railway will not be responsible for any complaints or claims arising from use of said facilities and / or operations on, over or under the aforesaid right of way.”
42. The proponent shall prior to the issuance of site plan approval erect and maintain a five foot high chain link fence along the north and south common property line shared with the GJR with the objective of restricting pedestrian access to GJR trackage. The fence shall extend and be tied into a physical feature that prohibits access along the river edge. Should this be on property not owned by the proponent they shall be responsible for acquiring the necessary approvals from the property owner to do so. This fence will remain until such time as the GJR is satisfied with the physical construction of the proposed pedestrian bridge / trail connection and at such time the GJR may at its sole discretion allow modifications to the fencing on the common south property line. The fence along the north common property line shall remain permanently.
43. The Developer shall be responsible for the cost of design and development of the demarcation of all City owned lands in accordance with the City of Guelph Property Demarcation Policy. This shall include the submission of drawings and the administration of the construction contract up to the end of the warrantee period completed by an Ontario Association of Landscape Architect (OALA) member for approval to the satisfaction of the Executive Director of Community and Social Services. The Developer shall provide the City with cash or letter of credit to cover the City approved estimate for the cost of development of the demarcation for the City lands to the satisfaction of the Executive Director of Community and Social Services.
44. The Developer shall be responsible for all costs and obligations arising from the assessment and pre-existing condition of the riverside retaining wall, including but not limited to: on-going maintenance, insurance, and conditions arising from the Certificate of Property Use.
45. The Developer shall be responsible for the cost of preparation of a ‘Health and Safety Plan’ and a ‘Soil Management Plan’ including submitting these plans for City approval to the satisfaction of the Executive Director of Community and Social Services prior to any site plan approvals.
46. The Developer shall be responsible for the cost of design and implementation of the Open Space Works and Restoration within the core green lands/ environmental corridor in accordance with the “Environmental Implementation Report” to the satisfaction of the

Executive Director of Community and Social Services. The Developer shall provide the City with cash or letter of credit to cover the City's estimate for the cost of the Open Space works and restoration for the Public Open Space to the satisfaction of the Executive Director of Community and Social Services.

47. The Developer shall be responsible for the cost of the design of the River Walk and associated trail system on the subject property, to the City standards prior to any site plan approvals. This shall include identifying the trail system, detailed design as per the City's approved Urban Design Master Plan for the subject property and City standards including: layout, grading and drainage, planting, interpretative signage design and submitting drawings for City approval. The design is to be completed by a full member of Ontario Association of Landscape Architects (OALA) to the satisfaction of the Executive Director of Community and Social Services, prior to site plan approvals.
48. The Developer shall be responsible for the costs and construction of the River Walk and associated trail system on the subject property to the City standards as per the UDMP and the City's approved detailed design; and as outlined in the development agreement. This shall include preparation of construction documentation, obtaining required permits, tendering process, implementation, and contract administration, up to the end of the 2 year warrantee period to be completed by a full member of Ontario Association of Landscape Architects (OALA) to the satisfaction of the Executive Director of Community and Social Services. The Developer shall provide the City with cash or letter of credit to cover the City's estimate for the cost of the construction of the River Walk and associated trail system to the satisfaction of the Executive Director of Community and Social Services.
49. The Developer shall provide two easement types: a permanent surface easement for the River Walk; and Public Access Easements for (a) the associated public trail system (south and west of the existing Heritage Structures, from the Riverwalk to the Guelph Junction Railway Corridor), and (b) two east-west pedestrian routes to the Riverwalk from Arthur Street, in favour of the City, to the satisfaction of the Executive Director of Community and Social Services, prior to any site plan approvals.
50. Obligations for maintenance, insurance, environmental risk management measures and other obligations regarding the riverwalk will be included in a development agreement between the City and the developer, registered on title outline parks related easements and agreements, to the satisfaction of the Executive Director of Community and Social Services, prior to any site plan approvals.
51. Cash in-lieu of parkland conveyance (10%) is required for the entire development, in accordance with the City of Guelph By-law (1989)-13410, as amended by By-law (1990)-13545, By-Law (2007)-18225 or any successor thereof, Subject to the successful completion of items 49 & 50 above, the Developer may apply to Council to have the By-law provisions set aside.
52. The Developer shall provide Parks and Recreation with a digital file in AutoCAD - DWG format containing the following final approved information: parcel fabric, development layout and trail design, grades/contours and landscaping.

53. The developer agrees to provide the Upper Grand District School Board with a digital file of the site plan in either ARC/INFO export or DXF format containing parcel fabric and street network
  
54. That prior to site plan approval of each phase of development, 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.