

## City Council - Planning Meeting Agenda

Monday, July 13, 2020, 6:30 p.m.

Remote meeting live streamed  
on [guelph.ca/live](https://guelph.ca/live)

Changes to the original agenda are noted with an asterisk "\*".

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### Pages

#### 1. Call to Order

#### 2. Open Meeting

##### 2.1 O Canada

##### 2.2 Silent Reflection

##### 2.3 First Nations Acknowledgement

##### 2.4 Disclosure of Pecuniary Interest and General Nature Thereof

#### 3. Council Consent Agenda

The following resolutions have been prepared to facilitate Council's consideration of various matters and are suggested for consideration. If Council wishes to address a specific report in isolation of the Consent Agenda, please identify the item. It will be extracted and dealt with separately as part of the Items for Discussion.

**3.1 120 Huron Street - Notice of Intention to Designate under the Ontario Heritage Act - 2020-19**

1

**Recommendation:**

1. That the City Clerk be authorized to publish and serve notice of intention to designate 120 Huron Street pursuant to Section 29, Part IV of the Ontario Heritage Act.
2. That the designation by-law for 120 Huron Street be brought before City Council for approval if no objections are received within the thirty (30) day objection period.

**4. Public Meeting to Hear Applications Under Sections 17, 34 and 51 of The Planning Act**

(delegations permitted a maximum of 10 minutes)

**5. Items for Discussion**

The following items have been extracted from the Committee of the Whole Consent Report and the Council Consent Agenda and will be considered separately. These items have been extracted either at the request of a member of Council or because they include a presentation and/or delegations.

**5.1 Decision Report 70 Fountain Street East Proposed Official Plan and Zoning By-law Amendments (File OZS19-015) Ward 1 - 2020-23**

12

**Presentation:**

Katie Nasswetter, Senior Development Planner

**Delegation:**

\*Shakiba Shayani, President and CEO, Guelph Chamber of Commerce

\*Tanya Gevaert

**Correspondence:**

\*Tasha Heart

**Recommendation:**

1. That the application by Skydevco Inc. on behalf of Skyline Commercial Real Estate Holdings Inc., the owner of the property municipally known as 70 Fountain Street East, and legally described as Lots 19 & 20, Registered Plan 8, City of Guelph, for approval of an Official Plan Amendment application to permit the development of a twenty-five (25) storey mixed use building containing commercial, office, and apartment units, be refused; a summary of reasons for refusal are set out in Attachment 2 of Report 2020-23 "Decision Report 70 Fountain Street East Proposed Official Plan and Zoning By-law Amendments (File OZS19-015) Ward 1", dated July 13, 2020.
2. That the application by Skydevco Inc. on behalf of Skyline Commercial Real Estate Holdings Inc., the owner of the property municipally known as 70 Fountain Street East, and legally described as Lots 19 & 20, Registered Plan 8, City of Guelph, for approval of a Zoning By-law Amendment application to permit the development of a twenty-five (25) storey mixed use building containing commercial, office, and apartment units, be refused; a summary of reasons for refusal are set out in Attachment 2 of Report 2020-23 "Decision Report 70 Fountain Street East Proposed Official Plan and Zoning By-law Amendments (File OZS19-015) Ward 1", dated July 13, 2020.

**6. Mayor's Announcements**

Please provide any announcements, to the Mayor in writing, by 12 noon on the day of the Council meeting.

**7. Adjournment**

# Staff Report



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To	<b>City Council</b>
Service Area	Infrastructure, Development and Enterprise Services
Date	Monday, July 13, 2020
Subject	<b>120 Huron Street – Notice of Intention to Designate under Section 29 Part IV of the Ontario Heritage Act</b>

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## Recommendation

1. That the City Clerk be authorized to publish and serve notice of intention to designate 120 Huron Street pursuant to Section 29, Part IV of the Ontario Heritage Act.
  2. That the designation by-law for 120 Huron Street be brought before City Council for approval if no objections are received within the thirty (30) day objection period.
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## Executive Summary

### Purpose of Report

To recommend that Council publish its intention to designate the former Northern Rubber Company factory building at 120 Huron Street according to provisions of section 29, Part IV of the Ontario Heritage Act.

### Key Findings

A property may be designated under section 29, Part IV of the Ontario Heritage Act if it meets one or more of the criteria used to determine cultural heritage value or interest as set out in Ontario Regulation 9/06.

Heritage planning staff, in consultation with Heritage Guelph, have compiled a statement of significance including proposed heritage attributes of 120 Huron Street. The property meets all three criteria used to determine cultural heritage value or interest as set out in Ontario Regulation 9/06 under the Ontario Heritage Act and, therefore, merits individual heritage designation under the Ontario Heritage Act.

### Financial Implications

Planning and Urban Design Services budget covers the cost of a heritage designation plaque.

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## **Report**

The legal owner of the subject property is 120 Huron GP Inc. The owner has been consulted by Heritage Planning staff and is supportive of staff's recommendation that Council protect the property through designation under the Ontario Heritage Act.

The legal description of the property is Guelph Division F Range 2 Part Lots 1 and 2; RP 61R21616, Parts 1 to 3 and 6 (see Attachment 1).

The subject property is located on the east corner of Huron and Alice Streets. 120 Huron Street is currently listed as a non-designated property on the Municipal Register of Cultural Heritage Properties.

At their meeting of September 9, 2019, Council approved in principle a Redevelopment Incentive Reserve grant application for the conservation of the historic industrial heritage building at 120 Huron Street. As described in staff report IDE-2019-93, as part of requirements of the Financial Assistance Agreement, the City and owner conclude the designation process for the property under Part IV of the Ontario Heritage Act and enter into a Heritage Conservation Easement Agreement for the industrial heritage building prior to any grant payments being issued to the owner.

As required by conditions of approval for rezoning, the property owner submitted a Cultural Heritage Resource Impact Assessment by CHC Limited (dated August 22 2017) which has been supported by Heritage Guelph and has assisted staff in identifying the heritage attributes of the building that would be protected by the heritage designation bylaw. The property owner has also submitted a Cultural Heritage Resource Conservation Plan by CHC Limited and ABA Architects (dated March 25 2019) which will guide the proposed adaptive reuse and rehabilitation of the heritage building.

### **Historic Significance of 120 Huron Street**

The building is a prominent example of early 20th century industrial Guelph and has long been a landmark building at the east corner of Huron and Alice Streets.

By the 1880s, James Walter Lyon is associated with portions of the subject property and many mortgages associated with it. St. Patrick's Ward was developed in the early 20<sup>th</sup> century through J. W. Lyon's plan to create an industrial neighborhood in Guelph. Situated east of the Speed River and north of the Eramosa River, the Ward extends to Eramosa Hill. In 1906, Lyon bought 400 acres on both sides of York Street from the Speed and Eramosa Rivers to Victoria Road and he proceeded to secure development by giving away 12 to 16 acres of land free of charge to industries willing to locate in Guelph. The attraction of free land brought companies such as International Malleable Iron Company and the Guelph Stove Company to the Ward. Remaining properties not suitable for industry were subdivided into smaller plots subsequently sold to workers and their families for housing (Guelph Historical Society. Vol. XII No. 1 1961).

The Kennedy family (David, John and Emily) owned the property by the 1890s and were part of the later management of the Northern Rubber Company. In July of 1919, the Northern Rubber Company purchased the property from the Kennedy family and took out a \$50,000.00 mortgage with the Corporation of the City of Guelph; presumably this is when construction began on the factory building.

Northern Rubber Company was a locally owned and controlled company that produced rubber boots among other products for a national market. The company was a major addition to the post-war industrial sector and was directed by individuals such as J. G. Smith, F. W. Kramer, George Drew as well as local Kennedy family members. By 1925 the company had skyrocketed to first place among Guelph's industries in employment with a payroll of roughly 600 individuals and was a prime example of J. W. Lyon's planned integration of industrial establishments and residential housing. The four-storey, state-of-the-art factory on Huron Street also boasted more square footage than any other Guelph industry at the time (Guelph Historical Society 2000:160-161). Sadly, the post-war period saw a decline in staff, products and local control. By 1942 the factory was granted to Northern Woodstock Rubber Company Ltd and by the 1950s, the property was under the ownership of Uniroyal Chemical Ltd.

### **Cultural Heritage Value or Interest of 120 Huron Street**

The property has design value or physical value because it is a rare and representative example of a construction method as a four-story, state-of-the-art early 20<sup>th</sup>-century industrial factory; reinforced structural concrete with red brick spandrels. It demonstrates a high degree of technical achievement as the building design and construction method is similar to the industrial building designs of American architect Louis Kahn.

The property has historical value or associative value because it has direct associations with an activity that is significant to the community. The Northern Rubber Company was locally controlled and managed, sustained by local capital and employed 600 individuals in its heyday. The subject property yields, or has the potential to yield, information that contributes to an understanding of a community in that it represents the second stage of industrial development in St. Patrick's Ward following the First World War.

The property has contextual value because it is important in defining the character of the area as a prime example of J. W. Lyon's planned integration of industrial establishments and residential housing. The subject building is visually and historically linked to its surroundings and is a landmark within the St. Patrick's Ward.

### **Heritage Attributes**

The following elements of the property at 120 Huron Street should be considered heritage attributes in a designation under Part IV of the *Ontario Heritage Act*:

- roof parapet;
- 'breakfront' design feature on west elevation;
- concrete front entrance stair;
- red brick panels between columns;
- window openings with multi-pane style windows;
- reinforced concrete structure including the interior mushroom-shaped concrete support posts

### **Consultations**

Heritage Guelph has recommended that the property known as 120 Huron Street be designated under Section 29, Part IV of the Ontario Heritage Act. At their meeting of February 10, 2020 Heritage Guelph carried the following motions:

That Heritage Guelph recommends that Council issue a Notice of Intention to Designate the property at 120 Huron Street under section 29, Part IV of the Ontario Heritage Act; and

That the Heritage Guelph Designation Working Group be given the direction to finalize the statement of significance and the list of heritage attributes with the Senior Heritage Planner.

### **Strategic Plan Alignment**

The recommendations in this report align with the Sustaining Our Future priority area of the City's Strategic Plan. The conservation of cultural heritage resources, is part of how Guelph is planning for an increasingly sustainable City.

### **Attachments**

Attachment-1 Location of Subject Property

Attachment-2 Historical Images

Attachment-3 Current Photos

Attachment-4 Proposed Development

Attachment-5 Statement of Cultural Heritage Value or Interest

### **Departmental Approval**

Not applicable

### **Report Author**

Stephen Robinson, Senior Heritage Planner

### **This report was approved by:**

Melissa Aldunate, MCIP, RPP, Manager of Policy Planning and Urban Design

### **This report was approved by:**

Chris DeVriendt, MCIP, RPP

Acting General Manager, Planning and Building Services

Infrastructure, Development and Enterprise Services

519-822-1260 extension 2360

[chris.devriendt@guelph.ca](mailto:chris.devriendt@guelph.ca)

### **This report was recommended by:**

Kealy Dedman, P. Eng., MPA

Deputy Chief Administrative Officer

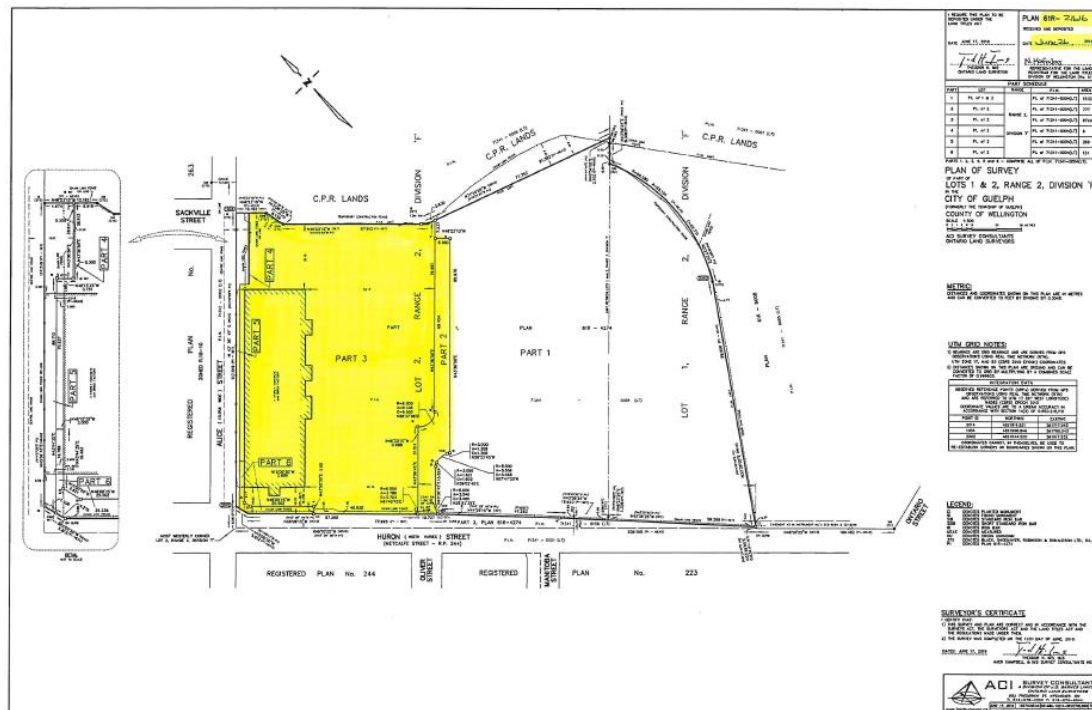
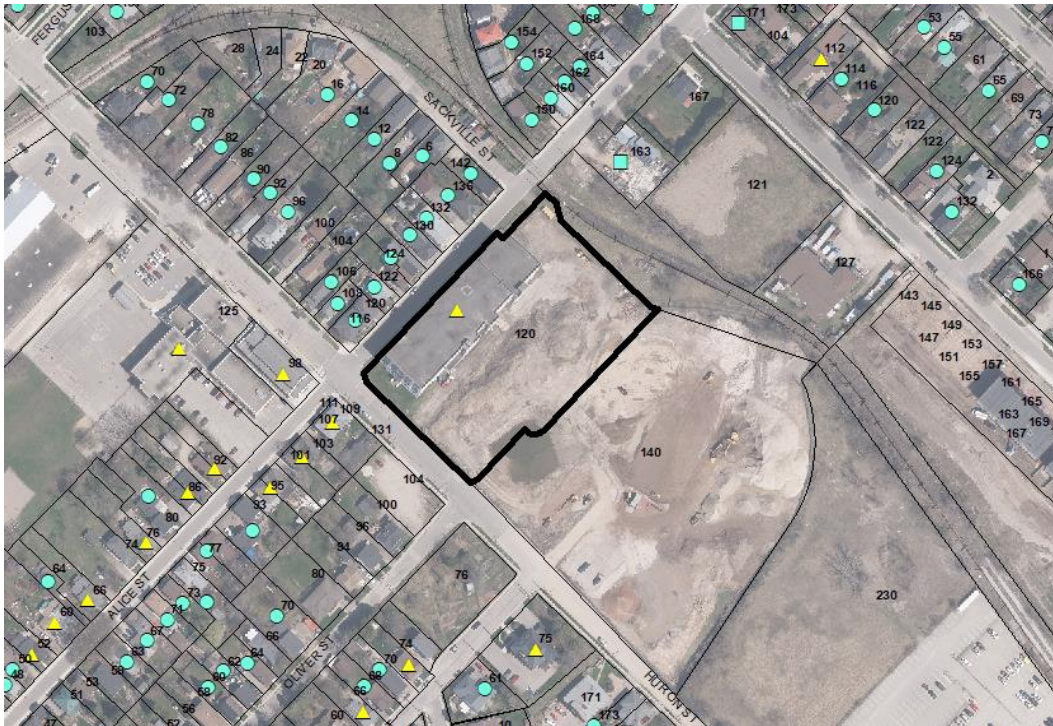
Infrastructure, Development and Enterprise Services

519-822-1260 extension 2248

[kealy.dedman@guelph.ca](mailto:kealy.dedman@guelph.ca)

## Attachment-1 Location of Subject Property

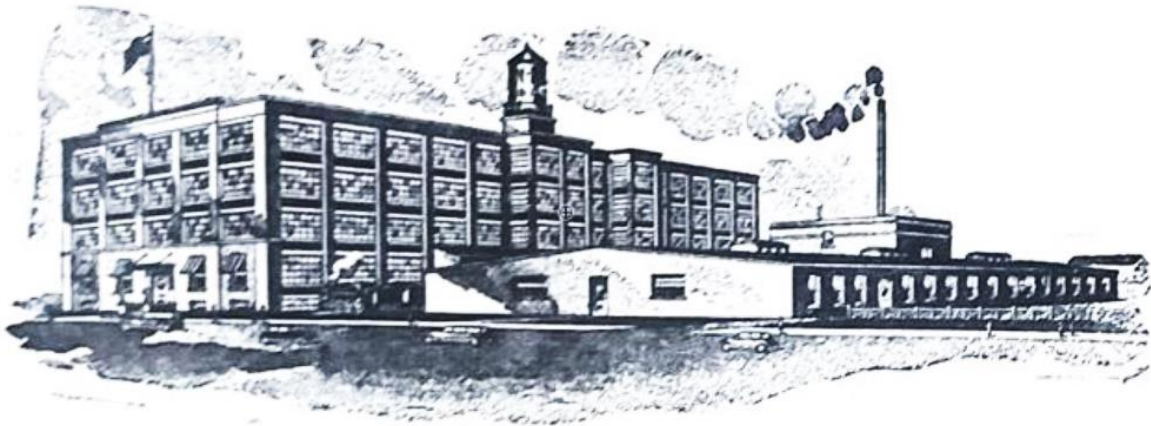
2019 air photo showing subject property (City of Guelph GIS) and subject real property shown in yellow on Reference Plan 61R21616 by ACI Survey Consultants, (June 17, 2019)





## Attachment-2 Historical Images

120 Huron Street after its construction and opening as the Northern Rubber Company in the 1920s and a group photo of employees in front of the building in 1932. (Images from Guelph Civic Museum).



### Attachment-3 Current Photos











## Attachment-4 Proposed Development



## **Attachment-5 Statement of Cultural Heritage Value or Interest**

The property has design value or physical value.

The property is a rare, unique, representative or early example of a style, type, expression, and material or construction method as a four-story, state-of-the-art early 20th-century industrial factory constructed in reinforced structural concrete with red brick spandrels.

The property demonstrates a high degree of technical or scientific achievement. The building design and construction method with reinforced concrete is similar to the industrial buildings of American architect Louis Kahn.

The property has historical value or associative value.

The property has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community. The Northern Rubber Company was locally controlled and managed, sustained by local capital and employed 600 individuals in its heyday.

The property yields, or has the potential to yield, information that contributes to an understanding of a community or culture as it represents the second stage of industrial development in St. Patrick's Ward following the First World War.

The property has contextual value.

The property is important in defining, maintaining or supporting the character of an area and physically, functionally, visually or historically linked to its surroundings. It is a prime example of J. W. Lyon's planned integration of industrial establishments and residential housing. The property is a landmark within the St. Patrick's Ward.

# Staff Report

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To	<b>City Council</b>
Service Area	Infrastructure, Development and Enterprise Services
Date	Monday, July 13, 2020
Subject	<b>Decision Report 70 Fountain Street East Proposed Official Plan and Zoning By-law Amendments (File OZS19-015) Ward 1</b>

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## Recommendation

1. That the application by Skydevco Inc. on behalf of Skyline Commercial Real Estate Holdings Inc., the owner of the property municipally known as 70 Fountain Street East, and legally described as Lots 19 & 20, Registered Plan 8, City of Guelph, for approval of an Official Plan Amendment application to permit the development of a twenty-five (25) storey mixed use building containing commercial, office, and apartment units, be refused; a summary of reasons for refusal are set out in Attachment 2 of Report 2020-23 "Decision Report 70 Fountain Street East Proposed Official Plan and Zoning By-law Amendments (File OZS19-015) Ward 1", dated July 13, 2020.
  2. That the application by Skydevco Inc. on behalf of Skyline Commercial Real Estate Holdings Inc., the owner of the property municipally known as 70 Fountain Street East, and legally described as Lots 19 & 20, Registered Plan 8, City of Guelph, for approval of a Zoning By-law Amendment application to permit the development of a twenty-five (25) storey mixed use building containing commercial, office, and apartment units, be refused; a summary of reasons for refusal are set out in Attachment 2 of Report 2020-23 "Decision Report 70 Fountain Street East Proposed Official Plan and Zoning By-law Amendments (File OZS19-015) Ward 1", dated July 13, 2020.
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## Executive Summary

### Purpose of Report

This report provides a staff recommendation to refuse an Official Plan Amendment and Zoning By-law Amendment to permit a 25 storey mixed use commercial, office and residential building at 70 Fountain Street East.

### Key Findings

Planning staff recommend refusal of the proposed Official Plan and Zoning By-law Amendment applications because the proposed height is incompatible and out of

scale with the character of the surrounding area and the redesignation of the site to allow residential units does not protect the employment function of the current site.

## **Financial Implications**

There are no potential development charges or tax estimates to report because the recommendation is to refuse the applications.

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## **Report**

### **Background**

Applications for an Official Plan Amendment and a Zoning By-law Amendment for the property municipally known as 70 Fountain Street were received from Skydevco Inc., on behalf of Skyline Commercial Real Estate Holdings Inc. The applications would allow the development of a 25 storey mixed use building containing retail and office space together with 180 apartment units on the subject site. The Official Plan Amendment and Zoning By-law Amendment applications were received by the City on December 4, 2019 and deemed to be complete on January 2, 2020.

### **Location**

The subject lands are located on the east side of Wyndham Street South and bounded by Farquhar Street to the north and Fountain Street to the south (see Location Map in Attachment 1). The subject site has an area of 0.213 hectares and is currently developed with a two storey office building containing several commercial and office uses. The site slopes to the south, so the site appears to be two storeys from Farquhar Street and three storeys from Fountain Street East.

Surrounding land uses include:

- To the north, across Farquhar Street is the former Drill Hall and a drop off and parking area for the transit terminal;
- To the east, immediately adjacent to the site are two storey single detached dwellings fronting onto Farquhar Street;
- To the south, across Fountain Street East is a two storey office building which houses the Ontario Court of Justice;
- To the west, across Wyndham Street South, the Guelph Police Services headquarters is directly across from the site, with a municipal parking lot on Fountain Street to the southwest, and the Armoury located to the northwest of the intersection of Wyndham Street South and Farquhar Street.

### **Existing Official Plan Land Use Designations and Policies**

The Official Plan land use designation that applies to the subject lands is "Institutional or Office" within the Downtown Secondary Plan (See Attachment 3). Land within this designation is intended to permit a range of office, community and institutional uses, together with other compatible employment uses. Retail and service uses may be permitted as secondary to a main office or institutional use. The site is required to have active frontage along its Wyndham Street South frontage and along its Farquhar Street frontage closest to Wyndham Street. The site has a permitted height range of three to six storeys.

Further details of the "Institutional or Office" land use designation are included in Attachment 3.

## **Proposed Official Plan Amendment**

There are three parts to the proposed Official Plan amendment. First, the applicant has proposed to redesignate the site from the "Institutional or Office" designation to the "Mixed Use 1" designation to permit the residential component of the proposed mixed use building. Second, the applicant has proposed to amend the height schedule (Schedule D) of the Downtown Secondary Plan to permit the proposed height of 25 storeys where 3 to 6 storeys is currently permitted. Third, a new site-specific policy is proposed that would add the 25 storey height maximum to the site, together with a policy that would require buildings taller than 18 storeys to have a maximum tower floorplate of 700 square metres above the fourth storey. The proposed Official Plan amendment is shown in Attachment 4.

## **Existing Zoning**

The subject lands are currently zoned "Specialized Central Business District" (CBD.1-1) which is the zoning for the site as it existed on July 23, 2017. At the time Council permitted the site to keep this zoning rather than the site being included in the updated Downtown Zoning By-law amendment. The existing zoning map and details are included in Attachment 5.

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

The purpose of the proposed Zoning By-law Amendment is to change the zoning from the specialized "Central Business District" (CBD.1-1) Zone to a specialized "Downtown 1" (D.1-?) Zone. A specialized Downtown 1 Zone is required to permit the proposed mixed use building to be 25 storeys instead of the six storeys allowed in the standard zone. Several other specialized regulations are needed to allow the proposed development. The proposed zoning and requested specialized regulations are shown in Attachment 5.

## **Proposed Development**

The applicant is proposing to redevelop the site by demolishing the existing two storey office building and constructing a 25 storey mixed use building. The mixed use building is proposed to contain approximately 3900 square feet of ground floor retail space and 67,000 square feet of office floor space on the first four floors which make up the podium of the building. Above the fourth floor is a 21 storey tower containing 180 apartment units. Parking is located in four underground parking levels, with a total of 207 parking spaces provided.

The proposed redevelopment conceptual site plan and a rendering of the proposed development are shown in Attachment 6.

## **Staff Recommendation**

Planning staff recommend refusal of the proposed Official Plan and Zoning By-law amendments to permit a 25 storey mixed use building at 70 Fountain Street East.

The height of the proposed development would undermine the fundamental vision and strategy of the Downtown Secondary Plan. The proposed development represents a significant deviation from the Downtown Secondary Plan that is more appropriately considered through the City's in-progress Municipal Comprehensive Official Plan Review where a fulsome evaluation of the Downtown planning objectives can take place, rather than an ad hoc, first come-first served approach. Site specific amendments that are not consistent with the basic principles of the

Downtown Secondary Plan create uncertainty in the established planning framework of the Downtown and should be discouraged.

The proposed mixed use, 25 storey high building on this site does not constitute good planning and is incompatible with the character of the surrounding lower density neighbourhood. Planning staff do not support the proposed Official Plan Amendment to redesignate the site to allow residential uses or the associated specialized zoning regulations proposed. More detailed reasons for refusal and planning analysis of the applications are included in Attachment 2 of this report.

Because staff are recommending refusal of these applications, staff have reviewed the proposal fully and have streamlined the process of getting a recommendation report back to Council to ensure that Council has the opportunity to make decision within the 120-day development review timeline stipulated in the Planning Act, so Council's decision can be taken into consideration by the Local Planning Appeals Tribunal (LPAT) in the event of an appeal of their decision. Should Council not make a decision within 120 days of the application being deemed complete, the applicant can appeal the lack of decision to the LPAT.

### **Financial Implications**

There are no potential development charges or tax estimates to report because the recommendation is to refuse the applications.

### **Consultations**

The Notice of Complete Application and Public Meeting was mailed on January 16, 2020 to local boards and agencies, City service areas and property owners within 120 metres of the subject lands. The Notice of Public Meeting was also advertised in the Guelph Mercury Tribune on January 16, 2020. Notice of the application has also been provided by signage on the property, which was installed on January 16, 2020. All supporting documents and drawings submitted with the application have been posted on the City's website.

On June 23, 2020, the Notice of Decision Meeting was sent to members of the public and parties that provided comments on the applications or requested to receive further notice. See Attachment 10 for a full consultation summary.

### **Strategic Plan Alignment**

#### **Priority**

Sustaining our future

#### **Direction**

Plan and Design an increasingly sustainable city as Guelph grows

#### **Alignment**

The proposed development applications are not in conformity with the policies of the City's Official Plan, which is the City's key document for guiding future land use and development, so planning staff recommend refusal. The Official Plan's vision is to plan and design an increasingly sustainable city as Guelph grows. A review of how the proposed development applications are not in conformity with the City's Official Plan can be found in the Staff Review and Planning Analysis in Attachment 2.

## **Attachments**

Attachment-1 Location Map and 120m Circulation Area

Attachment-2 Summary of Reasons for Refusal and Planning Analysis

Attachment-3 Existing Official Plan Land Use Designations and Policies

Attachment-4 Proposed Official Plan Amendment

Attachment-5 Existing and Proposed Zoning

Attachment-6 Proposed Development Concept Plan and Elevations

Attachment-7 Downtown Building Height Comparison Diagram

Attachment-8 Downtown View Impact Modelling

Attachment-9 Department and Agency Comments

Attachment-10 Public Consultation Timeline

## **Departmental Approval**

Not applicable

## **Report Author**

Katie Nasswetter, Senior Development Planner

## **This report was approved by:**

Chris DeVriendt, MCIP, RPP

Acting General Manager, Planning and Building Services

Infrastructure, Development and Enterprise Services

519-822-1260 extension 2360

[chris.devriendt@guelph.ca](mailto:chris.devriendt@guelph.ca)

## **This report was recommended by:**

Kealy Dedman, P. Eng, MPA

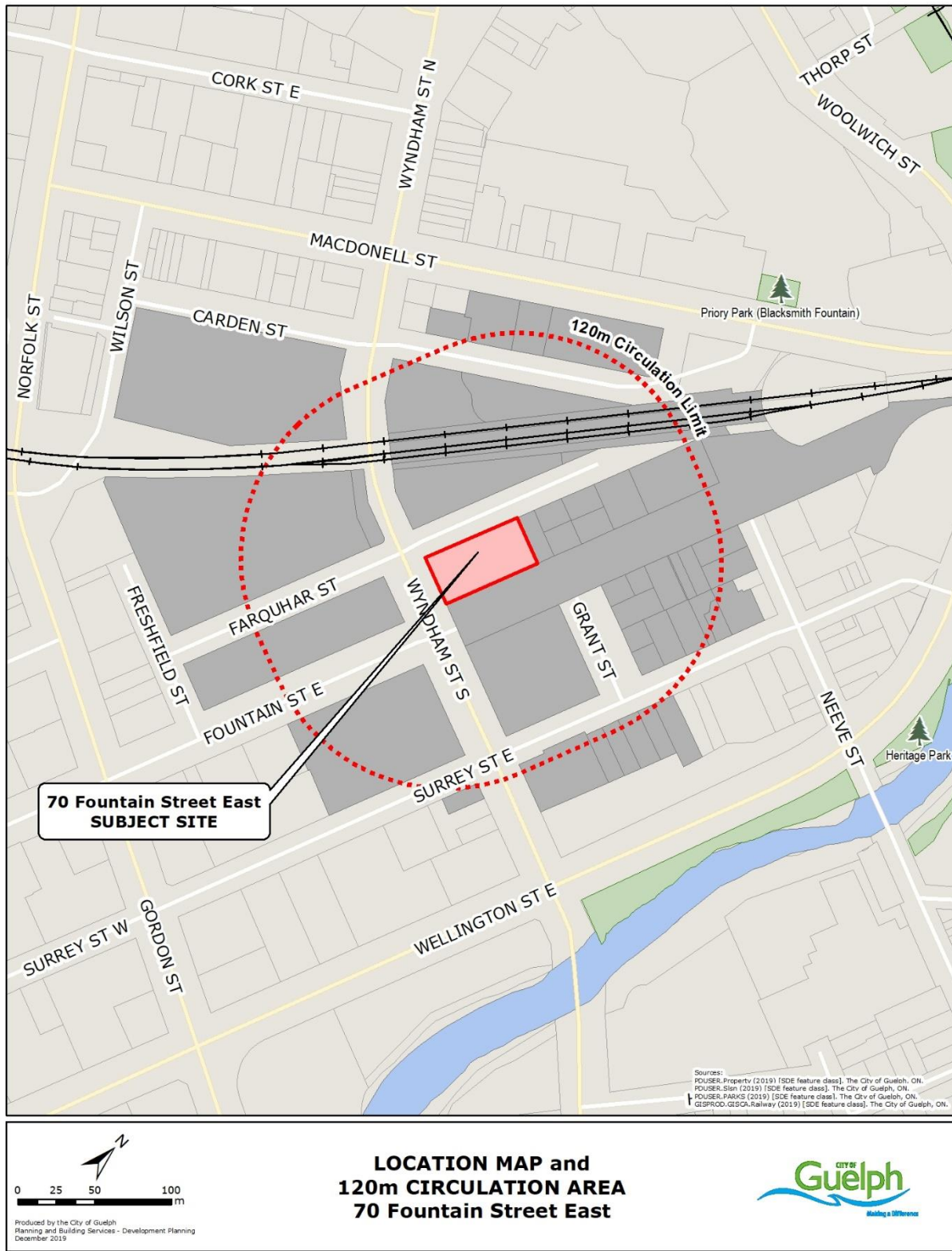
Deputy Chief Administrative Officer

Infrastructure, Development and Enterprise Services

519-822-1260 extension 2248

[kealy.dedman@guelph.ca](mailto:kealy.dedman@guelph.ca)

## Attachment-1 Location Map and 120m Circulation Area





## **Attachment-2**

### **Summary of Reasons for Refusal and Planning Analysis**

#### **Summary of Reasons for Refusal**

Staff have reviewed the development concept proposed with the Official Plan and Zoning By-law Amendment applications on 70 Fountain Street East, the technical studies and supporting materials submitted, as well as input received from the community regarding the proposed development of this property.

Based on the review, staff are recommending refusal of the proposed Official Plan Amendment and Zoning By-law Amendment to permit a 25 storey mixed use commercial, office and residential building at 70 Fountain Street East, for the following reasons:

- The proposed 25 storey building is too tall. This height is exceedingly inconsistent with the Downtown Secondary Plan policies in the Official Plan, which permit a range of 3 to 6 storeys on the site based on its elevation and surrounding built form.
- The proposal disregards that fundamental to the vision and objectives of the Downtown Secondary Plan is that the Basilica of Our Lady will be maintained as the most prominent landmark downtown; the proposed building would become the highest point in Guelph.
- This is not the appropriate location to have the highest building in the City or even additional height beyond six storeys, given the site's geodetic elevation.
- This proposed building height and massing is not compatible with adjacent designated and listed heritage buildings, existing low density residential buildings and the low- to mid-rise character of the surrounding neighbourhood.
- The proposed "Mixed Use 1" land use designation is not appropriate because it permits stand-alone residential uses. The lands should be maintained in the current "Institutional or Office" designation to ensure the availability of major office opportunities in keeping with the Provincial Policy Statement and Growth Plan. Through the DSP, appropriate lands for residential uses and employment uses were identified to ensure, among other things, that we meet downtown (UGC) population, employment, and density requirements of the 2006 Growth Plan.
- The applicant submitted several supporting studies that either did not have enough information or did not meet specified City criteria for acceptable impacts or mitigation; these studies included the submitted Wind Impact, Sun/Shadow, Urban Design Brief, Traffic Impact Study, Noise and Vibration Impact Study, and Hydrogeological Assessment.
- Any changes in land use categories or major changes in building heights within the DSP are more appropriately considered through the City's in progress Municipal Comprehensive Official Plan Review. It is through this process that growth objectives of the Downtown, including lands that are needed to meet projected employment forecasts as well as lands that are needed to provide opportunities for major employment uses, will be considered to 2041. Through the MCR, the city will evaluate its employment land needs as well as the amount

of land that is needed to accommodate forecast population to 2041 and the required density targets outlined in the Growth Plan.

The Downtown Secondary Plan designates the site for Office and Institutional Uses and specifically prohibits residential to ensure the site is maintained for employment. The site permits heights of 3 to 6 storeys based on a number of factors including the topography, the surrounding heritage context and the need for employment type uses downtown. Planning staff support maintaining this designation and height range.

Planning staff conclude that this site is not appropriate for the proposed drastic increase in building height and that the site should keep its current designation as an employment site in keeping with the policies Downtown Secondary Plan and the Provincial Growth Plan. For these reasons staff recommend that the proposed Official Plan and Zoning By-law Amendments be refused.

## Planning Analysis

### Provincial Policy Statement Conformity

The Provincial Policy Statement (PPS) provides policy direction on land use planning and development across Ontario. The PPS recognizes the Official Plan as “the most important vehicle for implementation of this Provincial Policy Statement” (PPS 4.7).

Policy 1.3.1 of the PPS requires the City to:

- a. providing for an appropriate mix and range of employment and institutional uses to meet long-term needs;
- b. providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
- c. encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities; and
- d. ensuring the necessary *infrastructure* is provided to support current and projected needs.

PPS Policy 1.3.2.1 further requires the City to “plan for, protect and preserve employment areas for current and future uses and ensure that the necessary infrastructure is provided to support current and projected needs”. The proposed redesignation of the site to Mixed Use 1 would not meet this policy because that land use designation does not require employment and could be solely residential in use, therefore this proposal does not meet these policies of the PPS which aim to protect employment lands such as this site.

PPS Policy 1.8.1 c) identifies that major employment sites should be well served by transit. This site is located adjacent to the City’s intermodal transit terminal and suitably designated for office and institutional uses.

The PPS also requires the municipality to provide for intensification and redevelopment opportunities. Policy 1.1.3.3 of the PPS requires municipalities to “identify appropriate locations for intensification and redevelopment where it can be accommodated, taking into account existing building stock or areas”. The Downtown Secondary Plan has accomplished this for the downtown, identifying the best sites for intensification in the downtown and ensuring there are sufficient sites designated for both residential and employment uses in the long term.

The City’s Official Plan, through the Downtown Secondary Plan has designated the site for employment uses, specifically Office or Institutional uses which is keeping with the Provincial Policy Statement. The application to redesignate the site to the “Mixed Use 1” designation is problematic because this designation would not require any employment uses and could be solely residential. This would remove the opportunity for major office uses on this site in the downtown core adjacent to transit, when there are many other nearby sites already designated “Mixed Use 1” that have the ability to accommodate residential uses. For this reason, the proposal does not meet the Provincial Policy Statement policy to “plan for, protect and preserve employment areas” for future need.

## **The Growth Plan (2019) Conformity**

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (the Growth Plan) provides specific land use planning policies to manage growth and develop complete communities, and sets out population and employment forecasts for all upper and single-tier municipalities in the Greater Golden Horseshoe (GGH).

The Growth Plan sets out specific targets for the downtown, referred to in the Growth Plan as the Urban Growth Centre (UGC), which is considered a regional focal point for accommodating population and employment growth. For Guelph, this means accommodating a density of 150 people and jobs per hectare in the UGC or downtown, by 2031. This Growth Plan target for Guelph has remained unchanged since the original in 2006.

One of the foundations of the Downtown Secondary Plan was determining the capacity of downtown and how much the downtown area needed to grow to meet the targets of the Growth Plan. For Guelph to achieve this density, the City needs a total of approximately 2500 new residential units downtown between 2006 and 2031. Analysis of Guelph's downtown shows that there is a capacity for nearly 6000 residential units based on the build out of the current sites that are planned to accommodate residential uses as per the DSP.

Densities provided by the Growth Plan are minimums, but even if Guelph wanted to go beyond what is required by the Growth Plan, there is no need to re-designate sites for more height or density downtown to achieve more than twice what is expected. Re-designating and developing this site with 180 apartment units would compromise the ability for other residential sites to be developed, which removes the balanced approach to growth downtown which is one of the DSP objectives.

Since Guelph began monitoring growth in the Downtown in 2006, more than 800 units have been built and approximately 400 more are expected shortly, which is close to half way to the number of units the City is required to achieve by 2031. Since there is more than adequate land designated for residential growth in the downtown and Guelph is on track to meet its Growth Plan target downtown, there is no need to designate additional lands for residential development to meet the minimum UGC density target to 2031 from the Growth Plan at this time.

The Growth Plan also speaks to the need for providing for both residential and employment lands to create complete communities, which "feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities (Policy 2.2.1.4 a)). While Urban Growth Centres will be planned:

- a. as focal areas for investment in regional public service facilities, as well as commercial, recreational, cultural, and entertainment uses;
- b. to accommodate and support the transit network at the regional scale and provide connection points for inter and intra-regional transit;
- c. to serve as high-density major employment centres that will attract provincially, nationally, or internationally significant employment uses; and
- d. to accommodate significant population and employment growth. (GP 2.2.3)

The Growth Plan also identifies that major office and appropriate institutional development will be directed to UGCs (GP 2.2.5.2) and that retail and office uses will be directed to locations that support active transportation and have existing or planned transit. The Downtown Secondary Plan is in conformity with this policy by reserving this site for office and institutional uses which can accommodate major office, adjacent to the transit terminal. This site could accommodate major office as a use, which is defined in the Growth Plan as “Freestanding office buildings of approximately 4,000 square metres of floor space or greater, or with approximately 200 jobs or more”.

To be consistent with the Growth Plan and to ensure a complete community in Guelph’s downtown, sites in the downtown core such as this one, that can easily accommodate major office employment uses near transit, need to be protected for future employment uses.

The Downtown Secondary Plan designated this site appropriately as “Office or Institutional”. Re-designating the site as proposed to “Mixed Use 1” would not maintain the office or employment use as stand-alone residential is permitted in this designation. Furthermore, the appropriate process to re-designate existing employment lands is through a Municipal Comprehensive Review (MCR), which would ensure that adequate employment lands are maintained in the Urban Growth Centre in the context of ensuring the City is meeting all its Growth Plan requirements. The City is currently in the process of its Municipal Comprehensive Official Plan Review. Part of this process will include a comprehensive review of the City’s employment lands to ensure that there is enough land, of the right type and in the right locations, to accommodate employment growth to 2041.

The applicant argues in their Planning Justification Report that the Downtown Secondary Plan is outdated given the 2019 Growth Plan, but staff have determined that changes to the Growth Plan have little impact on the downtown area as an Urban Growth Centre. Both its density target and overall growth target remain unchanged. The Downtown Secondary Plan, consistent with the Growth Plan, has designated this site for Office or Institutional Uses, in the Urban Growth Centre as directed by the Growth Plan, located adjacent to the transit terminal and there are no changes in the 2019 Growth Plan that would require changing the designation of this site to allow for residential uses.

## **Official Plan and Downtown Secondary Plan Conformity**

### **Official Plan Context**

The City of Guelph Official Plan (OP) reinforces the objectives of the PPS and Growth Plan. The Downtown Secondary Plan (DSP) delivers the specific land uses and policy directions for the downtown area. The DSP was approved by Council in 2012 and is based on the targets of the Growth Plan and the City’s Growth Management Strategy while taking into account the unique natural and built heritage context of Guelph’s downtown area. More specifically, the DSP assigns both land uses and height ranges to every property in the Downtown.

Through the Downtown Secondary Plan, the land use designation that applies to the subject lands is “Institutional or Office”. Land within this designation is intended to

permit a range of office, community and institutional uses, together with other compatible employment uses. Retail and service uses may be permitted as secondary to a main office or institutional use. Residential uses are not permitted. The site is required to have active frontage along its Wyndham Street frontage and along its Farquhar Street frontage closest to Wyndham Street. The site has a permitted height range of three to six storeys.

### **Proposed Official Plan Amendment**

The applicant has proposed three amendments to the Official Plan. First, the applicant has proposed to redesignate the site from the "Institutional or Office" designation to the "Mixed Use 1" designation to permit the residential component of the proposed mixed use building. Second, the applicant has proposed to amend the height schedule (Schedule D) of the Downtown Secondary Plan to permit the proposed height of 25 storeys where 3 to 6 storeys is currently permitted. Third, a new site-specific policy is proposed that would add the 25 storey height maximum to the site, together with a policy that would require buildings taller than 18 storeys to have a maximum tower floorplate of 700 square metres above the fourth storey.

### **Downtown Secondary Plan Conformity**

In keeping with Growth Plan requirements for a complete community with a diverse mix of land uses, and which meets our Urban Growth Centre targets, the Downtown Secondary Plan has set out specific land use policies and designations to guide development and intensification within Guelph's Downtown. In reviewing the Downtown Secondary Plan, it can be concluded that the proposed development does not conform to the objectives and policies of the DSP, as is outlined in the following paragraphs.

### **Current Land Use Designation**

This site is one of a limited number of sites downtown that has been designated as "Institutional or Office". This designation combines properties in the downtown that are existing significant civic, cultural or public institutions together with properties near Guelph Central Station, where it is appropriate to concentrate major office and institutional uses near the main transit terminal. Permitted uses in this designation include office, entertainment, community services, civic or cultural institutional uses. Retail and service uses are also permitted as secondary uses.

Most of the sites designated as "Institutional or Office" have an existing institutional or community use that is established and unlikely to change in the near term, including the Basilica of Our Lady, Guelph City Hall and the Provincial Courthouse, the Armoury and the River Run Centre. Only the area along the north side of Macdonnell Street that currently houses the Cooperators offices and the block bounded by Farquhar, Neeve, Wyndham and Fountain streets, where the development is proposed, and adjacent to Guelph Central Station are sites that have been protected for additional major institutional or office uses that could add to the range and mix of employment uses in the Downtown. This distribution of sites designated as "Institutional or Office" is illustrated in Attachment 3.

Many sites downtown have been designated "Mixed Use 1" which would permit employment uses but does not require them, and the "Mixed Use 1" designation's

flexibility allows solely residential uses and are often surrounded by existing residential uses. Therefore, they may not be appropriate to develop as major office and almost all are located further from the City's major transit station than this site.

It is important to maintain lands for solely employment uses to meet broader PPS and Growth Plan policies mentioned earlier about ensuring the availability of employment lands, especially for major office uses, and near the City's major transit station. This idea is further embedded in existing DSP objectives and policies which direct that major office uses should be located downtown (DSP 11.1.3.1.2). DSP Principle 3 "A Creative Place for Business" includes the objectives of accommodating a significant share of Guelph's employment growth and creating "a setting that reinforces Downtown as a high density major office-related employment centre that attracts provincially, nationally, or internationally significant employment uses," together with a target of increasing the number of jobs downtown to 7,500 by 2031.

To enable these policies, lands with major office potential need to be protected specifically for future employment needs, and this site is one of few available in the "Institutional or Office" land use designation, so it should be protected for the City's future employment needs.

The applicant argues in their Planning Justification Report that the site will meet the intent of existing designation by adding jobs to the downtown as well as adding the residential component for a more efficient development and a higher density of people and jobs per hectare. However, the majority of the jobs are planned to be moved to the site are from office space elsewhere downtown. By changing the designation to "Mixed Use 1" to allow residential does not limit where residential could be located, aside from identified active frontage areas, so there is no limit proposed of keeping residential uses from taking over the majority of the building including the currently proposed office portions of the site in the future.

Furthermore, as noted previously in this analysis under Growth Plan conformity, staff have determined the downtown has plenty of designated capacity for residential uses on sites already designated "Mixed Use 1" or another residential designation. Therefore, at this time, there is no need to increase the supply of lands to accommodate additional residential units within the downtown. However, there is the need to maintain sites for major office uses within the downtown. As such sites that are currently designated "office or institutional" should be maintained.

### **Building Height**

The development is proposed to be 25 storeys tall, which is unprecedented both in the downtown and in the City as a whole. Guelph's built form is predominantly low- to mid-rise in height, with high density sites outside of the Downtown generally limited to 10 storeys. The highest buildings permitted downtown are 18 storeys in height, located on specific lower impact sites further discussed below.

The Downtown Secondary Plan has strategically assigned appropriate building heights in the Downtown to allow some tall building in areas where additional height can be accommodated in a compatible manner, and that minimize impacts on historic areas and preserves important public views. Guelph has a distinct history as

a planned town which is incorporated as a fundamental aspect of the strategic directions of the City's Official Plan:

Guelph is a historic city, founded in 1827 and originally planned by John Galt. The city was initially designed in a fan shape, radiating outward from the Speed River. The rivers and topography influenced the design of the city and allowed for scenic views and focal points particularly within the downtown.  
(OP 2.1 Connecting with our Past)

This basis is carried into the foundations of the Downtown Secondary Plan, where height is an integral component of determine areas that are appropriate for additional density.

One of the key policies in the Downtown Secondary Plan regarding building height is 11.1.7.2.1:

Schedule D identifies building height ranges to be permitted within the Downtown Secondary Plan Area. In general, the predominant mid-rise built form of Downtown shall be maintained with taller buildings restricted to strategic locations, including gateways that act as anchors for key streets. Taller buildings in these locations will have minimal direct impacts to existing neighbourhoods and the historic core of Downtown, and they will be outside protected public view corridors. In the height ranges contained on Schedule D, the lower number represents the minimum height in storeys for buildings and the higher number represents the maximum permitted height in storeys. The maximum heights recognize the Church of Our Lady's status as a landmark and signature building; it is the general intent that no building Downtown should be taller than the elevation of the Church. Exemptions from minimum height requirements may be permitted for utility and other buildings accessory to the main use on a site.

Essentially, the DSP approach maintains the mid-rise built form of the downtown while allowing for some taller buildings in lower areas of the downtown which act as gateways. This building placement approach limits impact on the historic context of downtown and maintains the Basilica of Our Lady as a landmark signature building.

Furthermore the heights assigned take into account the additional density required downtown in terms of the Growth Plan requirements for meeting 150 people and jobs per hectare in the City's Urban Growth Centre by 2031 and the balance of land needs in the downtown. The City's growth targets for the Urban Growth Centre (UGC) remain unchanged in the most recent growth plan, and results in the need for approximately 2500 new residential units by 2031, and staff have determined that there is the capacity in the downtown for almost 6000 units. Therefore, there is no concern related to capacity or land allocation related to achieving our UGC growth targets.

The subject site, 70 Fountain Street East is assigned a height of 3 to 6 storeys in Schedule D of the DSP. By proposing 25 storeys, the site does not conform to several policies in the DSP.



The proposed height of the building at 25 storeys is taller than the Basilica of Our Lady and does not respect the prominence of Basilica of Our Lady as a landmark and signature building (DSP 11.1.7.2.1). It's the general intent of the DSP that no building Downtown should be taller than the geodetic elevation of the Basilica, and the church is supposed to be the most prominent feature in the downtown skyline (11.1.7.2.3 h). Attachment 7 illustrates how the building would be significantly taller than the Basilica and other tall buildings downtown. In addition, as shown in Attachment 8 and given the building height, this design proposal competes with the Basilica as the Guelph skyline's most prominent feature (see for example the view from Wellington Street/Gordon Street in Attachment 8).

The site is also not appropriate for additional height given that it is not at a topographic low point in the downtown, which is where other tall buildings have been located. Below in Table 1 is a comparison of the topographic geodetic elevations of 18 storey sites within the downtown.

**Table 1: Geodetic Site Elevations**

<b>Site</b>	<b>Address</b>	<b>Approximate Geodetic Elevation</b>
Riverhouse	160 MacDonnell St.	319m (corner of MacDonell/Woolwich)
Rivermill	150 Wellington St.	316m (corner of Wellington/Surrey)
Guelph Fire Hall	50 Wellington Street	311m (corner of Wyndham/Wellington)
N/W Corner of Wellington St. and Wyndham Street	58 Wellington Street	311m (corner of Wyndham/Wellington)
<b>Subject Site</b>	<b>75 Farquhar/70 Fountain St.</b>	<b>323m</b>

As shown in the table, this site's elevation is greater than the permitted 18-storey sites. It is taller than the two sites on Wyndham Street sites by approximately 13 metres, the equivalent of 4 standard residential storeys in height difference. It is not at a low elevation topographically so increasing the building height on this site would not meet the urban design framework as shown in the Secondary Plan Height Schedule for tall buildings—let alone a location for the tallest building in Guelph and seven storeys taller than the tallest height permitted in the City. The site is also not a gateway location to the downtown, or at a key intersection like the sites at Wellington/Wyndham and MacDonnell/Wellington intersections, so it does not meet policy 11.1.7.2.1 about the strategic location of high buildings.

### **Heritage Site Context**

The subject property contains a built heritage resource that has cultural heritage value and has been listed as non-designated on the Heritage Register of Cultural Heritage Resources. Built in 1958 in the International Style, an architectural design style popular for government office buildings in the mid-20<sup>th</sup> century. Further information about the heritage significance of the existing building is included in the Heritage Planner's comments on the application in Attachment 9. The applicant is proposing to demolish the existing building and salvage some of the exterior materials to use on the 2<sup>nd</sup> to 4<sup>th</sup> floor of the proposed new building.

At their meeting of February 10, 2020 Heritage Guelph concurred with most of the recommendations made by heritage planning staff including the cultural heritage value of the built heritage resource at 70 Fountain Street East/75 Farquhar Street, the building's heritage attributes and that a 3 to 6-storey development proposal (not 25-stories) would be an appropriate development model for this particular property. However, Heritage Guelph provided the following advice to City Council: "that the existing 3-storey heritage building not be removed from the heritage register and that it be protected immediately by a heritage designation bylaw in

situ". Should Council move to designate the property, staff feel that the development of this site would be required to work around the protected heritage building and many additional constraints would be created for a successful design solution. Staff's recommendation is that although the subject building does have cultural heritage value as an individual building it is does not a major contributor to the Victorian era Market Ground area. Its removal would be sufficiently mitigated by the careful reconstruction of its heritage attributes as a major element of a new 3 to 6-storey development in a design that reflects the building's original form and heritage attributes better than the current design proposal.

### **Heritage Surrounding Context**

The proposed development site is adjacent to two protected heritage properties. The Alling house built in the 1830s at 81 Farquhar Street and the Drill Hall built in 1868 at 72 Farquhar Street. Both properties are protected under individual heritage designation bylaws. Although the Armoury at 7 Wyndham Street South is a recognized Federal Heritage Building in the custodianship of the Department of National Defence, it is not protected under Federal legislation and therefore not a protected heritage property as defined in the Provincial Policy Statement.

The subject property is also adjacent to numerous listed heritage properties. The subject site is part of the historic Farquhar Street streetscape which contributes to the definition of the Market Ground area. The Market Ground was identified by Heritage Guelph as a heritage character area in comments made to the Downtown Built Form Standards. More recently the Market Ground has been included as part of the Old Downtown candidate cultural heritage landscape in the draft Cultural Heritage Action Plan.

The Market Ground is still easily identified as the area within Carden Street, Wilson Street, Freshfield St and Farquhar St including the street walls that front onto this area. Galt's 1827 plan shows the Market House (Town Hall) in the centre of the Market Ground. The arrival of the railway in 1856 bisected the Market Ground and create sections that became space for a Drill Hall, a fairground/baseball diamond and by 1909 the City's Armoury. Five of the buildings within the Market Grounds CHL have already been protected by designation bylaws under the Ontario Heritage Act.

The "Market Place" heritage character area includes both the north and south sides of the railway tracks and that the subject property plays an important anchor role as a corner property at Wyndham and Farquhar Streets and is a major contributor in the delineation of the southern boundary of the Market Place (or Market Ground) heritage character area. The Heritage Planning comments found in this report in Attachment 9 provide further detail and illustrate the heritage significance of the site in context.

### **Heritage and Impacts of Proposed Height**

The proposed height of the building in this location is also not compatible with the historic core of Downtown. An objective of the DSP is to keep and enhance the existing historic character of the downtown (11.1.2.2, Principle 1) and 11.1.2 states maintaining historic character and preserving important public views is another

reason that taller building placement is strategically at the periphery. Furthermore the DSP has an objective to “ensure new development respects the character of downtown’s historic fabric and the quality of life in the surrounding neighbourhoods” (11.1.7 g).

Based on its relation to the historic core, the site is not a strategic location for building height and the proposal will dramatically change the image and experience from the historic core based on the following:

- The image and experience of the historic core area will be dramatically impacted. This is demonstrated in Attachment 8 when viewing the historic train station from Carden Street and views to the site from St. George’s Square. A 25-storey building in this location does not have a minimal direct impact on the historic core as per policy 11.1.7.2.1.
- This site abutting the historic Market Ground is at the geographic centre of Galt’s Plan. Adding 25 storeys in this location does not meet the vision of the Downtown Secondary Plan which places tall buildings at the periphery (see Vision from 11.1.2 excerpted above).
- The site fronts onto the Market Ground feature at the heart of Galt’s Plan. Given the already established mid-rise character along the north side of the Market Ground, it is more in keeping with the historic plan to maintain the midrise character on this site and along Farquhar creating a balanced massing surrounding Galt’s Market Ground.
- The site is adjacent to significant protected heritage properties and within close proximity to a number of listed heritage properties. These properties are low to mid-rise in character in keeping with the current height schedule permissions. This context is not appropriately taken into account or responded to in the proposal to add a 25-storey building to this site.

### **Compatibility and Urban Design**

In addition to contextual and height compatibility concerns identified above, staff have also reviewed the proposal’s compatibility with the immediate area in regards to wind and shadow impacts and transition to adjacent properties based on the proposed built form and City Official Plan policies requiring that tall buildings limit wind and shadow impacts and create appropriate transitions to adjacent existing uses. Further detail is available in the full Urban Design comments found in Attachment 9.

### **Wind Impacts**

A pedestrian wind study was submitted by the applicant that shows that wind impacts do not meet City policies nor the City’s Wind Comfort and Safety Criteria. A summary of the outcomes include the following:

- At the southwest and northwest building corners the wind study shows the proposal does not meet the Wind Study wind safety criterion.
- Potentially uncomfortable conditions are predicated along Farquhar Street, Wyndham Street and Fountain Street. Uncomfortable wind speeds are higher than desired for sidewalks and walkways.

- Wind speeds at the main entrances are predicted to be potentially slightly too windy for the intended pedestrian use.

In response to the above concerns, the applicant's Wind Study suggests acceptable wind speeds can be achieved through the use of large building setbacks, deep canopies or windscreens or dense landscaping. Staff note that the applicant is proposing a 0 metre lot line building, where the placing of canopies, windscreens or landscaping is not a viable option, because it would have to be on the City's right of way. The concern identified by the wind study on the public realm with regard to "uncomfortable conditions" on adjacent streets has also not been adequately addressed. This is particularly important along Farquhar Street which is meant to "accommodate high volumes of pedestrian traffic to and around the [major transit] station (DSP policy 11.1.4.3.2). Concerns regarding excessive wind speeds at main entrances and the impacts on the backyard amenity space at 90 Fountain Street East have also not been adequately addressed by the study.

In summary, based on the safety criteria exceeded within the public realm and the uncomfortable winter conditions identified, which have not been adequately addressed, the proposal does not meet the Official Plan policies in regard to ensuring no negative adverse wind impact.

### **Shadow Impacts**

Based on the City of Guelph Sun and Shadow Study Terms of Reference, urban design staff has the following concerns related to the shadow study submitted by the applicant:

- Criterion 3.1 regarding shadow impacts on the opposite Farquhar Street sidewalk is not achieved. On September 21 at 12pm, the opposite sidewalk is in shade. Therefore the study does not show full sunlight at 12pm, 1pm and 2pm as required by this criterion.
- The shadow study does note that "there is limited pedestrian traffic in this area as it is currently facing a parking lot." Staff does not agree with this justification especially given policy 11.1.4.3.2 of the Official Plan that states that Farquhar Street should be designed to "accommodate high volumes of pedestrian traffic to and around the [major transit] station."
- The shadow study notes that the criterion 1 (Residential Amenity Spaces) in regards to the adjacent property to the east is not met. Staff does not agree that the existing vegetation justifies the exceeding of this criterion.

In summary, based on not meeting the criterion of the Sun and Shadow terms of reference with no adequate justification, the proposal does not minimize or mitigate adverse shadow impacts on the public realm (i.e. Farquhar Street) or the adjacent property.

### **Transition to Adjacent Properties**

The Official Plan contain as number of policies in regard to transition between tall buildings and surrounding areas:

- Where proposed buildings exceed the built height of adjacent buildings, the City may require the new buildings to be stepped back, terraced or set back to reduce adverse impacts on adjacent properties and/or the streetscape (8.11.2).
- The massing and articulation of buildings taller than six storeys shall provide appropriate transitions to areas with lower permitted heights (11.1.7.2.3 h).

Furthermore, the site should comply with the Downtown Built Form Standards, which include specific provisions for the use of angular planes in and adjacent to Historic House-Based Character Areas to evaluate the massing, height and transition to adjacent properties, in particular to the east and south-east. The Downtown Built Form Standards contain rear yard and front yard angular plane provisions that the applicant has included in their building sections drawings.

As illustrated by the applicant, the proposal greatly exceeds the angular plane and transition test. Therefore, the application does not comply with this performance standard. In addition, as illustrated in the following rendering, the transition to the building to the east is a concern from an overlook perspective:



Although there is existing vegetation in this location, the amount of glazing, the building setback and the lack of conformance to the angular plane provision standards, the proposal does not conform to the Official Plan policies to provide appropriate transitions to areas with lower permitted heights or reduce adverse impacts on the adjacent properties. Appropriate building massing has not been achieved.

### **Other Urban Design Concerns**

Based on the proposal, urban design staff have additional comments based on the building design and elevations submitted:

- The proposed building does not have a distinctive building top as required for tall buildings (Official Plan policy 8.9.1i); and,

- Loading and servicing along Farquhar is not screened and therefore does not meet Official Plan Policy 11.1.7.2.4 b).

Staff further note that a number of the policies mentioned above would also need site specific amendments, which the applicant did not apply for in their Official Plan Amendment application. The proposal generally disregards the careful design-led Downtown Secondary Plan that was an outcome of an extensive public process. The Secondary Plan received the 2013 Ontario Professional Planners Institute (OPPI) Excellence in Planning Award, within the category of Municipal Statutory Planning Studies, Reports and Documents. The Secondary Plan carefully balances the historic and urban design context with the imperative to accept additional density as per the provincial policy. This major site-specific Official Plan Amendment does not conform to the Downtown Secondary Plan or indeed its framework for accommodating growth.

For these reasons, the development application portrays a profound disregard for local context from an urban design, heritage and policy perspective. The proposal is out of scale with the existing and proposed context, with a height and density that is without precedent anywhere within the City of Guelph.

### **Affordable Housing**

The City's Affordable Housing Strategy (AHS) sets an annual City-wide 30% target for housing that is affordable with the goal of ensuring that affordable housing is included in the range and mix of housing provided for all households across the City. The goals and objectives of the AHS have also been incorporated into the Official Plan in Section 7.2 (Affordable Housing). These policies are intended to encourage and support the development of affordable housing throughout the city by planning for a range of housing types, forms, tenures and densities and have been applied to the review of the proposed residential component of this development application.

Implementing the City's affordable housing target is largely dependent upon designating a suitable amount of land and density for residential use, including mixed use developments. There is a high correlation between the City's growth management policies and the ability to meet both growth management and affordable housing targets. Apartment and townhouse units represent the vast majority of residential units that are below the affordable benchmark price, as identified in the AHS.

The Planning Justification Report submitted by the applicant clearly states on page 54 that, "Concerning affordable housing, Skyline is not committing to affordable housing that meets the City's defined 2019 affordable housing benchmark," but rather would contribute to adding to rental housing stock and providing compact units that cater to smaller households.

The applicant has proposed 180 apartment units on the upper 21 storeys of the proposed mixed use building. The applicant has proposed that these units would be a mix of 1 and 2 bedroom units and the applicant intends to rent these units.

Based on these proposed housing forms, it is anticipated that this development could contribute to the achievement of the affordability housing targets set for the City, however, the actual contribution to affordable housing targets can only be measured by the City as units are rented or sold. Staff note that the City's annual Affordable Housing Reports prepared over the past few years have indicated that the City has been meeting affordable housing targets and there are several proposed developments under review now that are considering including an affordable housing component.

### **Official Plan Amendment Criteria Analysis**

Policy 1.3.14 of the Official Plan requires that the following items shall be considered by Council when considering an application to amend the Official Plan:

- a. the conformity of the proposal to the strategic directions of this Plan and whether the proposal is deemed to be in the overall interests of the City;
- b. consistency with applicable provincial legislation, plans and policy statements;
- c. suitability of the site or area for the proposed use, particularly in relation to other sites or areas of the city;
- d. *compatibility* of the proposed use with adjacent land use designations;
- e. the need for the proposed use, in light of projected population and employment targets;
- f. the market feasibility of the proposed use, where appropriate;
- g. the extent to which the existing areas of the city designated for the proposed use are developed or are available for *development*;
- h. the impact of the proposed use on sewage, water and solid waste management systems, the transportation system, community facilities and the Natural Heritage System;
- i. the financial implications of the proposed *development*;
- j. other matters as deemed relevant in accordance with the policies of this Plan.

The application has been reviewed against Official Plan policies above and several aspects of the proposed amendments do not meet the criteria for an Official Plan amendment as follows:

The proposed Official Plan amendments do not conform to the strategic directions of the Official Plan, as they do not respect the historic context the proposal is located within, including the surrounding and adjacent built heritage, the historic location as part of the original Market Place and by proposing to be higher than the Basilica which should be maintained as a signature landmark downtown by being the highest geodetic point downtown.

Furthermore, the strategic directions of the Official Plan focus on creating complete communities which need employment lands as the site is currently designated. The applicant's proposal is for a mixed use building, but the proposed redesignation of the site could result in a solely residential building, removing the opportunity for additional employment opportunities downtown at a location immediately adjacent to the transit terminal which is ideal for major employment uses.

Staff have also evaluated the proposal against provincial plans and policy and have noted a lack of conformity with both the Provincial Policy Statement and A Place to



Grow: The Growth Plan for the Greater Golden Horseshoe regarding providing the appropriate mix of employment uses and the preservation of land for employment uses as noted earlier in this planning analysis.

The site is not suitable for the proposed development for several reasons. The site is more suitable to be protected for employment uses as intended by its current Official Plan designation. The proposed building is too tall, and as noted earlier in this planning analysis creates a negative impact on both surrounding sites and the broader Downtown area that has been planned to be predominantly midrise while intensifying strategically to meet the City's Growth Plan requirements. There are sites Downtown that have been identified and designated to accommodate mixed use buildings up to 18 storeys in height, based specifically on their location at a gateway to the downtown and at a topographic low elevation in the Downtown. The proposal is not compatible with the historic context it is located in, towering over the surrounding heritage buildings and historic neighbourhood without appropriate transitions and is unable to meet City policies that limit wind and shadow impact.

The site is not needed for the proposed use based on current population and employment targets. As noted earlier in the analysis of the proposal against the targets of the Growth Plan, the City has more than sufficient land designated as Mixed Use 1 which can accommodate mixed use buildings such as this, though at a lower height, because the proposed height is not contemplated in the Downtown, nor needed to achieve Guelph's projected growth. Growth monitoring has shown plenty of capacity for residential uses throughout the downtown and that Guelph is progressing consistently towards its 2031 targets for the Urban Growth Centre.

The proposal has also been reviewed for its impact on City infrastructure. City services are available for the redevelopment of the site. However, given that the applicant proposed to build a multi-level underground parking structure, staff note that needed hydrological modeling was not submitted by the applicant and the hydrogeological assessment was preliminary in nature and has not confirmed appropriate groundwater protection. The submitted Transportation Impact Assessment has incorrect assumptions and would need to be revised to confirm traffic impacts.

Overall, a comprehensive review of the Downtown Secondary Plan should precede any significant changes to the land use and height schedule. Planning staff discourage this substantial ad hoc site specific amendment that is not consistent with the basic principles of the DSP and creates uncertainty in the planning process for local residents and landowners. The Municipal Comprehensive Review is the appropriate tool to re-evaluate any aspect of the DSP, if necessary. However, staff are also satisfied that the Downtown has more than adequate capacity to add growth in line with our Growth Plan targets.

For these reasons, the proposal does not meet the criteria for an Official Plan Amendment; it cannot be considered in the best interest of the City and should be refused.

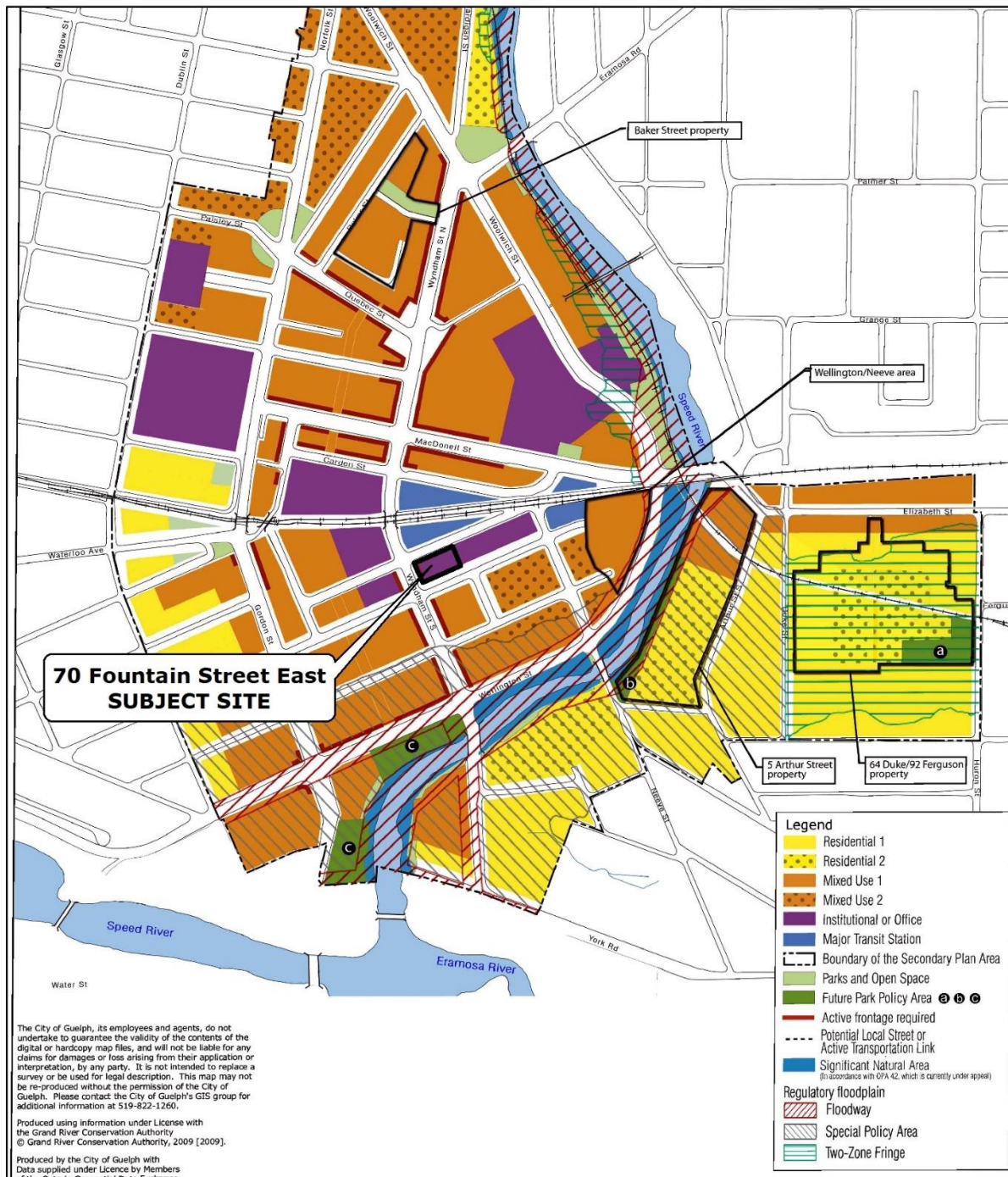
**Other Concerns**

Additional concerns were raised by members of the Public and Council regarding adequacy of proposed common amenity, a lack of greenspace on site, park space implications, bonusing provisions, specialized zoning regulations and whether fire trucks could reach 25 storeys.

Staff have concluded that the Official Plan amendments related to use and height should not be supported as shown above, and also recommend refusal of the proposed Zoning By-law amendments for the same reasons. Staff do not address the site specific zoning regulations because we are recommending refusal of the changes to the Official Plan and Zoning as a whole. Fundamentally, staff continue to support the current Official Plan designation of "Institutional or Office" and the existing height range of 3-6 storeys. Similar to the proposed Official Plan Amendment, the proposed zoning would not implement the established planning vision for downtown.

# Attachment-3

## Existing Official Plan Land Use Designations and Policies



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**Official Plan  
Schedule C:  
Downtown Secondary Plan - Land Use Plan  
70 Fountain Street East**

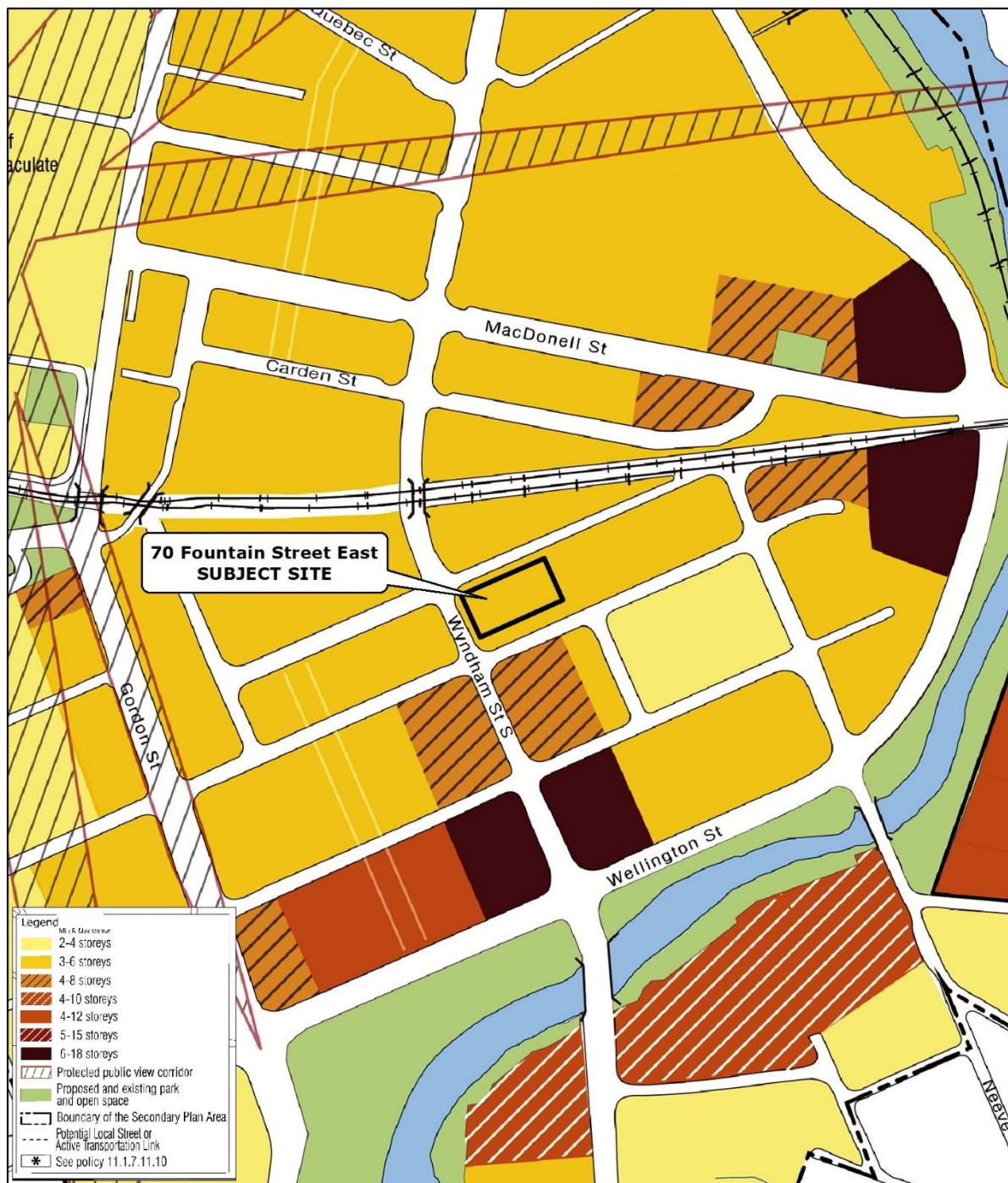
**CITY OF Guelph**  
Making a Difference

Produced by the City of Guelph  
Planning, Urban Design and Building Services - Development Planning  
December 2019



## Attachment-3 continued

### Existing Official Plan Land Use Designations and Policies



## **Attachment-3 continued**

### **Existing Official Plan Land Use Designations and Policies**

#### **11.1.7.5 Institutional or Office Areas**

##### **11.1.7.5.1**

Institutional or Office areas include those properties in the heart of Downtown occupied by significant civic, cultural and other public institutions or an office building. They also include properties close to Guelph Central Station where a concentration of major office and institutional uses would optimize use of the terminal.

##### **11.1.7.5.2**

Generally the following primary uses may be permitted in Institutional or Office areas:

- a) offices including medically related uses;
- b) entertainment and commercial recreation uses;
- c) community services and facilities;
- d) cultural, educational, civic and institutional uses;
- e) hotels;
- f) parks, including urban squares; and,
- g) other employment uses that meet the intent of the principles, objectives and policies of the Downtown Secondary Plan and which are *compatible* with surrounding uses in regard to impacts such as noise, odour, loading, dust and vibration.

##### **11.1.7.5.3**

In addition to the primary uses above, the following uses may also be permitted where they are secondary to the main institutional or office use on the site:

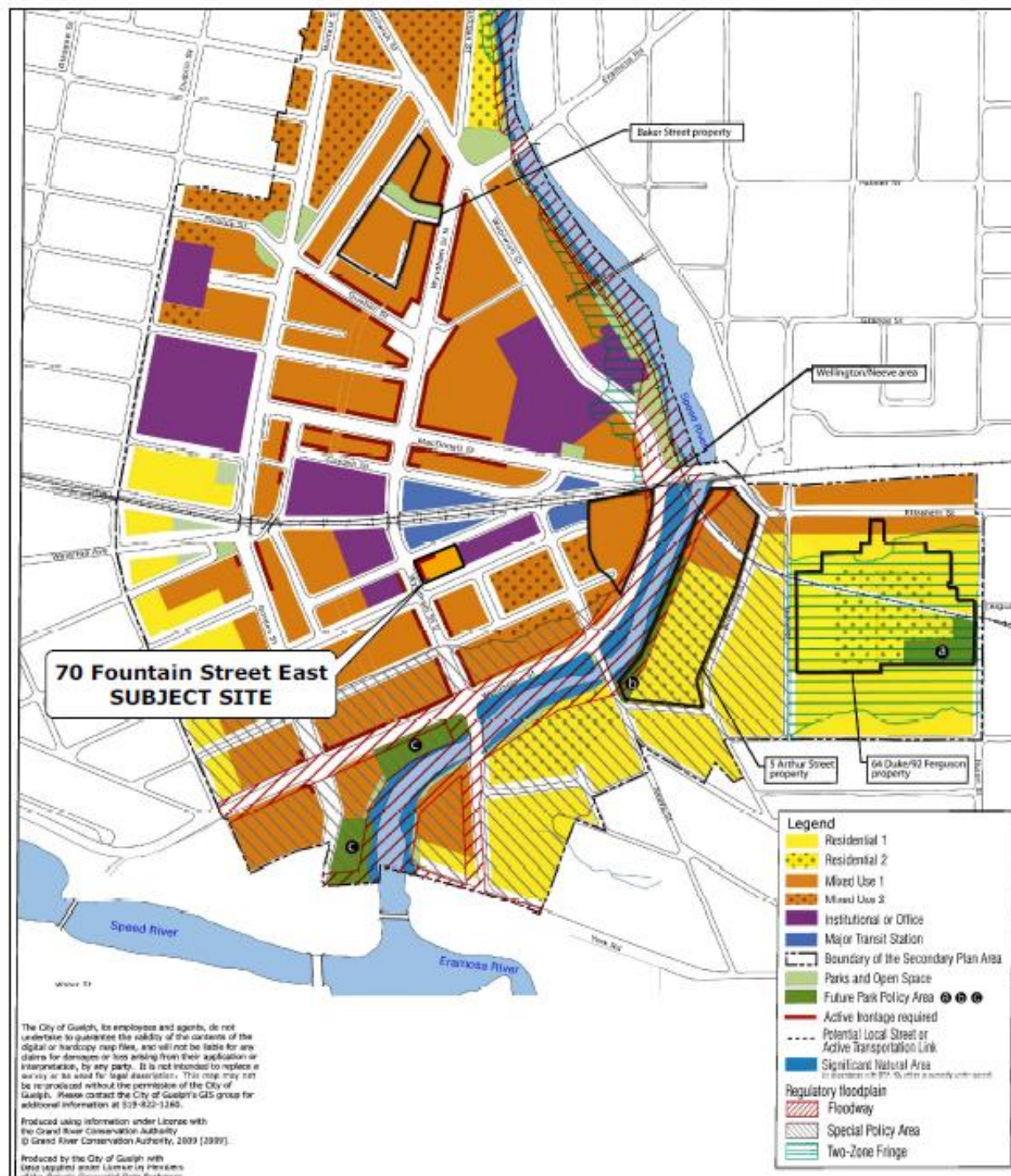
- a) retail and service uses, including restaurants and personal service uses; and
- b) public parking.

##### **11.1.7.5.4**

Institutional or Office areas downtown are occupied by buildings that are expected to remain for the life of the Downtown Secondary Plan, with the exception of the areas between Farquhar Street and Fountain Street, where there is greater potential for *redevelopment* and a desire for improved conditions on Wyndham Street. Additions or alterations to existing institutional and office uses shall be permitted, provided they do not significantly change the function or form of the use and have regard for the land use and built form policies that apply to adjacent land use areas. New *development* in the Institutional or Office Area south of Farquhar Street shall be subject to the density and built form policies applicable to Mixed Use 1 Areas, specifically Policies 11.1.7.3.4-11.1.7.3.8.



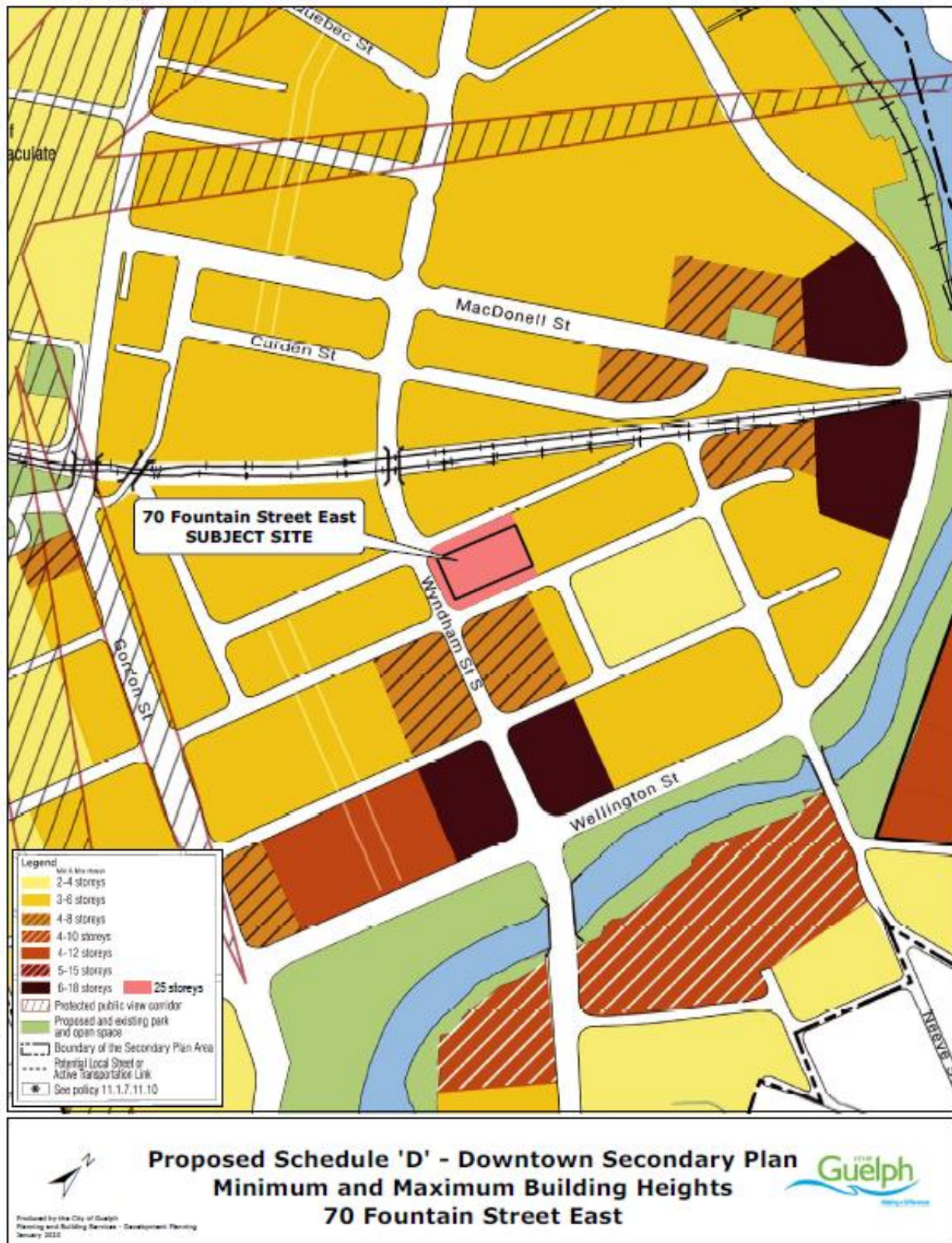
## Attachment-4 Proposed Official Plan Amendment





## Attachment 4 continued

### Proposed Official Plan Amendment



## **Attachment 4 continued**

### **Proposed Official Plan Land Use Designation**

#### **General Intent and Permitted Uses Excerpt from 11.1.7.3 Mixed Use 1 Areas:**

##### **11.1.7.3.1**

Mixed Use 1 areas, as identified on Schedule C, are intended to accommodate a broad range of uses in a mix of highly compact development forms. Development within this designation shall contribute to the creation of a strong urban character and a high-quality, pedestrian-oriented environment. Active uses that enliven the street are encouraged to locate on the ground floor of buildings and, as per Policy 11.1.7.3.4, shall be required on key streets.

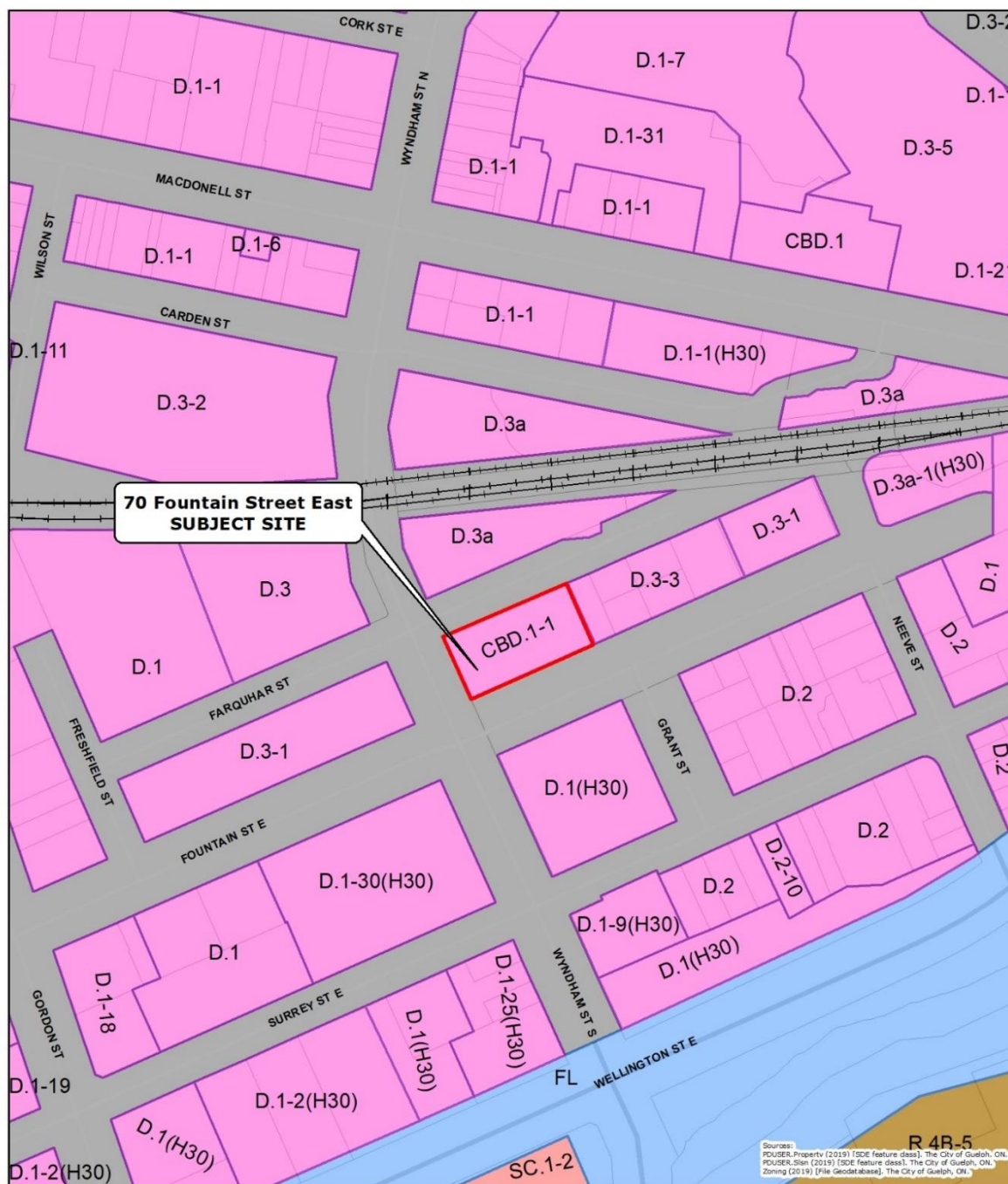
##### **11.1.7.3.2**

The following uses may be permitted:

- a) retail and service uses, including restaurants and personal service uses;
- b) multiple unit residential buildings, including apartments and townhouse dwellings;
- c) live/work uses;
- d) offices including medically related uses;
- e) entertainment and commercial recreation uses;
- f) community services and facilities;
- g) cultural, educational and institutional uses;
- h) public parking;
- i) hotels;
- j) parks, including urban squares; and,
- k) other employment uses that meet the intent of the principles, objectives and policies of the Downtown Secondary Plan and which are compatible with surrounding uses in regard to impacts such as noise, odour, loading, dust and vibration.

(Policies related to this designation continue, see Official Plan Section 11.1.7.3 for more information)

## Attachment-5 Existing Zoning



## Attachment-5 continued

### Existing Zoning Details

#### 6.3.3.1 Special Central Business District 1 (CBD.1) Zones

##### 6.3.3.1.1 CBD.1-1

As shown on Defined Area Map Number 37 of Schedule "A" of this *By-law*.

##### 6.3.3.1.1.1 Regulations

###### 6.3.3.1.1.1.1 Minimum Off-Street Parking

Despite Table 6.3.2, Row 9, properties within the CBD.1-1 *Zone* shall provide *Parking Spaces* in accordance with Section 4.13.4.

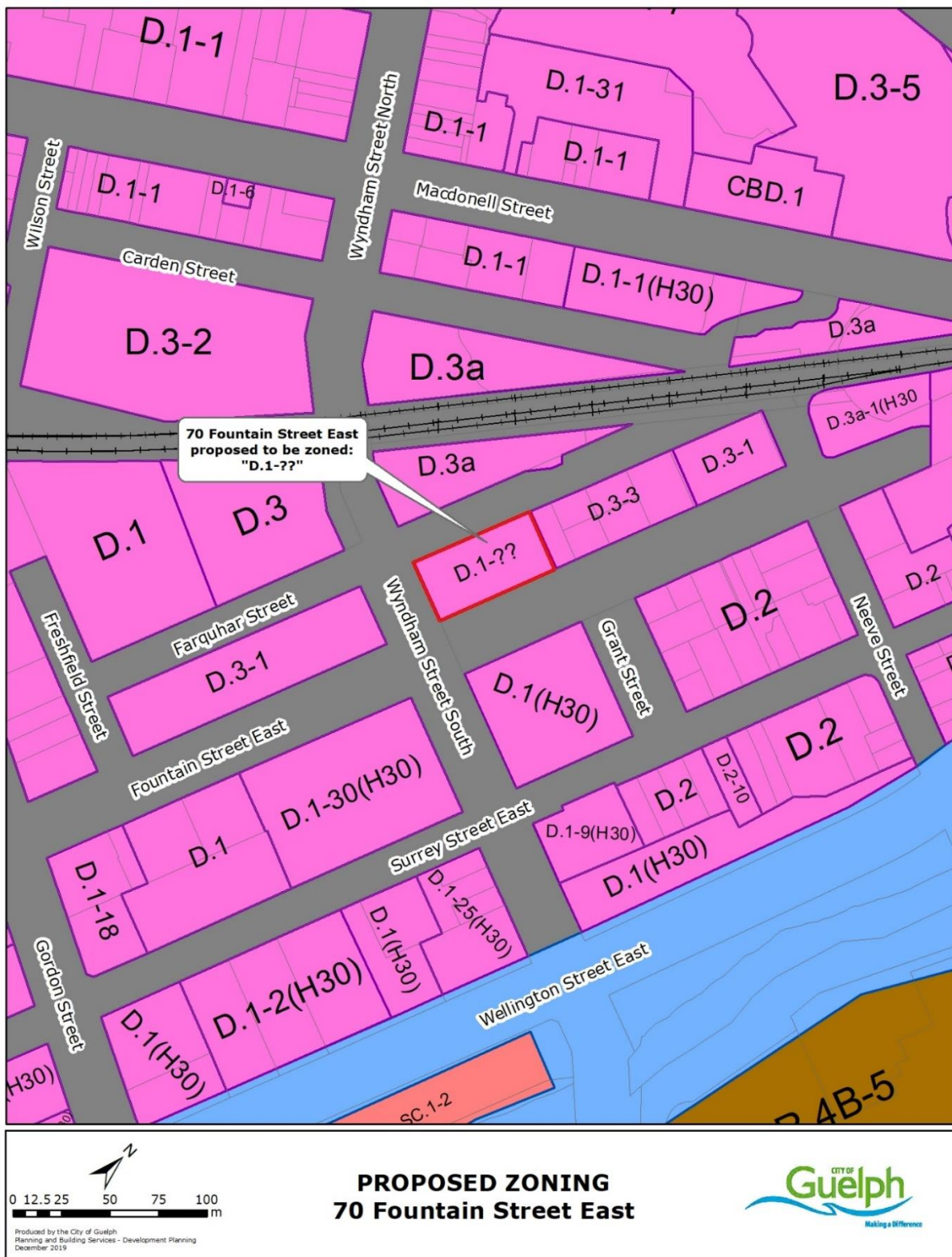
###### 6.3.3.1.1.1.2 Maximum Building Height

5 *Storeys* within 15 metres of the *Street Line* to a maximum height of 6 *Storeys* for the remainder of the *Building* or *Structure*.



## Attachment-5 continued

### Proposed Zoning



## Attachment-5 continued

### Proposed Zoning Details (1 of 2)

Row	By-law Section	Regulation	Requirement	Proposed	Compliance
A	6.3.1.1	Permitted Uses	Multiple Uses	Mixed Use Building Retail Establishment Apartment Building Restaurant Service Establishment Office	Yes
B	6.3.1.1 (6)	Active Frontage Uses	No dwelling Units in Cellar, Basement, or on main floor level	None	Yes
C	6.3.2.1.1	Maximum Floorplate (7th and 8th Storeys)	1,200 square metres	645 square metres	Yes
D	6.3.2.1.2	Maximum Floorplate (above 8th Storey)	1,000 square metres and length-to-width ratio of 1.5:1	645 square metres and 1:1.1	Yes
E	6.3.2.1.3	Minimum Building Stepback (above 4th storey)	3 metres	17.5 m (Wyndham) 0 (Fountain) * 3.0 m (Farquhar)	Yes No Yes
F	6.3.2.2.2	Minimum Tower Separation (portion above 12th storey)	25 metres to same portion on another tower	No nearby towers	Yes
G	6.3.2.2.3.1	Minimum Tower Setback (at or below 12th storey)	6 metres from Side and Rear Lot Line	3.0 m (Farquhar) 3.0 m (Fountain) 19.3 m (Rear)	No No Yes
H	6.3.2.2.3.2	Minimum Tower Separation (at or below 12th storey)	12 metres to same portion on another tower	No nearby towers	Yes
I	6.3.2.3.1.1	Minimum Building Height Maximum Building Height	3 storeys** 6 storeys**	25 storeys 25 storeys	Yes No
J	6.3.2.4.1.1	Maximum Yard Setbacks along Active Frontage (Street Line >35 metres)	0 for Exterior Side Yard Setback for minimum of 75% of Street Line; 2 metres for remainder	0 (Farquhar)	Yes
K	6.3.2.4.1.2	Maximum Yard Setbacks along Active Frontage (Street Line < 35 metres)	0 for Front Yard Setback	0 (Wyndham)	Yes
L	6.3.2.4.1.4	Minimum First Storey Building Height	4.5 metres	8.2 m (Wyndham) 5 m (Farquhar) 5 m (Fountain)	Yes Yes Yes
M	6.3.2.4.1.5	Minimum number of Active Entrances to first storey on Front and/or Exterior Side Yard Building frontage	1 for every 15 metres of Street Line identified as Active Frontage Area (at least 1 required)	Wyndham – 2 (32.8 m frontage)  Farquhar – 1 (32.3 m of frontage)	Yes  No
N	6.3.2.4.1.5.1	Active Entrance height	Within 0.2 metres above or below Finished Grade	Entrances will be at grade	Yes
O	6.3.2.4.1.6	Minimum surface area of the first Storey façade as Transparent Window and/or Active Entrances	60% measured from Finished Grade up to a height of 4.5 metres facing public Street	80% (Wyndham) 60% (Farquhar)	Yes Yes
P	6.3.2.4.1.7	Minimum Active Uses	To occupy 60% of the Street Line	100% (Wyndham) 30% (Farquhar)	Yes No



## Attachment-5 continued

### Proposed Zoning Details (2 of 2)

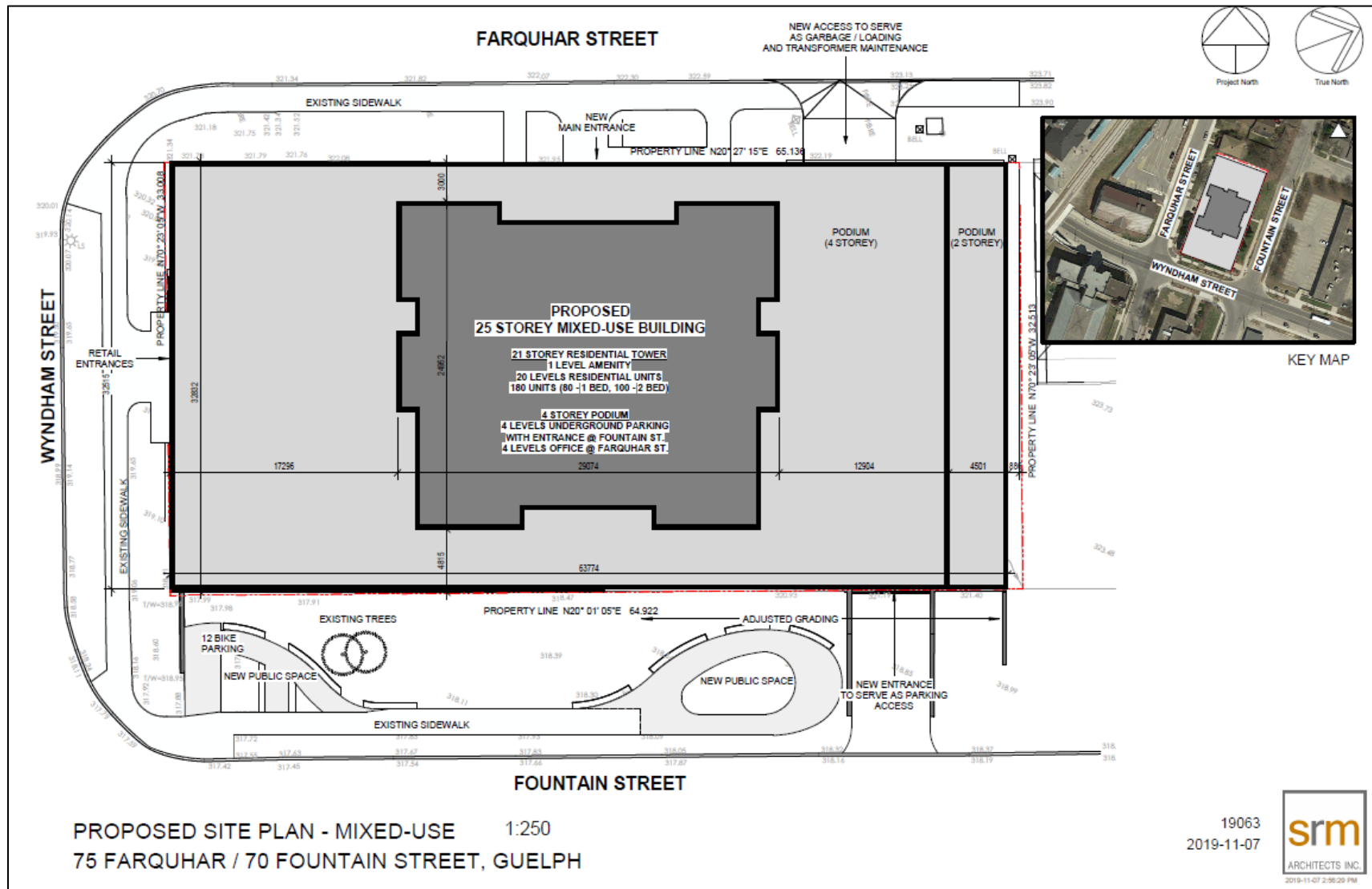
Q	6.3.2.4.1.8	Non-Residential Driveways	None at grade or in first Storey for the first 6 metres of depth measured in from Street Line	62.7 metres (Fountain)	Yes
R	6.3.2.5.1	Minimum Parking Spaces	Apartment: 180 + 9 Retail/Service: 4 Office: 92 Total: 285	Residential: 124 + 9 Retail/Service: 4 Office: 70 Total: 207	No Yes No No
S	6.3.2.5.2.1.2	Minimum Underground Parking Setback	0	0	Yes
T	6.3.2.5.2.1.4	Parking Area within 1 <sup>st</sup> Storey	Prohibited from locating within 4.5 metres of the Street Line	None (Farquhar / Wyndham)  Exposed portion of underground parking garage at 0 (Fountain)	Yes  No
U	6.3.2.5.3	Minimum Bicycle Parking Space (Long-Term)	Residential: 123 Retail: 1 Office: 11 Total: 135	Residential: 123 Retail: 1 Office: 11 Total: 135	Yes Yes Yes Yes
V	6.2.2.5.3	Minimum Bicycle Parking Space (Short-Term)	Residential: 13 Retail: 2 Office: 1 Total 16	Residential: 13 Retail: 2 Office: 1 Total 16	Yes Yes Yes Yes
W	6.3.2.7 (1)	Minimum Front Yard or Exterior Side Yard	0	0	Yes
X	6.3.2.7 (2)	Maximum Front Yard or Exterior Side Yard	4 metres or per 6.3.2.4 for active frontages	0	Yes
Y	6.3.2.7 (3)	Minimum Side Yard	0	0 (Farquhar) 0 (Fountain)	Yes Yes
Z	6.3.2.7 (4)	Minimum Rear Yard	0	0.89 metres	Yes
ZA	6.3.2.7 (6)	Access to Parking Area	Limit of 1 driveway (non-residential) with a minimum width of 6 metres	1 access (Fountain) with width of 6 metres	Yes
ZB	6.3.2.7 (14)	Minimum Floor Space Index	1.5	11.2	Yes
ZC	4.16.1	Corner Sight Triangle	9 x 9 metres	0	No
ZD	4.9.1	Garbage Storage	Only within the principal Building, accessory Building or Structure, or in container (Side Yard or Rear Yard)	Within principal building	Yes

 Proposed site-specific regulation

\* Building Stepback of 3 metres occurs above 5<sup>th</sup> storey facing Fountain Street given site grades.

\*\* Equivalent height if D.1 Zone were to apply based on Secondary Plan (CBD.1 Zone currently applies)

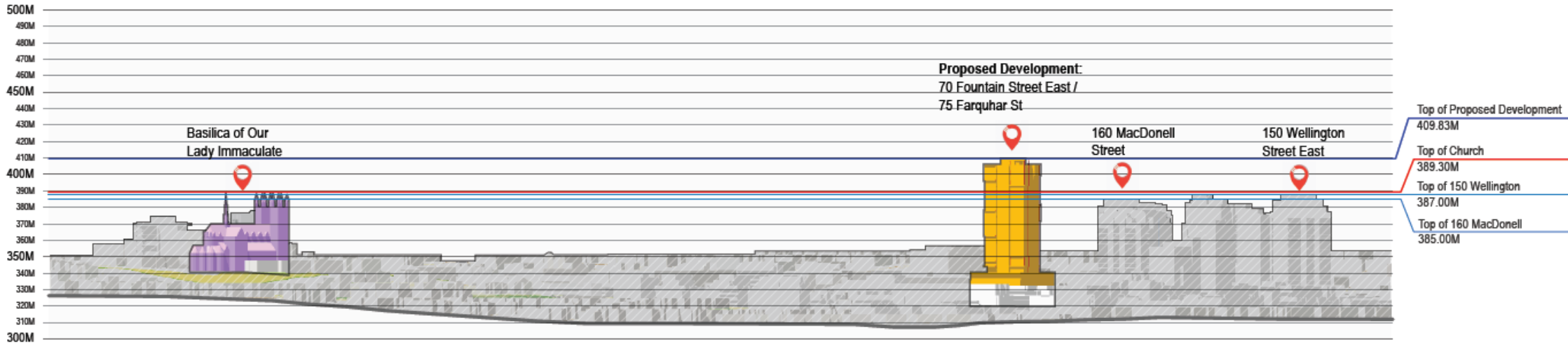
# Attachment-6 Proposed Development Concept Plan



**Attachment-6 continued**  
**Proposed Site Rendering**  
**View across Wyndham Street South looking east**



# Attachment-7 Downtown Building Height Comparison Diagram



**Note.**  
Existing & Proposed Building Heights measured to top of mechanical penthouse.

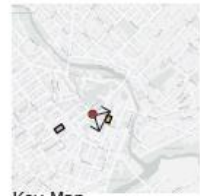
## Attachment-8

### Downtown View Impact Modelling

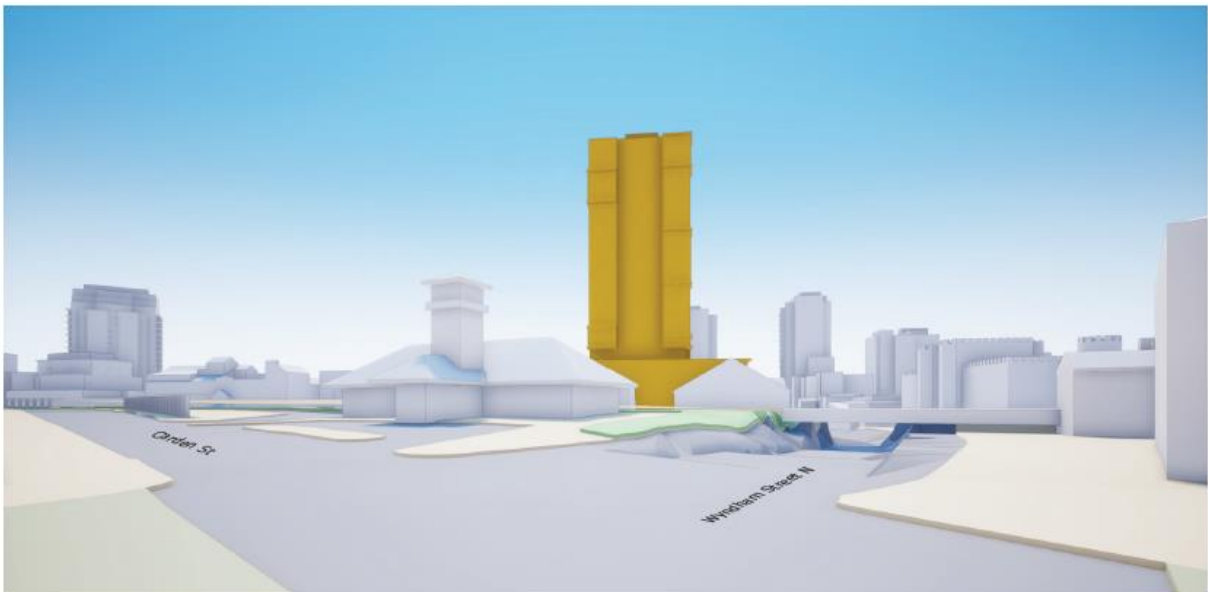
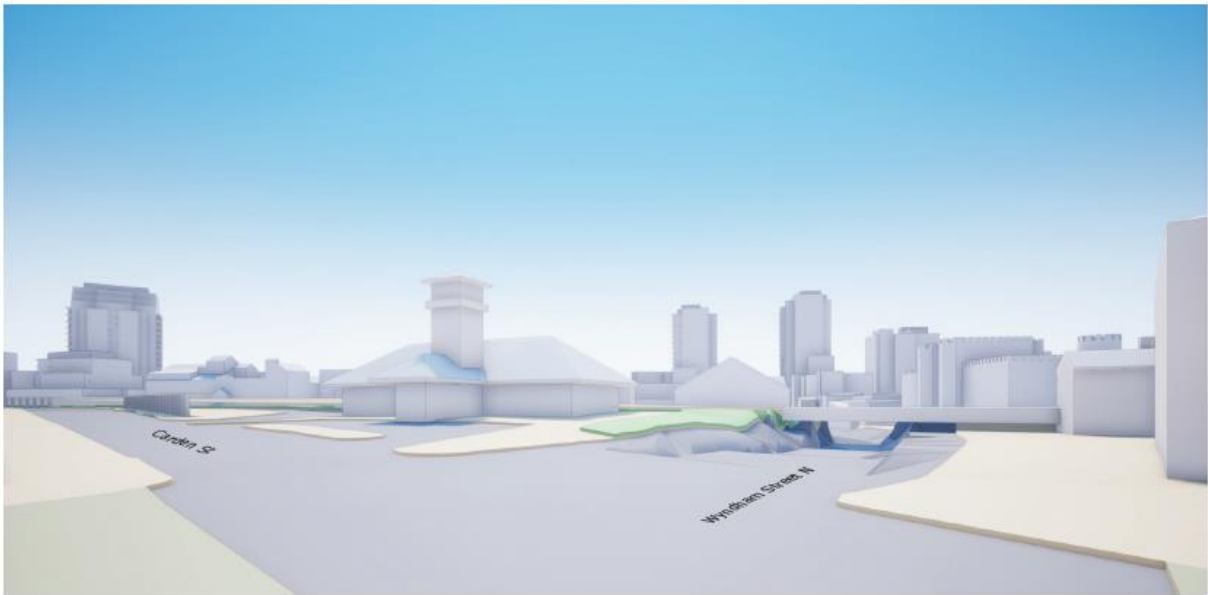
#### View Impacts of Proposed Development

Carden & Wyndham Street (looking SE)

Eye-level View - 1.65M



Key Map



**Note.**  
Based on the built-up of Downtown Secondary Plan massing model.



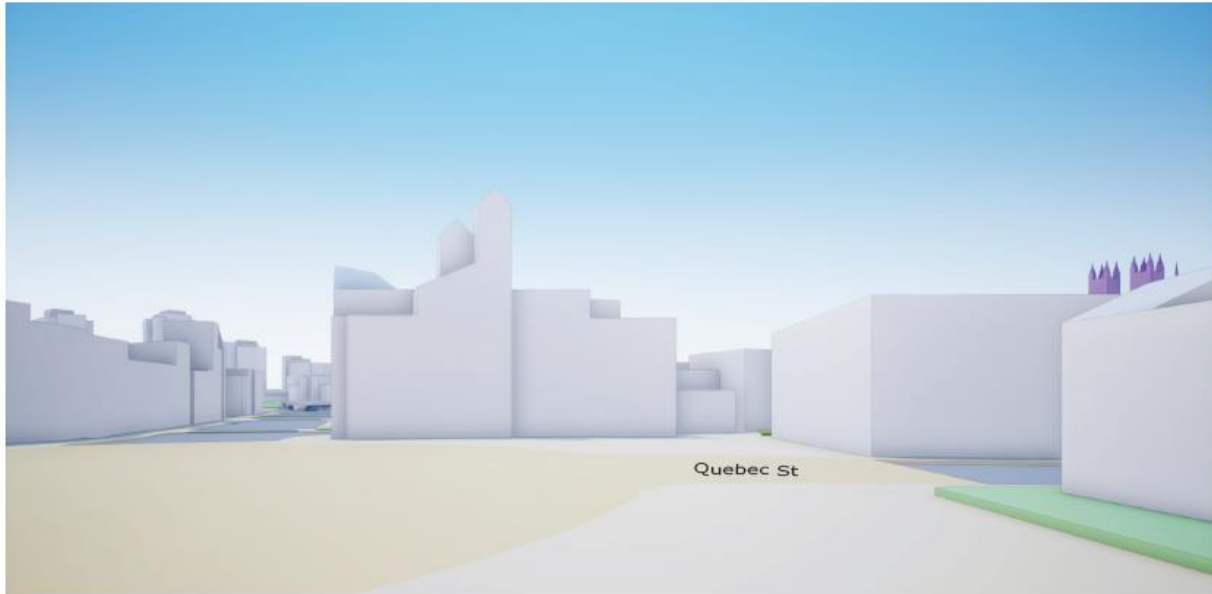
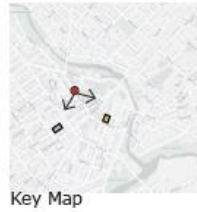


## Attachment-8 continued

### View Impacts of Proposed Development

Wyndham Street North & Quebec Street (looking SE)

Eye-level View - 1.65M



**Note.**  
Based on the built-up of Downtown Secondary Plan massing model.



## Attachment-8 continued

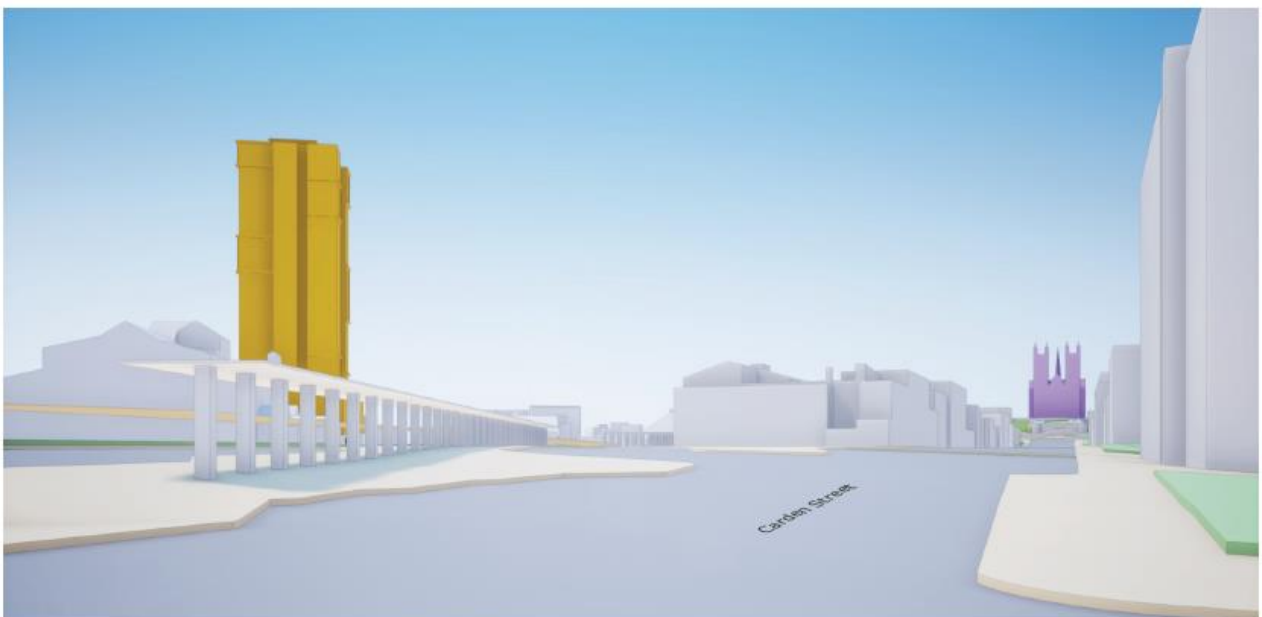
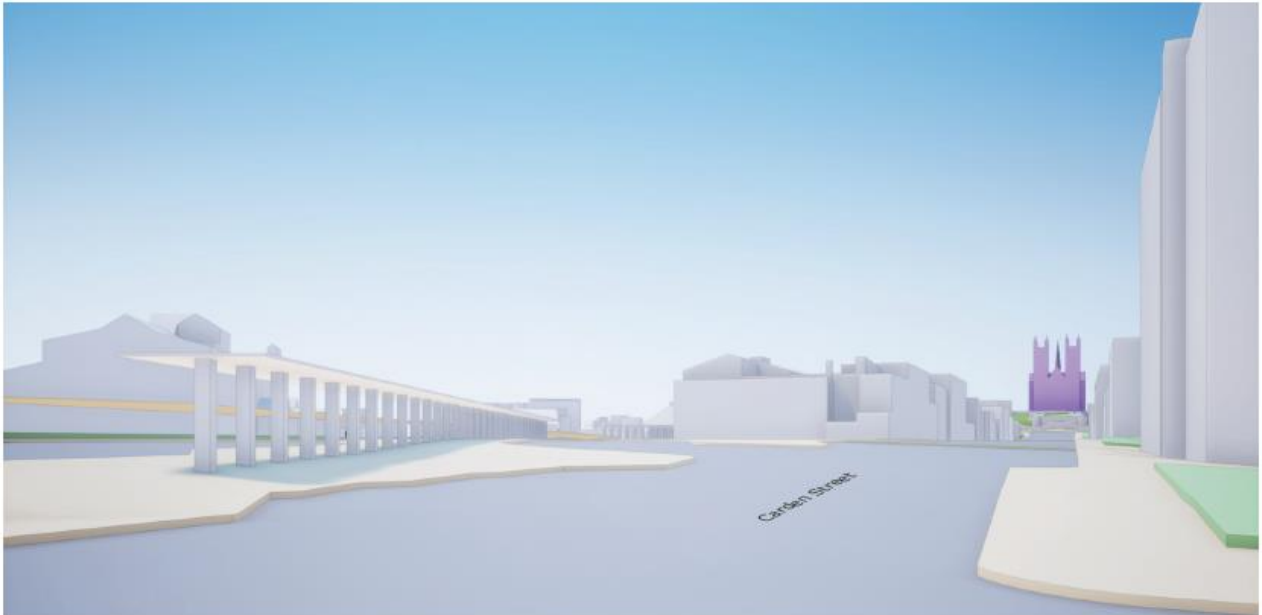
### View Impacts of Proposed Development

Carden Street (looking West)

Eye-level View - 1.65M



Key Map



**Note.**  
Based on the built-up of Downtown Secondary Plan massing model.



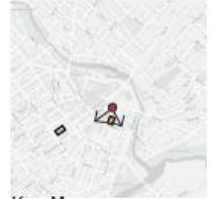


## Attachment-8 continued

### View Impacts of Proposed Development

Farquhar Street (looking West)

Eye-level View - 1.65M



Key Map



**Note.**  
Based on the built-up of Downtown Secondary Plan massing model.

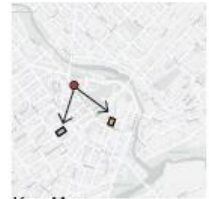


## Attachment-8 continued

### View Impacts of Proposed Development

Wyndham Street North (looking South)

Camera Altitude - 15.22M



**Note.**  
Based on the built-up of Downtown Secondary Plan massing model.

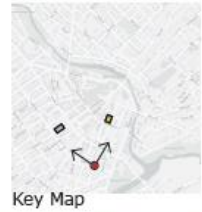


## Attachment-8 continued

### View Impacts of Proposed Development

Gordon & Fountain Street (looking North)

Eye-level View - 1.65M



**Note.**  
Based on the built-up of Downtown Secondary Plan massing model.

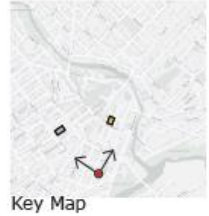


## Attachment-8 continued

### View Impacts of Proposed Development

Gordon & Fountain Street (looking North)

Camera Altitude - 59.03M



**Note.**  
Based on the built-up of Downtown Secondary Plan massing model.

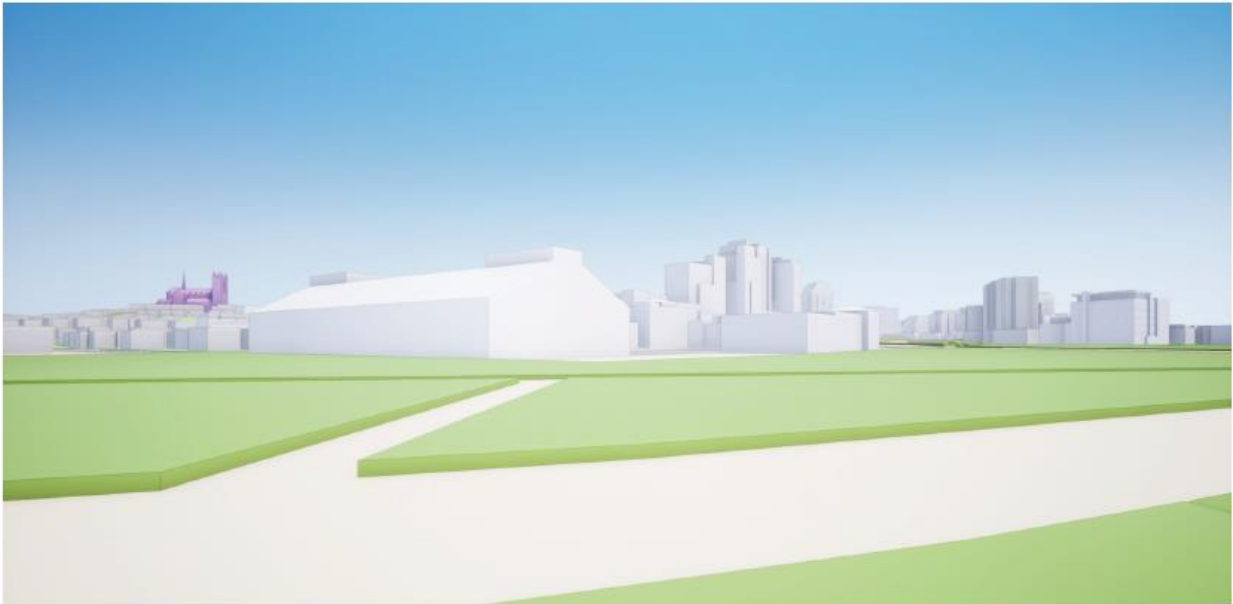


## Attachment-8 continued

### View Impacts of Proposed Development

Royal City Park (looking North)

Eye-level View - 1.65M



**Note.**

Based on the built-up of Downtown Secondary Plan massing model.





# Attachment-9 Department and Agency Comments

## Urban Design Comments 1/11

### Internal Memo



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Date	March 12, 2020
To	<b>Katie Nasswetter, Senior Development Planner</b>
From	David de Groot, Senior Urban Designer
Service Area	Infrastructure, Development and Enterprise Services
Department	Planning Services
Subject	<b>70 Fountain Street: Official Plan and Zoning By-law Amendment Application – Urban Design Comments OZS19-015</b>

---

### Introduction

Urban Design staff has the following comments based on the:

- Urban Design Brief received December 4, 2019 from GSP Group and SRM Architects Inc.;
- Building drawings, elevations and massing from SRM Architects Inc. received December 4, 2019;
- Sun and Shadow Study report from SRM Architects Inc. received December 4, 2019;
- 75 Farquhar/ 70 Fountain Street Pedestrian Wind Study from RWDI received December 4, 2019; and,
- Planning Justification report from GSP Group received December 4, 2019.

Urban design staff has concentrated on reviewing applicable urban design policies against the Official Plan and the Downtown Built Form Standards.

### Downtown Urban Design Policy Context

Guelph has a distinct history as a planned town. As outlined in the Official Plan (section 2.1, Connecting with our Past):

"Guelph is a historic city, founded in 1827 and originally planned by John Galt. The city was initially designed in a fan shape, radiating outward from the Speed River. The rivers and topography influenced the design of the city and allowed for scenic views and focal points particularly within the downtown."

The city's future depends on carefully balancing yesterday's legacy, today's needs and tomorrow's vision. This balance can be achieved by respecting the

## Attachment-9 Urban Design Comments 2/11

history that enriches local architecture and culture, enhancing the integrity of natural systems and promoting an atmosphere of innovation and creativity. Protecting Guelph's existing character while introducing innovative development is part of creating a vibrant city." [emphasis added]

Part of Downtown Guelph's history and legacy is its planned nature (i.e. its urban design) based, in part, on its topography. This is evident in, for example, the placement of the Basilica of Our Lady at the highest topographic point in the Downtown.

### **Downtown Secondary Plan Approach to Height**

The Downtown Secondary Plan (which is part of the City's Official Plan) builds on this legacy. It balances this historic legacy and carefully considers how to integrate additional density within this context.

One of the key policies regarding building height is 11.1.7.2.1:

"Schedule D identifies building height ranges to be permitted within the Downtown Secondary Plan Area. In general, the predominant mid-rise built form of Downtown shall be maintained with taller buildings restricted to strategic locations, including gateways that act as anchors for key streets. Taller buildings in these locations will have minimal direct impacts to existing neighbourhoods and the historic core of Downtown, and they will be outside protected public view corridors. In the height ranges contained on Schedule D, the lower number represents the minimum height in storeys for buildings and the higher number represents the maximum permitted height in storeys. The maximum heights recognize the Church of Our Lady's status as a landmark and signature building; it is the general intent that no building Downtown should be taller than the elevation of the Church. Exemptions from minimum height requirements may be permitted for utility and other buildings accessory to the main use on a site."

In summary, the Downtown Secondary Plan approach to height:

- Maintains the predominant mid-rise built form.
- Maintains the Basilica of Our Lady's landmark/signature status, public views, and its geodetic height as the tallest point in the Downtown.
- Places taller buildings at lower topographic points.
- Places taller buildings at strategic locations.
- Ensures minimal direct impacts on historic core of Downtown (i.e. historic context).
- Ensures minimal direct impacts on existing neighbourhoods (i.e. compatibility).



## Attachment-9 Urban Design Comments 3/11

The following sections will review the site and proposal based on this height framework established by the Downtown Secondary Plan. However, it is important to also note that a 25 storey building is not proposed anywhere within the Downtown Secondary Plan. The Downtown Secondary Plan fundamentally does not propose to accommodate the growth projected in the Downtown through this very tall type of building form. Indeed, the height and density proposed is without precedent anywhere within the City of Guelph or within the Official Plan.

### **The Site in Context**

#### **The Site in Context: This proposal does not respect the prominence of the Basilica of Our Lady as a Landmark**

The Official Plan contains a number of policies in regards to the Basilica of Our Lady<sup>1</sup>:

- The maximum building heights recognize the Church of Our Lady's status as a landmark and signature building (11.1.7.2.1);
- It is the general intent that no building Downtown should be taller than the geodetic elevation of the Church (11.1.7.2.1);
- Ensure taller buildings contribute to a varied skyline in which the Church of Our Lady is most prominent (11.1.7.2.3 h); and,
- The protection of public views to the Basilica of Our Lady (11.1.7.2.2).

While the site is not within a protected public view corridor, this development does not conform to the Downtown Secondary Plan policy that no building is taller than the highest geodetic elevation of the church.

As demonstrated in Attachment 1 (see Attachment-7 in Planning Recommendation Report) this building would result in the Basilica of Our Lady no longer being the highest geodetic elevation within downtown Guelph.

In addition, as shown in Attachment 2 (see Attachment 8 in Planning Recommendation Report) and given the building height, this design proposal competes with the Basilica as the Guelph skyline's most prominent feature.

This building is substantively taller and does not conform with the Official Plan policy that the Basilica of Our Lady is the most prominent within the downtown skyline.

#### **The Site in Context: This is not a low topographic point**

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<sup>1</sup> The Church of Our Lady became the Basilica of Our Lady after the Downtown Secondary Plan was completed. Therefore the Official Plan still references the Church of Our Lady.

## Attachment-9 Urban Design Comments 4/11

As noted above, topography is taken into account by Galt in the placement of key features (e.g. the Basilica of Our Lady) (Section 2.1). The Downtown Secondary Plan builds on this legacy by carefully placing its tallest buildings (i.e. 18 storey buildings) at topographically low points.

Below is a table that compares the topographic geodetic elevations of 18 storey sites within the downtown.

### Geodetic Site Elevations

Site	Address	Approximate Geodetic Elevation
Riverhouse	160 MacDonnell St.	319m (corner of MacDonell/Woolwich)
Rivermill	150 Wellington St.	316m (corner of Wellington/Surrey)
Guelph Fire Hall	50 Wellington Street	311m (corner of Wyndham/Wellington)
N/W Corner of Wellington St. and Wyndham Street	58 Wellington Street	311m (corner of Wyndham/Wellington)
<b>Subject Site</b>	<b>75 Farquhar/70 Fountain St.</b>	<b>323m</b>

As shown in the table this site's elevation is greater than the other 18-storey sites. It is taller than the two sites on Wyndham Street sites by approximately 13 metres. It is not at a low elevation topographically. Therefore increasing the building height on this site would not meet the urban design framework as shown in the Secondary Plan Height Schedule for tall buildings—let alone a location for the tallest building in Guelph and seven storeys taller than the tallest height permitted in the City.

### The Site in Context: The proposal will impact the relationship to the Historic Core

The Downtown Secondary Plan ensures that the image and experience of Downtown from within the historic core will not change dramatically--maintaining the principles of 'Celebrating What We've Got' (11.1.2.2, Principle 1).

## Attachment-9 Urban Design Comments 5/11

The Vision outlined in section 11.1.2 states that:

"In the historic heart of Downtown, the existing character will have been enhanced and taller buildings will have been strategically located at the periphery, where they have minimal direct impacts on existing neighbourhoods." [emphasis added]

In particular, building height is to be strategically located.

As noted in Objective e):

"Strategically locate and articulate tall buildings to minimize impacts on historic areas and preserve important public views;" [emphasis added]

Based on its relation to the historic core, the site is not a strategic location for building height and the proposal will dramatically change the image and experience from the historic core based on the following:

- The image and experience of the historic core area will be dramatically impacted. This is demonstrated in Attachment 2 (See Attachment 8 in Staff Recommendation Report) such as viewing the historically-designated train station from Carden Street and views from St. George's Square. A 25-storey building in this location does not have a minimal direct impact on the historic core as per policy 11.1.7.2.1.
- This site abutting the historic Market Ground is at the geographic centre of Galt's Plan. Adding 25 storeys in this location does not meet the vision of the Downtown Secondary Plan which places tall buildings at the periphery (see Vision from 11.1.2 excerpted above).
- As outlined by the Heritage Planning Comments, the site fronts onto the Market Ground area which is a key feature of Galt's Plan. Given the already established midrise character along north side of the Market Ground, it is more in keeping with the historic plan to maintain the midrise character on this site and along Farquhar creating a balanced massing surrounding Galt's Market Ground.
- As noted by the Heritage Planning Comments, the site is adjacent to protected heritage properties and within close proximity to a number of significant cultural heritage resources. These properties are low to mid-rise in character in keeping with the current height schedule permissions. This context is not appropriately taken into account or responded to in the proposal to add a 25-storey building to this site.

### **The Site in Context: This is not a gateway site to the Downtown**

In addition the factors above, another urban design concept underpinning the proposed location of tall buildings is to place height at strategic locations (policy 11.1.7.2.1). These include gateways to the downtown such as Wellington/Wyndham and MacDonnell/Wellington intersections.

## Attachment-9 Urban Design Comments 6/11

The intersection of Wyndham/Farquhar or Wyndham/Fountain are not key intersections or gateways into the Downtown. Therefore, the placing of a 25 storey building at this location does not meet the intent of the Downtown Secondary Plan.

### Technical Compatibility within the immediate vicinity

In addition to contextual compatibility concerns identified above, the following section addresses compatibility with the immediate area in regards to:

- Wind impacts;
- Shadow impacts; and,
- Transition to adjacent properties.

### Pedestrian Wind Study Outcomes: Wind impacts do not meet City policies

The Official Plan requires, in regard to tall buildings, to:

- Assess potential impacts of wind on surrounding neighbourhoods (8.9.1iii);
- Ensure maintenance of an inviting and comfortable public realm (11.1.8.1.4); and,
- Minimize wind impacts on adjacent properties (9.3.1.1.9)

This review is based on the Pedestrian Wind Study (dated November 25, 2019). A summary of the outcomes include the following:

- At the southwest and northwest building corners the wind study shows the proposal does not meet the Wind Study wind safety criterion.
- Potentially uncomfortable conditions are predicated along Farquhar Street, Wyndham Street and Fountain Street. Uncomfortable wind speeds are higher than desired for sidewalks and walkways.
- Wind speeds at the main entrances are predicted to be potentially slightly too windy for the intended pedestrian use.

In response the above concerns, the Pedestrian Wind Study includes the following:

- Satisfactory wind speeds can be achieved through the use of large building setbacks, deep canopies or windscreens or dense coniferous or marcescent landscaping. These should be validated through the Site Plan approval stage.

Based on the City of Guelph Pedestrian Level Wind Studies Terms of Reference, urban design staff has the following concerns related to the pedestrian level wind study submitted:



## Attachment-9 Urban Design Comments 7/11

- The proposal does not meet the Wind Comfort and Safety Criteria of the City's terms of reference.
- The Wind Study criteria excerpted in 2.3 of the report are not the same as those identified in the City of Guelph Pedestrian Level Wind Studies Terms of Reference.
- In particular, where a safety criterion is exceeded, wind mitigation is required (not "typically" required). Given that this is a 0m lot line building, the placing of canopies, windscreens or landscaping is not generally a viable option. In other words, it is not acceptable for the wind mitigation measures to rely on adding additional elements to the City's rights-of-way.
- The concern identified by the wind study on the public realm with regard to "uncomfortable conditions" on adjacent streets has not been adequately addressed. This is particularly important along Farquhar Street which should be designed to "accommodate high volumes of pedestrian traffic to and around the [major transit] station (policy 11.1.4.3.2).
- The concern identified wind speeds at main entrances has also not been adequately addressed through the study or the design.
- Impacts on the amenity space of 90 Fountain Street E. have not been addressed by the study.

Given that:

- this application proposes to substantially increase the building height on this site;
- wind impacts are in large part a function of building height; and,
- this is a 0m lot-line condition building,

Staff do not agree that this can be addressed through the site plan approval stage. As stated in the City's Pedestrian Level Wind Studies Terms of Reference, these studies "should be conducted as early as possible in the development application process when building massing can still be altered for wind control".

In summary, based on the safety criteria exceeded within the public realm and the uncomfortable winter conditions identified, which have not been adequately addressed, the proposal does not meet the Official Plan policies in regard to ensuring no negative adverse wind impact.

### **Shadow Study Outcomes: Shadow impacts do not meet City policies**

The Official Plan requires, in regard to tall buildings, to:

- Determine the potential impacts of shadow on the surrounding neighbourhood (8.9.1 iii);
- Minimize and mitigate adverse shadow impacts to ensure an inviting and comfortable public realm (11.1.8.1.4); and,
- Minimize shadow impacts on adjacent properties (9.3.1.1.9).



## Attachment-9 Urban Design Comments 8/11

Based on the City of Guelph Sun and Shadow Study Terms of Reference, urban design staff has the following concerns related to the study submitted:

- Criterion 3.1 regarding shadow impacts on the opposite Farquhar Street sidewalk is not achieved. On September 21 at 12pm, the opposite sidewalk is in shade. Therefore the study does not show full sunlight at 12pm, 1pm and 2pm as required by this criterion.
- The shadow study does note that "there is limited pedestrian traffic in this area as it is currently facing a parking lot." Staff does not agree with this justification especially given policy 11.1.4.3.2 of the Official Plan that states that Farquhar Street should be designed to "accommodate high volumes of pedestrian traffic to and around the [major transit] station."
- The shadow study notes that the criterion 1 (Residential Amenity Spaces) in regards to the adjacent property to the east is not met. Staff does not agree that the existing vegetation justifies the exceeding of this criterion.

In summary, based on not meeting the criterion of the Sun and Shadow terms of reference with no adequate justification, the proposal does not minimize or mitigate adverse shadow impacts on the public realm (i.e. Farquhar Street) or the adjacent property.

### **Transition: The development does not meet policies for transition to adjacent properties**

The Official Plan contain as number of policies in regard to transition between tall buildings and surrounding areas:

- Where proposed buildings exceed the built height of adjacent buildings, the City may require the new buildings to be stepped back, terraced or set back to reduce adverse impacts on adjacent properties and/or the streetscape (8.11.2).
- The massing and articulation of buildings taller than six storeys shall provide appropriate transitions to areas with lower permitted heights (11.1.7.2.3 h).

Furthermore, the Downtown Built Form Standards include the following:

While angular planes may be used to evaluate developments throughout the downtown, special consideration should be given to the use of angular planes in and adjacent to Historic House-Based Character Areas (Performance Standards #15, pg 52).

This site is partially in and partially adjacent to the Historic House-Based Character Area. Therefore angular planes should be used to evaluate the massing, height and transition to adjacent properties, in particular to the east and south-east.

## Attachment-9 Urban Design Comments 9/11

The Downtown Built Form Standards contains rear yard and front yard angular plane provisions that the applicant has included in their building sections drawings.

In regards to the front yard angular plane provision, the Downtown Built Form Standard provision is designed for containing the massing of a shorter building (i.e. less than 10 storeys). Therefore, while this standard is not meant to apply to a building of this height, it is important to note that this standard would apply to a 6 storey building (as required by the Official Plan). The proposal submitted does not meet the front yard angular plane performance standard.

In regard to the rear angular plane, the development is adjacent to existing low-rise residential development. This being said, the Downtown Secondary Plan designates the lands to the east as Institutional or Offices (which does not permit residential). However, given that the proposal is greater than 10 storeys, the Downtown Built Form Standards states that the rear yard angular plane provisions should apply. As illustrated by the applicant, the proposal greatly exceeds the angular plane and transition test. Therefore the application does not comply with this performance standard.

In addition, as illustrated in the following rendering, the transition to the building to the east is also a concern from an overlook perspective.



Although there is existing vegetation in this location, the amount of glazing, building setback and the lack of conformance to the angular plane provision standards, the proposal does not conform to the Official Plan policies to provide

## Attachment-9 Urban Design Comments 10/11

appropriate transitions to areas with lower permitted heights or reduce adverse impacts on the adjacent properties. Appropriate building massing has not been achieved.

### Other Urban Design Comments

Based on the proposal, urban design staff have additional comments based on the building design and elevations submitted:

- The proposed building does not have a distinctive building top as required for tall buildings (Official Plan policy 8.9.1i); and,
- Loading and servicing along Farquhar is not screened therefore does meet Official Plan Policy 11.1.7.2.4 b).

### Conclusions

This development application portrays a profound disregard for local context from an urban design, heritage and policy perspective. From an urban design perspective the proposal is not supportable for the following reasons:

- It proposes a development that is out of scale with the existing and planned context, including a height and density that is without precedent anywhere within the City of Guelph or within the Official Plan.
- It ignores the over 190 years of planning Guelph, as outlined in the Official Plan, by proposing the tallest building in Guelph in the heart of the Downtown, on a high topographic point, which results in a building that is significantly taller than the Basilica of Our Lady. Based on building height and geodetic elevation, the proposal will be the tallest building in Downtown Guelph. This is not a strategic site from an urban design, topographic or historic context. The proposal does not meet the intent of the Official Plan or its urban design framework.
- It disregards the careful design-led Downtown Secondary Plan that was an outcome of an exhaustive public process. The Secondary Plan received an OPPI Award in 2013. The Secondary Plan carefully balances the historic and urban design context with the imperative to accept additional density as per the provincial policy. This major site-specific Official Plan Amendment does not conform to the Downtown Secondary Plan or indeed its framework for accommodating growth.
- The site will dramatically changes the image and experience from the historic core. The site bounds the south side of the historic Market Ground with its already established mid-rise character on its north side. Based on this, a mid-rise building as permitted by the Official Plan is more appropriate.
- The proposal is not compatible with the surrounding area. The proposal does not conform to the Official Plan policies to provide appropriate transitions to areas with lower permitted heights or reduce adverse impacts on the adjacent properties. The development proposal does not meet the City's criteria for wind studies or sun/shadow studies. Based on this, the proposal does not meet the Official Plan policies regarding mitigating wind and shadow impacts. A building of this height in this location is too tall.



## Attachment-9 Urban Design Comments 11/11

- The proposal does not meet other urban design-related Official Plan policies for building design, including the Official Plan requirements for distinctive building tops, and the screening of loading areas.
- The Downtown Secondary Plan represents comprehensive, integrated and long-term policies that should not be changed by significant ad-hoc site specific amendments that are not consistent with the urban design policies of the Official Plan. The proposal is in excess of the appropriate scale of development that can be sufficiently supported within the existing urban design framework.

Prepared by:

**David de Groot**

Senior Urban Designer

519.822.1260 ext. 2358

[David.deGroot@guelph.ca](mailto:David.deGroot@guelph.ca)

ATTACHMENT 1: Height Comparison Study

ATTACHMENT 2: View Impacts of Proposed Development

Note: Both attachments have been incorporated into the Planning Recommendation Report (2020-04) as Attachments 7 and 8 respectively.

# Internal Memo



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Date	March 13, 2020
To	<b>Katie Nasswetter</b>
From	Stephen Robinson
Service Area	Infrastructure, Development and Enterprise Services
Department	Planning Services
<b>Subject</b>	<b>70 Fountain St/75 Farquhar St: Official Plan and Zoning Bylaw Amendment Application – Heritage Planning Comments</b>

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Heritage Planning staff provides the following comments based on the **Cultural Heritage Resource Impact Assessment in Support of Proposed Redevelopment of the Property at 75 Farquhar Street / 70 Fountain Street** by CHC Limited dated November 2019.

Heritage planning staff has concentrated on reviewing the proposed development using the Ontario Heritage Act and O. Reg 9/06 as well as applicable cultural heritage policies from the Provincial Policy Statement (2014) and the City of Guelph's Official Plan, Downtown Secondary Plan and Downtown Built Form Standards.

### Introduction

The proposed development at 75 Farquhar Street/70 Fountain Street East (Attachment 1) involves several challenging heritage planning issues. These can be summarized as follows:

- a significant built heritage resource that is both rare and an anomaly in the architectural history of this area of downtown Guelph
- a CHRIA that does not define this proposed development's impact on the listed heritage building as demolition
- a CHRIA that states the subject property has cultural heritage value and yet still supports demolition with no reasonable mitigation
- a CHRIA that considers complete demolition and reuse of salvageable materials in a new building design that does not resemble the original as acceptable heritage conservation
- a proposed development that would locate excessive height beside protected heritage properties and many significant listed built heritage



## **Attachment-9 Heritage Planning Comments 2/23**

resources within the context of the Market Ground, an identified heritage character area and part of a candidate cultural heritage landscape

### **Cultural Heritage Resource Policy Context**

Policy 2.6.1 of the Provincial Policy Statement states that significant built heritage resources and significant cultural heritage landscapes shall be conserved.

According to PPS Policy 2.6.3, Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

The objectives of the City's Official Plan (section 4.8) ensure that all new development, site alteration, building alteration and additions are contextually appropriate and maintain the integrity of all in situ cultural heritage resources or adjacent protected heritage properties.

Section 4.8.1 (14) states that it is preferred that cultural heritage resources be conserved in situ and that they not be relocated unless there is no other means to retain them.

Section 4.8.5 (2) describes Council's ability to, in consultation with Heritage Guelph, remove non-designated properties from the Heritage Register, provided it has been demonstrated to the satisfaction of Council, through a Cultural Heritage Review or an appropriate alternative review process, that the property is no longer of cultural heritage value or interest.

Section 4.8.5 (6) states that built heritage resources and cultural heritage landscapes that have been listed in the Heritage Register shall be considered for conservation in development applications initiated under the Planning Act, unless the applicant demonstrates to Council in consultation with Heritage Guelph, through a Cultural Heritage Resource Impact Assessment, Scoped Cultural Heritage Resource Impact Assessment or Cultural Heritage Review, that the built heritage resource or cultural heritage landscape is not of cultural heritage value or interest and, therefore, does not meet the criteria for designation under the Ontario Heritage Act.

### **Cultural Heritage Value or Interest**

The subject property contains a built heritage resource that has cultural heritage value and has been listed as non-designated on the Heritage Register of Cultural Heritage Resources. Built in 1958 in the International Style, an architectural design style popular for government office buildings in the mid-20<sup>th</sup> century, the Federal Building was built to house services relocated from the Customs Building being demolished at that time in St. George's Square. Very few examples of mid-20<sup>th</sup> century architectural design of cultural heritage value have been built in Guelph's downtown as most of its Victorian and Edwardian built form and scale has been conserved within the core of Galt's original town plan.

## **Attachment-9 Heritage Planning Comments 3/23**

Staff and Heritage Guelph have concurred with the CHRIA report that 75 Farquhar St/70 Fountain St is a significant heritage building for its time. The Federal government's plans for the building were carried out under the supervision of Guelph architect T. Alan Sage. The building has been presented as an example of the International Style on Shannon Kyles' "Ontario Architecture" website. (Attachment 2). However, the subject building is both rare and an anomaly in the architectural history of this area of Guelph.

In 1960 T. Alan Sage designed the Guelph Hydro Building using similar materials (Attachment 2).

### **Conservation vs. Demolition/Salvage**

On page 35 of the CHRIA report, CHC Limited offers two conflicting statements in its explanation of "how does the proposal fare with respect to adhering to the principles, objectives and targets in the City's Downtown Secondary Plan?" CHC's answer begins by stating that "75 Farquhar Street / 70 Fountain Street qualifies as a significant heritage structure" then describes the development intention to demolish the significant listed built heritage resource so that "Its heritage attributes are conserved in a new structure that re-uses the three facades that face the streets surrounding it."

The Official Plan defines the term conserved as "the identification, protection, use and/or management of cultural heritage resources and archaeological resources in such a way that their heritage attributes and integrity are retained. This may be addressed through a cultural heritage conservation plan or cultural heritage resource impact assessment."

Staff is not of the opinion that complete demolition and reuse of salvageable materials in a new building design that does not resemble the original building can be defined as conservation of the integrity of the heritage attributes of a built heritage resource. In its recommendation to Heritage Guelph, Heritage Planning staff suggested that an opportunity exists to retain more of the integrity of the original building's heritage attributes by reconstructing aspects of the three street-facing facades of the main block of the Federal Building at the ground to third floor of the podium of a proposed new building development.

### **Development Adjacent to Protected Heritage Properties**

The proposed development site is adjacent to two protected heritage properties. The Alling house built in the 1830s at 81 Farquhar Street (Attachment 3, Figure 10) and the Drill Hall built in 1868 at 72 Farquhar Street (Attachment 3, Figure 14). Both properties are protected under individual heritage designation bylaws. Although the Armoury at 7 Wyndham Street South (Attachment 3, Figure 15) is a recognized Federal Heritage Building in the custodianship of the Department of National Defence it is not protected under Federal legislation and therefore not a protected heritage property as defined in the Provincial Policy Statement.

The subject property is adjacent to numerous listed heritage properties and the subject real property is part of the historic Farquhar Street streetscape which is part of the Market Ground area identified as a heritage character area in the

## Attachment-9 Heritage Planning Comments 4/23

downtown Built Form Standards and also part of the Old Downtown candidate cultural heritage landscape identified in the draft Cultural Heritage Action Plan.

### **Building Height within a Heritage Character Area and Candidate Cultural Heritage Landscape**

Galt's 1827 plan for the Town of Guelph contained what have been described as four "big moves": Catholic Hill; St. George's Square; the Burying Ground; and the Market Ground. These four areas continue to be some of downtown Guelph's most significant heritage attributes (Attachment 4, Figures 19 and 20).

The Market Ground is still easily identified as the area within Carden Street, Wilson Street, Freshfield St and Farquhar St including the street walls that front onto this area. Galt's 1827 plan shows the Market House (Town Hall) in the centre of the Market Ground. The arrival of the railway in 1856 would bisect the Market Ground and create sections that became space for a Drill Hall, a fairground/baseball diamond and by 1909 the City's Armoury. Five of the buildings within the Market Grounds CHL have already been protected by designation bylaws under the Ontario Heritage Act (Attachment 4, Figure 23).

In the preparation of the Downtown Streetscape Manual & Built Form Standards a committee was formed to assess heritage qualities within the Downtown Secondary Plan study area in consultation with municipal planning staff and Heritage Guelph. The purpose of the review was to assist in developing a heritage layer to support and enhance the description of the six character areas. The review furthered important discussion of potential heritage conservation districts or the delineation of historic precincts of special municipal significance within the Secondary Plan.

The Heritage Character Area Survey completed by the members of Heritage Guelph resulted in the identification of ten separate heritage character areas (Attachment 5). The character areas have un-delineated boundaries to allow for a degree of interpretation.

The underlay of these character areas provided the basis for the description of the heritage attributes in the six Downtown Guelph Character Areas and provided background to encourage the discussion of the merits for potential heritage conservation districts within and adjacent to the study area.

Design principles have been developed for the six character areas to insure that site and building design supports the unique characteristics, Downtown Secondary Plan policies, and Strategic Assessment recommendations for each area.

The Downtown Streetscape Manual & Built Form Standards states that "the future success of Downtown Guelph is dependent on how built heritage resources and the cultural heritage landscape are conserved and integrated into the built form and physical landscape context. Heritage conservation in an urban context presents an opportunity to enhance and maintain the inheritance of the early and more recent city builders. Planning is about the management of change. New design compatible with the existing heritage built form and the original Town Plan streetscapes will produce a high quality built environment."



## Attachment-9 Heritage Planning Comments 5/23

Attachment 5 (Figure 7 in the CHRIA by CHC Limited, November 2019) presents the ten heritage character areas identified in the downtown Built Form Standards. The author describes the neighbourhood south of the railway tracks as the "Upper Neeve Village" heritage character area identified by the Heritage Character Area Survey. It is important to point out that the character areas identified in the Downtown Streetscape Manual and Built Form Standards have un-delineated boundaries to allow for a degree of interpretation and that the hard line of the Market Place heritage character area can easily include the buildings that front on Farquhar Street. While it is true that the Upper Neeve Village is adjacent to the subject property, what CHC does not point out is that the "Market Place" heritage character area includes both the north and south sides of the railway tracks and that the subject property plays an important anchor role as a corner property at Wyndham and Farquhar Streets and is a major contributor in the delineation of the southern boundary of the Market Place (or Market Ground) heritage character area.

Figure 25 in Attachment 6 (Figure 62 in the CHRIA by CHC, November 2019) presents the "Old Downtown" candidate cultural heritage landscape (CHL) area identified by the City's current draft Cultural Heritage Action Plan. The candidate CHL boundaries are also in a preliminary form and hard line boundaries would only be confirmed after the candidate CHL area has undergone formal study (e.g. as a potential heritage conservation district). The Old Downtown CHL area includes several significant component areas, such as the "Upper Neeve Village" area and the Market Ground.

Figure 26 in Attachment 7 (Figure 36 in the CHRIA by CHC Limited, November 2019) presents a 2017 aerial photo that shows how the Official Plan has avoided highrise development in areas at or too close to the Market Ground area. The properties with an eight-storey maximum would be far enough away to avoid a negative impact to what historically has been a mid-rise building form along the north side of the Market Ground.

The photos in Attachments 3 and the City's GIS map image in Attachment 8 show the Market Ground area, the street addresses that front onto the area and the street walls that help to define the Market Ground.

### Heritage Planning staff recommendations

(as provided to Heritage Guelph's meeting of February 10, 2020)

- That the listed built heritage resource at 70 Fountain Street East /75 Farquhar Street has cultural heritage value or interest as it is a rare example in Guelph of the International Style in architecture and demonstrates the work of T. Allan Sage an architect who is significant to the Guelph community; and
- That the heritage attributes of the subject property include the
  - scale, massing and method of dealing with the sloping site
  - limestone and dark granite veneer exterior walls

## Attachment-9 Heritage Planning Comments 6/23

- glazed and solid panel curtain wall sections; and
- That the development (OZS19-015) proposes complete demolition of the listed built heritage resource at 70 Fountain Street East /75 Farquhar Street with a mitigation plan to salvage only the limestone and dark granite veneer panels for reapplication in the upper areas of the podium of the proposed building; and
- That while staff supports the retention of built heritage resources, staff does not recommend that Council protect 70 Fountain Street East / 75 Farquhar Street through individual designation under section 29, Part IV of the Ontario Heritage Act, and;
- That Heritage Guelph has no objection to the property known as 70 Fountain Street East / 75 Farquhar Street being removed from the Municipal Register of Cultural Heritage Properties, and;
- That Heritage Guelph encourages the proponent to consider retaining heritage attributes and salvageable elements of the building (e.g. exterior limestone and granite veneer panels) for possible reuse and integration into proposed new construction on the property, and;
- That although the listed built heritage resource at 70 Fountain Street East /75 Farquhar Street is a representative example of mid-20<sup>th</sup> century development and architectural design in the downtown area, it is not physically, visually or historically linked to its surroundings, and;
- That a 3 to 6-storey building proposed on this site with appropriate step backs for upper floors would not only be more appropriate in relative scale with the adjacent protected heritage properties but would also serve to maintain and support the historic scale, massing and character of the Market Ground area of the Old Downtown cultural heritage landscape; and
- That staff advises Council that the proposed building design and the related Cultural Heritage Resource Impact Assessment (CHC Limited - Nov 29, 2019) should be revised to better integrate the salvaged elements into the podium design and reduce the overall building form to better integrate with the site and its historical context.

At their meeting of February 10, 2020 Heritage Guelph's carried the following [draft] recommendations:

- That the listed built heritage resource at 70 Fountain Street East /75 Farquhar Street has cultural heritage value or interest as it is a rare example in Guelph of the International Style in architecture and demonstrates the work of T. Allan Sage an architect who is significant to the Guelph community; and



## **Attachment-9 Heritage Planning Comments 7/23**

- That the heritage attributes of the subject property include: the scale, massing and method of dealing with the sloping site; limestone and dark granite veneer exterior walls; and glazed and solid panel curtain wall sections;
- That the built heritage resource at 70 Fountain Street East/75 Farquhar Street be retained on the Heritage Register
- That a 3 to 6-storey building proposed on this site with appropriate step backs for upper floors would not only be more appropriate in relative scale with the adjacent protected heritage properties but would also serve to maintain and support the historic scale, massing and character of the Market Grounds area of the Old Downtown cultural heritage landscape
- That a 3 to 6-storey building proposed on this site with appropriate step backs for upper floors would not only be more appropriate in relative scale with the adjacent protected heritage properties including; the Alling House at 81 Farquhar Street, the Drill Hall at 72 Farquhar Street and the Armoury at 7 Wyndham Street South, but would also serve to maintain and support the historic scale, massing and character of the Market Ground area of the Old Downtown cultural heritage landscape.
- That Heritage Guelph recommends that Council direct staff to issue a Notice of Intention to Designate the property 70 Fountain Street East/75 Farquhar Street under section 29, Part IV of the Ontario Heritage Act.

## Attachment-9 Heritage Planning Comments 8/23

### Attachment 1 – Current Photos of Subject Property

Figure 1 – Subject building fronting Farquhar Street.



Figure 2 - Subject building fronting Wyndham Street North.



## Attachment-9 Heritage Planning Comments 9/23

Figure 3 - Subject building fronting Fountain Street East.



Figure 4 - 2-storey block at rear facing Fountain Street East.



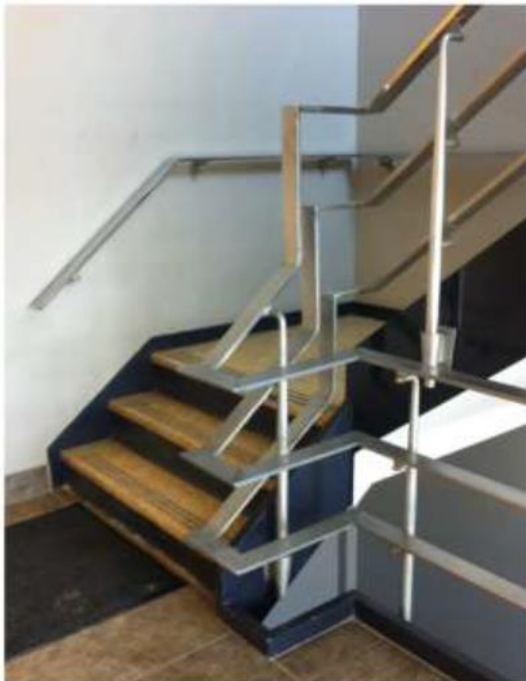


## Attachment-9 Heritage Planning Comments 10/23

Figure 5 – Rear of building from Farquhar Street.



Figure 6 - Stair railings.



## Attachment-9 Heritage Planning Comments 11/23

### Attachment 2 - International Style

Figure 7 - Subject property as example of International Style on Shannon Kyles' Ontario Architecture website at <http://www.ontarioarchitecture.com>



Figure 8 - Guelph Hydro Building, 104 Dawson Road, built 1960. T. Alan Sage, architect.





## Attachment-9 Heritage Planning Comments 12/23

### Attachment 3 – Current street views on Market Ground area

Figure 9 - Farquhar Street from Wyndham Street South.



Figure 10 - Alling house at 83 Farquhar Street (inset photo from 1930s).



## Attachment-9 Heritage Planning Comments 13/23

Figure 11 – 95 and 91 Farquhar Street.



Figure 12 - 111 and 97 Farquhar Street.





## Attachment-9 Heritage Planning Comments 14/23

Figure 13 - Train Station at 79 Carden Street and Drill Hall at 72 Farquhar Street at right.



Figure 14 - Drill Hall 72 Farquhar Street with inset photo from 1939.



## Attachment-9 Heritage Planning Comments 15/23

Figure 15 - Armoury at 7 Wyndham Street North and Drill Hall at 72 Farquhar Street.



Figure 16 - Carden Street from Farquhar Street.





## Attachment-9 Heritage Planning Comments 16/23

Figure 17 - Carden Street from Wyndham Street North



Figure 18 - Wilson Street at Northumberland Street





## Attachment-9 Heritage Planning Comments 17/23

### Attachment 4 – Historic images related to the Market Ground area

Figure 19 - Plan of the Town of Guelph, 1827.



Figure 20 - Detail from Plan of the Town of Guelph, 1827.

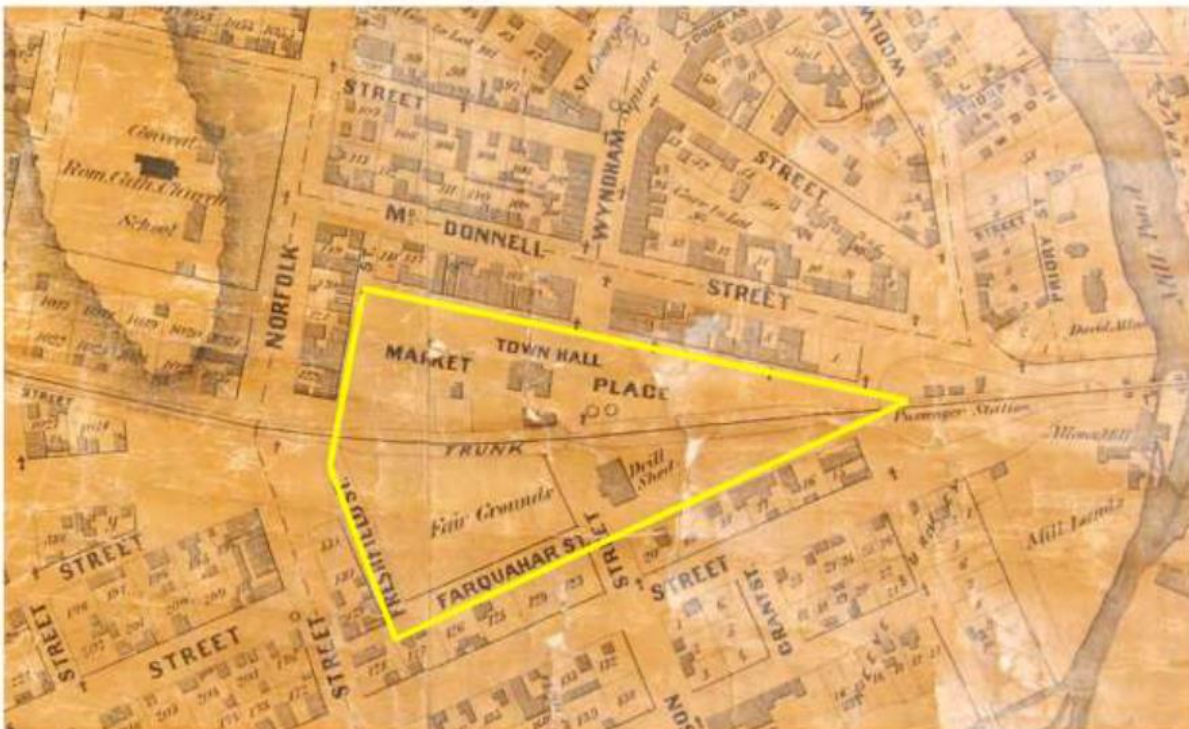


## Attachment-9 Heritage Planning Comments 18/23

Figure 21 – Detail from a Bird's Eye View of Guelph, 1872.

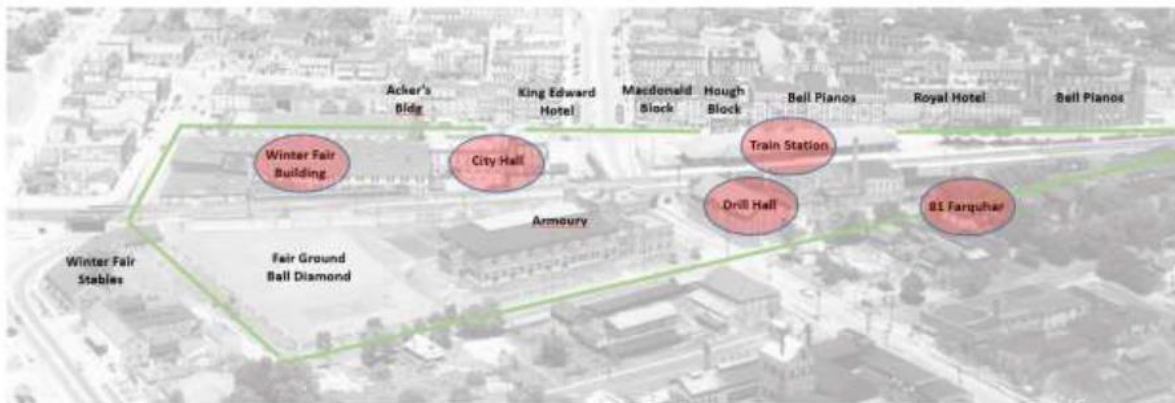


Figure 22 - Detail from Cooper's Map of Guelph, 1874.



## Attachment-9 Heritage Planning Comments 19/23

Figure 23 - Detail from 1931 aerial photo of the City of Guelph with overlay showing four protected heritage properties.





## Attachment-9 Heritage Planning Comments 20/23

### Attachment 5 – Heritage Character Areas identified in City of Guelph Downtown Streetscape Manual & Built Form Standards

Figure 24 - Heritage Character Areas

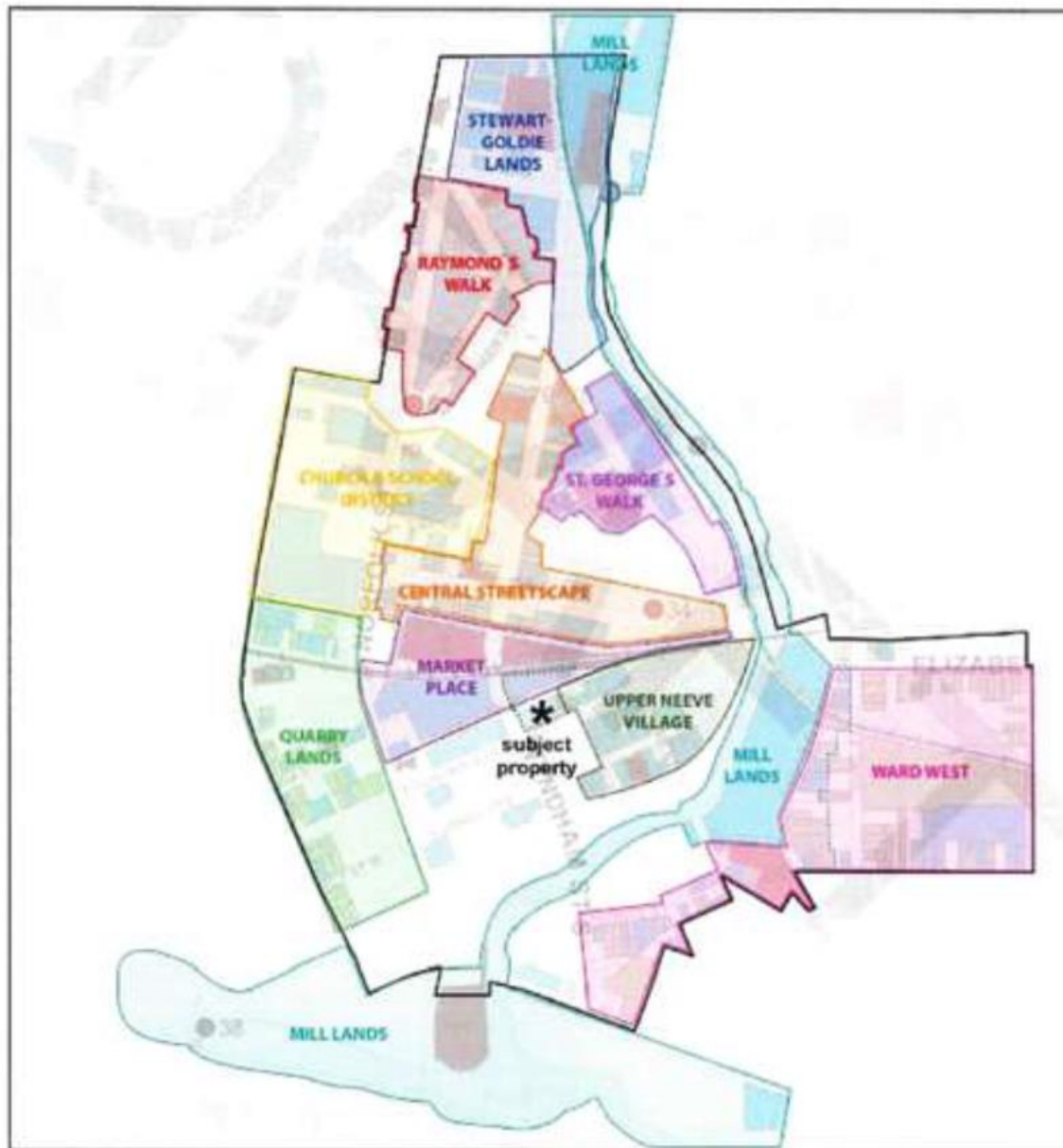


Figure 7

Heritage Guelph identified cultural heritage landscapes & subject property<sup>3</sup>



## Attachment-9 Heritage Planning Comments 21/23

### Attachment 6 – Detail from map of Candidate Cultural Heritage Landscapes in Guelph

Figure 25 - Detail from Candidate Cultural Heritage Landscapes in Guelph (from page B-15 of draft Cultural Heritage Action Plan, November, 2019)

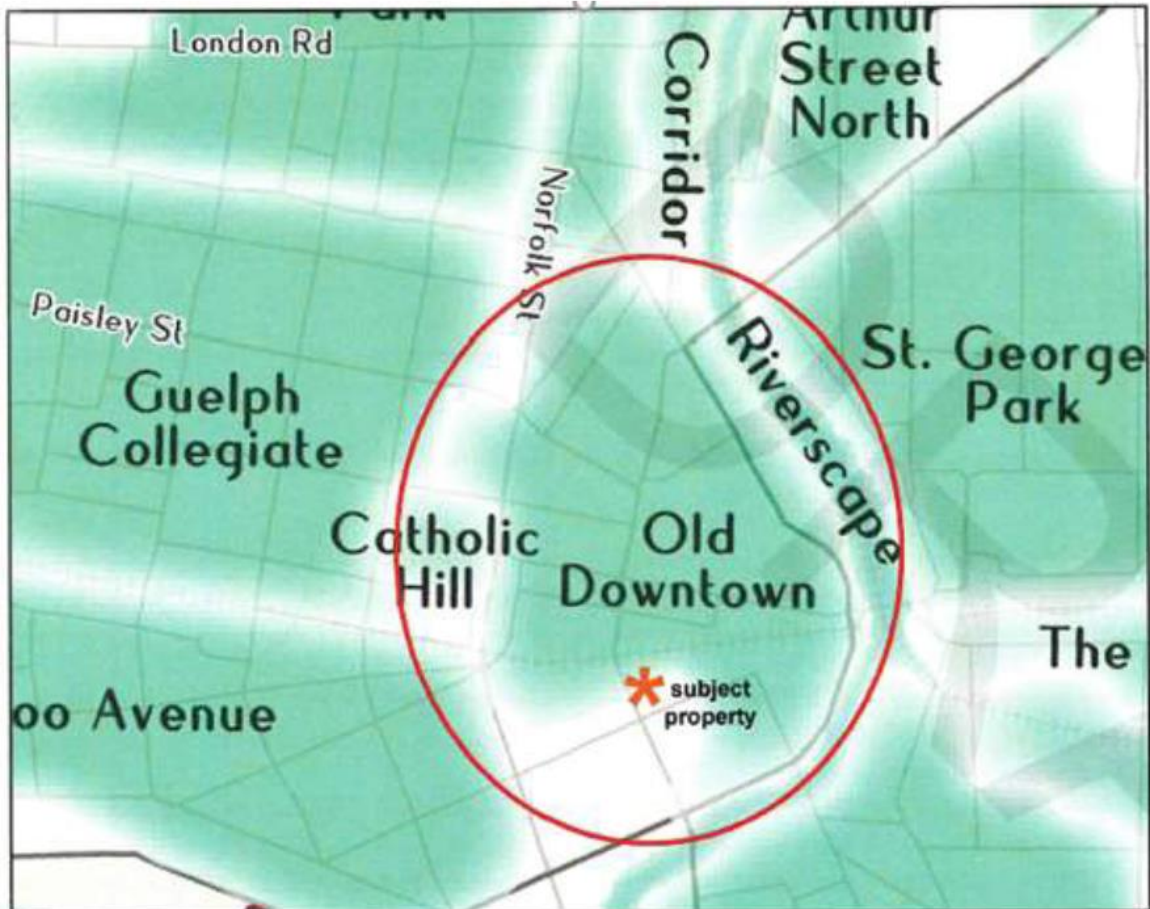


Figure 62 from: City of Guelph Cultural Heritage Action Plan (DRAFT), MHBC, March 2019 - CCHL-18 page 1 of 2

## Attachment-9 Heritage Planning Comments 22/23

### Attachment 7 – Aerial Photo of Subject Property Area

Figure 26 – Image from CHRIA by CHC Limited (Figure 36) a 2017 aerial photo showing part of the Market Ground area.



Figure 36

from the west to subject property - August 7, 2017

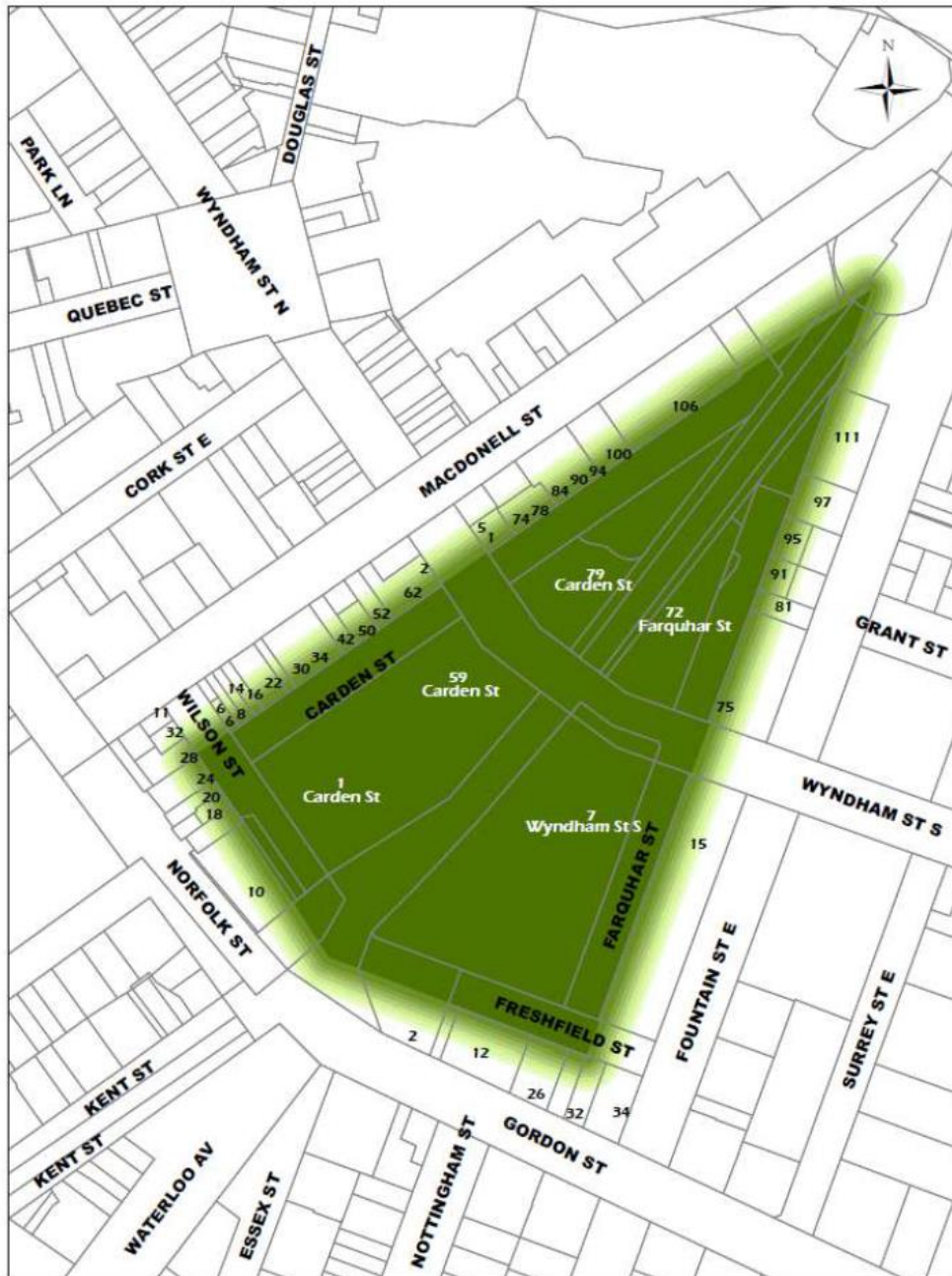
[https://commons.wikimedia.org/wiki/File:Guelph\\_Downtown\\_Aerial.jpg](https://commons.wikimedia.org/wiki/File:Guelph_Downtown_Aerial.jpg) - Bill Carius pilot/photographer



## Attachment-9 Heritage Planning Comments 23/23

**Attachment 8 - Market Ground area, the street addresses that front onto the area and the street walls that help to define the Market Ground.**

Figure 27 - Market Ground area (City of Guelph GIS)



## Attachment-9 Engineering Comments 1/5

# MEMO



FILE: 16.13.001

**TO:** Katie Nasswetter, Senior Development Planner  
**FROM:** Shophan Daniel, Engineering Technologist III  
**DEPARTMENT:** Engineering and Transportation Services  
**DATE:** March 3, 2020  
**SUBJECT:** 70 Fountain Street – Zoning By-law/Official Plan Amendment – OZS19-015

An application for a Zoning By-law Amendment has been received for the property municipally known as 70 Fountain Street from Skydevco Inc., on behalf of Skyline Commercial Real Estate Holdings Inc. The application has been submitted to allow the development of a 25 storey mixed use building containing retail and office space together with 180 apartment units on the subject site. The Official Plan Amendment and Zoning By-law Amendment applications were received by the City on December 4, 2019 and deemed to be complete on January 2, 2020.

The subject site has an area of 0.213 hectares and is currently developed with a two storey office building containing several commercial and office uses. The site slopes to the south, so the site appears to be two storeys from Farquhar Street and three storeys from Fountain Street.

The purpose of the proposed Zoning By-law Amendment is to change the zoning from the specialized “Central Business District” (CBD.1-1) Zone to a specialized “Downtown 1” (D.1-?) Zone. A specialized Downtown 1 zone is required to permit the proposed mixed use building to be 25 storeys instead of the three storeys allowed in the standard zone.

The applicant is proposing to redevelop the site by demolishing the existing 2 storey office building and building a 25 storey high mixed use building. The mixed use building is proposed to contain approximately 3900 square feet of ground floor retail space and 67,000 square feet of office floor space on the first four floors which make up the podium of the building. Above the fourth floor is a 21 storey tower containing 180 apartment units. Parking is located in four underground parking levels, with a total of 207 parking spaces provided.

Staff comments are based on the following reports and plans listed below:

- Proposed Massing, Conceptual Site Plan and Floor Plans, prepared by SRM Architects Inc., dated November 7, 2019;
- Transportation Impact Assessment, Transportation Demand Management and Parking Study, prepared by Paradigm Transportation Solutions Ltd., dated November 2019;
- Functional Servicing and Storm Water Management Report, prepared by Walter Fedy, dated November 12, 2019;
- Phase I Environmental Site Assessment, prepared by Pinchin Ltd., dated June 3, 2016;
- Revised Phase I Environmental Site Assessment, prepared by Pinchin Ltd., dated November 18, 2019;

**Engineering Services**  
Infrastructure, Development & Enterprise

T 519-837-5604  
F 519-822-6194  
engineering@guelph.ca



## MEMO

- Noise & Vibration Impact Study, prepared by RWDI, dated November 22, 2019.

### 1. Road Infrastructure:

*Wyndham Street South* abutting the subject property is designated as a two (2) lane Arterial road with an urban cross section, grass boulevard on both sides, asphalt pavement, curb and concrete sidewalk on both sides of the street. The ultimate right-of-way width of Wyndham Street abutting the property is approximately 30.00 metres, therefore no road widening is required.

*Fountain Street East* abutting the subject property is designated as a two (2) lane local road with grass boulevard on both sides, asphalt pavement, curb and concrete sidewalk on the south sides of the street. There is also sidewalk located along the flankage of the subject property. The ultimate right-of-way width of Fountain Street abutting the property is 30.00metres therefore no road widening is required.

*Farquhar Street* abutting the subject property is designated as a two (2) lane local road with grass boulevard on both sides, asphalt pavement, curb and concrete sidewalk on both sides of the street. The ultimate right-of-way width of Fountain Street abutting the property is 20.00 metres therefore no road widening is required.

### 2. Traffic Study, Access, Parking and Transportation Demand Management:

Transportation Services staff have reviewed the submission “*Mixed-use Development 75 Farquhar Street / 70 Fountain Street Guelph, Ontario, Transportation Impact Assessment, Transportation Demand Management and Parking Study,*” dated November 2019. We offer the following comments.

- Both Gordon Street and Wyndham Street are identified as north-south arterial roadways, while Fountain Street and Farquhar Street as east-west local roadways. However, intersection approaches in Figures 2.5a, 2.5b and Appendix B have different orientations and the traffic volumes are reversed. Furthermore, the traffic analysis continued with incorrect traffic data input. As a result, staff have insufficient information to provide a recommendation at this time.
- Waste collection vehicles must enter and exit the site in forward facing motion only.
- Planners will review parking demand and supply study.

### **TDM related comments.**

- o The TIS acknowledges that the developer intends to provide the Downtown Zoning Bylaw rate of bicycle parking, both long term and short term. Given the high connectivity to cycling networks in the area, staff encourage the developer to exceed the requirements and provide 1 long-term storage space per residential unit. The commercial and retail long-term bicycle parking acknowledge that these spaces will include change and shower facilities and staff will look for these on the site plans.
- o TDM Staff support that the development intends to provide unbundled parking.
- o The developer may wish to consider consulting with Metrolinx, as the agency is actively seeking additional parking downtown to support growing ridership.

**Engineering Services**  
Infrastructure, Development & Enterprise

T 519-837-5604  
F 519-822-6194  
engineering@guelph.ca

# MEMO

- The TIS makes recommendations to encourage car share on-site. A CommunAuto car share vehicle exists in the Fountain Street Municipal Parking Lot facing the proposed development. CommunAuto currently also has a vehicle at 5 Gordon Street and at Surrey St Medical, within an 8-minute walk

### 3. Municipal Services:

Existing services within the right-of-way along Farquhar Street are as follows:

- 300mm diameter that becomes a 375mm storm sewer
- 200mm diameter sanitary sewer
- 150 mm diameter watermain

Existing services within the right-of-way along Wyndham Street are as follow:

- 1350 mm diameter storm sewer
- 375 mm diameter sanitary sewer
- 300 mm diameter watermain

Existing services within the right-of-way along Fountain Street are as follows:

- 375mm diameter storm sewer.
- 150mm diameter watermain.

A preliminary Servicing Plan shows that the proposed development will be serviced from Wyndham Street for water and wastewater and the storm discharge connection is proposed from Farquhar Street. The proposed connection will be further assessed at the site plan stage.

### Sanitary Sewer Wastewater Collection System and Water Supply/Distribution System.

It has been confirmed that adequate sanitary and water capacity is available to service the proposed development. However, the developer is advised that there is potential for marginal water supply pressure under certain conditions such as peak hour demand scenario at locations with elevation greater than 347 m height above mean sea level (AMSL) and average day demand scenario at locations with elevation greater than 340 m height AMSL in the existing water system. Any means to mitigate this water pressure scenario to meet current Ontario Building Code standards on site, is the responsibility of the developer.

### 4. Storm Water Management & Servicing:

We are aware of significant capacity issues occurring within the existing storm sewer network. It appears that the Hydraulic Grade Line (HGL) is close to surface, and surcharging and surface flooding is expected under the 5 year storm event. As such, it will be required by the applicant to control all events, up to and including the 100 – year, to

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# MEMO

pre- development 2 - year peak flow conditions at a maximum 50% imperviousness. Since no hydrological modeling information was provided in the report staff are unable to comment on the pre and post development peak flow rates generated from the site. Further, staff cannot complete the analysis to determine if the existing storm infrastructure can accommodate the stormwater discharge from this site as flow rates were not provided in the FSR.

Using Miduss, we require the developer to complete the hydrological model of the site showing the peak flow rates in the pre and post development conditions, for all storm events including the 100 – year storm.

### 5. Source Water Protection:

This property is located in a WHPA-B with a Vulnerability Score of 10. Therefore, prior to site plan approval we require the developer to complete the following:

- a Section 59 Policy Applicability Form, (See City's Website)
- a Waste Survey Form and provide me with a Salt Management Plan (Guidance document attached) for review

### 6. Environmental:

Based on the former use of the subject Site as a coal storage yard with historical gasoline underground storage tanks, an RSC filing with the MECP is a mandatory requirement for the Site to be developed as a mixed use residential. In addition, our guideline- (<https://guelph.ca/wpcontent/uploads/DevelopmentGuidelinesContaminatedSites.pdf>) clearly states that if the property is changing from less sensitive to more sensitive use. Therefore, we do not accept ESAs completed outside of O. Reg. 153/04 regulation; please refer to the conditions below:

- Prior to ZBL and OPA approval, the Owner/Developer must submit the Phase One ESA completed per the requirements of O. Reg. 153/04 (as amended) in accordance with the City's guidelines for the development of contaminated or potentially contaminated sites (2016).
- Prior to zoning approval, the Owner/Developer will be required to submit a proof of RSC filling and acknowledgement along with the pertinent environmental reports (Phase Two ESA, Remediation and/or Risk Assessment reports) used in filling RSC for City's records.
- The QP must submit a "Reliance Letter" to indicate that despite any limitations or qualifications included in the reports, the City is authorized to rely on all information and opinion provided in the reports submitted to the City.

### 7. Noise and Vibration Study

For noise and vibration comments, please see peer review memo attached, provided by GHD consultants.

**Engineering Services**  
Infrastructure, Development & Enterprise

T 519-837-5604  
F 519-822-6194  
[engineering@guelph.ca](mailto:engineering@guelph.ca)

## Attachment-9 Engineering Comments 5/5



# MEMO

---

Staff Recommendations:

Based on the aforementioned comments, insufficient information has been provided and Engineering staff cannot support the applications at this time.

A handwritten signature in black ink, appearing to read "Shophan Daniel", is written over a horizontal line.

**Shophan Daniel**  
Engineering Technologist III

A handwritten signature in blue ink, appearing to read "Mary Angelo", is written over a horizontal line.

**Mary Angelo**  
Supervisor, Development Engineering

**Engineering Services**  
Infrastructure, Development & Enterprise

T 519-837-5604  
F 519-822-6194  
engineering@guelph.ca



# Attachment-9 Noise/Vibration Peer Review 1/4



February 25, 2020

Reference No. 11198562

Mr. Shophan Daniel  
City of Guelph  
1 Carden Street  
Guelph, Ontario  
N1H 3A1

Dear Mr. Daniel:

**Re: Peer Review of Noise and Vibration Impact Study  
Proposed Mixed Use Development  
70 Fountain Street East, Guelph, Ontario**

## 1. Introduction

GHD Limited (GHD) was retained by the City of Guelph (City) to complete a Peer Review of the Noise and Vibration Impact Study submitted in support of the proposed mixed use development located at 70 Fountain Street East in Guelph, Ontario (Site).

The following documents were reviewed:

- Noise and Vibration Impact Study (Study), dated November 22, 2019 and prepared by RWDI.

The results of our Peer Review are detailed herein.

## 2. Review Discussion

### 2.1 Rail Traffic Growth Rates

Per the study *"Current rail volumes were assumed to grow at a rate of 2.5% per annum for the 10-year horizon (2029)." However, the City of Guelph Noise Control Guideline (NC Guideline) dated November, 2018 requires that "rail traffic data must be requested from the rail line owner(s) and/or operator(s), and must include worst-case forecasted volumes and train configurations to at least 10 years beyond the anticipated construction completion date. In the absence of information from the railway companies on the future rail traffic volume, the existing data should be increased at annual rate of 2.5% for a minimum of 10 years after the expected construction completion date."*

The Traffic Impact Study prepared by Paradigm Transportation Solutions Limited notes that *"The development is expected to be completed by 2024."*

#### *GHD Response*

GHD recommends the Study update the traffic forecast to be consistent with the Guelph Noise Control Guideline and anticipated construction completion date.

## Attachment-9 Noise/Vibration Peer Review 2/4



### 2.2 Stationary Noise Assessment

The Study notes that *"A site visit was conducted September 20th, 2019, from 4:45AM until 11:00AM for vibration measurements and a site walk to observe the acoustic environment in the surrounding are."*

Based on a review of the aerial imagery and with consideration of the height of the proposed development, additional noise sources are visible at Guelph City Hall and the Guelph Provincial Offences Court which have the potential to impact the development.

#### *GHD Response*

GHD recommends the Stationary Noise Assessment include the stationary and emergency (if applicable) noise sources from Guelph City Hall and the Guelph Provincial Offences Court.

### 2.3 Feasibility Noise Study Requirements

The Guelph NC Guideline lists the items which should be included in a Feasibility Noise Study. The following item(s) have not been provided.

1. *"Scale Plan(s) identifying distance and angles between sources and receptors."*

It further requires that:

1. *"In all cases, stationary noise source assumptions must be clearly stated in the report and supported by included data and references."*
2. *"Prediction of stationary noise levels and impacts to points of reception may be determined using alternate computerized software including 3D noise mapping software. In all cases the report must outline all model assumptions used, and contain sufficient input and output data including a complete sample calculation."*

#### *GHD Response*

GHD recommends additional information be provided to clarify the modelling assumptions, input, and output data.

### 2.4 Warning Clauses

The Guelph NC Guideline requires that the following clause be included in all cases: *"The Transferee covenants with the Transferor that the below clause, verbatim, will be included in all subsequent Agreements of Purchase of sale or lease and Sale and Deeds conveying the lands described herein, which covenant shall run with the said lands and is for the benefit of the subsequent owners and renters of the said lands and the owner of the adjacent road."*

#### *GHD Response*

GHD recommends the Study include the required Guelph Noise Control Guideline warning clause.

## Attachment-9 Noise/Vibration Peer Review 3/4



### 2.5 Detailed Impact Study

The Study found that noise control measures and additional design considerations are necessary. The following items are identified for a Detailed Impact Study:

1. Stationary Noise Assessment of the potential noise impacts of the proposed development on itself (self-contamination).
2. Stationary Noise Assessment of the potential impacts of the proposed development on the adjacent noise sensitive land uses.
3. Vibration Impact Assessment of CN Freight trains.
4. A Class 4 Development Application, abatement agreement(s) with the owners of the stationary sources, or an updated Stationary Noise Assessment of the potential impacts from the adjacent land uses on the proposed development.

#### *GHD Response*

GHD recommends that a Detailed Impact Study addressing the identified items be a requirement for Site Plan approval.

## Attachment-9 Noise/Vibration Peer Review 4/4



### 3. Conclusion

Based on our review, GHD recommends that the following items be reviewed and additional information be provided to clearly document the Study's findings:

1. GHD recommends the Study update the traffic forecast to be consistent with the Guelph Noise Control Guideline and anticipated construction completion date.
2. GHD recommends the Stationary Noise Assessment include the stationary and emergency (if applicable) noise sources from the Guelph City Hall and the Provincial Offences Court.
3. GHD recommends additional information be provided to clarify the modelling assumptions, input, and output data. (Section 2.3)
4. GHD recommends the Study include the required Guelph Noise Control Guideline warning clause.
5. City Reference – GHD recommends that a Detailed Impact Study addressing the identified items be a requirement for Site Plan approval. (Section 2.5)

Should you have any questions on the above, please do not hesitate to contact us.

Yours truly,

GHD

A handwritten signature in blue ink, appearing to read "M Brenner", with a long horizontal flourish extending to the right.

Matthew Brenner, BASc



## Attachment-9 Hydrogeological Comments 1/1

**From:** Scott Cousins <Scott.Cousins@guelph.ca>  
**Sent:** February-14-20 12:18 PM  
**To:** Shophan Daniel <Shophan.Daniel@guelph.ca>; Katie Nasswetter <Katie.Nasswetter@guelph.ca>  
**Cc:** April Nix <April.Nix@guelph.ca>  
**Subject:** RE: 70 Fountain St E application

Hi all,

Not really sure where to start with this report since it's only a preliminary investigation based on field data that Pinchin didn't even collect, but here are a number of comments I had:

- Water levels were taken over 2 events which correspond to seasonal lows in local water levels (July/August). Due to the lack of data collected, it is unlikely that the water levels observed at site represent high groundwater levels during the year;
- Although the size of excavation is not given, the dewatering volumes that have been estimated seem extremely low and likely do not consider a factor of safety, nor do they consider a thicker saturated zone requiring dewatering based on my previous comment;
- The proponent sampled groundwater for a limited suite of analytes (PHC & BTEX), which I'm assuming were targeted based on previous land uses at the site or in the near vicinity. Unclear as to why VOC samples were not collected, considering the site lies within the City's Issue Contributing Area for trichloroethylene. Recommend that the proponent collects samples for the City's Sewer Use Bylaw to determine where dewatering effluent can be discharged (i.e. sewer or hauled offsite)
- Based on water quality samples that were collected, the proponent would not be able to use the municipal sewer to discharge dewatering effluent and would require pre-treatment to remediate the effluent to a standard consistent with the City's Sewer Use Bylaw
- No wells onsite were drilled to the base of the proposed excavation. Estimates of hydraulic conductivity may not account for a greater flow at increasing depth based on prior experience in this area from recent infrastructure improvements (Bristol Street)
- No dewatering calculations are given in the report (likely because it's a preliminary investigation). A radius of influence of the proposed dewatering would be helpful in determining whether there would be impacts to municipal drinking water wells in the area. The site lies within groundwater capture zones for a number of wells within the Water Street Wellfield and could exhibit interference effects based on the volumes required to maintain a dry excavation.
- The proponent states that ~11.3m of saturated thickness is observed between the bottom invert of the excavation and the water table. Waterproofing or permanent dewatering would be required to keep the proposed below grade parking garage dry

Again, this was just the preliminary report, so there's not much to it to comment on. I can definitely provide support when the full investigation report is completed/provided. If anyone has any further questions, please don't hesitate to call.

Regards,

**Scott Cousins, P.Geo.**, Hydrogeologist  
Water Services, **Environmental Services**  
**City of Guelph**  
519-822-1260 extension 3521  
Mobile 519-827-4739  
[scott.cousins@guelph.ca](mailto:scott.cousins@guelph.ca)

## Attachment-9 Parks Planning Comments 1/2

# INTERNAL MEMO



DATE March 11, 2020  
TO **Katie Nasswetter**  
FROM Jyoti Pathak  
DIVISION Parks and Recreation  
DEPARTMENT Public Services  
SUBJECT **70 Fountain Street East – Proposed Official Plan Amendment and Zoning By-Law Amendment (File # OZS19-015)**

---

Open Space Planning has reviewed the 'notice of complete application and public meeting to amend the Zoning Bylaw and the Official Plan' for 70 Fountain Street property and the following supporting documents:

- Notice of Complete Application and Public Meeting dated January 2020
- Conceptual site plan package prepared by SRM Architects Inc. dated November 2019
- Planning Justification Report prepared by GSP Group dated December 2019

### **Subject Lands:**

The development lands are located within Downtown Guelph along the east side of Wyndham Street, bounded by Fountain Street to the north and Farquhar Street to the south. It is a single parcel of land known municipally as 70 Fountain Street and 75 Farquhar Street. It is rectangular in shape and 0.213 hectares in size, with approximately 33 metres of frontage along Wyndham Street, 65 metres of flankage along Farquhar Street, and 66 metres of flankage along Fountain Street.

### **Proposed Development:**

A 25 storey mixed use buildings, with ground floor commercial units, office space and a total of 180 apartment units on the upper floors.

The Official Plan amendment application proposes changing the land use designation from "Institutional or Office" to "Mixed Use 1", to change the height permissions from 3-6 storeys to up to 25 storeys and to add a site-specific policy that limits the building tower floorplate above 4 storeys to 700 square metres in size. The zone change application proposes that the specialized "Central Business District" (CBD.1-1) Zone be changed to a specialized "Downtown 1" (D.1-?) Zone. A specialized Downtown 1 Zone is required to permit the proposed mixed use building to be 25 storeys instead of the 3 storeys allowed in the standard zone.

Open Space Planning offers the following comments:

### **Zoning Bylaw and Official Plan Amendments:**

Open Space Planning has no objection to the proposed official Plan and Zoning By-Law Amendments to change the zoning from the specialized "Central Business District" (CBD.1-1) Zone to a specialized "Downtown 1" (D.1-?) Zone subject to the conditions outlined below:

## Attachment-9 Parks Planning Comments 2/2

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### **Parkland Dedication:**

Open Space Planning recommends payment in lieu of conveyance of parkland for the proposed development. Payment of money-in-lieu of parkland conveyance shall be required prior to issuance of any building permits, pursuant to s. 42 of the *Planning Act*, and in accordance with City of Guelph By-law (2019)-20366, as amended by By-law (2019)-20380 or any successor thereof. The calculation of the parkland dedication rate will depend on the details of the approved development and rate in effect at the time of the issuance of the first building permit.

Regards,

**Jyoti Pathak**, Parks Planner  
Parks and Recreation, **Public Services**  
T 519-822-1260 extension 2431  
E [jyoti.pathak@guelph.ca](mailto:jyoti.pathak@guelph.ca)

C Luke Jefferson, Mary Angelo

P:\CommunityServices\Riverside\\_Park Planning\PLANNING\DOWNTOWN (Downtown Urban Growth Centre)\Zoning ByLaw and Official Plan Amendments\70 Fountain Street\20200311- 70 Fountain Street East OPA ZBLA.doc

# Attachment-9 UGDSB Comments 1/1



**UPPER GRAND  
DISTRICT SCHOOL  
BOARD**

**Jennifer Passy BES, MCIP, RPP**

*Manager of Planning*

Board Office: 500 Victoria Road N. Guelph, ON N1E 6K2

Email: [jennifer.passy@ugdsb.on.ca](mailto:jennifer.passy@ugdsb.on.ca)

Tel: 519-822-4420 ext. 820 or Toll Free: 1-800-321-4025

13 February 2020

PLN: 20-011

File Code: R14

Katie Nasswetter  
Senior Development Planner  
City of Guelph  
1 Carden Street  
Guelph, ON N1H 3A1

Dear Ms. Nasswetter;

**Re: OZS19-015**  
**70 Fountain Street East, Guelph**

Planning staff at the Upper Grand District School Board have received and reviewed the above noted application for an Official Plan and Zoning By-law Amendment to permit the development of a 25-storey mixed use building with ground floor commercial units and a total of 180 apartment units.

Please be advised that the Planning Department **does not object** to the proposed application, subject to the following conditions:

- That Education Development Charges shall be collected prior to the issuance of a building permit(s).
- That the developer shall agree in the site plan agreement that adequate sidewalks, lighting and snow removal (on sidewalks and walkways) will be provided to allow children to walk safely to school or to a designated bus pickup point.
- That the developer shall agree in the site plan agreement to advise all purchasers of residential units and/or renters of same, by inserting the following clause in all offers of Purchase and Sale/Lease:

*"In order to limit liability, public school buses operated by the Service de transport de Wellington-Dufferin Student Transportation Services (STWDSTS), or its assigns or successors, will not travel on privately owned or maintained right-of-ways to pick up students, and potential busing students will be required to meet the bus at a congregated bus pick-up point."*

Should you require additional information, please feel free to contact the undersigned.

Sincerely,

**Upper Grand District School Board**

Jennifer Passy, BES, MCIP, RPP Manager of Planning

---

## Upper Grand District School Board

• Martha MacNeil; Chair  
• Mark Bailey

• Barbara Lustgarten Evoy; Vice-Chair  
• Jen Edwards

• Jolly Bedi  
• Mike Foley

• Linda Busuttil  
• Robin Ross

• Gail Campbell  
• Lynn Topping



# Attachment-9 Canada Post Comments 1/1



CANADA POST  
955 Highbury Ave N  
London ON N5Y 1A3  
[CANADAPOST.CA](http://canadapost.ca)

POSTES CANADA  
955 Highbury Ave N  
London ON N5Y 1A3  
[POSTESCANADA.CA](http://postescanada.ca)

JAN 24, 2020

KATIE NASSWETTER  
SENIOR DEVELOPMENT PLANNER  
PLANNING SERVICES  
INFRASTRUCTURE, DEVELOPMENT AND ENTERPRISE  
1 CARDEN ST  
GUELPH, ON N1H 3A1

Re: **OZS19-015 – 70 FOUNTAIN ST E, GUELPH, ON**

Dear Katie,

This development, as described, falls within Canada Post's centralized mail policy.

I will specify the condition which I request to be added for Canada Post Corporation's purposes.

- a) Canada Post's multi-unit policy requires that the owner/developer provide the centralized mail facility a rear-loading mailroom [mandatory for 100 units or more]), at their own expense. This will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.

Should the description of the project change, I would appreciate an update in order to assess the impact of the change on mail service.

If you have any questions or concerns regarding these conditions, please contact me. I appreciate the opportunity to comment on this project.

Regards,

*n. mazey*

NEIL MAZEY  
Delivery Services Officer  
[neil.mazey@canadapost.ca](mailto:neil.mazey@canadapost.ca)

## **Attachment-10 Public Consultation Timeline**

December 4, 2019	Official Plan (OP) and Zoning By-law (ZBL) amendment applications received by the City of Guelph
January 2, 2020	OP/ZBL amendment applications deemed complete
January 16, 2020	Notice of Complete Application and Public Meeting for OP/ZBL amendment mailed to prescribed agencies, City departments and surrounding property owners within 120 metres
January 16, 2020	Notice sign for OP/ZBL amendment applications placed on property
January 16, 2020	Notice of Public Meeting for OP/ZBL amendment advertised in the Guelph Mercury Tribune
February 10, 2020	Statutory Public Meeting of Council for OP/ZBL amendment applications
June 23, 2020	Notice of Decision Meeting sent to parties that commented or requested notice
July 13, 2020	City Council Meeting to consider staff recommendation

# **70 Fountain Street East:**

## **Staff Recommendation on Proposed Official Plan and Zoning By-law Amendments**

**July 13, 2020**

# Background

- Applications for Official Plan and Zoning By-law Amendments at 70 Fountain Street East
- Propose a 25 storey mixed use building:





# Application Details

- Official Plan (OP):
  - Current OP Designation: Institutional or Office at 3-6 storeys in the Downtown Secondary Plan
  - Proposed OP Designation: Mixed Use 1, up to 25 storeys
- Zoning:
  - Current Zoning: CBD.1-1
  - Proposed Zoning: D.1-? with specialized regulations to allow proposed 25 storey building
- Public Meeting held February 10, 2020

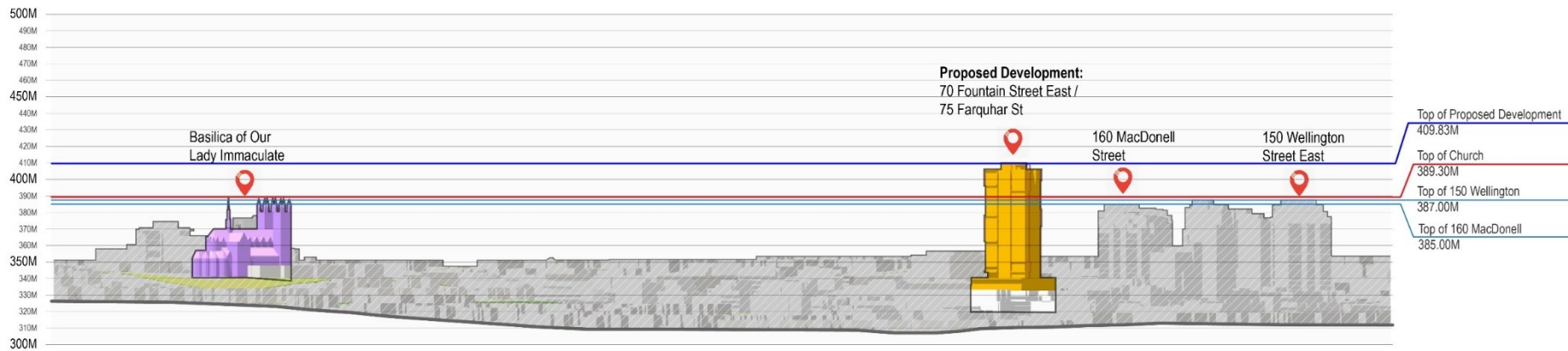
# Reasons for Refusal

- Too tall:
  - Height and massing incompatible with surrounding lower density built heritage character
  - Not the appropriate location for extra height; already at a high elevation, surrounded by lower built form
- Site should be held for stand-alone office-commercial uses in keeping with Provincial policies.
  - The Mixed Use 1 designation would allow an all residential building
- Several supporting studies did not adequately address issues (unresolved impacts wind, shadow, hydrogeological, etc).

# Reasons for Refusal continued

- Proposal does not meet numerous Downtown Secondary Plan (DSP) policies:
  - More than 4x higher than the maximum site height in the DSP
  - Disregards the fundamental vision and objectives of the DSP
    - Basilica should be maintained as the most prominent landmark
    - Mixed use and taller building sites were strategically placed in the DSP
    - Additional height and density not required to meet provincial growth requirements

# Height Comparison Study

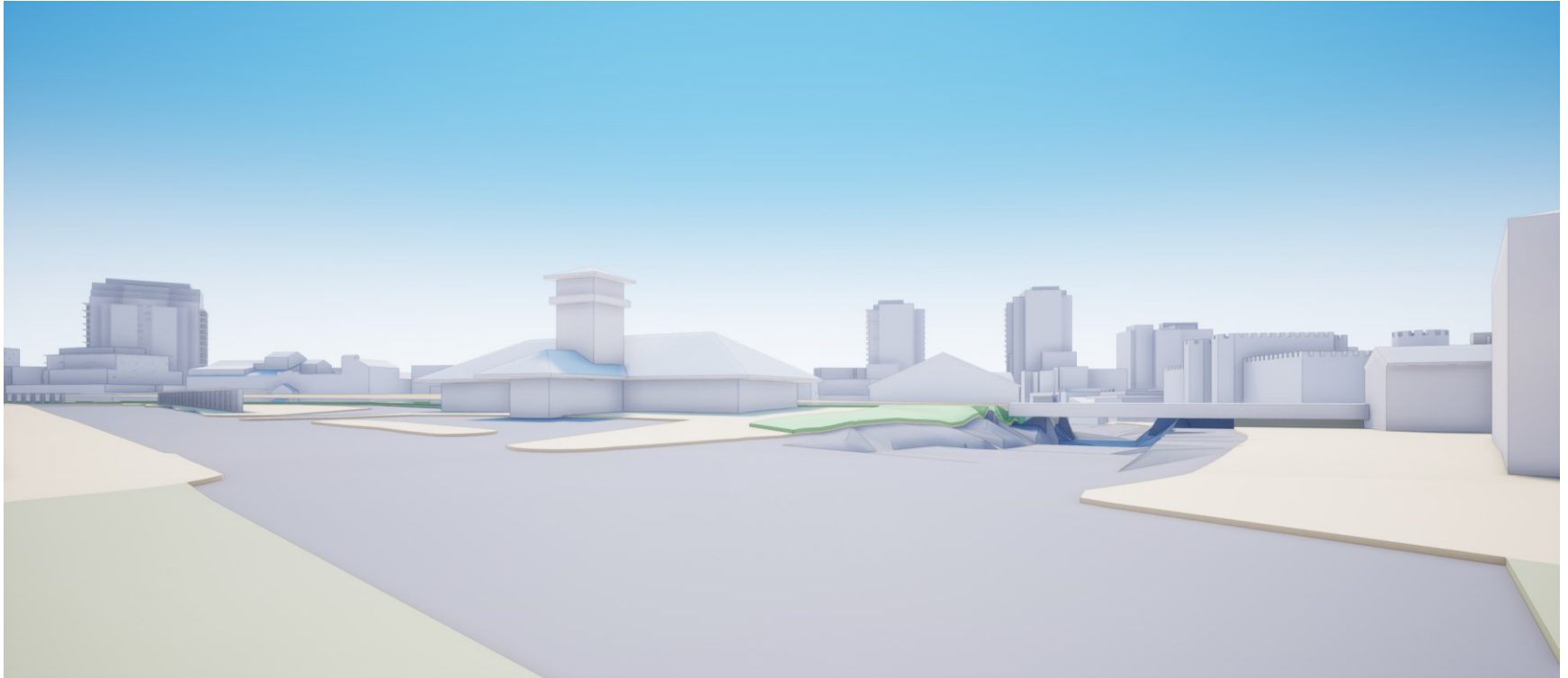


**Note.**  
Existing & Proposed Building Heights measured to the top of mechanical penthouse.

# View Impact of Development (1a)

Carden & Wyndham Street (looking SE)

Eye-level view – 1.65M



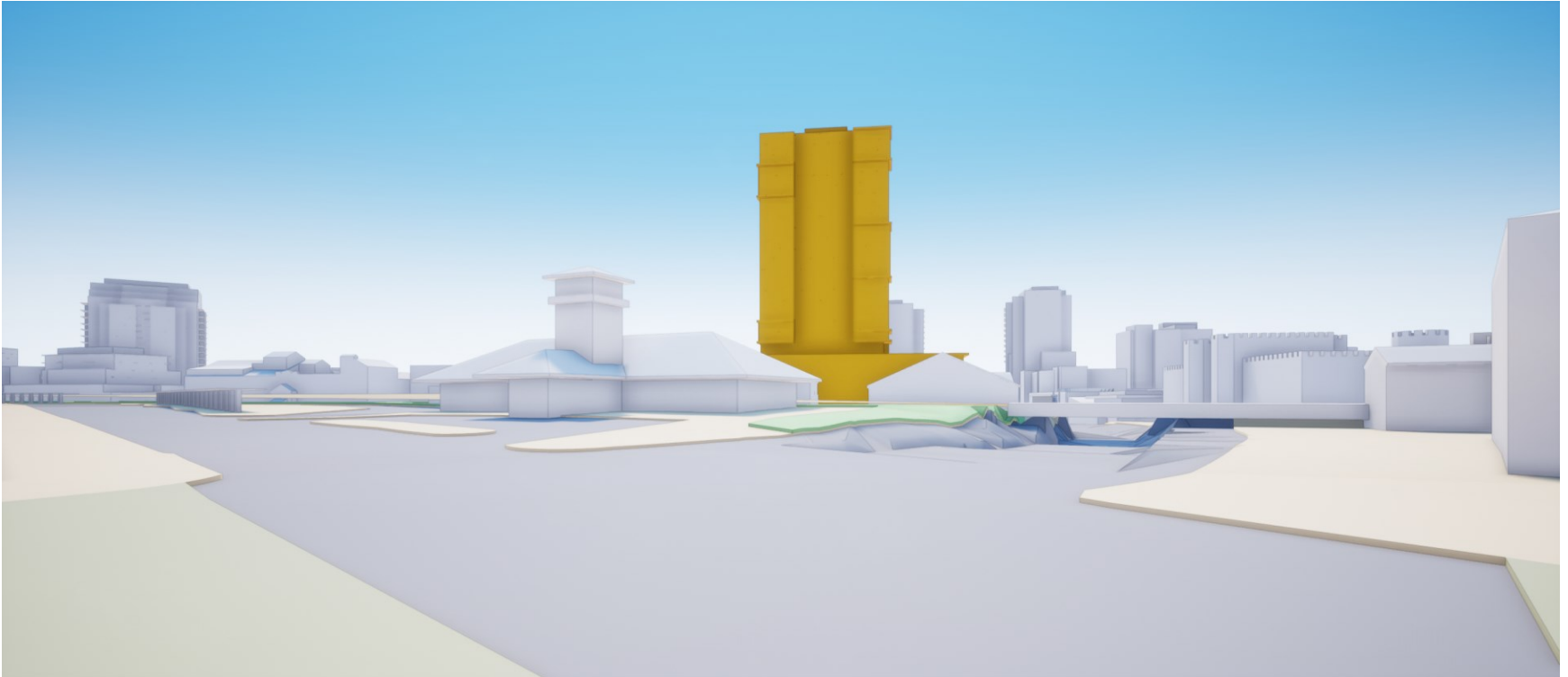
**Note.**  
Based on the built-up of Downtown Secondary Plan massing model.



# View Impact of Development (1b)

Carden & Wyndham Street (looking SE)

Eye-level view – 1.65M



**Note.**  
Based on the built-up of Downtown Secondary Plan massing model.

# View Impact of Development (2a)

Farquhar Street (looking West)

Eye-level view – 1.65M

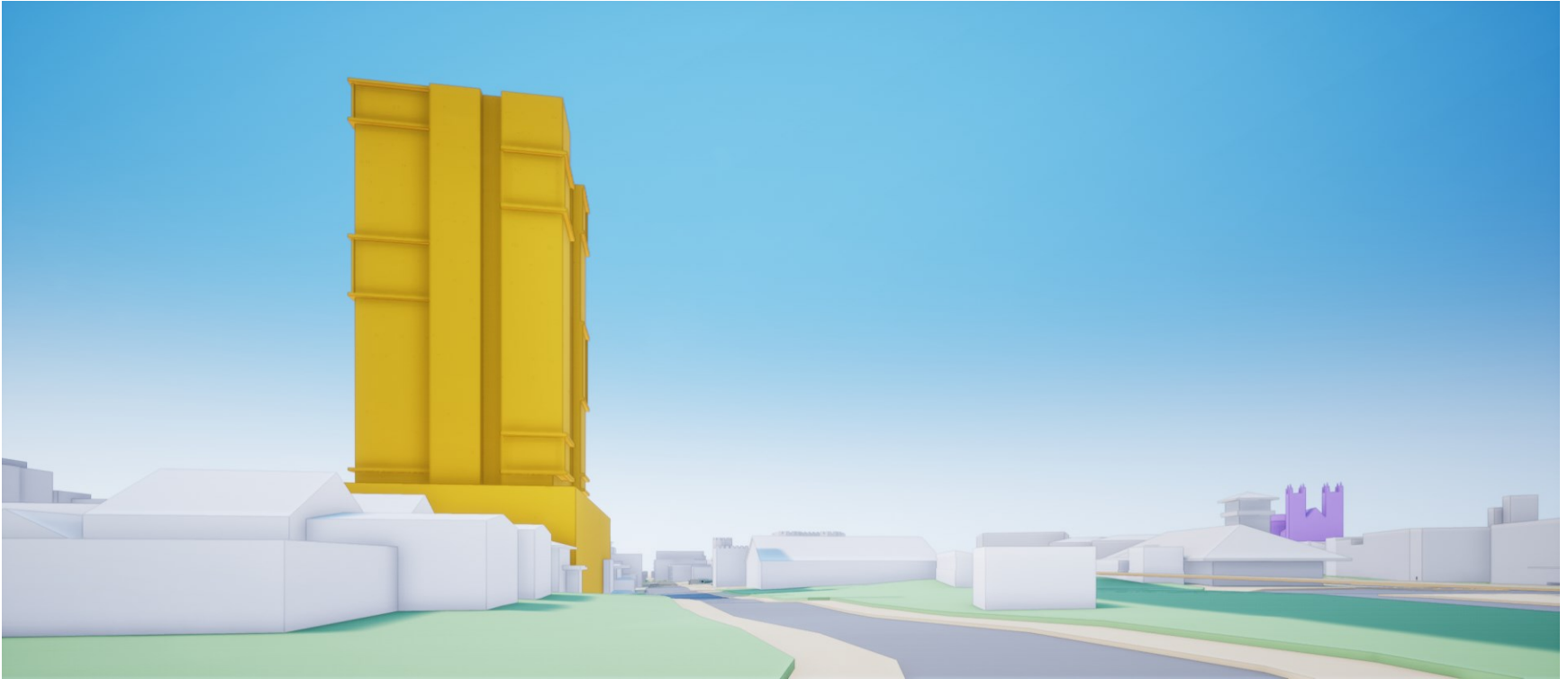


**Note.**  
Based on the built-up of Downtown Secondary Plan massing model.

# View Impacts of Development (2b)

Farquhar Street (looking West)

Eye-level view – 1.65M

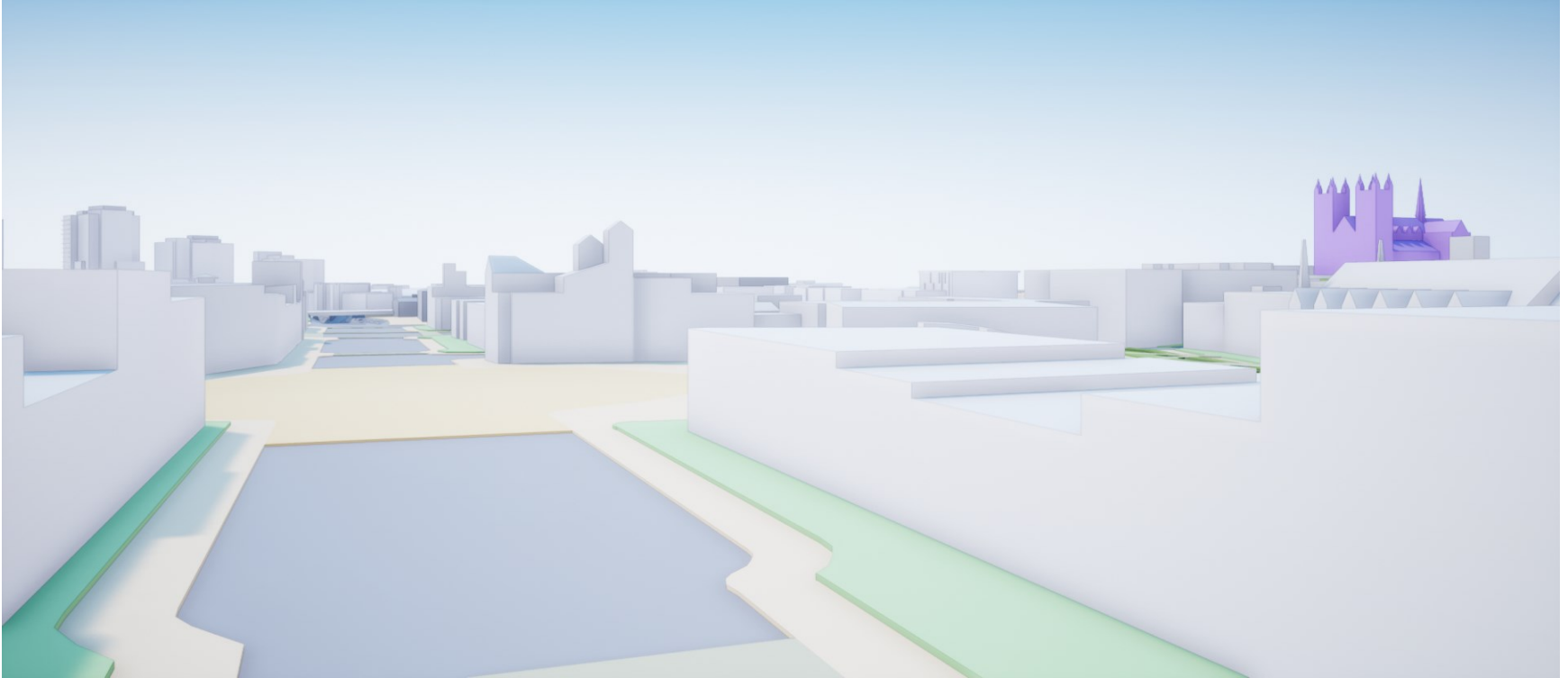


**Note.**  
Based on the built-up of Downtown Secondary Plan massing model.

# View Impacts of Development (3a)

Wyndham Street North (looking South)

Camera Altitude – 15.22M

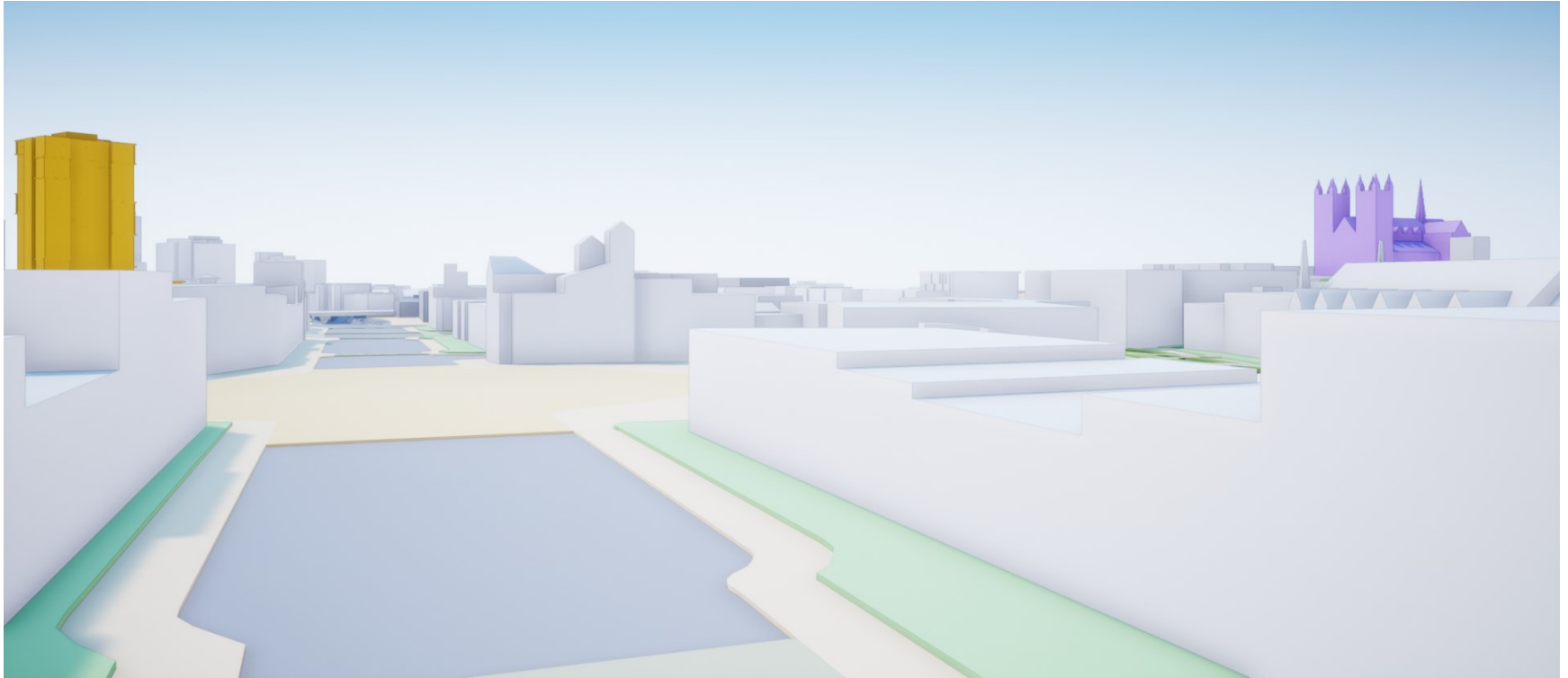


**Note.**  
Based on the built-up of Downtown Secondary Plan massing model.

# View Impact of Development (3b)

Wyndham Street North (looking South)

Camera Altitude – 15.22M



**Note.**  
Based on the built-up of Downtown Secondary Plan massing model.



# View Impact of Development (4a)

Gordon & Fountain Street (looking North)

Eye-level view – 1.65M



**Note.**  
Based on the built-up of Downtown Secondary Plan massing model.

# View Impact of Development (4b)

Gordon & Fountain Street (looking North)

Eye-level view – 1.65M



**Note.**  
Based on the built-up of Downtown Secondary Plan massing model.

# Summary

- Staff recommend refusal for the reasons listed in more detail in the report.
- Should Council wish to reconsider heights and major land use changes in the downtown, it should not be ad hoc approach but rather evaluated through the Municipal Comprehensive Official Plan Review
- It is in the City's best interest to make a decision tonight to stay within the Planning Act timelines.