

City Council - Planning Revised Meeting Agenda

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

Remote meeting live streamed
on guelph.ca/live

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

To contain the spread of COVID-19, City Council meetings are being held electronically and can be live streamed at guelph.ca/live.

For alternate meeting formats, please contact the City Clerk's Office at clerks@guelph.ca or 519-822-1260 extension 5603.

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)

***4.1 Statutory Public Meeting Report Additional Residential Unit
Review: Planning Act Update Proposed Official Plan and Zoning
Bylaw Amendment File: OZS20-02 - 2020-73**

12

Staff Presentation:

Abby Watts, Project Manager, Comprehensive Zoning By-law
Review

Delegations:

- *Linda Davis, on behalf of McElderry Community (presentation)
- *John Lawson, President, Old University Neighbourhood
Association (presentation)
- *Michael Hoffman (presentation)

Correspondence:

- *Michelle Wan
- *Stephen Flemming
- *Françoise Py-MacBeth
- *Kristin and John Laing
- *Darren Shock
- *Wayne Huck
- *J. MacKenzie
- *Doreen McAlister
- *Susan Bushell
- *Paul Kraehling
- *Al Pentland
- *Sylvia Watson
- *Gitta Housser
- *Dan Noventa
- *Michelle McCarthy and Mario Gozzi
- *Karen Herchel and Jim Herchel
- *Marion Cassolato
- *Rosemary Popescu and Darrin Popescu
- *Sal De Monte
- *Carol Klassen
- *Carol Hunter and Mark Wilson
- *Dan Tourangeau
- *JJ salmon
- *Ken Fisher and Dorothy Fisher
- *Dave Worden
- *Christina Tourangeau

Recommendation:

1. That Report IDE-2020-73 regarding a City-initiated Official Plan Amendment and Zoning Bylaw Amendment for Additional Residential Unit Review: Planning Act Update dated July 13, 2020 be received.

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**

143

Presentation:

Katie Nasswetter, Senior Development Planner

Delegation:

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

*Tanya Gevaert

*Morgan Dandie-Hannah

*Robert Mullin

*Scott Frederick

*Susan Ratcliffe

Correspondence:

*Tasha Heart

*Jane Londerville

*Scott Frederick

*Susan Watson

*John Parkyn

*Hugh Handy, GSP Group

*Pia K. Muchaal

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. By-laws**

Resolution to adopt the By-laws (Councillor O'Rourke).

Recommendation:

That By-law Numbers (2020)-20508 to (2020)-20510 are hereby passed.

***6.1 By-Law Number (2020)-20508**

263

A by-law to remove Part Lot Control from Part Grange Rd, Plan 53 designated as Parts 1, 2 & 3, Reference Plan 61R-20598, Blocks 20, 21 & 22, Plan 61M-37, Lots 172, 173, 174, Plan 61M-18, Lot 186 & Block 222, Plan 61M-18, Block 71, Plan 61M233 designated as Parts 1 to 9 inclusive, Reference Plan 61R-21805, in the City of Guelph.

***6.2 By-law Number (2020)-20509**

264

A by-law to authorize the execution of a Subdivision Pre-Servicing Agreement between Victoria Park Village Inc., The Corporation of the City of Guelph and The Toronto-Dominion Bank. (Victoria Park Village Phase 1B Subdivision Pre-Servicing Agreement)

***6.3 By-Law Number (2020)-20510**

265

A by-law to confirm proceedings of a meeting of Guelph City Council held July 13, 2020.

7. Mayor's Announcements

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

8. Adjournment

Staff Report



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

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.

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 20th 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 20th-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

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This report was recommended by:

Kealy Dedman, P. Eng., MPA

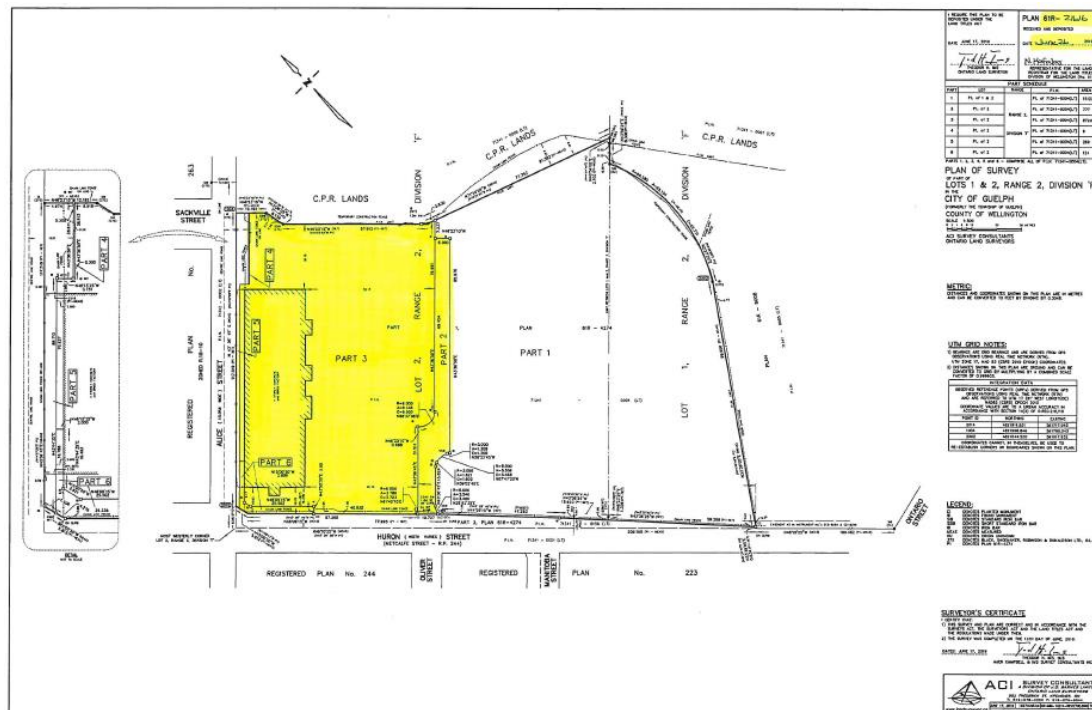
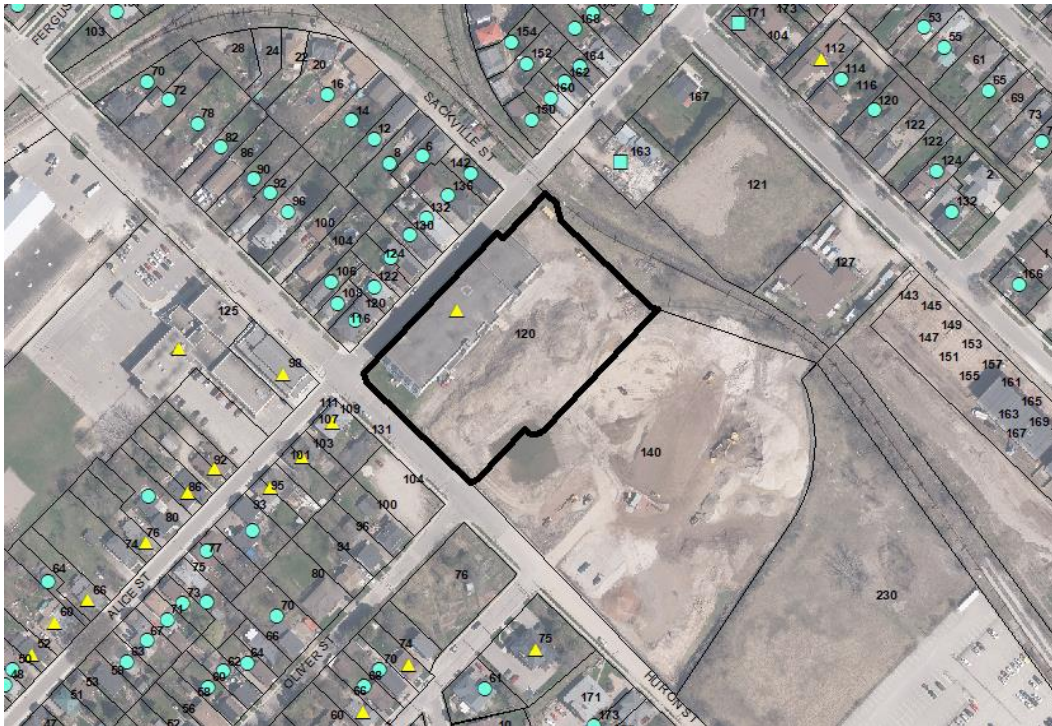
Deputy Chief Administrative Officer

Infrastructure, Development and Enterprise Services

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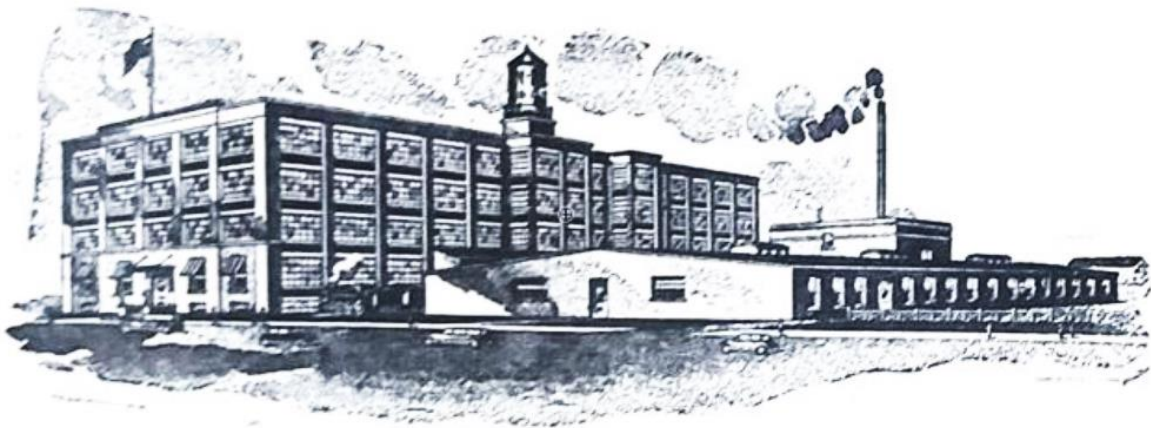
kealy.dedman@guelph.ca

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



To	City Council
Service Area	Infrastructure, Development and Enterprise Services
Date	Monday, July 13, 2020
Subject	Statutory Public Meeting Report Additional Residential Unit Review: Planning Act Update Proposed Official Plan and Zoning Bylaw Amendment File: OZS20-02

Recommendation

1. That Report IDE-2020-73 regarding a City-initiated Official Plan Amendment and Zoning Bylaw Amendment for Additional Residential Unit Review: Planning Act Update dated July 13, 2020 be received.
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Executive Summary

Purpose of Report

To provide planning information for the City-initiated Additional Residential Unit Review: Planning Act Update and the proposed Official Plan Amendment and Zoning Bylaw Amendment for Additional Residential Dwelling Units. This report has been prepared in conjunction with the statutory public meeting for the proposed amendments.

Key Findings

The proposed Official Plan Amendment and Zoning Bylaw Amendment would bring the City's policies and regulations into conformity with the Planning Act.

A discussion paper has been prepared that reviews relevant provincial policies, regulations and guidelines, other municipal practices, and provides recommendations and rationale for updating definitions, permitted zones, number of units, unit size, number of bedrooms, unit design, height, location and setbacks, parking and servicing.

Key findings will be reported in the future Infrastructure, Development and Enterprise recommendation report to Council.

Financial Implications

There are no financial implications as a direct result of the proposed planning matters.

Report

Background

The City has initiated a review of the City's accessory apartment, coach house and garden suite policies, regulations and definitions to conform with provincial Planning Act policies and regulations for additional residential units and garden suites. The review and proposed Official Plan and Zoning Bylaw amendments build on the preliminary recommendations released and feedback received regarding accessory apartments through the City's ongoing Comprehensive Zoning Bylaw Review. The proposed amendments are being advanced, ahead of the completion of the City's Comprehensive Zoning Bylaw Review, to conform to provincial policy in a timely manner and to provide for the creation of new housing units.

The Planning Act requires municipalities to permit additional residential units in detached, semi-detached and rowhouse (townhouse) dwellings. In addition, the Planning Act requires that municipalities permit additional residential units in their official plans and zoning bylaws, in both a primary dwelling and an ancillary building or structure, in effect permitting three residential units on one residential property. A new regulation for additional residential units (O.Reg 299/19) came into effect that established the following parking requirements and standards:

1. Each additional residential unit shall have one parking space that is provided and maintained for the sole use of the occupant of the additional residential unit, subject to paragraph 2.
2. Where a by-law passed under section 34 of the Act does not require a parking space to be provided and maintained for the sole use of the occupant of the primary residential unit, a parking space is not required to be provided and maintained for the sole use of the occupant of either additional residential unit.
3. A parking space that is provided and maintained for the sole use of the occupant of an additional residential unit may be a tandem parking space.

This regulation requires one parking space per unit unless the zoning bylaw sets out a lower standard and the spaces may be provided in a tandem or stacked arrangement.

The Planning Act allows municipalities to determine appropriate regulations for additional residential units.

The Planning Act continues to permit garden suites, which are defined as "a one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable". The Planning Act allows garden suites to be permitted as a temporary use only.

Additional Residential Unit Review: Planning Act Update Discussion Paper

A discussion paper has been developed and included as Attachment 1 to this report. The discussion paper reviews current City Official Plan policies and Zoning Bylaw regulations in order to align the City's rules for accessory apartments, coach houses and garden suites with provincial rules for additional residential units. The

discussion paper reviews relevant provincial policies, regulations and guidelines, other municipal practices, and addresses preliminary recommendations released and feedback received regarding accessory apartments through the City's Comprehensive Zoning Bylaw Review. Recommendations and rationale for revisions to the City's Official Plan and the City of Guelph Zoning By-law are provided.

Location

The proposed amendments apply to lands designated low density residential and medium density residential in the Official Plan, and lands zoned Residential R.1, R.2 and R.3B, R.1B-19, R.1B-28, R.1B-33, R.1B-35, R.1B-44(H), R.1B-45, R.1B-49(H), R.1C-15, R.1C-23, R.1C-24, R.2-2, R.2-6, R.2-7, R.2-8, R.2-30, R.3A-12, R.3B-2, R.3B-10, R.3B-12, R.3B-14, Office Residential (OR), OR-7, OR-8, OR-9, OR-10, OR-11, OR-13, OR-17, OR-20, OR-21, OR-22, OR-23, OR-24, OR-25, OR-28, OR-33, OR-34, OR-36, OR-49, OR-50, OR-53, OR-54, Downtown D.1-3, D.1-24, Downtown D.2, and D.2-13 in Zoning Bylaw (1995)-14864, as amended.

Existing Official Plan Policies

The City's current Official Plan policies permit accessory apartments in low density residential areas and states that the Zoning Bylaw will provide specific regulations for accessory apartments.

The Official Plan policies permit coach houses and garden suites in areas of the city that also permit single detached, semi-detached and townhouse dwellings. Official Plan Section 9.2.5 sets out criteria to be used as the basis for permitting coach houses and garden suites in the zoning bylaw to demonstrate the appropriateness of the site for the use. Coach houses and garden suites may be subject to site plan approval.

The Official Plan defines accessory apartment as "a dwelling unit located within and subordinate to an existing single detached dwelling or semi-detached dwelling". A coach house is defined as "a one unit detached residence containing bathroom and kitchen facilities that is located on the same lot, but is subordinate to an existing residential dwelling and is designed to be a permanent unit". A garden suite is defined as "a one-unit detached residential structure containing bathroom and kitchen facilities that is separate from and subordinate to an existing residential dwelling and that is designed to be portable."

Reason for the Amendment

The purpose and effect of the proposed Official Plan Amendment is to update the accessory apartment, coach house and garden suite policies and definitions in the Official Plan in accordance with the Planning Act.

Proposed Official Plan Amendment

The proposed Official Plan Amendment included as Attachment 2:

- Modifies the accessory apartment policies to permit additional residential dwelling units within low and medium density residential designations to recognize the Planning Act regulations that permit additional residential units on rowhouse (townhouse) properties;

- Replaces “accessory apartment” references with “additional residential dwelling unit” to improve alignment of terminology with the Planning Act;
- Replaces “coach house” references with “additional residential dwelling units within a separate building on the same lot as the primary dwelling” to improve alignment of terminology with the Planning Act ;
- Modifies the definition for “accessory apartment” and renames it “additional residential dwelling unit” in the Glossary to conform with the Planning Act;
- Deletes the definition for “coach house” in the Glossary to be consistent with the Planning Act; and
- Modifies the definition for “garden suite” to be consistent with the Planning Act.

The intent of the proposed amendment is to update the accessory apartment, coach house and garden suite policies to reflect Planning Act regulations, standards and requirements and to align definitions in order to better facilitate the development of additional residential dwelling units throughout the City.

Staff’s recommendation report for this amendment will describe its conformity with the Provincial Policy Statement (2020) and Provincial Growth Plan for the Greater Golden Horseshoe (2019).

Existing Zoning Bylaw Regulations

The City’s Zoning Bylaw currently defines and permits accessory apartments within a single detached or semi-detached dwelling to a maximum of one per lot.

Accessory apartments are restricted to a maximum of two bedrooms, a maximum of 45% of the total floor area of the building and cannot exceed 80 m², whichever is lesser. The external appearance of all building façades and outdoor amenity areas are to be preserved except dual service metres are allowed. In addition, an interior connection is required between an accessory apartment and primary dwelling unit. A single detached or semi-detached dwelling with an accessory apartment requires three parking spaces. Two of the parking spaces can be in a stacked arrangement.

An accessory apartment is defined in the Zoning Bylaw as “a Dwelling Unit located within and subordinate to an existing Single Detached Dwelling, Semi-Detached Dwelling or Link Dwelling”.

The Zoning Bylaw currently permits coach houses and garden suites through site-specific zoning bylaw amendments and does not provide general regulations for them. In addition, coach houses and garden suites are subject to site plan control. The site-specific zones that permit coach houses and garden suites include regulations for maximum unit size, maximum number of bedrooms, minimum side yard, lot coverage, height and parking. The regulations vary for each zone with a maximum of two bedrooms often noted and a maximum height of one storey or two storeys with garage. In addition, a home occupation is not permitted within the coach house and an accessory apartment is not permitted in the primary dwelling unit.

A coach house is generally defined in site-specific zones as a one unit detached residence containing bathroom and kitchen facilities that is located on the same lot, but is subordinate to an existing residential dwelling unit, and is designed to be a permanent dwelling. A garden suite is defined in the Zoning Bylaw as “includes a

coach house and means a Dwelling Unit which may be designed to be portable, and which is located on the same lot of, and fully detached from, an existing Dwelling Unit, such Garden Suite is clearly ancillary to the existing dwelling and shall be independently serviced with municipal water and sanitary services.”

Reason for the Amendment

The purpose and effect of the proposed Zoning Bylaw Amendment is to update the accessory apartment, coach house and garden suite regulations and definitions in the Zoning Bylaw in accordance with the Planning Act.

Proposed Zoning Bylaw Amendment

The proposed Zoning Bylaw Amendment included as Attachment 3:

- Replaces references to “accessory apartment” with “additional residential dwelling unit” to improve alignment with the Planning Act;
- Deletes the definition for “accessory apartment” and replaces it with “additional residential dwelling unit” to improve alignment with the Planning Act;
- Modifies the definition for “dwelling unit” to be consistent with the City’s Official Plan;
- Modifies the definition for “garden suite” to improve alignment with the Planning Act;
- Requires one parking space for each additional residential dwelling unit, in addition to the one parking space required for the primary dwelling;
- Amends section 4.15.1 “Accessory Apartments” with “Additional Residential Dwelling Units” which includes the following revisions:
 - Permits two additional residential dwelling units on a lot, one within the same building as the primary dwelling and one located in a separate building on the same lot
 - Removes the maximum size of 80 m² and replaces the maximum size of 45% of the total floor area of the building with shall not exceed 50% of the total net floor area of the building
 - Sets the maximum size of an additional residential dwelling unit within a separate building on the same lot as the primary dwelling as shall not exceed 50% of the net floor area of the building or 30% of the yard area, whichever is less
 - Increases the maximum number of bedrooms permitted from two bedrooms to three bedrooms
 - Requires 1.2 m unobstructed pedestrian access to an additional residential dwelling unit within a separate building on the same lot as the primary dwelling, from a driveway or street, unless access to the additional residential dwelling unit is provided from a rear lane
 - Sets a maximum height of two storeys with an overall maximum building height of 6.1 m for an additional residential dwelling unit in a separate building
 - Limits an additional residential dwelling unit in a separate building to rear and interior side yards

- Sets a minimum 0.6 m side and rear yard setback and a minimum 3 m side and rear yard setback for a two storey additional residential dwelling unit where there is an entrance or window adjacent to the property line
- Sets a minimum 1.2 m side yard setback closest to the unobstructed pedestrian access leading to an additional residential dwelling unit within a separate building on the same lot as the primary dwelling unless access to the additional residential dwelling unit is from the street or lane
- Sets a minimum distance of 3 m between the primary dwelling and the additional residential dwelling unit within a separate building on the same lot as the primary dwelling
- Permits the required off-street parking spaces to be in a stacked arrangement
- Exempts existing lots with no legal off-street parking space for the primary dwelling from providing parking spaces for additional residential dwelling units.
- Permits additional residential dwelling units within zones that permit single detached, semi-detached and on-street townhouses; and
- Deletes various site-specific zones that permit coach houses and garden suites as the standard zone is recommended to permit the use.

The intent of the proposed amendment is to update the accessory apartment and coach house regulations to conform to the Planning Act regulations, standards and requirements and to align definitions in order to better facilitate the development of additional residential dwelling units throughout the City.

Servicing

The City's Official Plan policy 6.1 requires all new development to be on full municipal services.

The City's zoning bylaw, regulation 4.10, requires municipal services to be available and adequate for any use or development except for specified instances such as the use existed when the zoning bylaw was passed and approval of a private sewage disposal system was granted.

There are no proposed changes to the Official Plan or Zoning Bylaw related to servicing.

The current practice to service individual dwelling units, including coach houses, with a separate service line to the street, and to not be connected into the services for the primary dwelling unit, has been part of this review. Additional residential dwelling units located within a separate building on the same lot as the primary dwelling will now be able to connect to the primary dwelling unit for water and sanitary services.

Next Steps

Following the Statutory Public Meeting, all comments received will be reviewed. A recommendation report will be presented to Council in Q4 2020.

Financial Implications

There are no financial implications as a direct result of the proposed official plan and zoning bylaw amendments.

Consultations

Public consultation was conducted as part of Phase 2 of the Comprehensive Zoning Bylaw Review, following the release of the [Comprehensive Zoning Bylaw Review Discussion Paper](#). Six workshops were held between November 21 and November 28, 2019. In addition, Planning staff hosted four half day office hours throughout the city for individuals to attend and an online survey from November 29, 2019 to January 6, 2020. A full summary of public input received through Phase 2 of the Comprehensive Zoning Bylaw Review can be found in the February 21, 2020 [Information Report \(IDE-2020-21\)](#).

An online survey is currently available at guelph.ca/zoningreview. The purpose of this survey is to collect community feedback on the proposed amendments. The survey will be open until July 31, 2020.

Notice of Public Meeting was mailed on June 18, 2020 to local boards and agencies, City service areas and key stakeholders and to properties with site specific regulations that are proposed to be amended. The Public Meeting was advertised in the Guelph Tribune on June 18, 2020 and on guelph.ca/zoningreview.

Strategic Plan Alignment

The Additional Residential Unit Review: Planning Act Update and proposed Official Plan and Zoning Bylaw amendments support the City's existing policies and guidelines and aligns with the following priorities within Guelph's Strategic Plan:

Building Our Future – The proposed Official Plan and Zoning Bylaw amendments will assist in increasing the availability of housing that is affordable, meets the community needs and helps us continue to build strong, vibrant, safe and healthy communities.

Attachments

Attachment-1 Additional Residential Unit Review: Planning Act Update to the Official Plan and Zoning Bylaw, Discussion Paper

Attachment-2 Proposed Official Plan Amendment for Additional Residential Dwelling Units

Attachment-3 Proposed Zoning Bylaw Amendment for Additional Residential Dwelling Units

Attachment-4 OPA and ZBA Public Meeting Presentation

Departmental Approval

Melissa Aldunate, MCIP, RPP, Manager, Policy Planning & Urban Design

Report Author

Abby Watts, Project Manager Comprehensive Zoning Bylaw Review

This report was approved by:

Chris DeVriendt

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**Additional Residential Unit Review:
Planning Act Update to the Official Plan and
Zoning Bylaw
Discussion Paper, July 2020**

Executive Summary

The Planning Act requires municipalities to permit additional residential units within and on the same lot as detached, semi-detached and townhouse dwellings, in effect permitting three residential units on one residential property. This discussion paper provides a review of current City of Guelph Official Plan policies and Zoning By-law regulations in order to align city policy and regulations with the Ontario Planning Act. In addition, the review is intended to facilitate more additional residential units in part by removing existing barriers that residents may face when creating an accessory apartment or coach house, known in the Planning Act as an additional residential unit.

The discussion paper reviews relevant provincial policies, regulations and guidelines, other municipal practices, and addresses preliminary recommendations released and feedback received regarding accessory apartments through the City's ongoing Comprehensive Zoning Bylaw Review. Recommendations and rationale for revisions to the City's Official Plan and Zoning By-law are provided for the following:

- Definitions and use of defined terms
- Zones where the use is permitted
- Number of units
- Unit size
- Number of bedrooms
- Unit design
- Height of separate buildings containing additional units
- Location and Setback for separate buildings containing additional units
- Parking
- Servicing

The following is a summary of the Official Plan and Zoning Bylaw recommendations of the discussion paper:

1. Definitions and Use of Defined Terms (Section 5.1)

Official Plan Recommendations

It is recommended that the existing accessory apartment and coach house definitions be deleted from the Official Plan and replaced with additional residential dwelling unit.

It is recommended that the following definition for additional residential dwelling unit be added to the Official Plan:

Additional Residential Dwelling Unit means a dwelling unit that is self-contained, subordinate to and located within the same building or on the same lot of a primary dwelling unit.

It is recommended that policy references to "accessory apartment" or "coach house" be replaced with "additional residential dwelling unit" and a distinction be made regarding whether the unit is located within the primary dwelling or in a separate building on the same lot as the primary dwelling where appropriate.

It is recommended that the existing definition of garden suite be modified as follows:

Garden Suite means a one-unit detached dwelling unit containing bathroom and kitchen facilities that is separate from and subordinate to a primary dwelling unit and that is designed to be portable and temporary.

Zoning Bylaw Recommendations

It is recommended that the existing Zoning Bylaw definition of accessory apartment be deleted from the Zoning Bylaw and replaced with additional residential dwelling unit.

It is recommended that the definition for additional residential dwelling unit be added to the Zoning Bylaw:

Additional Residential Dwelling Unit means a dwelling unit that is self-contained, subordinate to and located within the same building or on the same lot of a primary dwelling unit.

It is recommended that the existing Zoning Bylaw definition of dwelling unit be modified by deleting the following strikethrough text:

Dwelling Unit means a room or group of rooms occupied or designed to be occupied ~~exclusively~~ as an independent and separate self-contained housekeeping unit ~~including a house~~;

It is recommended that the existing Zoning Bylaw definition of garden suite be modified as follows:

Garden Suite means a one-unit detached dwelling unit containing bathroom and kitchen facilities that is separate from and subordinate to a primary dwelling unit and that is designed to be portable and temporary.

It is recommended that references to “accessory apartment” or “coach house” be replaced with “additional residential dwelling unit” and a distinction be made regarding whether the unit is located within the same building as the primary dwelling or within a separate building on the same lot as the primary dwelling, where appropriate.

2. Permitted Zones (Section 5.2)

Official Plan Recommendations

It is recommended that the policy that sets out where accessory apartments are permitted be modified to include both low density and medium density residential designations.

Zoning Bylaw Recommendations

It is recommended that the following zones and any specialized zones thereto be modified to permit additional residential dwelling units:

- Residential Single Detached (R.1)
- Residential Semi-detached/Duplex (R.2)
- On-Street Townhouse (R.3B)

- Downtown 2 (D.2)
- Office Residential (OR)

It is recommended that site-specific zones that permit coach houses and garden suites be deleted as the buildings are now considered additional residential dwelling units and are permitted in the residential zone category. Site-specific R.1C-23 and R.1C-24 zones will be modified to permit additional residential dwelling units.

3. Number of Units (Section 5.3)

Official Plan Recommendations

No changes to the Official Plan are needed.

Zoning Bylaw Recommendations

It is recommended that two additional residential dwelling units be permitted on a lot, one within the same building as the primary dwelling and one located in a separate building on the same lot, resulting in a maximum of three dwelling units per lot.

It is recommended that garden suites continue to be reviewed on a case-by-case basis through site-specific zoning bylaw amendments.

4. Unit Size (Section 5.4)

Official Plan Recommendations

No changes to the Official Plan are needed.

Zoning Bylaw Recommendations

It is recommended that the maximum size of 80 m² be deleted.

It is recommended that the maximum size of 45% of the gross floor area of the building, be replaced with "shall not exceed 50% of the total net floor area of the primary dwelling".

It is recommended that the existing zoning bylaw definition of "Floor Area" be deleted and replaced with "Total Net Floor Area" as follows:

Total Net Floor Area means the total floor area of the building measured from the interior walls, including cellars and basements with a floor to ceiling height of at least 1.95 metres. Total net floor area does not include stairs, landings, cold cellars, garages, carports, and mechanical rooms. Section 2.7 does not apply to the floor to ceiling height of 1.95 metres.

It is recommended that the maximum size of an additional residential dwelling unit within a separate building on the same lot as the primary dwelling shall not exceed 50% of the total net floor area of the primary dwelling or 30% of the yard area, whichever is less.

5. Number of Bedrooms (Section 5.5)

Official Plan Recommendations

No changes to the Official Plan are needed.

Zoning Bylaw Recommendations

It is recommended that the maximum number of bedrooms be increased from two bedrooms to three bedrooms.

6. Unit Design (Section 5.6)

Official Plan Recommendations

It is recommended that Official Plan Section 9.2.5 be modified to change the title to "Additional Residential Dwelling Units in a separate building and Garden Suites" and to change references to "coach houses" to "additional residential units in a separate building". In addition, that "by amendment to the implementing Zoning Bylaw" be removed since a site-specific amendment is no longer required and a new policy be added to recognize garden suites will be regulated in accordance with the Temporary Use By-law provisions of this Plan.

Zoning Bylaw Recommendations

It is recommended that the regulation requiring the preservation of the external building façade be removed.

7. Height (Section 5.7)

Official Plan Recommendations

No changes to the Official Plan are needed.

Zoning Bylaw Recommendations

It is recommended that a maximum height for an additional residential dwelling unit in a separate building, be established as two storeys with an overall maximum building height of 6.1 m, as defined and illustrated in the City's Zoning Bylaw.

8. Location and Setback (Section 5.8)

Official Plan Recommendations

No changes to the Official Plan are needed.

Zoning Bylaw Recommendations

It is recommended that additional residential dwelling units in a separate building be permitted to be located in rear and interior side yards.

It is recommended that additional residential units in a separate building have a minimum 0.6 m side and rear yard setback.

It is recommended that a two storey additional residential dwelling unit in a separate building have a minimum 3 m side and rear yard setback where there is an entrance door or a window adjacent to the property line.

It is recommended that a property with an additional residential dwelling unit in a separate building on the same lot, have a minimum 1.2 m unobstructed pedestrian access in the side yard leading to the entrance of the additional unit, unless access to the additional residential dwelling unit is provided directly from the street or lane.

It is recommended that a minimum distance of 3 m between the primary dwelling and the additional residential dwelling unit in a separate building on the same lot be required.

9. Parking (Section 5.9)

Official Plan Recommendations

No changes to the Official Plan are needed.

Zoning Bylaw Recommendations

It is recommended that one parking space for each additional residential dwelling unit be required, in addition to the one parking space required for the primary dwelling unit.

It is recommended that the required off-street parking spaces for the primary dwelling unit and additional residential dwelling units be permitted in a stacked arrangement, i.e. two or three parking spaces can be stacked.

It is recommended that existing lots that have no legal off-street parking space for the primary dwelling, as of the date of the passing of the bylaw, be exempted from providing parking spaces for additional residential dwelling units.

10. Servicing (Section 5.10)

Official Plan Recommendations

No changes to the Official Plan are needed.

Zoning Bylaw Recommendations

No changes to the Zoning Bylaw are needed because the manner in which servicing is provided is not regulated by the Zoning By-law.

Next Steps

The recommendations from this discussion paper have been incorporated into draft amendments to the City's Official Plan and the Zoning By-law. The discussion paper is being released at the same time as the draft amendments and provides background and rationale to assist City Council and members of the public as they review these recommended amendments.

In the last quarter of 2020, staff will bring forward an amendment to the City of Guelph Official Plan and an amendment to the City of Guelph Zoning By-law for Council approval. The amendments will reflect comments received by Council, the public and other stakeholders in response to the release of this discussion paper and the draft amendments.

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1. Introduction

1.1. Purpose

The purpose of the Additional Residential Unit Review: Planning Act Update to the Official Plan and Zoning Bylaw is to align the current City of Guelph Official Plan policies and Zoning By-law regulations with the Ontario Planning Act. The Planning Act permits additional residential units within and on the same lot as detached, semi-detached and rowhouse (townhouse) dwellings, in effect permitting three residential units on one residential property. The review is intended to facilitate more accessory apartments in part by removing existing barriers that residents may face when creating an accessory apartment.

The review will address preliminary recommendations and feedback received regarding accessory apartments through the City's ongoing Comprehensive Zoning Bylaw Review. A review and amendment of the City's accessory apartment policies and regulations is being advanced, ahead of the completion of the City's zoning bylaw review, to conform to provincial policy in a timely manner and to provide for the creation of new housing units.

The Province and City of Guelph use various terms when referring to accessory apartments, including second suites, additional residential units, accessory apartments and coach houses. Temporary and portable dwellings are known as garden suites by the Province. This Discussion Paper will use the appropriate term used by the document being discussed, e.g. additional residential unit will be used when discussing the Planning Act.

1.2. How is Guelph updating its accessory apartment policies and regulations?

The City is updating its accessory apartment policies and regulations in accordance with the current provincial legislative and policy context, work already done through the ongoing Comprehensive Zoning Bylaw Review (recommendations and community engagement feedback), and other municipal practices. The following principles guide the development of recommended revisions to the City's current Official Plan and Zoning Bylaw policies and regulations:

- Protect health and safety of residents
- Remove barriers to the creation of additional housing units
- Increase the range and mix of housing, including affordable housing
- Support gentle intensification
- Support an evolving and compatible neighbourhood character

2. Policy Context

2.1. Provincial Legislation and Policies

Planning Act

The Planning Act is provincial legislation that sets out the ground rules for land use planning in Ontario. It describes how land uses may be controlled and who may control them. The act provides the basis for:

- considering provincial interests through provincial policy statements and growth plans;
- preparing official plans and planning policies that will guide future development; and
- regulating and controlling land uses through zoning bylaws and minor variances.

The Planning Act requires municipalities to permit additional residential units in detached, semi-detached and rowhouse (townhouse) dwellings. Municipalities retain the ability to determine appropriate regulations for additional residential units. In addition, the establishment of official plan policies and zoning bylaw regulations that implement this requirement cannot be appealed, with the exception of official plan policies that are part of a five-year update. Garden suite policies are not exempt from appeals under the Planning Act.

The Planning Act requires that municipalities permit additional residential units in their official plans and zoning bylaws, in both a primary dwelling and an ancillary building or structure, in effect permitting three residential units on one residential property. Ancillary means a use that is associated with the principle use. New regulations for additional residential units came into effect that established the following requirements and standards:

- no relationship restrictions allowed regarding the occupancy of the primary residential dwelling, additional residential unit and owner of the property;
- no restriction on the creation of an additional residential unit based on the date of construction of the primary or ancillary building; and
- each additional residential unit can be required to have one parking space, which may be stacked, however a lower standard, including no parking spaces, may be set by a municipal zoning bylaw.

Municipalities may still determine appropriate regulations for the additional residential units and consider constraints such as flood-prone areas or areas with inadequate servicing.

The Planning Act also permits garden suites that are defined as “a one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable”. The Planning Act allows garden suites to be permitted as a temporary use only.

Provincial Policy Statement (2020)

The Planning Act requires that all planning decisions be consistent with the Provincial Policy Statement. The Provincial Policy Statement sets the policy foundation for regulating the development and use of land. It provides for

appropriate development while protecting matters of provincial interest including housing.

The Provincial Policy Statement directs municipalities to provide an appropriate affordable and market-based range and mix of housing types and densities, including single detached, additional residential units, multi-unit housing, affordable housing and housing for older persons. Residential intensification and densities that facilitate compact development, minimize the cost of housing and support the use of active transportation and transit, where appropriate, is also required.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)

Under the Planning Act all planning decisions shall conform with provincial plans that are in effect at the time or shall not conflict with them, as the case may be. A Place to Grow is the province's plan for growth management within the Greater Golden Horseshoe area. A guiding principle of the Plan is to "support a range and mix of housing options, including second units and affordable housing, to serve all sizes, incomes, and ages of households". The growth plan recognizes the challenge that by 2041, over 25% of the population is expected to be over the age of 60 and require more age-friendly development that includes a more appropriate range and mix of housing options.

Under the Growth Plan, municipalities are to support housing choice through the achievement of minimum intensification and density targets by identifying a diverse range and mix of housing options and densities, including second units (referred to as additional residential units in the Planning Act).

2.2. Guelph Official Plan

The City's Official Plan is a statement of goals, objectives and policies that guide Guelph's growth and development to 2031. The plan establishes policies that are intended to have a positive effect on Guelph's social, economic, cultural and natural environment. The Official Plan strives to maintain a high quality of life for the residents of Guelph, reduce uncertainty concerning future development, and provides a basis for the Zoning Bylaw and other land use controls. Official Plan excerpts related to accessory apartments, coach houses and garden suites have been included in Appendix A of this document.

The City's housing policies, reflect provincial policies and plans, by promoting an adequate supply of residential land and an appropriate range of housing types and densities to meet growth needs. The range of housing types is to include housing that is affordable to low and moderate income households, and housing required to meet social, health and well-being requirements, including special needs requirements.

The City's Official Plan provides policies for accessory apartments. The Official Plan currently permits accessory apartments within low density residential areas (which includes housing in the form of detached, semi-detached, townhouse and

apartments) of the city and states that specific rules for accessory apartments will be provided in the City's zoning bylaw. Accessory apartments are defined within the Official Plan as "a dwelling unit located within and subordinate to an existing single detached dwelling or semi-detached dwelling".

The Official Plan permits coach houses and garden suites in areas of the city that also permit detached, semi-detached, and townhouse dwellings through site-specific amendments to the zoning bylaw. In addition, the Official Plan provides an enabling policy to allow for site plan approval of coach houses and garden suites. A coach house is defined in the Official Plan as "a one unit detached residence containing bathroom and kitchen facilities that is located on the same lot, but is subordinate to an existing residential dwelling and is designed to be a permanent unit". A garden suite, also known as a granny flat is defined as "a one-unit detached residential structure containing bathroom and kitchen facilities that is separate from and subordinate to an existing residential dwelling and that is designed to be portable".

2.3. Guelph Zoning By-law

The City's Zoning Bylaw is a series of rules for a property that implement Official Plan policies by including a more detailed list of permitted uses as well as regulations regarding the location of structures on a property, building characteristics (e.g. size, height) and parking requirements. The zoning bylaw provides a way for the City to manage land uses to ensure development is appropriate and to prevent conflicting land uses, buildings and structures from being developed or built near each other. Zoning Bylaw excerpts related to accessory apartments, coach houses and garden suites have been included in Appendix A of this document.

Currently, the City's Zoning Bylaw defines and permits accessory apartments in some zones. The zoning bylaw permits accessory apartments within a single detached or semi-detached dwelling to a maximum of one per lot. Accessory apartments are restricted in size to a maximum of two bedrooms, a maximum of 45% of the total floor area of the building and cannot exceed 80 m², whichever is lesser. The external appearance of all building façades and outdoor amenity areas are to be preserved except dual service metres are allowed. In addition, an interior connection is required between an accessory apartment and primary dwelling unit. A single detached or semi-detached dwelling with an accessory apartment requires three parking spaces. Two of the parking spaces can be in a stacked arrangement. An accessory apartment is defined in the Zoning Bylaw as "a Dwelling Unit located within and subordinate to an existing Single Detached Dwelling, Semi-Detached Dwelling or Link Dwelling".

The zoning bylaw currently permits coach houses and garden suites through site-specific zoning bylaw amendments and does not provide general regulations for them. In addition, coach houses and garden suites are subject to site plan control. Currently, three site-specific zones are in place that permit coach houses and five site-specific zones that permit garden suites. The site-specific zones that permit coach houses include regulations regarding maximum unit size, maximum number

of bedrooms, minimum side yard, height and parking. The regulations vary for each zone with a maximum of two bedrooms often noted and a maximum height of one storey or two storeys with garage. In addition, generally a home occupation is not permitted within the coach house and an accessory apartment is not permitted in the primary dwelling unit. A coach house is generally defined in site-specific zones as a one unit detached residence containing bathroom and kitchen facilities that is located on the same lot, but is subordinate to an existing residential dwelling unit, and is designed to be a permanent dwelling.

The site-specific zones that permit garden suites include regulations regarding number of units, unit size, number of bedrooms, lot size, height, lot setback, lot coverage and parking. The regulations vary for each zone with a maximum of one bedroom noted, height of one storey or two storeys with garage, and maximum unit size of 60 to 117 m². A garden suite is defined in the Zoning Bylaw as "includes a coach house and means a Dwelling Unit which may be designed to be portable, and which is located on the same lot of, and fully detached from, an existing Dwelling Unit, such Garden Suite is clearly ancillary to the existing dwelling and shall be independently serviced with municipal water and sanitary services."

Minor Variances

A minor variance is a minor change to a zoning bylaw regulation granted by the Committee of Adjustment. Generally, the minor variance process cannot be used to add a use that is not permitted in a zone. However, it can vary regulations such as maximum building and unit size, maximum building height, setbacks, parking, etc.

Between 2014 and 2019, 1066 accessory apartments were created in the City. During that time period, a total of 56 minor variances were approved for accessory apartments with the majority of the applications seeking an increase in the size of an accessory apartment. The approved minor variances resulted in an average size of 99.3 m² amongst the varied accessory apartments. These variances represented an average of 31.4% of the total floor area of the building, well below the maximum 45% of the total floor area of the building regulation of the zoning bylaw. The largest accessory apartment approved was 131.5 m², representing 28.5% of the total floor area of the building. The majority of the approved minor variances involved accessory apartments in the basement of one storey residential dwellings. The minor variances were requested due to basement layout issues including window, door and stairway placement, and the location of furnaces, heating ducts, waterlines and drains.

Other approved minor variances involved permitting three stacked parking spaces and reducing required parking and reducing the minimum side yard setback from 1.5 m to 1.1 m to allow for a wider driveway. All of the approved minor variances maintained the two bedroom size limit for accessory apartments and were subordinate to the primary dwelling, i.e. were less than 45% of the total floor area of the building.

Comprehensive Zoning Bylaw Review

The ongoing Comprehensive Zoning Bylaw Review is reviewing the City's existing Zoning By-law to ensure it aligns with the City's updated Official Plan, reflects current zoning practices and works for our community today and in the future. In October 2019, the City released the [Comprehensive Zoning Bylaw Review Discussion Paper](#) as the final component of the research and analysis phase of the zoning bylaw review. The discussion paper explored other municipal zoning trends, and provided a series of options and preliminary recommendations for each zoning topic including accessory apartments, referred to as accessory dwellings.

The discussion paper stated that in order to comply with recent changes to the Planning Act, an accessory dwelling will be a permitted use in all zones that permit a single detached, semi-detached, and townhouse dwelling. An accessory dwelling unit will be permitted both within and on the same lot of a single detached, semi-detached or townhouse dwelling resulting in a maximum of three dwelling units. The following rules for accessory dwellings were also recommended:

- accessory dwelling units will have a maximum floor area between 40 and 45 percent of the total residential floor area provided;
- a minimum of not more than one parking space per accessory dwelling unit be provided with stacked parking allowed;
- direct access from the street be provided to accessory dwelling units located in a separate building; and
- a maximum floor area and setbacks from rear and side property lines be set for accessory dwelling units located in a separate building.

3. Community Engagement

3.1. What we did

The ongoing Comprehensive Zoning Bylaw Review process included a community engagement process with feedback collected and summarized as part of and following the release of the Comprehensive Zoning Bylaw Review Discussion Paper in October 2019. Input received through community engagement activities informs this review of accessory apartment policy and regulations.

In February 2019, the City hosted three community conversations to provide an overview of the comprehensive zoning bylaw review and gain input on what topics to explore in the development of a new bylaw. Information was also gathered through the City's online engagement platform and through individual meetings held with community members, stakeholders and members of Council who requested one. The input received assisted in the development of options and preliminary recommendations included in the Comprehensive Zoning Bylaw Discussion Paper.

Following the release of the Comprehensive Zoning Bylaw Discussion Paper, six workshops were held between November 21 and November 28, 2019. In addition, planning staff hosted four half day office hours throughout the city for individuals to attend and an online survey from November 29, 2019 to January 6, 2020.

3.2. What we heard

While developing the Comprehensive Zoning Bylaw Discussion Paper we heard that zoning needs to be easier to understand and align better with the Official Plan to reduce the need for zoning bylaw amendments and minor variances. In addition, the City needs to be more flexible in the types of residential uses it permits and rules for accessory apartments need to be more permissive. Size regulations and parking standards for accessory apartments were also raised as a concern.

Following the release of the Comprehensive Zoning Bylaw Discussion Paper, we heard that residents generally supported the changes recommended in the Discussion Paper that align with current provincial legislation. The changes offer more housing choices for elderly parents, children living with parents longer and assist with the affordability of homes. Residents generally felt that existing detached accessory structures should be permitted to accommodate accessory apartments but these should not impact neighbouring properties. We heard:

- General support for more flexibility for accessory apartments, especially as the population ages
- Some concerns related to student rentals, out-of-town investors and the effects on neighbourhoods
- Establish setbacks in order to protect privacy of neighbours
- Consider no parking requirements for accessory apartments in older neighbourhoods that don't always have driveways and are located close to the transit station downtown
- Consider removing required parking minimums for accessory apartments
- Consider increasing permitted height to allow for accessory apartments above a garage
- Permit a larger maximum floor area for the accessory apartments in detached structures, e.g. 60% compared to 40-45%
- Permit services (hydro, gas, water/sewer) to be tied into the existing dwelling to reduce construction costs.

A full summary of public input received through Phase 2 of the Comprehensive Zoning Bylaw Review can be found in the February 21, 2020 [Information Report \(IDE-2020-21\)](#).

4. Other Municipal Practices

Other municipal zoning bylaw regulations were reviewed to understand how they regulate additional residential units. Specifically, how they are defined, where they are permitted and the types of rules they have regarding their size, characteristics and location on a lot. Given the recent approval of Bill 108, More Homes, More Choice Act, 2019 and Planning Act changes, no zoning bylaws were found that comply fully. Few municipalities have drafted regulations that permit additional residential units within and on the same lot of a detached, semi-detached and townhouse unit, in effect permitting three residential units on one residential property. However, a number of municipalities have zoning regulations that permit additional residential units within detached, semi-detached and townhouse units. In addition, some municipalities already permit coach houses, which is a separate

residential unit located on the same lot that is subordinate to an existing residential dwelling unit. The following municipal zoning bylaws, which provide a range of approaches and are included on the City's list of municipal comparators, were reviewed:

- Cambridge
- Kingston
- Kitchener
- London
- Oakville
- Ottawa.

The results of the review will be discussed below under each applicable section.

5. Official Plan and Zoning By-law Review and Recommendations

5.1. Definitions and Use of Defined Terms

The definitions for accessory apartment contained in the City's Official Plan and zoning bylaw were compared to provincial definitions as well as definitions from other municipal zoning bylaws. The recommended definitions align the City's Official Plan and Zoning Bylaw definitions, comply with current provincial definitions and reflect other municipal trends. In addition, the use of the terms were reviewed to determine where policy and regulations need to be updated.

City of Guelph Official Plan and Zoning Bylaw

Currently the City defines accessory apartment, coach house, dwelling unit and garden suite in both its Official plan and the Zoning Bylaw (See Appendix A). The Zoning Bylaw definitions are not the same as with the existing Official Plan definitions. Additionally, the zoning bylaw doesn't differentiate a coach house from a garden suite.

Planning Act

The Planning Act defines garden suite as follows:

"Garden Suite means a one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable".

No definition is included for an additional residential unit. However, the Province previously defined second units (the precursor to the use of the new term additional residential unit) as:

"Second units are self-contained residential units with a private kitchen, bathroom facilities and sleeping areas within dwellings or within structures ancillary to a dwelling (e.g., above laneway garages)."

Other Municipal Practices

Other municipalities have varied approaches to defining additional residential units. Most municipalities include one definition, using the term secondary dwelling unit or accessory dwelling. Four of the six municipal zoning bylaws reviewed include a definition that can apply to both the additional residential unit within the same building as the primary dwelling and an additional residential unit located in separate building on the same lot. The City of Ottawa includes a definition for coach house in its zoning bylaw to address a separate dwelling unit located on the same lot as the principal dwelling. The City of Kitchener has drafted a zoning bylaw amendment that defines additional dwelling unit (attached) and additional dwelling unit (detached) to align with recent Bill 108 changes to the Planning Act. The definitions include the type of dwelling units and lots that are permitted to have an additional dwelling unit. Three of the six municipal zoning bylaws reviewed include the type of residential lots that permit an additional residential unit within the definition.

Three of the six municipal zoning bylaws reviewed define garden suite. All of the municipalities that define the term include that it is “designed to be portable”. Oakville incorporates the Planning Act definition for garden suite into its zoning bylaw. Ottawa’s definition includes the type of lots that permit a garden suite, i.e. detached, linked-detached or semi-detached.

Official Plan Recommendations

It is recommended that the following existing definition of accessory apartment be deleted from the Official Plan:

Accessory Apartment means:

a dwelling unit located within and subordinate to an existing single detached dwelling or semi-detached dwelling.

It is recommended that the following existing definition of coach house be deleted from the Official Plan:

Coach House means:

a one unit detached residence containing bathroom and kitchen facilities that is located on the same lot, but is subordinate to an existing residential dwelling and is designed to be a permanent unit.

It is recommended that the following definition for additional residential dwelling unit be added to the Official Plan to replace the definitions of accessory apartment and coach house:

Additional Residential Dwelling Unit means a dwelling unit that is self-contained, subordinate to and located within the same building or on the same lot of a primary dwelling unit.

It is recommended that policy references to “accessory apartment” or “coach house” be replaced with “additional residential dwelling unit” and a distinction be made regarding whether the unit is located within the primary dwelling or on the same lot as the primary dwelling where appropriate.

It is recommended that the following existing definition of garden suite be deleted from the Official Plan:

Garden Suite means: (also known as a Granny Flat): A one-unit detached residential structure containing bathroom and kitchen facilities that is separate from and subordinate to an existing residential dwelling and that is designed to be portable.

It is recommended that the following definition for garden suite be added to the Official Plan to replace the existing definition of garden suite:

Garden Suite means a one-unit detached dwelling unit containing bathroom and kitchen facilities that is separate from and subordinate to a primary dwelling unit and that is designed to be portable and temporary.

Zoning Bylaw Recommendations

It is recommended that the following existing Zoning Bylaw definition of accessory apartment be deleted:

Accessory Apartment means a dwelling unit located within and subordinate to an existing single detached dwelling, semi-detached dwelling or link dwelling.

It is recommended that the following definition for additional residential dwelling unit be added to the Zoning Bylaw to replace the definition of accessory apartment:

Additional Residential Dwelling Unit means a dwelling unit that is self-contained, subordinate to and located within the same building or on the same lot of a primary dwelling unit.

It is recommended that the existing Zoning Bylaw definition of dwelling unit be modified by deleting the following strikethrough text:

Dwelling Unit means a room or group of rooms occupied or designed to be occupied ~~exclusively~~ as an independent and separate self-contained housekeeping unit ~~including a house~~;

It is recommended that the following existing Zoning Bylaw definition of garden suite be deleted:

Garden Suite includes a coach house and means a dwelling unit which may be designed to be portable, and which is located on the same lot of, and fully detached from, an existing dwelling unit; such garden suite is clearly ancillary to the existing dwelling and shall be independently serviced with municipal water and sanitary services.

It is recommended that the following definition for garden suite be added to the Zoning Bylaw to replace the existing definition of garden suite:

Garden Suite means a one-unit detached dwelling unit containing bathroom and kitchen facilities that is separate from and subordinate to a primary dwelling unit and that is designed to be portable and temporary.

It is recommended that regulation references to "accessory apartment" or "coach house" be replaced with "additional residential dwelling unit" and a distinction be made regarding whether the unit is located within the same building as the primary

dwelling or within a separate building on the same lot as the primary dwelling, where appropriate.

Rationale

Recommending the same definition for the City's Official Plan and Zoning Bylaw improves clarity and conformity between the policies and regulations for additional residential dwelling units. Using one term for units within the same building as the primary dwelling and units located in a separate building on the same lot, and not referring to the type of residential lots that permit these units, keeps the definition simple and aligns with other municipal trends. In addition, this approach keeps regulations and permitted uses out of definitions.

The recommended garden suite definition aligns with the Planning Act definition, using dwelling unit instead of residential structure to align with terminology used in the City's current Official Plan and Zoning Bylaw. In addition, the temporary nature of a garden suite is included in the definition, which aligns with the Planning Act and provides added clarity to the difference between an additional residential dwelling unit on the same lot as a primary dwelling unit and a garden suite.

The recommended dwelling unit definition aligns the Zoning Bylaw definition with the current definition for dwelling unit in the City's Official Plan.

5.2. Permitted Zones

The zones that currently permit accessory apartments in the City's Zoning Bylaw were compared against the City's Official Plan policies, provincial requirements as well as permitted uses from other municipal zoning bylaws. The zones recommended to permit additional residential dwelling units align the zoning bylaw with the City's Official Plan policies, comply with current provincial requirements and reflect other municipal trends.

City of Guelph Official Plan and Zoning Bylaw

The City's Official Plan under policy 9.2.3.1 states that "the City shall provide for the creation of accessory apartments in low density residential designations". The City's low density residential designations include low density residential for the built-up area and low density greenfield residential for the greenfield area (undeveloped). These low density residential designations permit detached, semi-detached, duplex and multiple unit residential buildings such as townhouses and apartments. In addition, the Glenholme Estate Residential designation, a low density estate residential designation, includes accessory apartments as a permitted use. Official plan policy 9.2.5.1 permits coach houses and garden suites within land use designations that permit residential uses in the form of detached, semi-detached and townhouse forms of housing.

The zoning bylaw permits accessory apartments within the following zones:

- Residential Single Detached (R.1)
- Residential Semi-detached/Duplex (R.2)
- Downtown 2 (D.2)

- Office Residential (OR).

The zoning bylaw also permits accessory apartments, coach houses and garden suites in various site-specific zones.

Planning Act

The Planning Act requires an official plan to include policies that permit an additional residential unit within a detached house, semi-detached house or rowhouse; and on the same lot within a building or structure ancillary to a detached house, semi-detached house or rowhouse. Under the Act, zoning bylaws must implement and regulate the permissions for additional residential units within the primary dwelling and on the same lot as the primary dwelling.

Municipalities may permit and regulate temporary and portable garden suites under the Planning Act. Municipalities may require an owner of the garden suite or any other person to enter into an agreement as a condition to passing a bylaw authorizing the temporary use of a garden suite. The agreement may deal with matters such as:

- the installation, maintenance and removal of the garden suite;
- the period of occupancy of the garden suite by any of the persons named in the agreement; and
- the monetary or other form of security that the council may require for actual or potential costs to the municipality related to the garden suite.

Other Municipal Practices

The other municipalities that were reviewed all permit additional residential units within single detached and semi-detached dwellings. The draft Kitchener bylaw and London's zoning bylaw regulations (which are currently under appeal) also permit additional residential units within on-street townhouses, while Cambridge, Kingston and Ottawa reference row houses or townhouses. Some municipalities permit additional residential units, known as coach houses, etc. on the same lot as a single detached, semi-detached or townhouse dwellings.

Official Plan Recommendations

It is recommended that the policy providing for the creation of accessory apartments in low density residential designations be modified to also include medium density residential designations.

Zoning Bylaw Recommendations

It is recommended that the following zones and any specialized zones thereto be modified to permit additional residential dwelling units:

- Residential Single Detached (R.1)
- Residential Semi-detached/Duplex (R.2)
- On-Street Townhouse (R.3B)
- Downtown 2 (D.2)
- Office Residential (OR)

It is recommended that site-specific zones that permit coach houses and garden suites be deleted as the buildings are now considered additional residential dwelling units and are permitted in the residential zone category. Site-specific R.1C-23 and R.1C-24 zones will be modified to permit additional residential dwelling units.

Rationale

The Official Plan policy providing for the creation of accessory apartments needs to be extended to medium density residential designations since it is proposed that additional residential dwelling units be permitted on on-street townhouse properties. On-street townhouse properties are permitted within low density residential designations and medium density residential designations.

The zones that are recommended to permit additional residential dwelling units align with Planning Act requirements and reflect other municipal zoning trends. It is recommended that additional residential dwelling units be limited to the On-Street Townhouse (R.3B) zone rather than included in all townhouse zones. This limitation is recommended given the anticipated challenges to meeting building code, parking and other zoning regulations associated with additional residential dwelling units for other townhouse types. It also recognizes design and ownership challenges to locating additional residential dwelling units within and on other townhouse type properties, such as stacked townhouses that are generally condominiums and would need consent from the condominium board. A lack of property lines when dealing with cluster townhouses would lead to setback issues. The zoning amendment process would be available for property owners to seek an additional residential dwelling unit within other townhouse dwelling types on specific properties, and these would be reviewed on a site-specific basis.

Garden suites, as defined by the Planning Act, continue to be permitted through site-specific zoning bylaw amendments given their portable and temporary nature and to recognize the difference between an additional residential dwelling unit on the same lot as a primary dwelling and a garden suite. Garden suites also require an agreement to be entered into and registered on title to ensure the temporary nature of the use.

The site-specific zones that permit coach houses and garden suites are proposed to be deleted, with the exception of the R.1C-23 and R.1C-24 zones. The terms coach house and garden suite have been used inconsistently in the existing site-specific zones. The site-specific zones that permit garden suites do not align with the Planning Act definition and regulations, which treat garden suites as portable and temporary, as the existing buildings are not intended to be portable and temporary. The proposed changes to the Zoning Bylaw deletes the term coach house and replaces it with additional residential dwelling unit, and allows additional residential dwelling units within the primary dwelling and in a separate building on the same lot. The new regulations are more permissive than the existing site-specific zones and therefore, these site-specific zones are no longer needed. These properties will be put into a general residential zone category (e.g. R.1B) that will continue to permit the existing use under the new definition, additional residential dwelling unit. The site-specific R.1C-23 and R.1C-24 zones are specific to the development of a street and in some cases the new regulations are not more permissive. These

site-specific zones will be modified to replace garden suite with additional residential dwelling units. .

5.3. Number of Units

City of Guelph Official Plan and Zoning Bylaw

The City's Official Plan does not address specific regulations for accessory apartments and therefore does not provide policy for the number of accessory apartments permitted on a lot.

The Zoning Bylaw limits a property to one accessory apartment. Coach houses and garden suites are only permitted through site-specific zoning bylaw amendments. Half of the eight site-specific zones that permit a coach house or garden suite, prohibit an accessory apartment within the primary dwelling on the same property.

Planning Act

The Planning Act requires municipalities to permit an additional residential unit in both a primary dwelling and in an ancillary building or structure, in effect permitting three residential units on one residential property.

Other Municipal Practices

The number of additional residential units permitted on a property varies amongst the municipalities reviewed. A few municipalities permit and regulate additional residential units within a primary dwelling and additional residential units on the same lot as a primary dwelling. However, municipalities generally permit only one additional residential unit and have not updated their regulations to permit two additional residential units. The City of Kitchener is the only municipality that has draft regulations that align with provincial legislation by allowing two additional residential units on a lot. Kitchener is proposing to allow two additional residential units within the primary dwelling (in effect creating three units in one building), or one additional residential unit in the primary dwelling and one additional residential unit in a separate building on the same lot.

Official Plan Recommendations

No changes to the Official Plan are needed.

Zoning Bylaw Recommendations

It is recommended that two additional residential dwelling units be permitted on a lot, one within the same building as the primary dwelling and one located in a separate building on the same lot, resulting in a maximum of three dwelling units per lot.

It is recommended that garden suites continue to be reviewed on a case-by-case basis through site-specific zoning bylaw amendments.

Rationale

The Planning Act requires municipalities to include policies in their Official Plans authorizing the use of additional residential units by permitting two residential units

in a detached house, semi-detached house or rowhouse, and the use of a residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse. The proposed recommendations align the Zoning Bylaw with provincial legislation by providing regulations to implement the requirement to permit up to three residential units on single detached, semi-detached and townhouse lots.

Garden suites will continue to be considered through the development application process. This aligns with the Planning Act requirements that they be permitted through temporary use bylaws and will allow the City to consider the appropriateness of these portable and temporary uses in their site-specific context.

5.4. Unit Size

City of Guelph Official Plan and Zoning Bylaw

The City's Official Plan policy 9.2.5.2 states that coach houses and garden suites are to be:

- subordinate in scale and function to the primary dwelling unit;
- situated on an appropriately-sized housing lot; and
- compatible in design and scale with the built form of the primary dwelling unit.

The Zoning Bylaw limits accessory apartments to 80 m² or 45% of the total floor area of the building, whichever is lesser. Coach houses and garden suites have been permitted through site-specific zoning bylaw amendments. Half of the eight site-specific zones that permit a coach house or garden suite provide a maximum floor area, which ranges from 60 m² to 117 m².

The Zoning Bylaw limits accessory buildings or structures to 70 m² and limits them to 30% of the yard it occupies, e.g. rear yard. Currently accessory buildings or structures are not permitted to be used for human habitation.

Under the Zoning Bylaw, floor area as it relates to accessory apartments means the total floor area of the building measured from the exterior face of the outside walls, or centre line of common walls, including cellars and basements with a height of at least 1.95 m. The floor area excludes stairs, landings, cold cellars, garages and carports.

Planning Act

The Planning Act does not provide regulations for the size of additional residential units or garden suites. However, the Planning Act states that an additional residential unit can be located within an ancillary building or structure to a primary dwelling unit. Ancillary means smaller in size and subordinate to the primary dwelling.

Other Municipal Practices

Most of the municipalities that were reviewed limit the size of additional residential units within a primary dwelling to 40% of the gross floor area of the primary dwelling. Oakville permits a maximum floor area of 75 m² or 40% of the gross floor area of the primary dwelling, whichever is the lesser. Ottawa allows additional residential units in the basement to exceed the 40% floor area limit and permits them to occupy the entire basement. Kingston permits additional residential units, where the gross floor area is equal to or less than the gross floor area of the primary dwelling.

Municipalities that permit an additional residential unit in a separate building located on the same lot as the primary residential dwelling unit, such as a coach house, also tend to apply a 40% maximum floor area size. Some municipalities apply a maximum lot coverage. In Cambridge, the draft zoning regulations propose to limit additional residential units in separate buildings to 10% of the lot area. Kingston relies on the lot coverage requirements for accessory structures and compliance with any maximum floor space index where such requirement has been established for the zone in which the unit is located. Ottawa's regulations vary by location and include the lesser of a set maximum size (50 m², 80 m² and 95 m²) and 40% of the primary dwelling. All accessory buildings and structures, including an additional residential unit within a separate building on the same lot as the primary dwelling, cannot exceed 5% of the yard in which they are located in some zones or 50% in other zones.

Official Plan Recommendations

No changes to the Official Plan are needed.

Zoning Bylaw Recommendations

It is recommended that the maximum size of 80 m² be deleted.

It is recommended that the maximum size of 45% of the total floor area of the building as defined for accessory apartments, be replaced with shall not exceed 50% of the total net floor area of the primary dwelling.

It is recommended that the following existing zoning bylaw definition of floor area be deleted from Section 4.15 Residential Intensification of the Zoning Bylaw:

Floor Area means the total floor area of the building measured from the exterior face of outside walls, or centre line of common walls, including cellars and basements with a floor to ceiling height of at least 1.95 metres. Floor area does not include stairs, landings, cold cellars, garages and carports. Section 2.7 does not apply to the floor to ceiling height of 1.95 metres.

It is recommended that the following definition for total net floor area be added to Section 4.15 Residential Intensification of the Zoning Bylaw to replace the existing definition of floor area:

Total Net Floor Area means the total floor area of the building measured from the interior walls, including cellars and basements with a floor to ceiling height of at least 1.95 metres. Total net floor area does not include stairs, landings, cold cellars, garages, carports, and mechanical rooms. Section 2.7 does not apply to the floor to ceiling height of 1.95 metres.

It is recommended that the maximum size of an additional residential dwelling unit within a separate building on the same lot as the primary dwelling shall not exceed 50% of the total net floor area of the primary dwelling or 30% of the yard area, whichever is less.

Rationale

Removing the maximum size limit of 80 m² is intended to facilitate more additional residential dwelling units and provide for variation in size and design of units. This may also result in removing barriers that residents may face when creating an accessory apartment. As noted earlier, the majority of approved minor variances over the last five years sought to increase the floor area of an accessory apartment. Over 50 of the 56 minor variances were approved to increase - the maximum floor area for the accessory apartment. The average size of accessory apartments approved through variances is 99.3 m². In comparison, the average size of the approximately 1,430 accessory apartments registered since 2010 is 68.7 m². The amount of additional space permitted by the approved variances represented on average 31.4% of the total floor area of the building, well below the 45% maximum permitted by the Zoning Bylaw. In comparison, accessory apartment units registered since 2010 were on average 29% of the total floor area of the building with 10% of the registered units exceeding 40%.

In general, the request for increased size in the minor variance applications were to better utilize the basement floor area and/or improve the layout and design of the accessory apartment.

Increasing the maximum 45% of the total floor area permitted to shall not exceed 50% still ensures the additional residential dwelling units continue to be subordinate to the primary dwelling. Revising the measurement of total floor area to total net floor area changes the measurement of space from the exterior walls to the interior walls and removes mechanical rooms. This provides a better measurement of the usable floor area within a dwelling and still ensures that the unit is subordinate.

Applying a maximum 30% yard coverage to additional residential dwelling units within a separate building on the same lot aligns with coverage regulations in the City's Zoning Bylaw for accessory structures and buildings. The 30% yard coverage applies to the yard the additional residential dwelling unit is located in and ensures the lot is not over built and that open space and amenity space is available for residents. The yard coverage would apply to all accessory structures and buildings, including the additional residential dwelling units.

The following illustrations were developed to demonstrate the recommended unit size regulations as they apply to the residential zones that are proposed to permit additional residential dwelling units, to ensure that a unit within a separate building on the same lot may be possible based on the required lot sizes in each zone. The lot frontages and areas used are the minimums for each zone. A 0.6m rear and side yard setback are applied to the detached structure which assumes no windows or entrances on exterior walls facing the rear or side yard. These setbacks will need to be at least 1.2m in accordance with the Building Code where windows or entrances are included on the exterior walls.

The R.1B lot shown in Figure 1 shows a one storey single detached dwelling and a one storey additional residential dwelling unit on the same lot.

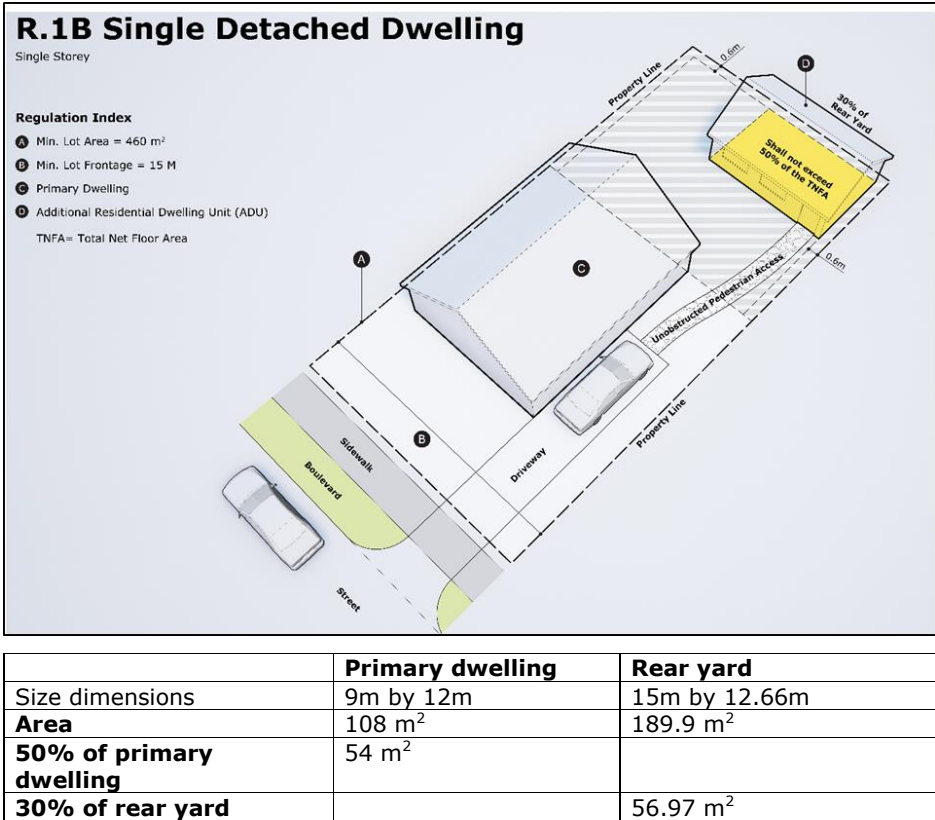
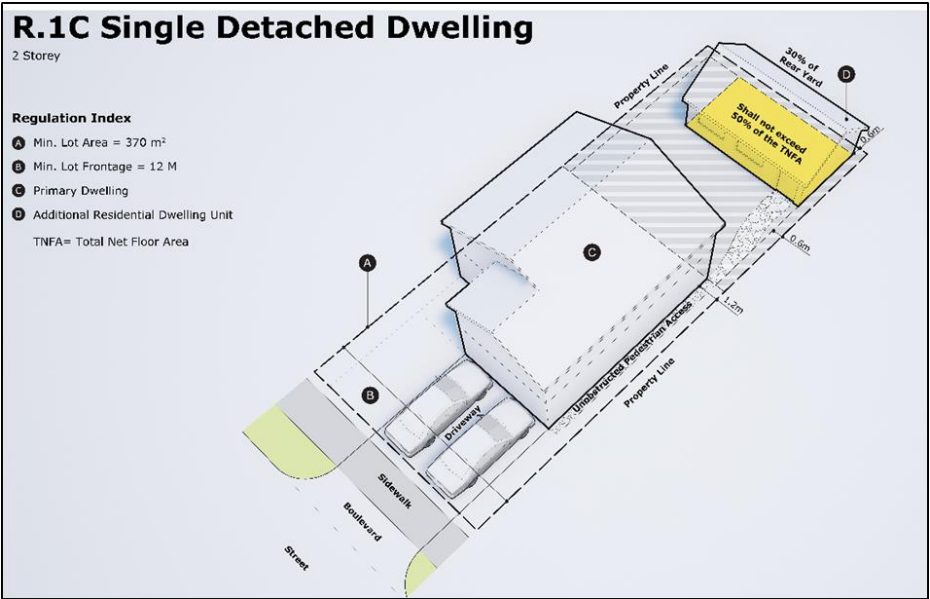


Figure 1: R.1B Single Detached Property

In the above illustration, the maximum size of the additional residential dwelling unit in a separate building is limited by the size of the primary dwelling area and not the size of the rear yard. The maximum size of the additional residential dwelling unit in this scenario is 54 m².

The R.1C lot shown in Figure 2 shows a two storey single detached dwelling and a one storey additional residential dwelling unit on the same lot.

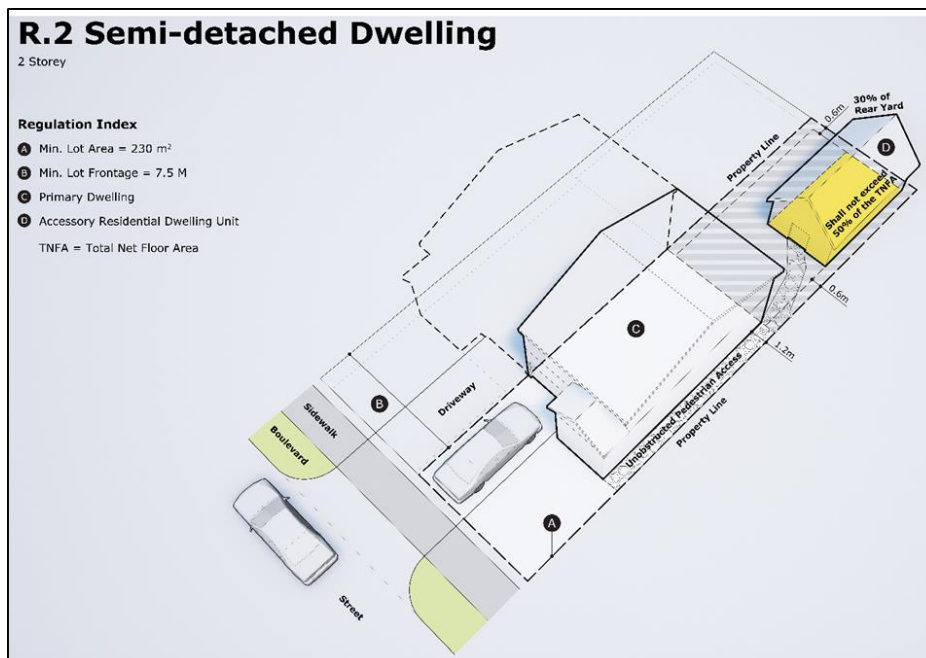


	Primary dwelling	Rear yard
Size dimensions	9.6m by 12m	12m by 12.66m
Area	230.4 m ²	151.92 m ²
50% of primary dwelling	115.2 m ²	
30% of rear yard		45.58 m ²

Figure 2: R.1C Single Detached Property

In the above illustration, the maximum size of the additional residential dwelling unit within a separate building is limited by the size of the rear yard. The maximum size of the additional residential unit in this scenario is 45.58 m².

The R.2 lot shown in Figure 3 shows a two storey semi-detached dwelling and a one storey additional residential dwelling unit on the same lot.

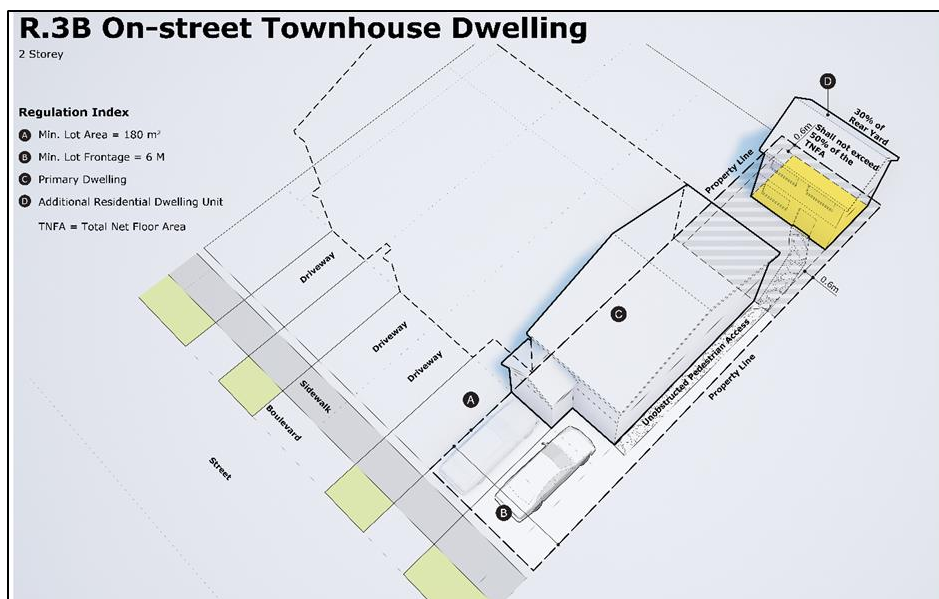


	Primary dwelling	Rear yard
Size dimensions	6.6m by 12m	7.5m by 12.66m
Area	158.4 m ²	94.95 m ²
50% of primary dwelling	79.2 m ²	
30% of rear yard		28.48 m ²

Figure 3: R.2 Semi-detached Property

In the above illustration, the maximum size of the additional residential dwelling unit within a separate building is limited by the size of the rear yard. The maximum size of the additional residential dwelling unit on the R.2 lot is 28.48 m².

The R.3B lot shown in Figure 4 shows a two storey on-street townhouse dwelling and a two storey additional residential dwelling unit on the same lot.



	Primary dwelling	Rear yard
Size dimensions	6m by 13.5m	6m by 10.5m
Area	162 m ²	63 m ²
50% of primary dwelling	81 m ²	
30% of rear yard		18.9 m ²

Figure 4: R.3B On-Street Townhouse Property

In the above illustration, the maximum size of the additional residential dwelling unit within a separate building is limited by the size of the rear yard. The maximum size of the two storey additional residential dwelling unit is 18.9 m². However, the separate building is permitted to be two storeys, therefore allowing a total of 37.8 m². The two storey additional residential dwelling unit shows a minimum 0.6 m rear yard and side yard setback since no entrances or windows face the property line. The rear and side yard setbacks would increase to a minimum of 3 m if an entrance or windows were adjacent to the property line.

A variety of additional residential dwelling unit sizes can be accommodated depending on the floor area of the primary dwelling, yard area and the number of storeys permitted. In the illustrations, the number of bedrooms range from a bachelor for the semi-detached (R.2) lot to three bedrooms for the single detached (R.1B) lot.

5.5. Number of Bedrooms

City of Guelph Official Plan and Zoning Bylaw

The City's Official Plan does not address specific regulations for accessory apartments and therefore does not provide policy with respect to the number of bedrooms permitted in accessory apartments, coach houses and garden suites. However, Official Plan policy 9.2.5.2 notes that coach houses and garden suites are to be subordinate in scale and function to the primary dwelling unit, and compatible in design and scale with the built form of the primary dwelling unit.

The Zoning Bylaw limits accessory apartments to a maximum of two bedrooms. Coach houses and garden suites have been permitted through site-specific zoning bylaw amendments that generally recognize existing situations in the city. Five of the eight site-specific zones permitting a coach house or garden suite do not limit the number of bedrooms, likely because they pre-date the inclusion of this regulation in the bylaw. One specialized zone limits the garden suite to one bedroom and two specialized zones limit the coach houses to two bedrooms.

Provincial Planning Act

The Planning Act does not provide regulations for the number of bedrooms permitted in an additional residential unit or garden suite.

Other Municipal Practices

Municipalities generally do not limit the number of bedrooms in an additional residential unit. Cambridge's draft regulations limit accessory dwellings to two bedrooms.

Official Plan Recommendations

No changes to the Official Plan are needed.

Zoning Bylaw Recommendations

It is recommended that the maximum number of bedrooms be increased from two bedrooms to three bedrooms.

Rationale

The two bedroom limit was initially introduced into the Zoning Bylaw as a companion regulation to the maximum floor area of 80 m². The floor area was deemed to be appropriate for a maximum 2 bedroom unit and further ensured that the units were subordinate. The proposed regulation to limit maximum size of additional residential units is sufficient to ensure that a unit is subordinate while providing increased flexibility in unit design and mix of housing. The existing regulations present enforcement issues with permits being applied for accessory apartments that are designed with two bedrooms and a "special purpose room" (e.g., office, gym, sewing room, etc) and after final inspection the special purpose room is converted to a bedroom without having been approved as such. The increased flexibility for the number of bedrooms will help ensure that the health and

safety of residents is maintained and reduce enforcement issues. In addition, allowing a wider range in the size of units and number of bedrooms, from bachelor to three bedrooms, will accommodate a broader mix of household types and sizes. The City's Affordable Housing Strategy identified that a range of housing types and sizes are required to meet the needs of the City's residents and additional residential dwelling units are identified as an affordable housing type. It is also recommended that the same number of bedrooms be permitted for additional residential dwelling units within the primary dwelling or within a separate building on the same lot. This will ensure that both types of units are treated the same and are consistent with one another.

Smaller lots, due to lot coverage rules, will generally support smaller additional residential dwelling units within a separate building on the same lot, which in turn will limit the number of bedrooms.

5.6. Unit Design

City of Guelph Official Plan and Zoning Bylaw

The City's Official Plan does not provide policy direction regarding the design of accessory apartments. However, Official Plan policy 9.2.5.2 includes the following criteria to be used as the basis for permitting coach houses and garden suites by amendment to the zoning bylaw:

- the use is subordinate in scale and function to the primary dwelling on the lot;
- the use can be integrated into its surroundings with negligible visual impact to the streetscape, and;
- the use is compatible in design and scale with the built form of the primary dwelling unit.

Regulation 4.15.1.1 of the City of Guelph Zoning By-law states that "the external appearance of all *Building* facades and outdoor *Amenity Areas* shall be preserved except dual service meters are permitted." In addition "interior access is required between floor levels and between the *Accessory Apartment* and the host *Dwelling Unit*" under regulation 4.15.1.6.

Provincial Planning Act

The Planning Act does not provide regulations for the design of additional residential units or garden suites.

Other Municipal Practices

Other municipalities integrate additional residential units into the surroundings and streetscape by not allowing any new front entrances and requiring any new entrances to be located in the side or rear yards. London's regulations also note that exterior alterations to the primary dwelling to accommodate an additional residential unit should maintain the character of the primary dwelling.

Official Plan Recommendations

It is recommended that Official Plan Section 9.2.5 be modified to change the title to "Additional Residential Dwelling Units in a separate building and Garden Suites" and to change references to "coach houses" to "additional residential units in a separate building". In addition, that "by amendment to the implementing Zoning Bylaw" be removed since a site-specific amendment is no longer required and a new policy be added to recognize garden suites will be regulated in accordance with the Temporary Use By-law provisions of this Plan.

Zoning Bylaw Recommendations

It is recommended that the regulation requiring the preservation of the external building façade be deleted.

It is recommended that the regulation requiring an interior access between the additional residential dwelling unit and the primary dwelling be maintained.

Rationale

The Official Plan Section 9.2.5 continues to provide proper guidance to the creation of additional residential units in separate buildings and the updated references will ensure appropriate application of these policies. Removing "by amendment to the implementing Zoning By-law" recognizes that a site-specific zoning bylaw amendment is no longer required. The new policy recognizes garden suites are to be implemented through a Temporary Use By-law.

Removing the regulation to preserve the external building façade provides more design flexibility for the location of the exterior access to an additional residential dwelling unit. Design for the exterior access can be accommodated in context sensitive ways without regulation. This also helps with increasing affordable housing supply by permitting more properties to have an additional residential dwelling unit where exterior access was a limiting factor.

Maintaining an interior connection between the primary dwelling and an additional residential dwelling unit maintains emergency access for health and safety purposes as requested by Fire Services. This regulation also provides flexibility for the primary dwelling to maintain an additional residential dwelling unit or convert the dwelling back to an individual dwelling, further ensuring that the additional residential dwelling unit is subordinate to the primary dwelling and is distinct from a duplex dwelling type.

5.7. Height

City of Guelph Official Plan and Zoning Bylaw

The City's Official Plan does not provide policy direction regarding the height of accessory apartments. However, Official Plan policy 9.2.5.2 includes the following criteria to be used as the basis for permitting coach houses and garden suites by amendment to the zoning bylaw:

- the use is subordinate in scale and function to the primary dwelling on the lot;

- the use can be integrated into its surroundings with negligible visual impact to the streetscape; and
- the use is compatible in design and scale with the built form of the primary dwelling unit.

The height of dwelling units, buildings and structures is regulated by the Zoning Bylaw.

The site-specific zones that permit a coach house or garden suite either do not regulate maximum height, limit the height to one storey, or limit the height to two storeys in the case of an existing coach house or a coach house occupying the second storey of a detached garage. In one instance, the maximum height is limited to 7.6 m in addition to a two storey limit. These regulations have generally been applied to recognize existing situations within the city.

The Zoning Bylaw limits accessory buildings or structures in a residential zone to a maximum height of 3.6 m, measured to the mid-span of the roof. Human habitation is not permitted within accessory buildings or structures.

Provincial Planning Act

The Planning Act does not provide regulations for the height of an additional residential unit or garden suite.

Other Municipal Practices

Other municipalities provide regulations to integrate additional residential units into the surroundings and streetscape, and ensure they are accessory, subordinate, or ancillary to a primary dwelling unit through maximum height limits. Generally, a detached additional residential unit must be the lesser of the height of the primary dwelling or a set height that ranges from 3.2 m (flat roof) to 6.1 m (garage included). Municipalities generally limit a detached additional residential unit to one storey, with exemptions provided if a garage is included.

Official Plan Recommendations

No changes to the Official Plan are needed.

Zoning Bylaw Recommendations

It is recommended that a regulation be added to establish a maximum height for an additional residential dwelling unit in a separate building, of two storeys with an overall maximum building height of 6.1 m, as defined and illustrated in the City's Zoning Bylaw.

Rationale

The City's Official Plan states that coach houses are to be "subordinate in scale and function to the primary dwelling on the lot" and that "the use be integrated into its surroundings with negligible visual impact to the streetscape". Establishing a maximum height for an additional residential dwelling unit will assist in meeting this policy. The proposed two storey or 6.1m maximum height allows for variations in

designs of the additional residential dwelling unit; acknowledges that smaller lot sizes may require a second storey to provide an appropriate sized unit; is less than the maximum height of three storeys permitted within residential zones; and allows for additional residential dwelling units to be created above detached garages.

5.8. Location and Setbacks

City of Guelph Official Plan and Zoning Bylaw

The City's Official Plan does not provide policy direction regarding the yard location and setbacks for accessory apartments on a lot. However, Official Plan policy 9.2.5.2 includes the following criteria to be used as the basis for permitting coach houses and garden suites by amendment to the Zoning Bylaw:

- the use is subordinate in scale and function to the primary dwelling on the lot;
- the use can be integrated into its surroundings with negligible visual impact to the streetscape;
- the use is compatible in design and scale with the built form of the primary dwelling unit;
- the orientation of the use will allow for optimum privacy for both the occupants of the new coach house or garden suite and the primary dwelling on the lot; and
- any other siting requirements related to matters such as servicing, parking and access requirements, storm water management and tree preservation can be satisfied.

In the Zoning Bylaw, some of the site-specific zones that allow for coach houses and garden suites include a minimum side yard setback that ranges from 1.1 to 1.2 m. An 11m minimum lot frontage, 82 m² minimum rear yard amenity area and 7.5 m minimum rear yard is included in one zone permitting a garden suite. One site-specific zone also includes a 6 m minimum setback between the primary dwelling and the garden suite when a habitable room window faces another habitable room window.

A minimum setback of 0.6 m is required from an accessory building to a rear and side property line, except that two adjoining property owners may erect an accessory building with a common party wall. Accessory buildings or structures are not permitted to be used for human habitation.

Provincial Planning Act

The Planning Act does not provide regulations for the yard location and setback requirements of an additional residential unit or garden suite.

Other Municipal Practices

Other municipalities integrate additional residential units into the surroundings and streetscape, and ensure they are accessory, subordinate, or ancillary to a primary dwelling unit by regulating yard location and setbacks. Detached additional residential units tend to be limited to the rear or side yard and subject to yard setbacks. In Kingston, the detached additional residential unit must comply with the minimum yard setbacks applicable to the primary dwelling unit. Detached additional residential units may locate in the rear or interior side yard with a minimum

setback of 1.2 m. Kingston also requires an entrance at the rear or side to be accessed by a minimum 1.2 m wide unobstructed pathway from the front of the primary building or front lot line. Kitchener's draft regulations also permit detached additional residential units in the rear or interior side yard with a minimum 0.6 m setback. The primary building is to be located a minimum of 2.5 m from side lot line nearest to where the unobstructed walkway is provided, unless the detached additional residential unit has direct access from the street or lane at the rear or exterior side yard. The unobstructed walkway is to be a minimum 1.1 m in width. The City of Ottawa sets a minimum 1 m interior side yard setback and rear yard setback for detached additional residential units where there is no window or entrance. In all other cases the interior side yard and rear yard setback is 4 m.

Official Plan Recommendations

No changes to the Official Plan are needed.

Zoning Bylaw Recommendations

It is recommended that additional residential dwelling units be permitted in a separate building to be located in rear and interior side yards.

It is recommended that a regulation be added to establish minimum 0.6 m side and rear yard setbacks for additional residential dwelling units in a separate building.

It is recommended that notwithstanding the above, a two storey additional residential dwelling unit in a separate building is to have a minimum 3 m side and rear yard setback where there is an entrance or window adjacent to the property line.

It is recommended that a property with an additional residential dwelling unit in a separate building on the same lot, have a minimum of 1.2 m unobstructed pedestrian access in the side yard leading to the entrance of the additional unit, unless access to the additional residential dwelling unit is provided directly from the street or lane.

It is recommended that a regulation be added to establish a minimum distance of 3 m between the primary dwelling and the additional residential dwelling unit on the same lot.

Rationale

The City's Official Plan requires coach houses to be "subordinate in scale and function to the primary dwelling on the lot" and that "the use be integrated into its surroundings with negligible visual impact to the streetscape". Limiting additional residential dwelling units to rear and interior side yards, and establishing appropriate rear and side yard setbacks will assist in meeting this policy. This also aligns with some of the site-specific zoning regulations in Guelph and other municipal trends. The 0.6 m minimum side and rear yard setback requirement proposed for one and two storey additional residential dwelling units without entrances or windows adjacent to the rear and side yard aligns with setbacks for accessory buildings and structures and for residential units in the R.1D zone. The

City will rely on Building Code setback requirements of 1.2 m for one storey detached additional residential dwelling units where there is an entrance or windows. However, two storey detached additional residential dwelling units with an entrance or windows will have an increased setback to provide greater privacy to adjacent properties. The recommended setbacks align with site-specific zoning in Guelph and other municipal trends.

The required side yard setback closest to the unobstructed pedestrian access provides sufficient room to accommodate an unobstructed pedestrian access and provides residents, and emergency personnel and equipment with access to the additional residential dwelling unit, especially in the case of an emergency.

Establishing a minimum distance between the primary dwelling and a detached additional residential dwelling unit protects access to sunlight, amenity space and sufficient access around the buildings.

The unobstructed pedestrian access provides residents, and emergency personnel and equipment with safe access to the additional residential dwelling unit in a separate building on a lot, especially in the case of an emergency.

5.9. Parking

City of Guelph Official Plan and Zoning Bylaw

The City's Zoning Bylaw sets regulations regarding the number, size and location of parking spaces required for various uses. No land, building or structure can be used or erected in any zone unless off-street parking is provided and maintained in accordance with the regulations established for the use.

Currently, a single detached, semi-detached or townhouse requires one parking space per unit. In the zones that permit single detached, semi-detached and on-street townhouses, the required parking space is to be setback a minimum of 6 metres from the property line and is to be located behind the front wall of the primary building. This regulation in effect establishes a minimum of two parking spaces on new residential lots. Single detached and semi-detached dwellings with an accessory apartment require three parking spaces in total. The required off-street parking space for an accessory apartment may be stacked behind the required off-street parking space of the primary dwelling in the driveway. A maximum of two parking spaces are permitted in a stacked arrangement.

The minimum exterior residential parking space dimensions are 2.5 m wide by 5.5 m long. The minimum driveway width to access a street or lane is 3 metres. Maximum driveway widths vary by residential zone.

A number of residential properties, particularly within the older parts of the city, do not have a legal off-street parking space. These properties either don't have a driveway, have a legal non-conforming parking space, such as a small parking area in the front yard, or rely on on-street parking or other arrangements.

The City of Guelph conducted a registered accessory apartment survey from October to November of 2019 to gain a better understanding of the characteristics of accessory apartments, including parking needs. Survey results from 2019 were compared against responses from the survey conducted in 2014 to understand trends over time. Between 2014 and 2019 vehicle use and parking needs increased slightly. However, the percentage of accessory apartment residents who did not own a vehicle remained higher compared to the vehicle ownership of residents of the primary dwelling unit. In 2019, an average of 3.7 parking spaces were provided representing an increase from 3.5 parking spaces in 2014. The majority of residents of the primary unit had two vehicles and the majority of residents of the accessory apartment had one vehicle in both 2014 and 2019. The number of parking spaces required to meet the needs of residents of both units increased slightly to 2.8 parking spaces in 2019 from an average of 2.7 parking spaces in 2014. In 2014 and 2019, 5% of accessory apartment residents did not own a vehicle compared to 1% of primary dwelling unit residents in 2014 and 0% in 2019.

Provincial Planning Act

On September 3, 2019, a new Planning Act regulation regarding additional residential units came into effect that established the following parking standards:

- each additional residential unit shall have one parking space provided and maintained for the sole use of the occupant of the additional residential unit;
- a parking space is not required for the occupant of either additional residential unit where a bylaw, passed under section 34 of the Planning Act, does not require a parking space to be provided for the sole use of the occupant of the primary residential dwelling; and
- a parking space provided for the occupant of an additional residential unit may be stacked.

Other Municipal Practices

Other municipalities vary in their approach to parking rules for additional residential units. Some municipalities do not require additional parking for additional residential units, while others require an additional parking space. Stacked parking is generally permitted and existing required parking spaces cannot be removed to accommodate an additional residential unit.

Official Plan Recommendations

No changes to the Official Plan are needed.

Zoning Bylaw Recommendations

It is recommended that regulations be modified to require one parking space for each additional residential dwelling unit, in addition to the one parking space required for the primary dwelling unit.

It is recommended that regulations be modified to remove the limitation on the number of parking spaces that may be permitted in a stacked arrangement. The modified regulation would permit the required off-street parking spaces for the

primary dwelling unit and additional residential dwelling units to be in a stacked arrangement, i.e. two or three parking spaces can be stacked.

It is recommended that existing lots that have no legal off-street parking space for the primary dwelling, as of the date of the passing of the bylaw, be exempt from providing parking spaces for additional residential dwelling units.

Rationale

The above recommendations align with provincial Planning Act regulations. The City must comply with the Planning Act.

The accessory apartment survey results show that the properties with accessory apartments are generally providing one more space than what is required by the residents of the property. Despite the reduction in required spaces, the increased flexibility in the arrangement of parking spaces on the property should continue to allow parking needs to be met. Flexibility is also given to existing properties that do not have and cannot provide a legal off-site parking space.

The following figures show how the recommended parking regulations would apply to various parking configurations. Figure 5 and Figure 6 show a single detached dwelling that can accommodate three dwelling units in total, i.e. a primary dwelling unit, an additional residential dwelling unit within the primary dwelling and an additional residential dwelling unit within a separate building on the same lot. Figure 5 has three stacked parking spaces while Figure 6 shows a parking space in a garage and two parking spaces side by side in the driveway. Figure 7 shows a semi-detached dwelling that can accommodate two dwelling units in total: a primary dwelling unit and either an additional residential dwelling unit within the primary dwelling or a unit in a separate building on the same lot, with two stacked parking spaces.

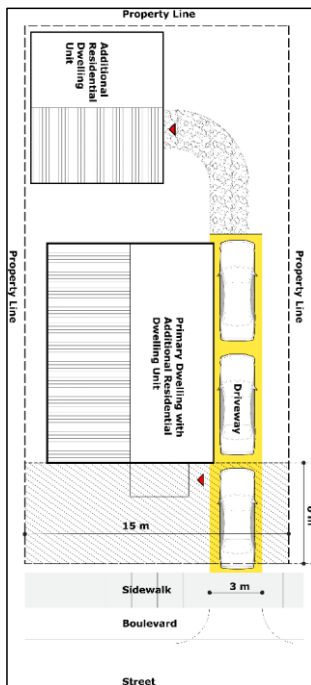


Figure 5: Single Detached Dwelling with Two Additional Dwellings

- 3 stacked parking spots in total
- 1 parking space for primary dwelling
- 1 parking space for attached additional dwelling
- 1 parking space for detached additional dwelling

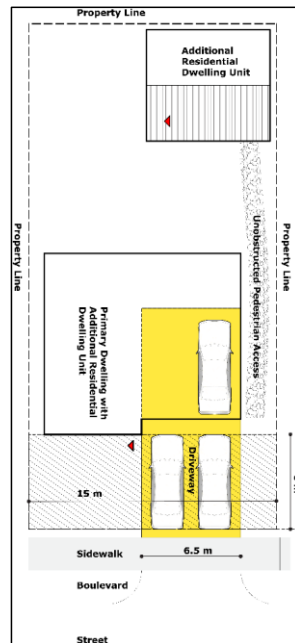


Figure 6: Single Detached Dwelling with Two Additional Dwellings

- 4 parking spaces in total
- 1 car in garage
- 2 cars side by side
- 1 parking space for primary dwelling
- 1 parking space for attached additional dwelling
- 1 parking space for detached additional dwelling

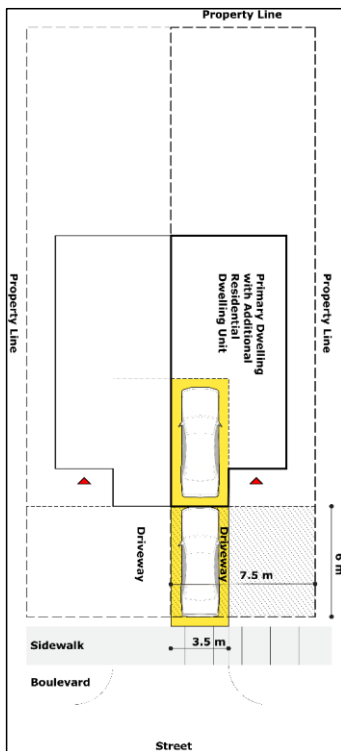


Figure 7: Semi-detached Dwelling with One Additional Dwelling

- 2 parking spaces in total
- 1 car in garage
- 1 car in driveway
- 1 parking space for primary dwelling
- 1 parking space for either an attached or detached additional dwelling

5.10. Servicing

City of Guelph Official Plan and Zoning Bylaw

The City's Official Plan policy 6.1 requires all new development to be on full municipal services.

The City's Zoning Bylaw, under regulation 4.10, requires municipal services to be available and adequate for any use or development except for specified instances such as the use existed when the Zoning Bylaw was passed and approval of a private sewage disposal system was granted.

The current practice is to require individual dwelling units, including coach houses, to have separate servicing from the street and to not be connected into the services

for the primary dwelling unit. This practice is not regulated through the Zoning Bylaw.

Provincial Planning Act

The Planning Act requires that all planning decisions be consistent with the Provincial Policy Statement. Policy 1.6.6.2 of the Provincial Policy Statement states that municipal sewage services and municipal water services are the “preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety”. Intensification and redevelopment are promoted wherever feasible to optimize the use of the services.

Other Municipal Practices

Most municipalities require additional residential units to be on full municipal services. Ottawa’s engineering standards permit municipal services to be provided to detached additional dwellings from the primary dwelling, which keeps costs down and helps prevent a future severance of the additional residential unit. In Kingston, which has urban and rural areas, additional residential units are connected to municipal services or approved private services. A holding provision is used for proposals with potential or known servicing constraints.

Official Plan Recommendations

No changes to the Official Plan are needed.

Zoning Bylaw Recommendations

No changes to the Zoning Bylaw are needed.

Rationale

Design details for how properties connect to municipal services are determined and reviewed by Engineering Services and Building Services and are not regulated in the Zoning Bylaw.

Additional residential dwelling units are to continue to be on full municipal services with exceptions dealt with on a case by case basis.

Any property that proposes to add an additional residential dwelling unit will be subject to the same Official Plan and Zoning Bylaw requirements as a new dwelling, including any exceptions or provisions for application of a minor variance. This requirement aligns with existing regulations and provincial policy.

The City of Guelph is an urban municipality with full municipal services available in most areas with the intent to have all development on full municipal services.

Additional residential dwelling units located in a separate building on the same lot as the primary dwelling may be connected to the primary dwelling unit for water and sanitary services. The connection must meet all applicable codes, such as the plumbing code and building code, and be reviewed by building staff for inspection

and approval. Any new sanitary and storm sewer connections must flow by gravity, as per current standards, to ensure serviceability at the lowest level of buildings, reduce future maintenance costs to the landowner and ensure servicing is available during power outages.

6. Conclusions

This discussion paper reviews the Ontario Planning Act regulations to determine what updates are required to the City of Guelph Official Plan and Zoning By-law. The community engagement feedback and preliminary recommendations of the City's ongoing Comprehensive Zoning Bylaw Review provides a basis and rationale for some of the recommended changes to the City's policies and regulations. The approaches of other municipalities comparable to the City of Guelph were also reviewed.

The recommendations presented in the discussion paper align official plan policies and zoning regulations with provincial rules regarding additional residential units. The alignment will assist with the provision of housing units through the creation of additional residential dwelling units within the City of Guelph. Although additional residential dwelling units are recommended in all zones that permit single detached, semi-detached and on-street townhouse units, not all properties will be able to accommodate them. Streamlined and simple to understand rules will assist with the creation of affordable housing units, ensure the health and safety of our residents, and protect the character of our residential neighbourhoods.

Appendix A

City of Guelph Official Plan and Zoning Bylaw Excerpts (Accessory Apartments, Coach Houses and Garden Suites)

Official Plan

3.7 Built-up Area and General Intensification

3. Within the *built-up area* the following general intensification policies shall apply:
 - v) a range and mix of housing will be planned, taking into account *affordable housing* needs and encouraging the creation of *accessory apartments* throughout the *built-up area*.

4.4.1 Floodplains

Floodproofing Requirements for Residential Uses within the 'S.P.A. Floodplain'

34. In addition to the requirements of policy 4.4.1.33, the following policies apply to the *renovation* of, intensification of, *conversion* to, *development* and *redevelopment* of residential uses.
 2. *Residential intensification*, comprising the building of a new single/semi/duplex on an existing vacant lot, or adding an *accessory apartment* to an existing single/semi/duplex building or the creation of a new lot by *consent* for a single/semi/duplex dwelling, may be permitted provided that the new building or structure is *floodproofed* to an elevation no lower than one metre below the *regulatory flood level*; and:

7.2 Affordable Housing

The City recognizes the importance of housing, including *affordable housing*, in meeting the needs of the city's existing and future residents.

Objectives

- d) To recognize the role of existing housing and *accessory apartments* in providing choices for a full range of housing, including *affordable housing*.

7.2.1 Affordable Housing Targets

2. The annual *affordable housing* target requires that an average of 30% of new residential *development* constitute *affordable housing*. The target is to be measured city-wide. The target consists of 25% affordable ownership units, 1% affordable *primary rental* units and 4% affordable purpose built secondary rental units (which includes *accessory apartments*).

9.2.3 Accessory Apartments

1. The City shall provide for the creation of *accessory apartments* in low density residential designations.
2. The *Zoning By-law* will provide specific regulations for *accessory apartments*.

9.2.5 Coach Houses and Garden Suites

1. *Coach houses* and garden suites may be permitted within land use designations permitting residential uses as alternative forms of housing in conjunction with detached, semi-detached and townhouse forms of housing.
2. The following criteria will be used as the basis for permitting *coach houses* and *garden suites* by amendment to the implementing *Zoning By-law*:
 - i) the use is subordinate in scale and function to the main *dwelling* on the lot;
 - ii) the use can be integrated into its surroundings with negligible visual impact to the streetscape;
 - iii) the use is situated on an appropriately-sized housing lot;
 - iv) the use is *compatible* in design and scale with the built form of the main dwelling unit;
 - v) the orientation of the use will allow for optimum privacy for both the occupants of the new *coach house* or *garden suite* and the main *dwelling* on the lot; and
 - vi) any other siting requirements related to matters such as servicing, parking and access requirements, storm water management and tree preservation can be satisfied.
3. *Coach houses* and garden suites will be regulated by the provisions of the implementing *Zoning By-law* and shall be subject to site plan control.

10.11 Site Plan Control

2. All lands within the City of Guelph are designated as site plan control areas except:
 - i) low density residential, including single detached and semi-detached dwellings and buildings or structures accessory thereto, but not including zero lot line dwellings, lodging houses, coach houses, garden suites, group homes or other special needs housing
4. Council may require design drawings for buildings to be used for residential purposes containing less than twenty-five *dwelling units* within all areas of the city.

11.2.6.3.6 Glenholme Estate Residential

1. Notwithstanding any other provision of this Secondary Plan, only the following uses shall be permitted:
 - a) Single detached dwelling;
 - b) Accessory apartment; and

- c) Home occupation.

12 Glossary

Accessory Apartment means:

a *dwelling unit* located within and subordinate to an existing single detached dwelling or semi-detached dwelling.

Coach House means:

a one unit detached residence containing bathroom and kitchen facilities that is located on the same lot, but is subordinate to an existing residential dwelling and is designed to be a permanent unit.

Dwelling Unit means:

a room or group of rooms occupied or designed to be occupied as an independent and separate self-contained housekeeping unit.

Garden Suite means:

(also known as a Granny Flat):

a one-unit detached residential structure containing bathroom and kitchen facilities that is separate from and subordinate to an existing residential dwelling and that is designed to be portable.

Residential Intensification means:

Intensification of a property, site or area which results in a net increase in residential units or accommodation and includes:

- a) *redevelopment*, including the *redevelopment* of *brownfield sites*;
- b) the *development* of vacant or underutilized lots within previously developed areas;
- c) *infill development*;
- d) the conversion or expansion of existing industrial, commercial and institutional buildings for residential use; and
- e) the conversion or expansion of existing residential buildings to create new residential units or accommodation, including *accessory apartments*, secondary suites and rooming houses.

Zoning Bylaw

Zoning By-law Introductory Statement

Abbreviated Summary of Zoning By-law Sections

Section 4: Describes and explains the general regulations which apply to more than one of the Zones in the Zoning By-law. The general regulations cover such matters as: accessory buildings or structures, parking, home occupations, outdoor storage, accessory apartments, etc.

Section 2 – Interpretation and Administration

2.9 Holding Zones

2.9.1 (xxiv) (H24) 210 and 222 College Avenue East

Purpose

To ensure that the use of the lands is not intensified and that **Use** of the lands for **Accessory Apartment, Bed and Breakfast, Day Care Centre, Group Home, Home Occupation, or Lodging House** does not proceed until the owner has completed certain conditions to the satisfaction of the City of Guelph.

Section 3 - Definitions

"Accessory Apartment" means a **Dwelling Unit** located within and subordinate to an existing **Single Detached Dwelling, Semi-detached Dwelling or Link Dwelling**.

"Coach House" shall mean a one unit detached residence containing bathroom and kitchen facilities that is located on the same **Lot**, but is subordinate to an existing residential **Dwelling Unit**, and is designed to be a permanent dwelling. (Site-specific zones R.1B-44(H), R.1B-49(H))

"Dwelling Unit" means a room or group of rooms occupied or designed to be occupied exclusively as an independent and separate self-contained housekeeping unit including a house.

"Garden Suite" includes a coach house and means a **Dwelling Unit** which may be designed to be portable, and which is located on the same lot of, and fully detached from, an existing **Dwelling Unit**; such **Garden Suite** is clearly ancillary to the existing dwelling and shall be independently serviced with municipal water and sanitary services.

Section 4 - General Provisions

4.13 Off-street Parking

4.13.3 Parking Design

4.13.3.1 Access

Every off-street **Parking Area** shall be provided with adequate means of ingress and egress to and from a **Street** or lane and shall not interfere with the normal public use of a **Street**. With the exception of Parking Areas provided for **Single Detached, Semi-Detached, Duplex Dwellings** or **Home Occupations, Group Homes, Bed and Breakfast** establishments, **Accessory Apartments** and **On-Street Townhouses, Parking Areas** shall provide for ingress and egress of **Vehicles** to and from a **Street** in a forward motion only.

4.13.3.2 Parking Space Dimensions

4.13.3.2.2 Despite Section 4.13.3.2.1, the minimum **Parking Space** dimensions for **Single Detached, Semi-Detached** and **Duplex Dwellings** or **Home Occupations, Group Homes, Bed and Breakfast Establishments, Accessory Apartments, Lodging House Type 1, On-Street Townhouses, Cluster Townhouses, Stacked Townhouses** and **R.4 Zones** are 3 metres by 6 metres within a

Garage or **Carport**. The minimum exterior **Parking Space** dimensions are 2.5 metres by 5.5 metres.

4.13.4.3 **Residential Land Use Ratios**

Semi-Detached Dwelling with an **Accessory Apartment** - 3
Single Detached Dwelling with an **Accessory Apartment** - 3

4.15 **Residential Intensification**

4.15.1 For the purposes of Section 4.15, the following terms shall have the corresponding meaning:

Any **Accessory Apartment** shall be developed in accordance with the following provisions:

4.15.1.1 The external appearance of all **Building** facades and outdoor **Amenity Areas** shall be preserved except dual service meters are permitted.

4.15.1.2 An **Accessory Apartment** shall only be permitted within a **Single-Detached Dwelling** or **Semi-Detached Dwelling**.

4.15.1.3 A maximum of one **Accessory Apartment** shall be permitted in a **Single-Detached Dwelling** or in each half of a **Semi-Detached Dwelling**, provided that the **Single-detached Dwelling** or **Semi-detached Dwelling** is a conforming **Use** in the **Zone** in which it is located.

4.15.1.4 Parking for the **Accessory Apartment** shall be developed in accordance with Section 4.13.

4.15.1.4.1 Notwithstanding Sections 4.13.2.1 and 4.13.3.1 the required off-street **Parking Space** for an **Accessory Apartment** may be stacked behind the required off-street **Parking Space** of the host **Dwelling** in the driveway. A maximum of 2 **Parking Spaces** are permitted in a stacked arrangement.

4.15.1.5 The **Accessory Apartment** shall not exceed 45% of the total **Floor Area** of the **Building** and shall not exceed a maximum of 80 square metres in **Floor Area**, whichever is lesser.

4.15.1.6 Interior access is required between floor levels and between the **Accessory Apartment** and the host **Dwelling Unit**.

4.15.1.7 The **Accessory Apartment** shall not contain more than two bedrooms.

Table 4.25 - **Regulations Governing Lodging House Type 1 and Group Homes**

Lodging House Type 1

Row 1, The whole of a **Single Detached Dwelling Unit**. A **Building** containing a **Lodging House Type 1** cannot contain an **Accessory Apartment**.

Section 5 – Residential Zones

5.1 **Residential Single Detached (R.1) Zones**

5.1.1 **Permitted Uses**

The following are permitted **Uses** within the R.1A, R.1B, R.1C, and R.1D **Zones**:

- **Single Detached Dwelling**
- **Accessory Apartment** in accordance with Section 4.15.1
- **Bed and Breakfast** in accordance with Section 4.27
- **Day Care Centre** in accordance with Section 4.26
- **Group Home** in accordance with Section 4.25
- **Lodging House Type 1** in accordance with Section 4.25

5.2 **Residential Semi-Detached/Duplex (R.2) Zone**

5.2.1 **Permitted Uses**

The following are permitted **Uses** within the R.2 **Zone**:

- **Duplex Dwelling**
- **Semi-Detached Dwelling**
- **Accessory Apartment** in accordance with Section 4.15.1
- **Bed and Breakfast** in accordance with Section 4.27
- **Group Home** in accordance with Section 4.25
- **Home Occupation** in accordance with Section 4.19

5.3 **Residential Townhouse (R.3) Zones**

5.3.1 **Permitted Uses**

The following are permitted **Uses** within the Residential **Townhouse R.3 Zone**:

5.3.1.2 **R.3B – On-Street Townhouse Zone**

- **On-Street Townhouse**
- **Home Occupation** in accordance with Section 4.19
- **Accessory Use** in accordance with Section 4.23

Section 6 – Commercial Zones

6.3 **Downtown (D) Zones**

6.3.1.1 **Permitted Uses**

Uses permitted in the Downtown **Zones** are denoted by the symbol “√” in the column applicable to that **Zone** and corresponding with the Row for a specific permitted **Use** in Table 6.3.1.1, below:

Active **Uses** refers to Uses permitted in **Active Frontage Areas** (6.3.2.4).

Table 6.3.1.1

Row 1 **Accessory Apartment** – D.2 (1)
(1) In accordance with Section 4.15.1.

6.3.2.5 **Required Parking in Downtown Zones**

6.3.2.5.1 **Required Parking Spaces**

Notwithstanding Section 4.13.4, off-street Parking Spaces for D.1, D.2, D.3, and D.3a Zones shall be provided in accordance with the following:

Table 6.3.2.5.1

Row 3 **Home Occupation, Lodging House Type 1, Accessory Apartment, Group Home, Nursing Home**

In accordance with Section 4.13.4

6.5 **Office Residential (OR) Zone**

6.5.1 **Permitted Uses**

The following are permitted **Uses** within the Office-Residential (OR) **Zone**:

- **Accessory Apartment** in accordance with Section 4.15.1
- **Artisan Studio**
- **Bed and Breakfast** establishment in accordance with Section 4.27
- **Day Care Centre** in accordance with Section 4.26
- **Dwelling Units** with permitted commercial **Uses** in the same **Building** in accordance with Section 4.15.2
- **Duplex Dwelling**
- **Group Home** in accordance with Section 4.25
- **Home for the Aged** or rest home developed in accordance with R.4D **Zone** regulations
- **Home Occupations** in accordance with Section 4.19
- **Medical Office**
- **Office**
- **Personal Service Establishment**
- **School**
- **Semi-Detached Dwelling**
- **Single Detached Dwelling**
- **Tourist Home**
- **Accessory Uses** in accordance with Section 4.23
- **Occasional Uses** in accordance with Section 4.21

Schedule "B" Specialized Zones Restricted Defined Areas

5.1.3.2.19 **R.1B-19**

112 Dufferin Street

As shown on Defined Area Map Number 34 of Schedule "A" of this **By-law**.

5.1.3.2.19.1 Permitted **Uses**

In addition to the **Uses** permitted under Section 5.1.1 of Zoning **By-law** (1995)-14864, as amended, the following **Use** shall also be permitted:

- A coach house.

Notwithstanding the **Uses** permitted in 5.1.3.2.19.1, a coach house located in the R.1B-19 **Zone** shall not be occupied by a **Home Occupation** or **Accessory Apartment**.

5.1.3.2.19.2 Regulations

In accordance with all the regulations of the R.1B **Zone** as specified in Sections 4 and 5.1.2 of Zoning **By-law** (1995)-14864, as amended, with the following additions:

5.1.3.2.19.2.1 Off-Street Parking

In addition to the requirements of Section 4.13, where a coach house has been provided in addition to the main **Dwelling Unit**, a total of 3 **Parking Spaces** shall be required on the property.

5.1.3.2.19.2.2 Location of **Parking Spaces**

One required space may be located within the main floor of the coach house.

5.1.3.2.19.2.3 Number of **Buildings** per **Lot**

Notwithstanding Section 4.4, a coach house is permitted on the same **Lot** as the main **Dwelling Unit** in the R.1B-19 **Zone**.

5.1.3.2.28 **R.1B-28**

180 Stevenson Street North

As shown on Defined Area Map Number 45 of Schedule "A" of this **By-law**.

5.1.3.2.28.1 Permitted **Uses**

In addition to permitted **Uses** listed in Section 5.1.1 of Zoning **By-law** (1995)-14864, as amended, the following additional **Use** shall also be permitted:

- **Garden Suite**

- 5.1.3.2.28.2 Regulations
In accordance with Section 4 (General Provisions), Section 5.1.2 and Table 5.1.2 (Residential Single Detached) **Zone** regulations of Zoning **By-law** (1995)-14864, as amended with the following additions:
- 5.1.3.2.28.2.1 **Garden Suite**
- 5.1.3.2.28.2.1.1 **Gross Floor Area**
The maximum **Gross Floor Area** of the **Garden Suite** shall not exceed 117 square metres.
- 5.1.3.2.28.2.1.2 **Maximum Building Height**
The maximum **Building Height** shall be 1 **Storey**.
- 5.1.3.2.28.2.1.3 **Separation Between Buildings**
A minimum distance of 6 metres shall be maintained between the main **Dwelling** and the **Garden Suite** when a **Habitable Room** window faces another a **Habitable Room** window.
- 5.1.3.2.28.2.1.4 **Off-Street Parking**
1 **Parking Space** shall be provided for the **Garden Suite**.
- 5.1.3.2.33 **R.1B-33**
14 Cambridge Street
As shown on Defined Area Map Number 24 of Schedule "A" of **this By-law**.
- 5.1.3.2.33.1 **Permitted Uses**
- **Single Detached Dwelling**
 - **Accessory Apartment** in accordance with Section 4.15.1
 - **Garden Suite** limited to the accessory **Building** existing on the date of the passing of the **By-law**.
- 5.1.3.2.33.2 **Regulations**
In accordance with the provisions of Sections 4 and 5.1.2 of **By-law** Number (1995) – 14864, as amended, with the following exceptions:
- 5.1.3.2.33.2.1 **Number of Buildings per Lot**
- Despite Section 4.4, a **Garden Suite** is permitted on the same **Lot** as the **Single Detached Dwelling**.
- 5.1.3.2.33.2.2 **Off-Street Parking**
- Three **Parking Spaces** shall be provided behind the front wall of the main **Dwelling** and one **Parking Space** may

be permitted in the required **Front Yard** for a total of four stacked off-street **Parking Spaces**.

5.1.3.2.33.3 Deleted by By-law (2009)-18734

5.1.3.2.44 **R.1B-44(H)**

As shown on Defined Area Map Number 15 of Schedule "A" of this **By-law**.

5.1.3.2.44.1 **Permitted Uses**

In addition to the permitted **Uses** in Section 5.1.1 of Zoning By-law (1995)-14364, the following additional **Use** shall be permitted:

- **Coach House**

The following definition shall apply in the R.1B-44 **Zone**:

Coach House shall mean a one unit detached residence containing bathroom and kitchen facilities that is located on the same **Lot**, but is subordinate to an existing residential **Dwelling Unit**, and is designed to be a permanent unit.

5.1.3.4.44.2 **Regulations**

In accordance with provisions of Section 4 and Section 5.1.1 and 5.1.2 of By-law Number (1995)-14864, as amended, with the following exceptions and additions:

5.1.3.4.44.2.1 **Gross Floor Area:**

The maximum **Gross Floor Area** of the **Coach House** shall not exceed 96 square metres.

5.1.3.4.44.2.2 **Minimum Side Yard:**

1.1 metres.

5.1.3.4.44.2.3 **Maximum Number of Bedrooms in Coach House**

2 bedrooms

5.1.3.4.44.2.4 **Maximum Building Height of Coach House**

1 **Storey**.

5.1.3.4.44.2.5 **Off-street Parking:**

5.1.3.4.44.2.5.1 In addition to the requirements of Section 4.13 where a **Coach House** has been provided in addition to the main **Dwelling Unit**, a total of 3 **Parking Spaces** shall be required for the property.

- 5.1.3.4.44.2.5.2 1 of the **Parking Spaces** outlined in Section 5.1.3.4.43.2.5.1 shall be devoted for the exclusive *Use* of the **Coach House**.
- 5.1.3.4.44.2.6 Number of **Buildings** Per **Lot**:
Despite Section 4.4, a **Coach House** is permitted on the same **Lot** as the main **Dwelling Unit** in the R.1B-44 **Zone**.
- 5.1.3.4.44.2.7 Notwithstanding the **Uses** permitted in Section 5.1.1, a **Coach House** located in the R.1B-44 **Zone** shall not be occupied by a **Home Occupation** or an **Accessory Apartment**.
- 5.1.3.4.44.3 Holding Provision Conditions
Prior to the removal of the holding symbol "H", the owner shall complete the following conditions to the satisfaction of the **City**:
1. The **City** shall receive a Record of Site Condition from the Ministry of Environment showing the site has been properly rehabilitated.
 2. The owner enters into an agreement, registered on title, containing the conditions of approval endorsed by Council.
- 5.1.3.2.49 **R.1B-49 (H)**
7 Eden Street and Part of 9 Eden Street
As shown on Defined Area Map Number 10 of Schedule "A" of this **By-law**.
- 5.1.3.2.49.1 Permitted **Uses**
In addition to the permitted **Uses** under Section 5.1.1 of **By-law** Number (1995)-14864, as amended, the following Use shall also be permitted:
- **Coach House**
- The following definition shall apply in the R.1B-49 **Zone**:
- Coach House** shall mean a one unit detached residence containing bathroom and kitchen facilities that is located on the same *Lot*, but is subordinate to an existing residential **Dwelling Unit**, and is designed to be a permanent unit.
- 5.1.3.2.49.2 Regulations
In accordance with Section 5.1.2 of the **By-law**, with the following exceptions and additions:
- 5.1.3.2.49.2.1 **Gross Floor Area**

The maximum **Gross Floor Area** of the **Coach House** shall not exceed 65 square metres.

5.1.3.2.49.2.2 Maximum Number of Bedrooms

The **Coach House** shall not contain more than two bedrooms.

5.1.3.2.49.2.3 Maximum **Building Height**

The maximum **Building Height** of the **Coach House** shall be two **Storeys** for the existing **Coach House**. If the **Coach House** is ever demolished and rebuilt, the maximum **Building Height** shall be one **Storey**.

5.1.3.2.49.2.4 Accessory **Buildings** or **Structures**

Despite Section 4.5.1.4, the total ground floor area of all accessory **Buildings** or **Structures** shall not exceed 105 square metres.

5.1.3.2.49.2.5 **Parking Space** Location

Despite Section 4.13.2.1, the legal **Parking Space** for the **Coach House** shall be located in front of the **Coach House** and within 6 metres of the **Street Line**.

5.1.3.2.49.2.6 Parking in Residential **Zones**

Despite Section 4.13.7.2, two **Driveways (Residential)** shall be permitted.

5.1.3.2.49.2.7 Maximum **Driveway (Residential)** Width

The **Driveway (Residential)** located in front of the **Coach House** shall have a maximum width of 3.0 metres.

5.1.3.2.49.2.8 Notwithstanding the **Uses** permitted in Section 5.1.1 of **By-law** Number (1995)-14864, as amended, a **Coach House** located in the R.1B-49 **Zone** shall not be occupied by a **Home Occupation** or **Accessory Apartment**.

5.1.3.2.49.3 Holding Provisions

Purpose: To ensure that the development of the lands does not proceed until the owner has completed certain conditions to the satisfaction of the **City**.

Prior to the removal of the Holding ('H') Symbol, the owner shall complete the following conditions to the satisfaction of the **City**:

1. The owner shall submit to the City, a site plan for the **Coach House** in accordance with Section 41 of the Planning Act. The site plan shall include: elevations, landscaping, parking, grading, drainage and servicing

information for the **Coach House** to the satisfaction of the General Manager of Planning, Urban Design and Building Services and the City Engineer.

2. The Consent application (lot line adjustment with 9 Eden Street) shall be submitted and finalized (Certificate of Official issued) to ensure that parking for the main **Dwelling Unit** and *Accessory Apartment* can be accommodated on the subject property.

5.1.3.3.23 **R.1C-23**

As shown on Defined Area Map Number 75 of Schedule "A" of this **By-law**.

5.1.3.3.23.1 Permitted **Uses**

In addition to the permitted **Uses** outlined in Section 5.1.1 of this **By-law**, the following permitted *Use* shall be allowed:

- a **Garden Suite Dwelling Unit** occupying the second **Storey** of a **Detached Garage**.

5.1.3.3.23.2 Regulations

1. General Sight Lines
Section 4.6.2.2 shall not apply in this **Zone**.
2. Off-Street Parking Location
Despite Section 4.13.2.1, an off-street **Parking Space** located in a **Garage** can be located 0.6 metres from Wilkie Crescent and Laughland Lane.
3. Accessory **Buildings** or **Structures**
 - a) Despite Section 4.5.1, a Detached **Garage** shall have a minimum **Front Yard** of 0.6 metres from Wilkie Crescent and Laughland Lane.
 - b) Despite Section 4.5.4, **Accessory Buildings** and **Structures** can occupy a maximum of 15% of the **Lot Area**.
 - c) Despite Section 4.5.1.1, a maximum area of 42% of the **Front Yard** between Wilkie Crescent and Laughland Lane and the nearest foundation wall of the main **Building** facing the public **Street Lines** can be occupied by **Buildings** and **Structures**.

- 5.1.3.3.23.2.1 For all **Uses** outlined in Section 5.1.1 of this **By-law**, the regulations in Section 5.1.2 shall apply, with the following exception:
- Minimum **Front Yard**
Despite Table 5.1.2, Row 6, 4.5 metres from the Tolton Drive **Street Line** with no vehicular access to the **Street**.
- 5.1.3.3.23.2.2 For a **Garden Suite** occupying the second **Storey** of a **Detached Garage**, the regulations in Section 5.1.2 shall apply with the following exceptions and additions:
1. Despite Section 4.5.2.1, a **Detached Garage Dwelling Unit Building** shall have a maximum **Building Height** of two **Storeys**.
 2. Despite Section 4.5.3, a **Garden Suite Dwelling Unit** may occupy the second **Storey** of a **Detached Garage Building** and be used for human habitation.
- 5.1.3.3.24 **R.1C-24**
As shown in Defined Area Map Number 73 of Schedule "A" of this **By-law**.
- 5.1.2.2.24.1 Permitted **Uses**
In addition to the permitted **Uses** outlined in Section 5.1.1 of this **By-law**, the following permitted **Uses** shall be allowed:
- A **Garden Suite Dwelling Unit** occupying the second **Storey** of a **Detached Garage**
- 5.1.3.3.24.2 Regulations
In accordance with the provisions of Section 5.1.2 of **By-law** Number (1995)-14864, as amended, with the following exceptions:
- 5.1.3.3.24.2.1 Off-Street Parking Location
- i. Despite Section 4.13.2.1, Section 4.5.1, and Table 5.1.2 Rows 9 and 12, an off-street **Parking Space** located in a **Detached Garage** can be located 5.5 metres from the **Street Line**, when the **Driveway** is located between the **Street Line** and **Detached Garage**.
 - ii. Despite Section 4.13.2.1, Section 4.5.1, Table 5.1.2 Rows 9 and 12, an off-street **Parking Space** located in a **Detached Garage** can be located 3.0 metres from the **Street Line**, when no portion of the **Driveway** is between the **Street Line** and **Detached Garage**.

- 5.1.3.3.24.2.2 Accessory **Buildings** or **Structures**
- i. Despite Section 4.5.1 and Table 5.1.2 Row 9, a **Detached Garage** located behind the detached dwelling shall have a minimum **Front Yard** setback of 3.0 metres.
 - ii. Despite Section 4.5.1.1 and Table 5.1.2 Row 9, a maximum area of 42% of the **Front Yard** where a **Detached Garage** is located between the **Street Line** and the nearest foundation wall of the main residential **Building** facing the public **Street Line** can be occupied by **Buildings** and **Structures**.
- 5.1.3.3.24.2.3 Minimum **Front Yard**
- Despite Table 5.1.2, Row 6, the main residential **Building** shall be 4.5 metres from the **Street Line** with no vehicular access to that **Street**.
- 5.1.3.3.24.2.4 **Garden Suite Dwelling Unit** Regulations
- For a **Garden Suite Dwelling Unit** occupying the second **Storey** of a **Detached Garage**, the regulations in Section 5.1.2 shall apply with the following exceptions and additions:
- i. Despite Section 4.5.2.1, a **Detached Garage** with a **Garden Suite Dwelling Unit** shall have a maximum **Building Height** of two **Storeys** and 7.6 metres.
 - ii. Despite Section 4.5.3, a **Garden Suite Dwelling Unit** may occupy the second **Storey** of a **Detached Garage Building** and be used for human habitation, provided that there is not an **Accessory Apartment** in the main residential **Building**.
 - iii. On a property with a **Garden Suite Dwelling Unit** in a **Detached Garage**, an **Accessory Apartment** will not be permitted in the main residential **Building**.
- 5.1.3.4.17 **R.1D-17**
- As shown on Defined Area Map Number 75 of Schedule "A" of this **By-law**.
- 5.1.3.4.17.1 Permitted **Uses**
- In accordance with the **Uses** permitted by Section 5.1.1 of this By-law, with the following additional use:
- **Garden Suite**
- 5.1.3.4.17.2 Regulations
- In accordance with the provisions of Section 5.1.2 of **By-law** Number (1995)-14864, as amended, with the following exceptions and additions:

- 5.1.3.4.17.2.1 Minimum **Lot Area**
500 square metres
- 5.1.3.4.17.2.2 Minimum **Lot Frontage**
11 metres
- 5.1.3.4.17.2.3 Minimum **Side Yard**
1.2 metres
- 5.1.3.4.17.2.4 Minimum **Rear Yard Amenity Area**
82 square metres
- 5.1.3.4.17.2.5 Maximum Floor Area of **Garden Suite**
60 square metres
- 5.1.3.4.17.2.6 Maximum Number of Bedrooms in **Garden Suite**
1 bedroom
- 5.1.3.4.17.2.7 Maximum **Building Height** of **Garden Suite**
1 **Storey**
- 5.1.3.4.17.2.8 Minimum **Side Yard** for **Garden Suite**
1.2 metres
- 5.1.3.4.17.2.9 Minimum **Rear Yard** for **Garden Suite**
7.5 metres

Attachment 2- Proposed Official Plan Amendment for the Additional Residential Unit Review (OPA 72)

Format of the Amendment

This section of Amendment 72 for the Additional Residential Unit Review: Planning Act Update sets out additions and changes to the text in the Official Plan. Sections of the Official Plan that are proposed to be added, changed or deleted are referred to as "ITEMS" in the following description. Text that is proposed to be amended is illustrated by various font types (e.g. ~~struck-out~~ is to be deleted and **bold** text is to be added). Unchanged text represents existing Official Plan policy that is being carried forward that has been included for context and does not constitute part of Amendment 72. New sections that are proposed to be added to the Official Plan are shown in standard font type with titles appearing in bold. Italicized font indicates defined terms or the name of a provincial act or title of a document.

Implementation and Interpretation

The implementation of this amendment shall be in accordance with the provisions of the Planning Act. The further implementation and associated interpretation of this amendment shall be in accordance with the relevant text and mapping schedules of the existing Official Plan of the City of Guelph and applicable legislation.

Amendment 72 should be read in conjunction with the current Official Plan (2018 Consolidation) which is available on the City's website at guelph.ca, or at the Planning Services office located at 1 Carden Street on the 3rd Floor.

Details of the Proposed Amendment

ITEM 1: The purpose of 'ITEM 1' is to change the reference to "accessory apartments" in policy 3.7.3 v) to "additional residential dwelling units" to be consistent with the dwelling type name used in the Planning Act.

Policy 3.7.3 v) is hereby amended as follows to replace the term "accessory apartments" with the term "additional residential dwelling units":

3.7.3. v) a range and mix of housing will be planned, taking into account *affordable housing* needs and encouraging the creation of ~~accessory apartments~~ **additional residential dwelling units** throughout the *built-up area*.

ITEM 2: The purpose of 'ITEM 2' is to change the reference to "accessory apartment" in policy 4.4.1.34.2 to "additional residential dwelling unit" to be consistent with the dwelling type name used in the Planning Act. In addition, the reference to duplex dwelling, in relation to an accessory apartment, is removed since accessory apartments are not permitted with duplex dwellings.

Policy 4.4.1.34.2 is hereby amended as follows to replace the term “accessory apartment” with the term “additional residential dwelling unit”:

4.4.1.34.2. *Residential intensification*, comprising the building of a new single/semi/duplex on an existing vacant lot, or adding an ~~accessory apartment~~ **additional residential dwelling unit** to an existing single/semi/~~duplex~~ building or the creation of a new lot by *consent* for a single/semi/duplex-dwelling, may be permitted provided that the new building or structure is *floodproofed* to an elevation no lower than one metre below the *regulatory flood level*; and:

ITEM 3: The purpose of ‘ITEM 3’ is to change the reference to “accessory apartments” in objective 7.2 d) to “additional residential dwelling units” to be consistent with the dwelling type name used in the Planning Act.

Objective 7.2 d) is hereby amended as follows to replace the term “accessory apartments” with the term “additional residential dwelling units”:

7.2 d) To recognize the role of existing housing and ~~accessory apartments~~ **additional residential dwelling units** in providing choices for a full range of housing, including *affordable housing*.

ITEM 4: The purpose of ‘ITEM 4’ is to change the reference to “accessory apartments” in policy 7.2.1.2 to “additional residential dwelling units” to be consistent with the dwelling type name used in the Planning Act.

Policy 7.2.1.2 is hereby amended as follows to replace the term “accessory apartments” with the term “additional residential dwelling units”:

7.2.1.2. The annual *affordable housing* target requires that an average of 30% of new residential *development* constitute *affordable housing*. The target is to be measured city-wide. The target consists of 25% affordable ownership units, 1% affordable *primary rental* units and 4% affordable purpose built secondary rental units (which includes ~~accessory apartments~~ **additional residential dwelling units**).

ITEM 5: The purpose of ‘ITEM 5’ is to change the references to “accessory apartments” in policy 9.2.3 to “additional residential dwelling units” to be consistent with the dwelling type name used in the Planning Act and to permit additional residential dwelling units within medium density residential designations to be consistent with the inclusion of additional residential units on rowhouse properties under the Planning Act.

Policy 9.2.3 is hereby amended as follows to replace the term “accessory apartments” with the term “additional residential dwelling units” and to add “and medium” to “low density residential designations”:

9.2.3 ~~Accessory Apartments~~ **Additional Residential Dwelling Units**

1. The City shall provide for the creation of ~~accessory apartments~~ **additional residential dwelling units** in low **and medium** density residential designations.
2. The *Zoning By-law* will provide specific regulations for ~~accessory apartments~~ **additional residential dwelling units**.

ITEM 6: The purpose of 'ITEM 6' is to change the references to "main dwelling" in policy 9.2.5 to "primary dwelling" and references to "coach houses" to "additional residential dwelling units within a separate building on the same lot as the primary dwelling" to align references to the primary dwelling with terminology used in the Planning Act and to be consistent with the dwelling type name used in the Planning Act.

Policy 9.2.5 is hereby amended as follows to replace the term "main dwelling" with "primary dwelling" and to replace the term "accessory dwellings" with the term "additional residential dwelling units", specifying that the additional residential dwelling units are within a separate building on the same lot as the primary dwelling. In addition, "by amendment to the implementing Zoning Bylaw" is removed and a new policy is added to recognize garden suites will be regulated in accordance with the Temporary Use By-law provisions of this Plan:

9.2.5 ~~Coach Houses~~ Additional residential dwelling units within a separate building on the same lot as the primary dwelling and Garden Suites

1. ~~Coach houses~~ **Additional residential dwelling units within a separate building on the same lot as the primary dwelling** and *garden suites* may be permitted within land use designations permitting residential uses as alternative forms of housing in conjunction with detached, semi-detached and townhouse forms of housing.
2. The following criteria will be used as the basis for permitting ~~coach houses~~ **additional residential dwelling units within a separate building on the same lot as the primary dwelling** and *garden suites* ~~by amendment to the implementing Zoning By-law~~:
 - i) the use is subordinate in scale and function to the **primary** ~~main dwelling~~ on the lot;
 - ii) the use can be integrated into its surroundings with negligible visual impact to the streetscape;
 - iii) the use is situated on an appropriately-sized housing lot;
 - iv) the use is *compatible* in design and scale with the built form of the **primary** ~~main dwelling~~ unit;
 - v) the orientation of the use will allow for optimum privacy for both the occupants of the new ~~coach house~~ **additional residential dwelling units within a separate building on the same lot as the primary dwelling** or *garden suite* and the **primary** ~~main dwelling~~ on the lot; and

- vi) any other siting requirements related to matters such as servicing, parking and access requirements, storm water management and tree preservation can be satisfied.
- 3. ~~Coach houses~~ **Additional residential dwelling units within a separate building on the same lot as the primary dwelling** and ~~garden suites~~ will be regulated by the provisions of the implementing *Zoning By-law* and shall be subject to site plan control.
- 4. **Garden suites** will be regulated in accordance with the Temporary Use By-law provisions of this Plan and shall be subject to site plan control.

ITEM 7: The purpose of 'ITEM 7' is to change the references to "coach houses" in policy 10.11.2 i) to "additional residential dwelling units within a separate building on the same lot as the primary dwelling" to be consistent with the dwelling type name used in the Planning Act.

Policy 10.11.2 i) is hereby amended as follows to replace the term "coach house" with the term "additional residential dwelling units" and specifying that the additional residential dwelling units are within a separate building on the same lot as the primary dwelling":

- 10.11.2 i) low density residential, including single detached and semi-detached dwellings and buildings or structures accessory thereto, but not including zero lot line dwellings, lodging houses, ~~coach houses~~ **additional residential dwelling units within a separate building on the same lot as the primary dwelling**, garden suites, group homes or other special needs housing

ITEM 8: The purpose of 'ITEM 8' is to replace the term "accessory apartment" in policy 11.2.6.3.6.1 with the term "additional residential dwelling unit" to be consistent with the dwelling type name used in the Planning Act:

Policy 11.2.6.3.6.1. is hereby amended as follows to replace the term "accessory apartment" with the term "additional residential dwelling unit":

- 11.2.6.3.6.1. Notwithstanding any other provision of this Secondary Plan, only the following uses shall be permitted:
 - a) Single detached dwelling;
 - b) ~~Accessory apartment~~ **Additional residential dwelling unit**; and
 - c) Home occupation.

ITEM 9: The purpose of 'ITEM 9' is to rename and revise the definition for "Accessory Apartment" within Section 12 Glossary to be consistent with the terminology used in the Planning Act and provide clarity.

Section 12 Glossary is hereby amended as follows:

Additional Residential Dwelling Unit ~~Apartment~~ means:

a dwelling unit **that is self-contained, subordinate to and** located within **the same building or on the same lot of a primary dwelling unit** ~~and subordinate to an existing single detached dwelling or semi-detached dwelling.~~

ITEM 10: The purpose of 'ITEM 10' is to delete the definition for "Coach House" within Section 12 Glossary. The definition is no longer required because this dwelling type is considered to be an "Additional Residential Dwelling Unit" in accordance with the regulations for additional residential units in the Planning Act.

The definition for Coach House is hereby deleted.

~~**Coach House** means:~~

~~a one-unit detached residence containing bathroom and kitchen facilities that is located on the same lot, but is subordinate to an existing residential dwelling and is designed to be a permanent unit.~~

ITEM 11: The purpose of 'ITEM 11' is to revise the definition for "Garden Suite" within Section 12 Glossary to align with the Planning Act.

Section 12 Glossary is hereby amended as follows:

Garden Suite means:

~~(also known as a Granny Flat):~~

a one-unit detached residential structure **dwelling unit** containing bathroom and kitchen facilities that is separate from and subordinate to **a primary dwelling unit** ~~an existing residential dwelling~~ and that is designed to be portable **and temporary**.

ITEM 12: The purpose of 'ITEM 12' is to revise the definition for "Residential Intensification" within Section 12 Glossary to replace "accessory apartments, secondary suites" with the term "additional residential dwelling units".

Section 12 Glossary is hereby amended as follows:

Residential Intensification means:

Intensification of a property, site or area which results in a net increase in residential units or accommodation and includes:

- a) *redevelopment*, including the *redevelopment* of *brownfield sites*;
- b) the *development* of vacant or underutilized lots within previously developed areas;
- c) *infill development*;
- d) the conversion or expansion of existing industrial, commercial and institutional buildings for residential use; and
- e) the conversion or expansion of existing residential buildings to create new residential units or accommodation, including **additional residential**

dwelling units ~~accessory apartments, secondary suites~~ and rooming houses.

DRAFT

The Corporation of the City of Guelph

By-law Number (20XX) - XXXXX

A by-law to amend By-law Number (1995)-14864, as amended, known as the Additional Residential Dwelling Unit Amendment (OZS20-02)

Whereas Section 34(1) of The Planning Act, R.S.O. 1990, c.P.13 authorizes the Council of a Municipality to enact Zoning By-laws;

The Council of the Corporation of the City of Guelph enacts as follows:

1. Section 2.9 of By-law (1995)-14864, as amended, is hereby further amended as follows:
 - 1.1. Section 2.9.1 (xxiv) is amended by replacing **"Accessory Apartment"** with **"Additional Residential Dwelling Unit."**
2. Section 3.1 of By-law (1995)-14864, as amended, is hereby further amended as follows:
 - 2.1. The definition **"Accessory Apartment"** is deleted.
 - 2.2. The definition **"Additional Residential Dwelling Unit"** is added:

"Additional Residential Dwelling Unit" means a **Dwelling Unit** that is self-contained, subordinate to and located within the same **Building** or on the same **Lot** of a primary **Dwelling Unit**.
 - 2.3. The definition of **"Dwelling Unit"** be modified:

"Dwelling Unit" means a room or group of rooms occupied or designed to be occupied as an independent and separate self-contained housekeeping unit.
 - 2.4. The definition of **"Garden Suite"** be modified:

"Garden Suite" means a one-unit detached **Dwelling Unit** containing bathroom and kitchen facilities that is separate from and subordinate to a primary **Dwelling Unit** and that is designed to be portable and temporary.
3. Section 4.13 of By-law (1995)-14864, as amended, is hereby further amended, as follows:
 - 3.1. Section 4.13.3.1 is amended by replacing **"Accessory Apartments"** with **"Additional Residential Dwelling Units."**
 - 3.2. Section 4.13.3.2.2 is amended by replacing **"Accessory Apartments"** with **"Additional Residential Dwelling Units."**
 - 3.3. Section 4.13.4.3 is amended by deleting **"Semi-Detached Dwelling** with an **Accessory Apartment, 3"** and **"Single Detached Dwelling** with an **Accessory Apartment, 3"** and adding **"Additional Residential Dwelling Unit, 1 per unit."**
 - 3.4. Section 4.13.4.3 is amended by adding section 4.13.4.3.2 as follows:

"Despite Section 4.13.4.3, if no legal off-street parking space can be provided for the primary **Dwelling**, as of the date of the passing of this **Bylaw**, no **Parking Spaces** are required for the **Additional Residential Dwelling Units."**

4. Section 4.15.1 of By-law (1995)-14864, as amended, is deleted and replaced with the following:

- 4.1. "4.15.1 For the purposes of Section 4.15, the following term shall have the corresponding meaning:

"Total Net Floor Area" means the total floor area of the **Building** measured from the interior walls, including **Cellars** and **Basements** with a floor to ceiling height of at least 1.95 metres. **Total Net Floor Area** does not include stairs, landings, cold **Cellars**, **Garages**, **Carports**, and mechanical rooms. Section 2.7 does not apply to the floor to ceiling height of 1.95 metres.

Any **Additional Residential Dwelling Unit** shall be developed in accordance with the following provisions:

- 4.15.1.1 A maximum of two **Additional Residential Dwelling Units** shall be permitted on a **Lot**, one within the same **Building** as the primary **Dwelling Unit** and one located in a separate **Building** on the same **Lot**.
- 4.15.1.2 Parking for **Additional Residential Dwelling Units** shall be developed in accordance with Section 4.13.
- 4.15.1.3 Notwithstanding Sections 4.13.2.1 and 4.13.3.1 the required off-street **Parking Spaces** for **Additional Residential Dwelling Units** may be stacked behind the required off-street **Parking Space** of the primary **Dwelling Unit** in the **Driveway (Residential)**.
- 4.15.1.4 **Additional Residential Dwelling Units** shall not contain more than three bedrooms per unit.
- 4.15.1.5 Table 5.3.2, Row 18, shall not apply to **Additional Residential Dwelling Units** located in the R.3B **Zone**.
- 4.15.1.6 **Additional Residential Dwelling Unit** within a primary **Dwelling Unit**
- 4.15.1.6.1 The **Additional Residential Dwelling Unit** shall not exceed 50% of the **Total Net Floor Area** of the **Building**.
- 4.15.1.6.2 Interior access is required between floor levels and between the **Additional Residential Dwelling Unit** and the primary **Dwelling Unit**.
- 4.15.1.7 **Additional Residential Dwelling Unit** within a separate **Building** on the same **Lot**
- 4.15.1.7.1 The **Additional Residential Dwelling Unit** shall not exceed 50% of the **Total Net Floor Area** of the primary **Building**.
- 4.15.1.7.2 The **Additional Residential Dwelling Unit** shall not occupy more than 30% of the **Yard**, including all accessory **Buildings** and **Structures**, and shall be in accordance with Section 4.15.1.7.1, whichever is less.
- 4.15.1.7.3 The maximum **Building Height** shall be two **Storeys**, and shall not exceed an overall **Building Height** of 6.1 metres.

- 4.15.1.7.4 A 1.2 metre wide unobstructed pedestrian access shall be provided to the entrance of the unit, unless access to the **Additional Residential Dwelling Unit** is provided from a **Street** or lane. A **Fence** may be constructed provided that a gate offers access to the **Yard** that the **Additional Residential Dwelling Unit** is located.
- 4.15.1.7.5 A minimum 1.2 metre **Side Yard Setback** is required in the **Yard** closest to the unobstructed pedestrian access, unless access to the **Additional Residential Dwelling Unit** is from a **Street** or lane.
- 4.15.1.7.6 An **Additional Residential Dwelling Unit** in a separate **Building** on a **Lot** may occupy a **Yard** other than a **Front Yard** or required **Exterior Side Yard**.
- 4.15.1.7.7 An **Additional Residential Dwelling Unit** in a separate **Building** on a **Lot** shall not be located within 0.6 metres of any **Lot Line**.
- 4.15.1.7.8 Notwithstanding Section 4.15.1.7.7, a two **Storey Additional Residential Dwelling Unit** shall have a minimum 3 metre **Side Yard** and **Rear Yard Setback** where an entrance door or window is adjacent to the property line.
- 4.15.1.7.9 A minimum of 3 metres shall be provided between the primary **Dwelling Unit** and an **Additional Residential Dwelling Unit in a separate Building** on the same **Lot.**"
5. Section 4.25 of By-law (1995)-14864, as amended, is hereby further amended as follows:
- 5.1. Table 4.25, Row 1, is amended by replacing "**Accessory Apartment**" with "**Additional Residential Dwelling Unit**".
6. Section 5 of By-law (1995)-14864, as amended, is hereby further amended as follows:
- 6.1. Section 5.1.1 is amended by replacing "**Accessory Apartment** in accordance with Section 4.15.1" with "**Additional Residential Dwelling Unit** in accordance with Section 4.15.1".
- 6.2. Section 5.2.1 is amended by replacing "**Accessory Apartment** in accordance with Section 4.15.1" with "**Additional Residential Dwelling Unit** in accordance with Section 4.15.1".
- 6.3. Section 5.3.1.2 is amended by adding "**Additional Residential Dwelling Unit** in accordance with Section 4.15.1" as a permitted use.
7. Section 6 of By-law (1995)-14864, as amended, is hereby further amended as follows:
- 7.1. Table 6.3.1.1 is amended by replacing "**Accessory Apartment**" with "**Additional Residential Dwelling Unit**" in the D.2 zone.
- 7.2. Section 6.5.1 is amended by replacing "**Accessory Apartment** in accordance with Section 4.15.1" with "**Additional Residential Dwelling Unit** in accordance with Section 4.15.1".

8. Part 1 of By-law (1995) – 14864, as amended, is hereby further amended as follows:
- 8.1. Section 5.1.3.2.19, R.1B-19 zone, be deleted.
 - 8.2. Section 5.1.3.2.28, R.1B-28 zone, be deleted.
 - 8.3. Section 5.1.3.2.33.1, R.1B-33 zone, be deleted.
 - 8.4. Section 5.1.3.2.35.1 is amended by replacing “**Accessory Apartment** in accordance with Section 4.15.1” with “**Additional Residential Dwelling Unit** in accordance with Section 4.15.1”.
 - 8.5. Section 5.1.3.2.44, R.1B-44(H) zone, be deleted.
 - 8.6. Section 5.1.3.2.45.1 is amended by replacing “**Accessory Apartment** in accordance with Section 4.15.1” with “**Additional Residential Dwelling Unit** in accordance with Section 4.15.1”.
 - 8.7. Section 5.1.3.2.49, R.1B-49(H) zone, be deleted.
 - 8.8. Section 5.1.3.3.15.1 is amended by replacing “**Accessory Apartment**” with “**Additional Residential Dwelling Unit**”.
 - 8.9. Section 5.1.3.3.23.1 is deleted and replaced with the following:
“Permitted **Uses**
In accordance with Section 5.1.1 of this **Bylaw**.”
 - 8.10. Section 5.1.3.3.23.2.2 be deleted.
 - 8.11. Section 5.1.3.3.24.1 is deleted and replaced with the following:
“Permitted **Uses**
In accordance with Section 5.1.1 of this **Bylaw**.”
 - 8.12. Section 5.1.3.3.24.2.4 is amended as follows:
“Despite Section 4.15.1.7.3, an **Additional Residential Dwelling Unit** within a separate **Building** on the **Lot**, shall have a maximum **Building Height** of two **Storeys** and 7.6 metres.”
9. Part 2 of By-law (1995) – 14864, as amended, is hereby further amended as follows:
- 9.1. Section 5.2.3.2.1.3 is amended by replacing “**Accessory Apartment** in accordance with Section 4.15.1” with “**Additional Residential Dwelling Unit** in accordance with Section 4.15.1”.
 - 9.2. Section 5.2.3.6.1 is amended by replacing “**Accessory Apartment** in accordance with Section 4.15.1” with “**Additional Residential Dwelling Unit** in accordance with Section 4.15.1”.
 - 9.3. Section 5.2.3.7.1 is amended by replacing “**Accessory Apartment** in accordance with Section 4.15.1” with “**Additional Residential Dwelling Unit** in accordance with Section 4.15.1”.
 - 9.4. Section 5.2.3.8.1 is amended by replacing “**Accessory Apartment** in accordance with Section 4.15.1” with “**Additional Residential Dwelling Unit** in accordance with Section 4.15.1”.

- 9.5. Section 5.2.3.30.2.6 be deleted.
10. Part 3 of By-law (1995) – 14864, as amended, is hereby further amended as follows:
- 10.1. Section 5.3.3.1.12.1 is amended by replacing “**Accessory Apartment** in accordance with Section 4.15.1” with “**Additional Residential Dwelling Unit** in accordance with Section 4.15.1”.
 - 10.2. Section 5.3.3.2.2.1 is amended by adding “**Additional Residential Dwelling Unit** in accordance with Section 4.15.1”.
 - 10.3. Section 5.3.3.2.10.3.1 is amended by adding “An **Additional Residential Dwelling Unit** is permitted in **On-street Townhouses** in accordance with Section 4.15.1”.
 - 10.4. Section 5.3.3.2.12.1 is amended by adding “An **Additional Residential Dwelling Unit** is permitted in **On-street Townhouses** in accordance with Section 4.15.1”.
 - 10.5. Section 5.3.3.2.14.1 is amended by adding “**Additional Residential Dwelling Unit** in accordance with Section 4.15.1”.
11. Part 7 of By-law (1995) – 14864, as amended, is hereby further amended as follows:
- 11.1. Section 6.3.3.1.4.1 is amended by replacing “**Accessory Apartment** in accordance with Section 4.15.1” with “**Additional Residential Dwelling Unit** in accordance with Section 4.15.1”.
12. Part 9 of By-law (1995) – 14864, as amended, is hereby further amended as follows:
- 12.1. Section 6.5.3.7.1 is amended by replacing “**Accessory Apartment** in accordance with Section 4.15.1” with “**Additional Residential Dwelling Unit** in accordance with Section 4.15.1”.
 - 12.2. Section 6.5.3.8.1 is amended by replacing “**Accessory Apartment** in accordance with Section 4.15.1” with “**Additional Residential Dwelling Unit** in accordance with Section 4.15.1”.
 - 12.3. Section 6.5.3.9.1 is amended by replacing “**Accessory Apartment** in accordance with Section 4.15.1” with “**Additional Residential Dwelling Unit** in accordance with Section 4.15.1”.
 - 12.4. Section 6.5.3.10.1 is amended by replacing “**Accessory Apartment** in accordance with Section 4.15.1” with “**Additional Residential Dwelling Unit** in accordance with Section 4.15.1”.
 - 12.5. Section 6.5.3.11.1 is amended by replacing “**Accessory Apartment** in accordance with Section 4.15.1” with “**Additional Residential Dwelling Unit** in accordance with Section 4.15.1”.
 - 12.6. Section 6.5.3.13.1 is amended by replacing “**Accessory Apartment** in accordance with Section 4.15.1” with “**Additional Residential Dwelling Unit** in accordance with Section 4.15.1”.
 - 12.7. Section 6.5.3.17.1 is amended by replacing “**Accessory Apartment** in accordance with Section 4.15.1” with “**Additional Residential Dwelling Unit** in accordance with Section 4.15.1”.

- 12.8. Section 6.5.3.20.1 is amended by replacing "**Accessory Apartment**" in accordance with Section 4.15.1" with "**Additional Residential Dwelling Unit**" in accordance with Section 4.15.1".
- 12.9. Section 6.5.3.21.1 is amended by replacing "**Accessory Apartment**" in accordance with Section 4.15.1" with "**Additional Residential Dwelling Unit**" in accordance with Section 4.15.1".
- 12.10. Section 6.5.3.22.1 is amended by replacing "**Accessory Apartment**" in accordance with Section 4.15.1" with "**Additional Residential Dwelling Unit**" in accordance with Section 4.15.1".
- 12.11. Section 6.5.3.23.1 is amended by replacing "**Accessory Apartment**" in accordance with Section 4.15.1" with "**Additional Residential Dwelling Unit**" in accordance with Section 4.15.1".
- 12.12. Section 6.5.3.24.1 is amended by replacing "**Accessory Apartment**" in accordance with Section 4.15.1" with "**Additional Residential Dwelling Unit**" in accordance with Section 4.15.1".
- 12.13. Section 6.5.3.25.1 is amended by replacing "**Accessory Apartment**" in accordance with Section 4.15.1" with "**Additional Residential Dwelling Unit**" in accordance with Section 4.15.1".
- 12.14. Section 6.5.3.28.1 is amended by replacing "**Accessory Apartment**" in accordance with Section 4.15.1" with "**Additional Residential Dwelling Unit**" in accordance with Section 4.15.1".
- 12.15. Section 6.5.3.33.1 is amended by replacing "**Accessory Apartment**" in accordance with Section 4.15.1" with "**Additional Residential Dwelling Unit**" in accordance with Section 4.15.1".
- 12.16. Section 6.5.3.34.1 is amended by replacing "**Accessory Apartment**" in accordance with Section 4.15.1" with "**Additional Residential Dwelling Unit**" in accordance with Section 4.15.1".
- 12.17. Section 6.5.3.36.1 is amended by replacing "**Accessory Apartment**" in accordance with Section 4.15.1" with "**Additional Residential Dwelling Unit**" in accordance with Section 4.15.1".
- 12.18. Section 6.5.3.49.1 is amended by replacing "**Accessory Apartment**" in accordance with Section 4.15.1" with "**Additional Residential Dwelling Unit**" in accordance with Section 4.15.1".
- 12.19. Section 6.5.3.50.1 is amended by replacing "**Accessory Apartment**" in accordance with Section 4.15.1" with "**Additional Residential Dwelling Unit**" in accordance with Section 4.15.1".
- 12.20. Section 6.5.3.53.1 is amended by replacing "**Accessory Apartment**" in accordance with Section 4.15.1" with "**Additional Residential Dwelling Unit**" in accordance with Section 4.15.1".
- 12.21. Section 6.5.3.54.1 is amended by replacing "**Accessory Apartment**" in accordance with Section 4.15.1" with "**Additional Residential Dwelling Unit**" in accordance with Section 4.15.1".
13. Part 16 of By-law (1995) – 14864, as amended, is hereby further amended as follows:
- 13.1. Table 14.1.5, Row 3, is amended by replacing "**Accessory Apartment**" with "**Additional Residential Dwelling Unit**".

- 13.2. Section 14.7.1 is amended by replacing “**Accessory** Apartment in accordance with Section 4.15.1” with “**Additional Residential Dwelling Unit** in accordance with Section 4.15.1”.
14. Schedule “A” of By-law (1995)-14864, as amended, is hereby further amended by deleting Defined Area Map Numbers 10, 24, 34, and 45 and replacing them with new Defined Area Map Numbers 10, 24, 34, and 45 attached hereto as Schedule “A”.

Passed this [day of the month] day of [month], 20XX.

DRAFT

Cam Guthrie, Mayor

**Stephen O’Brien, City Clerk [or]
Dylan McMahon, Deputy City Clerk**

DRAFT

EXPLANATION OF PURPOSE AND EFFECT FOR BY-LAW NUMBER (2020)-XXXXX

1. By-law Number (2020)-XXXXX has the following purpose and effect:

This By-law authorises an amendment to the City of Guelph Comprehensive Zoning By-law (1995)-14864, which is intended to delete, modify and introduce new regulations to the text and maps related to Additional Residential Dwelling Units.

The purpose of the Additional Residential Dwelling Unit Amendment is to update the accessory apartment, coach house and garden suite regulations in accordance with policies and regulation for additional residential units in the Planning Act.

The effect of the proposed Additional Residential Dwelling Unit amendment is to update definitions, modify section 4.15.1, general provisions for residential intensification, update permitted uses and parking requirements, and update specialized zones.

The proposed amendment would delete, modify or introduce new regulations related to Additional Residential Dwelling Units, including:

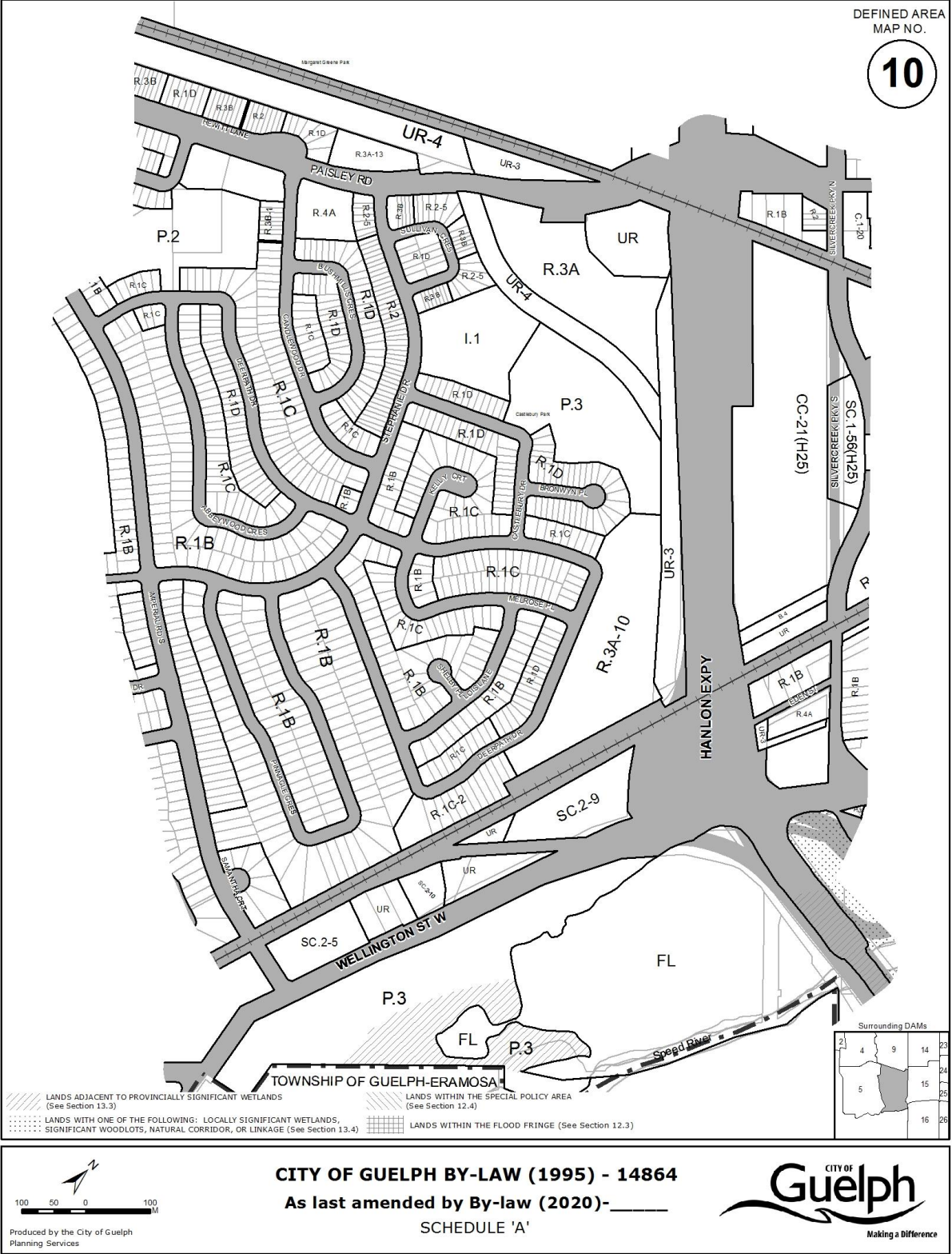
- New definitions;
- New General Provisions and parking standards;
- Permitted uses;
- Specialized residential zones.

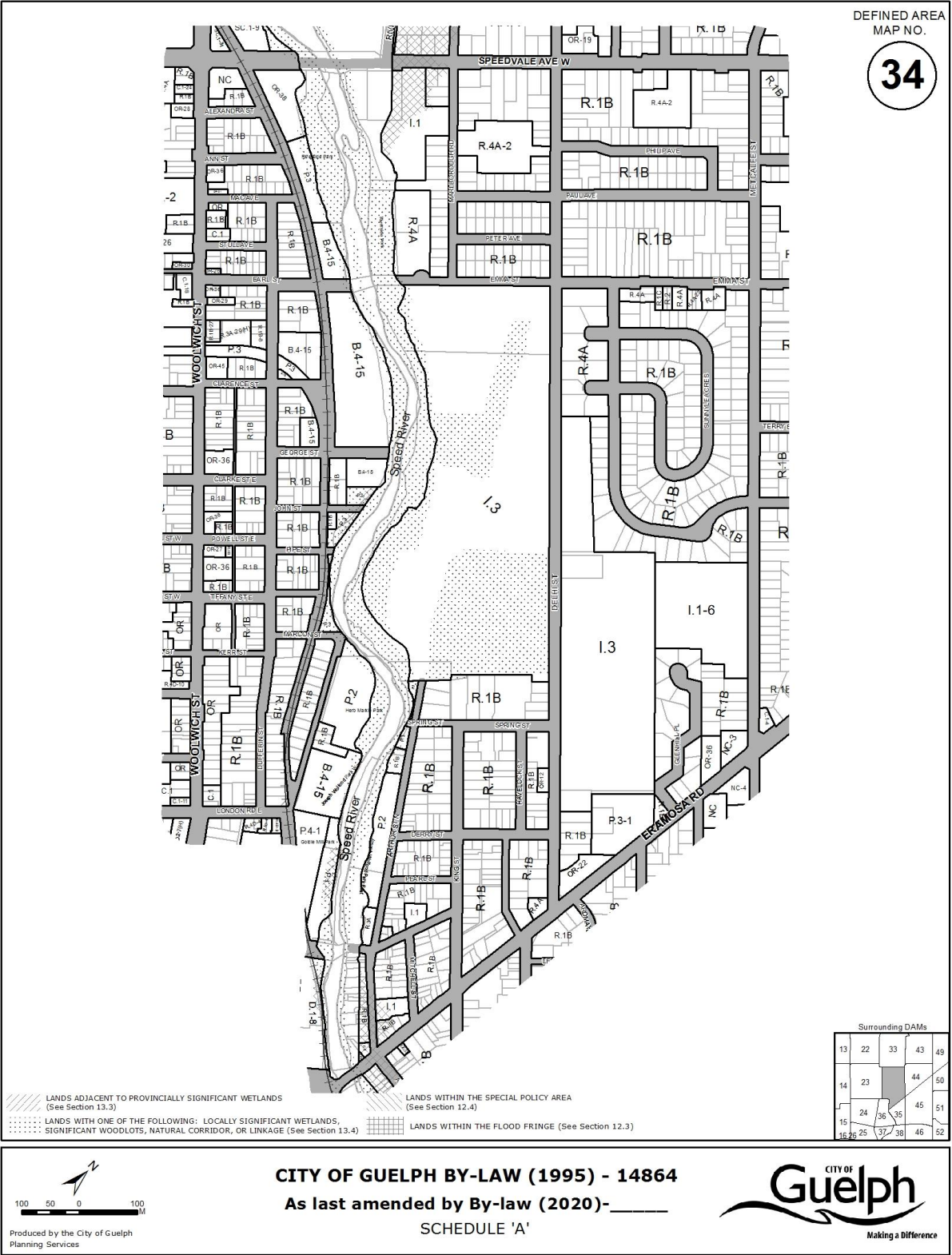
Lands affected by this amendment include lands zoned Residential R.1, R.2 and R.3B, R.1B-19, R.1B-28, R.1B-33, R.1B-35, R.1B-44(H), R.1B-45, R.1B-49(H), R.1C-15, R.1C-23, R.1C-24, R.2-2, R.2-6, R.2-7, R.2-8, R.2-30, R.3A-12, R.3B-2, R.3B-10, R.3B-12, R.3B-14, Office Residential (OR), OR-7, OR-8, OR-9, OR-10, OR-11, OR-13, OR-17, OR-20, OR-21, OR-22, OR-23, OR-24, OR-25, OR-28, OR-33, OR-34, OR-36, OR-49, OR-50, OR-53, OR-54, Downtown D.1-3, D.1-24, Downtown D.2, and D.2-13 in Zoning Bylaw (1995)-14864, as amended.

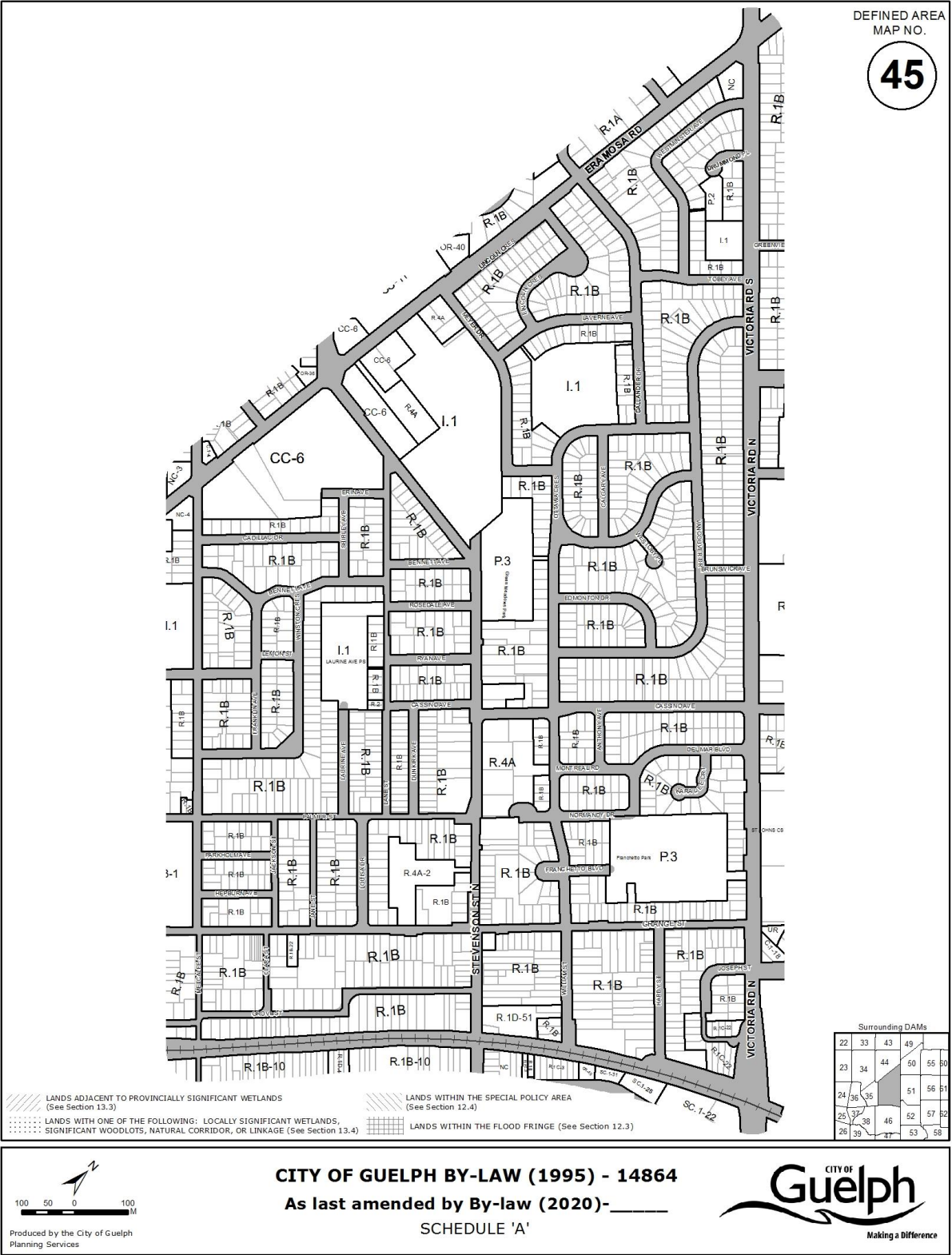
The proposed zoning amendment was considered by Guelph City Council at a Public Meeting held on July 13, 2020.

Further information may be obtained by contacting Infrastructure, Development and Enterprise at 519-837-5616, extension 3314, City Hall, Guelph, Ontario.

Persons desiring to officially support or object to this zoning amendment must file their support or objection with the City Clerk, City Hall, Guelph, as outlined on the page entitled "Notice of Passing".







Public Meeting Proposed Official Plan and Zoning Bylaw Amendment

Additional Residential Unit Review: Planning Act Update

July 13, 2020

Purpose of the Review

- The Planning Act has changed and requires municipalities to:
 - permit additional residential units within and on the same lot as detached, semi-detached and townhouse dwellings
 - establish a parking rate of no more than 1 space for each additional unit provided and
 - parking spaces are permitted in a stacked arrangement (one in front of the other)

Background

- Discussion Paper:
 - Reviews relevant provincial policies, regulations and guidelines
 - Reviews other municipal practices
 - Addresses preliminary recommendations from the Comprehensive Zoning Bylaw Review
 - Reviews data collected from Registered Accessory Apartment Survey (2014 and 2019)

Proposed Official Plan Amendment

- Proposed amendments include:
 - Delete the definition of accessory apartment and coach house and add “additional residential dwelling unit”
 - Change all references to “accessory apartments” and “coach houses” to “additional residential dwelling unit”
 - Allow for additional residential units within the medium density residential designation
 - Modify the definition of garden suite

Proposed Zoning Bylaw Amendment

- Zoning Categories
 - Permit within zones that permit single detached, semi-detached and on-street townhouses (R.1, R.2, R.3B, D.2, OR)
- Site Specific Zones
 - Deletes various site-specific zones that permit coach houses and garden suites
 - Permit in various site-specific zones that permit on-street townhouses

Proposed Zoning Bylaw Amendment

- Replaces the term “accessory apartment” with “additional residential dwelling unit” and add a new definition
- Modifies the definition of dwelling unit
- Modifies the definition of garden suite to recognize them as portable and temporary
- Permits 2 additional residential dwelling units on a lot
 - one within the primary dwelling
 - one in a separate building on the same lot

Proposed Zoning Bylaw Amendment

- Size of units
 - Removes the maximum size of 80 m²
- Maximum size of unit within the primary dwelling:
 - Change from 45% of the total floor area of the building to not greater than 50% of the total net floor area of the building
- Maximum size of unit within a separate building on the same lot:
 - not greater than 50% of the total net floor area of the building or 30% of the yard area, whichever is less

Proposed Zoning Bylaw Amendment

- Increases the maximum number of bedrooms permitted from two to three
- Sets a maximum height of 2 storeys with an overall maximum building height of 6.1 m for an additional residential dwelling unit in a separate building
- Limits an additional residential dwelling unit in a separate building to rear and interior side yards

Proposed Zoning Bylaw Amendment

- Setbacks for separate building
 - 0.6 m side and rear yard setback
 - 3 m side and rear yard setback for a 2 storey additional residential dwelling unit where there is an entrance or window adjacent to the property line
 - 1.2 m unobstructed side yard access to be provided where the unit is not accessed directly by street or lane
- 3 m separation distance between primary dwelling and separate building on the same lot

Proposed Zoning Bylaw Amendment

- Parking
 - 1 space required per additional residential dwelling unit
 - Permit the required off-street parking spaces to be in a stacked arrangement
 - Exempts existing lots with no legal off-street parking space for the primary dwelling from providing parking spaces for additional residential dwelling units.

Next Steps

- Review public meeting feedback and survey results
- Bring forward OPA and ZBA for approval in Q4 2020

Online survey available at **guelph.ca/zoningreview**
(survey open until July 31, 2020)



This is the view of the back of a property in our neighbourhood.

You are looking from the back of the home to the lot behind.

Note there is a chainlink fence up towards the back of the lot.

See below for what that same view would hold with an accessory structure at two stories approx. .6 metres from the lot line.

View as exit house looking to the back of the lot and can see the home behind it up the incline- that's the lot line



Same view with 2 storey
Accessory unit to the back of lotline
approx. .6 m from property boundary

LOT LINE

**Submission to Guelph City Council - 13 July 2020
from the Old University Residents Association (OUNRA)**

The Old University Neighbourhood Residents' Association (OUNRA) is the oldest Residents Association in the City and over the years we have tried to both give voice to the concerns of our neighbourhood as well as work for positive solutions to make our neighbourhood, as well as the whole city, the best the community can be. We have worked hard to build constructive relationships with the City, the University of Guelph as well as Police, Bylaw and other City services. We welcome this opportunity to add our voice to the discussions concerning the Bylaw Review and other changes related to Additional Residential Units in Guelph.

We wish to offer the following comments.

1. We understand that the changes outlined in the discussion paper arise directly from changes to Ontario's Planning Act. Beyond that, we also understand and appreciate that the intent of the changes is to permit greater population density and the provision of increased amounts of affordable housing for the City. In short, we support the social and planning motivation behind the changes.
2. Changing the terms used for the different forms of dwellings and coordinating them with what the Planning Act uses, makes a great deal of sense. The discussion paper makes things clearer and easier to understand.
3. OUNRA does not see a problem with eliminating the 80 sq. metre rule nor with changing the dwelling proportional limit from 45% of exterior measured area to 50% of internal measured area net of stairways, mechanical rooms and such. This will likely make little difference to what is built and it will reduce appeals to the Committee of Adjustment, which are normally granted.
4. OUNRA understands the intent to increase the number of bedrooms in the additional units from 2 bedrooms to 3. This would make such units more useful for renters needing more affordable housing. Such a development is to be welcomed in Guelph where the housing supply is short and in high demand. However, for us in the Old University Neighbourhood (OUN), there is a potential downside, a concern which is shared with other communities in Guelph, such as the McElderry Community to the south of Stone Road. Our concern is that the increase in bedrooms will make it more likely for landlords to buy up more property and increase the number of students housed in these properties. We will return to this issue below.
5. The Planning Act requires that municipal governments allow the construction of additional dwelling units as separate buildings that are subordinate to the primary

dwelling on the property. This, too, makes sense as means of increasing density and for creating more affordable housing.

But the discussion paper also recommends that the separate dwelling be limited to two storeys in order to make it subordinate to the primary dwelling in Guelph residential zones where 3 storeys are almost all universally permitted. This form of control, however, is illusory because 3-story houses are relatively rare in Guelph. Even in zones allowing 3 storeys, many (often most) are single storey. It would be hard to argue that a two-storey additional dwelling is subordinate to a single-storey primary dwelling. A more effective way would be to insist that the subordinate building would be limited to one story or one story less than the primary building, whichever is the greater. This would effectively limit the separate additional dwelling in almost all of Guelph to a single storey.

6. We would further note that the increase in the number of separate dwelling units throughout the City will threaten Guelph's hope to reach 40% coverage with urban forest. Increasing housing density will lead directly to fewer trees unless Guelph does something to protect trees in plots of land less than 0.5 hectares. At the moment, Guelph has no secure method of protecting the large majority of its urban trees.
7. We now come to the crux of the problem for OUNRA in our context: increasing the amount and concentration of housing that is used to provide accommodation for a single class of renter. In the case of the OUN, this turns out to be students. OUNRA has a long history of living with large numbers of students in our neighborhood. Thanks to concerted efforts by resident homeowners, City staff, Guelph Police Services and the University of Guelph, life with student neighbours has become much better balanced in terms of group behaviour/activity and property maintenance. Ten to 15 years ago, general meetings of the neighbourhood were rife with anger and upset about student behaviour. This is no longer the case. When there are flareups, interventions by the City and the University usually return things to a calmer state.

Clearly, our concern is no longer so strongly focused on renter behaviour. The issue now is that when the concentration a single type of renter rises past a key tipping point that particular area becomes less attractive for many other residents. Eventually, families move away and landlords buy up the remaining properties. Because the OUN is close to the university campus these renters are almost always students. For a time, we worried that many parts of the OUN might slide into student-only housing. Over the last several years this trend has stopped mainly due to a significant rise in property values in the OUN. At prevailing rental rates, it has been hard for landlords to see a profit from the investment in new properties.

We feel, however, that adding as many as six new rental bedrooms per property could, once again, make rental property investments in the OUN profitable. Without mitigation strategies, the OUN could return to a period where the social fabric of the

neighbourhood was seen to be threatened. We might see further areas within the OUN come to be dominated by student housing and with even more families choosing to move from the OUN.

Over the years, we have come to understand that the City's control levers in the shared rental housing context are limited. In the face of such limited options, OUNRA encourages the city to consider some measure of oversight as to how landlords can develop rental properties into income streams. We suggest the city again explore the possibility that all rental units have to be licensed or registered to operate as rental services/agents along with some boundaries regarding property maintenance, etc. be put in place. We know other cities in the province do license such businesses. City staff can perhaps draw on the experience and wisdom of other municipalities.

The City of Guelph has laid out a number of sweeping visions for the city – in its Urban Design Vision of 2017 as well as its Urban Design Action Plan. These include: “Ensure infill is sensitive to its context and *enhances the quality of the neighbourhood*” (italics added) and having 40% canopy coverage for Guelph's urban forest. These remain only aspirations unless bylaws and guidelines are put in place to bring them about. We wish to challenge the City Council to live up to these high aspirations by ensuring that they shape this bylaw process. Again, we would wish to underline that we are not opposed to urban intensification as mandated by the provincial government. Neither are we opposed to having students throughout the Old University Area. But we do want to ensure that these “Ensure that the design of the built environment respects the character of existing distinctive areas and neighbourhoods of the city” (“Urban Design Vision, 2017) – The Old University Area as well as all other neighbourhoods of our city. We would further wish to affirm our commitment to work with City Council as this Bylaw Review Process continues.

Thank you for your consideration and consulting with citizens of Guelph and other groups such as neighbourhood associations.

July 10, 2020

Submission to: Mayor and Members of Council
City of Guelph
By e-mail to: clerks@guelph.ca

Subject: Statutory Public Meeting Report Additional Residential Unit
Review: Planning Act Update Proposed Official Plan and Zoning
Bylaw Amendment. File: OZS20-02 - 2020-73

Council Meeting: July 13, 2020

- SUBMISSION:**
- (a) We the owners and residents of residential property within the existing "Residential Single Detached (R.1A) Zone" do not support the proposal to amend the Guelph Official Plan and Guelph Zoning Bylaw (1995) - 14864 that would allow the development of up to three residential units on a single residential property in the "R.1A Zone".
 - (b) We propose that an "Additional Residential Dwelling Unit" not be included as a Permitted Use in the "R.1A Zone".
 - (c) We agree that proposed official plan amendment Items 5, 6 and 9 allow flexibility to implement the policies in the zoning bylaw amendment as proposed in (a) and (b).

- REASONS:**
- 1. The result of these two planning amendments would be to allow every residential property owner in this Zone to construct a residential unit within a dwelling on the property and to construct a separate residential unit elsewhere on the property.
 - 2. We oppose the City's intent to use this mechanism to create rental housing on properties that are owner-occupied. We do not support the City's position that residential property owners will also become landlords for rental housing within their own property.
 - 3. Although the "R.1A Zone" allows for an Accessory Apartment in this zone, there has never been a desire to establish an apartment within the dwelling, particularly in the basement. This land use arose out of an amendment to the *Planning Act* in 1994.

4. If Council proceeds with these amendments in all residential zones contrary to the opinions of owners and residents, there is no further opportunity, under the *Planning Act*, to appeal Council's decision to the Local Planning Appeal Tribunal for both proposed amendments. This limitation on the appeal has existed since 2012. Consequently, Council should proceed carefully with the knowledge that its decision is final and binding on property owners.

RATIONALE:

1. We understand that, on June 16, 2019, the Ontario Legislature enacted the *More Homes, More Choice Act, 2019* (Bill 108) to amend the *Planning Act* to change Subsection 16(3) to allow for 'Additional residential unit policies'. This provision reads:

An official plan shall contain policies that authorize the use of additional residential units by authorizing;

- (a) the use of two residential units in a detached house, semi-detached house or rowhouse; and
- (b) the use of a residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse.

2. The City's discussion paper and staff report include the interpretation that this provision allows for up to three residential units on every residential property in the City. This interpretation is misleading since it assumes that the City of Guelph has no discretion in creating a policy. We disagree with the intent that the City is required to permit three residential units on every residential property in the City of Guelph.

The City of Guelph is required to tailor additional residential unit policies according to the public interest of the community and to establish provisions and standards in the zoning bylaw reflecting the interest of residents. Subsection 35.1 (1) of the *Planning Act* states:

The Council of each local municipality shall ensure that the by-laws passed under section 34 give effect to the policies described in subsection 16(3).

3. Prior to this latest amendment to the *Planning Act*, Subsection 16(3) read:

An official plan shall contain policies that authorize the use of a second residential unit by authorizing,

- (a) the use of two residential units in a detached house, semi-detached house or rowhouse if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains a residential unit; and
- (b) the use of a residential unit in a building or structure ancillary to a detached house, semi-detached or rowhouse if the detached house, semi-detached house or rowhouse contains a single residential unit.

This latter provision came into effect on January 1, 2012. There is no indication that the City of Guelph amended its official plan and zoning bylaw to allow for Second Units. If the City used its authority, then the official plan and zoning bylaw would allow a second residential unit in a house or a second residential unit in a separate building on the property.

4. Now, Council is considering moving from allowing an accessory apartment in a dwelling to up to three residential units on a property in the "R.1A Zone". We believe that this move is harmful to property owners and neighbourhoods. Extreme pressure will be put on existing property owners from prospective purchasers who see this zoning as an opportunity to create rental units throughout the City.
5. We understand the need for intensification and the prospect of creating affordable housing in the City, but not everywhere. Although the zoning still allows discretion to existing residential owners to not create more residential units on their property, it will create irresistible pressure to conform and certainly this will create uncertainty in all residential neighbourhoods.
6. The Government of Ontario promotes this approach as a method to add to the supply of affordable housing in all communities in this province. The latest expression of this provincial desire is found, in part, in the May 2019 "Housing Supply Action Plan". The rationale for the Bill 108 amendments is found in this document:

We're proposing changes to the Planning Act to:
Make it easier for homeowners to create
residential units above garages, in basements and
in laneways. (Page 8)

7. We understand that it is in the Provincial Interest, as stated in Provincial Policy Statement 2020, that "Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area". One of the provincial directions to the municipality is "permitting and facilitating all types of residential intensification, including additional residential units". [Policy 1.4.3 b)].
8. In the municipal interest, the City of Guelph should carefully select neighbourhoods where additional residential units shall be encouraged and permitted.

For all of these reasons and our understanding, we request that Council reject the recommendation that up to three residential units be permitted in the existing "Residential Single Detached (R.1A) Zone".

Respectfully Submitted:

Linda E. Clay



Michael K. Hoffman



From: Michelle Wan
Subject: Additional residential units

Stephen O'Brien
City Clerk
City of Guelph

Dear Mr. O'Brien,

Please ensure that my comments below are made available to City Council before Friday 10 July.

I am deeply concerned with the potential negative impact of the proposed zoning bylaw/official plan amendment related to additional residential units. Essentially this amendment opens the door to converting neighbourhoods designed for single family dwellings into multi-occupancy rental zones. Areas surrounding the University are particularly at risk. Since it appears that Guelph has no ability to block what has been mandated by the province, in order to preserve the integrity of our neighbourhoods, I urge the city to apply the most stringent controls possible to additional structures, including:

1. A much wider setback from property lines, which will have the effect of not only mitigating the impact on privacy but will go some way toward controlling the size of accessory buildings.
2. Disallow 2-story structures. On standard city lots, the addition of a 2-story structure close to property lines will not only impact privacy and increase the potential for noise nuisance, it can also block sunlight from adjacent houses.
3. Require a parking space for each accessory unit.
4. Limit the size of accessory units to one bedroom.
5. Increase the staffing of the by-law enforcement department, since in addition to the problems neighbourhoods such as the McElderry Community already face arising from student rentals, new complaints and conflicts will undoubtedly arise.
6. Allow home owners to apply for a reduction in property tax where it can be shown that adjacent additional units have decreased their resale value.

Thank you.
Michelle Wan

From: Lori Fleming
Subject: Changes to residential properties, coach houses, etc

I gave already emailed my two councillors about the negative impact the proposed changes on our neighborhoods. I live on Koch Dr where we have numerous rental properties, they out number true residential houses. The investor landlords jam 6, 7 or even 8 kids in a house. Garages, dining rooms are all turned into bedrooms. This overloads the streets with cars and people. It creates more people congestion on the streets. Weekends and holidays are even worse with parties and

all the problems associated with this events. These problems are well documented. If you allow people to build these coach houses it will only exacerbate the problems. I am strongly against all the proposed Changes.

Stephen Fleming

From: Françoise Py-MacBeth

Subject: 58 pages! Re. Accessory buildings on residential properties.

Hello,

The statement made by Michelle Wan reflects perfectly my position on your by-law project. The resulting density would generate lack of privacy, stress on utilities, parking overflow. It is also well documented that occasional renters such as students neglect basic maintenance of dwellings and grounds. Single-family homes would be purchased for profit, rented to a maximum of persons without any regard for the neighbourhood.

I totally object to your plans.

Regards,
Françoise Py-MacBeth

From: Kristin Laing

Subject: City council meeting regarding changes to accessory buildings for residential units

Dear Mr. O'Brien

Please ensure that our comments below are made available to City Council before July 10th, 2020.

My husband and I are very concerned with the proposed zoning bylaw/official plan amendments relating to the addition of backyard and side yard units in residential areas. Essentially these amendments open the door to converting neighbourhoods designed for single family dwellings into multi-occupancy rental zones which is something that we, as home-owners, did not sign up for when we purchased our home. As we live near the University of Guelph, our neighbourhood is particularly at risk. There has already been an incident of a 'rooming' house attached to the back of a single family dwelling at the corner of Harvard Rd. and Grierson Drive several years ago which never should have been approved by the city.

The proposed changes which include a minimal setback of 0.6 m from property lines as well as a maximum of 30-40-50% in-fill of the back or side areas of a single family dwelling are ridiculous. Allowing 2-story structures with limited parking close to property lines will not only impact privacy and increase the potential for noise nuisance, it will also cause congestion on the surrounding streets

and block sunlight. Allowing an additional two units, one of which is considered to be unattached to the main structure is absolutely unacceptable.

We understand that housing is in short supply and that granny-flats may be the solution for an aging population but these amendments will only open the door potentially to slum-conditions in our cities. In an age when many offspring move repeatedly over the years to obtain new employment opportunities, it is unlikely that 'grannies' will stay for the interim of their lifetimes in an attached flat.

We urge the city to apply the most stringent controls possible to additional structures, including:

1. A much wider setback from property lines which will have the effect of not only mitigating the impact on privacy but will go some way towards controlling the size of accessory buildings
2. Disallow 2-story structures
3. Require a parking space for each accessory unit and not allow the parking to be incorporated into the parking already available for the main building
4. Limit the size of accessory units to one bedroom to eliminate rooming houses

Please consider our concerns.

Thank you.

Sincerely,
Kristin and John Laing

From: Darren Shock

Subject: Proposed Zoning Bylaw and Official Plan Amendment: Additional Residential Dwelling Units

Good afternoon,

I am writing to pass along some brief comments regarding Additional Residential Dwelling Units, and the proposed Zoning Bylaw and Official Plan Amendments that are the subject of the public meeting on July 13, 2020.

As the owner of a house with a registered accessory apartment, I support the changes being proposed. They seem reasonable, and could assist with the construction of a somewhat more diverse range of additional dwelling units in a larger part of the City.

More specifically, I want to highlight two proposed changes that I think are positive, though I think the City could move further on one of them.

- Section 5.6 of the discussion paper recommends removal of the zoning regulation to preserve the external building facade. This provides a clearer option to place the entrance to the accessory apartment on the front of the building, if that is the best

design option for the unit. The current regulations may, in some cases, be a barrier to efficient design of accessory apartments.

- Section 5.9 proposes several changes to the Zoning Bylaw related to parking. My preference would be to remove the requirement for any additional parking associated with the additional dwelling unit, particularly in higher density areas or areas better served by transit. However, the proposed changes to align with the Planning Act seem reasonable and should add some additional flexibility.

There is still quite a bit of engagement to be done on this, which may change the proposal slightly. At this point, I am supportive of these changes, but will continue to monitor this as it moves along.

Thank you.
Darren Shock

From: wayne huck
Subject: Zoning Changes

Attn: Stephen O'Brien

Dear Sir, I was going to write an email clarifying how I feel about this ridiculous zoning change and rant and rave about you, the City, the councilors and the Mayor. I realized that it is the Province of Ontario I should be going after and I hope you can give me an address where I can send a letter of complaint. In the meantime, the attached letter from Michelle Wan says everything I want to say about this situation and does it much better than I could.

Yours truly,
Wayne Huck

Stephen O'Brien
City Clerk
City of Guelph

Dear Mr. O'Brien,
Please ensure that my comments below are made available to City Council before Friday 10 July.

I am deeply concerned with the potential negative impact of the proposed zoning bylaw/official plan amendment related to additional residential units. Essentially this amendment opens the door to converting neighbourhoods designed for single family dwellings into multi-occupancy rental zones. Areas surrounding the University are particularly at risk. Since it appears that Guelph has no ability to block what has been mandated by the province, in order to preserve the integrity of our neighbourhoods, I urge the city to apply the most stringent controls possible to additional structures, including:

1. A much wider setback from property lines, which will have the effect of not only mitigating the impact on privacy but will go some way toward controlling the size of accessory buildings.

2. Disallow 2-story structures. On standard city lots, the addition of a 2-story structure close to property lines will not only impact privacy and increase the potential for noise nuisance, it can also block sunlight from adjacent houses.
3. Require a parking space for each accessory unit.
4. Limit the size of accessory units to one bedroom.
5. Increase the staffing of the by-law enforcement department, since in addition to the problems neighbourhoods such as the McElderry Community already face arising from student rentals, new complaints and conflicts will undoubtedly arise.
6. Allow home owners to apply for a reduction in property tax where it can be shown that adjacent additional units have decreased their resale value.

Thank you.
Michelle Wan

From: Doreen McAlister
Subject: Letter to council re accessory buildings

Please include in council package.

Dear Mayor and councillors:

I wish to comment on proposed changes regarding accessory buildings. It is clear that the following recommendations are unacceptable to those of us who live in neighborhoods where there a lot of student rentals. Please do not adopt the following:

1. Two storey height. No accessory dwelling should exceed a single story in order to preserve privacy for neighbors.
 2. .6 meter setback: such a small distance between the building & the lot line does not allow for any buffer, eliminates privacy & sunlight, & will inevitably damage trees
 3. An accessory bldg should only be permitted to have one bedroom. Any more than that increases the risk of multiple student occupants, accompanying noise, parking issues and reduced privacy for adjacent back yards
- Please do not destroy the character of the neighborhoods we have cared for over the past decades. I have been a resident on this street for more than 35 years and deplore the changes proposed. If implemented, it will be a huge loss for our community.

Thank you for considering my comments.

Regards
Doreen McAlister

From: Susan Bushell
Subject: Written Comments re: Proposed Amendments to Zoning Bylaw: Additional Residential Dwelling Units

Hello Abby

Here are my comments concerning the proposed amendments to the Additional Residential Dwelling Units Bylaw. I will be attending the Council meeting online, on Monday evening

I own a home in Guelph. My husband and I have lived in downtown Guelph for 33 years and bought our current home 6 years ago. We've always had a plan to add an additional dwelling in our basement walkout but were stopped by the current bylaw and the fact that we do not have a legal driveway nor space for three parking spaces on our front lawn.

Our neighbourhood is diverse where every home is different and there are many eras of housing. It's one of the oldest and most prized neighbourhoods in all of Guelph. This is what makes our neighbourhood so enjoyable. It's diverse and friendly.

It's also close to the public transit hub, the river, the TransCanada Trail and the downtown core. The neighbourhood is well connected. This is why we've continued to live here so long. We have always felt we wanted to provide a really nice home within our neighbourhood for a single person or a couple.

However I am noticing in recent years that many young people cannot afford homes in Guelph but want to live here and grow families here. I find there are fewer dwelling units and even our neighbourhood appears to have fewer students, young singles, couples and seniors. It's not healthy for a neighbourhood to be mostly high income retired folks.

I'd like to see our city support opportunities for younger people to live in established homes and neighbourhoods and begin to consider staying and buying homes themselves. I'd also like our city to have policies in place that assist and encourage them to buy and renovate and create additional dwellings themselves to help them afford today's housing prices. This in turn makes sure those selling their homes receive good value for their investment.

There are so many reasons that these amendments are long overdue and much needed

1. To provide much needed housing to Guelph residents
2. To create diverse housing for many stages of life within one neighbourhood
3. To create affordable community housing within established neighbourhoods without the responsibility and financial commitment of an owned home
4. To create security for houses when one resident is away, reducing the likelihood of break-ins which are increasing in Guelph
5. To create more accessible housing
6. To create more access to the downtown core and support for it's businesses and events
7. To create a source of income for seniors who still own their home and want to continue living independently

8. To assist seniors in keeping their homes and create much needed income for old age care
9. To assist new buyers and families to afford a home in Guelph
10. To encourage pride of ownership and keep homes renovated, to code, safe and up to date
11. To maintain and increase the value of homes in Guelph
12. To foster neighbourly connection reducing mental health stress
13. To reduce use, deterioration and costly repairs and maintenance on arterial roads and suburban infrastructure
14. To minimize the likelihood of deterioration of neighbourhoods or the closing of neighbourhood schools

There is only one suggestion I'd add in that the restrictions for homes with only one parking space be eased and that variances are allowed more easily especially in the downtown and older neighbourhoods where we want to increase density but land for driveways can be very limited.

The new Proposed changes look very promising and you've obviously done great work here. I'm very hopeful that all will go ahead as drafted and we will have a new bylaw by autumn. If so my husband and I are looking forward very much to creating another home in Guelph.

Please keep me updated on developments. I'll be online on Monday evening

Warmly,
Susan Bushell

Dear Mayor and City Councillors,

The following comments are associated with your planning public meeting scheduled on July 13, 2020 respecting 'Additional Residential Units'. Thank you for the opportunity to providing input on this matter. The topic is quite complex as it is attempting to balance various interests associated with housing for community members. Several issues come to mind: appropriate community standards for reasonable levels of infill on existing residential lots in the City; provision of new opportunities for new housing, regulations for new development that are compatible with existing built-up residential areas.

For the purposes of my comment, I want to present some ideas that I think planning staff should give additional attention to:

1) The overall approach has been to create a one size-fits all regulatory approach to the topic. While this may be useful for equity/ease of administration, it does not adequately address the development pressures of this housing form that can vary across the City. For example, in older areas in proximity to the University, there may be a desire for investors to build a 3 unit product on an oversized lot. Land use compatibility issues could be created between residents living side by side where one lot has +12 bedrooms (with 3 units) form, and the next lot has a seniors couple aging in place in their long established family bungalow.

2) While the proposal being put forward is predicated on providing new forms of affordable housing, there is no mechanism in practice to mandate this. The additional new units can comprise standard housing units that are not subject to normal planning development costing implications such as parkland dedication and development charges.

3) There are potential financial implications to the City. The provision of new units also necessitates the expansion to operating costs for hard (water, sewer, transportation) and soft (library, park and recreation) services. What is the anticipated financial impact that the planning proposal will have on existing taxpayers in Guelph?

4) The proposal needs to be integrated with many of the other planning studies that are underway but not reviewed in the background Discussion Paper. For example, how do the proposed new parking provisions fit with the 'parking and driveways review' that is underway? What is the estimate of uptake on new units that will need to be considered and integrated into the 'planning growth management strategy'?

Thank you for reading, and all the best in your review and deliberations.

Sincerely,

Paul Kraehling MCIP RPP (Ret.)

Stephen O'Brien

City Clerk

City of Guelph

Dear Mr. O'Brien,

Please ensure that my comments below are made available to City Council for the July meeting regarding Additional Residential Unit Review: Planning Act Update to the Official Plan and Zoning Bylaw Discussion Paper, July 2020.

I am concerned with the potential negative impact of the proposed zoning bylaw/official plan amendment being proposed as they relate to additional residential units. I understand that this is partially being mandated by the Province, but this amendment has the potential of severely decreasing both current property values as well as enjoyment of personal property.

I am a homeowner near the University of Guelph, and have already been impacted by groups of "unrelated tenants" in existing additional residential units. The inclusion of Additional Detached Residential Units without proper restrictions in place will not make matters any better. These have the potential of changing the character of existing neighbourhoods from Family to Multi-Family. People have purchased single-family-dwellings for a reason.

Knowing that changes will be happening, I would appreciate consideration be given to the following:

1. A wider setback from property lines than 0.6 meters. On page 33 of your discussion paper for July 2020, it mentions that "In Kingston, the detached additional residential unit must comply with the minimum yard setbacks applicable to the primary dwelling unit." And on page 34, "The City of Ottawa sets a minimum 1 m interior side yard setback and rear yard setback for detached additional residential units where there is no window or entrance. In all other cases the interior side yard and rear yard setback is 4 m."

I would propose the side and rear setbacks be the same as the primary dwelling, such as Kingston has done.

I could find no reference for the need for easements on adjoining lots, but with less than two feet between the new additional residential unit and the property line / fence, there is likely insufficient room for ongoing maintenance. I am not in favour of forcing existing homeowners to have to grant easement rights in these situations. Imagine being in an existing house with 5 foot setbacks, and now have a neighbour's eavestrough hanging over your fence...

2. Require a parking space for each accessory bedroom / den, as opposed to unit.
3. Limit the number of bedrooms / den to two (2).
4. Only permitting an additional detached residential unit if an additional residential unit is already in existence in the primary residential unit.

Regards,
Al Pentland

I have a great deal of concern regarding the dwelling units that could be built in side or backyards with regards to their potential use as Airbnb rentals by absentee landlords. Having looked at the city's website, I cannot find any reference to bylaws that address these short term rentals. In a Mercury article dated Aug, 2017 it is stated: "City staff are...set to undertake a bylaw review on short term rentals and bed and breakfasts, which would include Airbnb rentals, later this year." David Wiedrick, Manager of Bylaw, Security and Licensing, informed me, by email, that the Airbnb review is continuing and will go to council in November.

As there are no bylaws in place regarding short term rentals, then, in my opinion, that needs to be addressed as part of this entire bylaw review process. As Money Sense magazine has stated that Guelph is the number one place, in Canada, to invest in real estate, I am sure a savvy investor would love to investigate short term rental opportunities.

I would assume the idea behind adding additional housing units is to help with providing more affordable housing not to turn many ADUs into only Airbnb units.

Thank you for the opportunity to address a very important change coming to our neighbourhoods,

Sylvia Watson

Dear Mr. O'Brien:

I was very dismayed to read on Geulph today that a new proposal to allow for a second two-story dwelling to be built on residential properties is on the table. I live in the Old University Neighborhood and feel that this will have a negative impact on our community. I fear that residents adjacent to these properties will lose their privacy and be subjected to increased noise and activity. There will definitely be an increase in traffic, adding more noise as well as pollution. On -street parking is an issue. First of all it looks like we're living in a parking lot and second, trying to maneuver around parked cars on narrow streets can be a challenge. Some of the properties are owned by out of town landlords or developers, whose main concern is making profit and not the appearance or well being of the neighborhood. The other concern is the removal of trees and green areas to make room for additional buildings. which will have a negative environmental impact. I am also wondering how this will affect saleability and property value of neighboring homes. Taxes are high in this area and seem to increase every year. With additional larger buildings on existing properties, I am guessing that infrastructure will need adjusting accordingly, causing taxes to be raised even more.

So, I would like you to know that I am very much opposed to "two second story dwellings" in addition to existing main buildings on standard city lots. I am actually not in favor of any additional buildings on properties, but I know the province has a mandate to increase population density whether I like it or not.

Please let this be known to city council before proposals are considered on July 13

Thank you

Gitta Housser

Stephen O'Brien

City Clerk

City of Guelph

Dear Mr. O'Brian.

I am sure by now you have received a lot of comments on the subject matter but one in particular, I agree most and that is the one from Michelle Wan which I could have not put any better myself. Just in case you missed it I am going to attach it here.

"Dear Mr. O'Brien,

Please ensure that my comments below are made available to City Council before Friday 10 July.

I am deeply concerned with the potential negative impact of the proposed zoning bylaw/official plan amendment related to additional residential units. Essentially this amendment opens the door to converting neighbourhoods designed for single-family dwellings into multi-occupancy rental zones. Areas surrounding the University are particularly at risk. Since it appears that Guelph has no ability to block what has been mandated by the province, in order to preserve the integrity of our neighbourhoods, I urge the city to apply the most stringent controls possible to additional structures, including:

1. A much wider setback from property lines, which will have the effect of not only mitigating the impact on privacy but will go some way toward controlling the size of accessory buildings.
2. Disallow 2-story structures. On standard city lots, the addition of a 2-story structure close to property lines will not only impact privacy and increase the potential for noise nuisance, it can also block sunlight from adjacent houses.
3. Require a parking space for each accessory unit.
4. Limit the size of accessory units to one bedroom.
5. Increase the staffing of the by-law enforcement department, since in addition to the problems neighbourhoods such as the McElderry Community already face arising from student rentals, new complaints and conflicts will undoubtedly arise.
6. Allow homeowners to apply for a reduction in property tax where it can be shown that adjacent additional units have decreased their resale value.

Thank you.

Michelle Wan"

I would like to urge you to let know counsellors of our citizen's comments on the matter, in particular, the counsellors of Ward 5 who do not appear to help the interest of the Ward. It is in my humble opinion totally unacceptable that such important notice of zoning change is done in such a hurried way, in summer time when people may be on vacation at their cottage and on top of it, during a pandemic with very little notice to the residents of the Ward 5 to absorb the profound significance of this proposed change. Ward 5 is a RESIDENTIAL AREA, we worked hard to keep our properties nice which reflects on the qualities of the City as well. We like to keep it this way.

Thank you,
Dan Noventa

Dear Sir:

Re: File: OZS20-02

Please note that this email is date stamped July 9, 2020 and should therefore be recorded as received prior to July 10, 2020, and included in any materials going forward for further consideration and/or to City Council.

As long-time residents in Guelph, we are expressing our deep concern about the proposed changes, particularly given that we reside in a residential area close to the University of Guelph. While acknowledging that providing living space for

family members is important, as outlined in 3.2 of “Additional Residential Unit Review: Planning Act Update to the Official Plan and Zoning Bylaw – Discussion Paper, July 2020”, there are significant concerns that predominantly single-family neighbourhoods will be converted to multi-occupancy rental neighbourhoods. Given that Guelph appears to have limited control over how our zoning by-laws are to be set, it is imperative that regulations, restrictions and well-managed oversight be put in place within the City’s ability to do so. In addition, tax assessments will need review should any of the changes have an impact on assessment and property values.

In particular we recommend the following:

A. 3. Number of Units (Sec. 5.3)

Recommend that only one additional residential dwelling unit be permitted on a lot, either within the same building as the primary dwelling OR one located in a separate building on the same lot, resulting in a maximum of two dwelling units per lot.

(with garden suites to continue to be reviewed on a case-by-case basis)

B. 4. Unit Size (Sec. 5.4)

- Current zoning limits have accessory apartments at 80m² or 45% of total floor area, whichever is less. 80m² is equal to 860 ft², which is larger than most condos under construction or for rent in Guelph. We see no need to change this unless the size is decreased to 50m².

- The maximum size of an additional residential dwelling unit within a separate building on the same lot as the primary should not exceed the 45% of the total net floor area (unchanged) or 20% of the back or side yard, whichever is less.

C. 5. Number of Bedrooms (Sec 5.5)

The maximum bedrooms should be decreased to either a studio apartment or one bedroom at the most.

D. 6. Unit Design (Sec 5.6)

Any additional units should ‘fit’ into the style of the primary unit from a visual perspective.

E. 7. Height (Sec 5.7)

An additional residential dwelling should not exceed more than one storey (with no loft) with an overall maximum ceiling height equal to the height of the first storey of the primary building or less.

F. Location and Setback (Sec 5.8)

- An additional residential dwelling should have a minimum of 3m side and rear yard setback, with a minimum of 1.2 m unobstructed pedestrian access in the side yard leading to the additional unit.

- The minimum distance between the primary dwelling and the additional residential dwelling unit in a separate building on the same lot should be 4m.

G. Parking (Sec 5.9)

A maximum of one additional parking space in addition to that required for the primary dwelling, with no parking on the driveway space between the boulevards. Very real issues related to noise pollution, privacy and safety concerns due to increased traffic are driving this feedback. In addition, there is concern about the City’s ability to enforce any infringements to whatever the final by-laws are, so attention and budget needs to be allocated.

We look forward to the outcome of these further deliberations and discussions.

Respectfully submitted,
Michelle McCarthy and Mario Gozzi

Dear Mr. O'Brien,

Please ensure that our comments are made available to City Council on Friday July 10th.

We are concerned with the potential negative impact of the proposed zoning bylaw/official plan amendment related to additional residential units. As Guelph is unable to block what has been mandated by the province, in order to preserve the integrity of our neighbourhoods, we urge the city to apply the most stringent controls possible to additional structures, including:

1. A much wider setback from property lines, which will have the effect of not only mitigating the impact on privacy but will go some way toward controlling the size of accessory buildings.
2. Disallow 2-story structures. On standard city lots, the addition of a 2-story structure close to property lines can block sunlight from adjacent houses and be an eyesore.
3. Require the homeowner to reside in one of said buildings, either the main or the accessory. This will curtail absentee landlords and multiple student buildings on one lot.
4. Require a parking space for each accessory unit.
5. Limit the size of accessory units to one bedroom.
6. Increase the staffing of the by-law enforcement department, since in addition to the problems neighbourhoods such as the McElderry Community already face arising from student rentals, new complaints and conflicts will undoubtedly arise.
7. Allow adjacent homeowners to apply for a reduction in property tax where it can be shown that additional units have decreased their resale value.

Sincerely,
Karen and Jim Herchel

I live on Rickson Ave and this proposal would have a significant negative result. We already deal with Student rentals that are owned by persons or companies who do not contribute to the neighbourhood. See #1 Rickson for what can happen with absentee landlords. These already decrease the value of properties here as there is little we can do when properties are neglected. This area could become like that in Waterloo where the whole streets became rentals many of which were also poorly

kept. Two stories is too high and will allow for what would essentially be lodging houses. This would SIGNIFICANTLY decrease and change property values because of more traffic , temporary residents, poor upkeep etc. Thus, it would alter a life style that we have paid taxes to enjoy.

I strongly support the proposal put forth by the Mcelderry community group.

Marion Cassolato

Dr. Mr. O'Brien,

Please reply to this email confirming that our comments on accessory buildings are included in City Council's package before July 10th, 2020.

We have deep concerns with the potential negative impacts and issues that would be created based on the proposed zoning bylaws / official plan amendments related to accessory buildings on residential lots.

Our neighbourhood already faces issues due to student rentals and absentee landlords. The proposal being put forward would continue to add to the existing frustrations experienced by our community as a whole.

We live in a single dwelling family oriented neighbourhood and we are therefore urging City Council to seriously consider how these changes will alter the character of the neighbourhoods and negatively impact the community as a whole.

Below are our comments as they pertain to the Executive Summary in the discussion paper:

Page 4 - 4. Unit Size

The recommendation to remove the maximum size of 80 sq.m should be maintained and modified specifically for the separate accessory unit. The maximum size should be 45 sq.m or 25% of the yard whichever is less.

Page 5 - 5. Number of Bedrooms

Maximum number of bedrooms should be maintained at 2 for main dwelling and only 1 for the separate accessory building. (That would be a total of 5 bedrooms if the main dwelling and accessory building were rented - which is more than enough and will still pose serious issues to existing neighbours)

Page 5 - Unit Design

Preservation of the external building facade should be maintained. This is important to maintain the character of the neighbourhood.

Page 5 - Height

Should be single story only. Anything taller than this creates privacy issues, environmental issues and potentially affects the character of the neighbourhood. Anything bigger Increases the likelihood of multiple tenants living in the unit.

Page 5 - Location and Setback

The proposed set backs are not enough and should at least be doubled.

Page 6 - Parking

A parking space MUST be required for each accessory unit. On street parking is already an issue in the area and more units will contribute to more on street parking. If existing lots have no legal off-street parking, then there should be no exemption for additional dwelling units (they already have a parking problem and we want to make it worse?). Parking in general needs to change, restrict time of when parking can occur and the duration, cars should obtain permits for overnight parking. This could be a revenue stream for the City and online applications can accommodate this.

Additional Comments:

1. Restrict the cutting of existing trees to build accessory buildings. This would limit the impacts on privacy, environmental concerns and the character of the neighbourhood.
2. Impose a restriction that renting out the separate accessory building is only allowed if home owner lives on the property. This will limit having the entire property being rented to multiple tenants and would help to reduce current issues with absentee landlords.
3. Home owners directly impacted by the accessory building should have an equal right or say in the style, size and standard of structure.
4. Impose meaningful fines (thousand dollar fines, not hundreds) for breaking bylaws and use that revenue to hire more bylaw officers.
5. Significantly increase the property taxes of homeowners that build separate accessory building to offset the impact on city infrastructure AND reduce taxes of homeowners who experience a reduction in property value due to accessory building development.

We have no concerns with home owners who wish to rent out units in their homes while they live on the property because generally, they have a vested interest in what goes on in their own community and with their property. This is not the same for owners who purchase homes for an investment and don't live in the city or the neighbourhood. Our bylaws need to protect the people who live, work, play and invest in our communities.

The City has an opportunity to keep existing neighbourhoods intact while meeting Provincial government requirements, by focusing efforts on new developments where community expectations are established during design and building. The potential negative impact to existing communities far outweighs the limited number of additional dwelling units that may be achieved. Imposing stricter bylaws in established neighbourhoods is key to maintaining the character of the community as a whole.

Thank you.

Rosemary and Darrin Popescu

(McElderry Community)

To Whom It May Concern:

Additions to homes are acceptable, either attached or unattached to the original structure.

There will be a need to balance the area of property versus volume of structures.

We already have monster homes on tiny properties and big properties with big homes, with little backyard, a pool and/ or deck & barbeque area for tight outside living.

The symmetry between properties will be contentious as to how close can property structures be built before intensification becomes suffocation and squalor.

We already see the effects of postage size properties and Alice In Wonderland structures close to choking roads, sidewalks and neighbours with a small piece of backyard and maybe a deck abutting against each other in close proximity, with hardly any room in the driveway for one particular-sized car in a made-to-measure garage.

The lower end of Rickson Avenue at Edinburgh is an example of congestion by property, structures and automobiles on top of each other.

The neighbourhood dynamics in a pile must be interesting.

The stability point has been and will always be the cost of the land, the cost of the structures and of course the taxes.

Intensification would usually occur on older properties with small homes and large yards.

The chances of homeowners adding on to homes is possible.

Older folk would not be interested in additions.

Young folk with family that are able to afford buying or inheriting an older larger property may take advantage to add/build, assuming they have money.

A middle-aged homeowner may consider adding another structure such as a granny flat to accommodate aging parents/ relatives, again on a larger older property.

Therefore, would it be conceivable that such older and larger properties are the provincial target for investors to buy-up?

Older larger properties may be subdivided into smaller properties to accomodate more independent structures called tiny homes with smaller properties at a hefty price per property.

This is happening already.

Another scenario is that adjacent properties, usually older homes with larger properties, are amalgamated by investors to build apartments, condominiums, old age homes and long term care nursing homes.

This is happening on Gordon Road.

Therefore, the intent of this provincial legislation is not for homeowners, but for investors to convert existing neighbourhoods into intensified investments with bigger costs for higher returns and smaller habitats for humanity, moving towards a third-world level of living in a mushroom.

Toronto is already there as an example/ model of mushroom living at a high cost.

It is apparent that we are moving towards more loss of home ownership.

The replacement for home ownership will be smaller homes at higher cost with tiny yards and frontage.

Alternatively, one may rent an expensive apartment with parking inside/outside at an additional cost.

One may also buy an over-priced condominium nook and cranny or rent the wee space from an investor that owns half the condominium building.

Yes, dear politicians, Guelph will be catching up with the world class squalid cities of the world where poverty is a matter for more police, as we are already experiencing.

Canadians need not worry about home ownership as 49% of children are still living with their parents.

As cost of food and shelter/transportation are becoming less affordable, the birth rate will be dropping further now exacerbated by the pandemic poverty.

Do Candians know that the last time that birth rate equaled death rate was 1971?

The aging population has overtaken the young population now reduced further and faster by this pandemic.

By 2035, most Canadians will be rich immigrants with lots of money, including money lauders, that can buy up anything and everything, and they do and will,

according to the national strategy to attract investors and investments in a dying country that is for sale.

My biggest question is, where is Canada and Guelph going to accommodate the migrant economic working slaves that will not be paid or paid little, to not afford a mushroom accommodation? Will Guelph be subsidizing big business housing?

The economic slaves are already here and the pandemic has glaringly shown that Canadian minimum wage and overtaxation is creating poverty such that it is not worth working, to not afford to own or rent a mushroom.

We are at short term gain for long term pain when we do not respect ourselves with basics such a safe, affordable and accessible food, shelter/transportation, work/income to pay for aforementioned with taxes, and children lest we forget the future, and a viable environment fastly falling apart.

Good luck with your latest devolvment of community as things are more important than people, called Canadians, soon to be on the street looking for a tent city, to call the police.

Sal De Monte

I live in the McElderry area and am concerned about a 2 story structure for additional residential units. I feel a one floor structure would be adequate for a "granny flat" and feel 2 stories would impact neighboring homes too much. In addition, the close proximity of a two story structure so close to the property line would also have a huge impact .Please reconsider this request and amend to a smaller size and further away from the property line.

Thank you
Carol Klassen

Dear Mr. O'Brien,

I am deeply concerned with the potential negative impact of the proposed zoning bylaw/official plan amendment related to additional residential units. This amendment opens the door to converting neighbourhoods designed for single family dwellings into multi-occupancy rental zones. Areas surrounding the University are particularly at risk.

Since it appears that Guelph has no ability to block what has been mandated by the province, in order to preserve the integrity of our neighbourhoods, I urge the city to apply the most stringent controls possible to additional structures, including:

1. A much wider setback from property lines, which will have the effect of not only mitigating the impact on privacy and mental health but will go some way toward controlling the size of accessory buildings.

2. Disallow 2-story structures. On standard city lots, the addition of a 2-story structure close to property lines will not only impact privacy and mental health and increase the potential for noise nuisance, it can also block sunlight from adjacent houses.

3. Require a parking space for each accessory unit.

4. Limit the size of accessory units to one bedroom.

5. Increase the staffing of the by-law enforcement department and its consistency in enforcing by-laws, since in addition to the problems neighbourhoods such as the McElderry Community already face arising from student rentals, new complaints and conflicts will undoubtedly arise.

6. Allow home owners to apply for a reduction in property tax where it can be shown that adjacent additional units have decreased their resale value.

Thank you.

Carol Hunter & Mark Wilson

Dear Mr. O'Brien,

Please ensure that my comments below are made available to Guelph City Council before July 10th, 2020.

I am very concerned with the potential negative impact of the proposed zoning bylaw/official plan amendment related to additional residential units. This amendment opens the door to converting neighbourhoods designed for single family dwellings into multi-occupancy rental zones.

Case in point - the current regulations allowed essentially a 12 unit apartment building disguised as a rooming house at 50 Grierson Drive. I can only imagine what landlords are going to do if these new proposals in their current form come to be.

Areas surrounding the University are particularly at risk. Since it appears that Guelph has no ability to block what has been mandated by the province, in order to preserve the integrity of our neighbourhoods, I urge the city to apply the most stringent controls possible to additional structures, including:

1. A much wider setback from property lines, which will have the effect of not only mitigating the impact on privacy but will go some way toward controlling the size of accessory buildings.

2. Disallow 2-story structures. On standard city lots, the addition of a 2-story structure close to property lines will not only impact privacy and increase the potential for noise nuisance, it can also block sunlight from adjacent houses.

3. Require a parking space for each accessory unit.

4. Limit the size of accessory units to one bedroom.

5. Increase the staffing of the by-law enforcement department, since in addition to the problems neighbourhoods such as the McElderry Community already face arising from student rentals, new complaints and conflicts will undoubtedly arise.

6. Allow home owners to apply for a reduction in property tax where it can be shown that adjacent additional units have decreased their resale value.

Thank you for your attention to this matter.

Dan Tourangeau

Please ensure that our comments re the new zoning bylaw are presented to City Council for the July 13 meeting.

My wife, Dorothy, and I have lived in the same house (Ward 5, N1G 2Y7) in Guelph for over 40 years. We have many concerns with the proposed new zoning bylaw.

GROWTH OF GUELPH

Guelph is landlocked thus there are absolute and finite limitations to our supply of good water. Even more significantly, our capability of disposing sewage plant effluent is limited.

Thus no matter what growth the Province may order, it may be impossible in Guelph. Surely zoning plans must consider this impact.

PROPOSED ADDITIONAL RESIDENTIAL DWELLING UNITS - ARDUs

The proposed bylaws refers to two completely different types of ARDUs as if they were equivalent. This is incorrect.

1 - Apartments in a primary residence will add to the number of people in a neighbourhood but not change its basic character.

2 - Separate, stand alone units in a backyard, either a Coach House (permanent) or a Garden Suite (`portable and temporary`). These will have a massive deleterious impact on all the adjoining properties due to the size and small setbacks.

3 - re Garden Suite

- What is implied by the term `temporary` ? An RV bus?

- What is the definition of `temporary`?

- How does a temporary, portable structure get tied in to water, sewage, and power?

4 - re Coach House

- As permanent structures these will impact the adjacent properties by degrading things like: appearance, privacy, sunlight, landscaping, etc. Building foundations only the required 0.6m setback from property lines will negatively impact trees and shrubs. [who will pay for the removal of a tree killed by the root damage during building?] Two story structures should NOT be allowed.

5 - The total number of bedrooms in the ARDUs should be reduced in order that the social fabric of neighbourhoods is not impacted by an extra population that overwhelms local services.

PARKING

The proposed bylaw specifies only ONE parking spot for each of the residences on a lot.

However, a recent Guelph Parking survey found that on average there are slightly more than 2 vehicles per residence in this city. Further the legal and illegal rooming houses in Ward 5 are easy to recognize because there are usually 3-4 or more vehicles parked when the University is in session.

Thus the proposed zoning bylaw is out of touch with reality and must increase the parking space requirement.

INSPECTION AND ENFORCEMENT

It is our understanding that the definition of a residence implies a maximum number of people in that residence. Historically Guelph has been unable and/or unwilling to transcend administrative silos to inspect and enforce occupancy bylaws, especially in illegal rooming houses.

Excessive occupancy in ARDUs could disrupt the social fabric of neighbourhoods and put a large extra strain on local services. How will Guelph manage this and avoid a situation like Brampton?

PUBLIC HEALTH AND GREEN SPACE

These proposed bylaws are derived from the Province's Zoning act which dates back to 2019. The COVID-19 pandemic has taught the world that a sure way to assist in spreading a virus is high density housing. Surely Public Health ought to be involved in any new infill/zoning projects in order to build an environment that will not create future problems.

Further, it is our understanding that Guelph is lagging behind its own current zoning standard for public green space. Creating ARDUs will greatly exacerbate this problem by adding population to existing neighbourhoods.

LEGAL

The proposed Zoning allows for 2 Additional Residential Dwelling Units (ARDU) on any property large enough to support them.

Who owns the additional units?

Can ARDUs be bought and sold independently of the primary residence?

If the ARDUs are always rentals, where does landlord and tenant regulation, etc come into play?

Will the city be willing or able to deal with the well known problems associated with absentee landlords?

COST OF INFILL ARDUs TO THE EXISTING TAXPAYERS

It is our understanding that the funds the city gets from new development do not cover the full cost of services and amenities (roads, parks, schools, police, fire, etc). Recently the Province has mandated that cities cannot recover the full additional costs of new development.

Thus every new residential unit adds to the tax bill of existing taxpayers.

The density increase in the proposed zoning bylaw would simply add to the plight of the taxpayers

Thank you for considering our comments

Yours truly

Ken and Dorothy Fisher

Dear City Council

My name is Dave Worden and I live at X Birch St. here in Guelph. I feel allowing Accessory Units would only bring down the value of a house and reduce the quality of living in Guelph's better neighborhoods that have the lots large enough to do this.

- Units could house as many people as in the main house, doubling the stress on the current aging infrastructure.
- Units would likely be built on properties already being rented. These units would also be neglected and mis-managed as unfortunately many rentals are now.
- Units would increase noise level and danger of fire with this type of density increase in the older, mature tree filled neighborhoods.
- Units would now take away the back yard from the existing family as it would become the front yard of the Unit.
- Units would double the vehicle traffic on our now quiet streets.
- Units would congest our streets with more parked cars for these tenants and their guests.
- Units would have people who are not committed to neighbourhood living and community, and would not be considerate to other home owners because they are not invested, they just rent.
- There would now be people in our neighbourhood who we wouldn't know if they lived here or not. I recognize everyone who lives on my street.
- Our now quiet neighbourhood would have late night traffic, doors slamming, people walking between houses and noise from these units as we, working and family homeowners, need to sleep and get up early for work and family responsibilities.
- There would be no way to Police the number of people staying in these Units and so we could have many transient people just over our fence. Then we would not feel comfortable sitting in our backyard or letting our kids play in the backyard by themselves.

Many Retirees and Families who live here, enjoying the space, will now fear going into their yards as people they don't know watch them from the next yard.

As these units get run down over time, the quality of tenant will also decline. Leading to the downfall of the neighbourhood.

With the only upside being that more taxes would be collected by the city, I don't see this as a good example of City Council working to improve the quality of family house living in Guelph. The City can acquire more taxes from high-rises developments, that are properly designed to increase density.

Please do not do this to the good people of Guelph.

Regards: Dave Worden

Dear Mr. O'Brien,

Please ensure that my comments below are made available to Guelph City Council before July 10th, 2020.

I am very concerned with the potential negative impact of the proposed zoning bylaw/official plan amendment related to additional residential units.

This amendment will further increase the opportunity for especially vulnerable neighbourhoods surrounding the University of Guelph to be drastically negatively impacted by turning them into multi-occupancy rental zones.

Our Ward 5 neighbourhood has been rapidly changing, as each home that comes up for sale is purchased by an investor (usually an absentee landlord/out of town investor), and is turned into a multi-unit student rental income property. This is drastically changing the balance between owners and renters and there are less and less people who actually live in the neighbourhood full time and are interested in creating a thriving community.

As an example, the current regulations allowed essentially a 12 unit apartment building disguised as a rooming house at 50 Grierson Drive. I can only imagine what landlords are going to do if these new proposals in their current form come to be.

Areas surrounding the University are particularly at risk. Since it appears that Guelph has no ability to block what has been mandated by the province, in order to preserve the integrity of our neighbourhoods, I urge the city to apply the most stringent controls possible to additional structures, including:

1. A much wider setback from property lines, which will have the effect of not only mitigating the impact on privacy but will go some way toward controlling the size of accessory buildings.
2. Disallow 2-story structures. On standard city lots, the addition of a 2-story structure close to property lines will not only impact privacy and increase the potential for noise nuisance, it can also block sunlight from adjacent houses.
3. Require a parking space for each accessory unit.
4. Disallow the proposed two front doors on a property.
5. Limit the size of accessory units to one bedroom.
6. Increase the staffing of the by-law enforcement department, since in addition to the problems neighbourhoods such as the McElderry Community already face arising from student rentals, new complaints and conflicts will undoubtedly arise.
7. Allow home owners to apply for a reduction in property tax where it can be shown that adjacent additional units have decreased their resale value.

Thank you for your attention to this matter.

Christina Tourangeau

To: Mayor Guthrie & Council Members
Re: Secondary Dwelling By-law Amendment

I am writing to express my opposition & concern re: the by-law amendment Item on 13 July Council Meeting agenda. My issues/objections are threefold: 1) the timing of a complex & important amendment on an agenda during a pandemic, 2) the lack of a proper public information & input process, & 3) lack of transparency/misrepresentation of what this entails for the city of Guelph.

1) Pandemic Timing—Something like this that can affect people's lives in fundamental ways should not be on any agenda during a State of Emergency, or even before we're well along into the latter "new normal" of late Phase 3. This is also an issue with many, many facets to it. People are struggling; this will not be on their radar during an exceptional time, yet is something many people would address otherwise. An issue that is a real collective decision (because this will affect all of the city, & major things like property values, quality of life, safety, etc.) should be made when we can come together to consider & focus on it—not during an unprecedented world medical emergency.

2) No Proper Public Info/Input—This issue should have a public information & input framework that includes Q&A from relevant City employees, clear city website FAQs, and virtual town halls *before* it's listed on any meeting agenda. Council & the City should provide a clear overview & explanation of all possible scenarios under any proposed amendment, & even whether or not it needs to be adopted by Guelph at all, if it's deemed against public interest. Just because the province allows it, doesn't mean it's good for Guelph. A similar example would be ride sharing (Uber, Lyft, etc.) which has been rejected by some cities, & adopted by others.

Throwing up a thicket of detailed documents & a perfunctory on-line survey (you need to register to complete) is the digital equivalent of "lip service" to real transparency & public information & input. It's not right for something this important & far-reaching.

3) Lack of Transparency re: outcomes—Both the City's site postings & Cllr Downer's remarks in media (Guelph Today) are a gross misrepresentation of what this allows. This is more than just a technical alignment of policy between province and city, as per Guelph's website. It is also not about student housing issues alone. You can't "people zone" so once this is allowed, neighbourhood backyards can turn into potential party houses (AirBnB) and/or zero barrier housing (temporary or permanent) for homeless substance abusers, all within 0.6m from adjoining property lines.

Councillor Gibson mentioned a project exactly like that when I met him several months ago, including the by-law issue. Yet, I've never heard a word about it since, re: bylaws or anything else. I'd also note Councillor Downer is on the homeless/harm reduction ETF, yet she made no mention, to my knowledge, of this usage in any public comment. This is exactly like the container homes, developed behind the scenes, & forced through Council. This by-law amendment should be considered as part of this project, & not move forward without transparent info & public input.

I feel any one of these objections/concerns is reasonable grounds to defer this right now; all three are overwhelming.

Thank you for your consideration
Regards
jj salmon

7 July 2020

Dear Mayor Guthrie and City Councillors

I wish to provide a few comments with respect to the staff report entitled "Additional Residential Unit Review: Planning Act Update to the Official Plan and Zoning Bylaw Discussion Paper, July 2020"

I understand that this is a matter that will come before Council at the meeting of Council on July 13.

The recommendations in this report, should they be adopted, could present significant impacts on residential neighbourhoods. Those neighbourhoods in proximity to the University which are currently negatively impacted by "student rentals" and absentee owners could be further impacted with the addition of rear yard Additional Residential Dwelling Units. I note that the report concludes that "Streamlined and simple to understand rules will assist with the creation of affordable housing units, ensure the health and safety of our residents, and protect the character of our residential neighbourhoods". We hope that Council will be guided by a strong desire to protect the character of our residential neighbourhoods.

I would suggest that Council consider the following:

- For Additional Residential Dwelling Units require a greater setback from property lines than the 0.6 m. referenced in the report. This would help with privacy concerns for adjacent properties.
- For Additional Residential Dwelling Units in rear yards allow only single story structures. On the majority of lots within the City a 2-story structure in a rear yard close to property lines will create privacy issues and possibly shadowing issues for adjacent properties by blocking sunlight.
- Where off street parking is available require a parking space for each Additional Residential Dwelling Unit located within the primary dwelling unit as well as any separate unit in the rear yard.
- Limit the size of the separate rear yard Additional Residential Dwelling Unit to one bedroom.
- On Page 30 of the report there is a reference to amending the two bedroom limit to a three bedroom limit. Apparently this acknowledges that with lack of enforcement what happens today where a "special purpose" room is converted to a bedroom and a 2 bedroom unit becomes a 3 bedroom unit, albeit not legally. If that is what happens then Council should eliminate the "special purpose room" so that in future a 3 room arrangement does not then get converted to a 4 bedroom unit.

The McElderry neighbourhood is one of several that has endured issues related to student rentals and absentee owners. Recommendations in this report, if adopted, could exacerbate an already challenging situation for the McElderry community. The report acknowledges the challenges of enforcement and enforcement resources have been a point of discussion in the past as we addressed student rentals with the City. So we ask that in concert with this review City Council examine the enforcement capability and engage the necessary resources to make that viable. We also want to have confidence that the basic infrastructure of services (e.g. water, sanitation, parking and electricity supply) already existing in a neighbourhood are capable of meeting the additional demands that increased residents would bring.

Thank you for considering my comments

J. MacKenzie

Staff Report

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

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.
-

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.

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

This report was recommended by:

Kealy Dedman, P. Eng, MPA

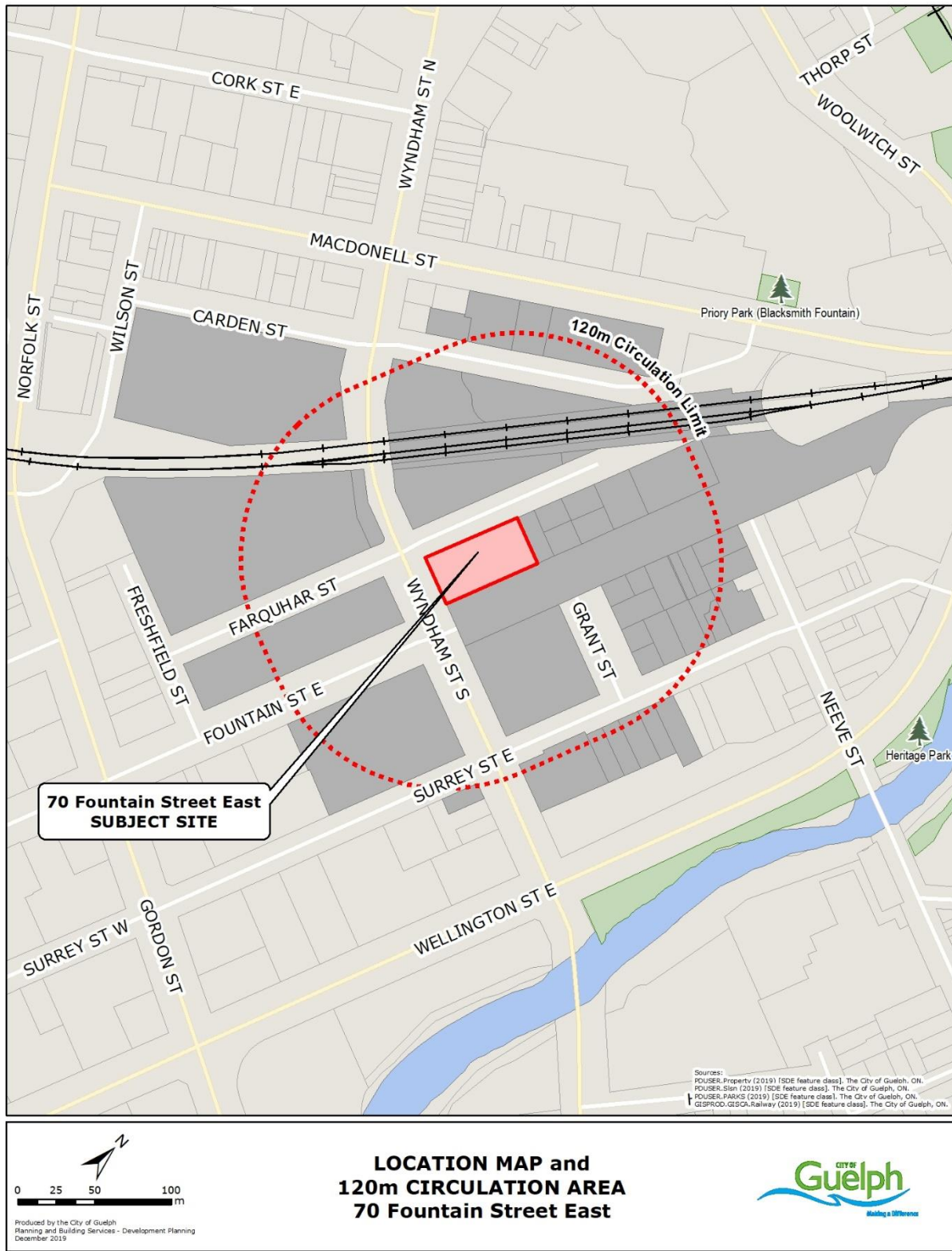
Deputy Chief Administrative Officer

Infrastructure, Development and Enterprise Services

519-822-1260 extension 2248

kealy.dedman@guelph.ca

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

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)
Subject Site	75 Farquhar/70 Fountain St.	323m

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-20th 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 2nd to 4th 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.

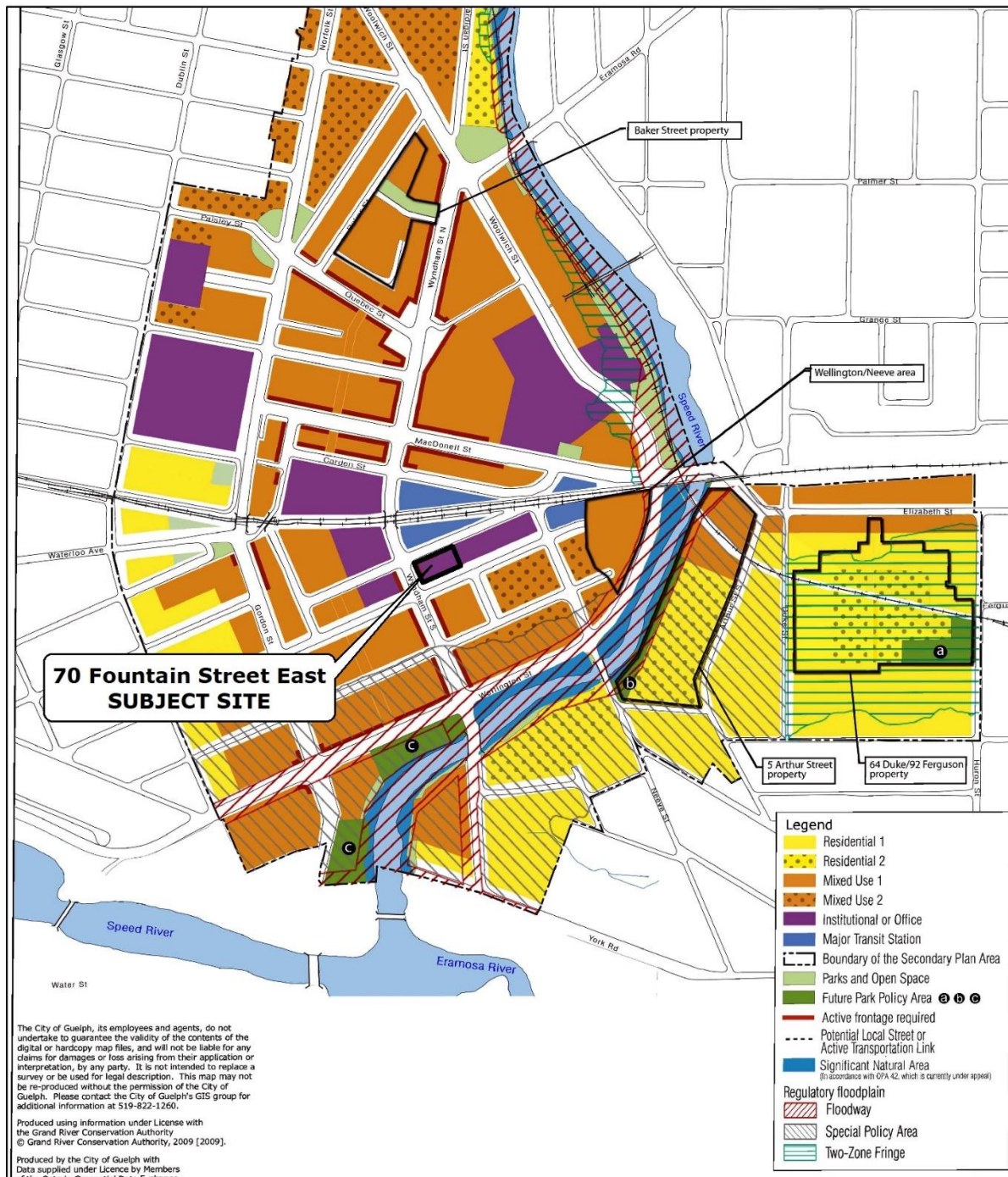
Other Concerns

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



100 50 0 100 m

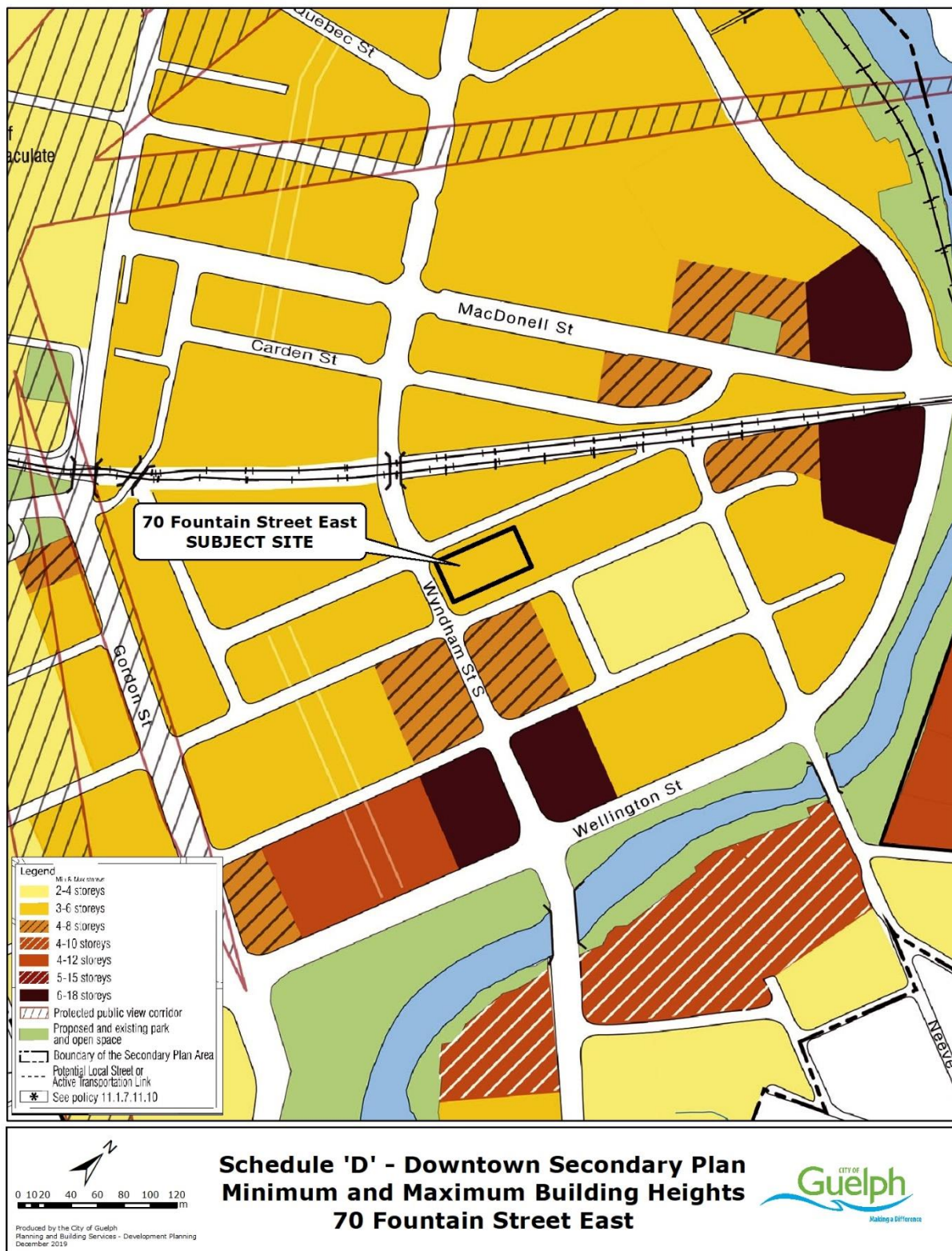
**Official Plan
Schedule C:
Downtown Secondary Plan - Land Use Plan
70 Fountain Street East**

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

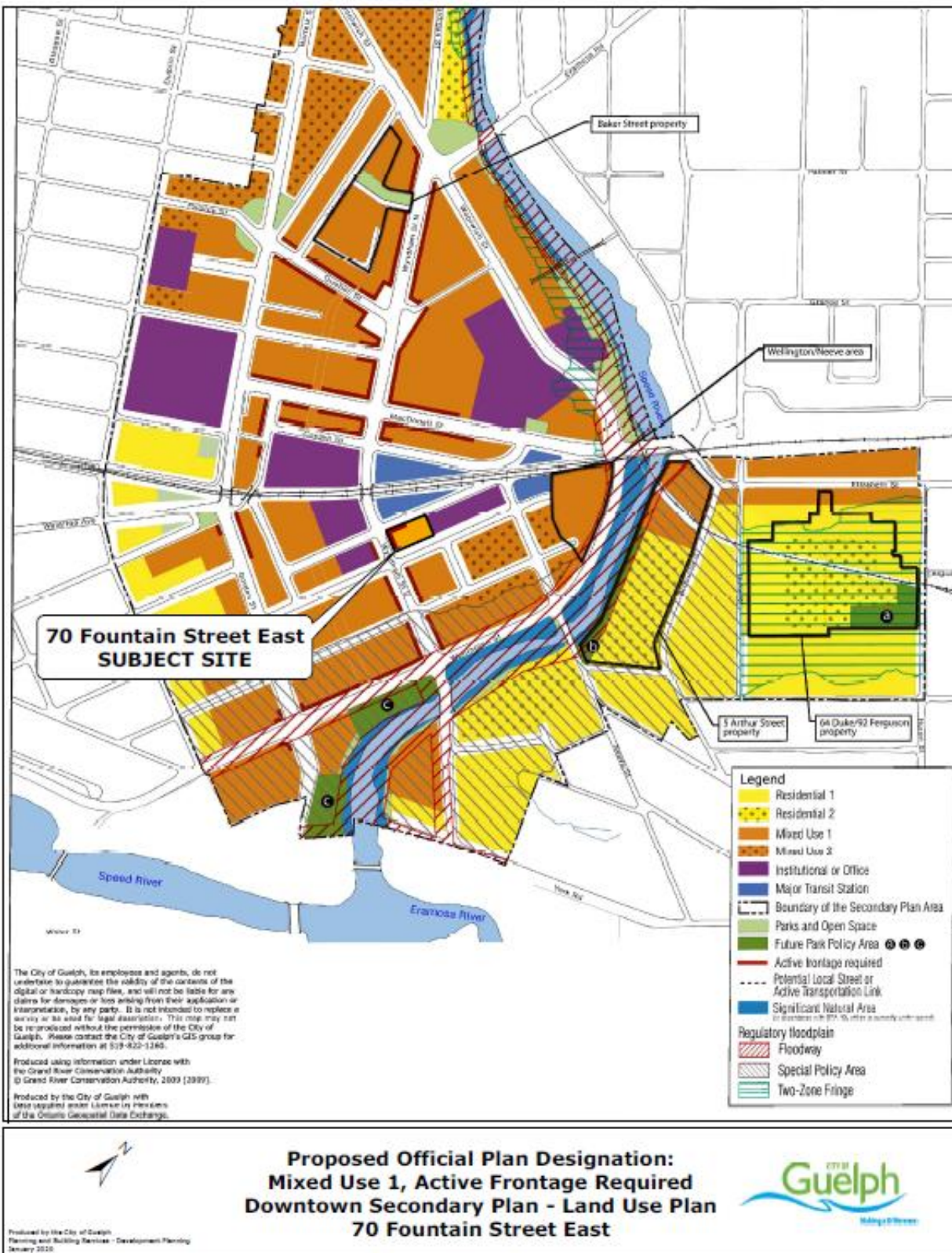
In addition to the primary uses above, the following uses may also be permitted where they are secondary to the main institutional or office use on the site:

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

11.1.7.5.4

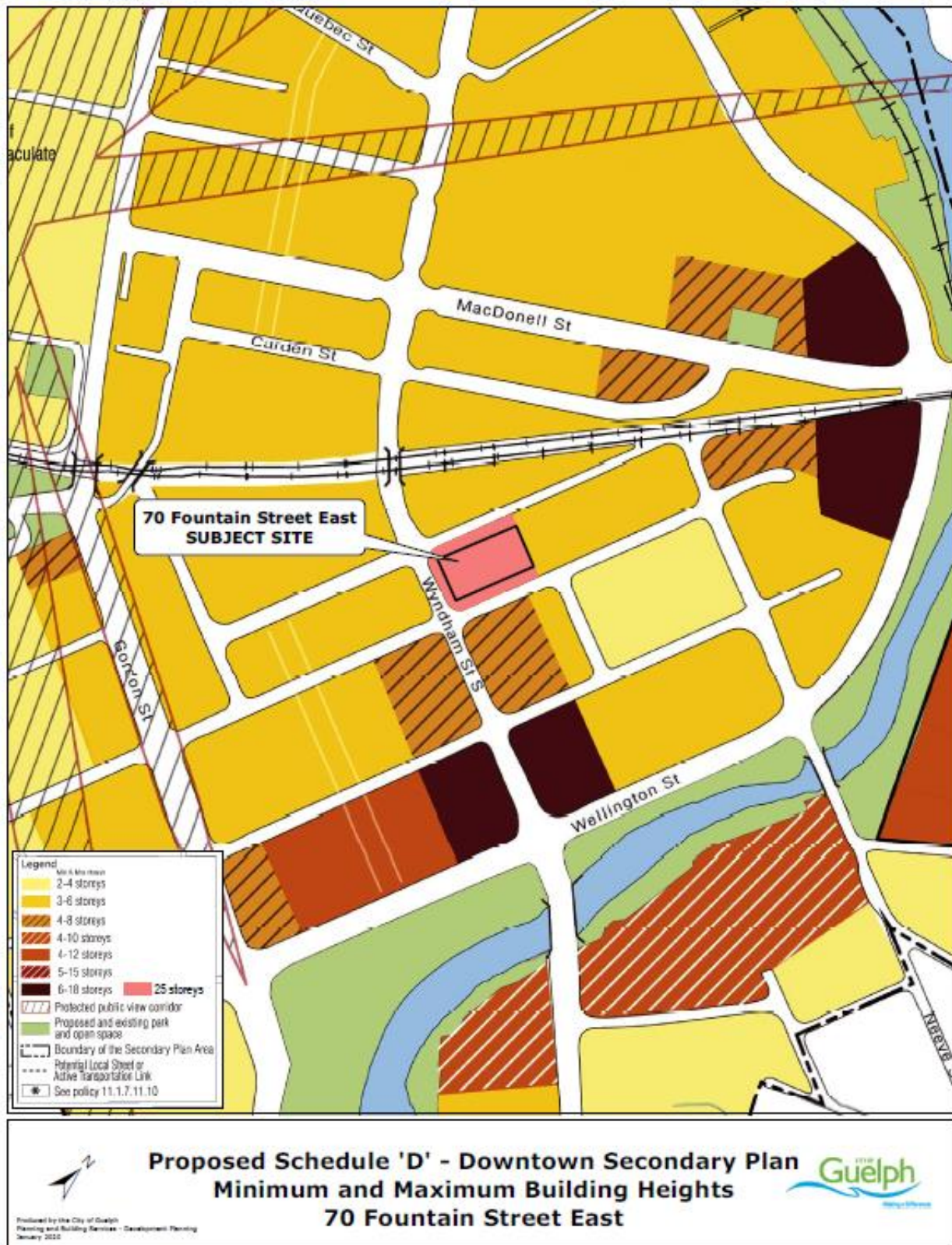
Institutional or Office areas downtown are occupied by buildings that are expected to remain for the life of the Downtown Secondary Plan, with the exception of the areas between Farquhar Street and Fountain Street, where there is greater potential for *redevelopment* and a desire for improved conditions 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.

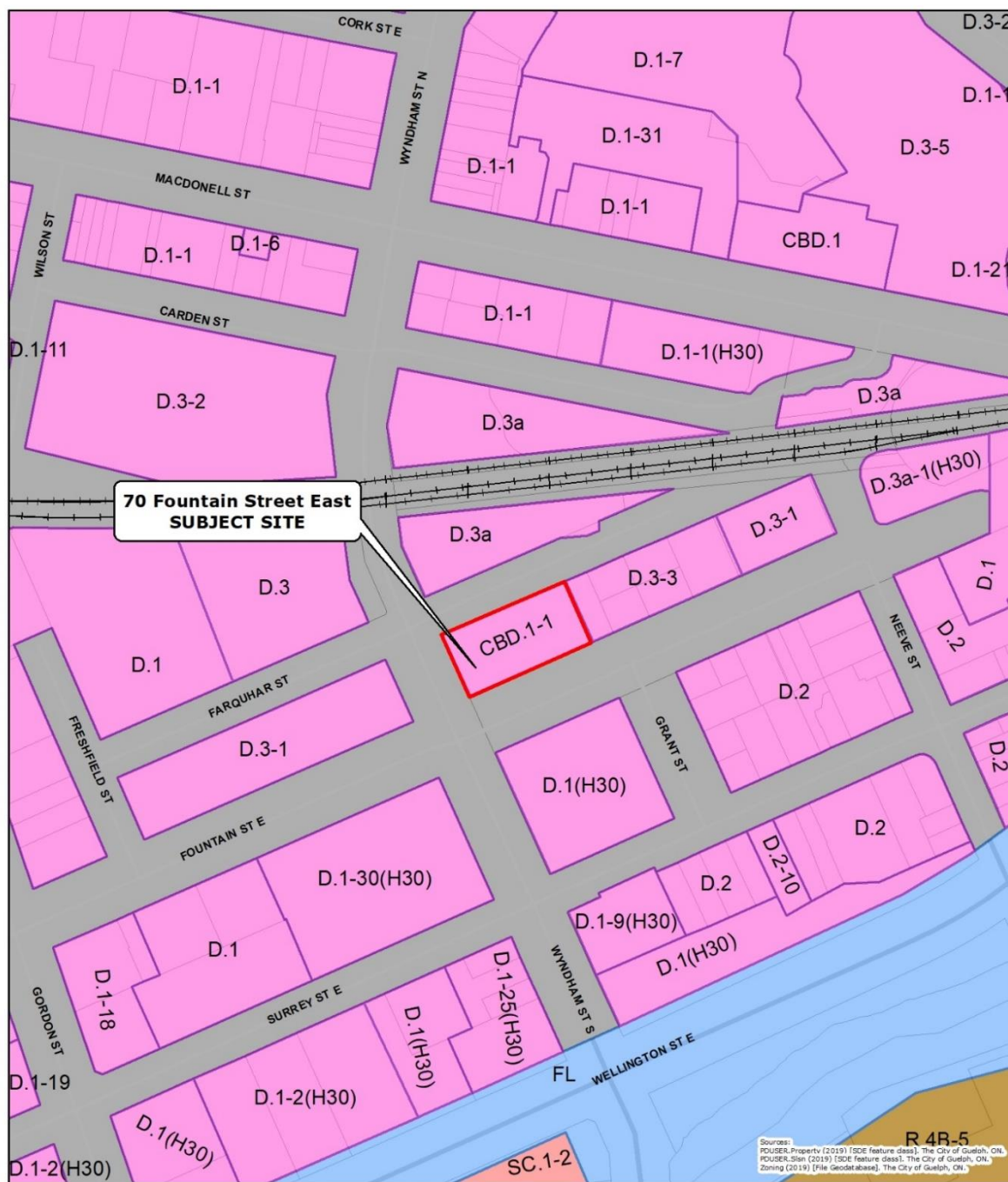
11.1.7.3.2

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

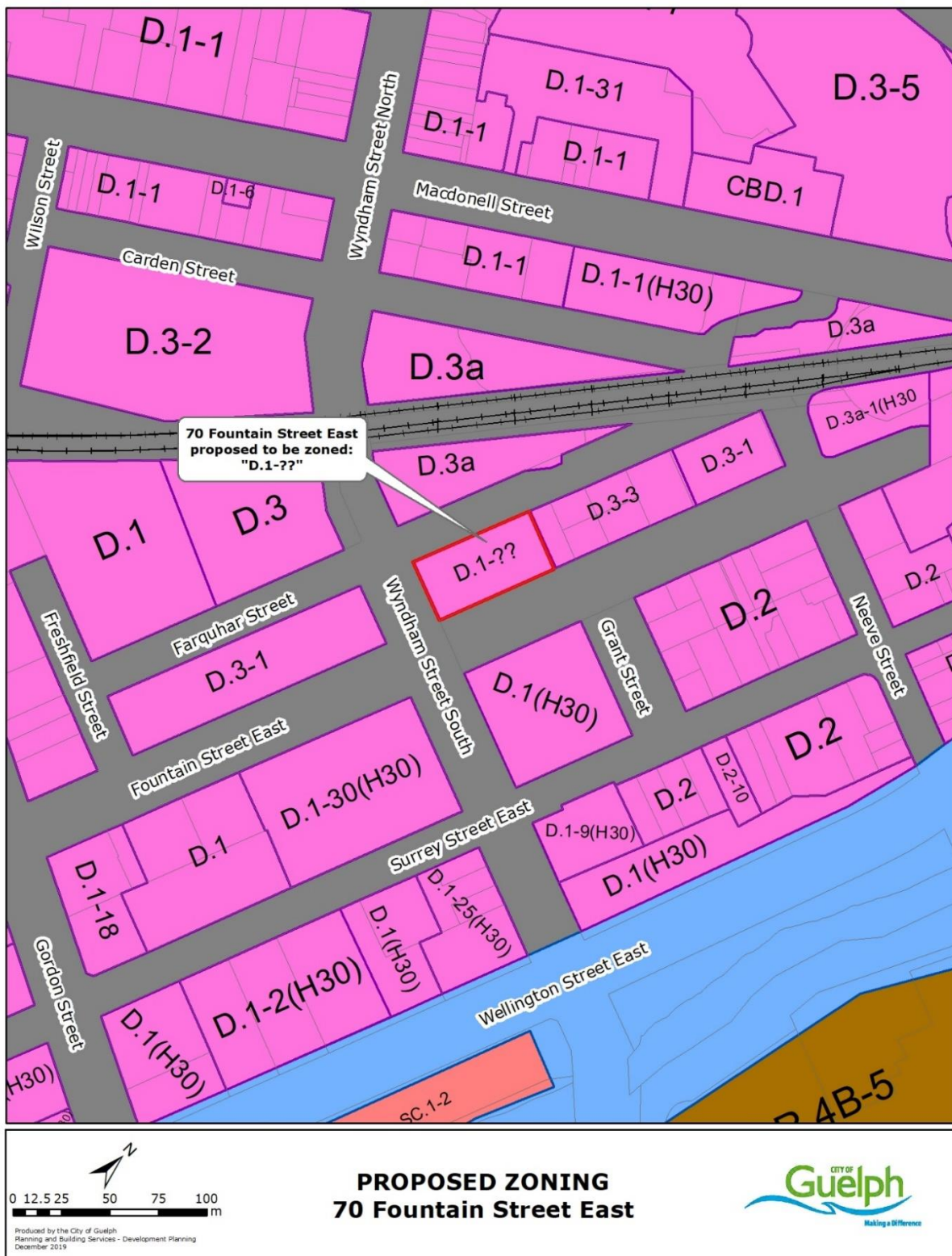
Despite Table 6.3.2, Row 9, properties within the CBD.1-1 *Zone* shall provide *Parking Spaces* in accordance with Section 4.13.4.

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)

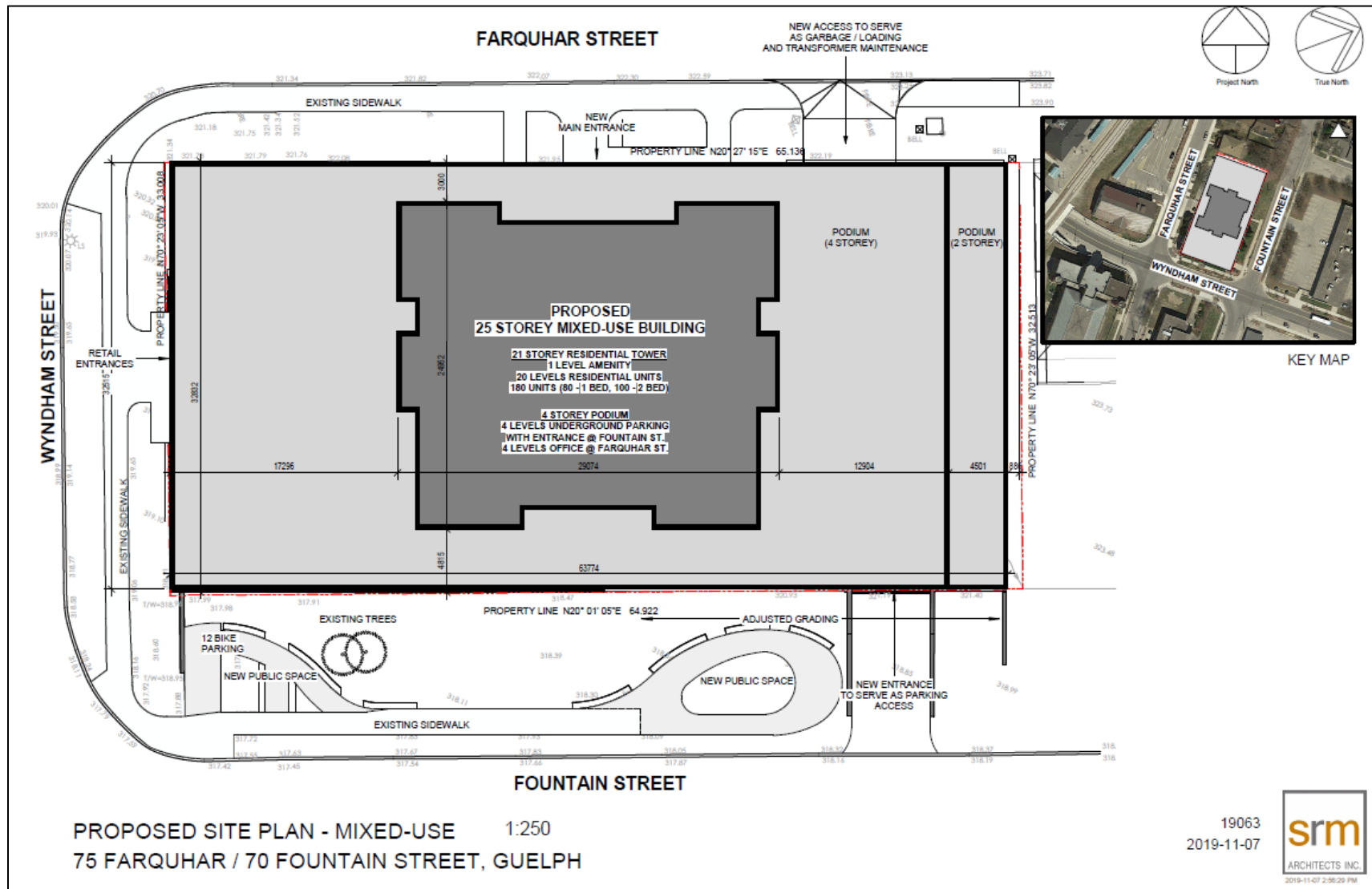
Q	6.3.2.4.1.8	Non-Residential Driveways	None at grade or in first Storey for the first 6 metres of depth measured in from Street Line	62.7 metres (Fountain)	Yes
R	6.3.2.5.1	Minimum Parking Spaces	Apartment: 180 + 9 Retail/Service: 4 Office: 92 Total: 285	Residential: 124 + 9 Retail/Service: 4 Office: 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 st 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 5th 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)

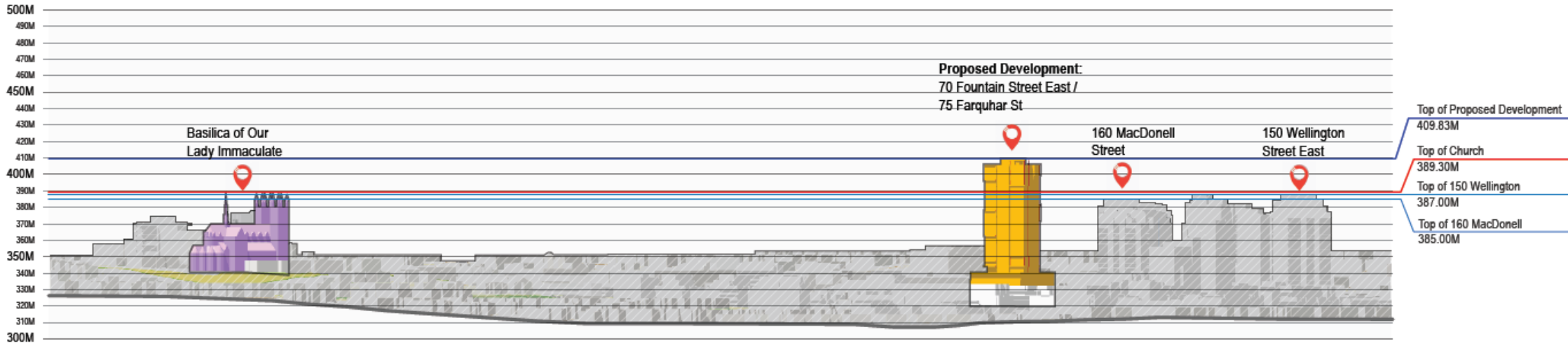
Attachment-6 Proposed Development Concept Plan



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



Attachment-7 Downtown Building Height Comparison Diagram



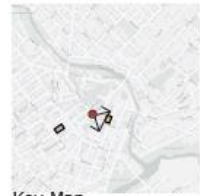
Note.
Existing & Proposed Building Heights measured to top of mechanical penthouse.

Attachment-8 Downtown View Impact Modelling

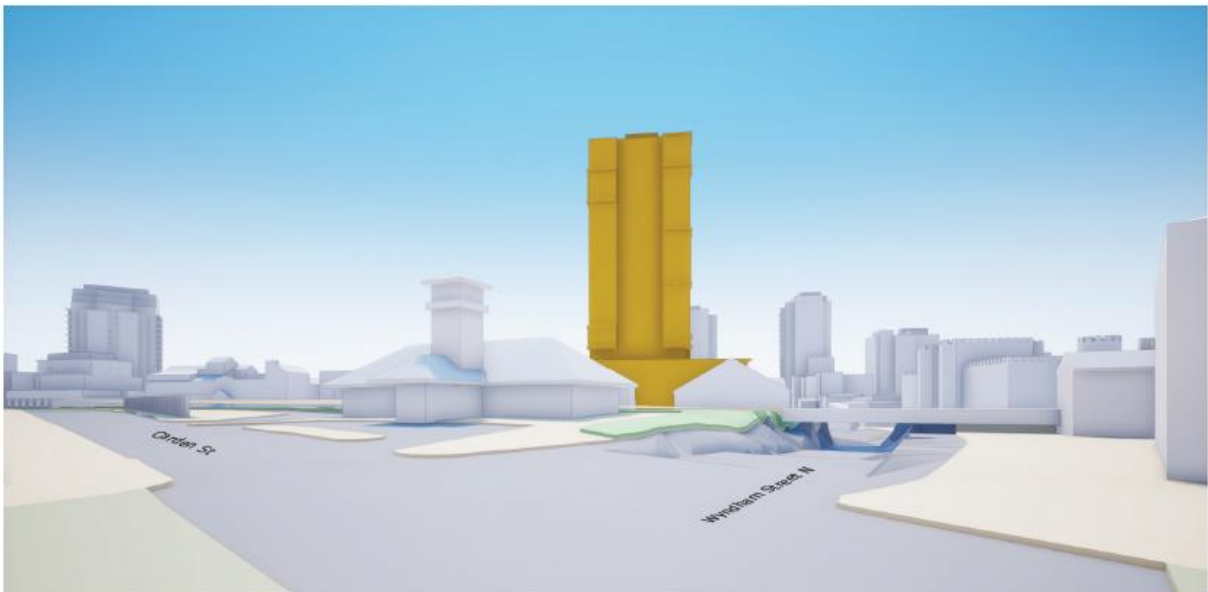
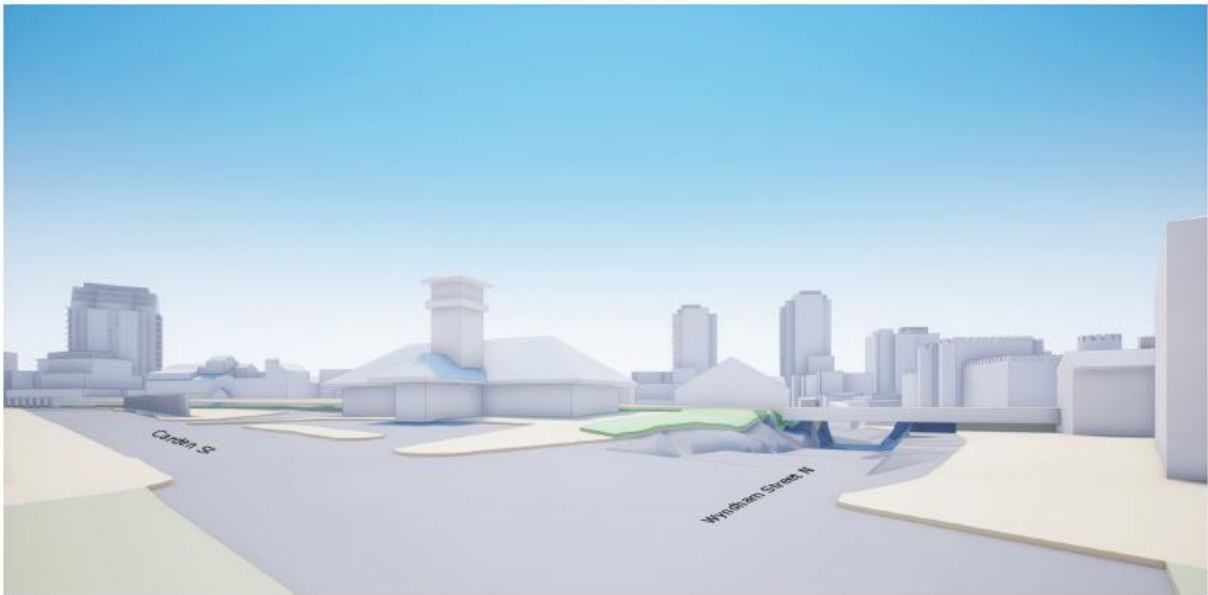
View Impacts of Proposed Development

Carden & Wyndham Street (looking SE)

Eye-level View - 1.65M



Key Map



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

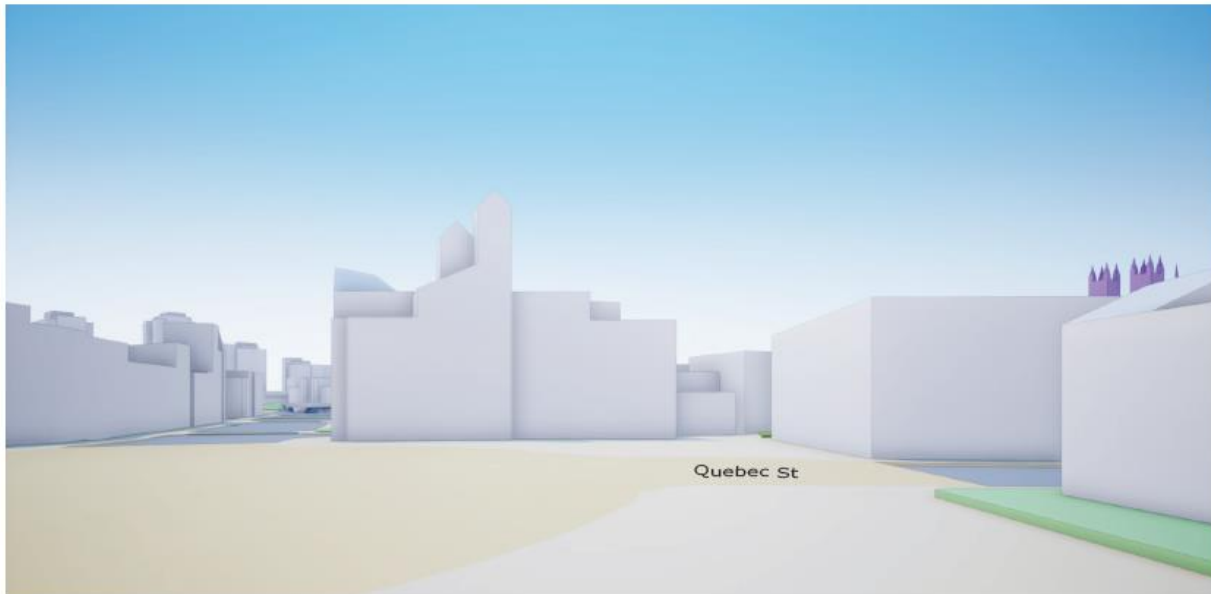
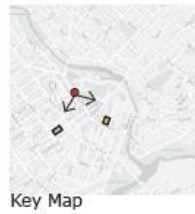


Attachment-8 continued

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.

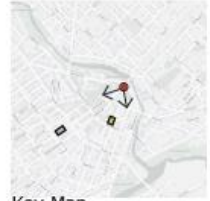


Attachment-8 continued

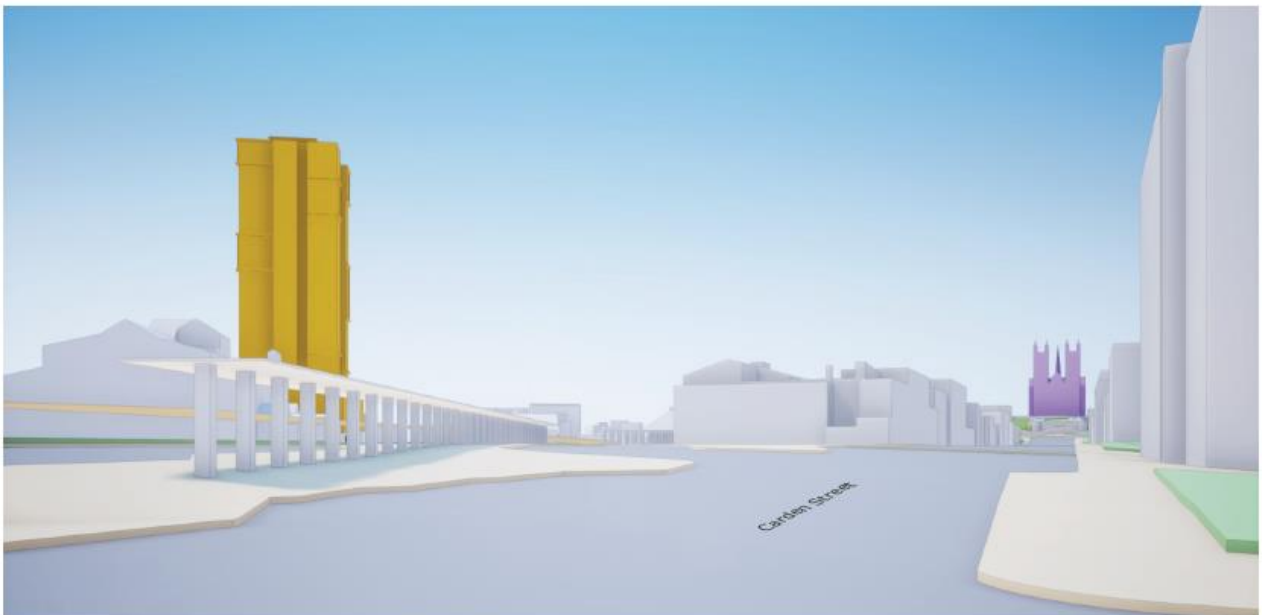
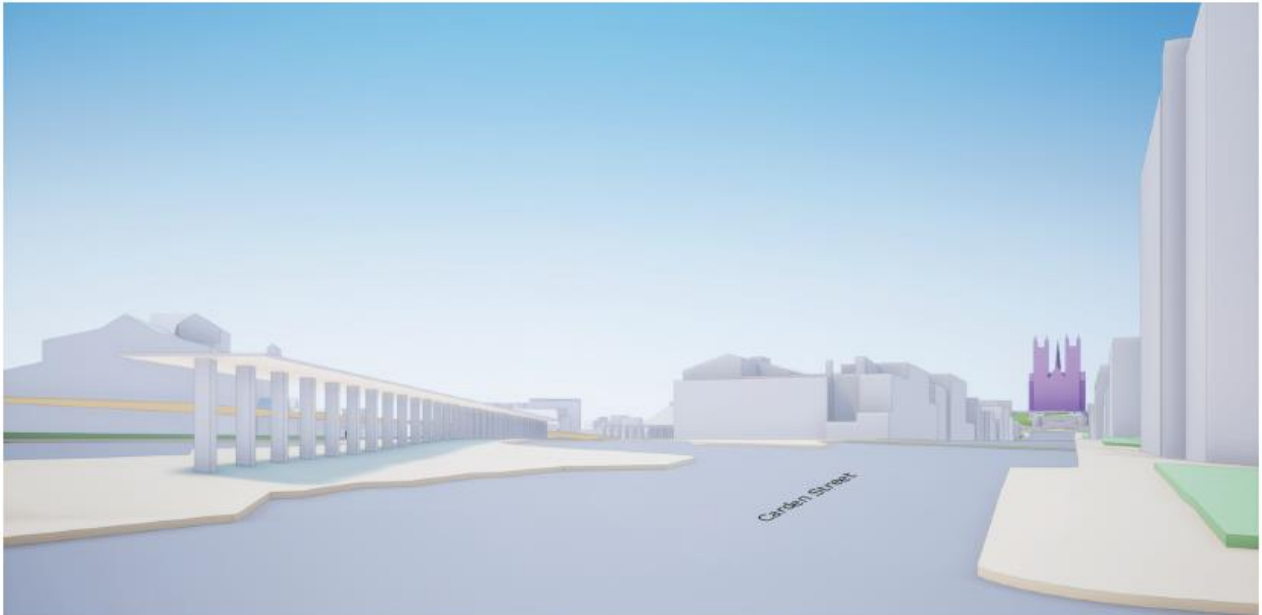
View Impacts of Proposed Development

Carden Street (looking West)

Eye-level View - 1.65M



Key Map



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

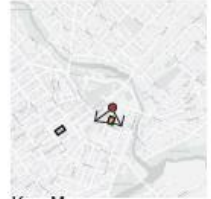


Attachment-8 continued

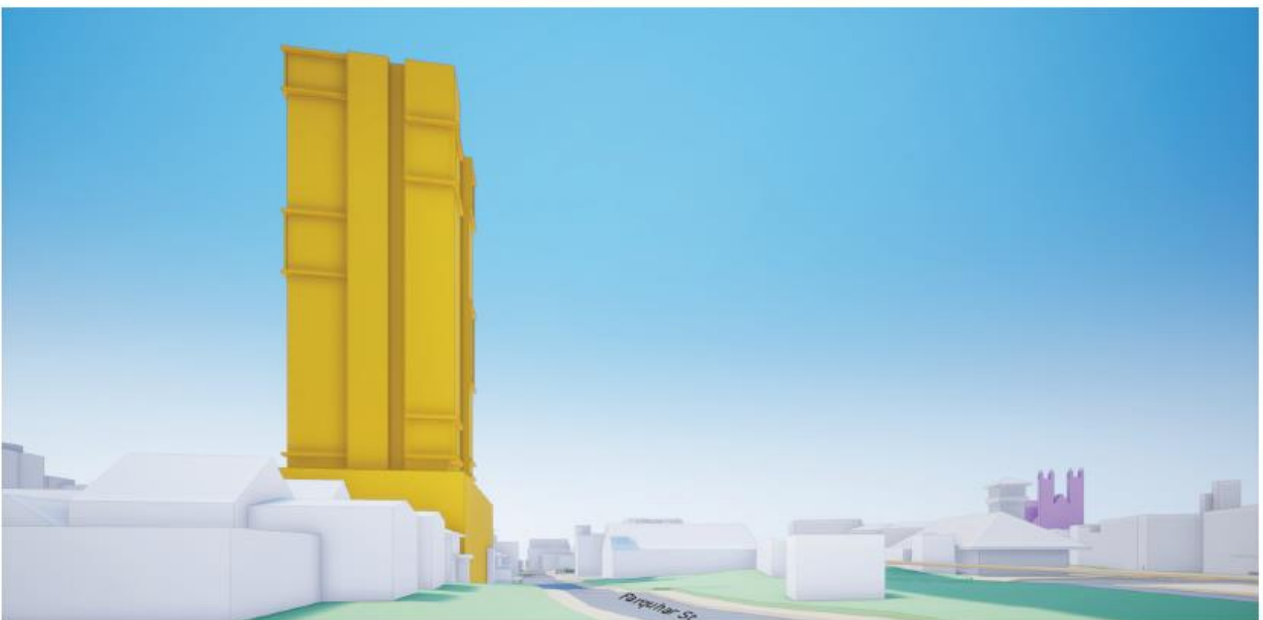
View Impacts of Proposed Development

Farquhar Street (looking West)

Eye-level View - 1.65M



Key Map



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

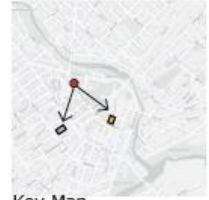


Attachment-8 continued

View Impacts of Proposed Development

Wyndham Street North (looking South)

Camera Altitude - 15.22M



Key Map



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

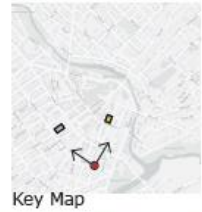


Attachment-8 continued

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.

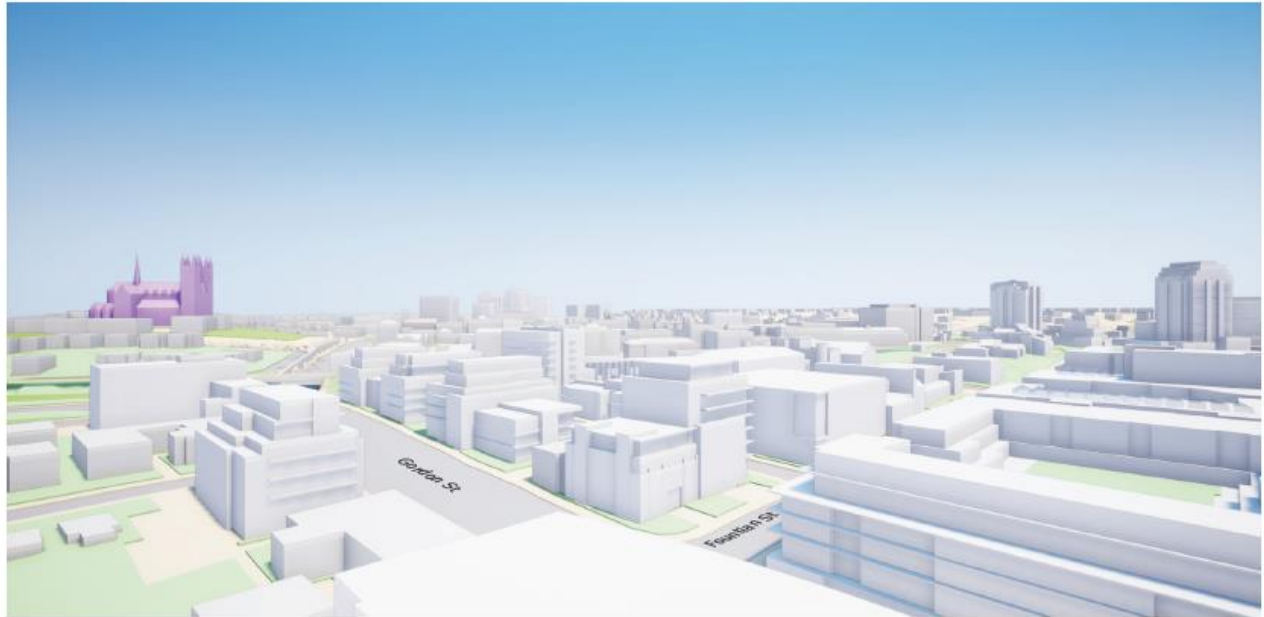
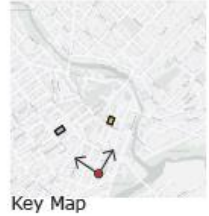


Attachment-8 continued

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.

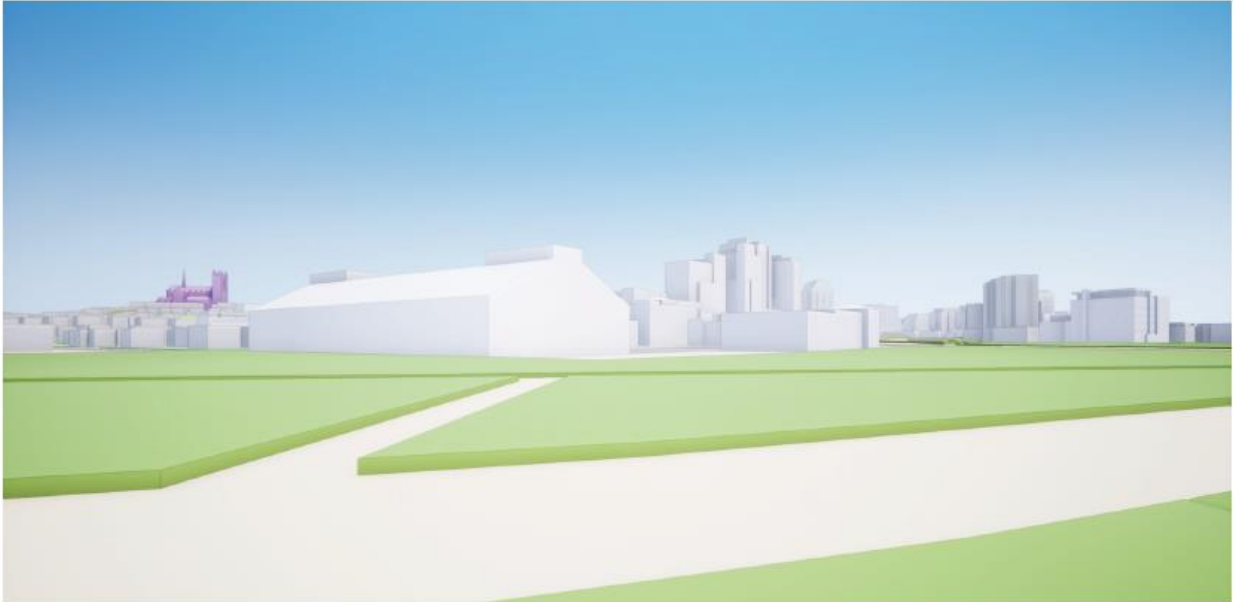
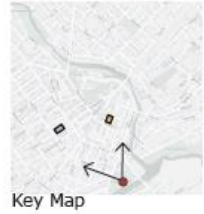


Attachment-8 continued

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



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

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 Lady¹:

- 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

¹ 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)
Subject Site	75 Farquhar/70 Fountain St.	323m

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:

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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



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

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-20th 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-20th 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-20th 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.

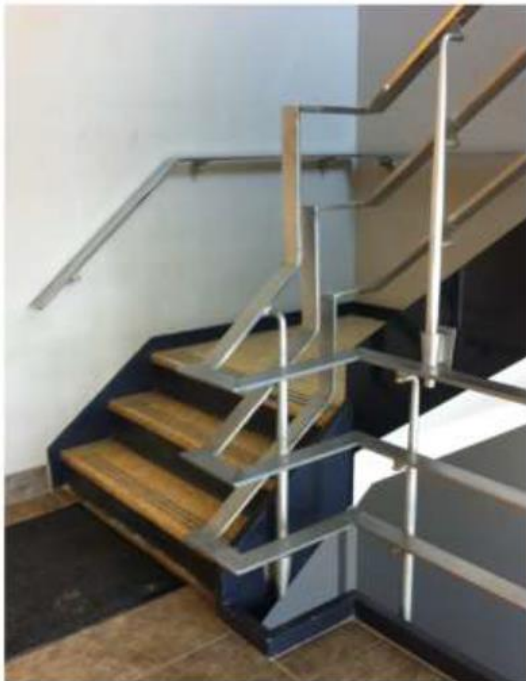


Attachment-9 Heritage Planning Comments 10/23

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.

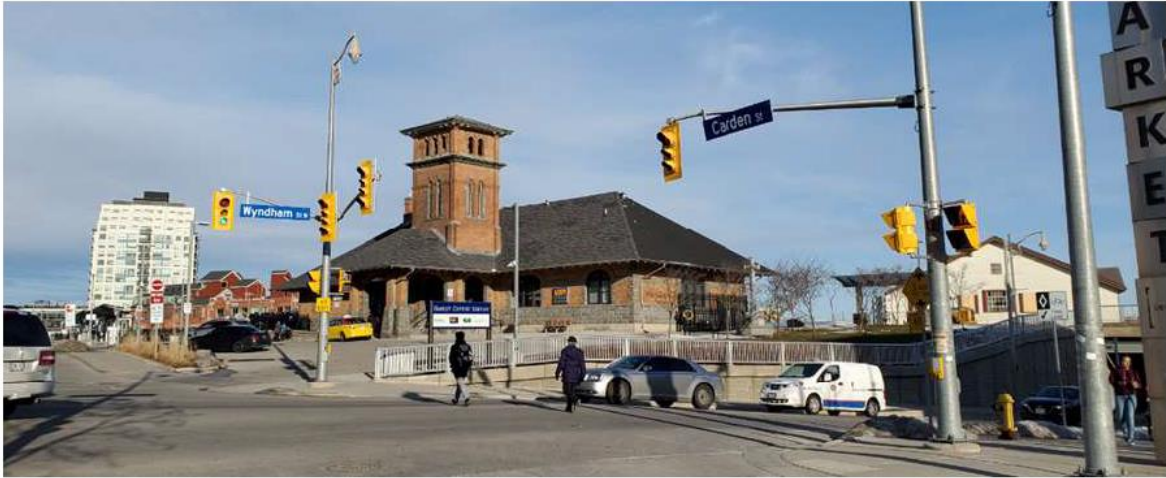


Figure 14 - Drill Hall 72 Farquhar Street with inset photo from 1939.



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.

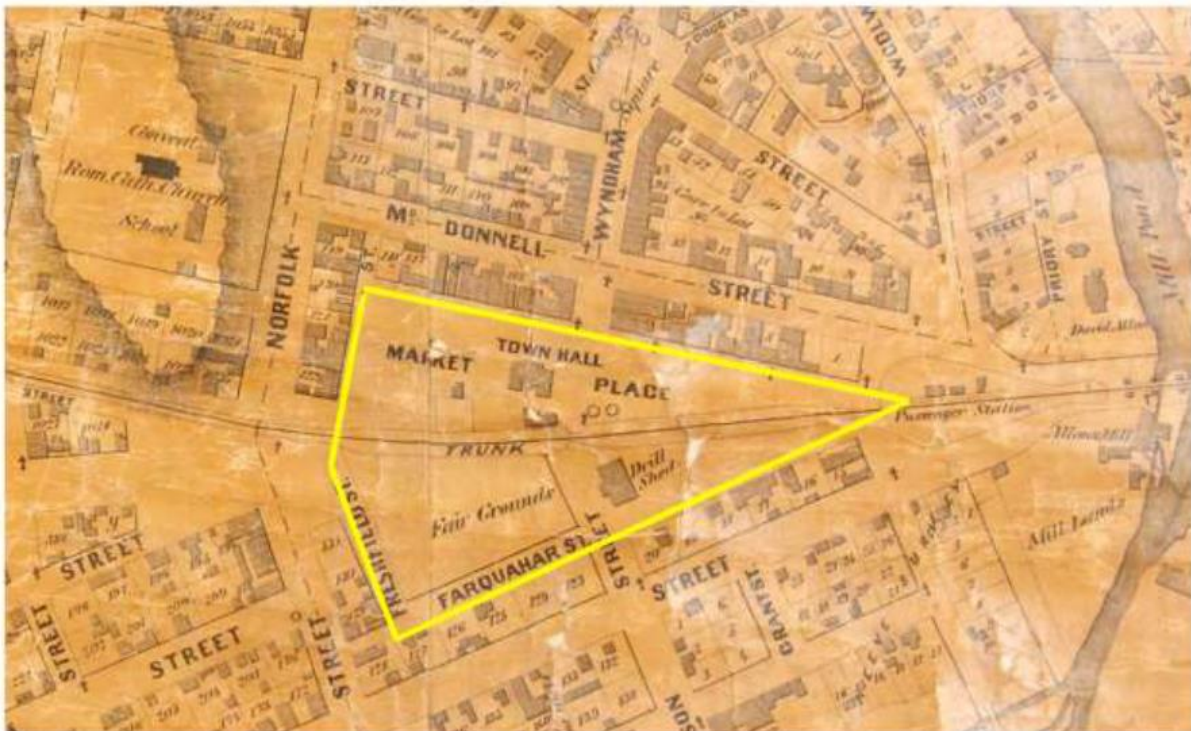


Attachment-9 Heritage Planning Comments 18/23

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

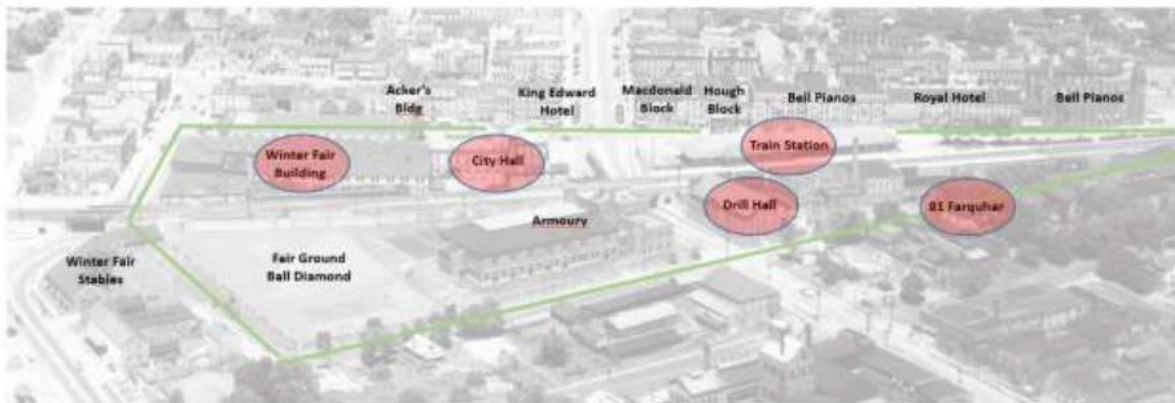


Figure 22 - Detail from Cooper's Map of Guelph, 1874.



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

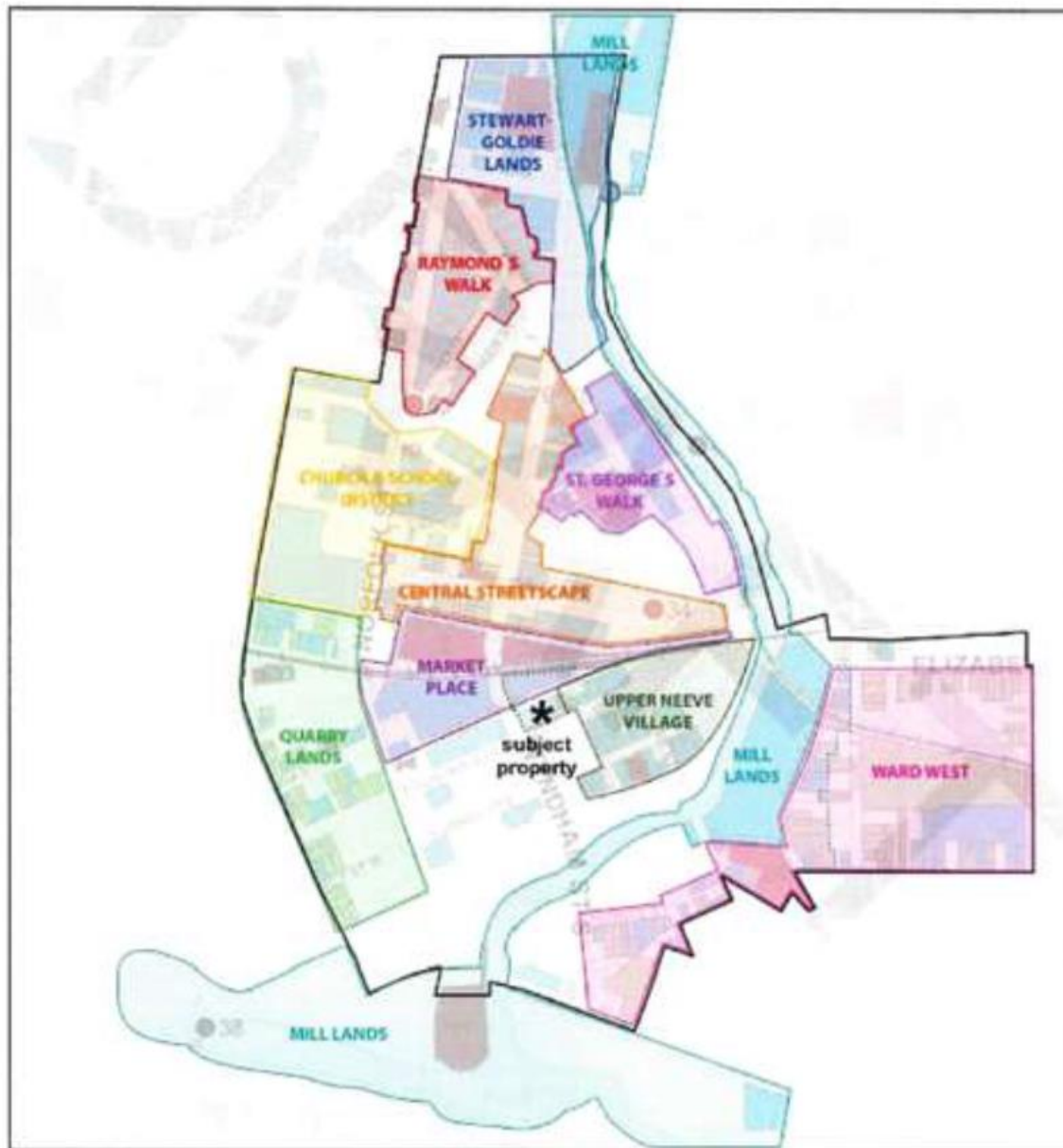


Figure 7

Heritage Guelph identified cultural heritage landscapes & subject property³

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)

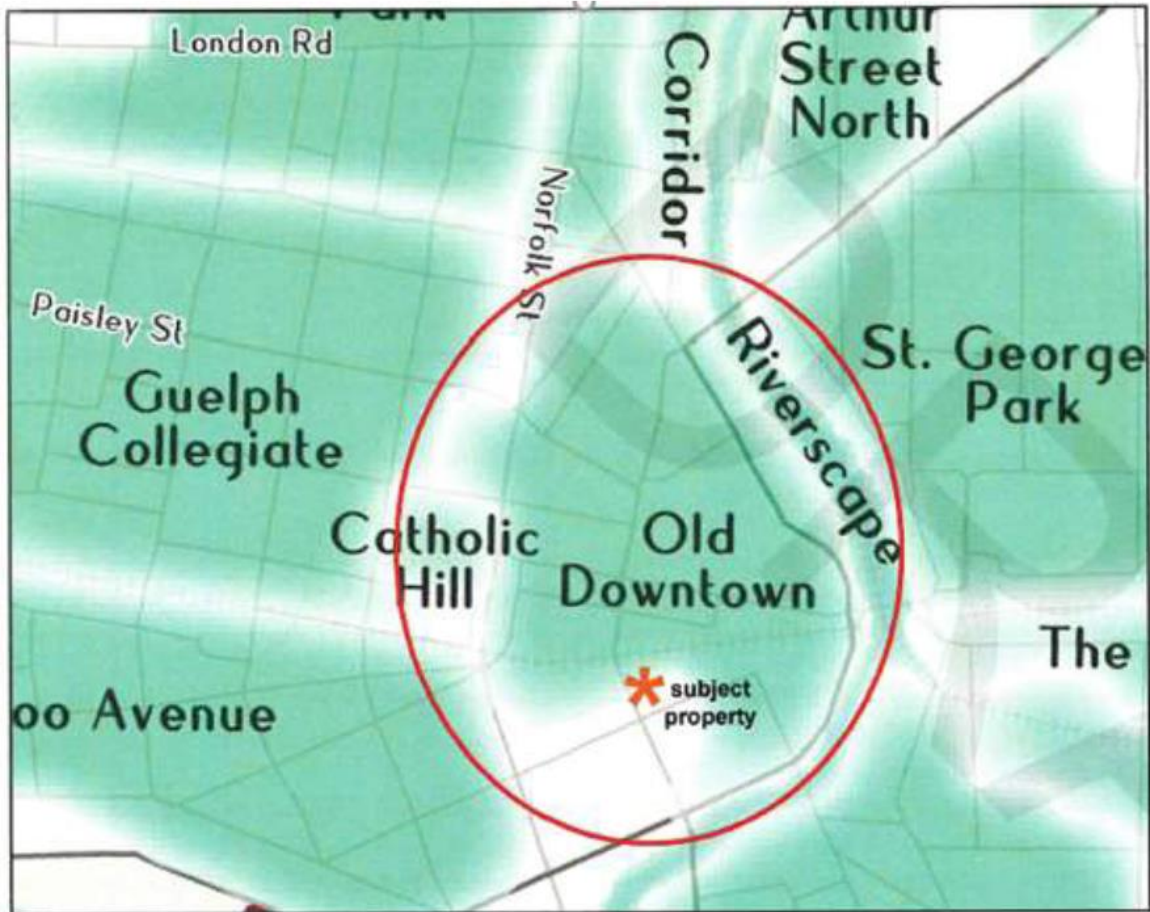


Figure 62 from: City of Guelph Cultural Heritage Action Plan (DRAFT), MHBC, March 2019 - CCHL-18 page 1 of 2

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

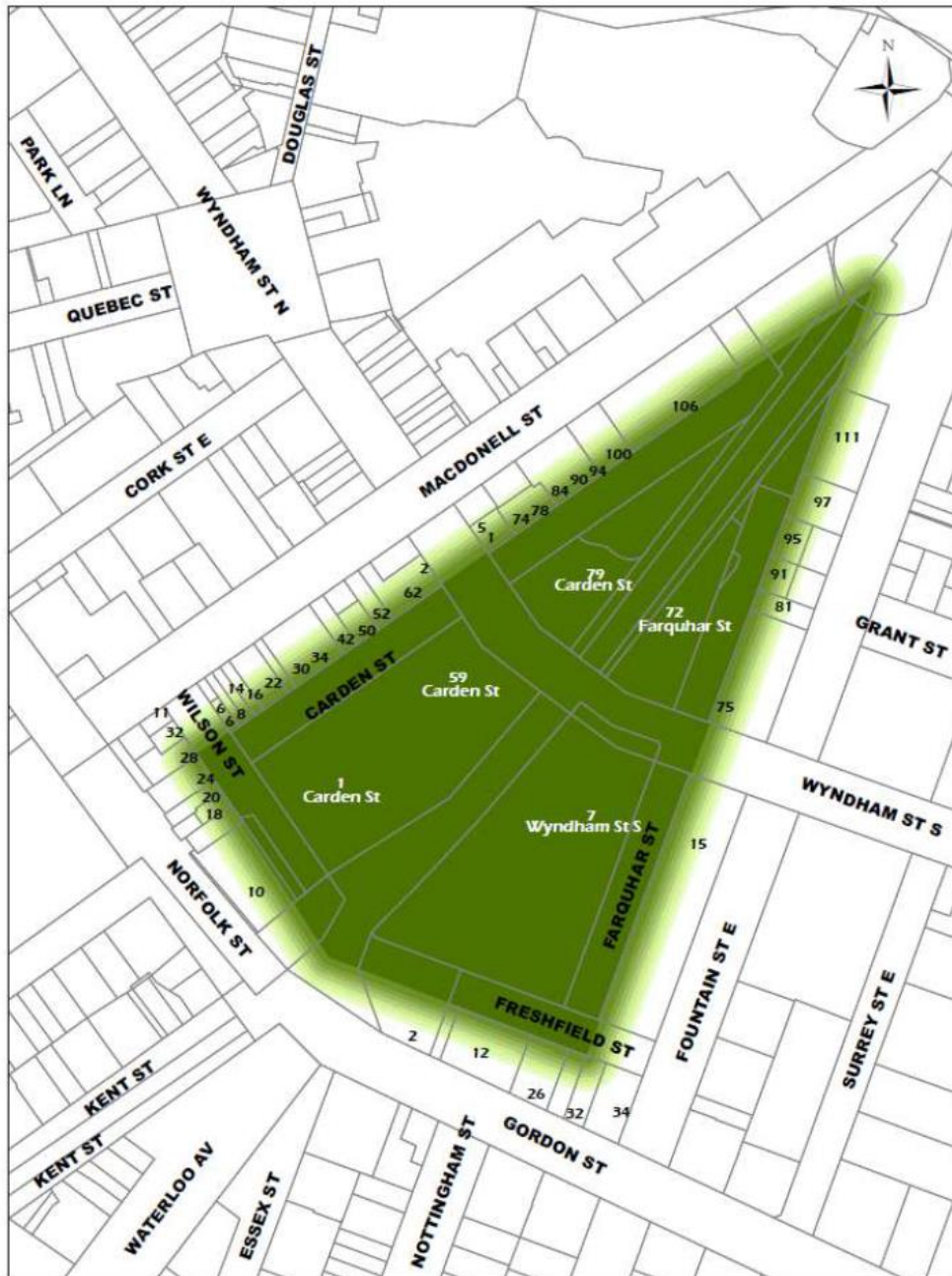
from the west to subject property - August 7, 2017

https://commons.wikimedia.org/wiki/File:Guelph_Downtown_Aerial.jpg - 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

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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.

- 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.
- TDM Staff support that the development intends to provide unbundled parking.
- The developer may wish to consider consulting with Metrolinx, as the agency is actively seeking additional parking downtown to support growing ridership.

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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
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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

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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

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

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

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

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

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

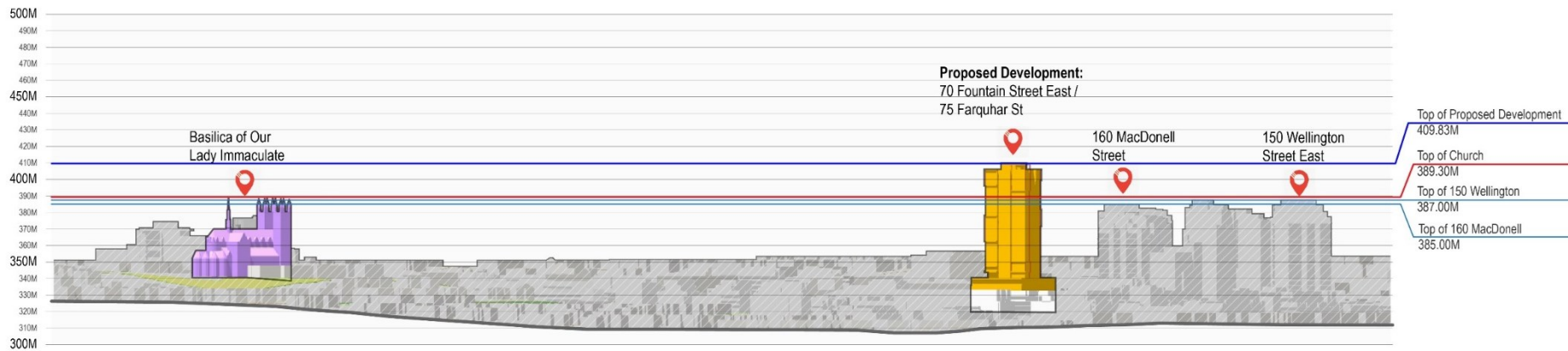
Reasons for Refusal

- 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

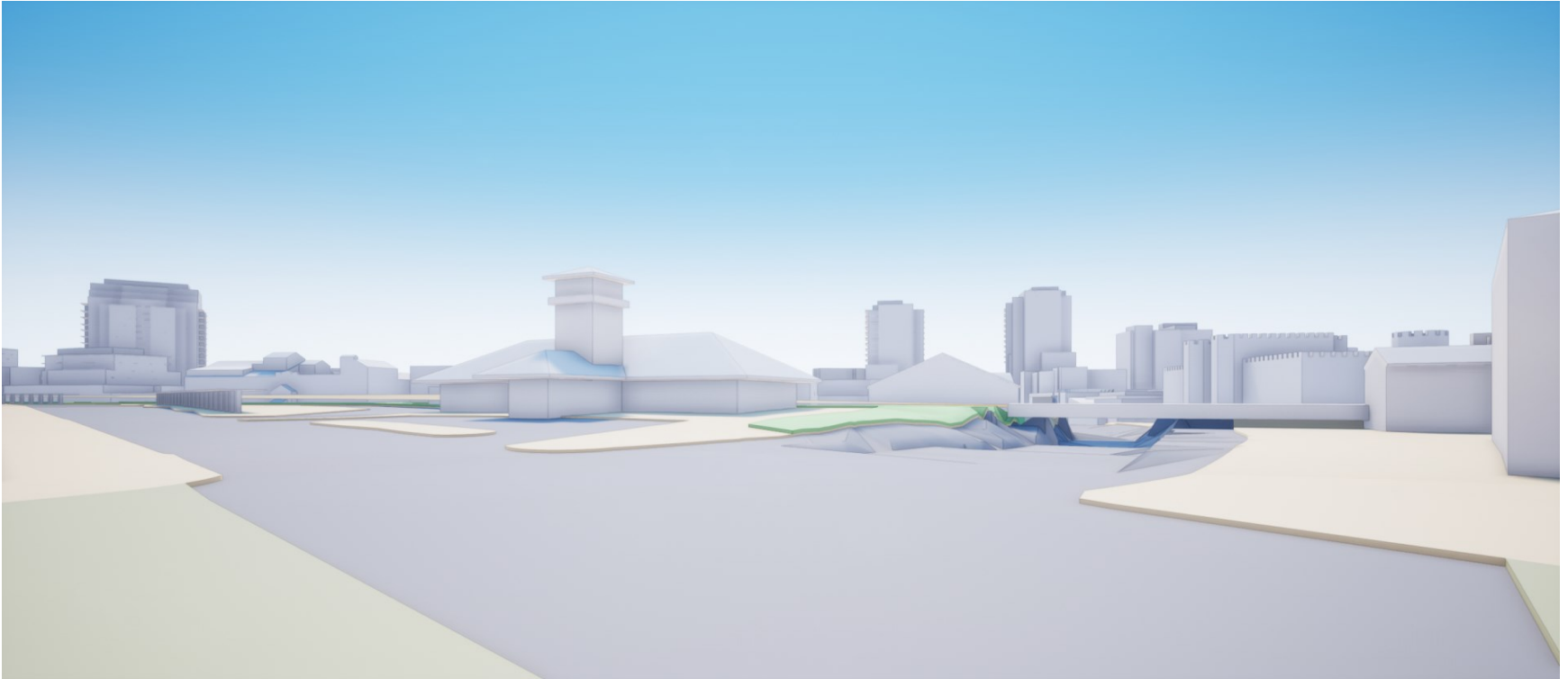


Note.
Existing & Proposed Building Heights measured to the top of mechanical penthouse.

View Impact of Development (1a)

Carden & Wyndham Street (looking SE)

Eye-level view – 1.65M

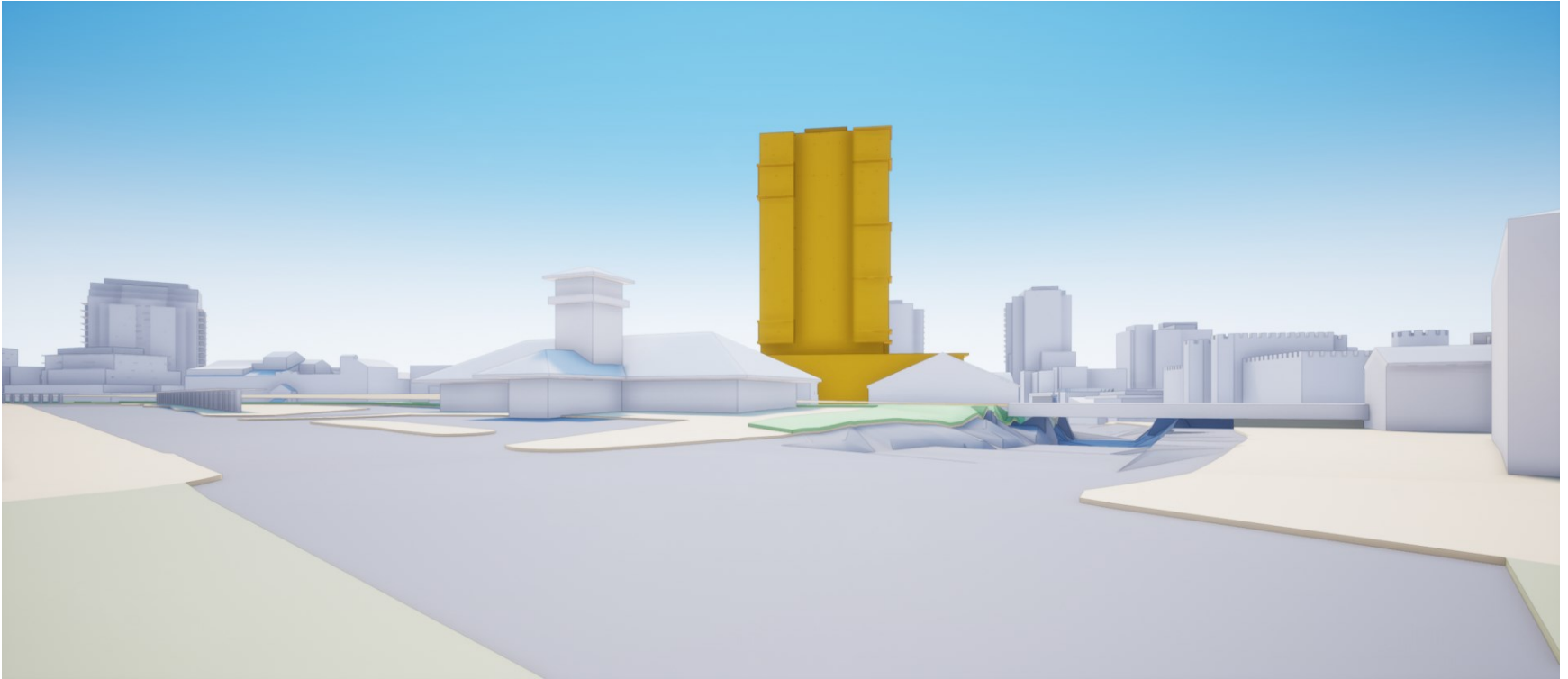


Note.
Based on the built-up of Downtown Secondary Plan massing model.

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

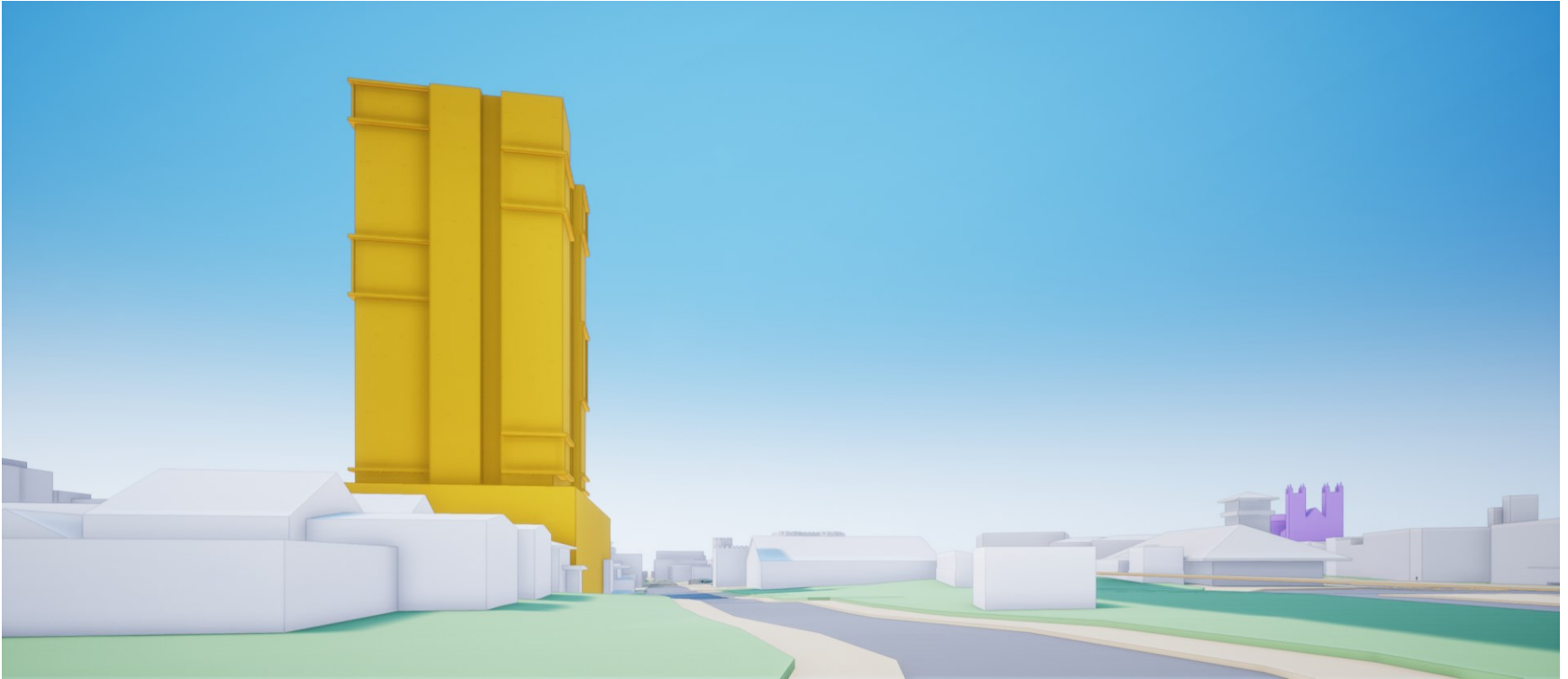


Note.
Based on the built-up of Downtown Secondary Plan massing model.

View Impacts of Development (2b)

Farquhar Street (looking West)

Eye-level view – 1.65M

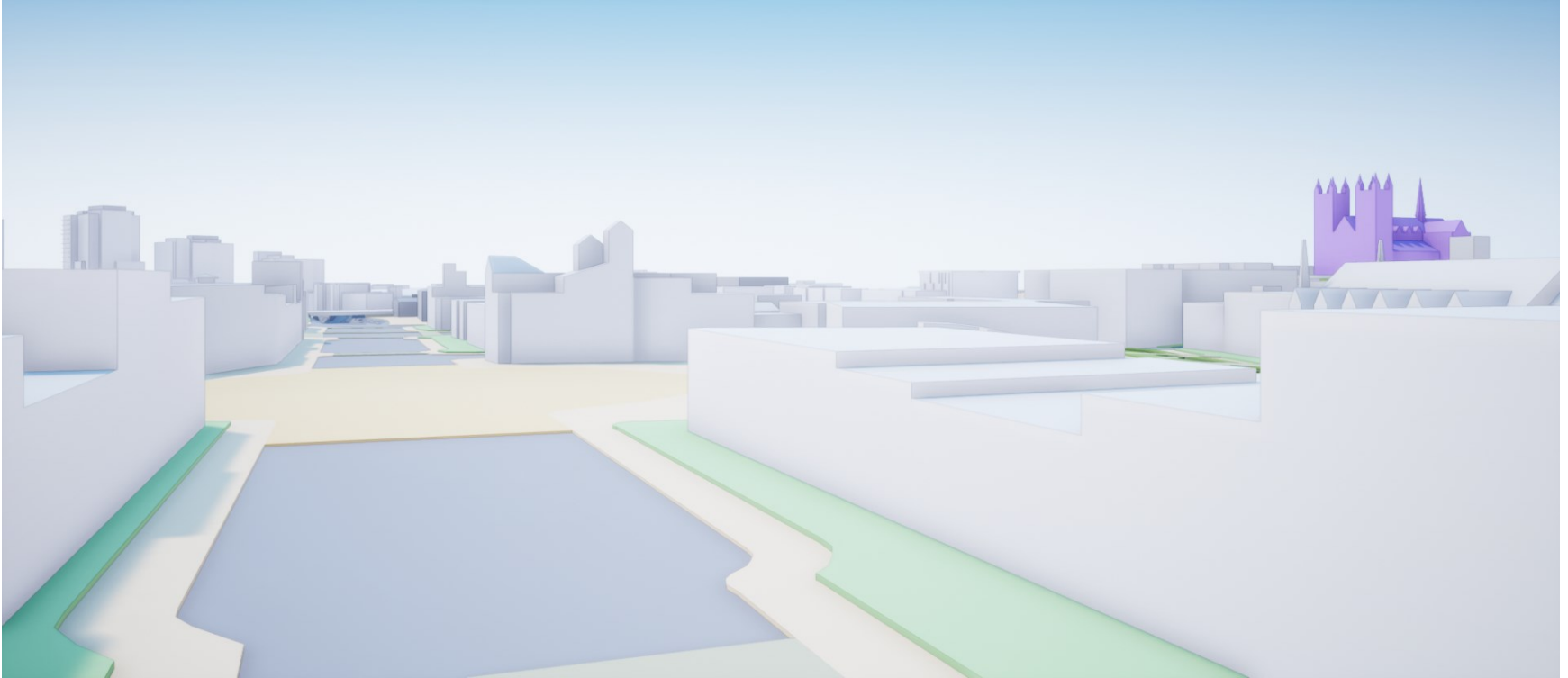


Note.
Based on the built-up of Downtown Secondary Plan massing model.

View Impacts of Development (3a)

Wyndham Street North (looking South)

Camera Altitude – 15.22M



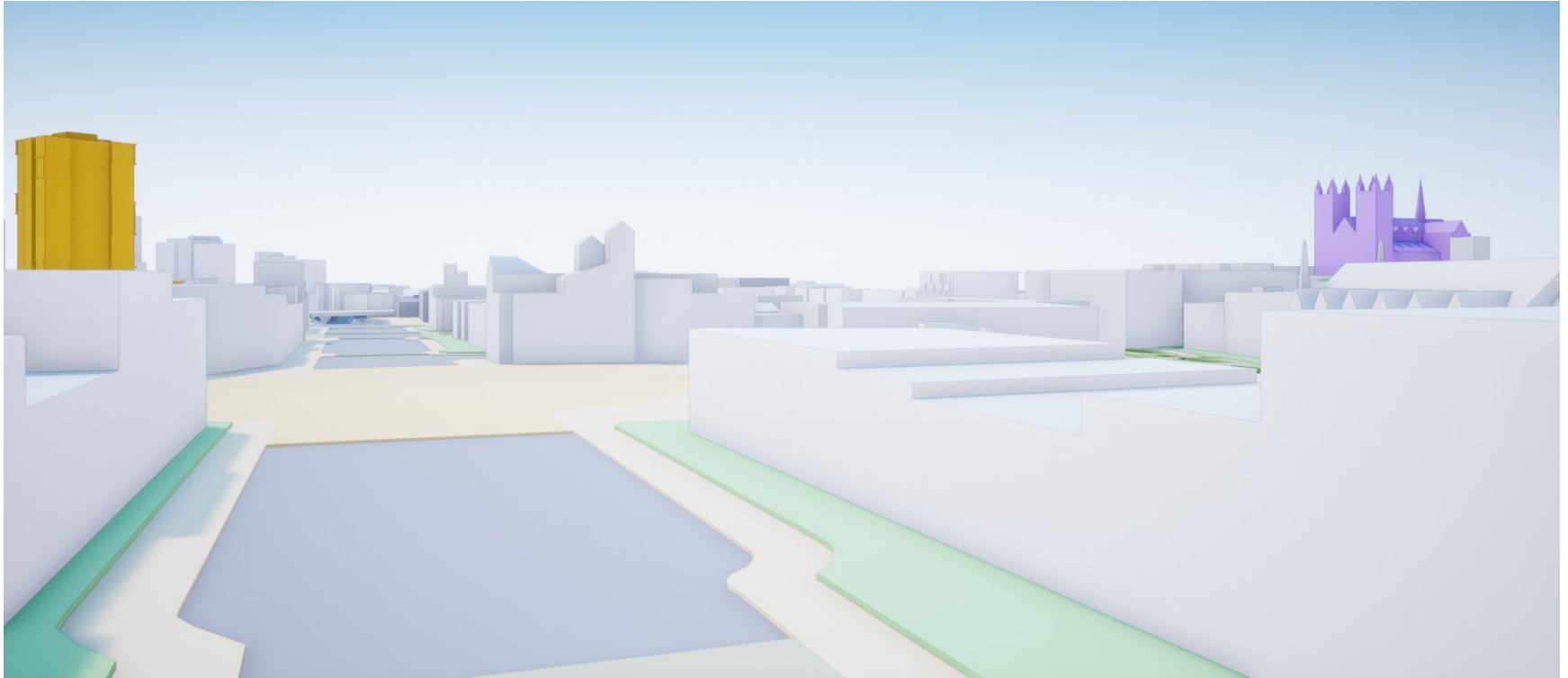
Note.

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.

Subject: RE: File OZS19-015

Hello

I have said before I am totally against a 25 Storey building in the downtown area. It greatly upsets me to see any company want to build this type of building in the downtown area.

I live in the downtown area and this building will block the view of the Church of our Lady which is a symbol of history, family and community regardless of what your religious beliefs are and is a beautiful skyline for the downtown area. It also concerns me when a company as this one came to town, they bought every apartment building they could get and any other building they could get creating a monopoly.

I am not in favour of this type or size of building in the downtown build it elsewhere preferably in another town/ city.

Tasha Heart

I am a longtime Ward 1 resident and retired professor of real estate economics from the University of Guelph.

I am strongly in favour of this development.

The last reported vacancy rate for the city is 1.4% well below the 3% considered balanced. It's been at about that rate for many years. It's extremely difficult for renters to find appropriate rental units. Rents are rising much faster than inflation because of the short supply.

Issue 2 on page 14 of the city's affordable housing strategy from 2017 states "a lack of available primary rental supply makes it difficult for people to find affordable rental housing." This statement is still very much true today. While some purpose built rental has been constructed in the last few years in Guelph, there is still substantial need for more units.

This site is also ideal for an intensified mixed-use development. It's walking distance to all the downtown amenities and next to the transit hub. Some residents may be able to work in the building reducing car use. More people working and living downtown is also good for the health of the businesses downtown. Other residents can easily commute to Toronto by GO without needing parking near the station.

This development also works to meet the requirements of the province's Places to Grow act, both for people living and working downtown. It also provides housing to help companies attract new employees to Guelph.

I am sure councillors have received pressure to reduce the height of the building. You need to recognize that there are fixed land costs to development and economies of scale as development size increases. If you reduce the size of the development, the owner will need to charge higher rents to cover the extra costs. Council needs to recognize the implications of this type of adjustment. The developer could also design a shorter wider building but that would be less aesthetically appealing in my view.

A further advantage to this development is reduction of sprawl; I would much rather 200 residents in one building than 200 ground level units of sprawl at the edge of the city.

I would be happy to discuss this further if anyone is interested.

Sincerely

Jane Londerville

Mayor Guthrie and Members of Council:

Please follow the recommendations of Planning Staff and refuse the development application from Skyline for 70 Fountain St. and 75 Farquar.

The Skyline application violates so many By-laws and planning principles, I'm not sure where to begin.

The Skyline tower would violate a key restriction in our By-laws - it would be higher than the Basilica of Church of Our Lady, permanently changing the skyline of our City.

Skyline's play for 25 storeys conveys a complete contempt for our democratic planning process and for the heritage integrity of our downtown.

Under Places to Grow Provincial legislation, downtown Guelph was designated as an "Urban Growth Centre." The Council of the day set to work to craft a new Official Plan to anticipate and manage the required growth – the Downtown Secondary Plan. Professional planning staff, citizens, members of Council and developer consultants and stakeholders worked together over many months to come up with a made-for-Guelph plan. The plan would ensure we would meet a minimum target of 8,500 residents in the downtown by 2031.

A key feature of the Downtown Secondary Plan was the preservation of the heritage character of the downtown core. High-rise development was slated for the perimeter of the downtown on the lowest topographical sites. No building would be allowed to be higher than Church of Our Lady.

The addition of new green space needed for more residents was anticipated, with a plan to expropriate and revert the plaza on the south-west corner of Wellington and Gordon to a riverside park.

In fact, the Downtown Secondary Plan was considered so creative and visionary that in 2013, it captured one of most prestigious planning awards in the Province - the *Ontario Professional Planners Institute Excellence in Planning Award*.

In the press release from the City <https://guelph.ca/2013/11/guelphs-downtown-secondary-plan-receives-oppi-excellence-planning-award/> Todd Salter, general manager of Planning Services for the City, said the following: "*Receiving the Excellence in Planning Award is a great honour for the City. It is gratifying to see the work of our City staff and all of the community members who contributed to the development of the plan being recognized on a provincial level by our peers and colleagues.*"

Over the past several years, the Downtown Secondary Plan has been rolling out as planned. We have the two Tricar towers and the Metalworks complex along the river. A 14-storey condominium has been approved at 71 Wyndham St. south. The Urban Master Plan for the Baker district is currently in process. Not only are we on-target to reach 8,500 residents, there is no question we are going to shoot past that number. Nearly every development to date has negotiated a couple of extra storeys from Guelph City Council in exchange for delivering additional benefits to the community. The catch now? The Ford government delivered a gift to Ontario developers by eliminating this mechanism known as "density bonusing". There are now no benefits available to the community in exchange for granting extra height.

Guelph has embraced and planned for intensification of both our downtown and strategic nodes and corridors throughout the City. It is the job of local Councils and professional planning staff to set the quantity, location and timing of growth. An increased number of residents brings an increased need for services and infrastructure such as parks, roads, libraries and recreation centres. We need managed growth, not a developer free-for-all.

It's not clear what game Skyline is playing. Are they asking for something completely outrageous hoping to hoodwink us into a "compromise" of 12 storeys which would effectively double the allowed height maximums on the current site?

If Council approves this development at 12 storeys, or at 25, it will essentially put our Downtown Secondary Plan in the shredder. This tower would overwhelm the armoury and drill hall and loom above the train station and old City Hall. It would irrevocably change the landscape and character of our City core. Even more concerning, the planning precedent set by this development would essentially declare open season on developer-driven, profit-based development rather than democratically-guided managed growth.

And why should citizens even bother participating in crafting Official Plans if they are going to be successfully thrown under the bus by developers? Why should everyday people volunteer hours of their time for the Clair-Maltby Secondary Plan if at the end of the day, Council itself isn't willing to respect the work of the community?

We have a great plan for downtown intensification. We should stick to it. Council needs to say, "No," to Skyline.

Sincerely,

Susan Watson

Good Day,

Regarding a developer's plan to erect an UBER-TOWER at 70 Fountain Street East, a matter which comes before Council (AGAIN) on Monday July 13, 2020 ...

-- Much as I'd like to phone-in, doing so would be deleterious to my blood-pressure

-- Yes, beauty is in the eye of the beholder, but the eyes of umpteen non-invested people have berated this proposal ... this sore thumb

-- It's simply far too high, far too dominant, and far too ugly

-- There are those who will, for whatever reason, disagree, but I think this structure is an affront ...

-- It's out-of-keeping with the downtown streetscape

-- No single building / no single company should have the right to so severely impose itself in a city-centre

-- The determination of the developer smacks of greed, vanity, and disregard for the city

-- Consider, for goodness sake, nearby residents who will live amid the shadow and gaze of the behemoth (bully), not to speak of wind-currents and increased traffic

-- Yes, condo towers have been built in recent years, as on Woolwich Street, but their height is softened by the fact that they are rooted in a valley, whereas the building proposed for 70 Fountain Street East all but sits atop the plateau that is the Central Business District.

-- What mayor or councillor would tolerate the arrival of such a tower within a stone's throw of their home?

Finally, two of the things many of us have learned over the past four months are:

1) the folly of densification, whereby hordes of people live in close proximity to each other

and

2) the need for more parkland

I do not think that Guelphites oppose development. What they oppose are ...

— development that is incompatible with the best interests of the city and its citizenry.

— development that is downright ugly

— development that does not garner a fair return to the city in the form of cash and / or parkland

It is hard to conjure a greater example of incompatibility than the proposed tower and the host of beautiful buildings within a kilometre of it.

John Parkyn

Dear Mayor & Council,

On July 13th Council will be considering two proposals that will, if approved, negatively impact the liveability of our City.

1. The Skydev development is asking to allow for a 25-storey building in the heart of downtown Guelph. This request is, simply, absurd. The City of Guelph has a clear Downtown Secondary Plan, which not only meets the provincial requirements for Guelph as a 'place to grow' but has received accolades. The Skydev proposal contrasts starkly with myriad features of the Downtown Secondary Plan, a plan that has been recognized as visionary and tailor-made for the City of Guelph. In my view, any proposal that does not conform with what has already been deemed as 'good municipal planning' should not even have been permitted to come under review.

Please support our city staff recommendations and vote to reject the Skydev development proposal. Any modification of the proposal that does not comply with the Downtown Secondary Plan is unacceptable.

2. A proposal to allow two-storey accessory buildings on residential properties. In theory, this could create more diverse housing choices, make aging in place more affordable, and help more customers for some neighborhood businesses. However, currently, city staff are recommending that accessory dwellings can take up to 30 per cent of the existing back or side yard, be up to two stories high and built 0.6 metres from the property line. These recommendations align well with infinite densification and concurrent loss of privacy, green space and quality of life in our

communities. Traffic and parking is already an existing and growing concern in Guelph. In reviewing this proposal, please consider surveying Guelph residents to assess how to move forward to maximize the benefits and minimize the impacts. Two stories of a dwelling looming at the edge of a property and potentially overlooking another private property should not be an option.

Sincerely,

Pia K. Muchaal

Scott Frederick – July 2020

This proposal fails to comply with the Downtown Secondary plan and should be rejected. The proposal specifies a height of 25 stories which is more than 4 times the maximum allowed under the plan which is 6. In addition the proposal call for a shift from institutional employment use to residential. As the staff report outlines, there is adequate residential supply under development, it is employment lands that need protection and development.

The Downtown secondary plan has been developed by professionals, with public input, and paid for by Guelph citizens. The Plan was endorsed by Council and subsequently received the Ontario Professional Planners Institute “Excellence in Planning” award, one of the most prestigious awards given for planning achievement in Ontario.

The Plan balances various needs and values across the city as a whole, and prevents development that may cause harm. The proposals by developers generally try to fit (or not in this case) into the restrictions of the Official Plan.

Developers have a fiduciary duty to their shareholders to try to maximize the profit that can be extracted from a particular plot of land. So, they have to try for the maximum density allowable.

Council has a duty to maximize benefits to the community as a whole, and to prevent injury, so must consider all factors, not just ones that facilitate the desires of developers.

The Official Plan is the tool that allows staff and Council to ensure that development is balanced. The Plan protects developers from community groups that may be unhappy with development that is allowed by the Plan, and it protects communities from inappropriate development. If we are to enter open season on the Plan, then it will be open season for everyone, not just developers, and every proposal will be fought over. Allowed or not.

I am concerned that the integrity of the Plan may be damaged if large deviations are allowed. If developers begin to feel that it is now open season on the Plan, we will see many more attempts to circumvent it.

I agree with the staff recommendation to reject this proposal. The appropriate process for adapting the plan as time goes on is the Municipal Comprehensive Official Plan Review, not ad-hoc proposals.



July 10, 2020

File No. 19147

City of Guelph
1 Carden Street
Guelph, ON N1H 3A1

Attn: Mayor Guthrie and Members of Council

**Re: 70 Fountain Street East, Guelph
Proposed Official Plan Amendment and Zoning By-law Amendment
File OZS19-015
Additional Information to Planning Justification Report**

GSP Group is the land use planning consultants for Skydevco Inc. for their proposed development at 70 Fountain Street in Guelph. We prepared planning and urban design reports in support of the proposed applications, which were submitted in December 2019. We would like to provide additional information and our planning opinion to Council with respect to the new 2020 Provincial Policy Statement.

Our Planning Justification Report (December 2019) assessed the 2014 Provincial Policy Statement as the in-force policy statement at the time of application submission as part of the review of planning policies in justifying the proposed applications. However, it also referenced the policies of "2019" Provincial Policy Statement, which was a draft version that was in the commenting period at the time. This draft shed light on the expected planning policy direction from the Province.

Further to the application submission in December 2019, the 2020 Provincial Policy Statement (the "2020 PPS") came into effect on May 1, 2020, replacing the 2014 PPS. The 2020 PPS is now the in-force land use planning foundation on matters of provincial significance. The principal modifications in the 2020 PPS policies resulted from the review process emanating from Ontario's Housing Supply Action Plan ("More Homes, More Choices") that was passed by the Ontario government in 2019. It represents a fundamental change in Provincial policy direction on a number of key themes.

Section 3(5) of the *Planning Act* specifically requires that once approved, all decisions of the municipality's council respecting the exercise of any authority regarding a planning matter, shall be

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72 Victoria St. S., Suite 201, Kitchener, ON, N2G 4Y9
162 Locke St. S., Suite 200, Hamilton, ON, L8P 4A9
gspgroup.ca



consistent with the 2020 PPS. Given this, it is prudent to provide additional information to our original Planning Justification Report for Council's consideration

A fundamental broad change to the 2020 PPS is the strengthening of the emphasis on transit-supportive development from that of the 2014 PPS. To start, the 2020 PPS revised the definition for "transit-supportive" as it concerns land use patterns to additionally mean development that "optimizes investment in transit infrastructure" and now referring to transit-supportive development as often meaning *"compact, mixed-use development that has a high level of employment and residential densities, including properties in proximity to transit stations"*.

Regarding policy changes affecting transit-supportive development considerations, there are four key modifications that are relevant to 70 Fountain Street and the proposed development:

1. As part of sustaining healthy, livable and safe communities, Section 1.1.1 e) was revised to promote the *"integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs"*.
2. As part of planning and growth in settlement areas, Section 1.1.3.3 was revised to further support transit-supportive development by requiring municipalities to identify appropriate locations and promote opportunities for *"transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment"*.
3. As part of the housing section, Section 1.4.3 e) added as a new policy requiring *"transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations"* as part of a municipality's requirement to provide a mix of housing options and densities to meet "market-based" needs.
4. As part of land use and development patterns that prepare for the climate change impacts, Section 1.8.1 e) now specifically encourages *"transit-supportive development and intensification to improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion"*.

The above policy modifications to the 2020 PPS further the opinion advanced in our 2019 Planning Justification Report, which stated, generally, the existing designation on the site is an underutilization of site facing a major transit station. This existing "Institutional or Office" designation with a permitted building height range of 3 to 6 storeys is not consistent with the 2020 PPS. Such a use and intensity does not optimize, or make best use, of investments in transit infrastructure; does not reflect a

compact, mixed-use development that has a high level of employment and residential densities; and does not contribute to a market-based mix of housing options as part of the requirement of transit-supportive development surrounding stations.

In conclusion, the proposed Mixed Use 1 designation and proposed building intensity is consistent, in our opinion, to the above 2020 PPS direction. It includes a significant component of office uses and rental housing options in keeping with market trends of more compact housing options surrounding major transit facilities within a downtown setting. It better optimizes the use of a prominent, transit-proximate site in Guelph. For these reasons, and those advanced in our Planning Justification Report, the proposed development and applications continue to be good planning.

Sincerely,
GSP Group Inc.

A handwritten signature in blue ink that reads "Hugh Handy". The signature is fluid and cursive, with a period at the end.

Hugh Handy, MCIP, RPP
Senior Associate

THE CORPORATION OF THE CITY OF GUELPH

By-law Number (2020) – 20508

A by-law to remove Part Lot Control from Part Grange Rd, Plan 53 designated as Parts 1, 2 & 3, Reference Plan 61R-20598, Blocks 20, 21 & 22, Plan 61M-37, Lots 172, 173, 174, Plan 61M-18, Lot 186 & Block 222, Plan 61M-18, Block 71, Plan 61M233 designated as Parts 1 to 9 inclusive, Reference Plan 61R-21805, in the City of Guelph.

WHEREAS Section 50(7) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, authorizes the Council of a local Municipality to enact By-laws exempting lands from subsection 50(5) of the *Planning Act* (Part Lot Control);

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF GUELPH ENACTS AS FOLLOWS:

- 1. THAT Section 50, Subsection 5 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, does not apply to the following lands for the purpose of creating the parcels and/or easements shown in Reference Plan No. 61R-XXXX only:

A by-law to remove Part Lot Control from Part Grange Rd, Plan 53 designated as Parts 1, 2 & 3, Reference Plan 61R-20598, Blocks 20, 21 & 22, Plan 61M-37, Lots 172, 173, 174, Plan 61M-18, Lot 186 & Block 222, Plan 61M-18, Block 71, Plan 61M233 designated as Parts 1 to 9 inclusive, Reference Plan 61R-21805, in the City of Guelph.

- 2. This by-law shall expire on July 13, 2023.
- 3. The office of the City Solicitor is authorized to execute by electronic means the document requiring registration to give effect to Section 1 herein.

PASSED this thirteenth day of July, 2020.

CAM GUTHRIE- MAYOR

DYLAN MCMAHON– DEPUTY CITY CLERK

The Corporation of the City of Guelph

By-law Number (2020) - 20509

A by-law to authorize the execution of a Subdivision Pre-Servicing Agreement between Victoria Park Village Inc., The Corporation of the City of Guelph and The Toronto-Dominion Bank. (Victoria Park Village Phase 1B Subdivision Pre-Servicing Agreement)

The Council of the Corporation of the City of Guelph enacts as follows:

1. THAT the Mayor and Clerk are hereby authorized to execute on behalf of The Corporation of the City of Guelph and seal with the corporate seal, a Subdivision Pre-Servicing Agreement between Victoria Park Village Inc., The Corporation of the City of Guelph and The Toronto-Dominion Bank. (Victoria Park Village Phase 1B Subdivision Pre-Servicing Agreement)

Passed this thirteenth day of July, 2020.

Cam Guthrie, Mayor

Dylan McMahon, Deputy City Clerk

The Corporation of the City of Guelph

By-law Number (2020) - 20510

A by-law to confirm proceedings of a meeting of Guelph City Council held July 13, 2020.

The Council of the Corporation of the City of Guelph enacts as follows:

1. Subject to Section 3 of this by-law, every decision of Council taken at the meeting at which this by-law is passed, and every resolution passed at that meeting, shall have the same force and effect as if each and every one of them had been the subject matter of a separate by-law duly enacted.
2. The execution and delivery of all such documents as are required to give effect to the decisions taken at the meeting at which this by-law is passed and the resolutions passed at this meeting, are hereby authorized.
3. Nothing in this by-law has the effect of giving to any decision or resolution the status of a by-law where any legal prerequisite to the enactment of a specific by-law has not been satisfied.
4. Any member of Council who disclosed a pecuniary interest at the meeting at which this by-law is passed, shall be deemed to have disclosed that interest in this confirmatory by-law as it relates to the item in which the pecuniary interest was disclosed.

Passed this thirteenth day of July, 2020.

Cam Guthrie, Mayor

Dylan McMahon, Deputy City Clerk