

September 16, 2021

Project No. 17367

City of Guelph
Guelph City Hall
1 Carden Street
Guelph, Ontario
N1H 3A1

Attention: Mayor Guthrie and Members of Council

Re: Request for Comments on Clair-Maltby Secondary Plan

- **Draft Clair-Maltby Secondary Plan (June 16, 2021)**
- **Comprehensive Environmental Impact Study (CEIS): Phase 3 Impact Assessment (June 16, 2021)**
- **Master Environmental Servicing Plan - MESP (June 18, 2021) 1968 and 1992 Gordon Street, Guelph**

GSP Group represents the owner of 1968 and 1992 Gordon Street, owned respectively by 2595286 Ontario Ltd. and Pinegrove Developments Inc. (the "Site").

As you are aware our client, GSP Group and our consulting team have been involved since the commencement of the Clair-Maltby Secondary Plan process. We have provided written submissions and feedback at critical stages in the process and participated in public and stakeholder sessions, including Council meetings.

We would note that we have previously submitted written comments for the Site including (but not limited to):

1. Letter to Mayor/Council on December 1, 2017 re: Clair-Maltby Conceptual Community Structure;
2. Letter to Stacey Laughlin and landowner concept plan for the Clair-Maltby Secondary on January 25, 2018;
3. Letter to Stacey Laughlin on April 6, 2018 re: Clair-Maltby Secondary Plan – Planning and Design Charette - Preliminary Preferred Concept – April 5, 2018;
4. Letter to Stacey Laughlin containing comprehensive comments related to the Draft Directions: Framework for the Clair-Maltby Secondary Plan Consultation Document on November 26, 2018) on January 10, 2019; and,

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5. Letter from SVLaw to Mayor/Council on May 22, 2020 re: IDE-2020-17 – Clair-Maltby Secondary Plan – Open Space Strategy.

Our client and consulting team have taken the opportunity to review the above-noted June 2021 documents and we have provided the following package of information to City planning staff for their consideration:

1. GSP Group response chart dated September 10, 2021;
2. NRSI letter and response chart dated August 31, 2021; and,
3. SV Law Letter dated Sept. 16, 2021.

The Fiscal Impact Assessment for the implementation of the Clair-Maltby Secondary Plan was just released on September 1, 2021, and therefore we will submit additional comments upon review of that documentation, as required.

However, in the meantime we believe the following areas that still need to be resolved and addressed with respect to our client’s land and more broadly before finalizing the Secondary Plan and have grouped these under general areas/themes:

1. Natural heritage matters:

Please refer to the NRSI response chart dated August 31, 2021 for complete details. Highlights are noted below:

- Further clarification and refinements are required in relation to Significant Landform, Significant Wildlife Habitat, Hall’s Pond and the Clair-Maltby Monitoring Plan.
- Not in support of the proposed Moraine Ribbon as there is no technical basis or reasoning for inclusion in the Secondary Plan.
- Candidate Bat Maternity Colonies SWH has been broadly delineated throughout the Clair-Maltby study area. Suggest “candidate” habitats be removed from mapping until detailed assessment completed. The corresponding Natural Area Overlays that correspond to these features should also be removed.
- The Natural Heritage System shown in the CEIS and Secondary Plan mapping does not reflect the OPA 42 OMB settlement mapping on the Site. There are 2 locations where adjustments have been made, and additions to Significant Natural Area have occurred. We would appreciate further review by City staff on this matter.

2. Land Use Planning matters

The draft Secondary Plan has the front portion of the Site in the “Gordon Street Corridor” and designated “Low Density Greenfield Residential” which permits a maximum of 6 storeys and 60 units per hectare. As expressed in the past to staff and Council, we believe this Site could accommodate a higher intensity of use given the direct access to

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Gordon Street and being surrounded by natural heritage area. We would appreciate staff reviewing the proposed designation and suggest a High Density designation would be more appropriate. As an example, there is a High Density designation on the west side of Gordon Street across from our Site that would be very similar characteristics to the Site.

As noted above, we have also attached a letter from SV Law dated Sept. 16, 2021, in relation to the OPA 42 settlement as it relates to the Site.

In addition to the above comments, please refer to the GSP response chart dated September 10, 2021 for additional comments and details. Highlights are noted below:

- Request a detailed overall land budget that demonstrates how the target population of 16,300 people and 1,250 jobs will be accommodated within the secondary plan including a breakdown by unit types and density to confirm how growth and population targets will be met including how this meets a market-based housing mix.
- Balance the protection of natural heritage and cultural heritage with accommodation of future land use and servicing, including grading.
- One-sided roads and roads located adjacent to natural heritage areas should be avoided.
- As noted above, the Moraine Ribbon is not based on science and not required to protect the natural environment.
- Trails can be accommodated in natural heritage buffers where appropriate.
- Trails outside natural heritage areas and urban square should be counted toward parkland dedication.
- Support a modified grid road pattern including direct connections to Gordon Street and service roads where appropriate and required to support high density or mixed-use development, including the promotion of local connections e.g. north-south collector road system.
- We do not support the inclusion of two collector roads in the Urban Village Core and suggest one collector road running east-west across Gordon Street supported by a modified road grid pattern and a north-south collector road. This was supported in our Landowner Concept submission in January 2018. Further comments on this matter will be submitted as required.
- Support smaller cross-section for a collector road.
- Consider regulating height for High Density/Mixed-use by Floor Space Index (FSI), rather than a combination of FSI and maximum height to achieve a better urban form.
- Design Review Committee is not required.
- Development Charges By-law should be updated to support and implement the Clair-Maltby Secondary Plan.
- City should consider front ending agreements through the Development Charges Act.

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- Combining Phase 1/2 infrastructure projects and proceed with Development Charge related projects between 2023 to 2025.
- We are concerned with current proposed policy under 11.3.9.4.2 and suggest that wording for financing and phasing be more flexible to guide development.
- The policies should encourage, but not require, landowners in the Secondary Plan to enter into front ending agreements.

We recognize and appreciate the level of effort to get to this stage in the Clair-Maltby Secondary Plan process and look forward to further discussions with City staff in the refinement of the Secondary Plan. We are happy to meet with City staff to further elaborate on our comments and to discuss possible options and changes in land use direction and policies as appropriate.

Thank you for the opportunity to comment. Should you have any questions in the meantime, I can be reached in our Kitchener office either by email at hhandy@gspgroup.ca or my direct line at 226-243-7296.

Yours very truly,
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

cc Ian Letford, 2595286 Ontario Ltd. and Pinegrove Developments Inc.
Kevin Thompson, SV Law

Sept. 16, 2021

Delivered by Email: clerks@guelph.ca

City of Guelph
1 Carden Street
Guelph, ON N1H 3A1
ATTN: Mayor Guthrie and Council

**Re: Draft Clair-Maltby Secondary Plan and Comprehensive EIS Phase 3;
2595286 Ontario Ltd. and Pinegrove Developments Inc.
1968 and 1992 Gordon Street, Guelph
Our file: 81886-001**

SmithValeriotte Law Firm LLP (“SV Law”) acts for 2595286 Ontario Ltd. and Pinegrove Developments Inc., the owners of 1968 and 1992 Gordon Street, Guelph. Our firm also represented the prior owners of these properties, Eleanor M. Marshall, Eugene Michael Valeriotte and the Estate of Loyola Martha Mary Valeriotte (the “Former Owners”) in relation to a global and site-specific appeal of Official Plan Amendment No. 42 (“OPA 42”) as it related to these properties. The Former Owners entered into Minutes of Settlement with the City in relation to OPA 42, which allowed for three very small development parcels, with the vast majority of the lands being designated within the natural heritage system. The OPA 42 settlement for these properties was the result of 4 years of negotiation and comprehensive fieldwork to delineate the natural heritage features of the property, with the resulting revised Natural Heritage System receiving approval by the Ontario Municipal Board in June 2014.

Despite earlier assurances that the City would not be seeking to undo or disregard the OPA 42 settlements, the Comprehensive Phase 3 EIS, and in turn the draft Clair-Maltby Secondary Plan, has proposed modifications to the Natural Heritage System. These modifications are proposed despite language throughout the Phase 3 Impact Assessment and Management Plan that notionally suggests that OPA 42 settlements would be respected and that such properties would otherwise be treated differently when it came to refinements of the natural heritage system as part of the secondary planning exercise.

It is clear from reviewing Map NH-14B that ‘refinements’ have been made to every single property within the Clair-Maltby Secondary Plan area that has NHS components. The statements throughout the Phase 3 EIS that compliance with OPA 42 settlements would be carried forward is irreconcilable with this map, which makes it evident that the settlement agreements with the City have not been respected.

The refinements are extremely troubling on 1968 and 1992 in particular, given the very small size of the

Reply to Guelph Office:

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development areas to begin with in light of the OPA 42 settlement. The refinements further constrain parcels which already presented development challenges as a result of OPA 42.

In addition, a new concept of a “moraine ribbon” has been applied to the boundary of the NHS system equally for properties that were subject to OPA 42 appeals and those that were not, representing a further divergence from the principles established through those settlements.

We respectfully request that the mapping of the draft Secondary Plan, and specifically each Schedule which contains references to the Natural Heritage System, be revised to properly reflect the OPA 42 settlements and an opportunity given for further review and comments before the final draft is brought back before you for approval.

Yours Very Truly,

SMITHVALERIOTE LAW FIRM LLP

PER:



Kevin M. Thompson, B.Sc. (Hons.), J.D.

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