

May 13, 2022

Delivered by Email

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

**Re: Draft Clair-Maltby Secondary Plan (proposed OPA 79)
Our clients: Carson Reid Homes Ltd. & South Edge Ltd. – 2007 Victoria Rd. S., Guelph;
Our file: 50093-053**

SmithValeriotte Law Firm LLP (“SV Law”) acts for Carson Reid Homes Ltd. as well as South Edge Ltd., the owner of 2007 Victoria Road South, Guelph with respect to that property. As you may recall, our firm acted for South Edge Ltd. in relation to its global and site-specific appeal of Official Plan Amendment No. 42 (“OPA 42”) as it related to this property, and we have therefore been closely following the Clair-Maltby Secondary Planning process since 2014.

Our previous correspondence, dated August 31, 2021, is enclosed with the Council Agenda package for the May 16, 2022 meeting, and also included detailed commentary from our client’s planning consultant (Astrid Clos) and natural heritage consultants (NRSI). These further submissions are not intended to be exhaustive, and we refer Council to those earlier submissions. While we appreciate the comprehensive efforts of staff to review and respond to all comments received before the Public Meeting, unfortunately a number of our clients’ concerns remain outstanding. Without limiting the generality of the outstanding concerns as noted in September 2021, the key concerns with OPA 79, as proposed for Council adoption, are the following:

1. There remain refinements to the natural heritage system that undermine the OPA 42 settlements. We refer to our earlier detailed comments and ask that the Natural Heritage System mapping respect these earlier settlements, which represented years of work and compromise by all parties.
2. The ‘moraine ribbon’ should be removed. This is a problematic buffer on top of the natural heritage system (which already includes buffers) and represents a *de facto* down-designation. Characterization of the ribbon as ‘open space’, as staff have now clarified, does not assist and our client remains opposed to this further taking that was never contemplated by OPA 42.
3. As noted in August 2021, there are two small Neighbourhood Commercial Centre designations

Reply to Guelph Office:

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along Victoria Road South and a Convenience Commercial symbol indicated on the subject property. These three small commercial designations should be removed from Clair-Maltby Secondary Plan mapping as they apply to the subject property. Rather than map these small commercial areas on the plan, the policies should permit convenience commercial uses within residential designations as per the current Guelph Official Plan policies. If there is market demand for these small commercial areas then they will be provided. If there is no market demand it is not reasonable for the landowner to have to amend the Official Plan to remove these designations in the future. A policy approach will allow flexibility for the market demand for commercial to be met.

We respectfully request that the draft OPA 79 be further amended to reflect these concerns, and others from our client's August 2021 correspondence which haven't been addressed or incorporated into the draft proposed for Council adoption on May 16, 2022.

Yours Very Truly,

SMITHVALERIOE LAW FIRM LLP

PER:



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