

May 13, 2022

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 (proposed OPA 79)
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. We previously provided comments prior to the Public Meeting in September 2021, and we refer Council back to those earlier comments, which were submitted in conjunction with detailed comments from our client’s planning consultant (Hugh Handy, GSP Group) and natural heritage consultant (NRSI). These further comments are not meant to be exhaustive and to the extent that earlier comments have not been addressed in the final draft of OPA 79, we rely on our previous submissions. While we appreciate the efforts of staff in comprehensively reviewing and responding to the large volume of submissions last year, and acknowledge that some modifications have been made to what is now proposed for Council adoption, there remains a number of outstanding concerns with respect to our client’s property, namely:

1. 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. The refinements are extremely troubling on 1968 and 1992 in particular, given the very small size of the 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. The vast majority of this property is protected pursuant to the OPA 42 settlement, and further takings by the City are not in keeping with the good faith settlement achieved for this property;

Reply to Guelph Office:

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2. The 'moraine ribbon' continues to be problematic and represents and even further taking or downzoning of the lands, representing an incremental expansion of the natural heritage area. While we note that staff have characterized the moraine ribbon as 'open space', it does not change the fact that this ribbon is a de facto down-designation of the property. As previously noted by our client's planning consultant: *"the Moraine Ribbon is not required for protection of natural heritage system as buffers already included and does not support active transportation as it is often longer route around the outside of natural heritage areas. Term is also not based on planning policy, law or science."*
3. The portion of the property fronting along Gordon has been proposed as Low Density Greenfield Residential, with a maximum height of 6 storeys. It is unclear why such a limitation has been placed specifically on these lands, whereas the small parcel directly across the street has been placed within a 'Clair-Maltby High Density Residential' designation, eligible for up to 10 storeys. Both properties are within the Gordon Street Corridor, and so the limitation on 1968-1992 Gordon Street specifically should be removed to provide greater flexibility for high-density development options.
4. Our client continues to oppose the siting of the Community Park on the southern portion of its lands. This imposition is inconsistent with the OPA 42 settlement, and is not necessary to achieve parkland dedication targets, and there is no need for a second Community Park in the south end. At the very least, the Community Park should be changed to a Neighbourhood park, and reduced in size such that the portion of our clients' property abutting the Springfield lands (and in turn that portion of the Springfield lands to the north of the internal collector road), is designated Low Density Greenfield Residential.

Yours Very Truly,
SMITHVALERIOTE LAW FIRM LLP
PER:



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