



January 3, 2020

Project No. 1824

City of Guelph
1 Carden Street
Guelph, Ontario

Attention: Mayor Cam Guthrie and Members of Council

**Re: Guelph Comprehensive Zoning By-law
Starlight Investments
Willow West Mall - 183 Silvercreek Parkway North, Guelph**

I am the Planning Consultant for Starlight Investments, the owner of Willow West Mall located at 183 Silvercreek Parkway North, as well as a number of other commercial and residential properties within the City. Starlight is considering the future potential of the Willow West Mall property as a mixed-use development, given its location within a Mixed-use Corridor. The current Official Plan designation is "Mixed-use Corridor" which permits a maximum building height of 6 storeys and a density between 100 and 150 units per hectare for freestanding residential development. The current zoning of the site is the Specialized Community Commercial CC-9 Zone.

It is noted that an Official Plan Amendment is included in the scope of work approved by Council for the Comprehensive Zoning By-law. Suggestions for amendments to the Official Plan are therefore, offered in addition to the Comprehensive Zoning By-law comments.

The following comments are provided in relation to the Comprehensive Zoning By-law Discussion Paper dated October 2019 as it relates to the Willow West Mall property.

Chapter 3 – Zoning Bylaw Layout, Scope, Legal Matters, Existing Development Approvals, and Specific Uses

Two Year Moratorium on Zoning By-law Amendments

The Planning Act allows Council to impose a 2 year moratorium on zone change applications when a new zoning by-law replaces the existing zoning by-law **in its entirety**. Given that the new By-law does not include the downtown, we question whether this provision of the Planning Act is applicable. In any case, we are **not** supportive of a 2 year moratorium on zone change applications or minor variance applications. We are hereby requesting that Council exempt any future applications for the Willow West Mall site.

Approvals Granted under the Existing Zoning By-law

Since the Zoning By-law was approved in 1995 there have been 414 zoning amendments approved and since 2014 there have been 425 minor variances approved. Any proposal to wipe out these existing zoning and minor variance approvals is **not** supported. Wording must be included in the new Zoning By-law to carry these permissions forward. There are any number of legal arrangements, mortgages, leases etc. that would be undermined by the current zoning permissions not being carried forward.

423 Woolwich Street, Suite 201, Guelph, Ontario N1H 3X3 - 519-836-7526 - astrid.clos@ajcplanning.ca

The City may find that it will be dealing with numerous appeals or applications to re-establish these permissions once the new Zoning By-law is in effect. Forcing these properties into legal non-conforming status is not an acceptable approach.

Transition Provisions for In-Progress Development Applications

There should be transition provisions, deeming any application in progress to also be an amendment to the new Zoning By-law once the new Zoning By-law has been passed.

Specialized Zones

We are supportive of the City continuing the practice of approving site specific zones. Existing site specific zones are deemed to be in conformity with the Official Plan in accordance with the Planning Act and must be carried forward in the new Zoning By-law. Considerable time, expense and review has been included in creating these site specific zones and they must continue to apply to these properties.

General Official Plan Conformity

The new zones created should be directly correlate to, and implement the corresponding Official Plan designations. The City should create the fewest zones possible to implement the Official Plan designations thereby reducing the need for zone change applications.

Chapter 4 - Residential

High Density Residential zoning regulations should apply to apartment buildings and mixed-use buildings within lands designated as Mixed-use Corridor. The common amenity area regulation for apartments should be reduced from the current requirement in the zoning by-law. Common amenity area has been one of the regulations most approved as a reduced specialized zoning regulation. The City's current common amenity area requirement of 30 m² per unit for the first 20 units then 20 m² for each additional unit, is higher than any of the other comparable municipal amenity area requirements noted on page 4-54 of the Discussion Paper. (ie. Waterloo, Burlington, Ottawa, Cambridge, Vaughan, Kingston, Brampton) A new common amenity area zoning regulation requiring less than 10 m² per unit would encourage intensification within the Mixed-use Corridor Zone.

The side yard requirement calculated as half the building height should be removed and replaced with a set minimum side yard and angular plane regulations that work together in the zoning. Duplicate regulations regulating the same item such as density and minimum lot area per unit should be corrected by deleting the minimum lot area per unit regulation. A minimum landscaped open space regulation is not necessary and should be deleted since this is already regulated by other regulations such as setbacks. Townhouses should be permitted in the zone implementing the designated Mixed-use Corridor lands. Townhouses along the podium of an apartment building can activate street frontage, assist in meeting angular plane requirements and provide a transition in building heights to promote compatibility and reduce shadow impacts to abutting properties.

The new zoning should include a reduced parking standard for apartment units located in the Mixed-use Corridor designation since these areas are well served by public transit. The new zoning should recognize efficiencies from shared parking for mixed-use sites where commercial and residential uses have different schedules of users. The parking standard implemented should not create an oversupply of parking and should encourage Transportation Demand Management.

The City has not previously had a zone which implements the Mixed-use Corridor designation. If the zone proposed to implement the Mixed-use Corridor designation requires amendments to the Official Plan it would be appropriate to include these amendments as part of this process.

Recent planning applications, which have been supported by City staff and approved by Council, are an indicator that the maximum building height of 10 storeys and maximum density of 150 units per hectare in the Official Plan and High Density Apartment Zone are out of step with Provincial policy and the current accepted built form in Guelph. The Comprehensive Zoning By-law process is an excellent opportunity to re-evaluate the maximum height and density permitted in the context of using land efficiently, providing housing affordability and creating a walkable, transit friendly community. Particularly within Mixed-use corridors, where intensification is anticipated and encouraged, the City should be increasing the maximum height and density permitted in the Official Plan and Zoning By-law.

Chapter 5 – Commercial and Mixed Use

Mixed-use Corridor

Willow West Mall is one of 161 properties included within the Mixed-use Corridor designation of the Official Plan. These properties range in size and use and the zoning proposed must be able to capture these differences to implement the Official Plan without causing undue hardship for landowners. The Willow West Mall Mixed-use Corridor is also significantly located within an Intensification Corridor within the Official Plan.

Given that the stated intent of the Mixed-use Corridor land use designation is to “*group complementary commercial, retail and residential uses in close proximity to one another to satisfy several shopping and service needs and residential uses at one location*” (page 5-72), it is unclear why the recommendation is to create three separate zones to implement this designation. One zone which includes all of the permitted uses and regulations would be strongly preferred to implement the Mixed-use Corridor land use designation. It does not make sense to have three zones; residential, commercial and institutional zones for what is encouraged to be mixed-use. The three proposed zones, MCR, MCC and MCI should be combined into one zone to implement the Mixed-use Corridor designation. Tenants shift over time and a church, school, gym or library should be permitted in a commercial building or mixed use without requiring a zone change.

On page 5-73 of the Discussion Paper, the proposed Official Plan Amendment No. 69, which is not yet approved by Council, requires that a Commercial Function Study be prepared if existing commercial floor area is proposed to be reduced by more than 25% and if a Floor Space Index of less than 0.15 is provided. The Discussion Paper incorrectly refers to these Official Plan policies as though they are already in effect and incorrectly characterizes these as existing requirements of the Official Plan.

The newly proposed minimum 0.15 Floor Space Index for commercial plus the restriction of a 25% reduction of existing commercial space is onerous for existing commercial uses in the City and is a major change from the current Official Plan which does not include any minimum commercial floor area requirement. The current Community Shopping Centre Zone includes the requirement for a minimum commercial area of 1,875 m². If the City would like to protect the commercial function of the areas designated Mixed-use Corridor, it would be more appropriate to carry forward this current minimum in the zoning and incentivize any additional commercial space provided through additional height and density permissions without requiring an OPA or Zone

Change. This is a way for the City to maintain the current minimum commercial space in the zoning and be provided more commercial in a mixed-use format.

The maximum building height of six storeys is inadequate for the function of these Mixed-use Corridor lands which are intended for intensification and transit supportive development. A maximum building height of 15 storeys with angular plane regulations applied to any abutting Low Density Residential designated lands would ensure compatibility. The Official Plan should be amended as part of this process to increase the maximum Building Height in the Mixed-use Corridor areas to 15 storeys. In addition, the wording within the Mixed-use Corridor policy should be revised to permit the 100 to 175 units per hectare density to apply to **mixed-use** and freestanding residential buildings, not just freestanding residential buildings. Increasing the maximum height and density regulations will assist the City in implementing the minimum provincial Place to Grow intensification targets. In addition, if a landowner is able to exceed the minimum commercial floor area there should be a residential height and density increase incentive included in the zoning especially within an intensification corridor.

On page 5-76 in Table 24 there is an error related to “*Dwelling units with permitted commercial uses in the same building*” in the CC Zone. The report incorrectly states that these dwelling units are not currently permitted in the CC Zone, however, they are permitted in the current zoning by-law.

Commercial Policy Review Preferred Framework Implementation Discussion Paper (April 2019)

The Commercial Policy Review Preferred Framework Implementation Discussion Paper proposes to add a minimum commercial gross floor area of 0.15 Floor Space Index (FSI) to the zoning for the Mixed-use Corridor designated lands.

CPR Recommendations: “*It is recommended that the City apply a benchmark of 0.15 Floor Space Index (FSI) of commercial space **at full build out** to Community Mixed-use, Mixed-use Corridor and Neighbourhood Commercial Centre designations. This is intended to be applied on an individual site basis to sites that are currently zoned commercial.*” (Page 66)

If the minimum commercial FSI must be included in the zoning, it must be clear that it applies **at full build out** consistent with the CPR so that it will not cause issues when construction is phased or redevelopment is proposed.

The Preliminary staff recommendation is that;

*“Include an Official Plan policy stating that commercially zoned properties within Mixed-use Corridors must include commercial development at a minimum density of 0.15 FSI and cannot reduce it by more than 25% from what currently exists, measured from the date of when this policy is deemed to be in full force and effect, **whichever is the greater gross floor area.***”

This zoning approach would be protective of the 6,500 m² gross floor area minimum recommended to protect the commercial function at each of the Centres. It would also help ensure that the City continues to plan for and protect commercial land to meet its projected growth. Given the current typical standalone commercial density of 0.30 FSI and forecast density of 0.40 by 2041, this figure is easily achievable for standalone commercial and provides flexibility for mixed-use intensification.”

Attachment B - Summary of existing zoning bylaw definitions and proposed new definitions compared to the Official Plan and zoning trends, and preliminary recommendations

We applaud the City's proposal to create a zone to implement the Mixed-use Corridor designation. This zone is needed and will be well received. In addition, it is a positive step to allow the Retail Establishment definition to be more inclusive. This is a welcome change from the current zoning by-law. It is also positive to refer to commercial uses in the proposed OPA No. 69 rather than distinguishing just retail uses. It would be helpful to include the new proposed definitions of Retail Establishment and Commercial in the Discussion Paper.

The Council feedback at the public meeting for OPA No. 69 provided clear direction to staff to not impose undue restrictions onto commercial development and to recognize that the retail landscape is changing. The final version of OPA No. 69 may not include the policies described below when presented to Council for approval.

As stated, the limitation of reducing existing commercial by 25% is onerous. The City should continue the current minimum commercial floor area in the new zoning, however, if the City decides to include the 0.15 FSI commercial GFA regulation, it should apply at full build out to allow for the phasing and staging of development. In addition, if a landowner is able to achieve the 0.15 FSI there should be a residential height and density increase incentive included in the zoning. If the City wants to encourage commercial development to ensure that complete communities are constructed, tax assessment is balanced and to maintain the commercial function of these designated areas, an innovative approach of tying this 0.15 FSI commercial performance standard to increased residential height and density is an innovative approach that should be encouraged.

Guelph Parking Standards Review - Phase 2 Discussion Paper - September 11, 2019

A revised parking space ratio for the mixed-use zone is appropriate to reflect the varied schedules of the residential and commercial users of the site and to also reflect the more contemporary commercial parking ratios approved as specialized zoning regulations in the current zoning by-law. The new zoning should include a reduced parking standard for apartment units located in the Mixed-use Corridor designation since these areas are well served by public transit.

A reduced parking standard per unit should be applied when underground or structured parking is provided to recognize the extra expense of providing these parking spaces and to incentivize the construction of underground or structured parking.

Thank you for the opportunity to provide these comments related to the Discussion Paper for the City's Comprehensive Zoning By-law. We recognize that this by-law is a large undertaking and we are requesting a meeting to review the potential implications of the new by-law on the exciting redevelopment plans for the Willow West Mall property. We would like to work with the City to ensure a successful transition of this property to a mixed-use development.

Yours truly,



Astrid Clos, MCIP, RPP

cc: Abby Watts, Project Manager – Comprehensive Zoning Bylaw Review
zoningreview@guelph.ca
clerks@guelph.ca