

## **Attachment-9 Summary of Reasons for Refusal and Planning Analysis**

This report reviews and recommends refusal of the application to amend the Zoning By-law for the subject lands, municipally known as 78 and 82 Eastview Road. Since the Zoning By-law Amendment application was originally submitted to the City in March 2019 and followed by two formal resubmissions in 2020 and 2021, the applicant has been unable to demonstrate that the proposed cluster townhouse and apartment infill development will have no negative impact on the adjacent Natural Heritage System – specifically the Guelph Northeast Provincially Significant Wetland (PSW). Further, in all submissions, the applicant has been unable to demonstrate whether sufficient services are or can be made available for the development, specifically stormwater management. These two concerns originate in both Provincial and City policies that must be satisfied by development proposals. It is recommended that the Zoning By-law Amendment application be refused for the reasons outlined below.

The proposal has been reviewed against the policies of the 2020 Provincial Policy Statement (PPS), A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (the Growth Plan), and the City of Guelph Official Plan.

In summary, the subject Zoning By-law Amendment application:

- Is not consistent with the PPS;
- Does not conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe;
- Does not conform to the Official Plan; and
- Does not represent good land use planning.

### **Provincial Policy Statement, 2020**

The Provincial Policy Statement (PPS), 2020, came into effect on May 1, 2020. The PPS provides direction on matters of provincial interest related to land use planning and development. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas. It is issued under Section 3 of the Planning Act. All planning decisions, including the comments, submissions and advice provided to Council must be consistent with the PPS.

The PPS provides policy direction provincewide on land use planning and development to promote strong and healthy communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- the efficient use and management of land and infrastructure;
- ensuring the sufficient provision of housing to meet changing needs including affordable housing;
- ensuring the appropriate transportation, water, sewer, stormwater and other infrastructure is available to accommodate current and future needs;
- protecting people, property and community resources by directing development away from natural or human-made hazards; and,
- conservation of biodiversity, protection of natural heritage, water, agricultural, mineral and cultural heritage resources.

Policy Section 1.0 – Building Strong Healthy Communities speaks to supporting sustainability through efficient land use and development patterns. This includes promoting strong, liveable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth.

Policy 1.1.1 of the PPS promotes creating and sustaining healthy, liveable and safe communities. This is achieved in part by promoting efficient development and land use patterns with an appropriate range and mix of residential development, types of employment and other uses to meet long term needs [1.1.1 a), b)]. Also, development must avoid land use patterns that may cause environmental or health and safety concerns, and be cost-effective, ensuring the necessary infrastructure and public facilities are in place to meet the projected needs [1.1.1 c), e), g)]. Development and land use patterns that conserve biodiversity is to be promoted while also being prepared for regional and local impacts of climate change [1.1.1 h), i)].

Section 1.6.6 of the PPS outlines policies for planning for sewage, water and stormwater services. In planning for effective stormwater management, Policy 1.6.6.7 requires erosion and changes in water balance to be minimized, while preparing for the impacts of a changing climate. Further the use of green infrastructure in stormwater management is to be incorporated, which includes natural heritage features and systems that provide ecological and hydrological functions and process. Stormwater management is to also mitigate risks to the environment and maximize the extent and function of vegetative and other pervious surfaces. Engineering staff have indicated that the design for a proper outlet in the form of infiltration, cannot be sufficiently demonstrated, while Environmental Planning staff have expressed concerns with inconsistent runoff values from the proposed on-site stormwater management facility to the adjacent PSW. (See Engineering and Environmental Planning staff comments in Attachment-10).

Policy 2.1.1 of the PPS requires that natural heritage features and areas shall be protected for the long term. This includes natural heritage features that have been identified directly adjacent to the subject lands such as a significant wetland and significant woodland.

The PPS recognizes that the diversity and connectivity of natural features and the long-term ecological function and biodiversity of natural heritage systems should be maintained, restored, or where possible improved. The importance of linkages between natural heritage features and areas, surface water features and ground water features is recognized. This includes the linkages between significant wetlands, significant woodlands, other areas part of a system that supports hydrologic functions adjacent to the subject lands [2.1.2].

Development and site alteration is not permitted on adjacent lands to natural heritage features and areas such as the Guelph Northeast Provincially Significant Wetland complex, unless the ecological function of the adjacent lands has been evaluated and it can be demonstrated that there will be no negative impacts on the natural heritage features or ecological functions [2.1.8]. For the purposes of this policy, the subject lands are considered 'adjacent lands' as they are contiguous to the PSW where development and site alteration can have a negative impact on the feature or area. While the applicant has completed an Environmental Impact Study (EIS) along with other supporting studies such as a hydrogeological assessment and water balance, Planning staff are of the opinion that their findings and conclusions related to the proposed development do not demonstrate 'no negative impact' on the adjacent natural heritage system.

The PPS contains several policies related to water in Section 2.2. First, municipalities must protect, improve and restore the quality and quantity of water by minimizing any negative impacts. Further, water resource systems consisting of ground water features, hydrologic functions, natural heritage features and areas, and surface water features necessary for the ecological and hydrological integrity of the watershed are to be identified, with their associated linkages maintained. To achieve this and the protection of vulnerable and sensitive features, necessary restrictions on development and site alteration are to be

made. Stormwater management practices are to also minimize stormwater volumes and contaminant loads and maintain or increase the extent of vegetated and pervious systems [2.2.1, 2.2.2]. While staff have reviewed certain restrictions to the proposed development to ensure protection of sensitive ground and surface water features in the area, no viable solution has been reached.

It is the opinion of Planning staff that the proposed development is not consistent with the PPS. The proposed development has been unable to demonstrate whether it will have a negative impact on the adjacent significant natural heritage features and areas. In addition, the proposed stormwater management strategy for the development has not demonstrated that risks to the environment are mitigated and changes in water balance are minimized.

### **Provincial Growth Plan for the Greater Golden Horseshoe (A Place to Grow)**

The Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan) is issued under the Places to Grow Act (2005) and builds on the PPS. It was enacted by the province to support the creation of complete communities, manage forecasted population and employment growth to the year 2051, protect the natural environment, and support economic development. The City of Guelph is within the Greater Golden Horseshoe area.

The current Growth Plan came into effect on May 16, 2019 and was amended (first amendment) on August 28, 2020. It applies to any decisions on planning matters made on or after this date. While the PPS as outlined above provides broader policy direction on matters of provincial interest, the Growth Plan provides more focused direction for development within the Greater Golden Horseshoe area. The Growth Plan builds on other provincial initiatives and policies and provides a framework to manage and guide decisions on growth through building compact, vibrant and complete communities. All decisions affecting planning matters, including new development, must conform with the Growth Plan.

The subject lands are within the City of Guelph settlement area and are partially designated in the City's Official Plan for development. A portion of the subject lands (northwest corner) is within the natural heritage system. The subject lands are located within the City's "Greenfield Area" as shown on Schedule 1: Growth Plan Elements of the Official Plan. A guiding principle of the Growth Plan is to protect and enhance natural heritage, hydrologic, landform systems, features and functions [1.2.1].

Subsection 2.2.7 of the Growth Plan identifies how population growth to the horizon year of 2051 will be accommodated within 'Designated Greenfield Areas' such as the subject lands. Designated Greenfield Areas in the City of Guelph have a minimum density target in the Growth Plan of 50 residents and jobs combined per hectare. This density target is to be measured over the entire designated greenfield area, excluding natural heritage features and areas as well as natural heritage systems.

New large-scale development proposals that will proceed by way of site plan are required to complete a stormwater management plan [3.2.7.2]. As per the City's site plan control by-law, the proposed cluster townhouse proposal will eventually require a site plan application. A stormwater management report was submitted with the Zoning By-law Amendment as part of a complete application. The Growth Plan requires stormwater management plans to incorporate an integrated treatment approach to minimize stormwater flows and the reliance on stormwater ponds. As part of a stormwater management plan, this can include appropriate low impact development components and green infrastructure. While the applicant's proposed stormwater management plan does incorporate low impact development features along with a dry stormwater management

pond, Environmental Planning and Engineering staff both have concerns with the design. Notably, this design includes a post-development increase in runoff to the adjacent PSW, infiltration, and lack of an adequate final outlet for stormwater.

The Growth Plan recognizes that the Greater Golden Horseshoe area contains many important hydrologic and natural heritage features and areas. The adjacent Guelph Northeast Provincially Significant Wetland complex is considered a key hydrologic feature as well as a natural heritage feature. Protection of natural heritage features and areas is required in a manner that is consistent with the PPS [4.2.2.6].

Environmental Planning staff have indicated that the studies submitted by the applicant in support of their development proposal have been unable to demonstrate that there will be no negative impact to adjacent natural heritage features and areas. Their concerns include an increase to the amount of runoff to the adjacent PSW, identified inconsistencies among reports, and insufficient information on a required feature-based water balance. The hydrogeological assessment and water balance submitted do not demonstrate that the townhouse development will have no negative impact on the adjacent natural heritage features.

The proposed Zoning By-law Amendment does not conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe.

### **Official Plan Conformity**

The subject site is identified as being within the Greenfield Area on Schedule 1: Growth Plan Elements of the Official Plan. As per Official Plan policy 3.12, the greenfield area will be planned and designed in a manner which will contribute to the City's overall vision of being a diverse and complete community. Development within the greenfield area must be compact and occur at densities that support walkable communities, cycling and transit and promote live/work opportunities. As discussed above, the City's greenfield area will be planned and designed to achieve an overall minimum density target that is not less than 50 residents and jobs combined per hectare in accordance with the Growth Plan policies. The density target will be measured in accordance with the provisions of subsection 2.2.7 of the Growth Plan over the entire designated greenfield area to be developed, not including the natural heritage system.

The Official Plan land use designation that applies to most of the subject lands is "Low Density Greenfield Residential", with the northwest portion of the lands designated as "Significant Natural Areas & Natural Areas". The "Low Density Greenfield Residential" land use designation permits single detached, semi-detached and duplex dwellings, as well as multiple unit residential buildings, such as townhouses and apartments. The net density of developments within the "Low Density Greenfield Residential" designation is to be between 20 and 60 units per hectare, with a maximum building height of six (6) storeys. While it is recognized that these designations provide for the proposed uses in the development (townhouses, recreation trail), the development in its current form fails to appropriately address the natural heritage system policies of the Official Plan and associated site servicing policies as outlined later in this analysis.

The "Significant Natural Areas & Natural Areas" land use designation applies to lands within the City's Natural Heritage System (NHS), and include features such as significant wetlands, significant woodlands and significant wildlife habitat. Development and site alteration is not permitted within the NHS, including any associated buffers, and uses are limited to legally existing uses, buildings and structures and passive recreational uses (i.e., trails), among others.

Section 2.2 of the Official Plan has several strategic goals which provide broad framework for more specific policies to inform planning and development in the City. These include protecting what is valuable to the City, including protecting, maintaining enhancing and restoring natural heritage features and functions and the biodiversity of the Natural Heritage System to the greatest extent possible. Linkages between and among natural heritage features and areas are included in this goal [2.2.2 b)]. Development is to be directed to where full municipal services are available or can be made available, while considering natural heritage systems, development constraints and other related factors [2.2.4 a)]. Further, the City's groundwater and surface water resources are to be protected, maintained and enhanced as they are needed to support existing and planned growth and natural systems [2.2.4 b)].

In planning for a complete and healthy community, Section 3.16 of the Official Plan recognizes the Natural Heritage System as one of the City's most valuable assets. To accomplish this, the City takes an 'environment first' approach to planning. This includes a commitment to protect, maintain, enhance and restore the diversity, function, linkages and connectivity between natural heritage features and areas and surface and groundwater features over the long term. Policy 3.16.2 requires water quality and quantity to be protected, improved or restored.

### **Natural Heritage System**

Section 4 of the Official Plan contains policies related to the City's Natural Heritage System (NHS). The NHS is made up of natural heritage features and areas that are linked by natural corridors necessary to maintain biological and geological diversity and natural function. This includes wetlands, woodlands and significant wildlife habitat. The natural heritage features and areas that form the City's NHS are to be protected for the long term. Policies in relation to this in Section 4.1 aim to strike a balance between protection and permitting limited compatible development that does not negatively impact the natural heritage features and areas and their ecological or hydrologic functions [4.1 f)]. Further, clear mechanisms are provided to the development community to assess the potential immediate and long term impacts of development, site alteration and other activities on the NHS [4.1 k)].

The general policies for the NHS begin by ensuring its long term protection along with any associated ecological and hydrologic functions [4.1.1.1]. Considering the context of the subject lands, components of the NHS include significant wetlands (the Guelph Northeast Provincially Significant Wetland), significant woodlands, significant wildlife habitat, and minimum and established buffers. The subject lands are adjacent lands as they are contiguous to identified natural heritage features and are in an area where it is likely that development or site alteration would have a negative impact. As such, an Environmental Impact Study (EIS) was required as part of a complete application to assess potential impacts of the proposed development, and recommend appropriate setbacks (i.e., established buffers) from the natural features to ensure no negative impacts post development.

Policy 4.1.2.1 of the Official Plan prohibits development or site alteration within the NHS, including minimum or established buffers, except for a limited range of uses. This includes passive recreational activities such as recreation trails. An ad-hoc trail was observed to exist on the subject lands, including within the NHS. The applicant's EIS was required, in part, to assess impacts of formalizing the ad-hoc trail while being the least intrusive and having no negative impacts.

Development that is permitted in the Official Plan and site alteration within or adjacent to natural heritage features and areas is required to effectively demonstrate, through an EIS that there will be no negative impacts in the short or long term on the natural heritage features and areas to be protected, including their ecological and hydrological functions [4.1.2.6, 4.1.3.1.2, 4.2 b), 10.18.3 i)]. Other supporting studies that recognize linkages between and among natural heritage features are also required, and can include hydrogeological study, water budget/balance, geotechnical report, and a tree inventory report. To date, despite submitting an EIS, water balance and several addendums to the environmental studies, the applicant has been unable to demonstrate the development will have no negative impact on the NHS to the satisfaction of Planning and Engineering staff.

The City shall not permit development or site alteration within the NHS or on adjacent lands to natural heritage features and areas until the EIS had been reviewed and approved [4.2.1.6]. Overall, proposed development or site alteration shall not be approved in the City where it conflicts and is inconsistent with the provisions of the Official Plan [4.2.1.7].

### **Significant Wetlands**

It is an objective of the Official Plan to protect Provincially Significant Wetlands (PSWs) and their established buffers [4.1.3.4 a)]. The site is directly adjacent to the Guelph Northeast Provincially Significant Wetland complex as identified by the Ministry of Northern Development, Mines, Natural Resources and Forestry. Significant wetlands are recognized in the Official Plan as playing an important role in maintaining the ecological health of the City's NHS, including moderating the flow of water, contributing to groundwater recharge, improving water and air quality, storing carbon and providing habitat for a broad range of species [4.1.3.4 b)].

Stormwater management facilities and structures, along with their normal maintenance can be permitted within the established buffers to significant wetlands [4.1.3.4.6]. In addition, the formalization of existing ad hoc trails within PSWs and buffers is also permitted [4.1.3.4.7]. Prior to finalizing the design of a development's stormwater management system and, if necessary, locating necessary stormwater infrastructure in a wetland buffer, low impact development measures must be included in the system outside the buffer. Further, the stormwater management feature must be located a minimum distance of 15 metres from the confirmed limits of a PSW and the area of disturbance is kept to a minimum [4.1.2.7]. Ultimately, the EIS shall evaluate whether there will be no negative impacts of the stormwater management infrastructure and trail formalization on the PSW or its ecological and hydrologic functions. More information on stormwater management is discussed below.

As part of the policies on water resource protection and conservation, development is to be restricted in or near sensitive surface water features and sensitive groundwater features and tributaries. This includes Provincially Significant Wetlands. Mitigative measures or alternative development measures must be explored and are required to protect, improve or restore these features and their hydrologic functions [4.3.2.10].

To best understand impacts on the natural heritage system, including the adjacent Guelph Northeast PSW and its hydrologic function as a part of the Eramosa River Watershed, it was indicated to the applicant in formal pre-consultation discussions that a feature-based water balance study would be required as part of a complete application. Environmental Planning staff have indicated that to date, only a site-based water balance has been submitted, which is different than the feature-based water balance required by Engineering staff. It is still unclear as to which catchment areas on the site have been included and omitted in the water balance study's calculations. With most of the subject

lands currently being largely vegetated and pervious in nature, evapotranspiration rates are high. The proposed residential development will change the subject lands to being significantly more impervious with limited vegetation cover, yet evapotranspiration values in the applicant's water balance remained generally unchanged. The water balance values do not align with the proposed land use changes and site alteration. Further, despite the water balance concluding that site runoff matches in pre- to post-development conditions, detailed calculations in an appendix to the study show an increase of over 1,200 cubic metres of water runoff towards the PSW post-development.

Since the development application was formally submitted to the City in 2019, staff have encouraged mitigative and alternative development measures on the subject lands with the applicant and their consulting team. Despite these efforts, the applicant's supporting studies and addendums for the proposed development along with the site design have been unable to conclude to staff's satisfaction that there will be no negative impacts to the NHS. Further, no alternate development or mitigative measures were identified that in Planning staff's opinion would offer sufficient long-term protection to the PSW.

### **Stormwater Management and Site Servicing**

The City has adopted stormwater management practices to minimize water volumes and contaminant loads [4.3.2.1 iv)]. Section 6.4 of the Official Plan outlines objectives for stormwater management practices in the City. This includes protecting, maintaining, enhancing and restoring the quality and quantity of surface water and groundwater resources through sound stormwater management practises [6.4 a)]. Also, stormwater management practices that maintain a development site's pre-development hydrologic cycle as well as maintain or enhance the quantity and quality of stormwater runoff discharged to receiving watercourses, wetlands and infiltration facilities along with minimizing erosion and flooding is to be implemented [6.4 a)].

In implementing these practices and objectives, reviewing a development proposal requires the preparation of a detailed stormwater management and engineering report to the satisfaction of the City and Grand River Conservation Authority (GRCA). These reports are to address the following matters:

- Demonstrate how the design and construction of the stormwater management facility will protect, improve or restore the quality and quantity of surface and groundwater resources [6.4.3 i)];
- Demonstrate how the proposed stormwater management design will be consistent with and implement the recommendations of the appropriate watershed, subwatershed or stormwater management master plans [6.4.3 ii)];
- Geotechnical and hydrogeologic information to identify soil infiltration rates, depths to the seasonal high water table and deeper regional aquifers beneath the site and in the surrounding area [6.4.3 iii)];
- Information on the potential impacts in terms of quality and quantity of any proposed stormwater management techniques on the City's groundwater resources [6.4.3 iv)]; and
- Demonstration that pre-development stormwater flows from the site match post-development stormwater flows from a given storm event [6.4.3 v)].

As previously mentioned, the subject lands are within the Eramosa River watershed. A report on the Eramosa-Blue Springs Watershed was prepared in September 1999. The study included a groundwater protection strategy. This included protection of recharge areas, specifically infiltration through stormwater management controls. Infiltration rates were recommended to be provided at the same level as currently exists and as close to

the source as possible. Wetland loss and degradation was identified as a threat to the watershed.

Further to the above, the appropriate use of on-site infiltration measures within the stormwater management design is required [6.4.4]. With regards to runoff, Environmental Planning staff have indicated that the applicant's supporting studies have inconsistent statements and conclusions. Further, components of the site's stormwater management design are missing from the analysis. Their Functional Servicing and Stormwater Management Report indicates that the dry stormwater management pond on-site will have flows into the PSW for 2, 5 and 100-year storm events. However, when reviewing the applicant's Hydrogeological Assessment and Water Balance, it indicates there will be no runoff from the stormwater management pond during the month of July. In addition, infiltration and runoff to a French drain were not factored into required water balance calculations. These statements and methodologies in the applicant's reports are not supportable and do not satisfy stormwater management and natural heritage policies in the Official Plan. In accordance with Official Plan policy, stormwater management facilities can only be located within required buffers it is can be successfully demonstrated they will have no negative impact on the NHS. This requirement has not been met.

With regards to infiltration testing, Engineering staff have raised concerns that what has been submitted for review does not follow the requirements of the City's Development Engineering Manual (DEM). While required in-situ infiltration testing was eventually provided by the applicant in their third submission, the testing was only completed at minimal depths and not as per the DEM requirements. Since the methodology for the in-situ testing depth have not been followed, it is not clear if the soils underlying the galleries are capable of infiltrating water as designed.

Environmental planning staff have also indicated water quality concerns with the proposed snow storage areas. When compared to the site grading plans, the snow storage areas shown on the site plan are near an infiltration gallery and a French Drain that runs along much of the perimeter of the subject lands. Snow from private roadways and parking lots can contain high levels of road salt, which has been identified in the Source Protection Plan for the Grand River Source Protection Area as a threat to drinking water. Unmanaged snow melt runoff that contains road salt can infiltrate into groundwater. In the City's guidelines for private property salt management, it is expected that areas on a site identified for snow storage will minimize direct infiltration of snow meltwater and that runoff from these areas will be effectively contained and directed to appropriate stormwater management facilities. The proposed location of snow storage is not consistent with the City's stormwater objectives and policies discussed above.

Policy 6.1.3 of the Official Plan requires all new development to be on full municipal services. This criterion is also required in Policy 9.3.1.1 to assess development proposals for multi-unit residential developments. This includes providing sanitary sewers, water supply, stormwater management and transportation networks. Engineering staff have reviewed the applicant's supporting documents and have indicated there is no adequate provision of stormwater management facilities, specifically an adequate and available stormwater outlet to accommodate the proposed development.

### **City Trail Network**

As previously identified in this report, the subject lands contain an ad-hoc trail within the NHS. The City's Trail Master Plan identifies a secondary trail route leading from Eastview Community Park in the east, along the Guelph Northeast PSW to Carter Drive in the west. Considering this, City staff informed the applicant that this trail connection would need to

be formalized as part of the overall site development. The applicant has responded to this by showing a trail corridor with a width of 3.7 metres in the PSW buffer and significant woodland buffer. Trails are permitted in the NHS under 'passive recreational uses' in the Official Plan, subject to feature-specific polices and the demonstration of no negative impacts.

Environmental Planning and Park Planning staff have indicated that the most recent trail design in the NHS buffer is not supportable. The trail is currently proposed at the bottom of a steep slope. A boardwalk design to the trail was proposed over an outlet from the stormwater management pond. Boardwalk trail designs are only considered acceptable in NHS features such as wetlands and woodlands that are already disturbed by ad-hoc trails. The stormwater outlet near a raised boardwalk portion of the trail increases the risk of storm drainage surcharging and flowing over or flooding the trail.

The proposed Zoning By-law Amendment for a cluster townhouse development and apartment does not conform to the City's Official Plan.

### **Zoning By-law**

The Zoning By-law restricts permitted residential uses in the R.3A and R.4A unless all municipal services, including storm sewers and drains are available and adequate [4.10]. In determining whether such municipal services are available and adequate, the necessary capacity must be available to the level of construction, state of completion or period of commissioning as deemed appropriate. Engineering staff have confirmed that adequate and available municipal services, particularly storm sewers and drains are not adequate and available for the proposed development.

### **Comments Received on the Application**

Since the Zoning By-law Amendment was submitted to the City in March 2019, several comments and concerns were raised by area residents, including at the Public Meetings held in June 2019 and February 2021. Several questions were also asked by Council to be addressed in the recommendation report.

Comments and concerns raised by area residents as well as questions by Council are summarized below.

### **Impacts to the Natural Heritage System**

Many residents raised concerns with the development's impacts to the adjacent NHS, including the PSW. These concerns include the following:

- Stormwater management pond location in NHS buffer;
- Reduction in natural open space and pervious areas;
- Grading close to wetland limit, including within buffers;
- High groundwater levels;
- Runoff to wetland, including from stormwater management facility;
- Salt impacts to wetland;
- Frequent wildlife observations; and
- Parts of development encroaching into buffers.

These concerns are discussed above in detail and throughout this analysis. Following staff's review of the applicant's supporting studies such as the Environmental Impact Study, it was unable to be demonstrated that the proposed development would have no negative impact on the adjacent NHS and therefore, cannot be supported.

## **Tree Removals**

The applicant has submitted a Tree Management Plan. Included in the management plan is a tree inventory that identified a total of 108 trees on the subject lands and adjacent properties and in environmental buffers which may be impacted by the proposed development.

84 trees were identified in the Tree Management Plan for removal. Trees identified for removal include those within the proposed development limits, including the proposed trail, and unable to withstand impacts of construction activities. This also includes trees identified as dead, in poor condition or those that could pose a future safety risk. During the second Public Meeting, the removal of a large and notable weeping willow on the subject lands was discussed. This weeping willow tree was identified in poor condition and impacted by the proposed apartment building parking lot.

A total of 65 trees identified for removal were found to be in fair to good condition. 33 of the trees in fair to good condition were identified as ash, buckthorns, and fruit trees and as per the City's Private Tree Protection by-law, do not require compensation. The remainder of the 32 trees identified in fair to good condition require compensation. The applicant proposed to compensate these trees at a minimum 3:1 ratio on site. This compensation would typically be reviewed further during the site plan control stage, including preparation of an Environmental Implementation Report (EIR).

Residents expressed concern with tree removals on the subject lands, particularly behind the rear lot line of single and semi-detached dwellings along Starwood Drive. Many of these trees were identified as fair and poor condition and would be impacted by the proposed grading activities.

## **Site Layout and Design**

Several comments were made on the development's proposed layout. The developable area of the subject lands is impacted by the Natural Heritage System and applicable buffers. Considering this, the resulting developable area is long and narrow. Comments were made that there were too many townhouse blocks being included in such a narrow site and that steep grades were proposed in certain areas close to NHS boundaries and adjacent lot lines.

Comments related to the site's design include a main private roadway directly behind the rear lot lines of existing single and semi-detached lots on Starwood Drive directly to the east. Residents along this portion of Starwood Drive raised concerns with having their rear yard abutting a new private roadway in addition to the public road at the front. Requests were made at the Public Meetings to flip the design so that rear yards of the townhouse blocks backed onto their existing rear yards. The applicant indicated this was not their first choice in design, citing that this was the only design option to make the site buildable due to the limits of the wetland and woodland. Residents of Starwood Drive also raised concerns with whether a privacy fence and what type of landscaping buffers would be included in the design along their rear lot lines.

Other design related concerns raised include the lack of a continual private sidewalk in front of all townhouse blocks. The applicant's indicated that formalization of an existing ad-hoc trail in the NHS buffer would compensate for the lack of sidewalk in certain locations. Operational issues were also indicated with a long private roadway, including garbage pick-up, snow clearing, and emergency vehicle access.

Residents expressed the importance of also including more common amenity area in the development, including the importance of play structures and outdoor play areas for

children. This also included improved pedestrian access and connectivity to adjacent residential developments to the east and west, including improved access to Starwood Park.

### **Parking**

The most recent conceptual site plan shows a total of 126 off-street parking spaces for the cluster townhouse and apartment development. Of these 126 off-street parking spaces, each townhouse unit has two parking spaces per unit (one interior in a garage and one exterior in private driveway). The Zoning By-law requires that 20% of the required parking (one space per townhouse unit) be reserved for visitor parking. This required eight dedicated visitor parking spaces for the townhouses, which is shown on the conceptual site plan. An additional two parking spaces for the townhouse are marked barrier-free.

For the 40-unit apartment building, a total of 55 parking spaces are required, with 58 shown on the latest conceptual site plan. Of these required spaces, the Zoning By-law requires 20% to be reserved for visitor parking. To this, 11 spaces are marked as visitor parking.

Concerns were raised at the Public Meetings of overflow parking spillover into surrounding neighbourhood streets. The applicant is proposing to exceed the minimum off-street parking requirements in the Zoning By-law for both the townhouse and apartment component of the development.

### **Lighting**

Concerns were raised regarding exterior lighting on the site spilling over into the NHS and adjacent private properties. To address light spillover, a detailed lighting plan is typically required at the site plan control process and must demonstrate no light trespass.

### **Bus stop in front of site**

Concerns were raised by a resident over the loss of an existing bus stop on the Eastview Road right-of-way, directly in front of the subject lands. This bus stop serves Guelph Transit routes 13 and 18 and includes a shelter and bench. Guelph Transit staff indicated that this stop is one of the busiest on these routes. Further, Transit staff indicated that the bus stop would need to be relocated within close proximity on Eastview Road at the developer's expense if impacted by any development.