

April 12, 2023

VIA EMAIL: mayor@guelph.ca

**His Worship Mayor Cam Guthrie
and Members of Council
City of Guelph
Guelph City Hall
1 Carden Street
Guelph, ON N1H 3A1**

Your Worship and Members of Council:

Re: 75 Dublin Street North - Zoning By-law No. (20016) - 20113
Re: OLT - 22-002472 - Appeal Hearing April 3, 2023
Re: Comprehensive Zoning Bylaw and Companion OPA
Re: Agenda Item 3.2 - City of Guelph Council Meeting April 18, 2023

Please be advised that we are the solicitors for the Upper Grand District School Board in respect of the above referenced zoning bylaw appeal to the Ontario Land Tribunal.

Our client owns and operates the Central Public School (hereinafter "CPS") located at 97 Dublin Street North immediately to the north of the above referenced property. CPS is one of the oldest school sites in the City of Guelph and a public school has operated on the same site for approximately 150 years. The current 1-2 storey school building was constructed in 1968 to replace the original structure.

CPS is the only operating school remaining in Guelph's downtown and is projected by the School Board to be operating at 89% of capacity in the near future. CPS will be on Dublin Street North for many generations to come.

The Upper Grand District School Board is currently engaged in a hearing before the Ontario Land Tribunal that started April 3, 2023 as an Appellant from the passage of Zoning Bylaw No. (20016) - 20113 which is a site specific zoning bylaw passed in 2016 which permits inter alia a 4-storey residential building on 75 Dublin Street North immediately to the south of and abutting CPS.

The appeal process concerning the Board's appeal of Zoning Bylaw No. (20016) - 20113 has extended over 7 years, starting before the Ontario Municipal Board, then the Local Planning Appeal Tribunal and finally the Ontario Land Tribunal under several substantially different land use planning regimes.

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We understand the proposed zoning for 75 Dublin Street North under the draft Comprehensive Zoning Bylaw is consistent with the provisions of the under-appeal Zoning Bylaw No. (20016) - 20113 that are in dispute in Appeal OLT - 22-002472.

The Board remains concerned with the access of its students to natural sunlight in school classrooms and on school property including playgrounds, the Peace Garden and the Kindergarten Play area. It also is concerned with the impact of the 4-storey building envelope permitted by Zoning Bylaw No. (20016) - 20113 on CPS's roof top solar array. The School Board's concerns also relate to children safety and the potential conflicts around the Schools Kiss N Ride on the east side of the Dublin Street North Road allowance due to the failure of Bylaw (20016) - 20113 to require onsite loading or secure the locations of driveway and pedestrian access.

We are requesting that any zoning adopted by Council for 75 Dublin Street North in the new Comprehensive Zoning Bylaw and the Companion OPA conform to, and is consistent with, the ultimate ruling by the Ontario Land Tribunal on the School Board's appeal.

The hearing of the School Board's appeal is set to conclude on April 14, 2023 and any decision concerning the zoning for 75 Dublin Street North in the comprehensive zoning bylaw and Companion OPA should in our respectful submission reflect the Tribunal's decision.

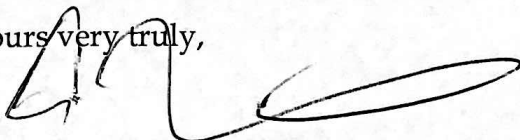
The School Board is also concerned with the provisions of the proposed Comprehensive Zoning Bylaw and the proposed Companion OPA as they affect the zoning and designation of School Board properties, including 97 Dublin Street North, and adjacent properties.

The School Board would request better notice, coordination and dialogue with City staff in relation to future development applications, including applications for site plan control, in the vicinity of School Board properties and would request Council direction to Staff in this regard.

Please acknowledge receipt of this letter in writing.

Please provide the author notice of passage of any zoning bylaw or adoption of any official plan amendment pursuant to this process or arising out of the comprehensive zoning bylaw and Companion OPA.

Yours very truly,



A. Milliken Heisey, K.C.

AMH/lg

Attachment

cc: *Peter Sovran, Director of Education, Upper Grand District School Board*
Ralf Mesenbrink, Chair, Upper Grand District School Board
Laurie Whyte, Trustee, Upper Grand District School Board
Glen Regier, Executive Superintendent of Business Operations, Upper Grand District School Board
Ruchika Angrish, Manager of Planning, Upper Grand District School Board
Clerk of the City of Guelph (clerk@guelph.ca)