

April 13, 2023

Mayor Guthrie and Members of Council
City of Guelph

**RE: Draft Comprehensive Zoning By-law for Council Consideration April 18, 2023
201 Elmira Road South
Our File 16222D**

MHBC has been retained by Paisley & Whitelaw Inc. (the 'Owner') to provide input to the City of Guelph's Comprehensive Zoning By-law Review and related companion Official Plan Amendment, particularly as it applies to 201 Elmira Road South (the 'lands'). We previously engaged with City staff and provided a submission with regard to the Draft Comprehensive Zoning Bylaw, prior to the release of the April 18th version ('Draft Bylaw'). As the lands have been through multiple approval processes, staff is very familiar with the plans for the site. A copy of our March 2023 letter is enclosed for your review and consideration.

Please accept this letter and the March 2023 letter as Paisley & Whitelaw Inc.'s submission with respect to the City's Draft By-law and companion Official Plan Amendment (the 'Companion OPA') and our request that the matters contained herein are included within the revised Draft Bylaw and Companion OPA ultimately approved by Council as they relate to the lands at 201 Elmira Road South.

April 18, 2023 Draft Zoning Bylaw

MHBC and the Owner have reviewed the Draft Bylaw recommended for approval by staff (the 'April 18 version'). The regulations, as they would apply to 201 Elmira Road South and the proposed next phase of development (as described in our March 2023 letter) remain unchanged. In this regard, the concerns and request outlined in our March 2023 letter remain unresolved and would result in a reduction in permitted building height and a significant limitation on building length, amongst other concerns. As the site has an 8-storey building nearing completion, another under construction and a third approved through site plan, reducing building height on the balance of the site would result in different building heights on the lands even though the lands are located within a Strategic Growth Area and are planned for further growth and development. Furthermore, the existing 8-storey buildings, though already approved and/or built, would effectively be rendered legal non-conforming once the new Zoning Bylaw reduces permitted building height.

In our opinion, the Companion OPA affords Council with an opportunity to recognize the existing building height on the lands, such that the Draft Bylaw can continue to permit 8-storeys, as is permitted in the current Zoning Bylaw.

In conclusion, we ask that Council consider the comments contained in the enclosed March 2023 letter when approving a final version of the Zoning By-law and Companion OPA. More specifically, the consideration for additional site-specific regulations for the lands to permit a height of 8-storeys and to allow for a longer building facing Whitelaw Road in recognition that it will be situated on top of a parking structure and is intended to screen as much parking from view of the street as possible.

We thank Council for their consideration of our request.

Yours truly,
MHBC

A handwritten signature in cursive script that reads "Trevor Hawkins".

Trevor Hawkins, M.PL, MCIP, RPP
Partner

cc. Paisley & Whitelaw Inc.

March 31, 2023

Abby Watts, Project Manager, Comprehensive Zoning Bylaw Review
Infrastructure, Development and Enterprise Services
Planning and Building Services
City of Guelph

Dear Ms. Watts,

**RE: Comprehensive Zoning By-law Review
201 Elmira Road South
Our File 16222D**

MHBC has been retained by Paisley & Whitelaw Inc. (the 'owner') to provide input to the City of Guelph's Comprehensive Zoning By-law Review and related companion Official Plan Amendment, particularly as it applies to 201 Elmira Road South (the 'lands'). Please accept this letter as the owner's submission with respect to the City's Draft Comprehensive Zoning Bylaw and companion Official Plan Amendment.

Background

The subject property comprises a total of 6.2 hectares, and is located at the intersections of Elmira Road South, Paisley Road, and Whitelaw Road. The site is currently being developed with three apartment buildings; one fronting Paisley Road (Building A) and two fronting Elmira Road (Buildings B and C), as well as a multi-level parking structure fronting Whitelaw Road. Building A is well into construction, and a foundation permit has been issued for Building B. Permits for Building C and the parking structure are anticipated in Spring 2023. All of the buildings, including the parking structure, are site plan approved. The apartment buildings are all eight (8) storeys in height.

Lands to the south and east are developed with low-density, low-rise housing. Lands to the west were approved by the Ontario Land Tribunal for a mix of medium and high-density residential development. Lands to the north and northeast are either already developed with, or are planned for a mix of commercial and residential uses, generally high density in nature.

Through the site plan approval process for Building C and the parking structure adjacent to Whitelaw Road, discussions were held with staff regarding staff's request that a building with residential units be located along the Whitelaw Road frontage. In this regard, the approved Site Plan illustrates a

conceptual 'Building D' on top of the parking structure. This Plan has been approved. The owner intends to build an 8 storey apartment building on top of the parking structure in the same location as the conceptual building shown on the approved site plan.

As staff and Council are aware, there is a significant shortage of housing in Ontario, including within the City of Guelph. The approved development (Buildings A, B and C) includes over 380 new residential apartment units to assist in meeting the demand within the community. As staff is also aware, the balance of the lands have additional development potential, including the potential for buildings along the Whitelaw Road frontage both on top of the parking structure and further to the south on the undeveloped portion of the site. We have reviewed the Comprehensive Bylaw in the context of the future development potential of the lands, including the already discussed Building D on top of the approved parking structure.

Official Plan

The lands are designated "Medium Density Residential" and "Significant Natural Areas & Natural Areas" on Schedule 2: Land Use Plan in the City's Official Plan. The Medium Density Residential designation permits townhomes and apartment buildings, with a minimum height of 2 storeys and a maximum height of 6 storeys. The maximum net density is 100 units per hectare.

The City completed a growth management review that resulted in the adoption of Official Plan Amendment 80 (OPA 80). Paisley & Whitelaw Inc. made previous submissions with regard to OPA 80. OPA 80 does not propose changes to the land use designation for the subject lands, however OPA 80 identifies the lands as within a Strategic Growth Area, one of the key areas planned to accommodate the City's projected growth over the planning horizon.

Draft Comprehensive Zoning By-law

The lands are currently zoned R.4A, which permits apartment buildings, with a maximum height of 8 storeys (subject to other angular plane regulations) and a maximum density of 100 units per hectare. The site plan applications and related approvals for Buildings A, B and C and the parking garage were considered under the current Zoning Bylaw.

The lands are proposed to be zoned Medium Density Residential (RM.6(PA)) in the Draft Comprehensive Zoning Bylaw recommended for approval by staff (April 18., 2023). The RM.6 zone permits an 'apartment building' but differs from the existing Zoning in several important regulations that will impact the future development of the lands, including:

1. The maximum permitted height has been reduced from 8 storeys to 6 storeys;
2. New regulations will limit the length of buildings within 15 metres of a street.

Given the existing permission of 8 storeys and the already approved buildings that will be 8 storeys, the owner does not support the proposed reduction in permitted height. Grades in the vicinity of the

proposed Building D vary significantly both along Whitelaw Road and from Whitelaw Road into the subject property towards Paisley Road and Elmira Road. The change in elevation of Whitelaw Road along the front of the proposed building is more than 4 metres (i.e. more than a full storey). As such, the potential reduction in height proposed through the Comprehensive Zoning Bylaw is further compounded by the significant grade change on the site, which may further reduce the permitted height of any building along Whitelaw Road, based on how the bylaw measures building height relative to the grade of sloped properties.

The new limits on the length of buildings, no matter their height, will also reduce the development potential of the subject lands, and in the case of the Whitelaw Road frontage, will impact the relationship between a potential residential apartment building and an already approved parking structure. The maximum permitted length of the apartment building would be significantly less than the parking structure that will be constructed in that location, which will negatively impact the visual appearance of the building (more parking on top of the structure would be visible) and its relationship to the street.

Furthermore, the angular plane regulations, as they apply to buildings adjacent to the street will also impact the development potential of the proposed building on top of the parking structure, as it will require the upper floors to be situated further back from the street. Due to the slope of the site east of Whitelaw Road and the fixed location of the parking structure, Building D could not be moved further into the site, and further from Whitelaw Road. The intent of locating Building D closer to Whitelaw Road is to minimize the visual appearance of the parking structure and to emphasize the active components of the built form along the street. The inclusion of a mid-rise building along Whitelaw Road in the vicinity of other mid and high rise buildings will help establish a street wall, without negatively impacting the pedestrian experience.

In summary, the owner has significant concerns regarding the reduction in development potential for the lands that result from the proposed regulations in the Draft Comprehensive Zoning Bylaw. This reduction is notwithstanding the inclusion of the subject lands within a Strategic Growth Area and is counter to the intent of OPA 80, which is to encourage growth in such areas.

Request of the City

On behalf of the owner, and in consideration of the preceding discussion, the need for housing in the community and the inclusion of the subject lands within a Strategic Growth Area, the owner requests that the City amend the Draft Bylaw, as it applies to the subject lands. Similarly, and as necessary to implement and facilitate the revisions to the Zoning Bylaw, the owner requests that the City modify the companion Official Plan Amendment, in accordance with the comments below, which have been divided into topics.

Height

As the lands are already zoned for 8 storeys and 8 storey buildings are already approved and under construction on the lands, it would be inconsistent to now restrict building height to 6 storeys (or less). This is further compounded by the grade changes on the site, which, depending on interpretations related to building height and finished grade, is likely to further impact building height for buildings along the western side of the site. Although OPA 80 has not yet been approved by the province, it is clear from Council's adoption of the Amendment that the lands are planned to accommodate future growth through their inclusion within a Strategic Growth Area.

The companion OPA can recognize the existing permitted height and the 8-storey buildings already approved and under construction on the lands, through a Special Policy Area (SPA) similar to others proposed for other lands in the City with existing buildings that don't align with the two documents. The new Zoning Bylaw can then include a site-specific regulation to permit additional building height, consistent with the existing permissions and buildings under construction.

In summary, the owner requests that:

- 1. the Companion OPA include a policy to permit a maximum height of 8-storeys on the subject lands;**
- 2. that the RM.6 zoning for the lands be amended to include a site specific regulation to permit a maximum height of 8-storeys; and**
- 3. That the maximum height of 8 storeys be measured from the finished grade at the front (pedestrian) entrance to a building facing a public street, for buildings within 15 metres of a street.**

Building Length

The proposed RM.6 zone includes a new regulation to limit the length of buildings, without reference to their height. The current Zoning Bylaw does not include such a regulation. The combination of generous front yard setbacks, angular plane regulations and now building length regulations all result in reduced development potential.

Furthermore, the space efficiencies that can be found in planning larger, longer, consolidated floor plates for mid-rise buildings translates into larger, more useful indoor and outdoor common amenity spaces on the site. Limiting the length of buildings on the site results in reduced building footprints, which naturally lead to more divided building volumes on the property. This result will reduce the energy performance and sustainability potential for the site and future buildings and could negatively impact larger sustainability goals, which are important to the City and Council.

In addition, and specific to the proposed Building D on the subject lands, the potential to develop a building facing Whitelaw Road on top of the approved parking structure would be negatively impacted by the building length restriction. It would result in the unintended consequence that greater portions

of the parking structure would be exposed to the street because the approved parking structure is more than 75 metres long.

In this regard, to permit the development of a building conceptually discussed with staff and advanced through a minor variance application, the owner **requests that the maximum building length regulation as proposed for the RM.6 zone not apply to the subject lands.**

In conclusion, we ask that staff consider the comments contained in this letter when preparing a final Bylaw for Council consideration, and specifically, the consideration for a Special Policy Area and related Site Specific Zoning Regulations to continue to permit 8-storey apartment buildings on the lands, consistent with the three buildings already approved for development.

Yours truly,
MHBC



Trevor Hawkins, M.PL, MCIP, RPP
Partner

cc. Paisley & Whitelaw Inc.