



**Zelinka Priamo Ltd.**

LAND USE PLANNERS

**VIA EMAIL**

April 13, 2023

Guelph City Clerk  
City of Guelph  
City Hall, 1 Carden Street  
Guelph, ON  
N1H 3A1

Attention: Mr. Stephen O'Brien, General Manager / City Clerk

Dear Mr. O'Brien:

**Re: April 18, 2023 Decision Meeting of Council  
City of Guelph – Comprehensive Zoning By-law Review  
Third Draft of the Comprehensive Zoning By-law (April 2023)  
Comments on Behalf of Guelph Watson Holdings Inc.  
115 Watson Parkway (Formerly 72 Watson Road North)  
Guelph, Ontario**

**Our File: TCT/GPH/22-03**

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We are the planning consultants for the City of Guelph Comprehensive Zoning By-law Review for Guelph Watson Holdings Inc. ("GWHI") for the vacant lands in the City of Guelph known municipally as 115 Watson Parkway North (formerly 72 Watson Road North) (the "subject lands").

The subject lands were recently purchased by GWHI (formerly known as Tercot Realty Inc.), who are proposing a mixed-use development, which was submitted for pre-consultation on April 29, 2022. A preliminary Site Concept Plan was prepared for pre-consultation in the context of the applicable Official Plan policies and the Watson Parkway/Starwood Community Mixed-Use Node Urban Design Concept Plan. Development applications are expected to be finalized in the coming months in order to permit development of the lands for mixed residential and commercial uses.

The subject lands which are currently split zoned CC-15(H), P.1 and FL, are proposed to be split zoned CMUC-9(PA)(H10)(H12) and NHS, with a portion of the NHS zoned lands shown on Schedule B-8: Floodplain Overlay and a portion shown on Schedule B-11: Wellhead Protection Overlay. The subject lands are subject to a Zoning By-law Amendment application (File No. ZC0512).

On behalf of GWHI, we have been monitoring the City of Guelph Comprehensive Zoning By-law Review. On September 19, 2022, we met with City Planning Staff to discuss our comments dated July 7, 2022 which are enclosed as Appendix A that were submitted on behalf of Tercot Realty Inc.

On March 23, 2023, we received a Notice of Decision Meeting where a revised Draft Zoning By-law dated April 18, 2023 (the "Draft By-law") will be considered for adoption at the April 18, 2023 Council meeting. We have reviewed the Draft By-law, companion Draft Official Plan Amendment 88, Staff Report dated April 18, 2023 and the Phase 4 Council and Community Feedback Staff Response Chart ("Staff Response Chart").

On behalf of GWHI, we have the following preliminary comments for the Draft By-law and may provide further comments as required:

- In general, the regulations as outlined below for the CMUC-9 zone do not anticipate the preliminary site concept plan, whereby site-specific regulations are anticipated to be required through a Zoning By-law Amendment application in order to permit development of the lands for mixed residential and commercial uses. In addition, Section 17.1.11 for the H11 holding provision pulls through the conditions under the existing holding provision and Section 18.8.14 for the CMUC-9 zone pulls through the existing CC-15 site specific regulations, which relate to a 2002 Staff concept plan associated with the rezoning.
- For the Common Amenity Area (min) requirements under Section 6.3.5 of 5 sq. m per dwelling unit for cluster townhouses and 10 sq. m per dwelling unit for stacked and back-to-back townhouses, and under Section 7.3.1(d) of 20 sq. m per dwelling unit, based upon a review of requirements for other municipalities, we note:
  - Under City of Toronto Zoning By-law 569-2013, as amended, in a Residential Apartment Zone (RA) zone, an apartment building with 20 or more dwelling units must provide amenity space at a minimum rate of 4.0 sq. m for each dwelling unit, of which: (A) at least 2.0 sq. m for each dwelling unit is indoor amenity space located at or above established grade; (B) at least 40.0 sq. m is outdoor amenity space in a location adjoining or directly accessible to the indoor amenity space; and (C) no more than 25% of the outdoor component may be a green roof; and
  - Under the Town of Whitby Zoning By-law 1784, as amended, for the R4C and R5A zones, there is no outdoor private amenity requirement for apartment building/retirement home/long term care home.

In our submission, the Common Amenity Area requirements should be the subject of further review and consideration by Staff.

- For the CMUC Zone under Section 7.2 and the permissions for Townhouse uses under Table 7.1, note 15 for Townhouse, back-to-back uses states “In accordance with Section 6.3.3” that relates to On-street and back-to-back on-street townhouses and Note 16 for all other townhouse uses states “In accordance with Section 6.3.5 (relates to Cluster townhouses, stacked townhouses, back-to-back townhouses, stacked back-to-back Townhouses), the RM.6 zone requirements in Table 6.18 and 6.19. Table 7.2 of the CMUC zone applies or Table 7.10 of the MOC zone applies.” The Staff Response Chart indicates that “Staff have reviewed and made changes to the proposed Zoning Bylaw to add clarity.”

While we recognize that Staff have made changes to the Draft By-law, in our submission there remains a lack of clarity as to the applicable regulations where they are different between the CMUC zone, Section 6.3.3 and Section 6.3.5, particularly where there both back-to-back and other townhouse forms that are proposed.

- For the proposed CMUC zone, we have the following preliminary comments for the regulations under Section 7.3:
  - Section 7.3.1(a) regulates minimum and maximum residential density. In our comments dated July 7, 2022, we submitted that since the CMUC zone permits a range of townhouse dwellings in accordance with Section 6.3.5, in our submission there should be consideration as to interpretation whereby the minimum and maximum density would be applicable collectively to the whole of the lands zoned as CMUC, despite any future severance or condo

registration. The Staff Response Chart states “Density requirements apply to a parcel of land. The purpose of the CMUC zone is to provide mixed-use development with residential provided at higher densities. No proposed changes.” We note that under OPA 80, as approved with modifications by the Minister, under Policy 9.4.3.19.ii within strategic growth areas, the maximum net density is 250 units per hectare and the minimum net density is 100 units per hectare, however under 7.3.1.a) the Residential density units per hectare (“UPH”) is a minimum of 100 and a maximum of 150.

In our submission, the Draft By-law should be updated to reflect OPA 80 and we reiterate that there should be further consideration as to interpretation whereby the minimum and maximum density would be applicable collectively to the whole of the lands zoned as CMUC, despite any future severance or condo registration.

- Section 7.3.1.(b) for buffer strip (min) requires a 3 m wide buffer strip adjacent to the interior side and rear lot line. In our comments dated July 7, 2022, we submitted that for circumstances where there is an adjacent NHS zone, which has incorporated minimum buffers to the environmental feature, a lower minimum buffer should be required. The Staff Response Chart states “Buffers to environmental features are included within the NHS zone. Additional 3 m wide buffer strip is required adjacent to interior side and rear lot lines within a proposed development. This requirement will assist in meeting the minimum required landscaped open space, provide areas to plant trees and provide adequate transition to the NHS.” Where minimum buffers are including within the NHS zone, we reiterate our comment that a lower minimum buffer should be required.
- Section 7.3.1.(b) for landscaped open space (min) requires 20% of the lot area. In our comments dated July 7, 2022, we submitted that for the subject lands, if they are divided into smaller development parcels, it would be appropriate for the 20% to be applicable collectively to the whole of the lands zoned as CMUC, despite any future severance or condo registration. The Staff Response Chart states “Landscaped open space requirements apply to a parcel of land. No proposed changes.” We reiterate that it would be appropriate for the 20% to be applicable collectively to the whole of the lands zoned as CMUC, despite any future severance or condo registration.
- Section 7.3.1(c) for building height (max) permits 10 storeys and in accordance with Section 4.14, while Section 7.3.1(e) relates to angular planes (min). Section 4.14.4 for angular planes states “(a) In addition to maximum building height, in certain zones, angular planes will also be required in determining maximum building height. Where an angular plane is required, it shall be determined as follows: (i) Building heights shall not exceed an angular plane of 45 degrees from the centre line of the street. (ii) Building heights shall not exceed an angular plane of 40 degrees from the lot line when adjacent to a river or park.”

In our comments dated July 7, 2022, we submitted that the angular plane regulations will limit building heights that otherwise may be achievable up to 10 storeys, whereby the angular plane regulations would be more appropriate as an urban design guideline. The Staff Response Chart states “Since the Statutory Public Meeting, Bill 23 has come into effect which limits

the scope of site plan approval in reviewing exterior design. These built form standards are appropriate in a zoning bylaw under S. 34 of the Planning Act. Lands are being pre-zoned to max height and density to streamline the development review process. Staff are not recommending changes to the Zoning Bylaw.”

Under OPA 80 as approved with modifications by the Minister, Policy 9.4.3.17 states “Within strategic growth areas, the maximum height is fourteen (14) storeys. The implementing zoning bylaw will establish regulations for height transitions, stepbacks, and angular planes.”

The Downtown Streetscape Manual & Built Form Standards state “Angular Planes should be used on a *discretionary case-by-case basis as a guideline tool, as opposed to a regulation* [emphasis added], to evaluate the massing and height transitions of proposed developments in Downtown Guelph”. The standard for the Front Yard Angular Plane is “Buildings equal to or less than 10 storeys in height should contain all massing within a 45 degree angular plane taken from the front property line, at a height equivalent to 80% of the adjacent street right-of-way width”. Accordingly, the angular plane is not taken from the centre line of the street, which in our submission severely limits building form and height along street frontages. In addition, the Built Form Standards for Mid-Rise Buildings and Townhouses for angular planes under Section 7.1, state “17. When a mid-rise building site is transitioning to *adjacent low density residential designations at the rear or side lot line (such as a low density residential designation, parks or natural areas)* [emphasis added] a 45 degree [emphasis added] angular plane between uses should be used to ensure that the impacts of height, overlook and shadow are mitigated.” While the Section on page 42 shows a 45 degree angular plane from “street centre line”, the associated text states “Mid-rise developments should have sensitive transitions between the public and private realm, including landscaping, seating elements, commercial spillover areas, and 45 degree angular planes *where appropriate* [emphasis added].” The focus of the standard is for the consideration of the angular plane at the rear or side lot line as opposed to the street line under the Draft By-law, while the angular plane is at 40 degrees under Section 4.14.4(ii) of the Draft By-law compared with the 45 degrees (from the lot line when adjacent to a river or park) under the standard.

Accordingly, we reiterate that in our submission, the angular plane regulations will limit building heights that otherwise may be achievable up to 10 storeys (14 storeys under OPA 80) and suggest that further consideration is required.

- Section 7.3.1(c) provides limitations for floorplate size (max) of 1,200 sq. m for the 7<sup>th</sup> and 8<sup>th</sup> storeys, and 1,000 sq. m for above the 8<sup>th</sup> storey along with minimum building stepbacks of 3 m for all portions of the building above the 6<sup>th</sup> storey facing a street for buildings located within 15 m of a street. In our comments dated July 7, 2022, we submitted that the maximum floor plate size and minimum building setbacks will limit flexibility for site specific design and context and would be more appropriate as an urban design guideline. The Staff Response Chart states “Since the Statutory Public Meeting, Bill 23 has come into effect which limits the scope of site plan approval in reviewing

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exterior design. These built form standards are appropriate in a zoning bylaw under S. 34 of the Planning Act. Lands are being pre-zoned to max height and density to streamline the development review process. Staff are not recommending changes to the Zoning Bylaw.” While we note the Staff response, in our submission, when combined the draft angular plane and stepback regulations will limit building heights that otherwise may be achievable up to 10 storeys (14 storeys under OPA 80), and will limit flexibility and variation in design. In our submission, these draft regulations would be appropriate to consider as urban design guidelines.

- Table 7.4 specifies a building length (max) of 75 m for buildings located within 15 m of a street. In our comments dated July 7, 2022, we submitted that maximum building length regulations should be removed since Official Plan policy 8.6.8 is not appropriately implemented and the Staff Response related to commercial uses, whereby consideration as to Maximum building length would be more appropriate as an urban design guideline. The Staff Response Chart states “Since the Statutory Public Meeting, Bill 23 has come into effect which limits the scope of site plan approval in reviewing exterior design. These built form standards are appropriate in a zoning bylaw under S. 34 of the Planning Act. Lands are being pre-zoned to max height and density to streamline the development review process. Staff are not recommending changes to the Zoning Bylaw.” We reiterate that maximum building length regulations should be removed and would be more appropriate as an urban design guideline.
- Sections 7.3.1(d), states that the proposed minimum first storey transparency is “40 % of the surface area of the first storey facing a street, up to 4.5 m from the ground, be comprised of transparent windows and/or active entrances when a building is within 15 m of an existing and proposed arterial and/or collector road, as identified in the City’s Official Plan in force and effect on the effective date.” In our comments dated July 7, 2022, we submitted that the regulation for transparency would be appropriate as a guideline (the Guelph Commercial Built Form Standard 4.2.6 states “Include transparent windows and/or active entrances along the ground floor façades of corner buildings that face a public street or urban square. Do not use highly reflective or mirrored glass”). The Staff Response Chart states “Staff previously responded to this comment in Attachment 5- Phase 3 Community Engagement Staff Response Chart, part of the Statutory Public Meeting Staff Report- July 13, 2022. Since the Statutory Public Meeting, Bill 23 has come into effect which limits the scope of site plan approval in reviewing exterior design and implementing established guidelines. Staff are not recommending changes to the Zoning Bylaw.” We reiterate that the transparency regulation should be removed and would be more appropriate as an urban design guideline.
- Section 7.3.1(d) for tower separation (min), requires that the tower portion of the building which is the portion of a building above the 6<sup>th</sup> storey shall be setback a minimum of 25 m from any portion of another tower measured perpendicularly from the exterior wall of the 6<sup>th</sup> storey and the tower portion of a building shall be setback a minimum of 12.5 m from an interior side lot line and rear lot line measured perpendicularly from the exterior wall of the 6<sup>th</sup> storey. In our comments dated July 7, 2022, we submitted that the minimum

tower separation will limit flexibility for site specific context and would be more appropriate as an urban design guideline. The Staff Response Chart states "Since the Statutory Public Meeting, Bill 23 has come into effect which limits the scope of site plan approval in reviewing exterior design. These built form standards are appropriate in a zoning bylaw under S. 34 of the Planning Act. Lands are being pre-zoned to max height and density to streamline the development review process. Staff are not recommending changes to the Zoning Bylaw." While we note the Staff response, we reiterate that minimum tower separation will limit flexibility for site specific context and would be more appropriate as an urban design guideline.

- Section 7.3.2(b) for the CMUC zone states that the minimum commercial gross floor area is "(i) Not less than 25% of the commercial gross floor area (GFA) existing on the date of the passing of this bylaw. (ii) Where no commercial gross floor area (GFA) exists, on the effective date of this by-law, the minimum commercial gross floor area (GFA) shall be 0.15 floor space index (FSI)." In our comments dated July 7, 2022, we submitted that since Policy 8.6.10 of the Official Plan provides for tests related to the requirement for a Commercial Function Study and does not provide for prescriptive implementation through minimum gross floor area under the implementing zoning, the regulation is not appropriate and should be removed. The Staff Response Chart states "Staff previously responded to this comment in Attachment 5- Phase 3 Community Engagement Staff Response Chart, part of the Statutory Public Meeting Staff Report- July 13, 2022. Staff are not recommending changes to the Zoning Bylaw." We reiterate our comment that the regulation is not appropriate and should be removed.

As noted above, the submissions on behalf of our client represent its concerns relative to the current development concept which is still undergoing revisions and refinements. On behalf of GWHI, we reserve the right to provide further input, take issue with, and/or seek modifications to other provisions of the proposed By-law.

We would welcome the opportunity to meet with Staff to discuss our comments further. Please kindly ensure that the undersigned is notified of any further meetings with respect to this matter as well as Notice of the approval of the Comprehensive Zoning By-law.

Should you have any questions, or require further information, please do not hesitate to call.

Yours very truly,

**ZELINKA PRIAMO LTD.**



Jonathan Rodger, MScPI, MCIP, RPP  
Principal Planner

cc. Guelph Watson Holdings Inc .(via email)  
Aird & Berlis LLP (via email)  
Abby Watts, City of Guelph (via email)

## APPENDIX A

**VIA EMAIL**

July 7, 2022

Guelph City Clerk  
City of Guelph  
City Hall, 1 Carden Street  
Guelph, ON  
N1H 3A1

Attention: Mr. Stephen O'Brien, General Manager / City Clerk

Dear Mr. O'Brien:

**Re: July 13, 2022 Public Meeting  
City of Guelph – Comprehensive Zoning By-law Review  
Second Draft of the Comprehensive Zoning By-law (July 2022)  
Preliminary Comments on Behalf of Tercot Realty Inc.  
115 Watson Parkway (Formerly 72 Watson Road North)  
Guelph, Ontario  
Our File: TCT/GPH/22-03**

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We are the planning consultants for the City of Guelph Comprehensive Zoning By-law Review for Tercot Realty Inc. ("Tercot") for the vacant lands in the City of Guelph known municipally as 115 Watson Parkway North (formerly 72 Watson Road North) (the "subject lands").

While the subject lands are currently owned by Loblaw Properties Limited, Tercot Realty Inc. is proposing a mixed use development, which was submitted for pre-consultation on April 29, 2022. A preliminary Site Concept Plan was prepared for pre-consultation in the context of the applicable Official Plan policies and the Watson Parkway/Starwood Community Mixed-Use Node Urban Design Concept Plan. A Zoning By-law Amendment application is expected to be submitted in the coming months in order to permit development of the lands for mixed residential and commercial uses.

The subject Lands which are currently split zoned CC-15(H), P.1 and FL, and are proposed to be split zoned CMUC-14(PA)(H11)(H13) and NHS, with a portion of the NHS zoned lands shown on Schedule B-8: Floodplain Overlay and a portion shown on Schedule B-11: Wellhead Protection Overlay. The subject lands are subject to a Zoning By-law Amendment application (File No. ZC0512).

On behalf of Tercot, we have been monitoring the City of Guelph Comprehensive Zoning By-law Review. On June 16, 2022, we received Notice of a Public Meeting where a revised Draft Zoning By-law dated July 2022 (the "Draft By-law") will be considered at a July 13, 2022 Public Meeting. According to the Staff Report 2022-245 dated June 30, 2022 it is our understanding that Staff will review feedback received at the open house and statutory public meeting and make appropriate changes to the By-law. Staff anticipate bringing the final Zoning By-law to Council for approval in Q1 of 2023.



On behalf of Tercot, we have the following preliminary comments for the Draft By-law, and may provide further comments as required:

- In general, the regulations as outlined below for CMUC-14 zone do not anticipate the preliminary site concept plan, whereby site specific regulations are anticipated to be required through a Zoning By-law Amendment application in order to permit development of the lands for mixed residential and commercial uses. In addition, Section 17.1.11 for the H11 holding provision pulls through the conditions under the existing holding provision and Section 18.8.14 for the CMUC-14 zone pulls through the existing CC-15 site specific regulations, which relate to a 2002 Staff concept plan associated with the rezoning. Staff Report 2022-245 states “The proposed zoning bylaw pre-zones land for the maximum height and density permissions of the Official Plan, which in effect streamlines the development process. Fewer site-specific zoning bylaw amendments will be required to undergo rezoning applications, which are time consuming and can add expense to a project. Pre-zoning will allow many developments that comply with the Official Plan to go straight to site plan and building permit review. ... One purpose of the new zoning bylaw is to pre-zone lands to the maximum height and density proposed within the Official Plan designation. This provides additional development permissions, beyond the current zoning bylaw, to many properties within the city while complying with the Official Plan. Furthermore, a main objective of the new zoning bylaw is to simplify uses and generally be more permissive (within the extent of the Official Plan designation) and reduce the number of site specific zones. This will eliminate the need for many site-specific development applications that require Council approval.” (p. 6) In addition, the Report states “Staff acknowledge that in some cases, based on the site-specific context of a lot, variances may be appropriate.” (p. 7)

In addition, Staff Report 2022-245 notes that “Section 34 (10.0.0.1) of the Planning Act establishes a two-year moratorium for applications to amend the bylaw when Council repeals and replaces the zoning bylaw in effect ... A recommendation related to the two-year moratorium will be provided at the Council decision meeting.” (p. 8)

As a site specific Zoning By-law Amendment application is expected to be submitted for the subject lands in order to permit a mixed use development, we request clarification as to the transition protocol for the Draft By-law and applicability to lands with active rezoning applications that have not yet received a building permit to allow ongoing processes to be completed within the context of existing policies and regulations.

- For the CMUC Zone under Section 7.2 and the permissions for Townhouse uses under Table 7.1, note 16 indicates that the use is in accordance with Section 6.3.5. We request clarification as to the applicable regulations where they are different between the CMUC zone and Section 6.3.5. In addition, for Section 6.3.5, we request clarification as to whether regulations specific to another zone are applicable for Townhouse uses within the CMUC Zone (e.g., under Table 6.18, Lot Coverage (max), for the RL.4 zone “30 %” is indicated), while various Tables reference the RL.4 and RM.6 zones, whereby it is not clear if they are applicable for lands zoned CMUC.

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- For the proposed CMUC zone, we have the following comments for the regulations under Section 7.3:
    - For Section 7.3.1(a), the subject lands at approximately 64,500 ha, exceed the maximum lot area of 50,000 sq. m, whereby it would be appropriate to include the lot area as a site specific regulation under the proposed CMUC-14 zone.
    - Section 7.3.1(a) regulates minimum and maximum residential density. Since the CMUC zone permits a range of townhouse dwellings in accordance with Section 6.3.5, in our submission there should be consideration as to interpretation whereby the minimum and maximum density would be applicable collectively to the whole of the lands zoned as CMUC, despite any future severance or condo registration.
    - Section 7.3.1.(b) for buffer strip (min) requires a 3 m wide buffer strip is adjacent to the interior side and rear lot line. In our submission, for circumstances where there is an adjacent NHS zone, which has incorporated minimum buffers to the environmental feature, a lower minimum buffer should be required.
    - Section 7.3.1.(b) for landscaped open space (min) requires 20% of the lot area. For the subject lands, if they are divided into smaller development parcels, it would be appropriate for the 20% to be applicable collectively to the whole of the lands zoned as CMUC, despite any future severance or condo registration.
    - Section 7.3.1(c) for building height (max) permits 10 storeys and in accordance with Section 4.14, while Section 7.3.1(e) relates to angular planes (min). Section 4.14.4 for angular planes states “(a) In addition to maximum building height, in certain zones, angular planes will also be required in determining maximum building height. Where an angular plane is required, it shall be determined as follows: (i) Building heights shall not exceed an angular plane of 45 degrees from the centre line of the street. (ii) Building heights shall not exceed an angular plane of 40 degrees from the lot line when adjacent to a river or park”. In our submission, the angular plane regulations will limit building heights that otherwise may be achievable up to 10 storeys, whereby the angular plane regulations would be more appropriate as an urban design guideline.
    - Section 7.3.1(c) provides limitations for floorplate size (max) of 1,200 sq. m for the 7<sup>th</sup> and 8<sup>th</sup> storeys and 1,000 sq. m for above the 8<sup>th</sup> storey along with minimum building setbacks of 3 m for all portions of the building above the 6<sup>th</sup> storey facing a street. We note Official Plan policy 8.9.1 that states “The following policies apply to tall building forms, which generally means buildings above six (6) storeys: ... i) to ensure tall buildings act as landmarks, they shall incorporate a distinctive bottom (e.g., a podium), middle and top. Interesting architectural features and roof treatments should be considered for all rooftops of tall buildings; ... iv) floor plate sizes of the tower portion (e.g., storeys five (5) and above) of the building may be limited to encourage slender and elegant tall building designs.” In

our submission, the maximum floor plate size and minimum building setbacks will limit flexibility for site specific design and context and would be more appropriate as an urban design guideline.

- Section 7.3.1(c) relates to building length (max) of 75 m for buildings located within 15 m of a street and 7.3.1(d) relates to building length to width ratio above the 8<sup>th</sup> storey, which will limit flexibility for site specific context. We note that the corresponding Official Plan Policy 8.6.8 states “Long building facades that are visible along a public street will incorporate recesses, projections, windows or awnings, colonnades and/or landscaping along the length of the facade to reduce the mass of such facades.” Official Plan Policy 8.8.1v) for Mid-rise buildings states “where buildings are taller than four (4) storeys, building length may be restricted through the Zoning By-law to reduce impacts such as shadowing”.

In response to comments related to building length, Staff advised “The Commercial Built Form Standards recommended limiting commercial building lengths to 75 metres for buildings that are located within 15 metres of the front or exterior side lot lines. This will allow for larger commercial buildings to be located on the interior of the site. This regulation ensures pedestrian scale buildings and reduces shadowing impacts. The proposed zoning bylaw has been updated to add flexibility by specifying that this regulation only applies to buildings within 15 metres of a street for the mixed-use zones and the residential RM.6 and RH.7 zones.”

In our submission, maximum building length regulations should be removed since Official Plan policy 8.6.8 is not appropriately implemented and the Staff Response relates to commercial uses. Considerations as to Maximum building length would be more appropriate as an urban design guideline.

- Section 7.3.1(c) related to distance between buildings (min) and first storey building height as well as related to a minimum first storey height of 4.5 m may not anticipate the permitted townhouse building forms. In our submission, the regulations that should relate only to commercial and mixed use buildings and should be reviewed and revised accordingly.
- Sections 7.3.1(d), states that the proposed minimum first storey transparency is “40 % of the surface area of the first storey facing a street, up to 4.5 m from the ground, be comprised of transparent windows and/or active entrances when a building is within 15 m of an existing and proposed arterial and/or collector road, as identified in the City's Official Plan in force and effect on the effective date.” The corresponding OLT approved Official Plan Policy 8.6.1 states “New buildings shall address the street. Buildings will enhance the rhythm and frequency of the immediate vicinity, and where appropriate, will have entrances and windows that face the street” and OLT approved Policy 8.6.2 states “The principal entrances of commercial and mixed-use buildings shall be oriented toward and/or visible from the street and provide direct user

entrances from adjacent streets and walkways. Blank facades facing a street, open space or park shall not be permitted.” Under minutes of settlement for the Loblaw appeal of OPA 48, with respect to Policy 8.6.2 the term “blank facades”, which is not defined, shall not be defined to exclude or preclude the use of glazed windows or alternatively a combination of glazed display windows together with façade articulation and/or spandrel windows in order to facilitate operational requirements.

In response to comments related to transparency, Staff advised “The Commercial Built Form Guidelines reviewed appropriate transparency requirements to promote active uses along a street and contribute to a vibrant public realm by recommending that where commercial uses abut an arterial or collector road, a minimum of 40% of the surface area of the first Storey façade measured from the finished grade up to a height of 4.5 metres, should be comprised of a transparent window and/or active entrances. The proposed zoning bylaw has been revised to add clarity and flexibility to the regulation. The proposed zoning bylaw requires a minimum 40% transparency when abutting an arterial or collector road.”

In our submission, the regulation for transparency may not anticipate the permitted townhouse building forms and would be appropriate as a guideline (the Guelph Commercial Built Form Standard 4.2.6 states “Include transparent windows and/or active entrances along the ground floor façades of corner buildings that face a public street or urban square. Do not use highly reflective or mirrored glass”). While we recognize that Staff adjusted the requirement from the initial draft By-law, we continue to submit that the regulation should be removed.

- Section 7.3.1(d) for tower separation (min), requires that the tower portion of the building which is the portion of a building above the 6th storey shall be setback a minimum of 25 m from any portion of another tower measured perpendicularly from the exterior wall of the 6th storey and the tower portion of a building shall be setback a minimum of 12.5 m from an interior side lot line and rear lot line measured perpendicularly from the exterior wall of the 6<sup>th</sup> storey. We note Official Plan policy 8.9.1 that states “The following policies apply to tall building forms, which generally means buildings above six (6) storeys: v) the tower portion (e.g., storeys five (5) and above) of the building shall be carefully placed to ensure adequate spacing between towers to allow for solar access and privacy.” In our submission, the minimum tower separation will limit flexibility for site specific context and would be more appropriate as an urban design guideline.
- Section 7.3.2(b) for the CMUC zone states that the minimum commercial gross floor area is “(i) Not less than 25% of the commercial gross floor area (GFA) existing on the date of the passing of this bylaw. (ii) Where no commercial gross floor area (GFA) exists, as of the date of the passing of this by-law, the minimum commercial gross floor area (GFA) shall be 0.15 floor space index (FSI)”.

The corresponding Official Plan Policy 9.4.3.10 states “Proposals to decrease the existing commercial gross floor area by more than 25 per cent or to provide commercial gross floor area at less than .15 FSI will require a Commercial Function Study in accordance with the policies of this Plan.”

In response to comments related to minimum commercial GFA, Staff advised “The Commercial Policy Review recommended that minimum commercial gross floor area zoning regulations be applied to commercially zoned properties within Commercial Mixed Use Centres ... on a property basis that requires a commercial density of 0.15 FSI, or 25% less gross floor area than existed on the date of the passing of the bylaw, whichever is the greater amount of gross floor area. The implementation of these policies will allow the City to determine if the commercial vision and principles will continue to be met and how a reduction in commercial floor space will affect the needs of the community. The potential loss of commercial space is a concern given the long-term need for additional commercial land supply and the evolution commercial areas into mixed use developments that allow for additional uses to complement the commercial space.”

In our submission, since Policy 8.6.10 provide for tests related to the requirement for a Commercial Function Study and do not provide for prescriptive implementation through minimum gross floor area under the implementing zoning, the regulation is not appropriate and should be removed.

We would welcome the opportunity to meet with Staff to discuss our comments further.

Please kindly ensure that the undersigned is notified of any further meetings with respect to this matter as well as Notice of the approval of the Zoning By-law.

Should you have any questions, or require further information, please do not hesitate to call.

Yours very truly,

**ZELINKA PRIAMO LTD.**



Jonathan Rodger, MScPI, MCIP, RPP  
Senior Associate

cc. Tercot Realty Inc. (via email)  
Abby Watts, City of Guelph (via email)