

# Planning Justification Report for Zoning By-Law Amendment, 65 Delhi Street, City of Guelph: Response and Concerns

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as a response to a public meeting  
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## Contents

1	Executive Summary .....	2
2	Introduction.....	3
3	Proposed Zoning and Use.....	3
3.1	Residential Infill Apartment Zoning (R.4D).....	3
3.2	Maximum Density or Occupancy .....	4
3.3	Minimum Common Amenity Area .....	4
3.4	Buffer Strips.....	5
3.5	Transitional Housing Use .....	6
3.6	Proposed Child Care Centre Use .....	7
4	Property Access .....	8
5	Proposed Design and Division of Floor Space.....	10
6	References.....	12

## Tables and Photos

Photo 1: Side yard and boundary with single residential yards .....	6
Photo 2: Front yard boundary with single residential yards.....	6
Photo 3: Corner of Property Abutting Eramosa Road (from property) .....	8
Photo 4: Corner of Property Abutting Eramosa Road (from road) .....	9
Photo 5: Community Park to Northeast.....	9
Photo 6: Vehicular Right-of-Way.....	10
Photo 7: Pedestrian Right-of-Way .....	10

Table 1: Proposed Room Dimensions and Areas from Preliminary Building Floor Plans .....	11
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Table 2: Division of Floor Space by Category from Preliminary Building Floor Plans .....	11
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## Abbreviations

**OP:** City of Guelph Official Plan, March 2018 Consolidation.

**PJR:** Planning Justification Report prepared for +VG Architects on behalf of The County of Wellington by MacNaughton Hermesen Britton Clarkson Planning Limited (MHBC)

**ZBL:** City of Guelph Zoning By-Law

# 1 Executive Summary

A Planning Justification Report ("PJR") was prepared supporting a zoning by-law amendment application for 65 Delhi Street, Guelph, Ontario. The PJR proposes the site receive an R-4D zoning, "Infill Apartment Zone", with special regulations to permit Transitional Housing, Emergency Shelter, and Child Care use.

- **While the PJR requests that the property be rezoned R.4D, Infill Apartment Zone, it would be more appropriate to rezone it R.4A, General Apartment** because the sought use does not conform to the OP definition of Infill Development.
- **An appropriate maximum density should be stipulated.** The PJR asserts that the proposed zoning regulations need have no maximum density requirement. The proposed development is for a density of 66 Lodging Units/ha. Development criteria for intensification proposals in Low Density Residential areas limit maximum net density to 35 Dwelling Units/ha. The 0.53ha site would be permitted 18 units under this regulation. If the view that the proposed units are Lodging Units is embraced, the current maximum of 16 beds stipulated in ZBL s.4.29.1 should apply.
- The PJR proposes that no Minimum Common Amenity Area be required. The ZBL requires these areas in R.4A zones. For 36 Dwelling Units, the required minimum would be 920m<sup>2</sup>. The available space appears to offer enough room for approximately 20 units. **Because the current plan allows for very small rooms and limited common space, a suitable Minimum Common Amenity Area should be required.**
- The PJR makes no explicit provision for buffer strips required for R4 zones other than affirming they can be achieved. Since close to half the lot abuts detached residential backyards and the proposed use would greatly increase activity **more detailed consideration of how buffering will be executed is warranted.**
- The PJR bases its definition of Transitional Housing use on ZBL provisions for Emergency Shelter use. These uses are substantially different inasmuch as the latter seeks to meet the needs of people experiencing homelessness on a short-term, infrequent basis, while the latter is to meet needs for periods defined as 3 months to 3 years in the PJR. In this regard the use is akin to a Lodging House, but in that both require that supporting services be provided it is similar to an Emergency Shelter. **It would be prudent to give more careful consideration to the similarities and differences between Emergency Shelter and Transitional Housing, and the compatibility of allowing these as combined uses.**
- The PJR requests a ZBL amendment to permit child care use, which is characterized as complementary to neighbourhood and adjacent hospital use. However, no room is provided for this use other than a small Family Multi-Purpose Room likely intended at least partially for the use of residents with children. It is difficult to imagine how space could be configured to allow room for a Day Care Centre while providing room for 36 residents. **The purpose and nature of child care use and its appropriateness should be considered.**
- The subject property can only be entered and exited by vehicle via a right-of-way at the rear of the property that has no sidewalk, and by pedestrians via a narrow right-of-way between 55 Delhi Street and 47 Delhi Street. **If the proposed use is allowed, the possibility of developing other paths off the property**

**should be explored and consideration should be given to how increased traffic on current rights-of-way will impact traffic and abutting properties.**

- Permission is sought to divide the building into 36 small Lodging Units, referred to as “suites”. **The current building plans may discourage potential residents because they do not provide well for housing couples, parents with children, and pet owners, and sex segregate people.**
- The preliminary building floor plans show 36 Lodging Units having areas of 12.5-16.5 m<sup>2</sup> [59% total floor space], with common kitchen and shared spaces [14%] and bathroom areas [19%], minimal storage space [4%], and office space [4%]. **Space provided for staff and service delivery is very limited; more should be provided.** It is difficult to envision how this could be accomplished without reducing the number of Lodging Units.

## 2 Introduction

This document provides a response to a Planning Justification Report (hereafter the “PJR”) supporting a zoning by-law amendment application for 65 Delhi Street, Guelph, Ontario. The PJR was prepared for +VG Architects on behalf of The County of Wellington by MacNaughton Hermesen Britton Clarkson Planning Limited (MHBC) and dated April, 2021.

The PJR proposes to rezone the subject lands to Residential Infill Apartment (R.4D). It seeks special regulations to permit Transitional Housing, Emergency Shelter, and Child Care use.

## 3 Proposed Zoning and Use

It is important to make the distinction between *zoning* and *use* when reviewing elements of the PJR. The PJR proposes rezoning the subject property to R.4D, defining a use category of Transitional Housing, and establishing site-specific regulation to allow that use, along with Emergency Shelter use and “Child Care” use (which seems to be synonymous with Day Care as defined in the ZBL). It seems clear that use categories do not supersede zoning regulations, but rather add additional regulations to the zoning regulations. This is made explicit in the regulations for Emergency Shelters (ZBL s.4.29), which begins *“Every Emergency Shelter shall be developed in accordance with the regulations for the Zone in which the Emergency Shelter is located,”* before adding three additional regulations restricting maximum number of beds, stipulating minimum off-street parking, and minimum separation distance from other Emergency Shelters, Group Homes, and Lodging Houses.

### 3.1 Residential Infill Apartment Zoning (R.4D)

The PJR requests that the property be rezoned R.4D, which is an Infill Apartment Zone.

Since the OP defines Infill Development as a form of development *“on land that has not previously been built on”* (OP s.12), the zoning should be more appropriately R.4A, General Apartment. There are few differences between R.4A and R.4D, but R.4A includes a Minimum Common Amenity Area requirement.

### 3.2 Maximum Density or Occupancy

The PJR (MHBC 2021, 16-18) asserts that the proposed zoning regulations have no maximum density requirement, though it states that the requirement for the requested R.4D zoning is a maximum density of 200 units/ha.<sup>1</sup> The PJR appears to hold the view that because “suites” share common kitchen and bathroom facilities and are not self-contained — which makes them Lodging Units rather than Dwelling Units — no density limits should apply.

At the same time, the PJR seeks to zone the proposed use as an Infill Apartment Zone. An Apartment Building is defined as a Building consisting of 3 or more Dwelling Units. If the building is to be understood as an Apartment Building, the 36 proposed suites must be understood as the equivalent of Dwelling Units; if the building has no Dwelling Units it cannot be an Apartment Building by the ZBL definition.

The PJR notes that the subject property is located within the designated Built-Up Area. It states that the area is designated Low Density Residential and Major Institutional (MHBC 2021, 11). In fact, most of the property (approximately 80%) is designated Low Density Residential, including the whole former Delhi Street Recreation Centre building. The rear yard, which includes a garage used by EMS abutting the right-of-way structure and a section of parking lot beside it, is just inside a Major Institutional area that includes Guelph General Hospital, the Elliott Community retirement and long-term care facility, and other medical buildings.

Development criteria for intensification proposals in Low Density Residential areas are provided in OP s.9.3.2. These include a maximum net density of 35 units/ha (OP s.9.3.2.3). While increased density may be permitted for development proposals on arterial or collector roads (OP s.9.3.2.4) the proposed use does not conform to the OP definition of infill development, which is defined as “a form of development within an older established area of the city on land that has not previously been built on.” (OP s.12)

The proposed development comprises 36 units on a lot of 0.53ha. Therefore the proposed density is 66 units/ha, almost 200% of the maximum allowed above if the Low Density Residential classification for the largest portion of the lot is respected. 18 units would be permitted.

If the view that the proposed units are Lodging Units is embraced, the current maximum of 16 beds stipulated in ZBL s.4.29.1 should apply.

### 3.3 Minimum Common Amenity Area

The PJR states asserts that there is no Minimum Common Amenity Area required in R.4D zones and proposes that none be required in the proposed R.4D-XX zone.

The ZBL (s.5.4.2.4) specifies a Minimum Common Amenity Area must be provided in R.4A zones. A formula for calculating the minimum is provided in s.5.4.2.4.1 The calculation of the minimum is of 30m<sup>2</sup> for 20 plus 20m<sup>2</sup> for each additional dwelling unit. For 36 units, the required minimum would be 920m<sup>2</sup>.

"Amenity Area" means a Place within a residential development provided for private or common use for the

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<sup>1</sup> ZBL Table 5.4.2 lists it as 100 units/ha.

active or passive recreation or enjoyment of the occupants of a residential development, excluding a Driveway or any other Parking Area. Amenity Areas must be located in Yards other than Front Yard.

One side yard of the building is entirely taken up by parking, leaving the other side yard which faces the front entrances (southeast face) of the building. It is complicated to calculate the area available in the side yard because there is a proposed access ramp that would take up some of the yard, but a rough calculation suggests that no more than 600 m<sup>2</sup> could be made available. This would be sufficient for 20 units per s.4.5.2.4.1.

While it could be argued that Dwelling Units in a standard R.4 zone can house more than one person, and the proposed use comprises Lodging Units, the current floor plan allows for very small rooms and a limited amount of common space, while the life situations of the residents may well mean that they occupy the building during daytime as well as evening and night-time hours. This suggests that residents would use outdoor amenity space to a high degree, and could benefit from outdoor time away from a crowded space.

### 3.4 Buffer Strips

The PJR makes no provision for buffer strips required for R4 zones other than stating, “Specific performance standards, such as buffering can be achieved” (MHBC 2021, 13) and placing the single word “Proposed” in a summary table in s.4.5.2.

A large portion of the lot perimeter (over 100 m) abuts single detached residential lots, while another part abuts a community park. The PJR describes the residential lots as “*separated from the subject lands with a large treed area.*” (MHBC 2021, 4) This is a mischaracterization. The lots immediately facing front entrance (southeast) side of the building are separated from it by a 14.42m side yard which is mostly lawn with some currently poorly maintained flower beds and several young boundary trees abutting rear lot fencing for the residential lots (see Photo 1). The front yard has some cedars and forsythia along its southeast edge, and a section with no delineation at all between the rear yard of the detached residential house on the funeral home property (see Photo 2). The (northwest) side yard at the rear of the building abutting the community park has a two foot grass berm and some trees.

Because the proposed use involves housing a large number of people in small private spaces with limited common space more detailed consideration of how buffering will be executed is warranted.



**Photo 1: Side yard and boundary with single residential yards**



**Photo 2: Front yard boundary with single residential yards**



### **3.5 Transitional Housing Use**

The ZBL does not provide any definition of Transitional Housing or regulations specific for this use. In absence of specific regulation, the PJR seeks to create a definition of the Transitional Housing use. It bases its proposed definition on the ZBL regulations and definitions for Emergency Shelter. However, Emergency Shelter is a somewhat different use.

The ZBL s.3.1 defined an Emergency Shelter as *“a government subsidized facility which provides lodging and services to meet the personal needs of people experiencing homelessness on a short-term, infrequent basis.”* No definitions are provided in the ZBL for ‘short-term’ or ‘infrequent’. The dictionary definition of ‘infrequent’ is *“not occurring often; happening rarely”* (OED). The definition of ‘short-term’ is *“occurring over or relating to a short period of time.”* While the definition of ‘short’ is contextual, it seems unlikely that a period spanning up to three years would not be understood as short-term by any reasonable individual. However, the PJR states explicitly, in its proposed definition, that Transitional Housing use includes *“services including but not limited to, counselling, job training and placement, community activities, and help with life skills.”* (MHBC 2021, 16) Therefore the use is akin to an Emergency Shelter inasmuch as support services should be provided.

The proposed Transitional Housing use is also akin to a Lodging House Type 2 inasmuch as it would be an Apartment Building used to provide 5 or more Lodging Units (ZBL, s.3.1), and Lodging Unit means *“a room Used to provide living accommodation which does not have the exclusive use of both a kitchen and a bathroom.”* However, it would not fit this definition because the Lodging Units would not be for hire or gain directly or indirectly to persons.

It would be prudent to give more careful consideration to the similarities and differences between Emergency Shelter and Transitional Housing, and the compatibility of allowing these as combined uses. If residents of Transitional Housing could potentially stay for a year or more, recovering from trauma and rebuilding skills to occupy permanent housing, they may not enjoy close contact with people not yet on their path. It is not clear from the PJR whether this has been considered and the homeless polled on their views.

### 3.6 Proposed Child Care Centre Use

The PJR states that ZBL amendment is required, in part, to permit child care use. It characterizes this as *“an additional use that is suitable for the lands and compatible with the surrounding area”* and asserts, *“The additional use is complimentary to and will serve the need of the residential use, neighbourhood and adjacent hospital use, and would support the development of a complete community,”* (MHBC 2021, 8) and therefore is in keeping with Official Plan policy 9.3.1.2 (MHBC 2021, 13).

It is unclear whether the PJR proposes a complementary use to the Transitional Shelter, intended solely for residents, or Day Care Centre for the broader neighbourhood and community as defined in the ZBL. The quote above suggests that the proposed use is intended to serve the neighbourhood.

While the preliminary floor plans, reviewed below, are subject to revision, they provide a good indication of the likely division of floor area by use. In sum, configured for 36 small units and excluding corridors, a total of almost 80% of floor area is allocated to Lodging Units, bathrooms and showers, leaving 14% for shared common space, 4% for storage space, and 4% for office space. Included in the shared common space is a single basement floor Family Multi-Purpose Room around 23m<sup>2</sup> or 2.4% of floor area. Presumably this room must be intended at least partially for the use of residents with children.

It is difficult to imagine how space could be configured to allow room for a Day Care Centre while providing room for 36 residents, including some who might have children.



Day Care Centre is a permitted use in Institutional zones and in Residential Single Detached (R.1) zones. It is not listed as a permitted use in R.4 zones. An independent day care, First Steps, already exists at 55 Delhi Street, a building that abuts the 65 Delhi Street property and has an I.3 zoning. The entrance to this is via the 65 Delhi Street pedestrian right-of-way discussed in section 4. There is some logic in allowing the use as an ancillary use to support residents, but permitting community-oriented day care at 65 Delhi Street could be perceived as competitive and predatory.

The purpose and nature of child care use in Transitional Housing and its appropriateness should be considered.

## 4 Property Access

The PJR characterizes the subject lands as being *“located along Eramosa Road, which is an arterial road.”* (e.g. MHBC 2021, 14) This is a technically true, but potentially misleading. The subject lands abut a community park (96.1m), a vehicular right-of-way (36.4m), a parking lot (approximately 43.6m), residential backyards (78m), the backyard of a single detached residential house that is on the McIntyre & Wilkie Funeral Home Gilchrist Chapel property (43.2m), and 12.6m of Eramosa Road, i.e., 4.1 percent of the lot abuts Eramosa Road. Because this is the only part of the lot that actually touches a road, this side of the property constitutes the legal front yard.

The small corner that abuts Eramosa Road slopes down to the top of a concrete retaining wall beside a sidewalk along Eramosa Road topped by a 3 foot metal safety fence (see Photo 3 and Photo 4). Two maple trees and a lilac bush are planted on the property in this section. Neither pedestrian or vehicle access are provided, and vehicle access is not feasible.

**Photo 3: Corner of Property Abutting Eramosa Road (from property)**



**Photo 4: Corner of Property Abutting Eramosa Road (from road)**



The community park to the northeast has no pathways, and a steep slope that is used as a toboggan hill in winter months (see Photo 5)

**Photo 5: Community Park to Northeast**



Access to the property is available by vehicle along the right-of-way to the northwest (see Photo 6) and by foot via a narrow pedestrian right-of-way between 55 Delhi Street, an institutional/commercial building, and 47 Delhi Street, a single detached residence (see Photo 7). The vehicular right-of-way has no sidewalk, therefore is not an alternate pedestrian route.



**Photo 6: Vehicular Right-of-Way**



**Photo 7: Pedestrian Right-of-Way**



If residents and various support staff are to be able to enter and exit the property by vehicle and on foot, additional consideration should be given to how other paths from the building could be developed and how enlarged use of the current right-of-way will impact traffic and abutting properties.

## **5 Proposed Design and Division of Floor Space**

The PJR includes preliminary building floor plans as Appendix B. Measurements were taken from these drawings and converted to metres. While some degree of inaccuracy is involved, they can be used to gain a

general sense of how the space will be subdivided to provide 36 suites, common areas, and rooms with other functions.

The preliminary interior floor plan of the building is configured as follows:

**Table 1: Proposed Room Dimensions and Areas from Preliminary Building Floor Plans**

Number and Type of Room	Room Dimensions (approximate)	Room Area m <sup>2</sup>	Room Area ft <sup>2</sup>
30 standard "suites"	5.7x2.9m (18'7"x9'6")	16.5	178
6 small "suites"	4.3x2.9m (14'0"x9'6")	12.5	134
6 shared washrooms, 2 per floor (one female, one male), approx.	5.5x3.0m (17'10"x9'9")	16.3	175
4 small washrooms, 2 per floor on upper and main floors, possibly attached to showers	2.9x1.6m (9'6"x5'2")	4.7	50
6 showers, 2 per floor	3.8x3.1m (12'4"x10'3")	11.8	127
1 male common space/kitchen (basement level)	10.2x6.2m (33'4"x20'3")	62.9	678
1 female common space/kitchen (basement level)	8.7x6.2m (28'4"x20'3")	53.5	576
1 family MP room (basement level)	6.3x3.8m (20'6"x12'4")	23.7	255
2 Storage (main floor)	2.9x1.6m (9'6"x5'2")	4.7	50
Storage #1 basement	6.0x2.8m (19'9"x9'3")	17.1	184
Storage #2 basement	3.3x3.0m (10'8"x9'9")	9.8	105
1 basement office	6.2x2.8m (20'3"x9'0")	17.1	184
1 main floor office	3.8x3.0m (12'4"x9'9")	11.3	121
1 upper floor office	3.0x3.0m (9'9"x9'9")	8.9	96

Summed by category, the floor area in the preliminary floor plans is as follows:

**Table 2: Division of Floor Space by Category from Preliminary Building Floor Plans**

Type of Space	m <sup>2</sup>	ft <sup>2</sup>	%
36 "Suites"	570.0	6135	59%
Hygiene Space	188.5	2029	19%
Shared Common Space	140.1	1508	14%
Storage Space	36.2	390	4%
Staff Space	37.3	401	4%

It is of note and concern that the space provided for staff is extremely constrained, and that no space is allocated for delivery of counselling, job training, assistance with life skills, and other services. A 2010 Proposed Transitional Housing Program for 65 Delhi Street, which was not funded and did not go forward, anticipated that "[t]he housing complex will require 24-hour staffing, by individuals who are equipped to provide both structured and ad hoc support to the residents" and proposed "that a variety of community agencies will work in partnership with the transitional housing program, with their respective staff utilizing

*meeting space at the housing complex, providing specialized services to the residents therein.”* (WGDS 2010, 1) The proposal should be revised to provide more room for staff and on-site service delivery to individuals or small groups. It is difficult to envision how this could be accomplished without reducing the number of Lodging Units.

The preliminary building plans appear to demonstrate an inflexible model that could make the Transitional Housing facility unwelcoming to potential residents, who are expected to reside for months or even years. For instance, little design attention seems to have been paid to housing couples, parents with children, or pet owners. As well, if the purpose of transitional housing is to assist homeless people to homed status and better engagement with broader society, the sex segregation of the common areas seems out of tune, and could discourage people from taking up residence.

## 6 References

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WGDS (Wellington Guelph Drug Strategy). 2010. *Transitional Housing Program: Proposed Service Provision Partnerships*. Available at: <http://wgdrugstrategy.ca/wp-content/uploads/2012/01/Transitional-Housing-Proposal-2010.pdf>. Accessed 2021-05-01.