



BOUSFIELDS INC.

Project No. 2359

May 9, 2023

Trista Di Lullo
Secretary-Treasurer of the Committee of Adjustment
City of Guelph
1 Carden Street
Guelph, ON N1H 3A1

Dear Trista,

**Re: *Application and Updated Planning Rationale for Minor Variance
384 Crawley Road, Guelph, Industrial Equities Guelph Corporation
NewCold Advanced Cold Storage Logistics***

On behalf of our client *Industrial Equities Guelph Corporation*, the “**Owners**” of the property municipally addressed as 384 Crawley Road in the City of Guelph (“**subject site**”), we are pleased to submit the enclosed Minor Variance Application (“**MVA**”) which is being made concurrently with a site plan application (the “**applications**”) to permit the development of the subject lands for a state-of-the-art cold storage and manufacturing facility and complex for NewCold Advanced Storage Logistics (“**NewCold**”).

NewCold is a global company that specializes in providing innovative cold storage and logistics solutions for the food industry. They operate as a full-service logistics partner that designs, builds, and operates temperature-controlled facilities for the storage and distribution of frozen food products.

NewCold's technology uses a proprietary automated storage and retrieval system that enables them to store and move products efficiently and safely. Their facilities utilize a design unique to NewCold, and are equipped with advanced systems that manage temperature, humidity, and other environmental factors to ensure optimal product quality and safety.

The company has a strong focus on sustainability, and their facilities are designed to be energy-efficient, with the aim of reducing their carbon footprint. NewCold aims to provide a reliable and cost-effective solution for their clients, which include leading

food producers and retailers worldwide. Their facilities and their services run 24/7, providing fully closed cold chain and door-to-door temperature integrity year-round. To date, NewCold operates 15 facilities across 3 continents (North America, Europe, and Australia) and are headquartered in the Netherlands.

In summary, NewCold offers a specialized cold storage and logistics solution for the food industry, using innovative technology to provide efficient and sustainable services to their clients. The applications would facilitate NewCold's first entry into the Canadian market and would further contribute to Guelph's concentration of Agri-Innovation research and technology expertise, and related infrastructure.

SUBJECT SITE & PROPOSAL

The subject site has an area of approximately 82.7 hectares (204.3 acres) and is located on the east side of Crawley Road and north side of Maltby Road. The subject site is proposed to be developed through a phased site process involving six phases, with five phases consisting of construction and the remaining phase consisting of natural heritage and tree compensation works. The area comprising Phase One will take up 10 hectares (24.7 acres) of the site, representing approximately 12.1% of the overall site area.

Figure 1: Subject Site (Shown in Red Highlighting)



The ultimate build out for the site will include five large manufacturing and warehousing buildings up to 46-metres-tall (maximum) with unique cold storage and automation technologies, loading areas, parking lots, and office space. Natural heritage conservation and tree compensation works will also be provided as part of one of the phases of development. Accordingly, planting of buffers and the woodland compensation area is proposed to start after Phase 1 approvals, so the plantings are given as much time as possible to establish themselves after tree removals occur. A component of the proposal is the adoption of innovative sustainability measures, which are in keeping with Guelph's Community Energy Initiative.

Phase 1

The forthcoming Site Plan Application (“**SPA**”) will be for Phase One only and includes the extension of Southgate Drive to Crawley Road as per the recently approved Official Plan Amendment No. 80 (“**OPA 80**”), including the new site-specific policy (9.13.3.13) for the subject site. Phase One also includes a 46-metre-tall frozen high-bay warehouse providing 14,682 m² of gross floor area, a 2-storey frozen dispatch warehouse connected to the high-bay warehouse providing 7,120 m² of gross floor area, 1,100 m² of office space also connected to the high-bay warehouse as a 3-storey bump-out, a snow removal and equipment storage area, a future municipal stormwater management facility, and associated parking and loading areas.

The frozen hi-bay warehouse is located to the west of the subject lands, adjacent to Crawley Road. The frozen dispatch warehouse operates as the internal truck-loading shipping and receiving area and separates the frozen hi-bay warehouse from the truck-loading bays. The three-storey office area is located towards the southern portion of the subject lands. Parking for Phase One will include 123 truck parking areas, and 163 standard parking spaces including 6 accessible spaces. A total of 18 truck-loading bays are also proposed.

The extension of Southgate Drive includes the extension and alignment of the road to the west along the northern limits of the subject site, which will be conveyed to the City through a future site plan or consent agreement.

The MVA is required for two reasons: 1) to implement the recently approved OPA 80; and 2) to provide site-specific relief from some of the provisions of the City's in-force Zoning By-law to facilitate the construction and build out of the site for NewCold's proprietary facility and site design.

Guelph City Council has approved a new Comprehensive Zoning Bylaw (Zoning By-law 2023-20790). While the transition to the new Zoning By-law occurs, we have also identified variances to the City's New Zoning By-law 2023-20790. Therefore, the MVA also requests relief from some provisions under both the current Zoning By-law (1995)-14864, and the new Zoning By-law (2023)-20790.

In keeping with the New Zoning By-law 17 electric vehicle parking spaces (representing 10% of the required parking spaces for Phase 1) and 33 designed electric vehicle parking spaces (representing 20% of the required parking spaces for Phase 1) have also been provided. No manufacturing parking is required for Phase 1.

As well, 10 short-term bicycle parking spaces have been provided within the Phase 1 area (representing 0.03 spaces per 100 m² of GFA), and 23 long-term bicycle parking spaces have been provided (representing 0.07 spaces per 100 m² of GFA) in keeping with the New Zoning By-law's bicycle parking rates set out in Table 5.7(12) for employment, industrial type uses. The long-term bicycle parking will be provided in a secure, weatherproof enclosure with controlled access within the office component of the Phase 1 building. As well, a minimum of 25% of the required long-term bicycle parking spaces, will be stored in a horizontal ground mounted position, with the remainder provided as stacked or vertical spaces in keeping with the bicycle parking space and aisle dimensions as set out in Section 5.8.2 of the New Zoning By-law.

The intent is that the subject site will become NewCold's Canadian headquarters, who have confirmed that, at full build out, will create over 570 jobs for the area.

BACKGROUND

The Owners and NewCold have been working together to develop the subject site for some time. Leading up to November 2022, considerable efforts were made to advance the development of the subject site.

A formal Pre-Consultation Application was submitted on November 23, 2022, by McCarthy Tétrault LLP on behalf of the Owners. The Pre-Consultation Application was intended to gain feedback from City staff on the proposed site plan and related variances, and to confirm the requirements for a complete site plan application.

As you know, a decision was made on April 11, 2023, to approve, with modifications, Official Plan Amendment 80 (“**OPA 80**”) to the City of Guelph Official Plan, as adopted by By-law (2022)-20731. OPA 80 implements the City of Guelph Official Plan's vision, urban structure, population and employment figures, density, and intensification targets.

Under the approved OPA 80, the Ministry of Municipal Affairs and Housing (“MMAH”) modified OPA 80 creating a new site-specific policy (9.13.3.13) for the subject site as follows:

384 Crawley Road

Notwithstanding the policies of the Industrial designation, the maximum gross floor area shall be 160.000 square metres and the maximum building height shall be 46 metres.

Nothing in this Plan shall prevent the construction of industrial buildings and ancillary buildings, landscaping, and any related works, including without limitation:

i) Policies 4.1.2.5, 4.1.3.3, 4.1.3.4, 4.1.3.6, 4.1.3.8, 4.1.3.9, 4.1.4.4, and 4.1.6.1.

The alignment of the future planned public road shall be determined by the City in consultation with the proponent. The conveyance of the future planned public road may be secured through a site plan agreement or consent agreement.

ITEM 118: Schedule 2 Land Use is modified in accordance with the area specific land use map for 384 Crawley Road attached hereto.

ITEM 119: Schedule 3: Development Constraints is modified in accordance with the area specific Schedule 3 map for 384 Crawley Road attached hereto.

ITEM 120: Schedule 4: Natural Heritage System is modified in accordance with the area specific Schedule 4 map for 384 Crawley Road attached hereto.

ITEM 121: Schedule 4a: Natural Heritage System - AN Sis and Wetlands is modified in accordance with the area specific Schedule 4a map for 384 Crawley Road attached hereto.

ITEM 122: Schedule 4b: Natural Heritage System - Fish Habitat and Permanent & Intermittent Streams is modified in accordance with the area specific Schedule 4b map for 384 Crawley Road attached hereto.

ITEM 123: Schedule 4c: Natural Heritage System - Significant Woodlands is modified in accordance with the area specific Schedule 4c map for 384 Crawley Road attached hereto.

ITEM 124: Schedule 4d: Natural Heritage System - Significant Valleylands & Significant Landform is modified in accordance with the area specific Schedule 4d map for 384 Crawley Road attached hereto.

ITEM 125: Schedule 4e: Natural Heritage System - Significant Wildlife Habitat & Habitat for Significant Species is modified in accordance with the area specific Schedule 4e map for 384 Crawley Road attached hereto.

ITEM 126: Schedule 6: Open Space System - Trail Network is modified in accordance with the area specific Schedule 6 map for 384 Crawley Road attached hereto.

A copy of the approved OPA 80 is attached as **Attachment 1** which includes the modified Schedule 2 along with other modified Schedules. Under the Official Plan as modified by OPA 80, the subject site is designated *Industrial* and *Significant Natural Areas and Natural Areas* as per Schedule 2: Land Use (Modified Land Used Designations).

The portion of the subject site that is designated *Industrial* land is the area where development is proposed. The balance of the lands designated *Significant Natural Areas and Natural Areas* will not be developed.

The City of Guelph Zoning By-law (1995) – 14864 was adopted by Guelph City Council on June 19, 1995, and certified by the City Clerk on August 29, 1997, and as amended, is still in force and effect. Zoning By-law (1995) – 14864 zones the subject site Site-Specific Industrial (B.3-10) and (B.3-11), Conservation Land (P.1) zone, and Wetland (WL) on Defined Area Map 71.

The City recently completed its review of the existing Zoning By-law to ensure it aligns with the City's updated Official Plan, reflects current zoning practices and works for the community and the future. Accordingly, a new Comprehensive Zoning Bylaw (2023-20790) ("**New ZBL**") was prepared, which was approved by Council on April 18, 2023.

We have reviewed the New ZBL which, once brought into force, will re-zone the subject lands from the Site-Specific Industrial (B.3-10) and (B.3-11) zones, the Conservation Land (P.1) zone, and the Wetland (WL) zone, to the Industrial (B-14) and (B-15) zones, and the Natural Heritage System (NHS) zone. Although the New ZBL carried forward the site-specific policies that were already established for the subject site through the Site-Specific Industrial (B.3-10) and (B.3-11) zones, it has not incorporated the policies of OPA 80, which includes the site specific policies that apply to the subject site.

Accordingly, we filed a request to the City on April 18, 2023, that the proposed new Zoning By-law No. (2023)-20790 for the City of Guelph be modified to include and implement the above referenced site-specific policy introduced by the Ministry of Municipal Affairs and Housing's ("MMAH") modifications to OPA 80.

The changes must implement the City's Official Plan and would refine the zoning maps for the site in keeping with ITEMS 118 to 126 listed above, would apply a new maximum height limit of 46 metres and a maximum gross floor area of 160,000 square metres to the subject site.

Although the New ZBL is not yet in effect, we are requesting variances to it to allow the proposal's implementation once the New ZBL is in effect. Accordingly, the following is a summary of the required variances to the in-force Zoning By-law 1995 – 14864 and New ZBL.

REQUIRED VARIANCES

In total, two minor variances to Zoning By-law 1995 – 14864 and seven to the New Zoning By-law are requested for the subject site. These variances are intended to accommodate the development of the subject site for all phases of the proposed development. The following is a summary of each minor variance:

Zoning By-law 1995-14864:

1. Increase the maximum building height from 20 metres to 46 metres.
2. Relief from the garbage, refuse, and storage requirements to permit garbage or refuse storage outside of the principal building or any accessory building or structure, and outside of a side or exterior yard.

New Zoning By-law 2023-20790:

3. Increase the maximum Building Height (Section 10.3.1 & Table 10.4(A)) to 46 metres.
4. Notwithstanding Section 4.9, Section 18.18.14(d) and Section 18.18.15(c) a garbage or refuse storage within a yard abutting a street, provided it is screened with fencing.
5. Notwithstanding Section 5.3 all driveways and parking aisles will be a minimum of 6 metres wide.
6. Notwithstanding Sections 5.4 and Section 18.18.14(d) and Section 18.18.15(c), loading and loading spaces are permitted in a yard abutting a street provided it is screened by a minimum 6 metre landscape area, including a 3-metre buffer strip.
7. Notwithstanding Section 4.11 and Section 18.18.14(d) and Section 18.18.15(c), outdoor storage of property maintenance equipment is permitted anywhere on site provided is screened from the street by landscaping and fencing.
8. Notwithstanding Section 10.3.1 & Table 10.3(A)) there shall be no maximum building setback.
9. Notwithstanding Section 10.3.1 & Table 10.4, a principal entrance shall not be required to face a street line.

RATIONALE FOR THE VARIANCES

The following provides our rationale for the variances with respect to the 4 tests that must be met under Section 45(1) of the Planning Act, R.S.O. 1990, c. P.13.

FIRST TEST - Are the requested variances in keeping with the general intent and purpose of the City of Guelph's Official Plan?

Yes. Under the Official Plan, as amended by MMAH's OPA 80, the subject site is designated *Industrial* and *Significant Natural Areas and Natural Areas*, on the modified Schedule 2 (Land Use). The area where the development is proposed will be entirely within the land use designated *Industrial*.

Land designated *Industrial* south of Clair Road West (such as the subject site) are generally characterized by larger, free-standing industrial buildings, and vertical warehousing, second floor offices and other related uses above the first storey are encouraged to reduce land consumption and increase the number of jobs per hectare.

Permitted uses in the *Industrial* land use designation include: the manufacturing, fabricating, processing, assembly and packaging of good, foods and raw materials;

warehousing and bulk storage of goods; laboratories; computer and data processing; research and development facilities; printing, publishing and broadcasting facilities; repair and servicing operations; transportation terminals; contractors' yards; and complimentary uses such as corporate offices.

The proposed development will result in the construction of new warehousing and manufacturing uses on the subject site, which are all permitted uses on lands designated *Industrial* in the Official Plan.

Furthermore, through the MMAH's modifications to OPA 80, new policy 9.13.3.13 was explicitly created for 384 Crawley Road to facilitate the development that is proposed. In this regard, the modified OPA 80 permits a maximum gross floor area of up to 160,000 square metres with a maximum building height of 46 metres. As well OPA 80 provides that nothing in the Official Plan shall prevent the construction of industrial buildings and ancillary buildings, landscaping and any related works, including without limitation other policies of the Official Plan which speak to natural heritage and related buffers, among other matters. The requested variance for height accordingly serves to implement this policy under OPA 80.

In addition, the proposed development also contemplates the extension and realignment of Southgate Drive to the west along the northern limits of the subject site. In this regard, the Official Plan maps have been modified by the Minister, which show Southgate Drive in its new future alignment to the west. The proposed site plan matches the alignment as depicted in the modified Official Plan maps.

The subject site is also located within the City's designated *Greenfield Area* as per Schedule 1A (Urban Structure) of the Official Plan.

In Guelph, lands within *Greenfield Areas* are planned to achieve an overall minimum density target of not less than 68 residents and jobs combine per hectare. Policy 3.7.3 in OPA 80 establishes the framework for development in the designated *Greenfield Areas*. The policy outlines six objectives for planning and designing the designated *Greenfield Areas*, which includes developing policies to achieve the targets of the plan and align growth with infrastructure.

Section 3.8 of OPA 80 sets out the policy framework for employment in the City. In this regard, Policy 3.8.1 provides that the City shall promote economic development and competitiveness ensuring that there is an adequate supply of land for a variety of

employment uses to accommodate forecasted growth. One of the ways this is planned to be achieved is through the accommodation of a minimum of 116,000 jobs city wide by the year 2051. Providing for an appropriate mix and range of employment uses, including industrial uses, is another strategy set out to meet long term needs, among others. In this regard, the proposed development will create over 570 jobs. These jobs will contribute to the accommodation of the 116,000 jobs city wide by the year 2051.

The subject lands are located south of Clair Road West, east of the Hanlon Expressway. According to policy 9.5.2.3 *“Land designated Industrial south of Clair Road West on Schedule 2 of this Plan shall generally be characterized by larger, free-standing industrial buildings displaying appropriate design standards and sensitivity to natural setting and existing adjacent uses”*.

Policy 9.5.2.8 encourages vertical warehousing, second floor offices and other related uses above the first storey to reduce land consumption and increase employment densities. The hi-bay warehouse, two-storey frozen dispatch warehouse as well as three-storey office area make efficient use of the available land and, in our opinion, help to reduce land consumption and increase employment densities on site.

With respect to natural heritage and related buffers and existing trees, Natural Resource Solutions Inc. (“**NRSI**”) was retained to prepare an Environmental Impact Study (“**EIS**”). The EIS is submitted in support of the applications, and characterizes important natural features, recommends appropriate buffers, and identifies and addresses potential impacts associated with the proposed development. The subject site contains various natural heritage features including significant woodlands, provincially significant wetlands, significant landform, significant wildlife habitat, and candidate habitats for species at risk. According to NRSI the direct impacts of the proposed development to these features include the removal of significant woodland, and mitigation and permitting requirements needed to address candidate species at risk habitats. NRSI has prepared an Ecological Restoration Plan, however, to address these impacts and ensure that the proposed development secures a net ecological gain in the long term, creating a more robust, connected, and resilient Natural Heritage System within the subject site and broader area.

A Hydrogeological Report (“**Hydro-G**”) was also prepared by GM BluePlan, submitted in support of the applications, to address indirect impacts to water quality and quantity. The Hydro-G report provided recommendations to minimize impacts to the adjacent natural heritage features and ensure that mitigation measures are installed and

functioning properly. These included recommendations to mitigate direct, indirect, and induced impacts that may arise during the stages of development, as well as a monitoring program to ensure impacts to important natural features do not occur.

Accordingly, based on the conclusions from the EIS and the Hydro-G report, no residual negative impacts to significant woodlands, significant wetlands, or significant wildlife habitat, or their ecological functions, are anticipated as a result of the proposed development.

Overall, the proposed warehouse, manufacturing and ancillary office uses are permitted on site as of right and would result in a built form and building typology that is both appropriate and planned for the area. The site-specific policy for the site introduced through modifications made by the Minister provides specific permissions for the development proposed including the 46-metre maximum building height and GFA. The creation of 570 jobs will assist the City in achieving its employment targets and would generally contribute to the City's economic development and competitiveness. The proposed extension and realignment of Southgate Drive to the west matches the Official Plan mapping as modified by the MMAH through their approval of OPA 80 and will also assist the City in achieving the desired road pattern for the area.

In our opinion, the minor variances would facilitate the development of the subject site for uses that are permitted and site-specific policies that permit the proposed development including the proposed 46 metres building height. Accordingly, it is our opinion that the proposed minor variances both individually and cumulatively are in keeping with the general intent and purpose of the City of Guelph's Official Plan, as amended by OPA 80.

SECOND TEST - Are the requested variances in keeping with the general intent and purpose of the Zoning By-law?

Yes. The purpose and intent of both ZBL (1995) – 14864 and the New ZBL are to:

- Require maximum building heights (Variances 1 and 5) in order to ensure a scale of development that is appropriate for the planned function of the area.
- Require that garbage, storage areas, and loading are not provided in yards abutting streets (Variances 4, 8, 10 and 11) in order to ensure an appropriate aesthetic and streetscape character.

- Require minimum driveway and parking aisle widths (Variance 9) in order to ensure sufficient space for maneuvering.
- Require flexibility in setbacks for buildings and that a principal entrance face a street (Variances 14 and 15) in order to ensure that buildings provide for an urban form appropriate for the proprietary and unique uses proposed.

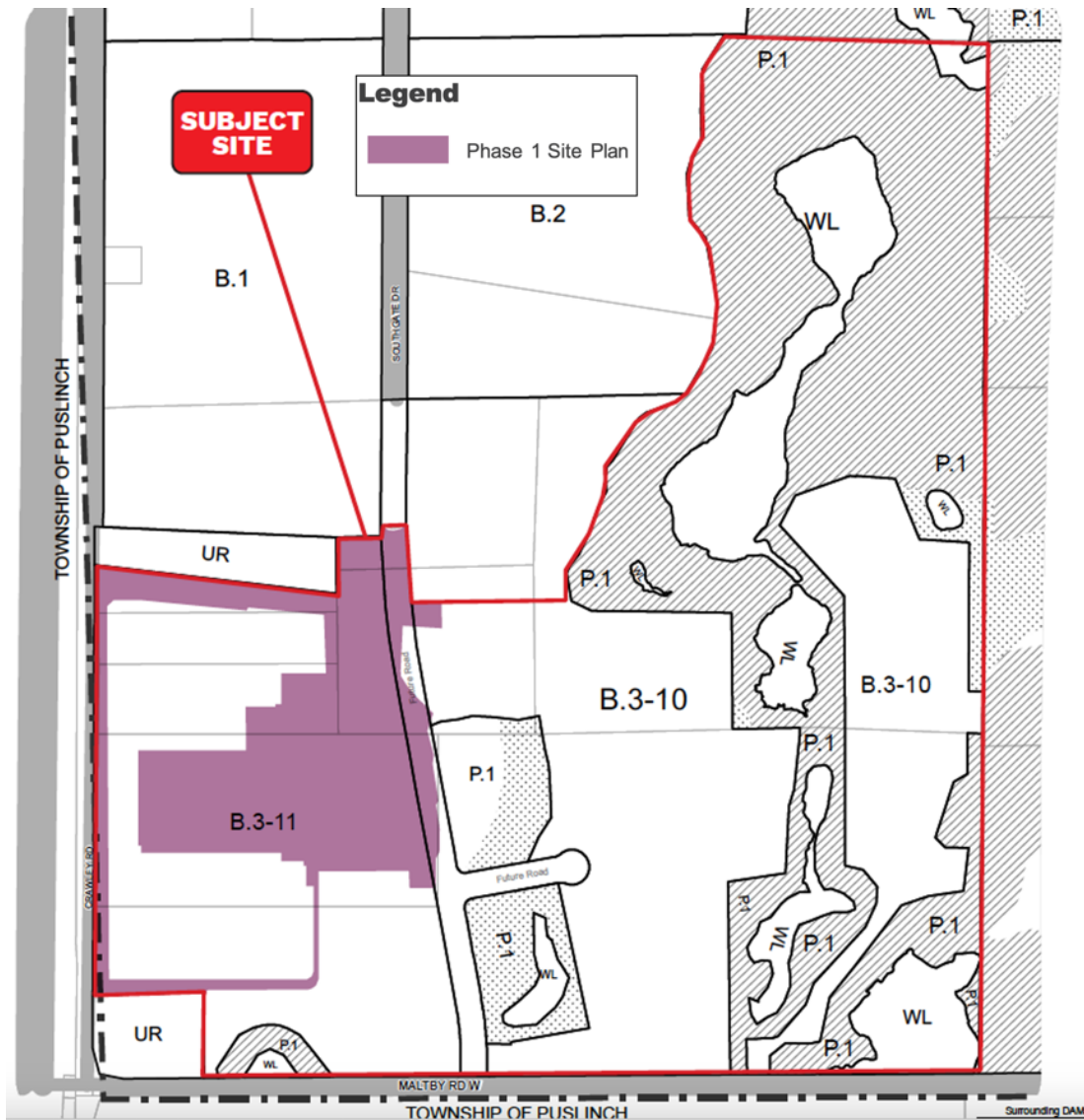
The purpose of the B.3-10 and B.3-11 site-specific provisions are to permit and implement the desired development form and typology for the Southgate Industrial Business Park area. Both the B.3-10 and B.3-11 zones permit a range of uses, including *Manufacturing* and *Warehouse* uses as well as *Office*. The B.3-11 zone, which applies to the portion of the site set out for Phase 1, also permits a range of other industrial type uses, including catering services, computer establishments, convenience stores, research establishments, personal service establishments, and print shops, among others.

The site-specific regulations for both the B.3-10 and B.3-11 zone are the same in terms of off-street parking requirements, buffer strips, minimum rear yard and exterior yards, off-street loading, outdoor storage, and garbage, refuse and storage composters. The remaining provisions of the parent *Industrial* (B.3) zone applies. These site-specific exceptions have been carried forward in the New ZBL as the B-14 and B-15 zones.

Zoning establishes what types of uses are permitted on which lands within the City, establishes a series of regulations to govern building locations and other performance standards, and, together with the Official Plan, helps to protect from potentially conflicting land uses in a community.

The proposed uses are permitted uses on the subject lands as of right, and except for the increase in *building height* and a uniquely located outdoor garbage and refuse storage area, comply with the balance of the parent *Industrial* (B.3) zone and the site-specific specialized industrial zones B.3-10 and B.3-11 that apply today. In addition, neither the in-force Zoning By-law 1995 – 14864 or the recently approved (but not yet in force) New ZBL have implemented the policies of the MMAH-approved OPA, which now permit building heights up to 46 metres on the subject site and a maximum overall GFA of 160,000 square metres.

Figure 2: Existing Zoning (Zoning By-law 1995 – 14864)



In our opinion, the minor variances would facilitate the development of the subject site for uses that are permitted, in an area that is both planned and intended for such uses, would implement the recently approved OPA 80 and related site-specific policy 9.13.3.13 for the site, and is generally in compliance with the balance of the performance standards in the City's Zoning By-law. In our opinion, the requested variances are in keeping with the general intent and purpose of the City of Guelph Zoning By-law 1995 – 14864, and would be in keeping with the New ZBL, once brought into force and effect and once amended to implement the provincial modifications to OPA 80.

THIRD TEST - Are the requested variances desirable for the appropriate development or use of the land, building or structure?

Land Use Compatibility and Site Treatments

As previously mentioned, the subject lands are part of the Southgate Industrial Business Park and are situated in close proximity to other large warehouse and manufacturing operations east of the Hanlon Expressway.

Land designated *Industrial* south of Clair Road West (such as the subject site) are generally characterized by larger, free-standing industrial buildings, where vertical warehousing is encouraged to reduce land consumption and increase the number of jobs per hectare. The proposed building design complements other surrounding uses within the Southgate Industrial Business Park, and in our opinion, is the right location for this type of use in the City. The proposed white façade compliments the similar colours of the buildings to the north and contributes to the sustainable elements of the building, which we describe in more detail below.

At full build out, enhanced landscape features are proposed to be provided along both Crawley Road and Maltby Road West in keeping with the zoning (Sections 7.3.3.10.4.2 and 7.3.3.11.3.2) requirements for the buffer strip at these interfaces. The enhanced landscaping features along Maltby Road West include a 14-metre-wide buffer strip, landscaped earth berm and coniferous and deciduous trees planted at 3 metre centre intervals. This will help to create a buffer between the subject site and the surrounding area to the south and west where the site interfaces with the Township of Puslinch. As can be seen from the figures below, the subject site is situated within an area already developed with similar uses, building types, including the Tim Horton's property at 950 Southgate Drive which is ostensibly taller than 20 metres.

Figure 3: 3D Air Photo Looking North



Figure 4: 3D Air Photo Looking South



As well, as can be seen in the renderings below, the proposed development, at full build-out will be partially obscured from view when seen from the street. This is due to the proposed enhanced buffer strip measures, landscaping, and topography. When viewed from the street, the proposed NewCold buildings will simply present as another one of the building forms typically seen in an industrial business park, which will be

mitigated by building orientation on site, site design and related treatments, and topography.

Figure 5: Rendering Looking North Aerial (Full Build Out)



Figure 6: Rendering Looking North Street-Level (Full Build Out)



Building Design and Sustainability

The requested increase in height for the frozen hi-bay warehouse facility will lend to efficient warehouse operations and cold storage operations. The design of NewCold's facilities is a proprietary design intend to create efficient building operation capable of accommodating their automated storage systems and the most energy-efficient cooling solution.

The efficiency in the building is captured in the design and the height itself. The height provides for flexibility in building shape, which allows the architects to create a building with a minimized surface area while still creating a large internal area appropriate for the storage demands that NewCold is expecting. A reduced surface area is better for heat retention according to NewCold and the height allows for a building shape that reduces the exposed surface area.

As well, the automated system internal to the building, which is unique to NewCold facilities utilizes a robotic system for internal logistics which includes, sorting, lateral movements, and "racking"¹. The building shape, height, and configuration is specifically designed and optimized to accommodate NewCold's proprietary automated racking system.

NewCold is committed to sustainable development and aims to reduce its negative environmental impact by constructing eco-friendly, energy-efficient warehouses that require minimal physical labor. NewCold's approach incorporates, what they call their "Triple Bottom Line" framework, to evaluate performance from different perspectives. One of these perspectives is a focus on efficient usage of natural resources.

NewCold is committed to 9 of the United Nations' 17 Sustainable Development Goals (SDGs) and has identified several sustainable initiatives, including energy-efficient warehouses, smart logistics, and responsible business practices. The company employs automation to reduce physical labor and create new jobs. NewCold is also committed to reducing CO₂ emissions, reducing the number of empty kilometers², and promoting alternative transportation modes such as bicycles, where possible.

By increasing the height, a smaller portion of the subject lands will be used for the building, allowing for more landscaped space, stormwater management areas, and

¹ A storage solution designed to stack materials in horizontal rows with multiple levels.

² The distance a truck tractor pulls a trailer without goods.

parking and loading locations. This approach not only leads to a more efficient site design and greater storage capacity but creates the cooling efficiencies described above within the building itself.

In our opinion, the minor variances will facilitate the development of an underutilized parcel of land for permitted uses while adhering to the performance standards for buffering. As well, in our opinion, the proposed use is well situated within the Southgate Business Park, which is characterized by larger, free-standing industrial buildings, where vertical warehousing is encouraged to reduce land consumption and increase the number of jobs per hectare. The development will also create a building that has been specifically design with energy efficiency in mind. This achieves two objectives: efficient cooling for NewCold's storage operation, and consistency with Guelph's Community Energy Initiative.

Overall, in our opinion, the building itself is not only compatible with the area but will help the City achieve its goal of securing a "robust, sustainable, and resilient energy future". Therefore, in our opinion, the proposed variances will result in a use that is desirable for the appropriate development or use of the land, building or structure.

FOURTH TEST - Are the requested variances minor in nature?

Yes. An assessment of the requested variances against the test of "minor" is not solely a numerical assessment, but also an assessment of impact. In our opinion, the variances requested will help facilitate the efficient use of land within an area of the City planned for such industrial type uses by creating site-specific relief for a unique business with proprietary building designs.

In our opinion, the variances requested represent minor departures from two of the City's existing performance standards and seven of the New ZBL, and the greatest variance (the request for additional height) is required in order to implement the policies of the recently approved Official Plan through the modified OPA 80. Accordingly, OPA specifically endorses a height of 46 metres, and the intent and purpose of the new site-specific policy (9.13.3.13) for the subject site is to permit industrial buildings of exactly this kind.

With respect to increased height, the additional height is required in order to accommodate the proprietary building design NewCold requires to have a successful business, and because the recently approved Official Plan as modified through OPA

80 must be implemented. The additional height represents an increase in height that is required to implement the Official Plan.

With respect to locating the outdoor garbage and refuse area central to the site, this variance is required in order to ensure that NewCold's standard site operations can function as required to run their business successfully. The garbage and refuse area will be screened from view of the street by the buildings themselves, through enhanced landscaping measures throughout the site and along the interfaces with Crawley Road and Maltby Road West, and finally by partial fencing around the north and east perimeters of the bins, which screens them from view from Southgate Drive and the land to the east. The proposed garbage location will accordingly not result in negative visual or other impacts.

Regarding the variances related to driveway/parking aisle width, screening of loading and storage areas, minimum landscaping, maximum front yard and principal entrance requirements, it is our opinion that these variances are appropriate and desirable and are required to address site specific characteristics of the site. In this regard, the driveway/parking aisle width, screening, landscaping, maximum front yard and principal entrance requirements are site plan details that are required to implement the site in an appropriate and desirable manner and required given the size and shape of the subject site.

In our opinion, these variances are minor in nature and impact and given the forthcoming site plan, these variances, when implemented, will result in a proposal that is functional and appropriate for the use of the lands.

CONCLUSIONS

In total, two minor variances are requested for the subject site under the in-force and effect ZBL and seven are requested from the New ZBL not yet in force. These variances are intended to facilitate NewCold's proposed development of the subject site across for Phase 1 that will be subject to the site plan approval process.

Overall, in our opinion, the foregoing minor variances would facilitate the development of the subject site for uses that are permitted, in an area that is both planned and intended for such uses and is therefore, in conformity with the Official Plan.

The minor variances are generally in compliance with the balance of the performance standards within the City's Zoning By-laws and are a result of NewCold's proprietary building and site design requirements which are intended to improve sustainability and efficiency of the proposed uses.

The requested variances are minor in nature and will not result in negative impacts to the site or surrounding community.

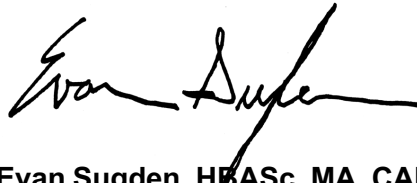
The variances and forthcoming site plan application will facilitate the development of the subject lands for permitted uses and contribute to the broader development of the Southgate Industrial Business Park, create new jobs for the City, and will help accommodate the City's employment growth. In our opinion, the required variances meet the tests prescribed under the Planning Act and should be approved.

Yours truly,

Bousfields Inc.



David Falletta, MCIP, RPP
Partner



Evan Sugden, HBA Sc, MA, CAHP, RPP, MCIP
Senior Planner