

Attachment-13 Staff Review and Planning Analysis

Provincial Policy Statement, 2020

The 2020 Provincial Policy Statement (PPS) came into effect on May 1, 2020. It provides policy direction on matters of provincial interest related to land use planning and development. All planning decisions, including the comments, submissions and advice provided to Council shall be consistent with the PPS. On April 6, 2023, the province released a new draft "Provincial Planning Statement" for consultation. It is intended to replace the existing 2020 PPS as well as the Growth Plan for the Greater Golden Horseshoe but is not in effect at this time.

Part IV of the PPS provides a vision for Ontario's Land Use Planning System, which directs growth and development to settlement areas by promoting "efficient development patterns (that) optimize the use of land, resources and public investment in infrastructure and public service facilities". Facilitating a range and mix of housing options through new development and intensification to respond to current and future needs is encouraged.

Policy Section 1.0 – Building Strong Healthy Communities is relevant to this application. It contains policies that promote efficient land use patterns that create housing opportunities, protect the environment, maintain public health and safety, facilitate economic growth and manage change.

Policy 1.1.1 of the PPS promotes creating and sustaining communities that are healthy, livable and safe. This is achieved through planning efficient development and land use patterns having an appropriate range and mix of residential development types (i.e., multi-unit residential), employment and other land uses to meet long term needs and sustain provincial and municipal financial well-being [1.1.1 a), b)]. Development must avoid land use patterns that may cause environmental or health and safety concerns [1.1.1 c)]. The integration of transit supportive development, intensification and growth management is to be promoted all while ensuring that the necessary supporting infrastructure and public service facilities are available [1.1.1 e), g)].

Policy 1.1.3 requires development in settlement areas to use land and resources wisely, considering opportunities for intensification and redevelopment as well as overall regeneration. Specifically, residential densities and a mix of uses are to make efficient use of land and resources while being appropriate for and having the ability to be accommodated by infrastructure and public service facilities that are planned or available. In addition, land use and development patterns in settlement areas are to support active transportation and be transit supportive [1.1.3.1, 1.1.3.2 a), b), e)]. Appropriate locations are to be identified to accommodate a significant supply and range of housing options through intensification and redevelopment that also considers existing nearby building stock and the availability of infrastructure and public service facilities [1.1.3.3]. Appropriate development standards are to be promoted that facilitate intensification,

redevelopment and a compact built form, while mitigating risks to public health and safety [1.1.3.4]. The proposed redevelopment of the subject lands will make efficient use of land and resources while being a context appropriate and compatible form of intensification and infill.

Section 1.4 focuses on housing. The PPS requires an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents. This includes directing new development to areas where existing infrastructure and public services are readily available. A priority is placed on intensification in built-up areas where the use of active transportation and public transit can be optimized. Cities are encouraged to set development standards for intensification to minimize costs and facilitate a compact built form.

As the City's Official Plan is to be the main instrument for implementation of the PPS in Guelph [4.6], a more detailed review on how the proposed Official Plan Amendment and Zoning By-law Amendment are consistent with the above PPS policies as well as policies in the City's Official Plan will be outlined later in this analysis.

In Planning staff's opinion, the proposal to develop a mixed-use building on the subject lands with 99 residential units and commercial space is consistent with the PPS. The development represents mixed use intensification along an arterial road. It will redevelop lands within the City's settlement area from an underutilized site to a higher density than what currently exists. The development will further contribute to the mix of new housing options available in the City. The development is compatible with the existing surrounding mix of land uses, including medium density residential. The proposed development will also efficiently make use of existing and planned infrastructure, including cycling and public transit.

Provincial Growth Plan for the Greater Golden Horseshoe (A Place to Grow)

The Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan) is a provincial plan that builds on the PPS. The current Growth Plan came into effect on May 16, 2019 and was amended on August 28, 2020 (first amendment). While the PPS as discussed above provides broader policy direction, the Growth Plan provides more focused policy direction for the Greater Golden Horseshoe area. As mentioned previously, the new proposed "Provincial Planning Statement" is intended to replace both the existing PPS and Growth Plan but is not yet in effect.

The Growth Plan supports building compact and complete communities, managing forecasted population and employment growth to the year 2051, protecting the natural environment, and supporting economic prosperity. All decisions affecting planning matters, including new development and redevelopment must conform with the current Growth Plan.

The policies of the Growth Plan focus on several key themes, including building complete communities; directing a significant share of growth to existing built-up

areas of the City to meet population and employment targets and densities; making efficient use of infrastructure including developing transit-supportive densities; and creating a healthy mix of housing options and employment land uses. The vision in the Growth Plan is for urban centres to be characterized by a more compact built form, with an intensification first approach to development.

Section 2.2 of the Growth Plan contains policies to identify where and how population growth to the horizon year of 2051 will be accommodated within the City. These sections contain policies related to intensification, creating complete communities as well as optimizing and making efficient use of infrastructure and public service facilities.

The subject lands are within the City of Guelph settlement area and are designated in the City's Official Plan for urban development. The subject lands are located within the City's "Delineated Built-Up Area" as shown on Schedule 1B: Growth Plan Elements of the Official Plan. As per Policy 2.2.2.5 of the Growth Plan and the City's alternative minimum intensification target approved by the Minister of Municipal Affairs and Housing, a minimum 46 per cent of new residential development in the City must occur each year within the Delineated Built-Up Area.

The Official Plan and Zoning By-law Amendments conform to the policies of these sections by:

- Directing redevelopment and intensification to lands within the existing delineated built-up area of the City that has existing municipal water and wastewater systems;
- Redeveloping and accommodating new residential growth on underutilized parcels of land;
- Promoting redevelopment that supports active and public transportation options, such as being directly located on several transit routes as well as in proximity to existing commercial uses, parks, and public service facilities;
- Adding new housing units to an established neighbourhood that will contribute to enhancing and broadening the range and mix of housing types and options that are available;
- Applying a compact built form that will enhance the public realm along a designated arterial road and intensification corridor (Gordon Street);
- Further contributing to the mix of land uses in the surrounding area and encouraging redevelopment that is near existing services, and public open space; and
- Making efficient use of public service facilities as well as existing and planned infrastructure (e.g., roads, water and sewer, parks, etc.).

Overall, the mixed-use development proposal represents a more compact and efficient built form that will be served by adequate infrastructure and public service facilities. The development will contribute to the overall intensification target within the City's built-up area.

Planning staff are of the opinion that the proposed Official Plan and Zoning By-law Amendments are consistent with and conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe.

Official Plan Conformity

The subject lands are designated as “Neighbourhood Commercial Centre” on the eastern or front portion directly facing Gordon Street and “Medium Density Residential” on the western or rear portion (see Official Plan Land Use Schedule and related policies in Attachment-5).

The “Neighbourhood Commercial Centre” designation permits commercial, retail and service-based uses, small-scale offices, community services and facilities and multiple unit residential within mixed use buildings. The maximum building height in the “Neighbourhood Commercial Centre” designation is six (6) storeys and residential development is permitted to a maximum net density of 100 units per hectare. The “Medium Density Residential” designation permits multiple unit residential buildings such as townhouses and apartments between two (2) and six (6) storeys in height. The net density of developments within the “Medium Density Residential” designation is to be between 35 and 100 units per hectare.

The applicant is proposing to redevelop the 1.0-hectare property (the subject lands) to a four (4) to seven (7) storey, mixed-use building with a total of 99 apartment units and 850 square metres of commercial space on the ground level and the seventh storey. The mixed-use building has two distinct wings – the east wing is seven (7) storeys and is situated parallel to Gordon Street. The west wing is four (4) storeys and is situated parallel to Vaughan Street. The site is currently occupied by one (1) single detached dwellings facing Gordon Street which will be demolished (1389 Gordon Street). A single detached dwelling at 1373 Gordon Street was demolished in June 2022. The residential component of the proposed mixed-use infill development has a net density of 99 units per hectare. The proposal represents a form of ‘redevelopment’ and ‘intensification’ as defined by the Official Plan.

Since the building height exceeds the maximum currently permitted in the Official Plan for the subject lands, the applicant is requesting an Official Plan Amendment to add a site-specific policy to increase the maximum permitted building height from six (6) to seven (7) storeys.

A Zoning By-law Amendment is also being requested. Since the Zoning By-law Amendment application was submitted in December 2021, Council approved a new Comprehensive Zoning By-law in April 2023. The new Comprehensive Zoning By-law (2023)-20790 has been appealed to the Ontario Land Tribunal (OLT) in its entirety and is not in force and effect. Therefore, an amendment is required to both Zoning By-law (1995)-14864 as well as the new Comprehensive Zoning By-law (2023)-20790.

Through the Zoning By-law Amendment application, the subject lands are proposed to be rezoned from the current "Residential Single Detached" (R.1B) zone in the 1995 Zoning By-law and a "Neighbourhood Commercial Centre with a Parking Adjustment Suffix and Holding Symbol" (NCC(PA)(H12)) zone and a "Medium Density Residential 5 with a Parking Adjustment Suffix and Holding Symbol" (RM.5(PA)(H12)) zone in the 2023 Comprehensive Zoning By-law to "Specialized Neighbourhood Commercial" (NC-14) zone in the 1995 Zoning By-law and a specialized "Neighbourhood Commercial Centre with Parking Adjustment Suffix" ((NCC(PA)-18) zone in the 2023 Comprehensive Zoning By-law. The 30-metre surveyed buffer to the Hanlon Creek Swamp Provincially Significant Wetland (PSW) is proposed to be zoned "Conservation Land" (P.1) in the 1995 Zoning By-law and "Natural Heritage System" (NHS) in the 2023 Zoning By-law through refining the zoning boundaries. No development is proposed in the buffer. Several site-specific zoning regulations have been requested by the applicant. The zoning regulations are discussed in more detail later in this analysis.

Official Plan Amendment

In accordance with Policy 1.3.14 of the Official Plan, the following criteria must be considered when considering and evaluating an Official Plan Amendment. Staff have evaluated each of the criteria below and are of the opinion the proposed Official Plan Amendment (OPA 89) meets all the criteria.

- i. The conformity of the proposal to the strategic directions of this Plan and whether the proposal is deemed to be in the overall interests of the City.

OPA 89 conforms with the strategic goals of the Official Plan (Section 2.2), including the following:

- Contributing to an appropriate range and mix of housing and employment opportunities across the City (2.2.1 b), 2.2.5 d));
- Providing for urban growth and land use patterns in manners that ensure efficient public expenditures for the long term (2.2.1 c);
- Protect, maintain, enhance and restore natural heritage features and functions (2.2.2 b));
- Directing development to areas with full municipal services while considering existing land uses, development constraints and the NHS (2.2.4 a));
- Ensuring an accessible, connected open space, park and trail system (2.2.5 a));
- Building a compact, mixed-use and transit-supportive community (2.2.6 b));
- Encouraging intensification and redevelopment of existing urban areas that is compatible with the existing built form (2.2.6 d)); and
- Promoting informed public involvement and engagement in a user-friendly planning and development process (2.2.8 a)).

- ii. Consistency with applicable provincial legislation, plans and policy statements.

Staff have reviewed the development proposal, including OPA 89 against the policies of the 2020 PPS and the Growth Plan and are satisfied that the proposal is consistent with the PPS and conforms to the Growth Plan.

- iii. Suitability of the site or area for the proposed use, particularly in relation to other sites or areas in the City.

OPA 89 is not requesting to permit additional land uses beyond those currently permitted. The site is suitable for the proposed residential and commercial uses. These uses are currently permitted in both the Neighbourhood Commercial and Medium Density Residential land uses in the Official Plan. The subject lands are located directly on an arterial road (Gordon Street) and a designated Intensification Corridor in the Official Plan. The site is also within the Built-up Area of the City where compatible infill and intensification is encouraged.

- iv. Compatibility of the proposed use with adjacent land use designations.

The proposed use is compatible with adjacent land uses. As discussed above, the proposed apartment and commercial uses are permitted within the existing land use designations in the Official Plan. The proposed amendment to the Official Plan proposes to add a site-specific policy related to maximum building height and to refine the boundaries of the NHS. Apartment uses and commercial uses are compatible with other forms of residential development in the surrounding area. A further analysis of compatibility is discussed later in this analysis.

- v. The need for the proposed use, in light of projected population and employment targets.

The proposed development, including the 99 apartment units and 850 square metres of commercial uses will contribute towards meeting the City's population and employment targets to 2031. The City's Official Plan provides policy directions for monitoring growth, including policies directed at collecting data to monitor development activity to ensure growth is consistent with population forecasts, including intensification targets for the built-up area.

The City's latest Growth Management Monitoring Report concluded that with existing growth rates in the long term, the City will be able to meet the 2031 population forecast. The proposed development will contribute to the City's goal of achieving a diverse and balanced mix of housing options. It will further contribute to the City remaining on track to meet several growth targets identified in the Growth Plan and Official Plan. This includes helping to achieve the 2031 population and employment forecasts for the City and achieving a minimum 40% of all new residential development per year in the Built-up Area.

- vi. The market feasibility of the proposed use, where appropriate.
The applicant has determined that the proposed uses are marketable.
- vii. The extent to which the exiting areas of the City designated for the proposed use are developed or are available for development.
The subject lands are currently designated to permit mixed-use buildings, including apartments and commercial uses.
- viii. The impact of the proposed use on sewage, water and solid waste management systems, the transportation system, community facilities and the Natural Heritage System.
Engineering staff have confirmed that full services and capacity is available for the proposed development. Transportation staff have concluded that the surrounding road network can accommodate new traffic volumes expected to be generated by the development. Environmental Planning staff have indicated their support for the Official Plan Amendment and have identified details to be finalized at site plan review. Details to be implemented at the subsequent site plan review stage will ensure the development has no negative impacts on the adjacent NHS.
- ix. The financial implications of the proposed development.
Financial implications of the proposed development are outlined at the beginning of the report in terms of estimated development charges, community benefit charges, and taxes.
- x. Other matters as deemed relevant in accordance with the policies of this plan.
Consideration of other relevant matters are discussed in this planning analysis.

Complete Communities and Intensification (Growth Plan Conformity)

One of the central themes of the Official Plan is planning for a complete and healthy community. This includes ensuring that people's needs for daily living throughout an entire lifetime are met by providing convenient access to a mix of employment opportunities, local services, public transportation and a full range of housing options. It is the goal to achieve a well-designed, compact and vibrant city [3.1.1]. All projected population growth to the year 2031 is to be accommodated within the City's current settlement area boundaries and is to be achieved through promoting a compact built form and intensification [3.3.1, 3.3.2, 3.7.1,].

Growth in the built-up area is to be directed to locations where capacity exists to best accommodate the population and employment growth. Vacant and underutilized lots such as the subject lands are to be revitalized through redevelopment through promoting infill development. To support vibrant communities, a diverse and compatible mix of land uses, including residential and employment will be provided. This will include a range and mix of housing as well as commercial uses. Through intensification of existing Built-up Areas, redevelopment will generally be at higher densities than surrounding areas while

achieving an appropriate transition of built form to adjacent areas. Urban design is to be high quality that creates attractive and vibrant spaces while supporting transit, walking and cycling for everyday activities [3.7.3].

The apartment dwelling units, which are proposed to consist of 1-bedroom, 2-bedroom and 3-bedroom units will contribute to a more balanced and diverse housing mix for a variety of household types and lifestyles. The subject lands are well positioned to redevelopment at a higher density, which will contribute to the creation of a complete community. The development proposal intensifies a site where there is good access to transit, neighbourhood services and amenities.

Natural Heritage

The subject lands are directly adjacent to the Hanlon Creek Swamp Provincially Significant Wetland (PSW), which forms part of the City's Natural Heritage System (NHS). As the subject lands are "Adjacent Lands" to the NHS, an Environmental Impact Study (EIS) is required to assess potential impacts from the proposed development activities. Development and site alteration can be permitted if no negative impacts are demonstrated [4.1.3.1.2].

An EIS by LGL Limited was submitted as part of a complete application submission. A second revised EIS was provided in November 2022 in response to Environmental Planning staff comments, with a further addendum provided in March 2023. Environmental Planning staff have worked with the developer's consulting team to maximize infiltration on the subject lands while minimizing runoff to the existing City stormwater management facility on Vaughan Street. Considering the site design, including the on-site stormwater management system, low-impact development features and incorporation of a 30 metre buffer to the adjacent PSW, impacts from the proposed development will be mitigated.

Official Plan Policy 4.1.1.17 allows once boundaries of NHS features are confirmed in the field and approved by the City to be illustrated on all plans in support of the proposed development. Such boundary interpretations do not require an immediate amendment to the Official Plan and can be refined during the next consolidation exercise. The 30 metre PSW buffer that extends onto the subject lands will be zoned "Conservation Land" (P.1) in the 1995 Zoning By-law and "Natural Heritage Feature" (NHS) in the 2023 Zoning By-law, which is in accordance with the NHS policies in the Official Plan.

Environmental Planning staff are requiring all recommendations from LGL's final EIS to be implemented in the development prior to site plan approval. This includes post-development stormwater patterns closely matching existing pre-development conditions and clarifying water recharge calculations.

Comments from Environmental Planning staff are included in Attachment-15.

Water, Wastewater and Stormwater Services

Policy 6.1.3 of the Official Plan requires all new development to be on full municipal services. Engineering staff have reviewed the development proposal and supporting

studies and have confirmed that the development can be supported by full municipal services and that sufficient capacity is available.

The property owner will be responsible for all costs associated with connecting, decommissioning existing and upgrading municipal services and infrastructure where necessary.

Comments from Engineering staff are included in Attachment-15.

Potentially Contaminated Properties

The Official Plan identifies potentially contaminated sites as properties where the environmental condition may have potential to cause adverse effects on human health, ecological, health or the natural environment. To reduce risks associated with such sites, it is important to identify such properties and ensure they are suitable for the proposed land uses. Redevelopment, restoration and revitalization of land and buildings located on potentially contaminated sites is promoted in the Official Plan [4.4.4].

The applicant submitted a Phase 1 Environmental Site Assessment (ESA) as part of a complete application. The Phase 1 ESA found that any potential contaminating activities historically on the site did not raise any concerns and no further environmental investigations were recommended.

Noise and Vibration

Land use conflicts between sensitive land uses such as residential and sources that create noise such as major roads like Gordon Street are to be minimized [4.4.5]. To understand any conflicts that may arise for the proposed development, a Noise and Vibration Feasibility Study was required as part of a complete application submission.

The Noise and Vibration Feasibility Study concluded that the proposed mixed-use building must be equipped with central air conditioning systems that will allow windows to remain closed. Noise warning clauses will also need to be provided to all residents. Upgraded building construction materials were recommended for the north, east and south façades that are exposed to Gordon Street. Finally, a noise wall surrounding certain outdoor common amenity areas is required. Utilizing these mitigation measures will ensure the development complies with the City's and Ministry of Environment, Conservation and Parks' (MECP) noise policies and guidelines.

Urban Forest and Private Tree By-law

The subject lands are greater than 0.2 hectares in size and as such, are regulated under the City's Private Tree Protection By-law. An Arborist Report/Tree Inventory and Preservation Plan was submitted by the applicant as part of a complete application.

A condition has been included in Attachment-4 that requires the preparation of an updated Tree Inventory and Preservation Plan as well as a Tree Compensation Plan

prior to any grading, tree removal or Site Plan Approval. Comments from Urban Design and the Landscape Planner are included in Attachment-15.

Community Energy Initiative Update (2019) and Climate Change

Section 4.7 of the Official Plan contains policies on Community Energy. Policy 4.7.4.1 of the Official Plan indicates that the City will utilize the development approvals process, such as site plan control, to ensure that new residential development includes sustainable design features.

The Owner/Developer has indicated that they will be including several energy efficiency measures throughout the mixed-use development, consistent with the City's Community Energy Initiative (CEI) 2019 update. These initiatives proposed by the Owner/Developer will contribute to the City meeting its goal to become a net zero community by 2050. The Owner/Developer has provided a letter summarizing how their proposal addresses the CEI update (2019), and it is included in Attachment-14.

Staff are recommending a condition to be implemented at site plan control that the applicant shall provide a commitment to incorporate features into the development that will contribute to meeting the action items from the CEI (see condition in Attachment-4).

Archaeology

There was no requirement for archaeological studies to be undertaken as part of a complete Official Plan Amendment or Zoning By-law application submission. Heritage Planning staff have indicated and informed the applicant that this will be addressed at site plan review.

The developer submitted a Stage 1 Archaeological Background Assessment and a Stage 2 Archaeological Property Assessment with their first formal site plan submission in December 2022. This also included confirmation from the Ministry of Citizenship and Multiculturalism (MCM) that both the Stage 1 and 2 assessments were entered into the Ontario public register.

Transportation

For development proposals that may generate a significant amount of traffic along arterial and collector roads such as Gordon Street, the City requires the submission of Traffic Impact Studies (TIS) [5.8.7].

The applicant submitted a TIS prepared by Paradigm Transportation Consultants Limited based upon an agreed Terms of Reference (ToR) as part of a complete application submission. An addendum letter was submitted with the second submission in June 2022 to address initial staff comments and to also reflect the development design change. Traffic growth in the area was forecast to 2035 and included cumulative impacts from 10 other area developments as evaluated in the approved Gordon Street Environmental Assessment.

The TIS concluded that the proposed mixed-use development will have minimal impact on Gordon Street traffic movements and the proposed development access on Vaughan Street is projected to operate with good levels of service. Engineering and Transportation Services staff have reviewed the TIS and addendum and agree with its findings.

Questions were raised at the Public Meeting regarding the signalization of Gordon Street and Vaughan Street. In response to these questions, Engineering and Transportation staff completed an 8-hour turning movement survey count at this intersection on October 17, 2022. The collected traffic volume data from this survey was applied to provincially accepted warrants to determine if the installation of a new traffic control signal was justified. Based on the low volume of vehicles and pedestrians observed entering Gordon Street at Vaughan Street, and historic data showing a lack of preventable collisions, the installation of a traffic control signal at the intersection of Gordon Street and Vaughan Street is not supported by provincial warrants and therefore is not recommended at this time.

However, based on existing and forecast traffic data, the installation of underground infrastructure is recommended to allow for future signals to be installed if warranted. This signal 'rough-in' work is expected to take place when Gordon Street is reconstructed between Edinburgh Road South and Lowes Road in coming years.

Comments from Engineering and Transportation Services staff is included in Attachment-15.

Parking

Adequate parking facilities are required to be provided to meet parking demands generated by various land uses [5.11.1]. Off-street parking requirements are to be established in the Zoning By-law and associated site plan requirements.

The applicant is proposing to provide a total of 129 off-street parking spaces for the mixed-use development. This exceeds the minimum total off-street parking required in the new 2023 Comprehensive Zoning By-law by seven (7) spaces.

The applicant has requested a site-specific zoning regulation for off-street parking. This is discussed later in this analysis.

Planning staff are of the opinion that an adequate off-street parking supply is being provided to meet the expected demands by the mixed-use development. The parking provided exceeds the minimums in the new Comprehensive Zoning By-law.

Affordable Housing

The City's Affordable Housing Strategy (AHS) sets an annual City-wide target of 30% for housing that is affordable [7.2.1.2]. It is a goal of the AHS to ensure that affordable housing is included in the range and mix of housing provided for all households across the City. The goals and objectives of the AHS have also been incorporated into the Official Plan in Section 7.2. These policies are intended to

encourage and support the development of affordable housing throughout the city by planning for a range of housing types, forms, tenures and densities [9.2.1.1]. They have been applied to staff's review of this proposed mixed-use development.

Implementing the City's affordable housing target is largely dependent upon designating a suitable amount of land and density for all types of residential uses. There is a high correlation between the City's growth management policies and the ability to meet both growth management and affordable housing targets. Apartment units represent most residential units that are at or below the affordable benchmark price, as identified in the AHS.

The applicant submitted an affordable housing report as part of a complete application. The report indicated that all the 99 dwelling units will be primary rental apartments. These units will consist of a range of one-, two- and three-bedroom units.

The diversity in apartment unit sizes and bedroom distribution will offer a range of housing choice to residents with diverse household sizes. The units will also be directly located on several transit routes and within walking distance to commercial uses and services. The applicant has also indicated that the developer has committed to exceeding the minimum 15% accessible unit requirement in the Ontario Building Code.

The contribution to the City's 30% affordable target and benchmark price will be further measured by the City as these new apartment units come to market and are rented. However, it is also noted that specifically how much of any given development may be affordable cannot be fully assessed at the time of zoning approval, understanding that this would only be known when the first rental price is established by the developer. For this reason, the measurement on the actual achievement of affordable housing targets is done based on what has been constructed and then sold or rented city-wide in the previous year.

Urban Design

The Official Plan contains policies regarding urban design that apply to all development. The Zoning By-law is to be used to implement the urban design policies of the Official Plan and include regulations to promote compatibility in built form and for appropriate infill projects [8.23.2].

Several urban design objectives in the Official Plan apply to the proposed development, including:

- To create neighbourhoods with diverse opportunities for living, working, learning and playing [8 a)];
- To build compact neighbourhoods that use land, energy, water and infrastructure in an efficient manner and encourage walking [8 b)];
- To engage in 'place-making' – developing infrastructure, spaces and buildings that are permanent and enduring, memorable, adaptable and flexible, and valued [8 d)];

- To ensure that the design of the built environment promotes excellence in urban design by respecting the character of the existing distinctive areas and neighbourhoods of the City [8 f)]; and
- To allow for a range of architectural styles in urban form and design that bring interest and appropriately respond to local context and achieve compatibility [8 i)].

New development and buildings are to address and contribute to creating and enhancing a pedestrian-oriented streetscape [8.2.11, 8.6.1]. In the context of the proposed mixed-use development, these urban design policies are being met by locating the building adjacent to and addressing both the Gordon Street and Vaughan Street edges, placing several principal building entrances directly facing public rights-of-way and maintaining a continuous building façade pattern [8.6.2, 8.6.3]. Corner buildings are to address both streets through providing two well articulated facades facing the street [8.6.4]. Distinct pedestrian walkways should be placed along a building street frontage and linked to public sidewalks and transit stops [8.13.4].

Where mixed-use development is in proximity to existing residential and institutional uses, building massing and placement is to be incorporated into the design to reduce the visual effects or flat roof lines, blank facades and building height by means such as appropriately stepping the building back, terracing and setbacks [8.7.1 i)]. In addition, where proposed buildings exceed the height of adjacent buildings, new buildings are to address this by being stepped back, terraced or set back to reduce adverse impacts [8.11.2]. The proposed mixed-use building is an L-shaped building with two distinct wings of varying height. The Gordon Street wing is seven (7) storeys with the upper level terraced back. The Vaughan Street is four (4) storeys with the upper level also terraced back. The difference in height between the two wings was done to ensure a compatible transition in built form to the adjacent low rise residential uses on Vaughan Street. The design of the building respects the character of the surrounding neighbourhood.

With the stepped back seventh floor on the Gordon Street façade, the building has a 46-degree angular plane to the centreline of Gordon Street. The Vaughan Street wing has a 25-degree angular plane to that road's centreline. Considering the surrounding land use and built form context, these angular planes provide a compatible and context appropriate transition.

Buildings above six (6) storeys in height are considered "high-rise buildings" as per Section 8.9 of the Official Plan. Considering the proposed built form and context, urban design staff have commented that the building can be considered "mid-rise". Several urban design policies apply to high-rise buildings, including having a distinctive bottom (i.e. podium), middle and top. Parking is encouraged to be provided below grade where possible [8.12.2]. Built-form studies addressing massing, shadows, views and microclimatic impacts may be required to better

understand impacts to surrounding neighbourhoods that could arise from tall buildings.

Building lighting is to be sufficient for building identification and safety while minimizing infringement and creating glare on adjacent properties and sensitive uses, such as the NHS.

The off-street parking area will be buffered by the building itself from Gordon Street and Vaughan Street. Further, the applicant has shown three (3) parking spaces that could be converted to a private interior connection if the adjacent properties to the north on Gordon Street redevelop in the future.

Bicycle parking is to be provided and conveniently located near building entrances. Sheltered bicycle parking should also be included and integrated into a development's built form [8.12.6]. The applicant has indicated they intend to include a bicycle parking room on the first floor of the building with 100 long term residential bicycle parking spaces. An additional 10 bicycle parking spaces will be located outside the building and near entrances.

In April 2018, Council approved Built Form Standards for Mid-rise Buildings and Townhouses as well as Urban Design Concept Plans for the Gordon Street Intensification Corridor. The subject lands are referred to as 'Demonstration Site 5' on the Gordon Street Concept Plans. These documents form part of the City's Urban Design Manual. These built form standards provide direction and criteria for the design of mid-rise buildings and intensification development along this section of Gordon Street. Guidance is provided for building height, massing, landscaping and open space, amenity space, parking and access. The standards ensure that the design of mid-rise developments and intensification proposals are appropriate for the City based on existing context and contemporary urban design practices.

To provide a detailed analysis of how the mixed-use development proposal is consistent with and meets the City's urban design policies, the applicant submitted an Urban Design Brief and subsequent amendments. Planning staff have worked with the applicant since the public and community working group meetings and have arrived at a site concept plan for the proposed development that meets the City's urban design policies and built-form standards. Planning and Urban Design staff have reviewed the proposed development and are supportive of the approach to the overall design of the site as outlined in the most recent and revised Urban Design Brief (November 2022). The site design conforms to the urban design policies in the Official Plan discussed above and is consistent with approved concept plans for the Gordon Street Intensification Corridor.

Following the statutory Public Meeting on March 21, 2022 as well as two community working group meetings in April and May 2022, the applicant made several revisions to their development proposal in June 2022, with additional minor updates in November 2022 and March 2023. Changes made since the initial submission include:

- Reducing the building height along Gordon Street from nine (9) storeys to seven (7) storeys;
- Reshaping the building footprint to an “L” shape, including introducing a four (4) storey, mid-rise building wing along Vaughan Street;
- Maintaining a similar yield of new dwelling units and net residential density (increasing from 98 to 99 units);
- Adding a covered parking component (12 at-grade spaces beneath the 4-storey west Vaughan Street wing)
- Reducing the commercial gross floor area from 1,076 square metres to 871 square metres;
- Reducing the amount of off-street parking spaces from 162 to 139 to 130 to 129;
- Increasing the amount of common amenity area from 627.2 square metres to 1,516 square metres and finally to 1,735 square metres;
- Increasing the left side yard setback from 7 metres to 8.25 metres to and reducing the right side yard setback from 10.15 metres to 9.55 metres;
- Relocating the driveway access to the parking area further west on Vaughan Street to align with the existing driveway to the Maple Lane cluster townhouse development to the south and be further separated from the intersection with Gordon Street; and
- Adding a public trail head for a future trail system in the Natural Heritage Lands to the west.

Final comments from Urban Design and Landscape Planning staff are included in Attachment-15.

Parkland Dedication

Park and Trail development staff recommend payment in lieu of conveyance of parkland for the proposed development. Conveyance of parkland is not recommended due to the size of the subject lands.

Payment in lieu of parkland conveyance will be required for this development in accordance with the Planning Act, Official Plan Policy 7.3.5.6 and the City’s Parkland Dedication By-law (2022)-20717 or any successor thereof. The cash in lieu rate will be the greater of the equivalent of market value of 1 hectare per 1000 dwelling units, or 5% of the total market value of the land.

For the proposed development, the 5% rate is greater. Payment in lieu of parkland dedication will therefore be calculated at 5% of the equivalent market value of the subject lands.

Comments from Park Planning are included in Attachment-15.

Residential Development Policies

Section 9.3 of the Official Plan contains policies that apply to the residential land use designations. The proposed mixed-use development with 99 apartment dwelling units satisfies the residential objectives, including:

- Facilitating the development of a full range of housing types and densities to meet a diversity of lifestyles and the social needs and well-being of current and future residents throughout the City;
- Providing higher densities of residential development in appropriate locations to achieve and ensure more transit supportive densities, compact urban form, walkable communities and greater energy efficiencies;
- Ensuring compatibility between various forms of housing as well as between residential and non-residential uses;
- Maintaining the general character of built form in existing established residential neighbourhoods while accommodating compatible residential infill and intensification;
- Directing new residential development to areas where full municipal services and infrastructure is available and can be provided in an efficient and cost effective manner;
- Ensuring new development is compatible with surrounding land uses and the general character of neighbourhoods; and
- Ensuring new residential development is located and designed to facilitate and encourage convenient access to employment, shopping, institutions and recreation by walking, cycling and transit.

Section 9.3.1.1 of the Official Plan identifies criteria that must be used to assess multi-unit residential development proposals as well as for intensification proposals within existing neighbourhoods. These criteria are to be applied in addition to the applicable urban design policies of the Official Plan discussed previously.

1. That the building form, scale, height, setbacks, massing, appearance and siting is compatible in design, character and orientation with buildings in the immediate vicinity.

The applicant included a Shadow Study in the revised Urban Design Brief and adverse shadow impacts to adjacent properties were not made by the building, consistent with the City's Sun and Shadow Study Terms of Reference.

All off-street parking will be behind both wings of the building and not visible from the public rights-of-way. The buildings will have primary, shared pedestrian entrances to directly Gordon Street as well as private pedestrian entrances to units facing Vaughan Street.

As discussed above, the building meets the urban design policies for high-rise buildings. In addition, the proposed development is located within a designated Intensification Corridor in the Official Plan where infill development of multi-storey buildings and residential is encouraged.

The proposed four (4) to seven (7) storey mixed-use building has a scale, differentiating height, appearance and siting that is compatible in design, character and orientation with buildings in the immediate vicinity of the site.

2. Proposals for residential lot infill will be compatible with the general frontage of lots in the immediate vicinity.

This does not apply as lot infill is not proposed.

3. The proposed development can be serviced with appropriate commercial, recreational and institutional uses to meet the day-to-day needs of residents.

The subject lands can be serviced by nearby retail and commercial uses along Gordon Street. Major retail and commercial uses, including grocery stores and pharmacies are located within 1.5 kilometers to the south. Many Guelph Transit Routes as well as GO bus stops are available directly in front of the subject lands on Gordon Street. Planning staff are of the opinion that the subject site is well serviced by local commercial, schools, parks, recreation facilities and transit.

Commercial, recreational and institutional uses within close proximity include:

- Pine Ridge Park
 - Preservation Park
 - Salvation Army Citadel
 - Arkell Road Bible Chapel
 - Elmridge Plaza
 - Upper Grand District School Board Continuing Education facility
 - Commercial uses and plazas at Gordon Street and Heritage Drive
 - Commercial uses at Gordon Street and Clair Road
4. Vehicular traffic generated from the proposed development will not have an unacceptable impact on the planned function of the adjacent roads and intersections.

Engineering and Transportation Services staff have reviewed the revised development proposal and the Transportation Impact Study (TIS) prepared by Paradigm Transportation Solutions Limited and have no concerns. They have concluded that the adjacent roads and intersections can accommodate the additional traffic that will be generated by the proposed development. Detailed comments from Engineering and Transportation Services staff are provided in Attachment-15.

5. Vehicular access, parking and circulation can be adequately provided and impacts mitigated.

A single vehicular access is proposed from Vaughan Street. The driveway access will be more than 90 metres away from the intersection of Gordon Street and Vaughan Street. Engineering and Transportation Services staff do not support a new or second driveway access to Gordon Street. The two existing driveways for the single detached dwellings to Gordon Street will be removed. A total of 129 off-street parking spaces will be provided on the subject lands which is adequate for the 99 apartment units and 850 square metres of commercial space in the mixed-use development. Preliminary truck turning templates have been submitted as part of a complete application and this will be confirmed prior to site plan approval.

6. That adequate municipal infrastructure, services and amenity areas for residents can be provided.

Engineering and Transportation Services staff have confirmed that there is adequate servicing capacity available to service the proposed mixed-use development.

The residential component of the development will contain common amenity areas both inside and outside of the building. A total of 17 square metres of common amenity area will be provided per dwelling unit which is considered sufficient for the area context. The applicant will also be providing a public trail connection to Preservation Park to the west, which will also serve as amenity area for residents.

7. Surface parking and driveways shall be minimized.

Surface parking is proposed as part of the development and it will be screened from the public rights-of-way by the building itself and landscaping treatments. Some surface parking spaces will be located beneath the second floor of the four (4) storey west wing along Vaughan Street. A covered parking structure is also proposed along the north bank of parking stalls. Further screening and buffering of the parking area to the west and north will be provided by appropriate landscaping. Access to the parking area will be limited to a single driveway off Vaughan Street.

The applicant explored providing underground parking prior to submitting complete development applications and this was found to not be feasible due to observed seasonal high groundwater levels in the geotechnical study. Space is also required on this portion of the subject lands for below grade stormwater management infrastructure.

Provisions for a possible shared internal connection to adjacent properties to the north has been incorporated into the design of the site should they redevelop and intensify in the future.

8. Development shall extend, establish or reinforce a publicly accessible street grid network to ensure appropriate connectivity for pedestrians, cyclist and vehicular traffic, where applicable.

While the proposed development will not be adding or altering any public roadways, the development will help reinforce access to the existing public street grid network in the area. The driveway access was intentionally located in the proposed location on Vaughan Street to align with the existing private site access to the Maple Lane townhouses across the street. The mixed-use development will provide direct access for pedestrians to the sidewalks on both Gordon Street and a new private sidewalk on the north side of Vaughan Street. Bicycle lanes currently exist directly in front of the subject lands on Gordon Street. A multi-use trail is proposed to be constructed on Gordon Street in the coming years as part of the planned improvements between Edinburgh Road and Lowes Road.

9. Impacts on adjacent properties are minimized in relation to grading, drainage, location of service areas and microclimatic conditions, such as wind and shadowing.

The Functional Servicing Report (FSR) proposed by MTE Consultants Inc. has determined that the proposed grading post-development will respect the natural topography of the subject lands and match into existing grades along all property boundaries. On-site controls will be part of the stormwater management system for water quantity, quality and infiltration. During site plan review, further design and details will be provided regarding the site grading, servicing and stormwater management. A Sun and Shadow Study and Wind Study have determined that there will be no unacceptable microclimate impacts anticipated by the four (4) and seven (7) storey components of the development.

10. The development addresses public safety, identified public views and accessibility to open space, parks, trails and the Natural Heritage System, where applicable.

The proposed development will address public safety and accessibility by having

direct pedestrian connections and clearly defined entrances to Gordon Street, a private sidewalk along Vaughan Street and into the parking lot.

The subject lands are located within proximity to parks and trails. There are no identified public views that will be impacted or obstructed by the building.

11. The conservation and integration of cultural heritage resources, including identified key public views can be achieved subject to the provisions of the Cultural Heritage Resources Section of this Plan.

Heritage Planning staff have advised the developer that a Stage 1 Archaeological Assessment is required at minimum prior to site plan approval along with confirmation of submission to the MCM.

The proposed development satisfies the criteria for multiple residential developments in Official Plan Policy 9.3.1.1.

Neighbourhood Commercial Centre

There are several objectives for Neighbourhood Commercial Centres in the Official Plan. This includes establishing local convenience and neighbourhood commercial uses that serve daily shopping needs and are within convenient walking distance of the surrounding neighbourhoods. Development in Neighbourhood Commercial Centres is to be done in a coordinated manner that is compatible with existing and surrounding neighbourhoods. New development is also to be well connected to surrounding neighbourhoods through trails, walkways and transit [9.4.5].

Where new development is proposed in a Neighbourhood Commercial Centre, adjacent lands are to be integrated in terms of internal access roads, entrances from public streets, access to common parking areas, open space, urban squares, grading and stormwater management systems [9.4.5.7].

In the Neighbourhood Commercial Centre designation, the Official Plan requires a minimum commercial floor space index (FSI) of 0.15 [9.4.5.11]. The applicant is

proposing a total 850 square metres of commercial space on the portion designated Neighbourhood Commercial Centre, which equates to an FSI of 0.15.

Commercial, retail and service uses along with small scale offices are permitted in the Neighbourhood Commercial Centre designation. Multiple-unit residential such as apartments are permitted within mixed-use buildings [9.4.5.12]. Ground level residential units are not permitted in the Neighbourhood Commercial Centre designation [9.4.5.14]. Residential units on the ground floor of the building are only on the portion of the subject lands designated Medium Density Residential.

The maximum building height is six (6) storeys and maximum net density for residential development is 100 units per hectare [9.4.5.15, 9.4.5.16]. As discussed previously in this analysis, the applicant has requested a site-specific amendment to the Official Plan to permit a maximum building height of seven (7) storeys.

Considering the amendment, the proposed mixed-use development conforms with the Neighbourhood Commercial Centre policies.

Review of Proposed Zoning

The subject lands are currently zoned "Residential Single Detached" (R.1B) according to the Zoning By-law (1995)-14864, as amended, and are partially zoned "Neighbourhood Commercial Centre" (NCC(PA)(H12)) on the eastern half and "Medium Density Residential 5" (RM.5(PA)(H12)) on the western half with a Parking Adjustment (PA) suffix and Holding Symbol (H12) in the new Comprehensive Zoning By-law (2023)-20790. The new Comprehensive Zoning By-law (2023)-20790 was passed by Council on April 18, 2023 and is not in full force and effect.

The applicant is requesting a "Specialized Neighbourhood Commercial" (NC-14) Zone in the 1995 Zoning By-law and a "Specialized Neighbourhood Commercial Centre" (NCC-18 (PA)) in the 2023 Comprehensive Zoning By-law. As both Zoning By-laws are currently and temporarily in overlapping effect, an amendment to facilitate the proposed development is required to both by-laws.

Holding Provision

The zoning for the subject lands in the new Comprehensive Zoning By-law has a Holding Symbol (H12) related to confirmation of municipal services. Section 17.1.12(d) of the 2023 Zoning By-law indicates that should a municipal services review demonstrate that all necessary municipal services required for the proposed construction of a new building or residential development are adequate and available, the H may be lifted. As previously discussed, Engineering staff have confirmed that full municipal services are adequate and available for the proposed development. Considering this, the holding symbol can be removed through this Zoning By-law Amendment.

Staff have reviewed the proposed zoning and requirements associated with the current development proposal and are satisfied that the NC-14 and NCC-18(PA) Zones are appropriate for the development.

In addition to the regulations set out in Sections 6.2.1.1 and 6.2.2 and Table 6.2.2 for the Neighbourhood Commercial (NC) Zone of Zoning By-law (1995)-14864, as amended, and Sections 7.2, 7.3.3 of Zoning By-law (2023)-20790, the following specialized zoning regulations have been requested by the applicant or are being recommended by staff.

Additional Permitted Use

The applicant is requesting to add a Convenience store as an additional permitted use.

Staff response: A convenience store is currently permitted as of right in the parent NC zone as a "Retail Establishment". Further, a convenience store is permitted as of right in the new Comprehensive By-law. This additional requested use by the applicant is therefore not necessary.

Lot Area

The applicant is requesting to permit a maximum lot area of 10,074 square metres, whereas both Zoning By-laws limit lot area in the NC and NCC Zones to 7,500 square metres.

Staff response: The existing combined lot area of 1373 and 1389 Gordon Street is 10,074 square metres. The lots will be legally merged to permit the development. This lot area is appropriate for and consistent for the needs of a mid to high-rise residential development site.

Side Yard

The applicant is requesting to permit a minimum side yard 7.5 metres for both the right and left side yards, whereas the 1995 Zoning By-laws requires a minimum side yard setback of 3 metres or one-half the building height in the NC Zone, whichever is greater. The building height is 25.4 metres, therefore requiring a minimum 12.7 metre side yard setback. The 2023 Zoning By-law requires a minimum interior side-yard setback of 3 metres in the NCC Zone, with no reference to minimum building height. Where windows of a habitable room face an interior side yard, the minimum interior side yard setback shall be 7.5 metres in the NCC Zone.

Staff response: The applicants current conceptual site plan (Attachment-11) shows right and left interior side yard setbacks of 9.55 metres and 8.25 metres, respectively. While this is greater than the minimum setback requested by the applicant, it remains greater than the minimum side yard setback in the NCC Zone and accounts for the inclusion of habitable windows.

Building Height

The applicant is requesting to increase the maximum building height in the Official Plan as well as Zoning By-law from six (6) to seven (7) storeys for the subject lands.

Staff response: The building massing and design is compatible with the area context and meets the City's urban design policies as discussed previously. The upper storey is stepped back and in addition to an office use, will include mechanical components for the building.

Gross Floor Area

The applicant is requesting to permit a maximum gross floor area (GFA) of 10,880 square metres whereas the 1995 Zoning By-law limits GFA in the NC Zone to 1,875 square metres. The 2023 Zoning By-law does not have a maximum GFA regulation for the NCC Zone.

Staff response: The maximum GFA regulation in the 1995 Zoning By-law was intended for large scale commercial developments. It is common for multi-storey, mixed-use developments to exceed the maximum GFA regulations. The new 2023 Zoning By-law acknowledged this trend by eliminating the maximum GFA requirement for the NCC Zone.

Off-street Parking

The applicant is requesting a site-specific parking ratio for the residential component as well as the commercial component of the mixed-use development with 99 dwelling units and 871 square metres of commercial floor area. The residential rate being requested is 1 parking space per apartment dwelling unit inclusive of visitor parking. The commercial rate being requested is 3.5 parking spaces per 100 square metres of gross floor area. This would equate to 99 residential parking spaces and 30 commercial parking spaces for a total of 129 off-street parking spaces on the subject lands. The 1995 Zoning By-law requires a total of 167 parking spaces for the site and the 2023 Zoning By-law requires a minimum of 127 parking spaces and a maximum of 168.

Staff response: Staff are supportive of this parking reduction. The subject lands are identified as being within a "Parking Adjustment" (PA) area in the new 2023 Zoning By-law. PA areas apply to lands within designated Intensification Corridors and community mixed-use nodes in the Official Plan and have a minimum and maximum rate of required parking. The minimum parking rates are less than outside PA areas as parking because of higher alternative transportation modes available. The maximum parking requirements are intended to control an over supply of parking to balance parking provision with other land use and transportation objectives, as well as to promote the efficient use of land.

The applicant is within the minimum and maximum permitted parking range in the new, 2023 Zoning By-law. While the applicant has indicated visitor parking is inclusive in the residential parking rate, any visitor parking demands can be accommodated in the commercial parking. This recognizes that the peak parking demand of the commercial use would occur at different times than the visitor peak parking periods. A minimum 13 commercial parking spaces are required and the applicant is providing 30 commercial parking spaces. Planning staff are of the opinion that sufficient off-street parking is being provided.

Off-street Loading

The applicant is requesting a regulation to not require any off-street loading, whereas the 1995 Zoning By-law requires a loading space for a commercial mall.

Staff response: The commercial uses proposed are small scale and the office uses are located on the seventh floor. Any loading could reasonably be accommodated in a proposed lay-by in the parking lot adjacent to the main rear entrance.

Angular Plane

The applicant is requesting an increased angular plane of 46-degrees measured from the Gordon Street centreline whereas both Zoning By-laws limit angular planes to 45-degrees.

Staff response: The seventh storey is stepped back from the lower façade and the angular plane applies to a small portion of the upper roof line. The massing and bulk of the building will not appear overpowering to the Gordon Street right-of-way.

Common Amenity Area

The applicant is requesting a reduced rate of common amenity area of 17 square metres per dwelling unit whereas the 2023 Zoning By-law requires a minimum of 20 square metres per dwelling unit in the NCC Zone.

Staff response: Staff have worked closely with the applicant to increase the amount of common amenity area per unit since the initial submission. In the context of the proposed development, 17 square metres per unit represents a balanced rate of both active and passive spaces. The common amenity areas will consist of indoor and outdoor amenity areas. The applicant will also be providing access over the subject lands to a City trail network in Preservation Park.

Buffer Strip

The applicant is requesting the required perimeter buffer strips in the NC Zone in the 1995 By-law and NCC Zone in the 2023 By-law to consist of a chain link fence where it abuts the P.1 Zone (wetland buffer).

Staff response: The definition of buffer strip in the 2023 by-law indicates is a strip of soft landscaping that can include a fence.

The proposed zoning is shown in Attachment-8 and Attachment-9.

Comments and Questions Received on Applications

The following section provides a staff response to concerns and questions raised by Council and the public that have not already been discussed in this analysis.

A question was asked at the Public Meeting by Council regarding the use of permeable pavers in the parking lot. This is a design detail that is typically not supported as the use of road salts and other de-icing materials as part of winter maintenance could impact the City's role in the Grand River Source Protection Plan. However, the City's Risk Management Official (RMO) will review this in further detail at site plan approval. Environmental Planning and Engineering staff have reviewed

the site water balance and stormwater management proposal for the development and are satisfied that pre- to post-construction stormwater rates will be achieved with no negative impact to the adjacent Natural Heritage System. A Salt Management Plan will be required as part of site plan approval.