

# Staff Report



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To	<b>City Council</b>
Service Area	Infrastructure, Development and Enterprise Services
Date	Tuesday, December 12, 2023
Subject	<b>Decision Report 55 Baker Street, 152 and 160 Wyndham Street North Proposed Zoning By-law Amendment File: OZS23-008 Ward 2</b>

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## Recommendation

1. That the application from GSP Group Inc. on behalf of Windmill Development Group Ltd., for a Zoning By-law Amendment to change the current "Specialized Downtown 1" (D.1-29) Zone to a new "Specialized Downtown 1 (D.1-xx)" Zone in the City of Guelph 1995 Comprehensive Zoning By-law (1995)-14864, as amended, and to change the current "Site-specific Downtown 1" (D.1-22) Zone, to a new "Site-specific Downtown 1" (D.1-xx) Zone, in the 2023 Comprehensive Zoning By-law (2023)-20790, as amended to permit the development of two 15-storey mixed-use towers containing 353 residential dwelling units with ground floor commercial, underground parking and a future stacked townhouse block on the lands municipally known as 55 Baker Street, 152 and 160 Wyndham Street North and legally described as Part of Burying Ground, and Part of Lane Through Burying Ground, Registered Plan 8, Closed by MS80255, Designated as Parts 5, 6 and 7 on Plan 61R-21815, Part of Burying Ground, Part of Lots 73 and 74, and Part of Lane at the Rear of Lots 73 and 74 (Known as Park Lane), Closed by CS31228; Registered Plan 8, Designated as Parts 1, 2, 3, & 4, Reference Plan 61R-21815; Subject to Easement over Part 2, 61R-21815 as in Instrument ROS557919 and Subject to Easement over Part 3, 61R-21815 as in Instrument ROS573090, City of Guelph, be approved in accordance with Attachment-3 of Infrastructure, Development and Enterprise Report 2023-456, dated December 12, 2023.
  2. That in accordance with Section 34(17) of the Planning Act, City Council has determined that no further public notice is required related to the proposed Zoning By-law Amendment affecting 55 Baker Street, 152 and 160 Wyndham Street North.
  3. That Council provide authorization for the Mayor and City Clerk to enter into an Agreement with the Owner of 55 Baker Street, 152 and 160 Wyndham Street North regarding payment-in-lieu of parking and addressing transportation demand management measures.
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# Executive Summary

## Purpose of Report

This report provides a staff recommendation to approve a Zoning By-law Amendment application to facilitate the development of two, 15-storey mixed-use towers containing 353 residential dwelling units with ground floor commercial, underground parking and a future stacked townhouse block.

## Key Findings

Planning staff support the proposed Zoning By-law Amendment subject to the recommended zoning regulations in Attachment-3.

## Strategic Plan Alignment

The recommended Zoning By-law Amendment aligns with the priority of 'Sustaining our Future'. The proposed development application is in conformity with the policies of the City's Official Plan, which is the City's key document for guiding future land use and development. The Official Plan's vision is to plan and design an increasingly sustainable city as Guelph grows. A review of how the proposal is in conformity with the City's Official Plan can be found in the Staff Review and Planning Analysis in Attachment-11.

## Financial Implications

Estimated Development Charges: Residential Development Charges \$9,035,420 and Non-Residential Development Charges \$92,477

Estimated Community Benefit Charge: \$397,500

Estimated Annual Property Taxes: \$1,000,000 to \$1,500,000

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# Report

## Background

An application to amend the Zoning By-law was received for the lands municipally known as 55 Baker Street, 152 and 160 Wyndham Street North by GSP Group on behalf Windmill Development Group Ltd. The application was received by the City on August 28, 2023, and deemed to be complete on September 20, 2023. The Statutory Public Meeting for the proposed Zoning By-law Amendment application was held on October 17, 2023.

There have been no revisions to the development proposal since the application was received and deemed complete. To meet legislative requirements, a decision on this application must be made by December 19, 2023.

## Location

The subject lands are located on the south side of Woolwich Street between Baker Street and Wyndham Street North (see Attachment-1 Location Map and Attachment-2 Aerial Photograph). The subject lands are approximately 1.08 hectares in size with frontage along Park Lane North, Baker Street, Wyndham Street North and Chapel Lane. The subject lands are currently vacant, with a portion under construction for the public library proposed as part of the Baker Street Redevelopment project.

Surrounding land uses include:

- To the north: a portion of Chapel Lane, beyond which is Woolwich Street and a mix of 1-2 storey commercial buildings, single detached residential, and apartment buildings;
- To the south: is the future Guelph Central Public Library, and further across Chapel Lane is the Royal City Mission drop-in centre, Knox Presbyterian Church, and several commercial-residential mixed-use buildings;
- To the east: generally 2-3 storey buildings with ground floor commercial and residential or office uses above; and,
- To the west: commercial-residential mixed-use buildings typically ranging in height from 9-12 storeys along Baker Street.

## **Secondary Plan Land Use Designations and Policies**

The subject lands are designated as "Mixed Use 1" in the Downtown Secondary Plan. Permissible uses within this land use designation include retail and service uses, multiple unit residential buildings (such as apartments and townhouse dwellings) and institutional uses. The "Mixed Use 1" land use designation requires a minimum floor space index (FSI) of 1.5 and encourages or requires the creation of active frontages by locating retail, service, and entertainment uses on the ground floor of buildings. Within this designation, the Zoning By-law establishes maximum and minimum setbacks from the street to help frame and animate adjacent streets. Further, to ensure a human-scale pedestrian realm, buildings taller than 4 storeys generally require a 3-6 metre setback from the front of the building fronting a public street. According to Schedule 'D' of the Downtown Secondary Plan, the subject lands have a split height designation that requires portions of the site to be developed as 3 to 15 storeys.

The relevant policies for the applicable land use designation are included in Attachment-4.

## **Existing Zoning**

The subject property is currently zoned "Specialized Downtown 1" (D.1-29), according to Zoning By-law (1995)-14864, as amended, and "Site-specific Downtown 1" (D.1-22) according to Zoning By-Law (2023)-20790, as amended.

The existing zoning is shown in Attachment-5 and Attachment-6.

## **Proposed Zoning By-law Amendment**

The purpose of the Zoning By-law Amendment application is to establish site-specific zoning regulations in Zoning By-law (1995)-14864, as amended, through a "Specialized Downtown 1" (D.1-xx) Zone that proposes the following:

- To permit a building height of 15 storeys, whereas Section 6.3.2.3.1.1 of the Zoning By-law Defined Area Map 67 permits a building height of 3-6 storeys on a portion of the property.
- To permit a building height of 3-4 storeys on a small portion of the property,
- whereas Section 6.3.2.3.1.1 of the Zoning By-law Defined Area Map 67 permits a building height of 5-15 storeys.
- To permit a maximum exterior side yard of 17.5 metres in an Active Frontage Area, whereas Section 6.3.2.4.1.2 of the Zoning By-law requires the maximum exterior side yard to be 0 metres.

- To permit a floorplate ratio of 1:8:1 for the North Tower and 2:3:1 for the South Tower, whereas Section 6.3.2.1.2 of the Zoning By-law requires that the maximum floorplate of each storey of the building above the 8th storey not exceed a length to width ratio of 1.5:1.
- To permit a for a minimum stepback of 6 metres for all portions of the building above the 2nd storey when measured from the building face of the 1st storey facing a street, whereas Section 6.3.3.1.23.2.1 of the Zoning By-law requires a minimum stepback of 6 metres for all portions of the building above the 4<sup>th</sup> storey when measured from the building face of the 3rd storey facing a street.
- To permit a tower separation of 23 metres between any portion of a tower above the 12th storey of a building and any portion of another tower above the 12th storey, whereas Section 6.3.2.2.2 of the Zoning By-law requires that any portion of a tower above the 12th storey of a building shall be separated by a minimum of 25 metres from any portion of another tower above the 12th storey of any building, measured perpendicularly from the exterior wall at the 13<sup>th</sup> storey.
- To permit off-street parking to not be located on the same lot as the use requiring the parking whereas Section 4.13.1 of the Zoning By-law requires that every off-street parking area be located on the same lot as the use requiring the parking.
- To permit a parking ratio of 0.75 parking spaces per dwelling unit, whereas Row 1 and Row 2 of Table 6.3.2.5.1 require a minimum of 1 parking space per dwelling unit.
- To permit a parking ratio of 0.5 parking spaces per dwelling unit for units that meet CMHC's definition of affordable housing, whereas Section 6.3.3.2.5.1 and Table 6.3.2.5.1 require 1 parking space per dwelling unit.
- To allow for an above-ground transformer to be within a sight line triangle, whereas Section 4.6.1 of the Zoning By-law requires that no building, structure, play equipment, statue or parked motor vehicle be located within the sight line triangle measured 9 metres from the point of intersection on a corner lot.

The applicant has also requested site-specific zoning regulations for the Comprehensive Zoning By-law (2023)-20790, as amended, through a "Site-specific Downtown 1" (D.1-xx) Zone that proposes the following:

- To permit stacked townhouses as a permitted use, whereas Table 9.1 and Section 18.14.24 (a) do not permit a stacked townhouse use.
- To permit a building height of 15 storeys, whereas Table 9.4 requires compliance with Schedule B-4 which shows a building height of 3-6 storeys on part of the site, and 5-15 storeys on another part.
- To permit a building height of 3-4 storeys, whereas Schedule B-4 of the Zoning By-law shows a building height of 5-15 storeys.
- To permit a minimum building height of 3 storeys over the 'Future Development' area of the site, whereas Section 9.3c(i) and Schedule B-4 require a minimum building height of 5 storeys.
- To permit the placement of a building with a maximum height of 15 storeys in an area where Section 9.3c(i) and Schedule B permits a park or open space.

- To permit a maximum exterior side yard of 17.5 metres in an Active Frontage Area, whereas Section 9.3(d)(i) of the Zoning By-law requires the exterior side yard setback to be 0.5 metres to 2 metres.
- To permit for a floorplate ratio of 1:8:1 for the North Tower and 2:3:1 for the South Tower, whereas Section 9.3(a)(ii) of the Zoning By-law requires that the maximum floorplate of each storey of a building above the 8th storey shall not exceed 1,000 square metres and shall not exceed a length to width ratio of 1:5:1.
- To permit a minimum stepback of 6 metres for all required portions of the building above the 2nd storey measured from the building face of the 1st storey facing the street, whereas Section 18.14.24(b)(i) requires a stepback of 6 metres for all required portions of the building above the 4th storey measured from the building face of the 3rd storey facing a street.
- To permit a minimum tower separation of 23 metres between any portion of the tower above the 12th storey of the building and any portion of another tower above the 12th storey of the building, whereas Section 9.3(b)(i) requires any portion of a tower above the 12th storey of a building to be separated by a minimum of 25 metres from any portion of another tower above the 12th storey of any building, measured perpendicularly from the exterior wall at the 13<sup>th</sup> storey.
- To permit off-street parking to not be located on the same lot as the use requiring the parking whereas Section 5.1(a) requires that every off-street parking area be located on the same lot as the use requiring the parking;
- To permit a minimum depth of 0.2 metres between the grade and the structure for an underground parking structure located in accordance with 5.2.4(a) and located below a required landscape open space area or buffer strip, whereas Section 5.2.4(b) of the Zoning By-law requires a minimum depth of 1.2 metres between the grade and the structure for an underground parking structure located in accordance with 5.2.4 (a) and located below a required landscape open space area or buffer strip.
- To permit a parking ratio of 0.75 parking spaces per dwelling unit, whereas Row 1 and Row 2 of Table 5.4 require a minimum of 1 parking space per dwelling unit.
- To permit a parking ratio of 0.5 parking spaces per dwelling unit for units that meet CMHC's definition of affordable housing, whereas Table 5.4 Rows 1 and 2 of the Zoning By-law require a ratio of 1 parking space per dwelling unit including live-work units.
- To permit an accessible parking rate of 2 accessible parking spaces plus an additional 0.74% with all Type B accessible parking spaces, whereas Table 5.5, Row 4 requires a rate of 2 accessible parking spaces plus an additional rate of 2% with an equal amount of Type A and Type B accessible parking spaces.
- To permit a minimum width of a parking aisle providing two-way access to be 6.0 metres, whereas Section 5.3.1(e) requires the minimum width of a parking aisle providing two way access to be 6.5 metres.
- To permit a minimum width of an accessible parking aisle to be 1.9 metres, whereas Table 5.6, additional regulation 2. i. requires the minimum width of an accessible parking aisle providing to be 1.9 metres.

- To permit compact parking spaces of 2.75 metres by 4.8 metres, whereas the Zoning By-law permits parking spaces for compact vehicles to have a minimum size of 2.4 metres by 5.5 metres.
- To permit an above-ground transformer to be within a sight line triangle, whereas Section 4.6.1 of the Zoning By-law requires that no building, structure, play equipment, statue, swimming pool, hot tub or parked motor vehicle be located within the sight line triangle measured 9 metres from the point of intersection on a Corner Lot.

The recommended zoning and specialized regulations to both Zoning By-laws are included in Attachment-3.

A review of the recommended zoning and specialized regulations to both Zoning By-laws is included in the Staff Review and Planning Analysis in Attachment-11.

### **Proposed Development**

The applicant is proposing two, 15-storey mixed-use towers with ground floor commercial space with underground parking and a future development area featuring stacked townhouses. A total of 353 residential units are proposed across the two towers, and 529 square metres of commercial space on the ground level of the towers.

Within the North Tower, 179 residential units are proposed, consisting of 110 one-bedroom units, 68 two-bedroom units, and 1 three-bedroom unit. Within the South Tower, 174 residential units are proposed, consisting of 129 one-bedroom and 45 two-bedroom units are proposed. A total of 267 parking spaces for residents of the towers are provided underground.

The conceptual site plan is included in Attachment-9 and the proposed building renderings and elevations are included in Attachment-10.

### **Financial Implications**

Estimated Development Charges: Residential Development Charges \$9,035,420 and Non-Residential Development Charges \$92,477

Estimated Community Benefit Charge: \$397,500

Estimated Annual Property Taxes: \$1,000,000 to \$1,500,000

These figures are approximations only, based on the Development Charge and Community Benefit Charge rates currently in effect. Actual numbers may vary depending on the final number of bedrooms per unit as well as the assessed property value.

### **Staff Review and Planning Analysis**

The staff review and planning analysis for this application is provided in Attachment-11. The analysis addresses relevant planning considerations, including land use planning issues raised by Council at the statutory public meeting. Final comments on the proposal from agencies and internal City departments are included in Attachment-13. The staff review and planning analysis addresses the following:

- Evaluation of the proposal against the 2020 Provincial Policy Statement and A Place to Grow: Growth Plan for the Greater Golden Horseshoe;

- Evaluation of the proposal's conformity with the Official Plan and Downtown Secondary Plan;
- Evaluation of the proposal's conformity with Zoning By-law (1995)-14864 and Zoning By-law (2023)-20790, including the review of the proposed zoning amendments and the review of requested specialized zoning regulations;
- Review of urban design and the overall site layout;
- Review of the proposed reduction of off-street parking;
- Consideration of the applicable sections of the Community Energy Initiative (CEI) update;
- Review of supporting documents submitted in support of the application; and,
- Review of land use planning comments and issues raised at the public meeting and all comments received from circulated agencies and members of the public.

### **Staff Recommendation**

Planning staff are satisfied that the proposed Zoning By-law Amendment is consistent with the 2020 Provincial Policy Statement and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe. The proposed Zoning By-law Amendment conforms to the objectives and policies of the Secondary Plan and the specialized zoning regulations proposed are appropriate for the site. Planning staff recommend that Council approve the Zoning By-law Amendment subject to the specialized zoning regulations as outlined in Attachment-3.

There have been no revisions to the development proposal since the application was received and deemed complete, however, staff have identified additional specialized regulations to both Zoning By-laws that are required to facilitate the proposed development. These additional specialized regulations do not change the proposal and therefore staff recommend that no further public notice is required in accordance with Section 34(17) of the Planning Act.

### **Consultations**

A combined Notice of Complete Application and Public Meeting was mailed on September 21, 2023 to local boards and agencies, City service areas and property owners within 120 metres of the subject lands. The combined notice was also advertised online in Guelph Today and the City's website on September 21, 2023. Notice of the application has also been provided by signage on the subject lands and all supporting documents submitted with the application have been posted on the City's website.

The Notice of Decision Meeting was emailed on November 27, 2023 to interested parties who provided comments on the application or requested to receive further notice. The public notification summary is included in Attachment-15.

### **Attachments**

Attachment-1 Location Map and 120 metre Circulation

Attachment-2 Aerial Photograph

Attachment-3 Recommended Zoning, Regulations and Conditions

Attachment-4 Downtown Secondary Plan Land Use Designations and Policies

Attachment-5 Existing Zoning, Zoning By-law (1995)-14864

Attachment-6 Existing Zoning, Zoning By-law (2023)-20790

Attachment-7 Proposed Zoning, Zoning By-law (1995)-14864  
Attachment-8 Proposed Zoning, Zoning By-law (2023)-20790  
Attachment-9 Proposed Conceptual Site Plan  
Attachment-10 Proposed Building Renderings and Elevations  
Attachment-11 Staff Review and Planning Analysis  
Attachment-12 Community Energy Initiative Commitment  
Attachment-13 Departmental and Agency Comments  
Attachment-14 Peer Review Memo for Proposed Parking Reduction  
Attachment-15 Public Notification Summary

**Departmental Approval**

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