

## **Attachment-10 Staff Review and Planning Analysis**

### **Provincial Policy Statement, 2020**

The Provincial Policy Statement, 2020 (PPS) came into effect on May 1, 2020, and provides policy direction on matters of provincial interest related to land use planning and development. All planning decisions shall be consistent with the PPS.

Section 1.0 of the PPS - Building Strong Healthy Communities, contains policies that speak to the “efficient land use and development patterns (that) support sustainability by promoting strong, liveable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth.”

Policy 1.1.1 of the PPS speaks to creating and sustaining healthy, livable and safe communities by promoting efficient development and land use patterns [1.1.1 a)], accommodating a range and mix of residential types [1.1.1 b)], promoting transit-supportive development [1.1.1 e)] and ensuring necessary infrastructure and public service facilities are available [1.1.1 g)].

Policy 1.1.3 of the PPS requires settlement areas be the focus of growth and development [1.1.3.1] and that “land and resources (be used) wisely, to promote efficient development patterns, protect resources, promote green spaces, ensure effective use of infrastructure and public service facilities and minimize unnecessary public expenditures.” It requires that land use patterns within settlement areas use land and resources efficiently, are appropriate for and efficiently use, the infrastructure and public service facilities which are planned or available, and support active transportation and are transit-supportive [1.1.3.2 a), b), e), f)]. Appropriate locations are to be identified to accommodate a significant supply and range of housing options through intensification and redevelopment that also takes into account existing building stock or areas, and the availability of suitable existing or planned infrastructure and public service facilities [1.1.3.3].

In Planning staff’s opinion, the proposed Zoning By-law amendment to rezone the subject lands to permit semi-detached dwellings is consistent with the policies of the Provincial Policy Statement, 2020. The proposed semi-detached dwelling units will be on full municipal services and will utilize existing and available infrastructure and public service facilities. The proposed development will allow for intensification within the built-up area of the city by the creation of three net new dwelling units, as well as four basement Additional Residential Dwelling Units and four detached Additional Residential Dwelling Units in a built form that is similar and compatible with adjacent land use patterns.

### **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 PPS provides a broad policy direction,

whereas the Growth Plan provides more focused policy direction for the Greater Golden Horseshoe area. The current Growth Plan came into effect on May 16, 2019 and was amended on August 28, 2020.

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, must conform with the Growth Plan.

The Growth Plan focuses on several key themes, including building complete communities; directing a significant proportion of growth to existing built-up areas of the City to meet population and employment targets and densities; making efficient use of infrastructure; and creating a healthy mix of housing options and employment land uses.

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 located within the City's delineated "Built-Up Area" as shown on Schedule 1a of the City's Official Plan and are designated for development. 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 proposed Zoning By-law Amendment conforms to the policies of these sections by:

- Directing redevelopment and intensification of lands within the existing delineated built-up area of the City that have existing municipal water and wastewater systems;
- Redeveloping and accommodating new residential growth on an underutilized parcel of land;
- Promoting redevelopment that supports active and public transportation options, such as being located in close proximity to transit routes as well as in proximity to existing commercial uses, and public service facilities; and
- Adding new housing units to an established neighbourhood that will contribute to enhancing and broadening the range and mix of housing types and options available.

Overall, the proposed development represents an 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 Zoning By-law Amendment is consistent with and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe.

### **Official Plan Conformity**

The subject lands are designated "Low Density Residential" in the City's Official Plan (see Official Plan Land Use Schedule in Attachment-4). This designation applies to residential areas within the city which are currently, or planned to be, predominantly low-density in character. Detached, semi-detached, duplex dwellings and multiple residential buildings are permitted in the "Low Density Residential" designation. The proposed Zoning By-law amendment is required to permit semi-detached dwellings which is a permitted use in the "Low Density Residential" land use designation.

Furthermore, the subject site is located within delineated "Built-Up Area" as shown on Schedule 1a of the City's Official Plan. The proposed amendment seeks to redevelop an underutilized lot with additional density and achieves the objectives set out in Section 3.4 of this Plan.

### **Floodplains**

The subject lands are designated Special Policy Area (SPA) floodplain within the City's Official Plan (Schedule 3: Development Constraints). The subject site must comply with the floodproofing requirements set out in Sections 4.4.1.24, 4.4.1.33 and 4.4.1.34 of the City's Official Plan. Prior to any future development, site alteration or the issuance of a Building Permit, a permit from the Grand River Conservation Authority (GRCA) is required. Comments from the GRCA are included in Attachment-12.

### **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.

The applicant submitted a Phase 1 and a Phase 2 Environmental Site Assessment (ESA) as part of a complete application. Based on the findings of the Phase 1 & Phase 2 ESA, there is impacted fill soil on the property at concentrations in excess of the applicable Table 6 SCS. The impacted soil will have to be addressed before approval for the redevelopment will be provided by the City of Guelph.

In order to address the findings of the Phase 1 and Phase 2 ESA, the applicant also submitted a Human Health Risk Assessment (HHRA) as part of the complete application. The HHRA is completed as a non-regulatory (i.e. due diligence) submission as the site use will remain the same (residential). The HHRA provided recommendations to mitigate the risks; including, excavate lead contaminated soil

around borehole 6 (BH-6); a fill (soft) cap or hard cap (buildings, driveways, concrete patios) is needed, and a competent person shall prepare a health and safety plan for construction workers.

Engineering staff are recommending a holding symbol (H) be included in the zoning provisions with conditions to address the impacted soils. Detailed comments from Engineering Staff are included in Attachment-12.

### **Community Energy**

Section 4.7 of the Official Plan, in conjunction with the City's Community Energy Initiative (CEI) contains policies on Community Energy. As part of a complete application a CEI letter was included within the Addendum to Planning Justification Report (PJR) – included in Attachment-11. The CEI letter outlines the energy and conservation measures that will be included within the proposed development to achieve the objectives of this plan and the City's CEI. These initiatives proposed by the Owner/Developer will contribute to the City meeting its goal to become a net zero community by 2050.

Staff are recommending a condition to be implemented as part of a consent application 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-3).

### **Municipal Services and Infrastructure**

Section 6.1.3 of the Official Plan requires all new development to be on full municipal services, including sanitary sewers, water supply, stormwater management and transportation networks. Engineering staff reviewed the development proposal and supporting materials and are recommending a holding symbol (H) be included in the zoning provisions with conditions to address stormwater management. There are existing municipal services on Bristol Street and servicing will be reviewed in greater detail as part of the consent/building permit stage. Staff are recommending conditions be implemented as part of a consent application (see conditions in Attachment-3). Comments from Engineering are included in Attachment-12.

### **Affordable Housing**

The City's Affordable Housing Strategy (AHS) sets an annual City-wide 30% target for housing that is affordable with the goal of ensuring 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 are incorporated within Section 7.2 of the Official Plan. 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.

Implementing the City's affordable housing target is largely dependent upon designating a suitable amount of land and density for residential use. There is a high correlation between the City's growth management policies and the ability to meet both growth management and affordable housing targets.

The proposed development would provide additional housing options with the addition of three net new residential dwelling units as well as potentially four basement Additional Residential Dwelling Units and four detached Additional Residential Dwelling Units on an underutilized lot in the delineated “built-up area” of the city.

The City’s annual Affordable Housing Reports prepared over the past few years have indicated that the City has been meeting affordable housing targets.

### **Parkland Dedication**

Park & Trail Development staff requires payment in lieu of conveyance of parkland for the proposed development in accordance with City of Guelph Official Plan Policy 7.3.5.6 and the City of Guelph Parkland Dedication By-law (2022) or any successor thereof. For this development the developer may elect to have the Market Value of the Land calculated using Schedule A of the Parkland Dedication By-law or may elect to submit a narrative appraisal report to determine the payment in lieu amount owed. Staff are recommending conditions be implemented as part of a consent application (see conditions in Attachment-3). Comments from Parks Planning are included in Attachment-12.

### **Low Rise Residential Built Form**

Specific built form policies are contained in section 8.5 for low rise residential forms. The Zoning By-law implements the urban design policies contained within the Official Plan and include regulations to promote compatibility in built form and for appropriate infill projects [8.23.2]. The proposed development complies with the urban design regulations within the 2023 Comprehensive Zoning By-law including maximum width of a driveway, an attached garage and front yard setback.

Staff are recommending the rear yard setback (Emslie Street) for detached Additional Residential Dwelling Units be consistent with the existing setback for homes facing Emslie Street. The proposed detached Additional Residential Dwelling Units will be setback approximately 4.3 metres from the street line in accordance with the recommended specialized zoning regulations. Further a 0.3 metre reserve will be dedicated to the City as a condition of the future severances. This will ensure this lot line is the rear lot line and no access to Emslie Street is permitted. Since the 2023 Comprehensive Zoning By-law permits driveways for semi-detached dwellings to be 5 metres; and landscaped space between the driveways to be 0.5 metres, staff are satisfied that the applicable regulation in the 1995 Zoning By-law should be consistent.

The proposed Zoning By-law amendment will permit the redevelopment of the subject lands to permit semi-detached dwellings, which is a permitted use within the “Low Density Residential” designation. The proposed zoning by-law amendment application conforms with the Official Plan.

## **Archaeological Assessment**

The applicant submitted a Stage 3 Archaeological Assessment and associated letters of Review and Entry into the Ontario Public Register of Archaeological Assessment, as part of a complete Zoning By-law Amendment application.

Stage 1-2 archaeological assessment of the Study Area was conducted by Detritus in the fall of 2020 (PIF# P462-0039-2020). Given the presence of at least 20 artifacts within the Stage 2 artifact assemblage that date the period of use at the site to before 1900, the site was recommended for a Stage 3 Site Specific Assessment. The Stage 3 assessment was conducted on November 6 to November 10, 2020 and resulted in the documentation of 2,430 Euro-Canadian artifacts from the hand excavation of eight Stage 3 test units. The site did not fulfill any of the criteria for further Stage 4 investigations as they are outlined in Section 3.4, Standard 1 and Section 3.4.2 of the Standards and Guidelines (Government of Ontario 2011). The letter confirmation from the Ministry of Heritage, Sport, Tourism and Cultural Industries was submitted that the Stage 1-2 and Stage 3 assessments were entered into the Ontario public register.

## **Review of Proposed Zoning**

### **Zoning By-Law (1995)-14864**

The purpose of the proposed Zoning By-law Amendment is to change the zoning of the subject lands from the current specialized "Residential Single Detached" (R.1B) Zone under Zoning By-law (1995)-14864, as amended, to a Specialized "Residential Semi-Detached/Duplex" (R.2-34) Zone, to permit the development of a semi-detached dwelling.

Staff reviewed the proposed zoning and the requirements associated with the current development proposal and are satisfied that the R.2 zone under Zoning By-law (1995)-14864 is appropriate for the development.

In addition to the regulations set out in Sections 4, 5.2, 12.3, 12.4 and Table 5.2.2 for the Duplex Dwelling and Semi-Detached Dwelling Zone, of Zoning By-law (1995)-14864, as amended, the following specialized zoning regulations have been requested by the applicant or are being recommended by staff.

### **Maximum Driveway Width**

Section 4.13.7.2.3 of the Zoning By-law (1995)-14864, requires a maximum driveway width of 3.5 metres. A specialized regulation to permit a maximum driveway width of 5 metres for each unit is being requested to be consistent with the maximum driveway width permitted in the 2023 Comprehensive Zoning By-law.

The proposed driveway width would permit two cars to park side-by-side. A third parking space would be provided in the garage of each dwelling. The intention is that the 3 parking spaces would provide parking for the dwelling unit and each additional residential dwelling unit (basement and detached) per lot. This is consistent with the maximum driveway width requirement in the (2023)-20790 Zoning By-law. Staff are supportive of this specialized regulation.

### **Minimum Landscaped Open Space**

Table 5.2.2, Row 15, of the Zoning By-law (1995)-14864, requires in part, that the front yard of any lot shall be landscaped and the minimum distance between the driveway and the nearest lot line shall be 0.6 metres. Staff are recommending a specialized regulation to permit a minimum distance of 0.5 metres between the driveway and the nearest lot line to be consistent with the regulation permitted in the 2023 Comprehensive Zoning By-law.

The applicant has provided the minimum distance required in the 2023 Zoning By-law. Given the driveway for each half of the semi-detached dwelling will be setback 0.5 metres, the total separation between the driveways will be 1.0 metres. This is consistent with the maximum driveway width requirement in the (2023)-20790 Zoning By-law. Staff are supportive of this specialized regulation.

### **Additional Residential Dwelling Unit Rear Yard Setback**

Section 4.15.1.7.8 of the Zoning By-law (1995)-14864, requires the minimum side and rear yard of an Additional Residential Dwelling Unit in a separate building on a lot to be consistent with the side yard setback for the primary Dwelling in the applicable zone. Staff are recommending a specialized regulation to require the minimum setback from the Emslie Street (rear) lot line be 4.0 metres (equal to 4.3 metres once the 0.3 reserve is dedicated to the City). This specialized regulation is being recommended to ensure the proposed detached Additional Residential Dwelling Units are consistent with the setback of the existing neighbouring dwelling facing Emslie Street. This regulation will also ensure that legal access to Emslie Street is controlled by way of the 0.3 metre (1 foot reserve) and future permission to create access from Emslie Street would require approval from the City as well as lifting a portion of the reserve. Further, setting the Additional Residential Dwelling Units back also allows the preservation of the historical quarry wall.

### **Comprehensive Zoning By-Law (2023)-20790**

The Comprehensive Zoning By-law (2023)-20790 was approved by Council on April 18, 2023 to replace Zoning By-law (1995)-14864, as amended, however is under appeal to the Ontario Land Tribunal (OLT) in its entirety and is not currently in force and effect.

The subject lands are zoned "Low Density Residential 1" (RL.1) under the Comprehensive Zoning By-law (2023)-20790. The RL.1 zone permits a range of residential uses, including single detached dwellings and semi-detached dwellings. Based on Staff's review the proposed development conforms to the (2023)-20790 Zoning By-law.

However, staff are recommending a specialized regulation to ensure the Additional Residential Dwelling Units are setback from Emslie Street to be consistent with the adjacent development on neighbouring properties.

### **Additional Residential Dwelling Unit Rear Yard Setback**

Section 4.12.1 d) (vii) of the Comprehensive Zoning By-law (2023)-20790, requires the minimum side and rear yard of an Additional Residential Dwelling Unit in a

separate building on a lot to be consistent with the side yard setback for the primary Dwelling in the applicable zone. Staff are recommending a specialized regulation to require the minimum setback from the Emslie Street (rear) lot line be 4.0 metres (equal to 4.3 metres once the 0.3 reserve is dedicated to the City). This specialized regulation is being recommended to ensure the proposed detached Additional Residential Dwelling Units are consistent with the setback of the existing neighbouring dwelling facing Emslie Street. This regulation will also ensure that legal access to Emslie Street is controlled by way of the 0.3 metre (1 foot reserve) and future permission to create access from Emslie Street would require approval from the City as well as lifting a portion of the reserve. Further, setting the Additional Residential Dwelling Units back also allows the preservation of the historical quarry wall.

### **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.

Written comments were received from several members of the public and neighbours to the subject site. Staff have summarised the comments received and consolidated responses below.

### **Tree Removal and Replacement**

Trees were removed from the subject site prior to earlier development applications. The tree removals were exempt from the City's Private Tree By-law as the site is under 0.2 hectares in size. Staff will encourage the applicant to plant appropriate species street trees and other landscaping along the frontage of Bristol Street, within the private lands to align with the City's One Canopy Strategy that supports our Strategic Plan and Official Plan through actions aiming to increase tree planting efforts across the community, and in accordance with the Tree Technical Manual.

Two (2) City street trees exist on the boulevard and the applicant will be required to submit a Tree Inventory and Protection Plan (TIPP) to the City's Forestry staff as a condition of the future consent applications and prior to any work that could potentially damage the City trees.

### **Rear Yard Additional Residential Dwelling Units**

The propose Additional Residential Dwelling Units in the rear yards are subject the regulations contained in Zoning By-law (1995)-14864 and Comprehensive Zoning By-law (2023)-20790. The Zoning By-laws required that the units shall not exceed 45% of the Total Net Floor Area of the primary building and are limited in height to 5 metres and shall not exceed the overall height of the primary building. As discussed above, staff are recommending a specialized regulation to ensure the setback from Emslie Street is consistent with adjacent residential development that exists on that street.