

Comments on Decision Report to Council: 716 Gordon

- by Bill Mungall

These remarks are set forth in opposition to the approval recommendation in the Decision Report to Council.

NOISE:

- a) The report is deficient in that it does not inform Council that 3 large outdoor terraces have been added to the proposal in the current application, i.e. in the wake of the landmark 2013 OMB approval.
- b) The 2010 letter from the developer's planner, GSP, states that balconies would be inappropriate in this location due to noise affecting adjacent residences. (this letter was previously submitted to Council during the statutory public meeting of July 12). Terraces, as stated by GSP in the current application, will feature a bar, lounge and dining areas, BBQ's, and courts for lawn games; these features should be even less appropriate. With 1,149 students in a single complex, with licensed outdoor bars in the evening/night, and presumably with music, it is axiomatic that noise will be a significant issue impacting residents in the Mayfield neighbourhood. And probably further afield. The Decision Report to Council takes no account of this issue, even though it was repeatedly and emphatically stated by delegates to Council at the statutory planning meeting.

The terraces as proposed set up the scenario whereby the 716 Gordon complex will earn the nickname "**Chancellors Way EAST**", given behaviors by large numbers of students repeatedly seen over the years at the Chancellors Way complex.

- c) The City's approval of a complex featuring 3 outdoor terraces will be certainly relied on by this developer as a useful precedent for their nearby Days Inn student residence proposal at 785 Gordon, where **21** terraces and **60** balconies are proposed. The City must turn back the precedent of terraces in student residences adjacent to residential neighbourhoods.
- d) Noise complaints after hours are handled by the police. It is most concerning and curious that the Guelph Police Service did not file a comment on this proposal when solicited by the Planning Department, according to the staff and agency comments appendix.

It is also concerning that Bylaw was not asked for comment when noise will obviously be an issue.

Both Police and Bylaw will incur additional operating costs in running down noise complaints. For this 716 complex, as proposed with outdoor terraces, will become even more problematic than the infamous Chancellor's Way complex. At least the latter is not immediately adjacent to residences and is located on University property.

- e) It appears that Engineering comments requiring an additional noise study by the developer seem to have only to do with road noise impacting the terraces.

However, the residents' concerns regarding noise *from* the terraces will not be addressed by the proposed Holding designation. And they should be, particularly as nothing in the developer's proposal suggests any mitigative or preventative measures. Therefore the Holding designation as is, regarding the terraces is only of benefit to the developer and future students in the complex. If the Recommendation

is approved, the condition should be first amended to require assessment of, and mitigation of, noise *from* the terraces, and approval of the study results by Council.

f) It is noted that the July 12 verbal request of the Mayor to staff during the statutory planning meeting regarding staff research and comment on control of noise from the terraces was not addressed in the Decision Report to Council.

g) Additional noise will result from the proximity of the main entrance driveway having been moved very close to the eastern property line in this revised proposal.

h) Nuisance noise from the site as proposed will be a cost inflicted on and a price paid by the Mayfield neighbourhood. The neighbours' only recourse to unaddressed nuisances will be through the courts, and by appeals for assessment reduction to the Assessment Review Board. If successful, a loss of tax revenue to the City will result.

Trees:

a) a magnificent plantation of some 40-odd pines and firs is located along the east boundary of the site, on both sides of the property line. These 80 foot + trees, cresting the top of the drumlin, truly define and enhance this site, particularly from the standpoint of the neighbourhood as well as for future occupants of the proposed development. The Royal Brock Hotel certainly thought so, and it maintained a buffer about 35-50 feet wide so as to act as a good neighbour to the adjacent residents to the east. But, per this application, all these trees will be removed. Only three trees along the southern fence line will be maintained.

The buffer strip should be preserved as is by protecting everything east of the existing curb and the berm.

Ironically, the developer states their plans to plant "stately" trees on the Gordon frontage. They ignore the truly stately trees the site already possesses on the eastern periphery of the property.

b) one particular excuse given by the developer to remove these eastern periphery trees does not hold up to scrutiny. In part, they cite the condition of the trees as a reason for their removal. As a member of the City's Urban Forestry Advisory Committee, I attest that these trees are in good condition, excepting only three dead or dying individuals.

c) City planning staff are clearly unhappy with the proposed tree removals on the existing easterly buffer strip. Constructive comments by the Planning Department's landscape planner, R. Templeton, propose that the existing Royal Brock driveway off of Stone Road East be used as the main site entrance, which would preserve over 33 feet of buffer strip and most of the trees. These comments also suggest a consequent shortening of the pediment of the building along Stone to accommodate this driveway location.

However, the recommendations in the Decision Report do not embrace these most trenchant and worthwhile comments from Planning Department's own staff.

d) the original Abode application as documented by the developer's GSP planners from 2010 envisaged the protection of this buffer strip in its entirety and retention of approximately half of the 146 trees that

were on the site prior to demolition of the hotel. The current application retains only 13. This dramatic change in the number of trees to be retained is not noted in the report to Council.

e) It is fair to assume that the subsequent site planning process by itself will not result in these trees being saved.

Constructive Comments on the Report Itself:

a) History and Context: given the number of new Councillors, and the 13 year lapse of time on this file, Council would have been better served with a summary or reminder of the history of the site in this report, and in particular, the victory of the applicant in winning the appeal hearing before the OMB in 2013. This set in place the fundamentals for the development of the site. (The OMB decision is explained well by the applicant in its June 2023 application to the City, but *this current* Decision Report would have benefited from a succinct summary of the OMB Order and outcome.

Similarly, the report, for clarity, should have summarized the key differences between the proposal as Ordered by the OMB versus the several newly introduced features (e.g. the 3 outdoor terraces, the great increase in tree cutting, and the main driveway relocated close to the residences.)

b) Public Concerns: several specific and significant concerns were raised by delegates and correspondents at the July 12 statutory public meeting. A section should have been added to the report that not only summarized these concerns, but informed Council whether and how they are addressed by the applicant.

Note that other recent Decision Reports to Council have in fact included such a section, even when there were no public concerns.

c) Outsourcing: few planning files feature the massive scale of the 716 Gordon site. It is confounding and baffling to see that the planning analysis report and urban design review were farmed out to an out-of-town consultant to prepare. (Outsourcing to the same firm for the related Days Inn site resulted in a very narrow and restrictive analysis by the firm.)

Nevertheless, the outsourced Fotenn firm is clear and forthright in its opinion that the proposal for the site is overbuilt, and it goes on to list five “fundamental” issues with the application that remain to be resolved, as appear on page 23 of its Urban Design Review document in Appendix 9 of the Decision Report.

Abundant talent and experience exist within the City Planning Department, which is far more expert and knowledgeable in judging local issues than its’ “hired guns” sourced from cities “out west.” Planners may be in short supply among municipalities these days, but Councillors should still be asking hard questions as to why some of these biggest planning files are being farmed out.

The Longer View re University of Guelph:

Developments such as 716 Gordon and 785 Gordon belong on University land, distanced from existing residential areas.

At its 1964 founding, the University was liberally endowed with lands by Ontario Government legislation. Many of these lands still remain undeveloped and offer many opportunities for future real estate partnerships with the private sector.

Despite the existence of a Real Estate Division within the University, it presently appears content to merely collect rents, and has not engaged in new residence developments for many years. This inert state has opened the doors to wholly private sector developments such as the 716 and 785 applications, which will create significant conflict with and prices to be paid by nearby residents.

The City needs to have its' senior leadership engage their counterparts at the University to insist that the University "own" the challenge of their increased enrolments when it comes to land use matters by initiating new residence developments on University lands.

Conclusion:

The 2013 victory of the developer at the OMB should have engendered some degree of magnanimity or humility on their part. However, by subsequently adding the 3 terraces, by moving the main driveway close to the eastern boundary fence, and now reversing their effort to save the dozens of magnificent pine and fir along the eastern periphery, these new proposals amount to a cynical form of bullying, by rubbing the nose of the City and the Mayfield Park Residents Association into that ten year old victory.

An approval of the application may well be perceived by other developers as tacit encouragement to try to "max-out" all other proposals going forward, and that the City will support more housing "at any cost," and even at significant cost, to local residents.

Moreover, an approval would undermine efforts by staff to mitigate issues at the site planning stage.

For the above reasons alone, a refusal of the application is warranted.

RECOMMENDATION:

That Council refuse the application for 716 Gordon.