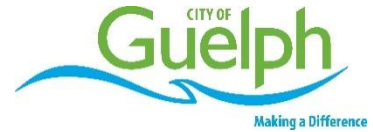


# Committee of Adjustment Comments from Staff, Public and Agencies

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## Application Details

Application Number: A-6/24

Location: 1888 Gordon Street

Hearing Date: February 8, 2024  
(deferred at the January 11, 2024 hearing)

Owner: Tricar Developments Inc.

Agent: Jay McGuffin and Martha Paluch, Monteith Brown Planning Consultants

Official Plan Designation: High Density Residential and Greenfield Area

Zoning Designation (1995)-14864: Specialized Residential Apartment (R.4B-20) Zone

Zoning Designation (2023)-20790: Site-specific High Density Residential 7 (RH.7-7(PA)) Zone with a Parking Adjustment

### Zoning By-Law (1995)-14864 Requirements:

The property is located in the Specialized Residential Apartment (R.4B-20) Zone. A variance from Sections 4.13.4.3 and 4.13.6 of Zoning By-law (1995)-14864, as amended, is being requested. The By-law requires that, in addition to the requirements of Section 4.13.4.3, a minimum of 20% of the calculated total required number of parking spaces shall be provided for the use of visitors to a residential building [being 135 parking spaces].

### Zoning By-Law (2023)-20790 Requirements:

The property is also located in the Site-specific High Density Residential 7 (RH.7-7(PA)) Zone with a Parking Adjustment. A variance from Table 5.3 Row 2 of Zoning By-law (2023)-20790, as amended, is being requested. The By-law requires that a minimum of 20% of the required parking spaces shall be for the use of visitor parking [being 135 parking spaces].

### Request:

The applicant is seeking relief from the requirements of both Zoning By-laws to permit a minimum of 96 visitor parking spaces for all three apartment buildings located on the subject property.

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## Staff Recommendation

### Approval with Conditions

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## **Recommended Conditions**

### **Planning Services**

1. That the current 29 surface visitor parking spaces for the apartment buildings (Buildings 1, 2, 3/4 as per submitted Site Plan drawing) are not altered or reassigned.
  2. That the 39 approved commercial parking spaces as per minor variance file A-43/20 are not altered or reassigned for "Building 5" (two storey commercial building as per submitted Site Plan drawing).
  3. That a minimum of 26 visitor parking spaces remain for the underground parking structure for Building 3/4.
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## **Comments**

### **Planning Services**

The subject property was previously designated as "Service Commercial" under the Official Plan, but underwent an Official Plan Amendment (OPA) in 2018 to change this designation to "High Density Residential" with specific regulations. The "High Density Residential" land use designation permits multiple unit residential buildings, generally in the form of apartments. The OPA included site-specific policies to the High-Density Residential regulations, including an increased maximum height and net density. Section 5.11 of the Official Plan includes several policies related to parking, such as ensuring off-street parking areas and facilities shall be provided through zoning and site plan requirements (5.11.3). In the 2023 Zoning Bylaw, the PA suffix was added to the zoning of the Subject Lands. The PA suffix applies to lands within the City's Intensification Corridors and Community Mixed-use Nodes as defined in the Official Plan and denotes minimum/maximum parking requirements. Additionally, Section 3.11 notes that Community Mixed-Use Nodes will be planned and designed to be well served by transit and facilitate pedestrian and cycling traffic. Given that the proposed number of visitor parking spaces complies with the 2023 ZBL, and there are multiple active transportation methods abutting the Subject Lands, staff are of the opinion that the variance requested is in keeping with the general intent and purpose of the Official Plan.

The subject property was previously zoned "Specialized Agricultural Commercial" (C.3-4) and "Agricultural" (A) under the former Township of Puslinch Zoning By-law Number 19/85, but underwent a Zoning By-law Amendment (ZBA) in 2018 to rezone the entire subject lands to "Specialized High-Density Apartment" (R.4B-20). This zoning permitted the development of 4 high-density apartments with a total of 540 units, and a fifth building of two storeys containing commercial and amenity uses. The ZBA reduced the non-residential parking rate to 1 parking space per 45 square metres of Gross Floor Area (GFA). The subject property is zoned "Commercial Mixed-use Centre" (CMUC (PA)(H12)) in the Zoning By-law (2023)-20790. The Commercial Mixed-use Centre zone permits a range of uses including apartment buildings, retail uses and establishments. The H12 Holding Provision may be removed when all municipal services are available and adequate. The PA

suffix applies to lands within the City's Intensification Corridors and Community Mixed-use Nodes as defined in the Official Plan and denotes minimum and maximum parking requirements. The subject property began Site Plan Approval processes in 2017, and received final approval in 2019 with a total amount of 736 total parking spaces for the entirety of the site, with 581 spaces as residential parking, 140 visitor parking, and 15 for non-residential parking. An approved 2020 minor variance allowed an additional use within Building 5 and increased the number of non-residential parking spaces from 39, with the support of a Parking Study submitted by the applicant. In 2020 and 2021, Buildings 1 and 2 went through the Condominium process which unitized and gave individual ownership to the parking spaces allotted to the mentioned Buildings respectively. Throughout this process, 465 residential parking spaces and 69 visitor parking spaces were finalized.

The general intent and purpose of the Zoning By-law relating to visitor parking requirements is to ensure adequate parking facilities are provided to meet the parking demands generated by the uses on the subject lands. Staff will be using the numbers provided on the approved Site Plan (#SP20-015), which matches the provided Site Plan document. Both Bylaws require the minimum number of visitor parking spaces to be 20% of the number of required residential parking spaces. The variance requested as per the submitted Cover Letter is for a reduction from 20% down to 14.2% (-5.8%) of the required visitor parking spaces for both By-laws.

Staff would recommend three conditions to be implemented with the approval of the variance request. Given that both bylaws require visitor parking to be on surface level, the site underwent a ZBA to specifically permit visitor parking underground, and Buildings 1 and 2 have finalized parking numbers through the condominium process, Staff firstly recommend the condition that the current surface Visitor Parking spaces are not altered or reassigned. Similarly, Staff also recommend the condition that the requirement of 39 Commercial Parking spaces are not altered for "Building 5", as per the Minor Variance approved in 2020. Lastly, Staff recommend a condition that 26 Visitor Parking spaces remain for the underground parking structure for Building 3/4. These conditions would allow for the decrease of visitor parking spaces internally and wholly within the Building 3/4 underground parking structure, while ensuring that surface visitor parking spaces of the Subject Lands remain unchanged. The total number of visitor spaces across the site will be 107. Staff support the proposed reduction of visitor parking within Building 3/4, that has not yet gone through the condominium process, resulting in 26 minimum visitor spaces as it meets the intent of the Zoning Bylaw.

The proposal is desirable for the appropriate development or use of the land as the site is located within the City's Intensification Corridors and Community Mixed-use Nodes as defined in the City of Guelph Official Plan. The variance request for a reduction of 5.8% to the rate of visitor parking, from 20% to 14.8%, resulting in 26 minimum visitor spaces in Building 3/4 meets the general intent and purpose of the Official Plan and Zoning By-laws, is desirable for the appropriate development and use of the land and is minor in nature. Staff recommend approval of the application subject to the three (3) conditions above.

## **Engineering Services**

Engineering has no concerns with the requested variance.

We agree with the recommendations made by Planning and Building staff.

## **Building Services**

The subject property is zoned Specialized Residential Apartment (R.4B-20) under Zoning By-law (1995)-14864, as amended and Site-specific High Density Residential 7 with Parking Adjustment (RH.7-7(PA)) under Council approved Comprehensive Zoning By-law (2023)-2079, as amended. The applicant is proposing 96 visitor parking spaces for the 3 apartment buildings on the property. The property also contains commercial uses on the first floor, making it a mixed-use building under the 2023 Comprehensive Zoning By-law.

The 1995 Zoning By-law requires the residential minimum total parking on the property to be for the first 20 units: 1.5 per unit, and for each unit in excess of 20: 1.25 per unit. A minimum of 20% of the calculated total required number of parking spaces shall be provided for the use of visitors to a residential building together with the site specific provision that allows visitor parking to also be located underground, provided the parking spaces are unobstructed and clearly identified as being reserved for the exclusive use of visitors. The minimum commercial parking rate is required on the property in addition to the minimum residential parking requirement.

The 2023 Comprehensive Zoning By-law requires minimum parking in mixed-use buildings to be 1 space per dwelling unit plus 0.1 visitor spaces per dwelling unit, plus the minimum required non-residential parking requirement on the property. The site specific provision allows visitor parking to also be located underground, provided the parking spaces are unobstructed and clearly identified as being reserved for the exclusive use of visitors.

Building Services supports Planning and Engineering recommendations.

## **Comments from the Public**

None

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## **Contact Information**

**Committee of Adjustment:** City Hall, 1 Carden Street, Guelph ON N1H 3A1

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