

***Submission to City Council – Gentle Density; Four Dwelling Units on a Lot –
File: OZS24-002***

To: City of Guelph, City Council

From: Ward 6 Resident

Date: 05 April 2024

Re: Submission to City Council – Planning Meeting of 09 April 2024

**Public Meeting Report Gentle Density Four Dwelling Units on a Lot Proposed
Zoning By-law Amendment - 2024-140 - File: OZS24-002**

References:

- a. *Draft Regulations to Permit Four (4) Dwelling Units in Low Density Residential Zones;*
- b. *Exploring Opportunities for 4+ Units on Residential Lots in Guelph: What We Heard; Report City of Guelph – Gentle Density Study, March 22, 2024;*
- c. *Comparison of Existing Regulations in the Zoning By-law (2023)-20790) to Proposed Changes to Permit 4 Dwelling Units on a Lot*
- d. *Comparative Zoning Review of Selected Ontario Municipalities*
- e. *Power Point: Gentle Density: Proposed Changes to Enable Four (4) Units on a Lot, April 9th 2024*
- f. *Exploring Opportunities for 4+ Units on Residential Lots in Guelph: Considerations for Gentle Density (February 2024);*
- g. *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, Office Consolidation 2020, Ontario.ca/growthplanning*
- h. *City of Guelph Comprehensive Zoning By-law (1995) – 14864 (“the 1995 Zoning By-Law”)*
- i. *The City of Guelph Zoning By-law (2023)-20790 (“the 2023 Zoning By-law”).*
- j. City of Guelph Official Plan – February 2024 Consolidation, Guelph.ca/officialplan (“Official Plan”);
- k. *The Urban Design Manual (2017);*
- l. *Brookings Institute Report, “Gentle” density can save our neighborhoods, December 4th, 2019;*

OVERVIEW –

1. These written submissions to Guelph City Council are intended to voice opposition to the proposed by-law allowing four dwelling units on a lot “as-of-right.”
2. Our neighbourhood acknowledges that infill and intensification are necessary and must occur. Our children will need homes to live in when they get older and without more homes, our city cannot continue to be the affordable, attractive, open and accessible community that sets it apart from others.
3. However, it does not follow that infill and intensification should happen at all costs and in any manner possible.
4. Having reviewed the documents and reports prepared exploring opportunities for 4+ units, **it is my view that a by-law which would allow four units on a lot as-of-right should be opposed.**
5. An “as-of-right” approach threatens a much larger-scale intensification than anticipated by the city’s reports. This is so because of an approach in which a lot becomes subdivided into smaller lots, and four units could thereafter be built on each of those smaller lots. The proposal is not for “four units on a lot”. The reality is that this is a proposal for 12 to 16 units per lot, in neighbourhoods which may not have the requisite infrastructure.
6. What is more, the proposed “as-of-right” approach undermines the checks and balances which exist to ensure that any proposed build be safe, compatible with the existing community, consistent with our city’s Official Plan and consistent with the most recent Provincial Plan.¹
7. While not in support of the proposed by-law, should our city determine that such a by-law must be passed, I suggest that any fourplex should be limited and only permitted as follows:
 - a. Where the fourplex meets a strict requisite minimum lot size and a frontage of 15M in RL.1 zones, even in the case of semi-detached dwellings;
 - b. Where requisite setbacks can be met;
 - c. Where the ADUs are constrained by floor-space vis-à-vis the main building;
 - d. Where the fourplex can be serviced with adequate rates, size and placement of parking; and,

¹ A Place to Grow: Growth Plan for the Greater Golden Horseshoe, Office Consolidation 2020, Ontario.ca/growthplanning

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- e. Where city infrastructure, including sidewalks and roadways, are adequate to properly support the fourplex.
8. Should the city find it necessary to allow fourplexes as of right, I urge that any by-law be strictly circumscribed, as described above and in further detail at paragraphs 30 through 46 of these submissions.
9. Instead of a *carte blanche* approach to intensification and development, I ask that our city’s growth must be “moderate, steady, and managed to maintain a compact and human-scale city.”²

CONTEXT

10. The south end of Guelph (Ward 6) can provide some context to the dangers in an as-of-right approach to intensification. When many of the homes in the Ward 6 area were built, they were outside of city limits. The lots are therefore larger as they had to accommodate (or still accommodate) a septic tank and well. As a result of the larger lot sizes, infill and intensification are occurring and expected in Ward 6.
11. However, Ward 6 is an example of the problematic nature of an “as-of-right” approach to allowing a prescribed number of dwelling units on a lot, without the checks and balances of an application for special permissions and a public meeting before city council to assess the appropriateness of a particular build.
12. At present, a three unit “as-of-right” approach has created a situation of significant proposed growth in our neighbourhood. Our neighbourhood, however, is not suitably resourced for a high-level of growth.
13. Many neighbourhoods in Ward 6 lack much of the requisite infrastructure to support large-scale intensification. In our neighbourhood for example, our streets are narrow, without shoulders or sidewalks. Pedestrians, cyclists and cars share the roadway for lack of sidewalks. If cars parked on the street are not properly offset, larger vehicles cannot pass.
14. Our neighbourhood is presently faced with a situation where a single lot is proposed to be subdivided into four smaller lots. Thereafter, a proposed build will see each of the smaller lots contain three dwelling units “as-of-right”, for a total of 12 new dwelling units containing

² City of Guelph Official Plan – February 2024 Consolidation, Guelph.ca/officialplan (“Official Plan”);

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40 bedrooms. A single lot which once contained one home will now have 12. For our small street of single dwelling homes, this represents a 35% increase in density, all on one lot.

15. The anticipated increase in traffic and parked cars has left our small neighbourhood wondering how a larger vehicle such as a fire truck or the Mobility Transit bus will be able to access the street. We have become concerned about how our children will safely walk to school. (At present, our children share the roadway with cars to walk to school for lack of sidewalks). Our city councillors, while sympathetic, are unable to assist having regard to the “as-of-right” nature of the build, notwithstanding a situation where the build is inconsistent with the Official plan, in particular as it relates to active transportation safety.³
16. Now, our city is faced with a proposal for an even larger increase, from three units to four units as-of-right. For the reasons explained above, an uncontrolled approach to intensification has put our residents’ safety at risk. As a result, **it is strongly urged that our city councillors reject this proposed by-law.**

DENSITY –

17. Again, context is important. The following is an example of what might occur should four units be permitted “as-of-right”:
18. Similar to what is occurring in our neighbourhood, a developer might buy an older lot in an RL.1 neighbourhood containing one older single dwelling home. The developer could then subdivide that one lot into 4 smaller lots. In turn, and in accordance with a proposed “as-of-right” by-law, four residential dwelling units would be built on each of those smaller lots (16 dwelling units total). Essentially, one single dwelling unit would be turned into 16. The adjacent lots could then be bought and similarly developed. 16 dwelling units becomes 32 and then eventually 48 dwelling units would exist where previously, there were only 3 homes.
19. In a larger more built-up area, this would not be out of place. However, in the context of certain Ward 6 neighbourhoods, this level of intensification would be extreme. Indeed, the Official Plan sets the maximum net density for many low-density residential zones at 35 units per hectare.⁴ If the above development scenario played out in an RL.1 neighbourhood, the neighbourhood’s density could easily more than double and the allowable net density would

³ See Official Plan, 3.9 Transportation, p. 19 of 368.

⁴ Official Plan, p. 98 of 368.

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be surpassed and become concentrated in one small area. And this, without the process in place to know whether the necessary infrastructure or safety provisions are in place to support the build.

20. More, an “as-of-right” approach would mean that all of this could occur without local residents having opportunity to meaningfully express any safety, compatibility or infrastructure concerns to city council through a public hearing.

Gentle Density Increases –

21. In February 2024, the City of Guelph published a paper exploring a Gentle Density project.⁵ The takeaway included support of greater intensification and density. “Gentle Density” is a term used in a 2019 Brookings Institution report to argue that replacing detached single-family houses with more homes on a lot could help **reduce house prices** in certain locations **without disrupting the neighborhood.**⁶
22. Gentle Density is a tool to fight the housing affordability crisis.⁷ In adding more homes to single-family neighbourhoods, it becomes possible for more people to move into the neighbourhood (and city).⁸ “Under certain conditions, the new homes will also improve affordability, because the cost of the most expensive factor—land—is spread across more homes.”⁹
23. However, instead of making housing more affordable, an as-of-right approach to development can have the opposite effect. Through subdivision of lots followed by fourplex development, the value of lots in a particular neighbourhood are likely to be driven upwards. The stock of affordable houses for sale will in turn be depleted. Whether the proposed development contributes to the stock of affordable rentals is questionable but remains to be seen.

⁵ Exploring Opportunities for 4+ Units on Residential Lots in Guelph: Considerations for Gentle Density

⁶ “Gentle’ Density Can Save Our Neighborhoods,” <https://www.brookings.edu/research/gentle-density-can-save-our-neighborhoods/>.

⁷ It is also a tool to fight something else: the authors of the Brookings Institute Report would argue that zoning codes have historically been used “as a proxy for separating people by income and race.” (Brookings Institute Report, “Gentle” density can save our neighborhoods, December 4th, 2019.)

⁸ “Gentle’ Density Can Save Our Neighborhoods,” <https://www.brookings.edu/research/gentle-density-can-save-our-neighborhoods/>.

⁹ *Ibid.*

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24. For the reasons relating to infrastructure and safety, the proposed development is hardly “without disruption” to the neighbourhood. Indeed, in the example I gave about our neighbourhood, the anticipated disruptions include undermining pedestrian and cyclist safety, concerns about emergency vehicle access, and reduced mobility transit access.
25. To name this kind of intensification “Gentle Density” is misleading.

URBAN DESIGN –

26. Finally, the official plan asks that development “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.”¹⁰
27. As per the Official Plan, “new buildings proposed within older, established areas of the city are encouraged to be designed to complement the visual character and architectural/building material elements found in these areas.”¹¹
28. An “as-of-right” approach means no ability to ensure that a proposed development is compatible with the existing community. The City’s Urban Design Manual advocates for a sense of place in order to attract people and business to the city, and help keep them here.¹²
29. “If managed well, greater density can enhance the high quality of life Guelph is known for while maintaining and creating liveable neighbourhoods.”¹³ I would argue that an “as-of-right” approach encourages a poorly managed *ad hoc* approach to intensification which compromises our community’s liveability.

A PROPERLY CONSTRAINED BY-LAW:

30. As made clear, a proposal to allow fourplexes as of right is not supported.
31. However, should city council nevertheless wish to adopt the by-law, I would ask that it be strictly circumscribed and only allowed where:

¹⁰ Official Plan, 8 Urban Design, p. 73 of 368.

¹¹ Official Plan, 8.5 Built Form: Low Rise Residential Forms, p. 77 of 368.

¹² Urban Design Manual, Vol. 1, p. 1-7.

¹³ Urban Design Manual, Vol. 1, p.1-3

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- a. Where the fourplex meets a strict requisite minimum lot size and a frontage of 15M in RL.1 zones, even in the case of semi-detached dwellings;
- b. Where requisite setbacks can be met;
- c. Where the ADUs are constrained by floor-space vis-à-vis the main building;
- d. Where the fourplex can be serviced with adequate rates, size and placement of parking; and,
- e. Where city infrastructure, including sidewalks and roadways, are adequate to properly support the fourplex.

Lot size and frontage:

Frontage:

32. **I am in support of a strict minimum frontage of 15M in RL.1 zones** as detailed in the proposed by-law amendments. This will help ensure that any proposed build remain in human scale and compatible with the pre-existing neighbourhood.
33. I would ask that city council remain steadfast in this requirement and not adhere to pressure to allow for an exception for smaller frontage for “semi-detached dwellings” such as the 7.5M frontage exception which exists for these types of builds in the City of Guelph’s Comprehensive Zoning By-law (2023)-20790, s. 6.6.

Permitted building forms, unclear definition of ‘fourplex’:

34. It is my observation that the definition of a “fourplex” is not sufficiently restricted so as to preclude a situation where each half of a semi-detached dwellings might independently make up a “fourplex”. This conclusion is supported by the proposed wording s. 4.12.1.(b), which provides that an additional dwelling unit may be contained within a semi-detached dwelling (s. 4.12.1(b)) (the inference being that the ADU could therefore be part of the “fourplex”).
35. Using this unclear definition, a semi-detached dwelling could contain two fourplexes, or a total of eight dwelling units (one fourplex for each side of the semi-detached dwelling). A builder could then rely on the reduced lot size and frontage permitted for semi-detached dwellings in s. 6.6 of the *City of Guelph’s Comprehensive Zoning By-law (2023)-20790*. This provision allows for as little as 7.5M frontage for semi-detached dwellings (and a lot size as small as 230M2).

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36. The end result would be eight dwelling units on a parcel of land intended by these proposed by-laws to include only four dwelling units. (The end result would be four units for every 7.5M of frontage as opposed to four units for every 15M of frontage). From a density perspective, using the examples previously given as it relates to lot subdivision, it could mean large-scale, uncontrolled growth. A review of the materials in support of Gentle Density in Guelph, and in particular the illustrated building forms at power point slide #4 suggest that this was not an intended result. None of these illustrations show an eight-unit semi-detached dwelling.
37. So as to avoid this unintended consequence, I would urge city council to institute a strict 15M frontage requirement for fourplexes in R1.1 zones, regardless of the building form. Alternatively, I would ask that city council refine the definition of fourplex such that it precludes semi-detached dwellings.

Lot Size:

38. I would ask our city to re-think the minimum lot size of 460M² for fourplexes and consider a larger lot size. Using our Ward 6 neighbourhoods as an example, this would allow 12 to 16 dwelling units on lots which previously held one single detached home, in smaller neighbourhoods without the requisite infrastructure.

Size of Accessory units

39. The proposed by-law states that any accessory dwelling unit have a residential floor area which is less than the residential floor area of the main building (s. 4.12.1(d)(i)) or 80M² where the additional dwelling unit is in a separate structure (s. 4.12.1(e)).
40. I would make two points:
41. First, a clearer definition of residential floor area is needed. It is not clear whether this would include the floor space on upper floors (for example, in the case of a two or three story dwelling). The potential result is an ADU which is indeed larger than the main dwelling due to a lack of clarity in the term “residential floor area.”
42. Second, I am dismayed that the city is considering increasing the potential size of accessory dwelling units. First, instead of the existing rule requiring the ADU to be 45% of the main

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build's floor space, the proposal is that the ADU simply needs to be "smaller". "Smaller", without a clear definition of residential floor space, makes it impossible to know the permissible size of an ADU. As well, the proposed by-law supports an increase from a maximum of 70M2 to 80M2 for detached ADUs. The rationale for the increase is not explained in the materials.

43. Should City Council be unwilling to cap the size of any proposed ADU, I would urge city council to maintain a cap on the number of bedrooms permitted in accessory dwelling units so as to minimize uncontrolled development.

Parking

44. I would urge city council to maintain the current standards of one parking space per residential dwelling unit, or one parking space for every three bedrooms in the case of a lodging house type 1, in particular in RL.1 neighbourhoods.
45. As previously described, not all of the neighbourhoods in Guelph can safely accommodate the street parking which would follow should the proposed builds offer reduced parking.

Subdivision of lots

46. I would ask the city to find a way to avoid the subdivision of lots within neighbourhoods which do not have the infrastructure to sustain and support the high-level of growth which will follow should this by-law be enacted. One way to accomplish this would be to require larger lot sizes for fourplexes, as described in para. 38, above.

CONCLUSION

47. It is my assessment that this by-law proposal does not adequately address the likelihood that older lots will be subdivided into smaller lots and then followed up with larger-scale intensification in neighbourhoods without sufficient infrastructure. While this proposal suggests that what is being permitted is "four units on a lot", the reality is indeed that the by-law enables 12 to 16 units to be constructed on a pre-existing lot. And this, in an as-of-right fashion, without regard to community infrastructure, safety and liveability and without giving the community a voice in the process.

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48. The large-scale growth which will follow is not what was intended by the Gentle Density project, the intent of which was to **increase affordable housing without disrupting the community.**
49. It is my assessment that the proposed by-law will have the opposite effect. Through larger-than-intended development, housing prices will be driven up and communities will be significantly disrupted. Such disruptions include safety and infrastructure concerns inconsistent with the city’s official plan, and inconsistent with the most recent Provincial Plan which mandates that “[a]ppropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, **while avoiding or mitigating risks to public health and safety**” (my emphasis added).¹⁴
50. I ask that the by-law be rejected or significantly circumscribed.
51. Please protect our communities and their safety. Please help keep Guelph a community with a sense of place and strong infrastructure, which in turn attracts people and business to the city, and helps keep them here.¹⁵

L. Mehkeri
Resident, Ward 6

¹⁴ A Place to Grow: Growth Plan for the Greater Golden Horseshoe, Office Consolidation 2020, Ontario.ca/growthplanning at s. 1.1.3.4

¹⁵ Urban Design Manual, Vol. 1, p. 1-7.