

Lenore Ross
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Guelph, Ontario

Via email from: [REDACTED]

September 27 2024

Via email to: Clerks@Guelph.ca

CC: eric.rempel@guelph.ca

Subject Lands: 8 Mitchell Street

Legal Description: Part of Lot 6, Northeast side of Perth Street and South side of Mitchell Street, Registered Plan 99, City of Guelph

File No.: OZS24-011

RE: Application Details:

An application for a Zoning By-law Amendment has been received from Van Harten Surveying Inc. for the lands municipally known as 8 Mitchell Street on behalf of the owner, 8 Mitchell St Inc. to rezone the subject lands from “Neighbourhood Institutional” (NI) to a site-specific “Low Density Residential” (RL.1-XX) zone under City of Guelph Zoning By-law (2023)-20790, to permit the development of four semi-detached dwelling units.

Good afternoon,

Please accept the following comments related to the above noted application. I would also request via this submission to be kept informed of any decision of Guelph Council and would like to request the opportunity to present my concerns at the scheduled public meeting 4:00pm Tuesday, October 8, 2024.

I have several concerns with the proposed development at 8 Mitchell St and these are summarized below.

Trees

The City of Guelph has numerous policy documents such as the Official Plan and Strategic Plan that are supported by additional policies such as the Urban Forest Management Plan and One Canopy Strategy. Generally, these documents aim to promote tree planting and support the overall urban forest and the natural environment which, in turn, help to achieve the many open space, public realm, tree canopy and climate resiliency objectives of the Official Plan and Strategic Plan documents.

Although there are goals within the One Canopy Strategy that support increased tree planting to achieve a 40% tree canopy by 2070, there are several City bylaws (By-law (2023) – 20790 and By-law (2010) – 19058) that put overall corporate objectives at risk by limiting Tree Management Plan requirements to redevelopment sites of 0.2ha or greater. Combined with the minimal side yard setbacks for most types of low density residential development, this puts trees on redevelopment sites and on adjacent private lands at serious risk also. Without formal onsite Tree Management requirements or required consent

from adjacent property owners acknowledging the potential for negative tree impacts, the mature tree canopy in Guelph neighbourhoods is at risk and neighbours will bear the costs of damaged trees. And, the City's may not achieve its open space, public realm, tree canopy and climate resiliency objectives.

I would ask that a Tree Management Plan, Arborist's Report and ISA valuation be required for this rezoning application and include an assessment all on-site and adjacent property trees. The Plan and Report should be completed by a qualified Arborist and include an assessment of construction impacts and any possible mitigation. Should construction impacts be identified for adjacent property trees, permission from that property owner would be required prior to any work commencing on site. Compensation and/or replanting to the value of the ISA valuation should be required.

Scale

While much of the proposed zoning by-law amendment – "Schedule A" - requests site specific zoning provisions that reflect the sections of By-law (2023) – 20790 that are under appeal, there is a significant request for an increase in density with the request for the second Additional Residential Dwelling Unit to be permitted to contain 4 bedrooms; this is a significant increase in the number of persons that could occupy the unit and, in my opinion, is not consistent with the Zoning Bylaw definition of an Additional Dwelling Unit.

*Additional residential dwelling unit means a dwelling unit that is self-contained, **subordinate to** and located within the same building or on the same lot of a primary dwelling unit. (By-law (2023) – 20790)*

Having a three-bedroom ADU located in the basement, a possible four-bedroom ADU and a principle residential unit with an unknown number of bedrooms appears more like a Multi-unit building.

Multi-unit building means a building or group of buildings which are planned, developed, managed and operated as a unit in which each building contains two or more units or spaces for lease or occupancy. (By-law (2023) – 20790)

This request for additional bedrooms and density beyond what has been approved by Council though both By-law (2023) – 20790 and By-law (2010) – 19058 would set a new precedent for increases in the size and character of ADU's as there are no similar site-specific permissions that have been approved. I have provided the attached Bylaw amendment as a suggested alternative.

Regards,

Lenore Ross

Arthur St N

THE CORPORATION OF THE CITY OF GUELPH

By-law Number (2024)_____

A by-law to amend By-law Number (2023)-20790, as amended, known as the Zoning By-law for the City of Guelph as it affects property known municipally as 8 Mitchell Street / 171 Arthur Street and legally described as All of Lot 5 South of Mitchell Street and North of Perth Street and Part of Lot 6, Northeast Side of Perth Street and South Side of Mitchell Street, Registered Plan 99, being Parts 2 and 3, 61R2011, City of Guelph.

WHEREAS Section 34(1) of the Planning Act, R.S.O. 1990, c.P.13 authorizes the Council of a Municipality to enact Zoning By-laws;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF GUELPH ENACTS AS FOLLOWS:

1. By-law Number (2023)-20790, as may be amended, is hereby further amended by changing the applicable zone from Neighbourhood Institutional (NI) Low Density Residential 1 (RL.1) to a specialized RL.1 Zone (RL.1-XX) on the lands denoted on Schedule 'A' attached.
2. Land zoned RL.1-xx as denoted on Schedule "A" attached, shall be subject to the following:

Notwithstanding any other applicable provision of this zoning by-law to the contrary the following special provisions shall apply:

- a) The front lot line shall be Arthur Street;
- b) Minimum exterior parking space dimensions – 2.5 m wide x 5.5 m length
- c) Minimum interior parking space dimensions (within garage) – 3 m wide x 6 m length
- d) Minimum attached garage floor area – 20 m²
- e) Attached garages shall not project beyond the main front wall of the 1st storey containing habitable floor space oriented towards the front lot line abutting a street line. Where a roofed porch is provided, the attached garage may be located ahead of the main front wall, to a maximum projection of 2 metres
- f) Maximum width of attached garage for semi detached dwellings – 50% of the lot frontage or 5 metres, whichever is less

- g) Maximum driveway width for semi-detached unit – 60% of the lot frontage or 5 metres, whichever is less
- h) Where a transformer easement is located in the front yard of a lot, portions of the dwelling unit shall be required to maintain a minimum separation of 3 metres between the transformer easement and any part of the dwelling unit.
- i) A maximum of two Additional Residential Dwelling Units (ADUs) are permitted on the lot subject to the following:
 - i. Basement ADU – 1 parking space required, and the ADU may occupy the entirety of the basement and may contain 3 bedrooms and shall not exceed 45% of the total primary residential unit floor area of the building;
 - ii. 2nd ADU – 1 parking space required, and the ADU shall not contain more than two bedrooms and not exceed 45% of the total primary residential unit floor area of the building;
 - iii. Interior access is required between floor levels and between the ADUs and the primary dwelling unit;
 - iv. With respect to ADUs, residential floor area includes basements with floor to ceiling heights of at least 1.95 metres but does not include stairs, landings, cold rooms, garages, carports and mechanical rooms
- j) Notwithstanding the minimum lot area requirements of By-law (2023) – 20790 for semi-detached dwellings, Lots 1, 2, 3 and 4 will retain the ‘through lot’ status to achieve required safe access requirements and the minimum lot area requirements will be 448.5m², 464.8m², 465.4m² and 436.5m² respectively.

This by-law shall come into force and effect on the date of its final passing, subject to the provisions of the Planning Act, 1990 and amendments thereto.

PASSED this ____ day of _____, 2024.

MAYOR

CLERK

SCHEDULE “A”

PASSED this ____ day of _____, 2024.

MAYOR
