

# **Attachment–7 Staff Review and Planning Analysis**

## **Provincial Policy Statement, 2024**

The 2024 Provincial Policy Statement (PPS) came into effect on October 20, 2024. It provides policy direction on matters of provincial interest related to land use planning and development. All planning decisions, including the comments, submissions and advice provided to Council shall be consistent with the PPS.

Policy Section 2 – **Building Homes, Sustaining Strong and Competitive Communities** is the most relevant section to this application. It contains policies that promote efficient land use patterns that create housing opportunities, protect the environment, maintain public health and safety, facilitate economic growth and manage change.

Policy 2.1.6 directs municipalities to support the achievement of complete communities by accommodating an appropriate range and mix of land uses, housing options, and transportation options with multimodal access to employment, public service facilities, institutional uses, recreational uses, parks and open space, and other uses to meet long-term needs.

Policy 2.2.1 requires municipalities to provide for an appropriate range and mix of housing options and densities to meet the projected needs of current and future residents of the Guelph area. To achieve this, municipalities shall establish and implement minimum targets for the provision of housing that is affordable to low and moderate income households [2.2.1(a)]. Cities shall ensure all housing options meet the social, health, economic and well-being requirements of current and future residents, and shall permit and facilitate all types of residential intensification, including the development and introduction of new housing options within previously development areas [2.2.1(b)]. New development should be transit supportive and provide densities for new housing that efficiently uses land, resources, infrastructure and public service facilities, and support the use of active transportation [ 2.2.1(c and d)].

Policy 5.2.7 notes that development in the two zone flood fringe may be permitted subject to appropriate floodproofing to the flooding hazard elevation or another flooding hazard standard approved by the Minister of Natural Resource and Forestry.

As the City’s Official Plan is to be the main instrument for implementation of the PPS in Guelph [6.1], a more detailed review on how the proposed Zoning By-law Amendment is consistent with the above PPS policies as well as policies in the City’s Official Plan will be outlined later in this analysis.

In Planning staff’s opinion, the proposal to permit the proposed semi-detached dwellings and associated Additional Dwelling Units (ADUs) is consistent with the PPS.

The development represents an efficient use of existing and planned infrastructure and contributes towards the provision of a mix of housing options and densities in an area that is within close proximity to active transportation and public transportation facilities. The proposed development will be done in accordance with appropriate floodproofing and flooding hazard elevation requirements that are outlined by the Grand River Conservation Authority (GRCA). Comments from the GRCA can be found in Attachment-8 Departmental and Agency Comments.

## **Official Plan Conformity**

- Section 2.3 outlines the strategic goals of the City's Official Plan. The strategic goals are focused on ecological, social, cultural, and economic sustainability in decision making. Of particular relevance to this application are the following goals:
  - Ensure an appropriate range and mix of employment opportunities, local services, community infrastructure, housing including affordable housing and other land uses are provided to meet current and projected needs to the year 2031 [2.3.1 (b)].
  - Direct development to those areas where full municipal services and related infrastructure are existing or can be made available, while considering existing land uses, natural heritage systems, development constraints, fiscal sustainability, development costs and related factors [2.3.4 (b)].

## **Residential Development Policies**

The subject lands are designated **Low Density Residential** in the City's Official Plan. Section 9.3.2 of the Official Plan contains policies that apply to the Low Density Residential designation. The proposed Zone Amendment satisfies the Residential objectives of the Official Plan.

This includes:

- To facilitate the development of a full range of housing types, affordability, densities and tenure to meet a diversity of lifestyles and the social needs, health, and well-being of current and future residents, throughout the city;
- To provide higher densities of residential development in appropriate locations to ensure that transit-supportive densities, compact urban form, walkable communities and energy efficiencies are achieved;
- To ensure compatibility between various housing forms; and
- To direct new residential development to areas where municipal services and infrastructure are available or can be provided in an efficient and cost effective manner.

Permitted uses in the Low Density Residential Designation include:

- Detached, semi-detached and duplex dwellings; and
- Multiple unit residential buildings, such as townhouses and apartments.
- Additional Dwelling Units (ADUs)

The Low Density Residential Designation permits a maximum net density of 35 units per hectare. The Official Plan's density maximum predates and is superseded by Ontario Bill 185 requiring municipalities to permit a minimum of three units per lot. As such, staff do not include proposed ADUs in density calculations for the purposes of Official Plan conformity. The proposed net density of the of the lands subject to this zone amendment is 22 units per hectare when not including ADUs in the calculation, and 66 units per hectare if ADUs were included.

In addition to the low-density residential policies, Section 9.3.1.1 of the Official Plan contains criteria to assess development proposals for intensification proposals within existing residential neighbourhoods.

**1. Building form, scale, height, setbacks, massing, appearance, and siting are compatible in design, character and orientation with buildings in the immediate vicinity.**

The development proposes 4 two-storey semi-detached dwelling units, each with a basement ADU and second storey ADU.

As defined in the Official Plan, **Compatible** development does not mean identical or even necessarily similar to the existing development in the immediate vicinity. **Compatible** development should fit into the neighbourhood without having a significant impact on the neighbouring properties that would impact their ability to use their property.

The proposed semi-detached units would maintain similar form, scale, height and siting to the existing two-storey dwellings across the street from the subject lands. As the proposed structures are semi-detached dwellings and two storeys each, the massing of the proposed structures would be larger than many of the nearby dwellings but would still maintain the low-density character of the neighbourhood. The proposed setbacks of the dwellings would maintain or exceed the requirements in the RL.1 Zone. Notably, the front yard setback of the proposed dwellings is significantly greater than that of existing dwellings fronting onto Arthur Street in order to comply with newer zoning requirements and to accommodate adequate off-street parking.

While there are some notable differences between the proposed structures and existing structures fronting onto Arthur Street North, staff are of the opinion that the proposed structures maintain the form, scale, height, setbacks, massing, appearance, and siting that are characteristic of low-density residential neighbourhoods throughout Guelph. The proposed structures are compatible with the buildings in the immediate vicinity.

**Proposals for residential lot infill will be compatible with the general frontage of lots in the immediate vicinity.**

The frontages for the proposed lots along Arthur Street North (The proposed front yard of the lots) range from 8.33 metres to 11.48 metres, with an average of 9.14 metres per lot.

The lots on these blocks of Arthur Street North and Mitchell Street contain a variety of lot frontages. Frontages for existing semi-detached dwellings in this area range from roughly 5 metres per main dwelling unit (186, 188, 190 and 192 Arthur St N) to 10 metres per main dwelling unit (28 and 30 Mitchell Street). Eight single detached dwellings on these blocks have frontages between 8 and 10 metres, including four lots directly across the street from the subject lands (164, 166 and 170 Arthur Street North, and 9 Mitchell Street). Five single detached dwellings on these blocks have frontages that exceed 18 metres, including two lots that abut the subject lands (175 Arthur Street North and 14 Mitchell Street).

The lot frontages for the proposed semi-detached lots would fit into this range comfortably, being wider than many existing semi-detached and single detached lots while also providing an increase in density for the neighbourhood.

**2. The residential development can be adequately served by local convenience and neighbourhood shopping facilities, schools, trails, parks, recreation facilities and public transit including:**

A variety of amenities and services are located within 800 metres (a 10 minute walk) of the subject lands. These include:

- Downtown Guelph located to the South of the subject lands
- Downtown Trail along the Speed River
- Goldie Mill Park, Joseph Wolfond Park and St George's Park
- King George and Central Public Schools
- Guelph General Hospital
- Guelph Central Station, roughly 800 metres away
- Bus stops for Route 12 and 13 less than 100 metres away

**3. Vehicular traffic generated from the proposed development will not have an unacceptable impact on the planned function of the adjacent roads and intersections.**

As per the City's Transportation Impact Study (TIS) guidelines, a TIS is generally only required if the proposed development is expected to generate at least 100 additional net new trips (inbound and outbound) during the adjacent roadways' peak hours. Alternatively, City staff may require a TIS even if the expected number of net new trips is less than 100 during peak hours if:

- The proposed development is in an area of high roadway congestion with traffic volumes near capacity;
- The proposed development is not envisaged by local land use plans or transportation plans;
- As part of the proposed development a new traffic signal, roundabout, controlled pedestrian crossing or turning lane is anticipated;

- The proposed development is within an existing transportation problem area (traffic collision prone areas, areas with complex intersection geometrics, areas nearing traffic volume capacity for example); or
- The proposed development has the potential to create unacceptable adverse operational and safety impacts on the road network (inadequate horizontal or vertical sight distance at access, close proximity to of driveways to an intersection, or if the proposal is anticipated to result in critical volume-capacity ratios at a signalized intersection for example)

Engineering and Transportation Services staff have reviewed the application and are satisfied that the proposal would not generate more than 100 net new trips during peak hours and would not require a TIS for any of the other reasons listed above.

#### **4. Vehicular access, parking and circulation can be adequately provided and impacts mitigated.**

The semi-detached dwellings and ADUs will be accessed by the proposed five-metre-wide driveways fronting onto Arthur Street North. The proposed driveways and attached garages provide 3 parking spaces per lot. This is sufficient parking to meet the zoning by-law requirements for semi-detached dwellings and up to 2 ADUs per lot. As the north side of Arthur Street North does not permit on-street parking, no on-street parking spaces will be removed as a result of the proposed driveways. The proposed driveways adhere to the sightline triangle requirements in the Zoning By-law.

Typically planning staff do not require parking studies to be completed for proposals that conform to the minimum off-street parking requirements outlined in the Zoning By-law, especially if no on-street parking spaces would be removed as a result of the proposal.

#### **5. That adequate municipal infrastructure, services and amenity areas for residents can be provided.**

Engineering staff have reviewed the application and are satisfied that there are sufficient existing water and wastewater facilities to service the proposed development.

Engineering staff have also reviewed the submitted stormwater management plan. While generally supportive of the proposal, they have noted that there are a number of inconsistencies with the Stormwater Management Plan that will need to be resolved as conditions of the future consent to sever applications should the Zoning By-law Amendment be approved.

Detailed comments from Engineering staff are provided in Attachment-8.

#### **6. Surface parking and driveways shall be minimized.**

Each of the proposed semi-detached dwelling units includes an attached garage with one parking space each. The size and number of driveways are acceptable for this style of infill development and conform with the requirements of the 2023 Zoning By-law.

**7. Development shall extend, establish or reinforce a publicly accessible street grid network to ensure appropriate connectivity for pedestrians, cyclist and vehicular traffic, where applicable.**

Each of the proposed lots fronts directly onto a public street and integrates with the existing street grid.

**8. Impacts on adjacent properties are minimized in relation to grading, drainage, location of service areas and microclimatic conditions, such as wind and shadowing.**

Engineering staff have reviewed the proposed conceptual grading and have found that revisions will be necessary to ensure that the proposal conforms with the standards outlined in the Development Engineering Manual and ensure that water will not spill onto adjacent properties.

Detailed comments from Engineering staff are provided in Attachment-8.

Based on the scale of the proposed development wind and shadow studies were not required in support of the Zoning By-law Amendment application.

**9. The development addresses public safety, identified public views and accessibility to open space, parks, trails and the Natural Heritage System, where applicable.**

No significant impact on public safety, identified public views and accessibility to open space, parks, trails and the Natural Heritage System was identified during staff's review.

With the inclusion of the Holding Provisions for the items noted above, the proposed development satisfies the criteria outlined in Official Plan Policy 9.3.1.1 and the Low Density Residential land use policies.

## **Review of Proposed Zoning**

The purpose of the Zoning By-law Amendment is to change the zoning from the current **Neighbourhood Institutional (NI)** to the proposed **Low Density Residential (RL.1-26)** zoning under Zoning By-law (2023) – 20790.

As the 2023 Zoning By-law remains partially under appeal, several site specific provisions are required that will conform with the 2023 Zoning By-law as passed by Council. These proposed provisions are more technical in nature, as they do conform with the By-law as approved by Council. Three site specific provisions that do not conform with the 2023 Zoning By-law as passed by Council in April of 2023 are also proposed. These provisions relate to the front and rear yards of the subject

lands, the number of permitted bedrooms in ADUs, and the number of driveways permitted on a lot to facilitate the proposed supplementary parking area.

Staff have reviewed the 'technical' provisions and the three other provisions separately below.

## **Technical Provisions**

As mentioned above, the proposal mostly conforms with the current Low Density Residential (RL.1) zoning under Zoning By-law (2023) – 20790 as approved by Council in April 2023. As the Comprehensive Zoning By-law is still partially under appeal, several specialized provisions are required. These 'technical' provisions are identical to the provisions required in the 2023 Zoning By-law. The following site-specific 'technical' provisions are requested:

- That all residential interior parking spaces (within a garage or carport) have minimum dimensions of 3 metres in width by 6 metres in length. Table 5.2 requires a minimum dimension of 3 metres in width by 6 meters in length for residential interior parking spaces.
- That all residential exterior parking spaces have minimum dimensions of 2.5 metres in width by 5.5 metres in length. Table 5.2 requires a minimum dimension of 2.5 metres in width by 5.5 meters in length for residential exterior parking spaces.
- That attached garages must have a minimum floor area of 20 square metres. Table 5.2 additional regulation 1. Requires attached garages to have a minimum floor area of 20 square metres.
- Attached garages shall not project beyond the main front wall of the 1<sup>st</sup> 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 front wall, to a maximum projection of 2 metres. Table 5.11.2(a) requires attached garages to not project beyond the main front wall of the first storey containing habitable floor space. Where a roofed porch is provided, the attached garage may be located ahead of the front wall, to a maximum projection of 2 metres.
- The maximum width for an attached garage for semi-detached dwellings shall be 50% of the lot frontage or 5 metres, whichever is less. Table 5.9 permits a maximum width for an attached garage for semi-detached dwellings to be a maximum of 50% of the lot frontage or 5 metres, whichever is less.
- The maximum driveway width for a semi-detached dwelling shall be 60% of the lot frontage or 5 metres, whichever is less. Table 5.10 of the Zoning by-law permits a maximum driveway width of 60% of the lot frontage or 5 metres, whichever is less.
- 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. Table 6.7 additional regulation 4 requires a minimum separation of three metres between any transformer easements located in the front yard of a lot and any part of the dwelling unit

- That a maximum of two additional dwelling units (ADUs) be permitted on a lot, one within the same building as the primary dwelling unit and one located in a separate building on the same lot or two additional residential dwelling units within the primary dwelling unit. Section 4.12.1(a) permits a maximum of two ADUs per lot. One within the primary dwelling and one located on a separate building within the same lot, or two within the primary dwelling unit.
- That the following provisions apply to ADUs within a primary dwelling unit. These provisions mirror the requirements of Section 4.12.1(c):
  - Basement ADU – 1 parking space required. The ADU may contain 3 bedrooms.
  - 2nd ADU – 1 parking space required.
  - The ADU shall not exceed 45% of the residential floor area of the building. Notwithstanding, an ADU may occupy the entirety of the basement.
  - Interior access is required between floor levels and between the ARDU and the primary dwelling unit.

As these proposed provisions mirror provisions approved by Council last year, staff have no concerns with the proposed 'technical' provisions.

## **Front and Rear Yard**

The first site-specific provision that does not conform with the RL.1 Zone as previously passed by Council is the request to define the Arthur Street frontage of the subject lands as the front lot line, and the Mitchell Street frontage of the lands as the rear lot line. On a through lot the Zoning By-law typically defines both frontages as being the front lot line. The effect of this is that the required front yard setback would apply to both the Arthur Street and Mitchell Street frontage. Additionally, as accessory structures are not permitted in the front yard, this would prevent the construction of any accessory structures on the property, as the lands between the proposed dwellings and the Mitchell Street frontage, and the lands between the proposed dwellings and the Arthur Street frontage would both be considered front yards.

The proposed provision would consider the Mitchell Street frontage the rear yard and the Arthur Street North frontage the front yard. This would require a rear yard setback of 7.5 metres to the Mitchell Street frontage for any main dwellings rather than a front yard setback of 6 metres, and would also allow for the construction of accessory structures between the dwelling and the Mitchell Street frontage in the future.

Requirements for safe access to Mitchell Street from the Grand River Conservation Authority (GRCA) do not permit further severances on the subject lands that would remove the through-lot nature of the proposed lots. Comments from the GRCA are reviewed further below. As future severances are not possible, the proposed lots will likely remain as through lots. The proposed provision to recognize the Mitchell Street frontage as a rear lot line would allow for greater utilization of the area between the rear of the proposed dwellings and the Mitchell Street frontage in the future.

As standard setbacks, maximum size, and maximum height requirements for any future accessory structures would still remain in place, staff have no concerns with the proposed provision that would see the Mitchell Street frontage of the lands recognized as a rear lot line.

## **Additional Dwelling Unit Bedrooms**

Section 4.12.1(b) of the Zoning By-law limits ADUs to a maximum of two bedrooms, unless they are located in a basement, in which case they may have up to 3 bedrooms (4.12.1(c)(i)(A)). This would allow for a total of 5 ADU bedrooms per lot.

The second site-specific provision that does not conform with the 2023 Zoning By-law as approved by Council last year is a proposal to permit up to four bedrooms for one ADU per lot. This would allow the basement ADU to have three bedrooms and the second storey ADU to have four bedrooms, for a total of seven ADU bedrooms per lot rather than the previously described five ADU bedrooms per lot.

The requested site-specific provision would allow for a total of 8 additional bedrooms across the four lots proposed on the subject lands. Staff note that there are no provisions regulating the maximum number of bedrooms in the main unit, so it is not possible to calculate the total number of bedrooms permitted in the Zoning By-law in the development.

The intention of the regulation limiting the number of bedrooms per ADU was to ensure that the ADUs are ancillary to the main dwelling unit. The Zoning by-law also includes provisions limiting the size of ADUs to be a maximum of 45% of the residential floor area of the building (4.12(c)(i)). Regardless of the number of bedrooms in a unit, the ancillary nature of the proposed ADUs would be governed by the size requirement listed above. For this reason staff are satisfied that the ADUs would remain ancillary to the main dwelling unit provided that the size requirements are met.

Staff note that City Council will be reviewing a proposed Amendment to the Zoning by-law to permit four dwelling units per lot today as well. As proposed, this amendment will make a number of changes to sections of the Zoning By-law governing ADUs. Particularly relevant to this application is a proposed change that would remove the provision capping the number of bedrooms per ADU. Unit size provisions would still be in place to ensure that ADUs remain ancillary to the main dwelling unit. Additionally, the proposed changes would allow four units per lot on lots with single detached dwellings, but would continue to permit a maximum of three units per lot for semi-detached dwelling lots as is currently permissible. If approved by Council this would mean that the proposed development would be permitted to have a maximum of 12 units on the subject lands, and would not be permitted to increase to 16 units without proceeding through another Zone Amendment process.

Staff are supportive of the proposed site-specific regulation to permit four bedrooms for one ADU per lot.

## **Supplementary Parking Area**

The applicant has proposed a supplementary parking area with four additional parking spaces that will be accessed off of Mitchell Street. The parking area would utilize the existing access towards the eastern end of the property's Mitchell Street frontage, and would be located partially on proposed Parcels 2 and 3. Easements would be applied for to allow occupants of all of the proposed parcels to utilize this parking area.

Section 5.3.1(d) of the Zoning By-law limits lots with less than 10 dwelling units to a maximum of one driveway. To facilitate the proposed Supplementary Parking Area the applicant has requested additional site-specific provisions. The site specific provisions would allow for the additional driveway and would limit the size of the parking area to mitigate the amount of impervious surface and ensure that stormwater can still be managed on site.

## **Municipal Services and Infrastructure**

Policy 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 are satisfied that existing sanitary sewers, water services, and roadways can accommodate the proposed development, and are confident that concerns with the submitted Stormwater Management Plan can be addressed as conditions of the future consent to sever application should this Zoning By-law Amendment be approved.

Engineering staff have also identified concerns with the submitted grading and drainage design. To address these concerns, it is recommended that a Holding Provision be added until the applicant can provide the City an updated grading and drainage design to the satisfaction of the City Engineer/General manager.

Detailed comments from Engineering staff are provided in Attachment-8.

## **Environmental Noise**

The applicant submitted a Noise Feasibility Study as part of a complete application. The intent of the noise study is to identify the primary noise sources that may impact the proposed residential development. Engineering staff have noted that the submitted study has not been completed in accordance with Ministry of Environment, Conservation and Parks and City requirements.

To address these concerns, it is recommended that a Holding Provision be added until the applicant can provide the City an updated detailed noise study to the satisfaction of the City Engineer/General manager.

Detailed comments from Engineering staff are provided in Attachment-8.

## **Traffic Review**

Engineering and Transportation Services staff have reviewed the application and are satisfied that the proposal would not generate more than 100 net new trips

during peak hours and would not require a Transportation Impact Study (TIS) for any of the other reasons listed above as per the City's TIS Guidelines. Further detail on these criteria have been outlined above in the Official Plan conformity review.

## **Parking**

Parking for the proposed development meets the requirements of the 2023 Zoning By-law as passed by City Council in April of 2023. Table 5.3 of the 2023 Zoning By-law require one parking space per semi-detached dwelling, and one parking space per additional residential dwelling unit. A total of 12 parking spaces are required, with 12 parking spaces proposed off of Arthur Street North and 4 parking spaces proposed off of Mitchell Street. No on-street parking will be removed as a result of the proposed driveways as on-street parking is not permitted on the north side of Arthur Street North, and the proposed parking area off of Mitchell Street would be accessed using an existing curb cut on the eastern end of the property.

## **Floodplain Overlay**

The portion of the subject lands immediately abutting Arthur Street North are located within the Two-Zone Floodplain fringe are in the City's Official plan and the Floodplain Overlay in the Comprehensive Zoning By-law. Development within this area is permitted provided the developer meets floodproofing requirements as established by the GRCA and receives a permit from the GRCA before work commences.

Comments from the GRCA are generally supportive of the proposed development and have no concerns with the proposed rezoning, provided that applicable floodproofing criteria are adhered to. One of those criteria is a requirement for Safe Access for all proposed dwelling units. Safe Access is defined as locations where during the Regulatory Flood, the flow velocity does not exceed 1.7 metres per second, the product depth and velocity does not exceed 0.4 metres per second, the depth of flooding along access routes to residential units does not exceed 0.8 metres, and the depth of flooding adjacent to residential units does not exceed 1.2 metres. Safe Access cannot be provided for this site via Arthur Street North, but can be provided via Mitchell Street. The GRCA is not supportive of access easements as a form of safe access, and therefore requires new development on the subject lands to maintain frontage on Mitchell Street as a means of providing safe access.

As proposed, the development conforms with the GRCA's requirements for constructing in the Two Zone Flood Fringe area and Floodplain Overlay. The GRCA's full comments are provided in Attachment-8.

## **Parkland Dedication**

The owner/developer will be required to pay cash-in-lieu of conveyance of parkland prior to the issuance of any building permits. Park Planning comments are provided in Attachment-8.

## **Holding Provision**

As discussed above, a holding provision is recommended for the subject lands to ensure development does not proceed until the following conditions have been met to the satisfaction of the City.

## **Conditions**

1. The Owner shall provide the City an updated grading and drainage design including plans and a stormwater management report to the satisfaction of the City Engineer/General Manager.
2. the Owner shall provide the City and updated detailed noise study to the satisfaction of the City Engineer/General Manager.