

April 4, 2025

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City of Guelph
1 Carden Street
Guelph, ON N1H 3A1

Dear Mayor Guthrie and Council:

**Re: Stone Road and Edinburgh Road Community Planning Permit Decision Report, 2025-128
April 8, 2025 City Council – Planning Meeting – Agenda Item 7.1
SV File No. 090843-0001**

SmithValeriotte Law Firm LLP (“SV Law”) acts for the Guelph & District Home Builders’ Association (“GDHBA”) and Guelph-Wellington Development Association (“GWDA”).

Our clients appreciated the opportunity to participate in the Community Planning Permit System (“CPPS”) Pilot Project engagement process. However, our clients were not granted their requested meeting to discuss their concerns and, with respect, the current draft of the Community Planning Permit By-law (“CPP By-law”) does not reflect their substantive feedback. We respectfully request that Council defer its decision and further engage directly with the building and development industry to avoid compounding future development delays and regulatory burdens.

Our clients wish to provide the following written submissions to Council with respect to the above-noted “Stone Road and Edinburgh Road Community Planning Permit Decision Report”, in particular:

1. **Adds Complexity Instead of Streamlining Process:** The CPP By-law would repeal and replace the Comprehensive Zoning By-law (2023)-20790 which remains partially under appeal (the “CZBL”). The implementation of the CPP By-law creates a cumbersome patchwork where there are different substantive rules, procedures, and permissions across the City (with suggestions in the staff report that this will be a pilot project for other areas of the City including the Downtown), which undermines the clarity, consistency, and predictability required by builders to get shovels in the ground.
2. **Undermines the HAF Funding Goals of Increasing Housing Supply:** After reviewing the draft CPP By-law, our clients are concerned that the CPPS will introduce more red tape and cost which will have a chilling effect on the development of the City’s housing supply. This effect is contrary to the intent of the Housing Accelerator Fund (HAF) which is to expedite housing delivery and affordability.

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3. **Unclear Public Need for CPPS from Publicly Available Data:** It is unclear what development and real estate data informed the City's need to implement a CPP By-law. This data has not been previously shared with our clients or tested within the local development community. With respect, the CPPS suggests outcomes that do not appear to reflect building conditions in the City of Guelph.

While our clients have not had time to fully review and digest the full 215-page revised CPP By-law, and without limiting the generality of their concerns about the CPP By-law in general, we wish to note several issues, as follows:

1. **Continues to Impose Site Plan Control for ≤10 Residential Units**

Unlike the CZBL and subsection 41(1.2) of the *Planning Act* which exempts development where there is 10 or less residential units, the CPP By-law still requires a Class 1 Permit even when full compliance exists. This creates unnecessary barriers for small-scale development.

City Staff state that this requested exemption was inserted in section 1.2.3 of the draft CPP By-law as described in their "Guelph CPPS Engagement Response". **However, after our review and contrary to Staff's representations, there is no such exemption as described above in section 1.2.3 of the CPP By-law, which remains unchanged from the initial draft CPP By-law.**

2. **EV Parking Requirements Remain Unchanged**

The CPP By-law continues to replicate the same definitions and regulations for EVs from the CZBL, as described in section 5.8 of the CPP By-law, as follows:

- (a) A minimum of 20% of Level 2 EV-ready stalls; and
- (b) A minimum of 80% designed EV parking stalls for future conversion.

The threshold for triggering EV requirements was reduced from 4 to 3 dwelling units. As a result, these EV parking requirements will capture additional small in-fill and mid-density housing projects. For greater clarity, these requirements are inflexible, costly, and inappropriate for many modest housing projects, and remain under appeal in the CZBL.

3. **No Substantive Revisions to Community Planning Permit Classes**

The 3-tier CPP class structure remains largely unchanged with the only modification being the introduction of additional on-site signage requirements as described in section 1.6 of the CPP By-law. There is still no automatic approval route available. Further, a Class 1 Community Planning Permit continues to allow City Staff discretion to impose conditions beyond zoning and/or demand planning justification reports which reintroduces site plan elements.

4. **Revised ADU Provisions Reflect Recent CZBL Amendments**

The Additional Dwelling Unit (ADU) regulations in the draft CPP By-law were revised to reflect the December 10, 2024 amendments to the CZBL.

However, the draft CPP By-law continues to only permit a maximum of 3 dwelling units in semi-detached, duplex, townhouse, on-street, or townhouse, rear access on-street dwellings which is contrary to Council's commitment to allow "four-units as-of-right on residential lots City-wide" as described in the City of Guelph's HAF Action Plan Summary.

5. Legal Non-Conforming Rebuilds and Repairs Exempted

The CPP By-law exempts development related to repairing or rebuilding a building or structure that is legal non-conforming and does not “increase the height, size, volume or change the use of the building or structure” (section 1.2.1(g)(iii) of CPP By-law). This is a welcome clarification and exemption. However, this exemption is limited in scope and does not contemplate any forward-looking intensification.

6. Broad Removal of Definitions

A number of definitions were removed from Section 3 of the CPP By-law, as follows:

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|---|--|
| (a) 100 year flood; | (o) Repair service; |
| (b) Animal boarding; | (p) Research and development establishment; |
| (c) Animal care establishment; | (q) Safe access; |
| (d) Cemetery; | (r) Storage facility; |
| (e) Cleaning establishment; | (s) Taxi establishment; |
| (f) Contractor’s yard; | (t) Tradesperson shop; |
| (g) Emergency shelter; | (u) Transportation depot and trucking operation; |
| (h) Factory sales outlet; | (v) Vehicle body shop; |
| (i) Floodproofing; | (w) Vehicle sales establishment; |
| (j) Major equipment supply and service; | (x) Warehouse; |
| (k) Municipal work yards; | (y) Waste management facility; and |
| (l) Print and publishing establishment; | (z) Water and waste water treatment facility. |
| (m) Regulatory flood; | |
| (n) Rental outlet; | |

City Staff’s rationale for these deletions is not stated. It reduces clarity on the future feasibility of these definitions and land uses in the CPP By-law.

7. Reduction in Discretionary and Permitted Uses

This revised CPP By-law removed a number of permitted and discretionary uses from **all** precincts in Table 6.1. which includes, as follows:

- (a) Home improvement warehouse;
- (b) Medical treatment facility;
- (c) Museum;
- (d) School post-secondary;
- (e) Social service establishment; and
- (f) Vehicle repair establishment.

The general removal of uses reduces land use flexibility and does not align with urban intensification principles, and causes confusion when the stated intention is to generally carry-forward uses as set out in the CZBL.

8. Select Reinstatement of Permitted Uses

This CPP By-law converted a number of discretionary uses to permitted as-of-right uses in a number of precincts in Table 6.1. This includes, as follows:

Table 6.1 Discretionary/Permitted Uses	Applicable Precincts
Accessory use	MUC and NCC
Apartment building	MUC and LDR
Commercial entertainment	MUC
Convenience store	HDR
Day care centre	HDR
Group home	LDR
Hospice	LDR
Long term care facility	MUC
Micro-brewery	MUC and NCC
Micro-distillery	MUC and NCC
Mixed-use building	MUC and NCC
Office	MUC and NCC
Restaurant	MUC and NCC
Retirement residential facility	MUC
Townhouse on-street	LDR
Townhouse rear access on-street	LDR
Triplex	LDR

While these revisions are positive step forward, these changes remain inconsistent across similar precincts.

9. Regulation of Commercial and Mixed-Use Buildings

Table 6.2 was revised to regulate commercial buildings and mixed-use buildings after being omitted in the earlier (January 2025) version. However, Table 6.2 permits broader discretionary tools for the City's General Manager, Planning and Building Services, to use a Class 2 Staff Variation for active entrance, building step backs (min), building length (max), distance between buildings, and tower separation. This level of staff discretion undermines the certainty and predictability for future applicants.

10. Specific Residential Form Clarifications

The CPP By-law contains internal inconsistencies that highlights a need to pause and further review before they result in building project delays. For example, Additional Regulation 21 of Table 6.1 proposes a contradictory regulation for applicants requesting an ADU as part of an on-street townhouse in the MDR precinct because on-street townhouse and rear access on-street townhouse are not permitted (or discretionary) uses in the MDR precinct.

11. Introduction of Wellhead Protection Area ("WHPA") Overlay

Section 7.5 of the CPP By-law introduces the WHPA Overlay. At this stage of the process, with limited engagement on this section, it is unclear what the practical implications are for this overlay.

12. Some ongoing typographical errors

There appears to be some remaining typographical and referencing errors. For example, Table 6.2 is used multiple times instead of Table 6.3, Table 6.4, or Table 6.5 which are cited for different development standards. These unintended errors further highlight our ongoing concerns about the readiness and implementation of the CPP By-law.

Our clients' concerns have not been meaningfully addressed despite their efforts to engage constructively with City Staff during the CPP By-law drafting process and a direct request to meet. This lack of follow-through engagement undermines the credibility of the consultation process and reinforces the need for a pause in the implementation of the CPP By-law.

As the voice for local developers and builders, our clients are concerned that, as drafted, the CPPS Pilot Project is counterintuitive to the goal of building more homes. Rather than streamlining approvals or unlocking housing supply, it simply adds another procedural and discretionary layer without delivering any concrete or measurable benefits.

We strongly urge Council to defer adoption of the CPPS Pilot Project until such time as genuine collaboration and consultation with affected stakeholders can occur, ensuring that future planning tools in the City are built on clarity, consistency, and mutual trust.

Yours Very Truly,
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