

Staff Report

To	City Council
Service Area	Infrastructure, Development and Enterprise Services
Date	Monday, July 13, 2020
Subject	Decision Report 70 Fountain Street East Proposed Official Plan and Zoning By-law Amendments (File OZS19-015) Ward 1

Recommendation

1. That the application by Skydevco Inc. on behalf of Skyline Commercial Real Estate Holdings Inc., the owner of the property municipally known as 70 Fountain Street East, and legally described as Lots 19 & 20, Registered Plan 8, City of Guelph, for approval of an Official Plan Amendment application to permit the development of a twenty-five (25) storey mixed use building containing commercial, office, and apartment units, be refused; a summary of reasons for refusal are set out in Attachment 2 of Report 2020-23 "Decision Report 70 Fountain Street East Proposed Official Plan and Zoning By-law Amendments (File OZS19-015) Ward 1", dated July 13, 2020.
 2. That the application by Skydevco Inc. on behalf of Skyline Commercial Real Estate Holdings Inc., the owner of the property municipally known as 70 Fountain Street East, and legally described as Lots 19 & 20, Registered Plan 8, City of Guelph, for approval of a Zoning By-law Amendment application to permit the development of a twenty-five (25) storey mixed use building containing commercial, office, and apartment units, be refused; a summary of reasons for refusal are set out in Attachment 2 of Report 2020-23 "Decision Report 70 Fountain Street East Proposed Official Plan and Zoning By-law Amendments (File OZS19-015) Ward 1", dated July 13, 2020.
-

Executive Summary

Purpose of Report

This report provides a staff recommendation to refuse an Official Plan Amendment and Zoning By-law Amendment to permit a 25 storey mixed use commercial, office and residential building at 70 Fountain Street East.

Key Findings

Planning staff recommend refusal of the proposed Official Plan and Zoning By-law Amendment applications because the proposed height is incompatible and out of

scale with the character of the surrounding area and the redesignation of the site to allow residential units does not protect the employment function of the current site.

Financial Implications

There are no potential development charges or tax estimates to report because the recommendation is to refuse the applications.

Report

Background

Applications for an Official Plan Amendment and a Zoning By-law Amendment for the property municipally known as 70 Fountain Street were received from Skydevco Inc., on behalf of Skyline Commercial Real Estate Holdings Inc. The applications would allow the development of a 25 storey mixed use building containing retail and office space together with 180 apartment units on the subject site. The Official Plan Amendment and Zoning By-law Amendment applications were received by the City on December 4, 2019 and deemed to be complete on January 2, 2020.

Location

The subject lands are located on the east side of Wyndham Street South and bounded by Farquhar Street to the north and Fountain Street to the south (see Location Map in Attachment 1). The subject site has an area of 0.213 hectares and is currently developed with a two storey office building containing several commercial and office uses. The site slopes to the south, so the site appears to be two storeys from Farquhar Street and three storeys from Fountain Street East.

Surrounding land uses include:

- To the north, across Farquhar Street is the former Drill Hall and a drop off and parking area for the transit terminal;
- To the east, immediately adjacent to the site are two storey single detached dwellings fronting onto Farquhar Street;
- To the south, across Fountain Street East is a two storey office building which houses the Ontario Court of Justice;
- To the west, across Wyndham Street South, the Guelph Police Services headquarters is directly across from the site, with a municipal parking lot on Fountain Street to the southwest, and the Armoury located to the northwest of the intersection of Wyndham Street South and Farquhar Street.

Existing Official Plan Land Use Designations and Policies

The Official Plan land use designation that applies to the subject lands is "Institutional or Office" within the Downtown Secondary Plan (See Attachment 3). Land within this designation is intended to permit a range of office, community and institutional uses, together with other compatible employment uses. Retail and service uses may be permitted as secondary to a main office or institutional use. The site is required to have active frontage along its Wyndham Street South frontage and along its Farquhar Street frontage closest to Wyndham Street. The site has a permitted height range of three to six storeys.

Further details of the "Institutional or Office" land use designation are included in Attachment 3.

Proposed Official Plan Amendment

There are three parts to the proposed Official Plan amendment. First, the applicant has proposed to redesignate the site from the "Institutional or Office" designation to the "Mixed Use 1" designation to permit the residential component of the proposed mixed use building. Second, the applicant has proposed to amend the height schedule (Schedule D) of the Downtown Secondary Plan to permit the proposed height of 25 storeys where 3 to 6 storeys is currently permitted. Third, a new site-specific policy is proposed that would add the 25 storey height maximum to the site, together with a policy that would require buildings taller than 18 storeys to have a maximum tower floorplate of 700 square metres above the fourth storey. The proposed Official Plan amendment is shown in Attachment 4.

Existing Zoning

The subject lands are currently zoned "Specialized Central Business District" (CBD.1-1) which is the zoning for the site as it existed on July 23, 2017. At the time Council permitted the site to keep this zoning rather than the site being included in the updated Downtown Zoning By-law amendment. The existing zoning map and details are included in Attachment 5.

Proposed Zoning By-law Amendment

The purpose of the proposed Zoning By-law Amendment is to change the zoning from the specialized "Central Business District" (CBD.1-1) Zone to a specialized "Downtown 1" (D.1-?) Zone. A specialized Downtown 1 Zone is required to permit the proposed mixed use building to be 25 storeys instead of the six storeys allowed in the standard zone. Several other specialized regulations are needed to allow the proposed development. The proposed zoning and requested specialized regulations are shown in Attachment 5.

Proposed Development

The applicant is proposing to redevelop the site by demolishing the existing two storey office building and constructing a 25 storey mixed use building. The mixed use building is proposed to contain approximately 3900 square feet of ground floor retail space and 67,000 square feet of office floor space on the first four floors which make up the podium of the building. Above the fourth floor is a 21 storey tower containing 180 apartment units. Parking is located in four underground parking levels, with a total of 207 parking spaces provided.

The proposed redevelopment conceptual site plan and a rendering of the proposed development are shown in Attachment 6.

Staff Recommendation

Planning staff recommend refusal of the proposed Official Plan and Zoning By-law amendments to permit a 25 storey mixed use building at 70 Fountain Street East.

The height of the proposed development would undermine the fundamental vision and strategy of the Downtown Secondary Plan. The proposed development represents a significant deviation from the Downtown Secondary Plan that is more appropriately considered through the City's in-progress Municipal Comprehensive Official Plan Review where a fulsome evaluation of the Downtown planning objectives can take place, rather than an ad hoc, first come-first served approach. Site specific amendments that are not consistent with the basic principles of the

Downtown Secondary Plan create uncertainty in the established planning framework of the Downtown and should be discouraged.

The proposed mixed use, 25 storey high building on this site does not constitute good planning and is incompatible with the character of the surrounding lower density neighbourhood. Planning staff do not support the proposed Official Plan Amendment to redesignate the site to allow residential uses or the associated specialized zoning regulations proposed. More detailed reasons for refusal and planning analysis of the applications are included in Attachment 2 of this report.

Because staff are recommending refusal of these applications, staff have reviewed the proposal fully and have streamlined the process of getting a recommendation report back to Council to ensure that Council has the opportunity to make decision within the 120-day development review timeline stipulated in the Planning Act, so Council's decision can be taken into consideration by the Local Planning Appeals Tribunal (LPAT) in the event of an appeal of their decision. Should Council not make a decision within 120 days of the application being deemed complete, the applicant can appeal the lack of decision to the LPAT.

Financial Implications

There are no potential development charges or tax estimates to report because the recommendation is to refuse the applications.

Consultations

The Notice of Complete Application and Public Meeting was mailed on January 16, 2020 to local boards and agencies, City service areas and property owners within 120 metres of the subject lands. The Notice of Public Meeting was also advertised in the Guelph Mercury Tribune on January 16, 2020. Notice of the application has also been provided by signage on the property, which was installed on January 16, 2020. All supporting documents and drawings submitted with the application have been posted on the City's website.

On June 23, 2020, the Notice of Decision Meeting was sent to members of the public and parties that provided comments on the applications or requested to receive further notice. See Attachment 10 for a full consultation summary.

Strategic Plan Alignment

Priority

Sustaining our future

Direction

Plan and Design an increasingly sustainable city as Guelph grows

Alignment

The proposed development applications are not in conformity with the policies of the City's Official Plan, which is the City's key document for guiding future land use and development, so planning staff recommend refusal. The Official Plan's vision is to plan and design an increasingly sustainable city as Guelph grows. A review of how the proposed development applications are not in conformity with the City's Official Plan can be found in the Staff Review and Planning Analysis in Attachment 2.

Attachments

Attachment-1 Location Map and 120m Circulation Area

Attachment-2 Summary of Reasons for Refusal and Planning Analysis

Attachment-3 Existing Official Plan Land Use Designations and Policies

Attachment-4 Proposed Official Plan Amendment

Attachment-5 Existing and Proposed Zoning

Attachment-6 Proposed Development Concept Plan and Elevations

Attachment-7 Downtown Building Height Comparison Diagram

Attachment-8 Downtown View Impact Modelling

Attachment-9 Department and Agency Comments

Attachment-10 Public Consultation Timeline

Departmental Approval

Not applicable

Report Author

Katie Nasswetter, Senior Development Planner

This report was approved by:

Chris DeVriendt, MCIP, RPP

Acting General Manager, Planning and Building Services

Infrastructure, Development and Enterprise Services

519-822-1260 extension 2360

chris.devriendt@guelph.ca

This report was recommended by:

Kealy Dedman, P. Eng, MPA

Deputy Chief Administrative Officer

Infrastructure, Development and Enterprise Services

519-822-1260 extension 2248

kealy.dedman@guelph.ca