

Attachment-2

Summary of Reasons for Refusal and Planning Analysis

Summary of Reasons for Refusal

Staff have reviewed the development concept proposed with the Official Plan and Zoning By-law Amendment applications on 70 Fountain Street East, the technical studies and supporting materials submitted, as well as input received from the community regarding the proposed development of this property.

Based on the review, staff are recommending refusal of the proposed 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, for the following reasons:

- The proposed 25 storey building is too tall. This height is exceedingly inconsistent with the Downtown Secondary Plan policies in the Official Plan, which permit a range of 3 to 6 storeys on the site based on its elevation and surrounding built form.
- The proposal disregards that fundamental to the vision and objectives of the Downtown Secondary Plan is that the Basilica of Our Lady will be maintained as the most prominent landmark downtown; the proposed building would become the highest point in Guelph.
- This is not the appropriate location to have the highest building in the City or even additional height beyond six storeys, given the site's geodetic elevation.
- This proposed building height and massing is not compatible with adjacent designated and listed heritage buildings, existing low density residential buildings and the low- to mid-rise character of the surrounding neighbourhood.
- The proposed "Mixed Use 1" land use designation is not appropriate because it permits stand-alone residential uses. The lands should be maintained in the current "Institutional or Office" designation to ensure the availability of major office opportunities in keeping with the Provincial Policy Statement and Growth Plan. Through the DSP, appropriate lands for residential uses and employment uses were identified to ensure, among other things, that we meet downtown (UGC) population, employment, and density requirements of the 2006 Growth Plan.
- The applicant submitted several supporting studies that either did not have enough information or did not meet specified City criteria for acceptable impacts or mitigation; these studies included the submitted Wind Impact, Sun/Shadow, Urban Design Brief, Traffic Impact Study, Noise and Vibration Impact Study, and Hydrogeological Assessment.
- Any changes in land use categories or major changes in building heights within the DSP are more appropriately considered through the City's in progress Municipal Comprehensive Official Plan Review. It is through this process that growth objectives of the Downtown, including lands that are needed to meet projected employment forecasts as well as lands that are needed to provide opportunities for major employment uses, will be considered to 2041. Through the MCR, the city will evaluate its employment land needs as well as the amount

of land that is needed to accommodate forecast population to 2041 and the required density targets outlined in the Growth Plan.

The Downtown Secondary Plan designates the site for Office and Institutional Uses and specifically prohibits residential to ensure the site is maintained for employment. The site permits heights of 3 to 6 storeys based on a number of factors including the topography, the surrounding heritage context and the need for employment type uses downtown. Planning staff support maintaining this designation and height range.

Planning staff conclude that this site is not appropriate for the proposed drastic increase in building height and that the site should keep its current designation as an employment site in keeping with the policies Downtown Secondary Plan and the Provincial Growth Plan. For these reasons staff recommend that the proposed Official Plan and Zoning By-law Amendments be refused.

Planning Analysis

Provincial Policy Statement Conformity

The Provincial Policy Statement (PPS) provides policy direction on land use planning and development across Ontario. The PPS recognizes the Official Plan as “the most important vehicle for implementation of this Provincial Policy Statement” (PPS 4.7).

Policy 1.3.1 of the PPS requires the City to:

- a. providing for an appropriate mix and range of employment and institutional uses to meet long-term needs;
- b. providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
- c. encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities; and
- d. ensuring the necessary *infrastructure* is provided to support current and projected needs.

PPS Policy 1.3.2.1 further requires the City to “plan for, protect and preserve employment areas for current and future uses and ensure that the necessary infrastructure is provided to support current and projected needs”. The proposed redesignation of the site to Mixed Use 1 would not meet this policy because that land use designation does not require employment and could be solely residential in use, therefore this proposal does not meet these policies of the PPS which aim to protect employment lands such as this site.

PPS Policy 1.8.1 c) identifies that major employment sites should be well served by transit. This site is located adjacent to the City’s intermodal transit terminal and suitably designated for office and institutional uses.

The PPS also requires the municipality to provide for intensification and redevelopment opportunities. Policy 1.1.3.3 of the PPS requires municipalities to “identify appropriate locations for intensification and redevelopment where it can be accommodated, taking into account existing building stock or areas”. The Downtown Secondary Plan has accomplished this for the downtown, identifying the best sites for intensification in the downtown and ensuring there are sufficient sites designated for both residential and employment uses in the long term.

The City’s Official Plan, through the Downtown Secondary Plan has designated the site for employment uses, specifically Office or Institutional uses which is keeping with the Provincial Policy Statement. The application to redesignate the site to the “Mixed Use 1” designation is problematic because this designation would not require any employment uses and could be solely residential. This would remove the opportunity for major office uses on this site in the downtown core adjacent to transit, when there are many other nearby sites already designated “Mixed Use 1” that have the ability to accommodate residential uses. For this reason, the proposal does not meet the Provincial Policy Statement policy to “plan for, protect and preserve employment areas” for future need.

The Growth Plan (2019) Conformity

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (the Growth Plan) provides specific land use planning policies to manage growth and develop complete communities, and sets out population and employment forecasts for all upper and single-tier municipalities in the Greater Golden Horseshoe (GGH).

The Growth Plan sets out specific targets for the downtown, referred to in the Growth Plan as the Urban Growth Centre (UGC), which is considered a regional focal point for accommodating population and employment growth. For Guelph, this means accommodating a density of 150 people and jobs per hectare in the UGC or downtown, by 2031. This Growth Plan target for Guelph has remained unchanged since the original in 2006.

One of the foundations of the Downtown Secondary Plan was determining the capacity of downtown and how much the downtown area needed to grow to meet the targets of the Growth Plan. For Guelph to achieve this density, the City needs a total of approximately 2500 new residential units downtown between 2006 and 2031. Analysis of Guelph's downtown shows that there is a capacity for nearly 6000 residential units based on the build out of the current sites that are planned to accommodate residential uses as per the DSP.

Densities provided by the Growth Plan are minimums, but even if Guelph wanted to go beyond what is required by the Growth Plan, there is no need to re-designate sites for more height or density downtown to achieve more than twice what is expected. Re-designating and developing this site with 180 apartment units would compromise the ability for other residential sites to be developed, which removes the balanced approach to growth downtown which is one of the DSP objectives.

Since Guelph began monitoring growth in the Downtown in 2006, more than 800 units have been built and approximately 400 more are expected shortly, which is close to half way to the number of units the City is required to achieve by 2031. Since there is more than adequate land designated for residential growth in the downtown and Guelph is on track to meet its Growth Plan target downtown, there is no need to designate additional lands for residential development to meet the minimum UGC density target to 2031 from the Growth Plan at this time.

The Growth Plan also speaks to the need for providing for both residential and employment lands to create complete communities, which "feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities (Policy 2.2.1.4 a)). While Urban Growth Centres will be planned:

- a. as focal areas for investment in regional public service facilities, as well as commercial, recreational, cultural, and entertainment uses;
- b. to accommodate and support the transit network at the regional scale and provide connection points for inter and intra-regional transit;
- c. to serve as high-density major employment centres that will attract provincially, nationally, or internationally significant employment uses; and
- d. to accommodate significant population and employment growth. (GP 2.2.3)

The Growth Plan also identifies that major office and appropriate institutional development will be directed to UGCs (GP 2.2.5.2) and that retail and office uses will be directed to locations that support active transportation and have existing or planned transit. The Downtown Secondary Plan is in conformity with this policy by reserving this site for office and institutional uses which can accommodate major office, adjacent to the transit terminal. This site could accommodate major office as a use, which is defined in the Growth Plan as “Freestanding office buildings of approximately 4,000 square metres of floor space or greater, or with approximately 200 jobs or more”.

To be consistent with the Growth Plan and to ensure a complete community in Guelph’s downtown, sites in the downtown core such as this one, that can easily accommodate major office employment uses near transit, need to be protected for future employment uses.

The Downtown Secondary Plan designated this site appropriately as “Office or Institutional”. Re-designating the site as proposed to “Mixed Use 1” would not maintain the office or employment use as stand-alone residential is permitted in this designation. Furthermore, the appropriate process to re-designate existing employment lands is through a Municipal Comprehensive Review (MCR), which would ensure that adequate employment lands are maintained in the Urban Growth Centre in the context of ensuring the City is meeting all its Growth Plan requirements. The City is currently in the process of its Municipal Comprehensive Official Plan Review. Part of this process will include a comprehensive review of the City’s employment lands to ensure that there is enough land, of the right type and in the right locations, to accommodate employment growth to 2041.

The applicant argues in their Planning Justification Report that the Downtown Secondary Plan is outdated given the 2019 Growth Plan, but staff have determined that changes to the Growth Plan have little impact on the downtown area as an Urban Growth Centre. Both its density target and overall growth target remain unchanged. The Downtown Secondary Plan, consistent with the Growth Plan, has designated this site for Office or Institutional Uses, in the Urban Growth Centre as directed by the Growth Plan, located adjacent to the transit terminal and there are no changes in the 2019 Growth Plan that would require changing the designation of this site to allow for residential uses.

Official Plan and Downtown Secondary Plan Conformity

Official Plan Context

The City of Guelph Official Plan (OP) reinforces the objectives of the PPS and Growth Plan. The Downtown Secondary Plan (DSP) delivers the specific land uses and policy directions for the downtown area. The DSP was approved by Council in 2012 and is based on the targets of the Growth Plan and the City’s Growth Management Strategy while taking into account the unique natural and built heritage context of Guelph’s downtown area. More specifically, the DSP assigns both land uses and height ranges to every property in the Downtown.

Through the Downtown Secondary Plan, the land use designation that applies to the subject lands is “Institutional or Office”. 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. Residential uses are not permitted. The site is required to have active frontage along its Wyndham Street frontage and along its Farquhar Street frontage closest to Wyndham Street. The site has a permitted height range of three to six storeys.

Proposed Official Plan Amendment

The applicant has proposed three amendments to the Official Plan. 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.

Downtown Secondary Plan Conformity

In keeping with Growth Plan requirements for a complete community with a diverse mix of land uses, and which meets our Urban Growth Centre targets, the Downtown Secondary Plan has set out specific land use policies and designations to guide development and intensification within Guelph's Downtown. In reviewing the Downtown Secondary Plan, it can be concluded that the proposed development does not conform to the objectives and policies of the DSP, as is outlined in the following paragraphs.

Current Land Use Designation

This site is one of a limited number of sites downtown that has been designated as "Institutional or Office". This designation combines properties in the downtown that are existing significant civic, cultural or public institutions together with properties near Guelph Central Station, where it is appropriate to concentrate major office and institutional uses near the main transit terminal. Permitted uses in this designation include office, entertainment, community services, civic or cultural institutional uses. Retail and service uses are also permitted as secondary uses.

Most of the sites designated as "Institutional or Office" have an existing institutional or community use that is established and unlikely to change in the near term, including the Basilica of Our Lady, Guelph City Hall and the Provincial Courthouse, the Armoury and the River Run Centre. Only the area along the north side of Macdonnell Street that currently houses the Cooperators offices and the block bounded by Farquhar, Neeve, Wyndham and Fountain streets, where the development is proposed, and adjacent to Guelph Central Station are sites that have been protected for additional major institutional or office uses that could add to the range and mix of employment uses in the Downtown. This distribution of sites designated as "Institutional or Office" is illustrated in Attachment 3.

Many sites downtown have been designated "Mixed Use 1" which would permit employment uses but does not require them, and the "Mixed Use 1" designation's

flexibility allows solely residential uses and are often surrounded by existing residential uses. Therefore, they may not be appropriate to develop as major office and almost all are located further from the City's major transit station than this site.

It is important to maintain lands for solely employment uses to meet broader PPS and Growth Plan policies mentioned earlier about ensuring the availability of employment lands, especially for major office uses, and near the City's major transit station. This idea is further embedded in existing DSP objectives and policies which direct that major office uses should be located downtown (DSP 11.1.3.1.2). DSP Principle 3 "A Creative Place for Business" includes the objectives of accommodating a significant share of Guelph's employment growth and creating "a setting that reinforces Downtown as a high density major office-related employment centre that attracts provincially, nationally, or internationally significant employment uses," together with a target of increasing the number of jobs downtown to 7,500 by 2031.

To enable these policies, lands with major office potential need to be protected specifically for future employment needs, and this site is one of few available in the "Institutional or Office" land use designation, so it should be protected for the City's future employment needs.

The applicant argues in their Planning Justification Report that the site will meet the intent of existing designation by adding jobs to the downtown as well as adding the residential component for a more efficient development and a higher density of people and jobs per hectare. However, the majority of the jobs are planned to be moved to the site are from office space elsewhere downtown. By changing the designation to "Mixed Use 1" to allow residential does not limit where residential could be located, aside from identified active frontage areas, so there is no limit proposed of keeping residential uses from taking over the majority of the building including the currently proposed office portions of the site in the future.

Furthermore, as noted previously in this analysis under Growth Plan conformity, staff have determined the downtown has plenty of designated capacity for residential uses on sites already designated "Mixed Use 1" or another residential designation. Therefore, at this time, there is no need to increase the supply of lands to accommodate additional residential units within the downtown. However, there is the need to maintain sites for major office uses within the downtown. As such sites that are currently designated "office or institutional" should be maintained.

Building Height

The development is proposed to be 25 storeys tall, which is unprecedented both in the downtown and in the City as a whole. Guelph's built form is predominantly low- to mid-rise in height, with high density sites outside of the Downtown generally limited to 10 storeys. The highest buildings permitted downtown are 18 storeys in height, located on specific lower impact sites further discussed below.

The Downtown Secondary Plan has strategically assigned appropriate building heights in the Downtown to allow some tall building in areas where additional height can be accommodated in a compatible manner, and that minimize impacts on historic areas and preserves important public views. Guelph has a distinct history as

a planned town which is incorporated as a fundamental aspect of the strategic directions of the City's Official Plan:

Guelph is a historic city, founded in 1827 and originally planned by John Galt. The city was initially designed in a fan shape, radiating outward from the Speed River. The rivers and topography influenced the design of the city and allowed for scenic views and focal points particularly within the downtown.
(OP 2.1 Connecting with our Past)

This basis is carried into the foundations of the Downtown Secondary Plan, where height is an integral component of determine areas that are appropriate for additional density.

One of the key policies in the Downtown Secondary Plan regarding building height is 11.1.7.2.1:

Schedule D identifies building height ranges to be permitted within the Downtown Secondary Plan Area. In general, the predominant mid-rise built form of Downtown shall be maintained with taller buildings restricted to strategic locations, including gateways that act as anchors for key streets. Taller buildings in these locations will have minimal direct impacts to existing neighbourhoods and the historic core of Downtown, and they will be outside protected public view corridors. In the height ranges contained on Schedule D, the lower number represents the minimum height in storeys for buildings and the higher number represents the maximum permitted height in storeys. The maximum heights recognize the Church of Our Lady's status as a landmark and signature building; it is the general intent that no building Downtown should be taller than the elevation of the Church. Exemptions from minimum height requirements may be permitted for utility and other buildings accessory to the main use on a site.

Essentially, the DSP approach maintains the mid-rise built form of the downtown while allowing for some taller buildings in lower areas of the downtown which act as gateways. This building placement approach limits impact on the historic context of downtown and maintains the Basilica of Our Lady as a landmark signature building.

Furthermore the heights assigned take into account the additional density required downtown in terms of the Growth Plan requirements for meeting 150 people and jobs per hectare in the City's Urban Growth Centre by 2031 and the balance of land needs in the downtown. The City's growth targets for the Urban Growth Centre (UGC) remain unchanged in the most recent growth plan, and results in the need for approximately 2500 new residential units by 2031, and staff have determined that there is the capacity in the downtown for almost 6000 units. Therefore, there is no concern related to capacity or land allocation related to achieving our UGC growth targets.

The subject site, 70 Fountain Street East is assigned a height of 3 to 6 storeys in Schedule D of the DSP. By proposing 25 storeys, the site does not conform to several policies in the DSP.

The proposed height of the building at 25 storeys is taller than the Basilica of Our Lady and does not respect the prominence of Basilica of Our Lady as a landmark and signature building (DSP 11.1.7.2.1). It's the general intent of the DSP that no building Downtown should be taller than the geodetic elevation of the Basilica, and the church is supposed to be the most prominent feature in the downtown skyline (11.1.7.2.3 h). Attachment 7 illustrates how the building would be significantly taller than the Basilica and other tall buildings downtown. In addition, as shown in Attachment 8 and given the building height, this design proposal competes with the Basilica as the Guelph skyline's most prominent feature (see for example the view from Wellington Street/Gordon Street in Attachment 8).

The site is also not appropriate for additional height given that it is not at a topographic low point in the downtown, which is where other tall buildings have been located. Below in Table 1 is a comparison of the topographic geodetic elevations of 18 storey sites within the downtown.

Table 1: Geodetic Site Elevations

Site	Address	Approximate Geodetic Elevation
Riverhouse	160 MacDonnell St.	319m (corner of MacDonell/Woolwich)
Rivermill	150 Wellington St.	316m (corner of Wellington/Surrey)
Guelph Fire Hall	50 Wellington Street	311m (corner of Wyndham/Wellington)
N/W Corner of Wellington St. and Wyndham Street	58 Wellington Street	311m (corner of Wyndham/Wellington)
Subject Site	75 Farquhar/70 Fountain St.	323m

As shown in the table, this site's elevation is greater than the permitted 18-storey sites. It is taller than the two sites on Wyndham Street sites by approximately 13 metres, the equivalent of 4 standard residential storeys in height difference. It is not at a low elevation topographically so increasing the building height on this site would not meet the urban design framework as shown in the Secondary Plan Height Schedule for tall buildings—let alone a location for the tallest building in Guelph and seven storeys taller than the tallest height permitted in the City. The site is also not a gateway location to the downtown, or at a key intersection like the sites at Wellington/Wyndham and MacDonnell/Wellington intersections, so it does not meet policy 11.1.7.2.1 about the strategic location of high buildings.

Heritage Site Context

The subject property contains a built heritage resource that has cultural heritage value and has been listed as non-designated on the Heritage Register of Cultural Heritage Resources. Built in 1958 in the International Style, an architectural design style popular for government office buildings in the mid-20th century. Further information about the heritage significance of the existing building is included in the Heritage Planner's comments on the application in Attachment 9. The applicant is proposing to demolish the existing building and salvage some of the exterior materials to use on the 2nd to 4th floor of the proposed new building.

At their meeting of February 10, 2020 Heritage Guelph concurred with most of the recommendations made by heritage planning staff including the cultural heritage value of the built heritage resource at 70 Fountain Street East/75 Farquhar Street, the building's heritage attributes and that a 3 to 6-storey development proposal (not 25-stories) would be an appropriate development model for this particular property. However, Heritage Guelph provided the following advice to City Council: "that the existing 3-storey heritage building not be removed from the heritage register and that it be protected immediately by a heritage designation bylaw in

situ". Should Council move to designate the property, staff feel that the development of this site would be required to work around the protected heritage building and many additional constraints would be created for a successful design solution. Staff's recommendation is that although the subject building does have cultural heritage value as an individual building it is does not a major contributor to the Victorian era Market Ground area. Its removal would be sufficiently mitigated by the careful reconstruction of its heritage attributes as a major element of a new 3 to 6-storey development in a design that reflects the building's original form and heritage attributes better than the current design proposal.

Heritage Surrounding Context

The proposed development site is adjacent to two protected heritage properties. The Alling house built in the 1830s at 81 Farquhar Street and the Drill Hall built in 1868 at 72 Farquhar Street. Both properties are protected under individual heritage designation bylaws. Although the Armoury at 7 Wyndham Street South is a recognized Federal Heritage Building in the custodianship of the Department of National Defence, it is not protected under Federal legislation and therefore not a protected heritage property as defined in the Provincial Policy Statement.

The subject property is also adjacent to numerous listed heritage properties. The subject site is part of the historic Farquhar Street streetscape which contributes to the definition of the Market Ground area. The Market Ground was identified by Heritage Guelph as a heritage character area in comments made to the Downtown Built Form Standards. More recently the Market Ground has been included as part of the Old Downtown candidate cultural heritage landscape in the draft Cultural Heritage Action Plan.

The Market Ground is still easily identified as the area within Carden Street, Wilson Street, Freshfield St and Farquhar St including the street walls that front onto this area. Galt's 1827 plan shows the Market House (Town Hall) in the centre of the Market Ground. The arrival of the railway in 1856 bisected the Market Ground and create sections that became space for a Drill Hall, a fairground/baseball diamond and by 1909 the City's Armoury. Five of the buildings within the Market Grounds CHL have already been protected by designation bylaws under the Ontario Heritage Act.

The "Market Place" heritage character area includes both the north and south sides of the railway tracks and that the subject property plays an important anchor role as a corner property at Wyndham and Farquhar Streets and is a major contributor in the delineation of the southern boundary of the Market Place (or Market Ground) heritage character area. The Heritage Planning comments found in this report in Attachment 9 provide further detail and illustrate the heritage significance of the site in context.

Heritage and Impacts of Proposed Height

The proposed height of the building in this location is also not compatible with the historic core of Downtown. An objective of the DSP is to keep and enhance the existing historic character of the downtown (11.1.2.2, Principle 1) and 11.1.2 states maintaining historic character and preserving important public views is another

reason that taller building placement is strategically at the periphery. Furthermore the DSP has an objective to “ensure new development respects the character of downtown’s historic fabric and the quality of life in the surrounding neighbourhoods” (11.1.7 g).

Based on its relation to the historic core, the site is not a strategic location for building height and the proposal will dramatically change the image and experience from the historic core based on the following:

- The image and experience of the historic core area will be dramatically impacted. This is demonstrated in Attachment 8 when viewing the historic train station from Carden Street and views to the site from St. George’s Square. A 25-storey building in this location does not have a minimal direct impact on the historic core as per policy 11.1.7.2.1.
- This site abutting the historic Market Ground is at the geographic centre of Galt’s Plan. Adding 25 storeys in this location does not meet the vision of the Downtown Secondary Plan which places tall buildings at the periphery (see Vision from 11.1.2 excerpted above).
- The site fronts onto the Market Ground feature at the heart of Galt’s Plan. Given the already established mid-rise character along the north side of the Market Ground, it is more in keeping with the historic plan to maintain the midrise character on this site and along Farquhar creating a balanced massing surrounding Galt’s Market Ground.
- The site is adjacent to significant protected heritage properties and within close proximity to a number of listed heritage properties. These properties are low to mid-rise in character in keeping with the current height schedule permissions. This context is not appropriately taken into account or responded to in the proposal to add a 25-storey building to this site.

Compatibility and Urban Design

In addition to contextual and height compatibility concerns identified above, staff have also reviewed the proposal’s compatibility with the immediate area in regards to wind and shadow impacts and transition to adjacent properties based on the proposed built form and City Official Plan policies requiring that tall buildings limit wind and shadow impacts and create appropriate transitions to adjacent existing uses. Further detail is available in the full Urban Design comments found in Attachment 9.

Wind Impacts

A pedestrian wind study was submitted by the applicant that shows that wind impacts do not meet City policies nor the City’s Wind Comfort and Safety Criteria. A summary of the outcomes include the following:

- At the southwest and northwest building corners the wind study shows the proposal does not meet the Wind Study wind safety criterion.
- Potentially uncomfortable conditions are predicated along Farquhar Street, Wyndham Street and Fountain Street. Uncomfortable wind speeds are higher than desired for sidewalks and walkways.

- Wind speeds at the main entrances are predicted to be potentially slightly too windy for the intended pedestrian use.

In response to the above concerns, the applicant's Wind Study suggests acceptable wind speeds can be achieved through the use of large building setbacks, deep canopies or windscreens or dense landscaping. Staff note that the applicant is proposing a 0 metre lot line building, where the placing of canopies, windscreens or landscaping is not a viable option, because it would have to be on the City's right of way. The concern identified by the wind study on the public realm with regard to "uncomfortable conditions" on adjacent streets has also not been adequately addressed. This is particularly important along Farquhar Street which is meant to "accommodate high volumes of pedestrian traffic to and around the [major transit] station (DSP policy 11.1.4.3.2). Concerns regarding excessive wind speeds at main entrances and the impacts on the backyard amenity space at 90 Fountain Street East have also not been adequately addressed by the study.

In summary, based on the safety criteria exceeded within the public realm and the uncomfortable winter conditions identified, which have not been adequately addressed, the proposal does not meet the Official Plan policies in regard to ensuring no negative adverse wind impact.

Shadow Impacts

Based on the City of Guelph Sun and Shadow Study Terms of Reference, urban design staff has the following concerns related to the shadow study submitted by the applicant:

- Criterion 3.1 regarding shadow impacts on the opposite Farquhar Street sidewalk is not achieved. On September 21 at 12pm, the opposite sidewalk is in shade. Therefore the study does not show full sunlight at 12pm, 1pm and 2pm as required by this criterion.
- The shadow study does note that "there is limited pedestrian traffic in this area as it is currently facing a parking lot." Staff does not agree with this justification especially given policy 11.1.4.3.2 of the Official Plan that states that Farquhar Street should be designed to "accommodate high volumes of pedestrian traffic to and around the [major transit] station."
- The shadow study notes that the criterion 1 (Residential Amenity Spaces) in regards to the adjacent property to the east is not met. Staff does not agree that the existing vegetation justifies the exceeding of this criterion.

In summary, based on not meeting the criterion of the Sun and Shadow terms of reference with no adequate justification, the proposal does not minimize or mitigate adverse shadow impacts on the public realm (i.e. Farquhar Street) or the adjacent property.

Transition to Adjacent Properties

The Official Plan contain as number of policies in regard to transition between tall buildings and surrounding areas:

- Where proposed buildings exceed the built height of adjacent buildings, the City may require the new buildings to be stepped back, terraced or set back to reduce adverse impacts on adjacent properties and/or the streetscape (8.11.2).
- The massing and articulation of buildings taller than six storeys shall provide appropriate transitions to areas with lower permitted heights (11.1.7.2.3 h).

Furthermore, the site should comply with the Downtown Built Form Standards, which include specific provisions for the use of angular planes in and adjacent to Historic House-Based Character Areas to evaluate the massing, height and transition to adjacent properties, in particular to the east and south-east. The Downtown Built Form Standards contain rear yard and front yard angular plane provisions that the applicant has included in their building sections drawings.

As illustrated by the applicant, the proposal greatly exceeds the angular plane and transition test. Therefore, the application does not comply with this performance standard. In addition, as illustrated in the following rendering, the transition to the building to the east is a concern from an overlook perspective:



Although there is existing vegetation in this location, the amount of glazing, the building setback and the lack of conformance to the angular plane provision standards, the proposal does not conform to the Official Plan policies to provide appropriate transitions to areas with lower permitted heights or reduce adverse impacts on the adjacent properties. Appropriate building massing has not been achieved.

Other Urban Design Concerns

Based on the proposal, urban design staff have additional comments based on the building design and elevations submitted:

- The proposed building does not have a distinctive building top as required for tall buildings (Official Plan policy 8.9.1i); and,

- Loading and servicing along Farquhar is not screened and therefore does not meet Official Plan Policy 11.1.7.2.4 b).

Staff further note that a number of the policies mentioned above would also need site specific amendments, which the applicant did not apply for in their Official Plan Amendment application. The proposal generally disregards the careful design-led Downtown Secondary Plan that was an outcome of an extensive public process. The Secondary Plan received the 2013 Ontario Professional Planners Institute (OPPI) Excellence in Planning Award, within the category of Municipal Statutory Planning Studies, Reports and Documents. The Secondary Plan carefully balances the historic and urban design context with the imperative to accept additional density as per the provincial policy. This major site-specific Official Plan Amendment does not conform to the Downtown Secondary Plan or indeed its framework for accommodating growth.

For these reasons, the development application portrays a profound disregard for local context from an urban design, heritage and policy perspective. The proposal is out of scale with the existing and proposed context, with a height and density that is without precedent anywhere within the City of Guelph.

Affordable Housing

The City's Affordable Housing Strategy (AHS) sets an annual City-wide 30% target for housing that is affordable with the goal of ensuring that affordable housing is included in the range and mix of housing provided for all households across the City. The goals and objectives of the AHS have also been incorporated into the Official Plan in Section 7.2 (Affordable Housing). These policies are intended to encourage and support the development of affordable housing throughout the city by planning for a range of housing types, forms, tenures and densities and have been applied to the review of the proposed residential component of this development application.

Implementing the City's affordable housing target is largely dependent upon designating a suitable amount of land and density for residential use, including mixed use developments. There is a high correlation between the City's growth management policies and the ability to meet both growth management and affordable housing targets. Apartment and townhouse units represent the vast majority of residential units that are below the affordable benchmark price, as identified in the AHS.

The Planning Justification Report submitted by the applicant clearly states on page 54 that, "Concerning affordable housing, Skyline is not committing to affordable housing that meets the City's defined 2019 affordable housing benchmark," but rather would contribute to adding to rental housing stock and providing compact units that cater to smaller households.

The applicant has proposed 180 apartment units on the upper 21 storeys of the proposed mixed use building. The applicant has proposed that these units would be a mix of 1 and 2 bedroom units and the applicant intends to rent these units.

Based on these proposed housing forms, it is anticipated that this development could contribute to the achievement of the affordability housing targets set for the City, however, the actual contribution to affordable housing targets can only be measured by the City as units are rented or sold. Staff note that the City's annual Affordable Housing Reports prepared over the past few years have indicated that the City has been meeting affordable housing targets and there are several proposed developments under review now that are considering including an affordable housing component.

Official Plan Amendment Criteria Analysis

Policy 1.3.14 of the Official Plan requires that the following items shall be considered by Council when considering an application to amend the Official Plan:

- a. the conformity of the proposal to the strategic directions of this Plan and whether the proposal is deemed to be in the overall interests of the City;
- b. consistency with applicable provincial legislation, plans and policy statements;
- c. suitability of the site or area for the proposed use, particularly in relation to other sites or areas of the city;
- d. *compatibility* of the proposed use with adjacent land use designations;
- e. the need for the proposed use, in light of projected population and employment targets;
- f. the market feasibility of the proposed use, where appropriate;
- g. the extent to which the existing areas of the city designated for the proposed use are developed or are available for *development*;
- h. the impact of the proposed use on sewage, water and solid waste management systems, the transportation system, community facilities and the Natural Heritage System;
- i. the financial implications of the proposed *development*;
- j. other matters as deemed relevant in accordance with the policies of this Plan.

The application has been reviewed against Official Plan policies above and several aspects of the proposed amendments do not meet the criteria for an Official Plan amendment as follows:

The proposed Official Plan amendments do not conform to the strategic directions of the Official Plan, as they do not respect the historic context the proposal is located within, including the surrounding and adjacent built heritage, the historic location as part of the original Market Place and by proposing to be higher than the Basilica which should be maintained as a signature landmark downtown by being the highest geodetic point downtown.

Furthermore, the strategic directions of the Official Plan focus on creating complete communities which need employment lands as the site is currently designated. The applicant's proposal is for a mixed use building, but the proposed redesignation of the site could result in a solely residential building, removing the opportunity for additional employment opportunities downtown at a location immediately adjacent to the transit terminal which is ideal for major employment uses.

Staff have also evaluated the proposal against provincial plans and policy and have noted a lack of conformity with both the Provincial Policy Statement and A Place to

Grow: The Growth Plan for the Greater Golden Horseshoe regarding providing the appropriate mix of employment uses and the preservation of land for employment uses as noted earlier in this planning analysis.

The site is not suitable for the proposed development for several reasons. The site is more suitable to be protected for employment uses as intended by its current Official Plan designation. The proposed building is too tall, and as noted earlier in this planning analysis creates a negative impact on both surrounding sites and the broader Downtown area that has been planned to be predominantly midrise while intensifying strategically to meet the City's Growth Plan requirements. There are sites Downtown that have been identified and designated to accommodate mixed use buildings up to 18 storeys in height, based specifically on their location at a gateway to the downtown and at a topographic low elevation in the Downtown. The proposal is not compatible with the historic context it is located in, towering over the surrounding heritage buildings and historic neighbourhood without appropriate transitions and is unable to meet City policies that limit wind and shadow impact.

The site is not needed for the proposed use based on current population and employment targets. As noted earlier in the analysis of the proposal against the targets of the Growth Plan, the City has more than sufficient land designated as Mixed Use 1 which can accommodate mixed use buildings such as this, though at a lower height, because the proposed height is not contemplated in the Downtown, nor needed to achieve Guelph's projected growth. Growth monitoring has shown plenty of capacity for residential uses throughout the downtown and that Guelph is progressing consistently towards its 2031 targets for the Urban Growth Centre.

The proposal has also been reviewed for its impact on City infrastructure. City services are available for the redevelopment of the site. However, given that the applicant proposed to build a multi-level underground parking structure, staff note that needed hydrological modeling was not submitted by the applicant and the hydrogeological assessment was preliminary in nature and has not confirmed appropriate groundwater protection. The submitted Transportation Impact Assessment has incorrect assumptions and would need to be revised to confirm traffic impacts.

Overall, a comprehensive review of the Downtown Secondary Plan should precede any significant changes to the land use and height schedule. Planning staff discourage this substantial ad hoc site specific amendment that is not consistent with the basic principles of the DSP and creates uncertainty in the planning process for local residents and landowners. The Municipal Comprehensive Review is the appropriate tool to re-evaluate any aspect of the DSP, if necessary. However, staff are also satisfied that the Downtown has more than adequate capacity to add growth in line with our Growth Plan targets.

For these reasons, the proposal does not meet the criteria for an Official Plan Amendment; it cannot be considered in the best interest of the City and should be refused.

Other Concerns

Additional concerns were raised by members of the Public and Council regarding adequacy of proposed common amenity, a lack of greenspace on site, park space implications, bonusing provisions, specialized zoning regulations and whether fire trucks could reach 25 storeys.

Staff have concluded that the Official Plan amendments related to use and height should not be supported as shown above, and also recommend refusal of the proposed Zoning By-law amendments for the same reasons. Staff do not address the site specific zoning regulations because we are recommending refusal of the changes to the Official Plan and Zoning as a whole. Fundamentally, staff continue to support the current Official Plan designation of "Institutional or Office" and the existing height range of 3-6 storeys. Similar to the proposed Official Plan Amendment, the proposed zoning would not implement the established planning vision for downtown.