

# Staff Report

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To	<b>City Council</b>
Service Area	Public Services
Date	Tuesday, October 13, 2020
Subject	<b>Pandemic Response – Bylaw Exemption</b>

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## Recommendation

1. That Council enact the attached draft amending bylaw, amending the City's Parkland Dedication Bylaw 2019-20366 ("PDBL") to add to the exempt categories "Industrial or Commercial Development or Redevelopment that has as its principal purpose compliance with the recommendations of public health in respect of physical distancing, screening and/or testing for COVID-19, and/or the production of urgently required safety equipment and supplies for the primary purpose of supplying the local, provincial, national, and/or international response to the COVID-19 pandemic."
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## Executive Summary

### Purpose of Report

To recommend to Council an addition to the existing list of Parkland Dedication Bylaw (PDBL) principled exemptions to ensure that essential businesses can continue to function safely in the COVID-19 pandemic.

### Key Findings

The PDBL was designed to ensure that where development and redevelopment results in commercial, industrial and residential growth, the City obtains parkland or cash-in-lieu of parkland to support the costs to the City of that growth. This practice ensures that as the city grows, the park system grows with it.

Businesses may need to react to the pressures of the COVID-19 pandemic and install measures that protect employees and customers so they can continue to operate in a safe manner.

Development or redevelopment of facilities to accommodate new work safety requirements, while maintaining current production levels, should not be considered growth for purposes of the PDBL.

Under the PDBL, Council has delegated to the Deputy Chief Administrative Officer Public Services the authority and discretion to apply listed exemptions, such as for the replacement of buildings destroyed due to fire or other accidental cause beyond the control of the owner, where there is no resulting intensification.

This amendment would similarly ensure that parkland dedication costs do not inhibit Guelph employers and producers from redeveloping their sites to comply

with public health guidance for the safety of workers and/or from pivoting their operations to develop or increase production of materials and products with the primary purpose of supplying the local, provincial, national, and/or international response to the COVID-19 pandemic.

## **Financial Implications**

There are no financial implications expected from this exemption. This exemption will only capture commercial or industrial growth where COVID-19 prevention is the primary purpose, not an ancillary effect. Works that expand general capacity or which are being proposed as general, non-specific development or redevelopment, as those terms are defined in the PDBL, will not be exempt. To the extent that there is any permanent benefit to a business of an exemption from parkland dedication while retooling for urgently-needed COVID-19 supplies, the loss of parkland dedication or cash-in-lieu will be substantially offset by the financial and health benefits to the City and its residents in aiding in the fight of COVID-19.

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## **Report**

Industrial and commercial enterprises play an important role in providing employment and essential goods and services to the local and broader community. These services are critical to community health and well-being during the COVID-19 pandemic. Staff recommend that businesses that need to adjust or modify facilities to remain operational and continue to provide employment and essential goods and services in the midst of the pandemic should not be burdened with fees that are typically associated with commercial, industrial, and residential growth.

The proposed amendment to the PDBL will allow essential businesses to focus capital resources on remaining operational and securing the safety of their employees and customers. Similar to the existing exemption for fire-damaged premises, this exemption will ensure that the City avoids applying the bylaw in a way that inhibits an appropriate COVID-19 response and/or which appears to be opportunistic in collecting fees for facility expansion that is not related to growth.

The PDBL contains other similar principled exemptions, such as an exemption for buildings that are being rebuilt because of a loss due to fire. This exemption exists because this construction is not related to growth and does not increase the need for parkland, but rather maintains the existing service level. On an ethical level, this exemption exists to avoid further financial burden to individuals or entities that are attempting to recover from a tragedy.

By adding a COVID-19-specific exemption to the list of existing principled exemptions in section 33 of the PDBL, Council will empower staff under the oversight of the Chief Administrative Officer Public Services to apply the exemption when it is appropriate. This will allow staff to ensure efficient and timely evaluation of development or redevelopment applications as they come forward, and to exempt those developments and redevelopments specifically targeted at COVID-19 adaptations.

The alternative to enacting a principled exemption would be to require a proponent submission and Council resolution in each specific case. That would impose delay and possibly inhibit urgently required adaptations to the COVID-19 pandemic. It would also result in increased staff and proponent costs and Council time. Staff are familiar with and proficient in the application of principled exemptions and the

proposed amending bylaw is an efficient and effective response to an emergent concern.

## **Financial Implications**

There are no financial implications from this exemption. This exemption will not capture commercial or industrial growth where COVID-19 prevention is only an ancillary effect, only where it is the primary purpose. Works that expand general capacity or which are general, non-specific development or redevelopment, as those terms are defined in the PDBL, will not be exempt. To the extent that there is any permanent benefit to a business of an exemption from parkland dedication while retooling for urgently-needed COVID-19 supplies, the loss of parkland dedication or cash-in-lieu will be substantially offset by the financial and health benefits to the City and its residents of aiding in the fight of COVID-19.

## **Consultations**

This amendment of the PDBL to provide for a principled exemption in response to COVID-19-driven redevelopment is recommended, in consultation with Legal staff, to ensure compliance with local and provincial legislation.

## **Strategic Plan Alignment**

Powering our future: supporting businesses as they adapt to changing workforce needs.

Building our future: Creating greater impact by aligning our efforts with local and provincial partners.

## **Attachments**

Attachment-1: Draft amending bylaw 2020 20531

## **Departmental Approval**

Krista Walkey, General Manager, Planning & Building Services

Allison Thornton, Associate Solicitor, Legal Realty & Court Services

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## **This report was approved by:**

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**This report was recommended by:**

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