

January 4, 2023

Submitted via: <https://ero.ontario.ca/notice/019-5981>

Attention: The Honourable Steve Clark, Minister of Municipal Affairs and Housing

Ministry of Municipal Affairs and Housing

777 Bay Street, 17th Floor
Toronto, Ontario
M7A 2J3

Dear Minister Clark:

**Re: ERO No. 019-5981
Ministry Reference No. 23-OP-221935
City of Guelph Official Plan Amendment No. 80
2 Kilkenny Place, Guelph
Submission of Clay Seabrook and Jacqueline Geall**

i. Introduction

We are legal counsel to Clay Seabrook and Jacqueline Geall (the “**Landowners**”), the owners of the property municipally known as 2 Kilkenny Place (the “**Subject Property**”) in the City of Guelph (the “**City**” or “**Guelph**”). The Subject Property is located at the south-east corner of Clair Road East and Kilkenny Place in the Rolling Hills neighbourhood of Guelph.

On July 11, 2022, City Council adopted Official Plan Amendment 80 (“**OPA 80**”) by By-law (2022)-20731. OPA 80 is a City-initiated amendment that resulted from Guelph’s most recent municipal comprehensive review process pursuant to Section 26 of the *Planning Act*, R.S.O. 1990, c. P. 13 (the “**Planning Act**”). OPA 80 proposes a number of changes to the Guelph Official Plan policies and mapping to ensure consistency with the Provincial Policy Statement, 2020 (the “**PPS**”), conformity with A Place to Grow: the Growth Plan for the Greater Golden Horseshoe, 2020 (the “**Growth Plan**”), and that regard is had to matters of provincial interest. OPA 80 is currently before the Minister of Municipal Affairs and Housing (“**MMHA**” or the “**Minister**”) for review and approval. The Minister is now seeking comments from affected landowners and the public on OPA 80 through the Environmental Registry of Ontario (the “**ERO**”). This consultation process is known as ERO No. 019-5981 and Ministry Reference No. 23-OP-221935.

The Subject Property is located at an important corner location within the Rolling Hills neighbourhood and has extensive frontage along Clair Road East, which is a designated *Arterial* road with existing bike lanes. The site is also located within close proximity to existing commercial amenities and public services as well as public transit. As a result, the Subject Property is capable of accommodating the type of high density transit-supportive residential development that is required to help both the City and the Province achieve their required growth targets and provide new houses to combat the current housing supply crisis.

Notwithstanding these unique features of the Subject Property, OPA 80 proposes to redesignate the lands as *Mixed Office/Commercial* and *Medium Density Residential*. While these permissions allow some additional residential development on the Subject Property, the proposed designations would result in an underutilization of the site and are not consistent with and do not conform to the policy objectives of the PPS and Growth Plan that emphasis the need for efficient use of land through greater intensification. In its current form, the designations in OPA 80 for the Subject Property do not represent good planning and do not have regard to matters of Provincial interest.

As a result, the Landowners request that the Minister exercise his authority in reviewing OPA 80 to amend the proposed land use designation for the Subject Property from *Mixed Office/Commercial* and *Medium Density Residential* to the more appropriate *High Density Residential*.

The following submission and background information is made in support of the Landowner's request to the Minister.

ii. Description of Subject Property

As noted above, the Subject Property is located within the Rolling Hills neighbourhood at the south-east corner of Clair Road East and Kilkenny Place. Figure 1 provides an aerial view of the site.



Figure 1: Aerial view of Subject Property (Google Maps)

The Subject Property has an approximate frontage of 137.3 metres along Clair Road East and 78.6 metres along Kilkenny Place and an approximate site area of 11,868 square metres. The property is currently developed with a singled detached residential dwelling.

The Subject Property is well connected to existing transportation and transit. Clair Road East is designated as an *Arterial* road on Schedule 5: Road & Rail Network in both the existing Guelph

Official Plan and OPA 80, and provides the Subject Property with vehicular connectivity to the City's main thoroughfares and a direct connection to Highway 6. Figure 2 is an excerpt from Schedule 5 showing the location of the Subject Property along the Clair Road East Arterial road.

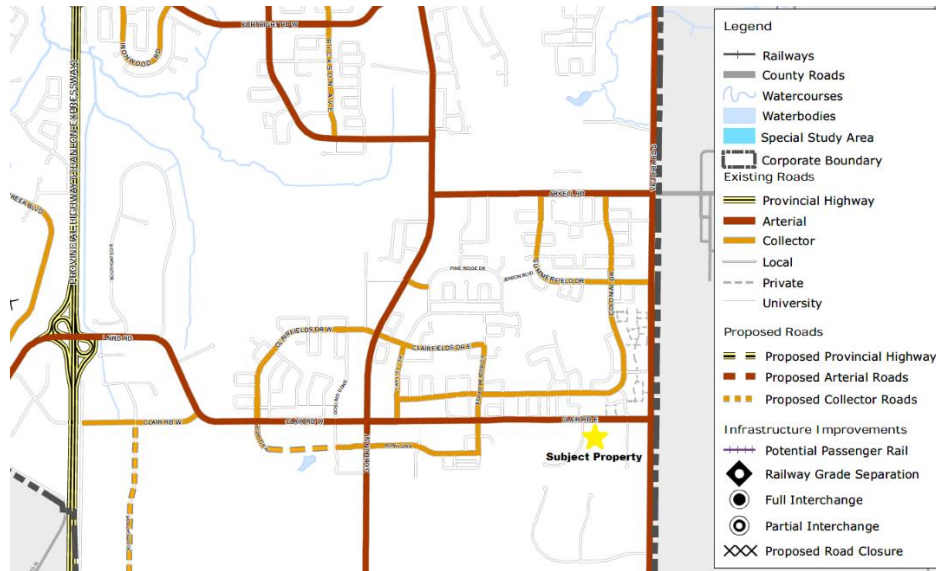


Figure 2: Excerpt from Schedule 5 – Road & Rail Network (OPA 80, p.170)

In addition, Clair Road East supports multimodal transportation as it is serviced by an existing bike lanes running along both sides of the street. These bike lanes allow for cycling from the Subject Site to existing commercial amenity areas south-west of the site near the intersection of Gordon Street and Clair Road East, and also form part of a City-wide bike lane system that connects into downtown Guelph. The Subject Property is located within walking distance to various bus stops along the Goodwin and Southgate transit routes. Figure 3 is an excerpt from the Guelph Transit system map showing the bike lanes and bus routes near the Subject Property.

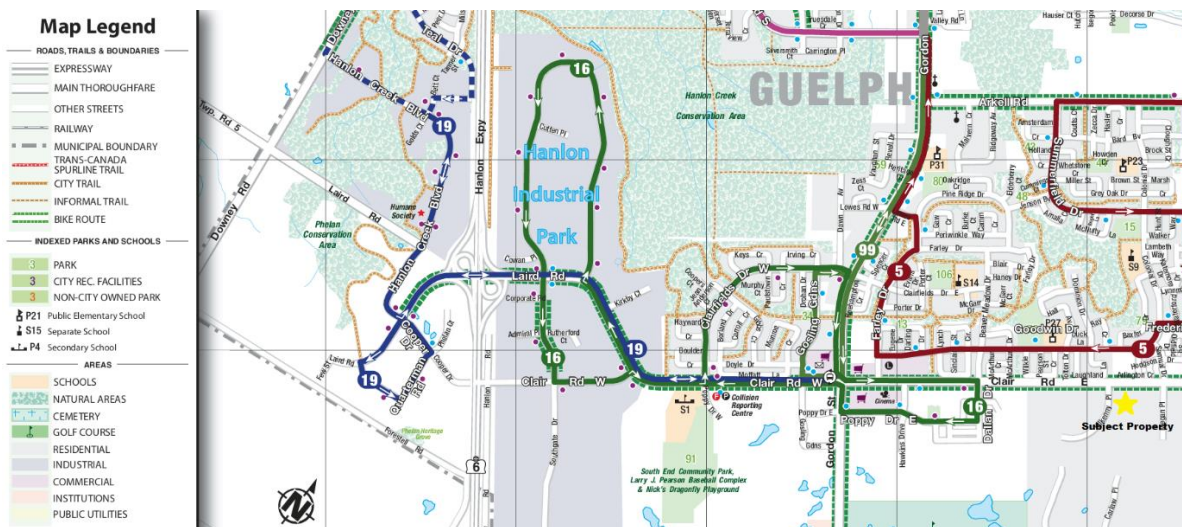


Figure 3: Excerpt from Guelph Transit System Map

The Subject Property is also well served by existing public services and amenities. The property is located in proximity to a number of local schools, including Westminister Woods Public School as shown on Figure 1, above. Similarly, the Westminister Square Branch of the Guelph Public Library is located nearby. The Subject Property also has access to a number of local parks and open space for a variety of recreational purposes.

Finally, it is our understanding that municipal services to support higher order development are currently available, or at a minimum can be quickly made available, adjacent to the Subject Property.

As described above, the Subject Property is well situated to support high density residential development.

iii. Proposed Designation of Subject Property in OPA 80

OPA 80 proposes to redesignate the Subject Property from *Reserve Lands* to *Mixed Office/Commercial* (orange colour) and *Medium Density Residential* (yellow colour) on Schedule 2: Land Use Plan. Figure 4 shows the proposed amended land use designations in OPA 80.

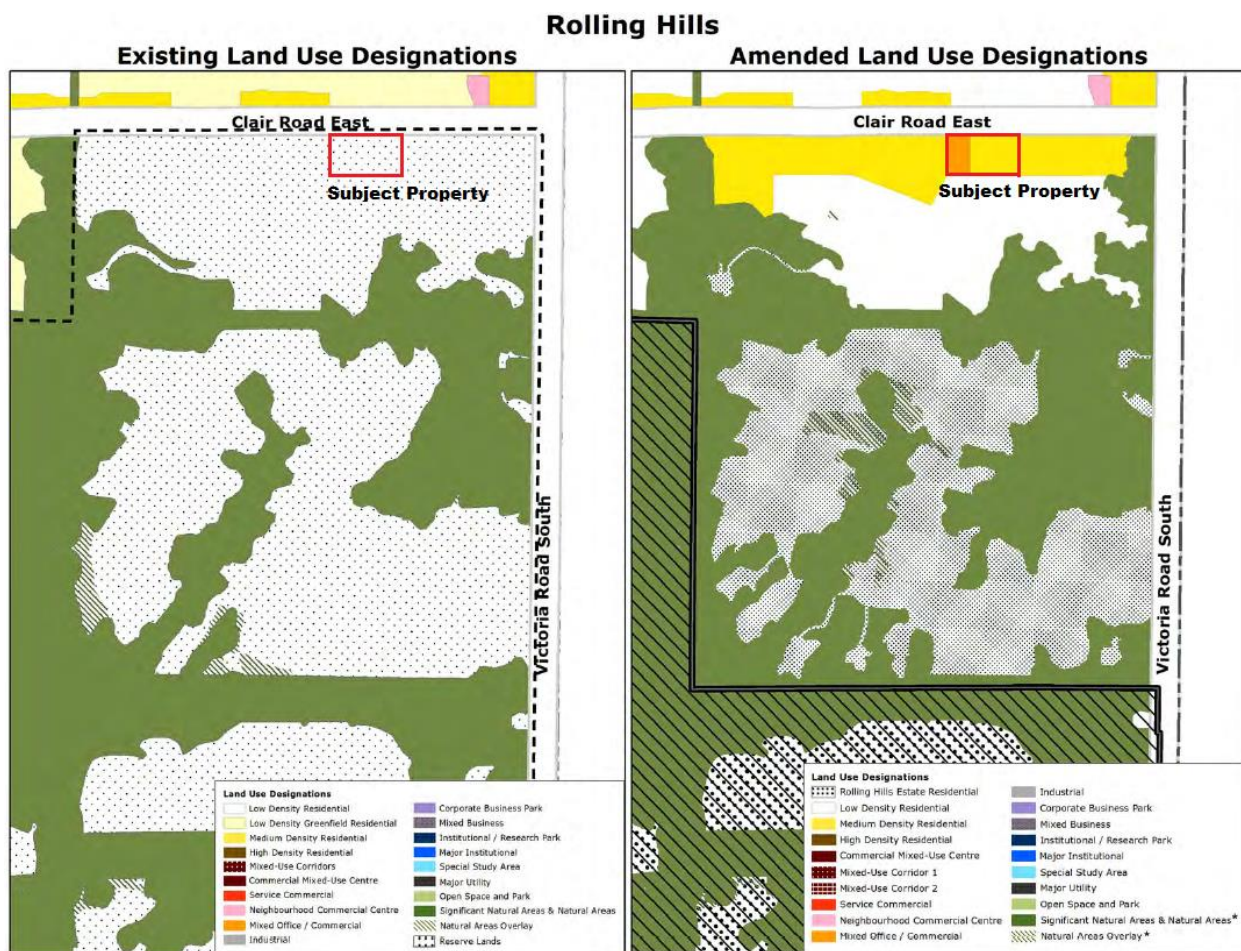


Figure 4: Excerpt from Schedule 2 – Land Use Plan (OPA 80, p. 153)

The *Mixed Office/Commercial* designation permits small-scale commercial, office, and residential uses including apartments up to a maximum height of four (4) storeys and with a maximum net density of 100 units per hectare (Guelph Official Plan, policy 9.4.7). The *Medium Density Residential* designation permits residential uses including apartments with a minimum height of two (2) storeys and a maximum height of six (6) storeys and a minimum net density of 35 units per hectare and a maximum net density of 100 units per hectare (OPA 80, policy 9.3.3 as amended).

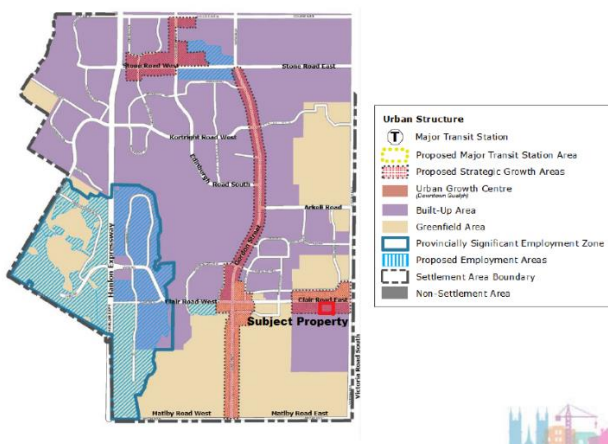
It should be noted that OPA 80 does not designate the Subject Property as part of the Natural Heritage System and the site does not contain any Significant Wetlands or Significant Woodlands. As a result, there are no significant environmental considerations that would prevent the redevelopment of the site.

iv. Request for *High Density Residential* Designation

While the *Mixed Office/Commercial* and *Medium Density Residential* designations proposed by OPA 80 for the Subject Property would permit residential development on the site, the height and density limitations of those designations would unduly restrict the development potential of this parcel.

It is important to note that Guelph planning staff identified the lands within Rolling Hills that front onto Clair Road East, including the Subject Property, as appropriate for more intense forms of residential development. In the presentation materials for the Rolling Hills Community Roundtable Discussion that was held on April 20, 2021¹, staff presented a series of proposed maps that included the Subject Property within a Strategic Growth Area and designated the entire lands for residential development. Although Rolling Hills was ultimately not designated as a Strategic Growth Area in the current version of OPA 80, staff's initial identification of these lands as an area for growth recognizes the important potential for greater residential intensification in this location.

Proposed urban structure - south



Rolling Hills – growth options

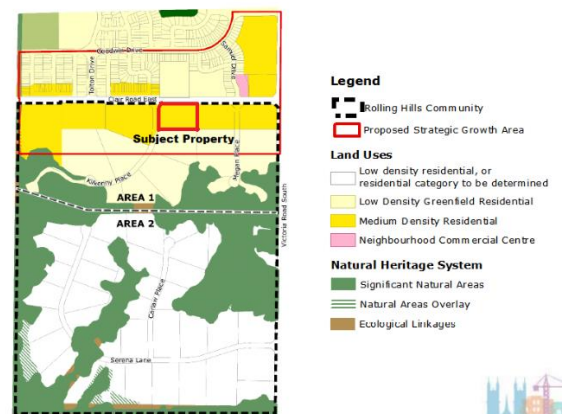


Figure 5: Except from Rolling Hills Community Roundtable Discussion Presentation Slides (April 20, 2021, pp. 38 and 40)

¹ A full copy of the April 20, 2021 Rolling Hills Community Roundtable Discussion presentation materials can be found [here](#).

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As a result, we respectfully request the Minister amend OPA 80 to redesignate the Subject Property as *High Density Residential*. This designation would permit a minimum height of three (3) storeys and a maximum height of ten (10) storeys on the site. It would also require an increased minimum net density of 100 units per hectare up to a maximum net density of 150 units per hectare (OPA 80, policy 9.5.4 as amended).

As noted above, the Subject Property is well situated to support high density residential development because of its proximity to multimodal transportation infrastructure, transit, and local amenities and public services. The *High Density Residential* designation will best allow the site to be used for residential intensification within the built up area of Guelph in a way that helps the City meet its growth targets and provide much needed housing to residents.

Currently, Guelph through OPA 80 is requesting the Minister approve a reduction in the City's required minimum intensification target of 50 percent as set out in policy 2.2.2.1(a) of the Growth Plan. Rather, in policy 3.4.2 of OPA 80 (p.22) the City is proposing a reduced minimum intensification target of 46 percent. The City's proposed reduction of its minimum intensification target runs counter to both provincial policy and the acknowledged need to promote and facilitate the construction of new homes in Guelph and other municipalities throughout the Province. Approving a *High Density Residential* designation on the Subject Site will promote additional intensification within Guelph's *delineated built-up area* and bring the City's level of residential intensification closer to the level intended by the Growth Plan.

v. Conclusion

On the basis of our submissions above, it is our strong position that the land use designations currently proposed for the Subject Property in OPA 80 do not represent good planning, are not consistent with and fail to conform to the policies of the PPS and Growth Plan, respectively, and do not have regard to matters of Provincial interest. The proposed designations in the current version of OPA 80 do not take into consideration the unique location and potential of the Subject Property, which is well situated to support high density residential development because of its proximity to multimodal transportation infrastructure, transit, local amenities, and public services. If approved, these designations will result in an underutilized site that cannot provide the much needed homes required to address the ongoing housing supply crisis in Guelph and throughout the Province more generally.

As a result, we again respectfully request the Minister exercise his authority and modify OPA 80 to redesignate the Subject Property as *High Density Residential*.

Yours truly,

AIRD & BERLIS LLP

Alexander J Suriano

Alexander J. Suriano
Partner

Cc: Clients

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