

36, 42 Erb Street East and 39 Dupont Street East, Waterloo Zoning By-law Amendment (3 rd submission) Comments Response Matrix City File: # Z-18-19 March 18, 2021			
Author	Comment(s)	Response	
City of Waterloo			
Laura Dewar, Development Planner (519) 514-0225	Part A, B and C – Planning, Zoning and Urban Design	Building Setbacks/Separation	
		<p>1. Street Line Setback: The Region has agreed to a reduced road widening (from 4.2 m to 3.048 m or 1.152 m less) along Erb Street which results in a larger, wider and more developable site than if the full widening was required. Even with this reduced widening, Planning staff recognize the site is relatively narrow with a depth of ~34 metres (excluding the Dupont Street portion and road widening). Having said this, and although the ground floor is set back 3 metres from both streets, the current request for a 0m setback along Erb Street East and 1m along Peppler Street for certain storeys above the ground floor is an extreme departure from the U1 zone regulations (of 4 metres and 3 metres respectively) and is considered out of character for this section of Erb Street.</p> <p>Reducing the street line setbacks to this extent makes it near impossible to incorporate privately owned and maintained street edge landscaping and poses challenges to construction and utility work within the right-of-way. Please consider the concerns staff have raised and the comments engineering and hydro has provided later in this letter. The historic centerline setbacks will also need to match the street line setbacks.</p>	<p>The front yard setback has been increased to 3 metres along with Erb (including Levels 1 and 2 of the podium), only a slight reduction from the required 4 metre front yard setback. A 4 metre setback is provided on the tower levels above (excluding balconies). The front yard setback was increased to accommodate the necessary setbacks from the hydro lines adjacent to the site along with Erb. It also accommodates an extensive public realm approach comprising street trees, planters and benches.</p> <p>The setback along Peppler is proposed that the podium be cantilevered above the pedestrian clearway with the primary intent of accommodating appropriate vehicular circulation in the parking levels above, but also keeping the parking structure above out of the floodway. In our opinion, this is an appropriate condition considering the location of the site in relation to the floodway. In this instance, the hydro wires would need to be relocated given the diagonal orientation of the wires through the site from Erb to Peppler.</p>
		<p>2. Rear Yard Setback: Staff recognize the site is relatively narrow and do not have a major concern with the requested setback reduction, provided it is just for a small portion of the podium and the remaining portions comply. The more significant setback concern is with the street line setback as discussed in a) above. Staff needs to better understand why the rear yard setback reduction is necessary for the small portion and whether there is an opportunity to comply.</p>	<p>As noted above, the front and rear yard setbacks were carefully balanced given the relatively narrow orientation, together with the significant road widening and utility restrictions along with Erb. Given the irregular lot fabric of the subject site, compliance with the required rear yard would be would not be feasible. Nevertheless, the majority of the rear yard setback is compliance (over 4.5 metres) and provides for sufficient separation distances between the building and the lot line.</p>
		<p>3. Underground Setbacks: In relation to similar comments regarding street line setbacks, staff have concerns with a reduced underground level setback of 0m. Based on the current underground parking level, there may be an opportunity to redesign the parking layout by bumping in the parking on the Peppler Street side and still maintaining the 6.1m drive aisle. A couple of spaces may be removed, however, staff see this area as an opportunity to better align with the setback requirements and provide an adequate setback to accommodate services.</p>	<p>To accommodate potential mechanical and flood proof requirements of the underground garage, an Amendment is proposed to permit the underground portions of the garage to be permitted to each lot line. SCS has confirmed that utilities are not located adjacent to these lot lines and that the underground garage and would otherwise not be impacted by the location of the garage below grade.</p>
<p>4. Tower Separation (Setback): Staff recognizes that the proposed separation of the tower from the interior property line is still significant given the narrowness of the lot. Given the recommendation for further tower changes (see the comments below), please explore opportunities to increase the tower setback where feasible. It is difficult to determine if the tower separation dimensions have been measured correctly from the outer edge of the balcony closest to the adjacent property line, as is required by the zoning by-law (refer to Table 8B of the U1 zone). Ensure the tower separation (setback) dimensions are clearly shown on the next submission and (re)confirm what the tower separation is from the rear and side lot lines.</p>	<p>The tower separation distance has been increased to over 10 metres from the interior side lot line. To accommodate this greater setback, the elevator core had to be relocated to a more central location within the subject site. However, due to the floodplain and safe access requirements, further separation distances cannot be accommodated to the side lot line. Notwithstanding this slight 1.5 metre reduction from the Zoning By-law, the 10 metre separation distance still maintains appropriate separation distances for adequate light, sky view and privacy, especially considering that no</p>		

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		<p>windows are facing the interior side yard. This assumes a similar building condition to be established on the adjacent site without windows. This provides for an appropriate separation distance between buildings without windows.</p> <p>It should be noted that areas to the north of the subject site are zoned U1-20, which is intended to accommodate a more gradual mid-rise built form, rather than a tower typology. Nevertheless, the proposed development provides a significant minimum 7.3 metre physical separation from the rear lot line which in our opinion is appropriate within this context and achieves a number of urban design objectives related to sky view and overlook.</p>
	<p>Building Massing and Height</p> <p>5. While the proposed building height has been reduced to 60 m (19 storeys), the current design creates an awkward and bulky middle portion to the building and requires relief to a number of important zoning regulations, namely horizontal tower dimension and podium height. Staff recognize the current Official Plan designation on Area A allows up to 81 metres in height through a zoning by-law amendment, and the current zoning applicable to the lands allows up to 75 metres and 25 storeys in height.</p> <p>As a compromise that achieves the primary massing objectives of both the current (former) and new zoning by-law, staff recommend the building be re-designed:</p> <ul style="list-style-type: none"> to comply with the 40-metre horizontal tower dimension maximum, the minimum ground floor height of 4.5 metres, and the maximum podium height of 21 metres, and with additional height to make up all or some of the lost floor space as a result of achieving (a) above. The staff could support a building up to 21 storeys and 65 metres in height. This is approximately halfway between the 18 storeys permitted in the U1-60 zone requested for Area A and the 25 storeys currently permitted. It would also allow the floor-to-ceiling height on a typical floor to be 3.0 metres (rather than 2.95 m) and the ground floor to be 4.5 metres per the U1-60 zone regulation. 	<p>The design of the proposed development has been revised to comply with the applicable urban design standards, including the maximum podium height 40 metres tower dimension and ground floor height of 4.5 metres.</p> <p>The height of the proposed development has been increased to 21 storeys plus mechanical penthouse and penthouse roof (66 metres + 5 metre penthouse). These heights are the careful balance and optimization of the building massing in to achieve and effectively implement the maximum density permissions of 279 bedrooms per hectare of the Subject Property. The current iteration of the proposed development carefully balances the urban design policies and guidelines with the overall density objectives of the Official Plan along with the need to support new rapid transit infrastructure.</p>
	<p>Density</p> <p>1. Please note that Section 1.4 of the Official Plan enables residential density to be transferred across a land-use designation boundary, provided the property is developed and used as a single parcel of land under the same ownership in the calculation of the density transferring, staff require confirmation of the final post widening lot area by the Ontario Land Surveyor.</p> <p>2. What is the proposed use of the Heritage House?</p> <ul style="list-style-type: none"> If it is to remain as a single detached dwelling, it must be counted as a unit in the overall density, and the number of bedrooms contained in the house must also be counted in the overall density. If it is to be used for commercial or retail purposes, space needs to be shown in the Data Chart. It will generate additional parking, which must also be reflected in the Data Chart. If it is proposed to contain both residential and non-residential uses (mixed-use), the floor 	<p>Please refer to the survey plan for the final post widening lot area and included in this resubmission.</p> <p>The 39 Dupont House is currently being used as a single detached dwelling with 4 bedroom which is proposed to continue for the time being. These existing bedrooms are included in the revised site statistics in the architectural plans and have been accounted for in the overall density.</p>

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	area and units/bedrooms must be accounted for.	
	3. Staff recommend replacing some 1 and/or 2 bedrooms units with a number of 3 bedrooms units. These larger units allow larger households to occupy urban apartment units more comfortably and may serve to reduce the amount of parking and amenity space required without a loss of (bedroom) density.	The proposed development has been revised to include larger 1-bedroom units, and 2-bedroom units to provide an appropriate range and mix of housing types and densities. Collectively, this mix of unit types and forms will be able to accommodate varying household incomes, sizes, and needs.
	Parking	
	4. Staff have concerns with the reduced parking space dimension to 2.8 m for approximately 175 parking spaces. To reduce the width of 175 parking spaces is a significant request and staff would like to better understand why the current standards cannot be achieved. Would there be an opportunity to provide a parking space width of 3.0m for those only adjacent to a wall or column on one side, requesting relief only for those spaces with a column and/or wall on both sides	<p>As you are aware, we made that application prior to the adoption of By-law 2018-050, as amended. Nevertheless, we have made several adjustments to the parking layout, including the addition of about 0.3 m to the end of each of parking adjacent to a wall (on the above grade parking levels). Further, we have designed the parking space layout so that the majority of vehicles in the structured garage will only be beside a column on “on side”. We also note that the columns are relatively slender, which would further assist with vehicle maneuverability throughout the garage. Parking spaces flanking both a column and/or a wall will be designated as “small car” spaces to accommodate residents that own smaller vehicles.</p> <p>In addition, we have asked Paradigm to analyze the circulation of the parking levels as it relates to the parking space widths adjacent to a column, and/or wall. They concluded that the columns, drive aisle and parking space widths would not pose any issue with respect to site circulation and safety and that the 2.8 x 5.5 m parking space width appropriate. Please see enclosed Parking and Circulation Review letter by Paradigm as included with this submission.</p>
	5. Staff have concerns with the amendment to allow structured parking at grade along the building façade of Erb Street East visible and not behind the building floor area. Once again, this should be able to be addressed through a redesign, perhaps there is an opportunity to provide bike storage in this location. Staff recognize that this may result in the loss of one or two parking spaces.	This area has been revised to include 5 Type B bicycle parking spaces at the loss of 1 parking space along this frontage.
	6. Parking for residential uses in Parking Area A in the U1-60 zone is required at a rate of 0.6 spaces/unit for residents and 0.1 spaces/unit for visitors. These two rates should be calculated (and rounded up) separately. The Data Chart shows these 2 rates have been incorrectly combined and then applied (at a rate of 0.7 spaces/dwelling unit). Staff noticed the count has been incorrectly rounded down rather than up. By staff’s calculation, the parking required for the # of units proposed would be as follows: <ul style="list-style-type: none"> • 232 units x 0.6 spaces/unit for residents = 139.2 = 140 spaces (round up) • 232 units x 0.1 spaces/unit for visitors = 23.2 = 24 spaces (round up) • Combined Parking Total (Residential Only) = 164 spaces 	Acknowledged. The residential parking statistics have been revised in accordance with this calculation method.
	Common Outdoor Area (COA)	
	7. Under By-law 2018-050, for lots with an area of 2,000 sq.m. or more (such as this), 3% of the lot area shall be a common outdoor area (COA) located at grade. Based on the net land area given, the COA required is 126 sq.m., with a minimum width of 6 metres.	In total, the proposed area would be about 138 sq. m, which would include the areas that flank the 39 Dupont House areas immediately south and to the rear of the house.

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	8. Unfortunately, the Common Outdoor Area (COA) as currently proposed on the Site Plan along Pepler Street does not qualify as it is within the floodplain. (As a reminder, the COA cannot contribute to the overall Amenity Area requirement).	The COA has been relocated to the areas to the rear of the heritage house. The areas at Erb and Pepler will no longer be considered the "COA", but have nevertheless been maintained as a public open space that will serve the public in addition to the minimum COA requirements.
	9. Laura Dewar and Arthur Grabowski discussed the option of providing the COA at the back of the Heritage House. Consider removing parking spaces V16 - V21 & V30. This would allow space to accommodate a through-site pedestrian connection (sidewalk) at least 1.5 m in width, between Erb Street and Dupont Street. This was also recommended in the pre-consultation follow-up letter.	Acknowledged. A pedestrian connection has been added to connect Erb St to Dupont St.
	10. Further to the recommendation in c) above, the footprint of the hydro transformer and pad as currently shown on the Site Plan cannot be counted as part of the COA. Given how much space they occupy, all opportunities to relocate the transformer outside of the Common Outdoor Amenity Space should be explored. On high-density sites in Uptown, we rarely see any expanse of green space and what green space there is often has the underground structure below, which limits soil volumes and infiltration capabilities. There is a unique opportunity at the back of the Heritage House to create an interesting landscaped area. These suggestions (re: open space and through site connection) were also made in the pre-consultation follow-up letter.	As noted on the revised site plan and landscape plan, the common outdoor amenity space has been relocated to the areas behind the heritage house. In total, the proposed area would be 138 sq. m, which would include the areas that flank the Heritage House to the west, and areas immediately south and to the rear of the house, excluding the Hydro transformer and pad.
	Amenity Area	
	11. The breakdown of various Amenity Areas in the Data Chart on Plan A000 is not clear. It should be shown and calculated as follows: <ul style="list-style-type: none"> • Required space: <ul style="list-style-type: none"> • 185 1-bedrooms units <ul style="list-style-type: none"> ○ 185 1st bedrooms x 3 sq.m/bed. = 555 sq.m. • 47 2-bedroom units <ul style="list-style-type: none"> ○ 47 1st bedrooms x 3 sq.m./bed = 141 sq.m. ○ 47 2nd bedrooms x 2 sq.m./bed = 94 sq.m. ○ Subtotal for 2 bedrooms units = 235 sq.m. • Total Amenity Area Requirement = 790 sq.m. • Provided Space: It should be clearer what amenity area is being provided. It would appear the following is proposed/provided: <ul style="list-style-type: none"> ○ 558 sq.m. proposed as balconies ○ 497 sq.m. proposed as terraces on 9th floor* ○ No indoor space appears to be provided. If it is, it should be much what floor this space is on and the area of the space. 	The amenity areas statistics have been revised in accordance with the requested breakdown.

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	<p>12. Section 3.A.4.4 of By-law 2018-050 states that a maximum of 20% of the required amenity area may be outdoor rooftop amenity space (such as rooftops decks and terraces) located no more than 22 m above grade. The 9th-floor terrace space is currently 25.3 m above grade. It would also appear to constitute ~30% of the required amenity area (if I assign a full weight to the balconies at 558 sq.m / 790 sq.m. required = 70% of required space, leaving the remaining 30% to be the terrace space. Amendments to this Section of the by-law would be required on 2 fronts (% of required space and height of terrace space).</p> <p>Staff recommend resolving this zoning deficiency described in b) above by lowering the height of the podium (and thereby the terrace space) and adding an indoor amenity area that can count as ~10-30% of the required amenity area, leaving the terrace space to constitute no more than 20% of the required amenity area.</p>	The podium height has been reduced to a height of 20.40 metres to comply with the By-law, and accordingly, an amendment is no longer required. As noted, the entirety of the 7 th floor will be dedicated to a mix of indoor (793 sq. m) and outdoor (590 sq. m) amenity space for residents. This area far exceeds the minimum requirements of the By-law and provides for a desirable and functional common amenity area for gathering and socializing within the building.
	Holding Symbol	
	<p>13. A Holding Symbol may need to be provided at the time of passing of the by-law, if:</p> <ul style="list-style-type: none"> • An RSC and Acknowledgement Letter from the Ministry have not been received by the Region of Waterloo • Safe Access has not been confirmed possible by Building Standards Staff and the GRCA 	<p>Acknowledged. A holding symbol will be provided at the time of passing of the By-law, to be lifted at the time of the receipt of the Acknowledgement Letter from the Ministry.</p> <p>Concerning safe access, a route can be provided from the areas to the rear of the building towards Dupont. Please see the enclosed safe access route by SCS, which has been included in this submission.</p>
	Floodplain Symbol	
	<p>14. On Schedule A3 of Zoning By-law 2018-050, it would appear the subject site is in the category "Properties where the (F) prefix applies. The (F) prefix refers to the Floodplain prefix and the regulations of Section 3.F.1.1 and 3.F.1.2. apply. This primarily means the construction of any building on the site requires a permit or written consent from the Grand River Conservation Authority.</p>	Acknowledged. The "F" prefix will be applied to the final Zoning By-law amendment prior to adoption by Council.
	Urban Design Comments	
	<p>15. Staff recognize that the Applicant has incorporated various elements and articulation in an attempt to reduce the overall impression of bulk, This includes varied balcony projections and a storey additional setback at the 6th storey to further delineate the transition point between the 9th "podium" portion and the tower. Despite these architectural gestures, the redistribution of massing in response to the requested reduction in height by staff (through the first round of comments issued) has resulted in a bulky middle portion of the building (referred to as the podium) which has a slab-like appearance and which does not comply with the U1-60 zoning regulations).</p>	As noted, the podium height has been reduced to 6 storeys (and 20.40 m), with the majority of the massing being redistributed to the taller, but more slender tower form. Through design revisions, the project team has been conceived for a tower and podium design that implements the applicable urban design directions and U1 zoning regulations, and now conforms to regulations related to podium height.
	<p>16. Staff recommend additional measures to further delineate the transition between the podium and tower with the primary intent of reducing the east-west appearance of bulk. This should include reducing the height of the podium to the maximum of 6 storeys (21m) permitted in Zoning By-law 2018-050 and reallocating height to a more pointed tower.</p>	As noted, the podium height has been reduced to 6 storeys (and 20.40 m), with the majority of the massing being redistributed to the taller, but slender tower form.
	<p>17. Staff recommend that the applicant consider ARA's recommendation to incorporate more delicate</p>	A context plan will be prepared as part of a future site plan

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	proportions of the podium's columns to reflect the architecture on Dupont Street East. A Context Plan to demonstrate a sympathetic approach to materiality and compatible design will be required through the Site Plan process.	application. The podium will use materials reflective of the neighbourhood to mitigate a design unsympathetic to the surrounding area. In this regard, ARA has reviewed the proposed materiality of the podium as it relates to compatibility with the Dupont Street context.
	18. Given the limitations presented by the floodplain and the high water table in this area, staff recognize parking is going to be provided on storeys above grade for the proposed development. It continues to be one of the highest design priorities to disguise the structured parking and make those storeys visually interesting through the use of creative exterior materials and interesting architectural elements.	The materials and design of the Proposed Development are distinctive to reinforce the prominence of the podium but also create a unified building aesthetic and design. The details of the podium materiality will be confirmed through the site plan approval process.
	19. The Plans show an unbroken series of stairs extending across the entire length of the building facing Erb Street and directly adjacent to the property line (post road widening). There do not appear to be stairs across the Pepler street line. Staff do not support stairs directly adjacent to the street line, nor the extensive length of the stairs. The street line setback at grade is intended to provide that space for appropriate grading of the site to avoid unnecessary use of stairs and ramps and to avoid abrupt changes in grade at the interface with the public sidewalk/realm. Please explore other design options	The stairways at grade along Erb are required to help achieve the safe access requirements and are the product of the high water table and floodplain associated with Laurel Creek. Design options have been explored, and the revised design provides for increased legibility, including more access points and a revised ramp that will improve the interface with the public realm. The revised design also includes ledge seating that will allow for more passive activities to take advantage of this design solution to further animate this segment of Erb.
	20. Staff have concerns with parking spaces located on the ramps to the parking areas. This is not typically a design that is acceptable because of the site lines while cars are backing out in front of the overhead door system. While this will need to be addressed at the time of the site plan application, it may influence the number of parking spaces provided.	Potential design measures may be determined through Site Plan Approval to address this comment. The proposed development exceeds the parking requirements for Uptown Waterloo by about 4 parking spaces. In the event, that the sightlines cannot be addressed through Site Plan Approval the spaces may be removed from the plan or relocated to an alternative location.
	21. Residents parking in spaces R01-R05 would have a long, unsafe and unfriendly route to access the residential lobby entrance facing Erb Street. A clearer path of travel needs to be provided. Staff recommend a clearer secondary residential entrance to the building at the rear of the building. At present, it would appear residents would have access through the garbage and/or move-in room doors.	Access to the rear of the building has been revised to allow pedestrian travel to occur through a separate entrance in the rear yard by the bicycle parking areas.
	22. An Outdoor Art Installation is recommended to be incorporated on this site, given the scale of the development and prominence of the location within the Uptown Core and along with a trail connection. Consider a dedicated space at the corner of Pepler Street and Erb Street. This will need to be further defined at the Site Plan stage.	The space at Pepler and Erb has been designed to accommodate potential public art. Potential outdoor public art will be determined during the site plan stage.
	23. The western edge of the development block was envisioned in the Uptown Public Realm Strategy as a mid-block laneway connection and/or "People Place" between Erb Street East and Dupont Street East. Please incorporate a walkway connection between Dupont Street and Erb Street adjacent to the north-south driveway that would allow residents and visitors of the development to travel through the site with ease and might also be accessible to the public through a right of way. As an alternative to a separate walkway connection, and only if parking is removed along the east side of the north-south drive aisle, staff would support the at-grade parking and north-south driveway being designed as a shared woonerf style street. The landscape plan demonstrates flush curbs, so this concept will not be a huge departure from current design intentions.	A walkway has been added between Dupont St, connecting to the parking areas and the internal corridor system of the proposed development. This approach is intended to minimize potential pedestrian-vehicle.
	24. Staff recognize the current design has incorporated a space on the site, which extends into the Pepler Street and Erb Street right of way, that aims to provide an improved connection between	Significant efforts have been made to introduce an interesting space at the corner of Pepper and Erb that takes advantage of the

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	the Laurel Trail on the west side of Pepler Street and the south side of Erb Street. In conjunction with publically funded right of way improvements adjacent to the site (to better delineated the much needed "trail crossing" as identified in the Uptown Public Realm Strategy), Planning Staff would like to see that space become a Publically Accessible Open Space (POPS) that functions as a significant node/stopping point along the trail through the provision of seating, visitor bicycle racks, etc. and public art. The design will need to be vetted through the site plan approval process with consideration for City and Regional standards and guidelines regarding surface treatment, signage, materiality, and safety provisions.	important gateway location while creating increased permeability between Laurel Trail and the proposed development. Further refinements will be made through the site plan approval process. These discussions would include the possibility of a POPS at this corner.
Part D - Legal Items	25. Please show the property bearings and dimensions on the plans in your next submission	Property bearings and dimensions have been included in the topographic survey and included in this submission.
	26. The Site Plan indicates the extent of a right of way as in G-17317. The proposal to building parking spaces in this area results in a conflict with the existing right of way. What is the plan to resolve this issue? Otherwise, there should be no obstructions to the access and use of the right of way.	The current arrangement of uses on the site plan respects the easement. We note that the surface parking spaces have been relocated away from the right of way as in G-17317. We will endeavor to have discussions with the adjacent land owner for the long term need for it reciprocally.
	27. Conveyance of the road widening lands to the City and the Region is required prior to final site plan approval. The conveyance of these lands cannot take place until a Record of Site Condition has been filed for these lands and the Region has received the Acknowledgement Letter from the Ministry of Environmental and Climate Change.	Acknowledged. The conveyance of the widening lands will take place as part of the future site plan approval process.
Part E - Heritage Comments – Municipal Heritage Committee	28. The heritage-related comments below from the first submission continue to apply. The resubmission was brought to the Municipal Heritage Committee on February 20, 2020. No further motion was passed as the original motion supported the Heritage Impact Assessment and implementation of the below mitigative measures.	Acknowledged. The proposed development was presented before the heritage committee on December 17, 2020. Further revisions have been to the proposed built form and a public realm/landscaping approach has been made to implement the applicable mitigated measures.
	29. The Heritage Impact Assessment (HIA) submitted confirms the architectural, historic and contextual value of 39 Dupont Street East and makes a number of recommendations to mitigate the impact of the proposed development on these values. Staff recommends the implementation of these mitigative measures. Please consider the below recommendations supported and emphasized by the Municipal Heritage Committee: <ul style="list-style-type: none"> That sufficient green space be incorporated between the tower and the heritage building at 39 Dupont Street East to assist in mitigating, in a minor way, the visual impact of the proposed development on 39 Dupont Street East and the streetscape; 	The design of the proposed development is positioned over 25 metres away from the heritage building at 39 Dupont. Further refinements to the design of the green open spaces have been reviewed with ARA, including enhanced landscaping comprised of walkways, landscaping, trees and grass. As noted in the letter prepared by ARA, "the landscape plan incorporates ARA's suggestions for additional screening and consideration of sympathetic pathway materials."
	<ul style="list-style-type: none"> That the tower be carefully designed to meet the guidelines in the City of Waterloo's Urban Design Manual's section of tall buildings (3.1.4) which outlines design policies for buildings that complement and do not detract from the surrounding low-density residential neighbourhood. Specifically, the street wall (i.e. the four-storey podium) should be designed to avoid long monotonous facades and reflect the proportion and materials found in the surrounding neighbourhood. 	The proposed development considers and responds to the heritage context associated with the 39 Dupont Street building and will implement the recommendations of the HIA. The revised proposal has been reviewed ARA, and an HIA update letter by ARA has been included in this submission. Further modifications have been made to the design, materials and treatment, including exploring more delicate columns for the podium.
	<ul style="list-style-type: none"> That during construction, temporary construction fencing be erected to protect 39 Dupont Street East from damage as a result of the demolition of the adjacent buildings, construction activities, or from construction equipment 	Acknowledged. Temporary fencing will be erected to protect the 39 Dupont Street building during construction.
	<ul style="list-style-type: none"> That the application consider a plan to harvest any salvageable materials from the buildings at 36 and 42 Erb Street East, where possible; 	A plan to salvage materials will be confirmed during the site plan approvals stage.

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	<ul style="list-style-type: none"> That an easement and/or municipal designation be considered as a long-term conservation option; and 	Acknowledged. Options for conservation may be considered in the future in conjunction with staff.
	<ul style="list-style-type: none"> That an appropriate and viable use of 39 Dupont Street be identified as part of an Adaptive Reuse Plan. 	An adaptive reuse plan will be confirmed during the site plan approvals stage.
Part F - Environmental Planning Comments – Robyn McMullen	30. The note “Hatched Area Indicates Extent of GRCA Floodway” appears on Site Plan A100, however, the floodway appears to be represented by a dashed line and the label is incomplete. In addition, Site Plan A100 shows landscaping within the floodway. The extent of landscaping within the floodway will need to be determined through the Site Plan process.	The landscaping has been shown in the floodway in accordance with staff direction to frame this corner as a gateway location, as well as, integrating with the adjacent Laurel Trail and bikeway. These landscape plans are conceptual in nature, and the project team acknowledges that further refinements may occur through a future site plan approval process.
	31. Section 4.0 of the Functional Servicing and Stormwater Management Report contains the Floodplain Assessment. Under 4.1, a list of the conditions that must be satisfied is provided. As noted in the original comments, this list is not exhaustive.	The lists of criteria in Section 4.0 of the FSSR have been expanded and updated to reference the applicable sections of the Official Plan.
	32. Under Section 4.1 of the Functional Servicing and Stormwater Management Report, it is noted that the residential lobby will be located on the ground floor at a minimum finished floor elevation of 322.34 metres, which is 1 metre below the Regulatory Flood Elevation (RFE). Similarly, the finished floor elevation of the commercial spaces will be at 322.34 metres, which is also 1 metre below the RFE. For the residential lobby (and all other residential-related space on the ground floor), Official Plan policy 8.4.2(39) states that uninhabitable residential space created below the RFE shall be floodproofed to the RFE except where it can be demonstrated that a limited potential for damage exists. Where a reduction is permitted, it shall not be more than 1 metre below the RFE. While the resubmission is abiding by the policy requirement to not reduce the floodproofing by more than 1 metre, it has not demonstrated that a reduction is appropriate (i.e. it has not demonstrated that there is limited potential for damage). For the commercial space, Official Plan policy 8.4.2(43) states that commercial uses shall be floodproofed to the RFE except where it can be demonstrated that the level of flood protection would impair the viability of commercial operations. In those cases, the reduction shall not be more than 1 metre below the RFE. While the resubmission is abiding by the policy requirement to not reduce the floodproofing by more than 1 metre, it has not demonstrated that a reduction is appropriate (i.e. it has not demonstrated that floodproofing to the RFE would impair the viability of commercial operations). Unless otherwise indicated by GRCA, these two items need to be demonstrated in order to consider reduced floodproofing. Regardless of the level of floodproofing that is ultimately agreed upon, a site-specific zoning provision should be applied that prohibits habitable floor space below the RFE (as noted and acknowledged).	Section 4.1 of the FSSR has been updated to demonstrate that the reduced FFEs are appropriate for the subject development.
	33. With respect to safe access to and from the site, staff will defer to the GRCA on whether the safe access requirements of the Special Policy Area are being met for the building and the surface parking. The number of safe access points required under the Building Code also needs to be confirmed with Building Standards.	As discussed with Building Standards, all emergency exits from the building will be provided with a safe access route to Dupont Street.

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	34. With respect to the floodproofing of the under-parking garage, please refer to comments from the GRCA.	Acknowledged
	35. As noted in the original comments and acknowledged, an Emergency Response Plan will be required. This can be done at the Site Plan stage. As noted in the original comments, since underground parking is proposed and is considered a transport pathway under the Grand River Source Protection Plan, the Site Plan will need to be circulated to the Region.	Acknowledged.
Part G - GRCA Comments	36. The GRCA has no further objections to the zoning application, on the condition that the proposed zoning is revised to recognize the floodplain on the subject lands. We continue to recommend that the floodplain symbol prefix "F" is added for the entire property. There are a number of details that must be addressed as part of a subsequent site plan application.	Acknowledge. An F prefix will be applied to the Zoning By-laws for the site prior to approval.
Part H - Building Standards Comments – Brandon Thompson	37. Building Standards Staff and the Architects at RAW Design have been working towards an acceptable design solution for the provision of safe access from the building in accordance with the GRCA and Ontario Building Code regulations.	Acknowledged.
	38. With the next submission, please have RAW Architects prepare a detailed response as to how safe access from the building has been provided in accordance with the GRCA and Ontario Building Code regulations, to the satisfaction of the City's Building Standards Staff.	Please refer to Section 4.2 of the FSSR for an analysis of the safe access routes for the building with respect to the GRCA and OBC regulations.
Part I – Transportation Services and Engineering Comments – Chris Dedman and Ronda Werner	39. Construction staging for this site will be challenging, as there is no on-street parking on Erb Street East and limited on-street parking on Pepler Street and Dupont Street. A conceptual Workspace Management Plan should be provided to show how this will be managed.	A Construction Staging/Workplace Management Plan will be prepared at the site plan application stage.
	40. As this area intensifies, Transportation Services forecast increased demand for the limited on-street parking spaces on the neighbouring streets, and recommend that sufficient parking be provided on-site to meet the regular demands of the residents, visitors and patrons without reliance on municipal on-street parking.	The proposed development provides for 178 parking spaces in accordance with the Zoning By-law and is not anticipated to rely upon on-street parking.
	41. The sidewalk along Erb Street East should be wider than what exists, ideally 2.1m or more. It is recommended to provide some boulevard space for trees/landscaping/snow storage both along with Erb St E and Pepler St.	Details regarding sidewalk widths and requirements for trees, landscaping, and snow storage will be provided at the site plan application stage.
	42. The sidewalk on Dupont Street East should be constructed 1ft from the property line. This will allow the sidewalk to eventually align as the street redevelops into its ultimate alignment. In the interim, this solves the issue of the hydro pole in the middle of the sidewalk as well as providing boulevard space for trees/landscaping/snow storage. This also complies with the AODA legislation.	The relocation of the Dupont Street sidewalk will be assessed at the site plan application stage.
	43. Engineering Services is finding there is an increasing demand for multiple utilities requesting placement in the right of way. This is reducing the room in the road allowance for the City to work on our infrastructure, when required, making it increasingly difficult to work in safe operational conditions. Therefore, Development Engineering does not support the request to reduce the building setback below grade along Pepler Street to 1 metre. (Cross-reference with Zoning Comments – Building Setbacks/Separation – comment (c))	As shown on the site survey, the existing utilities on Erb and Pepler Streets are all located within the roadway, with the exception of one Bell line that currently runs in the boulevard on Pepler St. With the requested road widenings, there will be between 5.7-5.9 m boulevard width on both Erb and Pepler Streets where future utilities can be located. This width is more than adequate to allow for the installation and maintenance of multiple future utilities. Additionally, the proposed underground parking garage will be located wholly within private property, and will not encroach on the City's ROW. Similarly, any future utilities should be located wholly within the City's ROW, with no encroachments on private property.

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		For these reasons, the proposed 1.0 m underground setback will not have any effect on the City's ability to expand and maintain its infrastructure.
Part J - Waterloo North Hydro Comments – Chris Sosnowski	44. Waterloo North Hydro (WNH) has overhead distribution lines on the north side of Erb St E (in front of the proposed development) and on Dupont Street E. WNH intends to keep the lines in service for the foreseeable future. The developer is to ensure that no building or any structure (i.e. construction crane or scaffolding) is erected within 5m of the hydro lines, measured horizontally (OBC 3.1.19)	TPP discussed the location of the Hydro wires with Chris Sosnowski on February 9, 2021. The proposed podium has been setback by 3 metres (to the proposed lot line following the Region's widening) and appears to exceed the 5-metre requirement to the Hydro wires along with Erb. It is expected that the proposed development can accommodate this requirement without the need for Hydro wire relocation.
	45. There are currently 120V wires powering street lights along Peppler St. The wires cross the property and will have to be relocated (and possibly buried) at the developer's cost. Please consult further with Waterloo North Hydro as to where and how these wires will be relocated and provide an update to Planning Staff on this matter with the next resubmission.	Acknowledged. Given the location of the wires will need to be relocated to accommodate the proposed development and will be determined through further detailed design.
Part L – Other Studies/Documents Required	46. An updated Shadow Study should be provided with the next resubmission. Provide a summary statement of any impacted properties that exceed the acceptable shadow impacts as outlined in the City's Urban Design Manual (where this development contributes in any way to another property having more than 50% of the property in shadow for more than 2 consecutive time intervals).	An updated shadow study has been provided to the City, together with a shadow impact statement. The proposed development has been revised with respect to several key features to help reduce shadows and built form impacts in general to adjacent properties, which include a significantly reduced tower height, a more prominent podium design, all while maintaining appropriate setbacks to the properties on Dupont Street. In our opinion, the proposed development is in keeping with the City's guidelines, with shadows that are minimal and short in duration.
	47. A Record of Site Condition must be filed and an Acknowledgement Letter from the Ministry of Environmental and Climate Change provided to the Planning Staff prior to finalizing a staff report. If this cannot be achieved within the given timeframe, a holding symbol may be applied to the lands through the site-specific zoning by-law.	In the future, an RSC will be filed with the Ministry. A holding symbol will be applied until the RSC is filed and the acknowledgement letter is provided to Planning Staff.
	48. A Wind Study will be required with a formal site plan application. The recommendations of the study will need to be reflected in the final site plan/building/landscape design.	A wind study will be prepared with a future site plan application. The recommendations will be implemented in the final site plan/building and landscaping design.
	While this resubmission has addressed several concerns, the comments contained herein will need to be considered/addressed in a revised development proposal that better aligns with the Urban Design Manual and Zoning By-law 2018-050 (recognizing that the application was deemed complete prior to the new Zoning By-law). Please arrange a (virtual) meeting with Planning Staff prior to discussing any revisions to the development proposal prior to making a resubmission. Once staff are generally supportive of the development proposal and zoning amendment requested, staff, recommend making an application for a Site Plan Pre-Consultation Meeting. Feedback from the Site Plan Review Committee assists staff in completing their review of the Zoning By-law Amendment application and making recommendations to Council.	As noted, a meeting was held between TPP, RAW and Laura Dewar and Frederick VanRooyen to review the revised development proposal. In the future, a pre-consultation meeting will be held with the City for the site plan approval application.
Grand River Conservation Authority		
Floodplain Comments	1. The response letter to the GRCA indicates that the commercial space is now 1 metre below the RFE (322.34 metres) as per OP Policy 8.4.2(43). However, there is no statement of how floodproofing to the RFE would impair commercial operations, or how much floodproofing reduction is warranted. The applicant must explore opportunities to further floodproof the building, and provide rationale to the GRCA's satisfaction in the subsequent site plan application.	Section 4.0 of the FSSR has been expanded to include an explanation of how flood proofing to the RFE would impair the viability of the development. Further details of the flood proofing will be provided at the site plan application stage.

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	<p>2. The commercial space is stated to be 1 metre below the RFE, and the Servicing and SWM Report demonstrates that that safe vehicular and pedestrian access is achieved via the northwest portion of the building to Dupont Street East. However, some of the Architectural Drawings (A401 – A403, A501) show a general ground floor elevation of 321.91 metres, and suggest the north and west parking lots are flat. The subsequent site plan application must include updated drawings that:</p> <ul style="list-style-type: none"> a. Specify variances from the general ground floor elevation, in order to confirm the finished floor elevation of the commercial space and other ground floor areas; and, b. Accurately illustrate each side of the building, accounting for grade changes in parking lots and other outdoor common areas. 	The requested details will be provided at the site plan application stage.
	<p>3. The building is outside of the floodway. The subsequent site plan application must demonstrate that landscaping will not place any obstructions within the floodway, and will maintain existing grades.</p>	The requested details will be provided at the site plan application stage.
	<p>4. Additional details will be required for subsequent site plan and/or GRCA permit applications, to demonstrate how the requirements of OP Policies 8.4.2(39) and 8.4.2(49) have been met. This includes:</p> <ul style="list-style-type: none"> a. Demonstrating how portions of the building below the RFE are floodproofed, designed to control seepage and filling of the basement by floodwaters, and have limited damage potential. b. Confirming that elevator access to the basement will be prevented in a flood event, and that pump out facilities are provided; and, c. Providing a letter from a structural engineer confirming that the building will be able to withstand hydrostatic / dynamic pressures in a flood event. 	The requested details will be provided at the site plan application stage.