

April 2, 2019

Rita Szilock, Development Planner
City of Waterloo Planning Approvals Division
100 Regina Street South
PO Box 337, Station Waterloo
Waterloo, ON N2J 4A8

Dear Ms. Szilock:

**RE: Official Plan Amendment No. 25 and Z-18-18
Response to City staff and Agency Comments
164-168 King St S and 8 George St, Waterloo
OUR FILE 1716B**

The purpose of this Response Letter is to provide additional supporting details and responses to comments received from City staff and circulated agencies in a letter dated February 25, 2019. The Response Letter has been separated into subsections to respond to specific issues or concerns raised by staff or circulated agencies and the topic areas contained in the aforementioned letter.

Connection

We are aware of the Public Realm Strategy and the desired pathway connection from Heritage Green through to the Region's lands on William St (Regional Pumping Station). We expressed general willingness to include such a connection in a previous meeting with City staff and also at the Informal Public Meeting.

As discussed at both the meeting with staff and the Informal Public Meeting, the site (164 King St S particularly) is limited in its width and therefore, ability to accommodate both a 3 metre walkway as described in your letter and surface parking required for the development. We have amended the concept site plan to shift the parking to the south (closer to 8 George St) and to accommodate a 2.0 metre wide walkway on the north side of the site. A retaining wall that is similar (1.28 m high) to that originally proposed in the Functional Servicing Report would be required. The retaining wall would simply be shifted to the south along with the surface parking.

We are not opposed to the inclusion of the walkway as part of the parkland dedication should the development ultimately be approved. Our client is however concerned with undertaking additional detailed engineering assessment of the walkway as part of the OPA/ZBA application process. It would be more appropriate to consider detailed engineering aspects of the site, its drainage and retaining wall construction through the Site Plan process, once the development has received Official Plan and Zoning By-law Amendment approvals. MTE has undertaken a preliminary assessment of the inclusion of the walkway and the retention of surface parking on 164 King St S and any impacts it would have on the preliminary grading plan submitted with the application. The assessment has determined that a similar retaining wall would be required between the surface parking and the walkway. In summary, we do not object to the inclusion of a 2.0 metre wide walkway within the proposed development and will provide a more detailed Drainage and Grading Plan as part of a future site plan submission.

Building Design and Site Layout Considerations

As you are aware, we submitted an Urban Design Brief that reviewed and assessed the development against the Official Plan policies you refer to in your letter, as well as the City's Urban Design Manual. We believe the development represents a high quality building that conforms to the Official Plan. While we also believe the development is consistent with the Urban Design Manual, many of the comments contained in Section 2 of your letter are best evaluated through the Site Plan process, where the Planning Act dictates that matters relating to exterior design are to be considered. As you are aware, the development was submitted prior to the approval of By-law 2018-050 and is not subject to all of the new regulations. The application has been advanced to comply with as many of those regulations as possible, however the inclusion of "step backs" on all four facades is simply not feasible, nor desirable. As discussed at our previous meeting and in our presentation to Council at the Informal Public Meeting, there are many ways for buildings to both address a street and respond to the pedestrian realm. We believe this development does both of those things, with an active main floor that addresses all of parts of King St, the lane and George St.

The inclusion of step backs along the King St façade would require the entire massing of the building to be shifted further to the east, and therefore closer to 10 George St. The building location was specifically located closer to King St to provide more physical separation from 10 George St. We are of the opinion that the step back is unnecessary from an urban design perspective and undesirable from a land use perspective as it will decrease the separation between the building and 10 George St. As you are aware, the building does have a recess above the first floor along the Lane and a mix of building materials that defines the base of the building along all three public facing facades. The inclusion of a fourth step back along the rear façade does not advance any urban design objectives and given that the building already exceeds the low rise residential setback from 10 George St, it is not necessary from a land use perspective.

We note that staff proposed and Council approved amendments to By-law 2018-050 to permit a future development at 185 King St S (ARC lands), including a significant increase in the permitted "podium" height from 21 metres to 32 metres. The permitted podium height for the development at 185 King St S is taller than the proposed building on the subject lands. As such, staff supported a taller building, with no step back on lands 75 metres to the south, but are objecting to the proposed design for the subject lands. Similarly, the site specific permissions for 185 King St include permission for a 0.0 metre Street Line setback for Structured Parking and a 1.5 metre setback from King St for storeys above the first storey. The proposed development of the subject lands includes much greater setbacks, allowing for wider pedestrian and landscaping areas, which positively contribute to the pedestrian experience.

We previously requested the analysis and rationale that supported the site specific regulations for 185 King St S, however staff has not yet provided them. In the absence of that rationale, we fail to understand why the King St facing façade for the proposed development is being held to a different standard than for 185 King St S.

Section 2d) of the letter suggests the site is overbuilt. We have revised the site plan such that all parking is contained on the lands, and the two spaces closest to George Street have been eliminated. There is landscaping between the parking area and public realm on George St, King St and the Lane. Many of the other comments relate to site plan matters (hydro transformer, snow storage, access to garbage) that are best evaluated through that process. We believe the site can accommodate all of those aspects and will be demonstrating as much as part of our future site plan submission.

In summary, we are of the opinion that the proposed building represents a high level of design, address the prominent King St and Lane frontages and provides ground floor active uses on all three street/lane frontages. The design incorporates several architectural features, including high quality building materials and a prominent roofline that will contribute positively to views from the south, west and north.

Vehicular Access Points

While we acknowledge that not all sites will have multiple access points, the subject lands are not a typical site and due to the configuration of the combined parcel, multiple access points are required. Given the low volume of traffic expected to be generated by the development, there will be limited conflicts between pedestrians and vehicles. Importantly, the busiest pedestrian element (King St S) will have a continuous sidewalk from George St through to the Lane. Pedestrian connections have been included on the concept site plan from the public sidewalks into the building in multiple locations.

Regional Daylight Triangle

We previously discussed the required daylight triangles with Regional staff and City staff. The revised plan incorporates two daylight triangles, one at King and George Streets and one at King Street and the Lane. The Region was agreeable to a minor reduction in the daylight triangle at the King St and Lane corner. In our meeting with yourself, we discussed the need for a reduction in the required Street Line setback once the daylight triangles were taken (as you know the lot lines will shift closer to the building as a result). It was our understanding that staff was supportive of a reduction given that the building is getting no closer to the street, visibility is maintained and there are no impacts on landscaping or other aspects of the public realm. We trust that staff remains supportive.

Site Plan Data Chart Standard Requirements

We acknowledge the Urban Design Manual has requirements for a full site plan and the related data chart. However, we have not advanced a site plan application. To assist with your consideration of the application, the following chart compares the requirements of the Commercial Two (C2) zone with the proposed regulations. As the application was advanced with the goal of meeting as many of the new regulation on the Uptown Mixed-Use (U2) zone as possible, we have also included the comparable U2 zone requirements. Where an amendment is required to the C2 Zone, the item has been noted in red.

164-168 King Street South and 8 George Street, Waterloo, Ontario			
Regulation	C2-12 Requirement	U2-40 Requirement	Proposed
Minimum Front Yard (m)	5 m	4m King St	4 m (King St) 0.4 m from daylight triangle
Minimum Flankage Yard (m)	5 m	5 m George St	4.7 m (George St)
Minimum Side Yard	1.5 m	1.5 m 2.5 m adjacent to a Lane	2.9 m to the building (adjacent the Lane)
Minimum Rear Yard	1.5 m (for corner lots)	4.5 m	No change requested
Minimum Low Rise Residential Area Yard Setback	½ Height of the building or 7.5 m (min)	½ Height of the building or 7.5 m (min)	½ height of the building (15.75 m)
Average Depth of Landscape Buffer	Average depth of 3.0 m and no less than 1.5 m	Average depth of 3.0 m and no less than 1.5 m	Average depth of 1.5 m and no less than 1.5 m
Amenity Area	25 m ² per unit	3 m ² per for the first bedroom and 2 m ² for each additional bedroom in the unit	3 m ² per for the first bedroom and 2 m ² for each additional bedroom in the unit
Height			
Maximum Permitted Height	36 metres	40 m / 12 storeys	31.5 metres
Density			
Density	200 units/ha	600 beds/ha	500 beds/ha
Parking			
Commercial parking	3.0 sp/100 m ²	1.5 sp/100 m ²	1.33 sp/100 m ²
Residential parking	1 sp/unit	0.6 sp/unit + 0.1 sp/unit for visitors	0.6 sp/unit for residents 0.1 sp/unit for visitors
Shared parking	4 spaces provided to satisfy a requirement for residential uses may be considered to equal one parking space required to satisfy a parking requirement for a commercial use	N/A	N/A
Bicycle Parking	N/A	0.3 Type A spaces/unit	0.3 Type A spaces/unit

		<p>0.3 Type B spaces/unit</p> <p>40% of the required motor vehicle parking (for non-residential uses)</p>	<p>0.3 Type B spaces/unit</p> <p>40% of the required motor vehicle parking (for non-residential uses)</p>
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The Lane

We have made the requested change in reference to the Lane.

Basement

Thank you for your update considering the request for basement permission, however the site is not conducive to underground parking even if the Region did allow for an underground structure.

Revised Commercial Parking Request

Together with the site plan, the second floor has been modified to address staff’s concern with parking supply. The amount of office/employment floor area has been reduced and a new storage and bike parking area has been created for the residents of the building. As a result of this change, the total commercial building floor area has been reduced from 810 m² to 600 m². The corresponding parking requirement, based on the U₂ zone would be 9 spaces (at 1.5 spaces/100 m²). The proposed development is providing 8 spaces, representing a reduction of 1 space.

As discussed earlier, the lands to the south (185 King St S) were granted a larger reduction through the new Comprehensive Zoning By-law, resulting in a parking rate of 1.0 spaces/100 m². The proposed parking rate for the subject lands is 1.33 spaces/100 m² which represents a minor reduction in the supply of parking. The lands have access to multiple alternative transportation options, including ION LRT, GRT bus routes and the Iron Horse and Spurline trails. We also note that the development will be providing four (4) dedicated visitor parking spaces. The peak demands for visitors will generally be in the evenings and on weekends, outside of the peak times for customers to the Credit Union (the Credit Union is closed on weekends and at 4:30 pm on Monday through Wednesday).

Finally, the development now includes 28 dedicated indoor bike parking spaces (separate from the storage lockers) as well as outdoor bike parking for those visiting the building. As such, for a reduction of 1 parking space, we do not believe a separate Parking Justification Brief is warranted and we ask that staff consider supporting a reduction of 1 space.

Cultural Heritage

The Municipal Heritage Committee has reviewed and supported the Heritage Impact Assessment (HIA). The comments in this section appear to be focused on the design of the building (specifically its building materials) and proposes the notion that step backs on all four facades represents a sympathetic design in relation to the Regional Pumping Station and heritage properties in the general vicinity, none of which abut the subject lands (other than the Pumping Station). While we disagree that mimicking

other buildings in the general area represents sympathetic design, we are also of the opinion that choice of building material is not a matter under consideration through a Zoning By-law Amendment process.

The same section of the letter refers to shadow impacts and several references to a reduction in building height as satisfying many of the design components. We previously provided a Shadow Study that complies with the standards in the Urban Design Manual. Furthermore, we believe a 31.5 metre tall building is appropriate in this context, adjacent to King St and within a short walk of both ION and the Uptown Core. The Official Plan supports this height, by designating the majority of the lands for 40 metres (the entire building is located on the portion of the lands designated Medium High Density). We do not agree that a reduction in height is warranted to satisfy any aspects related to designated heritage properties in the general area.

In this regard, we have included a Figure (Figure 1 on the following page) that shows the subject lands, the designated heritage buildings in the vicinity and the existing and approved mid and high-rise development. As the Figure demonstrates, there are multiple buildings in the immediate area with similar or much greater height, including buildings that abut properties with designated heritage buildings. Both existing, approved and planned mid and high-rise development exists along both William St and King St S, establishing a context of intensification, and in some cases, substantial height, that is compatible with the heritage resources.

We note again that a Heritage Impact Assessment was provided in support of the application and was accepted by the Municipal Heritage Committee. We fail to understand why planning staff are now suggesting the development does not conform to the Official Plan with regard to its impact on "heritage resources."

Floodplain

In their correspondence, GRCA staff notes that the parking area on 164 King St is being raised such that it will be above the current Regulatory Flood Elevation (RFE) and they further state they have no objection in principle to the zone change application. In our opinion, the development conforms to the Special Policy Area policies in the Official Plan. We recognize that the GRCA will review the development through the Site Plan process and that a GRCA permit will be required. We anticipate that more detailed engineering aspects of the site's design will be evaluated and considered through that process.

Source Protection

As you are aware, we prepared and submitted a Section 59 Notice as part of our application. We are aware that additional notices will be required as part of other related development applications.

General Summary of Concerns Raised by Residents

While we appreciate the general summary of comments provided by residents, we kindly request that you provide us with any written comments so that we are able to review and respond to those comments. With regard to potential impacts on the low-rise buildings on George St, we have submitted a Shadow Study that concludes the development has minimal impacts on residential properties on George St and is well within the standards established for shadow impacts in the Urban Design Manual.

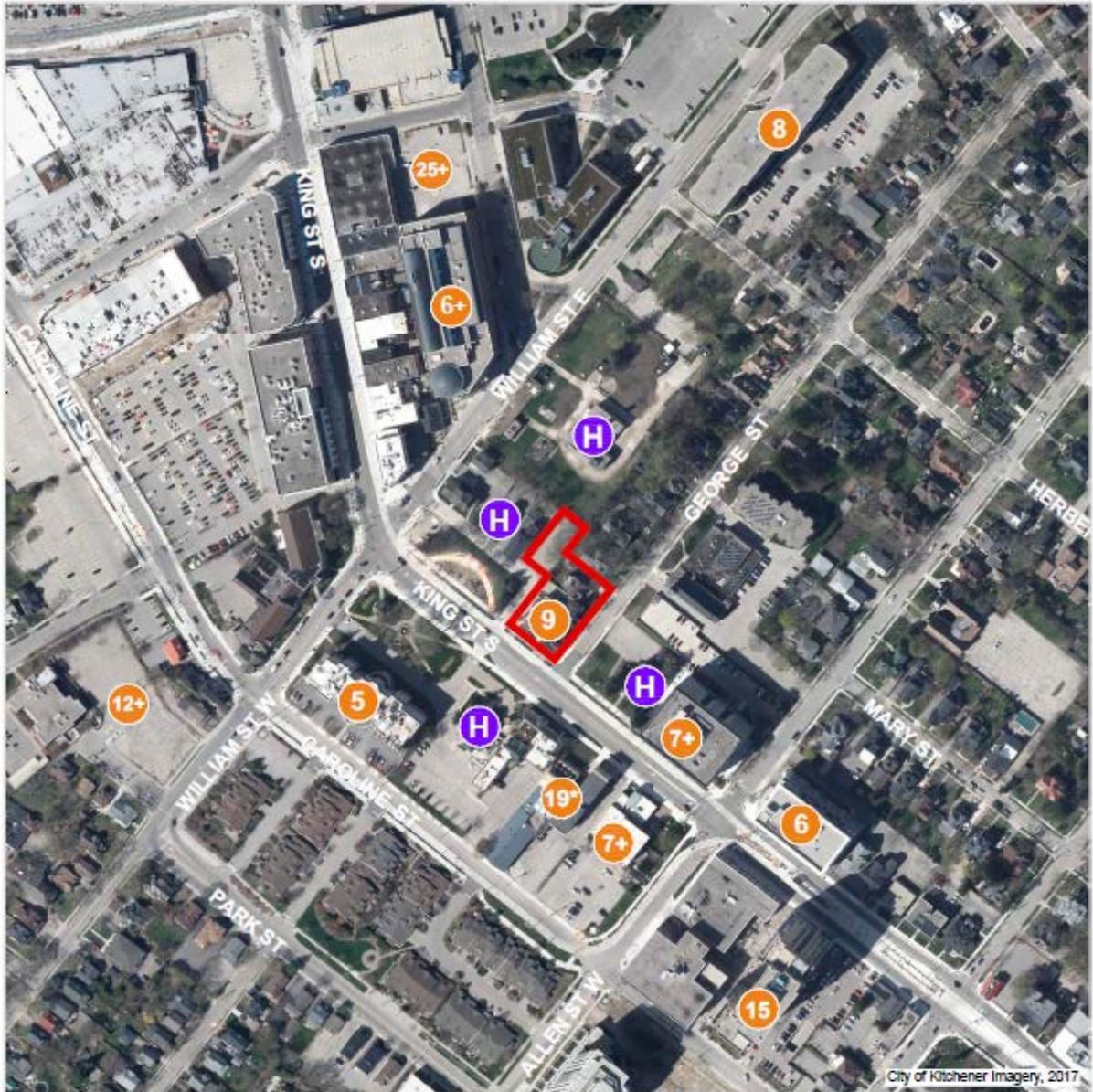


Figure 1
**Heritage /
 Development
 Context Plan**

164-168 King St S & 8 George St
 City of Waterloo
 Region of Waterloo

LEGEND

- Subject Lands
- H Designated Heritage Buildings
- 7 Building Height of Surrounding Tall Buildings
 *Under construction

DATE: March 27, 2019

SCALE: 1:3,000

FILE: 1716B

DRAWN: JB



© 2019, THE CITY OF WATERLOO & GEORGE STREET COMMERCIAL DEVELOPMENT CONTEXT PLAN

MHBC PLANNING
 URBAN DESIGN
 & LANDSCAPE
 ARCHITECTURE
 200-540 KINGEMANS CENTRE DR. KITCHENER, ON, N2B 3X9
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Furthermore, as discussed at the Informal Public Meeting the building has been oriented to King St and specifically located on the western portion of the lands, so as to provide separation from the adjacent property to the east (10 George St). The previous (1108) and recently approved (2018-050) Zoning By-laws both contain specific setbacks where medium to high density development abuts “low-rise residential.” The purpose of the setback is to provide suitable physical separation. The proposed development exceeds the minimum requirement.

With regard to spillover parking, the development complies with the By-law (2018-050) requirement for the residential units and for visitor parking and is only 1 space short of the commercial parking requirement. Furthermore there are several public parking lots in the immediate area, as well as the ION LRT, several bus routes and two significant active transportation routes all of which provide access to the subject lands for employees or for customers of the financial institution. In addition, parking is permitted on the Lane adjacent to the subject lands. Given the location of the proposed entrance to the Credit Union, it is far more likely that if any short term parking for customers is needed, it will occur on the Lane rather than on George St or other surrounding residential streets. Finally, we note that there will be four (4) dedicated visitor parking spaces. The demands for visitor parking and credit union customer parking are generally offset, which would result in parking efficiencies.

Region of Waterloo Comments

The following summarizes the comments provided by the Region of Waterloo.

Water Services

Regional staff have no objections to the Functional Servicing Report with regard to water services.

Regional Road Dedication

The Region has noted the requirement for daylight triangle dedications at King and George Streets and at King Street and the Lane. We previously discussed the two triangles with Regional staff. The revised concept site plan shows daylight triangles in both locations, with a slightly smaller dedication at King St and the Lane (as was discussed with Regional staff).

The Region has noted that a portion of the King St sidewalk may be located on the subject lands. This matter will be confirmed when the reference plan is prepared for daylight triangle dedications.

Stormwater Management and Site Grading

Regional staff notes they generally have no concerns and will require detailed plans at the Site Plan stage of the process. We concur with this requirement.

Environmental and Stationary Noise

Regional staff supports the conclusions of the Environmental Noise Feasibility Study and recognizes that implementation of the recommendations may be secured through future Planning Act applications (e.g. condominium).

Record of Site Condition

The Region does not require a Record of Site Condition for the subject lands.

Hydrogeology and Source Water Protection

The Region has requested that the Functional Servicing and Storm Water Management Report (FSR) be re-submitted to address two specific comments. Included with this resubmission is an updated FSR that addresses the Region's comments.

We acknowledge the Region's comments regarding the requirement for a Hydrogeological Study to be submitted (and approved) as part of the lifting of a proposed Holding provision.

Heritage

The Region acknowledges that the proposed development will not result in any anticipated impacts to the heritage resource at 17-23 William St (William Street Pumping Station). Staff also requested that the owner consider the possibility of providing ground level amenity green space abutting the Pumping Station parcel. As discussed earlier, the development proposes the inclusion of a public walkway from the Lane (and Heritage Green) through 164 King St S to the Pumping Station lands. In this way, there is both a physical connection and public amenity area adjacent to the Pumping Station lands.

Summary of Regional Comments

The Region concludes that they have no objection to the Official Plan Amendment and no objection to the Zoning By-law Amendment, provided a Holding Provision is added requiring the submission of a Hydrogeological Study.

Grand River Conservation Authority (GRCA) Comments

The GRCA notes that 164 King St S and a portion of 8 George St are within the floodplain and subject to the GRCA's permit process. The GRCA notes that the proposed building is outside of the floodplain and that the proposed grades of the parking area on 164 King St S and 8 George St will be raised such that they are above the current Regulatory Flood Elevation (RFE). The GRCA concludes that as dry (or at a minimum, safe) access is achievable, they have no objection in principle to the zone change application. They recommend the inclusion of the "F" prefix, as a flag, noting the requirement for a GRCA permit in the future, as the development progresses through the planning process. We have no objection to the inclusion of an "F" prefix.

Summary of Revisions to the Concept Site Plan

In response to feedback provided in meetings with staff, as well as comments included in staff's February 25th letter, we have modified the plan. The previous plan contained a total of 36 vehicular parking spaces, 26 for the residential units and visitors and 10 for the commercial use. The revised plan has removed the two parking spaces located closest to George St, as well as provided the correct width and type of barrier free parking spaces under the cantilevered portion of the building. We have added one parking space on the 164 King St N portion of the site. In total, there are now 34 parking spaces, including two barrier free spaces.

Furthermore, the layout of the development has shifted such that all of the parking spaces are located on the subject property (whereas previously a small portion of the surface parking was located within the Lane allowance). The resulting shift has moved the building very slightly towards George St, such that the setback has been reduced from 5.0 m to 4.71 m. As part of our resubmission, we request a small

reduction in the street line setback from George St. The reduction is very minor and the resulting setback still provides substantial space for landscaping and pedestrian connections from the building to the public sidewalk.

As discussed previously, the plan has been updated to include the two daylight triangles at King and George Streets and at King Street and the Lane. As part of this resubmission, and as discussed earlier, we request recognition, through site specific regulations, of the setback from the building to the new lot lines created by the daylight triangle dedications.

As noted earlier, we have also reduced the commercial/employment floor area on the second floor of the building by 210 m² and have added some interior storage lockers and separate bicycle parking for the residents of the building. The resulting decrease in commercial floor area has reduced the required parking accordingly.

Finally, we have also included a public walkway on the north side of the parking lot on 164 King St S. The walkway provides a connection from the Heritage Green Park to the Region's lands on William St. A preliminary grading review was undertaken to confirm the walkway could be located adjacent to the parking area. The assessment confirmed that a retaining wall will be located adjacent to the walkway and along the rear of the parking area, as previously proposed. The walkway would follow the natural slope of the land from the Lane towards the Region's property, which is at a lower elevation.

Conclusion

In our opinion, the revisions to the plan address staff's comments with regard to the parking layout, the inclusion of the walkway and the inclusion of the daylight triangles. We believe the building represents a high level of design and will be a positive addition to the Uptown. We recognize further review of the development and in particular the building's exterior design, will occur through the site plan process. The transition from King St through the site towards 10 George St has been considered and properly addressed. The building addresses all three streets/lane with active uses on the ground floor and the inclusion of a prominent building base. The proposed building is of an appropriate scale and height given its context and represents good planning.

We ask that you consider our resubmission in response to the staff and agency comments. We would be pleased to meet with you to further discuss the proposed development and the changes to the site layout such that we can proceed towards a Formal Public Meeting with a positive staff recommendation.

Yours truly,

MHBC



Trevor Hawkins, M.PL, MCIP, RPP
Associate

cc. Gord Harrison
Dan Currie