

January 14, 2022

Rita Szilock, MCIP, RPP
Development Planner
Waterloo City Centre
100 Regina St S
Waterloo, ON N2A 4J8

Dear Rita:

RE: Response to Staff Comments Z-20-05
314-316 Batavia Place and 295-297 Albert Street
OUR FILE 15200D

MHBC Planning and WalterFedy, on behalf of the Owner have reviewed the comments provided by staff, with a particular focus on Zoning By-law interpretations that require relief from the Zoning By-law. More specifically, staff has identified the following:

1. Number of First Storey Entrances to the Building (minimum) – Convertible Frontage – 2 entrances required on the Albert Street frontage;
2. Portions of the STRUCTURED PARKING are not located behind BUILDING FLOOR AREA as required by section 7.11.15 b) of the Zoning By-law. The portions of the Structured Parking that do not meet the Zoning By-law requirements include the 2.3 metre section of the parking garage extending out beyond the vestibule along Batavia Place and the 1.35 metre section of the loading space extending out beyond the generator room. These 2.3 metre and 1.35 metres sections of the STUCTURED PARKING will also be visible from the street therefore will not comply with section 6.2.6 of the Zoning By-law requiring STRUCTURED PARKING to be screened from exterior view from the street.
3. The building does not meet the maximum street line setback along Batavia Place. In next submission identify the maximum street line setback provided along Batavia Pl (north and south corners of building do not comply along Batavia Pl).

4. Building does not meet the minimum 4.5m first storey height requirement along Batavia Pl and Albert St.

The following provides a response and rationale for the Zoning deficiencies identified by staff in the July 5, 2021 comments:

Number of First Storey Entrances

The Site Plan and Building Elevations were revised to include two entrances facing Albert Street. The development complies with the related Zoning Bylaw regulation in the (H)RN-6 Zone.

Structured Parking

The development includes parking spaces underneath the cantilevered portion of the building. Although all of the spaces are under the building, staff has interpreted that two spaces are not located 'behind building floor area', as required in Section 7.11.15 (b). The two spaces are the loading/move-in space on the north side of the parking area and a parking space that is immediately adjacent to the building's vestibule on Batavia Place.

In our opinion, both spaces are located behind the building – there is building floor area between the spaces and the street line adjacent to Batavia Place. Portions of the spaces may be visible due to the driveway entrance and walkway required to access the parking area and the building and the curved nature of the cul-de-sac. The loading space would be screened by vegetation, noted on the Landscape Plan. The combination of the building floor area and the landscaping would effectively screen the loading space, consistent with the By-law. We are of the opinion that this is a technical interpretation, but that the intent of the By-law is being met.

The parking spaces closest to the vestibule are largely screened from view of Batavia Place by building massing and the column that supports the second storey of the building. The spaces are located behind the vestibule but in order to accommodate a pedestrian path of travel, the depth of the space extends beyond the building face. Similar to the loading space, we are of the opinion that this is a technical interpretation, as the space is physically located behind building floor area (the vestibule). In this regard, the intent of the Bylaw is being met.

Street Line Setback – Batavia Place

The March 31, 2021 comments referred to specific requested changes to the Batavia portion of the building, to increase the habitable space at grade, including expanding the lobby/vestibule and including a transformer room. Both of those suggested changes were incorporated into the design.

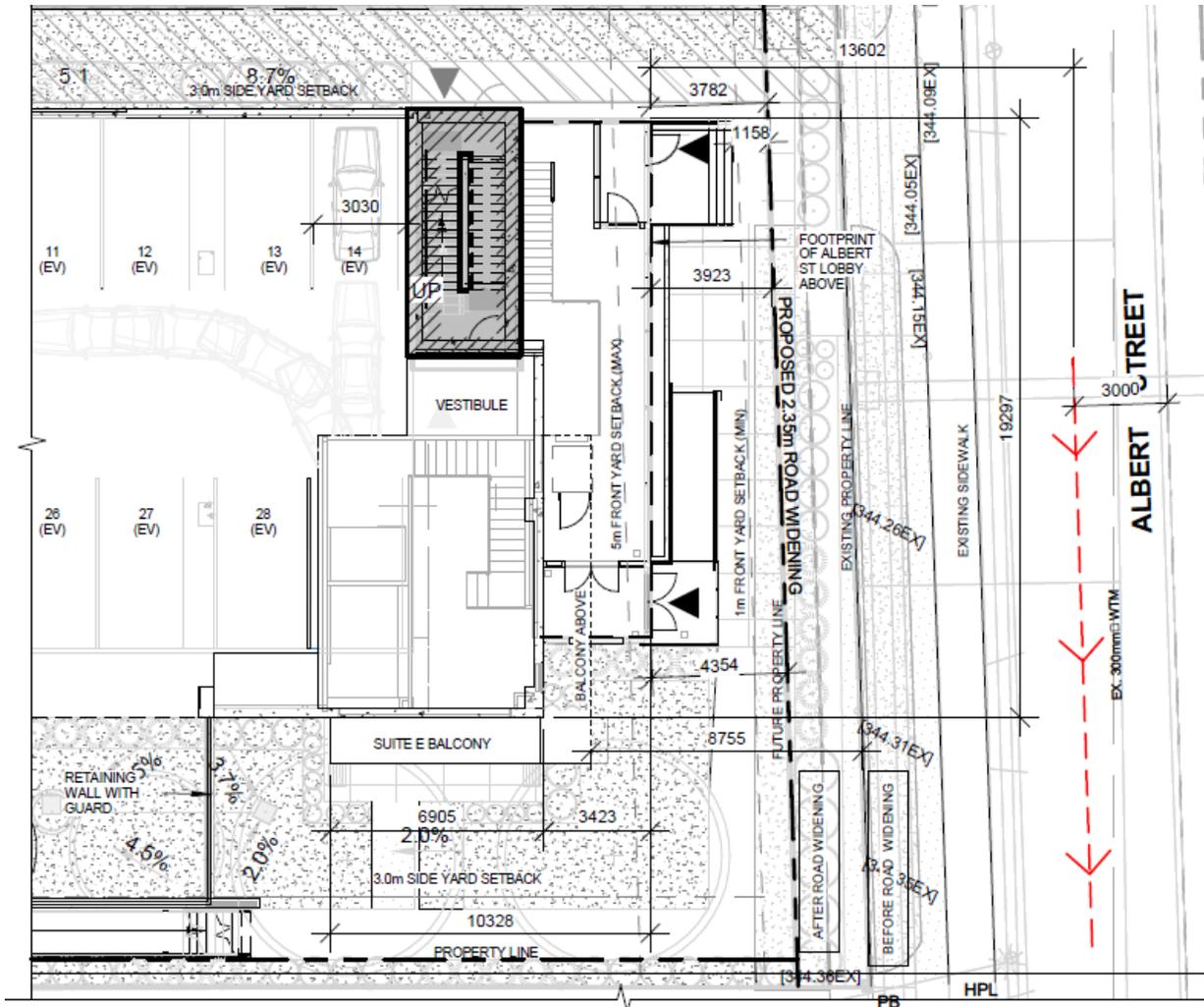
The Zoning By-law does require a minimum percentage of the building façade to be located within a maximum street setback for Albert Street (which is a convertible frontage). No such requirement is included for a 'neighbourhood frontage' such as Batavia Place. We understand staff are interpreting

the By-law such that a higher test/requirement is afforded to a neighbourhood frontage compared to a convertible frontage. More specifically, that 100% of the building façade must be between 3 and 6 metres of Batavia Place, even though Albert Street only requires 75% and is “Mixed-Use Street” whereas Batavia Place is a “Residential Street.” We have reviewed the façade facing Batavia Place: the length of the entire façade is 26.537 m, while the length of the façade within 3-6 m of the Street Line is 15.165 m, representing 57% of the façade. The street line is curved due to the nature of the cul-de-sac street design. In our opinion, the building appropriately addresses the street, given its residential character and dead end street design for Batavia Place.

Height of the First Storey

The building faces both Batavia Place and Albert Street, but due to the nature of the natural grades on the site, Albert Street is at a higher elevation than Batavia Place. As result, the first storey of the building faces Batavia Place, while the second storey of the building is at (or near) grade with respect to the Albert Street frontage. We understand that staff have interpreted the By-law such that this particular building has two first storeys, despite the change in grade and the fact that the second storey of the building faces Albert Street. Such an interpretation appears to require the entire second storey of the building (which would be one full storey above grade on Batavia Place) to be a minimum of 4.5 m in height. This interpretation does not achieve the objective of the regulation for Batavia Place, as it would effectively require a 4.5 metre high second storey. This is not possible, nor practical for a building design, as the building would exceed the maximum permitted height and the second floor units would have floor to ceiling heights that are significantly higher than desirable. The intent of the regulation is for the first storey of the building to be higher, to allow for the future conversion of the space for non-residential uses. The second floor of the building is not planned for non-residential uses. As such, in response to staff’s interpretation, relief from the Bylaw is required to allow for the second storey of the building, as viewed from Batavia Place to not be subject to a minimum requirement of 4.5 metres.

Similarly, to achieve the objective of including a taller ground floor facing Albert Street, a minimum 4.5 metre ground floor height is proposed for the lobby and ‘convertible unit’, which can be specifically identified in a schedule to the site specific By-law. The image on the following page illustrates the dimension of the lobby and convertible unit. They extend a combined 10.3 metres into the building, on the south side.



In this manner, the intent of the By-law is being met as the 'ground' floor as seen from Albert Street will have a higher ceiling height for the portion of the building closest to the street.

Parking

Through the Site Plan process, staff has identified a challenge with reversing out of parking space 29 (identified on the enclosed Site Plan) due to the obstruction on the other side of the drive aisle (the exit stairs). In lieu of providing a full parking space, the project team explored the option of a small car parking space, with a length of 5.0 metres. However the car reversing from space 14 still encroached into space 29 thereby creating a conflict if a car was parked in space 29.

As a result, we are requesting a reduction in one visitor parking space, to allow for a turnaround at the end of the drive aisle. This reduction is minor and will allow for the movement of vehicles within the parking structure. There remains 5 visitor spaces and a loading space. The visitor spaces will continue to provide parking for visitors to the building arriving by vehicle, while the loading space, when not in use for move-in purposes, offers a short term space for deliveries close to the building entrance. There is no proposed reduction in parking for the residents.

Canopy on Batavia Place Façade

The front façade of the building, facing Batavia Place, contains a canopy element to help distinguish the ground floor and add visual interest. Canopies are permitted to project into the setback, up to a maximum of 1.0 metres. In this case, due to the curved nature of the street line and the straight line of the canopy, a small portion of the canopy projects an additional 0.6 metres into the street line setback. The enclosed Site Plan illustrate the very small projection. This minor projection will not impact any adjacent properties, not the public realm. The inclusion of a canopy is a positive design element and keeping the element parallel with the building façade is preferred and appropriate.

Summary

We are of the opinion that all of the above are minor and/or technical amendments to the By-law due to specific interpretations of the By-law or unique site circumstances. The design of the site and building remains in general compliance with the bylaw, addresses both streets and locates all of the parking within a structure that is not visible from Albert Street and screened to the extent possible from Batavia Place.

Section 37 Agreement

Concurrent with this submission, the project team will be advancing a site plan submission to address the Committee's comments. We anticipate that the Committee will endorse the plan, such that the Zoning By-law Amendment process can proceed. In this regard, we would like to move forward with the bonusing component of the process. We understand that an appraisal is required to determine the uplift of the additional bedrooms. Can you please clarify the process of preparing the appraisal – does the owner retain an appraiser and provide the appraisal to the City, or will the City retain the appraiser?

Road Widening

A draft Reference Plan was provided to the City through the Site Plan Review process regarding the required road widening. The lot area was calculated post road widening – resulting in a lot area of 0.32032 hectares. The development includes 110 bedrooms, resulting in a density of 344 bedrooms per hectare.

Sustainable Design

The March 31, 2021 letter notes that "The incorporation of sustainable design, construction and operation approaches are strongly encouraged (e.g. water conservation systems to retain and reuse water, cool or green roofs, on-site renewable energy, enhanced energy performance, etc.)." The comment is acknowledged and the project team will explore options through detailed building design through the building permit process.

Noise Study

Following the Region's comments, a meeting was held to discuss options to address their comments. The manner in which to address the comments was agreed, and RWDI prepared a revised Study that has been provided to the Region (enclosed for your file).

Walkway Connection between Batavia Place and Albert Street

The project team has engaged in extensive discussions with City staff, including the Planning Approvals staff on the Site Plan Review Committee. Based on the technical submission provided by the project team in a detailed letter dated October 12, 2021, the Committee responded with the following comment:

Staff appreciate the detailed review of a potential walkway connection along the northern portion of the site provided by the applicant in the latest submission. Based on our review of the existing constraints along the northern portion of the site, Staff acknowledge that a walkway connection in this location is not feasible at this time

As such, we understand that City staff accepted our submission and the matter has been satisfactorily addressed.

Mixture of the Number of Bedrooms

The development includes a mixture of 1 and 2 bedroom units. Section 11.1.45(14)(e) of the Official Plan states that:

A mixture in the number of bedrooms within each dwelling unit shall be strongly encouraged to accommodate a diverse range and type of dwelling units.

The dwelling units are all 'apartment units' and the building does include 1 and 2 bedroom units, as well as a loft style unit facing Albert Street that offers a third unit type within the building. This range allows for those wanting either dwelling type to reside within the building. It is important to note that within an apartment building, the cost of the unit and/or the rent for the unit are directly related to the size of the unit. Larger units cost more than smaller units and also charge higher rents. The policy does not require a specific type of unit, or a percentage of one versus another dwelling type. The project includes a variety of unit types and as such, satisfies the policy.

We trust that you have all that is required to continue with the Zoning By-law Amendment process. Please advise regarding the appraisal and how best to advance the Section 37 Agreement discussions.

Yours truly,

MHBC



Trevor Hawkins, M.PL, MCIP, RPP
Partner

cc. *Fei Wei and Michael Winters, WalterFedy*