

36-42 Erb Street, and 39 Dupont Street Zoning Analysis Brief (changes to 2018-050)

Requested Zone Change: Zone Change “ZC” to Uptown Commercial One “U1-60”, Uptown Commercial One “U1-20”, with site specific regulations.

Zoning Provision	By-law 1108	By-law 2018-050	2 nd Submission (December 2019)	Required Amendment (By-law 2018-050)	Planning and Urban Design Rationale
Requested Amendments					
1. Minimum Front Yard (Erb) ^{1,7}	C6-25: 3 m C7-4: 0 m	4 m	3.0 (Ground Level) 0.0 m (Level 1-2)	✓ Conforms 0.0 m (Level 1-2)	<p>The proposed front yard setback accommodates the significant 3.049 metre road widening at Erb Street and does not preclude the future road network envisioned for Uptown Waterloo.</p> <p>Notwithstanding the animated public realm approach, and in considering the constraints provided by the widening, an Amendment is required to reduce the front yard setback above the ground floor to accommodate the parking within the 2nd and 3rd storey of the podium.</p> <p>The revised proposal is set back approximately 3.0 metres from Erb Street (14.4 m to centerline) at grade, which together with the widened boulevard, provides a generous area for pedestrian movement. The proposed 3.0 setback at grade, along with the generous first floor height and proposed retail uses will provide for a walkable extension of Erb eastward and contribute to its vibrant evolution as a mixed-use corridor. It is noted that 36 Erb Street is within Section 8.1.6, Image 1 of the By-law 2018-050, which permits 0.0 metre front yard setbacks, and the revised proposal is consistent with that direction, and downtown urban context.</p> <p>The above requirements and depth of the subject site necessitate these changes in order to optimize the required parking space lengths, and aisle widths within the garage. In order to achieve this optimization, the approach provides for a minor reduction in the setback at grade (3.0 m vs 4.0 m, 1.0 m less) and then brings the 2nd and 3rd storey out above grade to the front lot line. This achieves a number of objectives including the appropriate circulation and parking space dimensions within the podium, but also sufficient separation distances to the rear lot line.</p>
2. Erb Building Line Setback (Schedule B) ⁵	N/A	(12.19 m from Erb cntrline) ⁵	14.4 m (Ground Level to ctrline)	14.4 m (Ground Level to ctrline)	
3. Minimum Flankage (Peppler) ¹	C6-25: 3 m C7-4: 0 m	4 m	6.8 m (Ground Level) 1.4 m (Level 1-2)	✓ Conforms 1.4 m (Level 1-2)	<p>At grade, the building will be setback 6.8 metres, significantly exceeding the By-law requirement of 4.0 metres. In addition to the significant setback at grade, significant landscape and public realm enhancements and further help to unify the building and integrate it with urban fabric and natural features of the area. This includes themed streetscape enhancements and a publicly accessible plaza at the corner of Peppler and Erb Street, and enhanced connectivity to Laurel Creek. This design also facilitates safe access requirements and Laurel Creek SPA.</p> <p>Similarly, a reduction is required for the flankage yard setback of 1.4 metres at the 2nd and 3rd storey to accommodate appropriate circulation and parking requirements in the parking garage. The flankage yard is also constrained by, and required to provide a road widening of 2.309 metres along Peppler</p>

					Street.
4. Podium Height ⁴	N/A	21 m	10.25 m (1 st -3 rd Level)	✓ Conforms	<p>In response to Staff’s request to lower the overall height of the building to be within the 60 m limit under By-law 2018-050, a redistribution of the permitted density for the lower part of the tower occurred. An Amendment is required to accommodate the revised terracing elements of the podium, which transition upward to a height of 9 storeys (26.8 metres). A slight increase in podium height above the requirements under By-law 2018-050 is necessary to implement this built form approach. The revised proposal continues to represent a complete building with a unique base, middle and top portion that are cohesive and contribute to the overall appropriateness of its design and built form overall. At the same time as reducing the overall height, relief from this provision allows for a unique built form approach with further enhancements including a visually varied and articulated building mass, and a more subtle transition in height towards lower density areas along Peppler and Dupont Street.</p> <p>Although in technical terms, the “podium” may be measured as being as tall as 18.95 metres to 26.8 metres in places. To the pedestrian, it will register as a 3 storey element, as the 1st to 3rd storey are clearly distinguishable in terms of materiality and in turns of setbacks from the remainder. At grade it will effectively read as the base building, which together with the revised masonry materials and recessed elements at grade will provide for comfortable, human scaled pedestrian experiences along Erb and Peppler.</p> <p>Rather than transition immediately to the tower element, the revised proposal has been designed to meet the overall objective for tall buildings, and has been designed to be architecturally interesting and recognizable, and reduces impacts to surrounding buildings. The revised proposal provides for more pronounced and varied setbacks and setbacks, which includes more gradual terracing and transition from the base building to the tower portion above the 9th storey amenity terrace up to the 19th storey. Even at the 9th storey, the height of the “podium” is 26.8 metres is just modestly taller (5.8 metres) than the required 21 metre maximum in the Zoning By-law 2018-050.</p>
			18.95 m (6 th Level)	✓ Conforms	
			26.8 m (9 th -19 th Level)	26.8 m (9th floor)	
5. Horizontal Tower Dimensions	N/A	40 m	43 m	43 m	<p>The width of the tower face parallel to Peppler Street has been maintained at approximately 15 metres, to ensure as great a setback of the tower from the Dupont property line, which provides some challenges in providing an efficient tower floorplate. In response, a slightly wider tower width of 43 metres (versus 40 metres) allows for the achievement of broader objectives related to livability and in turn allow for the development of larger residential units, inclusive of 2-bedroom units to help accommodate a range of housing types and an efficient floor plate that provides more livable space.</p>



					<p>The tower portion above the 9th storey continues to provide for an interesting built form that has been designed in accordance with the Urban Design Manual. The intent of maintaining a maximum 40 metre tower width is to ensure that future tall buildings maintain a more slender built form to ensure that individual buildings do not overwhelm the skyline, or cast larger shadows that would negatively impact the public realm and surrounding uses. Although a portion of the tower may measure at 43 metres, the primary horizontal building face measures 38 metres and it is only small additional “wings” which add an additional 1.5 metres (west), and 3.58 metres (east) to the horizontal tower dimension. This slight exceedance of the dimension also creates a more visually interesting tower design.</p> <p>While the tower will have a slightly wider profile, it is our opinion that it will not add significant, incremental massing to the skyline. Furthermore, the floorplate of the tower is slender, measuring at 945 square metres, less than the requirement of 1,000 square metres under By-law 2018-050, which limits shadow and built form impacts to surrounding areas and further illustrates that the tower floorplate is of an appropriate size.</p>
6. Maximum Number of Storeys	C6-25: 25 C7-4: 12	U1-60: 18 U1-20: 6	19 (9 th -19 th Level) 1.5 (heritage building)	19 (tower) ✓ Conforms	<p>The Official Plan and the in-force Zoning By-law both permit a height of 25 storeys (75 metres), and a density of 279 bedrooms on the Subject Site. The overall height has been significantly reduced to 19 storeys (60 metres). This ask was made by the City in order to align with the new maximum height permission regime established by By-law 2018-050, which restricts the building height to 18 storeys and 60 metres. In making the request, the emphasis was on bringing the height down to 60 metres. The revised proposal responds to the City’s request, in observing the new 60 metre limit, but achieves 19 versus 18 storeys within that dimension. An Amendment is required to permit the additional storey, while maintaining the height of 60 metres.</p> <p>The additional storey optimizes and is required to implement the as-of-right density permissions of the subject site, which are appropriate, and permitted as of -right. In doing so, this will help provide for a range of housing types, and densities that are transit supportive. Even with the additional storey, which does not exceed the as-of-right height of 60 metres, the revised proposal continues to maintain an appropriate relationship to surrounding areas, while achieving the intensification objectives for Uptown Waterloo.</p>
7. First Storey Height	N/A	4.5 m	4.2 m	4.2 m	<p>The revised proposal will feature a fairly tall first storey (approximately 4.2 metres) that includes for commercial uses at Erb and Peppler. The taller first storey is a desirable feature as it increases the</p>



					<p>prominence of the ground floor commercial uses, thereby further enhancing and activating the pedestrian environment. In reconciling the City’s ask to reduce the overall height to 60 metres, achieve the optimum density on the site, address the safe access requirements, it was necessary to economize slightly on the ground floor height. Notwithstanding the prominent, and distinguishable ground floor, the height was established at 4.2 metres in height, or 0.3 metres (1 foot) less than the requirement under By-law 2018-050.</p> <p>The ground floor will feature active frontages with primary entrances for residential uses on Erb, and the primary retail entrances being along Peppler Street main lobby entrance for residents is also located along Erb Street East, east of the retail uses. The entrance to the retail spaces at Peppler will be designed with a dramatic “aquatic” entrance feature and unit paving, which will provide a significant degree of prominence. Together, the lobby and commercial space will result in nearly the entire building frontages along Erb Street East being animated and active. In establishing the holistic public realm approach, the minor reduction in the ground floor height in this case is rather inconsequential.</p>
8. Tower Separation	N/A	11 m to interior lot line	8.6 m (9 th –19 th Level to 34 Erb)	8.6 m	<p>By-law 2018-050 requires 11 metre setback distances from the tower face to the interior lot line. Notwithstanding the corner site location, the design and more specifically, the location of the tower was also in part driven by safe access and the Laurel Creek SPA considerations. Repositioning of the tower and/or podium in accordance with the tower separation in By-law 2018-050 reconciles challenges in relation to environmental and flood conditions related to Laurel Creek. The location of the tower is appropriately positioned to allow for safe access considerations for the residential portions above, while also maintaining appropriate separation distance to the adjacent site on 34 Erb Street. Notwithstanding this reduction, the 8.6 metre separation distance still maintains appropriate separation distances for adequate light, sky view and privacy, especially considering that there are no windows 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>
9. Tower Stepbacks	N/A	Front: 3 m Flankage: 3 m	Front: 3 m (Erb) Flankage: 2.0 m (Peppler)	<p>✓ Front: Conforms</p> <p>Flankage: 2.0 (Conforms)</p>	<p>The revised proposal provides for a 3 metre stepback about the 3rd storey above Erb Street, where the greatest levels of pedestrian and public activity is to occur. The pronounced step back on the 3rd floor emphasizes the materiality of the base portion, while creating an appropriate pedestrian scaled massing on the lower portion. Further stepbacks at the 6th floor provide for visual variety within the middle and top portions of the tower, and allow for a unique built form and architectural element, and also helps provide for diversity of unit types and sizes. The balconies along with middle portion of</p>



					<p>the tower above will continue to contribute to the articulation and built form variation of the tower.</p> <p>The flankage yard stepback is not to the “tower”, as suggested by By-law 2018-050, but rather the upper portion of the podium, which helps with the transition upwards to the 9th storey. In an abundance of caution, an Amendment is nevertheless identified for the purposes of crafting an appropriate site-specific By-law to reflect this condition. Notwithstanding that the revised proposal is not required to provide stepbacks to upper portions of the podium, a 2.0 metre stepback is nevertheless provided at Peppler. This stepback provides a vital transition upwards in scale to the lower and upper portions of the podium, encourages a pedestrian oriented built form and mitigates any adverse undue pedestrian conditions at-grade. In this regard, the revised proposal meets the intent of the Zoning By-law and encourages for variation in the built form.</p>
10. Maximum bedrooms/ha ⁶	N/A	<p>U1-60: 675 x 0.3114 ha = 211 bedrooms (“Area A”)</p> <p>U1-20: 450 x 0.101 ha = 46 bedrooms (Area “B”)</p> <p>TOTAL = 257 bedrooms</p>	279 bedrooms	279 bedrooms (22 increase)	<p>The Official Plan designation permits a maximum density of 750 bedrooms per hectare (279 bedrooms), and relies on the Zoning By-law to provide further guidance on locations for height and density. We specifically designed the proposed building to fall within that density maximum. Based on the area of the Subject Site, Zoning By-law 2018-050 would allow a maximum of 257 bedrooms. An Amendment is required to increase the number of permitted bedrooms by 22 to a total of 279 bedrooms (750 bedrooms per hectare) to implement the density permitted by the Official Plan.</p> <p>As set out in our Planning Rationale and Urban Design Brief, it is our opinion that this modest change optimizes the development and implements the Official Plan. Achieving the density permitted by the Official Plan here is appropriate due to the Subject Site’s location within walking distance to multiple transit stations, extensive active transportation network, proximity to existing employment, retail and community services, and location within the Uptown Urban Growth Centre. The revised proposal is highly desirable from a built form perspective as it provides housing opportunities to students and residents in the area, while providing transit supportive densities, all of which are supported by new provincial policy.</p> <p>The Official Plan permits increases in height and / or density in exchange for community benefits. In this regard, the revised proposal provides a number of benefits on or off-site, including the preservation and adaptive re-use of the heritage building at 39 Dupont Street, but also providing a significantly enhanced public realm and art at the corner of Peppler and Erb that connects into the Laurel Creek Trail system.</p>



Conforming Provisions					
11. Minimum Side Yard (West)	1.5 m	0.0 m (36 Erb within Image 1 Uptown Commercial Core)	0.5 m (Ground Level-2 Level) 8.8 m (9 th -19 th Level)	✓ Conforms	
12. Minimum Side Yard (North)	1.5 m	1.5 m (7 Peppler)	3 m (7 Peppler)	✓ Conforms	
13. Minimum Rear Yard (Opposite Erb Street) 1	7.5 m	4.5 m	7.3 m (1 st -2 nd Level) 9.7 m (9 th - 19 th Level)	✓ Conforms	
14. Minimum Side Yard (West)	1.5 m	0.0 m (36 Erb within Image 1 Uptown Commercial Core)	0.5 m (Ground Level-2 Level) 8.8 m (9 th -19 th Level)	✓ Conforms	
15. Maximum Height ²	C6-25: 75 m C7-4: 12 m	U1-60: 60 m U1-20: 20 m	U1-60: 60 m (tower) U1-20: <20 m (heritage building)	✓ Conforms	
16. Maximum Tower Footprint	N/A	1,000 sq. m	945 sq. m	✓ Conforms	
17. Maximum Structured Parking GFA at Grade	N/A	75% x 1,142 sq. m = 856.5 sq. m	157 sq. m (13%)	✓ Conforms	
18. Minimum Amenity Area ³	25 sq.m / 232 units = 5,800 sq.m	3 sq.m / 185 one bdrm = 696 sq. m + 2 sq.m for 47 two bdrm = 94 sq. m TOTAL = 790 sq. m	Common Outdoor Area = 1,360 sq. m Balconies/Terraces = 2,279 sq. m Common Area (grade) = 138 sq. m TOTAL = 3,777 sq. m	✓ Conforms	



19. Minimum Common Amenity Area	N/A	30% of required Amenity Area = 237 sq. m	1,360 sq. m	✓ Conforms	
20. Rooftop Amenity Area	N/A	20% of required Amenity Area = 158 sq. m	497 sq. m	✓ Conforms	
21. Common Outdoor Area (at grade)	N/A	3% of lot area = 124 sq. m	138 sq. m (Peppler and Erb)	✓ Conforms	

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Parking Rationale Analysis

Zoning Provision	By-law 1108	By-law 2018-080	Revised Development (December 2019)	Required Amendment (2018-050)	Planning and Urban Design Rationale
Requested Amendments					
1. Min parking space size	2.8 m x 5.5 m	2.8 m x 5.5 m 3.0 m x 5.5 m (beside a wall or column)	2.8 x 5.5 m (beside a wall or column)	2.8 x 5.5 m (beside a wall or column)	The revised proposal including the spacing and location of columns was designed to accommodate a specific structural module. This module design predates the recent introduction of parking space requirements under By-law 2018-050, which requires increased parking stall widths adjacent to obstructions such as walls or columns. Where possible, parking spaces will be increased in an effort to comply with the new By-law 2018-050. Some spaces may also be designated as “small car” spaces to accommodate residents that own smaller vehicles.
2. Setbacks for Underground Parking	N/A	Underground parking shall comply with the front and flankage yard setback	Front: 0 m Flankage: 0 m	0 m to all lot lines	<p>In order to provide all parking underground, the garage below grade extends to the front lot line (Erb), 0.3 m to the interior side (west), 1 metre to the interior side (north), 1.9 metres to the rear, and 1 metre to the exterior side lot line. To accommodate potential mechanical and floodproof requirements of the underground garage, an Amendment is proposed to permit the underground portions of the garage to be permitted to each lot line.</p> <p>The underground parking will be completely below-grade and so will have no impact on adjacent properties or intended setbacks. Additionally, 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. Furthermore, the underground garage provides a benefit in that locates required parking below grade, and out of sight.</p>
3. Location of Parking (Surface)	N/A	3.0 m from side yard lot line	1.5 m (west)	1.5 m (west)	<p>The revised proposal provides a 1.5 metre landscape buffer along the interior side yard (west lot line), but is slightly deficient of the required dimension of 3 metres. An Amendment is required to permit the slightly reduced interior side yard parking buffer to accommodate the necessary aisle and parking stall width, together with landscaping surrounding the heritage building at 39 Dupont Street.</p> <p>The reduction is minor in nature and appropriate for this urban condition, particularly given the extensive shrub buffering and a wooden fence provided along the side yard lot line, which will screen parking areas. Additionally, the rear yard of the revised proposal features extensive soft landscaping, and the parking will be screened by additional landscaping the entrance to the site, which will feature shrubs and a tree. In our opinion, the general intent of the Zoning By-law is met</p>



					with the proposed reduction and is appropriate given the circumstances of the Subject Site and relatively minor encroachment into the required buffer.
Conforming Provisions					
4. Min parking spaces	Residential (1 space/unit = 231) Retail (4 spaces / 100 sq. m) = 33 TOTAL: 264 spaces	Residential 0.6 space/ 232 units = 139 Visitor 0.1 space/ 232 units = 24 Retail 1.5 space/ 100 sq. m (685 sq. m) = 11 TOTAL = 183 spaces	Residential 0.7 space / 232 units = 163 (incl. visitor) Retail = 33 spaces TOTAL = 196 spaces	✓ Conforms	
5. Min loading space	1	1 Type B	1 Type B	✓ Conforms	
6. Bike parking	N/A%	Residential 0.3 Type A (in lockers/indoors) / unit = 70 0.3 Type B (all other types) / unit = 70 Non-residential 40% of req. car parking = 5 TOTAL = 147	Residential Type A = 74 Type B = 70 Non-residential Type B = 15 TOTAL = 159	✓ Conforms	



7. Accessible Parking	8 (under Accessibility Standards, 2016)	3 Type A 4 Type B	8	✓ Conforms	
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¹ Need to define Erb Street as Front Lot Line and Peppler Street as Flankage Lot Line

² Roof may exceed maximum height requirement as long as it is not habitable space of Building Floor Area

³ Includes landscaped open space, balconies, outdoor and indoor recreational areas

⁴ Podium means the base of a building above grade, up to six storeys in height, extending outwards from the tower towards the street as an identifiable projecting element to articulate the building. (By-law 2018-050)

⁵ Schedule B requires building to be measured from historic centre line for Erb

⁶ Assumes a lot area of 0.3192 ha for lands zoned U1-60, and 0.101 ha for lands zoned U1-20 (net lot area post widening)

⁷ Image 1 (Section 8.1.7) permits a 0 m front yard setback for 36 Erb

