

36 & 42 Erb Street East, 39 Dupont Street East Zoning Rationale Matrix (Revised March 18, 2021)

Prepare by The Planning Partnership

Zoning Provision	By-law 1108	By-law 2018-050	3 rd Submission (March 2021)	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 m	3.0 m	<p>The proposed front yard setback accommodates the significant 3.049 metre road widening required along Erb Street and does not preclude achieving the future road network envisioned for Uptown Waterloo. 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 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). We have further optimized this approach by setting back the cantilevered podium levels (1 and 2) about 3 metres. This revision achieves a 3 metre setback which provides for a significant public realm area along Erb. It also allows sufficient setback distance (5 metres) from existing above grade hydro wires along Erb Street.</p>
2. Minimum Flankage (Pepler) ¹	C6-25: 3 m C7-4: 0 m	4 m	6.8 m (Ground Level)	✓ Conforms	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

36 & 42 Erb Street East, 39 Dupont Street East Zoning Rationale Matrix (Revised March 18, 2021)
 Prepare by The Planning Partnership

Zoning Provision	By-law 1108	By-law 2018-050	3 rd Submission (March 2021)	Required Amendment (By-law 2018-050)	Planning and Urban Design Rationale
			1.4 m (Level 1-2)	1.4 m (Level 1-2)	<p>enhancements 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 pathway plaza at the corner of Peppler and Erb Street, and enhanced connectivity to Laurel Creek. This design also achieves 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 Street.</p>
3. Maximum Number of Storeys	C6-25: 25 C7-4: 12	U1-60: 18 U1-20: 6	21 (7 th -21 st Level) 1.5 (heritage building)	21 (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. To implement the density policies of the Official Plan, the tower height has been increased from 19 storeys (60 metres) to 21 storeys (66 metres). This redistribution of massing from the podium back to the tower element has been discussed at length with staff though the review process and modified several times to respond to staff directions. However, there is now a consensus on the current approach and it is consistent with the Zoning By-law intent and allows for the proposal to effectively implement the density policies of the Official Plan.</p> <p>The additional height 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 slightly increased height of 66 metres + penthouse, the revised proposal continues to maintain an appropriate relationship to surrounding areas, while achieving the intensification objectives for Uptown Waterloo.</p> <p>A revised shadow study has been prepared by RAW Design, assessing the shadow impacts at the spring/fall equinoxes (March/September 21st). The overall reduction on horizontal tower width, reduced podium height, and reduced building height further reduce the already minimal shadow impacts to existing properties along Dupont Street. It remains our opinion that the incremental shadow impact has been adequately limited in accordance with the applicable Official Plan and Urban</p>
4. Maximum Height ²	C6-25: 75 m C7-4: 12 m	U1-60: 60 m U1-20: 20 m	U1-81: 66 m (tower) U1-20: <20 m (heritage building)	66 m (tower)	

36 & 42 Erb Street East, 39 Dupont Street East Zoning Rationale Matrix (Revised March 18, 2021)

Prepare by The Planning Partnership

Zoning Provision	By-law 1108	By-law 2018-050	3 rd Submission (March 2021)	Required Amendment (By-law 2018-050)	Planning and Urban Design Rationale
					Design policies and guidelines.
5. Tower Separation	N/A	11 m to interior lot line	10.1 m (7 th to 21 st Level to 34 Erb)	10 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 driven in part 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.</p> <p>SCS Engineering have worked diligently to ensure that all technical revisions to the floorplans, layout, and grading meet all safe access requirements for residential and non-residential uses, and policies of the Official Plan and Laurel Creek Special Policy Area. To accommodate the increased tower separation distances noted above, significant revisions were required to relocate the elevator core in a location that would still comply with the applicable safe access and flood plain policies.</p> <p>The slight 1 metre reduction in the required setback for tower separation continues to accommodate 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 potential buildings without windows. In our opinion, the proposed development provides for appropriate tower separation in considering the constraints imposed by the safe access requirements.</p>
6. Maximum bedrooms/ha ⁶	N/A	U1-60: 675 x 0.3114 ha = 211 bedrooms (“Area A”) U1-20: 450 x 0.101 ha = 46 bedrooms (Area “B”) TOTAL = 257	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. This density is inclusive of the 4 existing bedrooms for the 39 Dupont house.</p> <p>As set out in our Planning Rationale and Urban Design Report, it is our opinion that this modest</p>

t 416.975.1556
www.planpart.ca

1255 Bay Street, Suite 500
Toronto, Ontario, M5R 2A9

36 & 42 Erb Street East, 39 Dupont Street East Zoning Rationale Matrix (Revised March 18, 2021)

Prepare by The Planning Partnership

Zoning Provision	By-law 1108	By-law 2018-050	3 rd Submission (March 2021)	Required Amendment (By-law 2018-050)	Planning and Urban Design Rationale
		bedrooms			<p>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, commercial uses 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 additional housing opportunities at transit supportive densities, all of which are supported by new Provincial policy.</p> <p>The 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, and a significantly enhanced public realm and elevated design/ art focus at the corner of Pepler and Erb that also connects into the Laurel Creek Trail system.</p>
7. Minimum Rear Yard (North)	7.5 m	4.5 m (7 Pepler)	2.6 m (7 Pepler)	2.5 m (7 Pepler)	The front and rear yard setbacks were carefully balanced given the relatively narrow orientation, together with the significant road widening and hydro write restrictions along with Erb. Given the irregular lot fabric of the subject site, compliance with the required rear yard for a portion is not possible. Nevertheless, the majority of the rear yard setback is in compliance (over 4.5 metres) and provides for sufficient separation distances between the building and the lot line.
Conforming Provisions					
8. Erb Building Line Setback (Schedule B) ⁵	N/A	(12.19 m from Erb cntrline) ⁵	14.4 m (Ground Level to ctrline)	✓ Conforms	
9. Podium Height ⁴	N/A	21 m	20.4 m (6 th Level)	✓ Conforms	
10. Tower Stepbacks	N/A	Front: 3 m Flankage: 3 m	Front: 3.0 m (Erb) Flankage: 4.0 m (Pepler)	✓ Front: Conforms ✓ Flankage: Conforms	
11. Horizontal Tower Dimensions	N/A	40 m	40 m	✓ Conforms	
12. First Storey Height	N/A	4.5 m	4.5 m	✓ Conforms	
13. Minimum Side Yard	1.5 m	0.0 m (36 Erb)	0.5 m (Ground)	✓ Conforms	

t 416.975.1556
www.planpart.ca

1255 Bay Street, Suite 500
Toronto, Ontario, M5R 2A9

36 & 42 Erb Street East, 39 Dupont Street East Zoning Rationale Matrix (Revised March 18, 2021)

Prepare by The Planning Partnership

Zoning Provision	By-law 1108	By-law 2018-050	3 rd Submission (March 2021)	Required Amendment (By-law 2018-050)	Planning and Urban Design Rationale
(West)		within Image 1 Uptown Commercial Core)	Level-2 Level) 4.25 m (4 th - 7 th Level)		
14. Minimum Rear Yard (Opposite Erb Street) 1	7.5 m	4.5 m	7.3 m (1 st -2 nd Level) 9.7 m (8 th to 21 st)	✓ Conforms	
15. Maximum Tower Footprint	N/A	1,000 sq. m	842 sq. m	✓ Conforms	
16. Maximum Structured Parking GFA at Grade	N/A	75% x 1,142 sq. m = 856.5 sq. m	157 sq. m (13%)	✓ Conforms	
17. Minimum Amenity Area ³	25 sq.m / 234 units = 5,875 sq.m	3 sq.m / 189 one bdrm = 567 sq. m 3 sq. m + 2 sq.m for 45 two bdrm = 522 sq. m TOTAL = 1089 sq. m	Indoor Amenity Area = 793 sq. m Outdoor Amenity Area = 590 sq. m Common Area (grade) = 138 sq. m TOTAL = 1,383 sq. m Balconies/Terraces = 2,285 sq. m	✓ Conforms	

t 416.975.1556
www.planpart.ca

1255 Bay Street, Suite 500
Toronto, Ontario, M5R 2A9

18. Minimum Common Amenity Area	N/A	30% of required Amenity Area = 793 sq. m	793 sq. m	✓ Conforms	
19. Rooftop Amenity Area	N/A	20% of required Amenity Area = 497 sq. m	590 sq. m	✓ Conforms	
20. Common Outdoor Area (at grade)	N/A	3% of lot area = 126 sq. m	138 sq. m (In Rear Yard)	✓ Conforms	

t 416.975.1556
www.planpart.ca

1255 Bay Street, Suite 500
Toronto, Ontario, M5R 2A9

Parking Rationale Matrix

Zoning Provision	By-law 1108	By-law 2018-080	Revised Development (March 1 st 2021)	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)	<p>The revised proposal including the spacing and location of columns was designed to accommodate a specific regular or consistent 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. However, in a few instances, some spaces may also be designated as “small car” spaces to accommodate residents that own smaller vehicles.</p> <p>A number of revisions have been made to the number of parking spaces to comply with the latest standards under By-law 2018-050. In response to the comments received, Staff have identified concerns with using the parking space dimension of 2.8 m adjacent to a wall or column as outlined by the previous By-law for the City. We have designed the parking layout so most of the spaces contain a column on one side only. Parking spaces flanking both a column and/or a wall will be designated as “small car” spaces to accommodate residents that own smaller vehicles. Further analysis on this matter is undertaken by Paradigm in a supporting letter with this resubmission.</p>
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 in a functional layout, 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 external 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 as established provides an urban design 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)	The revised proposal provides a 1.5 metre landscape buffer along the interior side yard (west lot line), but is less than the required dimension of 3 metres. An Amendment is required to permit the

					<p>this reduction to the 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 considered appropriate for this urban condition, particularly given that be effective in. The physical extent of the reduction will be offset with introduction of the extensive shrub buffering and a wooden fence provided along the side yard lot line, which will screening parking areas. Additionally, the rear yard of the revised proposal features extensive soft landscaping. The parking will be screened by additional landscaping the entrance to the site, featuring shrubs and trees. In addition, a new pedestrian connection is provided by a new walkway connection that is routed through the rear yard and new common outdoor area at grade.</p> <p>In our opinion, the general intent of the Zoning By-law is met with the proposed reduction with the offsests provided and considering the compact and urban context.</p>
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/ 234 units = 141 Visitor 0.1 space/ 234 units = 24 Retail 1.5 space/ 100 sq. m (579 sq. m) = 9 TOTAL = 174 spaces	Residential = 243 spaces Visitor = 24 spaces Retail = 9 spaces TOTAL = 177 spaces	✓ Conforms	
5. Min loading space	1	1 Type B	1 Type B	✓ Conforms	
6. Bike parking	N/A%	Residential	Residential	✓ Conforms	

		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	Type A = 74 Type B = 70 Non-residential Type B = 15 TOTAL = 159		
7. Accessible Parking	8 (under Accessibility Standards, 2016)	3 Type A 4 Type B	8	✓ Conforms	

¹ Need to define Erb Street as Front Lot Line and Pepler 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 U1-81, 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