

December 3, 2019

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Waterloo, ON N2J 4A8

Dear Ms. Hardacre and Ms. Fisher:

**RE: Response Letter - Official Plan Amendment No. 26 and Z-19-03
Response to City staff and Agency Comments
Westmount Place – 9-15 Dietz Ave N, 192-218 Erb St W and 50 Westmount Rd N
OUR FILE Y528K**

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 September 24, 2019. In addition to the Informal Public Meeting held in May, the project team hosted a Public Open House in June and met separately with the abutting land owner (Luther Village on the Park) on two occasions to engage in discussions and solicit their input. The feedback from the community was very helpful in advancing the project and was considered together with staff and agency input, as well as the questions raised by Council at the Informal Public Meeting.

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.

Commercial Land Use

Staff comments indicate that the proposed development generally appears to meet the land use intent of the Mixed-Use Community Commercial designation, with two exceptions:

1. The development includes 11,500 m² of Gross Leasable Commercial Floor Area, whereas the Official Plan requires 13,500 m² on all lands so designated within this Node; and
2. That freestanding residential is only permitted where the commercial planned function is not adversely affected.

The Planning Justification Report submitted with the application notes that the redevelopment of the site includes a significant amount of “gross leasable commercial floor area” that brings the entire parcel closer into conformity with the Official Plan. We note also that the implementing zone (C1) does not contain a minimum requirement, and as such, had the development proceeded in accordance with the regulations of the C1 zone, no amendment to the By-law or Official Plan would have been required.

With regard to the planned function of the Mixed-Use Community Commercial designation, we note that the lands contain a wide range of commercial uses, including service commercial, restaurants, retail and a full size food store. The redevelopment of the lands will add to this commercial function with additional retail, service commercial and restaurant uses, further strengthening its commercial function. We acknowledge that the lands contain a significant amount of office/employment uses, which does not contribute towards the minimum requirement, but are of the opinion that these complementary uses serve to enhance and improve the commercial/employment function of the site.

Modifications to the site and building design has resulted in an increase in the *gross leasable commercial floor area* up to 12,370 m². It is also important to note that although the Zoning By-law requires that parking be calculated based on the total building floor area, the Official Plan requires that floor area be calculated based on the gross leasable area, which is always less. The proposed development includes 15,463 m² of gross building floor area (non-employment).

We are of the opinion that the increase in the gross leasable commercial floor area (from what currently exists), the retention of the commercial plaza on the south portion of the site and the focus of the new commercial uses internal to the site serve to enhance the commercial element of the site, such that it maintains the planned function.

Density

The staff comments make several references to “density transfer.” To be clear we are not requesting a “density transfer.” The Official Plan already permits the sharing of density across the site and the applications are not seeking an increase in density.

As confirmed in our meeting on August 19th, the most appropriate manner in which to regulate density on the subject lands is to impose a maximum density based on the Official Plan permissions, and the lot areas associated with each designation (Medium High and High Density). The following table summarizes the permitted density on the combined lands, with no changes to current permissions:

Portion of Property	Land Area	Official Plan Permitted Density (max)	Permitted bedrooms (max)
192-218 Erb St W and 9-15 Dietz Ave N	1.28 hectares	600 bedrooms/ha	768 bedrooms
50 Westmount Rd N	5.94 hectares	750 bedrooms/ha	4,455 bedrooms
Total			5,223 bedrooms

A site specific provision within the By-law could be included, limiting the overall site to 5,223 bedrooms. In this manner, should additional development occur in the future, the City would have a By-law regulation against which to measure the total number of bedrooms on the combined lot. As noted above, no increase in density is being requested as part of this planning application. Furthermore,

although the lands have merged and the buildings cross between the Medium High and High Density designations, we have estimated the number of bedrooms in each designation:

- Number of bedrooms (approx.) in the Medium High Density designation = 659
- Number of bedrooms (approx.) in the High Density designation = 732

With regard to the potential for future lot creation, the implementing site specific By-law can include a provision permitting density, parking, landscape open space and other site wide performance standards to continue to apply should individual parcels be created in the future. Similarly, provided the combined parcel continues to comply with the setbacks on the perimeter of the site, individual and internal lot lines created through a potential future severance (or severances) would not trigger the need for internal yard setbacks. By-law 1108 contained a related regulation for a phased condominium (see below):

8.29 **Phasing Condominium Registration**

Where a project has been approved as a condominium in accordance with Section 50 of The Condominium Act, 1980 and amendments thereto, and with Section 50 of the Planning Act, 1983, and amendments thereto, individual parcels of land created for the purpose of phasing the registration of the condominium shall be exempt from Section 8.8 and the requirements for yard setbacks, landscaped open space, amenity area and parking provided however, that the whole of the project is in full compliance with this by-law including the requirements for yard setbacks to adjacent properties, landscaped open space, amenity area, and parking.

Section 3.5.5 of By-law 2018-050 contemplates the “sharing” or “transferring” of density across zone boundaries, where the use is permitted in both zones. In this case, if the lands were zoned C1-40 and C1-81, density could be shared across the site in accordance with 3.5.5 as dwelling units are permitted in both zones.

Finally, we have no objection to the existing density permission remaining in place for each portion of the property designated Medium High Density or High Density, provided the overall site density remains consistent with existing permissions.

Height Along Dietz Avenue North

Our preference remains a unified planning framework. Based upon the discussion above, as dwelling units would be permitted in both the C1-40 and C1-81 zones, we have no objection to the height for 9 and 15 Dietz Ave and 192 Erb St W remaining 40 metres, as it is currently (in By-law 2018-050). We would request that site specific consideration be supported by staff for a unified podium height as the building mass continues from Dietz Avenue North to Erb Street West.

Height Along Erb Street West

In response to comments raised at the Informal Public Meeting and by staff, we have revised the development plans to reduce the height of the buildings along Erb St W. In discussions with staff, there was a preference expressed to widen the massing of the buildings if it would result in the overall height being reduced. Similarly, staff suggested that the height of the podium could be increased to make up for any units lost by reducing the height of the tower portion of the buildings. Finally, it was

acknowledged that the lands immediately to the west are zoned E1-60 and RMU-60, which permit buildings up to 19 storeys (60 m) in height.

The following table outlines the changes to Buildings B and C (Building A, which fronts exclusively onto Dietz Ave N remains an 11-storey building).

	Application Submission	Revised Submission	Change in Height
Building B – Tower 1	11 storeys – 39.5 m	11 storeys – 39.5 m	No change in height – permitted in existing zoning
Building B – Tower 2	19 storeys – 65 m	18 storeys – 62 m	Reduced to be consistent with lands to the west (E1-60 and RMU-60)
Building C – Tower 3	23 storeys – 76.1 m	18 storeys – 62 m	Reduced by 5 storeys (14.1 m)
Building C – Tower 4	25 storeys – 81 m	16 storeys – 55 m	Reduced by 9 storeys (26 m)

Building D/Tower 5 is located entirely on lands designated High Density, and zoned C1-81. The height of Building D increased from 22 to 25 storeys, however it remains in compliance with the By-law (2018-050) and no amendment is required to permit additional height.

As illustrated in the table the height of towers 2-4 have been reduced significantly. The tallest building along Erb St W is now 18 storeys (towers 2 and 3), located on either side of the Erb St W driveway entrance. Both towers are set back approximately 25 metres from the Erb St W lot line, providing further physical separation from lands on the south side of Erb St W (when combined with the width of the Erb St W road allowance, the towers are approximately 50 metres from the front lot lines of the lands to the south. These towers were both moved further from Erb St W (by approximately 7 metres), such that 2/3 of the tower massing is now located on lands zoned C1-81.

Towers 1 and 5 both conform to the Official Plan and comply with the Zoning By-law in terms of height and no increase is required. Tower 4, situated at the corner of Erb St W and Westmount Rd N was lowered from 25 to 16 storeys. The height of Tower 4 is now between the height of the Westmount Grand to the south (13 storeys) and the permitted (in the Zoning By-law) height of the lands to the west (19 storeys). As such, within its context, it proposes an appropriate height that reflects both the existing heights of buildings (including an 18 storey building on the west side of Westmount Rd N) in the immediate area, as well as the permitted heights of the surrounding lands (in the Official Plan and Zoning By-law).

In our opinion, the revised tower heights respond to staff and public comments, and continue to represent an appropriate transition in height from the Major Node (the subject lands) to the Minor Corridor (south side of Erb St) and the low density neighbourhood further to the south. We note that the transition in height from the subject lands is now 16/18 storeys to 13 storeys (Westmount Grand), which is further assisted by the building setback from Erb St W and the physical separation provided by the width of the Erb St road allowance.

Section 37 Agreement

Staff has noted that “any request to increase the maximum permitted height and/or density is subject to the Height/Density Bonus provisions of the Official Plan...”. Bill 108 includes changes to the Planning Act that will repeal Section 37 and replace it with a new “Community Benefits Charge”, for which regulations have not yet been released. As such, the applicability of Section 37 remains uncertain as the development application progresses. As discussed above, the application does not seek an increase in density. The Official Plan Amendment that seeks an increase in height is described below:

1. An increase from 40 to 62 metres for 1/3 of Tower 2. The remaining 2/3 of Tower 2 are 19 metres less than the existing permitted height;
2. An increase from 40 to 62 metres for 1/3 of Tower 3. The remaining 2/3 of Tower 3 are 19 metres less than the existing permitted height; and
3. An increase from 40 to 55 metres for Tower 4.

As such, the height increase is largely related to Tower 4 and not Towers 2 and 3, which are positioned on the site further to the north, with the majority of the building mass located within the lands zoned C1-81. If staff’s preferred planning mechanism to consider an increase in height remains Section 37 of the Planning Act, notwithstanding the uncertainty regarding changes in legislation, we would like an opportunity to discuss the matter further and better understand how staff proposes to determine the uplift (i.e. the parameters of the appraisal), and what percentage uplift will be considered for this unique development.

Consolidating the Land Use Framework

The submitted application advanced a request to unify the planning framework, within both the Official Plan and Zoning By-law, for ease of administration, both by the applicant and the City. The concern from the applicant’s perspective was related to multiple designations and zones on one property, which in certain instances traversed through the middle of proposed buildings. We had previously discussed with staff the provision contained in By-law 2018-050 that equates a zone boundary with a lot line – (for example, a zone boundary exists between the RMU and C1 zones) and potential implication for the site. As discussed earlier, if the lands are all zoned C1 (either 40 or 81) the same land uses would be permitted and that clause in the By-law would no longer apply.

The application was not intended to universally increase height and/or density. The proposed Specific Provision Area policy included limits on height. In response to staff concerns regarding the proposed planning framework outlined in the application, we propose the following:

- *Mixed-Use Community Commercial* designation for all of the lands
- *Medium High, 40 Metres* designation for 9-15 Dietz Ave N and 192-218 Erb St W (reflecting the existing permission)
- *High Density, 81 Metres* designation for 50 Westmount Rd N (reflecting the existing permission)
- *Specific Provision Area* Policy to permit additional height for a portion of Towers 2 and 3 and for Tower 4 and to recognize the proposed Gross Leasable Commercial Floor Area.

Street Line Setback from Underground Parking Structure and Buildings

Staff indicated they would not support any reduction in the Street Line setback (from the required 5 m) for underground structures. Accordingly, the site plan has been modified to comply with the By-law by

moving the entire podium structure (underground and above ground) further to the north. This has necessitated changes to the internal layout of the site, reducing the internal landscape, pedestrian and proposed public spaces. Building B/Tower 1 has also been shifted to push the building further from the daylight triangle at the corner of Erb St W and Dietz Ave N, such that it now complies with the Street Line setback. As such, no amendment to this regulation is required.

Residential Uses on the Ground Floor

Staff indicated they did not have concerns with residential uses on the ground floor facing Dietz Avenue North or Erb Street West, provided the planned function of the overall site is maintained as commercial. We note that the site will contain approximately 39,000 m² (420,000 square feet) of commercial and office space should the redevelopment be approved. Such a significant amount of commercial floor area ensures that the planned function of the site is maintained. This is further enhanced through the retention of the existing multi-unit commercial plaza, which includes a food store and a variety of commercial uses serving the surrounding neighbourhood. In our opinion, the commercial planned function is not only being maintained, it is being enhanced and the uses broadened through the planning application.

Step backs

Staff's comments expressed the opinion that all buildings should achieve the minimum required step back requirement (3 m). Although the majority of the tower massing did achieve the required step back (or greatly exceeded it) there were corner design elements that projected resulting in a 2 metre step back rather than the required 3 metres. In response to staff comments, the building massing has been adjusted such that the towers comply with the 3 metre step back requirement on the front and/or flankage lot line. No amendment to the By-law is required.

Parking

The subject lands are located within a Major Node and a Major Transit Station Area. They are well served by existing transit, including iXpress, are located in close proximity to multiple employers, shopping, recreational amenities and the Uptown. Prior to the approval of By-law 2018-050, the majority of the lands were zoned C5, which does not permit residential uses, and therefore, did not have a residential parking rate. However the lands directly to the west, on the opposite side of Westmont Road were zoned C2-25 and MR-25. Both of those zones permitted an apartment building, with a required parking rate of 1 space per unit – no separate visitor parking requirement applied.

Staff's comments note that any reduction in parking attributed to higher order transit (iXpress or ION), and other aspects related to reduced automobile dependency were considered in the ultimate parking rate included in the C1 zone applied to the lands ("Area D"). The parking rate for residential uses in the C1 zone for the subject lands is 1.0 space per unit + 0.1 spaces per unit for visitors. As such, when compared with the previous parking rates for residential uses on the adjacent C2-25 and MR-25 zoned lands, the parking rate has actually increased in By-law 2018-050, despite significant improvements in Regional transit (ION and iXpress) and the investments the City and Region have made and continue to make with regard to active transportation. As such, we remain of the opinion that a parking reduction is both warranted and entirely appropriate on the subject lands, recognizing the advances in transit and active transportation since the MR-25 and C2-25 zones were established and the mixture of uses on the site (residential, employment and neighbourhood serving commercial).

Further, we note that the unique nature of this site lends itself to the sharing of parking between the significant amount of employment uses, and visitors to the residential units. Peak times for visitors to the residential buildings will be in the evenings and on weekends, when the parking spaces devoted to the employment uses will be largely vacant. As such, in terms of efficiencies in parking supply and utilization, the sharing of these spaces is appropriate for the subject lands, and avoids the unnecessary creation of additional surface and/or structured parking.

The application submission proposed the following parking supply (visitor parking was proposed to be shared with the non-residential parking, as described above):

	Residential	Non-Residential
Rate	0.6/unit	2.35 spaces/100 m ² of BFA
Supply	609	917
Total supply	1,528 spaces	

As noted earlier, the massing of the building has been modified, both in response to staff's comments regarding height, as well as staff's comments regarding the Street Line setback for the underground parking. Regarding the supply of parking, the podium height for Buildings B and C has been increased, resulting in additional parking within the podium facing both Erb Street West and the internal street. The resulting changes in the parking supply are noted in the table below:

	Residential	Visitor	Non-Residential
Rate	0.73 spaces/unit	0.048 spaces/unit	2.56 spaces/100 m ² of BFA
Supply	764 spaces (for 1,044 units)	50 spaces (for 1,044 units)	1,007 spaces (for 39,337 m ²)
Total Supply	1,821		

As the table indicates, the parking supply has increased by 293 spaces. Although we remain of the opinion that the sharing of visitor parking and employee parking for the significant amount of office space remains appropriate and desirable for the subject lands, we have included dedicated visitor parking spaces and have increased the supply of resident parking from 0.6 spaces/unit to 0.73 spaces per unit.

Similarly, the 1,007 parking spaces provided for the non-residential uses will have different peak demands; the parking for the employees of the office uses will have different peak demands than the other commercial uses (restaurants, food store, other retail) resulting in efficiencies of use, and preventing an oversupply of parking.

Urban Design

We appreciate staff's support of the design elements included within the master plan. We believe the project represents a high level of design, in all aspects and will continue to work with staff through the site plan process as the project evolves.

Retaining Walls

The solid lines shown in the submitted master plan were planters, intended to provide landscape materials along the Erb Street West frontage to address the grade change along Erb St W from Westmount Rd N to Dietz Ave N. The inclusion of planting materials was not intended to create structures subject to Street Line setbacks but rather to soften the streetscape while working with the grade change. The planters have been removed from the Master Site Plan. Other landscape approaches will be considered as the project proceeds through the site plan process.

Floodplain (City and GRCA comments)

City staff has provided comments with regard to development within the floodplain. We note that with the exception of a portion of Building A and the northwest corner of Building D, all other buildings that contain residential units are located outside of the floodplain and are able to achieve the required safe access.

City staff has referred to policies in the Growth Plan that direct growth away from hazardous areas, including those that have been identified as a Special Policy Area. We are of the opinion that growth (in this case the residential component of the development) has been directed away from the hazardous lands (floodplain) and conforms to the Growth Plan. Staff further includes the statement "...development that is beyond what has been permitted." It appears as though this comment refers to the notion of a "density transfer" that is intended to increase the density on the lands. The planned density (as per the City's Official Plan) is for more than 5,000 bedrooms on the subject lands, while the proposed density is less than 1,400 bedrooms. As such, no increase in density is proposed as part of the application. Additional responses regarding staff's density transfer related comments is included earlier in this letter report and also apply as it relates to the City's comments regarding conformity with the Growth Plan.

Staff notes that 15 Dietz Ave N is designated Medium High Density and that any increase beyond that which is permitted within the Medium High designation (600 beds/ha and 40 metre height) should not be permitted. We note that Building 'A' spans across portions of 50 Westmount Road North and 15 Dietz Avenue North, and as such, is subject to both the High and Medium High designations. No increase in height or density is being requested to permit the development of Building 'A'. As noted earlier, the development is significantly below the overall permitted density. We do not believe that Building 'A' or other parts of the proposed development contravenes the Growth Plan.

With regard to 192-218 Erb Street West and 50 Westmount Road North, the Grading Plan has been revised to ensure that grades are not lowered below the Regulatory Flood Elevation (RFE) and that the floodplain is not expanded. As such, Buildings B, C and the majority of Building D remain outside of the floodplain.

We have no objection to hospitals, long-term care facilities, assisted living facilities, schools and day-care centres being prohibited on the portion of the lands within the floodplain.

Both the GRCA and City comments refer to Section 8.4.2 of the City's Official Plan, specifically with regard to "flood proofing, the creation of uninhabitable and habitable floor space, safe access, surface parking and underground parking." In this regard, we provide the following:

- Section 8.4.2(4) permits development and site alteration in a Special Policy Area approved by the province
 - The Subject Lands are partially located within a Special Policy Area (portions of the lands are located outside of the Special Policy Area and are not subject to its policies)
- Section 8.4.2 (39) permits uninhabitable residential space to be created below the Regulatory Flood elevation, provided it is flood proofed.
 - Only Building A contains uninhabitable building floor area below the Regulatory Flood Elevation. The Official Plan permits uninhabitable space, provided it is flood proofed.
- Section 8.4.2 (42) permits commercial uses, provided they are flood proofed to the Regulatory Flood elevation. The policy also allows for the relaxing of the flood proofing requirement, if it can be demonstrated that the level of flood protection would impair the viability of commercial operations.
 - Building E contains commercial uses within the Special Policy Area. As Building E moves through a future site plan process, more detailed aspects of its building design will be reviewed to determine if relaxed flood proofing is required.
- Section 8.4.2 (45-46) permits surface parking in all areas of the Special Policy Area. Surface parking areas associated with residential uses are not permitted to intrude into the hydraulic floodway.
 - No surface parking is proposed within the hydraulic floodway.
- Section 8.4.2 (47) permits elevated parking structures in all areas of the Special Policy Area (except the hydraulic floodway)
 - Phase 1/Building A contains an elevated parking structure, which is located within the Special Policy Area, but not within the hydraulic floodway.
- Section 8.4.2 (49) provides direction regarding the required flood proofing of underground parking structures as well as requirements for elevators, controlled seepage and electrical and mechanical systems.
 - The proposed underground parking level associated with Phase 1/Building A will be developed in accordance with Section 8.4.2 (49).

The majority of the new development is located outside of the Special Policy Area. Buildings A and D, which contain residential units, are partially located within the Special Policy Area, but the entrances to both buildings are located outside of the floodplain and exit to a public street. As such, both buildings have "safe access." Buildings B and C are located entirely outside the floodplain and are not subject to the Special Policy Area policies. We trust that the revisions to the Grading Plan and the explanation of the density applied to the combined lands addresses City and GRCA comments.

Engineering Comments

We understand that the majority of engineering staff comments relate to more detailed design that will be advanced through the site plan process. We note that the buildings are set back 5 metres from both Erb Street West and Dietz Avenue North – as such, the minimum separation from the hydro poles can be achieved even if the hydro poles are located adjacent to the property line.

We have enclosed a comprehensive Geotechnical evaluation for staff's consideration as the development progresses into the site plan stage.

Landscape Comments

The landscape comments generally refer to a level of detail, or plans that are best prepared and evaluated through the site plan process. However, there are some comments that warrant a response at this stage of the process, and we have listed those comments, as well as the response, below:

- There is too much surface parking in the interior courtyard. Add relief by providing additional green space
 - The revised Master Plan provides thirteen (13) surface parking spaces between Buildings A and B and thirty-eight (38) surface parking spaces adjacent to Building D, to replace existing surface parking spaces.
 - We do not agree that there is too much surface parking on the site, and are of the opinion that there is a substantial amount of landscape open space on the site, particularly for a site that has as much non-residential building floor area as the subject lands.
- Pedestrian connections to the surrounding neighbourhood especially to the east should be included so people can walk to the neighbourhood trails and other facilities
 - A well-defined pedestrian connection through the site out to Dietz Ave N is proposed along the north and south sides of the internal street. This connection will bring pedestrians into the site from the east and along the internal street where commercial uses and semi-public landscaped areas are proposed.
 - Additional connections are provided to the south via the public terrace, to the west through the park space and switchback and to the north via the revitalized laneway.
- Any above ground hydro should be considered to be buried around the site
 - We are not aware of any plans to bury hydro on Erb St W or Westmount Rd N. However, the buildings are all set back 5 metres, offering substantial space for the City and WNH to undertake any necessary work.
- The road running east/west through the development is likely to create a wind tunnel through the development and impact the pedestrian experience at grade.
 - A Pedestrian Wind Assessment was provided in support of the application that evaluated wind conditions throughout the site and has been updated to reflect the changes in the design.
 - Recommendations are included and will be implemented as the development progresses through the site plan process.
- No sidewalks are proposed within the development
 - The plan proposes wider pedestrian areas to facilitate pedestrian movement into and through the site.
- Proponent shall provide a narrow landscape buffer on the north end of Building A to buffer the site between the existing townhouses.
 - A 5+ metre wide landscape area is proposed along the north property line, adjacent to the existing townhomes.

Transportation and Active Transportation Comments

The following provides a summary of the City (Transportation) comments and a response (with input from Paradigm Transportation Solutions (Paradigm)).

- Additional information is required to fully understand the internal site circulation. For example, where are the entrances to the parking structures/garages?
 - The Master Plan shows the entrances to the parking structures. All are two-way entrances/exits
 - Building A has an entrance/exit on the north side of the internal street
 - Building B has an entrance/exit from Erb St W and an entrance/exit on the south side of the internal street below Tower 2
 - Building C has an entrance/exit from Erb St W and an entrance/exit on the south side of the internal street below Tower 3
 - Building D has an entrance/exit off the internal street on its west side
 - Building E has an entrance/exit off the internal street on its east side
- The intersection of Dietz and Erb is going to be a major stumbling block. The anticipated left turns off of Dietz onto Erb will not be easy and traffic will queue back
 - It is noted in the TIS prepared by Paradigm that the southbound left-turn movement from Dietz Avenue North onto Erb Street West is forecast to have a high level of delay. Despite the delays for this movement, a traffic control signal is not forecast to be warranted at this intersection, as side-street volumes are far too low. A separate southbound right-turn lane was recommended to be considered on Dietz Avenue North at Erb Street West, so that southbound right-turn movements would not be held up by left-turn and through movements. It is acknowledged in the TIS that southbound left-turns could divert to Roslin Avenue via Sunshine Avenue, however these vehicles would still be delayed by the amount of volume on Erb Street West and would not provide significant time savings. Vehicles destined to the east of the development might also use the driveway onto Father David Bauer Drive to travel east to its intersection with Erb Street West, which is signalized or the exit onto Westmount Road North to travel to either Erb Street or Father David Bauer Drive.
- It is questioned whether the distribution of traffic accurately portrays how people will access or leave the site
 - Trips were assigned based on the proximity of the parking garage entrances to the driveway and the origin/destination of the trips. Trip distribution was based on the Transportation Tomorrow Survey (TTS). The driveway to Dietz Avenue North was assigned the highest amount of traffic as it is the closest to many of the parking structure entrances (e.g. the structure behind Building A, and the entrance to Building B) and is the most logical route for trips heading to/from the east, which was the highest direction as determined by the TTS analysis.
 - If City Transportation staff have further concerns regarding traffic distribution, further clarification is required.
- A trail connection is encouraged from Erb Street West into the site in the area of the right in/out
 - As staff is aware, there is a significant grade change from Erb St W into the site. As a result, a typical trail connection cannot be accommodated.

- In lieu of a typical trail connection, pedestrian movement is accommodated from Erb St W through the terraced public space depicted on the master plan down to the internal street, where pedestrian movement in, around and through the site has been accommodated.
- Consideration should be given to including the intersection of Father David Bauer Drive and Erb Street in the analysis of the TIS to further understand how patterns may change with the development with a possible increased number of people wanting to use those lights to turn left to access the east side of the City and the expressway.
 - A pre-study consultation for the TIS was held on December 5, 2018 with the Region of Waterloo. City of Waterloo staff was invited via email on November 27, 2018 but declined to attend. Regional staff did not request that the intersection of Erb Street West and Father David Bauer Drive be included within the study area. As Erb Street West is a Regional Road and the signal is managed by the Region, we defer the Region's scoping of the terms of reference and study area for the TIS.
- The driveway out to Father David Bauer Drive will have increased traffic. What measures will be taken to accommodate this increase and to slow people down?
 - The driveway will remain a "back of house" service corridor for the existing businesses within the plaza, including the food store. It is also proposed to be modified to improve pedestrian and cycling movements in a north-south direction.
 - As the development proceeds through the site plan process and modifications to the site are proposed and evaluated in greater detail, consideration will be given to managing traffic flow and speeds, as well as pedestrian and cycling movement along the existing driveway.

Region of Waterloo Comments

Regional Official Plan

While acknowledging the availability of a variety of transit options, and the Region's general support for intensification and redevelopment, staff notes that "the City should ensure that the proposed redevelopment of the existing Westmount Plaza and the adjacent properties into a high density development is planned in a manner that respects the scale, physical character and context of any adjacent established neighbourhood as per ROP policy 2.D.1 (f)."

As discussed above in response to City staff comments, the proposed development has been modified to reduce the height of the three towers along Erb St W. The proposed density for the subject lands is well below the existing permitted density. The height of the three towers and their placement on the lands responds to the site's location, the existing development pattern and the planned height and density for the surrounding lands. The buildings are located a significant distance from nearby low density residential lands and are surrounded by roads on all property interfaces except for the shared lot line with Luther Village on the Park (which is designated Medium High Density). The placement of buildings and their height have been carefully considered to ensure appropriate transitions to surrounding existing and planned development. We are of the opinion that the development conforms to ROP policy 2.D1. (f).

Corridor Planning

The Region has identified a partial road widening along Erb St W (192-196 Erb St W) and a minor road widening for Westmount Rd. These requirements will be confirmed and satisfied through future site plan applications.

The Region has requested a functional design for the Erb Street West/Dietz Avenue North intersection, specifically for the eastbound left turn from Erb St (15 m storage) and the northbound right turn/through lane on Dietz Ave N, prior to Site Plan approval. Both designs will be provided to the Region for their consideration as part of the Phase 2 site plan process.

Water Services

We acknowledge the Region's comment regarding no service connections to Regional water mains.

Hydrogeology and Sourcewater Protection

The Region had originally identified the need for a hydrogeological assessment in support of underground parking. Subsequent correspondence and conversations with Regional staff has clarified the development proposal such that the Region no longer requires a hydrogeological assessment as part of the development application.

No geothermal wells are proposed as part of the development. We acknowledge that a Salt Management Plan will be required through the site plan process.

Transportation and Stationary Noise

The Region requested additional information regarding the Noise Study prepared by Novus. Novus (now SLR) has worked directly with Regional staff to provide them with the information they require.

Record of Site Condition

The Region has indicated that the lands are adjacent to a "Known Contaminated Site" and that a Record of Site Condition (RSC) is required. The Region has indicated they would support the use of a Holding provision to implement the required RSC. In this case, the lands are already zoned for residential uses and the proposed OPA/ZBA does not seek to introduce new uses – rather to amend performance standards and unify the planning framework. As such, we would like to discuss with the City and Region the alternative of requiring the RSC prior to building permit, recognizing the existing permissions.

Grand River Conservation Authority (GRCA) Comments

The GRCA's comments echo City staff's comments regarding the grading within the internal street that would bring additional lands into the floodplain. As noted earlier, the Grading Plan has been revised to raise the grading internal to the site to be set above the RFE, to address the GRCA's comment. We have previously addressed the City's Official Plan policies applicable to development within the Special Policy Area. The development conforms to the Official Plan.

The GRCA recommends that the implementing By-law remove land uses described in OP Policy 8.4.2 (5) (e.g. schools, day care, assisted living facilities). We have no objection to those uses being removed for the portion of the lands within the floodplain. However those uses should continue to be permitted

for the lands outside the floodplain (Special Policy Area), as OP Policy 8.4.2 (5) does not apply to those lands.

The GRCA has also requested the inclusion of the floodplain “F” prefix, in the implementing By-law. Similar to the above, we have no objection to the F prefix applying to the lands within the floodplain and subject to the Special Policy Area, but do not support their inclusion on lands outside of the floodplain.

Summary of Development Statistics

Residential

Building	Units	Bedrooms
Building A	114	152
Building B	308	408
Building C	358	479
Building D	264	352
Total	1,044	1,391

Commercial

Building	Commercial Building Floor Area	Office Building Floor Area
Existing Commercial development	8,921 m ²	19,508 m ²
Building A	245.5 m ²	-
Building B	280 m ²	-
Building C	1,189 m ²	-
Building D	1,872 m ²	-
Building E	2,955.5 m ²	4,367 m ²
Total	15,463 m²	23,875 m²

Conclusion

In our opinion, the revisions to the development master plan address staff and agency comments recognizing that some of the more detailed aspects of the development will be subject to further review through the Site Plan process. In our opinion, the development responds to its context, represents appropriate infill development within a Major Node and Major Transit Station Area and provides a unique blend of employment, commercial and residential land uses. The redevelopment represents a forward thinking re-imagining of Westmount Place into a complete community where residents can walk to work and to shopping and where existing and future employees have a broad range of commercial uses within the same site as their place of employment. The proposed development responds to the available transit adjacent to the site, as well as higher order transit in Waterloo Park

and the Uptown and has been designed to facilitate active transportation both internal to the site, as well as to existing and planned active transportation facilities on adjacent streets. In our opinion, the development represents good planning.

Enclosed with this resubmission are:

- Five (5) copies of the Existing Conditions Plan prepared by MTE;
- Five (5) copies of the Conceptual Grading Plan prepared by MTE;
- Five (5) copies of the Conceptual Servicing Plan prepared by MTE;
- Five (5) copies of the revised Master Site Plan prepared by ABA
- Five (5) copies of Aerial 3D views showing the revised building massing prepared by ABA;
- Five (5) copies of the updated Geotechnical Study prepared by CVD.

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



Dave Aston, M.Sc., MCIP, RPP
Vice President



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Associate

cc. Killam Apartment REIT
ABA