

February 23, 2018

Ms. Wendy Fisher  
Development Planner  
Integrated Planning and Public Works  
City of Waterloo  
100 Regina Street South  
Waterloo ON N2J 4A8

Dear Ms. Fisher:

**RE: Zoning Bylaw Amendment Z-17-07, 80 King St. S. and 87 Regina St. S.  
OUR FILE 1178 'A'**

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Further to our meeting with City staff on July 27, 2017 we provide the following response to the comments and questions raised in the letter of July 13, 2017 from City staff (attached for your reference) on the above named proposed development.

**1. Combined Density**

Although the original submission referred to a “density transfer” the request is more appropriately termed: zoning the lands as one parcel for planning purposes (in this case parking and density). The purpose of requesting that the lands be considered as one parcel for planning purposes is to consider the site as if it was one property and not bisected by Hughes Lane - similar to the way other sites along King St would be considered that are located in the Uptown and not bisected by a public lane. The overall intent of the Zoning Bylaw Amendment is to amend the height and density regulations to comply with and implement the height and density policies of the City’s 2012 Official Plan.

The density and height limits for the “Main Street” designation and the “High Density” designations are set out in Section 3.4 of the Official Plan. The Main Street designation applies to the 80 King Street property and the High Density designation applies to the 87 Regina Street property. Section 3.4 states that lands within the Main Street designation shall have a maximum height of 16 metres and a maximum density of 750 bedrooms per hectare. Lands in the High Density designation shall have a maximum height of 81 metres and a maximum density of 750 bedrooms per hectare. If these two parcels were not separated by Hughes Lane, the lands could “share” the density across the two designations without requiring an amendment to the Official Plan, since their maximum density is the same.

We note that Section 1.4 of the Official Plan (Using and Interpreting the Plan) affords the City some latitude when evaluating development proposals that have “split” designations. The subject lands have two different “Height and Density” designations on Schedule ‘B1’. Section 1.4 of the Plan states that “permitted residential density may be transferred across a land use designation boundary, provided the property is developed and used as a single parcel of land under the same ownership and that all other provisions of the individual designation and implementing zoning are met, including those related to height, built form and permitted uses.” As you are aware, the proposal does not exceed the height or density permitted in the Official Plan, nor is it requesting additional permitted uses. Furthermore, the lands are and will continue to be held under the same ownership and the buildings will be physically connected by virtue of the elevated pedestrian connection extending from 80 King St S to 87 Regina St S. In our opinion, the proposal satisfies the intent of the above noted policy. The proposal to zone the lands as one for planning purposes further satisfies the intent, by ensuring the lands remain connected to one another from a land use planning perspective.

In addition to the above noted policies, there are specific policies for the Uptown Waterloo Urban Growth Centre (Section 3.7). These policies identify that Uptown will accommodate a significant share of future population and employment growth. Policies in this section do not assign a specific density limit to commercial uses within the Uptown Waterloo Urban Growth Centre.

Policies of the Uptown Commercial Core (Section 10.2.2.1) also apply to the subject lands. While some of the commercial designations in the Official Plan apply maximum commercial building floor areas, the Uptown Commercial Core designation does not apply any specific limits but instead refers to the height and density maximums set out in Section 3.4 of the Official Plan.

The current in force C8-25 zone includes a maximum 4.0 Floor Area Ratio (FAR). Staff has questioned the ability to transfer density given that the proposed development will result in a building on the 80 King Street parcel that is at, or very nearly at, 4.0 FAR. As noted above, and in our Planning Justification Report, the intent of the Zoning By-law Amendment is to conform to and implement the policies of the Official Plan. The Official Plan sets out a maximum density of 750 bedrooms per hectare for the 80 King Street property; it does not apply any maximum FAR or any other maximum density limit on non-residential floor space. As discussed previously, our request is more appropriately considered as “zoning the lands as one for planning purposes”. We note that the City has supported a similar approach for development in Northdale where a publicly owned pathway bisected a development with multiple buildings (and effectively created two separate, legally conveyable parcels).

Under the Official Plan policies, a maximum density of 750 bedrooms per hectare is permitted on each property which would allow a total of 122 bedrooms on the 80 King Street property and 123 bedrooms on the 87 Regina Street property, for a total of 245 bedrooms.

The proposed development has 216 units with a total of 245 bedrooms, all of them located on the 87 Regina Street property. The request to consider the lands as one for planning purposes is needed because the properties are bisected by Hughes Lane. If this were a similar sized property fronting King Street in other parts of the Uptown where there are no lanes, such a request would not be required to permit the proposed development.

In regards to the Urban Growth Centre density target of 200 persons and jobs per hectare, I note that the Planning Justification Report that was submitted as part of the application is in error. The Planning Justification Report states that the overall density of the site will be slightly above 200 persons and jobs per hectare. This is a mistake and that conclusion was as a result of a mathematical error. However, we do note that the target is a minimum target, measured across the entire Urban Growth Centre. It is expected that municipalities will plan to not only meet the minimum target, but also to exceed the target. The proposed development will assist the City in working towards and potentially exceeding the minimum target for all of the Uptown Urban Growth Centre (it is likely that not all properties within the Urban Growth Centre will meet the minimum target). We acknowledge staff's comments regarding Section 5.2.5 of the Growth Plan, however in our opinion the proposed development is not seeking "development that is beyond what has been permitted." The Official Plan allows 750 bedrooms per hectare on both 80 King Street South and 87 Regina Street South – the application does not seek to increase that density.

**2. Hughes Lane and Willis Way Request to Council Not to Take the Required Road Widening**

The concept plan for the proposed development has been revised so that the required widenings for both Hughes Lane and Willis Way can be accommodated to the extent possible (please see the revised Plan included with this submission). We note that the current location of the building at 80 King St S limits the land area available to be dedicated as a road widening.

The request that Council not take the required road widenings is no longer needed. However, due to the design of the building at 87 Regina St S and more specifically, the need to provide parking above grade in a structure (due to the high water table and floodplain), the second through sixth floors will project out towards Willis Way such that they encroach 1.9 metres into the (widened) road allowance (as vertically defined). The city has entertained, in the past, encroachment agreements for buildings that are located within the municipal right-of-way, however they are typically at grade encroachments. The proposed vertical encroachment is less intrusive, as it will allow the at grade road allowance to function as it normally would. The height of the second storey is such that it would not interfere with any maintenance vehicles required by the city. Furthermore, there are no hydro poles on this stretch of Willis Way and the road and related infrastructure were recently completely rebuilt as part of the LRT project.

With regard to Hughes Lane, the building does not encroach into the widened road allowance. However, the elevated bridge, connecting the two buildings will require an encroachment agreement. The bridge well above grade and will not interfere with vehicles using the laneway to access properties fronting onto King St or any required service/municipal vehicles.

**3. Proposed Facade Design of Building at 87 Regina Street South**

We acknowledge that Council at the public meeting questioned the design of the tower, particularly the north and south facing facades. The concept that was described at the public meeting continues to evolve and a further concept has been prepared that addresses this issue and displays a high quality of design on all facades. The revised elevation and

renderings are attached to this letter. Ultimately the design of the building will be confirmed through the site plan approval process in accordance with the City’s Urban Design Manual. However, the change in design direction is a direct reflection of the comments received from Council and staff. The east and west facades remain as they were presented to Council at the Informal Public Meeting – the buildings have strong vertical elements and utilize balcony designs to effect the appearance of waves, breaking up the massing of the building. The podium remains a strong foundation for the building and relates in scale to the adjacent Regional building and the City’s parking structure (the Parkade).

The north and south facing facades have been redesigned – they now include balconies as a central vertical element, with significant glazing and strong horizontal banding that separates the building into individual sections. The north and south facades remain distinct in design from the east and west facades, which offers unique views of the building from different parts of Uptown. We believe that the north and south facades represent a high level of design; will complement and/or enhance existing views of Uptown and will provide additional light into the units.

With regard to the parking structure, the building materials include a metal louvre system with internal lighting designed to illuminate the twisting metal panels, creating a unique design that both masks the nature of the parking structure and adds visual interest to the pedestrian experience along both Willis Way and Regina Street South. The transparency of the parking structure assists in the establishing an inviting podium design.

#### 4. Parking

The proposed development will provide 39 parking spaces for the additional commercial floor space on 80 King whereas 53 parking spaces would be required in the By-law (a shortage of 14 spaces). Given the location of this site in the Uptown Urban Growth Centre, directly adjacent to main public transit routes on King Street, as well as the ION stations in the Public Square and on Caroline Street/Willis Way, the location is well suited to providing reduced parking. We are of the opinion that too much parking in this location discourages the alternative options (cycling, walking, and transit) that are readily available. We note also that the City, Region and Province have invested significant public funds in developing these alternative options and developments that make use of them should be encouraged. For clarity purposes, the following outlines how parking is proposed to be distributed between the different uses:

80 King St S (Office/Commercial)	87 Regina (Residential)	87 Regina (Commercial)	87 Regina (Visitor)
39 spaces	136 spaces	0 spaces	9 spaces
1.22 sp/100 m <sup>2</sup>	0.63 sp/unit	-	0.042 sp/unit

The detailed assignment of parking spaces on the different levels will be determined through the Site Plan process. Although the by-law does not require visitor parking spaced, it is the intent to provide visitor parking spaced and make them accessible to those visiting the site. They are proposed to be located on the lowest floor of the structure.

## **5. Hughes Lane and Willis Way Setback**

The development proposes to dedicate a 1.38 m widening to Hughes Lane from the 87 Regina St parcel. As a result, the building cannot also provide a 2.5 metre setback from Hughes Lane. The ground floor will be setback 1.1 m from the widened Hughes Lane, while the upper storeys will be setback 0.5 metres.

Similarly, the building at 80 King St is already located close to the Lane. After the dedication, the building will be at 0 m setback. Because of the current location of the building, there is no flexibility to increase the setback without reducing the Lane widening dedication.

After the widening, the width of Hughes Lane will be close to 7 metres, providing sufficient space to accommodate vehicles in two directions and access to the businesses that front onto King St S. The City would also have space to install a small sidewalk, should they wish to do so. The laneway currently functions in a similar capacity with significantly less width. As a result, we are of the opinion that a 1.1 metre setback from the widened lane is appropriate and will not negatively impact the function of the Lane.

The By-law requires a “street line” setback from Willis Way (to reflect the required road widening), which the 87 Regina St S building will meet as per the earlier discussion concerning the road widening dedication. However, the design of the building with respect to the podium overhang for the upper storeys along Willis Way is not proposed to change. As such, even though the ground floor of the building will meet the by-law requirement, an encroachment agreement with the City to allow the second (and above) storey to encroach over a portion of the road right of way will still be required due to the land dedication required in the Official Plan. More specifically, the following encroachment is required:

- The building will project 1.9 metres into the new Willis Way road allowance (post widening).

## **6. Flood Proofing and Ground Floor Design**

Flood proofing of the entire building (not just the ground floor commercial uses) will be implemented at site plan approval and detailed design stage (as well as through the GRCA permit process). The Safe Access Route Report prepared by MTE (previously provided) identifies the depth of flooding in the immediate vicinity of the proposed building (approximately 3 metres). The recently prepared renderings (attached) show ground floor images that are consistent with flood proofing requirements – the building has been designed with full knowledge of the flood depth and the ultimate need to flood proof the ground floor of the building. The proposed glazing will be designed to withstand hydrostatic pressure in the event of a flood. As is evident, the requirement to flood proof the first storey has not negatively impacted the ability of the development to meet and exceed the City’s urban design objectives and to provide an engaging pedestrian experience along both Willis Way and Regina St S.

## **7. Special Policy Area and Safe Access**

A Safe Access Route Report was previously provided by MTE and revised in response to initial city and agency feedback. The original Report identified that the safe access route could be

achieved by reaching the patio at the Marbles restaurant adjacent to William Street and Hughes Lane. Despite best efforts, the owner has not yet reached agreement with the Marbles Restaurant and as such, has investigated an alternative safe access route (previously discussed with City engineering staff and included in the revised Safe Access Report). The alternative route follows the same pathway as that proposed in the original Report, however instead of crossing Hughes Lane and the Marbles patio, the route uses Hughes Lane to directly access William Street. MTE has prepared revised plans that show the new route and cross sections that demonstrate how safe access can be achieved and what improvements to the municipal right-of-way are required. The plans were included in the revised Safe Access Report previously provided to the City and GRCA.

The proposed safe access route has been agreed to by the Region of Waterloo. The Agreement with the Region of Waterloo is attached to this letter. We have provided a copy to the GRCA, as per their request. The Agreement has been made for a period of 49 years, with an option to renew for an additional 49 years. As such, we believe it addresses the City's comment regarding the length/term of the Agreement.

The exterior stairs that will facilitate safe access from the Regional Building to Hughes Lane and William Street are proposed to be approximately 1.0 metres from Hughes Lane. The stairs are located entirely on the Region's property. We note that the site specific regulations that apply to the property via bylaw 91-156 state that the 2.5 metre setback from Hughes Lane does not apply.

The safe access route requires a raised pedestrian walkway across Hughes Lane that has been designed such that delivery trucks, (city) services vehicles and other vehicles can still be accommodated.

## **8. Emergency Plan**

The proposed development has considered the main elements of an Emergency Plan, some of which are noted in the Safe Access Report. The entrance doors from the bridge (connecting the proposed building at 87 Regina and the Regional building) into the Region's building and the door exiting the Region's building to the exterior staircase will be controlled by magnetic locks. As noted in the Safe Access Report the locks will open when the storm alarm is triggered. The storm alarm will consist of fire horns, connected to a flood sensor, included as a component of the future Emergency Plan, similar to a fire plan that would be required by the Protective Services Department (Fire). In such an event, the doors will be open such that emergency responders can access the residential building via the safe access route. In the case of the magnetic locks, the detailed design of the building will include back-up emergency power to ensure that the doors open even in the event there is a power outage associated with the emergency event.

The Safe Access Report notes that, in the event of an emergency, residents would be directed through the Region's building with photo luminescent emergency lights and wayfinding strips that do not require wiring, are non-intrusive and require minimal maintenance. The Agreement with the Region regarding the safe access route obligates the owner to maintain the wayfinding lights, as well as any other components required for the safe access route (e.g.

exterior staircase). The regular (and required) maintenance of the wayfinding lighting strips will ensure they will function in the event of an emergency.

Notwithstanding the main elements noted above, a detailed Emergency Plan will be developed to the satisfaction of the GRCA, City and Region and can be reviewed and implemented as part of site plan approval and the GRCA permit process. The Emergency Plan will address, in greater detail, the wayfinding, lighting, emergency power and door opening/unlocking procedures for access and travel through the Regional building, as well as measures to ensure emergency responders can also use the safe access route. It is more appropriate to develop the details of the Emergency Plan further into the detailed design of the building, when more information will be known about the structure and the mechanical and electrical components. As the GRCA and Region will both be involved during the Site Plan approval process, and the GRCA has their own permit process, there will be opportunities to further review and refine the Plan to their satisfaction prior to the development proceeding. We further note that residential uses within a multi-storey building are already permitted in the Zoning By-law. As such, had no Zoning By-law Amendment been advanced for the development, the City and GRCA would utilize the Site Plan and Permit processes to review Safe Access and an Emergency Plan. We propose that such an approach is still appropriate.

We understand that the City has raised concerns regarding the ability of residents with mobility issues to safely exit the building in the event of an emergency. Should an emergency occur in any other high rise building in Waterloo that renders elevators inoperable, the same situation would occur. Emergency responders would need to assist those with mobility issues to leave the building safely. Such an approach is no different for the subject proposal. Residents with mobility issues could use to the Safe Access route to exit the building at 87 Regina (using the bridge connection) and traverse all the way to the exit stairs from the Regional building. At this point, they would require assistance to exit the Regional building. Once outside the building, they could proceed to William Street.

We believe the above information satisfies the City's requirements regarding consideration of the Zoning By-law Amendment. We note that residential uses are already permitted and are not being requested as part of this application. We further note that both the Site Plan and GRCA permit processes afford the City, Region and GRCA additional opportunities to review more detailed aspects of the building's design and the Emergency Plan.

We look forward to scheduling a Formal Public Meeting in the near future. Should you have any questions, please do not hesitate to contact the undersigned.

Yours truly,

**MHBC**

A handwritten signature in black ink that reads "Dan Currie". The signature is written in a cursive, flowing style.

Dan Currie, MA, MCIP, RPP  
Partner