



November 21, 2024

Rita Szilock, Planner
Planning Approvals, City of Waterloo
100 Regina Street South
PO Box 337, Station Waterloo
Waterloo, ON N2J 4A8

Dear Ms. Szilock:

**RE: Planning Justification Report Addendum
Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision
Applications
400 Millennium Boulevard, Waterloo
CITY FILE: Official Plan Amendment No. 53 & Zoning By-law Amendment Z-24-04
REGION FILE: 30T-23401
OUR FILE: 8784CX**

On behalf of our client, Activa Holdings Inc., we are pleased to submit an addendum to the Planning Justification Report dated December 2023, regarding the proposed Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision Applications on the lands municipally known as 400 Millennium Boulevard, Waterloo (the "subject lands").

Since submitting the Planning Justification Report, comments have been received on the Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision Applications that have been considered and where appropriate, have resulted in revisions to the Draft Plan. This letter provides an update to the Planning Justification Report to address revisions to the Draft Plan and responses to certain comments as follows:

Proposed Official Plan Amendment

The proposed Official Plan Amendment was detailed in the December 2023 Planning Justification Report and there are no substantive changes proposed. The Official Plan Amendment seeks to amend various Official Plan Schedules including Schedule A of the Official Plan to redesignate the subject lands from Employment to Low Density Residential, Mixed-Use Medium Density Residential, Commercial and Open Space. The existing Specific Provision Area 26 policies are proposed to be amended to align with the proposed use of the lands for residential, commercial and open space uses.

In consideration of City staff comments, Figures 5 and 6 of the Planning Justification Report have been revised. The stormwater management pond block and environmental buffer areas are now

identified as Open Space on Figures 5 and 6. The stormwater management pond block, park block and environmental buffer areas have also been identified as Lands to be Designated Parks and Other Green Space on Schedule A3, attached as Figure 26; and identified as Lands to be Designated Other Open Space Land Uses on Schedule A4, attached as Figure 27. Please refer to the updated figures attached.

Site Specific Regulations (C.93)

The first submission proposed that where two lot lines exist within a single lot or Block, the zone boundary shall not constitute a lot line for the purpose of applying zoning regulations. This proposed provision has been removed from the proposed zoning by-law amendment as it is no longer required.

Residential Five Zone (R5)

An increased maximum building height of 11 metres and 3 storeys and maximum deck height of 3.5 metres is proposed. The scale of the proposed amendment has been reduced from the previous submission, which proposed a maximum building height of 12 metres and 3 storeys and maximum deck height of 4.0 metres. Please refer to the attached comment matrix for detailed responses to staff comments and justification for the proposed amendments.

An encroachment of 0.6 metres into the front and/or flankage yard for a one (1) storey unenclosed porch continues to be proposed. Justification for this request was provided in the December 2023 Planning Justification Report and City staff have not raised any concerns with the requested amendment.

A site-specific provision to permit a maximum garage width of 58% continues to be proposed. The proposed 58% width of the garage allows for 2-car garages on smaller single detached lots, alleviating the need for tandem parking in driveways. Please refer to the comment matrix for justification and a detailed response to City staff comments.

Residential Seven Zone (R7)

An increased maximum building height of 11 metres and 3 storeys and maximum deck height of 3.5 metres is proposed. The scale of the proposed amendment has been reduced from the previous submission, which proposed a maximum building height of 12 metres and 3 storeys and maximum deck height of 4.0 metres. Please refer to the attached comment matrix for detailed responses to staff comments and justification for the proposed amendments.

A side yard setback of 1.2 metres continues to be proposed. City staff raised concerns around access to the rear of townhouse units and the potential location of air conditioners in the side yard. Air conditioners can be located in the rear yard of each unit and Aactiva frequently develops townhouse units with a side yard of 1.2 metres. The reduced side yard setback is not anticipated to create any access challenges for townhouse units. Easements can also be included along end townhouse units to provide access to the rear yards of internal units. These easements can be shown on the Easement Plan, which would be provided as a condition of approval.

A site-specific interior lot line setback of 5.5 metres is proposed adjacent to the OS3 zoned lands. The proposed amendment effects Block 2/Stage 3 and the townhouse units will have a side yard relationship to the interior lot line setback. The proposed interior lot line setback will maintain an appropriate separation between the boundary of the townhouse block and the natural heritage buffer block to allow access to the rear of the townhouse blocks and provide area for landscaping.

A site-specific provision is proposed to exempt the development from the maximum density of 150 bedrooms per hectare for townhouse units. The proposed amendment is requested to create consistency between the density provisions for freehold townhouse units and townhouse units. The proposed amendment will also allow for further consideration of family sized dwellings.

A site-specific provision to permit a maximum lot coverage of 55% for all buildings (freehold townhouses) continues to be proposed. In a scenario where a freehold townhouse complies with all setbacks, the lot coverage would result in 55%, therefore the proposed amendment will allow for the efficient use of the land. Please refer to the comment matrix for justification and a detailed response to City staff comments.

A site-specific provision continues to be proposed to permit a private garage on a Townhouse or Freehold Townhouse to be up to 60% of the front building façade length. This amendment would allow for a parking space in the garage on smaller with room for storage, thereby leaving more space in the rear yard for amenity/landscaped area. Please refer to the comment matrix for justification and a detailed response to City staff comments.

A site-specific provision continues to be proposed to permit a one (1) storey unenclosed porch to encroach into the front and/or flankage yard by a maximum of 0.6 metres for Freehold Townhouses. Justification for this request was provided in the December 2023 Planning Justification Report and City staff have not raised any concerns with the requested amendment.

A site-specific provision continues to be proposed to permit a minimum lot area of 345 sq.m for corner freehold townhouse lots. The requested provision to reduce the minimum lot area for interior freehold townhouse lots has been revised from 155 sq.m to 165 sq.m. The reduced lot sizes reflect the minimum lot frontage and depth provisions of the R7 zone. Please refer to the comment matrix for justification and a detailed response to City staff comments.

Residential Mixed-use (RMU-20)

A site-specific provision has been added to the proposed zoning by-law amendment to exempt these lands from Section 7.10.12 of the Zoning By-law. Instead, the RMU-20 zone provisions shall apply to triplex, townhouse, freehold townhouse, and stacked townhouse buildings. Further, a provision is added to exempt the lands from the Cluster Development provisions of Section 3.C.10 of the Zoning By-law. These amendments are interconnected and are requested since the RMU-20 zone already includes provisions which allow for a cluster form of development. Applying the R8 zone provisions and Cluster Development provisions to development in the RMU-20 zone creates a restrictive zoning regime for the development of missing middle housing forms, which operate similarly to other forms of multi-unit residential buildings which are permitted in accordance with the RMU-20 zone provisions. The proposed amendment will allow additional flexibility for the development of the subject lands to

allow for a wider variety of multi-unit housing forms to all be measured against the same provisions. The RMU-20 zone already applies appropriate setbacks, parking provisions and density provisions for this zone and the proposed zoning approach would allow for more variety in the types of multi-unit residential built form across the site.

A site-specific provision is proposed to permit a rear yard setback of 5.5 metres adjacent to the OS3 zoned lands. The reduced setback will impact a stacked townhouse building proposed on Block 1, Stage 2. The units will be oriented to the interior of the site, and the reduced setback will affect what is functionally a side yard setback. The City has requested that the Natural Heritage Buffers be placed in separate blocks, which has resulted in a slightly smaller Block 1, Stage 2 and a new lot line. The reduced rear yard setback will allow sufficient space between the proposed stacked townhouse units and Block 6, Stage 2 for access to the rear of the stacked townhouse buildings. The 5.5 metre setback will also provide sufficient space for landscaping between the building and the limit of Block 6, Stage 2.

A site-specific provision is proposed to identify Townhouse Buildings on Common Element Roads as Freehold Townhouse Buildings. The proposed site-specific provision will permit Townhouse units on individual lots on a common element road, which is not a use contemplated by the City's zoning by-law. The proposed provision will allow for individual lots to be created through Part Lot Control, with access to a common element condo road on Block 3, Stage 2. The proposed provision will allow the townhouse units on Block 3, Stage 2 to function as freehold townhomes on a private road, with townhouse units being part of the common element condo for the road maintenance (as parcels of tied land), but all other aspects of each Townhouse Lot will be the responsibility of the individual property owner.

Where a Freehold Townhouse Building is located in the RMU-20 zone, a site-specific provision is proposed to permit a lot frontage of 5.5 metres for interior lots and 11.5 metres for corner lots. This site-specific provision will allow for the development of Freehold Townhouse Buildings in the RMU-20 zone to be developed with a frontage consistent with the R8 zone.

A site-specific provision to remove Townhouse Buildings as a permitted use and to permit 24 Freehold or Townhouse Buildings on Block 3, Stage 2 continues to be proposed to limit the number of Townhouse Units permitted in the RMU-20 zone. These provisions are proposed to ensure that ROPA 6 policies related to housing mix are addressed through the proposed development.

A site-specific provision continues to be proposed to permit the uses of the Convenience Commercial (C3-20) zone for the lands identified as Block 1, Stage 2 on the Draft Plan of Subdivision. The proposed provision will allow flexibility related to the types of uses permitted on the noted block and will permit additional commercial uses on the subject lands if there is market demand for the uses.

A site-specific provision is proposed to permit a first storey height of 3.0 metres for a townhouse, freehold townhouse or stacked townhouse building. The proposed amendment will allow for the construction of standard residential units. The 4.0 metre ground floor height is required in the by-law to permit for ground floor commercial uses, which are not proposed to be included in the townhouse, freehold townhouse or stacked townhouse building.

An increased maximum deck height of 3.5 metres is proposed to accommodate that the subject lands have a high-water table, which restricts the ability to construct the basements of building below grade. As a result, typical 3-storey townhouse dwellings are all above grade, rather than having one storey fully or partially below grade (the basement). This results in a taller building height, as measured by the Zoning By-law, and a taller height for the first storey which is planned to have deck access.

Cluster Development

A site-specific provision is proposed to permit an interior lot line setback of 5.5 metres adjacent to the OS3 zone. The reduced setback will impact the townhouse building proposed on Block 2, Stage 3. The units will be oriented to the interior of the site, and the reduced setback will affect what is functionally a side yard setback. The City has requested that the Natural Heritage Buffers be placed in separate blocks, which has resulted in a slightly smaller Block 2, Stage 3 and a new lot line. The reduced interior yard setback will allow sufficient space between the proposed residential units and Block 3, Stage 3 for access to the rear of the townhouse buildings. The 5.5 metre setback will also provide sufficient space for landscaping between the building and the limit of Block 3, Stage 3.

Proposed Zoning By-law Amendment

The proposed zoning by-law amendment is attached as a redline to the December 2023 By-law and as a clean copy to reflect the new by-law proposed for approval.

Yours truly,

MHBC



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Partner



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Senior Planner

cc. *Activa Holdings Inc.*
Janine Fletcher, Region of Waterloo