



May 11, 2023

City of Waterloo
INTERGRATED PLANNING & PUBLIC WORKS
Planning Approvals
100 Regina Street South
P.O. Box 337, STN
Waterloo, Ontario N2J 4A8
Attention: Tristin Deveau

Dear Mr. Deveau:

RE: Application for Official Plan Amendment No. 42 and Zoning By-law Amendment Application Z-22-13, 83-85 Hickory Street West and 265-267 Hemlock Street, Waterloo – Planning Justification Addendum Letter for Final Proposal

Please find attached an updated Site Plan which addresses outstanding Staff concerns related to the above noted Official Plan and Zoning Amendment applications provided in an email dated March 28, 2023. All concerns relevant to the applications have been addressed including the primary issues related to the proposed density and landscaped open space. The main changes to the applications are as follows:

1. The number of proposed bedrooms has been reduced from 203 to 186 resulting in a proposed density of 597 bedrooms/hectare. The number of units remain unchanged from the original proposal at 168 units.
2. The original proposal provided a unit mix of six studio units, 119 one-bedroom units, eight one-bedroom plus den units and 35 two-bedroom units for a total of 203 bedrooms. The original unit mix resulted in an additional 17 bedrooms over the 600 bedrooms/ha. As shown in the table below, the revised proposal includes six studio units, 119 one-bedroom units, 25 one-bedroom plus den and 18 two-bedroom units for a total of 186 bedrooms at a density of 597 bedrooms/hectare.

Floor	Studio(1-bed)	1-bed	1-bed + Den	2-bed	Total Units	Total Beds
Ground	--	--	7	10	17	27
2 nd Floor	2	23	4	1	30	31
3 rd Floor	1	24	5	1	31	32
4 th Floor	1	24	3	2	30	32
5 th Floor	1	24	3	2	30	32
6 th Floor	1	24	3	2	30	32
Total	6	119	25	18	168	186

- The ground floor private patios along Hickory Street West and Hemlock Street, one private ground floor patio at the rear of the building, building entrance walkways including the walkway located at the south side of the building have been omitted from the required landscaped open space calculation resulting in an additional site-specific regulation the merits of which will be discussed herein.

Landscaped Open Space

In the original submission, the thirty percent Landscaped Open Space requirement included the hardscape landscape features including the ground floor patios and surface walkways in accordance with the Zoning By-law's definition. All elements specifically identified in the definition to be excluded such as stairs and retaining walls were excluded. The Zoning By-law defines Landscaped Open Space as:

LANDSCAPED OPEN SPACE: means a portion of a LOT predominantly used for the growth of trees, shrubs, grasses and or other vegetation. Includes: COMMON OUTDOOR AREA and ACCESSORY outdoor hardscapes such as surface walkway, patios, or DECK. Excludes:

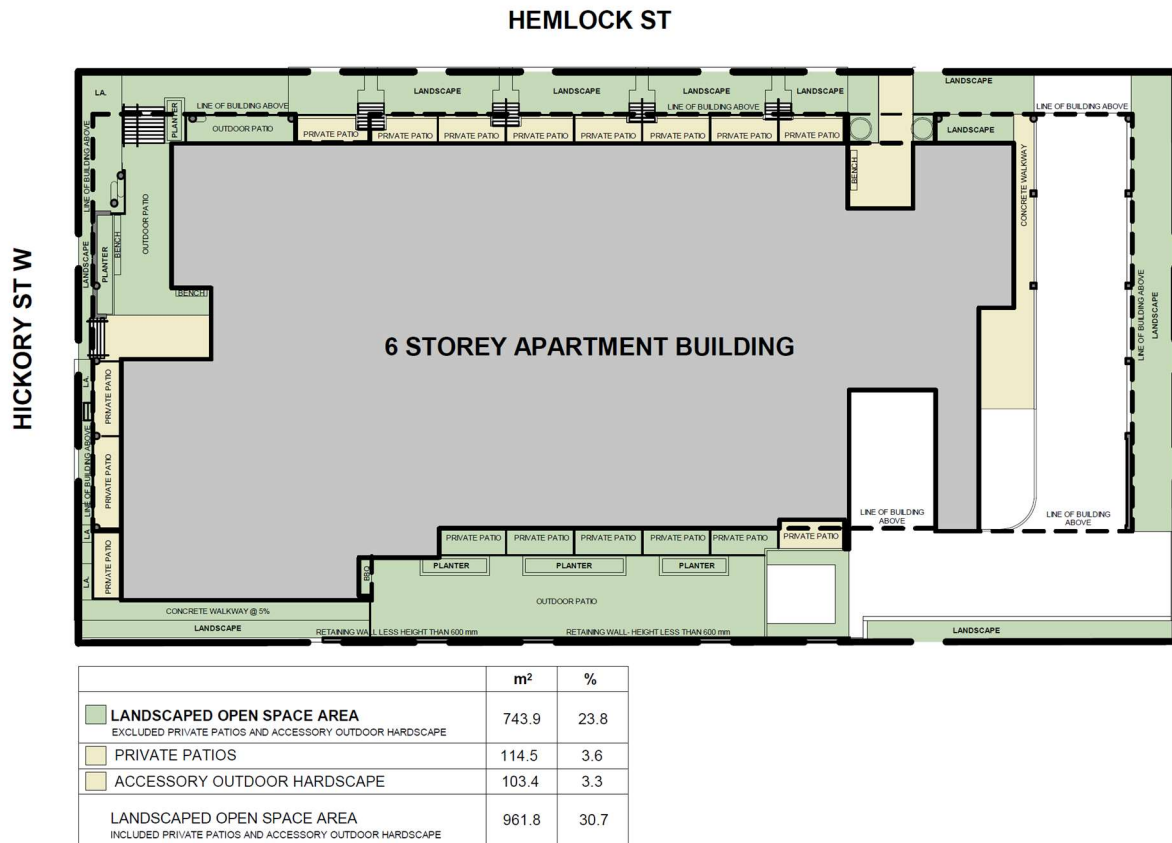
- BUILDINGS and STRUCTURES (except for a DECK)
- parking areas, including parking decks
- DRIVEWAYS
- LOADING SPACES
- Covered or enclosed BICYCLE PARKING
- curbs and retaining walls
- garbage enclosures
- rooftop AMENITY AREAS, rooftop decks, rooftop terraces constructed after the effective date of this BY-LAW
- stairs and ramps
- utilities

Although the Landscaped Open Space definition specifically identifies surface walkways and patios as being included, Staff have advised that they will not accept walkways that primarily serve entryways into the building. Further, Staff have advised that based on their interpretation of accessory as defined in the Zoning By-law, the majority of the ground floor private patios will not be accepted as part of the Landscaped Open Space as Staff do not consider these hardscaped features to be incidental, subordinate and exclusively devoted to the landscaped open space.

As indicated below, Accessory, as defined in the Zoning By-law is used to describe a **use, building or structure** that is incidental, subordinate, and exclusively devoted to the principal use. The principal use in this case is residential however, the rationale to exclude the private patios assumes that the landscaped open space is the principal use of which the patios are required to be accessory. Although it is my opinion that the hardscaped features are both accessory to the principal use and are incidental, subordinate and exclusively devoted to the landscaped open space, in an effort to advance the applications these features have been excluded from the required landscape open space calculation.

ACCESSORY: when used to describe a use, BUILDING or STRUCTURE, means a use, BUILDING or STRUCTURE incidental, subordinate and exclusively devoted to the principal use, BUILDING or STRUCTURE situated on the same LOT.

As shown in the diagram below, the private patios and walkways comprise of 3.6 percent and 3.3 percent respectively reducing the landscaped open space from 30.7% to 23.8%. As such, an additional site-specific zone provision is proposed to permit 23% Landscape Open Space whereas 30% is required. The following provides the planning rationale for the proposed amendment.



Landscape Open Space helps to enhance the overall visual quality of a development and neighbourhood. Trees, plants, lawns, and other natural vegetation contribute to a more attractive environment while hardscaped features such as patios and walkways provide the necessary infrastructure for pedestrian circulation, seating, gathering spaces and recreational activities. They also offer stability and durability allowing for year-round use and accommodating various functions as well as ensuring accessibility for individuals with mobility impairments, allowing equal access to the landscaped areas for all users. Combining hardscaped and landscaped elements also creates visual interest and contrast in the landscape. The juxtaposition of built structures, paved surfaces and natural elements adds depth, texture, and aesthetic appeal to the design.

With respect to the ground floor patios, an option was considered to replace the patios with sod which would result in 27.4% landscaped open space. Reducing the size of the walkways and entrances to the building would result in a further increase in landscaped open space. While these options would decrease the proposed variance, they would also decrease the functionality and accessibility of the proposed development.

It is therefore my opinion that the provided landscaped open space consisting of both hardscaped and landscaped elements is appropriate. The hardscaped elements comprise 6.9% of the landscaped open space and are in my opinion accessory to the larger landscaped open space achieving a harmonious balance between functionality, aesthetics, and accessibility. The proposed landscaping consists of high-quality outdoor hardscapes including private and common area paved patios integrated with a variety of perennial plant material, street trees, shrubs and planters. The proposed landscaping will enhance the development and significantly improve the streetscape.

In support of the above noted amendment, please find attached the following:

- A diagram which illustrates how the landscape open space has been calculated
- Updated Site Plan

In summary, the proposed site-specific zone provisions are proposed:

- Reduce the minimum rear yard setback from 7.5 metres to 3.0 metres along a portion of the rear yard fronting Hickory Street.
- Permit exterior stairs ranging in height from 0.72 – 1.26 metres in height above grade to project into the Hemlock Street front yard setback.
- To allow for the third storey and above of the building to extend into a portion of the daylight triangle.
- Remove the holding (H) symbol in accordance with meeting the required criteria as described on page 38 of the Planning Justification Report, August 2022.
- *REVISED* Reduce the minimum Landscaped Open Space requirement from 30% to 23% to allow for the provision of at-grade private patios and walkways.

We trust that the enclosed information is complete and look forward to a timely approval process. If you have any questions, please do not hesitate to contact the undersigned at jvoss@urbanlegendgroup.com, 226-339-3304.

Regards,



Jennifer Voss, MCIP, RPP

