

**Planning Justification Report
Zoning By-Law Amendment
185 King Street North**

Waterloo, Ontario
April 7th, 2017

Project Reference Number 16-245



K. SMART ASSOCIATES LIMITED

CONSULTING ENGINEERS AND PLANNERS

85 McINTYRE DRIVE, KITCHENER, ONTARIO

N2R 1H6

Table of Contents

1.0	INTRODUCTION	1
2.0	GENERAL DESCRIPTION	1
3.0	PLANNING AND LAND USE CONSIDERATIONS.....	2
3.1	PROVINCIAL POLICY STATEMENT (2014).....	2
3.2	PLACES TO GROW / GROWTH PLAN POLICIES (2006).....	3
3.3	WATERLOO REGIONAL OFFICIAL PLAN (R.O.P.) POLICIES (2015).....	4
3.4	CITY OF WATERLOO OFFICIAL PLAN POLICIES (2014)	5
3.5	CITY OF WATERLOO ZONING BY-LAW 1108 (2012)	6
4.0	CONCEPT PLAN	6
4.1	DEVELOPMENT CONCEPT	7
4.2	PARKING JUSTIFICATION	8
5.0	SUPPORTING STUDIES	9
6.0	CONCLUSIONS	10

Figures and Drawings

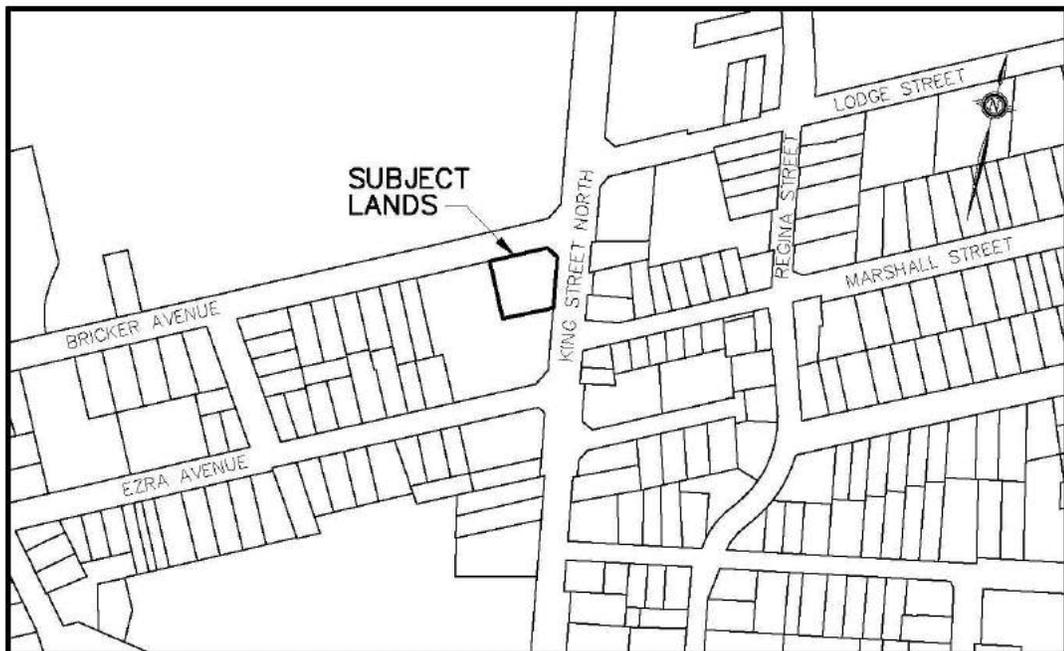
Figure 1 Conceptual Floor Plan

1.0 Introduction

K. Smart Associates Limited has been retained by Maison Canada Holdings Limited to prepare a Zoning By-Law Amendment application package with related documents for the property located at 185 King Street North in the City of Waterloo. The purpose of the Zoning By-Law Amendment is to develop the remaining first floor space in the building through the introduction of a restaurant on the main floor of the residential apartment building. The current Zoning By-Law does not allow for restaurants as an ancillary use, though it does allow for other commercial uses to be established.

2.0 General Description

The site is located at 185 King Street North in the City of Waterloo and is legally described as as MCP sub lot 13 German Company Tract, Pt Lots 51 to 53, Parts 1, 3 and 5 of Plan 58R16907, and is shown in the Key Map below. The site fronts onto King Street North between Bricker Avenue and Ezra Avenue. The land contains an existing residential apartment building that caters to students of the nearby Wilfrid Laurier University and University of Waterloo.



Scale: N.T.S.

Key Map

The existing building contains 37, 5 bedroom residential units within 11 floors. Currently parking is provided at a rate of 1 space per unit, for a total of 37 spaces.

The proposal is to establish a 233 square metre (2500 sq. ft.) restaurant use on the main floor that serves the tenants of the building and the surrounding area (mainly student housing, apartment buildings, and the Wilfred Laurier University community). The site is designated Mixed-Use High Density Residential in the Official Plan and is zoned Multiple-Residential-25 in the City of Waterloo Zoning By-Law 1108. In order to implement the Official Plan designation as “Mixed-Use”, an amendment is needed to allow the restaurant as a complimentary ancillary use. The proposed restaurant will also require a parking rate reduction similar to that of Draft Zoning By-Law 2016-000, as no new parking spaces are to be created.

3.0 Planning and Land Use Considerations

3.1 Provincial Policy Statement (2014)

The Provincial Policy Statement 2014 (PPS) provides policy guidance on land use issues of interest to the Province. Decisions by municipalities on planning matters “shall be consistent with” the policies in the PPS. Section 1.3.1 states that planning authorities shall promote economic development and competitiveness by:

c) encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities.

The proposed development and Zoning By-Law Amendment is consistent with the PPS as it provides for a greater variety of economic opportunities, while providing employment opportunities and creating a mixed-use building within a designated built-up area.

Section 1.0, Building Strong Healthy Communities states that:

“Ontario's long-term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns. Efficient land use and development patterns support sustainability by promoting strong, liveable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth.”

The proposed development is in a defined settlement area. Section 1.1.3.1 of the PPS states that settlement areas be the “focus of growth” and that land use patterns within settlement areas based on:

- a) *Densities and a mix of land uses which:*
 - 1. *efficiently use land and resources;*
 - 2. *are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; and*
 - 3. *minimize negative impacts to air quality and climate change, and promote energy efficiency in accordance with policy 1.8; and*
- b) *A range of uses and opportunities for intensification and the redevelopment in accordance with the criteria in policy 1.1.3.3.*

It is our opinion that the proposed Zoning By-Law Amendment complies with the Provincial Policy Statement as it is an efficient use of land, provides a mix of uses and promotes economic development while providing job opportunities.

3.2 Places to Grow / Growth Plan Policies (2006)

The Places to Grow Act was implemented in 2006, and requires municipalities to revise their Official Plans to reflect the goals of the Act to firm up built boundaries and promote development through infill that is supportive of transit and alternative modes of transportation. As outlined in the Act, the purposes of the Act are:

- (a) to enable decisions about growth to be made in ways that sustain a robust economy, build strong communities and promote a healthy environment and a culture of conservation;*
- (b) to promote a rational and balanced approach to decisions about growth that builds on community priorities, strengths and opportunities and makes efficient use of infrastructure;*
- (c) to enable planning for growth in a manner that reflects a broad geographical perspective and is integrated across natural and municipal boundaries;*
- (d) to ensure that a long-term vision and long-term goals guide decision-making about growth and provide for the co-ordination of growth policies among all levels of government. 2005, c. 13, s. 1.*

Places to Grow outlines policies aimed to help build *complete communities*, whether urban or rural. These are communities that are well-designed, offer transportation choices,

accommodate people at all stages of life and have the right mix of housing, a good range of jobs, and easy access to stores and services to meet daily needs.

Among other objectives, Section 2.2.2 of The Growth Plan for the Greater Golden Horseshoe states that population and employment growth shall be accommodated by:

- d) reducing dependence on the automobile through the development of mixed-use, transit-supportive, pedestrian-friendly urban environments and*
- e) encouraging cities and towns to develop as complete communities with a diverse mix of land uses, a range and mix of employment and housing types, high quality public open space and easy access to local stores and services*

The proposed restaurant complies with the Growth Plan as it aids in providing a mix of employment opportunities for the area, a diversified economic base and develops a mixed-use building.

3.3 Waterloo Regional Official Plan (R.O.P.) Policies (2015)

The subject lands are located within the Region of Waterloo's built up area and are therefore subject to its Official Plan policies. The Region has a population of just over a half million (an estimated 575,000 people) and is expected to grow to 729,000 by 2031, based on Provincial projections.

The Region aims to achieve "livable communities" that accommodate people at all stages of life and provides easy access to daily amenities and recreational, health care and educational facilities. The Region hopes to achieve this by providing a range of options for where people live, work and play, and encouraging mixed-use developments, where appropriate. The overall goal of livability within the Region is to create "vibrant urban and rural places". The proposed restaurant will comply with policies in the Regional Official Plan by contributing to the creation of livable communities.

The subject site has been identified as being in a "vulnerable area" in the Grand River Source Protection area and as such, is required by the Region of Waterloo to obtain a Notice of Source Protection Plan compliance. The Notice states that although one or more of the activities that are to take place on-site are covered under the Source Protection Plan, none are prohibited or require the implementation of specific risk management measures. The Notice of Source Protection Plan Compliance (Section 59 Notice) and the Environmental Site Screening Questionnaire have been included in the Application Package.

3.4 City of Waterloo Official Plan Policies (2014)

The land is currently designated as Mixed-Use High Density Residential in the City of Waterloo's Official Plan, Section 10.1.6. The City sees this designation as mostly a multiple unit residential use, though complimentary ancillary uses are permitted. As stated in the Official Plan: "The aim of this designation is to encourage high density, mixed-use, primarily residential development in Major Nodes and Major Corridors." The designation permits a variety of ancillary uses, as outlined in the Official Plan, including restaurant uses, so long as the ancillary use is in a mixed use building and the subject property is within a designated Node or Corridor. Ancillary uses are also to be oriented to the street in order to encourage active streetscapes.

The property is in a designated Major Corridor in Section 3.6 of the Official Plan, which is designed to transition the area from an automobile oriented street to a more transit and active transportation friendly street. Policies applicable to Parking in Nodes and Corridors is outlined in Section 3.6.6 of the Official Plan.

The site is also within the Central Planning District boundary as identified on Schedule C of the Official Plan. Section 3.9.1 of the Official Plan states that the Official Plan aims to create a sense of place within each Planning District, while meeting the day-to-day needs of citizens and visitors. Development within planning districts will be aimed at creating complete communities. This includes encouraging appropriate commercial ancillary uses in order to serve the daily needs of employees within the Districts.

The Official Plan outlines the need to place high priority on encouraging active transportation and, over time, strengthening Waterloo's active transportation network. Schedule E, (Active Transportation Network) of the Official Plan designates King Street as an Active Transportation Corridor (King Street Corridor), with Bricker Avenue designated as a City Wide Cycling and Multi-use Route. Active transportation networks are an important component for complete communities and aid in connecting open space and parks land uses. The King Street Corridor as identified on the Active Transportation Network map is intended to reflect the designation of King Street as a Major Corridor within the City, which is planned to accommodate high density development, transit and active transportation supportive uses. King Street is also identified as a Regional Arterial Road (Schedule E), which shall be designed to support multi-modal transportation, and to provide safe and direct access throughout Waterloo and adjacent municipalities.

It is our opinion that the proposed restaurant development complies with the policies of the Waterloo Official Plan as it intends to introduce a complimentary ancillary use that will create a mixed-use building within the built-up area of the City of Waterloo. This ancillary use will also help to implement the designation as a Major Corridor. The restaurant is to be

oriented toward the street, in order to activate the streetscape. The residential apartment building currently provides indoor bicycle parking to residents of the building, as well as outdoor bicycle racks that are accessible to the public. This aids in transitioning surrounding streets from automobile oriented streets to more active transportation and transit oriented streets (goals that are outlined in the City's Official Plan). Though the City of Waterloo Zoning By-law 1108 requires additional parking for the proposed ancillary use, the City's objectives, as outlined in the Official Plan suggest that the reduction in parking contributes to the goal to transition from vehicular to active and public transit.

3.5 City of Waterloo Zoning By-Law 1108 (2012)

The subject property is designated as Multiple-Residential-25 (MR25) within Zoning By-Law 1108. The MR-25 zoning allows for the Apartment dwelling as is currently on site, however does not permit a restaurant as an ancillary use. The current building is recently built (2 years) and thus complies with the MR-25 Zoning. In order to implement the Official Plan's designation as Mixed-Use High Density Residential, and allow for the proposed restaurant as a complimentary ancillary use, the property will require site specific zoning by way of a Zoning By-law Amendment to Zoning By-law 1108.

The development encourages the use of active transportation by providing 90 private indoor and 12 publicly accessible outdoor bicycle parking spaces, and sits on two streets that are part of the City's Active Transportation network – connecting the site to many trails and green spaces. The addition of a commercial ancillary use under MR-25 does not require additional bicycle parking, however, the current rate at which it is provided (90 indoor and 12 outdoor spaces) exceeds the current requirement of 74 spaces total.

It is our opinion that a site-specific Zoning By-Law represents good planning in order to allow for the proposed restaurant and reduction in parking, which is further outlined in this report in Section 4.2 – Parking Justification.

4.0 Concept Plan

A conceptual Floor Plan showing the proposed layout of the restaurant space has been included as Figure 1. As stated, the restaurant will be on the main floor of the building with entrances from the corner of King St North and Bricker Avenue and one interior entrance for residents of the building.

The large windows facing King Street North create interest, provide eyes on the street and allow for activation of the streetscape, as per the Official Plan. The existing building's façade

is compliant with the City of Waterloo's Urban Design Guidelines and promotes human interaction and socialization.

Parking is directed behind the building to ensure the front landscaping is inviting and safe for pedestrians.

The interior will feature booth seating along the windows, bar seating in the centre of the restaurant, small tables and chairs throughout, and a lounge area featuring a large couch. The different types of seating will accommodate different types of uses such as socializing, studying and dining.

A small kitchen will be located to the rear of the restaurant, behind the bar area. Restrooms are located down the corridor toward the interior entrance to the residential building. Accessible entry to the restaurant is provided via elevator, which is located just inside the main entrance to the residential units.

4.1 Development Concept

The proposed first floor restaurant will be used by residents of the building, students of the nearby Wilfrid Laurier University and residents of the surrounding area. The space will be compatible with the existing commercial uses along King Street North, and contribute to existing neighbourhood character.

The proposed restaurant space is currently not in use, however, at the time of construction, the space was identified as being an amenity space for residents of the building to gather, and was considered to be of a sufficient size for the property. The applicant proposes that the existing space still be available to residents after the conversion to a restaurant and intends to address any perceived loss of amenity space by allowing residents to use the restaurant space as a meeting/study space, without any obligation to purchase goods or services.

Residents have expressed a need for this type of use (café/restaurant) in close within the building. Submitted with this report, under separate cover is a signed petition in support of a coffee shop on the premises of 185 King Street North, signed by 40 residents.

This proposal addresses this need and will also serve the considerable foot traffic of university students on King Street North. The different types of seating will allow for casual dining as well as study and social spaces within the restaurant.

Now that the apartment building has been in use for two years, the owner has had the opportunity to assess residents' needs and requests for an appropriate use of the amenity space. The addition of a restaurant/café will give residents the chance to use the space from

breakfast and through the day, to serving as a lounge in the evening. At any time during the day, residents can arrange to meet with classmates and friends on the main floor to complete school projects and meet socially.

It is the opinion of staff that this development concept and related Zoning By-law amendment will contribute to incrementally achieving the Official Plan`s goals for the area. The sharing of the restaurant space between patrons and residents will address the potential issue with the loss of the building`s amenity space.

4.2 Parking Justification

Vehicle parking in MR-25 Zoning is to be provided at a rate of 1 space per residential unit (37 spaces including 2 accessible/barrier-free), to which the building currently complies. However, the ancillary use will require 3 spaces per 100 metres square of non-residential use. Therefore, the ancillary use will require 9 spaces. These spaces are to be provided at grade in the existing covered parking lot along with 1 accessible space. In order to provide the spaces for the restaurant, the applicant would like to propose a parking rate reduction similar to what is contemplated in Draft Zoning By-Law 2016-000.

Draft Zoning By-Law 2016-000, Section 6.3 - Figure 6A (shown below), suggests that lands within Uptown, or transit station areas, Minor or Major Nodes or Major Corridors provided parking at a reduced rate due to the nature of these areas.

TABLE 6A: PARKING RATE ADJUSTMENT	
Parking Area per Schedule A1	Parking Rate Adjustment
Area A: Uptown and Transit Station Areas (minimum)	70% of the required motor vehicle parking
Area B: Minor Nodes & Major Nodes (minimum)	80% of the required motor vehicle parking
Area C: Major Corridors (minimum)	90% of the required motor vehicle parking

Furthermore, Draft Zoning By-Law 2016-000 states that lots within 400 metres of an Academic Main Campus (pursuant to section 11.1.4) shall receive a parking rate reduction of an additional 10%. As the lot is within the conceptual Seagram Station Area, and within 400 metres of Wilfrid Laurier University, it would receive the additional reduction and would only need to provide 60% of the minimum parking rate.

Section 6.5 of Draft Zoning By-Law 2-16-000:

“6.5 Where the whole or any part of a LOT is within four hundred metres (400m) of an Academic Main Campus pursuant to section 11.1.4, the parking rate adjustment in Table 6A applicable to said LOT shall be reduced an additional ten percent (10%).”

In support of the proposed reduction, the applicant has noted parking space vacancies since the building opened at a rate of approximately 7 to 11 vacant spaces at all times during the years 2014 and 2015. Therefore, it is our opinion that the parking reduction would have little to no effect on the availability of spaces for residents.

As previously stated, King Street North’s designation as a Major Corridor, outlined in Section 3.6 of the Official Plan, which states that the area is to transition to a transit and active transportation friendly street, whereby surface parking shall be reduced and underground parking encouraged. Section 3.6.6. of the Official Plan also states that reduced parking may be permitted where “sharing of parking facilities is feasible, transit service is readily available, and there is a demonstrated community benefit that supports a parking reduction.” Further to this, students of both Wilfred Laurier University and The University of Waterloo (both possible residents of the building) are also provided with transit passes that are included in tuition, and provide the students with easy access to the rest of the City, without the need to own a car.

It is our opinion that the existing parking will be sufficient for the residential and restaurant uses. By reducing the number of required parking spaces for the residential use by 9 spaces (as they are not currently being fully utilized), parking for the restaurant can be provided on the property at grade, with parking for residents provided in the underground lot. Bicycle parking and proximity to readily available transit further supports the proposed reduction in parking.

5.0 Supporting Studies

As stated in the pre-submission consultation, Regional staff have noted that although there will be stationary noise associated with the type of development, no noise study is required at this time, but would be required if an application were considered in the future for a condominium conversion.

6.0 Conclusions

The applicant, through K. Smart Associates Limited, has completed the required study of all planning associated with the Zoning By-Law Amendment and related documents. It is our request that the application be processed for approval in a timely manner.

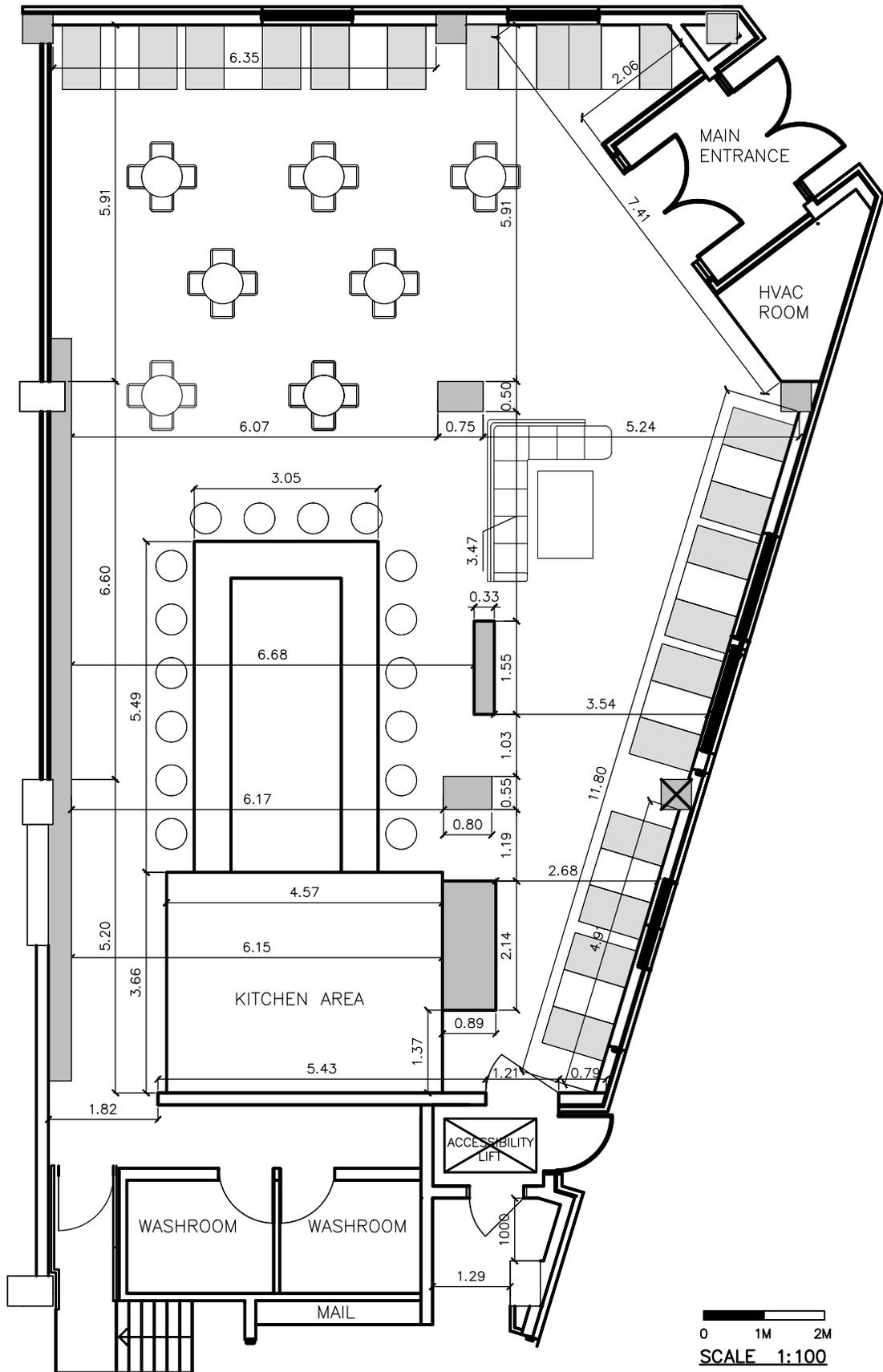
We trust that we have met all of the requirements as identified through the pre-submission consultation process. In our opinion a complete application package has been assembled and municipal staff will be able to move forward with the processing of the application for a Zoning By-Law Amendment.

All of which is respectfully submitted:

A handwritten signature in black ink, appearing to read "Steven Jefferson", with a stylized flourish at the end.

Steven Jefferson, MCIP, RPP
K. Smart Associates Limited

Figure 1



MAISON CANADA
CONCEPTUAL FLOOR PLAN

JOB NUMBER
 16-245

NOV. 2016

CITY OF WATERLOO
 185 KING STREET NORTH

FIGURE
1

