

# Guidelines for Privately Owned Publicly Accessible Spaces (POPS)



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City of Waterloo

FEBRUARY 2019



# What are POPS?

POPS are spaces which are accessible to the public while being privately owned and managed. They are typically negotiated with developers as part of the development application review process and are meant to complement, extend or integrate with public parks and plazas not replace them. POPS can take many forms, including forecourts and front yards, courtyards, enhanced walkways, plazas and gardens.

The purpose of this document is to provide guidelines for POPS when the City may want to consider them as a community benefit associated with a Section 37 Bonus application, in lieu of some portion of a parkland dedication component or when processing Site Plan applications. These guidelines are meant as a starting point for discussion and to provide direction without limiting the opportunity to consider creative and innovative approaches to providing publicly accessible spaces. In all cases, the City will seek POPS that address the following principals:

- 1 integrated with the overall development;
- 2 accessible, visually and physically to all users;
- 3 well-connected to surrounding public parks, plazas, streets;
- 4 comfortable to use throughout the day, evening / after hours and in a variety of seasons and weather conditions;
- 5 designed and developed to be beautiful, safe, clean and clearly welcoming to the public and with seating and other amenities to invite use; and,
- 6 designed for ease of operations and maintenance, to ensure minimum disruption to year-round use.

# Why are POPS important?

Every great city has great public spaces and those places create value. In addition to driving economic development, high-quality public spaces improve social well-being. POPS provide a critical public realm bridge between publicly-owned spaces and privately-owned buildings and spaces.

POPS can play a role in place-making and in supporting residents, employees and visitors of a place. The consideration and facilitation of POPS is supported by the City's Official Plan which speaks to the City and others collaborating on delivering facilities such as parks and open space and planning for development that provides for the creation of usable spaces on public and private lands to support the enjoyment of arts, culture, heritage, recreation and leisure opportunities.



# How will POPS be achieved?

The City will encourage developers to provide publicly accessible open spaces on larger developments through a variety of means, including the review of development applications (including Site Plan Review), through the consideration of Section 37 Bonusing applications, and through consideration of parkland dedication opportunities.

As a general rule, on larger development/redevelopment sites, the City's primary goal is to acquire parkland, consistent with the provisions of the Planning Act. However, POPS may form part of a parkland dedication contribution where the City is satisfied that the full amount of required parkland dedication on-site is not necessary, desirable or appropriate and subject to the following considerations:

- i)** The City may accept all or part of a POPS on a site as a portion of the required parkland dedication for a site or as a Community Benefit under a Section 37 Agreement. Where this is the case:
  - The POPS must be designed to the City's standard for parkland, or a higher standard
  - The City must be provided a satisfactory easement granting unimpeded public access to and through the POPS
  - The POPS must be signed to clearly identify the lands as publicly accessible, to the City's satisfaction
  - A satisfactory agreement must be registered on title of the lands providing for the on-going private maintenance of the site for the life of the development.
  
- ii)** The City will not accept POPS in lieu of a parkland dedication contribution or as a Section 37 Community Benefit:
  - Where the City is of the opinion a public park is necessary or desirable
  - Where the lands, or a portion thereof, are required on-site to meet zoning by-law requirements for Outdoor Common Area, Amenity Area or Landscaped Open Space
  - Where the lands are hazard lands
  - Where the lands contain commercial uses



## General Locational Criteria: **Where should POPS be located?**

Unless otherwise agreed to by the City:

- POPS must be at grade and have clear access and visibility to/ from adjacent public streets, parks or other public spaces (inviting, easily seen and read as open and welcoming to the public)
- POPS must be provided in locations that complement/expand existing or planned public spaces or POPS on adjacent lands, highlight important sites/areas (e.g., heritage structures/ views) and encourage public accessibility
- POPS should enhance prominent building entrances
- POPS must not be located adjacent to grade-related residential units on the same property
- POPS should face mostly south and/or mostly west

## General Site Design Criteria:

# How should POPS sites be designed?

POPS must be designed consistent with the City's Urban Design Manual guidelines for Amenity Areas. Unless otherwise agreed to by the City, the following shall apply:

- POPS must be designed to seamlessly transition from public to private space without significant changes in material, grade, or visual barriers that may imply that the space is private
- POPS must be sized commensurate with the size and level of activity on a site, and must be a meaningful space for users
- POPS must be well designed, and constructed with high quality materials
- POPS may be located adjacent to retail spill-out spaces or patios associated with commercial units, but those spill out spaces shall not count as contributing toward parkland dedication or community benefit requirements
- POPS must be regular in shape and generally have minimum dimensions of at least 6 m in width and length
- User access, safety, comfort and experience must be considered in the site design, including the application of AODA requirements, CPTED principles and microclimatic and four-season considerations; POPS must meet wind conditions, comfortable for sitting out at least 80% of the time during spring, summer and fall months, unless otherwise agreed to by the City
- All POPS must have accessible seating and adequate bicycle parking; additional amenities should be considered such as trees, art, water features, drinking fountains, Wi-Fi connection



- POPS must be located and designed to maximize sky views and sunlight; patios or other outdoor gathering spaces should be located in areas of sunlight
- Sites may be designed with changes in grade both from the public street and within open spaces, in order to provide visual interest, provided they remain accessible to all
- POPS must not be adjacent to service/delivery areas or parking areas with the exception of lands adjacent to public lanes that are undergoing or planned to undergo revitalization
- Must not contain large grates, vents or other at-grade/ above-grade infrastructure
- POPS must be protected from major external noise sources; consider using water features and landscape elements to mask unwanted noise
- POPS must complement existing on-site or adjacent heritage features and, where possible, provide and highlight views to heritage resources/ landmarks
- Adjacent buildings should be designed with ample windows/ entrances onto the POPS
- Where POPS are adjacent to other public spaces, apply similar landscape treatments on the private/ public lands to seamlessly integrate the urban landscapes and their public uses
- POPS should incorporate Low Impact Development features, wherever possible and appropriate
- POPs must be designed for sustainability and should incorporate vegetation; where tree plantings are required/ proposed, the site needs to provide high grade soils mixes, as well as adequate planting areas, drainage and depths





## General Operations Criteria: **How should POPS be operated?**

Unless otherwise agreed to by the City, POPS must:

- Be managed and maintained by the property owner/ manager; the City will require the owner to enter into an agreement with the City to secure park design standards and specifications, and public access and park maintenance arrangements, all to the satisfaction of the City
- Be open to the public consistent with the City's parks policies with respect to days/ hours of operation
- Remain as a common element in the event of a Plan of Condominium being approved
- Include signage and / or wayfinding design elements, to the satisfaction of the City, indicating the site as being open to the public and providing owner/ maintenance contact information