

# Frequently Asked Questions

## 55 Kerr Street Planning Applications

### City File OR03/19 (Updated 11/20/2019)

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#### **Q1 - What is proposed for the development?**

- A. The applicant is proposing to redevelop the property with two apartment towers containing a total of 592 dwellings. One tower is located along Kerr Street (the “north Tower”) has a proposed height of 30 storeys. The other tower is found in the south portion of the site near Shade Street (the “south Tower”) has a proposed height of 24 storeys. The proposed occupancy is condominium ownership. The north Tower includes a small area for commercial/retail uses. Two access driveways are proposed; one access off of Kerr Street and one from Shade Street. A total of 612 underground parking spaces in three underground storeys are proposed along with an additional 32 at-grade parking spaces. The proposed parking complies with the City’s parking requirements.

For the proposed development the applicant has applied to amend the Official Plan and the Zoning By-law.

The Official Plan Amendment is required to permit residential uses to be located at the street level of a mixed-use building.

The Zoning By-law Amendment is required in order to permit:

- Increased density
- Reduced dwelling unit size
- Reduced amenity area
- Increased building height

For further information about the application, visit:

[Link to Studies and Reports in Support of 55 Kerr Street Application](#)

#### **Q2 - What is the Growth Plan for the Greater Golden Horseshoe and how does it govern land use and density for the lands?**

- A. The Places to Grow Act, 2005 allows the Province of Ontario to designate growth plan areas and prepare regional growth plans. Growth plans are long-term plans

intended to manage growth, build complete communities, curb sprawl and protect the natural environment. They identify where and how growth should occur. The Growth Plan for the Greater Golden Horseshoe (“the Growth Plan”) designates 55 Kerr Street as a “Built-Up” area. Built-Up areas are intended to be the focus for new growth – specifically 45% of all new infilling residential development occurring annually is to be constructed within the Built-Up area. The Growth Plan requires that the annual intensification target increase to 50% by the time of the next municipal comprehensive review.

For further information about the Places to Grow Act, 2005 and the Growth Plan for the Greater Golden Horseshoe visit:

**[Link to the Provincial Growth Plan](#)**

**Q3 - What are Official Plans and what are the key policies of the Region of Waterloo and City of Cambridge Official Plans that apply to 55 Kerr Street?**

- A.** Official Plans are legal documents, required by the *Provincial Planning Act*, that describe a municipal council's vision, goals, objectives and policies on how land should be used through text, mapping and other figures. They are long-term plans that generally cover a 20-year period. Official Plans are prepared with input from a range of stakeholders (e.g. government agencies, community groups and the public). The Official Plan affects all land in the City.

Official Plans for upper-tier municipalities (e.g. Regional Municipality of Waterloo) deal with broad planning issues that affect more than one municipality. The Official Plans and Zoning By-laws of lower-tier municipalities (e.g. City of Cambridge) must conform to the upper-tier plan. All Official Plans must conform to the provincial Growth Plan.

Official Plans are “living” documents” that do change as a region or municipality evolves, either through Official Plan Amendments (OPA) or through comprehensive updates. The *Planning Act* requires that municipalities undertake a review of their Official Plan within 10-years of completing a comprehensive update of the Official Plan.

For further information about Official Plans visit:

**[Link to a Citizens Guide to Official Plans](#)**

***Waterloo Regional Official Plan (adopted in 2009 and approved 2015)***

The Regional Official Plan (ROP) applies to the seven lower-tier municipalities, which comprise Waterloo Region, one of which is the City of Cambridge. It includes estimates of population and employment growth by local municipality and provides direction on where and how future growth should be accommodated. According to the ROP, the City of Cambridge is forecasted to grow from 123, 900 to 176,000 by 2031.

The Regional Official Plan designates 55 Kerr Street as a “Built-Up” area and requires local (e.g. Cambridge) municipalities to achieve an annual intensification growth rate of 45%.

For further information about the Waterloo Region Official Plan visit:

***Link to Regional Official Plan***

***Cambridge Official Plan***

The City of Cambridge Official Plan is a policy document providing direction for general land use in the City and affects all land. The Plan provides policy requirements on matters relating to the natural environment, built heritage, urban design, parks and open space and infrastructure. Private development and public works are required to conform to the policies of the City’s Official Plan. The Plan supports long-term growth and development. It also provides a way to manage issues related to land use, while still meeting the interests of the City, and achieving conformity with the Region of Waterloo Official Plan and the Provincial Growth Plan for the Greater Golden Horseshoe.

The Cambridge Official Plan currently designates 55 Kerr Street under the following policy areas: ‘Community Core Area’, ‘Galt City Centre’ and ‘Regeneration Area’. Under these designations and policy areas the Official Plan supports a variety of higher density, transit oriented development. The subject lands are within an area intended for intensification.

Within the Community Core Areas the Official Plan promotes compact form and requires development to be compatible with existing and permitted uses, and other proposed development. Within Regeneration Areas the Official Plan permits a maximum density of 2 FSI (Floor Space Index) and a maximum height of eight storeys. FSI is a density measurement based on the ratio of the total floor area of a building(s) in relation to the size of the lot. A maximum 2 FSI means a building can have twice as much floor area as there is lot area. Furthermore, the Official

Plan allows a higher density and taller building height through bonusing provisions.

Within Community Core Areas residential uses are not permitted in the street level of mixed-use buildings.

For further information about the Cambridge Official Plan visit:

**[Link to City's Official Plan](#)**

**Q4 - What is a Zoning By-law? How is 55 Kerr Street Currently Zoned?**

- A. A Zoning By-law is regulatory document that implements the policies of an Official Plan by outlining specific development requirements and standards for all properties in the city. Zoning By-laws give a land use classification to each property, a specific list of permitted uses and parking requirements and provide minimum and maximum building sizes to regulate built form and massing (e.g. lot size, lot coverage, building height, density, setbacks from the property lines, etc.). A landowner may submit an application to amend the Zoning By-law.

The Cambridge City-wide Zoning By-law (150-85, as amended) currently zones the subject properties “Commercial and Residential Apartment” (C1RM1), “Open Space Class 1” (OS1) and special provision S.4.2.56. The C1RM1 Zone permits commercial uses and apartment dwellings subject to specific height and density limits. The applicant is proposing to amend the City’s Zoning By-law to permit increased height and density along with revisions to other regulations as explained in **Q6** below.

For further information about the Cambridge Zoning By-law No. 150-85 visit:

**[Link to Zoning By-law No 150-85](#)**

The City is currently reviewing the city-wide Zoning By-law to conform to the City’s 2012 Official Plan. For further information about this review please visit:

**[Link to Zoning By-law Review](#)**

**Q5 - What is a Site Plan Control / Approval and how does it apply to 55 Kerr Street?**

- A. Generally, Site Plan Control is a specialized authority granted under the *Planning Act* that allows municipalities to review and approve the technical and design details of individual development proposals in a comprehensive and coordinated manner. These

technical and design details may include, but are not limited to:

- Site design
- Building massing and exterior design
- Relationship of the proposal to the surrounding land uses
- Grading and site engineering
- Road widenings
- Driveways, curbing and traffic directional signs
- Loading and parking facilities
- Emergency vehicle routes
- Pedestrian accesses and circulation
- Landscaping, fencing and lighting
- Garbage storage facilities

A site plan application has been submitted for the 55 Kerr Street proposal. The detailed review of this application will commence should the Official Plan and Zoning By-law amendment applications be approved.

Within the City of Cambridge, Site Plan Review is required for new multiple unit residential, commercial, industrial, mixed use (e.g. residential, commercial and/or office on the same site), institutional and commercial parking lot development applications. Site Plan Applications are not required for single detached, semi-detached or tri-plex dwellings.

There is a Site Plan Review Committee made up of City Staff from various departments as well as external agencies (e.g. Energy+ (hydro), Grand River Conservation Authority, and Region of Waterloo). Site Plan review is not a public process, unless Council specifically requires consultation. Site plan approval is given by City staff. Prior to Site Plan Approval, the developer will be required to enter into a Site Plan Agreement with the City, which is registered on title with the property, and provide any required financial securities to ensure the developer's obligations through the site plan approval are met.

For further information on the City of Cambridge's Site Plan Approval Process Visit:

**[Link to Site Plan Review Brochure](#)**

**Q6 - Why are Amendments to the City of Cambridge Zoning By-law required?**

- A.** Any property owner can make an application to amend the zoning on their property. This is a public process that includes consultation with the

neighbourhood. A Zoning By-law Amendment is required for this development to site specifically rezone the subject property with the following key special provisions:

- An increase in the maximum density permitted from 250 units per hectare to 587 units per hectare
- An increase in the maximum building height from 34 m (111.5 ft.) to 91 m (298.5 ft.) (30 storeys)
- A reduction in the minimum size of a 1 bedroom dwelling unit from 50 sq. m (538.2 sq. ft.) to 46 sq. m (495.1 sq. ft.)
- A reduction in the minimum amenity area requirements.

**Q7 - How do the “Bonusing” Provisions of the Official Plan work?**

- A.** Until earlier this year the *Planning Act* included “Bonusing” or “Community Benefits” provisions that authorized the Council of a municipality, in a zoning by-law passed under section 34, to grant increases in the height and/or density of development otherwise permitted by the by-law that will be permitted in return “... for the provision of such facilities, services or matters that will benefit the community (i.e. community benefits) as are set out in the by-law”.

Within Regeneration Areas and Community Core Areas the Official Plan specifically indicates “... the City may permit a higher maximum height and/or density, without amending this Plan through the height and density bonusing provisions in Section 10.16”

Under Section 10.16 the Official Plan is a list of community benefits that are normally considered under the bonusing provision. Section 10.16 also states: “The City will review the following when considering a height and/or density bonus:

- a) suitability of the site for the proposed height and/or density in terms of parking, landscaping and other site-specific requirements;
- b) compatibility with the planned scale and character of the surrounding neighbourhood and impact on neighbouring land uses; and
- c) adequate addressing of community services, *infrastructure* and transportation impacts”.

The City has utilized bonusing in several other developments.

Recent changes to the Planning Act have altered how municipalities can use the “bonusing or community benefits” provisions. The City is currently reviewing

these changes. It is anticipated that the bonusing provisions will be removed once the City has a new “Community Benefit’s By-law in place.

For further information on the existing bonusing policies in the City of Cambridge Official Plan Visit:

**[Link to Cambridge Official Plan](#)**

**Q8 - What is the Local Planning Appeal Tribunal (LPAT)?**

**A.** The LPAT is an independent administrative tribunal responsible for hearing appeals and making decision on municipal planning matters. The LPAT is similar to a court of law, but with less formality. Tribunal members are appointed by the Ontario Cabinet and include lawyers, accountants, architects, planners and public administrators. It deals with appeals of land use planning matters under the *Planning Act*. Its main role in community planning is to hold public hearings on:

- Land use planning applications, such as land severances and minor variances; and
- Planning documents and applications, such as official plans and zoning by-laws.

Site plan and subdivision applications can only be appealed by developers – usually due to a municipality not making a decision about the application within the required time period under the Planning Act, or a developer appealing a condition(s) of approval on a site plan that they are not in agreement with.

For further information about the LPAT visit:

**[Link to Local Planning Appeal Tribunal](#)**

No appeal to the LPAT has been made for the requested amendment applications at this time and therefore the decision on the applications remains with Cambridge Council at this time.

**Q9 - What are the Next Steps for the review of the applications?**

**A. City Council**

A public meeting is scheduled for December 10, 2019. The public meeting affords members of the public with the opportunity to provide the Planning and Development Committee with comments on the applications.

Following the public meeting a recommendation report will be prepared by staff. The recommendation report will include consideration of comments from the public, agencies and Councillors during the neighbourhood meeting and the public meeting at the Planning & Development Committee. The recommendation report will be considered by the City's Planning and Development Committee and Council at a future meeting.

If the Official Plan amendment is adopted and approved and the Zoning By-law Amendment is approved, the developer will be required to receive additional approvals from the City and Region of Waterloo, outlined below:

**Site Plan Approval:**

The developer is required obtain site plan approval. The site plan review process looks at technical requirements such as engineering, building location and design, landscaping, lighting, garbage removal and parking. More information on this process is found under **Q5**.

**Building Permit:**

Following site plan approval, the developer is required to submit a building permit application demonstrating building design compliance with the Ontario Building Code.

**Condominium application:**

Following construction, a condominium application to create the individual condominium units may be approved by the Region of Waterloo.

**Q10 - Is the development low income housing?**

- A. The development is not planned for low income housing.

**Q11 - Why are apartments proposed?**

- A. Apartments are already a permitted use on the site.

**Q12 - How many units could fit on the site without site specific amendments?**

- A. Currently, the Zoning By-law permits a maximum of 250 units per hectare. Based on the site size of 1.01 hectares (2.5 acres) 252 dwelling units are permitted on the site.

**Q13 - How does access to the site work?**

- A. Two access driveways are proposed. One driveway will be from Kerr Street and other driveway from Shade Street.

**Q14 - How will garbage removal work?**

- A. Garbage removal will be private pick up. The developer's concept plan identifies garbage and recycling materials will be stored indoors prior to removal. Details regarding garbage removal will be required to be confirmed through site plan review if the zoning by-law amendment application is approved.

**Q15 - How will servicing work?**

- A. The development is proposed to be on municipal water, sewer and stormwater services.

**Q16 - Concern about property values.**

- A. The Municipal Property Assessment Corporation (MPAC) assesses the value of a property based on as many as 200 different factors. Five major factors usually account for 85% of a property's value including: 1) location; 2) lot size/dimensions; 3) living area; 4) age of the house and; 5) quality of construction. Property taxes are not calculated based on the market value but rather the assessed value of the property. The market value of a property depends on a host of factors including the state of the economy and the individual purchaser's preferences. Note that property values are not a consideration in land use planning recommendations.

**Q17 - If the developer makes changes to the development, will residents be notified?**

- A. Any changes to the proposal prior to a recommendation report will be documented in the final recommendation report. Residents who have requested to be informed about future meetings on the proposal will be notified when the recommendation report is going to the City's Planning and Development Committee. Site details may change through the detailed site plan review process if the Official Plan and zoning by-law amendments are approved. Site plan review is not a public process unless Council specifically requires consultation.

**Q18 - Will the developer need to do blasting due to the presence of bedrock? If damage occurs to foundations how will property owners be compensated?**

- A. Further follow up by staff is required to determine whether blasting will be required. Any damage through construction would be a private matter between property owners. A condition in the site plan control agreement could be applied to require an assessment of foundations of surrounding homes prior to construction commencing.

**Q19 - How much development can take place under the current zoning?**

- A. Currently the C1RM1 Zone permits up to 252 dwelling units with maximum building height of 34 m (115 ft.).

**Q20 - If the development is a condominium, does the City's property standards by-law apply?**

- A. All municipal by-laws will apply to the development, even if it is a condominium.

**Q21 - Where is the amenity space in the development? What is going in the amenity area?**

- A. The amenity space is proposed as common areas located within both buildings at grade as well as roof level garden spaces. The size of the common amenity area will be reviewed as part of the zoning by-law amendment application. Details regarding the design and use of each of the amenity areas will be assessed as part of the site plan application if the zoning by-law amendment application is approved.

**Q22 - What trees are proposed to be removed and what about boundary trees?**

- A. A tree management plan has been submitted which indicates what trees are proposed to be removed. The City has recently passed a tree by-law which regulates the injuring and removal of trees on private property. The developer will be required to conform to the tree by-law and protect trees on adjoining property.

Studies submitted in support of the application are found at the following link:

**[Link to Studies Submitted in Support of the Application](#)**

**Q23 - How will the site be lighted?**

- A. A detailed lighting plan has been submitted as part of the site plan review process. If the zoning by-law amendment is approved the City requires full cut off fixtures and prohibits light spilling onto adjoining private properties.

**Q24 - How will dust be suppressed on site?**

- A. If the Official Plan and zoning by-law amendment applications are approved the developer will be required to receive site plan approval from the City and enter into an agreement with the City. The site plan agreement will require the developer to suppress dust at the discretion of the City. This can include requiring the developer to use mud and debris tracking devices, apply dust suppressants or ground cover to areas that have been stripped.

**Q25 - Where will construction parking and staging be located?**

- A. The developer will be required to submit a construction staging plan as part of site plan approval if the development is approved.

**Q26 - What is the tenure of the development?**

- A. The City cannot regulate occupancy or tenure (rental versus ownership) through the Planning process. The developer has indicated that the occupancy or tenure of the proposed buildings has not been determined.

**Note: This Frequently Asked Questions document is intended to provide a short summary of a number of complex planning policies, regulations and processes. This document should be considered a working document which may be revised to incorporate questions and feedback as the processing of this application continues. Please refer to the provided links for additional information.**