

To: **COUNCIL**

Meeting Date: **09/14/21**

Subject: **Holding Removal 172 Forest Rd – Westside Presbyterian Church**

Submitted By: **Matthew Blevins, MCIP, RPP, Acting Manager Development Planning**

Prepared By: **Malcolm Duncan, MCIP, RPP, Planner 1**

Report No.: **21-237(CD)**

File No.: **R06/21**

Recommendations

THAT report 21-237(CD) – Holding Removal 172 Forest Rd – Westside Presbyterian Church be received;

AND THAT Cambridge Council approves the application to remove the (H) provision from the subject property;

AND FURTHER THAT the by-law attached to Report 21-237(CD) be passed.

Executive Summary

Purpose

- This report is for a zoning by-law amendment to remove the (H) provision from the subject property at 172 Forest Rd.
- Removal of the (H) holding provision will permit a parking lot expansion for the Westside Presbyterian Church and facilitate the future development of two single detached dwellings.

Key Findings

- Cambridge Council passed By-law 21-014 on March 2, 2021 to change the zoning on the subject property from R5 to (H)N1R5 S.4.1.393 and (H)R6 S.4.1.393.

- The holding provision was required until such time that both the Archaeological Assessment and an Acknowledgment Letter from the Ministry of Heritage, Sport, Tourism and Culture Industries had been received to the satisfaction of the Region of Waterloo.
- A copy of the Ministry's Acknowledgment Letter and the Archaeological Assessment have been received to the satisfaction of the Region of Waterloo, therefore the holding provision may be lifted.

Financial Implications

- A planning application fee to process the request for the removal of the holding provision in the amount of \$1,625 has been paid by the applicant to the City in accordance with the 2021 municipal fee listing.
- Financial implications regarding the proposed development as a result of the holding removal are as follows:
 - Fees paid to the City are estimated to be approximately \$50,000, and include application fees, permit fees and development charges.
 - Tax implication: The property as is has a tax rate of 0.0117722, the parcel to be used as a place of worship will become exempt from taxation. The two new lots with houses worth an estimated value of \$412,000 with the residential tax rate of 0.0117722 taxes would be \$4,850 for each house.

Background

A Zoning By-law Amendment was approved on March 2, 2021 to facilitate a parking lot expansion the future development of two single detached dwellings. A holding provision was applied to the zoning of the subject lands in order for the Archaeological Assessment and Letter of Acknowledgment from the Ministry of Heritage, Sport, Tourism and Culture Industries to be received to the satisfaction of the Region of Waterloo.

The Archaeological Assessment and Letter of Acknowledgment have been received, therefore the applicant is now requesting that the (H) holding provision be removed from the subject lands.

Analysis

Strategic Alignment

PEOPLE To actively engage, inform and create opportunities for people to participate in community building – making Cambridge a better place to live, work, play and learn for all.

Goal #2 - Governance and Leadership

Objective 2.4 Work collaboratively with other government agencies and partners to achieve common goals and ensure representation of community interests.

The (H) holding provision was included in collaboration with the Region of Waterloo in order to achieve the common goal of protecting cultural heritage. The Region has provided clearance on the proposed By-law amendment to remove the Holding provision (Attachment No. 3)

Comments

The applicant has submitted an Archaeological Assessment report to the Ministry of Heritage, Sport, Tourism and Culture Industries, which has been reviewed and accepted. A copy of the Ministry's Letter of Acknowledgement and the Archaeological Assessment report have been provided to the satisfaction of the Region of Waterloo's Planning, Development and Legislative Services Department.

Existing Policy/By-Law

City of Cambridge Official Plan, 2012

The subject property is designated as Low/Medium Density Residential in the City of Cambridge Official Plan (2012) and is zoned for institutional and single detached residential purposes.

A holding provision was applied in the zoning of the lands which prevents development until:

- The applicant has submitted an Archaeological Assessment report to the Ministry of Heritage, Sport, Tourism and Culture Industries to the satisfaction of the Region of Waterloo.

The Region of Waterloo has provided their clearance for the removal of the holding provision, which is contained in Attachment No. 3.

Financial Impact

- A planning application fee to process the request for the removal of the holding provision in the amount of \$1,625 has been paid by the applicant to the City in accordance with the 2021 municipal fee listing.
- Financial implications regarding the proposed development as a result of the holding removal are as follows:
 - Fees paid to the City are estimated to be approximately \$50,000 (application fees; permit fees and development charges).

- Tax implication: The property as is has a tax rate of 0.0117722, the parcel to be used as a place of worship will become exempt from taxation. The two new lots with houses with an estimated value of \$412,000 with the residential tax rate of 0.0117722 taxes would be \$4,850 for each house.

Public Input

The Planning Act does not require public input on a Zoning By-law Amendment that proposes to remove the (H) Holding provision. Notice was provided to those who had requested through the original Zoning By-law Amendment application process. A notice of intention to pass the holding removal By-law was provided to the Cambridge Times on August 12, 2021.

Internal/External Consultation

The condition imposed through the (H) Holding provision is to the satisfaction of the Region of Waterloo. The application has been circulated to the Region, and Regional staff have provided their clearance.

Conclusion

The subject property was placed in a (H) Holding provision until such time that the Archaeological Assessment and Letter of Acknowledgement from the Ministry had been received to the satisfaction of the Region of Waterloo. The applicant has provided the Archaeological Assessment and Letter of Acknowledgement from the Ministry.

Approval of the application to remove the holding provision aligns with the strategic plan objective of working collaboratively with other government agencies, as the holding was put in place to satisfy the Region of Waterloo's requirements.

Signature

Division Approval

Name: N/A

Title: N/A

Reviewed by the CFO

Reviewed by Legal Services

Departmental Approval



Name: Hardy Bromberg

Title: Deputy City Manager, Community Development

City Manager Approval

A handwritten signature in black ink that reads "David Calder". The signature is fluid and cursive, with the first name "David" and last name "Calder" clearly distinguishable.

Name: David Calder

Title: City Manager

Attachments

- Attachment No. 1 – Map of the subject lands
- Attachment No. 2 – By-law No. 21-XXX
- Attachment No. 3 – Region of Waterloo Clearance
- Attachment No. 4 – Ministry Acknowledgement

Attachment No. 1 – Map of the subject lands



Map 2



Q:\CORP\TSS\B01022_01_GIS\Information Products\Site Plans\Map 172\Fore-Rd.mxd - web.htm
Wednesday, April 08, 2020 10:31:26 AM

Attachment No. 2 – By-law No. 21-XXX

Purpose and Effect of By-law No. 21-XXX

172 Forest Road

The Purpose of the proposed By-law is to amend the zoning for the parcel of land legal described as Lots 4 and 5, Plan 45, municipally known as 172 Forest Rd by removing the “Holding” – H provision from Schedule ‘A’ of Zoning By-law 150-85. The subject property is zoned for institutional and residential uses. In order to remove the Holding provision, the application has satisfied the requirements of the Region of Waterloo by submitting an Archaeological Assessment and Letter of Acknowledgment from the Ministry of Heritage, Sport, Tourism and Culture Industries to the satisfaction of the Region of Waterloo.

The Effect of the By-law will be to facilitate the parking lot expansion for the Westside Presbyterian Church and the future development of two single detached dwellings on separate lots.



BY-LAW 21-XXX
OF THE
CITY OF CAMBRIDGE

Being a By-law of the Corporation of the City of
Cambridge to amend Zoning By-law No. 150-85, as
Amended with respect to the land municipally known as
172 Forest Rd. (R06/21)

WHEREAS Council of the City of Cambridge has the authority pursuant to Section 34 and Section 36 of the Planning Act, R.S.O. 1990, c. P. 13, as amended to pass this By-law;

AND WHEREAS the Council of the City of Cambridge has deemed it advisable to amend Zoning By-law No. 150-85, as amended, and therefore implement the Official Plan of the City of Cambridge;

AND WHEREAS this By-law conforms to the Official Plan of the City of Cambridge;

AND WHEREAS Council deems that notice of intention to adopt the By-law was provided in accordance with the Planning Act

NOW THEREFORE BE IRE RESOLVED THAT the Corporation of the City of Cambridge enacts as follows:

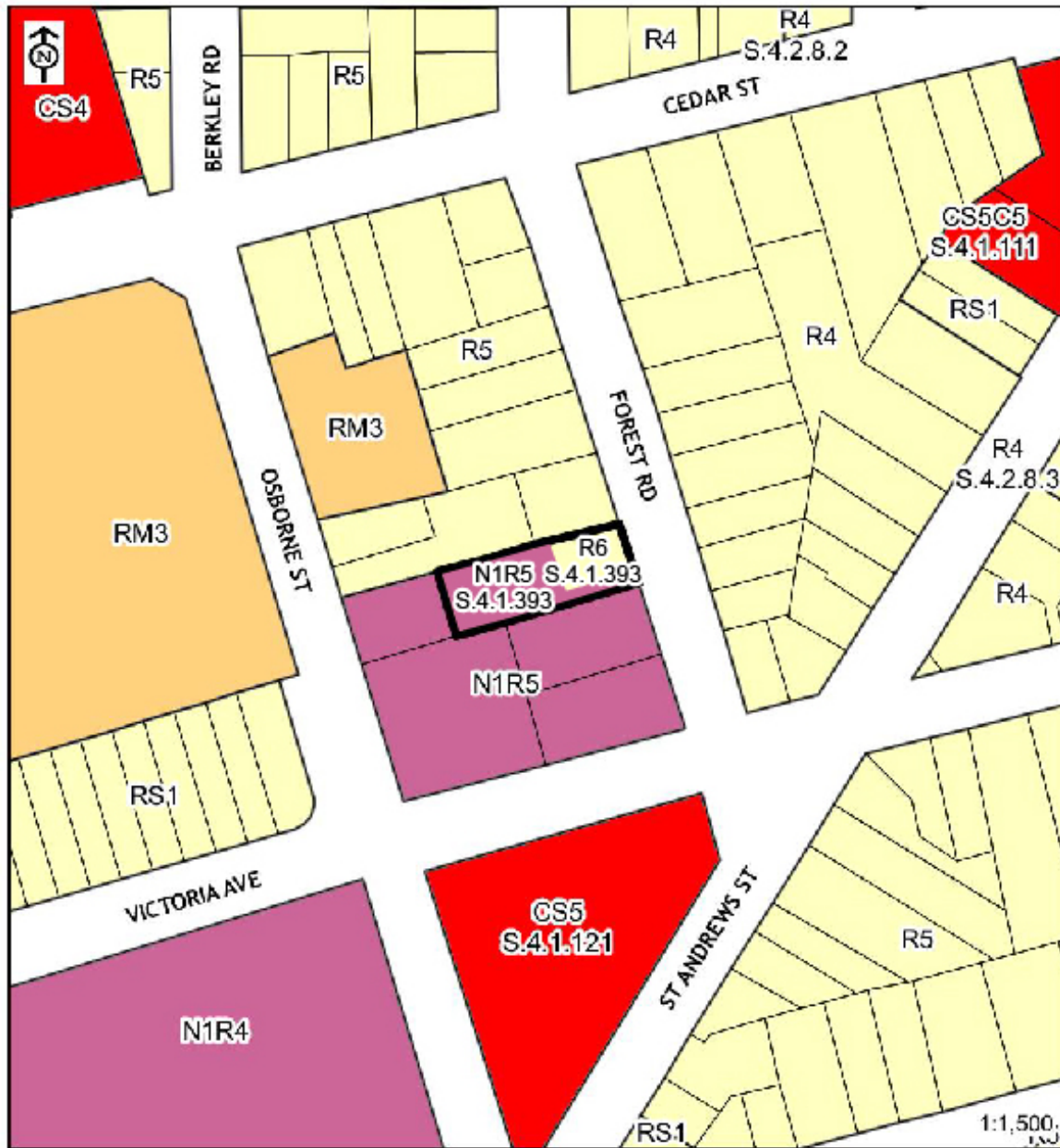
1. THAT the City of Cambridge Zoning By-law, being Schedule A to By-law No. 150-85, be and the same is hereby amended by removing the Holding Symbol (H) from the zone symbols affecting the lands shown outlined by a heavy black line on Schedule 'A' hereto attached.
2. THAT subject to section 36(4) of the Planning Act (R.S.O. 1990, c. P.13) as amended, this by-law shall come into force on the day of its passing.

PASSED AND ENACTED this 14th day of September 2021.

MAYOR

CLERK

Schedule A



This is Schedule A attached to and forming part of
By-law



Lands affected by the by-law

Zoning Classification

- MEDIUM HIGH DENSITY RESIDENTIAL
- LOW DENSITY RESIDENTIAL

INSTITUTIONAL

COMMERCIAL



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Attachment No. 3 – Region of Waterloo Clearance



PLANNING, DEVELOPMENT
AND LEGISLATIVE SERVICES
Community Planning
150 Frederick Street 8th Floor
Kitchener Ontario N2G 4J3 Canada
Telephone: 519-575-4400
TTY: 519-575-4608
Fax: 519-575-4466
www.regionofwaterloo.ca

File: C14-60/21006
August 10, 2021

Matthew Blevins
Manager of Development Review
City of Cambridge
50 Dickson Street
Cambridge, ON N1R 5W8

Dear Mr. Blevins:

Re: Clearance for Removal of Holding Provision – HN1RS S.4.1.393 and
HR6 s. 4.1.393
By-law No. 21-014/ (ZBA Application R21/06)
MHBC Planning on behalf of Westside Presbyterian Church
172 Forest Road
City of Cambridge

In accordance with By-law No. 17-035 of the Regional Municipality of Waterloo, please accept the following recommendation regarding the above-noted application on behalf of the Council of the Regional Municipality of Waterloo.

In 2020, the applicant submitted a zone change application to rezone the entirety of the lands from the Residential Five (R5) Zone to the N1RS and R6 Zone with a Special Regulation 4.1.393. A holding provision was placed on the property to address archaeological concerns (HN1RS S.4.1.393 and HR6 s. 4.1.393). Cambridge City Council approved By-law 21-014 on March 2, 2021.

The applicant has submitted a request to lift all holding provisions contained in By-law 21-014 on June 22, 2021. The holding provision requires Regional sign off:

Holding provision HN1RS S.4.1.393 and HR6 s. 4.1.393:

Holding Provision HN1RS S.4.1.393 and HR6 s. 4.1.393 requires the applicant to submit an Archaeological Assessment Report to the Ministry of Tourism and Culture Industries and once reviewed and accepted, the Ministry Acknowledgement letter and

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Document Number: 3706774

Version: 1

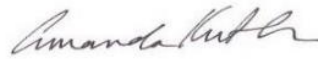
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Archaeological Reports shall be submitted to the satisfaction of the Regional Municipality of Waterloo.

The Stage1-2 Archaeological Assessment and Ministry Acknowledgement Letter was received June 22, 2021. The Region is satisfied that the applicant has met the requirements of HN1RS S.4.1.393 and HR6 s. 4.1.393 and have no objection to the City of Cambridge lifting holding provision HN1RS S.4.1.393 and HR6 s. 4.1.393 **for 172 Forest Road.**

Should you have any questions, please do not hesitate to contact Melissa Mohr, Principal Planner, at mmohr@regionofwaterloo.ca.

Yours truly,



Amanda Kutler, MCIP, RPP
Manager, Development Planning

cc. Malcolm Duncan, Planner, City of Cambridge
Andrea Sinclair, MHBC Planning

Attachment No. 4 – Ministry Acknowledgment

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**Ministry of Heritage, Sport, Tourism, and
Culture Industries**

Archaeology Program Unit
Programs and Services Branch
Heritage, Tourism and Culture Division
401 Bay Street, Suite 1700
Toronto ON M7A 0A7
Tel.: (416) 314-7137
Email: Jessica.Marr@ontario.ca

**Ministère des Industries du patrimoine, du sport, du
tourisme et de la culture**

Unité des programmes d'archéologie
Direction des programmes et des services
Division du patrimoine, du tourisme et de la culture
401, rue Bay, bureau 1700
Toronto ON M7A 0A7
Tél. : (416) 314-7137
Email: Jessica.Marr@ontario.ca



Jun 17, 2021

Robb Bhardwaj (P449)
ASI Archaeological and Cultural Heritage Services
200-2321 Fairview Burlington ON L7R 2E3

RE: Entry into the Ontario Public Register of Archaeological Reports: Archaeological Assessment Report Entitled, "STAGE 1 AND 2 ARCHAEOLOGICAL ASSESSMENT OF 130 VICTORIA AVENUE, LOT 4 AND PART OF LOT 5 WFR AND PART OF LOTS 4 AND 5 EOS, REGISTERED PLAN 451, PART OF LOT 3 W OF GR & RIVER, CONCESSION 10, GEOGRAPHIC TOWNSHIP OF NORTH DUMFRIES, CITY OF CAMBRIDGE, WATERLOO COUNTY, ONTARIO", Dated Nov 18, 2020, Filed with MHSTCI Toronto Office on Dec 22, 2020, MHSTCI Project Information Form Number P449-0462-2020

Dear Mr. Bhardwaj:

The above-mentioned report, which has been submitted to this ministry as a condition of licensing in accordance with Part VI of the *Ontario Heritage Act*, R.S.O. 1990, c 0.18, has been entered into the Ontario Public Register of Archaeological Reports without technical review.¹

Please note that the ministry makes no representation or warranty as to the completeness, accuracy or quality of reports in the register.

Should you require further information, please do not hesitate to send your inquiry to Archaeology@Ontario.ca

cc. Archaeology Licensing Officer
Andrea Sinclair, MHBC
Doug Kelly, Westside Presbyterian Church
Laura Waldie, Cambridge Municipal Heritage Committee

¹In no way will the ministry be liable for any harm, damages, costs, expenses, losses, claims or actions that may result: (a) if the Report(s) or its recommendations are discovered to be inaccurate, incomplete, misleading or fraudulent; or (b) from the issuance of this letter. Further measures may need to be taken in the event that additional artifacts or archaeological sites are identified or the Report(s) is otherwise found to be inaccurate, incomplete, misleading or fraudulent.