Corporation of the City of Cambridge
Special Council Meeting
Agenda

Date: July 13, 2021, 5:00 p.m.
Location: Virtual Meeting

COVID-19
Due to COVID-19 and recommendations by Waterloo Region Public Health to exercise social distancing, members of the public are invited to submit written comments or requests to delegate via telephone related to items on the agenda.

The public wishing to speak at Council may complete an online Delegation Request form no later than 12:00 p.m. on the day of the meeting for Special Council Meetings occurring at 5:00 p.m. and no later than 12:00 p.m. the day before the meeting for Special Council — Statutory Public Meetings occurring at 10:00 a.m.

All written delegation submissions will form part of the public record.

1. Meeting Called to Order
2. Indigenous Territory Acknowledgement
3. Disclosure of Pecuniary Interest
4. Presentations
        Recommendation Report: 1656 & 1660 Blair Road, Zoning Bylaw Amendment – Alin Dinu
   4.2. Matthew Blevins, Manager of Development Planning re: 21-037(CD) 155 & 171 Guelph Avenue, Zoning By-law Amendment and Draft Plan of Subdivision – Polocorp Inc
5. Delegations and Consideration of Related Reports
   5.1. Matthew Warzecha, Project Manager/Planner, Polocorp Inc re: 21-037(CD) 155 & 171 Guelph Avenue, Zoning By-law Amendment and Draft Plan of Subdivision – Polocorp Inc
6. Consent Agenda
   The Consent Agenda groups reports together that are of a routine nature and provides opportunity to vote on one motion rather than separate motions.
However, Staff may not be in attendance to respond to queries on items contained in the Consent Agenda. Council Members wishing to pull an item from Consent Procedure should notify the City Clerk. Members will also have the opportunity to pull the item at the Meeting.

6.1. Special Council Minutes- June 29th, 2021
6.2. Economic Development Advisory Committee Meeting Minutes- May 12, 2021
6.3. Youth Advisory Committee Meeting Minutes- May 13, 2021
6.4. 21-200(CRS) T21-28 Stormwater Management Ponds 163 and 155/156 Rehabilitation

7. Consideration of Reports

7.1. Corporate Services
7.2. Corporate Enterprise
7.3. Community Development

7.3.1. 21-120(CD) Request to Designate a Property of Cultural Heritage Value Under Part IV of the Ontario Heritage Act, Remove the Stone Tower for Conservation and Permit Demolition of Secondary Buildings – 171 Guelph Avenue (Forbes Estate)

7.3.2. 21-037(CD) 155 & 171 Guelph Avenue, Zoning By-law Amendment and Draft Plan of Subdivision – Polocorp Inc

7.3.3. 21-170(CD) – West River Road School Zone Designation

7.3.4. 21-195(CD) – Request to Alter a Part IV Designated Property – 200 Water Street North (Galt Collegiate Institute)

7.3.5. 21-029(CD) Recommendation Report: 1656 & 1660 Blair Road, Zoning Bylaw Amendment – Alin Dinu

7.3.6. 21-152(CD) Corridor Management By-law

7.4. Infrastructure Services

7.4.1. 21-211(IFs) Forestry Services Backlog – Additional Funding

8. Other Business

9. Closed Session

10. Motions

11. Motion to Receive and File

12. Consideration of By-laws

THAT the following by-laws listed under the heading of Introduction and Consideration of By-laws be enacted and passed:

21-047 Being a by-law to amend Zoning By-law No. 150-85, as amended, with respect to land municipally known as 155 & 171 Guelph Avenue
21-048  Being a by-law to amend Zoning By-law No. 150-85, as amended, with respect to land municipally known as 1660 Blair Road and 1656 Blair Road (R05/19)

21-049  Being a by-law to amend By-law 187-06 being a by-law for the regulation of Traffic and Parking (West River Road)

21-050  Being a by-law to regulate the use of, and the installations and erections on, highways, municipal road allowances and rights-of-way and public lands under the jurisdiction of The Corporation of the City of Cambridge and to repeal By-laws 165-08, 167-08, 168-08, 78-11, 31-04 and 17-126 (CORRIDOR BY-LAW)

13. **Confirmatory By-law**

THAT By-law 21-051 Being a by-law to confirm the proceedings of the Council of the Corporation of the City of Cambridge be enacted and passed.

14. **Adjournment**
1. **Meeting Called to Order**

The meeting of the Council of the Corporation of the City of Cambridge is held virtually via Microsoft Zoom and live streamed to the City of Cambridge website. Deputy Mayor Mann welcomes everyone present and calls the meeting to order at 10:01 a.m.

2. **Indigenous Territory Acknowledgement**
3. Disclosure of Pecuniary Interest

None.

4. Public Meeting Notice

5. Public Meeting

5.1 21-169(CD) Public Meeting Report – 130 Water Street North & 0 Park Hill Road West – Cambridge Developments Inc. & Grand River Conservation Authority

Motion: 21-089
Moved by Councillor Liggett
Seconded by Councillor Ermeta

THAT report 21-169(CD) Public Meeting Report – 130 Water Street North & 0 Park Hill Road West – Cambridge Developments Inc. & Grand River Conservation Authority be received;

AND THAT the application OR05/21 for 130 Water Street North & 0 Park Hill Road West be referred back to staff for a subsequent report and staff recommendation.

In Favour (8): Mayor McGarry, Councillor Reid, Councillor Liggett, Councillor Wolf, Councillor Adshade, Councillor Hamilton, Councillor Ermeta, and Deputy Mayor Mann

Absent (1): Councillor Devine

Carried (8 to 0)

5.1.1 Staff Presentation- Matthew Blevins, Manager of Development Planning

5.1.2 Consultant Presentation - Representatives from The Cambridge Mill (Aaron Ciancone, President/CEO), The Planning Partnership (Michael Ormston-Holloway, Principle Landscape Architect), Martin Simmons Architects (Patrick Simmons, Principle Architect), and Urban Solutions (Matt Johnston, Principle Planner)

5.1.3 Delegations

5.1.3.1 Dan Clements
5.1.3.2 Darren Drouillard, Chair, Cambridge Chamber of Commerce
5.1.3.3 Scott Higgins, President, HIP Developments
5.1.3.4 Manuel Goncalves
5.1.3.5 Michael Bean
5.1.3.6 Brian Kennedy, Executive Director, Downtown Cambridge BIA
5.1.3.7 Rob Watts on behalf of Robin Thomas
5.1.3.8 Douglas Craig, Foxrun Community Group
5.1.3.9 Jen Clarke, Concerned Citizens of Cambridge
5.1.3.10 Cory Hambleton, Concerned Citizens of Cambridge
5.1.3.11 Yuri Langlois
5.1.3.12 Karen Scott Booth, Architectural Conservancy Ontario
5.1.3.13 Lorri Detta
5.1.3.14 John Wright
5.1.3.15 Cliff Rego
5.1.3.16 Alex Kastner on behalf of Rick Haldenby

At this time, 2:30 p.m., Councillor Devine left the meeting.

6. Note: At this time, Council reconvened at 5:00 p.m. with Mayor McGarry in the Chair.

7. Delegations

7.1 Muhammad Faisal Islam re: 21-156 (OCM) 4910 Townline Road – Application for Approval to Expropriate
7.2 Tamara Hetherington re: 21-156 (OCM) 4910 Townline Road – Application for Approval to Expropriate
7.3 Tom Hetherington re: 21-156 (OCM) 4910 Townline Road – Application for Approval to Expropriate
7.4 Jason and Ranya Bailey re: 21-156 (OCM) 4910 Townline Road – Application for Approval to Expropriate
7.5 Vignarajah Balasubramanium re: 21-156 (OCM) 4910 Townline Road – Application for Approval to Expropriate

7.6 Phil Osburn re: 21-156 (OCM) 4910 Townline Road – Application for Approval to Expropriate – Withdrew

7.7 Audrey Geier re: 21-156 (OCM) 4910 Townline Road – Application for Approval to Expropriate

7.8 Carol Thorman, Vice Chair, Community Wellbeing Advisory Committee re: 21-006 (CRS) Advisory Committee Consolidated 2020 Annual Report and 2021 Priorities

8. Presentations

8.1 Mary Kennedy, Project Management Office Analyst re: 21-146(IFS) Project Management Office – Status Update

8.2 Mohammed Mamun, Chief Information Officer re: 21-168 (CRS) Disposition of IT Hardware and surplus items

8.3 Jennifer Shaw, Manager of Council Committee Services/ Deputy City Clerk re: 21-006 (CRS) Advisory Committee Consolidated 2020 Annual Report and 2021 Priorities

9. Consent Agenda

Motion: 21-090
Moved by Councillor Devine
Seconded by Councillor Hamilton

THAT all items listed under the heading of Consent Agenda for June 29, 2021 be adopted as recommended.

In Favour (9): Mayor McGarry, Councillor Reid, Councillor Devine, Councillor Mann, Councillor Liggett, Councillor Wolf, Councillor Adshade, Councillor Hamilton, and Councillor Ermeta

Carried (9 to 0)

9.1 Special Council Minutes - June 8, 2021

9.2 Council Information Package - June 11, 2021

9.3 Municipal Heritage Advisory Committee Minutes - April 15, 2021

9.4 Committee of Adjustment Minutes - April 20 and April 22, 2021
9.5 21-145(IFS) Capital Projects Status and Forecast Update
9.6 21-157(CD) 85 Boxwood Drive – Development Charges Deferral
9.7 21-160(CRS) 2021 Operating Financial Update – April Forecast
9.8 21-182(CD) Waterloo Region Camp Subsidy Program
9.9 Council Information Package - June 25, 2021

10. Consideration of Reports

10.1 Office of the City Manager

10.1.1 21-156 (OCM) 4910 Townline Road – Application for Approval to Expropriate

Motion: 21-091
Moved by Councillor Wolf
Seconded by Councillor Liggett

THAT the notice requirements of the procedure by-law be waived to consider a matter in Closed Session.

In Favour (9): Mayor McGarry, Councillor Reid, Councillor Devine, Councillor Mann, Councillor Liggett, Councillor Wolf, Councillor Adshade, Councillor Hamilton, and Councillor Ermeta

Carried (9 to 0)

Motion: 21-092
Moved by Councillor Wolf
Seconded by Councillor Hamilton

THAT in accordance with Section s.239 (2) (c) of the Municipal Act, 2001, Council convene in Closed Session at 6:19 p.m. to consider the following subject matter:

(c) a proposed or pending acquisition or disposition of land by the municipality
In Favour (9): Mayor McGarry, Councillor Reid, Councillor Devine, Councillor Mann, Councillor Liggett, Councillor Wolf, Councillor Adshade, Councillor Hamilton, and Councillor Ermeta

Carried (9 to 0)

Motion: 21-093
Moved by Councillor Reid
Seconded by Councillor Mann

THAT Council rise at 6:42 p.m. and reconvene in Open Session.

In Favour (9): Mayor McGarry, Councillor Reid, Councillor Devine, Councillor Mann, Councillor Liggett, Councillor Wolf, Councillor Adshade, Councillor Hamilton, and Councillor Ermeta

Carried (9 to 0)

Motion: 21-094
Moved by Councillor Devine
Seconded by Councillor Reid

THAT the initiation of the expropriation process be authorized by way of approving the application to expropriate the property municipally known as 4910 Townline Road, Cambridge, ON N3C 2V3, and legally described as PT LT 13 CON 4 BEASLEY’S LOWER BLK TWP OF WATERLOO BEING PT 1 ON 58R-15448. CAMBRIDGE (the “Property”);

AND THAT the Manager of Realty Services be authorized to execute and serve the Form 1 - Notice of Application for Approval to Expropriate Land (the “Notice”) on the registered owner(s) of the Property, and to publish the Notice in a local newspaper, subject to the satisfaction of the City Solicitor and in accordance with the Expropriations Act.
In Favour (8): Mayor McGarry, Councillor Reid, Councillor Devine, Councillor Mann, Councillor Liggett, Councillor Adshade, Councillor Hamilton, and Councillor Ermeta

Opposed (1): Councillor Wolf

Carried (8 to 1)

10.2 Corporate Services

At this time, 7:30 p.m., Councillor Devine left the meeting.

10.2.1 21-168 (CRS) Disposition of IT Hardware and surplus items

Motion: 21-095
Moved by Councillor Adshade
Seconded by Councillor Reid

THAT report 21-168 (CRS) Disposition of IT Hardware and surplus items be received.

In Favour (8): Mayor McGarry, Councillor Reid, Councillor Mann, Councillor Liggett, Councillor Wolf, Councillor Adshade, Councillor Hamilton, and Councillor Ermeta

Absent (1): Councillor Devine

Carried (8 to 0)

10.2.2 21-006 (CRS) Advisory Committee Consolidated 2020 Annual Report and 2021 Priorities

Motion: 21-096
Moved by Councillor Liggett
Seconded by Councillor Wolf

THAT Report 21-006 (CRS) Advisory Committee Consolidated 2020 Annual Report and 2021 Priorities, be received;

AND FURTHER THAT the 2021 work plans outlined in Appendices B and C to Report 21-006 (CRS), be endorsed.
In Favour (8): Mayor McGarry, Councillor Reid, Councillor Mann, Councillor Liggett, Councillor Wolf, Councillor Adshade, Councillor Hamilton, and Councillor Ermeta

Absent (1): Councillor Devine

Carried (8 to 0)

10.3 Corporate Enterprise

10.3.1 21-151 (CRE) Core Areas Community Improvement Plan (CIP)

Motion: 21-097
Moved by Councillor Ermeta
Seconded by Councillor Mann

THAT Report 21-151 (CRE), Core Areas Community Improvement Plan (CIP) and the accompanying new financial incentive programs be received;

AND THAT the by-law attached to Report 21-151 (CRE) enacting the new Core Areas Community Improvement Plan and repealing the three previous Core Areas Community Improvement Plans; the City Centre Community Improvement Plan, the Central Preston Community Improvement Plan and the West Hespeler Community Improvement Plan and any amendments thereto be passed;

AND THAT the by-law attached to Report 21-151 (CRE) amending the Core Areas Community Improvement Project Areas By-Law No. 20-088 to add additional area to the Hespeler Village Community Improvement Project Area be passed;

AND THAT the transfer of the remaining Business Revitalization Program (BRP) funding accounts to the Core Areas Transformation Fund be approved and the annual payment to the BRP operating account be redirected to the Core Areas Transformation Fund reserve;

AND FURTHER THAT the Region of Waterloo be requested to consider participation in the Tax Increase-based Equivalent Grant Program (TIEG).
In Favour (7): Mayor McGarry, Councillor Reid, Councillor Mann, Councillor Wolf, Councillor Adshade, Councillor Hamilton, and Councillor Ermeta

Absent (2): Councillor Devine, and Councillor Liggett

Carried (7 to 0)

At this time, (8:00 p.m.), Councillor Liggett left the meeting.

10.4 Community Development

10.4.1 21-179(CD) Green and Inclusive Community Buildings Program

Motion: 21-098
Moved by Councillor Wolf
Seconded by Councillor Reid

THAT Report 21-179(CD) Green and Inclusive Community Buildings Program be received;

AND THAT staff be directed to submit an application to the Federal Green and Inclusive Community Buildings Program for the Recreation Complex project for the maximum eligible amount of $25 million;

AND THAT the Municipal Green Building Policy 30.160 be waived to meet funding criteria required to achieve a net-zero carbon building and approve the estimated cost increase of $4 million to be funded from A/00463-41 Project Construction;

AND THAT should funding through the Green and Inclusive Community Buildings Program not be received that the minimum requirement of LEED Gold be maintained as per the Municipal Green Policy 30.160;

AND FURTHER THAT the Chief Financial Officer and the City Manager be authorized to sign documentation and/or agreements pertaining to the Green and Inclusive Community Buildings Program application, subject to the satisfaction of the City Solicitor.
In Favour (7): Mayor McGarry, Councillor Reid, Councillor Mann, Councillor Wolf, Councillor Adshade, Councillor Hamilton, and Councillor Ermeta

Absent (2): Councillor Devine, and Councillor Liggett

Carried (7 to 0)

10.4.2 21-186(CD) Additional Design Fees for Preston Auditorium Expansion Project

Motion: 21-099
Moved by Councillor Reid
Seconded by Councillor Mann

THAT Report 21-186(CD) Additional Design Fees for Preston Auditorium Expansion Project be received;

AND THAT as a result of Council direction from the May 11, 2021 meeting to further review design options of the Preston Auditorium Expansion Project, additional design fees will be required;

AND FURTHER THAT the increase of an additional $18,750 in design fees for project A/00420-30 - Preston Auditorium Design, to be funded from debentures in the amount of $14,160 and Development Charges in the amount of $4,590 be approved.

In Favour (7): Mayor McGarry, Councillor Reid, Councillor Mann, Councillor Wolf, Councillor Adshade, Councillor Hamilton, and Councillor Ermeta

Absent (2): Councillor Devine, and Councillor Liggett

Carried (7 to 0)
10.4.3 21-187(CD) Amendment to the Memorandum of Understanding between the City of Cambridge and the Waterloo Region District School Board and the Waterloo Catholic District School Board at the Recreation Complex

Motion: 21-100
Moved by Councillor Hamilton
Seconded by Councillor Adshade

THAT Report 21-187(CD) Amendment to the Memorandum of Understanding between the City of Cambridge and the Waterloo Region District School Board and the Waterloo Catholic District School Board be received;

AND THAT the Mayor and Clerk be authorized to sign the Amendment to the Memorandum of Understanding, subject to the satisfaction of the City Solicitor.

In Favour (7): Mayor McGarry, Councillor Reid, Councillor Mann, Councillor Wolf, Councillor Adshade, Councillor Hamilton, and Councillor Ermeta

Absent (2): Councillor Devine, and Councillor Liggett

Carried (7 to 0)

10.5 Infrastructure Services

10.5.1 21-146(IFS) Project Management Office – Status Update

Motion: 21-101
Moved by Councillor Reid
Seconded by Councillor Ermeta

THAT report 21-146(IFS) Project Management Office – Status Update be received.

In Favour (7): Mayor McGarry, Councillor Reid, Councillor Mann, Councillor Wolf, Councillor Adshade, Councillor Hamilton, and Councillor Ermeta

Absent (2): Councillor Devine, and Councillor Liggett

Carried (7 to 0)
11. **Unfinished Business**

   None.

12. **Correspondence**

   12.1 Mary Shum re: 21-169(CD) Public Meeting Report – 130 Water Street North & 0 Park Hill Road West – Cambridge Developments Inc. & Grand River Conservation Authority

   12.2 Jen Clarke re: 21-169(CD) Public Meeting Report – 130 Water Street North & 0 Park Hill Road West – Cambridge Developments Inc. & Grand River Conservation Authority

   12.3 Margaret Taggart re: 21-169(CD) Public Meeting Report – 130 Water Street North & 0 Park Hill Road West – Cambridge Developments Inc. & Grand River Conservation Authority

   12.4 Alireza Allahverdi re: 21-169(CD) Public Meeting Report – 130 Water Street North & 0 Park Hill Road West – Cambridge Developments Inc. & Grand River Conservation Authority

   12.5 Jonathan Piasecki Petition re: 21-169(CD) Public Meeting Report – 130 Water Street North & 0 Park Hill Road West – Cambridge Developments Inc. & Grand River Conservation Authority

   12.6 **Carol Thorman re: 21-169(CD) Public Meeting Report – 130 Water Street North & 0 Park Hill Road West – Cambridge Developments Inc. & Grand River Conservation Authority**

13. **Motion**

   13.1 Councillor Hamilton

      Motion: 21-102
      Moved by Councillor Hamilton
      Seconded by Councillor Wolf

      WHEREAS projections for the City of Cambridge indicate substantial and increased population growth in upcoming years and decades;
      WHEREAS population growth will necessitate increased densification and intensification in core areas of Galt, Preston, and Hespeler;
      WHEREAS Cambridge possesses exceptional geographical, historical, and natural attributes that are unique amongst Canadian cities, yet are
under-utilized or under-developed, in comparison to their potential and their capacity to delight current and future residents and tourists alike;

WHEREAS 'placemaking' is an essential component, not only of city-building and connecting residents with their built and natural environments, but of Cambridge's Core Area Transformation Fund;

THEREFORE BE IT RESOLVED that staff be directed to provide Council with a report following a review on placemaking projects for future and current members of our Cambridge Community in each Core Areas of Hespeler, Preston, and Galt, which embrace novel, unique, and progressive ways of incorporating the river(s), local businesses, and physical activities such as cycling and walking paths, into the landscape.

In Favour (7): Mayor McGarry, Councillor Reid, Councillor Mann, Councillor Wolf, Councillor Adshade, Councillor Hamilton, and Councillor Ermeta

Absent (2): Councillor Devine, and Councillor Liggett

Carried (7 to 0)

14. **Motion to Receive Correspondence and Presentations**

Motion: 21-103
Moved by Councillor Reid
Seconded by Councillor Mann

THAT all correspondence and presentations for the June 29, 2021 Special Council meeting be received.

In Favour (7): Mayor McGarry, Councillor Reid, Councillor Mann, Councillor Wolf, Councillor Adshade, Councillor Hamilton, and Councillor Ermeta

Absent (2): Councillor Devine, and Councillor Liggett

Carried (7 to 0)

15. **Introduction and Consideration of By-laws**

Motion: 21-104
Moved by Councillor Wolf
Seconded by Councillor Adshade
THAT the following by-laws listed under the heading of Introduction and Consideration of By-laws be enacted and passed:

21-044 Being a by-law of the Corporation of the City of Cambridge to implement the Core Areas Community Improvement Plan in the City of Cambridge

21-045 Being a by-law of the Corporation of the City of Cambridge to amend the Core Areas Community Improvement Project Area in the City of Cambridge

In Favour (7): Mayor McGarry, Councillor Reid, Councillor Mann, Councillor Wolf, Councillor Adshade, Councillor Hamilton, and Councillor Ermeta

Absent (2): Councillor Devine, and Councillor Liggett

Carried (7 to 0)

16. Closed Session

Motion: 21-105
Moved by Councillor Adshade
Seconded by Councillor Mann

THAT in accordance with Section s.239 (2) (c) of the Municipal Act, 2001, Council convene in Closed Session at 8:57 p.m. to consider the following subject matter:

(c) a proposed or pending acquisition or disposition of land by the municipality (potential land acquisition)

In Favour (7): Mayor McGarry, Councillor Reid, Councillor Mann, Councillor Wolf, Councillor Adshade, Councillor Hamilton, and Councillor Ermeta

Absent (2): Councillor Devine, and Councillor Liggett

Carried (7 to 0)

Motion: 21-106
Moved by Councillor Reid
Seconded by Councillor Adshade

THAT Council rise from Closed Session at 9:12 p.m. and reconvene in Open Session.
In Favour (7): Mayor McGarry, Councillor Reid, Councillor Mann, Councillor Wolf, Councillor Adshade, Councillor Hamilton, and Councillor Ermeta

Absent (2): Councillor Devine, and Councillor Liggett

Carried (7 to 0)

17. **Confirmatory By-law**

Motion: 21-107
Moved by Councillor Hamilton
Seconded by Councillor Ermeta

THAT By-law 21-046 Being a by-law to confirm the proceedings of the Council of the Corporation of the City of Cambridge be enacted and passed.

In Favour (7): Mayor McGarry, Councillor Reid, Councillor Mann, Councillor Wolf, Councillor Adshade, Councillor Hamilton, and Councillor Ermeta

Absent (2): Councillor Devine, and Councillor Liggett

Carried (7 to 0)

18. **Adjournment**

Motion: 21-108
Moved by Councillor Ermeta
Seconded by Councillor Wolf

THAT the Council meeting does now adjourn at 9:14 p.m.

In Favour (7): Mayor McGarry, Councillor Reid, Councillor Mann, Councillor Wolf, Councillor Adshade, Councillor Hamilton, and Councillor Ermeta

Absent (2): Councillor Devine, and Councillor Liggett

Carried (7 to 0)

__________________________________________
Mayor

__________________________________________
Clerk
MEETING MINUTES
Corporation of the City of Cambridge
Economic Development Advisory Committee (EDAC)
No. 05-21
Wednesday, May 12, 2021 at 3:45 p.m.
Virtual Meeting via Zoom Video Conferencing

Committee Members In Attendance: Gregory Wood, Tony Schmidt, Erik Dahm, Filip Ivanovski, Brian Punambolam, Scott MacKenzie, Councillor Pam Wolf and Councillor Donna Reid

Regrets: Paul Brown
Guests: Tony LaMantia and Lucinda Wallace

Staff Members in Attendance: James Goodram and Ingrid Borges

The regular meeting of the Economic Development Advisory Committee of the Corporation of the City of Cambridge was held via Zoom Video Conferencing. T. Schmidt welcomed everyone present and called the meeting to order at 3:47 p.m. The meeting adjourned at 4:30 p.m.

Notice of Regrets
Regrets were received from P. Brown

Declarations of Pecuniary Interest
There were no declarations of pecuniary interest from committee members.

Presentations
Tony LaMantia, Waterloo EDC, re: Annual Report Update

Using a PowerPoint presentation, T. LaMantia discussed the following in detail: Who We Are, Services, Funding Partners, Sales Funnel, 4 Pillars Approach to Investment, Attraction & Retention, 2020 Key Highlights, Investment Dashboard, 2020/2021 Cambridge Investments, BESTWR Highlights, Investment Marketing Content, Inbound Marketing Initiatives, and 2021 Q1 Topline & Business Development Highlights. A copy of T. LaMantia’s presentation is on file with Economic Development.

Following the presentation discussion ensued regarding the new, available employment land in the North Cambridge Business Park including some of the companies that will be occupying space. Further discussion took place surrounding business relocation,
retention and expansion and the importance of future and long-term planning as some things take time to come to fruition. It was noted the success in the region derives from partnerships and organizations working collaboratively.

**Confirmation of Minutes**

Moved by: Scott MacKenzie  
Seconded by: Brian Punambolam

THAT the minutes of the Economic Development Advisory Committee held on Wednesday, April 14, 2021, be considered for errors and/or omissions.

CARRIED

**Agenda Items**

a) Community Improvement Plan

The public meeting report is scheduled for May 25\textsuperscript{th} and a secondary report will be brought forward to Council on June 22\textsuperscript{nd} with recommendations from comments received. It was noted Economic Development staff met with the accessibility committee at the City and an additional incentive has been added.

**Additions to the Agenda**

None

**Business Arising from the Minutes**

None

**Council Update**

The City received a $2.8M dollar donation from Hallman Construction to design, construct and maintain Bismark Park North located in the new Cambridge West subdivision. A list of the proposed amenities was shared.

At the May 11\textsuperscript{th} Council meeting a motion for “Inclusionary Housing” and a motion for “Tiny Homes” in the City was passed. Further consultation and approval will need to take place with the Province regarding zoning.

It was noted the Preston Auditorium will be under review for possible upgrades.

**Other Business**
City of Cambridge
Economic Development Advisory Committee (EDAC)
Minutes

There is a covid-19 rapid screening bus program that has launched in the region. The bus is located at city hall on Tuesday, Thursday and Saturday and at the former Rona site on Monday, Wednesday and Friday for individuals to self-administer a test quickly and safely. The Cambridge Chamber of Commerce is offering free rapid testing kits and masks for pick up for businesses.

J. Goodram shared a photo of the proposed Cambridge Mill hotel and condominium development. Discussion ensued regarding the project and positive feedback was received.

Council approved the “Temporary Patios and Temporary Road Closures” report on May 11th in an effort to support businesses during the pandemic. The Hespeler Village BIA has requested the closure of a portion of Queen Street East and the Downtown Cambridge BIA has requested the closure of a portion of Main Street. The closure is set to begin in June and run until Thanksgiving weekend, dependent on Provincial orders.

Discussion ensued regarding Downtown Cambridge and concerns were raised surrounding safety and security. Staff shared some of the current programs and future initiatives that will be coming into effect in an effort to combat some of the issues. J. Goodram reviewed the new by-law and security process for the core areas.

City/Priority List Items for Updates
a) North Cambridge Business Park

J. Goodram advised construction is underway (curbs and road paving) with 450 acres of employment land available by the end of 2021 and early 2022.

Future Suggested Presentations for EDAC
a) Zoning By-Law (D. Friess, Manager of Development Planning)
b) SRED tax incentives (ITC or Mentorworks)
c) Economic Development Strategic Plan (2021 Project)
d) Region Official Plan and Employment Lands Review (M. Sergi, Region of Waterloo)
e) Community Attraction/Projects (S. Higgins, HIP Developments)
f) Development Discussion (D. Purcell)
g) Galt Height Study (D. Friess)
h) Growth and Intensification Study (D. Friess)
i) Filming (D. Hogue)
City of Cambridge
Economic Development Advisory Committee (EDAC)
Minutes

**Next Meeting**
Wednesday, June 9, 2021
Virtual Meeting
Zoom Video Conferencing
3:45 to 5:30 p.m.

**Close of Meeting**

Moved by: Gregory Wood
Seconded by: Scott MacKenzie

THAT the Wednesday, May 12, 2021 meeting of the Economic Development Advisory Committee (EDAC) does now adjourn at 4:30 p.m.

CARRIED

Chair – EDAC __________________________  Recording Secretary __________________________
**Committee Members in Attendance:** Melody Schmidt, Abigail Vivian, Julia Duarte, Sujude Kabbar, Madeleine Braga, Jenna Haveman, Maanas Naik, Harry Sharma

**Members with Regrets:** Ozioma Offiah, Aliyan Awan, Fatima Awan

**Staff Members in Attendance:** Heather Melo, Stephanie Backes, Councillor Nicholas Ermeta

**Guest:** Jordan Bellingham, Tammy Bellingham, Bill Kirby, Kaminda Musumulwa, Vanessa Lopak, Michelle Walt

**Meeting Called to Order**
The meeting of the Youth Advisory Committee to Council of the Corporation of the City of Cambridge was held on Zoom. Heather Melo, staff liaison welcomed everyone present and called the meeting to order at 5:35 p.m.

**Disclosure of Interest**
No disclosure of interest

**Approval of Thursday, April 8 2021 YACC minutes**
Moved by: Abigail Vivian
Seconded by: Madeleine Braga

THAT the minutes of April 8, 2021 YACC minutes be approved as presented.

CARRIED

Melody was introduced as the chair of tonight’s meeting. Introductions of committee members were made and agenda items were reviewed.

Eid Mubarak was acknowledged as a religious holiday worldwide celebrated today. Sujude provided a brief description of the festival.

**May Youth Award Recognition**
Jordan Bellingham was recognized for his achievements and was introduced as the winner for April’s Environmental Stewardship Youth Award.
June will focus on nominations for the Bill Struck Award. Please provide any nominations to Heather or complete the application found at [www.cambridge.ca/youth](http://www.cambridge.ca/youth)

**Coalition of Inclusive Municipalities**

Vanessa Lopak and Kaminda Musumulwa joined the meeting on behalf of the City of Cambridge’ Accessibility & Diversity Division.

Discussion was held as to what the City is currently doing for inclusion and diversity. It was noted that Cambridge made a commitment to providing inclusive services amongst their community. The Accessibility Division is looking for a representative from YACC to sit on the Diversity Services Sub-Committee. Vanessa and Heather will further discuss details offline.

**Community Wellbeing Advisory Committee, Youth and Older Adults Subcommittee**

Bill Kirby was introduced as a lead member of the Community Wellbeing Advisory Committee. This committee assists the City to promote accessibility wellbeing. Bill also sits on the Youth and Older Adults Subcommittee, providing opportunities to youth and older adult engagement. This committee evaluates current local options while identifying gaps through research. The pandemic has highlighted cracks in the youth and older adult system, most directly impacting those facing isolation and those with depression.

Bill advised that YACC’s input would be important in identifying steps to close the gaps. Currently meetings are held bi-weekly on Monday mornings at 10:00am. The next meeting takes place on Monday, May 17. Bill will provide Heather with the necessary information for anyone who may want to join the committee.

**Pride Prom**

Michelle from KW Counselling discussed the hosting of Pride Prom in June. Ideas were shared amongst committee members acknowledging that this year would not be able to be held in person. Breakout rooms were noted as being a positive feature for socialization amongst community members. Please reach out to Michelle or Heather with any additional ideas or theme for the event.

**Program Update**

There are currently 44 people being placed for the PeopleCare program.

Staff are currently confirming operations for Thursday Night Live.

The Bike Park is temporarily closed due to COVID restrictions with the hopes of it reopening after June 2, 2021.

**Other Business**

Councillor Ermeta advised there were no council updates and reminded committee members to stay active within the community. He recommended that the youth provide
any recommendations or feedback they may have regarding youth specifics for the recreation complex. Councillor Ermeta also addressed speed control tactics on Saginaw Parkway.

**Next Meeting**

*Formal*
Thursday, June 10, 2021 – 5:30PM  
Held via Zoom

*Informal*
Thursday, June 24, 2021 – 5:30PM  
Held via Zoom

**Close of Meeting**

Moved by: Abigail Vivian  
Seconded by: Jenna Haveman  
THAT the Youth Advisory Committee to Council meeting adjourned at 7:15 p.m.

Chairperson  
Melody Schmidt

Recording Secretary  
Stephanie Backes
Recommendation(s)

THAT Report 21-200(CRS) Stormwater Management Ponds 163 and 155/156 Rehabilitation be received;

AND THAT Council approve the transfers to/from Reserve Funds as outlined in the Financial Impact section of this report;

AND FURTHER THAT Council approve the award of Tender 21-28 Stormwater Management Ponds 163 and 155/156 Rehabilitation to Lancoa Contracting Inc. of Caledon East for the total tendered price of $739,544.32, including H.S.T., this being the lowest compliant bid received as outlined in Report 21-200(CRS).

Executive Summary

Purpose

- Council approval is required to transfer additional funding to the capital project and award the project as detailed here-in.

Key Findings

- There were two (2) compliant bids received through a competitive tender process with an average bid price of $867,690. The bid submitted by Lancoa Contracting Inc. is $128,146 or approximately 17% below average bid.
Financial Implications

- The award of this tender will require additional funding from Gas Tax Reserve Fund in the amount of $265,500 to fund the costs that exceed the approved budget.

Background

The tender was released to obtain competitive bids for the rehabilitation of stormwater management ponds 163 and 155/156.

Two (2) compliant bids were received in response to the tender.

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 2.5 Focus on the responsible management of financial resources, ensuring transparency and accountability.

The public bidding process ensures the City maintains an open and transparent public process that provides accountability on the utilization of financial resources.

Comments

Three bids were received in response to the tender as follows:

<table>
<thead>
<tr>
<th>Company</th>
<th>City</th>
<th>Bid Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Lancoa Contracting Inc.</td>
<td>Caledon East, ON</td>
<td>$ 739,544.32</td>
</tr>
<tr>
<td>b) Moser Landscape Group</td>
<td>Waterloo, ON</td>
<td>$ 995,837.36</td>
</tr>
</tbody>
</table>

Procurement confirms that the rules under Procurement By-law No. 19-187 were adhered to in the issuing ad awarding of this solicitation.

Existing Policy/By-Law

Under Procurement By-law 19-187, the Manager of Procurement, or their designate who is under the general direction of the Chief Financial Officer, is delegated the authority to approve the award of Tenders and Proposals over $500,000 when all of the following conditions have been satisfied:
a) when there is sufficient funding, as approved by Council through the budget process and verified by the Finance Division by the Departmental Recommendation to Award Report,
b) when all procedures in accordance with this By-law, have been followed; and,
c) when the lowest compliant Tender bid or highest scored Proposal is accepted and recommended.

This procurement requires approval from Council as additional funding is required.

Financial Impact

The net impact of the overall bid is a deficit of $265,500 as outlined below:

<table>
<thead>
<tr>
<th>Source of Funding</th>
<th>Budget</th>
<th>Tender 21-28</th>
<th>Other Commitments</th>
<th>Savings / (Deficit)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capital Works RF</td>
<td>$570,000</td>
<td>$752,562</td>
<td>$82,938</td>
<td>$(265,500)</td>
</tr>
</tbody>
</table>

There were two (2) bids received through a competitive tender process and the above costs are considered to be an accurate reflection of the work required

Public Input

Request for Tender documents for this project were made available to the public for viewing and submission on the City’s Bids and Tenders website.

This tender had seventeen (17) plan takers, includes sub-trades and suppliers, and two (2) compliant submissions were received

Internal/External Consultation

Request for Tender documents were compiled by Procurement, however the detailed specifications contained within the tender documents were prepared and submitted to Procurement by the Community Development Department.

The advertising for this tender was as follows:

   a) Advertised on the City’s Bids and Tenders website: May 7, 2021

   b) Tender Closing Date: May 28, 2021

Final Date for Acceptance of Tender: August 28, 2021

Conclusion

Council approval of additional funding is required to award Tender T21-28 Stormwater Management Ponds 163 and 155/156 Rehabilitation.
Signature

Division Approval

Name: Sheryl Ayres
Title: Chief Financial Officer

Departmental Approval

Name: Dave Bush
Title: Deputy City Manager, Corporate Services

City Manager Approval

Name: David Calder
Title: City Manager

Attachments

- N/A
To: COUNCIL

Meeting Date: 07/13/21

Subject: Request to Designate a Property of Cultural Heritage Value Under Part IV of the Ontario Heritage Act, Remove the Stone Tower for Conservation and Permit Demolition of Secondary Buildings – 171 Guelph Avenue (Forbes Estate)

Submitted By: Hardy Bromberg, Deputy City Manager – Community Development

Prepared By: John R. Calhoun, Senior Planner - Heritage and Hardy Bromberg, Deputy City Manager – Community Development

Report No.: 21-120(CD)

Recommendations

THAT Report 21-120(CD) – Request to Designate a Property of Cultural Heritage Value Under Part IV of the Ontario Heritage Act, Remove the Stone Tower for Conservation and Permit Demolition of Secondary Buildings – 171 Guelph Avenue (Forbes Estate) – be received;

AND THAT Council authorizes the Clerk publish a Notice of Intention to Designate the main house and its associated land as identified in Figure 1 in this report on part of the property municipally known as 171 Guelph Avenue because of its cultural heritage significance, in accordance with Part IV of the Ontario Heritage Act;

AND THAT Council approves the request to relocate the Rubble Stone Wall at 171 Guelph Avenue to a line closer to the main house, according to the process described in Attachment 2 of this report, by a qualified stone mason with experience with historic dry stack stone construction at the developer’s cost;

AND THAT Council approves the request to relocate the Stone Tower at 171 Guelph Avenue to an offsite location, preferably a City-owned site in Hespeler if possible, according to the process described in Attachment 3 by a qualified stone mason using traditional mass masonry construction at the developer’s cost;

AND THAT after relocation of the Stone Tower a report be prepared for the Municipal Heritage Advisory Committee and Council’s consideration about potential heritage designation of the tower;
AND THAT Council approves the request to demolish all the other buildings and structures on the property at 171 Guelph Avenue;

AND FURTHER THAT Council directs staff to update the Heritage Properties Register listing for the remainder of the property at 171 Guelph Avenue after the designation for the main house on the property is registered on title.

### Executive Summary

**Purpose**

- Council approval is requested to initiate the heritage designation of the main house at 171 Guelph Avenue, approve the relocation of the stone tower and low wall, and approve the demolition of the other buildings and structures on the property.

**Key Findings**

- The Forbes Estate has been a recognized place in the Hespeler community for decades.

- The proposal to develop the property into new housing keeps the main estate house of 1912 and its yard with its large trees in place.

- Conservation plans are proposed to relocate and conserve the 19th-century stone tower from the south side of the property, and to reposition the low rubble stone wall along the west side.

- Council approval is requested to issue a Notice of Intention to Designate the main house, and permit the demolition of the other buildings except the stone tower and wall, as provided by the Ontario Heritage Act.

- A recommendation about a development planning application for over 100 new housing units in several configurations will be provided to Council in a separate report – 21-037(CD) – 155 & 157 Guelph Avenue Recommendation Report – at the July 13, 2021 meeting.

- The Municipal Heritage Advisory Committee (MHAC) recommended approval at its meeting on August 20, 2020, and endorsed a tree management plan on December 17, 2020.

- The property owner agrees with designation of the former Forbes House and associated lands as identified in this report.
Financial Implications

- There is no fee for designating a property in Cambridge. The City will pay for publishing the Notice of Intention to Designate in the Cambridge Times in the corporate advertisement and for sending the notice to the owner. The City does provide and pay for the installation of a heritage landmark plaque if the owner desires one, at a cost of approximately $500.

- The owner is assuming all costs of the proposed work at the heritage property, including the relocation of the low rubble stone wall.

- The owner will also assume the costs of dismantling, documenting, storing, approvals, and reconstructing the Stone Tower at the destination location in Hespeler. The preliminary cost estimate of this work is $350,000. In addition to this amount for the relocation of the Stone Tower, the owner will also project manage the adaptive re-use construction to repurpose the structure as an observation tower with accessibility features. At this preliminary stage, an observation tower with accessibility features is the working concept which will determine a cost once design is complete for Council consideration. The adaptive re-use costs will be the responsibility of the City, with some shared costs between the developer and owner for items required by both parties (e.g. rooftop). The responsibilities for costs are detailed in the conditions of approval on the Plan of Subdivision Application.

171 Guelph Avenue (extract from ASI – Policy Planning to identify section for reference)
Background

The “Forbes Estate” at 171 Guelph Avenue is a 5.4 hectare (13.3 acre) property that includes a large house built in 1912, as well as several other buildings and structures that include a stone tower from the 19th century. The property was included on Cambridge’s heritage inventory by the late 1990s; that status continues with listing in the current Heritage Properties Register. The Kribs-Barber house is also Register-listed; it abuts on the south side at 151 Guelph Avenue.

The Region of Waterloo has identified 171 Guelph Avenue as a property of Regional Significance.

Polocorp acquired the property several years ago. Their intention is to keep the main house but redevelop most of the remaining rural-like property as urban residential in several configurations. Their initial submission of the applications for Draft Plan of Subdivision and Zoning By-law Amendment was in October 2018. They have continued discussions with City staff, Regional staff and the community.

The Heritage Impact Assessment (HIA) from ASI in February 2020 is the most recent version. This and all previous versions of the HIA have recommended designation of the main house. Previous versions have differed on details of other buildings and structures on the property and the potential for identity as a cultural heritage landscape. These previous versions have been subject to another consultant’s analysis and a peer review; the result is the February 2020 version. Should Council wish to receive a copy of the HIA and peer review documents, these can be requested from planning staff.
Further discussions of heritage features have resulted in different approaches to be taken for the stone tower on the south edge of the property and for the rubble stone wall along Guelph Avenue.

The proposal is for the main house to remain the same, but the rest of the property will have several changes:

- The main house of 1912 is requested for heritage designation.
- The designation will include the land associated with the house itself, between the front of the house and Guelph Avenue, the row of mature trees north of the house, the driveway to the porte-cochere on the south side, and a small area to the east.

![Figure 1: Part of property to be designated, 171 Guelph Avenue, showing “Lot 8” with approximate boundaries: K=Estate House, B=Tree row north side, C=Driveway to porte-cochere, E=Rubble stone wall](image)

- The part of the rubble stone wall along the Guelph Avenue edge of the property to be designated will be relocated in a line closer to the house, should the City acquire the right-of-way where the wall is currently located. This is detailed in Attachment 2.
• The stone tower on the south edge of the property will be documented in detail, disassembled, and reassembled at an offsite location in Hespeler to be determined by the City’s Infrastructure Operations Division which deals with Parks. If the new location is not ready to receive the stones the pieces will be stored securely at the developer’s cost. This is detailed in Attachment 3. A separate heritage designation is anticipated in the future for the stone tower in its new location.

• All the other buildings and structures on the property will be demolished.

On August 20, 2020 MHAC passed this resolution:

THAT Report 20-016 (MHAC) – Request to Designate a Register-Listed Property – 171 Guelph Avenue (Forbes Estate House), Remove the Stone Tower for Conservation and Demolish Other Buildings and Structures – be received;

AND THAT the Cambridge Municipal Heritage Advisory Committee (MHAC) receives the Heritage Impact Assessment about 155 and 171 Guelph Avenue, prepared by ASI and dated February 19, 2020, included as Attachment 1;
AND THAT the MHAC recommends to Cambridge City Council that the Clerk be authorized to publish a Notice of Intention to Designate the main house and its associated land on the property municipally known as 171 Guelph Avenue because of its cultural heritage significance, in accordance with Part IV of the Ontario Heritage Act;

AND THAT the MHAC recommends that Council approve the request to relocate the Rubble Stone Wall at 171 Guelph Avenue to a line closer to the main house, according to the process described in a letter in Attachment 2 by a qualified stone mason with experience with historic dry stack stone construction at the developer’s cost.

AND THAT the MHAC recommends that Council approve the request to relocate the Stone Tower at 171 Guelph Avenue to an offsite location, preferably on City-owned property if possible, according to the process described in a letter in Attachment 3 by a qualified stone mason using traditional mass masonry construction at the developer’s cost;

AND THAT the MHAC recommends that Council approve the request to demolish all the other buildings and structures at 171 Guelph Avenue, as depicted in the Heritage Impact Assessment (HIA) provided by ASI dated February 2020;

AND THAT the MHAC recommends that a conservation plan for the main house be prepared by a qualified heritage professional, as depicted in the HIA provided by ASI on February 19, 2020, and submitted to MHAC for endorsement before a subdivision plan is registered for the site;

AND THAT the MHAC recommends that the tree management plan be submitted to the MHAC for endorsement before a subdivision plan is registered for the site.

AND FURTHER THAT the MHAC recommends that Council direct staff to update the Heritage Properties Register listing for the remainder of the property of 171 Guelph Avenue after the designation of the main house is finalized.

The requested tree management plan (next-to-last paragraph) was received by staff in November 2020 and submitted to MHAC the next month. On December 17, 2020 MHAC passed this resolution:

THAT Report 20-037 (MHAC) – Tree Management Plan – 171 Guelph Avenue, Forbes Estate – be received;

AND THAT the Municipal Heritage Advisory Committee (MHAC) receives for endorsement the Tree Management Plan (TMP) and its findings as prepared by Dougan & Associates, dated November 3, 2020, and included as Attachment 1 to Report 20-037;
AND THAT MHAC encourages the proponent to plant exclusively a diverse array of native species.

The tree management plan was also submitted to Development Planning staff for inclusion in the site plan process. The report will be made available upon request. City staff advised MHAC on December 17th that the City’s practice is to require native plantings where possible through review and approval of site plan applications. If the development planning application is eventually approved, a site plan application will need to be finalized for the project prior to construction occurring on the site.

Analysis

Strategic Alignment

PLACE: To take care of, celebrate and share the great features in Cambridge that we love and mean the most to us.

Goal #3 - Arts, Culture, Heritage and Architecture

Objective 3.2 Conserve and make positive contributions to our heritage districts and buildings throughout the community.

Retaining the 1912 estate house at the front of a new residential development will be a positive addition for Cambridge.

The relocation and adaptive re-use of the Stone Tower structure to a City park will preserve a part of Hespeler and architectural heritage and repurpose it through an adaptive re-use.

Proposal

Council is requested to take steps provided for in the Ontario Heritage Act, that is the designation of the main house and removal of all secondary buildings and structures.

In addition, Council is requested to approve the conservation plans for the stone tower and low rubble wall in front.

Comments

Designation of Main House:

The HIA from 2020 demonstrates that the main house from 1912 (photo in Background, above) is significant and should be designated as an individual resource. Council is requested to issue a Notice of Intention to Designate the main house only. If Council agrees a notice will be published in the Cambridge Times, and if no objection is submitted in 30 days a designation by-law will be submitted to Council using a new legal description of the house parcel.
The property owner agrees with designation of the former Forbes House and associated lands as identified in Figure 1 in this report.

Council has the option of declining to support a heritage designation, either by not issuing a notice of intention to designate, or by turning down the designation by-law in the future. Council could decide to keep the house listed as a property of interest on the Heritage Properties Register within its individual parcel instead of including the entire estate on the Register.

**Conservation of the Stone Tower and Rubble Stone Wall:**

The owner has agreed to pay for the careful removal of the stone tower and store it until approvals for the reconstruction destination site are obtained by the owner. Conditions of approval on the associated planning application outline the owner's and City's responsibilities. The Ontario Heritage Act provides for either removal or designation; the agreement to relocate provides a third option. It is recommended that after relocation of the Stone Tower a report be prepared for the Municipal Heritage Advisory Committee and Council's consideration about potential heritage designation of the tower.

Most of the low wall along Guelph Avenue is now on the private property, but its location will become public with a proposed right-of-way widening. The owner has agreed to pay for its relocation to the east, using appropriate conservation methods according to the process described in Attachment 2 by a qualified stone mason with experience with historic dry stack stone construction.

**Demolition of Other Buildings:**

The HIA also identified that the other buildings and structures on the property were not of such significance to recommend their preservation. For properties such as this one, which is listed as a property of interest (not designated) on the Heritage Properties Register, Council is given the opportunity to object to demolition by initiating designation. On this property only the main house is recommended for designation.

Council has the option to designate the other buildings, thus preventing demolition. A notice of intention to designate would be issued, followed by the other procedures identified above for the main house. Objection and appeal procedures to a Provincial tribunal are outlined in the Ontario Heritage Act. Since the other buildings are located within the proposed streets, a modification to the draft plan of subdivision would be needed to keep them.
Existing Policy/By-Law

Ontario Heritage Act

Part IV Section 29 (1) of the Ontario Heritage Act provides municipalities in Ontario the ability to designate individual properties that are shown to have cultural heritage value to a community.

Section 30 (1) provides that permits for altering the property become void when a Notice of Intention to Designate is served. (They may be issued after heritage approvals.)

Cambridge Official Plan

Section 4.1 of the Official Plan includes Objective a) to “support the conservation, restoration and prominence of the city’s built heritage as a key identifying feature of the community”.

Section 4.2 of the Official Plan discusses the priorities for cultural heritage resources in the City. Section 4.2.1 states:

1. When development is proposed, the City will encourage the conservation of cultural heritage resources in the following order of preference:

   a) incorporation of cultural heritage resources and their surrounding context into development applications in a manner which does not conflict with the cultural heritage resource; …

   b) promotion of the use of scale and design which blends harmoniously with existing cultural heritage resources when development occurs; and

   c) preservation and adaptive re-use of buildings of cultural heritage significance for compatible residential intensification and/or for other appropriate and compatible uses is encouraged.

Financial Impact

There is no fee associated with designating a property in Cambridge. The City will pay for publishing the Notice of Intention to Designate in the Cambridge Times in the corporate advertisement and for mailing it to the owner. The owner is assuming all costs of the proposed work on lands remaining private. The costs for relocating the Stone Tower (estimated at $350,000) are the responsibility of the owner. The adaptive re-use costs of the Stone Tower would be the responsibility of the City and would be subject to Council consideration and approval through a Core Areas Transformation Fund application. Those costs will be known shortly through detailed design. Some costs associated with the Stone Tower are shared between the owner and City as they apply to both the relocation AND adaptive re-use equally. These costs include project
management, survey, roof, and site restoration/seeding and planting after the reconstruction and adaptive re-use works are complete.

Public Input

MHAC meetings are open to the public. The Council meeting agenda is posted publicly as part of the report process.

Internal/External Consultation

Planning staff consulted with Building Services staff, Legal staff and the property owner. The owner has also consulted with Regional staff, as this property is considered to be of Regional heritage significance. The Region does not have a role in designating heritage properties. Parks staff has been consulted about the content of this report regarding the relocation of the stone tower.

Conclusion

The main house on the Forbes Estate property at 171 Guelph Avenue is an outstanding heritage resource and should be designated, following the processes of the Ontario Heritage Act. The stone tower and low wall will be conserved. The other secondary buildings may be demolished. Retention of the heritage house is consistent with the objective of: Conserve and make positive contributions to our heritage districts and buildings throughout the community. It is recommended that the City proceed with issuing the notice of intent to designate the former Forbes house and associated land as identified in this report.

Signatures

Division Approval

N/A

Name:
Title:

Departmental Approval

Reviewed by the CFO

Reviewed by Legal Services

Name: Hardy Bromberg
Title: Deputy City Manager – Community Development
City Manager Approval

Name: David Calder
Title: City Manager

Attachments

Attachment 1  Rubble Stone Wall, Memo of June 19, 2020 from Tacoma Engineers.
Attachment 2  Stone Tower, Memo of June 19, 2020 from Tacoma Engineers.
Background

Tacoma Engineers has been retained by Polocorp Inc. to provide engineering comment for the proposed relocation of an existing dry stacked landscape wall located at 171 / 155 Guelph Ave, Cambridge, ON.

Guelph Avenue is slated to be widened as a part of the redevelopment of the Forbes Estate property and general local and existing and future traffic projections. With current road cross sections, it is anticipated that the existing stone wall is required to be moved 1m towards the Forbes Estate Home to allow room for the proposed road works.

The existing wall is approximately 18” high and 24” wide. The wall is dry stacked, meaning it contains no mortar binding the stones together. The wall is effectively tied together by crossing larger stones together in an interlocking fashion. The wall uses mostly natural stones, which are long, thin, and appear to be locally sourced. Intermixed within the wall are cut stones, which have worked edges. These are likely stones from a demolished structure or may have been left over from a previous building project.
Dry stacked walls were commonly used to delineate property before the increased use of fences. Given the Scottish heritage of the original property owners, the presence of a dry stacked stone wall is not unexpected. Known as drystone, these walls are characteristic of upland areas of Britain and Ireland.

**Comments**

The stones can be disassembled and relocated to their new location. They should be laid by a mason with experience with historic dry stack stone construction. Stones are not required to be catalogued or marked before relocation; however, efforts should be made to closely match the existing coursing, layout, and configuration of the stone wall. The existing wall contains a characteristic V-slant top, where the two outer courses are slated inward. This helps stabilize the wall. This unique feature should be replicated on the relocated wall.

The wall should be placed on a 6” thick layer of crushed stone to provide a solid foundation, and to facilitate drainage below the wall.

**Conclusions**

The stone landscape wall in question can be relocated to a new position and recreated to reflect the original historic characteristic elements. Relocation of the wall would involve the following procedure.

a. Scaled as-built drawings to identify the existing conditions of the wall.
b. Marking of important stones, such as cut and worked stones, so that they can be placed in a similar location during the reconstruction.
c. Disassembly of the wall for relocation.
d. Removal of organic material that has grown throughout the stones over time.
e. Construction of new granular layer to provide support to the reconstructed walls.
f. Reconstruction of the wall in its new location, using traditional dry stacked wall construction techniques.
g. Reconstructed wall should reflect the characteristics of the existing wall, notably, including cut stones placed randomly throughout, and use of a V-slant top course.

Per

Nick Lawler, M.A.Sc., PE, P.Eng., CAHP
Structural Engineer, Senior Associate
Tacoma Engineers

Encl. Nil.
Background

Tacoma Engineers has been retained by Polocorp Inc. to provide engineering comment for the proposed relocation of an existing stone building, located at 155 Guelph Ave, Cambridge, ON.

The greater subject property is located northeast of the Hespeler Mill Pond, located in the former Village of Hespeler in Cambridge, Ontario. Approximately 4 hectares of the property is intended to be redeveloped into a residential subdivision with a mixture of single-detached, townhouses, and multiple residential dwellings. With proposed grades of the development, it is anticipated that the existing stone building is required to be removed and / or relocated.
The stone ruins are suspected to have been constructed in the mid 19th century as an farm storage building (refer to ASI HIA Report, May 2020). The building is historically a two-story building, approximately 20’ high, constructed out of mass limestone masonry. The roof is no longer present, and temporary bracing is in place to provide lateral support for the walls. The walls are in a state of disrepair and have started to erode / fail. It measures approximately 400 ft² in gross building area.

The masonry walls are constructed with mass limestone masonry, likely quarried onsite, or in the immediate area. Corners are characterized with large quoin stones, which have been finished with a worked stone edge. The quoin stones are of high quality for this era of construction and location. The stones throughout the wall are randomly placed field stones. Stone arches form the headers over the second-floor windows.

The stone walls are parged on the inside of the ruin, with pockets visible for what would have been a second-floor structure. The wall varies in thickness between 18” and 24” thick, getting narrower at the top of the wall. The wall is constructed in two “wythes”. The inner and outer wythes are typically constructed together, with the space between being filled with mortar and offcuts as the wall is built upward. This center space is typically called the wall core and helps each wythe act compositely as one solid structure.

Retention and Relocation
The building will need to be relocated to fit better within the layout of the proposed development. It understood that the developer is in talks with the City of Cambridge, to locate the ruin on City property. Due to logistics, mostly driven by grading, the structure cannot be moved as a whole building, but rather must be disassembled and reconstructed at the new site location.

The building may be reconstructed using traditional mass masonry construction, using salvaged materials from the original ruin, and compatible lime based mortars. The reconstruction should reflect the original massing and characteristic elements found on the building as it stands today. This would include the decorative quoin stones, arched windows, and random coursed masonry exterior.

Relocation of the ruins would involve the following procedure;

a. Scaled as-built drawings to identify the existing conditions of the ruins.
b. Marking of important stones, such as quoins and window arches so that they can be placed in a similar location during the reconstruction.
c. Disassembly of the building for relocation.
d. Long to short term storage of the materials until such time that reconstruction will take place. Does not need to be climate controlled, but should be not exposed to the elements
e. Construction of new concrete foundations to support the reconstructed walls.
f. Reconstruction of the ruin in its new location, using traditional mass masonry construction techniques.
In order to provide long term structural stability to the building, the roof and second floor should be reinstated. These elements provide lateral stability to the stone walls, and in the case of the roof, protect the building from exposure to the elements.

Adaptive Re-use

It is understood that the City of Cambridge is interested in an adaptive re-use of the building to provide a public use after it is relocated to City property. Discussions have been had regarding a public viewing platform, or observation deck. This can be easily accommodated during the reconstruction of the building. An interior structural frame is required to provide stability to the walls, and this frame may be modified to allow access to the upper area of the building. Further, a roof is also required for long term durability protection, which can also act to protect the public from the elements.

If used for public access, it is recommended that the interior structure and roof be constructed from galvanized structural steel. This will provide a durable interior that can be cleaned and prevent some damage from vandals.

For illustrative purposes, the following detail is from a similar reconstructed stone building in a neighboring municipality which Tacoma Engineers undertook in 2019. This shows the reconstructed stone wall, bearing on concrete foundations.

Relocation work should be carried out by a contractor experienced in the construction of tradition mass masonry walls. The contractor should also have experience in reconstruction of historic buildings, as to ensure the characteristic elements are properly transferred from the original building, to the recreated site.
Regardless of the end use, the owners should retain a professional engineer with experience in historic structures and adaptive reuse. The foundations, reconstructed building and any interior elements will need to confirm with all the requirements of the 2012 Ontario Building Code, as this will be considered a “new” building.

Per
Nick Lawler, M.A.Sc., PE, P.Eng., CAHP
Structural Engineer, Senior Associate
Tacoma Engineers

Encl. Nil.
Recommendations

THAT Report 21-037(CD) - 155 & 171 Guelph Avenue, Zoning By-law Amendment and Draft Plan of Subdivision – Polocorp Inc. – be received;

AND THAT Cambridge Council approve the proposed zoning by-law amendment to rezone the subject property from OS1 (Open Space) & R2 (Residential) to OS1, R2, R5, R5 S.4.1.410, R6 S.4.1.411, RM2 S.4.1.412, & RM3 S.4.1.413 with site specific provisions to permit development of the land with up to 185 residential units;

AND THAT Cambridge Council advise the Regional Municipality of Waterloo that the City of Cambridge recommends draft approval for the plan of subdivision file No. 30T-18103, subject to the conditions set out in Attachment No. 8 of this report;

AND THAT Cambridge Council is satisfied that a subsequent public meeting in accordance with subsection 34(17) of the Planning Act is not required;

AND FURTHER THAT the By-law attached to report 21-037(CD) be passed.

Executive Summary

Purpose

- To permit redevelopment of the lands located at 155 & 171 Guelph Avenue with a mix of freehold single detached, condominium single detached, townhouse and stacked townhouse units for a total of up to 185 dwelling units. Draft Plan of
Subdivision and site-specific amendment to Zoning By-law No. 150-85 are required to facilitate the infill development.

**Key Findings**

- Condition of draft approval is included to designate Forbes Estate Home under Ontario Heritage Act.

- Stone ruins are to be disassembled and moved to public land, dedicated to the City for conservation and designated under the Ontario Heritage Act the developer’s expense.

- Significant neighbourhood consultation was conducted and the applicant has reduced the height and density of the proposal as a response to public consultation.

- Future applications for Common Element Condominium and Part Lot Control will be required to facilitate individual ownership of proposed units.

- Record of Site Condition (RSC) and acknowledgment letter required for the block of open space land, containing the existing sanitary sewer, proposed to be dedicated to the City.

**Financial Implications**

- Based on a preliminary estimate by Building and Planning staff:
  - Building Permit: $396,382
  - Development Charges: $3,137,194 (DC credits of approximately $22,000 may be available for existing buildings)
  - Site Plan Application: $13,460
  - Common Element Draft Plan of Condominium: $6,600
  - Part Lot Control Exemption: $10,850
  - Total: $3,564,486

- Applicable fees may be subject to change.

- Tax Implication: Municipal Property Assessment Corporation assessed value for vacant lands = $411,475 (Based on the total area of the vacant land).
  - A preliminary estimate was calculated to determine the taxation revenue change from the current generated revenue to the taxation revenue.
generated from 37 single detached dwellings, 12 townhouse dwellings & 132 stacked townhouse dwellings.

- Based on the assessed value of the land, the current taxation revenue is $8,981.
- Once the development of the property is complete, pending approval from Council, taxation revenue will potentially be $738,159.
  - This calculation is based on the income approach to value with a new Multi-Residential tax rate of 0.0118633 using the 2021 identified rate.

Background

The applicant proposes to rezone the subject lands to permit the development, through a draft plan of subdivision, up to 185 residential units including an existing heritage dwelling (the Forbes Estate), 37 single detached dwellings, 12 townhouse dwellings and up to 142 stacked townhouse dwelling units.

Access to the site will be from Guelph Avenue and Shaw Avenue via a private condominium road. The seven dwellings fronting onto Guelph Avenue are proposed to be freehold with the remaining 30 single detached units, townhouse and stacked townhouse units in condominium ownership through a future application for common element condominium. The applicant has indicated that no affordable units are proposed for the development, but that stacked townhouse dwellings are considered to be a more affordable form of housing compared to single detached dwellings. Blocks in the draft plan are also included for stormwater management and floodplain/hazard lands.

In accordance with the Planning Act, the City held a public meeting in order to formally consider the requested Zoning By-law Amendment and receive both Council and public comments. There were several delegates who made oral submissions at the public meeting held on May 14, 2019. As a result Council directed staff to establish a Citizen Liaison Committee composed of neighbouring residents to consult further with the neighbourhood.

Citizen Liaison Committee meetings were held on October 29, 2019 and July 30, 2019. A broader neighbourhood meeting was held on November 25, 2019 to report back the results of the Citizen Liaison Committee to the neighbourhood as a whole. There were many points raised through the neighbourhood consultation process. The most commonly raised were the removal of trees; the proposed height and density of the development; impacts to traffic and the heritage attributes of the property. There were also discussions about the overall environmental impact to the property and specific impacts to species of animals on the property. The written submissions from the public...
have been included in Attachment 5 - Public Comments Received and response from staff also included as Attachment 6- Response to Public to this report.

Changes after the Public Meeting:

At the statutory public meeting on May 14, 2019, the applicant proposed a total of 210 residential units including a mix of single detached dwellings, townhouse dwellings and 138 apartment units in a 12-storey apartment building. Through the public consultation process and discussions with staff the applicant eliminated the proposed apartment building, replaced it with stacked townhouse units and reduced the overall unit count from 210 to a maximum of 185 units.

It is the opinion of planning staff that the change in the proposed development is minor and does not require an additional statutory public meeting pursuant to Subsection 34(17) of the Planning Act.

Location:

The subject lands are legally described as Plan of Survey for lots 7-20 and Part of Lots 1, 2 & 3 and all of Austin Avenue (closed by by-law), Lot 27, Registered Plan No. 152 and Lots 22, 23, 24, 28 and 30, Municipal Compiled Plan No. 803, Registered Plan No. 62 (formerly Town of Hespeler) and Part of Lot 11, Concession 3, Beasley’s Lower Block, in the City of Cambridge, Regional Municipality of Waterloo.

The property is municipally known as 155 & 171 Guelph Avenue and is located on the east side of Guelph Avenue south of Shaw Avenue East.
The property is 5.25 ha (12.96 acres) in size and is located on the east side of Guelph Avenue, south of Shaw Avenue East. The property contains two single detached dwellings, accessory structures and ruins of a former accessory structure. The applicant proposes to retain the heritage dwelling on its own estate lot. The site is well treed and the applicant has provided a tree management plan as part of the submission, which has been reviewed by staff and will be considered as a condition of the draft approval.

**Existing/Surrounding Land Uses:**

North and west of the property are single detached dwellings. South of the property are industrial properties with the Hespeler Core area further to the south. East of the property is the Speed River.
Proposal:

As noted above, the applicant is proposing development of the lands through a draft plan of subdivision. Conditions of draft approval for the proposed plan have been included in Attachment 8- Proposed Conditions of Draft Approval to this report and Attachment 1 - Draft Plan of Subdivision & Concept Plan contains the proposed draft plan of subdivision and a concept plan showing the proposed unit locations for the condominium block(s).

The common element condominium will require formal application to the Region of Waterloo.

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 #1 - Community Wellbeing

Objective 1.4 Promote, facilitate and participate in the development of affordable, welcoming and vibrant neighbourhoods.

The applicant proposes to construct a residential infill development consisting of an existing heritage dwelling, 37 Single detached dwellings (7 freehold and 30 condominium), 12 townhouse units and up to 132 stacked townhouse units. The townhouse and stacked townhouse units are considered to be a more affordable building type than single detached dwellings. The development is working towards intensification of underutilized properties and helping to work towards intensification through infill development and a complete community.

Comments

The proposed infill development represents an efficient use of existing municipal water and sanitary sewer services as well as providing more affordable options for market rate housing. The proposed residential development supports the intensification objectives of the provincial growth plan and supports the creation of a complete community.

Considerations for the review of this application include, but are not limited to, the following:

- City’s Official Plan policies regarding:
  - Residential compatibility;
  - Location criteria for multi-unit residential;
Urban design policies;
- Cultural heritage
- Natural heritage & environmental management; and,
- Open space systems

- Proposed site specific zoning regulations
- Transportation
- Land use compatibility with surrounding residential and nearby industrial uses
- Parkland
- Natural Environment

**Existing Policy/By-Law**

**City of Cambridge Official Plan (2012)**

The 2012 City of Cambridge Official Plan designates the subject lands as ‘Low/Medium Density Residential’ and ‘Open Space’ which permits a range of uses including single detached dwellings, townhouses and apartment buildings to a maximum density of 40 Units Per Hectare (UPH). The proposed development includes freehold, single detached, dwellings fronting Guelph Avenue and single detached, townhouse units and stacked townhouse units fronting onto private condominium roads. The proposed gross residential density of the development is 39 UPH.

**City of Cambridge Zoning By-law No. 150-85, as amended**

The subject lands are currently zoned R2 (Single Residential) and OS1 (Open Space) in Zoning By-law No. 150-85. The R2 zone permits single detached residential. The applicant is requesting to change the zoning on the subject property from R2 and OS1 to OS1, R2, R5, R5 S.4.1.410, R6 S.4.1.411, RM2 S.4.1.412, & RM3 S.4.1.413 with site specific provisions to permit development of the land with up to 185 residential units, with site specific provisions to facilitate the proposed Draft Plan of Subdivision. Blocks 5 & 6 at the north east corner of the property are proposed to remain as OS1 (Open Space). These lands are generally proposed for storm water management facility and an existing Locally Significant Natural Area (LSNA). Block 6 is intended to be dedicated to the City once a Record of Site Condition (RSC) and acknowledgement letter has been received. A condition of draft approval has been included to ensure receipt of the RSC prior to the City accepting the hazard lands.

Site specific provisions have been included for reductions in setbacks to accommodate proposed building locations and to add a maximum height and unit count as well as establishing an area of the development (behind the exiting houses on the south side of Shaw Ave) where development is prohibited to maximize the buffering between the existing dwellings and the proposed development as well as preserving existing trees. The future condominium declaration is proposed to include information and
requirements for the condominium to preserve the trees along the northern property line.

Staff have completed detailed analysis of the Provincial Policy Statement, Provincial Growth Plan for the Greater Golden Horseshoe, Region of Waterloo Official Plan and City of Cambridge Official Plan. The proposed development works towards achieving the intensification goals of the growth plan which are reflected in the Region and City official plans.

The proposed development is consistent with the Provincial Policy Statement, conforms to the requirements under the Planning Act for the subdivision of land, to the Provincial Growth Plan, Region of Waterloo and City of Cambridge Official Plans and represents good planning.

Financial Impact

- Based on a preliminary estimate by Building and Planning staff:
  - Building Permit: $396,382
  - Development Charges: $3,137,194 (DC Credits of approximately $22,000 may be available for existing buildings)
  - Site Plan Application: $13,460
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  - Part Lot Control Exemption: $10,850
  - Total: $3,564,486

- Applicable fees may be subject to change.

- Tax Implication: Municipal Property Assessment Corporation assessed value for vacant lands = $411,475 (Based on the total area of the vacant land).
  - A preliminary estimate was calculated to determine the taxation revenue change from the current generated revenue to the taxation revenue generated from 37 single detached dwellings, 12 townhouse dwellings & 132 stacked townhouse dwellings.
    - Based on the assessed value of the land, the current taxation revenue is $8,981
    - Once the development of the property is complete, pending approval from Council, taxation revenue will potentially be $738,159.
This calculation is based on the income approach to value with a new Multi-Residential tax rate of 0.0118633 using the 2021 identified rate.

Public Input

The statutory public meeting required under the Planning Act was held on May 14, 2019.

Official notification was provided in the Cambridge Times on April 18, 2019. In addition, notice was provided to all assessed property owners within a 120 m (393.7 ft.) radius of the site and others on the mailing list who have requested notification of meetings relating to these files.

Several residents made oral submissions at the public meeting and/or provided written submissions. A Citizen Liaison Committee was also formed at the direction of Council with meetings held on October 29, 2019 and July 30, 2019. A broader neighbourhood meeting was held on November 25th, 2019 to report back to the neighbourhood the results of the citizen liaison committee discussions.

The public submissions have been attached to this report (Attachment 5) and response to the comments have been included in Attachment 6- Response to Public Comments.

The general themes of the comments received were as follows:

- Heritage
- Density
- Tree removal
- Environmental impacts
- Traffic
- Intensification

Excerpts of the public meeting minutes are included in Attachment No. 4 below.

Internal/External Consultation

The applications and supporting studies were circulated to the departments and agencies listed on Attachment 3 - Internal/External Consultation & List of Supporting Studies.

Staff has received comments from the applicable City departments and outside agencies in regards to the proposed Zoning By-law Amendment and Draft Plan of Subdivision. The comments from the staff and agencies have been addressed through ongoing discussions with the applicant as well as resubmissions of the draft plans. Proposed conditions of draft approval have been included in Attachment 8 - Proposed Conditions of Draft Approval to ensure that the development is carried out as agreed to by the applicant and the commenting staff and agencies.
Conclusion

The applicant proposes to construct a residential infill development consisting of an existing heritage dwelling, 37 single detached dwellings (7 freehold and 30 condominium), 12 townhouse units and up to 132 stacked townhouse units. The townhouse and stacked townhouse units are considered to be a more affordable building type than single detached dwellings. The development is working towards intensification of underutilized properties and helping to work towards intensification through infill development and a complete community.

The proposed development is consistent with the Provincial Policy Statement, conforms to the requirements under the Planning Act for the subdivision of land, to the Provincial Growth Plan, Region of Waterloo and City of Cambridge Official Plans and represents good planning. Accordingly, staff recommend approval of the zoning by-law amendment and the proposed draft plan of subdivision.

Signature

Division Approval

N/A

Name:
Title:

Departmental Approval

Reviewed by Legal Services

Name: Hardy Bromberg
Title: Deputy City Manager – Community Development

City Manager Approval

Reviewed by the CFO

Name: David Calder
Title: City Manager
Attachments

- Attachment No.1 – Draft Plan of Subdivision & Concept Plan
- Attachment No. 2 – Current Zoning Map
- Attachment No. 3 – Internal/External Consultation & List of Supporting Studies
- Attachment No. 4 – Excerpt of Public Meeting Minutes
- Attachment No. 5 – Public Comments Received
- Attachment No. 6 – Response to Public Comments
- Attachment No. 7 – Proposed Zoning By-law Amendment
- Attachment No. 8 – Proposed Conditions of Draft Approval
Attachment No. 1
Draft Plan of Subdivision & Concept Plan
Attachment No. 3
Internal/External Consultation & List of Supporting Studies

These applications have been circulated to the departments and agencies listed below. Their comments have been addressed by the applicant and are reflected in the proposed Conditions of Draft Approval.

- Energy + Inc.
- Public, Catholic & French School Boards
- City of Cambridge Engineering and Transportation Services Division
- City of Cambridge Planning Services Division
- City of Cambridge Parks, Recreation & Culture Division
- City of Cambridge Fire Department
- City of Cambridge Building Services Division
- City of Cambridge Accessibility Coordinator
- Regional Municipality of Waterloo
- Grand River Conservation Authority
- Canadian National Rail (CN)

List of Supporting Studies

- Planning Justification Report
- Archaeological Assessment
- Chloride Impact Study
- Environmental Impact Study (EIS)
- Functional Servicing Report
- Geotechnical Investigation Report
- Heritage Impact Assessment
- Noise and Vibration Feasibility Study
- Transportation Impact Study
- Tree Preservation Plan
- Urban Design Brief
- Source Water Risk Management Plan
Committee Members in Attendance: Councillors Adshade (Ward 6); Ermeta (Ward 8); Liggett (Ward 4); Mann (Ward 3); Monteiro (Ward 7); Wolf (Ward 5); Mayor McGarry and Councillor Reid (Ward 1) in the Chair.

Staff Members in Attendance: Elaine Brunn Shaw, Chief Planner; Hardy Bromberg, Deputy City Manager – Community Development; Julianna Petrovich, Transportation Engineering Technologist; Shannon Noonan, Manager of Transportation Engineering; Laura Waldie, Senior Planner - Heritage; Nicole Pettenuzzo, Planner; Matthew Blevins, Senior Planner; Bryan Cooper, Senior Planner; Dennis Purcell, Chief Building Official; James Etienne, City Engineer; Ilidia Sa Melo, Deputy City Clerk; and John Schappert, Council and Committee Services Coordinator.

Regrets: Councillor Devine (Ward 2)

Page: Leah Straatman

Others in Attendance: There are approximately 70 people in the audience.

Meeting Called to Order

The regular meeting of the Planning and Development Committee of the Corporation of the City of Cambridge is held in Council Chambers on the third floor of 46 Dickson Street, Cambridge, Ontario. Councillor Reid welcomes everyone present and calls the meeting to order at 7:01 p.m. and the meeting adjourns at 11:18 p.m.

Disclosure of Interest

There are no declarations of pecuniary interest.

Public Meetings

Statutory notice of tonight’s Public Meetings was given by publication in the Cambridge Times on Thursday, April 18, 2019 for Public Meetings A and B.
Public Meeting A: Public Meeting Report - 155 & 171 Guelph Avenue, Zoning By-law Amendment and Draft Plan of Subdivision – Polocorp Inc. (Ward 1)

Presentations

1. Matthew Blevins, Senior Planner, re: Public Meeting A - 155 & 171 Guelph Avenue, Zoning By-law Amendment and Draft Plan of Subdivision – Polocorp Inc. (Ward 1)

   Using a PowerPoint presentation, Mr. Blevins provides an overview of the planning application. A copy of the presentation is available in the Clerk’s Division.

Delegations

1. Cory de Villiers, re: Public Meeting A - 155 & 171 Guelph Avenue, Zoning By-law Amendment and Draft Plan of Subdivision – Polocorp Inc. (Ward 1)

   Using a PowerPoint presentation, Mr. de Villiers provides an overview of the planning application. A copy of the presentation is available in the Clerk’s Division and his handout is available in the Clerk’s Division.

2. Sonny Lloyd, re: Public Meeting A - 155 & 171 Guelph Avenue, Zoning By-law Amendment and Draft Plan of Subdivision – Polocorp Inc. (Ward 1)

   Using a PowerPoint presentation, Mr. Lloyd provides an overview of the planning application. A copy of the presentation is available in the Clerk’s Division.


   Using a PowerPoint presentation, Mr. Polocorp provides an overview of the planning application. A copy of the presentation is available in the Clerk’s Division.

4. Kristen Barisdale, GSP Group, re: Public Meeting A - 155 & 171 Guelph Avenue, Zoning By-law Amendment and Draft Plan of Subdivision – Polocorp Inc. (Ward 1)

   Ms. Barisdale is present to speak regarding the planning application.
5. Susan Fink, re: Public Meeting A - 155 & 171 Guelph Avenue, Zoning By-law Amendment and Draft Plan of Subdivision – Polocorp Inc. (Ward 1)

Using a PowerPoint presentation, Ms. Fink provides an overview of the planning application. A copy of the presentation is available in the Clerk’s Division.

6. Chad Johnson, re: Public Meeting A - 155 & 171 Guelph Avenue, Zoning By-law Amendment and Draft Plan of Subdivision – Polocorp Inc. (Ward 1)

Using a PowerPoint presentation, Mr. Johnson provides an overview of the planning application. A copy of the presentation is available in the Clerk’s Division.


Ms. Scott Booth is present to speak regarding the planning application.

8. Geoff Beamer, re: Public Meeting A - 155 & 171 Guelph Avenue, Zoning By-law Amendment and Draft Plan of Subdivision – Polocorp Inc. (Ward 1)

Mr. Beamer is present to speak regarding the planning application.

9. Dennis Beamish, re: Public Meeting A - 155 & 171 Guelph Avenue, Zoning By-law Amendment and Draft Plan of Subdivision – Polocorp Inc. (Ward 1)

Mr. Beamish is present to speak regarding the planning application.

The Chair asked if there was anyone present that would like to speak regarding Public Meeting “A”.

10. Terrel Tanner, re: Public Meeting A - 155 & 171 Guelph Avenue, Zoning By-law Amendment and Draft Plan of Subdivision – Polocorp Inc. (Ward 1)

Mr. Tanner is present to speak regarding the planning application.


Mr. Kinsie is present to speak regarding the planning application.
12. Barbara Maier, re: Public Meeting A - 155 & 171 Guelph Avenue, Zoning By-law Amendment and Draft Plan of Subdivision – Polocorp Inc. (Ward 1)

Ms. Maier is present to speak regarding the planning application.


Mr. Holden is present to speak regarding the planning application.


Ms. Germain is present to speak regarding the planning application.

15. Jennifer Coxe, re: Public Meeting A - 155 & 171 Guelph Avenue, Zoning By-law Amendment and Draft Plan of Subdivision – Polocorp Inc. (Ward 1)

Ms. Coxe is present to speak regarding the planning application.


Mr. Zaffar is present to speak regarding the planning application.

17. Jose Da Cruz, re: Public Meeting A - 155 & 171 Guelph Avenue, Zoning By-law Amendment and Draft Plan of Subdivision – Polocorp Inc. (Ward 1)

Mr. Da Cruz is present to speak regarding the planning application.


Mr. Beer is present to speak regarding the planning application.

No further persons came forward requesting to speak.
Cambridge Planning and Development Committee
Tuesday, May 14, 2019
Page 5

Moved By: Councillor Mann
Seconded By: Councillor Liggett

THAT Report 19-037(CD), re: Public Meeting Report - 155 & 171 Guelph Avenue, Zoning By-law Amendment and Draft Plan of Subdivision – Polocorp Inc. (Ward 1) be received for information;

AND THAT Report 19-037(CD), applications R12/18 & 30T-18103 for 155 & 171 Guelph Avenue, be referred back to staff for a subsequent report and recommendation.

CARRIED

DIRECTION THAT a neighbourhood liaison committee be established with the Ward Councillor, staff, the developer and residents, and that a public information session be held regarding this development.

The Chair declared Public Meeting “A” closed at 9:12 p.m.

Committee recessed at 9:12 p.m. and reconvened at 9:25 p.m.
May 21st, 2019

Mr. Michael Di Lullo, City Clerk
City of Cambridge
50 Dickson St
Cambridge ON N1R 8S1

Dear Mr. Di Lullo

Re: Proposed Development, Forbes Estate – City of Cambridge

We are residents of the City of Cambridge and live in proximity to the Village of Hespeler. In particular, both the City and Village provide a uniqueness enjoyed by the residents of the area.

We realize that the City has received a proposal for the development of the former Forbes Estate property in the Village of Hespeler. We understand that following the public meeting held on May 14th the matter has been referred to staff for report.

We wanted to indicate our support for the proposed development of the Forbes Estate lands as put forward by Polocorp Inc. for several reasons. These include the following.

The proposal, among other things, in our view:

- Provides an example of good planning in an infill area of the City
- Provides a variety of housing types to accommodate market demand
- Takes into consideration and is sensitive to the surrounding neighbourhoods and Village Core
- Provides the added stimulus to enhance the viability of the businesses in the Village Core
- Implements the policies and intent of the City’s Official Plan

As indicated, we support the housing mix and variety of units being proposed which also provide options for our family to downsize.

In our view, the proposed development provides a unique infill opportunity for the City and its residents. In general, sites of this nature are presented with challenges that in many cases render development proposals of this nature to be less than feasible.

As such, we would urge Council to take advantage of this opportunity and approve the proposed development in order to accommodate market need and provide an economic stimulus to this area of the City.

Sincerely,

[Signature]

Eileen Churchill

Cc. Councilor Donna Reid, Ward 1
    Matt Blevins, Senior Planner
    Mr. Paul Puopolo, Polocorp Inc.
Hello, we ran a short survey on numerous Facebook sites for Hespeler and received over 400 replies, below are the outputs from this survey. The net is that over 85% of respondents oppose the apartment building and 92% would prefer any other type of development - estate homes, bungalows, towns etc. I am attaching the results in a word document for you to review.

The Hemson study shows that the City of Cambridge can meet their density goals without any development on the Forbes Estate, it also discusses density targets of 45 people and jobs per hectare - how is the proposed development helping to attain the jobs per hectare target and who's responsibility is that? Do sections like the quote below imply that the city can choose to approve lower density developments if they 'fit in' with the current surroundings?

"Building Height Restrictions: Efforts to intensify will be constrained by the justifiable desire of the City to preserve the integrity of the current urban form. Projects may therefore need to be limited in their densities"  

Why is there a 5 storey limit in the core areas and none in the surrounding neighbourhoods?

I look forward to seeing a plan that includes two walk up apartment buildings rather than a tall one to better integrate with the existing neighbourhood. There are numerous examples of higher density in the SilverHeights neighbourhood which maintain the look and feel of Hespeler without creating a 'sky scraper' view for the community.

The public murder in Hespeler last night is a stark reminder that we don't need 'more Toronto' in Hespeler but rather safe communities.

thanks
Geoff
Community feedback survey – 5 questions were posted online in numerous Hespeler community groups. The overwhelming feedback is against any apartment building on the Estate. The following summarizes the outcome.

1: Do you support or oppose the 12-storey apartment building being proposed on the Forbes property?

**Over 85% Oppose**

<table>
<thead>
<tr>
<th>ANSWER CHOICES</th>
<th>RESPONSES</th>
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</thead>
<tbody>
<tr>
<td>Strongly support</td>
<td>6.27%</td>
</tr>
<tr>
<td>Somewhat support</td>
<td>4.34%</td>
</tr>
<tr>
<td>Neither support nor oppose</td>
<td>3.86%</td>
</tr>
<tr>
<td>Somewhat oppose</td>
<td>11.08%</td>
</tr>
<tr>
<td>Strongly oppose</td>
<td>74.46%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>100%</td>
</tr>
</tbody>
</table>

2: Asked for comment on the opinion in #1

3: What apartment height do you think is appropriate for the existing neighbourhood?

**Over 70% don’t believe any apartment is appropriate and ~14% prefer a walk up of 3-4 storeys**

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<tr>
<th>ANSWER CHOICES</th>
<th>RESPONSES</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 - an apartment building does not belong here</td>
<td>64.49%</td>
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<tr>
<td>3-4 stories</td>
<td>13.53%</td>
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<tr>
<td>5-7 stories</td>
<td>9.45%</td>
</tr>
<tr>
<td>8-10 stories</td>
<td>7.00%</td>
</tr>
<tr>
<td>Other (please specify)</td>
<td>6.52%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>100%</td>
</tr>
</tbody>
</table>

4: What type of development do you think would be compatible with the Forbes heritage estate and the existing neighbourhood? (Check all that apply)

**92% preferred anything other than apartments with ~25% answering Estate Homes.**
5: Do you feel the city should approve a zoning change to allow multi-residential development (apartments) on the Forbes Estate?

**Over 80% oppose a zoning change**

<table>
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<tr>
<th>Answer Choices</th>
<th>Responses</th>
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</thead>
<tbody>
<tr>
<td>No</td>
<td>342</td>
</tr>
<tr>
<td>Yes</td>
<td>72</td>
</tr>
<tr>
<td>Total</td>
<td>414</td>
</tr>
</tbody>
</table>

The survey was conducted on Survey Monkey and did not allow for duplicate respondents.
From: Clifford Vanclief - The Hub Bicycle Shop Ltd

Sent: Friday, June 7, 2019 7:04 AM

To: Mayor; Donna Reid; Mike Devine; Mike Mann; Jan Liggett; Pam Wolf; Shannon Adshale; Frank Monteiro; Nicholas Ermeta; Matthew Blevins

Subject: 171 Guelph Ave Forbes Estate - Support

Dear Mayor, City Council and Staff

Today I am writing regarding the potential development of 171 Guelph Ave in Hespeler. There has been much talk around the Forbes property and what should be done with it. I never like to see greenspace or wildlife pushed aside for progress, but I do realize the importance of this development and the potential it can bring to our trail system, housing options, foot traffic into the core and available units to the rental/housing market.

I would encourage Council and Staff to look at ways to preserve as much habitat as possible, ensure there is ample access to trails, accommodate a percentage of affordable rental units and measures in place for increased vehicle traffic. As a business owner in the Hespeler core for 15 years the slow and steady rebirth of Hespeler. It takes leaders like the Devilier’s, HIP Development and Polocorp to take the risk and invest in area. We need people to come into the core to support the businesses. This is just one project that can help in the process.

We need housing in Cambridge, we need people to come to the core and I support the development and I trust City Council and Staff will ensure Polocorp use the best practices in the project.

I would also encourage Staff and Council to explore the option of pedestrian access across the speed river to fully connect both Millpond and Townline areas of Hespeler. There was this idea a number of years ago and now with an eager developer this might be an opportunity.

Thank you

Clifford Vanclief
From: Jamie Hamilton
Sent: Friday, June 21, 2019 11:19 AM
To: CCrozier@regionofwaterloo.ca; AKutler@regionofwaterloo.ca; Matthew Blevins
Subject: Forbes Estate Development

Good morning Carolyn, Amanda and Matthew,

I submit the following comments for collective feedback re 171 Guelph Avenue or more commonly known as the Forbes Estate. This location is not an appropriate location for residential intensification within the City of Cambridge and/or the Village of Hespeler for the following reasons:

- The foundational objective of the Growth Plan for the Greater Golden Horseshoe (2017), Regional Official Plan (2015) and the City of Cambridge Official Plan (2018 Consolidated) is growth management. Inherent to the principle of growth management is the strategic identification and selection of “places to grow” within a community. The principal of growth management does not contemplate opportunistic development in stable residential neighbourhoods outside of the planned urban structure. Growth management was adopted within the Province of Ontario and by the City of Cambridge to protect what is important while continuing to develop in sustainable and sensitive ways. If a significant heritage estate in a stable neighbourhood, like this subject property, is not protected or provided for within the notion of growth management...then there are no safe or protected areas from development within the City of Cambridge. Please consider the precedent being set with this development application, as ambitious developers will look to Cambridge properties along the Stage 2 ION Rapid Transit Route.....

- Existing, stable, low-density residential neighbourhoods should be protected from intensification that is not compatible with surrounding neighbourhoods in built form, scale and character. These features include lot size, configuration, frontage, height, massing, architecture, streetscapes, heritage features, setbacks, privacy, shadowing, pedestrian environment and parking. In general, existing, stable, low density residential neighbourhoods should not be a focus for intensification and reurbanization, and most certainly, intensification should not be encouraged on sites of cultural heritage importance. The subject land is not an underutilized parcel, but rather the remnant of a once prominent historically significant estate.

- The City of Cambridge Official Plan recommends where and how to grow in a manner that conforms to the Provincial Growth Plan but at the same time is compatible with Cambridge’s local context. The fact that the City’s Official Plan does not contemplate this area or this parcel for intensification or reurbanization is a strong indication that this area is not compatible with, or at the very least, is not a desirable location accommodate new development/growth. The Forbes Estate is not located in any of the
following areas designated to accommodate growth and density in the City of Cambridge Official Plan:

- a) The Urban Growth Centre (identified on Maps 1A and 3);
- b) Community Core Areas (identified on Maps 1A, 3, 4 and 5);
- c) Nodes (identified on Figures 1-4);
- d) Regeneration Areas (identified on Maps 1A and 6);
- e) Reurbanization Corridors in accordance with Section 2.6.5; and
- f) Major Transit Station Areas in accordance with Section 2.6.6.

- There were discussions with respect to density targets being applied to the Forbes Estate at the Public Meeting for this development application on May 14, 2019. No Provincial Growth Plan density targets or City of Cambridge Official Plan density targets apply to the subject land; therefore, the density of the proposed development should not be a positive factor in a Council decision.

- Another discussion at the May 14, 2019 Public Meeting was the support that proposed development would bring to the businesses located within the Community Core Area of Hespeler. The success or even survival of the Community Core Area of Hespeler is not contingent upon the amount of people living in close proximity. If it was, then surely this area would be thriving as the number of people living within walking distance to the core is as large as it has ever been in history. Far greater then when the Town was first incorporated, or when the majority of the commercial buildings were constructed. There are several development proposals and adaptive re-use opportunities already being constructed/planned within the Community Core Area proper, significant historical residential properties, like the Forbes Estate, outside of the Designated Community Core Area, should not be relied upon to ensure a prosperous downtown.

<table>
<thead>
<tr>
<th>Policy</th>
<th>Argument</th>
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<tr>
<td>2.6.1.8. Infill, intensification and redevelopment within existing neighbourhoods will be minor in nature and will be designed to respect existing character and provide connections and linkages where possible.</td>
<td>The density of this parcel is proposed to increase from less than one person per hectare to over 40 people per hectare. This development application is not minor in nature</td>
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<td>2.8 e) [The city will] promote balanced residential intensification including individual lot intensification that is compatible with existing and permitted uses on neighbouring</td>
<td>This development application is not compatible with existing permitted uses, which is why the applicant is seeking a Zoning By-law Amendment. It is also not compatible with cultural heritage resources as</td>
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properties, as well as any other key natural and cultural heritage resources;

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<th>2.8.2.3. The City will ensure the creation of 45% of new housing units through infill, conversion, intensification and the redevelopment of built-up areas of the City, particularly in the Urban Growth Centre, Community Core Areas, Nodes, Regeneration Areas, Reurbanization Corridors and Major Transit Station Areas.</th>
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<td>As mentioned above, the Forbes Estate is not located in an Urban Growth Centre, Community Core Area, Node, Regeneration Area, Reurbanization Corridor or Major Transit Station Area. While the parcel could (and even maybe should) accommodate some development, it <strong>was never considered an area for intensification within the “Growth Management Strategy Land Inventory and Capacity Analysis for the City of Cambridge” (Hemson Consulting Ltd., 2009) or within the “City of Cambridge Growth and Intensification Study” (Dillon Consulting Ltd. 2017)</strong>.</td>
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<th>2.8.3. 2. The City encourages compatible higher density development on sites where such development will result in the preservation of significant natural or cultural heritage resources.</th>
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<td>The subject development application is proposing to demolish two 19th century significant heritage resources. The argument that the estate home is being “preserved” is not sound. The estate home is in good repair, the only threat to the estate home is the proposed development application itself.</td>
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Thank you for listening.

Jamie Hamilton
Resident at [Redacted]
From: Sue Fink
Sent: Wednesday, October 16, 2019 10:30 AM
To: Matthew Blevins; Mayor
Subject: Forbes Development, 155 and 171 Guelph Ave

Dear Mr. Blevins and Mayor McGarry,

I made a presentation at the Planning and Development Committee on May 14, 2019 regarding the Forbes Development at 155 and 171 Guelph Ave. In that presentation, I highlighted several areas in which the proposed Forbes development does not comply to the Cambridge Official Plan. I am now a member of the Citizen Liaison Committee for the Forbes development, and unfortunately I feel that these concerns are still not being addressed. I am writing to you to seek an explanation for the following points:

As outlined in my presentation, the proposed development is neither minor in nature, nor does it provide adequate transition between the current neighbourhood and proposed development. (A 12 storey apartment building is being proposed within 1 lot depth of the existing 1 and 2 storey homes. It is also not compatible with the existing neighbourhood with regards to character, density and visual impact. The Official Plan states that “Infill, intensification, and redevelopment within existing neighbourhoods will be minor in nature and will be designed to respect existing character” (Section 2.6.1.8). It also says that “Intensification within the built-up area will be planned and designed to ensure an appropriate transition of built form to adjacent areas, and maintain, enhance or wherever feasible and appropriate, restore the natural environment”. (Section 2.6.1.6. g & h). The Official Plan goes on further to state that “the City will promote balanced residential intensification including individual lot intensification that is compatible with existing and permitted uses on neighbouring properties, as well as any other key natural and cultural heritage resources”. (Section 2.8 e). The proposal does not comply with any of these.

As you are aware, the Forbes property is designated low/medium density. The Official Plan states that the “City will ensure the creation of 45% of new housing units through infill, conversion, intensification, and the redevelopment of built-up areas of the City, particularly in the Urban Growth Centre, Community Core Areas, Nodes, Regeneration Areas, Reurbanization Corridors and Major Transit Station Areas”. (Sections 2.8.2.3, 2.8.2.6. a ) Again, the Forbes property meets none of these criteria, being designated Low/Medium Density.

With regards to the 12 storey apartment building, there are several areas in the Official Plan in which this does not comply. The Official Plan states that “the City will allow compatible higher density development in the Urban Growth Centre, Community Core Areas, Nodes, Regeneration Areas, Reurbanization Corridors, Major Transit Station Areas and high density residential designations”. (Section 2.8.3.1) Once again, this does not include low/medium density residential designations like the Forbes property and surrounding neighbourhood. Table 3 in section 2.8.3.3 goes on to outline minimum and maximum residential densities and heights. As per this table, a 12 storey apartment building is more than twice the number of storeys that the Official Plan allows in the three core areas where the plan promotes higher densities. The Official Plan goes on to require the consideration of building heights. Section 8.4.2.2.a states that “The following will be considered in assessing whether the development is minor in nature: comparable building height, generally within two storeys of neighbouring buildings”. The existing neighbourhood is one and two storey homes. Further, a 12 storey apartment building is not a walk up apartment as described in Section 8.4.6.6: “Lands in a Low/Medium Density Residential designation may be developed and used for uses such as single detached dwellings, townhouses and/or walk up apartments”. Clearly the Official Plan is establishing that a “walk-up apartment” could be built in a Low/Medium density area, but a 12 storey high rise will not.

Specifically speaking to density, the Official Plan establishes a maximum target of 40 units per hectare for Low/Medium Density Residential areas. The applicant is proposing that most of the site be zoned RM3. This would permit a density of 75 units per hectare – almost twice the targeted maximum. Even
the 40 units per ha is a "Maximum", "Target". It is not a minimum. This is clearly not compatible with the existing neighbourhood, nor does it comply to the official plan.

I understand that the developer has asked for a "density bonus" under the criteria listed in section 10.16 of the Official Plan. As stated in my presentation I would seriously question giving anyone a density "bonus" under the premise that the developer is preserving heritage buildings (Section 10.16 iii). The developer is tearing down 2 of the 4 heritage structures and they are destroying most of the cultural heritage landscape. They are also doing very little to protect or enhance the natural environment (Section 10.16 iv) as their tree study shows that they are removing a minimum of 77% of all trees on the Forbes property. The developer is also doing nothing to improve traffic or pedestrian movement (Section 10.16 xv). The residents of Shaw Ave East, Henry Villa and Milton Ave East are strongly opposed to the new entrance coming onto Shaw Ave, and the developer is more concerned with changing the configuration of his estate lot instead of improving traffic flow. Many residents expressed their concern with traffic safety and volume on Guelph Ave and Fishermills Road at the Planning and Development meeting, and we were recently told at the Citizen’s Liaison Committee meeting that “this is how it’s going to be, so deal with it”. As per section 10.16.xiv the development does not improve compatibility with existing land uses.

Once again, I am not opposed to development, but I do however feel that development should comply to the Official Plan. I am getting quite frustrated with the statements of our City Council that continue to blame irresponsible development on provincial policies like “Places to Grow” and Bill 108. If you look at the development of our neighbourhood as a whole taking into account the Millpond, COHO, and townhouse development (Mill House) on Guelph Ave, we easily meet the growth and development targets as dictated by the province. I would also remind staff and Council that the Forbes property has already been intensified once with the Millpond Subdivision where 800+ units were built on 95% of the property. The current application proposes 200+ units on the remaining 5%. I feel that the City created the Official Plan that was approved under the Provincial Growth Plan, so why are they not following their own rules.

I look forward to your response.

Sincerely,
Susan Fink
Hi Matthew, Donna,

Thank you for hosting the meeting regarding the Forbes Estate development yesterday. I live local to the development, but I am also a professional environmental consultant. That said, my communication here is of a personal nature and not representing my company. As mentioned at the meeting, I have concerns about the environmental protection (or lack thereof) at this property. There are a significant number of gaps in the EIS that was written for this project. With those gaps, several environmental constraints that should have been identified were NOT identified. Having not identified those constraints, the regulatory agencies (yourself, GRCA, MNR, MECP) have not been able to complete a proper review. They cannot comment appropriately when they were not provided with all of the information. In an EIS, they are required to survey not only the property itself, but adjacent lands of at least 120m. This EIS did not meet the tests for approval and therefore should NOT have been approved. I would like to request that an independent 3rd party review of the EIS be completed by a reputable professional consulting organization, retained by the City or the GRCA directly.

Most importantly, there are features on and adjacent to that property that are directly protected under the provincial Endangered Species Act and if necessary, under the federal Species at Risk Act (SARA is not typically applied to private property where there is provincial protection for species unless the CWS is of the opinion that the province did not provide adequate protection). I have informed the MECP and the CWS of these species and their habitat that I was able to identify without even stepping on the property. I have informed Polocorp and I have informed the City of Cambridge, and the identified habitats have been mapped by the province. If the development results in impacts to these endangered species either directly or indirectly (i.e. construction activities that degrade habitat some distance away), then all parties involved may be liable under the ESA and/or SARA - and this could include the City of Cambridge as an approving and supporting organization. That said, these impacts could be mitigated if done appropriately and under the proper permits. Also, while the trees (including planted endangered species trees on the property) are not directly protected by the City or provincial law, they are an important environmental resource. The removal of a significant number of mature trees will have a direct and immediate negative impact on the local climate - the City should be providing protection for these in a “climate emergency”. In a political environment where ‘climate change’ has become a hot button topic, the City should strongly frown upon the removal of so many trees. Planting young trees does not replace the loss of mature trees.

Thank you,

Derek Morningstar
Hello,

We the residents of 15 Fisher Mills Road would like to give our feedback about the Forbes Estate development (155 & 171 Guelph Ave):

- To pick between the options presented, we have a preference that the site plan restricts the height of any structure, keeping in-line as close to the existing city bylaw as possible. The three storey option is preferred.
- There is an opportunity to maintain existing green space by the city to keep in line with the “Climate crisis” that has been declared by Cambridge council and may be missed if alternate ideas are not considered:
  - Develop only a portion of the property
  - Re-think the site plan usage, keeping as many trees as possible:
    - “Langdon Hall” style hotel, with minimal development for additional rooms
    - Make the main house a community hub with a meeting hall, commercial kitchen, space for youth and community groups
    - Develop it as a private school or allocate land for a public school
- While presented as a housing solution for new families and seniors, no low-income housing percentage has been proposed. This should be requested and corrected by the city and developer.
- Development in the immediate Guelph Ave / Fisher Mills Road area should be supported with city-sponsored infrastructure to match an increase in population and traffic:
  - Sidewalks
  - Traffic calming (pedestrian crosswalks, community safety zone)
  - Traffic enforcement
- Prior to the approval and development of the site

We are disappointed that the city hasn’t taken leadership on this issue and has refused requests of lowering speeds or installation of sidewalks due to city policy, while allowing a developer to propose exceeding the city bylaws that are in place to prevent these types of extreme developments.

This property is a parcel of unique urban greenspace that has the potential to be much more than another block of infill homes. Destruction of 14 acres of mature trees will only negatively contribute to the Climate Crisis.

Thank you and best regards,

Jeff Albion and Jenn Coxe
Hi Matthew,

Please accept these reflections from the recent meeting. I attended, because Hespeler was my first home in Cambridge and I was excited to hear the plans for the Forbes Estate, particularly the house. Thirdly, I wanted a better understanding of the developer’s perspective, since it is the same family who wants to develop lands west of Riverbank Drive, where I live.

Being relatively new to the proposal, I appreciated the meeting and presentation. I also appreciated that the developer had attempted to respond in some way to some of the concerns previously brought forward e.g. reduction in height.

Not being closely involved in the proposal (I’ve since read up on it), it seemed odd/confusing to me:

- **how little discussion there was of heritage** - no planning heritage staff was present to speak to or answer questions about heritage and cultural impacts - despite an initial push for ‘higher density’ development, the province has clarified that heritage is to be protected/conserved. I don’t believe the encouragement of high density development was ever intended or should be used to develop some of the areas/green spaces that are being developed in Hespeler. I don’t agree with the description of this property as an ‘infill development’. I support both the City and developer working towards the best possible outcome for the heritage on the site - this is a significant listed heritage property, and equally important, a much beloved and iconic property for people living in Hespeler, part of their proud cultural history. There seemed confusion about a peer review of the HIA and Regional heritage comments, which I believe are critical for an appropriate review of this application. I support the City and developer taking full advantage of the tools and resources available at all levels of government to help guide any development of this rich heritage and cultural site, before any zoning amendment is made. And, there was little detail about the future of the Forbes House - when will it be designated? what will that designation bylaw include? is the integrity of the interior being maintained? would it not be helpful to know the future use of this iconic house to better incorporate it in the plans for the overall site? Has the developer consulted with the Company of Neighbours and/or BIA about potentially including the house in local walking tours? Heritage not only attracts production companies, it also attracts tourists and yet Cambridge has yet to fully capitalize on this apart from including visuals in marketing materials. When I visit other communities I see Heritage Conversation Districts being showcased (and bustling with economic activity as a result), walking tours being offered and promoted, not only by volunteers, and significant homes (not only museums) open to the public. In short, let’s be creative and thoroughly explore the potential use of the Forbes mansion that will best preserve it while enhancing our community.

- **how little was mentioned of the environmental impacts** - in conversation the developer described for me the clearing of 400 mature trees, noting that given not all are in great shape, the planned planting of @200+ new trees should be sufficient. This seemed at odds to me with the City’s focus on protecting our tree canopy. Has there been a full public sharing and discussion of the potential impacts of removing this much tree canopy, risks of run-off from building the multi-dwelling buildings next to the floodplain and river, and whether or not the City or anyone should be developing anything, including trails, on flood plains? Where is the GOGA comment and how does its Grand Strategy intersect with the development plans? I would like to see as much green space retained as possible.

- **how references were made to the opinion of the community group**, yet no report or vote or minutes i.e. nothing formal was brought forward to support statements/interpretations being made. I found this confusing – wasn’t sure who was claiming what or if something was being recommended. At minimum, the group should have been present to speak to what was being said.

- **that the City would accept only the conveyance of flood plain for trails when negotiating the development of such an iconic site**. I realize that this type of exchange has become popular, almost formulaic in local development, but I believe in this instance the site warrants a more creative, imaginative response that goes beyond trails. The developer spoke passionately about their family’s reputation and caring for the community. Clearly, the City has the opportunity to work more creatively with such an engaged developer. For example, in addition to trails and the potential to work together to develop the Forbes mansion as a public heritage site, when I read that the local Johnson Centre is going to double the cost of passes vital to senior health and/or is struggling to maintain facilities, surely investment there could have considerable positive impact? After all, the high density that the developer is promoting will only put additional pressure on local amenities such as the Johnson Centre, Library, infrastructure...

- **when the developer rejects ideas because they are not ‘economically feasible’**. I’ve heard this phase at other meetings too, and yet no one has ever defined what this means. If ideas are going to be dismissed because of this, then I would find it helpful for the developer to elaborate, and that also that the City provide more information about how it evaluates ‘economic feasibility’ of development so we can all be aware of the constraints/parameters of the conversation i.e. what’s possible, particularly as it relates to density and the type of housing being considered. Also, it wasn’t clear to be if the intent was to sell or rent which housing - based on what I have seen elsewhere in Cambridge, I am concerned about absent landlords and speculative buying, and the impacts of this on properties and community.

- **why the initial design concepts were not more sympathetic to the architecture of the estate**. I realize that design can be subjective, and appreciate that the design is only in the conceptual stage and that there is a commitment to pay attention to materials, but I think more can be done with the current designs to make any buildings, especially the multi-level ones, more sympathetic to the site.

Overall, I left with more questions than answers (especially concerned about the heritage, cultural and environmental impacts), but also believing there to be some real opportunities to get this development and heritage preservation right, and appreciate the will of all involved to do so.

Thanks for the opportunity to comment, and I look forward to hearing more.

Christine Rier
Dear Mr. Blevins:

Having attended the above meeting on behalf of ACO Cambridge and North Dumfries, I would like to submit the following comments:

Growth Management

The subject lands are currently zoned R2 (single family residential) and OS1 (Open Space) and should not be rezoned to support this current development proposal. The existing zoning is supported by several recent Growth Management Studies undertaken by City of Cambridge (Hemson Consulting Ltd., 2009, and Dillon Consulting, 2017). In addition, the principle of Growth Management does not support this type of development within stable neighbourhoods.

We understand that The Forbes Estate has not been identified or considered as an area of intensification or growth density in recent Regional or Cambridge Growth Plans, nor does this proposal comply with the City of Cambridge OP (2012), consolidated 2018 reflecting modern and appropriate concepts.

Responding to the City of Cambridge OP (2.8 e), the current proposed development is not compatible. The subject property is within a stable neighbourhood and the current proposal does not satisfy that it "will be minor in nature", or that the design will be compatible with the scale and character of the existing established neighbouring structures.

Cultural Heritage Resources

The historical significance, both architectural and natural, of the Forbes Estate cannot be denied, and yet, has not been adequately addressed, to date.

In fact, we question the process that denied ACO Cambridge and North Dumfries representation at the important Community Liaison meetings, even when the community members had requested that an ACO representative be present.

ACO (Architectural Conservancy Ontario) Cambridge and North Dumfries and HPAC (Heritage Planning Advisory Committee, Region of Waterloo) have raised concern for this current development proposal, as it does not demonstrate the protection or conservation of the identified significant cultural heritage resources. As a result, a Peer Review of the revised HIA has been requested by both the HPAC and ACO.

While we understand that a Peer Review has now been undertaken, ACO Cambridge and North Dumfries has no knowledge of the findings and recommendations of that document.

Not knowing what concerns, if any, have been adequately addressed places us as an advocacy organization at a disadvantage. Please note, these concerns were not addressed by the most recent development proposal, presented on November 25th, 2019. Nor, have these real concerns been addressed during the two previous Community Liaison Committee meetings, meetings at which ACO was denied representation.

ACO’s continuing position is as follows:

- **no rezoning** (density too great)
- **response to Climate Emergency - environmental impact re: loss of open space**
- **response to Climate Emergency - environmental impact re: loss of mature trees** (excessive clear cutting should not be allowed)
- **loss of significant Cultural Heritage Resources** (Cultural Heritage has been identified as “Significant” and therefore, shall be conserved, Provincial Policy Statement (2014), 2.6). It appears that the appropriate conservation of cultural heritage, both natural and built, has been confused by the agreed conservation of the main house. As a candidate CHL (Cultural Heritage Landscape), the context and the relationship of the resources is of greater importance than the one, stand alone, structure. These include, but are not limited to: the other built heritage structures such as the earliest stone structure and the Victorian coach house, each of which pre-dates the main residence, the rubble row along the street, the mature trees, the views and vistas.

In addition to the above, we respectfully request information regarding the remaining steps in the process for this development application. For example, does this development application go before Committee of Adjustment and if so when; when does this proposal go to the MHAC, and what are the steps that follow?

Respectfully submitted,

Karen Scott Booth
Vice-President, ACO Cambridge and North Dumfries
on behalf of the Board of Directors
ACO Cambridge and North Dumfries
Hi Angie

Further to our discussions, we would be very interested in finding a suitable retirement home in Hespeler. We would love to stay in Hespeler We are in our late 60’s. Currently there are no “In between” options available ie either you are in a full blown retirement home or you are still taking care of your house. An “adult community” would be the ideal such that you have your own 1 storey condo with a community centre/ pool setup but cutting grass, snow removal etc is taken care of.

The only one I know in Cambridge is at Avenue Rd and Franklin. Ideally close to downtown Hespeler with reasonable amount of space so we can entertain our grandchildren. I know most of our friends feel the same way and would be interested in that kind of option

Thanks
Kurt and Bert

Sent from my iPhone
TO WHOM IT MAY CONCERN

I agree that there is a shortage of apartment, condo, bungalow in Hespeler.

Hespeler Village and the Businesses will benefit from the New Development proposed on Guelph Avenue. The Town Centre has been in need of activity for many years. And now starting to come back to life, more residence in the Village is a good thing.

[Signature]
Subject: Condos in Hespeler
Date:  Wednesday, May 8, 2019 at 10:41:20 PM Eastern Daylight Time
From:  Karen Griffiths
To:  Angela Harrison

Hi Angie,

I just wanted to let you know that when I sold my house on Walker Street I had a difficult time purchasing a condo unit in Hespeler as there was nothing available. Because of this I chose to rent a condo unit in Hespeler. I am happy to hear that there are plans for a new condo building to be built in the future with units available for purchase.

Karen Griffiths
Subject: New development
Date: Tuesday, May 7, 2019 at 3:10:28 PM Eastern Daylight Time
From: Sue Taylor
To: Angela Harrison

Hello Angela,

I have been googling the Ford Mansion Development and wonder if you could send me more information. I am very interested in the condominiums. I'm considering downsizing and they seem to be just what I am looking for.

Looking forward to hearing from you,

regards,

Sue Taylor
Jim and Diane,

Cambridge, On.

To Whom It May Concern

My wife and I moved to Cambridge (Hespeler) in 1985. I had been offered employment at the then American Standard Factory.

Over the years the influx of families from other municipalities has led to enormous Realty Developments.

We are part of the baby boomer age retired and looking to downsize in the coming years and don't wish to leave Hespeler.

As the populace ages, the availability of Senior options has not kept pace. The few available are in sad states and the lack of Services and Activities are appalling.

Also the infrastructure is not adequate. Any Highway issues inundate Queen Street.

High Rise Apartments along the River are an eyesore and do not make Hespeler a Village any longer.

Yours truly,

Jim Greig

Sent from my Galaxy Tab® E
TO WHOM IT MAY CONCERN

We would like to put forth our opinion that there’s a shortage of bungalow, apartment, condo properties here in Hespeler, we are in our mid 60s and need to downsize, our family is in Hespeler so we want to stay here. We look forward to the Development of the Forbes Estate it is of comfort to know we have somewhere to purchase in a few years.
Hi Angie... good to hear from you. I hope that you and Ronnie are doing well. Yes, if Hespeler had a similar type of downsizing option for us, we would have preferred to live in Hespeler. At the time we purchased, Hespeler did not have any condo bungalows. The stand alone bungalows were out of our price range. The condo bungalow in Galt was on the average 40 - 50 thousands cheaper than Hespeler bungalows nine years ago. Love Hespeler and still miss it. Hope that info helps.

DIANE ATTWELL PALFREY
QUESTION. IF YOU DOWN SIZE WOULD YOU LIKE TO STAY IN HESPELER? Hi Angie-
Preferably, yes. So far we've never seen anything that suits our needs. We've decided to
focus on updating our property and watch the market over the next few years and see if
our needs change. We've had discussions about maybe relocating to Collingwood area (my
brother has property there and my sister will likely move there). But we have our
granddaughters here in Cambridge and like to be here for them. I need a bungalow of about
2000 to 2500 ft2 with a professionally finished basement, proper office on the main floor
that allows for easy meetings with clients, large great room, updated kitchen with gas range
and at least 2 bedrooms in upper levels. We've seen some in Deer Ridge that we like but
want to keep price below $1 million. It's a tall order I know - hence why we will likely stay
put. We've invested so much in our property to get it the way we like that it's made it hard
to look elsewhere.

HESPELER RESIDENT PREFERRED TO STAY ANONYMOUS
THE NAMES BELOW HAVE GIVEN ME PERMISSION TO GIVE THEIR NAME STATING THEY AGREE THAT THERE ARE VERY FEW OPTIONS FOR SENIORS IN HESPELER FOR BUNGALOW/CONDO LIVING.

David and Erin Henderson
Dorothy Gunther
Mike Longo
Kathryn Bowman
Attachment No. 6

Response to Public Comments

Several written submissions were received from neighbours through the public consultation process. Some letters of support were received for the proposed development as originally proposed with a 12 storey apartment building citing the difficulty to downsize while staying in Hespeler. The public consultation overwhelmingly indicated that the neighbours did not want an apartment building included in the proposed development and the applicant revised their submission to include stacked townhouse units. The overall density of the proposed development was lowered as a result to 39 Units Per Hectare (UPH) which is less than the maximum permitted density on the property.

The comments generally raised concerns with the density and the resulting increase in traffic. The density of the proposal has been reduced to within the limit permitted in the existing Official Plan designation of Low-Medium Density Residential. While there will be an increase in traffic in the area as a result of the proposed development, if it is improved by Council, the Traffic Impact Statement submitted in support of the development did not indicate any improvements required as conditions of draft approval for the subdivision.

The question of compatibility was also raised both in the context of a 12-storey apartment building and in the context of an increase in density compared to the existing, surrounding neighbourhood. The applicant is proposing a mix of single detached, townhouse and stacked townhouse dwellings, all of which are considered to be compatible forms of development with the existing surrounding neighbourhood consisting predominantly of single detached and semi-detached dwellings.

Several neighbours also raised questions about the direction from Provincial policy for intensification. The proposal is now within the maximum permitted density in the Low-Medium Density Residential designation and as noted above, the built form is compatible with the existing, surrounding dwellings. The proposed development still constitutes infill development which makes more efficient use of existing municipal infrastructure.

Comments were also raised about the environmental impact and the proposed removal of mature trees. A tree management plan was submitted in support of the development which has been reviewed by staff and approved. The applicant will be removing non-native and/or invasive species as well as trees that are in poor health. As part of the tree removal permit process the applicant has identified opportunities for compensation plantings as well as calculating the removal fee if the applicant opts to pay the compensation amount rather than installing compensation plantings.
One submission questioned the Environmental Impact Statement (EIS) submitted in support of the development. The comments had to be redacted as they made allegations that were determined to be untrue and/or potentially inflammatory. The study was reviewed by qualified staff at the City, Region and Grand River Conservation Authority (GRCA). An addendum was submitted to address questions raised through the review process and staff at all levels accepted the study and its recommendations.

The final major theme that was raised was heritage conservation. The applicant is proposing to designate the former Forbes estate as located on a large estate lot. There is also a low stone wall that is to be included in the designation. There is a stone structure on the property as well that was originally proposed to be dismantled and used through the development to commemorate the former structure and use of the property as a historic estate. Through discussions with the applicant, City staff, Regional staff and the Municipal Heritage Advisory Committee (MHAC) the applicant agreed to dismantle the stone ruins and reassemble them on city land so that the ruins can be preserved in the public trust. The applicant is working with Parks Operations staff to ensure that the stone ruins are appropriately preserved and programmed for public use.

While the development of the property will result in the removal of trees and some resulting impacts to wildlife currently living on the property, the applicant has provided the necessary studies to demonstrate that the development will not have undue negative impact on protected species and conditions have been added to ensure that mitigation measures recommended by the studies are implemented.

The Forbes Estate also has some contaminated soil and the infill development proposed by the applicant will result in cleaning and/or mitigating the contamination on the property as well as adding additional housing opportunities.

Staff are appreciative of the level of public engagement with this application. The consultation has resulted in many changes to the proposed development and many of the concerns raised through the process have been resolved as a result of the consultation and engagement.
Attachment No. 7
Proposed Zoning By-law Amendment

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

155 & 171 Guelph Ave

The Purpose of this By-law is to rezone the subject property from R2 & OS1 to OS1, R2, R5, R5 S.4.1.410, R6 S.4.1.411, RM2 S.4.1.412, & RM3 S.4.1.413 to facilitate development of the proposed draft plan of subdivision with the following site-specific provisions:

- Introduce a maximum density cap of 185 units;
- Introduce building height limits for the multiple dwelling blocks.
- Reduced minimum front and exterior side yard setbacks
- Provisions permitting a Common Element Condominium
- Increased Maximum number of attached back to back one-family dwelling units shall be 18 units

The Effect of the By-law is to facilitate the proposed draft plan of subdivision which will permit the subject property to be developed with up to 185 Residential units.
By-law No. XXX-21

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 land municipally known as 155 & 171 Guelph Avenue.

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

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

AND WHEREAS Council deems that adequate public notice of the public meeting was provided and adequate information regarding this Amendment was presented at the public meeting held May 14th, 2019, and that a further public meeting is not required in order to proceed with this Amendment; and,

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

1. THAT this by-law shall apply to lands legally described as All of Lots 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20, and Part of Lots 1, 2 and 3, and all of Austin Avenue (closed by By-law No. 76-00, Instrument No. 1464396), and Part of Emerson Street and Henry Villa Drive (originally Henry Street) (closed by By-law No. 76-00, Instrument No. 1464396), and Part of Lane (between Lots 12 and 13, 14 & 15) (closed by By-law No. 76-00, Instrument No. 1464396), Registered Plan No. 152, and all of Lot 27, and Part of Lots 22, 23, 24, 28 and 30, Municipal Compiled Plan No. 803) (closed by Instrument No. WS-435591), Registered Plan No. 62, (formerly in the Town of Hespeler), and Part of Lot 11, Concession 3, Beasley’s Lower Block (Geographic Township of Waterloo), City of Cambridge Regional Municipality of Waterloo and is shown on Schedule “A” attached hereto and forming part of this by-law.

2. AND THAT the City of Cambridge Zoning By-law, being Schedule ‘A’ to By-law No. 150-85, as amended, is hereby amended by rezoning the subject
property as delineated on Schedule ‘A’ attached hereto from the R2 and OS1 zones to OS1, R2, R5, R5 S.4.1.410, R6 S.4.1.411, RM2 S.4.1.412, & RM3 S.4.1.413

3. **AND THAT** the total development on the lands delineated on Schedule A affected by this by-law is limited to a maximum of 185 units

4. **AND THAT** the aforesaid City of Cambridge Zoning By-law No. 150-85, as amended, is hereby further amended adding the following subsection under section 4.1 thereof:

   "4.1.410 – 155 & 171 Guelph Ave;

   In addition to the provisions of Section 3.1.2.2 of this By-law and notwithstanding Sections 3.1.2.2(d) and (f), the following regulation shall also apply to the lands in the R5 zone to which reference “S.4.1.410” is made on Schedule ‘A’ shall be subject to the following regulations as defined by Schedule ‘B’ attached to and forming part of this By-law:

   Minimum Front Yard to attached garage: 6 m
   Minimum Front Yard to the habitable portion of the dwelling: 4.5 m
   Minimum Interior Side Yard: 1.2 m
   Minimum Exterior Side Yard: 4.5 m
   Minimum Rear Yard: 7.5 m"

5. **AND THAT** the aforesaid City of Cambridge Zoning By-law No. 150-85, as amended, is hereby further amended adding the following subsection under section 4.1 thereof:

   "4.1.411 – 155 & 171 Guelph Ave;

   In addition to the provisions of Section 3.1.2.2 of this By-law, the following regulations shall also apply to the lands in the R6 zone to which reference “S.4.1.411” is made on Schedule ‘A’ attached to and forming part of this By-law:

   A maximum building height of 3 storeys above grade is permitted
   Development within hatched ‘Area A’ on Schedule ‘A’ shall be prohibited
   Notwithstanding Section 2.1.13.1, for the purposes of interpretation of the by-law, a lot with frontage on a private road will be considered to have frontage on a public road and the zoning regulations of the R6 S.4.1.411 zone will apply to the blocks as a whole regardless of whether individual
lots or units are created for ownership purposes either through plan of condominium or part lot control.”

6. **AND THAT** the aforesaid City of Cambridge Zoning By-law No. 150-85, as amended, is hereby further amended adding the following subsection under section 4.1 thereof:

“4.1.412 – 155 & 171 Guelph Ave;

In addition to the provisions of Section 3.1.2.6 and notwithstanding Sections 3.1.2.6(c), (e) and (j) of this By-law, the following regulations shall also apply to the lands in the RM2 zone to which reference “S.4.1.412” is made on Schedule ‘A’ attached to and forming part of this By-law:

- Apartment houses containing more than 4 dwelling units shall be prohibited.
- A maximum building height of 5 storeys is permitted.
- A minimum northerly interior side yard of 1 m is required.
- A minimum rear yard of 5.0 m is required.
- A maximum of 16 attached back to back dwelling units is permitted.

Notwithstanding Section 2.1.13.1, for the purposes of interpretation of the by-law, a lot with frontage on a private road will be considered to have frontage on a public road and the zoning regulations of the RM2 S.4.1.412 zone will apply to the blocks as a whole regardless of whether individual lots or units are created for ownership purposes either through plan of condominium or part lot control.”

7. **AND THAT** the aforesaid City of Cambridge Zoning By-law No. 150-85, as amended, is hereby further amended adding the following subsection under section 4.1 thereof:

“4.1.413 – 155 & 171 Guelph Ave;

In addition to the provisions of Section 3.1.2.6 and notwithstanding Sections 3.1.2.6(e) of this By-law, the following regulations shall also apply to the lands in the RM3 zone to which reference “S.4.1.413” is made on Schedule ‘A’ attached to and forming part of this By-law:

- A minimum interior side yard abutting an R Class zone of 1.5 m is required.
- Notwithstanding Section 2.1.13.1, for the purposes of interpretation of the by-law, a lot with frontage on a private road will be considered to have frontage on a public road and the zoning regulations of the RM3 S.4.1.413 zone will apply to the blocks as a whole regardless of whether individual lots or units are created for ownership purposes either through plan of condominium or part lot control.”
frontage on a public road and the zoning regulations of the RM3 S.4.1.413 zone will apply to the blocks as a whole regardless of whether individual lots or units are created for ownership purposes either through plan of condominium or part lot control."

Read a First, Second and Third Time, Enacted and Passed this ___ day of______ 2021

______________________
Mayor

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

Lands affected by the by-law

Zoning Classification

- OPEN SPACE
- MEDIUM HIGH DENSITY RESIDENTIAL
- LOW DENSITY RESIDENTIAL
- INDUSTRIAL
Zoning By-law 20 - Schedule "B"

- d. Front Yard
- a. Lot Frontage
- e. Interior Side Yard
- f. Exterior Side Yard
- g. Rear Yard
Attachment No. 8
Proposed Conditions of Draft Approval

<table>
<thead>
<tr>
<th>No.</th>
<th>Condition</th>
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<tbody>
<tr>
<td></td>
<td><strong>Planning Conditions</strong></td>
</tr>
<tr>
<td>1.</td>
<td>This approval applies to the proposed draft plan of subdivision 30T-18103, prepared by Polocorp dated November 11, 2020.</td>
</tr>
<tr>
<td>2.</td>
<td>THAT prior to registration of the plan, the City of Cambridge Zoning By-law be amended to change the zoning classification on the site from R2 and OS1 to OS1, R2, R5, R5 S.4.1.410, R6 S.4.1.411, RM2 S.4.1.412, &amp; RM3 S.4.1.413</td>
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<tr>
<td>3.</td>
<td>THAT prior to registration of the plan the applicant’s surveyor confirm that all lots and blocks conform to the City of Cambridge Zoning By-law.</td>
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<tr>
<td>4.</td>
<td>THAT this plan of subdivision proceeds to registration only at such time as municipal services are available to the satisfaction of the City Engineer.</td>
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<td>5.</td>
<td>THAT prior to registration the developer prepares a homeowner brochure reviewed and approved by the Chief Planner</td>
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<tr>
<td>6.</td>
<td>THAT prior to registration of any stage of the plan, the owner/developer enter into agreements with all willing land owners who derive their domestic water supply from private wells within a 75m radius of the development to monitor both quality and volume of water supply in the landowner’s wells for a period of two years from the issuance of the final building permit on lots or blocks entirely or partially within 75 m of the landowner’s well indicating that the owner/developer be responsible for any corrective action deemed necessary where monitoring indicates the proposed plan of subdivision is causing unacceptable quality and/or volume of water supply impacts, to the satisfaction of the Community Development department.</td>
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<tr>
<td>7.</td>
<td>THAT The applicant agrees to enter into an agreement to designate the Forbes Estate house and associated estate lot prior to registration of any phase of the subdivision.</td>
</tr>
<tr>
<td>8.</td>
<td>THAT prior to registration, the owner/developer submit the final plan to the Chief Planner (Director of Planning or designate) for examination before such plans are presented to the Regional Municipality of Waterloo for approval, and before the City's issuance of a Letter of Release, the Owner shall present same to the Chief Planner again for re-</td>
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<td>No.</td>
<td>Condition</td>
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<td>examination, before registration, if any change is made thereafter.</td>
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<tr>
<td>9.</td>
<td>THAT prior to registration, The Owner shall erect a sign at each major entrance to the subdivision and at locations within the subdivision as the City may determine, showing a map of all lands within the subdivision as well as those within one hundred and twenty (120) metres outside of the limits of the subdivision. The zoning of all lands shown on this map and all other major features, existing or proposed, e.g. railways, highways, etc., shall be clearly indicated. The size of the signs, the number to be erected and the location of each sign to be erected shall be as approved by the Chief Planner. All signs shall be erected prior to the issuance of building permits and shall remain on display for at least three (3) months from the date of issuance of the last building permit. The procedure for preparation and erection of such signs shall be as follows:</td>
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<td>• the Owner or his/her agent to prepare and submit (in duplicate) the copy and design of the proposed sign in accordance with the adopted colour scheme;</td>
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<td>• such samples of the proposed sign shall be submitted to the Chief Planner for approval. The Chief Planner, if satisfied, will return one copy, as approved, to the applicant and retain the other copy on file for reference purposes;</td>
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<td>• the applicant will notify the Chief Planner or designate that the sign has been erected. The Community Development Department will inspect the erected sign and, if satisfied, will notify the Building Division that the building permits may be issued.</td>
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<td>10.</td>
<td>THAT the Owner agrees to make an affordable housing contribution to the City for each residential unit developed within the plan, which contribution will be paid and used in accordance with the following:</td>
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<td>a. the affordable housing contribution shall be $500 per residential unit, regardless of unit type, and shall not be subject to indexing or any other increase;</td>
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<td>b. the affordable housing contribution is payable for each residential unit in the plan, and shall be collected by the City, upon a building permit being issued for the unit;</td>
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<td>c. the affordable housing contribution shall not be payable in respect of second suites within a single detached, semi-detached or townhouse unit, or in respect of any non-residential development;</td>
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<td>d. the affordable housing contributions paid by the Owner will be used by the City toward the capital costs of a planned affordable housing project that is otherwise fully funded and approved, and may be given by the City to a not-for-profit affordable housing corporation for that purpose or used by the City to acquire land to be conveyed to such a corporation for that purpose; and</td>
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</table>
e. the payment of the affordable housing contribution by the Owner pursuant to this condition shall be in full satisfaction of any and all requirements respecting the contribution to or provision of affordable or social housing in respect of the development of the lands within the plan, and, for greater certainty, the lands shall not be subject to any inclusionary zoning by-law and the Owner shall be exempt from any development charge imposed by the City in respect of affordable or social housing.

### Development & Transportation Engineering Conditions

#### Stormwater Management

11. THAT prior to any grading or construction on the site and prior to registration of the plan, the owners or their agents submit the following plans and reports to the satisfaction of the Grand River Conservation Authority, Region of Waterloo and the City of Cambridge:
   
   
b) A detailed lot grading, servicing and storm drainage plan
   
c) An Erosion and Sediment Control Plan in accordance with the Grand River Conservation Authority’s Guidelines for sediment and erosion control, indicating the means whereby erosion will be minimized and silt maintained on-site throughout all phases of grading and construction.

12. THAT the design of the private Stormwater Management Facility on Block 4 be in accordance with the City’s Design Guidelines for Stormwater Management and to the satisfaction of the Community Development Department and Transportation and Public Works Department.

13. THAT the owner/developer agrees to provide details for the outlet for the private Stormwater Management Facility on Block 4 during the Site Plan Approval and/or detailed design stage, to the satisfaction of the Director of Engineering.

14. THAT the owner/developer agrees that the subsequent Site Plan Agreement shall include for the construction of the private Stormwater Management Facility on Block 4, as per the requirements of MOE guidelines, City of Cambridge Engineering Standards and to the satisfaction of the Director of Engineering.

15. THAT the subdivision/servicing agreement require that an appropriate warning clause explicitly detailing the requirement to provide a Salt Management Plan prior to Site Plan approval, be included in all offers of purchase and sale of all applicable lots, to the satisfaction of Region of Waterloo and City of Cambridge staff.

16. THAT the subdivision/servicing agreement require a soil test be completed, by a certified
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<th>No.</th>
<th>Condition</th>
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<tr>
<td>17.</td>
<td>THAT the subdivision/servicing agreement require that an appropriate warning clause, explicitly indicating the existence of infiltration galleries, be included in all offers of purchase and sale of all applicable units, to the satisfaction of the City of Cambridge.</td>
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</table>

### Grading & Servicing

18. THAT the owner/developer submit a plan of construction routes to the satisfaction of the Director of Engineering and receive approval prior to site grading or registration of the plan, whichever comes first.

19. THAT the provision is made in the subdivision servicing agreement requiring all trucks and heavy equipment to comply with all the regulations of the Highway Traffic Act in respect of the covering and securing of loads, and requiring the owner/developer to advise all contractors, sub-contractors and builders of this condition of approval.

20. THAT the owner/developer be advised that a recommendation for draft approval in no way permits any site preparation, top soil removal, tree cutting, re-grading, grading or construction on site prior to issuance of a site alteration permit by the City and/or without the express written permission of the Director of Engineering.

21. THAT the subdivision/servicing agreement include a clause requiring the owner/developer to appropriately grade, top-soil, seed and maintain all lots and blocks within six months of initial site grading, whether or not they are constructed upon, to a condition acceptable to the Cambridge Planning Services Department, either directly by the owner/developer or through conditions of purchase and sale, or by other means.

22. THAT prior to site grading or registration of the plan, whichever comes first, a lot grading and drainage plan be submitted, to the satisfaction of the City of Cambridge.

23. That prior to registration of the subdivision agreement and/or plan of condominium the owner/developer shall be required to implement drainage easements on Blocks 1-4 in favour of the street fronting lots 1-10 to the satisfaction of the City of Cambridge.

24. THAT the subdivision/servicing agreement require that the owner/developer be responsible for the construction and maintenance of all proposed municipal infrastructure within the existing Guelph Avenue, Shaw Avenue, and City Sanitary Sewer Easement until assumption of maintenance by the City of the required services to the satisfaction of the City Engineer.

25. THAT the subdivision/servicing agreement shall require that the owner/developer be responsible for the maintenance of all municipal infrastructure constructed within Block7 until assumption of maintenance by the City of the required services to the satisfaction of the City Engineer.
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<th>No.</th>
<th>Condition</th>
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<td>26.</td>
<td>THAT the subdivision/servicing agreement shall require that any live taps to existing watermains be either completed by City Forces or inspected by City Forces, at 100% owner/developer’s expense, to the satisfaction of the City of Cambridge.</td>
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<tr>
<td>27.</td>
<td>THAT the minimum watermain size within the City right-of-way shall be 200 mm as required by Section 2.11 of the City of Cambridge Engineering Standards and Development Manual 2013, to the satisfaction of the Director of Engineering.</td>
</tr>
<tr>
<td>28.</td>
<td>THAT prior to the registration of the Subdivision, a final Water Distribution Analysis (through detailed design process) shall be provided to confirm that water supply pressure and volumes are adequate enough under the final arrangements/configuration to meet the requirements of the subdivision as a whole.</td>
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<tr>
<td></td>
<td>Sediment &amp; Erosion Control</td>
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<tr>
<td>29.</td>
<td>THAT prior to any grading or construction on the site, the owner/developer submit methods of drainage and sediment and erosion controls methods, to be employed both during and after construction, including inspection and maintenance requirements, to the satisfaction of the Development and Infrastructure Department.</td>
</tr>
<tr>
<td>30.</td>
<td>THAT the owner/developer agrees to maintain the site in a safe and satisfactory condition free of debris, weeds and other such materials until the plan is registered and developed, to the satisfaction of the Director of Engineering.</td>
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<tr>
<td>31.</td>
<td>THAT the subdivision/servicing agreement include the requirement that satisfactory dust preventative measures be applied during all grading work, in such a manner as to prevent dust and haulage being a concern to neighbouring properties and road users. The City may, at its sole discretion, stop the work and rectify any damage caused as aforementioned, and abate any nuisance created by the owner. The cost of any such work performed by, or at the instructions of, the City shall be paid by the owner/developer.</td>
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<td></td>
<td>Transportation</td>
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<td>32.</td>
<td>THAT a road widening be conveyed to the City along the Guelph Avenue frontage of the proposed development as follows. The road widening shall be 50% of the difference between the designated road allowance in the Official Plan (20.0m) and the existing road allowance.</td>
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<tr>
<td>33.</td>
<td>THAT all portions of the existing stone wall located within the proposed Guelph Avenue road widening be relocated to within the subdivision to the satisfaction of the City of Cambridge. All costs associated with the relocation of the stone wall will be the responsibility of the owner/developer.</td>
</tr>
<tr>
<td>34.</td>
<td>That Block 7 be conveyed to the City as part of the Shaw Avenue right-of-way to accommodate the required cul-de-sac.</td>
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| 35. | That a reference plan be prepared and submitted to the Planning Division for all road
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<tr>
<td>36.</td>
<td>THAT the subdivision/servicing agreement require Shaw Avenue to be extended with an urban cross-section beyond the development access and be terminated with a full municipal cul-de-sac as per City Standard C114 of the City’s Engineering Standards and Development Manual. All costs associated with the design and construction of the Shaw Avenue extension will be the responsibility of the owner/developer.</td>
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<tr>
<td>37.</td>
<td>THAT the subdivision/servicing agreement require the implementation of a municipal sidewalk along the north side of Shaw Avenue from Henry Villa Drive around the eastern perimeter of the cul-de-sac connecting with the development sidewalk to the satisfaction of the Director of Engineering. All costs associated with the design and construction of the Shaw Avenue sidewalk will be the responsibility of the owner/developer.</td>
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<tr>
<td>38.</td>
<td>THAT the subdivision/servicing agreement require the implementation of a municipal sidewalk along the east side of Guelph Avenue along the entire frontage of the proposed development to the satisfaction of the Director of Engineering. All costs associated with the design and construction of the Guelph Avenue sidewalk will be the responsibility of the owner/developer.</td>
</tr>
<tr>
<td>39.</td>
<td>THAT provision be made in the subdivision/servicing agreement requiring all trucks and heavy equipment to comply with all regulations of the Highway Traffic Act in respect of the covering and securing of loads, and requiring the owner/developer to advise all contractors, sub-contractors and builders of this condition of approval.</td>
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<tr>
<td>40.</td>
<td>THAT the subdivision/servicing agreement require the design and implementation (including associated costs) of all transportation improvements as required and outlined in the applicant's Transportation Impact Study Report by Paradigm Transportation Solutions (dated September 2019, and as amended November 2020) to the satisfaction of the Director of Engineering.</td>
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<tr>
<td>41.</td>
<td>THAT the owner/developer shall be responsible for the installation and maintenance of all traffic control devices including signs, pavement markings and street lights until assumption, to the satisfaction of the City Engineer.</td>
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<tr>
<td><strong>Street Lighting</strong></td>
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<td>42.</td>
<td>THAT the owner/developer shall install and be responsible for 100% of the costs associated with the street lighting internal to the plan of subdivision, to the satisfaction of the Director of Engineering. All street lighting must be Leotek Green Cobra LED H-series Street Light (3000K colour temperature).</td>
</tr>
<tr>
<td>43.</td>
<td>THAT the option of using decorative LED street lights is available upon approval of the make and model by Transportation Engineering. Where decorative street lights are used, the owner shall supply the City with one replacement fixture, arm and pole for every 20 street lights or portion thereof.</td>
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<td>44.</td>
<td>THAT the subdivision/servicing agreement include a letter of credit for 100% of the cost of</td>
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<tr>
<td>45.</td>
<td>THAT the subdivision/servicing agreement require the owner/developer be responsible for all maintenance of the street lights under each Phase until assumption.</td>
</tr>
<tr>
<td>46.</td>
<td>THAT the subdivision/servicing agreement require the owner/developer be responsible for and post a letter of credit for all energy costs for the street lights from the date the street lights are energized under each Phase until assumption based on an average cost per light.</td>
</tr>
<tr>
<td>47.</td>
<td>THAT the owner/developer agrees to construct and energize the street lighting system for each phase of the subdivision prior to submitting a building permit application for any lot or block within the subdivision, to the satisfaction of the Director of Engineering.</td>
</tr>
<tr>
<td>48.</td>
<td>THAT the design and construction of all streets and all infrastructure be in accordance with the City of Cambridge Engineering Standards and Development Manual or as approved by the Director of Engineering.</td>
</tr>
<tr>
<td>49.</td>
<td>That prior to the execution of the agreement, a phasing plan for all municipal servicing and roads is to be provided, to the satisfaction of the Director of Engineering.</td>
</tr>
<tr>
<td>50.</td>
<td>THAT prior to registration of any Phase of the plan, the owner/developer provide all necessary easements/rights-of-way to the City of Cambridge.</td>
</tr>
<tr>
<td>51.</td>
<td>THAT all municipal roads, road widenings and daylighting triangles, as shown on the plan, shall be dedicated as public streets to the appropriate road authority to the satisfaction of the Director of Engineering.</td>
</tr>
<tr>
<td>52.</td>
<td>THAT the financial obligations of the City and the Developer shall be as generally set out in the appended schedules to the Subdivision Agreement and subject to the approval of the Director of Engineering.</td>
</tr>
<tr>
<td>53.</td>
<td>THAT provision is made in the subdivision servicing agreement to prohibit the operation of heavy construction equipment between 8:00pm Saturday to 7:00am Monday during the development of the subdivision and to require the owner/developer to advise all contractors, sub-contractors and builders of this condition of approval.</td>
</tr>
<tr>
<td>54.</td>
<td>THAT Block 5 Floodplain/Hazard be conveyed to the City in phase 3 of the development.</td>
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<td>No.</td>
<td>Condition</td>
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<td>following:</td>
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<tr>
<td>1.</td>
<td>The acceptance by the City of environmental evidence (Record of Site Condition acknowledgement letter from the Provincial Ministry); and,</td>
</tr>
<tr>
<td>2.</td>
<td>following a site inspection and certification letter from the applicant to the City confirming Block 5 is free of any dead or hazardous trees (in locations where there is a safety issue), dump sites, litter, debris, remnant fences, barbed wire, wells, tree forts and any unnatural material/disturbances that are considered dangerous to the public or would be an inherited liability prior to conveyance; and,</td>
</tr>
<tr>
<td>3.</td>
<td>confirmation from Property Services that the City will accept the conveyance; and,</td>
</tr>
<tr>
<td>4.</td>
<td>removal of the pedestrian bridge over Forbes Creek and any associated permits or costs for transporting the bridge to City storage; and,</td>
</tr>
<tr>
<td>5.</td>
<td>a security for $11,000 is provided as part of the Subdivision Agreement and installation of a fence to City Standard 6” (0.15m) on City property/Block 5. Following the installation of the fence the property may be conveyed to the City. The security would be released upon assumption inspection of the fence.</td>
</tr>
</tbody>
</table>

55. THAT parkland dedication be provided as per the Official Plan and the Planning Act as cash-in-lieu. Parkland dedication cash-in-lieu will be required on the applicable planning application(s) for each phase. An appraisal will be submitted by the applicant to the satisfaction of Property Services. Payment of cash-in-lieu of parkland dedication will be required prior to registration of each phase. |

56. THAT the applicant will provide a security of $50,000 representing the applicant’s Replacement Tree Fund payable for the tree by-law permit. Removals may then take place. Following acceptance of the security, the applicant will then provide |
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<td>1.</td>
<td>a compensation planting plan and associated tree by-law spreadsheet with the applicable calculations demonstrating a reduction or elimination of the Replacement Tree Fund payable as calculated in the permit application.</td>
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<td>2.</td>
<td>Following approval of the compensation planting plan and spreadsheet, the applicant will establish trees on private property and following two years standard maintenance period and inspection resulting in healthy trees at that time the security will be released to the amount noted in the spreadsheet.</td>
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<td>3.</td>
<td>Should a compensation plan not be provided, or trees not survive to assumption inspection and not be replaced, the City will retain the appropriate amount of the security and transfer it to the Replacement Tree Fund. Conversely, if the applicant provides a compensation plan and spreadsheet in an early phase that eliminates the Replacement Tree Fund payable across the entire subject site, the entire RTF will be released as the compensation obligation for tree removals has been met.</td>
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<td>57.</td>
<td>THAT the heritage feature known as the “stone tower” be relocated to a City property.</td>
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<td>a. The relocation will be supported by the Municipal Heritage Advisory Committee and in consultation with the Accessibility Advisory Committee;</td>
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<td>b. The applicant will conduct the following at their cost unless specifically noted that the City will bear the cost or cost-share with the applicant:</td>
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<td>i. General project management of the relocation and reconstruction;</td>
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<td>ii. Dismantling and cataloguing materials;</td>
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<td></td>
<td>iii. Design, tender, approvals. This involves structural engineering / architectural design, site plan, grading, drainage, electrical and all City and GRCA permits and approvals;</td>
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<td>iv. Transporting the materials, obtaining applicable easements or other agreement to cross property, secure storage, and any associated approvals</td>
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<td>with temporary storage (on non-City-owned property if applicable);</td>
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<td>v.</td>
<td>Developing a survey and site plan for City review and approval;</td>
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<td>vi.</td>
<td>Developing a hydraulic / engineering analysis to provide an assurance that the structure can withstand flood flows as part of the Grand River Conservation Authority (GRCA) and applicable City Building Permit approval processes. The City will contribute a Justification Report and Emergency Plan to the GRCA approval application;</td>
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<td>vii.</td>
<td>Site preparation including relocating of existing trail, grading, tree removals, and the foundation works;</td>
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<td>viii.</td>
<td>The sourcing and construction of an internal staircase for the observation tower adaptive re-use. The applicant will project manage this item but the costs will be borne by the City;</td>
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<tr>
<td>ix.</td>
<td>The reconstruction of the heritage stone tower around the staircase. The applicant will provide windows, lighting, gates, security and other features to the satisfaction of the City as required and these should be detailed in the Site Plan architectural submission;</td>
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<td>x.</td>
<td>The provision of an accessible aspect to the project as yet to be determined but limited by the size of the structure and budget. The accessible feature may be a ramped lookout at the base of the structure or other aspect that contributes toward inclusive use of the observation tower adaptive re-use. The applicant will incorporate this aspect into the design submissions and construct the accessible feature at the City’s cost;</td>
</tr>
<tr>
<td>xi.</td>
<td>The applicant will install an appropriate roof for the structure cost-shared with the City;</td>
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| xii.| The applicant will be responsible for safety, insurance and security of the construction site on City land and adjacent property if applicable (i.e. proper temporary storage, temporary construction fencing, project information
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<td>signage, closure of the park, etc.) and relocation of trail. The trail relocation will be cost-shared with the City and will be permanent;</td>
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<td>xiii.</td>
<td>The applicant will restore the site to the satisfaction of the City including any seeding, tree planting, or any other damage associated with the relocation;</td>
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<tr>
<td>xiv.</td>
<td>Any additional design and construction elements that follow afterward and are not captured in this condition of approval will be at the cost of the City if they are associated with the adaptive re-use and the cost of the applicant if they are associated with the relocation of the heritage tower. In case of unresolvable dispute, costs will be shared.</td>
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<td>c.</td>
<td>The applicant will provide a cost estimate to inform a Letter of Credit within the Schedule of the Subdivision Agreement. The cost estimate will also include the City components and cost-shared items.</td>
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</table>

**Cambridge Fire Conditions**

| 58. | That parking shall not be permitted on any roadway with a width of 9 m or less and no parking signs shall be posted on at least one side of the street. |
| 59. | That the name for all streets and future addressing shall be to the satisfaction of Cambridge Fire. |
| 60. | THAT the Developer will ensure that roadways comply with 3.2.5.6 of the Ontario Building Code. |
| 61. | THAT the Developer will ensure fire hydrants are present and operational. |
| 62. | THAT the Developer will ensure two connections to public thoroughfares if road/cul-de-sac over 100m in length. |
Recommendations

THAT report 21-170(CD) – West River Road School Zone Designation be received;

AND THAT a School Zone and 40km/h speed limit be implemented on West River Road between Culham Drive and Grand Ridge Drive;

AND THAT Traffic and Parking Bylaw No. 187-06, Schedule 18, Rates of Speed, be amended to include a 40 km/h speed limit on West River Road between Culham Drive and Grand Ridge Drive;

AND THAT Traffic and Parking Bylaw No. 187-06, Schedule 1, No Parking, be amended to include a No Parking Anytime restriction on the west side of West River Road from 162 metres south of Culham Drive to 61 metres south thereof;

AND FURTHER THAT a Bylaw amending Traffic and Parking Bylaw No. 187-06 as detailed above be passed.

Executive Summary

Purpose

- The purpose of this report is to seek Council approval to proceed with the implementation of a School Zone and a 40 km/h speed limit on West River Road between Culham Drive and Grand Ridge Drive. As well as the implementation of a no parking anytime restriction on the west side of West River Road at the driveway to Tait Street Public School to accommodate Level 1 traffic calming measures.
Key Findings

- A School Area with a 50 km/h speed limit is currently in place on West River Road between Culham Drive and Grand Ridge Drive. The School Area was installed in 2015 as a result of a new access for Tait Street Public School being constructed on West River Road.

- A speed study was conducted on West River Road between Culham Drive and Grand Ridge Drive in 2019. The results of the speed study indicate the 85th percentile speed on this section of West River Road is 60 km/h. The 85th percentile speed represents the speed at which 85 percent of drivers are travelling at or below.

- Based on the current activity occurring in the area, the existing School Area designation was re-evaluated and it was found that a School Zone is warranted. A School Area is designated by School Area signs only, whereas a School Zone is designated by School Area signs and a 40 km/h speed limit.

- Level 1 traffic calming measures are warranted based on the 85th percentile speed as per the City's Traffic Calming Policy. Level 1 traffic calming measures include signs and pavement markings to help address speeding.

- To accommodate Level 1 traffic calming measures, a no parking anytime restriction is required on the west side of West River Road approximately 30 metres north and 24 metres south of the Tait Street Public School driveway eliminating seven (7) on-street parking spaces.

- Level 1 traffic calming measures include a painted centre median with seasonal traffic calming signs at the West River Road access to Tait Street Public School.

Financial Implications

- Costs are estimated to be $4,000 for required traffic sign and pavement marking improvements including Seasonal Traffic Calming signs will be funded through the 2021 Operating Budget.

Background

Transportation staff have received concerns regarding speeding on West River Road between Culham Drive and Grand Ridge Drive. Requests have been received to implement a School Zone, lower the posted speed limit and address traffic safety concerns around the access to Tait Street Public School.

West River Road currently has a posted speed limit of 50 km/h. A speed study was conducted on West River Road between Culham Drive and Grand Ridge Drive in 2019. The results of the speed study indicate the 85th percentile speed on this section of West River Road is 60 km/h. The 85th percentile speed represents the speed at which 85 percent of drivers are travelling at or below. Speeding is considered to be atypical when the 85th percentile speeds exceeds 10 km/h over the posted speed limit.
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 #1 - Community Wellbeing

Objective 1.1 Work with partners to create a safe, inclusive and accessible city.

The recommendations of this report are intended to address resident traffic concerns while creating a safe and efficient transportation network for all users.

Comments

In order to address speeding on West River Road between Culham Drive and Grand Ridge Drive, a traffic review in this area was completed. The review included re-evaluation of the School Area designation and consideration of Level 1 traffic calming measures as per the City’s Traffic Calming Policy. The current Traffic Calming Policy was approved by City Council on May 7, 2019 as part of the Transportation Master Plan, report 19-097(CD).

This section of West River Road is currently designated as a School Area with a 50 km/h speed limit. A School Area is delineated by School Area signs only, whereas a School Zone is delineated by School Area signs and a 40 km/h speed limit. The designation of a School Area or Zone is determined through a warrant system as per the Transportation Association of Canada (TAC), School and Playground Areas and Zones: Guideline for Application and Implementation.

In 2015 the School Area designation was implemented on West River Road as a result of the new driveway constructed to Tait Street Public School, which acts primarily as an exit for school buses, staff and visitors. However, the current activity has expanded to include many parents dropping off and picking up students near the West River Road school driveway. This activity results in significantly more pedestrian traffic in the area and thus impacts the results of the School Area/Zone Warrant.

Taking these factors into consideration, staff re-assessed the School Area/Zone Warrant. The results of the re-assessment indicate a School Zone with a 40 km/h speed limit is warranted. See Appendix A for a diagram of the School Zone and 40 km/h speed limit area.

Staff also reviewed potential Level 1 traffic calming measures in accordance with the City’s Traffic Calming Policy. Level 1 traffic calming consists of traffic signs and pavement marking improvements as a means to address vehicle speeds. For this
location it is proposed to install a painted centre median along with seasonal traffic calming signs.

The intent of the painted median is to narrow the lane widths, altering driver behaviour by making drivers feel less comfortable about speeding in the presence of narrower lanes without negatively impacting the passage of emergency services. Seasonal traffic calming signs are used in conjunction with the painted median to better emphasize the lane narrowing while also reminding drivers they are in a School Zone.

To accommodate the painted centre median and seasonal traffic calming signs the implementation of no parking anytime restriction is required on the west side of West River Road at the school driveway extending 30 metres north of the driveway and 24 metres south. The parking restriction will eliminate seven (7) on-street parking spaces. Appendix B provides a diagram of the proposed parking restriction and Level 1 traffic calming measures.

Existing Policy/By-Law

The Transportation Association of Canada, School and Playground Areas and Zones: Guideline for Application and Implementation provides guidelines for the implementation of School Zones. These guidelines were used to guide the recommendations of this report.

The City’s Traffic Calming Policy was also utilized to help determine the appropriate type of traffic calming measures. The current Traffic Calming Policy was approved by City Council on May 7, 2019 as part of the Transportation Master Plan, report 19-097(CD).

Financial Impact

- Costs are estimated to be $4,000 for required traffic sign and pavement marking improvements including Seasonal Traffic Calming signs will be funded through the 2021 Operating Budget.

Public Input

All property owners adjacent to West River Road between Culham Drive and Grand Ridge Drive were notified regarding the recommendations of this report via mailed letter on May 19, 2021. No objections to staff’s recommendation were received. However, two (2) concerns were received regarding West River Road being used as a student drop-off and pick-up area. These concerns have been forwarded to School Transportation Services Waterloo Region to consider school travel planning initiatives such as promotion of active transportation alternatives to Tait Street Public School.
The mailed letter from May 19, 2021 to adjacent property owners also included all relevant information regarding how to access a copy of this report, the date and time of this Special Council meeting and how to submit comments or register as a delegation.

This report has also been posted publicly as part of the report process.

**Internal/External Consultation**

There was no internal/external consultation undertaken.

**Conclusion**

Based on staff’s review and the Transportation Association of Canada’s guidelines, it is recommended that a School Zone with a 40 km/h speed limit be implemented on West River Road between Culham Drive and Grand Ridge Drive.

It is also recommended that a no parking anytime restriction be implemented on the west side of West River Road at the school driveway extending 30 metres north and 24 metres south of the driveway eliminating seven (7) on-street parking spaces. In combination with the parking restriction, Level 1 traffic calming measures including a painted centre median with seasonal traffic calming signs are also proposed to be implemented on West River Road at the access to Tait Street Public School.

The recommendations of this report align with the City’s Strategic Plan, 2021 by supporting community wellbeing while creating a safe and efficient transportation network for all users.

**Signature**

**Division Approval**

Reviewed by the CFO
Reviewed by Legal Services

Name: Kevin De Leebeec
Title: Director of Engineering

**Departmental Approval**

Name: Hardy Bromberg
Title: Deputy City Manager, Community Development
City Manager Approval

Name: David Calder
Title: City Manager

Attachments

Appendix A – School zone and 40 km/h Speed Limit
Appendix B – Painted Island and No Parking
Proposed School Zone and 40 km/h speed limit
Appendix B - Painted Island and No Parking

- Existing No Parking, 8:00AM - 4:30PM, MON - FRI, SEP 1 - JUN 30

- Proposed No Parking Anytime.

- Existing No Parking, 8:00AM - 4:30PM, MON - FRI, SEP 1 - JUN 30

Tait Street Public School
To: COUNCIL

Meeting Date: 07/13/21

Subject: Request to Alter a Part IV Designated Property – 200 Water Street North (Galt Collegiate Institute)

Submitted By: Deanne Friess, MCIP, RPP, Manager of Policy Planning

Prepared By: Abraham Plunkett-Latimer, Senior Planner—Heritage

Report No.: 21-195(CD)

File No.: R01.01.11

Recommendations

THAT Report 21-195(CD) – Request to Alter a Part IV Designated Property – 200 Water Street North (Galt Collegiate Institute)– be received;

AND THAT Council approve the replacement of two sets of wooden doors and frames on the east elevation of Galt Collegiate Institute at 200 Water Street North as outlined in Report 21-195 (CD);

AND THAT Council approve the replacement of existing transom windows and decorative moulding on the east elevation of Galt Collegiate Institute at 200 Water Street North for the reasons outlined in Report 21-195(CD).

AND FURTHER THAT Council require detailed shop drawings of the replacement doors and windows be provided to the satisfaction of the Senior Planner – Heritage prior to the manufacturing of the replacement doors and windows.

Executive Summary

Purpose

- The property located at 200 Water Street North (previously addressed as 210 Water Street North) is designated under Part IV of the Ontario Heritage Act by By-law No. 16-83. Council approval is required for alterations to a Part IV Designated property.

- The property owner is requesting permission to replace two sets of doors and transom windows on the east elevation of Galt Collegiate Institute.
• In accordance with the Ontario Heritage Act, the notice of receipt for the application to alter 200 Water Street North was issued on May 20th, 2021. Council has 90 days to make a decision on whether or not to approve the application, approve the application with conditions, or to provide notice that Council is refusing the application. If Council fails to make a decision within 90 days, the application is deemed consented to. The 90-day clause for the subject application expires on August 14, 2021.

Key Findings

• Given the condition of the doors, which have been repaired multiple times in the past and have now reached end of life, replacement of the doors on Galt Collegiate Institute is considered appropriate. Given that the proposed replacement windows are intended to replicate the existing windows, it is also considered appropriate to replace the transom windows and dentil moulding in order that the entire unit may be of uniform design and colour.

Financial Implications

• All costs are to be borne by the applicant.

Background

The subject property is designated under Part IV of the Ontario Heritage Act by By-law No.16-83 (Attachment 1). The Galt Collegiate Institute, originally known as the Galt Grammar School was founded in 1852 by Michael C. Howe as a private school for boys. (Figure 1). The oldest portion of the building was constructed in 1854, and additions of limestone were made in 1859, 1874, 1905 and 1923. The building reflects a Scottish Baronial style with architectural features such as crow step gables, crenellation and buttresses.
The property owner has submitted a request to replace two sets of wooden doors and transom windows on the east elevation of the structure located to the north and south of the main entrance with new wooden doors in a similar configuration.

The existing doors show influences of the Scottish Baronial style. They are built with wooden frame and plank construction techniques and are characterized by distinctive decorative (non-functional) ironwork. The doors are separated by a fixed mullion. They are topped by a 12-lite transom window with single pane glass and decorative dentil moulding (Figures 2 and 3).

Heritage planning staff did not require a Heritage Impact Assessment to accompany the subject application given the proposed alterations are considered minor.
Figure 2: South East Door Proposed for Replacement, 200 Water Street North. Photo provided by applicant.
Figure 3: North East Door Proposed for Replacement, 200 Water Street North. Photo provided by applicant.

This application was reviewed by the Municipal Heritage Advisory Committee on June 17, 2021. The committee passed the following resolutions:

THAT Report 21-017 (MHAC) – Request to Alter a Part IV Designated Property – 200 Water Street North (Galt Collegiate Institute) – be received;

AND THAT the Municipal Heritage Advisory Committee (MHAC) recommend Council approve the replacement of two sets of wooden doors and frames on the east elevation of Galt Collegiate Institute at 200 Water Street North as outlined in Report 21-017 (MHAC);

AND FURTHER THAT the Municipal Heritage Advisory Committee (MHAC) recommend Council approve the replacement of existing transom windows and decorative moulding on the east elevation of Galt Collegiate Institute at 200 Water Street North for the reasons outlined in Report 21-017 (MHAC).
AND FURTHER THAT the MHAC recommend Council require detailed shop drawings of the replacement doors and windows be provided to the satisfaction of the Senior Planner—Heritage prior to the manufacturing of the replacement windows.

Analysis

Strategic Alignment

PLACE: To take care of, celebrate and share the great features in Cambridge that we love and mean the most to us.

Goal #3 - Arts, Culture, Heritage and Architecture

Objective 3.2 Conserve and make positive contributions to our heritage districts and buildings throughout the community.

The City encourages sympathetic alterations to designated heritage properties to celebrate our built heritage and create attractive, viable neighbourhoods.

Comments

The applicant is requesting permission to replace two sets of doors located on the east elevation of the Galt Collegiate Institute flanking the main entrance to the north and south.

The applicant has indicated that the existing doors can no longer be repaired. They have been subject to multiple repairs over time and are now at the end of their useable lifespan. The planks have absorbed moisture and have warped considerably and the doors are no longer able to be shut properly. There are visible signs of water damage and salt corrosion at the doors' base (see Figure 2 and 3).

The applicant is proposing that the existing doors, frame, and transom windows, be removed in their entirety and replaced with new doors and window in a similar configuration. The existing glass is proposed to be replaced with thermal glass in an identical configuration with true divided lites.

The reasons for designation in By-law No. 16-83 do not specifically identify the doors as heritage attributes, but the by-law implies that the whole building except the 1963 and later additions are included. The doors contribute to the Scottish Baronial architectural influences that is identified in the by-law.

The replacement doors are proposed to be constructed of wood in an identical design to the existing doors. The existing decorative ironwork is proposed to be removed, restored and reapplied to the new doors. A new door pull appropriate to the design would be installed to replace the existing non-original, mismatched pulls. The fixed mullion between the doors would be replaced by an internal mullion to allow for an
additional 35mm opening to accommodate accessibility requirements. The applicant has retained a specialist in reproduction historical woodwork to produce the replacement doors.

Given the advanced state of deterioration and multiple previous attempts to repair, staff are in agreement that it is appropriate to replace the existing doors with new doors and frames. The proposal is consistent with Parks Canada’s Standards and Guidelines for the Conservation of Historic Places in Canada for conserving historic doors in that it proposes to replace irreparable doors with new doors of the same material and design. Replacement of the existing wooden doors with wooden reproductions would not detract from the cultural heritage value of the structure.

There does not appear to be irreparable damage to the transom window or decorative moulding. Because the doors and transom window are not painted, however, an attempt to retain the window and replace the door may result in mismatched wood tones creating an obvious transition between the new doors and existing transom windows. For this reason, staff is of the opinion that a reproduction unit including doors, dentil moulding, and transom window as a single unit replicating the specifications of the existing window and doors would better support the heritage character of the structure.

In order to ensure that the new units sufficiently replicate the existing window and doors, staff is requesting that detailed specifications produced by the manufacturer of the new units be submitted to heritage staff for approval prior to manufacturing.

If Council does not accept the recommendations in this report the applicant will not be permitted to make the proposed changes. If Council refuses the application or permits the application with terms and conditions, as of July 1, 2021 the property owner may appeal the decision to the Ontario Land Tribunal.

**Existing Policy/By-Law**

Section 33 of the Ontario Heritage Act identifies the process for altering a Part IV designated property. Section 33(1) states,

No owner of property designated under section 29 shall alter the property or permit the alteration of the property if the alteration is likely to affect the property’s heritage attributes, as set out in the description of the property’s heritage attributes that was required to be served and registered under subsection 29 (6) or (14), as the case may be, unless the owner applies to the council of the municipality in which the property is situate and receives consent in writing to the alteration.

The Ontario Heritage Act requires that within 90 days after the notice of receipt is served on the applicant, Council may give the permit applied for, give the permit applied for with conditions or provide notice that Council is refusing the application. The notice of receipt for the subject application was issued on May 21, 2021. If Council fails to
make a decision within 90 days, the application is deemed consented to. The 90-day clause for the subject application expires on August 14, 2021.

The 2012 Cambridge Official Plan identifies policies in Chapter 4 that support the conservation and restoration of built heritage resources. Section 4.2 (3) states, that “Cultural heritage resources will be preserved and enhanced, wherever possible.”

200 Water Street North is designated under Part IV of the Ontario Heritage Act by By-law 16-83.

Financial Impact

All costs will be borne by the applicant.

Public Input

The Municipal Heritage Advisory Committee (MHAC) meetings are open to the public and this report was posted publicly as part of the agenda process.

Internal/External Consultation

The Municipal Heritage Advisory Committee (MHAC) reviewed the request to replace the doors and transom windows on the east elevations of Galt Collegiate Institute at their meeting on June 17, 2021. The MHAC recommended that Council approve the application with conditions.

Conclusion

Given the condition of the existing doors, the replacement of both sets of doors on the east elevation of Galt Collegiate Institute with new wood doors is appropriate. The transom windows appear to be in acceptable condition for repair rather than replacement. However, retaining the existing transom window may create a disjointed appearance between old and new given the difficulty of matching new and existing wood tones.

Based on the above analysis, staff recommends that the MHAC recommend Council approve the request to replace both sets of doors, door frames, and transom windows on the east elevations of Galt Collegiate Institute. The replacement doors and windows should substantially replicate the existing configuration, including the replication of the windows’ true divided lites. Detailed shop drawings should be submitted to the satisfaction of the Senior Planner—Heritage prior to the manufacturing of the replacement units.

If Council does not approve the proposed alterations, the applicant may request that the decision be evaluated by the Conservation Review Board. The review board may make
recommendations to Council to reconsider the decision, but Council is the final decision-making authority.

This application aligns with the City’s Strategic Plan which encourages sympathetic alterations to designated heritage properties to celebrate our built heritage and create attractive, viable neighbourhoods.

**Signature**

**Division Approval**

Reviewed by the CFO

Reviewed by Legal Services

Name: Deanne Friess
Title: Manager of Policy Planning

**Departmental Approval**

Name: Hardy Bromberg
Title: Deputy City Manager

**City Manager Approval**

Name: David Calder
Title: City Manager

**Attachments**

Attachment 1 By-law 16-83: Designation of Galt Collegiate Institute and Vocational School
BY-LAW NO. 16-83
OF THE
CORPORATION OF THE CITY OF CAMBRIDGE

Being a by-law to designate the frontal exterior of the Galt Collegiate Institute and Vocational School, 210 Water Street North, and the interior of the front entrance hall with memorial tablets, but excluding the north wing addition, for its historical and architectural significance.

WHEREAS the Ontario Heritage Act, R.S.O. 1980, c. 337 authorizes the Council of a municipality to enact by-laws to designate real property including all buildings and structures thereon, to be of historic or architectural value or interest;

AND WHEREAS Notices of Intention to so designate the Galt Collegiate Institute and Vocational School at 210 Water Street North, Cambridge, Ontario, have been duly published and served;

AND WHEREAS it is considered desirable to designate the property known as the Galt Collegiate Institute and Vocational School at 210 Water Street North;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF CAMBRIDGE ENACTS AS FOLLOWS:

1. THAT there is designated as being of historical and architectural significance the frontal exterior and the interior of the front entrance hall with memorial tablets, but excluding the north wing addition, more particularly described in Schedule "A" attached hereto, known as the Galt Collegiate Institute and Vocational School, 210 Water Street North, Cambridge, Ontario. The reasons for designation are set out in Schedule "B" attached hereto.

2. THAT the City of Cambridge is hereby authorized to cause a copy of this by-law to be served upon the owner of the said property and upon the Ontario Heritage Foundation and to cause notice of this by-law to be published in a newspaper having general circulation in the City of Cambridge.

ENACTED AND PASSED THIS 8TH DAY OF FEBRUARY, A.D. 1983.

[Signature]
MAYOR

[Signature]
CLERK
SCHEDULE "A" TO BY-LAW NO. 16-83
OF THE
CORPORATION OF THE CITY OF CAMBRIDGE

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Cambridge, in the Regional Municipality of Waterloo and Province of Ontario, (formerly in the City of Galt), and being composed of Blocks A and B, Registered Plan 448, known municipally as Galt Collegiate Institute and Vocational School, 210 Water Street North, Cambridge, Ontario.
SCHEDULE "B" TO BY-LAW NO. 16-83

OF THE

CORPORATION OF THE CITY OF CAMBRIDGE

The Galt Collegiate Institute and Vocational School is designated for historic and architectural reasons.

The Galt Grammar School was founded in 1852 by Michael C. Howe as a private school for boys and it attained continent wide distinction under his successor William Tassie, noted as a strict disciplinarian and classical scholar. Among its outstanding graduates were Sir Adam Beck and Canon the Hon. H. C. Cody. The name changed to the Galt High School in 1869 and then to Galt Collegiate Institute in 1872 when it headed the list of only six schools in Ontario on which were conferred the name and privileges of Collegiate Institutes (Local Colleges). Its students were often prominent in athletics and its Cadet Corps was much noted.

The plain, symmetrical building of 1854 with later additions - principally in 1859, 1874, 1905 and 1923 are of fossilized limestone quarried from the river banks, is of a style commonly called Scottish Baronial and incorporates many architectural features, including crow step gables, Romanesque arches, broken-arch pediment, crenellation and buttresses. The City skyline is dominated by two stone towers, and two decorative cupola-like ventilator hoods. The interior entrance Memorial Tablet of gray marble was erected in 1920 and was extended in 1954 to include casualties of World War II. The addition of 1963 and later changes are not included in the designation.
To: COUNCIL

Meeting Date: 07/13/2021

Subject: Recommendation Report: 1656 & 1660 Blair Road, Zoning By-law Amendment – Alin Dinu

Submitted By: Hardy Bromberg, Deputy City Manager – Community Development

Prepared By: Michael Campos, Intermediate Planner

Report No.: 21-029(CD)

File No.: R05/19

Recommendations

THAT Report 21-029(CD) 1656 & 1660 Blair Road, Zoning By-law Amendment – Alin Dinu be received;

AND THAT Cambridge Council approve the proposed Zoning By-law Amendment to change the zoning on 1656 Blair Road from “Residential - R1” to “Commercial - C2” s.4.1.397 to permit the expansion of the existing restaurant at 1660 Blair Road and to add site specific permissions to 1656 and 1660 Blair Road to permit a reduction in parking from 36 spaces to 18 spaces;

AND THAT Cambridge Council permit the minimum required setbacks to be those that are legally existing and that have existed prior to the passing of the current Zoning By-law No. 150-85 including a front yard setback of 1.68 metres (5.51 feet); an interior side yard setback of 4.32 m (14.17 feet); and a rear yard setback of 11.62 metres (38.12 feet);

AND THAT Council permit a micro brewery/winery and micro distillery as an accessory use to the restaurant use;

AND THAT the By-law be passed;

AND FURTHER THAT Cambridge Council is satisfied that a subsequent public meeting in accordance with subsection 34(17) of the Planning Act is not required.
Executive Summary

Purpose

- The applicant is proposing to expand the existing restaurant (Easy Pour Wine Bar) within the existing residential building abutting the property at 1656 Blair Road.

- To permit the desired use a rezoning of the property at 1656 Blair Road from Residential (R1) to Commercial (C2) is required.

- Specific regulations across the entirety of the site (1656 Blair Road and 1660 Blair Road) are being requested to allow for a reduction in required parking from 36 spaces to 18 spaces,

- In order to permit, the required setbacks be identified as those that are legally existing and have existed since the passing of the current zoning by-law include a front yard setback of 1.68 metres (5.51 feet); an interior side yard setback of 4.32 m (14.17 feet); and a rear yard setback of 11.62 metres (38.12 feet).

- To permit the addition of a micro-brewery/winery and micro distillery (public beverage making establishment) use to the property as an accessory to the restaurant.

- A reduction in parking from 36 spaces to 18 spaces is requested. Eight spaces currently exist on 1660 Blair Road to support the restaurant use. Eight additional spaces are proposed north of the existing residential unit at 1656 Blair Road. A further two additional spaces are proposed on the eastern side of the existing residence to be used solely as staff parking.

- The applicant is also requesting to permit a micro-brewery/winery and micro distillery (public beverage making establishment) to the property as an accessory use to the existing restaurant for the purpose of brewing small batches of beer and wine to serve customers who visit the restaurant.

Key Findings

- The subject lands are comprised of two separate properties known municipally as 1660 Blair Road and 1656 Blair Road.

- 1660 Blair Road is currently occupied by a restaurant known as the Easy Pour Wine Bar. An accessory building is located at the rear of the property that is currently used as an office and storage space for the existing restaurant. 1656 Blair Road is currently occupied by an existing vacant single storey residential dwelling.
• The applicant proposes to rezone the property at 1656 Blair Road from residential (R1) to commercial (C2) to permit the expansion of the existing restaurant use at 1660 Blair Road onto the adjacent property, as well as to add site specific permissions to both properties to allow for a reduction in required parking from 36 spaces to 18 spaces, to permit that the required setbacks be identified as those that are legally existing and have existed since the adoption of the current zoning by-law No. 150-85, and to permit the addition of a micro-brewery/winery and micro distillery (public beverage making establishment) use to the properties at 1660 and 1656 Blair Road as accessory to the existing restaurant is required.

• The original proposal which was presented to Council at the Public Meeting on January 14, 2020 also proposed to convert the detached accessory building located at the rear of the property into a short-term rental/secondary dwelling unit. However, since the public meeting, the applicant has revised their application and is no longer proceeding with a proposed secondary unit in the accessory structure. The accessory building will instead remain as storage and as an office space for the restaurant use, and therefore, will not require additional parking. Staff are of the opinion that no additional public meeting is required for this change.

• The applicant has requested a reduction in parking from 36 spaces to 18 spaces. The proposed parking layout illustrated on the submitted site plan proposes eight spaces located on 1660 Blair Road for the use of the restaurant. Eight additional spaces are proposed north of the existing residential unit at 1656 Blair Road. A further two additional spaces are proposed on the eastern side of the existing residence at 1656 Blair Road and are intended to be used solely as staff parking.

• A reduced parking requirement was approved for the existing restaurant at 1660 Blair Road by the Committee of Adjustment through a Minor Variance application submitted in April 2013 (Application No. A12/13), which reduced the minimum required parking spaces at the time from 23 to 10 parking spaces. Its important to note that the proposed parking layout will provide a more efficient parking layout by reducing the total number of spaces at 1660 Blair Road from 10 spaces to 8 spaces, and providing a total of 10 spaces at 1656 Blair Road.

• The conversion of the existing residence to accommodate an expansion of the existing restaurant at 1660 Blair Road will permit an increase in the parking for the restaurant. Presently, a parking ratio of 5.55 spaces are provided per 100 square metres (1,076 square feet) of gross floor area for the restaurant. After the proposed expansion, the parking ratio provided for the restaurant would increase to 6.42 spaces per 100 square metres (1,076 square feet) of gross floor area.

• In addition to the proposed expansion of the restaurant, the applicant is seeking to add a micro-brewery/ winery and micro distillery (public beverage making establishment) use to the properties at 1660 and 1656 Blair Road as accessory to the existing restaurant is required.
establishment) to the property as an accessory use to the food services establishment (restaurant). The intent of this use is to brew small batches of beer and wine to serve to customers of the restaurant.

- The proposed zoning amendment also requests that the required setbacks for the subject lands be identified as those that are legally existing. The Commercial – C2 zone requires a minimum front yard of 6 metres (19.68 feet), a minimum interior side yard of 7.5 metres (24.60 feet) and a rear yard of 3 metres (9.84 feet).

- The front yard, interior side yard and rear yard setbacks currently in place have existed since the passing of the current zoning by-law No. 150-85 and since the day of construction of both structures. Built in 1856 (existing restaurant) and 1848 (existing residential dwelling). A Heritage Impact Assessment was not required as there are no concerns with the proposed change of use and expansion of parking area, as the proposal was determined to be in accordance with the Blair Village Heritage Conservation District.

### Financial Implications

- A planning application fee for the Zoning By-law Amendment in the amount of $10,500 has been paid to the City to process this application.

- A future Site Plan Amendment application will be required for the lands with an associated fee of $3,670 made payable to the City to process the application.

- An estimated Building Permit fee of approximately $1,454 for renovated interior works to the existing and proposed expansion of the restaurant.

- An estimated tax revenue from the expansion of the existing restaurant of approximately $21,919 (combined for both 1660 and 1656 Blair Road). Please note that the provided estimate is based on the 2020 tax rate, as the 2021 tax rate is not yet available.

- Any further costs associated with the development of the site are borne by the applicant.

### Background

**Property**

The subject lands are comprised of two parcels with areas of 793.3 square metres (8,539 square feet) and 457.5 square metres (4,924.5 square feet), forming a total area of 1,250.8 square metres (13,463.5 square feet) across the entirety of the lands. The subject lands are located on the north side of Blair Road, with the Grand River located steeply downhill further to the north, Fountain Street south to the west, Fallbrook Lane
to the east, and Old Mill Road to the south. The Walter Bean Grand River trailhead is located approximately 50 metres (164 feet) east of the subject lands. From the trailhead, the Walter Bean Grand River Trail runs westerly behind and abutting the subject lands, connects to various points of interest throughout Cambridge, Kitchener and Waterloo, and provides connections to parks and other trails including the Trans Canada Trail.

**Location**

The subject lands are located within the Community of Blair and are municipally addressed as 1656 and 1660 Blair Road, and are legally described as:

**1656 Blair Road:**

Lot 4, Block B, on Blair Road Registered Plan 581, Part 1 on Reference Plan 58R8272, City of Cambridge.

**1660 Blair Road:**

Part of Lots 4 to 6, Block B, on Blair Road Registered Plan 581, Parts 1 & 3 on Reference Plan 67R1508, Save and Except Part 1 on Reference Plan 67R3149, City of Cambridge
Existing/Surrounding Land Uses

The subject lands are situated in the western half of the City within the Village of Blair and is surrounded by a mix of existing residential land uses, retail and service commercial uses, small-scale business and/or professional offices, and several institutional uses. Uses that immediately surround the subject lands to the north include the Walter Bean Grand River Trail, and beyond that, the Grand River. North of the Grand River is a large span of open space lands which contains Moyer’s Blair Landing. To the west of the subject lands is existing residential uses, service commercial uses such as a day space and dentistry offices, and institutional uses including an assisted living facility. The rare Charitable Research Reserve – Administrative Centre, which is an urban land trust and environmental institute is located to the south of the subject lands. Beyond the rare property, there are existing residential uses and service commercial uses including an auto body shop. Finally, east of the subject lands are existing residential uses and the continuation of Blair Road towards Galt.

Proposal

The purpose of this report is to provide a recommendation on the proposed zoning by-law amendment application that seeks to rezone 1656 Blair Road from its current zoning of “Residential – R1” to “Commercial – C2” to permit the expansion of the existing restaurant at 1660 Blair Road. In addition to the proposed rezoning of 1656 Blair Road to a “Commercial – C2” zone, the applicant is proposing additional site-specific provisions across the entirety of 1656 and 1660 Blair Road that includes a reduction in required parking from 36 spaces to 18 spaces and that the required setbacks applicable to the subject lands be identified as those that are legally existing.

The two existing buildings were constructed in 1856 (existing Easy Pour Wine Bar restaurant) and 1848 (existing residential dwelling). Furthermore, a site-specific provision is sought to permit the addition of a micro-brewery/winery and micro distillery (public beverage making establishment) as an accessory use to the restaurant.

The original proposal which was presented to Council at the Public Meeting on January 14, 2020 also proposed to convert the detached accessory building located at the rear of the property into a short-term rental/secondary dwelling unit. However, since the public meeting, the applicant has revised their application and is no longer proceeding with a proposed secondary unit in the accessory structure. The accessory building will instead remain as storage and as an office space for the restaurant use.
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 #1 - Community Wellbeing

Objective 2.1 Provide a wide range of ways that people can become involved in city decision making.

The proposal will permit the minor intensification/expansion of an existing commercial use (restaurant) of an existing vacant residential dwelling that is presently underutilized. The expansion of the existing restaurant will facilitate a more welcoming and vibrant addition to the neighbourhood by increasing the area of a popular restaurant that welcomes locals and tourists to a fine dining experience in the historic Blair neighbourhood.

Comments

A zoning by-law amendment has been submitted for the subject lands to permit the expansion of the existing Easy Pour Wine Bar restaurant at 1660 Blair Road to 1656 Blair Road by rezoning the lands from “Residential – R1” to the “Commercial – C2” zone. In addition to the proposed rezoning of the subject lands, the application seeks site-specific provisions to permit a reduced number of required parking spaces from 36 spaces to 18 spaces, to permit that the required setbacks be identified as those that are legally existing, and to permit the addition of a micro-brewery/ winery and micro distillery (public beverage making establishment) as an accessory use to the restaurant. Staff gave consideration to the agency comments that have been received, compatibility with the surrounding neighbourhood amenities, parking requirements and the existing setbacks of the property. The properties will eventually be merged as one property through the future site plan application process. Should this application be approved by Council, it is anticipated that the applicant will move forward with a site plan application soon after. A estimated date has not been provided by the applicant.

The proposed amendment is consistent with the updated 2020 Provincial Policy Statement, which took effect on May 1, 2020 and conforms to the Provincial Growth Plan of 2020. The proposal will result in the efficient use of the land, resources, existing infrastructure and private services. The proposal conforms to the Region of Waterloo’s Official Plan, which allows for the minor intensification of existing commercial uses within the limits of the existing property. The application does not propose any new development and would occupy an existing structure on an existing legal lot of record.
The subject lands are currently serviced by existing private wells and an individual wastewater treatment system, which provides sufficient capacity to accommodate the commercial expansion. The proposal aligns with the policies of the City’s Official Plan in regards to compatibility for intensification of the existing and proposed commercial uses on the lands within the existing buildings.

The subject lands are currently zoned “Commercial – C2” and “Residential – R1” in Zoning By-law No. 150-85. The C2 zone permits service commercial uses such as restaurants (food services establishments). The purpose of the proposed Zoning By-law Amendment is to rezone 1656 Blair Road from “Residential – R1” to “Commercial – C2” in order to complement the existing permissions that are applicable to the adjacent lands at 1660 Blair Road, which contains the existing Easy Pour Restaurant. In addition to rezoning the lands, the amendment seeks to establish site-specific provisions on the lands for the following:

- To allow for a reduction in required parking from 36 spaces to 18 spaces:
  - The total required parking for the subject lands to accommodate a proposed restaurant across both 1660 and 1656 Blair Road is 36 parking spaces. Due to the limited amount of space available on the subject lands, the applicant is able to provide a total of 18 parking spaces, where 16 spaces (including one barrier free space) is provided for visitors and two spaces are provided for staff only. In April 2013, the City’s Committee of Adjustment approved a minor variance application (Application A12/13) to reduce the minimum required number of parking spaces for the restaurant at 1660 Blair Road from 23 spaces to 10 spaces. This resulted in a parking ratio of 5.55 spaces per 100 square metres (1,076 square feet) of gross floor area. With the proposed expansion of the restaurant to 1656 Blair Road, the approved variance is no longer applicable. Based on the proposed available parking of 18 total spaces, the restaurant is now providing an additional 8 spaces that were not available at the time of the minor variance. The proposed parking ratio for the subject lands would now be provided at 6.42 spaces per 100 square metres (1,076 square feet) of gross floor area, which results in a higher parking ratio than previously approved through the Committee of Adjustment.
  - Given that the property is largely constrained due to the existing heritage buildings and size of lots, it is not possible to provide the total number of parking spaces required by the City’s Zoning By-law. However, the proposed Zoning By-law Amendment will allow for an increase in parking spaces that otherwise would not have been possible without the use of the adjacent vacant residential lot. In addition, the Blair Village Community is well-located with respect to transit, having a transit stop located directly in front of the existing restaurant along Blair Road. Furthermore, the subject
lands are located in proximity to available walking trails such as the Walter Bean Trail, which provides convenient access to the restaurant for those who live in the nearby Community and choose to walk or use their bicycle to visit the Village.

- Based on the submitted plans parking layout plan and vehicle turning plan provided by the applicant, it was determined that the subject lands would be capable of accommodating 18 spaces comfortably on the site with the ability to efficiently and safely maneuver into and out of the parking lot from Blair Road.

To permit that the required setbacks be identified as those that are legally existing:

- The Commercial – C2 zone, which is proposed to be applied across the entirety of the subject lands should this zoning amendment be approved, requires that the lands provide a minimum front yard setback of 6 metres (19.68 feet); a minimum interior side yard setback of 3 metres (9.84 feet) or 7.5 metres (24.60 feet) if abutting a residential zone; and a minimum rear yard setback of 3 metres (9.84 feet) or 7.5 metres (24.60 feet) if abutting a residential zone. The existing structures on the subject lands were all constructed prior to the establishment of the current zoning by-law No. 150-85 in 1985. As a result, the setbacks in place are considered to be legal non-conforming, which means that the existing setbacks of those structures are permitted, subject to the use or buildings not being altered on the lands. With the proposed expansion of the commercial uses on the subject lands, the legal non-conforming status applied to the lands would no longer be applicable. As a result, the applicant has requested as part of their application that the existing setbacks for the structures that have existed on the property since the 19th century be recognized as being legal.

Presently, the existing structures provide the following setbacks:

- A front yard setback of 1.68 metres (5.51 feet), whereas a front yard setback of 6 metres (19.68 feet) is required; and,

- An interior side yard setback of 4.32 metres (14.17 feet), whereas an interior side yard setback of 7.5 metres (24.60 feet) is required.

The existing main buildings on the subject lands are in compliance with the required rear yard setback of 3 metres (9.84 feet), with the exception of the existing accessory structure at the rear of the property, which is located on and partially outside of the rear yard boundary line. The accessory building is also considered legal non-conforming and has
existed on the property prior to the establishment of the current City zoning by-law No. 150-85.

As such, given the existence of these buildings in this same location for over a century, it is staff’s opinion that the existing setbacks be legalized and continue to be permitted, particularly considering the historic importance of the structures to Blair Village and their designation under Part V of the Ontario Heritage Act.

- To permit the addition of a micro-brewery/winery and micro distillery (public beverage making establishment) as an accessory use to the property:
  - The proposed micro-brewery/winery and micro distillery is being requested by the applicant as an accessory use to the main restaurant use. It is the intent of the owners to brew small batches of wine and beer to be sold to customers of the restaurant. The intent is not that the micro brewery/winery and micro distillery would be used for the wholesale of the products brewed on site. Presently, the “Commercial – C2” zone does not permit these uses, neither as a principle use or as an accessory use.

The City of Cambridge draft zoning by-law that was released on May 2019 permits a micro-brewery/winery and micro distillery as permitted uses within the Regional Commercial 2 – RC2 zone, Community Commercial 1 – CC1 zone, Community Commercial 2 – CC2 zone, and in the Neighbourhood Commercial – NC zone. The subject lands are expected to be zoned as Village Commercial – VC, which is a commercial zone that applies solely to the core area of the Village of Blair. Given the expected permission for the micro-brewery/winery and micro distillery uses within many of the commercial zones in the anticipated By-law that apply to lands in core areas and areas where the uses would serve the surrounding community, it is the opinion of staff that these uses would be appropriate for the Blair Core Area, particularly as an accessory use to a restaurant that is popular amongst its surrounding neighbours and visitors from across the Region. The proposed commercial uses are compatible with the restaurant use and are typically found in combination with restaurant uses in other parts of the City. As a result, it is the opinion of staff that the introduction of a micro brewery/winemark and micro distillery as an accessory to the restaurant on the subject lands would be suitable with the commercial urban fabric of the Blair Core Area.

- It is the opinion of Planning staff that by rezoning the presently underutilized parcel of land at 1656 Blair Road to permit the expansion of commercial uses (restaurant and accessory micro brewery/winery and micro distillery) across the entirety of the subject lands, the uses will complement the existing Blair Village
Community and would meet the intent of the Zoning By-law No. 150-85 which is to allow for compact efficient development with a mixture of residential, commercial and institutional uses. Though this request the intent of Zoning By-law No. 150-85 is maintained and the requested relief is, in staff’s opinion considered minor and represents good planning.

- Refer to Attachment 4, for a detailed planning analysis.

- If Council does not support the recommendation, the project as planned may not be able to proceed. If Council were to decide to not approve the amendment to Zoning By-law No. 150-85, the applicant or anyone else would be able to file an appeal to the Local Planning Appeal Tribunal (LPAT) and the decision to amend the Zoning By-law No. 150-85 would rest with the LPAT rather than City of Cambridge Council.

Existing Policy/By-Law

City of Cambridge Official Plan (2012):

The 2012 City of Cambridge Official Plan identifies the subject lands as being located within the Countryside area of the City of Cambridge as per Map 1A – Urban Structure of the City’s Official Plan. The subject lands are further designated as Rural/Protected Countryside by Map 1B of the City’s Official Plan.

Although located within the Countryside of the City of Cambridge, the City’s Official Plan provides specific land use mapping for properties located within the area of Blair Village. The Blair Village core is a small and compact, walkable and self-contained village with a central core, with its intent being to promote the interaction of residents and to become the centre of the community containing a mixture of uses including residential, commercial and institutional land uses. The Official Plan further designates the subject property as being within the Blair Core Area on Map 2 of the Official Plan (Attachment 3). Section 2.12.1.1 of the City’s Official Plan states that lands designated as Blair Core Area may be used for retail and service commercial uses (excluding motor vehicle repair shops, auto body repair shops, and automobile service stations or gas bars). As such, the proposed zoning by-law amendment to permit the expansion of an existing retail use (restaurant) at 1660 Blair Road and within the Blair Core Area designation is in conformity with the policies of the City of Cambridge Official Plan.

If approved, the proposed zoning amendment will allow the existing vacant residential unit adjacent to the existing restaurant be used for the purposes of expanding the commercial use. The application does not propose any form of new development on the subject lands. The buildings that have existed since the 19th century will continue to be used to accommodate the existing and proposed expansion of the Easy Pour Wine Bar restaurant, maintaining the historic identity of the Blair Village community. The proposal conforms to the Official Plan and an amendment is not required.
A detailed planning analysis is provided in Attachment 4 of this Report.

**Cambridge Zoning By-law No. 150-85:**

The subject lands are presently zoned “Commercial – C2” (1660 Blair Road) and “Residential - R1” (1656 Blair Road) by the City of Cambridge Zoning By-law No. 150-85. The intent of the C2 zone is to accommodate commercial uses within the Blair centre and strip commercial areas, while the intent of the R1 zone is to accommodate single detached residential dwellings at low density in areas where public water supply and sewage disposal facilities are not generally available. There are currently no existing site-specific zoning provisions applied to the subject lands.

As noted previously, the applicant is requesting to rezone 1656 Blair Road from its current R1 zone to the C2 zone with the intent of establishing similar zoning across the entirety of the subject lands to accommodate the proposed expansion of the existing restaurant use. The R1 zone does not permit commercial uses including restaurants. In addition, the purpose of the proposed zoning by-law amendment is to establish a site-specific exception to permit an additional commercial accessory use on the lands (micro-brewery/ winery and micro distillery (public beverage making establishment)), to permit the reduction of the total required number of parking spaces, and to recognize the existing setbacks of the buildings as being legal. In staff’s opinion, the proposed zoning by-law amendment with the site-specific regulations complies with the intent of the City of Cambridge Zoning By-law No.150-85.

A zoning map representing the current zoning of the subject lands has been included as Attachment 2.

Detailed planning analysis is provided in Attachment 4.

**Financial Impact**

- A planning application fee for the amendment to Zoning By-law No. 150.85 in the amount of $10,500 has been paid to the City to process this application.

- A future Site Plan Amendment application will be required for the lands with an associated fee of $3,670 made payable to the City to process the application.

- An estimated Building Permit fee of approximately $1,454 for renovated interior works to the existing and proposed expansion of the restaurant.

- An estimated tax revenue from the expansion of the existing restaurant of approximately $21,919 (combined for both 1660 and 1656 Blair Road). Please note that the provided estimate is based on the 2020 tax rate, as the 2021 tax rate is not yet available. Any further costs associated with the development of the site are borne by the applicant.
Public Input

The statutory public meeting required under the Planning Act was held on January 14, 2020 and official notification was provided to the Cambridge Times on December 10, 2019. In addition, notice was provided to all assessed property owners within a 120 metre (393.7 feet) radius of the site and anyone else who requested notice.

The public meeting minutes excerpt is included as Attachment 5. No concerns were raised at the public meeting with respect to the proposed zoning by-law amendment.

Internal/External Consultation

The application and supporting information has been circulated to the departments and agencies listed in Attachment 6 and comments received are included in the attachment. There were no objections received from any of the departments and/or agencies circulated on this application.

Development Engineering staff did, however, confirm through their comments that additional information will be required to be submitted as part of a future site plan approval application for the lands with respect to the proposed stormwater management and grading plans.

Conclusion

City of Cambridge Development Planning Staff is recommending approval of this application and is of the opinion that the proposed amendment to Zoning By-law No. 150.85 is consistent with the Provincial Policy Statement 2020, conforms with the policies of the Provincial Growth Plan 2020, conforms with the Regional Official Plan, the City of Cambridge Official Plan and meets the general intent and purpose of the City of Cambridge Zoning By-law No. 150.85 and represents good planning. A detailed planning analysis is included as Attachment 4 of this report.

The proposal will provide for the expansion of commercial retail uses at 1660 Blair Road and will utilize an adjacent residential property that is presently vacant. The proposed amendment supports the achievement of providing efficient development and land use patterns by contributing to the range and mix of employment (commercial) within Blair Village. The proposed expansion of commercial uses on the lands will help contribute to a welcoming and vibrant Blair Village Core by reusing existing heritage buildings to accommodate a restaurant that will attract local residents and outside visitors to the area, in accordance with the City’s Strategic Plan 2021.
Division Approval
N/A

Name:
Title:

Departmental Approval

Name: Hardy Bromberg
Title: Deputy City Manager - Community Development

City Manager Approval

Name: David Calder
Title: City Manager

Attachments

- Attachment 1 – Proposed Site Plan
- Attachment 2 – Existing Zoning Map
- Attachment 3 – Existing Official Plan Map
- Attachment 4 – Detailed Planning Analysis
- Attachment 5 – Public Meeting Minutes
- Attachment 6 – External/Internal Consultation and Comments
- Attachment 7 – Draft Zoning By-law Amendment
# Attachment 4 – Detailed Planning Analysis

## Provincial Policy Statement (2020 PPS)

The Provincial Policy Statement (PPS) provides policy direction on matters of Provincial interest related to land use planning and development. The following is an assessment of the proposed development and relevant policies.

<table>
<thead>
<tr>
<th>Policy #</th>
<th>Policy</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1.1</td>
<td>Healthy, liveable and safe communities are sustained by:</td>
<td>The proposed application will permit an expansion of an existing commercial use on a currently underutilized parcel of land, which will provide for a more efficient land parcel over the long-term.</td>
</tr>
<tr>
<td></td>
<td>a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;</td>
<td></td>
</tr>
<tr>
<td>1.1.1</td>
<td>Healthy, liveable and safe communities are sustained by:</td>
<td>The proposed application will contribute to the range and mix of employment (commercial) uses in the Blair Village Core and will promote the neighbourhood by attracting local residents and outside visitors to the area.</td>
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<td></td>
<td>b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;</td>
<td></td>
</tr>
</tbody>
</table>
| 1.1.1 | Healthy, liveable and safe communities are sustained by:  
c) Avoiding development and land use patterns which may cause environmental or public health and safety concerns  
The proposed amendment does not propose new development but will instead utilize existing structures that have been standing in that location since the 19th century and that are considered part of the historic urban fabric of the Blair Core Area. The use of existing structures and private services on the lands will help minimize environmental and public health concerns by reducing new development and promoting reuse of existing buildings and infrastructure. |
| --- | --- |
| 1.1.1 | Healthy, liveable and safe communities are sustained by:  
e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;  
The proposed amendment will utilize existing structures and private services, promoting efficient growth management and cost-effective development patterns that minimizes land consumption. |
| 1.1.3.1 | Settlement areas shall be the focus of growth and development.  
The proposed development is located within a rural settlement area where development is promoted, as per the PPS. |
### 1.1.3.2 Land use patterns within settlement areas

Land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- **a)** efficiently use land and resources;
- **b)** 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;
- **c)** minimize negative impacts to air quality and climate change, and promote energy efficiency;
- **d)** prepare for the impacts of a changing climate;
- **e)** support active transportation;
- **f)** are transit-supportive, where transit is planned, exists or may be developed; and
- **g)** are freight-supportive.

Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

### The proposed amendment

The proposed amendment will permit the expansion of commercial retail uses (restaurant and beverage making establishment) on the property that is currently underutilized. The proposed expansion will allow for a more efficient use of land, enhancing an existing vacant residential dwelling to accommodate commercial uses in an area that is intended for a mix of residential, commercial and institutional uses.

The proposed expansion will not require additional servicing infrastructure or enhancements to the existing infrastructure to accommodate the proposed commercial uses.

The subject lands are located on a Regional Road and are in proximity to transit stops that provide transportation for potential visitors and/or employees. Additionally, the site is in proximity to multi-use trails that permit those seeking active forms of transportation to access the lands.

The subject lands will not require major alteration to the site in order to function for its proposed purpose. Some additional paving will be required to accommodate additional parking spaces. As a result, there is little to no negative impacts to air quality or climate expected from the proposed expansion.
| 1.1.3.4 | Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety. | The proposed expansion of commercial retail uses into existing structures promotes a greater efficiency in existing building stock. The proposed expansion will utilize an underutilized and currently vacant residential structure to expand an existing employment use, reducing potential risks to public health and safety. |
| 1.3.1 | Planning authorities shall promote economic development and competitiveness by: | The proposed expansion will contribute to the appropriate mix and range of employment (commercial) uses to meet long-term needs by supporting the planned intention for the Blair Core Area. The proposed expansion of commercial uses will result in a greater demand on the current service capacity, resulting in the creation of additional service-related jobs. |
| | a) Providing for an appropriate mix and range of employment and institutional uses to meet long-term needs; | |
| | b) Providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses; | |
| | c) Encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities; and, | |
| | d) ensuring the necessary infrastructure is provided to support current and projected needs. | |
| 1.4.1 | To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall: a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development; | The proposed amendment will not contribute to the proposed mix of housing options and densities, but will instead support employment uses within the Blair Core Area. |
| 1.4.3 | Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by: a) establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households and which aligns with applicable housing and homelessness plans. However, where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities; | The proposed expansion of the commercial uses will support employment uses within the Blair Core Area by expanding into an underutilized vacant structure. |
| 1.4.3  | Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:  
| c) directing the development of new housing locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs; | The proposed development will not require further infrastructure or public service facilities and will utilize the services currently in place. |
| 1.4.3  | Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:  
| d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed; | The proposed development efficiently utilizes the land and infrastructure in transit areas through increased commercial sector employment and increased capacity. |
| 1.6.6.2 | Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services. | The proposed development will continue to use private services that are available on the subject lands. |
| 1.6.6.7 | Planning for stormwater management shall:  
| | a) be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term;  
| | b) minimize, or, where possible, prevent increases in contaminant loads;  
| | c) minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure;  
| | d) mitigate risks to human health, safety, property and the environment;  
| | e) maximize the extent and function of vegetative and pervious surfaces; and  
| | f) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development. | As per the comments provided by Development Engineering Staff, a stormwater management plan and grading plan will need to be provided and approved as part of a future site plan approval application for the lands. |
| 1.6.7.4 | A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation. | The proposed development is located along a regional transit corridor, providing options for use of available transit. Additionally, the lands are in proximity to multi-use trails that connect the Blair Core Area to other parts of the City. |
The subject application is consistent with Provincial Policies and the Provincial Policy Statement, 2020.

A Place to Grow – Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow – Growth Plan for the Greater Golden Horseshoe, 2020 (Growth Plan) is a Provincial document that provides long-term land use planning direction for the Greater Golden Horseshoe area of Ontario. The document provides policy guidance in regards to growth management, transportation, intensification, policies to support growth, etc.

The policies of the Growth Plan centre on the key themes of directing growth to settlement areas and prioritizing intensification, with a focus on strategic growth areas, including urban growth centres and major transit station areas, as well as brownfield sites and greyfields. The built-up area remains the focus of growth in settlement areas. However, the subject lands are not located within a delineated built-up area but instead is located within a rural settlement area. The Growth Plan defines Rural Settlement as follows:

“Existing hamlets or similar existing small settlement areas that are long-established and identified in official plans. These communities are serviced by individual private on-site water and/or private wastewater systems, contain a

| 1.8.1 | Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through land use and development patterns which:
|       | a) promote compact form and a structure of nodes and corridors;
|       | b) promote the use of active transportation and transit in and between residential, employment (including commercial and industrial) and institutional uses and other areas; |
|       | The subject lands will not require alteration to the site in order to function for its proposed purpose. As a result, there is little to no negative impacts to air quality or climate expected from the proposed expansion.
|       | As mentioned previously, the proposed expansion of an existing commercial use on a currently underutilized piece of vacant land will provide for a more efficient use of an existing land parcel.
|       | Additionally, the subject lands are located on a Regional road that provides Regional transit options and is located in proximity to a walking trail system allowing for active transportation opportunities. |
limited amount of undeveloped lands that are designated for development and are subject to official plan policies that limit growth. All settlement areas that are identified as hamlets in the Greenbelt Plan, as rural settlements in the Oak Ridge Moraine Conservation Plan, or as minor urban centres in the Niagara Escarpment Plan are considered rural settlements for the purposes of this Plan, including those that would not otherwise meet this definition.”

Section 2.2 of the Growth Plan sets out the parameters for where and how growth will be allocated in the Greater Golden Horseshoe. The policies in this section direct that the vast majority of growth will be directed to settlement areas. The proposed amendment is not proposing growth, but instead, a more efficient utilization of land through the expansion of a restaurant and the adaptive reuse of existing building stock.

Section 2.2.9 of the Growth Plan relates to rural areas within the Greater Golden Horseshoe. Policy 2.2.9.1 states that “municipalities are encouraged to plan for a variety of cultural and economic opportunities within rural settlements to serve the needs of rural residents and area businesses”. The proposed amendment will permit that the existing commercial use and the reuse of an existing residential dwelling for a new commercial use in a rural settlement area planned to accommodate a range and mix of residential, commercial and institutional uses will serve the needs of rural residents within the Blair Core Area. Furthermore, the proposed amendment would help contribute to additional economic opportunities within a rural settlement and help serve the needs of rural residents, while attracting visitors to the historic area.

The subject application is consistent and conforms with Provincial Plans including the Growth Plan, as it will provide an opportunity for expansion of existing commercial retail uses to an underutilized vacant property within a rural settlement area where a range and mix of residential, commercial and institutional uses are intended.

**Region of Waterloo Official Plan (2015)**

The Regional Official Plan (“ROP”) was approved by the Ministry of Municipal Affairs and Housing with modifications on December 22, 2010, and later on, approved, with amendments, by the Ontario Municipal Board on June 14, 2015. The ROP outlines a vision for growth and development within the Region and establishes a number of policies to plan and manage growth and implement provincial land use policy.

The subject lands are identified within the ROP as being located outside of the urban area boundary and are designated as both “Protected Countryside” and “Rural Areas” on Map 7 of the Official Plan. Lands designated as “Protected Countryside” are intended to permanently protect environmental features and agricultural lands surrounding the north, west and south sides of the Urban Area designation from urban development, while providing for the continued use of lands for agriculture, environmental and other appropriate rural uses.
The proposed uses on the subject lands are subject to Section 6.C of the ROP, which provides for General Policies. The policies of this section apply to the Prime Agricultural Area and Rural Area designations.

Policy 6.C.5 states the following:

"Minor intensification of existing industrial, commercial, recreational and/or institutional uses, including minor changes to the uses thereof, may be permitted within the limits of the existing property”.

The submitted application proposed to permit the expansion of an already established commercial use within an underutilized vacant residential dwelling within the limits of an existing legal lot of record located within the Protected Countryside and Rural Area designation. Based on Policy 6.C.5 above, the expansion of these uses would be permitted.

Policy 6.G.6 allows development within Rural Settlement Areas to be approved provided that any new lots can be appropriately serviced by private wells and individual wastewater treatment systems. The proposed amendment and restaurant expansion does not propose any form of new development on the subject lands. The restaurant expansion will occupy an existing structure. Both existing structures are already serviced by private wells and an individual wastewater treatment system, which according to the information submitted by the applicant and reviewed by City Staff, has capacity to service the proposed commercial expansion.

Chapter 7 of the ROP provides policy direction relating to the Greenlands Network. The Greenlands Network, and the ecological functions it provides, contribute to maintaining the environmental health of the Region of Waterloo and the Grand River Watershed. The subject lands are identified on Map 4 of the ROP as being within an Environmentally Sensitive Landscape. Policy 7.B.7 of the ROP states that development may be considered within the Rural Settlement Areas located within Environmentally Sensitive Landscapes, and those lands designated to permit urban development within the Blair Village Special District as designated in the Cambridge Official Plan. The proposed amendment seeks to expand commercial uses within an existing underutilized structure in the Blair Core Area. The proposed amendment is in keeping with the above ROP policy.

Policy 7.B.9 states that:

“Within the Environmentally Sensitive Landscapes designation, development applications submitted in accordance with the policies in Chapter 6 to:

a) establish or expand recreational and tourism uses or rural institutional uses;
b) create a new lot, or permit a lot addition, for a recreational and tourism uses or rural institutional use;

c) permit the minor intensification of existing industrial, commercial, recreational and/or institutional uses, including minor changes in the uses thereof;

d) permit new agriculture-related uses or secondary uses;

may be considered for approval subject to the following addition criteria:

i. There will be no adverse environmental impacts on environmental features and ecological functions, enhancement/restoration areas, existing corridors and linkages, watercourses, or the quality and quantity of groundwater within or contiguous to the Environmentally Sensitive Landscape resulting directly from the proposed development or through increases in traffic or development of required servicing infrastructure;

ii. Disturbance of existing natural vegetation will be minimized;

iii. The development will be buffered from existing natural features by an appropriate width of natural vegetation, and will otherwise facilitate the enhancement or restoration of new areas and/or corridors and linkages; and;

iv. All natural landscape features, required buffer strips and enhancement or restoration areas on the subject property are given appropriate zoning in the zoning by-law of the respective Area Municipality and/or protected through a Conservation Easement acceptable to the Region.”

The proposed amendment seeks to permit the minor intensification of an existing commercial use through the expansion of the established use onto an adjacent, underutilized vacant legal lot of record, within an Environmentally Sensitive Landscape designation. The proposal does not intend to construct and new forms of development and proposes to use existing building stock and private services that are already available on the subject lands with the capacity to accommodate the proposed expansion. Based on this, it is not anticipated that the proposed expansion will cause any adverse environmental impacts, nor will there be any disturbance to existing natural vegetation as a result of the proposed amendment and commercial use expansion.

According to Map 6a of the ROP, the subject lands are not located within a Regional Source Water Protection Area, and therefore, the policies of Chapter 8 of the ROP are not applicable to the subject lands.
The proposed amendments to permit the expansion of commercial uses on the subject lands are in conformity to the policies of the Regional Official Plan.

City of Cambridge Official Plan (2012)

One of the main objectives of the City’s Official Plan is to plan for compact urban development that maintains a balanced land supply, including residential, employment and commercial uses, and promotes mixed-use, transit-oriented development.

The subject lands are located within the “Protected Countryside Area” of the City of Cambridge as identified on Map 1A – Urban Structure of the City’s Official Plan. The Official Plan further designates the lands as “Rural/Protected Countryside” on Map 1B of the City’s Official Plan.

According to section 2.9 of the Official Plan, lands outside the urban area boundary are predominately designated to reflect their agricultural and natural features and functions. Lands within the Protected Countryside designation are regulated in accordance with the underlying policies of Prime Agricultural, Rural, or Landscape Level System designations of the City and Regional Official Plans.

Although located within the Protected Countryside, the subject lands are also designated as “Blair Core Area” in the City’s Official Plan. Lands designated as such are located within the boundary area of Blair Village, which is a small and compact, walkable and self-contained village with a central core in the north western side of the City. Blair Village is designed to promote the interaction of residents and become the centre of a community intended to contain a mixture of residential, commercial and institutional uses.

Lands designated as “Blair Core Area” by the City’s Official Plan permit the following uses:

i. Mixed-use residential;

ii. Limited multi-unit residential including bed and breakfast establishments;

iii. Retail and service commercial uses (excluding motor vehicle repair shops, auto body repair shops, and automobile service stations or gas bars);

iv. Public or private institutional uses including outdoor educational facilities and their accessory uses; and,

v. Small scale business or professional offices supporting Blair Village.

Commercial uses are identified in section 8.6 of the Official Plan as generally consisting of retail uses such as: department stores; food stores; drug stores; home improvement stores; warehouse membership clubs; specialty retail stores service uses such as restaurants, banks, entertainment facilities, and offices.
The proposed amendment intends to expand an existing commercial use (restaurant) within the “Blair Core Area”, which is in line with the permitted uses of the designation. The proposed expansion of the commercial uses would contribute to development that helps maintain a balanced land supply of commercial uses within Blair Village.

Chapter 3 of the City’s Official Plan provides policies pertaining to natural heritage and environmental management. The subject lands are identified as being located within the Blair-Bechtel-Cruickston Environmentally Sensitive Landscape on Map 9 of the Official Plan. Permitted uses within the Environmentally Sensitive Landscape includes minor intensification of existing industrial, commercial, recreational and/or institutional uses.

The City’s Official Plan requires that an Environmental Impact Statement be submitted to the satisfaction of the Region, in consultation with the City and Grand River Conservation Authority, when development or site alteration is proposed on lands within or contiguous to an Environmentally Sensitive Landscape. Given that the proposed expansion of commercial uses will utilize existing building stock, which is already serviced by two existing private wells and an individual wastewater treatment system that has capacity to service the commercial expansion, no adverse impact is anticipated on the environmental system. There is no proposal to alter the site or to construct new development. As a result, no Environmental Impact Statement was required to accompany the submitted application.

Chapter 4 of the City’s Official Plan provides policy direction with regard to cultural heritage resources and seeks to support the conservation, restoration and prominence of the City’s built heritage as a key identifying feature of the community. It also seeks to maintain and support the rehabilitation of the Heritage Conservation Districts, located in the Galt City Centre, Blair Village and the City-owned lands in West Galt and to consider the establishment of additional districts. The Official Plan supports and requires where feasible, the identification, cataloguing, adaptive re-use, analysis and relocation of cultural heritage resources, and in some cases the preservation of sites containing resources.

The subject lands are protected under Part V of the Ontario Heritage Act, via the Blair Village Heritage Conservation District Plan. The proposed amendment seeks to allow a minor expansion of commercial uses on the subject lands within existing designated heritage buildings. The proposed expansion does not seek to alter or demolish any of the existing structures to accommodate the proposed commercial uses. There are also no additions proposed to the existing structures as part of this proposal. The proposed work would not impact the ongoing conservation of the heritage resources on the subject lands, nor the intent of the Blair Village Heritage Conservation District Plan.

The proposed amendment seeks to adaptively reuse an existing underutilized vacant residential structure through internal renovations to transform it into a vibrant restaurant for use by local residents and visitors.
The proposal conforms to the City of Cambridge Official Plan, 2012 in regards to the proposed expansion of commercial uses within the Blair Village Core.

**Blair Village Heritage Conservation District Plan (1999)**

The Blair Village Heritage Conservation District Plan provides for the conservation and preservation of the significant heritage attributes of the community and ensures the protection of heritage resources in Blair. The existing buildings on the subject lands are listed as “very historic” in the Plan, as both the existing restaurant and residential structure were constructed in the 19th century.

The proposal seeks to use the existing structures to accommodate the proposed commercial expansion for a restaurant use. There is no new development or site alteration proposed as part of the subject application. The only proposed changes are with respect to interior renovations.

The application was reviewed by the City’s Senior Heritage Planner to determine whether there were any concerns with respect to the proposed expansion. According to the comments provided by the Senior Heritage Planner, there is no heritage concerns with the proposed change of use or the expansion of commercial uses on the subject lands. The proposal is in keeping with the Blair Village Heritage Conservation District vision for the Village core as the centre of the community.

**City of Cambridge Zoning By-law No. 150-85, as amended**

The subject lands are currently zoned “Commercial – C2” (1660 Blair Road) and “Residential – R1” (1656 Blair Road) by Zoning By-law No. 150-85. The intent of the C2 zone is to accommodate commercial uses in the Blair centre and strip commercial areas, while the intent of the R1 zone is to accommodate single detached dwellings at low density in areas where public water supply and sanitary sewage disposal facilities are not generally available.

The Commercial - C2 zone permits the following uses:

- Any retail commercial establishment in which not more than 300 square metres (3,229 square feet) of gross leasable commercial floor area is provided;
- A hairdressing establishment;
- Any business and professional office;
- A food services establishment including a cart;
- A laundry or dry cleaner’s establishment but not a dry-cleaning plant;
- A hotel or motel;
- A funeral home;
- Any other service commercial establishment;
- A place of amusement except an amusement arcade;
- A recreation centre;
The Residential – R1 zone permits the following uses:

- A single detached dwelling;
- A residential special care facility (subject to section 3.1.1.3 (b));
- A use permitted in any zone in accordance with section 2.1.1; and,
- An accessory use, building or structure in accordance with section 2.1.11.

The purpose of the proposed Zoning By-law Amendment is to rezone 1656 Blair Road from “Residential – R1” to “Commercial – C2” in order to complement the existing permissions that are applicable to the adjacent lands at 1660 Blair Road, which contains the existing Easy Pour Restaurant. In addition to rezoning the lands, the amendment seeks to establish site-specific provisions on the lands for the following:

A zoning by-law amendment has been submitted for the subject lands to permit the expansion of the existing Easy Pour Wine Bar restaurant at 1660 Blair Road to 1656 Blair Road by rezoning the lands from “Residential – R1” to the “Commercial – C2” zone. In addition to the proposed rezoning of the subject lands, the application seeks site-specific provisions to permit a reduced number of required parking spaces from 36 spaces to 18 spaces, to permit that the required setbacks be identified as those that are legally existing, and to permit the addition of a micro-brewery/ winery and micro distillery (public beverage making establishment) as an accessory use to the restaurant. Staff gave consideration to the agency comments that have been received, compatibility with the surrounding neighbourhood, parking requirements and the existing setbacks of the property. The properties will eventually be merged as one property through the future site plan application process.

The proposed amendment is consistent with the updated 2020 Provincial Policy Statement, which took effect on May 1, 2020 and conforms to the Growth Plan 2020 as it will result in the efficient use of the land, resources, existing infrastructure and private services. The proposal conforms to the Region of Waterloo’s Official Plan, which allows for the minor intensification of existing commercial uses within the limits of the existing property. The application does not propose any new development and would occupy an existing structure on an existing legal lot of record. The subject lands are already serviced by existing private wells and an individual wastewater treatment system, which provides sufficient capacity to accommodate the commercial expansion. The proposal aligns with the policies of the City’s Official Plan in regards to compatibility for
intensification of the existing and proposed commercial uses on the lands within the existing buildings.

The subject lands are currently zoned “Commercial – C2” and “Residential – R1” in Zoning By-law No. 150-85. The C2 zone permits service commercial uses such as restaurants (food services establishments). The purpose of the proposed Zoning By-law Amendment is to rezone 1656 Blair Road from “Residential – R1” to “Commercial – C2” in order to complement the existing permissions that are applicable to the adjacent lands at 1660 Blair Road, which contains the existing Easy Pour Restaurant. In addition to rezoning the lands, the amendment seeks to establish site-specific provisions on the lands for the following:

- To allow for a reduction in required parking from 36 spaces to 18 spaces.

  - The total required parking for the subject lands to accommodate a proposed restaurant across both 1660 and 1656 Blair Road is 36 parking spaces. Due to the limited amount of space available on the subject lands, the applicant is able to provide a total of 18 parking spaces, where 16 spaces (including one barrier free space) is provided for visitors and two spaces are provided for staff only. In April 2013, the City’s Committee of Adjustment approved a minor variance application (Application A12/13) to reduce the minimum required number of parking spaces for the restaurant at 1660 Blair Road from 23 spaces to 10 spaces. This resulted in a parking ratio of 5.55 spaces per 100 square metres (1,076 square feet) of gross floor area. With the proposed expansion of the restaurant to 1656 Blair Road, the approved variance is no longer applicable. Based on the proposed available parking of 18 total spaces, the restaurant is now providing an additional 8 spaces that were not available at the time of the minor variance. The proposed parking ratio for the subject lands would now be provided at 6.42 spaces per 100 square metres (1,076 square feet) of gross floor area, which results in a higher parking ratio than previously approved through the Committee of Adjustment.

  - Given that the property is largely constrained due to the existing heritage buildings and size of lots, it is not possible to provide the total number of parking spaces required by the City’s Zoning By-law. However, the proposed Zoning By-law Amendment will allow for an increase in parking spaces that otherwise would not have been possible without the use of the adjacent vacant residential lot. In addition, the Blair Village Community is well-located with respect to transit, having a transit stop located directly in front of the existing restaurant along Blair Road. Furthermore, the subject lands are located in proximity to available walking trails such as the Walter Bean Trail, which provides convenient access to the restaurant for those
who live in the nearby Community and choose to walk or use their bicycle to visit the Village.

- Based on the submitted plans parking layout plan and vehicle turning plan provided by the applicant, it was determined that the subject lands would be capable of accommodating 18 spaces comfortably on the site with the ability to efficiently and safely maneuver into and out of the parking lot from Blair Road.

- To permit that the required setbacks be identified as those that are legally existing.

  - The Commercial – C2 zone, which is proposed to be applied across the entirety of the subject lands should this zoning amendment be approved, requires that the lands provide a minimum front yard setback of 6 metres (19.68 feet); a minimum interior side yard setback of 3 metres (9.84 feet) or 7.5 metres (24.60 feet) if abutting a residential zone; and a minimum rear yard setback of 3 metres (9.84 feet) or 7.5 metres (24.60 feet) if abutting a residential zone. The existing structures on the subject lands were all constructed prior to the establishment of the current zoning by-law in 1985. As a result, the setbacks in place are considered to be legal non-conforming, which means that the existing setbacks of those structures are permitted, subject to the use or buildings not being altered on the lands. With the proposed expansion of the commercial uses on the subject lands, the legal non-conforming status applied to the lands would no longer be applicable. As a result, the applicant has requested as part of their application that the existing setbacks for the structures that have existed on the property since the 19th century be recognized as being legal.

  Presently, the existing structures provide the following setbacks:

  - A front yard setback of 1.68 metres (5.51 feet), whereas a front yard setback of 6 metres (19.68 feet) is required; and,

  - An interior side yard setback of 4.32 metres (14.17 feet), whereas an interior side yard setback of 7.5 metres (24.60 feet) is required.

  The existing main buildings on the subject lands are in compliance with the required rear yard setback of 3 metres (9.84 feet), with the exception of the existing accessory structure at the rear of the property, which is located on and partially outside of the rear yard boundary line. The accessory building is also considered legal non-conforming and has existed on the property prior to the establishment of the current City zoning by-law.
As such, given the existence of these buildings in this same location for over a century, it is of our opinion that the existing setbacks be legalized and continue to be permitted, particularly considering the historic importance of the structures to Blair Village and their designation under Part V of the Ontario Heritage Act.

- To permit the addition of a micro-brewery/winery and micro distillery (public beverage making establishment) as an accessory use to the property.
  - The proposed micro-brewery/winery and micro distillery is being requested by the applicant as an accessory use to the main restaurant use. It is the intent of the owners to brew small batches of wine and beer to be sold to customers of the restaurant. The intent is not that the micro brewery/winery and micro distillery would be used for the wholesale of the products brewed on site. Presently, the “Commercial – C2” zone does not permit these uses, neither as a principle use or as an accessory use.

The City of Cambridge draft zoning by-law that was released on May 2019 permits a micro-brewery/winery and micro distillery as permitted uses within the Regional Commercial 2 – RC2 zone, Community Commercial 1 – CC1 zone, Community Commercial 2 – CC2 zone, and in the Neighbourhood Commercial – NC zone. The subject lands are expected to be zoned as Village Commercial – VC, which is a commercial zone that applies solely to the core area of the Village of Blair. Given the expected permission for the micro-brewery/winery and micro distillery uses within many of the commercial zones in the anticipated By-law that apply to lands in core areas and areas where the uses would serve the surrounding community, it is of our opinion that these uses would be appropriate for the Blair Core Area, particularly as an accessory use to a restaurant that is popular amongst its surrounding neighbours and visitors from across the Region. The proposed commercial uses are compatible with the restaurant use and are typically found in combination with restaurant uses in other parts of the City. As a result, it is of our opinion that the introduction of a micro brewery/winery and micro distillery as an accessory to the restaurant on the subject lands would be suitable with the commercial urban fabric of the Blair Core Area.

It is the opinion of Planning staff that by rezoning the presently underutilized parcel of land at 1656 Blair Road to permit the expansion of commercial uses (restaurant and accessory micro brewery/winery and micro distillery) across the entirety of the subject lands, will complement the existing Blair Core Area and would meet the intent of the Zoning By-law which is to allow for compact efficient development with a mixture of residential, commercial and institutional uses. The intent of the By-law is maintained
and the requested relief is, in staff’s opinion considered minor and represents good planning.

Conclusion

Staff is of the opinion that the proposed Zoning By-law amendment is consistent with the Provincial Policy Statement, 2020, conforms with the policies of the Growth Plan 2020, conforms with the Regional Official Plan, the City of Cambridge Official Plan and meets the general intent and purpose of the City of Cambridge Zoning By-law and is considered good planning.
Attachment 5 – Public Meeting Minutes

Public Meeting A: Public Meeting Report – 1656 & 1660 Blair Road, Zoning By-law Amendment – Alin Dinu (Ward 1)

Presentations

1. Matthew Blevins, Senior Planner, re: Public Meeting A - Public Meeting Report – 1656 & 1660 Blair Road, Zoning By-law Amendment – Alin Dinu (Ward 1)

Using a PowerPoint presentation, Mr. Blevins is in attendance to speak to Public Meeting A: Public Meeting Report – 1656 & 1660 Blair Road, Zoning By-law Amendment – Alin Dinu (Ward 1). A copy of the presentation is available in the Clerk’s Division.

Delegations


Using a PowerPoint presentation, Mr. Currie is in attendance to speak to Public Meeting A: Public Meeting Report – 1656 & 1660 Blair Road, Zoning By-law Amendment – Alin Dinu (Ward 1). A copy of the presentation is available in the Clerk’s Division.

The Chair asked if there was anyone present that would like to speak regarding Public Meeting A.

2. Tom Woodcock, re: Public Meeting A - Public Meeting Report – 1656 & 1660 Blair Road, Zoning By-law Amendment – Alin Dinu (Ward 1)

Mr. Woodcock is in attendance to speak to Public Meeting A: Public Meeting Report – 1656 & 1660 Blair Road, Zoning By-law Amendment – Alin Dinu (Ward 1).
No further persons came forward requesting to speak.

Cambridge Planning and Development Committee
Tuesday, January 14, 2020
Page 3

Moved By: Councillor Mann
Seconded By: Councillor Devine

THAT Report 20-007(CD), re: Public Meeting Report – 1656 & 1660 Blair Road, Zoning By-law Amendment – Alin Dinu (Ward 1) be received;

AND THAT the application R05/19 for 1656 & 1660 Blair Road be referred back to staff for a subsequent report and staff recommendation.

CARRIED

The Chair declared Public Meeting A closed at 7:27 p.m.
Attachment 6 – External/Internal Consultation and Comments

List of Supporting Studies

- Planning Justification Report and Parking Study
- Assessment of Existing On-Site Wastewater Design Capacity
- Concept Plan
- Vehicle Turning Diagrams
- Cover Letter
- Record of Pre-Submission Consultation

City and Agency Comments

FIRE DEPARTMENT – Mark Yantha, Captain Fire Prevention Division
yantham@cambridge.ca 519-623-1340 ext. 2225
- No comments.

ENVIRONMENT – Kathy Padgett, Senior Planner Environmental
padgettk@cambridge.ca 519-623-1340 ext. 4826
- The proposed use of the existing outbuilding located to the rear of 1660 Blair Road for a short-term rental unit would not require a Record of Site Condition (RSC) to be completed. If the existing outbuilding were to be used as a permanent residence (e.g., rental unit), an RSC acknowledged by the Ministry of the Environment, Conservation and Parks would be required.

Please note that comments relating to a residential unit in the accessory building at the rear are no longer applicable as the applicant is no longer proposing a residential secondary unit in the building. The building will be used as an office and storage space for the restaurant use.

TRANSPORTATION ENGINEERING DIVISION – Julianna Petrovich, Transportation Engineering Technologist petrovichj@cambridge.ca 519-623-1340 ext. 4766
- No comments

ENERGY + (HYDRO) – Helen Robinson, Legal Co-ordinator Engineering
hrobinson@energyplus.ca 519-621-3530 ext. 2444
- No comments

REGIONAL MUNICIPALITY OF WATERLOO – Sylvia Rafalski-Misch, MCIP RPP, Principal Planner SRafalskiMisch@regionofwaterloo.ca 519-575-4400 ext. 3114
The subject lands located at 1656 and 1660 Blair Road are currently zoned C2 (Commercial) and R1 (Single Detached Residential) in the City’s Zoning By-law. The purpose of the proposed Zoning By-law Amendment is to rezone the subject lands to C2 (Commercial) with site specific provisions to:

- Permit conversion of the existing dwelling at 1656 Blair Road to commercial for expansion of the restaurant located at 1660 Blair Road.
- To permit a residential unit for short term accommodation in the existing accessory structure, and,
- Add public beverage making establishment as an accessory use to the expanded restaurant.

The effect of the proposed amendment is to permit an expansion of the existing Easy Pour Wine Bar. Regional staff has reviewed the proposed zone change application and offers the following comments.

The subject lands are designated Blair Village and Blair Core Area in the City of Cambridge Official Plan and Rural Areas, Protected Countryside and Blair-Bechtel-Cruickston Environmentally Sensitive Landscape in the Regional Official Plan. Regional staff understand that the proposed uses/restaurant expansion are within the existing buildings on the subject lands, which are privately serviced via private wells and a holding tank. Regional staff trusts that the City of Cambridge will ensure the proposed uses/restaurant expansion can be adequately serviced in accordance with the Ontario Building Code.

**Regional Road Dedication**

The Regional Official Plan (ROP) designates Regional Road #42 (Blair Road) in this area as a 66 feet wide road allowance. As part of a future Site Plan application, a road widening will be required. An Ontario Land Surveyor (OLS) will have to determine the exact road widening to the satisfaction of the Region. In this case, it is recommended that the exact road widening may impact the proposed application.

The applicant must engage an OLS to prepare a draft reference plan which illustrates the required road allowance widening. Prior to registering the reference plan, the OLS should submit a draft copy of the plan to the Transportation Planner for review. The land must be conveyed to the Region of Waterloo for road allowance purposed and must be conveyed without cost and free of encumbrance.

**Access Permit/TIS/Access Regulation**

As part of a future Site Plan, Regional Staff will review the proposed access and its location.
Stormwater Management/Site Grading

As part of a future site plan, a detailed site grading and drainage control plan(s) and site servicing plan(s) along with a stormwater management report will be required.

Staff notes that the Grand River Conservation Authority has requested preliminary Grading/Drainage Plans and Stormwater Management Report prior to the approval of this application. Please circulate the Region with any preliminary plans and report, if received as part of this application.

In summary, the Region has no objection to the approval of this application.

Fees

Regional staff acknowledges receipt of the required Zone Change application fee of $1,150.00. A Site Plan review fee of $805.00 will be required for the review and approval of a future Site Plan application.

General Comments

Any future development on the lands subject to the above-noted application will be subject to the provisions of Regional Development Charge By-law 19-037 or any successor thereof.

Please accept this letter as our request for a copy of the decision and Zoning By-law pertaining to this application. Should you have any questions, please do not hesitate to contact me.

GRAND RIVER CONSERVATION AUTHORITY – John Brum, Resource Planner
jbrum@grandriver.ca 519-621-4945 ext. 2233

- No comments

WATERLOO REGION DISTRICT SCHOOL BOARD – Shawn Callon, Principal Planner
shawn_callon@wrdsb.ca 519-570-0003 ext. 4308

- No comments

WATERLOO CATHOLIC DISTRICT SCHOOL BOARD – Jordan Neale, Planning Technician
Jordan.Neale@wcdsb.ca 519-578-3660 ext. 2355

- No comments

SANITARY CAPACITY ASSESSMENT – Steven Huckabone, Senior Civil Engineering Technologist II
huckabones@cambridge.ca 519-623-1340 ext. 4304

- No Comments.
SUSTAINABLE TRANSPORTATION – Lisa Chominiec, Sustainable Transportation Coordinator chominiecl@cambridge.ca 519-623-1340 ext. 4619

- Sustainable Transportation has completed a review and has no comments at this stage; however, bicycle parking may be a requirement at the Site Plan stage.

PARKS, RECREATION & CULTURE DIVISION (PRCD) – Paul Willms, Sustainability Planner willmsp@cambridge.ca 519-623-1340 ext. 4262

- No comments

ECONOMIC DEVELOPMENT – Trevor McWilliams, Manager of Business Development mcwilliamst@cambridge.ca 519-623-1340 ext. 4800

- No Comments

DEVELOPMENT ENGINEERING DIVISION – Adam Ripper, Project Engineer rippera@cambridge.ca 519-623-1340 ext. 4778

As requested, Development Engineering Staff has completed a review of the proposal for the 1656 Blair Road development. Based on our review of the application, Staff has no issues/concerns with the Zoning By-law Amendment.

No grading or SWM Brief/Letter was provided with the Zoning By-law Amendment application as such as part of the forthcoming Site Plan Application these will be required.

The following action items and comments are provided in anticipation of a complete Site Plan Application:

Stormwater Management

- The City’s water quality control requirement is to provide Level 1 (enhanced) treatment levels as per the MOECC SWM Practices Planning and Design Manual (2003).

Servicing

- No municipal services are present in Blair Road.

Grading

- No sheet flow from any impervious areas is allowed to be discharged directly onto the ROW.
- Provide centerline of road elevations for full frontage.
- Provide existing geodetic elevations of adjacent properties along property lines for a minimum of 10 metres (32.80 feet) off the applicant’s property line.
- Use drainage arrows to indicate existing surface drainage of abutting properties along property lines.
• Drainage swales/ditches must have capacity for up to the 100-year flows from respective tributary areas. Indicate minimum side slopes and depth of all drainage swales/ditches in a cross-sectional detail and provide hydraulic calculations.

Erosion & Sediment Control

• A $5,000 erosion control security deposit will be required as part of any subsequent Site Plan Approval to ensure compliance with the approved erosion (and siltation) control measures.

• Provide silt/erosion control fencing for control of siltation/erosion to abutting properties and ROW.

General

• All proposed site works adjacent to Regional Roads require Regional Municipality of Waterloo (RMOW) approval(s). The Applicant is required to obtain Municipal Consent from the Region for any works within the Region’s right-of-way.

• Grading and drainage require G.R.C.A. approval.

• All servicing work within the road allowance for the proposed development including, but not limited to, installation of services to the property line, and relocation of services, will be completed by the City’s Public Works Division at 100% Owner’s expense.

• Cost estimates for work by the City within the road allowance are prepared by City Staff upon receipt of the estimate fee of $210.00 plus HST.

• The Contractor will be responsible to obtain an Access Permit to complete all surface works within the boulevard, including, but not limited to; curb cuts, installation of curb and gutter, entrance aprons, sidewalk, and reinstatement / restoration of finished surfaces (vegetation, asphalt, etc.).

• No alteration of grading is permitted on site until the applicant enters into a site plan or subdivision servicing agreement with the City. Grading of site is subject to Grading Control By-Law No. 160-09.

If you have any questions, or require further details, please do not hesitate to contact us.
The Purpose of the By-law is to amend the zoning for the lands legally described as Part of Lots 4 to 6, Block B, on Blair Road Registered Plan 581, Parts 1 & 3 on Reference Plan 67R1508, Save and Except Part 1 on Reference Plan 67R3149 and Lot 4, Block B, on Blair Road Registered Plan 581, Part 1 on Reference Plan 58R8272 in the City of Cambridge, Regional Municipality of Waterloo and municipally known as 1660 Blair Road and 1656 Blair Road (“subject lands”). The proposal is to permit the rezoning of 1656 Blair Road from “Residential – R1” to “Commercial – C2” with site specific provisions across the entirety of the subject lands to allow for the expansion of existing commercial uses (restaurant) and new commercial uses (micro brewery/winery and micro distillery) on the subject lands within the existing buildings (existing restaurant and single detached residential building). The expansion of the restaurant considers the use of the existing underutilized and vacant residential dwelling immediately adjacent to the restaurant. Furthermore, the proposal seeks to permit a parking reduction from 36 spaces to 18 spaces, as well as to permit a front yard setback of 1.68 metres (5.51 feet) and an interior side yard setback of 4.32 m (14.17 feet). The subject lands will eventually be merged on title.

The Effect of the By-law will permit the expansion of the existing restaurant known as the Easy Pour Wine Bar to the entirety of the subject lands, as well as to introduce a micro brewery/winery and micro distillery as an accessory use to the restaurant.
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 land municipally known as 1660 Blair Road and 1656 Blair Road (R05/19)

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

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

AND WHEREAS Council deems that adequate public notice of the public meeting was provided and adequate information regarding the Amendment was presented at the public meeting held January 14th, 2020, and that further public meeting is not considered necessary in order to proceed with this Amendment;

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

1. THAT this by-law shall apply to a portion of the lands described as Part of Lots 4 to 6, Block B, on Blair Road Registered Plan 581, Parts 1 & 3 on Reference Plan 67R1508, Save and Except Part 1 on Reference Plan 67R3149 and Lot 4, Block B, on Blair Road Registered Plan 581, Part 1 on Reference Plan 58R8272 in the City of Cambridge, Regional Municipality of Waterloo and is shown on Schedule ‘A’ attached hereto and forming part of this by-law;

2. THAT Schedule ‘A’ to By-law No. 150-85, as amended, is hereby further amended by changing the zoning classification of the lands shown outlined in heavy black in the attached Schedule ‘A’ to this By-law from C2 and R1 to C2 s.4.1.397 in accordance with the attached Schedule ‘A’ to this By-law.

3. THAT the aforesaid City of Cambridge Zoning By-law No. 150-85, as amended, is hereby further amended by adding the following subsection to 4.1 thereof:
“4.1.397 – 1660 Blair Road and 1656 Blair Road, legally described as Part of Lots 4 to 6, Block B, on Blair Road Registered Plan 581, Parts 1 & 3 on Reference Plan 67R1508, Save and Except Part 1 on Reference Plan 67R3149 and Lot 4, Block B, on Blair Road Registered Plan 581, Part 1 on Reference Plan 58R8272 in the City of Cambridge, Regional Municipality of Waterloo, the following regulations shall apply to the lands in the C2 zone to which reference “s.4.1.397 is made on Schedule A and located at 1660 Blair Road and 1656 Blair Road:

1. Notwithstanding sections 2.1.15.6 and 3.3.3.1, the required minimum setbacks be those that legally exist on the subject lands and that have existed as of the date of adoption of this by-law including a front yard setback of 1.68 metres (5.51 feet) and an interior side yard setback of 4.32 m (14.17 feet).

2. Notwithstanding section 2.2.1.2 the required parking is equal to 6.42 spaces per 100 square metres (1,076 square feet) of gross floor area.

3. In addition to section 3.3.3.1, a micro brewery/winery and micro distillery be permitted as an accessory use to the restaurant.

4. That this By-law shall come into force and effect on the date it is enacted and passed by Council of the Corporation of the City of Cambridge, subject to notice hereof being circulated in accordance with the provisions of the Planning Act and Ontario Regulation 545/06

Read a First, Second and Third Time, Enacted and Passed this ___ day of July, 2021.

PASSED AND ENACTED this ___ day of _____ 2021

____________________
Mayor

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

- Lands affected by the by-law
- Zoning Classification:
  - OPEN SPACE
  - MEDIUM HIGH DENSITY RESIDENTIAL
  - LOW DENSITY RESIDENTIAL
  - INSTITUTIONAL
  - COMMERCIAL
Recommendations

THAT Report 21-152(CD) – Corridor Management By-law be received by Council;

AND THAT the by-law attached as Appendix A of Report 21-152(CD) be presented for enactment.

Executive Summary

Purpose

- The purpose of this report is to seek Council approval to endorse the proposed Corridor Management By-law- Appendix A.

Key Findings

- A review and consolidation of current City by-laws that pertain to City highways, municipal road allowances, rights-of-way and public lands has been undertaken.

- As a result of the review, a proposed Corridor Management By-law has been developed incorporating existing and new by-laws into a single by-law with associated relevant schedules.

- A new Controlled-Access Roads schedule has been created to regulate access onto a municipal road allowance.

- A new Encroachment schedule has also been created to regulate any kind of encroachment in, on, over, or under any highway or public land.
• The proposed Corridor Management By-law will enable staff to better regulate, manage and maintain City highways, municipal road allowances, rights-of-way and public lands.

Financial Implications

• There are no financial implications associated with adopting a new by-law.

Background

In the interest of public safety and to protect against damage to public assets, the City is responsible for regulating the use, management and maintenance of City highways, municipal road allowances, rights-of-way and public lands and has existing by-laws in place to ensure these assets are protected. However, these by-laws have become outdated and/or do not reflect current City practices. A comprehensive review was initiated to address required updates and to incorporate new some measures.

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 #7 - Transportation and Infrastructure

Objective 7.3 Provide innovative leadership in the management of city assets to help plan, fund and maintain city assets in a sustainable way.

This report aligns with objective 7.3 as the Corridor Management By-law will help the City manage the City right-of-way and maintain highway corridors in a more efficient and sustainable way.

Comments

Over the past several years, the City’s processes related to regulating the use, management and maintenance of municipal road allowances, rights-of-way and public lands process has undergone a number of changes and updates. A comprehensive review of existing by-laws related to the City’s highways, municipal road allowances, rights-of-way and public lands was undertaken to ensure that the by-laws are reflective of current processes. The following existing by-laws were reviewed:

By-law 165-08, Fouling of Highways: prohibits or regulates the obstruction, encumbering, injuring or fouling of highways, for prohibiting the throwing, placing or depositing of dirt, refuse or any other debris on highways.
By-law 167-08, Boulevards: regulates the construction, maintenance and protection of boulevards.

By-law 168-08, Snow Removal: regulates the removal of snow and ice from sidewalks and roofs.

By-law 78-11, Sidewalk Terrace Patios: authorizes establishments to create patios for the purpose of placing furniture and barriers as required and serving food and beverages to the patrons of the business on the City right-of-way (sidewalk).

By-law 31-04, Publication Distribution Boxes: regulates the location of publication distribution boxes on municipal highways and to prohibit littering in the vicinity of publication distribution boxes.

By-law 17-126, Highway Occupancy Permit: regulates activity on municipal road allowances and rights-of-way and public lands.

As a result of the review, a new Corridor Management By-law (Appendix A) was developed which incorporates the updates to these existing by-laws into a single by-law entitled the Corridor Management By-law. Each of the updated existing by-laws have been added as individual schedules to the new by-law. The following table outlines key changes recommended to the existing by-laws that have been incorporated into the new Corridor Management By-law:

<table>
<thead>
<tr>
<th>By-law</th>
<th>Recommended Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>By-law 167-08, Boulevards</td>
<td>Removal of Boulevard Appeals Committee and introduction of an exemption process for property owners to simplify the process and improve level of service.</td>
</tr>
<tr>
<td>By-law 168-08, Snow Removal</td>
<td>Updated requirement for clearing snow from sidewalks and building roofs from 36 hours to 24 hours after the cessation of a such a weather event to be consistent with other municipalities in the area. Added definition of a weather event.</td>
</tr>
<tr>
<td>By-law 78-11, Sidewalk Terrace Patios</td>
<td>Change process of issuing lease agreements for sidewalk terrace patios to a sidewalk patio permit system</td>
</tr>
</tbody>
</table>
By-law 17-126 Highway Occupancy Permit

Added regulations to permit winter road cuts and servicing, including daylighting.

General housekeeping edits were also completed to address duplication of By-law regulations found in multiple existing By-laws, updating definitions, and aligning regulations with other By-laws such as the City’s Zoning By-law.

Furthermore, two new schedules were created and added to the Corridor Management By-law to govern access and encroachments on municipal road allowances, rights-of-way and public lands.

<table>
<thead>
<tr>
<th>New Schedule</th>
<th>Regulation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Controlled-Access Roads</td>
<td>To regulate the construction, modification of the geometric design or the use of any private road, entranceway, structure or facility as a means of access onto a municipal road allowance. This new schedule will enhance the City’s ability to manage municipal right-of-way access.</td>
</tr>
<tr>
<td>Encroachment</td>
<td>To regulate any kind of encroachment in, on, over, or under any highway or public lands.</td>
</tr>
</tbody>
</table>

The proposed Corridor Management By-law will enable staff to better regulate, manage and maintain the City’s highways, municipal road allowances, rights-of-way and public lands as it allows for all related By-laws to be included within one document for ease of reference. It will also improve the City’s ability to recover costs associated with non-compliance and enforcement.

Should Council not approve the recommendations as outlined in this report, the existing by-laws would remain in effect, without the advantages noted above.

**Existing Policy/By-Law**

The City has several existing By-laws to regulate the use, management and maintenance of municipal road allowances, rights-of-way and public lands including the following:

- By-law No.165-08, Fouling of Highways
• By-law No. 167-08, Boulevards
• By-law No. 168-08, Snow Removal
• By-law No. 78-11, Sidewalk Terrace Patios
• By-law No. 31-04, Publication Distribution Boxes
• By-law No. 17-126, Highway Occupancy Permit

As part of the development of the Corridor Management By-law, these By-laws were reviewed, updated and are included as schedules within the Corridor Management By-law.

**Financial Impact**

There is no financial impact associated with adopting the new by-law. Some of the existing by-laws in the current schedule did not include the ability to recover all costs associated with non-compliance. The proposed changes will improve this cost-recovery.

**Public Input**

Posted publicly as part of the report process.

In addition, the public will be informed of key By-law changes that affect the community through standard City education campaigns.

**Internal/External Consultation**

Staff from By-law Enforcement, Legal and Transportation Engineering coordinated the review of existing by-laws and developed the new Corridor Management By-law. In addition, Staff from Environmental Services, Operations, Fire, Building and Risk Management were consulted on the development of the new By-law.

**Conclusion**

It is recommended that the proposed Corridor Management By-law be approved by Council to enable the improved regulation, management and maintenance of the City right-of-way corridors in an efficient and sustainable way. The proposed Corridor Management by-law will also improve the City’s ability to enforce non-compliance and recover costs associated with instances of non-compliance.

The recommendations of this report align with the City’s Strategic Plan as the Corridor Management by-law will improve leadership in the management of city assets and level of service.
Signature

Division Approval

Reviewed by the CFO

Reviewed by Legal Services

Name: Kevin De Leebeeck
Title: Director of Engineering

Departmental Approval

Name: Hardy Bromberg
Title: Deputy City Manager - Community Development

City Manager Approval

Name: David Calder
Title: City Manager

Attachments

- Appendix A – Corridor Management By-law
BY-LAW XXXXX

OF THE

CORPORATION OF THE CITY OF CAMBRIDGE

Being a by-law of the Corporation of the City of Cambridge to regulate the use of, and the installations and erections on, highways, municipal road allowances and rights-of-way and public lands under the jurisdiction of The Corporation of the City of Cambridge (CORRIDOR BY-LAW)

WHEREAS subsection 11(2)(6) of the Municipal Act, 2001, S.O. 2001, c. 25 as amended ("the Act") provides that a municipality may pass by-laws respecting the health, safety and well-being of persons;

WHEREAS subsection 11(2)(8) of the Act provides that a municipality may pass by-laws respecting the protection of persons and property;

WHEREAS subsection 30 of the Act provides that a highway is owned by the municipality that has jurisdiction over it subject to any rights reserved by a person who dedicated the highway or any interest in the land held by any other person;

WHEREAS subsection 27(1) of the Act grants a municipality the power to pass by-laws in respect of highways over which it has jurisdiction;

WHEREAS subsection 28(2) of the Act grants a municipality jurisdiction over all road allowances located in the municipality that were made by the Crown surveyors [subsection 28(2)(a)] and all road allowances, highways, streets and lanes shown on a registered plan of subdivision [subsection 28(2)(b)].

AND WHEREAS section 391(1) of the Municipal Act, 2001 states that section 11 authorizes a lower-tier municipality to impose fees or charges on persons for services or activities provided or done by the municipality;

AND WHEREAS section 429 of the Municipal Act, 2001 provides that a municipality may establish fines for offences under a by-law of the municipality;

AND WHEREAS section 446 of the Municipal Act, 2001 provides that a municipality may take remedial action and recover the costs of taking remedial action;
NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF CAMBRIDGE ENACTS AS FOLLOWS:

1.0 DEFINITIONS

For the purpose of this By-law:

“Boulevard” means the City owned area of the road allowance between the back edge of the curb or the back slope of the ditch line and the private property line;

“City” or City of Cambridge” means the Corporation of the City of Cambridge or the geographic area as the context requires;

“Director” means the Director of Engineering or his/her designate;

“Highway” means a common and public highway and includes any bridge, trestle, viaduct, pathway, or other structure forming part of the highway, and except as otherwise provided, includes a portion of a highway;

“Inspector” means a Municipal Law Enforcement Officer, Provincial Offences Officer, Police Officer, Engineering Inspector or other duly appointed individual;

“Municipal Law Enforcement Officer” means a person appointed under the authority of the Police Services Act for the purpose of enforcing City by-laws.

“Parks” means all lands owned or operated by or belonging to the City or other public body such as school boards or conservation authority which may be designated as Open Space or Environmental Protection Area and used by the public for active or passive recreational use including sporting activities and games, or as gathering places such as urban squares, or which may be left in their natural state for environmental reasons;

“Pathway” means the parts of a Highway set aside by the City for the use of pedestrians and cyclists;

“Person” includes a person, association, firm, sole proprietorship, partnership, limited partnership, joint venture, trust, organization, trustee or corporation (with the exception of the Corporation of the City of Cambridge);

“Region” means the Regional Municipality of Waterloo;
“Right-of-Way” means Highways and laneways, including the Roadway, curbs, Sidewalks, Shoulders and Boulevards, under the care and control of the City of Cambridge;

“Road” means a common and public highway and includes any bridge, trestle, viaduct, pathway, or other structure forming part of the highway, and except as otherwise provided, includes a portion of a highway;

“Roadway” means the part of a Highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the curb, Shoulder or Boulevard;

Shoulder” means that part of a Highway immediately adjacent to the Roadway and having a surface, which has been improved for the use of vehicles with asphalt, concrete or gravel;

“Sidewalk” means that portion of the highway that is intended for the use of pedestrians and which surface is finished with concrete or asphalt;

“Vehicle” includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle or a street car;

“Utilities” includes infrastructure such as cables, pipelines or structures that are owned and maintained by the City, Region, a municipality or other utility entities

2.0 AUTHORITY

2.1 No person shall use, or place installations or erections on, highways, municipal road allowances, rights-of-way or public lands under the jurisdiction of City except in accordance with the provisions of this By-law.

2.2 Schedules A to H attached to this By-law form part of this By-law.

   a) Schedule A: Fouling of Highways;

   b) Schedule B: Boulevards;

   c) Schedule C: Snow Removal from Sidewalks

   d) Schedule D: Sidewalk/Boulevard Patios

   e) Schedule E: Publication Distribution Boxes
3.0 PENALTIES

3.1 Any person who contravenes any provision of this by-law is guilty of an offence and liable on conviction to a penalty where the minimum fine shall not exceed $250 and a maximum fine shall not exceed $25,000, exclusive of costs and the provisions of the Provincial Offences Act, R.S.O 1990, c P.33, as amended.

3.2 Any director or officer of a corporation who knowingly concurs who knowingly concurs in the contraventions by the Corporation, is guilty of an offence and liable on conviction to a penalty where the minimum fine shall not exceed $500 and a maximum fine shall not exceed $50,000 exclusive of costs under the provisions of the Municipal Act 2001, S.O. 2001, c. 25 as amended.

3.3 A person convicted of an offence under this By-law is liable:
   
   a) not less than $250 and not more than $10,000 on first conviction, and,
   
   b) not less than $1000 and not more than $25,000 on each subsequent conviction.

3.4 A corporation convicted of an offence under this By-law is liable:

   a) not less than $500 and not more than $20,000 on first conviction, and,
   
   b) not less than $2500 and not more than $50,000 on each subsequent conviction.

3.5 Notwithstanding subsections 3.0 (3.3) and (3.4), every person convicted of an offence under this By-law is liable, in addition to the penalties mentioned in subsections 3.0 (3.3) and (3.4), is liable for each day or part of each day on which the offence occurs or continues, to a fine of $1,000.

3.6 If this By-law is contravened and a conviction entered, in addition to any other remedy and to a penalty imposed by this By-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted.
APPENDIX A

4.0 ENFORCEMENT

4.1 An Inspector or other duly appointed individual shall enforce the provisions of this By-law.

4.2 No person shall obstruct, hinder, or otherwise interfere with an Inspector or other duly appointed individual in the lawful carrying out of their duties and responsibilities under the provisions of this By-law.

5.0 EXEMPTIONS

The Director of Engineering of the City may grant an exemption to any person from any provision of this By-law and impose conditions for such exemption as may be considered reasonable and necessary, provided such exemption does not interfere with the general integrity of this by-law.

6.0 SHORT TITLE

This By-law may be cited as the "Corridor By-law".

7.0 SCOPE AND AUTHORITY

Where a matter is subject to provincial and/or federal regulation, any provision of this By-law is without effect to the extent that it prohibits or regulates the matter in substantially the same way as or in a more restrictive way than the provincial and/or federal regulation.

8.0 REPEAL

By-laws No.165-08, 167-08, 168-08, 78-11, 31-04, 17-126, are hereby repealed.

9.0 FORCE AND EFFECT

This By-law shall come into effect on the day that it is enacted and passed.

PASSED AND ENACTED this day of 2021
SCHEDULE A
FOULING OF HIGHWAYS

1.0 General Provisions:

1.1 No person shall,

   a. repair motor vehicles on a Highway or permit oils, chemicals or substances to be deposited or spilled on a Highway, including such substances deposited as a result of car maintenance activities, car rust prevention measures and the spillage of rust-protecting substances and the general spillage of substances from vehicles;

   b. throw, push, plow, dump or otherwise deposit snow or ice on a Highway unless permitted by a City or Regional by-law;

   c. deposit, drop, scatter, store, spill or throw any filth, earth, ashes, manure, leaves or garbage except as permitted in any City or Regional by-law;

   d. litter on a Highway;

   e. encumber a Highway buildings or structures or other means;

   f. deposit debris on a Highway;

   g. permit or allow any paper, hand bill, advertisement or any container, whether made of plastic, cardboard or paper, to be blown repeatedly from private property onto a Highway;

   h. obstruct a drain, gutter or water course along or upon a Highway;

   i. place, or cause any merchandise or articles of any kind to be placed or displayed upon a Highway;

   j. urinate or defecate on any Highway;

   k. remove a barricade or notice or enter upon or use a Highway temporarily closed under the provisions of any City or Regional by-law;

   l. remove or move a barricade, sign or light placed around any excavation in a Highway;

   m. erect or maintain any gate or door so that the same shall open or swing outward over any part of a sidewalk or Highway;
n. move or cause any building or structure to be moved into, along or across a Highway without having been approved under a City or Regional by-law.

1.2 Damage a Highway,

a. by loading his/her vehicle with earth, sand stone or other substances so as to permit the contents thereof to fall, spill or be deposited on a Highway;

b. by driving his/her vehicle on the Highway prior to removing as is reasonably practicable all mud, clay, lime and similar materials, or any fertilizer or manure which is likely, if not removed, to cause a nuisance on the Highway or cause damage to the surface of the Highway;

c. by loading or driving his/her vehicle when loaded with earth, sand, stone or other substance so that damage may result to the Highway;

1.3 No person shall pull down, destroy, deface or in any way interfere with any municipal infrastructure, including but not limited to any post, surveyor’s mark, bench mark, traffic sign, highway name sign, sign board, regulatory sign, traffic signal, traffic cone or any other traffic control.

1.4 No owner or occupier of property abutting a highway shall permit any flood light to directly or indirectly illuminate a highway without the written approval of the City.
1.0 DEFINITIONS:

1.1 In this schedule:

"Applicant" means the Owner;

"Apron" includes that section of a driveway contained within the boulevard;

"Back Lot Property" refers to that portion of a property where the rear yard is adjacent to a City or Regional road allowance;

"Herbaceous plant" means a plant without woody above-ground parts, with a stem that dies back to the ground each year, but excludes turf grass;

"Maintenance" means the action required to sustain a boulevard including but not limited to cutting, watering, removing debris or repairing damage to any driveway located within the boulevard area;

"Owner" means the lawful owner of property, a lessee, tenant, mortgagee in possession of property, or occupant of property;

"Traffic control device" means a sign, lane, meter, marking, space, barrier or device painted or erected to guide, regulate, warn, direct, restrict, control or prohibit traffic;

"Turf grass" means a perennial strand of plant that can form turf and withstand mowing, traffic and/or wear;

2.0 PLANTINGS

2.1 In a boulevard abutting his or her property, no person shall plant or grow, or permit to be planted or grown:

a) herbaceous plants that:
   i. exceed a height of 45 centimeters;
   ii. impair drainage; or
   iii. contain vegetables or grains;

b) turf grass which exceeds a height of 20 centimeters;

c) any tree without the prior consent in writing of the City.
2.2 In addition to the restrictions contained in section 2.1, no person shall plant or permit to be planted an herbaceous plant on a boulevard or section of a boulevard that is regularly maintained by the City or Region.

2.3 Every owner of private property shall keep all hedges, trees, foliage, naturalized areas or other vegetation located on the portion of his or her property which abuts a boulevard cut and trimmed so as to provide a vertical clearance of 5.0 metres (197 inches) from the boulevard.

3.0 BOULEVARD INSTALLATIONS

3.1 On a boulevard abutting his/her property no person shall install, construct, or permit anything that:

a) is protruding, sharp, dangerous or which may injure a person;

b) may cause damage to personal property;

c) restricts sight lines of pedestrians, cyclists or drivers of vehicles to intersections, driveways, sidewalks, walkways, travel lanes, or traffic control devices;

d) inhibits or obstructs snow removal operations;

e) obscures or obstructs access to fire hydrants, post office boxes, transformers or other installations belonging to the City, Region, or any utility provider;

f) is located within 0.6 metres of the sidewalk, unless it is turf grass, herbaceous plants, wood chips, mulch, or inorganic material;

g) is located within 1.8 metres of the curb, unless it is turf grass or herbaceous plants permitted by this By-law, wood chips, mulch, or inorganic material; and any such permitted inorganic material, wood chips, or mulch shall be installed flush to the curb;

h) is located within 1.8 metres of the roadway, where there is no curb, unless it is turf grass or herbaceous plants permitted by this By-law, wood chips, mulch, or inorganic material; and any such permitted inorganic material, wood chips, or mulch shall be installed flush with the existing grade of the boulevard and shall provide for a 2% to 4% grade for drainage.

i) is more than 20 centimeters in height,

j) may overflow onto the street, sidewalk, highway or adjacent property; or

k) consists of the installation of ornamental stones or rocks, or of a sprinkler.
I) Install a sump pump or private drain outlet on City property.

3.2 Section 3.1, does not apply to snow or to materials, plants or things permitted by municipal waste collection by-laws where the snow or such materials, plants or things are placed in the boulevard in accordance with the applicable by-laws.

40 DAMAGE TO BOULEVARD

41 No person shall damage, construct or re-construct a sidewalk, curb, apron driveway or boulevard without the written permission of the Director obtained prior to the work.

42 Section 4.1, does not apply to work performed by the City, the Region, a utility, or a contractor hired by the City, Region or utility.

43 If the City, the Region, a utility or a contractor hired by the City, the Region or a utility damages any installation in a boulevard permitted by this By-law, the City, Region, utility, or their contractor is required to only restore any turf grass damaged by them and no other installations or plants.

5.0 EXEMPTIONS

5.1 Any person may submit an application on the prescribed form for an exemption to the Director no later than 30 days prior to the installation which is the subject of the application.

5.1.1 The application shall contain all of the following information and material;

   a. the name and contact information of the applicant including municipal address, phone number and email address;

   b. a detailed description of the installation for which the exemption is sought including drawings;

   c. the reasons why the exemption is being requested;

   d. an application fee as prescribed.

5.2 The Director may;

   a. issue an exemption;

   b. refuse to issue, suspend, revoke, or cancel an exemption, and

   c. impose conditions on the issuance of the exemption.

5.3 In making his/her decision in regard to the exemption, the Director shall determine;
APPENDIX A

a. any negative effects or any benefits that the granting of the exemption may have for the neighboring properties and the City,

b. whether the granting of an exemption presents a hazard to the public;

c. any previous violation of the By-law or violations of the conditions imposed through previous exemptions by the applicant, and

d. any other matter that the Director reasonably considers to be relevant to the application.

5.4 The Director may impose conditions in regard to the exemption.

5.5 The Director shall give written notice of his decision to the applicant by regular mail at the address provided on the application; the written notice shall contain the decision and the grounds of the decision.

5.6 The decision of the Director shall be final.

5.7 The applicant shall comply with the terms and conditions of the exemption granted by the Director.

5.8 Failure by applicant to comply with the terms and conditions of the exemption permit shall render the exemption as void.
SCHEDULE C
SNOW REMOVAL

1.0 DEFINITIONS:

In this Schedule;

"Occupant" means any person or persons over the age of eighteen years in possession of the property;

"Premises" means a house or building, together with its land and outbuildings, occupied by a business or considered in an official context.

"Weather Event" means a period of time during which either ice cover or snow accumulation will require extensive snow removal, snow plowing or salting operations as declared by the City of Cambridge.

2.0 GENERAL PROVISIONS:

2.1 The owner of vacant land and the owner or occupant of a building on premises adjoining a highway shall at all times keep and maintain the sidewalks on the highways in front of, alongside of, or at the rear of such building or land free and clear of snow and ice; and in so doing the owner of the vacant land and the owner or occupant of the building;

a. shall remove all snow and ice from the sidewalks on the highways in front of, alongside of, or at the rear of such building or land within twenty-four (24) hours after the cessation of a such a weather event, and

b. shall immediately and as often as reasonably necessary apply sand, or salt or similar suitable material to the sidewalk so as to completely cover the slippery surface, after the removal of snow and ice, if any portion of the sidewalk on the highways in front of, alongside of, or at the rear of such building or land becomes slippery from any cause.

2.2 Section 2.1, does not apply to sidewalks or multi-use trail where pursuant to City policy, the City has undertaken the responsibility to remove snow and ice from the sidewalks on the highways in front of, alongside of, or at the rear of such buildings or land.

2.3 If the roof of a building slopes toward a sidewalk located on a highway in front of, alongside of, or at the rear of such building, the owner or occupant of the building shall remove the snow and ice from such roof within twenty-four (24) hours after the cessation of a such weather event.

30 DEPOSITING SNOW AND ICE:
APPENDIX A

31 No person shall deposit snow and ice in such a manner that it will;
a. obstruct drainage to any catch basin;

b. obstruct access to any fire hydrant;

c. impede pedestrian traffic on the sidewalk, multi-use trail or pathway;

d. impede motor vehicle traffic on the highway;

e. damage the sidewalk, multi-use trail, pathway or highway;

f. create a risk of accident on the sidewalk or highway;

g. restrict sight lines of pedestrians, cyclists or drivers of vehicles to intersections, driveways, sidewalks, multi-use trail, pathways, travel lanes or traffic control devices.
**SCHEDULE D**

**SIDEWALK/BOULEVARD PATIO**

### 1.0 DEFINITIONS:

1.1 In this schedule:

"AGCO" means The Alcohol and Gaming Commission Ontario;

"AODA" means The Accessibility for Ontarians with Disabilities Act;

"Applicant" means Owner or Occupant or Operator of the Restaurant;

"Clear Path of Travel" means the public outdoor sidewalks (or walkways) designed and constructed for pedestrian travel and are intended to serve a functional purpose and not to provide a recreational experience (described in Section 80.21(1) of O.Reg. 413/12: Integrated Accessibility Standards).

"Issuer of Permits" means an employee of the City of Cambridge with the authority to grant permits under this By-Law;

"Outdoor Patio" means an outdoor area for patron seating and tables operated in conjunction with the adjoining Premises;

"Owner" includes the Owner or Occupant or Operator of the Restaurant;

"Patio Seating" means;

- **Single Table Seating**: A patio with single table seating that can accommodate 1-3 chairs.
- **Double Table Seating**: A patio with double table seating that can accommodate 4 chairs.
- **Double Loaded Patio**: A patio layout involving a curb side patio and a façade patio separated by a public sidewalk (Sidewalk Clearance Zone/Clear Path of Travel).

"Permit" means a written authorization issued by the Director to permit the location of a Patio on a sidewalk and/or boulevard;

"Premises" shall mean ground floor premises, owned or occupied by the applicant for a license, abutting a Regional Road that is used by the applicant as a victualling house, restaurant, café, refreshment establishment or lunch counter, licensed by the area municipality and subject to inspection by the medical officer of health or other appropriate municipal officials and in which washroom facilities are located;
“Restaurant” means a service commercial establishment in which food and/or beverages are served to the public and, without limiting the generality of the foregoing, includes such establishments the principal business of which is the operation of a restaurant, dining room, cafe, cafeteria, lunch counter, snack bar, dining lounge, cocktail lounge, tavern, beverage room, public house, doughnut shop or ice cream parlour.

“Sidewalk Zone” means the area of sidewalk located between property line (and/or building façade) and back side of curb. The Sidewalk Zone is divided into three sections:

1) Street Furniture and Landscaping Furnishing Zone (the area between the curb line and the Sidewalk Clearance Zone reserved for landscaping and Street Furniture);

2) Sidewalk Clearance Zone (Clear Path of Travel);

3) Building Frontage Zone (where façade patios are located).

2.0 GENERAL PROVISIONS:

Where the Owner of a property which abuts a sidewalk or boulevard lawfully operates a Restaurant, the Owner may apply to establish, maintain and operate an Outdoor Patio in conjunction with the operation of the Restaurant on a portion of the boulevard and/or sidewalk.

2.1 Application

a) An application for a Permit shall be filed with the Issuer of Permits in advance of the installation of the Outdoor Patio. When applying for a Permit, the Applicant shall:

i. Complete and submit the prescribed application form;

ii. Provide an Outdoor Patio plan with metric measurements showing the following information:

• Location of the patio on the sidewalk and building

• Building information including façade length, building entrance (door location), Siamese connections and exits from building, if applicable.

• Entrance to building/restaurant

• Location and number of all seats and tables

• Location of all fencing and access points
• Curb Line and Landscape Furnishing Zone

• Minimum Clear Path of Travel

b) Insurance

i. Every Applicant for an Outdoor Patio, during the term of the permit, shall provide and maintain Comprehensive/Commercial General Liability insurance acceptable to the City and subject to limits of not less than two million dollars ($2,000,000), five million dollars ($5,000,000) for licensed Outdoor Patios for bodily injury, death and damage to property including loss of use thereof. Such Comprehensive/Commercial General Liability insurance policy shall be in the name of the Applicant and shall name the City of Cambridge as an ‘additional insured’.

ii. The insurance policy referred to in subsection 2.1 (b) hereof shall contain an endorsement to provide the City with thirty (30) days written notice of cancellation.

c) When filing the completed application, the Applicant shall pay a non-refundable permit fee as set out in the City of Cambridge’s Municipal Fees and Charges By-law, as amended from time to time.

2.2 Permit

a) The Director may:

i. issue a Permit

ii. refuse to issue, suspend, revoke, or cancel a Permit, and

iii. impose conditions on the issuance of the Permit.

b) In deciding whether to issue a Permit, the Director may consider:

i. any negative effects or any benefits that the granting of the Permit may have for the neighbouring properties and the City,

ii. whether the Permit will interfere with the movement and safety of vehicles and pedestrians any public utility or other factors deemed relevant in the circumstances,

iii. any previous violation of the By-law or violations of the conditions imposed through previous Permits by the applicant,
iv. any other matter that the Director reasonably considers to be relevant to the application.

c) The decision of the Director in regard to the Permit shall be final.

d) The Applicant shall comply with the terms and conditions of the Permit issued by the Director.

e) It shall be a condition of any Permit issued by the Director that the City, and any person, agency or body authorized in writing by the City, may enter the Outdoor Patio lands and may remove any and all patio furniture.

   i. for the purpose of constructing, maintaining, repairing, moving or otherwise dealing with any services or utilities located or to be located in, under or above the patio lands including but not limited to hydro, gas, telephone, cable television, water storm drainage, water main and sewer service facilities, and

   ii. for the purpose of responding to an emergency.

f) Failure by the Applicant to comply with the terms and conditions of the Permit shall render the Permit void.

g) The Permit issued by the Director shall be valid from the 15th day of March to the 31st day of October in each calendar year.

h) Notwithstanding the term of the Permit, a Permit shall terminate on the day that the Applicant or Owner has ceased to carry on the Restaurant business.

i) The permit is not transferable by the Owner of the property

j) The Owner and the Application shall at all times comply with all statutory requirements, rules, regulations, laws and by-laws of the municipality or other authority which may affect the operation of the Outdoor Patio and the use of the boulevard and sidewalk.

3.0 Outdoor Patio Use

3.1 The Owner shall use the Outdoor Patio solely for Restaurant purposes of serving food and/or beverages.

3.2 The Owner shall not install portable food appliances such as barbeques, portable propane heaters, decks, outdoor carpeting, artificial turf or utilities.

3.2 Patio Location Criteria:
a) All patios must demonstrate (through an Outdoor Patio Plan) that they maintain minimum AODA accessibility requirements that include providing an unobstructed sidewalk clearance zone (called Clear Path of Travel). The onus is on the Applicant to ensure a Clear Path of Travel is maintained. Specific criteria are highlighted below:

- Minimum 1.8 metre Clear Path of Travel.
- Ensure no obstructions are located within the Clear Path of Travel such as street furniture, tree, signage, bus shelter, garbage receptacle and other physical obstructions.
- A patio cannot block pedestrian access along a street, walkway connection or entrance.
- As part of maintaining a clear path of travel, ensure all patio signage is located close to the building façade and does not cross into the public sidewalk area. Clearly show the patio signage on the Patio Plan and ensure it is maintained in this location.

b) Outdoor Patios are encouraged to be located along the associated business building frontage and not extend past the business frontage shown on an Outdoor Patio Plan. If additional patio space is requested, permission from the adjacent property owner/business will be required.

c) Outdoor Patio space will be determined by road width, sidewalk space, setback requirement(s) and location context:

- Clear Path of Travel: In all cases, a Clear Path of Travel shall be maintained.
- Non-fenced patio: approximately 1.0 metre space suitable for select Street Furnishing Zones and Building Frontage Zones.
- Fenced patios (single and double table seating): a fenced patio will typically range from 1.8 - 2.5 metres in width and will likely be located in the Building Frontage Zone (façade patio). A standard depth of 2.0 metres is required for single table seating and 2.2-2.5 metres for double table seating that includes a 1 metre aisle for server access. Fencing is required for a licensed patio subject to AGCO criteria.
- Double Loaded Patios: In some instances, there may be opportunity to accommodate a double loaded patio (Building Façade Zone and Street
Furnishing Zone) provided Clear Path of Travel and other performance standards are met.

d) Patios are not to be located within a driveway or roadway daylight corner measured 3.0 metre by 3.0 metres from the sidewalk intersection.

3.3 Licensed Patios (Outdoor Licensed Areas):

a) Licensed Patios are regulated by AGCO as well as, the Ontario Building Code and subject to the Ontario Fire Code. In all cases, a licensed patio must demonstrate that they have sufficient occupant load and safe access. Prior to any Permit being issued, an Applicant is required to submit proof of a proper liquor license.

b) Fencing: A well-defined sturdy barrier is required for any patio intending to serve alcohol under the AGCO and must operate in accordance with the Liquor License Act. A well-defined barrier may include traditional fence, removable fencing and other types. Fence height should be a minimum of 36” inches (1.0 metre). A business may not serve patrons beyond the barriers of the outdoor dining space. Patrons are not permitted to leave the fenced patio area with alcohol and the business may be subject to a fire inspection as part of AGCO approval.

c) Licensed patios are encouraged within the Building Frontage Zone.

3.4 Patio Accessibility:

a) All patios are to be located on the sidewalk surface and be level with this surface. Grade changes are to be avoided. The ground surface leading to and under tables is to be level, firm and stable. A fenced patio is required to have a minimum 1.5 metre access into the patio area.

b) Accessible seating and accessibility are encouraged. Barrier free access is encouraged directly from the sidewalk. Internal building access to patio may be considered as an alternative or supplemental access.

c) Accessible seating is encouraged. Tables should be accessible using mobility aids by having a knee and toe clearance under the table.

d) For safety and accessibility reasons, a patio must not block any access to a fire department connection, city sewer, gas value or meter, building entrance (or exit), city or street furniture (such as garbage container, public bench, bus shelter, bike rack) or other sidewalk access. Patio tables, chairs and other amenities shall not obstruct or protrude onto the Sidewalk Clearance Zone or access to building entrances.
3.5 Patio Design Expectations and Amenities:

a) All patio furniture (including fencing, railings, chairs and tables) are to be located within the patio area and be made out of sturdy and weather resistant materials.

b) Applicant shall keep and maintain the boulevard and sidewalk clean and, free of rubbish and debris of all kinds.

c) Applicant shall keep the Outdoor Patio, including the perimeter and the furniture, clean, and free of rubbish and debris of all kinds.

d) Decorative (and artistic) fencing details are encouraged and provide opportunity to enhance/support district theme opportunities. Decorative fencing may include decorative metal designs, glass panels and other considerations.

e) Landscaping of sidewalk patios is encouraged and must be of a temporary design. Plant material may include planters, hanging baskets (over railings but must be contained with the patio area and shall not extend into the Sidewalk Clearance Zone. A range of options can be considered including planter designs internal to the patio area.

4.0 Outdoor Patio Removal

a) Upon termination of the Permit to use the boulevard and sidewalk, the Owner shall, at their sole expense, remove all equipment, furnishings, and personal property from the boulevard and sidewalk within five (5) business days’ notice in writing from the Director to do so and shall replace and restore, at their sole expense, the boulevard and sidewalk to a safe condition satisfactory to the Director.

b) If the owner and the occupant fail to perform the work required upon termination of the permit, the Director may remove all the installations from the boulevard and sidewalk and restore the boulevard and sidewalk to a safe condition at the sole cost of the owner and the occupant.
SCHEDULE E
PUBLICATION DISTRIBUTION BOXES

1.0 DEFINITIONS:

In this Schedule,

“Applicant” means any person, company or corporation making application for a permit to locate a publication distribution box on a municipal highway;

“Owner” includes the owner or operator of a publication distribution box;

“Permit” means a written authorization issued by the Director to permit the location of a publication distribution box on a highway;

“Publication Distribution Box” means a container located outdoors, and placed, installed, displayed, operated, used, altered or maintained for the purpose of distributing publications to the public, either for financial consideration or free of charge, but does not include a container located within a building or a container owned or operated by the City of Cambridge.

2.0 GENERAL PROVISIONS:

2.1 The Owner shall not install, place or locate and, shall not cause or permit the installation, location or placement, of a Publication Distribution Box on a municipal highway except in accordance with the following regulations:

a) on a sidewalk without reducing the area available for pedestrian traffic to less than two (2) metres;

b) on a bicycle path or multi-use pathway without obstructing or interfering with, or posing a hazard, to pedestrian traffic or cycling traffic;

c) at least ten (10) metres distance from a fire hydrant;

d) in front of property used for commercial purposes and not in front of any property used for residential purposes;

e) in a manner which does not obstruct or interfere with municipal maintenance activities;

f) not adjacent to a ‘no stopping’ zone;

g) at least six metres distance from any driveway entrance;
h) in the vicinity of a bus stop without obstructing or interfering with passenger movements;

i) not on any concrete pad which forms part of the bus stop;

j) not on any curb, median or shoulder areas in or on a highway;

k) in a location which is both a minimum of 100 metres from another box of the same publication on the same side of the highway, and a minimum of 300 metres from any retail establishment distributing the same publication; and

l) not on any municipal property or lands other than a highway.

2.2 The Owner of a Publication Distribution Box shall ensure that it:

a) is not chained or fastened to any utility apparatus, including but not limited to guy wires and anchors, and signals, street lights, hydro or telephone poles, sign posts, parking meters, bus shelters, telephone booths, post boxes, benches or trees;

b) is securely fastened to a concrete pad provided by the Owner, having a thickness of no less than 125 millimeters or an equivalent thickness approved by the Director;

c) is securely fastened to a concrete sidewalk by the Owner, having a clear path of travel of a minimum of 1.5 metres from back of curb to Publication Distribution Box;

d) does not exceed a maximum width of 61 centimeters, a maximum depth of 38 centimeters and a maximum height of 108 centimeters; and

e) is maintained in a clean and tidy condition and that the area in the vicinity of the publication distribution box is kept free and clear of litter and debris, including discarded publications.

2.3 Prior to placing or locating a Publication Distribution Box on a municipal highway, the owner shall obtain a permit issued by the Director.

2.4 The Director shall issue a Permit for the location or placement of a Publication Distribution Box on a municipal highway only when the Owner has complied with the following conditions to the satisfaction of the Director:

a) the Owner has submitted a complete application signed by him/her to the Director no less than 30 days prior to the proposed installation date for the Publication Distribution box;
b) the Owner has provided two copies of a detailed scalable (1:500) map on 8.5” x 11” paper showing:

i. the proposed location(s) of the publication distribution box(es);

ii. all existing topographical features, property boundary lines, street names, municipal addresses and a north arrow depicting true north, and;

iii. the dimensions of the proposed location from fixed features (curb lines, property lines, sidewalks, etc..) so that such proposed location can be easily be determined in the field;

c) the Owner has paid all applicable fees, including any outstanding fees;

d) the Owner has provided the name and address and current contact information of the agent of the applicant and owner responsible for the applicant's and owner’s operations within the City of Cambridge;

e) the Owner has provided an up-to-date inventory map identifying the locations of all the applicant’s permitted publication distribution box locations within the City of Cambridge and a detailed location table that identifies the location number, location description (street name or intersecting street location) and the number of boxes at each location;

f) the Owner has provided a certificate of insurance with a minimum coverage of $2,000,000 written on an occurrence basis to cover bodily injury and property damage, which names the City of Cambridge as an additional insured, containing severability of interest clauses and cross liability clauses and which insurance shall be maintained during the term of the issued Permit;

g) the Owner has complied with all the requirements contained in this By-law.

2.5 Any and every permit issued for the location of a Publication Distribution Box shall expire on the 31st of December of each year.

2.6 An Owner of a Publication Distribution Box for which a Permit has expired may apply to the Director for a renewal of the Permit.

2.7 The conditions for the renewal of an expired Permit are the same as the conditions imposed for an unexpired Permit.

2.8 The Director shall issue a renewal of the expired Permit where the Applicant has confirmed to the satisfaction of the Director that the Owner has met the conditions required for the issuance of a renewal Permit.
2.9 The Director may revoke any Permit for the location of a Publication Distribution Box when the owner has failed to comply with the provisions of this By-law.

2.10 Prior to the revocation of the Permit, the Director shall provide to the owner of the Publication Distribution Box:

a) 5 business days’ notice of the Director’s intention to revoke the Permit, and the notice shall contain the reasons for the proposed revocation, and

b) a reasonable opportunity for a hearing in regard to the revocation of the Permit.

2.11 The Owner shall immediately remove the box from the highway at the sole expense of the owner:

a) where the Director has not issued a Permit, or has not renewed the expired Permit, for the location of a Publication Distribution Box, or

b) where a public utility entity, the City of Cambridge or the Regional Municipality of Waterloo is performing work in or upon the highway, or

b) where the Owner of the Publication Distribution Box has failed to resolve a complaint received by the Director within five business days of being notified in writing by the Director of the complaint.

2.12 If an Owner is found to have contravened any of the provision of this By-law, the Director may issue a notice to the Owner to remedy the contravention.

a. The Director’s notice shall set out reasonable particulars of the contravention, the location of the Publication Distribution Box where the contravention occurred, and the date by which the contravention is to be remedied.

b. Every Owner to whom the Director issues a notice shall comply with the notice.

c. Where the owner fails to comply with the notice of the Director, the Director may remove the Publication Distribution Box and perform any other restoration work deemed necessary at the cost of the Owner.

d. The Director shall store the Publication Distribution Box for 30 days at the cost of the Owner.

e. The Director shall return the Publication Distribution Box to the Owner upon payment by the owner of the removal, restoration and storage costs incurred by the Director.
f. Upon the failure of the Owner to claim the Publication Distribution Box within 30 days from storage and to pay the costs of the work performed by the Director and of the storage costs, the Director may dispose of the Publication Distribution Box.

3.0 EXEMPTIONS

3.1 This Schedule does not apply to a Canada Post mail box.
1.0 DEFINITIONS:

In this Schedule,

“Applicant” means any person, agencies, corporations (private or public) or institutions making application for a Controlled-Access Permit;

“Controlled-Access Road ” means a controlled-access road designated by this By-law;

“Permit” means a written authorization issued by the Director to permit a new and/or modification of an existing controlled-access.

2.0 GENERAL PROVISIONS:

2.1 All highways under the jurisdiction of the City of Cambridge are designated as controlled-access roads by this By-law.

2.2 No person shall construct, alter the geometric design of, enlarge or otherwise use any private road, entranceway, structure or facility as a means of access to a controlled-access road unless a Permit has been issued by the Director prior to construction.

3.0 PERMIT:

3.1 Any person may apply for a Permit to the Director no later than 30 days prior to the installation which is the subject of the application.

3.2 The application shall contain all of the following information and material:

a. The name and contact information of the applicant including municipal address, phone number and email address;

b. Access design plan with a detailed description of the installation for which the Permit containing the following:
   - property line
   - width and location of roadway and highway
   - curbs
   - shoulders
   - boulevard
   - ditches
   - existing accesses
   - aboveground utilities
   - landscaping
• existing structures
• a key plan (indicating location of property)
• north arrow
• proposed accesses
• all dimensions

c. Application fee, the Applicant shall pay a non-refundable Permit fee as set out in the City of Cambridge’s Municipal Fees and Charges By-law, as amended from time to time.

3.3 The Director may:

a. issue a Permit.

b. refuse to issue, suspend, revoke, or cancel a Permit, and

c. impose conditions on the issuance of the Permit.

3.4 In making his/her decision in regard to the Permit, the Director may consider:

a. any negative effects or any benefits that the granting of the Permit may have for the neighboring properties and the City highway.

b. whether the Permit will interfere with the movement and safety of vehicles and pedestrians any public utility or other factors deemed relevant in the circumstances.

c. any previous violation of the By-law or violations of the conditions imposed through previous permits issued to the applicant.

d. compliance with the guidelines of the “Policy and Procedures for Access onto City of Cambridge Roads”.

e. compliance with any other applicable law including City and Region By-laws;

f. any other matter that the Director considers reasonably to be relevant to the application.

3.5 The decision of the Director in regard to the Permit shall be final.

3.6 The Applicant shall comply with the terms and conditions of the Permit issued by the Director.
3.7 Failure by Applicant to comply with the terms and conditions of the Permit shall render the Permit void and of no effect.

4.0 CONTROLLED-ACCESS CONSTRUCTION:

4.1 Where the Director has issued a Permit for a property zoned Residential as per the City of Cambridge’s Zoning By-law:

a. The work authorized by the Permit shall be performed only by the City.

b. The Applicant shall pay the costs of the work to the City in accordance with the fee as set out in the City of Cambridge’s Municipal Fees and Charges By-law, and

c. The City will not commence any work until the City has received full payment for the work from the Applicant.

4.2 Where the Director has issued a Permit for a property zoned Commercial and/or Industrial as per the City of Cambridge’s Zoning By-law:

a. The work authorized by the Permit shall be performed by the City and/or by the Applicant.

b. Should the Applicant complete the work authorized by the Permit, the Applicant shall provide a security deposit to the City in accordance with the City of Cambridge’s Municipal Fees and Charges By-law. The security deposit will be refunded upon completion of the one (1) year warranty period and all conditions of the Permit are to the satisfaction of the Director.

c. Should the Applicant complete the work authorized by the Permit, the Applicant shall pay all costs associated with inspection of works in accordance with the City of Cambridge’s Municipal Fees and Charges By-law.

d. Should the Applicant complete the work authorized by the Permit, the Applicant will be required to obtain a Highway Occupancy Permit before commencement of work.

e. The City will not permit any work until the City has received full payment of all fees.
5.0 NOTICE

5.1 In addition to any other penalty which may be imposed hereunder, any owner of land who contravenes this By-law may be given a notice requiring the owner to close up any access which has been constructed, altered, enlarged or used in contravention of this By-law.

5.2 Any notice hereunder shall be in writing and shall be served either personally or by registered mail, and in the case of service by registered mail shall be deemed to have been received on the 5th day following the mailing thereof.

5.3 Where the person to whom notice is given hereunder fails to comply with the notice within the time specified in the notice, the City, its employees, or agents may enter upon the land of the person and do or cause to be done whatever may be necessary to close up the access. Any expense incurred by the City in closing up an access may be recovered from the owner by action or in like manner as municipal taxes.
SCHEDULE G
ENCROACHMENTS

1.0 DEFINITIONS

1.1 In this Schedule,

“Applicant” means any person, agencies, corporations (private or public) or institutions making application for an encroachment;

“Encroachment” means any type of vegetation, natural material, man-made object, or item of personal property occupying any part of a highway or public lands and shall include any aerial, surface, or subsurface Encroachments;

   a) “Aerial Encroachment” means an Encroachment that is located at least 30 centimeters (12 inches) above the surface of a highway or public lands;
   
   b) “Surface Encroachment” means an Encroachment that is located anywhere between the surface of a highway or public lands to a height less than 30 centimeters (12 inches) and beneath the surface of a highway or public lands to a depth of not more than 2.5 centimeters (1 inch);
   
   c) “Subsurface Encroachment” means an Encroachment that is located beneath the surface of a highway or public lands to a depth exceeding 2.5 centimeters (1 inch);

“Issuer of Permits” means an employee of the City of Cambridge with the authority to grant permits under this By-Law;

"Owner" means the lawful owner of property, a lessee, tenant, mortgagee in possession of property, or occupant of property;

“Encroachment Agreement” means an agreement required under this by-law, prepared by the City for execution by the City and an Owner granting authorization to erect, place, or maintain an Encroachment;

“Permit” means a written authorization issued by the Director to permit the location of an encroachment on a highway;

“Public Lands” means lands owned by, leased, licensed to, or under the management of the Town, and shall include but not limited to any public highway, road, street, avenue, crescent, court, drive, lane, alley, circle, cul-de-sac, sideroad, path, place, gate, line, road allowance, thoroughfare, bridge, viaduct or trestle, culvert, common or public square, public place, sidewalk, park, woodland, storm water management facility, open space, municipal golf course or cemetery, and all parts thereof, including any surface, grassed area, boulevard, ditch, curb, gutter and sidewalk;
“Reference Plan” means a designation of different sections of a property as "Parts," enabling a specific legal interest associated with each particular portion of the parcel to be highlighted and described.

2.0 EXEMPTIONS

2.1 The provisions of this by-law do not apply to:

a) lawns and private entrances that comply with the requirements of the applicable City by-laws regulating private entrances or that is constructed in accordance with the terms and conditions of a subdivision agreement or site plan agreement with the City;

b) the activities, works, and equipment of City forces performing construction or maintenance operations on City highways or public lands;

c) signs authorized by any City by-law;

d) sandwich board signs whose placement upon a sidewalk complies with the requirements of the applicable by-law that regulates such signs, provided that the City has no objection to the location of the sandwich board sign from a traffic, safety, or operational point of view;

e) election signs, real estate signs and other temporary signs whose placement upon a highway or public lands complies with the requirements of the applicable by-law that regulates such signs;

f) all existing Encroachments authorized by the City, unless the safety of the public may be affected by the Encroachment, or the Applicant wishes to alter the Encroachment in any way.

3.0 GENERAL PROVISIONS

3.1 No person shall close, obstruct, encumber, excavate, construct, place, erect, alter or maintain any kind of Encroachment in, on, over, or under any highway or public lands without first obtaining a valid Permit or Encroachment Agreement, as the case may be, in accordance with the provisions of this by-law.

3.2 All Encroachments that will be in place for less than one (1) year will be dealt with through the issuance of a Temporary Encroachment Permit pursuant to this by-law.

3.3 All Encroachments reoccurring on an annual basis or that will be in place for longer than one (1) year will be dealt with through the issuance of an Encroachment Agreement pursuant to this by-law.

3.4 Where an Encroachment would restrict public access over, under, or across the proposed Encroachment area, the City, at its sole discretion, may consider
providing the appropriate notification of the proposed Encroachment to the owners directly affected by the proposed Encroachment, being those owners, whose properties are within 120 meters of the proposed Encroachment.

3.5 Where an existing Encroachment is deemed to affect the City’s ability to carry out its work within the highway or public lands or where the safety of the public may be affected by the Encroachment, the Applicant may be required by the City to modify the Encroachment and such modification shall be at the Applicant’s expense.

3.6 Where an Applicant requests an amendment to a Permit or an Encroachment Agreement, the amendment must be in compliance with this by-law and approved by the City, and any modification to the Encroachment shall be at the Applicant’s expense.

3.7 All permitted Encroachments shall be deemed to be with the license of the City and such license shall not create an easement, interest or any other real property rights over any highway or public lands.

ENCROACHMENT PERMITS

4.0 PROCEDURE FOR APPLICATION

4.1 An application for an Encroachment Permit shall be made with the Issuer of Permits in advance of the installation of the encroachment on the prescribed form. When applying for a Permit, the Applicant shall:

a) Complete and submit the prescribed application form;

b) Provide a drawing with metric measurements showing the following information:

- property line
- width and location of roadway and highway
- curbs
- shoulders
- boulevard
- ditches
- aboveground utilities
• landscaping
• existing structures
• key plan (indicating location of property)
• north arrow
• proposed temporary encroachment

c) Insurance

i. Every Applicant, during the term of the permit, shall provide and maintain Comprehensive/Commercial General Liability insurance acceptable to the City and subject to limits of not less than two million dollars ($2,000,000) for bodily injury, death and damage to property including loss of use thereof. Such Comprehensive/Commercial General Liability insurance policy shall be in the name of the Applicant and shall name the City of Cambridge as an ‘additional insured’.

ii. The insurance policy referred to in subsection 2.1 (b) hereof shall contain an endorsement to provide the City with thirty (30) days written notice of cancellation.

d) Provide an indemnity and release signed by the Owner of the property in the form set out in the application of the Encroachment Permit.

e) When filing the completed application, the Applicant shall pay a non-refundable permit fee as set out in the City of Cambridge’s Municipal Fees and Charges By-law, as amended from time to time.

5.0 APPROVAL OF APPLICATIONS

5.1 In deciding whether to grant an Encroachment Permit, the Director shall consider:

a) the effect of the proposed Encroachment on the movement and safety of vehicles and pedestrians, any public service

b) any negative effects or any benefits that the granting of the permit may have for the neighbouring properties and the City;

c) whether the encroachment presents a hazard to the public;
d) the encroachment will interfere with the movement and safety of vehicles and pedestrians any public utility or other factors deemed relevant in the circumstances;

e) any previous violation of the By-law or violations of the conditions imposed through previous permits by the applicant;

f) any other matter that the Director reasonably considers to be relevant to the application

5.2 The approval of an Encroachment Permit can take up to ten (10) business days.

5.3 An Encroachment Permit shall be granted for a period not exceeding ninety (90) days and may be renewed for further periods not exceeding ninety (90) days for each renewal, up to a maximum of four (4) renewals. If additional renewals are required or the Encroachment reoccurs annually the Applicant will be required to enter into an Encroachment Agreement.

5.4 Application for renewal of an Encroachment Permit shall be made by presenting the existing permit before its expiry date, accompanied by any required fees as per the City of Cambridge’s Municipal Fees and Charges By-law, as amended from time to time.

5.5 An Encroachment Permit may limit the existence of the Encroachment to a part of the day only, to specified days, or to times otherwise deemed appropriate in the circumstances by the Director.

5.6 An Encroachment Permit may include additional or special conditions of approval deemed appropriate in the circumstances by the Director.

5.7 The decision of the Director in regard to the Encroachment Permit shall be final.

5.8 An Encroachment Permit is not transferable.

6.0 REVOCATION

6.1 The Director may revoke an Encroachment Permit for non-compliance with this by-law by sending notice of revocation by registered mail to the address of the Applicant and the permit shall be considered revoked from the second day after the day of mailing the notice.

7.0 CONDITIONS

7.1 All Encroachment Permit holders shall:
a) strictly adhere to the conditions set out in this by-law and any additional or special conditions set out in the applicable Encroachment Permit. Any breach thereof is considered to be non-compliance and may result in a revocation or termination of the applicable Encroachment Permit. The Director may then take actions deemed necessary to reinstate the Encroachment for public safety at the Applicant's expense;

b) It shall be a condition of any Encroachment Permit issued by the Director that the City, and any person or agent authorized by the City, may remove the temporary encroachment

i. for the purpose of constructing, maintaining, repairing, moving or otherwise dealing with any services or utilities located or to be located in, under or above the highway including but not limited to hydro, gas, telephone, cable television, water storm drainage, water main and sewer service facilities, and

ii. for the purpose of responding to an emergency

c) release, indemnify and save harmless the City, agents, consultants, contractors, assigns, and any others for whom the City is at law responsible from and against any and all claims, demands, losses, expenses, costs, including but not limited to reasonable legal fees, damages, actions, suits or proceedings, or any other liabilities which may at any time or from time to time be asserted against, imposed upon or incurred by the City as a consequence of or in connection with the Encroachment, the maintenance of the Encroachment, or any other matter relating to the Encroachment;

d) keep the Encroachment in a state of good repair as determined by the City. In the event that the Applicant fails or neglects to keep the Encroachment in a state of good repair, the Director may provide notice to the Applicant of any deficiency on the Encroachment and request that such deficiencies be rectified. If the notice is not complied with within five (5) business days from the date that the notice was sent or such other time as may be mutually agreed by the City and the Applicant, the Encroachment Permit may be revoked. Notwithstanding the foregoing the City may immediately remove any item on public property deemed to be in non-compliance or constitute a safety hazard. All costs incurred by the City to remove the Encroachment shall be recovered from the Applicant;

e) Upon termination of the temporary encroachment permit to use the highway, the Applicant shall, at their sole expense, remove immediately
the temporary encroachment from the highway within 30 days’ and shall replace and restore, at their sole expense, the highway safe and in a condition satisfactory to the Director.

f) If the Applicant fails to perform the work required work upon termination of the permit, the Director may remove the temporary encroachment and restore the highway to a safe condition at the sole cost of the licensee.

ENCROACHMENT AGREEMENTS

8.0 PROCEDURE FOR APPLICATION

8.1 Application for an Encroachment Agreement shall be made to the Director by the Owner or a representative of the Owner on the prescribed form. The Director may, from time to time, cause amendments of an administrative nature to the application for Encroachment Agreement form.

8.2 Every application shall include:

a) the name and contact information of the Owner and a legal description of the real property neighbouring the proposed Encroachment;

b) a sketch showing the location and dimensions of the proposed Encroachment;

c) a description of the proposed Encroachment including the highway or public lands encroaching upon, the intended use of the Encroachment, and estimated length of time of the Encroachment;

d) such other information, as required by the any of the organizational units of the City with an interest in the matter, to understand the nature of the proposed Encroachment and its impact; and

e) the non-refundable fee required under the City of Cambridge’s Municipal Fees and Charges By-law, as amended from time to time.

8.3 If the Director and all other organizational divisions of the City with an interest in the matter are satisfied with the application, the Owner or representative of the Owner shall then file with the Director:

a) three (3) copies of a Reference Plan certified by an Ontario Land Surveyor showing the location and dimensions of the Encroachment and of the adjacent part of the premises to which it is or will be appurtenant, and the location of all lot lines;
b) a registerable description of the premises to which the Encroachment Agreement is or will be appurtenant.

9.0 APPROVAL OF APPLICATIONS

9.1 In deciding whether to continue with the Encroachment Agreement application, the organizational divisions of the City with an interest in the matter shall consider the effect of the proposed Encroachment on the movement and safety of vehicles and pedestrians, any public service, and any other factors deemed relevant in the circumstances.

9.2 Any of the organizational divisions of the City with an interest in the matter may impose such terms and conditions to any Encroachment Agreement as deemed relevant in the circumstances.

9.3 When all the organizational divisions of the City with an interest in the matter are satisfied with the application, the Owner of the premises shall enter into an Encroachment Agreement with the City.

9.4 The Encroachment Agreement shall then be registered by the City with the land registry office against the title to which the Encroachment is appurtenant at the Owner’s/Applicant’s expense and evidence of such registration shall be provided to the Owner within thirty (30) days of Encroachment Agreement approval.

10.0 REVOCATION

10.1 The execution of an Encroachment Agreement in respect of an Encroachment does not create any vested right in the Owner or occupant of the premises to which the Encroachment is appurtenant, or in any other person, and the Encroachment Agreement may be revoked in accordance with the terms set out therein.

12.0 CONDITIONS

12.1 All Applicants of Encroachment Agreements shall:

   a) make no alteration to the highway or public lands, including and without limitation the removal of trees or grade changes, and shall not erect any building or structures on the highway or public lands without the City’s written permission;

   b) carry out all authorized work in a proper and professional manner so as to do as little damage or disturbance to the highway or public land infrastructure as possible. The Owner shall repair and make good all damage and disturbance that may be caused to the highway or public land
infrastructure, to the satisfaction of the City, at the sole expense of the Owner;

c) maintain the Encroachment in all respects in a state of good repair, including keeping the Encroachment in a sound, neat, safe and clean condition to the satisfaction of the City. If the Encroachment is not kept in a state of good repair, upon five (5) business days written notice (or such shorter time as may be required in the case of an emergency or other urgent matters) to the Owner, the City shall have the right to do any work necessary to fulfill this condition and all costs incurred by the City shall be recovered from the Owner;

d) upon written notice from the City, renew, repair, or maintain the surface of the highway or public lands if at any time the City decides to renew, repair or maintain the surface of the highway or public lands upon which the Encroachment is located. If the notice is not complied with within five (5) business days from the date that the notice is sent or such other time as may be mutually agreed upon by the City and Owner, the City may renew or repair the highway or public lands at the expense of the Owner;

e) not obstruct, hinder, or interfere with the free access to the Encroachment by any person acting on behalf of the City, including an employee, officer, or agent of the City;

f) notify the City in writing 30 days in advance of any potential transfer or sale of their property or any part thereof, together with the name and address of the potential transferee or purchaser. For clarity, in the event that the Owner sells the property to which the Encroachment Agreement is appurtenant, the Owner shall instruct the transferee or purchaser of the said property to submit a new Encroachment Agreement Application to the City for the City’s review and approval;

g) apply for a new Encroachment Agreement pursuant to this by-law if the Encroachment is moved, altered, or changed in any manner and will remain on the highway or public lands after such movement, alteration or change;

h) at all times release, indemnify and save harmless the City, agents, consultants, contractors, assigns, and any others for whom the City is at law responsible from and against any and all claims, demands, losses, expenses, costs, including but not limited to legal fees on a substantial indemnity basis, damages, actions, suits, judgements, or proceedings, or any other obligations or liabilities which may at any time or from time to time be asserted against, imposed upon or incurred by the City as a
consequence of or in connection with the maintenance, alteration, use or any other matter or thing, directly or indirectly, relating to the Encroachment;

i) obtain and maintain insurance to the satisfaction of the City naming the City as an additional insured for the duration of the Encroachment Agreement. A Certificate of Insurance evidencing the insurance coverage shall be provided to the City prior to the City signing the agreement and thereafter promptly on the insurance renewal date;

j) acknowledge that the City or Owner may terminate the Encroachment Agreement on sixty (60) days written notice for any reason whatsoever. In the event of agreement termination, the Owner shall remove the Encroachment on the date of termination at their expense. If the Owner fails to remove the Encroachment on the date of termination, the City shall provide the Owner with a notice requiring the Owner to remove the Encroachment within five (5) business days. If the Owner fails to remove the Encroachment within the five (5) business day period, the City shall have the right to remove the Encroachment at the expense of the Owner.

k) restore the highway or public lands to the condition they were in prior to the date of the Encroachment Agreement or in compliance with current City standards upon the removal of the Encroachment from the highway or public lands, at the Owner’s sole expense; and

l) acknowledge that the City shall have a right to terminate the agreement in the event that the Encroachment represents a danger to the safety of the public using the highway or public lands or detrimentally interferes with future improvements. Such termination shall be by written notice to the Owner.

13.0 ADMINISTRATION OF BY-LAW

13.1 The Director is responsible for the administration of Encroachment Permits of this by-law on behalf of the City, including the review of applications for Encroachment Permits, the circulation of such applications, where appropriate, to other organizational divisions with an interest in the matter, and the issuance of Encroachment Permits.

13.2 The Director or any other organizational division of the City with an interest in the matter may impose additional conditions as a requirement of obtaining or continuing to hold an Encroachment Permit, including the requirement of an Applicant to enter into an Encroachment Agreement with the City.
13.3 The Director is responsible for the administration of Encroachment Agreements of this by-law on behalf of the City, including the review of Encroachment Agreement applications, the circulation of such applications, where appropriate, to other organizational divisions with an interest in the matter.

13.4 An Encroachment Agreement will not be issued or approved unless all organizational divisions of the City with an interest in the matter are satisfied that the Encroachment will not pose a danger to the safety of persons using the highway or public lands, or interfere with the activities or adversely affect the conditions or operation of the equipment and facilities of the City.

14.0 ORDERS AND REMEDIAL ACTIONS

14.1 Notwithstanding any other provisions in this by-law, Encroachments that exist contrary to this by-law shall be removed by the Owner thereof within five (5) business days after service of a notice from the City advising that such Encroachment is in contravention of this by-law. Such notice shall be in writing, shall identify by the municipal address the lands upon which the Encroachment is situate and shall specify the particulars of non-compliance with this by-law.

14.2 If such Encroachment has not been removed by the owner as required herein, the City may cause such Encroachment to be removed at the expense of the Owner and any costs incurred by the City may be recovered in like manner as the municipal taxes on the property where the Encroachment was located pursuant to the Municipal Act, 2001.
SCHEDULE H
HIGHWAY OCCUPANCY PERMIT

2.0 DEFINITIONS:

1.1 In this schedule:

“Activity” includes the temporary occupancy of a Right-of-Way for any purpose for a defined period of time outside its normal intended use by the City, Utility Company, or person(s);

“Applicant” means any person, Utility Company or corporation making application for a Highway Occupancy Permit;

“City of Cambridge Standards” means The City of Cambridge Standards, as amended from time to time, and are intended as guidelines for land development and City projects to aid in providing uniform designs throughout the City and are to be used in conjunction with Ontario Provincial Standard Drawings (O.P.S.D.) and Ontario Provincial Standard Specifications (O.P.S.S.), both as amended from time to time;

“Contractor” means a person who makes an agreement with another to do a piece of work and who, retain control of the means, method and manner of producing the result to be accomplished.

“Deleterious Material” means subsurface soils of an undesirable nature such as, but not limited to organic materials, highly organic silts, sensitive or ultra-sensitive clays, peat or other highly compressible soils, and soils containing noxious or hazardous chemical or waste products;

“Heave” means any rise in the surface of a road cut in relation to the grade of the adjacent undisturbed highway;

“Highway Occupancy Permit” or “HOP” means a Permit allowing access to the road allowance to effect various works as issued under this By-law;

“Issuer of Permits” means an employee of the City of Cambridge with the authority to grant permits under this By-Law;

“M.T.O.” means Ministry of Transportation of Ontario;

“Municipal Consent” means the written consent of the Engineering Department, with or without conditions, for access to and use of the City Rights-of-Way, subject to obtaining a Highway Occupancy Permit as applicable;

“O.P.S.D.” means Ontario Provincial Standard Drawings, as amended;
“O.P.S.S.” means Ontario Provincial Standard Specifications, as amended;

“Permanent Landscape Features” means any landscape feature that is not easily removed. These features include but are not limited to curbs, structures, boulders, etc.

“Permit” means a Highway Occupancy Permit.

“Road Cut” means a surface or subsurface cut in any part of a Highway made by any means, including but not limited to any excavation, reconstruction, cutting, saw cutting, overlaying, crack sealing, breaking, boring, directional drilling, jacking or tunneling operations;

“Settlement” or “Settled” means any sinking of the surface of a road cut in relation to the grade of the adjacent undisturbed highway;

“Traffic Management Plan” means a standard document outlining the particulars of proposed work on any Highway within the City of Cambridge that is submitted by or on behalf of the Contractor to the City for review. The Plan shall contain the information respecting how the permit holder intends to comply with this By-law including but not limited to the following:

(a) Start and completion times of work;

(b) Specific location of work;

(c) Requirement to work during peak hours, if any;

(d) Lane use requirements;

(e) Requirements for road closure;

(f) Parking meters affected by work;

(g) Requirement for temporary no stopping signs;

(h) Identification of any bus route(s) and bus stops affected by work activity; and

(i) Traffic routing and detour requirements where required.

“Utility/Utilities” means any structures above or below ground which exist on a Right-of-Way and include buried and aerial hydro cable and ducts, telephone, cable, television and internet communication cables, trees, water, including underground pipes, hydrants and valves, sanitary and storm sewer pipes, gas and steam pipes, meters, and valves.
“Utility Company” means any company with the authority to construct within a Right-of-Way pursuant to provincial or federal legislation, by-law, franchise agreements or municipal access agreement;

“Warranty” means a guarantee by the Permit Holder that the work for which a Highway Occupancy Permit has been issued has been carried out in accordance with the City’s requirements; and

“Works” means something that one is doing, making, or performing, especially as an occupation or undertaking; a duty, task or installation.

2.0 GENERAL PROVISIONS

2.1 When a Highway Occupancy Permit for Occupancy is required:

Except as provided in sections 2.2 and 2.3, no person shall undertake any activity within a City Right-of-Way without a Permit to do so.

(1) An application for a Highway Occupancy Permit shall be filed with the Issuer of Permits in advance of such right-of-way activity. When applying for a Permit, the Applicant shall:

(a) Complete and submit the prescribed application form;

(b) Allow ten (10) business days to process Permit for full road closures;

(c) Allow five (5) business days to process Permit for works requiring lane closures;

(d) Allow three (3) business days for works not requiring lane closures.

(e) Furnish to the City such information as the Issuer of Permits may require, including, but not limited to, a sketch illustrating the planned work and work area, and a Traffic Management Plan; and

(f) Submit insurance documentation as required on the application form.

(2) When filing the completed application, the Applicant shall pay a non-refundable permit fee as set out in the City of Cambridge’s Municipal Fees and Charges By-law, as amended from time to time;

(3) When the Applicant is requesting multiple road cuts the City reserves the right to issue a single permit or multiple permits for the works.
(4) It shall be at the sole discretion of the Issuer of Permits to determine for reasons of public safety or the effective operation of the public transportation system, when a Highway occupancy may occur.

(5) A Highway Occupancy Permit shall not be issued until:

(a) Proof of insurance has been filed as required by Section 2.16;

(b) The Permit fee or fees required hereof has or have been paid as per the City of Cambridge Municipal Rate Review;

(c) An emergency contact telephone number for the service required by Section 2.13 has been provided; and

(e) Approval for Municipal Consent has been issued and any conditions have been complied with, if applicable.

(6) Where two (2) or more cuts are proposed, the Issuer of Permits may state the order in which the work is to be performed.

(7) Notwithstanding subsection (1), where the work is of a major nature or duration and will cause general inconvenience to all the residents and businesses located beside or near the Right-of-Way where the work will occur, the Applicant shall consult with the Issuer of Permits as early as possible about the work prior to its commencement, taking into consideration the scale and complexity of the work.

2.2 Work Which Does Not Required A Permit

(1) If it is the intent of the Applicant to complete work within a Right-of-Way that is minor and of very short duration as defined by OTM Book 7, (i.e. does not cause any disruption to traffic flows, does not break ground and does not create a potential for damages to existing utilities), as determined at the sole discretion of the Issuer of Permits, then a Highway Occupancy Permit may not be required.

(2) While engaged in work within the Right-of-Way that is minor in nature as determined by the Issuer of Permits, no persons shall disturb, damage or alter City lands whether or not a Highway Occupancy Permit is required.

2.3 Emergency Work

(1) Subject to subsection 2.3 (2) hereof, where public safety or health, or a major business interruption in works is concerned, a road occupancy may be carried out without regard to the prior notification requirements of this
(2) Where an emergency Highway occupancy has been undertaken, the person or utility undertaking the road occupancy shall, on the same day the work is commenced, or if the City offices are closed, no later than the start of the next working day, notify by telephone (or fax or e-mail) the Issuer of Permits of the following:

(a) the name of the utility or contractor undertaking the road occupancy;
(b) the nature of the work;
(c) the location of the road occupancy;
(d) the estimated duration of the work;
(e) the reason for proceeding without obtaining a Highway Occupancy Permit and without providing the required notice; and
(f) retroactively comply with all requirements of this By-law including obtaining a Highway Occupancy Permit;

(3) The Issuer of Permits may require any or all information to confirm the validity of an emergency Highway occupancy. Should insufficient proof of an emergency be submitted the Applicant may be notified in writing that they are subject to the same restrictions and penalties as performing occupancy without a Highway Occupancy Permit.

2.4 Application for Extension of Permit

(1) Any person wishing to extend a Highway Occupancy Permit previously granted under this by-law, shall submit to the Issuer of Permits a written request noting reason for extension and revised completion date. Such request must be submitted at least one (1) day prior to expiration of the existing Highway Occupancy Permit.

(2) The Issuer of Permits may refuse to accept an extension request that is not received at least one (1) day prior to expiration, or if the extension will conflict with other works already approved in the same vicinity, and shall not issue an extension to the Highway Occupancy Permit.

(3) Where the Issuer of Permits does not grant an extension, at his or her sole discretion, the Applicant shall vacate the Right-of-Way, and re-apply for a new Permit per the normal procedure.
(4) Where the Issuer of Permits is satisfied that the Applicant is entitled to obtain a Highway Occupancy Permit under the provisions of this by-law, the Issuer of Permits shall prepare and issue a Highway Occupancy Permit to the Applicant.

2.5 Notice Requirements for Right-of-Way and Road Occupancy

(1) Where the work is of a major nature or duration and will cause general inconvenience to the residents and businesses located beside or near the Right-of-Way where the work will occur, every Permit Holder or person responsible for the road occupancy shall, at least five (5) business days prior to commencing the work, provide in writing to every resident and business located beside or near the Right-of-Way where the work will occur for the following information:

(a) description and rationale for the work;

(b) the approximate start date;

(c) the duration of the work:

(d) access restrictions and service interruptions; and

(e) contact information for the Permit Holder.

2.6 Warning Devices, Barricades and Traffic Signs

(1) The Permit Holder shall supply, erect and maintain warning devices, barricades and traffic signs where applicable, in accordance with the Occupational Health and Safety Act, R.S.O. 1990, chap. O.1, as amended, and any applicable provincial traffic regulations, including but not limited to the Ministry of Transportation’s Ontario Traffic Manual - Book 7 (Temporary Conditions).

(2) If the Permit Holder fails to comply with subsection 2.5 (1) or 2.6 (1) hereof, the Issuer of Permits may order the erection and maintenance of any warning devices, barricades and signs considered necessary at the Permit Holder’s expense, and the cost thereof shall be paid by the Permit Holder forthwith on demand.

2.7 Closure of Traffic

(1) No person shall close or obstruct a Highway or portion of thereof to traffic unless authorized to do so by the Issuer of Permits
(2) No Permit Holder shall close a Highway to traffic or one direction of traffic on a highway unless:

(a) the written consent of the Issuer of Permits to the closing is obtained; and

(b) on behalf of the Permit Holder, the Issuer of Permits shall notify Waterloo Regional Police Service, Cambridge Fire Department and Ambulance Service, Grand River Transit, Student Transportation Services Waterloo Region and any other person, department or agent requiring notice, from time to time affected by the occupancy, or the commencement and termination of the activity.

(3) The Permit Holder shall supply, locate, relocate, erect, operate and maintain all traffic control, detour and information signs in accordance with the Traffic Control Plan and current edition of Ontario Traffic Manual - Book 7 (Temporary Conditions);

2.8 Form of Permit

(1) Every Highway Occupancy Permit shall contain the following information:

a) the operating name of the business or person to whom the Highway Occupancy Permit is issued;

b) the operating address of the premise or location for which the Highway Occupancy Permit is issued;

c) the type of activity planned;

d) the date of issue;

e) the effective date and time of the Highway Occupancy Permit;

f) the date and time of expiration;

g) any other conditions if applicable;

h) such requirements as needed given the nature of the work being undertaken on a Right-of-Way

2.9 Inspection

(1) An Inspector may at all reasonable times enter on any land, for the purpose of carrying out an inspection to determine whether or not the provisions of this By-
law, a direction or order, a condition of a Highway Occupancy Permit or an Order of the Court are being complied with.

(2) For the purposes of an inspection, an Inspector may:

i) require the production for inspection of documents or things relevant to the inspection;

ii) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;

iii) require information from any person concerning a matter related to the inspection; and,

iv) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of the inspection.

(3) Where a sample is taken, the sample shall be divided into two parts, and one part shall be delivered to the person from whom the sample is taken, if the person so requests at the time the sample is taken and provides the necessary facilities. If a sample has been taken and the sample has not been divided into two parts, a copy of any report on the sample shall be given to the person from whom the sample was taken.

(4) A receipt shall be provided for any document or thing removed and the document or thing shall be promptly returned after the copies or extracts are made.

(5) Where repeat inspections are required due to deficiencies in restoration, poor site conditions or safety concerns the Permit Holder will be subject to fees as determined.

2.10 Stop Work Order

(1) An Inspector or Issuer of Permits may at his or her discretion issue a stop work order.

(2) Stop Work Orders are issued where an Inspector or Issuer of Permits finds an occupancy occurring that is not in accordance with the conditions of an issued Highway Occupancy Permit or where occupancy is taking place without a Highway Occupancy Permit.

(3) A Stop Work Order may only be applied to the activity that constitutes the contravention. For instance, in cases of contravening a condition of a Highway
Occupancy Permit, some of the work can be continued while only the violating activity can be ordered to cease. In cases where occupancy is taking place without a Highway Occupancy Permit, all work will stop, the area will be temporarily restored, and the proponent will vacate the area until a Highway Occupancy Permit has been obtained per the usual procedure. Permit fees for a Highway Occupancy Permit issued as a result of a Stop Work Order will be double the usual permit fees as noted in the City of Cambridge Municipal Fees and Charges By-law, as amended.

(4) The Inspector shall take appropriate action against any person(s) who disobeys a Stop Work Order. Failure to comply with a Stop Work Order leaves the recipient liable to a fine.

(5) A Stop Work Order shall be lifted once the issuer of the Stop Work Order or the Issuer of Permits determines that all contraventions of this by-law have been rectified.

2.11 Non-Compliant Installations

(1) Should any occupancy begin that is not in strict compliance with the conditions of the Highway Occupancy Permit and this by-law, the Permit Holder may be issued a stop-work order and may be required to perform temporary restoration and move all equipment and materials off-site until these requirements are met in-full and Highway Occupancy Permit may be cancelled, at the sole discretion of the Engineering Division.

(2) Depending on the severity of the infraction, the issuance of new Highway Occupancy Permits to the same Permit Holder may be withheld or delayed, at the sole discretion of the Engineering Division, until the infraction has been addressed by the Permit Holder to the satisfaction of the Engineering Division.

(3) Where utilities are found to be installed without a valid Highway Occupancy Permit and/or in a location other than that approved by the Engineering Division, the Proponent / Permit Holder may be required to remove the utilities immediately, at its own expense. Restoration shall be performed in accordance with the procedures outlined in the Highway Occupancy Permit.

2.12 Posting of Permit

No Permit Holder shall work at a job site without the Highway Occupancy Permit on-site and available for inspection.

(2) The Permit Holder shall, if requested, display at the job site an easily read sign showing the names of:
(a) the Permit Holder;
(b) the person(s) or contractor undertaking the work; and
(c) the name of the entity for which the work is being done

2.13 Telephone

The Permit Holder shall maintain and answer a telephone at all times (24 hours, seven days-a-week) during the period for which the Permit Holder is responsible for the occupancy, including the warranty period, so that the City can advise the Permit Holder of any necessary repairs to the road cut or other infrastructure that may have been damaged as a result of the occupancy.

2.14 Refusal to Grant a Permit

(1) The Issuer of Permits may refuse to grant a Highway Occupancy Permit to any Applicant for any of the following reasons:

(a) persistent and/or serious violations of any condition of a Highway Occupancy Permit previously issued to the Applicant, or of any provisions of this by-law applicable to a Highway Occupancy Permit previously issued hereunder;

(b) non-payment or late payment of monies due to the City as a result of inspection, or of any necessary work undertaken by the City, in the course of administering any provision of this by-law;

(c) where roadway construction, reconstruction or resurfacing has occurred within the previous three years of the proposed road cut;

(d) such other reason as the Issuer of Permits may deem proper which reason shall be delivered in writing to the Applicant if so requested.

2.15 Suspension/Revocation

(1) Any Highway Occupancy Permit issued pursuant to this by-law may be suspended or revoked by the Issuer of Permits upon giving written notice to the Applicant for the following reasons:

(i) a violation of any condition of the Highway Occupancy Permit or of any provision of this by-law;

(ii) a violation of any provision of any other law relating to the work;

(iii) the existence of any condition or the doing of any act constituting or
creating a nuisance or endangering the lives or properties of others; 
(iv) where the Highway Occupancy Permit has been issued on mistaken, false or misleading information; and 
(v) where the work is not carried out in a diligent and workmanlike manner.

(2) The Issuer of Permits may, in his sole and unfettered discretion, grant a period of not more than seven days to correct the violation or condition.

(3) Upon notice of such Highway Occupancy Permit being revoked, the Permit Holder must immediately cease and desist from carrying out any additional activities allowed under the Highway Occupancy Permit and immediately restore the highway or portion thereof to City of Cambridge Standards as set out in this by-law. Such restoration shall be carried out at the Permit Holder’s sole expense, and if the Permit Holder should fail to carry out such restoration, such highway shall be restored to City of Cambridge Standards by the City as necessary, and the entire cost of so doing shall be paid by the Permit Holder. When such restoration is completed, the Permit Holder may reapply for a new Highway Occupancy Permit.

2.16 Insurance

(1) Every Applicant for a Highway Occupancy Permit shall provide and maintain Comprehensive/Commercial General Liability insurance acceptable to the City and subject to limits of not less than two million dollars ($2,000,000) inclusive per occurrence for bodily injury, death and damage to property including loss of use thereof. Such Comprehensive/Commercial General Liability insurance policy shall be in the name of the Applicant and shall name the City of Cambridge as an ‘additional insured’. The insurance policy shall remain in place until all warranty requirements are fulfilled.

(2) The insurance policy referred to in subsection (1) hereof shall contain an endorsement to provide the City with thirty (30) days written notice of cancellation.

2.17 Indemnification

A Highway Occupancy Permit is issued subject to the condition that the Permit Holder shall indemnify the City and each of its officers, agents, servants and workers from all causes of action, loss, costs or damages arising from the execution, non-execution or imperfect execution of any work authorized by this by-law whether with or without negligence on the part of the Permit Holder or the
2.18 Snow Removal and De-Icing

(1) Where the Permit Holder’s work impedes snow removal and de-icing by the City on areas where vehicular and pedestrian traffic are being maintained, as reasonably determined at the sole discretion of the Infrastructure Services Department, the Permit Holder shall be responsible for providing ice and snow removal services within the limits of the work site. Such areas shall be cleared of ice and snow to the satisfaction of the Infrastructure Services Department.

(2) Should the Permit Holder fail to complete the required snow removal services and de-icing within the set deadlines, the City, without any notice to the Permit Holder, may arrange for the snow and ice to be removed by others. All costs incurred by such removal shall be charged to the Permit Holder.

2.19 Fees and Security

(1) The fees for the Highway Occupancy Permit, and for any inspections required under it, shall be such amount as determined in the City of Cambridge Municipal Fees and Charges By-law, as amended and shall be due and payable to the City of Cambridge at the time of application. No Highway Occupancy Permit shall be issued, or inspection carried out until such fees have been paid and there shall be no refund of any fees for any cause.

(2) The Permit Holder shall maintain or repair the work completed under the terms of the Highway Occupancy Permit as set out in Section 2.0 General Provisions, until accepted as satisfactory by the Issuer of Permits and shall restore the Right-of-Way to City of Cambridge Standards. To guarantee the restoration, the Permit Holder shall deposit with the City of Cambridge Security in a form acceptable to the City of Cambridge, to cover the faithful performance of the terms of the Highway Occupancy Permit including maintenance, repair and restoration carried out by the Permit Holder and every other obligation arising under and imposed upon the Permit Holder by this by-law or any Highway Occupancy Permit, as determined by the Issuer of Permits. Such Security shall be provided forthwith prior to the issuance of any Highway Occupancy Permit and in such amount as determined by the Issuer of Permits.
2.20 Times of Work

(1) Work may only take place during the times specified on the Highway Occupancy Permit or as otherwise specified by the Issuer of Permits. Restrictions may vary for different directions of travel on the same street and work may be prohibited at specific times and dates in order to co-ordinate with or avoid other work or events in the area.

(2) At most locations, typical working hours will be between the hours of 7 A.M.–7 P.M. from Monday to Friday. No work will be permitted on Saturday, Sunday or statutory holidays. Specific exceptions to the above noted typical times may be granted if required, at the sole discretion of the Issuer of Permits, depending on the circumstances of the individual work.

(3) The work site shall be adequately protected and secured at all times.

2.21 Site Conditions

(1) The Permit Holder is responsible for maintaining the work site and surrounding area free of dust and mud. The Permit Holder shall clean the road and sidewalks as required to the satisfaction of the Engineering Division.

(2) Prior to the start of any construction activity, filter cloth shall be placed between the frames and covers of all catch basins within the immediate area to prevent the entry of construction dirt and debris.

(3) The Permit Holder shall keep the site and work in as tidy a condition as practicable and to the satisfaction of the City. The Permit Holder shall not deposit any material on any portion of street, sidewalk, boulevard, grass plot, or other City property, without the permission of the City, and shall remove same without delay when and as directed by the City. Upon completion of the work, the Permit Holder shall remove all surplus materials as well as any rubbish accumulated on account of the work, make good any defects or damage and shall leave the site in a condition satisfactory to the City.

(4) Should the Permit Holder fail to comply with this requirement and maintain the street in a satisfactory condition, the Engineering Division, acting reasonably, without further notice, may issue a stop work order, cancel the Highway Occupancy Permit, charge the Permit Holder under applicable Bylaws and/or arrange for the site to be cleaned immediately by others. All costs incurred in cleaning the dust and mud resulting from the Permit Holder’s work shall be charged to the Permit Holder.
2.22 City Infrastructure

(1) The Permit Holder shall not complete servicing works on City owned sanitary, sewer and/or water infrastructure without written permission from the Director of Environmental Services and/or his/her designate.

(2) The Permit Holder shall not operate watermain valves, service water valves and/or hydrants. If operation of any water supply valves is required, the Permit Holder must contact the City of Cambridge Water Operations Branch by phone.

(3) No person shall operate valves, hydrants or interfere with a potable water system in any manner that will cause the water to become non-potable.

2.23 Storage Containers

A Permit Holder and contractor are not permitted to install a storage container on a Highway from November 1st to March 31st.

2.24 Disposal Bin

A Permit Holder and contractor are not permitted to install a disposal bin on a Highway from November 1st to March 31st.

2.25 Transferability

A Highway Occupancy Permit is not transferable without the written consent of the Issuer of Permits.

3.0 ROAD WORK PROVISIONS

3.1 General Permit Requirements

(1) The Permit Holder shall open a road cut in such a manner as to do the least possible damage to the Highway and to any utility or municipal service.

(2) The work shall proceed expeditiously and no Permit Holder shall allow a road cut to remain open for more than twenty-four (24) hours unless the work is actively in progress.

(3) The site shall be kept clean and safe, and sources of dust and mud controlled at all times until the final reinstatement has been completed. All dust and mud nuisance that is tracked from the site shall be promptly cleaned.
(4) The Permit Holder and contractor shall comply with and be bound by the provisions of the Occupational Health and Safety Act, R.S.O. 1990, Chap. 0.1, as amended.

(5) All persons employing or using trucks or other vehicles entering or leaving construction sites for any purpose whatsoever, shall immediately remove from the Highway any rubbish, earth, or other material which has fallen from such vehicles.

(6) The Permit Holder and contractor shall comply with and be bound by the provisions of the Ministry of Transportation’s Ontario Traffic Manual, Book 7 (Temporary Conditions).

3.2 Road Cut

(1) The Permit Holder and contractor are not permitted to complete open excavation (including daylighting) of the roadway surface of the Highway from November 1st to March 31st.

(2) The Permit Holder shall submit to the Issuer of Permits a written request for an exemption to Section 3.2 (1) that meets the requirements of City of Cambridge Standards for servicing works being completed for a development control application including a severance, plan of subdivision, or site plan approval. The Permit Holder will be required to obtain approval from the Director of Environmental Services and/or his/her designate to complete servicing works within the Highway.

(3) Where a Permit Holder has been permitted under Section 3.2 (1) to complete servicing works, the Permit Holder and contractor undertaking the road occupancy are required to perform the restoration works as per Section 3.4 Reinstatement and Backfill Requirements of this By-law.

3.3 Excavated Material and Road Cut Methods

(1) No Permit Holder shall place, cause or allow the placement of material or equipment on any Roadway or Sidewalk at any time or in a location where it will cause damage to the infrastructure it is placed upon, and/or create a traffic or safety hazard unless authorized to do so by the Issuer of Permits.

(2) Except as permitted by the City, where multiple road cuts are required with a separation distance of equal to or less than fifteen (15) meters it shall be required that the permit holder reinstate the road cuts and resurface the entire width of the roadway for the entire distance between the outer edges of the most extreme road cuts.
(3) Where a cut is made in any concrete surface, the Permit Holder shall break out and remove all concrete:

(a) to the nearest expansion joint, or contraction joint, using a concrete saw if necessary, to provide on all sides of the cut, a clean vertical surface; or

(b) as specified by the Issuer of Permits.

(4) Where a road cut is made in asphalt pavement, the asphalt shall be cut with a mechanical cut device to produce:

(a) a rectangular opening with edges which are vertically straight; and

(b) a cut, which is large enough to accommodate the proposed works without undermining the adjacent asphalt pavement.

(5) Where boring, directional drilling, jacking or tunneling is used for any subsurface road cut:

(a) the method used shall be approved by the Issuer of Permits; and

(b) if a cave-in, settlement or heaving results therefrom within a period of twelve (12) months following the date of work, the surface in the affected area shall be removed and reinstated by the Permit Holder in accordance with this by-law to the satisfaction of the Issuer of Permits.

(6) Where two (2) or more connections for sewer or water are to be made, the Issuer of Permits may state the order in which these connections are made. The lowest utility should be generally built first.

(7) All works shall be completed to City of Cambridge Standards and Ontario Provincial Standards. City of Cambridge Standards shall take precedence over Ontario Provincial Standards.

3.4 Reinstatement and Backfill Requirements

(1) The Permit Holder shall be responsible for:

(a) the temporary reinstatement of a road cut subject to the provisions of this by-law;

(b) the maintenance of temporary reinstatements, as provided for in this Bylaw, on every road cut which on or after November 1st in any year is not in a condition to be permanently reinstated, and is
carried over for permanent reinstatement prior to May 1st of the following year;

(c) payment to the City for its inspection charges as determined by the City's Engineering Division.

(2) All reinstatements shall be done to current City of Cambridge Standards and O.P.S.S. standards. City of Cambridge Standards shall take precedence over Ontario Provincial Standards.

(3) A Highway shall be reinstated with,

(a) the same type of material, except for deleterious material, and to the same thickness as the adjoining construction when originally constructed; or

(b) material of a thickness that has been approved by the City of Cambridge.

(c) all reinstatements shall be to the satisfaction of the City of Cambridge.

(d) on all arterial and collector roads only non-compressible backfill shall be used at any time; and

(e) After November 1st of each year until May 1st of the following year only non-compressible backfill shall be used unless otherwise approved by the Issuer of Permits.

(4) Temporary surfacing of a roadway with asphalt, concrete, or surface treated surface shall meet the following requirements:

(a) the road cut shall be temporarily reinstated immediately after backfilling is completed;

(b) the reinstatement shall be to the same level as the adjacent surface; and

(c) prior to the highway being opened to traffic, the top forty (40mm) millimeters of the road cut shall be surfaced with hot mix asphalt, concrete, or, if hot mix asphalt is unavailable, with emulsified cold mix asphaltic material, all hand-tamped or rolled to a smooth, flat condition using commonly accepted practices and standard tamping or rolling equipment.
3.5 Pavement Cut Fees

(1) Any person or corporation who completes a road cut without Highway Occupancy Permit or fails to identify the road cut through the permit application process shall be liable for any additional fees as assessed by the City.

(2) Outstanding or unpaid fees shall be paid to the City prior to any further Highway Occupancy Permits being granted by the Issuer of Permits.

3.6 Testing

(1) The Issuer of Permits may at any time require a Permit Holder to provide at the Permit Holder's expense:

   (a) Test reports, from a testing laboratory satisfactory to the Issuer of Permits, showing the degree of compaction that has been achieved; or

   (b) a certificate from an engineer, or from a testing laboratory satisfactory to the Issuer of Permits, certifying that the backfilling procedures have been performed in accordance with this by-law.

(2) All testing required shall be completed in accordance with OPSS.

3.7 Reporting Damage/Impact to Existing Utilities

(1) Any impact on existing utilities including, but not limited to, the protective coating, support, cathodic protection or the housing of the utilities, shall be reported to the Engineering Division and applicable Utility Company immediately.

(2) The utilities shall remain exposed, with the excavation properly supported, until the utilities owner has assessed the damage and made a repair or authorized the Permit Holder to proceed.

3.8 Completion of Work

Upon completion of the temporary surfacing or permanent reinstatement of the road cut, all excess material shall be removed from the area of the road cut and the area shall be left in a safe, neat and clean condition, similar to the condition of the highway as was found, all to the satisfaction of the Issuer of Permits.
4.0 TRENCHLESS INSTALLATIONS

(1) Where the work being undertaken uses trenchless installation methods, preservation and protection of existing facilities shall be according to OPSS 491.

(2) Minimum horizontal and vertical clearances to existing facilities as specified in OPSS shall be maintained. Clearances shall be measured from the nearest edge of the largest back reamer required to the nearest edge of the facility being paralleled or crossed.

(3) Existing underground facilities shall be exposed to verify its horizontal and vertical locations when the bore path comes within 1.0 m horizontally or vertically of the existing facility. Existing facilities shall be exposed by non-destructive methods. The number of pilot holes required to monitor work progress and the proposed location of such pilot holes must be clearly depicted on the application drawing. All pilot holes and any other damage to the street infrastructure shall be restored as per the requirements of this By-Law.

5.0 PROTECTION OF TREES

Any construction activity in the vicinity of existing trees shall make every effort to protect said trees and maintain optimum growing conditions in strict compliance with good arboricultural practice.

6.0 UTILITY COMPANIES

6.1 Service Drops (including Temporary)

(1) Temporary service drops shall be permitted as a means to supply servicing to a resident with the permanent service being installed at a future date. Installation of cables shall be performed in a manner that ensures the safety of residents, pedestrians, and vehicles and placed with due regard for aesthetics. When within the Boulevard, a cable shall be shallow depth buried such that it does not constitute a tripping hazard. Cables shall not cross sidewalks, driveways or walking paths along the surface. When crossing a road, sidewalk, driveway or walking path, the height of the cable shall be no less than 4.5 metres. Cables shall not lie unprotected on the ground at any location. Cables shall not be strung using trees.

(2) A cable shall not cross over a property not being fed by this cable without consent of the affected property owner.
• Notification must be given to all residents of all properties affected by the temporary service connection including an estimated date of permanent service installation and removal of the temporary cable.

• All infrastructure including, but not limited to, utility pedestals, cables, supports and access points shall remain in a closed and safe condition at all times.

(3) The Permit Holder shall make its best effort to install the permanent service as soon as possible. In the winter or early spring, frost conditions may delay the permanent installation; however, in general, temporary service drops shall be removed within 45 days.

(4) Immediately upon installation of the permanent service, regardless of whether or not restoration has been completed, all materials and equipment associated with the temporary service drop shall be removed from the site.

6.3 Road Cuts

(1) Utility Companies are not permitted to complete open excavation (including daylighting) of the roadway surface of the Highway from November 1\textsuperscript{st} to March 31\textsuperscript{st}.

(2) Utility Companies shall submit to the Issuer of Permits a written request for an exemption to Section 6.3 (1) for emergency work where public safety or health, or a major business interruption in works is concerned.

(3) Where an emergency road occupancy has been permitted, the Utility Company undertaking the road occupancy are required to perform the final restoration works to City of Cambridge Standards within the timelines of the Permit.

6.4 Restorations

(1) Upon completion of the Utility Companies work, the City will complete all final restoration works within sixty (60) days during the restoration period of April 1\textsuperscript{st} to November 1\textsuperscript{st} of each year, all costs associated with the final restoration works will be invoiced to each individual Utility Company on a monthly basis.

(2) Upon completion of the Utility Companies work, the maintenance of the temporary restorations, as provided for in this by-law, shall be the responsibility of the Utility Company till the time that all final restorations are completed by the City.
(3) Final restorations work will not be completed during the period of November 1st in each year to March 31st of the following year; the Utility Company shall be responsible for the temporary reinstatement during this time period.

(4) The Issuer of Permits shall advise the Utility Company when the final restoration works shall be performed by the Utility Company. When the Utility Company performs the final restoration works, the Utility Company warrants the work for a period of twenty-four (24) months from the date of the completion of the final restoration works.

7.0 CUT FAILURE AND WARRANTIES

7.1 Warranty

(1) For temporary reinstatement of the Highway, a Permit Holder is responsible for,

(a) the repairs necessary to correct any road cut considered under the Ontario Minimum Maintenance Standards for Municipal Highway, OPSS and City of Cambridge Standards as applicable.

(2) Following permanent reinstatement of the Highway a Permit Holder is responsible for,

(a) the repairs necessary to correct any settlement or surface deterioration for a warranty period of twelve (12) months following the date of acceptance by the City of final reinstatement of the highway, being the last time, the Permit Holder repaired the road cut; and

(b) any costs incurred by the City for any temporary and permanent surface repairs resulting from improper backfilling or compaction of the Highway or deficient materials.

(3) If the Permit Holder has not done the work referred to in section 7.1 subsection (2) hereof within twenty-four (24) hours notification, the Issuer of Permits may order the work to be done at the Permit Holder's expense. All costs incurred by the City shall be paid by the Permit Holder forthwith on demand; failing to do so all costs shall be deducted from the security.

(4) Utility Companies will be exempted of the provisions in Section 7.0 (7.1) of this By-law, Utility Companies will be required to meet the provisions of Section 6.0 (6.4) of this By-law or with the requirements within an approved Municipal Access Agreement and/or Franchise Agreement with the City of Cambridge.
7.2 Emergency Repairs

(1) If the Issuer of Permits is of the opinion that a road cut reinstatement or lack of reinstatement, has created an emergency situation which can cause damage to vehicles or endanger the public, the Issuer of Permits may protect the area and:

(a) make immediate repairs; or

(b) telephone the Permit Holder using the telephone service provided by the Permit Holder as required by Section 2.13, advising the Permit Holder as to the repair work which must be carried out.

(2) Permit Holder is required to complete emergency repairs within 24 hours of being notified by the Issuer of Permits.

(3) All work done by the City pursuant to section 7.2 subsection (1) hereof shall be at the expense of the Permit Holder and the costs of the City shall be paid by the Permit Holder forthwith on demand failing which the costs shall be deducted from the security.

7.3 Responsibility for Claims and Maintenance

(1) A Permit Holder shall be responsible for all loss or damages arising from the work done by or for the Permit Holder.

(2) Where a Highway or Utility on the Highway has been damaged by a Permit Holder, the City or the Utility respectively has the sole responsibility for deciding who shall carry out the repairs.

8.0 EXEMPTIONS

The Director may grant an exemption to any person from any provision of this By-law and impose conditions for such exemption as may be considered reasonable and necessary, provided such exemption does not interfere with the general integrity of this by-law.
Recommendation(s)

THAT Council approve a transfer of $136,000 from the Rate Stabilization Reserve, funded through the Provincial Safe Restart fund to the Forestry Professional Services Budget.

Executive Summary

Purpose

- Cost containment efforts in 2020 due to the COVID-19 pandemic along with extreme weather events have created a significant backlog of work related to forestry.

- This report requests that the funding from the Provincial Safe Restart fund be utilized to enable the city to address this backlog.

Key Findings

- Work such as tree stumping, planting, and complaint driven tree maintenance items were substantially deferred from 2020. 2021 Operating funds are not able to address this backlog as well as keep up with complaint driven work and requests.

Financial Implications

- Funding of $136,000 is requested from the Provincial Safe Restart fund to substantially address the 2020 backlog of Forestry work.
Background

The Forestry Division relies on Professional Services to deliver a significant amount of work related to tree maintenance and removals, hazard tree response, stumping, and new tree plantings.

In 2020, the COVID-19 pandemic resulted in a cost containment strategy that limited spending on all contracted services. While immediate hazard trees continued to be removed in 2020, stump removal work was deferred. The City’s tree planting program was also halted, as was any non-essential complaint driven tree maintenance work.

The demand for hazard tree removals, stumping, planting, and tree maintenance has continued throughout the pandemic and is ongoing. The 2021 operating budgets for forestry services are able to address re-active work within the year, however, it is not able to also support the backlog of work from 2020 and previous years.

Stumps that remain are in public spaces along boulevards or within park areas. Many of these stumps are a hazard, others, prevent the restoration of the landscaping in the area and need to be addressed.

We are receiving a growing number of complaints regarding the deferred plantings of trees and stump removals.

Analysis

Strategic Alignment

PLACE: To take care of, celebrate and share the great features in Cambridge that we love and mean the most to us.

Goal #5 - Parks and Recreation

Objective 4.1 Ensure that sustainability principles are a part of city decision- making processes.

The recommendation of this report addresses a backlog of work that is a positive step towards sustainability of services.

Comments

The backlogged work is not within current budget, nor, within regular operating budgets. As such, a one-time funding top-up to address the 2020 backlog is being requested.

There are no opportunities to re-allocate funds from other Operations programs without reducing service levels or creating backlogs in other areas.
There is not the capacity or means for internal staff to address the forestry work backlog as the City depends substantially on contracted services.

The additional funding will enable Forestry to continue issuing re-active tree maintenance work to contracted services as well catch-up with the accumulated backlog of stumping and tree planting via contracted services under existing contracts and annually issued tenders.

Without additional funding for forestry services, contracted services for non-priority re-active tree maintenance requests from the public will need to be substantially reduced and will be deferred and backlogged into 2022.

**Existing Policy/By-Law**

There is no existing policy/by-law.

**Financial Impact**

A one-time funding of $136,000 from the Provincial Safe Re-start fund will enable the 2020 backlogged work associated with Tree Planting and Stumping as well as the 2021 work to be completed by the end of 2021.

**Public Input**

Posted publicly as part of the report process.

**Internal/External Consultation**

Discussion with Finance identified that the Provincial Safe Restart funding program is a suitable source of funding to address the backlog of work.

**Conclusion**

The backlog of forestry work was a result of COVID-19 cost containment measures. The work remains in a backlog position and other work cannot be deferred without perpetuating a significant backlog into 2022.

Some items, such as stumping pose a public hazard and need to be addressed along with addressing a growing number of complaints regarding deferred tree plantings will be considered the priority. Additional funding will enable contracted services to undertake those priority backlog items as well as substantially address the backlog of re-active tree maintenance items that are not currently considered a hazard.
Signature

Division Approval

Name: Michael Hausser  
Title: Director of Operations

Departmental Approval

Name: Yogesh Shah  
Title: Deputy City Manager – Infrastructure Services

City Manager Approval

Name: David Calder  
Title: City Manager

Attachments

N/A
THE CORPORATION OF THE CITY OF CAMBRIDGE

By-law 21-047

Being a by-law to amend Zoning By-law No. 150-85, as amended, with respect to land municipally known as 155 & 171 Guelph Avenue

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

AND WHEREAS this by-law conforms to the City of Cambridge Official Plan, as amended;

AND WHEREAS Council deems that adequate public notice of the public meeting was provided and adequate information regarding this amendment was presented at the public meeting held May 14th, 2019, and that a further public meeting is not required in order to proceed with this amendment,

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

1. THAT this by-law shall apply to lands legally described as All of Lots 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20, and Part of Lots 1, 2 and 3, and all of Austin Avenue (closed by By-law No. 76-00, Instrument No. 1464396), and Part of Emerson Street and Henry Villa Drive (originally Henry Street) (closed by By-law No. 76-00, Instrument No. 1464396), and Part of Lane (between Lots 12 and 13, 14 & 15) (closed by By-law No. 76-00, Instrument No. 1464396), Registered Plan No. 152, and all of Lot 27, and Part of Lots 22, 23, 24, 28 and 30, Municipal Compiled Plan No. 803) (closed by Instrument No. WS-435591), Registered Plan No. 62, (formerly in the Town of Hespeler), and Part of Lot 11, Concession 3, Beasley’s Lower Block (Geographic Township of Waterloo), City of Cambridge Regional Municipality of Waterloo and is shown on Schedule “A” attached hereto and forming part of this by-law.

2. THAT the City of Cambridge Zoning By-law, being Schedule ‘A’ to By-law No. 150-85, as amended, is hereby amended by rezoning the subject property as delineated on Schedule ‘A’ attached hereto from the R2 and OS1 zones to OS1, R2, R5, R6 S.4.1.410, R6 S.4.1.411, RM2 S.4.1.412, & RM3 S.4.1.413

3. THAT the total development on the lands delineated on Schedule A affected by this by-law is limited to a maximum of 185 units

4. THAT the aforesaid City of Cambridge Zoning By-law No. 150-85, as amended, is hereby further amended adding the following subsection under section 4.1 thereof:

“4.1.410 – 155 & 171Guelph Ave;

In addition to the provisions of Section 3.1.2.2 of this by-law and notwithstanding Sections 3.1.2.2(d) and (f), the following regulation shall also apply to the lands in the R5 zone to
which reference “S.4.1.410” is made on Schedule ‘A’ shall be subject to the following regulations as defined by Schedule ‘B’ attached to and forming part of this by-law:

- Minimum Front Yard to attached garage: 6 m
- Minimum Front Yard to the habitable portion of the dwelling: 4.5 m
- Minimum Interior Side Yard: 1.2 m
- Minimum Exterior Side Yard: 4.5 m
- Minimum Rear Yard: 7.5 m”

5. **THAT** the aforesaid City of Cambridge Zoning By-law No. 150-85, as amended, is hereby further amended adding the following subsection under section 4.1 thereof:

"4.1.411 – 155 & 171 Guelph Ave;

In addition to the provisions of Section 3.1.2.2 of this by-law, the following regulations shall also apply to the lands in the R6 zone to which reference “S.4.1.411” is made on Schedule ‘A’ attached to and forming part of this by-law:

- A maximum building height of 3 storeys above grade is permitted
- Development within hatched ‘Area A’ on Schedule ‘A’ shall be prohibited
- Notwithstanding Section 2.1.13.1, for the purposes of interpretation of the by-law, a lot with frontage on a private road will be considered to have frontage on a public road and the zoning regulations of the R6 S.4.1.411 zone will apply to the blocks as a whole regardless of whether individual lots or units are created for ownership purposes either through plan of condominium or part lot control.”

6. **THAT** the aforesaid City of Cambridge Zoning By-law No. 150-85, as amended, is hereby further amended adding the following subsection under section 4.1 thereof:

"4.1.412 – 155 & 171 Guelph Ave;

In addition to the provisions of Section 3.1.2.6 and notwithstanding Sections 3.1.2.6(c), (e) and (j) of this by-law, the following regulations shall also apply to the lands in the RM2 zone to which reference “S.4.1.412” is made on Schedule ‘A’ attached to and forming part of this by-law:

- Apartment houses containing more than 4 dwelling units shall be prohibited.
- A maximum building height of 5 storeys is permitted
- A minimum northerly interior side yard of 1 m is required
- A minimum rear yard of 5.0 m is required
A maximum of 16 attached back to back dwelling units is permitted.

Notwithstanding Section 2.1.13.1, for the purposes of interpretation of the by-law, a lot with frontage on a private road will be considered to have frontage on a public road and the zoning regulations of the RM2 S.4.1.412 zone will apply to the blocks as a whole regardless of whether individual lots or units are created for ownership purposes either through plan of condominium or part lot control."

7. **AND THAT** the aforesaid City of Cambridge Zoning By-law No. 150-85, as amended, is hereby further amended adding the following subsection under section 4.1 thereof:

"4.1.413 – 155 & 171 Guelph Ave;

In addition to the provisions of Section 3.1.2.6 and notwithstanding Sections 3.1.2.6(e) of this By-law, the following regulations shall also apply to the lands in the RM3 zone to which reference “S.4.1.413” is made on Schedule ‘A’ attached to and forming part of this by-law:

A minimum interior side yard abutting an R Class zone of 1.5 m is required.

Notwithstanding Section 2.1.13.1, for the purposes of interpretation of the by-law, a lot with frontage on a private road will be considered to have frontage on a public road and the zoning regulations of the RM3 S.4.1.413 zone will apply to the blocks as a whole regardless of whether individual lots or units are created for ownership purposes either through plan of condominium or part lot control.”

Enacted and Passed this 13th day of July, 2021

______________________________

MAYOR

______________________________

CLERK
Zoning By-law 20 - ______
Schedule "B"

d. Front Yard

a. Lot Frontage

d. Front Yard

e. Interior Side Yard

f. Exterior Side Yard

g. Rear Yard
Purpose and Effect of By-law No. 21-047

155 & 171 Guelph Ave

The Purpose of this By-law is to rezone the subject property from R2 & OS1 to OS1, R2, R5, R5 S.4.1.410, R6 S.4.1.411, RM2 S.4.1.412, & RM3 S.4.1.413 to facilitate development of the proposed draft plan of subdivision with the following site-specific provisions:

- Introduce a maximum density cap of 185 units;
- Introduce building height limits for the multiple dwelling blocks.
- Reduced minimum front and exterior side yard setbacks
- Provisions permitting a Common Element Condominium
- Increased Maximum number of attached back to back one-family dwelling units shall be 18 units

The Effect of the By-law is to facilitate the proposed draft plan of subdivision which will permit the subject property to be developed with up to 185 Residential units.
THE CORPORATION OF THE CITY OF CAMBRIDGE

By-law 21-048

Being a by-law to amend Zoning By-law No. 150-85, as amended, with respect to land municipally known as 1660 Blair Road and 1656 Blair Road (R05/19)

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

WHEREAS this by-law conforms to the City of Cambridge Official Plan, as amended;

AND WHEREAS Council deems that adequate public notice of the public meeting was provided and adequate information regarding the amendment was presented at the public meeting held January 14th, 2020, and that further public meeting is not considered necessary in order to proceed with this amendment,

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

1. THAT this by-law shall apply to a portion of the lands described as Part of Lots 4 to 6, Block B, on Blair Road Registered Plan 581, Parts 1 & 3 on Reference Plan 67R1508, Save and Except Part 1 on Reference Plan 67R3149 and Lot 4, Block B, on Blair Road Registered Plan 581, Part 1 on Reference Plan 58R8272 in the City of Cambridge, Regional Municipality of Waterloo and is shown on Schedule ‘A’ attached hereto and forming part of this by-law;

2. THAT Schedule ‘A’ to By-law No. 150-85, as amended, is hereby further amended by changing the zoning classification of the lands shown outlined in heavy black in the attached Schedule ‘A’ to this By-law from C2 and R1 to C2 s.4.1.397 in accordance with the attached Schedule ‘A’ to this By-law

3. AND THAT the aforesaid City of Cambridge Zoning By-law No. 150-85, as amended, is hereby further amended by adding the following subsection to 4.1 thereof:

“4.1.397 – 1660 Blair Road and 1656 Blair Road, legally described as Part of Lots 4 to 6, Block B, on Blair Road Registered Plan 581, Parts 1 & 3 on Reference Plan 67R1508, Save and Except Part 1 on Reference Plan 67R3149 and Lot 4, Block B, on Blair Road Registered Plan 581, Part 1 on Reference Plan 58R8272 in the City of Cambridge, Regional Municipality of Waterloo, the following regulations shall apply to the lands in the C2 zone to which reference “s.4.1.397 is made on Schedule A and located at 1660 Blair Road and 1656 Blair Road:

1. Notwithstanding sections 2.1.15.6 and 3.3.3.1, the required minimum setbacks be those that legally exist on the subject lands and that have existed as of the date of adoption of this by-law including a front yard setback of 1.68 metres (5.51 feet) and an interior side yard setback of 4.32 m (14.17 feet).
2. Notwithstanding section 2.2.1.2 the required parking is equal to 6.42 spaces per 100 square metres (1,076 square feet) of gross floor area.

3. In addition to section 3.3.3.1, a micro brewery winery and micro distillery be permitted as an accessory use to the restaurant.

4. That this by-law shall come into force and effect on the date it is enacted and passed by Council of the Corporation of the City of Cambridge, subject to notice hereof being circulated in accordance with the provisions of the Planning Act and Ontario Regulation 545/06

Enacted and Passed this 13th day of July, 2021.

_________________________________
MAYOR

_________________________________
CLERK
Schedule ‘A’ to By-law 21-048
Purpose and Effect of By-law 21-048

1656 Blair Road & 1660 Blair Road

The Purpose of the By-law is to amend the zoning for the lands legally described as Part of Lots 4 to 6, Block B, on Blair Road Registered Plan 581, Parts 1 & 3 on Reference Plan 67R1508, Save and Except Part 1 on Reference Plan 67R3149 and Lot 4, Block B, on Blair Road Registered Plan 581, Part 1 on Reference Plan 58R8272 in the City of Cambridge, Regional Municipality of Waterloo and municipally known as 1660 Blair Road and 1656 Blair Road (“subject lands”). The proposal is to permit the rezoning of 1656 Blair Road from “Residential – R1” to “Commercial – C2” with site specific provisions across the entirety of the subject lands to allow for the expansion of existing commercial uses (restaurant) and new commercial uses (micro brewery/ winery and micro distillery) on the subject lands within the existing buildings (existing restaurant and single detached residential building). The expansion of the restaurant considers the use of the existing underutilized and vacant residential dwelling immediately adjacent to the restaurant. Furthermore, the proposal seeks to permit a parking reduction from 36 spaces to 18 spaces, as well as to permit a front yard setback of 1.68 metres (5.51 feet) and an interior side yard setback of 4.32 m (14.17 feet). The subject lands will eventually be merged on title.

The Effect of the by-law will permit the expansion of the existing restaurant known as the Easy Pour Wine Bar to the entirety of the subject lands, as well as to introduce a micro brewery/ winery and micro distillery as an accessory use to the restaurant.
THE CORPORATION OF THE CITY OF CAMBRIDGE

BY-LAW 21-049

Being a by-law to amend By-law 187-06 being a by-law for the regulation of Traffic and Parking (West River Road)

WHEREAS the Council of the Corporation of the City of Cambridge passed By-law No. 187-06 on the 18th day of September, 2006;

WHEREAS the Municipal Act, 2001, S.O. 2001, c.25, Section 11(2), authorizes the passing of by-laws regulating traffic and parking on highways;

AND WHEREAS it is deemed expedient to amend By-law No. 187-06,

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

1. THAT Schedule 1, “No Parking”, Part V of By-law No. 187-06 is hereby amended by adding the following:

<table>
<thead>
<tr>
<th>HIGHWAY</th>
<th>SIDE</th>
<th>FROM</th>
<th>TO</th>
<th>TIME(S) DAYS</th>
</tr>
</thead>
<tbody>
<tr>
<td>West River Road</td>
<td>west</td>
<td>162m south of Culham Drive</td>
<td>61m south thereof</td>
<td>anytime</td>
</tr>
</tbody>
</table>

2. THAT Schedule 18, “Rates of Speed”, Part XIV of By-law No. 187-06 is hereby amended by adding the following:

<table>
<thead>
<tr>
<th>HIGHWAY</th>
<th>FROM</th>
<th>TO</th>
<th>MAXIMUM SPEED</th>
</tr>
</thead>
<tbody>
<tr>
<td>West River Road</td>
<td>Culham Drive</td>
<td>Grand Ridge Drive</td>
<td>40 km/h</td>
</tr>
</tbody>
</table>

3. AND THAT this by-law shall come into full force and effect upon the final passing thereof.

ENACTED AND PASSED this 13th day of July, 2021.

__________________________
MAYOR

__________________________
CLERK
THE CORPORATION OF THE CITY OF CAMBRIDGE

BY-LAW 21-050

Being a by-law to regulate the use of, and the installations and erections on, highways, municipal road allowances and rights-of-way and public lands under the jurisdiction of The Corporation of the City of Cambridge and to repeal By-laws 165-08, 167-08, 168-08, 78-11, 31-04 and 17-126 (CORRIDOR BY-LAW)

WHEREAS subsection 11(2)(6) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended ("the Act"), provides that a municipality may pass by-laws respecting the health, safety and well-being of persons;

WHEREAS subsection 11(2)(8) of the Act provides that a municipality may pass by-laws respecting the protection of persons and property;

WHEREAS subsection 30 of the Act provides that a highway is owned by the municipality that has jurisdiction over it subject to any rights reserved by a person who dedicated the highway or any interest in the land held by any other person;

WHEREAS subsection 27(1) of the Act grants a municipality the power to pass by-laws in respect of highways over which it has jurisdiction;

WHEREAS subsection 28(2) of the Act grants a municipality jurisdiction over all road allowances located in the municipality that were made by the Crown surveyors [subsection 28(2)(a)] and all road allowances, highways, streets and lanes shown on a registered plan of subdivision [subsection 28(2)(b)].

WHEREAS section 391(1) of the Municipal Act, 2001 states that section 11 authorizes a lower-tier municipality to impose fees or charges on persons for services or activities provided or done by the municipality;

WHEREAS section 429 of the Municipal Act, 2001 provides that a municipality may establish fines for offences under a by-law of the municipality;

AND WHEREAS section 446 of the Municipal Act, 2001 provides that a municipality may take remedial action and recover the costs of taking remedial action,
NOW THEREFORE BE IT RESOLVED THAT the Corporation of the City of Cambridge enacts as follows:

1.0 DEFINITIONS

For the purpose of this by-law:

“Boulevard” means the City owned area of the road allowance between the back edge of the curb or the back slope of the ditch line and the private property line;

“City” or City of Cambridge” means the Corporation of the City of Cambridge or the geographic area as the context requires;

“Director” means the Director of Engineering or his/her designate;

“Highway” means a common and public highway and includes any bridge, trestle, viaduct, pathway, or other structure forming part of the highway, and except as otherwise provided, includes a portion of a highway;

“Inspector” means a Municipal Law Enforcement Officer, Provincial Offences Officer, Police Officer, Engineering Inspector or other duly appointed individual;

“Municipal Law Enforcement Officer” means a person appointed under the authority of the Police Services Act for the purpose of enforcing City by-laws.

“Parks” means all lands owned or operated by or belonging to the City or other public body such as school boards or conservation authority which may be designated as Open Space or Environmental Protection Area and used by the public for active or passive recreational use including sporting activities and games, or as gathering places such as urban squares, or which may be left in their natural state for environmental reasons;

“Pathway” means the parts of a Highway set aside by the City for the use of pedestrians and cyclists;

“Person” includes a person, association, firm, sole proprietorship, partnership, limited partnership, joint venture, trust, organization, trustee or corporation (with the exception of the Corporation of the City of Cambridge);

“Region” means the Regional Municipality of Waterloo;
“Right-of-Way” means Highways and laneways, including the Roadway, curbs, Sidewalks, Shoulders and Boulevards, under the care and control of the City of Cambridge;

“Road” means a common and public highway and includes any bridge, trestle, viaduct, pathway, or other structure forming part of the highway, and except as otherwise provided, includes a portion of a highway;

“Roadway” means the part of a Highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the curb, Shoulder or Boulevard;

Shoulder” means that part of a Highway immediately adjacent to the Roadway and having a surface, which has been improved for the use of vehicles with asphalt, concrete or gravel;

“Sidewalk” means that portion of the highway that is intended for the use of pedestrians and which surface is finished with concrete or asphalt;

“Vehicle” includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle or a street car;

“Utilities” includes infrastructure such as cables, pipelines or structures that are owned and maintained by the City, Region, a municipality or other utility entities

2.0 AUTHORITY

2.1 No person shall use, or place installations or erections on, highways, municipal road allowances, rights-of-way or public lands under the jurisdiction of City except in accordance with the provisions of this By-law.

2.2 Schedules A to H attached to this by-law form part of this by-law.

   a) Schedule A: Fouling of Highways;
   b) Schedule B: Boulevards;
   c) Schedule C: Snow Removal from Sidewalks
   d) Schedule D: Sidewalk/Boulevard Patios
   e) Schedule E: Publication Distribution Boxes
f) Schedule F: Controlled-Access Roads

g) Schedule G: Encroachments

h) Schedule H: Highway Occupancy Permits

3.0 PENALTIES

3.1 Any person who contravenes any provision of this by-law is guilty of an offence and liable on conviction to a penalty where the minimum fine shall not exceed $250 and a maximum fine shall not exceed $25,000, exclusive of costs and the provisions of the Provincial Offences Act, R.S.O 1990, c P.33, as amended.

3.2 Any director or officer of a corporation who knowingly concurs in the contraventions by the Corporation, is guilty of an offence and liable on conviction to a penalty where the minimum fine shall not exceed $500 and a maximum fine shall not exceed $50,000 exclusive of costs under the provisions of the Municipal Act 2001, S.O. 2001, c. 25 as amended.

3.3 A person convicted of an offence under this by-law is liable:
   a) not less than $250 and not more than $10,000 on first conviction, and,
   b) not less than $1000 and not more than $25,000 on each subsequent conviction.

3.4 A corporation convicted of an offence under this by-law is liable:
   a) not less than $500 and not more than $20,000 on first conviction, and,
   b) not less than $2500 and not more than $50,000 on each subsequent conviction.

3.5 Notwithstanding subsections 3.0 (3.3) and (3.4), every person convicted of an offence under this by-law is liable, in addition to the penalties mentioned in subsections 3.0 (3.3) and (3.4), is liable for each day or part of each day on which the offence occurs or continues, to a fine of $1,000.

3.6 If this by-law is contravened and a conviction entered, in addition to any other remedy and to a penalty imposed by this By-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted.
4.0 ENFORCEMENT

4.1 An Inspector or other duly appointed individual shall enforce the provisions of this by-law.

4.2 No person shall obstruct, hinder, or otherwise interfere with an Inspector or other duly appointed individual in the lawful carrying out of their duties and responsibilities under the provisions of this by-law.

5.0 EXEMPTIONS

The Director of Engineering of the City may grant an exemption to any person from any provision of this By-law and impose conditions for such exemption as may be considered reasonable and necessary, provided such exemption does not interfere with the general integrity of this by-law.

6.0 SHORT TITLE

This by-law may be cited as the "Corridor By-law".

7.0 SCOPE AND AUTHORITY

Where a matter is subject to provincial and/or federal regulation, any provision of this by-law is without effect to the extent that it prohibits or regulates the matter in substantially the same way as or in a more restrictive way than the provincial and/or federal regulation.

8.0 REPEAL

By-laws No.165-08, 167-08, 168-08, 78-11, 31-04, 17-126, are hereby repealed.

9.0 FORCE AND EFFECT

This by-law shall come into effect on the day that it is enacted and passed.

ENACTED AND PASSED this 13th day of July, 2021.

_________________________________
MAYOR

_________________________________
CLERK
SCHEDULE A
FOULING OF HIGHWAYS

1.0 General Provisions:

1.1 No person shall,

a. repair motor vehicles on a Highway or permit oils, chemicals or substances to be deposited or spilled on a Highway, including such substances deposited as a result of car maintenance activities, car rust prevention measures and the spillage of rust-protecting substances and the general spillage of substances from vehicles;

b. throw, push, plow, dump or otherwise deposit snow or ice on a Highway unless permitted by a City or Regional by-law;

c. deposit, drop, scatter, store, spill or throw any filth, earth, ashes, manure, leaves or garbage except as permitted in any City or Regional by-law;

d. litter on a Highway;

e. encumber a Highway buildings or structures or other means;

f. deposit debris on a Highway;

g. permit or allow any paper, hand bill, advertisement or any container, whether made of plastic, cardboard or paper, to be blown repeatedly from private property onto a Highway;

h. obstruct a drain, gutter or water course along or upon a Highway;

i. place, or cause any merchandise or articles of any kind to be placed or displayed upon a Highway;

j. urinate or defecate on any Highway;

k. remove a barricade or notice or enter upon or use a Highway temporarily closed under the provisions of any City or Regional by-law;

l. remove or move a barricade, sign or light placed around any excavation in a Highway;

m. erect or maintain any gate or door so that the same shall open or swing outward over any part of a sidewalk or Highway;
n. move or cause any building or structure to be moved into, along or across a Highway without having been approved under a City or Regional by-law.

1.2 Damage a Highway,

a. by loading his/her vehicle with earth, sand stone or other substances so as to permit the contents thereof to fall, spill or be deposited on a Highway;

b. by driving his/her vehicle on the Highway prior to removing as is reasonably practicable all mud, clay, lime and similar materials, or any fertilizer or manure which is likely, if not removed, to cause a nuisance on the Highway or cause damage to the surface of the Highway;

c. by loading or driving his/her vehicle when loaded with earth, sand, stone or other substance so that damage may result to the Highway;

1.3 No person shall pull down, destroy, deface or in any way interfere with any municipal infrastructure, including but not limited to any post, surveyor’s mark, bench mark, traffic sign, highway name sign, sign board, regulatory sign, traffic signal, traffic cone or any other traffic control.

1.4 No owner or occupier of property abutting a highway shall permit any flood light to directly or indirectly illuminate a highway without the written approval of the City.
SCHEDULE B
BOULEVARDS

1.0 DEFINITIONS:

1.1 In this schedule:

"Applicant" means the Owner;

"Apron" includes that section of a driveway contained within the boulevard;

"Back Lot Property" refers to that portion of a property where the rear yard is adjacent to a City or Regional road allowance;

"Herbaceous plant" means a plant without woody above-ground parts, with a stem that dies back to the ground each year, but excludes turf grass;

"Maintenance" means the action required to sustain a boulevard including but not limited to cutting, watering, removing debris or repairing damage to any driveway located within the boulevard area;

"Owner" means the lawful owner of property, a lessee, tenant, mortgagee in possession of property, or occupant of property;

"Traffic control device" means a sign, lane, meter, marking, space, barrier or device painted or erected to guide, regulate, warn, direct, restrict, control or prohibit traffic;

"Turf grass" means a perennial strand of plant that can form turf and withstand mowing, traffic and/or wear;

2.0 PLANTINGS

2.1 In a boulevard abutting his or her property, no person shall plant or grow, or permit to be planted or grown:

a) herbaceous plants that:

   i. exceed a height of 45 centimeters;
   
   ii. impair drainage;
   
   iii. contain vegetables or grains;

b) turf grass which exceeds a height of 20 centimeters;

c) any tree without the prior consent in writing of the City.
2.2 In addition to the restrictions contained in section 2.1, no person shall plant or permit to be planted an herbaceous plant on a boulevard or section of a boulevard that is regularly maintained by the City or Region.

2.3 Every owner of private property shall keep all hedges, trees, foliage, naturalized areas or other vegetation located on the portion of his or her property which abuts a boulevard cut and trimmed so as to provide a vertical clearance of 5.0 metres (197 inches) from the boulevard.

3.0 **BOULEVARD INSTALLATIONS**

3.1 On a boulevard abutting his/her property no person shall install, construct, or permit anything that:

a) is protruding, sharp, dangerous or which may injure a person;

b) may cause damage to personal property;

c) restricts sight lines of pedestrians, cyclists or drivers of vehicles to intersections, driveways, sidewalks, walkways, travel lanes, or traffic control devices;

d) inhibits or obstructs snow removal operations;

e) obscures or obstructs access to fire hydrants, post office boxes, transformers or other installations belonging to the City, Region, or any utility provider;

f) is located within 0.6 metres of the sidewalk, unless it is turf grass, herbaceous plants, wood chips, mulch, or inorganic material;

g) is located within 1.8 metres of the curb, unless it is turf grass or herbaceous plants permitted by this By-law, wood chips, mulch, or inorganic material; and any such permitted inorganic material, wood chips, or mulch shall be installed flush to the curb;

h) is located within 1.8 metres of the roadway, where there is no curb, unless it is turf grass or herbaceous plants permitted by this By-law, wood chips, mulch, or inorganic material; and any such permitted inorganic material, wood chips, or mulch shall be installed flush with the existing grade of the boulevard and shall provide for a 2% to 4% grade for drainage.

i) is more than 20 centimeters in height,

j) may overflow onto the street, sidewalk, highway or adjacent property; or

k) consists of the installation of ornamental stones or rocks, or of a sprinkler.
l) Install a sump pump or private drain outlet on City property.

3.2 Section 3.1, does not apply to snow or to materials, plants or things permitted by municipal waste collection by-laws where the snow or such materials, plants or things are placed in the boulevard in accordance with the applicable by-laws.

40 DAMAGE TO BOULEVARD

41 No person shall damage, construct or re-construct a sidewalk, curb, apron driveway or boulevard without the written permission of the Director obtained prior to the work.

42 Section 4.1, does not apply to work performed by the City, the Region, a utility, or a contractor hired by the City, Region or utility.

43 If the City, the Region, a utility or a contractor hired by the City, the Region or a utility damages any installation in a boulevard permitted by this By-law, the City, Region, utility, or their contractor is required to only restore any turf grass damaged by them and no other installations or plants.

5.0 EXEMPTIONS

5.1 Any person may submit an application on the prescribed form for an exemption to the Director no later than 30 days prior to the installation which is the subject of the application.

5.1.1 The application shall contain all of the following information and material;

a. the name and contact information of the applicant including municipal address, phone number and email address;

b. a detailed description of the installation for which the exemption is sought including drawings;

c. the reasons why the exemption is being requested;

d. an application fee as prescribed.

5.2 The Director may;

a. issue an exemption;

b. refuse to issue, suspend, revoke, or cancel an exemption, and

c. impose conditions on the issuance of the exemption.

5.3 In making his/her decision in regard to the exemption, the Director shall determine;
a. any negative effects or any benefits that the granting of the exemption may have for the neighboring properties and the City,

b. whether the granting of an exemption presents a hazard to the public;

c. any previous violation of the By-law or violations of the conditions imposed through previous exemptions by the applicant, and

d. any other matter that the Director reasonably considers to be relevant to the application.

5.4 The Director may impose conditions in regard to the exemption.

5.5 The Director shall give written notice of his decision to the applicant by regular mail at the address provided on the application; the written notice shall contain the decision and the grounds of the decision.

5.6 The decision of the Director shall be final.

5.7 The applicant shall comply with the terms and conditions of the exemption granted by the Director.

5.8 Failure by applicant to comply with the terms and conditions of the exemption permit shall render the exemption as void.
1.0 DEFINITIONS:

In this Schedule;
"Occupant" means any person or persons over the age of eighteen years in possession of the property;

"Premises" means a house or building, together with its land and outbuildings, occupied by a business or considered in an official context.

"Weather Event" means a period of time during which either ice cover or snow accumulation will require extensive snow removal, snow plowing or salting operations as declared by the City of Cambridge.

2.0 GENERAL PROVISIONS:

2.1 The owner of vacant land and the owner or occupant of a building on premises adjoining a highway shall at all times keep and maintain the sidewalks on the highways in front of, alongside of, or at the rear of such building or land free and clear of snow and ice; and in so doing the owner of the vacant land and the owner or occupant of the building;
   a. shall remove all snow and ice from the sidewalks on the highways in front of, alongside of, or at the rear of such building or land within twenty-four (24) hours after the cessation of a such weather event, and
   b. shall immediately and as often as reasonably necessary apply sand, or salt or similar suitable material to the sidewalk so as to completely cover the slippery surface, after the removal of snow and ice, if any portion of the sidewalk on the highways in front of, alongside of, or at the rear of such building or land becomes slippery from any cause.

2.2 Section 2.1, does not apply to sidewalks or multi-use trail where pursuant to City policy, the City has undertaken the responsibility to remove snow and ice from the sidewalks on the highways in front of, alongside of, or at the rear of such buildings or land.

2.3 If the roof of a building slopes toward a sidewalk located on a highway in front of, alongside of, or at the rear of such building, the owner or occupant of the building shall remove the snow and ice from such roof within twenty-four (24) hours after the cessation of a such weather event.

3.0 DEPOSITING SNOW AND ICE:

3.1 No person shall deposit snow and ice in such a manner that it will;
   a. obstruct drainage to any catch basin;
b. obstruct access to any fire hydrant;

c. impede pedestrian traffic on the sidewalk, multi-use trail or pathway;

d. impede motor vehicle traffic on the highway;

e. damage the sidewalk, multi-use trail, pathway or highway;

f. create a risk of accident on the sidewalk or highway;

g. restrict sight lines of pedestrians, cyclists or drivers of vehicles to intersections, driveways, sidewalks, multi-use trail, pathways, travel lanes or traffic control devices.
SCHEDULE D
SIDEWALK/BOULEVARD PATIO

1.0 DEFINITIONS:

1.1 In this schedule:

“AGCO” means The Alcohol and Gaming Commission Ontario;

“AODA” means The Accessibility for Ontarians with Disabilities Act;

“Applicant” means Owner or Occupant or Operator of the Restaurant;

“Clear Path of Travel” means the public outdoor sidewalks (or walkways) designed and constructed for pedestrian travel and are intended to serve a functional purpose and not to provide a recreational experience (described in Section 80.21(1) of O.Reg. 413/12: Integrated Accessibility Standards).

“Issuer of Permits” means an employee of the City of Cambridge with the authority to grant permits under this By-Law;

“Outdoor Patio” means an outdoor area for patron seating and tables operated in conjunction with the adjoining Premises;

“Owner” includes the Owner or Occupant or Operator of the Restaurant;

“Patio Seating” means;

- Single Table Seating: A patio with single table seating that can accommodate 1-3 chairs.
- Double Table Seating: A patio with double table seating that can accommodate 4 chairs.
- Double Loaded Patio: A patio layout involving a curb side patio and a façade patio separated by a public sidewalk (Sidewalk Clearance Zone/Clear Path of Travel).

“Permit” means a written authorization issued by the Director to permit the location of a Patio on a sidewalk and/or boulevard;

“Premises” shall mean ground floor premises, owned or occupied by the applicant for a license, abutting a Regional Road that is used by the applicant as a victualling house, restaurant, café, refreshment establishment or lunch counter, licensed by the area municipality and subject to inspection by the medical officer of health or other appropriate municipal officials and in which washroom facilities are located;
“Restaurant” means a service commercial establishment in which food and/or beverages are served to the public and, without limiting the generality of the foregoing, includes such establishments the principal business of which is the operation of a restaurant, dining room, cafe, cafeteria, lunch counter, snack bar, dining lounge, cocktail lounge, tavern, beverage room, public house, doughnut shop or ice cream parlour.

“Sidewalk Zone” means the area of sidewalk located between property line (and/or building façade) and back side of curb. The Sidewalk Zone is divided into three sections:

1) Street Furniture and Landscaping Furnishing Zone (the area between the curb line and the Sidewalk Clearance Zone reserved for landscaping and Street Furniture);

2) Sidewalk Clearance Zone (Clear Path of Travel);

3) Building Frontage Zone (where façade patios are located).

2.0 GENERAL PROVISIONS:

Where the Owner of a property which abuts a sidewalk or boulevard lawfully operates a Restaurant, the Owner may apply to establish, maintain and operate an Outdoor Patio in conjunction with the operation of the Restaurant on a portion of the boulevard and/or sidewalk.

2.1 Application

a) An application for a Permit shall be filed with the Issuer of Permits in advance of the installation of the Outdoor Patio. When applying for a Permit, the Applicant shall:

i. Complete and submit the prescribed application form;

ii. Provide an Outdoor Patio plan with metric measurements showing the following information:

   • Location of the patio on the sidewalk and building
   • Building information including façade length, building entrance (door location), Siamese connections and exits from building, if applicable.
   • Entrance to building/restaurant
   • Location and number of all seats and tables
   • Location of all fencing and access points
- Curb Line and Landscape Furnishing Zone
- Minimum Clear Path of Travel

b) Insurance

i. Every Applicant for an Outdoor Patio, during the term of the permit, shall provide and maintain Comprehensive/Commercial General Liability insurance acceptable to the City and subject to limits of not less than two million dollars ($2,000,000), five million dollars ($5,000,000) for licensed Outdoor Patios for bodily injury, death and damage to property including loss of use thereof. Such Comprehensive/Commercial General Liability insurance policy shall be in the name of the Applicant and shall name the City of Cambridge as an ‘additional insured’.

ii. The insurance policy referred to in subsection 2.1 (b) hereof shall contain an endorsement to provide the City with thirty (30) days written notice of cancellation.

c) When filing the completed application, the Applicant shall pay a non-refundable permit fee as set out in the City of Cambridge’s Municipal Fees and Charges By-law, as amended from time to time.

2.2 Permit

a) The Director may:

i. issue a Permit

ii. refuse to issue, suspend, revoke, or cancel a Permit, and

iii. impose conditions on the issuance of the Permit.

b) In deciding whether to issue a Permit, the Director may consider:

i. any negative effects or any benefits that the granting of the Permit may have for the neighbouring properties and the City,

ii. whether the Permit will interfere with the movement and safety of vehicles and pedestrians any public utility or other factors deemed relevant in the circumstances,

iii. any previous violation of the By-law or violations of the conditions imposed through previous Permits by the applicant,
iv. any other matter that the Director reasonably considers to be relevant to the application.

c) The decision of the Director in regard to the Permit shall be final.

d) The Applicant shall comply with the terms and conditions of the Permit issued by the Director.

e) It shall be a condition of any Permit issued by the Director that the City, and any person, agency or body authorized in writing by the City, may enter the Outdoor Patio lands and may remove any and all patio furniture.

   i. for the purpose of constructing, maintaining, repairing, moving or otherwise dealing with any services or utilities located or to be located in, under or above the patio lands including but not limited to hydro, gas, telephone, cable television, water storm drainage, water main and sewer service facilities, and

   ii. for the purpose of responding to an emergency.

f) Failure by the Applicant to comply with the terms and conditions of the Permit shall render the Permit void.

g) The Permit issued by the Director shall be valid from the 15th day of March to the 31st day of October in each calendar year.

h) Notwithstanding the term of the Permit, a Permit shall terminate on the day that the Applicant or Owner has ceased to carry on the Restaurant business.

i) The permit is not transferable by the Owner of the property.

j) The Owner and the Application shall at all times comply with all statutory requirements, rules, regulations, laws and by-laws of the municipality or other authority which may affect the operation of the Outdoor Patio and the use of the boulevard and sidewalk.

3.0 Outdoor Patio Use

3.1 The Owner shall use the Outdoor Patio solely for Restaurant purposes of serving food and/or beverages.

3.2 The Owner shall not install portable food appliances such as barbeques, portable propane heaters, decks, outdoor carpeting, artificial turf or utilities.

3.2 Patio Location Criteria:
a) All patios must demonstrate (through an Outdoor Patio Plan) that they maintain minimum AODA accessibility requirements that include providing an unobstructed sidewalk clearance zone (called Clear Path of Travel). The onus is on the Applicant to ensure a Clear Path of Travel is maintained. Specific criteria are highlighted below:

- Minimum 1.8 metre Clear Path of Travel.
- Ensure no obstructions are located within the Clear Path of Travel such as street furniture, tree, signage, bus shelter, garbage receptacle and other physical obstructions.
- A patio cannot block pedestrian access along a street, walkway connection or entrance.
- As part of maintaining a clear path of travel, ensure all patio signage is located close to the building façade and does not cross into the public sidewalk area. Clearly show the patio signage on the Patio Plan and ensure it is maintained in this location.

b) Outdoor Patios are encouraged to be located along the associated business building frontage and not extend past the business frontage shown on an Outdoor Patio Plan. If additional patio space is requested, permission from the adjacent property owner/business will be required.

c) Outdoor Patio space will be determined by road width, sidewalk space, setback requirement(s) and location context:

- Clear Path of Travel: In all cases, a Clear Path of Travel shall be maintained.
- Non-fenced patio: approximately 1.0 metre space suitable for select Street Furnishing Zones and Building Frontage Zones.
- Fenced patios (single and double table seating): a fenced patio will typically range from 1.8 - 2.5 metres in width and will likely be located in the Building Frontage Zone (façade patio). A standard depth of 2.0 metres is required for single table seating and 2.2-2.5 metres for double table seating that includes a 1 metre aisle for server access. Fencing is required for a licensed patio subject to AGCO criteria.
- Double Loaded Patios: In some instances, there may be opportunity to accommodate a double loaded patio (Building Façade Zone and Street
Furnishing Zone) provided Clear Path of Travel and other performance standards are met.

d) Patios are not to be located within a driveway or roadway daylight corner measured 3.0 metre by 3.0 metres from the sidewalk intersection.

3.3 Licensed Patios (Outdoor Licensed Areas):

a) Licensed Patios are regulated by AGCO as well as, the Ontario Building Code and subject to the Ontario Fire Code. In all cases, a licensed patio must demonstrate that they have sufficient occupant load and safe access. Prior to any Permit being issued, an Applicant is required to submit proof of a proper liquor license.

b) Fencing: A well-defined sturdy barrier is required for any patio intending to serve alcohol under the AGCO and must operate in accordance with the Liquor License Act. A well-defined barrier may include traditional fence, removable fencing and other types. Fence height should be a minimum of 36” inches (1.0 metre). A business may not serve patrons beyond the barriers of the outdoor dining space. Patrons are not permitted to leave the fenced patio area with alcohol and the business may be subject to a fire inspection as part of AGCO approval.

c) Licensed patios are encouraged within the Building Frontage Zone.

3.4 Patio Accessibility:

a) All patios are to be located on the sidewalk surface and be level with this surface. Grade changes are to be avoided. The ground surface leading to and under tables is to be level, firm and stable. A fenced patio is required to have a minimum 1.5 metre access into the patio area.

b) Accessible seating and accessibility are encouraged. Barrier free access is encouraged directly from the sidewalk. Internal building access to patio may be considered as an alternative or supplemental access.

c) Accessible seating is encouraged. Tables should be accessible using mobility aids by having a knee and toe clearance under the table.

d) For safety and accessibility reasons, a patio must not block any access to a fire department connection, city sewer, gas value or meter, building entrance (or exit), city or street furniture (such as garbage container, public bench, bus shelter, bike rack) or other sidewalk access. Patio tables, chairs and other amenities shall not obstruct or protrude onto the Sidewalk Clearance Zone or access to building entrances.
3.5 Patio Design Expectations and Amenities:

a) All patio furniture (including fencing, railings, chairs and tables) are to be located within the patio area and be made out of sturdy and weather resistant materials.

b) Applicant shall keep and maintain the boulevard and sidewalk clean and, free of rubbish and debris of all kinds.

c) Applicant shall keep the Outdoor Patio, including the perimeter and the furniture, clean, and free of rubbish and debris of all kinds.

d) Decorative (and artistic) fencing details are encouraged and provide opportunity to enhance/support district theme opportunities. Decorative fencing may include decorative metal designs, glass panels and other considerations.

e) Landscaping of sidewalk patios is encouraged and must be of a temporary design. Plant material may include planters, hanging baskets (over railings but must be contained with the patio area and shall not extend into the Sidewalk Clearance Zone. A range of options can be considered including planter designs internal to the patio area.

4.0 Outdoor Patio Removal

a) Upon termination of the Permit to use the boulevard and sidewalk, the Owner shall, at their sole expense, remove all equipment, furnishings, and personal property from the boulevard and sidewalk within five (5) business days’ notice in writing from the Director to do so and shall replace and restore, at their sole expense, the boulevard and sidewalk to a safe condition satisfactory to the Director.

b) If the owner and the occupant fail to perform the work required upon termination of the permit, the Director may remove all the installations from the boulevard and sidewalk and restore the boulevard and sidewalk to a safe condition at the sole cost of the owner and the occupant.
SCHEDULE E
PUBLICATION DISTRIBUTION BOXES

1.0 DEFINITIONS:

In this Schedule,

“Applicant” means any person, company or corporation making application for a permit to locate a publication distribution box on a municipal highway;

“Owner” includes the owner or operator of a publication distribution box;

“Permit” means a written authorization issued by the Director to permit the location of a publication distribution box on a highway;

“Publication Distribution Box” means a container located outdoors, and placed, installed, displayed, operated, used, altered or maintained for the purpose of distributing publications to the public, either for financial consideration or free of charge, but does not include a container located within a building or a container owned or operated by the City of Cambridge.

2.0 GENERAL PROVISIONS:

2.1 The Owner shall not install, place or locate and, shall not cause or permit the installation, location or placement, of a Publication Distribution Box on a municipal highway except in accordance with the following regulations:

a) on a sidewalk without reducing the area available for pedestrian traffic to less than two (2) metres;

b) on a bicycle path or multi-use pathway without obstructing or interfering with, or posing a hazard, to pedestrian traffic or cycling traffic;

c) at least ten (10) metres distance from a fire hydrant;

d) in front of property used for commercial purposes and not in front of any property used for residential purposes;

e) in a manner which does not obstruct or interfere with municipal maintenance activities;

f) not adjacent to a ‘no stopping’ zone;

g) at least six metres distance from any driveway entrance;
h) in the vicinity of a bus stop without obstructing or interfering with passenger movements;

i) not on any concrete pad which forms part of the bus stop;

j) not on any curb, median or shoulder areas in or on a highway;

k) in a location which is both a minimum of 100 metres from another box of the same publication on the same side of the highway, and a minimum of 300 metres from any retail establishment distributing the same publication; and

l) not on any municipal property or lands other than a highway.

2.2 The Owner of a Publication Distribution Box shall ensure that it:

a) is not chained or fastened to any utility apparatus, including but not limited to guy wires and anchors, and signals, street lights, hydro or telephone poles, sign posts, parking meters, bus shelters, telephone booths, post boxes, benches or trees;

b) is securely fastened to a concrete pad provided by the Owner, having a thickness of no less than 125 millimeters or an equivalent thickness approved by the Director;

c) is securely fastened to a concrete sidewalk by the Owner, having a clear path of travel of a minimum of 1.5 metres from back of curb to Publication Distribution Box;

d) does not exceed a maximum width of 61 centimeters, a maximum depth of 38 centimeters and a maximum height of 108 centimeters; and

e) is maintained in a clean and tidy condition and that the area in the vicinity of the publication distribution box is kept free and clear of litter and debris, including discarded publications.

2.3 Prior to placing or locating a Publication Distribution Box on a municipal highway, the owner shall obtain a permit issued by the Director.

2.4 The Director shall issue a Permit for the location or placement of a Publication Distribution Box on a municipal highway only when the Owner has complied with the following conditions to the satisfaction of the Director:

a) the Owner has submitted a complete application signed by him/her to the Director no less than 30 days prior to the proposed installation date for the Publication Distribution box;
b) the Owner has provided two copies of a detailed scalable (1:500) map on 8.5” x 11” paper showing:

i. the proposed location(s) of the publication distribution box(es);

ii. all existing topographical features, property boundary lines, street names, municipal addresses and a north arrow depicting true north, and;

iii. the dimensions of the proposed location from fixed features (curb lines, property lines, sidewalks, etc.) so that such proposed location can be easily be determined in the field;

c) the Owner has paid all applicable fees, including any outstanding fees;

d) the Owner has provided the name and address and current contact information of the agent of the applicant and owner responsible for the applicant's and owner’s operations within the City of Cambridge;

e) the Owner has provided an up-to-date inventory map identifying the locations of all the applicant's permitted publication distribution box locations within the City of Cambridge and a detailed location table that identifies the location number, location description (street name or intersecting street location) and the number of boxes at each location;

f) the Owner has provided a certificate of insurance with a minimum coverage of $2,000,000 written on an occurrence basis to cover bodily injury and property damage, which names the City of Cambridge as an additional insured, containing severability of interest clauses and cross liability clauses and which insurance shall be maintained during the term of the issued Permit;

g) the Owner has complied with all the requirements contained in this By-law.

2.5 Any and every permit issued for the location of a Publication Distribution Box shall expire on the 31st of December of each year.

2.6 An Owner of a Publication Distribution Box for which a Permit has expired may apply to the Director for a renewal of the Permit.

2.7 The conditions for the renewal of an expired Permit are the same as the conditions imposed for an unexpired Permit.

2.8 The Director shall issue a renewal of the expired Permit where the Applicant has confirmed to the satisfaction of the Director that the Owner has met the conditions required for the issuance of a renewal Permit.
2.9 The Director may revoke any Permit for the location of a Publication Distribution Box when the owner has failed to comply with the provisions of this By-law.

2.10 Prior to the revocation of the Permit, the Director shall provide to the owner of the Publication Distribution Box:

   a) 5 business days’ notice of the Director’s intention to revoke the Permit, and the notice shall contain the reasons for the proposed revocation, and

   b) a reasonable opportunity for a hearing in regard to the revocation of the Permit.

2.11 The Owner shall immediately remove the box from the highway at the sole expense of the owner:

   a) where the Director has not issued a Permit, or has not renewed the expired Permit, for the location of a Publication Distribution Box, or

   b) where a public utility entity, the City of Cambridge or the Regional Municipality of Waterloo is performing work in or upon the highway, or

   c) where the Owner of the Publication Distribution Box has failed to resolve a complaint received by the Director within five business days of being notified in writing by the Director of the complaint.

2.12 If an Owner is found to have contravened any of the provision of this By-law, the Director may issue a notice to the Owner to remedy the contravention.

   a. The Director’s notice shall set out reasonable particulars of the contravention, the location of the Publication Distribution Box where the contravention occurred, and the date by which the contravention is to be remedied.

   b. Every Owner to whom the Director issues a notice shall comply with the notice.

   c. Where the owner fails to comply with the notice of the Director, the Director may remove the Publication Distribution Box and perform any other restoration work deemed necessary at the cost of the Owner.

   d. The Director shall store the Publication Distribution Box for 30 days at the cost of the Owner.

   e. The Director shall return the Publication Distribution Box to the Owner upon payment by the owner of the removal, restoration and storage costs incurred by the Director.
f. Upon the failure of the Owner to claim the Publication Distribution Box within 30 days from storage and to pay the costs of the work performed by the Director and of the storage costs, the Director may dispose of the Publication Distribution Box.

3.0 EXEMPTIONS

3.1 This Schedule does not apply to a Canada Post mail box.
1.0 DEFINITIONS:

In this Schedule,

“Applicant” means any person, agencies, corporations (private or public) or institutions making application for a Controlled-Access Permit;

"Controlled-Access Road " means a controlled-access road designated by this By-law;

“Permit” means a written authorization issued by the Director to permit a new and/or modification of an existing controlled-access.

2.0 GENERAL PROVISIONS:

2.1 All highways under the jurisdiction of the City of Cambridge are designated as controlled-access roads by this By-law.

2.2 No person shall construct, alter the geometric design of, enlarge or otherwise use any private road, entranceway, structure or facility as a means of access to a controlled-access road unless a Permit has been issued by the Director prior to construction.

3.0 PERMIT:

3.1 Any person may apply for a Permit to the Director no later than 30 days prior to the installation which is the subject of the application.

3.2 The application shall contain all of the following information and material:

   a. The name and contact information of the applicant including municipal address, phone number and email address;

   b. Access design plan with a detailed description of the installation for which the Permit containing the following:
      - property line
      - width and location of roadway and highway
      - curbs
      - shoulders
      - boulevard
      - ditches
      - existing accesses
      - aboveground utilities
      - landscaping
• existing structures
  • a key plan (indicating location of property)
  • north arrow
  • proposed accesses
  • all dimensions

c. Application fee, the Applicant shall pay a non-refundable Permit fee as set out in the City of Cambridge’s Municipal Fees and Charges By-law, as amended from time to time.

3.3 The Director may:

a. issue a Permit.

b. refuse to issue, suspend, revoke, or cancel a Permit, and

c. impose conditions on the issuance of the Permit.

3.4 In making his/her decision in regard to the Permit, the Director may consider:

a. any negative effects or any benefits that the granting of the Permit may have for the neighboring properties and the City highway.

b. whether the Permit will interfere with the movement and safety of vehicles and pedestrians any public utility or other factors deemed relevant in the circumstances.

c. any previous violation of the By-law or violations of the conditions imposed through previous permits issued to the applicant.

d. compliance with the guidelines of the “Policy and Procedures for Access onto City of Cambridge Roads”.

e. compliance with any other applicable law including City and Region By-laws;

f. any other matter that the Director considers reasonably to be relevant to the application.

3.5 The decision of the Director in regard to the Permit shall be final.

3.6 The Applicant shall comply with the terms and conditions of the Permit issued by the Director.
3.7 Failure by Applicant to comply with the terms and conditions of the Permit shall render the Permit void and of no effect.

4.0 CONTROLLED-ACCESS CONSTRUCTION:

4.1 Where the Director has issued a Permit for a property zoned Residential as per the City of Cambridge’s Zoning By-law:

   a. The work authorized by the Permit shall be performed only by the City.

   b. The Applicant shall pay the costs of the work to the City in accordance with the fee as set out in the City of Cambridge’s Municipal Fees and Charges By-law, and

   c. The City will not commence any work until the City has received full payment for the work from the Applicant.

4.2 Where the Director has issued a Permit for a property zoned Commercial and/or Industrial as per the City of Cambridge’s Zoning By-law:

   a. The work authorized by the Permit shall be performed by the City and/or by the Applicant.

   b. Should the Applicant complete the work authorized by the Permit, the Applicant shall provide a security deposit to the City in accordance with the City of Cambridge’s Municipal Fees and Charges By-law. The security deposit will be refunded upon completion of the one (1) year warranty period and all conditions of the Permit are to the satisfaction of the Director.

   c. Should the Applicant complete the work authorized by the Permit, the Applicant shall pay all costs associated with inspection of works in accordance with the City of Cambridge’s Municipal Fees and Charges By-law.

   d. Should the Applicant complete the work authorized by the Permit, the Applicant will be required to obtain a Highway Occupancy Permit before commencement of work.

   e. The City will not permit any work until the City has received full payment of all fees.
5.0 NOTICE

5.1 In addition to any other penalty which may be imposed hereunder, any owner of land who contravenes this By-law may be given a notice requiring the owner to close up any access which has been constructed, altered, enlarged or used in contravention of this By-law.

5.2 Any notice hereunder shall be in writing and shall be served either personally or by registered mail, and in the case of service by registered mail shall be deemed to have been received on the 5th day following the mailing thereof.

5.3 Where the person to whom notice is given hereunder fails to comply with the notice within the time specified in the notice, the City, its employees, or agents may enter upon the land of the person and do or cause to be done whatever may be necessary to close up the access. Any expense incurred by the City in closing up an access may be recovered from the owner by action or in like manner as municipal taxes.
SCHEDULE G
ENCROACHMENTS

1.0 DEFINITIONS

1.1 In this Schedule,

“Applicant” means any person, agencies, corporations (private or public) or institutions making application for an encroachment;

“Encroachment” means any type of vegetation, natural material, man-made object, or item of personal property occupying any part of a highway or public lands and shall include any aerial, surface, or subsurface Encroachments;

   a) “Aerial Encroachment” means an Encroachment that is located at least 30 centimeters (12 inches) above the surface of a highway or public lands;
   b) “Surface Encroachment” means an Encroachment that is located anywhere between the surface of a highway or public lands to a height less than 30 centimeters (12 inches) and beneath the surface of a highway or public lands to a depth of not more than 2.5 centimeters (1 inch);
   c) “Subsurface Encroachment” means an Encroachment that is located beneath the surface of a highway or public lands to a depth exceeding 2.5 centimeters (1 inch);

“Issuer of Permits” means an employee of the City of Cambridge with the authority to grant permits under this By-Law;

"Owner" means the lawful owner of property, a lessee, tenant, mortgagee in possession of property, or occupant of property;

“Encroachment Agreement” means an agreement required under this by-law, prepared by the City for execution by the City and an Owner granting authorization to erect, place, or maintain an Encroachment;

“Permit” means a written authorization issued by the Director to permit the location of an encroachment on a highway;

“Public Lands” means lands owned by, leased, licensed to, or under the management of the Town, and shall include but not limited to any public highway, road, street, avenue, crescent, court, drive, lane, alley, circle, cul-de-sac, sideroad, path, place, gate, line, road allowance, thoroughfare, bridge, viaduct or trestle, culvert, common or public square, public place, sidewalk, park, woodland, storm water management facility, open space, municipal golf course or cemetery, and all parts thereof, including any surface, grassed area, boulevard, ditch, curb, gutter and sidewalk;
“Reference Plan” means a designation of different sections of a property as "Parts," enabling a specific legal interest associated with each particular portion of the parcel to be highlighted and described.

2.0 EXEMPTIONS

2.1 The provisions of this by-law do not apply to:

a) lawns and private entrances that comply with the requirements of the applicable City by-laws regulating private entrances or that is constructed in accordance with the terms and conditions of a subdivision agreement or site plan agreement with the City;
b) the activities, works, and equipment of City forces performing construction or maintenance operations on City highways or public lands;
c) signs authorized by any City by-law;
d) sandwich board signs whose placement upon a sidewalk complies with the requirements of the applicable by-law that regulates such signs, provided that the City has no objection to the location of the sandwich board sign from a traffic, safety, or operational point of view;
e) election signs, real estate signs and other temporary signs whose placement upon a highway or public lands complies with the requirements of the applicable by-law that regulates such signs;
f) all existing Encroachments authorized by the City, unless the safety of the public may be affected by the Encroachment, or the Applicant wishes to alter the Encroachment in any way.

3.0 GENERAL PROVISIONS

3.1 No person shall close, obstruct, encumber, excavate, construct, place, erect, alter or maintain any kind of Encroachment in, on, over, or under any highway or public lands without first obtaining a valid Permit or Encroachment Agreement, as the case may be, in accordance with the provisions of this by-law.

3.2 All Encroachments that will be in place for less than one (1) year will be dealt with through the issuance of a Temporary Encroachment Permit pursuant to this by-law.

3.3 All Encroachments reoccurring on an annual basis or that will be in place for longer than one (1) year will be dealt with through the issuance of an Encroachment Agreement pursuant to this by-law.

3.4 Where an Encroachment would restrict public access over, under, or across the proposed Encroachment area, the City, at its sole discretion, may consider
providing the appropriate notification of the proposed Encroachment to the owners directly affected by the proposed Encroachment, being those owners, whose properties are within 120 meters of the proposed Encroachment.

3.5 Where an existing Encroachment is deemed to affect the City’s ability to carry out its work within the highway or public lands or where the safety of the public may be affected by the Encroachment, the Applicant may be required by the City to modify the Encroachment and such modification shall be at the Applicant’s expense.

3.6 Where an Applicant requests an amendment to a Permit or an Encroachment Agreement, the amendment must be in compliance with this by-law and approved by the City, and any modification to the Encroachment shall be at the Applicant’s expense.

3.7 All permitted Encroachments shall be deemed to be with the license of the City and such license shall not create an easement, interest or any other real property rights over any highway or public lands.

ENCROACHMENT PERMITS

4.0 PROCEDURE FOR APPLICATION

4.1 An application for an Encroachment Permit shall be made with the Issuer of Permits in advance of the installation of the encroachment on the prescribed form. When applying for a Permit, the Applicant shall:

a) Complete and submit the prescribed application form;

b) Provide a drawing with metric measurements showing the following information:

   • property line
   • width and location of roadway and highway
   • curbs
   • shoulders
   • boulevard
   • ditches
   • aboveground utilities
• landscaping
• existing structures
• key plan (indicating location of property)
• north arrow
• proposed temporary encroachment

c) Insurance

i. Every Applicant, during the term of the permit, shall provide and maintain Comprehensive/Commercial General Liability insurance acceptable to the City and subject to limits of not less than two million dollars ($2,000,000) for bodily injury, death and damage to property including loss of use thereof. Such Comprehensive/Commercial General Liability insurance policy shall be in the name of the Applicant and shall name the City of Cambridge as an ‘additional insured’.

ii. The insurance policy referred to in subsection 2.1 (b) hereof shall contain an endorsement to provide the City with thirty (30) days written notice of cancellation.

d) Provide an indemnity and release signed by the Owner of the property in the form set out in the application of the Encroachment Permit.

e) When filing the completed application, the Applicant shall pay a non-refundable permit fee as set out in the City of Cambridge’s Municipal Fees and Charges By-law, as amended from time to time.

5.0 APPROVAL OF APPLICATIONS

5.1 In deciding whether to grant an Encroachment Permit, the Director shall consider:

a) the effect of the proposed Encroachment on the movement and safety of vehicles and pedestrians, any public service

b) any negative effects or any benefits that the granting of the permit may have for the neighbouring properties and the City;

c) whether the encroachment presents a hazard to the public;
d) the encroachment will interfere with the movement and safety of vehicles and pedestrians any public utility or other factors deemed relevant in the circumstances;

e) any previous violation of the By-law or violations of the conditions imposed through previous permits by the applicant;

f) any other matter that the Director reasonably considers to be relevant to the application

5.2 The approval of an Encroachment Permit can take up to ten (10) business days.

5.3 An Encroachment Permit shall be granted for a period not exceeding ninety (90) days and may be renewed for further periods not exceeding ninety (90) days for each renewal, up to a maximum of four (4) renewals. If additional renewals are required or the Encroachment reoccurs annually the Applicant will be required to enter into an Encroachment Agreement.

5.4 Application for renewal of an Encroachment Permit shall be made by presenting the existing permit before its expiry date, accompanied by any required fees as per the City of Cambridge’s Municipal Fees and Charges By-law, as amended from time to time.

5.5 An Encroachment Permit may limit the existence of the Encroachment to a part of the day only, to specified days, or to times otherwise deemed appropriate in the circumstances by the Director.

5.6 An Encroachment Permit may include additional or special conditions of approval deemed appropriate in the circumstances by the Director.

5.7 The decision of the Director in regard to the Encroachment Permit shall be final.

5.8 An Encroachment Permit is not transferable.

6.0 REVOCATION

6.1 The Director may revoke an Encroachment Permit for non-compliance with this by-law by sending notice of revocation by registered mail to the address of the Applicant and the permit shall be considered revoked from the second day after the day of mailing the notice.

7.0 CONDITIONS

7.1 All Encroachment Permit holders shall:
a) strictly adhere to the conditions set out in this by-law and any additional or special conditions set out in the applicable Encroachment Permit. Any breach thereof is considered to be non-compliance and may result in a revocation or termination of the applicable Encroachment Permit. The Director may then take actions deemed necessary to reinstate the Encroachment for public safety at the Applicant’s expense;

b) It shall be a condition of any Encroachment Permit issued by the Director that the City, and any person or agent authorized by the City, may remove the temporary encroachment

i. for the purpose of constructing, maintaining, repairing, moving or otherwise dealing with any services or utilities located or to be located in, under or above the highway including but not limited to hydro, gas, telephone, cable television, water storm drainage, water main and sewer service facilities, and

ii. for the purpose of responding to an emergency

c) release, indemnify and save harmless the City, agents, consultants, contractors, assigns, and any others for whom the City is at law responsible from and against any and all claims, demands, losses, expenses, costs, including but not limited to reasonable legal fees, damages, actions, suits or proceedings, or any other liabilities which may at any time or from time to time be asserted against, imposed upon or incurred by the City as a consequence of or in connection with the Encroachment, the maintenance of the Encroachment, or any other matter relating to the Encroachment;

d) keep the Encroachment in a state of good repair as determined by the City. In the event that the Applicant fails or neglects to keep the Encroachment in a state of good repair, the Director may provide notice to the Applicant of any deficiency on the Encroachment and request that such deficiencies be rectified. If the notice is not complied with within five (5) business days from the date that the notice was sent or such other time as may be mutually agreed by the City and the Applicant, the Encroachment Permit may be revoked. Notwithstanding the foregoing the City may immediately remove any item on public property deemed to be in non-compliance or constitute a safety hazard. All costs incurred by the City to remove the Encroachment shall be recovered from the Applicant;

e) Upon termination of the temporary encroachment permit to use the highway, the Applicant shall, at their sole expense, remove immediately
the temporary encroachment from the highway within 30 days’ and shall replace and restore, at their sole expense, the highway safe and in a condition satisfactory to the Director.

f) If the Applicant fails to perform the work required work upon termination of the permit, the Director may remove the temporary encroachment and restore the highway to a safe condition at the sole cost of the licensee.

ENCROACHMENT AGREEMENTS

8.0 PROCEDURE FOR APPLICATION

8.1 Application for an Encroachment Agreement shall be made to the Director by the Owner or a representative of the Owner on the prescribed form. The Director may, from time to time, cause amendments of an administrative nature to the application for Encroachment Agreement form.

8.2 Every application shall include:

a) the name and contact information of the Owner and a legal description of the real property neighbouring the proposed Encroachment;

b) a sketch showing the location and dimensions of the proposed Encroachment;

c) a description of the proposed Encroachment including the highway or public lands encroaching upon, the intended use of the Encroachment, and estimated length of time of the Encroachment;

d) such other information, as required by the any of the organizational units of the City with an interest in the matter, to understand the nature of the proposed Encroachment and its impact; and

e) the non-refundable fee required under the City of Cambridge’s Municipal Fees and Charges By-law, as amended from time to time.

8.3 If the Director and all other organizational divisions of the City with an interest in the matter are satisfied with the application, the Owner or representative of the Owner shall then file with the Director:

a) three (3) copies of a Reference Plan certified by an Ontario Land Surveyor showing the location and dimensions of the Encroachment and of the adjacent part of the premises to which it is or will be appurtenant, and the location of all lot lines;
b) a registerable description of the premises to which the Encroachment Agreement is or will be appurtenant.

9.0 APPROVAL OF APPLICATIONS

9.1 In deciding whether to continue with the Encroachment Agreement application, the organizational divisions of the City with an interest in the matter shall consider the effect of the proposed Encroachment on the movement and safety of vehicles and pedestrians, any public service, and any other factors deemed relevant in the circumstances.

9.2 Any of the organizational divisions of the City with an interest in the matter may impose such terms and conditions to any Encroachment Agreement as deemed relevant in the circumstances.

9.3 When all the organizational divisions of the City with an interest in the matter are satisfied with the application, the Owner of the premises shall enter into an Encroachment Agreement with the City.

9.4 The Encroachment Agreement shall then be registered by the City with the land registry office against the title to which the Encroachment is appurtenant at the Owner’s/Applicant’s expense and evidence of such registration shall be provided to the Owner within thirty (30) days of Encroachment Agreement approval.

10.0 REVOCATION

10.1 The execution of an Encroachment Agreement in respect of an Encroachment does not create any vested right in the Owner or occupant of the premises to which the Encroachment is appurtenant, or in any other person, and the Encroachment Agreement may be revoked in accordance with the terms set out therein.

12.0 CONDITIONS

12.1 All Applicants of Encroachment Agreements shall:

a) make no alteration to the highway or public lands, including and without limitation the removal of trees or grade changes, and shall not erect any building or structures on the highway or public lands without the City’s written permission;

b) carry out all authorized work in a proper and professional manner so as to do as little damage or disturbance to the highway or public land infrastructure as possible. The Owner shall repair and make good all damage and disturbance that may be caused to the highway or public land
infrastructure, to the satisfaction of the City, at the sole expense of the Owner;

c) maintain the Encroachment in all respects in a state of good repair, including keeping the Encroachment in a sound, neat, safe and clean condition to the satisfaction of the City. If the Encroachment is not kept in a state of good repair, upon five (5) business days written notice (or such shorter time as may be required in the case of an emergency or other urgent matters) to the Owner, the City shall have the right to do any work necessary to fulfill this condition and all costs incurred by the City shall be recovered from the Owner;

d) upon written notice from the City, renew, repair, or maintain the surface of the highway or public lands if at any time the City decides to renew, repair or maintain the surface of the highway or public lands upon which the Encroachment is located. If the notice is not complied with within five (5) business days from the date that the notice is sent or such other time as may be mutually agreed upon by the City and Owner, the City may renew or repair the highway or public lands at the expense of the Owner;

e) not obstruct, hinder, or interfere with the free access to the Encroachment by any person acting on behalf of the City, including an employee, officer, or agent of the City;

f) notify the City in writing 30 days in advance of any potential transfer or sale of their property or any part thereof, together with the name and address of the potential transferee or purchaser. For clarity, in the event that the Owner sells the property to which the Encroachment Agreement is appurtenant, the Owner shall instruct the transferee or purchaser of the said property to submit a new Encroachment Agreement Application to the City for the City’s review and approval;

g) apply for a new Encroachment Agreement pursuant to this by-law if the Encroachment is moved, altered, or changed in any manner and will remain on the highway or public lands after such movement, alteration or change;

h) at all times release, indemnify and save harmless the City, agents, consultants, contractors, assigns, and any others for whom the City is at law responsible from and against any and all claims, demands, losses, expenses, costs, including but not limited to legal fees on a substantial indemnity basis, damages, actions, suits, judgements, or proceedings, or any other obligations or liabilities which may at any time or from time to time be asserted against, imposed upon or incurred by the City as a
consequence of or in connection with the maintenance, alteration, use or any other matter or thing, directly or indirectly, relating to the Encroachment;

i) obtain and maintain insurance to the satisfaction of the City naming the City as an additional insured for the duration of the Encroachment Agreement. A Certificate of Insurance evidencing the insurance coverage shall be provided to the City prior to the City signing the agreement and thereafter promptly on the insurance renewal date;

j) acknowledge that the City or Owner may terminate the Encroachment Agreement on sixty (60) days written notice for any reason whatsoever. In the event of agreement termination, the Owner shall remove the Encroachment on the date of termination at their expense. If the Owner fails to remove the Encroachment on the date of termination, the City shall provide the Owner with a notice requiring the Owner to remove the Encroachment within five (5) business days. If the Owner fails to remove the Encroachment within the five (5) business day period, the City shall have the right to remove the Encroachment at the expense of the Owner.

k) restore the highway or public lands to the condition they were in prior to the date of the Encroachment Agreement or in compliance with current City standards upon the removal of the Encroachment from the highway or public lands, at the Owner’s sole expense; and

l) acknowledge that the City shall have a right to terminate the agreement in the event that the Encroachment represents a danger to the safety of the public using the highway or public lands or detrimentally interferes with future improvements. Such termination shall be by written notice to the Owner.

13.0 ADMINISTRATION OF BY-LAW

13.1 The Director is responsible for the administration of Encroachment Permits of this by-law on behalf of the City, including the review of applications for Encroachment Permits, the circulation of such applications, where appropriate, to other organizational divisions with an interest in the matter, and the issuance of Encroachment Permits.

13.2 The Director or any other organizational division of the City with an interest in the matter may impose additional conditions as a requirement of obtaining or continuing to hold an Encroachment Permit, including the requirement of an Applicant to enter into an Encroachment Agreement with the City.
13.3 The Director is responsible for the administration of Encroachment Agreements of this by-law on behalf of the City, including the review of Encroachment Agreement applications, the circulation of such applications, where appropriate, to other organizational divisions with an interest in the matter.

13.4 An Encroachment Agreement will not be issued or approved unless all organizational divisions of the City with an interest in the matter are satisfied that the Encroachment will not pose a danger to the safety of persons using the highway or public lands, or interfere with the activities or adversely affect the conditions or operation of the equipment and facilities of the City.

14.0 ORDERS AND REMEDIAL ACTIONS

14.1 Notwithstanding any other provisions in this by-law, Encroachments that exist contrary to this by-law shall be removed by the Owner thereof within five (5) business days after service of a notice from the City advising that such Encroachment is in contravention of this by-law. Such notice shall be in writing, shall identify by the municipal address the lands upon which the Encroachment is situate and shall specify the particulars of non-compliance with this by-law.

14.2 If such Encroachment has not been removed by the owner as required herein, the City may cause such Encroachment to be removed at the expense of the Owner and any costs incurred by the City may be recovered in like manner as the municipal taxes on the property where the Encroachment was located pursuant to the Municipal Act, 2001.
SCHEDULE H
HIGHWAY OCCUPANCY PERMIT

2.0 DEFINITIONS:

1.1 In this schedule:

“Activity” includes the temporary occupancy of a Right-of-Way for any purpose for a defined period of time outside its normal intended use by the City, Utility Company, or person(s);

“Applicant” means any person, Utility Company or corporation making application for a Highway Occupancy Permit;

“City of Cambridge Standards” means The City of Cambridge Standards, as amended from time to time, and are intended as guidelines for land development and City projects to aid in providing uniform designs throughout the City and are to be used in conjunction with Ontario Provincial Standard Drawings (O.P.S.D.) and Ontario Provincial Standard Specifications (O.P.S.S.), both as amended from time to time;

“Contractor” means a person who makes an agreement with another to do a piece of work and who, retain control of the means, method and manner of producing the result to be accomplished.

“Deleterious Material” means subsurface soils of an undesirable nature such as, but not limited to organic materials, highly organic silts, sensitive or ultra-sensitive clays, peat or other highly compressible soils, and soils containing noxious or hazardous chemical or waste products;

“Heave” means any rise in the surface of a road cut in relation to the grade of the adjacent undisturbed highway;

“Highway Occupancy Permit” or “HOP” means a Permit allowing access to the road allowance to effect various works as issued under this By-law;

“Issuer of Permits” means an employee of the City of Cambridge with the authority to grant permits under this By-Law;

“M.T.O.” means Ministry of Transportation of Ontario;

“Municipal Consent” means the written consent of the Engineering Department, with or without conditions, for access to and use of the City Rights-of-Way, subject to obtaining a Highway Occupancy Permit as applicable;

“O.P.S.D.” means Ontario Provincial Standard Drawings, as amended;
“O.P.S.S.” means Ontario Provincial Standard Specifications, as amended;

“Permanent Landscape Features” means any landscape feature that is not easily removed. These features include but are not limited to curbs, structures, boulders, etc.

“Permit” means a Highway Occupancy Permit.

“Road Cut” means a surface or subsurface cut in any part of a Highway made by any means, including but not limited to any excavation, reconstruction, cutting, saw cutting, overlaying, crack sealing, breaking, boring, directional drilling, jacking or tunneling operations;

“Settlement” or “Settled” means any sinking of the surface of a road cut in relation to the grade of the adjacent undisturbed highway;

“Traffic Management Plan” means a standard document outlining the particulars of proposed work on any Highway within the City of Cambridge that is submitted by or on behalf of the Contractor to the City for review. The Plan shall contain the information respecting how the permit holder intends to comply with this By-law including but not limited to the following:

(a) Start and completion times of work;

(b) Specific location of work;

(c) Requirement to work during peak hours, if any;

(d) Lane use requirements;

(e) Requirements for road closure;

(f) Parking meters affected by work;

(g) Requirement for temporary no stopping signs;

(h) Identification of any bus route(s) and bus stops affected by work activity; and

(i) Traffic routing and detour requirements where required.

“Utility/Utilities” means any structures above or below ground which exist on a Right-of-Way and include buried and aerial hydro cable and ducts, telephone, cable, television and internet communication cables, trees, water, including underground pipes, hydrants and valves, sanitary and storm sewer pipes, gas and steam pipes, meters, and valves.
“Utility Company” means any company with the authority to construct within a Right-of-Way pursuant to provincial or federal legislation, by-law, franchise agreements or municipal access agreement;

“Warranty” means a guarantee by the Permit Holder that the work for which a Highway Occupancy Permit has been issued has been carried out in accordance with the City’s requirements; and

“Works” means something that one is doing, making, or performing, especially as an occupation or undertaking; a duty, task or installation.

2.0 GENERAL PROVISIONS

2.1 When a Highway Occupancy Permit for Occupancy is required:

Except as provided in sections 2.2 and 2.3, no person shall undertake any activity within a City Right-of-Way without a Permit to do so.

(1) An application for a Highway Occupancy Permit shall be filed with the Issuer of Permits in advance of such right-of-way activity. When applying for a Permit, the Applicant shall:

(a) Complete and submit the prescribed application form;

(b) Allow ten (10) business days to process Permit for full road closures;

(c) Allow five (5) business days to process Permit for works requiring lane closures;

(d) Allow three (3) business days for works not requiring lane closures.

(e) Furnish to the City such information as the Issuer of Permits may require, including, but not limited to, a sketch illustrating the planned work and work area, and a Traffic Management Plan; and

(f) Submit insurance documentation as required on the application form.

(2) When filing the completed application, the Applicant shall pay a non-refundable permit fee as set out in the City of Cambridge’s Municipal Fees and Charges By-law, as amended from time to time;

(3) When the Applicant is requesting multiple road cuts the City reserves the right to issue a single permit or multiple permits for the works.
(4) It shall be at the sole discretion of the Issuer of Permits to determine for reasons of public safety or the effective operation of the public transportation system, when a Highway occupancy may occur.

(5) A Highway Occupancy Permit shall not be issued until:

(a) Proof of insurance has been filed as required by Section 2.16;

(b) The Permit fee or fees required hereof has or have been paid as per the City of Cambridge Municipal Rate Review;

(c) An emergency contact telephone number for the service required by Section 2.13 has been provided; and

(e) Approval for Municipal Consent has been issued and any conditions have been complied with, if applicable.

(6) Where two (2) or more cuts are proposed, the Issuer of Permits may state the order in which the work is to be performed.

(7) Notwithstanding subsection (1), where the work is of a major nature or duration and will cause general inconvenience to all the residents and businesses located beside or near the Right-of-Way where the work will occur, the Applicant shall consult with the Issuer of Permits as early as possible about the work prior to its commencement, taking into consideration the scale and complexity of the work.

2.2 Work Which Does Not Required A Permit

(1) If it is the intent of the Applicant to complete work within a Right-of-Way that is minor and of very short duration as defined by OTM Book 7, (i.e. does not cause any disruption to traffic flows, does not break ground and does not create a potential for damages to existing utilities), as determined at the sole discretion of the Issuer of Permits, then a Highway Occupancy Permit may not be required.

(2) While engaged in work within the Right-of-Way that is minor in nature as determined by the Issuer of Permits, no persons shall disturb, damage or alter City lands whether or not a Highway Occupancy Permit is required.

2.3 Emergency Work

(1) Subject to subsection 2.3 (2) hereof, where public safety or health, or a major business interruption in works is concerned, a road occupancy may be carried out without regard to the prior notification requirements of this
by-law; All other requirements still apply.

(2) Where an emergency Highway occupancy has been undertaken, the person or utility undertaking the road occupancy shall, on the same day the work is commenced, or if the City offices are closed, no later than the start of the next working day, notify by telephone (or fax or e-mail) the Issuer of Permits of the following:

(a) the name of the utility or contractor undertaking the road occupancy;

(b) the nature of the work;

(c) the location of the road occupancy;

(d) the estimated duration of the work;

(e) the reason for proceeding without obtaining a Highway Occupancy Permit and without providing the required notice; and

(f) retroactively comply with all requirements of this By-law including obtaining a Highway Occupancy Permit;

(3) The Issuer of Permits may require any or all information to confirm the validity of an emergency Highway occupancy. Should insufficient proof of an emergency be submitted the Applicant may be notified in writing that they are subject to the same restrictions and penalties as performing occupancy without a Highway Occupancy Permit.

2.4 Application for Extension of Permit

(1) Any person wishing to extend a Highway Occupancy Permit previously granted under this by-law, shall submit to the Issuer of Permits a written request noting reason for extension and revised completion date. Such request must be submitted at least one (1) day prior to expiration of the existing Highway Occupancy Permit.

(2) The Issuer of Permits may refuse to accept an extension request that is not received at least one (1) day prior to expiration, or if the extension will conflict with other works already approved in the same vicinity, and shall not issue an extension to the Highway Occupancy Permit.

(3) Where the Issuer of Permits does not grant an extension, at his or her sole discretion, the Applicant shall vacate the Right-of-Way, and re-apply for a new Permit per the normal procedure.
(4) Where the Issuer of Permits is satisfied that the Applicant is entitled to obtain a Highway Occupancy Permit under the provisions of this by-law, the Issuer of Permits shall prepare and issue a Highway Occupancy Permit to the Applicant.

2.5 Notice Requirements for Right-of-Way and Road Occupancy

(1) Where the work is of a major nature or duration and will cause general inconvenience to the residents and businesses located beside or near the Right-of-Way where the work will occur, every Permit Holder or person responsible for the road occupancy shall, at least five (5) business days prior to commencing the work, provide in writing to every resident and business located beside or near the Right-of-Way where the work will occur for the following information:

(a) description and rationale for the work;
(b) the approximate start date;
(c) the duration of the work:
(d) access restrictions and service interruptions; and
(e) contact information for the Permit Holder.

2.6 Warning Devices, Barricades and Traffic Signs

(1) The Permit Holder shall supply, erect and maintain warning devices, barricades and traffic signs where applicable, in accordance with the Occupational Health and Safety Act, R.S.O. 1990, chap. O.1, as amended, and any applicable provincial traffic regulations, including but not limited to the Ministry of Transportation’s Ontario Traffic Manual - Book 7 (Temporary Conditions).

(2) If the Permit Holder fails to comply with subsection 2.5 (1) or 2.6 (1) hereof, the Issuer of Permits may order the erection and maintenance of any warning devices, barricades and signs considered necessary at the Permit Holder’s expense, and the cost thereof shall be paid by the Permit Holder forthwith on demand.

2.7 Closure of Traffic

(1) No person shall close or obstruct a Highway or portion of thereof to traffic unless authorized to do so by the Issuer of Permits.
(2) No Permit Holder shall close a Highway to traffic or one direction of traffic on a highway unless:

(a) the written consent of the Issuer of Permits to the closing is obtained; and

(b) on behalf of the Permit Holder, the Issuer of Permits shall notify Waterloo Regional Police Service, Cambridge Fire Department and Ambulance Service, Grand River Transit, Student Transportation Services Waterloo Region and any other person, department or agent requiring notice, from time to time affected by the occupancy, or the commencement and termination of the activity.

(3) The Permit Holder shall supply, locate, relocate, erect, operate and maintain all traffic control, detour and information signs in accordance with the Traffic Control Plan and current edition of Ontario Traffic Manual - Book 7 (Temporary Conditions);  

2.8 Form of Permit  

(1) Every Highway Occupancy Permit shall contain the following information:

a) the operating name of the business or person to whom the Highway Occupancy Permit is issued;

b) the operating address of the premise or location for which the Highway Occupancy Permit is issued;

c) the type of activity planned;

d) the date of issue;

e) the effective date and time of the Highway Occupancy Permit;

f) the date and time of expiration;

g) any other conditions if applicable;

h) such requirements as needed given the nature of the work being undertaken on a Right-of-Way

2.9 Inspection  

(1) An Inspector may at all reasonable times enter on any land, for the purpose of carrying out an inspection to determine whether or not the provisions of this By-
law, a direction or order, a condition of a Highway Occupancy Permit or an Order of the Court are being complied with.

(2) For the purposes of an inspection, an Inspector may:

i) require the production for inspection of documents or things relevant to the inspection;

ii) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;

iii) require information from any person concerning a matter related to the inspection; and,

iv) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of the inspection.

(3) Where a sample is taken, the sample shall be divided into two parts, and one part shall be delivered to the person from whom the sample is taken, if the person so requests at the time the sample is taken and provides the necessary facilities. If a sample has been taken and the sample has not been divided into two parts, a copy of any report on the sample shall be given to the person from whom the sample was taken.

(4) A receipt shall be provided for any document or thing removed and the document or thing shall be promptly returned after the copies or extracts are made.

(5) Where repeat inspections are required due to deficiencies in restoration, poor site conditions or safety concerns the Permit Holder will be subject to fees as determined.

2.10 Stop Work Order

(1) An Inspector or Issuer of Permits may at his or her discretion issue a stop work order.

(2) Stop Work Orders are issued where an Inspector or Issuer of Permits finds an occupancy occurring that is not in accordance with the conditions of an issued Highway Occupancy Permit or where occupancy is taking place without a Highway Occupancy Permit.

(3) A Stop Work Order may only be applied to the activity that constitutes the contravention. For instance, in cases of contravening a condition of a Highway... 
Occupancy Permit, some of the work can be continued while only the violating activity can be ordered to cease. In cases where occupancy is taking place without a Highway Occupancy Permit, all work will stop, the area will be temporarily restored, and the proponent will vacate the area until a Highway Occupancy Permit has been obtained per the usual procedure. Permit fees for a Highway Occupancy Permit issued as a result of a Stop Work Order will be double the usual permit fees as noted in the City of Cambridge Municipal Fees and Charges By-law, as amended.

(4) The Inspector shall take appropriate action against any person(s) who disobeys a Stop Work Order. Failure to comply with a Stop Work Order leaves the recipient liable to a fine.

(5) A Stop Work Order shall be lifted once the issuer of the Stop Work Order or the Issuer of Permits determines that all contraventions of this by-law have been rectified.

2.11 Non-Compliant Installations

(1) Should any occupancy begin that is not in strict compliance with the conditions of the Highway Occupancy Permit and this by-law, the Permit Holder may be issued a stop-work order and may be required to perform temporary restoration and move all equipment and materials off-site until these requirements are met in-full and Highway Occupancy Permit may be cancelled, at the sole discretion of the Engineering Division.

(2) Depending on the severity of the infraction, the issuance of new Highway Occupancy Permits to the same Permit Holder may be withheld or delayed, at the sole discretion of the Engineering Division, until the infraction has been addressed by the Permit Holder to the satisfaction of the Engineering Division.

(3) Where utilities are found to be installed without a valid Highway Occupancy Permit and/or in a location other than that approved by the Engineering Division, the Proponent / Permit Holder may be required to remove the utilities immediately, at its own expense. Restoration shall be performed in accordance with the procedures outlined in the Highway Occupancy Permit.

2.12 Posting of Permit

No Permit Holder shall work at a job site without the Highway Occupancy Permit on-site and available for inspection.

(2) The Permit Holder shall, if requested, display at the job site an easily read sign showing the names of:
2.13 Telephone

The Permit Holder shall maintain and answer a telephone at all times (24 hours, seven days-a-week) during the period for which the Permit Holder is responsible for the occupancy, including the warranty period, so that the City can advise the Permit Holder of any necessary repairs to the road cut or other infrastructure that may have been damaged as a result of the occupancy.

2.14 Refusal to Grant a Permit

(1) The Issuer of Permits may refuse to grant a Highway Occupancy Permit to any Applicant for any of the following reasons:

(a) persistent and/or serious violations of any condition of a Highway Occupancy Permit previously issued to the Applicant, or of any provisions of this by-law applicable to a Highway Occupancy Permit previously issued hereunder;

(b) non-payment or late payment of monies due to the City as a result of inspection, or of any necessary work undertaken by the City, in the course of administering any provision of this by-law;

(c) where roadway construction, reconstruction or resurfacing has occurred within the previous three years of the proposed road cut;

(d) such other reason as the Issuer of Permits may deem proper which reason shall be delivered in writing to the Applicant if so requested.

2.15 Suspension/Revocation

(1) Any Highway Occupancy Permit issued pursuant to this by-law may be suspended or revoked by the Issuer of Permits upon giving written notice to the Applicant for the following reasons:

(i) a violation of any condition of the Highway Occupancy Permit or of any provision of this by-law;

(ii) a violation of any provision of any other law relating to the work;

(iii) the existence of any condition or the doing of any act constituting or
creating a nuisance or endangering the lives or properties of others;

(iv) where the Highway Occupancy Permit has been issued on mistaken, false or misleading information; and

(v) where the work is not carried out in a diligent and workmanlike manner.

(2) The Issuer of Permits may, in his sole and unfettered discretion, grant a period of not more than seven days to correct the violation or condition.

(3) Upon notice of such Highway Occupancy Permit being revoked, the Permit Holder must immediately cease and desist from carrying out any additional activities allowed under the Highway Occupancy Permit and immediately restore the highway or portion thereof to City of Cambridge Standards as set out in this by-law. Such restoration shall be carried out at the Permit Holder’s sole expense, and if the Permit Holder should fail to carry out such restoration, such highway shall be restored to City of Cambridge Standards by the City as necessary, and the entire cost of so doing shall be paid by the Permit Holder. When such restoration is completed, the Permit Holder may reapply for a new Highway Occupancy Permit.

2.16 Insurance

(1) Every Applicant for a Highway Occupancy Permit shall provide and maintain Comprehensive/Commercial General Liability insurance acceptable to the City and subject to limits of not less than two million dollars ($2,000,000) inclusive per occurrence for bodily injury, death and damage to property including loss of use thereof. Such Comprehensive/Commercial General Liability insurance policy shall be in the name of the Applicant and shall name the City of Cambridge as an ‘additional insured’. The insurance policy shall remain in place until all warranty requirements are fulfilled.

(2) The insurance policy referred to in subsection (1) hereof shall contain an endorsement to provide the City with thirty (30) days written notice of cancellation.

2.17 Indemnification

A Highway Occupancy Permit is issued subject to the condition that the Permit Holder shall indemnify the City and each of its officers, agents, servants and workers from all causes of action, loss, costs or damages arising from the execution, non-execution or imperfect execution of any work authorized by this by-law whether with or without negligence on the part of the Permit Holder or the
officers, agents, servants or workers of the Permit Holder.

2.18 Snow Removal and De-Icing

(1) Where the Permit Holder’s work impedes snow removal and de-icing by the City on areas where vehicular and pedestrian traffic are being maintained, as reasonably determined at the sole discretion of the Infrastructure Services Department, the Permit Holder shall be responsible for providing ice and snow removal services within the limits of the work site. Such areas shall be cleared of ice and snow to the satisfaction of the Infrastructure Services Department.

(2) Should the Permit Holder fail to complete the required snow removal services and de-icing within the set deadlines, the City, without any notice to the Permit Holder, may arrange for the snow and ice to be removed by others. All costs incurred by such removal shall be charged to the Permit Holder.

2.19 Fees and Security

(1) The fees for the Highway Occupancy Permit, and for any inspections required under it, shall be such amount as determined in the City of Cambridge Municipal Fees and Charges By-law, as amended and shall be due and payable to the City of Cambridge at the time of application. No Highway Occupancy Permit shall be issued, or inspection carried out until such fees have been paid and there shall be no refund of any fees for any cause.

(2) The Permit Holder shall maintain or repair the work completed under the terms of the Highway Occupancy Permit as set out in Section 2.0 General Provisions, until accepted as satisfactory by the Issuer of Permits and shall restore the Right-of-Way to City of Cambridge Standards. To guarantee the restoration, the Permit Holder shall deposit with the City of Cambridge Security in a form acceptable to the City of Cambridge, to cover the faithful performance of the terms of the Highway Occupancy Permit including maintenance, repair and restoration carried out by the Permit Holder and every other obligation arising under and imposed upon the Permit Holder by this by-law or any Highway Occupancy Permit, as determined by the Issuer of Permits. Such Security shall be provided forthwith prior to the issuance of any Highway Occupancy Permit and in such amount as determined by the Issuer of Permits.
2.20 Times of Work

(1) Work may only take place during the times specified on the Highway Occupancy Permit or as otherwise specified by the Issuer of Permits. Restrictions may vary for different directions of travel on the same street and work may be prohibited at specific times and dates in order to co-ordinate with or avoid other work or events in the area.

(2) At most locations, typical working hours will be between the hours of 7 A.M.–7 P.M. from Monday to Friday. No work will be permitted on Saturday, Sunday or statutory holidays. Specific exceptions to the above noted typical times may be granted if required, at the sole discretion of the Issuer of Permits, depending on the circumstances of the individual work.

(3) The work site shall be adequately protected and secured at all times.

2.21 Site Conditions

(1) The Permit Holder is responsible for maintaining the work site and surrounding area free of dust and mud. The Permit Holder shall clean the road and sidewalks as required to the satisfaction of the Engineering Division.

(2) Prior to the start of any construction activity, filter cloth shall be placed between the frames and covers of all catch basins within the immediate area to prevent the entry of construction dirt and debris.

(3) The Permit Holder shall keep the site and work in as tidy a condition as practicable and to the satisfaction of the City. The Permit Holder shall not deposit any material on any portion of street, sidewalk, boulevard, grass plot, or other City property, without the permission of the City, and shall remove same without delay when and as directed by the City. Upon completion of the work, the Permit Holder shall remove all surplus materials as well as any rubbish accumulated on account of the work, make good any defects or damage and shall leave the site in a condition satisfactory to the City.

(4) Should the Permit Holder fail to comply with this requirement and maintain the street in a satisfactory condition, the Engineering Division, acting reasonably, without further notice, may issue a stop work order, cancel the Highway Occupancy Permit, charge the Permit Holder under applicable Bylaws and/or arrange for the site to be cleaned immediately by others. All costs incurred in cleaning the dust and mud resulting from the Permit Holder’s work shall be charged to the Permit Holder.
2.22 City Infrastructure

(1) The Permit Holder shall not complete servicing works on City owned sanitary, sewer and/or water infrastructure without written permission from the Director of Environmental Services and/or his/her designate.

(2) The Permit Holder shall not operate watermain valves, service water valves and/or hydrants. If operation of any water supply valves is required, the Permit Holder must contact the City of Cambridge Water Operations Branch by phone.

(3) No person shall operate valves, hydrants or interfere with a potable water system in any manner that will cause the water to become non-potable.

2.23 Storage Containers

A Permit Holder and contractor are not permitted to install a storage container on a Highway from November 1st to March 31st.

2.24 Disposal Bin

A Permit Holder and contractor are not permitted to install a disposal bin on a Highway from November 1st to March 31st.

2.25 Transferability

A Highway Occupancy Permit is not transferable without the written consent of the Issuer of Permits.

3.0 ROAD WORK PROVISIONS

3.1 General Permit Requirements

(1) The Permit Holder shall open a road cut in such a manner as to do the least possible damage to the Highway and to any utility or municipal service.

(2) The work shall proceed expeditiously and no Permit Holder shall allow a road cut to remain open for more than twenty-four (24) hours unless the work is actively in progress.

(3) The site shall be kept clean and safe, and sources of dust and mud controlled at all times until the final reinstatement has been completed. All dust and mud nuisance that is tracked from the site shall be promptly cleaned.
(4) The Permit Holder and contractor shall comply with and be bound by the provisions of the Occupational Health and Safety Act, R.S.O. 1990, Chap. 0.1, as amended.

(5) All persons employing or using trucks or other vehicles entering or leaving construction sites for any purpose whatsoever, shall immediately remove from the Highway any rubbish, earth, or other material which has fallen from such vehicles.

(6) The Permit Holder and contractor shall comply with and be bound by the provisions of the Ministry of Transportation’s Ontario Traffic Manual, Book 7 (Temporary Conditions).

3.2 Road Cut

(1) The Permit Holder and contractor are not permitted to complete open excavation (including daylighting) of the roadway surface of the Highway from November 1st to March 31st.

(2) The Permit Holder shall submit to the Issuer of Permits a written request for an exemption to Section 3.2 (1) that meets the requirements of City of Cambridge Standards for servicing works being completed for a development control application including a severance, plan of subdivision, or site plan approval. The Permit Holder will be required to obtain approval from the Director of Environmental Services and/or his/her designate to complete servicing works within the Highway.

(3) Where a Permit Holder has been permitted under Section 3.2 (1) to complete servicing works, the Permit Holder and contractor undertaking the road occupancy are required to perform the restoration works as per Section 3.4 Reinstatement and Backfill Requirements of this By-law.

3.3 Excavated Material and Road Cut Methods

(1) No Permit Holder shall place, cause or allow the placement of material or equipment on any Roadway or Sidewalk at any time or in a location where it will cause damage to the infrastructure it is placed upon, and/or create a traffic or safety hazard unless authorized to do so by the Issuer of Permits.

(2) Except as permitted by the City, where multiple road cuts are required with a separation distance of equal to or less than fifteen (15) meters it shall be required that the permit holder reinstate the road cuts and resurface the entire width of the roadway for the entire distance between the outer edges of the most extreme road cuts.
(3) Where a cut is made in any concrete surface, the Permit Holder shall break out and remove all concrete:

(a) to the nearest expansion joint, or contraction joint, using a concrete saw if necessary, to provide on all sides of the cut, a clean vertical surface; or

(b) as specified by the Issuer of Permits.

(4) Where a road cut is made in asphalt pavement, the asphalt shall be cut with a mechanical cut device to produce:

(a) a rectangular opening with edges which are vertically straight; and

(b) a cut, which is large enough to accommodate the proposed works without undermining the adjacent asphalt pavement.

(5) Where boring, directional drilling, jacking or tunneling is used for any subsurface road cut:

(a) the method used shall be approved by the Issuer of Permits; and

(b) if a cave-in, settlement or heaving results therefrom within a period of twelve (12) months following the date of work, the surface in the affected area shall be removed and reinstated by the Permit Holder in accordance with this by-law to the satisfaction of the Issuer of Permits.

(6) Where two (2) or more connections for sewer or water are to be made, the Issuer of Permits may state the order in which these connections are made. The lowest utility should be generally built first.

(7) All works shall be completed to City of Cambridge Standards and Ontario Provincial Standards. City of Cambridge Standards shall take precedence over Ontario Provincial Standards.

3.4 Reinstatement and Backfill Requirements

(1) The Permit Holder shall be responsible for:

(a) the temporary reinstatement of a road cut subject to the provisions of this by-law;

(b) the maintenance of temporary reinstatements, as provided for in this Bylaw, on every road cut which on or after November 1\textsuperscript{st} in any year is not in a condition to be permanently reinstated, and is
carried over for permanent reinstatement prior to May 1st of the following year;

(c) payment to the City for its inspection charges as determined by the City’s Engineering Division.

(2) All reinstatements shall be done to current City of Cambridge Standards and O.P.S.S. standards. City of Cambridge Standards shall take precedence over Ontario Provincial Standards.

(3) A Highway shall be reinstated with,

(a) the same type of material, except for deleterious material, and to the same thickness as the adjoining construction when originally constructed; or

(b) material of a thickness that has been approved by the City of Cambridge.

(c) all reinstatements shall be to the satisfaction of the City of Cambridge.

(d) on all arterial and collector roads only non-compressible backfill shall be used at any time; and

(e) After November 1st of each year until May 1st of the following year only non-compressible backfill shall be used unless otherwise approved by the Issuer of Permits.

(4) Temporary surfacing of a roadway with asphalt, concrete, or surface treated surface shall meet the following requirements:

(a) the road cut shall be temporarily reinstated immediately after backfilling is completed;

(b) the reinstatement shall be to the same level as the adjacent surface; and

(c) prior to the highway being opened to traffic, the top forty (40mm) millimeters of the road cut shall be surfaced with hot mix asphalt, concrete, or, if hot mix asphalt is unavailable, with emulsified cold mix asphaltic material, all hand-tamped or rolled to a smooth, flat condition using commonly accepted practices and standard tamping or rolling equipment.
3.5 Pavement Cut Fees

(1) Any person or corporation who completes a road cut without Highway Occupancy Permit or fails to identify the road cut through the permit application process shall be liable for any additional fees as assessed by the City.

(2) Outstanding or unpaid fees shall be paid to the City prior to any further Highway Occupancy Permits being granted by the Issuer of Permits.

3.6 Testing

(1) The Issuer of Permits may at any time require a Permit Holder to provide at the Permit Holder's expense:

(a) Test reports, from a testing laboratory satisfactory to the Issuer of Permits, showing the degree of compaction that has been achieved; or

(b) a certificate from an engineer, or from a testing laboratory satisfactory to the Issuer of Permits, certifying that the backfilling procedures have been performed in accordance with this by-law.

(2) All testing required shall be completed in accordance with OPSS.

3.7 Reporting Damage/Impact to Existing Utilities

(1) Any impact on existing utilities including, but not limited to, the protective coating, support, cathodic protection or the housing of the utilities, shall be reported to the Engineering Division and applicable Utility Company immediately.

(2) The utilities shall remain exposed, with the excavation properly supported, until the utilities owner has assessed the damage and made a repair or authorized the Permit Holder to proceed.

3.8 Completion of Work

Upon completion of the temporary surfacing or permanent reinstatement of the road cut, all excess material shall be removed from the area of the road cut and the area shall be left in a safe, neat and clean condition, similar to the condition of the highway is was found, all to the satisfaction of the Issuer of Permits.
4.0 TRENCHLESS INSTALLATIONS

(1) Where the work being undertaken uses trenchless installation methods, preservation and protection of existing facilities shall be according to OPSS 491.

(2) Minimum horizontal and vertical clearances to existing facilities as specified in OPSS shall be maintained. Clearances shall be measured from the nearest edge of the largest back reamer required to the nearest edge of the facility being paralleled or crossed.

(3) Existing underground facilities shall be exposed to verify its horizontal and vertical locations when the bore path comes within 1.0 m horizontally or vertically of the existing facility. Existing facilities shall be exposed by non-destructive methods. The number of pilot holes required to monitor work progress and the proposed location of such pilot holes must be clearly depicted on the application drawing. All pilot holes and any other damage to the street infrastructure shall be restored as per the requirements of this By-Law.

5.0 PROTECTION OF TREES

Any construction activity in the vicinity of existing trees shall make every effort to protect said trees and maintain optimum growing conditions in strict compliance with good arboricultural practice.

6.0 UTILITY COMPANIES

6.1 Service Drops (including Temporary)

(1) Temporary service drops shall be permitted as a means to supply servicing to a resident with the permanent service being installed at a future date. Installation of cables shall be performed in a manner that ensures the safety of residents, pedestrians, and vehicles and placed with due regard for aesthetics. When within the Boulevard, a cable shall be shallow depth buried such that it does not constitute a tripping hazard. Cables shall not cross sidewalks, driveways or walking paths along the surface. When crossing a road, sidewalk, driveway or walking path, the height of the cable shall be no less than 4.5 metres. Cables shall not lie unprotected on the ground at any location. Cables shall not be strung using trees.

(2) A cable shall not cross over a property not being fed by this cable without consent of the affected property owner.
- Notification must be given to all residents of all properties affected by the temporary service connection including an estimated date of permanent service installation and removal of the temporary cable.

- All infrastructure including, but not limited to, utility pedestals, cables, supports and access points shall remain in a closed and safe condition at all times.

(3) The Permit Holder shall make its best effort to install the permanent service as soon as possible. In the winter or early spring, frost conditions may delay the permanent installation; however, in general, temporary service drops shall be removed within 45 days.

(4) Immediately upon installation of the permanent service, regardless of whether or not restoration has been completed, all materials and equipment associated with the temporary service drop shall be removed from the site.

6.3 Road Cuts

(1) Utility Companies are not permitted to complete open excavation (including daylighting) of the roadway surface of the Highway from November 1st to March 31st.

(2) Utility Companies shall submit to the Issuer of Permits a written request for an exemption to Section 6.3 (1) for emergency work where public safety or health, or a major business interruption in works is concerned.

(3) Where an emergency road occupancy has been permitted, the Utility Company undertaking the road occupancy are required to perform the final restoration works to City of Cambridge Standards within the timelines of the Permit.

6.4 Restorations

(1) Upon completion of the Utility Companies work, the City will complete all final restoration works within sixty (60) days during the restoration period of April 1st to November 1st of each year, all costs associated with the final restoration works will be invoiced to each individual Utility Company on a monthly basis.

(2) Upon completion of the Utility Companies work, the maintenance of the temporary restorations, as provided for in this by-law, shall be the responsibility of the Utility Company till the time that all final restorations are completed by the City.
(3) Final restorations work will not be completed during the period of November 1\textsuperscript{st} in each year to March 31\textsuperscript{st} of the following year; the Utility Company shall be responsible for the temporary reinstatement during this time period.

(4) The Issuer of Permits shall advise the Utility Company when the final restoration works shall be performed by the Utility Company. When the Utility Company performs the final restoration works, the Utility Company warrants the work for a period of twenty-four (24) months from the date of the completion of the final restoration works.

7.0 CUT FAILURE AND WARRANTIES

7.1 Warranty

(1) For temporary reinstatement of the Highway, a Permit Holder is responsible for,

(a) the repairs necessary to correct any road cut considered under the Ontario Minimum Maintenance Standards for Municipal Highway, OPSS and City of Cambridge Standards as applicable.

(2) Following permanent reinstatement of the Highway a Permit Holder is responsible for,

(a) the repairs necessary to correct any settlement or surface deterioration for a warranty period of twelve (12) months following the date of acceptance by the City of final reinstatement of the highway, being the last time, the Permit Holder repaired the road cut; and

(b) any costs incurred by the City for any temporary and permanent surface repairs resulting from improper backfilling or compaction of the Highway or deficient materials.

(3) If the Permit Holder has not done the work referred to in section 7.1 subsection (2) hereof within twenty-four (24) hours notification, the Issuer of Permits may order the work to be done at the Permit Holder’s expense. All costs incurred by the City shall be paid by the Permit Holder forthwith on demand; failing to do so all costs shall be deducted from the security.

(4) Utility Companies will be exempted of the provisions in Section 7.0 (7.1) of this By-law, Utility Companies will be required to meet the provisions of Section 6.0 (6.4) of this By-law or with the requirements within an approved Municipal Access Agreement and/or Franchise Agreement with the City of Cambridge.
7.2 Emergency Repairs

(1) If the Issuer of Permits is of the opinion that a road cut reinstatement or lack of reinstatement, has created an emergency situation which can cause damage to vehicles or endanger the public, the Issuer of Permits may protect the area and:

(a) make immediate repairs; or

(b) telephone the Permit Holder using the telephone service provided by the Permit Holder as required by Section 2.13, advising the Permit Holder as to the repair work which must be carried out.

(2) Permit Holder is required to complete emergency repairs within 24 hours of being notified by the Issuer of Permits.

(3) All work done by the City pursuant to section 7.2 subsection (1) hereof shall be at the expense of the Permit Holder and the costs of the City shall be paid by the Permit Holder forthwith on demand failing which the costs shall be deducted from the security.

7.3 Responsibility for Claims and Maintenance

(1) A Permit Holder shall be responsible for all loss or damages arising from the work done by or for the Permit Holder.

(2) Where a Highway or Utility on the Highway has been damaged by a Permit Holder, the City or the Utility respectively has the sole responsibility for deciding who shall carry out the repairs.

8.0 EXEMPTIONS

The Director may grant an exemption to any person from any provision of this By-law and impose conditions for such exemption as may be considered reasonable and necessary, provided such exemption does not interfere with the general integrity of this by-law.
THE CORPORATION OF THE CITY OF CAMBRIDGE

BY-LAW 21-051

Being a by-law to confirm the proceedings of the Council of the Corporation of the City of Cambridge

WHEREAS the Municipal Act, 2001 S.O. 2001, c.25, Section 5, provides that the powers of a municipal corporation shall be exercised by its Council;

AND WHEREAS the Municipal Act, 2001 S.O. 2001, c.25, Section 9 and 11, provides that except where otherwise provided the powers of any Council shall be exercised by by-law;

AND WHEREAS in many cases action which is taken or authorized to be taken by Council does not lend itself to the passage of an individual by-law;

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

1. THAT the action of the Council at its meeting held on the 13th day of July, 2021, in respect of each motion, resolution and other action taken by the Council, and its Committees, at its said meeting is, except where the prior approval of the Local Planning Appeal Tribunal or other authority is by law required, hereby adopted, ratified and confirmed as if all such proceedings were expressly embodied in this by-law.

2. THAT where no individual by-law has been or is passed with respect to the taking of any action authorized in or by the above mentioned Minutes or with respect to the exercise of any powers by the Council in the above mentioned Minutes, then this by-law shall be deemed for all purposes to be the by-law required for approving and authorizing and taking of any action authorized therein or thereby, or required for the exercise of any powers therein by the Council.

3. THAT the Mayor and the proper officers of The Corporation of the City of Cambridge are hereby authorized and directed to do all things necessary to give effect to the said action of the Council or to obtain approvals where required and, except where otherwise provided, the Mayor, the Clerk and the Treasurer are hereby directed to execute all documents necessary
on behalf of The Corporation of the City Cambridge and to affix thereto the corporate seal of The Corporation of the City of Cambridge.

4. THAT this by-law shall come into full force on the day it is passed.

ENACTED AND PASSED this 13th day of July, 2021.

__________________________________
MAYOR

__________________________________
CLERK