 COBOURG	THE CORPORATION OF THE TOWN OF COBOURG	
	STAFF REPORT	
TO:	Members of Council	
FROM: TITLE:	Dave Johnson Planner I - Heritage	
DATE OF MEETING:	November 25, 2020	
TITLE / SUBJECT:	Amendment to Heritage Designation By-law 589 King Street West ("The Cedars")	
REPORT DATE:	November 20, 2020	File #:

1.0 STRATEGIC PLAN

Places: The Town protects, preserves and promotes its natural assets, heritage, arts, culture and tourism.

2.0 RECOMMENDATION

THAT the Cobourg Heritage Advisory Committee endorse the proposed Amendment to Schedule A of Designation By-law 16-93 approved under Part IV of the *Heritage Act* for the property known as 589 King Street West (The Cedars);

AND FURTHER THAT the Cobourg Heritage Advisory Committee recommends that Council authorize municipal staff to implement the required process to amend the Designation By-law in accordance with the requirements of the *Heritage Act*, including the issuance of a Notice of Intention to Amend Schedule A to Designating Bylaw 16-93, the preparation of a new Schedule A, and the registration of the necessary documents on title to recognize the new property limits for The Cedars on Lot 9, Plan 39M-936.

3.0 ORIGIN

The subject property known as 589 King Street West is presently being prepared for a new 15-lot residential subdivision known as Cedar Shore Estates. The existing heritage structures have been incorporated into a new lot (Lot #9) on the plan of subdivision. The heritage structures and real property, referred to as "The Cedars", were designated under Part IV of the *Heritage Act* in 1993 however, with the registration of the new plan of subdivision, an

amendment to Schedule A of the heritage designating by-law is required to reflect its new property context. Refer to the following attachments:

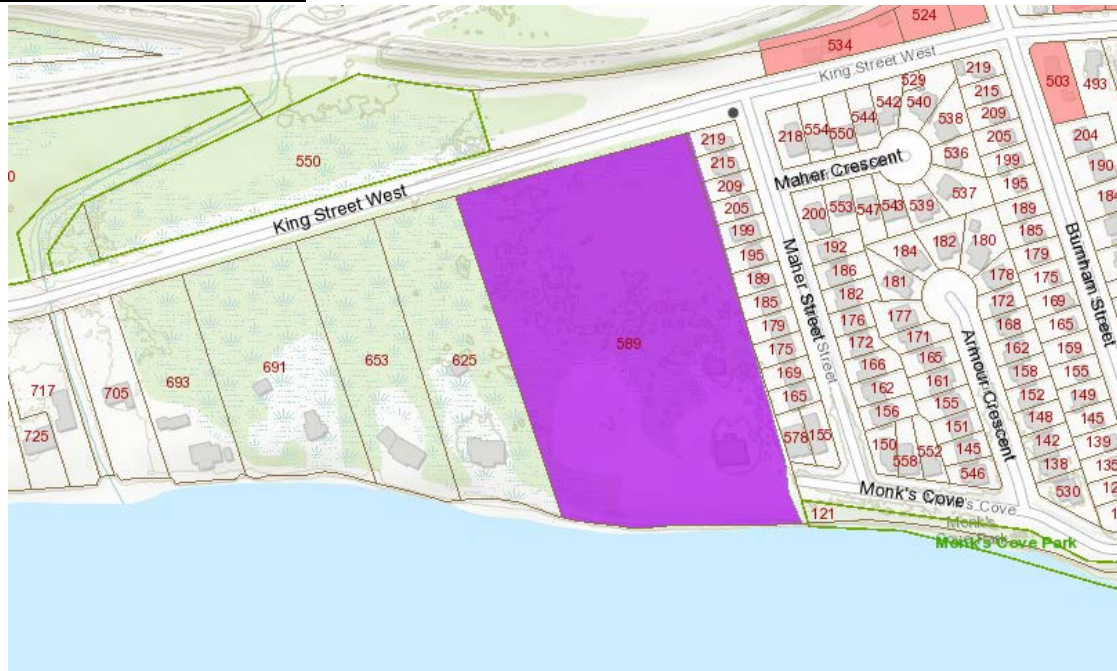
- Appendix A – Original Designation By-law No. 16-93;
- Appendix B – Plan of Subdivision (M-Plan) 39M-936; and,
- Appendix C – New Schedule A.

In order to proceed, the Town must issue a 30 day Notice of Intention to Amend the Designation By-law.

4.0 BACKGROUND

The subject property at 589 King Street West is a designated property on the Town of Cobourg's Register of Properties of Cultural Heritage Value or Interest under Part IV of the Ontario *Heritage Act*.

Geographic Context



Above: The subject property is shaded in purple. The properties that are shaded in pink are non-designated properties that are listed on the Town of Cobourg's Register of Properties of Cultural Heritage Value and Interest.

Section 29 of the *Heritage Act* allows municipalities to designate real property within a municipality to be of cultural heritage value or interest if the property meets the prescribed criteria and established process outlined in the *Act*. The property is already designated and as such, the property meets the prescribed criteria as can be seen in Designating By-law 16-93 (Appendix A).

Given that the whole property is presently designated by by-law under the *Heritage Act*, and the fact that the existing heritage structures now form a lot on the newly registered plan of subdivision (Lot #9 on the M-Plan attached in Appendix B), the Municipality must follow the Section 29 process to amend Schedule A of the Designation By-law in order to accurately reflect the new property limits on which the heritage structures now sit.

5.0 ANALYSIS

E.I.E Corporation purchased the property some years ago to develop a residential subdivision called Cedar Shore Estates. The development underwent a comprehensive review and approvals process with the draft plan of subdivision being approved with conditions in 2016. The final plan of subdivision and subdivision agreement were approved by Council in 2018 and the documents were registered on title to the overall property in September of 2020. During these processes, the Town and the owner agreed to capture the existing heritage structures on a single lot (Lot #9 on the M-Plan) and collaborate on creating policies and architectural guidelines for the lots closest to the heritage resource, The Cedars, in order to ensure that new development in close proximity to the heritage property will be compatible and will not adversely impact the heritage resource.

The 1993 Designation By-law currently includes the entirety of the lands formerly known as 589 King Street West in its legal description. In light of the subdivision agreement and the new M-Plan registered on title, the heritage resource is now located wholly on Lot 9 of the new subdivision, see Appendix B. An amendment to the Designation By-law is now required to reflect the new property limit (see Appendix C).

Staff of consulted with the Town's solicitor and have outlined a process for the Town to follow.

1. Issue Notice of Intention to Amend Designation By-law
 - a. Necessary Consultation – covered by the 30 day grace period for objection.
 - b. Notice is to indicate only the legal description of the property – no changes to the Statement of Reasons for the Designation are proposed
2. Address any objections through S.29 (OHA) process
3. Pass Amending by-law
4. Register the amending by-law against Lot 9, Plan 39M-936
5. Prepare the application to delete the registration against all other lots.

Subject to Council approval, staff will issue the Notice of Intention on the Town website and local newspaper and follow the above process.

6.0 CONCLUSION

The property at 589 King Street West is presently subject to a heritage designation by-law that covers the entirety of the property. An amendment to Schedule A (legal description) is required to reflect the new property boundaries of the heritage resource, which will now be Lot 9, Plan 39M-936. As such, Heritage and Planning staff require authorization from Council to implement the Designation By-law amendment process, including a Notice of Intention to Amend the Designation By-law under the *Heritage Act* and the registration of the documentation on title.

Report Prepared By:

Dave Johnson, Planner 1 – Heritage

Report Approved By:



Glenn J. McGlashon, MCIP, RPP
Director of Planning & Development

