

**TOWN OF RICHMOND HILL****COMMITTEE OF THE WHOLE**

April, 19, 2010  
SRPD.10.040

Planning and Development  
Planning

**SUBJECT: David Dunlap Lands Development Application Peer Review, Single Source Request for Consulting Services (SRPD.10.040) – Town File Nos. D01-10002, D02-10006 and D03-10001**

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**PURPOSE:**

The purpose of this report is to request Council approval of a single source purchase of three consultant services to undertake a development application peer review for the David Dunlap Lands.

**RECOMMENDATION:**

- a) That Dougan & Associates be contracted to undertake a Natural Heritage Evaluation Peer Review; Wendy Shearer Landscape Architect (a division of MHBC Planning) be contracted to undertake a Cultural Heritage Peer Review; and Zelinka Priamo LTD. be contracted to undertake a Urban Design Peer Review of the David Dunlap Development Application as outlined in SRPD.10.040;
- b) That the consulting services stated above be contracted at a total cost not exceeding \$ 95,000 CDN inclusive of all charges and taxes, and that such services which have been necessitated by the development applications be funded by the Applicant as provided by the Town's Tariff Fee By-law; and,
- c) That Council, in accordance with Section 285.4.7 (c) of the Town of Richmond Hill Municipal Code, waive the requirement for the calling of a tender, request for proposal or request for quotation for the purchase of the above consulting services, due to the nature of the goods and services to be supplied, the interests of the Town would be best served by a direct purchase from Dougan & Associates, Wendy Shearer Landscape Architect (a division of MHBC Planning), and Zelinka Priamo LTD.

Contact: Joanne Leung, Manager of Urban Design extension 5498

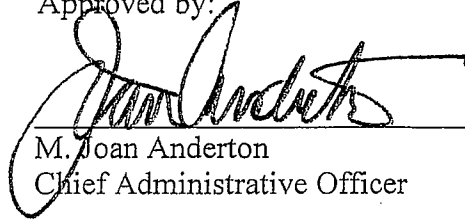
Submitted by:



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Ana Bassios  
Commissioner of Planning and Development

Approved by:



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M. Joan Anderton  
Chief Administrative Officer

## BACKGROUND:

The David Dunlap Observatory Lands are approximately 76 ha (189.78 acres) in area, located north of 16<sup>th</sup> Avenue and immediately west of Bayview Avenue in the Town of Richmond Hill. The current owner of the lands is Corsica Development Inc. who acquired the property from the University of Toronto in 2008.

For seventy five years, the DDO complex provided an important centre for astronomical research and instruction for the University. The property is associated with one of the major astronomical discoveries of the 20<sup>th</sup> Century: the confirmation of the existence of the "black holes". Town Council on September 29, 2009 passed By-law No.100-09 designating the Observatory Lands (Parcel 'A') as a Cultural Heritage Landscape under the *Ontario Heritage Act*.

Since the DDO Lands are owned by a residential land developer who had indicated a desire to make a formal development application in early 2010, in order to guide the future development on the lands, Town Council at the May 4, 2009 Committee of the Whole meeting directed that a planning study, *the DDO Lands Planning and Conservation Management Study*, be initiated. Council also approved the Terms of Reference of a *Master Environmental Servicing Plan (MESP)* for the lands to be prepared by the owner, and which will be peer reviewed by experts retained by the Town (see Council Extract attached as Appendix 'A' to SRPD100.40).

*The DDO Lands Planning and Conservation Management Study* commenced in late 2009 and resulted in a *Planning Report* and a series of planning and design principles. These principles were subsequently endorsed by Council on January 25, 2010. Derived from a land use planning review of the lands as well as detailed cultural heritage and natural heritage investigations, these principles not only form the basis for policy development in the Town's new Official Plan, but they also will help guide the evaluation of the development application for the lands.

On January 26<sup>th</sup> 2010, Corsica Development Inc. submitted to the Town a composite application for approval of an Official Plan Amendment, related Zoning By-law Amendment, and a Plan of Subdivision of the David Dunlap Lands. The application package also contains the completed *Master Environmental Servicing Plan (MESP)*, and a *Planning Justification Report* which includes a *Heritage Impact Assessment* on the property's cultural heritage components.

Due to the significant cultural and natural heritage component of the lands, a peer review comprising expertise in cultural heritage conservation, natural heritage conservation, hydrogeology and stormwater management, as well as urban design should be established to properly evaluate the development application.

The purpose of the current staff report is to request Council approval of a single source purchase of three consultant services: Wendy Shearer Landscape Architect, a division of MHBC Planning (cultural heritage conservation); Dougan & Associates (natural heritage conservation); and Zelinka Priamo LTD. (urban design) to conduct the Peer Review of the David Dunlap Lands Development Application.

R.J. Burnside & Associates, the fourth consultant, who will be peer-reviewing the overall functionality of the *MESP* with specific regard to storm water management and hydrogeology, is currently on retainer to the Town to conduct engineering evaluation, and therefore the request to single-source this consultant service is not required. However, their consultant fee is included in the total consultant services cost estimates for the Peer Review as identified in Recommendation C of this Staff Report.

## DISCUSSION:

### David Dunlap Observatory Lands Development Application Peer Review

The purpose of the Peer Review is to review and evaluate the development application and to provide alternative design approaches as a response to the application. The Peer Review will:

- Evaluate the submitted development application documents based on the Council approved terms of reference for the *MESP*, and the Council endorsed *Planning Report* and the planning and design principles.
- Evaluate the submitted development application documents based on good planning principles, scientific evaluation, relevant provincial, regional and municipal policies, and all related assessments and studies.
- Prepare an initial evaluation on how well the proposed plan respects and integrates the new development with the significant natural and cultural heritage resources.
- Provide feedback on how the Council endorsed Planning Principles may be articulated and interpreted to achieve a comprehensive vision (including natural heritage, cultural heritage, and areas of new uses) for the lands.

As the delineation of the natural heritage area of the property to be protected will impact upon the areas where new uses are possible, it is important that the Peer Review of the *MESP* will proceed first, and the findings from that review will inform the review of the proposed Plan of Subdivision for the property submitted by the owner.

Peer Review is needed to address the following three interconnected aspects of the application:

1. Natural Heritage and Environmental (technical review of the *MESP*)

As a part of the development application submission, a *Master Environmental Servicing Plan (MESP)* was submitted which focuses on the environmental evaluation of the lands. The *MESP* is conducted by the land owner Corsica Development Inc., and the findings of which are to be independently peer reviewed by external professionals and Town staff. Due to the considerable extent of natural wooded areas on the site, it is crucial to determine the significance and limits of

the natural environment to be protected as part of the future vision. The Peer Review of the *MESP* will be guided by the Council approved Terms of Reference for the *MESP*.

The natural heritage evaluation provided by the *MESP* will be peer reviewed by Dougan & Associates, and R.J. Burnside & Associates will conduct the peer review of the overall functionality of the *MESP* with specific regard to storm water management and hydrogeology.

## 2. Cultural Heritage

The *DDO Lands Planning and Conservation Management Study* produced the first portion of the *Conservation Management Plan (CMP)* that sets out planning related conservation principles and implementation strategies for the management of the heritage resources on the site. Intrinsic to the planning vision, these principles help guide the development of a planning framework concerning land use and public access, and they are presented as part of the Council endorsed *Planning Report*. The second part of the *CMP*, of which a draft was presented to Committee of the Whole on April 6<sup>th</sup> 2010, deals with the management of the property's heritage resources at a more finite level. As an implementation strategy, it will recommend specific measures to ensure the preservation of the property's heritage; and establishes baselines for the evaluation of impacts of future undertakings.

The cultural heritage conservation approach proposed in the development application will be peer reviewed by Wendy Shearer Landscape Architect, a division of MHBC Planning.

## 3. Urban Design

The general design vision that emerged from the *Planning Report* focuses on an open and accessible community that furthers the endeavour of making the DDO lands an identifiable destination in Richmond Hill. The vision is highlighted by the retention and enhancement of important views, a grand entrance road from Bayview Avenue leading toward the Cultural Heritage Conservation Area and the provision of public walking trails that connect areas within the site as well as those beyond. A major publicly accessible open space that encompasses the cultural and natural heritage components becomes the centerpiece of the future DDO lands.

The urban design approach proposed in the development application will be peer reviewed by Zelinka Priamo LTD.

## **FINANCIAL/STAFFING/OTHER IMPLICATIONS:**

Due to the nature of the services to be supplied the interests of the Town would be best served by a direct purchase. Section 285.4.7 of the Town's Procurement By-law, below, permits single source rather than public tender with the approval of Council under certain circumstances:

285.4.7 The calling of a tender, request for proposal or request for quotation may be waived with approval of Council for the procurement of goods or services in the following described situations:

- c) where for reasons of time, or due to the nature of the goods and services to be supplied, the interests of the Town would be best served by a direct purchase, or an "Invitation to Tender" to three or more selected tenderers, instead of the calling of a public tender.

As the property is of significant cultural and natural heritage value, special study such as a multi-faceted Peer Review is essential to properly evaluate the development application. In accordance with the Town's Tariff of Fees By-law No. 107-09 (effective January 1<sup>st</sup>, 2010), the costs for extra studies incurred by the Town as a response to a development application shall be paid for by the applicant:

*Schedule "G" Section 'A'*

5) Special Study – Extra Cost

In the event that extra costs are incurred by the Town for a Special Study/Studies necessitated by the Official Plan Amendment Application, the said extra costs shall be paid by the applicant in a manner and amount to be determined by the Council of The Corporation of the Town of Richmond Hill.

Staff estimate that the cost related to the Peer Review of the *MESP* and the Development Application will not exceed \$95,000 CDN inclusive of all charges and taxes. As the Peer Review services have been necessitated by the development applications, the total cost of the Peer Review will be funded by the Applicant according to the Town's Tariff of Fees By-law.

**RELATIONSHIP TO THE STRATEGIC PLAN:**

The Peer Review of the DDO Lands development application is directly consistent with Goal 3 – Outcome 1 of the Strategic Plan which is to "Respect the past through promoting the awareness of the Town's heritage, in part by showcasing local history." The Study also implements the direction to "steward Richmond Hill's heritage resources" as well as "making stronger connections in Richmond Hill" through the integration of the lands with the surrounding community.

**CONCLUSIONS:**

Starting with the Town's discussions with the University of Toronto when they first announced their intention to sell the property in 2005, through to a designation of a cultural heritage landscape in 2009 and on to a Planning and Conservation Management study in 2010, the Town of Richmond Hill has continued to pro-actively address the future of the David Dunlap Observatory Lands.

Staff have concluded that there is need to undertake a Peer Review concerning the development application of the DDO Lands. The above noted consultants are either uniquely familiar with the topic areas or the DDO lands themselves and hence appropriate to be single-sourced to undertake this work. In addition, the volume and complexity of the material to be reviewed within statutory timelines means that the work must be initiated urgently. It is recommended that this single source request be approved to allow staff to hire the three consultants to move forward with the Peer Review as outlined in SRPD.10.040.

APPENDIX CONTENTS

“A” Extract from Committee of the Whole Meeting CW#08-09 Held May 4, 2009

EXTRACT FROM  
COMMITTEE OF THE WHOLE MEETING  
CW#08-09 HELD MAY 4, 2009

Appendix	'A'
SRPD.	10040
File(s)	

18. Request for Approval - David Dunlap Observatory Lands Planning and Conservation Management Study – File No. D18-DDO - (SRPD.09.042)

Moved by: Councillor Chan

- Rec. 15
- a) That the request to prepare the David Dunlap Observatory Lands Planning and Conservation Management Study be approved;
  - b) That staff be directed to issue a detailed Request for Proposals and to hire a consultant to undertake the study;
  - c) That the funding for the cost of the Study be set at \$150,000.00 to be sourced from the Town's General Government Development Charge Fund;
  - d) That the Terms of Reference for the MESP portion of study to be paid for and undertaken by the proponent, attached as Appendix "A" to SRPD.09.042, be approved as amended;
  - e) That staff retain a consultant pending the recommendations of the Conservation Review Board and Council's decision regarding the heritage designation, but that the development of the Conservation Management Plan only be commenced after a recommendation from the Conservation Review Board has been received and decided by Council;
  - f) That the Master Environmental and Servicing Plan and its background studies be peer-reviewed by experts to be retained by the Town; and
  - g) That the Built Heritage Resources section of the Terms of Reference for the MESP be amended to identify the functions of all structural heritage resources within the study area.

Carried Unanimously