



TOWN OF RICHMOND HILL

COMMITTEE OF THE WHOLE

September 8, 2009

SRPD.09.092

Planning and Development

Planning

**SUBJECT: Designating By-law for the David Dunlap Observatory Lands (SRPD.09.092)
File No. D12-07228 – 123 Hillsvie Drive**

PURPOSE

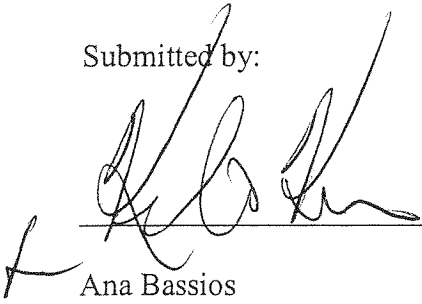
The purpose of this report is to recommend that Council pass a by-law under Part IV, Section 29 of the *Ontario Heritage Act* to designate a Cultural Heritage Landscape, as described in 'Appendix A' attached hereto, on that portion of the David Dunlap Observatory Lands referred to in this report.

RECOMMENDATIONS

- a) That the SRPD 09.092 dated September 8, 2009 be received;
- b) That By-law No. 100-09, attached as 'Appendix A' to SRPD.09.092, be approved as the designation by-law for the David Dunlap Observatory Property, 123 Hillsvie Drive, including land and buildings, as a property of cultural heritage value or interest under Part IV, Section 29, Ontario Heritage Act, R.S.O. 1990, Chapter 0.18 amended 2005;
- c) That Staff be directed to forward draft By-law No. 100-09 to the next regular meeting of Council for consideration and passage;
- d) That staff be directed to establish an archive to retain historical information and research materials regarding the David Dunlap Observatory Property for the future good of the site, and that these materials be made available to the public with required permission; and,
- e) That staff be instructed to commence a cultural heritage review of Land Parcel "B" identified as the 'Panhandle Lands' located on 350 16th Avenue

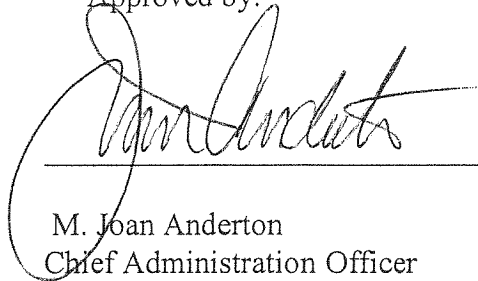
Contact: Joanne Leung, Manager of Urban Design at Extension 5498
Patrick Lee, Director of Policy at Extension 2420

Submitted by:



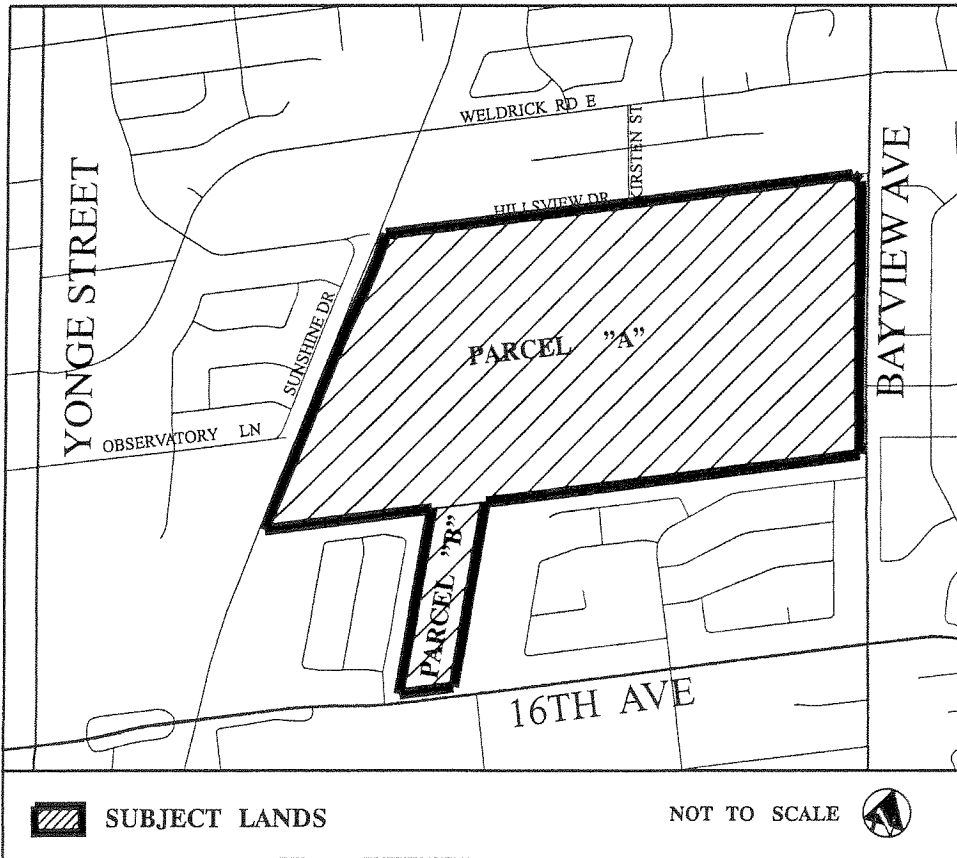
Ana Bassios
Commissioner of Planning and Development

Approved by:



M. Joan Anderton
Chief Administration Officer

Location Map



BACKGROUND

David Dunlap Observatory Property

The David Dunlap Observatory Lands are approximately 76 ha (189.78 acres) in area, located north of 16th Avenue and immediately west of Bayview Avenue in the Town of Richmond Hill. For the purpose of this staff report, the lands have been identified as Parcel "A" and Parcel "B" as shown on the Location Map. The current owner of the lands is Corsica Developments Limited who acquired the property from the University of Toronto in 2008.

The Parcel "A" lands are the majority of the land holdings and contain three main buildings that are part of the Observatory campus. Parcel "A" has a municipal address of 123 Hillsvie Drive, and for the purposes of this report is referred to as the "Observatory Lands".

The Parcel "B" Lands have the municipal address of 350 16th Avenue, and are occupied by the Elvis Stojko Arena and a park that were built by and which are under lease to the Town. Parcel "B" is referred to in this report as "the Panhandle Lands".

The current designation process concerns only the Observatory Lands. Reference is made in the Conservation Review Board Report (attached as Appendix "C") to the Panhandle Lands, as described in a separate section of this Report.

History

The Dunlap Property, originally acquired and gifted to the University of Toronto by the widow of David Dunlap in the mid 1930's, had been functioning as the University's astronomical observatory complex for over seventy years. With funding from Mrs. Dunlap, the University constructed the Observatory structure and related Administration Building, and renovated the former Marsh farm residence for use by the David Dunlap Observatory Director.

Following the official opening of the Observatory in 1935, the complex provided an important centre for astronomical research and instruction for the University. As a then state of the art astronomical research facility, the David Dunlap Observatory, which housed the largest telescope in the British Empire in 1935, is associated with one of the major astronomical discoveries of the 20th Century: the confirmation of the existence of the 'black holes'.

The Panhandle Lands were subsequently acquired on behalf of the University but were not actively used for the purposes of the operation of the astronomical observatory.

The University announced the sale of the David Dunlap Observatory Lands in September of 2007. As a response to this announcement and the uncertainty related to the future use of the Observatory Lands, Council, endorsing the recommendation by Heritage Richmond Hill, directed that the municipal designation process of the Observatory Lands located at 123 Hillsvie Drive (shown as Part "A" on the Location Map) be initiated under Part IV of the *Ontario Heritage Act*.

The first Notice of Intention to Designate the Observatory Lands was issued on October 23rd, 2007 identifying the three principal buildings: namely, the Observatory, the Administration Building and the Alexander Marsh Residence as the Heritage Attributes to be protected, based on research prepared by the historian Sue Murdoch in 1997. At the same time, Council also directed staff to initiate a study to assess and identify the cultural heritage landscape on the Observatory Lands. Mr. Andre Scheinman, a qualified heritage consultant, commenced the historical research regarding the landscape features of the Observatory Lands in November, 2007.

At the June 17th 2008 Committee of the Whole meeting, Mr. Scheinman presented the final cultural heritage landscape report, and a second report that assessed and identified the heritage value of interior architectural features and fixtures within the three principal buildings; as well, a cohesive summary of heritage significance and value associated with the property with respect to all heritage features and components identified as significant by the separate cultural heritage assessments prepared by Ms. Murdoch and Mr. Scheinman.

Town Council issued a second Notice of Intention to Designate (attached as 'Appendix B' to SRPD.09.092) on July 22, 2008, which included the Integrative Summary of Heritage Attributes for the Observatory Lands. This summary comprised an overarching statement of cultural heritage value for the property as well as the Statements of Significance and List of Key Attributes for each respective heritage category: from the broad contextual perspective (cultural landscape) to that of the individual buildings (elements within the landscape) to interior detailing.

In response to the issuance of the second Notice, an objection was filed by the Richmond Hill Naturalists as well as by the Observatory Hill Homeowners Association and Corsica Developments (Metrus), the purchaser of the property. As a result of the sale, on August 19, 2008, the University withdrew their participation as a party to the Conservation Review Board proceedings.

It should be noted that the Conservation Review Board, although it mediates and conducts a formal hearing process around heritage issues as defined by the *Ontario Heritage Act*, is not a decision-making body and acts only in an advisory capacity. It remains within the purview of Council to make appropriate and final decisions in the context of all information following receipt of the Report regarding the Designation.

The hearing respecting the David Dunlap property extended over 7 hearing days (January 15 and 16, 2009; January 19 to 23, 2009). A total of 7 expert witnesses testified during the proceedings as well as a number of concerned residents and staff (both former and current from the University of Toronto). The CRB Recommendation Report was released on June 3rd, 2009, and it recommended that the Council of the Town of Richmond Hill proceed with the protection of property known as 123 Hillsvie Drive (David Dunlap Observatory) under Section 29 of the Ontario Heritage Act.

This Staff Report aims to highlight the findings and considerations of the Conservation Review Board as a result of the hearing, and to provide a context for Council to consider the Designation By-law for the Observatory Lands. In addition, Table 1 illustrates how the content of the Notice of

Intention to Designate (July 22, 2008) is being modified in accordance with the CRB recommendations to become the final Designating By-law. Finally, the Report also addresses some additional comments provided by the CRB pertaining to the Panhandle Lands.

Conservation Review Board Report

The Conservation Review Board Recommendation Report (attached as 'Appendix C' to SRPD09.092) was released on June 3rd, 2009. The Report is 60 pages in length and comprises three main components. It is important to note at the outset that the CRB found that the Observatory Lands possessed a high level of heritage significance and in that regard the Board was generally supportive of the steps taken by the Town to protect the heritage attributes of the property through the designation process.

The first portion of the CRB report contains a comprehensive recording on the hearing proceedings and findings of facts, including case descriptions for all four parties, individual witness statements, records of cross examinations, and all summations. The second component comprises the Board's detailed and considered discussion on issues of interest. The final component of the Report presents the Board's specific guidance on the drafting of the Designation By-law, and its final recommendation to Council to proceed with the designation of the Observatory Lands under the Ontario Heritage Act.

The following section of this report outlines the recommendations of the CRB report.

Recommendations

The CRB Report includes relevant discussions on issues which form the basis of the Board's recommendations and provide guidance to the Town in moving forward. Key topics include the Town's approach to the establishment of a cultural heritage landscape, the extent of the Dunlap Lands that should be identified as forming part of the cultural heritage landscape, the treatment of the Panhandle Lands, the sharing of research materials, archaeological assessment, as well as the Province's potential involvement in the protection of this property. The foregoing topics are outlined below and specific reference to these matters can be found in the complete CRB report which is attached to this report.

1) Designation under the *Ontario Heritage Act*

The most significant recommendation coming out of the Board's report is the affirmation to proceed with the designation process. The quote found on page 57 of the CRB Report is instructive:

"Based on the evidence heard, the Board has concluded that the proposed Statement of Cultural Heritage Value and Description of Heritage Attributes for the subject property be moderately modified to capture a larger cultural heritage landscape and any other recommendation outlined in this report. In all the Board commends the municipality's proposed approach and is supportive with some recommended modifications.