

MEMORANDUM

TO: Members of Planning and Economic Development Committee

FROM: Bryan Tuckey M.C.I.P., RPP
Commissioner of Planning and Development Services

DATE: November 25, 2009

RE: **David Dunlap Observatory Lands**

At the Regional Council meeting of November 19, 2009, Regional Council requested the motion concerning the David Dunlap Observatory Lands be amended (as shown in ***bold italics*** in the resolution on page 2) and brought forward to the December 2, 2009 Planning Committee.

The lands, consisting of approximately 77.5 hectares, are located on the west side of Bayview Avenue, north of Sixteenth Avenue, in the Town of Richmond Hill and contain an observatory building and structures that have cultural and historic significance (see *Parcel A on Figure A attached*).

On January 24, 2008 Regional Council adopted a motion containing, among other things, the following:

“York Region Council supports the Town of Richmond Hill’s efforts to secure the culturally significant buildings and landscapes of the David Dunlap Observatory lands.”

Provincial Conservation Review Board – Heritage Resources of the David Dunlap Observatory Site to be Protected.

On May 19, 2009 the Provincial Conservation Review Board issued a written decision on the Town of Richmond Hill’s intention to designate the David Dunlap Observatory site, recommending that “...the Town of Richmond Hill proceed with the protection of the property known as 123 Hillview Drive (David Dunlap Observatory) under s.29 of the Ontario Heritage Act, R.S.O. 1990, c.O.18, as amended 2006. The Board recommended that a cultural heritage landscape be created to encompass the western portion of the property extending easterly to 150 metres east of the research tree planting line (see hatched area on Figure A).

On September 29, 2009 the Council of the Town of Richmond Hill adopted staff’s recommendation to pass By-law No. 100-09, being the designation by-law for the David Dunlap Observatory Property, as a property of cultural heritage value or interest under Part IV, Section 29, Ontario Heritage Act, R.S.O. 1990, Chapter 0.18, as amended. The depiction of the

delineation of the cultural landscape area in the By-law is consistent with the recommendation of the Conservation Review Board.

Resolution on David Dunlap Observatory Site requested from Regional Council

At the Regional Council meeting of November 19, 2009, Regional Councillor Spatafora requested a resolution from Regional Council in support of the Town's designation of a part of the David Dunlap Observatory site, consistent with the recommendation of the Conservation Review Board. At that time other members of Regional Council suggested that the resolution support designation of the whole site. This would be consistent with the position of the various environmental groups opposed to the redevelopment of the site for residential purposes.

The Regional Legal Department has advised that any resolution supporting an increase in the extent of the cultural landscape area over and above that which was recommended by the Conservation Review Board, and adopted by By-law by the Town of Richmond Hill, would not be prudent given the Region's limited involvement in the matter to date and could potentially expose the Region to an award of damages in favour of the owner of the lands.

In view of the above, it is recommended that the following resolution be endorsed:

Whereas the Council of The Regional Municipality of York **supports** preserving the heritage attributes, associative and historical values, and contextual values of the David Dunlap Observatory lands, and as such, **supports** the designation of the property as a cultural heritage property under the *Ontario Heritage Act* as identified by the Town of Richmond Hill,

And Whereas the David Dunlap Observatory is recognized as an important heritage and cultural resource not only for Richmond Hill and York Region , but also of Provincial, National and International significance;

And Whereas the Ontario Conservation Review Board indicated in its report of May 19, 2009 that the property could also be designated as a cultural heritage property by the Province of Ontario;

Therefore be it resolved that the Council of the Regional Municipality of York **supports the Town of Richmond Hill** in its request that the Premier of Ontario and the Ontario Minister of Culture consider designating the property as a cultural heritage property of Provincial significance;

And further that the Prime Minister of Canada, the Federal Minister of Environment and **the Minister of Canadian Heritage** take measures to preserve and protect the David Dunlap Observatory as a **national** heritage site in recognition of its landmark status in Canada.

Bryan Tuckey M.C.I.P., RPP

Attachment (R. H. Council resolution)

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**Executive Summary
Council
September 29, 2009**

Town of Richmond Hill

STAFF REPORTS

**2.0 Designating By-law for the David Dunlap Observatory Lands – File No. D12-07228
– 123 Hillsvie Drive – (SRPD.09.104) – Page Nos. 35 - 97**

- a) That the SRPD 09.104 regarding the Designating By-law for the David Dunlap Observatory Lands, File No. D12-07228, 123 Hillsvie Drive, dated September 29, 2009 be received;
- b) That By-law No. 100-09, attached as 'Appendix A' to SRPD.09.104, be passed 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, as amended;
- c) 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;
- d) That staff be instructed to commence a cultural heritage review of Land Parcel "B" identified as the 'Panhandle Lands' located on 350 16th Avenue, such a review to be completed in time to inform the forthcoming David Dunlap Observatory Lands Planning and Conservation Management Study;
- e) That staff be instructed to commence the David Dunlap Observatory Lands Planning and Conservation Management Study.

3.0 Correspondence from Paul Mortfield, Chair, David Dunlap Observatory Committee, Royal Astronomical Society of Canada, Toronto Centre – dated September 21, 2009 – Page Nos. 99 - 101

That the correspondence from Paul Mortfield, Chair, David Dunlap Observatory Committee, Royal Astronomical Society of Canada, Toronto Centre, dated September 21, 2009, regarding the proposed Designating By-law for the David Dunlap Observatory Lands be received.

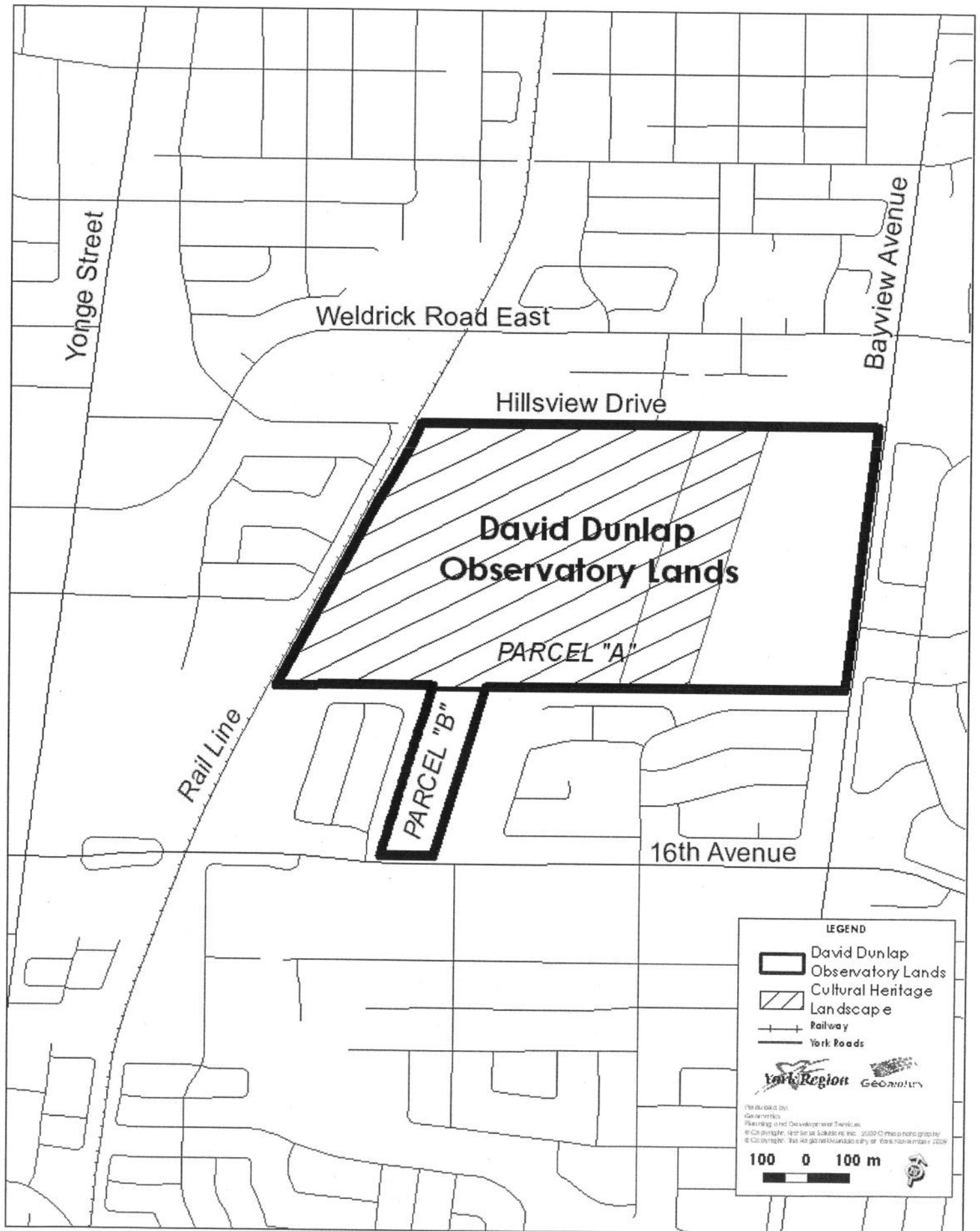


Figure 'A'