

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 6, 2014

Item 32, Report No. 18, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on May 6, 2014.

**32 REQUEST TO DESIGNATE UNDER THE ONTARIO HERITAGE ACT
 FRED HICKS HOUSE, 229 PINE GROVE ROAD
 WARD 2**

The Committee of the Whole recommends

- 1) That the following be approved in accordance with Communication C7, from the Commissioner of Planning, dated April 29, 2014:**
 - “1. That the request by the Applicant that this item be Deferred until the meeting of the Committee of the Whole on June 3, 2014, be accepted to permit further discussions with City staff for resolving outstanding issues with the development application; including the Cultural Services Division, to discuss how the cultural heritage value in the property can be incorporated.”**
- 2) That the following deputations be received:**
 - 1. Ms. Mary Pataki, Pine Grove Road, Woodbridge;**
 - 2. Mr. Eric Ward, Pine Grove Road, Woodbridge; and**
 - 3. Mr. Roger Dickinson, Donhill Crescent, Kleinburg, on behalf of Heritage Vaughan.**

Recommendation

The Commissioner of Planning, Interim Director of Planning/Director of Development Planning, and Manager of Urban Design, provide the following recommendation on behalf of the Heritage Vaughan Committee

- 1. That Council accept the recommendation of the Heritage Vaughan Committee to designate the property located at 229 Pine Grove Road including the Fred Hicks House, under Part IV, Section 29 of the *Ontario Heritage Act*, including the publication of the Notice of Intention to Designate in the form and content as attached (Attachment #4).**
- 2. That Council delay the decision to demolish the structure on 229 Pine Grove Road, to allow time for Vaughan Planning and Urban Design/Cultural Heritage staff to consult with the Owner to develop a Heritage Impact Statement and Conservation Plan that will appropriately recognize and integrate the cultural heritage value of the Fred Hicks House in the proposed related site development application.**

Contribution to Sustainability

This report is consistent with the priorities previously set by Council in the Green Directions, Vaughan, Community Sustainability Environmental Master Plan, Goal 4, Objective 4.1:

- To foster a city with strong social cohesion, an engaging arts scene, and a clear sense of its culture and heritage.

Economic Impact

There is no economic impact associated with this request.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 6, 2014

Item 32, CW Report No. 18 – Page 2

Communications Plan

All Heritage Vaughan Committee agenda items and reports related to committee meetings are circulated to relevant City departments, applicants and their representatives. Committee meeting reports are also posted on the City's website.

Purpose

The purpose of this report is for Council to consider Heritage Vaughan's recommendation to designate the property at 229 Pine Grove Road under Part IV, Section 29 of the *Ontario Heritage Act*, and provide direction to City staff to delay the decision to demolish the structure to allow time for staff to consult with the owner to develop a Heritage Impact Statement and Conservation Plan.

Background - Analysis and Options

Executive Summary

The property 229 Pine Grove Road is subject of related planning development applications (ie. Official Plan Amendment File OP.11.001; Zoning By-law Amendment File Z.11.006; and, Site Development File DA.13.050 – 165 Pine Grove Investments Inc.). The Owner has also submitted a request for demolition to Heritage Vaughan Committee of the historic structure on the property known as the Fred Hicks House.

Following research and evaluation, Cultural staff determined that the property meets the Provincial regulatory criteria prescribed for municipal designation under the *Ontario Heritage Act*.

Heritage Vaughan has considered this property at two separate meetings and has reviewed reports from City Staff and the Applicant/Owners consultants regarding their opinions on the evaluation of the cultural heritage value in the property. Heritage Vaughan has recommended that the property be designated under Part IV, Section 29 of the *Ontario Heritage Act* and did not recommend a demolition permit be issued.

The designation of the site would enable Council to better control alterations, demolition and/or development of the property, including any structures on the site and enforcement of heritage property standards and maintenance.

If the property is designated, it does not prevent any development of the property, but rather subjects the development application to a greater level of review and approval by the City which requires the Owner/Applicant to prepare a Heritage Impact Statement and implement a Conservation Plan, which in the opinion of the City appropriately maintains and protects the cultural heritage value of the property.

If the property is not designated there will be no requirement or little incentive for the Owner/Applicant to negotiate with the City for any terms or conditions to protect the cultural heritage value of property. The development applications and requests for a demolition permit would be processed in the normal course, without regard or any additional consideration for any cultural heritage value to the property.

Heritage Vaughan Committee's Review of the Request for Demolition of 229 Pine Grove Road

The subject property is part of a development application (Official Plan and Zoning By-law Amendments) submitted to the Planning Department and circulated to Cultural Heritage staff for comment. The development proposal does not include any recognition of the cultural heritage value of the property nor does it include the retention of the heritage structure, identified as the Fred Hicks House.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 6, 2014

Item 32, CW Report No. 18 – Page 3

Cultural Heritage staff identified in comments circulated on the file that the structure at 229 Pine Grove Road was on the City's heritage inventory and there was a requirement to evaluate the building. The standard evaluation of buildings in the inventory includes a site visit by staff, completion of a Built Heritage Evaluation (BHE) and review of the information collected against criteria for determining the cultural heritage value and designation set out in Ontario Regulation 9/06. Staff concluded that the cultural heritage value of property satisfied the criteria in all three categories to recommend designation. The evaluation was shared with the Owner/Applicant.

The Owner/Applicant then advised staff they would like to pursue the demolition review of the building at 229 Pine Grove Road by Heritage Vaughan Committee.

Cultural Heritage staff prepared a report on the building's architectural, historical and contextual value and submitted it for review to Heritage Vaughan Committee. At its meeting of January 22, 2014, the Heritage Vaughan Committee reviewed the proposed demolition of the structure at 229 Pine Grove Road and considered the Staff Report. Heritage Vaughan Committee rendered a decision to recommend to Council that the property be designated under Part IV of the *Ontario Heritage Act*.

Council at its meeting of March 18, 2014, considered Heritage Vaughan's recommendation to designate the property, however, referred the matter back to the Committee to allow the applicant to make a presentation to Heritage Vaughan Committee.

Heritage Vaughan Committee reopened the matter at its March 26, 2014 meeting, and received and considered the Owner's submission of consultant's reports and presentation regarding its assessment of the cultural heritage value. Heritage Vaughan, then reaffirmed its initial decision to recommend designation.

Heritage Vaughan Committee's statutory advisory role to Vaughan Council

Heritage Vaughan Committee is a statutory advisory committee to Council and is mandated to make recommendations to Council as it relates to matters under the *Ontario Heritage Act*. This includes recommendations related to designate heritage property (Part IV or Part V) under the Act (i.e. the alteration, demolition or removal of designated property) or to recommend the designation of property under the said Act. Council may take into consideration the Committee's recommendation in its review of the matter.

Criteria for designation under the *Ontario Heritage Act* – Ontario Regulation 9/06

Ontario Regulation 9/06 establishes the criteria for determining cultural heritage value or interest and for designation under Part IV of the *Ontario Heritage Act*. The criteria categories for determining cultural heritage value are:

- Design/Physical Value
- Historical/Associative Value; and/or
- Contextual/Community Value.

In order to be eligible for designation, a property must satisfy the criteria in only one of the three categories.

Structural stability is not one of the criteria for determining eligibility for designation. It becomes a factor in determining the appropriate Conservation Plan for the property.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 6, 2014

Item 32, CW Report No. 18 – Page 4

Summary of cultural heritage value of 229 Pine Grove Road

Below is a summary of Cultural Heritage's staff evaluation of the cultural heritage value of the property using the criteria set out in Regulation 9/06. More detailed information is found in Attachment 3 of this report.

Design/Physical Value

1. The property has design value or physical value because it is a unique example of a style of the era expressed in its proportions, composition, materials and construction that place it as a surviving example of cultural interest in Vaughan of a patterned concrete block, Edwardian foursquare style home linked to the mail order catalogue of the Sears Roebuck Company.

Historical/Associative Value

2. The property and house have historical and associative value to the community as follows:
 - a. It was the home of Frederick W. (Fred) Hicks who was the postmaster and general store and mill owner of Pine Grove. The mill was the catalyst for the development of Pine Grove and later the Woodbridge area. Fred Hicks was a business man under whom successful operation of the mill persevered through the years under his charge and ownership, which included the uncertain years after the First World War and the depression of the 1920s-30s.
 - b. The property and house have the potential to yield information that contributes to an understanding of the community, the former hamlet of Pine Grove. Pine Grove has been altered and little is left of the small community. Not currently a dominant historical area/streetscape, however, the retention of the building may be considered important in maintaining what is left of the former community. Historical records show the building in its original location and context. The hamlet was established as part of the milling industry. Therefore the milling industry and the river valley landscape at this location are inextricably connected as they give context to one another in terms of the history of human settlement in the area. The building is part of this historical context and landscape.
 - c. The house was the most modern home in Pine Grove at the time of its construction, a reflection of the latest ideas regarding attainable, modern housing of the time and status of the mill owner and postmaster of the hamlet in 1911.

Contextual/Community Value

3. The property has contextual value and it is physically, visually and historically linked to its surrounding landscape. The miller's house is located next to the mill site, on a ravine that overlooks the river that powered the mill operations on the whole or in part until 1946. The miller's house is one of the few remaining pieces of built fabric of the community that links it to its historical origins. It is featured in a number of postcards of the Pine Grove hamlet from the beginning of the 20th century.

Owner's Heritage and Engineer Consultant's summary of 229 Pine Grove Road submitted for Heritage Vaughan Committee's consideration

In correspondence to Heritage Vaughan Committee received on March 17, 2014, the Owner's heritage and engineer consultants recommended that the building not be preserved due to its

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 6, 2014

Item 32, CW Report No. 18 – Page 5

“only modest significance” and poor structural condition. The heritage consultant recommended the property be historically commemorated, but not be designated under the *Ontario Heritage Act*.

The heritage consultant, ERA Architects, submitted an assessment of property using the City's Built Heritage Evaluation (BHE). It outlined three areas of difference in their findings from staff's evaluation.

ERA Architects concluded that its evaluation placed the structure in the Group C category, of “modest significance”, instead of Group B of “significance”. The three areas of discrepancy are the following:

1. *Architectural Style:*

ERA grading of Good (8 points), Culture Staff grading of Very Good (15 points)

2. *Historical Significance:*

ERA grading of Very Good (3 points), Culture Staff grading of Excellent (5 points)

3. *Environment:*

ERA grading of Good (8 points), Culture Staff grading of Very Good (10 points)

The Owner's engineer consultant submitted an assessment of 229 Pine Grove Road dated March 17, 2014. The evaluation of the structure by the engineer finds that the existing foundation of the original portion needs to be stabilized in order to adequately support the structure for occupation. Furthermore, they indicate that the work required to achieve this is likely not feasible considering the siting of the home on a steep slope, soil conditions and design of the existing foundation.

Heritage Vaughan Committee at its meeting of March 26, 2014 reviewed the information provided by the consultant, along with a presentation and once again recommended designation of the building under the Act.

Cultural Heritage staff's response to the consultant's reports submitted in March 2014

Cultural Heritage staff reviewed the submitted information by ERA Architects, together with the presentation made to Heritage Vaughan Committee in this regard and finds the original assessment by staff to remain unchanged.

The following points address ERA's comments as it relates to the evaluation of the three categories below and is submitted for Council's consideration:

1. Architectural Style:

a. Staff finds that the points in this category remain as originally scored for the following reasons:

- i. The mail order design is one of the unique aspects of the structure as it is an early example having been built in the 1909-1911 period. For Vaughan, this is an early example as the other existing examples are of a later vintage.
- ii. Regulation 9/06 does not discriminate based on a resource's reflection of modesty. This is not a criterion for determination of cultural value under law.
- iii. The additions have been done in a subservient and sympathetic way to the historic core of the house. The original portion of the house is discernible and the features of the house have not been adversely affected by them.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 6, 2014

Item 32, CW Report No. 18 – Page 6

- iv. The original verandah likely exists under the cladding that has been built up. The verandah's roof has indications of it being the original.
 - v. The replacement windows are sympathetic in most instances and original windows still exist, including the living room feature window still in place.
- 2. Historical Significance:
 - a. Staff finds that the item satisfies the following points under this category and stands by the original evaluation under this category for the following reasons:
 - i. The City's evaluation description does not imply that it is required for it to be a "landmark" in order to achieve an excellent under this category. "Landmark" status is one of the options as is "political leader" or "religious leader". By the same token, the category does not require for the individual to be both a "political leader" and a "landmark" at the same time in order to achieve the points. The category states "*Individual, group, event or site of primary significance to the surrounding community*". Regarding 229 Pine Grove Road, the Hick's family's contributions and in particular Fred Hicks amount for him to be considered a prominent community member – an option in this category. Fred Hicks owned and ran the most important business operations of the hamlet for decades and during the period of time in which he constructed his home at 229 Pine Grove Road.
- 3. Environment:
 - a. Staff finds that the item satisfies the following points under this category and submits the following reasons in response to the submitted information:
 - i. The Fred Hicks house is located within the former historic hamlet/village and not outside it. It is located next door to the building that contained one of the major hubs in the hamlet, the general store, post office, and the mill which Fred Hicks also operated. The hamlet/village was not located in the floodplain.
 - ii. In reference to the description of this category in the Built Heritage Evaluation, staff finds that the structure "is of importance in maintaining the historic character of the area" as one of the last surviving structures associated with the historic village life of Pine Grove and is associated with a family that did contribute significantly to Pine Grove's prosperity for decades, at very important times in history. If the structure was not there, there would be limited trace of the central core of the once hamlet of Pine Grove, which at one time was a distinct gathering place of settlement and industry in Vaughan.
 - iii. The structure at 229 Pine Grove has local significance within the municipality as it satisfies all criteria under Regulation 9/06. The criteria in the City's Built Heritage Evaluation (please see attached) in this section and in general does not solely depend on the architectural significance, it is one of the options within it. This is in accordance with Regulation 9/06 as well. A heritage resource may only satisfy one criteria under Regulation 9/06 in order to be a candidate for designation – in other words for it to have cultural heritage value or interest. This property satisfies the three criteria under the Regulation.

Cultural Heritage staff also have reviewed the submitted information relating to the structural condition of the building. Staff finds that the structural condition of the building is not a relevant factor in determining whether a property has cultural heritage value for the purposes of

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 6, 2014

Item 32, CW Report No. 18 – Page 7

designation. The condition of a structure is not part of the legislative criteria (Regulation 9/06) for determining cultural heritage value to be used in the evaluation process.

Structural stability becomes a relevant factor in determining the manner and the extent to which the cultural heritage value in a property can be conserved. This determination is the product of a comprehensive study put together in a Conservation Plan that takes into account all features of the heritage attribute. This process would follow the designation process.

Cultural Heritage staff have also reviewed the heritage consultant's support for commemoration at the site and conclude that this option to only commemorate the history of the hamlet/village, the mill and the structure at 229 Pine Grove Road through an interpretation strategy would not be sufficient to satisfy the cultural value that has been identified under the evaluation process of the features against Regulation 9/06. The structure itself at 229 Pine Grove Road, within its original context is the heritage attribute of value in this case.

Relationship to Vaughan Vision 2020/Strategic Plan

This report supports the Vaughan Vision 2020 initiative of Service Excellence, specifically to "Demonstrate Excellence in Service Delivery" and to "Preserve our Heritage and Support Diversity, Arts and Culture".

The findings and recommendations are consistent with City of Vaughan policies and practices and factor the results of consultation with the Heritage Vaughan Committee and analysis of the proposal described in this report.

Regional Implications

N/A

Conclusion

Vaughan Planning and Urban Design/Cultural Heritage staff support and recommend that Committee of the Whole and Council accept Heritage Vaughan Committee recommendation that the property at 229 Pine Grove be designated. If Council determines that there is cultural heritage value in 229 Pine Grove Road worth protecting, the best and most effective tool for the City to use is to designate the property pursuant to the *Ontario Heritage Act*.

Should Committee of the Whole and Council find merit in the recommendation by Heritage Vaughan Committee to designate the property, staff will proceed with the designation process pursuant to the *Ontario Heritage Act*. This includes the publication of a Notice of Intention to Designate (as per Attachment 4 of this report) and the communication of Council's intent to designate this property to the Owner and the Ontario Heritage Trust.

Further, Staff will continue to work with the Owner/Applicant to determine to what extent the cultural heritage value can be conserved and how to best achieve that conservation within the development context.

Attachments

1. Correspondence from ERA Architects, Cityzen and Sigmund Soudack (Building Review).
2. Location Map, Zoning Map, Site Plan, Photographs.
3. Proposed Reasons For Designation of 229 Pine Grove Road.
4. Draft Notice of Intention to Designate

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 6, 2014

Item 32, CW Report No. 18 – Page 8

Report Prepared By

Angela Palermo, Manager of Cultural Services, ext. 8139
Cecilia Nin Hernandez, Cultural Heritage Coordinator, ext. 8115

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)