

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 24, 2014

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

1) That the recommendation contained in the following report of the Commissioner of Planning, the Interim Director of Planning/Director of Development Planning, and the Manager of Urban Design, dated June 3, 2014, be approved, subject to the following in accordance with Communication C2, from the Commissioner of Planning, dated June 3, 2014:

- That Council authorize staff to negotiate a Heritage Easement Agreement with the property owner of 229 Pine Grove Road that includes the requirement of the owner to secure and maintain the Fred Hicks House on the development site, on terms and conditions satisfactory to the Commissioner of Planning and the City Solicitor; and**

- ## Recommendation

1. That consideration to designate the Fred Hicks House under Part IV, Section 29 of the *Ontario Heritage Act*, not be pursued at this time.

2. That Council authorize staff to negotiate a limited term Heritage Easement Agreement (HEA) with the property owner of 229 Pine Grove Road that includes the requirement of the owner to secure and maintain the Fred Hicks House on the subject property and provide proof of fire and property damage liability insurance to the satisfaction of the City Solicitor for the subject house.

3. That the Heritage Easement Agreement (HEA) include a termination clause providing that the termination of this HEA occurs at the earlier of either of the following:

- i. The parties entering into a more comprehensive HEA, or
- ii. 45 days after Council's final decision regarding the Zoning By-law Amendment Application for the subject property.

4. That staff continue to work with the applicant to incorporate the heritage house in the proposed development and facilitate the terms and conditions of preservation requirements as outlined in this report in a future Site Plan Agreement for the property, should Council approve the development application for this site in the future.

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:

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- 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.

Communications Plan

Agenda reports and Council decisions on matters are communicated to applicants and their representatives, including relevant stakeholders. Committee meeting reports are also posted on the City's website.

Purpose

The purpose of this report is for the Committee of the Whole and Council to consider deferring designation of the Fred Hicks House, 229 Pine Grove Road under Part IV, Section 29 of the Ontario Heritage Act. A second purpose of this report is to inform Committee and Council of the opportunity for entering into a term Heritage Easement Agreement with the owner of 165 to 229 Pine Grove Road; and direct staff to continue to negotiate with the owner to secure the heritage value in the property.

Background - Analysis and Options

At the meeting of May 6, 2014, Council resolved to defer consideration to designate the Fred Hicks House, 229 Pine Grove Road under Part IV, Section 29 of the *Ontario Heritage Act* to the June 3, 2014, Committee of the Whole meeting, to permit further discussions between the applicant and City staff to resolve outstanding issues with the development application including how the cultural heritage value of the property can be incorporated in the proposed development at the site. This deferral was at the request of the property owner. The location of the subject property and extract of the May 6, 2014 Council meeting is found in Attachments #1 and #2.

City staff from Planning, Cultural Heritage, Engineering and Legal met with the property owner and their consultants in three separate meetings to determine the feasibility of preservation/retention of the Fred Hicks House in the proposed development at the site.

These meetings have progressed such that the owner is prepared to attempt to preserve and incorporate the Fred Hicks House in the proposed development at the site. As such, staff would seek to negotiate and secure the following terms and conditions in the development approvals moving forward:

1. Relocate the house to a new proposed residential/ amenity space lot within the development and provide a new foundation for the building.
2. Provide to the satisfaction of the City a Conservation Plan for the building, detailing the exterior preservation of the original portion of the building, including appropriate landscaping features and siting of the building in its new lot to the satisfaction of the City.
3. Provide a detailed Commemoration Plan to the satisfaction and in consultation with the City that highlights the history of the village of Pine Grove and the former milling industry at the site to be executed at the expense of the property owner.
4. The owner will enter into a Heritage Easement Agreement with the City to ensure the long-term preservation of the Fred Hicks House.

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5. Provide the City with a Letter of Credit in the amount of \$200,000 as a security to ensure the preservation of the building in its new location, the exterior restoration/renovation of the building, and the final execution of the proposed Heritage Easement Agreement.

The terms and conditions if set, would assist in ensuring the long-term preservation of the heritage house. The reuse of the building as a residential or amenity space for the residents of the development would provide the best options for the structure's sustainability in the future.

As there are further issues related to the proposed development of the site that relate to Engineering requirements and Planning issues, staff will continue to work with the applicant to deal with these issues prior to bringing forward a report for Council's consideration.

In the interim, staff propose a limited term Heritage Easement Agreement be entered into with the applicant that would secure the building to retain the heritage value in the property. The Heritage Easement Act would reduce the risk of demolition of the building until such time as Council can make a final decision on the Zoning By-law Amendment application proposed for the site.

Heritage Vaughan Committee reviewed the request to defer the designation of the Fred Hicks House and proposed terms and conditions for preservation regarding this development at its meeting of May 21, 2014. At this meeting, the Committee passed a motion that supports the recommendations found in this report.

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

The proposed interim Heritage Easement Agreement will provide the short-term preservation of the Fred Hicks House in order to work through issues related to the proposed development at the site. The terms and conditions as set out in this report, if agreed to by the owner, will adequately provide preservation of the Fred Hicks House and ensure the long-term use of the building. City staff is satisfied that these terms and conditions, if finalized will fulfill the requirements to conserve the heritage structure at the site and further commemorate the history of the milling industry and hamlet of Pine Grove.

Attachments

1. Extract of the May 6, 2014 Council Meeting
2. Location Map

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(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.)