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K. Gonyou

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	BACKGROUND REGARDING POTENTIAL DESIGNATION OF 1266 RIVERSIDE DRIVE ("THE CEDARS") MEETING ON MONDAY MARCH 2, 2015

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning and City Planner, with the advice of the Heritage Planner, the following actions be taken relating to the property located at 1266 Riverside Drive:

- a) The London Advisory Committee on Heritage recommendation to Municipal Council to issue Notice of Intention to Designate under Part IV of the *Ontario Heritage Act* **BE SUPPORTED**; and,
- b) The following information report **BE RECEIVED**.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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March 12, 2014. 4th Report of the London Advisory Committee on Heritage.

BACKGROUND

On June 8, 2013, a video documenting the condition of 1266 Riverside Drive ("The Cedars") was uploaded by "TikiTrex" on YouTube (<https://www.youtube.com/watch?v=3n5ecoVc-yY>). This video garnered the attention of 289,231 views (as of February 17, 2015). Eventually, the video was brought to the attention of the Heritage Planner by the son of a former owner of the property in early 2014. A request to designate the property under the *Ontario Heritage Act* was subsequently received by staff.

An information package was submitted which outlined historical information about the property. This information was shared with the London Advisory Committee on Heritage (LACH), as well as its Stewardship Sub-Committee. The Stewardship Sub-Committee completes research required to support the activities of LACH.

The Stewardship Sub-Committee reviewed the property and recommended it be included on the *Inventory of Heritage Resources*. LACH supported this recommendation on March 12, 2014. On April 1, 2014, 1266 Riverside Drive was added to the *Inventory of Heritage Resources* by resolution of Municipal Council. Pursuant to Section 27 of the *Ontario Heritage Act*, properties included on the *Inventory of Heritage Resources* are protected by a 60-day delay in the issuance of a demolition permit. This is intended to allow sufficient time to consider whether the property merits designation under the *Ontario Heritage Act* in the event a demolition request is received. No request for demolition has been received for 1266 Riverside Drive to date.

During 2014, the Stewardship Sub-Committee was charged with the task of undertaking research on the property to evaluate its potential for designation under Part IV of the *Ontario Heritage Act*. A property may be designated if it meets one or more of the following criteria:

- Physical or design value;

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- Historical or associative value; and/or,
- Contextual value.

These are mandatory criteria prescribed by *Ontario Heritage Act* Regulation 9/06 for designation of individual properties in Ontario. See Appendix B for more information regarding the designation process.

Additional research was completed by members of the Stewardship Sub-Committee throughout 2014. Information provided by a former occupant was verified. As well, further research linked the property to boating activities along the Thames River and Springbank Park in the early twentieth century. Through this time, the Cedars received media and public attention.

Evaluation of 1266 Riverside Drive determined that it merits protection under Part IV of the *Ontario Heritage Act*. A Statement of Cultural Heritage Value or Interest has been prepared (included in the 3rd Report of the LACH 2015). The Heritage Planners have reviewed the Statement of Cultural Heritage Value or Interest and support the recommendation to designate 1266 Riverside Drive under Part IV of the *Ontario Heritage Act*.

The Stewardship Sub-Committee recommended designation of 1266 Riverside Drive under the *Ontario Heritage Act* at its January 28, 2015 meeting. The LACH supported this recommendation at its meeting on February 11, 2015. Representatives of a previous owner and the present owner attended the February 11, 2015 LACH meeting and each briefly spoke to the potential designation of the property.

Should Municipal Council issue Notice of Intention to Designate 1266 Riverside Drive under Part IV of the *Ontario Heritage Act*, the designation of the property may be appealed within thirty days of notice being served. If an appeal is received, the Conservation Review Board will review the designation and the appeal, and make a recommendation to Municipal Council. The graphic in Appendix B (page 8 of this report) outlines the process which may become operable in the course of designation. Ultimately, however, Municipal Council makes the decision regarding the designation of any property under the *Ontario Heritage Act*.

PREPARED BY:	SUBMITTED BY:
KYLE GONYOU HERITAGE PLANNER URBAN REGENERATION	JIM YANCHULA, MCIP, RPP MANAGER, URBAN REGENERATION
RECOMMENDED BY:	
JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER	

2015-02-19

KG/

Attach:

Appendix A: Photographs of 1266 Riverside Drive

Appendix B: Designation Process

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APPENDIX A: PHOTOGRAPHS OF 1266 RIVERSIDE DRIVE



Image 1: The Cedars included in *Souvenir of Springbank Park, London, Ont.* (1902). Image courtesy of the Ivey Family London Room, London Public Library.



Image 2: The Cedars on a Springbank Park post card (c. 1913). Image courtesy of Bruce Lamb.



Image 3: The Cedars, seen from Springbank Park (no date). Image courtesy of Bruce Lamb.

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Image 4: The Cedars (1942). Image courtesy of Bruce Lamb.



Image 5: The Cedars (September 8, 1954). Image courtesy of the *London Free Press*.



Image 6: The Cedars (1973). Image courtesy of Bruce Lamb.

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Image 7: The Cedars (2014). Image courtesy of Joe O'Neil.



Image 8: The Cedars (2014).



Image 7: The Cedars, seen from Springbank Park (November 15, 2014).

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APPENDIX B: DESIGNATION PROCESS

A property may be designated under Part IV of the *Ontario Heritage Act* if it meets one or more of the following criteria for determining whether it is of cultural heritage value or interest:

1. The property has design value or physical value because it,
 - i. Is a rare, unique, representative or early example of a style, type, expression, material or construction method,
 - ii. Displays a high degree of craftsmanship or artistic merit, or
 - iii. Demonstrates a high degree of technical or scientific achievement.
2. The property has historical value or associative value because it,
 - i. Has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community,
 - ii. Yields, or has the potential to yield, information that contributes to an understanding of a community or culture, or
 - iii. Demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.
3. The property has contextual value because it,
 - i. Is important in defining, maintaining or supporting the character of an area,
 - ii. Is physically, functionally, visually or historically linked to its surroundings, or
 - iii. Is a landmark. O. Reg. 9/06, s.1(2).

Criteria included within the City of London's *Official Plan* achieve the same intent as the above mandatory criteria which are prescribed by *Ontario Heritage Act* Regulation 9/06. Designation of a Heritage Conservation District is governed by Part V of the *Ontario Heritage Act*, and is thus subject to different criteria.

Condition is not a criterion for designation under the *Ontario Heritage Act*. The Ministry of Tourism, Culture and Sport's "Heritage Property Evaluation" in the *Ontario Heritage Toolkit* (2006) notes that,

"Physical condition is another difficult consideration. Some cultural heritage properties are found in a deteriorated state but may still maintain all or part of their cultural heritage value or interest. The ability of the structure to exist for the long term, and determining at what point repair and reconstruction erode the integrity of the heritage attributes, must be weighed against the cultural heritage value or interest held by the property."

The integrity of a property (the ability of the heritage attributes to continue to represent or support the cultural heritage value or interest of the property) may be considered.

Should a property meet one or more of the above criteria, a Statement of Cultural Heritage Value or Interest must be prepared and heritage attributes must be identified. A Statement of Cultural Heritage Value or Interest describes why a property is significant; heritage attributes are generally the physical or associative elements that contribute to and support a property's significance.

In London, evaluations of a property's cultural heritage value or interest are generally completed by the Stewardship Sub-Committee of the London Advisory Committee on Heritage (LACH). The Stewardship Sub-Committee undertakes the necessary background research to complete the evaluation, which is often a time consuming process. The Stewardship Sub-Committee makes a recommendation regarding the potential designation of a property to LACH for consideration. LACH reviews the Statement of Cultural Heritage Value or Interest and heritage attributes, and makes its recommendation to the Planning and Environment Committee (PEC), and to Municipal Council.

Under the *Ontario Heritage Act*, Municipal Council is required to consult with LACH, its Municipal Heritage Committee, regarding the potential designation of a property (Section 29(2), *Ontario Heritage Act*).

Should Municipal Council agree with LACH's recommendation, Notice of Intention to Designate

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is served on the property owner, the Ontario Heritage Trust, and published in the newspaper. A description of the property and its Statement of Cultural Heritage Value or Interest must be included in newspaper notice; heritage attributes, in addition, must be included in the notice to the property owner and the Ontario Heritage Trust.

Objections to the designation of the property may be filed with the City Clerk within 30 days after the date of the publication of notice in the newspaper. Should an objection be received, the matter is referred to the Conservation Review Board. The Conservation Review Board is a provincially-appointed review board which reviews appeals concerning the designation of individual properties under the *Ontario Heritage Act*. The Conservation Review Board will make a recommendation to Municipal Council regarding the matter; the ultimate decision regarding the designation of the property rests with Municipal Council.

Should no objection be received, the designation by-law is passed and registered on title of the property. Notice of Designation is served on the property owner, the Ontario Heritage Trust, and published in the newspaper. Information included on the *Inventory of Heritage Resources* is updated, as well as the City's mapping database.

The flowchart below graphically explains the designation process for individual properties:

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1. Designation by Municipal Bylaw (Section 29 of the Ontario Heritage Act)

