

REPORT

COUNCIL MEETING

MEETING DATE: AUGUST 21, 2017

FROM: Planning Services Department

DATE: August 16, 2017

SUBJECT: Notice of Intention to Designate - 1333 Dorval Drive (Glen Abbey Golf Club)

LOCATION: 1333 Dorval Drive

WARD: 4

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RECOMMENDATION:

That a Notice of Intention to Designate under Section 29, Part IV of the *Ontario Heritage Act* for the Glen Abbey property, be issued.

KEY FACTS:

The following are key points for consideration with respect to this report:

- On May 15, 2017, Oakville Town Council recognized the Glen Abbey property as a significant cultural heritage landscape and directed staff to proceed to Phase Three of the Cultural Heritage Landscape Strategy Implementation.
- As part of the Phase Three implementation of protection measures for the significant cultural heritage landscape, Town staff retained several independent experts to provide additional analysis to assist with whether the significant cultural heritage landscape merits designation under the *Ontario Heritage Act* and, if so, to advise on the cultural heritage value and interests and describe its heritage attributes.
- The province has provided guidance on the framework to assess cultural heritage value or interest. The designed cultural heritage landscape of the Glen Abbey property meets the criteria of Ontario Regulation 9/06 and merits protection under Section 29, Part IV of the *Ontario Heritage Act*. Should Council consider designation, issuing a Notice of Intention to Designate would be the next step.
- The *Ontario Heritage Act* requires three components within a Notice of Intention to Designate: a description of the property; a statement of cultural heritage value; and, a description of its heritage attributes.
- The Draft Notice of Intention to Designate (attached as Appendix C) includes the full legal description for this property. This report and appendices refer to the property as the “Glen Abbey property” or “1333 Dorval Drive”.

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- Heritage Planning staff recommends that the Draft Notice of Intention to Designate be issued under Section 29, Part IV of the *Ontario Heritage Act*, attached as Appendix C. The Heritage Oakville Advisory Committee endorsed staff's recommendation at its meeting on August 15, 2017.

BACKGROUND:

Provincial Context to Cultural Heritage Landscapes

The Province of Ontario has made a clear commitment to the conservation of significant cultural heritage landscapes through its legislation and policies, including the *Ontario Heritage Act (2005)*, *Planning Act (1990, as amended)* Provincial Policy Statement (2014), the *Growth Plan for the Greater Golden Horseshoe (2017)*.

Section 2.6 of the Provincial Policy Statement (PPS) 2014 on Cultural Heritage and Archaeology states:

2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.

The PPS (2014) defines "significant", in regard to cultural heritage and archaeology, as:

...resources that have been determined to have cultural heritage value or interest for the important contribution they make to our understanding of the history of a place, an event, or a people.

Further, the PPS (2014) and *Growth Plan (2017)* both define "conserved" as:
means the identification, protection, management and use of . . . cultural heritage landscapes . . . in a manner that ensures their cultural heritage value or interest is retained under the Ontario Heritage Act.

The equivalence given to built heritage resources and cultural heritage landscapes in the PPS (2014) is significant, as it reinforces the broad scope of the *Ontario Heritage Act* beyond its initial focus on built heritage. The PPS (2014) definition of a cultural heritage landscape is the following:

"a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Aboriginal community. The area may involve features such as structures, spaces, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association."

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Provincial guidance from the Ministry of Tourism, Culture and Sport specifically references "golf courses" as an example of a cultural heritage landscape.

Section 4.2.7 of the *Growth Plan (2017)* also directs that cultural heritage resources be conserved:

Cultural heritage resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas.

The PPS (2014) and *Growth Plan (2017)* function together with the *Ontario Heritage Act* by the shared principle that cultural heritage resources shall be conserved. The *Ontario Heritage Act* sets out the procedures for evaluating and protecting heritage resources at the provincial and municipal levels. This includes the use of Ontario Regulation 9/06 as the means for determining if a property has cultural heritage value.

Cultural Heritage Landscapes Strategy

In January 2014, the Town of Oakville endorsed the Cultural Heritage Landscapes Strategy (the Strategy), which set the foundation for the primary identification of candidate cultural heritage landscapes and the future inventory and evaluation of significant cultural heritage landscapes. It also developed a formal process for addressing the conservation of cultural heritage landscape resources in the Town of Oakville.

The Strategy is based on best practices in municipal heritage planning and applicable legislation, including the *Planning Act*, Provincial Policy Statement and the *Ontario Heritage Act*. Section One of the Strategy provides an introduction to cultural heritage landscapes and the applicable legislation, including a discussion of the international and national context of cultural heritage landscape conservation. Section Two defines what cultural heritage landscapes are and how to identify and evaluate them. Section Three outlines the legislation and tools that are available to preserve and protect cultural heritage landscapes and Section Four provides the conservation strategies to preserve and commemorate cultural heritage landscapes. The strategy is not an exhaustive study on the history of Oakville, nor is it a fulsome inventory of all potential cultural heritage landscapes in the town.

The Strategy is being implemented in three phases: One: Inventory; Two: Research and Assessment; and, Three: Implementation of Protection Measures.

Phases One and Two of the Strategy

On February 16, 2016, Oakville Town Council endorsed the recommendations of Phase One: Inventory and directed the properties identified as 'high priority' within the Inventory to proceed immediately to Phase Two: Research and Assessment.

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The Phase Two: Research and Assessment was led by Letourneau Heritage Consulting (LHC), who assembled a team of experts to provide a thorough review of the property's history, existing site conditions and potential cultural heritage value. On April 25, 2017, the Heritage Oakville Advisory Committee endorsed the draft Cultural Heritage Landscape Assessment (CHLA) for the Glen Abbey property.

On May 15, 2017, Council received and endorsed the Phase Two: Research and Assessment reports for six of the high priority properties. Specifically, the staff report stated in relation to the Glen Abbey property:

This property has been evaluated and found to have local, provincial and national significance using the tools described in Appendix A. The existing protection for this property is insufficient to recognize and protect a significant cultural heritage landscape. Heritage Planning staff recommend that this property proceed to Phase Three – Implementation of Protection Measures. As per Council's direction to give priority to the Glen Abbey property in its February 1, 2016 resolution, this is the first property addressed in Phase Three.

The final Council resolution of May 15, 2017 included the following recommendations in regards to the Glen Abbey property:

1. *That the Cultural Heritage Landscape Assessment Reports attached in the appendices to the report from the Planning Services department, Cultural Heritage Landscape Strategy – Phase Two, be received;*
2. *That the property at 1333 Dorval Drive be recognized as a significant cultural heritage landscape and move into Phase Three: Implementation of Protection Measures;*
 - a. *That, as directed by Council on February 1, 2016, the property at 1333 Dorval Drive have priority for the completion of Phase Three;...*

Phase Three: Implementation of Protection Measures

The purpose of Phase Three is to ensure that significant cultural heritage resources are conserved. The term conserved, as shown in the PPS (2014) and Growth Plan (2017) definition earlier in this report, includes protection of significant cultural heritage resources, and also the management and use of these resources. For Phase Three, the Town seeks to ensure that the proposed designation, description of heritage attributes and any proposed conservation measures reflect and accommodate the tournament golf course purpose of the course and its ongoing status as a venue for the Canadian Open and any other major tournaments.

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As part of the implementation of Phase Three, the Town has retained several independent experts to provide it with additional information and advice regarding the Glen Abbey property and the golf course's cultural heritage value and heritage attributes.

Mr. Ken Moodie, the Director of Creative Golf Design, who was part of the team led by Letourneau Heritage Consulting in Phase Two, was retained to provide an in-depth report on the golf course itself, including a hole-by-hole analysis. The "Glen Abbey Golf Course Heritage Review" (Golf Course Review) is attached as Appendix A to this staff report.

Mr. Julian Smith of Julian Smith & Associates Architects was retained to provide detailed analysis of the cultural heritage value of the Glen Abbey property and in support of its recognition as a significant cultural heritage landscape. His report, "Cultural Heritage Landscape Values and Attributes of the Glen Abbey Property" (Cultural Heritage Landscape Values report) is attached as Appendix B to this staff report.

Consultation with Heritage Oakville Advisory Committee

As required by the *Ontario Heritage Act*, the Heritage Oakville Advisory Committee (the Committee) was consulted at their meeting on August 15, 2017. The Committee received information from Town staff, heard delegations and received information in writing. The Committee endorsed the staff recommendation to issue a Notice of Intention to Designate for the Glen Abbey property.

COMMENT/OPTIONS:

The CHLA report from Phase Two of the Strategy implementation provided the evidentiary basis to identify the Glen Abbey property as a significant cultural heritage landscape. The CHLA report was reviewed by the independent experts retained in Phase Three, as was the ERA Heritage Impact Assessment (ERA report) that was previously submitted by the property owner, ClubLink Corporation ULC and ClubLink Holdings Limited, in Phase Two of the Strategy.

Independent Expert Reports

The Golf Course Review builds on the CHLA report from Phase Two, but provides more specific analysis and detail on the golf course itself. Mr. Moodie, who is uniquely qualified to provide analysis on golf courses (see CV in Appendix A), carefully examined the golf course as it exists today and provided a comparison to the golf course as originally built, including commentary on the changes. His hole-by-hole analysis carefully considers the design intent and strategy behind each element of the golf course. The Golf Course Review concludes that the Glen Abbey golf course has a number of key attributes, including the 'spoke and wheel' design of

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the golf course, which is the designed layout of the holes. Therefore, the spatial arrangement of all of the holes and the relationship between them needs to be protected. The report specifies that this applies to both the Valley holes and Tableland holes, as well as the central clubhouse that acts as the 'hub' of the wheel. The other designed features of the golf course, including the greens, bunkers, lakes, planting and landforms, such as the spectator mounds that make the property an important early example of a Stadium-style golf course.

The Cultural Heritage Landscape Values report contains a discussion of the policy framework that exists to protect cultural heritage landscapes internationally and in Ontario. Mr. Smith, who is internationally renowned as an expert on cultural heritage landscapes (see 'Qualifications' in Appendix B), reviewed the information and opinions in the CHLA report, ERA report, Golf Course Review and other sources to prepare recommendations on a statement of cultural heritage value or interest and a description for heritage attributes for the Glen Abbey property. The Cultural Heritage Landscape Values report states:

Glen Abbey is one of the most significant works by one of golf's most significant figures, Jack Nicklaus. It ushered in a new era in tournament golf course design with its stadium and hub-and-spoke features. Its design is remarkable for the integration of artistry and craftsmanship, with many iconic stretches including the challenge and beauty of the valley holes and the drama of the final two holes. Its association with the Canadian Open has given it international significance and ties to many of the leading figures in the sport. It is a landmark not only within the Town of Oakville, but across Canada and abroad. The property also contains associations with some previous landscape layers, through surviving remnants or features.

Public Consultation

Town staff have engaged with the public and property owners throughout the implementation of the Strategy.

The August 15, 2017 Committee meeting included a delegation from ClubLink that spoke to a letter to the Committee from Golf Canada. Town staff have reached out to Golf Canada to discuss the concerns raised in their letter regarding the impact of the proposed designation on the ability of Glen Abbey to host the Canadian Open. Town staff have also reached out to ClubLink to provide it with an opportunity to comment on the proposed draft Notice of Intention to Designate.

Phase Three – Next Steps

Heritage Planning staff have reviewed all of the materials submitted in Phase Two of the Strategy, including the CHLA report and the ERA report as well as the Golf

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Course Review and the Cultural Heritage Landscape Values report completed as part of Phase Three of the Strategy.

For the Glen Abbey property, the first step of Phase Three is the consideration of heritage protection under the *Ontario Heritage Act*. The Glen Abbey designed cultural heritage landscape lends itself to designation under Section 29, Part IV of the *Ontario Heritage Act*. Should Council proceed with designation under Section 29, Part IV of the *Ontario Heritage Act*, they are required to issue a Notice of Intention to Designate to the property owner(s), the Ontario Heritage Trust and to publish the Notice in a newspaper having general circulation in the municipality.

The *Ontario Heritage Act* requires three components within a Notice of Intention to Designate. These are a description of the property, a statement of cultural heritage value, and a description of its heritage attributes. Following staff's review of the four reports (CHLA report, ERA report, Golf Course Review and Cultural Heritage Landscape Values report), Heritage Planning staff recommend the statement of cultural heritage value and description of heritage attributes, attached as Appendix C.

Should Council issue a Notice of Intention to Designate under Section 29, Part IV of the *Ontario Heritage Act* for the Glen Abbey property now, additional protection measures under Phase Three are still being considered by Town staff and can be brought forward at a later date. These protection measures could include amendment(s) to the Town's Livable Oakville Plan, Zoning By-law 2014-014 or other tools as deemed appropriate and necessary by the Town.

Additionally, it is noted that if a new heritage designation by-law is passed for the significant cultural heritage landscape of the Glen Abbey property, the new designation by-law would provide for repeal of the existing designation By-law 1993-122, and its exclusive focus on the heritage value of the RayDor Estate house at the Glen Abbey property. This would be addressed when Council considers the passing of a designation by-law, which, if a Notice of Intention to Designate is issued, would either be at the end of the 30 day appeal period if no objections are received, or when Council considers a Conservation Review Board report following the conclusion of an objection hearing.

As of the day that Notice of Intention to Designate is given, the property is treated as though the property had been designated under Section 29, Part IV of the *Ontario Heritage Act*. A heritage permit would be required for alterations that are likely to impact the property's heritage attributes.

In order to address concerns from ClubLink and Golf Canada, Town staff have offered to meet with both parties to discuss interim management of the property

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during the period before a designation by-law is passed. The Town seeks to ensure that any future heritage designation accommodates the ongoing maintenance of the property as a golf course, and especially its ongoing capacity to be a venue for the Canadian Open and any other major tournaments.

Conclusion

Each phase of the implementation of the Cultural Heritage Landscape Strategy has advanced the Town's understanding of the significant designed cultural heritage landscape of the Glen Abbey property with an increasing level of detail and analysis at each phase of the process. The Heritage Oakville Advisory Committee has been consulted in regards to the cultural heritage value of the property and endorses the recommendation to issue a Notice of Intention to Designate

With the additional information and analysis provided by the independent experts in Phase Three, Heritage Planning staff are satisfied that Council has before it sufficient additional information to initiate the designation of the property under Section 29, Part IV of the *Ontario Heritage Act* by issuing a Notice of Intention to Designate.

CONSIDERATIONS:

(A) PUBLIC

Should Council issue a notice of intention to designate, notice will be published in a newspaper having general circulation in the municipality and will be sent to the property owners and the Ontario Heritage Trust. In addition, information will be available on oakville.ca.

(B) FINANCIAL

There are no known financial implications with this report at this time.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

The Legal department (and potentially external Legal counsel) will assist with an appeal to the Conservation Review Board, if a Notice of Intention to Designate is issued and then appealed.

(D) CORPORATE AND/OR DEPARTMENT STRATEGIC GOALS

This report addresses the corporate strategic goal to:

- be innovative in everything we do
- enhance our cultural environment
- be the most livable town in Canada

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(E) COMMUNITY SUSTAINABILITY

This report generally complies with the sustainability objectives and Cultural Heritage policies of the Livable Oakville Plan, specifically Section 5.3.12 which states “*The Town shall identify, evaluate and conserve cultural heritage landscapes in accordance with the Cultural Heritage Landscape Strategy*”.

APPENDICES:

Appendix A – Golf Course Review
Appendix B – Cultural Heritage Landscape Values Report
Appendix C – Draft Notice of Intention to Designate

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