

January 9, 2019

To: Members
Regina Planning Commission

Re: Notice of Intention to Designate Property as Municipal Heritage Property (18-H-03)
3160 Albert Street - Cook Residence

RECOMMENDATION

1. That the City Solicitor be directed to issue and serve a notice of intention to designate the property located at 3160 Albert Street (Cook Residence) as Municipal Heritage Property.
2. That the City Solicitor be directed to prepare a new Municipal Heritage Property bylaw to:
 - a. Designate the subject property as a Municipal Heritage Property.
 - b. Identify the reasons for designation and character-defining elements as stated in Appendix A-4 to this report.
 - c. Provide that any subsequent alterations to the property be consistent with the “Standards and Guidelines for the Conservation of Historic Places in Canada”.
3. That the City Solicitor be directed to amend Schedule A of the *Bylaw of the City of Regina to Deny a Permit for the Alteration or Demolition of Properties that the Council of the City of Regina may wish to Designate as Municipal Heritage Properties No. 8912* (commonly known as the “Heritage Holding Bylaw”) to remove the property listed as Item 2.8 (Cook Residence), upon designation.
4. That this report be forwarded to the January 28, 2019 meeting of City Council for approval to proceed with service and advertising of the required notice of intention to pass a bylaw to designate the property as Municipal Heritage Property pursuant to *The Heritage Property Act*.
5. That Heritage Holding Bylaw and the new Municipal Heritage Property Designation Bylaw be brought forward at the City Council meeting on March 25, 2019, following service and advertising of the required notice of intention to pass a bylaw to designate the property as Municipal Heritage Property.

CONCLUSION

Administration has received a demolition permit application from Ledcor Construction, on behalf of the property owners Carmen Lien and Adriana Gourgaris, to demolish the property located at 3160 Albert Street (Cook Residence). The demolition permit has been temporarily denied in order for City Council to determine if the property should be designated as a Municipal Heritage Property pursuant to *The Heritage Property Act*.

Due to the significant heritage value of the Cook Residence, Administration has determined that the property should be designated. As a Municipal Heritage Property the site would be protected from demolition. Accordingly, Administration recommends that City Council provide direction to issue and serve the notice of intention to designate the Cook Residence in accordance with *The Heritage Property Act* and proceed with the statutory requirements necessary to have the property designated as a Municipal Heritage Property.

BACKGROUND

The Heritage Holding Bylaw was adopted by City Council in 1989 with the intent to avoid the demolition of historic places that Council may wish to designate. Pursuant to Section 28 of *The Heritage Property Act* and the Heritage Holding Bylaw, the Administration is authorized to temporarily deny issuance of a demolition permit with respect to a listed property for up to 60 days in order to assess the property's heritage value and allow Council to consider whether it wishes to designate the property as a Municipal Heritage Property

Administration received a demolition permit application on November 29, 2018 to demolish the property located at 3160 Albert Street (Cook Residence). The Cook Residence was one of the original properties listed on the Heritage Holding Bylaw when adopted by City Council on September 11, 1989, pursuant to Section 28 of *The Heritage Property Act*.

The owners, Carmen Lien and Adriana Gourgaris, have recently purchased the property (November 2018). Representatives from City Administration met with the owners on several occasions prior to their purchase of the property to discuss with them the City's Heritage Building Rehabilitation Program.

Administration has undertaken the following with respect to the property:

- Assessed the heritage value of the property.
- Discussed the option of Municipal Heritage Property designation with the owner.
- Provided information about the City's Heritage Building Rehabilitation Program to encourage the owner to apply for designation and incentives.

One of the goals in *Design Regina: The Official Community Plan Bylaw No. 2013-48* (OCP) is to support cultural development and cultural heritage including the protection, conservation and maintenance of historic places. The City's role is to encourage property owners to voluntarily designate properties through the availability of incentive programs. In 2014, City Council approved an updated Heritage Incentive Policy and the Heritage Building Rehabilitation Program which formalized processes and incentives for encouragement.

DISCUSSION

The owners, Carmen Lien and Adriana Gourgaris, of the Cook Residence located at 3160 Albert Street have submitted a demolition permit application to demolish the building on the property. The property is identified in Appendix A-1 and A-2 of this report. In addition, a photograph of the building is provided in Appendix A-3.

Unless the notice of intention to designate is issued and the property is designated as a Municipal Heritage Property, the demolition permit will be issued.

Heritage Holding Bylaw Review

At the City Council meeting on April 25, 2016, during the consideration of 13 Leopold Crescent and its removal from the Heritage Holding Bylaw, a motion was passed for the Administration to complete a review of the Heritage Conservation Program, including ways in which buildings are put on and removed from the Heritage Holding Bylaw list.

To assist the Administration with the comprehensive review of the City's Heritage Holding Bylaw a heritage consultant (Donald Luxton and Associates) with expertise in best practices in heritage conservation and management was hired. The scope of the work included reviewing both regulatory changes and process improvements on how the list of properties is managed and how properties are added and removed from the list. A report will be provided to City Council in the first quarter of 2019. It is anticipated that the recommendations brought forward to City Council will, if approved, simplify and clarify the evaluation process and ensure a full breadth of historic places are preserved in Regina for future generations.

As part of the work undertaken by the consultant 21 properties currently on the Heritage Holding Bylaw were reviewed using the proposed evaluation method. Research, Statements of Significance and Evaluation Forms were completed for each of the 21 selected properties. Ten residential properties along Albert Street, including the property at 3160 Albert Street, were selected. Using the consultants proposed evaluation method, including the Statement of Significance attached as Appendix A-4, the Administration was able to assess and determine the heritage value of the property.

The owners, Carmen Lien and Adriana Gourgaris, were made aware of the Heritage Holding Bylaw Review through conversations with City Administration throughout the fall of 2018.

Heritage Value Assessment

Administration has determined that the Cook Residence, constructed in 1929, has substantial heritage value. It is recognizable as an exceptional example of the Tudor Revival architectural style designed by the prominent architectural firm of Van Egmond & Storey. It is a notable contribution to the historic Albert Street streetscape in Regina's Lakeview neighbourhood at the intersection of Hill Avenue and Albert Street. The Cook Residence is valued as representative of the suburban residential development in Regina's Lakeview neighbourhood during the Interwar period. The Cook Residence maintains all aspects of integrity necessary to convey its

significance. A statement on the building's heritage value is attached to this report in Appendix A-4.

Discussions with the Property Owner regarding Designation

Administration met with the property owner to discuss their plans for the residence and to share information on the benefits provided under the City's Heritage Building Rehabilitation Program. This program could provide up to 10 years of property tax exemption for approved conservation work, should the residence be designated as a Municipal Heritage Property. Administration further offered to provide the contact information of companies familiar with the rehabilitation of heritage buildings in an effort to encourage them to discuss options for the property other than demolition. Ultimately, the property owners chose to pursue demolition.

Notice of Intention to Designate

In accordance with *The Heritage Property Act*, should City Council wish to consider and pass a bylaw to designate the property as Municipal Heritage Property, notice of City Council's intention to consider a designation bylaw must be given, as follows, no less than 30 days prior to the date at which City Council will consider the proposed bylaw:

- Serve the registrar and all property owners with the notice of intention.
- Published in a least one issue of the *Leader-Post* the notice of intention.
- Register an interest based on the notice of intention in the Saskatchewan Land Registry against the title for the parcel of land included in the proposed bylaw.

Any person who objects to the proposed designation may serve City Council with written notice of their objection and the reasons for the same in advance of the bylaw being considered. If no objections are received, City Council may consider and adopt, modify or withdraw the proposed bylaw at the scheduled meeting. If there are objections, City Council may choose to withdraw the bylaw. However, if Council still wishes to proceed, the matter would be required to be referred to the Saskatchewan Heritage Property Review Board for a public hearing and recommendations before City Council could consider and decide on designation. In the meantime, the denial of the demolition permit would be extended pending final determination of the matter.

RECOMMENDATION IMPLICATIONS

Financial Implications

If the property is designated a Municipal Heritage Property, the owner is able to apply for tax exemption through the Heritage Building Rehabilitation Program. The Tax Exemption for the property could be in an amount equal to the lesser of 50 per cent of eligible costs for the work completed or an amount equal to the total property taxes payable on the property for 10 years.

The potential annual property exemption based on estimated 2019 figures could be \$10,688.66 which is distributed as follows:

- Municipal portion: \$6075.20
- Education portion: \$3533.31
- Library portion: \$562.75
- Laneways and Local Improvements: \$517.40

Environmental Implications

Conservation of the building contributes to the City's broader policy objective under the OCP of promoting environmentally sustainable development by conserving the built environment and optimising the use of existing infrastructure.

Policy and/or Strategic Implications

The proposal to designate is consistent with the policies contained within Part A of the OCP with respect to:

Section D8: Culture

Goal 1 – Support Cultural Development and Cultural Heritage: Enhance quality of life and strengthen community identity and cohesion through supporting cultural development and cultural heritage

- 10.2 Consider cultural development, cultural resources and the impact of historic places in all areas of municipal planning and decision making.
- 10.3 Identify, evaluate, conserve and protect Cultural Heritage, Historic Places, and cultural resources, including but not limited to Public Arts.
- 10.5 Encourage owners to protect historic places through good stewardship and voluntarily designating their property for listing on Historic Property Register.

One of the goals in *Design Regina: The Official Community Plan Bylaw No. 2013-48* is to support cultural development and cultural heritage, including support for the protection, conservation and maintenance of historic places.

Heritage designation of the subject property, as well as its conservation, will enhance the building's long-term economic viability and protect its character-defining elements. Designation will also ensure the building's continued contribution to the historical and architectural character of the Lakeview neighbourhood.

Other Implications

According to *The Heritage Property Act*, City Council's decision to designate a property as a Municipal Heritage Property should be based on an assessment of its heritage value. Administration has determined that designation of this property has significant heritage value.

Accessibility Implications

None with respect to this report.

COMMUNICATIONS

Information on the proposed demolition and the heritage value of the property was circulated to Heritage Regina, the Architectural Heritage Society of Saskatchewan and the Lakeview Community Association on December 10, 2018. Heritage Regina, in their response attached to this report as Appendix B, indicated that the organization is not in favor of the demolition request. Administration did not receive a response prior to the deadline for submission of this report from either the Lakeview Community Association or the Architectural Heritage Society of Saskatchewan.

The owner, applicant and other interested parties will received a copy of the report and notification of the meeting to appear as a delegation in addition to receiving a written notification of City Council's decision. The Regina Planning Committee recently assumed the responsibility to advise City Council on the designation of any property as Municipal Heritage Property.

Prior to City Council considering this report and proceeding with designation, the owners and any interested parties can object to the proposed designation according to the process outlined in *The Heritage Property Act*.

DELEGATED AUTHORITY

The recommendations contained in this report require City Council approval.

Respectfully submitted,



Fred Searle, A/Director
Planning and Development Services

Respectfully submitted,



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City Planning & Community Development

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