

February 20, 2019

To: Members  
Priorities and Planning Committee

Re: Policy to Administer an Inventory of Heritage Property in Regina and Repeal of Bylaw No. 8912 - A 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

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RECOMMENDATION

1. That the Heritage Inventory Policy provided in Appendix A-1 of this report be approved.
2. That the Executive Director, City Planning & Community Development, or designate, be authorized to establish and maintain an Inventory of Heritage Properties in accordance with the Heritage Inventory Policy.
3. That, pursuant to section 28 of *The Heritage Property Act*, City Council resolves that the Executive Director, City Planning & Community Development, or designate, shall deny any permit for alteration or demolition of a property identified in the Heritage Inventory, for not more than 60 days, to allow for the property to be considered for designation as a Municipal Heritage Property.
4. That *Bylaw No. 8912 - A 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the Council of the City of Regina May Wish to Designate as Municipal Heritage Properties* (Heritage Holding Bylaw) be repealed and the City Solicitor be instructed to prepare the necessary bylaw amendment to authorize the repeal.
5. That the five-year implementation plan provided in Appendix A-4 be approved.
6. That Administration be directed to include provisions for implementing recommendations one to four in the budget process for a five-year period (2020-2025).
7. That this report be forwarded to the March 25, 2019 meeting of City Council for approval.

CONCLUSION

Administration recommends that City Council adopt a Heritage Inventory Policy (attached as Appendix A-1) in response to City Council's motion of April 25, 2016, which will replace the *Heritage Holding Bylaw No. 8912* (Heritage Holding Bylaw), attached as Appendix A-3.

The recommended Heritage Inventory Policy and five-year implementation plan will ensure the City of Regina's (City) list of historic places (the Heritage Inventory) is effectively managed according to City Council policy. The purpose of the Heritage Inventory Policy is to ensure that properties of significance listed on the Heritage Inventory represent all themes of a Thematic Framework.

## BACKGROUND

The Heritage Conservation Program implements City Council's heritage policy provided in *Design Regina: The Official Community Plan Bylaw No. 2013-48* (OCP) and the Regina Cultural Plan. The Heritage Conservation Program has three main areas of activity:

- The identification of historic places.
  - The identification of historic places has been accomplished using the list of historic places appended to the Heritage Holding Bylaw.
- Management of historic places.
  - The management of historic places has been accomplished using tools, such as incentives offered under the Heritage Building Rehabilitation Program and regulations, such as Municipal Heritage Property designation bylaws and Heritage Alteration Permits.
- Promotion of historic places.
  - The promotion of historic places has been undertaken using the Heritage Awards Program and development of materials, such as walking tours to promote city wide awareness of historic places.

The need to update the identification and management of historic places became evident in City Council's consideration of recent heritage applications to remove historic places from the Heritage Holding Bylaw. Recent examples include the removal request of the Watchler 2nd Residence (13 Leopold Crescent) and the Tremaine Residence (2119 Halifax Street), which were both removed and subsequently demolished.

On April 25, 2016, City Council requested that the Administration complete a review of the Heritage Conservation Program (CM16-2), including recommendations for improvement on:

- Ways in which buildings are put on and removed from the Heritage Holding Bylaw list.
- Ways in which the processes used by the Municipal Heritage Advisory Committee in considering recommendations pertaining to heritage issues and designations can be strengthened.
- Ways in which the Heritage Holding Bylaw list, the Heritage Building Rehabilitation Program and the Declaration of Heritage Status process found in *The Heritage Property Act* can better fit together and complement each other.
- Any other procedural or process improvements that may be useful in furthering conservation of heritage buildings in accordance with the goals set out in OCP.
- Making these recommendations, Administration consulted with interested parties, considered relevant provincial legislation and considered best practices with respect to heritage matters in other cities comparable to Regina.

In 2017, Administration was to initiate this full review of the Heritage Conservation Program and address the points that formed the City Council motion; however, the scope of the work was reduced through the budget planning process to include only the first point of the April 25, 2016 City Council motion (CM16-2); specifically, how properties are added and removed from the Heritage Holding Bylaw. The key outcome of the work is to provide greater clarity in the process so that a Heritage Inventory can be effectively managed according to City Council policy.

To respond to the original City Council motion of April 25, 2016 (CM16-2), Administration will report back by 2020 on the other points related to the Heritage Conservation Program as determined through existing policy. The proposed five-year implementation plan is outlined in Appendix A-4.

#### The Heritage Property Act of Saskatchewan

*The Heritage Property Act* (Act) enables a council to designate a property as a Municipal Heritage Property and lays out the need for designation criteria and procedures. The Act also enables a council by general bylaw or resolution to deny any permit for alteration or demolition of property, for not more than 60 days, where the council considers designation of the property.

The Heritage Holding Bylaw was adopted by City Council on September 11, 1989, with the intent to avoid the demolition of historic places that City Council may wish to designate. It was intended to allow City Council to temporarily withhold approval for an action that, in the opinion of City Council, would alter or demolish a property that City Council may wish to designate.

The Act does not direct a municipality to establish an inventory of historic places; however, a municipality may establish an inventory and the municipality can determine how an inventory might be used. While the Heritage Holding Bylaw was adopted to include a list of historic places, the Act does not require a municipality to adopt a list of this sort by bylaw.

Administration has determined that the Heritage Holding Bylaw was originally intended to be used in rare situations where a historic place is of the highest significance and additional time (no more than 60 days) is needed to secure its designation.

#### Heritage Holding Bylaw Review

Administration collected data to assess the impacts of City Council decisions to remove and add to the list of historic places within the Heritage Holding Bylaw. The only time there has been a review of the Heritage Holding Bylaw was in 2007 when 15 properties were added. The 15 properties were part of a larger inventory project that reviewed potential properties in certain central-area neighbourhoods. At the time, Administration chose to secure owner consent before adding the property to the list of historic places within the Heritage Holding Bylaw. The Act does not require owner consent for Municipal Heritage Property designation or inclusion in an inventory.

The perception of the Heritage Holding Bylaw's regulatory function, where City Council may withhold approval of a demolition permit for no more than 60 days, has resulted in a negative public perception and as a result an ineffective use of the tool. Demolition permits for all historic

places listed within the Heritage Holding Bylaw have more recently been flagged and tied to a 60-day “hold” and discussions about designation at the 11th hour of the demolition permit process has been hurried and ineffective. The number of historic places on the list has declined significantly and has not undergone a comprehensive update since 2007 and even then was only for a few selected neighbourhoods. Seventy-two properties have been removed from the list since 1989, half of which were related to the demolition of the building and half of which were related to the designation of the building. As of the date of this report, there are 227 properties on the list of historic places within the Heritage Holding Bylaw.

#### Heritage Conservation Program Review

Administration engaged the services of an experienced heritage consultant, Donald Luxton and Associates (Consultant), and considered the Consultant’s recommendations along with information on approaches that have been taken in other communities.

The research on comparable communities indicates that a flagging system is a common practice for heritage inventories, but decisions to add and remove historic places from an inventory are not tied to a City Council decision. Instead, City Council decisions are made to ensure the inventory aligns with policy direction. A more specific policy on an inventory can bridge the gap between the City’s current, high-level OCP policy on heritage and the more specific purpose for the list.

Administration and the Consultant analyzed existing procedures for updating the City’s inventory and consulted local heritage stakeholders and property owners on the development of a new evaluation methodology and Thematic Framework to ensure an inventory can be managed by Administration according to City Council policy. The Consultant proposed a new evaluation methodology that would replace the current evaluation criteria. The new evaluation methodology references the themes of the attached Thematic Framework (Appendix A-6), which outlines the settlement patterns, economic drivers, major events and eras of development in Regina. The Thematic Framework also identifies examples of historic places or groups of historic places (e.g. historic streetscapes) for each theme. The Heritage Inventory Policy will ensure there is representation of all themes under the Thematic Framework. This objective responds to the actionable policy direction in the OCP and Regina Cultural Plan.

The proposed evaluation methodology is described in the Heritage Inventory Policy and the attached Heritage Inventory Evaluation Form (Appendix A-2). According to this evaluation method, Administration would use criteria for significance to determine if the property is a Grade One (city-wide significance) or Grade Two (neighbourhood-wide significance) property. Both Grade One and Grade Two properties would be included on the City’s Heritage Inventory.

The research on comparable communities indicates that the international heritage community has been moving toward a values-based approach to evaluating historic places for the last 20 years and the Consultant’s proposed evaluation method would bring Regina in line with national best practice. The evaluation methodology is in alignment with the direction provided in the Regina Cultural Plan, to ensure the assessment of heritage value aligns with nationally-recognized standards for assessing heritage value. Municipalities like the City of Vancouver and City of Langley are currently preparing similar policies and procedures.

Administration recommends placing a greater emphasis on the use of the Heritage Inventory list as a tool for ongoing communication with owners on the benefits of designation, maintenance and conservation over demolition. The properties listed in the Heritage Inventory will be considered “designation-ready” and if designated by City Council, will be eligible for financial incentives available under the Heritage Building Rehabilitation Program, which will encourage some owners to voluntarily designate.

Administration plans to undertake ongoing communication with owners to encourage designation; however, in some cases, owners may not find the incentives program enough to offset the costs of retaining or conserving a building and ultimately a demolition permit for a property on the Heritage Inventory may be submitted.

Only in instances where the property is classified as Grade One (city-wide significance) on the Heritage Inventory and the owner has applied for a Building Permit to demolish the property, would Administration recommend that City Council initiate the designation process despite an owner’s opposition. Ideally, the recommendation would occur after the incentives connected to designation have been fully explored and the owner still wishes to demolish the property.

If the property is classified as Grade Two and the owner wants to demolish the property rather than designate, Administration would not recommend designation because the property is only of local area significance (as opposed to city-wide significance); however, City Council would still retain the final discretion to remove the property from the Heritage Inventory and determine if designation is appropriate.

#### Property Owner Engagement

Engagement with property owners and stakeholders occurred throughout 2017 to increase knowledge and understanding of the difference between the list of historic places within the Heritage Holding Bylaw and Municipal Heritage Properties that are designated through bylaw.

### DISCUSSION

Administration has undertaken a review of three options related to the management of the Heritage Holding Bylaw. The options are based on feedback from stakeholders and best practices identified by the heritage consultant.

#### Option 1: Status Quo

Under this option, there would not be any substantial changes to the Heritage Holding Bylaw except for minor housekeeping amendments including a change to the title of the bylaw and corrections to the names of the historic places on the list. The administration of the bylaw would be unchanged and all demolitions would continue to be brought to City Council.

The lack of procedural clarity associated with the Heritage Holding Bylaw will continue to create inefficiencies and uncertainty for Administration and owners/applicants; therefore, this approach is not recommended.

Option 2: Adopt a Heritage Inventory Policy including a Heritage Inventory and repeal the Heritage Holding Bylaw

The Heritage Holding Bylaw would be repealed and a Heritage Inventory (including the list of historic places formerly appended to the Heritage Holding Bylaw) would be appended to the Heritage Inventory Policy. City Council would adopt the policy and any removals from or additions to the Heritage Inventory would be made by City Council resolution.

As the removal and addition of historic places identified in the Heritage Inventory would require a City Council resolution, the management of the list of historic places may continue to be onerous and complex; therefore, this approach is not recommended.

Option 3: Adopt a Heritage Inventory Policy and repeal the Heritage Holding Bylaw  
(Recommended Option)

Same as Option 2, although the Heritage Inventory, the list of historic places, would not be appended to the Heritage Inventory Policy. The Heritage Inventory would be managed by Administration according to the Heritage Inventory Policy and direction by City Council.

Through the Heritage Inventory Policy, Administration would be directed to add properties to the Heritage Inventory in order to ensure that significant historic places are identified and all themes are represented.

The objective is to ensure the Heritage Inventory is aligned with the Thematic Framework and that priority themes are addressed through additions if they are currently under-represented. The Administration would not remove properties from the Heritage Inventory unless City Council approves the removal.

Annual reporting to City Council would focus on the outcome of Administration's decision to add properties to the Heritage Inventory and to request City Council's approval to remove properties that no longer retain integrity (i.e. original character is no longer apparent).

Option 3 results in a more robust process of monitoring the overall state of the Heritage Inventory, although the role of City Council will remain reactive to demolition permit applications. The ongoing review of the Heritage Inventory and improved property owner communication will contribute to the overall growth of the Heritage Inventory (assuming more additions are made than removals) and will ensure all themes of the Thematic Framework are represented. City Council's role would also continue to be focused on consideration of formal designation.

The following table summarizes the pros and cons of each of the options described above.

<b>Table 1: Options</b>			
	<b>Option</b>	<b>Pros</b>	<b>Cons</b>
<b>1.</b>	<b>Status Quo</b>	<p>No changes.</p> <p>Heritage Conservation Program can be administered with existing staff resources assuming one Building Permit application for demolition each year</p>	<p>There will continue to be a perception in the community that the City is not addressing the issue. The process would remain highly politicized because removals require an amendment to the Heritage Holding Bylaw, and the list of historic places would remain out-dated.</p>
<b>2.</b>	<b>Heritage Inventory Policy including Heritage Inventory adopted by resolution</b>	<p>This policy option can be implemented by City Council’s resolution. “Inventory” could be seen as a more neutral term by property owners.</p> <p>Avoids the perception that if the City rescinds the bylaw that it is not interested in conservation.</p>	<p>The Heritage Holding Bylaw would be rescinded, which could be politically sensitive. City Council would continue to be involved in adding and removing historic places from the list.</p>
<b>3.</b>	<b>Heritage Inventory Policy adopted by resolution with separate Heritage Inventory</b>	<p>City Council would be involved in removing historic places from the Heritage Inventory (list of historic places). Administration would add no more than 5 historic places to the Heritage Inventory each year over the next five years.</p> <p>City Council shifts to a more proactive role of monitoring the overall growth of the Heritage Inventory to add historic places that represent priority themes.</p>	<p>The Heritage Holding Bylaw would be rescinded, which could be politically sensitive, but City Council would continue to determine all removals.</p>

Next Steps - Implementation Plan (should Option 3 be approved)

The current list of 227 historic places will need to be evaluated to determine their alignment with the new evaluation methods. Eventually, all historic places listed under the Heritage Inventory would need to be evaluated.

Administration evaluated 30 historic places using the new evaluation method in 2017 and 21 in 2018. As the remaining 178 historic places are evaluated, Administration will identify places that no longer retain sufficient integrity to convey significance, which Administration will recommend to City Council be removed from the Heritage Inventory.

Administration has prepared a five-year implementation plan (Appendix A-4). In 2019 and for the next five years, the availability of staff resources and budget will determine how quickly the remaining places will be evaluated.

Administration also plans to develop an internal strategy to ensure the Thematic Framework is used as a guide to identify new additions to the Heritage Inventory. New additions could be guided through theme or neighbourhood-based projects, resulting in increasing community engagement with the Heritage Conservation Program. Administration could undertake projects to add groups of historic places by theme, building type, or neighbourhood, to entice interest from the community and increase opportunities to collaborate and partner with neighbourhood planning projects, museums, archives, libraries and schools on raising profile of heritage in the city.

## RECOMMENDATION IMPLICATIONS

### Financial Implications

Administration recommends that resources are dedicated to a five-year Implementation Plan (Appendix A-4) through the annual budget cycles (2020 - 2025). There are two budget scenarios:

- 1) Administration is responsible for evaluating the current list and assessing nominations. Capacity would be built within existing positions.
  - The Planner would work 16 hours on each currently listed place. Assuming 10 historic places were evaluated each quarter, then 40 historic places could be evaluated over a period of 80 days each year for five years.
  - The same Planner working 16 hours on each nomination for a period of 40 days would issue a call for new nominations in 2021, for a total of 20 nominations over four years.
- 2) A consultant is responsible for evaluating the current list. Based on an annual operating budget of \$50,000, 40 historic places could be evaluated each year for five years. New nominations could be managed through work load adjustments in the department.

These scenarios will be evaluated through future budget cycle discussions.

### Environmental Implications

None with respect to this report.

### Policy and/or Strategic Implications

The OCP contains the following policies related to the City's heritage resources:

#### Section D5: Land Use and Built Environment

Goal 2 - City Centre: Maintain and Enhance the City Centre as a primary civic and cultural hub.

7.7.5 Supporting Historic Places, cultural and civic resources and events.

Goal 6 - Built Form and Urban Design: Build a beautiful Regina through quality design of its neighbourhoods, public spaces and buildings.

- 7.38 Consider impacts of alterations, development, and/or public realm improvements on or adjacent to an historic place to ensure heritage value is conserved.

#### 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.

- 10.1 Build partnerships and work collaboratively with community groups, other levels of government, and the private and voluntary sectors to encourage cultural development opportunities and conserve historic places.
- 10.2 Consider cultural development, cultural resources and the impact on 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 art identified on Map 8 - Cultural Resources, to reinforce a sense of place.
- 10.4 Protect, conserve and maintain historic places in accordance with the *Standards and Guidelines for Historic Places in Canada* and any other guidelines adopted by Council.
- 10.5 Encourage owners to protect historic places through good stewardship and voluntarily designating their property for listing on the Heritage Property Register.
- 10.6 Develop a set of cultural heritage themes that reflect Regina's identity and the diverse values of residents and ensure that the list of historic places recognized within the Heritage Property Register and the Heritage Holding Bylaw adequately represent these themes.

#### Regina Cultural Plan

7.3 Goal - Commemorate and Celebrate the City's Cultural Heritage

##### Objectives:

- Demonstrate leadership through the management of the Heritage Conservation Program
- Conserve cultural heritage resources

- Ensure new development contributes to a sense of place

Actions:

- Update the list of historic places to include those that are not well represented such as cemeteries, parks, cultural landscapes, mid-century modern buildings, and places with important stories.
- Update the City's process for determining heritage value to ensure that it aligns with the Standards and Guidelines for the Conservation of Historic Places in Canada.

Other Implications

None with respect to this report.

Accessibility Implications

None with respect to this report.

COMMUNICATIONS

Recent consultations with the property owners in 2017 was positive and contributed to the overall growth of Municipal Heritage Properties within Regina. Ongoing communication with property owners will occur during the five-year implementation plan to advance the preferred option.

There is no requirement under the Act to advertise the repeal of the Heritage Holding Bylaw. Heritage interest groups and property owners will have an opportunity to comment on the proposed policy at the City Council meeting.

DELEGATED AUTHORITY

The recommendations contained in this report require approval by City Council.

Respectfully submitted,



Fred Searle, A/Director  
Planning & Development Services

Respectfully submitted,



Diana Hawryluk, Executive Director  
City Planning & Community Development