



Heritage Demolition- 1863 Cornwall Street (Tabled September 8, 2021)

Date	September 8, 2021
To	Regina Planning Commission
From	City Planning & Community Development
Service Area	Parks, Recreation & Cultural Services
Item No.	RPC21-53

RECOMMENDATION

Regina Planning Commission recommends that City Council:

1. Retain the site at 1863 Cornwall Street as a designated property within the boundaries of the Victoria Park Municipal Heritage Conservation District
2. Approve the demolition of the Burns Hanley Building subject to the property owner submitting an interim plan for the site that is safe, secure, aesthetically appropriate, and reflective of the heritage significance of the site; and that any permanent development at the site adhere to the *Guidelines for the Victoria Park Heritage Conservation District*.
3. Remove 1863 Cornwall Street from the City's Heritage Inventory.
4. Approve these recommendations at its meeting on September 15, 2021.

ISSUE

The applicant and owner of 1863 Cornwall Street (Harvard Developments Corporation) has applied to demolish the building on the property, known as the "Burns Hanley Building". The property is designated under *The Victoria Park Heritage Conservation District Bylaw, 1994* and is considered a designated heritage property. In accordance with *The Heritage Property Act*, an owner of any designated property may apply to the council of the municipality in which the property is situated for approval to demolish or destroy that property or building.

The Guidelines of *The Victoria Park Heritage Conservation District Bylaw, 1994* requires a redevelopment plan to be submitted with a demolition application. The owner (Harvard

Developments Corporation) does not have a redevelopment plan and has indicated in the application that the site will be fenced on an interim basis until the property can be redeveloped.

IMPACTS

Financial Implications

None with respect to this report.

Policy and/or Strategic Implications

Design Regina: The Official Community Plan Bylaw No. 2013-48 (OCP) provides overarching policy direction to support cultural development and cultural heritage, including support for the protection, conservation, and maintenance of historic places. Part A, Section D8, Goal 1, Policy 10.5 directs the City of Regina (City) to encourage owners to protect historic places through good stewardship and voluntary designation.

Relevant to this application is Part B.4 of the OCP – Regina Downtown Neighbourhood Plan, specifically section 4.3.2, Policy 26:

The Victoria Park Heritage Conservation District Bylaw Guidelines and Parks Canada *Standards and Guidelines for the Conservation of Historic Places in Canada* should be strongly enforced, to ensure all new development is of the highest design and material quality, and is compatible with the character of the Victoria Park Heritage Conservation District. As a fundamental starting point, this means that no buildings of heritage value should be demolished. Rather, their heritage characteristics should be identified, maintained, and enhanced by new construction.

Regina's Cultural Plan also provides policy direction to conserve cultural heritage resources and ensure new development contributes to sense of place.

Although the recommendations consider demolition of a designated property, which is not fully aligned with conservation and maintenance policies outlined above, the recommendations do respond to identified safety concerns and sense of urgency in ensuring the site is not hazardous to the public. In addition, the property has not been designated as a Municipal Heritage Property; rather it is a designated heritage property within a heritage district. Assessed as an individual property, the Burns Hanley Building has been evaluated at a Grade 2 classification, which when reviewed in accordance with the The Heritage Inventory Policy, requires the consent of the owner for Administration to recommend denial of the demolition, which would in turn designate the property as a Municipal Heritage Property. Owner consent has not been received.

If the recommendations are approved by Council, Administration will work with the property owner, and other owners within the Heritage District, to adhere to conservation and maintenance policies for the remaining properties within the District.

Accessibility Implications

None with respect to this report.

OTHER OPTIONS

1. Deny the demolition application for 1863 Cornwall Street and direct the property owner to undertake necessary repairs and other measures to stabilize the building and preserve the façade at minimum. Council may approve incentives under the current HBRP, and direct Administration to identify, for future Council review, any additional incentives that reflect the importance of the building to the District, the public benefit of retention, and the significant investment required.

Implications

- Prioritizes the retention of a heritage property that has both individual significance and significance as one of the oldest properties within the District over potential safety concerns.
 - Reinforces the importance of preventative maintenance to avoid a scenario where a property requires significant investment to be retained.
 - Provides consideration for additional City investment in the project, reflective of the cost of repairs and the public benefits that conservation will provide.
2. Remove the property from the Victoria Park Heritage Conservation District, allow the applicant to proceed with demolition and remove the requirement that future development adhere to the *Guidelines for the Victoria Park Heritage Conservation District*.

Implications

- Contributes to a further 'sawtooth' effect that impacts the integrity of the District and any potential expansion of the District.
- The Downtown Neighbourhood Plan contemplates expansion of the District to include historic properties along Cornwall Street and strengthen its heritage value and characteristics.

COMMUNICATIONS

Administration provided information on this application to Heritage Regina, the Architectural Heritage Society of Saskatchewan, the Saskatchewan Ministry of Parks, Cultural and Sport, and the Regina Downtown Business Improvement District.

Heritage Regina, the Architectural Heritage Society of Saskatchewan, the Saskatchewan Ministry of Parks, Cultural and Sport, and the Regina Downtown Business Improvement District have provided their comments in writing. The letters and emails are attached to this report in Appendix D, E, F, and G respectively.

DISCUSSION

Victoria Park Heritage Conservation District Bylaw, 1994 (Bylaw No. 9656)

The subject property is part of the Victoria Park Heritage Conservation District designated by *The Victoria Park Heritage Conservation District Bylaw, 1994* (the Bylaw). In accordance with the requirements of the *Heritage Property Act*, City Council approved the Bylaw on May 27, 1996. The Bylaw was adopted following publication and service of the applicable notice of intention, registration of notice on title to the impacted properties, as well as a public hearing on the matter which was conducted by the Saskatchewan Heritage Property Review Board. The reasons for designation of the District include: Victoria Park was set aside as public open space in Regina's original townsite plan and dates back to the founding of Regina. The area that makes up the District was prioritized for designation due to its concentration of early commercial architecture, the number of intact buildings dating from prior to World War I, its history as Regina's commercial, financial and professional core, and the numerous notable architects responsible for the properties including F. Champman Clemesha, Francis Portnall, and Storey and Van Egmond.

Distinct from designation of an individual property as a Municipal Heritage Property, designation of a municipal heritage conservation district is intended to identify all or any part of a broader area within a municipality that is reasonably expected to contain heritage property that is not subject to any other designation. As a District, heritage value must be identified not just in the individual buildings, which are evaluated separately, but also in the degree to which the area maintains its integrity as a reflection of Regina's early development. All properties within a District are considered designated properties, but are not Municipal Heritage Properties, which are identified through individual bylaws.

The District includes properties that, although not subject to any other existing designation, are identified as having potential heritage value in their own right, separate and apart from the District. These properties, including the subject Burns Hanley Building, were identified on the former "Heritage Holding Bylaw" for possible future consideration as a Municipal Heritage Property. Over the years, since the Bylaw was adopted, three properties originally included in the District were, in fact, subject to individual designation through bylaw as Municipal Heritage Property. *The Heritage Property Act* does not allow property subject to another designation to be included in a District. Accordingly, at the time of designation as Municipal Heritage Property, each of the three properties was also removed from designation as part of the District. While the Burns Hanley Building was and continued to be recognized on the Heritage Inventory (the registry that replaced the Heritage Holding Bylaw) as having potential heritage value that may warrant Municipal Heritage Property designation, the Act also prohibits council from designating a property more than once without the consent of the registered owner. Additionally, the property has been evaluated at a Grade 2 classification and the Heritage Inventory Policy requires the consent of the owner for Administration to recommend designation of the property to Council (to deny demolition). On that basis, the application must be considered based on the property's existing designation as part of the District and the applicable Guidelines.

Adoption of the Bylaw also established “Guidelines for the Victoria Park Heritage Conservation District” (the “Guidelines”). As the name suggests, the Guidelines set out specific regulations applicable to properties designated as part of the District, intended to preserve the distinct character of the area and enhance the streetscapes around Victoria Park. The Guidelines detail considerations and requirements for allowing alteration and maintenance of existing properties, as well as for demolition and new development within the District.

Heritage Significance of 1863 Cornwall Street, Burns Hanley Building

The 1912 Burns Hanley Building is one of the oldest buildings in the District and its historical value resides in its association with the Roman Catholic faith and Regina’s early French Catholic community. The aesthetic value of the property is in its interpretation of the Edwardian Classical style, and its association with the architectural firm of Fortin and Buchanan.

The site has additional significance as the former location of St. Mary’s Roman Catholic Church constructed in 1883. It was at St. Mary’s that Louis Riel’s body was briefly interred after his execution on November 16, 1885.

A complete City of Regina Heritage Evaluation Form which includes the Statement of Significance has been attached as Appendix H of this report. The evaluation resulted in a Grade 2 classification for the property. The Heritage Inventory Policy and Procedures outline how grading is used in designation decisions.

Demolition Application

On July 27, 2021, the City received an application to demolish the Burns Hanley Building. The property owner stated in their application that “remediation is not economically viable and to eliminate the risk of uncontrolled structural failure and potential injury to property and person, the building needs to be removed as soon as possible and preferably before winter when snow loading will increase this risk.”

Proposed Future Use of the Site

The Bylaw, through the Guidelines, requires that demolition applications for properties in the District be submitted with a redevelopment plan. The applicant has not provided a redevelopment plan, stating that interim measures are to infill the existing basement prior to installing a chain-link or other fencing along the existing building frontage. A fence would also be installed along the rear of the existing structure in line with the adjacent one-story building; thereby leaving the existing three gravel parking spaces in use.

Engineering Reports

The property owner has applied for demolition stating structural deterioration of the building. Structural engineering inspection reports of the Burns Hanley Building completed by JCK Engineering in 2019 (attached as Appendix I) and in 2021 (attached as Appendix J) were submitted with the application. The property owner did not undertake repair work recommended by JCK Engineering in 2019. The findings of these reports are summarized as

follows:

Structural Engineering Report, April 25 & May 12, 2019

- the building had undergone years of sustained water damage due to deterioration of the roofing system and broken pipes
- To stop further deterioration, the building required a new roof, cleaning of the wet and damaged finishes, and heating and ventilation installed at a cost of \$200,000.
- Without remedial work the building would continue to deteriorate, and annual inspections will be required.
- The report additionally noted repairs required for masonry at an estimated cost of \$25,000.

Structural Engineering Report, May 18, 2021

- Condition of the building had deteriorated significantly due to water infiltration. Estimated cost to rehabilitate the building had risen to approximately \$4,700,000, which includes the following:
 - Removal of the debris, architectural finishes, and hazardous materials - \$850,000 to \$1,200,000
 - Temporary shoring of the building structure - \$250,000
 - Structural repairs to the roof and floor structure - \$750,000
 - Mechanical, Electrical and Architectural upgrades - \$2,000,000 - \$2,500,000

JCK Engineering concluded the report by stating that “the structure at 1863 Cornwall Street is structurally unsound due to water infiltration that has caused the roof and floor structures within the building to deteriorate. The building is unsafe and should not be occupied for any reason. There is a risk that failure of the roof or floor structures could cause the exterior brick masonry walls to partially collapse, which poses a safety risk to people and property outside of the building, therefore we recommend that the building be either stabilized or removed as soon as possible.”

Implication of Administration's Recommendation

While demolition of the existing building can proceed if recommendations are approved, the property itself will remain designated within the District and the owner will be required to adhere to the *Guidelines of the Victoria Park Heritage Conservation District* with respect to any future redevelopment plan, including sections 4.1 and 4.4 which are concerned specifically with new development. Adherence to the Guidelines is an important measure to mitigate the risk to the heritage integrity of the District. Administration has also discussed the importance of the site to the history of Louis Riel with the property owner, who has indicated a desire continue to recognize the story at the site.

Approval of the recommendation to demolish the building could be perceived as setting a precedent for allowing the neglect and deterioration of other designated buildings. This will be addressed by focusing the efforts of Administration and property owners on rehabilitation and maintenance plans

for other at-risk properties. Administration is undertaking visual inspections of all designated properties in 2021 and will identify any additional properties that require action and follow up with property owners.

Council has previously directed the development of additional measures to set and enforce maintenance standards. Along with expanded incentive programs, efforts to build stronger relationships with property owners, and additional resources for inspection, Administration anticipates these measures will support stronger heritage conservation outcomes. Recommendations will come before Council on these items in October 2021.

DECISION HISTORY

City Council adopted Bylaw 9656, *The Victoria Park Heritage Conservation District Bylaw, 1994* on May 27, 1996 (CM96-16).

Respectfully Submitted,

Respectfully Submitted,



Laurie Shalley, Director, Parks, Recreation & Cultural Services

8/30/2021



Aurin Dawson, A/Executive Director

9/1/2021

Prepared by: Aastha Shrestha, City Planner II

ATTACHMENTS

- Appendix A - Context Map
- Appendix B - Location Map
- Appendix C - The Victoria Park Heritage Conservation District Bylaw, 1994
- Appendix D - Heritage Regina
- Appendix E - Architectural Heritage Society of Saskatchewan
- Appendix F - Saskatchewan Ministry of Parks, Cultural and Sport
- Appendix G - Regina Downtown Business Improvement District
- Appendix H - REG Evaluation Form
- Appendix I - JCK Engineering in 2019
- Appendix J - JCK Engineering in 2021