

February 22, 2021

**Mayor Masters and Members of Council:**

**Re: 3160 Albert Street – Special Council Meeting February 25, 2021**

My name is Ross Keith. My wife Susan and I have lived in the Lakeview area for more than 40 years and have raised our family in this neighborhood. We believe that this neighborhood is unique in Regina and is an important asset not only to its residents but to the entire City.

Nicor Group is a Regina real estate development company founded by my wife Susan and I. Nicor has extensive experience in heritage real estate development and has developed a great many heritage properties in Regina.

We support the recommendation of the Administration in the above matter for the following reasons:

1. **Non Compliance with the Standards and Guidelines adopted by the City of Regina** - The Cook House (3160 Albert) is a designated Municipal Heritage Property. No alterations or additions to this building can be permitted which do not comply with the Standards and Guidelines for Conservation of Historic Properties in Canada, which have been adopted by the City of Regina. These standards include the following provisions:
  - **Standard 2 (Page 23) – “Conserve heritage value by adopting an approach calling for minimal intervention”**
  - **Standard 11 (Page 23) – “Make the new work physically and visually compatible with, and subordinate to, and distinguishable from the historic place”.**

The Administration’s Report (at Page 8) speaks to the Heritage Analysis. Its conclusion is as follows:

*“Taken together the cumulative impact of the alterations proposed by the applicant will dramatically alter the exterior form of the historic place and compromise its heritage value. The proposed development represents a significant impact on the heritage designation beyond “minimal” intervention.”*

We agree with the Administration’s conclusion. The proposed work is well outside what is acceptable under the Standards and Guidelines. In our opinion, as an experienced heritage real estate developer, it is blatantly outside the Standards and Guidelines. In fact, approval by the City of this proposal would be a serious embarrassment to Regina’s well regarded heritage program.

2. **Why did the City conduct a full application process when the proposal does not conform to heritage requirements?** - In the report on the consultation process the City

Administration answers this question as follows:

*“Any application for rezoning must follow the standard process and will ultimately be decided by Council. It would not have been appropriate for the Administration to reject the rezoning application based on concerns regarding heritage development. Property owners have an opportunity to apply for changes to bylaws that impact their property. Administration’s role is to evaluate a proposal through the review process and to provide a recommendation to Council”*

We are a property owner and agree that we have the right to apply to change any bylaw that affects any of our properties. We also believe that we have the right to expect the City to conduct an efficient and effective evaluation process.

The first step in the Administration's evaluation should have been to direct the applicant to the first bylaw which would require change. In this instance that would be the Heritage Designation Bylaw. The applicant should have been directed to apply to amend or rescind the Heritage Designation Bylaw.

If the Administration's statement above is correct it would mean that if the City receives a rezoning application in respect of a Designated Heritage Property, the City would be obliged to process both the Heritage issues AND process the application as if the property were a vacant lot.

The inefficiency of such an approach is horrifying. A conservative estimate of the cost of the unnecessary work required of the city staff, the proponent and affected parties would probably have been a quarter of a million dollars. City staff do not have resources to waste. Nor should the proponent be shouldered with unnecessary expense. Not to mention the cost and inconvenience of a special Council Meeting and a special Planning Commission meeting.

Surely the City's Legal Department does not agree that the City is indeed confined in the strait jacket which the City has presently tailored for itself. Those of us affected by the City's present approach are imploring our Mayor and Councillors to find out if the Administration is correct in respect of its contention set out above.

We should learn from this exercise and in the future should not consume the time of City Council, City staff and citizens considering development proposals on heritage sites until the "Heritage Analysis" has been conducted.

- 3. Consultation Report** - The Administration's Consultation Report shows that the Lakeview Community is overwhelmingly against this proposal. The proponent concedes that the Community directly affected is opposed to his proposal but points out that 1171 people did respond to the City saying that they were in favour of the proposal. (897 of these responses were anonymous). The Consultation Report specifically states that these supporters felt that it was *"Unlikely that anyone will want to reinvest in a single detached home here"*. The proponent obviously did not tell these supporters that, in fact, he received (and turned down) an unconditional offer for \$50,000 more than he paid for the property from a buyer who was prepared to accept the Heritage Designation and retain a single detached home on the site.

The proponent, who initially applied for a demolition permit for the building, now contends that he will be saving the Cook Residence and indeed that his option is the ONLY option available. What clearer refutation of this contention could there be than an unconditional offer to purchase the heritage designated property and refurbish it as a single detached home?

4. **Physical Issues** – Nicor has inspected this building and are satisfied that no critical asbestos and mould issues exist. The proponent continues to provide misleading information about structural issues. His estimates re structural work are based on placing the entire building on a new foundation. That work is not necessary. Underpinning of the front section of the building is likely necessary (would require installation of 14 piles). A structural engineer has provided that recommendation and estimated the cost at \$150,000. The stabilized building will not be precisely level, but most homes of that vintage in Lakeview are not. The important thing is that it can and will be stabilized. It is also important to note that the foundation is reinforced concrete which was not the case with most homes of its vintage.

It should also be noted that the extensive removal and reconstruction proposed is impossible for the City to monitor and police. There are a great many circumstances which could arise which would cause the project to not be completed. The proponent claims “that is what insurance is for”. Not so. This would require a bond of probably several million dollars. Even if the proposed work was acceptable from a heritage standpoint, the proponent has in no way provided assurance that he is capable of guaranteeing that the work proposed can and would actually be carried out.

5. **Streetscape and Cultural Landscape** - The following objective is included in Regina’s Cultural Plan (at page 52): *Conserve and enhance the heritage values of areas, streetscapes, and cultural landscapes.* It goes on to say: “Use the zoning bylaw to ensure key elements of existing local heritage character are protected by development standards. The form, scale, and massing of new development in a predominantly early 20<sup>th</sup> century streetscape could be regulated by lower height limits among other standards for example.” This proposal is exactly what Regina’s Cultural Plan and OCP do NOT want.
6. **Unacceptable Location** - There are literally dozens of vacant sites in inner city Regina which would be perfect for the development the proponent wants to build. The City Administration should do everything it can to assist this developer in building his project on one of those infill sites. No developer is entitled to an upzone as a right. An upzone should only be allowed by the City if the project is of obvious benefit to the community affected. The affected community clearly does not consider that the proposal is an obvious benefit.

This is a Municipally Designated Heritage Property. The City just recently went through a long and thorough process to make that determination. This proponent knew the property was on the Heritage Holding List when he purchased the property. He was unconditionally offered \$50,000 more than he paid for the property by a buyer who was prepared to accept the Heritage Designation. He should have accepted that offer and moved on. He continues to suggest that his property rights have not been respected. The proponent not the City is the one who has the misunderstanding with respect to property rights.

It is time for the City to make it clear to the proponent that the City has designated this property and will use the full authority which it possesses to ensure that the building is protected.

We support the recommendation of the City Administration and the Planning Commission and ask you to concur in their recommendation

Thank you for the opportunity to present our thoughts concerning this issue.

**Ross Keith**