



February 20, 2021

Members of the Regina Planning Commission,

Re: Contract Zone Application and Proposed Redevelopment of  
Heritage Property for Multi-Family Residential – 3160 Albert Street

Heritage Regina is strongly opposed to the applications for rezoning and redeveloping the Cook property at 3160 Albert Street. We submit that the City has a legal obligation to protect this designated property from the significant destruction and loss of heritage that would result if these applications were approved. We find the proposals to be completely unacceptable for several reasons.

**Municipal Heritage Property Designation**

*1. The Cook Residence is a designated Municipal Heritage Property.*

The Cook Residence was granted a Municipal Heritage Property Designation by a unanimous decision of City Council in October 2019. This means, under Bylaw 2019-7, the character-defining elements of the entire exterior of the Cook property, identified in its Statement of Significance, are “legally protected against demolition or significant change under *The Heritage Property Act of Saskatchewan*.” (source: Heritage Properties and Conservation page, City of Regina website) Through the designation, the City “ensures that any proposed alterations or changes will not significantly impact the heritage value and character-defining elements of the property.” (source: “Municipal Heritage Property Designation Guide,” Government of Saskatchewan, page 3). The proposal in this instance does not meet this threshold.

The journey of the Cook Residence from Heritage Inventory to Municipal Heritage Property Designation is well documented and still fresh in the minds of community members. Most people who have contacted Heritage Regina in the past few months express their confusion with the City’s “process” regarding the rezoning and redevelopment proposals. They question why we again seem to have to fight to save this heritage property and how the City can justify allowing these proposals to get to this point in the process when the redevelopment plans clearly seek to demolish most of the home’s exterior and destroy its heritage value and its place in Regina’s history.

*2. The designation protects the property’s exterior character-defining elements.*

The character-defining elements of the home’s entire exterior are integral to the heritage value of the home. According to the Statement of Significance, the character-defining elements of the exterior include, but are not limited to,

- location in the Lakeview neighbourhood
- continuous use as a residence
- sitting on a roughly square corner lot with a generous setback from the street

and components found in the following categories:

- residential form, scale and massing
- wood frame construction
- Tudor Revival style elements
- windows
- front entryway
- chimneys
- other elements such as the glass bottle bottoms installed in the rear gable peaks.

These character-defining elements of the exterior are not limited to the east and north faces of the building. They are part of the entire exterior of the residence. Their destruction, as proposed in the redevelopment plans, would contravene the protections legally granted to the Cook Residence through its Municipal Heritage Property Designation.

### *3. Alterations to a designated property must retain the property's heritage value.*

According to the City's Development Application Circulation letter (written by Senior City Planner Ben Mario and dated September 3, 2020), "Any changes to the property must be consistent with the Heritage Designation Bylaw and the *Standards and Guidelines for Conservation of Historic Places in Canada*."

With respect to the rehabilitation guidelines of the *Standards and Guidelines for Conservation of Historic Places in Canada*, the following "additions or alterations to the exterior form"—which are **Not Recommended** by the guidelines—are apparent in the homeowners' proposals.

- **Not Recommended** – 11 – Constructing a new addition when the proposed functions and services could be accommodated by altering existing, non-character-defining interior spaces. (page 132)
- **Not Recommended** – 12 – Selecting a use that dramatically alters the exterior form; for example, demolishing the building structure and retaining only the street façade(s). (page 132)
- **Not Recommended** – 13 – Constructing a new addition that obscures, damages or destroys character-defining features of the historic building . . . (page 132)
- **Not Recommended** – 15 – Designing a new addition that has a negative impact on the heritage value of the historic building. (page 132)

### **The City's Responsibility**

#### *4. The City has an obligation to protect heritage properties in the community.*

It is the responsibility of the City to uphold *The Heritage Property Act* and stand behind the City's own statements, programs, policies and bylaws with respect to protecting the significant value of heritage properties.

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General Standard 2 – The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed.

General Standard 3 – Distinctive stylistic features, or examples of skilled craftsmanship that characterize a building, structure or site, shall be treated with sensitivity. (source: General Standards, Heritage Property Designation Criteria, City of Regina website)

These statements, programs and policies are in place to assist and guide the City's process of reviewing the redevelopment and rezoning proposals. With these plans, policies and bylaws in place to protect and conserve heritage properties the city needs to send back to the homeowners instructions to redesign their plans within the boundaries of the heritage designation, the City's heritage policies and the established residential zoning policies.

### **The Redevelopment and Rezoning Proposals**

#### *5. The redevelopment proposal does not support the conservation of a designated heritage property.*

The homeowners are proposing to retain only the "front of the building facing Albert Street including the front facing gable and roof structure, chimneys, and all façade elements." (source: Ben Mario, Development Application Circulation letter, September 3, 2020) Doing this will not just remove the gabled sunroom on the south side of the house and its built-up corner boards, the concrete foundation and the glass bottle bottoms installed on the west side of the house. It will destroy **all** the rest of the home's exterior walls and **all** the character-defining elements that are part of them.

To be clear, the heritage designation for the Cook Residence is not based solely on the east-facing wall and a portion of the north-facing wall. It includes the entire exterior, even the parts not easily viewed by the public from Albert Street. We estimate that, according to the proposed redevelopment plans, **65% to 75% of the home's exterior will be demolished**. This goes against the *Standards and Guidelines for Conservation of Historic Places in Canada* (as identified earlier in this letter) and would contravene the protections legally granted to the Cook Residence through its Municipal Heritage Property Designation.

In addition, we are very concerned about the plan to relocate the east-facing and north-facing portions of the home on the site.

- First, the location of the home is identified in the Statement of Significance as a character-defining element. Relocating the home on the site would substantially change the current, generous setback of the home. The front yard setbacks on Albert Street require that all homes along the street, from Regina Avenue to 25th Avenue, need to be situated the same distance from the street. The homes along this stretch of Albert Street have had to comply with this standard. The proposed redevelopment is seeking a variance to the setback by several metres. This will significantly change the look of Albert Street.
- Second, relocating the home on the site is a form of demolition. According to *The Heritage Property Act*, “‘demolition’ includes removal of a structure from the location on which it existed at the time of its designation.” (source: *The Heritage Property Act of Saskatchewan*, c H-2.2, s 8) It is also in opposition to the *Standards and Guidelines for Conservation of Historic Places in Canada* (as identified earlier in this letter).

Again, these actions would contravene the protections legally granted to the Cook Residence through its Municipal Heritage Property Designation.

#### *6. The rezoning proposal does not support the character of the Lakeview neighbourhood or of the Albert Street corridor across from the Legislative Grounds.*

The west side of Albert Street, from Regina Avenue to 25th Street, is zoned for single-family or duplex homes. At a height of 11 metres, the proposed multi-family condominium complex would tower over its neighbouring homes, which measure 8.5 metres or less in height. In addition, the proposal requires a generous decrease to the front and side yard setbacks that are characteristic of this historic neighborhood and would change the look of both Albert Street and Hill Avenue. How does a proposed redevelopment of this magnitude not significantly diminish the heritage character of the Lakeview neighbourhood and the Hill Avenue/Albert Street corner?

The proposal seeks to close off a portion of the north driving/parking lane on Hill Avenue. This would eliminate on-street parking at the south side of the proposed building. With only ten spots provided for visitor parking at the proposed building site, additional guest parking would have to move to the streets west and south of the building, taking valuable space from neighbours and negatively impacting the character of their streetscapes.

The proposed change to the north driving/parking lane would also narrow the space for vehicles to turn from Albert Street onto Hill Avenue—a remarkably busy intersection. The section of Hill Avenue, from Albert Street to Retallack Street, is classified as a Category 2 road with respect to the City's winter maintenance policy. Narrowing the road near the intersection would not be compatible with the City's need to effectively and efficiently clear snow from the area. It may also interfere with access to the Hill Avenue utility corridor.

### **The Rights of Property Owners**

#### *7. Municipal policies and bylaws regulate the actions of citizens.*

There is an expectation in urban communities that the City consider the greater good for its citizens when making decisions that affect the life and work of the city. The rights of individual property owners must be measured against the rights of other members of the community.

Because the actions of individual property owners can have a major impact on the property values and well-being of neighbours and the broader community, property owners do not have a blanket right to do whatever they like with their property. This is the reason the City has guidelines, policies, and regulations regarding such areas as noise and waste management building height, setbacks, type of structure and building use.

It is also the reason the City has developed policies and bylaws pertaining to the protection of designated heritage properties. These policies and bylaws apply to all Regina citizens. The owners of the Cook Residence cannot be exempted from them just so they can advance their property redevelopment interests.

### **Impact on the Community**

#### *8. How are the interests of the community being protected?*

When people purchase a home in a neighbourhood that is zoned as residential detached, they have a reasonable expectation that the house next door will not suddenly change from a single family or duplex property to a three-story, multi-family condominium complex. This is particularly true in Regina's older, heritage neighbourhoods where people are drawn to the character of the homes, the mature landscaping, and the canopy of established trees.

The City's general standard regarding heritage property alterations and additions is clear.

- General Standard 8 – The contemporary design of an alteration or addition to an existing building shall not be discouraged, where it does not destroy or detract from significant architectural or historic features, and where such design is compatible with the height, proportions, scale, fenestration, directional expression, facing materials, and overall character of the existing building and/or surrounding properties.” (source: General Standards, Heritage Property Designation Criteria, City of Regina website)

The proposals **do not** measure up to this general standard.

#### *9. What precedent would the approval of the proposals set for the city?*

Heritage Regina as well as members of the community are concerned that if the City allows the proposed redevelopment and rezoning to go ahead, other heritage properties could also be changed into developments that do not fit the character of their neighbourhoods. We believe approving these proposals would set an extremely dangerous precedent and put the conservation of heritage properties at great risk.

By granting a heritage designation to a property, the City is making a promise to the citizens of Regina. It is promising to value the historical, cultural and architectural heritage of the community and protect the designated property from demolition or “unsympathetic alterations.”

When the City entertains the idea that destroying a major portion of a heritage property might create a “unique development opportunity,” then all the policies and programs the City has developed around heritage protection and conservation lose their credibility. The door is opened for people to champion new construction at the expense of designated heritage properties. **This is not acceptable.** In the case of the Cook Residence, there is too much at stake to allow property owners/developers to “roll the dice” and see if they can get around heritage protection policies and bylaws by repackaging demolition and redevelopment plans for the same property year after year.

Now is the time to step up and show decisively that a heritage property designation in the City of Regina really does stand for something. Heritage Regina urges the City to enforce the protections to which the Cook Residence is legally entitled and deny the proposed applications.

Sincerely,



Jackie Schmidt  
President