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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 a number of 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 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 designation recognizes the important heritage value of the Tudor Revival style of the home and the architects who designed it. In 2019, the Provincial Heritage Review Board noted that, with a heritage designation, the Cook Residence “would be the only example of a Tudor Revival style single-family dwelling designed by the Van Egmond and Storey firm on the inventory of designated properties in Regina.” (source: Saskatchewan Heritage Foundation Review Board Report, May 2019, page 4)

With respect to architects Van Egmond and Storey, the Statement of Significance for the property stated, “The Cook Residence stands as one of the most impressive examples of their residential work.”

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. The vast majority of people who have contacted me 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. They also question how the City—which has the designation in place to protect this property—can justify allowing these proposals to get to this point in the process when the redevelopment plans clearly seek to demolish the majority of the home’s exterior and destroy its heritage value and its place in Regina’s history.

A little more than a year ago, the Cook Residence received its heritage designation. Any proposals for redeveloping/rezoning the Cook property must comply with the legal protections set out under that designation. The proposals in this case **do not** meet this threshold.

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.

With respect to the inside of the property, home owner Carmen Lien stated in a September 2020 interview that he “adjusted the redesign to save 55 percent of the interior of the home.” (source: Colton Wiens, “Here’s why the owner of Regina’s Cook Residence wants to redevelop,” CTV News Regina web/video article, September 18, 2020) Because the heritage designation protects only the exterior of the property, the owners’ plans for the interior are not relevant to the redevelopment proposal.

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*.”

Mr. Lien stated in an interview with CBC Saskatchewan that “we believe we are following every . . . standard laid out in the guidelines.” (source: CBC Saskatchewan radio interview/web article, “Condo proposal for Regina heritage site a contentious issue,” September 21, 2020 Note: ellipsis points in quote inserted by the CBC) We have seen no evidence from the home owners’ plans to support Mr. Lien’s claim. The proposals **do not**, for example, align with the following general standards of the *Standards and Guidelines for Conservation of Historic Places in Canada*.

- Standard 1 – Conserve the heritage value of an historic place. Do not remove, replace or substantially alter its intact or repairable character-defining elements. Do not move a part of an historic place if its current location is a character-defining element. (page 22)
- Standard 3 – Conserve heritage value by adopting an approach calling for minimal intervention. (page 22)
- Standard 5 – Find a use for an historic place that requires minimal or no change to its character-defining elements. (page 22)
- Standard 8 – Maintain character-defining elements on an ongoing basis. Repair character-defining elements by reinforcing their materials using recognized conservation methods. (page 22)
- Standard 11 – Conserve the heritage value and character-defining elements when creating any new additions to an historic place or any related new construction. Make the new work physically and visually compatible with, subordinate to and distinguishable from the historic place. (page 23)
- Standard 12 – Create any new additions or related new construction so that the essential form and integrity of an historic place will not be impaired if the new work is removed in the future. (page 23)

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 home owners’ 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. Some of these include:

- “Regina will continue to conserve, protect and support its cultural resources, historic places, civic identity and intercultural dialogue as important civic elements with broad and meaningful social, economic and cultural outcomes.” (source: Design Regina, page 49)
- 10.2 – Consider cultural development, cultural resources and the impact on historic places in all areas of municipal planning and decision-making. (source: Design Regina, page 49)
- 10.3 – Identify, evaluate, conserve and protect cultural heritage, historic places, and cultural resources, including but not limited to public art . . . to reinforce a sense of place. (source: Design Regina, page 49)
- 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. (source: Design Regina, page 49)

- 10.5 – Encourage owners to protect historic places through good stewardship and voluntarily designating their property for listing on the Heritage Property Register. (source: Design Regina, page 49)
- 10.8 – Evaluate potential Heritage Conservation Districts . . . and consider them for designation. (source: Design Regina, page 49)
- 10.10 – Develop and enforce vacant building, property maintenance, and property standards bylaws to protect heritage properties against deterioration. (source: Design Regina, page 50)
- 10.11 – Leverage and expand funding, financial incentive programs and other means of support to advance cultural development, cultural resources and conservation of historic places. (source: Design Regina, page 50)

- “The City’s progressive cultural heritage policies and programs conserve and enhance its cultural heritage resources. Historic places enhance the quality of life that Regina offers to its residents, and those places are a strong source of civic pride.” (source: Regina Cultural Plan, page 2)
- “For more than 30 years, the City has taken an active lead in recognizing the heritage value of historic places. Regina’s rich cultural heritage improves the quality of life offered to its residents. A range of City programs are in place to ensure that historic places are protected and that standard cultural resource management practices are followed in municipal decision making around heritage buildings.” (source: Regina Cultural Plan, page 17)
- “City Council oversees a comprehensive Heritage Conservation Program to conserve, protect, and support Regina’s historic places. In keeping with national best practice, Council adopted the *Standards and Guidelines for the Conservation of Historic Places in Canada*. Direct investments to owners of historic places are made via the City’s Heritage Building Rehabilitation Program, which enables the conservation of historic places. Under *The Heritage Property Act*, Council has the power to protect historic places from demolition or unsympathetic alterations.” (source: Regina Cultural Plan, page 41)

- The Heritage Incentive Policy provides a tax exemption for home owners for conservation work “specifically aimed at extending the life and increasing the value of designated property.” (source: “5.4 Eligible Work,” Heritage Incentive Policy, page 3, PDF link at Heritage Properties and Conservation page, City of Regina website)
- General Standard 1 – Every reasonable effort shall be made to establish a compatible use for a property that requires minimal alteration of the building structure, site, and/or environment.
 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 look impressive on paper. However, they do not seem to be evident in the City’s process of reviewing the redevelopment and rezoning proposals. Given that the City has plans, policies and bylaws in place to protect and conserve heritage properties, why weren’t the proposals sent back to the home owners with 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 home owners 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 cornerboards, the concrete foundation and the glass bottle bottoms installed on the west side of the house. It will destroy **all** of the rest of the home’s exterior walls and **all** of the character-defining elements that are part of them.

During the City’s Public Open House in September 2020 regarding the redevelopment and rezoning proposals for the property, Mr. Lien noted that “90% of the visual public historical façade is being restored.” (source: Façade Relocation slide, Open House Presentation, September 16, 2020) 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.

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).
- Third, according to an article about the redevelopment plans in the Leader-Post, “During construction of the parkade, the façade of the home would be moved off site. The rest of the building would be demolished and a three storey addition would be built on the property.” (source: Alec Salloum, “Cook Residence owner submits new proposal,” Leader-Post, September 21, 2020, page A1) This means the east- and north-facing portions of the home—made extremely unstable by demolition—would be moved twice. The company suggested by the home owners to lift and relocate the east- and north-facing portions of the property does not appear to employ professionals trained in moving heritage buildings. This reckless plan makes the survival of the Cook Residence extremely doubtful.

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. 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 very 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.

In addition, the proposed change to the north driving/parking lane would alter the yard setback along the south side of the proposed building, interrupting the continuity of front yard setbacks on Hill Avenue.

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.

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.

Members of 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-storey, 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. It is certainly the case for Dr. Bob Neumann who has lived in the home directly west of the Cook Residence for 28 years. As Dr. Neumann noted in a September 2020 Leader-Post article about the proposals, “We’re not happy about it obviously.

We didn't really see this coming when we bought in the neighbourhood." (source: Alec Salloum, "Cook Residence owner submits new proposal," Leader-Post, September 21, 2020, page A1)

The City's general standard regarding heritage property alterations and additions is very 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. How, then, have the proposals advanced to this point in the City's process?

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

Dr. Neumann is 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. (source: Alec Salloum, "Cook Residence owner submits new proposal," Leader-Post, September 21, 2020, page A4) He is not alone in his concerns. We believe approving these proposals would set a very 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 of 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 for the City to step up, keep its promise, and show decisively that a heritage property designation in the City of Regina really does stand for something. I urge the City to enforce the protections to which the Cook Residence is legally entitled and deny the proposed applications.

Sincerely,

Jackie Schmidt
President