

Glenora - Conservation 2017

Recommendation

That the June 5, 2018, Urban Form and Corporate Strategic Development report CR_5434, be received for information.

Previous Council/Committee Action

At the December 5/8, 2017, City Council meeting, the following motion was passed:

That Administration provide a report on creative and innovative legal/zoning mechanisms that would pause demolitions of historic resources in the Glenora neighbourhood, including properties located within and outside of the Proposed Heritage Conservation Areas and return to Urban Planning Committee.

Executive Summary

The *Municipal Government Act* allows demolition of any building as an owner's right, unless the building has been formally designated as a historic resource. Where a municipality formally designates a building, it must either obtain the owner's consent, or compensate the owner when the owner does not consent. To date, the City has not designated a building without the consent of an owner, due to the potential compensation costs.

Under this legal framework, preventing the demolition of historic resources is challenging for municipalities.

This report outlines several approaches to discourage the demolition of buildings on the Inventory of Historic Resources in Edmonton, both in the Glenora neighbourhood and elsewhere in the city. The legislative framework of the *Historical Resources Act* places some limitations on the City's ability to prevent an owner from demolishing a building on the Inventory of Historic Resources. Existing tools can continue to be utilized, while additional zoning-related options could assist in preserving historic resources.

Report

The *Municipal Government Act* allows demolition of any building as an owner's right, unless the building has been formally designated as a historic resource by either a municipality or the Government of Alberta through the *Historical Resources Act*. If a

municipality designates a building, it must either obtain the owner's consent, or provide compensation when the owner does not consent. The Government of Alberta is not required to provide compensation to an owner when it applies a historic resource designation to a building/property.

Two fundamental elements of the City's Heritage Program are the Inventory of Historic Resources and the Register of Historic Resources. Being on the Inventory acknowledges that a building is historically significant, but in no way affects the rights of the property owner to demolish the building. Buildings on the Inventory are eligible for designation as a Municipal Historic Resource. Designation as a Municipal Historic Resource legally protects a building from demolition. The Heritage Program steadily adds buildings to the Inventory, and in some cases moves buildings from the Inventory to the Register. Attachments 1 and 2 provide additional Information on the Inventory and Register of Historic Resources in Edmonton, and the activities of the Heritage Program.

The City's long-standing approach to placing a building on the Register is to obtain the owner's consent and provide a grant to assist in rehabilitating/restoring the structure. Should an owner consent, the building will be designated as a Historic Resource and added to the Register with the approval of City Council. To date, the City has not designated a building without the consent of an owner due to the required compensation, which is based on the economic value of the lost opportunity to redevelop the building/property, and can be considerable.

Many owners who agree to designation do so because they wish to protect their buildings for future generations. However, grants provided by the City to assist owners in the proper rehabilitation of a designated building are matching grants, meaning the owner must also contribute personal resources for preservation. Owners who decline designation will often maintain the historic character of a building for a lengthy period of time, but may ultimately decide to protect their property rights and opportunity for future potential economic gain through redevelopment. As additional economic value is added to a property through broader land use initiatives and changes to statutory plans and land use zoning, owners may be motivated to maintain their options to redevelop and less likely to agree to a designation.

Most of the 552 heritage homes (single detached dwellings) on the Inventory of Historic Resources and the 63 heritage homes that are designated Municipal Historic Resources are zoned RF1, RF2, RF3 or RF4. Other sites may be zoned under a (DC1) Direct Development Control Provision that applies to nodes within existing communities, or other zoning classifications. Some DC1 Provisions are specifically intended to retain the historic character of an area and contain direction on the appearance of renovated and new structures, and the setbacks of structures from property lines.

In 2016, 12 buildings listed on the Inventory were demolished (two were in Glenora). In 2017, nine buildings listed on the Inventory were demolished (three were in Glenora). To date in 2018, eight buildings listed on the Inventory have been proposed for demolition (none in Glenora).

From 2015 to 2017, Administration completed an inventory of historic resources in the Glenora community. Through that process, 116 properties were added to the Inventory of Historic Resources, and three potential heritage conservation areas (all south of Stony Plain Road) were identified.

In March 2017, Urban Planning Committee directed Administration to consult with the Old Glenora Conservation Association, the Glenora Community League and landowners within the three potential heritage conservation areas to scope out the level of interest and resources required for potentially developing special area zoning in these areas. This outreach is ongoing, and Administration expects to report back to Urban Planning Committee in September 2018.

While Zoning Bylaw 12800 cannot prohibit subdivisions outright, it can set a minimum parcel size that could make subdivision less likely. If an owner is discouraged to subdivide, then they may decide to retain the existing structure. However, they may also choose to remove an existing building and replace with a new building. In this case and regardless of the subdivision opportunity, an owner may still apply for a demolition permit to remove a structure as-of-right.

In June 2017, City Council approved amendments to Zoning Bylaw 12800 that requires owners of buildings on the Inventory of Historic Resources to provide documentation on them prior to their demolition.

Attachment 2 outlines the activities Administration takes with owners related to buildings on the Inventory and potential designations.

Attachment 3 outlines options to preserve/conservate historic resources under threat of demolition. They include a number of existing enabled approaches and a new approach that could be considered. These include:

Existing Options:

- Development Direct Development Control Provision (DC1) zoning
- Designate buildings as Municipal Historic Resources
- Continue lobbying the Province
- Provide guidance through governing plans

Potential Option:

- Develop special heritage character area Overlay

Budget/Financial

If the City designated an historic resource on the Inventory as a Municipal Historic Resource without the owner's consent, the *Historical Resources Act* requires the owner be compensated if there is a decrease in the economic value of the parcel. At present, there is no identified funding source for this form of compensation.

Corporate Outcomes and Performance Management

Corporate Outcome(s): Edmontonians are connected to the city in which they live, work and play			
Outcome(s)	Measure(s)	Result(s)	Target(s)
Unique character and history of neighbourhoods is preserved	Total number of structures on the Inventory of Historic Resources	950 (May, 2018)	N/A
	Annual number of owner-initiated buildings added to the Inventory of Historic Resources	6 (2016) 10 (2017) 2 (May, 2018)	Reverse trend of demolitions exceeding additions to the Inventory of Historic Resources
	Annual number of buildings added to the Inventory of Historic Resources through City-funded neighbourhood inventories	122 (2016) 0 (2017) 40 (May, 2018)	
	Number of buildings in Glenora added to the Inventory of Historic Resources	116 (2016)	
	Annual number buildings on the Inventory of Historic Resources that were demolished	12 (2016) 9 (2017)	
	Number of total buildings proposed for demolition in 2018	8 (May, 2018)	

Risk Assessment

Risk Element	Risk Description	Likelihood	Impact	Risk Score (with current mitigations)	Current Mitigations	Potential Future Mitigations

Public Perception	Loss of heritage homes due to redevelopment results in poor public perception of City's efforts to protect historic resources	2 - unlikely	2 - moderate	4 - low	<ul style="list-style-type: none"> - City Council is notified when buildings on the Inventory of Historic Resources are proposed to be demolished - City Council can designate a building as a Municipal Historic Resource without the owner's consent per the <i>Historical Resources Act</i>, but must provide compensation for decrease in economic value 	See sections of Report titled: Option 1, Option 2, and Option 3 - Communication with public about the legal limitations for the City to prevent demolition of historic resources
Loss of Heritage Resources	Redevelopment opportunities continue to result in demolition of existing historic resources	2 - unlikely	3 - major	6 - low	<ul style="list-style-type: none"> - City Council is notified when buildings on the Inventory of Historic Resources are proposed to be demolished - City Council can designate a building as a Municipal Historic Resource without the owner's consent per the <i>Historical Resources Act</i>, but must provide compensation for decrease in economic value 	See sections of Report titled: Option 1, Option 2, and Option 3

Attachments

1. Background Information on the Inventory and Register of Historic Resources in Edmonton
2. City of Edmonton Historic Resource Management Program Activities
3. Options for Discouraging the Demolition of Historic Resources

Others Reviewing this Report

- R. Kits / S. Padbury, Acting Deputy City Managers, Financial and Corporate Services