

**REPEALED BY BY-LAW NO. 7633/2000
MAY 24, 2000**

THE CITY OF WINNIPEG

**THE GAIL PARVIN HAMMERQUIST FUND BY-LAW
NO. 7040/97**

A By-law of THE CITY OF WINNIPEG to establish a program of grants from a fund, named in honour of Gail Parvin Hammerquist, to encourage and assist in the renovation of buildings of architectural or historic significance and to provide for heritage research and heritage economic development initiatives in the City of Winnipeg.

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

WHEREAS section 474 of The City of Winnipeg Act provides, in part:

"By-law re grants and tax credits

474(2) The council may by by-law establish a program of grants or tax credits to encourage and assist in the renovation of buildings listed in a by-law under subsection (1)."

Contents of by-law

474(3) A by-law under subsection (2) may, without limiting the generality of that subsection,

- (a) specify the taxes against which there may be a tax credit;
- (b) determine the types of renovations and costs associated with renovations that are eligible for a grant or tax credit;
- (c) impose terms and conditions on the entitlement to a tax credit or grant;
- (d) provide for the amount, or means of determining the amount, of a grant or tax credit;
- (e) establish a maximum annual grant or tax credit for each building;

- (f) fix the period of time during which a tax credit may be applied to taxes or a grant may be paid;
- (g) make provisions for any other matter that council considers necessary or advisable."

AND WHEREAS Council wishes to establish such a grant program.

AND WHEREAS a Fund known as The Gail Parvin Hammerquist Fund has been established by Council with the intention that an annual \$100,000.00 allocation will be made available in the Capital Estimates, in addition to an allocation of a 5% share of gross revenues received from sales of City-owned real estate as funding for the grants program.

NOW THEREFORE THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

TITLE

1. This By-law may be cited as:

"The Gail Parvin Hammerquist Fund By-law".

DEFINITIONS

2. In this By-law,

"COMMITTEE OF PLANNING AND COMMUNITY SERVICES" means the Standing Committee of Council of that name established under The City Organization By-law.

"CITY" means the City of Winnipeg.

"COUNCIL" means the Council of the City.

"DESIGNATED OFFICER" means a person designated in writing by the Commissioner of Planning and Community Services to administer this by-law.

"DESIGNATED STRUCTURES" means those structures identified from time to time on the Buildings Conservation List, attached as Schedule "A" to By-law No. 1474/77.

"FUND" means the Gail Parvin Hammerquist Fund.

"HISTORICAL BUILDINGS COMMITTEE" means the Committee constituted pursuant to section 4 of By-law No. 1474/77.

"OWNER" means the registered owner under The Real Property Act of land on which a building, erection or structure is located, or the grantee thereof in a valid conveyance registered under The Registry Act, or an agent of either such owner.

"STANDARDS FOR CONSERVATION" means the standards contained in the attached Schedule to this by-law as adopted by the Historical Buildings Committee and approved by Council to be applied to specific heritage rehabilitation projects.

THE GAIL PARVIN HAMMERQUIST FUND

- 3(1) The Historical Buildings Committee shall make annual recommendations to the Committee on Planning and Community Services regarding the total amount to be provided as grants from the Fund during the next fiscal year.
 - 3(2) Upon adoption of the City's annual estimates, and confirmation by the City Treasurer of the amount in the Fund arising from revenues from sales of City-owned real estate, the Committee on Planning and Community Services shall determine the total amount to be provided as Grant monies from the Fund in that fiscal year.
 - 3(3) Notwithstanding subsections (1) and (2), Grant monies of \$ 350,000.00 are hereby made available from the Fund for the 1997 fiscal year.
4. The Grant monies shall be distributed as follows:
- (a) a minimum of 20% of the Grant monies shall be allocated to each of three programs as described in sections 7, 13 and 17 of this By-law;
 - (b) Seven and One-Half Percent of the Grant monies shall be made available to cover program start-up costs and administration;
 - (c) the remaining 32.5% of the Grant monies shall be allocated during the year to the three programs, in such amounts and at such times as the Historical Buildings Committee, in consultation with the Designated Officer, may determine.

5. If a portion of the funds allocated to any or all three of the programs remains unexpended at the fiscal year end, the unexpended funds shall be carried over and applied to the program's next annual budget, and, for greater certainty, the unexpended funds shall not constitute, make up or be substituted for the 20% of the Grant monies which is to be allocated to the program in the following fiscal year in accordance with section 4 of this by-law.

6. For the purposes of this by-law, a fiscal year shall be from January 1 - December 31.

THE CAPITAL GRANT PROGRAM

7(1) Grants from this program are available to owners of designated structures for

- (a) small-scale building conservation projects which restore the structure's heritage character, architectural elements and detailing;
- (b) projects designed to make designated structures more accessible to persons with disabilities.

7(2) Grants shall not be available for ordinary maintenance of designated structures or for the installation of modern materials.

7(3) Grants awarded shall not comprise more than 50% of the total approved costs of the project, to a maximum of \$25,000.00 per project.

8(1) In order to be eligible for a grant, the owner of a designated structure must submit an application to the Designated Officer, containing the following information:

- (a) a simplified conservation report, including basic information about the designated structure;
- (b) an outline of the proposed project;
- (c) a schedule outlining when the project is proposed to be commenced and completed;
- (d) a financial plan; and

- (e) any additional information, documentation or verification that the Designated Officer may require.
- 8(2) In addition, all applicants must comply with the following criteria in order to be eligible for a grant:
 - (a) no taxes may be owing for the property on which the designated structure is located;
 - (b) two estimates for the proposed work must be provided; and
 - (c) construction may not be commenced until grant approval is obtained from the Designated Officer or Committee on Planning and Community Services, as the case may be.
- 9. Applications will be received on a first-come, first-served basis, during the fiscal year, and will be processed until the Grant monies for this program are committed.
- 10 All applications shall be submitted to and assessed by the Designated Officer. The Designated Officer shall approve grant applications for eligible projects which comply with the criteria set out in Section 8 and with the Standards for Conservation and where, in the opinion of the Designated Officer, the proposed restoration of a designated structure's heritage character, architectural elements and detailing is economically and technically flexible or, where applicable, proposed project makes a designated structure more accessible to persons with disabilities.
- 11(1) Projects which are not approved by the Designated Officer or which entail exceptional circumstances or requests shall be forwarded by the Designated Officer to the Historical Buildings Committee for review and recommendation.
- 11(2) In assessing whether the application should be approved, the Historical Buildings Committee shall consider the criteria referred to in Section 8 and may also consider
 - (a) the urgency of the project;
 - (b) the appropriateness of the project; and

- (c) during the first two years after enactment of this by-law, the prioritization of applications for projects involving designated structures in the Exchange District and adjacent historic and character areas.
- 11(3) The Historical Buildings Committee shall forward its written recommendations to the Committee on Planning and Community Services, a copy of which shall be forwarded to the applicant.
- 11(4) The Committee on Planning and Community Services may approve, approve with conditions, or refuse any application referred to it.
- 11(5) Prior to considering any application forwarded to it, the Committee on Planning and Community Services shall give the applicant notice of the time, date and place of a meeting to hear any representation which the applicant may wish to make concerning the application.
- 11(6) Where the Committee on Planning and Community Services refuses an application, it shall record in its minutes the reasons for the refusal, and shall provide a copy of its reasons to the applicant on request.
- 12. Applicants whose projects are approved shall be required to:
 - (a) enter into a written heritage agreement;
 - (b) submit in advance all costs and work plans;
 - (c) provide access to the Designated Officer to inspect and approve all work;
and
 - (d) submit all paid bills upon completion of the project for auditing purposes.

THE HERITAGE RESEARCH PROGRAM

- 13. Grants from this program are available for historical research, both basic and analytical, for the purpose of contributing to the current knowledge of the City's built environment.

- 14(1) On an annual basis, the Historical Buildings Committee shall publish a request for research proposals.
- 14(2) As part of the annual request for research proposals, the Historical Buildings Committee may:
 - (a) identify specific topics of relevance on which it is seeking submissions;
and
 - (b) issue a request for independent research ideas.
- 15(1) In order to be eligible for a grant, applicants shall submit their proposal to the Designated Officer, in a form determined by the Designated Officer and shall include the following:
 - (a) academic background;
 - (b) professional experience;
 - (c) publication record; and
 - (d) any information, documentation or verification that the Designated Officer may require.
- 15(2) Graduate-level university students willing to undertake a directed research project may be eligible to receive a grant under this program.
- 15(3) Proposals for independent research ideas shall specify whether the Fund is the sole financial sponsor, or whether a cost-shared partnership with other agencies or other levels of government is sought.
- 16(1) Grants in the amount of \$25,000.00 or less may be approved by the Designated Officer where, in the opinion of the Designated Officer, the proposal will significantly enhance the current knowledge of the City's built environment.

- 16(2) Proposals which are not approved by the Designated Officer or proposals for grants greater than \$25,000.00 shall be reviewed by the Historical Buildings Committee and referred with written recommendations, a copy of which shall be forwarded to the applicant, to the Committee on Planning and Community Services.
- 16(3) The Committee on Planning and Community Services may approve, approve with conditions, or refuse any proposal referred to it.
- 16(4) Prior to considering any proposal referred to it, the Committee on Planning and Community Services shall give the applicant notice of the time, date and place of a meeting to hear any representation which the applicant may wish to make concerning the proposal.
- 16(5) Where the Committee on Planning and Community Services refuses a proposal, it shall record in its minutes the reasons for the refusal, and shall provide a copy of its reasons to the applicant on request.
- 16(6) Applicants whose proposals are accepted shall submit their finished research in a form or format determined by the Historical Buildings Committee.

THE HERITAGE ECONOMIC DEVELOPMENT INITIATIVE PROGRAM

- 17. Grants from this program are available to applicants whose proposals demonstrate innovative measures designed to attract new investment, occupants or uses for designated structures in the City of Winnipeg.
- 18. Grants awarded shall not comprise more than 50% of the total approved costs of the proposal.
- 19. On an annual basis, the Historical Buildings Committee shall publish a request for applications under this program.
- 20. Applications for grants shall be submitted to the Designated Officer and shall include any information, documentation or verification that the Designated Officer may require.

- 21(1) The Designated Officer shall refer all applications to the Historical Buildings Committee for review and assessment. The Historical Buildings Committee may approve grant applications in the amount of \$25,000.00 or less where, in the opinion of the Historical Buildings Committee, the project will significantly attract new investment, occupants or result in innovative uses for designated structures.
- 21(2) Grant applications greater than \$25,000.00 or applications which are not approved by the Historical Buildings Committee shall be referred with written recommendations, a copy of which shall be supplied to the applicant, to the Committee on Planning and Community Services.
- 21(3) The Committee on Planning and Community Services may approve, approve with conditions, or refuse any applications referred to it.
- 21(4) Prior to considering any proposal referred to it, the Committee on Planning and Community Services shall give the applicant notice of the time, date and place of a meeting to hear any representation which the applicant may wish to make concerning the proposal.
- 21(5) Where the Committee on Planning and Community Services refuses an application, it shall record in its minutes the reasons for the refusal, and shall provide a copy of its reasons to the applicant on request.
- 22. Heritage organizations seeking ongoing operating support, marketing agencies and promotional programs shall not be eligible to receive grants under this program.
- 23(1) In addition to grants for approved proposals, a portion of the Grant monies allocated to this program may be used for heritage database development for the City.
- 23(2) The amount of the Grant monies to be used for heritage database development shall be determined by the Historical Buildings Committee in consultation with the Designated Officer.
- 24(1) The Historical Buildings Committee may work with other City departments, other levels of government, and interested parties in the community to prepare its heritage database development plan.

- 24(2) The Historical Buildings Committee shall forward its heritage database development plan to the Committee on Planning and Community Services for approval.
- 24(3) The Historical Buildings Committee shall manage, implement and monitor the heritage database development plan, subject to approval under subsection (2).

ADMINISTRATION

25. Subject to the provisions of this by-law, the Historical Buildings Committee may establish its own procedures.

CONSEQUENTIAL AMENDMENT

26. By-law No. 6550/95 is amended by adding subclause (z) at the end of subsection 6(2):

"(z) Determining the amount of Grant monies to be provided from the Gail Parvin Hammerquist Fund and hearing and deciding appeals from decisions made by the Designated Officer or Historical Buildings Committee in respect of grant applications pursuant to the Gail Parvin Hammerquist Fund By-law No. 7040/97."

DONE AND PASSED in Council assembled, this 30th day of April, 1997.

SCHEDULE "A"

STANDARDS FOR CONSERVATION

On August 9, 1995, City Council approved a Consolidated Policy for Funding the Conservation of Heritage Buildings. This policy includes a series of standards which are to be applied to specific heritage projects in a reasonable manner, taking into consideration economic and technical feasibility.

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old design, colour, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.