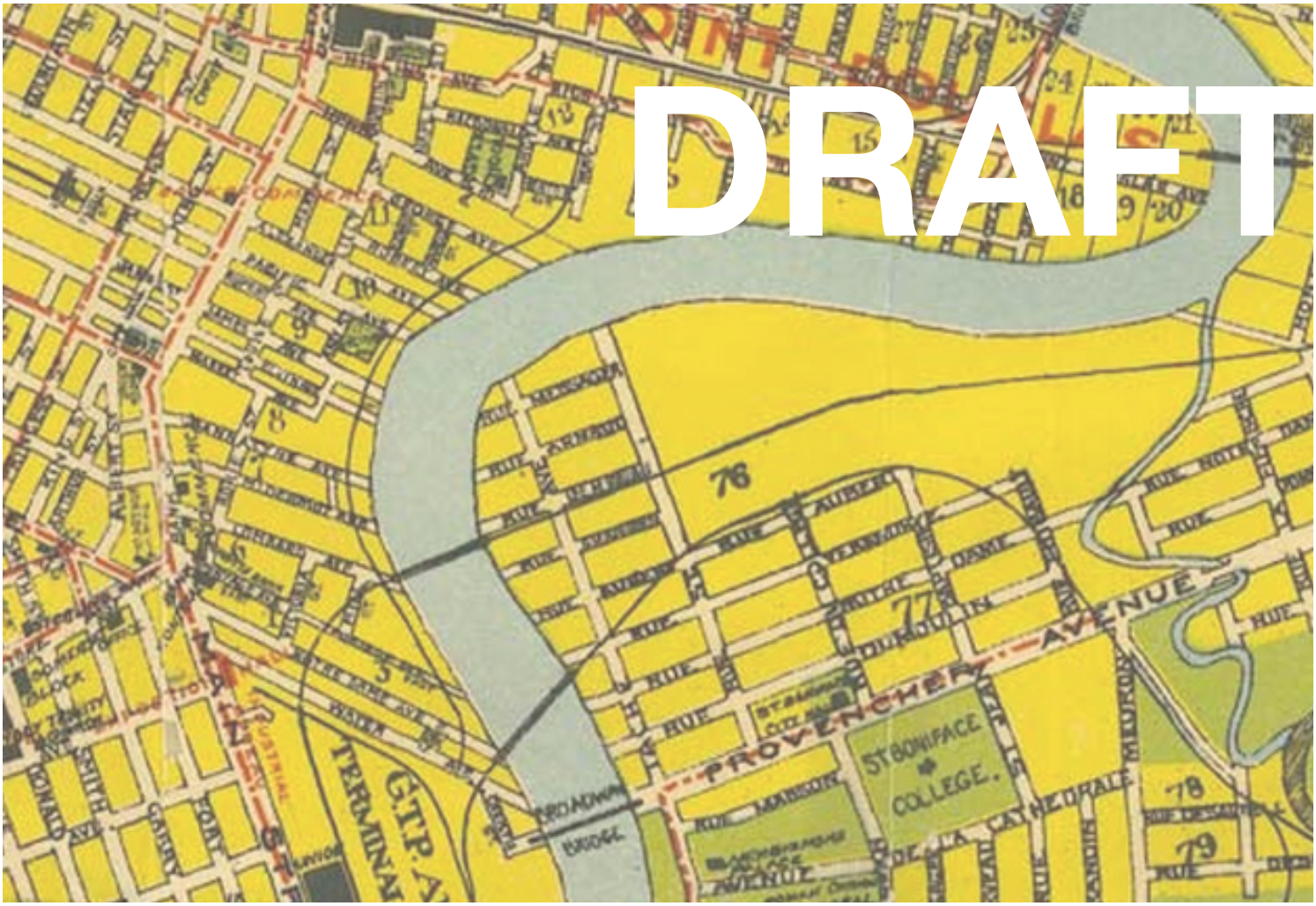


Winnipeg Heritage Conservation Districts

POLICIES & PROCEDURES FRAMEWORK



May 2014

HTFC
PLANNING & DESIGN

In Association With:
SPAR Planning Services
Historyworks

Winnipeg

Winnipeg Heritage Conservation Districts

POLICIES & PROCEDURES FRAMEWORK

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Thank you to the volunteers who assisted in this process.

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POLICIES & PROCEDURES FRAMEWORK

1.0 Introduction

The *Request for Proposal for Professional Consulting Services for a Heritage Conservation District Study* aims to build on the City of Winnipeg's strong tradition and long practice of heritage building designation. Once complete, the study is to provide the basis for Winnipeg's Public Service to develop policies and procedures for the designation of areas that demonstrate special architectural and historic interest. Along with its conventional arsenal of policies, incentives, and regulations the City is now armed with explicit provincial legislation, a draft *Heritage Resource Management Plan,* and *OurWinnipeg / Complete Communities* direction to enhance recognition, conservation, and stewardship of area-wide historic resources. From its outset, the study recognizes that an effective Heritage Conservation District program will reflect Winnipeg's history, its distinct neighbourhoods, and the City's unique decision-making processes.

The study RFP specifies a number of deliverables, including:

Phase 1

- Overview and situational analysis of the current City of Winnipeg context for heritage planning;
- Comparative analysis of Heritage Conservation District practices in other cities.

Phase 2

- Application of recommended HCD practices to a Winnipeg neighbourhood through a case-study (Armstrong's Point);
- Preparation of a draft HCD plan for this neighbourhood.

This document represents the outcomes from Phase 1 of the *City of Winnipeg Heritage Conservation District Study*—Phase 2 is provided under separate cover. Although Phase 1 tasks commenced with the Situational Analysis, followed by the Comparative Analysis, and concluded with the Policies & Procedures Framework, this document is presented in reverse sequence.

This is a decision document that emphasizes the Framework section as the actionable outcome from Phase 1 of the overall study. Representing the research and analysis that underpin the Framework and its 20 recommendations, the Comparative Analysis and Situational Analysis are therefore positioned to follow the Framework. Nevertheless, efforts have been made to ensure the Phase 1 components can be appreciated both as stand-alone pieces and as parts of an inter-connected initiative.





OurWinnipeg Document (Left)
Complete Communities, OurWinnipeg Direction Strategy (Right)

A note of caution: within both the Situational Analysis and the Comparative Analysis there are "Conclusions" and "Recommendations". These are intended to be understood as outcomes of the specific sections and provide directions for investigation in succeeding sections and, in this sense, more closely adhere to the sequence through which the tasks were initially undertaken.

Context & Methodology

The Policies & Procedures Framework step builds on the City of Winnipeg service baseline established through the Situational Analysis component and the investigation of other cities' Heritage Conservation District practices undertaken during the Comparative Analysis component. In addition, this step incorporates citizen input and feedback acquired at the November 26th 2013 and January 14th 2014 community workshops.

This step is intended to provide the City of Winnipeg with a framework that can be referenced to guide/form its own Heritage Conservation District policies and procedures for the designation of areas that demonstrate special architectural and historic interests in Winnipeg. The Recommended Framework combines findings from the Situational Analysis and Comparative Analysis, towards an effective, straightforward, and consistent HCD service delivery program unique to the Winnipeg context.

At the third TEC meeting (December 20th 2013), the proponent team presented findings from the 6-city in-depth investigation and comparison of Heritage Conservation District service delivery programs. At this same TEC meeting, members concurred Winnipeg's HCD policies and procedures should incorporate practices from several of the cities investigated, representing an amalgam of program elements rather than a duplicate of any single city's HCD model.

The Recommended Policies & Procedures Framework reflects input and feedback from the Project Manager and TEC members and includes the following elements:

- Heritage Conservation District Program Attributes;
- Legislation – Policy – Regulation Links;
- Eligibility – Nomination – Designation Process; and
- Staffing – Funding – Incentive Resources.

These elements—including 20 recommendations—are intended to frame the City of Winnipeg's post-study development of its own City of Winnipeg Heritage Conservation Districts - Policies and Procedures and its future Heritage Conservation District services.

1.1 Heritage Conservation District Program Attributes

Overview

The City of Winnipeg's draft *Heritage Resource Management Plan* emphasizes the significance of Winnipeg's diverse neighbourhoods in the city's development and its rich historical legacy. This plan also recommends a broader recognition of heritage—to include cultural landscapes, archaeological resources, historic cemeteries, and intangible cultural heritage resources. Many of these have the potential to extend Winnipeg's current heritage conservation focus on building- or site-specific designation, to encompass larger geographic areas and multiple property holdings. In addition, the HRMP identifies several distinct character areas in the downtown (e.g. Chinatown, Legislative Precinct, Central Park, Broadway-Assiniboia) that are worthy of potential area-wide recognition and suggests that more recent eras have historical

significance throughout Winnipeg—in particular, post-war urban and suburban developments (e.g. Wildwood Park)—but are currently under-represented. This section focuses on:

- A definition of Heritage Conservation Districts;
- The purpose of HCD service delivery and its underlying principles; and
- The benefits of designating HCDs.

Definition

Neither Winnipeg's legislation nor its policy documents express a succinct definition of Heritage Conservation Districts. It should not be assumed that this phrase is widely understood among community members, city councillors, or administrative personnel. Among the cities investigated in the Comparative Analysis component, there are some minor differences as to what constitutes a heritage conservation district—but there are some important commonalities. The Historic Sites and Monuments Board of Canada describes "historic districts" and utilizes criteria to consider whether a district has national significance. Fundamentally, historic districts "are geographically defined areas which create a special sense of time and place through buildings, structures, and open spaces modified by human use and which are united by past events and use and/or aesthetically by architecture and plan".

Notable, too, is a trend among cities to consider a broader range of heritage resources for potential designation. Although the majority of heritage conservation districts are residential neighbourhoods or commercial main streets, in recent years several of the cities investigated have designated mixed-use areas, parks, trail systems, manufacturing districts, and institutional settings. As a component of its policies and procedures, a definition of HCDs should be developed by the City of Winnipeg.

RECOMMENDATION #1
That the City of Winnipeg adopt a Heritage Conservation District definition consistent with the following:

A Heritage Conservation District is a distinct geographic area that possesses within its boundaries a concentration of heritage resources with special heritage value and/or heritage character. The significance of a HCD includes but extends beyond its built form and structures to include streets, landscapes, vistas, views, and other physical elements and often includes properties linked by architectural style, historical development, and/or a past event. HCDs can include residential, commercial, industrial, institutional, natural, recreational, or mixed-use areas.

Purpose & Principles

A common misperception concerning heritage conservation districts is that, by designating an area, no changes are permitted and no new development can be accommodated within the boundaries of the district. If this were, in fact, an accurate description of HCD designation then it is understandable why some property owners would be circumspect and prone to fight district designation in the interests of unfair restrictions on property rights—an anti- shrink-wrapping or freezing-in-time stance.





Red River College, Downtown Campus (Left), Corydon Avenue (Right)

Where HCD designation is both commonplace and long standing, the choice is not between any type of development or no development within a designated district. Instead, the choice is between having no mechanism (or, in some cases, an insufficient mechanism) in place or accommodating changes within a district via a coherent conservation policy that guides change and new development. After emphasizing that HCD designation "is not a device for preventing change or new development", English Heritage points out that every district contains places which have changed and that it is often these changes that "are of the character which we wish to protect". Furthermore, future changes "have to be accommodated if we are to ensure such places have a viable and beneficial future—well-managed change can bring with it the investment and care necessary to keep places in good condition; poor management can result in neglect and decline, increasing the risk that places of great historic importance will be lost forever".

In order to ensure that area- or district-based heritage conservation services do not stray from this purpose, a number of underlying service delivery principles should be articulated. Further details regarding these principles are provided in subsequent sections of this framework.

RECOMMENDATION #2:
That the City of Winnipeg, introduce the following Heritage Conservation District principles to support the program purpose:

- That area- or district-based heritage conservation services will be the primary vehicle for identifying, conserving, and celebrating the heritage resources of Winnipeg's neighbourhoods and its other areas of historical and architectural significance;

RECOMMENDATION #2: (con't)

- HCDs will be established in order to guide change within historically significant neighbourhoods and other areas of distinction, balancing the desire to conserve these valued places with opportunities for carefully managed investments to ensure a viable future;

- The local community will be involved in identifying what is important and valuable within a HCD, providing inputs into the process for identifying local cultural heritage values, area character, and heritage objectives;

- Consistent, transparent, and fair policies and procedures will be created to guide the nomination / designation process for the establishment of HCDs in order to ensure all potential districts or neighbourhoods are subject to uniform criteria that gauge the relative merits of each area;

- A set of broad themes or historic contexts will be developed for Winnipeg in order to situate the identification, evaluation, and ongoing management of heritage resources—including HCDs—in a solid, consistent, and defensible framework;

- HCDs will have the force of law, through adoption as Council by-laws, in order to ensure neighbourhood or area development is consistent with the local heritage values and policy directions generated during the nomination and designation process;
- Local heritage conservation values and policy directions will be mandatory components of all area- or district-based planning initiatives (e.g. Local Area Plans, Secondary Plans, Precinct Plans, Neighbourhood Plans, Area Redevelopment Plans, Area Structure Plans, Corridor Plans, Station Area Plans), including the identification of potential new HCDs within the overall plan's boundaries;

- Development proposals within a HCD—including alterations to existing buildings, infill developments, public works, and public realm elements—will be subject to enhanced design review procedures only if directed by the HCD's policy, will only commence once design guidelines and/or development standards are in place, and will ensure that guidelines and standards will be based on the HCD's objectives.

Benefits

To successfully implement Heritage Conservation Districts, the benefits of district- or area-based heritage conservation must be evident to Council, the local community (i.e. a designated neighbourhood or one under consideration for designation), civic staff (i.e. beyond the Heritage Conservation unit), and the community-at-large (i.e. all Winnipeggers and a variety of specific stakeholders, e.g. developers/ investors, realtors, financial institutions, heritage advocates, merchants groups, etc).

RECOMMENDATION #3:
That the benefits of Winnipeg's Heritage Conservation District services be widely communicated and efforts undertaken to ensure they are understood and embraced, as follows:

- For all – designating HCDs formally recognizes the importance of Winnipeg's history and the significance of its distinct historic areas as the city changes;
- For Council – designating HCDS promotes economic development, enhances community revitalization, and contributes to cultural tourism;
- For the local community – designating HCDs protects and enhances property values, thereby encouraging conservation investments, and provides opportunities for community involvement in local decision-making;
- For civic staff – designating HCDs, through the process of identifying local heritage resources and distinctive area-wide assets, provides the basis for tailored services funded through focused budget allocations.

1.2 Legislation, Policy & Regulation Links

Overview

The Situational Analysis revealed that Winnipeg has sufficient legislative authority (in the *City of Winnipeg Charter*) and city-wide policy (in *OurWinnipeg/Complete Communities* and the draft *Heritage Resource Management Plan*) to undertake area- or district-based heritage conservation. Also evident is a range of policy, regulation, procedure, and incentive tools that have the potential to assist with the implementation of district-specific recommendations and actions. Despite this, Winnipeg has not added to its number of heritage conservation districts in decades; moreover, Winnipeg has tended to provide for areas of significance or distinction through regulatory approaches that typically lack explicit intent and objectives and that could be enhanced through more intensive study and analysis.

The Comparative Analysis found that a variety of heritage conservation district approaches are employed by each of the six cities investigated. Although there are differences among these cities' approaches, in most cases there are clear and strong threads connecting:

- city-wide policy direction;
- district-specific heritage values, policies, and implementation actions;
- tailored development regulations, design guidelines, and review procedures; and
- property incentives and district-wide enhancement opportunities.

These "plan-led" and interwoven approaches exhibit characteristics that Winnipeg could simply and effectively emulate in establishing its own HCD policies and procedures. This section focuses on:





The Exchange District, Past and Present

- Manitoba's legislation concerning HCDs;
- Winnipeg's policy context for HCDs; and
- Winnipeg's regulatory instruments regarding HCDs.

Legislation

Since the 2010 amendment to the *City of Winnipeg Charter*, Winnipeg's City Council has had the authority to adopt by-laws concerning areas of special historic interest. Along with this authority there is considerable discretion in terms of a future area- or district-based by-law's scope, format, and adoption procedure. This is in stark contrast to Ontario's Heritage Act, which is highly prescriptive in all matters related to heritage conservation districts. Initially, the latitude the Charter provides Council is fortuitous and advantageous; absent the legislative limitations imposed on Ontario cities, Winnipeg is free to test a variety of approaches during the pilot phase of this new service. If benefits to more rigid provincial direction are revealed as a result of lessons learned during this phase, then the City of Winnipeg—alone or in collaboration with other municipalities (under Manitoba's *Heritage Resources Act*)—would be in a solid position to suggest stronger provincial guidance through changes to the legislation or via a new provincial policy statement.

RECOMMENDATION #4:
That initial piloting of Heritage Conservation Districts be monitored for potential legislative or provincial policy modifications, based on early lessons learned and with attention to potential introduction of:

- Required minimum HCD eligibility criteria;
- Detailed HCD plan preparation procedures, including mandatory community engagement opportunities; and
- Prescribed HCD plan content and format.

Policy

During preparation, it is clear *OurWinnipeg/Complete Communities* heritage-related policies were informed by the draft *Heritage Resource Management Plan*. In addition to its "guiding document" role at that time, the HRMP is intended to provide ongoing and detailed heritage resource policy direction for—among other matters—heritage conservation districts. This relationship between the high level official community plan and the more detailed heritage "topic" plan is consistent in all of the cities investigated during the Comparative Analysis that have adopted a heritage plan or are in the process of doing so.

Key to the force-and-effect aspect of civic policy is that, where the heritage plan is formally adopted as a Council by-law, all city-wide policies consistent across every heritage conservation district are captured in the heritage plan (or, in the case of Toronto, in its *Heritage Conservation Districts – Procedures, Policies, and Terms of Reference* document). Where the heritage plan is not formally adopted or is done so by Council resolution, city-wide HCD policies are provided in sufficient detail in the OCP. Either way, Winnipeg will want to ensure that policies intended to provide direction for all heritage conservation districts are in place prior to initiating designations of specific districts. Note that, on occasion, HCD plan preparation processes may reveal a gap in city-wide policies or uncover policy improvements. When faced with such a circumstance, follow-up action outside the specific HCD planning process to amend the relevant city-wide policy should be considered.

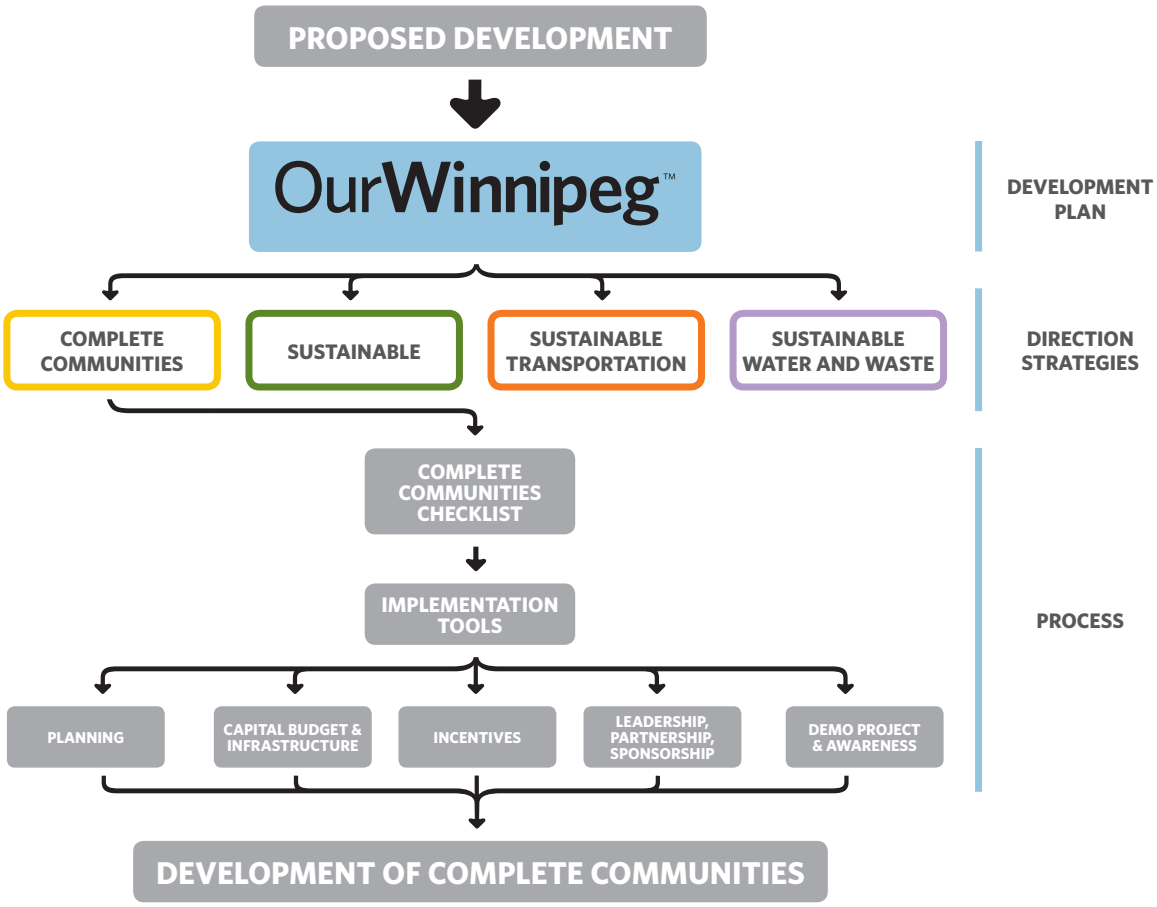
RECOMMENDATION #5:
That city-wide policies intended to apply to all Heritage Conservation Districts be introduced at the *Heritage Resource Management Plan* level if it is to be adopted as a Council by-law or, otherwise, at the *OurWinnipeg/Complete Communities* level.

In order to strengthen connections between overall official community plan policies, city-wide heritage plan policies, and area- or district-specific heritage policies and actions, a variety of tactics are employed by the cities investigated. In most cases, clear emphasis on policy – regulation alignment is evident at the highest level and throughout. Winnipeg has an opportunity to achieve just that, by capitalizing on the recent adoption of a city-wide secondary plan (i.e. *Complete Communities*) and its explicit embrace of innovation.

Complete Communities' Implementation section includes several "Supporting Directions". Among these is Direction 3, which calls for new and innovative tools to complement and enhance future planning efforts. Heritage conservation district plans are, in Winnipeg, both new and innovative. As such, it is important to integrate them within the City of Winnipeg's broader planning hierarchy and to consider their fit with the *Complete Communities* "Implementation Toolbox", including:

- HCD plans should be included among the variety of "Planning Tools" being considered;
- HCD process, content, and format should be provided for as part of the forthcoming "Planning Handbook";
- HCD plan implementation action components should inform future "Capital Budget/ Infrastructure Alignment" decisions;
- HCDs should be eligible for a variety of "Incentive Tools";

- "Leadership, Partnership and Sponsorship" should be key attributes of the HCD plan preparation process and post-adoption implementation of plan actions;
- a HCD pilot process is a suitable "Demonstration Project" to show how *OurWinnipeg/ Complete Communities* policy direction will be applied at a neighbourhood or district level; and
- HCDs should be clearly and strongly aligned with *OurWinnipeg/Complete Communities* policy intent.



Complete Communities Implementation

At present, although *OurWinnipeg* and *Complete Communities* stress the importance of the more specific policy direction that can only be provided at the local area level through area- or district-based plans such as local area plans, precinct plans, neighbourhood plans, secondary plans, etc., the connection between these plans and *OurWinnipeg/Complete Communities* has yet to be specifically defined. Several cities have introduced practices that demonstrate a much closer and comfortable fit—for heritage conservation district plans and other area- or district-based plans. For example, Victoria (in accordance with a legislative requirement) includes its Heritage Conservation Areas in an appendix to its official community plan. In addition to a composite map illustrating the locations of all HCAs and general guidance concerning these areas, the appendix also includes the specific HCA by-laws that provide details specific to each





Exchange District National Historic Site (Left), City Hall (Right)

area (i.e. special features and characteristics, objectives, guidelines). Saskatoon provides for its Local Area Plans in a similar manner (as do Minneapolis and Denver for their Small Area Plans), identifying general objectives applicable to all LAPs and snapshots of each specific LAP by-law in its official community plan.

It is unusual for a city government to adopt a secondary plan that applies to the entire city. While Winnipeg's decision to do so in 2011 is atypical, having done so could prove advantageous for the purpose of tightening the relationship between city-wide development policy and area- or district-based plans such as HCD plans. Adopting each HCD plan as a schedule to the city-wide secondary plan (i.e. *Complete Communities* by-law)—a practice that replicates how individual designated buildings are brought into the *Historical Buildings By-Law*—provides by-law authority to each HCD plan and clearly and emphatically exhibits its relationship to *Complete Communities* and *OurWinnipeg*. The upshot of this approach is that heritage conservation district plans will be pioneering a practice that would apply to all area- or district-based plans. In this way, as existing area-specific secondary plans are reviewed and new ones are prepared in the future, each would be added as schedules to *Complete Communities*.

RECOMMENDATION #6:
That each Heritage Conservation District plan for a specific geographic area, following Council approval, be adopted as a schedule to the *Complete Communities* secondary plan by-law in order to achieve both by-law status for the specific HCD plan and explicit connection to Winnipeg's city-wide property development plan.

There will be occasions when heritage conservation district plan preparation is underway independent of any broader area- or district-based planning process. Conversely, there will also be circumstances when heritage conservation matters are front-and-centre in a broader planning process (e.g. local area plans, secondary plans, neighbourhood plans, precinct plans, corridor plans, station area plans, area redevelopment plans, area structure plans, etc). Winnipeg has had the authority to consider heritage conservation as part of broader secondary plan preparation

processes for decades, but has resisted application of this policy mechanism for purely heritage conservation purposes—even though this practice is typical among the cities investigated. Of the cities investigated, only in Toronto is a distinct, stand-alone heritage conservation district plan preparation process undertaken. Winnipeg now has the authority and flexibility to plan for area-based heritage conservation either way.

When heritage conservation district plan preparation is authorized for any specific district—typically as a result of a HCD study or "pre-plan"—Winnipeg will want to specify baseline elements that are expected as part of the preparation process and the final plan product. These baseline elements are intended to ensure a degree of consistency and continuity, while accommodating a range of techniques that can be applied to Winnipeg's variety of valued areas.

A HCD plan's process and documentation should uncover the answers to these questions:

- What is significant about the district?
- What is to be achieved by designation?
- What are the boundaries of the district?
- Generally, what are the heritage attributes of the district?
- Specifically, what are the contributing heritage (and archaeological) resources of the district?
- How will alteration to existing resources and introduction of new development be guided?
- How will community members be engaged in plan preparation?

Answers to these questions form the basis for the "Statement of District Heritage Significance" and how the policies specific to the district will be captured in the HCD plan.

To activate the plan's policy direction, each HCD plan should include an "implementation action plan". Since no single entity will be responsible for implementing all actions, actions are best captured within categories that include:

- regulatory tools;
- incentives & public investments; and
- partnerships.

The implementation plan should also identify:

- specific actions;
- responsible agent(s);
- priority & schedule; and
- cost estimate & potential funding source(s).

Doing so cements the bonds between the HCD plan preparation process and the future implementation of the plan's recommendations.

RECOMMENDATION #7:
That standardized Heritage Conservation District plan procedures, content, and format be detailed in the "Planning Handbook", as provided for in Complete Communities, and in the *Heritage Conservation Districts – Policies and Procedures* with the following mandatory baseline elements:

- Community Engagement Strategy;
- District History and Evolution;
- District Boundaries;
- Cultural Heritage Values;
- Statement of Significance;
- Conservation Objectives;
- District Heritage & Archaeological Attributes;
- Contributing Resources;
- District Conservation Policies & Guidelines;
- District Conservation Implementation Plan.

In a circumstance where a broader secondary plan (aka neighbourhood plan, precinct plan, local area plan, area redevelopment plan, area redevelopment plan, area structure plan, corridor plan) is in play, heritage conservation matters should be a mandatory plan component—consistent with the department's "Area Redevelopment Plan – Content & Issues" document that identifies area historical context and heritage elements that are to be considered during plan preparation. This consideration should expand to provide opportunities for area stakeholders to formulate local heritage values and contribute to heritage policies—including the potential for establishment of a heritage conservation district encompassing the entire plan area or for a more concentrated portion of the overall area. The overall plan's implementation action plan section will have a format similar to that of HCD plans (i.e. action categories, responsible agents, priorities, funding sources, etc). Extent, importance, and integrity of heritage resources in some areas will be wildly divergent from those evident in other areas.

RECOMMENDATION #8:
That heritage conservation be a mandatory component of all area- or district-based planning initiatives, including baseline heritage-related process and content elements [refer to Recommendation #7].

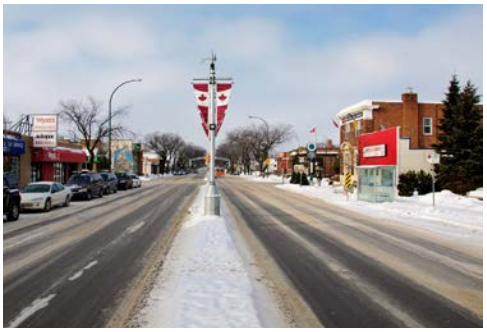
Consistent with HCD plans, for those broader area- or district-based planning initiatives that identify heritage conservation-related values and policies, an implementation plan for heritage actions should be distinguished. In order to ensure broader area- or district-based plans have the same authority and demonstrate the same strong connection to city-wide planning policy, Winnipeg should adopt these plans as schedules to *Complete Communities*, too.

Regulation

Based on examples of heritage conservation district plans and heritage components of broader area plans examined in the Comparative Analysis step, it can be expected that in Winnipeg's future heritage conservation districts some valued resources will require protection via and some policy directions will be met through the regulation of property development. Winnipeg's efforts to guide its areas of distinction have traditionally (e.g. "Historic Winnipeg Restoration Area", "Boulevard Provencher", "C1.5" neighbourhood main streets) and more recently (e.g. Academy Road, Downtown Transcona, St. Norbert) gravitated towards the introduction of special-purpose zoning regulations—in some cases including mandatory district-specific design review of development proposals. In a few cases, zoning changes were preceded by a study of the area's context; only very rarely has the basis for zoning changes in such areas been sufficiently expressed through reference to an area-based plan's vision, objectives, and policy directions.

In short, the thread connecting city-wide and area-specific policies to tailored development regulations, design guidelines, and review procedures is either missing altogether or only vaguely evident. Without connection to clear policy direction, the intent of any zoning district's regulations, processes, and guidelines is absent or diminished. Instead of marshalling resources to implement an area plan's recommended actions following adoption, substantial energies are expended on rearguard "management" of development proposals that do not comply with the applicable zoning provisions. This situation can be remedied through a plan-led approach that only introduces new zoning standards and design guidelines as an outcome of HCD plan adoption.

RECOMMENDATION #9:
That property development regulations, guidelines, and review procedures specific to a Heritage Conservation District be introduced only if intended to implement the HCD plan's policies and specified in the plan's Implementation component.





Downtown Transcona (Left), Provencher Boulevard Facade (Right)





Corydon Avenue Arch (Left), Downtown Urban Design Review (Right)

Winnipeg's two zoning by-laws are equipped with contemporary regulatory tools that have the potential to effectively implement property development-related heritage conservation district plan policies. However, since the Charter does not provide for "development permit area", "site control area", or "direct control district" approaches available to other cities, Winnipeg should implement development controls as follows:

- Within the downtown (under *Downtown Winnipeg Zoning By-law* No.100/2004) – through specific "sub-sector" regulations, including cross-reference to the HCD plan;
- Outside the downtown (under *Winnipeg Zoning By-law No.*200/2006) – through specific "planned development overlay" schedules, with cross-reference to the HCD plan.

Due to legislative differences, some cities capture design review procedures and design guidelines specific to a designated district in the HCD plan, while others do so in the zoning by-law. In order to strengthen the connection between the HCD plan's vision, objectives, and policy recommendations, Winnipeg should include area- or district-specific HCD procedures and guidelines within the HCD plan (in cases where these are more specific than the city-wide *Heritage Conservation Districts – Policies and Procedures*). This will keep the focus on the HCD plan following adoption, rather than diminishing the importance of the plan's intent and context once the zoning overlay or sub-sector has been introduced—and provided, of course, that the zoning overlay district or sub-sector specifies that design review is in effect and references the relevant HCD plan provisions.

The zoning overlay district or sub-sector then serves to implement the package of development standards recommended in the HCD plan, such as: principal building heights, setbacks, stepbacks, accessory building locations, motor vehicle provisions, sign provisions, and so forth. In addition, the overlay or sub-sector could also introduce select additional land uses or increased intensities called for in the HCD plan, but only if intended to provide encouragement for building conservation and subject to strict limitations. The overlay or sub-sector should also itemize those alterations and works that are "deemed permitted" (aka "as-of-right")—such as minor repairs, interior alterations, alterations and additions not visible from the street, rear yard accessory structures, and so forth.

While Portland is the only city among those investigated during the Comparative Analysis step that has introduced an alternative compliance process aimed at reducing the risks associated

with a lengthy and subjective design review process, most of these cities employ stratification practices and several cities are considering approaches similar to Portland's—including Edmonton, which is looking at the use of form-based zoning regulations in a potential HCD.

RECOMMENDATION #10:
That Heritage Conservation District-directed property development protections be implemented through special-purpose zoning districts that emphasize objective development standards where possible and, otherwise, employ design guidelines and a design review process to ensure developments and redevelopments within the plan area are consistent with HCD plan policies.

Generally, cities that employ design guidelines and review processes refer development proposals within HCDs to city-wide heritage conservation committees for review and advice to decision-makers—although, in rare cases, local community involvement in HCD study and plan preparation leads to the opportunity for an ongoing advisory role in design review. There are distinctions city-to-city, but for the most part comparatively minor or modest building alteration applications are staff-approved once clear parameters have been established. [refer to "Post-designation"]

1.3 ELIGIBILITY, NOMINATION & DESIGNATION PROCESS

Overview

The Overview & Situational Analysis found that overall priority for Winnipeg's area- or district-based planning initiatives are to be driven by *OurWinnipeg/Complete Communities* policy direction. Furthermore, according to the planning department's September 2013 "Local Area Initiatives 2013-14" report, priority for future initiatives is to be determined through reference to Winnipeg's "Urban Structure". This report recommends that local area planning should:

- Primarily be focused on "Transformative Areas" such as the Downtown, Centres & Corridors, Major Redevelopment Sites, and New Communities; and
- Facilitate special initiatives that will assist in the implementation of Complete Communities.

While not specified, presumably heritage conservation districts could be located in Transformative Areas or be considered special initiatives. Alternatively (or additionally), within "Areas of Stability", heritage conservation districts could be utilized as one of several mechanisms to guide the moderate change *OurWinnipeg/Complete Communities* anticipate for Mature Communities, Reinvestment Areas, Recent Communities, and Emerging Communities.

Findings from the Comparative Analysis revealed that priority for potential heritage conservation district designation in the six cities investigated is generally not determined through a rigid formula. In every case, however, determining which districts or neighbourhoods will achieve HCD by-law status involves a combination of community initiative and administrative rigour. Although these cities are located at multiple points along a spectrum that emphasizes community interest at

one end and professional heritage expertise at the other, each has developed baseline measures against which to evaluate the historical significance of potential HCDs. Winnipeg will want to calibrate—balancing community interest and professional expertise—where within this range it wants to situate its heritage conservation district services, based on a careful consideration of present and anticipated circumstances. This section focuses on:

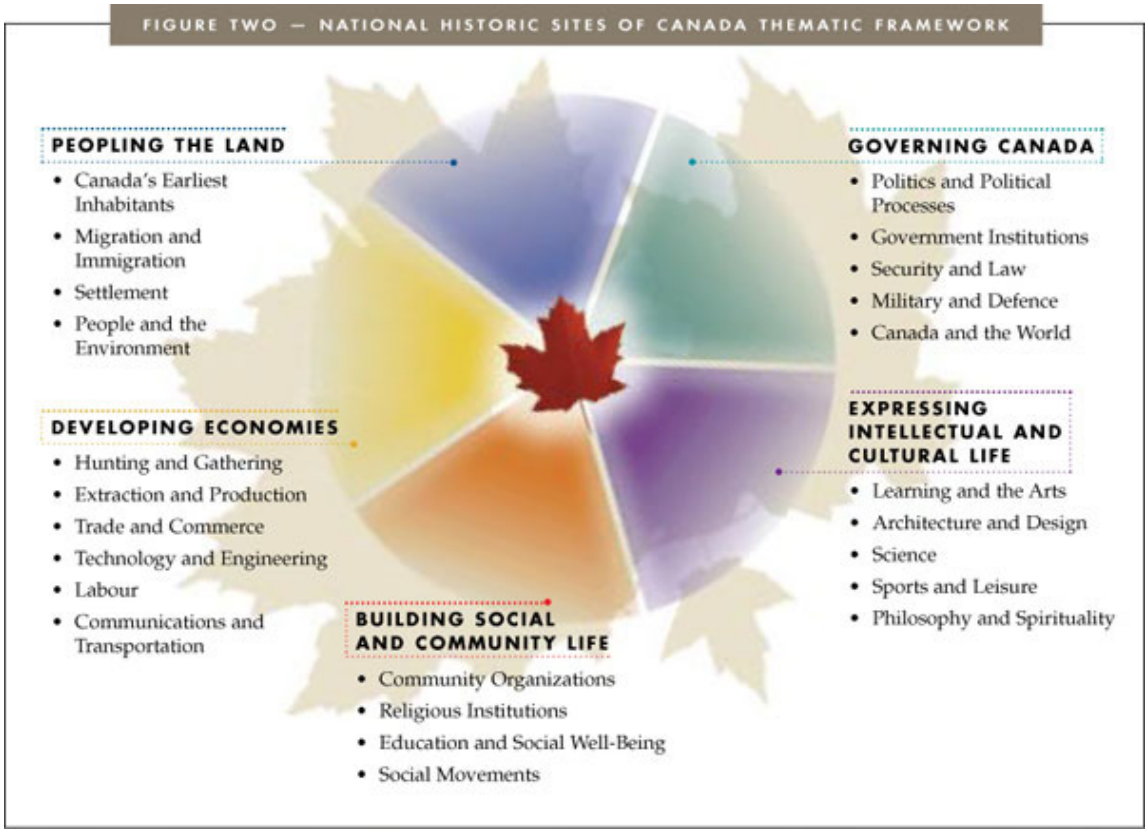
- Determining eligibility for initiating HCDs;
- Establishing a process for nominating districts and neighbourhoods;
- Designating HCDs; and
- Managing change in HCDs post-designation.

Eligibility

When a city introduces a new service or service delivery tool, there is a danger that either nobody will be interested in it or everybody will be interested. Factors to consider are if there is an established need or desire for the service, whether its purpose is understood, or if it is utilized where intended. The Situational Analysis revealed that there is an expressed interest in heritage conservation district planning at the conceptual level in Winnipeg. Testing its utility through a demonstration or pilot project will have several benefits, among which is an opportunity to tease-out potential for misuse of HCDs as a catch-all or as a last resort for discouraging an unpopular development proposal.

Winnipeg's draft *Heritage Resource Management Plan* notes that "Winnipeg has a long, illustrious and fascinating history that has resulted in a complex legacy of tangible and intangible heritage resources" that "can enrich the city for future generations". Furthermore, the HRMP recommends efforts to "recognize the potential of the city's heritage assets, as a solid basis for the development of a vital and sustainable urban environment". In order to ensure heritage conservation efforts acknowledge and encompass comparatively complex legacies, many cities have introduced a thematic framework (based on the *National Historic Sites of Canada System Plan* in Canada and on the *Secretary of the Interior's Standards for the Treatment of Historic Properties* in the United States) that provides a context within which the significance of heritage resources can be understood, evaluated, and planned. Without this context, there is a danger that protected heritage resources—including heritage conservation districts—will not be representative of the events, eras, and peoples important to Winnipeg's history and will, instead, too closely follow changes in fad and fashion.

Specific to heritage conservation districts, a thematic framework will provide necessary underpinning for determining what is significant about a neighbourhood and what distinguishes it from any other neighbourhood or area of the city. In preparing its framework, the City of Minneapolis had the forethought to recognize that the volunteer members of its Heritage Preservation Commission would need a mechanism to ensure "a broader view of what is important to preserve and provide a consistent rationale for understanding the relative significance of a property or area". Other cities identify heritage resources through the preparation of reconnaissance surveys that inventory heritage resources on a city-wide basis. Recently, cities such as Edmonton, Minneapolis, and Sydney have identified clusters of heritage resources through reconnaissance surveys—including potential heritage conservation districts. Reconnaissance surveys, even when technical expertise is supplemented with community volunteer contributions, tend to be time-consuming endeavours best tackled on an incremental, area-by-area basis.

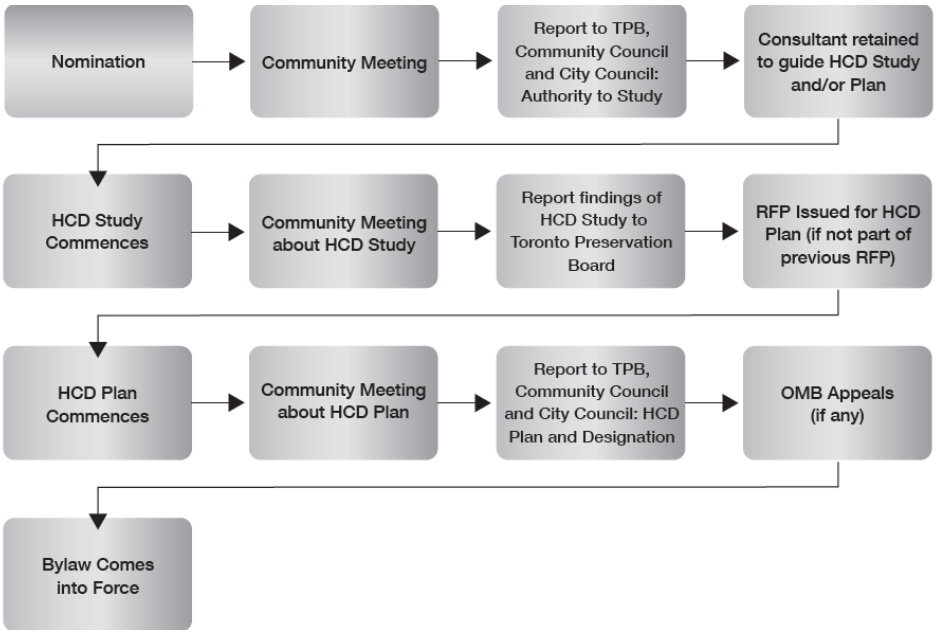


Parks Canada Thematic Framework

RECOMMENDATION #11:
That a Winnipeg-specific thematic framework be developed, based on the National Historic Sites of Canada System Plan framework, in part to ensure that Heritage Conservation District eligibility is determined through the application of a consistent rationale for understanding the relative significance of the district.

Nomination

Of the cities investigated, Toronto's heritage conservation district nomination approach is the most clearly communicated and represents perhaps the most regimented process. Ontario's overhaul of heritage legislation and Toronto's desire to more fully engage the community in the process were the catalysts for Heritage Preservation Services to prepare a new Policies and Procedures manual in 2012—which, in turn, appears to have further fed already strong appetites for new HCDs. Toronto's is a two-part nomination process that is typically initiated by a community member submitting a standardized nomination form for staff—and then Council—review. The effects of this first part of the nomination process are that the community is confronted with its responsibility to demonstrate support for the effort and that the staff role is acknowledged to be severely curtailed at this stage in the process.



Toronto's HCD Study & Plan Process Flow Chart

Accompanied by a staff report, the community-prepared nomination is then reviewed by Council. If authorized by Council, the second part of the nomination process proceeds and, along with it, staff involvement is marginally increased. Preparation of a HCD Study—a legislative requirement—"is perhaps the most important part of creating an HCD" and is certainly the most time-consuming and resource-intensive step. Although Toronto has not developed its own thematic framework, the provincial designation criteria are a stand-in until such time as this occurs (as recommended by the Ministry of Culture and in Toronto's draft *Heritage Management Plan*). Ultimately, the HCD Study is expected to include the following content, as prescribed in provincial legislation:

- Area history and evolution;
- Built form and landscape survey;
- Typologies and district character analysis;
- Cultural heritage values evaluation;
- Statement of District Significance, including:
    - Location/extent of district description
    - Cultural heritage values description
    - Heritage character description
    - General district attributes description;
- HCD plan recommendations.

In this step, the community continues to drive the nomination process. While assigned staff members are responsible for ensuring the process unfolds as prescribed and for assisting the community, their role is secondary to the community's own efforts. The community—typically through a local rate-payers' association or merchants' organization—takes the lead in hiring a consultant, arranging consultation venues, and raising funds. Even though funding for recent HCD studies has come from a general pool of developer contributions to neighbourhood amenities, Toronto has created a nomination process that requires substantial ongoing community commitments and expertise.

Toronto's starkly contrasts the heritage expert-oriented nomination processes evident in many other cities, where community involvement is less central to the staff – consultant collaboration. This contrast cannot be attributed to diminished respect for or appreciation of community engagement; instead, it is a result of a perspective common to cities with a strong tradition of area- or district-based planning and where community contributions to local heritage value identification and policy direction determination are upfront inputs into local area plans that include heritage conservation matters. In this sense, it is the timing of active community member involvement that differs rather than the extent of involvement.

RECOMMENDATION #12:
That a Heritage Conservation District nomination and designation process be introduced that combines local community support with administrative expertise and rigour.

Designation

In Toronto's heritage conservation district nomination process, completion of the HCD Study results in a second opportunity to determine whether district designation is warranted—or some other action, including a decision to not proceed with designation through preparation of a HCD Plan. This "Go/No Go" Council decision resembles the "pre-plan" process initiated by Winnipeg's planning department in the mid-2000s, although Toronto's formal HCD Study component is certainly a more elaborate process than that intended in Winnipeg's pre-plans. The benefits, however, are similar—particularly that the process design deliberately mandates that a check-in occur prior to authorizing further time and resource expenditures and before raising community expectations to a level that presumes designation is inevitable.

If the HCD Study is approved at this stage and the HCD Plan process is authorized, preparation of district conservation objectives, policies, and guidelines proceeds. As with the HCD Study, Toronto specifies required HCD Plan content as follows:

- Statement of District Significance;
- Statement of district designation objectives;
- Finalization of district boundaries;
- List of general district heritage and character attributes;
- List of properties and features deemed to contribute to the district cultural heritage value and character;
- List of properties that do not contribute;
- List of potential archaeologically sensitive areas within the district;
- Alteration and conservation policies and guidelines for the district;
- New construction policies and design guidelines for the district;
- Official community plan and zoning by-law changes required to implement the district plan and manage change within the district; and
- List of or classifications of alterations to properties located within the district that do not require a Heritage Permit.

The HCD Plan preparation process also requires substantial community commitment and contributions. At this stage staff involvement increases, particularly in assisting with final policy and regulatory content and in shepherding the HCD Plan through the required Council designation by-law public hearing and approval process.

RECOMMENDATION #13:
That the Heritage Conservation District nomination and designation process specify mandatory minimum content and that it be provided in a format that supports Council decisions at key nomination, study, and plan approval stages.

Post-Designation

Following heritage conservation district designation, Council is ultimately responsible for managing change within the district consistent with the HCD plan objectives and ensuring alterations or new developments occur in accordance with adopted plan policies, guidelines, and recommended zoning regulations. In all of the cities investigated, Council has delegated this responsibility to Council committees, appointed tribunals, staff members, or a combination. Occasionally—in cities where community groups either lead the HCD plan preparation process or have formal status in the development process—development proposals within the district are reviewed by a local community advisory group, which then provides recommendations to Council, designated staff, or an appointed city-wide heritage tribunal. In other cases, staff or an appointed heritage tribunal have either approval authority or provide advice to Council or a Council committee to inform their decisions.

Other than formal involvement of a local community group, Winnipeg has experience with all of these review and approval options. This experience has revealed some of the pros and cons of design review delegation. Several cities are currently contemplating or have recently introduced variations on the conventional design review approach. Common to these innovative approaches are efforts to introduce development "standards" to replace design "guidelines" where possible, in order to take some of the risk out of time-consuming and subjective design review processes. In every case, the goal should be to capture objective, quantifiable features through development standards which accommodates decisive and rapid permit approvals. [refer to "Regulation"]

The City of Winnipeg will want to examine several potential options for its own city-wide advisory committee for review of development proposals within HCDs, which include:

- Reviewing all development proposals administratively (e.g. heritage planner, senior urban designer, chief planner);
- Expanding the mandate of the Historical Buildings Committee beyond individual buildings/structures;
- Broadening the scope of the Urban Design Advisory Committee's responsibilities outside the downtown; and
- Establishing a new advisory committee specific to HCDs, based on the former Historic Winnipeg Advisory Committee model.

RECOMMENDATION #14:
That a city-wide advisory committee be established to review and provide recommendations to staff and Council on development proposals within Heritage Conservation Districts, initially by expanding the Historical Building Committee's mandate. District-specific advisory committees should also be considered as a supplement to the city-wide committee, particularly where the local community desires an ongoing role post-adoption of the HCD plan.

The City of Winnipeg's administrative processes have been modified over the past several years in an effort intended—by improving the integration of development application and design review processes— to enhance decision-making. Due primarily to automation enhancements, but also to communication and education improvements, it is now extremely rare that a development proposal proceeds out-of-step with the *Organization By-Law, Development Procedures By-Law, Historical Buildings By-Law,* and the relevant zoning by-law procedures. With regard to listed and inventoried historic buildings, Development Permits Branch is not aware of any instances when these procedures were not followed. Should heritage conservation districts be designated in the future, efforts to ensure that all buildings and structures within the district (i.e. including those not individually designated) are automatically tagged for the appropriate level of design review will be necessary and are warranted.

From an outsider's perspective (e.g. citizen, investor, interest group, media), however, the sequencing of a series of applications associated with a complex development proposal and the administrative or tribunal decision does not always appear seamless and coordinated. It does not appear that any process or system improvements—large or small—are necessary, but there may be benefit to ensuring administrative reports accompanying a development proposal within a heritage conservation district include a section that explicitly communicates what approvals are required in total and where each decision point is in the overall sequence. Including this information is consistent with permit system administrative improvement efforts in general and with the aims of specific initiatives such as establishing a standing policy committee for Downtown Winnipeg, which was established to ensure:

- "Reasonable review timelines;
- "Clear and easily understood processes;
- "Appropriate opportunities for public input; and
- "Development meets long range planning policy, downtown objectives, and community expectations."

These aims also coincide with HCD-related practices in several of the cities investigated in the Comparative Analysis step.

1.4 Staffing, Funding & Incentive Resources

Overview

Winnipeg's heritage conservation services are provided by a small staff unit within the Planning, Property, & Development Department's service delivery portfolio. Winnipeg's Heritage Conservation staff members tend to day-to-day services (e.g. preparing administrative reports, undertaking design review, issuing heritage permits, responding to public enquiries) and collaborate with staff from other administrative units and consultants when larger projects are proposed and undertaken. The Comparative Analysis revealed this to be commonplace elsewhere, too, although several cities have expressed a need to expand resources in order to deliver a broader range of services and meet growing citizen demands.

Prior to introducing a new service, such as heritage conservation district designation, Winnipeg will want to ensure sufficient resources are available in order to effectively deliver on its own, Council's, and citizens' expectations for the service. Many of the cities investigated have introduced a variety of innovative and entrepreneurial practices in order to sustain HCD services beyond occasional, ad hoc designations in municipal contexts where resources have either remained steady or have been incrementally reduced. This section focuses on:

- Staffing considerations;
- Funding preparation of HCD studies and plans; and
- Incentives to encourage heritage conservation within designated HCDs.

Staffing

For several years, Winnipeg's public service has introduced a range of service delivery efficiency practices aimed at either sustaining service delivery standards with reduced resources or at providing a broader service package within the existing budget allocation. Examples include contracting work to private sector consultants, directing capital budget allocations to salaries through time-limited funding programs, assigning staff from a general pool for time-limited projects, and introducing new technologies. Most of these are effective techniques in steady-state budget circumstances; the experience of cities that have recently added area- or district-based heritage conservation services or are experiencing increased demands for these services is that additional staff positions are necessary in order to ensure that, in introducing or expanding this service, other valued services are not consequently resource-starved.

In introducing heritage conservation district services, Winnipeg should expect heritage unit workloads to increase in proportion to demands. Toronto is the only one of the cities investigated in the Comparative Analysis that dedicates a staff member exclusively to HCD services (and has a substantially larger heritage staff complement than all of the other cities investigated). Nevertheless, Toronto's Chief Planner recently informed Council that current staff resources could not meet demands and recommended a form of service delivery triage—temporarily reassigning staff members from other service areas and introducing a ranking system in order to respond to "the backlog of high priority potential HCDs", while at the same time advising that this resourcing response should not be expected to be sustainable beyond the existing "urgent" scenario.

RECOMMENDATION #15:
That staffing levels be monitored during the pilot stage of introducing Heritage Conservation District services and subsequently, to ensure community, Council, and administrative expectations for this service can continue to be met.

Funding

Nominating, studying, designating, and managing heritage conservation districts is an expensive, resource-intensive, and time-consuming service that must combine care and craft to be effective. To sustain this service beyond occasional, ad hoc initiatives, the community, Council, and the public service will need to recognize its benefits and its role in implementing *OurWinnipeg/Complete Communities* objectives. The costs for preparing a typical stand-alone HCD study and plan, or the heritage conservation component of a broader area-based plan, range upward from $30 000 and more typically—depending on the size and complexity of the district or neighbourhood—exceed $50 000 (nb. this cost estimate is the consultant contract price and does not account for staff contributions to the total process).

RECOMMENDATION #16:
That the substantial resources required to prepare Heritage Conservation District studies and plans are acknowledged to be sound investments in Winnipeg's areas of historic or architectural distinction—instead of being perceived as only expenditures—that are necessary to achieve *OurWinnipeg/Complete Communities* and draft *Heritage Resource Management Plan* objectives.

For most of its history, Winnipeg's planning department has led preparation of area- or district-based plan preparation—particularly in established neighbourhoods and in areas where property ownership is not concentrated in the hands one or two principal landowners. In almost every case (nb. *CentrePlan* is an exception), plan preparation has been funded through the department's operating budget - through preparation of "pre-plans" in several neighbourhoods during the late 2000s was prompted by a one-time capital budget contribution. More recently, Winnipeg has advocated a partnership approach to area-based planning, involving staff members assisting and participating with landowners, developers, and other interests to deliver local area plans. This has proven to be an effective model for those areas where property ownership is consolidated and the landowner funds plan preparation (i.e. for precinct plans). Thus far, in established areas featuring multiple property owners, this "Collaborative Planning" model has had more challenges.

Among the cities investigated, several have achieved cost control or reductions through community volunteer contributions to plan preparation processes and others have benefited from senior government contributions (e.g. cost-sharing programs, process manuals, volunteer training) or through pooled developer contributions to neighbourhood amenities, in exchange for enhanced development opportunities (e.g. cash-in-lieu of neighbourhood amenities through density and building height bonusing). In every case, local community contributions to plan

preparation and shifts to community-driven processes have included city or senior government resources to partially supplement or completely offset preparation process costs. Other than in better resourced neighbourhoods residents' associations and merchants' groups have not typically been able to raise sufficient funds on their own to complete heritage conservation district plans.

RECOMMENDATION #17:
That, if local community contributions are deemed necessary to offset Heritage Conservation District study and plan preparation costs, upfront resources and partnering with senior governments, local heritage organizations, and other external agencies will still be necessary to support these contributions. Resources to be considered should include:

- HCD process and policy guidebook;
- Local community volunteer training;
- Local community HCD study and plan preparation cost-sharing grants.

Incentives

Providing incentives to property owners to be part of a heritage conservation district has not been necessary in cities that provide area- or district-based services, but communicating that there are pay-offs involved in designation has proven to be an effective strategy. Although direct grants and property tax credits for individual properties located within HCDs are seldom offered, in those that do so, financial incentives are very modest and are secured through some form of heritage easement agreement or individual building designation. Many cities do provide incentives through increased development opportunities for contributing properties within a designated district. Relaxations to underlying zoning regulations (e.g. building setbacks, building height, density, land use category) are utilized by several cities to encourage conservation of heritage assets, particularly for buildings where conservation or adaptive reuse may not otherwise be viable.

RECOMMENDATION #18:
That existing financial incentives be made available to contributing properties within Heritage Conservation Districts, subject to Historical Buildings By-Law listing. Financial incentives to be considered should include:

- Conservation grants;
- Conservation property tax credits;
- Conservation tax increment financing;
- Design review fee waivers for complying development proposals.



Central Park (Left), Peasant Cookery in the Exchange District (Right)

In addition to more permissive development standards provided for through overlay or direct control districts, more sophisticated tools such as transfer of development rights from a property within a HCD to another property either within or outside the district boundaries have also demonstrated value for encouraging conservation—but only in those cities where the potential market for transfers and bonuses is not undermined by pernicious variance approval practices unsupported by policy direction.

Another valuable incentive to heritage conservation is aimed at easing the burden associated with more involved development review processes. Cities with mature HCD programs have consistently moved towards a system that is intended to reward proponents of complying building alteration proposals with rapid permit review and approval processes that are almost indistinguishable from standard permit review. These process enhancements are achieved through outright exemptions from the district design review process for select building alterations or additions and via delegation of approval authority to qualified staff for minor but more visible works. In most cases, these review processes have evolved over time to focus the design review tribunal's (e.g. heritage preservation commission, Council committee, City Council itself) attention on more substantial building alterations, new infill developments, demolitions, and public realm modifications where increased scrutiny has the greatest value. In some cases, cities have begun to introduce alternative compliance methods to offset some of the risks involved in major redevelopment proposals. In these cities, objective development standards—often captured in menu form (i.e. "a la carte", rather than "prix fixe") for alternative compliance reviews and occasionally invoked through form-based zoning tools—are offered as an option to developers who are wary of subjective design guidelines and lengthy review processes.

RECOMMENDATION #19:
That a range of development incentives and process enhancements be developed and be made available to encourage compliance with Heritage Conservation District policy directions. Development incentives and process enhancements to be considered should include:

- Heritage variance relaxations, such as height additions in low-density districts, non-residential exemptions in residential districts, commercial exemptions in manufacturing districts, parking-space-to-use ratio modifications;
- Heritage floor space density exemptions;
- Equivalent to heritage floor space transfer of development rights for properties within and immediately adjacent to the HCD.

Although several of the incentives utilized in cities with long track records of area- or district-based heritage conservation are implemented at the zoning by-law or grant/credit program level, direction for them are provided in the heritage conservation district plan or broader area plan. The plan expresses the objectives for the district, articulates policy directions, and specifies implementation actions. A detailed implementation plan—a key component of a HCD plan or broader area plan—needs to be seen to direct public investments and potential partnership expenditures within the plan area. Such public investment and partnership expenditure recommendations connect the area plan process and its outcomes to Council capital and operating budgets and to those of local and external stakeholders, such as merchants' groups, local institutions, community foundations, and so forth. In this sense, an area- or district-based approach to heritage conservation can be an effective tool for district-wide improvements (e.g. sidewalk furnishings, boulevard tree maintenance)—something that is beyond the reach of individual building designations.

RECOMMENDATION #20:
That Heritage Conservation District plans (and broader area- or district-based plans) include implementation plans, including identification of district-wide enhancement actions to be funded through Council budgets or through partnerships. District-wide enhancement actions that should be considered include:

- Capital project elements (e.g. boulevard pavings and plantings, streetscape furnishings, streetlights, travel lane modifications);
- Operations and maintenance elements (e.g. boulevard tree pruning, trail maintenance, graffiti removal);
- Partnership elements (e.g. public art, building façade improvements, fence treatments, commercial patio improvements).

COMPARATIVE ANALYSIS

2.0 Introduction

Context & Methodology

The Comparative Analysis step compares and contrasts service delivery models from six cities. Building on the baseline established in the Situational Analysis, this step includes identification and investigation of other cities' approaches to heritage conservation districts. These cities' general approaches and specific practices are evaluated to determine their applicability and potential viability in the Winnipeg context, prior to developing a policies and procedures model appropriate for the City of Winnipeg.

This step includes review and analysis of the variety of approaches to the recognition and protection of historically significant areas in other cities—including Canadian and international examples; commemorative, regulatory, and guideline-oriented examples; and residential, mixed use, and commercial area examples. This step examines a representative cross-section of practices; it does not focus exclusively on cities acknowledged for their leading edge approaches. Efforts have been made to ensure that the selected cities exhibit geographic diversity, represent both established and nascent programs, and demonstrate a range of commonplace and innovative practices.

Materials reviewed include:

- Overview of the authority/enabling power by which the HCD is created;
- Procedures and steps in creating the HCD, with attention to the nomination process, background research/study preparation, and community consultation;
- HCD plans, by-laws, and regulations;
- Incentive programs associated with the HCDs.

At the project start-up meeting (September 11th 2013) and the first Technical Experts Committee (TEC) meeting (September 24th 2013), the proponent team outlined the overall study approach. In addition, the sequencing of project components was discussed and the Comparative Analysis step was scoped. TEC team members were asked to suggest cities that should be investigated during this step. At the second TEC meeting (October 30th 2013), the proponent team presented preliminary findings from a dozen North American cities that provide Heritage Conservation District services, along with additional information concerning approaches in Britain and Australia. At this same TEC meeting, the final six cities were selected for more in-depth investigation and comparison, namely:

- Victoria, British Columbia;
- Portland, Oregon;
- Edmonton, Alberta;
- Minneapolis, Minnesota;
- Toronto, Ontario; and
- Sydney, New South Wales.

The Comparative Analysis reflects input and feedback from the Project Manager and TEC members and is captured as follows:

- Legislation, Policy, and Regulatory Context;
- Nomination/Designation Process; and
- Resources, Funding, and Incentives.

The Conclusions identified in the following sections are derived from indepth examination and comparison of six cities' approaches to area- or district-based heritage conservation and feedback from the project manager and Technical Experts Committee members. They are expected to inform the project's recommended Policies and Procedures Framework. The Recommendations are intended to guide case-study enquiry and analysis in subsequent project steps, in particular the Armstrong's Point Case-Study step, and—in combination with the Situational Analysis findings—contribute to formulation of the Policies and Procedures Framework. More detailed findings from the six-city comparison are provided in Appendix 1.

2.1 Legislation, Policy & Regulatory Context

Overview

The Situational Analysis concluded that, in Winnipeg, the relevant legislation, policy, and regulatory framework is in place to enable preparation of Heritage Conservation Districts. Winnipeg does not have an extensive tradition of area- or district-based heritage conservation and is not burdened by an overly prescriptive framework for HCD implementation. Although it has (and has had) sufficient latitude to determine how it will provide for HCDs, its initial forays into this service area have resembled Winnipeg's broader property development practices, which tend to emphasize a regulatory approach to guiding and sustaining areas of distinction. More recently, Winnipeg has struggled to integrate heritage conservation values and objectives into broader area- or district-based planning initiatives. Cities known for the quality of their area- or district-based heritage conservation services operate within a spectrum of frameworks—ranging from those that are tightly defined and very detailed to those that are more open-ended and loosely guided. Its position along this spectrum has influenced each city's HCD practices.

Findings

Generally, the six cities investigated in the Comparative Analysis step derive their plan-making, heritage conservation, and property development regulation authority from senior levels of government—typically at the provincial or state level. Even cities that have achieved "home rule" powers (i.e. Portland) or are "charter cities" (i.e. Toronto) are constrained by state or provincial interests, though these cities have considerably more discretion in determining how they will meet senior government directives. Depending on the specific jurisdiction, a city may be granted HCD designation powers through a state "heritage resources act", a "local government statute", or a "planning and development act". Often, the ways and means by which a particular city delivers its area- or district-based heritage conservation services involve a sophisticated amalgam of legislative powers involving several separate statutes.





Colourful Heritage Buildings of Lower Johnson Street in Victoria, BC (Left), White Stag Block in Skidmore - Old Town Historic District in Portland, OR (Right)

Unique among the cities studied is Toronto's legislative context, provided for under the *Ontario Heritage Act* and its related provincial regulation. The Act ventures far beyond the legislation in place in the other jurisdictions, specifying mandatory HCD components and procedures including:

- HCD "study" as a prerequisite to designation, including required content;
- District cultural heritage values expressed and evaluated;
- HCD "plan" statement of objectives;
- District heritage attributes and those of individual properties located within the district;
- HCD "plan" policy statements, guidelines, and procedures for achieving objectives and managing future changes;
- Distinguish types and classes of external alterations that are minor in nature and can be carried out without the need for a heritage permit.

In every case—other than Sydney, where the state does not require preparation of an official community plan, and Portland, where the local Council has chosen to do so via direction in its own *City Code*—legislation requires that the city prepare an official community plan (aka "municipal development plan", "comprehensive plan", "official plan") to guide its decision-making on property development and public investment. In most cases, the OCP provides general policy direction concerning heritage conservation—often directing that more specific guidance be provided at the neighbourhood or district level, either through HCD plans or as a component of broader area-based planning initiatives such as small area or neighbourhood plans. In addition, several of these cities (e.g. Victoria, Edmonton, Minneapolis) have introduced Council-adopted "heritage management plans" that serve to supplement the OCP's heritage policy, through more specific direction, and function as strategic plans that align service objectives with internal and external resources.

Within this framework of legislation, policy, and regulation, likely the most significant distinction among the six cities investigated is whether the legislation dictates that HCDs must be captured through small area- or district-based plans or through special zoning by-law regulations. In some cities (e.g. Victoria, Toronto), provincial legislation mandates that HCDs be adopted as part of the cities' OCPs; in others (e.g. Edmonton), the legislation requires that HCDs be provided for through these cities' zoning by-laws. Sydney, Australia—with no equivalent to an official community plan—has established a hybrid approach that links its zoning by-law to its heritage inventory through a series of area- or district-specific "heritage development control plans".

Most of the cities investigated have a strong tradition of small area or neighbourhood planning. In some cases, attention to heritage conservation during the small area or neighbourhood plan preparation process has always been present. In others, updates to neighbourhood planning service delivery have led to new policy direction to incorporate heritage conservation at the earliest stages of area- or district-based planning processes—including identification of areas to be considered as potential new HCDs and implementation of recommendations regarding how best to maintain existing heritage resources and introduce new infill development within these areas (e.g. Victoria, Edmonton).

Once established, cities employ a variety of practices to ensure property development within HCDs is consistent with the policy direction articulated at the OCP, heritage plan, and neighbourhood plan levels. While the plan typically provides (or combination of plans provide) the objectives for heritage conservation and recommends processes by which to scrutinize development proposals within the HCD, all of these cities rely at least to some extent on zoning regulations as the primary compliance filter. In all of these cities, a "heritage committee"—usually appointed citizens, often a mix of professional backgrounds, usually with advisory powers,

occasionally provided with decision-making authority—has the delegated responsibility to review development proposals within HCDs, as part of their broader mandate regarding heritage conservation. In the majority of cases, a city-wide committee is responsible for development review in all HCDs; in a couple of cases (e.g. Portland, Toronto), opportunity is offered to locally-constituted groups to advise on matters within specific districts. Also commonplace among cities with mature HCD services and in-house heritage expertise, is the delegation of all but the most significant of development proposals (e.g. demolition, new structures, additions exceeding maximum thresholds) to the civic administration. In most cities, a "heritage alteration" permit (aka "heritage permit", "certificate of appropriateness", "certificate of compliance") must be issued prior to building or development permit review or as a replacement for a building or development permit for properties located within HCDs.

In Portland, an alternative compliance process is available that allows a proponent to choose from a menu of objective development standards, in some cases, instead of the more subjective design guideline-driven heritage review process that has been criticized as riskier, given longer process timelines and perceived arbitrariness of decisions. This approach is gaining favour among cities that employ mandatory "development permit" or "site plan control" approaches. In these cities (e.g. Victoria, Minneapolis, Toronto, Sydney), all development applications are subject to enhanced scrutiny either city-wide or in several areas of significance such as within downtowns, mature neighbourhoods, waterfronts, and view corridors. Edmonton is currently considering introducing form-based zoning regulations in an area that is expected to become a HCD, as a means to guide development in this area through more objective development standards.

It is important to appreciate that the zoning by-law, other than making reference to the HCD plan objectives, is silent concerning the intent of the regulations pertaining to the designated heritage district. Among the cities selected for in-depth examination, two zoning tools for capturing HCDs are most prevalent: "overlay districts" and "direct control districts". Although employed somewhat inter-changeably depending on the city, the key distinction is as follows:

- overlay districts – intended to be used in conjunction with standard "underlying" zoning districts (e.g. residential, commercial, manufacturing, park, mixed-use) and be flexible enough to be utilized in more than one area;
- direct control districts – expected to provide a unique set of regulations applicable to one specific area and not replicable in other areas.

In both overlay and direct control districts, the regulations emphasize built form and relationships among buildings and other HCD features. In addition, development review procedures are provided and design guidelines are either specified in the zoning district itself or through reference to the HCD plan's objectives, policies, and guidelines.

Heritage Conservation District Project - Comparative Analysis
Legislative, Policy, Regulatory Framework

	Victoria	Portland	Edmonton	Minneapolis	Toronto	Sydney
Prescriptive HCD Legislation		✔	✔		✔	
Loose HCD Legislation	✔			✔		✔
HCDs captured in small area plans/neighbourhood plans	✔	✔		✔	✔	
HCDs captured in zoning by-laws			✔			◆
Official Community Plan policy direction for HCDs	✔	✔	✔	✔	✔	
City-wide heritage plan direction for HCDs	✔		✔	✔	◆	
Broad Development Permit Area mandatory design review practices	✔			✔	✔	✔
HCDs captured in zoning Overlays / Development Control Districts	✔	✔	✔			◆

◆ refers to former practice or under consideration

Conclusions

1. In the majority of cases, legislation provides these cities with discretion concerning how Heritage Conservation Districts are established, with the key distinction being whether HCDs are required to be captured through plan policies or through regulations;

2. Legislative powers concerning HCDs are often spread among several statutes, including heritage, local government, and planning acts;

3. Most of these cities (Toronto is the exception) do not prepare HCD-specific plans, instead they capture area- or district-based heritage conservation policy direction in official community plan schedules or as components of broader small area or neighbourhood plans—with the weight and authority of Council by-law status;
4. In those cases where Councils have adopted city-wide heritage plans, the general policy direction in official community plans becomes more detailed and specific in the heritage plans;

5. Many of these cities communicate the value and benefits of area- or district-based heritage conservation, but seldom in a prominent manner;

6. Most of these cities demonstrate clear connections between official community plan policy direction, more specific small area or neighbourhood plan policies, zoning regulations, and development review processes;

7. In most cases, these cities exhibit special care and consideration for HCDs through a combination of zoning regulations and heritage alteration permit review guidelines, with development review direction provided via small area or neighbourhood plan policies.

LEGISLATION, POLICY & REGULATORY CONTEXT RECOMMENDATIONS

1. Achieve Council adoption of the "*Heritage Resource Management Plan*";

2. Develop a new Heritage Conservation District framework that communicates the purpose, value, and benefits of area- or district-based heritage conservation; and

3. Ensure local heritage conservation policy direction is captured through the preparation and Council endorsement of a HCD plan by-law, prior to implementing area or district regulations and development review procedures.

2.2 Nomination/Designation Process

Overview

The Situational Analysis concluded that Winnipeg established its first Heritage Conservation District in 1978, in the area immediately surrounding Old Market Square and adjacent to City Hall. This area—initially named the "Historic Winnipeg Restoration Area"—was later expanded east of Main Street and rebranded the "Exchange District". Since then, despite community interest in

the concept and policy direction to expand the heritage conservation program to include area- or district-based services, only one other area has been achieved somewhat similar status (i.e. the "Boulevard Provencher District", c.1985). Although Armstrong's Point is the only Winnipeg neighbourhood that has been consistently identified as warranting district designation, recent "pre-plans" and other area-based planning initiatives suggest a number of other areas possess heritage value to the local community. Cities that have initiated and sustained an area- or district-based heritage conservation program have had to demonstrate the value of this service, determine a sound basis for identifying areas of heritage significance, and establish a method for selecting among competing demands for designation.

Findings

Whereas HCD policies and objectives are typically captured in official community plans and city-wide heritage management plans, the value or benefits of designation and providing area- or district-based heritage conservation services are not always prominent. Where evident at all values and benefits are often expressed in specific HCD plans, in staff reports accompanying draft plans, or in service delivery documents. Examples include:

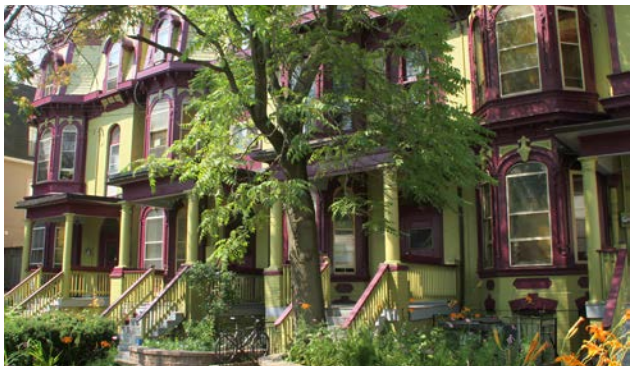
- "There is a need to identify and recognize neighbourhoods and commercial districts that are worthy of being recognized as heritage or character areas...and develop regulations, design briefs and urban design principles that will preserve and enhance the qualities that make the areas distinct";
- "Increase neighbourhood pride and identity and encourage private rehabilitation efforts;
- "Protect desirable and unique physical features of neighbourhoods;
- "Prevent incompatible development, renovation, and redevelopment;
- "Foster the revitalization and/or stability of the historic design district and its surroundings;
- "Provide a focus for supportive capital improvements, such as street trees, sidewalk improvements, district gateways and street lights;
- "Receive notification and recognition in policies and development programs that affect historic resources; and
- "Receive special recognition from city and other governmental bodies and possibility of obtaining financial and technical assistance in neighborhood improvement projects."
- "Maintains connection with heritage;
- "Demonstrates your community's support for preservation;
- "Brings recognition to your neighborhood/city;
- "Maintains and protects property values;
- "Keeps you informed about proposed changes in your neighborhood; and
- "Enhances neighborhood livability."

Going beyond the Ontario Ministry of Culture's list of generic benefits, Toronto succinctly captures the intent of its HCDs as follows:

> *They serve to ensure that historically significant neighbourhoods and areas are protected and reflect Toronto as a place and people through their cultural heritage values and characteristics. HCDs are maintained so that every Torontonian, present and future, can appreciate and take pride in the City's rich cultural heritage.*

A clear appreciation for and strong understanding of HCD benefits must be present in order to initiate and sustain this service focus.





Houses in Cabbagetown, Toronto, ON (Left),
East-Portland Grand Avenue Historic District Sign Topper in the Buckman Neighbourhood (Right)

Other than Toronto, the cities investigated in the Comparative Analysis step are not subject to a particularly rigid legislative framework for designating Heritage Conservation Districts. In every case, however, determining which districts or neighbourhoods will achieve HCD status involves a combination of community interest and administrative rigour—with some cities emphasizing community initiative (e.g. Toronto) and others relying more on technical expertise (e.g. Edmonton, Sydney) during the nomination and designation process. The extent to which a city's HCD nomination and designation process is community-driven vs. staff/expert-oriented is an important factor in differentiating between these cities' selection approaches, as is the timing of community involvement in the process. In every case, though, these cities have developed baseline measures against which to evaluate the historical significance of potential HCDs.

In several of the cities investigated (e.g. Edmonton, Minneapolis, Portland), opportunities for community inputs—including the expression of local heritage values—typically occur during community engagement processes associated with broader area or neighbourhood planning processes. Not surprisingly, this practice is normative in cities with strong small area or neighbourhood planning capabilities. In other cities (e.g. Victoria), recent neighbourhood planning service reviews have recommended that all new and updated neighbourhood plans include a section focused on area heritage conservation. While community support for HCD designation is encouraged by all of these cities, the active involvement of local community members during the formal designation process is often curtailed—although in both Portland and Minneapolis, local community volunteers have been involved in property survey tasks in some instances. Sydney's approach, although the product of intense public interest in heritage conservation, represents the extreme staff/expert-oriented example—with community involvement provided for only through an opportunity to oppose inclusion of a property within a potential HCD. Of the cities investigated, Toronto could be described as the most community-driven program. The Heritage Preservation Services's "Heritage Conservation Districts in Toronto – Procedures, Policies and Terms of Reference" document describes the creation of a HCD as "usually a community driven process". This is, if anything, an understatement—the role of a residents group, merchants association, or special purpose local organization in the nomination research, study preparation, and plan designation process is a significant undertaking involving research, fund-raising, project management, contract administration, community organizing, and promotion.

In most cities, the last word on whether or not an area or neighbourhood should be designated as a Heritage Conservation District is a compelling demonstration of what is significant about it and what distinguishes it from other areas and neighbourhoods. Minneapolis, an early adopter,

developed its own historic contexts in order to systematize broad themes of city history and supplement its heritage surveys of specific properties (c.1990). In addition to providing a framework within which to evaluate, designate, and plan for heritage conservation, use of the historic contexts provides decision-makers with "a broader view of what is important to preserve and provides a consistent rationale for understanding the relative significance of a property" or area. Victoria has recently adapted the Parks Canada *System Plan's* thematic framework, introducing its own localized "Victoria Thematic Framework" for similar purposes. Here, again, Toronto has gone a step further. In addition to adapting the Parks Canada thematic framework, Toronto requires:

- Preparation of an area history;
- Survey of built form and landscape elements;
- Identification of applicable district and architectural/streetscape/landscape typologies; and
- Determination of the district's cultural heritage values.

These components are then combined to formulate the district's "Statement of Significance".

When unique circumstances or high demands for HCD-related services are present, cities have demonstrated an ability to innovate. Several American cities have introduced "Conservation Districts" as an alternative to locally-designated "Historic Districts". First appearing in the early-1980s, conservation districts have served different purposes at different times. Described pejoratively as "historic district-lites", conservation districts are most commonly used to distance these areas from National Historic Register listings and provide a degree of protection for areas that lack the integrity, intact-ness, or contiguity required for historic district designation. Portland designated conservation districts in the 1980s; Minneapolis is considering the concept and is currently seeking community input on a new conservation district ordinance as an alternative to the traditional all-or-nothing historic district designation. In the period following the Ontario government's adoption of Heritage Act amendments (c.2005) and completion of the "Heritage Conservation Districts in Toronto – Procedures, Policies and Terms of Reference" document (c.2012), Toronto experienced a substantial increase in community interest in and Council demand for new HCD designations. In order to determine which of 11 potential HCDs should be authorized for formal study, Council directed staff "to develop a prioritization system to determine which potential heritage conservation districts should be undertaken first".



Queen Street West, Toronto

In response, the Planning Division introduced the following criteria:

Nomination package deemed complete by staff or HCD study for area authorized by Council **[yes/no]**

Sufficient funds, independent of the City budget process, be in place to prepare HCD study **[yes/no]**

Unless the above criteria are met, the following criteria are not invoked:

Development activity in area **[high/medium/low]**
Existing level of protection in area **[high/medium/low]**
Fragility of area due to neglect, wilful damage, and/or frequent fires **[high/medium/low]**
Other planning studies or Official Plan amendments underway in area **[high/medium/low]**

The results of the ranking led to Council authorizing HCD studies in five areas, starting in 2013.

Heritage Conservation District Project - Comparative Analysis
Nomination / Designation Process

	Victoria	Portland	Edmonton	Minneapolis	Toronto	Sydney
Stated HCD values / benefits		✔	✔	✔	✔	
Community-driven process	◆	◆		◆	✔	
Staff / expert-oriented process	✔	✔	✔	✔		✔
Local community advisory committee			✔			
Historic context / thematic framework practices	✔		✔	✔	✔	✔
Conservation District alternative		✔		◆		

◆refers to former practice or under consideration

Conclusions

1. Most of these cities employ some form of baseline measures to provide the rationale for Heritage Conservation District designation, through "historic contexts" or "thematic frameworks" that underpin "statements of district historic significance";

2. Community inputs into local heritage values tend to occur (other than in Toronto) during broader small area or neighbourhood planning initiatives, such as neighbourhood plan preparation;

3. In many cases, the HCD designation process is a staff/expert-oriented process flowing from city-wide and area-specific heritage reconnaissance surveys—with some accommodating opportunities for Council, citizens, and interest groups to nominate potential HCDs;

4. Most of these cities have formally adopted the Parks Canada Standards & Guidelines for the Conservation of Historic Places in Canada (or the Secretary of the Interior's Standards for the Treatment of Historic Properties) to form the basis for staff advice on development proposals concerning heritage properties and properties within HCDs.

5. Most of these cities (other than in Portland) do not require unanimous consent or formal majority polling of district property owners prior to HCD designation; instead, these cities encourage community support for designation;

6. As an alternative to "Historic Districts", one of these cities has introduced and another is considering introducing "Conservation Districts" for areas that are deemed worthy of protection or stewardship but lack the integrity, intact-ness, and contiguity of historic districts;

7. In every case, a city-wide historic preservation commission considers heritage alteration permit applications and provides recommendations to Council committees or administration; a couple of cities encourage the establishment of local community advisory committees to consider and advise on development proposals within specific HCDs.

NOMINATION/DESIGNATION PROCESS RECOMMENDATIONS

1. Require that all small area or neighbourhood plans incorporate a section focused on local heritage conservation values, which may include identification of potential HCDs and their possible boundaries;

2. Encourage the establishment of a local community stewardship group as part of the nomination/designation process, providing guidance on the group's role and requirements on its composition—and considering its potential role post-plan adoption;

3. Seek an expression of community support for HCD designation during the nomination phase, as one of several requirements to determining priority among several potential areas or districts;

4. Consider introducing an alternative to HCDs for those areas that represent one or several themes/contexts, but that lack integrity and intact-ness and, as a result, will concentrate on accommodating carefully considered infill;

Out of scope:

1. Achieve Council adoption of the Parks Canada *Standards & Guidelines for the Conservation of Historic Places in Canada;*

2. In order to support priority determination for potential Heritage Conservation District designations, develop a thematic framework for Winnipeg, ensuring a broad range of cultural heritage resources are included and providing the basis for city-wide heritage reconnaissance surveys.

2.3 RESOURCES, FUNDING & INCENTIVES

Overview

The Situational Analysis concluded that Winnipeg has provided heritage conservation services for over 30 years, delivered primarily by a small heritage staff unit. Evident are policy direction for area- or district-based heritage conservation, community interest in the concept, acknowledged staff capability, and an enabling administrative service and political decision structure. To advance from concept to implementation, Winnipeg will need to weigh whether it expects to offer Heritage Conservation District services on an ongoing, programmed basis or if it anticipates providing services as required, in response to occasional requests.

Cities that have initiated and sustained area- or district-based heritage conservation programs have managed their unique and evolving contexts (i.e. changing legislation, policy, community interest, Council demand; municipal budget restraint; senior government support; naysayer lobbying effort) through a variety of tailored resource responses. In enabling and implementing Heritage Conservation Districts, Winnipeg will want to be aware of other cities' resourcing strategies, funding options, and incentive tools.

Findings

Services related to Heritage Conservation Districts in all of the cities investigated in the Comparative Analysis step are delivered by relatively small heritage conservation staff units, with the number of staff positions typically corresponding to the size and population of the city. One (i.e. Victoria) has service-sharing arrangements with heritage-focused foundations and trusts. One of these cities (i.e. Toronto) dedicates a staff position specifically to HCD-related services. Although these units have been, at various times during their histories, directly responsible for a variety of heritage research, analysis, and plan products the more typical and contemporary role is to provide project management and process oversight services—including for HCD-related initiatives. A common theme among those cities that have prepared city-wide heritage management plans is to recommend additional staff positions "in order to allow the department to meet the many and increasing demands on its resources" (from Victoria's "Heritage Strategic Plan"; also Edmonton, Toronto). In each case, the management plans are adamant that it is staff positions that are required—not more monetary contributions—to effectively deliver services.

Several of these cities do not prepare stand-alone HCD plans; instead, heritage conservation considerations are rolled into broader small area or neighbourhood planning initiatives—in some cases, local community heritage values are a mandatory component of neighbourhood plans (e.g. Edmonton, Victoria). In such cases, the neighbourhood plans are prepared either by in-house planners or by consulting teams under contract with the department, with funding from departmental operating budgets or capital allocations. Of those cities that prepare reconnaissance survey—in-house or through consultant hires—to inform their historic resource inventories or heritage registries (e.g. Portland, Minneapolis, Edmonton, Sydney), some utilize trained community volunteers to contribute to area- or district-specific surveys.

Edmonton acknowledges that initiatives such as the recent "McCauley/Alberta Avenue Historic Resource Inventory" are only possible through the "flexible cost-sharing opportunities to aid in the expense of preparing surveys, inventories, and management plans" offered through the Alberta government's "Municipal Heritage Partnership Program". Some cities benefit from other forms of provincial or state government supports, including funding for municipal heritage officer training and guidebooks or primers for preparation of HCDs (e.g. Sydney, Edmonton, Toronto). In Toronto, where the local community (through a rate-payers' association, a business





McCauley/Alberta Historic Resources Inventory, City of Edmonton (Left), Historic Building in Edmonton (Right)

improvement agency, or some other representative group) is usually responsible for funding the HCD study and plan preparation, financial assistance has been made available through developer contributions (in exchange for increased development height and density opportunities) under the *Planning Act's* Section 37 community facility and service provisions—despite administration guidelines discouraging use of these funds for this purpose.

For the most part, these cities do not offer financial incentives specific to Heritage Conservation Districts. In one case (i.e. Toronto), however, properties located within HCDs are eligible for property tax rebates and grants—provided a "heritage easement agreement" is entered into and is registered on the land title. More commonplace are development incentives, such as in Minneapolis, "intended to encourage the preservation and reuse of landmarks and properties within historic districts". These cities (e.g. Minneapolis, Portland, Sydney), in response to real or perceived financial impediments to conservation, have introduced a variety of incentives through their zoning by-laws or through their heritage alteration permit processes. Initially introduced for individual historic buildings, these incentives now selectively apply to contributing properties located within HCDs and include:

- "historic variance" relaxations;
- "equivalent to heritage floor space transfer of development rights" for properties within and immediately adjacent to HCDs; and
- "heritage floor space exemptions".

By far the most nuanced examples of development incentives for heritage conservation are those available in Portland, including:

- "transfer of development rights";
- "height additions in single-family zones";
- "density additions in multiple-family zones";
- "minimum housing density exemptions";
- "daycare and non-residential exemptions in some residential zones";
- "commercial use exemptions in some industrial zones"; and
- "parking ratio modifications in Central City".

For those cities that incorporate local community heritage values and policy direction into broader neighbourhood planning initiatives (e.g. Victoria, Portland, Edmonton, Minneapolis), small area or neighbourhood plan implementation actions that target area- or district-wide capital improvements or enhanced maintenance schedules represent potential financial

benefits of HCD designation. In these cities, direct connections from plan recommendations to annual and 5-year (or term-of-Council) budget allocations are evident. Minneapolis has, through its former "Neighborhood Revitalization Program", contributed funding towards historic resource inventories that have resulted in Historic District designation and district-wide capital improvements—similar to Winnipeg's inter-governmental neighbourhood program initiatives (e.g. NIP, CIP, CAI, M/WCRP). In addition, contributing properties within National Register designated Historic Districts may be eligible for state and federal property improvement tax credits.

Heritage Conservation District Project - Comparative Analysis
Resources, Funding, Incentives

	Victoria	Portland	Edmonton	Minneapolis	Toronto	Sydney
Staff positions dedicated to HCD services					✔	
City-wide heritage plan recommendation for additional staff	✔		✔		◆	
Provincial / state supports	✔		✔			✔
Funding for HCD plan / detailed survey preparation	✔	✔	✔	✔	◆	✔
Financial incentives for properties in HCDs					✔	
Development incentives for HCD properties		✔		✔		✔
Potential post-adoption area-wide project funding	✔	✔	✔	✔	✔	

◆ refers to former practice or under consideration

Conclusions

1. Only one of these cities assigns staff members exclusively to Heritage Conservation District-related services, though several more have recommended—in their heritage management plan—additional staff resources in order to support expanded service responsibilities and increased expectations expressed in their heritage management plans;

2. Most cities focus heritage conservation staff resources on project management and process oversight responsibilities, with the bulk of specific area or neighbourhood work (e.g. research, analysis, plan preparation, community engagement) typically undertaken through contracts with external heritage consultants;

3. While one city describes its HCD nomination/designation process as "community driven" and expects significant community involvement in all aspects, community fund-raising is often supplemented by developer fee contributions;

4. While only one of these cities provides financial incentives to contributing properties within HCDs, most cities do not and instead offer a range of development incentives or permit process enhancements to offset or balance perceived financial burdens associated with designation;

5. In some of these cities, public realm capital improvement projects and enhanced maintenance schedules are achieved through broader area or neighbourhood planning initiatives, such as action plan recommendations that directly influence Council's annual capital and operating budget processes;

6. Several of these cities benefit from senior government enabling frameworks specific to HCDs, including comprehensive and contemporary program manuals, advisory services, training opportunities, and—in one case—a matching grant program that assists with area or district research and designation.

RESOURCES, FUNDING & INCENTIVES RECOMMENDATIONS

1. Consider staff resource requirements associated with the introduction of new heritage conservation services or expansion of existing services, including area- or district-based services and others identified in the "Heritage Resource Management Plan";

2. Introduce resources—alone or in collaboration with senior governments—(e.g. process guides, training opportunities, community matching grant programs) to enable enhanced community engagement in the Heritage Conservation District plan preparation process—including potential community leadership role;

3. Establish a range of incentives to encourage the conservation of HCDs and their assets, such as: modest tax credits, restoration grants, heritage floor space exemptions, equivalent to heritage floor space transfers of development rights "historic variance" relaxations, equivalent to heritage floor space transfer of development rights, and a variety of other development provision relaxations for contributing properties with HCDs—all subject to negotiation and registration of a heritage easement agreement;

4. Encourage public realm capital improvement projects and enhanced maintenance schedules, by identifying them in the action plan component of the HCD plan by-law and through stronger links to Council budget submissions.

2.4 Program Strengths & Applicability/Adaptability To Winnipeg

Shared Attributes

As a group, these cities share a number of significant area- or district-based heritage conservation program attributes. A few of these attributes are evident in Winnipeg's heritage conservation practices; several more are common in Winnipeg's other planning services and could be adapted for use in a new Heritage Conservation District program. Other than a more robust provincial enabling framework, remaining attributes have been identified for future action in Winnipeg's draft *Heritage Resource Management Plan*. Shared attributes include:

- HCD stated benefits and program intent;
- Specific reference to HCDs in official community plans;
- More detailed HCD policies and direction in city-wide heritage plan—including "thematic frameworks" or "historic contexts" to gauge area or district significance;
- Council endorsement of *Standards & Guidelines for the Conservation of Historic Places in Canada* (Canada) or *Standards for the Treatment of Historic Properties* (United States);
- Local heritage values and policy direction captured through community participation in broader neighbourhood planning initiatives;
- Emphasis on identifying new priorities and a broader view of historic and cultural resources;
- Strong provincial/state enabling framework—including guidance, training, and (occasionally) funding—that equips cities to deliver HCD services;

- Clear connections between HCD policies, regulations, and development application review processes;
- Delegation of approval authority on heritage alteration permits within HCDs, with clear assignment and detailed guidance for decision-makers (heritage commission, Council, staff); and
- Balancing perceived restrictions imposed on properties within HCDs with financial, development, or process incentives and eligibility for public realm capital improvements or enhanced maintenance schedules.

Unique Practices

Many of these cities also exhibit unique area- or district-based heritage conservation practices, usually products of their mandated administrative and decision-making contexts but occasionally the result of program modification and innovation over many years of service delivery. While none of these practices are currently evident in Winnipeg, several could be introduced with modest effort and others—those requiring more substantial effort—should be considered as potential long term initiatives. Notable context-specific or innovative practices include:

Victoria, British Columbia

Particular means of capturing HCAs in the OCP—including mandatory identification of "the special features or characteristics that justify the designation"; a statement of "the objectives of the designation"; and the city's OCP or its zoning by-law "specify guidelines respecting the manner by which the objectives are to be achieved" [*Official Community Plan*, Appendix A: Development Permit Areas and Heritage Conservation Areas];

Deliberate and recent initiative to incorporate heritage values and direction as a mandatory component of Local Area Plans following a recent Local Area Plan program review and revamp ["Neighbourhood Planning: A Discussion Paper", c.2008].

Portland, Oregon

Early adopter of Conservation District alternative ["Albina Community Plan", c.1993];

Nuanced range of Historic District and Conservation District development incentives specified in the *Zoning Code's* "Historic Resource Overlay Zone" includes "special provisions that encourage new historic listings and increase potential for historic structures to be renovated and rehabilitated by increasing land use flexibility and redevelopment options";

Detailed list of works exempted from design review and 3-tier distinction between proposals that are minor, modest, or major in scope or sensitivity with varying degrees of delegated responsibility (staff, Historic Landmarks Commission, Council).

Edmonton, Alberta

Historic Resources Inventory update—initially prompted by desire to include post-war properties—forms the basis for recommending new Heritage Areas, with detailed follow-up investigations specific to the area [e.g. "McCauley/Alberta Avenue Inventory", c.2011];

Strong links between Area Redevelopment Plan heritage policies and area-based zoning regulations and review procedures, including potential "direct control district" for Heritage Areas;

Investigating more objective development standards in the heritage alteration permit review process, as an alternative to design guidelines.

Minneapolis, Minnesota

Historic District designation driven by reconnaissance survey process; original survey update was begun in 2000 and includes deliberate efforts to expand the range of designations—to "balance" the program geographically and in terms of area types and eras [recent city-wide survey has led to identification of 53 "potential historic districts", e.g. "Historic Resources Inventory: Historic Resources in the Camden Area", c.2011];

Heritage Preservation Commission has the authority to grant relaxations of zoning development standards through the "historic variance" process that is intended to "encourage the preservation and reuse of landmarks and properties in historic districts by providing the commission with authority to recommend departure from the literal requirements of any of the applicable zoning applications";

Official community plan advocates that new tools aimed at preserving neighbourhood character should be investigated, including Conservation Districts which are described as "a zoning or preservation tool used to help communities protect certain characteristics in their neighbourhood. They concentrate on protecting such things as architecture styles, densities of the area, heights of structures, and setback guidelines" [Conservation District Ordinance is currently in the public meeting phase];

Small Area Plans incorporate implementation components, "including rezoning studies and public investments through the capital improvements process"; many SAPs target heritage conservation and provide policies and "implementation steps related to the continued maintenance of historic resources and guidelines for infill development", including identification of potential Historic Districts within plan boundaries [e.g. "Loring Park Neighborhood Master Plan", c.2013].

Toronto, Ontario

Very prescriptive legislation, including: strict distinction between Heritage Conservation District "Study" phase and Heritage Conservation District "Plan" phase; Study provides the basis for designation, while Plan identifies HCD policies and specifies guidelines "to accomplish the required policies"; mandatory preparation procedures; mandatory plan by-law content [e.g. "Queen Street West Heritage Conservation District Plan", c.2006];

HCD Nomination and designation "usually a community-driven process", with expectation that nominating group raises funds for study and plan and leads preparation—department staff take on advisory/process support role and community members encouraged to sustain involvement through local advisory committee;

Substantial demand for new HCDs following Act amendments led to backlog of HCD requests and Council direction to staff to prepare prioritization criteria ["Toronto Heritage Conservation District (HCD) Study Prioritization Report", City Planning Division, c.2012—"Queen Street East HCD Study", "King-Spadina HCD Study", "Historic Yonge Street HCD Study", "St. Lawrence HCD Study", and "Garden District HCD Study"];

Two financial incentive programs (tax rebate and grant) for which properties located within HCDs are eligible, subject to "Heritage Easement Agreement" caveat.

Sydney, New South Wales

All 73 designated Heritage Conservation Areas and Heritage Streetscapes are included in the city's "Heritage Inventory" database, accompanied by an assessment report consisting of a description of the area or streetscape, a statement of heritage significance, and recommended management provisions;

Sydney's "Heritage Inventory" includes HCAs and HSs, with "Heritage Studies" prepared as a precursor to designation; once completed, outcomes from the Heritage Studies are captured in "Heritage Inventory Sheets" (cross-referenced in the relevant "Development Control Plan" appendix) that provide detailed information about the area or streetscape, including: Location and Boundaries; Statement of Significance; Themes; Integrity/Intactness; Heritage Study Reference; Recommended Management Criteria; Building Contributions Map (i.e. "contributing", "neutral", "detracting") [e.g. "Cleveland Gardens Heritage Conservation Area", c.2006];

Development Control Plans introduce "Vicinity Controls" that are intended "to ensure that development in the vicinity of heritage items is designed and sited to protect the heritage significance of the item" and include views to and from the property.

SITUATIONAL ANALYSIS

3.0 Introduction

Context & Methodology

The Situational Analysis step assesses the City of Winnipeg's current readiness to deliver heritage conservation district services. This step establishes a baseline, prior to investigating and comparing service delivery models from other cities during the Comparative Analysis step.

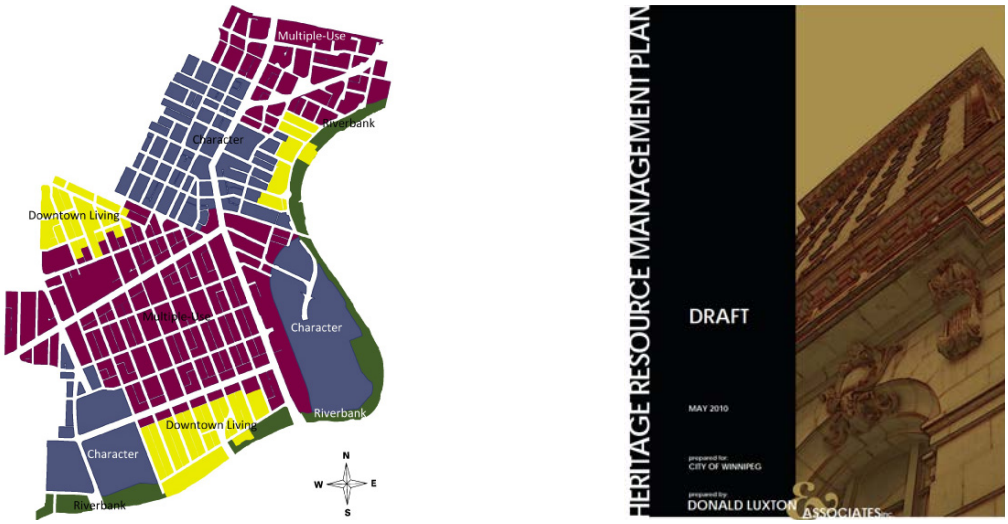
The Situational Analysis step includes review and analysis of legislation, policy, and regulations deemed relevant to the study by the Project Manager and Technical Experts Committee (TEC). It concludes with an assessment of the City of Winnipeg's readiness to initiate Heritage Conservation District studies and plans, based on the current service delivery context and its track record of providing area- or district-based planning services.

Heritage conservation-related materials reviewed include:

- *The City of Winnipeg Charter;*
- *The Heritage Resources Act;*
- *OurWinnipeg;*
- *Complete Communities;*
- *Heritage Support – Program and Policies;*
- *Heritage Resource Management Plan (draft);*
- *Historical Buildings By-law;*
- *Winnipeg Zoning By-law;*
- *Downtown Winnipeg Zoning By-law.*

Service delivery-related materials reviewed include:

- *City Organization By-law;*
- *Development Procedures By-law;*
- *"Integrated Planning Model";*
- *"Planning, Property, & Development Department business plan";*
- *"City of Winnipeg corporate strategic plan";*
- *"City of Winnipeg operating budget";*
- *"Local Area Planning Initiatives 2013-14".*



Downtown Winnipeg Zoning Map (Left), Heritage Resource Management Plan (Right)

At the project start-up meeting (September 11th 2013) and first Technical Experts Committee meeting (September 24th 2013), the proponent team outlined the overall study approach. In addition, the sequencing of project components was discussed and the Situational Analysis step was scoped. TEC members were asked to review a proposed list of materials to be analyzed during this step.

The Situational Analysis reflects inputs from the Project Manager and TEC members and is captured as follows:

- Legislation, Policy, and Regulatory Basis;
- Service Delivery Context.

The Conclusions identified in these sections are derived from the City of Winnipeg's heritage conservation-related materials, its service delivery-related materials, and input from the project manager and Technical Experts Committee members. They are expected to inform the project's Policies and Procedures Framework. The Recommendations are intended to guide research and analysis in subsequent project steps, in particular the Comparative Analysis and Armstrong's Point Case-Study steps.

3.1 Legislation, Policy & Regulatory Basis

Legislation

Findings

In December 2010 the Manitoba Legislature assented to Bill 5, an amendment to The *City of Winnipeg Charter* concerning historic property designations. The bill extends the City of Winnipeg Council's long-standing powers to designate buildings as being of special architectural or historic interest "to include the designation of land and areas". Under the heading "General authority", the Charter's section 157 states:

> *Council may pass by-laws respecting buildings, parcels of land or areas that council considers to be of special historic interest.*

In essence, legislative assent to the Charter amendment makes explicit Council's authority to designate heritage conservation districts.

In amending the Charter, the Legislature put to rest concerns about how best to acknowledge Winnipeg's geographic areas of interest. Although Council established a "historic restoration area" as early as 1978, it did so through zoning regulations, amidst doubts expressed in subsequent decades about whether this was the best approach, and has been the subject of ongoing enquiries regarding whether other mechanisms would better serve the purpose. So strong were Council's and administration's doubts that—other than another example of an area designation put into force-and-effect through zoning regulations (the "Boulevard Provencher" district was approved in 1985, though it avoided the term "historic") - no more historic restoration areas (or heritage conservation districts) have been designated since 1978.

The *Heritage Support – Policy and Programs* (c.1992) document, endorsed by Council in principle, advocated a number of initiatives to "promote retention and use of heritage properties in the City of Winnipeg" including the designation of "Heritage Districts". The document notes the proclamation of The *Heritage Resources Act* (c.1986) and the "stronger protective powers for heritage resources" it offered, but did not recommend that Council "pursue use of the Act as a legislative alternative for dealing with heritage buildings" or, more specifically, the designation of heritage districts.

Surprisingly, as soon as 1995 Council adopted a motion from its Committee on Planning and Community Services recommending that the Government of Manitoba "amend The City of Winnipeg Act to permit the designation of Heritage Districts, Areas or Zones which would include residential or commercial areas which are geographically coherent, [and] predominantly represent a certain historic period, and/or specific character that should be preserved and enhanced". Furthermore, according to the Planning Department's *Legislative Frameworks for Heritage Districts in Winnipeg (*c.1999) document, "The desire to use the district designation option for protecting and promoting heritage resources is a long-standing one, expressed in recent years through [*Plan Winnipeg*] policies." [nb. the department has had a number of names since the 1970s—"Environmental Planning", "Community Services", "Property and Development", "Planning, Property and Development"—the generic name "Planning Department" will be used throughout this document to avoid confusion]

At issue, according to the 1999 legislative framework document, was whether the Act's secondary plan and development regulation mechanisms were sufficient for the purpose of designating heritage conservation districts. The document notes that various provincial ministries and interest groups had begun to consider the need for specific enabling powers for municipal governments to create heritage conservation districts. This resulted in enough uncertainty that Council—and, for that matter, the Historical Buildings Committee—was no longer satisfied with its existing powers under the Act.

A decade later, the draft *Heritage Resource Management Plan* (c.2010) advocates "a broader recognition of heritage"—a position that would be enhanced through changes to the Charter. The draft plan refers to the City of Winnipeg's broad powers to protect buildings and other significant heritage resources through secondary plans and zoning by-laws, but that "the City does not have parallel powers to other municipalities for resources other than buildings, as defined under the *Heritage Resources Act*...specifically the definition of what can be listed should be broadened beyond buildings to sites and land." In addition, the draft plan recommends that "The Charter should be changed to make Winnipeg's heritage management powers exactly the same as any other municipality."

With the passage of Bill 5, Council's will regarding district designation has been achieved. Additionally, the Charter retains a variety of Council powers and opportunities that could benefit historic conservation district designation. Council has the authority to offer financial assistance to encourage district or area conservation in a number of forms, including:

- tax credits;
- tax rebates;
- direct grants;
- loans;
- loan guarantees; and
- tax increment financing.

The Charter also provides for area-based heritage conservation through traditional land development mechanisms:

- secondary plans—Council may adopt through by-laws objectives and actions "in a neighbourhood, district or area of the city" including matters "pertaining to...the enhancement or special protection of heritage resources or sensitive lands"; and

- zoning regulations—Council may adopt through by-laws that control or prohibit the use of real property in parts of the city, including "the protection of scenic areas, heritage resources and sensitive land".

Conclusions

1. With the passage of the Bill 5 amendment to The *City of Winnipeg Charter*, the City of Winnipeg has achieved its stated objective to acquire the same powers for area designation of heritage resources in effect in other Manitoba municipalities;

2. Winnipeg and other Manitoba municipalities do not have a robust heritage enabling framework, at least to the extent evident in many provinces and states;

3. The City of Winnipeg has the authority to offer a variety of financial incentives for heritage conservation on an area- or district-basis;

4. The City of Winnipeg has the authority to utilize its traditional land development tools to protect heritage resources within an area or district.

LEGISLATION RECOMMENDATIONS

1. Examine the provincial/state enabling framework for heritage conservation districts in other jurisdictions;
2. Consider partnering with other heritage interests, municipalities, and the ministry to enhance the heritage enabling framework.

Policy

Findings

Although preliminary work began in early-2006, as mandated by The *City of Winnipeg Charter*, the formal review of *Plan Winnipeg – 2020 Vision* by-law No.7630/00 (the City of Winnipeg's official community plan) was publicly launched in April 2009. Preparation of the new OCP involved generation of a number of "guiding documents" and consultation through a variety of forums. The process culminated in public hearing at Executive Policy Committee for both *OurWinnipeg* (By-law No.67/2010) and *Complete Communities* (By-law No.68/2010) in July 2010 and Council adoption in July 2011.

OurWinnipeg fulfills Council's Charter obligation to adopt a "development plan" that sets out the City of Winnipeg's long-term plans and policies respecting "its purposes; its physical, social, environmental and economic objectives; and sustainable land uses and development" and "measures for implementing the plan". A high level plan intended to articulate a community vision and provide direction across the full spectrum of civic services, *OurWinnipeg* "presents a 25-year vision for the entire city. It guides and informs, but does not replace, more detailed planning on specific topics for specific areas".

As part of *OurWinnipeg,* four "Direction Strategies" were developed to provide "additional direction in key planning areas". *Complete Communities* is one of these direction strategies and is the only one adopted by Council as a separate by-law. Its focus is to "describe Winnipeg's physical characteristics and lay out a framework for the city's future physical growth and development by introducing an urban structure". The "Urban Structure Planning Tool" represents the foundation for future city growth and development. It distinguishes functional (e.g. "Mixed Use Centres", "Mixed Use Corridors", "Transit Corridors, "Rural and Agricultural"), temporal (e.g. "Mature Communities", "Recent Communities", "New Communities"), and opportunity (e.g. "Transformative Areas", "Major Redevelopment Sites") locations that are "based on their ability to accommodate growth and change".

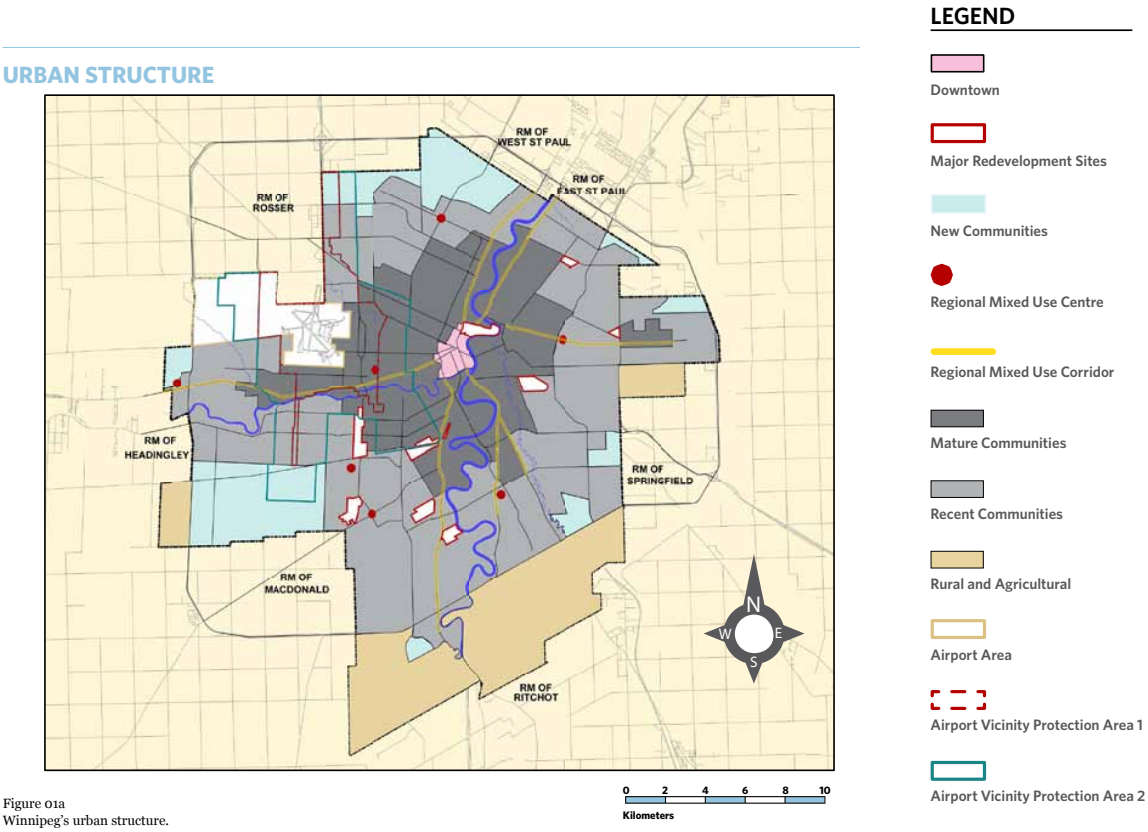


Figure 01a
Winnipeg's urban structure.

OurWinnipeg Urban Structure Map

As a vision-oriented plan, *OurWinnipeg* is careful to point out the importance of what Winnipeggers value through responses to questions such as "How do we maintain and enrich what we value while finding room for a growing population?" Significantly, protection of heritage resources are identified throughout the plan as contributing to sustainable development and *Complete Communities*—two cornerstones of *OurWinnipeg*. In the plan's "Heritage" section, six Policy Directions are identified:

- Direction 1 – Plan for heritage conservation;
- Direction 2 – Conserve, protect and celebrate the significant heritage resources that illustrate the broad range of Winnipeg's heritage values;
- Direction 3 – Provide leadership in heritage conservation that links to broader civic goals of economic development, sustainability and neighbourhood planning;
- Direction 4 – Conserve Downtown's rich legacy of heritage resources that provide significant and sustainable development opportunities;
- Direction 5 – Enhance the viability of the Exchange District National Historic Site; and
- Direction 6 – Plan for the sustainable development of healthy neighbourhoods based on their particular historic identity and character.

Specific to area- or district-based heritage conservation, the *OurWinnipeg* Policy Directions include these "Implementation Tools" and "Enabling Strategies":

- "Integrate heritage planning with local area plans and strive to eliminate disincentives to conservation";

- "Recognize the importance of a broad range of tangible and intangible heritage resources throughout the city that illustrate a unique sense of place and community pride";
- "Identify, designate and protect the city's most significant heritage resources using a Historic Context Statement and a Thematic Framework for evaluation";
- "Work with other governments, community groups and building owners to conserve significant heritage resources" "Work with downtown community stakeholders to identify and support key projects and heritage conservation initiatives that encourage and support downtown living, and facilitate strategic economic and cultural \ initiatives";
- "Collaborate on the development of a renewed vision for the Exchange District as a vibrant area of conserved heritage that is an exciting place to live, work and visit";
- "Develop and implement the Warehouse District Secondary Plan to guide the ongoing evolution of this critically important heritage district";
- "Work with community stakeholders to identify unique heritage identities and neighbourhood legacy elements"; and
- "Include heritage values when developing plans for new and existing neighbourhoods".

Complete Communities reiterates *OurWinnipeg's* six Policy Directions in its "Heritage Conservation" section. In addition, *Complete Communities* introduces a number of Principles that are intended to "function as a guiding framework". Among the principles is: "*OurWinnipeg* builds on existing assets, including natural heritage features (rivers, urban forests, and parks), cultural heritage features (the historic villages and heritage buildings and structures), built form (mature neighbourhoods and Downtown), community focal points (facilities, open spaces and main streets), and the existing pattern of streets. The existing character and form will not change for a significant portion of the city."

Complete Communities introduces its Policy Directions within the context of the Urban Structure Tool. Several of these Policy Directions include Implementation Tools and Enabling Strategies concerning area- or district-based heritage conservation, such as:

- Transformative Areas – OurDowntown – Organizing Downtown:
  - "Formally identify Downtown's unique districts, destinations and clusters, and characterize them as distinct and complementary for the purpose of Downtown growth and development planning";





Waterfront District (Left), Historic Image of the Exchange District, Printer's Row (Right)

- "In consultation with local stakeholders, establish development criteria and enabling guidelines that support focused public and investment goals for each district, destination and cluster"
- "Create favourable conditions and opportunities for desired development in identified districts, destinations and clusters in the Downtown";

- High-Quality Places Downtown:
  - "Draft a Heritage Conservation Management Plan (underway) to support heritage resources as a component of high quality urban design";

- Transformative Areas – New Communities:
  - "Identify and conserve heritage resources, encouraging awareness, understanding, and appreciation of them"
  - "Man made or natural features with particular cultural or historic significance should be identified, conserved, and incorporated into New Communities"; and
- Urban Design:
  - "Recognize, use, conserve and enhance heritage resources, including districts, buildings, landscapes and cultural heritage"
  - "Where appropriate, respond positively to context, especially to buildings, landscapes, cultural heritage, and heritage districts, such as the Exchange District".

Together, *OurWinnipeg* and *Complete Communities* carry forward many heritage-related policies from previous *Plan Winnipeg's*. As early as 1992, *Plan Winnipeg – Toward 2010* promised that "The City shall prepare, implement, and periodically review a heritage conservation plan to address measures for the conservation, use, acquisition, financing, and maintenance of heritage resources including buildings, structures, areas, archaeological features, heritage trees, and natural landscapes". This plan also advocated for establishing Heritage Conservation Areas, to "focus on the restoration, revitalization, and preservation of the built environment in areas where collections exist of sufficient numbers of heritage resources" and preserving Heritage Landscapes "deemed to be of special historical or architectural interest and requiring protection".

Later, in the 2000 *Plan Winnipeg 20/20 Vision,* similar policy direction concerning area- or district-based heritage conservation is evident. This plan, under the heading "Conserving Heritage Assets", committed to the protection of heritage resources by "establishing heritage conservation areas including heritage landscapes and streetscapes in order to promote the restoration, revitalization, and protection of these environments" and developing and implementing "heritage conservation plans".

Similar to other cities, the City of Winnipeg prepares "topic" plans to guide specific service areas such as civic facilities, transportation, housing, and so forth. Listed as one of several "guiding documents" undertaken during the *OurWinnipeg* plan preparation process, the draft *Heritage Resource Management Plan* (c.2010) not only informs heritage-related *OurWinnipeg* and *Complete Communities* policy directions, it should also be seen to flow from these plans. In this sense, the draft *Heritage Resource Management Plan* has the hallmarks of a City topic plan—once it is adopted by Council.

Initiated in 2009, this draft plan recognizes Winnipeg's "significant heritage legacy" and the City of Winnipeg's "well-established Heritage Program, dating from the 1970s." The plan is intended to "build on current successful initiatives" as indicated by both the program's longevity and "general public satisfaction with the existing Heritage Program". Instead of a drastic departure from current practices, the plan stresses a stronger link with *OurWinnipeg* and *Complete*

Communities, through "a renewed focus for the City's Heritage Program that further integrates conservation with the City's long-range planning objectives, including sustainability and economic development".

The draft plan's preparation included "broad public consultation" and "close consultation with a steering committee of heritage stakeholders". It provides a brief history of heritage conservation in Winnipeg since the 1970s and articulates a "Vision", 5 "Goals", and 6 "Strategies". Each of the Strategies is supported by substantial detail, including these principles and actions concerning area- or district-based heritage conservation:

- Strategy 1 – A Broader Recognition of Heritage:
  - under the heading "Neighbourhood Identity and Character" it is noted that, besides Winnipeg's two National Historic Sites (i.e. Exchange District, The Forks), "other potential heritage districts, streetscapes and groupings have not been identified";
  - also, "There was a strong desire indicated by many community and heritage stakeholders for the City to more fully recognize and celebrate neighbourhood heritage"
- Strategy 4 – Downtown Past, Present and Future:
  - Action 4.10 stipulates "Formally identify and delineate the Legislative precinct and The Forks as two unique Downtown heritage sectors by recognizing their historical importance and characterizing them as distinct and complementary for the purpose of Downtown growth and development planning";
  - Action 4.11 states "Develop neighbourhood plans for the Central Park and South of Broadway areas by emphasizing their historical roots and capitalizing upon their heritage assets to build more complete communities"
- Strategy 5 – Exchange District as Crown Jewel:
  - Action 5.7 advocates "By completing the secondary planning process currently underway for the Warehouse District, develop and promote a renewed vision for the Exchange District as a vibrant area of authentically conserved heritage that is an exciting place to live, work, and visit—supported through policies that strongly support increased residential and mixed-use development"
- Strategy 6 – Neighbourhood Heritage Planning:
  - Among the Principles for this strategy are: "The unique identity, character and heritage resources of each neighbourhood should be identified, protected and celebrated"; "The determination of neighbourhood identity and character should derive from stakeholder engagement and a broadly-based assessment"; and "When developing plans for new and existing neighbourhoods, the cornerstone should be to build upon a foundation of historic integrity";
  - Action 6.4 states "While individual historical sites, including heritage homes, will be identified and protected through the Heritage Register process, consider the addition and protection of important historical streetscapes, precincts, or neighbourhoods in mature areas (e.g. Armstrong's Point)";
  - Action 6.11 emphasizes "When undertaking the creation of a neighbourhood plan in a mature neighbourhood, develop, as a foundation, an inventory of local heritage resources together with a strategy for their conservation in order to capitalize upon the neighbourhood's sense of place and identity. This includes identifying, with BIZs as potential partners, neighbourhood main streets and their commercial and government buildings".

For the past two decades, the *Heritage Support – Policy and Programs* document has functioned as the City of Winnipeg's de facto heritage plan. The outcome of "a review and consultation




Old Market Square (Left), Provencher Boulevard (Right)

process that began in January 1990 when the Committee on Planning and Community Services established an Ad Hoc Committee to review heritage conservation in Winnipeg", this document was adopted by Council in July 1992. The ad hoc committee proposed "that the City of Winnipeg pursue a comprehensive strategy to stimulate and support the conservation of heritage structures, sites and districts within its jurisdiction" and proposes a number of recommendations towards achieving this end.

Conspicuous among the Ad Hoc Committee's recommendations is reference to a contemporary reassessment of what heritage conservation involves and the directions it should pursue, including that "Heritage resources must be seen as more than individual buildings, sites, monuments, or other built structures" and that, "within the scope of the built environment, focus has shifted from specific sites and structural artifacts to their immediate physical context and beyond—i.e. to entire streetscapes and districts". Further, the document notes that policy-makers across North America had been rethinking their approaches to heritage conservation, with policy direction encompassing "Development of heritage conservation plans in addition to the inclusion of heritage resources (broadly defined) as formal components of long-range development plans and area-specific or district plans".

Part 3, the heart of the document, provides a detailed "Action Plan" for heritage conservation. Specific to area- or district-based heritage conservation, the Ad Hoc Committee advocated the following actions:

- Recommendation #2 – "That City Council direct the Planning Department...to begin work immediately on a Heritage Conservation Plan which...addresses measures for the identification, conservation, use, acquisition, and financing of heritage resources in Winnipeg, including buildings, other structures, areas, archaeological features, and natural landscapes";
- Recommendation #3 – "That City Council approve in principle the Heritage Support initiatives outlined in Sections C I to C IV" under the heading "Zoning and Development Provisions" and including:
    - "That City Council encourage, and make provision for, the designation of Heritage Districts, Areas, or Zones—i.e. residential or commercial areas which are geographically coherent, predominantly represent a certain historic period, and/or have a specific character that should be preserved and

enhanced. Comprehensive design, maintenance and development/ redevelopment standards would be established to protect traditional architecture and other important aspects of area character" among other zoning recommendations (such as granting additional use permissions; relaxing building height, setback, parking provision, and other development standards);

- "That, for areas outside the jurisdiction of the Downtown Winnipeg Zoning By-law (No.4800/88), City Council adopt a policy which permits use of design and other regulations to protect the context in which one or more heritage structures are located and perhaps to protect or enhance their function(s). These regulations, which would apply to properties in the proximity to heritage structures, could cover items such as height, density, uses, signage, set-backs, and/or landscaping. The controls could be employed in designated heritage conservation or character areas, or they could provide spot protection for isolated heritage sites".

In addition, the document includes a section devoted to "Heritage Districts/Zones/Conservation Areas/Character Areas" and identifies a range of "public policy instruments to assist heritage conservation in North America" as a supplement to the Action Plan. Among the long list of specific instruments are some progressive approaches that could be used in conjunction with heritage conservation districts:

- "designating tax reinvestment zones to stimulate activity in specific areas in return for property assessment or tax concession";
- "public works improvements to complement heritage sites and districts";
- "local improvement, business improvement or other district-specific levies";
- "tax increment financing";
- "transfer of development rights";
- "overlay zones";
- "design controls";
- "designation of individual heritage properties, zoning districts, conservation areas (enabling, in turn, area design, demolition and other controls)".

Since the early-1990s, the City of Winnipeg has had sufficient heritage conservation policy in place at a city-wide scale. This policy framework has provided direction for historical building designations, building conservation incentives, and other heritage-related programs. The draft *Heritage Resource Management Plan* has served its "guiding document" purpose, with its policy recommendations captured in the *OurWinnipeg* "Heritage" and *Complete Communities* "Heritage Conservation" sections. With its adoption as Council policy, this document will have achieved its heritage-related "topic" plan function.

At a tighter geographic focus—at the neighbourhood, district, or streetscape scale—the City's heritage policy has emphasized a corporate and stakeholder interest in area- or district-based heritage conservation, but has failed to extend this approach much beyond the initial Historic Winnipeg Restoration Area (c.1978). This disparity between policy direction and follow-through could be the result of many inter-related factors; it may also be a byproduct of Winnipeg's broader urban planning service delivery context that has consistently devalued and occasionally discouraged local area plan-making since the 1970s. Tellingly, the *Heritage Support – Policy and Programs* document refers to "Winnipeg's only heritage zone, the Exchange District" and captures "area-specific heritage plans" under the heading "Regulation".

Conclusions

1. *OurWinnipeg* and *Complete Communities* include guidance from the draft *Heritage Resource Management Plan* and provide sufficient policy direction for heritage conservation at a city-wide level;

2. *OurWinnipeg* and *Complete Communities* recommend follow-up actions concerning heritage conservation districts, including "Enabling Strategies" and "Implementation Tools";

3. Heritage Support – Program and Policies, adopted in 1992, is the City of Winnipeg's current heritage plan;

4. The City of Winnipeg has not prepared heritage conservation district plans through its secondary planning authority or other plan-making mechanisms, as a precursor to implementing zoning regulations, mandatory design review processes, and conservation incentives within areas of architectural or historic significance.

POLICY RECOMMENDATIONS

1. Encourage Council adoption of the *Heritage Resource Management Plan* as the City of Winnipeg's heritage plan;

2. Investigate the practice of preparing heritage conservation district plans and the relationship between plans and implementation tools in other cities.

Regulation

Findings

Following a review process that began in 2005, Council approved the current Winnipeg Zoning By-law No.200/2006 in early-2008. Approval of this zoning by-law followed closely on the heels of its Downtown Winnipeg Zoning By-law No.100/2004—covering the area loosely defined by Red River/Assiniboine River/Osborne-Colony streets/CPR Main Line—which was approved in 2004. Among a host of regulatory innovations, both zoning by-laws include tools that can be tailored to distinctive areas, with particular relevance to area- or district-based heritage conservation. See map on next page.

The Winnipeg Zoning By-Law was prepared by an external consultant, with oversight provided by a senior management steering committee and staff technical advisory committee. Early in the process, the consulting team delivered an "Approach Report". In it, an "Overlay" tool was introduced and generally described as: "Overlay zones are...used to impose extra standards to protect established neighbourhood character in defined areas, to restrict building heights around an airport, to impose street access restrictions along an overcrowded street, and for many other area-specific purposes". Following its adoption by Council, the zoning by-law described the Planned Development Overlay ("PDO-1") district as follows:

> *The purpose of the Planned Development Overlay (PDO-1) district is to provide a means to alter or specify allowed uses and/or development standards in otherwise appropriate zones, in unique or special circumstances, in order to achieve local planning objectives in specially designated areas.*

A PDO-1 zoning district is appropriate when additional zoning controls are required to address an area-wide (rather than site-specific) condition, or to implement an area-wide plan for the proposed district.

PDO-1 districts are generally appropriate for areas with unique or special circumstances containing 10 or more parcels or containing 25 acres or more in area.

It is important to understand that a "PDO-1" district overlays—or superimposes—area-specific regulations on top of the underlying zoning district or districts. Also key is to appreciate that an overlay's initial implementation and ongoing success is very much dependent on its connection to its policy direction, typically articulated in a secondary plan (aka local area plan). This relationship is stressed in the zoning by-law's "PDO-1" requirement that any proposed development rules in these districts must meet criteria that they:

- "Are to implement an adopted Secondary Plan or an area-wide plan";
- "Apply to land in more than one underlying base zoning district";
- "Are unique to the proposed area, and are not likely to be used in other areas of the City"; and
- "Contain relatively minor changes to the permitted and conditional uses in the underlying zoning district and/or minor changes to permitted dimensional standards applicable to the underlying zoning district".

Upon adoption of the new zoning by-law, several existing special purpose zoning districts were implemented as "PDO-1" districts, including:

- Airport Vicinity Protection Area – the only example where a secondary plan was created prior to the zoning district;
- Boulevard Provencher District – also includes new design guidelines that appear to have been borrowed from the downtown by-law's "Key Considerations"; and
- C1.5 Commercial District – now named "Neighbourhood Main Streets", introduced as a last minute addition in response to a request by a City Councillor.

Subsequent additions under the "PDO-1" district include the following "unique or special circumstances":

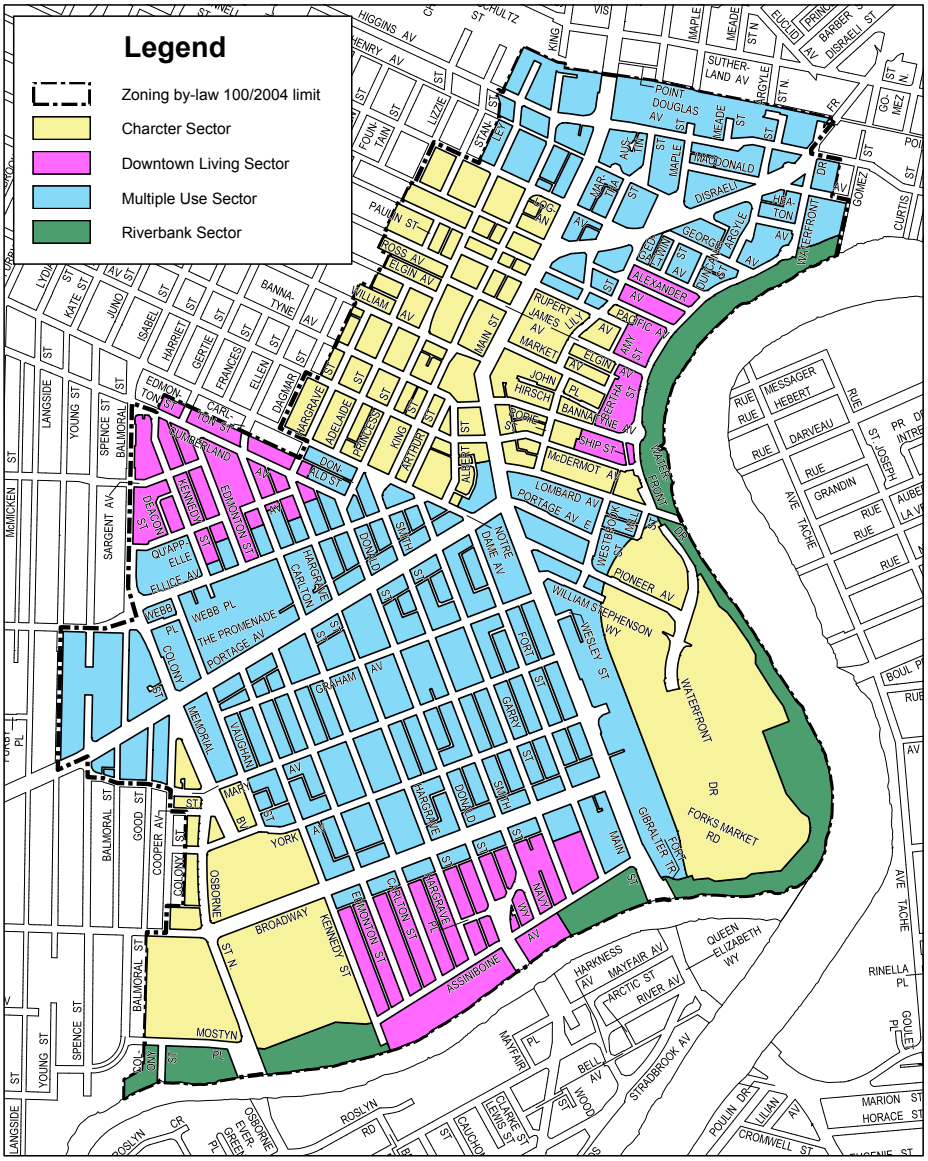
- Academy Road – initiated by community committee motion in response to a series of commercial—mainly restaurant/drinking establishment—redevelopment proposals;
- St. Norbert – focused on Pembina Highway-fronting properties, it is the only example where a neighbourhood study was undertaken prior to overlay approval; and
- Downtown Transcona – initiated, in part, to support a BIZ streetscaping improvement project.

The Downtown Winnipeg Zoning By-Law was prepared by the planning department, under the direction of the ad hoc Downtown Initiatives Committee chaired by then mayor. Before initiating preparation of the zoning by-law in 2002, the committee endorsed the following project benchmarks:

- "That the zoning regulations clearly reflect Downtown Winnipeg policy, as found in *CentrePlan*";
- "That the zoning regulations be clearly described and organized"; and
- "That the downtown zoning by-law boundaries correspond to CentreVenture Development Corporation mandate area boundaries".

The downtown zoning by-law is organized on a geographic basis, with each of four "Sectors" having its own bundle of regulations based on a sector Intent statement. Sectors are differentiated in terms of look, function, or character and are intended to capture the values expressed for existing (e.g. Exchange District) and evolving (e.g. The Forks) areas of distinction. Within each sector there is opportunity to further tailor regulations and design guidelines to smaller sub-sectors. In addition, this zoning by-law carries forward the previous downtown zoning by-law's design review requirement for all external building modifications, extends design review to capital works within street rights-of-way, and introduces "Key Considerations" to inform the design review process.

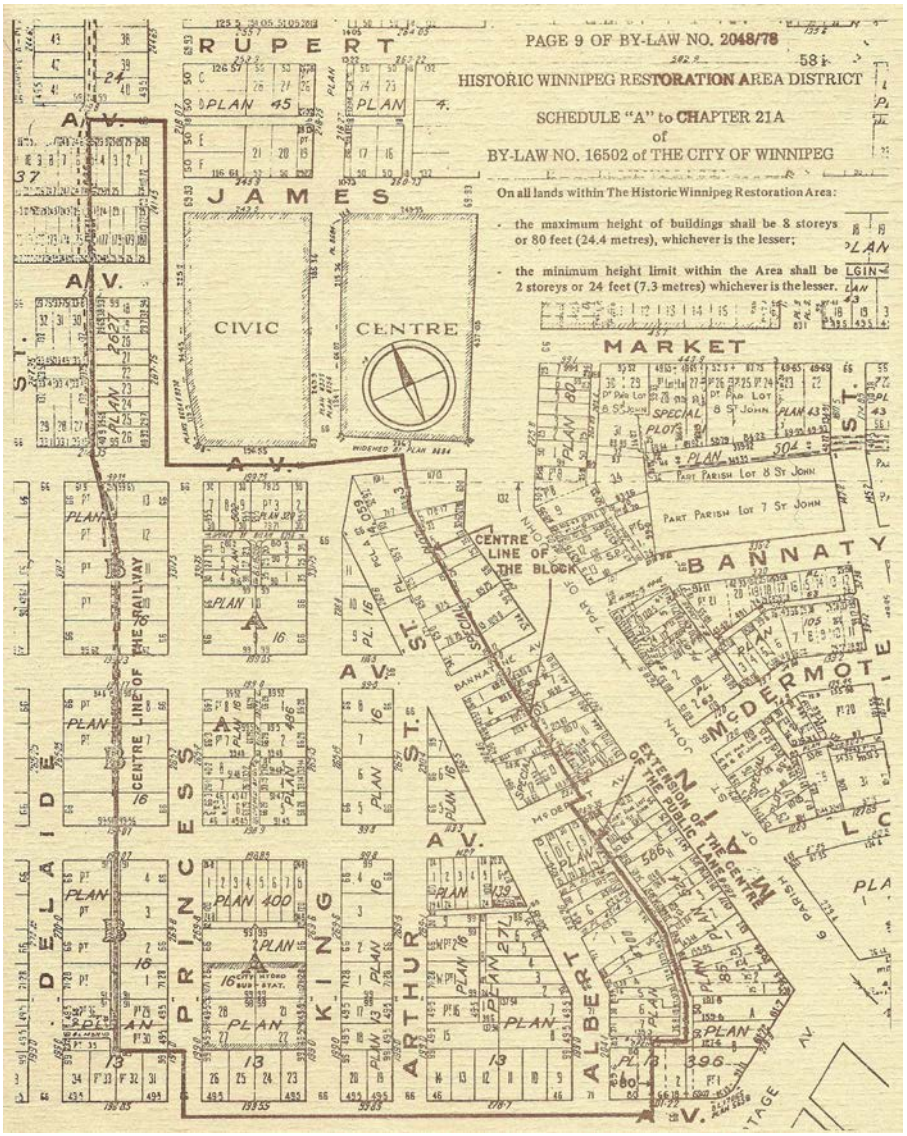
Specific to area- or district-based heritage conservation, Winnipeg's earlier zoning by-laws are notable for their reuse of a zoning tool first introduced in the late-1970s in the area immediately surrounding Old Market Square. By the early-1970s, a number of inter-related initiatives were underway that—indirectly—led to the designation of the "Historic Winnipeg Restoration Area"



Downtown Zoning By-law Boundaries Map

district, captured in Zoning By-law No.16502 in 1978. These initiatives included:

- District conservation study prepared by the Planning Department in 1974 (with support from parks and streets departments) that recommended civic investment in the "Old Winnipeg" area and seek contributions from other levels of government;
- Heritage Canada-commissioned study of the warehouse district, prepared by the Manitoba Historical Society in 1975;
- Renewed interest in the commercial potential for the area surrounding Old Market Square that culminated in the establishment of a merchants' association in 1976 (impetus for later Exchange District BIZ);
- Joint-funded $1 million streetscaping project in 1977;
- Establishment of a new multi-stakeholder board initially tasked with promoting the district and programming the square and surrounding area in 1978 (Heritage Winnipeg);
- Historical Buildings By-Law approved by Council in 1977 (By-law No.1474/77); and
- New area-based zoning district approved by Council in 1978 (By-law No.2048/78).



Original Historic Winnipeg Restoration Boundaries

Although referred to by the then Mayor as "one of the most exciting heritage conservation districts in Canada" and the subject of research, discussion, and action over several years, the rationale for the decision to establish the new "Historic Winnipeg Restoration Area" zoning district—without the benefit of an area-based plan—is not captured in available background documentation.

The "Historic Winnipeg Restoration Area" zoning district was incorporated into the zoning by-law as a stand-alone district, complete with its own Use restrictions and Building Height, Signage, and Parking development standards. In addition, a design review process was introduced and design guidelines established, both unique to this historic area. Later, the stand-alone district approach became the model for other areas that Council determined have special significance and require direct control. In each case, as with the "HWRA" district, the zoning districts were adopted without the area-specific policy direction of a secondary plan. Examples include:

- "Boulevard Provencher" zoning district – established in 1985 (as part of the St. Boniface Town Planning Scheme and later incorporated into Winnipeg Zoning By-law No.6400/94), the "BP" district replicated the "HWRA" zoning district in most respects—other than neglecting to introduce design guidelines to inform the design review process;
- "Industrial Park" zoning districts – introduced in several 1970s zoning by-laws (e.g. Lord Selkirk – West Kildonan, East Kildonan – Transcona, Assiniboia) and later incorporated into Winnipeg Zoning By-law No.6400/94), the "MP-1" and "MP-2" districts also replicated the "HWRA" zoning district in certain ways—though they, too, mandated design review without accompanying design guidelines; and
- "C1.5" commercial zoning district – introduced in 1995 (as part of Winnipeg Zoning By-law No.6400/94), the "C1.5" district was applied to existing "Neighbourhood Main Streets" such as portions of Osborne Street, Selkirk Avenue, St. Mary's Road, and Sherbrook Street. Unlike the "BP" and "MP" districts, the "C1.5" district did not include design review.

Significant, too, was the *Downtown Winnipeg Zoning By-law No.*4800/88's extension of mandatory design review to the entire downtown. At the same time, the stand-alone "Historic Winnipeg Restoration Area" district (by this time expanded east of Main Street) was abandoned in favour of the new zoning by-law's innovative but inscrutable multi-layered organizing feature. In doing so, the "HWRA" detailed design guidelines were replaced by "HW" Design Review Designation references to "appropriate" materials, colours, set-backs, proportions, façade pattern, doors and windows, cornices, and signage.

Since its adoption in 1977, and subsequent amendments, the *Historical Buildings By-law No.*1474/77 has concentrated on Council's authority for and process of designating buildings and structures having historic merit and deemed worthy of conservation. The by-law provides for the Buildings Conservation List and Inventory, establishes the Historical Buildings Committee, outlines criteria for listings, and related matters. At no time has the by-law provided for the designation of heritage conservation districts; nor is this anticipated under the updates to the by-law, currently underway. That said, the Historical Buildings Committee's mission includes a commitment to ensuring the long-term conservation of heritage resources in Winnipeg includes "integrated planning district/area designation".

Winnipeg has a tradition of protecting its character areas—those with either architectural or historic significance—through zoning regulations. As far back as the 1970s, the Planning Department has introduced innovative tools to regulate and guide development in many of the city's valued neighbourhoods. The current zoning by-laws No.100/2004 and No.200/2006) are equipped to sufficiently regulate development in Winnipeg's areas of distinction. On a

cautionary note, though, Winnipeg's ability to innovate on the regulatory side has not been balanced by the basic framework for guiding decision-making in these significant districts and neighbourhoods, such as would be provided through heritage conservation district plans.

Conclusions

1. The City of Winnipeg has provided protection and guidance for several geographic areas of architectural, functional, and historic significance through area- or district-specific zoning regulations, in many cases including design guidelines and mandatory design review procedures—without the direction provided by area- or district-specific plan policies;

2. The Winnipeg Zoning By-Law and Downtown Winnipeg Zoning By-Law include contemporary tools that could assist with heritage conservation district policy implementation;

3. The Historical Buildings By-Law does not—and is not expected to—provide for the designation and protection of heritage conservation districts;

REGULATIONS RECOMMENDATIONS

1. Investigate how other cities ensure strong links between their official community plan directions and heritage conservation district policies;

2. Assess the variety of regulatory implementation tools employed in other cities.

3.2 Service Delivery Context

Administrative Structure

Findings

Administratively, the City of Winnipeg is structured on standard Department – Division – Branch lines. There are 12 civic departments, with all but one (City Clerk's) reporting to the Chief Administrative Officer. The Planning Department is organized into four "Services Portfolios", including the Planning Services Portfolio. Within this portfolio are two divisions—Urban Design and Urban Planning—that are represented on the Technical Experts Committee. A third division—Development & Inspections—is also represented on TEC. Development & Inspections Division is housed within the Development Services Portfolio.

Since 2007, Council has prepared a "service-based" budget, attributing revenues and expenditures to specific services rather than to departments or administrative units. The "Heritage Conservation" service, described in the *Adopted 2013 Operating Budget* as promoting "the long-term conservation of heritage assets in the City of Winnipeg", has three Key Goals:

- "Ensure the long-term conservation of heritage resources in Winnipeg through the implementation of new incentives, integrated planning, district/area designation, regulatory reforms, well established design standards and principled design review";

- "Be a catalyst for greater public awareness, education and participation in heritage conservation"; and
- "Improve the suitability of Heritage Buildings for occupancy by City Departments and other civic uses".

This service area was not significantly altered through the most recent Council-endorsed department reorganization—the *Integrated Planning Model* (c. July 2002). The result of a year-long enquiry into the Planning Department's service delivery capacity, the Integrated Planning Model identified this key strategy for planning services:

> *To reorganize the planning function within the Planning, Property, & Development Department in order to promote leadership in planning and to focus efforts more fully on Council's priorities.*

Subsequent modifications to the Planning Department's organizational structure have not resulted in significant changes to the Heritage Conservation service. The City of Winnipeg provides direct heritage conservation services through three professional positions (FTEs), reporting to the Manager of Urban Design. Two of these positions are currently filled and described as follows:

- Heritage Planner
  - responsible for planning initiatives, by-law, and policy directives;
  - oversees tax credit program;
  - prepares administrative reports;
  - oversees consultant projects; and
  - undertakes technical design review and issues heritage permits.
- Historical Buildings Officer
  - responsible for research services;
  - issues historic property notices;
  - provides website maintenance and other administrative tasks; and
  - responds to public enquiries.

This service is funded through annual transfer from a capital reserve (Heritage Investment Reserve). Additional funding for discretionary purposes is provided through a capital budget source (The Gail Parvin Hammerquist Fund), financed through annual Council allocation and a percentage of City of Winnipeg land sales.

Conclusions

1. Heritage Conservation is a prominent City of Winnipeg service, funded through capital contributions and delivered by a dedicated Planning, Property, & Development Department staff unit;

2. The Planning Department's service delivery model directs that collaborative approaches are to be utilized when undertaking planning projects, including those that integrate expertise from across the Public Service.

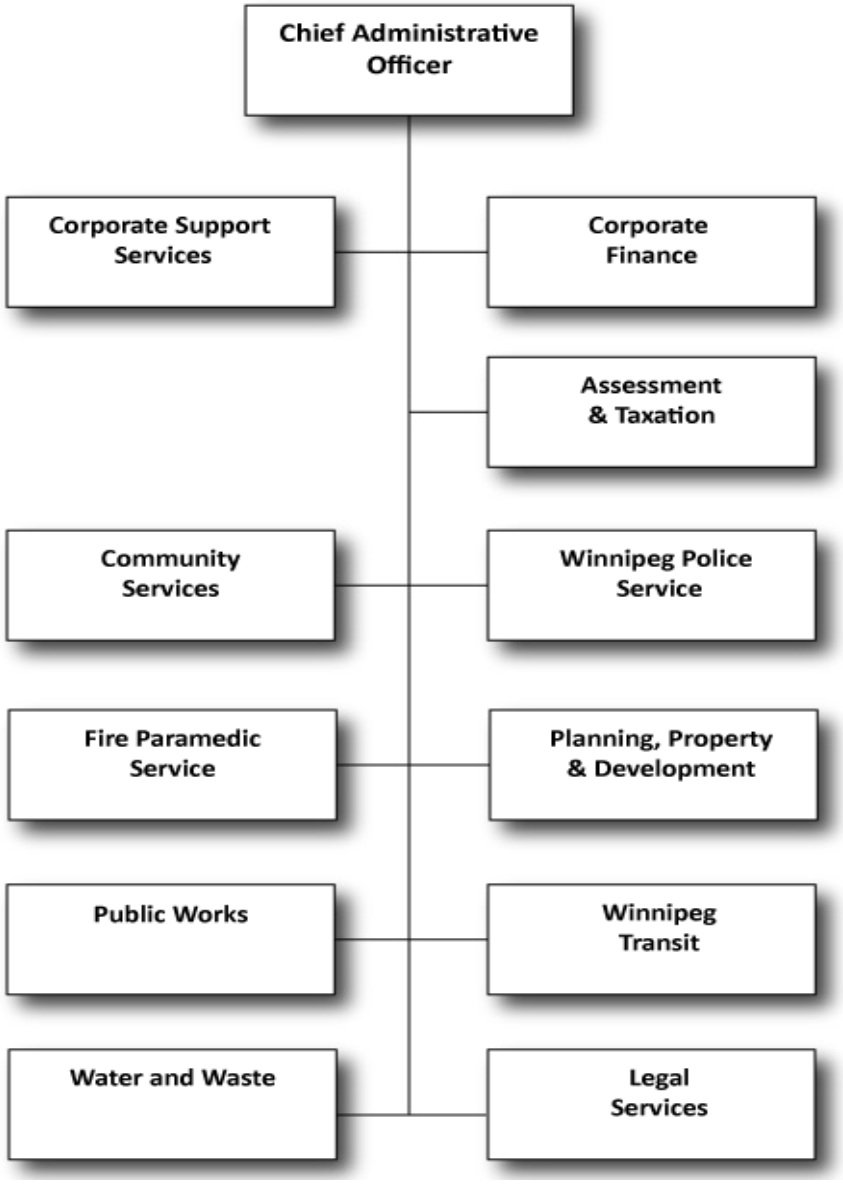
SERVICE DELIVERY RECOMMENDATIONS

1. Explore a variety of heritage conservation district service delivery models, including those that are prepared and funded in-house, those involving more limited supports to stakeholder groups, and those that are prepared by external agencies through city funding.

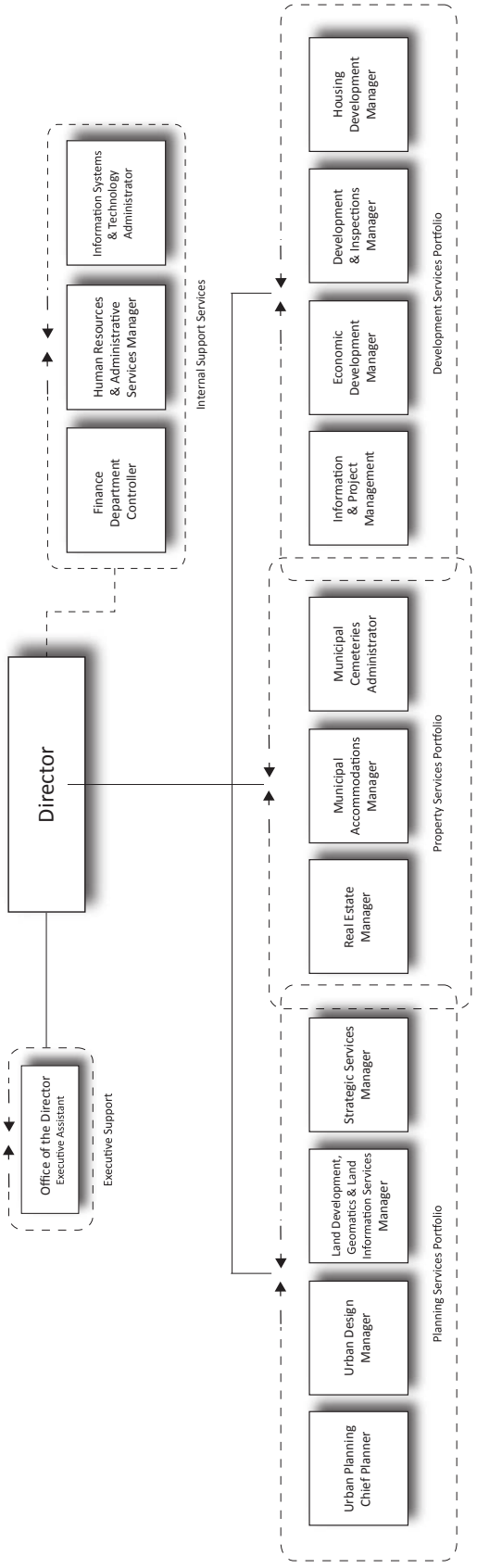
Findings

The *City of Winnipeg Charter* provides the basis for Council's decision-making process, including mandatory procedures (e.g. Council authority to enact by-laws, committee quorum, minimum public hearing notification, two-thirds Council majority on park land disposition) and authority for optional approaches (e.g. Council delegation to standing committees, establishment of buildings conservation list, conditions on subdivision approvals). Consistent with Charter authority, Council has adopted by-laws regarding:

- Council and committee responsibilities – *City Organization By-law No.*7100/97; and
- Development review and approval procedures – *Development Procedures By-law No.*160/2011.



City of Winnipeg Organization Chart



Planning, Property & Development
Department Organization Chart

One of five standing policy committees identified and provided for under the *City Organization By-Law,* the Standing Policy Committee on Downtown Development, Heritage, & Riverbank Management has property development and transportation system responsibilities for the downtown and heritage and riverbank responsibilities city-wide. Specific to heritage conservation matters, this standing policy committee has decision-making responsibilities as follows:

- Approving "urban design guidelines, standards or criteria" and "appointing advisory committees" related to the downtown;
- Deciding on development applications and appeals concerning "Heritage matters" for properties located within the downtown;
- Providing "policy advice to Council with respect to heritage matters throughout the City"; and
- Administering the *Historical Buildings By-Law*.

Regarding area- or district-based plans, responsibility is split between the Downtown Development, Heritage, & Riverbank Management committee and another standing policy committee, the Standing Policy Committee on Property & Development—with the downtown committee only involved in review and approval of such plans within the downtown's boundaries (expressed in the *Downtown Winnipeg Zoning By-Law*). This geographic split is further emphasized in the Development Procedures By-Law, which assigns a variety of downtown development application responsibilities to the downtown standing committee and those outside the downtown to the property & development committee.

It should be noted that the City Organization and Development Procedures by-laws are silent on the subject of heritage conservation district plans. Since they are not specifically provided for in these by-laws—and because such plans could have any of a variety of potential powers (e.g. directing, enabling, guiding, restricting)—careful consideration of their intended force-and-effect will be necessary prior to accommodating them within Council's decision structure.

Conclusions

The Standing Policy Committee on Downtown Development, Heritage, & Riverbank Management and the Standing Policy Committee on Property & Development split responsibilities for area- or district-based planning on a geographic basis.

Area- or District-based Planning Track Record

DECISION STRUCTURE RECOMMENDATIONS

1. Determine whether all heritage conservation district planning should be handled by one or the other of the Property & Development committee or the Downtown Development, Heritage, & Riverbank Management committee, regardless of zoning by-law boundaries.

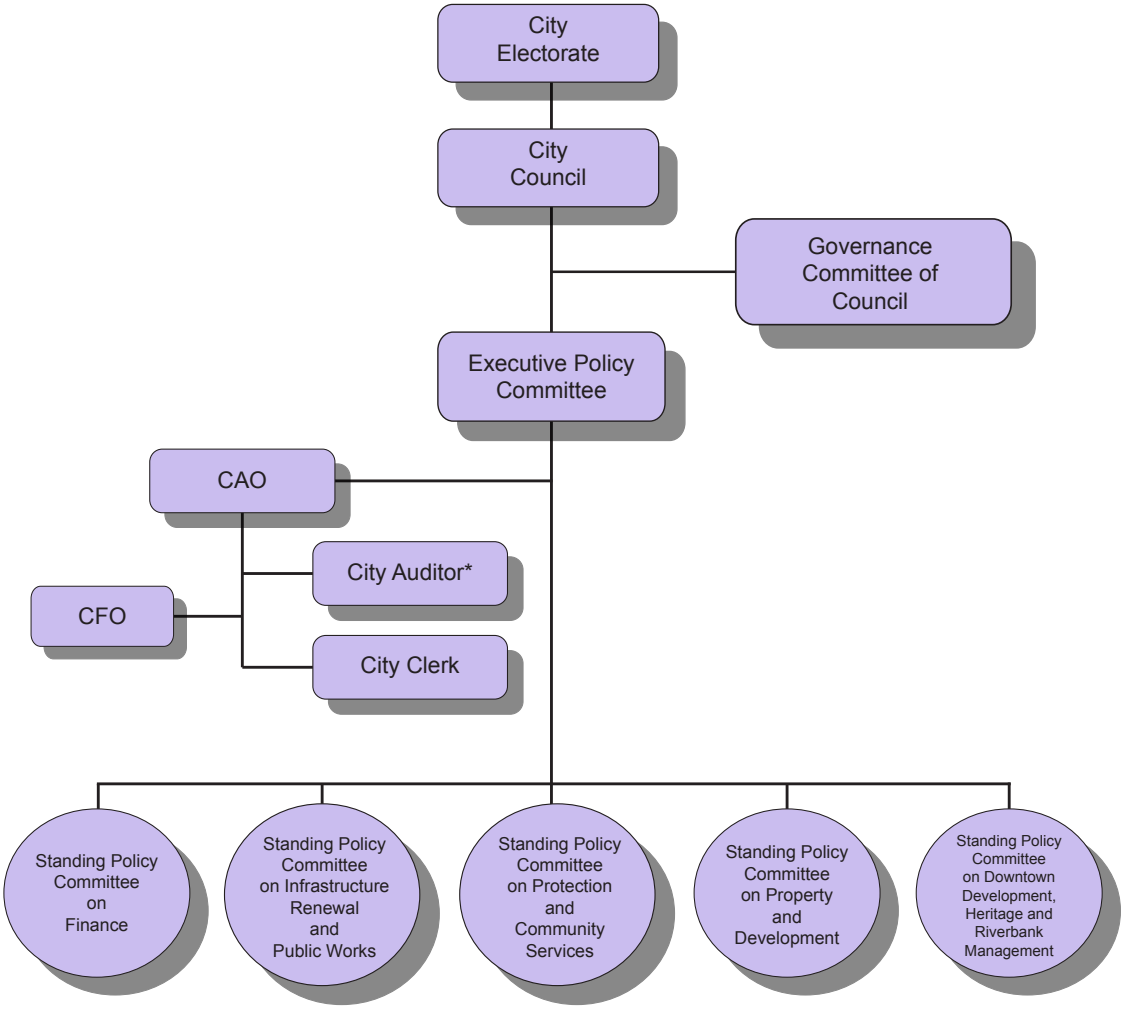
Area- or District-based Planning Track Record

Findings

Commencing in 1999, the Planning Department has submitted an (almost) annual report to Standing Policy Committee on Property & Development regarding the status of secondary plan and related initiatives. This report updates committee on the status of initiated planning

processes, outlines a work plan for the forthcoming year, and identifies areas where plans have been recently requested. This practice was initially instituted to both provide information to committee and to initiate dialogue concerning this work. Recently, at its September 2013 meeting, the department's "Local Area Initiatives 2013-14" report was considered by committee and received as information.

Over the past decade, the focus of this report has evolved from a strict concentration on secondary plan by-law preparation and review processes to a broader range of area-based and



**CFO, City Auditor and City Clerk have statutory reporting relationship to City Council*

"Decision Structure Initiative Chart, March 2011"

city-wide processes, as listed below. This broader range has not included reporting on area- or district-based heritage initiatives. The report now features:

- Neighbourhood studies;
- Neighbourhood development guidelines;
- City-wide guidelines for specific forms or types of development;
- Area-based zoning changes;
- Area master plan resolutions;
- Secondary plan amendments;
- *Complete Communities* amendments; and
- Planning handbook preparation.

Also evident has been a shift in this service area from area-based plans approved as Council by-laws to plans approved through Council resolutions. Although this practice was initiated with the *CentrePlan – Vision & Strategies* downtown plan (c.1994), it has become more prevalent since the most recent *Plan Winnipeg* review in the form of "area master plans". In addition, the department advocates the concept of "Collaborative Planning", described as involving staff "assisting and participating with other interests (land owners, developers, organizations, etc) in a collaborative and iterative manner to deliver local area plans and development projects".

The "Local Area Initiatives 2013-14" report emphasizes the importance of aligning area-based planning priorities with *OurWinnipeg* and *Complete Communities* policy direction. This includes:
"Local area planning should primarily be focused on Transformative Areas identified in the Urban Structure, such as the Downtown, Centres & Corridors, Major Redevelopment Sites, and New Communities"; or
"Facilitating special initiatives that will assist in the implementation of *Complete Communities*".

Although there has been no explicit commitment expressed towards plan preparation for heritage conservation districts in recent years, earlier secondary planning program reports identified initiatives for the Warehouse District (including the Exchange District NHS, c.2008), South Point Douglas (c.2008), and Armstrong's Point (c.2009) areas. The resulting "pre-plans" explored the potential benefits of initiating secondary planning processes for these historic areas. To date, none has led to plan adoption by Council.

The City of Winnipeg has provided heritage conservation services for over 30 years, primarily via a small heritage staff unit. This service area has achieved a high-level of public recognition and citizen satisfaction. Area- or district-based heritage plans have not been implemented in Winnipeg—even within the Exchange District National Historic Site—despite internal and external support for the concept, acknowledged staff capability, and an enabling administrative service and political decision structure. Although other factors have been cited and still others may be involved, hesitancy to advance the heritage conservation district approach from concept to action is likely linked to Winnipeg's broader urban planning legacy that tends to elevate regulation above policy.

Conclusions

1. The City of Winnipeg has prepared planning studies for several areas of architectural or historic significance, which Council committees have received as information;

2. The City of Winnipeg has prepared area- or district-specific plans, through direct Planning Department services and through collaborations with other interested parties, in the form of secondary plan by-laws and area master plan resolutions;

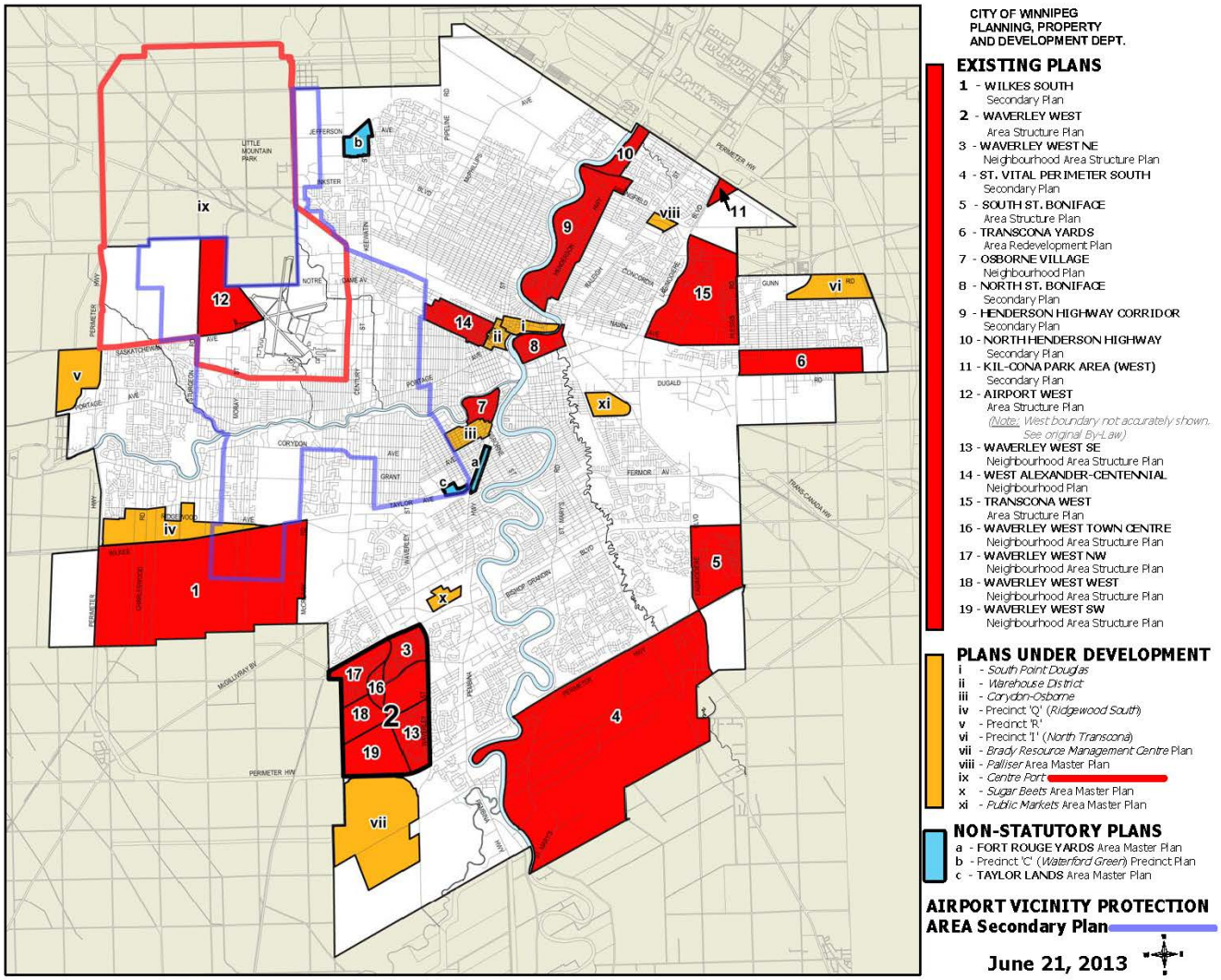
3. *OurWinnipeg* and *Complete Communities* stress priority for area- or district-based planning initiatives in designated "Transformative Areas";

4. The City of Winnipeg has not prepared and Council has not adopted area- or district-specific plans for heritage conservation districts, despite expressed interest in the concept from many stakeholders.

HCD PROCESS RECOMMENDATIONS

1. Explore how heritage conservation district plans are captured in other cities—through by-law, resolution, or other measures;

2. Look for clues as to how heritage conservation district planning has been activated, from concept to implementation, in other cities.



Local Area Initiatives Map, 2013-2014

APPENDIX 1:
CASE STUDIES OF OTHER MODELS

Program #1: Victoria, British Columbia

City of Victoria Sustainable Planning & Community Development Department
Heritage Program – includes response from staff representative (December 4 2013)

PROGRAM FEATURES

Background

The City of Victoria has a long history of heritage conservation, including designation of Heritage Conservation Areas. There are currently 13 HCAs, including several additions that were introduced during Council adoption of Victoria's new *Official Community Plan* in 2012. The earliest HCAs clustered in and adjacent to the downtown and provincial legislature precinct. More recent additions include a variety of locations and encompass mixed-use areas, commercial corridors, small urban villages, marine-oriented industrial areas, and low-density residential neighbourhoods.

BC Heritage describes HCAs as "a distinct district with special heritage value and/or heritage character, identified for heritage conservation purposes in an official community plan". Designation is intended "to provide long-term protection to a distinctive area which contains resources with special heritage value and/or heritage character. A HCA can provide protection to all or some of the properties in a HCA. Properties that are to be protected must be specifically identified in the bylaw".

Legislation, Policy, & Regulatory Framework

Under the omnibus *Heritage Conservation Statutes Amendment Act* (c.1994), the British Columbia government introduced "wide-ranging improvements to heritage conservation legislation... amended more than 20 Acts and made significant changes to the *Heritage Conservation Act* [and] the *Local Government Act*".

The *Local Government Act* (sections 970.1) authorizes cities to designate Heritage Conservation Areas. To do so, the act requires that HCAs be designated in and form a part of a city's official community plan—including mandatory identification of "the special features or characteristics that justify the designation" and a statement of "the objectives of the designation". In addition, either the city's OCP or its zoning by-law "must specify guidelines respecting the manner by which the objectives are to be achieved". The act also specifies public notification requirements prior to designation and identifies optional mechanisms by which the city may differentiate classes of properties, list protected properties, or identify features or characteristics that contribute to the heritage value or heritage character of the area. Finally (section 971), the act authorizes use of the Heritage Alteration Permit process to enable review of subdivision, construction, and alteration of buildings, structures, and features within a HCA.

It should also be noted that, under *Local Government Act* (sections 919.1 and 920) authority, Victoria utilizes the Development Permit tool and has designated numerous "Development Permit Areas" in its OCP. This is significant in understanding that Victoria and many other BC cities routinely designate areas of special significance and that, within these areas, development applications are subject to enhanced scrutiny regardless of whether or not zoning regulations accommodate the proposal. In effect, within DPAs, all development applications are subject to design review—in many cases, with direction provided through specific neighbourhood plan directions or design guidelines. Following the 1994 legislative changes, Victoria "rolled over" many of its Development Permit Areas into the new Heritage Conservation Areas category.

The *Local Government Act* mandates that cities prepare an Official Community Plan. Victoria's OCP captures heritage conservation in Part 2, section 8 "Areas and Districts", Part 19 "Development

Permit Areas and Heritage Conservation Areas", and Appendix A "Development Permit Areas and Heritage Conservation Areas". Appendix A provides an overview, detailed procedures and exemptions, general guidance regarding HCAs, and a composite map of all designated areas. Also, this appendix includes specific HCA by-laws, complete with all detail required by the act (i.e. special features and characteristics, objectives, guidelines). In addition, Victoria has a long tradition of Local Area Plan preparation, provided for in the OCP Part 2 – section 20 "Local Area Planning". Following a recent program review, new and updated LAPs now include a section focused on area heritage conservation. This approach is evident in the recently prepared *Downtown Core Area Plan* (c.2011), particularly Chapter 7 "Heritage". It should also be noted that Victoria has adopted the *National Standards and Guidelines for the Conservation of Historic Places in Canada* in its OCP—this policy document "is used as the basis for staff advice to property owners, developers and Council on applications that involve changes to heritage property". In addition, as part of a comprehensive update to its "Heritage Register", Victoria has recently developed the Victoria Thematic Framework (c.2010). Modeled after Parks Canada's *National Thematic Framework*, Victoria's focuses on the local context. It refines the city's broad heritage context statement and serves to inform neighbourhood statements of significance.

Victoria's *Zoning Regulation By-law No.*80-159 consists of a combination of traditional features and unique elements. More general residential, commercial, and industrial zoning districts are supplemented by a lengthy list of very specific districts—in excess of 500 districts, some stand-alone districts and some with modest modifications of the general districts. In addition to the zoning regulations, properties are subject to a number of area-specific, functional, and form guidelines. Various guidelines are captured through references found in the OCP's HCA by-law appendix. For properties located within a HCA, the Heritage Alteration Permit process is in effect (substituted for the Development Permit process in effect for properties located outside HCAs).

Nomination/Designation Process

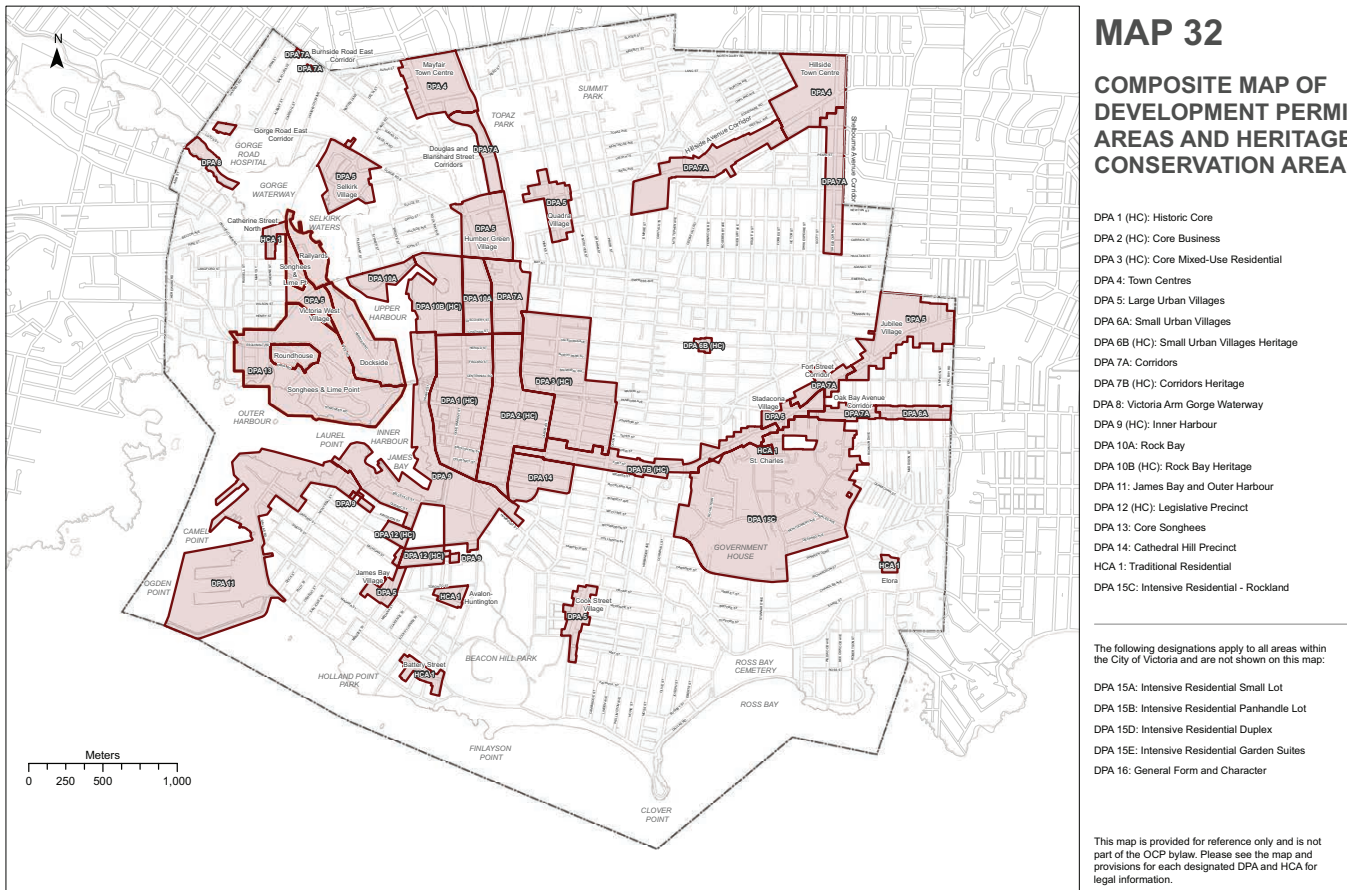
Since the 1994 legislative changes, Victoria has not initiated preparation of any new Heritage Conservation Areas. Previously, in areas such as the "Battery Street Heritage Conservation Area" (c.1986), lobbying from homeowners was a significant factor in amending the OCP by establishing a Development Permit Area. The Heritage Program has received a number of requests from individuals requesting HCA designation; currently, a discussion paper on Council options is under development.

Resources, Funding, & Incentives

For the majority of its existence, the City of Victoria's heritage program has been delivered by one full-time heritage planner. According to "A Heritage Strategic Plan for the City of Victoria" (c.2002), program responsibilities are shared with two external agencies—the Victoria Heritage Foundation and the Victoria Civic Heritage Trust. The strategic plan notes that, even with this external support, program demands exceed resources. On this basis, the strategic plan recommended the number of heritage-dedicated staff members be increased "in order to allow the Department to meet the many and increasing demands on its resources". Subsequently, an additional half-time position was added to the Heritage Program. Administration of the Heritage Alteration permit process for properties located within Heritage Conservation Areas is part of the duties overseen by the heritage planner.

Other than the "Downtown Tax Incentive Program", which provides property tax exemption for eligible buildings within the Downtown Core Area to assist with seismic upgrades, Victoria does not offer area-based heritage funding. Zoning exemptions or incentives are not available within and tailored towards HCAs, but the recently adopted "Downtown Core Area Plan" recommends a number of zoning-related incentives to encourage heritage conservation—including a "Heritage Density Transfer System" that was later rejected as being too complex and inappropriate for Victoria's unique local development characteristics.

Shortly after the *Heritage Conservation Statutes Amendment Act* was introduced, the British Columbia Heritage Branch released "Heritage Conservation: A Community Guide" (c.1994). The guide provides a comprehensive overview of heritage conservation principles and the tools available to BC cities, including "protection tools" such as Heritage Conservation Areas. Detailed HCA implementation instructions are provided.



Heritage Conservation Areas Map, Victoria BC

Program #2: Edmonton, Alberta

City of Edmonton Sustainable Development Department
Historic Resources Branch – includes response from staff representative (December 4 2013)

PROGRAM FEATURES

Background

The City of Edmonton has a long history of heritage conservation, including recognition of a historic neighbourhood (Westmount) and a streetscape (Whyte Avenue). More recently—subsequent to the preparation of Edmonton's new *Municipal Development Plan and Historic Resource Management Plan*—the formal process to designate two more potential "Heritage

Areas" (Alberta Avenue and 96/Church Street) is underway. The proposed "Alberta Avenue Residential Heritage Area" is a predominantly low-density residential neighbourhood; the proposed "96 Street Heritage Area" is a largely residential street, with some local commercial development and a significant collection of religious buildings located at street corners. Existing and proposed Heritage Areas are all located within close proximity to Central Edmonton.

The HRMP expresses the value of area-based designation as follows: "There is a need to identify and recognize neighbourhoods and commercial districts within Edmonton that are worthy of being recognized as heritage or character areas...and develop regulations, design briefs and urban design principles that will preserve and enhance the qualities that make the areas distinct".

Legislation, Policy, & Regulatory Framework

The *Historical Resources Act* authorizes cities to designate "Historic Areas", if doing so can be demonstrated to be in the public interest. Municipal Historic Area designation requires Council adoption as part of the land use (aka "zoning") by-law, through powers granted under the *Municipal Government Act*. Within the Historic Area boundaries, Council may "prohibit or regulate and control the use and development of land and the demolition, removal, construction or reconstruction of buildings".

The *Municipal Government Act* mandates that cities prepare a municipal development plan. Edmonton's *Municipal Development Plan* (c.2010) captures heritage conservation in Part 5 "Urban Design" under section 5.8 "Historic and Cultural Resources". Broadly concerned with encouraging "a sense of local identity" and creating connections to Edmonton's "cultural and historical roots", this section includes: policies aimed at integrating heritage planning into "the broader context of planning and decision making"; supporting policies and actions "outlined in the Historic Resources Management Plan"; and developing regulations "to identify, guide and protect the character of historic areas or districts". It should be noted that, due to Historical Resources Act clauses related to "Compensation" (Section 28), Edmonton has elected to not follow the Municipal Historic Area designation procedures provided for under the Act; instead, areas of heritage of character significance are designated "Heritage Areas".

MDP policy direction is expanded in Edmonton's *Historic Resource Management Plan* (c.2009), which was prepared concurrent with the MDP. Heritage Policy 4 – Historic Areas directs that "The City will recognize, enhance and promote the character of its historic areas" and includes several specific actions to achieve this direction. The HRMP recognizes that "Sometimes it is the sum of buildings, rather than individual ones that makes an area unique" and that "Many historic areas have not been recognized and their unique characters are being eroded". The HRMP also notes that the *National Standards and Guidelines for the Conservation of Historic Places in Canada* has been adopted at the provincial government level (c.2005). Although not formally endorsed by Council, Edmonton "consults the Standards and Guidelines as assessment criteria for alterations to historic resources". Consistent with *Historical Resources Act* requirements, the HRMP states that it is through development of tailored zoning regulations, guidelines, or overlays that historic area character is to be guided and protected.

Edmonton routinely prepares area-based plans for existing neighbourhoods (i.e. "Area Redevelopment Plans") and new neighbourhoods (i.e. "Area Structure Plans"), as provided for under the *Municipal Government Act.* Area Redevelopment Plans are adopted through Council by-law, separate from but consistent with the MDP's general policy direction. For many years, ARPs—such as the "West Ingle Area Redevelopment Plan" (c.1985) and the "Strathcona Area Redevelopment Plan" (c.1998)—have captured local community heritage values and provided the policy basis for introducing residential "Architectural Heritage Area" and commercial "Historical District" development controls.

Edmonton's *Zoning By-law No.*12800 is a conventional land use and development example that is enhanced through the use of several innovative tools. Amongst the innovations is an array of tools targeted towards areas of distinction, including overlay zones and direct control districts. One such overlay zone is the "Mature Overlay Zone", which applies to lower density residential areas and is intended to "ensure that new low density development in these mature residential areas is sensitive in scale to existing development, maintains the traditional character and pedestrian-friendly design of the streetscape, and ensures privacy and sunlight penetration". Conversely, "(DC1) Direct Control Districts" are used in areas that possess "particularly unique character". DCD zones "aim to ensure that new development is in keeping with that area's unique form or public realm". Policies expressed in ARPs are the basis for DCD regulations. In addition, all DCDs contain a unique set of zoning regulations and several include design guidelines that are utilized by the Historic Resources Review Panel (a city-wide sub-committee of Edmonton's Historical Board) in reviewing development proposals within Historic Areas. For development proposals within a designated Heritage Area, applications are circulated by the Development Officer to the Heritage Planner for comment, prior to issuance of a development permit. In Heritage Areas, Edmonton is moving towards increasing use of development standards as an alternative to discretionary design guidelines. In one area, the department is considering the introduction of a form-based code.

Nomination/Designation Process

During its recent city-wide "Register & Inventory of Historic Resources in Edmonton" update, initially prompted by a desire to include resources of a more recent vintage, Edmonton determined that many historic areas have not been recognized and that "their unique characters are being eroded with poor quality or unsympathetic infill development". As a result, when opportunities arise through broader area-based planning initiatives, neighbourhood specific inventories are undertaken. An example of this is the "McCauley/Alberta Historic Resources Inventory" (c.2012), which has resulted in recommendations to establish two new Heritage Areas. Recent HA designation processes have been consultant-led, with Heritage Program staff involvement and provincial funding participation (through the "Heritage Preservation Partnership Program").

The impetus for designation of Heritage Areas reflects community interests expressed during Edmonton's broader area-based plan preparation processes (i.e. Area Redevelopment Plans). Although not explicit, community support for designation is encouraged, but is not a requirement, for HA designation.

Resources, Funding, & Incentives

The *Heritage Resource Management Plan* states that Edmonton's is "one of the better funded heritage programs of any municipality in Canada". Despite this, the scope of the HRMP is such that it will require additional staff resources to implement: "Most of the actions outlined...require the dedication of staff resources rather than additional funding". The Heritage Program is staffed by two full-time heritage planners. It is not evident how specific responsibilities are assigned, including the extent to which staff time is devoted to the Historic Area service, or whether this is a service area that is experiencing increasing demands.

Edmonton offers a variety of incentives for the rehabilitation and maintenance of designated historic resources, including: property tax incentives, grants for specific rehabilitation costs, ongoing maintenance financial incentives, and zoning regulation variances for residential and commercial properties—provided for under Council's "City Policy C450B". Eligibility for incentives is linked to the property's status as a designated historic resource; Heritage Area designation does not provide direct financial benefit to area properties.

Subsequent to the initiation of the federal Historic Places Initiative (c.2000), the Alberta government introduced the "Municipal Heritage Partnership Program". A multi-faceted program, it includes funding, expertise, and resources to encourage the establishment and ongoing delivery of municipal heritage conservation programs. The MHPP has published a series of manuals (i.e. "Creating a Future for Alberta's Historic Places") and also offers "flexible cost-sharing opportunities to aid in the expense of preparing surveys, inventories and management plans". Edmonton accessed program funds in preparation of the recent "McCauley/Alberta Avenue Historic Resources Inventory", which included recommendations concerning the potential establishment of three new Heritage Areas.

[Map under development. Not yet available]

Program #3: Portland, Oregon

City of Portland Bureau of Planning and Sustainability
Historic Resources and Preservation Office – includes response from staff representative (January 2 2014)

PROGRAM FEATURES

Background

The City of Portland has a long history of heritage conservation, including designation of 15 Historic Districts and 6 Conservation Districts. Geographically, many of these designated districts are within or in close proximity to Portland's central city. Specific districts include commercial main streets, low-density residential neighbourhoods, mixed-use areas, a scenic drive, and public infrastructure.

Portland defines Historic Districts as "geographic areas with a concentration of thematically related historic resources", with 6 of its HDs achieving both National Register designation and local designation. Within HDs, specific properties and features are further distinguished as being either "contributing" or "non-contributing" resources, as follows:

- Contributing resources – "date from the historic period of significance established for the district.... They contribute to the significance of the district through their historical associations and/or architectural values";
- Non-contributing resources – "are those that, due to their date of construction, alterations, or other factors do not contribute to the district's historical significance or character"

The contributing/non-contributing distinction is significant, too, with respect to how properties within HDs are regulated (through zoning) and whether they are eligible for incentives (financial or enhanced development opportunities).

Portland also designates Conservation Districts, which similarly apply to an area "that contains a concentration of related historic resources". All 6 CDs—designated as a result of the "Albina Community Plan"—are deemed "generally important at the local or neighbourhood level", rather than—in the case of HDs—at the state, region, or national level. As with HDs, a distinction is made between contributing and non-contributing properties.

One neighbourhood planning process ("Albina Community Plan", c.1993) identifies the following benefits of designating local historic districts:

- increase neighbourhood pride and identity and encourage private rehabilitation efforts;
- protect desirable and unique physical features of neighbourhoods;
- prevent incompatible development, renovation, and redevelopment;
- foster the revitalization and/or stability of the historic design district and its surroundings;
- provide a focus for supportive capital improvements, such as street trees, sidewalk improvements, district gateways and street lights;
- receive notification and recognition in policies and development programs that affect historic resources; and
- receive special recognition from city and other governmental bodies and possibility of obtaining financial and technical assistance in neighborhood improvement projects.

Legislation, Policy, & Regulatory Framework

Legislatively, Portland acquired "Home Rule" status in 1962, through which it has significant autonomy concerning the designation of Historic Districts and Conservation Districts, how these districts are captured in civic policy and regulation, and procedures associated with development proposals within these districts. Despite this, Portland's discretionary powers must be exercised within state-wide "Planning Goals"—including Planning Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces.

Portland's *City Code* provides for the preparation of a *Comprehensive Plan* (c.1980). Part 12 – Urban Design articulates the following goal for "Historic Preservation": "Enhance the City's identity through the protection of Portland's significant historic resources. Preserve and reuse historic artifacts as part of Portland's fabric. Encourage development to sensitively incorporate preservation of historic structures and artifacts". In addition, Part 3 Neighborhoods includes this "Heritage Preservation" objective: "Preserve and retain historic structures and areas throughout the city".

Portland is renowned for its neighbourhood planning practices—it is typically during "Neighborhood Plan" preparation that the local community's heritage conservation values and objectives are expressed. Many NPs include more specific policy direction concerning area-based heritage conservation. All NPs are adopted by Council and form part of the *Comprehensive Plan.* Recently, Council has been considering a new *Comprehensive Plan* intended to replace the current plan. Regarding historic preservation, the draft CP incorporates and updates existing policies and includes "new priorities and a broader view of historic and cultural resources". Specific policies include:

- "Consider the distinctive characteristics and history of Portland's neighborhoods when making decisions regarding growth, urban design, and the design of public improvements";
- "Encourage development that fills in vacant and underutilized gaps while preserving and complementing historic resources";
- "Encourage historic preservation in areas that are underrepresented by historic preservation efforts and programs".

Portland's *Zoning Code* represents a conventional approach to land use and development control, but one that combines straightforward districting with considerable originality and detail in its "overlay zone" and "plan district zone" practices. In effect, PD zones are used only for unique circumstances identified through plan or plan study and where the conventional districts cannot achieve desired results. Unlike PD zones, where the district has its own "non-transferable set of regulations", overlay zones modify underlying district regulations and are

expected to be applicable in multiple areas of the city. The *Zoning Code's* "Historic Resource Overlay Zone" contains:

- Procedures for designation of Historic Districts and Conservation Districts;
- Procedures for reviewing development proposals for properties within HDs and CDs;
- Exemptions from proposal review;
- Regulatory incentives for preservation of historic resources, including for contributing properties within HDs and CDs;
- Guidelines to be utilized during proposal review, including reference to those established in NPs; and
- Objective "Community Design Standards" that may be utilized for development proposals located within Conservation Districts (with some eligibility restrictions), as an alternative to the potentially more subjective and time-consuming Historic Resource Review process.

Nomination/Designation Process

The city-wide Historic Landmarks Commission is assigned responsibility for conducting public hearings on the establishment of new HDs and CDs, amendment to these districts, or removal. The commission considers the advice of neighbourhood associations (some of which have committees that oversee local historic resources). At one time Portland established Historic District Advisory Committees to enable local inputs into the historic resource review process. The HLC provides recommendations to Council through the Planning Commission. Prior to designation of its initial HDs and CDs, extensive Historic Resource Surveys were conducted to create or update the Historic Resources Inventory—in some cases, involving trained local volunteers in survey preparation. For local districts, Council has final authority to designate. For National Register Districts, there are joint designation process responsibilities, with the State Historic Preservation Office handling nomination submissions and providing recommendations to the National Park Service for listing on the National Register. Since the Planning Goal 5 modification all 8 new HDs have followed the National Register process and are not locally designated. In addition, no subsequent updates to the Historic Resources Inventory have been undertaken.

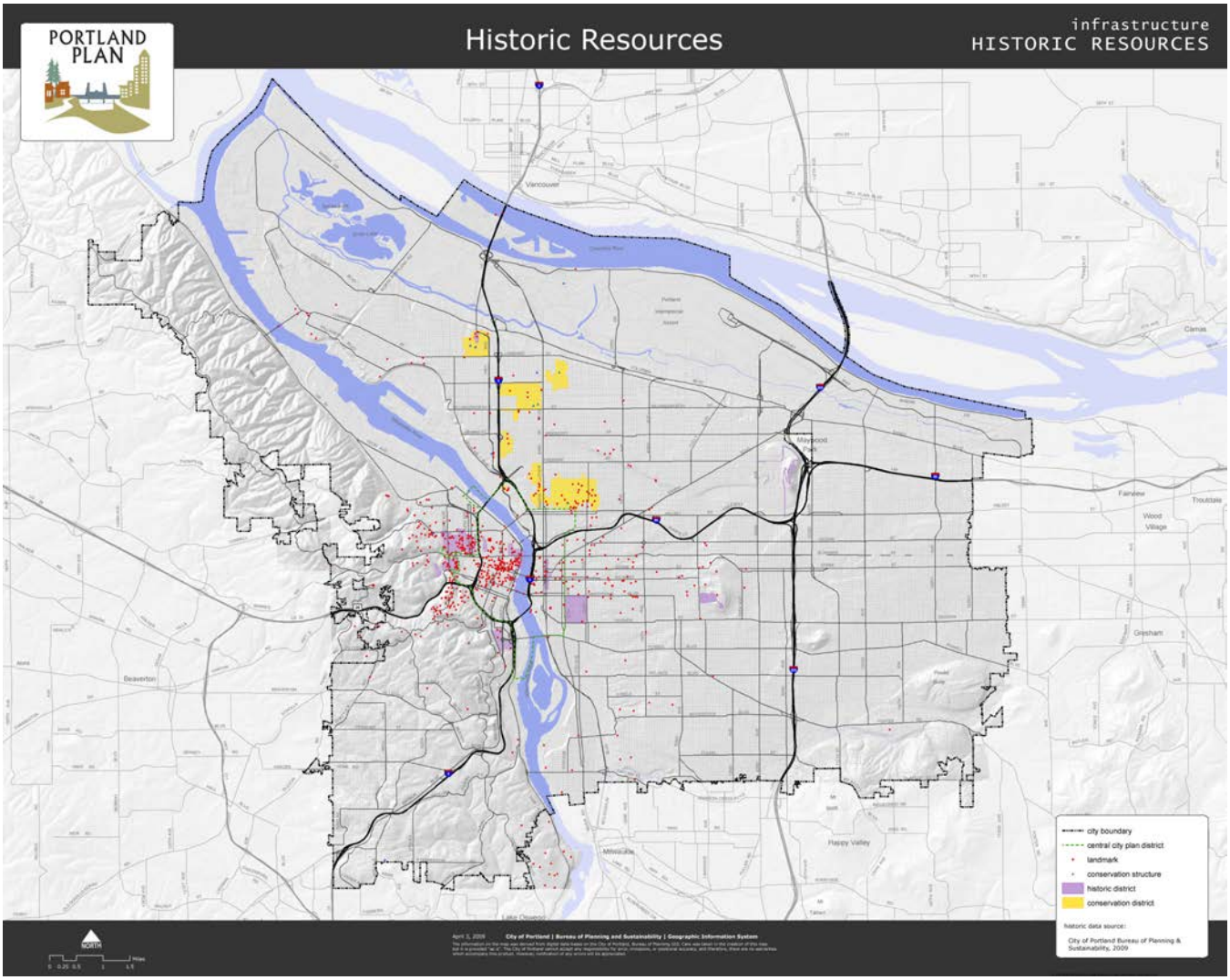
Resources, Funding, & Incentives

Since new district designations are not evident following Planning Goal 5 modification in 1996, it appears demands for district-based heritage conservation services have lessened. In addition, recent bureau budget submissions indicate substantial operating budget reductions resulting in staff position losses throughout the organization.

The City of Portland does not offer financial incentives for heritage preservation, but National Register listing provides access to federal and state funding for designated landmarks and contributing properties within Historic Districts (not Conservation Districts). The Zoning Code includes "special provisions that encourage new historic listing and increase potential for historic structures to be renovated and rehabilitated by increasing land use flexibility and redevelopment options", with eligibility for several extended to include contributing properties within Historic Districts. Portland's "Historic Preservation Zoning Incentives" include:

- transfer of development rights;
- height additions in single-family zones;
- density additions in multiple-family zones;
- minimum housing density exemptions;
- daycare and non-residential use exemptions in some residential zones;
- commercial use exemptions in some industrial zones;

- parking ratio modifications in central city; and
- eligibility (for properties located within Conservation Districts) for the "Community Design Standards" development review process.



Historic Resources Map, Portland OR

Program #4: Minneapolis, Minnesota

City of Minneapolis Community Planning & Economic Development Department
Heritage Preservation & Public Art – includes response from staff representative
(December 4 2013)

PROGRAM FEATURES

Background
The City of Minneapolis has a long history of district-based heritage conservation, with its first (state-designated) Historic District established in 1971. The majority of Minneapolis's Historic

Districts were designated in the early-1980s, following completion of a city-wide reconnaissance survey. A new survey was initiated in 2000, intended to document historic resources that had "come of age" since the initial survey. Subsequent to survey initiation and updates to the city's *Heritage Preservation Ordinance* (c.2001), several new HDs have been established.

There are currently 12 locally-designated Historic Districts and 13 National Register Historic Districts. In addition, 53 areas have been identified as "Potential Historic Districts", based on recent reconnaissance surveys. Specific districts include commercial and industrial warehouse concentrations, historic milling facilities, historic residential areas, and natural features. Most HDs are located within close proximity to the central business district and include some of Minneapolis's oldest residential neighbourhoods. The size of designated districts ranges from as small as a dozen or so properties along a residential street to several hundred properties that span multiple neighbourhoods. Districts—comprising congiguous and discontiguous properties—are composed of both contributing and non-contributing properties.

The *Preservation Plan for Minneapolis* (c.1990) provides "a framework for decision making about historic resources...and sets policy direction for preservation objectives and implementation". This plan also identifies several benefits to Historic District designation, including:

- Maintains connection with heritage;
- Demonstrates your community's support for preservation;
- Brings recognition to your neighborhood/city;
- Maintains and protects property values;
- Keeps you informed about proposed changes in your neighborhood; and
- Enhances neighborhood livability.

Legislation, Policy, & Regulatory Framework

Under the broad framework of municipal government responsibilities provided for in the Minnesota Statutes, Minneapolis is required to prepare a comprehensive plan and may introduce land use regulations through adoption of a zoning ordinance. State statutes also provide the city with the authority to designate and regulate historic landmarks and "certain historic districts and enables local governing bodies to create commissions to provide architectural control in these areas" (chapter 599, sections 138 and 471).

Minneapolis's comprehensive plan—the *Minneapolis Plan* (c.2010)—devotes a chapter (chapter 8) and a technical appendix (appendix G) to "Heritage Preservation". This chapter includes several Historic District-focused policies:

- "Preserve, maintain, and designate districts, landmarks, and historic resources which serve as reminders of the city's architecture, history, and culture";
- "Require new construction in historic districts to be compatible with the historic fabric";
- "Preserve neighborhood character by preserving the quality of the built environment".

The MP also demonstrates a commitment to identifying and documenting post-war historic resources and looking at a broader range of historic resources, including advocating for "Cultural Landscape" recognition of trails, religious landscapes, woodlands, archeological sites, cemeteries, formal gardens, fairgrounds, college campuses, and other potentially significant areas. In addition—under the heading "Future Preservation Goals"—the MP recommends introducing new tools to enhance preservation of neighbourhood character, such as "Conservation Districts".

Conservation Districts are described as "a zoning or preservation tool used to help communities protect certain characteristics in their neighborhood. They concentrate on protecting such

things as architecture styles, densities of the area, heights of structures, and setback guidelines". Noting that there is opportunity to apply CDs to a variety of neighbourhood scopes and sizes, the MP foresees Conservation District regulations affecting "design elements, structure size, building demolition, and land use". CDs are being considered due to public interest in a property protection tool that is more rigourous than that afforded under the zoning by-law, but more permissive than that offered by traditional HD design guidelines. Minneapolis is currently conducting public meetings to seek residents' input into establishing Conservation Districts (c. November, 2013). The MP also directs that current Historic District design guidelines be updated and that a range of economic development incentives be utilized to balance perceived loss in development potential with compensating tools (e.g. transfer of development rights, historic variances, tax increment financing, tax abatements).

The *Preservation Plan for Minneapolis* functions as the city's heritage policy. It identifies "broad themes, or contexts, that provide a framework in which to evaluate, designate, and plan for preserving cultural resources in Minneapolis". Historic contexts include:

- Architecture, 1855 to Present – architects; style and technology;
- Business and Industry, 1821 to Present – lumber and flour milling, early period; early lumber milling, 1848-1899; early flour milling 1821-1890;
- Civic, 1872 to Present
- Culture, Fine and Applied Arts, 1883 to Present;
- Education, 1836 to Present – public school education, 1849-1942;
- Residential Development, 1847 to Present;
- Religious and Social Organization, 1830 to Present; and
- Transportation, 1823 to Present – Railroads, 1857-1948.

Minneapolis has strong neighbourhood planning practices, for defined geographic areas such as corridors, neighbourhoods, commercial districts, or "small areas" sharing issues and themes. These "Small Area Plans" provide detailed policy direction for smaller areas and are adopted through Council by-law or resolution. In addition, SAPs incorporate implementation components, "including rezoning studies and public investments through the capital improvements process". Many SAPs target heritage conservation and provide policies and "implementation steps related to the continued maintenance of historic resources and guidelines for infill development", including identification of potential Historic Districts within plan boundaries. The MP directs that these practices be continued through incorporating historic preservation "at the earliest stage of comprehensive planning, small area plans, and neighborhood revitalization strategies".

Minneapolis's *Zoning Code* represents a conventional approach to regulating land use and development that also includes a few notable innovations. Standard zoning districts are supplemented by "overlay districts", that tend to be utilized in specialized functional areas (e.g. airport, hospital precincts, university campuses), and by "planned unit development areas" that provide for flexible regulations applicable to large sites, where a higher quality of development is intended. While no regulations are specifically tailored to Historic Districts, Minneapolis mandates "site plan review" throughout the city, "to promote development that is compatible with nearby properties, neighborhood character, natural features and plans adopted by the city council, to minimize pedestrian and vehicular conflict, to reinforce public spaces, to promote public safety, and to visually enhance development". All new buildings or building expansions beyond specified thresholds are subject to enhanced development review scrutiny, as follows:

- New non-residential buildings;
- Expansions of non-residential buildings exceeding 1000 square feet;
- New residential buildings exceeding 4 dwelling units; and
- Expansions of residential buildings exceeding 4 dwelling units.

Special attention to historic resources is also expected through the site plan review process: "site plans shall include the rehabilitation and integration of locally designated historic structures".

The Minneapolis Heritage Preservation Commission (an appointed panel with advisory authority) is responsible for recommending designation of local Historic Districts and reviewing development applications for properties located within Historic Districts, on a city-wide basis. The *Heritage Preservation Ordinance* identifies designation criteria and provides for MHPC procedures, including mandatory design review in accordance with district-specific design guidelines.

Nomination/Designation Process

The *Heritage Preservation Ordinance* establishes criteria to be considered in determining whether a property is "worthy of designation as a local landmark or included in an historic district because of its historical, cultural, architectural, archaeological or engineering significance". Criteria include:

- Association with significant events or with periods that exemplify broad patterns of cultural, political, economic, or social history;
- Association with the lives of significant persons or groups;
- Association with distinctive elements of city or neighborhood identity;
- Embodiment of distinctive characteristics of an architectural or engineering type, style, or construction method;
- Demonstration of a landscape design or development patterns distinguished by innovation, rarity, uniqueness, or quality of design or detail'
- Includes works of master builders, engineers, designers, artists, craftsmen, or architects; and
- Yields information important in pre-history or history.

In addition to city-wide reconnaissance surveys, Minneapolis utilizes area-based historic context studies to provide a framework for evaluating cultural resources based on themes, locations, and eras. In some cases neighbourhood groups are responsible for context study funding and project oversight. These—along with recommendations from small area plans—are the source materials for MHPC determinations regarding Historic District designations.

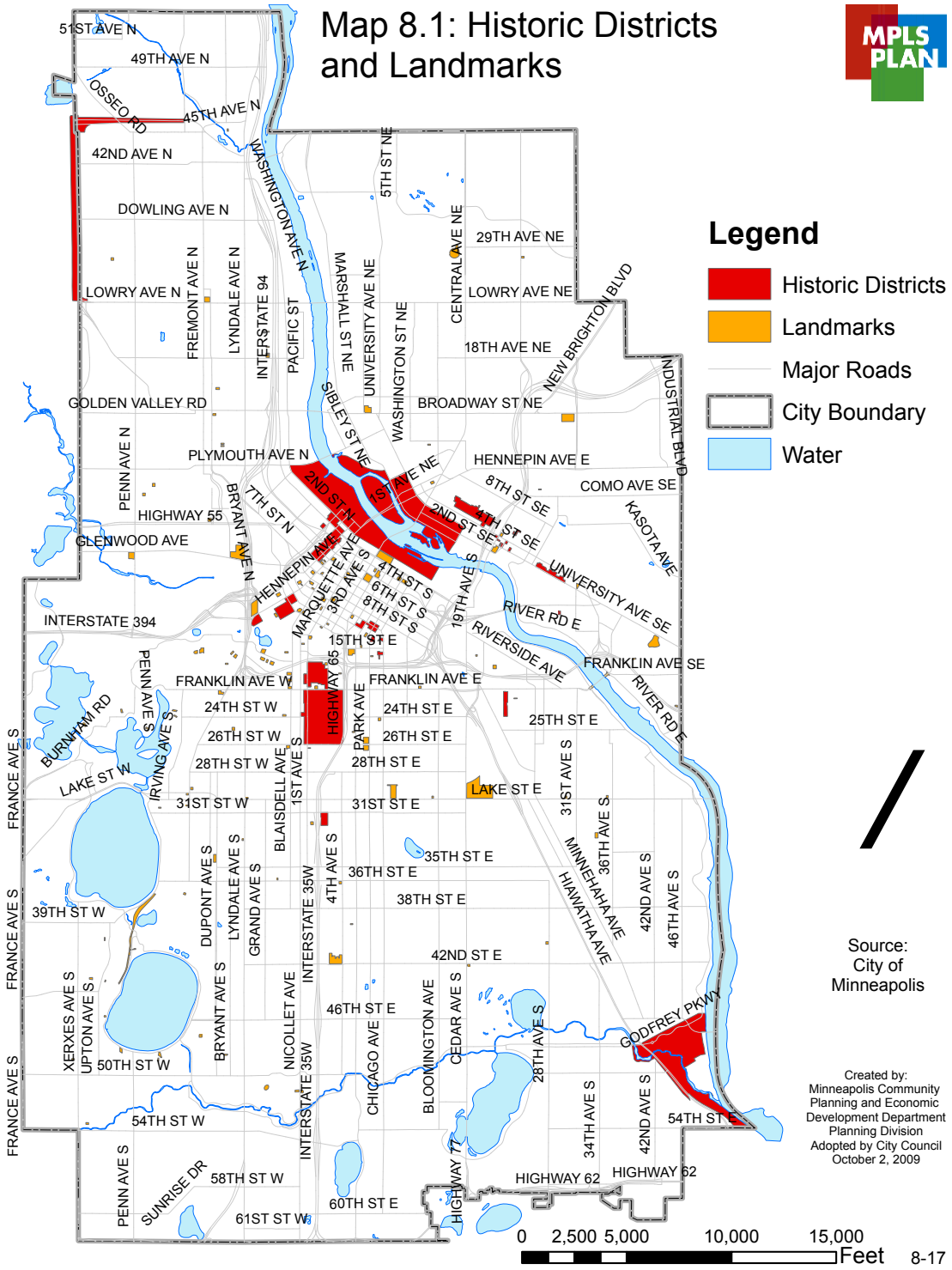
Resources, Funding, & Incentives

With 53 areas identified in the MP as "potential Historic Districts", it appears there is significant demand for heritage conservation services in Minneapolis. In addition, the potential for establishing a new Conservation District approach may also increase district-based service demands. Since the Heritage Preservation & Public Art unit was disbanded at the end of 2011, heritage conservation responsibilities are now shared among several Community Planning & Economic Development Division teams.

The MP states that, at present, there are few funding programs that provide financial assistance for heritage conservation—and none specific to Historic Districts. Until recently, the "Neighborhood Revitalization Program" provided area-specific funding to assist distressed neighbourhoods. Funding from this program had been used to support heritage conservation in several NRP-designated neighbourhoods, prior to program sunset (c.2009).

Although direct financial incentives are not evident, Minneapolis does offer several means to "encourage the preservation and reuse of landmarks and properties in historic districts" through the use of "historic variance" relaxations and "transfers of development rights", for properties located within or adjacent to (within ¼-mile) Historic Districts. For historic variances, the MHPC

is the approving authority; for TDRs, it conducts public hearings and provides recommendations to Council through the Zoning and Planning Committee.



Historic Districts and Landmarks Map, Minneapolis MN

Program #5: Toronto, Ontario

City of Toronto City Planning Department
Heritage Preservation Services—includes response from staff representative (January 9 2014)

PROGRAM FEATURES

Background

The City of Toronto has a long history of heritage conservation, including designation of Heritage Conservation Districts since 1985. Currently, Toronto has 20 designated HCDs and has identified 97 areas warranting closer examination for potential study and possible designation. Both the number of HCDs and the variety of designations—"They can be found in residential neighbourhoods, commercial areas, main streets, institutional and industrial campuses and natural areas"—demonstrate the substantial scope of Toronto's district-based conservation efforts. The Heritage Preservation Services office provides the following statement concerning the intent of HCDs: "They serve to ensure that historically significant neighbourhoods and areas are protected and reflect Toronto as a place and people through their cultural heritage values and characteristics. HCDs are maintained so that every Torontonian, present and future, can appreciate and take pride in the City's rich cultural heritage".

In its "Heritage Conservation Districts: Overview of Heritage Conservation District Designation Under the *Ontario Heritage Act*" guide, published following amendments to the *Heritage Act* (c.2005), the Ontario Ministry of Culture describes several benefits of designation:

- Introduction of a unique planning framework that respects a community's history and identity;
- Recognition and commemoration of a community's values within an area;
- Contribution towards the development of a rich physical and cultural environment and the promise of continuity and stability into the future; and
- Promotion of an area's heritage values and attributes.

Legislation, Policy, & Regulatory Framework

The *Heritage Act* (Part V) provides Ontario cities with the authority to establish Heritage Conservation Districts. The Act defines HCDs, includes mandatory designation procedures, mandates that they be provided for in official community plans, and requires that they have Council by-law status. Procedurally, the Act requires that a HCD "study" be prepared—with specified contents—as a prerequisite to designation. In order for Council to adopt a new HCD, the area's cultural heritage value(s) must be expressed and evaluated. Toronto has established its own criteria, based on those from "Ontario Regulation 9/06 – Criteria for Determining Cultural Heritage Value or Interest". The Act requires that a HCD "plan" form part of the formal HCD by-law adoption by Council, which must include the following content:

- Statement of objectives to be achieved in designation of the area as a HCD;
- Statement of the district's cultural heritage value or interest;
- Description of the district's heritage attributes and those of properties within the district;
- Policy statements, guidelines, and procedures for achieving the stated objectives and managing future changes; and
- Description of external alterations or classes of external alterations that are of a minor nature that an owner can carry out without obtaining a permit ("deemed permit").

The *Planning Act* (Part III) requires that cities prepare an official plan and that it contain "goals, objectives and policies established primarily to manage and direct physical change". The Act also provides authority for cities to introduce zoning by-laws (Part V), including powers related to permitting height and density increases above zoning limitations in return for desired facilities, services, and amenities (section 37) and to designating "site plan control areas".

Toronto's *Official Plan* (c.2002) provides for heritage conservation in Chapter 3 – Building a Successful City. Section 3.1.5 "Heritage Resources" includes policies regarding district-based conservation, including: "Significant heritage resources will be conserved by...designating areas with a concentration of heritage resources as Heritage Conservation Districts and adopting conservation and design guidelines to maintain and improve their character". This section also includes:

- Direct reference to the "Inventory of Heritage Properties";
- Circumstances under which "Heritage Impact Statements" are required;
- Consideration of heritage buildings and landscapes where adjacent property development is proposed;
- Encouragement of conservation through financial incentives;
- Preferential civic leasing practices;
- Encouragement of conservation through development density bonusing;
- Preparation of a "Heritage Management Plan". [draft "Heritage Management Plan – Phase 1" completed in 2007]

Toronto's *Official Plan* is currently under review, with adoption anticipated during 2014. Specific to Heritage Conservation Districts, the draft plan includes the following policies:

- "Potential HCDs will be identified and evaluated to determine their significance and cultural heritage values, in a HCD study. HCDS that have been evaluated to be significant for their cultural heritage value will be designated and conserved;
- "HCD studies and plans will be conducted in accordance with Council adopted policies [e.g. 'Heritage Conservation Districts in Toronto – Procedures, Policies and Terms of Reference'];
- "Impacts of site alterations, developments, municipal improvements, and/or public works within or adjacent to HCDs will be assessed to ensure that the integrity of the districts' heritage values, attributes, and character are conserved. This assessment will be achieved through a Heritage Impact Assessment, consistent with Schedule 3 of the Official Plan, to the satisfaction of the City;
- "HCDs should be managed and conserved by approving only those alterations, additions, new development, demolitions, removals and public works in accordance with the respective HCD plans".

As a "Charter City", Toronto captures its regulations in the *Toronto Municipal Code*—including "Heritage – Chapter 103" and *City of Toronto Zoning By-law* No.569-2013. Chapter 103 provides for the establishment of and procedures for the "Toronto Preservation Board", granting of "Heritage Permits" (generally and in HCDs), and the "Heritage Property Tax Rebate Program". The zoning by-law (c.2013) includes standard residential, commercial, industrial, institutional, and parks districts—but does so by capturing all use and built form controls within unique sub-districts (similar to Winnipeg's downtown zoning by-law). In addition, the zoning by-law provides the opportunity to introduce several "special districts"—such as for heritage, downtown, centres, and avenues areas—following further action. Of particular significance for HCDs is that zoning by-law height and density provisions, through authority granted under the Act's section 37 and subject to policy articulation in relevant area-based plans, can be modified in the interest of

conserving heritage resources. In addition, all of Toronto has been declared a "Site Plan Control Area" in order to enable enhanced review of all development proposals "to ensure a 'good fit' between new development and the existing and/or planned context, good pedestrian amenity and a positive transition from private to public space".

Toronto requires that permission for exterior alterations to or demolitions of heritage properties within a Heritage Conservation District must be granted prior to work proceeding. Within HCDs, owners of contributing and non-contributing properties must apply for a Heritage Permit (*Municipal Code*, chapter 103). Heritage Preservation Services staff review the application materials and have delegated authority to approve applications, provided the proposed work "is compatible with the guidelines that apply in the heritage conservation district in which the work is proposed to be undertaken"; only then can the application be forwarded to Toronto Building for building permit review. Where incompatible, the application must be submitted through community council to Council for consideration.

Nomination/Designation Process

The *Heritage Act* does not prescribe a formal process for requesting the designation of a Heritage Conservation District. While requests may originate with a city's Municipal Heritage Committee or be initiated by Council, "The creation of an HCD is usually a community driven process" in Toronto. Community groups are encouraged to nominate areas for Council consideration, a process that involves significant and ongoing involvement from volunteer community members prior to Council authorizing initiation of the HCD study and participation of staff in the process (typically advisory and process responsibilities).

If satisfied with the nomination package prepared by the community, Heritage Preservation Services will submit a report to Council seeking authority to initiate the formal HCD study process. In the majority of circumstances, should Council authorize the HCD study, the nominating group is responsible for providing funds for study preparation, hiring a consultant, overseeing the process, and sustaining ongoing relations with staff as the project progresses—although, in many cases, funding is made available through developer contributions (*Planning Act* Section 37 powers). Also, although not required, Toronto encourages each potential HCD area to establish an "Advisory Committee"—which functions to coordinate community input during the study and plan preparation steps and may remain active in providing feedback on development proposals post-adoption. The Act does not require consent of property owners with the proposed HCD, only that owners have an opportunity to raise their objections about designation to Council—which includes potential citizen appeal of Council's decision to a provincial tribunal. In practice, community support for designation is an important consideration in Council authorization of the HCD study process.

Subsequent to *Heritage Act* amendments regarding Heritage Conservation Districts (c.2005) and citing increased demands for HCD designation in Toronto, Council directed staff to develop "a prioritization system to determine which potential heritage conservation districts should be undertaken first" (c.2012). In response, staff produced selection criteria that serve to rank outstanding and anticipated HCD study requests. Criteria include:

- Nomination package deemed complete by staff or HCD study for area authorized by Council **[yes/no]**
- Sufficient funds, independent of the City budget process, be in place to prepare HCD study **[yes/no]**

Unless the above criteria are met, the following criteria are not invoked:

- Development activity in area [high/medium/low]
- Existing level of protection in area [high/medium/low]
- Fragility of area due to neglect, wilful damage, and/or frequent fires high/medium/low]
- Other planning studies or Official Plan amendments underway in area [high/medium/low]

The results of the ranking led to Council authorizing HCD studies in five areas, starting in 2013.

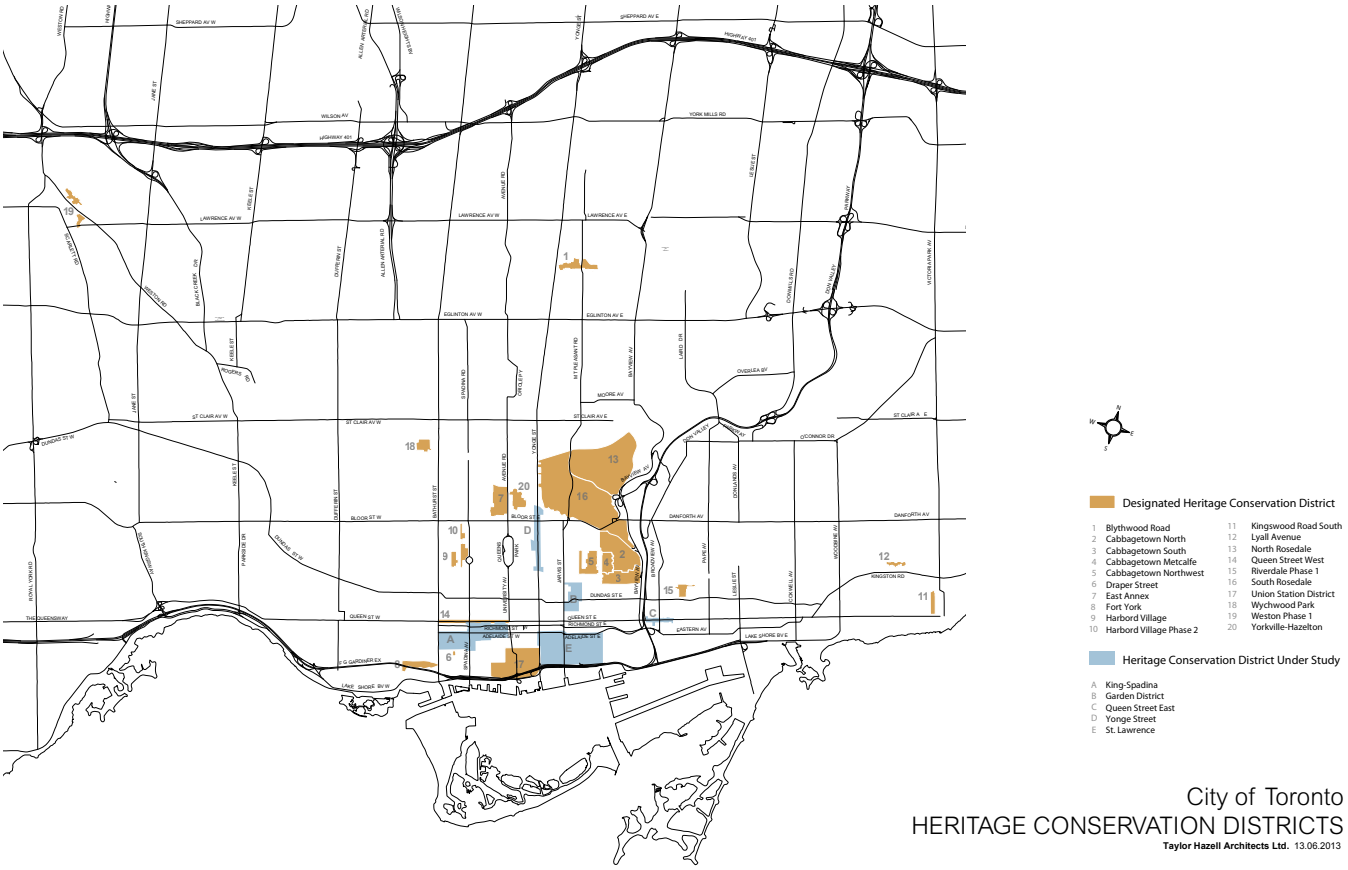
Resources, Funding, & Incentives

With 2 Heritage Conservation District studies underway, 11 areas identified for potential Heritage Conservation District study, and Council authorization for staff involvement in 5 HCD studies, it appears there is significant demand for heritage conservation services in Toronto. Although a detailed breakdown of Heritage Preservation Services staff assignments is not available, a recent staff report states that "Current staff resources allocated to the HCD study process will allow for a maximum of three Heritage Conservation District studies to be in progress at any given time"—with staff in a project support and oversight role. Furthermore, recognizing a current sense of urgency, "staff roles have been temporarily altered to allow for the commencement of five high priority HCD studies" in 2013. The Heritage Preservation Services office consists of three staff teams, one of which focuses on policy and protection matters. This team dedicates staff resources to archaeology, incentives, listings and designations research, and heritage conservation districts—with one position dedicated exclusively to HCD services.

The *Municipal Code's* "Heritage" chapter includes details concerning one of Toronto's funding programs for heritage conservation. Properties located within designated HCD boundaries are eligible for the "Heritage Property Tax Rebate Program", which offers a 40% reduction in annual municipal and school property taxes on an ongoing basis, provided a "Heritage Easement Agreement" is registered on title. In addition, eligibility for the "Heritage Grant Program"—which provides grants of up to 50% of the estimated cost of eligible heritage conservation work to designated properties—includes properties located within designated HCD boundaries.

Section 37 of the *Planning Act* provides Toronto with the opportunity to grant increases in regulated building heights and development densities, in exchange for developer contributions towards "the provision of such facilities, services or other matters as are set out in the by-law". Despite staff efforts to reign-in use of this power through protocols, Section 37 contributions have been used and continue to be identified as a potential funding source for preparing HCD studies.

Recently, both the Government of Ontario and the City of Toronto have produced guides to nominating, studying, and planning for Heritage Conservation Districts. The Ministry of Culture's "Heritage Conservation Districts – A Guide to District Designation Under the *Ontario Heritage Act*" is designed "to assist municipal staff, heritage committee members and heritage community groups develop effective plans, policies and guidelines to ensure long-term protection and enhancement of Heritage Conservation Districts for the enjoyment of current and future generations". The purpose of the Heritage Preservation Services' "Heritage Conservation Districts in Toronto – Procedures, Policies and Terms of Reference" is "to create a consistent, transparent and fair set of required procedures and policies to guide the creation of HCDs across the City. It is intended to be used by members of the community to understand how to study and plan an HCD as well as by professionals who require a detailed terms of reference that reflects how the City expects HCD Studies and Plans to satisfy the requirements of provincial legislation and policy". Together, these documents represent a significant contribution to the enabling framework for district-based heritage conservation in Toronto.



Heritage Conservation Districts Map, Toronto ON

Program #6: Sydney, Australia

City of Sydney Planning and Building Department
Heritage Conservation

PROGRAM FEATURES

Background

Sydney's heritage conservation movement received a jolt related to the 1970s "Green Bans", a sometimes violent pitched battle with local community groups and organized labour aligned in opposition to proposed destruction valued community historic features. Since then, Sydney has designated a total of 73 "Heritage Conservation Areas" and "Heritage Streetscapes"—all of which are included in the city's "Heritage Inventory" database, accompanied by an assessment report consisting of a description of the area or streetscape, a statement of heritage significance, and recommended management provisions.

Initially, the program focus was on Central Sydney, encompassing HCAs and HSs in the downtown and immediately adjacent mixed-use precincts and predominantly low-density residential neighbourhoods. With recent local government amalgamations, the program has expanded to include more dispersed suburbs and townscapes.

Legislation, Policy, & Regulatory Framework

The New South Wales *Heritage Act* (c.1977) provides for the establishment of the "State Heritage Register" and clarifies the roles of state and local governments in heritage management, including local government responsibilities for items and areas of local significance. Also at the state level, the *Environmental Planning & Assessment Act* (c.1979) determines the legislative framework for regional and local planning.

The closest equivalent to a Canadian city's official community plan is Sydney's city-wide *Community Strategic Plan*, which is required under the *Local Government Act* (c.1993) and includes guidance on all aspects of city service delivery, including property development. A relatively recent addition to Australia's property development framework (c.2009), community strategic plans are intended to set "high level objectives related to land use planning".

Cities are also required to prepare "Local Environmental Plans", which must be consistent with the "State Environmental Planning Policies" [similar to Manitoba's PLUPs] and must be approved by both the city and state governments. Although Sydney's LEP includes context language, it functions as a zoning and procedures by-law. In addition, the LEP also contains several schedules, such as those that identify designated "Heritage Items" and "Heritage Areas". Schedule Five – Part Two lists Sydney's Heritage Conservation Areas.

LEP Section 5.10 – Heritage Conservation specifies objectives, including "to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views". The LEP also identifies when "Development Consent" is required, for example:

- demolishing, altering, or moving "a building, work, relic or tree within a heritage conservation area";
- "erecting a building on land on which a heritage item is located or that is within a heritage conservation area"; and
- when "subdividing land on which a heritage item is located or that is within a heritage conservation area".

The LEP also provides for the consideration of "the effect of the proposed development on the heritage significance of the item or area concerned" through the requirement to prepare "Heritage Assessments" (usually for local government designated heritage items and properties within HCAs) or the more comprehensive "Heritage Conservation Management Plans" (usually for items and areas of a higher order significance, such as State Register designations), prior to granting consent for the proposal.

Linked to but not forming part of the LEP are several "Development Control Plans" that provide area-specific regulations and development procedures for (among other distinct areas) designated HCAs. Sydney's *Heritage Development Control Plan* (c.2006) is intended to provide detailed guidance for development within Central Sydney regarding heritage items and buildings and sites within HCAs and HSs. The HDCP specifies development application submission requirements and includes detailed design "objectives" and "provisions". The HDCP ties all development applications for designated sites and areas/streetscapes to Sydney's Heritage Inventory database (including each HCA's or HS's "Heritage Inventory Sheet"), via the "Heritage Inventory Assessment Report" development application submission requirement. The HIAR "is considered by the consent authority as part of its assessment of development applications. The recommendations in the Report should form the basis of all applications for development". The effect is that, unlike development applications for non-designated items or for properties located outside HCAs or HSs, all applications require development control approval—there is no "as-of-right" or "deemed permit" exemption for designated properties.

Development control plans also introduce "Vicinity Controls" that are intended "to ensure that development in the vicinity of heritage items is designed and sited to protect the heritage significance of the item" and include views to and from the property (beyond "curtilage"). These tools are also in place, selectively, for other HCAs (e.g. Chippendale, Darling Nursery, Lang Road, Martin Road). In addition to HCA and HS locations and a variety of related heritage themes, DCPs also guide development in significant areas through several overlays, including: pedestrian priority; building height; active frontages; footpath, awnings, and colonnades; building setback and alignment; stormwater management; and signage (similar approach to that of Winnipeg's previous downtown zoning By-law No.4800/88).

Nomination/Designation Process

Available materials indicate that nomination of HCAs and HSs is a technical, staff-driven undertaking. The extent to which community members are involved in nomination of areas and streetscapes is not evident. Sydney's "Heritage Inventory" includes HCAs and HSs, with "Heritage Studies" prepared as a precursor to designation. Once completed, outcomes from the Heritage Studies are captured in "Heritage Inventory Sheets" (cross-referenced in the relevant DCP appendix). The Heritage Inventory Sheets provide detailed information about the area or streetscape, including:

- Location and Boundaries;
- Statement of Significance;
- Themes;
- Integrity/Intactness;
- Heritage Study Reference;
- Recommended Management Criteria;
- Building Contributions Map (i.e. "contributing", "neutral", "detracting").

Resources, Funding, & Incentives

Although service delivery information is not available online, the 73 designated Heritage Conservation Areas and Heritage Streetscapes, indicate there is strong demand for area-based heritage conservation services in Sydney. A document summarizing a recent meeting of heritage practitioners from Australia and New Zealand (c.2008) states that New South Wales has the most progressive and comprehensive heritage conservation framework nation-wide. This includes the Office of Environment & Heritage's remarkable heritage-related primer and guideline publications, aimed at assisting local governments in their conservation efforts (e.g." Local Government Heritage Guidelines" c.2002), and state-funded training programs for local government heritage officers.

Other than heritage floor space exemptions and equivalent to heritage floor space TDR opportunities through the LEP, Sydney does not offer incentives for area- or streetscape-based heritage conservation.



Heritage Map, Sydney AU
(1 of 24 maps)

APPENDIX 2:
HERITAGE CONSERVATION DISTRICT PROJECT COMPARATIVE ANALYSIS CHART

HERITAGE CONSERVATION DISTRICT PROJECT
COMPARATIVE ANALYSIS

	VIC	POR	EDM	MIN	TOR	SYD	WPG
PROGRAM HISTORY							
Long history of HCDs	✔	✔		✔	✔	✔	
Recent intro / renewal of HCDs				✔	✔		
LEGISLATIVE, POLICY REGULATORY FRAMEWORK							
Prescriptive HCD legislation		✔	✔		✔		
Loose HCD Legislation	✔			✔		✔	✔
HCDs captured in small area plans	✔	✔		✔	✔		
HCDs captured in zoning by-laws						◆	✔
OCP policy direction for HCDs	✔	✔	✔	✔	✔		✔
City-wide heritage plan direction for HCDs	✔		✔	✔	◆		◆
Broad DPA mandatory design review practices	✔			✔	✔	✔	◆
HCDs captured in zoning overlays / DCDs	✔	✔	✔			◆	◆
NOMINATION / DEISGNATION PROCESS							
Stated HCD values / benefits		✔	✔	✔	✔		
Community-driven process	◆	◆		◆	✔		
Staff / expert-oriented process	✔	✔	✔	✔		✔	
Historic context / thematic framework practices	✔		✔	✔	✔	✔	
Conservation District alternative	✔	✔		◆			
RESOURCES, FUNDING, INCENTIVES							
Staff positions dedicated to HCD services					✔		
City-wide heritage plan rec'n for additional staff	✔		✔		◆		
Provincial / state supports	✔		✔		✔	✔	
Funding for HCD plan / detailed survey	✔	✔	✔	✔	◆	✔	
Financial incentives for HCD properties					✔		
Development incentives for HCD		✔		✔		✔	
Potential post-adopt area project funding	✔	✔	✔	✔	✔		◆

◆ refers to former practice or under consideration

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