

## **Designation of the Nimmons Residence as a Municipal Historic Resource**

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### **EXECUTIVE SUMMARY**

The Nimmons Residence is proposed for designation as Municipal Historic Resources under Section 26 of the Alberta Historical Resources Act.

In 2015, the Nimmons Residence was protected by an agreement between the City of Calgary and the property owner, contingent on the passage of Land Use Bylaw 167D2015. As a condition of the agreement, the owner acknowledged that a future designation bylaw would be brought before Council at the discretion of the City of Calgary. Administration is now seeking to fulfill a condition of the existing agreement, and designate this site as a Municipal Historic Resource.

Designation offers legal protection to an evaluated historic resource, preserving it for the future and making the owner eligible for financial assistance in maintaining the property through existing Municipal and Provincial incentive programs.

#### **ADMINISTRATION RECOMMENDATION:**

That the SPC on Planning and Urban Development recommends that Council give three readings to the proposed bylaw to designate the Nimmons Residence as a Municipal Historic Resource.

#### **RECOMMENDATION OF THE SPC ON PLANNING AND URBAN DEVELOPMENT, DATED 2018 JANUARY 15:**

That Council give three readings to Proposed Bylaw 3M2018.

### **PREVIOUS COUNCIL DIRECTION / POLICY**

At the 2015 December 7 Combined Meeting of Council, bylaw 167D2015 was approved, making effective a protection agreement between the City of Calgary and the owner of the Nimmons Residence, executed 2015 December 3.

At the 2015 November 9 Combined Meeting of Council, bylaw 167D2015 (CPC2015-172) was given second reading (as amended), withholding third reading “pending Municipal Historic Designation of the site or until any other mechanism to ensure such designation is in place”.

At the 2008 February 4 Combined Meeting of Council, through LPT2007-64, Council adopted the Calgary Heritage Strategy. The approved content of the Strategy states that significant historic resources “can and should be protected through designation bylaws”.

### **BACKGROUND**

#### Existing Protection Agreement

The Nimmons Residence is a Queen Anne Revival-style former ranch house dating from 1898, and having substantial heritage value, particularly regarding Calgary’s early settlement period (1885-1905). This site was first evaluated as a historic resource in 1982, and re-evaluated in 2011 as a site of ‘City Wide Significance’.

## Designation of the Nimmons Residence as a Municipal Historic Resource

In 2015, the owner of the Nimmons Residence sought a land use re-designation of the property from M-C1 to a Direct Control district, to enable additional development opportunities on that land. During that application, the owner agreed to protection of the Nimmons Residence to offset the impact of potential increased development to the historic residence.

As it is not possible to guarantee approval of land use re-designations in advance of Calgary Planning Commission and Council, situations of this kind require a provisional mechanism for protecting the interests of both parties. The City of Calgary seeks assurance that the heritage resource will receive designation, and the property owner does not wish to accept legal protection of a property prior to land use approval.

To resolve this issue, both parties entered into a 2015 December 03 agreement (the provisional mechanism referenced above) specifying that, contingent on approval of the land use re-designation (the agreement also protected the site in the period before a designation bylaw could be brought before Council), the property would be brought before Council for designation as a Municipal Historic Resource. This report therefore is addressing the Municipal Historic Resource component of the 2015 December 03 agreement.

Provided below is some background on the process followed to date.

On 2015 October 5, Calgary Planning Commission recommended (CPC2015-172) that Council give first and second readings to the land use re-designation bylaw, but:

**“WITHHOLD** third reading pending the Municipal Historic Designation of the site or until *any other mechanism to ensure such designation is in place.*” (Emphasis)

Following Calgary Planning Commission, an agreement was drafted between the owner and the City of Calgary to fulfil this recommendation and protect the Nimmons Residence – becoming effective on the condition that Council approved bylaw 167D2015.

On 2015 November 09, the recommendations contained in CPC2015-172 were brought before a Combined Meeting of Council, and given second reading, following a series of amendments including expanding the definition of ‘Heritage Building’ to include interpretive signage, and restricting allowable uses, and allowable use areas within the proposed Direct Control District.

On 2015 December 03, the agreement regarding the Nimmons Residence was amended and executed.

On 2015 December 07, Council gave third reading and approved bylaw 167D2015, making the agreement effective, and acknowledging in the agreement that a future designation bylaw will be brought before Council.

With the land use re-designation completed, and bylaw 167D2015 passed, Administration is seeking to bring the anticipated designation bylaw forward to the SPC on Planning and Urban Development, and Council.

### General Information on Designation Bylaws and Heritage Grant Programs

Conserving historic buildings through legal protection is an internationally recognized best-practice in heritage planning, and is supported by the Calgary Heritage Strategy and Calgary Municipal Development Plan (see Strategic Alignment). Legal protection in Alberta is achieved through designating sites as Municipal and/or Provincial Historic Resources, enabled by the

## **Designation of the Nimmons Residence as a Municipal Historic Resource**

Alberta Historical Resources Act. The subject of this report concerns Municipal-level designation.

As part of the designation process, the Alberta Historical Resources Act (Section 28[1]) specifies that Municipalities must compensate property owners for any decreased economic value related to designation. To avoid incurring this cost, Administration only moves to designate sites as Municipal Historic Resources if the property owner consents and waives any compensation associated with the Act, or if Council has otherwise directed the designation.

Prior to being designated, a property must be included on Calgary's Inventory of Evaluated Historic Resources, a growing list of significant local heritage sites that merit conservation, where possible. The Inventory is maintained by the Calgary Heritage Authority, a Council-appointed advisory board comprised of members of the public, which evaluates potential Inventory sites and advises Council on heritage-related matters. Properties suggested for inclusion on the Inventory are researched and evaluated according to the Calgary Historic Resource Evaluation System. To date, there are over 800 sites on the Inventory of Evaluated Historic Resources, ranging in age from the pre-contact period to 1987.

Property owners may choose to designate for a variety of reasons, including an interest in preservation. Additionally, a variety of incentives for designation are offered at the Municipal and Provincial level, including heritage conservation grant programs, and incentives through the planning approvals process.

The City of Calgary operates a heritage conservation grant program, offering matching funds for projects to restore, preserve or rehabilitate character-defining elements of a privately-owned, designated historic resource. The grant program is funded through an existing reserve receiving \$225,000 per year from the Planning & Development budget. Sites designated as Municipal Historic Resources, or those in the process of designation are eligible to apply for grant funding through this program. As of the writing of this report, there are 86 Municipal Historic Resources – 62 of which are privately owned, and given priority for grant funds. Applicants can apply for up to 50% of a project cost, once every five years. Total grants received cannot exceed 15% of the assessed value of the property, determined at the time of application, for a period of 15 years. Additional information is included in Financial Capacity of this report, and full terms and conditions are available through [www.calgary.ca/heritage](http://www.calgary.ca/heritage).

Alberta Culture and Tourism operates a Provincial-level grant program, providing matching funds to owners of historic sites under terms and conditions established by the Alberta Historical Resources Foundation (available online through [www.culturetourism.alberta.ca](http://www.culturetourism.alberta.ca)). The designation of a property as a Municipal Historic Resource qualifies a property owner to apply for up to \$50,000 per year in Provincial matching funds, as opposed to a one-time grant of \$5000 available to non-designated sites.

It is unknown when, or if, a property owner will apply for incentives. Administration provides owners with information about all applicable incentive programs for their properties, and does not guarantee grant funds prior to approving a funding application. Furthermore, owners are made aware that both grant programs are commonly fully-subscribed, and funds may not be available at the time of application.

In the 2017 year, 11 sites were designated as Municipal Historic Resources – exceeding the target established in the 2015-2018 Action Plan.

## Designation of the Nimmons Residence as a Municipal Historic Resource

### INVESTIGATION: ALTERNATIVES AND ANALYSIS

Built in 1898, and now 120 years old, the Nimmons Residence, located at 1827 14 Street SW, is being proposed for designation as a Municipal Historic Resource. Using the framework of the Council-approved Historic Resource Evaluation System, the heritage value of the Nimmons Residence includes:

- *Construction Value* – As one of the earliest remaining brick buildings in Calgary, one of the first to use red brick rather than the more common buff-coloured brick, and with the brick and sandstone used in construction being produced / obtained nearby on the original property.
- *Landmark Value* – Being a prominent landmark due to its distinctive architectural style, spacious setbacks, and location on an elevated corner property along a main street (14th Street, S.W.).
- *Person Value* – As the dwelling of its original owners, pioneers William and Isabella Nimmons, with William also an important real estate developer and owner/operator of quarries and brickworks.
- *Style Value* – As an excellent early example in Calgary of the Queen Anne Revival architectural style, including a distinctive hipped and cross-gabled roof, polygonal corner tower, and broad wraparound veranda.
- *Symbolic Value* – For its associations with Calgary's golden age of ranching, as a rare surviving ranch house in Calgary; as a site of importance to Bankview and Richmond/Knob Hill as the first house in the area, and these communities being subdivided from the Nimmons' ranch; and, for the contribution of William Nimmons' quarry and brickworks (once connected to this property), having made a significant contribution to the development and early construction of the city.

The site was first added to the Inventory of Evaluated Historic Resources in 1982, and has been determined as a property of "City Wide" significance. Per the "Identify" principle of the Council-approved Calgary Heritage Strategy (2008), sites included on the Inventory "have been determined to have significant heritage value and are worthy of preservation."

The property owner has consented through an existing agreement with the City of Calgary to a bylaw being brought before Council to designate the site as a Municipal Historic Resource. Designation would formalize protection for the property, and make it eligible for conservation incentives. This is aligned with the 'Protect' principle of the Calgary Heritage Strategy: "Once identified, Calgary's significant historic resources can and should be protected through Designation Bylaws as set out in the Alberta Historical Resources Act.

Specific to the existing agreement and the proposed bylaw, it is contemplated that the owner may permanently move the Nimmons Residence a short distance within the existing land parcel, to increase development flexibility on-site without cutting-off public view of the historic residence.

The proposed bylaw (Attachment 1) provides conditions for treatment of the property. Schedule A visually clarifies the location; Schedule B includes the Statement of Significance from the property's heritage evaluation, and outlines specific 'Regulated Portions' that cannot be removed, altered, or destroyed without approval from the City of Calgary; Schedule C compiles

## **Designation of the Nimmons Residence as a Municipal Historic Resource**

key standards from the *Standards and Guidelines for the Conservation of Historic Places in Canada*, a national best-practice conservation document.

### **Stakeholder Engagement, Research and Communication**

The amended agreement between the City of Calgary and the owners of the Nimmons Residence was executed 2015 December 3, stating “The Owner expressly agrees that the Designating Bylaw will be presented to City Council at The City’s discretion.”

Per the Alberta Historical Resources Act, a ‘Notice of Intention’ to designate the property was received by the property owner 2017 November 22 – satisfying the 60-day notice requirement of the Act.

The ownership of the Nimmons Residence has reviewed the proposed designation bylaw and expressed in writing that they are in agreement with it being presented at the SPC on Planning and Urban Development, and Council, as referenced in Attachment 2.

The Calgary Heritage Authority has expressed support for this proposed designation as outlined in Attachment 3 to this report.

### **Strategic Alignment**

Council priorities outlined in The City’s *2015 – 2018 Action Plan* include the fostering of “A city of inspiring neighbourhoods”. Historic resources are an integral component of such neighbourhoods and their retention contributes to the diversity and character of their surroundings.

The City of Calgary *Municipal Development Plan* supports the conservation and protection of Calgary’s historic resources. The plan identifies historic preservation as part of good city building and community identity, and encourages property owners to conserve Calgary’s historic resources.

The City of Calgary *2020 Sustainability Direction* includes an objective for Calgary to become a “diverse and socially inclusive city that respects its heritage and the arts,” as well as a strategy to “support the preservation of Calgary’s historic resources”.

The City’s *Calgary Heritage Strategy* (2008) recommends that identified historic resources should be protected by designation bylaws, when possible, to ensure their preservation. This protection prevents demolition, provides appropriate management of physical interventions and is critical to ensuring effective management of historic resources.

### **Social, Environmental, Economic (External)**

#### **Social**

Historic resources connect us to our past, our future, and to each other. They provide places of learning and places of understanding for all Canadians. Historic resources are integral to the identity of our community and help to strengthen its distinctiveness. Historic resources add to the beauty, character and visual interest of our urban environment, which contribute to the city’s liveability and are sources of community pride.

#### **Environmental**

## **Designation of the Nimmons Residence as a Municipal Historic Resource**

The preservation of historic places capitalizes on their embodied energy. Re-using existing resources requires a much smaller expenditure of materials and energy than demolishing and reconstructing a city's building stock.

Economic (External)

Historic resources add character and visual interest to a streetscape, increasing the attractiveness of the area to investors. Designation of historic resources ensures these attributes are protected, and the resulting certainty promotes high-quality investment. Additionally, tourists and residents are attracted to areas with historic resources.

### **Financial Capacity**

#### ***Current and Future Operating Budget:***

Designation of the Nimmons Residence will have no operating budget implications for The City of Calgary.

Designation will make the properties eligible to apply to the City of Calgary's Heritage Conservation Grant Program, funded through an existing reserve administered by Heritage Planning, which receives \$225,000 per year from the Planning & Development budget. Until 2022, \$85,000 of this total is allocated to an existing grant agreement with the Lougheed Building (FCS2004-20, approved 2004 March 22). The unsubscribed balance is available to eligible applicants on a 'first-come/first-serve' basis. Designated heritage resources may apply to the grant program once every five years (as needed), for matching funds up to 50% of a conservation project cost. Total grants received cannot exceed 15% of the assessed value of a property, determined at the time of application, for a period of 15 years. As of the writing of this report, the grant program reserve is close to being fully subscribed. Applicants may still submit grant requests at any time, which will be held in queue until such time as grant funds become available.

#### ***Current and Future Capital Budget:***

Designation of the Nimmons Residence will have no capital budget implications for The City of Calgary.

### **Risk Assessment**

No risks have been identified in designating the Nimmons Residence as a Municipal Historic Resource. The property owner has previously consented to a designation bylaw being brought before Council, which does not preclude redevelopment in alignment with the existing protection agreement, and does not prevent the property from being sold.

The Heritage Conservation Grant Program reserve fund is limited. If the funding does not increase in some proportion to the number of designated properties, this may discourage some owners from applying for designation.

## Designation of the Nimmons Residence as a Municipal Historic Resource

### **REASON(S) FOR RECOMMENDATION(S):**

The property is identified on Calgary's Inventory of Evaluated Historic Resources, making the Nimmons Residence eligible for designation as a Municipal Historic Resource.

Discretion to bring a designation bylaw before Council is provided in an existing agreement between the property owner and the City of Calgary. Protecting Calgary's historic resources is an identified objective of The City.

### **ATTACHMENT(S)**

1. Attachment 1 – **Proposed Bylaw 3M2018**
2. Attachment 2 – Bylaw Agreement from Owner
3. Attachment 3 – Calgary Heritage Authority Letter of Support