

November 30, 2020

Secretary, SPC on Standing Policy Committee on Planning, Development &amp; Community Services

Dear Secretary:

**Re: Municipal Heritage Advisory Committee (MHAC) - Knox United Church Heritage Designation  
Bylaw No. 8232 Amendment [File No. CK-710-49]**

The Municipal Heritage Advisory Committee, at a special meeting held on Tuesday, November 17, 2020, dealt with two items. One item was a routine request and another item which forms the basis of this letter.

As per the minutes of the Nov. 17th special meeting, a report of the General Manager, Community Services Department, was presented by Administration. As part of the report, a recommendation from Administration was proposed as follows:

That a report be forwarded to the Standing Policy Committee on Planning, Development and Community Services with a recommendation to City Council:

1. That the City Solicitor be requested to prepare an amendment to Bylaw No. 8232, The Knox United Church Heritage Designation Bylaw, 2003, with such amendment limited to amending the legal land description to reflect the approved subdivision; and
2. That the General Manger, Community Services Department, be requested to prepare the required notices for advertising the proposed bylaw amendment.

Along with MHAC committee members, three presenters were part of the on-line teleconference meeting: Karl Miller, Meridian Development Corporation (proposed Developer), who spoke about the proposed development; Bertrand Bartake, Kindrachuk Agrey Architecture (working with Meridian), who provided a presentation about the proposed development; and, Peggy Sarjeant, Saskatoon Heritage Society, who provided some heritage considerations and additional recommendations. Several letters about the proposed development were also received as part of the Committee's revised agenda package and will be attached to this letter. Knox United Church, the owner of the parcel was not present.

After the presenters, through the Chair, MHAC committee members discussed the matter through rounds of questions and comments. During the discussion, a motion was put forward by a committee member to accept the recommendation as put forward by Administration. Another Committee member put forward another motion asking for a deferral on the matter. The rationale being so the Committee may consider other related questions and information, and, to provide for the potential of further public engagement to help inform MHAC's position with respect to the proposed recommendation placed before it.

During deliberation on motions, Clerks clarified that while typically a motion to defer would take priority over another motion, due to the process as outlined in MHAC's terms of reference, there was no option for the item to be deferred. Committee could only approve or deny the recommendation and then offer another recommendation. With that clarification, the motion was put forward and a recorded vote was taken.

Five committee members voted in favour of the motion to accept Administration's recommendation: Sarah Marchildon, Downtown BID; DeeAnn Mercier, Broadway BID; Alan Otterbein, Meewasin Valley Authority; Randy Pshebylo, Riversdale BID; and James Scott, 33<sup>rd</sup> Street BID. Six members were not in favour of the

motion: Garry Anaquod, Saskatchewan Indigenous Cultural Centre; Stevie Horn, Saskatoon Public Library; Paula Lichtenwald, Tourism Saskatoon; Andrew Wallace, Saskatchewan Association of Architects, Cera Youngson, Public Member; and Lenore Swystun, Saskatoon Heritage Society, Chair. There were 4 members not present at the time of the vote.

After the first motion was defeated, a second motion was made and passed by MHAC to request:

That a letter be forwarded to the Standing Policy Committee on Planning Development and Community Services, outlining the Municipal Heritage Advisory Committee's discussion on the matter.

As a way of outlining MHAC's discussion for PDCS to consider as part of its deliberations on this matter, three key discussion areas will be highlighted:

1. The development amendment process and role of MHAC (and others) with respect the Administrative recommendation;
2. Impacts and benefits of the proposed development brought forward by committee members based on information received and shared during the meeting; and,
3. Suggested way forward as discussed by MHAC.

#### **1. Process and Role:**

Administration's report was presented to MHAC as part of a legislative requirement upon requesting an amendment to Bylaw No. 8232, *The Knox United Church Designation Bylaw, 2003*. The designation applies to the church building and land that together make up Parcel Number 120283006.

MHAC, as part of its mandate, is constituted to provide advice to City Council relating to any matter arising out of The Heritage Property Act or the regulations thereunder, and on Policy C10-020, *Civic Heritage Policy*.

The Municipal Heritage Designation provides the mechanism by which MHAC may advise Council with respect to the proposed recommendation put forward by the Administration.

Specifically, the process as outlined below in Section 17 (2) (a):

As per the Saskatchewan Heritage Property Act 17 (1): Repeal or amendment of bylaw 17(1) Notwithstanding any provision of The Planning and Development Act, 2007, any council, by bylaw and on any terms and conditions that the council considers appropriate, may repeal or amend any bylaw passed pursuant to section 11.

(2) Prior to repealing a bylaw passed pursuant to subsection 11(1) or amending a bylaw to add property to or remove property from the designation, the council shall:

- (a) *consult with its Municipal Heritage Advisory Committee, if one has been established;*
- (b) serve the registrar and all owners of property included in the proposed repeal or amendment with a notice of intention;
- (c) publish a notice of intention in at least one issue of a newspaper in general circulation in the municipality;
- (d) where an amendment would add Municipal Heritage Property to the designation, register an amendment of the interest based on the notice of intention in the Land Titles Registry against all affected titles; and
- (e) where an amendment would add property to a Municipal Heritage Conservation District, register an amendment of the interest based on a Heritage Conservation District notice in the Land Titles Registry against all affected titles. 1993, c.26, s.7; 1996, c.32, s.7; 2000, c.L-5.1, s.292; 2001, c.20, s.30; 2007, c.P-13.2, s.258

The proposed subdivision would result in the designated heritage parcel known as Knox United Church, located on the corner of Spadina Crescent and 24<sup>rd</sup> Street, to be separated into two parcels. One parcel would include the existing building (church) and immediate land upon which it sits. Another would result in an L-shaped parcel of land to accommodate a high-rise development that abuts both 23<sup>rd</sup> Street E on one side and Spadina Crescent. The proposed development would sit on lands that currently include laneways, greenspace and surface parking located between Knox United Church and St. John's Anglican Cathedral, another designated property that is located directly next to them south along Spadina Crescent.

MHAC learned, during its meeting, about a related item that was brought forward on November 3<sup>rd</sup> to the Municipal Development Appeals Board after the City's Planning and Development Division denied the proponent a development permit. Five deficiencies were referred to in its denial with respect to building setbacks and transparent openings.\*<sup>1</sup>

#### MHAC Discussion Highlights:

- Questions arose about the process and sequence of events as related to the above DAB process, administrative process and the request of the MHAC for deliberation. Administration emphasized that they were not wanting MHAC to discuss the design or development specifically, rather to only consider the subdivision within consideration of the heritage designation.
- MHAC challenged how the designation was being interpreted narrowly to the building and that character-defining elements and the *Standards and Guidelines for the Conservation of Historic Places in Canada* speak to consideration of a site's overall value, including its landmark placement on its original parcel of land and in relation to St. John's Anglican Cathedral and the riverbank.
- MHAC commented that it had in its work plan, a focus on designation and consideration of this area as a cultural heritage landscape.
- Administration shared that there are no architectural controls in place with respect to design but that the Heritage Register speaks to Knox United Church and its placement on its original land. It was noted that all designated properties require to be designated to a site or parcel of land.
- Administration pointed to a similar process utilized in a subdivision request that was granted to St. John's Anglican Cathedral in 2009 of which MHAC was part of the process before it went to City Council for approval. Administration interpreted the recommendation before MHAC as a technicality.
- MHAC commented that a letter by St. John Anglican Cathedral identifies a number of criteria overlaid as part of any proposed development were one to take place.
- MHAC expressed concern over the lack of engagement with neighbouring properties and wondered about the process.
- MHAC questioned about whether other opportunities, examples or best practices were drawn upon by Administration in looking at the potential subdivision. Administration responded that the focus of this is on a request for a subdivision.
- MHAC asked about where in the process one would be able to see the Heritage Impact Statement. Administration shared that this was in draft mode and a final statement would be made available at the development permit stage.
- The role of the Meewasin Valley Authority (MVA) was asked and whether this item was brought to their attention. The answer was no, as it does not fall directly in the Conservation District. It was clarified that

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<sup>1</sup> On November 23, 2020, a public decision by the Municipal Development Appeals Board was rendered whereby the Appeal was deemed not successful. The decision is available through the City of Saskatoon's website where the Municipal Development Appeal Board's items can be found.

it does fall within the Buffer Zone and the MVA, if it chose, or were asked to, could possibly provide some input.

- MHAC asked about when MHAC, outside of this opportunity, would have a chance to weigh in on the details of the development; and, when would the public also have an ability to provide comments. Administration stated that the report was about consideration of a subdivision. It will go to the Standing Policy Committee of Planning, Development and Community Services and then to City Council whereby notice will be given of a public hearing where the public would then be able to be involved.
- MHAC noted that in the absence of architectural controls, the current heritage designation of Knox United Church including its original parcel of land protects Knox United Church from inappropriate development on its site. The subdivision proposal would effectively remove that protection.
- MHAC asked about the zoning on the site and it was clarified that aside from the variance that triggered the Development Appeal Board, the proposed development was permitted. Though as the proposed development, it is currently tied to the Knox United Church parcel, and the amendment to the designation heritage bylaw for Knox United triggers this discussion.
- MHAC commented on how the process being put forward by Administration gives very little room for MHAC to weight in other than the designation itself provides us the opportunity to put forward considerations.

## **2. Impacts and benefits of the proposed development**

While Administration stated the discussion was to be limited to the subdivision, the presenters on behalf of the proposed development, the presenter from the Saskatoon Heritage Society and others who submitted comments to various aspects of the proposed development, its design, its benefits and impacts on the site.

Some members of MHAC saw significant benefits arising from the proposed development. Others raised significant heritage impacts, both negative and positive, from the proposed development. Highlights of this discussion are below.

### **MHAC Discussion Highlights:**

- Key benefits discussed by MHAC about having this development occur downtown:
  - New options for people to live, recreate and conduct business downtown;
  - Fills an important infill opportunity by turning a parking lot into a valuable tax revenue generator;
  - Potential for it to create a catalyst for such developments to take place in other business improvement districts that face similar challenges with church properties;
  - Provides stability for Knox United Church noting the current vulnerability of 3<sup>rd</sup> Ave United Church;
  - Adds to the vibrancy of an established river street and downtown.
- Impacts shared and discussed by MHAC included:
  - Concerns about this proposed development expressed by St. John's Anglican Cathedral viewed as an important consideration to be further pursued for input;
  - Concerns expressed about how the proposed development as a whole, is situated on the site, would impact other neighbouring buildings presently and in the future;

- How might the proposed development impact on the structural integrity of Knox United Church during construction and post-construction including impact of seasonal elements due to the close proximity of the finished build-out.
  - The proposed developer did speak to some of the construction techniques they would use though no details were outlined in the report prompting MHAC to suggest further information may help to answer this.
  - Administration spoke to how new construction would be evaluated to ensure it is developed to professional architectural and engineering standards and building codes
- MHAC asked about consideration of other development options were explored as a means of consideration to the overall heritage value of Knox and St. John's Cathedral.
  - The proposed developer stated that this was the development that made best sense to present after having worked on the process with Administration.
- MHAC discussed whether considerations to place guidelines similar to the Broadway 360 plan were considered.
  - Administration responded that there were no architectural guidelines in place, dealing with a subdivision application.
  - MHAC wondered whether there was still room for other options to be put forward for how to place a potential development that may complement the benefits and impacts identified.

### **3. Suggested way forward**

MHAC, as a whole, is open to looking for ways to see a potential development go forward that can address the matters identified above, as related to its mandate and role as a Heritage Advisor to City Council.

- Some considerations about how this might come to be include:
  - Drawing from the recommendations of the Luxton report, on resources from the success of other major projects the City has undertaken, along with drawing on heritage expertise from elsewhere in this area may be beneficial build a foundation to convene sooner than later a round table to help inform the best outcomes for a development to take place amongst a set of municipally designated properties.
  - The City convene, similar to what was done with Lydia's on Broadway Ave (though triggered too late by a demolition permit and before it was designated) to include key partners around the table to discuss further options: the owner, MHAC and other key heritage stakeholders from here and elsewhere , key neighbours most impacted including St. John's Cathedral and the potential developer or other developer(s) as relevant to the discussions moving forward

The Chair requests to speak at the Standing Policy Committee on Planning, Development, and Community Services, to provide highlights of this letter, address any questions the Committee may have, and to speak to opportunities to continue the discussion forward.

The Municipal Heritage Advisory Committee respectfully requests that the recommendation be considered by the Standing Policy Committee on Planning, Development & Community Services.

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Yours truly,

A handwritten signature in blue ink, appearing to read "Lenore Swystun". The signature is fluid and cursive, with a long horizontal stroke at the end.

**Lenore Swystun, Chair**  
Municipal Heritage Advisory Committee

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Attachment

cc: General Manager, Community Services Department  
Heritage and Design Coordinator, Community Services Department  
Ms. L. Swystun, Chair, Municipal Heritage Advisory Committee