

# *City of Nanaimo*



## ***HERITAGE ACTION PLAN***

**1998**

**DONALD LUXTON & ASSOCIATES**

# NANAIMO HERITAGE ACTION PLAN

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*The British Columbia Heritage Trust has provided financial assistance to this project to support conservation of our heritage resources, gain further knowledge and increase public understanding of the complete history of British Columbia.*

# NANAIMO HERITAGE ACTION PLAN

## EXECUTIVE SUMMARY

In January 1994 the *City of Nanaimo Heritage Strategy* outlined heritage issues and opportunities; goals, objectives and priorities for the heritage program; and recommended actions. Building on this and other studies, and past successes, the *Heritage Action Plan* recommends initiatives that will integrate heritage planning within the larger municipal planning framework. These recommendations are based on a number of small, incremental and non-threatening steps within the municipal process. The *Heritage Action Plan* seeks to:

- Promote the conservation of heritage resources
- Enable Nanaimo's heritage resources to contribute effectively to the city's prosperity and quality of life for its citizens
- Facilitate the development process by removing elements of uncertainty
- Take advantage of the new tools in the 1994 Heritage Conservation Legislation
- Promote flexibility in the city's response to applications

This plan has been undertaken in conjunction with a city-wide inventory of significant historic buildings, sites and landscape features, published in an accompanying document, *'The Heritage Resources of Nanaimo'*. There has been public consultation with stakeholders and the local heritage community throughout the course of this project.

The following are the steps required to implement the recommendations of the *Heritage Action Plan*:

### STEP ONE: ADOPT A COMMUNITY HERITAGE REGISTER

*Nanaimo's heritage program should be based on the incentives and tools now enabled under the Municipal Act. The most critical step will be the adoption of a Community Heritage Register. This will require public awareness, education and information, and the development of appropriate incentives and administrative procedures.*

### STEP TWO: DECLARE DEVELOPMENT PERMIT AREA #14 (DOWNTOWN NANAIMO) AS A HERITAGE CONSERVATION AREA

*The Development Permit controls on the Downtown area should be replaced by a Heritage Conservation Area By-Law. This will allow greater flexibility and control over both buildings to be conserved, and new infill construction.*

### STEP THREE: LONG-TERM INITIATIVES

*As the Heritage Program develops over time, policies should be developed for the retention, enhancement and interpretation of other historic resources, such as other heritage areas, landscape features, and cemeteries. The City of Nanaimo should also develop stewardship policies for heritage resources under its direct control.*

These steps are further explained throughout the body of this report. To achieve these recommendations, an implementation plan has been outlined, based on a three to five year program.

# 1.0 A HERITAGE PROGRAM FOR NANAIMO

Cities, to be vital, must develop and change over time. Heritage conservation is an important part of the management of this change. An effective heritage program defines elements of a city's past that are key to its present identity, and provides means to encourage their retention.

The purpose of this proposed plan is not to preclude development, but rather to facilitate the revitalization and rehabilitation of historic resources through appropriate management. There are many ways in which sensitive additions and infill, and new complementary uses, can be encouraged by incentives, and achieved through negotiation. The Heritage Action Plan seeks to define ways in which the city can encourage private owners to achieve the goals of heritage conservation, to their mutual benefit.

In January 1994 the *City of Nanaimo Heritage Strategy* outlined heritage issues and opportunities; goals, objectives and priorities for the heritage program; and recommended actions. Building on this and other studies, the *Heritage Action Plan* seeks to:

- Promote the conservation of heritage resources
- Enable Nanaimo's heritage resources to contribute effectively to the city's prosperity and quality of life for its citizens
- Facilitate the development process by removing elements of uncertainty
- Take advantage of the new tools in the 1994 Heritage Conservation Legislation
- Promote flexibility in the city's response to applications

The primary components of the *Heritage Action Plan* have therefore been defined as:

## STEP ONE

Adopt A Community Heritage Register

## STEP TWO

Declare Development Permit Area #14 (Downtown Nanaimo) as a Heritage Conservation Area

## STEP THREE

Long-Term Initiatives

## 1.1 THE HERITAGE ACTION PLAN PROCESS

The Nanaimo Heritage Action Plan was undertaken 1997-1998, and included a survey of significant heritage resources as well as the development of a proposed municipal management framework.

The project was coordinated through the Strategic Planning Department, and involved consultation with city staff expected to be part of the management process. For the duration of this project, a separate steering group, the Heritage Futures Committee (HFC) was formed; the Nanaimo Community Heritage Commission (NCHC) was also involved throughout the project. The public-at-large was engaged through a call for public nominations of significant historic resources, and through a series of open meetings which were widely advertised. Two drafts of the plan components were circulated to staff and interested parties for comment.

### PROJECT MILESTONES

#### 1997

- March: Project Commencement
- April 2: First meeting with City Staff
- April 10: First meeting with Heritage Futures Committee
- May 2: Workshop on Heritage Conservation Legislation
- June 16: Preliminary presentation to Nanaimo Council
- September 4: Joint NCHC/HFC
- September 10: Staff Review
- September 10: Heritage Retrospective presentation and reception
- November 3: Staff Review
- November 4: Presentation on Heritage Initiatives:
  - Gerry McGeough, Heritage Planner, City of Vancouver
  - Mark Hamilton, Architect
  - Brad Alberts, Developer
- November 6: Staff Review Follow-Up
- November 20: Presentation of draft Action Plan to joint NCHC/HFC meeting
- November 27: Public Meeting/Presentation

#### 1998

- February 9: Final meeting with Development Services staff
- February 19: Wrap-Up meeting with provincial and local representatives
- March: project wrap-up

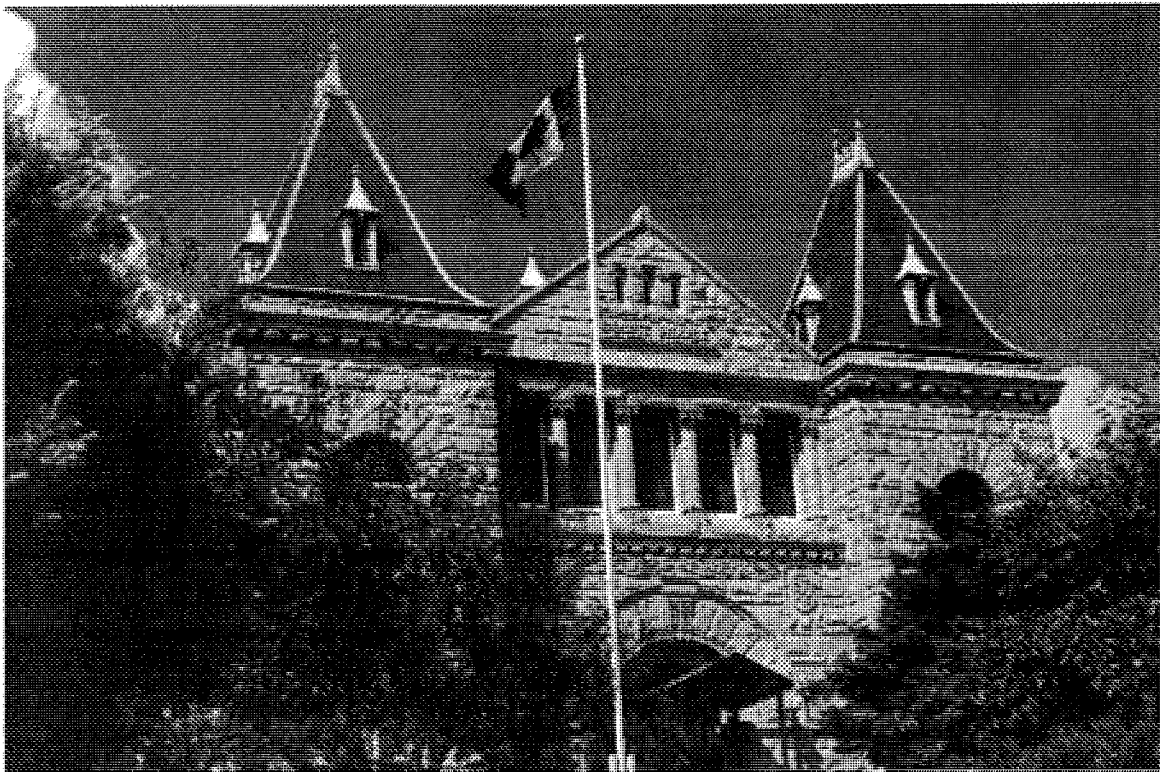
## 2.0 THE HERITAGE RESOURCES OF NANAIMO

In conjunction with the Heritage Action Plan, a survey of the city's historic features, *'The Heritage Resources of Nanaimo'* has been conducted, and published under separate cover. A list of heritage resources has been proposed as the basis for the city's Heritage Register (see *Appendix B*). The recommendations of this management framework are based on the results of this survey, as discussed below.

### 2.1 HERITAGE BUILDINGS

In the proposed Nanaimo Heritage Register there are 125 identified sites that include buildings considered to have heritage significance. These buildings are representative of all aspects of the city's historical development, from earliest Hudson's Bay settlement to post-Second World War era. Many different building types are represented, including residential, commercial, industrial and institutional, ranging from vernacular to high-style examples. This diverse building stock is a reflection of the broad patterns of Nanaimo's historic legacy.

Nanaimo's greatest concentration of historic resources lies in the central areas of the city, reflecting the areas of earliest settlement. This is further discussed in *Section 2.3*.



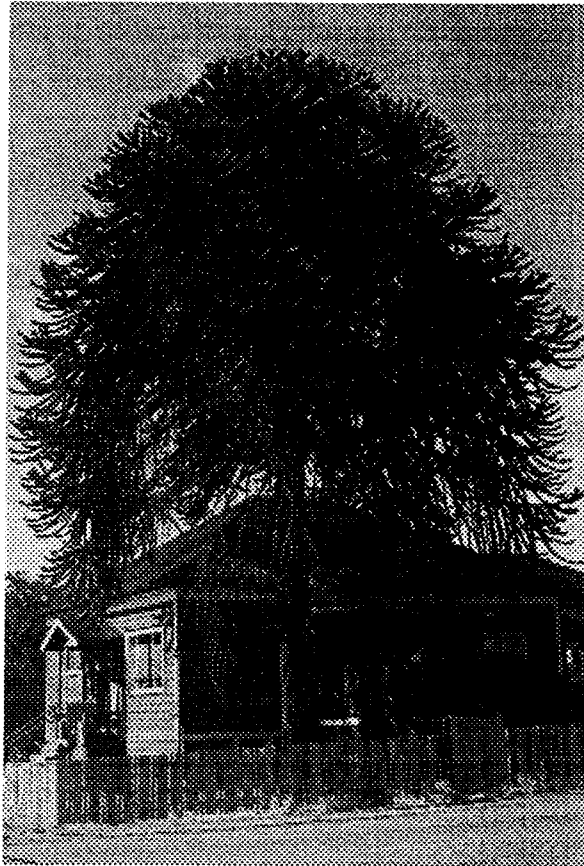
*Nanaimo Court House, 31-35 Front Street, Built 1895-96*

## 2.2 HISTORIC LANDSCAPE FEATURES AND OTHER RESOURCES

There are a number of historic resources other than buildings that add considerably to Nanaimo's heritage character. The identified features include five historic cemeteries and fifteen structures, sites and objects; these are listed in *Appendix B*. There are also a number of heritage trees that are identified in the City of Nanaimo Tree Protection By-Law 1993 No. 4695, please refer to *Appendix C* for a complete listing of identified heritage trees.

As many of these features are publically-owned, the city has an excellent opportunity to promote the goals of conservation by managing these heritage resources as part of the overall heritage program.

These historic features also offer an opportunity to augment community amenities, especially in conjunction with parks and recreational opportunities.



*Chilean Pine (Monkey-Puzzle Tree), 120 Old Victoria Road*

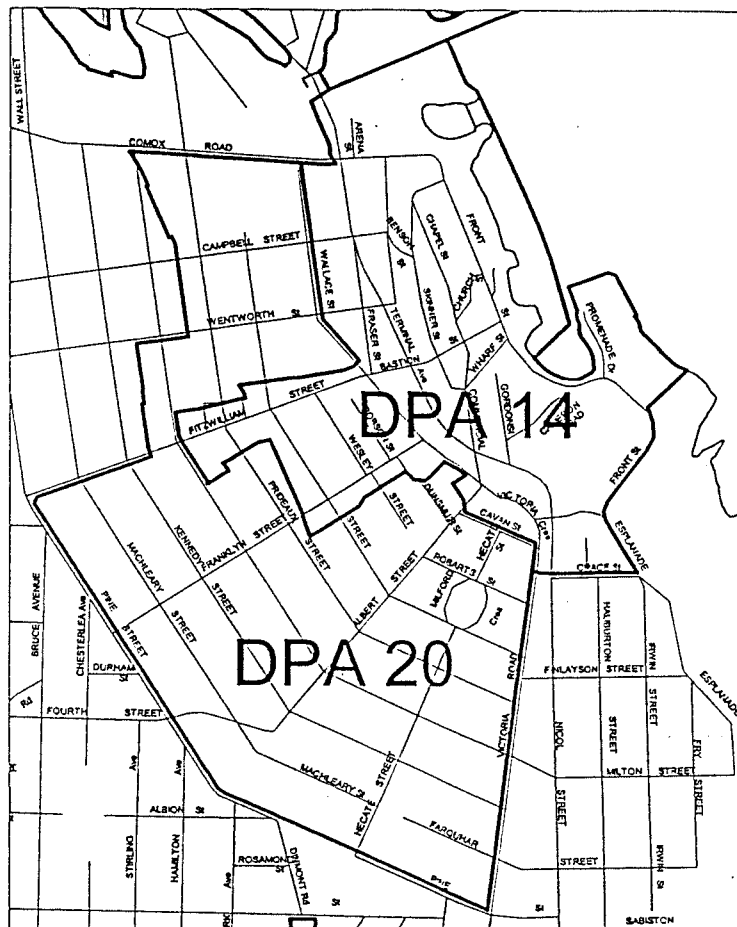


### 2.3 HERITAGE AREAS

There are several distinct concentrations of historic resources, which reflect historical development patterns. These areas reflect the prominent role played by the city's early merchant community in the economic, political and social growth of both the City of Nanaimo and the emerging province of British Columbia.

The greatest concentration of historic resources correspond to the earliest settled areas, centred on the harbour and the 'Old City Neighbourhood'. These potential areas correspond closely with the currently-designated Development Permit Areas #14 (Downtown) and #20 (The Old City Neighbourhood).

Experience has shown that heritage programs work more effectively for specially defined areas, rather than for individual isolated properties. Please refer to *Section 4.2: Potential Heritage Conservation Areas* for specific information.



## 3.0 CURRENT PLANNING FRAMEWORK

The *Heritage Action Plan* will allow staff, the Nanaimo Community Heritage Commission, property owners and the public to better manage situations involving potential heritage sites. In order to provide context, this section discusses the existing planning framework in which heritage initiatives are undertaken.

Financial support for heritage at all levels of government is considered to be at a 'low ebb'. Potential funding has been substantially cut back, which acts as a disincentive to the preservation of heritage resources. This means that choices must be made as to how best to utilize scarce available funding.

The city already makes considerable contributions to the preservation and operation of municipally-owned sites. It is therefore essential to ensure proper management of existing funding, and to foster partnerships between community groups, and the public and private sectors. Effective conservation can also be achieved at minimal or no cost through the negotiation of density bonuses and transfers, revitalization agreements and other development incentives, as discussed in the following sections of this report.

### 3.1 PREVIOUS HERITAGE INITIATIVES

#### *3.1.1 Plan Nanaimo:*

The revised City of Nanaimo Official Community Plan, *Plan Nanaimo*, was passed in 1996. Section 1.7 of this document sets out policy regarding heritage resources, and calls for the development of a Heritage Resource Management Plan to identify heritage assets and establish an effective means for heritage stewardship. Heritage issues are also identified as a priority in Development Permit Areas #14 - Downtown, and #20 - Old City Neighbourhood. The relevant statements in *Plan Nanaimo* are reproduced in *Appendix F*, and should be considered the basis for the city's Heritage Program.

#### *3.1.2 Nanaimo Heritage Strategy*

In January 1994 the *City of Nanaimo Heritage Strategy* outlined heritage issues and opportunities; goals, objectives and priorities for the heritage program; and recommended actions. The Heritage Management Goal defined in the *Strategy* was:

*"The City of Nanaimo wishes to manage heritage resources in a manner which will celebrate the history of the city; help to maintain the distinct identity of the municipality and its neighbourhoods; and contribute to the social and economic health of the community."*

The seven heritage initiatives proposed in the *Strategy* were:

- Local Area Heritage Reviews
- Development Procedures
- Enhanced Archival Program
- Heritage Information Clearinghouse
- Stewardship Program for Publicly Owned Heritage Assets
- Support Programs - Community Initiatives
- Tourism Strategy - Heritage Component

### *3.1.3 Municipal Heritage Initiatives*

In the past, the city has undertaken a number of successful heritage initiatives, including:

- Downtown and Fitzwilliam Street Heritage Area Revitalization Programs (HARP)
- Facade Improvement Program
- HARP Interpretive Route
- Heritage Days
- Three Walkways
- City Heritage Awards

These initiatives have resulted in the preservation of a number of key buildings, and in raising the awareness of the importance of heritage conservation.

### *3.1.4 Provincial Contributions*

The Province has provided substantial support to local heritage initiatives through British Columbia Heritage Trust grants (See *Appendix E* for a list of these grants). These grants total \$869,430 for 29 projects over the last twenty years.

## 3.2 PROVINCIAL ENABLING LEGISLATION

Prior to 1994 there were two provincial Acts that most directly enabled municipal heritage conservation initiatives, the *Heritage Conservation Act* and the *Municipal Act*. These two Acts, and a number of others, were amended through the *Heritage Conservation Statutes Amendment Act\_1994*. In addition to the old tools, this enabled a whole new range of conservation initiatives, which are now available to the city. *Please note that virtually all of the tools the city is liable to use in the conservation of heritage resources are now enabled under the revised Municipal Act.*

The legislative tools available to the municipality are summarized in *Appendix D: Heritage Conservation Toolkit*. Further information on the 1994 legislation is available in a Provincial publication, '*Heritage Conservation: A Community Guide*'.

### 3.3 CURRENT ZONING

Of the 125 identified building sites, the current zoning is as follows:

*Commercial Zones*

C-3	1
C-4	3
C-11	35
C-17	9
C-18	10
C-19	1
CMAP	1
<b>Subtotal</b>	<b>60</b>

*Residential Zones*

RS-1	22
RS-2	1
RS-4	1
RM-1	1
RM-3	1
RM-5	6
RM-9	4
RM-10	9
RM-11	7
<b>Subtotal</b>	<b>52</b>

*Park & Recreation Zones*

P-2	7
RE-1	1
<b>Subtotal</b>	<b>8</b>

*Other Zones*

I-2	2
MA-2	2
<b>Subtotal</b>	<b>4</b>

*Unidentified*

<b>TOTAL:</b>	<b><u>125</u></b>
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### 3.4 CURRENT O.C.P. DESIGNATIONS

Of the 125 identified building sites, the current O.C.P. designation is as follows:

<i>Town Centre</i>	60
<i>Neighbourhood</i>	55
<i>Neighbourhood Village</i>	1
<i>City Parks</i>	3
<i>Service Industrial</i>	1
<i>Highway Commercial</i>	1
<i>Research, Education, Development</i>	1
<i>Unidentified</i>	3
<b><u>TOTAL:</u></b>	<b><u>125</u></b>

In some cases, OCP designation may allow significant development potential, that may present opportunities to negotiate for heritage retention.

### 3.5 CURRENT OWNERSHIP

Of the 125 identified building sites, current ownership is as follows:

<i>Privately Owned</i>	105
<i>Institutional</i>	7
<i>City of Nanaimo</i>	8
<i>School Board</i>	2
<i>Crown</i>	2
<i>Province (B.C.B.C.)</i>	1
<b><u>TOTAL:</u></b>	<b><u>125</u></b>

## 4.0 PROPOSED ADMINISTRATIVE MECHANISMS

### 4.1 PROPOSED HERITAGE REGISTER

A Community Heritage Register is an official listing of properties identified by Council as having heritage value or heritage character. This allows for certainty within the heritage and development communities about what resources constitute the heritage of Nanaimo.

*A Community Heritage Register is not a form of legal protection.* There may, however, be implications when the owner is considering redevelopment. For a Register-listed site, a building or demolition permit may be delayed or withheld while an impact or heritage assessment is prepared. Conversely, inclusion on the Register allows incentives to be offered in exchange for conservation.

*Currently the City of Nanaimo does not have a Heritage Register.*

#### **IMPLICATIONS:**

- Over 500 sites have been identified in heritage inventories over the last 20 years
- Only 27 sites have been officially flagged as '*heritage*' on the city's database
- There is no consistent definition of what constitutes '*heritage*', or what is considered to be significant
- This leads to confusion and uncertainty in the development process, as the city and the owner do not necessarily know if a site can be considered significant

As part of this project, a Community Heritage Register is proposed (See *Appendix B*). The Heritage Register would identify the city's most significant resources, and establish which sites are immediately eligible for development incentives and B.C. Building Code relaxations. The Heritage Register should also be the basis for prioritizing conservation efforts. A Heritage Register must be passed by resolution of Council (See *Appendix D: Heritage Conservation Toolkit*). Notification procedures are defined under the *Municipal Act*.

Owners will need to be notified of the fact that they have a property that could be part of the Heritage Register. Timing and public acceptance of the Register are of key importance. Awareness and education initiatives will be required, to inform owners of the potential benefits of being on the Register. City policy and incentives should be thoroughly and clearly explained to these owners, so that they may take advantage of heritage incentives in their development plans. *It should be noted that inclusion on the Heritage Register is not a formal designation under the Municipal Act, rather it is a mechanism to ensure that identified heritage resources are not lost without opportunity for further study and negotiation.*

Ongoing owner notification of inclusion on the Heritage Register can be forwarded in a tax assessment or other civic annual mailing. The Heritage Register should be monitored and updated on a regular basis (See *Section 5.10*).

## STEPS RECOMMENDED TO ADOPT A COMMUNITY HERITAGE REGISTER

### 1. AWARENESS, EDUCATION AND INFORMATION

The first step should be to define information needs - who needs to know what. The target audiences should be defined; staff, general public, building owners, etc. The Nanaimo Community Heritage Commission (NCHC) will be instrumental in contacting the owners of potential Register sites. Other awareness initiatives may include ongoing training (partly funded through the BC Heritage Trust and/or the Heritage Society of BC) and publications (partly funded through the BC Heritage Trust Community Heritage Development Program).

### 2. WORK TOWARDS REGISTER ADOPTION

Initiate ongoing dialogue between the city and the owners of potential Register resources, as listed in *'The Heritage Resources of Nanaimo.'* The owners should be individually contacted, and procedures and incentives explained, in a non-threatening environment. It is important that the owners understand that this is not the equivalent of a legal designation, rather it is a management tool that may offer them long-term benefits.

### 3. CLARIFY TOOLS AND PROCEDURES

Heritage incentives should be matched to community needs. Staff and the NCHC should continue to review the tools enabled under the *Municipal Act*, including Heritage Alteration Permits and Heritage Revitalization Agreements. The city should enact a Heritage Procedures By-Law that would clarify the permit review process, and could also delegate authority to an officer or authority for the negotiation of heritage issues. The possibility of tax incentives should also be explored; in the experience of other municipalities this can pay long-term dividends by encouraging the rehabilitation of marginal buildings to more active, and profitable, use.

### 4. ADOPT THE HERITAGE REGISTER BY COUNCIL RESOLUTION

When this groundwork is complete, a Community Heritage Register can be adopted by resolution of Council. The Register should act as the basis for the city's ongoing Heritage Program. Register sites should be flagged on the city's Property Information System, *TEMPEST* and *PROSPERO*. Archaeological sites should be similarly flagged, but the location of sites should not be available to the general public. A brochure or pamphlet should be prepared that explains the Municipal Heritage Program, and identifies the process for owners and applicants. The Register should be monitored, and updated as required.

## 4.2 POTENTIAL HERITAGE CONSERVATION AREAS

As discussed in *Section 2.3*, there are two significant concentrations of heritage resources in Nanaimo. One is mostly commercial in nature (the historic Downtown) and one is mostly residential (the Old City Neighbourhood).

### *4.2.1 Downtown (Development Permit Area 14)*

Downtown Nanaimo has a distinct character, based on special heritage values. The Downtown core and the Fitzwilliam Street corridor are the city's most significant concentrations of commercial historic resources. These areas reflect the historical development patterns of the city's growth and correspond to the earliest settled areas, centred on the harbour and the 'Old City Neighbourhood'. More over, these areas reflect the prominent role played by the city's early merchant community in the economic, political and social growth of both the City of Nanaimo and the emerging Province of British Columbia. The surviving building stock is a wonderful architectural legacy as well as a tangible link to Nanaimo's early history.



Downtown Nanaimo - Commercial Street



In addition to the significant building stock, other characteristics combine to give Nanaimo's Downtown its unique flavour, including its unusual radial street pattern, the distinctive small scale and proportions of the buildings, the relationship of the buildings to the street, the unbroken street facade of Commercial Street and Victoria Crescent, facade detailing, and the use of materials, particularly brick. The Downtown consists of two distinct sub-areas:

#### *The Downtown Core*

One of the oldest cities in the province (the third to be incorporated, after New Westminster and Victoria), Nanaimo had its beginnings along the waterfront. In 1853 two French-Canadian labourers constructed the settlement's bastion. While it has been moved twice over the years the structure remains as the city's oldest standing man-made landmark. The coal industry was the engine behind Nanaimo's early growth. Downtown developed through the late 1800s adjacent to a cluster of early mines strung along the waterfront.

Many historic buildings survive in the Downtown and stand as stylistic representatives of this area's historic pattern of development, including wood frame false-front '*boomtown*' buildings, brick-faced commercial buildings from Nanaimo's Victorian era, the monumental Romanesque turn-of-the-century Court House, a Classical Revival '*Temple Bank*', traditional two storey commercial buildings from the booming Edwardian era predating the First World War, and striking examples of more modern structures. The Downtown Core has representative examples of all of the city's major development periods.

#### *Fitzwilliam Street*

The arrival of the Esquimalt & Nanaimo Railway spawned a vital commercial area on Fitzwilliam and Selby Streets that linked the E&N Station and the historic city centre. It was natural that retail businesses would locate in this area to take advantage of the business opportunities provided by proximity to the station. The oldest remaining building in the area is the Occidental Hotel, opened in 1887. The typical building form along Fitzwilliam Street is small in scale, two stories in height, with a commercial storefront and apartments above.

The benefits of the revitalization of Downtown and Fitzwilliam Street through the restoration of the area's heritage building stock in the 1980s, with assistance from the Heritage Area Revitalization Program and the Downtown Revitalization Program, continue to be realized today as the city nears the 21st century. Properly managed this legacy of historic buildings will continue to make a contribution to the overall image of the city as well as to the economic and tourism potential of the Downtown area.

Downtown Nanaimo serves a number of functions, both for city residents and for visitors. As the city's core, and the location of the greatest concentration of historic resources, Downtown should continue to serve as an economic, cultural and social centre. Consequently, it is essential to consider the conservation of Downtown in the light of the economic revitalization and developing social patterns. For local residents, Downtown provides a context for the quality of life in Nanaimo. The identity of the commercial core area is inseparable from its architectural heritage. Many of the historic resources identified in the accompanying inventory document are located in the Downtown area; a number of these have already received restoration funding, and are currently flagged on the city's database. The owners of downtown properties are already familiar with the use of design guidelines and controls.

The Downtown area is currently identified as Development Permit Area #14, with the objective of ensuring continuity and preservation of the heritage resources. The *Municipal Act* has now been amended so that DP areas cannot be declared for heritage protection, rather specific Heritage Area legislation needs to be in place.

A key consideration in the promotion of area conservation is the value of tourism to the local economy. Nanaimo is in a central location that allows for a large tourist potential, if there are sufficient attractions for visitors. This provides an incentive for the business community to proceed with the development of Downtown as a pedestrian oriented tourist destination attraction and shopping area. In order to develop Downtown Nanaimo as a viable attraction to outside visitors, the city should strive for greater levels of heritage authenticity, and encourage the development of a variety of uses, especially residential.

A Heritage Conservation Area (HCA) is intended to provide long-term protection for a distinctive historic area. This can provide protection to some or all of the properties within the boundaries; properties that are intended to be protected must be specified in the HCA by-law.

In recognition of the community value of the heritage resources of Downtown, it is recommended that a Heritage Conservation Area By-Law be enacted for the administration of this area. This would replace current Development Permit Area #14 - Downtown. The legislation currently enabling the DP area ran out in October, 1997. A Heritage Conservation Area would:

- Ensure continuity and preservation of the area's historic resources
- Achieve design control of alterations to existing buildings and new infill buildings to conserve heritage value
- Enhance and extend the historic transportation corridor of the Downtown H.A.R.P area
- Allow for the development of the Front Street and Fitzwilliam Street corridors as transportation 'gateways' to the Downtown area.

There are a number of design guidelines that are currently used to review projects in the Downtown area. In addition to O.C.P. and zoning requirements, Downtown projects are currently subject to review using a number of different guidelines. These should be reviewed for consistency, and consolidated as appropriate (See *Section 4.3*). As part of this process, the city may also wish to review its Sign By-law to ensure that inappropriate signs or murals do not impair the visual integrity of heritage buildings.

It is recommended that the city adopt a policy of using historically appropriate street furnishings within the Downtown area.

#### **STEPS RECOMMENDED TO DECLARE DEVELOPMENT PERMIT AREA #14 (DOWNTOWN NANAIMO) AS A HERITAGE CONSERVATION AREA**

##### **1. CONTINUE CURRENT INITIATIVES**

The city should continue the current initiatives to declare Development Permit Area #14 as the Downtown Heritage Conservation Area in the Official Community Plan.

##### **2. IDENTIFY THE PLANNING VISION FOR DOWNTOWN**

A consultant study should be initiated of the Downtown area, including:

- Identification of the area's critical historic character and significance
- Definition of area boundaries
- Schedule of Identified Heritage Resources
- Identification of what will not be regulated by the HCA By-Law
- Initiate, through Development Services, a study of current Downtown zoning, and how it may act as a disincentive to heritage conservation

##### **3. AWARENESS, EDUCATION AND INFORMATION**

The first step should be to define information needs - who needs to know what. The target audiences should be defined; staff, general public, building owners, etc. The city should work closely with the two Business Improvement Societies within the Downtown area, as well as with Tourism Nanaimo, and other potential partners in area promotion.

##### **4. IDENTIFY INCENTIVES FOR SCHEDULED BUILDINGS**

The appropriate incentives for buildings listed on the HCA Schedule should be determined. This should include zoning incentives (which may require overall downzoning, as determined by the zoning study) as well as the range of other *Municipal Act* incentives as defined in Step One.

##### **5. PREPARE TEMPORARY CONTROL PERIOD**

If necessary, the city is able to declare a control period for up to one year for the purposes of heritage area conservation planning (*Municipal Act* s.945). This should, however, not be enacted until prompted by a threatening situation.

## **6. DEVELOP PROCEDURAL AND ADMINISTRATIVE FRAMEWORK**

The permit review process should be clarified, including a consolidated set of conservation standards and design guidelines for the review of permit applications involving heritage resources. A separate Community Heritage Commission responsible for the Downtown area should be established; this advisory group should have strong links to the local business community, the Downtown and Fitzwilliam Street Business Improvement Societies, and Tourism Nanaimo.

The permit application process should be clarified, and streamlined as much as possible. One example is the permit system proposed for the Abbott and Marshall Streets Heritage Conservation Areas in Kelowna, where:

- Work that does not trigger a Building Permit (BP) (e.g. building maintenance but no exterior structural alteration) does not require a Heritage Alteration Permit (HAP).
- Work that requires a BP but does not require a zoning variance triggers a 'minor' HAP, but does not require an additional fee.
- Work that requires a BP and requires a zoning variance triggers a 'major' HAP, and an additional fee.

## **7. ADJUST DOWNTOWN ZONING**

It may be necessary to adjust Downtown zoning in order to remove any potential disincentives to conservation.

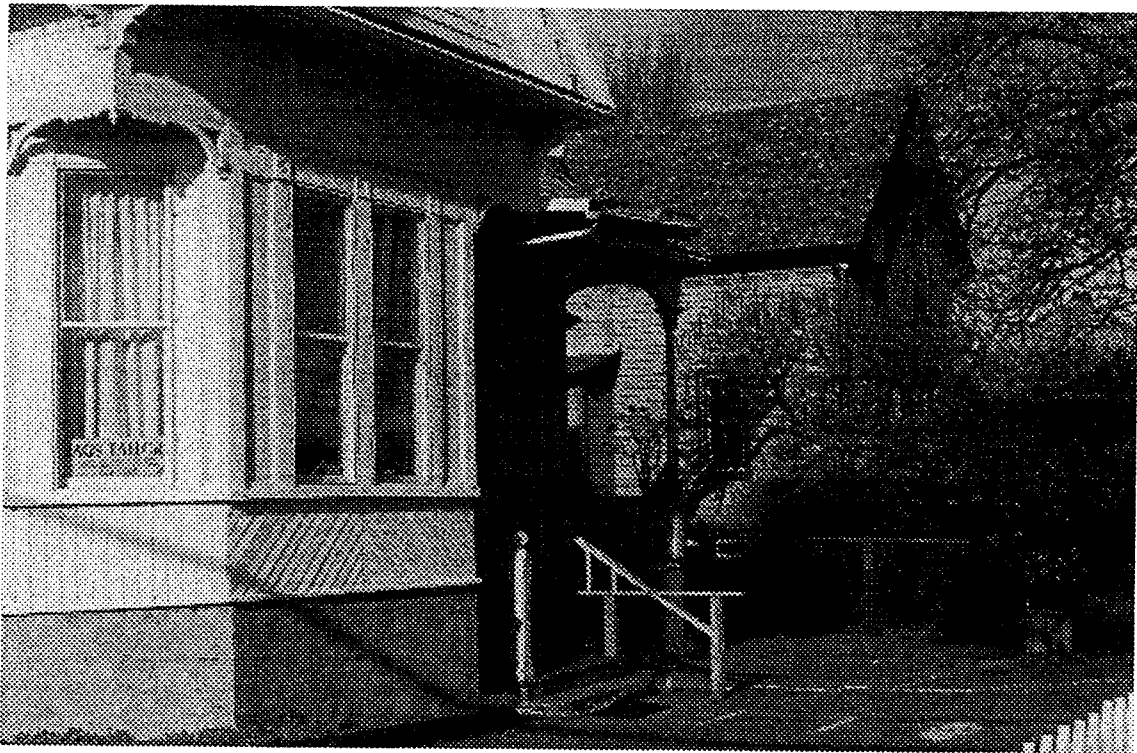
#### *4.2.2 Old City Neighbourhood (Development Permit Area 20)*

The preservation of the heritage character of this area has been stated as a planning goal, but has not been specifically defined. The historic resources in the area include:

- Inventoried buildings
- Other buildings that support neighbourhood heritage character
- Numerous landscape features, mature trees and gardens that provide an appropriate setting

The area should be studied as to its potential for future designation as a Heritage Conservation Area. This is warranted by the quality and concentration of the building stock contained within its boundaries. Until further conservation measures can be defined, the city should work towards ongoing preservation of heritage resources in this area.

It is recommended that the city adopt a policy of using historically appropriate street furnishings within the Old City Neighbourhood.



*100 Block Milton Street, Old City Neighbourhood*

#### 4.3 CONSERVATION PRINCIPLES, STANDARDS AND GUIDELINES

In addition to O.C.P. and zoning requirements, the City of Nanaimo has a number of design and heritage guidelines that apply to permit applications for heritage buildings:

- *Planning & Development Advisory Committee (PDAC) Terms of Reference*
- *Record of Properties with Heritage and Facade Funding*
- *General Development Permit Area Design Guidelines (1992)*
- *Downtown Design Guidelines (1984)*
- *Heritage Building Design Guidelines (1984)*
- *Heritage Gateways Design Guidelines (1988)*
- *Old City Multiple Family Residential Design Guidelines (1990)*

It would be difficult to consistently apply these different sets of guidelines, especially for isolated buildings outside of the city core; these guidelines also refer mainly to commercial buildings, and none are directly applicable to single-family residential buildings.

It is recommended that the City of Nanaimo develop a consolidated set of conservation principles, conservation standards and development guidelines to appropriately manage the future development of its historic resources. These should include:

- Conservation Principles:***  
Provide an overall framework in order to gauge the appropriateness of changes to historic resources.
- Conservation Standards:***  
Govern the proper treatment of the fabric of historic buildings.
- Development Guidelines:***  
Improved guidelines are required for additions, signs, awnings, and any other new construction. In addition, guidelines should be formulated for infill construction in the proposed conservation areas in order to avoid the use of inappropriate detailing, materials and design elements. These guidelines should reflect existing vernacular styles. Proper guidelines would permit sympathetic infill developments which compliment the character of the areas, but would not mimic existing heritage buildings, and thereby detract from the integrity of the area. The city may also wish to review its Sign By-law to ensure that inappropriate signs or murals do not impair the visual integrity of heritage buildings.

*Examples of principles, standards and guidelines which could be referenced are:*

- International Charters, including *'The Venice Charter'* ICOMOS, 1966; *'The Burra Charter'*, ICOMOS, 1981; and *'The Appleton Charter'*, ICOMOS, 1983.
- B.C. Heritage Trust Technical Paper Series 9: *'Principles of Heritage Conservation'*
- B.C. Heritage Trust Technical Paper Series 10: *'Restoration Principles and Procedures'*
- B.C. Heritage Trust Technical Paper Series 11: *'Rehabilitation Principles and Guidelines'*
- Lemon, Robert G., *'Vancouver Heritage Conservation Principles and Guidelines for Rehabilitation'*, 1986 and *'Rehabilitation Standards and Guidelines for the Ministry of Tourism, Recreation and Culture'*, 1987
- U.S. Department of the Interior, *'The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (Revised 1983)'*

#### 4.4 HERITAGE PROCEDURES BY-LAW

The new provisions of the *Municipal Act* enable the city to enact a Heritage Procedures By-Law, that would define an integrated planning approach to heritage applications, and expedite permit review for heritage resources. This by-law would outline development procedures for sites identified as having heritage significance, including delegation of authority. This is not intended to provide special treatment for heritage projects, rather it compensates for any additional consideration required in their processing.

It is recommended that the city enact a Heritage Procedures By-Law, that would consolidate and fast-track permit review procedures. It would clarify the city's expectations regarding applications involving potential heritage sites, and implement an inter-departmental team approach to reviewing and processing applications involving heritage resources; it would also allow Council to delegate authority for the negotiation of heritage issues.

*Currently the City of Nanaimo does not have a Heritage Procedures By-Law.*

#### **IMPLICATIONS**

- There is no uniform response to applications involving potential heritage sites
- There is uncertainty on the part of the city and the applicant
- There is no consistent basis for negotiating heritage retention

*The Heritage Procedures By-Law could include the following components:*

- ***Heritage Revitalization Agreements and Heritage Alteration Permits***  
Terms and conditions for issuance, and procedures for applications to amend. [Municipal Act, s.1005 (1), s.1006, s.10026 (3), and s.1027]
- ***Heritage Inspections***  
Terms and conditions of when and by whom such an inspection will be undertaken. [Municipal Act, s.1011]
- ***Delegation of Authority***  
Regarding who is authorized to negotiate on behalf of the city. [Municipal Act, s.1006 and s.1013]
- ***Reconsideration***  
Procedures to be followed when the applicant is not satisfied. [Municipal Act, s.1006 (2) (a) and s.1005 (4)]

#### ***4.4.1 Demolition Delay***

Under the provisions of the *Municipal Act*, a municipality may effect temporary delays of work for undesignated sites. Such delay may provide a useful preventative measure when a Council is undecided on the significance of an endangered building. This delay is intended to allow the city to assess the heritage significance of the site. At the end of the delay, the city must either designate, or else allow the proposed development to proceed. See *Appendix D: Heritage Conservation Toolkit* for further information.

One drawback of this form of temporary delay is that there is no mechanism to guarantee that the owner will negotiate; Council must still face the problem of compensation for designation under the current legislation. An owner can simply wait out the delay.

To close this gap in the legislation, the city may adopt as part of the Heritage Procedures By-Law a resolution which prohibits demolition of buildings on the Heritage Register until certain conditions have been met. Under the *Municipal Act*, the municipality is enabled to regulate and prescribe the conditions governing the issue of demolition permits. The city could then withhold a demolition permit until:

- Certain specified information, such as a heritage assessment, or documentation of the existing building, is provided, or
- Until a Cost Benefit Analysis has been completed (See *Section 4.4.2*), or



- Until the development permit and the building permit for the proposed replacement development and the building permit for demolition are issuable. These are the conditions of the demolition delay provision adopted by the City of Vancouver, and allows additional time for negotiation. Further, in a development permit area, it provides motivation for cooperation on the part of the owner to consider incorporating the heritage building into a redevelopment of the site.

Documentation should be undertaken prior to the demolition of any building listed on the Heritage Register (see *Section 5.8*). In cases where the demolition cannot be prevented, salvage procedures should be undertaken (see *Section 5.9*).

#### *4.4.2 Cost Benefit Analysis*

In the case of potential demolition of Heritage Register buildings in a Development Permit Area, it is recommended that the city consider requesting developers to prepare a cost benefit analysis of the retention of the building as part of the development. Under the *Municipal Act*, a municipality has the right to include requirements that affect the character of a development in a development permit application.

This analysis should take into account any incentives being offered by the city for retention and rehabilitation of the building, and should be undertaken to the satisfaction of the Director of Development Services.

#### *4.4.3 Demolition Fee*

It may be desirable to institute an increased demolition fee for buildings listed on the Heritage Register, based on a cost return basis. This could include the cost of documentation, if the city decides to undertake this task.

### **4.5 MINIMUM MAINTENANCE AND ANTI-NEGLECT BY-LAWS**

The City of Nanaimo is enabled to pass minimum maintenance and/or anti-neglect by-laws under the *Municipal Act* (See *Municipal Act* s.970 and s.979 [d], and *Appendix D: Heritage Conservation Toolkit*). Heritage Site Maintenance Standards establish the minimum requirements for the care and maintenance of sites that are designated or are located within a Heritage Conservation Area. This is a possible mechanism for preventing 'demolition by neglect'.

## 4.6 LEGAL PROTECTION

The city is empowered to protect heritage property through municipal heritage designation. Designation extends to buildings, structure or land in whole or in part. It, in effect, requires Council approval for demolition or exterior alterations. Other forms of legal protection are also allowed under the *Municipal Act*, such as covenants and Heritage Revitalization Agreements, and should also be explored as means of providing legal protection for heritage resources.

There are currently six municipally-designated building sites, three of which are owned by the city; refer to *Appendix A: Municipally Designated Heritage Sites* for further information. Only these sites may be considered legally protected; the other potential Heritage Register sites have no such protection, and may be subject to a variety of threats. The designated sites are:

- The Bastion, 98 Front Street (city-owned)
- Grassicks, 2 Church Street
- Frontier Building, 17 Church Street
- Beban House, 2290 Bowen Road (city-owned)
- Miner's Cottage, 100 Cameron Road (city-owned)
- E&N Railway Station, 321 Selby Street

### 4.6.1 Municipal Legal Protection

It is recommended that a policy for protection through designation of individual heritage buildings by the city be developed, employing the following guidelines:

- Legal protection should be sought over time for all buildings listed on the Heritage Register. This protection should be voluntary when possible; in cases of voluntary protection, the owner waives any future claim to compensation under the Act. Legal protection should also be required, as a guarantee of long-term preservation, when incentives are given to a building owner. The city may be able to fulfill any compensation requirements for designation by offering density bonuses or other incentives. Further study of designation procedures, and its relationship to Heritage Revitalization Agreements, is recommended.
- All publically-owned buildings on the Heritage Register should receive legal protection. The city can set the example by proceeding with heritage designation of its own buildings on the Register. Other public authorities should then be encouraged to follow suit.
- The *Heritage Conservation Act* does not specifically define compensation for designation. Further, there are no clear legal precedents for this issue. In some cases, it may be reasonable for the city to proceed with designation in conjunction with offering a bonus density, and/or municipal tax incentives, as part of the protection package.

- ❑ Where potential Heritage Register resources are threatened with demolition, (i.e. when heritage incentives have failed) the city may consider designating the resource, and incurring the possible costs of designation, if any.
- ❑ Future designation by-laws will need to include information regarding the heritage value or heritage character of the property, and may specify interior features.

It should be noted that there are notification procedures in the Act which must be followed before an amendment to the designation by-law is adopted by Council.

#### ***4.6.2 Provincial Heritage Designation***

Under Part 2 of the *Heritage Conservation Act*, the Province may designate a site or object. The protection under the Act is similar to municipal designation. The city should encourage the Province to designate heritage buildings in their ownership (and jurisdiction) within municipal boundaries. At this point in time, the one resource so affected would be the Nanaimo Court House, 31-35 Front Street.

### **4.7 PROPOSED CHANGES TO ZONING**

Zoning should be used to encourage conservation and discourage demolition of heritage resources. Heritage buildings should be examined in the light of development pressures which may be brought on them through a conflict between the existing heritage structure and the current zoning for the site.

The current zoning in some areas engenders some conflicts with the existing heritage resources, especially in the Downtown area. Other problem areas were identified in *'Nanaimo's Old City: Multiple Family Residential Design Guidelines'*:

**Light Industrial (M-2) Zone:** It was recommended in order to provide a high quality, well-serviced environment, that light industrial uses be phased out in the Old City, to be achieved through a uniform re-zoning.

**General Commercial (C-18) Zone:** This zoning predominates in the transition area of the Old City. It was recommended that heights and densities be reduced to achieve better quality of development and to protect prime view corridors.

**Multi-family (RM-6) Zone:** This zoning in the area adjacent to Milford Crescent Park was considered to be inappropriate both in height and density. A down-zoning was recommended.

#### 4.8 NANAIMO COMMUNITY HERITAGE COMMISSION

The city's Heritage Advisory Committee was one of the first to be established in the Province. It was reconstituted in 1996 as the Nanaimo Community Heritage Commission under By-Law No. 5159. As the City of Nanaimo Community Heritage Commission (NCHC) has been duly constituted, it remains only to further develop additional functions the members may wish to undertake. The current scope of work for the Commission includes:

- Advise Council on heritage conservation matters, issues and priorities
- Advise Council on the implications of development on Nanaimo's heritage through participation (single seat) on the Planning & Development Advisory Committee (PDAC)
- Assist with the development of Municipal heritage policy by commenting on Municipal heritage planning goals, objectives, policy and priorities as set by Council
- Receive submissions on relevant matters from individuals and groups in the community
- Improve public awareness and support for heritage preservation and the importance of archaeological sites and material
- Participate, annually, in the Nanaimo Heritage Summit
- File an annual work plan for the upcoming year for approval by Council, to include issues and areas of concern which require examination, an identified process to accomplish these tasks, and an estimate of time required to accomplish listed activities.

There are two areas where the duties of the NCHC could be expanded, depending on the expertise of Commission members and the desire to increase the effectiveness of their participation in the municipal process:

- Monitoring of the Heritage Register, including proposal of new additions or deletions as the situation of individual sites change over time, and ongoing evaluation of the effectiveness of the Heritage Program; refer to *Section 5.10 Heritage Program Maintenance and Monitoring* for further information.
- Participation in the review of significant permit applications affecting Heritage Register resources (staff can review minor permit applications). As is now common practice in other municipalities, the Heritage Commission could provide comments specifically on the heritage considerations of permit applications. These duties could also include the review of rezoning applications which affect heritage resources. This would require a review of the NCHC mandate, and moving the responsibility for the NCHC from Strategic Planning to Development Services, or the establishment of joint responsibility and staff liaison.

The City of Nanaimo should ensure that the Heritage Commission has an adequate budget to carry out these functions, including an annual consultant budget for architectural and historical research for buildings proposed for designation.

## 5.0 PROPOSED ADMINISTRATIVE POLICIES

### 5.1 CITY-OWNED HERITAGE RESOURCES

It is important that the City of Nanaimo establishes a stewardship role in the management of heritage resources. *The City of Nanaimo should set the standard for other owners of heritage properties.*

There is a need to promote heritage awareness within all city departments, so as to ensure that the value of city-owned heritage resources is fully recognized. This involves developing comprehensive policies and administrative mechanisms for publically-owned resources under direct city control.

There are currently eight buildings on the proposed Heritage Register that are municipally-owned; three of these are already legally protected:

- Raines Cabin, 500 Bowen Road
- Beban House, 2290 Bowen Road (designated)
- Miner's Cottage, 100 Cameron Road (designated)
- Gallows Point Lighthouse Keeper's Cottage, 208 Colviletown Trail
- First Nanaimo Scout Hut, 445 Comox Road
- Vancouver Island Regional Library, 580 Fitzwilliam Street
- The Bastion, 98 Front Street (designated)
- Nanaimo City Hall, 455 Wallace Street

The city also has direct control over a broad range of other heritage resources on city lands, such as landscape features and cemeteries. The conservation of heritage contributes to the quality of life and the environment, and is worthy of higher public profile and commitment. It is thus important that the city should adhere to recognized conservation principles in the treatment of its own resources, in order to best promote a shared stewardship of heritage resources. The city does not, however, have clear guidelines for the treatment of these sites; their care should be standardized through *individual conservation plans*. Future initiatives could include the development of *annual maintenance programs* for these sites, and an *internal monitoring process* for heritage resources under direct municipal control. This should include an awareness of, and sensitization to, heritage issues for all city departments.

The City of Nanaimo should adopt the following seven point plan for dealing with the heritage resources under its direct control and ownership:

1. All city-owned buildings included on the Heritage Register should receive, over time, legal protection.
2. All city-owned heritage buildings should be restored according to recognized conservation standards.

3. The city should adopt a policy of acquiring and rehabilitating heritage buildings for city-generated uses where the need arises; the city should also adopt a preferential leasing policy for heritage buildings for city use.
4. A policy should be developed for the coordinated design and installation of interpretive plaques and signs on all city-owned heritage buildings.
5. The city should use its own buildings to demonstrate a creative approach to achieving seismic and life safety codes without jeopardizing the heritage characteristics of the resource.
6. The city should augment the visual appearance of historic areas through the use of appropriate street furnishings.
7. The city should develop guidelines for the ongoing conservation of identified landscape features and cemeteries, and other historic resources under its direct care.

## 5.2 OTHER PUBLICALLY-OWNED HERITAGE RESOURCES

There is a need within the community to promote a collective responsibility for heritage conservation. The city should be prepared to convey a clear message to other levels of government indicating the public desire to conserve heritage resources.

The city should actively seek the designation and restoration of Heritage Register buildings owned by other levels of government, Federal and Provincial (including Crown Corporations); these other owners should be encouraged to designate properties on the Heritage Register.

The Heritage Register buildings identified as being under public ownership, other than those owned by the city, are:

### *School District #68*

- Franklyn Street Gym, 421 Franklyn Street
- Harewood School, 505 Howard Street

### *Crown Federal*

- Nanaimo Post Office, 54-66 Front Street
- Pacific Biological Station, 3190 Hammond Bay Road
- Esquimalt & Nanaimo Railway Station, 321 Selby Street (Crown Corporation)

### *Crown Provincial*

- Nanaimo Court House, 31-35 Front Street (B.C.B.C. - Crown Corporation)

### 5.3 INSTITUTIONALLY-OWNED HERITAGE RESOURCES

There are seven sites identified on the Heritage Register that are currently owned by non-profit institutions:

- Christian Science Building, 20 Chapel Street
- St. Paul's Anglican Church, 100 Chapel Street
- Ashlar Lodge, 101 Commercial Street
- St. Andrew's United Church, 315 Fitzwilliam Street
- Haliburton Street Methodist Church, 602 Haliburton Street
- *Wah Ying Huk Jan* Building, 880 Hecate Street
- Our Lady of Good Counsel, 4334 Jingle Pot Road

These buildings are good candidates for long-term preservation, and the owners may have no objection to legal protection, as long as their operational needs are being fulfilled. Two of these buildings have already received H.A.R.P. restoration funding (St. Paul's and Ashlar Lodge). The city should contact these institutional owners to determine their specific requirements, and the incentives that may be required in exchange for legal protection.

### 5.4 CEMETERY PRESERVATION POLICIES

As early as 1922 the B.C. Historical Society recognized the role that cemeteries play in honouring the past. Interest in cemetery preservation grew through the 1960s, parallel to a renewed interest in heritage conservation and in genealogy. In addition to providing a tangible link to the past, historic cemeteries also provide open green space within an urban context. Proper cemetery maintenance is also a mark of respect for the descendants of those interred. Specific provisions regarding burial grounds are provided under provincial legislation.

Historic cemeteries may suffer from a variety of threats, both intentional and unintentional. Vandalism is a major threat to historic headstones, but improper maintenance and watering, and inappropriate plantings, may also cause deterioration. Cemeteries, like other historic resources, require proper conservation procedures to ensure the survival of their heritage character.

Six historic cemeteries have been identified within Nanaimo's boundaries:

- Nanaimo Public Cemetery, 555 Bowen Road
- St. Peter's Cemetery, 301 Machleary Street
- Chinese Cemetery, 1598 Townsite Road
- Pioneer Cemetery Park, 10 Wallace Street
- Wellington Cemetery, 4700 Ledgerwood Road
- Nanaimo Indian Band Cemetery (outside of municipal jurisdiction)

Pioneer Cemetery Park is no longer active as a burial ground, but has been developed as a park and interpretive site, and is an excellent example of the potential for cemeteries to act as public open space. The city has been extremely sensitive in the treatment and maintenance of this site.

For cemeteries under direct civic control, proper conservation policies should be developed to ensure long-term preservation. These policies should include:

- Identification and sensitization of key personnel involved in decision-making and maintenance
- Development of overall maintenance standards
- Continuing headstone preservation and repair
- Augmentation of historic character through appropriate furnishings and plantings
- Removal of inappropriate plantings, e.g., those with destructive root systems
- Better perimeter security and lighting
- Development of public awareness through interpretive signs, brochures and walking tours

If properly conserved and interpreted, historic cemeteries can play a central role in the city's evolving Heritage Program. The city should allocate resources to further study specific issues related to historic cemeteries, and develop a Master Plan for municipal cemetery conservation.

## 5.5 LANDSCAPE CONSERVATION POLICIES

The city has in place a mechanism for the conservation of significant landscape specimens, the City of Nanaimo Tree Protection By-Law 1993 No. 4695 [pursuant to the *Municipal Act* s.929.01; s.929.02; s.929.03].

The By-Law identifies three classes of trees; those important to the community for 1) heritage value; 2) as wildlife habitat; and 3) for landmark value. Schedule A of the By-Law lists Identified Heritage Trees. Permits are required to cut down identified trees, and permit application requirements are outlined. Conditions of replacement are also specified.

The biggest issue with the By-Law is enforcement. The mechanisms will work to ensure protection of significant trees if properly enforced; on-going flagging and monitoring should be in place. Public awareness needs to be built around this issue.

See *Appendix C: Identified Heritage Trees* for those trees that are currently protected under the By-Law.

## 5.6 ARCHAEOLOGICAL SITES POLICY

*'Archaeological resources consist of the physical remains of past human activity. The scientific study of these remains, through the methods and techniques employed in the discipline of archaeology, is essential to the understanding and appreciation of prehistoric and historic cultural development in British Columbia. These resources are often very susceptible to disturbance and are non-renewable and finite in number.'*

*'British Columbia Archaeological Resource Management Handbook', page 3.*



Protection for archaeological resources is provided through the *Heritage Conservation Act* (1994). The Act outlines procedures for impact assessment and review for sites found to contain archaeological material. The Archaeology Branch of the Ministry of Small Business, Tourism & Culture maintains information on known sites throughout the province.

The treatment of archaeological sites falls under provincial jurisdiction, but the city needs to be familiar with the correct procedures for handling this issue, as defined in the '*British Columbia Archaeological Resource Management Handbook*'. New or existing archaeological sites should be carefully examined, and situations which threaten each site should be handled in conformance with the '*British Columbia Archaeological Impact Assessment Guidelines*'. The Minister may order the owner of a heritage site to carry out a site investigation to record, remove or salvage a heritage object; or undertake a site survey to assess the heritage significance of the site.

Known archaeological sites should be flagged for identification on the city's GIS System, in the same manner as heritage building resources. The location of the sites should, however, be kept confidential from the general public.

## 5.7 CITY RECORDS MANAGEMENT POLICY

Historical records are an integral part of heritage conservation, and public access to these records is a key component of awareness and education programs. Nanaimo currently has an extensive records management policy, and financially supports the Nanaimo Community Archives Society.

The Nanaimo Community Archives Society, formed in 1991, provides an essential service in the proper conservation of the city's historic records. It holds in its collection early city records, extensive documentation of the history and appearance of individual buildings, and general historical background that is of interest to many different segments of the community-at-large.

The city should continue its commitment to the Society's collection of valuable archival material by providing adequate and safe storage facilities. This should include on-going provision of proper humidity and temperature control, fire protection and storage systems, and a commitment to funding for adequate staffing.

The requirements of the Archives should be reviewed, and an adequate budget set aside to achieve the goal of long term preservation of, and public access to, these invaluable records. The city should continue to work with the Nanaimo Community Archives Society to establish a comprehensive community archives program.

## 5.8 DOCUMENTATION POLICY

For buildings and structures identified on the Heritage Register that are threatened with demolition, alteration or neglect, it is recommended that adequate documentation be undertaken as quickly as possible. In cases of proposed demolition of Heritage Register resources, the developer should be requested to provide this documentation (the alternative is for the city to undertake this on a cost-recovery basis; see *Section 4.4.3 Demolition Fee*).

As a long-term goal, all of the resources listed on the Heritage Register should be documented, as time and resources permit. As noted above, the first priority should be those threatened by demolition, renovation, or neglect.

This documentation should include, but not be limited to, as-found (measured) drawings and photographs, prepared to recognized professional standards. It could also be accomplished through photogrammetric recording, which could also assist individual owners wishing to undertake further work on their buildings by providing accurate base drawings. It could also assist in reconstruction in the event of an earthquake or other catastrophe. A budget should be established, and the work phased over a period of time, as funds allow. Funding may be available through the B.C. Heritage Trust for documentation programs.

## 5.9 CITY SALVAGE POLICY

The city should work with the Nanaimo Centennial Museum to develop a policy for the salvage of architectural and other artifacts in cases where demolition cannot be prevented, or where a catastrophic event has occurred to a heritage site.

Salvage of significant artifacts should be negotiated as a condition of development. These features could then be recycled into new projects or become part of the museum collection. The city should study the feasibility of establishing a building salvage yard for the storage, and possible re-use, of significant architectural salvage. This salvage yard could be administered either through the city or another agency.

Further to the salvage of Register sites, the city may wish to make note of demolition permits of all older buildings and structures. This could be accomplished either by:

- A stamp on all demolition permit applications and new building plans to call the appropriate agency to arrange salvage before demolition. This is similar to the City of Vancouver, where plans are stamped with a note to call the Vancouver Museum before demolition.
- Make arrangements for appropriate Museum or Archives staff to tour sites before demolition to identify artifacts which should be collected by the city.

## 5.10 HERITAGE PROGRAM MAINTENANCE AND MONITORING

In order to remain effective, the city's Heritage Program will require commitment over time. This will require an ongoing allocation of resources to ensure continuity of programs and initiatives.

The progress and effectiveness of the city's heritage program should be reviewed on a regular basis. Other municipalities update their Heritage Programs on a one, three or five year basis, depending on the needs of their community.

The Heritage Register By-Law should be reviewed yearly to reflect:

*The addition of new Register resources identified through:*

- Public Nomination or ongoing research
- Local Area Heritage Reviews
- Voluntary inclusion
- Inclusion in exchange for incentives

*The deletion of Register resources due to:*

- Demolition or inappropriate alterations

It is recommended that in order to best maintain its Heritage Program, the City of Nanaimo should undertake a review of its programs every three years, and an update of its Heritage Register every year.

## 6.0 INCENTIVES AND HERITAGE SUPPORT PROGRAMS

The following are a number of potential mechanisms that could be used to actively promote the conservation of heritage resources. In order to successfully achieve the objectives of heritage conservation, regulation is best balanced by incentives for the retention and rehabilitation of heritage resources.

These incentives should be used to achieve the goals of heritage conservation, and will need to be negotiated on a site-by-site basis. Whenever heritage incentives are offered, the resource must be protected. *For sites not included on the Heritage Register, conservation incentives must be tied to Register inclusion.*

### 6.1 FINANCIAL INCENTIVES

One of the most effective ways to encourage private owners to retain and maintain heritage properties is to provide financial incentives in the form of special funds or tax incentives. The following types of financial incentives are recommended for consideration by the city:

#### *6.1.1 Direct Grants for Rehabilitation and Restoration*

Direct grants are one of the most effective means of encouraging the preservation of heritage buildings. One example of the successful use of such grants are the programs offered by the City of Victoria through the Victoria Heritage Foundation and the Civic Trust. Nanaimo may wish to study these programs for appropriate new ways to encourage conservation (refer to *Municipal Act* s.230 (3) (a) regarding protected heritage property).

#### *6.1.2 Municipal Tax Incentives*

Currently, in British Columbia, if a property owner undertakes a rehabilitation of a heritage building, they are faced with an increased property tax assessment. This, combined with the high cost of meeting life safety standards, can make the upgrading of heritage properties a marginal economic proposition.

The American example has demonstrated that incentives tied to income tax are one of the most effective mechanisms for the preservation of heritage buildings. In Canada, Federal income tax incentives for conservation do not currently exist, but municipal tax incentives have been proven to be successful in Winnipeg and Edmonton. Municipal property tax incentives for historical properties in British Columbia are now specifically enabled under the *Municipal Act* (See *Appendix D: Heritage Conservation Toolkit*). The City of Victoria became in 1998 the first municipality to institute a system of tax relief for heritage buildings, based on the costs of seismic upgrading.

Tax incentives are a long term investment, but are also economically responsible, as they assist in making marginal properties viable, making them eligible for full taxation in the future. It is recommended that, in principle, a tax incentive be based on a temporary rebate system rather than any permanent adjustment of the assessment category for the heritage property. This is based on the premise that the funds allocated for a tax incentive in the short run will be returned to the city in the long term in the form of an increased assessment for a rehabilitated building. It is also recommended that any tax incentives be tied to a specific period of time, as an encouragement for owners to take advantage of the incentives, and to test the cost/benefits before instituting incentives as a permanent part of the heritage program (refer to *Municipal Act* s.342 (1) regarding 'eligible heritage property'). *Legal protection must be a prerequisite to receiving any form of tax incentive.*

There are a number of ways in which tax incentives for heritage buildings could be provided (refer to *Municipal Act* s.344 [3]):

- ❑ The first option is to exempt a portion or all of the municipal taxes on improvements for designated buildings. This does not, however, recognize the different situations of individual properties or different upgrading costs. In addition, it does not provide an incentive for owners to upgrade their buildings. This does, however, act as a deterrent to the demolition of buildings to avoid taxes.
- ❑ The second, and recommended, option is to institute two levels of tax incentive, which respond on a case-by-case basis to the costs of revitalizing heritage buildings:
  - i) In order to encourage full upgrading of heritage buildings, a significant incentive would be to rebate municipal taxes (which can also include school and business taxes) on improvements (up to the cost of rehabilitation) for up to ten years. This tax incentive should be based on an eligibility criteria such as a minimum construction cost per square foot, or should be tied to the upgrading of the building, as specified by the Schedule of Compliance.
  - ii) In order to provide a further inducement for rehabilitation, tax incentives in the form of a rebate equal to the amount of the increase in taxes (on the improvements) from the assessed amount before rehabilitation could be provided. This may be tied to a ten year time period, or may be calculated to cover the costs of restoration and code compliance.

Additionally, the city may wish to continue its support for the current movement for Federal Income Tax incentives. This would require the passage of a resolution by Council, forwarded to the Federal Minister of Finance.

## 6.2 DEVELOPMENT INCENTIVES

### *6.2.1 Density Bonus and Transfer Procedures*

There are a number of circumstances under which a bonus density could be offered and/or transferred as an incentive for preservation. Any bonus density should be related to the cost of retaining significant heritage portions of the site.

Smaller 'bonus densities' may be provided in the form of a relaxation of the zoning schedule through a negotiated Heritage Revitalization Agreement (*Municipal Act* s.966). Certain exemptions in the density calculation may be permitted to allow greater flexibility in cases where existing buildings are already over the permitted density; for example, restored interior public spaces could be exempted.

### *6.2.2 Development Variance Permits*

Development Variance Permits are currently used by the City of Nanaimo to allow relaxations of the zoning schedule, with the exception of density and use. These may be of some use in cases where a Heritage Revitalization Agreement is not possible. In the case of new construction, their use should be subject to design guidelines, as described in *Section 4.3*.

### *6.2.3 Building Code Equivalencies*

Building code upgrading is the most important aspect of heritage building rehabilitation as it ensures life safety and long-term protection for the resource. Unfortunately the cost of seismic and life safety upgrading is often the largest disincentive for the rehabilitation of larger heritage buildings. These costs, if codes are strictly interpreted, may be prohibitive. It is essential to consider heritage buildings on a case-by-case basis; blanket application of code requirements does not recognize the individual requirements and inherent strengths of each building. Over the past few years a number of code equivalencies have been developed, and adopted in the National Building Code, which make heritage building upgrading more feasible. For example, the use of sprinklers in a commercial heritage structure helps to satisfy fire separation and exiting requirements.

Given that code compliance is such a significant factor in the preservation of heritage buildings and areas, the most important factor is to provide viable economic methods of achieving building upgrading. To a certain extent, the use of code equivalencies is discretionary. In order to provide consistent review and knowledgeable advice to building owners, it is recommended that one person in Building Inspection be assigned as primarily responsible for code equivalencies. This assigned person should receive sufficient training to be conversant in heritage building code equivalency issues.

#### *6.2.4 Seismic Considerations*

Seismic upgrading presents a particular challenge to the long-term preservation of the commercial buildings of Downtown Nanaimo. Many structures are of unreinforced brick construction, which respond poorly to seismic stress.

If the current seismic codes were waived or relaxed for heritage buildings, it would promote only short-term retention, as many would then likely be lost in the event of a major earthquake. The long-term goal of heritage conservation requires that these buildings be made capable of withstanding earthquakes of expected magnitudes.

The City of Nanaimo can draw on the experiences of Victoria and Vancouver in their experience with seismic upgrading of heritage buildings. Nanaimo may also wish to institute tax incentives for seismic upgrading, as was passed by the City of Victoria in 1998 (See *Section 6.1.2 Municipal Tax Incentives*).

### 6.3 ADMINISTRATIVE INCENTIVES

#### *6.3.1 Priority Routing of Heritage Register Permit Applications*

Heritage building owners frequently view the permit process as difficult and unpredictable with respect to by-law requirements and processing time. In order to ensure that heritage permit applications are expedited, there are several steps which could be taken to ensure efficient processing, including:

- Improved interdepartmental staff awareness.
- An inter-departmental team approach to expedite the review and processing of applications involving heritage resources (already underway).
- Where appropriate, a preliminary design conference for proposed changes, to provide conservation advice and assessment of development proposals.
- Assign one person in Building Inspection as primarily responsible for code equivalencies for heritage buildings.

This should not be seen as special treatment for heritage applications, but rather as compensation for any extra time required to process the application or for the negotiations involved in heritage retention.

### *6.3.2 The Permit Review Process*

To avoid confusion and clarify expectations about the development of heritage sites, a clear process should be defined for the review of permit applications for Heritage Register Buildings. These procedures can be clearly defined in a Heritage Procedures By-Law (See *Section 4.4*). Permit review for alterations, additions, and infill developments for Heritage Register sites should be based on conservation standards and design guidelines (see *Section 4.3*).

As described in *Section 4.8*, major additions and alterations to buildings on the Heritage Register could be referred to the Nanaimo Community Heritage Commission (NCHC). With respect to the advice on specific conservation issues, the resolutions of the Heritage Commission should supersede other recommendations, including those of the Planning & Development Advisory Committee. It is recommended that permit applications for minor alterations to Heritage Register sites be directed only to staff, in order to expedite the review process.

## 6.4 PUBLIC AWARENESS PROGRAMS

In order to carry out the intent of the Heritage Program, a campaign of 'heritage marketing' and public heritage awareness should be instituted. This could be coordinated by the city's Heritage Planner, the Nanaimo Community Heritage Commission, and/or community heritage groups. The real estate community and various business groups could also contribute, taking advantage of the tourist and other economic benefits of heritage. Heritage awareness programs could include:

- Walking tours of heritage sites (currently underway).
- A public relations program, including continuing articles about heritage concerns, and promotion of coverage of heritage events. The local media should be targeted at every given opportunity (currently underway).
- An interpretive plaquing program for commercial buildings.
- Publication of interpretive pamphlets and brochures.
- School programs, and the presentation of heritage within the broader spectrum of general education. The city, through the NCHC, should work with the School District in the development of teaching packages, beginning at the grade school level.
- Development of technical resources, which can be made available to property owners and designers.

Methods of promoting the prestige of ownership of a heritage resource should be explored. In the experience of other major cities the pride of ownership helps ensure long-term preservation by keeping the market value of such buildings at a premium. The city should assist in the establishment of more formal links between the Nanaimo Community Heritage Commission, community heritage groups, and Tourism Nanaimo.



## 7.0 IMPLEMENTATION OF THE HERITAGE ACTION PLAN

The recommendations for this *Heritage Action Plan* build upon a number of initiatives and previous studies that Nanaimo currently uses as the basis for its heritage program. The following are the steps required to implement the *Heritage Action Plan*:

### STEP ONE: ADOPT A COMMUNITY HERITAGE REGISTER

#### 1. AWARENESS, EDUCATION AND INFORMATION

The first step should be to define information needs - who needs to know what. The target audiences should be defined; staff, general public, building owners, etc. The Nanaimo Community Heritage Commission (NCHC) will be instrumental in contacting the owners of potential Register sites. Other awareness initiatives may include ongoing training (partly funded through the BC Heritage Trust and/or the Heritage Society of BC) and publications (partly funded through the BC Heritage Trust Community Heritage Development Program).

#### 2. WORK TOWARDS REGISTER ADOPTION

Initiate ongoing dialogue between the city and the owners of potential Register resources, as listed in *'The Heritage Resources of Nanaimo.'* The owners should be individually contacted, and procedures and incentives explained, in a non-threatening environment. It is important that the owners understand that this is not the equivalent of a legal designation, rather it is a management tool that may offer them long-term benefits.

#### 3. CLARIFY TOOLS AND PROCEDURES

Heritage incentives should be matched to community needs. Staff and the NCHC should continue to review the tools enabled under the *Municipal Act*, including Heritage Alteration Permits and Heritage Revitalization Agreements. The city should enact a Heritage Procedures By-Law that would clarify the permit review process, and could also delegate authority to an officer or authority for the negotiation of heritage issues. The possibility of tax incentives should also be explored; in the experience of other municipalities this can pay long-term dividends by encouraging the rehabilitation of marginal buildings to more active, and profitable, use.

#### 4. ADOPT THE HERITAGE REGISTER BY COUNCIL RESOLUTION

When this groundwork is complete, a Community Heritage Register can be adopted by resolution of Council. The Register should act as the basis for the city's ongoing Heritage Program. Register sites should be flagged on the city's Property Information System, *TEMPEST* and *PROSPERO*. Archaeological sites should be similarly flagged, but the location of sites should not be available to the general public. A brochure or pamphlet should be prepared that explains the Municipal Heritage Program, and identifies the process for owners and applicants. The Register should be monitored, and updated as required.

## **STEP TWO: DECLARE DEVELOPMENT PERMIT AREA #14 (DOWNTOWN NANAIMO) AS A HERITAGE CONSERVATION AREA**

### **1. CONTINUE CURRENT INITIATIVES**

The city should continue the current initiatives to declare Development Permit Area #14 as the Downtown Heritage Conservation Area in the Official Community Plan.

### **2. IDENTIFY THE PLANNING VISION FOR DOWNTOWN**

A consultant study should be initiated of the Downtown area, including:

- Identification of the area's critical historic character and significance
- Definition of area boundaries
- Schedule of Identified Heritage Resources
- Identification of what will not be regulated by the HCA By-Law
- Initiate, through Development Services, a study of current Downtown zoning, and how it may act as a disincentive to heritage conservation

### **3. AWARENESS, EDUCATION AND INFORMATION**

The first step should be to define information needs - who needs to know what. The target audiences should be defined; staff, general public, building owners, etc. The city should work closely with the two Business Improvement Societies within the Downtown area, as well as with Tourism Nanaimo, and other potential partners in area promotion.

### **4. IDENTIFY INCENTIVES FOR SCHEDULED BUILDINGS**

The appropriate incentives for buildings listed on the HCA Schedule should be determined. This should include zoning incentives (which may require overall downzoning, as determined by the zoning study) as well as the range of other *Municipal Act* incentives as defined in Step One.

### **5. PREPARE TEMPORARY CONTROL PERIOD**

If necessary, the city is able to declare a control period for up to one year for the purposes of heritage area conservation planning (*Municipal Act* s.945). This should, however, not be enacted until prompted by a threatening situation.

### **6. DEVELOP PROCEDURAL AND ADMINISTRATIVE FRAMEWORK**

The permit review process should be clarified, including a consolidated set of conservation standards and design guidelines for the review of permit applications involving heritage resources. A separate Community Heritage Commission responsible for the Downtown area should be established; this advisory group should have strong links to the local business community, the Downtown and Fitzwilliam Street Business Improvement Societies, and Tourism Nanaimo.

### **7. ADJUST DOWNTOWN ZONING**

It may be necessary to adjust Downtown zoning in order to remove any potential disincentives to conservation.

### STEP THREE: LONG-TERM AND ONGOING INITIATIVES

*The City of Nanaimo should:*

- Develop a stewardship policy for city-owned heritage resources. This should include the inclusion of city-owned sites on the Heritage Register.
- Continue the identification of significant landscape features, and enforce current regulations.
- Allocate resources for the development of a Master Plan for municipal cemetery conservation.
- Consider the future designation of Development Permit Area #20 as a Heritage Conservation Area.
- Continue to work with the Nanaimo Community Archives Society to establish a comprehensive community archives program.
- Work with the Nanaimo & District Museum to establish a salvage policy.

## 7.1 IMPLEMENTATION SCHEDULE

### YEAR ONE: 1998

#### CITY OF NANAIMO

- ❑ *Awareness, Education and Information:*
  - Training and education of staff as required (e.g.: Legislative and other Workshops). May be partly funded through the BC Heritage Trust and/or the Heritage Society of BC).
  - Publish and distribute *'The Heritage Resources of Nanaimo'*.
  - Prepare a brochure that explains the heritage permit application/review process, and potential incentives, for owners and applicants (may be partly funded through the BC Heritage Trust Community Heritage Development Program).
  - Initiate awareness initiatives around the Downtown HCA.
  
- ❑ *Clarify Tools and Procedures*
  - Begin the process of formalizing heritage incentives and conservation tools through staff and NCHC review e.g., Heritage Alteration Permits.
  
- ❑ *Downtown Heritage Conservation Area*
  - Continue current initiatives to declare the Downtown HCA in the OCP.
  - Initiate the planning vision for Downtown through a focussed study (through the Development Services Department).
  - Prepare Temporary Control Period By-Law, but hold in readiness until needed.
  - Begin development of a procedural and administrative framework for the HCA.

#### NANAIMO COMMUNITY HERITAGE COMMISSION

- ❑ *Awareness, Education and Information:*
  - Begin process of contacting building owners to explain the benefits of a Heritage Register, and build support for its adoption.
  - Continue heritage awards and other awareness initiatives.
  - Work with the School District in the development of teaching packages, beginning at the grade school level.
  - Work to sensitize Council to heritage issues.
  
- ❑ *Clarify Tools and Procedures*
  - Assist staff in the review of heritage incentives and conservation tools.
  - Review the mandate of the NCHC. Move responsibility for the NCHC from Strategic Planning to Development Services, or establish joint responsibility and staff liaison. Refer permit applications involving heritage resources to the NCHC for comment.

## YEAR TWO: 1999

### CITY OF NANAIMO:

Continue previous initiatives, plus:

- ❑ *Adopt the Heritage Register and Appropriate Administrative Framework*
  - Formalize heritage regulations through the adoption of a Community Heritage Register, a Heritage Procedures By-Law, a Heritage Site Maintenance Standards By-Law, and computer flagging.
  
- ❑ *Downtown Heritage Conservation Area*
  - Complete the planning study of the Downtown (through the Development Services Department).
  - Rezone as appropriate to promote conservation.
  - Enact the Downtown Heritage Conservation Area By-Law.
  
- ❑ *Municipal Stewardship Policies*
  - Explore the implications of a Municipal Stewardship Policy.
  - Standardize the care of municipally-owned heritage sites through the development of individual conservation plans.
  - Develop a consistent program of interpretive signing for municipally-owned sites.
  - Consider long-term protection for municipally-owned heritage sites that have not been designated.

### NANAIMO COMMUNITY HERITAGE COMMISSION:

Continue previous initiatives, plus:

- Encourage building owners to join the Heritage Register.

## **YEAR THREE: 2000**

### **CITY OF NANAIMO:**

Continue previous initiatives, plus:

- Implement the Municipal Stewardship Policy.
- Monitor and update the Heritage Register as required, in conjunction with the Heritage Commission. Work through the neighbourhood planning process to identify local concentrations of heritage resources.
- Continue to identify significant landscape features, and enforce current regulations.
- Develop a Master Plan for municipal cemetery conservation.
- As time and resources permit, work with the Old City Neighbourhood to designate Development Permit Area #20 as a Heritage Conservation Area. This will require the same steps as undertaken for the Downtown HCA, undertaken over a two to three year time frame.
- Continue to work with the Nanaimo Community Archives Society to establish a comprehensive community archives program.
- Work with the Nanaimo & District Museum to establish a salvage policy.

### **NANAIMO COMMUNITY HERITAGE COMMISSION:**

Continue previous initiatives, plus:

- Work with staff to update and monitor the Heritage Register.

## **YEAR FOUR: 2001**

At this point the Heritage Program should be reviewed to ensure that it is functioning effectively. If so, current initiatives should be continued. If problems are identified at this point, the Heritage Management Plan framework should be reassessed.

# ACKNOWLEDGEMENTS

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There were many people who generously contributed their time and knowledge to ensure the success of this project:

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Tom Baxter, Co-Chair  
Stephen Davies  
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### **NANAIMO CITY COUNCIL, 1997**

Gary Richard Korpan, Mayor  
William Frederick King, Councillor  
William John Little, Councillor  
Paulette Alexandra McCarthy, Councillor  
Donald Blake McGuffie, Councillor  
Larry Dalton McNabb, Councillor  
Douglas Earle Rispin, Councillor  
Loyd Sherry, Councillor  
David Garfield Thompson, Councillor



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*The British Columbia Heritage Trust has provided financial assistance to this project to support conservation of our heritage resources, gain further knowledge and increase public understanding of the complete history of British Columbia.*

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# APPENDIX A: MUNICIPALLY DESIGNATED HERITAGE SITES

*The following sites have received municipal heritage designation:*

- The Bastion, 98 Front Street (HCA, By-Law #2900, December 2, 1985)
- Grassicks, 2 Church Street (HCA By-Law #1781, December 19, 1977)
- Frontier Building, 5-17 Church Street (MA, By-Law #1574, March 3, 1975)
- Beban House. 2290 Bowen Road (MA, By-Law #5207, November 4, 1996)
- Miner's Cottage, 100 Cameron Road (HCA, By-Law #2410, February 18, 1980)
- E&N Railway Station, 321 Selby Street (HCA, By-Law #1850, December 19, 1977)

HCA: *Heritage Conservation Act*

MA: *Municipal Act*

# APPENDIX B: PROPOSED HERITAGE REGISTER

## HISTORIC BUILDINGS

- 437 Albert Street
- 763 Albert Street
- 70-76 Bastion Street
- 121 Bastion Street
- 133-41 Bastion Street
- 500 Bowen Road
- 2290 Bowen Road
- 100 Cameron Road
- 25 Cavan Street
- 20 Chapel Street
- 41 Chapel Street
- 99 Chapel Street
- 100 Chapel Street
- 2-4 Church Street
- 5-17 Church Street
- 191 Colvilletown Trail
- 208 Colviletown Trail
- 13 Commercial Street
- 19 Commercial Street
- 37-45 Commercial Street
- 83-87 Commercial Street
- 93-99 Commercial Street
- 101 Commercial Street
- 143-155 Commercial Street
- 172-174 Commercial Street
- 200-206 Commercial Street
- 4-100 Comox Road
- 445 Comox Road
- 904 Crace Street
- 112 Craig Street
- 1500 Cranberry Avenue
- 1518 Cranberry Avenue
- 467 Eighth Street
- 84 Esplanade
- 715 Farquhar Street
- 1009 Farquhar Street
- 315 Fitzwilliam Street
- 403-9 Fitzwilliam Street
- 411 Fitzwilliam Street
- 413-7 Fitzwilliam Street
- Meakin Residence
- Morrison Residence
- B.C. Telephone Exchange
- Commercial Hotel
- Eagle's Hall
- Raines Cabin, Bowen Park
- Beban House
- Rowbottom Residence (Miner's Cottage)
- Provincial Liquor Store
- Christian Science Society Building
- Shaw Residence
- The Pygmy Pavilion
- St. Paul's Anglican Church & Hall
- The Earl Block (Grassick's)
- The Bank of Commerce (Frontier Building)
- Western Fuel Company Office
- Gallows Point Lighthouse Keeper's Cottage
- Nanaimo-Duncan Utilities/B.C. Hydro
- Nash Hardware
- The Hall Block
- The Rogers Block
- The Hirst Block (Dakin Block)
- Ashlar Lodge (Masonic Temple)
- The Parkin Block
- A.R. Johnston & Co. Grocers
- The Halse Block
- Nanaimo Foundry
- First Nanaimo Scout Hut
- Nanaimo Public School
- Residence
- Residence
- Residence
- Residence
- 'Fernville', the Land Residence
- Western Fuel Company House #24
- Mine Rescue Station
- St. Andrew's Presbyterian (United) Church
- S&W Apartments
- Mitchell's Market
- T&B Apartments

- 426 Fitzwilliam Street
  - 432 Fitzwilliam Street
  - 437 Fitzwilliam Street
  - 580 Fitzwilliam Street
  - 815 Fitzwilliam Street
  - 825 Fitzwilliam Street
  - 423 Fourth Street
  - 375 Franklyn Street
  - 421 Franklyn Street
  - 750 Franklyn Street
  - 25 Front Street
  - 28 Front Street
  - 31-35 Front Street
  - 54-66 Front Street
  - 98 Front Street
  - 102 Fry Street
  - 797 Girvan Street
  - 545 Haliburton Street
  - 602 Haliburton Street
  - 703 Haliburton Street
  - 3190 Hammond Bay Road
  - 925 Harbour View Street
  - 880 Hecate Street
  - 505 Howard Street
  - 1881 Jingle Pot Road
  - 4334 Jingle Pot Road
  - 304 Kennedy Street
  - 305 Kennedy Street
  - 307 Kennedy Street
  - 536 Kennedy Street
  - 547 Kennedy Street
  - 639 Kennedy Street
  - 115 Machleary Street
  - 320 Machleary Street
  - 388 Machleary Street
  - 426 Machleary Street
  - 2126 Meredith Road
  - 408 Millstone Road
  - 129 Milton Street
  - 133 Milton Street
  - 347 Milton Street
  - 434 Milton Street
  - 164 Mount Benson Street
  - 184 Mount Benson Street
- Angell's Trading
  - Occidental Hotel
  - Rawlinson & Glaholm Grocers
  - Vancouver Island Regional Library
  - Shaw Residence
  - Beattie Residence
  - Commercial Building
  - Harris Residence
  - Franklyn Street Gymnasium
  - McCourt Residence
  - The Globe Hotel
  - Tom Brown's Auto Body
  - Nanaimo Court House
  - Nanaimo Post Office
  - The Bastion
  - Young Residence
  - Residence
  - Rowe Residence
  - Haliburton Street Methodist Church
  - Hayes Residence
  - Pacific Biological Station
  - Hunt Estate, South End
  - Wah Ying Huk Jan* Building
  - Harewood School
  - Brick House
  - Our Lady Of Good Counsel
  - Freethy Residence
  - Wilkinson Residence
  - Woodman Residence
  - Pargeter Residence
  - Adams Residence
  - Dykes Residence
  - Layr Residence
  - Rowbottom Residence
  - Nanaimo General Hospital
  - Rowley Residence
  - Residence
  - Residence
  - Wilton/Welch Residence
  - Wood Residence
  - Ledingham Residence
  - Residence
  - Galbraith Residence
  - Van Houten Residence

- 225 Newcastle Avenue
  - 34 Nicol Street
  - 2249 Northfield Road
  - 465 Park Avenue
  - 259 Pine Street
  - 546 Prideaux Street
  - 639-41 Prideaux Street
  - 1343 Quinn Lane
  - 746 Railway Avenue
  - 678-696 Second Street
  - 279 Selby Street
  - 321 Selby Street
  - 481 Selby Street
  - 610 Selby Street
  - 673 Selby Street
  - 151 Skinner Street
  - 275 Skinner Street
  - 36 Stewart Avenue
  - 404 Stewart Avenue
  - 725 Terminal Avenue North
  - 755 Terminal Avenue North
  - 40 Thetis Place
  - 560 Third Street
  - 225 Vancouver Avenue
  - 261 Vancouver Avenue
  - 441 Vancouver Avenue
  - 33-35 Victoria Crescent
  - 34 Victoria Crescent
  - 39-45 Victoria Crescent
  - 63 Victoria Crescent
  - 98 Victoria Road
  - 413 Victoria Road
  - 421 Victoria Road
  - 624 Wakesiah Avenue
  - 455 Wallace Street
  - 481-89 Wallace Street
  - 499 Wallace Street
  - 674 Wentworth Street
  - 697 Wentworth Street
  - 718 Wentworth Street
- Johnstone/Giovando Residence
  - Nanaimo Fire Hall #2
  - Northfield School
  - Residence
  - Residence
  - McKechnie Residence
  - Jones Residence
  - Residence
  - Residence
  - Newbury Farm House
  - Gilbert Residence
  - Esquimalt & Nanaimo Railway Station
  - Ramsay Residence
  - Beck Residence
  - Sullivan Residence
  - Reid Residence
  - Palace Hotel
  - Johnston Residence
  - Hoggan's Store
  - Egdell Residence
  - Burns Residence
  - Williams Residence
  - 'Five Acres' Farm
  - Schetky Residence
  - Sharp Residence
  - Ekins Residence
  - Commercial Building
  - Davidson Block/Queens Hotel
  - Nanaimo Pioneer Bakery (Johnson's Hardware)
  - Eagle Hotel/Terminal Hotel
  - McRae Residence
  - Residence
  - Isherwood Residence
  - Crewe Residence
  - City Hall
  - Brumpton Block
  - Merchant's Bank of Canada
  - Jenkins Residence
  - Wilson Residence
  - Crossan Residence



## HISTORIC CEMETERIES

- Nanaimo Public Cemetery 555 Bowen Road
- St. Peter's Cemetery 301 Machleary Street
- Chinese Cemetery 1598 Townsite Road
- Pioneer Cemetery Park 10 Wallace Road
- Wellington Cemetery 4700 Ledgerwood Road

## HISTORIC STRUCTURES, SITES AND OBJECTS

- Steam Locomotive 100 Cameron Road
- Coal Seam Cavan Street
- Dallas Square Cenotaph 85 Church Street
- Welsbach Gas Lamp 85 Church Street
- 1913 LaFrance Chemical Hose Wagon #2 666 Fitzwilliam Street
- Canoe And Totem Poles 6 Front Street
- Anchor Park 86 Front Street
- Pioneer Square/Little Bastion 28 Nicol Street
- Sloan Estate Gateposts 201-255 Stewart Avenue
- Garden Memorial to Chinese Pioneers Stewart Avenue
- Cappy Yates Park 311 Wallace Street
- Harewood Colliery Dams Colliery Dam Park
- Hamilton Powder Company's Works Site Departure Bay
- Mining Remnants Protection Island
- Petroglyph Provincial Park

## APPENDIX C: IDENTIFIED HERITAGE TREES

The following are the trees identified as 'Heritage Trees' in Schedule A of the City of Nanaimo Tree Protection By-Law 1993 No. 4695.

- Four Douglas Fir [*Pseudotsuga menziesii*], Waldebank Road
- Giant Sequoia [*Sequoiadendron giganteum*], 480 Caldonia Avenue
- Gary Oak [*Quercus garryana*], Lot 10, Plan 19050s
- Gary Oak [*Quercus garryana*], 1941 East Wellington Road
- Four English Oaks [*Quercus robur*], Howard Avenue
- Twenty-six English Oaks [*Quercus robur*], Row from Jingle Pot Road to 3rd Street, and Addison Road Boulevard
- Twenty English Oaks [*Quercus robur*], Lot 1, Plan 28980
- Three English Oaks [*Quercus robur*], Rem. Sec. 13, Range 8
- Two Lawson Cypress [*Chamaecyparis lawsoniana*], 461 Albert Street
- Native Red Cedar [*Thuja plicata*], Waldebank Road
- Nine Big Leaf Maples [*Acer macrophyllum*], 911 Comox Road
- Lombardy Poplar [*Populus nigra*], 386 Wakesiah Avenue
- Lombardy Poplar [*Populus nigra*], 384 Wakesiah Avenue
- Two Lombardy Poplars [*Populus nigra*], 376 Wakesiah Avenue
- Lombardy Poplar [*Populus nigra*], 623 Foster Street
- Indian Bean Tree [*Catalpa bignonioides*] 129 Milton Street
- Monkey Puzzle Tree or Chilean Pine [*Araucaria araucana*], 225 Vancouver Avenue
- Two Monkey Puzzle Trees or Chilean Pines [*Araucaria araucana*], 536 Kennedy Street
- Monkey Puzzle Tree or Chilean Pine [*Araucaria araucana*], 330 Machleary Street
- Monkey Puzzle Tree or Chilean Pine [*Araucaria araucana*], 120 Old Victoria Road
- Row of Black Locust or False Acacia [*Robinia pseudoacacia*], Rem. Lot 3, Plan 35726
- Row of Black Locust or False Acacia [*Robinia pseudoacacia*], Lot 1, Plan 35726
- Row of Black Locust or False Acacia [*Robinia pseudoacacia*], 865 and 875 3rd Street
- Row of Black Locust or False Acacia [*Robinia pseudoacacia*], 885 3rd Street
- Row of Black Locust or False Acacia [*Robinia pseudoacacia*], 324 3rd Street
- Copper Beech [*Fagus sylvatica atropunicea*], 126 Mount Benson Road
- Windmill Palm [*Trachycarpus fortunei*], 897 Howard Avenue
- Spanish Chestnut [*Castanea sativa*], 745 Townsite Road
- Mimosa or Silk Tree [*Albizia julibrissin*], 522 Old Victoria Road
- Tulip Tree [*Liriodendron tulipifera*], 307 Kennedy Road
- Black Walnut [*Juglans nigra*], 215 Newcastle Avenue
- Two Cherry and Plum (*Prunus*), 2168 Sarnia Road
- Chestnut [*Aesculus*], 510 Prideaux Street
- Giant Sequoia [*Sequoiadendron giganteum*] and other plant genera, 3255 Stephenson Point Road
- Robins Garden, 1150 Milton Street
- Group of Apple, Pear and Cherry, 2445-2545 Godfrey Road

## APPENDIX D: HERITAGE CONSERVATION TOOLKIT

The Heritage Conservation Toolkit lists the legislative tools available before, during and after a permit application is made. Tools enabled since 1994 are listed below as 'New Tools'.

### TOOLS THAT NEED TO BE IN PLACE BEFORE NEGOTIATION:

- Official Community Plan (*Municipal Act*)**  
Sets out the city's intent for development. States overall goals for heritage conservation and can also include heritage area designations.
- Zoning & Development By-Laws (*Municipal Act*)**  
Outline the existing general requirements for site development.
- Development Permit Controls (*Municipal Act*)**  
Give specific requirements for areas designated as Development Permit Areas.
- Heritage Conservation Areas (*Municipal Act*: New Tool)**  
The city can define special areas in the OCP to provide long-term protection to distinct heritage areas.
- Community Heritage Register (*Municipal Act*: New Tool)**  
The city can establish an official listing of properties defined as having heritage character or heritage value. This can act as the basis for the offering of incentives.
- Heritage Zoning (*Municipal Act*: New Tool)**  
A zoning schedule can be tailored to preserve the character of a heritage site or area.
- Community Heritage Commission (*Municipal Act*: New Tool)**  
Allows for an expanded terms of reference for the existing Commission, and the establishment of new commissions for other purposes.
- Heritage Procedures By-Law (*Municipal Act*: New Tool)**  
The city can enact a By-law that establishes the city's procedures and guidelines for heritage conservation. This by-law may also delegate authority to an officer or authority for the negotiation of heritage issues.
- Heritage Site Maintenance Standards (*Municipal Act*: New Tool)**  
The city can enact a '*Heritage Site Maintenance Standards By-Law*', that establishes the city's minimum requirements for the care and maintenance of legally protected heritage properties.
- Reservation and Dedication of Municipal Property (*Municipal Act*: New Tool)**  
The city can commit to the long-term protection of public property. Although previously enabled, there is new scope added to this tool.

**Administrative Procedures:**

- **Priority Routing**  
The city can institute a policy of expediting applications involving identified heritage resources.
- **Heritage Awareness Programs**  
The city can continue to make the public aware of the importance of heritage resources through education programs.
- **Commemoration and Interpretation**  
The city can provide for commemoration and/or interpretation of historic sites or buildings. This is not the equivalent of designation.
- **Complementary Public Works**  
The city may commit to public works that complement the character of heritage sites or areas.

**TOOLS AVAILABLE DURING NEGOTIATION:**

**Financial Incentives**

- **Financial Assistance (*Municipal Act*. New Tool)**  
Direct monetary grants can be offered in exchange for heritage conservation.
- **Tax Incentives/Exemption (*Municipal Act*. New Tool)**  
Full or partial tax exemptions can be offered of up to ten years.

**Development/Zoning Incentives**

- **Heritage Revitalization Agreements (*Municipal Act*. New Tool)**  
This is potentially the most useful new conservation tool, and has been widely used by other municipalities. This allows for a voluntary negotiated agreement, which may vary by-law and permit conditions. If use and density are not varied, a Public Hearing is not required. This is considered a form of legal protection.
- **Heritage Conservation Covenants (*Land Titles Act*. New Tool)**  
Allows for the negotiation of a contractual agreement with the owner, that is then registered on the Land Title. This may not vary siting, use or density. This is considered a form of legal protection.

- **Building Code Equivalencies**  
Buildings identified on an inventory or Heritage Register are eligible for building code equivalencies under the *BC Building Code*.
  - **Heritage Density Bonuses (*Municipal Act*)**  
Increases in density, although previously available, may now be achieved more easily through a Heritage Revitalization Agreement.
  - **Transfer of Density (*Municipal Act*: New Tool)**  
Although previously enabled, may now be expedited through negotiated agreements.
  - **Development Variance Permits (*Municipal Act*)**  
Allow for development requirements to be varied or waived.
- Heritage Designation (*Municipal Act*)**  
This tool is now enabled under the *Municipal Act*, and provides long-term protection and demolition control. Designation is generally negotiated in exchange for development incentives. This is considered a form of legal protection.
  - Heritage Alteration Permits (*Municipal Act*: New Tool)**  
Once a Heritage Conservation Area is established, HAP's may be required for subdivision, additions, new construction or alteration of an existing building. May also be used to allow changes to legally protected heritage property.
  - Tree Protection (*Municipal Act*)**  
Although previously enabled, there are now new procedures that streamline the ways in which the city can protect and maintain significant identified trees.

#### TOOLS AVAILABLE IF NEGOTIATION BREAKS DOWN:

- Temporary Heritage Protection (*Municipal Act*: New Tool)**  
A resource can be temporarily protected through the withholding of permits and approvals, or protection orders and by-laws. The resource must be listed on a Heritage Register, and a Heritage Procedures By-Law must be in place. Specific time periods apply, and this protection cannot be indefinitely extended.
- Heritage Designation (*Municipal Act*)**  
See above for details; if the resource is of sufficient community value, the city may enact an involuntary designation; this will make the city liable for compensation.
- Heritage Inspection (*Municipal Act*: New Tool)**  
The city can order heritage inspections to assess heritage value and conservation needs.

- ❑ **Heritage Impact Assessment (*Municipal Act*: New Tool)**  
The city can order an assessment to be prepared at either owner or city expense to predict the impact of a proposed development on adjacent heritage resources.
- ❑ **Relocation**  
When it is not possible to save a structure on its original site, it may be desirable to move it to another location to ensure its preservation. Costs may be borne either by the developer or the city.
- ❑ **Documentation**  
When it is not possible to save a structure, it may be desirable to document it before demolition. Costs may be borne either by the developer or the city.
- ❑ **Salvage**  
When it is not possible to save a structure, it may be desirable to salvage artifacts or portions of the structure before demolition. This may be accomplished through the Museum and Archives.

Further information on these tools may be found in *Heritage Conservation: A Community Heritage Guide*, or through reference to the appropriate legislation.

## APPENDIX E: PROJECTS IN NANAIMO FUNDED BY THE BRITISH COLUMBIA HERITAGE TRUST

The following grants from the British Columbia Heritage Trust have been awarded to the City of Nanaimo, and to local community organizations:

### *City of Nanaimo*

File #96-133	Nanaimo Heritage Workshop	\$1,500
File #97-108	Nanaimo Heritage Management Plan	\$15,000

### *City of Nanaimo, Heritage Advisory Committee*

File #82-022	Nanaimo Downtown Inventory	\$5,900
File #83-243	Nanaimo Technical Seminar	\$1,000
File #84-150	HARP Nanaimo Stage 1	\$2,000
File #84-240	HARP Nanaimo Stage 2	\$285,000
File #86-013	Nanaimo Bastion Structural Repairs	\$16,500
File #87-019	Nanaimo Heritage Gateways Inventory	\$6,000
File #87-419	Nanaimo Bastion Historical Research	\$4,236
File #88-092	HARP Nanaimo Heritage Gateways '87	\$215,598

### *City of Nanaimo, Parks, Recreation & Culture*

File #94-062	Beban House Feasibility Study	\$6,000
File #96-044	Beban House Restoration	\$51,500

### *Nanaimo Centennial Museum & Archives*

File #90-055	Nanaimo Centennial Museum	\$4,950
File #91-080	Nanaimo Museum Planning Study	\$2,500
File #92-051	Departure Bay Midden	\$10,800
File #92-077	Departure Bay Midden Site Phase 2	\$80,000
File #95-033	Departure Bay Midden Public Programming & Exhibit	\$6,000

### *Nanaimo & District Museum Society*

File #84-210	Publication Assistance: 'Nanaimo, The Story of A City'	\$2,500
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### *Nanaimo Historical Society*

File #81-017	Symposium - 'The Company on the Coast'	\$1,000
File #82-038	Publication Assistance: 'The Company on the Coast'	\$1,300

### *Nanaimo Bastion Museum Society*

File #90-070	Nanaimo Bastion Feasibility Study	\$10,000
File #90-154	Bastion Restoration	\$37,500

### *Nanaimo First Nation*

File #96-060	Nanaimo Traditional Land Use Oral History	\$9,800
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### *Malaspina University-College*

File #98-046	Nanaimo Chinatowns Heritage Assessment	\$24,000
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<i>Archaeological Society of B.C. (Nanaimo Branch)</i>	
File #95-072 Nanaimo Archaeological Site Inventory	\$20,000
<i>St. Andrew's United Church</i>	
File #93-062 St. Andrew's United Church	\$30,000
<i>University of British Columbia Commerce &amp; Business Administration</i>	
File #85-071 Nanaimo Cost Benefit	\$4,656
<i>Nanaimo Fire Department Heritage Society</i>	
File #92-189 Nanaimo 1913 LaFrance Fire Engine	\$12,600
<i>Nanaimo Yacht Club</i>	
File #89-098 Nanaimo Yacht Club Oral History	\$1,500
<b>TOTAL BRITISH COLUMBIA HERITAGE TRUST GRANTS</b>	<b><u>\$869,430</u></b>



# APPENDIX F: HERITAGE OBJECTIVES AND POLICIES FROM PLAN NANAIMO

## 1.7 Heritage

*Nanaimo's heritage resources include historically and architecturally significant buildings, structures, trees, natural landscapes and archeological features. These resources enrich and give a unique flavor to our neighbourhoods and contribute to our city's own particular sense of time, place and identity. Heritage resources are in danger of gradually being lost as development and change reshape the city. It is important that the City of Nanaimo develop a Heritage Resource Management Plan to identify its heritage assets and establish an effective means for heritage stewardship.*

*Archeological sites and resources have cultural, scientific, educational and economic value. These resources are often invisible. It is important that these resources be identified early in the project planning stages of development so that they can be adequately protected.*

### 1.7.1 Objectives:

- To identify and protect heritage resources: Identify significant heritage resources and potential archeological sites in the city and protect them from impacts that will destroy their heritage attributes.
- To maintain a distinct identity: Use heritage resources to help to maintain the distinct identity of the municipality and its neighbourhoods.
- To develop community support: Improve public awareness and support for heritage preservation and the importance of archeological sites and material.
- To cooperate with First Nations: Promote the exchange of information and cooperative planning with the First Nations.

## 1.7.2 Policies:

1. The City will prepare a comprehensive heritage management plan to accomplish the following:
  - assist in the integration of heritage assets in the City's development approval process; set community priorities around conservation issues; and outline a strategy for the coordination of community heritage efforts;
  - create a community heritage register of buildings, structures, properties and related information including archeological sites, which have heritage value or character.
  - work with neighbourhoods, non-residential areas, and First Nations through the local area planning process to identify areas of heritage significance; and
  - explore opportunities to implement protection of individual properties using the following tools, heritage revitalization agreements, maintenance standards, heritage impact assessments and temporary heritage protection, financial and other incentives.
2. Areas of archeological potential are identified on Schedule B Development Permit Areas and Sensitive Areas as an Archeological Potential Area.
3. The City supports the Province in its management of archeological resources in accordance with the Heritage Conservation Act and the Provincial permit system.
4. If archeological resources are identified on a development site either within the Archeological Potential Area or in another area, development should cease and the Archeological Branch should be contacted by the developer for direction on how to proceed.
5. Archeological resources located on lands owned by the City of Nanaimo will be conserved wherever feasible by avoiding archeological resources potentially affected or mitigating any impacts on an archeological site.
6. The City of Nanaimo will:
  - integrate consideration of heritage resource management with the City's development approval process and local area planning process;
  - maintain and enhance publicly owned heritage assets such as Beban House;
  - maintain the Nanaimo Community Heritage Commission for guidance and leadership on community heritage issues; and
  - consider protecting sites of high historical or archeological value through future park land acquisition (see section 1.3 Parks and Open Space).