

Section: Land Use and Development

Policy # 600

Version # 4

Effective Date: March 8, 2021

Replaces: v.3 (July 2017)

Approved By: Provincial Capital Commission, Board of Directors

1. Purpose:

The purpose of this policy is to establish criteria for the Provincial Capital Commission's (Commission) approval of improvements, and all land use within Wascana Centre and at Government House.

2. Scope:

This policy applies to all proponents of improvements (temporary or permanent buildings, structures, service facilities or landscape construction) in the Capital Region as well as Commission Administration, committees, and the Board of Directors.

3. Definitions:

3.1. **Improvement:** means a building, structure, or service facility constructed within the Capital Region, or landscape construction within the Capital Region, and any alteration thereof or addition thereto, but does not include the maintenance of a building, structure, or service facility or the maintenance of landscape construction.

3.2. **Landscape Construction:** has the meaning as defined in Section 1-2 of *The Provincial Capital Commission Act*.

3.3. **Maintenance:** includes:

3.3.1. ordinary care, repair, or painting of buildings, structures, service facilities and landscape construction or a replacement of them that, in the commission's opinion, does not involve a significant change;

3.3.2. snow and waste removal;

3.3.3. irrigation, lawn cutting, weed control, tree trimming;

3.3.4. repair of signage, benches, fencing or fountains or a replacement of them that, in the commission's opinion, does not involve a significant change; and

3.3.5. use of any machines, equipment or tools required to undertake the activities mentioned in clauses (a), (b), (c) or (d).

- 3.4. **Major Development:** means a proposed improvement which in the Commission’s opinion:
- 3.4.1. requires a major amendment to the *Wascana Centre – 2016 Master Plan* (Master Plan);
 - 3.4.2. may have a lasting or material impact on the use or quality of the Capital Region environment; or
 - 3.4.3. involves the construction of a building with a value prescribed in Section 4 of *The Provincial Capital Commission Regulations* (\$200,000 or greater in value or 200 square meters or greater in building area).
- 3.5. **Proponent:** means a person or organization, including a participating party, who proposes or desires to engage in, undertake, or commence an improvement on public land or private land in the capital region.
- 3.6. **Service Facility:** has the meaning as defined in Section 1-2 of *The Provincial Capital Commission Act*.
- 3.7. **Standard Improvement:** means all proposed improvements that do not meet the criteria of a major development and may include temporary improvements.
- 3.8. **Structure:** means anything constructed or erected, the use of which requires location on the ground or attachment to something located on the ground, but not including service facilities or landscape construction.
- 3.9. **Temporary Improvement:** means a standard improvement constructed in the Capital Region for less than one year that is not meant for human habitation.

4. Policy:

Policy Statement

- 4.1. The Provincial Capital Commission will review all proposals for improvements and land use to ensure that they are consistent with *The Provincial Capital Commission Act* (Act); *The Provincial Capital Commission Regulations* (Regulations); Commission bylaws; the Master Plan; and the Commission’s vision, mission, and mandate.

All land use and development in the Capital Region must align with the Commission’s core mandate which includes the:

- “the seat of government”;
- “education and research”;
- “cultural arts”;
- “recreational opportunities”; and

- “conservation of the environment”.
- 4.2. Improvements in Wascana Centre or Government House may be classified as standard improvements or major developments depending on the value, size, scope, and permanence of the improvement. The nature of the review and approval process for each improvement will differ depending on the nature of the development.

Land Development Approvals

- 4.3. The Chief Executive Officer (CEO) approves all standard improvements. Any standard improvement approved by the CEO will be reported to the Board along with a supporting rationale for the decision. (Note: maintenance is not an improvement and is subject to approval processes established by the Commission or the participating parties.)
- 4.4. The CEO may consult with the Architectural Advisory Committee (AAC), or any other advisory committee, to determine if a proposal is a major development, and will determine if an improvement is a major development or standard improvement according to the guidelines established in Appendix A.
- 4.5. The Board of Directors approves all major developments.
- 4.5.1. All proposals for major developments will follow the steps outlined in the Commission’s Proponent Development Checklist, including review by the AAC, the Engineering Advisory Committee (EAC), and Heritage Advisory Committee (HAC) (as applicable).
- 4.5.2. As per the Commission’s Public Participation Policy, all proposals for major developments must provide the public with the opportunity to provide input and feedback on the proposal.
- 4.6. When the Commission approves an improvement, the proponent must sign an Agreement with the Commission outlining the requirements, operations, and communication protocols all parties must abide by throughout the project.

Restrictions on Land Development

- 4.7. The Commission shall not approve an improvement that does not align with the Master Plan unless the proposal is for a temporary improvement below \$10,000. All improvements must be consistent with the Commission’s established land use patterns described in the Master Plan.
- 4.8. The Commission shall not approve:
- 4.8.1. improvements within the Waterfowl Park Area, (including the habitat conservation area and flood plain area) unless an environmental assessment is conducted to the satisfaction of the Commission; and
- 4.8.2. commercial improvements unless:

- 4.8.2.1. the Commission has previously identified the specific area for commercial development in the Master Plan; or
- 4.8.2.2. the commercial development supports the current mandate and programs/services of existing institutions, organizations, and facilities in Wascana Centre and Government House.

Land Use

- 4.9. The Commission may approve any land use, activities, leases, and occupants/tenants in Wascana Centre and Government House.
 - 4.9.1. Prior to the proponent and/or any tenants taking up occupancy, the appropriate agreements and leases outlining operating procedures, payment schedules, ongoing fees, operational and maintenance requirements, levels of service, and tenant approvals must be signed with the Commission.
 - 4.9.2. Any change of use of a property must be approved by the Commission prior to commencing, and all tenants must confirm and obtain approval from the Commission prior to any change of use as per the Commission's Tenant Land Use Application Policy.

Fees

- 4.10. The Commission will charge fees for the following:
 - 4.10.1. the review of applications for new improvements or changes to existing improvements; and
 - 4.10.2. one-time developments and changes to land use.
- 4.11. Commission fees shall be reviewed on an annual basis and approved by the Board of Directors.

Land Development Approval Process

- 4.12. The Commission's land development approval process for improvements is summarized in the Commission's Major Development Review Process (Appendix B).

5. Authority:

The policy is established under the authority of *The Provincial Capital Commission Act* and *The Provincial Capital Commission Regulations*.

6. Related Documents:

600.1: Proponent Development Checklist

APPENDIX A: CRITERIA FOR DETERMINING MAJOR DEVELOPMENTS, STANDARD IMPROVEMENTS, AND MAINTENANCE PROJECTS

When a development proposal is submitted by a proponent to the Commission, the proposal will be reviewed by Commission staff to determine if the proposal is a major development, standard improvement, or maintenance project according to the following criteria.

Major Developments

Major developments are for the construction or erection of buildings, structures, service facilities, and landscape construction. An improvement will be classified as a major development by the Commission if it:

- requires a major amendment to the Master Plan;
- has a lasting impact on the use or quality of the Capital Region environment; or
- involves the construction of a building valued at \$200,000 or greater or if the building area under construction is equal to or exceeds 200 square meters.

When determining if an improvement has a lasting impact on the use or quality of the Capital Region environment, the Commission will consider many factors, including if the improvement:

- requires an environmental, geo-technical, hydro-technical, and/or traffic impact analysis prior to approval;
- involves a building with heritage designation or a building that is being considered for heritage designation;
- materially impacts adjacent buildings and facilities in Wascana Centre or Government House or the program/service provision of existing occupants;
- has significant impacts on neighboring communities bordering Wascana Centre or Government House; or
- intersects with larger issues that affect the public interest and requires consultation with the public, as per the Commission's Public Participation Policy.

Major developments require review by the AAC, EAC, and/or HAC (as applicable) and approval by the Board, as per the Commission's Proponent Development Checklist.

Standard Improvements

All improvements that are not major improvements will be considered by the Commission as a standard improvement. Standard improvements:

- are small in scale and scope;

- minimally impact the Wascana Centre and Government House environment;
- align with the Master Plan (except as noted below);
- do not require significant consultation with the public prior to approval; and
- are reviewed administratively and approved by the Chief Executive Officer.

Standard improvements may be temporary. Temporary improvements are for construction and erection of buildings, structures, service facilities, and landscape construction for a limited time period (less than one year); they are often pursued by the proponent to host a special event or are used to facilitate seasonal activities sponsored by organization or institution. Except in exceptional circumstances (when the value of the improvement is less than \$10,000) temporary improvements must align with the Master Plan.

Examples of temporary improvements include:

- buildings, shelters, tents, stages, and bleachers for summer fairs, beer gardens, charitable events, and concerts;
- outdoor grounds surfaces for games and athletics;
- public art exhibitions for community artists;
- historical monuments and displays to commemorate a historical event; and
- roads and parking lots to service special events.

Temporary improvements are approved by the Commission for a period of up to one year.

Note: A temporary building constructed or erected solely to support construction staff engaged in a standard improvement or major development does not need additional approval by the Commission. However, the temporary building must be approved by the CEO or the Board as part of the approval process for the larger project.

Maintenance Projects

Maintenance projects include the regular ordinary care, repair, or painting of buildings, structures, service facilities, and landscape construction or a replacement or them that does not involve significant change. Maintenance does not constitute an improvement and may be approved by either the Commission (through the CEO for landscape maintenance) or a participating party according to their established internal procedures.

Any maintenance conducted by participating parties should be communicated to the Commission through the CEO to determine if it constitutes an improvement and may be subject to Commission approval processes for improvements. Maintenance may be considered an improvement if it involves:

- a replacement of a building, structure, or service facility;

- alterations to a heritage building or a proposed heritage building such as new siding, roofing, and windows; and
- any alterations which introduce new aesthetic or architectural elements that are not aligned with the Master Plan.

APPENDIX B: MAJOR DEVELOPMENT REVIEW PROCESS (SUMMARY)

When a proponent submits a proposal for a major development, the proposal is subject to a review and approval process with four stages. During the review process, the proposal will be vetted by Commission administration, advisory committees, and the Board of Directors (Board) to ensure the major development aligns with the Master Plan, Commission bylaws, and Commission policies. Approval of the Board is required for any major development to proceed.

Roles and Responsibilities

The following represents a summary of the main roles and responsibilities of various actors in the review and approval process:

Proponent (individual or organization):

- submits a development proposal for the review of the Commission and assembles a professional team capable of meeting submission requirements;
- works collaboratively with Commission administration to meet submission and review criteria, including creating and implementing a public participation plan; and
- pays for the costs of engaging in public participation activities.

Commission Administration:

- evaluates development proposals to determine whether they constitute a major development or a standard improvement;
- communicates the submission requirements and the details of the review and approval process to proponents;
- assist proponents coordinate submissions through the review and approval process and advises proponents if material is missing; and
- provides resource support to Commission committees and the Board as appropriate.

Architectural Advisory Committee (AAC):

- evaluates and provides feedback on major developments at different stages of the review process, with a specific focus on the aesthetic, landscape, and architectural considerations of the proposal; and
- advises the Board on whether a major development is in alignment with the Master Plan and if a major amendment to the Master Plan is required.

Engineering Advisory Committee (EAC):

- reviews the engineering aspects of major developments at different stages of the review process; and
- ensures that appropriate engineering expertise has been applied to the design of the site and project servicing, and that the design is sensitive to operational and maintenance impacts.

Heritage Advisory Committee (HAC):

- reviews the heritage aspects of major development proposals at different stages of the review process; and
- advises on any improvements that involve changes to buildings with heritage designation or that have been identified for future heritage designation.

Board of Directors:

- safeguards the integrity of the review process by ensuring that each step of the review process has occurred, including public and stakeholder consultation, prior to approval of the major development; and
- reviews the recommendations of Commission administration and advisory committees and makes a decision to approve a major development.

Summary of the Review and Approval Process

Proponent-sponsored major developments will be reviewed according to the Commission's Proponent Development Checklist. In some cases, the review and approval process may be streamlined and simplified. For example, a service facility that does not have broader landscape, architectural, or urban design implications may not require review by the AAC. Any exceptions to the Commission's general approval process for major developments must be approved by the Board.

The Commission's review process is divided into four major components:

1. Preliminary Proposal
2. Statement of Intent
3. Conceptual Design
4. Detailed Design

For a detailed list of all submission requirements at each stage of the process please see the Commission's **Proponent Development Checklist**. Each review component may be summarized as follows:

Preliminary Proposal

- The proponent submits a development application to the Commission along with the applicable application fee (prior to submission the proponent should contact the Commission to discuss approval requirements for major developments and if the proposal is feasible).
- Commission administration will review the application to determine if the proposal constitutes a major development. (Staff will seek the input of the AAC and may seek feedback from the EAC and/or HAC to determine if the proposal constitutes a major development).
- If the proposal meets the criteria of a major development, the proposal will proceed to the Statement of Intent stage. The determination of whether a proposal meets the criteria of a major development rests with the Chief Executive Officer (CEO).

Statement of Intent

- If the proposal constitutes a major development, the proponent will submit a Statement of Intent that provides information, including the following (as applicable):
 - description of ownership structure;
 - statement of alignment with the Master Plan and with the mandate;
 - preferred project timetable;
 - concept drawing of the structure and landscape plan with estimated dimensions;
 - planned uses and estimated occupancy levels;
 - estimated parking, traffic, and environmental impacts; and
 - a proposed public participation plan.
- Commission administration will forward the application for review to the AAC and may forward the application to the EAC or Heritage Committee depending on the size scale and scope of the project. Consultation with advisory committees may identify additional requirements to be completed as part of the detailed design such as a(n):
 - environmental evaluation report;
 - geotechnical report;
 - hydro-technical report;

- park infrastructure impact study;
- traffic impact study; and/or
- heritage resources report.
- Commission administration will forward the statement of intent and recommendations to the advisory committees to the Board. The Board will decide to either proceed, proceed with conditions, or deny further consideration of the proposal. The Board may deny further consideration of the proposal when the development does not align with the Master Plan.
- If there is a decision to proceed, the proponent will seek in-person and online public feedback (stage 1) on the proposed major development based on the public participation plan approved by the Board and will complete any additional required studies identified by the advisory committees.
- The proponent will incorporate the feedback from administration, the advisory committees, and the public in the preparation of a conceptual design.

Conceptual Design

- The proponent will submit a conceptual design to the Commission that includes:
 - information included in the statement of intent;
 - preliminary park, traffic flow estimate, and environmental estimates;
 - a site plan;
 - architectural plans, sections, and elevations;
 - conceptual engineering systems and conceptual landscape plans;
 - perspective sketches and/or a study model or maquette;
 - palette of proposed materials, colours, and textures; and
 - occupancy type and how compliance is met.
- In addition, the proponent will submit the details of any supplementary reports identified at the statement of intent stage and the results of in-person and online public feedback from stage 1 of the public participation process.
- Commission administration will forward the application for review to the AAC and may forward the application to the EAC or Heritage Committee depending on the size scale and scope of the project.

- Commission administration will forward the conceptual design to the Board with the AAC or other advisory committee's recommendations. The Board will decide to either proceed, proceed with conditions, or deny further consideration of the proposal. The Board may deny further consideration of the proposal when the development does not align with the Master Plan.
- If there is a decision to proceed, the proponent will seek additional in-person and online public feedback (stage 2) on the proposed major development based on the public participation plan approved by the Board and will complete any additional required studies identified by the advisory committees.
- The proponent will incorporate the feedback from administration, the advisory committees, and the public in the preparation of a detailed design.

Detailed Design

- The proponent will submit a detailed design to Commission administration that includes information on how the development meets the Commission's design expectation found in the Master Plan; this includes proposed sustainability measures; a detailed occupancy plan; communication plan; traffic, park infrastructure, environmental, and geotechnical analyses; and information on:
 - urban design expectations;
 - site utilization and organization;
 - landscape design;
 - building and landscape integration;
 - response to climate; and
 - architectural design expectations.
- In addition, the proponent will submit the details of any supplementary reports identified at the statement of intent stage of the process and the results of public feedback at stage 1 and stage 2 of the public participation process.
- Commission administration will review the detailed design, address any outstanding issues with the proponent, and forward the application to the AAC, EAC, and HAC (if applicable). (NOTE: In the vast majority of cases, the proposal will go to both the AAC and EAC for review, although there may be some instances where review by only one committee is necessary).
 - AAC will review the architectural, design, and landscaping aspects of the proposal to determine its continued alignment with the Master Plan, and provide a recommendation to the Board. The AAC may request that the proponent modify a proposal prior to making a recommendation.

- EAC will review the engineering components of the proposal to ensure sound engineering practices are utilized in relation to public safety and that appropriate professional engineering expertise has been used and provide a recommendation to the Board.
- HAC will review the heritage aspects of the proposal, including the impact of the proposal on heritage buildings or proposed heritage sites and provide a recommendation to the Board.
- The advisory committees may request revisions to any detailed design and review a proposal several times before making a recommendation to the Board.
- The Board will decide to either proceed, proceed with conditions, or deny further consideration of the proposal based on the AAC's, EAC's, and/or HAC's review of the detailed design and the public feedback received from proponent public participation activities.
- The proponent and/or Commission will post information on the detailed design for public comment on the proponent's or Commission's website. The public will be given 30 days to provide feedback on the final details of the project.

Final Approval

- Based on the public feedback received, the Board may require revisions to the detailed design and/or further consultation with advisory committees. The Board will make a decision to either approve the proposal, approve with conditions, or deny the proposal.
- The Board may deny the proposal when the development does not align with the Master Plan or the Commission determines it's not in the public interest to proceed.
- Once the proposal is approved, the proponent must seek and obtain a building permit from the City of Regina prior to construction proceeding for building improvements.