

HALIFAX REGIONAL MUNICIPALITY

HERITAGE ADVISORY COMMITTEE

January 18, 2006

MINUTES

PRESENT:

Mr. Tom Creighton, Chair
Ms. Andrea Arbic, Vice Chair
Mr. Clarence Butler
Councillor Bob Harvey
Mr. Bill Mont
Councillor Dawn Sloane
Ms. Katherine Ashley
Ms. Dianne Marshall

REGRETS :

Mr. Paul MacKinnon
Mr. Elias Metlej
Mr. Mark Pothier
Mr. Paul Shakotko

STAFF:

Ms. Maggie Holm, Heritage Planner
Mr. Bill Plaskett, Heritage Conservation Planner
Mr. Paul Sampson, Planner
Ms. Stephanie Parsons, Legislative Assistant

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1. CALL TO ORDER

The Chair called the meeting to order at 3:06 p.m.

The Chair welcomed the two new members of the Committee, Ms. Katherine Ashley and Ms. Dianne Marshal. The members introduced themselves to the Committee.

2. APPROVAL OF MINUTES - None

3. APPROVAL OF THE ORDER OF BUSINESS, ADDITIONS AND DELETIONS

C A memo dated January 12, 2006 from Ms. Holm was circulated to the Committee for information.

The Chair advised the Committee that several requests were received from organizations requesting to speak at this meeting. He advised that it is important for the Committee to understand that they may refuse to hear from any speakers because this meeting is not a public participation meeting. Members of the public are welcome to attend meetings, but are not entitled to speak to the Committee. The Committee may choose to ask questions of any member of the public present at the meeting, but this would be different from allowing individuals to speak.

MOVED BY Councillor Harvey, seconded by Ms. Arbic that the Heritage Advisory Committee add the following speakers to the agenda.

- C **Ms. Anne Mueck - United Gulf Developments**
- C **Mr. Howard Epstein - Federation of NS Heritage**
- C **Mr. Phil Pacey**
- C **Mrs. Pacey - Heritage Trust**
- C **Mr. Peter Delefes - Heritage Canada Foundation**

MOTION PUT AND PASSED.

The agenda was accepted as amended.

4. BUSINESS ARISING FROM THE MINUTES - None

5. CORRESPONDENCE, PETITIONS AND DELEGATIONS - None

6. REPORTS

6.1 United Gulf Development Proposal for 1591 Granville Street (Tex Park)

C A Staff report dated December 16, 2005 was circulated to the Committee for consideration.

Mr. Paul Sampson, Planner, advised that an application by United Gulf Developments Limited has been received. The proposal is a mixed use development containing a hotel, and 260 residential units. It has a maximum height of 27 storeys.

Staff is recommending that Regional Council approve the development agreement as attached to the staff report, it is of the opinion of staff the proposal meets the objectives and policies of the Municipal Planning Strategy (MPS).

Mr. Mont entered the meeting at 3:16 p.m.

In response to questions from the Committee Mr. Sampson clarified that:

- C The developer agrees to comply with provincial environmental and archaeological policies. When the original Tex Park building was demolished in November 2004 there was an archaeological survey completed.
- C There is no definition for the words “vicinity” and “adjacent” in the Municipal Planning Strategy. To obtain a frame of reference staff referred to a 1984 staff report on the subject of building heights in the vicinity of Citadel Hill. The intent was to establish height controls at the base of Citadel Hill. At that time Council was offered three options to set boundaries with specific height limits, policy 6.3.1 was adopted afterwards. Council adopted Band A, which runs along Brunswick Street and up Sackville Street. Based on the 1984 report, staff is of the opinion that the proposed development agreement is not in the “vicinity” of Citadel Hill because it is six blocks away.

Councillor Sloane asked when the application to build the Martell Building on Spring Garden was received. Mr. Sampson advised that he was not sure, that the Martell Building might have been in the planning stages at the time the policy was adopted. Councillor Sloane requested that Mr. Sampson advise her as to when the building permit was issued.

In response to further questions from the Committee Mr. Sampson clarified that:

- C On page 8 of the staff report there is a list of views that are protected by the MPS and must be adhered to. However, there is no requirement to maintain a panoramic view from Citadel Hill. The proposal is not visible over the fortifications from within the Citadel’s inner parade square.
- C The development agreement requires the applicant to prove by way of survey that the building is not in a view plane.
- C The proposal forms a background view. From a background view the buildings

would provide a positive contrast and complement the adjacent heritage properties.

At this time the Chair called on the speakers.

Anne Muecke - United Gulf Developments

- C A document dated January 6, 2006, showing various views of the buildings, was circulated to the Committee for information.

Via a computer simulation Ms. Muecke showed the Committee the view of the building by driving in a car down Barrington Street. She advised that the buildings are under the view plane and are not visible in most places. The Green Lantern Building has no significant heritage features on the back of the building that can be incorporated into the proposed buildings. The proposal would create a new neighbourhood, support existing business and encourage new business in the district.

Elizabeth Pacey - Heritage Trust

- C A copy of Ms. Pacey's speaking notes was circulated to the Committee for information.

Ms. Pacey spoke in opposition of the proposal. She advised the Committee that the Municipal Government Act, Statutes of Nova Scotia 1998, Chapter 18, part VIII, section 217 (1) states that a municipality shall not act in a manner that is inconsistent with a municipal planning strategy

She raised concern regarding the scale and design. It is of her opinion that the proposal violates policy 7.2.1 and will be out of proportion to the adjacent heritage buildings. She also provided a brief overview of the NS Utility and Review Board decisions regarding the ATC Proposal and the Midtown Tavern Proposal and referenced policies 7.2.1, 7.1.2, 6.2, 6.3, 6.3.1.

Mr. Pacey - Heritage Canada Federation

- C An email message dated January 17, 2006 from Mr. Pacey was circulated to the Committee for information.

Mr. Pacey spoke against the proposal. He advised that he disagreed with the developer's presentation and commented that staff's interpretations of the Heritage Policies are in contradiction to the NS Utility and Review Board decisions regarding the ATC and Midtown Tavern Cases. He referenced policies 6.2, 6.3, 6.4, 7.12, 7.2 and 7.2.1. He further commented that the height of the towers would be in the vicinity of Citadel Hill and would be above Citadel Hill.

Ms. Ashley asked Mr. Pacey what concerns he had with the developer's presentation.

Mr. Pacey advised that the developer's presentation of the view down Barrington Street is misleading as the natural place to look is from the west side not the middle of the street. The Heritage Conservation District is designed for walking.

The Chair advised that presentations were not debatable and that the Committee should only ask questions of clarification. At this time the Chair asked the Committee if they had any questions of clarification of Ms. Muecke and Ms. Pacey.

Mr. Mont asked Ms. Muecke if a traffic study has been done. Ms. Muecke advised that the traffic study indicated that there will be little impact on traffic. The idea of the proposal is to get more pedestrians in the area and reinforce existing businesses and attract new businesses.

The Chair advised the Committee that they should only ask questions regarding heritage impacts. Issues such as a traffic impact study would be discussed at the Planning Advisory Committee.

Mr. Delefos - Heritage Canada Foundation

Mr. Delefos spoke in opposition of the proposal and raised concern that the buildings will dominate the landscape and take prominence away from the existing heritage buildings. There are several national historic sites (Citadel Hill, St. Pauls Church, City Hall, Province House, Government House, and St Mary's Basilica) that will be negatively impacted by the height of the twin towers. The proposed Barrington Street Historic District will be overshadowed by the 27 storey buildings.

Although, there are heritage, economy and environmental strategies that are equally important, the heritage policies are very specific. The intent on the MPS is to protect the view to and from Citadel Hill. If the proposal is approved, it will encourage other high rise applications for the downtown core. In response to Councilor Sloane he advised that his definition of vicinity includes anything that would be in the immediate view of Citadel Hill and anything a block or two away.

Mr. Epstein - Federation of NS Heritage

Mr. Epstein spoke in opposition to the proposal and commented that it would be the tallest building in the Capital District.

The view planes were set up to defend the view of the harbour. The common sense definition of vicinity is that if something is big enough and tall enough to be intrusive from the Citadel it is in the vicinity. He suggested that the Committee ask Council to direct staff

to complete a heritage cost benefit analysis as there will be negative impacts on tourism revenue.

MOVED BY Ms. Arbic, seconded by, Mr. Mont, that the Heritage Advisory Committee advise Halifax Regional Council that the overall potential impacts of the proposed development agreement Case 00709, on the adjacent registered heritage properties is unacceptable and recommends that Regional Council not approve the development agreement as per the staff report dated December 16, 2005.

The Committee deliberated and the following was noted:

- C The Development Agreement does not carry out the intent of the Halifax Municipal Planning Strategy as it relates to the buildings' scale, proportion and massing in terms of how it complements the adjacent heritage properties. (Policies' 7.2, and 7.2.1) if you look at the block from a three-dimensional view the proposal does not meet the test of policy 7.1.2.
- C When the policies are reviewed as a whole, a 27-storey building by its sheer height will tower above the adjacent heritage properties. The buildings are taller than they are wide, which makes them out of proportion to the adjacent heritage building which is inconsistent with policy 6.3.1.
- C That if the development agreement is approved, it will not fit in with the proposed Barrington Street Historic District.
- C The Committee disagreed with the staff report comment on page 7, paragraph seven, stating that the rear portions backing onto Granville Street have less heritage significance. The Committee is of the opinion that the rear portions backing onto Granville Street are not deemed to have less heritage significance as the whole building is a registered heritage property. When the Heritage Advisory Committee recommends approval for a heritage designation, no relative importance/significance in relation to other heritage buildings is assigned. Registered Heritage properties are considered equal under the Heritage Act.

Mr. Sampson advised that Council determines the weight of a policy depending on the issue. Council has the discretion to weigh the policies and consider the heritage importance in relation to economic and social issues.

Mr. McKinnon commented that regardless of the decisions of the Heritage Advisory Committee, and Regional Council, that any large development agreement in the Capital

Business District will be appealed to the Nova Scotia Utility and Review Board either by the developer or heritage groups. There is a need to provide for concrete definitions of the words “vicinity,” “adjacent” or “significance,” in the Municipal Planning Strategy. This is a costly process and results in an inefficient use of staff, Council and the Heritage Committees time. A decision regarding what the Capital Business District should look like and clear definitions of the words “vicinity,” “adjacent” and “significant” will aid Council and the Heritage Advisory Committee in the decision making process,

The Committee agreed with Mr. MacKinnon’s comments and agreed that it needs to be addressed and that the Regional Plan needs to be reviewed also.

Councillor Harvey commented that the Committee must look at the proposal in terms of the current policies. The view plane has been demonstrated and that if the intent of policy 6.2 was to maintain a panoramic view from Citadel Hill, it would have stated so. He further advised that the Midtown and ATC case are not templates for this proposal. There is room for consideration in building for the 21st century, the decision was made to allow new buildings in the downtown core, how they are framed is open to interpretation.

Councillor Sloane commented that from a heritage point of view the definition of significance, vicinity and adjacent need to be clarified. The definition will vary depending on whom you are talking to and needs to be addressed.

MOTION PUT AND PASSED.

MOVED BY Councillor Sloane, seconded by Ms. Ashley that the Heritage Advisory Committee request that Regional Council direct staff to review the Municipal Planning Strategy and Regional Plan to provide for concrete definitions to the words

“adjacent,” “vicinity” and “significant” as it applies to Heritage Properties and Heritage Policies within the Municipal Planning Strategy and Regional Plan.

MOTION PUT AND PASSED.

7 ADDED ITEMS

8. NEXT MEETING DATE - January 25, 2006

9. ADJOURNMENT

There being no further business, the meeting adjourned at 5:05 p.m.

Stephanie Parsons
Legislative Assistant

