

HERITAGE ADVISORY COMMITTEE
November 25, 2009

MINUTES

- PRESENT: Mr. Stephen Terauds, Chair
Ms. Catherine Thibeault, Vice Chair
Ms. Susan Carroll
Mr. Arthur Irwin
Ms. Lisa Miller
Mr. Adam Conter
Ms. Carly Sorensen
Ms. Tori Jarvis
Councillor Jennifer Watts
- ABSENT: Councillor Lorelei Nicoll (regrets)
Mr. Mark Archibald
- STAFF: Ms. Maggie Holm, Heritage Planner
Ms. Sheilagh Edmonds, Legislative Assistant

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1. **CALL TO ORDER**

The Chair called the meeting to order at 3:08 p.m. in the Trophy Room, City Hall. Noting that there were a number of staff and observers in attendance, the Chair requested that everyone introduce themselves.

2. **APPROVAL OF MINUTES**

MOVED by Mr. Irwin, seconded by Ms. Carroll that the minutes of September 23, 2009 be approved. MOTION PUT AND PASSED.

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

Addition:

- 6.1 Correspondence: A letter dated November 17, 2009 was submitted from Mr. Phil Pacey, Heritage Trust of Nova Scotia

The Chair noted that Mr. Pacey's letter had been sent to the Committee members via e-mail.

8.1 Heritage Incentive Grants

The Chair advised that Councillor Watts was requesting this item be added to the agenda. He explained that in August staff advised the Committee that, as a result of advice from HRM's Legal Services, the Committee would no longer formally approve the Heritage Incentive Grants because in their opinion the Committee reported to Regional Council and not to staff. It was at that meeting, Councillor Watts suggested this matter be put on a future agenda for discussion.

Ms. Maggie Holm, Heritage Planner advised that she could gather the information together and be able to address this at the January meeting, to which the Chair concurred.

MOVED by Ms. Carroll, seconded by Ms. Sorenson that the agenda, as amended be approved. MOTION PUT AND PASSED.

4. **BUSINESS ARISING FROM THE MINUTES:** None

5. **DEFERRED ITEMS:** None

6. **CORRESPONDENCE, PETITIONS & DELEGATIONS:**

6.1 **Correspondence:**

- A letter dated November 17, 2009 was submitted from Mr. Phil Pacey, Heritage Trust of Nova Scotia

6.2 Petitions: None

6.3 Presentations:

6.3.1 Phil Pacey, Heritage Trust

The Chair advised that Mr. Pacey, on behalf of Heritage Trust, had requested to make a presentation with respect to the staff report on today's agenda. He added that the Committee does not have a protocol with regard to public presentations on matters brought before the Committee, but the past practice has been for the Committee to consider and decide whether to hear the presentation.

A brief discussion ensued and it was **MOVED by Councillor Watts, seconded by Ms. Carroll that Mr. Pacey, on behalf of Heritage Trust, be permitted to provide his presentation to the Committee. MOTION PUT AND PASSED.**

Mr. Pacey circulated a copy of his speaking notes and renderings of the property in question and the streetscape. A copy of the information can be found in the official file of this meeting.

In his remarks, Mr. Pacey advised that Heritage Trust was not in support of the proposal. He added that it does not comply with the Barrington Street Heritage Conservation District Plan because the Plan has a height limit of 72 feet on the Barrington Street half of the block, and 92 feet on the Granville Street side and the main roof of the other proposal would be 218 feet above Barrington and 227 feet above mean grade, more than three times the allowed height on the Barrington Street side. In addition, he pointed out that the tower would be set back only by about 10 to 12 feet, or about 5% of its height, making it clearly visible from adjacent streets; and, set in the middle of the Conservation District, the tower would defeat the purpose of the Plan. Mr. Pacey added that a further reason why the Heritage Trust feel the proposal should be rejected is that it does not respect the proportion of the existing streetscape and he cited the ATC case and the Midtown Tower case as examples of developments that were turned down because of Policy 7.2.1, which emphasizes the careful use of 'proportion'

At 3:23 p.m. Ms. Catherine Thibeault entered the meeting.

Mr. Pacey responded to questions.

6.4 Updates from HAC Members - HRM Committees and HAC Sub-committees

There were no updates.

7. REPORTS:

7.1 Staff:

7.1.1 Case 01172: Development Agreement, Barrington/ Sackville/Granville Streets, Halifax

- A staff report dated November 18, 2009 was submitted.
- A letter (via e-mail) dated November 21, 2009 was submitted from Ms. Judy Haiven.

Mr. Paul Sampson, Planner 1, provided an overview of the staff report regarding the application by 778938 Ontario Limited (Starfish Properties) to enter into a development agreement to permit a mixed-use development at 1651-57 Barrington Street and 1652-66 Granville Street (the "Roy Building") and 5181-87 Sackville Street Halifax. He highlighted the following points:

- the subject location within the Central Business District and surrounding area varies in nature, i.e. the buildings are of various ages, styles, and heights and there are some vacant lots.
- under the planning strategy there are two sub areas of the CBD, and any decision of Council would have to take into consideration the different characteristics of the sub areas.
- the site is very close to the United Gulf property (former Tex Park site) and the Utility and Review Board has upheld Council's decision in that case and there are a lot of themes from that case that have relevancy to this case.
- the new proposal is designed to mimic the Roy Building - all buildings will be demolished - key exception is that there will be one less floor - there will be five floors whereas the Roy Building had six floors.
- the rear of the building is proposed to borrow on themes from the Johnston building
- surrounding area has a lot of low rise buildings on Barrington Street, and to the east of the site there are high rise, modern style buildings.
- the proposal is not encumbered by any viewplanes.

The Chair advised that prior to any questioning of staff, he reminded the Committee that while HRM by Design has passed and the Heritage Conservation District is law now, this proposal does not fall under those rules and the Committee has to refer to the MPS and the strategies outlined in the staff report.

Mr. Sampson responded to questions, clarifying the following points:

- Regional Council grandfathered four applications when it approved the HRM by Design downtown plan, and this is one of them.
- if this application fell under the HRM by Design requirements, the biggest difference would be the height of the building; e.g. under HRM by Design the Barrington Street side is over 70 ft. and the Granville Street side would be over 90 ft.
- as a result of public consultation, there were a number of changes to the proposal.
- by comparison with the Radisson Hotel, this proposal is substantially taller; the proposed building would be approximately 60 feet higher than the existing one; and it would be slightly lower than the United Gulf proposal.
- with regard to a question on the process, it was noted that if Council considers approving the application, a public hearing is required.

- this application has been brought to the Heritage Advisory Committee, even though it is not a heritage building, because it is adjacent to heritage buildings and it is within the mandate of the Committee to consider proposals that impact adjacent heritage buildings.

The Chair opened the Committee discussion on the application by noting that the project straddles two subdistricts—the Barrington portion and the Granville portion and it mentions that the character of the Granville portion has taller, more modern buildings and uses that example as a reason for allowing the proposal. However, at the same time the report states that the Barrington district doesn't have that character. The Chair noted that in his view, this was contradictory. He also suggested that members consider whether they felt the stepback was enough at the higher portions and that it doesn't affect Barrington.

A discussion ensued and staff and representatives of the developer responded to questions.

Ms. Jarvis advised that she felt the stepback was enough, from the point of view of a pedestrian on the street, and that it fits with the adjacent heritage buildings.

The Chair advised that from a pedestrian impact point of view, if he were to see the building from a distance, his opinion is that he would not feel like he is in the Barrington Street District.

Ms. Thibeault and Ms. Miller expressed concern that the Roy Building would be demolished.

Ms. Thibeault also expressed concern that the proposal is intended to look like the former building and advised that she felt development should not pretend to be heritage if it is not. Ms. Thibeault also added that heritage is not solely a pedestrian experience, and it is not about tourism solely either.

In response to a question by Ms. Sorenson, Ms. Holm explained that this is a grandfathered application under the old plan policy and, if for any reason this application were not to take place, it could proceed with a new application, but under the new rules.

Councillor Watts advised that her concerns were in regard to proportion and she had difficulty in supporting the development, noting that it would be a significant difference in height and proportion to other buildings in that area.

Mr. Conter advised that he feels the proposal represents everything that can be done architecturally and from a business perspective, and he expressed concern that if there is not more support for proposals such as this, there will be less and less development in the downtown.

Ms. Miller advised that the proposal meets a lot of the requirements, but she does not agree with the idea of trying to replicate something that they are trying to demolish.

In response to a question of clarification, a representative of the developer advised that the proposal to replicate the old Roy Building facade was based on the public feedback at the

public information meeting.

MOVED by Mr. Conter, seconded by Ms. Jarvis that the Heritage Advisory Committee recommend that Regional Council:

1. Give Notice of Motion to consider an application by 778938 Ontario Ltd. for a development agreement at 1651-57 Barrington Street/1652-66 Granville Street and 5181-87 Sackville Street, Halifax, and schedule a public hearing;
2. Approve the development agreement, included as Attachment A of the November 18, 2009 staff report, to permit a mixed-use development; and
3. Require that the development agreement be signed and returned within 120 days, or any extension thereof granted by Regional Council on request of the applicant, from the date of final approval by Regional Council and any other bodies as necessary, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

MOTION PUT AND DEFEATED.

MOVED by Councillor Watts, seconded by Ms. Carroll that the Heritage Advisory Committee recommend refusal of the Development Agreement based on Policy 7.2.1 of the Municipal Planning Strategy in terms of the height of the proposed building.
MOTION PUT AND PASSED.

MOVED by Ms. Thibeault, seconded by Ms. Carroll that, should Regional Council choose not to follow the advice of the Committee, the Committee suggests that it require the proponent remove the original name and date plaques from the building, preserve them, and re-instate in the new building in a manner that makes it clear that they are not original to the new building and maintains a clear connection to the site.
MOTION PUT AND PASSED.

7.2 Committee Members:

7.2.1 Restructuring of Regional Council's Committees - status of Heritage Advisory Committee (Mark Archibald)

7.2.2 Questions in regard to Halifax Memorial Library - Pending Sale (Mark Archibald)

The Chair noted that the two items had been added to the agenda by Mr. Mark Archibald however, he was unable to attend today's meeting.

Ms. Maggie Holm advised that she and Mr. Andy Fillmore had discussed these two items. She noted that Mr. Fillmore was unable to attend today, however, he provided a response by e-mail, which she read. With regard to the status of the Heritage Advisory Committee she noted the following points:

- the Committee's role has changed somewhat as a result of the adoption of the new Downtown Plan.
- the Committee may be reviewing slightly fewer permit applications for individual buildings but it will become directly involved in the creation of new Heritage Conservation Districts.
- HAC's terms of reference is currently being revised by staff (including legal staff)

Ms. Holm addressed the question regarding the Halifax Memorial Library and noted the following points:

- the Plan for the library calls for it to be sold or leased for a commercial venture with major repairs/upgrades to the building required; parkland in front of the library is not to be altered; surplus revenues generated from the transformation were to be directed to the cost of the new library.
- however, it has been recently discovered that the sale/lease of the building may be hampered by existing policy and/or legislation; and once staff understand the full impact of this, they will come back to the Committee.

The Chair questioned if Mr. Fillmore would be able to give a brief presentation at the Committee's next meeting concerning the library issue.

Ms. Holm advised that she would follow up with Mr. Fillmore, and she noted that Mr. Plaskett has research that could also be provided.

Councillor Watts asked that staff invite Councillor Sloane to sit in on this presentation as she has been quite involved in the matter.

8. **ADDED ITEMS:** None

9. **DATE OF NEXT MEETING:** To be discussed.

With no items coming forward from staff for December, it was agreed that the December meeting would be cancelled, and the next regular meeting would be held on January 27, 2010.

10. **ADJOURNMENT**

On a motion **MOVED** by Ms. Thibeault, **seconded** by Ms. Miller the meeting adjourned at 4:59 p.m.

Sheilagh Edmonds
Legislative Assistant