



HERITAGE TRUST OF NOVA SCOTIA

6.3.2

July 25, 2007

Mr. Tom Creighton, Chair and
Members of the Heritage Advisory Committee
Halifax Regional Municipality

Dear Committee Members:

Re Agenda items 6.3.2 and 7.1

Thank you for the opportunity to speak to you at your meeting on July 25. It may be desirable to incorporate item 6.3.2 as part of item 7.1, as my comments are supplementary to and supportive of those of staff.

1870 Upper Water Street has a long and continuing connection with the food and beverage industry in Halifax, from its early years when Peter Martin sold liquor to the hardy crews off sailing ships, to its years as Tom's Lunch, when Art College students mingled with construction workers, to its current use as a popular, up-scale restaurant in the heart of Historic Properties. Architecturally, the building is a rare surviving wooden commercial building in the central business district of Halifax. It is a harmonious and integral part of a nationally significant group of heritage buildings. It is associated with nationally significant individuals. The Martin Building is a registered heritage building that should be preserved for its individual importance and for its importance as part of a significant group.

The decision of City Council to preserve these buildings from Granville Street to the harbour was the first major victory for heritage preservation in Halifax. It was a significant event in the history of preservation in Canada. Now this grouping is the keystone of the Halifax waterfront and attracts two million visitors a year. These buildings are major economic generators for Halifax and Nova Scotia.

The Heritage Trust asks the HAC to accept the recommendation of staff to hold a Public Information Meeting, and to ask staff to continue to investigate options to save this building. The Heritage Trust is willing to work with you to preserve this building.

Yours sincerely,

Philip Pacey
President
Heritage Trust of Nova Scotia

Additional notes regarding the Martin Building
July 25, 2007
Heritage Trust of Nova Scotia

1. Tools in the Heritage Property Act

The Heritage Property Act provides that the owner of a municipally registered heritage property can apply to demolish the building. If the Council refuses this request, the owner can still demolish the building during a period from one year after the date of application until two years after the date of the application.

However, the Act gives the municipality some tools to try to prevent the demolition. First, the municipality can negotiate a covenant or easement with the owners to preserve the building. Second, the municipality can simply purchase the property. It could then be sold to a third party. Third, the group of buildings from Granville Street to the harbour could be registered in a heritage conservation district under the Act. This would take longer than the six months available in the present case.

2. Inducements in the Municipal Planning Strategy

The Halifax Municipal Planning Strategy gives clear direction regarding the response to an application for demolition within the bounds of the former City of Halifax. Policies 6.1 and 6.1.2 direct the municipality to seek the "retention, preservation, rehabilitation and/or restoration" of structures "which impart to Halifax a sense of its heritage" and to "protect them within the terms of the Heritage Property Act." Policies 6.4.1 to 6.4.3 provide for "inducements for retention", "preservation easements and restrictive covenants" and "acquisition of registered heritage properties". Policy 6.5 provides for an annual budget to establish a fund in case the municipality considers purchase or other financial involvement. Policy 6.6 says the City shall give first preference to registered heritage properties when purchasing or leasing space for its own use. These policies provide a strong basis for action to prevent demolition. Demolition of the building would also be contrary to your Building Conservation Standards.

HAC has always recommended that demolition applications be refused, and HRM Council has always accepted these recommendations.

These actions have often been successful. The Carleton Hotel, the City Club, the National Film Board, the Forman-Uniacke House and the Coburg Cottage have all been the subject of demolition applications, and all are still standing.

3. The Current Case

The Martin Building is clearly registered. Historic Properties signed an agreement on December 5, 1973, acknowledging the City's intention to preserve all the buildings in this area. The building was originally intended to be included in a heritage conservation area. However, the Heritage Property Act, as it was first adopted, allowed for the registration of individual properties. So the Martin Building was registered as an individual property. In this regard, it was like the buildings in the Smith, Carleton and Morris streetscapes. The phrase "historic waterfront buildings" was commonly used to apply to all the buildings in the area. Historic Properties Limited did not own the property on the east of Upper Water Street. The Martin Building was clearly and properly registered.

The staff report, on page 4, mentions the possibility of an application for a vertical expansion of buildings in the southern part of the block. No encouragement should be given to such a proposal, which would clearly be contrary to the Building Conservation Standards. There is a 25-foot as-of-right height limit on this block. Policy CH-1 of the new Regional Municipal Planning Strategy would limit any alteration of these buildings. Certainly the low scale and the rooflines of these buildings are character-defining elements of this area. Any vertical expansion of these buildings would detract from the historical character of the area.

6. HERITAGE RESOURCES

Definitions

"Heritage Property" means an area, site, structure or streetscape of historic, architectural or cultural value registered in the Halifax Registry of Heritage Property.

"Heritage Conservation Area" means an area of concentration of properties unified by similar use, architectural style or historical development, which retains the atmosphere of a past era and which is registered in the Halifax Registry of Heritage Property.

Objective The preservation and enhancement of areas, sites, structures, streetscapes and conditions in Halifax which reflect the City's past historically and/or architecturally.

6.1 The City shall continue to seek the retention, preservation, rehabilitation and/or restoration of those areas, sites, streetscapes, structures, and/or conditions such as views which impart to Halifax a sense of its heritage, particularly those which are relevant to important occasions, eras, or personages in the histories of the City, the Province, or the nation, or which are deemed to be architecturally significant. Where appropriate, in order to assure the continuing viability of such areas, sites, streetscapes, structures, and/or conditions, the City shall encourage suitable re-uses.

6.1.1 The criteria by which the City shall continue to identify such areas, sites, structures, streetscapes and/or conditions identified in Policy 6.1 are set out in the official City of Halifax report entitled An Evaluation and Protection System for Heritage Resources in Halifax (City Council, 1978).

6.1.2 The City should designate those properties which meet the adopted criteria as registered heritage properties or registered heritage conservation areas and protect them within the terms of the Heritage Property Act.

6.2 The City shall continue to make every effort to preserve or restore those conditions resulting from the physical and economic development pattern of Halifax which impart to Halifax a sense of its history, such as views from Citadel Hill, public access to the Halifax waterfront, and the street pattern of the Halifax Central Business District.

6.3 The City shall maintain or recreate a sensitive and complimentary setting for Citadel Hill by controlling the height of new development in its vicinity to reflect the historic and traditional scale of development.

- 6.3.1 The intent of such height controls shall be to establish a generally low to medium rise character of development in the area of approximately four traditional storeys in height immediately adjacent to Citadel Hill and increasing with distance therefrom.
- 6.3.2 Within the area bounded by North Street, Robie Street and Inglis Street, no development shall be permitted that is visible over the top of the reconstructed earthworks on the Citadel ramparts, from an eye-level of 5.5 feet above ground level in the Parade Square of the Citadel.
- 6.3.3 Policy 6.3.2 above shall not be deemed to waive any other height or angle controls.
- 6.4 The City shall attempt to maintain the integrity of those areas, sites, streetscapes, structures, and/or conditions which are retained through encouragement of sensitive and complementary architecture in their immediate environs.
- 6.4.1 The City shall regulate the demolition and exterior alterations under the provisions of the Heritage Property Act, and should secure inducements for retention, maintenance and enhancement of registered heritage properties.
- 6.4.2 The City shall study the use of preservation easements and restrictive covenants to determine the extent to which they can be used in the preservation of registered heritage properties.
- 6.4.3 The City shall consider acquisition of registered heritage properties whenever acquisition is the most appropriate means to ensure their preservation.
- 6.4.4 The City shall organize and maintain a data bank on heritage conservation methods including data on costs, sources of funding, techniques, methods, and materials used on successful recycling or restoration projects, both for its own use and to encourage private sector involvement in heritage conservation.
- 6.5 The City shall budget an annual amount to ensure that a fund is available should purchase or other financial involvement be considered by the City for a registered heritage property. The specific terms of this budget are set forth in Policy 11.3.2 of this section of this Plan.
- 6.6 In the purchase or lease of space for its own use, the City shall first consider accommodation in designated heritage structures.

Council,
March 29, 1973

REPORT - CITY PLANNING COMMITTEE

Council considered the report of the City Planning Committee from its meeting held on March 21, 1973 with respect to the following matters:

Application for Resubdivision (Consolidation) Lands of Provincetown Trading Corporation Limited, Young and Sullivan Streets

This matter was forwarded to Council without recommendation and with a request for a Staff Report dealing with the traffic situation.

A Staff Report was submitted to the Council meeting.

Alderman Sullivan felt that members of Council should have some time to look at the Staff Report and it was MOVED by Alderman Sullivan, seconded by Alderman MacKeen that the matter be referred back to the next meeting of the Committee of the Whole Council. Motion passed.

Approval of Lot 52 - Towerview Drive, Towerview Subdivision

MOVED by Alderman Wentzell, seconded by Alderman Stanbury that, as recommended by the City Planning Committee, the subdivision application for Lot 52, Towerview Drive, Towerview Subdivision, creating new Lots 52A and 52B, as shown on Plan No. P200/5616 of Case No. 2834, be approved. Motion passed.

Preservation of Buildings - Moratorium Area

MOVED by Alderman Moir, seconded by Alderman Stanbury that, as recommended by the City Planning Committee, City Council feels that the Granville Street area; Duke Street to Buckingham Street and both sides of Granville Street to the waterfront should be saved and Council work toward this end to see it developed without cost implications to the City being involved; that the Council go on record as desiring, if at all possible, that developers take into consideration, the wishes of Council that the area in question be preserved in its entirety and its original form as much as possible.

Alderman Moir spoke to the motion and was sorry that City Council has no greater powers than is indicated in the motion to ensure that the Granville Street area is preserved and restored.

Alderman Sullivan said that he would have preferred to vote on the recommendation of the City Manager as contained in the Staff Report on this item.

After a short discussion, the motion was put and passed.

The next six properties also have a common owner. Mr. Hugh Smith, Historic Properties addressed Council indicating agreement and approval of registering the following properties.

Hearing - 5159 Duke Street - Library

MOVED by Alderman Wooden, seconded by Alderman Cromwell
that this matter be forwarded to the next regular meeting of
City Council without recommendation.

Motion passed.

Hearing - 1870 Upper Water Street - Historic Waterfront Buildings

MOVED by Alderman Wooden, seconded by Alderman Cromwell
that this matter be forwarded to the next regular meeting of
City Council without recommendation.

Motion passed.

Hearing - 1855-59, 1861, 1865-67, 1869, Granville Street (Landscape)

MOVED by Alderman Wooden, seconded by Alderman Cromwell
that this matter be forwarded to the next regular meeting of
City Council without recommendation.

Motion passed.

Hearing - 1861-63 Hollis Street - Nova Scotia College of Art & Design

MOVED by Alderman Wooden, seconded by Alderman Cromwell
that this matter be forwarded to the next regular meeting of
City Council without recommendation.

Motion passed.

Hearing - 1865 Hollis Street, 1866 Lower Water Street - Harrington
MacDonald - Briggs

MOVED by Alderman Wooden, seconded by Alderman Cromwell
that this matter be forwarded to the next regular meeting of
City Council without recommendation.

Motion passed.

Hearing - 1859 Hollis Street - Shaw Building

MOVED by Alderman Wooden, seconded by Alderman Cromwell
that this matter be forwarded to the next regular meeting of
City Council without recommendation.

Motion passed.

THIS AGREEMENT made as of this 5th day of

December, 1973.

A M O N G:

DURHAM LEASEHOLDS LIMITED, a body corporate, under the laws of Nova Scotia with an office at Halifax, in the County of Halifax, Province of Nova Scotia (hereinafter called "Durham").

OF THE FIRST PART

- and -

HISTORIC PROPERTIES LIMITED, a body corporate, under the laws of Nova Scotia, with head office at Halifax aforesaid (hereinafter called "HPL").

OF THE SECOND PART

- and -

NOVA SCOTIA COLLEGE OF ART AND DESIGN, a body corporate continued under the provisions of the Statutes of Nova Scotia 1969, Chapter 138 (hereinafter called "NSCAD"),

OF THE THIRD PART

- and -

THE CITY OF HALIFAX, a body corporate (hereinafter called the "City"),

OF THE FOURTH PART

WHEREAS the City Council of the City at a Meeting held on the 29th day of March, 1973, adopted a resolution as recommended by the Committee of the Whole Council and the Department of Development of the City wherein it was expressed that City Council feels that the Granville Street area; Duke Street to Buckingham Street and both sides of Granville Street to the waterfront should be saved and Council work toward this end to see it developed;

Missing pages
available on
request.

IN WITNESS WHEREOF the parties hereto have executed
this Agreement as of the day and year first above written.

SIGNED, SEALED AND DELIVERED)
in the presence of:

DURHAM LEASEHOLDS LIMITED

Witness

Per:

[Signature] PRESIDENT

Per:

[Signature]

HISTORIC PROPERTIES LIMITED

Witness

Per:

[Signature] VICE PRESIDENT

Per:

[Signature] SECRETARY

NOVA SCOTIA COLLEGE OF ART AND DESIGN

Witness

Per:

[Signature]

Per:

[Signature] President

THE CITY OF HALIFAX

Per:

Per:

Witness