

URBAN DESIGN TASK FORCE
MINUTES

February 18, 2009

PRESENT: Ms. Dale Godsoe, Chair
Mr. Kevin Riles
Mr. Bernie Smith
Mr. Paul MacKinnon
Mr. Kendall Taylor
Mr. Frank Palermo
Mr. David Garrett
Mr. Paul Shakotko
Ms. Sally Camus
Councillor Jim Smith
Councillor Mary Wile
Councillor Dawn Sloane

ABSENT: Mr. Stephen Terrauds (regrets)
Ms. Linda Garber (regrets)
Ms. Cathy Carmody
Ms. Margot Young

STAFF: Mr. Andy Fillmore, Acting Supervisor, Heritage & Design
Mr. Austin French, Manager, Planning Services
Ms. Sheilagh Edmonds, Legislative Assistant

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1. CALL TO ORDER

The Chair called the meeting to order at 11:10 a.m. in the 2nd floor meeting room of the Maritime Museum of the Atlantic, 1675 Lower Water Street.

2. APPROVAL OF MINUTES:

MOVED by Councillor Sloane, seconded by Councillor Wile that the minutes of October 8, 2008, November 12, 2008, November 26, 2008, and December 12, 2008 be approved. MOTION PUT AND PASSED.

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

Additions:

- 8.1 Update on Turner Drake Capacity Study (Andy Fillmore)
- 8.2 Update on the Grandfathering Issue (Austin French)

The Chair advised that items 6.1, 6.2, 6.3 would be dealt together as one item.

MOVED by Ms. Camus, seconded by Councillor Sloane that the agenda, as amended, be approved. MOTION PUT AND PASSED.

The Chair advised that the added items would be dealt with before the regular agenda items.

8. ADDED ITEMS:

8.1 Update on Turner Drake Capacity Study

Mr. Fillmore advised that the report was finished and the subcommittee had been provided an executive summary. The general finding of the report is that the built form framework as proposed by HRMbyDesign contains adequate but not excessive capacity when compared to the low, medium, and high growth scenario. Mr. Fillmore pointed out that there was editorial comment throughout the report, which was not requested. He added that the comment is a distraction and they are working with the consultant to amend some of the language and to remove other parts, but it will not affect the findings of the report. Mr. Fillmore explained that the subcommittee has agreed to issue the report in the short term with a covering letter explaining the issues with the report; and as soon as possible, they will carry out a peer review process.

In reference to the report, Mr. Smith noted that he was concerned about a sentence which states that if things continue unchanged, then the inner city will be come solely a tourist and entertainment centre. He added that he wanted clarification as to whether 'unchanged' means with or without the urban design plan; and, if HRMbyDesign is deficient he wanted to know what they regard as deficient.

In response, Mr. Fillmore advised that the latter was the case but noted that he will get it clarified in writing from the consultant.

Mr. Garrett advised that he was disappointed that the Committee has not been able to review the report, adding that he heard disturbing rumours about it and suggested that the Committee needed to review the report before voting on the Urban Design Plan.

Councillor Sloane suggested that the Committee have the Consultant attend a meeting and make a presentation.

Mr. Fillmore advised that this could be done as the Committee moves forward. He noted that the conclusion of Steering Committee was that there is no emerging issue within the first five years.

The Chair suggested that this was something that could be put on a future agenda for the Committee to discuss.

8.2 Update on the Grandfathering Issue

Mr. French advised that several projects have been going through the Development Agreement process while the HRMbyDesign process has been going on. He added that before staff goes to Council with HRMbyDesign, staff will be presenting to options to Council on how to deal with these four applications. Mr. French noted that staff feel the best approach is for Council to deal with these before the public hearing so that the public hearing on HRMbyDesign will not be dominated on individual sites, and that the focus will be about the vision and new policies.

In response to a question, Mr. French advised that the options that will be provided to Council are that Council can grandfather the process (i.e. processed under the policies when the applications were made) or they can choose to say no and assess them against the new policies

Mr. French responded to questions.

4. BUSINESS ARISING OUT OF THE MINUTES: None

5. CONSIDERATION OF DEFERRED BUSINESS: None

6. REPORTS:

6.1 Discussion of Recent Plan Refinements (priorities after adoption)

6.2 Vote to advance Downtown Plan to Council for approval

6.3 Project Schedule Update

As noted in the Approval of the Order of Business, these items were dealt with together.

- a staff report dated February 4, 2009 was submitted.
- a document entitled *Summary of Refinements to the Downtown Halifax Urban*

Design: Draft 2 to the Final Plan was circulated at the meeting.

- a document entitled *Recommended Modifications to "Heritage Design Guidelines, Section 4, Downtown Halifax Land Use By-law & Design Manual"* was submitted by Mr. David Garrett
- a letter dated February 18, 2009 was submitted by Mr. Phil Pacey, President, Heritage Trust of Nova Scotia.
- a package containing 14 pieces of correspondence in regard to the HRMbyDesign was submitted. Submissions were from the following: Rob Bennett, Nova Scotia Power; Pam Tower; Chris Brown, KPMG; Linda Garber; Ann Noreen Norton, Peninsula South Community Association; Peggy Cameron; Mark Butler and Maggy Burns, Ecology Action Centre; Paula Gallagher, Deloitte Inc.; Jean Guibault, Leceta Investments Inc.; Valerie Payne, Halifax Chamber of Commerce; Peter Conlon, Nautel Limited; Kim West, MT&L Public Relations Limited; Alan Ruffman, Geomarine Associates Ltd.; and Dr. Joan McArthur-Blair, Nova Scotia Community College.

Mr. Fillmore provided a brief overview of the project noting the outcomes of the Forums which had been held, beginning in September of 2006 and culminating with a 'Draft 2' of the Plan in September 2008.

Mr. Fillmore pointed out that when the Plan went to the Provincial Legislature, the legislature deferred the Heritage Property Act (the amendment was from one year to two years). The reason for this was that Province was on the threshold of undertaking a review of their Provincial heritage strategy.

In response to a question on the timeline of the Province's review of their heritage strategy, Mr. Bill Plaskett, Heritage Planner advised that it is planned over a 5 year period from 2008-2013 and it will include a range of heritage issues.

Mr. Fillmore then reviewed the Summary of Refinements to the Downtown Halifax Urban Design Plan: Draft 2 to the Final Plan document which had been circulated. He advised that the next steps are for the Plan to proceed through Council's three committees charged with review and adoption of the Plan (Urban Design Task Force, Regional Plan Advisory Committee, and the Heritage Advisory Committee); and in March staff will be giving a detailed presentation of the Plan at a meeting of Committee of the Whole. He added that First Reading is expected in April with the Public Hearing scheduled for early May, and assuming it is adopted by Regional Council, then Ministerial Approval would occur over the course of the summer.

At 12:36 p.m. the Committee recessed.

At 12:52 p.m. the Committee reconvened.

Mr. Fillmore reviewed the motions as contained in the February 4, 2009 staff report.

MOVED by Mr. Shakotko, seconded by Mr. Taylor that Regional Council:

- 1. Give First Reading to the proposed Downtown Halifax Secondary Municipal Planning Strategy,, the proposed Downtown Halifax Land Use By-law, the proposed Barrington Street Heritage Conservation District Revitalization Plan & By-law, the proposed amendments to the Regional Municipal Planning Strategy, the proposed amendments to the Halifax Municipal Planning Strategy, the proposed amendments to the Halifax Peninsula Land Use By-law, the proposed amendments to the Heritage Property By-law, the proposed amendments to the Building By-law, and the proposed amendments to the Encroachment By-law as provided in Attachments “A” and “B” of the February 4, 2009 staff report, and schedule a Public Hearing.**
- 2. Approve the proposed Downtown Halifax Secondary Municipal Planning Strategy, the proposed Downtown Halifax Land Use By-law, the proposed Barrington Street Heritage Conservation District Revitalization Plan & By-law and, the proposed amendments to the Regional Municipal Planning Strategy, the proposed amendments to the Halifax Municipal Planning Strategy, the proposed amendments to the Halifax Peninsula Land Use By-law, the proposed amendments to the Heritage Property By-law, the proposed amendments to the Building By-law, and the proposed amendments to the Encroachment By-law as provided in Attachments “A” and “B of the February 4, 2009 staff report.**
- 3. Approve the Priorities after Adoption as outlined in Attachment “C” of the February 4, 2009 staff report.**
- 4. Approve the Barrington Street Heritage Conservation District Financial Incentives Program Terms and Conditions for Capital Grants, Tax Incentives, and Permit Fee Waivers as outlined in Attachment “D” of the February 4, 2009 staff report pending Council budget approval including identification of a funding source for the program.**

A discussion ensued and concern was expressed in regard to the proposal for monitoring of the Plan, with the general consensus being that there should be stronger monitoring of the Plan.

Mr. French pointed out that the Regional Plan Advisory Committee (RPAC) was meeting today at 3:00 p.m. to discuss and provide recommendation on the report as well. He suggested that if the UDTF is considering including a recommendation on a stronger monitoring program, then the RPAC should be advised that an alternative is being considered prior to them putting forward their recommendation. He also noted that this matter would have to be sorted out prior to going to Regional Council for First Reading.

Mr. French further advised that, given the time constraints with regard to any amendment on the issue of Plan Monitoring, if the Committee was in agreement, they could direct the Committee executive to work with staff to prepare the correct wording on an amendment

to create a more robust monitoring program.

MOVED by Councillor Sloane, seconded by Mr. Garrett that staff work with the executive members of the Urban Design Task Force to prepare the wording which would amend the Task Force's recommendation to recommend the Plan monitoring system be more robust. MOTION PUT AND PASSED.

Mr. David Garrett referred to his submission and reviewed his recommended modifications to the "Heritage Design Guidelines, Section 4, Downtown Halifax Land Use By-law & Design Manual". In his remarks, he indicated that he supports the Plan in principle but he has a great concern about the heritage regulations. Mr. Garrett advised that he believed his modifications would make the Heritage Design Guidelines internally consistent and more closely align HRMbyDesign with current HRM and international heritage policy, and without the modifications there will be a diminishment from current heritage policy.

MOVED by Mr. Garrett, seconded by Councillor Sloane that the Urban Design Task Force amend the motion to include the *Recommended Modifications to the Heritage Design Guidelines, Section 4, Downtown Halifax Land Use By-law & Design Manual* as presented in the February 17, 2009 submission by Mr. David Garrett. MOTION PUT AND DEFEATED.

MOVED by Councillor Sloane, seconded by Mr. Shakotko that the *Recommended Modifications to the Heritage Design Guidelines, Section 4, Downtown Halifax Land Use By-law & Design Manual* as presented in the February 17, 2009 submission by Mr. David Garrett be referred to the first meeting of the Urban Design Task Force, following Regional Council's adoption of the Plan. MOTION PUT AND PASSED.

THE MAIN MOTION, AS AMENDED, WAS PUT AND PASSED.

6.4 UDTF Appointments of Service

The Chair asked the members to give consideration over the next week as to whether they wish to continue serving on the Committee. She noted that she expects that the future work of the Committee will not involve the same level of detail but will be more of a higher level of work.

6.5 Remaining Regional Centre-wide work

Due to time constraints this matter was not dealt with.

7. CORRESPONDENCE AND DELEGATIONS: None.

8. ADDED ITEMS:

8.1 Update on Turner Drake Capacity Study (Andy Fillmore)

This item was dealt with earlier in the meeting.

8.2 Update on the Grandfathering Issue (Austin French)

This item was dealt with earlier in the meeting.

9. NEXT MEETING DATE

To be determined.

10. ADJOURNMENT

The meeting adjourned at 2:02 p.m.

Sheilagh Edmonds
Legislative Assistant