

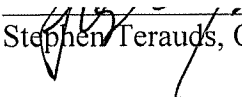


PO Box 1749
Halifax, Nova Scotia
B3J 3A5, Canada

Item No. 11.1.7 (iii)
Halifax Regional Council
April 12, 2011

TO: Mayor Kelly and Members of Halifax Regional Council

Original Signed

SUBMITTED BY:  Stephen Terauds, Chair, Heritage Advisory Committee

DATE: November 26, 2009

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

ORIGIN

Staff presentation to the Heritage Advisory Committee on November 25, 2009.

RECOMMENDATION

The Heritage Advisory Committee recommends Regional Council refuse the Development Agreement for Case 01172 Barrington/Sackville/Granville Streets based on Policy 7.2.1 of the Municipal Planning Strategy in terms of the height of the proposed building.

BACKGROUND

Staff attended the November 25, 2009 meeting of the Heritage Advisory Committee and presented the staff report regarding the application by 778938 Ontario Limited (Starfish Properties) to enter in to 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.

DISCUSSION

The Staff report as submitted and presented to the Committee described the Proposal as in keeping with Policy 7.2.1 of the Halifax Municipal Planning Strategy – complimentary to adjacent buildings important to the character of the CBD. The report also detailed the two districts this one Proposal straddles – referred to as the Barrington and Granville sub-areas in the report. The staff presentation to the Committee characterized the predominant characteristic of the Barrington Sub-area as primarily low to medium rise, and the Granville Sub-area as containing some higher buildings. In drawing the distinction between the two sub-areas, the Committee felt that the Proposal should address each area differently.

It is the opinion of the Committee that the Proposal does not satisfactorily address Policy 7.2.1 with respect to the character of the Barrington Sub-area. In this regard, the Committee approved the motion as noted above in the Recommendation.

Further Committee discussion focused on the re-creation of the Barrington St. façade of the Roy Building. The Committee was uncomfortable with a totally new building recreating an old one and the apparent re-creation or re-installation of the name and date plaques on the Roy Building was of particular concern. Should 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.

BUDGET IMPLICATIONS

There are no budget implications associated with this report.

FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN

This report complies with the Municipality’s Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ALTERNATIVES

The Heritage Advisory Committee has not recommended any alternatives.

ATTACHMENTS

Attachment 'A' : Extract of Minutes from the November 25, 2009 Heritage Advisory Committee

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Stephen Terauds, Chair, Heritage Advisory Committee

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 setback 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 setback 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.**