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**Halifax Regional Council**  
**February 7, 2006**

**TO:** Mayor Kelly, Members of Halifax Regional Council

**SUBMITTED BY:**

A handwritten signature in black ink, appearing to read "Tom Creighton", written over a horizontal line.

Tom Creighton, Chair, Heritage Advisory Committee

**DATE:** January 25, 2006

**SUBJECT:** **Case 00709 - Application for a Development Agreement by United Gulf Developments**

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**ORIGIN**

January 18, 2006 Heritage Advisory Committee meeting.

**RECOMMENDATION**

**The Heritage Advisory Committee recommends that Regional Council:**

1. Refuse to enter into the development agreement as per the staff report dated December 16, 2005.
2. 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.

## **BACKGROUND**

The Heritage Advisory Committee considered this matter at their January 18, 2006 meeting of the Heritage Advisory Committee. Please see staff report dated December 16, 2005 for further background information.

## **DISCUSSION**

### **Recommendation 1**

The Heritage advisory Committee adopted a motion advising Halifax Regional Council that the overall potential impact of the proposed development agreement Case 00709, on the adjacent registered heritage properties is unacceptable. In making its decision the Heritage Advisory Committee concluded that the Development Agreement did 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)

In determining the decision consideration was given to the proximity to Citadel Hill as per policies 6.3, 6.3.1, 6.3.2, and 6.3.3, specifically that the City shall control the height of new development within the Capital Business District in the vicinity of Citadel Hill. When the policies are reviewed as a whole, a 27-storey building by its sheer height will tower above the adjacent heritage properties and affect the view planes to and from Citadel Hill. Since the proposed development will dominate the adjacent heritage properties the Committee has concerns that if approved it will not fit in with the proposed Barrington Street Historic District.

The Committee also expressed concern regarding staff's comment that the historic character of the buildings backing onto Granville Street have less heritage significance, as per page 7, paragraph 7 of the staff report. 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.

### **Recommendation 2**

The Heritage Advisory Committee believes 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. The Municipal Planning Strategy provides no definition of the words "vicinity," "adjacent" or "significance," hence the words are open to the interpretation of the Nova Scotia Utility and Review Board. The Heritage Committee holds that the NS Utility and Review Board will

determine the outcome of the proposal. 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, and leave little room for interpretation either by staff, Council, Heritage Advisory Committee or the Nova Scotia Utility and Review Board.

### **BUDGET IMPLICATIONS**

None.

### **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**

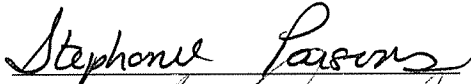
1. Halifax Regional Council may approve the development agreement.
2. Halifax Regional Council may approve the development agreement with modifications.

### **ATTACHMENTS**

- 1) Extract from draft January 18, 2006 Heritage Advisory Committee minutes.

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by:

  
Stephanie Parsons, Legislative Assistant

490-6519

Report Approved by:

  
Tom Creighton, Chair, Heritage Advisory Committee

# HALIFAX REGIONAL MUNICIPALITY

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## HERITAGE ADVISORY COMMITTEE

January 18, 2006

### MINUTE EXTRACT

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

**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:

- 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.
- 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.
- That if the development agreement is approved, it will not fit in with the proposed Barrington Street Historic District.
- 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 Committees 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 21<sup>st</sup> 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.**