

DISTRICT 12 PLANNING ADVISORY COMMITTEE
MINUTES

November 30, 2009

PRESENT: Ms. Heather Ternoway, Chair
Ms. Beverly Miller, Vice-Chair
Mr. Clary Kempton
Councillor Dawn Sloane
Ms. Katherine Perrott

STAFF: Ms. Gail Harnish, Admin/PAC Coordinator
Ms. Julie Vandervoort, Legislative Support

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- **CALL TO ORDER**

The meeting was called to order at 7:06 p.m. in the Trophy Room, City Hall.

- **APPROVAL OF MINUTES - October 26, 2009**

MOVED by Ms. Perrott, seconded by Councillor Sloane that the minutes of October 26, 2009 be approved. MOTION PUT AND PASSED.

- **APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS**

There were no additions or deletions to the agenda.

- **BUSINESS ARISING OUT OF THE MINUTES - NONE**

- **CONSIDERATION OF DEFERRED BUSINESS - NONE**

- **PUBLIC PARTICIPATION - GENERAL PLANNING ISSUES**

6.1. General presentation on the compatibility with heritage properties - Philip Pacey, Chair, HRM Committee, Heritage Trust of Nova Scotia.

- Letter from Mr. Philip Pacey to District 12 PAC members, received November 16, 2009.

Ms. Ternoway stated that this Committee does not consider public presentations on specific developments but would allow a general presentation.

Mr. Pacey circulated a copy of his presentation, dated November 30, 2009, and gave a five-minute presentation on making new buildings compatible and the principles of harmony of height, colour, material, form and proportion. Mr. Pacey stated that a tall building does more damage to harmony than an incompatible building of less height. Mr. Pacey referred to international best practices in this area and stated that the Halifax Municipal Planning Strategy is in line with these practices by providing tools for wise decisions.

Councillor Sloane asked Mr. Pacey to go over Policy 7.2.1. of the HMP Strategy. Mr. Pacey stated that the term "adjacent" can mean buildings up to a block and a half apart if the buildings have a visual impact on each other. Mr. Pacey stated that the term "reinforce" in Policy 7.2.1. is important and means that a new building should bring out aspects of existing buildings.

7. **REPORTS:**

7.1 Case 01171: Development Agreement - Barrington/Sackville/Granville Streets, Halifax

- A staff report on Case 0117, dated November 18, 2009, was submitted.

Mr. Paul Sampson, Planner, gave a Power Point presentation on the development proposal. He stated that the total height of the proposed base of the new building would match the height of the existing base but the floor to ceiling ratio would be higher. Ms. Ternoway requested confirmation of this point and Mr. Sampson confirmed. Mr. Sampson stated that the buildings in the surrounding area vary in height, style and character; that Policy 7.2.1. is advisory, not mandatory; that while some new buildings replicate heritage designs, others do not.

Reference was made to Policy CH-1 of the Regional Plan which talks about built heritage as an integral part of the landscape. Committee members questioned the extent to which the larger streetscape was being considered.

In response to the concern about the Public Information Meeting (PIM) minutes not being available, Mr. Sampson stated that a PIM was not mandatory for this project but typically PIM is held for most proposals. He stated that some comments expressed during the PIM resulted in a modified design. Although neither the minutes nor the tape of the PIM could be located, some notes from the meeting were kept. Councillor Sloane stated that she was very concerned to learn this, that there must be a transparent process. Ms. Miller stated that there should have been a statement about the missing minutes in the report.

Ms. Ternoway stated that she was concerned that full wind test results for this proposal were not available and that, even if this was not a requirement, that other development proposals had shown diligence around providing complete test results. Mr. Sampson stated that the wind issue was being examined and the situation in this case was similar to other development agreements. Ms. Miller stated that Planning has no standards that developers have to meet on acceptable wind impact. Mr. Sampson stated that until Council adopts criteria on wind impact, planners must rely on consultant reports. Ms. Ternoway requested that the committee's concern about wind criteria be added to the status report sheet and taken to Council at a future date.

There was extensive discussion by PAC members and Mr. Sampson over the distinction between heritage districts and designated heritage properties, and on the extent to which wider regional, district and HRM by Design planning frameworks must, or should, be considered. Ms. Ternoway stated that prior to this meeting she had

clarified with legal and with staff about the implications of the grandfathering of this property. She referred to page one of the staff report, bullet two under the heading "Origin", that policies enable Council to consider this proposal under the Halifax Municipal Planning Strategy in effect when the complete application was received. Ms. Ternoway stated that the word "enable" is unclear and she received confirmation that this consideration is not optional, it is actually a requirement.

Ms. Ternoway stated that committee members think that the new policies have taken out some fuzzy interpretation about what is reasonable and in the best interests of the street and that not considering these policies represents a missed opportunity. She stated that she recognized that, under the old Municipal Planning Strategy, the committee was guided by Policies 90 A, B, C and D.

Committee members expressed concerns that the proposed building was not compatible or in scale with the surrounding area and how the building would be seen from other parts of the city. There was also concern that the Granville streetscape building line and the sense of Barrington Street as a heritage district would be disrupted and that the open timelines could mean many features about the building, including substituting lesser quality materials, could be changed without going back to the public.

Mr. Sampson stated that, for the project under discussion, Council was following the Municipal Planning Strategy, that Council's intent and decision was clear when this proposal was grandfathered.

Councillor Sloane stated that she was not comfortable voting on this proposal until a legal opinion was obtained on whether the committee was judging the proposal properly, taking all the relevant policies into account. She stated that this uncertainty affected upcoming proposals as well as the one under discussion.

Ms. Miller made a motion that the committee not recommend the proposal as the wind study was deficient and did not comply with Policies 4.2, 7.1.2., 7.2. and 7.2.1. of the Municipal Planning Strategy and that a legal opinion be requested on the application of regional planning to these proposals. This motion was not seconded and, therefore, was lost.

After further discussion, there was general consensus to defer a committee decision on Case 01172.

MOVED by Councillor Sloane, seconded by Ms. Perrott, that the District 12 Planning Advisory Committee:

- 1. Defer a decision on Case 01171 pending legal advice on the relationship between regional planning and the Municipal Planning Strategy and that at**

the next regular or special meeting, the committee will produce a detailed list of specific recommendations on Case 01171.

MOTION PUT AND PASSED.

MOVED by Councillor Sloane, seconded by Mr. Kempton, that the District 12 Planning Advisory Committee defer the remaining November 30, 2009 agenda items. **MOTION PUT AND PASSED.**

8. STATUS UPDATES -- Deferred.

8.1 Monthly status updates - Planning applications

8.2 Review of status sheet

8.3 Decisions of Council

8.4 Demolition Permit Applications

9. ADDED ITEMS -- Deferred.

10. NEXT MEETING

The next meeting is scheduled for Monday, January 25, 2010.

11. ADJOURNMENT

The meeting adjourned at 9:45 p.m.

Julie Vandervoort
Legislative Support