

Chapter 7. Cultural and Heritage Resources – written submissions as of July 5, 2013

PROPOSED POLICY CHANGE	SUBMITTED BY	REF. #	COMMUNITY FEEDBACK	STAFF RESPONSE	CDAC Direction
Policy CH-5	Heritage Trust		Draft Policy CH-5 proposes adopting the federal Standards and Guidelines for the Conservation of Historic Places in Canada. This is an improvement over the previous draft, which proposed replacing the time-tested municipal Heritage Building Conservation Standards. The municipal Standards are more general. For example, Standard 2 states: “The historic character of the property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize the property shall be avoided.” This is more inclusive than anything in the federal Standards and Guidelines. It would be a further improvement to indicate that both sets of Standards will apply, at least until HRM can complete the list in our next recommendation.	<p>HAC and Heritage application staff are of the opinion that it would be problematic to have two sets of standards in place concurrently. Staff are recommending replacing the existing US based standards with the more comprehensive Canadian standards and guidelines.</p> <p>The existing HRM standards consist of a one-page list of ten standards and provide no guidance about how they should be applied. In contrast, the Canadian Standards and Guidelines are more comprehensive in their scope. Each standard (of which there are 14) is accompanied by an illustrated description of its intent. The accompanying guidelines provide direction on how to interpret and apply the standards.</p> <p>The comprehensive scope of the Canadian Standards and Guidelines is useful not only to HRM for the purposes of evaluating applications for alteration to heritage resources, but also as an educational tool for applicants and architects, potentially assisting them in understanding the heritage value of their property and the considerations that go into conserving that heritage value when contemplating alterations.</p>	
Canadian Standards and Guidelines			The federal Standards, in two pages, refer 16 times to “ character-defining elements ”. To apply the federal Standards then, one must have a list of character-defining elements to check. Unfortunately, HRM does not have a list of character-defining elements for many Municipal Heritage Properties . For other Municipal Heritage Properties, the list of elements is incomplete, often because it is based on one photograph of only one elevation. Interesting features on other elevations or on the roof have not been written down. We recommend that HRM include a policy in the Regional Plan to prepare a list of character-defining elements for each of the 470 municipal heritage properties.	Staff agree that adoption of the Canadian Standards and Guidelines should be reinforced by continued efforts to develop Statements of Significance, heritage value and character defining elements for every registered heritage property.	
Identification of cultural and heritage resources			The Chapter should address each of the aims of the Heritage Property Act: “Identification”, “designation” and “preservation, conservation, protection and rehabilitation”. “Identification” is dealt with in draft Policy CH-2, but this just refers to a little-known document from 2005. There should be a clearly stated policy to seek out potential heritage and cultural resources.	Staff, Heritage Applications Staff, and HAC all agree that RP+5 should have clearer policy statements affirming HRM’s commitment to protection of built heritage.	
Designation			“Designation” is not dealt with in the draft. A policy parallel to Policy 6.2 in the Halifax MPS is needed: “The Municipality should designate those properties which meet the adopted criteria as registered heritage properties or registered heritage conservation areas....”	Agreed. A policy will be added concerning the ongoing designation of heritage properties.	

<p>Preservation, conservation, protection and rehabilitation</p>		<p>There is no clear policy calling for the “preservation, conservation, protection and rehabilitation” of the resources that are designated. Such a policy should be added and should be the core of the chapter. Policy 6.1 in the Halifax MPS would be a good model to follow. Here is a paraphrase of that policy: “The Municipality 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 citizens a sense of its heritage, particularly those which are relevant to important occasions, eras, or personages in the histories of the Municipality, the Province, or the nation, or which are deemed to be architecturally significant.</p>	<p>Agreed. A policy will be added to affirm HRM’s ongoing commitment to heritage resources.</p>	
		<p>Many of the good ideas from Secondary Planning Strategies should be shared with the whole municipality by adopting them in the Regional Plan. Some examples from the Halifax MPS are Policy 6.4.2 regarding conservation easements, Policy 6.4.3 regarding acquisition of heritage properties, Policy 6.5 regarding budgeting for conservation assistance, Policy 6.6 regarding preferential leasing of heritage properties, and Policy 6.8 regarding allowing alternate uses of heritage properties. They are paraphrased below:</p> <p>6.4.2 The Municipality 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.</p> <p>6.4.3 The Municipality shall consider acquisition of registered heritage properties whenever acquisition is the most appropriate means to ensure their preservation.</p> <p>6.5 The Municipality shall budget an annual amount to ensure that a fund is available should purchase or other financial involvement be considered by the Municipality for a registered heritage property.</p> <p>6.6 In the purchase or lease of space for its own use, the Municipality shall first consider accommodation in designated heritage structures.</p> <p>6.8 In any building, part of a building, or on any lot on which a registered heritage building is situated, the owner may apply to the Municipality for a development agreement for any change in use not otherwise permitted by the land use designation and zone subject to the following considerations:</p> <p>(i) that any registered heritage building covered by the agreement shall not be altered in any way to diminish its heritage value;</p> <p>(ii) that any development must maintain the integrity of any registered heritage property, streetscape or conservation area of which it is part;</p> <p>(iii) that any adjacent uses, particularly residential use are not unduly disrupted as a result of traffic generation, noise, hours of operation, parking requirements and such other land use impacts as may be required as part of a development;</p> <p>(iv) that any development substantially complies with the policies of this plan and in particular the objectives and policies as they relate to heritage resources.</p> <p>The addition of policy 6.8 would extend the availability to change uses to registered buildings outside the former cities. This could have been of benefit in the Stella Maris case.</p>	<p>Agreed. A new section will be added to identify additional methods of heritage protection based on policies contained in the Halifax and Dartmouth municipal planning strategies.</p>	
<p>“Consider”</p>		<p>The draft policies repeatedly use the words “consider”, “considered”, and “considering”. These words are weak. The Utility and Review Board overturned a decision of HRM Council by arguing that the words “give consideration to” were too weak to allow HRM to deny a development agreement. For example, in draft Policy CH-5(a), “considered” should be changed to “followed”. In draft Policy CH-11, “Shall consider maintaining” should be changed to “should maintain”. In draft Policy CH-13, line 6, “considering” should be changed to “requiring”.</p>	<p>Staff do not agree. It is the established practice of HRM to use “shall consider” when expressing policy intent.</p>	

Policy CH-13			<p>Policy CH-13, regarding development abutting registered heritage properties, should be strengthened. In line 5 the word “compatible” should be replaced by the word “harmonious”. In the preamble to this policy, the negative comments about replication should be dropped, so the last sentence would read, “It is the intent of this policy to require innovative design solutions that incorporate architecture, place-making, and material selection of the highest quality that are appropriate in relation to their abutting neighbours.”</p> <p>A new clause (a) should be inserted: “The careful use of materials, colour, proportion, and the rhythm established by surface and structural elements should reinforce those same aspects of the existing buildings.” In (a)(iii), line 3, after “street wall”, insert the words “and abutting heritage properties”. At the end of clause (c), insert the words “and heritage resources”.</p>	<p>Compatible will be retained. In considering this suggestion on June 26, 2013 HAC agreed that it prefers the word “Compatible”.</p> <p>Staff and HAC agree; the preamble has been amended. HAC also suggested addressing the “replication” issue by using language from the Canadian Standards & Guidelines. See new policy (aaa) in Draft 3.2</p> <p>HAC discussed this on June 2013 and felt that these elements are covered under other subsections e.g. “proportion and rhythm”.</p> <p>Staff agree, see changes to a(iii) in Draft 3.2.</p>	
Policy CH_14			Policy CH-14, exempting Downtown Halifax from Policy CH-13, should be deleted.	Staff do not agree. The new Downtown Halifax Plan supplants the need for CH-13.	
Policy CH 15d			Policy CH-15(d), regarding “exceptional new architecture”, should be moved to the Regional Centre chapter or deleted.	Agreed, this belongs in the Regional Centre Chapter where it is covered by Guiding Principles, section 6.2.2 II.	
Policy CH-3			It is not clear that lumping together the Heritage Functional Plan and the Cultural Functional Plan, as in proposed Policy CH-3, would be effective. The larger document may take longer to produce than the individual documents. The priority for staff time should be the Heritage Conservation Districts.	The Culture and Heritage Priorities Plan and the Heritage Conservations Districts already prioritized by Regional Council are considered to be priorities for staff time.	
Culture			“Culture” is often used as an adjective. This should be replaced by “cultural” wherever it is used as an adjective.		
Section 7.1			Section 7.1, Objective 1: The words, “viability of”, should be deleted. “Resources” should be preserved and enhanced, not just their viability.	Agreed, Objective 1 has been amended. See Draft 3.2 .	
7.4 Archaeological Resources	Spryfield Residents Association		(Pg. 76) 7.4 Archaeological Resources: Already suggested areas needing protection under the Special Places Protection Act including the Rockingstone at Kidston Lake.	This request may be considered as part of the Culture and Heritage Priorities Plan	