

HERITAGE ADVISORY COMMITTEE
MINUTES

June 23, 2010

PRESENT: Mr. Stephen Terauds, Chair
Ms. Catherine Thibeault, Vice Chair
Ms. Susan Carroll
Mr. Arthur Irwin
Ms. Lisa Miller
Mr. Mark Archibald
Ms. Carly Sorensen
Ms. Tori Jarvis
Mr. Paul Matthews
Councillor Jennifer Watts

REGRETS: Mr. Adam Conter
Councillor Lorelei Nicoll

STAFF: Mr. Bill Plaskett, Heritage Planner
Mr. Luc Ouellet, Planner
Ms. Sheilagh Edmonds, Legislative Assistant

TABLE OF CONTENTS

1.	CALL TO ORDER	3
2.	APPROVAL OF MINUTES	3
3.	APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS	3
4.	BUSINESS ARISING FROM THE MINUTES / STATUS SHEET:	
4.1	Business Arising:	3
4.2	Status Sheet:	3
4.2.1	Role of the HAC - Advice/Approval for Heritage Incentives Program	3
4.2.2	Potential Sale of the Main Library	3
4.2.3	Potential Heritage Conservation Districts	4
5.	DEFERRED ITEMS:	4
6.	CORRESPONDENCE, PETITIONS & DELEGATIONS:	
6.1	Correspondence:	4
6.2	Petitions:	4
6.3	Presentations:	4
6.4	Updates from HAC Members - HRM Committees and HAC Sub-committees:	4
7.	REPORTS:	
7.1	Staff:	4
7.1.1	Case 15815 - Amendments to the Downtown Halifax MPS and Barrington Street Heritage Conservation District Plan and By-law	6
7.1.2	Heritage Incentives: Barrington Street Heritage District: 2010-11	8
7.2	Committee Members:	8
8.	ADDED ITEMS:	8
9.	DATE OF NEXT MEETING	9
10.	ADJOURNMENT	9

1. CALL TO ORDER

The Chair called the meeting to order at 3:06 p.m. in the Media Room, City Hall.

2. APPROVAL OF MINUTES

MOVED by Mr. Irwin, seconded by Ms. Carroll that the minutes of May 26, 2010 be approved. MOTION PUT AND PASSED.

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

The Chair advised that Mr. Fillmore was present to address an item on the agenda, and that he also has information he can provide in regard to Heritage Conservation Districts. The Chair advised that he would like to add this as item 4.2.3, to which it was agreed.

MOVED by Ms. Thibeault, seconded by Ms. Miller that the agenda, as amended, be approved. MOTION PUT AND PASSED.

4. BUSINESS ARISING FROM THE MINUTES / STATUS SHEET:

4.1 Business Arising: None

4.2 Status Sheet:

4.2.1 Role of the HAC - Advice/Approval for Heritage Incentives Program

The Chair advised that this item could be removed from the Status Sheet.

4.2.2 Potential Sale of the Main Library

Mr. Andy Fillmore, Project Manager, Urban Design, advised that the anticipated opening of the new central public library is the spring of 2013, with six months to commission after that. He added that the current library will be in use until the spring of 2014, therefore, there is no urgency to the decision making in regard to the site of the current library. Mr. Fillmore advised that the process in regard to the future of the site will involve Regional Council, the community, and the Heritage Advisory Committee, and that any decisions in regard to heritage registration will come about as a result of this process.

With regard to the site of the present library, Mr. Fillmore provided a brief history, explaining that the City petitioned the Crown in 1881 for land to make it a park and a public square, and once it was no longer used as such, the property was to revert back to the Crown. In 1949, new legislation gave the City permission to build the library. In 2007 public consultation was carried out on the lands of Spring Garden Road/Queen Street, and resulted in Regional Council approving in principle a larger Master Plan package, and commercial use was approved.

The Chair advised that due to time constraints, rather than getting into a discussion at this time, the matter would be deferred to the Committee's next meeting.

4.2.3 Potential Heritage Conservation Districts

Mr. Fillmore circulated copies of a map which noted prominent civic heritage and cultural resources and an e-mail which outlined Heritage Conservation District themes. In reference to the map, Mr. Fillmore noted that this matter is about the entire regional centre and not just the downtown area. He also pointed out that the creation of Heritage Conservation Districts is part of the Heritage Advisory Committee's mandate.

Mr. Fillmore suggested that the Committee members review the memo and the map and come back at the next meeting with areas circled which they give priority in regard to the development of next heritage conservation districts.

5. DEFERRED ITEMS: None

6. CORRESPONDENCE, PETITIONS & DELEGATIONS:

6.1 Correspondence: None

6.2 Petitions: None

6.3 Presentations: None

6.4 Updates from HAC Members - HRM Committees and HAC Sub-committees: None

7. REPORTS:

7.1 Staff:

7.1.1 Case 15815 - Amendments to the Downtown Halifax MPS and Barrington Street Heritage Conservation District Plan and By-law

- A staff report dated June 8, 2010 was submitted.
- Correspondence dated June 22, 2010 from Mr. Phil Pacey, Heritage Trust of Nova Scotia was circulated.

Mr. Luc Ouellet, Planner, outlined the report which recommended an amendment to the Barrington Street Heritage Conservation District Revitalization Plan, By-law H-500 [Heritage Conservation District (Barrington Street) By-law] and the Downtown Halifax Secondary Municipal Planning Strategy (MPS) to exempt the two development agreement applications grandfathered under Policy 90A of the MPS which fall within the Barrington Street Heritage Conservation District from the application of the Heritage Conservation District (Barrington Street) By-law.

For the information of the Committee members, the Chair pointed out that one of the two applications in the report came to the committee as a development agreement and the Committee did not recommend this Development Agreement to Council. The Chair noted that the report has not yet been submitted to Council, and he added that the other application has not yet come before the Committee.

In his remarks Mr. Ouellet advised that similar grandfathering provisions are required in

the Barrington Street Heritage Conservation District Revitalization Plan and By-law as are in the Downtown Halifax Secondary Municipal Planning Strategy in order that the two projects (that fall within the Barrington Street Heritage Conservation District) can be grandfathered. He added that there must be conformity between the two documents and if it is not corrected then Council will have to refuse both applications since there are no policies in the new Barrington Street Heritage Conservation District Revitalization plan to allow Council to consider approving them. Mr. Ouellet advised that this would be inconsistent with Council's intention when grandfathering policies were adopted for the Downtown Halifax Secondary Municipal Planning Strategy.

The Chair questioned why the Committee was being asked to provide a recommendation when the matter of grandfathering the properties never came before the Committee previously.

In response, Mr. Ouellet advised that the difference this time was that the Plan is in effect, and this is an amendment to the Plan.

The Chair advised that the Committee had agreed to allow Mr. Phil Pacey to provide a presentation on this matter, and he invited Mr. Pacey to come forward at this time.

Mr. Pacey advised that Heritage Trust was asking the Heritage Advisory Committee to recommend Regional Council reject the proposed amendments to the Barrington Street Heritage Conservation District Revitalization Plan and By-law. He explained that the amendments are contrary to Section 2 and Section 19E(5) of the Heritage Property Act which pertains to the preservation, protection and conservation of buildings and streetscapes.

Mr. Pacey reviewed the history of the two subject properties noting the historical significance and cultural value and advised that the amendment would allow the buildings to be demolished. Another point of concern Mr. Pacey expressed was the scale of the buildings that would be permitted, adding that the scale of the district is a defining aspect of the area. Mr. Pacey read Section 19E (5) of the Heritage Property Act, and suggested that the legislation was thought out in advance and was designed to prevent grandfathering in heritage conservation districts.

Mr. Pacey concluded by referring to the staff report and asking the Heritage Advisory Committee not to approve the staff recommendation but to put forward a recommendation approving the second Alternative in the staff report, which is that the application for amendment be turned down.

Mr. Ouellet responded to questions.

Prior to opening the Committee discussion, for clarification the Chair advised that there is a difference of opinion between staff and the letter submitted by Mr. Pacey. He noted that staff does not see that approving the amendments would contradict the Heritage Property Act. The Chair added that the Committee's decision will be about whether the grandfathering is consistent with the Conservation District.

Ms. Jarvis noted that Council was already recommending grandfathering and

questioned whether it was productive to debate this any further.

In response, the Chair advised that Council will ultimately have to make this decision and that it is difficult to deal with this because the Committee was not asked to comment the first time the matter was raised by staff. He added that the Committee's task is to consider the heritage implications.

Ms. Thibeault indicated that she could not support the recommendation as she felt it would have an impact on other proposals.

The Chair questioned the impact of the staff report on any other properties in the Heritage Conservation District. In response, Mr. Ouellet advised that there were no implications and that this is to correct an omission by staff and it will finish the business of HRMbyDesign.

Councillor Watts advised that she could not support the staff recommendation. She expressed concern that it may be seen as a mechanism that Council can engage in when other conservation districts come into consideration. The Councillor added that in her view if the Committee were to approve the recommendation, it would be seen as the Committee's endorsement of this as an allowable process.

Mr. Ouellet pointed out that other possible conservation districts would not have the wide window for Development Agreements as Barrington Street.

Mr. Irwin suggested that in accepting the grandfathering process, the area will lose its historical significance.

At 4:09 p.m. Ms. Miller retired from the meeting.

MOVED by Councillor Watts, seconded by Mr. Irwin that the Heritage Advisory Committee recommends that Halifax Regional Council not give First Reading or schedule a public hearing in regard the proposed amendments to the Barrington Street Heritage Conservation District Revitalization Plan and By-law H-500 [Heritage Conservation District (Barrington Street) By-law], as provided in Attachment B and C of the June 8, 2010 staff report. MOTION PUT AND PASSED.

7.1.2 Heritage Incentives: Barrington Street Heritage District: 2010-11

- A staff report dated June 7, 2010 was submitted.

Mr. Bill Plaskett, Heritage Planner provided a presentation on the staff recommendation for approval of grants and tax credits for the application received under the Barrington Street Heritage District Incentives Program for 2010. He began his presentation with a review of the program terms and conditions and then outlined the applications that were received and the evaluation process they went through. The following points were noted:

- 9 applications were received this year versus 3 applications that were received last year.

- the 2010 grant budget is \$200,000, however the requests are almost three times this amount.
- the figures presented were not necessarily the same as what was submitted—staff carried out rigorous analysis reviewing the applications against the terms and conditions to ensure that they were eligible; certain items were ineligible
- an error in the staff report was noted—in one instance the Old Acadia Insurance building was incorrectly referred to as the Old Canada Permanent Trust building (part of the Starfish-owned property).

Mr. Plaskett advised that staff came up with three possible options for allocating the funds, which were outlined in the staff report, and were recommending Option 3. Option 3 is that the highest ranking projects would receive the grants for which they are eligible to the limit of the grant budget, plus tax credits for their eligible interior work. All lower ranking applications eligible for 50% grants would instead receive 15% tax credits for both interior and exterior work.

A discussion ensued and Mr. Plaskett and Mr. Andre MacNeil, Financial Consultant, HRM Financial and Tax Policy, responded to questions.

MOVED by Ms. Thibeault, seconded by Ms. Jarvis that the Heritage Advisory Committee recommends that Regional Council:

- 1. Approve a grant of no more than \$100,000 and a tax credit of no more than \$376,625 for restoration, renovation and new construction on the former NFB building located at 1572 Barrington Street as described in this report and subject to recommendation #7.**
- 2. Approve a grant of no more than \$90,602 and a tax credit of no more than \$114,079 for restoration, renovation and new construction on the former Harrison (Sam the Record Man) building located 1652 Barrington Street as described in the June 7, 2010 staff report and subject to recommendation #7.**
- 3. Approve a grant of no more than \$9,398 and a tax credit of no more than \$130,338 for restoration, renovation and new construction on the former Canada permanent Trust (Sam the Record Man) building located at 1656 Barrington Street as described in the June 7, 2010 staff report and subject to recommendation #7.**
- 4. Approve a tax credit of no more than \$204,778 for restoration, renovation and new construction on the former Farquhar (Venus Pizza) building located at 1558 Barrington Street as described in the June 7, 2010 staff report and subject to recommendation #7.**
- 5. Approve a tax credit of no more than \$157,273 for restoration, renovation and new construction on the former Granite Brewery building located at 1662 Barrington Street as described in the June 7,**

2010 staff report and subject to recommendation #7.

- 6. Approve a tax credit of no more than \$25,493 for restoration and renovation of the former Nova Scotia Furnishings building located at 1668 Barrington Street as described in the June 7, 2010 staff report and subject to recommendation #7.**
- 7. Approve the grants and tax credits referenced in recommendations 1 - 6 above conditional upon, and payment to the respective applicant shall not be made until, the respective applicant has:
 - a) completed the work set out in the respective application to the satisfaction of the municipality;**
 - b) provided receipts and invoices to support the total amount approved, and**
 - c) executed and registered at the Registry of Deeds/Land Registration Office an agreement that they will not apply to demolish, nor will they demolish, the respective property for 20 years from the date of the agreement.****
- 8. Approve a tax credit of no more than \$4,585 for restoration and renovation of the former Brander Morris (Attica) building located at 1566 Barrington Street as described in the June 7, 2010 staff report.**
- 9. Approve a tax credit of no more than \$3,391 for restoration and renovation of the former G. M. Smith building located at 1717 Barrington Street as described in the June 7, 2010 staff report.**
- 10. Approve a tax credit of no more than \$1,524 for restoration and renovation of the former Tramway building 1598 Barrington Street as described in the June 7, 2010 staff report.**
- 11. Approve the transfer of any unused grant funds (at fiscal year end) from the 2010-11 Barrington Street Heritage Conservation District Incentive s Program budget of \$200,000 (account C310-8004 Planning & Application - Grants) to the Cultural Development Reserve (account Q312) for expenditure in fiscal 2011-12, once the approved projects are completed.**

MOTION PUT AND PASSED.

- 7.2 Committee Members: None**
- 8. ADDED ITEMS: None**
- 9. DATE OF NEXT MEETING - July 28, 2010**

10. ADJOURNMENT

The meeting adjourned at 5:01 p.m.

Sheilagh Edmonds
Legislative Assistant