HALIFAX
REGIONAL MUNICIPALITY

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Item No. **8.1 (iv)**

Halifax Regional Council
August 5, 2008
August 12, 2008
September 9, 2008
September 16, 2008
September 30, 2008
October 21, 2008

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

**SUBMITTED BY:** Mr. Tom Creighton, Chair of the Heritage Advisory Committee

**DATE:** July 24, 2008

**SUBJECT:** **Heritage Advisory Committee - Case 01114: Development Agreement - Hollis/Duke/Upper Water**

## INFORMATION REPORT

## ORIGIN

July 3, 2008 meeting of the Heritage Advisory Committee.

At the July 3, 2008 meeting the above noted matter was presented to the Heritage Advisory Committee. Following a lengthy discussion a motion moving the staff recommendation was put forward, and seconded, however it was defeated.

## BACKGROUND/DISCUSSION

At the July 3, 2008 meeting of the Heritage Advisory Committee Case 01114: Development Agreement - Hollis/Duke/Upper Water Streets was not approved. The Committee's main reason for denying approval was that their interpretation of Policies CH1B and F of the Regional Plan regarding heritage integrity differed from that of staff. Secondary reasons for the motion being defeated may be found in the attached minutes from July 3, 2008.

## BUDGET IMPLICATIONS

None 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.

## ATTACHMENTS

Attachment A - Extract of the minutes from the Heritage Advisory Committee meeting dated July 3, 2008

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: Ms. Shawnee Gregory, Legislative Assistant, 490-6521

# HERITAGE ADVISORY COMMITTEE
## Extract from the minutes dated July 3, 2008

### 5.1 Case 01114: Development Agreement - Hollis/Duke/Upper Water

- A report dated June 16, 2008 was submitted.
- A letter from Mr. A.M. McCrea dated June 18, 2008 was submitted.
- An e-mail from Mr. Philip Pacey dated June 24, 2008 was submitted.

Mr. Austin French, Manager of Planning Services, advised that the Committee's last meeting they had requested further detail regarding policies CH1B and F of the Regional Plan in relation to the proposed development. He advised that staff's interpretation of these policies was that only a drastic change in the structure and material of a building would alter its heritage integrity.

Mr. Luc Ouellet, Planning Services, advised that, regarding heritage integrity, the exterior of the building would be preserved in the application as facades were included in this integrity.

The Committee was reminded that their mandate only covered the heritage integrity of building exteriors prior to the floor being open for questions.

Councillor Sloane expressed her concern with the windows in the proposed development. She felt that the window pattern lacked consistency and although she did not mind the mix of new and old she wondered how they would work encompassing six (6) buildings with differing floor planes in each.

Mr. Lynch, Lydon Lynch Architecture, stated that the windows did pose a challenge considering the building floor planes were three (3) to four (4) feet apart, however, this could be alleviated by integrating a slab and by in filling the building and stairwells in the inconsistent areas. He advised that they wished to maintain the roof line and assured the Committee that the plan would work. Mr. Lynch also indicated that they planned to use traditional punch windows which would be inset with the building fabric. He advised that they did not make all of the windows alike as the policies request them not to be and as well this displays the periods in which each buildings were constructed.

Although they were aware of the fact that they were only to deal with building facades, several Committee members expressed concerns regarding the loss of the interiors of these heritage buildings. Mr. Lynch noted that the building interiors did not meet any codes, therefore, the proposed development was the only way to save them from complete demolition.

Ms. Miller inquired as to how the facade would be physically protected. Mr. A.M. McCrea, Chairman of the Armour Group Limited, advised that during construction the facade would be held in place with metal scaffolds and beams and then connected to the new structure once construction was complete. He stated that the interior of the walls may be insulated to meet green codes and that the old walls would probably not be seen from the interior.

Mr. McCrea also advised that he would be happy to oblige any suggestions that the Committee had regarding changes to the facade.

Ms. Thibeault disagreed with staff's interpretation of the policy. She did not believe that an alteration was acceptable as long as the street level pedestrian view was preserved. She disputed that this development was the only way to save the buildings.

A discussion ensued and all Committee members were given an opportunity to voice their opinion on the proposed development and policy.

Mr. Pothier stated that it was unfair to ask someone to maintain a structure in which the interiors were functionally obsolete for the reason that it was one hundred and ninety (190) years old. He advised that he would argue that the street views were the most important aspect and believed that this was a sympathetic development.

Ms. Carroll argued that the tower would be seen from the waterfront, therefore, it was not a sympathetic development with regards to the streetscape.

Councillor Harvey stated that there were three (3) ways in which to address heritage integrity:

1. Construct a new building with an interpretive panel;
2. Preserve the building; or
3. Something in the middle of options one (1) and two (2) which he believed to be included in the proposal.

Councillor Harvey advised that although the project did appear overbearing on paper he believed that it would not destroy the street level view.

Mr. Deschamps indicated that he was in support of the project; stating that when you were close to the city scape you would not even realize the larger development was there. He also pointed out that HRM did not own the property; the Armour Group did.

Mr. Creighton felt that flexibility was being over stressed as maintaining heritage integrity was more important. He stated that he was proud of the building's heritage as the city did not have many remaining prior to 1900.

Ms. Miller advised that she was in support of the new development with mixed feelings as she would like to see the proposed building lowered and set back farther from the facade.

Mr. Cross advised that his interpretation of the policy differed from that of staff; particularly with regards to the street scape. He stated that the proposed giant glass building would dominate the existing heritage elements and he felt that the spirit and words in the policy had been misused.

HERITAGE ADVISORY COMMITTEE
Extract from the minutes dated July 3, 2008

Ms. Thibeault indicated that she had looked up the definition of heritage and it was the practices that are handed down from the past by tradition. She stated that the Historic Properties were as close to the original Halifax as you could get and she noted that while it may not be feasible to maintain the buildings in their entirety that there had to be a better solution than the proposed nine (9) storey development.

Councillor Sloane stated that the policy was weak and HRM was losing heritage properties daily. She advised that she was not against development, however, she would prefer to see developers use what they have rather than rebuild.

**MOVED BY Councillor Harvey, seconded by Mr. Pothier, that the Heritage Advisory Committee recommend that Regional Council:**

1. **Move Notice of Motion to consider the development agreement, as contained in Attachment A of this report, to allow for the redevelopment of 1855-1873 Hollis Street, 1860-1870 Upper Water Street and 5143 Duke Street, Halifax, and schedule a public hearing;**

2. **Approve the demolition of the Imperial Oil building located at 1860 Upper Water Street; and**

3. **Approve the development agreement, as contained in Attachment A.**

4. **Require that the development agreement be signed and returned within 120 days, or any extension thereof granted by Regional Council on request of the Developer, from the date of final approval by Regional Council or any other bodies as necessary, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.**

**MOTION DEFEATED.**

The Committee advised staff that their main reason for denying approval was in their interpretation of policies CH1B and F.

Councillor Sloane left the meeting at 4:35 p.m.

Councillor Harvey left the meeting at 4:41 p.m.

**MOVED BY Mr. Irwin, seconded by Ms. Carroll, that the Heritage Advisory Committee approve the development if changes were made to the windows in the in fill building.**
**MOTION DEFEATED.**