



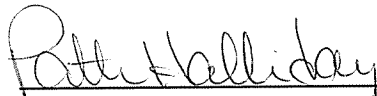
P.O. Box 1749
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Halifax Regional Council
March 18, 2003

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:


for Allan MacLellan, Chair, Heritage Advisory Committee
Regional Heritage Advisory Committee

DATE: March 12, 2003

SUBJECT: Case H00102 - Barrington Street Heritage Conservation District

ORIGIN

February 26, 2003 Heritage Advisory Committee meeting.

RECOMMENDATION

The Heritage Advisory Committee **recommends** that Regional Council direct staff staff to initiate the process to adopt a Heritage Conservation District on Barrington Street between Duke and Bishop Streets under the enabling legislation of the Provincial Heritage Property Act.

BACKGROUND

See attached staff report dated February 14, 2003.

DISCUSSION

This application was reviewed by the Heritage Advisory Committee at its meeting of February 26, 2003 (draft minute extract attached).

ATTACHMENTS

- 1) Staff report to the Heritage Advisory Committee dated February 14, 2003
- 2) Extract from draft February 26, 2003 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: Patti Halliday, Assistant Municipal Clerk

Report Approved by: Allan MacLellan, Chair, Heritage Advisory Committee



PO Box 1749
Halifax, Nova Scotia
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Heritage Advisory Committee
February 26, 2003

To: Heritage Advisory Committee

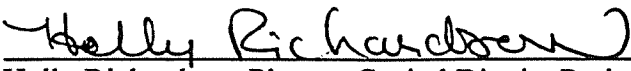
Submitted by:



Jim Donovan, Manager, Planning Applications



Kevin Barrett, Heritage Planner Planning & Development Services



Holly Richardson, Planner Capital District Project

Date: February 14, 2003

Subject: H00102 - Barrington Street Heritage Conservation District

STAFF REPORT

ORIGIN

A study conducted by the Downtown Halifax Business Commission in partnership with Halifax Regional Municipality to research and recommend Planning tools for the revitalization of Barrington Street in Downtown Halifax including the creation of a heritage conservation district.

RECOMMENDATION

It is recommended that the Heritage Advisory Committee recommend to Regional Council that staff initiate the process to adopt a Heritage Conservation District on Barrington Street between Duke and Bishop Streets under the enabling legislation of the Provincial Heritage Property Act.

BACKGROUND

Stemming from the 1998 study "Downtown Barrington: A Strategy for Rejuvenation of Barrington Street, Halifax" the Downtown Halifax Business Commission and Halifax Regional Municipality partnered to undertake a detailed study of the potential to create a heritage-based district on the Street and an action-plan for its implementation. This work was completed in February 2003 by Ekistics Planning & Design who have determined that a Heritage Conservation District, under the Provincial Heritage Property Act, would be a viable tool for protecting and promoting architectural heritage on Barrington Street and provide a mechanism to facilitate economic development.

The Provincial Heritage Property Act (Section 19A) is determined to be the most appropriate mechanism to recognize and regulate heritage conservation districts and provide enhanced Municipal authority to administer direct financial incentives to property owners. Heritage conservation districts in HRM are currently permitted under the Municipal Heritage Property By-law (H-200) and by policy support under the Halifax Municipal Planning Strategy. Currently there are no legislated heritage conservation districts in HRM.

DISCUSSION

District Tools

The Barrington Street Revitalization District Study recommends a comprehensive package of planning and heritage conservation tools for improving the physical, cultural, and economic integrity of the Street (see Attachment 1). While a range of regulatory, advisory, and program tools are recommended, the proposed heritage conservation district would form the foundation of a strategy to revitalize Barrington Street, between Duke and Bishop Streets.

The District would include:

- architectural design guidelines for alterations and new development;
- expanded controls for demolition; and
- enhanced public participation around substantial developments.

Other recommended tools for a revitalization strategy include:

- the establishment of provincial legislation to enable facade easements for heritage buildings;
- street-scape improvements through Municipal incentives and capital improvements; and
- a focused marketing and awareness program.

All recommended tools would be explored and developed further through the proposed heritage conservation district adoption process.

The Adoption Process

The establishment of a Heritage Conservation District under the HPA requires a focused adoption process including background research and rationale, public consultation, the establishment of a Heritage Conservation Plan and By-law (including architectural design guidelines), and final approval by Regional Council (see Attachment 2). The Heritage Advisory Committee would play a key role throughout this process.

Given that much of the background research and public consultation has already been conducted for Barrington Street it is reasonable that the adoption process could be condensed from the typical 1-2 year time-frame to a year, depending on staff resources.

The adoption process would be jointly administered by Planning & Development Services and the Capital District Project. Implementation of a future district would be administered by a designated Heritage Officer under Planning & Development and in conjunction with the HAC.

Conclusion

Staff conclude that there is merit in proceeding with the adoption process for a heritage conservation district on Barrington Street. Furthermore, staff are of the opinion that the proposed Barrington Street District would facilitate the establishment of other important heritage conservation districts within HRM.

BUDGET IMPLICATIONS

While the adoption of a conservation district will have financial implications to HRM, this report will only permit staff to initiate the process to consider the formation of such a district. This process will define and explore the associated costs to create a conservation district, which will be considered by Regional Council before the district would be established.

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. Request Regional Council to initiate the process to establish a Heritage Conservation District. This is the recommended course of action.

2. Heritage Advisory Committee may choose to not make a positive recommendation to Regional Council. Should the Heritage Advisory Committee not recommend the proposal the report will be forwarded to Regional Council following the review and approval of Peninsula Community Council.

ATTACHMENTS

Attachment 1: Executive Summary outlining recommendations from the "Barrington Street Revitalization District" study, Ekistics Planning & Design.

Attachment 2: Required steps to consider a Heritage Conservation District (as per the Nova Scotia Heritage Property Act).

<p>Further Information regarding the contents of this report may be obtained by contacting Kevin Barrett, Heritage Planner at 490-4419. For additional copies or information on the report's status, please contact the Municipal Clerk's Office at (tel) 490-4210 or (fax) 490-4208.</p>

EXECUTIVE SUMMARY:

Following on a series of studies that documented the heritage resources and options for the Barrington Street area, Ekistics Planning and Design was asked to recommend the best tool for preserving the cultural heritage of Barrington Street as part of downtown revitalization efforts.

The first stage of this study focused on development of a Heritage District "implementation toolbox". The toolbox included an evaluation of the planning and legislative tools available through the Municipal Government Act (MGA), the Heritage Property Act (HPA), and other relevant legislation.

People on the street agree:

- viability of downtown Halifax is essential to regional economic and cultural vitality.
- heritage conservation is essential to retain the identity and viability of the downtown.

Evidence from elsewhere supports the ideas that:

- investment in the unique character of a downtown district has a positive economic impact on the community.
- there is a positive link between the economic and social vitality of the downtown and regional economic performance.

We reviewed a wide range of implementation tools; our conclusion is that every tool has an important application. Agreement was established by the previous studies. Our job is to act on the agreement that was established by previous studies by recommending the appropriate tools.

Here's how we see the tools being used.

**ESTABLISH A MUNICIPAL BARRINGTON STREET
HERITAGE DISTRICT**

A Municipal Heritage District will be established under the Heritage Property Act. The District will extend from Spring Garden Road to Duke Street. The District will be six feet wider than the street right-of-way on each side of the street, and will include side streets to the depth of the corner buildings. If any part of an existing heritage property is within the District, the whole building will be included. Other buildings in the District can be entirely included upon request of the building owner. Also, any owner abutting a façade or building in the district will have the option of opting into the district during a set time limit.

What are the advantages of being in a Heritage District?

- Owners within a Municipal Heritage District may qualify for Provincial and potential Federal heritage funding.
- The Heritage District will establish heritage conservation standards guiding architectural and signage design.

- Owners within a Municipal Heritage District may qualify for direct funding of building improvement projects by the municipality.
- HRM may qualify for potential funding by the Province to support the administration of the Heritage District.
- Access to the alternate compliance section of the building code for building owners (for buildings under 5 storeys). Buildings of five floors or less can use the Alternate Building Code.
 - There are fifty-two buildings within the proposed district.
 - Thirty-six are registered Municipal heritage properties.
 - Six are registered Provincial heritage properties.
 - Six buildings are above five stories and would not benefit directly from the alternate compliance code related to heritage designation.
 - Of these six buildings, four meet modern building codes and do not require consideration under the alternate compliance code.

Only six out of fifty-two building owners may not benefit directly from the alternate compliance sections of the code. Forty-six building owners will have the option of code relief.

WHAT HAPPENS TO PROPERTY VALUES?

Property values within heritage districts across North America have out-performed city averages. For example, in Saint John, N.B. the property values within their heritage districts have out-performed city averages by from 17% to 26% over the past several years.

HISTORIC PRESERVATION IS A CENTRAL STRATEGY FOR WORLD CITIES OF THE FUTURE

As Canada's economy becomes more a part of the global economy, greater importance is placed on realizing and preserving local character and culture.

The economy of the City, and indeed the entire Province, hinges, in part, upon preserving a strong sense of place.

Local benefits include:

- The renovation sector creates more jobs than the new construction sector in Canada;
- Designation is a positive factor that has encouraged and enhanced a redevelopment trend that had already started;
- Designation is generally credited with improving the investment climate in other cities;
- The property values within the designation areas increase faster than the City average. These increases resulted in increased tax revenues for the City.
- The availability of heritage buildings for residential and commercial purposes is a key selling feature for the city in terms of attracting business and employees.
- Renovation and preservation activities result in greater job creation impacts than new construction.
- Cultural tourism is the predominate form of tourism in this area.

TAX AND FINANCIAL INCENTIVES

There are numerous tax and financial incentives associated with heritage districts in Canada and Nova Scotia. The use of these incentives can potentially improve the economic

return for rehabilitation projects.

At the federal level, there may be some form of rehabilitation tax credit (like the National Registry in the US) on the horizon. This tax credit will likely be tied to compliance with the *Standards and Guidelines for Conservation of Historic Places in Canada* and participation in the National Registry. The document is currently available as a fourth draft and may be available as a complete document by 2003. While the details of this incentive are not finalized, it is believed that there may be as much as 20% funding available for federally listed structures or districts. Consequently, we have tried to dovetail study recommendations into the national standards and guidelines to permit access to future federal funding.

Small work grants, rebates and conservation advice grants are available through the Province. At present, these grants do not offer any substantial assistance.

PROVIDE FOR FACADE EASEMENTS

Our review of other special district implementation strategies across North America revealed an important tool which was not in use or enabled in Atlantic Canada but which was being used actively in other areas of the country. *Facade easements* appear to offer some very significant benefits in addition to the MGA and the HPA. Throughout the United States and in Ontario, facade easements have become a powerful tool in support of heritage conservation.

HRM, through an approved non-profit foundation, will offer to acquire facade easements for any building in the Heritage District.

This would benefit the HRM by:

allowing the municipality to have a significant role in building facade protection, maintenance, and improvement.

Benefits to building owners:

- Density bonus,
- Income tax benefits,
- Potential property tax and grant incentives.

These incentives might include a property tax holiday and direct grants for facade and signage improvements.

PROVIDE FOR STREET IMPROVEMENTS

HRM recognizes its responsibility to demonstrate leadership by investing in street improvements. The goal is to return the street to "when it worked well," in the early 20th century. Granite curbs, concrete sidewalks and an asphalt street represent a cost effective and historically accurate street standard consistent with modern safety requirements.

Street features will include:

- **Awnings:**
Canvas awnings will create a new pedestrian atmosphere for the street.
- **Appropriate Signage:**
Traditional signage design will help to identify the District and enhance the architectural quality of the heritage buildings.
- **Concrete Sidewalks:**
As existing sidewalks are replaced, they should be simple concrete sidewalks.
- **New Period Light Standards:**
Lighting should include a subtle wash for historic facades as has been implemented in the Parliament district in Ottawa.

- Granite Curbs:
Some of the granite curbs removed from Barrington Street are available for re-use on the street.
- Asphalt Streets:
Short-term storefront parking allows for convenience stops and deliveries.
- Quiet Trolleys:
A quiet, non-polluting, frequent, and free transit system encourages downtown circulation. The downtown transit system would be an expanded version of Fred. Four quiet, energy efficient vehicles operating in counter-flow directions with an average wait time of less than seven minutes will replace some existing bus traffic on Barrington Street and connect major downtown transit terminals, including the ferry terminal and potential transfer points in the north and south end of downtown and at the hospitals.
- Green Space:
Green space will be maintained and enhanced in the existing street and square pattern. Green space near Cogswell Street, the Grand Parade, St. Paul's Cemetery and Cornwallis Park offer evenly spaced green oases along the street. No street trees are proposed for new locations on Barrington Street.

STEPS TO IMPLEMENTATION

The following timetable sets out the required tasks and timelines for implementation of the District. Implementation will take about 12-20 months from completion of this present study.

District Responsibility Timeline

Task	Responsibility	2003				2004				2005			
		Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
1. Adopt the recommendations of this study.	HRM	■											
2. Confirm the submission requirements for district approval.	HRM												
3. Confirm status of Conservation Easement Act.	HRM												
4. Contact the 4 or 5 buildings owners who would benefit from the alternate compliance section of the building code to determine if they would like to be included in the district area	HRM	■											
5. Submit background studies to the Minister	HRM		■										
6. The Minister will review and comment on the background studies within 60 days of receipt.	Province			■									
7. Council must adopt, by resolution, a public participation strategy.	HRM			■									
8. HRM staff must create a conservation plan and bylaw for submission to the Minister of Municipal Affairs	HRM			■									
9. Staff must amend the land use bylaw and any additional documents to reflect the new heritage conservation plan and bylaw.	HRM			■									
10. Staff must make the plan and bylaw available for public review following the public participation strategy.	HRM					■							
11. Council must give notice that it intends to adopt the plan and bylaw. Notice must be given in the paper at least one a week for two consecutive weeks at least 21 days before the public hearing. Notice must also be given to each assessed owner in the District at least twenty-one clear days before the date of the public hearing	HRM					■							
12. Council must hold a formal public hearing before adoption at which oral and written submissions regarding the proposed conservation plan and by-law are received.	HRM					■							
13. Council formally adopts the plan and bylaw.	HRM						■						
14. Upon adoption of the plan and bylaw, four duly certified copies each of the plan and by-law must be submitted to the Minister for approval together with:	HRM						■						
a. one duly certified copy of the resolution of council adopting a program of public participation;	HRM						■						
b. copies of the two newspaper notices notifying of the intention of council to adopt;	HRM						■						
c. one copy of the notice served on property owners; and	HRM						■						
d. one copy of any written submissions received by council,	HRM						■						
e. the clerk of the municipality shall provide, by statutory declaration, proof of compliance with the resolution of council adopting a program of public participation, and with the public hearing and notice requirements contained in the regulations.	HRM						■						
15. The Minister and his Advisory Council will review the submissions and either approve, reject or recommend additional information prior to approval.	Province							■					
Upon Acceptance by Minister													
1. publish in a newspaper that the conservation plan and by-law have been approved, their effective date and the place where they may be inspected;	HRM							■					
2. transmit a copy of the notice to the Minister; and	HRM							■					
3. file a copy of the conservation plan and by-law, signed by the Minister, in the office of the registrar of deeds.	HRM							■					
4. Undertake an economic impact assessment of current conditions prior to implementing the District	HRM, DHBC									■			
5. Prepare a communications and marketing study for the district	DHBC									■			
6. prepare a civic signage study for the district	CDC, HRM									■			
7. Undertake streetscape improvements	CDC, HRM									■			

HRM R Responsibility 
Province Responsibility 
Shared Responsibility 

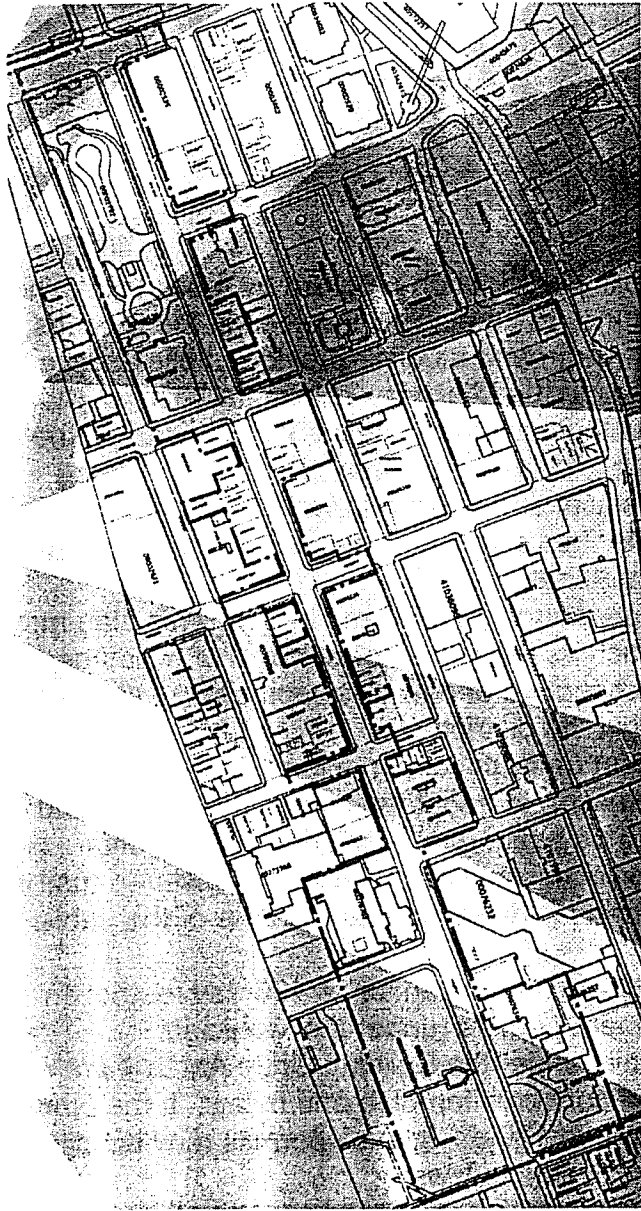
S U M M A R Y

These measures will:

- protect the irreplaceable Barrington Street heritage resource,
- act as a catalyst for improved regional economic performance,
- form a basis for effective infrastructure investment on the street.

For merchants and owners on the street, the proposed District will:

- increase property values,
- offer tax advantages,
- provide some measure of development stability,
- focus on Barrington Street as a centre of heritage and commerce for the Municipality.



Required Steps to consider a Conservation District - An Overview (as per the Heritage Property Act of Nova Scotia)

1. Regional Council must adopt a public participation program by resolution. This is to ensure the public has full opportunity to be actively involved in the process;
2. Regional Council must undertake background studies, provide public access to these studies, and submit the studies to the Minister. This material must provide a rationale for the heritage conservation measures, define its boundaries, the relationship of the conservation plan and bylaw with any municipal planning strategy, land use bylaw , and the social and economic implications of establishing the district. The Minister has sixty (60) days to declare the studies sufficient or request for additional material;
3. Regional Council prepares a draft conservation plan and bylaw. This plan may include policies regarding issues such as demolition or removal of buildings or structures, and the location and architecture of new developments, and design guidelines for future alterations within the district;
4. Regional Council secures public input on draft conservation plan and bylaw;
5. Regional Council gives notice of intention to adopt the conservation plan and bylaw and holds a public hearing. This hearing must provide public notice (newspaper advertisements on two successive weeks and by registered mail or personal service to all property owners, 21 days prior to the date of the public hearing);
6. On the date of publication of the first notice of intention, a 120 day restriction begins on the issuance of development permits (under the Municipal Government Act) and building permits under the Building Code Act that are or may be in conflict with the proposed conservation plan and bylaw. If the plan and bylaw do not come into effect within 120 days, such permits may be issued provided that they meet all other applicable bylaws;
7. Regional Council provides public access to the proposed conservation plan and bylaw;
8. After the public hearing, Regional Council adopts the conservation plan and bylaw by majority vote and submits it to the Minister for approval, with documentation regarding compliance with statutory planning process;
9. Minister approves conservation plan and bylaw, and Regional Council gives notice in newspaper and files document in Registry of Deeds;
10. Conservation plan and bylaw come into effect when approved by Minister.

3.1 Case H00102 - Barrington Street Heritage Conservation District (Holly Richardson/Kevin Barrett)

- A staff report prepared for Jim Donovan, Manager, Planning Applications, regarding the above, was before the Committee for its consideration.

Ms. Holly Richardson, Planner, presented the staff report.

(Ms. Andrea Arbic took her place at the meeting at 3:10 p.m.)

Responding to a question of Mr. MacLellan, Ms. Richardson stated seeking a corporate sponsor was not considered in this study. Mr. Barrett suggested this could be explored after the process has been endorsed by Council.

In response to a question of Councillor Uteck, Ms. Richardson stated the study focussed on the physical and economic revitalization of Barrington Street. She suggested there could be some general recommendations in the study to flag issues, such as a quiet trolley, as items for future research.

Mr. Creighton inquired if consideration would be given to providing a partial seasonal pedestrian mall along this area, noting there was an effort put forth for this in the 1970s. Mr. McKinnon responded that this would be unlikely for Barrington Street, but may be possible for a smaller area. However, he noted that similar initiatives have not been that successful in other areas in North America. Mr. MacLellan suggested it would be nice to limit the size of vehicles permitted in the area.

(Ms. Margo Grant took her place at the meeting at 3:20 p.m.)

In response to a question of Mr. Trites, Mr. Barrett stated heritage properties that are four storeys or less can apply under the National Building Code for alternate compliance. This would create an opportunity for owners to look at developing the upper floors. Mr. Barrett noted other opportunities, such as funding, for properties within a conservation district could also be explored.

Responding to a question of Dr. Balch, Ms. Richardson stated it is her understanding that all property owners within the proposed conservation district were contacted at least once for one-on-one discussions. Two public information meetings were also held. However, she noted this is just the research aspect of the process and staff is now requesting the Committee to recommend to Regional Council that staff initiate the formal adoption process. If this is approved, a formal public consultation process will take place which will include at least one public meeting and a formal public hearing at

Regional Council.

MOVED by Councillor Sue Uteck, seconded by Mr. Jim Trites, that the Heritage Advisory Committee recommend to Regional Council that staff initiate the process to adopt a Heritage Conservation District on Barrington Street between Duke and Bishop Streets under the enabling legislation of the Provincial Heritage Property Act. MOTION PUT AND PASSED UNANIMOUSLY.