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Halifax, Nova Scotia
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Halifax Regional Council
June 17, 2003

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY: P. Halliday
for Allan MacLellan, Chair
Heritage Advisory Committee

DATE: June 11, 2003

SUBJECT: Case H00102 - Barrington Street Conservation District

ORIGIN

May 28, 2003 Heritage Advisory Committee meeting.

RECOMMENDATION

The Heritage Advisory Committee **recommends** that:

1. Regional Council adopt the public participation program outlined in Appendix "B" of the staff report dated May 16, 2003, to establish the Barrington Street Heritage Conservation District; and,
2. The area of the proposed Conservation District be that portion of Barrington Street between Duke and Bishop Streets as identified in Map 1 of the staff report dated May 16, 2003.

BACKGROUND

See attached staff report dated May 16, 2003.

DISCUSSION

See attached draft HAC May 28, 2003 minute extract.

ATTACHMENTS

- 1) Extract from draft May 28, 2003 Heritage Advisory Committee minutes.
- 2) Staff report to the Heritage Advisory Committee dated May 16, 2003.

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, Legislative Assistant

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

EXTRACT FROM DRAFT MAY 28, 2003 HERITAGE ADVISORY COMMITTEE MINUTES:

3.3 Case H00102 - Barrington Street Conservation District

- A staff report prepared for Jim Donovan, Manager, Planning Applications, regarding the above, was before the Committee for its consideration.
- Correspondence from Heritage Trust of Nova Scotia dated May 28, 2003, regarding the above, was circulated to the Committee.

With use of overheads, Mr. Kevin Barrett, Heritage Planner, presented the staff report.

In response to a question of Mr. MacLellan regarding the possibility of Nova Scotia Power becoming involved in providing lighting for this area, Ms. Holly Richardson, Planner, stated issues such as lighting standards could be raised at the streetscape meeting that is being held for Barrington Street.

With regard to the concern regarding the boundary expressed in the correspondence from Heritage Trust, Councillor Uteck stated she would prefer to see buildings such as Maritime Centre included so as there can be some covenants and controls placed on it when it comes time for redevelopment. Mr. Barrett noted that other municipalities who have conservation districts include all of the buildings and establish signage standards for the newer buildings which respects the architecture of the street. Ms. Grant agreed stated it is better to try to integrate the newer buildings and have more control over the overall look.

Ms. Morris noted Heritage Trust was looking for some flexibility, noting it may or may not be a good thing to include the new buildings depending on the purpose. In terms of the steering committee, she suggested it may be inaccurate to describe the HAC as members of the general public when referring to heritage conservation. She also expressed concern with tenant's issues being separate from owner's interests. Ms. Morris inquired if it would be possible to include an additional two members of the general public in the composition of the steering committee. In response, Mr. Barrett explained the rationale for the proposed composition of the Committee, and Ms. Richardson noted the Terms of Reference include a clause for additional members to be appointed at the discretion of the HAC in order to effectively represent stakeholder interests.

With the use of an overhead, Mr. Barrett explained the rationale for the proposed boundary in response to a question of Mr. Pothier.

Mr. Creighton inquired if there is a representative from the Downtown Halifax Business Commission proposed to be on the steering committee. Ms. Richardson responded that it is intended that where there is a business commission in a conservation district, a representative would sit on the steering committee.

With regard to the committee membership, Dr. Balch inquired if the “two business owners and/or tenants” would include individual residents. Ms. Richardson responded that it could.

MOVED by Councillor Uteck, seconded by Dr. Toby Balch, that the Heritage Advisory Committee:

- 1. Approve the Terms of Reference for the Heritage Conservation District Stakeholder Steering Committee as provided in Attachment 1 of the staff report dated May 16, 2003 and call for expressions of interest to serve on the committee;**
- 2. Recommend that Regional Council adopt the public participation program outlined in Appendix “B” of the staff report dated May 16, 2003, to establish the Barrington Street Heritage Conservation District; and,**
- 3. Recommend to Regional Council that the area of the proposed Conservation District be that portion of Barrington Street between Duke and Bishop Streets as identified in May 1 of the staff report dated May 16, 2003.**

(Councillor Uteck left the meeting at 4:15 p.m.)

Following a brief further discussion, the vote was taken.

MOTION PUT AND PASSED.

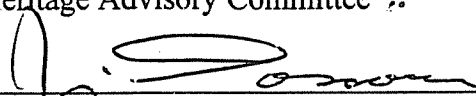


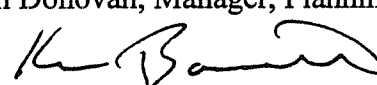
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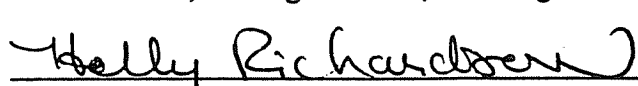
Heritage Advisory Committee
May 28, 2003

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: May 16, 2003

Subject: **H00102 - Barrington Street Heritage Conservation District**

ORIGIN

- *Barrington Street Conservation District Study*, February 14, 2003 staff report and recommendation by the Heritage Advisory Committee that a process to establish a Heritage Conservation District between Duke and Bishop Streets under the enabling legislation be initiated.
- March 18, 2003 resolution by Regional Council instructing staff to initiate the process.

RECOMMENDATION

It is recommended that the Heritage Advisory Committee:

1. **Approve the Terms of Reference for the Heritage Conservation District Stakeholder Steering Committee as provided in Attachment 1 of this report and call for expressions of interest to serve on the committee;**
2. **Recommend that Regional Council adopt the public participation program outlined in Appendix "B" of this report to establish the Barrington Street Heritage Conservation District; and**
3. **Recommend to Regional Council that the area of the proposed Conservation District be that portion of Barrington Street between Duke and Bishop Streets as identified in Map 1 of this report.**

BACKGROUND

On March 18, 2003 Regional Council adopted a motion to initiate a process to establish a heritage conservation district along Barrington Street under enabling legislation of the Provincial Heritage Property Act (HPA). During discussion of the agenda item, Councillors Sloane and Warshick requested that the area of focus not be confined to that identified by staff, being Barrington Street, between Duke and Bishops Streets as other property interests in the area may wish to be included in the proposed district.

This report provides detail on the elements of a proposed public participation program which will form a fundamental part of the process to adopt a Heritage Conservation District along Barrington Street. The report also explains the rationale behind the original recommendation to confine the area of implementation at this point in time to Barrington Street between Duke and Bishop Streets.

Regulations made pursuant to the legislation require Council, as a first step in the process, to adopt a public participation program by resolution to enable full opportunity for citizens to participate in the adoption process. The public participation program outlined in this report addresses all Provincial requirements and fulfils the requirements of Council's own public participation policy in regards to citizen input in the preparation of land use planning policy. In addition, the proposed program provides other appropriate consultation and communication mechanisms to optimize public involvement in the designation process.

Business and property owners along Barrington Street were consulted as part of the background research which serves as a basis for establishing a heritage conservation district. This previous consultation augments the formal public participation program proposed in this report.

Stemming from a recommendation of the Municipal Heritage Advisory Committee (HAC), Council has also initiated research into the possibility of designating additional heritage conservation districts in HRM based on background research conducted by the Nova Scotia Heritage Trust. Therefore, the proposed public participation program can be applied to subsequent proposals to establish heritage conservation districts in other parts of HRM.

DISCUSSION

Statutory procedures for establishing heritage conservation districts (Appendix "A"), specify that an inclusive program for involving the public must be carried out. Provincial guidelines state;

" the goal of a public participation program should be to ensure that the public has full opportunity to be actively involved in the heritage conservation district planning process and to ensure that a proposed conservation plan and by-law is understood and supported by the community".

This principle of meaningful public input is reflected in the tools and methods outlined in the public participation program resolution proposed for Council's adoption (Appendix "B").

Key Objectives:

The public participation program outlined in this report is designed to:

1. involve all stakeholders as early as possible and at key points in the planning process;
2. ensure public access to information on a continual basis using a variety of consultative and communication tools; and
3. ensure that public participation tools and methods are inclusive, interactive and adaptable to the local context to encourage maximum public awareness and involvement.

A proposed Regional Council resolution for public participation related to the establishment of heritage conservation districts is included as Appendix "B" of this report.

Consultation Tools:

The proposed program includes a broad range of consultation tools to be used at strategic points throughout the planning process. The program strives to meet the objectives outlined above in order to secure public support and buy-in on establishing a heritage conservation district for Barrington Street and for additional areas in HRM.

The public participation program, outlined in detail in the attached Council resolution, includes the following tools to facilitate meaningful public input and representation of stakeholder interests:

1. A Steering Committee/working group with representation from all key stakeholders will work with municipal staff and HAC as a consistent focus group and sounding board for draft conservation policies and regulations. Proposed Terms of Reference for the Steering Committee are included as an attachment to the proposed resolution for public participation.
2. Public meetings will be held at key points throughout the planning process to share information and seek feedback and input into the draft conservation plan and by-law.
3. A questionnaire survey will be conducted with all property and business owners within the proposed district to seek feedback on proposed conservation policies and design guidelines.
4. Focus group sessions will be conducted where additional participatory focus on policy and regulatory detail is needed.

Other Consultation Tools:

The proposed public participation program would be augmented by a variety of other communication tools utilized to disseminate information to stakeholders and the public. These include:

1. collaborating with the area Business Commission and/or residents to update stakeholders and the wider public at key points of the planning process using newsletters, community poster boards, presentations, etc.;
2. utilizing HRM's Web-site to publish information with an opportunity for public feedback;
3. utilizing public notices and/or press releases to gain public momentum for the project;
4. distributing fact-sheet hand-outs at community meetings and other venues as appropriate;
5. distributing heritage conservation awareness materials to property owners to facilitate and encourage architectural design choices that meet the District guidelines.

Public Participation for Associated MPS & LUB Amendments:

In addition to the formal establishment of a heritage conservation district, it is expected that the Municipal Planning Strategy for downtown Halifax will require amending in order to establish supporting land use policies for the designation. As the adoption or amendment to a municipal planning strategy also requires a public participation process to be undertaken, the process outlined in this report is also intended to follow the process outlined in Council's established policy for public participation adopted by resolution on February 25, 1997.

Any amendments to planning documents required to support the establishment of heritage conservation districts can occur simultaneously with the conservation district planning process and can be brought forward concurrently to Regional Council for adoption.

Rationale for District Boundary:

The February 14, 2003 staff report advocated establishing a conservation district based on a clearly defined boundary. The initial boundary focused primarily on the Barrington Street facades of buildings and concern was expressed during Council deliberations that insufficient attention was being paid to the entirety of buildings. Additionally, Councillors Sloane and Warshick requested that consideration be given to extending the boundary to include an area south of Bishop Street.

In support of establishing a heritage conservation district, detailed research into the building and commercial heritage of Barrington Street was undertaken as part of the *Barrington Street Conservation District Study*. Initially, the research undertaken for the study was based on an area of Barrington Street between Duke Street and Spring Garden Road. The southern boundary was extended to Bishop Street prior to the study being finalized. The heritage district boundary

recommended in previous reports is based on the Duke to Bishop Street boundary. The rationale for extending the boundary to Bishop Street was to enable the proposed District to be anchored on north by City Hall and Grand Parade and Government House and Saint Paul's Cemetery to the south.

The proposed Duke to Bishop Streets boundary is also based on a commonality among buildings and other features found in the area that reflects architecture, age, condition, use of streets, property lines and/or natural features. Staff is concerned that any significant alteration of the boundary without the benefit of additional research may undermine the integrity of the proposed district.

While there are many aspects of historical relevance along all of Barrington Street, the focus of research conducted thus far for the proposed District has been on the commercial area of this historic main street. Given the proposed Duke to Bishop Streets boundary includes the historic commercial core of the area found between Duke Street and Spring Garden Road, and the buildings contained within this area are consistent architecturally, it is recommended that the boundary for the Barrington Street Conservation District be based the February 14, 2003 staff report. It is also recommended that the proposed district include the entirety of properties which front along the street (see Map 1).

It should be noted that the other areas of significance along Barrington Street may warrant their own conservation districts. For example, the character of the block between Bishop and Morris Streets is significantly different than the area between Morris and Inglis Streets. The key to the integrity of any conservation district is that its boundaries reflect the architectural character, building form and other aspects of an area's heritage. This can only be determined after additional research is conducted for individual areas as has already been carried out for Barrington Street between Duke and Bishop Streets.

Conclusion

Provincial legislation requires Council to adopt a public participation program as part of the process to establish a Heritage Conservation District. Provincial legislation also mandates public participation in order to adopt any land use planning policies which may be required to support such a designation. The program outlined in Appendix "B" expands on HRM's existing public participation process for planning matters in order to engage stakeholder input from the area directly affected by the proposed conservation district.

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 review by Peninsula Community Council.

ATTACHMENTS

- Appendix "A": Heritage Conservation District Adoption Process (as per NS Heritage Property Act).
- Appendix "B": Resolution Regarding Public Participation Program for Heritage Conservation Districts
- Attachment 1: Terms of Reference Halifax Regional Municipality Heritage Conservation District Stakeholder Steering Committee
- Map 1: Barrington Street Heritage Conservation District boundary

Further Information regarding the contents of this report may be obtained by contacting Kevin Barrett, Heritage Planner at 490-4419 or Holly Richardson, Planner, Capital District at 490-6495. 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.

APPENDIX "A"

HERITAGE CONSERVATION DISTRICT ADOPTION PROCESS

Statutory procedure for establishing a Heritage Conservation District under the Heritage Property Act:

Council:

1. adopts a public participation program by resolution;
2. undertakes background studies (to rationalize the proposed District), provides public access to studies, and submits studies to Minister. Minister has 60 days to declare studies sufficient or prescribe additional studies;
3. prepares a draft Heritage Conservation Plan and By-law;
4. secures public input on a draft Heritage Conservation Plan and By-law;
5. gives notice of intention to adopt a Heritage Conservation Plan and By-law and hold a public hearing by newspaper advertisements on two successive weeks and by ordinary mail or personal service to all property owners, 21 days prior to date of public hearing;
6. on date of publication of first notice of intention, a 120 day restriction begins on the issuance of development permits and building permits that are or may be in conflict with the proposed Conservation Plan and By-law. If the Plan and By-law do not come into effect within 120 days, such permits may be issued provided that they meet all other applicable by-laws;
7. provides public access to the proposed Conservation Plan and By-law;
8. after holding public hearing, adopts the Conservation Plan and By-law by majority vote and submits it to the Minister for approval, with documentation regarding compliance with the statutory planning process;
9. Minister approves the Conservation Plan and By-law. Council gives notice of approval in newspaper and files document in Registry of Deeds; and
10. Conservation Plan and By-law come into effect when approved by the Minister.

APPENDIX "B"

RESOLUTION REGARDING:

A Public Participation Program for the Adoption of a Municipal Heritage Conservation Plan and By-law Related to the Establishment of a Heritage Conservation District

Be it resolved that the Council of Halifax Regional Municipality does hereby adopt the following public participation program pursuant to Section 6 (1) (i) of the Heritage Property Act, Statutes of Nova Scotia, 1989, Chapter 199.

1. All requests for a Heritage Conservation District shall be directed to Regional Council for preliminary review. Where Regional Council determines that the request has merit:
 - (a) The request shall be forwarded to municipal staff for preparation of a report and recommendation to the Heritage Advisory Committee.
 - (b) Where the HAC determines that a heritage conservation district should be considered a recommendation shall be made to Regional Council to initiate the planning process for the adoption of a Heritage Conservation Plan and By-law.
2. Where Regional Council determines that it wishes to further consider the adoption of a Heritage Conservation District the case shall be referred to the Heritage Advisory Committee who shall implement the following public participation procedure(s):
 - (a) The Heritage Advisory Committee shall establish a Stakeholder Steering Committee according to the *Terms of Reference: Heritage Conservation District Steering Committee*, outlined in "Attachment 1" of this resolution.
 - (b) The Heritage Advisory Committee in conjunction with municipal staff may implement an opinion survey to gain direct input of property owners within the proposed Heritage Conservation District boundaries into the draft Heritage Conservation Plan and By-law using a proven survey method.
 - (c) The Heritage Advisory Committee in conjunction with municipal staff, shall hold a minimum of two (2) public meetings concerning the proposed Heritage Conservation Plan and By-law at key stages of the planning process to provide information to public stakeholders and seek input into the proposed Heritage Conservation Plan and By-law.
 - (d) The following public meeting notification procedures shall apply:

- (i) Notice of the public meeting at which the Heritage Conservation District shall be discussed shall be published in a newspaper circulating in the area affected a minimum of fourteen (14) days prior to the meeting. The notice shall indicate the time, date and place of the meeting and the location and hours during which written material concerning the proposed Heritage Conservation Plan and By-law may be inspected by members of the public.
 - (ii) Written notification of the meeting shall be forwarded to all property owners, businesses and tenants within the District a minimum of fourteen (14) days prior to the meeting.
- (e) Minutes of the public meeting(s) and all related written submissions and staff reports shall be forwarded to Regional Council.
- (f) The Heritage Advisory Committee shall forward its recommendation(s) and all related information to Regional Council.
- 3. Council shall give notice of intention to adopt a Heritage Conservation Plan and By-law and hold a public hearing by newspaper advertisements on two successive weeks and by ordinary mail or personal service to all property owners, 21 days prior to date of hearing.
- 4. Nothing in this resolution shall preclude Regional Council from taking other measures as deemed necessary to obtain public opinion regarding the adoption of a Heritage Conservation Plan and By-law.
- 5. Any amendments to a municipal planning strategy and land use by-law required to support or implement a Heritage Conservation Plan and By-law shall be undertaken in accordance with Halifax Regional Council's Resolution Respecting Public Participation.

THIS IS TO CERTIFY that the resolution of which
this is a true copy was duly approved
by Council at a duly called meeting of the Council
of Halifax Regional Municipality
held on the _____ day of _____ A.D., 2003.

GIVEN under the hand of the Municipal Clerk
under the corporate seal of the said Municipality
this _____ day of _____ A.D., 2003.

Vi Carmichael, Municipal Clerk
Halifax Regional Municipality

ATTACHMENT 1
Terms of Reference
Halifax Regional Municipality Heritage Conservation District
Stakeholder Steering Committee

1. Statement of Purpose

The Heritage Conservation District Stakeholder Steering Committee (the "Committee") will represent broader stakeholder interests within the proposed heritage conservation district. The Committee will operate as a sub-committee of the Municipal Heritage Advisory Committee (HAC) and will work with municipal staff throughout the heritage conservation district plan and by-law adoption process. Committee members will work with staff at key points in the planning process including issue and opportunity identification, review of draft policy and regulations, public participation, and discussion of other program elements as required.

2. Membership

Committee members shall be appointed by the Municipal Heritage Advisory Committee (HAC) using a consensus approach. HAC will seek to establish an effective balance of Committee members to best represent the interests of stakeholders.

The membership of the Committee shall represent a broad cross-section of stakeholders, including (but not necessarily limited to) : property owners, residents, business owners (where applicable), the area business commission or residents association (where applicable), Nova Scotia Heritage Trust or other similar heritage organization and HAC.

The Committee membership shall consist of:*

- a. Two (2) members of Heritage Advisory Committee
- b. One (1) member of Nova Scotia Heritage Trust**
- c. Two (2) property owners within the proposed district
- d. Two (2) business owners and/or tenants within the proposed district that do not own the property

*Additional members may be appointed at the discretion of HAC in order to effectively represent stakeholder interests.

** Where a member of Nova Scotia Heritage Trust is not provided, a representative of an alternative heritage-specific organization may be appointed to the Committee.

3. Meeting Guidelines

Meetings shall be held according to a regular schedule as agreed to by the Committee and endorsed by the HAC. Committee members will be required to attend meetings on a regular basis. The quorum for regular meetings is a majority of the appointed members.

The Committee may form sub-committees to address specific focus topics as deemed necessary. Meeting records of every Committee meeting shall be prepared and circulated (and approved) at the following meeting.

4. Committee Chair

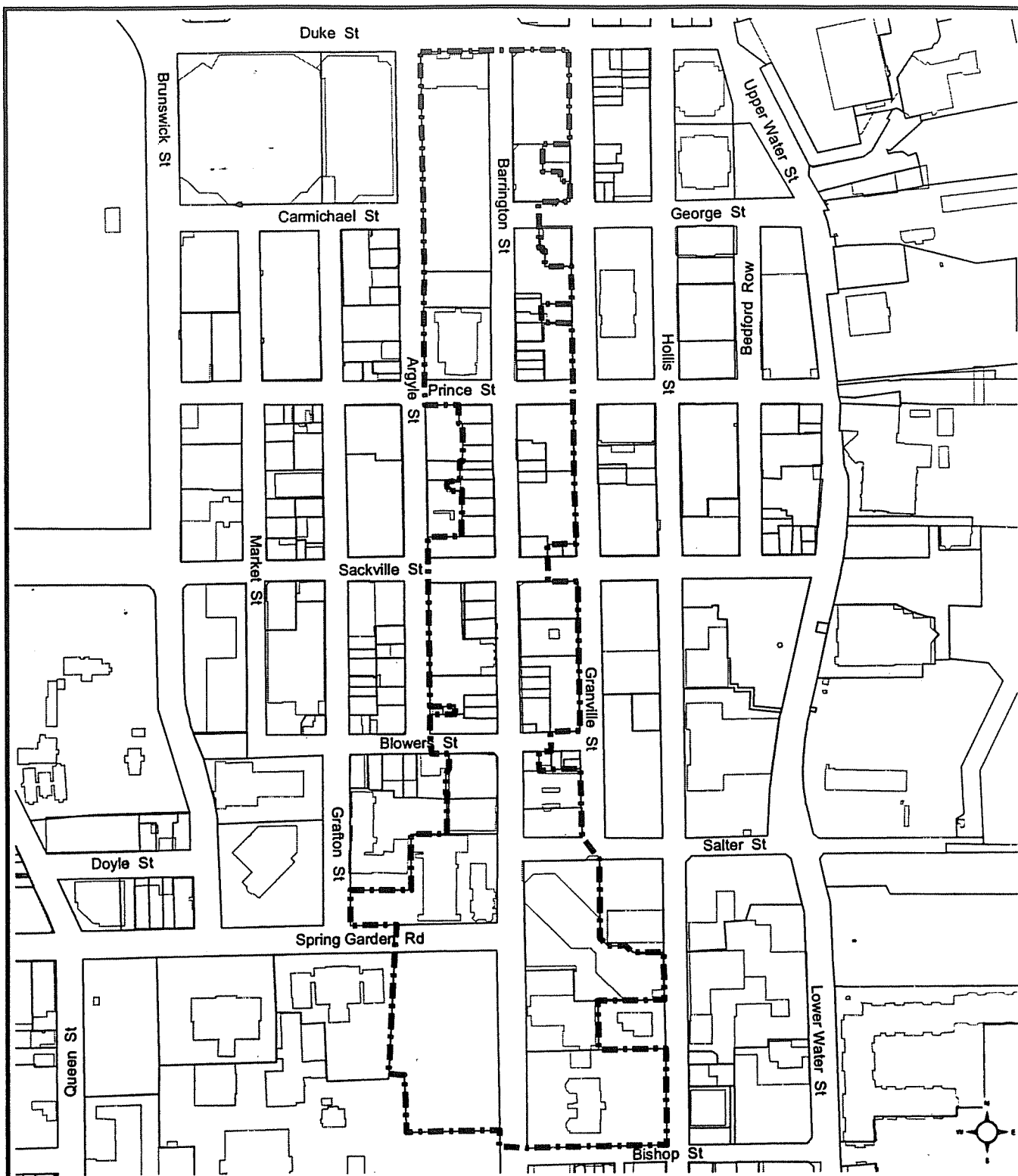
The committee shall appoint a Chair and a Vice-Chair (to act in the absence of the Chair) who will keep the group focused on an accepted agenda, guide discussion and encourage participation by all committee members.

5. Decision-Making

The Committee will work on a consensus basis, however, should a vote be necessary, all motions shall require support from the majority of members present.


6. Reporting to HAC


The Committee will provide monthly verbal reports/updates to HAC and all Committee meeting minutes shall be forwarded to HAC for information.



Map 1

Barrington Street
Heritage Conservation District
Halifax

 Boundary

0 200 400 Feet


HALIFAX
REGIONAL MUNICIPALITY
PLANNING AND
DEVELOPMENT SERVICES

HRM does not guarantee the accuracy
of any representation on this plan.