

HALIFAX REGIONAL COUNCIL
MINUTES

May 10, 2011

PRESENT:

Mayor Peter Kelly
Deputy Mayor Jim Smith
Councillors: Steve Streach
David Hendsbee
Lorelei Nicoll
Gloria McCluskey
Darren Fisher
Bill Karsten
Jackie Barkhouse
Mary Wile
Jerry Blumenthal
Dawn Sloane
Sue Uteck
Jennifer Watts
Russell Walker
Debbie Hum
Linda Mosher
Stephen Adams
Brad Johns
Robert Harvey
Tim Outhit
Reg Rankin
Peter Lund

REGRETS:

Councillors: Barry Dalrymple

STAFF:

Mr. Richard Butts, Chief Administrative Officer
Ms. Mary Ellen Donovan, Municipal Solicitor
Ms. Cathy Mellett, Municipal Clerk
Ms. Sherryll Murphy, Deputy Municipal Clerk
Ms. Jennifer Weagle, Legislative Assistant
Ms. Shawnee Gregory, Legislative Assistant

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1. INVOCATION

The Mayor called the meeting to order at 4:05 p.m. with the Invocation being led by Councillor Adams.

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

Councillor Sloane advised that on Friday, May 13th at 12:30 p.m. the greenhouse at St. Patrick's church will be opened for the season.

Councillor Rankin, on behalf of Councillor Lund, advised that as a part of the celebration of the 200th anniversary Peggy's Cove, there will be a Bay Bounty and Bargains regional yard sale on Saturday, May 21st from 10:00 a.m. to 4:00 p.m., and Sunday, May 22nd from 12:00 noon to 4:00 p.m. Kite flying demonstrations will take place at Peggy's Cove on Sunday afternoon.

Councillor McCluskey congratulated everyone that organized the national team trials for canoe and kayak in Dartmouth. The team worked non-stop for week to prepare for the last minute change of venue to Dartmouth and she thanked them for their hard work.

Councillor Hum advised that on Saturday, May 14th from 8:00 to 11:00 a.m. the Rockingham Community yard sale will be held (rain date Sunday, May 15th).

Councillor Hum also advised that on Saturday, May 14th from 9:00 a.m. to 2:00 p.m. the Maskwa Aquatic Centre will be holding an open house and registration at their new facility on Kearney Lake.

Councillor Watts advised of the following events:

- On Wednesday, May 11th at 7:30 p.m. a fundraiser for the Spatz Theatre in Citadel High School will be held called "Splash at the Spatz";
- "Bringing Harmony to Homelessness" fundraising concert will be held on Sunday, May 15, 2011 at 7:00 p.m. at St. Matthew's church;
- The Ecology Action Centre's "40 Days of Action" is ongoing, with a "Zombie Walk" being held on Friday, May 13th at 5:00 p.m.;
- Metro Transit is holding a second set of public consultation sessions on the Universal Accessibility Study coming up in the next few weeks;
- The 2011 Youth Summit on Sustainable Transportation will be held in Halifax from July 8-10, 2011.

Deputy Mayor Smith thanked the United Youth group that meet at Trinity United Church on Albert Street, who last Saturday held a community clean-up and bbq and collected 25 bags of garbage.

Councillor Hendsbee thanked the community of North Preston for taking place in a community clean up last weekend, and announced the following events taking place on Saturday, May 14th in his district:

- O'Connell Drive School in Porters Lake will hold their Spring Fair from 10:00 a.m. to 1:00 p.m.
- The IODE in North Preston are holding a Kids Fun Day at the North Preston Community Centre from 10:00 a.m. to 4:00 p.m.
- A Community Recognition Night will be held for Mr. Yvan Jacquemin, a community builder in Lake Echo
- At the Chezzetcook Fire Hall Stan Carew and the Magpies will be performing.

Councillor Johns announced the line up for the Weir Rockin' concert in Sackville on August 20, 2011: Honeymoon Suite, Lee Aaron, the Headpins and Sass Jordan. Tickets go on sale June 1st.

Councillor Lund advised of the following events:

- On Saturday, May 14th from 9:00 a.m. to 12:00 p.m. the Lions Club of St. Margaret's Bay will be holding a clean up along their stretch of adopted Provincial highway from the Hubley Mall to the cross roads at the Superstore.
- On Monday, May 16th at 7:00 p.m. the newly formed Hammonds Plains Historical Society will be holding their first Annual General Meeting at St. Nicholas Church in Westwood Hills.
- On Monday, May 16th at 7:00 p.m. there will be an Information Session on the Kingswood subdivision at the Wesleyan Church along Hammonds Plains Road.

Councillor Fisher advised that on Saturday, May 14th from 9:00 a.m. to 3:00 p.m. the HRM greenhouse on Caledonia Road will be holding an open house.

Councillor Fisher also advised that on Thursday, May 19th from 6:30 to 8:30 p.m. the First Port Wallace Scout Troup and Adventurers will be holding a clean up along Waverley and Caledonia Roads.

Deputy Mayor Smith advised that on the morning of Friday, May 13th the Province is organizing an emergency response exercise at Shannon Park. The exercise will be visible from the MacKay Bridge and the public should be aware that it is just an exercise.

3. APPROVAL OF MINUTES – April 12 & 19, 2011

Councillor Watts provided a typographical correction to the April 19th minutes to the Municipal Clerk.

MOVED by Councillor McCluskey, seconded by Councillor Hendsbee, that the minutes of April 12 & 19, 2011 be approved, as amended. MOTION PUT AND PASSED.

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

Additions:

- 13.1 Motion – Councillor Johns
- 13.2 Dartmouth Common Legislation
- 13.3 Property Matter – Sale of Lot 11A Lovett Lake Court – Bayers Lake Business Park
- 13.4 Personnel Matter – Audit and Finance Standing Committee – Citizen Appointments to Boards, Committees & Commissions
- 13.5 Personnel Matter – Councillor Appointments to Boards, Committees & Commissions – Transportation Standing Committee Report

Deputy Mayor Smith requested that Item 13.2 Dartmouth Common Legislation be moved to immediately follow Item 10.3.

MOVED by Deputy Mayor Smith, seconded by Councillor Johns, that the Order of Business be approved, as amended. MOTION PUT AND PASSED.

5. BUSINESS ARISING OUT OF THE MINUTES – NONE

6. MOTIONS OF RECONSIDERATION – NONE

7. MOTIONS OF RESCISSION – NONE

8. CONSIDERATION OF DEFERRED BUSINESS – NONE

9. PUBLIC HEARINGS

9.1 Case 01172 – Development Agreement – Barrington/Sackville/Granville Streets, Halifax (Roy Building)

This item was dealt with later in the meeting. Please see page 8.

9.2 Case 01231 – Development Agreement – 1595 Barrington Street, Halifax (Discovery Centre)

This item was dealt with later in the meeting. Please see page 22.

10. CORRESPONDENCE, PETITIONS & DELEGATIONS

10.1 Correspondence

10.2 Petitions

10.2.1 Councillor Watts

Councillor Watts submitted a petition with 75 signatures in support of HRM taking measures to ensure safe pedestrian access to Flinn Park.

10.2.2 Councillor Sloane

Councillor Sloane submitted a petition with 72 signatures from owners and operators of businesses in the Halifax area in support of Case 01231: Discovery Centre Building, 1595 Barrington Street, Halifax.

10.2.3 Councillor Sloane

Councillor Sloane submitted a petition with 1149 signatures in support of Case 01231: Discovery Centre Building, 1595 Barrington Street, Halifax.

10.3 Presentations - None

13.2 Dartmouth Common Legislation

A copy of the staff presentation, Bill No. 62, and the draft resolution were distributed to Council.

Mr. Peter Bigelow, Manager, Real Property Planning, presented to Council on the Dartmouth Common legislation (Bill No. 62) proposed by the Province yesterday, a copy of which is on file.

Councillor Mosher arrived at 4:35 p.m.

The Mayor indicated that he had spoken with the Premier on this matter, noting that Council should provide a strong indication of the direction they want this legislation to take. He suggested that a group of Councillors accompany him to the Law Amendments Committee to make a presentation.

MOVED by Deputy Mayor Smith, seconded by Councillor McCluskey, that Regional Council approve the following resolution:

WHEREAS the Dartmouth Common is a strategic asset for the residents of Halifax Regional Municipality; one that must be well managed, planned and cared for;

WHEREAS there is a shared desire between government and the community to ensure the Dartmouth Commons continues to be and is enhanced as a focal point for our community;

WHEREAS there is agreement that the Dartmouth Transit Terminal is the busiest terminal in the Metro Transit system, serving an average of 25,000 passengers

each day and requiring expansion to continue to provide a safe and accessible transit service;

WHEREAS it has been agreed that the area of the old transit terminal will revert back to parking for the Sportsplex to replace lost parking caused by the new transit terminal;

WHEREAS the Dartmouth Sportsplex is an important public facility on the Dartmouth Common;

THEREFORE, be it resolved that Halifax Regional Council supports in principle the intention of the legislative amendments to protect the Dartmouth Common.

With respect to the legislative amendments as tabled, Halifax Regional Council respectfully requests the following:

- **That the ability to expand the Dartmouth Sportsplex (as pictured in the attached map) be explicitly accommodated within the new legislation and confirm the agreement that the area of the old transit terminal will revert back to parking for the Sportsplex to replace lost parking caused by the new transit terminal**
- **To show support for the long term strategy to protect the Dartmouth Common, the proposed legislative amendment should be further expanded to include all federal and provincial lands that are within the traditional Dartmouth Commons boundary, specifically those to the north end of the boundary (as outlined in the attached map)**
- **To support the long-term viability and densification of the downtown core and exclude the land parcel that is bounded by Geary, Windmill and Park Avenue; specifically PID Nos. 40506867, 00109280, and 00109298 from the Dartmouth Common legislation**
- **To explicitly confirm that any approvals for amendments by the Governor in Council would first require the approval of Halifax Regional Council**

Halifax Regional Council requests that Mayor Kelly, on behalf of Council proceed to inform the Government of Nova Scotia of this motion, the subsequent requests and; proceed to participate in the provincial legislative amendment process.

Mr. Bigelow reviewed with Council a map of the boundaries of the Dartmouth Common, as referenced in the resolution.

Discussion ensued regarding the proposed legislation, with the following comments and concerns noted:

- Council supports protecting the Dartmouth Common – Council are the caretakers of the Commons;
- The importance of maintaining the Sportsplex plans, which have already been before Council
- Commercial lots bring commercial tax base, which is necessary for the growth of Downtown Dartmouth;
- Disappointment that the Province did not make more efforts to consult HRM during the drafting of this legislation;
- Disappointment that there was no opportunity for public consultation involved in the drafting of this legislation;
- This is a very sensitive and important issue, and the legislation should not be rushed;
- Concern that this will be a template or precedent for future legislation for the Halifax Common;
- It is important that Council have a unified voice on this issue.

Councillor Hendsbee asked for clarification of the street closure indicated on the map near Dartmouth High School. Staff indicated they would check on this.

At the request of members of Council, Councillor McCluskey advised that the three lots included in the resolution by PID number were part of an earlier land assembly, and they have been excluded from the Common lands for many years.

Mr. Richard Butts, CAO, noted the importance of this land as it relates to the proximity to transit, which is key to densification.

MOTION PUT AND PASSED UNANIMOUSLY.

The meeting recessed at 5:05 p.m.

The meeting reconvened at 6:12 p.m. with the same members present with the exception of Councillor Streach.

MOVED by Councillor Hum, seconded by Councillor Sloane that item 11.1.1 Administrative Order 23 – Inclusion of FeHEDTA be deferred to the next Regional Council meeting scheduled for May 24, 2011. MOTION PUT AND PASSED.

9. PUBLIC HEARINGS

9.1 Case 01172 – Development Agreement – Barrington/Sackville/Granville Streets, Halifax (Roy Building)

- (i) Staff Report
- (ii) District 12 Planning Advisory Committee Report
- (iii) Heritage Advisory Committee Report
- (iv) November 18, 2009 Staff Report to District 12 Planning Advisory and Heritage Advisory Committees

Correspondence dated May 1, 2011 from Ms. Jean Chard was before Council.

Correspondence dated May 1, 2011 from Ms. Judy Haven was before Council.

An extract from the draft Regional Council minutes dated April 12, 2011 was before Council.

A presentation was before Council.

Mr. Austin French, Manager of Planning Services, advised that the upcoming public hearings for Cases 01172 and 01231 were the two remaining grandfathered applications in downtown Halifax to be considered under the former Municipal Planning Strategy (MPS) which existed at the time the applications were submitted. Regarding correspondence submitted by residents stating that the applications should be refused as they were inconsistent with the new downtown plan and the Barrington Street Heritage Conservation District (BSHCD), Mr. French stated that these policies were not relevant in the decision to approve or refuse the projects as per the grandfathered aspect of the cases. He did advise, however, that grandfathering an application did not automatically oblige Council to approve a project and there was sufficient room for interpretation within the old policies to consider all arguments founded on these policies.

Mr. Paul Sampson, Planner, provided the presentation on Case 01172 – Development Agreement – Barrington/Sackville/Granville Streets, Halifax (Roy Building).

A discussion on the presentation ensued with staff responding to questions of clarification.

Mr. Sampson advised that there was a ‘sunset clause’ on the development; commencement was to occur within three years and completion in six. He indicated that this could not be amended by resolution of Council and that if this period elapsed, the developer would be required to follow HRMbyDesign guidelines.

Mr. Sampson stated that affordability of housing was not included in the Planning Strategy policies.

Mr. Louis Reznick, Applicant and President of Starfish Properties, stated that he was speaking in favour of the group’s application for a development agreement to build a new, mixed use development fronting on Barrington, Granville and Sackville Streets. He advised that he was not asking Council to be exempt from any Heritage Conservation District or heritage related policies as the Roy Building was not a registered heritage property nor did it abut any registered heritage properties. He indicated that Starfish Properties did have a valid demolition permit and would demolish the building as it was unsafe and unable to be renovated; noting that it was not code compliant and it was economically not sustainable to maintain the building at its present use. He advised that Starfish Properties had kept the building in good repair and as safe as possible for the past five years. Mr. Reznick stated that the building was kept up, rather than

demolishing it earlier and leaving a vacant lot, only to make the street pleasant in the heart of what is becoming a vibrant downtown. He indicated that Council was to consider the project on the policies that were in place when Starfish Properties first applied for approval in 2008; noting that the proposed development agreement was compliant with every aspect of the Peninsula Land Use By-law (LUB) and required Council's approval as the proposed building was over 40 feet in height as was the existing Roy Building.

Mr. Reznick then addressed the proposed development as it relates to Halifax MPS Policies. He advised that the base of the mixed-use development would approximate the same dimensions as the existing building and would have almost the same apparent impact and presence on all fronting streets; however, it would be a great improvement over the existing building. He stated that the new building base would be massed in such a way to appear to replicate the existing building; however, it would not be a recreation as the architect, Mr. Hugh Davison, had drawn from some of the best detail from the Roy and Johnson buildings to compliment the buildings' design and to add context. Regarding drawn features, Mr. Reznick stated that the arched entry would be much larger, higher and mostly glaze and the bay design would be recreated and make the building look familiar; noting that brick tones would also be added to contextually support surrounding buildings. He advised that he was proposing a new, environmentally conscious, contemporary and public friendly building using what worked best in the past and being respectful of its surroundings. He indicated that, from a street scape perspective, the podiums appearance would be different from the existing building as it would be five stories on Barrington Street and six stories on Granville Street; noting that more than 20% fewer punched out windows would simplify the architecture and highlight detail of much larger windows.

Mr. Reznick stated that a goal was to have a building with social benefit and safety through interaction. He advised that the cultural heritage of the street would be enhanced by the building's large public and venue spaces with pedestrian traffic beyond business hours, that the site was next to public transit and that bike and car parking would be available hidden below grade. He indicated that above the podium would be a 12 storey glass and composite panel tower with a roof top garden which would house a mixture of offices, a hotel and residences. He stated that the tower was set back and designed in a way which would respect the pedestrian streetscape; characteristic of the HRMbyDesign policy even though it was not required; noting that Starfish Properties was the first developer to have a project approved via the HRMbyDesign process and wanted their buildings to compliment each other and help to restore Barrington as Halifax's main street. He stated that the height of the proposed building was not in any view plane nor would it be visible from the Citadel Hill ramparts. He indicated that they would take the recommendations from the Heritage Advisory Committee and place a plaque with other memorabilia and salvaged items in the building's public spaces. He stated that in addition to the requisite public information meeting, Starfish had hosted four well attended open houses and were supported by neighbours and the downtown business community. He indicated that the District 12 Planning Advisory Committee recommended approval of the proposed development and the building would generate

\$100,000,000 in economic benefit to HRM. In closing, Mr. Reznick highlighted Starfish Properties nine year record of renovating buildings in Halifax.

Prior to opening the Public Hearing, Ms. Mary Ellen Donovan, Municipal Solicitor, provided clarification regarding legal correspondence HRM received from more than one party in connection with Council's jurisdiction to carry out the Public Hearing. She advised that it was her recommendation to proceed with the Public Hearing as scheduled.

Mayor Kelly reviewed the Rules of Procedure for Public Hearings and called for those wishing to speak for or against Case 01172 – Development Agreement – Barrington/Sackville/Granville Streets, Halifax.

Mr. Bernard Smith, Halifax, stated that when he sees a project that will add to the vibrancy of downtown Halifax he supports it. He advised that he had made some personal inquiries regarding the rehabilitation of the existing structure and, while he did regret the loss of the building, this one did not have a great deal of architectural merit; noting that it's value was its part in the streetscape. He added that reasonable duplication would probably preserve the merit of the building; therefore, he was persuaded that it was best to replace and add to the building in order to make it viable. Mr. Smith advised that he was in support of the proposed development, perhaps reluctantly, as there had been such change in Halifax's historic area; however, it was better to move on with this particular building. He stated that it was important to maintain as much of the original brick frontage and treatments as possible as he understood was being done. He advised that Council may wish to consider adding more incentives to ensure developments are completed such as taking bigger deposits from developers; adding that perhaps making them go by HRMbyDesign standards after six years was not incentive enough.

Mr. Fred Morley, Halifax, Executive Vice President of the Greater Halifax Partnership, indicated that he was in support of the proposed development for many of the same reasons Mr. Smith had already stated. He reminded Council of the recently passed Economic Strategy and read out the vision of that strategy in order to discuss the project in the context of the outlined ideas. He stated that recent statistics point to slower economic growth and the region needed a boost and this project could provide much needed stimulus in the short term; noting that Nova Scotia would not grow if Halifax did not grow. He advised that projects should be fiscally sustainable; ones that will generate more money than they cost the city to service which was what this project would do. Mr. Morley advised that vibrancy in a city's downtown core was critically important as it was a showroom for the city and the appearance of the downtown was vital to the future as it would encourage or deter business, tourists and conventioners to return. In closing, Mr. Morley stated that Halifax needed a more vibrant downtown and he supported the proposed development for all these reasons.

Mr. Paul MacKinnon, Halifax, stated that as the Executive Director, he was speaking on behalf of the Downtown Halifax Business Commission in favour of the proposed development; noting that they were a tenant of Starfish Properties and this was not a conflict as it had given the Commission an opportunity to get to know Mr. Reznick. He stated that Mr. Reznick's preferred form of development was to rehabilitate historic buildings and while the Roy Building plan was a bit different than his normal process, Mr. MacKinnon wished to point out that demolition was also the intention of the former building owner. He advised that there had been great hope that Mr. Reznick could restore the building and the fact that he could not prove that this was not a viable option; noting that Mr. Reznick wants to be sensitive to the character of the street. Mr. MacKinnon indicated that downtown Halifax does need development and that no commercial office space has been constructed there for decades; noting that a recent Kushman Wakefield Report concluded that downtown Halifax currently only holds 46% of the total office space in HRM and the national average was 57%. He stated that this trend should be reversed and more was needed out of the investment already put in downtown Halifax as even though there had been more recent success in getting residential development in the area, even more was required as retail office space follows residential development. He advised that Mr. Reznick had taken his cue from Council who decided to grandfather this application by taking the existing policies into consideration as well as HRM by Design principles and input from the public. Mr. MacKinnon stated that two concerns had been expressed to him regarding the proposed development, would it actually get built and what would happen to the displaced tenants; noting that Council and staff had addressed the first concern by allowing a mixed-use development and imposing a timeline. Regarding the tenants, he stated that it was not viable for the tenants to stay in the existing building long term under the circumstances and there were other options for these tenants in and near the downtown with the current landlord and with others. In closing, Mr. MacKinnon advised that while these were valid concerns, neither were a reason to vote against the proposed development which he encouraged Council to support.

Ms. Natalie Dugie, Halifax, stated that, as a business owner on Argyle Street, she was in support of the Roy Building development as anything that brings more parking and people downtown was advantageous to local business owners. She stated that it could be quite quiet and it would be nice to see the city grow and prosper.

Ms. Julie Streight, Halifax, stated that she was Ms. Dugie's business partner and that they owned the Foggy Goggle on Argyle Street. She advised that they were in support of the Roy Building development and any development that would bring people downtown and help maintain activity at all hours of the day outside of the usual 9:00 a.m. to 5:00 p.m.

Mr. Peter McCurdy, Halifax, stated that he was opposed to the proposed development not because he was against the development of downtown Halifax but because it was inappropriate in this historic section of the city. He advised that he did not like the economic argument people were using as a pseudo science as he did not think that if you build it, they will come. He expressed concern that Starfish Properties owns one

third of Barrington Street within the heritage district and this could have a substantial impact on Halifax. Mr. McCurdy debated the use of glass towers as the material was used because it was cheap; however, it was not sustainable as it was a poor insulator; expressing concern that developers were putting glass boxes in the middle of a heritage area. He stated that people loved being around heritage and he was worried about wind and light being blocked by the tower; noting that the proposed development did not compliment the existing buildings. He indicated that it was about scale and appearance and that young entrepreneurs were drawn to such areas with character buildings. Mr. McCurdy advised that HRM should be careful with Canada's first English speaking city as people who come to visit and live here were attracted to Halifax as a result of its beauty and liveability. He wondered why the developer needed to build in this area while there were many other available for development; noting that HRM would pay the cost with heritage which was not free. He also wondered if conflicting interests since amalgamation made matters worse in this regard by taking the core out of the city as well as low interest rates. In closing, Mr. McCurdy stated that the project was counterintuitive, flash and quick gain and that he was not even sure that the grandfathering of this application was legal.

Mr. Larry Haiven, Halifax, stated that, as a resident of Schmidville, he was concerned about any subversion of a Heritage Conservation District which was initiated to protect built heritage. He indicated that when asking visitors why they like Halifax, they do not answer that it's the tall buildings. He congratulated Council for having the foresight to designate the BSHCD and wondered why they would reverse that and make Halifax a laughing stock. Mr. Haiven questioned whether Council could legally amend or override the BSHCD designation and also if they should. He stated that it had been reported by All Nova Scotia that downtown Halifax was actually suffering from a glut of sublet space and even if office space was needed there were plenty of available locations outside of the BSHCD. He indicated that, as a Professor of Commerce, he studied cultural production and one of the increasing features contributing to the arts was authenticity and a sense of truthfulness; noting that HRM still had some of this and it should be maintained. In closing, Mr. Haiven quoted Mr. Paul Goldberger of the New York Times from an article titled, 'Facadism on the Rise'.

Ms. Suzanne Saul, Halifax, indicated that she was co-owner of Attica Furnishings which had been in Halifax for almost 16 years, 9 of which were spent in the Roy Building. She advised of the many problems with the building including the fact that an awning was erected on Granville Street so customers would not be hit by falling bricks. She stated that Attica left the building when Starfish Properties bought the property so they could renovate and if they could not successfully renovate it, nobody could. Ms. Saul advised that she had been to cities such as London and Barcelona and they have been able to successfully integrate historic buildings with modern ones despite being much older than Halifax and HRM should look at doing the same.

Mr. Tony Edwards, Bedford, stated that Mr. James Roy was a resident of Bedford as well as a Halifax alderman and that Mr. Andrew Cobb, an architect associated with the Roy Building, was a resident of Bedford, too; noting that one should not say the building

has no architectural merit. He advised that, as a published writer of local history and municipal affairs, he opposed this proposal and for the same reasons as those in support of the development as it would not revitalize the downtown. He indicated that the downtown could be revitalized by increasing parking, decreasing parking costs, providing tax cuts to downtown businesses and increasing taxes in business and industrial parks; noting that the rapidly increasing vacancy rate in downtown Halifax was a result of it costing so much to get there. Mr. Edwards stated that MPS policies such as 7.5 state that wind levels will be acceptable and used the example of the Maritime Centre as a building which causes unacceptable wind; advising this would also be the case if the proposed development was approved. Regarding policy 6.3, he indicated that Citadel Hill was not only the Citadel itself and that world class cities do not allow such development to go in their historic centres. Mr. Edwards advised that the Roy Building was well maintained and encouraged Councillors to walk through to see that it was in better shape than it was fifty years ago. In closing, he urged Council not to support the proposal as it did not comply with many regulations.

Ms. Beverley Miller, Halifax, asked Council, before they vote on the proposed development agreement, to look up the economic benefits of heritage conservation areas on the internet and scan the first 100; noting that what they would find was that there are enormous social and economic benefits to heritage areas. She stated that this was not a question of asking for no economic development but for another, more viable economic development to preserve the concept of the heritage conservation area. She recited the maxim that the definition of insanity was doing the same thing over and over and expecting different results; stating that this was what Halifax had been doing downtown for the past 40 years and it has not worked. Ms. Miller indicated that developers keep saying they will build something that will change the city and Halifax, particularly Barrington Street, has become a darker, windier and colder space as a result. She advised that she could not believe there was a demand for more Class A office space when there are studies such as one compiled by Nova Scotia Business Inc., which states there is, in fact, no demand; noting that she could provide Council with a survey of reports she compiled over the past two years. She expressed concern that many of these developments are approved and never built and that HRM should give up the insanity of doing the same thing and let the Heritage Conservation District concept work. She wondered what would happen to the other buildings on Barrington Street after another six years of vacancy, demolition and construction. Ms. Miller expressed concern that the staff report overlooked the fact that wind generated from the proposed development would make it uncomfortable to stand on the sidewalk and that the development also did not comply with compatibility or height; things required under the policy under which it was being proposed. In closing, she asked Council to turn the proposed development agreement down as it was not needed.

Mr. Allan Robertson, Halifax, stated that his interest in the proposed development was more personal than the other reasons that had been previously stated; noting that for years his office was located in 1801 Hollis Street and, on a regular basis, he dealt with heavy winds in the entry plaza of the building. He advised that it was not even a particularly high tower, just 18 stories, and the owners did try to solve the problem many

times at high cost; however, you still have to close the doors on one side of the building or the other, depending on the direction of the wind, on windy days; noting that it had just happened to him earlier that day. Mr. Robertson stated that it was his understanding that Council was considering approval of two towers close to one another straddling Sackville Street and that one developer has submitted a letter outlining potential unsafe pedestrian wind conditions and if the current winds were unsafe, the towers would make it worse. He indicated that it was most unlikely that either consultant had looked at the potential unsafe wind conditions if both buildings were constructed and expressed concern that Barrington Street already suffers from issues such as poor lighting, empty lots and nearby vacant lots.

Mr. Ian Taylor, Halifax, expressed concern that the facts and figures did not add up as half a million square feet of office space in Halifax was vacant yet 1,900,000 square feet of office space has been approved and another 1,000,000 square feet of vacant land was sitting flat, derelict as parking or rubble. He stated that Council had to look at the total picture and, if developments would add to the commercial crisis, it was Council's role to say enough or not now. Mr. Taylor advised that he thought Canadian Councils had taken the role that it was their job to usher through as much development as possible which he did not necessarily disagree with; however, Councils should look at the totality of what they are approving and wondered why the administration had not done the same thing. He wondered what evidence there was to back up the claim made by the developer that the buildings themselves were not capable of resuscitation and if there had been any independent studies. Mr. Taylor stated that Halifax needs renewal, conservation and to preserve low rent areas in order to get incubation of small businesses which the Roy Building has been doing until now; noting that it should be allowed to remain to provide modest accommodation for businesses to grow. In closing, he expressed concern that heritage areas and old buildings seemed to be viewed in the negative yet they make a lot of money in Canada.

Ms. Linda Forbes, Dartmouth, indicated that she was the Vice President of the Heritage Trust of Nova Scotia and that the Public Hearing was Council's opportunity to demonstrate its commitment to an area that has been suffering as a result of shifts in the retail sector, physical neglect, the lure of arts and culture magnets elsewhere and because developers were reluctant to make a move before they knew how the BSHCD plan would be handled; what its rules would be and what incentives it would offer. She stated that the proposal slipped in before the Conservation District was adopted but after it was accepted in principle and was held up by the HRMbyDesign public consultation process. Ms. Forbes expressed concern that the proposed development fails to meet significant aspects of the policy rules of 2008 and 2009 nor the standards of the BSHCD and should not be accepted. She indicated that, as per policy 7.2.1, an 11 storey tower on a five storey base was out of proportion and did not compliment the existing buildings. She stated that Mr. Reznick believes his development will make a positive public contribution; however, the mass of the building in sketches shows that the building will be quite visible from across the street and further away; noting that this fact and perspective was important when judging the impact of a development on adjacent buildings. Ms. Forbes expressed concern with the impact of shadowing from

such a development which would decrease the street level attractiveness. She advised that Barrington Street was important because of its collection of buildings unlike those in other parts of the city and its position in relation to significant public places as well as its long standing and continuing history of business and public activity. Ms. Forbes indicated that Barrington Street was evolving and would lose significance and value if its pedestrian traffic stopped and if the small businesses and organizations currently established there were replaced or not supported by compatible uses. She advised that Mr. Reznick was a good developer and she hoped he would come back with a proposal that respects what Barrington Street is and can become. In closing, she asked Council to please reject the proposal as presented.

Mr. Ciaran Doherty, Rockingham, advised that he was 30 years old and his wife was 25 and they were new tenants on Barrington Street; noting he finds it odd when older adults say what young entrepreneurs are looking for in a business space. He stated that he and his wife decided to go to Barrington Street as a result of talking to Starfish Properties as they have a good vision of what young entrepreneurs want and it would be a beautiful street in six years. Mr. Doherty indicated that if Mr. Reznick had the right to demolish the building he should be supported rather than forcing him to create an empty lot.

Ms. Janet Morris, Halifax, stated that she was opposed to the proposed Roy Building redevelopment as it was contrary to both the letter and spirit of the former MPS and LUB; specifically policy 7.2.1. She advised that it was indefensible to suggest that the proposed tower would reinforce the proportion of the existing streetscape as all buildings on Barrington Street have been recognized as part of the character of the street which was why it was a Heritage Conservation District. She addressed a recent CBC interview when Mr. Reznick stated that the proposed tower does not offend policies as it would barely be visible from the other side of the street; noting this adds a reason as to why it is inappropriate as it would block part of the sky that was already compromised and the street would be less inviting. Ms. Morris advised that the Roy Building had the largest footprint on Barrington Street and, by reason of its mass, was the least appropriate building for an addition; also because it was right in the middle of Citadel Hill and the Harbour. She expressed concern that the development was offensive to Granville Street as well as Barrington Street and, therefore, merits attention; stating that she had no doubt that Mr. Reznick appreciates the spirit of the downtown core and wondered why he could not do the same for the Roy Building as he had for the Morse's Tea Building. She stated that the Starfish Properties proposal could be declined and also suggested planting trees on Barrington Street.

Mr. Michael Bradfield, Halifax, stated that he was an Economist and that economists rarely reach consensus as they use different models and formulas; noting that the developer used an economic multiplier of 2.5 and one has to be careful with the figures that have been thrown out. He advised that the Ellis Report on Market Conditions states that the Class A downtown vacancy rate was 11% and 5% in suburban areas; noting that just because firms were leaving downtown to go suburban did not mean the downtown then had to build high rises to compete which would suggest that supply

creates its own demand and the vacancy rate in downtown proves that is not true. Mr. Bradfield indicated that a shortage of supply had not existed in downtown Halifax in 30 years and, according to the Turner Drake report, there was an ample supply of space available without knocking down heritage; noting that the report also states that the heritage environment and harbour were Halifax's major competitive advantages. He expressed concern that once such buildings are destroyed, they would never be reincarnated and that the proposed development was out of scale with the surrounding heritage area. Mr. Bradfield wondered why the developer would want to build more space downtown if there was already a surplus and when downtown rent would not cover the cost of the building. He also wondered what would happen if the developer decided to sell the land within three years, if the agreement goes with the land or if a new proposal was required. In closing, he advised that when something was grandfathered it means which set of rules you must abide by, not violate.

Ms. Elizabeth Pacey, Halifax, advised that she was strongly opposed to the proposed development as high rises and demolitions were a worst case scenario for the BSHCD as they are for any conservation area. She indicated that she was a member of the Steering Committee for the first conservation area plan for Barrington Street passed by Council in January 2006; noting that Heritage Districts were economic generators and powerful tools for the revitalization of downtowns with heritage buildings. Ms. Pacey addressed policy 7.2.1, one which was in the previous Municipal Downtown Plan section, which calls for new buildings to compliment registered heritage buildings and to reinforce the proportions of adjacent registered heritage buildings; advising that this was a critical policy. She stated that the proposed development does not compliment the proportions of existing surrounding buildings like the Caldwell Building and many of the other 25 registered heritage buildings on Barrington Street. She indicated that the HRMbyDesign version of the BCHCD Plan was recently passed and included its interpretation of policy 7.2.1 by stating that maximum heights for Barrington Street were established under the LUB ensure that new developments respect the existing scale and form of the district while allowing modest additional development capacity by allowing a few more stories; not six. Ms. Pacey advised that reinforcing the desired character of new development should reflect the nine downtown precincts and that the Roy Building should be left as it stands at 72 feet. In closing, Ms. Pacey stated that not all heritage buildings are designated but this one was worthy of designation.

Mr. Jack Yurko, Halifax, indicated that he visited Halifax in 1998 from Edmonton and was charmed by Barrington Street; the quality of the buildings and history; noting that, eight years later when he decided to go back to school he decided to go to Dalhousie as he wanted to live in Halifax. He stated that, since then, he had seen and been involved with the back and forth about heritage and tall buildings and he has been in support of some proposed developments. Mr. Yurko advised that he just returned from Havana, Cuba and had previously visited Quebec City, Montreal and Prague; noting that he does not leave the old towns when he is visiting such cities and that we should not become jaded about what we have. He stated that while Edmonton, his hometown, had a decent skyline, tall buildings and one of the largest urban forests in Canada, he wondered who would think about going there just for a visit as opposed to places such as Quebec City.

In closing, he stated that he was against the proposal as he respected the heritage values of Halifax and allowing the destruction of such buildings encourages owners to neglect their heritage buildings.

Mr. Tom Creighton, Halifax, stated that he was opposed to the proposal before Council; advising that he spent six years on the Heritage Advisory Committee for the former City of Halifax and seven on HRM's Heritage Advisory Committee. He indicated that, when he was Chair, the proposal for the BSHCD came through the Committee and he was elated that at least this corner of downtown would be spared heritage destruction; noting that he had been naïve. He advised that much of the value of this area was a matter of street scale and his interpretation was that the Heritage Conservation District was put on hold to see if one more development could be approved before the rules changed; noting that the new rules would not allow the proposed development which was why it was grandfathered as the old rules stretch definitions. Mr. Creighton wondered what height and design in the building was complementary to the area and that putting glass on old architecture has happened before in Halifax to its shame. He stated that although the letter of the law could be open to interpretation, HRM could not continuously erode heritage and that there were plenty of development sites in the city and suburbs. He indicated that Council and staff should be upholding the rules for the good of the city as people would come to Halifax for the economic strategy. In closing, Mr. Creighton requested that Council take the advice of the current Heritage Advisory Committee, which he was no longer a member of, to reject the proposed development.

Mr. Phil Pacey, Halifax, advised that he was the Chair of the HRM committee of the Heritage Trust of Nova Scotia and their office was at 1588 Barrington Street and that, while the Trust has supported past work of this developer, they were not in support of this proposal. He stated that the proposal does not meet new or old rules for Barrington Street as the new Halifax LUB has a height limit of 72 feet with no exceptions and the proposed tower would be more than three times as high as allowed. Mr. Pacey indicated that Mr. Dave Walbridge, the Trust's Legal Advisor, pointed out to staff on April 29, 2011 that for Council to consider a development agreement, the HRM Charter states that the LUB must identify the developments to be considered by development agreement and that the LUB identifies no developments that can be considered by development agreement; therefore, in their opinion, Council would be acting without jurisdiction if it were to proceed and consider this case with a development agreement. Mr. Pacey stated that in April 2011 the Trust submitted a briefing outlining many inconsistencies between the proposal and the former MPS. He indicated that, even if the LUB had enabled development agreements, the Trust would say Council should not approve the proposal as it would not reinforce the proportions of the adjacent heritage buildings contrary to policy 7.2.1 of the former Central Business District Planning Strategy and Policy 6.4 in the Halifax MPS. Mr. Pacey referenced an image from the developer which shows the proposed development from the sidewalk and advised Council that copies of other images were before them. He referenced policy 7.2.1; advising that about half of the buildings in the Heritage Conservation District were registered heritage properties and noted that the staff report provides Council the option

to refuse the development agreement based on the above noted policies. He stated that a 226 foot tower would not reinforce the proportion of the existing buildings as can be seen in the developer's illustration and would overwhelm and dominate. Mr. Pacey indicated that the demolition of the Roy Building would not maintain the integrity of the BSHCD which was legally in place, contrary to policy CH1, including clause C, of the Regional MPS and policy 6.1 of the Halifax MPS. Mr. Pacey expressed concern that the proposal does not protect pedestrians from adverse wind effects, contrary to policy 8.6 and 7.5 and would not preserve views from Citadel Hill. In closing, he stated that the Heritage Trust asks Council not to approve the proposal.

Mr. Craig Sievert, stated that he operates a tobacco store on Barrington Street that has been in operation for 100 years. He advised that in his 30 years working there, he had seen businesses come and go and buildings sit vacant; noting that Barrington Street used to be a thriving business district and has since fallen by the wayside. He stated that he watched with earnest when many buildings owned by Mr. Reznick have been transformed and increased the look of the area. Mr. Sievert stated that, as a business owner on Barrington Street, he wanted to lend his support to the proposed development as based on Mr. Reznick's track record of restoring buildings he had every confidence the this would be another success.

Ms. Andrea Arvic, Halifax, advised that she was not going to reiterate numerous concerns about incompatibility and style and not complying with new or old rules; however, wished to state that she shared those concerns. She expressed concern about what was at stake; the faith residents place in Council by giving countless hours to take part in consultations during the development of the BSHCD Plan as well as HRMbyDesign and the tax dollars that go into such processes. Ms. Arvic indicated that if Council makes exceptions when developers approach, that gives residents very little faith in the sincerity of the public consultation process and in Council's commitment to fulfil it's own promises. She stated that the proposed development would further compromise an asset that distinguishes Halifax and, in the future, residents would ask why more was not done do save it; noting that once buildings are gone, they are gone forever. In closing, Ms. Arvic urged Council to take a cautious approach and turn down the development.

Council recessed at 8:00 p.m.

Council reconvened at 8:16 p.m. with the same members present.

Mr. John Wesley Chisholm, Musquodoboit Harbour, stated that he supported the position of all the people who spoke in favour of the proposed development and said they wanted good stuff; new, small businesses, creativity and fun. He indicated that you can start a small business almost anywhere but not in Class A office space; noting that he started his business in the Roy Building 10 years ago and his company now employs 30 people under 40 in good, high paying jobs. He advised that the only people interested in Class A space were banks, monopolies, governments and government enabled business. Mr. Chisholm stated that he was interested in function, not form, and

about the heritage future rather than the heritage past; advising that the building was a business incubator and that one could not support this development unless you also have a plan to replace the important role and functionality that it plays in the community for small Nova Scotia businesses. He believed this could be solved but could not go forward until about function over form was considered and he was happy to help try to find a solution.

Ms. Cathy Merriman, Halifax, advised that she was co-owner of the Loop at 1547 Barrington Street in the Pacific Building; a heritage building which was falling apart because it was not owned by someone like Mr. Reznick. She indicated that HRM had not seen enough redevelopment and revitalisation on Barrington Street; noting that she found the disneyfication criticism interesting and wondered if those opposed were trying to create a time capsule that would move towards a theme park. Ms. Merriman stated that she was interested in preserving heritage but would like to see HRM celebrate the 21st century as well and, while there was no guarantee that 'if you build it they will come', if you do not build it, they definitely will not come. She advised that her little business would love to see more people living downtown and liked the idea of residential space and did not think anyone was aspiring to be a city of glass towers nor did she think it would be; however, Halifax could not be Quebec City nor Toronto either. Ms. Merriman stated that the developer was trying to enhance what she knew could be an even more creative and vibrant Halifax; noting that her property was owned by people on the other side of the world who did not care and she wished it was owned by a developer like Starfish Properties. In closing, she advised that she supported the proposed development.

Ms. Sandra Sylva, Chocolate Lake, advised that she worked in downtown Halifax and, for the past 23 years, has walked to her office from a good distance and has to deal with grim factors from buildings that were hard on pedestrians. She stated that she was against the development not because she was against all development but because she sees the destructive aspect of how these high rises affect people who live and work in downtown Halifax. Ms. Sylva indicated that smaller buildings could be in Halifax, using Argyle Street as an example; noting that she had lived in New York City and San Francisco but loved living in Halifax. She expressed concern that development destroys the integrity of this community and HRM had the opportunity to create real beauty. She stated that high rise buildings have their place but were not conducive to this type of city nor for people to live in and perhaps a five or six storey building would be better. In closing, Ms. Sylva advised that she thought Mr. Reznick could develop a much better building if he wanted to as the proposed development had too much shade, wind, concrete and metal; noting that Halifax needed an environmentally wonderful place to live.

Ms. Peggy Cameron, Halifax, addressed both proposals before Council, wondering where the overarching vision was as HRMbyDesign was supposed to give HRM a master plan yet developers were being allowed by staff to bend the rules. She expressed concern that there was no respect for the process as well as an absence of a long term view. Ms. Cameron also expressed concern the proposed Roy and Discovery

Centre developments did not fit within a district based approach as outlined in HRMbyDesign and the establishment of the BSHCD was a result of much work by the steering committee and the proposed buildings would take away, rather than add to the Heritage District. She wondered how Council could enable developers to stimulate the revitalization of the historic street scape rather than destroy it, following the mantra that new means money. Ms. Cameron advised that buildings were not about balancing sprawl and that Council continues to approve developments off of the Peninsula which furthers the problem of sprawl; noting that there were currently many vacant areas in the downtown anyway. She expressed concern that energy consumption was higher in high rise buildings and what effect this would have on climate change and that, with stronger storms; the wind effect would be exaggerated. She advised of the need for tax reform as the Peninsula continues to subsidize urban sprawl via a taxes; noting that a paper by Mr. Andrew Murphy who served on the HRM Tax Reform Committee provided facts on this issue. In closing, Ms. Cameron stated that the buildings were in a new heritage conservation area and were over limit for height; noting it was either a heritage conservation district or it was not.

Mayor Kelly called three times for additional speakers. Hearing none, the following motion was placed:

MOVED BY Councillor Walker, seconded by Councillor Karsten that the public hearing be closed. MOTION PUT AND PASSED.

A discussion ensued with Mr. Reznick responding to questions. The following points were noted:

- The demolition and construction can commence within one year
- There will not be affordable housing available as it was an expensive space to build
- The tower will be 12 stories high as that is what fits under the current MPS By-laws

MOVED by Councillor Sloane, seconded by Councillor Blumenthal that Halifax Regional Council:

- 1. Approve the development agreement as shown in Attachment "A" of the March 30, 2011 staff report, to permit a mixed-use development; with the exception that Section 1.2 of the agreement be revised to specify the "Halifax Peninsula Land Use By-Law in effect on June 25, 2008; and**
- 2. Require that the development agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at and end.**

A discussion on the motion ensued.

Councillor Sloane advised that the BSHCD was important; however, the Roy Building was not a registered heritage property and, although it was beautiful, it needed work that could only be done by dismantling it and building new. She indicated that the proposal takes all the old qualities and brings them back to life with components of mixed-use development which downtown Halifax needs to see more of; noting that she knew Mr. Reznick would help find the current tenants alternative spaces.

Councillor Watts advised that she would not support the motion as she had not approved of the grandfathering of the applications during the HRMbyDesign process and that she was concerned about the lack of affordable housing in the development as well as the integrity of the existing BSHCD.

Councillor Lund stated that he did not have a problem with the proposal in principle; however, he wished for the height of the building to be looked at again and also had concerns about massing.

Mr. Sampson noted that the proposed tower would be approximately 45 feet higher than the commercial office buildings to the east, 80 feet higher than the Centennial Building and 90 feet taller than the Joseph Howe Building.

MOTION PUT AND PASSED.

The meeting recessed at 9:06 p.m.

The meeting reconvened at 9:13 p.m. with the same members present.

9.2 Case 01231 – Development Agreement – 1595 Barrington Street, Halifax (Discovery Centre)

- (i) Staff Report
- (ii) Heritage Advisory Committee Report
- (iii) District 12 Planning Advisory Committee Report
- (iv) March 14, 2011 Staff Report to District 12 Planning Advisory and Heritage Advisory Committees

Correspondence dated May 2, 2011 from F. D. Medjuck, President of 1595 Investments Limited, was before Council.

An extract from the draft Regional Council minutes dated April 12, 2011 was before Council.

A presentation was before Council.

Mr. Richard Harvey, Senior Planner, provided the presentation on Case 01231 – Development Agreement – 1595 Barrington Street, Halifax (Discovery Centre).

A discussion ensued with staff responding to questions of clarification.

Mr. Sampson indicated that the balconies on the back of the building would be retained even if the building becomes commercial in use.

Regarding use, Mr. Sampson advised that flexibility was being proposed as the C2 zone allows for many uses and the development agreement states that any C2 zone use was permitted. It was also noted that, like the previous proposal, the three year construction commencement period runs with the property.

Mr. Frank Medjuck, Applicant and President of 1595 Investments Ltd., thanked staff for helping him adjust his building design to improve its consistency with the MPS. He also thanked the Heritage Advisory Committee for their favourable recommendation and noted that he had attended District 12 Planning Advisory Committee meetings as well as read their minutes to understand their priorities and had made changes based on their concerns; noting it was unfortunate that the membership changed prior to them being able to view the final application. Mr. Medjuck advised that he had sat on the BTHCD steering committee and was; therefore, aware of the heritage issues; stating it was not his intention to push the building design to the maximum as while this was not a registered heritage building it did have a unique street corner and he also wished to preserve the building's nostalgia. He noted that he had worked hard with the architect and structural engineer to ensure the building's design was complementary to the street scape, surrounding heritage buildings and skyline. He indicated that construction would occur through the Granville Street elevation so as not to disrupt Barrington Street and, in order to make Granville Street more than just a back street with blank walls he added windows, would maintain floor plates and columns rather than just a facade, eliminated a lower parking area, dropped the building height almost 60 feet and changed the external colour to be more compatible. Mr. Medjuck also advised that he was not certain what the market demand would be at the end of the process so his application was for both residential and commercial uses and, currently, the plan was a residential design to create nine units. He stated that the construction budget was approximately \$25,000,000; a direct addition to HRM's tax base without spending any public funds. Regarding the three year construction deadline, he indicated that the Discovery Centre lease was for one more year and that a two year building period would be sufficient afterwards. He thanked the Duffus Romans Architecture firm for the design of the building; noting that he attempted to take the art deco design to the top of the building; however, it ended up looking like an imitation of the existing building. Mr. Medjuck stated that he, HRM staff, and his legal team were satisfied that they had met the criteria of the MPS as well as in policy 7.2.1 which is permissive as it states should not shall and that all buildings on Barrington Street were contemporary in their time. He thanked all those who had written letters of support and advised that 1149 people had signed a petition of support as well as 72 signatures of support from businesses around the site. In closing, Mr. Medjuck respectfully requested Council's approval.

Regarding a question of clarification in relation to affordable housing, Mr. Medjuck advised that he had done affordable housing over the past 30 years; however, function

depends on financing and this was not the site for affordable housing; noting his intention for market rental.

Mayor Kelly reviewed the Rules of Procedure for Public Hearings and called for those wishing to speak for or against Case 01231 – Development Agreement – 1595 Barrington Street, Halifax.

Mr. Fred Morley, Halifax, Executive Vice President of the Greater Halifax Partnership (GHP), returned to the economic strategy and its first goal which was to build a vibrant and attractive regional centre that attracts \$1,500,000,000 in private investment and 8000 more residents by 2016. He stated that the purpose of attracting that much investment was to provide a benefit to the community in terms of economic growth as well as tax revenue back to HRM and that the 8000 more people would create energy and vibrancy in the downtown. Mr. Morley advised that people in HRM wanted these kinds of projects and a recent GHP survey showed that only 4% of people did not like growth. He indicated that the GHP supported this project and were encouraged by the commitment of interest of investment to the downtown; noting that he supported people who would put up their own money to invest in the community.

Mr. Paul MacKinnon, Halifax, Executive Director of the Downtown Halifax Business Commission (DHBC), advised that he was in favour of the proposed development. He indicated that while it may be difficult to differentiate between the two proposals before Council, the main difference between the Discovery Centre and Roy Building was that the Discovery Centre would be maintaining its historic but unregistered façade which he applauded the developer for. He advised that the BSHCD was different than most heritage conservation districts because while most only showcase a short specific time frame, Barrington Street had a unique mixture of various ages and architecture styles from 1749 to 1997. Mr. MacKinnon stated that while the Discovery Centre was not registered, it was important as it is one of the few art deco inspired properties on the street and the upper portion of the building would be completely modern and distinct and would not mimic the lower portion, nor should it. He indicated that, as a corner building, it would become a visible part of the landscape but from the pedestrian scale on the street; the retail frontage would not change. Mr. MacKinnon advised that the DHBC supported the development as the downtown needed more people working and living nearby which this building would accomplish and the setback upper portion would preserve the pedestrian street scale essential for the retail environment. He stated that Mr. Medjuck, the proponent, was no stranger to downtown Halifax as he and his brother had developed many properties in the area over the years and he also spent several years on the BSHCD steering committee. Mr. MacKinnon indicated that the 70 foot height limit was not part of the original plan for the BSHCD; the original plan was tailored to fit within the existing MPS so it allowed for applications such as this one to come forward and height was meant to be dealt with through the existing heritage policies of the MPS which was essentially what Council was doing tonight. He stated that the bigger concern was if the building would, in fact, be built which Council had resolved by imposing a strict timeline. In closing, he hoped Council would support the development.

Mr. Tony Edwards, Bedford, stated that he opposed the development. He advised that Halifax was number two behind Barcelona as a desired cruise ship destination and it would move further back if HRM continued to destroy heritage buildings. He indicated that HRM should put an end to glass curtain wall buildings as they were passé and referenced Regional MPS policy C2 which he did not believe the proposed development met. Mr. Edwards stated that developments should incorporate structural rhythm and that HRM also needed to ease off on business taxes as well as parking fees and that it should augment transit in order to attract more people to come downtown rather than to business parks. He also advised that the vacancy rate in downtown office space was rising.

Ms. Beverley Miller, Halifax, advised that growth was not just one thing and not just glass buildings on Barrington Street. She stated that she would forward Council an article called, 'Cracks in the Glass City' about how glass towers are an environmental disaster and developers like them because they are cheap; which must be considered. Mr. Miller expressed concern that the previous MPS has been twisted into so many configurations that she could no longer follow it and the public was noticing this as well. She wondered why there was a plan in the first place when Council changes the rules every time a developer asks. In closing, she stated that this was a shame to the downtown and that 40 years of this kind of development was too long.

Ms. Linda Forbes, Dartmouth, stated that, like the Roy Building proposal, this building proposal predates the adoption of the BSHDC revitalization plan as well as HRMbyDesign and should not be accepted. She addressed policy 7.2.1; noting that this was one of the higher and wider buildings on Barrington Street and was non Victorian in style. She expressed concern that the proposed development would loom over the neighbouring buildings and reinforce the small size of adjacent buildings. Ms. Forbes advised that, old or new rules, the policies demand that HRM show respect for buildings that have been recognized and she wondered who sets the standards and what the wind impact of these acceptable levels would be from one tower, let alone two. She wondered what the pedestrian experience on Sackville Street would be in icy, winter weather; noting that the whole sidewalk was an important public space which shadows would impact. She stated that in the cities she had visited and lived, the most inviting heritage areas have not been fragmented nor the streetscapes interrupted by new buildings; they were visually interesting and inviting. Ms. Forbes also expressed concern for the narrowing and darkening effect the proposed developments would have; noting that Barrington Street needs supportive development and another tower was not demanded. In closing, she asked that Council please reject the proposed development.

MOVED by Councillor Adams, seconded by Councillor Karsten, that Halifax Regional Council continue the meeting past 10:00 p.m. to complete the agenda. MOTION PUT AND PASSED.

Ms. Janet Morris, Halifax, stated that while this proposal was less egregious than the Roy Building as it maintains the heritage building, some heritage features would be

compromised and it was more offensive as changes would be more visible from the street; noting that corner buildings need special treatment. She advised that this was not satisfactory and that, being on a corner, the building would probably have more of an impact on views from Citadel Hill, would generate adverse wind effects and would not reinforce the proportions of any adjacent buildings as there was little, if any, setback of the tower. Ms. Morris suggested that developments that step outside of the acceptable heights should contribute to grants to maintain the adjacent heritage buildings they were impacting and should consider the impact these grandfathered developments have on the heritage district before it is even complete. She asked that Council put a freeze on developments or development agreements when a new heritage district was proposed. In closing, Ms. Morris stated that the BSHCD revitalization plan had proper means of improving the pedestrian environment; noting that the proposal of planting trees on the street has never been implemented and should be attempted.

Ms. Elizabeth Pacey, Halifax, stated that the BSHCD steering committee plan had been based on the status quo as it included such policies as 7.2.1, which was an excellent policy in effect at that time. She advised that construction should be complementary to heritage buildings as Barrington Street had buildings dating back to 1749 as well as the Victorian and Art Deco eras and despite these various eras, on a four block long commercial strip, heights range from two to six stories for such heritage buildings. Ms. Pacey indicated that there were 26 registered heritage buildings on Barrington Street and a number of buildings that required heritage registration but did not have it as registration was based on what the owner's wishes more so than if a building was deserving. She indicated that the Discovery Centre building was the finest Art Deco building in HRM and deserved careful consideration. She stated that the first Barrington Street Conservation Plan, based on Policy 7.2.1, thought that HRM could allow one or two more stories to be added to a building depending on their height which would have been the case in this situation. She indicated that it was also important to keep the profile, outline and setback of the building which would have to be ten feet in order to be visually prominent. She advised that the proposed development would have to have a setback of ten feet on both streets; however, it did not and had a setback of 1.5 and five feet instead. She expressed concern that the development clashed with the style of the building. In closing, Ms. Pacey asked that Council not approve the proposed development and to please give this fledgling conversation area a chance to flourish.

Mr. Phil Pacey, Halifax, advised that he was the Chair of the HRM committee of the Heritage Trust of Nova Scotia and their office was at 1588 Barrington Street and that, while the Trust has supported past work of this developer, they were not in support of this proposal. He asked that Council not accept the proposal as it did not meet the old or the new rules for Barrington Street. He advised that the new downtown LUB had a height limit of 72 feet on the Barrington, which was the law; noting that the proposed development would be more than two and a half times higher than what was currently allowed. Mr. Pacey stated that the Heritage Trust's legal advisor, Mr. David Walbridge, had indicated that, in order for Council to consider a development agreement, the HRM Charter states that the LUB must identify developments to be considered by

development agreement. Quoting, Mr. Pacey stated that the LUB makes no mention of development agreements and that, as a result, Council would be acting out of jurisdiction if they were to consider the development agreement before them. He indicated that the Heritage Trust had submitted a document in April 2011 outlining many inconsistencies between the proposal and the MPS and even if the LUB had enabled development agreements, the Trust would still be against the proposal for reasons which he then highlighted. Mr. Pacey noted that Mr. Medjuck had disagreed with some issues raised in the document which he advised had been corrected prior to the Trust submitting their final document to Council. He expressed concern that the proposed development would not reinforce nor respect the proportions, scale, massing, building character and profile of the adjacent Keith Building and other heritage buildings in the area which was in contravention of policy 7.2.1 as well as policy CH1 of the Regional MPS which he then referenced. Mr. Pacey stated that the minimal setback for the building would also not reduce its apparent scale as required by the policy. He provided an illustration of what the two proposals, the Roy and Discovery Centre Buildings, would look like from Barrington Street; noting that they were out of scale with the surrounding buildings. He expressed concern that the tower would do nothing to protect pedestrians from adverse wind effects and would block a substantial amount of the view of Halifax Harbour from Citadel Hill nor would it preserve views from Citadel Hill, contrary to policies 6.2, 6.3 and 6.3.1 of the Halifax MPS; noting that Council, the Utility and Review Board and Supreme Court have upheld these policies. In closing, Mr. Pacey stated that the Heritage Trust asks that Council not approve this proposal.

Mr. Michael Bradfield, Halifax, stated that his involvement with the Old Strathcona Foundation in Edmonton, Alberta taught him that the heritage designation and the classification of an area of a city was an attempt to bring up an area in which the buildings were failing and had not been kept up; noting that visitors go to those areas which are not high rise; areas which are preserved and have street life. He expressed concern that HRM was throwing away its heritage and future economy when it discards these areas and that the meaning of a heritage district was being twisted. Mr. Bradfield asked Council to keep its most important job to hold to account developers and everybody else to the Municipality's laws; noting they would be inviting chaos otherwise which would not do the city any good.

Ms. Sandra Sylva, Halifax, clarified that she was not involved with the Heritage Trust or any other groups mentioned that evening, she was just a citizen who works downtown and has watched the city change. She advised that she was shocked by the blatant disregard of By-laws put in place for specific reasons to protect the city; noting that there was wisdom in the By-laws as well as in the older residents who see how these changes can damage the city. Ms. Sylva indicated that there was an opportunity to make Halifax a wonderful city and she was against the proposed development as high-rises and a façade would not do this job of making the city vibrant.

Mr. Ken Ivan, Halifax, stated that as an owner of a registered heritage property at 1725-27 Barrington Street, which was close to an unappealing parking lot, he was in favour of the proposed development. He advised that the previous summer he spoke with all of

the properties on the 1700 block of Barrington Street regarding a natural gas pipeline as well as the Roy Building and Discovery Centre proposals; noting that seven of the eight properties were in favour of both and he was as well. Mr. Ivan stated that downtown Halifax was often regarded as a place that was all talk and no action which was why it must be stimulated; noting that HRM must get the attention of local university graduates to stay in Halifax, not in Bayers Lake but downtown. He indicated that the developers of the Discovery Centre had developed several properties over the years and had done a good job. He stated that he was pleased to hear that the development would be mixed-use residential as more work brings more people living downtown which was what was needed. In closing, Mr. Ivan asked Council to consider the proposal.

Mayor Kelly called three times for additional speakers. Hearing none, the following motion was placed:

MOVED BY Councillor McCluskey, seconded by Councillor Nicoll that the public hearing be closed. MOTION PUT AND PASSED.

MOVED by Councillor Sloane, seconded by Councillor Mosher that Halifax Regional Council:

- 1. Approve the development agreement as shown in Attachment "A1" of the April 1, 2011 staff report, to permit a mixed-use development; and**
- 2. Require that the development agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at and end.**

A discussion on the motion ensued.

Councillor Sloane stated that she was putting the recommendation forward with mixed feelings; perhaps because of the nostalgia of the site; however, if HRM did not start seeing movement in the downtown, people would start moving out to other areas. She advised that downtown Halifax needed to get its vitality to back to have live and work conditions and the proposal may be the only way to save the building. Councillor Sloane also stated that Council still needed to look at tax reform.

Councillor Watts advised that she would not support the motion as a result of her concerns regarding grandfathering and affordable housing as well as the integrity of the existing BSHCD.

Councillor Harvey stated that the legacy this Council would leave behind would, hopefully, be a viable and vibrant working downtown; noting that Halifax was not Quebec City or Montreal as it had developed in a different way. He advised that there

was no point of having a downtown with heritage buildings empty from the second floor up as was currently the case.

Regarding several Councillors concerns on affordable housing, Mr. Dunphy stated that this issue was twofold as it involved Provincial legislative authority as well as municipal strategies; noting that a report on this matter would be before Council soon and a motion would be required to advance the issue.

A recorded vote was requested.

MOTION PUT AND PASSED. (20 in favour, 2 against)

Those voting in favour were Mayor Kelly, Deputy Mayor Smith and Councillors Adams, Blumenthal, Fisher, Harvey, Hendsbee, Hum, Johns, Karsten, Lund, McCluskey, Mosher, Nicoll, Outhit, Rankin, Sloane, Uteck, Walker and Wile.

Those voting against were Councillors Barkhouse and Watts.

Councillors Dalrymple and Streach were absent for the vote.

11. REPORTS

11.1 CHIEF ADMINISTRATIVE OFFICER

11.1.1 Administrative Order 23 – Inclusion of FeHEDTA

This item was deferred to the next Regional Council meeting.

12. MOTIONS - NONE

13. ADDED ITEMS

13.1 Motion – Councillor Johns

MOVED by Councillor Johns, seconded by Councillor Sloane that all future budget books include the detailed change report – Business Unit, Division, cost centre by cost element. MOTION PUT AND PASSED.

Councillors Uteck and Mosher left the meeting at 10:44 p.m.

13.3 Property Matter – Sale of Lot 11A Lovett Lake Court – Bayers Lake Business Park

The following motion was passed at an In Camera session held earlier in the day and was now before Council for ratification:

MOVED by Councillor Wile, seconded by Councillor Blumenthal that Halifax Regional Council:

1. **Authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale with The Pace Group Limited, subject to the minimum key terms and conditions outlined in the April 18, 2011 report; and**
2. **It is further recommended that this report not be released to the public until the property transaction has closed.**

MOTION PUT AND PASSED.

13.4 Personnel Matter – Audit and Finance Standing Committee – Citizen Appointments to Boards, Committees & Commissions

The following motion was passed at an In Camera session held earlier in the day and was now before Council for ratification:

MOVED BY Councillor McCluskey, seconded by Councillor Karsten that Halifax Regional Council approve the appointment of Mr. Andrew Higdon to the Grants Committee for a term from May 10, 2011 to November 30, 2012. MOTION PUT AND PASSED.

13.5 Personnel Matter – Citizen & Councillor Appointments to Boards, Committees & Commissions – Transportation Standing Committee Report

The following motion was passed at an In Camera session held earlier in the day and was now before Council for ratification:

MOVED by Councillor Rankin, seconded by Councillor Karsten that Halifax Regional Council approve the appointment of Councillor Darren Fisher to the Canadian Urban Transit Association for a term to expire November 2012. MOTION PUT AND PASSED.

14. NOTICES OF MOTION

14.1 Councillor Watts

“Take notice that at the next regular meeting of the Halifax Regional Council to be held on May 24, 2011, I intend to introduce a motion to request a staff report on the current evaluation tools and standards that HRM requires of developers for wind studies.”

14.2 Councillor Sloane

“Take notice that at the regular meeting of the Halifax Regional Council to be held on June 7, 2011, I intend to introduce a motion requesting that Regional Council discharge

the development agreement for the former Texpark site, between Halifax Regional Municipality and United Gulf Developments Limited, dated November 28, 2007 and filed in the Halifax County Land Registration Office as Document No. 89466073.”

14.3 Councillor Sloane

“Take notice that at the regular meeting of the Halifax Regional Council to be held on June 7, 2011, I intend to introduce a motion requesting staff form a policy re: the adoption of required satellite stores in the Capital District for any new big box stores in any business parks in HRM.”

15. ADJOURNMENT

The meeting was adjourned at 10:48 p.m.

Cathy J. Mellett
Municipal Clerk

INFORMATION ITEMS

1. Proclamation – National Public Works Week – May 15 – 21, 2011
2. Memorandum from Director, Transportation & Public Works dated April 11, 2011 re: National Public Works Week – May 15 – 21, 2011
3. Memorandum from Chair, Audit & Finance Standing Committee dated April 21, 2011 re: Investment Activities – Quarter Ending December 31, 2010
4. Memorandum from Chair, Audit & Finance Standing Committee dated April 21, 2011 re: Investment Policy Advisory Committee Report - Quarter Ending December 31, 2010
5. Memorandum from Chair, Environment & Sustainability Standing Committee dated April 26, 2011 re: Amendments to the Energy-Efficient Appliances Act
6. Memorandum from the Municipal Clerk dated April 29, 2011 re: Requests for Presentation to Council - None