



**HERITAGE ADVISORY COMMITTEE
MINUTES
June 5, 2019**

PRESENT: Jenny Lugar, Chair
Lois Yorke, Vice-Chair
Councillor Sam Austin
Councillor David Hendsbee
William Breckenridge
Patrick Connor
Marisha Caswell
Derek Bellemore
Stephen Smith
Jim Ballinger

REGRETS: Jennifer Clarke-Hines
Paul Cole

STAFF: Aaron Murnaghan, Principle Planner, Heritage Planning
Kathleen Fralic, Planner II, Heritage Planning
Simon Ross-Siegel, Legislative Assistant

The following does not represent a verbatim record of the proceedings of this meeting.

The agenda, reports, supporting documents, and information items circulated are online at halifax.ca.

The meeting was called to order at 3:00 p.m., and adjourned at 5:30 p.m.

1. CALL TO ORDER

The Chair called the meeting to order at 3:00 p.m. in Halifax Hall, City Hall, 1841 Argyle Street, Halifax.

2. APPROVAL OF MINUTES – April 23, 2019

MOVED by Councillor Hendsbee, seconded by Marisha Caswell

THAT the minutes of April 23, 2019 be approved as presented.

MOTION PUT AND PASSED.

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

Committee members asked that Item 9.2 be dealt with before Item 9.1.

MOVED by Councillor Hendsbee, seconded by Derek Bellemore

THAT the agenda be approved as amended.

Two-Third majority required.

MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES – NONE

5. CALL FOR DECLARATION OF CONFLICT OF INTERESTS

William Breckenridge recused himself from the discussion of Case 20761 (Item 9.4).

6. CONSIDERATION OF DEFERRED BUSINESS – NONE

7. CORRESPONDENCE, PETITIONS & DELEGATIONS

7.1 Correspondence

The Legislative Assistant noted that correspondence was received for items 9.3 and 9.4. This correspondence was circulated to members of the Committee.

For a detailed list of correspondence received, refer to the specific item.

7.2 Petitions – None

7.3 Presentations – None

8. INFORMATION ITEMS BROUGHT FORWARD – NONE

9. REPORTS/DISCUSSION

9.1 Case 20159: Amendments to the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-law, and a proposed development agreement to enable re-development of an eight storey (plus penthouse) multiple dwelling at 5713 Victoria Road, Halifax

The following was before the Committee:

- A staff recommendation report dated May 9, 2019
- A staff presentation on Case 20159

- A Memorandum from the Chair of the Halifax Peninsula Planning Advisory Committee dated May 28, 2019

Tyson Simms, Planner III, provided the Committee with a presentation on Case 20159: Amendments to the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-law, and a proposed development agreement to enable re-development of an eight storey (plus penthouse) multiple dwelling at 5713 Victoria Road, Halifax. Staff noted that the heritage properties abutting the development were relatively distant and separate from the development site. The total height of the development in the original application was nine stories, and the current iteration is now maintained at eight stories with setbacks on the north side of the property.

In reply to questions from members, staff confirmed that there may be a loss of two or more trees in rear of the site to accommodate underground parking. Though a portion of the canopy would be removed, staff understands that a fair number of trees will be preserved, and the developer is also obligated to maintain a landscape buffer.

Members engaged in a discussion of the proposed development, in which the following issues/concerns were highlighted:

- Regarding the possibility of crowding the registered heritage property buildings, several members stated that they had no concerns due to the significant distance between these and the proposed development.
- Regarding non-registered potential heritage properties, several members stated that while it may be possible to refer these for assessment, there are risks that doing so would create undesirable incentives to demolish them.

MOVED by Councillor Hendsbee, seconded by Councillor Austin

THAT the Heritage Advisory Committee recommends that Halifax and West Community Council:

- 1. Recommend that Halifax Regional Council give First Reading to consider the proposed amendments to the Municipal Planning Strategy for Halifax and the Land Use By-law for Halifax Peninsula, as set out in Attachments A and B of the staff report dated May 9, 2019, to allow an 8 storey (plus penthouse) mixed-use building by development agreement at 5713 Victoria Road and 1102 and 1106 South Park Street, Halifax, and schedule a joint public hearing;**
- 2. Recommend that Halifax Regional Council adopt the proposed amendments to the Municipal Planning Strategy and the Land Use By-law, as set out in Attachments A and B of the staff report dated May 9, 2019;**
- 3. Give Notice of Motion to consider the proposed development agreement, as set out in Attachment C of the staff report dated May 9, 2019, to permit an eight storey (plus penthouse) residential building at 5713 Victoria Road and 1102 and 1106 South Park Street, Halifax. The public hearing for the proposed development agreement shall be held concurrently with the public hearing referenced in Recommendation 1;**
- 4. Approve the proposed development agreement for an eight storey (plus penthouse) mixed-use building at 5713 Victoria Road and 1102 and 1106 South Park Street, Halifax, which shall be substantially of the same form as contained in Attachment C of the staff report dated May 9, 2019; and**
- 5. Require 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 an end.**

MOTION PUT AND PASSED.

9.2 Case 20417: Development Agreement for 2267 Brunswick Street, Halifax

The following was before the Committee:

- A supplementary staff recommendation report dated May 9, 2019
- A staff presentation on Case 20417

Darrell Joudrey, Planner II, provided the Committee with a presentation on Case 20417: Development Agreement for 2267 Brunswick Street, Halifax, noting that this matter had previously come to the Heritage Advisory Committee, and since then, the Developer has agreed to several revisions in the Development Agreement responding to some of the feedback provided by the Committee.

In response to questions from members, Darrell Joudrey confirmed that the proposed building is higher than the adjacent church roof. Darrell Joudrey confirmed that there are no proposed affordable units in the proposed development.

Members engaged in a discussion of the proposed development, in which the following issues/concerns were highlighted:

- The height of the development continues to rise above the roofline of St. Patrick's Church causing the church to appear 'hidden' and overwhelmed by the development.
- The blank west elevation wall of the proposed building lacks variations in design features such as alternating cladding or a mural.

The Committee then discussed how best to reflect these concerns in their recommendation to Halifax and West Community Council. Several members suggested that the Committee defeat the staff recommendation and approve an alternative motion that highlights the concerns raised.

MOVED by Councillor Hendsbee, seconded by Councillor Austin

THAT the Heritage Advisory Committee recommend that Halifax and West Community Council:

- 1. Give notice of motion to consider the revised proposed development agreement as set out in Attachments A and B of the supplementary staff report dated May 9, 2019, to permit an 8 storey residential building at 2267 Brunswick Street, Halifax and schedule a new public hearing;**
- 2. Approve the proposed development agreement, which shall be substantially of the same form as set out in Attachments A and B of the supplementary staff report dated May 9, 2019; and**
- 3. Require the agreement be signed by the property owner within 180 days, or an extension thereof granted by Council on request of the property owner, from the date of the 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 an end.**

MOTION PUT AND DEFEATED.

MOVED by Councillor Hendsbee, seconded by Councillor Austin

THAT the Heritage Advisory Committee recommend that Halifax and West Community Council direct staff to work with the applicant on further modifications to the development proposal for the site, including reducing the total height to seven stories and modifying the west elevation wall to introduce more design variation.

MOTION PUT AND PASSED.

9.3 Case 20218: Amendments to the Halifax Municipal Planning Strategy and Land Use By-law for Halifax Peninsula for lands fronting Spring Garden Road, Robie Street and Carlton Street, Halifax

The following was before the Committee:

- A staff recommendation report dated May 24, 2019
- A staff presentation on Case 20218
- A Memorandum from the Chair of the Halifax Peninsula Planning Advisory Committee dated August 21, 2018
- Correspondence submitted by Lisa Tremblay, Brenda O'Brien, Alex de Saint Sardos, Brad Abernethy, Michael Young, Irene Lorch-Wauchope, Peter Fillmore, Kristina McMillan, Flint Scheartz, Peggy Cameron, Lezlie Oler, Gerry Post, Alan Hayman, Ella Dodson, David Chipman, Linda Dodds, Roberto De Antueno, Janet Shotwell, Richard Stahl, Mary Sorrentino, Leslie Pezzack, Katherine Kitching, Dan Goodspeed, Jennifer Powley, Graham Read, Janet Maybee, Rebecca Robertson, Wendy Scott, Judith Fingard, Omri Haiven, Linda Cameron, Claire Dykhuis, Peter Lavell, Colleen Freake, Katheryn Johnson, Marie-Isabell Schilk, Elizabeth Precious, Odessa Spore, Richard Mueller, Sara Kirk, Molly DeShong, and Art Irwin

Tyson Simms, Planner III, provided the Committee with a presentation on Case 20218: Amendments to the Halifax Municipal Planning Strategy and Land Use By-law for Halifax Peninsula for lands fronting Spring Garden Road, Robie Street and Carlton Street, Halifax. Staff stated that the present matter before the Committee relates to the interaction between the Municipal Planning Strategy (MPS) policy and the Committee's interpretation of Regional Plan Policy CH-16. If the MPS policy is approved a separate application for a development will come forward to the Committee for review under CH-16. In reply to questions from members, staff clarified that the location of the south-side of the proposed development is largely determined by set-back policies rather than heritage policy considerations.

Members engaged in a discussion of the proposed development, in which the following issues/concerns were highlighted:

- Regarding the CH-16 policy evaluation, several members appreciated the proposed development's efforts to preserve the view of the heritage streetscape on Carlton Street
- Several members expressed they were comfortable with the proposed four-story podium height and the anticipated shadow casting.
- Several members expressed they were comfortable with the tower design which was narrow enough to ensure wind and shadow effects would remain negligible.
- Several members stated the development would enable more people to live in the historical area which enables further appreciation of existing heritage properties.

MOVED by Councillor Hendsbee, seconded by Jim Ballinger

THAT the Heritage Advisory Committee recommend that Halifax and West Community Council recommend that Regional Council:

1. **Give First Reading to consider the proposed amendments to the Halifax Municipal Planning Strategy and Land Use By-law for Halifax Peninsula, as set out in Attachments A and B of the staff report dated May 24, 2019, to permit by development agreement, a mixed-use development on lands fronting Spring Garden Road, Robie Street and Carlton Street, Halifax, and schedule a public hearing; and**
2. **Adopt the proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use By-law, as set out in Attachments A and B of the staff report dated May 24, 2019.**

MOTION PUT AND PASSED.

9.4 Case 20761: Amendments to the Halifax Municipal Planning Strategy and Land Use By-law for Halifax Peninsula for lands fronting Robie Street, College Street, and Carlton Street, Halifax

The following was before the Committee:

- A staff recommendation report dated May 24, 2019
- A staff presentation on Case 20761

- A Memorandum from the Chair of the Halifax Peninsula Planning Advisory Committee dated September 24, 2018
- Correspondence submitted by Lisa Tremblay, Brenda O'Brien, Alex de Saint Sardos, Brad Abernethy, Michael Young, Irene Lorch-Wauchope, Peter Fillmore, Kristina McMillan, Flint Scheartz, Peggy Cameron, Lezlie Oler, Gerry Post, Alan Hayman, Ella Dodson, David Chipman, Linda Dodds, Roberto De Antueno, Janet Shotwell, Richard Stahl, Mary Sorrentino, Leslie Pezzack, Katherine Kitching, Dan Goodspeed, Jennifer Powley, Graham Read, Janet Maybee, Rebecca Robertson, Wendy Scott, Judith Fingard, Omri Haiven, Linda Cameron, Claire Dykhuis, Peter Lavell, Colleen Freake, Katheryn Johnson, Marie-Isabell Schilk, Elizabeth Precious, Odessa Spore, Richard Mueller, Sara Kirk, Molly DeShong, and Art Irwin

Tyson Simms, Planner III, provided the Committee with a presentation on Case 20761: Amendments to the Halifax Municipal Planning Strategy and Land Use By-law for Halifax Peninsula for lands fronting Robie Street, College Street, and Carlton Street, Halifax. Staff identified that this application involves a proposal to relocate two registered heritage buildings.

In reply to questions from Committee members, staff stated that regarding the driveway and adjacent building setback, along the street line the building setbacks are not an issue but any portion of the proposed development that raises above grade is subject to a six-meter setback requirement. The proposed glass atrium connection to the two heritage properties in the most recent iteration would likely be subject to the six-meter setback requirement.

Members engaged in a discussion of the proposed development. Members expressed a general interest in approving the proposed amendments and waiting to receive more information on the proposal following the completion of a Design Agreement which it returns to the Committee.

MOVED by Councillor Hendsbee, seconded by Lois Yorke

THAT the Heritage Advisory Committee recommend that Halifax and West Community Council recommend that Regional Council:

1. **Give First Reading to consider the proposed amendments to the Halifax Municipal Planning Strategy and the Land Use By-law for Halifax Peninsula, as set out in Attachments A and B of the staff report dated May 24, 2019, to permit by development agreement, a mixed-use development on lands fronting Robie Street, College Street and Carlton Street, Halifax, and schedule a public hearing; and**
2. **Adopt the proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use By-law, as set out in Attachments A and B of the staff report dated May 24, 2019.**

MOTION PUT AND PASSED.

10. MOTIONS/DISCUSSION – NONE

11. ADDED ITEMS – NONE

12. DATE OF NEXT MEETING

- June 26, 2019

13. ADJOURNMENT

The meeting adjourned at 5:30 p.m.

Simon Ross-Siegel
Legislative Assistant