

Heritage Policies at Risk

HRMbyDesign proposes to completely delete many heritage policies from the Municipal Planning Strategy and to arrange that many other heritage policies would not apply in the downtown area. This document gives the text of these policies. It also notes some cases where these policies have proved to be important. These policies and other existing policies would be retained in the Design Plan for Downtown proposed by the Heritage Trust of Nova Scotia.

This document lists in Part A the policies that would be completely deleted and in Part B those that would be excluded from consideration downtown. In each Part, the list proceeds in order from policies applying to a wider planning area, to those applying to a smaller planning area.

Part A. Municipal Planning Strategy Objectives and Policies that protect heritage assets in downtown Halifax today and that would be completely deleted by HRMbyDesign and not replaced by equivalent policies to protect heritage:

Section II, Halifax Municipal Planning Strategy, City-wide Objectives and Policies:

Policy 6.3.1: The intent of such height controls shall be to establish a generally low to medium rise character of development in the area of approximately four traditional storeys in height immediately adjacent to Citadel Hill and increasing with distance therefrom. (The Nova Scotia Court of Appeal cited this policy in rejecting the proposed Midtown Tower on Grafton Street.)

Section III, Central Business District Objectives and Policies:

Policy 2.2: The City shall promote the development of mixed-use residential and commercial areas which are appropriate to the varied scale and character of the sub-areas of the CBD. (This policy was cited by City Council in rejecting two towers on Brunswick Street where the Cambridge Suites were subsequently constructed.)

Objective 4: The conservation or rehabilitation of areas, streetscapes, buildings, features, and spaces which mark the sequence of development in Halifax, and which identify the CBD as the City's cultural and heritage centre.

Policy 4.1.2: The City shall encourage development bordering on the Grand Parade to be sympathetic in scale to the civic and historic buildings and open space in the area.

Policy 4.2: The City shall continue to seek the retention, preservation, rehabilitation and restoration of areas, streetscapes, buildings, features and spaces in the CBD consonant with the City's general policy stance on heritage preservation (see Section II, Policy Set 6).

Policy 4.3: The City shall investigate the possibility of establishing Heritage Conservation Zones to protect registered heritage conservation areas and registered heritage streetscapes under the provisions of the Planning Act. The results of such investigations should be incorporated as amendments to this Plan and to the Land Use By-law.

Objective 7: A high quality of design and construction of buildings to reflect the architectural, heritage and topographical characteristics of the CBD.

Policy 7.2.1: The exterior architectural design of new buildings should be complementary to any adjacent ones which are designated as being of historic significance or important to the character of the CBD; in such instances, the careful use of materials, colour, proportion, and the rhythm established by surface and structural elements should reinforce those same aspects of the existing buildings. (This policy was cited by City Council in rejecting two towers on Brunswick Street where the Cambridge Suites were subsequently constructed and was cited by the Utility and Review Board in rejecting the Midtown Tower.)

Policy 7.3: The City shall control the height of new development within the CBD in the vicinity of Citadel Hill, pursuant to Policies 6.3, 6.3.1, 6.3.2 and 6.3.3 of Section II of this Plan.

Section IV, Halifax Waterfront Development Area Objectives and Policies:

Policy 1.2: The water's edge may be modified to create land for new uses, or for the expansion of existing marine-related uses, while retaining the intrinsic relationship between land and water characterized by the finger piers.

Policy 2.3.1.1: Finger piers should be retained as functional wharves for marine uses or for commercial uses.

Objective 3: The conservation or rehabilitation of areas, streetscapes, buildings, features, and spaces which mark the sequence of development in Halifax, and which demonstrate the historic and architectural character of the City.

Policy 3.1: The City shall continue to seek the retention, preservation, rehabilitation and restoration of areas, streetscapes, buildings, features and spaces in the HWDA consonant with the City's general policy stance on Heritage Preservation (see Section II, Policy Set 6).

Policy 3.2: The intrinsic relationship between land and water that is characterized by the penetration of the finger piers into the water area should be maintained.

Policy 3.2.1: The City should identify those piers which should be preserved as features of special significance to the City because of their association with the historic development of Halifax harbour and because they articulate the land/water edge in this area.

Policy 3.3: The City shall investigate the possibility of establishing Heritage Conservation Zones to protect registered heritage conservation areas and registered heritage streetscapes under the provisions of the Planning Act. The results of such investigations should be incorporated as amendments to this Plan and to the Land Use By-law.

Objective 5: Views: The preservation of existing views of the HWDA from both land and water, through the HWDA to the Harbour and from the HWDA in all directions and, where possible, the creation of new views.

Policy 5.4.1: Views of the Harbour should be retained at the following locations: (a) from the archway at Keith's Brewery on Water Street; (b) between the Ralston and Bank of Canada Buildings, (c) between the Court House and Historic Properties; (d) between Historic Properties and the Department of National Defense area parking.

Policy 5.6.1: The exterior architectural design of new buildings should be complementary to any adjacent ones of historic or architectural significance, or important to the character of Halifax. In such instances, the careful use of materials, colour, proportion, and the

rhythm established by surface and structural elements should reinforce the similar aspects of the existing buildings.

Section IX; Spring Garden Road Commercial Area Plan:

Policy 1.3: On the Clyde Street Parking Lots the City shall ensure, through its control of the disposition of these lands, that their development is beneficial to the commercial well-being of the Spring Garden Road area and the scale is compatible with the adjacent neighbourhoods. The City shall initiate a call for proposals for the use of these lands consistent with the policies of the Spring Garden Road Plan.

Objective 2: The retention of the present scale and character of Spring Garden Road and its enhancement as an environment for pedestrian activity.

The retention of a sensitive and complementary setting for Citadel Hill through the control of the height of new development in its vicinity.

Policy 2.5: The City shall control the height of new development within the Spring Garden Road Commercial Area in the vicinity of Citadel Hill, pursuant to Policies 6.3, 6.3.1, 6.3.2 and 6.3.3 of Part II, Section II of this Plan.

Policy 4.1: The City shall encourage the retention of the Royal Artillery Park in its present location and of all its existing buildings consistent with the policies of Part II, Section II of this Municipal Development Plan.

Implementation Policies:

Policy 3.5.1: Further to Policy 3.5 above, the areas identified on Map 10 of this Plan as the Business District, excepting the area of the CBD which falls within the Halifax Waterfront Development Area as identified on Map 14, shall be identified on the zoning map and within such area no development permit for a development of over 40 feet shall be issued, except under an agreement with Council pursuant to Section 34(1) of the Planning Act.

Policy 3.5.2: Further to Policy 3.5 above, the areas identified on Map 14 of this Plan as the “northern” and “southern” sub-areas of the Halifax Waterfront Development Area shall be identified on the zoning map and within such area no development permit for a development of over 25 feet shall be issued, except under an agreement with Council pursuant to Section 34(1) of the Planning Act.

Policy 3.5.3: Further to Policy 3.5 above, the area identified on Map 14 of this Plan as the “CBD” sub-area of the Halifax Waterfront Development Area shall be identified on the zoning map and within such area no development permit for a development of over 25 feet shall be issued, except under an agreement with Council pursuant to Section 34(1) of the Planning Act.

Policy 3.5.4: In entering into agreements pursuant to Policy 3.5.1 above, Council shall be guided by the policies contained in Section III of this Plan and shall not enter into agreements which are inconsistent with the policies of this Plan.

Policy 3.5.5: In entering into agreements pursuant to Policies 3.5.2 and 3.5.3 above, Council shall be guided by the policies contained in Section IV of this Plan and shall not enter into agreements which are inconsistent with the policies of this Plan.

Policy 3.5.6: Prior to entering into any agreement pursuant to Policies 3.5.1, 3.5.2 and 3.5.3, Council shall advertise its intention to do so and shall hold a public hearing at which time an objection shall be heard.

Part B. Policies in the Municipal Planning Strategy that protect heritage assets downtown today, but that would no longer apply in downtown Halifax, if the HRMbyDesign recommendations were approved. HRMbyDesign would not delete these policies, but would arrange that they would not apply in the most historic part of the municipality. HRMbyDesign would not replace these by equivalent protections. These policies would continue to apply downtown under the Design Plan for Downtown proposed by the Heritage Trust of Nova Scotia.

Regional Municipal Planning Strategy:

Policy CH-1: When considering a development agreement application in connection with any municipally registered heritage property, a lot on which a municipally registered heritage building is situated, or a building, part of a building or building site within a heritage conservation district, HRM shall, in addition to the criteria established under the appropriate policies guiding the development agreement under the applicable secondary planning strategy, also give consideration to the following:

- (a) that any municipally registered heritage property covered by the agreement is not altered to diminish its heritage value;
- (b) that the development maintains the integrity of any municipally registered heritage property, streetscape or heritage conservation district of which it is part;
- (c) that significant architectural or landscaping features are not removed or significantly altered;
- (d) that the development observes, promotes and complements the street-level human-scaled building elements established by adjacent structures and streetscapes;
- (e) that the proposal meets the heritage considerations of the appropriate Secondary Planning Strategy as well as any applicable urban design guidelines;
- (f) that redevelopment of a municipally registered heritage property, or any additions thereto, shall respect and be subordinate to any municipally registered heritage property on the site by:
 - (i) conserving the heritage value and character-defining elements such that any new work is physically and visually compatible with, subordinate to and distinguishable from the heritage property;
 - (ii) maintaining the essential form and integrity of the heritage property such that they would not be impaired if the new work was to be removed in the future;
 - (iii) placing a new addition on a non-character-defining portion of the structure and limiting its size and scale in relationship to the heritage property; and
 - (iv) where a rooftop addition is proposed, setting it back from the wall plane such that it is as inconspicuous as possible when viewed from the public realm; and
- (g) any other matter relating to the impact of the development upon surrounding uses or upon the general community, as contained in Policy IM-15.

(This policy was cited by Regional Council in rejecting a proposal to demolish all but the facades of four registered heritage buildings and to construct a nine-storey office tower in the central block of Historic Properties in 2008. Because development agreements would not be allowed downtown under HRMbyDesign, this policy would no longer apply.)

Halifax Municipal Planning Strategy:

(Downtown Halifax would be exempted from this Strategy under the recommendations of HRMbyDesign.)

Section II: City-wide Objectives and Policies:

Policy 2.1.1: On the Peninsula, residential development should be encouraged through retention, rehabilitation and infill compatible with existing neighbourhoods; and the City shall develop the means to do this through the detailed area planning process.

Objective 6: The preservation and enhancement of areas, sites, structures, streetscapes and conditions in Halifax which reflect the City's past historically and architecturally.

Policy 6.1: The City shall continue to seek the retention, preservation, rehabilitation and/or restoration of those areas, sites, streetscapes, structures, and/or conditions such as views which impart to Halifax a sense of its heritage, particularly those which are relevant to important occasions, eras or personages in the histories of the City, the Province, or the nation, or which are deemed to be architecturally significant. Where appropriate, in order to assure the continuing viability of such areas, sites, streetscapes, structures, and/or conditions, the City shall encourage suitable re-uses.

Policy 6.2: The City shall continue to make every effort to preserve or restore those conditions resulting from the physical and economic development pattern of Halifax which impart to Halifax a sense of its history, such as views from Citadel Hill, public access to the Halifax waterfront, and the street pattern of the Halifax Central Business District. (This policy was cited by City Council in rejecting two towers that would have blocked views outside the designated view planes.)

Policy 6.3: The City shall maintain or recreate a sensitive and complimentary setting for Citadel Hill by controlling the height of new development in its vicinity to reflect the historic and traditional scale of development. (The Court of Appeal cited this policy in rejecting the Midtown Tower on Grafton Street, also outside the designated view planes.)

Policy 6.4: The City shall attempt to maintain the integrity of those areas, sites, streetscapes, structures, and/or conditions which are retained through encouragement of sensitive and complementary architecture in their immediate environs.

Policy 6.4.2: The City shall study the use of preservation easements and restrictive covenants to determine the extent to which they can be used in the preservation of registered heritage properties.

Policy 6.4.3 The City shall consider the acquisition of registered heritage properties whenever acquisition is the most appropriate means to ensure their preservation. (This policy guided Council when it purchased the Khyber Building and the City Club on Barrington Street, and saved them from demolition.)

Policy 6.5: The City shall budget an annual amount to ensure that a fund is available should purchase or other financial involvement be considered by the City for a registered heritage property. The specific terms of this budget are set forth in Policy 11.3.2 of this section of this Plan.

Policy 6.6: In the purchase or lease of space for its own use, the City shall first consider accommodation in designated heritage structures.

Policy 6.7: The City shall investigate the possibility of establishing Heritage Conservation Zones to protect registered heritage conservation areas and registered heritage streetscapes under the provisions of the Planning Act. The results of such investigations should be incorporated as amendments to this Plan and to the Land Use By-law.

Policy 7.2: Future regional and City-wide recreational and community facilities shall be encouraged to locate in appropriate locations throughout the City. The appropriateness of such locations shall be determined on the basis of any one or combination of the following: (a) use and function of the proposed facility; (b) adequacy of transportation; and (c) uniqueness of the site, or its historic significance. The City should not normally prezone areas of land for such uses.

Policy 8.3: The City shall develop the means to assure the greatest possible degree of compatibility between new developments and desirable aspects or characteristics of the surrounding man-made and natural environment through regulatory procedures or special permit procedures, such as contract zoning, conditional zoning, etc. Preference should be given to development which is aesthetically pleasing, human in scale, and in harmony with the natural and man-made environment. A requirement for an environmental impact statement should be implemented subsequent to completion and adoption of the Environment Strategy Statement as called for in Part III of this document.

Policy 8.8: The City should protect views and vistas of significant interest.

Policy 11.2.2: The City shall establish a revolving fund in annual amounts of not less than \$50,000 with the excess of revenues over expenditures accumulated not to exceed \$250,000, or such other guideline as the Council may from time to time establish, for the purposes described in Policy 6.5 of this Section of the Plan.

Policy Set 13, the Construction and Demolition Waste Management Strategy, containing 12 policies, also would not apply downtown.

Section V: South End Area Plan:

(The southern parts of Hollis and Barrington Streets would be taken out of the South End Area under HRMbyDesign.)

Objective 1: The maintenance of the South End as vital inner-city neighbourhoods with a broad mix of family and non-family housing accommodation.

Policy 1.1: Residential neighbourhoods shall be maintained and expanded by encouraging retention and rehabilitation of existing structures and units and by permitting new stock through infill and complementary redevelopment.

Policy 5.1: The City shall continue to seek the retention, preservation, rehabilitation and restoration of areas, streetscapes, buildings, features and spaces in the South End area consonant with the City's general policy stance on heritage preservation (See Section II, Policy Set 6).