Downtown Halifax Background Study

A Discussion Paper

TOWARD THE ESTABLISHMENT OF A HERITAGE CONSERVATION DISTRICT IN DOWNTOWN HALIFAX

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HALIFAX

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1. Introduction

1.1. Preamble: A Heritage Conservation District in Downtown Halifax

A Heritage Conservation District (HCD) is a defined area of historic or architectural value. It is protected by regulations governing such things as demolition, exterior alteration, and new development. Incentives may apply to encourage private architectural conservation and programs that enhance the built form and public amenities. A conservation plan and by-law may be adopted alongside other development control mechanisms, such as a municipal planning strategy and land use bylaw.

The Downtown Halifax Secondary Municipal Planning Strategy includes Policy 34:

> *HRM shall consider undertaking background studies and developing policies, strategies, and programs for a potential heritage conservation district in the Historic Properties area as shown on Map 7.*

On May 14th, 2019, Regional Council passed the following motion to consider expanding the boundaries of the proposed Historic Properties HCD to the south of the area identified as Historic Properties on Map 7 of the Downtown Halifax Municipal Planning Strategy:

> *Initiate a background study for the Historic Properties Heritage Conservation District that will consider additional potential heritage resources identified in Attachment D of the staff report dated December 28, 2018 within a boundary that is contiguous with the area identified in Attachment B of the staff report dated December 28, 2018, as Historic Properties.*

This area of the proposed Downtown Halifax HCD (the "District') will extend south of Granville Mall to include Province House and its surrounding blocks, and will be referenced as the Capital Area. The Barrington Street HCD was established on October 6th, 2009, and the Old South Suburb HCD was established on July 21st, 2020. The proposed Downtown Halifax HCD will encompass the Capital Area, the area of the existing Barrington Street HCD (Barrington Street Area) and the area of the existing Old South Suburb HCD (Old South Suburb Area). The Downtown Halifax HCD plan and by-law will consolidate these three areas and will reduce the number of plans and by-laws administered by the Municipality, while ensuring greater consistency in the land-use regulations for the consolidated district.

This background study describes the overall purpose of establishing the Downtown Halifax HCD. It includes a rationale and expected benefits for the District. The study describes policy and legislation at the municipal, provincial, and federal levels which apply to the District. It includes discussion of existing municipal policy and how the HCD Plan will introduce and implement new measures for heritage conservation in the District, including new policies and programs. It concludes with a description of social and economic impacts which will affect the District.

1.2. Purpose of this Background Study

The purpose of this background study is to initiate the process to prepare a new Heritage Conservation District plan and bylaw for Downtown Halifax within the framework of the Nova Scotia *Heritage Property Act* and its accompanying *Heritage Conservation Districts Regulations* as well as the Downtown Halifax Secondary Planning Strategy & Land Use Bylaw. This process will also include the repeal of the existing Barrington Street HCD and Old South Suburb HCD and the integration of these two areas, with the Capital Area, into the new Downtown Halifax HCD. This background study is submitted to both Regional Council for the Halifax Regional Municipality (the "Municipality") and the Minister responsible for the *Heritage Property Act* for their endorsement and initiation of the process to develop a Heritage Conservation District.

This background study seeks to address Section 7 of the *Heritage Conservation Districts Regulations* which states that in the preparation of a conservation plan and by-law, the council as a minimum shall undertake studies relating to the following:

a) the rationale or justification for heritage conservation measures in the district;

b) the rationale for the boundaries of the district;

c) the relationship of a conservation plan and conservation by-law with any municipal planning strategy, land-use by-law or provincial land-use policy or regulation in effect for the district; and

d) an analysis of the social and economic implications of the establishment of the district, as these relate to clause (a).

In this background study, the rationale for heritage conservation measures in the Downtown Halifax HCD and for its boundaries is supported by a statement of heritage values for the District. Existing legislation, relevant to the proposed District, is then discussed in relation to the need for conservation measures required to preserve and enhance heritage values and character defining elements. Such conservation measures may supplement or amend the existing legislation. Finally, this background study provides an analysis of the social and economic implications of the establishment of the District, as these relate to the potential conservation measures.

1.3. Process for Establishing a Heritage Conservation District

The statutory procedure for establishing a Heritage Conservation District under the *Heritage Property Act* and *Heritage Conservation District Regulations* is outlined in Appendix A. For the Downtown Halifax HCD, this process is divided into three phases:

1.3.1 Project Definition and Initiation

- Complete background study including the information contained in this report;

- Report to Heritage Advisory Committee and Regional Council to adopt the background study and to initiate the Public Participation Program;
- Submit the background study to the Minister for review (required by *Heritage Property Act*).

1.3.2 Community Engagement and Planning

- Background study is made available to the public and invite public comment;
- General Public Meeting #1 with Planning Workshop;
- Complete 1st draft HCD Plan and make available for public input;
- Complete 2nd draft HCD Plan, draft HCD By-law, and amendments to the Secondary Municipal Planning Strategy and Land Use Bylaw and make available for public input;
- General Public Meeting #2 with Planning Workshop;
- Complete final draft HCD Plan and all associated documents;
- Staff provides recommendation concerning HCD to Heritage Advisory Committee (HAC) and other public committees;
- Committees provide recommendations concerning HCD to Regional Council.

1.3.3 Adoption and Implementation

- Regional Council provides Notice of Intention concerning the adoption of the HCD Plan and associated documents;
- Regional Council considers adoption of HCD Plan and associated documents after holding a Public Hearing;
- If adopted by Regional Council, HCD Plan and associated documents submitted to provincial Ministers for review and consideration concerning adoption;
- District established when HCD plan and HCD By-law approved by Ministers;
- Develop programs to support the plan.

2. Rationale for Heritage Conservation Measures and for District Boundaries

2.1 Rationale for Heritage Conservation District Measures

2.1.1 Heritage Values

Heritage value is defined as the aesthetic, historic, scientific, cultural, social or spiritual importance or significance for past, present or future generations. The heritage value of Downtown Halifax as a Heritage Conservation District lies in its significant role in the economic, social, and political evolution of the city, province, and country which continues to the present. The heritage value of Downtown Halifax is embodied in the historic architecture and settings of three neighbourhoods: the Capital Area in the north; the Old South Suburb Area in the south; and the Barrington Street Area in the middle.

The Capital Area

The Capital Area of Downtown Halifax embodies the original town of Halifax, established in 1749, which became the seat of provincial and municipal governments and an important centre of commerce and waterfront industry. Together with the rest of the area, between Citadel Hill and the Harbour, the Capital Area is the oldest historic area associated with the original town.

The Old South Suburb Area

The Old South Suburb Area of Downtown Halifax is one of the first contiguous suburbs of the once fortified town of Halifax and it is valued as an area of traditional Georgian and Victorian residential architecture, constructed throughout the entirety of the 19th century. It is also valued for its associations with the early social and economic life of the waterfront town and the vibrant railway industry of the 1920s and 30s.

The Barrington Street Area

The Barrington Street Area of Downtown Halifax includes the principal arterial street through the centre of the original town of Halifax which became the main commercial street of the City of Halifax in the late 19th century. Its architecture reflects the rich layers of residential, religious, and commercial development in Downtown Halifax.

2.1.2 Development Pressures

Downtown Halifax contains some of the most valuable real estate in Halifax. Therefore, there is a great deal of pressure for development in the area. The Cogswell redevelopment project, in the precinct north of the proposed Downtown Halifax HCD, may spur even more development interest throughout Downtown Halifax, including within the areas subject to this study. A recent report by the Municipality on the buildings identified as potential heritage resources in the Downtown Halifax Secondary Municipal Planning Strategy (DHSMPS) indicates that over 40 per cent of these resources have been demolished since 2009 to make way for new construction projects.

There is currently a high concentration of registered municipal heritage properties that are protected from demolition or exterior alteration within Downtown Halifax. However, there is also a high concentration of historic buildings that contribute to the character of the area that are not protected. There is merit for an HCD to use conservation measures to ensure that heritage resources are protected, and that new development complements the historic setting in the Downtown Halifax HCD.

2.1.3 Consolidation of Plans and Consistency of Policies

The HCD Plan will establish consistency in the administration of the heritage policies and programs in Downtown Halifax by establishing a new District, consisting of the Capital Area, Barrington Street Area; and Old South Suburb Area. Conservation measures will provide many cultural and social benefits while boosting both community interest and cultural heritage tourism activity in the area.

2.2 Rationale for Heritage Conservation District Boundaries

2.2.1 Contributing Heritage Resources

The Downtown Halifax HCD Plan boundary will encompass contributing heritage resources which include buildings, structures, and open spaces that contribute to the heritage value of Downtown Halifax, refer to the contributing heritage resources on Map 1. The contiguous boundary will encompass three areas including the Capital Area in the north, the Old South Suburb Area in the south, and the Barrington Street Area in the middle (refer to Map 1 for the proposed HCD boundary).

2.2.2 Character Defining Elements

The boundary will encompass Character Defining Elements (CDEs) defined as those tangible elements that embody the heritage value of the district and are worthy of conservation in the three areas of the HCD.

The Capital Area

The HCD boundary will encompass CDEs of the Capital Area including:

- Classical details of Province House and on buildings located on streets surrounding the Province House grounds;
- Grand Parade framed by City Hall to the north, St. Paul's Church to the south, and historic buildings on the streets to the west and east. The grounds are landscaped with formalized paths, monuments, hard surfaces, grassed areas, perimeter trees, perimeter stone walls and iron railings.
- Proximity to Citadel Hill with views of the hill and waterfront from east west streets and views of the Town Clock from George Street;
- Waterfront land, including wharves, physically accessible to pedestrians as public right-of-way;

- the Halifax Waterfront Buildings (Historic Properties) and the spatial relationship of the buildings to each other, the harbour, and the street;
- Italianate design elements of Granville Mall buildings such as the ornate moldings on the eaves, the carved window jambs, the sculpted keystones in the arched windows and openings, and the decorative elements of the wrought-iron detailing; and
- Mid-20th century steel office towers and curtain-wall construction.

The Old South Suburb Area
The HCD boundary will encompass CDEs of the Old South Suburb Area including:

- Traditional buildings in wood, stone and brick construction;
- Two-and-a-half-storey building height, which is remarkably consistent throughout the area;
- Side yards and alleys, in between buildings, providing space between detached buildings;
- Dormers are plentiful, with the five-sided Scottish dormer being particularly characteristic of the area;
- The Old Burying Ground bordered by a stone wall and wrought iron fence, the entrance is clearly defined by an historic monument, and paths wind among the gravestones;
- St Matthew's Church, with its classical form and tall spire, facing the Old Burying Ground from across Barrington Street;
- Government House, a traditional Georgian building, set back from the street in spacious, landscaped grounds;
- Beaux-Arts architecture of the Hotel Nova Scotian (Westin Hotel) and Canadian National Railway (Via Rail) Station with its symmetry, and classical detailing;
- Peace and Friendship Park including grassed areas, trees, shrubs and formal path layout; and
- Mid-20th century brick office buildings.

The Barrington Street Area
The HCD boundary will encompass CDEs of the Barrington Street Area including:

- Historic Commercial Blocks where buildings are built out to the front and side lot lines and vary in height between two and six storeys creating a continuous and varied streetwall profile;
- Exterior materials are predominantly masonry with a wide variety of ornamentation;
- Wide variety of architectural styles including Victorian Gothic, Italianate, Romanesque Revival, Beaux Arts, Art Nouveau, Chicago School, and International; and
- Classical forms of the St Mary's Basilica and Glebe facing the Old Burying Ground from across Spring Garden Road.

3 Heritage Policy and Legislation

3.1 Establishment of a Heritage Conservation District

The *Heritage Property Act* enables municipalities to establish heritage conservation districts. Under the *Heritage Property Act* and its *Heritage Conservation District Regulations*, a Heritage Conservation District is established by adoption of a Heritage Conservation District plan and bylaw by a municipal council.

A conservation plan establishes the council's rationale for the adoption of conservation measures and articulates its policies on pertinent conservation issues and opportunities. A conservation bylaw establishes the administrative framework for implementation of the plan, including design guidelines for building alterations and new development, and lays out procedures for the issuance of permits (certificates of appropriateness) based on the guidelines.

The conservation plan and bylaw can apply to all buildings in a district, whether registered or not. There may be different conservation plans and bylaws for different parts of a municipality. A conservation plan and bylaw may be adopted alongside other development control mechanisms, such as amendments to municipal planning strategies and land use bylaws applicable in the district.

3.1.1 Heritage Officer

A council that has adopted a Heritage Conservation District plan and by-law must designate a person employed by the municipality as the heritage officer and the heritage officer shall be responsible for the administration of the conservation plan and by-law and the issuance of certificates.

3.2 Registered Municipal Heritage Properties

There are a variety of registered municipal heritage properties within downtown Halifax. Municipal heritage properties are registered when properties are deemed to have heritage value and applications for their registration are approved by Regional Council. Heritage value may include architecture, historical associations, or settings and provide important representations of local history.

The *Heritage Property Act* establishes three processes dealing with municipal registered heritage properties:

- Registration
- Substantial Alteration and Demolition
- Deregistration

To process applications under the *Heritage Property Act*, a heritage by law, heritage registry and Heritage Advisory Committee must be established. The Municipality's Heritage By-Law H-200

establishes the municipal heritage registry and the Heritage Advisory Committee and identifies its powers which are, in general terms, to advise Regional Council on all matters relating to heritage.

3.2.2 Heritage Advisory Committee

The Heritage Advisory Committee, formed under By-Law H-200, may provide advice to Regional Council with respect to the establishment and administration of a Heritage Conservation District. The role of this committee with respect to heritage conservation districts is to advise the municipality respecting: 1) the preparation, amendment, revision or repeal of a conservation plan and conservation bylaw; 2) the administration of heritage conservation districts; 3) an application for a certificate that is required by the act or the conservation plan and bylaw to go to a public hearing.

3.2.3 Registration

There are several properties within the District area that are historically significant but are not registered as municipal heritage properties. However, in accordance with the *Heritage Property Act*, where a Heritage Conservation District is established, no further building, streetscape or area in the District shall be registered as a municipal heritage property. Existing municipal heritage properties, within a Heritage Conservation District, will continue to be registered and subject to the applicable provisions of the *Heritage Property Act* in addition to the Heritage Conservation District plan and by law.

3.2.4 Substantial Alteration and Demolition

An application for a substantial alteration or demolition of a municipal heritage property is considered under the *Heritage Property Act*. To substantially alter or demolish a municipal heritage property, within or outside of a Heritage Conservation District, an application must be submitted to the municipality. Municipal staff prepare a report for the Heritage Advisory Committee (HAC) who evaluate the alteration or demolition using the conservation standards prescribed under By-Law H-200 and any other relevant Heritage Conservation District plan and bylaw or municipal policies, such as the heritage design guidelines in the Downtown Halifax Land Use By-law Design Manual. If the Heritage Advisory Committee is satisfied that the application meets the conservation standards and other provisions, it may pass a positive recommendation to Regional Council. No hearing is required. Regional Council decides to approve or refuse the application with consideration given to the staff and heritage advisory committee recommendations.

Registered municipal heritage properties within a Heritage Conservation District are protected by stronger development controls than registered municipal heritage properties outside of a Heritage Conservation District because the “three-year delay clause” (Section 18 of the *Heritage Property Act*) does not apply. However, the Heritage Conservation District plan must include provisions to allow for a process to consider demolition and substantial alteration, such as the issuance of a certificate of appropriateness.

3.2.5 Deregistration

To deregister a municipal heritage property, within or outside of a Heritage Conservation District, an application must be submitted to the municipality along with an associated fee. The *Heritage Property Act* identifies specific provisions under which Regional Council may consider an application for deregistration: 1) the property has been destroyed or damaged by any cause; or 2) the continued registration of the property appears to the council to be inappropriate as a result of the loss of the property's heritage value. According to By-Law H-200, deregistration applications must be reviewed by the heritage advisory committee. If the Heritage Advisory Committee is satisfied that the application meets one of these provisions, it may pass a positive recommendation to Regional Council. If Regional Council wishes to consider deregistration of a heritage property, it must hold a public hearing to consider it prior to making its decision.

3.2.6 Heritage Agreements

Under Section 20 of the *Heritage Property Act*, Regional Council may enter into an agreement with the owner of municipal heritage property or property located in a Heritage Conservation District, whereby the owner grants to the council a right or incurs an obligation respecting the use, preservation or protection of the heritage property or property located in a Heritage Conservation District.

3.3 Registered Provincial Heritage Properties and Archaeological Resources

3.3.1 Registered Provincial Heritage Properties

Registered provincial heritage properties are deemed to have a provincial level of heritage value. Heritage value may include architecture, historical associations or settings, and provides important representations of Nova Scotia's history.

The extent to which a conservation plan and bylaw may apply to any registered provincial heritage property in a Heritage Conservation District is determined by the Provincial Heritage Advisory Council and the Minister responsible for the *Heritage Property Act* and *Heritage Conservation District Regulations* on a case by case basis.

All applications to alter or demolish a provincial heritage property require the approval of the Governor in Council on recommendation of the Advisory Council. The Minister may consider applications to deregister a provincial heritage property. Registered provincial heritage properties are protected by stronger development controls than registered municipal heritage properties because Section 18 of the *Heritage Property Act* does not apply. If permission for demolition or alteration of a provincial heritage property is refused, the refusal does not expire after three years.

3.3.2 Archaeological Resources

The Downtown Halifax Land Use By-law includes a provision that where excavation is required

for a development on any area in downtown Halifax, a development permit may be issued and the application may be referred to the Nova Scotia Department of Communities, Culture and Heritage for any action it deems necessary with respect to the preservation of archaeological resources in accordance with provincial requirements.

3.4 Federal Heritage Legislation

3.4.1 National Historic Sites

The federal government's Historic Sites and Monuments Board of Canada may consider a place, person or event that had a nationally significant impact on Canadian history or illustrated a nationally important aspect of Canadian human history.

National historic sites contribute a sense of time, identity, and place to our understanding of Canada as a whole. Designation as a national historic site provides no legal protection for the historic elements of a site. However, many national historic sites are owned and administered by federal, provincial and local governments or private property owners with stewardship mandates for the heritage resource. Furthermore, many national historic sites are registered as provincial or municipal heritage properties which do offer legal protections.

3.4.2 National Historic Persons, Events, and Railway Stations

Aside from National Historic Sites, the federal government also designates National Historic Persons, Events, and Railway Stations, some of which are in the proposed Downtown Halifax HCD boundaries.

National Historic Events (NHE) evoke a moment, episode, movement or experience in the history of Canada. A National Historic Person (NHP) are people who, through their words or actions, have made a unique and enduring contribution to the history of Canada. Heritage Railway Stations (HRS) are railway stations that were designated under the *Heritage Railway Stations Protection Act*. However, only designated Heritage Railway Stations that are still owned by a railway company under federal jurisdiction are subject to this Act.

The NHE and NHP types of federal designation are usually identified with a plaque located within an area that is significant to the event or person.

3.4.3 Federal Heritage Building Review Office

The Federal Heritage Buildings Review Office (FHBRO) advises other federal government departments on managing their heritage obligations. The mandate of the office includes heritage evaluation of federal buildings, the review of proposed interventions to classified federal heritage buildings, and the review of proposed disposals. Federal heritage buildings are protected through goals that are established by Parks Canada. Through FHBRO, Parks Canada

is also responsible for providing advice and recommendations to other departments and maintaining the register for federal heritage buildings.

Buildings that are classified as Federal Heritage Buildings or designated as national historic sites have some added protections when it come to interventions but only if these resources are owned by the federal government.

4. Municipal Policy Discussion

The Capital Area is currently included within the boundaries of the Downtown Halifax Secondary Municipal Planning Strategy (DHSMPS) and Land Use By-law (DHLUB). However, it will be included within the boundaries of the Regional Centre SMPS and LUB if/when it is adopted in 2021 or 2022. Therefore, both the existing DHSMPS and DHLUB provisions and the draft provions of the Regional Centre Plan SMPS and LUB will be addressed and discussed, below, since the Regional Centre Plan documents will likely require amendments as part of the process to implement the Downtown Halifax HCD Plan for the Capital Area. Most of the provisions in the existing DHSMPS and DHLUB will be carried forward to the Regional Centre SMPS and LUB without any substantial changes to the built-form provisions affecting the Capital Area. The only substantial change, addressed below, is to the pre-bonus height framework in the Capital Area.

The Municipality previously adopted two HCDs in Downtown Halifax: the Barrington Street HCD and the Old South Suburb HCD. Both districts include by-laws which reference the heritage design guidelines in the design manual, attached to the DHLUB. Through completion of the Centre Plan project it is anticipated that the DHSMPS and DHLUB will ultimately be repealed. However, the Downtown Halifax SMPS and LUB will remain in effect, at least with respect to the Barrington Street HCD and the Old South Suburb HCD areas, until such time as the Downtown Halifax HCD is adopted. At that time, the Downtown Halifax SMPS and LUB will be repealed, and the Regional Centre SMPS and LUB will be amended to incorporate policies, including design guidelines, applicable to the Downtown Halifax HCD.

Because both the Old South Suburb HCD plan and bylaw and Barrington Street HCD plan and bylaw must be amended to effect the full repeal of the DHSMPS and LUB, there is an opportunity to further amend these documents to develop greater consistencies between the policies of the Barrington Street HCD and the Old South Suburb HCD and with the policies that will apply to the new Downtown Halifax HCD, including the Capital Area. This background study proposes to consolidate the process to establish a new heritage conservation area (the Capital Area) with the processes to amend the established Barrington Street HCD and the Old South Suburb HCD by repealing the two established HCDs along with the adoption of the new Downtown Halifax HCD. The Downtown Halifax HCD will, therefore, consist of a consolidation of the new Capital Area, the Barrington Street Area and the Old South Suburb Area.

Heritage conservation, built form, public realm investments and conservation goals within the Capital, Barrington Street, and Old South Suburb areas of the District are addressed in this section. The heritage conservation, built form and public realm investment sections are each divided into two subsections with the first subsection providing background information on the existing municipal policy and the second subsection discussing the relationship of the existing municipal policy with the proposed Downtown Halifax HCD Plan and By-law.

4.1 Heritage Conservation

4.1.1 Existing Heritage Conservation Policy

Contributing Heritage Resources

The Capital Area includes 103 properties of which more than half (52) are registered as municipal heritage properties. There are only 28 owners of property within the Capital Area. Most owners are private companies and government agencies. Only three properties are owned by private individuals.

The Old South Suburb HCD Plan currently identifies contributing heritage resources as buildings, structures, or open spaces that contribute to the heritage value of the District. All registered municipal heritage properties are identified as contributing heritage resources along with non-registered properties that contribute to the heritage value. If a property is not identified as a heritage resource on a schedule attached to the Old South Suburb HCD By-law, then there is no provision to consider a demolition application for that property. However, the Old South Suburb HCD By-law includes a provision that a property owner is not permitted to demolish a contributing heritage resource after Council has reviewed and denied the application to demolish. A decision of Council can be appealed to the Utility and Review Board. The Old South Suburb HCD By-law requires that Council review and approve substantial alterations to contributing heritage resources.

The Barrington Street HCD By-law currently does not identify contributing heritage resources. It strengthens demolition policies for registered municipal heritage properties and includes a policy to consider the demolition of non-registered properties. This policy allows a property owner to demolish a non-registered property after three years from the date of application after Council has reviewed and denied the application to demolish. A decision of Council can be appealed to the Utility and Review Board. The Barrington Street HCD By-law requires that the Heritage Officer review and approve all alterations to non-registered properties, including substantial alterations.

Conservation Standards

The Municipality adopted the Standards & Guidelines for the Conservation of Historic Places in Canada, 2nd Edition, in 2014 replacing a previous set of heritage building conservation standards. The Regional Municipal Planning Strategy requires that these standards be used to evaluate any proposed alteration to any registered heritage property or to any property in a Heritage Conservation District. The Standards & Guidelines states that the overarching aim for protecting historic places in Canada is Conservation. Conservation is described as all actions or processes aimed at safeguarding the character-defining elements of an historic place to retain its heritage value and extend its physical life. This process may involve preservation, rehabilitation, restoration or a combination of these actions. Reconstruction of a historic place that had previously been demolished or destroyed is not considered conservation and is

therefore not addressed in this document. In Heritage Conservation Districts, the Standards & Guidelines can be supplemented by area-specific design criteria that address the distinct character of the district.

Heritage Impact Statements
A heritage impact statement determines how a specific proposed development will impact a heritage resource. It also demonstrates how the heritage resource will be conserved in the context of a site alteration or redevelopment. By-law H-500 for the Barrington Street Heritage Conservation District describes a heritage impact statement as “a study prepared by an architect or other design professional to indicate if any heritage resource will be impacted by a specific proposed development or site alteration, and which can also demonstrate how the heritage resource will be conserved in the context of redevelopment or site alteration, and in which mitigative or avoidance measures, or alternative development or site alteration approaches may be recommended”.

Financial and Land Use Incentives
The Downtown Halifax Secondary Municipal Planning Strategy has a policy stating that it is the intention of the Municipality to provide financial incentives for the restoration and renovation of registered municipal heritage properties and properties that fall within a Heritage Conservation District (subject to budgeting).

The Municipality also has a Heritage Incentive Program that enables residential and commercial heritage properties access to a 50 percent cost-share grants. There is a requirement through this program for successful applicants to sign a document waiving the “three-year delay clause” if the grants for a single property cumulatively are over $10,000. The Municipality also provides grants to churches and other registered heritage properties that are owned by non-profit organizations through a municipal Community Grants Program.

There are also grant opportunities available through the Provincial government for owners of provincial heritage properties, municipal heritage properties or properties within a Heritage Conservation District. The Department of Communities, Culture & Heritage offers grants for conservation advice and conservation work. In addition, the Department of Service Nova Scotia and Municipal Affairs offer a provincial tax rebate. This rebate means that owners of provincial or municipal registered heritage properties are eligible for a full rebate of the provincial sales tax paid for external building materials.

Incentive or bonus zoning is currently permitted in the Old South Suburb HCD and in parts of the proposed Capital Area but not in the Barrington Street HCD. Additional height or density can be exchanged for a public benefit such as investment in affordable housing, conservation of a registered heritage building, publicly accessible space, affordable community or cultural indoor space, public art, or cash-in-lieu. The conservation of a registered heritage building bonus must adhere to the Standards and Guidelines for the Conservation of Historic Places in Canada.

4.1.2 Heritage Conservation Discussion

Conservation of Contributing Heritage Resources in Downtown Halifax
The Downtown Halifax Plan and By-law will identify contributing heritage resources in the Capital, Barrington Street, and Old South Suburb areas. It will recognize that contributing heritage resources in all three areas deserve protection and conservation. It will apply consistent policies and processes to consider applications for the demolition and substantial alteration of contributing heritage resources.

The HCD Plan will integrate the two established HCDs (Barrington Street and Old South Suburb) with the new Capital Area to form a larger, consolidated district. Contributing heritage resources may be identified in the Capital and Barrington Street areas. Contributing heritage resources which are currently identified in the Old South Suburb HCD may change to include more or less contributing heritage resources.

Through the establishment of a Heritage Conservation District, the Municipality seeks to strengthen the protection of registered municipal heritage properties and to extend protection from demolition and any inappropriate exterior alterations to all properties within the district that contribute to its heritage value and character. Municipal staff will prepare inventory sheets with information on each contributing heritage resource within the Heritage Conservation District. This inventory will be appended to the Downtown Halifax HCD Plan.

Modern Heritage
Twentieth century modern heritage is prevalent in Downtown Halifax including early modern steel framed Art Deco buildings and post-war buildings in a variety of popular modern designs from the 1950s, ’60s and ’70s that are worthy of consideration as heritage resources in the district. Certain urban design spaces and structures from the modern period are also worthy of consideration as contributing heritage resources in all three areas of the HCD. The Downtown Halifax HCD Plan will seek to establish consistency in its approach to modern architecture in each area. However, there will be provisions which are specific to each area to ensure that the unique qualities of modern architecture and other structures within each area are considered in the provisions of the HCD Plan. The Built form framework affecting significant modern heritage buildings may be re-evaluated to ensure the protection of these resources.

Other Heritage Structures and Spaces
Contributing heritage resources can include more than buildings. Certain open spaces are important heritage resources. Wharves are heritage resource that do not necessarily retain original material but maintain their original location and purpose which are valued in the community. Public wharves have also gained new uses as recreational open space and tourist attractions along the accessible waterfront. The HCD Plan may address the imminent threat of sea level rise and storm surges induced by climatic events including hurricanes and climate change that may damage contributing heritage resources near the waterfront by speaking to appropriate mitigation measures..

Sustainable Development in Downtown Halifax

The Heritage Conservation District Plan shall take a sustainable development approach that aims to reduce the impacts of climate change by encouraging the reuse and retrofit of all existing buildings wherever possible, rather than the alternative of demolition and replacement with new construction. This approach will also encourage less waste in landfills since most of the landfill waste in Nova Scotia comes from demolition debris.

Conservation Policies and Standards

The purpose of the conservation measures of a Heritage Conservation District is to ensure that significant changes to the character of the District do not occur without the consideration of their impact on the district and its heritage value. The HCD Plan will include a process to consider the demolition and substantial alteration of all properties within its boundaries. The *Standards and Guidelines for the Conservation of Historic Places in Canada, 2nd Edition* (Standards & Guidelines) will apply to properties within the Downtown Halifax HCD once it is established. The Standards & Guidelines will be used to evaluate proposed alterations to properties within the boundary that contribute to the district's heritage value. The Municipality may continue to require applications for substantial development to include a heritage impact statement addressing any addition to a registered heritage property or any contributing heritage resource within the Downtown Halifax HCD. A certificate of appropriateness is the document by which the Heritage Officer certifies that a proposed development conforms with the requirements of the HCD by-law. Standard maintenance will not require the certificate. The Heritage Conservation District will have the additional benefit of considering alternate building code compliance methods and performance-based equivalencies on buildings that are undergoing a change in occupancy classification.

Approaches to Integrated Development

Integrated development is new construction on a heritage property which integrates the heritage building with a new development, such as an addition. The Standards & Guidelines outlines what is, and is not, recommended in terms of heritage rehabilitation. It states that when considering a new use for a building, select a use that suits the existing building form instead of permitting a use that dramatically alters the exterior form. Some development projects are constructed in the rear or side yards of heritage properties in behind the heritage building where there is space available. Where yards are not available, some development projects are constructed on top of heritage buildings and others demolish a portion of a heritage building and retain the street façade(s) to varying extents. This redevelopment practice is often referred to as façadism. The Downtown Halifax HCD Plan will provide direction to what types of integrated development are permitted and these types of development may differ from one area to another. Approaches to integrated development, including façadism, will be slightly different in each area because of the different character defining elements and contributing heritage resources of each area. For example, a certain kind of façadism may fit the character of the Barrington Street Area but may be out of character in the Old South Suburb Area.

Where appropriate, the HCD Plan will seek to establish consistency in policies concerning demolitions, substantial alterations, and financial incentives in the three areas of the HCD including the Capital, the Barrington Street, and Old South Suburb Areas.

Financial and Land Use Incentives
Best management practices in heritage conservation indicate that new regulatory processes to protect heritage buildings should be accompanied by a revitalization program with financial incentives. Financial incentives can encourage property owners to conserve their properties. In 2017, Turner Drake & Partners prepared a report for financial incentives for the Schmidtville HCD and the Old South Suburb HCD. The report concluded that grants and tax rebates are the best type of financial incentive ahead of other types of incentives such as loans and fee exemptions. Grants are easily understood by property owners and can be tailored to specific contexts. However, tax rebates may be more suitable for conservation projects on large commercial buildings because these incentives can produce significant value through the capitalisation of comparatively small sacrifices of tax revenue.

Land use incentives can also create considerable value at no direct cost to the Municipality, but these incentives are typically more complex to implement and administer and can introduce compromises between conservation and development objectives. Incentive or bonus zoning can be used as a tool to acquire capital to reinvest into the Heritage Conservation District to strengthen the built environment of the HCD through the cash-in-lieu public benefit category. The cash-in-lieu can also be reinvested in a financial-aid program for the preservation, rehabilitation, and restoration of heritage assets in the District.

4.2 Built Form

4.2.1 Existing Built Form Policy

Land Use
The majority of the area in the proposed Downtown Halifax HCD is zoned DH-1 (Downtown Halifax 1) except for a few properties which are zoned ICO (Institutional, Cultural, and Open Space). The ICO Zone is reserved for institutional, cultural, and open space uses as well as eating establishments or retail uses accessory to these principal uses. A broad range of residential, commercial, and cultural uses are permitted within the DH-1 Zone, with few restrictions, in support of the diverse urban character of downtown Halifax.

Building Height, Massing & Character
The DHLUB uses bonus zoning provisions which identify pre-bonus heights and post-bonus heights for specific areas within the Capital Area. In the Old South Suburb Area, the DHLUB uses pre-bonus Floor Area Ratios (FAR) and post-bonus FAR, instead of height provisions, as a method to support development. A property can be developed to its pre-bonus height or FAR; however, to develop to its post-bonus height or FAR requires a financial contribution to a public benefit such as affordable housing or heritage conservation.

Map 4 of the DHLUB outlines the maximum pre-bonus heights in the Capital and Barrington Street areas. These heights are quite varied throughout the proposed HCD boundaries, ranging from 22m to 49m in the Capital Area and 11 to 28 metres in Barrington Street Area. Map 5 of the DHLUB outlines the maximum post-bonus heights in the Capital Area and Barrington Street Area. Granville Mall and Historic Properties within the Capital Area do not permit bonus zoning; however, the rest of the Capital Area permits post-bonus heights ranging from 34m to 49m. The entirety of the Barrington Street Area does not permit bonus zoning. Pre-bonus heights will be eliminated in the Capital Area if/when the Regional Centre SMPS and LUB, Package B, are adopted. The new framwork is proposed to replace pre-bonus heights with a consistent metric: any development that exceeds 2,000 s/m in floor area will require a density bonusing contribution to achieve post bonus height. Any development with a floor area of 2,000 s/m, or less, will not require a bonus zoning contribution. There will be no change to maximum post-bonus heights in the Capital Area if/when Regional Centre SMPS and LUB are adopted.

The Old South Suburb Area does not include any pre-bonus or post-bonus height provisions. Instead, this area includes pre-bonus and post-bonus Floor Area Ratio (FAR) provisions. Floor Area means the horizontal area of all floors in all buildings, measured from the interior faces of any exterior or fire walls. FAR means the floor area of all main buildings on a lot divided by the area of the lot. A property can be developed to its pre-bonus FAR; however, to develop to its post-bonus FAR requires a financial contribution to a public benefit such as affordable housing or heritage conservation in the Old South Suburb Area. Map 12 of the DHLUB outlines the maximum pre-bonus FAR in the Old South Suburb Area. A pre-bonus FAR of 2 applies in most areas; however, a pre-bonus FAR of 1 applies to Peace and Friendship Park and to the properties in front of the Via Rail Station and Westin Hotel. A post-bonus FAR of 4 applies in most areas, except for the properties with a pre-bonus FAR of 1.

Guidelines for Developments in Heritage Contexts

The Design Manual for the DHLUB has a section on Heritage Design which is meant to supplement the other built form requirements outlined in the DHLUB when there is a proposal or development application that is abutting a heritage resource. The purpose of heritage design guidelines is to protect heritage streetscapes and heritage character by ensuring that the new developments are appropriately scaled and designed. This ensures that any development abutting a heritage property will provide appropriate transitions in height. The Design Manual outlines elements to consider when making alterations to heritage buildings such as materials, colours, and signage.

The Downtown Halifax Land Use By-law Design Manual includes a few provisions which are unique to the Old South Suburb Area including an exemption for provisions pertaining to heritage storefronts and a requirement to apply integrated development provisions to all properties, not just development within or abutting Old South Suburb heritage properties.

Development and Design Review

The site plan approval process provided for under the Downtown Halifax Land Use By-law (DHLUB) requires public consultation before a substantive application for site plan approval can

be submitted to the municipality. The Design Review Committee reviews all substantive applications to ensure they conform to the Design Manual. The site plan approval process ensures high quality design for new development in Downtown Halifax.

The DHLUB ensures sustainable design by requiring rooftop landscaping on flat rooftops for stormwater management and for mitigating the urban heat island effect. The DHLUB includes provisions that aim to maximize sunlight and minimize wind tunnels. Wind impact assessments are required for buildings over 20m in height. Weather protection for pedestrians is also encouraged in the DHLUB, where canopies and awnings are encouraged.

The DHSMPS includes policy that restricts the ability to consolidate city blocks by removing streets. This policy is important to maintain a fine-grain urban form and to maintain an environment that facilitates the easy movement of pedestrians in the Downtown Halifax HCD. In addition, streets shall not be widened at the expense of the public realm.

4.2.2 Built Form Discussion

The boundaries of the proposed Downtown Halifax HCD contain some of the most valuable real estate in Halifax. Therefore, there is a great deal of pressure for development in the area. The Cogswell project will also spur more development interest within the Capital Area. The HCD Plan will encourage the protection and the adaptive reuse of existing historic buildings in the area as opposed to their demolition and redevelopment. The Land Use Bylaw and its Design Manual will provide guidelines to ensure that the heritage resources are retained.

Land Use

The Downtown Halifax Heritage Conservation District plan will reinforce existing Downtown Halifax Municipal Planning Strategy policies that protect the character of the existing street grid. The Downtown Halifax Zone (DH-1) and the Institutional, Cultural & Open Space Zone (ICO) will continue to apply within the HCD and there should be no changes to land uses as a result of the Heritage Conservation District designation.

Design Considerations for Integrated and Abutting Development

The proposed HCD plan will align with the goals and objectives regarding streetscapes in the DHSMPS and will attempt to enhance the built environment that exists. Height maximums, especially post-bonus heights, may entice developers to apply to demolish buildings or leave only the façades. This type of development, called façadism, can impact the prominence and authenticity of heritage buildings which detract from heritage value. Façadism may be compatible with heritage buildings under certain conditions which will be explored in the planning and community engagement process to establish the Downtown Halifax HCD. New area-specific provisions for each of the three areas will be developed to ensure compatible development throughout the HCD. Height maximums throughout the Downtown Halifax HCD will be reviewed and revised to ensure compatible development. FAR may be used to complement or substitute the heights framework.

The introduction of land use regulation, such as maximum lot frontages or maximum lot areas, can limit the width and overall scale of new buildings. It can also limit the number of distinct heritage buildings on a single block that can be integrated into a single new development. Furthermore, architectural design guidelines can ensure that integrated developments preserve the visual prominence of heritage buildings through design requirements such as setbacks and articulations of form. Wherever possible, the Downtown Halifax HCD will seek to establish a consistent policy, regulatory and design framework to administer massing of new construction in the three areas of the HCD. However, certain special provisions may be required for each area. For example, in the Old South Suburb Area current policies pertaining to heritage storefronts and integrated development may be carried forward from the Old South Suburb HCD Plan into the Downtown Halifax HCD Plan.

Financial Incentives
Over the past decades, there has been new construction that is appropriate to the scale and character of the area. There has also been construction that is out of scale and character. The Downtown Halifax HCD plan will explore the potential of using a new financial incentives program to support aspects of new construction that contribute to the heritage character of the District.

4.3 Public Realm Investments

4.3.1 Existing Public Realm Investments and Policy

The public realm shapes the most prominent and visible aspects of the urban environment and, therefore, makes the greatest impact on the image and impression presented by the downtown. The key objectives of the Downtown Halifax Secondary Municipal Planning Strategy's public realm framework are to cultivate and nurture a legible, cohesive, and appealing physical environment. Furthermore, the Plan has the specific vision to unify the downtown through beautifully designed streets that link the harbour with Citadel Hill. These objectives guide capital improvement strategies.

Existing Barrington Street HCD Plan Policies
The Barrington Street HCD Plan includes a reference to a streetscape plan for Barrington Street which includes actions for sidewalk repair and replacement, street trees, street furnishings (benches, bike racks, litter containers, etc.), pedestrian level lighting, wayfinding and interpretive signage, Grand Parade landscaping and amenity improvements, and transit terminal improvements at Scotia Square. The HCD Plan also includes a functional improvement program to increase pedestrian amenities on Barrington Street including broad sidewalk amenity areas combined with improved transit stops, a slightly serpentine re-alignment of the street way, relocation of commercial loading to designated spaces, and integration of street trees and new street furnishings, with increased opportunities for sidewalk cafes.

The Barrington Street HCD Plan also includes actions for marketing. It identifies the Downtown Halifax Business Commission (DHBC) as the lead agency for marketing the District in collaboration with Destination Halifax (now Discover Halifax) and the Greater Halifax Partnership (GHP). The HCD Plan also includes actions for retail recruitment which include linking specific buildings with specific businesses, reshaping the retail/business mix to appeal to both residents and tourists, monitoring upcoming vacancies to ensure that street level space is fully occupied, and developing strategic retail anchors and clusters.

Existing Old South Suburb HCD Plan Policies

The Old South Suburb HCD Plan includes policies which seek to underground wires and plant many more street trees. It includes a policy to develop a Landscape and Interpretation Strategy for the District with an emphasis on creating a visual connection between the institutional properties near Spring Garden Road and the open space at Peace and Friendship Park. The current approach to public realm investments in Old South Suburb provides for new streetlamps, street infrastructure, interpretive signage, and a new visual identity with online marketing actions.

Existing Public Realm Amenities in the Capital Area

The Capital Area already includes a cohesive streetscape that the municipality has designed and constructed throughout the district. The public is presented with amenities such as granite curbs, pavers, decorative bicycle racks, trees in planters, thematic streetlights, trash receptacles, and benches (in Granville Mall) which accentuate and delineate the historic character of the area.

Pedestrian Amenity & Comfort

How the public realm is designed, programmed and interfaced with surrounding spaces and land uses is crucial to its capacity to attract and support a broad spectrum of users and to ensure that there are places where people feel comfortable and safe. In 2008, Regional Council adopted a policy for neighbourhood and special district signs. This delineates a cultural district as a geographically defined area that conveys a special sense of time and place through a concentration of buildings, structures, and spaces. The purpose of the signage is to identify the district, provide heritage and cultural information and demarcate the boundaries. In order to be recognized as a cultural district, an area should have a sense of a connectedness through past events or use and have an appearance of visual cohesion and characteristics that set it apart.

Views & Visual Character

The DHLUB continues to maintain and protect the Citadel View Planes and Rampart views. These view planes encompass the majority of the Downtown Halifax HCD except for a few blocks. In addition to these views, the Downtown Halifax Land Use Bylaw protects “window views” of Halifax Harbour along east-west streets. The framing views of the downtown provide sweeping views of the downtown at the length of the waterfront where buildings are required to contribute to the image of the downtown and its skyline through appropriate architecture and well-designed roof treatments.

Public Art

The DHMPS refers to the Halifax Regional Municipality Public Art Policy which administers the installation of public art to celebrate Halifax's cultural identity and showcase local arts and culture, particularly in high profile locations in downtown Halifax. Public art serves to reinforce the unique identity of downtown Halifax precincts and can enhance the cultural experience of the public realm. Public art is considered at a variety of scales and contexts including larger installations at visually prominent locations such as the terminus of view corridors, at gateways on prominent corners, or in public open spaces. Smaller installations are also considered along streetscapes, walkways, interior courtyards and associated with buildings.

Public art may include memorials, sculptures, water features, murals, lighting and may combine with building and landscape design. It also includes plaques installed by the Historic Sites and Monuments Board of Canada (HSMBC). The Municipality seeks to retain and to conserve existing public art identified in its public art inventory and it may also consider the installation of new public art through its capital investment programs.

4.3.2 Public Realm Discussion

The Downtown Halifax HCD will seek to establish a comprehensive approach to investments in the public realm. The HCD Plan will apply a consistent approach to the management, administration, and policy framework for public realm investment for all three areas within the District. The Plan will also respect the unique attributes of each area by implementing programs that complement the character of each area.

New development can have a negative impact on the character of the District if the proper planning tools are not established, including an HCD plan and by-law. The heritage district will support a human-scale environment that is designed, programmed and interfaces with surrounding spaces and land uses to ensure that there are places where people feel comfortable and safe. The Standards & Guidelines include specific guidelines that facilitate health, safety, security and accessibility considerations while preserving the heritage value and character within HCDs. The Standards & Guidelines also include specific guidelines relating to sustainability considerations including renewable-energy technologies and energy conservation measures.

The HCD plan will include policy to support cultural district signage to identify the district and to provide interpretive information about the heritage value of the area. The Municipality has already installed cultural district signage within the boundaries of the District. The plan will include a policy to support this existing cultural district signage program in the District.

Certain public art will be protected as character defining elements under the HCD Plan policy if it is significant to the heritage value of the district. New public art may be proposed in certain areas and the HCD Plan will include policy to ensure that new structures do not detract from the character of the District.

4.4 Conservation Goals

The Downtown Halifax Heritage Conservation District Plan and Bylaw will achieve four principal goals:

1. To conserve the historic integrity of Downtown Halifax;

2. To accommodate residents and visitors by revitalizing aging buildings and by encouraging new development that complements the scale and character in the areas of Downtown Halifax, including the Capital, Barrington Street, and Old South Suburb areas;

3. To promote the Downtown Halifax HCD as a cultural heritage destination; and

4. To establish consistent policies and programs that also address the unique challenges and needs of the Capital, Barrington Street, and Old South Suburb areas.

The primary goal of the Heritage Conservation District will be to conserve the integrity of Downtown Halifax. There are many registered heritage properties in this area, as well as many un-registered historic buildings and open spaces. The HCD will strengthen polices concerning demolition and substantial alteration for all significant heritage resources and include policies to define appropriate and inappropriate interventions. The HCD will define parameters for appropriate integrated development and encourage it with financial and land use incentives.

The HCD will establish policies for building revitalization and new development that complement the scale and character within the three areas of Downtown Halifax to accommodate residents and visitors. Streetwall heights, stepbacks, and setbacks are defined in the Downtown Halifax Land Use Bylaw along with other parameters. The HCD will review this development framework and introduce parameters to the areas that support historic setting and encourage new development where appropriate.

The HCD will improve the historic setting by retaining existing elements in the public realm and by investing in additional street elements that promote these three areas as distinct cultural heritage destinations. The HCD will inventory the public art, street lights, furniture, pavers and other elements in the public realm and develop a strategy to incorporate them into a streetscape plan along with additional elements that promote the significance of these three areas of Downtown Halifax.

Finally, the HCD will integrate two existing HCD Plans into one HCD Plan that encompasses three distinct areas: Capital; Barrington Street; and Old South Suburb areas. The existing plans and their policies will be repealed, and these areas will be integrated, along with the Capital Area, as the Downtown Halifax HCD. The Downtown Halifax HCD Plan and By-law will establish consistency in the administration of heritage policies affecting these areas of Downtown Halifax. There will also be area-specific policies to address the challenges and needs which are unique to each area.

5. Social and Economic Implications

5.1 Social Implications

5.1.1 Sustainable Development

An HCD Plan takes a values-based approach which incorporates an inventory of heritage resources. Understanding current heritage values and resources is a prerequisite to assessing risks from external threats caused by climate change (i.e. increased wooden structural deterioration, moisture absorption of masonry, hurricanes, fires, etc.). It can provide a basis for methodological advances and a guide to planning for resiliency and adaptation. The consistent application of good basic conservation practices – the continuous protective care of a place and its setting – is an adaptation and mitigation strategy to climate change. Regular maintenance of buildings, especially, constitutes the simplest, most cost-effective and readily achievable energy conservation step. Conserving the embodied energy and carbon sink of existing heritage infrastructure also curtails the need for energy and resource intensive new development.

Adapting heritage buildings to modern needs rather than constructing new infrastructure is of fundamental importance in responding to climate change. Above and beyond regulations to conserve heritage infrastructure, heritage conservation measures such as financial incentives programs can help property owners invest in the conservation and adaptive reuse of heritage buildings and help finance energy efficiency retrofits to existing structures.

Furthermore, heritage conservation can strengthen neighbourhood identity, provide a pleasant, human-scale built environment and encourage the development of a complete community within a walkable, urban setting.

5.1.2 Community Identity

The Downtown Halifax Heritage Conservation District will provide recognition of the properties within its boundaries as important heritage resources. Designation will help to conserve irreplaceable resources, protect the visible cultural assets and strengthen the community's identity and distinctiveness. The Downtown Halifax Heritage Conservation District will provide social benefits. People living or working within or visiting the Downtown Halifax Heritage Conservation District will enjoy the comfort of a human-scale environment. A human scale environment is a mix of aesthetics and functionality that are scaled to the dimensions and capabilities of the people who use and inhabit it. The Heritage Conservation District will provide an opportunity to live and work in attractive surroundings within a distinct, recognizable and walkable neighborhood.

5.1.3 Education

The Downtown Halifax Heritage Conservation District will be a vehicle for education. It will serve as a tangible link to the past and a way to bring meaning to history. It will be a living, active record of the community and its residents. It will preserve the original character of

buildings and streets, while welcoming growth and innovation within those spaces. Heritage district designation based on careful historical research and evaluation, promotes understanding and appreciation of an area's heritage values and attributes.

5.1.4 Community Engagement

The community engagement process associated with establishing the Heritage Conservation District will provide the community with a voice in its future. By participating in the designation process, citizens can help direct their community's path. Making these decisions together in a structured way through a public process will provide everyone involved with a sense of empowerment and confidence. Designation allows a community to recognize and commemorate what it values within an area that contributes to its sense of place. It provides a process for sustaining these elements into the future. During the study and research phase there is opportunity for the community to develop an understanding and appreciation of the community's heritage resources and the strong relationship between patterns of activity, memory, and imagination and physical patterns of buildings, structures, streetscapes, land forms and natural. Heritage district designation allows these resources and relationships to be identified and protected.

5.2 Economic Implications

Potential economic benefits of a heritage conservation district in Downtown Halifax include the stabilization of property values and the encouragement of cultural heritage tourism. The Downtown Halifax Secondary Municipal Planning Strategy (DHMPS) considers culture and heritage preservation as a key component to a more livable downtown. Livability relates to the walkability and experience at street level. The plan seeks to develop a critical mass of people and buildings in the downtown. When livability and critical mass are achieved, there is an upward spiral whereby prosperity is increased.

There is significant opportunity for population and economic growth within downtown Halifax by filling in the gaps, which include many vacant or underutilized lands and many heritage resources that are suitable for reuse and revitalization. To achieve its economic development objectives, the DHSMPS targets the redevelopment of vacant and underutilized lands in the traditional Central Business District (DHSMPS precincts 4, 5, 6, 7), forming part of the Capital Area.

The Capital Area of the proposed Downtown Halifax Heritage Conservation District encompasses Precinct 7 and half of Precinct 4. The Barrington Street Area encompasses Precinct 6 in its entirety. The Old South Suburb Area (Precinct 2) is not part of the targeted growth areas within the DHSMPS, however, the existing HCD Plan for this area does encourage appropriate mid-rise development on vacant lots and on large lots containing heritage buildings.

5.2.1 Insurance

Insurance on any older home, not only registered heritage properties, can be more costly because of higher replacement costs. The insurance industry indicates that the issuance of

homeowner's insurance is not based on the age of the building but rather on the condition and upkeep of the building. Items that insurance companies specifically check on with respect to older buildings include: the type of plumbing (copper or galvanized); the age of oil storage tanks for heating; the type of electrical system for the size of the building; the type of wiring in use (aluminum or knob and tube); and the age and condition of the roof. The insurance industry recommends that home owners shop around for home insurance because some companies will not insure older homes since they do not have the expertise to properly assess the risks involved. There are no provisions within the *Heritage Property Act* to require that property owners restore a registered heritage property or a property within a heritage conservation district if it is accidentally destroyed or damaged.

5.2.2 Property Values

An appropriate scale and design of new construction will protect the property values of properties adjacent to the new construction while establishing a greater sense of visual consistency throughout the three distinct areas of the proposed HCD that will better support each area as destinations for residents and cultural heritage travellers arriving by cruise ship, train, or exploring the downtown or waterfront. Residents in surrounding neighbourhoods and throughout the region will also better identify with a place that is visually consistent with the history of the area. Investments in heritage conservation can stimulate complementary economic activity, making neighbourhoods more attractive and strengthening local economies such as the service, retail, and design industries.

Using examples from Ontario's numerous and often well-established HCDs, one finds that overall HCDs increase property values, and property owners within these districts appreciate the stability HCDs offer them. HCDs bring a level of predictability as owners need not worry about their neighbours' properties falling into disrepair, impacting property values. This reduces the financial risk associated with investing in maintenance or restoration and is one of the critical advantages of HCD designation over individual property designation. It logically follows that HCDs with strict and consistent enforcement of rules see more significant increases in property value after designation.

HCDs generally act as a catalyst for economic development. A big part of this is the degree of cachet that comes with a well-maintained HCD, which can in turn be used as a marketing tool to attract tourism and economic activity.

5.2.3 Physical and Economic Factors of Heritage Property Investment

Owning a registered municipal heritage property, or a property within a Heritage Conservation District can be a costly venture. The *Financial Incentives for Heritage Conservation Districts* report[1] prepared for the Halifax Regional Municipality by Turner Drake & Partners Ltd.

[1] Report available at https://www.shapeyourcityhalifax.ca/schmidtville/widgets/20788/documents

presented factors that affect heritage property investment, defined as physical and economic factors.

Turner Drake & Partners Ltd. undertook a residential and commercial property analysis in Downtown Halifax to determine the investment factors that affect heritage investment in the Municipality. Factors affecting commercial and residential properties in the Municipality have differing impacts from their HCD designations. For commercial properties, heritage buildings underperform in rent and vacancy. By contrast, heritage houses command higher values but spend more time on the market before selling. Condominiums and apartments experience the opposite trend - attracting lower values, however, spend less time on the market.

Through analysis conducted by Turner Drake & Partners Ltd., it was determined that all the physical factors in the general analysis applied to heritage properties in the Municipality. It was seen that there is a moderate benefit to residential property values in Halifax, which likely can be attributed to the aesthetic qualities of the building. However, this finding, as Turner Drake & Partners Ltd. (2017) explains, does not leave residential properties exempt from economic factors that affect their investment, but there is a net positive effect. The exception to this is condominium apartments, which experience a negative impact in value, due to difficulty catering to market preferences.

Physical and economic factors that impact heritage property investment are explained in Table 3 and 4, respectively.

Table 3: Physical factors of heritage buildings that affect property investment

Physical Factor	**Rationale**
Maintenance Cost	Materials of heritage buildings are often more costly when compared with their contemporary counterparts.
Maintenance Frequency	Heritage buildings can require more frequent maintenance due to the materials and building systems used.
Renovation Complexity	Renovation of heritage buildings can have significant labour and material costs due to the regulations and physical complexities of working with heritage buildings.
Specialist Expertise	Heritage requires specialized expertise to ensure conservation standards are achieved.
Site Logistics	Historic development patterns (e.g. tightly built properties) can lead to site constraints, and limitations can arise through working on an already

	developed site.
Environmental Remediation	Older buildings have a higher chance of containing hazardous environmental materials - requires proper remediation and disposal.
Longer Project Length	The factors outlined above have the potential to extend project timelines to lengths that typically exceed those of contemporary projects.
Risk of the Unexpected	Heritage conservation projects have a higher risk of the unexpected due to lack of design and building documents, leading to unforeseen expenses - requires extensive contingency planning.

(Source: Turner Drake & Partners Ltd., 2017)

Table 4: Economic factors that impact heritage property investment

Economic Factor	**Rationale**
Property Rights	Thought to have a negative impact on market price compared to unencumbered properties as heritage property regulations are a form of government power on private land interests.
Design Efficiency	The design of older buildings is at a functional disadvantage compared to contemporary buildings, predominantly affecting commercial properties.
Obsolete Design	Older buildings may have layouts that are misaligned with the current market preference, resulting in lower desirability.
Market Response	Market conditions for real estate are fluid entities
Vacancy	Due to potential for obsolete design, there may be problems in attracting tenants due to decreased market demand
Marketing Time	Heritage buildings are a niche product, with a potentially smaller pool of interested buyers. A lengthened marketing period can be costly.
Operating Cost	Operating costs can be increased in comparison to contemporary counterparts due to poor operating systems such as heating.

Property Tax	Property taxes are levied against assessed values of a property, concerns that conservation work may increase their property assessment, increasing their property tax rate.
Rents/Values	The price to occupy real estate is dependent on the above factors.
Return on Investment	The most important factor in determining if heritage conservation is preferable. It is possible that heritage buildings do not create a return on investment because of increased costs. There is a potential for a reasonable return but usually is not realized due to project costs.

(Source: Turner Drake & Partners Ltd., 2017)

5.2.3 Cultural Heritage Tourism

The proposed Downtown Halifax Heritage Conservation District can positively impact the local economy through tourism. An aesthetically cohesive and well-promoted district can be a community's most important attraction.

Tourism Nova Scotia adopted a 2018-2023 Strategic Plan which identifies culture and heritage as a strength. It recognizes public and private sector partnerships as an opportunity and identifies insufficient marketing investment and lack of accommodation capacity as threats to the tourism industry. One of the Strategy's goals is to focus on "high spend visitors". Visitors do not necessarily need to stay longer, but it is imperative that they spend more. Tourism Nova Scotia identifies three types of visitors who spend more than others. The Strategy seeks to encourage visits by these types of visitors: Authentic Experiencers; Cultural Explorers; and Free Spirits. Two of these types of visitors will have an interest in the Heritage Conservation District. Authentic Experiencers are relatively affluent and may make high-cost purchases but will not seek out overly luxurious amenities or gourmet experiences. They have an interest in understanding the history of the places they visit and seek authentic, tangible engagement with their destinations. Cultural Explorers seek to immerse themselves in the culture, people and settings of the places they visit. Although price conscious, they will pay for a truly unique experience, but they want it to be worth it.

The Municipality can partner with both Discover Halifax and Tourism Nova Scotia to showcase the historic places in the Downtown Halifax HCD and its three distinct areas along with these assets to further encourage economic development in these areas.

5.2.4 Financial Incentives

Section 22 of the *Heritage Property Act* allows the council of a municipality to provide financial assistance in respect of municipal heritage property or property located in a heritage conservation district to any person to assist in the restoration or renovation of such property upon such terms and conditions as it deems fit.

The Municipality's Heritage Incentives Program provides grants to registered municipal heritage properties in residential or commercial use throughout the region on a 50 per cent cost-shared basis. Over the past 17 years, registered municipal heritage properties within the Capital Area, Barrington Street HCD Area and Old South Suburb HCD Area have benefitted from grants through this program.

Between 2009 and 2019, the Barrington Street Heritage Incentives Program supported the restoration and renovation of buildings located within the Barrington Street Heritage Conservation District boundaries to revitalize the commercial blocks on the street. The results of the Barrington incentives program are evident, with many buildings and storefronts on the street having been recently revitalized and restored due in large part to the incentives program. The program awarded $1.36 million in grants and $2.57 million in tax credits (total of $3.9 million) for the conservation and rehabilitation of 23 heritage buildings over the life of the program. During the eleven-year period from January 1st, 2009 to December 31st, 2019, a total of 207 construction permits were processed by the Municipality for a total value of $47.7 million of private investment within the boundaries of the Barrington Street HCD. Construction permits were processed for a value of $11.9 million within the first two years of the program alone, between 2009 and 2010. The financial incentives awarded represent 8 per cent of the total private investment in this HCD over the past decade.

The *Financial Incentives for Heritage Conservation Districts* Report details suggested financial incentives for Schmidtville and Old South Suburb HCDs. The report identified three main categories of financial incentives proposed for Old South Suburb and Schmidtville to alleviate the cost of heritage investment - preferential tax treatment, direct funding, and development rights, heritage plan conservation grants, and incentive programs for places of worship.

Preferential Tax Treatments

Preferential tax treatments were proposed for the HCDs as a proactive approach where property owners would qualify for tax relief if their property achieved a sufficient level of heritage conservation and/or restoration, outlined by the Standards and Guidelines. Turner Drake & Partners Ltd. (2017) state that "tax burden itself is not a significant factor, but the value created through tax treatment can provide a temporary [or permanent] offset". Three preferential tax treatments were considered - tax abatement which would offset property tax increases due to conservation or development efforts, tax holiday which would offset holding costs, and tax relief. Tax relief emerged as an ideal financial incentive that could be implemented as a freeze, which would freeze tax burdens at a lower level to be implemented as a discount, which would be a discount applied to the tax liability of the property to the municipality.

Direct Funding

Direct funding programs are ideal for small cost needs for heritage investment. There are two direct funding types - grants and loans. Grants are ideal for the HCDs in Halifax and can be broken down into two types - basic grants, and restoration grants. Basic grants would be beneficial for minor maintenance and repairs, as most of these grants would be of low value.

Restoration grants would be awarded to properties in a state of significant restoration, particularly those who have lost character-defining elements; therefore, these grants would be higher in value compared to basic grants.

Development Rights

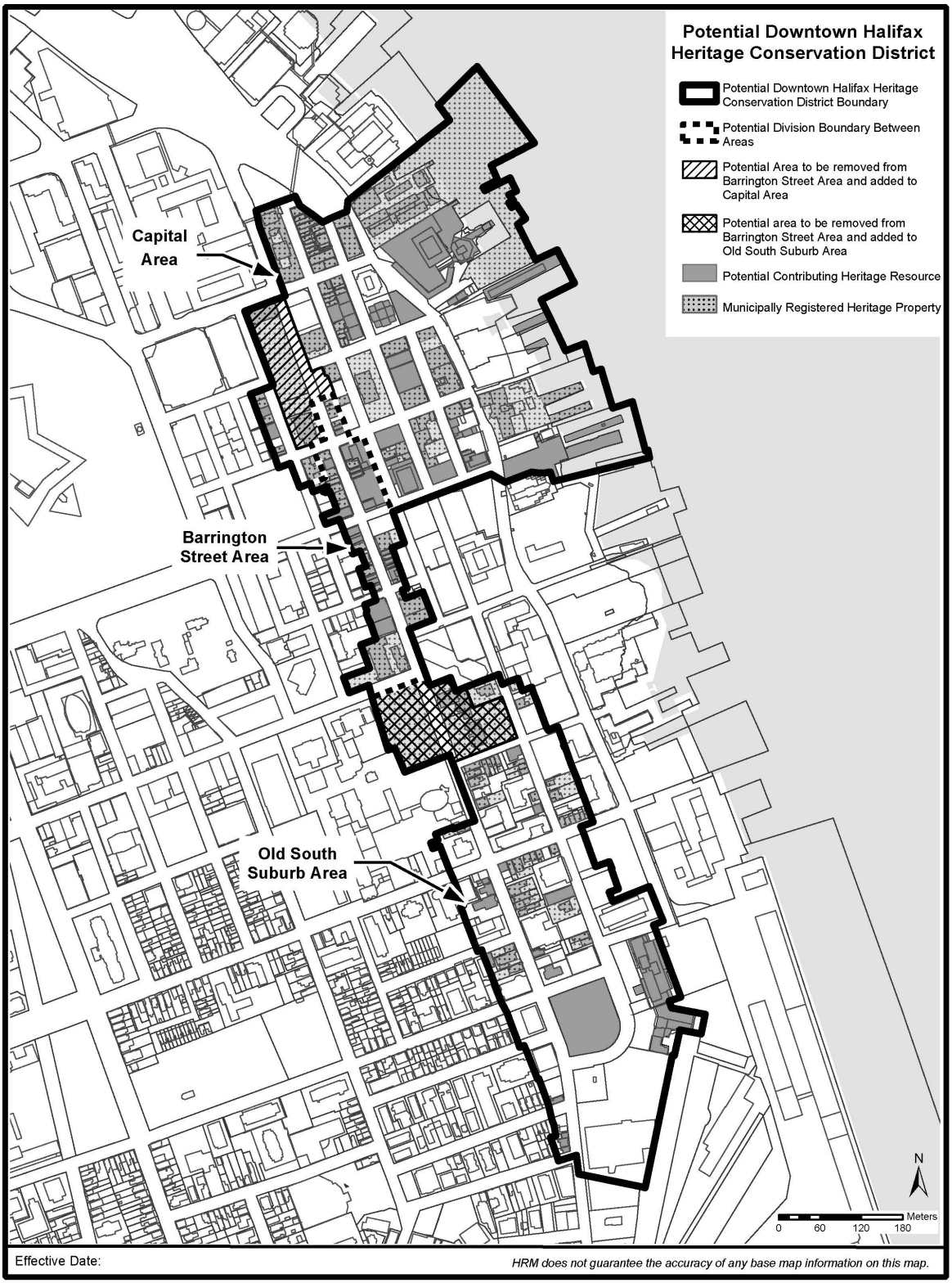
Another financial incentive proposed by Turner Drake & Partners Ltd. is purchasable development rights, that would be used in cases where preferential tax treatment or direct grants would not make a considerable financial impact to bring the property to a sufficient level of heritage conservation or refurbishment. This option would require the Municipality to purchase development rights from the property owner in order to achieve the desired level of conservation or refurbishment. However, this method may not be a viable future option for a municipality in Nova Scotia because it is not currently enabled in provincial legislation.

6. Conclusion

Downtown Halifax is an important candidate for a Heritage Conservation District due to its significant heritage values associated with the early settlement, economic life and traditional architectural character of the city. This area continues to experience pressures for new development. Therefore, heritage conservation measures are justified within the entire area identified as Downtown Halifax (Map 1) which will incorporate and consolidate the existing Barrington Street HCD (Barrington Street Area), the Old South Suburb HCD (Old South Suburb Area), and a new area called the Capital Area. There is currently a high concentration of registered municipal heritage properties that are protected from demolition or exterior alteration within Downtown Halifax. However, there is also a high concentration of historic structures that contribute to the character of the area that are not protected.

The Downtown Halifax Heritage Conservation District Plan and Bylaw will protect and conserve the traditional character of the area while allowing for appropriate new development. It will establish the District as an historic destination by supporting the traditional setting through a built form framework that requires new construction to be visually consistent or compatible with the traditional architecture. The plan will capitalize on this unique community identity through investments in public amenities that will promote the District as a cultural heritage destination for both residents and visitors. Conservation measures will provide many cultural and social benefits while boosting both community interest and cultural heritage tourism activity in the area. Furthermore, the HCD Plan will establish consistency in the administration of the heritage policies and programs affecting the existing HCDs in Downtown Halifax by consolidating these two existing HCD Plans into one HCD Plan that encompasses three distinct areas: Capital; Barrington Street; and Old South Suburb. However, the new consolidated HCD Plan will conserve and support the unique character and setting of each area through area-specific provisions.

Map 1: Proposed Downtown Halifax Heritage Conservation District



Appendix A: Heritage Conservation District Adoption Process

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

The Municipality:

1. adopts a public participation program by resolution;

2. undertakes background studies (to rationalize the proposed Heritage Conservation District), provides public access to studies, and submits studies to Minister, responsible for the *Heritage Property Act*. Minister has 60 days to declare studies sufficient or prescribe additional studies;

3. holds a minimum of one initial public information meeting to present the background studies and to discuss heritage conservation measures proposed for the Heritage Conservation District Plan

4. prepares a draft Heritage Conservation District Plan and By-law;

5. holds a second public information meeting and secures public input on a draft Heritage Conservation District Plan and By-law and, if necessary, any amendments to the applicable secondary municipal planning strategy and land use bylaw;

6. gives notice of intention to adopt a Heritage Conservation District Plan and By-law and holds a public hearing by newspaper advertisements on two successive weeks and by ordinary mail or personal service to all property owners, 21 days prior to date of public hearing;

7. provides public access to the proposed Heritage Conservation District Plan and By-law;

8. after holding a public hearing, adopts the Heritage Conservation District Plan and By-law by majority vote and submits it to the Minister for approval, with documentation regarding compliance with the statutory planning process;

9. Minister, responsible for the *Heritage Property Act*, approves the Heritage Conservation District Plan and By-law. Council gives notice of approval in newspaper and files document in Registry of Deeds; and

10. Heritage Conservation District Plan and By-law come into effect when approved by the Minister.

ATTACHMENT B

A Resolution Regarding A Public Participation Program for the Establishment of a Heritage Conservation District

Be it resolved that the Council of Halifax Regional Municipality does hereby adopt the following public participation program pursuant to Section 6 (1) (i) of the *Heritage Conservation District Regulations* made under Section 26 of the *Heritage Property Act*, Statutes of Nova Scotia, 1989, Chapter 199.

1. All requests for a Heritage Conservation District shall be directed to Regional Council for preliminary review. Where Regional Council determines that the request has merit:

    a. The request shall be forwarded to municipal staff for preparation of background studies and a report with recommendations to the Heritage Advisory Committee (HAC).

    b. Where the HAC determines that a heritage conservation district should be considered, a recommendation shall be made to Regional Council to initiate the planning process for the adoption of a Heritage Conservation Plan and By-law.

2. Where Regional Council determines that it wishes to consider the adoption of a Heritage Conservation District the case shall be referred to the Heritage Advisory Committee who shall implement the following public participation procedure(s):

    a. HAC, in conjunction with municipal staff, shall hold a minimum of one initial public information meeting to present the background studies and to discuss heritage conservation measures proposed for the Heritage Conservation District Plan.

    b. HAC, in conjunction with municipal staff, shall hold a second public information meeting to present the Heritage Conservation District Plan and to discuss heritage conservation measures and all other documents that require adoption along with the proposed Heritage Conservation District Plan and By-law including, if necessary, any amendments to the applicable secondary municipal planning strategy and land use bylaw.

    c. The following notification procedures shall apply to the above public information meetings:

        i. Notice of the public information meeting at which the Heritage Conservation District shall be discussed shall be published in a newspaper circulating in the area affected a minimum of fourteen (14) days prior to the meeting. The notice shall indicate the time, date and place of the meeting and the location and hours during which written material concerning the proposed Heritage Conservation Plan and By-law may be inspected by members of the public or retrieved from a website.

        ii. Written notification of the meeting shall be forwarded to all property owners, businesses and tenants within the District a minimum of fourteen (14) days prior to the meeting.

    d. Minutes of the public information meeting(s) and all related written submissions and staff reports shall be forwarded to Regional Council.

    e. HAC shall forward its recommendation(s) and all related information to Regional Council.

3. Regional Council shall give notice of intention to adopt a Heritage Conservation District Plan and By-law and hold a public hearing by newspaper advertisements on two successive weeks and by

ordinary mail or personal service to all property owners, 21 days prior to date of public hearing.

4. Nothing in this resolution shall preclude Regional Council, HAC, or municipal staff from using other methods as deemed necessary to obtain public opinion regarding the adoption of a Heritage Conservation District Plan and By-law and minutes from all public engagement activities shall be forwarded to HAC for information.

5. HAC shall encourage all its members to participate in public engagement activities.

6. Any amendments to municipal planning strategies and land use bylaws required to support or implement a Heritage Conservation District Plan and By-law shall be undertaken in accordance with Regional Council's Resolution Respecting Public Participation.