

HALIFAX

P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

DECLASSIFIED

FOIPOP Review

N/A *JA*

Approved to Release

By motion of Regional Council

Date November 13, 2018

Item No. 16.2

**Halifax Regional Council
November 13, 2018
In Camera (In Private)**

TO: Mayor Savage and Members of Halifax Regional Council

Original Signed by 

SUBMITTED BY: Jacques Dubé, Chief Administrative Officer

DATE: October 22, 2018

SUBJECT: Memorial Library Site

PRIVATE AND CONFIDENTIAL

ORIGIN

Request by Halifax Regional Council for a staff report regarding the former Memorial Library that will make recommendations regarding:

1. A formal withdrawal of the approval to return the land and building of the Memorial Library property to the Province of Nova Scotia.
2. Requesting the covenant with the Province of Nova Scotia restricting the property to park and library use be amended to include "other public use".
3. Implementing a process to explore HRM or other public use of the space.
4. In the event no appropriate use can be found proceed with the demolition of the library as approved by Council in March 2013.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter:

- 19(1) Except as otherwise provided in this Section, Council meetings and meetings of committees appointed by the Council are open to the public.
- (2) The Council or any committee appointed by the Council may meet in closed session to discuss matters relating to (a) acquisition, sale, lease and security of municipality property.
- 61 (1) The Municipality may acquire and own property granted or conveyed to the Municipality either absolutely or in trust for a public or charitable purpose.
- (2) Where property is conveyed to the Municipality in trust for a public or charitable purpose, the Municipality holds the property according to the terms of the trust and may do anything necessary to carry out the objects of the trust.
- (3) The property vested in the Municipality, absolutely or in trust, is under the exclusive management and control of the Council, unless an Act of the Legislature provides otherwise.
- (4) Possession, occupation, use or obstruction of property of the Municipality does not give an estate, right or title to the property.
- (5) The Municipality may (a) acquire property, including property outside the Municipality, that the Municipality requires for its purposes or for the use of the public; (b) sell property at market value when the property is no longer required for the purposes of the Municipality; (c) lease property owned by the Municipality at market value;

RECOMMENDATION

It is recommended that Halifax Regional Council direct the CAO to develop a proposal for the reuse and redevelopment former Memorial Library building in partnership with the Province of Nova Scotia and Dalhousie University that would include a major redevelopment and repurposing of the building to include a public atrium, educational space, HRM premises, commercial and retail space. The proposal should include an analysis of both a P3 arrangement and an HRM design build own option.

It is further recommended that this report not be released and return to Council with recommendations for further consideration.

BACKGROUND

On the 19th day of October 1883 Her Majesty the Queen in Right of the Province of Nova Scotia granted to the City of Halifax one and one quarter acres of land on the corner of Spring Garden Road and Grafton Streets in Halifax. The Grant specifically stipulated that:

"the lands be protected by the City of Halifax and held for the use and enjoyment of the citizens of Halifax, as a public square or gardens forever and for no other purposes whatsoever".

The property was historically known as the Grafton Park. Previously, in the 17th and 18th centuries, the property had been a burial ground for the poor.

In 1949 the City of Halifax petitioned the Province to allow the building of a public library as a living memorial to the deceased soldiers of the First and Second World Wars. The Province granted the request and permitted the City of Halifax to erect the Memorial Public Library within the park but limited it to the northwest side of the diagonal path that traverses the park. The amendment only allowed a building for a "Public Library". Failure to use the building as a public library or the property as a public park would result in forfeiture of the property to the Province.

With the opening of the new Halifax Central Library in the fall of 2014, the existing Halifax Memorial Library closed. A series of Regional Council reports regarding the Halifax Memorial Library have articulated the limitations which exist on re-use of the Library property and discussed the need to examine the options available to HRM.

In the fall of 2014, the provincial government requested that the municipality revert the former Spring Garden Road library property to the province, including the Memorial Library Building itself and excluding a portion on the southeast side of the site that would remain a park. The province has since indicated they no longer have need for the property for the use intended at that time. For intergovernmental reasons, the December 2014 Council report was delivered in-camera and will remain confidential.

Under the terms of the ownership grant, HRM has two options for retention of the property; public library within a public park or solely a public park.

Public Library Use:

The building is no longer needed or suitable for use as a library and cannot be used without significant alterations and repairs even if a qualifying library use could be found. Also, operating budgets from the present library were transferred to the new Central Library.

Park Use:

The property has continued to function as a vital and vibrant park. The library and park uses worked in concert. Leaving the triangle on the south-east side of the main diagonal path unencumbered with buildings was deliberate and a reflection of the pedestrian crossroad and gathering place function of the park in 1949.

Other Building Uses:

The approved motion of Council on March 5, 2013, indicated that the building is no longer required for the provision of direct municipal services and that the park land in front of the building is an important public space.

A variety of uses may be appropriate for the site. There are several Council policies, plans and directions that could help assess possible uses of the site, including Council priority areas, the Economic Growth Plan, Regional Plan, Centre Plan and the Downtown Halifax Secondary Municipal Planning Strategy.

Re-use of the building would require the current Provincial restrictions on use as a park or public library only to be removed.

Easement to St. David's Church

The Congregational Trustees of the Congregation of the Presbyterian Church of Saint David, the adjacent landowner, whose lands abut the northern boundary of the Memorial Library property, are seeking an easement over the existing driveway behind the building for travel and parking. This request is currently being considered by staff in light of this proposal.

DISCUSSION

Current Situation

Dalhousie University together with HRM and the Province have considered a concept of shared occupation of the site for the School of Architecture, HRM municipal space and leasable commercial floor area. Redevelopment for university, municipal or commercial use would require that the Province remove current restrictions on the site.

An initial design concept developed by Dalhousie suggests an increase the building envelop from the current 40,000 square feet to approximately 85,000 square feet, incorporating the existing building façade and limiting the disturbance beyond the existing building footprint based the following assumptions:

- Province would release title restrictions.
- HRM would be open to considering a long-term land lease (75-99 years) which would see the property privately redeveloped, or would develop the property itself.
- The Design Concept would see the 1970s addition to the building removed and the original building incorporated in to a new development with an estimated gross building area of 85,000 square feet.
- The private sector may be solicited under a Request for Proposals to enter in to a land lease and build the building under established terms of reference and design goals and objectives set by HRM, Dalhousie and the Province.
- Dalhousie and HRM would occupy space in the new development for approximately 51% of the leasable area.
- The balance of the space would be leased to other commercial and retail sector tenants, either by HRM or a developer.

Future Development Parameters

The Province has agreed in principle to lifting the current site restriction and replacing them with the following restrictions to be contained in an agreement between the Province and HRM:

- Triangle Park in front of the existing library building remain as HRM open space for public use.

The Province is further proposing the following parameters be included in an agreement (the Agreement) between the Province and HRM regarding future changes in use of the site:

- The Province, as represented by the Minister of Business, will be consulted on any future changes in use of the site.
- The existing footprint of the building is not increased below grade.
- At least 51% of total usable space, including all the usable space on the ground floor, remains open and accessible to the public/public space and is used for public purposes during regular open hours.
- Historical and cultural significance of the site, such as burial grounds and war memorials, is respected and acknowledged in any design and future use. The façade will be preserved.
- Comprehensive and inclusive public engagement (including KMKNO) process will be central to any decisions respecting future use.
- The Province's accessibility objectives will be met.
- The Province will not be required to bear any costs related to the future changes in the use of the site. "Future changes in the use of the site" includes the first use of the site after the Agreement has been entered into and any subsequent changes in use of the site
- As the site is in the heart of the Halifax-area innovation district, the Province's and HRM's inclusive economic growth priorities will inform decisions respecting future changes in the use of the site to ensure alignment.
- A professional archaeologist will carry out an Archaeological Resource Impact Assessment and include the development of an archaeological / human remains contingency plan (in consultation with the Nova Scotia Department of Communities, Culture and Heritage).
- The planning and development of the future changes in the use of the site must consider placemaking principles, a commitment to social inclusivity, and an appropriate public engagement process (inclusive of, but not limited to: Nova Scotians with disabilities; Indigenous community; African Nova Scotian community; immigrant and refugee community; children and youth, seniors and veterans; low income Nova Scotians; entrepreneurs and the social enterprise community).

Municipal Development Process

The subject property is in the Downtown Halifax Plan area and the current zoning is ICO (Institutional, Cultural & Open Space Zone). Permitted uses in that zone include institutional uses, cultural uses, open space uses and eating establishments or retail uses accessory to permitted uses. Site plan approval pursuant to the HRM Charter is the required development approval process including the application of the Downtown Halifax Design Manual is mandatory. Any proposed uses and or building designs that do not comply with the Downtown Halifax Land Use Bylaw, the ICO Zone or the Design Manual would require amendments to municipal regulations. Depending on the nature and extent of any future use and design elements, changes to the Downtown Halifax Secondary Planning Strategy, Downtown Halifax Land Use Bylaw or the municipal design manual may be required. These processes, with statutory procedural obligations, can be time consuming and the outcome cannot be presupposed. Accommodation for these processes should be factored into the workplan for the redevelopment of this property.

Recommended approach

For HRM to realize an appropriate use for the site other than as a library or park the restrictions on the grant must be lifted. It is recommended that the CAO develop a proposal for the former Memorial Library building in partnership with the Province of Nova Scotia and Dalhousie University that would include a public atrium, educational space, HRM premises, commercial and retail space. The proposal should include an analysis of both a P3 arrangement and an HRM design build own option.

As part of this process staff would return to Council in 2019 with the results and recommendation on the building's reuse strategy including financial implications.

FINANCIAL IMPLICATIONS

There are no financial implications directly associated with the recommendation. Staff will inform Council

of the financial implications in the future report with the results and recommendations on the building reuse strategy.

The Class D estimate completed by Dalhousie to construct the new building is \$20M., however given the development parameters and potential unknown site conditions the estimate is likely better stated as \$25 to \$30M.

RISK CONSIDERATION

The building envelope and its interior systems are generally end of life. Continued deferral of maintenance and recapitalization work increases the liability and risk of holding a vacant building.

COMMUNITY ENGAGEMENT

There are no matters of community engagement arising from this report now. Any future change in use would be subject to inclusive public engagement.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications arising from this report now. The historical and cultural significance of the site, such as the burial grounds, would be assessed going forward by undertaking an Archaeological Resource Impact Assessment.

ALTERNATIVES

1. Council could direct the demolition of the memorial library and reinstatement of the property in its entirety as a municipal park.
2. Council could request the reversion of the site to the Province.

ATTACHMENTS

Attachment 1 - Letter from Bernard Miller, Q.C. Deputy Minister Business, Province of Nova Scotia dated October 19, 2018

Attachment 2 - Conceptual Plans for the former Memorial Library as prepared by Dalhousie University

If the report is released to the public, a copy can be obtained by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Peter Stickings, Manager, Corporate Real Estate, Finance and Asset Management,
902-476-8237



Business
Office of the Deputy Minister

1660 Hollis Street
Centennial Building, Suite 600
PO Box 2311
Halifax, NS B3J 3C8
Canada

902 424-2901 T
902 424-0514 F
novascotia.ca

OCT 19 2018

Mr. Jacques Dubé, CAO
Halifax Regional Municipality
City Hall, 1841 Argyle Street
PO Box 1749
Halifax, NS
B3J 3A5

Via Email: dubej@halifax.ca

Dear Mr. Dubé:

On behalf of the Province of Nova Scotia, I was pleased to meet with you to discuss Halifax Regional Municipality's interest in the potential redevelopment of the former Halifax Memorial Library.

The Province is supportive of a proposal that would see mixed use development in the former Halifax Memorial Library (including a public atrium, educational facilities, HRM planning, and leased commercial/retail space). The property is an important site in the downtown core and its renewal will be of benefit to the greater community.

The Province looks forward to continuing discussions. As requested, please find attached an outline of the development parameters discussed on April 26, 2018.

Original Signed

Bernard Miller, Q.C.
Deputy Minister

Attachment

- c. Mr. Duff Montgomery, Deputy Minister, Department of Labour and Advanced Education
Mr. Kent Roberts, Managing Director, Department of Business
Mr. Matt Hebb, Assistant Vice-President Government Relations, Dalhousie University

Development Parameters

Last updated: October 19, 2018

Required Restrictions

The Province is requiring the following Restrictions on the Property be contained in an agreement between the Province and HRM:

- Triangle Park (Lot L-2 on a Plan of Survey attached as Schedule A) remains a space open for public use.

Proposed Parameters

The Province is proposing the following Parameters be included in an agreement (the Agreement) between the Province and HRM regarding future changes in use of the site:

- The Province, as represented by the Minister of Business, will be consulted on any future changes in use of the site.
- The existing footprint of the building is not increased below grade.
- At least 51% of total usable space, including all the usable space on the ground floor, remains open and accessible to the public/public space and is used for public purposes during regular open hours.
- Historical and cultural significance of the site, such as burial grounds and war memorials, is respected and acknowledged in any design and future use. The façade will be preserved.
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ATTACHMENT 2.0



ATTACHMENT 2.1



ATTACHMENT 2.2

