

Item 9.1.2

HALIFAX

Case H00498

Amendment to By-law (H-200) to Revise
Heritage Impact Statement Requirements

Heritage Advisory Committee
Wednesday, October 27, 2021

Origin

On April 14, 2020, Regional Council passed the following motion:

That Halifax Regional Council request a staff report with recommendations in support of protecting registered heritage properties when they are affected by development by considering the following items:

- i. That a heritage impact statement as defined by HRM By-law H-200 be required in support of any discretionary planning application or site plan approval application that includes or abuts a registered heritage property; and*
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Heritage Property Act *and* HRM Conservation Standards



Heritage Property Act
CHAPTER 199
OF THE
REVISED STATUTES, 1989
amended 1991, c. 10; 1998, c. 18, s. 561; 2010, c. 54

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**An Act to Provide for the Identification,
Preservation and Protection of
Heritage Property**

Short title

1 This Act may be cited as the Heritage Property Act. *R.S., c. 199, s. 1.*


Purpose

2 The purpose of this Act is to provide for the identification, designation, preservation, conservation, protection and rehabilitation of buildings, public-building interiors, structures, streetscapes, cultural landscapes, areas and districts of historic, architectural or cultural value, in both urban and rural areas, and to encourage their continued use. *R.S., c. 199, s. 2; 1991, c. 10, s. 1; 2010, c. 54, s. 1.*

Interpretation

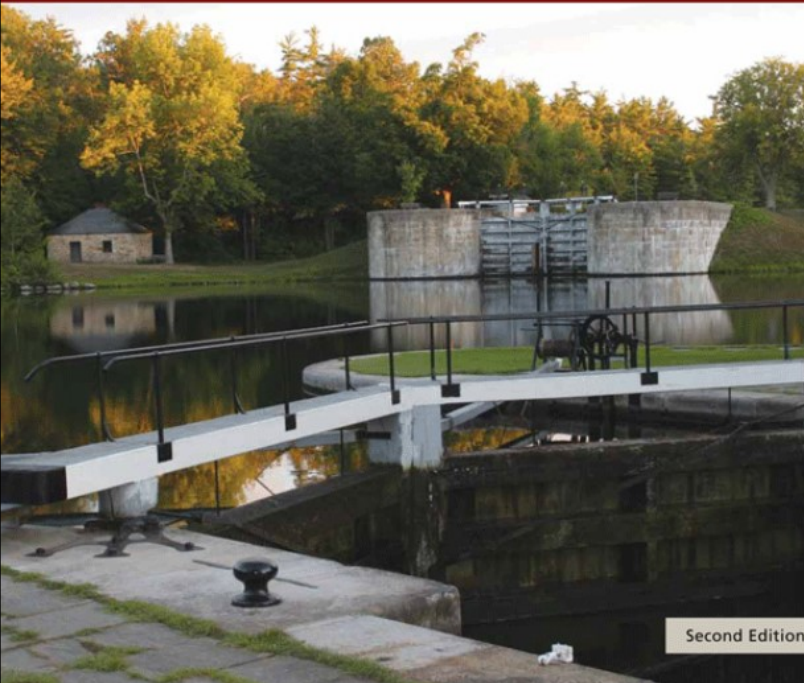
3 In this Act,

- (a) "Advisory Council" means the Advisory Council on Heritage Property;
- (b) "alter the exterior appearance" includes move in whole or in part;
- (c) "building" includes the land and structures appurtenant thereto;
- (ca) "certificate" means a certificate of appropriateness issued by a heritage officer certifying that a proposed development conforms with the requirements of a conservation by-law;
- (caa) "character-defining elements" means the materials, forms, location, spatial configurations, uses and cultural associations or meanings that contribute to heritage value and that must be sustained in order to preserve heritage value;
- (cb) "conservation by-law" means a heritage conservation district by-law adopted and approved pursuant to this Act;
- (cc) "conservation plan" means a heritage conservation district plan adopted and approved pursuant to this Act;

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STANDARDS AND GUIDELINES
FOR THE CONSERVATION OF
HISTORIC PLACES IN CANADA

A Federal, Provincial and Territorial Collaboration



Second Edition

By-Law H-200 and Content of Heritage Impact Statements

HALIFAX REGIONAL MUNICIPALITY BY-LAW NUMBER H-200

RESPECTING THE ESTABLISHMENT OF A HERITAGE ADVISORY COMMITTEE AND A CIVIC REGISTRY OF HERITAGE PROPERTY

BE IT ENACTED by the Council of the Halifax Regional Municipality, under the authority of the Heritage Property Act, R.S.N.S. 1989, Chapter 199 as follows:

Short Title

- 1 This By-law shall be known as By-law No. H-200 and may be cited as the "Heritage Property By-law".

Interpretation

- 2 In this By-law,
- (a) "Act" means the *Heritage Property Act*, R.S.N.S. 1989, Chapter 199.
 - (b) "Committee" means the Heritage Advisory Committee of the Halifax Regional Municipality;
 - (c) "Council" means the Council of the Region;
 - (d) "Heritage Impact Statement" means a study to determine 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."
 - (e) "Municipal Heritage Property" means a building, public building interior, streetscape, cultural landscape or area registered in the Registry of Heritage Property for the Halifax Regional Municipality;
 - (f) "Region" means Halifax Regional Municipality; and
 - (g) "Registry" means the Heritage Property Registry of the Halifax Regional Municipality.

Heritage Advisory Committee

- 3 (1) There is hereby created the Heritage Advisory Committee.

Composition of Committee

- (2) The Committee shall consist of not more than twelve members, who shall be

Schedule "A" Content of Heritage Impact Statements

A heritage impact statement is a study to determine if any heritage resource will be impacted by a specific proposed development or site alteration. It can also demonstrate how the heritage resource will be conserved in the context of redevelopment or site alteration. Mitigative or avoidance measures, or alternative development or site alteration approaches may be recommended. A heritage impact statement contains, but is not limited to the following information:

- (a) Identification of Heritage Value and Character Defining Elements based on information available in the HRM Registry of Heritage Properties or Inventory of Potential Heritage Properties, supplemented by additional research, site analysis, or evaluation as necessary.
- (b) Description of the Proposed Development or Site Alteration. This description details the rationale and purpose for the development or site alteration, the proposed works and graphical layout, and how the development or site alteration fits with the objectives of the municipality as expressed in planning documents.
- (c) Measurement of Development or Site Alteration Impact. Any impact (direct or indirect, physical or aesthetic) of the proposed development or site alteration must be identified. The effectiveness of any proposed conservation or mitigative or avoidance measures must be evaluated on the basis of established principles, standards and guidelines for heritage conservation.
- (d) Consideration of Alternatives, Mitigation and Conservation Methods. Where an impact on a heritage resource is identified, and the proposed conservation or mitigative measures including avoidance, are considered ineffective, other conservation or mitigative measures, or alternative development or site alteration approaches must be recommended.
- (e) Implementation and Monitoring. This is a schedule and reporting structure for implementing the recommended conservation or mitigative or avoidance measures, and monitoring the heritage resource as the development or site alteration progresses.
- (f) Summary Statement and Conservation Recommendations:
 - The heritage value and character defining elements of the heritage resource.
 - The identification of any impact that the proposed development will have on the heritage resource.
 - An explanation of what conservation or mitigative measures, or alternative development or site alteration approaches are recommended to minimize or avoid any impact on the heritage resource.
 - If applicable, clarification of why some conservation or mitigative measures, or alternative development or site alteration approaches are not appropriate.

The Heritage Impact Statement



The HIS is a study to determine if any heritage resource will be impacted by a specific proposed development or site alteration.

HALIFAX

When is a HIS Required?



The Heritage Property By-law (H-200) may require a Heritage Impact Statement if a proposed development is a “rooftop addition” that exceeds “50% of the gross floor area of the existing building” only in Downtown Halifax.

HALIFAX

Abutting Development



This report is not making recommendations for Heritage Impact Statements pertaining to abutting development.

The Municipality is currently preparing amendments to the Regional Plan, Centre Plan and Downtown Halifax Plan.

HALIFAX

Heritage Conservation Districts



This report is not making recommendations for Heritage Impact Statements pertaining to HCD By-laws.

The Municipality is currently preparing amendments to two of the three existing HCDs and preparing a HCD By-law for a new area in Downtown Halifax.

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- ii. That heritage impact statements submitted to the municipality as part of any planning or heritage application be signed by a heritage professional as recognized by the Canadian Association of Heritage Professionals.*

Heritage Professional Organizations

ICOMOS Canada is focused on developing best practice documentation for the conservation of buildings, landscapes, and sites in Canada, whereas CAHP is focused on professional practice directly affecting the identification and conservation of heritage properties.



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Proposed Amendments to By-law H-200

Applications for Substantial Alterations and Demolitions

11A (1) An application for a substantial alteration of a municipal heritage property shall include:

- (a) drawings or photos showing the existing conditions and identifying existing materials, before the proposed alterations; and
- (b) a written statement describing the scope of work and rationale for the proposed alterations.

(2) Upon review of the application, the Heritage Planner may require the applicant to submit such additional information as the Heritage Planner may require, including:

- (a) detailed elevation drawings of the areas affected by the proposed alterations, identifying all proposed materials; and
- (b) site plan, drawn to scale, showing the proposed alterations, and such plans and drawings shall be prepared by an appropriately qualified professional and must be scalable and clearly labelled.

Proposed Amendments to By-law H-200

11B (1) Outside the boundaries of any Heritage Conservation District, where an application is made for:

(a) the demolition of a municipal heritage property; or

(b) the substantial alteration of a registered heritage property where the gross floor area of any proposed new construction exceeds fifty percent (50%) of the gross floor area of the existing building(s) on the property, a complete application shall include a Heritage Impact Statement in accordance with Schedule A-1.

(2) The Heritage Impact Statement shall be prepared by a Qualified Heritage Professional with knowledge of accepted heritage conservation standards, and experience in a field of professional practice relevant to the proposed work.

(3) Upon review of the Heritage Impact Statement, the Heritage Planner may require the applicant to submit such additional information as the Heritage Planner may deem necessary for the Heritage Impact Statement to be complete.

(4) The complete Heritage Impact Statement shall become part of the application.

(5) Subsection (2) comes into effect one year from the date of the approval of By-law H-204 by the Minister.

The logo for the City of Halifax, featuring the word "HALIFAX" in a bold, blue, sans-serif font. The letters are spaced out, and the "H" and "A" are slightly larger than the other letters.

Revisions to HIS Requirements



HALIFAX

Benchmarking

At a minimum, these jurisdictions require a HIS for any development within a registered heritage property, and most also require a “qualified heritage conservation professional” to prepare the Statement.



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Recommendation

It is recommended that the Heritage Advisory Committee recommend that Halifax Regional Council adopt By-law H-204, amending By-law H-200, the Heritage Property By-law, as set out in Attachment B.