The Twisted Sisters: Disputing Iconic Urban Design

Jill L. Grant
Chloe Gillis

An analysis of a dispute over high-rise buildings proposed for downtown Halifax, Canada, reveals the ascendance of new popular theories affecting planning discourse, processes, and outcomes. The dispute pitted advocates of iconic urban design against groups committed to heritage conservation in an older urban district. Project proponents employed urban design ideas to weaken heritage protection (historic preservation) and used creative class arguments to support high-rise structures in a low-rise zone. The case provided part of the context within which the city ultimately developed urban design policies and plan processes that substitute public participation with professional expertise.

Planning activities such as development disputes reflect dominant theories, values, and processes of the times in which they occur (Forester 1989; Gottdiener 1994). While the particulars of cases inevitably vary so that direct comparison of how matters are handled is rarely possible, detailed examination of disputes can expose the types of arguments presented by various stakeholders, and how they relate to the dominant theories of the time. This paper examines the dispute around a development known locally in Halifax, Nova Scotia, as the Twisted Sisters case. In 2005, a developer applied to build two twisting, 27-storey towers on a downtown site, exceeding the as-of-right height limits by over 200 feet. After City Council approved the project, heritage advocates appealed, but lost their case. Despite gaining all the necessary approvals, the project never broke ground, and the original development agreement with the city expired in 2010.

An examination of land use disputes in Halifax indicates that many themes, strategies, and theories employed by heritage advocates remained constant over the decades. Heritage advocates continue to argue that new development should be sympathetic to heritage buildings and conserve views of the harbor from the heights of the Citadel Hill fortress at the heart of the city (see Figure 1). By contrast, the arguments that development proponents and city planners made in the Twisted Sisters case reveal the extent to which planning activities and decisions are influenced by fashionable theories, and how new theories affect planning arguments, processes, and outcomes.

The paper begins by setting the context of development in Halifax before proceeding to discuss the Twisted Sisters case. The concluding section reflects on new theories appearing in the dispute, and their implications for community engagement in future.

Jill L. Grant is a Professor of Planning at Dalhousie University in Halifax, Canada. Her current research projects focus on trends in suburban areas, health and the built environment, and planning for creative cities.

Chloe Gillis graduated with a major in Urban Design Studies from Dalhousie University in May 2012. Her honors thesis examined the development project reported here.
In 1996, the Province of Nova Scotia amalgamated the City of Halifax with two nearby municipalities and the larger county to create Halifax Regional Municipality. By the early years of the 21st century, theories related to new urbanism and smart growth influenced planning disputes in Halifax and a regional planning exercise was underway to coordinate planning across the vast municipality (Grant 2007). The positions of heritage advocates had not changed from the earlier period but planners’ logics had altered as they paid greater attention to issues of human scale, urban vitality, and smart growth (Grant 2007).

After Richard Florida (2002; 2005) visited the city in 2004 (HRM 2004), his ideas about the need for cities to attract and retain the creative class (that is, talented and creative workers) were adopted into economic and other policies (Gertler and Vinodrai 2004; HRM 2005; Grant and Kronstal 2010). The middle part of the decade also witnessed growing interest in urban design. The city hired a staff expert and launched a process to develop an urban design strategy. Recent disputes reveal the growing influence of creative cities and urban design theories in planning discourse.

The Case

On 16 December 2005 the City’s administrative officers forwarded case 00709, a development agreement for the former Texpark site, to the Heritage Advisory Committee (HAC) and to the District 12 Planning Advisory Committee for consideration with the recommendation it be approved (English and Anstey 2005). Located in the CBD amidst a mix of low-, medium-, and high-rise buildings and vacant lots, the site was near several registered heritage properties and two blocks from Halifax harbor (see Figure 2). The site previously housed a gasoline station and car park that were demolished in 2004 after the city built a...
new public parking structure nearby. After arranging to purchase the land from the city, United Gulf Developments proposed to build a mixed-use development with a common four-level podium and two towers of 27 storeys each. As-of-right zoning for the site permitted a height of 40 feet, but the plan allowed Council to alter that limit through the negotiated development agreement process, provided that other plan policies were respected. The proposed towers would soar 285 feet above Hollis Street (see Figure 3).

The developer presented a design by Hariri Pontarini of Toronto, an internationally respected architectural firm (Hariri Pontarini 2011). Drawings showed towers of glass, stone, and metal twisting upward, seemingly defying gravity. The slender tower would feature a high-end hotel while the chunkier tower would include condominiums. The podium would house restaurants, retail, and office space. The twisted towers design—soon dubbed the “Twisted Sisters”—received rave reviews from many architects and architectural critics (Bentley Mays 2006; Canadian Consulting Engineer 2006). Local designers welcomed the proposal for tall buildings and complimented the architects for “not just making this your basic shard in the sky” but creating something “elegant” with a “post-modern sensibility” (Van Berkel 2006).

Relevant policies for deciding the case dealt with ensuring appropriate scale, design, massing, and compatibility with the block pattern and heritage buildings; creating a lively and vibrant pedestrian environment downtown; protecting views from the Citadel; minimizing impacts related to wind, shadows, and traffic; and optimizing economic and social benefits from the project. Staff advised committees and decision makers that the “Council has a high degree of latitude” in determining desirable characteristics of the area, what aspects should be reinforced, and what range of heights and massing are appropriate (HRM Planning 2006, 3). Staff indicated that “when taken together in their entirety” plan objectives and policies supported the proposal on this site (HRM Planning 2006, 3), but they recognized that the project would be opposed by others. They recommended that Council approve the development agreement.

As is usually the case with development agreements, the community heard nothing about the project until staff announced it would hold a community-wide public information meeting on the evening of 19 January 2006. The day before the information meeting, the HAC considered the project. Although the HAC meeting was not a scheduled public participation event, the committee agreed to hear from concerned community members present. The city planner, PS², presented the project and explained relevant municipal planning strategy policies. Heritage policies in the plan sought to preserve and restore heritage resources in city center. Protecting views and limiting heights around Citadel Hill were of special concern during discussions at the HAC meeting. Questions arose about the meaning of “vicinity”, “adjacent”, and “immediate environs” in heritage policies such as 6.3 and 6.4.

6.3 The City shall maintain or recreate a sensitive and complimentary setting for Citadel Hill by controlling the height of new development in its vicinity to reflect the historic and traditional scale of development.

6.3.1 The intent of such height controls shall be to establish a generally low to medium rise character of development in the area of approximately four traditional storeys in height immediately adjacent to Citadel Hill and increasing with distance therefrom…

![Figure 2: Location map from the staff report with nearby heritage properties and a protected view-plane radiating from Citadel Hill. Image courtesy of Chloe Gillis (based on HRM Planning 2006, Map 1).](image-url)
6.4 The City shall attempt to maintain the integrity of those areas, sites, streetscapes, structures, and/or conditions which are retained through encouragement of sensitive and complementary architecture in their immediate environs. (HRM Planning 2006, 22)

Planner PS indicated that staff determined that a site six blocks away from the Citadel was not in the vicinity: hence height limits and policies did not apply (HAC 2006, 4). Heritage advocates argued that the proposed project was in the vicinity of the Citadel and pointed to previous cases that had denied high-rise structures nearby (see Zimmer 2006). When the motion on the development agreement reached a vote the HAC in its advisory report recommended Council reject the project.

Another significant definitional issue that arose at the HAC meeting reflected the growing influence of urban design in affecting such cases. Planner PS suggested to HAC that the proposed buildings would present a background view that “would provide a positive contrast and complement the adjacent heritage properties” (HAC 2006, 5). Understandings of the implication of “complementary” clearly differed. Taking the meaning suggested from the unique spelling presented in plan policy 6.3 (above), heritage advocates looked for architecture which would “compliment” heritage structures. That is, they believed that new structures should reinforce and perhaps reproduce traditional elements to highlight pre-existing structures. Others involved in the dispute argued that the plan intended to require “complementary” architecture (see policy 6.4 above). This spelling, which occurred in other provisions in the plan, was advanced to encourage contrast or difference in the streetscape. The case soon became a battle between those advocating heritage-sensitive design and those promoting contemporary urban design approaches to urban redevelopment.

At the public information meeting on January 19, planner PS introduced the project and the staff recommendation while the developer’s planner, AM, and the project architect, SH, explained elements of the design. AM described the project as a signature building which would improve the skyline, refresh the vision of downtown, and “kick-start more economic vitality in the downtown” (HRM Planning 2006, 35). She noted the economic benefits of the project and its ability to increase the number of people living downtown. She indicated that the project complied with plan policies and did not impede protected views from the Citadel. She said the project followed guidelines from city staff indicating the kind of uses and building they wanted to consider. The architect, SH, explained through a computer design presentation how designers created the exceptional building they proposed.

Many comments and questions came from people long committed to heritage and planning issues in Halifax. Some talked about problems generated by previous high-rise buildings, including “signature buildings” (HRM Planning 2006, 40). Several people talked about the need to protect views, and minimize wind and shadows. They criticized the process for giving them little time to prepare responses. Several participants spoke in favor of the project while explicitly dismissing heritage concerns. One was quoted as saying “the Halifax mentality … [wants] to keep it low rise and historic and the ‘shanty-town’ look” (HRM Planning 2006, 35). Another person “commented that he felt Halifax has been suffering from re-creationalism” (HRM Planning 2006, 42). Several participants congratulated the architect on designing a “21st century building” (HRM Planning 2006, 41, 42) that was advancing urban design in the city. With the end of the public information session, discussions moved into the deliberation phase.

The District 12 Planning Advisory Committee (PAC), the local subcommittee of Council charged with advising on planning applications, considered the matter at its meetings on January 16 and 23 (PAC 2006a). One member outlined elements of policies supported by the project and noted the buildings would not intrude into protected view-planes (see Figure 2). Some members emphasized that the view-planes protected only designated views, not the entire or panoramic view of concern to heritage advocates. Several appreciated the quality of the design offered, and some indicated that “it is possible to complement heritage with innovative designs,” or contrasting elements (PAC 2006b, 7). While a councilor on the PAC flagged a concern about height, only one member argued that the project was not consistent with plan policies on scale and density or heritage. Members agreed that plan policies were vague and terms needed defining. They hoped the new regional plan and urban design strategy would clarify conditions. One PAC member noted “the need for Halifax to define a vision for the city and ensure clarity in policies and legislation so there will be no need to assess developments on a case by case basis” (PAC 2006b, 8). The PAC ultimately voted to recommend the project to Council.

Halifax Regional Council held public hearings on the case on February 28 and March 7, 2006. Many issues raised by the various parties earlier were repeated, while some new themes emerged or were added. At the February 28 session, the project architect, SH, suggested that the city was facing “an extraordinary moment for an architect to produce something the world might notice” (HRM Council 2006a, 12). A spokesman for the developer reinforced the point, noting “The site was purchased with the intention of creating a landmark building for Halifax...an innovative and artistic focal point for downtown” (HRM Council 2006a, 12). Heritage advocates vociferously responded that Halifax already had landmarks and icons (including Citadel Hill) and did not need tall buildings that would block views. A strong and equally forcefully pro-project lobby spoke to the design quality of the project and the artistic statement the buildings could make. Moreover, proponents often linked the project design to the City’s ability to attract and retain young people and to grow in a “smart” way. For instance, one person said, “This project is an icon for international students by showing...
them there is development and improvements being made and a capacity for them here” (HRM Council 2006a, 13). Another said, “Residents owe it to their children to build the right infrastructure… [A] city that looks old and acts old is not what we need as we grow” (HRM 2006a, 14). Proponents commonly linked the project to the city’s progress or ability to move forward or be future-oriented. One person called for “a growth strategy for this millennium” (HRM Council 2006a, 15). Project supporters argued that providing housing and mixed use would help to prevent sprawl, encourage a vibrant downtown, and attract young people.

At the second session of the public hearing on March 7, 2006 just under 20 heritage advocates made their cases about why Council should refuse the project, pointing to specific policies in the plan and to potential economic impacts to tourism, social impacts to the community, and loss of urban character (HRM Council, 2006b). Two people opposing the project derided Canada’s largest city in criticizing the project. “Halifax is not Toronto requiring a CN Tower to make it memorable”, one said (HRM Council 2006b 23). Ten people spoke in favor of the development, generally arguing that the design quality was high: many spoke of the building as a work of art or sculpture, and pointed to the world renown enjoyed by the architect. Proponents set heritage and modern design as contrasts, clearly favoring contemporary architecture. One person commented, “Halifax is not a movie set, nor is it a Victorian theme park … We must respect our heritage, but not be prisoner to it” (HRM Council 2006b, 19). Another said, “Our history should not be diminished, but neither should our opportunity for the future be diminished by the past” (HRM Council 2006b, 29). Some linked the project to investment and opportunity: “Approval will encourage youth to stay and attract additional investment” (HRM Council 2006b, 26). Another said, “Halifax does need to cater to the growing class of young professionals who will one day be leaders” (HRM Council 2006b, 29).

On 15 March 2006, Council received supplemental information both from planners and the developer. The staff report noted that although the project supported some policies and contradicted others, “[s]taff have concluded that, on balance, the proposal is consistent with” the plan (Anstey 2006, 3). Planners explained why they had recommended against high-rise structures in previous cases near the Citadel but in the present case they believed a higher building was permissible (Anstey 2006, 5-9). The staff report suggested referring questions of plan definitions and clarity to the urban design study approved at the previous meeting of Council.

At the 21 March 2006 meeting, Regional Council heard a report from the developer’s planner, AM, about wind studies on the project and final comments, indicating that “The building will be prominent and make its own statement in the skyline as a structure of the early 21st century” (HRM Council 2006c, 12). In discussing their positions on the proposal, several councilors described the plan as outdated or ambiguous, although most suggested that the project complied with plan policies. One councilor noted that “Younger people want a living, vibrant, exciting city and Council is obliged to provide that type of environment so that people will stay and be provided with opportunities” (HRM Council 2006c, 16). Many councilors talked about the need to look to the future, create new heritage, and move forward. When the count was taken, fifteen councilors voted in favor and five against.

Heritage advocates appealed Council’s decision to the Nova Scotia Utility and Review Board but failed to convince the tribunal that the project approval contravened the municipal planning strategy policies and intents (NSUARB 2007). Thus the project was set to go. The developer predicted his project would inspire others and revitalize downtown (Pugsley Fraser 2007). Project proponents rejoiced at the prospects of a signature building rising downtown as a symbol of the 21st century (Dooley 2007; Pugsley Fraser 2007).

Between 2006 and 2009, city staff continued work on an urban design strategy to govern future development downtown. The new downtown plan responded directly to lessons learned from the Twisted Sisters case and others (Bousquet 2008). For instance, the section of the 2009 plan on “why we need a downtown plan” reinforced messages uttered in the Twisted Sisters dispute:
The overall goals of this Plan include fostering a positive downtown development climate, making a beautiful public realm, improving heritage protection, investing in public spaces, promoting high quality architecture, and well-designed streetscapes. These objectives are taken into consideration and balanced among each other at all times in the planning process. This Plan will:

(a) improve heritage protection and heritage assistance;

(b) create clarity and predictability in the development approval process so that quality development can occur more efficiently and with fewer appeals … (HRM 2009, 4).

The new plan created precincts with pre-approved height limits and focused on regulating form rather than use. Thus by the end of the first decade of the 21st century, Halifax had adopted an approach to downtown planning that privileged design over democratic engagement practices. The extensive processes of public information meetings, public hearings before elected council, and appeals to tribunals enabled by previous policy yielded to design reviews by expert committees, expedited staff reviews of projects, and discretionary approvals. The Twisted Sisters case was the last in a long lineage of community disputes where residents would enjoy extensive opportunities to challenge planning arguments and to make their views known to decision makers.

Theories in Dispute

The Twisted Sisters case revealed the persistent use of some planning theories and ideas along with the deployment of new planning, design, and development notions. The case highlights how, since the 1970s, heritage advocates and those opposing tall buildings in Halifax have consistently applied arguments about the character of the city, the contribution of heritage to the economy, and the intent of plan policies. These advocates draw upon the work of influential thinkers like Jane Jacobs, and have recently connected smart growth with the need for human scale, medium density, mid-rise buildings, and mixed land uses. Over the years they have become proficient in documenting the significance of specific plan policies to make their case and have developed technical challenges to developers’ scientific studies. Allusions to Jane Jacobs’s thoughts on vibrant urban districts, to smart growth discourse, and to rational approaches to presenting evidence commonly appeared in planners’ contributions as in the developer’s presentations.

The case also illustrates the ascendance of new paradigms in planning discourse: namely, the urban design approach and the creative class argument. Planning staff presenting the case to the public, to advisory groups, to Council, and to the appeal tribunal were careful to argue the case in terms of plan policies and objective standards. They spoke often about the need to balance or weigh conflicting policies. They tried to steer clear of editorializing or theorizing to explain their positions. Other parties to the case, however, frequently espoused popularized theories to justify their opinions on the project.

By retaining an internationally recognized architect to design an innovative concept, the developer made urban design a key issue. Convincing Council to approve a building over 280 feet high in an area zoned for 40 feet demanded something spectacular. Staff anticipated the issues that would arise and flagged the significance of design:

“The limited experience HRM has had with tall buildings has resulted in several tall buildings which have created harsh pedestrian environments and are unsympathetic to adjacent heritage assets. It is therefore not surprising that many citizens oppose taller buildings. Architecture and urban design, however, have come a long way towards understanding how to create liveable cities since the unadorned glass and concrete slabs which were constructed in the 1960’s and 70’s. There are numerous proven strategies for making taller buildings fit into and even enhance a city.” (HRM Planning 2006, 5)

Project supporters consistently pointed to the quality and innovation of the project’s architecture as contributing to the urban environment and warranting approval of the development. They described the design as visionary, artistic, and iconic. Speakers imagined that Halifax’s future and its ability to compete internationally as a world-class city depended on the construction of tall buildings downtown with new materials and innovative designs. Thus the potential for signature architecture went hand-in-glove with thinking about what attracts the creative class to cities. The hypothesis that innovative development would create conditions which might attract young people to Halifax grew throughout the case. It proved rare in early discussions, but by the final public hearing was a common thread in proponents’ arguments. During this period, a group of young people, led by an individual working for the local economic development agency, created Fusion Halifax, which is an organization for 20- to 40-year-old professionals (Fusion Halifax 2011). The Twisted Sisters case helped create a focus for young professionals committed to a high quality of urban design.

Looking Ahead

Those who expected this new era in which Council approved iconic architecture that would entice young professionals to Halifax may have been disappointed when the project did not materialize (Bousquet 2008). Despite offering frequent reassurances (Pugsley Fraser 2008; Reynolds 2010), the developer let the development agreement with the City expire (Taplin 2011). If the
City does not grant an extension on the agreement, the project would need to comply with the new downtown plan standards which may apply a maximum height of 20 storeys in that location (HRM 2009, Map 5). As if to up-the-ante in negotiations, however, United Gulf submitted a new proposal to Council in July 2011 for Skye Halifax: two 48-storey twisting condominium towers (CBC Radio 2011). The developer alluded to urban design qualities and creative class appeal in its new web site:

“Through sculpted design, the structures with their beacon-like rooftop features, will show case [sic] the city and establish Halifax as an international destination. The unique architecture will enhance Halifax’s reputation as a city of contrasts—one that celebrates its past while embracing its future on the world stage.” (United Gulf 2011)

The ultimate disposition of the site remains unsettled. While it seems likely that old arguments will resume, new planning mechanisms put in place through the downtown urban design plan may limit opportunities for public participation in the decision.

After the disasters of urban renewal—an era when experts evaluated problems and imposed solutions—planning processes in the 1960s and 1970s became important sites for contention and public dispute in community planning. In Halifax as in other locales, residents took advantage of opportunities to participate in shaping the future of their communities, not only through providing input into plans, but by engaging in the implementation process. Recent innovations in planning theories and processes may provide greater certainty for developers and focus on ensuring improved urban vitality through excellence in urban design, but along the way they may reduce opportunities for community residents to influence particular development outcomes. In this new era—when urban design plans streamline development approvals and give planners, urban designers, and city architects the power to accept projects with limited public input—the application of expertise carries new and awesome responsibilities. The Twisted Sisters case provides a useful illustration of a period that may come to be seen as transformative to ideas and processes in the history of the planning profession. Only time will tell if the move to greater discretion for designers and planners is ultimately marked as the ascendance of professional expertise in service of urbanity or as the end of community-based planning.

References


Endnotes
1 Meeting minutes, reports, web sites, and press coverage were examined for this study.
2 Although names are part of the public record, here initials identify participants in the process.