


**Community Design Advisory Committee – September 19, 2012
Community Planning & Economic Development – October 11, 2012**

TO: Chairs and Members of Community Design Advisory Committee and
Community Planning & Economic Development

SUBMITTED BY:



Richard MacLellan, Acting Director, Planning & Infrastructure

DATE: August 9, 2012

SUBJECT: Centre Plan Phase 1 – Change in Approach and Schedule

ORIGIN

- October 4, 2011, Regional Council initiation of Centre Plan.
- February 9, 2012, Community Planning & Economic Development Standing Committee approval of the schedule, approach, and the Communication and Public Engagement Strategy for Centre Plan Phase 1.
- February 28, 2012, Regional Council initiation of MPS amendment process related to Centre Plan Phase 1.
- Setback in obtaining requested amendments to the HRM Charter from the Nova Scotia Legislature.

RECOMMENDATION

It is recommended that the Community Design Advisory Committee recommend to the Community Planning & Economic Development Standing Committee the approval of:

1. The development agreement process, as an interim approach to deal with development approvals within the Centre Plan Phase 1 corridors; and
2. The amended schedule for Centre Plan Phase 1, as contained in this report and detailed in Attachment A.

It is recommended that the Community Planning & Economic Development Standing Committee approve:

1. The development agreement process, as an interim approach to deal with development approvals within the Centre Plan Phase 1 corridors; and
2. The amended schedule for Centre Plan Phase 1, as contained in this report and detailed in Attachment A.

BACKGROUND

On October 4, 2011, Council approved the scope and schedule of the HRMbyDesign Centre Plan, which will deliver a new municipal planning strategy and land use by-law for the entire Regional Centre by 2015.¹ The Centre Plan will focus on the provision of complete walkable communities, protection of the scale and character of existing neighbourhoods, and removing barriers to well designed and appropriately scaled development along the Regional Centre's major corridors and opportunity sites.

However, on February 9, 2012, the Community Planning & Economic Development Standing Committee (CPED) approved a motion to expedite work on the HRMbyDesign Centre Plan by initially focussing on 11 commercial corridors and opportunity sites within the Regional Centre (Phase 1).² The shift in focus was recommended by staff to address the desire for immediate planning policies to capture growth opportunities. Phase 1 was to be completed by October 2012.

The approach for Phase 1, recommended by staff and approved by CPED, was to proceed with amendments to existing municipal planning strategies and land use by-laws to allow for the consideration of development proposals within the 11 commercial corridors and opportunity sites, through the site plan approval and density bonusing processes that are currently established in the Downtown Halifax Plan Area. As density bonusing and the ability to regulate the external appearance of structures in a site plan were not enabled by the HRM Charter outside of the Downtown Halifax Plan Area, the approach was dependent on obtaining a number of necessary Charter amendments from the Nova Scotia Legislature.

Unfortunately, the Municipality was unsuccessful in obtaining its requested Charter amendments from the Province. The Nova Scotia Legislature adjourned its Spring Session on May 17, 2012, without introducing the requested amendments. This setback has required Planning & Infrastructure to rethink its strategy for the 11 commercial corridors and opportunity sites.

DISCUSSION

Approach

HRM staff are still of the opinion that density bonusing and the site plan approval process, as it relates to the ability to regulate the external appearance of structures, are the best mechanisms to provide clarity and predictability to the development application process and enable growth. These tools have been in place for the past three years in the downtown Halifax core and have resulted in a significant increase in the level of development activity over previous years. Expanding the use of the tools throughout the Regional Centre remains the best approach to

¹ The Regional Centre includes the area of Dartmouth located inside the Circumferential Highway and the Halifax Peninsula.

² Regional Council subsequently initiated a process on February 28, 2012, to amend the Halifax and Dartmouth municipal planning strategies to implement the Centre Plan Phase 1 project.

encouraging growth and densification in the growth corridors and providing opportunities for affordable housing. Site plan approval and density bonusing received strong support from a majority of residents that expressed their views during the RP+5 and Centre Plan Phase 1 public consultations.

However, without changes to Provincial legislation, HRM is unable to implement density bonusing and site plan approval (in regards to the external appearance of structures) in the Regional Centre, with the exception of downtown Halifax. It is uncertain whether the Provincial government will agree to amending the HRM Charter to allow them. Therefore, in order to continue moving the Centre Plan forward, number of potential alternative approaches to the site plan approval process have been contemplated and staff is now requesting direction from CPED on how to proceed forward. Based on our review, the Regional Centre team recommends the second of the following three options, with the third option as a back-up. Because each of these options represent a change from the approach outlined in the original Centre Plan public consultations, additional public engagements will be required to explain the reason for the revised approach and solicit feedback.

Option 1 – Traditional As-of-Right Approach

With this approach, the by-law regulations need to both capture the intended built-form and the design elements. The by-law would be completely prescriptive in nature. The overarching positive attribute to this approach is that it results in predictability and approvals are timely. There are however some negative aspects:

- a. In order to achieve the intended results, the by-law needs to be more detailed than it would be under a site plan approval process. By-Law drafting needs to be exact, so the results will not be as flexible as design standards.
- b. Given the exactness that needs to be pursued through a prescriptive approach, additional time will need to be taken beyond the proposed revised project schedule (Attachment A) to devise an as-of-right by-law.
- c. The ability to vary elements of the by-law would be limited to those matters that can be the subject of a variance pursuant to the Charter, such as yard requirements. Other matters such as tower widths, upper storey stepbacks, and minor matters such as the width of garage door entryways, will not be able to be considered other than with by-law amendments.

Option 2 – Development Agreement Approach

An option to the traditional as-of-right approach is to require that certain types of developments proceed through a development agreement process. Although this approach results in less certainty and additional time for approvals, there are positive attributes:

- a. Matters such as height and other built-form requirements can be specified so as to remove what are the most contentious matters that are currently associated with many development agreement applications, in essence, streamlining the approval process timelines;

- b. With height and other built-form requirements being specified, the time to both design buildings and negotiate development agreements is lessened somewhat;
- c. Simple intent rather than correctness can be used to articulate design objectives concerning matters such as streetscape elements; and
- d. Elements of the built-form provisions can be written to have degrees of flexibility.

A development agreement system would be more consistent with the approach that was outlined to CPED in the February 9, 2012, staff report. Of note, the Design Review Committee could be established as a Planning Advisory Committee. This would provide additional design expertise to Council. In addition, it is worthwhile to note that the development agreement approach is consistent with the approval systems in many other jurisdictions. In the City of Toronto, for example, the adoption of the Tall Buildings and Avenues studies has resulted in rezonings and combined site plan approval agreements processes. Finally, the development agreement criteria that would be drafted, if Option 2 were to be chosen, could easily be converted at a later stage to site plan approval criteria if the Municipality were to obtain the necessary changes to its Charter to proceed with site plan approvals in the rest of the Regional Centre.

Option 3 – Delay the Immediate Implementation of the Corridors Project

With the same rationale that the original approach to the corridors was dependent upon obtaining legislative changes to allow site plan approval, it could be decided to roll the information that has been gained from the project up to this point into the larger Regional Centre project, which is scheduled to begin in 2013. This would have the negative effect of plan amendment applications continuing to be made for site specific situations, but would allow staff to refocus on the entirety of the Regional Centre project and await potential amendments to the Charter.

Revised Schedule

Choosing between Options 1 and 2 would automatically result in a revised schedule, while the choice of Option 3 would revert the project schedule back to the delivery of the entire Centre Plan package by the end of the 2015 calendar year. As staff is recommending Option 2, only one proposed revised schedule has been prepared (see Attachment A). It is important to note that the revised schedule includes an additional public engagement in November to inform the public and the development community of the new approach and to gather feedback. The new schedule would push the original public hearing date by approximately five months into February 2013.

Existing Development Projects

It is important to note that the Phase 1 project causes no delays to development projects that are consistent with the existing planning policies and regulations. They continue to proceed through the as-of-right and development agreement processes. Some property owners agreed to be part of the Centre Plan Phase 1 process and put applications for site specific MPS amendments and Development Agreements in abeyance. These property owners will still be encouraged to stay in the Centre Plan process. This would result in the most timely processing of their development proposals. However, they can, if they choose, apply for an independent process.

Request from Provincial Government

Following the public consultation process held in April and May of this year, the Department of Community Services made a request to planning staff to extend the boundaries of one of the corridors to include properties that are currently being considered for redevelopment, potentially with an affordable housing component. Support for this request will be evaluated during a future public engagement exercise on Centre Plan Phase 1.

BUDGET IMPLICATIONS

The scope and schedule for work related to Centre Plan Phase 1, as presented in this report, will be funded entirely through existing approved budget allocations. No new funding is being sought. Funding is available in the Cost Centre C320 Planning.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Project and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Project and Operating reserves, as well as any relevant legislation.

COMMUNITY ENGAGEMENT

A revised approach to implementing Centre Plan Phase 1 warrants additional communication and community engagement to ensure that the community, property owners and other stakeholders are aware of any changes to the process, policies and regulations and have an opportunity to provide additional feedback.

The development of an as-of-right approach (Option 1) would require an extensive public consultation process in each of the 11 corridors, because it represents a major change and a new level of detail not envisioned in the original approach.

The development agreement approach (Option 2) will largely be consistent with the approach presented to the public to-date. While additional public engagements would still be warranted, the process could be fairly simple and should focus on communicating and seeking the community's feedback on the approach and the proposed policies and regulations. The process should clearly communicate the new approval process which would provide additional opportunities for community input. Depending on the option chosen, staff will return to CDAC with a more detailed community engagement plan consistent with the HRM Community Engagement Strategy.

A detailed report on community engagement will be tabled with CDAC, CPED and Regional Council, at the conclusion of the project.

ENVIRONMENTAL IMPLICATIONS

No environmental implications were identified.

ALTERNATIVES

1. CPED may direct staff to proceed with Option 2, the development agreement approach. This is the staff recommendation.
2. CPED may direct staff to proceed with Option 1, a traditional as-of-right approach.
3. CPED may direct staff to delay the implementation of the Corridors Project until the full Centre Plan is completed in 2015 (Option 3).

ATTACHMENTS

Attachment A: Centre Plan Phase 1 Revised Schedule

A copy of this report can be obtained online at <http://www.halifax.ca/boardscom/index.html> then choose the appropriate Committee and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

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Attachment A: Centre Plan Phase 1 Revised Schedule

Date	Centre Plan
July, 2012	July 25: HAC - Centre Plan presentation for information (at committee's request)
September, 2012	September 19: Revised approach and schedule to CDAC
	September 14 -October 19: Policy and regulations drafting by staff
	September 27: CDAC agenda package mail-out (response to public comments)
October, 2012	October 3: CDAC presentation on response to public comments + direction on final public engagement
	October 3: CPED agenda package mailout (revised approach and agenda)
	October 11: CPED presentation on revised approach and schedule
	October 11: CDAC agenda package mail-out (built form framework)
	October 17: CDAC presentation on built form framework
	October 22 - November 2: Internal Review (CRS & Legal) of MPS, LUB, and maps
	October 22 - November 30: Report writing (concurrent with internal review and final round of public engagement)
	October 24: HAC presentation on built form framework
November, 2012	November 6: All maps, policies and regulations posted on Plan HRM website
	November 19 - 22: Final round of public engagement
	November 23- 30: Final edits to staff report, maps, policies and regulations.
December, 2012	December 3: Centre Plan Phase 1 report to "Fintrack"
	December 13: CDAC agenda package mail-out (report, MPS, LUB, and maps)
	December 13: HAC agenda package mail-out (report, MPS, LUB, and maps)
	December 17-20: Special Meeting of HAC for Centre Plan Phase 1 deliberation and final approval
	December 19: CDAC Centre Plan Phase 1 deliberation and final approval
January, 2013	January 3: CPED agenda package mail-out (CDAC and HAC recommendation reports)
	January 10: CPED Centre Plan Phase 1 deliberation and final approval
	January 22: Phase 1 report first reading by Council (CDAC, HAC and CPED recommendation reports)
	January 26: Public hearing Ad #1 in newspaper
February, 2013	February 2: Public Hearing Ad # 2 in newspaper
	February 12: Centre Plan Phase 1 public hearing with Council