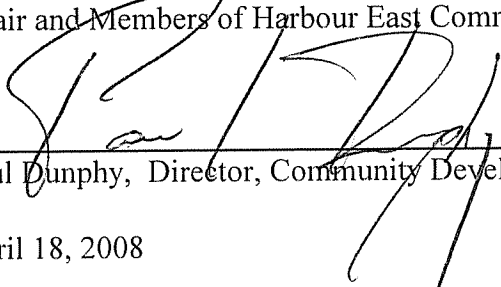


TO: Chair and Members of Harbour East Community Council

SUBMITTED BY: 
Paul Dunphy, Director, Community Development

DATE: April 18, 2008

SUBJECT: Case 01079: Five Storey Office Buildings in Dartmouth Crossing

ORIGIN

An application by EDM Ltd, on behalf of Dartmouth Crossing Ltd, to amend the Municipal Planning Strategy (MPS) and Land Use By-law (LUB) for Dartmouth to allow for office uses in buildings greater than three storeys in height in Dartmouth Crossing.

On December 4, 2007 Regional Council initiated a process to consider amending the Dartmouth MPS and LUB related to the above noted request.

RECOMMENDATION

It is recommended that **Harbour East Community Council:**

1. **Recommend that Regional Council** give First Reading to the proposed amendments to the Dartmouth Municipal Planning Strategy and Land Use By-law as provided in Attachment A;
2. **Recommend that Regional Council** approve the proposed amendments to the Dartmouth Municipal Planning Strategy and Land Use By-law as provided in Attachment A, to permit a single, five storey, office building in Dartmouth Crossing.

BACKGROUND

In 2006, Dartmouth Crossing Limited began the construction of a new retail/ commercial complex on the lands of a former quarry between Burnside Industrial Park and Highway 118. The complex consists of a mix of large box retail stores, as well an outdoor mall area designed to look like a traditional downtown streetscape (Hector Gate). As a component of this outdoor mall, Dartmouth Crossing Limited is now seeking to construct a five storey building, intended primarily for office uses (Map 1).

Proposal

The proposed building is intended to accommodate retail and service uses on the ground floor with the remaining four storeys occupied by offices of a financial services company. While the area of office space proposed would be permitted in a four storey building on this site, the five storey building is desired by the applicant for a number of reasons. Dartmouth Crossing Ltd. would like the building to offer a visual focus for users of the outdoor pedestrian mall similar to what a church or city hall might do in a traditional downtown. They state that this would be in keeping with the company's guiding design philosophy for this project: "to create a shopping community with a mixture of uses and a variety of design motifs similar to historic Main Street areas". The applicant also believes that a taller structure would help to 'anchor' the southern end of Hector gate, balancing off the large Empire Cinema Complex at its northern end and they feel the added height would act as a signpost to better attract drivers on nearby roadways.

To ensure that the land available for office construction is not increased overall, Dartmouth Crossing Limited has also proposed to remove the Schedule 'H' designation from an area of land they own which is situated within the Schedule 'H' boundary of the Dartmouth Land Use By-law. (Schedule 'H' identifies that area of City of Lakes Business Park in which office buildings up to five stories in height may be constructed.)

Designation/ Zoning

As shown on Maps 1 and 2, the property is currently zoned General Industrial (I-2) by the Dartmouth Land Use By-law (LUB), and designated Industrial by the Generalized Future Land Use Map (GFLUM) of the Dartmouth Municipal Planning Strategy (MPS). The Industrial designation is intended to permit a full range of commercial and industrial uses, but limit residential and general office uses. The intent of the MPS is to direct general offices to Downtown Dartmouth, as well as the City of Lakes Business Park.

The property also falls within the Urban Settlement (US) designation of the Regional Municipal Planning Strategy (RMPS) which has also designated the area identified as 'Burnside East' as a 'Suburban District Centre'. While this designation enables consideration of a mix of 'residential, commercial, institutional, and recreation uses', the centre boundary, vision, and mix of uses for the area still needs to be determined through a secondary planning process.

Existing Policy

The Dartmouth MPS originally limited the height of office buildings to three stories everywhere except in Downtown Dartmouth (Policy C-6). The intent of this height limit was to centralize the general office function in an area well served by existing infrastructure and transit. The MPS identified 'general offices' as those of government, other large organizations, and the regional offices of large firms, and noted that having offices like these locate in the central business district would contribute to the revitalization of Downtown Dartmouth.

A later goal of the MPS, adopted in 1990, allows for the provision of more intense office uses (up to five stories) outside the downtown, but intends these uses to be developed as a significant and concentrated employment node in a premier suburban office park at City of Lakes. The goal was implemented through the establishment of Schedule 'H' in the Land Use By-law (Policies C-15 and 16, Attachment B).

Because the MPS for Dartmouth currently limits the height of buildings with office uses as their primary function to three stories everywhere but in Downtown Dartmouth and the City of Lakes Business Park, Dartmouth Crossing Ltd is requesting an amendment to the MPS, on a site specific basis, to allow for the proposed five storey building.

Staff initially recommended against initiation of this MPS amendment because it was deemed premature on the grounds that Council had just commenced the preparation of a Business Parks Development Functional Plan. However, Regional Council recommended that staff initiate the process to amend the MPS and LUB on December 4th, 2007.

DISCUSSION

Land Use Impact

The request by Dartmouth Crossing may appear to violate the above policies by requesting a greater intensity of general office uses outside of these two specified areas. However the request can also be deemed relatively minor, because as stated above, Dartmouth Crossing would be permitted to have an equivalent *overall area* of office space in their development, if they agreed to enclose it within a different built form. For example, a four storey building with a larger footprint would be allowed by the current MPS and LUB, as would the provision of more offices on the second and third stories above their existing retail businesses. The taller building simply allows Dartmouth Crossing to better achieve their design objectives of an idealized urban streetscape, and also to meet the demands of their future tenant.

Staff do not however support Dartmouth Crossing's proposal to subtract an equivalent area of land from Schedule 'H'. It is staff's position that eroding Schedule 'H' would represent a change of Council's intent to direct office uses to these areas. This would not be advisable without the prior benefit of any study or supporting rationale for doing so, nor would it seem in keeping with the intent of the Regional Plan, which aims to support existing centres as well. It is anticipated

that the Business Parks Development Functional Plan (BPDFP) currently underway will make recommendations on any required changes to the MPS and LUB to carry out any strategic direction developed by that plan, and that those changes can be initiated after the BPDFP is complete.

Furthermore, staff have further refined the initial request by EDM which was to add +/- 2.5 acres of land in Dartmouth Crossing to Schedule 'H'. Staff was concerned that 2.5 acres was potentially more land than might be required by a single building, and if approved, could unintentionally result in the creation of opportunity for more than a single building. The amendment recommended under Attachment A of this report, minimizes the MPS change to the greatest extent, while allowing for a single five storey office building with ground floor retail or service uses, in Dartmouth Crossing, as requested by applicant.

While this particular amendment is considered minor, consideration eventually needs to be given to the broader issues about where and how employment nodes ought to be concentrated, what impact they have on existing infrastructure, and to what extent market demand in HRM will support the development of new centres while still accommodating the resurgence of the traditional downtowns and Main Street areas.

These are important questions because of the Regional Plan's concerns about improving transit use, integrating land use and transportation planning, and promoting walkable, mixed use communities. Decentralizing employment makes it more challenging to service with transit, and more conducive to being serviced by the automobile.

Public Participation

At the direction of Council, a public participation program was undertaken consisting of a public information meeting held on Wednesday February 27, 2008. Minutes of this meeting may be found in Attachment C. While some opposition to the amendment was expressed by the Downtown Dartmouth Business Commission (their comments are included under Attachment D), the meeting did not generate expressions of concern from the broader community, and was not very well attended.

There was no notification area of property owners directly notified of the meeting, because most of the surrounding property is owned by the applicant. However an add was placed in the Chronicle Herald notifying all HRM residents of the meeting. Should Council choose to hold a public hearing, there will be no direct notification again, but advertising will be carried out in accordance with the requirements of the Municipal Government Act.

Conclusion

While it would have been preferable to comprehensively amend the Dartmouth MPS and LUB based upon the results of the forthcoming Business Parks Development Functional Plan, the proposed amendments to the MPS & LUB are relatively minor, and limited enough in scale and scope, to be permitted to proceed.

BUDGET IMPLICATIONS

The HRM costs to process this application can be accommodated within the operating budget for C310.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

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

ALTERNATIVES

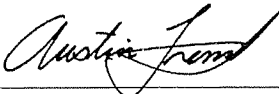
1. Council may choose to approve the amendments to the Dartmouth MPS and LUB to allow one five storey office building in Dartmouth, as described by Attachment A. This is the staff recommendation.
2. Council may choose to refuse the amendments to the Dartmouth MPS and LUB, as described by Attachment A. Staff do not support this action for the reasons stated in this report.

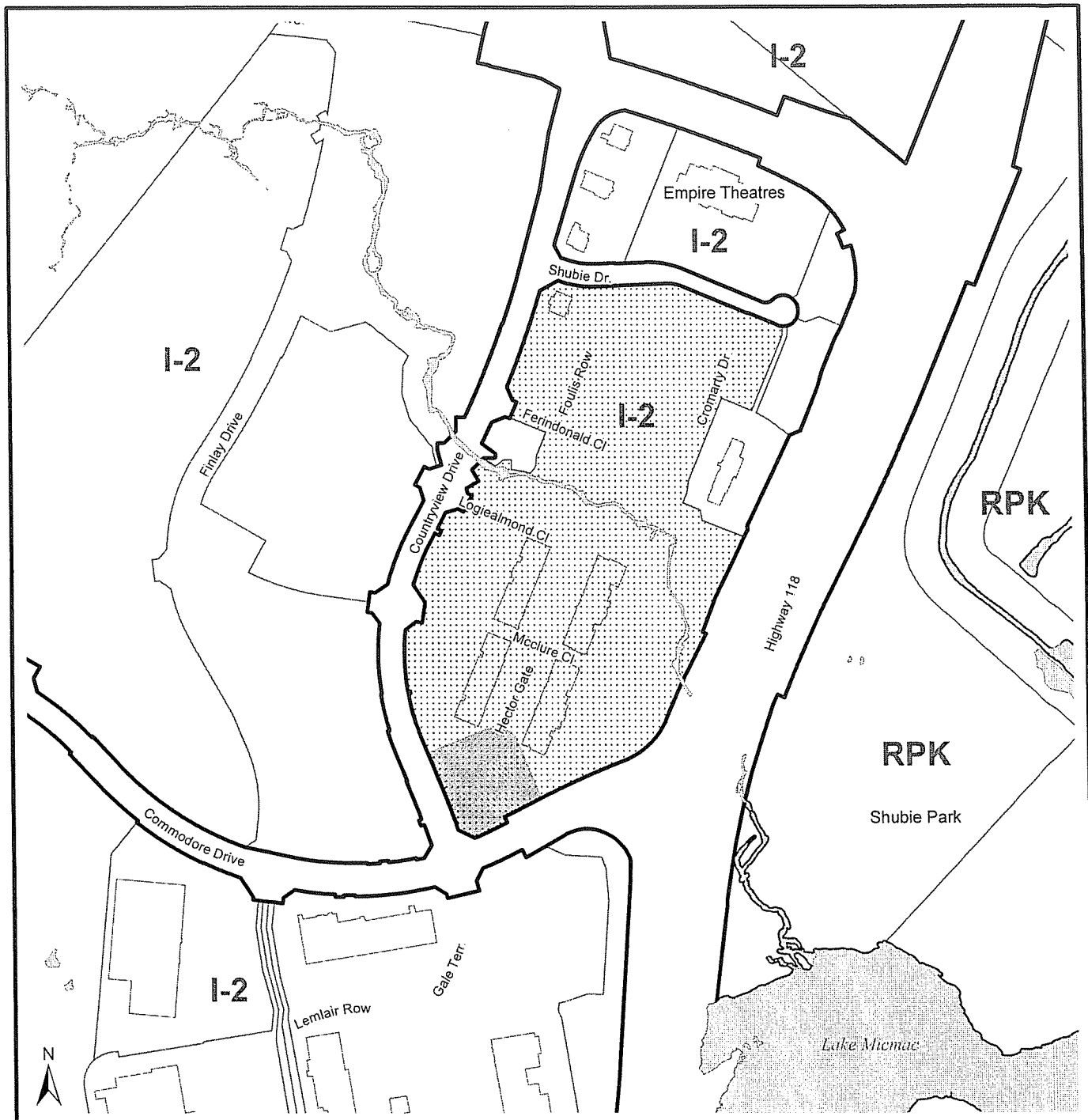
ATTACHMENTS

Map 1:	Zoning
Map 2:	Generalized Future Land Use Map
Attachment A:	Proposed Amendments to the Dartmouth MPS and LUB, including Schedule 'AA'
Attachment B:	Existing Policies of the Dartmouth Municipal Planning Strategy
Attachment C:	Public Information Meeting Minutes
Attachment D:	Written Comments of the Downtown Dartmouth Business Commission, presented at the Public Information Meeting



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

Report Prepared by : Hanita Koblents, Planner I, 490-4181

Report Approved by: 
Austin French, Manager of Planning Services, 490-6717



Map 1 - Location and Zoning

-  Subject property
-  Proposed 5 Storey Building Location

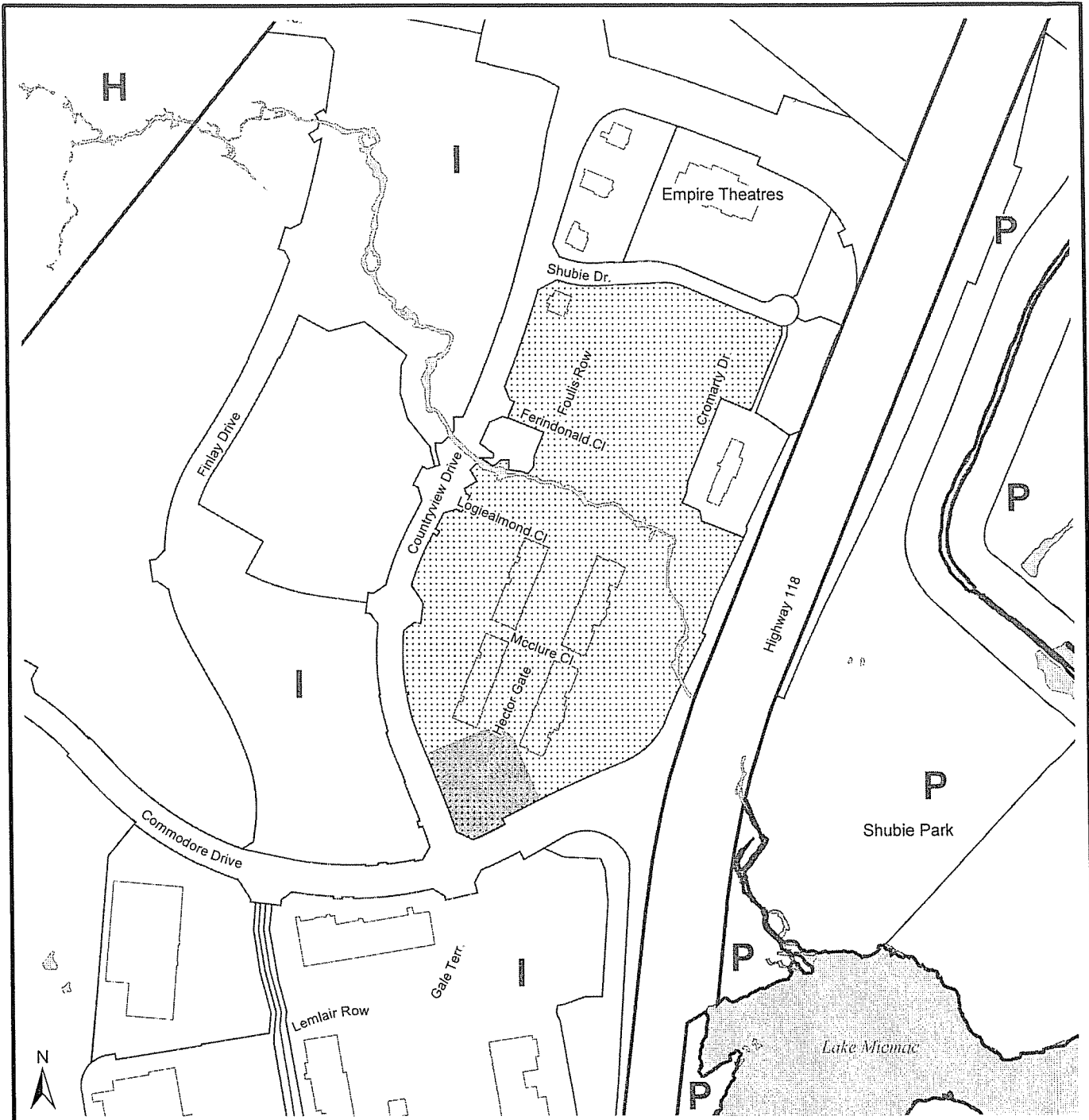
- Zone**
- I-2 General Industrial
 - RPK Regional Park

HALIFAX
 REGIONAL MUNICIPALITY
 COMMUNITY DEVELOPMENT
 PLANNING SERVICES





This map is an unofficial reproduction of a portion of the Zoning Map for the Dartmouth Plan Area.

HRM does not guarantee the accuracy of any representation on this plan



Map 2 - Generalized Future Land Use

HALIFAX
 REGIONAL MUNICIPALITY
 COMMUNITY DEVELOPMENT
 PLANNING SERVICES

-  Subject property
-  Proposed 5 Storey Building Location

Designation

- H Holding
- I Industrial
- P Park



This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the Dartmouth Plan Area

HRM does not guarantee the accuracy of any representation on this plan

Attachment A

Proposed Amendments to the Dartmouth Municipal Planning Strategy

The Municipal Planning Strategy for Dartmouth is hereby amended by:

1. Adding immediately after Policy C-16:

C-16(A) Notwithstanding policies C-6 and C-15 of the Municipal Planning Strategy, it shall be the intention of Council to permit a single office and/ or commercial building, to a maximum height of five storeys, and up to 7,432m² (80,000 ft²) of gross floor area, on a portion of PID # 41244179 near the northeast corner of Commodore Drive and Countryview Drive.

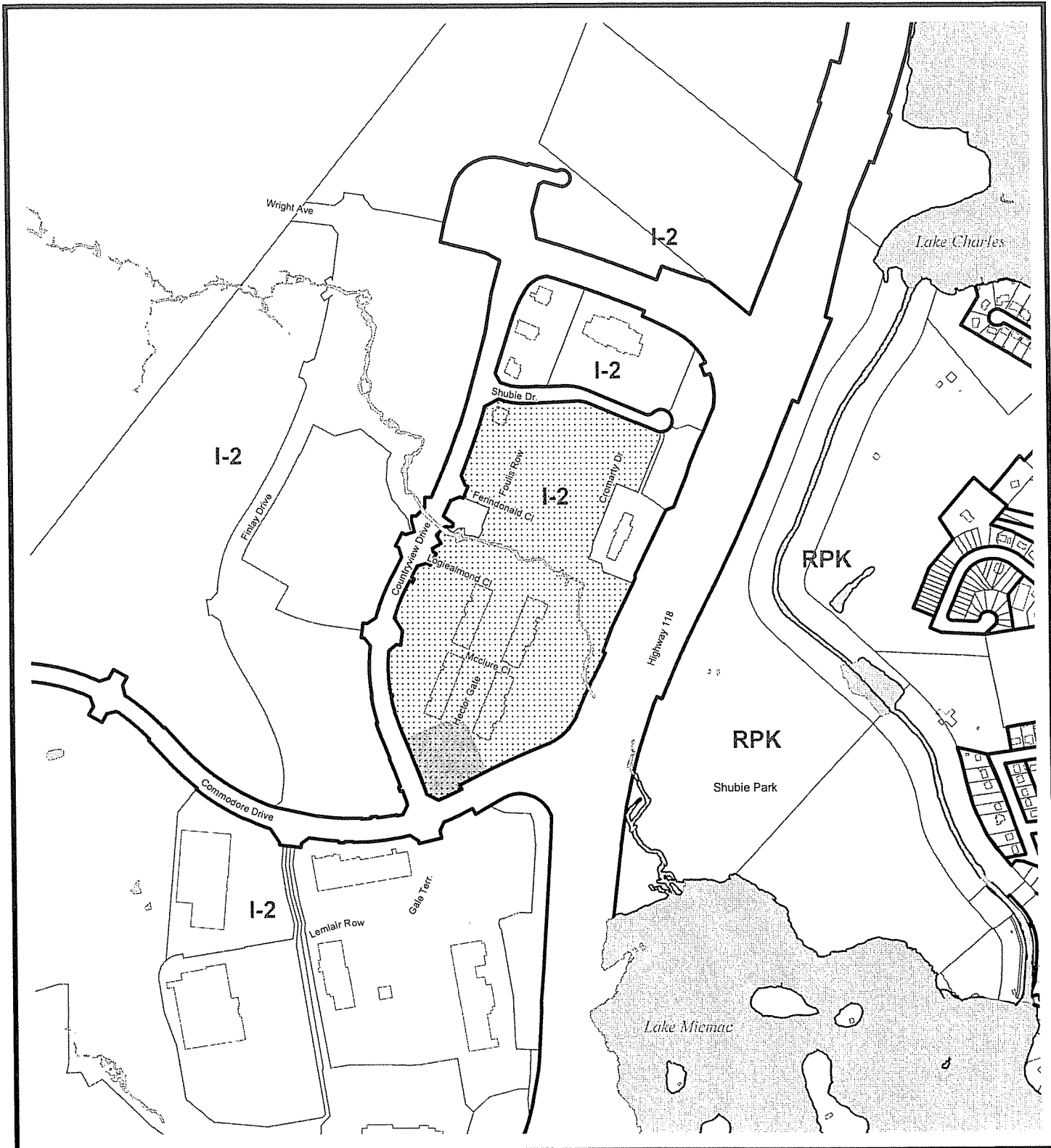
Proposed Amendments to the Dartmouth Land Use By-law

The Land Use By-law for Dartmouth is hereby amended by:

1. Adding the following after Section 29 of the General Provisions:

29(F) In addition to uses permitted by the zone, a single building intended for office and/ or commercial uses, to a maximum height of five storeys, and up to 7,432m² (80,000 ft²) of gross floor area, may be permitted on a portion of PID # 41244179 near the northeast corner of Commodore Drive and Countryview Drive, as generally shown on Schedule AA.

2. Immediately following Schedule "Z", adding the attached Schedule "AA".



**Schedule
AA**



Proposed Site: Commercial/
Office Building



PID: 41244179

Dartmouth Crossing

HALIFAX
REGIONAL MUNICIPALITY
COMMUNITY DEVELOPMENT &
PLANNING SERVICES

HRM does not guarantee
the accuracy of any base
map information on this
map.

Attachment B

Existing Policies of the Dartmouth Municipal Planning Strategy

Policy C-6 It shall be the intention of City Council to support the revitalization of its core area by denying the placing of the general office functions outside of the core area (Map 3).

Policy C-15 Notwithstanding any other policy in the Municipal Planning Strategy, it shall be the intention of City Council to permit office buildings to a maximum height of five storeys within the City of Lakes Business Park, as identified on Map 2A of this M.P.S.

Policy C-16 It shall be the intention of City Council to establish a "Schedule" within the Land Use By-law, which shall apply to all lands within the City of Lakes Business Park. Such Schedule shall incorporate regulations respecting the height of permitted office uses in the Business Park. (As amended by By-law C-686, Aug. 28, 1990).

Attachment C
Public Information Meeting Minutes

7:00 p.m.
Wednesday, February 27, 2008
84 Hector Gate, Dartmouth Crossing

IN ATTENDANCE: David Lane, Planner, HRM Planning Services
Sharlene Seaman, Planning Controller, HRM Planning Services
Kurt Pyle, Acting Supervisor, Planning Applications
Margot Young, Environmental Design and Management
Trevor Hume, Environmental Design and Management
Ron Richards, Dartmouth Crossing Limited
Glen Munro, Dartmouth Crossing Limited

ALSO IN

ATTENDANCE: Councillor Jim Smith, District 9
Councillor Bill Karsten, District 7

PUBLIC IN

ATTENDANCE: Approximately 6

The meeting commenced at 7:00 p.m.

1. Opening Remarks - David Lane

Mr. David Lane opened the meeting by introducing himself, the application and Councillor for District 9, Jim Smith.

2. Overview of Planning Process - David Lane

Mr. Lane advised the purpose of the meeting was that EDM (Environmental Design and Management) had applied to permit office uses in buildings greater than three storeys in height in the Dartmouth Crossing Development and the application would amend the Dartmouth Municipal Planning Strategy (MPS) and Land Use By-law (LUB) if approved.

Staff had negotiations with EDM on this issue for over two years. A staff report was eventually brought forward to Regional Council and it was the recommendation from Staff not to go forward with the application, because staff determined the request was contrary to policy and premature to the Business Parks Development Functional Plan (BPDPF). Council initiated the MPS amendment.

He advised that after this meeting, staff would report back to Council with a recommendation and they would make a decision based on the information gathered.

He stated that the goal of the proposed amendment is specific to a 2.5 acre area and would enable office uses in buildings taller than three storeys in that area. With the aid of a slideshow presentation, Mr. Lane showed the area on a map and also identified the location of the City of Lakes Business Park which does permit office buildings up to five storeys in height. Dartmouth Crossing's lands overlap with some of this area where five storey office buildings are allowed. EDM is requesting that the same privileges in the City of Lakes Business Park be applied to the site in question.

Mr. Lane showed the existing zoning on the Dartmouth Crossing land is General Industrial (I-2).. The Dartmouth MPS states that City of Lakes Business Park and Downtown Dartmouth Central Business area need to be supported and therefore the policy restricts office uses in other areas.

Mr. Lane added that in the Regional Municipal Planning Strategy, Council made a commitment to embark on Functional Plans to address various municipal issues. On November 20th, 2007, Council awarded the Business Parks Development Functional Plan (BPDFP), and in fact the start-up meeting for that project had been held earlier today. Staff had advised the applicant that staff would prefer to see the recommendations of the BPDFP on the appropriate mix of land uses in the business parks and get a better understanding of how HRM should better direct its growth. The BPDFP is intended to develop an understanding of the “Future demand for commercial/industrial land, optimum location for the development of office space, and the impact of future suburban business parks on the continued efforts to revitalize the downtown(s) and the central business district(s).”

He then went over the steps in the MPS/LUB amendments process. After this meeting, staff will prepare a report and recommendation to Regional Council. Council may then schedule a Public Hearing, and two notices would be placed in the Chronicle Herald before the hearing. If Council approves the application, there would be a notice of approval, and the amendments would take effect.

Mr. Lane advised that comments or questions can also be submitted to him directly and provided his contact information. He asked if there were any questions at that time. There were not, so he turned the floor over to Margot Young.

4. Overview of Application - Margot Young

Margot Young opened by stating the specific request states that there is a schedule “H” on portions of land referred to as the City of Lakes land. She stated that it isn’t that offices aren’t allowed in this area, but the restriction is more about the configuration of the building. She advised that EDM is asking for a minor amendment to the policy and Schedule “H” of the Dartmouth Land Use By-Law. The request was minor considering that five hundred acres were added to the boundary in 1990, and the boundary is a straight line.

Ms. Young stated that EDM is asking that Council have a little bit of discretion in the actual configuration so it is no longer just a straight line. They are also willing to swap Dartmouth Crossing Limited (DCL) owned lands they have in the boundary, in exchange for adding lands outside. She stated that the actual configuration of Schedule “H” currently covers 72.5 acres of Dartmouth Crossing lands and that Dartmouth Crossing actually holds the majority of remaining lands. So most of the City of Lakes has already been developed. The objective is to change the shape of the lands covered by Schedule “H” so that it covers another 2.5 acres. She feels that it is a small adjustment to the boundary.

She showed the City of Lakes boundary and the amount of office space that got built. She stated that a great deal of that land was sold for commercial uses and recreational uses were added in. Retail uses were also added.

She believes that in terms of what the policy states, and Mr. Lane's quote from the BPDFP: it hasn't really unfolded throughout the office park, and she wanted to know how a master plan like BPDFP could work "on the ground".

She stated that Commodore Ave was never intended to go through to Dartmouth Crossing and it is kind of a retail, recreation, office address and so it would be nice if it could kind of anchor Commodore at the beginning of Dartmouth Crossing with two signature buildings.

She talked about Dartmouth Crossing's objective which is to be a premiere office Park and how from a design perspective, what they are trying to do is important.

She showed what the building would look like and that in terms of size, the building would be no different in size than any other building there. There isn't any new office land being added.

She stated that with the long axis they are trying to have retail space below, office space above, and parkland in the middle. One end of Dartmouth Crossing is terminated by Empire Theatres and they would like to terminate the other end with something substantive (five-storey office building).

Architecturally they are looking for something that doesn't look suburban. She believes that the building in question looks urban and has a pedestrian friendly appearance.

She explained that the building would be five storeys, +/- sixty feet high with ground floor retail. They envision it as a landmark building. She believes it will be a high quality development. She believes this is a design issue for EDM and there is no intent to change or undermine anything.

She showed the map and again asked that Council have some discretion concerning a line that was drawn in 1990 that goes over a cliff face before they even knew where Commodore would go.

5. Questions and Comments

Mr. Lane opened the floor for questions and answers.

Mr. Tim Olive, Executive Director, Downtown Dartmouth Business Commission (DDBC), provided a detailed verbal presentation as to why his organization believed the requested amendments should be refused by Regional Council. (*Mr. Olive's written record of his comments is attached to these minutes*).

Mr. Ron Richards, on behalf of Dartmouth Crossing Limited, stated he found the concept of the three storey office limit to be a confusing. He asked where the magic of three storeys came from?

Mr. Lane stated that he believed the intent of the Planning Strategy was for Council to encourage the development of Downtown Dartmouth and stated that one way to do that was to encourage general office function to locate in the downtown core area. This was desired because it made best use of existing infrastructure, and would generate spin-off benefits in the downtown core and provide stimulus to the economy there. Offices bring workers downtown, who eat lunch and run errands so other businesses tend to congregate there too.

Mr. Richards asked if there was any reason why three storeys was okay and four storeys was a threat?

Mr. Lane advised that he believed it was simply the mass of the use that taller buildings would allow.

Mr. Richards advised that Ms. Young had explained that there are already a fairly significant mass of offices there now. Theoretically he believes that the foot print for the building could be bigger if there was enough space and contrary to what Mr. Olive stated about sticking to the plan, he stated offices are permitted and the only problem is that there is a height restriction.

He stated that it is mind boggling to think that one floor in the context of what had been built there would make any difference other than to enhance what has already been done there, and provide a focal point and an attractive anchor to this particular development.

He also wanted to remind everyone that the Functional Plan, in his view, should not apply to the lands in question. He feels that the study was for business parks and that HRM staff had previously gone to great lengths to tell them they are not a part of Burnside Business Park.

He knows that staff has drawn a line around them. He has participated as a good neighbor but he reiterated the point earlier today at the consultant led BPDFP stakeholder meeting that Dartmouth Crossing lands are private.

He asked Mr. Lane in terms of amendments to the MPS across the city, are they something that happens occasionally, never, or all the time?

Mr. Lane replied that these types of applications do occur but are not the more common. Applications for development agreements and rezoning are most frequent. One of the requirements of making an MPS amendment is that the applicant must have rationale as to why the Municipality should entertain their application.

Mr. Richards stated that Mr. Lane was advising him that staff decided individually which applications are appropriate and in this case, it staff did not think it was appropriate.

Mr. Lane stated that Mr. Richards was correct.

Mr. Richards stated that there are no precedents set in planning and that one decision on one site does not mean the same decision will be made on another site. It's the merit of the application, where it is located, etc. He believes that if anywhere, this is an appropriate location for this change.

Mr. Richards asked Mr. Lane if there had been any MPS amendments and rezonings in the old Dartmouth area over the last eighteen years.

Mr. Lane advised that the Plan has been amended several times.

Mr. Richards asked if there are any current applications that Mr. Lane is aware of that would have substantial changes to the MPS or what the current plan allows.

Mr. Lane advised that there is presently one other application for a plan amendment in Dartmouth that he is aware of.

Mr. Richards stated that changes are made to the plan for Downtown Dartmouth and these changes are because times, markets, desirability and functionality of buildings change.

He believes that the setting at Dartmouth Crossing from a physical and architectural point of view necessitates the size of building requested. Not only for its financial viability but for its dimensions, its architectural and aesthetic appeal and how it relates to the size of the other buildings.

He doesn't understand how this insignificant amount of space, and the fact that they had gone to the extent of offering a trade of allocation, would not be approved.

He believes that it is a continuation of a vision that they have been presenting Council for three years. He feels that they have delivered on that vision and developed a classic development. They just want to extend the one building.

They have always included Burnside Business Park and Downtown Dartmouth in their international marketing. He stated that Dartmouth Crossing is part of the community and the building is a signature building. Although it may seem insignificant, it is very significant to the overall success and impact of the vision.

Mr. Lane agreed with Mr. Richards that planning is not stagnant and needs to respond to socio-economic changes. He reiterated his earlier comment that staff should wait until they get the results from the BPDFP so they have all the information before advising Council on how to proceed.

Margot Young stated that she did not think that the Functional Plan was about the City of Lakes.

Mr. Lane advised her that it was, as well as other areas. Mr. Lane stated the goal of the BPDFP was to look at business parks that were HRM owned, Provincially owned, as well as privately owned.

Mr. Lane stated that Map 12 of the Regional MPS shows a Burnside potential mixed-use area and there is language in the Plan that talks about a mix of uses being an appropriate land use, not just commercial, retail, and office, but perhaps residential as well.

He stated this is one of the other aspects the BPDFP might look at to make a recommendation as to whether or not it might be appropriate to have some housing mixed in on a portion of the DCL lands.

Councilor Jim Smith added that it was made clear at the BPDFP meeting that the City Of Lakes was going to be apart of it. It is for all of Burnside and the City of Lakes is just one piece in it. He believed there was only some discussion that the privately owned area might not be under it.

Mr. Richards stated that Dartmouth Crossing is private property. He stated that he would be very surprised if the Functional Plan came down and denied the building in question. He feels that the Functional Plan won't be about a small insignificant change such as the change in question.

Mr. Richards questioned the point of the Public Information Meeting and asked if Mr. Lane was there to advocate or listen to public comment?

Mr. Lane advised him that the point of the public information meeting as a part of Council's public participation strategy is for staff to give a presentation of the facts of an application and the policy and regulations that are existing. Staff may also offer a professional opinion as to the implications that some changes may result in and provide an opportunity for an applicant to present their position as well, as had been done this evening.

Mr. Olive asked if the amendment in 1990 was specific to the City of Lakes Business Park and would the amendment be restricted to Downtown Dartmouth and the City of Lakes?

Mr. Lane advised that was correct.

Ms. Young wondered if the BPDFP meeting was looking at changing the restriction of buildings over three storeys tall beyond those two areas.

Mr. Olive asked why was this meeting was even being held as the policy has been in place since 1990. He believed that is was not about land swaps as Ms. Young had proposed but more about the fundamental fact that there is a BPDFP. He believes that it should be postponed until the information is back concerning the BPDFP.

Mr. Lane advised that he had understood the points made.

Councillor Smith noted the attendance of Councillor Karsten and the fact that they were there to listen to the comments of the interested parties.

Mr. Olive asked, concerning the process, if Mr. Lane's report was negative and if Council agrees, would that mean that the issue is closed and there is no public meeting?

Mr. Lane advised him that Council could still choose to hold a Public Hearing.

6. Closing comments

Mr. Lane called for any other comments or questions. He thanked everyone for attending and Ms. Young for organizing the room for the meeting. The meeting adjourned at approximately 8:00 p.m.

Attachment D

Comments of the Downtown Dartmouth Business Commission, presented at Public Information Meeting, February 27, 2008



**Downtown Dartmouth
Business Commission**

*Report to HRM regarding the proposed amendments to the MPS and LUB in relation to removing height restrictions at Dartmouth Crossing
84 Hector Gate, 2nd floor, Dartmouth Crossing
Presented by Tim Olive, Executive Director, Downtown Dartmouth Business Commission
on behalf of the Board of Directors of the Commission
Dated February 27th, 2008*

Chairman, let me first thank you and the staff for the opportunity to put forward the views of the Downtown Dartmouth Business Commission and its over 400 hundred members in our business community.

I would like to begin by saying that our membership was very surprised that this application to amend the Municipal Planning Strategy (MPS) and the Land Use By-Law (LUB) is before the public for discussion in light of the clearly stated objectives of the MPS and LUB and most recently the Regional Plan. We understand however, that it is here as a result of actions taken by Regional Council... actions that do not take into full consideration the overall ramifications of such a review.

The issue regarding denying the request by Dartmouth Crossing to amend the MPS and LUB is not about restricting growth at this new center since this development is perhaps the greatest economic boost this side of the harbor has seen in many years. The Downtown Dartmouth Business Commission has consistently endorsed this development and considers our position within this Dartmouth economy as being complimentary to this shopping extravaganza. We believe that both can co-exist if the existing MPS and the LUB are maintained. This attempt however to alter the balance of economic growth in Dartmouth is as illogical as the disaster created by the former City of Halifax in the unbalanced and ill conceived development of the Bayer's Lake Business Park.

In 1990 the City of Dartmouth passed amendments to the MPS and LUB that outlined then and what has become now a major plank in the newly released Regional Plan in that Policy C-6 stated: "It shall be the intention of City Council to support the revitalization of its core area by denying the placing of the general office functions outside of the core area". In addition the City Fathers created what is known as the City of Lakes Business Park to encourage the development of the Business Park to meet the needs of the growing business community. This business park has attracted office uses which neither desire nor require a downtown location.

This 1990 policy demonstrated considerable foresight on the part of the elected representatives and it is significant that the new Regional Plan has the same objectives..... to ensure the growth of the core urban area in support of existing infrastructure, transportation and other publically provided services.

We are also concerned about this process moving forward given the fact that Regional Council did on November 20, 2007 approve the award to Colliers International of an RFP to complete a Business Parks Functional Plan at a cost to the taxpayer of \$108,182.00. The thrust of this review stated that: "The Business Parks Functional Plan will cover all business parks within HRM, including provincial, municipal and privately owned. That no further expansion of the Bayers Lake Business Park will take place without the completion of the Plan". It makes sense therefore that there would be no other proposals put forward at this time that would have an effect on the results or pre-judge the results of this study as approved by Council.

Topics to be studied under this Park Review include effects of growth on transportation infrastructure and the overall effect of growth on the Active Transportation Plan.

*HRM staff believes there still exists a requirement to maintain appropriate segregation in land use type. That is important given the debacle that currently exists in Bayer's Lake. As indicated in a recent HRM staff report related to the Regional Plan there are three prime categories to consider when planning business parks: **Office Development:** should have higher densities, more parks, sidewalks and urban amenities. **Warehouse Distribution:** areas should have wide streets, limited infrastructure and be segregated from office uses and finally **Manufacturing:** areas should have rail access and limited infrastructure. In the first case we are talking about the City of Lakes Business Park, in the second case we are talking about box store environments and associated retail outlets such as in Dartmouth Crossing and in the third case we are talking about industrial parks like the Woodside Industrial Park.*

It is interesting to note that in the original zoning of the City of Lakes Business Park there were to be no retail shops. If enforced at the time there would now be a much clearer association and functional relationship between Dartmouth Crossing and City of Lakes Park without either infringing on each other's primary purpose and objectives. That mistake in enforcement of planning guidelines should not be used now to justify de-segregation of the functions of the City of Lakes Business Park and Dartmouth Crossing.

In relation to the Active Transportation Plan approved for development by Regional Council it has implications that include reducing the number of cars and increasing the use of public transit and other forms of transportation. Dartmouth Crossing was required to provide a traffic study as was the City of Lakes Business Park during the planning process. Both studies used, as their foundation, the existing MPS and LUB for permitted uses and traffic flows were

calculated accordingly. Unfortunately neither traffic study has or will meet the challenges that have occurred due to failure in the implementation of the planning and construction process nor in response to additional challenges should Dartmouth Crossing be permitted to adjust its primary function.

In the case of the City of Lakes Park the inclusion of retail in the area of Commodore Drive has traffic at peak capacity in this region, access is becoming restricted and future consideration of residential property in this Business Park area, notwithstanding it is zoned for residential, will further limit traffic flow in this region.

To include the addition of rampant office space beyond the boundaries of the current managed City of Lakes Park will add additional traffic flow that will further impede development in this area that it cannot sustain.

The Business Parks Functional Plan review includes the requirement to study the effect of development on traffic patterns and could be expected to require additional traffic studies in the area of Dartmouth Crossing and City of Lakes Business Park. It may also include recommendations to substantially improve the overall traffic patterns in the area of the City of Lakes Park, it makes sense therefore to wait for that consultants report before dismantling the current MPS and LUB.

Further to my previous comments it is assumed that one of the advantages to approval of this application will be to provide ample parking for the office employees who will be working in these new five story office towers. The addition of major office space will require substantive additions to the public transit system in the short term to meet the needs of the employees of these offices in the suburban areas. A cost that at this time is not manageable based on the current inability of public transit to meet current needs and expectations within our core regions. To approve such a fundamental change to the MPS and LUB would mean millions in additional transit, sidewalks and other amenities in all of the areas outside of the downtown.... areas that we all know will demand the same opportunities requested by Dartmouth Crossing if approved. Thus providing another reason to withhold any decisions on amendments to the MPS or LUB in relation to alternative construction options now being discussed at Dartmouth Crossing.

The transportation needs of our office workers can be met in the downtown core regions through effective use of an existing public transit system so one must ask why are we now discussing an application that, if approved would be a fundamental reversal by Regional Council of the policy objectives of the Regional Plan and Active Transportation Plan.

As you are aware a significant portion of the City of Lakes Business Park encompasses lands under the management of Dartmouth Crossing Limited. It is not necessary therefore to amend the MPS or the LUB since appropriate lands

currently under the ownership of Dartmouth Crossing are available for their development within the current City of Lakes Business Park and within a reasonable distance from their primary retail development. Dartmouth Crossing can have its office buildings adjacent to its current site and still be in compliance with the current Municipal Planning Strategy and Land Use By-Law. We would suggest that any applications for additional office space in this area of Dartmouth be confined to the City of Lakes Business Park as was the original intent of the City of Dartmouth and echoed in the newly released Regional Planning philosophy of HRM.

The Downtown Dartmouth region has suffered immensely over the past twenty five years with the introduction of shopping malls, big box stores and a general migration of our population to the suburbs. We have also seen the migration of provincial government office space back to peninsula Halifax. We have now reached a point in our revitalization where the demand for office space in the urban core area is acute, where we have the land to fulfill that need and we have the commitment of HRM through the acquisition of the Alderney Landing complex that has sent a very positive message to the development community about the future of downtown Dartmouth.

In the past year we have seen over twenty new businesses establish themselves in downtown Dartmouth and since Christmas we have seen three new storefronts open for business.

We have major investors purchasing office properties and spending large sums of money to increase the quality of their investment in the downtown. We have the largest development project in our history, Kings Wharf, in downtown Dartmouth waiting for approvals; a project that will be an encouragement to all developers to begin the process of building new office buildings to meet the demands being placed on our local urban economy, demands coming from both Halifax and the surrounding area for the creation of a new life experience in living, working and playing in downtown Dartmouth.

In closing let me say this is not the time to amend our Municipal Planning Strategy or our Land Use By-Law to accommodate an unnecessary requirement to build a five storey structure at Dartmouth Crossing; particularly since they have the ability to meet the demands of their investors by utilizing their lands in the City of Lakes Business Park without compromising the economic future of downtown Dartmouth or fundamentally changing sound municipal development policies.

*The advice of HRM Planning Staff as outlined in their report to Regional Council dated December 4th, 2007 should be accepted. They have conscientiously reviewed two previous applications in 2006 and 2007 and recommended that Regional Council **not initiate** a process to amend the Dartmouth MPS or LUB. HRM Staff have the same negative recommendation in response to this third application yet here we are in discussion prior to the final report of the Business Parks Functional Plan, presenting an option in direct contravention of the new*

Regional Plan and against all reasonable attempts by former and current elected officials to encourage economic growth in our downtown core regions.

The DDBC urge Regional Council to follow the recommendations of senior planning staff of HRM and deny this application to amend the Municipal Planning Strategy and Land Use By-Laws to accommodate this application which will result, if approved, in the proliferation of five story office towers throughout the Dartmouth region never mind set a precedent for additional site specific requests from Dartmouth Crossing Limited in future.

*Respectfully submitted,
Tim Olive, Executive Director, Downtown Dartmouth Business Commission*