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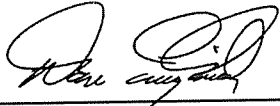
Item No. 9.1 (i)

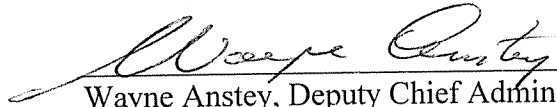
Halifax Regional Council

April 7, 2009

May 5, 2009

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:   
Dan English, Chief Administrative Officer

  
Wayne Anstey, Deputy Chief Administrative Officer - Operations

DATE: April 2, 2009

SUBJECT: HRMbyDesign

**SUPPLEMENTARY REPORT**

**ORIGIN**

- Staff recommendation report to the Urban Design Task Force, Regional Plan Advisory Committee, and Heritage Advisory Committee, dated February 4, 2009.
- Urban Design Task Force report to Regional Council, dated March 12, 2009.
- Regional Plan Advisory Committee report to Regional Council, dated February 19, 2009.
- Heritage Advisory Committee report to Regional Council dated, March 12, 2009.
- Committee of the Whole meetings March 24 & 31, 2009, Regional Council motions March 31, 2009.

**RECOMMENDATIONS:**

It is recommended that Regional Council:

1. Give First Reading to the proposed Downtown Halifax Secondary Municipal Planning Strategy, as contained in Attachment A-1 of the February 4, 2009 report and as amended under Attachments "A, B, C, E, F, G, H, J, M, and P" of this report, and schedule a Public Hearing.
2. Give First Reading to the proposed Downtown Halifax Land Use By-law, as contained in Attachment A-2 of the February 4, 2009 report and as amended under Attachments "D, I, K, and N" of this report, and schedule a Public Hearing.
3. Waive the standard procedure found under Administrative Order 1 for a Notice of Motion for the consideration of the proposed Barrington Street Heritage Conservation District Revitalization Plan & By-law and the proposed amendments to the Heritage Property By-law (By-law H-200), the Building By-law (By-law B-201), and the Encroachment By-law (By-law E-200).
4. Give First Reading to the proposed Barrington Street Heritage Conservation District Revitalization Plan & By-law, as contained in Attachment A-3 of the February 4, 2009 report, and schedule a Public Hearing.

**Recommendations cont'd on page 2**

5. Give First Reading to the proposed amendments to the Regional Municipal Planning Strategy, as contained in Attachment B-1 of the February 4, 2009 report, and schedule a Public Hearing.
6. Give First Reading to the proposed amendments to the Halifax Municipal Planning Strategy, as contained in Attachment B-2 of the February 4, 2009 report, and schedule a Public Hearing.
7. Give First Reading to the proposed amendments to the Halifax Peninsula Land Use By-law, as contained in Attachment B-3 of the February 4, 2009 report, and schedule a Public Hearing.
8. Give First Reading to the proposed amendments to the Heritage Property By-law (By-law H-200), as contained in Attachment B-4 of the February 4, 2009 report, and schedule a Public Hearing.
9. Give First Reading to the proposed amendments to the Building By-law (By-law B-201), as contained in Attachment B-5 of the February 4, 2009 report, and schedule a Public Hearing.
10. Give First Reading to the proposed amendments to the Encroachment By-law (By-law E-200), as contained in Attachment B-6 of the February 4, 2009 report, and schedule a Public Hearing.
11. Appoint the Urban Design Task Force as the Plan monitoring body discussed in Section 8.6 of the proposed Downtown Halifax Secondary Municipal Planning Strategy for a period of two years or until Council decides otherwise.

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## EXECUTIVE SUMMARY

This report supplements the staff report to Regional Council dated February 4, 2009, by providing additional information on a number of issues and recommendations for amendments to the proposed Downtown Halifax Urban Design Plan, including:

- the Downtown Halifax Secondary Municipal Planning Strategy (DHSMPS);
- the Downtown Halifax Land Use By-law (LUB); and
- the Barrington Street Heritage Conservation District Revitalization Plan & By-law.

Amendments to the plan documents have been proposed by the Urban Design Task Force (UDTF), Regional Council, and staff:

- At the February 18, 2009, meeting of the UDTF, a motion was passed directing their Executive and HRM staff to prepare amendments to the plan monitoring program outlined in the proposed DHSMPS. This item is outlined in Section B of this report.
- Regional Council proposed amendments at their meeting on March 31, 2009. These amendments concerned new policies relative to grandfathering active development agreement applications and accommodating the new World Trade and Convention Centre. Additionally, a revision was recommended for the policy with respect to future plan amendments. These items are outlined in Section C of this report.
- Staff has identified a number of housekeeping corrections and improvements to the DHSMPS and LUB since the final version of the HRM by Design planning documents was distributed to the three Council committees in early February. These amendments are discussed under Section D of this report.

Regional Council also requested additional information and clarification on numerous other issues related to the plan. These issues are outlined in Section E and are primarily related to:

- roles, responsibilities and execution of the proposed development approval process;
- structure and prioritization of functional plans, in particular the Housing Affordability Functional Plan;
- the heritage protection program including the establishment of heritage conservation districts;
- the bonus zoning program;
- sustainability of tall buildings;
- parking requirements;
- greening of vacant lots; and,
- the performance measures chart in the proposed DHSMPS.

## BACKGROUND

The HRMbyDesign process identified three committees of Council to advise Regional Council on adoption of the policy resulting from the project. On February 4, 2009, HRM staff distributed a recommendation report to these three committees. Subsequently all three committees passed motions recommending that Regional Council adopt the Plan. Recommendation reports from these Committees have been provided to Council. These committees are:

- the Urban Design Task Force (motion passed on February 18, 2009), report dated March 12, 2009;
- the Regional Plan Advisory Committee (motion passed on February 18, 2009), report dated February 19, 2009;
- the Heritage Advisory Committee (motion passed on March 11, 2009), report dated March 12, 2009.

This Supplementary Report provides information to Council regarding the following:

- An amendment to the proposed Downtown Halifax Secondary Municipal Planning Strategy regarding the Plan Monitoring Process.
- Amendments made by Council to the proposed Downtown Halifax Secondary Municipal Planning Strategy and the proposed Downtown Halifax Land Use By-law.
- Minor housekeeping corrections and improvements to the proposed Downtown Halifax Secondary Municipal Planning Strategy and the proposed Downtown Halifax Land Use By-law as proposed by staff.
- Additional information requested by Regional Council on March 24 and March 31, 2009.

## DISCUSSION

### *A. Waiver of Notices of Motion*

The standard Council practice under Administrative Order 1, for the approval of new by-laws or the amending of existing by-laws, is to put forward a formal Notice of Motion one week prior to First Reading of the proposed by-law changes.<sup>1</sup> The purpose of the Notice of Motion is to make the public aware of potential upcoming changes to the Municipality's by-laws. In the case of the HRM by Design project, there has been ample public awareness of the coming changes to the existing policy and regulatory regime in downtown Halifax, and a formal Notice of Motion is thus not warranted. Staff have therefore recommended to Council that the practice of issuing a Notice of Motion be waived in this instance.

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<sup>1</sup> This requirement does not apply to by-laws adopted under Section VIII and IX of the Halifax Regional Municipality Charter, which includes municipal planning strategies, land use by-laws, and subdivision by-laws.

## ***B. Amendments Proposed by the Urban Design Task Force***

### **1. Recommended Changes to Plan Monitoring Committee**

At the February 18, 2009 meeting of the Urban Design Task Force, the following motion was passed:

*“Amend Section 8.6 of the proposed Downtown Halifax Secondary Municipal Planning Strategy such that the Plan Monitoring Committee membership be comprised of Urban Design Task Force members for approximately the first two years after adoption of the Plan, and not the Regional Planning Advisory Committee as currently outlined Section 8.6.”*

This amendment reflects the UDTF’s collective belief that the Municipality, and the intent of the Plan, would be best served if the plan monitoring function was performed by UDTF members for the period of time immediately following Plan adoption. In making this motion, the UDTF entrusted its Executive (the Chair and Vice-Chair) to write the precise wording of the amendments to capture the UDTF’s intent. This includes removing Policy 85, and instead, by motion of Council, appointing the UDTF to perform plan monitoring functions for the first two years after Plan adoption. This approach is reflected in recommendation no.11 of this Supplementary Report, and in the amended Section 8.6 of the proposed Downtown Halifax Secondary Municipal Planning Strategy as described in Attachment “A”.

## ***C. Amendments Proposed by Regional Council***

On March 31, 2009, Regional Council passed a series of motions that resulted in amendments to the proposed Downtown Halifax Secondary Municipal Planning Strategy, and to the proposed Downtown Halifax Land Use By-law. The amendments are discussed here, with the amended sections of the documents attached to this report as indicated below.

### **1. Grandfathering Active Development Agreement Applications**

Further to the direction provided by Council at their March 31, 2009, meeting, revisions to the proposed Downtown Halifax Secondary Municipal Planning Strategy are included in Attachment “B”. These revisions enable Council to consider active development agreement applications received on or before March 31, 2009, according to the existing MPS policies after the effective date of the proposed Downtown Halifax Secondary Municipal Planning Strategy. The amendments also include provisions relative to limitations on commencement and completion dates for these proposals, as well as a limitation on the length of time the application may remain active.

## **2. Accommodation for a Possible New World Trade and Convention Centre**

Further to the direction provided by Council at their March 31, 2009 meeting, revisions to the proposed Downtown Halifax Secondary Municipal Planning Strategy and proposed Downtown Halifax Land Use By-law are included in Attachments "C" and "D". These revisions accommodate the conceptual design for the new World Trade and Convention Centre on the former Halifax Herald and Midtown Tavern lands.

While Council was clear that the building envelopes (height, mass, streetwalls, stepbacks and tower widths) were to be relaxed for the proposal, they did not provide specific direction relative to the permit approval process. Given the prominence and magnitude of this building complex, it is important that it respect the design aspirations of HRMbyDesign. Accordingly, staff have drafted the amendments to require the project to comply with the site plan approval process, as set out in the Land Use By-law, including the applicable review by the Design Review Committee. The Committee will review the qualitative aspects (architectural design, building materials, streetscape presence, and pedestrian level detailing) of the project and issue their decision appropriately. As with all site plan approvals in the Plan area, should an appeal of the proposal arise through the process, Council will hear the appeal and render a decision.

## **3. Policy 89 Regarding Future Plan Amendments**

On March 31, 2009 Regional Council passed the following motion:

*"Approve an amendment to Policy 89 so that it would now read as follows:  
'Notwithstanding the foregoing policies, where a proposed amendment addresses unforeseen circumstances, or is deemed by Council to confer significant economic, or social, or cultural benefits to HRM beyond the bonus zoning provisions of this Plan, such amendments shall be considered by Council at any time regardless of the schedule for reviews.' "*

The intent of the motion was to remove reference to the new downtown convention centre. Accordingly, changes to the preamble are also necessary. The amended preamble and policy are found in Attachment "E" of this report.

## **4. Addition of Housing Affordability Performance Measure**

On March 31, 2009 Regional Council passed the following motion:

*"That Appendix B in the Downtown Halifax Secondary Municipal Planning Strategy be indicator and baseline measure information."*

This revision has been made to Appendix B of the Downtown Halifax Secondary Municipal Planning Strategy and can be found in Attachment "P" of this report.



### ***D. Minor Housekeeping Corrections and Improvements Proposed by Staff***

In the time since the Urban Design Task Force, Regional Plan Advisory Committee and Heritage Advisory Committee advanced their recommendations for plan approval to Council, staff have identified a number of minor housekeeping corrections and improvements to the proposed Downtown Halifax Secondary Municipal Planning Strategy and the proposed Downtown Halifax Land Use By-law. Council's approval of these proposed changes will improve the effectiveness and clarity of these documents. They are as follows:

#### **1. Correction to Proposed Downtown Halifax Secondary Municipal Planning Strategy Map 13**

Map 13 (Street Network Plan) in the proposed Downtown Halifax Secondary Municipal Planning Strategy is intended to show how downtown streets will be used, including those streets that are intended to be bicycle-oriented. Due to a mapping error Map 13 did not indicate the bicycle-oriented streets. Therefore Map 13 is being renamed Map 13a and will remain as-is, and Map 13b will be introduced showing bicycle-oriented streets. These two maps are found in Attachment "F" of this report.

#### **2. Correction to Proposed Downtown Halifax Secondary Municipal Planning Strategy section 4.0**

Chapter 4 subsection (c) in the proposed Downtown Halifax Secondary Municipal Planning Strategy requires an update. Section 4.0(c) presently states that heritage resources outside heritage conservation districts will be conserved by means of strengthened demolition controls. This section was written at a time when HRM was seeking amendments to the *Heritage Property Act* to lengthen the one year demolition delay period to two years (Bill 182). However, these amendments were not passed by the Legislature and were instead referred for future consideration under the Province's Heritage Strategy for Nova Scotia. Policies 35 and 36 of the proposed Downtown Halifax Secondary Municipal Planning Strategy correctly reflect this reality, but subsection (c) presently does not. Revised wording for subsection (c) is provided in Attachment "G" of this report.

#### **3. Policy 4 Clarification**

Policy 4 in the proposed Downtown Halifax Secondary Municipal Planning Strategy required clarification that there are two land use zones within the Downtown Plan area: the Downtown Halifax Zone (DH-1) and the Institutional, Cultural & Open Space Zone (ICO). The revisions are provided as Attachment "H" of this report.

#### **4. Design Review Committee Terms of Reference**

At the March 24, 2009, Committee of the Whole meeting, the need to clarify the language in the Design Review Committee terms of reference (Section 4(2) of the proposed Downtown Halifax

Land Use By-law) was identified. Specifically it was found to be unclear that the “resident-at-large” member need not hold a professional degree in one of the professions noted in Section 4(2). To clarify that a professional degree is not required, the wording has been amended. At the same time two minor housekeeping changes are being made. These changes clarify that the engineer member is to be a *structural* engineer, and that quorum be set at four (4), not five (5) as per the direction of the Urban Design Task Force. The amended Sections of 4(2) of the proposed Downtown Halifax Land Use By-law with these clarifications and corrections is provided in Attachment “I” of this report.

### **5. Correction of Pre-Bonus Heights**

In the proposed Barrington Street Heritage Conservation District (HCD) there are four properties that extend through the block to the adjacent parallel street. In two such cases they extend from Barrington Street through to Argyle Street, and in the two remaining cases they extend from Barrington Street through to Granville Street. The maximum height permitted in the Barrington Street HCD is 22 metres (72 ft.), and the pre-bonus height on the relevant sections of Argyle Street and Granville Street is 28 metres (92 ft.). This results in an anomaly wherein the portion of these four through lots fronting on Argyle Street and Granville Street lots have 22 metre (72 ft.) maximum heights while the neighbouring lots, and all other lots along those frontages, have a maximum height of 28 metres (92 ft.). This unfairly disadvantages these four properties

The Urban Design Task Force recognized this inequity and therefore set 28 metres (92 ft.) as the maximum height on the rear portion of these four lots that front on the adjacent streets, as well as on the parking lot on the corner of Grafton Street and Spring Garden Road for similar reasons of equity and fairness. A housekeeping correction is therefore required to *Map 4 - Pre-Bonus Heights* in the proposed Downtown Halifax Secondary Municipal Planning Strategy (attached as Attachment “J”), and to *Map 4 - Pre-Bonus Heights* in the proposed Downtown Halifax Land Use By-law (attached as Attachment “K”).

### **6. Non-substantive Amendments to Existing Development Agreements**

Now that Council has provided direction relative to it's approach to considering active development agreement applications, it is necessary that appropriate provisions also be included for non-substantive amendments to approved development agreements. Non-substantive amendments are specified in every development agreement and typically include such matters as changes to exterior building materials, landscaping plans, and agreement time frames. They require the approval of Council without a public hearing, but as with any amendment, are subject to appeal. Because the enabling policy would no longer be in place, without specific policy to allow Council to consider these amendments under the previous policies, such requests would not be enabled. Revisions to the proposed Downtown Halifax Secondary Municipal Planning Strategy to enable the consideration of non-substantive amendments are also included in Attachment "B".

## **7. Renumbering of Policies in Proposed Downtown Halifax Secondary Municipal Planning Strategy**

A number of policies and text revisions have been proposed for the Downtown Plan as part of this supplementary report. Should Council choose to accept any or all of the proposed amendments for changes to policies or sections within the documents, the document will be renumbered in proper sequence before it is sent to the Province for ministerial approval.

### ***E. Additional Information Requested by Council***

#### **1. Role of Council in Proposed Site Plan Approval Process**

The role of Council in the proposed site plan approval process will change from that of the decision making body on every major development proposal, to the appeal body on every major development proposal. (See Issue #26 in the table comparing existing policy intent with proposed policy intent, included as Attachment “Q”).

Currently, for as-of-right developments in downtown Halifax, there is no Council involvement. The decision to approve or not approve development applications is made by the Development Officer (staff). This is similar to the process for approval of non-substantive site plans, by which a Development Officer makes a decision based on provisions of the Land Use By-law.

For development agreements currently in use for major development proposals in downtown Halifax, Council is the final decision making body following the submission of recommendations on the proposal from staff and relevant committees of Council. It has been necessary for Council to determine the outcome of major development projects in the downtown due to the lack of clarity and detail of many policies in the existing Halifax Municipal Planning Strategy. The high possibility of varying interpretations of existing policies demanded that the elected representatives of the community be responsible for making decisions on all major developments.

HRMbyDesign’s proposed policies and regulations will instill a clarity and predictability in development outcomes, removing the necessity for Council to debate the meaning of policy on behalf of residents for every major development proposal. Rather, the decision making authority will be delegated to the professionally based, Council-appointed Design Review Committee. However, Council will have two critical roles at the beginning and end of the proposed site plan approval process:

(a) Creation of clear, predictable and widely-agreed upon policies and regulations - the role that Council has been fulfilling over the past three years to help create the proposed policies is very important to the overall approval process. By adopting HRMbyDesign’s proposed plan and by-law, Council is formulating policies that could be in effect for the next 25 years; policies that will shape the future of downtown Halifax. As a result of extensive consultation, these policies embody the vision that the community has for its downtown.

(b) The role of the appeal body - appeals of Council decision's currently go to the NSUARB. Under the proposed process, Council will become the appeal body for all decisions of the Design Review Committee. Approvals by the Design Review Committee may be appealed to Council by property owners within the notice area, (which includes the entire downtown plan area) and refusals by the Design Review Committee may be appealed to Council by the applicant. The format of appeals to Regional Council is like that of a public hearing.

## **2. Role of the Public in Proposed Site Plan Approval Process**

Amendments made to Bill 181 HRM by Design by the province require HRM to conduct public consultation during the pre-application phase of a site plan approval. The use of the term "public consultation" was deliberate. Under current development approval practice, HRM hosts a Public Information Meeting (PIM). This type of consultation is an information-sharing event, where the applicant and staff provide information or a presentation on the development proposal, and the public has the opportunity to ask questions and give comments. These types of meetings have proven effective in the past where the Municipality is contemplating a change in Plan policy. They are not as effective on site specific issues where HRM's decision will be based on existing policy. The meetings on site specific issues should focus more on awareness building than negotiation of the project.

In January 2006, Council affirmed the need to develop a new framework for community engagement and public consultation. Since then a detailed review of HRM's community engagement practices has taken place as well as best practice research. This review and analysis resulted in HRM's Community Engagement Strategy, which was approved by Council in November 2008. The Urban Design Task Force directed staff to examine options related to gathering public input as part of site plan approval. Accordingly, HRM Community Engagement staff has been working with HRMbyDesign staff to identify the best options for public consultation. After discussion of numerous information sharing and consultation options, a combination of the following consultation models was recommended by the UDTF: Open House, Public Kiosk and Website/Online Forum. Taken together the use of these three consultation models will dramatically improve the public's ability to interactively provide input into the design and development process. A description of each is provided in Attachment "L". The appropriate provisions to enable this process were inadvertently omitted from the proposed DHSMPS and Land Use By-law. The necessary revisions to the proposed Downtown Halifax Secondary Municipal Planning Strategy and the proposed Downtown Halifax Land Use By-law to effect the consultation process are included in Attachments "M" and "N".

Perhaps the most important point to recognize is that for the past 1.5 years, HRMbyDesign has been engaging citizens in the development of a vision, urban design principles and the Downtown Halifax Urban Design Plan, and for more than a year prior to that, the project engaged citizens on their vision for the entire Regional Centre. This consultation and engagement is a democratic, community-led process whereby citizens have the opportunity to say now what they want the downtown to look like over the next 25 years of the Plan. The primary opportunity for major public input and participation is now as part of the process of writing and finalizing this Plan.

After the Plan is adopted, there will still be opportunities for public input but the focus of the new process will be *transparency*. This new transparent approach will encourage the public to monitor the development application process to ensure the policies being collaboratively created now are being implemented as intended, and with the intended outcomes.

### 3. Site Plan Approval Flow Chart

The proposed site plan approval process is summarized in Section 7.3 of the February 4, 2009, staff recommendation report, and is fully discussed in the proposed plan documents previously provided to Council. To graphically illustrate the proposed site plan approval process, a flow chart is provided in Attachment “O”.

### 4. Discussion of Functional Plans

HRM first introduced functional plans during the creation of the Regional Plan, adopted by Council in 2006. The Regional Plan describes functional plans as:

*“The purpose of a functional plan is to guide the management of the Municipality as defined in the Municipal Government Act. They do not represent land use policy but rather HRM’s intent to create detailed management guides for setting budgets for programs, services and facilities consistent with the implementation of this Plan. Functional Plans will also guide HRM in the ongoing management of strategic initiatives, partnerships and demonstration projects useful to seeing the full potential of this Plan realized over time.”*

The Regional Plan identified 24 functional plans to be undertaken following adoption of the plan, related to many of the issues examined in the plan from culture and heritage to transportation. Some of the functional plans are operational or program-related and guide daily management decisions such as HRM’s Business Unit Plans. Others include specific details of facility design and location.

The Regional Plan functional plans are at various stages of completion. As it is unrealistic to expect that HRM could undertake all 24 functional plans immediately following adoption of the Regional Plan, the functional plans are prioritized based on Council’s annual Focus Areas and Business Unit priorities. Ultimately the prioritization of functional plans is a decision of Council during the annual Budget and Business Unit Planning exercise.

The Urban Design Task Force is recommending that Council prioritize two Regional Plan functional plans over other ongoing work, as they will address two key issues being faced in downtown Halifax and the Regional Centre: the Regional Heritage Functional Plan and the Housing Affordability Functional Plan. Attachment “C” of the February 4, 2009, staff report to Council outlines six “Priorities After Adoption” recommended by the UDTF for Council’s consideration of approval with the Downtown Plan. Although both of these functional plans are underway, it’s important that they be moved to the top of the list of priority functional plans for early completion.

The Regional Heritage Functional Plan will develop policies, strategies, and programs to protect and enhance built, cultural and natural heritage by encouraging conservation, preservation, and sustainable use. Specifically, financial incentives and stronger demolition control mechanisms for heritage properties outside of heritage conservation districts will be examined to complement heritage protection measures already outlined in this Plan.

As housing affordability is a regional issue, the Housing Affordability Functional Plan will include:

- (a) A definition of housing affordability for the purpose of regional and local priorities;
- (b) A housing needs assessment and the development of neighbourhood change indicators;
- (c) Implementation mechanisms to ensure a reasonable distribution of adequate, acceptable and affordable housing including financial and non-financial incentives;
- (d) Creating and monitoring housing affordability targets;
- (e) Funding opportunities and partnership possibilities for housing projects;
- (f) Strategies that encourage innovative forms of housing;
- (g) Identifying neighbourhoods requiring revitalization through community input and support;
- (h) Identifying possible locations for housing affordability demonstration projects;
- (i) Identifying possible incentives for non-profit and for-profit housing affordability developers such as bonus zoning;
- (j) Investigating the potential of HRM real estate assets and business strategies (acquisition, leasing and sale) to support affordable housing retention and development;
- (k) A public education and communication tool kit to address a range of housing issues; and
- (l) Accessible and adaptable housing design guidelines.

Should Council agree to prioritize these two functional plans, appropriate resources will be assigned and a time line for completion will be established.

The Downtown Halifax Secondary Municipal Planning Strategy identifies five new functional plans for Council's consideration. Work has been initiated on each plan through ongoing work in other areas of HRM, including:

- Sustainability Functional Plan: this plan will be led by staff in the Sustainable Environment Management Office (SEMO) to formalize ongoing work between HRM and the Province, to strengthen provisions in the HRM Charter and the provincial Building Code with respect to energy conservation, and mandating sustainable building and site design.
- Cogswell Interchange Functional Plan: On February 26, 2008, Council approved the initiation of planning and design work in support of the redevelopment of the Cogswell Interchange. HRM Infrastructure and Asset Management (IAM) staff are preparing to issue a Request for Proposals to initiate the Cogswell Interchange Master Plan.
- Transportation & Streetscape Design Functional Plan: this plan will involve staff from Community Development, Infrastructure and Asset Management, and Transportation & Public Works. It will develop design plans to implement the specific public realm

objectives of this Plan, including improved designs for sidewalks and increased pedestrian and active transportation amenities. It will also identify necessary amendments to the Municipal Service Systems Design Guidelines, also known as the “HRM Red Book.” The streetscape part of the functional plan will be guided by previous studies including the Capital District Streetscaping Design Guidelines and the Spring Garden Road/Queen Street Joint Public Lands Plan.

The transportation section of the plan will will promote enhanced transit service for downtown Halifax and address the following matters:

- (a) designation of corridors for transit;
- (b) the Street Network Plan as designated on Map 13 of the DHSMPS;
- (c) provisions for funding mechanisms to support alternate modes of transportation; and
- (d) measures to mitigate the impacts of truck traffic on downtown streets.

Previous studies that will inform this work include the Active Transportation Plan, the Regional Parking Strategy Functional Plan, and the Transportation Master Plan.

- Downtown Halifax Open Space Functional Plan: IAM staff in Real Property Planning will lead the development of this plan, which will be informed by ongoing work in the Regional Plan Open Space Functional Plan and the Urban Forest Functional Plan.
- Downtown Halifax Capital Investment Functional Plan: this plan to be led by IAM and Transportation & Public Works staff will outline and prioritize all of the areas where future public investment is necessary to support the goals and objectives of the Downtown Plan, including a multi-year implementation schedule.

There is no schedule or budget attached to the Downtown Plan outlining when these functional plans will be initiated or completed because that is a decision for Regional Council. In addition to the Regional Heritage Functional Plan and the Housing Affordability Functional Plan, the UDTF also recommended that Council launch the Sustainability Functional Plan identified in the Downtown Plan as a priority after adoption.

## 5. Housing Affordability

It is not within HRMbyDesign's mandate to be a housing strategy; that is the role of the Housing Affordability Functional Plan, proposed under the Regional Plan. The Functional Plan, anticipated to be completed this year, will determine specific housing needs across HRM, explore models to deliver affordable housing, identify areas or collaboration with the Province, and present indicators of success.

On March 31, 2009 Regional Council passed the following motion:

*"that a report be provided on an additional policy to be included under Section 3.23 of the proposed MPS that Council prioritize the Housing Affordability Functional Plan and negotiate with the Provincial Government to develop legislation to enable HRM to*

*require a percentage of affordable housing in development proposals within HRM by Design."*

It is intended that this report will fulfill the request for a report mentioned in the motion. The intent of the requested policy is to:

- (a) place priority on the Housing Affordability Functional Plan called for under the Regional Plan; and
- (b) to request that HRM work with the Province to develop legislation to require all development in the plan area to have an affordable housing component.

Regarding the first intent, recommendation no. 3 of the March 12, 2009 Urban Design Task Force report requests that Council approve the Priorities After Adoption as outlined in Attachment "C" of the February 4, 2009, staff report to Council. The prioritization of the Housing Affordability Functional Plan is included in this list as an approach to increasing housing affordability options in downtown Halifax. In compiling this list of six priorities, the Urban Design Task Force placed equal weight to each item. Council may choose to prioritize this list as it so wishes, however, given the significance of each of the six priorities, staff support the approach recommended by the UDTF.

Regarding the second intent (to work with the Province), HRM currently has limited legislative ability to directly require the delivery of affordable housing, such as requiring a developer to provide a certain number of affordable units within a particular development. However it is the intent of the Regional Plan's Housing Affordability Functional Plan to examine such mechanisms, as well as the regulatory changes needed to achieve them. It is therefore premature to place a "percentage" requirement in downtown policy at this time; rather this should be considered as part of the Functional Plan.

## **6. Priority for Bonus Zoning**

The DHSMPS does not prioritize items that are eligible for a height bonus. Each item has a certain value to certain people. Therefore, to prioritize them in order of importance would go against the input received during the public consultation process. It is also important to note that items eligible for height bonusing are not always appropriate in every circumstances. For example, the provision of affordable housing would usually not be compatible with an office building project. Instead, the provision of public art or the provision of a subsidized space for a child care centre might be more appropriate.

## **7. Summary of Proposed Heritage Protection Program**

### **a. Overview of the Downtown Plan's Heritage Protection Program**

Improved protection of heritage buildings is a key objective of the Downtown Plan, and is achieved through the following overarching components:



- (i) Using to the fullest possible extent the **legislative authority** of both the *Halifax Regional Municipality Charter*, for planning policy, zoning and development control, and the *Heritage Property Act*, for heritage property registration, heritage district designation, demolition control, and financial incentives.
- (ii) Establishing **heritage conservation districts** with strong demolition control, guidelines for alterations, financial incentives, and reduced maximum building heights (72') to encourage conservation and enhancement of district character.
- (iii) **Protecting registered heritage resources outside heritage districts** by means of: new built form guidelines for new development next to, or integrated with the heritage resource; by making the *Regional Heritage Functional Plan* a Council priority for the provision of improved heritage incentives; and, by working with the province to strengthen demolition controls as part of the Heritage Strategy for Nova Scotia.
- (iv) Updating the **inventory** of all potential heritage resources in the downtown and encouraging new individual heritage property registrations and heritage district designations.
- (v) Implementing a **bonus zoning program** and a **grants and tax incentives program** to leverage actions in support of heritage protection.
- (vi) Enhancing heritage districts by means of complementary **public realm improvements** to streets and open spaces.

**b. Comparison of Existing and Proposed Heritage Related Policies**

Included as Attachment “Q” is a table comparison between existing policy and the HRMbyDesign Downtown Plan. Items 21-33 of that table compare existing and proposed heritage policy and illustrate how existing protection is being carried forward and enhanced.

**c. Coordination with Provincial Heritage Strategy**

In 2008, HRM sought amendments to the *Heritage Property Act* under Bill 182 to increase the demolition delay for registered municipal heritage buildings from one year to two years. This legislation was not passed due to the fact that the Province is undertaking a comprehensive review of the *Heritage Property Act* within the framework of the recently released *Heritage Strategy for Nova Scotia (2008-2013)*, which may consider changes to demolition controls as part of a larger package of possible amendments. Policy 36 of the proposed DHSMPs specifically directs HRM to pursue strengthened demolition controls through collaboration with the Province on this initiative, an effort in which the Heritage Advisory Committee will play a role.

It should be noted that the proposed Downtown Plan represents a tremendous increase in heritage protection over what is available under current policy, even without the demolition delay being increased to two years. The fact that the delay remains at one year for the time being is in no way a reduction of demolition protection from what is possible under current policy. It simply remains the same. The adoption of the *Heritage Strategy for Nova Scotia* affords HRM the opportunity not only to pursue strengthened demolition control by participating in the review of

the *Heritage Property Act*, but also to pursue improved funding for heritage incentives and other initiatives including:

- landscape conservation;
- partnerships respecting local museums;
- heritage interpretation; and
- heritage promotion, etc.

The adoption of the *Heritage Strategy for Nova Scotia* is timely and creates opportunities for synergy and cooperation with other levels of government in the creation of future Heritage Conservation Districts and ongoing strengthening of heritage protection.

#### 8. **Approval-in-Principle of Two Other Proposed Heritage Conservation Districts: Historic Properties/Granville Mall Area, and Barrington Street South Area**

The Downtown Plan proposes three new Heritage Conservation Districts (HCDs). One of these, the Barrington Street HCD, will be created at the same time that the Downtown Plan is adopted. The two remaining HCDs will be created *after* the adoption of the Downtown Plan, once the appropriate research and consultation has been undertaken, and the budget identified for financial incentives.

Recommendation no.3 in the March 12, 2009, Urban Design Task Force (UDTF) report to Council requests that Council approve the “Priorities After Adoption” as outlined in Attachment “C” of the February 4, 2009, staff recommendation report. One of these priorities is the initiation of the process to create the Historic Properties/Granville Mall Area HCD, and the Barrington Street South Area HCD.

On March 31, 2009, Council approved in principle these other two HCDs. The approval-in-principle simply affirms this work as a priority as recommended by the UDTF. Council should be aware that approval-in-principle does not establish the HCD with any legal authority.

#### 9. **Sustainable Tall Buildings**

Tall buildings are often criticized for not being sustainable. Certainly this was true for many of the tall buildings built prior to the 1990's. However, there has been an increased awareness in the past 20 years of the need to address sustainability issues within the design of tall buildings, if for no other reason than to reduce energy costs. Some of the recent technological and design developments have included:

- District heating and geothermal to reduce energy requirements related to heating;
- Use of lake or coastal water for building cooling;
- Use of low flow fixtures to reduce water consumption;
- Automatic light control and daylighting to reduce the energy cost related to artificial lighting;
- Wind energy either on-site or off-site for power generation;

- Solar energy from either roof or facade mounted solar panels for heating or power generation;
- Higher insulation levels; and,
- Variable speed gearless elevators which have reduced energy consumption by as much as 30-50%.

There are important sustainable advantages to building tall that cannot be disregarded. These include reducing land consumption (sprawl), as well as increasing density, which results in more efficient use of existing infrastructure and services, including public transit.

Tall buildings in an urban context can suffer from problems with over shading and rights to light, they can be the cause of glare, and they can create wind tunnels. However, good design can overcome all of these issues. These are among the central objectives of HRMbyDesign's building massing controls, approach to heights, and design guidelines.

## 10. Parking Requirements

Current planning policies and regulations do not require the provision of parking for either the Central Business District or the Halifax Waterfront Development Area. However, this does not mean that parking is never provided in downtown buildings. Instead, the development community will usually determine what the market is willing to bear and will provide enough parking for their commercial or residential tenants at a rate that will fully recoup the cost of constructing and maintaining the parking infrastructure. This avoids the possibility of an over-supply of parking, and tenants that do not require a parking space are not left subsidizing parking for other tenants. It is rare that a car owner would buy a condominium or rent an apartment downtown without first securing a parking space if they need one.

HRMbyDesign will continue to exempt downtown developments from the requirement to provide on-site parking until the Regional Parking Strategy Functional Plan is completed. Once completed, the Regional Parking Strategy Functional Plan will further address parking in downtown Halifax. In the meantime, the Halifax MPS will continue to encourage the provision of public parking lots, preferably at the periphery of the central downtown. Consistent with that approach, the proposed Downtown Halifax Land Use By-law requires that the existing public parking on Clyde Street be maintained as the area develops. Further, the Design Manual provides design guidelines for parking facilities to ensure high quality design.

## 11. Greening Vacant Lots

At the March 31, 2009 Committee of the Whole Council meeting, a question was raised as to whether the proposed Downtown Halifax Secondary Municipal Planning Strategy and Land Use By-law included a requirement for vacant lots to be landscaped with vegetation. Landscaping requirements can be included in a land use by-law provided they are in connection with the development of a property. A vacant lot is *undeveloped* land and there is no authority to regulate it's physical condition in a land use by-law. There are other sections of the HRM Charter that may be more appropriate to address such matters including Part XV, Dangerous or Unightly

Premises, or Part VII, By-laws, where Council is authorized to make by-laws relative to the condition or maintenance of vacant buildings, structures and properties. Council may choose to pursue enacting appropriate legislation or by-laws to address this concern through a process separate from HRMbyDesign.

## **12. Clarification of Appendix B in Proposed Downtown Halifax Secondary Municipal Planning Strategy**

Section 8.6 of the proposed Downtown Halifax Secondary Municipal Planning Strategy contains a provision for regular plan monitoring to ensure plan success. Appendix B of the proposed Downtown Halifax Secondary Municipal Planning Strategy contains baseline criteria against which plan success can be measured through the plan monitoring process. A close review of the baseline criteria has yielded several refinements for clarity, and the additions of several new criteria by which to better monitor plan success. These changes are:

- The economic office space comparison baseline indicator “supply vs demand” was found to be unclear and has been clarified to be expressed as a simple ratio of “supply: demand.”
- A new economic baseline indicator has been added: “total office space inventory.”
- A “Housing Affordability” indicator has been added to track the number of residential units approved in the downtown plan area through Provincial Housing Affordability programs.
- A new indicator called “investment in the public realm” has been added to track public and private financial investment in the public realm, streetscapes, public art, etc.
- A new heritage protection indicator has been added to track both the number, and average value, of supported heritage projects.

A revised Appendix B for the proposed Downtown Halifax Secondary Municipal Planning Strategy with improved wording is therefore attached as Attachment “P”.

## **13. Comparison of the Intent of Existing and Proposed Policies**

Whenever new policy replaces old policy, it can be useful to understand how, and if, the intent of the old policy is carried forward into the new. In the case of HRMbyDesign's plan for downtown Halifax, the great majority of the *intent* of existing policy is being carried forward, however in much clearer language. The table found in Attachment “Q” provides a side-by-side comparison of the intent of existing policy with the intent of proposed policy.

## **BUDGET IMPLICATIONS**

### **Public Realm Capital Investment Priorities**

The Downtown Halifax Urban Design Plan is a long term, 25-year plan that calls for both public and private investment. It is a blueprint for strategic capital investment spending on streetscapes, public open spaces, the waterfront, and our natural and built heritage resources. It will be implemented as part of HRM's budget approval process and through collaboration with private

partners and other levels of government with funding yet to be identified as Council is in the process of discussing the fiscal framework and proposed budget for 2009/10. Future fiscal year implementation expenses will be the subject of future budget debates.

Some key priorities to be considered by Council over the next five years that will benefit the downtown plan area include:

- investment in the revitalization of heritage buildings on Barrington Street through the Barrington Street Heritage Conservation District Financial Incentives Program, as outlined below;
- streetscape improvements along Barrington Street, Spring Garden Road and Quinpool Road;
- improvements to regional and downtown public transit services including the proposed Downtown Shuttle, Rural Transit Express and Fast Ferry from Bedford;
- the Cogswell Master Planning Study; and
- other public realm capital projects contained in the Plan as Council may direct.

### **Barrington Street Heritage Conservation District Financial Incentives**

#### ***Grant program***

A grant program budget in the amount of \$200,000 will be included in the 2009/10 municipal budget for consideration by Council under the normal budget approval process. This level of funding was approved in principle by Council on 25 March, 2008. Sources of funds for 2009 will be as follows:

- \$50,000 allocation from account C310-8004 (the existing Heritage Incentives Program);
- \$50,000 allocation from account Q312 (Cultural Development Reserve); and
- \$100,000 from a proposed budget increase with funding yet to be identified as Council is in the process of discussing the fiscal framework and proposed budget for 2009/10.

Allocation of \$50,000 from C310-8004 is justified because the existing Heritage Incentives Program already makes funds available to registered properties on Barrington Street, and it makes sense to allocate a portion of the existing \$150,000 heritage incentives budget specifically to the new Barrington Street HCD Program.

Allocation of \$50,000 from Q312 is justified because the Cultural Development Reserve is now designed to support all culture and heritage programs in the Municipality. From a strategic point of view, the allocation of funds to the Barrington Incentives program will visibly encourage the community to care for its heritage assets and, in so doing, will lessen the onus on HRM to retain examples of the same types of heritage buildings. This in turn will create options for HRM to dispose of some of its buildings and thereby reduce overall capital and operating costs.

Budgets and sources of grant funding for Years 2-5 (fiscal 2010-2013) will be recommended based on anticipated levels of restoration activity extrapolated from activity and program take-up in 2009.

### ***Permit Fee Waiver***

The cost of permit fee waivers will depend on the level of renovation activity. At maximum, it is expected to be no more than about \$15,000 per year. This is a fraction of 1% of HRM's total revenue from permit fees and will be absorbed through C430-4903.

### ***Tax Credit Program***

The tax credit component will become operational in fiscal 2009-2010 and will require a funding source in fiscal 2010/11's budget process. Based on consultants' review, the cost of this component is estimated at \$400,000/year for the five-year program or approximately \$2,000,000 in total although this amount may vary greatly given there is no maximum upper limit set for the tax credit program. Tax credits for work completed in any given fiscal year will be credited against a firm's subsequent year's tax bill. Any tax credits in excess of the individual annual tax bill would be eligible for carry forward to subsequent tax billing years.

Thus, while the program will be closed after five years, there may be remaining carry forwards at that time. Funding will be identified by council as part of the 2009/10 and 2010/11 budget debates and may include tax rate increases or revenue lift from anticipated assessment value increases on the affected properties. It is cautioned that assessment value lift is subject to the control of the Property Valuation Services Corporation.

## **FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN**

This report complies with the Municipality's Multi-Year Financial Strategy unless Council implements recommendation 4 (Barrington Street Heritage Conservation District Financial Incentive Program) through the budget process without identifying a funding source.

### **ALTERNATIVES**

1. Regional Council may choose to approve the recommendations.
2. Regional Council may choose not to approve the recommendations.
3. Regional Council may choose to make further changes to the documents under consideration.

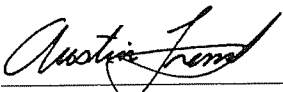
### **ATTACHMENTS**

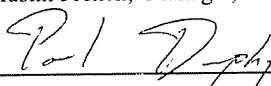
- A Amendments to the proposed Downtown Halifax Secondary Municipal Planning Strategy: Plan Monitoring Program
- B Amendments to the proposed Downtown Halifax Secondary Municipal Planning Strategy: Active Development Agreement Applications
- C Amendment to the proposed Downtown Halifax Secondary Municipal Planning Strategy: Accommodating a Possible New Convention Centre
- D Amendments to the proposed Downtown Halifax Land Use By-law: Accommodating a Possible New Convention Centre
- E Amendment to the proposed Downtown Halifax Secondary Municipal Planning Strategy: Policy 89 Regarding Plan Amendments
- F Amendment to the proposed Downtown Halifax Secondary Municipal Planning Strategy: Corrected Street Network Map


- G Amendment to the proposed Downtown Halifax Secondary Municipal Planning Strategy:  
Section 4.0 - Heritage Conservation.
- H Amendment to the proposed Downtown Halifax Secondary Municipal Planning Strategy:  
Land Use Zones
- I Amendments to the proposed Downtown Halifax Land Use By-law: Design Review  
Committee
- J Amendment to the proposed Downtown Halifax Secondary Municipal Planning Strategy:  
Pre-Bonus Heights Map
- K Amendment to the proposed Downtown Halifax Land Use By-law: Pre-Bonus Heights Map
- L Proposed Public Consultation Process
- M Amendments to the proposed Downtown Halifax Secondary Municipal Planning Strategy:  
Proposed Public Consultation Process
- N Amendment to the proposed Downtown Halifax Land Use By-law: Proposed Public  
Consultation Process
- O Site Plan Approval Flow Chart
- P Amendment to the proposed Downtown Halifax Secondary Municipal Planning Strategy:  
Plan Monitoring Performance Measures
- Q Comparison of the Intent of Existing & Proposed Policies

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

Report Prepared by: Andy Fillmore, Acting Supervisor, Heritage & Design, 490-6495

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

Report Approved by:   
Paul Dunphy, Director, Community Development

Report Approved by:   
Catherine Sanderson, Sr. Manager, Financial Services, 490-1562

ATTACHMENT "A"

**Amendments to Proposed Downtown Halifax Secondary Municipal Planning Strategy**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the proposed Downtown Halifax Secondary Municipal Planning Strategy is hereby amended as follows:

1. By replacing the text of Section 8.6, Plan Monitoring Program, with the following text:

**8.6 PLAN MONITORING PROGRAM**

This Plan sets a clear direction for development and investment within downtown Halifax over the next 25 years. To implement this new direction, the co-operation of numerous agencies and initiatives will be needed, both within and outside the municipal government. This Plan will be reviewed periodically to determine the degree of success in achieving its intent and address any changes in underlying assumptions or economic conditions. Central to the effective implementation of the many aspects of this Plan is the establishment of an effective monitoring program. This program will be conducted through regular and five-year reviews as outlined under section 8.6.1, as well as through a mandatory ten-year review as outlined in the *Halifax Regional Municipality Charter*. The Plan Monitoring Performance Measures outlined in Appendix B may be used to monitor the effective implementation of this Plan on an ongoing basis.

2. By deleting Policy 85.



**ATTACHMENT "B"**

**Amendments to the Proposed Downtown Halifax Secondary Municipal Planning Strategy**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the proposed Downtown Halifax Secondary Municipal Planning Strategy is hereby amended as follows:

1. By adding the following new section to Chapter 8, immediately following Policy 90:

**8.6A TRANSITION TO THIS PLAN**

During the course of preparation of this Plan, development continued to occur in the Plan area according to the previous MPS policies and land use by-law requirements. At the time of Plan adoption, development agreement applications in various stages of review and approval remained in progress. In consideration of the fact that these projects were designed within the parameters of the previous policies of the Halifax Municipal Planning Strategy, the substantial investment made in the preparation of such applications and that they were submitted in advance of this Plan being given first reading by Council, it is reasonable that provision be made to allow Council to consider them after the effective date of this Plan under the previous policies. Similarly, non-substantive amendments to approved development agreements should also be able to be considered under the previous policies.

It is not, however, appropriate that development that is not in conformance with this Plan be afforded longstanding rights relative to time frames for project approval and completion. Developments that are not constructed and completed within a reasonable time period after Plan adoption should be required to comply with the requirements of the Land Use By-law.

Policy 90A Applications for development agreements on file on or before March 31, 2009 shall be considered under the policies in effect at the time the complete application was received. Where any such application is withdrawn, significantly altered, or rejected by Council, any new development proposal shall be subject to all applicable requirements of the Land Use By-law.

Policy 90B Applications pursuant to Policy 90A that have not proceeded to a public hearing by March 31, 2010 shall be subject to all applicable requirements of the Land Use By-law.

Policy 90C Applications approved pursuant to Policy 90A shall include project commencement dates not exceeding three years from the date of execution of the development agreement and project completion dates not exceeding six years from the date of execution of the agreement.

Policy 90D Applications for non-substantive amendments to approved development agreements shall be considered under the policies in effect at the time the agreement was approved.

**ATTACHMENT "C"**

**Amendment to the Proposed Downtown Halifax Secondary Municipal Planning Strategy**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the proposed Downtown Halifax Secondary Municipal Planning Strategy is hereby amended as follows:

1. By adding the following new section to Chapter 8, immediately following Policy 90D:

The Province is considering a public/private partnership for a new World Trade and Convention Centre in downtown Halifax on the two blocks bounded by Argyle Street, Prince Street, Market Street and Sackville Street. Such a development will have a significant economic, social and cultural impact on downtown Halifax, the province and the maritime region. The development will have the added benefit of revitalizing two, full underutilized yet prominent city blocks in the downtown core. Accordingly, it is appropriate to include specific provisions in this Plan to enable the development as contemplated.

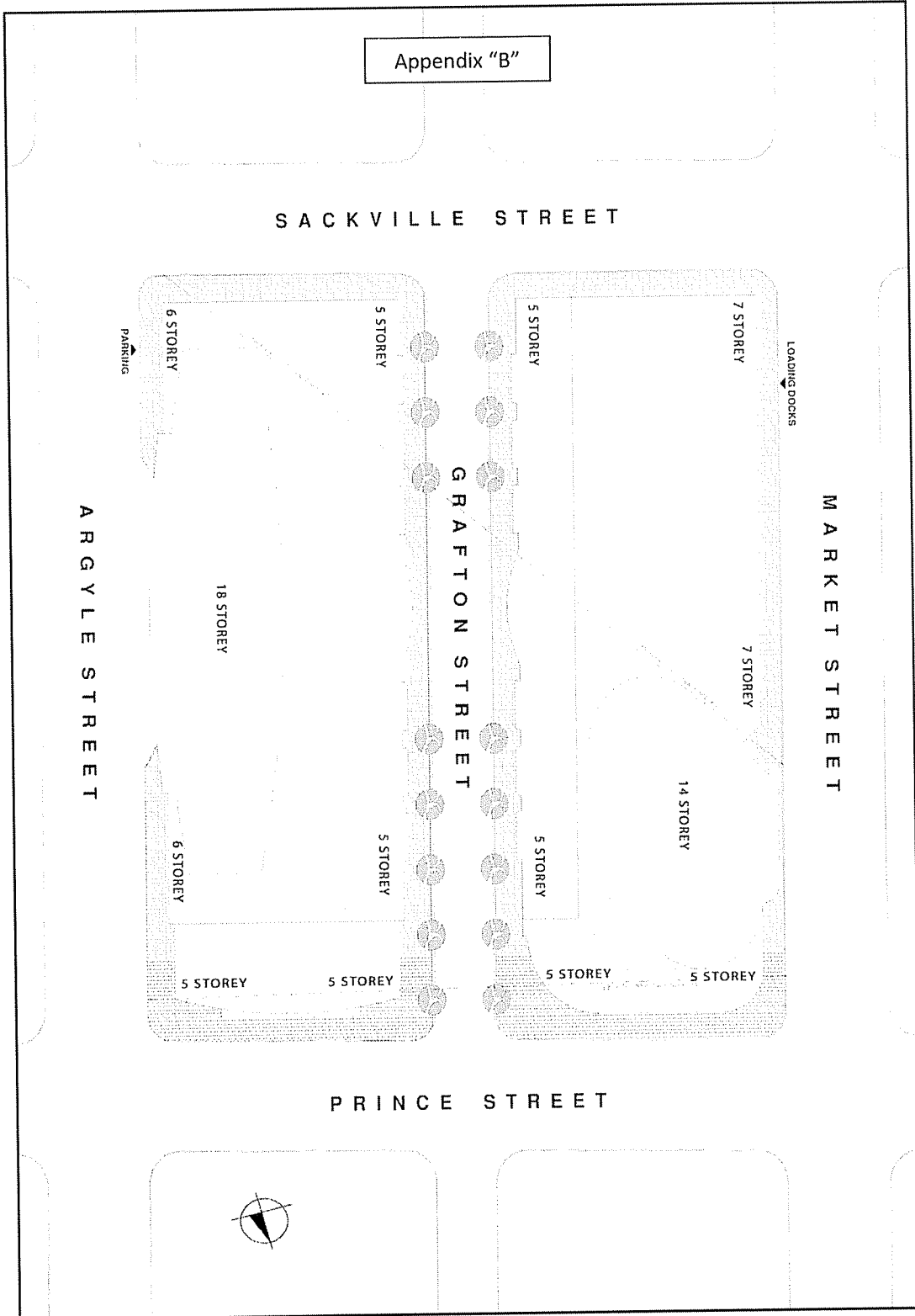
Policy 90E           HRM shall, through the land use by-law, establish provisions and requirements to enable the development of a new publically-sponsored convention centre including retail, hotel, office, and underground parking space on the two blocks bounded by Argyle Street, Prince Street, Market Street and Sackville Street.

**ATTACHMENT "D"**  
**Amendments to the Proposed Downtown Halifax Land Use By-law**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the proposed Downtown Halifax Land Use By-law is hereby amended as follows:

1. By adding the following new subsections immediately following subsection (15) of section 7:
  - (15A) Notwithstanding any provision of this By-law except subsections (14) through (17) of section 8, a publically-sponsored convention centre with retail, office, hotel and underground parking space, may be developed on the two blocks bounded by Argyle Street, Prince Street, Market Street and Sackville Street in accordance with the drawings attached as Appendix "B" to this By-law.
  - (15B) In addition to the requirements of subsection (15A), the requirements of subsection (6) of section 5 shall apply. The Development Officer shall refer the application for site plan approval to the Design Review Committee for their approval of the proposal's qualitative elements as set out in section 1.1 b. of the Design Manual.
2. By adding Appendix "B" immediately following Appendix "A," as shown on Attachment "D-1" of this report.

ATTACHMENT "D-1"



**ATTACHMENT "E"**

**Amendment to the Proposed Downtown Halifax Secondary Municipal Planning Strategy**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the proposed Downtown Halifax Secondary Municipal Planning Strategy is hereby amended as follows:

1. By replacing the text and preamble of Policy 89 with the following text:

Development projects with highly significant benefits for the downtown and HRM at large that exceed the maximum height or building mass may be proposed from time to time.

**Policy 89** Notwithstanding the foregoing policies, where a proposed amendment addresses unforeseen circumstances, or is deemed by Council to confer significant economic, or social, or cultural benefits to HRM beyond the bonus zoning provisions of this Plan, such amendments shall be considered by Council at any time regardless of the schedule for reviews.

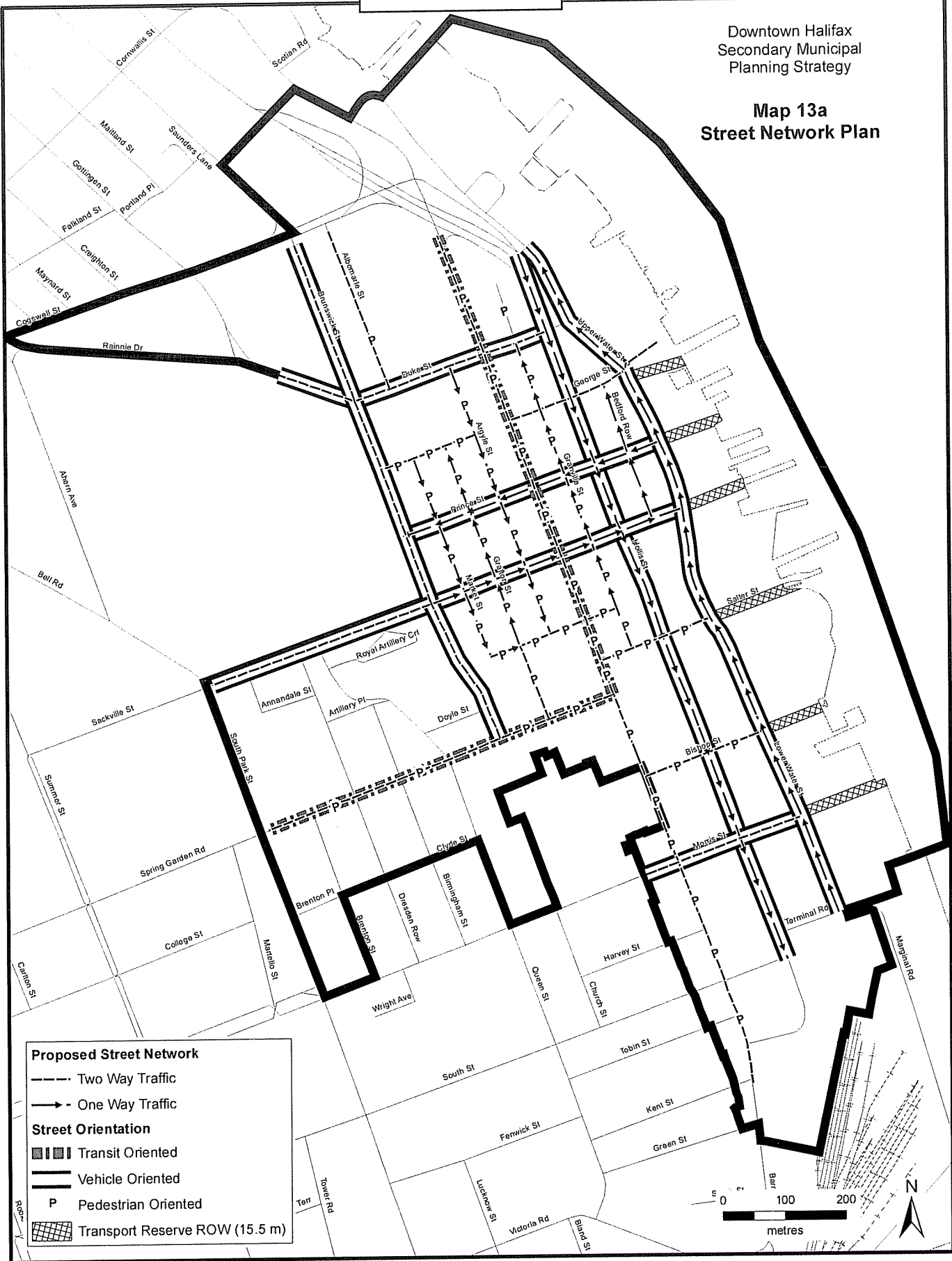
**ATTACHMENT "F"**

**Amendment to the proposed Downtown Halifax Secondary Municipal Planning Strategy**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the proposed Downtown Halifax Secondary Municipal Planning Strategy is hereby amended as follows:

1. By removing "Map 13 - Street Network Plan" and replacing it with "Map13a - Street Network Plan" and "Map 13b - Street Network Plan (Bicycle Routes)" as shown on Attachments "F-1" and "F-2" of this report.

Map 13a  
Street Network Plan



**Proposed Street Network**

- Two Way Traffic
- One Way Traffic

**Street Orientation**

- ▨ Transit Oriented
- Vehicle Oriented
- P Pedestrian Oriented
- ▧ Transport Reserve ROW (15.5 m)

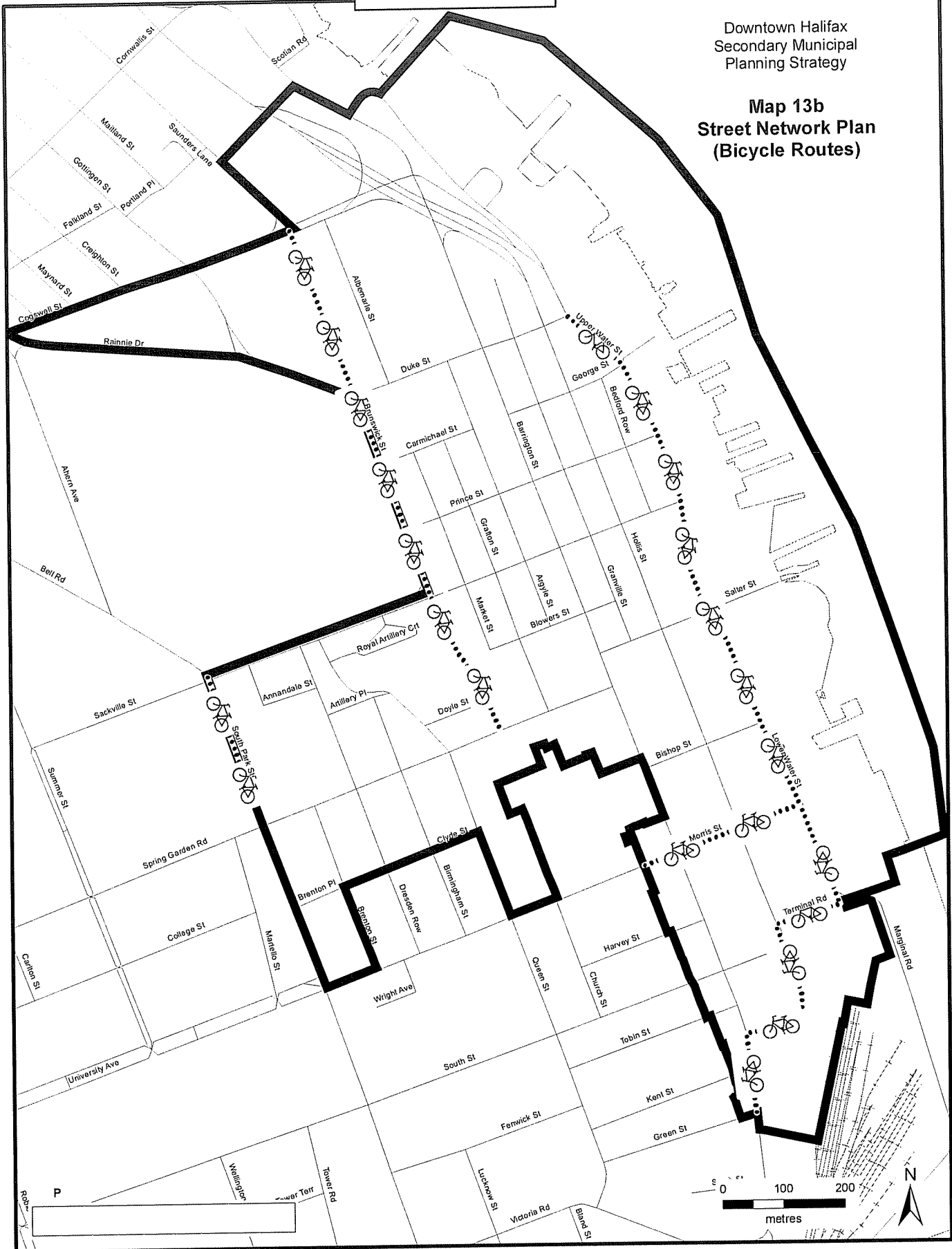
Effective:

Note: Effective date does not indicate date of data creation

ATTACHMENT F-2

Downtown Halifax  
Secondary Municipal  
Planning Strategy

Map 13b  
Street Network Plan  
(Bicycle Routes)



Effective:

Note: Effective date does not indicate date of data creation



**ATTACHMENT “G”**

**Amendment to the proposed Downtown Halifax Secondary Municipal Planning Strategy**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the proposed Downtown Halifax Secondary Municipal Planning Strategy is hereby amended as follows:

1. Replace the wording of subsection (c) of Section 4.0 as follows:
  - (c) Protecting registered heritage resources outside heritage districts by means of: new built form guidelines for new development next to, or integrated with the heritage resource; by making the *Regional Heritage Functional Plan* a Council priority for the provision of improved heritage incentives; and, by working with the province to strengthen demolition controls as part of the Heritage Strategy for Nova Scotia.

**ATTACHMENT “H”**

**Amendment to the proposed Downtown Halifax Secondary Municipal Planning Strategy**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the proposed Downtown Halifax Secondary Municipal Planning Strategy is hereby amended as follows:

1. By replacing Policy 4 with the following:

Policy 4           HRM shall establish in the Land Use By-law two zones, a Downtown Halifax Zone (DH-1) and an Institutional, Cultural & Open Space Zone (ICO), within which a mix of uses are permitted.

**ATTACHMENT "I"**  
**Amendments to the proposed Downtown Halifax Land Use By-law**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the proposed Downtown Halifax Land Use By-law is hereby amended as follows:

1. By replacing clauses (b), (c), and (d) of subsection (2) of section 4 as follows:

(b) with the exception noted in clause (d), only those applicants with professional expertise in the fields of architecture, landscape architecture, urban design, city planning, structural engineering or a similar field shall be eligible as members of the Committee;

(c) where possible, the Committee shall be comprised of 4 architects, 2 landscape architects, 1 city planner or urban designer, 1 structural engineer, 1 professional at large from the above referenced professions, and 1 resident at large;

(d) with the exception of the resident at large member, members of the Committee must hold a professional degree in their respective fields;

2. By replacing subsection (4) of section 4 as follows:

(4) A quorum of the Committee is four (4) members.

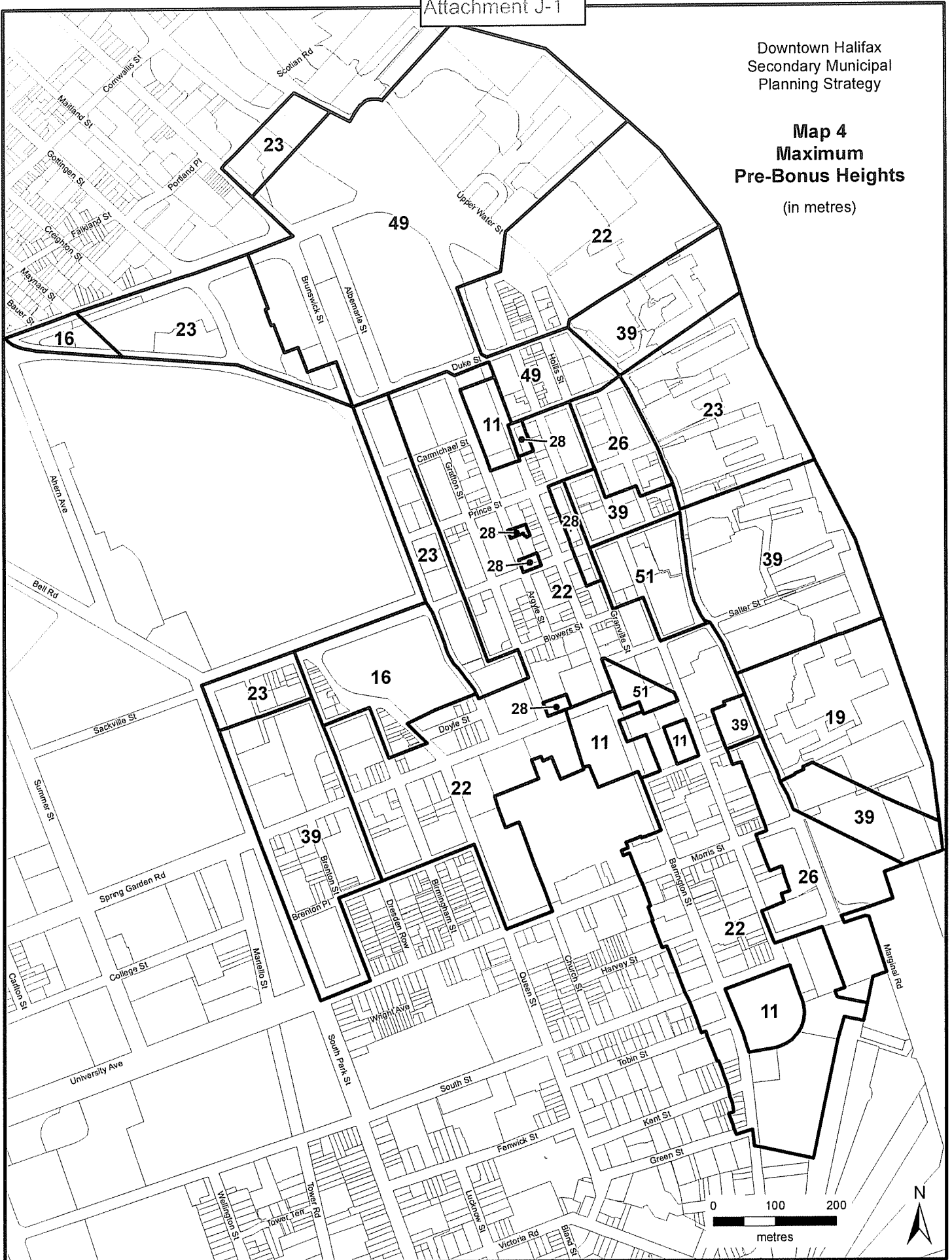
**ATTACHMENT "J"**

**Amendment to the proposed Downtown Halifax Secondary Municipal Planning Strategy**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the proposed Downtown Halifax Municipal Planning Strategy is hereby amended as follows:

1. By removing "Map 4 - Pre-Bonus Heights" and replacing it with the revised "Map 4 - Pre-Bonus Heights" as shown on Attachment "J-1" of this report.

**Map 4**  
**Maximum**  
**Pre-Bonus Heights**  
(in metres)

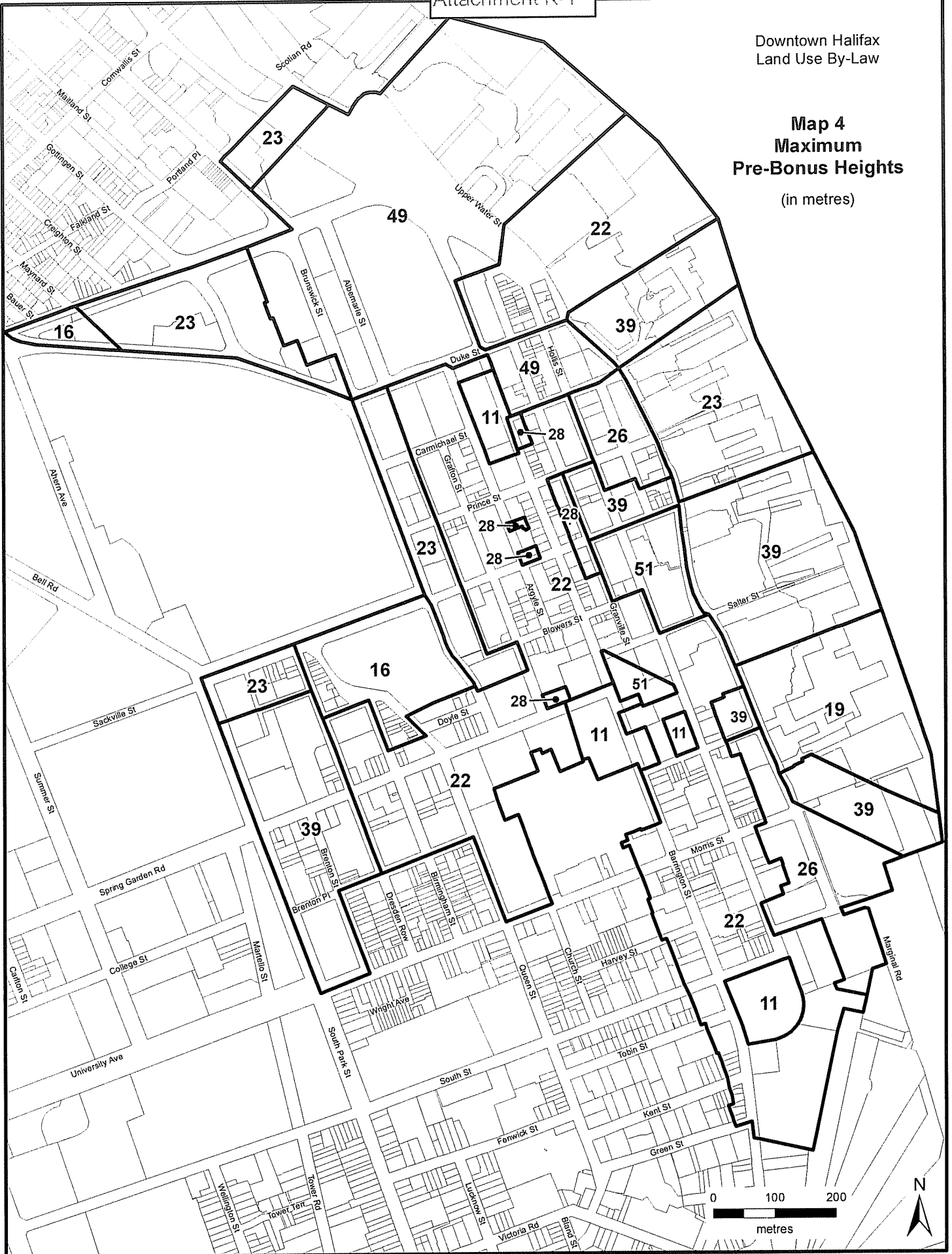


**ATTACHMENT "K"**  
**Amendment to the proposed Downtown Halifax Land Use By-law**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the proposed Downtown Halifax Land Use By-law is hereby amended as follows:

1. By removing "Map 4 - Pre-Bonus Heights" and replacing it with the revised "Map 4 - Pre-Bonus Heights" as shown on Attachment "K-1" of this report.

**Map 4**  
**Maximum**  
**Pre-Bonus Heights**  
(in metres)



## ATTACHMENT "L" Proposed Public Consultation Process

**Open house:** Open to the general public where they are guided through a series of displays by the developer or staff. The displays generally feature pictures and information about the proposed development application. The public has the opportunity to provide feedback through a variety of mechanisms including: paper on the wall for comments that everyone can see and build upon; a box for written comments that will remain private; note takers that will accept verbal comments from participants; and, information about how to send in feedback after the meeting with a deadline for submissions.

**Public Kiosk:** In order to target non-traditional audiences for feedback, it is important to "go to the public" rather than making the public come to an HRM event at a specified time or place. Kiosks set up in appropriate community location, such as HRM Customer Service Centres, provide opportunities for a wider range of people and groups to learn about the proposed development and provide feedback. The kiosk will contain detailed information about the proposal and a variety of ways to submit feedback as outlined for the open house above.

**Website:** While the Planning Services website currently posts information on current applications, promotion and usability of the website as an information bank will increase under the proposed Site Plan Approval process. The website will allow members of the public to submit feedback on all applications under review by HRM.

This public consultation is only one component of the public participation process, which includes:

- newspaper notice of pre-application public consultation on an application for site plan approval;
- public consultation event including a combination of an open house, kiosk and website component;
- Design Review Committee and Heritage Advisory Committee (both citizen-based) meetings are open for public observation;
- property owners located within the notification area (entire Downtown Plan area) can appeal an approval to Council, the format of which is like a public hearing;
- applicants can appeal refusals to Council and subsequently to the NSUARB; and
- this Plan contains an annual and 5-year monitoring and review program, guided by a citizen-based Committee of Council.



**ATTACHMENT "M"**

**Amendments to the Proposed Downtown Halifax Secondary Municipal Planning Strategy**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the proposed Downtown Halifax Secondary Municipal Planning Strategy is hereby amended as follows:

1. By striking the word "and" at the end of clause (a) of Policy 15.
2. By replacing the period at the end clause (b) of Policy 15 with a semicolon and adding the word "and" after the semicolon.
3. By adding the following new clause following clause (b) of Policy 15:
  - (c) requirements for public consultation prior to an application for site plan approval being submitted to the Municipality.

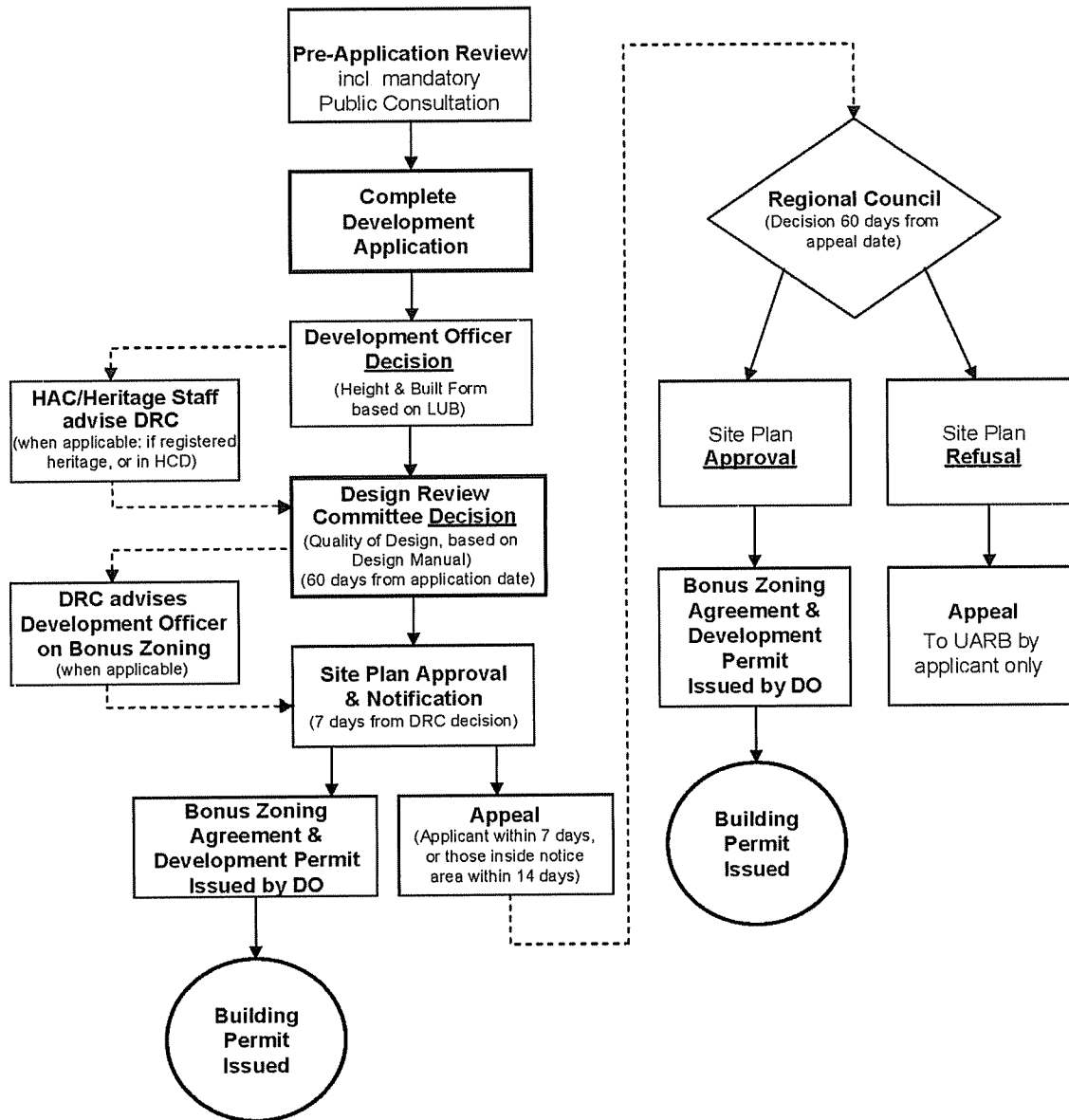
**ATTACHMENT "N"**  
**Amendments to the Proposed Downtown Halifax Land Use By-law**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the proposed Downtown Halifax Land Use By-law is hereby amended as follows:

1. By adding the following new subsection immediately following subsection (7) of section 5:
  - (7A) Prior to an application for site plan approval being submitted, the applicant shall undertake public consultation concerning the project in a format acceptable to the Development Officer and using a combination of the following three methods:
    - (a) open house;
    - (b) public kiosk; and
    - (c) website/online forum.

ATTACHMENT "O"

**PROPOSED Site Plan Approval Process for Downtown Halifax**



As Recommended to Regional Council  
 by the Urban Design Task Force  
 February 18, 2009

**ATTACHMENT "P"**

**Amendment to the proposed Downtown Halifax Secondary Municipal Planning Strategy**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the proposed Downtown Halifax Municipal Planning Strategy is hereby amended as follows:

1. By removing "Appendix B - Plan Monitoring Performance Measures" and replacing it with the revised "Appendix B - Plan Monitoring Performance Measures" as shown in Attachment "P-1" of this report.

## APPENDIX B: PLAN MONITORING PERFORMANCE MEASURES

Impact Area	Category	Indicator	Baseline Measure 2008-09
<b>Economic</b>	Building Permits	# of permits issued	46
	Inventory	# of new residential units	5
		Total inventory of space for all uses	6.4 million sq. ft
	Approval Process	Average time from submission to approval	16 months
	Office Space	Average rental or lease premium	\$4.22 per sq.ft
		Aggregate realty assessment	\$2,069,178, 510
		Office space : Inventory	6,694,764 sq.ft
Office space: ratio of demand to supply		1: 1.5	
<b>Social, Cultural &amp; Environment</b>	Green Designed Buildings	# of buildings with LEED silver or higher	0
	Housing	# of occupied dwellings or units	10,124 (2006 census)
	Housing Affordability	Total number of units approved through Provincial Housing Affordability programs	0
	Mobility	Kilometres of bike lanes	2.2 km
		Average # weekday trips (all bus and ferry)	2662
	People	# of people living downtown (Halifax Citadel provincial riding)	19,644 (2006 census)
	Investment in Public Realm	\$ value of public and private investment made in public realm	2009 Capital budget
	Heritage	# of heritage districts	0
		Municipal grants and tax exemptions for heritage restoration and preservation (excluding the Heritage and Culture Reserve)	Heritage Property Program: \$150,000  Community Grants: \$75,000  IAMS Heritage Facilities Upgrades: \$152,000  Non-profit Tax Exemptions: \$254,000  TOTAL = \$631,000
		Heritage Projects supported by program	# of projects & avg. \$ value per project in 2009 (to be determined)

**ATTACHMENT “Q”  
 Comparison of the Intent of Existing & Proposed Policies**

Issue	Current Policy	Proposed Policy
<p><b>1. Parking</b></p>	<p>Current planning policies and regulations do not require the provision of parking for either the Central Business District or the Halifax Waterfront Development Area.</p> <p>Current MPS policies allow surface parking lots as an interim use by development agreement in both the Central Business District and the Halifax Waterfront Development Area.</p> <p>There is a requirement to provide parking in the Spring Garden Road Commercial Area Plan for commercial lots greater than 20,000 square feet. In these situations, one parking space is required for every 1,000 square feet of commercial floor area, 50% of which has to be available to the public for short-term parking.</p> <p>For residential uses in the Spring Garden Road Commercial Area Plan, no parking is required in mixed use developments on lots smaller than 5,000 square feet. On lots greater than 5,000 square feet, one parking space must be provided for each unit containing two or more bedrooms, and one parking space must be provided for every four or less bachelor or one bedroom units.</p>	<p>HRM by Design will continue to exempt downtown developments from the requirement to provide on-site parking until the Regional Parking Strategy Functional Plan is completed. Once completed, it will guide a series of amendments to the DHSMPS and DHLUB to insert appropriate parking ratios for downtown Halifax.</p> <p><u>Section 14</u>, prohibits accessory surface parking lots in 5 of the 9 precincts, and specifies requirements for those precincts that do permit the accessory surface parking lots. Commercial surface parking lots are prohibited in all precincts. Commercial parking garages are permitted in all precincts and Section 14 specifies the design requirements to be met.</p> <p>The <u>Design Manual</u> specifies further design requirements for accessory surface parking lots and commercial parking garages.</p>

<p><b>2. Land Use</b></p>	<p>The downtown Halifax study area is currently divided amongst 9 zones, these include: the R-3 (Multiple Dwelling) Zone, the RC-2 (Residential/Minor Commercial) Zone, the RC-3 (High Density-Residential/ Minor Commercial) Zone, the C-2 (General Business) Zone, the C-2A (Minor Commercial ) Zone, the C-2D (General Business - Spring Garden Road Area) Zone, the P (Park and Institutional) Zone, the U-2 (High-Density University) Zone, and the HZ (Hotel) Zone.</p>	<p>Only two zones are proposed for the area covered by the DHSMPS, these are the DH-1 (Downtown Halifax) Zone and the ICO (Institutional, Cultural &amp; Open Space) Zone.</p>
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<p><b>3. Sustainable Building Design</b></p>	<p>None exist today.</p>	<p>At its core, HRM by Design promotes a compact, dense, and walkable downtown.</p> <p><u>Policy 18</u> and <u>Section 12(7)</u>, the provision of exemplary sustainable building practices is one of the items identified as a public benefit eligible for a height bonus.</p> <p><u>Policy 20</u>, recommends the undertaking of a Sustainability Functional Plan to coordinate work with the Province in strengthening existing municipal and provincial regulation in the areas of energy conservation and sustainable building and site design.</p> <p><u>Policy 22</u>, requires the Municipality to ensure that all new municipal facilities within downtown Halifax are designed to show leadership in sustainable building design and at minimum achieve a LEED silver standard in the LEED or an equivalent certification system.</p> <p><u>Policy 23</u>, requires the Municipality to negotiate an agreement with provincial and federal levels of government and agencies including the Waterfront Development Corporation Limited, to establish LEED standards for development of public lands throughout downtown Halifax.</p> <p>The <u>Design Manual</u> contains a number of environmentally sustainable development practices.</p>
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<p><b>4. Affordable Housing</b></p>	<p>The Halifax MPS contains only general policies on housing affordability (i.e. that it be encouraged).</p>	<p>HRM by Design is not intended to be specifically a housing strategy; that is the role of the Affordable Housing Functional Plan, proposed under the Regional Plan. The Functional Plan, anticipated to be completed this year, will determine specific housing needs across HRM, explore models to deliver affordable housing, and present indicators of success. The DHSMPS (<u>Policy 18</u>) and DHLUB [<u>Section 12(7)</u>] do however recognize the provision of residential units at a subsidized cost as one of the public benefit items eligible for a height bonus.</p>
<p><b>5. Shadow Effects</b></p>	<p>The Halifax MPS contains policies that require the Municipality to make every effort to ensure that new developments do not create adverse shadow effects on public open spaces.</p>	<p>Shadow effects on public open spaces and sidewalks have been taken into consideration in the preparation of the built form framework. Therefore, shadow effects will no longer have to be considered when approving new developments in downtown Halifax.</p>
<p><b>6. Public Access to Water along Halifax Waterfront</b></p>	<p>The Halifax Waterfront Development Area contains a policy that requires a continuous public walkway along the land/water edge, except where general use would be considered unsafe. The MPS also encourages the provision of landscaping along the public walkway, as well as public open spaces at the end of east-west streets at the water's edge.</p>	<p><u>Policies 29, 57, 58, 73 and 78</u>, and <u>Sections 7(18)-7(21)</u>, provide for public access and open space on the waterfront lands which shall include continuous public access at the water's edge (Harbourwalk waterfront trail) and green space at the terminus of each east-west street extension.</p>
<p><b>7. Pedestrian-Oriented Commercial Streetscapes</b></p>	<p>By-law provisions require active ground floor retail and commercial uses in buildings fronting on Spring Garden Road between Queen Street and South Park Street.</p>	<p><u>Policies 5 and 6</u> and <u>Sections 7(2) and 7(3)</u>, Barrington Street and Spring Garden Road are designated as primary pedestrian-oriented commercial streetscapes. With this designation, new developments will be required to establish active ground floor retail and commercial uses along these streets (e.g. restaurants and cafes, retail outlets, banking, and other services).</p>

<p><b>8. Dwelling Unit Mix</b></p>	<p>By-law provisions require each multiple dwelling unit building in the South End Area Plan to include at least one dwelling unit of a minimum of 800 square feet in floor area for every three dwelling units, each of which is less than 800 square feet in floor area.</p>	<p><u>Policy 7</u> and <u>Section 7(4)</u>, new multiple unit dwelling buildings will be required to provide at least one dwelling unit containing not less than two bedrooms for every three apartment/condo units.  <u>Policy 18</u> and <u>Section 12(7)</u>, the provision of three and four bedroom dwelling units with direct access to outdoor amenity space is one of the items identified as a public benefit eligible for a height bonus.</p>
<p><b>9. Existing Street Grid &amp; Blocks</b></p>	<p>The Halifax MPS contains a policy that requires the retention of the remaining street grid and city block pattern in the CBD. There is also a policy that discourages the Municipality to undertake substantial street widenings in the CBD which would materially alter the character of the street grid.</p>	<p><u>Policies 27 and 28</u>, the closing of streets to permit blocks in the downtown to be consolidated for development will not be allowed. Substantial street widening in the area covered by the DHSMPS that would materially alter the character of the street grid will also not be permitted.</p>
<p><b>10. Public Art</b></p>	<p>None exist today.</p>	<p><u>Policy 18</u> and <u>Section 12(7)</u>, public art is one of the items identified as a public benefit eligible for a height bonus.  <u>Policy 63</u>, Municipality will be encouraged to support the installation of public art at appropriate locations in downtown Halifax through its capital investment program and through the bonus zoning provisions of the LUB.</p>
<p><b>11. Rooftop Treatment</b></p>	<p>Both the Central Business District and the Halifax Waterfront Development Area contain policies that encourage rooftop landscaping in any new developments which can be seen from the Citadel, from taller buildings, or from other parts of the City.</p>	<p><u>Policy 21</u> and <u>Section 8(12)</u>, mandatory requirement for landscaping treatment of all flat rooftops.</p>

<p><b>12. Control over External Cladding Materials</b></p>	<p>None exist today.</p>	<p><u>Section 8(20)</u>, The use of the following external cladding materials will be prohibited: vinyl; plastic; plywood; concrete block; exterior insulation and finish systems where stucco is applied to rigid insulation; metal siding utilizing exposed fasteners; darkly tinted or mirrored glass; and vinyl windows on registered heritage properties or properties located within a heritage conservation district.</p>
<p><b>13. Quality of Architecture</b></p>	<p>No architectural design guidelines exist today.</p>	<p>The <u>Design Manual</u> will provide design guidance in the site plan approval process. It includes provisions related to external design, precinct and streetwall character, heritage character, building articulation and materials, lighting, landscaping, parking, signs, and sustainable design.</p>
<p><b>14. Streetwall</b></p>	<p>Policy and by-law provisions for Spring Garden Road and South Park Street, which control the maximum height of the streetwall, as well as stepback.</p>	<p><u>Policy 10</u> and <u>Section 9</u>, control the streetwall's setback from the streetline, its maximum and minimum heights, its width, and stepback.</p>
<p><b>15. Building Envelopes</b></p>	<p>Current policy and by-law provisions provide a one size fits all approach to stepbacks from interior lot lines, no matter the total height of the building. There is no control on building widths.</p>	<p><u>Policy 10</u> and <u>Section 10</u>, classify buildings into three categories, i.e. low-rise, mid-rise, and high-rise, and specify various building envelopes for all three building types.</p>
<p><b>16. Sea Level Rise and Storm Surge Protection</b></p>	<p>None exist today.</p>	<p><u>Policy 29</u> and <u>Sections 7(12)-7(15)</u>, provisions to ensure development along the Halifax waterfront considers measures to mitigate the effects of sea level rise and storm surge events. Residential uses must be no less than 2.5 m elevation above the ordinary high water mark.</p>

<p><b>17. Undergrounding of Overhead Utilities</b></p>	<p>Both the Central Business District and the Halifax Waterfront Development Area contain policies that encourage the Municipality to eliminate overhead wires from public circulation and traffic areas.</p>	<p>Both the Plan and Land Use By-law are silent on this matter. However, the issue has already been addressed in the Regional Plan, which requires the preparation of an Underground Utilities Functional Plan.</p>
<p><b>18. Landscaped Open Space</b></p>	<p>"Landscaped open space" (LOS) means any outdoor landscaped area or playground for common use by the occupants of a building, but shall not include space for vehicular access, car parking, areas for the manoeuvring of vehicles, or areas covered by any building.</p> <p>Currently, LOS must be provided in conjunction with any multiple dwelling unit developments, except those located in the Central Business District. The current requirements are the following: (i) 100 square feet of LOS for each person occupying such building in a dwelling unit containing two or more bedrooms; (ii) 70 square feet of LOS for each person residing within such building in a dwelling unit containing one bedroom; (iii) 50 square feet of LOS for each person residing within such building in a bachelor unit if located in "Schedule B"; and (iv) 70 square feet of LOS for each person residing within such building in a bachelor unit if located within an area other than "Schedule B".</p> <p>A maximum of 40% of the LOS requirement for dwelling units containing two or more bedrooms may be transferred to the building rooftop.</p>	<p><u>Policy 7</u> and <u>Sections 7(6)-7(11)</u>, residential buildings erected, altered, or used primarily for residential purposes in Precinct 2 (Barrington Street South), Precinct 3 (Spring Garden Road Area), and Precinct 9 (North End Gateway) will still require landscaped open space (LOS) for residents. Each unit will be assessed at 11.25 square metres of LOS, of which 60% may be transferred to the roof.</p>

<p><b>19. Population Density</b></p>	<p>"Population density" means the number of persons occupying a building(s) on a lot per one acre of gross lot area. In determining population density, the number of persons occupying a building on a lot is calculated on the basis of one person for each habitable room contained therein.                  Except for the Central Business District, which has no density control, the population density for the study area is assessed at 250 persons per acre.</p>	<p>In order to encourage residential growth in downtown Halifax, existing density limitations will not be carried forward into the new Plan and Land Use By-law.</p>
<p><b>20. East-West Streets</b></p>	<p>Current policies of the Halifax MPS encourage the protection and enhancement of the views up and down east-west streets, as well as the extension of these streets down to the land/water edge.</p>	<p><u>Policies 61 and 78</u> and <u>Sections 7(18)-7(21)</u>, east-west streets provide important views between the Citadel and the Harbour. These corridors will be protected through the establishment of transportation reserves that will extend from Lower Water Street to the water's edge. Public open spaces will be provided where the eastward extension of east-west streets intersects the boardwalk.</p>
<p><b>Heritage Policies</b></p>		
<p><b>21. Heritage Conservation Districts</b></p>	<p>None exist today</p>	<p>1. HCD to be approved with Downtown Plan – Barrington Street                  2. Additional HCDs in the plan area are proposed for priority consideration by Council upon adoption of the Downtown Plan. The HAC plays a key role in the creation of all HCDs.</p>

<p><b>22. Demolition control</b></p>	<p>Demolition delay controls within Heritage Conservation Districts can be <u>set at any number of years</u>, as regulated by the Heritage Property Act, but no HCDs exist.</p> <p><u>A one-year delay</u> for municipally registered heritage properties, as regulated by the Heritage Property Act.</p> <p><u>Unlimited delay</u> for provincially registered heritage properties, as regulated by the Heritage Property Act.</p>	<p>HRMbyDesign proposes permanent demolition protection for registered municipal heritage buildings within HCDs, unless Council chooses to approve the application for demolition. Council approvals of demolition applications can be appealed by an aggrieved* person to the NSUARB; Council refusals of demolition applications can be appealed by the applicant to the NSUARB.</p> <p>This <u>remains the same</u> under HRMbyDesign for registered properties outside HCDs <u>and applies to unregistered properties inside HCDs</u> (provides protection for unregistered but contributing buildings in a heritage context)</p> <p>This <u>remains the same</u> under HRMbyDesign throughout the Downtown Plan area.</p> <p>* “aggrieved person” includes</p> <p>(i) an individual who bona fide believes the decision of the Council will adversely affect the value, or reasonable enjoyment, of the person's property or the reasonable enjoyment of property occupied by the person,</p> <p>(ii) an incorporated organization, the objects of which include promoting or protecting the quality of life of persons residing in the neighbourhood affected by the Council's decision, or features, structures or sites of the community affected by the Council's decision, having significant cultural, architectural or recreational value, and</p> <p>(iii) an incorporated or unincorporated organization in which the majority of members are individuals referred to in subclause (i)</p>
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<p><b>23. Development Approval Process</b></p>	<p><b><u>As-of-right approval process,</u></b> (where proposal is below the 25 or 40 ft. development agreement trigger):</p> <ol style="list-style-type: none"> <li>1. Complete application</li> <li>2. Development Officer reviews application against Land Use By-law</li> <li>3. If approved, a Development Permit is issued</li> <li>4. If not approved, the applicant can appeal a refusal to the NSUARB</li> </ol> <p><b><u>Development Agreement,</u></b> (where proposal is above the development agreement trigger of 25 or 40 ft.):</p> <ol style="list-style-type: none"> <li>1. Complete application</li> <li>2. Review against MPS by planning staff</li> <li>3. PIM is held by HRM, with the applicant for public feedback</li> <li>4. Negotiation between applicant and planning staff, based on intent of MPS policies and technical review</li> <li>5. Development agreement is drafted by staff, and forwarded to local planning advisory committee and the heritage advisory committee (where applicable) for a recommendation to Council</li> <li>6. Council hosts a Public Hearing</li> <li>7. Council makes a decision. Council's approval may be appealed by an aggrieved person to the NSUARB. The applicant can appeal a refusal to the NSUARB.</li> </ol>	<p><b><u>Non-substantive Site Plan Approval,</u></b> (minor applications) (see LUB S.5 (13):</p> <ol style="list-style-type: none"> <li>1. Complete application</li> <li>2. Development Officer review against Land Use By-law</li> <li>3. If approved, a Development Permit is issued and property owners are notified. Notified property owners may appeal to Regional Council</li> <li>4. Applicants can appeal a refusal to Regional Council, and if unsuccessful again, subsequent appeal to the NSUARB</li> </ol> <p><b><u>Substantive Site Plan Approval,</u></b> (major applications) (see LUB S.5 (11):</p> <ol style="list-style-type: none"> <li>1. Pre-application process with planning and development staff</li> <li>2. Public consultation held, includes the use of a combination of a public open house, informational kiosk in the community, and web-based information and comment</li> <li>3. Complete application</li> <li>4. Review against By-law and Design Manual by planning and development staff</li> <li>5. If the application conforms to the rules of the By-law, the application is forwarded to the Design Review Committee for a decision on the design aspects of the development, guided by the Design Manual. Where the application is within an HCD, abutting, or integrated with a registered heritage property in the Plan area, the Heritage Advisory Committee provides a recommendation to the Design</li> </ol>
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<p><b>Development Approval Process cont'd.</b></p>		<p>Review Committee. 6. The application is approved or not approved by the Design Review Committee. 7. Public notice of decision by newspaper ad 8. Applicants can appeal a refusal to Regional Council, and if unsuccessful, subsequently appeal to the NSUARB. 9. Notified property owners can appeal an approval to Regional Council.</p>
<p><b>24. Expiration of development approval</b></p>	<p><u>Development Agreement:</u> 5-10 years (negotiated)</p>	<p><u>Site Plan Approval:</u> 1 year</p>
<p><b>25. Role of HAC</b></p>	<p>Review development applications that involve a registered heritage property. Review planning applications that involve, are adjacent to, or abutting a registered heritage property. Advises the decision-making body, Regional Council. Uses the <u>informally</u> adopted Heritage Conservation Building Standards as a guideline for decision.</p>	<p>Review development applications that involve a registered heritage property <u>plus any development inside an HCD.</u> Review planning applications that are abutting or are integrated with a registered heritage property. Advises the decision-making body, the Design Review Committee. Uses the <u>formally</u> adopted Heritage Building Conservation Standards (to be approved as part of the Downtown Plan) <u>and</u> new Heritage Design Guidelines in the Design Manual, as guidelines in making a decision.</p>
<p><b>26. Role of Decision Making Body</b></p>	<p><u>As-of-right development:</u> <u>The Development Officer</u> (staff) is responsible for making a final decision on buildings under the development agreement height trigger of 25 or 40 ft. in the plan area.</p>	<p><u>Non-substantive Site Plan Approval</u> – (minor applications): <u>The Development Officer</u> (staff) is responsible for making a final decision on buildings based on the requirements of the LUB. This does not include new construction – minor alterations only as per Section 5(11) of the proposed By-law.</p>



	<p><b><u>Development Agreements:</u></b>  <u>Regional Council</u> is responsible for making a final decision on planning applications.                  Appeals of Council decisions are to the Utility and Review Board.</p>	<p><b><u>Substantive Site Plan Approval</u></b> – (major) applications: <u>The Design Review Committee</u> (a citizen-based committee appointed by Council) is responsible for making a final decision on substantive development applications based on the LUB and Design Manual. Appeals of DRC decisions are decided by Council.</p>
<p><b>27. Public Consultation and Involvement</b></p>	<p><b><u>As-of-right development:</u></b> No public input other than public engagement at the time of writing the MPS and LUB.                  Written notice of development permit approval or denial <u>to applicant only.</u></p> <p><b><u>Development Agreements:</u></b></p> <ul style="list-style-type: none"> <li>- 1 mandatory Public Information Meeting to present the development and generate feedback.</li> <li>- Council committees (HAC, PAC, etc.) consist of members of the community, thereby representing the public, and their meetings are open to the public for observation</li> <li>- 1 public hearing established by Council where members of the public can state their opinion about the development</li> <li>- “Aggreived” persons can appeal a Council approval to the NSUARB.</li> <li>- The applicant can appeal a refusal to the NSUARB.</li> </ul>	<p><b><u>Non-substantive Site Plan Approval</u></b> – (minor applications): No public input other than public engagement at the time of writing the new DHSMPS and LUB.                  Written notice of non-substantive site plan approval to all property owners within 30m of subject property.                  Notice of a denial is only to the applicant.</p> <p><b><u>Substantive Site Plan Approval</u></b> – (major applications):</p> <ul style="list-style-type: none"> <li>- mandatory pre-application public consultation with the community</li> <li>- Design Review Committee and Heritage Advisory Committee consist of members of the community, thereby representing the public, and their meetings are open to the public for observation</li> <li>- Notified property owners can appeal an approval to Regional Council</li> <li>- Applicant can appeal a refusal to Regional Council, and if still unsuccessful to the NSUARB.</li> <li>- Annual, five-year and ten-year reviews of this plan through a Council appointed committee consisting of members of the public, representing the entire community.</li> </ul>

<p><b>28. Maximum Building Heights</b></p>	<p><u>As-of-right:</u>                  25 – 40 ft. in the traditional Central Business District and Halifax Waterfront Development Area; 12 m in the Spring Garden Road Commercial Area Plan.  <u>Development agreement:</u>                  Up to bottom of Citadel View Planes (varies) or Ramparts (200 ft. plus) through negotiation process as well as a limited number of other height restrictions (i.e. Band A along Brunswick &amp; Sackville Streets)</p>	<p>General range of 70 – 165 ft. <u>pre-bonus</u>, and 90-215 ft. <u>post-bonus</u> with the exception of the Cogswell Area.</p> <p>Within the boundaries of the 3 HCDs, maximum height of 70 ft. with <u>no opportunity for height bonus</u>                  Height limits of Band A (perimeter of Citadel Hill) are upheld.                  Citadel View Planes and Ramparts views are upheld.</p>
<p><b>29. Design Guidelines</b></p>	<p><u>Informal application</u> of the Heritage Building Conservation Standards by the HAC and staff for as-of-right applications involving registered heritage buildings.  <u>Development Agreements:</u>                  High-level design considerations for Council consideration related to geographic area (i.e. CBD, the waterfront, and SGR).  <u>As-of-right approval:</u>                  No design considerations.</p>	<p>Formal adoption of the <u>Heritage Building Conservation Standards</u> currently used by the HAC and staff. <u>New Design Manual</u> is a schedule of the Land Use By-law. Chapter 4 of the Design Manual outlines specific guidelines for building next to or integrated with heritage properties. LUB is fundamentally written as a design-based code not a use-based code.</p>

<p><b>30. Financial Incentives</b></p>	<p><u>Heritage Property Program</u> - a grant program available to all residential or commercial registered heritage properties in the Municipality, with grants of up to \$10,000 available. <u>Community Grants Program</u> - grants for municipally registered heritage properties owned by non-profit organizations. <u>Tax Exemptions for Non-profit Organizations</u> - tax assistance for municipally registered heritage properties owned by non-profit groups and some historical associations. <u>Heritage Facilities Upgrades</u> – investment in restoration and preservation of municipally owned heritage facilities.</p>	<p><u>Retention</u> of all existing programs outlined to the left, and the <u>addition</u> of the following: <u>New Barrington Street Heritage Incentives Program</u> - \$3 million over 5 years, expected to leverage \$15-18 million in private investment. This program provides:</p> <ul style="list-style-type: none"> <li>A. matching grants (up to \$100,000) for exterior restoration work up to \$200,000 in value;</li> <li>B. tax credits for exterior restoration work (over \$200,000 in value);</li> <li>C. tax credits for interior restoration or renovation work that contributes to the ongoing functional viability of the building; and</li> <li>D. waiver of permit application fees for alteration &amp; renovations building permits and attached signs.</li> </ul> <p><u>Note:</u> as other HCDs are created, the incentive program will be expanded.</p>
<p><b>31. Wind Impact Mitigation</b></p>	<p>Wind impacts at the sidewalk level have to be considered, but there is no guidance for what is considered an adverse impact, how the impact will be determined, and there is no height trigger requiring the provision of wind information.</p>	<p>Requirement for wind studies to be conducted for buildings 20 metres or taller (i.e. everything above the streetwall).</p>
<p><b>32. Citadel View Planes and Ramparts Views</b></p>	<p><u>Established</u> in Peninsula Land Use By-law</p>	<p><u>Upheld</u> in Downtown Halifax Land Use By-law, in reference to Peninsula Land Use By-law, and enhanced with new window and framing views, and views of prominent visual terminus sites.</p>

<p><b>33. Preservation of the policies in Section 6 of the Existing MPS</b></p>	<p><u>Section 6.1:</u> “The City shall continue to seek the retention, preservation, rehabilitation and/or restoration of those areas, sites, streetscapes, structures, and/or conditions such as views which impart to Halifax a sense of its heritage, particularly those which are relevant to important occasions, eras, or personages in the history of the City, the Province, or the nation, or which are deemed to be architecturally significant. Where appropriate, in order to assure the continuing viability of such areas, sites, streetscapes, structures, and/or conditions, the City shall encourage suitable re-uses.”</p>	<p>The proposed Downtown Plan (DHSMPs) brings substance and clarity to the goals of Section 6.1 through:</p> <p><u>Policy 1</u>, adoption of the Precinct Vision statements that entrench the protection of the downtown’s heritage character;</p> <p><u>Policy 2</u>, establishment of a built form framework throughout the downtown that ensures a 3 to 4 storey “streetwall” for all new development that protects the scale of heritage structures;</p> <p><u>Policy 9</u>, establishing maximum heights throughout the downtown, including a 70’ maximum height in all three proposed HCDs;</p> <p><u>Policy 33</u>, establishment of the Barrington Street Conservation District, Plan, By-law and financial incentives;</p> <p><u>Policy 34</u>, making a priority the establishment of two additional HCDs;</p> <p><u>Policy 35</u>, working with the Province to strengthen demolition controls;</p>
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<p><b>33. Preservation of the policies in Section 6 of the Existing MPS</b>                  cont'd</p>	<p><u>Section 6.1.1</u>                  The criteria by which the City shall continue to identify such areas, sites, structures, streetscapes and/or conditions identified in Policy 6.1 are set out in the official City of Halifax report entitled <u>An Evaluation and Protection System for Heritage Resources in Halifax</u> (as amended by Council)</p>	<p><u>Policy 36</u>, working with the Province to increase funding and incentives;  <u>Policy 39</u>, formal adoption of the Heritage Building Conservation Standards for review of all alteration applications;  <u>Policy 40</u>, monitor the effectiveness of the Plan's heritage approach;  <u>Policy 41</u>, provide financial incentives for heritage restoration and renovation;  <u>Policy 42</u>, introduce heritage design guidelines for development integrated with or abutting registered heritage structures and development within HCDs; and  <u>Policy 43</u>, empower HRM to require Heritage Impact Statements for any development discussed in Policy 42.</p> <p><u>No change</u>: These criteria are upheld in its entirety in the proposed Downtown Plan.</p>
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<p><b>33. Preservation of the policies in Section 6 of the Existing MPS cont'd</b></p>	<p><u>Section 6.1.2</u>                  The City should designate those properties which meet the adopted criteria as registered heritage properties or registered heritage conservation areas and protect them within the terms of the Heritage Property Act.</p> <p><u>Section 6.2</u>                  The City shall continue to make every effort to preserve or restore those conditions resulting from the physical and economic development pattern of Halifax which impart to Halifax a sense of its history, such as views from Citadel Hill, public access to the Halifax waterfront, and the street pattern of the Halifax Central Business District.</p>	<p><u>Policies 37 &amp; 38</u>, amplify the intent of S6.1.2 with the requirement for creation of a heritage inventory and through proactive registration efforts. Further, these policies embody the creation and use of <i>Statements of Significance</i> and <i>Character Defining Elements</i>, thereby creating common language and understanding of a heritage property's value.</p> <p><u>Policy 13</u>, adoption of the "central" blocks for purposes of protecting the historic fabric of the downtown;  <u>Policy 27</u>, city blocks shall not be consolidated;  <u>Policy 28</u>, no substantial street widenings to preserve historic character;  <u>Policies 52, 53 &amp; 54</u>, collectively protect and enhance the east-west streets between the Citadel and Harbour, and the streets bounding Citadel Hill;  <u>Policy 61</u>, upholds existing viewplanes and ramparts view protections, and adds protection of unobstructed "window views" up and down the east-west streets b/w Citadel and Harbour; and  <u>Policy 62</u>, the addition of two new protected view categories: framing views, and views of prominent visual terminus sites.</p>
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<p><b>33. Preservation of the policies in Section 6 of the Existing MPS cont'd</b></p>	<p><u>Section 6.3</u>                  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.</p> <p><u>Section 6.3.1</u>                  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.</p> <p><u>Section 6.3.2</u>                  Within the area bounded by North Street, Robie Street and Inglis Street, no development shall be permitted that is visible over the top of the reconstructed earthworks on the Citadel ramparts, from an eye-level of 5.5 feet above ground level in the Parade Square of the Citadel.</p>	<p><u>Policy 9</u>, establishing maximum heights throughout the downtown, including upholding the maximum 75' heights permitted in Band A of existing policy along perimeter of Citadel Hill (Sackville, Brunswick &amp; Rainnie),  <u>LUB Map 7</u>, establishes maximum 60' streetwall height (approx. 4 traditional storeys) of all structures along Sackville, Brunswick &amp; Rainnie.  <u>LUB Map 7</u>, establishes maximum 60' streetwall height (approx. 4 traditional storeys) of all structures along Sackville, Brunswick &amp; Rainnie. This map further establishes a maximum streetwall height of 50' along Market, Grafton, Argyle, and Barrington Streets. Any additional height above these streetwalls must be stepped back a minimum of 10'.  <u>Policy 9</u>, establishes maximum heights throughout the downtown, including upholding the maximum 75' heights permitted in Band A of existing policy along perimeter of Citadel Hill (Sackville, Brunswick &amp; Rainnie), 90' maximum on Market, Grafton and Argyle Streets, and 70' maximum on Barrington Street. <u>This results in much lower heights</u> in the vicinity of the Citadel than those allowed under current policy.</p> <p><u>No change</u>: This section is upheld in its entirety in the proposed Downtown Plan.</p>
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<p><b>33. Preservation of the policies in Section 6 of the Existing MPS cont'd</b></p>	<p><u>Section 6.3.3</u>                  Policy 6.3.2 above shall not be deemed to waive any other height or angle controls.</p> <p><u>Section 6.4</u>                  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.</p>	<p><u>No change</u>: This section is upheld in its entirety in the proposed Downtown Plan.</p> <p><u>Policy 2</u>, establishment of a built form framework throughout the downtown that ensures a 3 to 4 storey “streetwall” for all new development that protects the scale of heritage structures.</p> <p><u>Policy 9</u>, establishing maximum heights throughout the downtown, including a 70’ maximum height in all three proposed HCDs.</p> <p><u>Policy 17</u>, establishment of a Design Review Committee comprised primarily of design professionals, to be advised by the Heritage Advisory Committee;</p> <p><u>Policy 33</u>, establishment of the Barrington Street Conservation District, Plan, By-law and financial incentives;</p> <p><u>Policy 34</u>, making a priority the establishment of two additional HCDs;</p> <p><u>Policy 39</u>, ongoing use of formally adopted Heritage Building Conservation Standards, to be interpreted by the Heritage Advisory Committee;</p> <p><u>Policy 42</u>, introduce heritage design guidelines for development integrated with or abutting registered heritage structures and development within HCDs; and</p> <p><u>Policy 43</u>, empower HRM to require Heritage Impact Statements for any development discussed in Policy 42.</p>
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<p><b>33. Preservation of the policies in Section 6 of the Existing MPS cont'd</b></p>	<p><u>Section 6.4.1</u>                  The City shall regulate the demolition and exterior alterations under the provisions of the Heritage Property Act, and should secure inducements for retention, maintenance and enhancement of registered heritage properties.</p> <p><u>Section 6.4.2</u>                  The City shall study the use of preservation easements and restrictive covenants to determine the extent to which they can be used in the preservation of registered heritage properties (<u>please note</u> – neither of these measures has ever been used by the City of Halifax or HRM).</p> <p><u>Section 6.4.3</u>                  The City shall consider acquisition of registered heritage properties whenever acquisition is the most appropriate means to ensure their preservation.</p> <p><u>Section 6.4.4</u>                  The City shall organize and maintain a data bank on heritage conservation methods including data on costs, sources of funding, techniques, methods, and materials used on successful recycling or restoration projects, both for its own use and to encourage private sector involvement in heritage conservation.</p>	<p><u>Policy 39</u>, ongoing use of the formally adopted Heritage Conservation Standards, to be interpreted by the Heritage Advisory Committee;  <u>Policy 41</u>, provide financial incentives for heritage restoration and renovation; and  <u>Policy 43</u>, empower HRM to require Heritage Impact Statements for any development discussed in Policy 42.</p> <p>The <u>Regional Heritage Functional Plan</u> has been recommended to Council by the UDTF as a priority action item after adoption of the Downtown Plan. This Functional Plan will examine a broad range of heritage protection mechanisms, including easements and covenants. For more detail please refer to Appendix B of this Briefing Note.</p> <p>The <u>Regional Heritage Functional Plan</u> specifically calls for consideration of heritage resource acquisition strategies. This moves the existing 6.4.3 which is a “passive” policy, into a functional plan that is accorded resources to be acted upon by HRM.</p> <p>Again, this is captured in the <u>Regional Heritage Functional Plan</u>, which “operationalizes” a previously passive policy.</p>
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<p><b>33. Preservation of the policies in Section 6 of the Existing MPS cont'd</b></p>	<p><u>Section 6.5</u>                  The City shall budget an annual amount to ensure that a fund is available should purchase or other financial involvement be considered by the City for a registered heritage property. The specific terms of this budget are set forth in Policy 11.3.2 of this section of this Plan.</p> <p><u>Section 6.6</u>                  In the purchase or lease of space for its own use, the City shall first consider accommodation in designated heritage structures.</p> <p><u>Section 6.7</u>                  The City shall investigate the possibility of establishing Heritage Conservation Zones to protect registered heritage conservation areas and registered heritage streetscapes under the provisions of the Planning Act. The results of such investigation should be incorporated as amendments to this Plan and to the Land Use By-law.</p>	<p>The existing annual budget for the Heritage Property Program will continue, at \$150,000 per year. Further, <u>Policy 41</u>, enables HRM to provide financial incentives for heritage restoration and renovation. This incentive program includes \$200,000 per year in grants to property owners, which when added to the tax incentives equals \$3 million over the next 5 years. This incentive program is expected to be renewed after 5 years and will expand as other HCDs are created.</p> <p>The <u>Regional Heritage Functional Plan</u> specifically calls for consideration of heritage resource leasing strategies. This moves the existing 6.6 which is a “passive” policy, into a functional plan that <i>must</i> be acted upon by HRM.</p> <p><u>Policy 33</u>, establishment of the Barrington Street Conservation District, Plan, By-law and financial incentives;  <u>Policy 34</u>, making a priority the establishment of two additional HCDs; and, beyond the Downtown Plan area, the <u>Regional Heritage Functional Plan</u> will examine other potential HCDs. Once the downtown Plan is adopted HRM can proceed with establishing other HCDs such as Schmidville, Hydrostone, etc.</p>
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<p><b>33. Preservation of the policies in Section 6 of the Existing MPS cont'd</b></p>	<p><u>Section 6.8</u>                  In any building, part of a building, or on any lot on which a registered heritage building is situated, the owner may apply to the City for a development agreement for any development or change in use not otherwise permitted by the land use designation and zone subject to the following considerations:                  (i) that any registered heritage building covered by the agreement shall not be altered in any way to diminish its heritage value;                  (ii) that any development must maintain the integrity of any registered heritage property, streetscape or conservation area of which it is part;                  (iii) that any adjacent uses, particularly residential use are not unduly disrupted as a result of traffic generation, noise, hours of operation, parking requirements and such other land use impacts as may be required as part of a development;                  (iv) that any development substantially complies with the policies of this plan and in particular the objectives and policies as they relate to heritage resources.</p>	<p><u>Policy 4</u>, establishes the Downtown Halifax Zone (DH-1) which permits a mix of residential, commercial, institutional, cultural and open space uses.</p> <p>Section 6.8 was designed to provide flexibility to the property owner in cases where the land use zone would not permit a new or modified use of the structure when that new or modified use could provide the financial means for retention and maintenance of the registered structure.</p> <p>There is no longer a requirement for Section 6.8 within the boundaries of the proposed Downtown Plan area because the question of permitted land uses is removed as there will only be one land use zone – the DH-1 mixed use zone.</p>
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