

Item No. 9.1 (i)
Halifax Regional Council
February 28, 2012
March 20, 2012

TO: Mayor Kelly and Members of Halifax Regional Council

Original signed

SUBMITTED BY:

Richard Butts, Chief Administrative Officer

Original signed

Mike Labrecque, Deputy Chief Administrative Officer

DATE: February 14, 2012

SUBJECT: Case 16655 Amendments to the Regional MPS, the Halifax MPS, and the Downtown Halifax MPS and LUB for the YMCA – CBC Project at Sackville and South Park Streets, Halifax

SUPPLEMENTARY REPORT

ORIGIN

- Application by Michael Napier Architects
- Initiation by Regional Council, March 8, 2011
- October 31, 2011, Staff Report to the Design Review Committee

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Give first reading to the proposed amendments to the Regional Municipal Planning Strategy, the Halifax Municipal Planning Strategy, the Downtown Halifax Secondary Municipal Planning Strategy, and the Downtown Halifax Land Use By-Law, as contained in Attachments A1, B1, C1, and D1, and schedule a public hearing; and
2. Approve the proposed amendments to the Regional Municipal Planning Strategy, the Halifax Municipal Planning Strategy, the Downtown Halifax Secondary Municipal Planning Strategy, and the Downtown Halifax Land Use By-Law, as contained in Attachments A1, B1, C1, and D1.

BACKGROUND

The Halifax YMCA plans to redevelop its site on South Park Street, along with an adjoining property owned by the CBC, with a mixed-use project that will include a new YMCA recreational facility and two residential towers. The CBC will be relocating its radio operations to its Bell Road site. The YMCA and CBC lands are within the Downtown Halifax Secondary Plan Area. Among other matters, the Downtown Halifax Secondary Municipal Planning Strategy and Land Use By-Law regulate building heights. The height of the proposed project that is on the CBC site is approximately 46 metres, whereas the maximum permitted height is 23 metres. The YMCA proposes to amend the height requirement on the CBC site to 49 metres, consistent with the maximum height requirement that applies to the current YMCA site.

A staff report to the Design Review Committee dated October 31, 2011 (attached), recommended the proposal on the basis that:

- there is strong urban design rationale in permitting greater height at the corner of South Park and Sackville streets as an entrance to the downtown; and
- the establishment of the YMCA's recreational facility would confer significant economic, social, and cultural benefits to HRM, consistent with the policy context in the Downtown Halifax Municipal Planning Strategy for considering amendments.

The October 31, 2011, staff report stated that an increase in maximum building height on the CBC Radio Site is essentially the only change that is required to allow for the YMCA proposal. However, after that report was completed, it was recognized that there are regulations that also require buildings above a height of 17 metres to be setback from South Park Street. The YMCA project will not comply with this requirement. This was not addressed in the application by the YMCA or the original staff report. In order to permit the YMCA proposal, in addition to allowing for an amendment in the maximum height requirement on the CBC Radio Site, the South Park Street setback requirement also needs to be amended. This supplementary report addresses this matter and corrects the information in the original staff report about the relationship of the YMCA/CBC site and the Public Gardens.

The Design Review Committee was informed of the need to address the South Park Street setback requirement, but it concluded that it did not require additional information to deliberate upon the application. The Committee has recommended that Regional Council not approve the proposed amendments for the application and has outlined its reasons for this in its report, which is included in the report package.

In addition to the South Park Street setback, this Supplementary Report also addresses certain matters that were raised by the public through submissions to the Design Review Committee, following the completion of the original staff report.

DISCUSSION

South Park Street Setback

The Downtown Halifax Municipal Planning Strategy (DHMPS) states in policy 31 that there are to be special built form requirements on the east side of South Park Street “to ensure adequate sunlight penetration to the street and the adjoining Public Gardens.” Further to this, Section 11(3) of the Downtown Halifax Land Use By-Law (DHLUB) stipulates that “on the east side of South Park Street between Spring Garden Road and Sackville Street, above a height of 17 metres measured at the streetline, buildings shall be setback an additional 0.9 metres from the streetline, for every 0.6 metres in height.” The potential impact of this setback requirement on the YMCA proposal is shown on Attachment E1.

In assessing whether the setback requirement should be amended, the critical matter of concern is, pursuant to policy 31, whether there will continue to be adequate sunlight penetration to South Park Street and the Public Gardens. An initial shadow study was submitted as part of the application from the YMCA. Staff asked the proponent to expand upon it and received a revised study in February 2012.¹ Through text and images, the study shows the shadow impacts for both the existing situation, with the current YMCA/CBC buildings and other buildings in the area, and the proposal. Elements that are considered include:

- the length, or overall extent, of building shadows;
- the amount of time that the shadows are present upon the Public Gardens (outlined in the table on page 3);
- the speed in which the shadows change, which can be analyzed by examining the times of the still images that have been provided; and
- the times in which shadows leave the Public Gardens.

Of these, the time in which the shadows leave the Public Gardens (west side of South Park Street) is viewed as the most important factor to consider. The study shows that shadows from the project leave the Public Gardens at:

- 9:17 a.m. on March 21 (Spring Equinox);
- 8:50 a.m. on June 21 (Summer Solstice);
- 9:17 a.m. on September 21 (Fall Equinox); and
- 9:30 a.m. on December 21 (Winter Solstice).

On this basis, it is found that the shadowing concern that is outlined in policy 31 is addressed. Therefore, with the proposed massing and height requirements that are specified through the

¹ The shadow study is too long to be an attachment to this report, but it will be circulated to Council separately and is available for review on the HRM webpage for this application
<http://www.halifax.ca/planning/Case16655Details.html>

amendments (Appendix C), it is concluded that the South Park Street setback requirement should be amended. The requirements in Appendix C specify that the project is to have varied massing, thereby addressing the impact of scale of the project upon the Public Gardens.

With respect to public process, the matter of the South Park Street setback requirement was not noted at the public information meeting. However, the proposed building was fully presented and with this, there was discussion about the impact of it on the Public Gardens. There will continue to be opportunities for comments to be made on this matter if Regional Council decides to proceed to a public hearing. The proposed changes to both the height requirements on the CBC site and the South Park setback requirement, will be referenced in the public hearing notification.

Form of the Amendments

While images of the YMCA's building design are used in the application and the report, it is important to note that the key parts of the proposal, its setbacks and heights, have been transcribed into the requirements shown on Appendix C of the proposed amendments. These height and setback requirements will dictate the eventual form of the proposed building, which may change from the conceptual plan that has been devised to date by the YMCA. However, regardless of the eventual building proposal that is realized, the setback and massing requirements shown on Appendix C will apply along with all the other existing requirements of the Land Use By-Law regarding matters such as streetwall setbacks, tower separation requirements and land use. With the proposed amendments, the additional height that has been proposed can only be achieved if the eventual building project for the site includes a recreation centre that is a minimum of 6,500 square metres in size.

Local Impact such as the use of Annandale Street

The original staff report noted concerns raised by some of the surrounding residents with respect to a loss of view. In addition to the loss of view, some residents are concerned about the impact of the project on Annandale Street. On the YMCA's plans, Annandale is shown as the means for vehicular access and as a result, there have been concerns expressed about the amount of ensuing traffic throughout the day and night and subsequent possible air pollution issues. In response to this, it should be noted that traffic and access will be the subject of future traffic studies at the time in which a final building is proposed. Such matters will be considered through the Site Plan Approval process. If there are issues with regard to vehicular access, other access points such as a driveway off South Park Street could be proposed and considered by HRM Development Engineering.

Halifax Common Plan

One of the submissions to the Design Review Committee raised objections to the YMCA proposal pursuant to the Halifax Common Plan, which was completed in 1994 but never adopted by the former City of Halifax. The Common Plan has many important concepts about planning for the Common. There are ideas within it about visual connections between, for example, South Park Street, at South Street, and the Citadel. However, there are no direct statements about limiting building height upon the CBC/YMCA site and the proposal does not impede such views.

Conclusion

In consideration of the points that were made in the original staff report and this supplementary report, it is found that:

- there is a strong urban design rationale in permitting greater height at the corner of South Park and Sackville streets, as an entrance to the downtown;
- the establishment of the YMCA's recreational facility would confer significant economic, social, and cultural benefits to HRM, consistent with the policy context in the Downtown Halifax Municipal Planning Strategy for considering amendments; and
- while there is a greater impact upon the Public Gardens than that which was identified in the original staff report, the impact is not substantial with respect to shadowing or building scale.

Based upon these factors, the amendments contained in the attachments to this supplementary report to permit the YMCA proposal are recommended to Council.

BUDGET IMPLICATIONS

The HRM costs associated with processing this planning application can be accommodated within the approved operating budget for C310.

FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN

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

COMMUNITY ENGAGEMENT

The community engagement that has occurred with this project is outlined in the October 31, 2011, staff report. It should be noted that during the public consultation period, including the public information meeting, the necessity of amending the South Park Street setback was not raised. However, images of the proposal have been fully provided along with specific information about the impact of the proposal with respect to the Public Gardens. Furthermore, on the basis of the information in this supplementary report and the October 31, 2011, report, there will be an opportunity for the public to make their views known about the potential amendments to the planning documents should Regional Council decide to proceed to a public hearing.

ALTERNATIVES

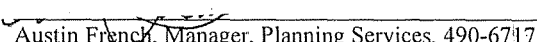
1. Regional Council could approve the amendments to the planning documents as contained in the attachments. This is the recommended alternative.
2. Regional Council could choose to not amend the planning documents, thereby maintaining the existing height requirements and refusing the application. Regional Council has complete discretion in taking this action and its decision is not subject to appeal. This is not recommended as the application has merit.
3. Council could approve the project but seek amendments to the planning documents which differ from those that have been proposed in the attachments. Depending on the magnitude of the desired amendments, a new review process and public hearing may be required. This is not recommended as the approach that has been taken with the amendments is consistent with the Site Plan Approval process.

ATTACHMENTS

Attachment A1	Proposed Amendments to the Regional Municipal Planning Strategy
Attachment B1	Proposed Amendments to the Halifax Municipal Planning Strategy
Attachment C1	Proposed Amendments to the Downtown Halifax Secondary Municipal Planning Strategy
Attachment D1	Proposed Amendments to the Downtown Halifax Land Use By-Law Appendix C
Attachment E1	Impact of the South Park Setback Requirement on the YMCA Proposal

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: Richard Harvey, Senior Planner, 490-5637

Report Approved by: **Original signed**

Austin French, Manager, Planning Services, 490-6717

Original signed

Report Approved by: Phillip Townsend, Director, Planning and Infrastructure, 490-7166

Attachment A1
Amendments to the Halifax Regional Municipal Planning Strategy

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Regional Municipal Planning Strategy is hereby amended by inserting the following text shown in **bold** as follows:

6.2.2 Scenic Views

Scenic resources are an important component of the cultural and heritage values of HRM. Significant views such as those from Citadel Hill and the Dartmouth Common to Halifax Harbour are of regional significance, and are already protected at the community planning level. Additional scenic views of Halifax Harbour will be considered through secondary and other associated planning processes. This Plan reinforces the importance of these views to the cultural identity of HRM, and seeks to extend these protections to other regionally significant views throughout HRM as identified through the Cultural Landscape Model for HRM.

Scenic views also include the gateways to HRM communities, often described as “the view from the road”. These scenic entry routes should encompass the outstanding natural features and picturesque landscape qualities of the area. To retain scenic views and culturally significant landscapes, such as the Northwest Arm of Halifax Harbour, prominent coastal headlands and coastal villages, HRM will consider identifying and preserving views as a component of cultural landscapes. In these areas, measures will be taken to preserve the integrity of the scenic views and cultural landscapes of a community.

In addition to the above-noted views, it is important that there be a sensitive relationship between buildings and Citadel Hill, with particular regard to the height of buildings that immediately face it. Community plans limit building heights on lands that are upon Sackville Street, Brunswick Street, and Rainnie Drive. In 2011, a new YMCA recreation facility was proposed as part of a mixed-use development, extending from the south-east corner of Sackville and South Park Streets, on lands known as the CBC Radio and YMCA properties. Part of the proposal included a residential tower, to a maximum height of 49 metres, on lands where the maximum permitted height is 23 metres. The change in the height requirement to accommodate the proposal was viewed favourably given the public benefit of a recreation facility. In addition, allowing greater height on this site has limited impact upon Citadel Hill and provides an important corner building at the edge of the Spring Garden Road Precinct and at the intersection of three streets.

CH-5 HRM shall support views and viewplane policies and regulations adopted under the Halifax Secondary Planning Strategy and Halifax Peninsula Land Use By-law, the Downtown Halifax Secondary Municipal Planning Strategy (RC-Jun 16/09;E-Oct 24/09) and Downtown Halifax Land Use By-law and the Downtown Dartmouth Secondary Planning Strategy and Downtown Dartmouth Land Use By-law. These shall not be relaxed by way of any land use regulation or development agreement process. Any alteration shall only be considered as an amendment to this Plan.

- CH-5a Notwithstanding Policy CH-5, lands within the Brightwood Viewplane and Dartmouth Common Viewplane where the potential for downstream views are negated by existing structures or policy permitted building height, may be developed in a manner where the building height does not further impact the existing Viewplane penetration.
- CH-5b Notwithstanding Policy CH-5, a reduction in a view corridor(s) may be permitted where it is demonstrated that additional view corridors will be created and/or an overall net gain of the intended protected view is achieved. (RC-Jul 8/08;E-Jul 26/08)
- CH-5c Notwithstanding Policy CH-5, but subject to the Rampart requirements of the Downtown Halifax Land Use By-law, HRM shall, permit an increase in the maximum building height on lands at the south-east corner of Sackville Street and South Park Street from 23 metres to 49 metres, where a new multi-district recreation facility is developed in whole or as part of a mixed-use development on the lands known as the CBC Radio and YMCA properties. With the additional height, there shall be provisions for the upper storeys of a building on these lands to be stepped back from Sackville Street and South Park Street.**
- CH-5d Pursuant to Policy CH-5c, a multi-district recreation facility means a building or part of a building that is a minimum of 6 500 square metres of gross floor area, which is used for community recreation activities, for which a membership or instruction fee may be charged, and that includes a gymnasium, an exercise room, a swimming pool, meeting rooms, and community gathering areas.**
- CH-6 HRM shall, when considering any alteration to the Armdale Rotary, consider maintaining the current views of the Northwest Arm from St. Margaret's Bay Road, Chebucto Road and Joseph Howe Drive.

Attachment B1
Amendments to the Halifax Municipal Planning Strategy

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Halifax Municipal Planning Strategy is hereby amended by inserting the following text shown in **bold** as follows:

6. HERITAGE RESOURCES

Definitions

“Heritage Property” means an area, site, structure or streetscape of historic, architectural or cultural value registered in the Halifax Registry of Heritage Property.

“Heritage Conservation Area” means an area of concentration of properties unified by similar use, architectural style or historical development, which retains the atmosphere of a past era and which is registered in the Halifax Registry of Heritage Property.

Objective The preservation and enhancement of areas, sites, structures, streetscapes and conditions in Halifax which reflect the City's past historically and/or architecturally.

6.1 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 histories 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.

6.1.1 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 An Evaluation and Protection System for Heritage Resources in Halifax (City Council, 1978).

6.1.2 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.

6.2 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.

- 6.3 The City shall maintain or recreate a sensitive and complimentary setting for Citadel Hill by controlling the height of new development in its vicinity to reflect the historic and traditional scale of development.
- 6.3A Notwithstanding Policy 6.3, but subject to the Rampart requirements of the Halifax Peninsula Land Use By-law, HRM shall permit an increase in the maximum building height on lands at the south-east corner of Sackville Street and South Park Street from 23 metres to 49 metres, where a new multi-district recreation facility is to be developed in whole or as part of a mixed-use development on the lands known as the CBC Radio and YMCA properties. With the additional height, there shall be provisions for the upper storeys of a building on these lands to be stepped back from Sackville Street and South Park Street.**
- 6.3A.1 Pursuant to Policy 6.3A, a multi-district recreation facility means a building or part of a building that is a minimum of 6 500 square metres of gross floor area, which is used for community recreation activities, for which a membership or instruction fee may be charged, and that includes a gymnasium, an exercise room, a swimming pool, meeting rooms, and community gathering areas.**
- 6.3.1 Deleted (RC-June 16/09;E-Oct 24/09)

Attachment C1

Amendments to the Downtown Halifax Secondary Municipal Planning Strategy

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Downtown Halifax Secondary Municipal Planning Strategy is hereby amended by inserting the following text shown in **bold** as follows:

3.3.1 Heights Framework

For the sake of ensuring clarity and predictability in the desired height and building pattern for downtown Halifax, this Plan establishes a maximum heights framework for development. For developments to achieve the maximum heights as shown on Map 5, developments must (1) conform with the built form and design provisions of the Land Use By-law and (2) provide public benefits in accordance with the bonus zoning provisions discussed in this Chapter. Except for minor architectural features, the maximum heights framework can only be modified through an amendment to this Plan.

The maximum heights framework provides a rational and balanced height pattern resulting from the synthesis of a complex set of urban design considerations tailored to the downtown Halifax context including:

- (a) protection of the pedestrian street level experience with a height-to-width ratio of approximately 1:1 which promotes skyviews and sunlight penetration to the street;
- (b) reinforcing the existing and desired character of the nine downtown precincts;
- (c) the introduction of Heritage Conservation Districts;
- (d) respecting the modestly scaled historic block and street pattern;
- (e) a transition in heights to the Citadel, heritage areas, low-rise neighbourhoods and the waterfront;
- (f) reinforcing a distributed and varied height pattern by directing taller buildings to areas where they already exist; and
- (g) upholding the Citadel View Planes and Ramparts requirements from the Land Use By-law for Halifax Peninsula.

Policy 9 HRM shall adopt the building heights shown on Map 5 as the maximum building heights permitted in the DHSMPS plan area subject to the bonus zoning provisions of this Plan.

In 2011, a new YMCA recreation facility was proposed as part of a mixed-use development, extending from the south-east corner of Sackville and South Park Streets, on lands known as the CBC Radio and YMCA properties. Part of the proposal included a residential tower, to a maximum height of 49 metres, on lands where the maximum permitted height is 23 metres. The change in the height requirement to accommodate the proposal was viewed favourably given the public benefit of the establishment of a recreation facility. In addition, allowing greater height on this site has limited impact upon Citadel Hill and provides an important corner building at the edge of the Spring Garden Road Precinct and at the intersection of three streets.

Policy 9A Notwithstanding the maximum building heights shown on Maps 4 and 5, but subject to the subject to the Rampart requirements of the Land Use By-law, HRM shall establish provisions in the Land Use By-law to permit an increase in the maximum building height on lands at the south-east corner of Sackville Street and South Park Street from 23 metres to 49 metres, where a new multi-district recreation facility is developed in whole or as part of a mixed-use development on the lands known as CBC Radio and YMCA properties. With the additional height, there shall be provisions for the upper storeys of a building on these lands to be stepped back from Sackville Street and South Park Street.

Policy 9B Pursuant to Policy 9A, a multi-district recreation facility means a building or part of a building that is a minimum of 6 500 square metres of gross floor area, which is used for community recreation activities, for which a membership or instruction fee may be charged, and that includes a gymnasium, an exercise room, a swimming pool, meeting rooms, and community gathering areas.

Attachment D1
Amendments to the Downtown Halifax Land Use By-law

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

1. In the Table of Contents, inserting the following text shown in bold:

Publically-Sponsored Convention Centre.....	20
Sackville and South Park Multi-district Recreation Facility	
Institutional, Cultural & Open Space Zone (ICO).....	20
Permitted Land Uses	20

2. In Section 2, Definitions, by inserting the following text shown in **bold**:

(bca) Multi-district Recreation Facility means a building or part of a building that is a minimum of 6 500 square metres of gross floor area, which is used for community recreation activities, for which a membership or instruction fee may be charged, and that includes a gymnasium, an exercise room, a swimming pool, meeting rooms, and community gathering areas.

3. In Section 7, by inserting the following text shown in **bold**:

Publically-Sponsored Convention Centre

(15A) Notwithstanding any provision of this By-law except subsections (14) through (17) of section 8, a publically-sponsored convention centre together with retail, hotel, residential or office, 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. For the purposes of this subsection, "publically-sponsored convention centre" means an establishment funded or otherwise financially supported by any or all levels of government which is used for the holding of conventions, seminars, workshops, trade shows, meetings or similar activities, and which may include dining and lodging facilities for the use of the participants as well as other compatible accessory facilities.

(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.

Sackville and South Park Multi-district Recreation Facility

(15C) Notwithstanding Sections 8(6), 8(7), and 11(3), but subject to all other requirements of this By-law, a multi-district recreation facility, in whole or as part of a mixed-use development, shall be permitted on lands at the south-east corner of Sackville Street and South Park Street, as shown on Appendix C, pursuant to the building height requirements specified therein.

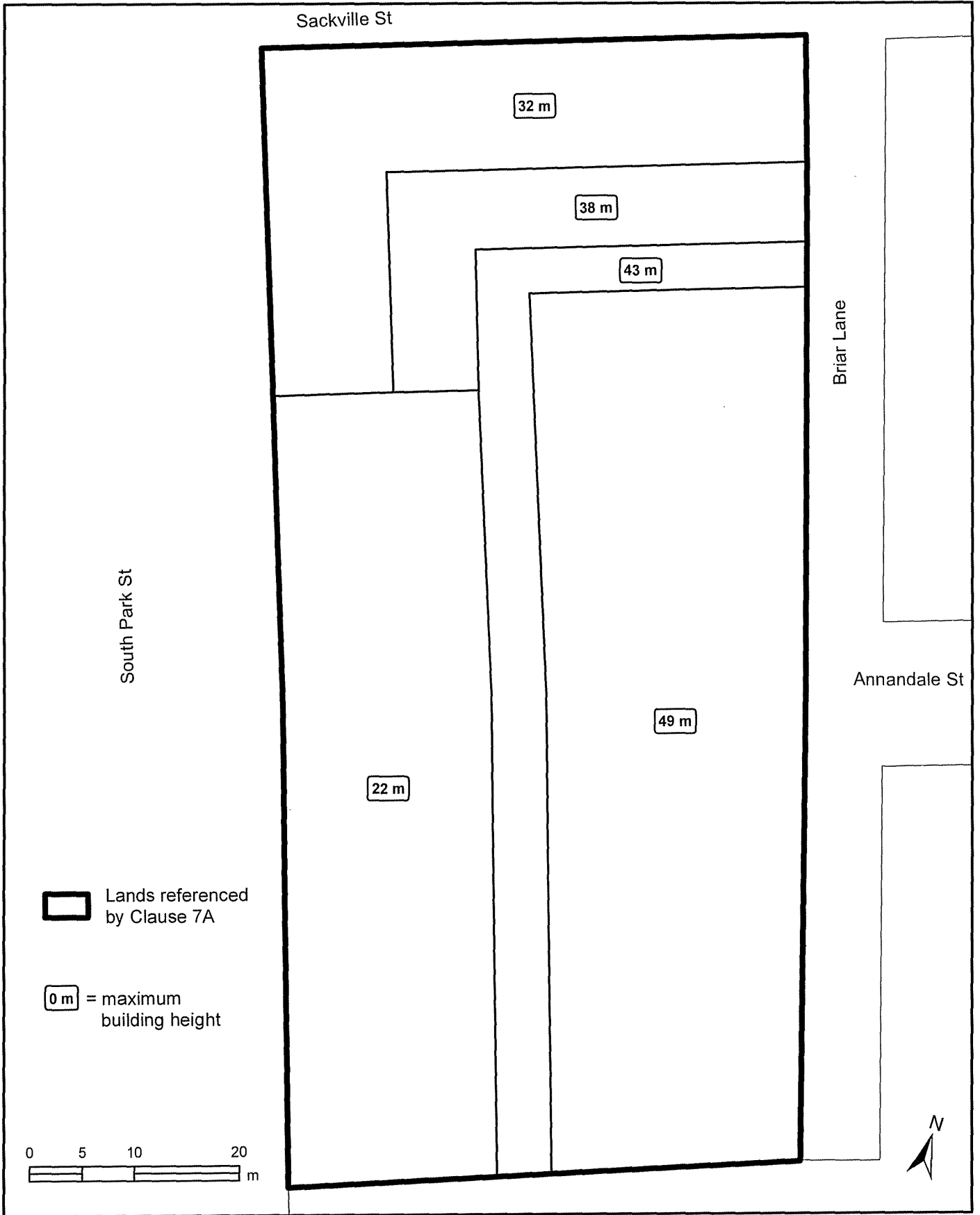
2. In Section 8, by deleting the following text shown in ~~strikeout~~ and inserting the following text shown in **bold**:

Building Height: Maximum Pre-bonus Heights and Maximum Post-Bonus Heights

- (6) No building shall be erected, constructed, altered, reconstructed, or located so that it exceeds the Maximum Pre-Bonus Heights specified on Map 4.
- (7) Notwithstanding subsection (6), the Maximum Pre-Bonus Heights specified on Map 4, may be exceeded to the Maximum Post-Bonus Height specified on Map 5, pursuant to Section 12.
- (8) The height requirements in subsections ~~(6) and (7)~~ **(6), (7), and Section (15C)** shall not apply to a church spire, lightning rod, elevator enclosure, an elevator enclosure above a structure required for elevator access to rooftop amenity space, flag pole, antenna, heating, ventilation, air conditioning equipment or enclosure of such equipment, skylight, chimney, landscape vegetation, clock tower, solar collector, roof top cupola, parapet, cornices, eaves, penthouses or other similar features, provided that the total of all such features, shall occupy in the aggregate less than 30 % of the area of the roof of the building on which they are located.

3. By inserting Appendix C, as attached, following Appendix B.

Appendix "C"
Building Height Limits Pursuant to Clause 7A



Attachment E1
Impact of the South Park Stepback Requirement on the YMCA Proposal

