

Item No. 9.1

Halifax Regional Council

April 30, 2013

May 28, 2013

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY:

Original signed by



Richard Butts, Chief Administrative Officer

Original Signed by



Mike Labrecque, Deputy Chief Administrative Officer

DATE: April 9, 2013

SUBJECT: **Case 17000: Amendments to Downtown Halifax Secondary MPS & LUB – Barrington Street South Precinct**

ORIGIN

- February 15, 2013, staff report to Design Review Committee.
- March 14, 2013, decision of Design Review Committee not to recommend to Halifax Regional Council the proposed amendments contained in the February 15, 2013, staff report.

LEGISLATIVE AUTHORITY

- The *Halifax Regional Municipality Charter*, Part VIII, Planning & Development;
- Policies 86 and 87 of the Downtown Halifax Secondary Municipal Planning Strategy.

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Give First Reading to consider the proposed amendments to the Downtown Halifax Secondary Municipal Planning Strategy and the Downtown Halifax Land Use By-Law, as contained in Attachments A and B of the February 15, 2013, staff report, and schedule a public hearing; and
2. Approve the proposed amendments to the Downtown Halifax Secondary Municipal Planning Strategy and the Downtown Halifax Land Use By-Law, as contained in Attachments A and B of the February 15, 2013, staff report.

BACKGROUND

Staff is recommending amendments to the height requirements for certain lands surrounding Cornwallis Park, Halifax. A staff report, dated February 15, 2013, that outlines the prospective amendments was considered by the Design Review Committee on March 14, 2013 (attached). Contrary to staff advice, the Committee is recommending that Regional Council not amend the height requirements, pursuant to the following motion which was adopted at its meeting on March 14, 2013:

The Design Review Committee recommends Halifax Regional Council delay a decision on the proposed amendments to the Downtown Halifax Secondary Municipal Planning Strategy and the Downtown Halifax Land Use By-Law, as contained in Attachments A and B of the February 15, 2013, staff report, until the South Barrington Street Heritage Conservation District study is complete and approved.

DISCUSSION

Staff has considered the Design Review Committee's recommendation to Regional Council, but continues to recommend the proposed amendments that are contained in the February 15, 2013, staff report. This report concludes that the proposed height amendments will not impact the viability of a future heritage conservation district for the Barrington Street South Precinct.

FINANCIAL IMPLICATIONS

The cost to process this application can be accommodated within the proposed 2013/2014 operating budget for C320 Planning.

COMMUNITY ENGAGEMENT

Please refer to the Community Engagement Section of the February 15, 2013, staff report.

ENVIRONMENTAL IMPLICATIONS

Staff has not identified any environmental implications with this application.

ALTERNATIVES

1. Halifax Regional Council may choose to approve the proposed amendments to the Downtown Halifax Secondary Municipal Planning Strategy and the Downtown Halifax Land Use By-Law, as contained in Attachments A and B of the February 15, 2013, staff report. This is the recommended course of action.
2. Halifax Regional Council may choose to adopt amendments to the height requirements for a selective part of the area that is the subject of the February 15, 2013, report. This is inconsistent with the staff recommendation, but it is a course of action that may be undertaken without an additional public hearing.
3. Halifax Regional Council may choose to request that additional amendments not identified in the February 15, 2013, staff report be made, in which case an additional staff report and public hearing may be required.
4. Halifax Regional Council may choose to refuse the proposed amendments to the Downtown Halifax Secondary Municipal Planning Strategy and the Downtown Halifax Land Use By-Law, as contained in Attachments A and B of the February 15, 2013, staff report. This action would be consistent with the Design Review Committee's recommendation.

ATTACHMENTS

Staff report dated February 15, 2013

**Case 17000: Amendments to Downtown Halifax
Secondary MPS & LUB -
Barrington Street South Precinct - 4 -
Halifax Regional Council**

April 30, 2013

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.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: Luc Ouellet, LPP, Senior Planner, 490-3689

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

Report Approved by: Kelly Denty, Manager of Development Approvals, 490-4800

Financial Approval by: Greg Keefe, Director of Finance & ICT/CFO, 490-6308

Report Approved by: Jane Fraser, Director of Planning & Infrastructure, 490-7166

Report Approved by: Brad Anguish, Director of Community & Recreation Services, 490-4933

**Design Review Committee
March 14, 2013**

TO: Chair and Members of Design Review Committee

SUBMITTED BY:


Original Signed by

Jane Fraser, Director of Planning & Infrastructure

DATE: February 15, 2013

**SUBJECT: Case 17000: Amendments to Downtown Halifax Secondary MPS &
LUB – Barrington Street South Precinct**

ORIGIN

January 24, 2012, motion of Regional Council (see Background section of report).

LEGISLATIVE AUTHORITY

- The *Halifax Regional Municipality Charter*, Part VIII, Planning & Development
- Policies 86 and 87 of the Downtown Halifax Secondary Municipal Planning Strategy

RECOMMENDATION

It is recommended that the Design Review Committee recommend that Halifax Regional Council:

1. Give First Reading to consider the proposed amendments to the Downtown Halifax Secondary Municipal Planning Strategy and the Downtown Halifax Land Use By-Law, as contained in Attachments A and B of this report, and schedule a public hearing; and
2. Approve the proposed amendments to the Downtown Halifax Secondary Municipal Planning Strategy and the Downtown Halifax Land Use By-Law, as contained in Attachments A and B of this report.

EXECUTIVE SUMMARY

On January 24, 2012, Regional Council initiated the consideration of amendments to change the maximum allowable building height and landscaped open space (LOS) requirements for certain properties in the Barrington Street South Precinct. In its initiation, Council requested that the amendments be considered in the context of an annual review exercise contemplated under the Downtown Halifax Plan. This matter has been considered within the same timeframe as the annual review, but warranted its own report due to the local and specific nature of the amendments.

This report recommends amendments to the Downtown Halifax Secondary Municipal Planning Strategy (DHSMPS) and the Downtown Halifax Land Use By-Law (DHLUB). The amendments under consideration are limited to the properties identified by civic addresses 5161-5175 South Street, 1161-1203 Hollis Street, and 1075-1145 Barrington Street, Halifax (see Map 1). If adopted, the amendments would increase the maximum allowable heights from 10.668 m (1161-1203 Hollis Street, and 1075-1145 Barrington Street) and 13.716 m (5161-5175 South Street), respectively, to 22 m (see Map 2).¹ No amendments are being recommended to modify the LOS requirement.

The detailed municipal planning strategy and land use by-law amendments are contained in Attachments A and B, respectively.

BACKGROUND

During the development phase of the DHSMPS and the DHLUB, HRM staff and the Urban Design Task Force (UDTF) recommended that the area around Cornwallis Park have a maximum height of 22 m. However, during the adoption of the planning documents (June 2009), Regional Council adopted lower height requirements (10.668 m and 13.716 m depending on the area). This was done in recognition of the existing buildings on the subject properties and on the basis that the Barrington Street South Precinct has been identified as a candidate heritage conservation district.

In January 2010, most of the buildings along the portion of South Street that face Cornwallis Park, were severely damaged by fire and subsequently demolished. Consequently, the rationale for the lower height requirements were called into question and Council requested that a review of heights be undertaken. Regional Council initiated these changes not only for the properties

¹ A related technical amendment is also being recommended to standardize the height calculation methodology with the definition of building height, as contained under Part 2 of the Land Use By-Law. Part 2 defines building height as: *“The vertical distance between the average grade and a horizontal plane extended across the top of the building, except as otherwise specified on Map 4, Maximum Pre-Bonus Heights and Map 5, Maximum Post-Bonus Heights.”*

where the fire occurred, but also others to the East and South of Cornwallis Park which were also originally recommended to have a height requirement of 22 m (see Map 1).

Separate to the height amendment, Council initiated an amendment to reduce the landscaped open space requirement at 5161-5175 South Street. This was in response to a possible issue of recognizing a required front yard setback as an area that would qualify as landscaped open space, on the basis that it might be used as an outdoor seating area.

The January 24, 2012, motion of Regional Council is as follows:

MOVED by Councillor Sloane, seconded by Councillor Walker, that Halifax Regional Council:

1. *Authorize staff to include, as part of the first annual review of the Downtown Halifax Secondary Municipal Planning Strategy and the Downtown Halifax Land Use By-Law, the consideration of potential amendments to the Maximum Pre-Bonus and Maximum Post-Bonus Height Maps to increase the allowable height on properties identified by civic addresses 5161-5175 South Street, 1161-1203 Hollis Street, and 1075-1145 Barrington Street, Halifax to 22 metres, as was originally recommended by the Urban Design Task Force, and for the maximum height of these properties to be calculated as per the definition of building height, as contained under Part 2 of the Land Use By-Law.*
2. *Authorize staff to also consider amendments to the requirement for the provision of landscaped open space for the properties identified by civic addresses 5161-5175 South Street, Halifax, to allow for a full transfer to rooftops and a decrease in the required amount of landscaped open space from 11.24 square metres per dwelling unit to 5 square metres per dwelling unit.*
3. *Request that staff follow the public participation program approved by Council on February 25, 1997.*

Policy Context:

The proposed amendments can be considered as part of an annual review of the DHSMPS and the DHLUB, which is in keeping with the policies of the DHSMPS, as follows:

- Policy 86 HRM shall adopt an amendment process that provides for regular review and evaluation of the policies contained in this Plan and development regulations.*

Policy 87 Further to Policy 86, it shall be the intention of HRM to conduct an annual review to consider proposed amendments that do not require substantive changes to this Plan or the Land Use By-Law.

DISCUSSION

Site Characteristics – Heritage Conservation District:

The properties identified by civic addresses 5161-5175 South Street, 1161-1203 Hollis Street, and 1075-1145 Barrington Street, are all located around Cornwallis Park and are zoned DH-1. Most of the buildings on the South Street frontage were severely damaged by a fire in January, 2010, and were later demolished. These properties are currently vacant.² The Taj Mahal Restaurant property (5173-5175 South Street) has recently been purchased by the property owner of the vacant properties and the building will soon be demolished to make way for a redevelopment that will also include the vacant properties. The Hollis Street Properties are occupied by both the Westin Nova Scotian Hotel (11 storeys) and the VIA Rail Halifax train station (3 storeys). The Barrington Street properties are occupied by a grocery store and gas bar (Atlantic Superstore). On this basis, the change in height will not diminish the future establishment of a heritage conservation district in the Barrington Street South Precinct.

Height Amendments:

The changes being proposed would bring the maximum allowable heights in line with the heights that were originally proposed by staff and the UDTF. In addition, the changes would also correct inconsistencies in the planning documents that resulted when Council adopted lower height requirements following the public hearing on the Downtown Halifax Plan. Specifically, the DHSMPS called for greater height around Cornwallis Park by indicating that streetwalls should be higher than the lower building heights that currently exist, as noted in the following (see emphasis added in bold):

“3.3.4 Streetwall Character

Streetwall character is primarily concerned with providing guidance for how buildings should interface with the sidewalk and the quality of the enclosure they provide to the street. The placement, scale and design quality of the building’s streetwall determines the nature and character of the streetscape and reinforces desired pedestrian or broader public realm objectives. This Plan, therefore, provides direction on streetwall height and on streetwall setbacks:

² The vacant properties were formerly occupied by townhouse-style multi unit dwellings and restaurant uses (Café Chianti and Tomasino’s Cellar Ristorante).

- (a) *Streetwall height* refers to the height of the base of a building rising from the sidewalk level. To ensure a comfortable human-scaled street enclosure, street walls should be generally no less than three storeys, and generally no greater than a height that is a 1:1 ratio of the width of the street as measured from building face to building face. Accordingly, maximum streetwall heights will change in accordance with the varying widths of downtown streets – generally 15.3 m to 21.4 m. This enables a range in streetwall heights that can accommodate as much as a two-storey discrepancy on steep sloping sites with frontages on streets of differing elevations. **Consistent with the principle of providing a comfortably scaled public realm enclosure, streetwalls not within heritage contexts may be permitted to exceed the general height suggested by the 1:1 ratio, where fronting onto significant public open spaces such as Cornwallis Park, and when appropriately set back from the property line.**

Likewise, the Design Manual also encourages more height around Cornwallis Park (see emphasis added in bold):

“3.1.3 Streetwall Height

*To ensure a comfortable human-scaled street enclosure, streetwall height should generally be no less than 11 metres and generally no greater than a height proportional (1:1) to the width of the street as measured from building face to building face. Accordingly, maximum streetwall heights are defined and correspond to the varying widths of downtown streets – generally 15.5m, 17m or 18.5m. **Consistent with the principle of creating strong edges to major public open spaces, a streetwall height of 21.5m is permitted around the perimeter of Cornwallis Park. Maximum Streetwall Heights are shown on Map 7 of the Land Use By-law.***

Landscaped Open Space:

In response to the January 24, 2012, motion of Regional Council, staff considered potential amendments to the landscaped open space (LOS) requirement for 5161-5175 South Street.³ Upon further review, it has been determined that a reduction in the requirement for LOS is unnecessary to permit the development of the subject properties. With the right design, the proposed seating areas along the front of the properties can be considered as landscaped open space. Therefore, no change is being recommended.

³ Landscaped Open Space 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 maneuvering of vehicles, or areas covered by any building.

Conclusion:

The proposed amendments are in keeping with the original staff and UDTF recommendation in terms of maximum allowable building heights. In addition, the proposed amendments are in keeping with other sections of the DHSMPs, the DHLUB and the Design Manual. Finally, the proposed height amendments will not impact the viability of a future heritage conservation district for the Barrington Street South Precinct.

FINANCIAL IMPLICATIONS

The costs to process this application can be accommodated within the approved 2012/2013 operating budget for C320 Planning.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through a Public Information Meeting held on March 22, 2012 (Attachment C). Notices of this meeting were posted on the HRM website, in a local newspaper and mailed to property owners within the notification area as specified on Map 1.

A public hearing has to be held by Regional Council before it can consider the approval of any amendments. Should Regional Council proceed with a public hearing on this application, in addition to published newspaper advertisements and a notice posted on the HRM website, property owners within the notification area will be advised of the public hearing by mail.

The proposed amendments will potentially impact property owners and residents within the immediate area of the Barrington Street South Precinct, as well as people who use Cornwallis Park.

ENVIRONMENTAL IMPLICATIONS

Staff has not identified any environmental implications with this application.

ALTERNATIVES

The Design Review Committee could recommend that Halifax Regional Council:

1. Approve the proposed amendments to the Downtown Halifax Secondary Municipal Planning Strategy and the Downtown Halifax Land Use By-Law, as contained in Attachments A and B of this report. This is the recommended course of action.

2. Adopt certain amendments but not others outlined in this report, or alternatively request that additional amendments not identified in this report be made, in which case an additional staff report and public hearing may be required.
3. Refuse the proposed amendments to the Downtown Halifax Secondary Municipal Planning Strategy and the Downtown Halifax Land Use By-Law, as contained in Attachments A and B of this report. This is not recommended for the reasons stated above.

ATTACHMENTS

Map 1	Location and Area of Notification
Map 2	Changes to Maximum Allowable Heights
Attachment A	Proposed Amendments to the Downtown Halifax SMPS
Attachment B	Proposed Amendments to the Downtown Halifax LUB
Attachment C	Minutes from the March 22, 2012, Public Information Meeting

A copy of this report can be obtained online at <http://www.halifax.ca/boardscom/DesignReviewCommittee-HRM.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: Luc Ouellet, LPP, Senior Planner, 490-3689

Original Signed

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

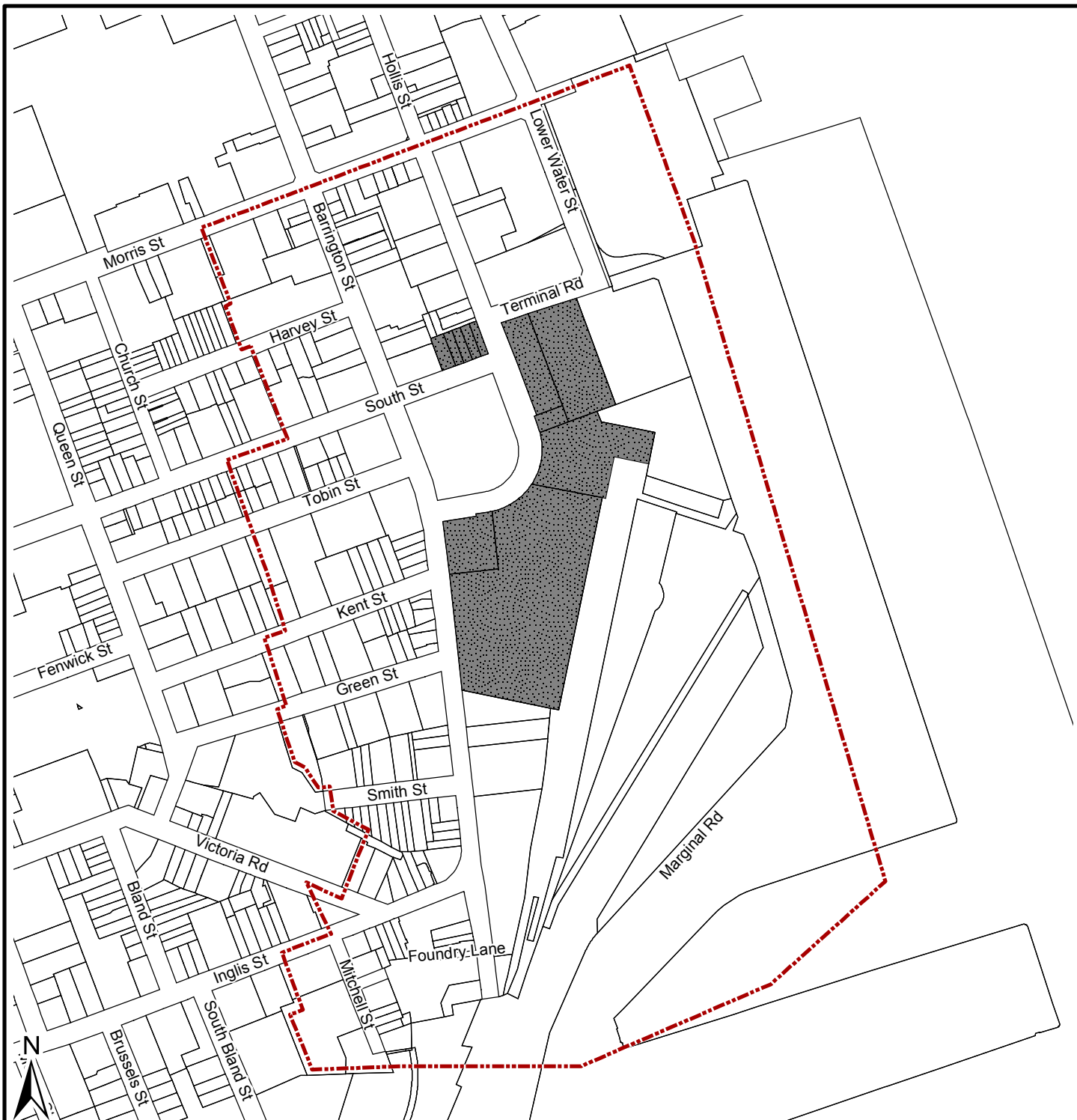
Original Signed

Report Approved by: Kelly Dent, Manager of Development Approvals, 490-4800

Original Signed

Report Approved by: Brad Anguish, Director of Community & Recreation Services, 490-4933

Financial Approval by: Greg Keefe, Director of Finance and ICT/CFO, 490-6308



Map 1 - Location and Area of Notification

5161-5175 South Street, 1161-1203 Hollis Street, and 1075-1145 Barrington Street
Halifax

-  Subject area
-  Area of notification
-  Zoning

Halifax Peninsula
Land Use By-Law Area

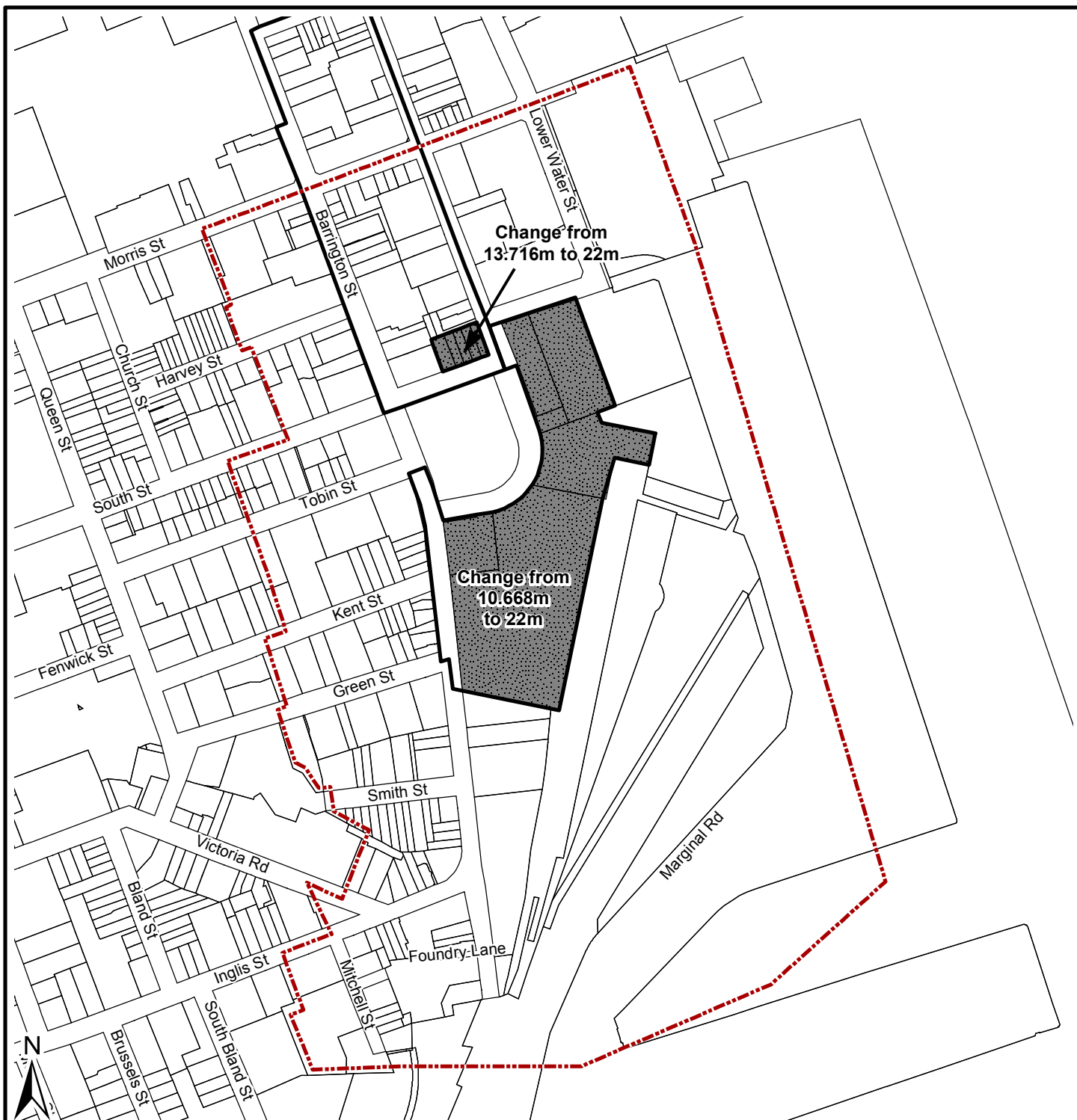
HALIFAX
REGIONAL MUNICIPALITY
COMMUNITY DEVELOPMENT
PLANNING SERVICES

0 30 60 90 120 150 m



This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.

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



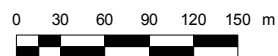
Map 2 - Changes to Maximum Allowable Heights

5161-5175 South Street, 1161-1203 Hollis Street, and 1075-1145 Barrington Street
Halifax

-  Subject area
-  Area of notification

Halifax Peninsula
Land Use By-Law Area

HALIFAX
REGIONAL MUNICIPALITY
COMMUNITY DEVELOPMENT
PLANNING SERVICES



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ATTACHMENT A
PROPOSED AMENDMENTS TO THE DOWNTOWN
HALIFAX SECONDARY MUNICIPAL PLANNING STRATEGY

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

1. Map 4, Maximum Pre-Bonus Heights, is hereby amended by:
 - (a) replacing the maximum pre-bonus heights of 10.668 metres and 13.716 metres with a maximum pre-bonus height of 22 metres upon the identified subject lands, as illustrated on Appendix A-1; and,
 - (b) removing the hatched symbol upon the identified subject lands, as illustrated on Appendix A-1, thereby removing the requirement that “building height is measured between the commencement of the top storey of a building and the mean grade of the finished ground adjoining the building between the building and the fronting street” and, in so doing, specifying that the subject lands shall be subject to the definition of “building height” under Part 2 of the Downtown Halifax Land Use By-law.
2. Map 5, Maximum Post-Bonus Heights, is hereby amended by:
 - (a) replacing the maximum post-bonus heights of 10.668 metres and 13.716 metres with a maximum post-bonus height of 22 metres upon the identified subject lands, as illustrated on Appendix A-2; and,
 - (b) removing the hatched symbol upon the identified subject lands, as illustrated on Appendix A-2, thereby removing the requirement that “building height is measured between the commencement of the top storey of a building and the mean grade of the finished ground adjoining the building between the building and the fronting street” and, in so doing, specifying that the subject lands shall be subject to the definition of “building height” under Part 2 of the Downtown Halifax Land Use By-law.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the ____ day of _____, A.D., 20____.

GIVEN under the hand of the Municipal Clerk and under the Corporate Seal of the said Municipality this ____ day of _____, A.D., 20____.

Municipal Clerk



Appendix A-1 - Amendments to Map 4, Maximum Pre-Bonus Heights Downtown Halifax Secondary Municipal Planning Strategy

HALIFAX
REGIONAL MUNICIPALITY
DEVELOPMENT APPROVALS

 Area subject to height amendments

 Pre-Bonus Height Area

 Area where **building height** is measured between the commencement of the top of the storey of a building and the mean grade of the finished ground adjoining the building between the building and the fronting street.

0 50 100 150 m


This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.

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Downtown Halifax
Secondary Municipal Planning Strategy



Appendix A-2 - Amendments to Map 5, Maximum Post-Bonus Heights Downtown Halifax Secondary Municipal Planning Strategy

HALIFAX
REGIONAL MUNICIPALITY
DEVELOPMENT APPROVALS

 Area subject to height amendments

 Post-Bonus Height Area

 Area where **building height** is measured between the commencement of the top of the storey of a building and the mean grade of the finished ground adjoining the building between the building and the fronting street.

0 50 100 150 m


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**ATTACHMENT B
PROPOSED AMENDMENTS TO THE DOWNTOWN
HALIFAX LAND USE BY-LAW**

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

1. Map 4, Maximum Pre-Bonus Heights, is hereby amended by:
 - (a) replacing the maximum pre-bonus heights of 10.668 metres and 13.716 metres with a maximum pre-bonus height of 22 metres upon the identified subject lands, as illustrated on Appendix B-1; and,
 - (b) removing the hatched symbol upon the identified subject lands, as illustrated on Appendix B-1, thereby removing the requirement that “building height is measured between the commencement of the top storey of a building and the mean grade of the finished ground adjoining the building between the building and the fronting street” and, in so doing, specifying that the subject lands shall be subject to the definition of “building height” under Part 2 of the Downtown Halifax Land Use By-law.
2. Map 5, Maximum Post-Bonus Heights, is hereby amended by:
 - (a) replacing the maximum post-bonus heights of 10.668 metres and 13.716 metres with a maximum post-bonus height of 22 metres upon the identified subject lands, as illustrated on Appendix B-2; and,
 - (b) removing the hatched symbol upon the identified subject lands, as illustrated on Appendix B-2, thereby removing the requirement that “building height is measured between the commencement of the top storey of a building and the mean grade of the finished ground adjoining the building between the building and the fronting street” and, in so doing, specifying that the subject lands shall be subject to the definition of “building height” under Part 2 of the Downtown Halifax Land Use By-law.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the ____ day of _____, A.D., 20____.

GIVEN under the hand of the Municipal Clerk and under the Corporate Seal of the said Municipality this ____ day of _____, A.D., 20____.

Municipal Clerk



Appendix B-1 - Amendments to Map 4, Maximum Pre-Bonus Heights Downtown Halifax Land Use By-law



Area subject to
height amendments



Pre-Bonus Height Area



Area where **building height** is measured
between the commencement of the top
of the storey of a building and the mean
grade of the finished ground adjoining the
building between the building and the
fronting street.

Downtown Halifax
Secondary Municipal Planning Strategy

HALIFAX
REGIONAL MUNICIPALITY
DEVELOPMENT APPROVALS

0 50 100 150 m

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a portion of the Zoning Map for the plan
area indicated.

HRM does not guarantee the accuracy
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Appendix B-2 - Amendments to Map 5, Maximum Post-Bonus Heights Downtown Halifax Land Use By-law

 Area subject to height amendments

 Post-Bonus Height Area

 Area where **building height** is measured between the commencement of the top of the storey of a building and the mean grade of the finished ground adjoining the building between the building and the fronting street.

HALIFAX
REGIONAL MUNICIPALITY
DEVELOPMENT APPROVALS

0 50 100 150 m


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ATTACHMENT C

**HALIFAX REGIONAL MUNICIPALITY
PUBLIC INFORMATION MEETING
CASE # 17000**

**7:00 p.m.
Thursday, March 22, 2012
Halifax Hall, Halifax**

IN ATTENDANCE: Luc Ouellet, Senior Planner, HRM Planning Services
Hilary Campbell, Planning Technician, HRM Planning Services
Sharlene Seaman, Planning Controller, HRM Planning Services
Councillor Dawn Sloane
Councillor Jennifer Watts

**PUBLIC IN
ATTENDANCE:** Approximately 7

The meeting commenced at approximately 7:00 p.m.

1. Opening Remarks/Introductions/Purpose of Meeting – Luc Ouellet

Luc Ouellet opened the meeting by introducing himself as a planner for the Western Region with Halifax Regional Municipality (HRM). He stated that an HRM-initiated application was received to consider amendments to the Downtown Halifax Secondary Municipal Planning Strategy and the Downtown Halifax Land Use By-law for properties identified by civic addresses 5161-5175 South Street, 1161-1203 Hollis Street, and 1075-1145 Barrington Street, Halifax.

Mr. Ouellet was looking to get feedback on the application and noted that no decisions would be made at the meeting.

2. Presentation of Proposal Luc Ouellet

Luc Ouellet showed the site, explaining that the Downtown is divided into various precincts. The precinct for the application is precinct 2, the Barrington Street South.

He stated that when the Downtown Plan went to Council in 2009, Council had reduced the recommended height of 22 metres. The Conservation District Plan would be undertaken prior to the change to re-evaluate how high buildings should be in the area.

Mr. Ouellet advised that there is positive support for the review and this is what allows it to go to a public information meeting. Council adopted a process to review the Downtown Plan and By-Law on a regular basis. Council will be the deciding factor as to whether or not they want to include a substantive amendment. There is policy supporting a review for the Downtown.

Mr. Ouellet noted that the subject area within precinct 2 that is of interest for this review is the lots boarding South Street and the surrounding Cornwallis Park, including the Superstore site and the Westin Hotel. Council will be looking into amending the pre-bonus and post-bonus height plan to increase the allowable height to 22 metres. This requires an amendment to the maps. There is also a request that the height calculation be amended. He stated that the Downtown building heights are calculated from average grade to the top of the building. Council asked staff to keep the old calculation. Part of the process would be to go back to a cleaner definition of the height, from average grade to the top of the building.

He stated that currently the heights in the area vary from 10.668 metres to 13.716 metres on South Street. Apart from the properties, there is a request from Council to investigate allowing a change to the landscape open space requirement. If a building has more than 50 percent of the floor area designated residential, you need to provide landscape open space. For every unit in the building, once it passes 50 percent, 11.25 square metres will need to be provided for landscape open space. 40 percent of it must be provided at the ground floor level. For the site proposed, Council has asked staff to look at allowing for a full transfer to the rooftop and also reducing the amount of landscape open space down to 5 square metres per unit.

Mr. Ouellet stated that there is currently only 3 districts that require landscape open space; around the Spring Garden Road area and around the centennial pool. Council has already amended the By-law to allow for a full transfer to the rooftop. This would be the same sort of amendment.

3. Overview of planning process – Luc Ouellet

Mr. Ouellet stated that Council had made a motion for initiation and the public information meeting is to gather feedback from the public. Following the meeting, staff will undertake a detailed review of the application; they will prepare a staff report that will be tabled at the Design Review Committee. They will recommend, to Regional Council, to accept or reject the proposed amendments. Regional Council will then hold a Public Hearing, if they want the proposal to continue. If approved at the public hearing, the amendments will go to a ministerial review by the Province. If the Province agrees that the proposed amendments do not interfere with their policies, they will sign off on the amendments. It will then show up in the paper as an approval advertisement. The amendments would be effective as of the date when it showed up in the paper.

Mr. Ouellet reviewed the agenda package provided. He gave his contact information and opened the floor for questions and comments.

4. Questions/Comments

Phil Pacey, Halifax, asked Mr. Ouellet to outline the history of the application. He noted that there were some buildings demolished in the area. He asked if there was any contact between the property owner and HRM staff prior to the demolition.

Mr. Ouellet stated that there was contact for the demolished Café Chianti site. Even before demolition, there was a request to amend the height. At that time it could not be supported, based on the fact that Council had advised staff to not precede with any height amendments in the area until the Conservation District happened. He understands that Council was contacted to put a motion through and Council initiated the process without a staff report. There have been other contacts with property owners in the area since then.

Dr. Petra Mudie, Halifax, quoted the Plan in vision. She feels that urban design is the art of making wonderful places. Good urban design sets the stage for our daily lives by concerning itself with buildings and spaces between buildings, land use density and natural features. It also has good quality.

She noted that she lives on the border of where the new proposal will be coming into effect. She was not informed but heard it in the radio. She has been living downtown for three years as she could not commute from the suburbs anymore. She is now retired and thought her view would be protected when she purchased her home. She can see the blue sky and the treetops at Cornwallis Park. For the past three years, her taxes have increased each year. She feels that the old style buildings, where were not preserved, have been torn down. She now has to look at red plastic balconies with a bit of blue sky surrounding them. She feels that the quality of her life has been reduced by the changes.

She stated that it is almost like there is no plan as there are so many changes. She is opposed to the height wavering. She does not understand how the neighbourhood benefits from rooftop gardens. It may benefit the residents of the building but it will not benefit anyone else. If you keep building higher and higher, those gardens would be fine. If you have invested your life savings in something that is not going any higher, you are stuck. She asked what the benefit it would be for a downtown resident.

Mr. Ouellet stated that landscape open space was not intended to be a benefit to people not living within the building. If the building is not residential, you can build a building that would meet the requirement of 13 metres up the side. You can make it all commercial. There does not have to be landscaped open space. That is only if you are providing residential units for more than 50 percent of the building. It is supposed to be for the benefits of the residents. That was always the intention.

Ms. Mudie argued that the way buildings are going, it is almost unlivable. She feels that the downtown is supposed to be welcoming to residents. She is concerned about the wind tunnel effect as it increases every time a building is raised.

Councillor Dawn Sloane asked if HRMbyDesign or corner lots has anything to do with the amendments. The Trillium is set back to allow for a café style area. She asked if this is what it is intended for.

Mr. Ouellet stated that there is a 4 metre set back on South Street, from the property line. That would have to be respected.

Phil Pacey is the chair of the HRM committee for the Heritage Trust of Nova Scotia. The committee is very concerned by the proposal. They feel that it would be extremely negative for Halifax. He feels that it would be a kick in the teeth to the Heritage Trust of Nova Scotia and to all of the people who care about heritage buildings in HRM. He compared the proposal to the old south suburb.

He showed a pamphlet that the Heritage Trust of Nova Scotia prepared in 2002 asking HRM to establish Heritage Conservation Districts. This is a wonderful thing for a municipality. There is only 1 in HRM. This is far behind other community's in North America. He noted that there are three in Truro, three in St. John, three in Yarmouth and three in Sydney. He feels that this is a total embarrassment that Halifax is doing so badly at establishing Heritage Conservation Districts. HRM said, in 2002, that they would get right on it. They started work on the Barrington Street Conservation District. That one took more than six years to get into play because it was high jacked by HRMbyDesign, delaying it for three years. It is still not working because there are grandfathered proposals and negative proposals coming forth. He feels that Barrington Street is being ripped apart.

The Heritage Trust also asked HRM to look into the old south suburb 10 years ago and nothing has happened. He believes that in 2009, at the public hearings for HRMbyDesign, the Heritage Trust was promised that the Barrington South District would be in place within 18-36 months. HRM is 2 months away from that deadline. There has been no public discussion on either of these. It is unfortunate that HRM staff time being put into weakening the protections for the Barrington South District, instead of staff time being put into actually putting the Barrington South District into place. He feels that this is a very serious misappropriation of staff time.

He noted that it is important to have Heritage Conservation Districts because it is in the interest of HRM. They increase the area business, property values, vibrancy and a source of civic pride. He quoted a study in Saint John stating that their property, inside the district, increased in value by 30 percent more than the properties outside the district. He feels that increasing the height limit is simply chasing dreams. Halifax knows this and it is not working. HRM has approved high-rise after high-rise and they do not get built because there is no demand. HRM is making the downtown uglier and uglier with each one of these decisions. That is making it less desirable for people to live and come downtown.

He stated that the fastest growing land use Downtown Halifax is vacant lots. This is a negative. Any increase in height encourages more people to knock down heritage buildings and replace them with a vacant lot, hoping that if the height gets increased they can increase their property value. That is not working. Downtown Halifax is becoming an embarrassment of vacant lots.

He stated that Heritage Conservation Districts work in 8,000 communities across North America. That is the only way to get revitalization. The area is important as it is the old south suburb of Halifax. It is a stunning area with lots of heritage buildings. He provided examples. He feels that this special area does not exist anywhere else. It should be protected. If the rules are changed, it won't be protected.

He noted that everyone coming off a cruise ship, train or a bus sees this neighbourhood, the old south suburb, first. This is the image of Halifax that many people take away with them. He made reference to his arrival to Halifax. He stated that 40 people, at the public hearing for HRMbyDesign, came out to state that they did not like it because it would increase heights of inadequate protections. There were height limits on these properties and were protected, until HRMbyDesign came along. Two Councillors tried to make changes to get the height limits to reflect the heritage buildings. There was only one amendment made to benefit the general public at that public hearing. There was a motion to keep the height limits in this area. He noted the important areas for height restrictions.

Mr. Ouellet stated that he cannot speak for the past but a full-time staff member has been assigned to look into the conservation districts.

Mr. Pacey stated that he would like to see 10 staff members working on that.

Caesar Saleh, W.M. Fares Group, Halifax stated that his group is working on the corner of South and Hollis Streets. They are doing an assessment on the pre-bonus and post-bonus as well. He lives in the area and it is his third year on the HRMbyDesign committee. He stated that one of the sites that is subject to change is not a heritage building. It was only demolished after a fire. There was a fourteen month assessment of the building and it was deemed not fixable.

He noted that his group is in support of the proposed amendments for the following reasons; landscaping as it stands, has a four metre setback in the front under the current land use by-law. The best place to locate that landscaping is in the front. This would take away from the proposal and the vision of having restaurants at the ground level. Historically the ground level had restaurants as it was across the street from a hotel. In order to accommodate the landscaping, it would have to be at the front and this would prohibit them from having restaurants with outside patios. This is what was envisioned for the ground level of that site. Knowing that the site is across the street from Cornwallis Park, it's logical to allow for that use to happen and to let the landscape open space be absorbed as part of the Cornwallis Park. That would be a public benefit. The private residents would have rooftop landscaping as well. They will be able to meet some of the objectives of HRMbyDesign by having outside patios.

Mr. Saleh feels that this is a pedestrian-orientated, commercial street. One of the guidelines encourages patios on the pedestrian-orientated, commercial streets. He noted that the allowable height currently is 45 feet. This allows five stories. The proposed height allows seven stories. It is not like they are doubling the height. They are at a low-rise currently. The proposal would be barely pushing the mid-rise. Keeping the height at low-rise would make it very difficult to meet some of the major principles of HRMbyDesign. The minimum building height on that site is 11 metres. The current height is 13 metres. They are confined and cannot step back. This was what was intended. They would also face challenges such as; animating the streetscape and the framing of Cornwallis Park. To box this as a low-rise building would truly be a missed opportunity.

Phil Pacey noted that there is a building adjacent, called the Elmwood. It is a somewhat newer building than the Taj Mahal. It is very similar in height and should be a heritage building as there is lots of history. He would like staff to look into that. Those buildings are compatible in height but a 70 foot high building would not be compatible with those buildings. He stated that Regent

Terrace was a beautiful building and it is possible to get building articulation in 45 metres. This building was picked out by the consultants who came to look at and recommend HRMbyDesign. They believed that this building was something special. It was a beautiful building. If it were to be reproduced, it would be beautiful again. You do not need a high-rise to get articulation.

Mr. Pacey stated that the train station building should be well respected as it is an important landmark building. He feels that anything erected on the superstore property should not exceed the height of the train station. Similarly, the Barrington Street buildings, that should be heritage buildings, should not be dominated by high-rise or mid-rise buildings. It was important to lower the height, at the public hearing, because of the level playing field principal. Heritage buildings are sturdy. Many have survived for 200 years and will continue to survive. Buildings in Europe have survived for centuries. They need protection.

Mr. Pacey feels that most importantly, we should not provide an incentive to demolish these buildings. There should be restricted heights. The current height should be restricted. It is too easy for developers to tear it down and build an extra three stories. He would like to see the Taj Mahal building height reduced, when possible. Some sites should be lower to be consistent with the Heritage buildings. These are not places where rooftop additions should be looked into. These buildings have beautiful roof scapes of their own. It is very important to make sure there is landscape open space at grade on these properties because this requirement is a way of limiting the amount of development that can be put on one of these properties. This is a case of an owner trying to maximize the development capacity by increasing the height limit and by eliminating the land scape open space requirements. This allows a double whammy which the property owner might think benefits that particular property but it doesn't benefit the general public. It sends a very bad message to the other owners of heritage building that they might also want to try this.

He asked Mr. Ouellet to not recommend to Council that they approve these amendments. Council has confirmed the decision of the design and review committee. It is not a good idea to allow the buildings in the area to cover the entire site. Council decided to keep the height limit of 45 feet three years ago, instead of increasing it, three years ago. He feels this to be a tiny victory for the citizens. He again asked for the recommendation to be negative.

Ms. Mudie stated that there are five restaurants in that block and noted that there is no need for any others. New restaurants may squeeze out smaller businesses.

Alan Farquhar, Halifax, stated that his mother owns a heritage property Downtown and stated that there is no incentive in the city to protect heritage properties. Some buildings are not registered for that very reason. His mother's property tax assessment has risen by 300,000 dollars in the past year and heating costs are going up and up. He feels that there just isn't any incentive to register for a heritage building as it will not be protected. He wonders if anyone realizes how much it costs to maintain these heritage buildings. He feels that it is necessary to make sure the buildings are all of the same height, when it comes to Cornwallis Park. He felt disappointed that his mother's building wasn't included within the height restriction.

Phil Pacey noted that there certainly is some municipal money to help the owners of properties in a registered heritage building or in the Heritage Conservation Districts. He provided additional information for Mr. Farquhar.

5. Closing comments

Mr. Ouellet asked for any other questions, gave his contact information and thanked everyone for attending the meeting.

6. Adjournment

The meeting adjourned at approximately 7:50 p.m.