


**Item No. 11.1.13**

**Halifax Regional Council**


**September 10, 2013**

**TO:** Mayor Savage and Members of Halifax Regional Council

Original signed by 

**SUBMITTED BY:**

Richard Butts, Chief Administrative Officer

Original Signed by 

Mike Labrecque, Acting Deputy Chief Administrative Officer

**DATE:** August 27, 2013

**SUBJECT:** Case 18708, Initiation of MPS and LUB Amendments for the Nova Centre, Halifax

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**ORIGIN**

Application by Argyle Developments Ltd.

**LEGISLATIVE AUTHORITY**

*HRM Charter*, Part VIII, Planning and Development

**RECOMMENDATIONS**

It is recommended that Halifax Regional Council:

1. Authorize staff to initiate the process to consider amending the Downtown Halifax Secondary Municipal Planning Strategy and Downtown Halifax Land Use By-law to allow an updated design of the Nova Centre on the lands that are bounded by Argyle, Sackville, Market, and Prince Streets, Halifax; and
2. Request staff follow the public participation program for the Municipal Planning Strategy amendment process as approved by Halifax Regional Council in February 1997.

## **BACKGROUND**

Argyle Developments Incorporated is developing the Nova Centre complex in downtown Halifax on the blocks bounded by Argyle, Prince, Market, and Sackville Streets. It includes:

- a convention centre;
- retail uses;
- office space;
- a hotel/residential use; and
- two levels of underground parking.

A building design was undertaken in 2008/2009, but it has most recently changed as a result of public consultation. Originally, the building was comprised of two towers on separate blocks with the convention centre floor areas being completely underground and extending under Grafton Street. A tower along Argyle Street was to be a hotel, and a tower at the corner of Market and Sackville Streets was to be an office use.

There is a special allowance for the original project in the Downtown Halifax Secondary Municipal Planning Strategy (MPS) and Downtown Halifax Land Use By-law (LUB) for the “publically-sponsored convention centre.” The MPS states:

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 together with retail, hotel, residential or office, and underground parking space on the two blocks bounded by Argyle Street, Prince Street, Market Street and Sackville Street.

Further to this, the LUB specifies that:

(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.

Appendix B of the By-law, referred to above, is a diagram that outlines the building elements of the proposed publically-sponsored convention centre building and its permitted heights in storeys (Attachment A). Essentially, the LUB specifies that the Nova Centre complex is to correspond with the Appendix and with this, it is subject to the site plan approval process (approval by the HRM Development Officer and Design Review Committee).

### **New Design**

Following an announcement that the project was to proceed from concept to design, public consultation occurred from July to early December 2012, which included the reconsideration of the building's design. Coupled with modifications initiated by the Developer, the project has changed as follows:

- elements of the convention centre space, including a large ballroom area, have been relocated above ground and over Grafton Street;
- Grafton Street is to become a shared pedestrian passageway, event space, and vehicular access to the underground parking;
- there has been a significant enlargement to the size of the towers, particularly with regard to their east-west widths;
- there has been a change in the location of the proposed land uses, with the hotel/residential tower along Argyle Street changing to an office tower and the tower at the corner of Market and Sackville Streets becoming a hotel/residential use.

With these changes, the Developer proposes to consolidate the two existing street blocks. While the developer intends to keep Grafton Street open at both ends, it would become private space and consequently, closed as an HRM street.

Attachment B shows an outline of the new building and its number of storeys, and Attachment C contains drawings and an image of the proposal.

HRM recently requested that the province establish special allowances for the subsurface (below the elevation of Argyle Street) elements of the Nova Centre to be constructed while an application for amendments to the MPS and LUB is considered. This report concerns this application.

### **Amendments**

The amendments that are proposed by Argyle Developments require the introduction of a new Appendix into the by-law to reflect the changes in the building design. In addition, in order to close Grafton Street, Regional Council needs to consider providing an exception to the following MPS policy context that precludes such actions:

### 3.4.8 Existing Street Grid and Blocks

In the past, streets have been closed and blocks have been consolidated to enable large scale development projects. The traditional street grid provides a high level of connectivity and is an important characteristic of the downtown. It shall not be subject to further consolidation. The Cogswell Interchange, where HRM intends to reestablish a network of smaller streets and new blocks, presents an opportunity to reestablish this desirable pattern of smaller scaled streets and blocks.

Policy 27 Except for the network of streets associated with the Cogswell Interchange, HRM shall not close streets to permit blocks in the downtown to be consolidated for development.

Beyond these amendments, some consideration may need to be given to introducing changes to the Design Manual, which does not necessarily fully consider the introduction of a development that is the size of the Nova Centre into the downtown.

### **Supporting Documents**

In support of its application, Argyle Developments has submitted several documents and reports, including:

1. Application letter;
2. Architect's letter;
3. Public Engagement Summary Letter;
4. Site and Building Plans;
5. Preliminary Landscape Plan;
6. Traffic Impact Statement;
7. Wind Impact Statement; and
8. Shadow Impact Statement.

This documentation is posted on HRM's website ([www.halifax.ca/planning/Case18708Details](http://www.halifax.ca/planning/Case18708Details)). Based on a preliminary review, staff has asked the developer for updates and changes to some of the documents, including the traffic, wind, and shadow studies. These are expected to be received as the application proceeds and will be required to be available in advance of a public information meeting.

### **DISCUSSION**

As noted in the Background section, the MPS already has a specific provision for the Nova Centre complex through policy 90E and its introductory text. On this basis, the premise of the project is not in question. Therefore, the two major considerations with this application concern the consolidation of the blocks for development and the new building design.

### **Consolidation of Blocks for Development**

As noted in the Background section, the MPS states:

“In the past, streets have been closed and blocks have been consolidated to enable large scale development projects. The traditional street grid provides a high level of connectivity and is an important characteristic of the downtown. It shall not be subject to further consolidation.”

Although the site will continue to be open between Sackville and Prince Streets and is to be designed as a shared space for pedestrian passage, events, and vehicular access, much of the same situation of consolidating blocks for development is proposed through this project. While it is desirable to retain the traditional street-grid within the downtown, the overall wish to bring part of the convention centre space “out of the ground” has meant that the consolidation of the blocks is a trade-off that needs to be fully considered.

### **Considering the New Building Design**

When Regional Council decided to enact special allowances for the original project, it was well understood that the publically sponsored convention centre did not comply with the typical as-of-right built-form standards. This was notable with respect to matters such as the width of the tower along Argyle Street. With the new proposal, the sizes of both towers are of a larger size than that which was originally proposed.

In considering the changes proposed through the new design, it is relevant to compare the original and new design, and to review matters such as the relationship of the building to its surroundings. This includes the streetscape conditions around the site, and environmental factors such as shadowing on adjacent public areas and wind impacts. These will become more fully understood as updates to the application are submitted, including new perspectives and updates to shadow and wind studies and other documents. Should Regional Council move to initiate the consideration of amendments to the planning documents, a detailed assessment of the project will be undertaken, along with public consultation and input and recommendations from the Design Review Committee.

### **Process**

At this stage, Regional Council is solely considering prospective amendments to the MPS and LUB. The amendments would allow the full Nova Centre complex, with a completed design, to be considered by the HRM’s Development Officer and the Design Review Committee through the Site Plan approval process and a separate and subsequent application. As noted in staff’s report dated July 15, 2013 regarding Nova Centre Construction Timing, it is estimated that the entire process to amend the MPS and LUB, and subsequently obtain Site Plan Approval for the revised design, could take approximately eight months.

### **Conclusion**

There is merit in Regional Council initiating the consideration of prospective amendments to the MPS and LUB. As noted above, this process will allow for a detailed review of the proposal and consultation with the public.

## **FINANCIAL IMPLICATIONS**

The HRM costs associated with processing this planning application can be accommodated within the approved 2013/2014 operating budget for C310 Planning & Applications.

## **COMMUNITY ENGAGEMENT**

Should Regional Council choose to initiate the MPS amendment process for this proposal, the *HRM Charter* requires that Council approve a public participation program when considering any amendment to an MPS. In February of 1997, Regional Council approved a public participation resolution which outlines the process to be undertaken for proposed MPS amendments which are considered to be local in nature. This requires a public meeting be held, at a minimum, and any other measures deemed necessary to obtain public opinion.

The proposed level of community engagement will be public consultation that will include a public information meeting and posting of information on HRM's website. In addition to general public consultation, a recommendation from HRM's Design Review Committee will be sought on any prospective amendments. Ultimately, if Regional Council decides to consider adopting any amendments to its planning documents, a public hearing will be required.

## **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications directly associated with this report.

## **ALTERNATIVES**

1. Council may choose to initiate the consideration of potential amendments to the MPS and LUB to allow an updated design of the Nova Centre complex. A decision of Council to initiate the potential amendments is not appealable to the N. S. Utility & Review Board as per Section 262 of the *HRM Charter*. This is the staff recommendation.
2. Council may choose not to initiate the consideration of potential amendments to the MPS and LUB, which would mean that the new design of the convention centre could not be considered by HRM. A decision of Council to not initiate the potential amendments is not appealable to the N. S. Utility & Review Board as per Section 262 of the *HRM Charter*. This alternative is not recommended for the reasons outlined in this report.
3. Council may choose to initiate the consideration of amendments that differ from those outlined in this report. The impact of such amendments on the project would need to be considered by staff.

## **ATTACHMENTS**

Attachment A	Original Building Outline and Number of Storeys
Attachment B	Proposed Building Outline and Number of Storeys
Attachment C	Building Elevations and Images

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If the report is released to the public, a copy can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or by Fax at 490-4208.

Report Prepared by: Richard Harvey, Urban Design Project Manager, Planning and Infrastructure, 490-6495

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

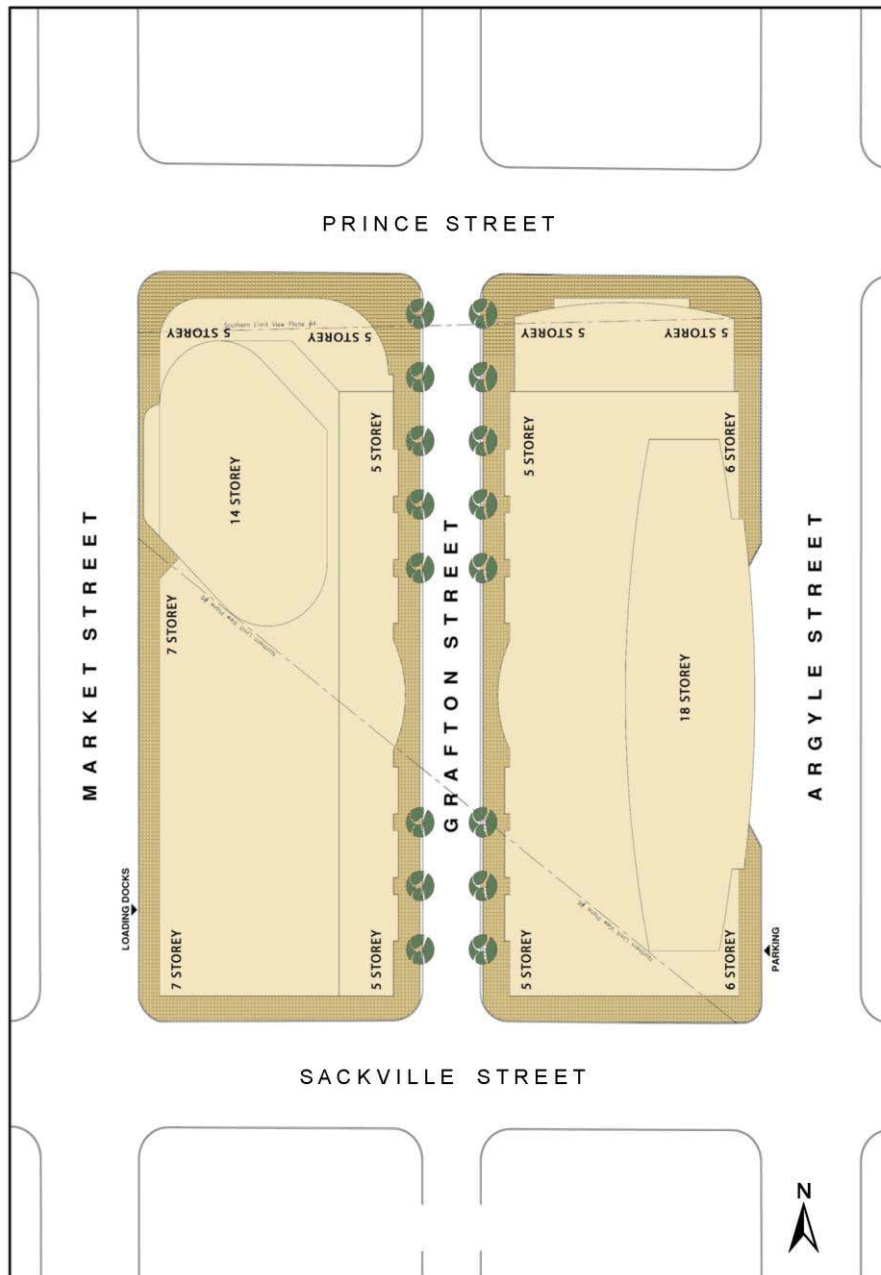
Austin French, Manager Community Planning, 490-6717

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

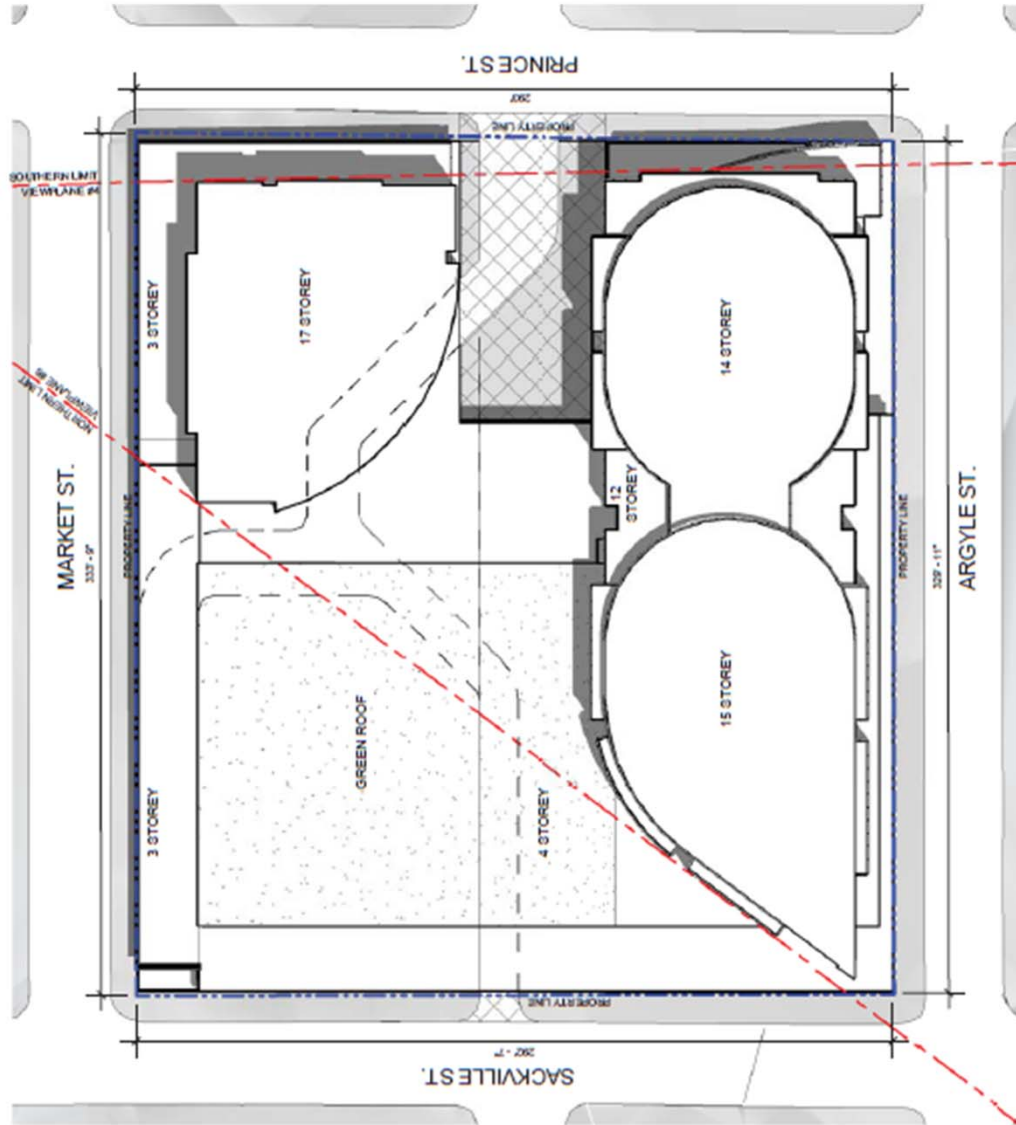
Jane Fraser, Director Planning and Infrastructure, 490-7166

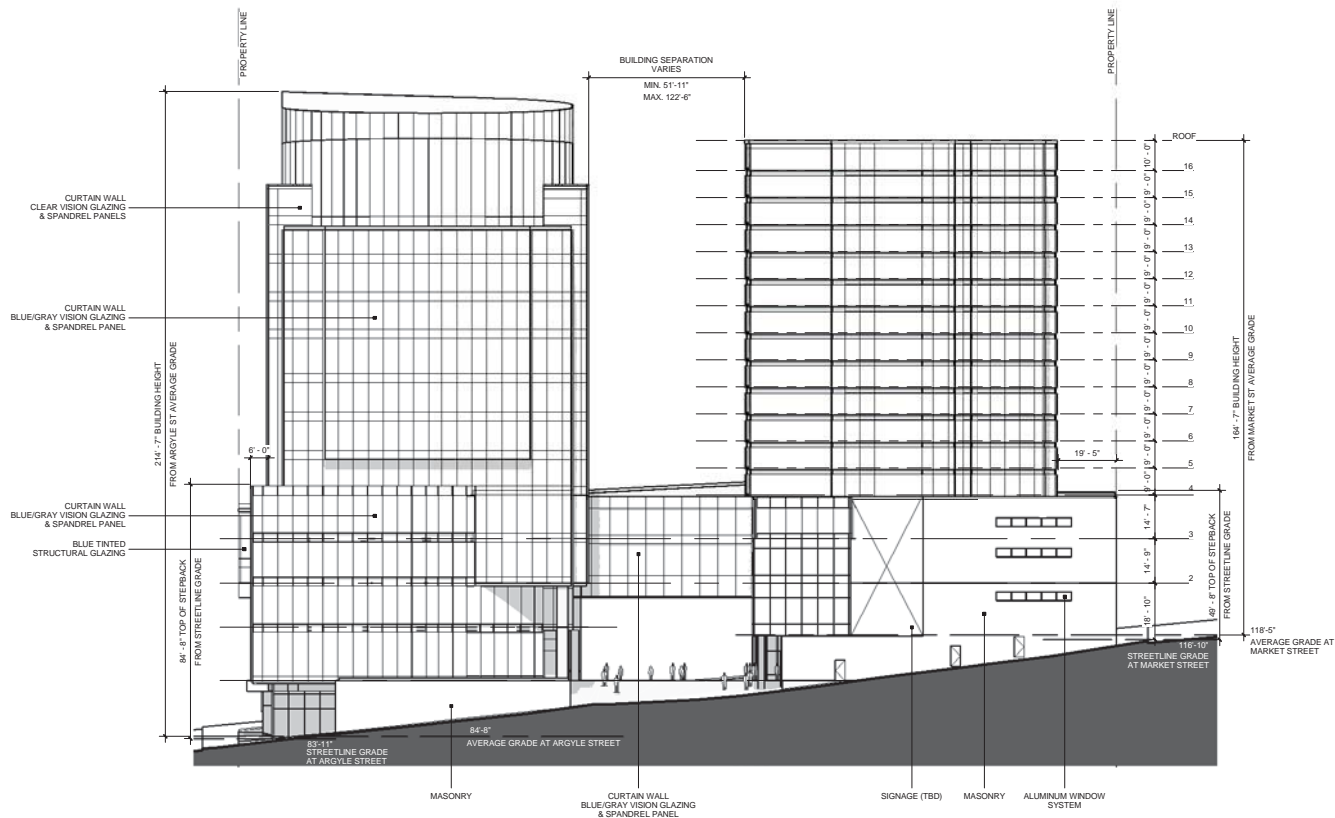
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Appendix "B"  
Publically-Sponsored Convention Centre



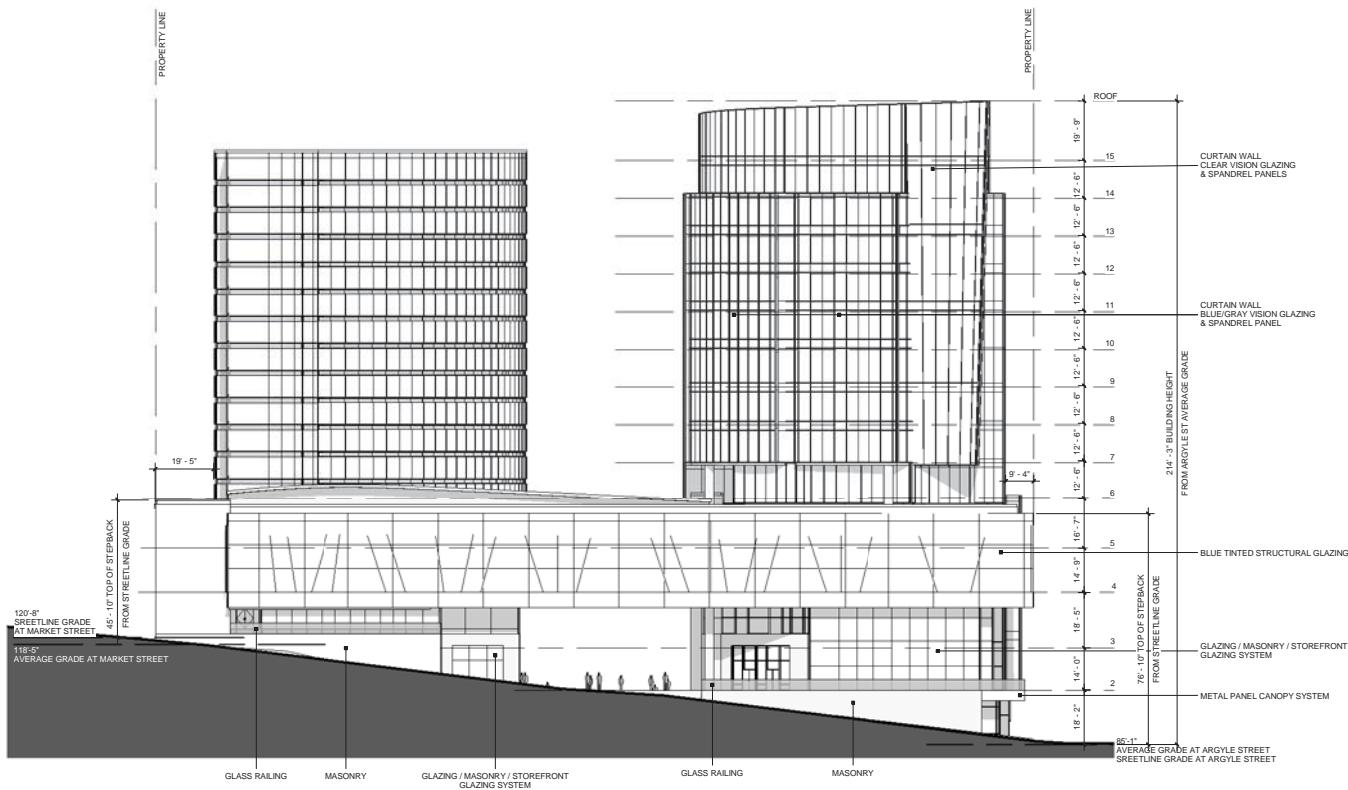




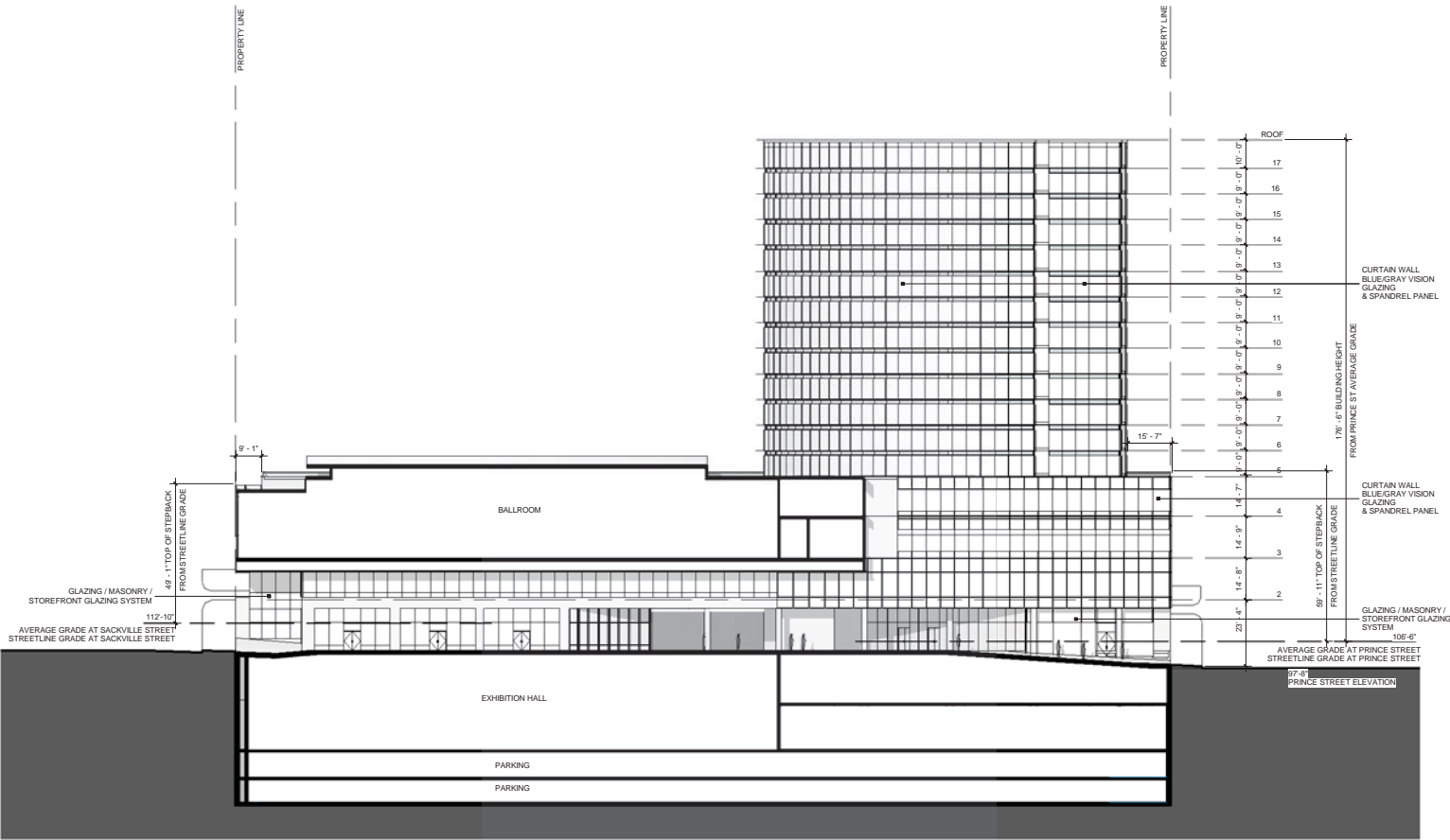


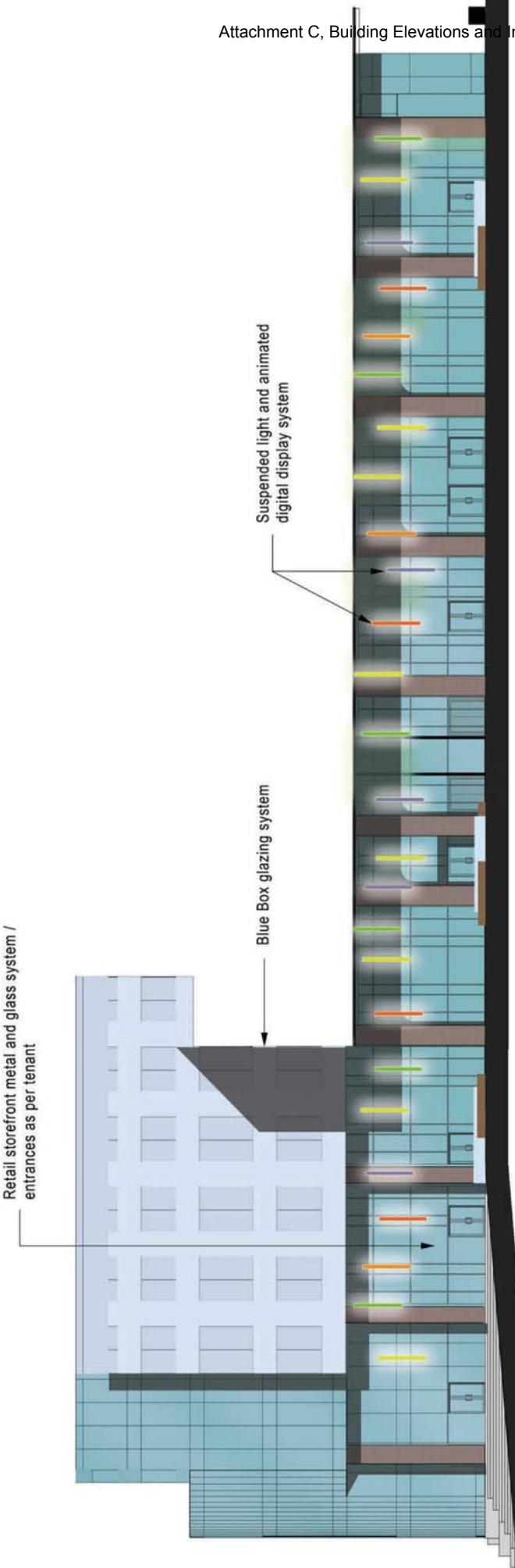












East Elevation - Grafton  
NOVA CENTRE, HALIFAX, NOVA SCOTIA

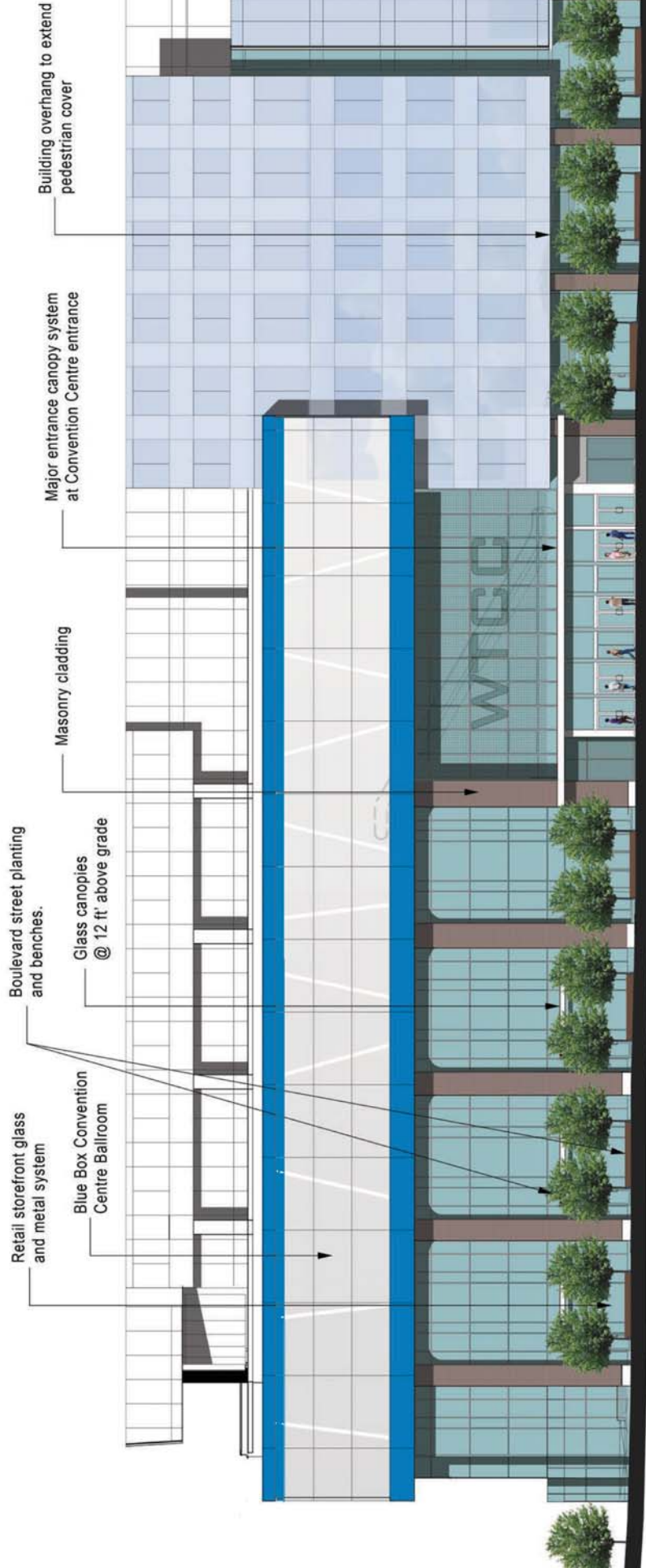
DATE: JULY 16, 2013



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NOEL FOWLER ARCHITECT





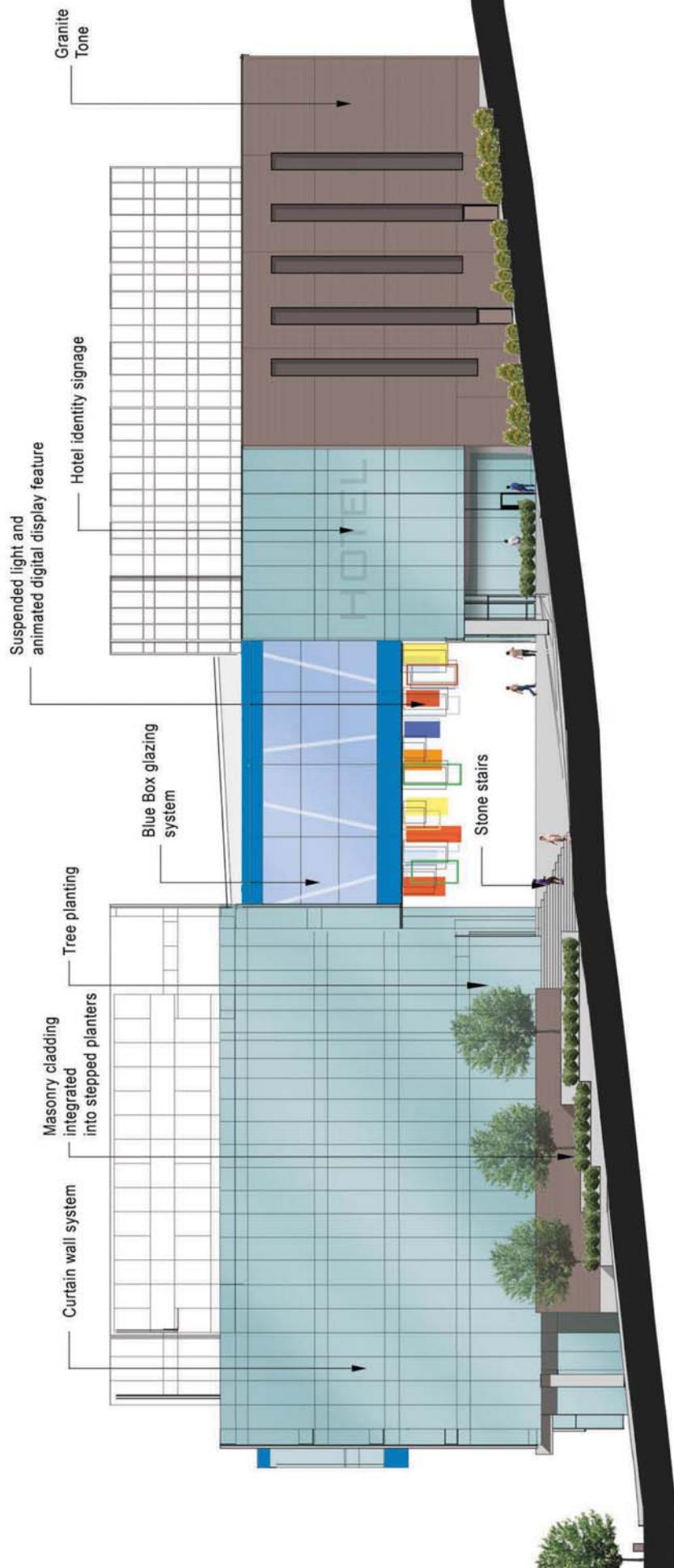
East Elevation - Argyle Street  
NOVA CENTRE, HALIFAX, NOVA SCOTIA

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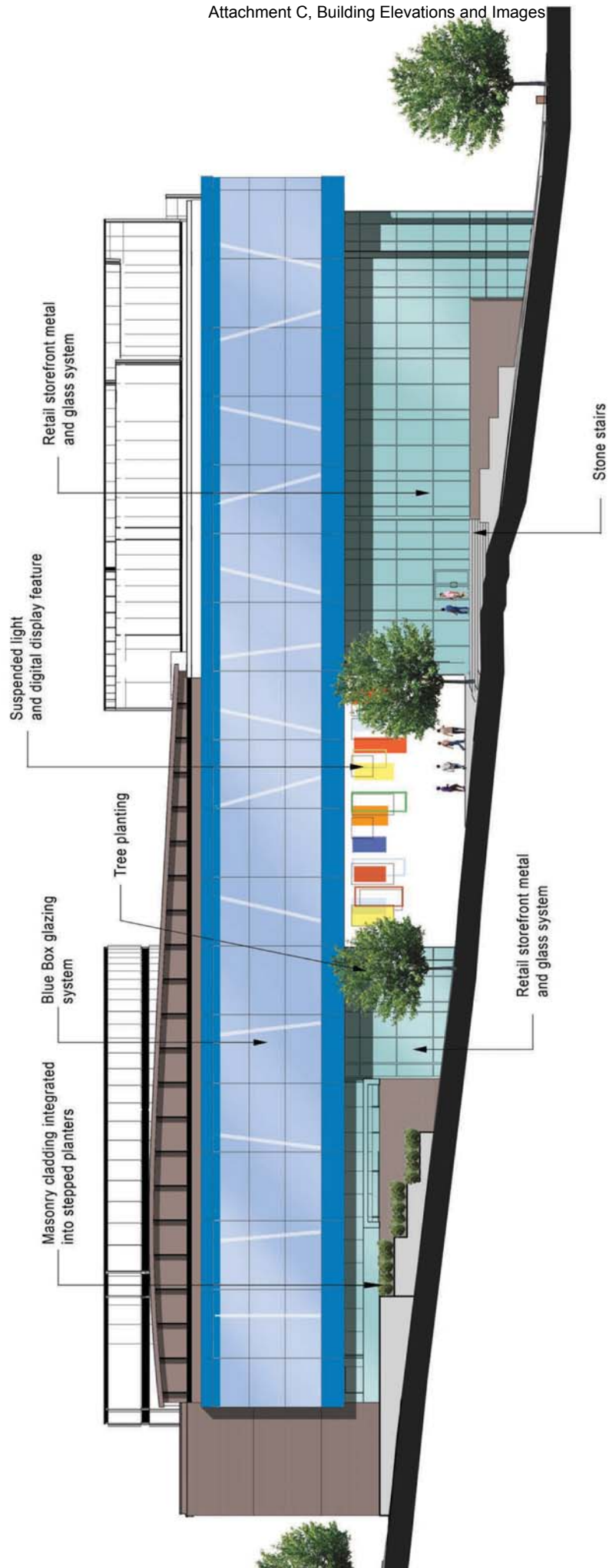
North Elevation - Prince Street  
NOVA CENTRE, HALIFAX, NOVA SCOTIA

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South Elevation - Sackville Street  
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West Elevation - Market Street  
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