

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

**SUBMITTED BY:** Original Signed  
Ramzi Kawar, Chair, Design Review Committee

**DATE:** March 21, 2014

**SUBJECT:** Case 18708 - Amendments to the Downtown Halifax Secondary MPS  
and Downtown Halifax LUB and the Closure of Part of Grafton  
Street for the Nova Centre Redesign

**ORIGIN**

A motion of the March 20, 2014 meeting of the Design Review Committee.

**LEGISLATIVE AUTHORITY**

Section 13, Committee Role, of the Terms of Reference for the Design Review Committee which provides that the Committee shall:

*“advise Council on potential amendments to regulations and policy to carry out the role and responsibilities of the Committee or to further the intent of this By-law from time to time.”*

**RECOMMENDATION**

That the Design Review Committee recommends that Halifax Regional Council:

1. Give First Reading and schedule a public hearing to consider approving proposed amendments to the Downtown Halifax Secondary Municipal Planning Strategy (DHSMPs) and Downtown Halifax Land Use By-law (DHLUB), as contained in Attachments A and B, to allow for a redesign of the Nova Centre on the lands bounded by Argyle, Market, Prince, and Sackville Streets, Halifax with an amendment to Attachment B to provide that the vehicular and pedestrian passageway extending from Prince Street to Sackville Street as set out in Appendix “B” be open and available to the public at all times; and
2. Adopt the proposed amendments to the Downtown Halifax Secondary Municipal Planning Strategy and Downtown Halifax Land Use By-law, as contained in Attachments

A and B, to allow for a redesign of the Nova Centre on the lands bounded by Argyle, Market, Prince, and Sackville Streets, Halifax.

### **BACKGROUND**

The Design Review Committee met in a special meeting on March 20, 2014 to consider this matter.

### **DISCUSSION**

The Committee received a presentation from staff outlining the staff recommendations and the role of the Design Review Committee in forwarding their recommendation to Council. Additional details regarding the proposed amendments are contained in a staff report dated February 28, 2014.

The Committee approved the staff recommendation with an amendment to Attachment B providing continuous public access to the passageway between Prince and Sackville Streets in order to mitigate the impact of the proposed closure of a portion of Grafton Street.

During the discussion two design aspects of the proposal were raised about which the Committee wished to make comment, the green roof on the ballroom and lighting in the Grafton Street public space. Pending Council's decision with regard to the proposed amendments, the Committee will have an opportunity to consider these matters during their review of the substantive site plan application.

### **FINANCIAL IMPLICATIONS**

Financial Implications are as per the February 28, 2014 staff report.

### **COMMUNITY ENGAGEMENT**

The Design Review Committee is a citizen committee appointed by Council. All meetings of the Committee are open to the public and agendas, reports and minutes are available on the web in advance of meetings.

### **ENVIRONMENTAL IMPLICATIONS**

Environmental Implications are as per the February 28, 2014 staff

### **ALTERNATIVES**

No alternatives were provided by the Committee.

**ATTACHMENTS**

1. Staff report dated February 28, 2014

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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: Sherryl Murphy, Deputy Clerk 490-4211

Signature line not required.

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**Design Review Committee**  
**March 20, 2014**

**TO:** Chair and Members of the Design Review Committee

**SUBMITTED BY:**

Original signed

Brad Anguish, Director of Community & Recreation Services

**DATE:** February 28, 2014

**SUBJECT:** **Case 18708 - Amendments to the Downtown Halifax Secondary MPS and Downtown Halifax LUB and the Closure of Part of Grafton Street for the Nova Centre Redesign**

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### **ORIGIN**

- Application by Argyle Developments Limited
- Initiation of the MPS and LUB amendment process by Regional Council, September 10, 2013

### **LEGISLATIVE AUTHORITY**

- *HRM Charter*, all of Part VIII, Planning and Development including subsection 220(8), subsection 225(2), clause 229(1)(c), subsection 234(2), clause 235(5)(i), clauses 246(1)(c) & (h), and clause 246(3)(1); and
- *HRM Charter*, Part XII, Streets and Highways, subsection 325(1), as provided in Attachment I.

### **RECOMMENDATIONS**

#### **Design Review Committee**

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

1. Give first reading and schedule a public hearing to consider approving proposed amendments to the Downtown Halifax Secondary Municipal Planning Strategy and Downtown Halifax Land Use By-law, as contained in Attachments A and B, to allow for a redesign of the Nova Centre on the lands bounded by Argyle, Market, Prince, and Sackville Streets, Halifax; and

RECOMMENDATIONS CONTINUED ON NEXT PAGE

2. Adopt the proposed amendments to the Downtown Halifax Secondary Municipal Planning Strategy and Downtown Halifax Land Use By-law, as contained in Attachments A and B, to allow for a redesign of the Nova Centre on the lands bounded by Argyle, Market, Prince, and Sackville Streets, Halifax.

### **Halifax Regional Council**

It is recommended that Halifax Regional Council:

1. Give first reading and schedule a public hearing to consider approving proposed amendments to the Downtown Halifax Secondary Municipal Planning Strategy and Downtown Halifax Land Use By-law, as contained in Attachments A and B, to allow for a redesign of the Nova Centre on the lands bounded by Argyle, Market, Prince, and Sackville Streets, Halifax.
2. Schedule a public hearing to consider adopting the proposed administrative order, as contained in Attachment C, to close that part of Grafton Street that is between Prince and Sackville Streets, Halifax, pursuant to a request associated with the redesign of the Nova Centre.
3. Adopt the proposed amendments to the Downtown Halifax Secondary Municipal Planning Strategy and Downtown Halifax Land Use By-law, as contained in Attachments A and B, to allow for a redesign of the Nova Centre on the lands bounded by Argyle, Market, Prince, and Sackville Streets, Halifax.
4. Contingent on the proposed amendments to the Downtown Halifax Secondary Municipal Planning Strategy and Downtown Halifax Land Use By-law becoming effective, adopt the administrative order to close that part of Grafton Street that is between Prince and Sackville Streets, Halifax, as contained in Attachment C.

### **EXECUTIVE SUMMARY**

In the late 2000s, HRM and the Province had advanced discussions with Argyle Developments Limited with regard to a new publically sponsored convention centre, together with retail, office or residential, and hotel uses (what is now referred to as the Nova Centre) on lands that are bounded by Argyle, Market, Prince and Sackville Streets. In 2009, Regional Council was adopting a new secondary municipal planning strategy and land use by-law for downtown Halifax. Specific allowances were made for the Nova Centre building. The Downtown Halifax Land Use By-law (DHLUB) contains a plan (Appendix B) that outlines the limits and maximum heights of various elements of the building as they existed at the time. Further to this, the planning documents specify that the Nova Centre is to comply with the Appendix, the Halifax Citadel View Plane and Rampart requirements. On this basis, the project would then be subject to the substantial site plan approval process that exists in the downtown. This would involve a review and approval by HRM's Design Review Committee on the basis of the project's compliance with conditions of the DHLUB's Design Manual. The Design Manual provides

guidance respecting building design matters, such as the relationship of buildings to adjoining streets and their exterior design.

The original (current) allowances in the DHLUB envision a building that occupies the two blocks that are bounded by Argyle, Market, Prince and Sackville Streets and separated by Grafton Street. In 2009, it was understood that the Nova Centre was to extend under the street, between the two blocks. It was also to include two towers; a long and slender tower along Argyle Street and another tower that was at the corner of Market and Prince Streets.

As the project secured funding from all three levels of government, there was a provincially-mandated requirement that it be subject to provincial-wide public consultations. This, along with subsequent modifications that were initiated by the developer, has resulted in major changes to the proposal, such that it is no longer consistent with original allowances within the DHLUB. Specifically, a considerable part of the development now extends above Grafton Street. In addition, the towers are larger than those which were previously enabled. Consequently, Argyle Developments has applied for amendments that would allow the new building. In addition, it is also asking HRM to formally close that part of Grafton Street that is between Prince and Sackville Streets. These matters require amendments to the Downtown Halifax Secondary Municipal Planning Strategy (DHSMPS), the DHLUB, and the adoption of an administrative order for the street closure. Following this, HRM will need to consider the actual sale of the lands.

The construction of the sub-grade parts of the building (below the elevation of Argyle Street) are already underway, having been enabled through a special provincial interest statement and a provincial order. This was to allow for construction to occur while the prospective planning amendments, street closure, and subsequent site plan approval process are assessed.

This report reviews the proposal from Argyle Developments by assessing the proposed changes to the building and the street closure. It recommends that amendments to the DHSMPS and DHLUB and the street closure be approved.

## **BACKGROUND**

This report addresses a proposal from Argyle Developments Limited for a redesign of what has become known as the Nova Centre, a development that includes a publically sponsored convention centre, retail, office, and hotel uses in downtown Halifax. The redesign requires amendments to HRM's planning documents and a formal closure of a part of Grafton Street that is between Sackville and Prince Streets.

Construction of the Nova Centre is currently underway, but only for the sub-grade parts of the building (below the level of Argyle Street). This includes the temporary removal of Grafton Street on the site. In mid-summer 2013, the developer was completing the excavation for the project but had not yet finished the building design or submitted an application for planning amendments. In order to continue to advance the construction, the developer requested permission to proceed with the subgrade parts of the building, below the elevation of Argyle

Street, while a planning application and the closure of Grafton Street were considered. This was granted through a special provincial statement of interest and a ministerial order.

### **Location**

The Nova Centre is located on the lands that are bounded by Argyle, Market, Prince, and Sackville Streets (Map 1). The site includes two city blocks that are separated by Grafton Street, which runs through the centre of the site, between Sackville and Prince Streets. Prior to the start of the construction of the Nova Centre, the block that is between Grafton and Market Streets was largely vacant and used for parking. The block that is between Argyle and Grafton Streets, was the site of the Chronicle Herald newspaper building.

The surroundings are largely comprised of low to mid-rise buildings, many of which have ground floor retail and restaurant uses and upper floors that include hotels, offices, and residential uses. Argyle Street, in particular across from the site, is recognized for being almost exclusively comprised of ground floor restaurants, most of which have sidewalk seating in spring, summer, and fall.

### **Original Proposal**

In the mid-2000s, there was interest in establishing a new convention centre. HRM and the province developed a terms of the reference and requested expressions of interest. There were a variety of proposals in different locations, but ultimately the present developer and site were selected. The project that emerged included:

- parking and convention centre space that was underground and that extended under Grafton Street;
- a slender hotel tower that rose immediately above Argyle Street, along approximately 72 metres of its length; and
- an office tower at the corner of Market and Prince Street.

As noted above, the design at that time included Grafton Street, but only to the extent that the convention centre floor area and parking extended below its surface. It was contemplated that the street would have a glass atrium at the fifth storey, but that it would be open to regular vehicular traffic and retained as a public thoroughfare. There was to be no actual building floor area above the street.

### **Revised Proposal**

As details of the Nova Centre emerged there were some public concerns with its design, particularly regarding the convention centre being located completely underground. The convention centre is a joint provincial and HRM project, with federal government funding for its construction. When its approval was formally announced, the province mandated that the project be considered through provincial-wide public consultations. These were centred upon the design of the building and how various elements of it might be used by the public and visitors. These

consultations, along with subsequent modifications that were initiated by the developer, have resulted in the following major changes to the building:

- an entire floor of the convention centre space, including a large ballroom area, has been relocated above ground and over Grafton Street at a floor-to-ceiling height of approximately 8.5 metres, for a length of approximately 70 metres;
- Grafton Street is to become a pedestrian and vehicular passageway with access to the underground parking garage as well as an area with possible public gathering spaces;
- there has been a significant enlargement to the size of the towers, particularly with regard to their east-west widths; and
- there has been a change in the location of the proposed land uses, with the hotel tower along Argyle Street changing to an office tower and the tower at the corner of Market and Sackville Streets becoming a hotel use.

A plan and elevations, and renderings of the proposal are found in Attachments D and E. A comparison of the original and the current proposal is found in Appendix F.

Along with the new design, the developer proposes that the section of Grafton Street that is between Prince and Sackville Streets be officially closed as a municipal street and the lands be sold to become part of the overall development. Having fee simple title to these lands would allow for ownership of project to be in the form of a condominium. A letter from Argyle Development concerning this is found in Attachment G.

Over the last few months, since submitting the initial application, certain elements of the project have been clarified or changed, including the following:

- while there are rooftop landscaped areas, the large expansive podium roof has evolved to become a simple curved roof surface after having been originally portrayed as a landscaped green roof; and
- a number of new entrances and windows have been added to various areas of street frontages, partly in response to initial comments from HRM's Design Review Committee and HRM staff.

While the loss of the large landscaped roof element may be viewed as a negative circumstance given the importance that is placed on such elements in the downtown planning documents, it should be noted that such conditions typically apply only to flat roofs. An increased numbers of entrances and windows is a positive feature from a streetscape perspective.

### **Planning Context**

The site is the Upper Central Downtown Precinct and the DH-1 Zone. When the design of the original development emerged, HRM was completing the Downtown Halifax Secondary Municipal Planning Strategy (DHSMPS) and Downtown Halifax Land Use By-law (DHLUB). Initially, the planning documents did not allow for the development. However, they were changed to include special allowances for the project.



The DHSMPS 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 DHLUB 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 DHLUB, referred to above, is a diagram that outlines the building elements of the original Nova Centre and its permitted heights in storeys (Attachment F). Essentially, the DHLUB specifies that the built-form of the Nova Centre (the envelope within which it is to be contained within) is regulated by the requirements of the Appendix and the view plane and rampart requirements that emanate from the Citadel. No other DHLUB land use or built-form requirements, including those that address matters such wind impacts, are to be considered. The appearance of the project, including matters such as its materials and its contribution to the streetscape, are subject to the Design Manual and a review and approval by the Design Review Committee.

Given the changes to the built form elements of the Nova Centre project, HRM needs to consider amendments to its planning documents. Specifically, a change to Appendix “B” that outlines the

new heights and placement of the building's elements needs to be adopted. At the same time, it is relevant to include other requirements through additional amendments, including:

- the introduction of text in the DHSMPs to recognize the development of the Nova Centre, as the Upper Central Downtown Precinct is described as being comprised of low to mid-rise buildings;
- the introduction of a requirement in the DHLUB that the project's potential pedestrian comfort wind impact is to be considered and mitigated;
- the introduction of a requirement in the DHLUB that the project is to be subject to HRM's bicycle parking requirements;
- the introduction of changes to the Design Manual to recognize the development of the Nova Centre, and similar to the changes to the DHSMPs, clarify that it is not to be subject to references that development is to be low to medium in scale or subject to other related built-form conditions that are regulated in the DHLUB; and
- the introduction of amendments to specify that the requirement for public consultation that is to occur in advance of a substantive site plan approval will have been achieved with the public information meeting and the potential public hearing for the project.

The developer has not sought amendments to the Design Manual for any specific elements of the building. The Design Manual contains conditions that address the overall appearance of a project and typical design matters such as the relationship of a building to surrounding streets.

### **Grafton Street**

With regard to the street closure, Council needs to provide 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 re-establish a network of smaller streets and new blocks, presents an opportunity to re-establish 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.”

One of the matters that has not been fully outlined is the anticipated programming of events for the Grafton Street space. When this part of the development was originally shown to the public, it was partly conceived as a public gathering space where different areas of the province might be showcased through means that might include electronic displays. At the time of writing this report, there is a conceptual design of this area but no understanding as to who might program it

for possible public events. Neither the Province nor Trade Centre Limited has expressed a formal interest in the space. It is known that it will serve as a driveway for the parking garage entrance, a pedestrian way to cross from Prince to Sackville Streets, and as a means to access the hotel, retail, and other uses that are to be established along its length. The developer has also indicated that the space will be open to the public.

### Supporting Documents

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

1. Application letter that describes the application;
2. Architect's letter that provides a design rationale and other information about the project;
3. Public Engagement Summary Letter;
4. Building Plans and Elevations;
5. Building Renderings;
6. Traffic Impact Statement;
7. Wind Impact Statement Information; and
8. Shadow Impact Study.

This information is posted on HRM's website ([www.halifax.ca/planning/Case18708Details](http://www.halifax.ca/planning/Case18708Details)) and some of these documents are attached to this report. As noted earlier, some of the plans and supporting documents have evolved over the course of the application.

### Process

It is important to note that Council is not considering the approval of a building at this time. Rather, it is considering amendments to the DHSMPS and DHLUB that will enable the new building to be approved through the substantive site plan approval process. This will involve a confirmation by the Development Officer that the finalized development proposal meets the amended requirements of the DHLUB and a determination by the Design Review Committee on whether it meets the Design Manual conditions. At the same time, with respect to Grafton Street, Council will need to consider amending the DHMPS to allow an exception to the policy that calls for blocks not to be consolidated for development. It also has to consider the official closure and sale of the street. Based on this, the sequential series of major steps that are involved with an approval are as follows:

1. Review and recommendation of proposed amendments to the planning documents by the Design Review Committee;
2. Regional Council first reading and set public hearing date;
3. Combined public hearing on the amendments to the planning documents and the administrative order for the closure of Grafton Street;
4. Regional Council decision on the adoption of amendments to the planning documents to address the new built-form of the Nova Centre and the exception to the policy that calls for blocks not to be consolidated for development;

5. Provincial review and approval of the amendments to the planning documents, if adopted by Council;
6. Contingent upon the amendments to the planning documents becoming effective, Regional Council approval of the closure of Grafton Street and the terms of its sale; and
7. Review of substantive site plan application by the Development Officer and the Design Review Committee.

## **DISCUSSION**

Proposed amendments to the DHSMPs and LHLUB are provided in Attachments A and B to allow for a redesign of the Nova Centre.

In evaluating the proposed amendments, it is important to assess the:

1. intent of the DHSMPs;
2. overall changes to the built-form in comparison with the original building; and
3. consolidation of the two blocks and the closure of Grafton Street.

Each of these matters is addressed in the remainder of this report along with an outline of the prospective amendments and administrative order to close the street.

### **Intent of the DHSMPs**

The DHSMPs contemplate circumstances where the planning documents might be reviewed and amended. One of which is when there are unforeseen circumstances or when a project presents significant benefits, outlined in Policy 89, as follows:

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

There is no doubt that the evolution of the changes to the Nova Centre must be viewed as an unforeseen circumstance that has occurred since the adoption of the planning documents. In addition, as noted in the Background section, the importance of the Nova Centre is already noted in the DHSMPs with the statement that:

“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.”

In providing for unique allowances for the Nova Centre, HRM has recognized it as a special project with features that may be entirely different from other developments within the downtown.

### **Changes to the Built-form**

The above-grade ballroom over Grafton Street and the increased tower widths are the two major changes when comparing the new proposal with the original building. It is relevant to consider them from an urban design perspective and to evaluate their environmental implications with respect to shadow and wind impacts.

#### *Above-grade Ballroom over Grafton Street*

The decision to raise one of the floors of the convention centre over Grafton Street has impacted the public nature of the Grafton Street space. Its success as a place of public gathering will be dependent upon a variety of factors including:

- the functionality of the shared vehicular and pedestrian arrangement and public gathering spaces that are ultimately implemented;
- with the space being open on each end, the way in which impacts are addressed, including the tracking of precipitation (water and slush) from vehicles;
- the treatment of the enclosure with regard to matters such as lighting, so as to overcome limited dimensions of the space; and
- the types of retail and pedestrian-oriented businesses that are established.

As noted in the Background section, there is no known formal arrangement about whether the space would be programmed for public events or gatherings. It is expected that these matters will become clearer as the project progresses.

#### *Tower Widths*

The original building design involved smaller tower elements than those that are currently proposed (see Attachment F). Both with the previous and the current building, the most substantial of these elements is the tower along Argyle Street, with particular regard to its length along the street. Appendix B of the DHLUB allows this tower to be approximately 72 metres in length with a wall that extends immediately from Argyle Street to a total height of 18 storeys. While the wall was to be curved, there is no other significant modulation by way of stepbacks, recesses, or protrusions that would have been required.

The DHLUB requirements that apply to other sites in the downtown require a maximum tower width of 38 metres and minimum separation distances between towers (above a height of 33.5 metres). There are also requirements that buildings stepback from streetlines, 3 metres at a height that is approximately equal to the width of the adjoining street and a further 1.5 metres at a height of 33.5 metres. One reason for these requirements is to create a comfortable pedestrian environment; to allow a reasonable amount of sunlight penetration onto streets and to provide

views of the sky. In addition, they are in place to prevent large “slab” building forms that can eventually dominate downtown environments and block views from different vantage points.

The towers that are currently proposed are larger than those that are currently permitted under the DHLUB. Notably, the proposed length along Argyle Street, at approximately 96 metres, extends for almost the entire length of the block. While this might be reasonably conceived to be a worsening of a situation, it is noted that there is an improvement in the modulation of the building face. While separating the building into two towers would be ideal, the introduction of variations of the Argyle Street tower’s face helps to break down the building’s mass.

#### *Shadow Impact*

With regard to shadow impact, a detailed assessment has been provided that compares the previous building with current proposal. The particular concern with shadows is the impact upon important public open spaces which, for this development, is most notably the Grand Parade. In this regard, there is additional shadowing that occurs with the new building design. However, it is marginal, with the conclusion from the shadow study stating:

“The Grand Parade is not substantially affected by shading from Nova Centre for most of the year. No shadows impinge upon this block in the summer, and in winter a shadow moves across the parade ground at its halfway point between late morning and early afternoon. St. Paul’s Church is not impacted in summer, receives minimal afternoon shading on its south end in the spring and fall, and full afternoon shading in winter.”

The shadow impact upon Argyle Street itself is only marginally greater than that which existed when the Chronicle Herald building was standing on the Argyle, Grafton, Prince, and Sackville block.

#### *Wind Impact*

With regard to wind impact, a preliminary letter from RWDI, a consultancy with expertise in building wind analysis, has been provided. It has been supplemented with an addendum from the project’s Architect. The RWDI letter indicates that:

Overall, the wind tunnel results are indicating that wind conditions for the site surrounding the Nova Centre have not been adversely affected with the addition of the proposed development. During the summer months wind conditions were comfortable for standing or sitting and during the winter, the proposed development improves the existing uncomfortable conditions at the corner of Sackville Street and Market Street. Conditions have been altered slightly at the corner of Prince Street and Argyle Street with the addition of the proposed development. RWDI is currently working with the Nova Centre Team on feasible mitigation techniques to ensure wind conditions around the development site are acceptable for the intended usage and that the addition of the development doesn’t have any adverse effects on current wind conditions.

The critical element of this submission is the identification that conditions will be comfortable for standing or sitting during the summer months, which is an important season for activities such as sidewalk patio seating along Argyle Street. However, given that the level of pedestrian use on the east side of Argyle Street is *sitting*, staff requested additional clarification that this level of pedestrian comfort would be achieved. At this time, it has been identified that the building design will result in a level of comfort that is suitable for *standing* in the summer. There may be other issues in different locations that may need to be addressed as well. Through the letter from the project's Architect, it is identified that ongoing testing and modifications to the building are underway that will achieve levels of comfort completely around the site that corresponds to the current uses of those streets. There are requirements in the DHLUB concerning wind impacts that would need to be addressed as part of the substantive site plan approval process.

#### *Design Manual Matters*

As noted in the Background section, the developer has not sought amendments to the Design Manual, although some amendments are recommended by staff in order to simply recognize the Nova Centre. The Design Manual contains conditions that address the overall appearance of a building and typical design matters such as the relationship of a building to surrounding streets. There may be some individual elements of the building, as it is currently proposed, which may be questionable in light of the conditions in the Design Manual. However, these are subjective conditions and a full evaluation of how well the final design of the building relates to them will need to be considered through the substantive site plan approval process, that would occur following the approval of the DHSMPs and DHLUB amendments.

#### **Consolidation of Blocks and Grafton Street Closure**

##### *Vehicular Traffic*

The implications of closing Grafton Street to regular vehicular traffic and the impact of the additional traffic that will be generated by the Nova Centre development on the street system in the downtown has been addressed through a traffic study that was submitted by Genivar Incorporated (now WSP Canada). As noted in the study, the directions of the streets that are immediately surrounding the site are as follows:

- Argyle Street: one-way southbound from Duke Street to Blowers Street;
- Sackville Street: one-way eastbound from Brunswick Street to Water Street;
- Market Street: one-way northbound from Sackville Street to Carmichael Street; and
- Prince Street: one-way westbound from Water Street to Brunswick Street.

Grafton Street is an existing two way street. Under the proposed development, vehicles are to access the Nova Centre through the Grafton Street space, entering from Prince Street and exiting to Sackville Street. This is to be a one-way traffic flow pattern.

The study recommends that Sackville Street, adjacent to the Nova Centre, be changed from a one-way street to a two-way street, finding that:

“The proposed change in Sackville Street lane usage to allow westbound travel from the Grafton Street site exit driveway to Brunswick Street is expected to provide a significant improvement for exiting vehicles. The change eliminates the circuitous travel pattern required for vehicles traveling to the west and north and reduces the 95% queues for exiting vehicles from six to three vehicles during the PM peak hour.”

On the whole, the study finds that with the closure of part of Grafton Street to regular traffic and the added traffic that will occur with the development of the Nova Centre:

“Overall intersection performance is expected to be very good for all intersections with low to moderate average delays for projected 2016 AM and PM peak hour volumes, both without and with added site generated trips.”

Some issues were noted at the Prince and Grafton Street intersection with respect to possible queuing, but these were not viewed as critical matters.

In review of the traffic study, staff finds that Sackville Street would not necessarily need to change from a one-way to a two-way street to mitigate potential traffic issues. This is a matter that can be further assessed on an on-going basis. The design of the building and exits and egresses would be designed to contemplate either situation.

#### *Public Use and Connectivity*

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.”

The current proposal results in a *consolidation of blocks for development*. The convention centre floor areas will extend below and above the current Grafton Street space. The area will have a passageway for pedestrians and vehicles, be open at both ends, have retail uses along it, and spaces for public gatherings. Therefore, it will be in the developer’s interest to have the public use the space. However, it will be viewed and function as private space, much like a corridor or interior areas of a shopping mall.

Aside from simply retaining the area as a street, Council does have the option of retaining rights for the public to use the area as part of the agreement to sell the street space. However, this may be problematic from the perspective of the control of the space and the semi-private nature of the activities that the developer has cited may occur within it. On this basis, it is recommended that the street simply be closed and sold. A requirement that the space be open at both ends, used as pedestrian and vehicular passageway with a minimum size (height and width) is proposed to be specified in the amendments to the planning documents and within the agreement of sale.



The terms of a potential sale of the Grafton Street space are not sufficiently advanced to provide details about matters such as a potential sale price or other details. These will be detailed within a separate report that will have Council consider the sale of the lands. Council will not be obliged to do this if the terms of the real estate transaction are not satisfactory. At that time, Council could decide to retain the land and even reopen the street. However, this would require a redesign of the Grafton Street space and the possible consideration of encroachments to address the floor areas that would be above and below the street.

## **Conclusion**

Changes to the Nova Centre have evolved over the course of time partly as a result of input from the public and as initiated by the developer. An attempt has been made to balance the accommodation of a large building while recognizing the circumstances of the small blocks that characterize the downtown. However, some of the proposed design changes require reconsideration of some existing planning and urban design principles.

As noted in earlier sections of this report with respect to the Nova Centre, the DHMPS states that:

“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.”

Consistent with the overall intent of the DHMPS with regard to the Nova Centre, it is concluded that Council should support the amendments to the planning documents and the street closure, particularly from the perspective of the overall benefits that have been recognized in the policy preamble above.

## **FINANCIAL IMPLICATIONS**

There are no financial implications with regard to the planning aspects of the application from Argyle Developments. The Developer will be responsible for all costs, expenses, liabilities and obligations that result from the application. The administration of the planning application and the consideration of the potential street closure and its subsequent sale can be carried out within the approved budgets with existing resources.

The sale of the Grafton Street lands will have financial implications that will be addressed in a future report.

## **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 that was held on October 24, 2013. Attachment H contains a copy of

the minutes from the meeting. For the public information meeting, notices were posted on the HRM website, in the Chronicle Herald newspaper, and mailed to property owners with the notification area shown on Map 2.

Prior to the considering the approval of any amendments to the planning documents, Regional Council must hold a public hearing. A public hearing is also required for Regional Council to consider the partial closure of Grafton Street. Under this circumstance, and because of the relationship of the proposed amendments to the proposed street closure, it is recommended that Regional Council hold a combined public hearing on both of these matters.

Should Regional Council decide to proceed with a combined public hearing, in addition to the published newspaper advertisements, individual property owners within the notification area will be advised of the public hearing by regular mail. The HRM website will also be updated to provide notice of the public hearing.

The proposed amendments and partial street closure will potentially impact the following stakeholders: local residents, property/business owners, and the travelling public.

### **ENVIRONMENTAL IMPLICATIONS**

The proposal meets all applicable environmental policies as contained in the DHSMPs.

### **ALTERNATIVES**

1. Council may choose to adopt the proposed amendments to the DHSMPs and DHLUB and, following these approvals, adopt the proposed administrative order to close the street. This is the recommended option.
2. Council may choose to adopt the proposed amendments to the DHSMPs and DHLUB, but choose to not to close the street. Retaining the street is not recommended as this may create issues with regard its control and maintenance and would not allow the condominium arrangement that has been proposed for the development.
3. Council may choose to adopt the proposed amendments to the DHSMPs and DHLUB and close the street, but choose to retain some public access to the former street space. Direction as to the extent or type of public access should be determined by Council. As noted above, this option may be feasible, depending upon the extend of the public use, but such an arrangement may create issues with regard to the control and maintenance of the space.
4. Council may choose to request changes to certain aspects the building proposal and not to adopt changes to the DHSMPs and DHLUB policies and requirements or close the portion of Grafton Street at this time. Directions on the desired changes should be outlined by Council. This action may necessitate discussions with the developer and a further staff report.

5. Council may choose to retain the current DHSMPs and DHLUB policies and requirements for the Nova Centre and not close the portion of Grafton Street, thereby refusing the application from Argyle Developments. This may necessitate the removal of some or all of the sub-grade parts of the building that is under construction in order to realize the original Nova Centre development. This is not recommended as such an action would be inconsistent with the design that has evolved for the project.

**ATTACHMENTS**

Map 1	Zoning
Map 2	Area of Notification
Attachment A	Proposed Amendments to the Downtown Halifax Secondary Municipal Planning Strategy
Attachment B	Proposed Amendments to the Downtown Halifax Land Use By-law
Attachment C	Proposed Administrative Order Respecting the Closure of a Portion of Grafton Street
Attachment D	Building Plans and Elevations
Attachment E	Proposal Renderings
Attachment F	Comparison of Original and Current Proposal
Attachment G	Request for Street Closure and Sale
Attachment H	October 24, 2013 Public Information Meeting Minutes
Attachment I	Excerpts from the <i>HRM Charter</i> Pertaining to Legislative Authority

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

Report Prepared by: Richard Harvey, LPP, MCIP, Major Projects Planner, 490-6495

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

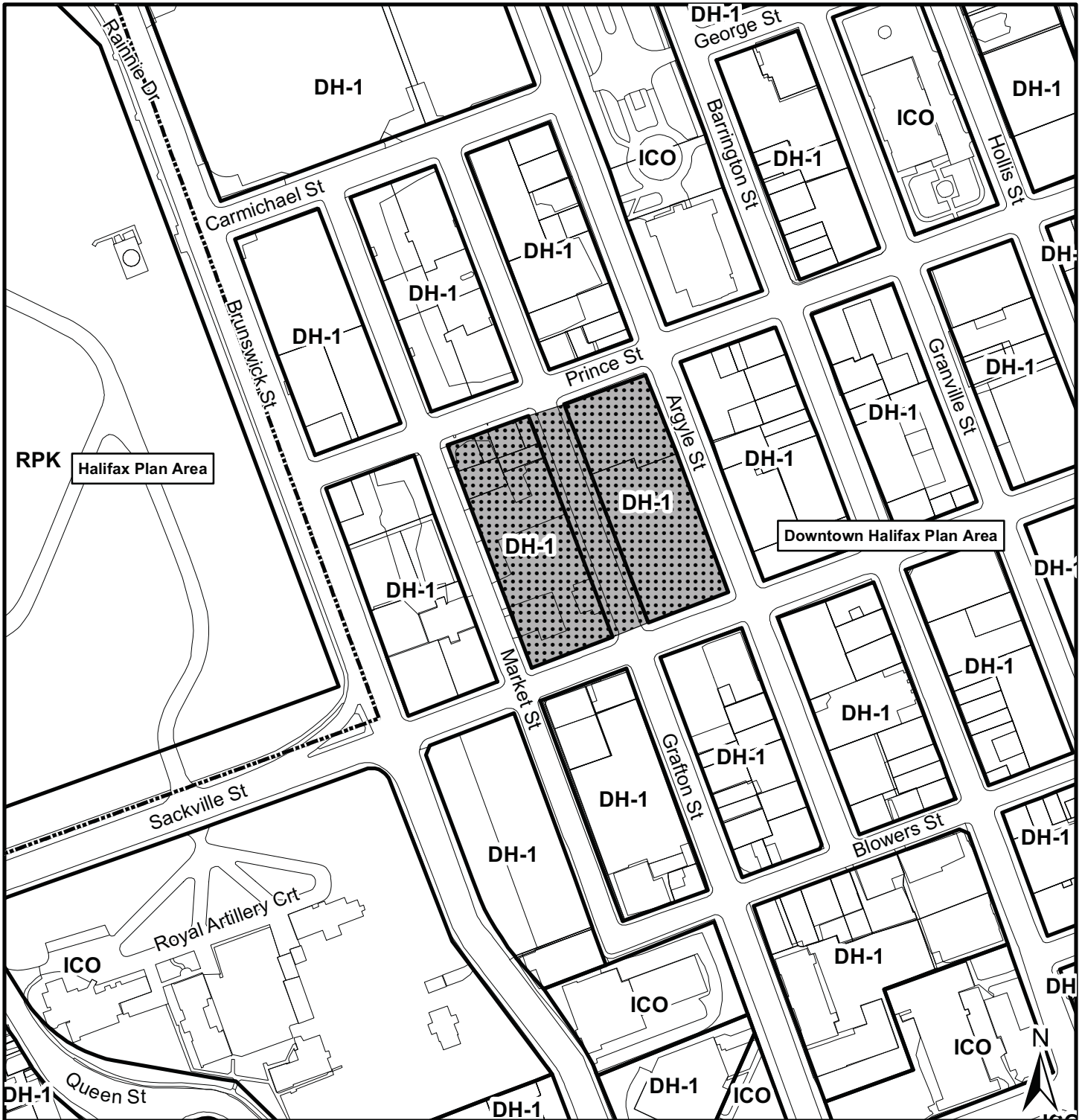
Report Approved by:   
Mike Labrecque, Acting Director, Transportation and Public Works, 490-4630

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

Report Approved by:   
Karen Brown, Acting Director, Legal, Insurance and Risk Management Services, 490-4219


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

---



### Map 1 - Zoning

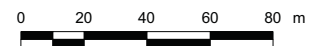
Area bounded by  
Argyle, Sackville, Market  
and Prince Streets, Halifax

 Area of proposed municipal  
planning strategy and  
land use by-law amendments

Zone

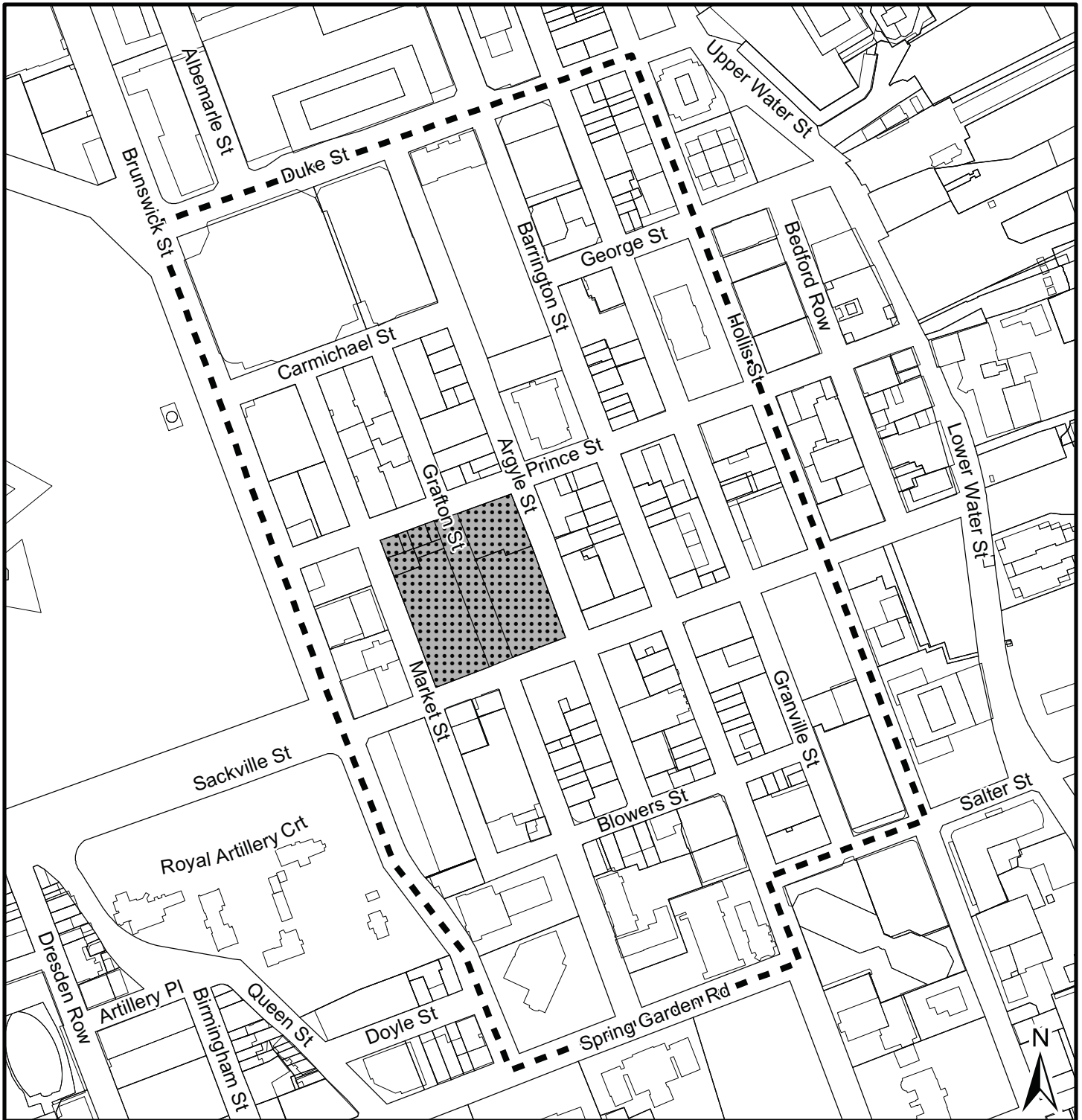
DH-1 Downtown Halifax 1  
ICO Institutional, Cultural and Open Space

Downtown Halifax Plan Area




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.

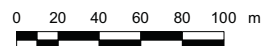


**Map 2 - Area of Notification**

Area bounded by  
Argyle, Sackville, Market  
and Prince Streets, Halifax

 Area of proposed municipal  
planning strategy and  
land use by-law amendments

Downtown Halifax Plan Area



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

## Attachment A

### **PROPOSED AMENDMENTS TO THE DOWNTOWN HALIFAX SECONDARY MUNICIPAL PLANNING STRATEGY**

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

1. That Section 2.3.6, *Vision for Precinct 6: Upper Central Downtown*, be amended by inserting the following text as shown in **bold** and deleting text as shown in ~~strikeout~~, as follows:

#### 2.3.6 Vision for Precinct 6: Upper Central

Fronting on the Citadel, anchored to the north and south by major civic destinations, and in close proximity to Barrington Street, this precinct has enhanced appeal as a location for the hospitality and entertainment industry. The fine-grained historic block and street pattern lends well to the concentration of pedestrian-oriented alternative shops, restaurants, bars, night clubs, sidewalk cafes and cultural venues such as performing arts theatres. Infill and redevelopments will continue to intensify this area's distinct function as the downtown's arts and entertainment district by accommodating complementary uses such as hotels, small-scale offices for creative related ventures, galleries and artist studios.

**With the exception of the publically-sponsored convention centre together with retail, hotel, residential or office, and underground parking space,** New new low to mid-rise buildings will be designed to ensure proportional relationships to the shallow depths of the blocks and narrow widths of the streets. Streetscape improvements will accommodate the area's high pedestrian volumes and support spill out activities, including a grand esplanade along the base of the historic Citadel. The Metro Centre's facade on the Grand Promenade will be readapted to provide a positive frontage. To provide a new civic focus to the precinct, the Sackville Promenade is a potential catalyst for revitalizing the area and serve as a new community gathering space framed by cafes and restaurants. Designed into the steep grade, the Sackville Promenade may be designed as a series of steps, which will lend well to the staging of outdoor events and festivals.

**A central feature to the Upper Central Downtown Precinct and an exception to its low to mid-rise buildings shall be the development of the publically-sponsored convention centre together with retail, hotel, residential or office, and underground parking space, pursuant to Policy 90E.**

2. That Section 3.4.8, *Existing Street Grid and Blocks*, be amended by inserting the following text as shown in **bold**:

#### 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, **except for the consolidation of lands between Argyle, Market, Prince, and Sackville Streets in association with a publically-sponsored convention centre together with retail,**

**Attachment A**

**hotel, residential or office, and underground parking space, pursuant to Policy 90E.** 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 **and that portion of Grafton Street bounded by Prince and Sackville Streets for the development of the publically-sponsored convention centre together with retail, hotel, residential or office, and underground parking space**, HRM shall not close streets to permit blocks in the downtown to be consolidated for development.

I HEREBY CERTIFY that the amendments to the Downtown Halifax Secondary Municipal Planning Strategy, as set out above, were duly passed by a majority vote of the Halifax Regional Municipal Council at a meeting held on the \_\_\_ day of \_\_\_\_\_, 2014.

GIVEN under the hand of the Clerk and the Corporate Seal of the Halifax Regional Municipality this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

---

Municipal Clerk

## Attachment B

### PROPOSED AMENDMENTS TO THE DOWNTOWN HALIFAX LAND USE BY-LAW

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

1. That Section 5 be amended by adding text as shown in **bold** as follows:

**(7B) Notwithstanding subsection (7A), for the purposes of the development of the publically-sponsored convention centre together with retail, hotel, residential or office, and underground parking space pursuant to subsection 15A of Section 7, prior public consultation that has occurred satisfies the public consultation that is required prior to submitting a substantive site plan approval application, where such application is made within six months from [date of public hearing].**

2. That clause 15A of Section 7, be amended by adding text as shown in **bold** and deleting text as shown in ~~strikeout~~, as follows:

Publically-Sponsored Convention Centre

(15A) Notwithstanding any provision of this By-law except subsections (14) through ~~(17)~~ **(18)** of section 8 and subsections (15) through (19) of section 14, a publically-sponsored convention centre together with retail, hotel, residential or office, and underground parking space, may be developed on the ~~two blocks~~ **lands** bounded by Argyle Street, Prince Street, Market Street and Sackville Street in accordance with the drawings attached as Appendix “B” to this By-law. **The development shall include a vehicular and pedestrian passageway extending from Prince Street to Sackville Street as set out in Appendix “B”.** 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.

3. That the existing Appendix “B” be replaced with a new Appendix “B” as found in Attachment B1.
4. That Schedule S-1: Design Manual be amended by inserting the text as shown in **bold**, as follows:

#### **“2.11**

#### **Publically-Sponsored Convention Centre**

**The conditions within this Design Manual shall apply to a publically-sponsored convention centre together with retail, hotel, residential or office, and underground parking space pursuant to subsection 15A of Section 7 of the Downtown Halifax Land Use By-law, except as follows:**

- a) **clauses a and l. of Section 2.6, Precinct 6, Upper Central Downtown;**



**Attachment B**

- b) 3.1.2, Streetwall Setback;**
- c) 3.1.3, Streetwall Height; and**
- d) clause c. of Section 3.2.1, Design of the Streetwall”**

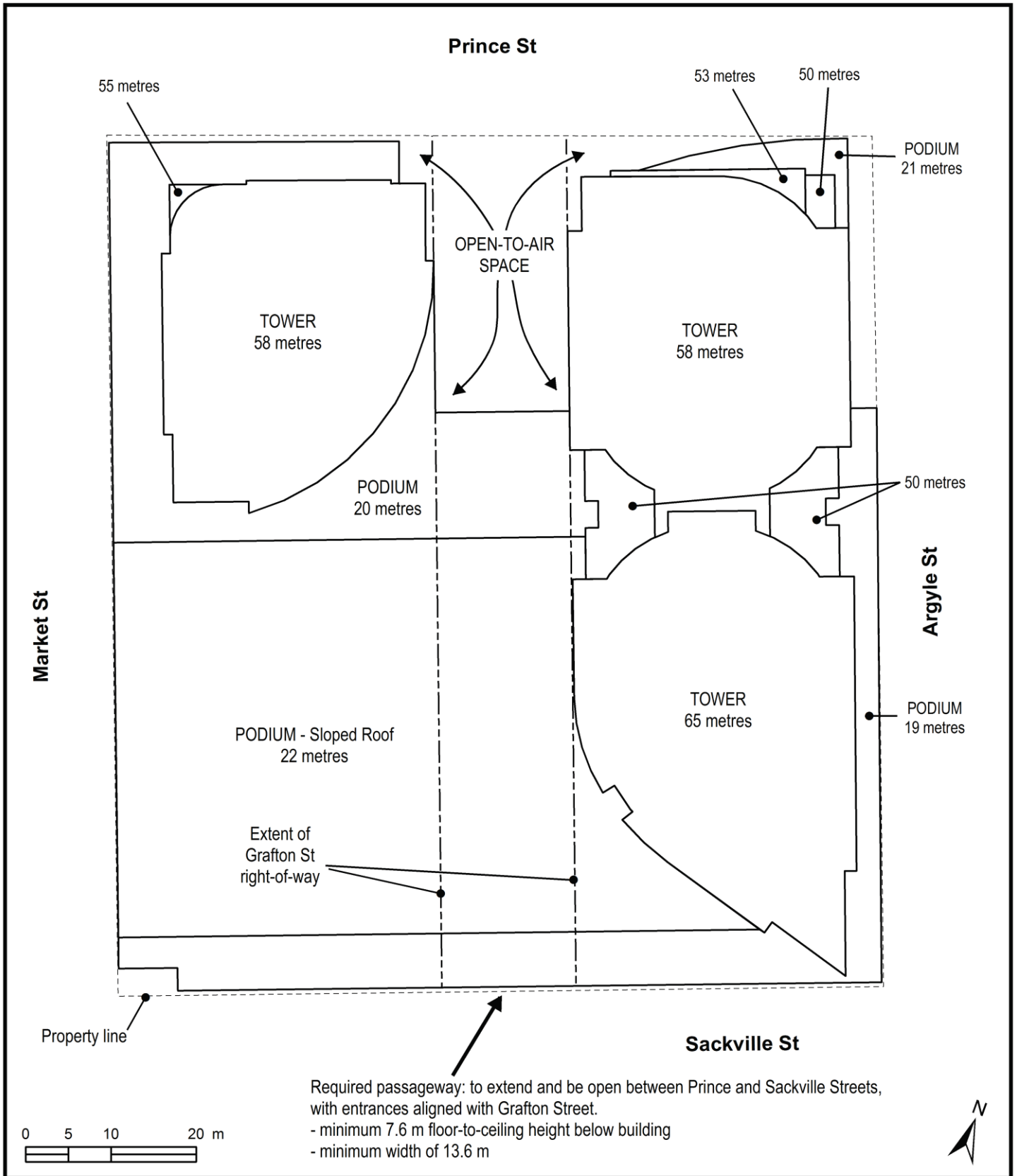
I HEREBY CERTIFY that the amendments to the Downtown Halifax Land Use By-law, as set out above, were duly passed by a majority vote of the Halifax Regional Municipal Council at a meeting held on the \_\_\_ day of \_\_\_\_\_, 2014.

GIVEN under the hand of the Clerk and the Corporate Seal of the Halifax Regional Municipality this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Municipal Clerk

Appendix B  
Publically Sponsored Convention Centre

Attachment B1



Effective:

Notes:  
Heights shown are maximum permitted heights from average grade.  
Depicted setbacks and stepbacks are the required minimum setbacks and stepbacks.

Attachment C  
Proposed Administrative Order Respecting the Closure of a Portion of Grafton Street

**HALIFAX REGIONAL MUNICIPALITY**

**ADMINISTRATIVE ORDER SC-077**

**RESPECTING CLOSURE OF A PORTION OF**  
**GRAFTON STREET, HALIFAX**

**BE IT RESOLVED AS AN ADMINISTRATIVE ORDER** of the Council of the Halifax Regional Municipality pursuant to Section 325 of the *Halifax Regional Municipality Charter Act* as follows:

1. A portion of Grafton Street, between Prince Street and Sackville Street, Halifax, Nova Scotia, more particularly described in Attachment "C1" is hereby closed.

**I HEREBY CERTIFY THAT** the foregoing Administrative Order was duly adopted by Halifax Regional Council, the \_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Municipal Clerk

I, Cathy Mellett, Municipal Clerk of Halifax Regional Municipality, hereby certify that the above noted Administrative Order was passed at a meeting of Halifax Regional Council held on \_\_\_\_\_, 2014.

\_\_\_\_\_  
Cathy Mellett, Municipal Clerk

Attachment C  
Proposed Administrative Order Respecting the Closure of a Portion of Grafton Street

Administrative Order Attachment C1

Portion of Grafton Street,  
Halifax, Nova Scotia

All the certain lot of land in Halifax, Nova Scotia and being the portion of Grafton Street lying between Sackville Street and Prince Street and being more particularly described as follows;

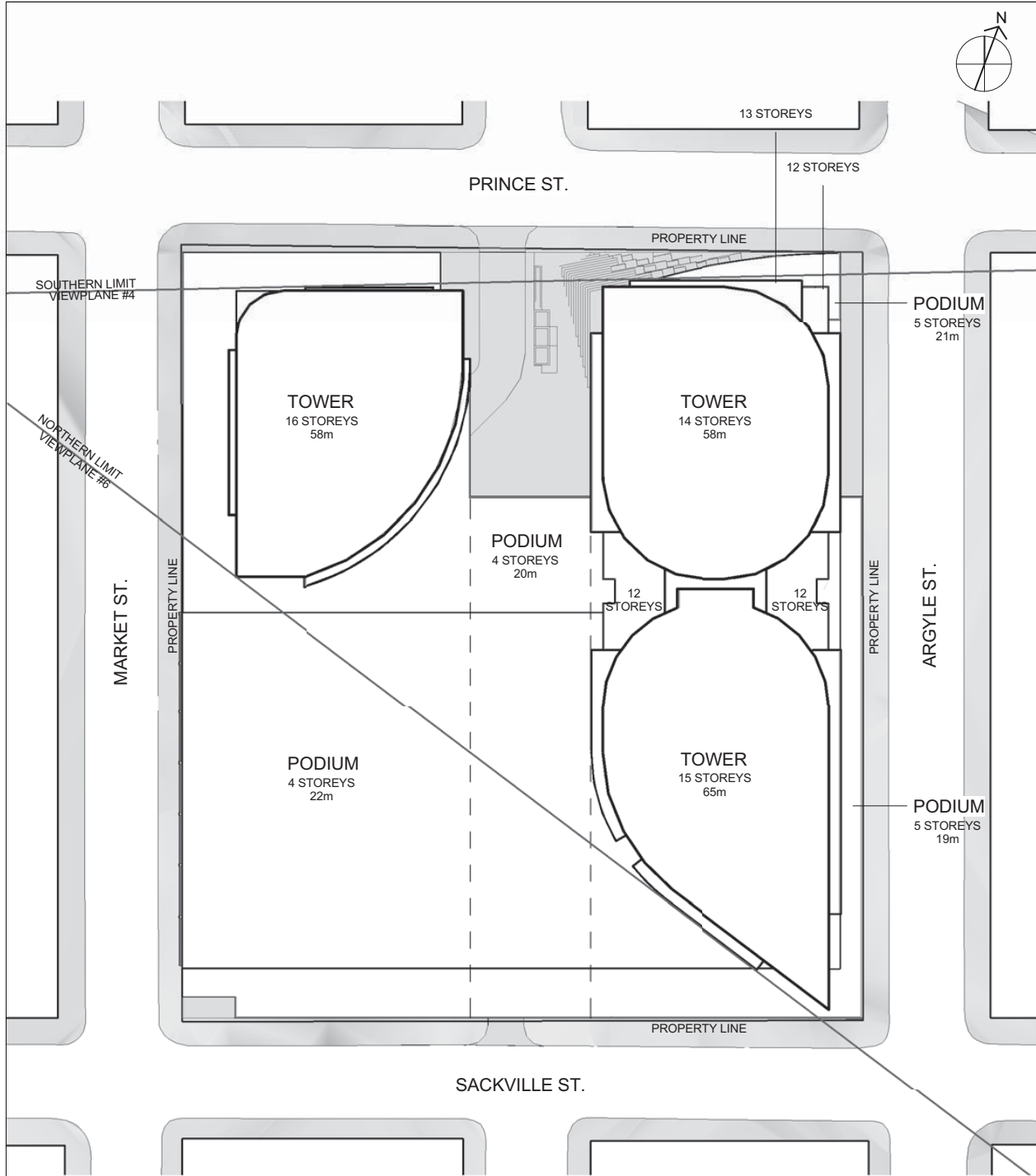
BEGINNING at the intersection of the northern street line of Sackville Street and the eastern street line of Grafton Street;

THENCE northerly following the eastern street line of Grafton Street for a distance of 330 feet more or less to the intersection of the eastern street line of Grafton Street with the southern street line of Prince Street;

THENCE westerly 52.5 feet more or less, crossing Grafton Street to the intersection of the southern street line of Prince Street with the western street line of Grafton Street;

THENCE southerly following the western street line of Grafton Street for a distance of 331 feet more or less to the intersection of the western street line of Grafton Street with the northern street line of Sackville Street;

THENCE easterly 53 feet more or less, crossing Grafton Street to the place of beginning.



- BUILDING HEIGHT IN METERS MEASURED FROM EXISTING AVERAGE GRADE.  
 - AVERAGE GRADE = 30.71m  
 - AVERAGE GRADE HEIGHT DIMENSIONS ARE REFERENCED TO GEODETIC ELEVATIONS

- LOT BOUNDARIES AND ELEVATIONS ARE REFERENCED TO THE GEODETIC DATUM AND WERE DERIVED FROM THE DIGITAL COMPILED PLAN SHOWING LANDS CONVEYED TO ARGYLE DEVELOPMENTS INC. PREPARED BY NOVA SCOTIA LAND SURVEYORS WHYTE, McELMON & ASSOCIATES LTD. DATED MAY 5, 2010.

Nova Centre

Halifax, Nova Scotia

January 23, 2014

SITE PLAN

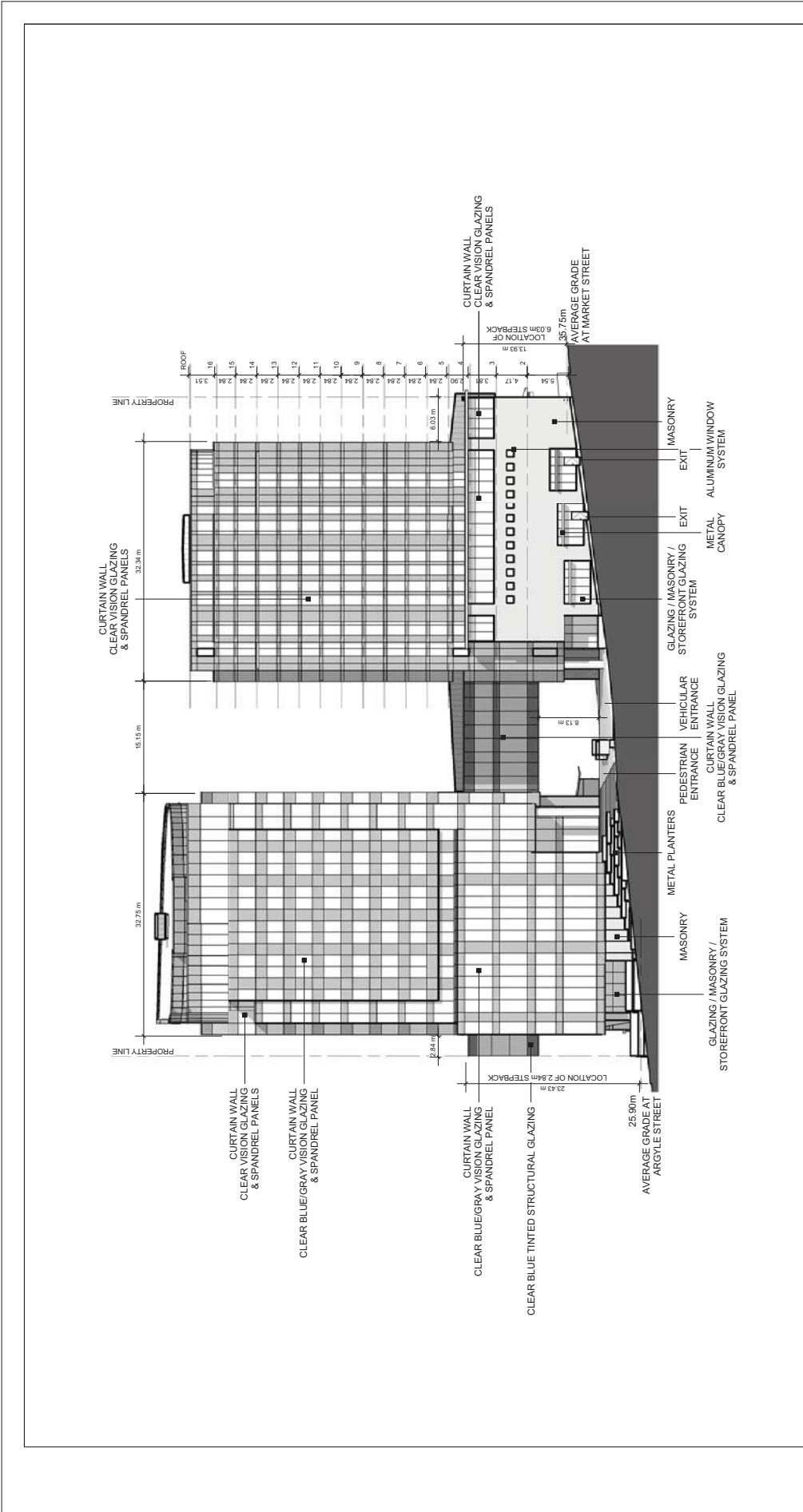
SPA-001



NOEL FOWLER ARCHITECT







NOEL FOWLER ARCHITECT

NORTH ELEVATION

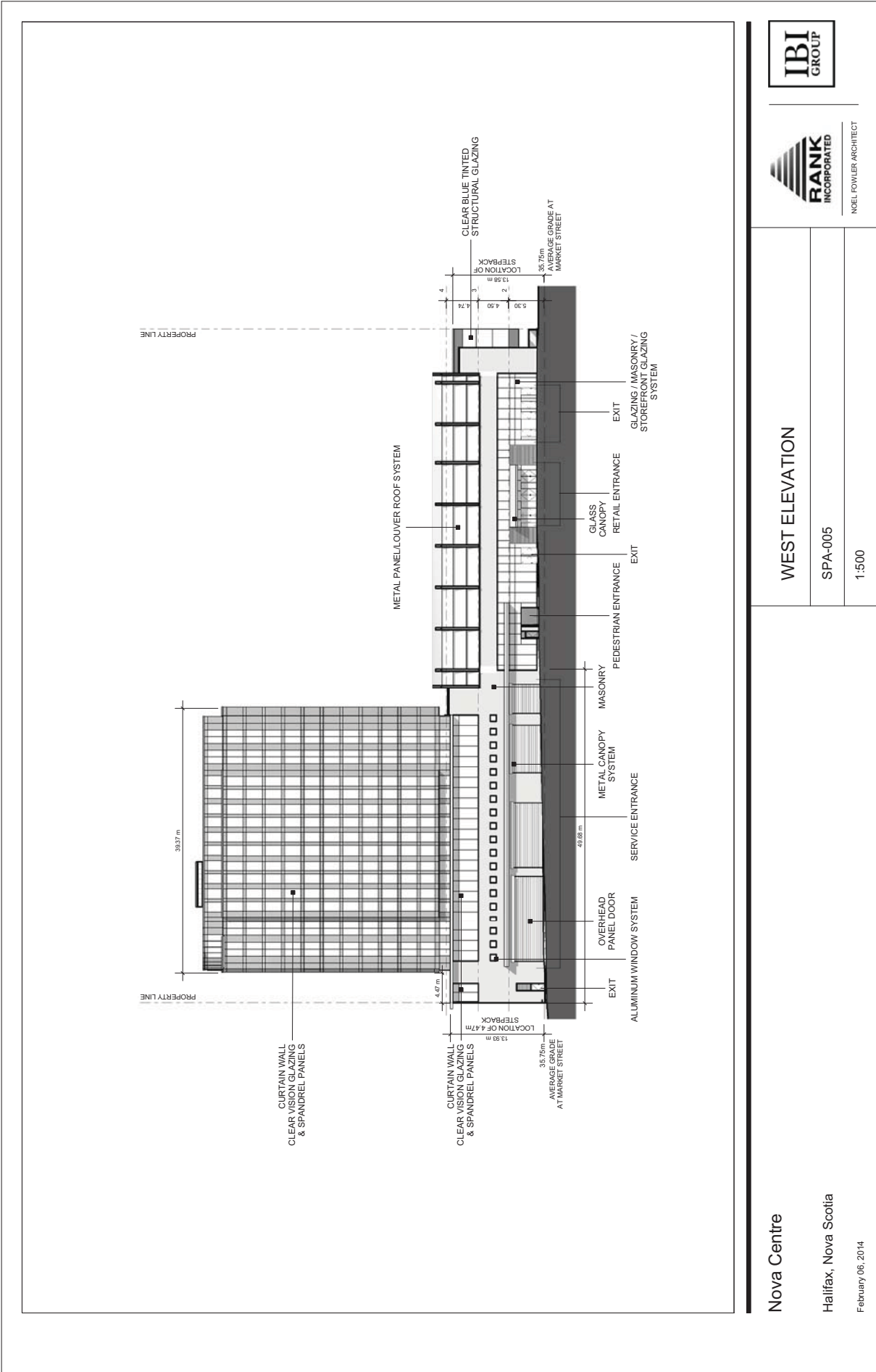
SPA-004

1:500

Nova Centre

Halifax, Nova Scotia

February 06, 2014



NOEL FOWLER ARCHITECT

WEST ELEVATION

SPA-005

1:500

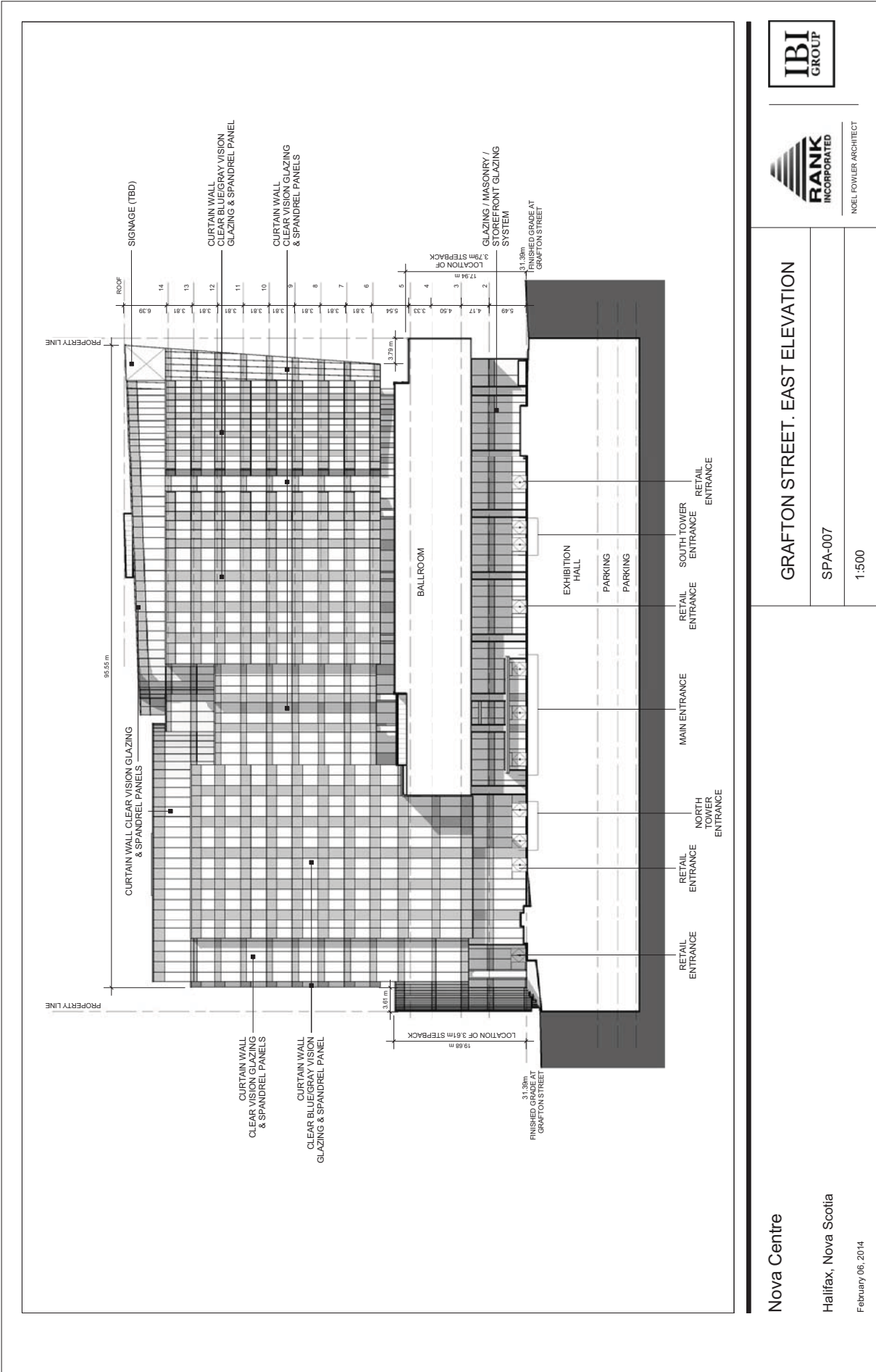
Nova Centre

Halifax, Nova Scotia

February 06, 2014







NOEL FOWLER ARCHITECT

GRAFTON STREET. EAST ELEVATION

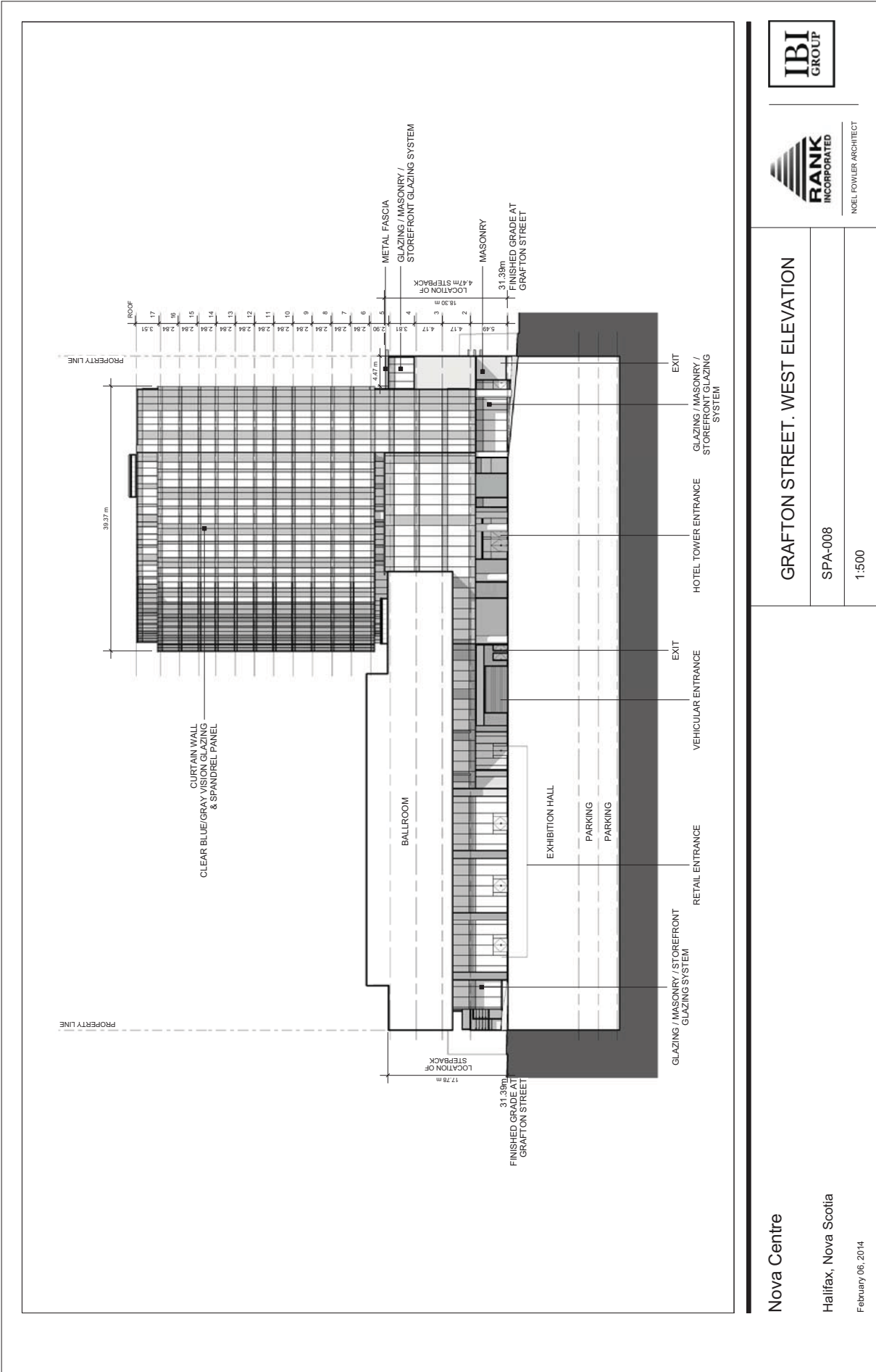
SPA-007

1:500

Nova Centre

Halifax, Nova Scotia

February 06, 2014



NOEL FOWLER ARCHITECT

GRAFTON STREET. WEST ELEVATION

SPA-008

1:500

Nova Centre


Halifax, Nova Scotia


February 06, 2014





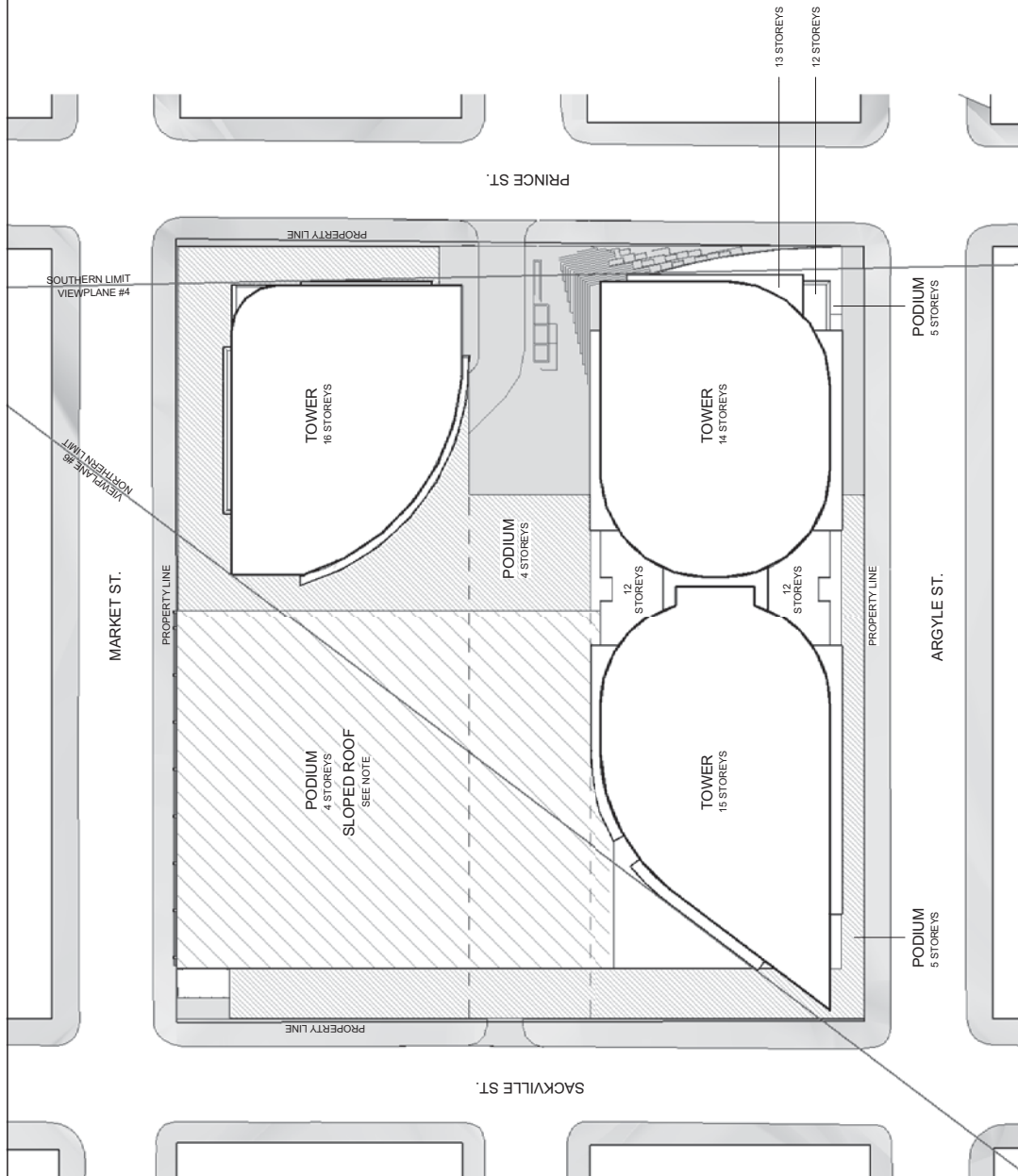
**LEGEND**


**EXTENT OF GREEN ROOF.**  
 THE PROPOSED GREEN ROOF SYSTEM IS A VEGETATIVE ROOF- TRAY SYSTEM ACCOMMODATING 3" TO 4" GROWTH MEDIUM.


**SLOPED ROOF DESCRIPTION.**  
 SLOPED ROOF- WITH PVC SINGLE PLY ROOFING, WITH DECORATIVE PATTERN IN LIGHT COLOUR TO MEET LEED CRITERIA FOR ALBEDO EFFECT.

**NOTES**

- LOT BOUNDARIES AND ELEVATIONS ARE REFERENCED TO THE GEOTIC DATUM AND WERE DERIVED FROM THE DIGITAL COMPILED PLAN SHOWING LANDS CONVEYED TO ARGYLE DEVELOPMENTS INC. PREPARED BY NOVA SCOTIA LAND SURVEYORS WHYTE, MELMON & ASSOCIATES LTD. DATED MAY 5, 2010.



NOEL FOWLER ARCHITECT

**ROOF TOP PLAN**

SPA-015

**Nova Centre**

Halifax, Nova Scotia

February, 24, 2014



NOEL FOWLER ARCHITECT

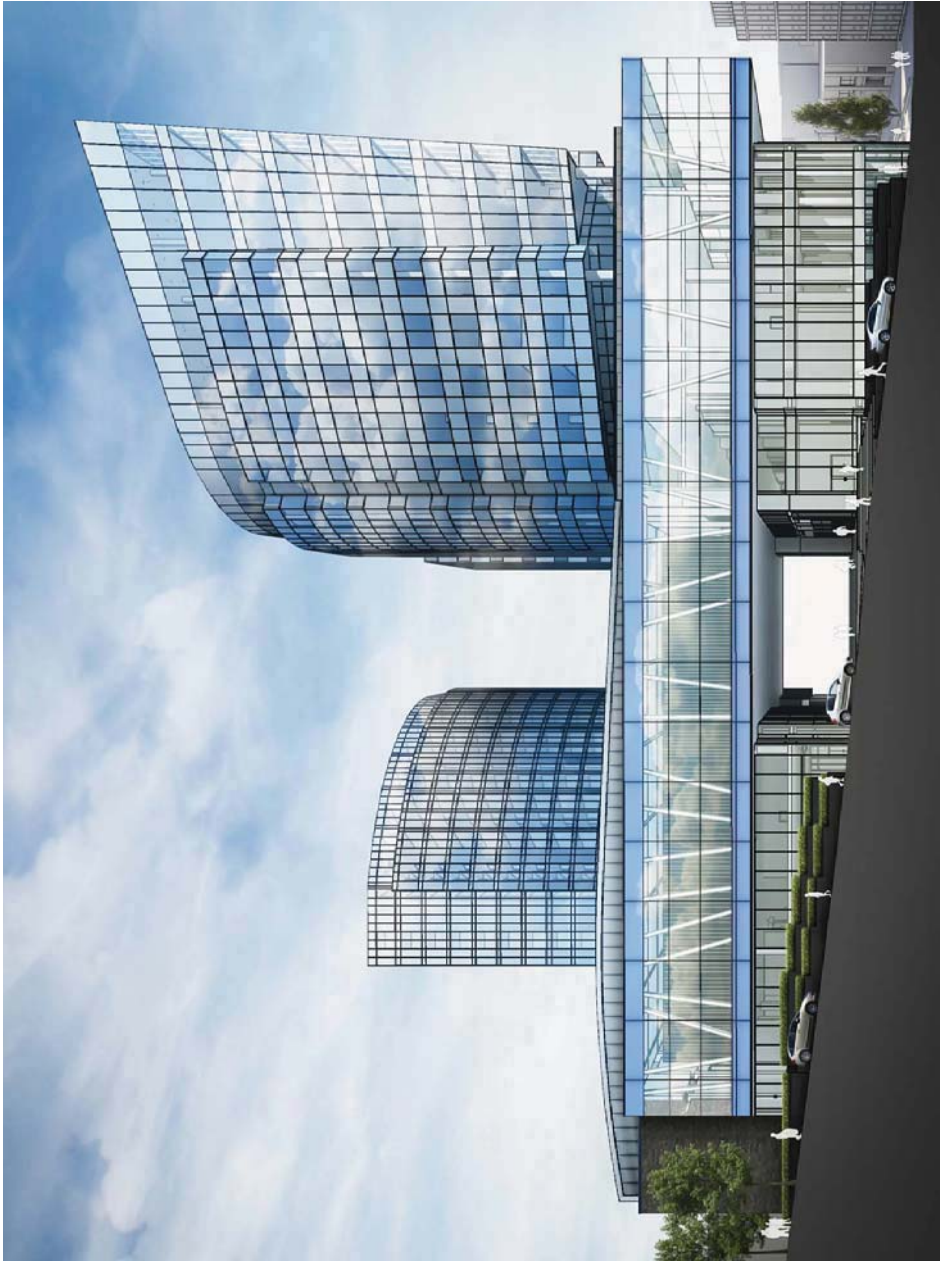
VIEW FROM ARGYLE & SACKVILLE  
STREETS

SPA-021

Nova Centre

Halifax, Nova Scotia

February, 24, 2014



NOEL FOWLER ARCHITECT

VIEW FROM SACKVILLE & GRAFTON  
STREETS

SPA-022

Nova Centre

Halifax, Nova Scotia

February, 24, 2014



NOEL FOWLER ARCHITECT

VIEW FROM MARKET & SACKVILLE  
STREETS

SPA-023

Nova Centre

Halifax, Nova Scotia

February, 24, 2014





NOEL FOWLER ARCHITECT

VIEW FROM PRINCE & MARKET  
STREETS

SPA-024

Nova Centre

Halifax, Nova Scotia

February, 24, 2014



VIEW FROM ARGYLE & PRINCE  
STREETS

SPA-025



NOEL FOWLER ARCHITECT

Nova Centre

Halifax, Nova Scotia

February, 24, 2014

**Case 18708: Attachment F - Comparison  
of Original and Current Proposal**

February 28, 2014

Richard Harvey  
Major Projects Planner  
Halifax Regional Municipality  
7071 Bayers Road, Suite 2005  
Halifax, NS  
[harveyri@halifax.ca](mailto:harveyri@halifax.ca)

**RE: Response to Planning Review**

Richard,

In response to your request for a tabular comparison showing the differences the 2010 and 2013 designs for the Publicly Sponsored Convention Centre, I am submitting both Site Plans with high-level detail and reference table showing the difference in design dimensions.

It should be noted that the overall height of the development has not changed; both designs fit within the envelope created by regulations respecting view planes and rampart views. The deviation in developed floors is due to the functional floor-to-floor height in residential / hotel spaces vs. commercial office spaces. Further, the Site Plan in the current Appendix B of the Land Use By-Law was created to illustrate building heights, occupancy intention, and conformance to view plane restrictions; it was not created from construction drawings.

As has been expressed throughout the project, the driving force behind the design changes has been the desire to elevate the Convention Centre Ballroom from the sub grade portion of the development to a more prominent location with views from and to downtown. This change has led the design team to the striking 'blue box' concept for the ballroom and also to the unique consideration of Grafton Street. The design changes has also created nearly 17,000 square feet that is available for public use as an active retail and open space environment on the Grafton Street alignment and on Argyle Street. The impact of these changes on the total rentable space is considerable; the current development contains 800,000 square feet of rentable space, a reduction of 200,000 square feet from the 2010 design.

Regards,

**Original signed**

Jacob Ritchie  
Director of Planning  
Ekistics Planning & Design

Case 18708: Attachment F - Comparison  
of Original and Current Proposal

**Table 1 -- Comparison of Convention Centre Design 2010 to 2013**

Dimension / Detail	Existing LUB App	Proposed LUB App	Delta
A – Streetwall Width on Argyle	100.2 m	68.34 m	- 31.86 m
B - Tower Width on Argyle	73.4 m	95.55 m	+ 22.15 m
C – Streetwall Width on Prince (East)	33.8 m	27.80 m	- 6 m
D – Tower Width on Prince (East)	19.9 m	32.34 m	+ 12.44 m
E – Streetwall Width on Prince (West)	35.9 m	33.59 m	- 2.31 m
F – Tower Width on Prince (West)	25.8 m	32.75 m	+ 6.95 m
G – Streetwall Width on Market	100.2 m	100.2 m	0
H – Tower Width on Market	40.8 m	39.37 m	- 1.43 m
I – Streetwall Width on Sackville (West)	35.9 m	37.65 m	+ 1.75 m
J – Streetwall Width on Sackville (East)	35.3 m	32.75 m	- 2.55 m
K – Tower Width on Sackville (East)	19.9 m	32.75 m	+ 12.85 m
L - Grafton Street Face to Face Distance	13.0 m	15.15 m	+ 2.15 m
Tower Height from Argyle (South)	18 Storey	15 Storey	- 3 Storeys
Tower Height from Argyle (North)	18 Storey	14 Storey	- 4 Storeys
Tower Height from Market	14 Storey	16 Storey	+ 2 Storeys
Podium Height from Argyle	6 Storey	5 Storey	- 1 Storey
Podium Height from Prince	5 Storey	4 Storey	- 1 Storey
Podium Height from Market	7 Storey	3 Storey	- 4 Storey
Podium Height from Sackville	5 – 7 Storey	4 Storey	- 1 Storey

Case 18708: Attachment F - Comparison  
of Original and Current Proposal

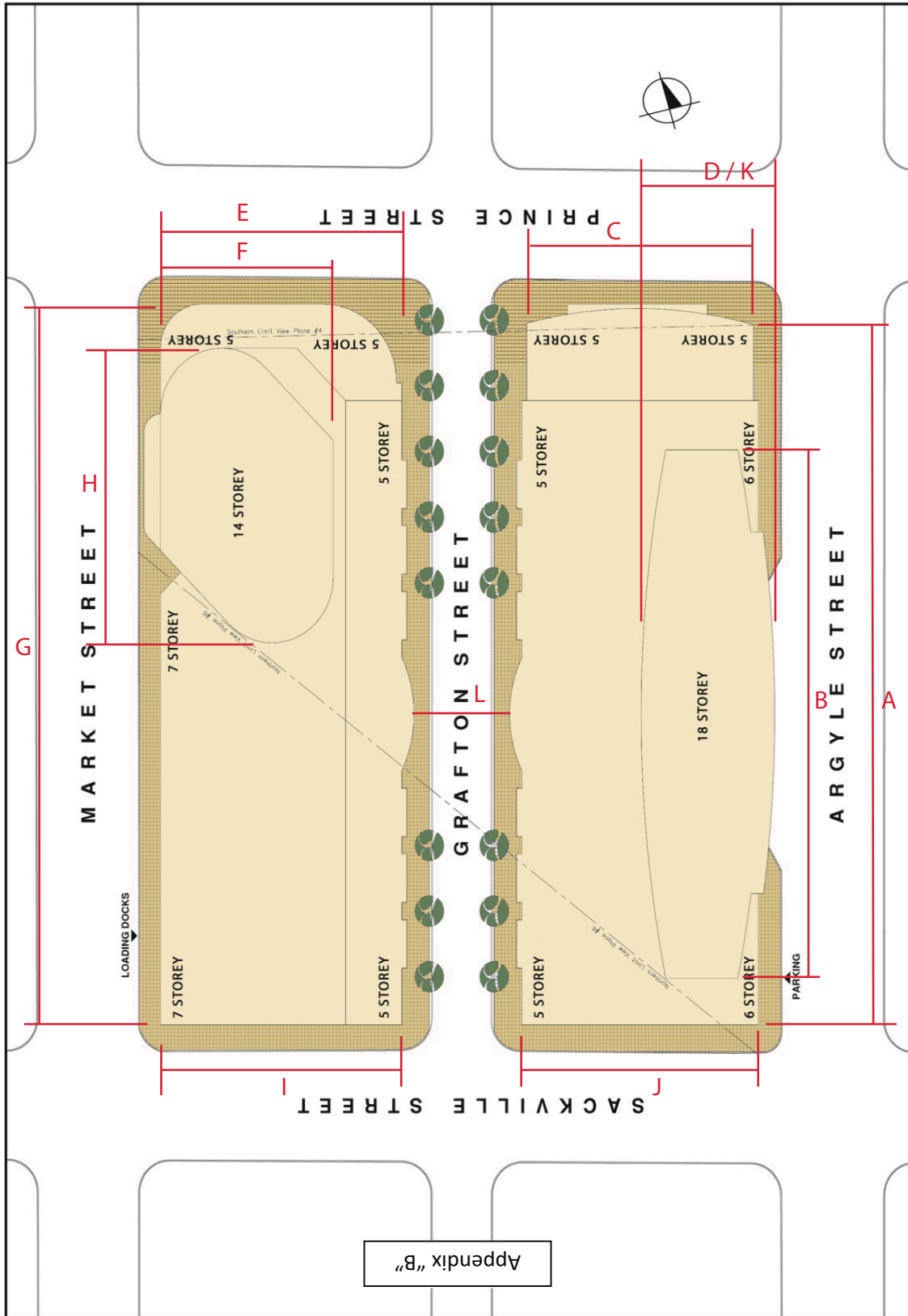


Figure 1 - Existing LUB Appendix B

Case 18708: Attachment F - Comparison  
of Original and Current Proposal

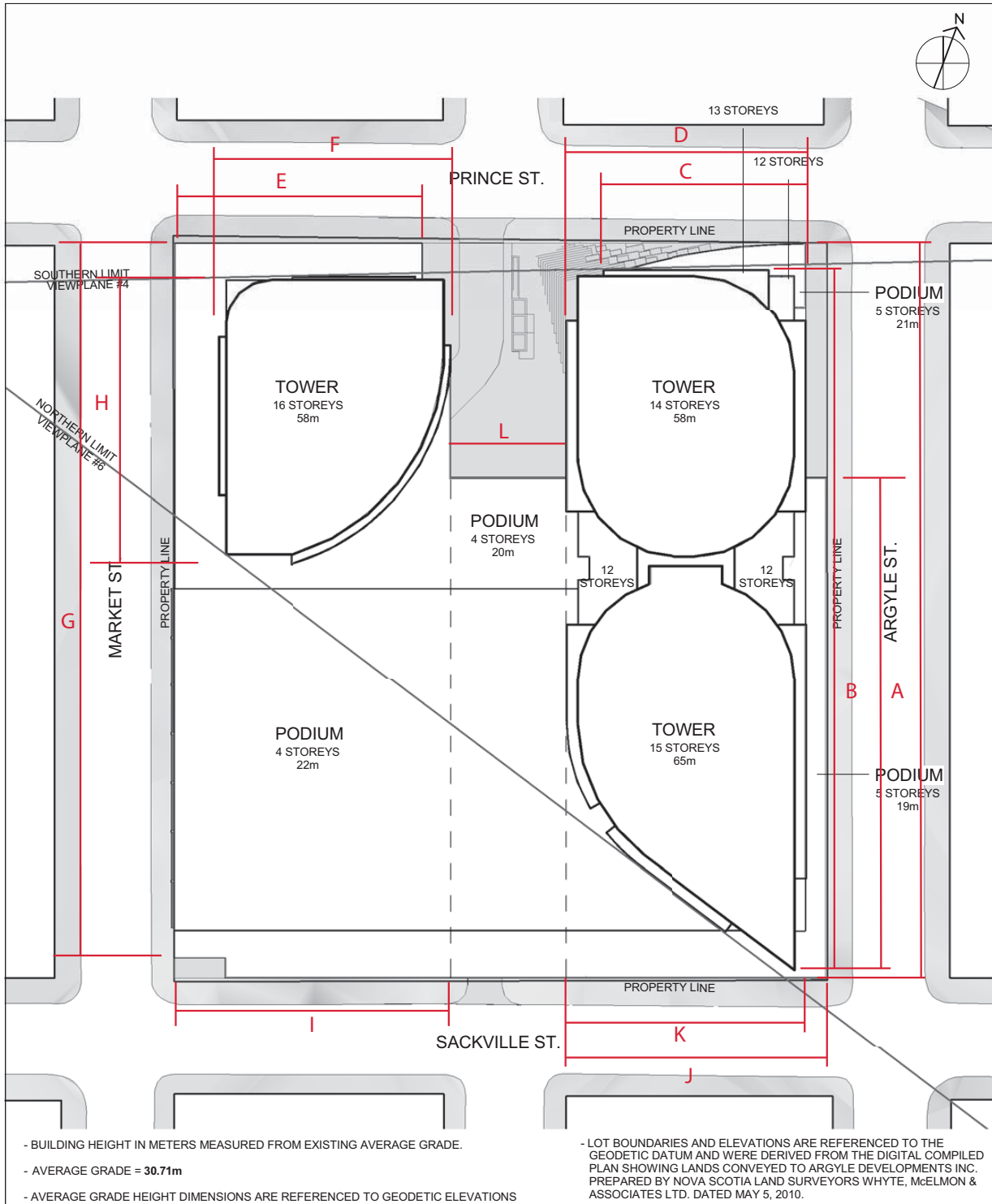


Figure 2 - Proposed LUB Appendix B

# **ARGYLE**

*DEVELOPMENTS INC.*

Mr. Richard Harvey  
Urban Design Project Manager  
Planning & Infrastructure  
Halifax Regional Municipality  
PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5

December 2 2013

Dear Mr. Harvey:

**RE: NOVA CENTRE**  
**- OWNERSHIP OF GRAFTON STREET**  
**- ARGYLE DEVELOPMENTS INC. ("ARGYLE")**  
**- HALIFAX REGIONAL MUNICIPALITY ("HRM")**

Excavation has been completed and sub-grade construction is well underway on the Nova Centre site. You have asked Argyle to address the question of how it would treat that portion of Grafton Street passing through the Nova Centre complex, should its requests relating to the street be agreed to by HRM.

Throughout the course of the public consultation process, there was an overwhelming consensus that the Convention Centre should be built above ground, and that the portion of Grafton Street running through the complex should be designated as a public space that would not only provide a venue for public activities, but would also serve as a space in which to highlight and celebrate all of the regions of Nova Scotia. The Province fully endorsed this view. World Trade Centre Limited echoed a significant interest in having an outdoor plaza available for outdoor exhibitions to run in conjunction with conventions.

As you are aware, Argyle went back to the table and virtually redesigned the entire Nova Centre to align with public consultation feedback.

In order to construct the redesigned Nova Centre as presented to HRM in its current applications, Argyle will need to have both sub-grade and above ground easements in place. The sub-grade easement has already been granted by HRM.

It would be mutually beneficial if Argyle were to take ownership of that portion of Grafton Street that passes through the Nova Centre complex. Ownership in fee simple would allow Argyle to build above the surface of Grafton Street without having to procure an above-ground easement from HRM. Primarily however, it would allow Argyle to condominiumize the entire Nova Centre project, which would in effect separate the Convention Centre and the hotel, the financial centre and the parking garage into separate entities. In accordance with present Nova Scotia legislation, it is a requirement that all lands comprising a condominium be owned in fee

# **ARGYLE**

*DEVELOPMENTS INC.*

simple by a common owner. Condominiumization would enable Argyle to finance the Convention Centre through a bond at a preferred interest rate, separate from the other components of the project (whereas if financing is based on the complex as a whole, the interest rate would reflect the highest risk portion of the project - the hotel).

The cost benefit from preferred bond rate would be passed on to HRM and the Province by way of lower annual rent payments. It would serve to note that Argyle's original proposal and costing was always based on Argyle being able to condominiumize each component of the Nova Centre into separate entities so as to get the lowest possible interest rates for the Convention Centre, as it has the Provincial Government covenant built into the Lease.

Should HRM agree to deed that portion of Grafton Street to Argyle, Argyle would in return give such guarantees or assurances as may be required to ensure that Grafton Street would never be closed and would remain for public use. If required, Argyle would be open to granting a perpetual easement, right of way or license over the surface of that portion of Grafton Street for use as a public space, pedestrian thoroughfare and/or vehicular thoroughfare. In essence, Argyle is open to any arrangement that essentially allows HRM to retain control over the surface of Grafton Street that passes through Nova Centre, while at the same time allows Argyle to condominiumize the complex and pass on the cost savings in interest to the HRM and Province through a lower annual rent payment.

I trust the foregoing adequately answers your query.

With best regards,

Yours sincerely,

Original Signed

Joseph Ramia

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**HALIFAX REGIONAL MUNICIPALITY**  
**Public Information Meeting**  
**Case No. 18708**

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**Dalhousie University, Computer Science Building**  
**CIBC Auditorium**  
**Thursday, October 24, 2013**  
**7:00 p.m.**

**STAFF IN**

**ATTENDANCE:** Richard Harvey, HRM Urban Design Project Manager  
Hilary Campbell, HRM Planning Technician  
Cara McFarlane, HRM Planning Controller

**ALSO IN**

**ATTENDANCE:** Joe Ramia, Argyle Developments Limited  
Jamie Wright, Architect  
Trevor MacIntyre, Urban Landscape Design Architect  
Noel Fowler, Design Architect

**PUBLIC IN**

**ATTENDANCE:** Approximately 100

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The meeting commenced at approximately 7:08 P.M.

**1. Call to Order, Purpose of Meeting – Richard Harvey**

Tonight's Public Information Meeting (PIM) is to consider potential amendments to Halifax Regional Municipality's planning document pursuant to an application by Argyle Developments Limited, the Developers of the Nova Centre. The Nova Centre is a Developer-sponsored Convention Centre.

The purpose of the PIM is to inform the public that HRM has received such an application, provide background/information on the proposal and to gain feedback from the public. No decisions are made at the PIM.

The PIM Agenda was reviewed.

**2. Presentation of Proposal – Richard Harvey**

The Downtown Halifax site is bounded by Argyle, Market, Prince and Sackville Streets and includes the portion of Grafton Street which is between Prince and Sackville Streets. The site is within the Downtown Halifax Plan Area and the DH-1 Zone (permits a mixture of different uses) and has two viewplanes, one which is quite substantial with regard to its impact over the site.

The Downtown Halifax Plan has an approval process referred to as the Site Plan Approval process. The Land Use By-law (LUB) is divided into two parts: a) land use and built-form details (setbacks, separation, heights, etc.); and b) the Design Manual (building and site design features). The Approval is regulated by HRM's Development Officer. The Development Officer interprets

the LUB and determines if those requirements are met and the Design Review Committee (DRC) determines if the architecture and design elements of the building are met.

When the Downtown Plan was adopted by Regional Council, there was an original proposal for a publicly-sponsored Convention Centre and other elements along with it (mixed use development). The LUB has several requirements (towers, separation distance, heights, etc.), but specifically, singles out a publicly-sponsored Convention Centre which has its own distinct built-form requirements. That LUB refers to an Appendix (shown) that specifies building height in storeys and form (images shown). Since the proposal, known now as the Nova Centre, has evolved from the original proposal, it no longer meets the requirements of the Appendix. Part of the Convention Centre has been changed from being underground to above ground, the towers are larger and there are some finer changes in design elements.

Another request is for HRM is to close the portion of Grafton Street between Prince and Sackville Streets making it part of the development. HRM has a Policy that states, "Except for the network associated with Cogswell interchange, HRM shall not close streets to permit blocks in the Downtown to be consolidated for development." Through this application, an exemption to this Policy is also being sought.

### **Presentation of Proposal – Joe Ramia**

The Nova Centre Design Project was presented at 12 public consultation sessions held in HRM, around the Province and on-line. The project has been designed to reflect Nova Scotians past, present and future. Key points emerged over the course of the public consultation process for the project and design to: 1) be a memorable and iconic design; 2) be modern and incorporate lots of class; 3) celebrate both our history and promise of the future; 4) the Convention Centre component be above ground; 5) the parking entrance located somewhere other than Argyle Street; 6) the convention and public area should showcase all regions of Nova Scotia; 7) allow for connectivity with existing neighbourhoods and streetscapes; and 8) the public plaza on Grafton Street should be an inviting, interactive, and permeable venue that will serve as a central gathering place. Tonight's proposal incorporates these key components. The Nova Centre will transform two city blocks into one million square feet of mixed use development. Nova Centre is being considered and constructed with the objective of achieving Canada Green Council LEED Gold designation. Once completed, this project will be the largest green development in Atlantic Canada.

Mr. Ramia introduced the members of the design team: Jamie Wright, Architect; Trevor MacIntyre, Urban Landscape Design Architect; Noel Fowler, Design Architect.

### **Presentation of Proposal – Noel Fowler, Design Architect**

The site is about 100,000 square feet comprising of two city blocks bound by Argyle, Market, Prince and Sackville Streets and is a fantastic location for the Convention Centre. The plan in the future is to join the Nova Centre to the Metro Centre with an underground ped-way down Grafton Street. It is not in this stage but we have made a provision to make that connection.

Two of the greatest challenges with this project are: a) the small texture and grid pattern of the city blocks; and b) the viewplanes. The areas not within the viewplanes are controlled by the

Ramparts which radiate from Citadel Hill towards the Harbour.

An image of the first draft and present draft were shown and compared. Through the public consultation, it became clear that the public wanted a Convention Centre that is exposed to natural light. Currently, the proposed Convention Centre would be visible from the street.

The Site Plan was shown featuring the financial tower, luxury hotel, ballroom running over Grafton Street and the public plaza.

### **Presentation of Proposal – Jamie Wright, Design Architect**

A design was shown which includes the public's suggestions. It has modern architecture, moderate glass to let in the natural sunlight and public to view. The glass and blank panels reflect the grid pattern of the old buildings in the City. The facades of the building are broken down to avoid one massive wall. The Convention Centre is now placed above ground with a pre-functionary room. The ceremonial space is brought to scale with the buildings on the street corners and to meet grade and follow HRM's guidelines. The corners of the building are transparent with different colored glass in the middle of the building. All the pedestrian areas along Argyle Street are covered.

Some retail shops have been created on Market Street to bring out the character of the area. There are entrances and places to stack the buses for the Convention Centre and hotel. The idea on Argyle Street is to replicate the west side of the street by adding multi-storey retail spaces along with outdoor seating and benches making the street complete.

### **Presentation of Proposal – Trevor MacIntyre, Design Architect**

The Site Plan was explained from a ground floor perspective and included key features from public consultation such as: a) a place where Nova Scotians can connect shown through active, public open space on Grafton Street; b) a space was created to encourage activity and become a gathering space for different kinds of events (concerts, trade shows, market, etc.); c) design should allow for connectivity for the neighbourhood; and d) streetscape was achieved through multi-level retail shops, more entrances and a water fountain.

### **Jamie Wright - Studies**

HRM requires all proponents to provide three studies: a) Shading Study – there was a modest increase currently shown in the northerly direction compared to the 2009 study; b) Wind Study (performed by RWDI) – wind conditions had not adversely been affected with the addition of the proposed development although some protection for pedestrians could be provided at the corner of Argyle and Prince Streets; and c) Traffic Impact Study – there was no significant impact on the performance of the traffic in the area as long as the two blocks west of the site, from Grafton to Brunswick Streets, were made two-way to full circulation movement.

**Mr. Harvey** explained that construction of the Nova Centre is underway by way of a special order enacted by the Province following a request from the Developer that was supported through HRM. It is important to note that the order solely allows for construction to the below-grade portions of the site (Argyle Street).

### 3. Overview of Approval Process – Richard Harvey

The next stage after this PIM is for Planning Staff to write a recommendation that will be considered by the DRC who will make their own recommendation to Regional Council for consideration. A new Schedule outlining the new proposed built-form, if approved, will be included in the LUB. This new Schedule will be considered by Regional Council by way of a Public Hearing. If Regional Council approves the application, the design will be considered through a Site Plan Approval Process by HRM's DRC.

### 4. Questions and Comments

**Gary Hurst** – Is a neighbor of the connectivity problem on the corner of Carmichael, Argyle and Grafton Streets. Vehicular traffic is impaired and businesses have experienced significant downturns. He has been a supporter of the project and was very enthusiastic about the positive impact it is going to have on the City and the Province but this is a very serious negative impact factor. He is disappointed that there wasn't a way to accommodate the vehicular traffic through Grafton Street. It will damage the businesses and the vibrancy north of the Metro Centre. He believes that a connectivity strategy should encompass pedestrian-friendly features along a multi-block area (Barrington Street down to Duke Street and from Duke Street along Brunswick Street over to Spring Garden Road). **Mr. Harvey** explained that Staff has yet to review the Traffic Study and will have to take that into consideration and come up with a strategy. With regards to streetscape and connectivity, Staff and Council will be looking into that.

**Scott Travis** – Are Staff and the Developers: a) on schedule for this project; and b) at what point does public consultation end? **Mr. Harvey** mentioned that in terms of the scheduling of the project, Staff are looking at particular ways that the approval process is performed and trying to make it work. In terms of consultation, Staff and Council are following procedural steps in getting the right input.

**Christie Gamble, Halifax** – She likes the designs. What kind of sustainability initiatives will this particular building have? **Mr. Ramia** – LEED Gold dictates exactly what needs to be done and what materials are to be used. There has been a LEED Consultant on site from the beginning of demolition.

**Jim Guild, Halifax** – Believes the public consultation will end when the changes to the proposal ends. There would be very little public involvement if the existing rules were adhered to. He is concerned that the Developer will be able to completely close off Grafton Street for events. Will the status of that public street change under this proposal? **Mr. Harvey** said there will be some passageway which will be open to the public between Prince and Sackville Streets but it will become part of the development. It will need to go through an Official Street Closure which is a formal process for HRM to consider that. There are some considerations which are ongoing about whether there may be some sort of easement granted. He wanted to make clear that the actual proposal is to close the street. **Mr. Guild** asked if the Developer paid for the land. **Mr. Harvey** explained that that would be considered through the street closure. **Mr. Guild** asked if Grafton Street was taken out of the property, what percentage of the remaining land would the Developer own. **Mr. Harvey** reiterated that it is part of the Developer's proposal for that area to become part of the private lands.

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**Alan Ruffman** – Policy 27 goes back roughly 35 years when several huge blocks were consolidated to enable the building of Scotia Square and then the Metro Centre which made a significant change in Downtown Halifax. The group of people that brought us HRMbyDesign suggested closing Cogswell Street to create smaller blocks and re-establishing the grid. He would like to see Staff take that into consideration.

**Liz MacDougall** – Is this the public's last option to address the amendments to HRMbyDesign? **Mr. Harvey** explained that Staff would take the public's comments from the PIM, write a recommendation in the form of a Staff Report which would be forwarded to the DRC. The Committee would then make a recommendation to Regional Council. Should Regional Council consider the amendments to allow for the new built-form of this proposal and the consideration of the closure of Grafton Street, a Public Hearing would have to be held and public notification of that Public Hearing be given.

**Fred Morley** – He is concerned for the interest on economic growth issues and the number of incremental people that this development will bring into Downtown Halifax on a daily basis? **Mr. Ramia** said there would be approximately 5,000 to 6,000 people working in the complex plus the Convention Centre. It is a mixed use development; therefore, active 24/7.

**Kevin Nettle** – Are the 5,000 to 6,000 people new or existing employees? **Mr. Ramia** expects it to be both.

**Joy Woolfrey** – When was the second financial tower added to the project? **Mr. Ramia** said there have always been two proposed towers.

**Andy Fillmore** – Comments from the PIM will help shape the Staff recommendation to Regional Council under the amendments. Is there further opportunity to comment? **Mr. Harvey** explained that Staff can be contacted either by phone or e-mail. If Regional Council decides to consider the matter, there is another opportunity through a public hearing for formalized comments (oral/written), e-mails, and direct submissions.

**Colin Stottard** – He recalls all the planning that went into creating HRMbyDesign. He asked Staff to respect the rules and reject proposals to have exemptions to the rules of HRMbyDesign.

**Deborah Jones** – She is worried about the amount of public money being invested to which **Mr. Ramia** said there is no public money. The project will be privately financed and built. The Government has leased the Convention Centre for over 25 years and the lease payment will be split between the City and the Province. The Convention Centre will be built at cost which will be set when the interest rate is fixed. **Ms. Jones** asked if the City will be running the Convention Centre. **Mr. Ramia** said it would be a partnership between the City and the Province.

**Ms. Jones** – She is concerned by information from an Auditor General's Report which contained many violations. Has that report been addressed? **Mr. Harvey** explained that from a Planning perspective, the focus of the Staff Report that goes forward to Regional Council will be regarding the changes highlighted at this PIM. There is the ability to make questions of Regional Council on any of the matters raised.

**Ms. Jones** – She is not in favour and does not feel confident of the enlargement of the original

proposal.

**One resident** – She understood that changes in the Downtown had to show significant economic and cultural advantages. Planning Staff have to take the Auditor General’s Report into account when granting these concessions. The present requirements in every MPS to keep the street grid are there because of the mistake that was made with the Scotia Square development. Now the City is considering it again. Mr. Ramia mentioned residences. Where are they going? **Mr. Ramia** explained that nothing has been decided until a market study has been done but the idea was to put condos on the top floors of the hotel. **The resident** has a study that she will supply Mr. Ramia with.

**Iain Taylor** – When HRMbyDesign was approved, although still controversial, people believed that they would not be faced with changes all the time because the rules were set. Developers try to push the envelope and why wouldn’t they? Regional Council have never drawn the line and have allowed the rules to be changed. Examples of proposals negatively recommended by Staff and rejected by Regional Council were given. Why wouldn’t Staff recommend against this proposal that is looking for exemptions? There are now “robust” towers (higher, wider and bulkier). The Developers have not shown any pictures of what they would look like. **Mr. Harvey** cannot predetermine anything that will be in the Staff Report. Everything is evaluated and the public has a chance to provide feedback. **Mr. Ramia** mentioned that the towers are in fact lower. The financial towers are a bit wider. **Mr. Fowler** added that the size of the building itself is actually smaller.

**Philip Pacey** – These proposed amendments would not confer with any economic, social or cultural benefits to HRM contrary to the aforementioned Policy 89. He provided information on measurement details that would be affected by the proposed amendments. The plans on the HRM website show that the towers would be higher, wider, deeper and bulkier. The currently proposed towers would cast longer, broader shadows on Grand Parade and on the sidewalk cafes and would dominate heritage buildings. Six faces of the building would exceed the streetwall height rules which are supposed to provide sky views and sunlight for pedestrians. The protection of Halifax’s street grid/block pattern has been an important principal for many years. Grafton Street belongs to the public. This application does not respect HRMbyDesign policies for regulations whatsoever. In 2009, when the original by-law exemption was approved, some people thought that a Convention Centre would be an economic benefit. Now the Auditor General has shown that any claim of public benefits was faulty. This project would take many millions from the public purse for over 25 years for no credible financial gain. Please recommend that the application be turned down.

**Louis Lowan** – Is a local developer and believes that one of the most important things with a development is the intent of the Developer. He knows that Mr. Ramia is doing a great job. All the rules are great, but if the intent is not there, it is difficult to end up with a great development.

**John Wesley Chisholm** – He believes there is failure within leadership of this application. The idea was wrong and with every change is getting worse. He does not support losing Grafton Street or crating big box quick fixes as they don’t work. He encourages elected officials at all three levels of government to allow the creative minds and the wealth behind this to build something that makes the City better and enables Halifax to help improve Nova Scotia.

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**Heather Cruikshanks** – It is developments like this that keep our youth here which in turn will help support our future. Issues that break the rules need to be worked out.

**Dawn Baldwin** – She supports the project and sees this as an opportunity to create a really interesting outdoor space. She doesn't think that it breaks a whole lot of rules. She hopes the project goes forward.

**Janet Shotwell** – She does not support giving up Grafton Street and believes all the outdoor covered plaza areas would create a wind tunnel. The wind studies didn't address that area. Just because the pictures shown are the quality of a farmer's market does not mean that is what will be created. **Mr. Ramia** said the wind study did address Grafton Street because it was important to the Developers that people enjoy that space.

**Mr. Harvey** mentioned that with regards to studies at this time, Staff have a preliminary letter from the Developer's wind consultants and are expecting full wind assessments.

**John Hoar** – He supports the development but there is a silent group of citizens of Halifax that use Grafton Street and do not support, including himself, what is clearly a 100% private takeover of Grafton Street.

**Barbara Broome** – She supports the project and is disappointed over the negativity brought forward. When will the underground tunnel from Grafton Street to the Metro Centre be constructed? What is the name of the hotel that will be constructed and how many rooms? **Mr. Ramia** is not sure when the connection will happen. The Province and the City has made sure the provisions have been incorporated in the Convention Centre plans. He is not sure what hotel will be in place, but it will be high-end and the number of rooms depends on the market study that is being done.

**Larry Woodland** – He thinks it is unfair to compare the Trade Center and this development to Scotia Square. He recommends that the City work with the Developers and find something that works and helps Nova Scotia's economy.

**Steve Townsend** – He would like to see something a bit more exciting on Argyle Street. The Downtown should not turn into a museum but would like to see it grow and be full of life.

**Murray Tate** – He supports this project because it will keep young people in Halifax.

**Janet Morris** – She understands that to enable the proposed changes, there has to be proven economic, cultural or social benefits. She believes the culture of Halifax is expressed in its heritage and historical background. This City doesn't seem to grasp its heritage or develop its Downtown as a cultural whole. Different sides of the streets are viewed at different times. The City should have a comprehensive plan from Citadel Hill to the Harbor in its Downtown section. The vacant lots need to be filled as per Planning has suggested, low to medium scaled developments, that respect the historic buildings that are currently there.

**Sandra Selva** – She finds it hard to believe the public is here again because the City is trying to change the rules of HRMbyDesign. Many young people are appalled by this development because it does not fit the cultural and heritage feel of a small town with Universities and all of

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the things that are so important to the Downtown culture. Developers and the City should abide by the rules of and maintain HRMbyDesign.

**Paul MacKinnon** – The design of the project is a significant change from what was approved in HRMbyDesign. Is there a different option around Grafton Street rather than transferring to private ownership? Restricting traffic flow is certainly not the same as taking away a street from the public. He encourages the Developer and the City to look at other options rather than simply looking at private ownership. Perhaps there are legal reasons for private ownership. **Mr. Harvey** said Staff will be taking a closer look at this but there are reasons for it. The project is to be a condominium development and in Nova Scotia a Municipal Street cannot run through the development. This is part of the request that Staff needs to consider.

**Elizabeth Pacey** – She referred to Policy 27 that says HRM shall not close streets to prevent blocks in the Downtown to be consolidated for development. Section 3.4.8 in the Downtown Plan talks about the traditional street grid being an important characteristic of the Downtown and says it shall not be subject to further consolidation. Section 3.1.5 says that the heritage resources are the legacy of the area's rich and proud history (historic street grid). Policy 6.2, created after Scotia Square was built, says that the City shall continue to make every effort to preserve such important details as the block pattern and views from Citadel Hill. She referred to a study done by Turner Drake that stated the real economic engine of Halifax is its historic resources (Georgian street grid). Downtown Halifax, small and compact, could be easily ruined by three or four superblocks. Section 2.3.6 talks about mid to low-rise buildings which are supposed to be the "vision for the Upper Central Downtown". She does not believe the City should allow the huge number of towers that this development proposes to make a wall in front of the Citadel and obstruct the Central Harbour view. These are Principles and Policies in Halifax's current MPSs that allow the City to continue to have and build upon the importance of the Georgian Downtown.

**Graham Wells, Halifax** – He sees the Developer as being responsive to the public's concerns brought forward through public consultations by modifying their proposal. He is in favour of the Grafton Street becoming private, although it does represent a very significant change in the planning documentation and process, because there is nothing on Grafton Street that would be imperative (except Midtown) to preserve. He values the heritage of the City but doesn't believe in paralyzing the City's economic development simply to ensure buildings don't exceed six or seven storeys. He is in favour of the development. The Convention Centre may be a risk as it may not fulfill the lofty projections that have been given but in reality, the City has been stagnant and it needs some kind of catalytic development that will push it forward.

**Patrick Daly** – The significant excavation and forming of the site shows the level of commitment of this project. There was an Interim Agreement on July 12, 2012. Does the Developer have a deal with the Province and the City now? **Mr. Ramia** said there is a Memorandum of Understanding with the Province but it is not complete. **Mr. Daly** wondered if there was a way supporters of the project could assist the Developer.

**Mr. Ruffman** – Developer after Developer has asked to break the rules of HRMbyDesign and Staff and Council agree to it. Plan amendments are not appealable. Referring to a slide, the picture on the left, the buildings are higher than what is allowed by HRMbyDesign because of a special provision that was introduced really late in the approval process and passed and signed



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by the Province. The new proposal wants about twenty different changes to setbacks, heights, etc. Intent is one thing, but rules are something else. Intent isn't worth anything unless it is written down. **Mr. Ramia** explained that an application was submitted to the City before HRMbyDesign started. City Staff asked the Developer to put this project under HRMbyDesign. The original project proposal would have been approved bigger than today.

**One Resident** – Asked that the Design Team re-examine their plan and maintain Grafton Street. It not only follows the rules, it is significant and important to the existing and future economy of the Downtown area and maintaining connectivity. The resident supports the project but it's missing that component.

**One Resident** – Asked Mr. Harvey to comment on the fact that Staff asked the Developer to wait for HRMbyDesign to be approved. **Mr. Harvey** was not aware of that. **Mr. Ramia** explained that the application had three towers and the same height as it does today with respect of the viewplanes and the ramparts that are in place.

**Ms. MacDougall** – Are the Developers hearing the points that will be brought to view after this meeting? **Mr. Harvey** explained that the minutes from this meeting will be included in a Staff Report that goes to Regional Council. He suggested that any written letters be sent to him then he will forward them to the Developer. The next opportunity for the public to provide comments will be at the Public Hearing should Regional Council decide to consider adopting any amendments.

**Mr. Stottard** – How would opening Grafton Street allow for a condo development? There is no proposal for condos on the east side. **Mr. Ramia** explained that a condominiumization is a condominium where the pieces are separated but it is built as residential units. The Convention Centre will attract the lowest interest rate to the project; therefore the City and Province would pay the lowest rent.

**Mr. Taylor** – Development that follows the rules would provide employment and development. Is this the right development? The Developer and Staff should look at how to integrate things and make them work together. Look at sensitivity of what Downtown Halifax has and what should be kept.

**One Resident** – Once a process is in place, Developers should abide by the rules. As a citizen, he feels that disrespecting the decisions of HRMbyDesign and the process that created that framework generates a lot of negative energy from the public which leads them to distrust Developers and the industries associated with them. He encourages Planning Staff to stick with the current rules.

**Ms. Woolfrey** – She does not see how expanding the size of the tower, closing Grafton Street and building condominiums will create more jobs. It will take jobs and transfer them from one place to another. There is no economic reason for supporting this and hopes the City does not support it.

## 5. Closing Comments

**Mr. Harvey** thanked everyone for coming and expressing their comments and concerns.

**6. Adjournment**

The meeting adjourned at approximately 9:37 p.m.

Attachment I  
Excerpts from the *HRM Charter* Pertaining to Legislative Authority

From PART VIII, PLANNING AND DEVELOPMENT

**220(8)** The Council shall adopt planning documents, at second reading, by majority vote of the maximum number of members that may be elected to the Council. 2008, c. 39, s. 220.

**225(2)** The procedure for the adoption of an amendment to a land-use by-law referred to in subsection (1) is the same as the procedure for the adoption of planning documents, but a public participation program is at the discretion of the Council and the amendment may be adopted by a majority of votes of the Council members present at the public hearing.

**229 (1)** A municipal planning strategy may include statements of policy with respect to any or all of the following:

(c) the protection, use and development of lands within the Municipality, including the identification, protection, use and development of lands subject to flooding, steep slopes, lands susceptible to subsidence, erosion or other geological hazards, swamps, marshes or other environmentally sensitive areas;

**234(2)** The Council may amend a land-use by-law in accordance with policies contained in the municipal planning strategy on a motion of the Council or on application.

**235(5)** Where a municipal planning strategy so provides, a land-use by-law may

(i) regulate the external appearance of structures;

**246(1)** Where a municipal planning strategy so provides, a land-use by-law shall identify

(c) the matters that are subject to site-plan approval;

(h) with respect to the HRM by Design Downtown Plan Area, the requirements for public consultation that must take place prior to an application for site plan approval being submitted to the Municipality.

**246(3)** A site-plan approval may deal with

(l) the external appearance of structures in the HRM by Design Downtown Plan Area;

From PART XII, STREETS AND HIGHWAYS

**325(1)** The Council may, by policy, permanently close any street or part of a street and the Council shall hold a public hearing before passing the policy.