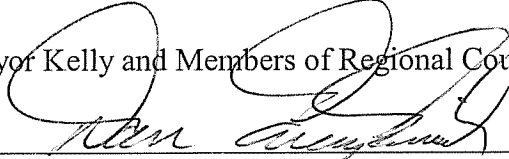


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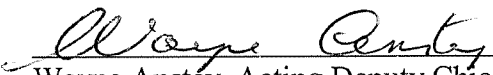
Halifax Regional Council
November 22, 2005

To: Mayor Kelly and Members of Regional Council

Submitted by:



Dan English, Acting Chief Administrative Officer



Wayne Anstey, Acting Deputy Chief Administrative Officer

Date: November 10, 2005

Subject: Case 00798: Amendment to the Downtown Dartmouth Secondary
Planning Strategy and Land Use By-law

ORIGIN:

Application by Fares & Co. Development Inc. to amend the Downtown Dartmouth Secondary Planning Strategy and Land Use By-law to permit a mixed use redevelopment of the former Dartmouth Marine Slips property, Alderney Drive, Dartmouth.

RECOMMENDATION:

It is recommended that Halifax Regional Council:

- Initiate the process to consider amending the Downtown Dartmouth Secondary Planning Strategy and Land Use By-law to consider mixed use re-development (residential/commercial) of the lands known as the former Dartmouth Marine Slips property situated along Alderney Drive at Dartmouth Cove; and
- Request that public participation be undertaken in accordance with the Public Participation Resolution adopted by Regional Council on February 25, 1997.

BACKGROUND

The applicant requests that the Downtown Dartmouth Secondary Planning Strategy and Land Use By-law be amended to enable commercial/residential re-development of lands comprising a portion of the Downtown Dartmouth waterfront known as the former Dartmouth Marine Slips property. The application area comprises seven parcels of land and water lots (both pre and post confederation) totalling approximately 9 acres of land and approximately 21 acres of water lots (*see Map 1*).

The land and water parcels under application fall under the Downtown Dartmouth Secondary Planning Strategy (SPS). The SPS defines the Downtown Dartmouth waterfront as those lands on the west side of Alderney Drive and the Canadian National Rail line extending from the MacDonald Bridge to the Coast Guard lands within Dartmouth Cove. The SPS establishes a special "Waterfront Designation" and applies it to these lands. Within this area, a broad mix of land uses is encouraged, with a special emphasis on public and water related uses that are dependent, related or enhanced by a waterfront location. For purposes of the SPS, the waterfront is divided into two distinct areas as follows:

1. *Alderney Landing and West Waterfront Areas*

Currently the most actively used public waterfront lands extend from the marina, adjacent the Alderney Landing Events Plaza, to the southern end of the Ferry Terminal Park, including Alderney Landing and the Ferry Terminal Building (*see Map 3*). The "Waterfront Zone" applied to this area defines the parameters for development within the main waterfront portion of the waterfront extending from the MacDonald Bridge to the Ferry Terminal Park (*see Map 2*). This Zone encourages a small-grain traditional building pattern similar to the historic fabric of the downtown area. A mix of uses are encouraged including residential, commercial, cultural, recreational and water-related land uses of a limited scale and intensity.

2. *Dartmouth Cove - East Waterfront Areas*

This area (*see Map 3*) includes the former Dartmouth Marine Slips property and has a long history of industrial use. At the time the SPS was adopted by Council, the East Waterfront including the Dartmouth Marine Slips property, continued to be utilized for ship repair, and other marine service industries. Its importance as a location for marine industrial activity was anticipated to increase with the development of the off-shore industry in the region. As such, the SPS applies a "Marine Business Zone" to the majority of water oriented lands and water lots in the area (*see Map 2*). The intent of this Zone is to provide for the continued operation of marine industry in this area. The SPS does not envisage lands within the East Waterfront Area being redeveloped for residential or non marine-related business use. Consequently, the applicant is

requesting that the SPS be specifically amended to consider a mixed use re-development (residential/commercial) on the former Dartmouth Marine Slips property.

Proposal:

The preliminary development proposal (*see Attachments A&B*) comprises 9 building components to be developed in a phased approach as follows:

- Phase 1: a mixed use project, envisioned as an apartment hotel of 150 units with full services, indoor parking and commercial/retail space at pedestrian level
- Phase 2-8: planned as 7 multiple family residential buildings (800 - 1000 units total proposed)
- Phase 9: a commercial market complex of approximately 50,000 square feet containing shopping retail, professional offices and water-side restaurants

In addition, the proposal envisions building an extension to the Dartmouth waterfront trail system facilitating public waterfront access along the perimeter of the property. An existing pier wharf is proposed to remain as a public facility and it is proposed to offer marina berthing and additional marine services. Vehicular access is proposed from Alderney Drive.

The proposal places emphasis on maintaining the traditional fabric of development by extending the grid southward. Traditional view plane corridors from Brightwood, King Street and Prince Street to the Harbour will be maintained.

Draft Halifax Harbour Plan:

As part of the regional plan, HRM commissioned a study to assess the "Economic Potential of HRM and Halifax Harbour" (Gardiner Pinfold Consulting Economists Limited, May 2004). The study recommended that the Dartmouth Cove/Marine Slips area be considered for non-industrial marine uses, residential/institutional uses and recreation uses. This was based on factors such as the sites' adjacencies to Downtown Dartmouth, impacts of the ship repair facility on abutting residential neighbourhoods, and the possibility (at that time) that the sites may be selected for a major new institutional (NSCAD) campus. The Halifax Harbour Steering Committee and the Regional Planning Committee accepted the recommendation of the study for the Dartmouth Cove/Marine Slips area, and thus the draft Harbour Plan proposes that the subject property be considered for redesignation from its current marine business status to a multi-unit residential or mixed use residential development opportunity.

DISCUSSION

The Marine Business Zone has been applied to a majority of properties within the Dartmouth Cove - East Waterfront Waterfront Designation “in recognition of the long history of industry and more recent growth in marine based activities in the Cove”. The former Dartmouth Marine Slips property is no longer needed or used for marine industrial use.

Criteria for Considering an SPS Amendment

To determine whether an SPS amendment is justified, staff usually considers:

1. If changing circumstances warrant a further review of this issue; and
2. Whether the proposal is consistent with the overall intent and vision for the area.

In the case of Dartmouth Cove and the former Dartmouth Marine Slips property, application of the Waterfront Designation and Marine Business Zone was intended to reflect the area’s current use, preserve the working character of the waterfront, safeguard a finite harbour resource for future marine industry and encourage marine industry to service an anticipated emerging offshore industry. However, since the SPS was adopted by Council in 2000, the former Dartmouth Marine Slips property has been vacated by Irving Shipbuilding Corporation, marine industry operations have ceased and the property is under agreement to be sold to a private developer. The closure of the shipyards and disposal of the lands was not anticipated by the SPS. The Waterfront Designation and Marine Business Zone applied to the property no longer reflects its present or future use. Therefore, Council should consider redesignating the site.

Scope of an MPS Amendment

Although there is merit to initiating a process to amend the Downtown Dartmouth Secondary Planning Strategy and Land Use By-law to accommodate this proposal, several technical issues regarding the subject property require further evaluation before a final decision can be made:

1. Primary vehicular access to the subject lands from Alderney Drive as proposed, requires crossing of the existing CN rail line. The onus is on the applicant to demonstrate a safe means of access that is acceptable to HRM and Canadian National Corporation.
2. Given the property's long industrial history, the results of detailed analysis of the property's environmental and geotechnical conditions needs to be provided to demonstrate the property's ability to support the redevelopment of the lands for residential and park use.
3. The applicant must demonstrate the ability to infill the Cove to create more land or wharfage through obtaining applicable federal and provincial government approvals as required. While these planning documents do apply zoning to the water lots in the Cove, these documents can only regulate the use (and not the creation) of infilled lands.

Dartmouth's waterfront lands are an invaluable resource, not only to local residents, but to the broader community and region. As such, citizens hold strong views about its future development. There is an expressed desire to encourage development on the waterfront that respects the traditional fabric of development that exists in the Downtown. Furthermore, development of the waterfront should foster quality public recreational and cultural opportunity, serve as a place to experience the working waterfront and provide opportunities to live and shop. The subject property represents a logical extension to the existing residential, recreation and commercial areas of Downtown Dartmouth. In addition, staff recognize that it is important to encourage development that is:

1. in keeping with the desire of the community;
2. appropriate to the growth of the Plan area;
3. encouraged to demonstrate a high quality of urban design; and is
4. compatible with existing adjacent residential, business retail, marine business and community uses.

Thus, if Council agrees to initiate a process to amend the MPS and LUB in respect to this property, staff will examine these issues within the parameters of the development agreement process. This development control mechanism will best facilitate the social and physical integration of this development proposal within the overall community.

Conclusion

Staff recommend that Council authorize initiation of the SPS amendment process for the following reasons:

- Former marine industrial user has vacated the property and is under agreement to sell the property to a private developer;
- The draft Halifax Harbour Plan recommends that the site be considered for a multi-unit residential or mixed use residential development opportunity;
- The closure of the Dartmouth Marine Slips marine industrial activity was not anticipated by the Plan;
- The property abuts the community residential/commercial core and other commercial uses; and
- The property's waterfront vantage offers quality future public access and recreation opportunities.

Should Council not accept staff's recommendation, any future development of the property would continue to be subject to the conditions of the Marine Business Zone.

BUDGET IMPLICATIONS

None

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

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

ALTERNATIVES

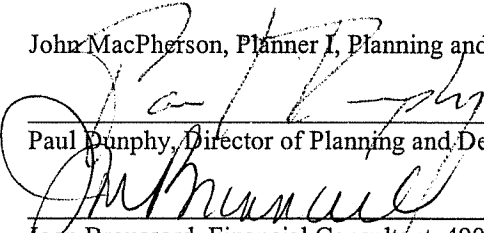
1. Council may choose to initiate the MPS amendment process. This is the staff recommendation.
2. Council may choose not to initiate the MPS amendment process. This is not recommended for reasons discussed above


ATTACHMENTS:

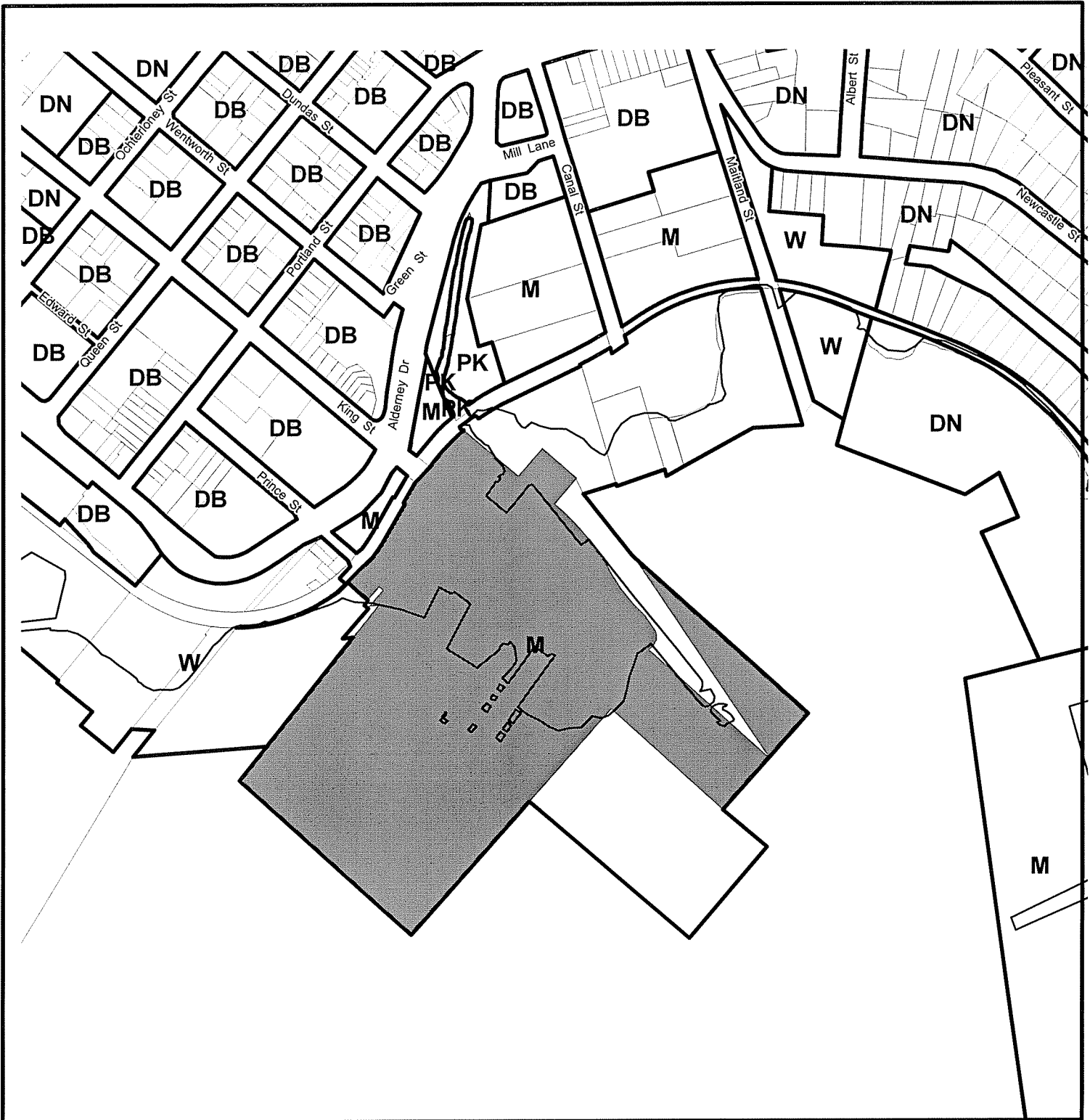
- Map 1: Generalized Future Land Use
- Map 2: Zoning
- Map 3: Waterfront Areas
- Attachment A: Site Plan
- Attachment B: Rendering of Proposal
- Attachment C: Excerpts from the Downtown Dartmouth Secondary Planning Strategy

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: John MacPherson, Planner I, Planning and Development Services, 490-5719

Report Approved by: 
Paul Dunphy, Director of Planning and Development Services


Report Reviewed by: 
Joan Broussard, Financial Consultant, 490-6267



**Map 1
Zoning and Location Map**

Dartmouth Marine Slips

Downtown Dartmouth By-law

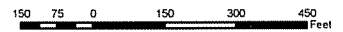
 Subject Property

Zoning

- DB - Downtown Business District
- DN - Downtown Neighbourhood
- PK - Park and Open Space
- W - Waterfront
- M - Marine Business



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This map is an unofficial reproduction of a portion of the Zoning Map for the Downtown Dartmouth Land Use By-law area.


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



**Map 2
Generalized Fututre Land Use**

Dartmouth Marine Slips

Downtown Dartmouth By-law

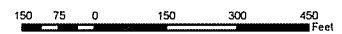
 Subject Property

Generalized Future Land Use

-  Downtown Business District
-  Downtown Neighbourhood
-  Waterfront

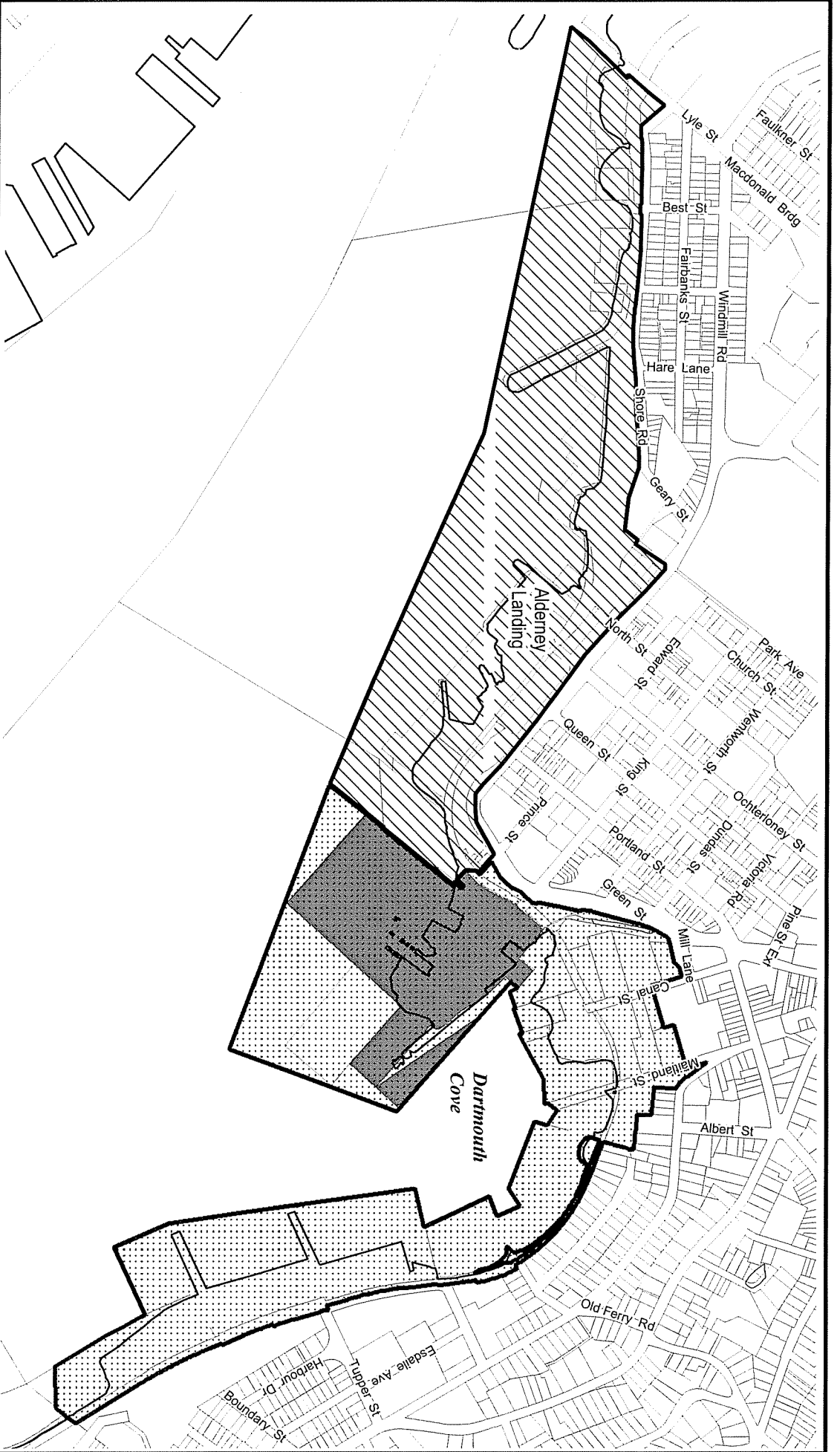


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

This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the Downtown Dartmouth MPS area.

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



Map 3
Waterfront Areas

Dartmouth Marine Slips


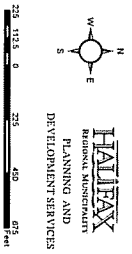
-  Subject Property
-  East Waterfront
-  West Waterfront

Downtown Dartmouth By-law

October 24, 2005

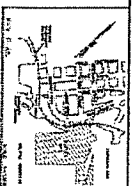
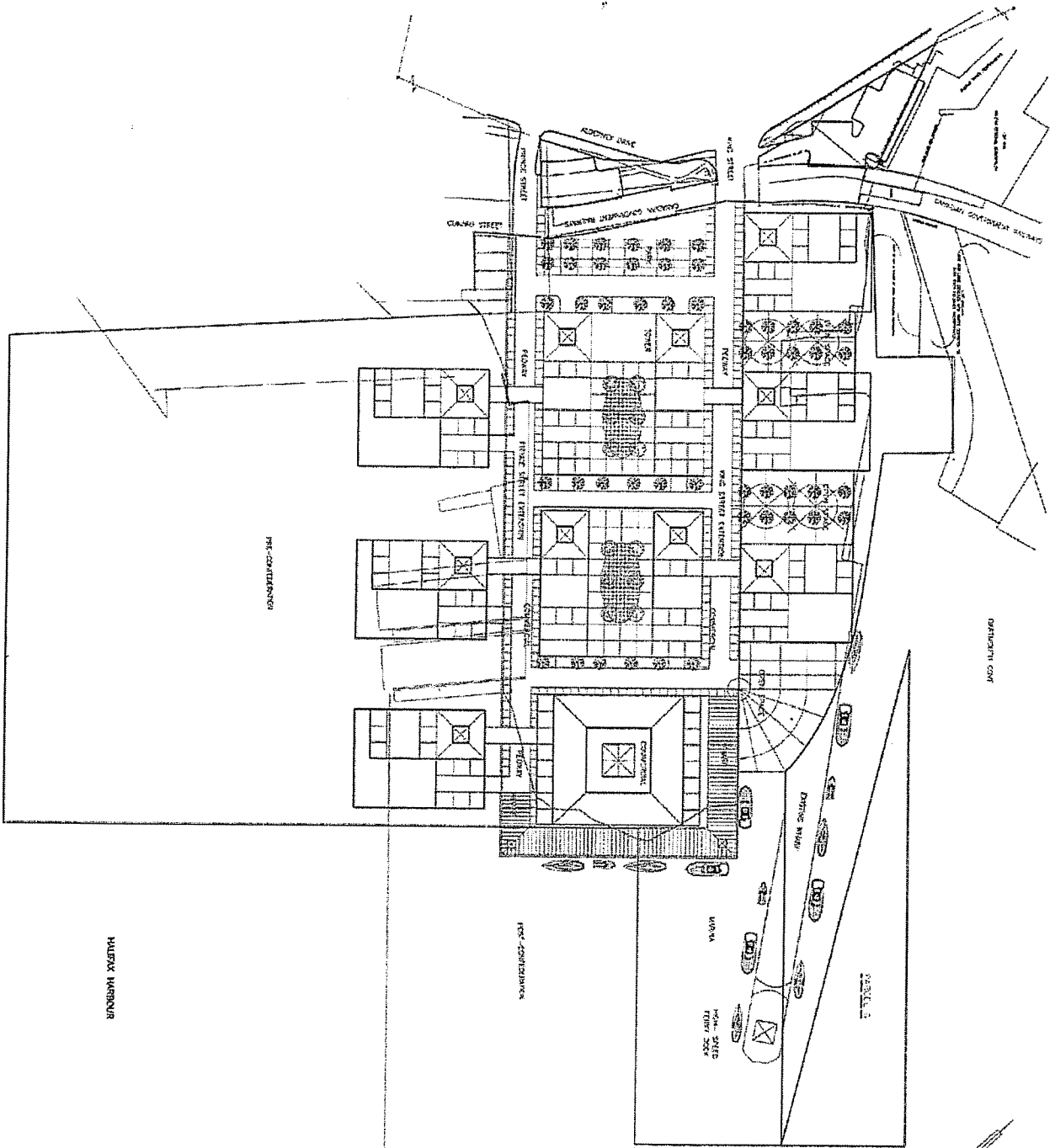
Case 00798

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This map is an unofficial reproduction of a portion of the Zoning Map for the Downtown Dartmouth Land Use By-law area.
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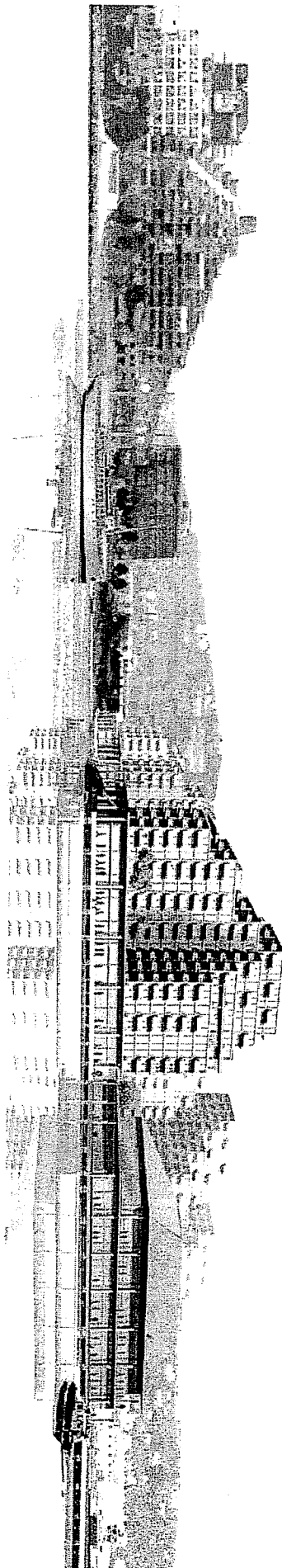
ATTACHMENT A



PLAN OF SHIPYARD OF QUARTER DOCKETS
 DRAWN BY
IRVING SHIPBUILDING CORPORATION
 41 BROADWAY
 NEW YORK, N.Y. 10018
 SCALE: 1/32" = 1'-0"

FOR
ATLANTIC REALTY LTD.
 AND BROKER BY
LYNDON LYNCH
 100 WALL STREET
 NEW YORK, N.Y. 10038

ATTACHMENT B



ATTACHMENT C
POLICY EXTRACTS - DOWNTOWN DARTMOUTH SECONDARY PLANNING STRATEGY

Policy W-8

In recognition of the long history of industry and more recent growth in marine based activities in the Cove, Council shall establish a Marine Business Zone which applies to the majority of water based properties within this area. The Marine Business Zone shall permit the development of a limited range of low impact marine business, commercial, recreation, and light industrial uses compatible with the adjacent residential neighbourhood.

4.4 Urban Design

A common theme which emerged during the planning process is the need to ensure attractive, high quality developments which complement existing architecture and blend into the character of the area.

One of the defining characteristics of the commercial core is the small scale, fine grain, traditional development pattern. For the most part, the original block pattern is intact, and most development consists of older two and three level buildings. The community has expressed a strong desire to retain this character and pattern, while at the same time promoting revitalization and business and housing development,. Clearly, major redevelopment projects like Queen's Square are not successful catalysts of downtown revitalization.

A more human scale of development will enhance the public's sense of safety and comfort, and therefore encourage more people to use the downtown area. Downtown Dartmouth's success will therefore be closely related to the ability to achieve a welcoming and comfortable pedestrian oriented environment.

Policy D-1

HRM should ensure that a high quality of urban design is provided for all major developments in the downtown area. To achieve this objective Council shall adopt the following design guidelines for consideration in the design and renovation of buildings and spaces in the downtown area:

- a) The scale, massing, and grain of future development should reflect the downtown's role as a "people place" and respect its historic, small town character. While specific direction is provided in each of the various policy sections within this plan, in general three to five storeys is the desired scale of development.
- b) The traditional street grid pattern and grain of development should be maintained and re-established in new and existing development.

- c) Building facades should maintain a consistent street edge except to provide access to rear parking areas. The use of interesting colour for building facades should be encouraged where it is complementary to the streetscape to add a sense of vibrancy to the area.
- d) The exterior architectural design of new buildings should be complementary to adjacent buildings of historic or landmark significance in terms of the building height and materials, rhythm, colour, and proportion of the building design elements. Traditional building materials such as wood shingle and brick and preferred. Architectural design details should be provided to encourage visual interest.
- e) Development should be oriented to pedestrians rather than cars. Surface parking areas should be designed to minimize the visual impact on the streetscape.
- f) Microclimate issues such as wind, solar orientation, and shadowing should be considered and capitalized upon in all new development or major renovation projects.
- g) Pedestrian street level activity should be encouraged in all development through the incorporation of outdoor cafes, ground floor uses, and uses that are open beyond daytime hours of operation. Consideration should be given to weather protection for pedestrians through use of decorative canopies and awnings.
- h) Public art should be provided on or adjacent to buildings.
- i) Opportunities to experience nature should be provided to soften the urban setting through the incorporation of roof top gardens, flower boxes, community gardens for vacant lots, and through the use of greenways through the business core.
- j) Important views from public parks and streets should be respected in the design and configuration of development, especially harbour and east-west street corridor views.
- k) Pedestrian circulation and access should be an important consideration of all development. In particular, public access to the water's edge should be protected and enhanced where possible.
- l) A high quality of design should be required for streetscape elements and furniture.
- m) Public safety should be a consideration in the design of new buildings to ensure the design of public spaces does not create opportunities for crime at any time, with special attention paid to placement and intensity of lighting, visibility, directional signage, and land uses which will provide opportunities for eyes on the street through incorporation of residential development and street level activity after normal working hours.

These guidelines shall be administered by Council through its planning approval processes and through agreements for the disposition of public land. In general, these guidelines shall be used to provide general guidance to business operators and developers about public objectives with respect to urban design. The land use bylaw shall set out mandatory design controls for certain aspects of these guidelines.