

RESPONSE TO PUBLIC COMMENTS

DOWNTOWN HALIFAX URBAN DESIGN PLAN: DRAFT 2

Public Review Period, September 15 – October 24, 2008

HRM byDESIGN
Regional Centre Urban Design Study
www.hrmbymdesign.ca

HALIFAX
REGIONAL MUNICIPALITY

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TOPIC 1: HEIGHT

ISSUE # 1: High-rise buildings in the downtown.

ISSUE/CONCERN:

High-rise buildings do not need to be built in the downtown core, and in particular, should not be built on the pre-Confederation narrow streets of downtown or along the waterfront. High-rise buildings can be built elsewhere on the peninsula.

DOCUMENT:

Downtown Halifax Secondary Municipal Planning Strategy

- Chapter 1: Introduction (p. 1)
- Chapter 2: Downtown Halifax Urban Design Vision & Principles (p. 7)

DISCUSSION/OPTIONS:

A fundamental tenet of good urban planning is densification of land use and activity in areas of existing infrastructure. This is for reasons of sustainability in the fullest sense of the word: economic sustainability is achieved through efficient use of existing infrastructure and the enormous capital investment therein, rather than incurring the expense of new infrastructure outside the downtown. Environmental sustainability is achieved by utilizing the natural resources that are already invested in existing infrastructure, and by creating adjacencies of use that promote pedestrianism over automobile use. Social and Cultural sustainability is achieved through the sense of community, identity, proprietorship and safety that results from dense and complete neighbourhoods. The peninsula has lost nearly 30% of its population base over the past 30-35 years with direct negative impact on the fundamental sustainability of the area. The Regional Plan establishes “growth centres” throughout the municipality, primary among them being the Regional Centre. Further the Regional Plan directs that the Capital District (as a subset of the Regional Centre which includes downtown Halifax) be a special focus for growth and intensification. This approach has been reaffirmed through HRMbyDesign public consultation program.

RECOMMENDATION & REQUIRED AMENDMENT:

No changes are recommended.

ISSUE # 2: Maintain current height limits over heritage buildings.

ISSUE/CONCERN:

As a way to protect heritage buildings, leave current height limits in place over heritage buildings or require approval by Council for any development that will replace or extensively alter the appearance of a heritage building.

DOCUMENT:

Downtown Halifax Secondary Municipal Planning Strategy

- Chapter 3. Built Form and Precinct Framework (p. 17)
- Chapter 4. Heritage Conservation (p.32)
- Maps 4 & 5 Maximum Pre-Bonus and Maximum Post-Bonus Heights
- Map 7 Heritage Districts

Downtown Halifax Land Use By-law & Design Manual

- S. 8.3 – 8.4 Registered Heritage Properties (p. 24)
- S. 8.5 – 8.6 Registered Heritage Properties: Development on Abutting Property (pp. 24 – 25)
- S. 8.7 – 8.11 Building Height: Maximum Pre-bonus Heights and Maximum Post-bonus Heights (p. 25)
- S. 12.6 Bonus Exception for Registered Heritage Buildings (p. 33)
- Maps 4 & 5 Maximum Pre-Bonus and Maximum Post-Bonus Heights

DISCUSSION/OPTIONS:

(Same response as Issue #21 and #45)

Rooftop additions are sometimes needed to ensure the ongoing economic viability of heritage buildings, particularly commercial heritage buildings, to provide additional leaseable floor area and income to pay for the costs of restoration and rehabilitation or adaptive re-use. The draft Downtown Plan and LUB will allow additions that comply with the built form and massing framework and the Design Manual. The Heritage Building Conservation Standards also suggest criteria under which such additions are appropriate.

The majority of registered heritage buildings in the downtown study area (88 of the 126 registrants, or 70%) are located in proposed Heritage Conservation Districts with an absolute maximum height of 70 feet.

With regard to materials, HRM’s Heritage Building Conservation Standards suggest “new work to be differentiated from the old ... (and) ... compatible with massing, size, scale and architectural features to protect the historic integrity of the property...” The standards do not rule out contemporary design when compatible with the stated criteria. The acceptability of contemporary design in the historic context is also articulated in the *Federal Standards & Guidelines for Historic Places in Canada*, which in the section on “Additions to Historic Places” advise that “design for the new work may be contemporary or may reference design motifs from the historic place...” The LUB’s Design Manual also reflects the acceptability of contemporary design in the historic contexts in section 4.1, “New Development in Heritage Contexts.”

The advice of the Heritage Advisory Committee and the judgement of the Design Review Committee will be relied upon to determine whether any proposed addition is congruous with the Conservation Standards and the Design Manual.

RECOMMENDATION & REQUIRED AMENDMENT:

Recommendation to amend *DHSMPS Section 4.3-Heritage Functional Plan* to highlight this issue for further study under the Functional Plan.

ISSUE # 3: Increased height limits are an incentive to demolish heritage buildings.

ISSUE/CONCERN:

Increasing as-of-right height limits on heritage buildings would provide a financial incentive to demolish the heritage property after the mandatory delay and build a high-rise in its place.

DOCUMENT:

Downtown Halifax Secondary Municipal Planning Strategy

- Chapter 3. Built Form and Precinct Framework (p. 17)
- Chapter 4. Heritage Conservation (p.32)
- Maps 4 & 5 Maximum Pre-Bonus and Maximum Post-Bonus Heights
- Map 7 Heritage Districts

Downtown Halifax Land Use By-law & Design Manual

- S. 8.3 – 8.4 Registered Heritage Properties (p. 24)
- S. 8.5 – 8.6 Registered Heritage Properties: Development on Abutting Property (pp. 24 – 25)

- S. 8.7 – 8.11 Building Height: Maximum Pre-bonus Heights and Maximum Post-bonus Heights (p. 25)
- S. 12.6 Bonus Exception for Registered Heritage Buildings (p. 33)
- Maps 4 & 5 Maximum Pre-Bonus and Maximum Post-Bonus Heights

DISCUSSION/OPTIONS:

(Copied from Issue #27)

The heights in the Plan reflect a carefully considered balance between low, medium and high-rise buildings, which are consistent with the shared vision for the downtown, arrived at through public consultation. The historic core of the city is protected by maximum building heights of 70 feet in the Barrington Street Heritage Conservation District (HCD), and in the proposed Barrington South and Historic Properties HCD's. Additionally the land abutting the Citadel has a maximum height of 75', which is no change from current policy.

Rather than encouraging demolition, these heights, combined with other design guidelines, enable modest, compatibly designed rooftop additions to improve the economic potential of the heritage buildings and encourage their rehabilitation and continued use. In addition, strengthened demolition controls increase the disincentive to demolish. In the Barrington Street Historic District, an enhanced grant program and a new tax credit program will also encourage property owners to retain and restore their buildings.

RECOMMENDATION & REQUIRED AMENDMENT:

No changes are recommended.

ISSUE # 4: Tall buildings will create wind tunnels, shadows, and block views of the harbour.

ISSUE/CONCERN:

High-rises downtown will block the light, views of the harbour, and create wind runnels, which are dangerous for pedestrians because they create ice on the sidewalks in the winter.

DOCUMENT:

Downtown Halifax Land Use By-law & Design Manual

- S. 10 Building Setbacks (p. 29)

- S. 8.14, 8.15, 8.16 View Plane Requirements (p. 26)
- S. 8.17 Rampart Requirements (p. 26)
- S. 8.18 Wind Impact (p. 26)
- Schedule S-2 Wind Assessment Performance Standards

DISCUSSION/OPTIONS:

The Built Form guidelines (height, massing, setbacks, stepbacks, etc.) have been designed to ensure minimization of shadow and wind impacts, and maximization of views and sunlight penetration. The mid-rise portion of buildings outside of the central blocks of the downtown are required to have a side yard setback of no less than 10% of the lot width. The high-rise portion of buildings in the downtown are required to be setback no less than 38 feet from an interior lot line and be no more than 90 feet in width and 125 feet in depth. Furthermore they are required to have a minimum setback of 60 feet between office towers and 76 feet between residential towers. This will promote narrow tower designs with a more open skyline.

Every application for a building exceeding 60 feet in height is required to be accompanied by a Wind Impact Assessment (WPA). This site-specific study shall determine the expected level of comfort for various activities within the public realm, such as parks and sidewalks. Where the study identifies a negative impact on public realm space, the Development Officer or Design Review Committee can require mitigative measures be taken in the design of the building.

RECOMMENDATION & REQUIRED AMENDMENT:

No changes are recommended.

ISSUE # 5: Build on a human scale.

ISSUE/CONCERN:

Tourists, residents, and businesses like to live, visit and do business in cities built on a human scale. High-rise buildings do not enhance neighbourhoods.

DOCUMENT:

Downtown Halifax Secondary Municipal Planning Strategy

- Chapter 2: Downtown Halifax Urban Design Vision and Principles (pp. 7 – 16)
- S. 3.2.2 – Pedestrian-oriented Commercial Streetscapes (p.19)

- S. 3.3.2 – Building Envelopes (p. 22)
- S. 3.3.4 – Streetwall Character (p. 23)

Downtown Halifax Land Use By-law & Design Manual

- Schedule S-1: Design Manual
 - S. 2.0 Downtown Precinct Guidelines (pp. 2 - 8)
 - S. 3.0 General Design Guidelines (pp. 9 - 29)

DISCUSSION/OPTIONS:

The Downtown Plan balances future growth between low-rise (max. 60'), mid-rise (60' - 110') and a proportionately small amount of high-rise (110'+) development. Regardless of the overall height of buildings, the proposed Land Use By-law and the Design Manual contained within it ensure that the experience of the pedestrian on any street will be of “streetwalls” (Map #7, LUB) that are never taller than a very human-scaled 50' to 60' (approx. 4 stories). In those areas where building height may continue above the streetwall, it is necessary for that taller portion of the building to step back a minimum of 10' so that there will be no sense of a building looming above the sidewalk. This approach also reduces shadow and wind impact on the sidewalk while increasing sunlight penetration. Further, for high rises above 110' strict rules for maximum building width (90' x 125') and building separation (min. 80') ensure sky view and light penetration. At a finer scale of detail, the Design Manual ensures the use of high quality building materials and building articulation with human-scaled elements. The Plan acknowledges and supports the notion that high-rise buildings do not enhance neighbourhoods, and therefore concentrates them only in certain areas of the commercial core of downtown, in areas where tall buildings already exist.

RECOMMENDATION & REQUIRED AMENDMENT:

No changes are recommended.

ISSUE # 6: Economic pressure on heritage buildings.

ISSUE/CONCERN:

The new height limits are pre-fuel crisis and pre-economic crisis. They place an insurmountable pressure on historic and other existing, lower buildings to be replaced.

DOCUMENT:

Downtown Halifax Secondary Municipal Planning Strategy

- Chapter 3 - Built Form and Precinct Framework (p. 17)
- Chapter 4 - Heritage Conservation (p.32)
- Maps 4 & 5 Maximum Pre-Bonus and Maximum Post-Bonus Heights
- Map 7 Heritage Districts

Downtown Halifax Land Use By-law & Design Manual

- S. 8.3 – 8.4 Registered Heritage Properties (p. 24)
- S. 8.5 – 8.6 Registered Heritage Properties: Development on Abutting Property (pp. 24 – 25)
- S. 8.7 – 8.11 Building Height: Maximum Pre-bonus Heights and Maximum Post-bonus Heights (p. 25)
- S. 12.6 Bonus Exception for Registered Heritage Buildings (p. 33)
- Map 4 Maximum Pre-Bonus Heights
- Map 5 Maximum Post-Bonus Heights

DISCUSSION/OPTIONS:

The densification of settlement patterns and land use has the most impact on community energy and resource conservation. The implementation of the Barrington Street Heritage Conservation District, and the prioritization of two more conservation districts within the downtown study, is a major element of HRMbyDesign. Heritage properties outside the boundaries of heritage conservation districts are protected through detailed heritage design guidelines, through the municipal heritage conservation guidelines, through density bonusing provisions that mandate heritage protection, and by the ongoing oversight of the Heritage Advisory Committee. The Downtown Plan represents a leap forward in improved heritage protections over what is possible under current policy.

RECOMMENDATION & REQUIRED AMENDMENT:

No changes are recommended.

ISSUE # 7: Historic Facades and New Development.

ISSUE/CONCERN:

Height limits should not be changed until we have assurances that we can at least keep the fronts and 'style' so that our downtown can be beautified with development in the same way that Montreal and Toronto have been.

DOCUMENT:

Downtown Halifax Secondary Municipal Planning Strategy

- S. 4.5.1 Heritage Building Conservation Standards (p.36)

Downtown Halifax Land Use By-law & Design Manual

- Schedule S-1: Design Manual
 - S. 4.4 Heritage Design Guidelines for Integrated Developments and Additions (p.38)

DISCUSSION/OPTIONS:

(Copied from Issue #20)

In any given case, the answer to this concern will depend on a determination of the impact of a proposed development on the character defining elements and heritage value of the building. The Design Manual states that:

In instances where the heritage value of a building includes its three-dimensional character (width, depth and height), the entire building envelope should be conserved, and the transition of new construction to, and from, heritage buildings should respect all three dimensions. In instances where the heritage value is limited to a single (i.e. front) facade, as in a row building, then the transition to new development need only address the two-dimensional heritage façade.

Heritage Building Conservation Standards # 9 and #10 require that:

New additions, exterior alterations, or related new construction shall be ... compatible with the massing, size, scale and architectural features to protect the historic integrity of the property ... and shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property ... would be unimpaired.

Depending on the advice of the Heritage Advisory Committee and the decision of the Design Review Committee, “facadism” (vs. preservation of the entire building envelope) might be allowed in some cases but not in others. In all cases, however, the requirement for a minimum 10 ft. stepback of upper storeys above the retained façade will ensure the visual prominence of existing cornice lines and the forward portion of existing roof forms.

RECOMMENDATION & REQUIRED AMENDMENT:

No changes are recommended.

ISSUE # 8: Increase height allowance on NSCAD’s Granville Campus.

ISSUE/CONCERN:

As part of NSCAD's new strategic plan there is potential for NSCAD to develop an atrium and interconnect these Victorian style buildings, properly allowing for accessibility on all floors. The development potential is enormous including Eastern Canada's largest art and design library, with a digital media collection second to none in Canada. I urge HRMbyDesign to allow for a 100-foot height allocation for NSCAD's Granville Campus as we move forward in our development plans as the major resource at the forefront of Atlantic Canada's cultural economy. The 70-foot height limitation will undermine the financial feasibility of our expansion plans.

DOCUMENT:

Downtown Halifax Secondary Municipal Planning Strategy

- S. 2.0 Overall Vision for Downtown Halifax (pp. 7 - 16)
- S. 4.0 - 4.6 Heritage Conservation (pp. 32 – 38)
- S. 5.0 Introduction: Economic Development (p. 39)
- S. 5.1 Economic Competitiveness (p. 40)
- Map 7 Heritage Districts

Downtown Halifax Land Use By-law

- S.8.3 - 8.4 Registered Heritage Properties (p. 24)
- S. 8.5 Registered Heritage Properties: Development on Abutting Property (p.24)
- Schedule S-1: Design Manual
 - Chapter 4 – New Development in Heritage Contexts (pp. 30 – 58)

DISCUSSION/OPTIONS:

Through the project’s consultation the community identified vibrancy, distinctiveness and liveability as core guiding principles for the future of downtown Halifax. The 10 Big Moves for Downtown further elaborate on the importance of improving and enhancing Granville Mall, and the Vision for Precinct 7 specifically refers to the importance of NSCAD as an anchoring presence in the downtown. At this location NSCAD is a critical economic driver that infuses the downtown with its unique cultural presence and the youthful energy of its students.

To ensure its future success NSCAD has requested that the proposed height limit of 70’ (as shown in Draft 2) be increased to 100.’ A letter from NSCAD president David Smith outlines the rationale for this request. Based on discussions between NSCAD and HRM staff, staff has recommended that NSCAD reduce it’s request to 90.’ This modest height increase would allow a subtler rooftop addition that would observe the required Stepbacks and heritage design guidelines, subject to the review of the

Heritage Advisory Committee (HAC) and the proposed design review committee (DRC). DRC and HAC oversight, combined with the heritage protections built into the Plan for heritage-related development would ensure a positive outcome.

NSCAD must therefore be given every opportunity to not only succeed in this location, but to excel. Increasing the proposed height over the city block bound by Duke, Granville and Hollis by 20' from the currently proposed 70' to 90' would permit NSCAD to undertake a much needed renovation and expansion while ensuring the ongoing preservation of the historic structures within its campus. The loss of NSCAD at this prime downtown location would be a devastating blow to the vitality of downtown and to its cultural landscape, and would fall short of the establish vision and principles for downtown.

RECOMMENDATION & REQUIRED AMENDMENT:

Recommendation that the Urban Design Task Force increase the maximum permitted height on the subject block from the 70' in Draft 2 to 90' to help ensure the ongoing viability of the downtown NSCAD campus.

TOPIC 2: PRECINCTS

ISSUE #9: Remove the Spring Garden/Queen Street area in precinct 3 from this plan.

ISSUE/CONCERN:

The Spring Garden/Queen Street Public Lands Plan is one of the most successful and publicly accepted plans ever seen in this municipality. Included in that plan was the Old Halifax Infirmary lands, the Library, the Courthouse and the two parking lots behind Spring Garden Road. Public participation in the development of this plan was amazing. The final plan reflected public sentiment, and people knew they'd been heard. Now the 11-acre parcel has been scooped into the HRMbyDesign plan to be renegotiated. Heights are being increased; land uses renegotiated, public trust undermined, and citizen confidence lost. Remove this area from the HRMbyDesign plan.

DOCUMENT:

Downtown Halifax Secondary Municipal Planning Strategy

- S. 2.3.3 Vision for Precinct 3: Spring Garden Road Area (p.12)
- Policy 1 (p.16)
- S. 3.1 Downtown Precincts (pp.18-19)
- S. 3.4.10 Spring Garden Road Precinct (p. 30)

- Map 2 Downtown Precincts

DISCUSSION/OPTIONS:

Regional Council's 2007 approval-in-principle of the Spring Garden Road/Queen Street Area Joint Public Lands Plan still stands. For this reason the Public Lands Plan has been transplanted in its entirety, as-is, into HRMbyDesign. By doing so the Public Lands Plan will have the force of law by converting its recommendations into by-law requirements.

Additionally, HRMbyDesign introduces a significant built form improvement to the previous Joint Public Lands Plan's built form recommendation on the area of the Clyde Street Parking lots. The Public Lands Plan called for a 60 ft. streetwall with no street level setback. Following more detailed study of this area and in consideration of the neighbouring Schmitzville residential area, HRMbyDesign has recommended a 50 ft. streetwall and a 15 ft. street wall setback. These changes significantly improve the transitional quality of future development on the Clyde Street lots to the adjacent neighbourhood.

Removing this area from HRMbyDesign would leave the Joint Public Lands Plan's excellent directives with the weak status of recommendations, and would leave Schmitzville more vulnerable to the impacts of new development.

RECOMMENDATION & REQUIRED AMENDMENT:

No changes recommended.

ISSUE #10: Lower heights in Precinct 8 to transition properly to low rise buildings on Brunswick Street.

ISSUE/CONCERN:

Heights of buildings on the western edge of Precinct 8 should be lowered to provide a proper transition to the Brunswick Street area. There has already been a noticeable amount of development and renovation on Brunswick Street north of Cogswell and on Portland Place that has been sensitive to the heritage character of the area.

DOCUMENT:

Downtown Halifax Secondary Municipal Planning Strategy

- S. 2.3.8 Vision for Precinct 8: Cogswell Area (p.15)
- S. 3.0 Built Form and Precinct Framework (p. 17)
- Map 2 Downtown Precincts
- Map 4 Maximum Pre-Bonus Heights
- Map 5 Maximum Post-Bonus Heights

Downtown Halifax Land Use By-law & Design Manual

- S. 8.7 – 8.11 Building Height: Maximum Pre-bonus Heights and Maximum Post-bonus Heights (p. 25)
- Map 4 Maximum Pre-Bonus Heights
- Map 5 Maximum Post-Bonus Heights

DISCUSSION/OPTIONS:

The heights in the current draft have been carefully created and heavily consulted by thousands of project stakeholders and the citizen-led Urban Design Task Force. Creating a positive transition to neighbouring communities is very important to the project and was a key consideration in the development of the current height map. In fact, the height along the edge of Precinct 8 was higher in the first few versions of the map, and as a result of public comment, the heights have been lowered. The proposed heights for that area are the result of several factors:

- HRMbyDesign aims to increase the density of the downtown area and bring people to live and work in the downtown. This means there will be a need for more mid-rise buildings where they are appropriate.
- There are existing buildings in that area of a similar or taller height.
- This is, and will continue to be an important gateway into the central business district.
- The redevelopment of the Cogswell Interchange is important to the long-term revitalization of the downtown.
- The proposed building heights in this area already transition downward to the Brunswick Street area.

RECOMMENDATION & REQUIRED AMENDMENT:

No changes are recommended.

ISSUE #11: Locate all tall buildings in Precinct 8 in the Cogswell Interchange area.

ISSUE/CONCERN:

At Forum 4, one speaker from the audience said that we should tear down the Cogswell Interchange right away, reconfigure the street pattern, and free up that land for development. It seemed that everyone in the audience agreed that was a terrific idea. It would clear the way for 'Wall Street' in the

downtown core. No heritage buildings would be sacrificed for development. There would be no disputes over 'Viewplanes'. Developers could have the heights they want with no opposition or fear of appeals. Heritage advocates could have their mid-rise continuity and in-fill in the rest of the downtown that they want. We'd have our walkable streets, no issues about right to sunlight or wind tunnels. We'd have all the amenities we were promised in the 'Ten Big Moves'. It is a win-win situation.

DOCUMENT:

Downtown Halifax Secondary Municipal Planning Strategy

- S. 2.0 Overall Vision for Downtown Halifax (p. 7)
- S. 2.1 Guiding Principles (p. 8)
- S. 2.2 The Ten Big Moves (Big Move #4) (p. 9)
- S. 2.3 Downtown Precinct Visions (p.10-16)

DISCUSSION/OPTIONS:

The Cogswell area holds a great deal of promise for development of all scales and uses, new open spaces, and reconnection of the north end to downtown. To ensure that its future redevelopment proceeds in a way that is supportive of community aspirations and of the vision for downtown as voiced by the public through HRMbyDesign, a Cogswell Area Master plan study will be launched in the next several months. This study will determine how and when the interchange will be removed, the layout of the new at-grade block pattern that will replace it, as well as resolve myriad technical issues related to traffic, drainage, utilities and more.

However it is important to understand that the central downtown must have its issues resolved before yet more competition is introduced in the form of new development in the Cogswell area. The central downtown suffers from an acute lack of density of use, from vacant storefronts and more than forty vacant lots which are a blight. The central downtown is also subject to intense competition from suburban retail centres and shopping malls. A central principle of HRMbyDesign is to address these negative influences by encouraging more people to live and work downtown. As such, the Cogswell lands are to be looked upon as a land bank to be drawn upon when the central downtown is out of harm's way from additional competition.

RECOMMENDATION & REQUIRED AMENDMENT:

Recommendation to clarify the Precinct 8 vision to reflect the 'land bank' intent of this precinct.

ISSUE #12: Remove Precinct 9 from the Downtown Plan Area.

ISSUE/CONCERN:

At a public forum before downtown Halifax became the priority of HRMbyDesign, there were many good ideas generated for the Gottingen Street area and surrounding north end neighbourhoods. The outcomes of these workshops favoured a relatively low-rise character for the area (no more than 4 storeys). Elements of the HRMbyDesign final draft for the downtown, which deals with areas adjacent to the Gottingen Street area, either ignore totally the outcomes of those workshops or contradict their vision. Remove this precinct from the Downtown Plan so that it can receive its own detailed neighbourhood study.

DOCUMENT:

Downtown Halifax Secondary Municipal Planning Strategy

- S. 1.2 How this Plan was Created (p.3)
- S. 2.3.9 Vision for Precinct 9: North End Gateway (p.15)

DISCUSSION/OPTIONS:

This issue was raised in the previous public review period in April. At that time, the Urban Design Task Force determined that the area is an important gateway into the downtown, so it was retained in the Downtown Plan Area. This area is also an important transition between the historic neighbourhood to the north and the Citadel. Several developments have been proposed for this area in the past but without the benefit of a detailed and long-term vision for the area. HRMbyDesign provides that vision through its precinct approach and overall vision and principles for the area. It is an area that is in need of revitalization, with sensitive, appropriate development that respects the neighbouring low-rise communities, its proximity to Citadel Hill, while ensuring that it doesn't remain a parking lot.

RECOMMENDATION & REQUIRED AMENDMENT:

No changes are recommended.

TOPIC 3: BUILT FORM (3-D MODEL)

ISSUE #13: Release the 3-D model of the downtown to the public for review.

ISSUE/CONCERN:

Although HRMbyDesign promised to deliver a street-level, maximum heights 3D computer model of the plan, it has not appeared. We, the public, have never seen what we're supposed to be getting. Therefore, we cannot decide whether or not we approve of the design. This is not the public consultation so often proclaimed by HRMbyDesign.

DOCUMENT:

N/A

DISCUSSION/OPTIONS:

The idea of a comprehensive 3D model was not in the original Request for Proposals and thus has never been a requirement of the project. This idea was conceived well into the project as a way for the project team and UDTF to visualize various built form options. A rudimentary 3D model has been created that has proved very helpful in this work, however until it is vetted for accuracy it cannot be made available to the public. It was made very clear at the commencement of the 3D model creation process that it would be for internal use only, and would only be released after it had been extensively checked for accuracy. This continues to be the case. It is HRM's intention to make the model available to everyone for free via our website when it is ready.

RECOMMENDATION & REQUIRED AMENDMENT:

No changes are recommended.

TOPIC 4: DEVELOPMENT APPROVALS, APPEALS & DESIGN REVIEW

ISSUE # 14: Details of the proposed appeals process.

ISSUE/CONCERN:

How will the citizen appeal process work if the proposed plan and provincial legislative amendments are approved?

DOCUMENT:

Downtown Halifax Secondary Municipal Planning Strategy

- S. 3.4 Development and Design Review Process (pp.25 – 31)

DISCUSSION/OPTIONS:

Non-substantive, as-of-right site plan reviews approved by the Development Officer will not be subject to appeal. The Land Use By-law is clear about what types of development applications will be considered non-substantive.

In the event of a substantial site plan application; the Development Officer will approve the quantitative, height and building massing, with design to be approved by the Design Review Committee. In the case of an approved site plan by the Design Review Committee, the applicant and the property owners within the specific notification area (to be determined by Council) are notified. Any one of the notified property owners can appeal within 14 days of receiving the notice. Council hears the appeal(s) and renders a decision. The Development Officer then issues a permit or refuses a permit based on Council's decision. In the event of a refusal by Council, the applicant may appeal further to the URB. The appeal, however, could only be based on claims of a flawed process.

In the event of a refused site plan by the Design Review Committee, only the applicant has a right of appeal to Council within 7 days. The adjacent property owners are notified of the hearing and given an opportunity to speak. Council then decides to approve or refuse the development. If it is not approved, the applicant can appeal the decision to the URB as outlined above.

RECOMMENDATION & REQUIRED AMENDMENT:

No changes are recommended.

ISSUE #15: The Land Use By-law has not received enough public consultation.

ISSUE/CONCERN:

We have been told that the consultation process leading up to the submission of the draft report provided the opportunity for public scrutiny and review, of which the current review period is the last stage. While we do not dispute that the public workshops and open-house sessions were well attended and that many follow-up comments were received, the LUB and approvals process were not discussed in detail except at invitation-only meetings following the April review period. Most members of the public are therefore unaware of the specific provisions of the LUB or the site-plan approvals process. The public cannot be assumed to have waived its right to comment on specific development proposals by agreeing to the broad general principles enshrined in the HRMbyDesign draft reports.

DOCUMENT:

N/A

DISCUSSION/OPTIONS:

Public input and participation are essential to the success of HRMbyDesign's plan for downtown Halifax and for the project overall. This is why thousands of residents and stakeholder groups have been consulted with, listened to, presented to, and engaged with over the past 18 months. While the Land Use By-law and the details of the development approvals process have been more recently presented to the public (over the past 8 months), they have been available for public scrutiny and comment.

- In April 2008, a Land Use By-law fact sheet was released with the first draft of the other major components of the plan, as the Land Use By-law was in its final stages of development. The Land Use By-law fact sheet outlined the major components of the height and built form framework, the design guidelines, and the proposed development approvals process through site plan approval. This fact sheet was part of a 3-week public review of all of the documents and we received many comments on the contents of the fact sheet.
- In May 2008, the entire by-law was examined and discussed at a workshop with a diverse group of stakeholder groups representing various sectors that will work with the by-law or live or work in the downtown area. This by-law workshop resulted in several improvements to the document, in addition to recommendations from a local architectural review.
- In September 2008, a second draft of the entire plan including the by-law was publicly released for a 6-week public review, during which time the public were encouraged to submit comments on the plan documents. This report is a response to those comments.

RECOMMENDATION & REQUIRED AMENDMENT:

No changes are recommended.

ISSUE #16: The development approvals process will not be more streamlined, nor will it provide more clarity or predictability.

ISSUE/CONCERN:

The LUB specifies a number of variances that can be permitted by the DRC, subject to criteria set out in the Design Manual. These include changes to exterior cladding, streetwalls, setbacks, and certain precinct-specific requirements. The Design Manual specifies a range of criteria that "should" apply in these cases, but the criteria are flexible. Although this flexibility is both deliberate and generally desirable, its effect is to introduce another level of interpretation into the approvals process. This

matters because the DRC, rather than being advisory, is the decision-making body. Although its decisions can be appealed, appeals will be based on design (qualitative points) rather than compliance with the LUB (quantitative points). Appeals based only on merits of design seem likely to be inconclusive and frustrating to all concerned. The decision of the DO, which will also necessarily involve some level of interpretation, cannot be appealed, even if a mistake has been made in applying the LUB. Considering all of the above, how is the proposed process more streamlined, clear or predictable?

DOCUMENT:

Downtown Halifax Secondary Municipal Planning Strategy

- S. 3.4 Development and Design Review Process (pp. 25 – 31)

Downtown Halifax Land Use By-law & Design Manual

- S. 5.1 – 5.13 Administration (pp. 14 – 17)

DISCUSSION/OPTIONS:

The variances powers being proposed for the Design Review Committee are intentionally minimal, and are simply intended to allow for graceful design solutions in situations where a convergence of technical issues and otherwise rigid LUB requirements would result in a less than desirable built form. As noted in the comment, this flexibility is both deliberate and generally desirable. The important question to ask is, are the proposed policies clearer and less ambiguous than current policies - and the answer is yes, overwhelmingly so.

It is central to the mandate of HRMbyDesign to articulate a vision for the downtown, to provide clear and unambiguous policy that embodies the vision, and to provide a predictable and timely process through which the new policy is administered. The timeliness and predictability of the process is founded on entrenching building height and mass (quantitative elements) in the LUB for as-of-right approval by a Development Officer. It should be noted that such decisions are appealable to the Supreme Court of Nova Scotia. The Design Review Committee, as a body of professional architects, landscape architects, city planners, and engineers, is uniquely positioned to render expert judgments on the design treatment of the building mass & height that has been approved by the Development Officer. Taken together, the decision of the Development Officer, the Design Review Committee, and the Heritage Advisory Committee where applicable, must be rendered within 60 days of receipt of a complete application.

RECOMMENDATION & REQUIRED AMENDMENT:

No changes are recommended.

ISSUE #17: The democratic rights of citizens and Council will be lost in the proposed development approvals process.

ISSUE/CONCERN:

Under provisions designed to "streamline the development approvals process", only property owners-not renters or lessees-within a 100' radius of development proposals will be informed of such proposals. No longer will other citizens be entitled to a public hearing before Council. Council itself will lose the power of proposal approval or rejection, except in the case of appeals from people within 100'. And should the Development Officer or Design Review Committee or Council reject a proposal only the proposal applicant (i.e., the developer) may appeal to the Utilities and Review Board. This process will remove the democratic rights of citizens to have input on development proposals in their downtown, a place that belongs to all residents of HRM.

DOCUMENT:

Downtown Halifax Secondary Municipal Planning Strategy

- S. 3.4 Development and Design Review Process (pp.25 – 31)

Downtown Halifax Land Use By-law & Design Manual

- S. 5.1 – 5.13 Administration (pp.14 – 17)

DISCUSSION/OPTIONS:

A key objective of this Plan is to implement a more streamlined and efficient development approvals process that will provide clarity and predictability to both citizens and developers about how much, and how big new developments can be in downtown Halifax, and how long their approval will take. In order to do that, pre-established maximum building heights and massing rules have been put into the new Land Use By-law. This by-law is the result of significant public consultation over the last year, with a diverse group of thousands of citizens and other key stakeholders. Opportunities for public input into the new development approvals process include:

- Voluntary public information meetings (PIMs) to be held by the developer in the pre-application phase.
- Design Review Committee and Heritage Advisory Committee meetings are open to the public for observation.

- Citizens located within the notification area can appeal an approval to Council, the format of which is like a public hearing.
- Developers can appeal refusals to Council and subsequently to the Utility and Review Board.
- This Plan contains an annual and 5-year monitoring and review program, guided by a citizen-based Standing Advisory Committee, to be appointed by Council.

Perhaps the most important point to recognize is that for the past two years, HRMbyDesign has been engaging citizens in the development of a vision and urban design principles for the Regional Centre, with the last year focused solely on a plan for downtown Halifax. This consultation and engagement is a democratic, community-led process whereby citizens have the opportunity to say now what they want the downtown to look like over the next 25 years of the Plan. The primary opportunity for major public input and participation is now as part of the process of writing and finalizing this Plan.

After the Plan is adopted, there will still be opportunities for public input (see previous bullets) but the focus of the new process will be *transparency* not direct participation. This new transparent approach will encourage the public to monitor the development application process to ensure the policies being collaboratively created now are being implemented as intended, and with the intended outcomes.

Finally, this proposed process is more open and provides more opportunities for public participation than some existing approvals processes. For example, all of the major developments on and around Spring Garden Road such as the Paramount, the Martello, Artillery Place, Garrison House, Park Lane, and City Centre Atlantic were all approved as-of-right with no application-by-application input from the public. The vision for the area however is contained in the Secondary Planning Strategy for that area, which was developed in cooperation with citizens. What HRMbyDesign is proposing is a middle ground between today's high amount of public participation, and the as-of-right situation on Spring Garden Road, in consideration of the requests of the public to maintain some involvement.

RECOMMENDATION & REQUIRED AMENDMENT:

No changes are recommended.

ISSUE #18: Increase the time limits for Design Review Committee decisions and Council appeal decisions.

ISSUE/CONCERN:

As we understand it, if time permitted for application decisions expires, the applications are automatically rejected. The Design Review Committee has only 30 days to render a decision on a complete application. If the 30 days expire before a decision is rendered, the application is rejected. Similarly, appeals of the decisions of the Design Review Committee go to Regional Council. Council has 60 days to render a decision. If time expires, the application is rejected.

We are concerned that this option will allow for applications to simply expire without decisions being rendered. This expiration option does not contribute to the overall goal of HRMbyDesign, which is to bring decisiveness into the development approval process. We would encourage revision of this process, to ensure votes are taken before the 30 day (DRC) and 60 day (Regional Council) deadlines.

DOCUMENT:

Downtown Halifax Secondary Municipal Planning Strategy

- S. 3.4 Development and Design Review Process (pp.25 – 31)

DISCUSSION/OPTIONS:

Although the main objective of instilling these timelines is to expedite the approvals process, it is not the intention of HRM to force applications to be rejected because time runs out. Initially, HRM had requested a 60-day time limit for decisions of the Design Review Committee and it is our understanding that the provincial government has approved this request and the change will be made in the legislation before it is approved. We believe that these timelines will work for both the DRC and Council. However, there will be an option explored whereby a sub-committee of Council could hear appeals, so that the regular Council meetings are not bogged down by these appeals.

RECOMMENDATION & REQUIRED AMENDMENT:

No changes are recommended.

ISSUE #19: Continue to use development agreements instead of site plan approval.

ISSUE/CONCERN:

The Heritage Trust opposes the consideration of major, discretionary developments by site plan approval and recommends the use of development agreements instead. Development agreements provide a reasonable balance between the rights of a landowner and the rights of the public. The public is affected when a large development is approved. Public views may be blocked. Access to sunlight may be reduced. Sidewalks may be affected by winds. It is only fair to allow the public the right to input. The Municipal Government Act (MGA) provides the public with several rights: the right to be notified, the right to information, the right to be heard and the right to appeal. These have become fundamental rights in our democracy. Site plan approval removes these rights.

DOCUMENT:

Downtown Halifax Secondary Municipal Planning Strategy

- S. 3.4 Development and Design Review Process (pp.25 – 31)

DISCUSSION/OPTIONS:

A key objective of this Plan is to implement a more streamlined and efficient development approvals process that will provide clarity and predictability to both citizens and developers about how much, and how big new developments can be in downtown Halifax, and how long their approval will take. In order to do that, pre-established maximum building heights and massing rules have been put into the new Land Use By-law. This by-law is the result of significant public consultation over the last year, with a diverse group of thousands of citizens and other key stakeholders.

Site plan approval is an existing development approvals tool that is currently enabled by the MGA and has been in use in downtown Dartmouth since 2000. However, in consideration of wishes of citizens, HRMbyDesign is recommending several enhancements to site plan approval through legislative amendments, including:

- Site plan approval as currently enabled through the MGA delegates decision-making authority to the Development Officer, a municipal staff member. **HRMbyDesign has requested through legislative amendments that a Council-appointed, citizen-based Design Review Committee be established to make decisions on substantial development applications.**
- Site plan approval as currently enabled through the MGA establishes a maximum notification area for approved applications to 30 metres. **HRMbyDesign has requested legislative amendments that will allow Council to expand this notification area at their discretion, up to the entire municipality.**
- Currently site plan approval does not allow for the consideration of the “external appearance of structures”, or design of buildings. **HRMbyDesign has requested legislative amendments that will allow the external appearance of structures to be considered when using site plan approval in development approvals. Proposed developments will be required to meet the guidelines in the Design Manual that will be implemented by the Design Review Committee and Development Officer in the case of non-substantial applications.**

(See issue #17 for more information on democratic rights.)

RECOMMENDATION & REQUIRED AMENDMENT:

No changes are recommended.

TOPIC 5: HERITAGE PROTECTION & BARRINGTON HERITAGE DISTRICT

ISSUE # 20: “Facadism” in heritage preservation.

ISSUE/CONCERN:

Does this plan allow for “facadism” in its heritage protection and preservation plans, whereby only the facades of heritage buildings are maintained as part of the redevelopment of the building?

DOCUMENT:

Downtown Halifax Secondary Municipal Planning Strategy

- S. 4.5.1 Heritage Building Conservation Standards (p.36)

Downtown Halifax Land Use By-law & Design Manual

- S. 4.4 Heritage Design Guidelines for Integrated Developments and Additions (p.38)

DISCUSSION/OPTIONS:

In any given case, the answer to this question/concern will depend on a determination of the impact of a proposed development on the character defining elements and heritage value of the building, and upon a determination of the physical condition of the heritage resource. Plainly, the more deteriorated a heritage structure, the more financial capital is required to preserve it. The Design Manual states that:

In instances where the heritage value of a building includes its three-dimensional character (width, depth and height), the entire building envelope should be conserved, and the transition of new construction to, and from, heritage buildings should respect all three dimensions. In instances where the heritage value is limited to a single (i.e. front) facade, as in a row building, then the transition to new development need only address the two-dimensional heritage façade.

Heritage Building Conservation Standards # 9 and #10 state that:

New additions, exterior alterations, or related new construction shall be ... compatible with the massing, size, scale and architectural features to protect the historic integrity of the property ... and shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property ... would be unimpaired.

Depending on the advice of the Heritage Advisory Committee and the decision of the Design Review Committee, “facadism” (vs. preservation of the entire building envelope) might be allowed in some cases but not in others. In all cases, however, the requirement for a minimum 10 ft. stepback of upper storeys above the retained façade will ensure the visual prominence of existing cornice lines and the forward portion of existing roof forms.

RECOMMENDATION & REQUIRED AMENDMENT:

No changes are recommended.

ISSUE # 21: Rooftop additions to heritage buildings.

ISSUE/CONCERN:

Generally, rooftop additions to heritage buildings are inappropriate. Only when the addition is inconspicuous and subordinate are they tolerable. The use of modern materials including glass for such an addition is also inappropriate. If a rooftop addition is desired, the use of traditional materials is preferred.

DOCUMENT:

Downtown Halifax Secondary Municipal Planning Strategy

- S. 3.3.1 Heights Framework (page 21)
- Map 4 Pre-Bonus Heights
- Map 5 Post-Bonus Heights
- Map 6 Heritage Resources

Downtown Halifax Land Use Bylaw & Design Manual

- S. 7 & 8, Maximum Pre-Bonus and Post-Bonus Heights (page 25)
- Map 4 Pre-Bonus Heights
- Map 5 Post-Bonus Heights
- S. 9.7 Streetwall Stepbacks (page 28)
- Schedule S-1: Design Manual
 - S. 4.4 Guidelines for Integrated Development (page 38)

DISCUSSION/OPTIONS:

(Same response as Issue #2 & Issue 45)

Rooftop additions are sometimes needed to ensure the ongoing economic viability of heritage buildings, particularly commercial heritage buildings, to provide additional leaseable floor area and income to pay for the costs of restoration and rehabilitation or adaptive re-use. The draft Downtown Plan and LUB will allow additions that comply with the built form and massing framework and the Design Manual. The Heritage Building Conservation Standards also suggest criteria under which such additions are appropriate.

The majority of registered heritage buildings in the downtown study area (88 of the 126 registrants, or 70%) are located in proposed Heritage Conservation Districts with an absolute maximum height of 70 feet.

With regard to materials, HRM’s Heritage Building Conservation Standards suggest “new work to be differentiated from the old ... (and) ... compatible with massing, size, scale and architectural features to protect the historic integrity of the property...” The standards do not rule out contemporary design when compatible with the stated criteria. The acceptability of contemporary design in the historic context is also articulated in the *Federal Standards & Guidelines for Historic Places in Canada*, which in the section on “Additions to Historic Places” advise that “design for the new work may be contemporary or may reference design motifs from the historic place...” The LUB’s Design Manual also reflects the acceptability of contemporary design in the historic contexts in section 4.1, “New Development in Heritage Contexts.”

The advice of the Heritage Advisory Committee and the judgement of the Design Review Committee will be relied upon to determine whether any proposed addition is congruous with the Conservation Standards and the Design Manual.

RECOMMENDATION & REQUIRED AMENDMENT:

Recommendation to amend *DHSMPS Section 4.3-Heritage Functional Plan* to highlight this issue for further study under the Functional Plan.

ISSUE # 22: Keep development around heritage respectful and tasteful.

ISSUE/CONCERN:

Heritage is important, however, it is only one component of many within a vibrant and livable urban fabric. While efforts should be made to preserve heritage properties, there is nothing wrong with redeveloping properties within and around heritage as long as they are respectful and tasteful.

DOCUMENT:

Downtown Halifax Land Use By-law & Design Manual

- Schedule S-1: Design Manual
 - S. 4.0 Heritage Design Guidelines (pp. 30-58)

DISCUSSION/OPTIONS:

The intent of the plan is that heritage will be preserved and that respectful, well-designed new development will be integrated with it. This will be achieved through the Design Review process, the Design Manual and the Heritage Conservation Standards with advice from the Heritage Advisory Committee and expert judgement by the Design Review Committee.

RECOMMENDATION & REQUIRED AMENDMENT:

No changes are recommended.

ISSUE # 23: Reduce taxes on heritage properties to provide incentives for restoration and preservation of heritage buildings.

ISSUE/CONCERN:

There is a missing piece from the heritage protection program in this plan. A tax reduction on heritage properties has been proven effective across the globe as a measure to preserve heritage buildings. Without incentives to maintain them, they are at greater risk for demolition.

DOCUMENT:

Downtown Halifax Secondary Municipal Planning Strategy

- S. 4.5.2 Financial Incentives (p. 37)

Barrington Street Historic District Plan & By-law

- S. 5 Financial Incentives for Restoration and Revitalization (pages 15-16)

DISCUSSION/OPTIONS:

Most heritage-related tax incentives in other Canadian cities are conditional on investment in restoration and provide tax rebates or credits based on a percentage of the cost of completed restoration work. In some cases, tax incentive programs are structured to offset tax increases resulting from restoration and are thus also conditional on restoration work actually being carried out.

In 2001, the Province of Ontario introduced a program enabling municipalities to reduce taxes on heritage properties by 10% to 40%, conditional only on a maintenance agreement. To date, only a few municipalities have availed themselves of this, notably Toronto (40% tax reduction), Peterborough (40% residential, 20% commercial) and Markham (30%). The tax reduction program does not apply to

all taxes - only to the municipal and educational portions - and is supported by the Provincial Government, which pays the educational portion.

The suggestion that HRM should reduce taxes for heritage properties is a good one, but would require political and bureaucratic acceptance, and would need to be custom tailored to HRM's fiscal realities and budget process. It would help if there were provincial subsidies for such a measure as there are in Ontario.

To date, the preferred approach in HRM (in the proposed Barrington Street Historic District) has been the tax credit approach based on 15% of restoration costs. Other options for a broader, municipal-wide approach to heritage tax incentives (not limited to Downtown Halifax) will be considered in the forthcoming Heritage District Functional Plan. The HRM Tax Reform project currently in progress may also have a bearing on this issue.

RECOMMENDATION & REQUIRED AMENDMENT:

No changes are recommended.

ISSUE # 24: Forward the Barrington Street Historic District Plan & By-law as part of HRMbyDesign's plan for downtown Halifax.

ISSUE/CONCERN:

There is a concern that the much anticipated Barrington Street Historic District will not be included as part of the overall plans for HRMbyDesign. Business owners and citizens have been waiting for BSHD plans to move forward since 2004. If the BSHD is unbundled from HRMbyDesign, business owners in the area will be left with uncertainty as to the rules under which they will be allowed to develop. There is also \$3 million dollars included in the Barrington Plan over five years that businesses have been planning to access for restoration and preservation efforts.

DOCUMENT:

Barrington Street Historic District Plan & By-law

- S. 1.1 Purpose and Statutory Context (p.1)

DISCUSSION/OPTIONS:

The Barrington Street Heritage Conservation District Plan was originally drafted in a way that was integrated with the policies of the existing Municipal Planning Strategy. However, in anticipation of the adoption of the new Downtown Halifax Plan under HRM BY Design, the Barrington HCD Plan has

been significantly restructured to align with the new proposed policy structure, built form framework, and Design Review and Site Plan approval process. The Barrington Plan will come into effect at the same time as the new Downtown Plan under HRM By Design.

RECOMMENDATION & REQUIRED AMENDMENT:

No changes are recommended.

ISSUE # 25: Re-insert the two-year demolition delay provision in the Barrington Street Historic District Plan & By-law.

ISSUE/CONCERN:

It is a serious flaw in this draft of the Barrington Street plan that the 2-year demolition delay and negotiation period has been omitted from the provisions for registered heritage buildings. This means that a very quick demolition could follow a Council approval. The demolition delay and negotiation period (which is stated on page 55 of the December 2005 Plan approved by Council) must be reinstated in the current plan for the district.

DOCUMENT:

Barrington Street Historic District Plan & By-law

- S. 4.4 Demolition (pp. 11-14)
- Policy 9 - Demolition of Registered Municipal Heritage Properties (p. 13)

DISCUSSION/OPTIONS:

The earlier provision for a two year delay following Council approval of a demolition application was reviewed by HRM legal staff and found to be unfair because it would undermine the decision making authority of Council and the right of the applicant to a fair hearing according to the stated criteria.

As it stands, the proposed demolition policy for registered buildings in the heritage district is very much stronger than what presently exists. Council currently has the authority to approve demolition, and this will not change. But, should Council refuse permission for demolition, the refusal would stand indefinitely, subject to the applicant's right to appeal to the NSURB, rather than being valid only for one year, as is currently the case. In addition, Council's approval of the demolition would also be subject to the right of appeal by aggrieved persons, so there would still be a built in check against poor decisions by Council through the appeal process. As well, demolition of buildings in the Barrington

Street Heritage District would be the only type of development in the Downtown that would require a public hearing before Council.

For these reasons staff feel that the proposed demolition policy is acceptable as it currently stands.

RECOMMENDATION & REQUIRED AMENDMENT:

No changes are recommended.

ISSUE # 26: Rework the Character Defining Elements section of the Barrington Street Historic District Plan.

ISSUE/CONCERN:

The brief description of character defining elements in this draft plan minimizes a very significant part of the plan and appears to be turning the individual buildings into a “streetwall”, or movie set of attached facades. This is totally inappropriate; it is the presence of authentic, different heritage buildings along the street that gives the character to the street and allows the street to qualify as a conservation district under the Heritage Property Act.

DOCUMENT:

Barrington Street Historic District Plan & By-law

- S. 3 Heritage Value and Character Defining Elements (pp. 7-9)
- Appendix 1: Catalogue of Buildings (pp. 23-76)

DISCUSSION/OPTIONS:

The description of the heritage value, character defining elements, and architectural styles of the district is very similar to that in previous drafts of the plan, and includes clear reference to more detailed building descriptions in Appendix 1 of the Plan.

RECOMMENDATION & REQUIRED AMENDMENT:

No change recommended.

ISSUE #27: Proposed heights threaten heritage buildings.

ISSUE/CONCERN:

The HRMbyDesign proposal, by raising the allowable building height on the sites of almost every heritage building in the downtown, would encourage the demolition of these buildings to allow owners to capitalize on the increased height. Why should the owner of a building, which is presently capped at 35 feet or 45 feet, keep that building when it could be replaced by a 70-foot high building? The entire heights map should be redone to reflect lower heights that respect heritage buildings and do not block any views from Citadel Hill.

DOCUMENT:

Downtown Halifax Secondary Municipal Planning Strategy

- S. 3.3.1 Heights Framework (page 21)
- Map 4 Pre-Bonus Heights
- Map 5 Post-Bonus Heights
- Map 6 Heritage Resources

Downtown Halifax Land Use By-law & Design Manual

- S. 7 & 8 Maximum Pre-Bonus and Post-Bonus Heights (page 25)
- Map 4 Pre-Bonus Heights
- Map 5 Post-Bonus Heights

DISCUSSION/OPTIONS:

It cannot be said that HRMbyDesign is raising heights for the reason that the available heights under current policy are unknown (other than in a few small areas). The only way to determine possible heights under current policy is to undertake the lengthy and uncertain Development Agreement process, which includes the interpretation of up to seventy different policies relating to height. In most cases HRMbyDesign is actually lowering heights throughout much of the downtown and is thereby reducing the likelihood of blocked harbour, hill and sky views. An example of this is the fact that the United Gulf towers would not have been approvable under HRMbyDesign's height and massing rules.

The heights in the Plan reflect a carefully considered balance between low, medium and high-rise buildings. The heights also reflect a carefully considered balance between heritage preservation and capacity for growth. This approach is consistent with, and driven by, the shared vision for the downtown, arrived at through public consultation. The historic core of the city is protected by maximum building heights of 70 feet in the Barrington Street Heritage Conservation District (HCD), and in the proposed Barrington South and Historic Properties HCD's. Together these three proposed

heritage conservation districts encompass 70% of the registered heritage buildings downtown. Additionally the land abutting the Citadel has a maximum height of 75', which is no change from “Band A” in current policy.

RECOMMENDATION & REQUIRED AMENDMENT:

No changes are recommended.

TOPIC 6: SUSTAINABILITY

ISSUE #28: Improvements to sustainability in HRMbyDesign’s downtown plan.

ISSUE/CONCERN:

It is recognized that HRMbyDesign has considered more than just the economics of sustainability, however we have some suggestions to improve the plan:

- a. Women, in all of their diversity, have an opportunity to be included as part of the public review process of this design.
- b. HRM should work with the province to incorporate practices of the *Leadership in Energy and Environmental Design* (LEED) under the Provincial Building Regulations and work with developers to do the same.
- c. Innovative approaches to rooftop landscaping and greening should be encouraged.
- d. More opportunities for urban gardens could be introduced to public spaces in HRM to enhance food security to more low-income women and their families in HRM.

DOCUMENT:

Downtown Halifax Secondary Municipal Planning Strategy

- S. 1.4 The Importance of Sustainability (p.4)
- S. 2.1 (a) A Sustainable Downtown (p. 8)
- S. 3.4.5 Sustainable Building Design (p. 27)
- S. 5.0 Introduction (p. 39)
- S. 6.8 Sustainable Public Spaces (p.50)
- Chapter 7 – Transportation (pp. 51 – 56)

- Appendix B – Plan Monitoring Performance Measures

Downtown Halifax Land Use By-law & Design Manual

- S. 7.13 Residential Uses: Storm Surge Protection (p. 21)
- S. 12.7 Public Benefit Categories (p. 33)

DISCUSSION/OPTIONS:

- a) Throughout all past and future public consultations on the formulation of HRMbyDesign the entire demographic spectrum has been represented – such diversity has brought tremendous depth and breadth to the downtown vision and the policies that support it.
- b) Concurrent with the finalization of the downtown plan, HRM's work with the Province to enable HRM to mandate LEED (or equivalent) design and construction standards in private sector development is ongoing. Ultimately this authority will have to be expressed, at the very least, in the Municipal Government Act, the Land Use By-law, the Design Manual, and the Building Code.
- c) The HRMbyDesign project team has been made aware of ongoing research at St. Mary's University in which the use of hardy, indigenous Nova Scotia coastal plant material on rooftops is being explored. The minimal soil depth and watering requirements for these plants make them ideal for rooftops. This is one example of the innovation that is possible and that is being explored.
- d) Food security and urban gardening will become issues of increasing importance in the years ahead. In the downtown study area the concept of green roofs compliments this need. However it is the residential neighbourhoods throughout the peninsula and in Dartmouth that have the greatest potential contribution to this notion. As the development of detailed neighbourhood plans begins (following the adoption of the downtown plan) these ideas will be carried forward.

RECOMMENDATION & REQUIRED AMENDMENT:

No changes are recommended.

ISSUE #29: Increase and support the sustainability objectives in this plan with regulation.

ISSUE/CONCERN:

Tall buildings (up to twenty-one storeys on South Park St. from Brenton St. to the CBC) will put the sustainability of the heart of Halifax at risk when, in a time of rising fossil fuel costs and the consequences of climate change, basic common sense would conclude that buildings now be built to standards of least possible energy consumption. But while "sustainability" buzzes throughout these

documents, it has no sting in law.

DOCUMENT:

Downtown Halifax Secondary Municipal Planning Strategy

- S. 1.4 The Importance of Sustainability (p.4)
- S. 2.1 (a) A Sustainable Downtown (p. 8)
- S. 3.4.5 Sustainable Building Design (p. 27)
- Appendix B – Plan Monitoring Performance Measures
- Map 4 Maximum Pre-Bonus Heights
- Map 5 Maximum Post-Bonus Heights

Downtown Halifax Land Use By-law & Design Manual

- Map 4 Maximum Pre-Bonus Heights
- Map 5 Maximum Post-Bonus Heights

DISCUSSION/OPTIONS:

The maximum height for South Park Street between Brenton Place and the YMCA (minus the Trillium site, which has not yet been assigned a height) was set at 215' to reflect that this is generally the height of many buildings already existing in the area. However upon application of the massing and stepback rules (more rigorous than those that exist today) one finds that one cannot actually achieve that height on the sites fronting on South Park. The range of 160'-170' is what is actually possible at the rear of the sites. The Urban Design Task Force is looking at adjusting the maximum overall height to more closely conform to the heights that are actually attainable.

In terms of sustainability, it will always be more economical to build, heat and run a single building containing 200 units that it is to build, heat and run 200 single-family homes. The cost of running elevators is insignificant when balanced against the benefit of the reduced consumption of land, resources and heating energy that high density housing offers. Multiplying these benefits are the location advantages of density in allowing many more people be able to live close to employment, entertainment and cultural resources, thereby reducing automobile ownership and usage.

RECOMMENDATION & REQUIRED AMENDMENT:

Recommendation to adjust pre- and post-bonus heights along South Park Street to more closely conform to the heights that are actually attainable.

ISSUE #30: LEED and other sustainability standards are enabled under MGA.

ISSUE/CONCERN:

HRMbyDesign states, "At the time of writing of this plan, mandatory requirements for energy conservation and sustainable standards such as LEED are not enabled under Provincial Building Code Regulations." (DHSMP, 3.4.5) On the contrary, such standards are in fact enabled. Under Section 171(A), Chapter 18 of the Municipal Government Act, the city can set and require such standards for energy conservation and reduction. Now. Not to do so is a cop-out that endangers the long-term vitality and energy security of the Central Business District (CBD) and the Regional Centre as a whole.

In addition, in clause 214(1)(m), the Province recognizes the connection between energy conservation and the height and siting of structures, and "any other matter relating to the physical, social or economic environment of the municipality."

In clause 220(4)(I) the Province allows HRM to regulate the external appearance of structures in clause 220(4)(I), and thus potentially mandate greener material choices.

If the judgment has been that these clauses do not offer enough room for the necessary adoption of green development guidelines, then it is all the more imperative that negotiations with the province result in tangible expansion of HRM's capacity in this regard.

DOCUMENT:

Downtown Halifax Secondary Municipal Planning Strategy

- S. 3.4.5 Sustainable Building Design (p.27)

DISCUSSION/OPTIONS:

A detailed review of all relevant Provincial and Municipal policy by HRM legal, planning and building official staff has led to the conclusion that these clauses do not offer enough room for the necessary adoption of green development guidelines. HRMbyDesign captures all sustainability requirements possible under current policy.

RECOMMENDATION & REQUIRED AMENDMENT:

Recommendation for HRM to continue working with the Province to identify necessary amendments to the Municipal Government Act and the Nova Scotia Building Code.

ISSUE #31: Retrofitting and adaptive re-use should be a larger focus in sustainable building practices.

ISSUE/CONCERN:

In addition to LEED and other sustainable building practices, we need to also recognize that existing built form has already paid its carbon debt and is worth keeping. More emphasis needs to be placed on retrofitting, renovating and restoration, which are much less expensive than building from scratch. As well, alternative energy sources need to be considered.

DOCUMENT:

Downtown Halifax Secondary Municipal Planning Strategy

- S. 2.2.7 Improve the quality of existing buildings and structures (p.10)
- Chapter 4 Heritage Conservation (pp.32 – 38)

Downtown Halifax Land Use By-law & Design Manual

- S. 4.4 Guidelines for Integrated Developments & Additions (pp.38 – 42)
- S. 4.5 Guidelines for Façade Alteration on Registered Heritage Buildings and Buildings in Heritage Conservation Districts (pp.43 – 52)

DISCUSSION/OPTIONS:

HRMbyDesign will create a large heritage conservation district (Barrington Street) and establishes a priority for the creation of two more in the downtown study area. The Plan's heritage program both inside and outside conservation districts will help more buildings to be retained and reused that has been the experience under current policy. HRMbyDesign calls for a heritage district functional plan that will explore and enable strategies to further strengthen heritage protections and the reuse of existing structures.

RECOMMENDATION & REQUIRED AMENDMENT:

No changes are recommended.

TOPIC 7: VIEWS & VIEWPLANES

ISSUE #32: Views of the waterfront.

ISSUE/CONCERN:

If HRMbyDesign is approved, from Historic Properties to the old Nova Scotia Power plant, views of the water will disappear behind a wall of six to sixteen storey buildings that will obliterate most of the view down from Citadel Hill. They will tower over the waterfront, and they will block the view up to the Citadel from the Harbour. Heights should be reduced to protect views.

DOCUMENT:

Downtown Halifax Secondary Municipal Planning Strategy

- S. 2.0 Overall Vision for Downtown Halifax (p.7)
- S. 3.3 Building Height and Massing (p. 21)
- S. 3.4.9 Waterfront Development (p. 29)
- S. 5.2 Public Lands & Facilities Development (p. 42)
- S. 6.4 Views & Visual Character (p. 48)
- Policies 57 & 58 (p.48)
- Map 11 Views & Civic Character

Downtown Halifax Land Use By-law & Design Manual

- S. 8.14 – 8.16 View Plane Requirements (p. 26)
- S. 8.17 Ramparts Requirements (p. 26)

DISCUSSION/OPTIONS:

If HRMbyDesign were not adopted, then the scenario described in the comment would likely be possible under existing policy. As one example, the United Gulf project (approved under current policy) would not be possible under HRMbyDesign's rules. HRMbyDesign imposes height restrictions under existing viewplanes that are never higher than what would be permitted under the view planes, and are sometimes actually lower than would be allowed under the viewplanes. Further, it has been shown that very tall buildings can be approved under current policy on sites that fall between viewplanes. In many cases HRMbyDesign establishes a maximum height that is likely lower than what could be permitted under current policy. That is because of the well-considered urban design approach of permitting tall buildings generally only where they already exist.

Also, current policy offers no protection of panoramic views from Citadel Hill – a fact that has been borne out by several URB decisions. The protections that do exist are viewplanes and 'Citadel

Ramparts' views. HRMbyDesign upholds those protections and enhances them with more protected views (window views, terminus views, and framing views per Policies 57 and 58 in the DHSMPS). HRMbyDesign actually improves view protections over current policy, and in most cases reduces maximum heights from what would likely be possible under current policy.

RECOMMENDATION & REQUIRED AMENDMENT:

No changes are recommended.

ISSUE #33: Views from Citadel Hill.

ISSUE/CONCERN:

The protection of views from the Citadel based on the vantage point of the ramparts does not consider the way in which that view is most frequently enjoyed by citizens of Halifax. The most popular and accessible place from which to enjoy the view is from the lookout across the road from the main gate of the Citadel. People pause there on their way over the Citadel going to or from work or they simply enjoy the view while walking over the Citadel. Building heights in the downtown should be lessened to allow for that connection from the vantage point of the road, wherever it is still possible, particularly in the view planes.

DOCUMENT:

Downtown Halifax Secondary Municipal Planning Strategy

- S. 2.0 Overall Vision for Downtown Halifax (p.7)
- S. 3.3 Building Height and Massing (p. 21)
- S. 3.4.9 Waterfront Development (p. 29)
- S. 5.2 Public Lands & Facilities Development (p. 42)
- S. 6.4 Views & Visual Character (p. 48)
- Policies 57 & 58 (p.48)
- Map 11 Views & Civic Character

Downtown Halifax Land Use By-law & Design Manual

- S. 8.14 – 8.16 View Plane Requirements (p. 26)
- S. 8.17 Ramparts Requirements (p. 26)

DISCUSSION/OPTIONS:

(See Issue #32)

RECOMMENDATION & REQUIRED AMENDMENT:

No changes are recommended.

TOPIC 8: DOWNTOWN HALIFAX SECONDARY MUNICIPAL PLANNING STRATEGY

ISSUE #34: Allow for proposed atrium concept proposed in the Queen’s Landing development.

ISSUE/CONCERN:

The vision for the waterfront lands needs to be in line with the work of the Waterfront Development Corporation. A development proposal for the Queens Landing site has been in the works for a few years, and contains a concept for an atrium at the end of the Prince Street corridor outlined in HRMbyDesign’s plan. This atrium should be allowed for given its previous approval by the Waterfront Development Corporation and previous public consultations with the developer.

DOCUMENT:

Downtown Halifax Secondary Municipal Planning Strategy

- S. 2.2.5 Provide a variety of new and improved open space anchors and connections (p. 9)
- S. 2.2.8 Reinforce visual connections & civic pride (p.10)
- S. 2.3.4 Vision for Precinct 4: Lower Waterfront (p. 13)
- S. 3.4.9 Waterfront Development (p. 29)

Downtown Halifax Land Use By-law & Design Manual

- Schedule S-1: Design Manual
 - S. 2.4 Precinct 4: Lower Central Downtown (p. 3)
 - S. 2.10 Downtown Halifax Waterfront (p. 7)

DISCUSSION/OPTIONS:

The intent of these documents taken together is to ensure that a variety of public spaces are provided along the waterfront at the foot of the east-west streets. In some case these new public spaces will be

quite large and in other cases they will be more intimate. This variation public space type will result in increased programming flexibility and improved visual and experiential interest.

The waterfront lands at the foot of Prince Street are defined by the historic hardware store in very close proximity to the south and a prime redevelopment site in very close proximity to the north. As such this public space suggests itself as one of the more intimate spaces that will result along the waterfront. Additionally this portion of the waterfront has been the subject of an ongoing development proposal (“Queen’s Landing”). The conceptual design of this proposal calls for a glassed-in atrium at the foot of Prince Street that will provide a weather-protected connection between the future development to the north and south. Further, the conceptual design of this atrium space calls for it to be open to the public free of charge all year round, and for it to have a low height and profile in order to not block east-west views. This space has the potential to draw people to the waterfront in the winter months through its programming.

Schedule W has been established in the Plan documents to recognize the unique challenges and opportunities of development on the waterfront. These special conditions call for a special set of development rules that demand the highest level of development quality and public amenity while still being agile enough to respond to, and accommodate, a wide range of design solutions. This agility is achieved through a more flexible, design guideline driven review process. This process ought to be flexible enough to allow the Design Review Committee to entertain the notion of an atrium at this location.

RECOMMENDATION & REQUIRED AMENDMENT:

Recommend clarifying Section 2.10 of the Design Manual to ensure that the Design Review Committee will have the flexibility required (within Schedule W) to entertain the idea of an atrium at this location.

ISSUE #35: Policies in the MPS need to be redone.

ISSUE/CONCERN:

The policies in the Draft Secondary Municipal Planning Strategy (MPS) do not establish principles. Many just state that a subsidiary document will be adopted. This is not what policies should do. The policies should state the principles that the By-law has to follow. The draft policies do not do their job. This part of the process needs to start again from scratch.

DOCUMENT:

Downtown Halifax Secondary Municipal Planning Strategy

- Complete document (pp. 1 – 62)

DISCUSSION/OPTIONS:

In developing the Downtown Halifax Secondary Municipal Planning Strategy, it is necessary that we abide by the requirements of the Municipal Government Act. The MGA specifically states that the purpose of a municipal planning strategy is to provide statements of policy to guide the development and management of the municipality and, to further this purpose, to establish:

- (a) Policies that address problems and opportunities concerning the development of land and the effects of the development;
- (b) Policies to provide a framework for the environmental, social and economic development within a municipality;
- (c) Policies that are reasonably consistent with the intent of statements of provincial interest; and
- (d) Specify programs and actions necessary for implementing the municipal planning strategy.

The policies in the downtown MPS are not structured in a single format but vary depending on their nature and how they are to be actioned. Some policies call for immediate action and are implemented through the land use by-law and design manual while others suggest further work be undertaken in the form of functional plans. This approach is quite common and was most recently used in the Regional Plan. Relative to implementing policies through the land use by-law, the MGA provides where specific policy support for land use by-law controls is to be provided. Much of the by-law relates to building envelopes such as height, massing and setbacks. These matters are regulated directly from the LUB and do not require supporting policy statements in the MPS. Conversely, matters such as the external appearance of buildings, development performance standards and bonus zoning all require supporting policy and such is contained in the current draft of the document.

RECOMMENDATION & REQUIRED AMENDMENT:

No changes are recommended.

ISSUE #36: Policies on affordable housing should be changed.

ISSUE/CONCERN:

Larger apartments are not likely to attract families, as larger apartments would be more expensive. Larger apartments are more likely to attract the wealthy. A better strategy to attract families is to keep housing affordable by making sure that existing housing survives. The most affordable housing is the existing housing, housing that is already paid for.

DOCUMENT:

Downtown Halifax Secondary Municipal Planning Strategy

- S. 2.0 Overall Vision for Downtown Halifax (p. 7)
- S. 2.2.2 Increase live and work opportunities in the downtown (p. 9)
- S. 3.2 Land Use Framework (pp. 19 – 21)
- Policies 4 – 8 (pp.19 – 21)

DISCUSSION/OPTIONS:

Increasing population density and land uses are at the heart of the vision the community has articulated for itself, so many new residential units are required and will continue to be required over a long period of time. Beyond the vision of a dense downtown, the sustainability imperative also mandates the construction of more residential units (and employment generators) in the core. The vision also calls for a filling-out of the currently missing middle of the demographic spectrum downtown – which is to say, families at all stages of their development. And certainly if units large enough to accommodate families are not built, then families cannot and will not locate downtown.

Many other affordable housing strategies are contained in the downtown plan. These include removal of a minimum unit size, removal of maximum residential density, and affordable housing through density bonusing. Future detailed neighbourhood planning studies will enhance these strategies, as will HRM’s Housing Affordability Functional Plan called for in the Regional Plan. Affordable housing is a regional issue, not just a downtown issue, so addressing the challenge of housing affordability will not happen solely in HRMbyDesign’s new policies for the downtown core. Rather it will require many mutually strengthening efforts from various HRM and provincial departments.

And finally, it should be noted that a timely and predictable approval process will reduce the per-unit housing cost of development. Currently the significant additional costs incurred by the lengthy process (and any appeals that follow) must be passed on to the purchaser of the unit. A less costly process means less costly units.

RECOMMENDATION & REQUIRED AMENDMENT:

No changes are recommended.

ISSUE #37: Documentation for statistics and projections in population and economics.

ISSUE/CONCERN:

There are statistics quoted in the introduction chapter that are contradictory to other statements made or to the Regional Plan. Where is the evidence that the financial services sector is growing? The Regional Plan documents show this is a declining sector. A paragraph in S. 1.1(d) notes that the student population is 25,000. An earlier paragraph noted a drop in permanent (census) population by the same amount. It is worth noting that the decline in total population (permanent residents plus students) is likely less than recorded in the census. The increase in student population counteracts the decrease in permanent population.

DOCUMENT:

Downtown Halifax Secondary Municipal Planning Strategy

- S. 1.1 Trends Shaping Downtown Halifax (pp.1-3)

DISCUSSION/OPTIONS:

Research for the Downtown Halifax Secondary Municipal Planning Strategy occurred after the Regional Plan was completed in 2006. It is fair to say that during the four or more years that it took to complete and issue the Regional Plan, some trends have shifted particularly with respect to downtown office vacancy and the increase in financial services businesses operating out of Halifax.

The 25,000 residents lost on the peninsula over the past thirty years refer to permanent residents. The population of 25,000 students is a transient population, with a good portion living in Halifax for only eight months of the year and with a good number leaving the province following the completion of their education. HRMbyDesign demonstrates that we need to do more to attract a wide range of demographics to live and work on the peninsula and in the downtown, including students, professionals, families to name a few.

RECOMMENDATION & REQUIRED AMENDMENT:

No changes are recommended.

ISSUE #38: Maintain current density provisions.

ISSUE/CONCERN:

Removing previous density limitations” would not be wise. The present density limit in this area is 250 persons per acre. This translates to about 60,000 persons per square kilometre. This is more than twice

the density of Paris, the highest density that Office for Urbanism was able to find. Increasing this density even more would be experimental social engineering - a very risky prospect. We know that municipal servicing costs increase with increasing density.

DOCUMENT:

Downtown Halifax Land Use By-law & Design Manual

- S. 7.4 - 7.12 Residential Uses (pp.20-21)
- S. 10 Building Setbacks (p. 29)

DISCUSSION/OPTIONS:

Residential density is indirectly controlled in the DHLB through built form, open space and unit mix requirements. It is proposed that in every multiple unit dwelling (a building containing four or more dwelling units) one in three dwelling units have no less than two bedrooms. Additional bedrooms require additional floor area and coupled with the requirements for high-rise tower separation and maximum tower width a density of 250 persons on an acre of land will be difficult to achieve. Furthermore, in the Barrington South, Spring Garden Road and North End Gateway Precincts (Precincts 2, 3 and 9), there are additional requirements for landscaped open space at grade where the building is used primarily for residential purposes. Each dwelling unit in a multiple dwelling unit would have access to no less than 112 square feet of landscaped open space, a minimum of 50% of which is at grade. This requirement reduces the potential footprint of a building and therefore the habitable volume of a structure.

RECOMMENDATION & REQUIRED AMENDMENT:

No changes are recommended.

ISSUE #39: Maintain existing MPS policies for finger piers on the waterfront.

ISSUE/CONCERN:

Policy 27 calls for water lot infill. The present MPS calls for the retention of the finger piers. This is an important aspect of our waterfront heritage that should be preserved.

DOCUMENT:

Downtown Halifax Secondary Planning Strategy

- Policy 27 (e) (p. 30)

DISCUSSION/OPTIONS:

The approval of water lot infill is not within the jurisdiction of the municipality. The Federal and Provincial Governments administer water lot infill. The intent of Policy 27(e) is to ensure that in the event of water lot infilling, the ultimate use of the newly created land must enhance the public realm and ensure public access to the water's edge.

RECOMMENDATION & REQUIRED AMENDMENT:

Recommendation to clarify the language/intent of Policy 27(e).

ISSUE #40: Maintain existing MPS policies for Spring Garden Road area.

ISSUE/CONCERN:

Present policy protects sky view and step backs on both the north and south sides of Spring Garden Road, and on South Park Street between Spring Garden and Brenton Place. This provision should not be weakened. Policy 29 should be expanded to include the north side of Spring Garden and Victoria Park.

DOCUMENT:

Downtown Halifax Secondary Municipal Planning Strategy

- Policy 29 (p. 31)

Downtown Halifax Land Use By-law & Design Manual

- S. 11.4 Precinct 3: Spring Garden Road Area (p. 32)

DISCUSSION/OPTIONS:

Staff conducted a shadow analysis study of South Park Street from Sackville Street to Brenton Place to determine the impact of the proposed built form requirements on both Victoria Park and the Public

Gardens. The shadow resulting from application of the proposed street wall height, setbacks and built form requirements south of Spring Garden Road on South Park Street were negligible. In anticipation of concerns, staff examined the southeast corner of Spring Garden Road and South Park Street anticipating a shadow impact on the parks, however the required 2':3' upper storey setback from Spring Garden Road effectively limited the building mass and shadow potential.

RECOMMENDATION & REQUIRED AMENDMENT:

Recommendation for further assessment by the UDTF with regard to mirroring proposed south-side Spring Garden massing onto the north side.

TOPIC 9: DESIGN GUIDELINES

ISSUE #41: Ensure that safety and accessibility are priorities in new public space and building design.

ISSUE/CONCERN:

It is our hope that the well-designed, pedestrian friendly streets talked about on p.9 will accommodate scooters, wheelchairs, people who walk with canes, and strollers. Consideration should also be given to where cobblestone is used as they pose a hazard when they are not maintained, especially to women who wear heels.

Other measures to ensure the safety of women include:

- a. Periodic safety audits to ensure that the design elements in place do not pose unintended danger;
- b. The ability of transit buses to drop off passengers between designated bus stops;
- c. Ensure the placement of shrubbery cannot be used by assailants to hide; and
- d. Avoid allowing an overly high concentration of drinking establishments in any particular area.

DOCUMENT:

Downtown Halifax Land Use By-law & Design Manual

- Schedule S-1: Design Manual
 - S. 3.1.1 Pedestrian-Oriented Commercial (p.9)

DISCUSSION/OPTIONS:

The Plan and supporting by-law and design guidelines embody universal accessibility and the principles of Crime Prevention Through Environmental Design (CPTED). HRM recently adopted new “Capital District” sidewalk standards that ensure accessibility and discourage the use of cobblestones. Redesigned pedestrian sidewalk ramps at intersections are part of this new standard and are much more hospitable to wheeled conveyances than the previous standard. HRM does conduct CPTED Audits of certain areas. Buses do drop passengers off between stops for safety reasons, particularly at night, upon request. CPTED design principles are embedded in the Design Manual.

RECOMMENDATION & REQUIRED AMENDMENT:

No changes are recommended.

ISSUE #42: Mandatory guidelines for provision of green space and public art.

ISSUE/CONCERN:

Will there be an allowance built in by developers for green space and or art on the property? Could we look into a building bylaw or something - that ensures that all new construction put aside 5% of its budget for green space or art?

DOCUMENT:

Downtown Halifax Secondary Municipal Planning Strategy

- S. 3.4.3 Bonus Zoning (p.26)
- S. 6.5 Public Art (p.48)

Downtown Halifax Land Use By-law & Design Manual

- S. 12 Post-Bonus Height Provisions (pp.33-34)

DISCUSSION/OPTIONS:

HRMbyDesign’s bonus zoning program is a powerful tool for the provision of public amenity, including green space and public art. This is a program wherein a project can only attain 70% of its permitted height unless it provides a public benefit. The greater the magnitude of the public benefit, the more height is possible, up to the maximum established in the Land Use By-law. While it will be a

challenge to find new parkland within the downtown core, the waterfront does hold a great deal of promise for this. The Plan calls for HRM and the Waterfront Development Corporation (the majority landowner on the waterfront) to enter into a Memorandum of Understanding to ensure that development on the waterfront does provide public open and green space. On an additional note, the Public Lands Plan completed for the Spring Garden Road area in 2006 has been written into HRMbyDesign. That plan established a major new public park on the old Infirmary site on Queen Street. Beyond this, outside the HRMbyDesign project, HRM is undertaking a Halifax Commons Master plan, and an Urban Forest Master plan. And finally, also outside of HRMbyDesign, HRM has recently adopted the much-anticipated Public Art Policy that addresses the provision of public art.

RECOMMENDATION & REQUIRED AMENDMENT:

No changes are recommended.

ISSUE #43: Two more categories of heritage development: conservation of existing buildings and adjacent heritage buildings.

ISSUE/CONCERN:

One of the missing types of development in the heritage context is the conservation of heritage buildings. This is the best type of development. It is the least expensive, and creates the most employment for dollar expended. The other major missing category is development adjacent to heritage properties. We have excellent policies in the existing MPS and Regional Plan regarding development adjacent to heritage properties. It is not sufficient to just consider abutting buildings.

DOCUMENT:

Downtown Halifax Secondary Municipal Planning Strategy

- S. 4.5.1 Heritage Building Conservation Standards (p. 36)

Downtown Halifax Land Use By-law & Design Manual

- Schedule S-1: Design Manual
 - S. 4.1 New Development in Heritage Contexts (p.30)

Barrington Street Historic District Plan & By-law

- Schedule B: Heritage Building Conservation Standards

DISCUSSION/OPTIONS:

Heritage buildings will continue to be protected through the Heritage Building Conservation Standards, and through increased demolition control both for stand-alone registered heritage properties and for all properties (registered and unregistered) in the Barrington Street Heritage Conservation District. The Heritage Design Guidelines of the Design Manual will also require attention to heritage conservation through the design review process.

The policy shift from considering development “adjacent” to heritage properties to considering development “abutting” heritage properties first occurred in the Regional Plan and is continued in HRM By Design. This reflects the Downtown Plan’s philosophical position that new development in close proximity to heritage buildings can be successfully integrated through good design.

RECOMMENDATION & REQUIRED AMENDMENT:

No changes are recommended.

ISSUE #44: Angle controls near heritage buildings.

ISSUE/CONCERN:

The height provisions in Section 4.3.4 of the Design Manual are far too generous. The 45-degree angle is too high. Height controls should apply to the entire depth of the property, and not just the 10 feet closest to the street.

DOCUMENT:

Downtown Halifax Secondary Municipal Planning Strategy

- S. 3.3 Building Height and Massing (p. 21)
- S. 3.3.5 Heritage Character (p. 24)
- S. 4.5.1 Heritage Building Conservation Standards (p. 36)

Downtown Halifax Land Use By-law & Design Manual

- S. 8.5 Registered Heritage Properties: Development on Abutting Property (p. 24)
- S. 8.7 - 8.11 Building Height: Maximum Pre-bonus and Maximum Post-bonus Heights (p. 25)
- Schedule S-1: Design Manual
 - S. 4.3 Guidelines for Abutting Developments (pp. 36 - 37)

DISCUSSION/OPTIONS:

Inherent in the heritage design guidelines both inside and outside of conservation districts is the ability to construct well-designed, stepped back rooftop additions. This approach is a recognized as a viable redevelopment/reuse strategy for heritage structures around the world that infuses heritage structures with increased usefulness and capital to aid preservation. It is also part of the recommendations of the Barrington District Steering Committee’s work. So given that heritage structures are permitted to have rooftop additions it would be inappropriate to restrict the same treatment of buildings abutting heritage structures. This would result in the absurd condition of the heritage building being permitted to be taller than its non-heritage neighbours. It is for this reason that the angle control only applies to 10’ closest to the street (i.e. the streetwall).

RECOMMENDATION & REQUIRED AMENDMENT:

No changes are recommended.

ISSUE #45: Stepbacks and other guidelines will not protect heritage.

ISSUE/CONCERN:

Both the stepbacks, which are too small, and the generic guidelines would allow heritage buildings to be visually and physically diminished and overwhelmed.

DOCUMENT:

Downtown Halifax Secondary Municipal Planning Strategy

- S. 3.3.1 Heights Framework (page 21)
- Map 4 Pre-Bonus Heights
- Map 5 Post-Bonus Heights
- Map 6 Heritage Resources

Downtown Halifax Land Use By-law & Design Manual

- S. 7 & 8, Maximum Pre-Bonus and Post-Bonus Heights (page 25)
- Map 4 Pre-Bonus Heights
- Map 5 Post-Bonus Heights
- S. 9.7 Streetwall Stepbacks (page 28)
- Schedule S-1: Design Manual
 - S. 4.4 Guidelines for Integrated Development (page 38)

DISCUSSION/OPTIONS:

(Same response as Issue #2 & Issue 21)

Rooftop additions are sometimes needed to ensure the ongoing economic viability of heritage buildings, particularly commercial heritage buildings, to provide additional leaseable floor area and income to pay for the costs of restoration and rehabilitation or adaptive re-use. The draft Downtown Plan and LUB will allow additions that comply with the built form and massing framework and the Design Manual. The Heritage Building Conservation Standards also suggest criteria under which such additions are appropriate.

The majority of registered heritage buildings in the downtown study area (88 of the 126 registrants, or 70%) are located in proposed Heritage Conservation Districts with an absolute maximum height of 70 feet.

With regard to materials, HRM’s Heritage Building Conservation Standards suggest “new work to be differentiated from the old ... (and) ... compatible with massing, size, scale and architectural features to protect the historic integrity of the property...” The standards do not rule out contemporary design when compatible with the stated criteria. The acceptability of contemporary design in the historic context is also articulated in the *Federal Standards & Guidelines for Historic Places in Canada*, which in the section on “Additions to Historic Places” advise that “design for the new work may be contemporary or may reference design motifs from the historic place...” The LUB’s Design Manual also reflects the acceptability of contemporary design in the historic contexts in section 4.1, “New Development in Heritage Contexts.”

The advice of the Heritage Advisory Committee and the judgement of the Design Review Committee will be relied upon to determine whether any proposed addition is congruous with the Conservation Standards and the Design Manual.

RECOMMENDATION & REQUIRED AMENDMENT:

Amend *DHSMPS Section 4.3-Heritage Functional Plan* to highlight this issue for further study under the Functional Plan.

TOPIC 10: LAND USE

ISSUE #46: Schools in the downtown area.

ISSUE/CONCERN:

Community schools are being or in danger of being closed. HRMbyDesign plans to repopulate the downtown, however I don't see much mention of schools so far in the urban design plan. How does HRMbyDesign plan to work with the Department of Education and School Board to keep schools open downtown?

DOCUMENT:

N/A

DISCUSSION/OPTIONS:

The HRMbyDesign project team, including members of the Urban Design Task Force, have met on several occasions with the Department of Education during their Imagine Our Schools study. The purpose of these meetings was to impress upon the School Board/Department the importance of long range strategic thinking on keeping schools open, and to point out the problems with near-term tactical thinking on school closures. HRMbyDesign's goal of increasing population and filling out the demographic middles (i.e. with families at all stages of their development) is hampered by school closures. These communication efforts will continue with the recently elected School Board.

RECOMMENDATION & REQUIRED AMENDMENT:

Recommendation to proceed with strategy of engaging the newly elected school board on the importance of keeping neighbourhood schools open.

TOPIC 11: BONUS ZONING

ISSUE #47: Public input into Bonus Zoning negotiation.

ISSUE/CONCERN:

The public and/or its elected representatives must have input into both the nature and location of the public benefit provided in exchange for extra height. This could take the form of a public hearing before the Peninsula Community Council or Planning Advisory Committee for the district in question.

DOCUMENT:

Downtown Halifax Secondary Municipal Planning Strategy

- S. 3.4.3 Bonus Zoning (p.26)
- S. 8.5 Plan Monitoring (p. 60)

Downtown Halifax Land Use By-law & Design Manual

- S. 12 Post-Bonus Height Provisions (pp.33-34)

DISCUSSION/OPTIONS:

The bonus zoning program, including the list of potential public benefits, has been developed in consultation with the public and the Urban Design Task Force, which includes three Councillors. The regulatory provisions of the program are laid out in the Land Use By-law and the Municipal Government Act, with supplementary guidelines in two Bills that are currently before the provincial Legislature.

Development applications that request to participate in the bonus zoning program to achieve additional height must come to an agreement with the Development Officer before the development permit can be issued. One of the main objectives of HRMbyDesign is to create a more streamlined development approvals process, part of which is adherence to strict timelines. As of today, the legislation before the provincial Legislature states that the Design Review Committee will have 30 days to make a decision following the submission of a completed application. HRM has requested that this be changed to 60 days, which is a more realistic timeframe. However, if there was to be another committee that needed to meet to discuss the bonus zoning agreement, this would interfere with the timeline and reduce the ability to meet the 60 day deadline. If an application does not make it through the process in the 60-days, it is automatically rejected. This would be an unfortunate outcome of this process. The Development Officer will be charged with negotiating the type of public benefit with the developer depending upon unique circumstances like the type of development, if it involves a heritage property, etc. A mathematical formula is used to determine the value of the bonus in dollars, and it is provided through a specific public benefit or through a cash transaction with the city to be directed toward that public benefit. A legal contract is drawn up for this agreement to ensure that the developer provides the public benefit as outlined and in the timeline indicated in the agreement.

The Plan Monitoring program established in Section 8.5 (Policy 79) of the Downtown Halifax Secondary Municipal Planning Strategy will further ensure that public expectations of the bonus zoning program are being fulfilled. A citizen-led committee of Council will oversee the Plan Monitoring.

RECOMMENDATION & REQUIRED AMENDMENT:

No changes are recommended.

ISSUE #48: Remove bonus zoning program from the plan.

ISSUE/CONCERN:

Bonus zoning and exceptions make the Plan unnecessarily complicated and impossible for an ordinary citizen to understand. If people want clarity and certainty, this is not the way to provide it. It is not appropriate to allow extra height near a heritage building. Some of the other proposed reasons for bonuses and exceptions are not important enough to trade for extra height. Others can be required without a bonus.

DOCUMENT:

Downtown Halifax Secondary Municipal Planning Strategy

- S. 3.4.3 Bonus Zoning (p.26)

Downtown Halifax Land Use By-law & Design Manual

- S. 12 Post-Bonus Height Provisions (pp.33-34)

DISCUSSION/OPTIONS:

Principles of good urban design led to the establishment of the proposed post-bonus heights. The pre-bonus heights represent a 30% reduction of those heights. Therefore when bonuses are granted, the additional height is still within the principles of good urban design, and is not a threat to the liveability of the city in terms of shadow, light, wind, adjacencies, etc.

The bonus zoning provisions are very important to the Plan as they will yield significant public benefit in terms of affordable housing, artist spaces, family housing, public art, heritage protection, public space, etc. Fundamental to the vision for downtown as expressed by the community is that the liveability of the city will be improved through a partnership between the public and private sectors. It is these contributions by the private sector to the public good under the bonus zoning program that forms that partnership.

RECOMMENDATION & REQUIRED AMENDMENT:

No changes are recommended.

TOPIC 12: TRANSPORTATION & PARKING

ISSUE #49: Increase focus on cycling.

ISSUE/CONCERN:

There is not enough focus on cycling in this plan. Include bicycle-oriented development when you speak to pedestrian-oriented development. In the Downtown Halifax Land-use By-law and Design Manual, section 5.2.2, “Provide transit and pedestrian friendly physical links to mass transit infrastructure” should include bicycle friendly physical links. Free bike lockers and/or covered bicycle parking should be provided at all downtown transit stops. Bike racks need to be on all buses, and directional signage for bicycles should be incorporated.

On Map 12, there is no indication of east-west bicycle oriented routes. There should be, on Sackville, Duke and Spring Garden Road to start. Further, Brunswick Street is only indicated as bicycle-oriented between Sackville and Duke Streets. The problem with current bike lanes on Brunswick is that they are not integrated into a larger network. Bicycle infrastructure should be implemented on Brunswick beyond Sackville to the South and Duke to the North in order to integrate the bike route into a greater network.

DOCUMENT:

Downtown Halifax Secondary Municipal Planning Strategy

- S. 7.2 Active Transportation (p. 52)

Downtown Halifax Land Use By-law & Design Manual

- S. 14.16 - 14.20 (p. 42, 43)
- Schedule S-1: Design Manual
 - S. 5.2.2 Transportation (p. 60)

DISCUSSION/OPTIONS:

The Active Transportation Plan sets out all routes for all modes of active transportation. Policies in Chapter 7 of the DHSPS incorporate the active transportation routes from the plan.

Since the Active Transportation Plan is the key document for the development of AT infrastructure, using the term active transportation may be more acceptable and in line with other policy documents. As well, incorporating bicycle parking at all bus stops will not be possible, however, it can be incorporated at transit terminals (hubs). This will be part of the design process for these locations.

Finally, routes in the downtown should be consistent between documents. This can include routes in Downtown Halifax. However, only the routes in the AT plan should be incorporated into Map 12. However, it should be noted that these routes might not include marked bike lanes, but other infrastructure.

RECOMMENDATION & REQUIRED AMENDMENT:

Recommendation that in section 5.2.2 of the Design Manual, rather than referring to “pedestrian friendly links...” it should be changed to “active transportation friendly links” which encompasses both pedestrian and bicycle activities and infrastructure.

Changes to Map 12 should be made to be consistent with the routes shown on the Proposed AT Routes: Cycling and Trails Map from the Active Transportation Plan. This would incorporate the extension of the bike route (though not necessarily as bike lanes) along Brunswick Street as shown on the AT Plan and adding Sackville Street as a corridor.

ISSUE #50: Keep parking for people with disabilities and increase accessibility for moving around downtown.

ISSUE/CONCERN:

It is understood that HRM wants to take steps to discourage citizens from parking downtown. However, with an aging demographic and a population with the highest disability rate per capita (particularly women) in the country it is recommended that the Plan:

- a. Provide ample parking spaces for those drivers with disabilities;
- b. Ensure all sidewalks are accessible; and
- c. Ensure all transit buses have the capacity to kneel to pick up passengers with disabilities.

DOCUMENT:

Downtown Halifax Land Use By-law & Design Manual

- S. 14.5 –15.0 (pp. 40 - 41)

DISCUSSION/OPTIONS:

A. The DHLUB is silent on the requirement for accessible parking spaces, as the Nova Scotia Provincial Building Regulations would require accessible spaces in the design.

B. All new sidewalks built in HRM are accessible.

C. All new buses purchased by HRM are low-floor accessible (kneeling) or in the case of the highway express buses will have lifts at the rear. As more of the aging fleet is retired over the next few years, eventually all of the buses will be accessible.

RECOMMENDATION & REQUIRED AMENDMENT:

Recommendation respecting point a. to add a clause to section 14 clarifying the need for accessible parking spaces as per the Nova Scotia Provincial Building Regulations.

ISSUE #51: Introduce traffic calming measures.

ISSUE/CONCERN:

Traffic calming measures such as chicanes, medians and plinths for art installations should all be included in this plan to increase the walkability and bikeability of downtown. These designs help slow down and direct traffic, making the streets safer for pedestrians and bicycles. Perhaps there is an opportunity to include such design on the bicycle-oriented routes or the pedestrian priority streets?

DOCUMENT:

N/A

DISCUSSION/OPTIONS:

HRM already has a policy for neighbourhood shortcutting. This policy is the document used by staff to guide the application of traffic calming measures.

RECOMMENDATION & REQUIRED AMENDMENT:

No changes are recommended.

ISSUE #52: Materials for parking lots, plazas and walkways.

ISSUE/CONCERN:

It is recommended that pervious materials, e.g. grasscrete, be used for surfaces such as parking, walkways and plazas. Grasscrete has the load-bearing characteristics of reinforced concrete but the aesthetic appeal of grass. Pervious materials reduce demand on storm water drainage and provide a natural filter for pollutants like gas, oil and particulates, thus they would reduce the impact of water pollution on the Halifax Harbour.

DOCUMENT:

Downtown Halifax Land Use By-law & Design Manual

- S. 14.2 Accessory Surface Parking Lots: General Requirements (p. 39)

DISCUSSION/OPTIONS:

The only permitted surface parking lots are accessory to new uses, relatively small in scale, i.e. no more than 20 vehicles, and must be located no less than 50% of the lot width from the street. These requirements make it unlikely that there will be many new surface parking lots and the impact is expected to be negligible. As well, with the exception of land on the east side of Water Street, the majority of land in Downtown Halifax rests on or near bedrock and it may be less of an environmental impact to collect runoff from parking lots in the existing sanitary storm system as opposed to permitting additional subsurface drainage to the Harbour.

RECOMMENDATION & REQUIRED AMENDMENT:

No changes are recommended.

ISSUE #53: Rail cut for transportation corridor.

ISSUE/CONCERN:

The proposed roadway in the railcut to remove truck traffic from the downtown is not recommended. The use of rail over trucks is preferred wherever possible (rail emits six times fewer greenhouse gas emissions than heavy trucks) and therefore HRM's recommendation to build an inland regional intermodal terminal - the Distripark – is supported. This would involve using a daily rail shuttle to move transload containers between the Halifax container terminals and the Distripark, where the containers would be transferred to tractor-trailers. While this would not remove all the downtown trucks, it would shift over 23,000 truck moves to rail within the city and a further 43,000 empty container truck moves from the container terminals to the Distripark as of 2009. This is about 40% of the international container truck traffic that would otherwise flow through the city.

DOCUMENT:

Downtown Halifax Secondary Municipal Planning Strategy

- S. 7.5.1 Transit Corridors (p. 55)
- S. 7.6 Freight Movement (p.55)

DISCUSSION/OPTIONS:

The movement of freight is a regional issue and HRM is a member of the overall Atlantic Gateway initiative, of which this is a part. HRM will be a partner in this process, which will require further study. The objective of reducing truck traffic on downtown streets will remain at the forefront while options to achieve that objective are being evaluated.

RECOMMENDATION & REQUIRED AMENDMENT:

No changes are recommended.

ISSUE #54: Transportation sections need to be more detailed and studied further before this plan is implemented.

ISSUE/CONCERN:

The transportation section of this plan is weak and requires further study. If an effective public transportation network is not established, new development in the downtown is going to increase car traffic to and from the downtown, particularly during rush hour. HRM by Design seems to have avoided the serious study of the significant transportation issue in the downtown area, which reduces the potential success of this plan.

DOCUMENT:

Downtown Halifax Secondary Municipal Planning Strategy

- Chapter 7 – Transportation (pp. 51 – 56)

DISCUSSION/OPTIONS:

It was intended HRM by Design would build on transportation planning already completed and approved. HRM's five-year transit plan deals with transit service for the entire region, of which Downtown Halifax is an important component.

The downtown shuttle, which is designed to connect with other transit services and routes (particularly regional services like MetroLink, HarbourLink and rural express bus), will provide a much better connection and services to those who work and visit the downtown.

Through the commuter options program, the city will be providing services to employers to help set up programs to encourage the use of alternative modes of transportation. The downtown shuttle could, which will serve the areas of employment concentration in the downtown could be routed to serve outlying areas of the downtown such as DND and the hospitals.

HRM also has in place a Public Transit Functional Plan and an Active Transportation Functional Plan, both of which include service and infrastructure for Downtown Halifax.

The Transportation and Streetscape Functional Plan will bring together the regional transportation planning objectives as set out in the Regional Municipal Planning Strategy and the goals and objectives of this plan.

RECOMMENDATION & REQUIRED AMENDMENT:

No changes are recommended.

TOPIC 13: PUBLIC CONSULTATION

ISSUE #55: HRMbyDesign's public consultation has been a practice in "manufacturing consent".

ISSUE/CONCERN:

HRMbyDesign claims to be one of the most highly consulted projects hosted by HRM, with high levels of public support. I have very strong opinions about the process, which I see as more dedicated to the "manufacturing of consent" than to the creation of a truly broad based consensus.

In the sessions on implementation, the top down nature of the process reached its most absurd level. Participation in the meetings was strictly controlled and exclusive. Apparently the rationale was that the participants should be people directly affected by the process downtown (i.e. developers and property owners). Several years ago, after the creation of the Community Councils, responsibility for development decision making downtown was removed from the Peninsula Community Council and

returned to the whole Council on the grounds that the downtown belonged to us all and things that happened downtown had an impact on us all. The HRMbyDesign sessions on implementation reversed that understanding. However, all discussions should have been open to all interested parties and in all cases the task force should have been willing to discuss the concerns of participants in open forums.

The general public has been excluded [from speaking at public events] for eleven months, and yet this plan has proceeded without their voice. One big benefit of public discussion is not only to hear what staff has to say, but to hear each other. This lack of participation has excluded and alienated citizens from the process and each other, and compromised the plan-to-date. In short, this plan contains important concepts that were never debated in a public forum. Democratic citizen participation has been filtered and denied.

DOCUMENT:

N/A

DISCUSSION/OPTIONS:

The public consultation process to determine the vision and principles that underpin this Plan has been significant, involving thousands of citizens and stakeholder groups. Every comment that is formally or informally submitted to staff or members of the Urban Design Task Force is carefully considered, discussed, and analyzed for inclusion in the Plan. Although every recommendation for change is not accepted or agreed with, the Task Force relies on this public input to make informed decisions that reflect the will of the community at large.

HRMbyDesign's public participation program has included more than a year of consultation focused on developing the urban design vision and principles for the Regional Centre, and an additional 16 months on developing this Plan focused on downtown Halifax. The consultation on this Plan has occurred through a variety of ways, including:

- 3 interim Council reports and presentations
- 6 major forums and open houses
- 36 stakeholder presentations
- 39 one-on-one stakeholder meetings
- 11 workshops and media briefings
- 2 major public reviews of the draft plan:
 - April 2008, generating 160 individual written comments, letters and recommendations, resulting in 112 issues analyzed by the Urban Design Task Force and project staff for inclusion in this version of the Plan.
 - September/October 2008, generating 70 individual written comments, letters and recommendations resulting in 68 issues analyzed by project staff for discussion with the Urban Design Task Force to be included in the final version of the plan.

As evidenced by the list above, HRMbyDesign employs a variety of public consultation methods to gather public input, stimulate discussion and recommend improvements to the Plan. Not all participation methods include a microphone, nor are all of the meetings open HRM-wide for the purposes of creating smaller, more productive sessions where everyone has the chance to voice their opinions and engage in meaningful discussion. However, many of the forums, open houses, and the major document reviews have been inclusive of all groups and residents to allow everyone to have their say.

RECOMMENDATION & REQUIRED AMENDMENT:

No changes are recommended.

ISSUE #56: Workshops are not an effective tool for government sponsored public consultation.

ISSUE/CONCERN:

Workshops attended by “stakeholders” can be questionable as a means of gauging public opinion. Such a format may work well in a corporate setting where direction is inevitably top down and the goal of everyone in the organization has to be the same. Its application as a method for determining direction in society in general has to be questioned. Not only can such an approach limit creative thought by the public, it also prevents dialogue between different members of the public that might otherwise lead to a better consensus. The many elements that have to be considered in making public decisions can only find representation through a less controlled process and through more open debate.

DOCUMENT:

N/A

DISCUSSION/OPTIONS:

(See response to issue #56 for information on HRMbyDesign’s public consultation process.)

RECOMMENDATION & REQUIRED AMENDMENT:

No changes are recommended.

ISSUE #57: Consultations for areas outside of downtown Halifax.

ISSUE/CONCERN:

Since the downtown sessions there has been no reference to the work done in the early sessions of the process. Now we are being told that there will be further “community visioning sessions” to determine what will occur in the neighbourhoods on the peninsula and in downtown Dartmouth. The only focus now is the downtown of Halifax. Unfortunately, the majority of the public involvement that the task force points to as the foundation of its claim to widespread grass roots participation occurred in those earlier sessions. Those sessions are now being ignored, the subject matter deferred to some future deliberations.

DOCUMENT:

N/A

DISCUSSION/OPTIONS:

Three major forums and workshop sessions were held during the first year of HRMbyDesign, to determine the vision and principles for the entire Regional Centre, which includes Halifax peninsula and Dartmouth inside the Circumferential Highway. In June 2007, Regional Council directed staff to focus on developing an urban design plan for downtown Halifax as the first priority neighbourhood in the Regional Centre to receive a detailed study. Since that time, staff, consultants and the Urban Design Task Force have been working with the public to develop the Downtown Halifax Urban Design Plan, and it is now nearing completion, with the Plan scheduled to be presented to Regional Council early in 2009.

Following adoption of the downtown plan, HRMbyDesign and the Urban Design Task Force will be shifting their focus back to the entire Regional Centre. The immediate goal will be to develop some criteria for Council to decide which will be the next neighbourhoods to receive a detailed community-led urban design plans through HRMbyDesign. The information and recommendations that came out of the first three forums and workshops will be incorporated back into these community planning processes.

RECOMMENDATION & REQUIRED AMENDMENT:

No changes are recommended.

TOPIC 14: AFFORDABLE HOUSING

ISSUE #58: HRM should enter into an MOU to develop publicly owned lands into affordable housing.

ISSUE/CONCERN:

It is recommended that all levels of government enter into a Memorandum of Understanding to include affordable housing on publicly owned lands in downtown Halifax.

DOCUMENT:

Downtown Halifax Secondary Municipal Planning Strategy

- S. 5.2 Public Lands & Facilities Development (p.42)
- Policy 44 (p.42)

DISCUSSION/OPTIONS:

This idea was first articulated at an HRMbyDesign consultation meeting in January 2008, and was immediately embraced by the Urban Design Task Force. The notion of inter-governmental cooperation on the development of public lands downtown is entrenched in the Plan in Policy 44 of the Downtown Halifax Secondary Municipal Planning Strategy. This policy is specifically directed toward three outcomes: the development of unsightly publicly owned vacant lots/parking lots; the provision of affordable housing, and; encouraging the sustainable (i.e. LEED) development of publicly owned lands as leadership models for the private sector.

RECOMMENDATION & REQUIRED AMENDMENT:

No changes are recommended.

ISSUE #59: Existing housing is the most affordable housing.

ISSUE/CONCERN:

The most affordable housing is existing housing. CMHC surveys clearly show that new apartments are very expensive. The only rational policy for a community that wishes to ensure affordable housing for its residents is to ensure that the greatest possible amount of existing housing continues to remain available. Providing height incentives to promote the replacement of existing housing by new condos is counter-productive. Providing a further height bonus for token amounts of less expensive housing in a new building does not make sense. Lowering the price of some units in a building could only be achieved by increasing the price of the other units in the building. It is unlikely that the subsidised rents would be as low as the rents in the existing housing. Existing housing is a community asset that should be protected.

DOCUMENT:

Downtown Halifax Secondary Municipal Planning Strategy

- S. 3.2 Land Use Mix (pp.19 – 21)
- S. 3.4.3 Bonus Zoning (p. 26)

Downtown Halifax Land Use By-law & Design Manual

- S. 12 .7 Public Benefit Categories (p. 33)

DISCUSSION/OPTIONS:

There are quite simply not nearly enough existing residential units in the downtown study area to achieve the community’s vision of sustainability, vibrancy, diversity and prosperity through increased density.

(See issue #36 for additional comments)

RECOMMENDATION & REQUIRED AMENDMENT:

No changes are recommended.

TOPIC 15: ECONOMIC DEVELOPMENT/FUNDING

ISSUE #60: Development that balances economics with heritage preservation.

ISSUE/CONCERN:

The Founders Square type of development is an excellent compromise. This city must place more weight on the need for commercial growth. If not, our young people will leave to find work elsewhere. This type of development should be allowed under HRMbyDesign.

DOCUMENT:

Downtown Halifax Secondary Municipal Planning Strategy

- S. 3.3.5 Heritage Character (p.24)

- S. 4.5.3 Guidelines for Development in Heritage Contexts (p. 37)

Downtown Halifax Land Use By-law & Design Manual

- S. 8.3 – 8.4 Registered Heritage Properties (p. 24)
- S. 12.6 Bonus Exception for Registered Heritage Properties (p. 33)
- Schedule S-1: Design Manual
 - S. 4.1 New Development in Heritage Contexts (pp. 30 – 31)
 - S. 4.4 Guidelines for Integrated Developments & Additions (pp. 38 – 42)
 - S. 4.5 Guidelines for Façade Alteration on Registered Heritage Buildings and Buildings in Heritage Conservation Districts (pp. 43 – 52)

DISCUSSION/OPTIONS:

As a result of consulting with thousands upon thousands of HRM residents over the past two years, HRMbyDesign’s downtown plan embodies the vision that residents have for their downtown core. Residents have not asked for a plan that prioritizes development over all other concerns. Similarly residents have not asked for a plan that prioritizes heritage over all other concerns. Rather the great majority has stressed that the plan must balance numerous complementary concerns, including heritage, development, design quality, public open space, and increased opportunities for more people to live and work downtown.

The proposed land use by-law and design manual explicitly permit the Founders Square model of development in order to help achieve the goals of the project. In the case of this style of development, the primary benefit is that it allows the preservation of important heritage structures (that may otherwise be lost to demolition or neglect) through redevelopment.

RECOMMENDATION & REQUIRED AMENDMENT:

No changes are recommended.

ISSUE #61: Funding to implement this plan.

ISSUE/CONCERN:

Eco-design, green spaces, better transport, more housing downtown. This all sounds good, but how will Halifax afford to make these changes?

DOCUMENT:

Downtown Halifax Secondary Municipal Planning Strategy

- S. 8.4 Public Investment (p.59)

DISCUSSION/OPTIONS:

HRMbyDesign’s new Secondary Municipal Planning Strategy acknowledges that in order to bring this Plan to life, HRM must provide leadership in undertaking capital investment and funding programs that exemplify a high quality and attractive public realm, support heritage restoration and renovation, and reinforce active transportation and a transit-oriented transportation system. To demonstrate HRM’s commitment to making these investments a reality, a multi-year capital investment strategy that prioritizes this work will be prepared. This Downtown Halifax Capital Investment Functional Plan will outline and prioritize all of the areas where future public investment is necessary to support the goals and objectives of this plan. This will include identifying strategic partnerships with private organizations and other levels of government.

RECOMMENDATION & REQUIRED AMENDMENT:

No changes are recommended.

ISSUE #62: New training for skilled workers.

ISSUE/CONCERN:

This plan should result in a redistribution of financial, natural, built, human, and social capitals with a corresponding need for workers with skills that are culturally competent, socially sustainable, economically feasible and environmentally friendly. This may translate into new employment opportunities in areas such as landscape design, transportation, drafting, mechanics, etc. Training opportunities could be identified in co-operation with the Nova Scotia Community College or other educational institutions to meet the needs the new design will create while providing educational and job opportunities to women who are currently under-represented or under-employed in the labour market.

DOCUMENT:

N/A

DISCUSSION/OPTIONS:

The plan is indeed intended to bring foster much of the positive change mentioned in the comment. But

in order to not build unreasonable expectations it should be noted that this is a land use and urban design plan, and the worthy aspirations in the comment will require efforts akin to HRMbyDesign in numerous other municipal, provincial and even federal departments. However it can be said that all of the post-secondary learning institutions in HRM have participated in the project in a variety of ways – this is a twenty-five year plan and as such is a plan for our children, our youth and out young adults.

RECOMMENDATION & REQUIRED AMENDMENT:

No change recommended.

ISSUE #63: Demand for new residential and office space.

ISSUE/CONCERN:

Economists tell us that we Canadians are heading into the worst recession in 20 plus years. The need for more office and living space downtown is not a proven fact. Nor are great masses of people likely to be settling in Halifax or the Maritimes in the foreseeable future, due to the economic downturn and job layoffs. How does this latest information factor into the plan?

DOCUMENT:

Downtown Halifax Secondary Municipal Planning Strategy

- S. 5.0 Introduction (p.39)
- S. 5.1 Economic Competitiveness (p. 40)
- Policy 41 (p. 41)

DISCUSSION/OPTIONS:

Over the past 18 months three informal and speculative capacity/demand appraisals have been undertaken by different groups (HRM staff, HRMbyDesign consultant team, Heritage Trust of Nova Scotia, and the Greater Halifax Partnership). Each appraisal used different methodologies and therefore yielded different results. Therefore an objective, formal, third party study has been commissioned. The results of this study will be the demand/capacity information that HRMbyDesign officially recognizes. The results are due in late November.

This Plan embodies the community's aspiration for a substantial increase in the number of people living and working in the downtown. If it did not provide this capacity it would not reflect what the community has asked for. If economic realities do not produce this increased density and activity then

so be it. Regardless, the plan must be able to accommodate it.

RECOMMENDATION & REQUIRED AMENDMENT:

No changes are recommended.

TOPIC 16: DENSITY

ISSUE #64: More density is needed for downtown Halifax to thrive.

ISSUE/CONCERN:

Great and successful cities around the world all have high population and commercial density in their downtown areas. Halifax needs another 10,000 people and the myriad of small and large businesses that would spring up to serve them.

DOCUMENT:

Downtown Halifax Secondary Municipal Planning Strategy

- S. 1.1 Trends Shaping Downtown Halifax (p. 1)
- S. 1.3 Why we need a Downtown Plan (p. 4)
- S. 2.0 Overall Vision for Downtown Halifax (p. 7)
- S. 2.2.2 Increase live and work opportunities in the downtown (p. 9)

DISCUSSION/OPTIONS:

The Plan acknowledges and embraces this reality, and embodies the community's vision of sustainability, vibrancy, diversity and prosperity through increased density. This is precisely what the community has asked for throughout this Plan's consultation. By introducing new policy that is founded on the principles of clarity and precision, and by introducing a new development approval process founded on the principles of predictability and timeliness, it is anticipated that much-needed new growth in the downtown will occur.

RECOMMENDATION & REQUIRED AMENDMENT:

No changes are recommended.

ISSUE #65: Density in downtown Dartmouth.

ISSUE/CONCERN:

At the September 24, 2008 Open House, it was stated that the greatest potential for densification in Dartmouth is in the downtown core. How does this match up with the stated objective to preserve and enhance heritage areas? Also, how can extreme densification on half of Dartmouth Cove not have a major impact on existing neighbourhoods on the other side of Dartmouth Cove?

DOCUMENT:

N/A

DISCUSSION/OPTIONS:

Downtown Dartmouth already features dense commercial office and residential uses, and its connection to downtown Halifax through the ferry makes it an ideal secondary location for commercial and residential density in the Regional Centre. However, this decision would not be made until a detailed, community-led urban design plan is conducted for this area. The existing Downtown Dartmouth Secondary Planning Strategy also outlines the future vision of the area, and any plans for increased density would need to cooperate with the vision and principles for future growth and development in downtown Dartmouth that are outlined in that plan.

Council, following the adoption of the Plan for downtown Halifax, will decide on priority neighbourhoods for detailed community planning.

RECOMMENDATION & REQUIRED AMENDMENT:

No changes are recommended.

TOPIC 17: CAPACITY

ISSUE #66: Too much capacity is allowed under this plan.

ISSUE/CONCERN:

The development capacity outlined here greatly exceeds expected demand for space. The three million square feet of office space and 16,000 new residents are several times larger than likely demand, based on projections in the Regional Plan. This amount of space could not be created without negative impacts on heritage protection. By allowing for so much more development than the likely demand, the

proposal would increase the number of vacant lots that would remain vacant. This imbalance would allow for intensive development of a few parcels to satisfy demand for the entire period of the plan. This means that the remaining parcels would still be vacant at the end of the plan period. The draft plan would encourage a gap-toothed form of development, with high rises separated by vacant lots.

DISCUSSION:

Downtown Halifax Secondary Municipal Planning Strategy

- S. 2.2.2 Increase live and work opportunities in the downtown (p. 9)
- S. 5.0 Introduction (p.39)
- S. 5.1 Economic Competitiveness (p. 40)
- Policy 41 (p. 41)

DISCUSSION/OPTIONS:

Over the past 18 months three informal and speculative capacity/demand appraisals have been undertaken by different groups (HRM staff, HRMbyDesign consultant team, Heritage Trust of Nova Scotia, and the Greater Halifax Partnership). Each appraisal used different methodologies and therefore yielded different results. Therefore an objective, formal, third party study has been commissioned. The results of this study will be the demand/capacity information that HRMbyDesign officially recognizes.

The proposed plan balances the need for new development with heritage protection and numerous other important considerations. The Plan also introduces stronger heritage protections than exist today through the introduction of heritage conservation districts, increased demolition delays, new design guidelines for heritage-related development, new grants and incentives for heritage protection, and the mandate for a future Heritage Functional Plan.

By introducing clear and precise policy, and by establishing a predictable and timely approval process, and by articulating a vision for downtown that focuses on intensified land uses, this Plan takes direct aim at ‘filling in the gaps’ to result in a cohesive, liveable, beautiful downtown.

RECOMMENDATION & REQUIRED AMENDMENT:

No changes are recommended.

TOPIC 18: GENERAL COMMENTS

ISSUE #67: Keep the current MPS and LUB for downtown Halifax.

ISSUE/CONCERN:

The current MPS and LUB were developed from careful planning, with citizen input over the years and provide guidance to Council and HRM Staff. HRMbyDesign should not be permitted to replace current acceptable rules for development, with their proposals.

DOCUMENT:

N/A

DISCUSSION/OPTIONS:

Development agreements are the current tool for approving development in downtown Halifax. At one time development agreements were required throughout much of the Halifax peninsula as a way of ensuring the public’s voice was heard in the approval process until such time that detailed “Secondary Plans” were completed. Once written (through a consultative process), the Secondary Plans represented the public’s voice; the consultative DA process was rescinded and a non-consultative as-of-right process took its place. For example, this is true of Halifax Peninsula North and Peninsula South, both of which once operated under the consultative DA process, but now have Secondary Plans administered on an as-of-right basis by staff. The only reason that DAs are still in use in downtown Halifax today is that an appropriately detailed Secondary Plan has never been written - that is until now. In other words, DA’s were introduced as a *temporary measure* to ensure the public will was followed *until such time* as a broadly supported vision and supporting clear and detailed policies (the “Secondary Plan”) could be written. With HRMbyDesign now providing a highly consulted Secondary Plan for downtown Halifax, the time has come to replace the DA process downtown just as it has been replaced elsewhere on the peninsula.

RECOMMENDATION & REQUIRED AMENDMENT:

No changes are recommended.

TOPIC 19: TECHNICAL REVIEW ISSUES

ISSUE #68: Removal of Cash-in-lieu of Parking

ISSUE/CONCERN:

Reference to the cash-in-lieu of parking must be removed from all Plan documents, as this program cannot be funded properly unless there are minimum parking requirements in the downtown.

DOCUMENT:

Downtown Halifax Secondary Municipal Planning Strategy

- S. 7.4 Parking (p.54)

Downtown Halifax Land Use By-law & Design Manual

- S. 14 Parking (pp.39-44)

DISCUSSION/OPTIONS:

The cash-in-lieu of parking provision was included as part of the Transportation Plan to help fund public transit and active transportation infrastructure in downtown Halifax. As this program is no longer being recommended in the HRM Parking Strategy, and there are no minimum parking standards for downtown Halifax, it should be removed from the Downtown Halifax Urban Design Plan.

RECOMMENDATION & REQUIRED AMENDMENT:

Recommendation to remove references to cash-in-lieu of parking from the Plan.