

HALIFAX

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Item No. 4

Halifax Regional Council
November 14, 2017

TO: Mayor Savage and Members of Halifax Regional Council

Original Signed by



SUBMITTED BY:

Jacques Dubé, Chief Administrative Officer

DATE: November 7, 2017

SUBJECT: **Case 18966: Amendments to the Halifax MPS and Halifax Peninsula LUB for 6009 and 6017 Quinpool Road, Halifax**

SUPPLEMENTARY INFORMATION REPORT

ORIGIN

- Application by APL Properties Limited;
- June 10, 2014 Regional Council initiation of the MPS and LUB amendment process;
- September 6, 2016 motion of Regional Council directing the creation of site-specific MPS and LUB amendments for consideration to allow a 29 storey mixed use development at 6009–6017 Quinpool Rd., Halifax;
- March 21, 2017 motion of Regional Council giving First Reading to consider the proposed amendments to the Municipal Planning Strategy and the Land Use By-law for the Halifax Peninsula, as set out in Attachments A and B of the January 20, 2017 report, with the exception that the overall height of the development as referenced in 2.10.1(c) of the proposed policy be amended to allow for a building no greater than 62 metres, and schedule a public hearing.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter (HRM Charter), Part VIII, Planning & Development

BACKGROUND

APL Properties Limited is applying to make site-specific amendments to both the Halifax Municipal Planning Strategy (MPS) and the Halifax Peninsula Land Use By-law (LUB) to allow for the development of a 29 storey mixed use building through a development agreement process for the properties located at 6009 and 6017 Quinpool Road, Halifax. Current MPS policies and LUB regulations do not permit this type of mixed use development, and as such amendments to both documents are required.

Proposal Background

At its June 10, 2014 meeting, Regional Council considered a joint MPS and LUB amendment initiation report for both the subject site as well as the property at 2032 – 2050 Robie Street.¹ While these applications have since been separated from one another, the original Council direction remains relevant and applicable to the Quinpool Road site. Within the report were outlined several concerns noted by staff following an initial review of the proposal. While it was agreed that the changing context of the surrounding neighbourhood since the last review of applicable MPS policies would indeed justify initiation of the MPS amendment process, concerns relative to the contextual fit of the proposed building heights, massing, setbacks and tower spacing for the projects were summarized. Staff advised that these matters would need to be resolved through the process and recommended that Regional Council initiate the MPS amendment process subject to these matters being addressed.

Since the time of the initiation of the MPS amendments, significant community engagement and discussion with the property owners and their consultants has occurred. Following direction from Regional Council received on September 6, 2016, staff forwarded a report to Regional Council which included site specific policy for the property at the northwest corner of Quinpool Road and Robie Street for a mixed use development 29 storeys in height.² On March 21, 2017, Regional Council considered this policy, and instead directed that a public hearing be scheduled for policy allowing development with an overall height no greater than 62 metres. All other aspects of the policy were to remain the same as the original proposal's inclusive of its limitations on building length, podium height, and other building form controls. This direction to schedule a public hearing is the most recent direction received from Regional Council.

COMMUNITY ENGAGEMENT

The community engagement undertaken within this project is consistent with that outlined in the report considered at the March 21, 2017 meeting of Regional Council. No additional public consultation has taken place since the Council direction received at that meeting.

DISCUSSION

In the time since Council directed that a public hearing be scheduled to consider the MPS policy containing the maximum building height of 62 metres, the applicant has had the opportunity to consider the financial implications of a shorter, but still slim building on the site. A total of two public hearings have been scheduled, with one being advertised, however both were delayed at the request of the applicant so as to allow them the opportunity to evaluate the impact of this proposed policy on their proforma.

Following this evaluation, APL Properties Ltd. have concluded that they would not proceed with the development of a building under a policy which limited the building dimensions as per the proposed policy

¹ See staff report at: <https://www.halifax.ca/sites/default/files/documents/business/planning-development/applications/18966-SIR-Jun102014.pdf>

² See staff report at: <http://legacycontent.halifax.ca/council/agendasc/documents/160906ca1418.pdf>

and the March 21, 2017 Council direction. They have indicated that the value of the existing office building on the site is too high to warrant demolition in favour of a 20 storey building of the dimensions proposed in the most recent Council resolution. As such, APL advised that it was of limited value to proceed to a public hearing to consider a site-specific policy for a building that would not be developed.

Instead, the applicant has arrived at a new proposal which they feel would meet their financial needs. This concept is one which retains the podium heights, transitions, setbacks, stepbacks, and floor plate dimensions of the original proposal, while reducing the overall height by 4 floors to a total of 25 storeys. They have also made the request to amend proposed policy Section 2.10.1 (k). This policy currently requires that 50% of the dwelling units in the development contain a minimum of two bedrooms and have a minimum area of 92.9 sq. m. (1000 sq. ft.). The applicant is instead proposing that the minimum size requirement be reduced to 69.68 sq. m. (750 sq. ft.).

Within previous reports, staff have identified concerns with the overall height of the original 29 storey proposal. Council was, however, also advised of the benefits of the proposal in and of the building addressing 4 of the 5 design control principles referenced in Regional Council's initiation motion from 2014 (mass, density, shadowing, and spacing between towers). In designing the 29 storey building, the applicants' architect worked closely with staff to design a building with stepbacks, setbacks, podium heights, transitions, and articulations which reflected its specific and unique context on this corner, and adjacent to the Halifax Common.

Other design proposals considered over the scope of this application have reduced height on the site by re-locating floor space from the top of the building to its sides and base. This results in these building components being longer, wider, or otherwise more 'squat' than the original 29 storey iteration. While the 29 storey design had a rationale behind its building lengths and depths so as to minimize its impact on adjacent homes, open spaces, and streets, in amending this original design in previous concepts, this rationale is lost, and with it, the benefits they each presented. The concepts become less about a design appropriate to the context, and increasingly about retaining required gross floor area.

The new proposal by the applicant at a height of 25 storeys could be expected to be approximately 12 metres (40 feet) shorter than the original 29 storey concept. This new concept has the benefit of retaining the rationale behind the design choices that have evolved over the past three years as discussed above. With this said, the building would still be expected to be some 15.25 metres (50 feet) taller than what would be permitted by the policy granted first reading by Regional Council on March 21, 2017. Staff have previously advised Council that heights above 20 storeys exceed what is contextually appropriate for the site.

With regard to the requested amendment to minimum unit sizes for 2 bedroom units, this requirement was originally added to the site specific policy in response to City-Wide policies of the Halifax Municipal Planning Strategy which encourage the retention and creation of dwelling units suitable for families with children. A unit size of 74.3 sq. m. (800 sq. ft.) or larger is generally considered a family type unit in the Halifax MPS and Halifax Peninsula LUB. With that said, in the original 29 storey proposal, multiple large units were proposed within submitted floorplans, and as such raising this requirement to 92.9 sq. m. (1,000 sq. ft.) was not seen as problematic. With a proposed reduction in overall floor space, the applicant is requesting an accommodation for smaller minimum 2 bedroom unit sizes to 69.68 sq. m. (750 sq. ft.) to ensure their desired total unit count of 200 units can still be retained.

Conclusion

Regional Council has previously given first reading and gave direction to staff schedule a public hearing for a policy which would allow a building no greater than 62 metres (or approximately 20 storeys) on this site. Notwithstanding the new proposal by the applicant for a 25 storey building, this previous direction from Council remains active. While staff believed it appropriate to provide an update on the recent events of this application, a public hearing for proposed MPS policy allowing a 62 metre tall building will be scheduled unless otherwise directed by Regional Council.

If Council is persuaded by the building economics position put forth by the applicant and they wish to further consider the matter, then they should direct staff to prepare amendments to the proposed MPS policy to reflect the 25 storey height and 750 sq. ft. minimum unit size as proposed by the applicant. In this case, Council would then need to give first reading to the amended policy and schedule a public hearing to consider the matter.

FINANCIAL IMPLICATIONS

The HRM costs associated with processing this planning application can be accommodated within the 2017/18 operating budget for C310 Urban & Rural Planning Applications.

RISK CONSIDERATION

There are no significant risks associated with the information contained within this report. This application involves proposed MPS amendments. Such amendments are at the discretion of Regional Council and are not subject to appeal to the N.S. Utility and Review Board. Information concerning risks and other implications of adopting the proposed amendments are contained within the Discussion section of the January 20, 2017 report.

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

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