

HALIFAX

P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 5
Committee of the Whole
June 18, 2019

TO: Mayor Savage and Members of Committee of the Whole

Original Signed by 

SUBMITTED BY: _____
Jacques Dubé, Chief Administrative Officer

DATE: June 4, 2019

SUBJECT: **Case 19281: Amendments to Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use By-law for 2032-2050 Robie Street, Halifax**

ORIGIN

- Application by Westwood Developments Limited
- June 10, 2014 Regional Council initiation of MPS and LUB amendment process
- September 6, 2016 Regional Council motion to separate the site specific Municipal Planning Strategy and Land Use By-law amendments proposed for 6009 and 6017 Quinpool Road, Halifax and 2032-2050 Robie Street, Halifax from one another to allow planning policy to be developed independently for each development site

LEGISLATIVE AUTHORITY

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

RECOMMENDATION

It is recommended that the Committee of the Whole recommend that Regional Council direct the Chief Administrative Officer to:

1. Take no further action on Case 19281 for a site-specific amendment to the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use By-law for 2032-2050 Robie Street, Halifax; and
2. Direct that the future development of the site be regulated through the Regional Centre Secondary Municipal Planning Strategy and Land Use By-law "Package A" adoption process.

BACKGROUND

Westwood Developments Limited is applying to develop a single residential tower (22 storeys) sitting atop a podium which contains commercial uses at 2032-2050 Robie Street. This application was initially considered and initiated by Council to proceed through an amendment to the Municipal Planning Strategy in 2014. In the interim 5-years, process on the project has been sporadic noting that the applicant has been more actively focussed on advancement of other project files. Given that this proposal includes a proposed amendment to the Halifax Municipal Planning Strategy (MPS) and noting that consideration of the adoption of new planning policies for the subject property under the Centre Plan is imminent, a decision is now required to clarify if or how this application will continue to be considered. This report is presented to Council seeking that direction.

Subject Site	2032-2050 Robie Street, Halifax
Location	West side of Robie Street between Welsford Street and Quinpool Road
Regional Plan Designation	Urban Settlement (US)
Community Plan Designation (Map 1)	High Density Residential (HDR) – Peninsula North Secondary Plan Area Commercial (C) – Quinpool Road Commercial Plan Area
Zoning (Map 2)	C-2 General Business R-3 Multiple Dwelling
Size of Site	2,002 m ² (21,549 ft ²)
Street Frontage	65.8 metres (216 feet)
Current Land Use(s)	Former funeral home (currently vacant) Surface parking lot Single detached home
Surrounding Use(s)	North - 19 Storey “Welsford” multi-residential building East – Halifax Common South – 10 Storey commercial office building (Policy previously approved for a 25 storey mixed-use building) West – Low density residential development

Proposal Details

The applicant proposes to create site specific policies to allow consideration of a single residential tower (22 storeys) atop a podium which contains commercial uses at 2032-2050 Robie Street via a future development agreement process. The major aspects of the proposal are as follows:

- A 2 storey podium on the south end of the property containing a public concourse and retail units;
- A 22 storey residential tower located on the northern third of the property containing approximately 102 residential units;
- Underground parking for 102 vehicles accessed from the northeast corner of the site off of Robie Street;
- A 6.1 metre (20 foot) landscaped setback to the rear of the building adjacent to lower density residential uses on Parker Street; and
- A landscaped rooftop within the 2 storey podium portion of the development to serve as amenity space for the building occupants.

Application History

On June 10, 2014, Regional Council considered initiation of a joint Municipal Planning Strategy amendment for both a project at 6009-6017 Quinpool Road (Case 18966) as well as the subject proposal at 2032-2050 Robie Street (Case 19281). It was determined that a single policy amendment for redevelopment of these properties would be the most appropriate approach given the close proximity and similar contexts of the two properties.

Notwithstanding that the properties are directly adjacent to one another, the Quinpool Road and Robie Street sites differ from one another. The Robie Street property is located mid-block, backs on the existing low-density buildings on Parker Street, has frontage only on a single street, and has a shallow property depth. Additionally, the north-south orientation of the property can impact shadows on the adjacent Commons to the east.

The Municipal Planning Strategy amendment initiation report¹ also outlined a number of concerns based on an initial review of the submitted plans. These concerns included the contextual fit of the proposed building heights, massing of the buildings, as well as setbacks and tower spacing. While it was acknowledged that the changing context of the surrounding neighbourhood justified initiation of the policy amendment process, concerns with the scale and form of the proposals were expressed in the body and recommendations in the staff report.

Council passed the following initiation resolution, requiring amendments to the proposed developments:

MOVED by Councillor Watts, seconded by Councillor Mason that Halifax Regional Council:

1. *Direct staff to initiate the process to consider amending the Municipal Planning Strategy for Halifax and the Land Use By-law for Halifax Peninsula to create site specific policy and provisions for two development sites located at 6009 to 6017 Quinpool Road and 2032 to 2050 Robie Street to enable mixed use developments on each site by development agreement **subject to addressing the design control principles for building height, mass, density, shadowing, and spacing between towers, as raised in the June 2, 2014 staff report** [emphasis added]; and*
2. *Direct staff to follow the public participation program for the MPS amendment process as approved by Regional Council in February 1997.*

In response to Council's motion, the applicant for the Robie Street proposal amended their design to modestly reduce the overall tower width while increasing the height from 18 to 25 storeys. These revisions were presented to the community at an open house in October 2014. The plans were subsequently amended once more to reflect a 25 storey building upon a 4 storey podium. The applicant then undertook an independent, self-directed community engagement program in the summer of 2017 based on the relative merits of buildings with a similar density designed in either a midrise or highrise form.

On September 16, 2016, Regional Council agreed to separate this application from the adjacent development at 6009-6016 Quinpool Road given that these 2 applications were advancing on differing timelines and passed the following motion:

*THAT Halifax Regional Council direct staff to create site specific Municipal Planning Strategy (MPS) and Land Use By-law (LUB) amendments for Case 18966 to allow a development substantially in the form as contained within Amendment A of the staff report dated August 4, 2016 **while continuing to work with the applicant for Case 19281 in the development of a building proposal and MPS and LUB amendments which respond to the design control principles for building height, mass, density, shadowing, and space between towers, as raised in the June 2, 2014 MPS amendment initiated staff report.*** [emphasis added];

The Quinpool Road application has subsequently been considered and approved by Regional Council, and a Development Agreement for that property currently being processed.

¹ See report at <http://legacycontent.halifax.ca/council/agendasc/documents/140610ca11112.pdf>

Following the above referenced self-directed public engagement, the applicant reconsidered their application over the subsequent year and resubmitted the proposal on December 28, 2018. The proposal now before Council for their consideration is based on a 22 storey, primarily residential development with underground parking and ground floor commercial uses fronting Robie Street (Attachment A). The overall height of the building is 84.7 metres (278 feet).

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy, the HRM Charter, and the Public Participation Program approved by Council on February 25, 1997. The level of community engagement has been consultation, achieved through providing information and seeking comments through the HRM website, signage posted on the subject site, and letters mailed to property owners within the notification area. Additionally, these projects were presented to the public at an informational open house held on October 1, 2014, as well as a Planning Advisory Committee chaired Public Information meeting on September 17, 2015. An online survey was also made available on the Halifax.ca website for several weeks where input regarding appropriate overall building heights, setbacks, uses, and form was sought.

The public comments received include the following topics:

- The online survey generally indicated support for increased heights for this property. Concern did, however, exist for the guidelines which regulated the form of this height. More specifically, it was indicated that building spacing equal or greater to that which would be required within the downtown;
- Mitigating shadow impacts on the adjacent Common was identified as very important;
- Feedback was also received which stated concern for the manner in which the aforementioned survey was used;
- The open house itself offered contrasting feedback to the online survey in that a strong opposition to the proposed height of the buildings was expressed;
- Increased attention to design was thought to be required – Specifically in the podiums of the buildings to ensure active uses and interest at the level; and
- Generally, the majority of individuals at the open house indicated concern for the increased heights proposed, suggesting that this would not offer an appropriate interface between these sites and the lower density residential neighbourhood to the north and west.

A public hearing must be held by Regional Council before they can consider approval of any proposed MPS and Land Use By-law (LUB) amendments. Should Regional Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements, property owners within a notification area will be notified of the hearing by regular mail.

If Council directs staff to proceed with this application, it is recommended that the public and Planning Advisory Committee be re-engaged given the length of time since the proposal was last discussed and noting the significance of changes to the design that have been undertaken by the applicant.

The proposal will potentially impact adjacent land owners, local businesses, and users of the Halifax Common.

DISCUSSION

The MPS is a strategic policy document that sets out the goals, objectives and direction for long term growth and development in Municipality. Amendments to an MPS are significant undertakings and are at the discretion of Council. In this case, staff advise that Council refuse the application for site specific changes to this site and allow the Centre Plan to regulate development of the site upon its eventual adoption.

The proposal as currently submitted does not meet 3 of the 5 criteria identified by Council in the 2014 initiation report. Given the length of time the application has been in process and noting that key concerns cannot be addressed through design given the spatial limitations of the property, staff do not recommend proceeding with this application.

It is also expected that the property will have increased development capacity under the draft Centre Plan with the new policies capably regulating development on the site while accommodating all five of the design criteria referenced in the original initiation report for this application. The following paragraphs review the rationale and content of the proposed MPS and LUB amendments.

Design Control Principle Evaluation

Upon initiation of this application to amend the Municipal Planning Strategy, Council directed staff to ensure the proposal addressed the 5 design control principles they noted as being important for the infill redevelopment of this property. Staff assessed the latest proposal against these 5 principles and the following sections outline the results of that evaluation.

Tower Spacing:

The initiation report stated that the proposal should provide 11.5m tower setbacks from interior lot lines. Similarly, the Draft Centre Plan is proposing a 12.5m tower setback from interior lot lines. The intent of this criteria is to reduce the impact of tall buildings by locating height away from adjacent properties. This is of particular importance on this site, as it immediately abuts low density residential housing in the rear (west).

This proposal provides 6.2m setbacks from rear and side property lines which would impact the surrounding buildings, including the low density uses on Parker Street. These concerns were also reflected in the review by the Halifax Peninsula Planning Advisory Committee (HPPAC) and in comments from the public. Both expressed concern about how the proposal would impact Parker Street. Additionally, the original HPPAC memo requested increased setbacks from abutting residents.

Shadowing:

The building will impact the Commons in the evening during spring and fall equinoxes, with a long shadow falling across the baseball diamond at the corner of Robie and Cogswell Streets. The proposed slender tower floorplate helps to reduce the impact and reducing the height of the building would further mitigate shadow impact on the commons. PAC also reiterated concerns about the impact that shadowing will have on the Commons.

It is important to note that any development on this site would have some shadow impact on the adjacent open spaces simply due to the proximity of the property to the park. Limiting this impact through building form is an appropriate strategy. A midrise form would have more consistent afternoon shadow on the western edge of the Common, while the proposed tower form would create a very long but relatively fast moving shadow. Staff advise that the former may be the preferable option in this high impact location.

Density:

Current regulations limit density to 125 persons per acre. The proposal is for 459 people per acre (based on 2.25 people per unit). Given the location of the proposal within the Regional Centre, it is reasonable to consider a density increase on this site. Staff's primary concern is not the density of the site expressed in an overall number of units, but instead how that density is presented on the site. As such, staff advise that the proposed density on the site is appropriate.

Mass:

The initiation report directed staff to consider appropriate setbacks, tower separation distances and include a broad unit mix. The tower has an approximate 22 m (6.5 storey) streetwall height which then steps back 1.5m before reaching its maximum height of 84 m. The policy for the neighbouring Case 18966 permits a maximum streetwall height of 5 storeys immediately adjacent to this proposal, lower than what is currently proposed on this site.

Staff advise that the streetwall height is too tall for this context and the 1.5 m setback is insufficient for a building of this height. With the adjacent (unconstructed) development to the south having a streetwall of 5 storeys, and the existing Welsford development to the north, having a 0-1 storey streetwall, staff advise that an appropriate streetwall for this proposal should transition between these 2 heights. Should Council choose to advance this application, staff recommend lowering the streetwall height to 3-4 storeys for this portion of the building and increasing the step back to 4.5 m which would align with the Downtown Halifax LUB requirements for streetwall setbacks. Staff acknowledge this massing approach may be difficult to achieve on the subject property due to its relatively shallow depth. Accommodation of this approach could lead to the inclusion of all or portions of properties on Parker Street within the proposal, as is contemplated within the draft Centre Plan.

Height:

The initiation report describes the Quinpool and Robie site as the prominent intersection and suggests that the height should step down as it transitions to a lower scale residential built form. Regional Council approved a maximum pre-bonus height at the corner of Quinpool and Robie St. of 62m and a maximum post-bonus height of 78m. Additionally, the report describes the Welsford building at 19 storeys, as being out of scale with the community. This suggests that the tallest building on this block should be the Quinpool and Robie proposal with building heights tapering down from that point as the neighbourhood transitions to a lower scale built form.

Under approved policy for Case 18966, the maximum pre-bonus height at corner of Quinpool and Robie St. is 62 m and a maximum post-bonus height of 78 m. The Robie St. proposal is for a building of 84 m which is not consistent with the height concerns outlined in the initiation report. Height was also raised as a concern at the PIM and by HPPAC. HPPAC recommended a maximum building height of 16 storeys (approx. 50 m).

Draft Centre Plan Policies

At the time this application was first initiated by Regional Council in mid-2014, public engagement on the Centre Plan project had not yet begun, the project had not yet engaged with its consultant, nor had specific growth policies for the Regional Centre been considered. At the time of the preparation of this report, the Centre Plan has completed data acquisition and analysis, policy drafting, community engagement, and revisions. At this time, the draft policy and land use by-law has been reviewed by various committees and Community Councils prior to consideration by Regional Council.

The original intent of this application was for a site specific amendment to the Halifax Municipal Planning Strategy. This application and the Centre Plan have both reached a point in their timelines where the site specific amendment cannot be completed prior to consideration of approval of the Centre Plan. Any site specific policies Council wishes to consider for this site can still be accommodated but they will need to be accounted for within the new Regional Centre Municipal Planning Strategy documents (Centre Plan).

Draft policies within the 'Regional Centre Municipal Planning Strategy' identify this property with a 'Centre', designation and a 'Cen-2' zone. This zone is amongst the most intense within the plan in terms of allowable use and built form. The proposed floor area ratio (FAR) within the plan is 5.0, equating to just over 10,000 m² (107,639 ft²) of permitted development potential on the property in question. This is roughly equivalent to the floor area in the current development proposal found in Attachment A of this report (approximately 9,847 m², or 106,000 ft²).

Notwithstanding the apparent consistency between the proposal and the proposed FAR in the Centre Plan, the built form requirements of the draft policies would also apply to the property and would have significant influence on the orientation of any proposed building. Draft regulation speaking to required setbacks and setbacks for tower development are not consistent with the current proposal and would be difficult to achieve given the limited amount of property depth on the subject site. This has been identified as a staff concern throughout the review process. Compliance with these setback and setback policies and regulations would likely result in a midrise or tall midrise development form – in the range of 5 to 8 storeys in height. Alternatively, the applicant could seek to include additional properties to the west of the site within

a future development proposal, eliminating the need to setback a tower from the low density residential homes which currently exist along Parker Street.

Proposed Amendments

At this stage, site specific policy amendments have not been developed to enable a Development Agreement for this site consistent with the proposal found in Attachment A of this report. Should Council choose to proceed with site specific policy amendment to accommodate this building, staff would seek specific direction from Council as to the nature of the policy amendment in order to structure the proposed amendments concurrent with the Centre Plan process.

Staff would further recommend that the public and Planning Advisory Committee be re-engaged given both the length of time since the proposal was last discussed, as well as the significance of changes to the design that have been undertaken by the applicant.

Conclusion

Staff reviewed the application, the existing policy context, the conditions under which Council initiated the application in 2014 and the draft Centre Plan policies and regulations. Based on the results of that review staff advise the application to amend the MPS should not proceed. The proposal does not meet, at minimum, 3 of the 5 design principles identified by Council at the time of initiation, nor is it compliant with draft Centre Plan policies. Staff advise that the physical limitations of this property mean that a mid-rise building form would be most appropriate for the site.

The proposal will have a significant increase in development rights under the Centre Plan with this new policy competently regulating development on the site through consideration of all five of the design criteria referenced in the original initiation report for this application.

Under these circumstances, staff recommend that Regional Council not amend the Halifax Municipal Planning Strategy.

FINANCIAL IMPLICATIONS

The HRM costs associated with the processing of this planning application can be accommodated within the approved 2019-2020 operating C310 Urban and Rural Planning Applications.

RISK CONSIDERATION

There are no significant risks associated with the recommendations 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 this report.

ENVIRONMENTAL IMPLICATIONS

No environmental implications are identified.

ALTERNATIVES

The Committee of the Whole may recommend that Regional Council direct the CAO to:

1. Prepare amendments to the Regional Centre Secondary Municipal Planning Strategy and the Regional Centre Land Use By-law "Package A" documents to permit the applicant's proposal as set out in Attachment A and bring the amendments back to Regional Council for first reading and to set a public hearing date.
2. Prepare amendments to the Regional Centre Secondary Municipal Planning Strategy and the Regional Centre Land Use By-law "Package A" documents to include policy and by-law requirements that would differ from those that are contained within the proposed documents for the subject site and bring the amendments back to Regional Council for first reading and to set a public hearing date. If this alternative is chosen, specific direction regarding the proposed policy and by-law requirements is required.

ATTACHMENTS

Map 1: Generalized Future Land Use
Map 2: Zoning and Notification Area

Attachment A: Applicant's Proposal

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.

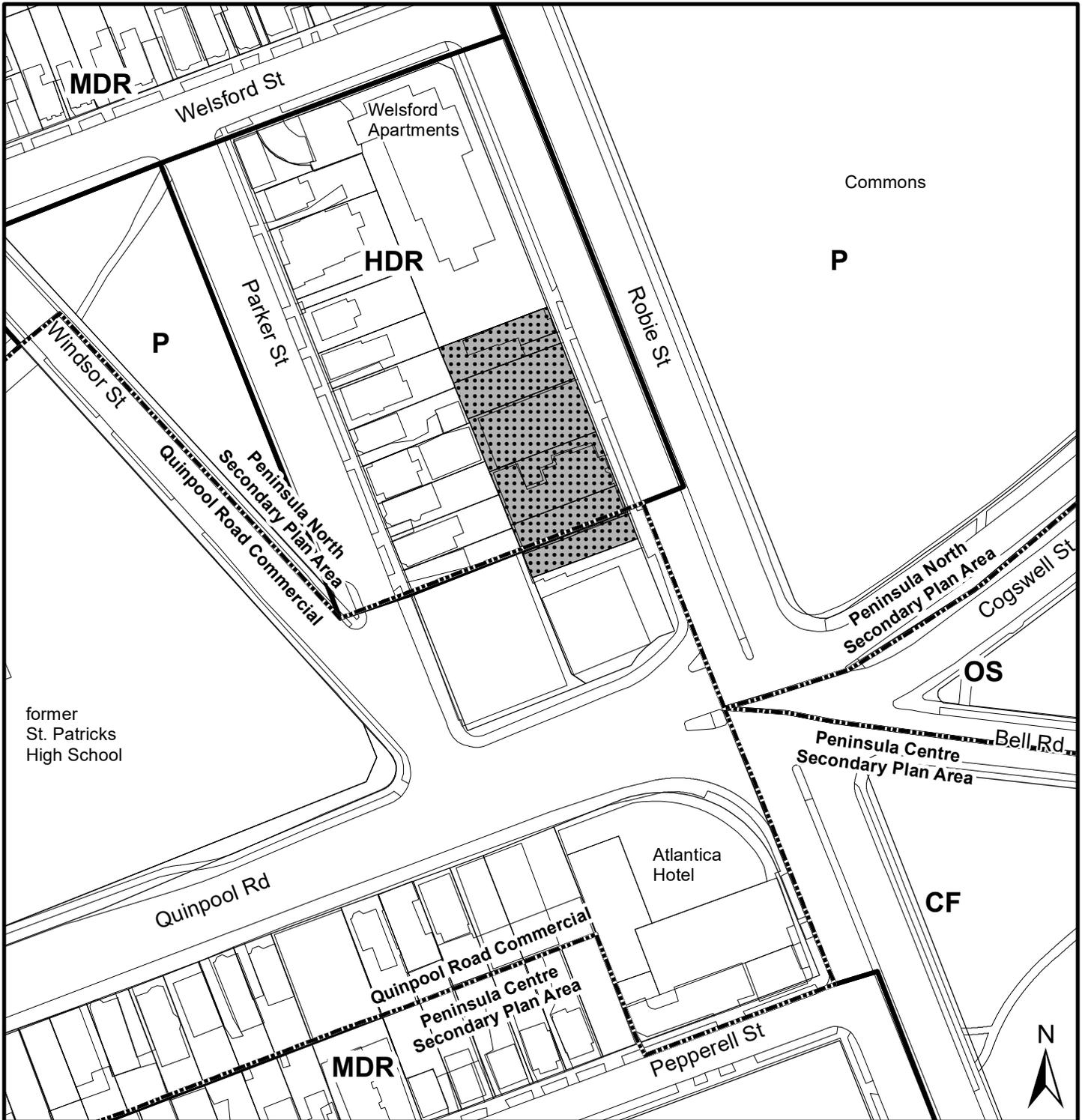
Report Prepared by: Carl Purvis, Planning Applications Program Manager 902.490.4797

Original Signed

Report Approved by: _____
Steven Higgins, Manager, Current Planning, 902.490.4382

Original Signed

Report Approved by: _____
Kelly Denty, Director, Planning and Development, 902.490.4800



Map 1 - Generalized Future Land Use

6009 Quinpool Road
Halifax

 Area of proposed development agreement

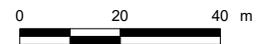
Halifax Plan Area
Quinpool Road Commercial
Peninsula North Secondary Plan Area

Peninsula Centre Designation
CF Community Facilities
MDR Medium Density Residential

Peninsula North Designation
HDR High Density Residential
P Park and Institutional

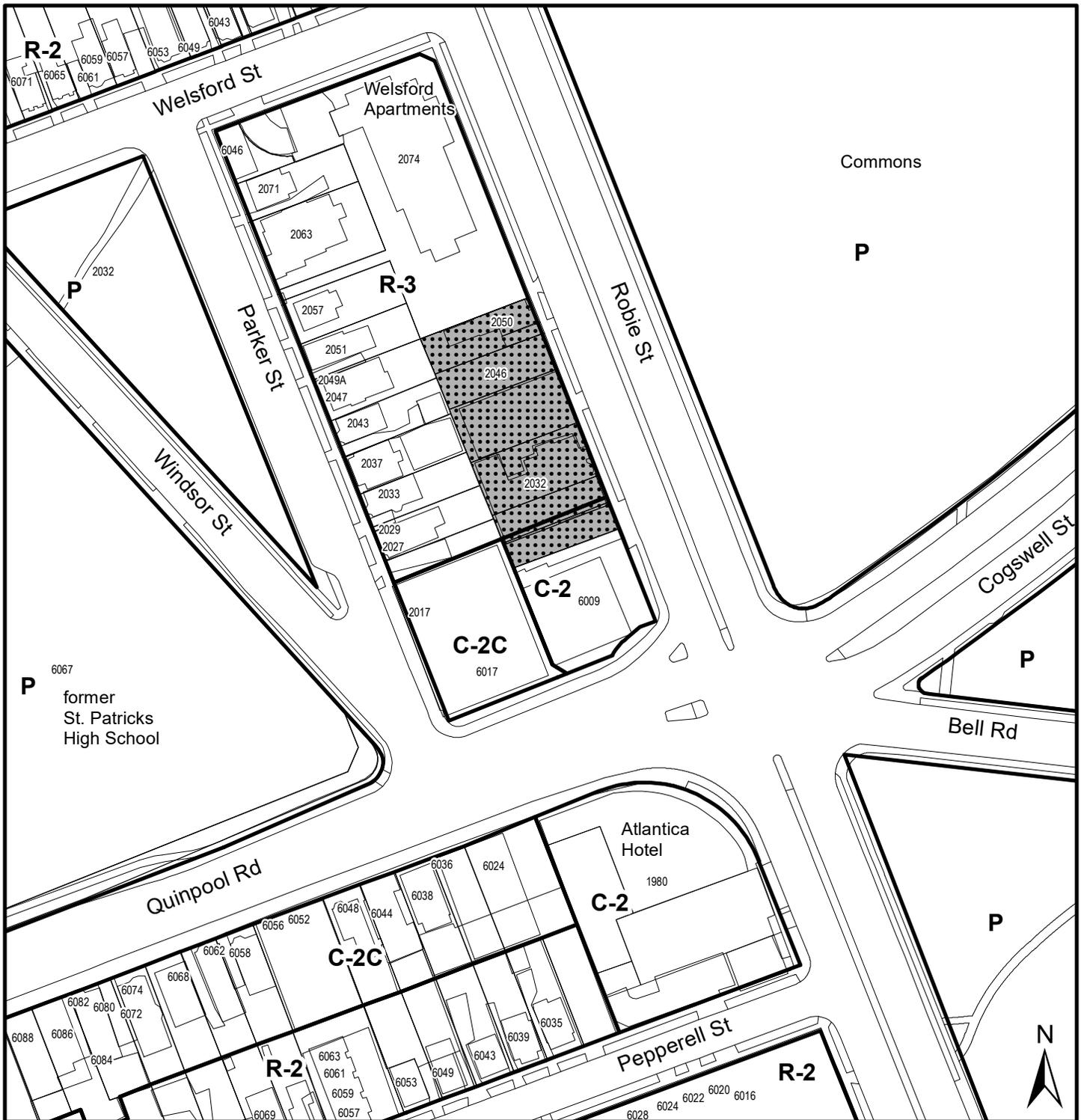
Halifax Plan Area Designation
OS Major Community Open Spaces

HALIFAX



This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated.

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



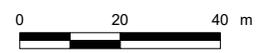
Map 2 - Zoning

6009 Quinpool Road
Halifax



 Area of proposed development agreement

- Zone**
- R-2 General Residential
 - R-3 Multiple Dwelling
 - C-2 General Business
 - C-2C Minor Commercial - Quinpool Road
 - P Park and Institutional

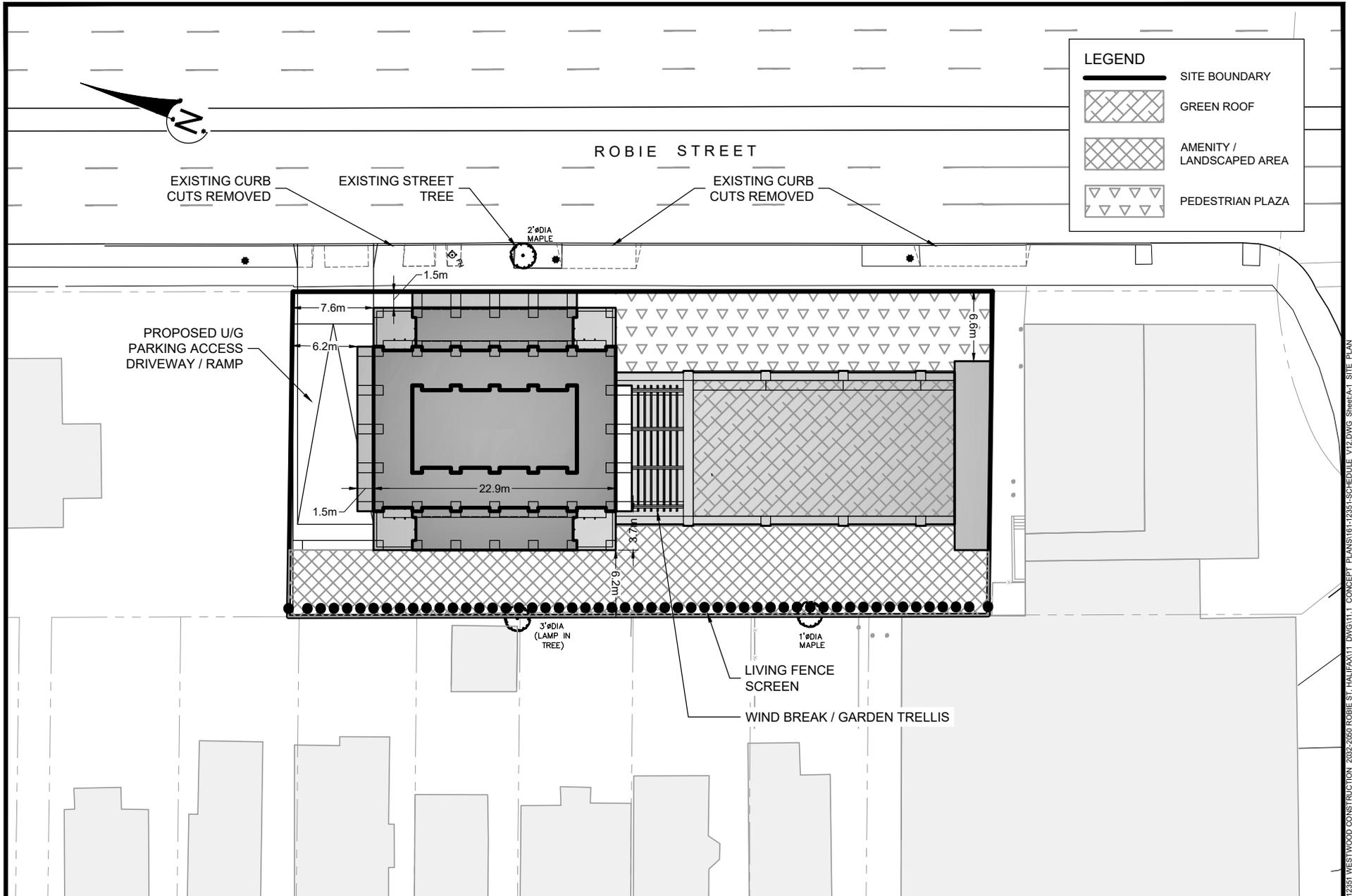


This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.

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

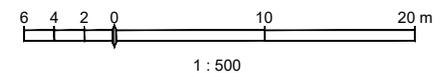
Halifax Peninsula
Land Use By-Law Area

Attachment A - Applicant Proposal



SCHEDULE A-1 - SITE PLAN 2032-2050 ROBIE STREET HALIFAX, NOVA SCOTIA

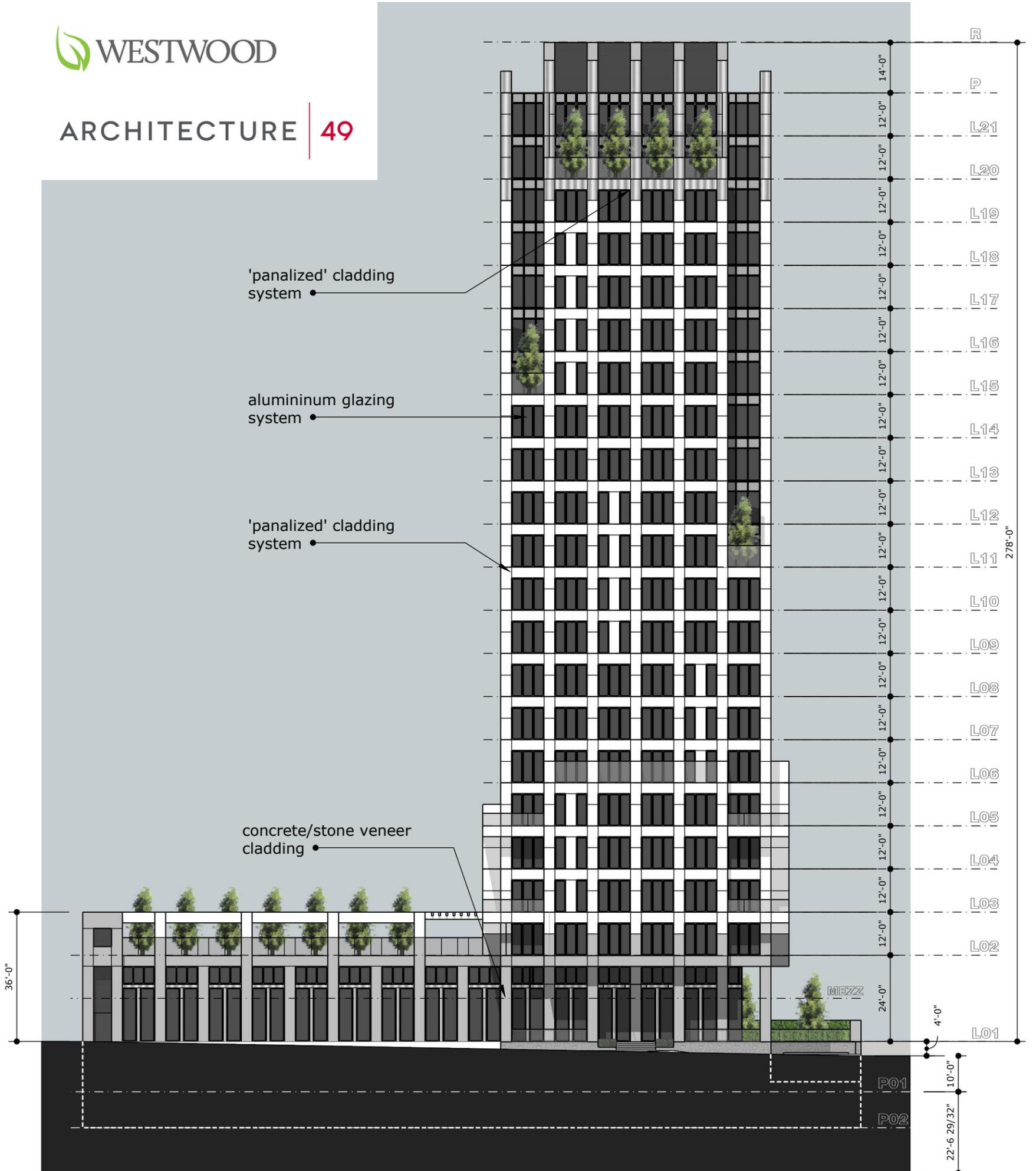
SCALE



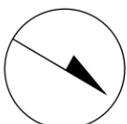
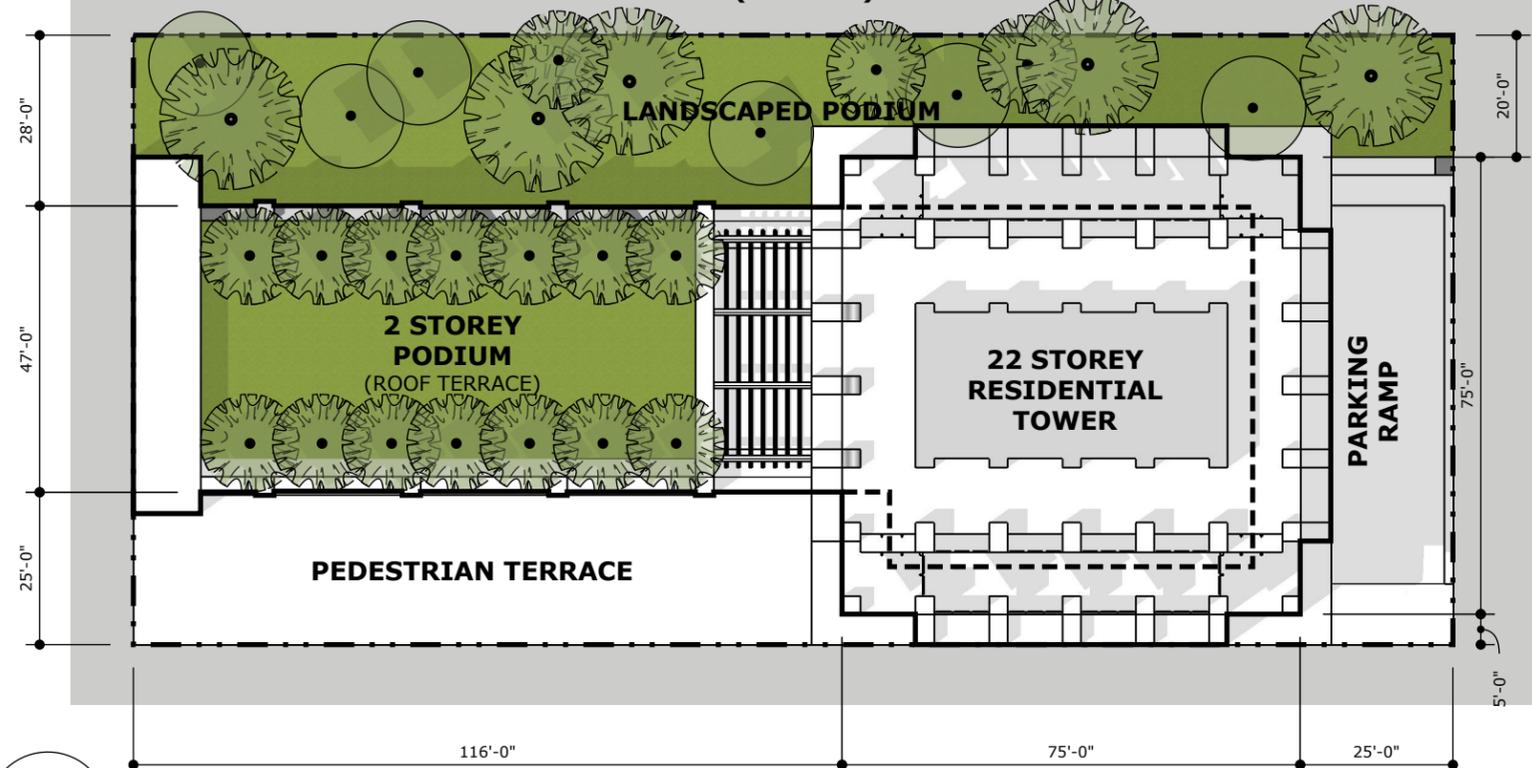
DATE: 20-SEP-2018

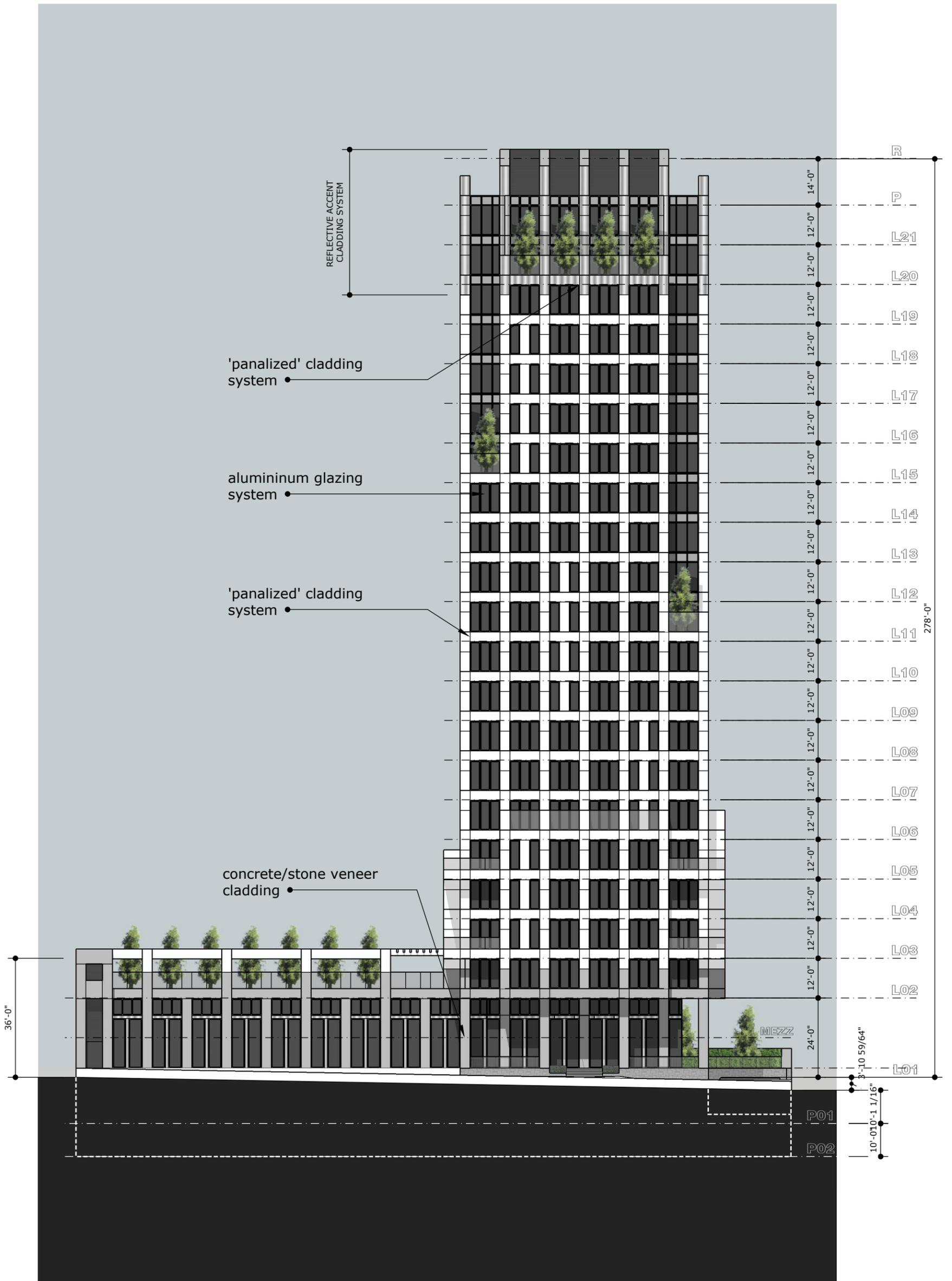
161-12351-SCHEDULE_V12

FILE: K:\DRAWING\2018\161-12351-WESTWOOD CONSTRUCTION_2018-2050 ROBIE ST., HALIFAX\11_DRAWING\1_CONCEPT_PLANS\161-12351-SCHEDULE_V12.DWG - Sheet A-1 - SITE PLAN



ROBIE STREET ELEVATION (EAST)



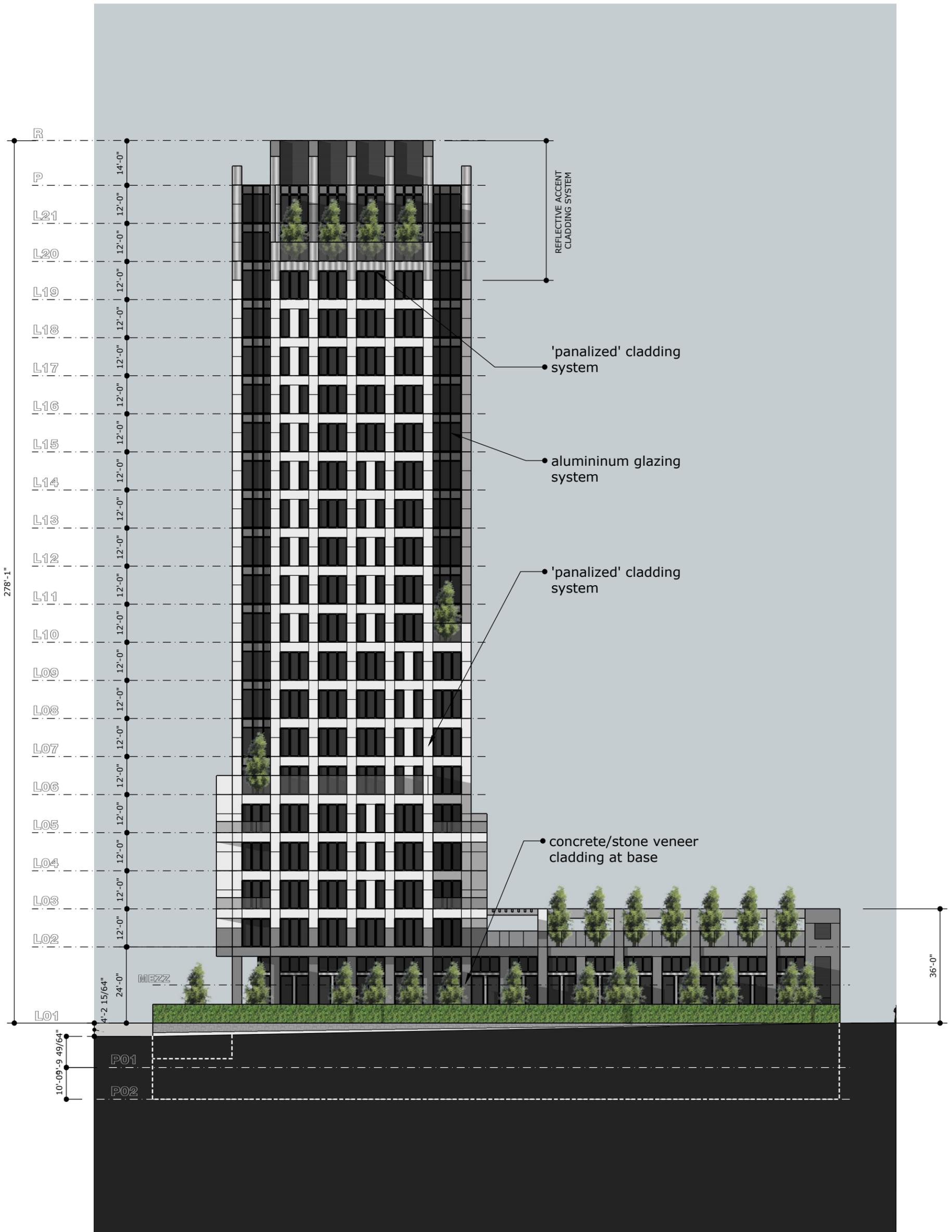


ROBIE STREET ELEVATION (EAST)

December 3, 2018

2032 ROBIE STREET
EXTERIOR ELEVATIONS

A01



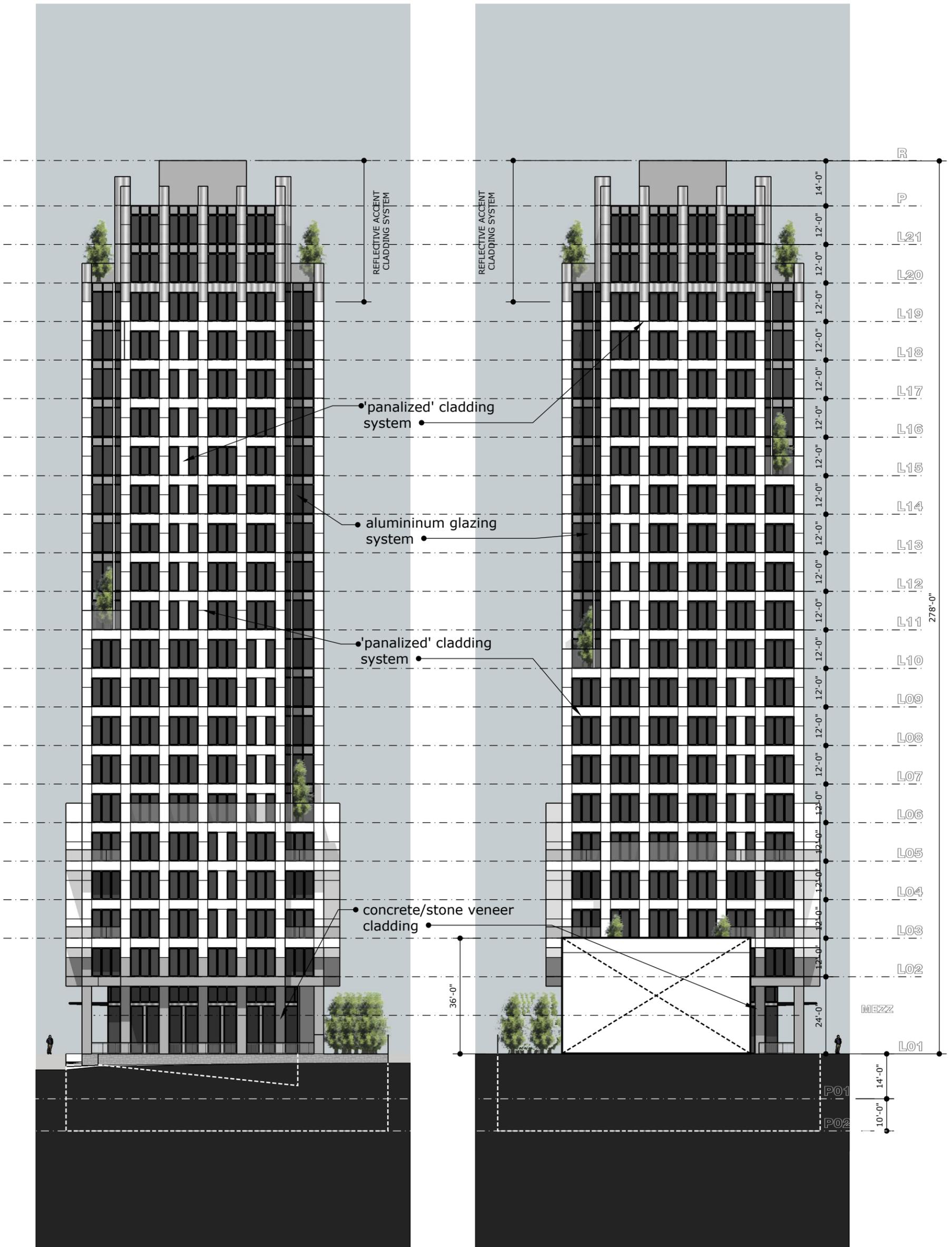
PARK STREET ELEVATION (WEST)

December 3, 2018

2032 ROBIE STREET

EXTERIOR ELEVATIONS

A02



ELEVATION (NORTH)

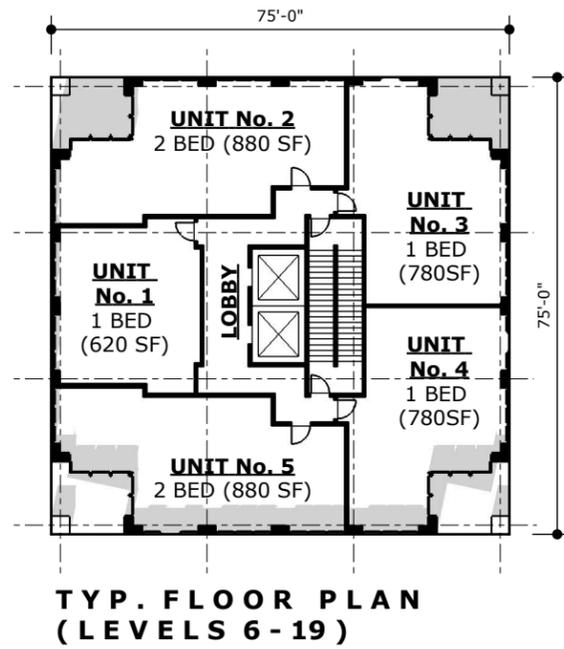
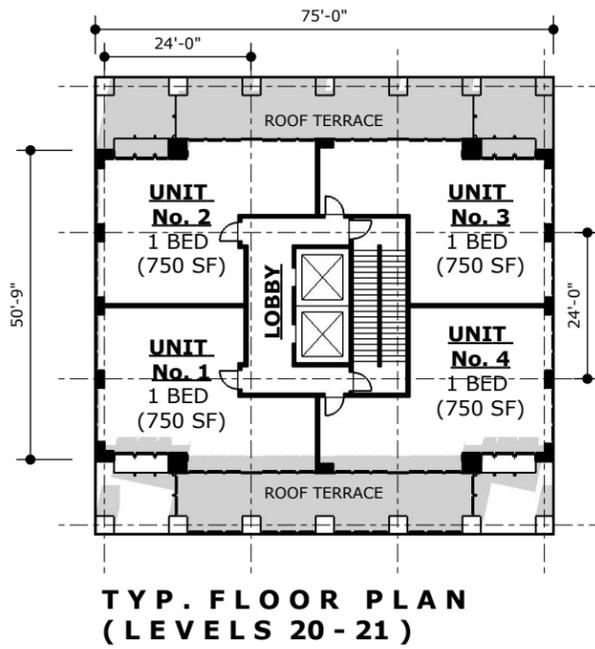
ELEVATION (SOUTH)

December 3, 2018

2032 ROBIE STREET

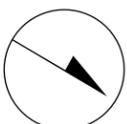
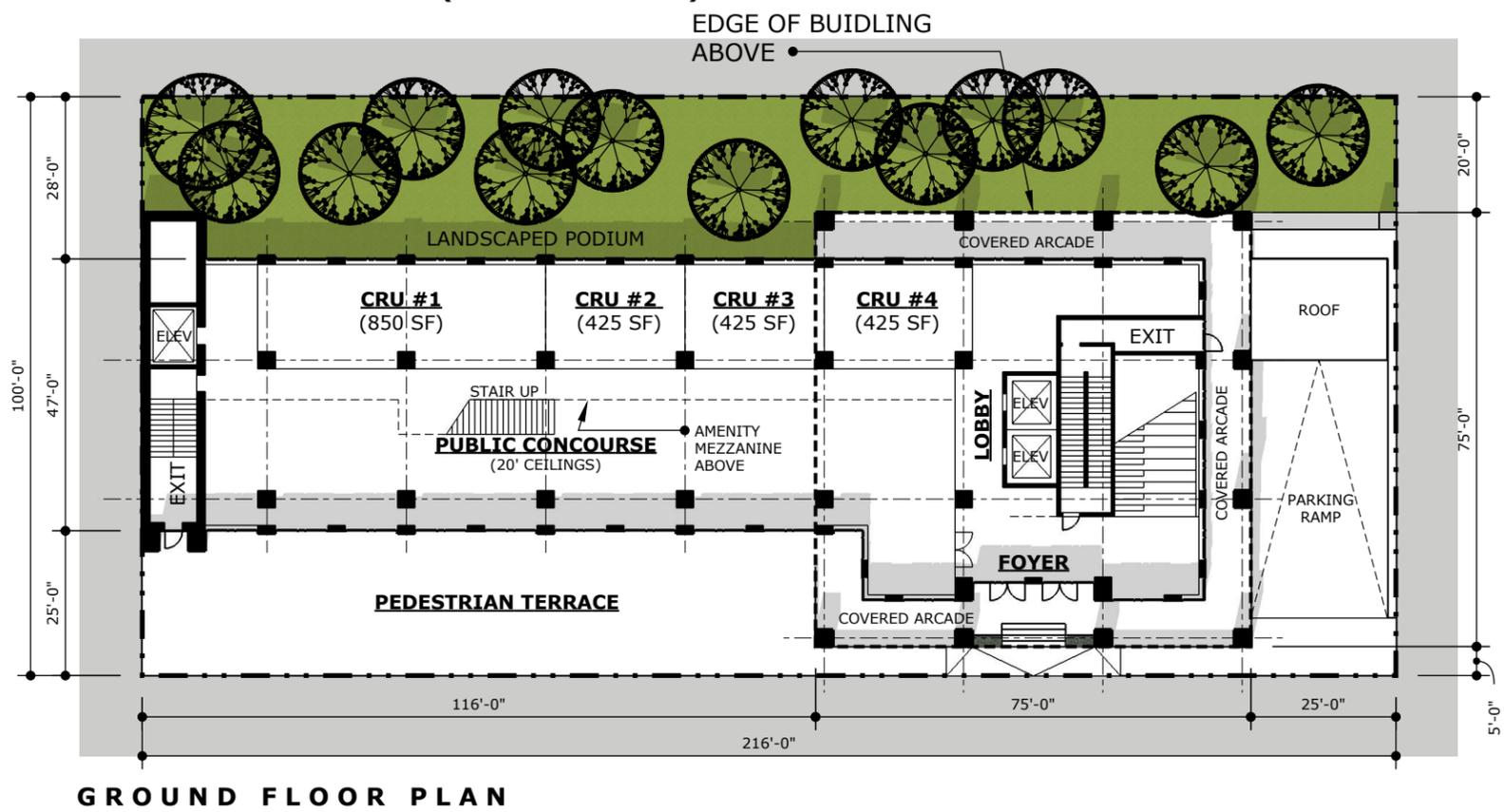
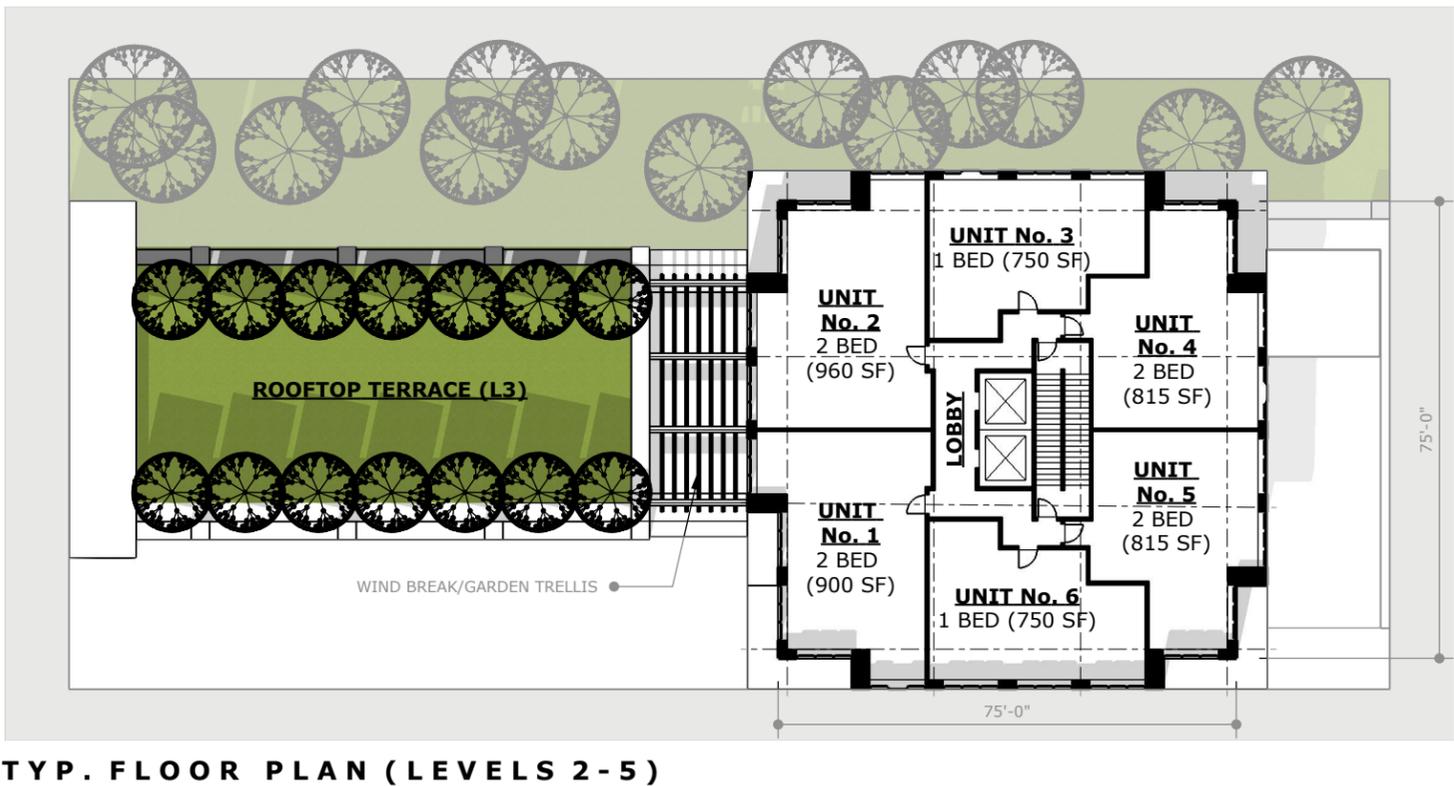
EXTERIOR ELEVATIONS

A03



UNIT CALCULATION:

LEVEL 2-5 (4 LEVELS)	- 1 BED = 8	- 2 BED = 16	TOTAL = 24
LEVELS 6-19 (14 LEVELS)	- 1 BED = 42	- 2 BED = 28	TOTAL = 70
LEVELS 20-21 (2 LEVELS)	- 1 BED = 8	- 2 BED = 8	TOTAL = 16
GRAND TOTAL:	- 1 BED = 58	- 2 BED = 44	TOTAL = 102 UNITS





NE PERSPECTIVE

December 3, 2018

2032 ROBIE STREET





SE PERSPECTIVE

December 3, 2018

2032 ROBIE STREET



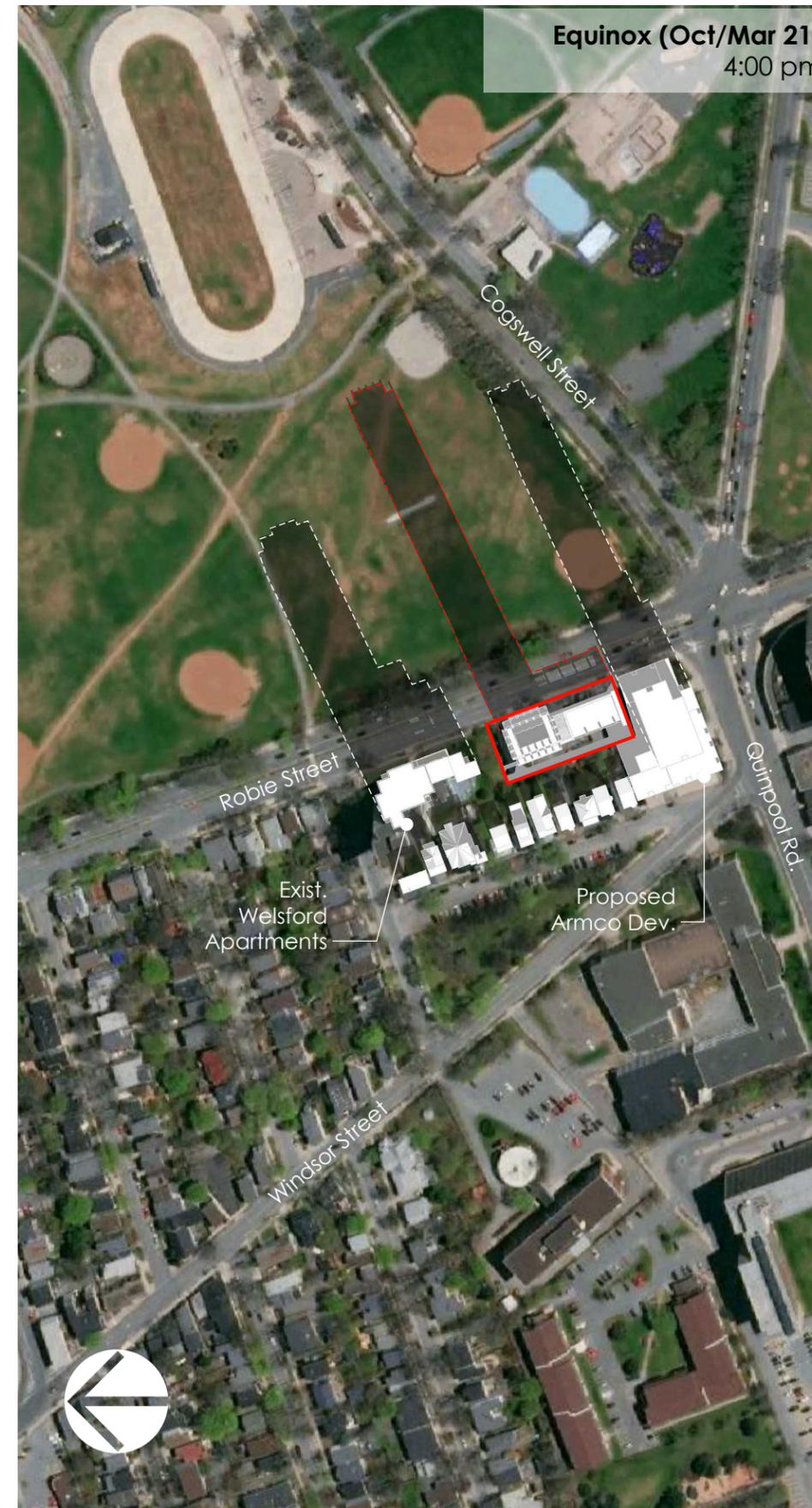
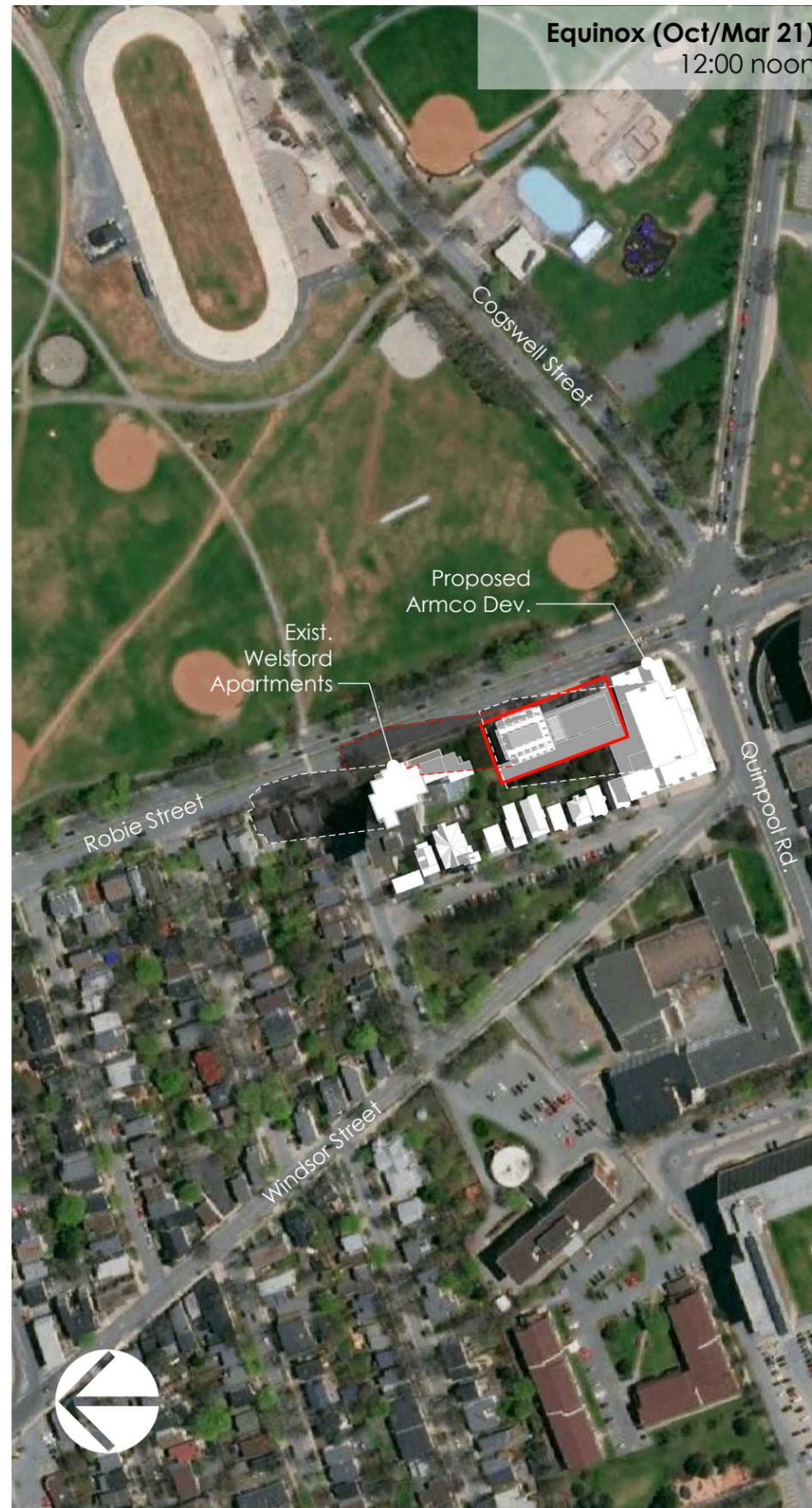
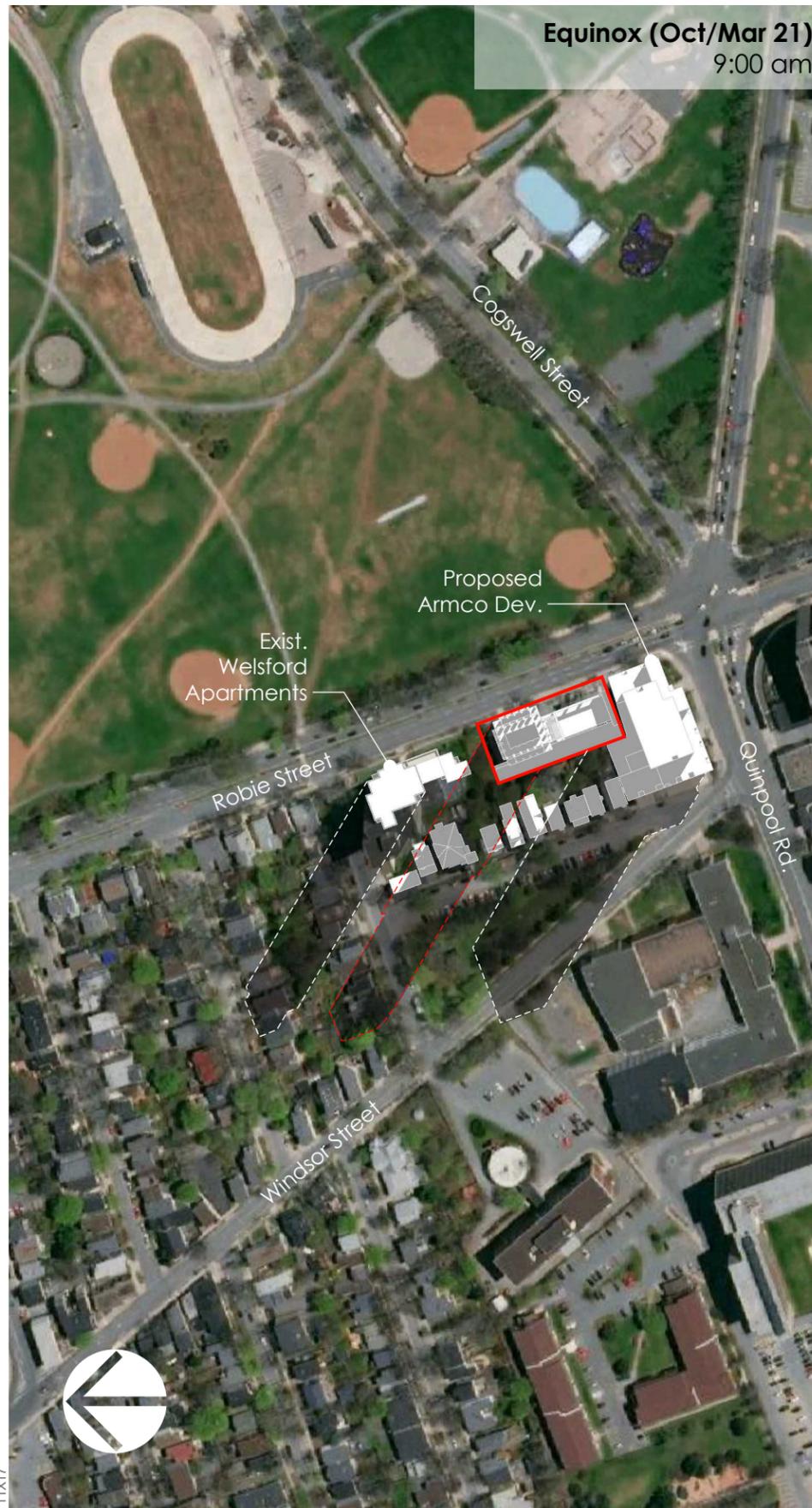


SW PERSPECTIVE

December 3, 2018

2032 ROBIE STREET





11X17

2032 Robie St.

Project #
Sept. 23, 2018

SHADOW STUDY
EQUINOX - (OCT/MAR 21)

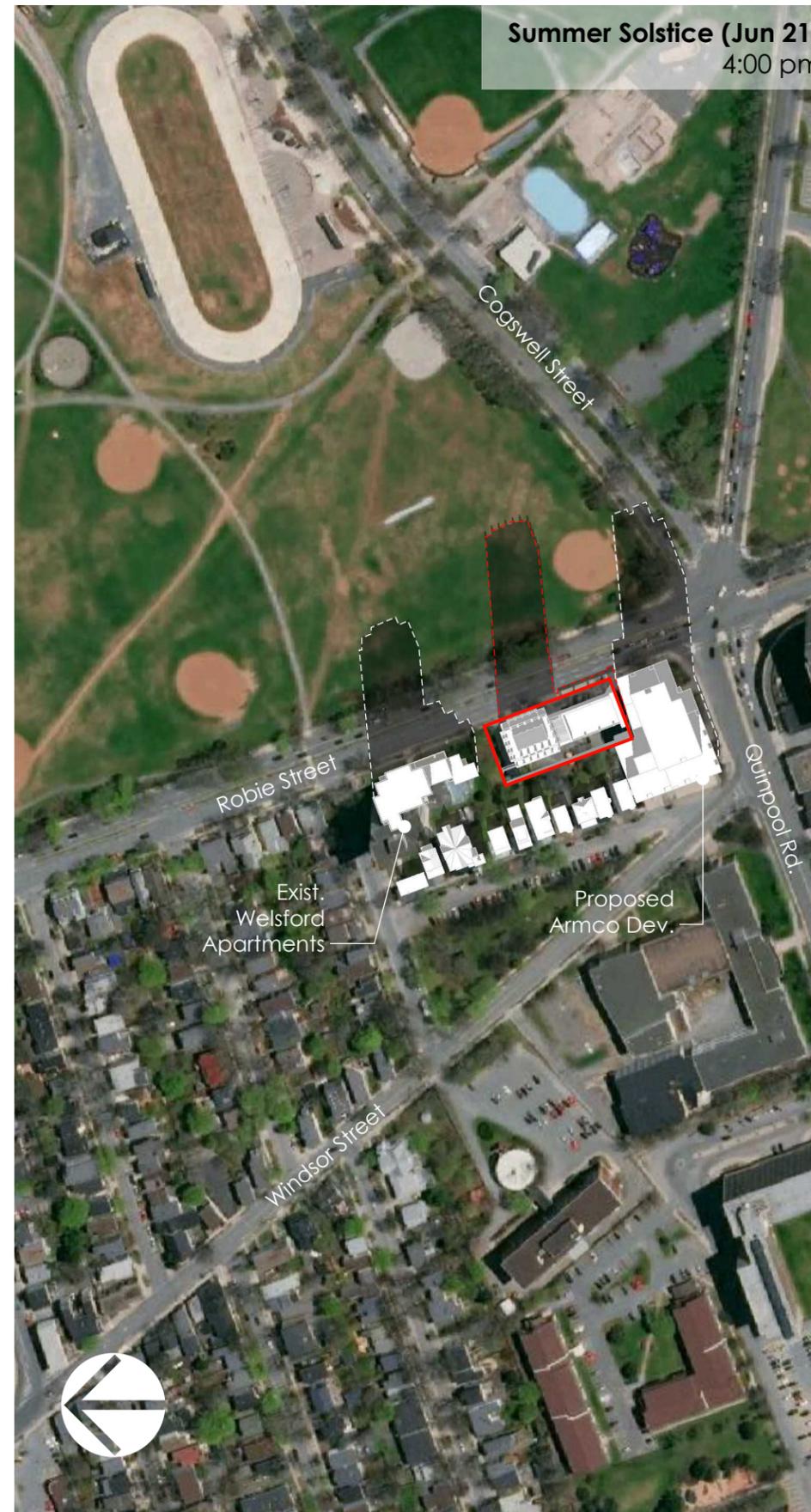
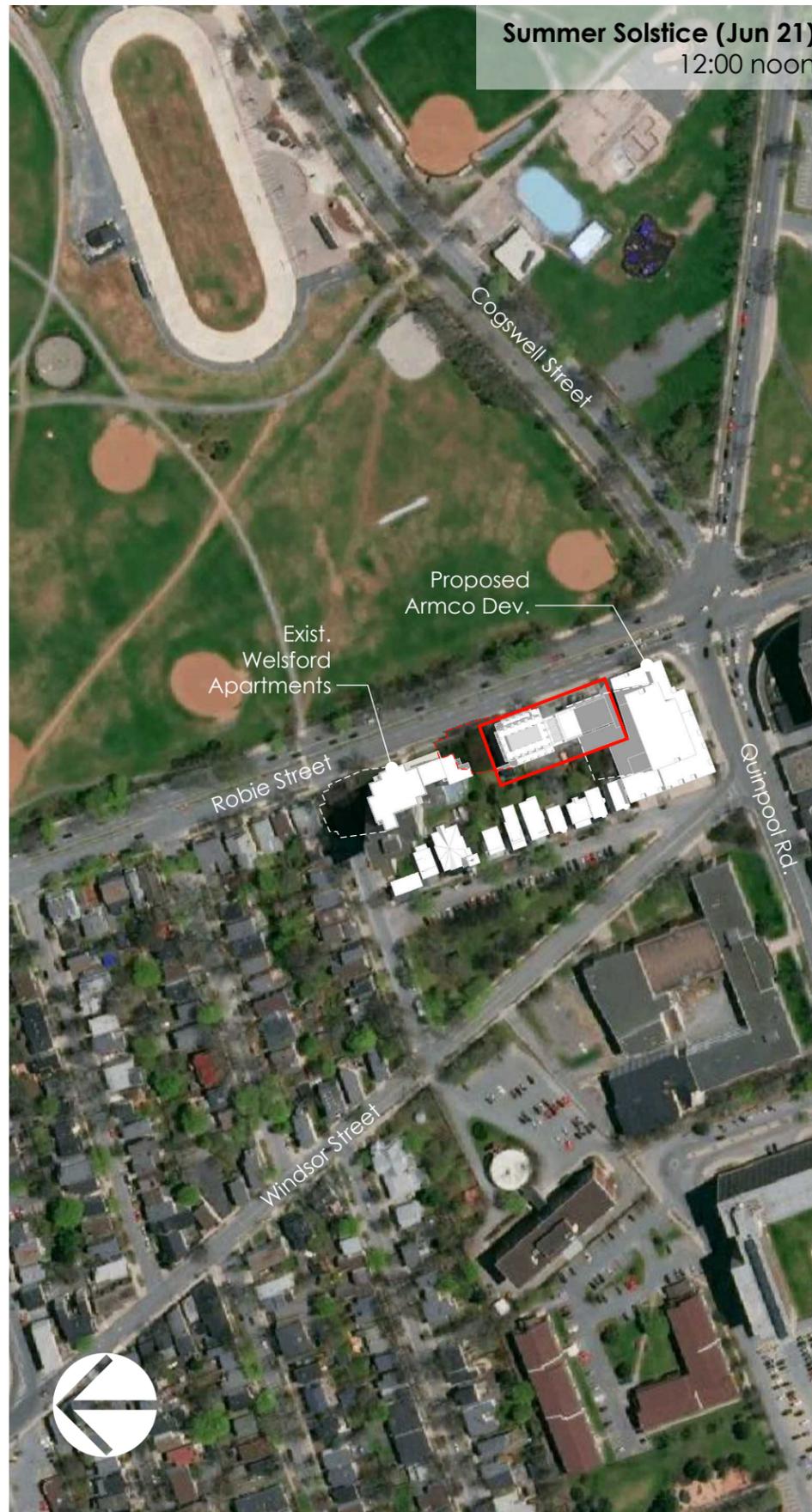
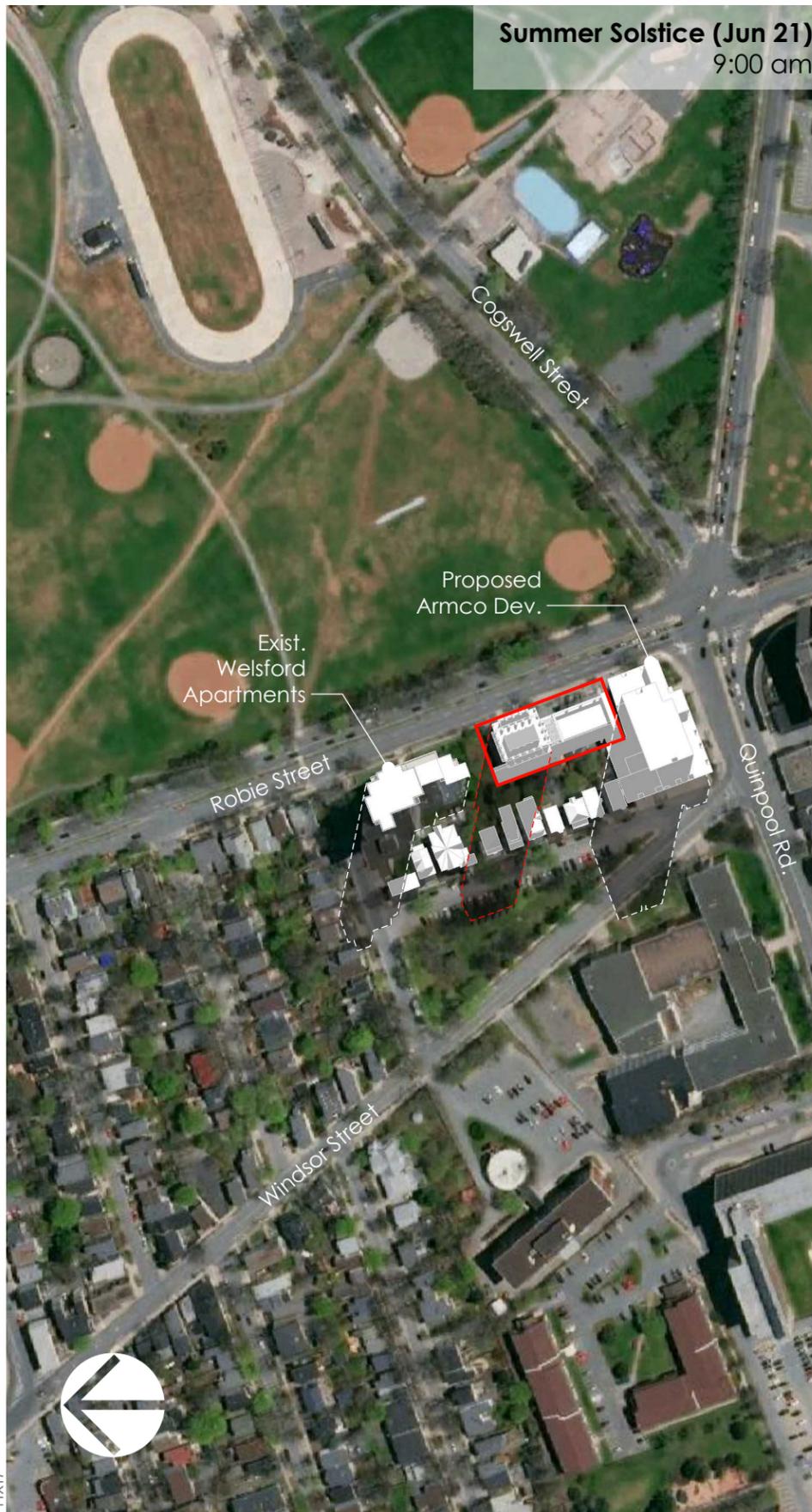


ARCHITECTURE | 49



Zwicker
Zareski
architecture +
planning

A-1/3



11X17

2032 Robie St.

Project #
Sept. 23, 2018

SHADOW STUDY
Summer Solstice - (June 21)

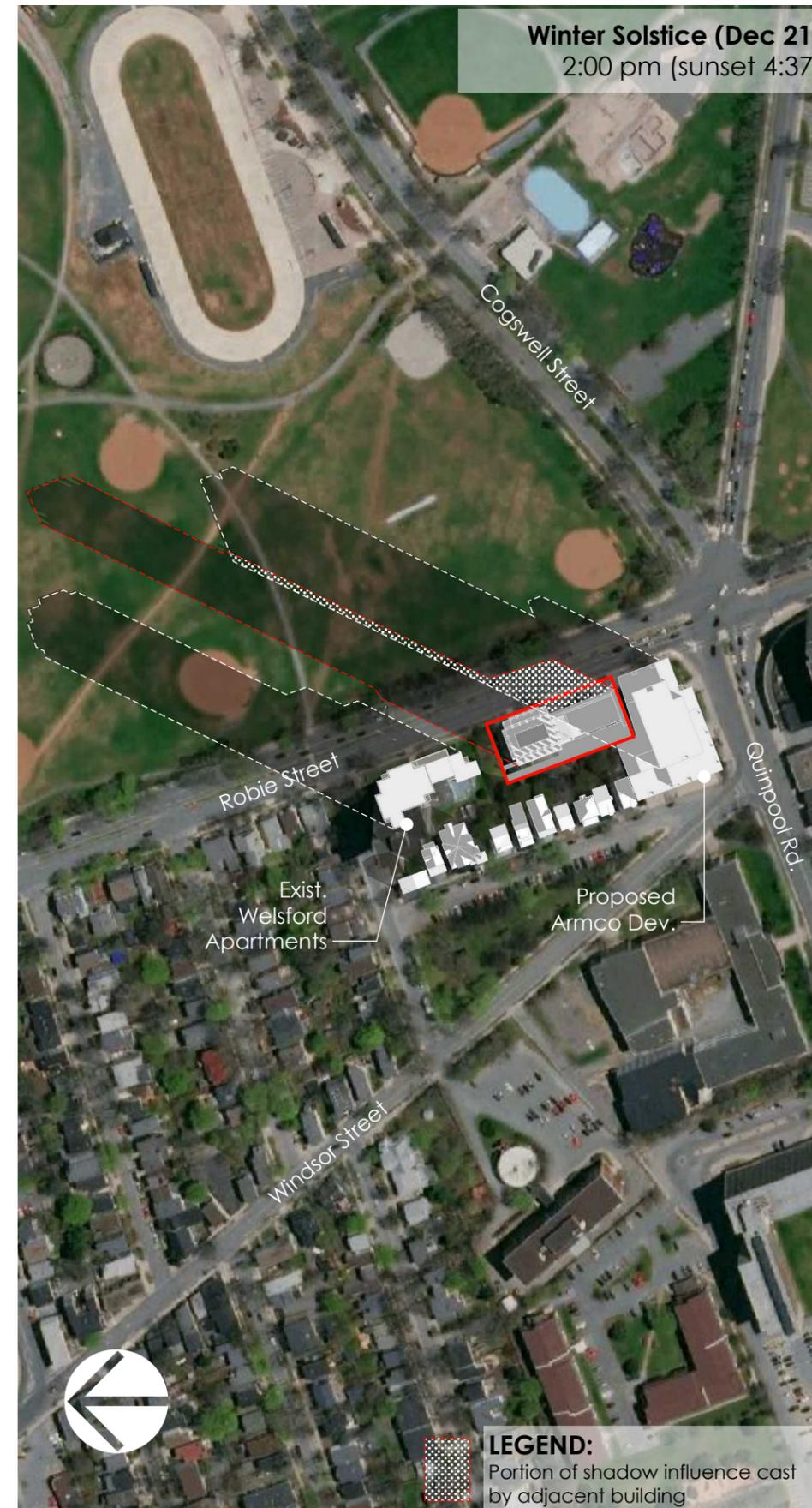
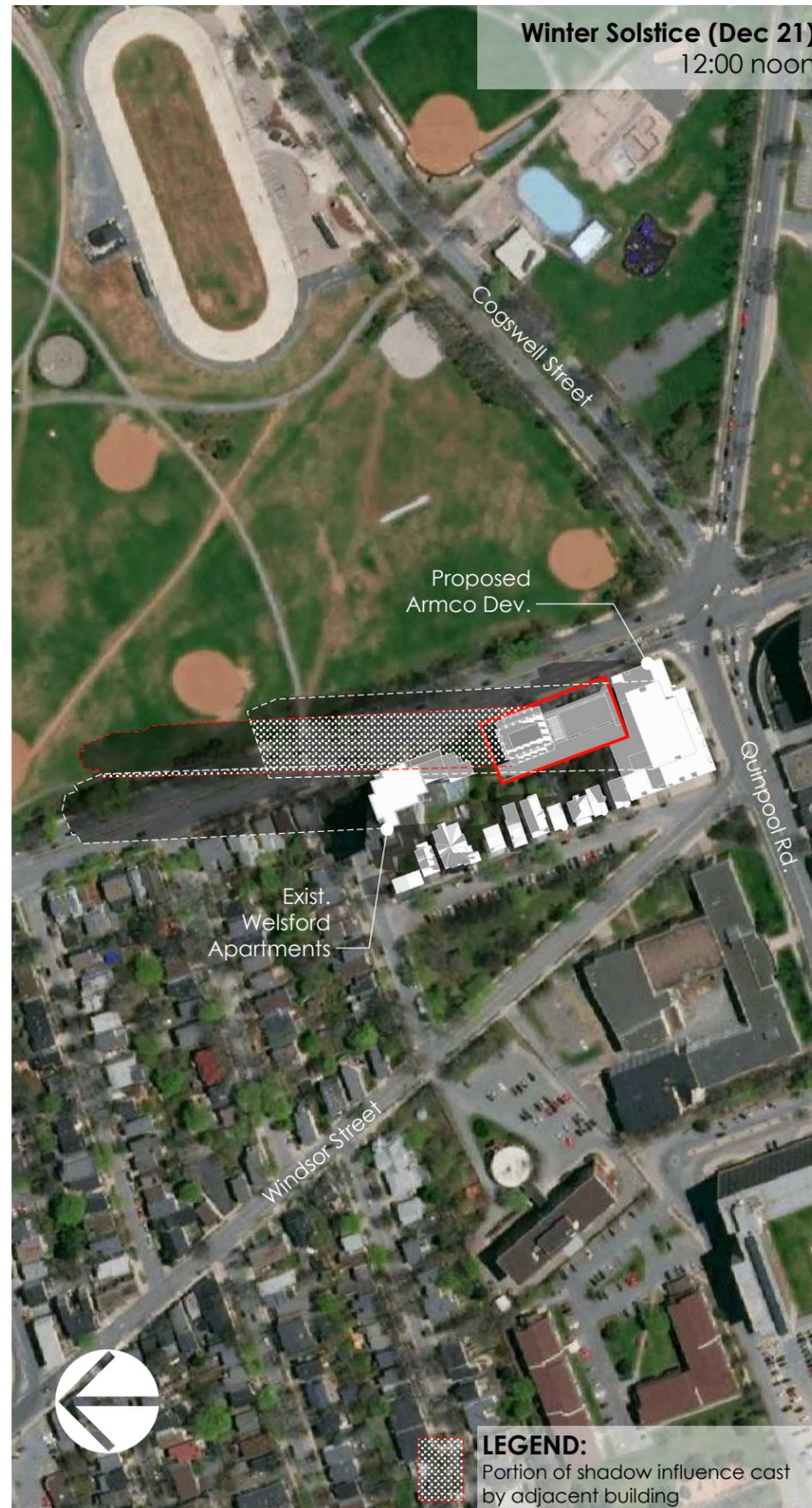
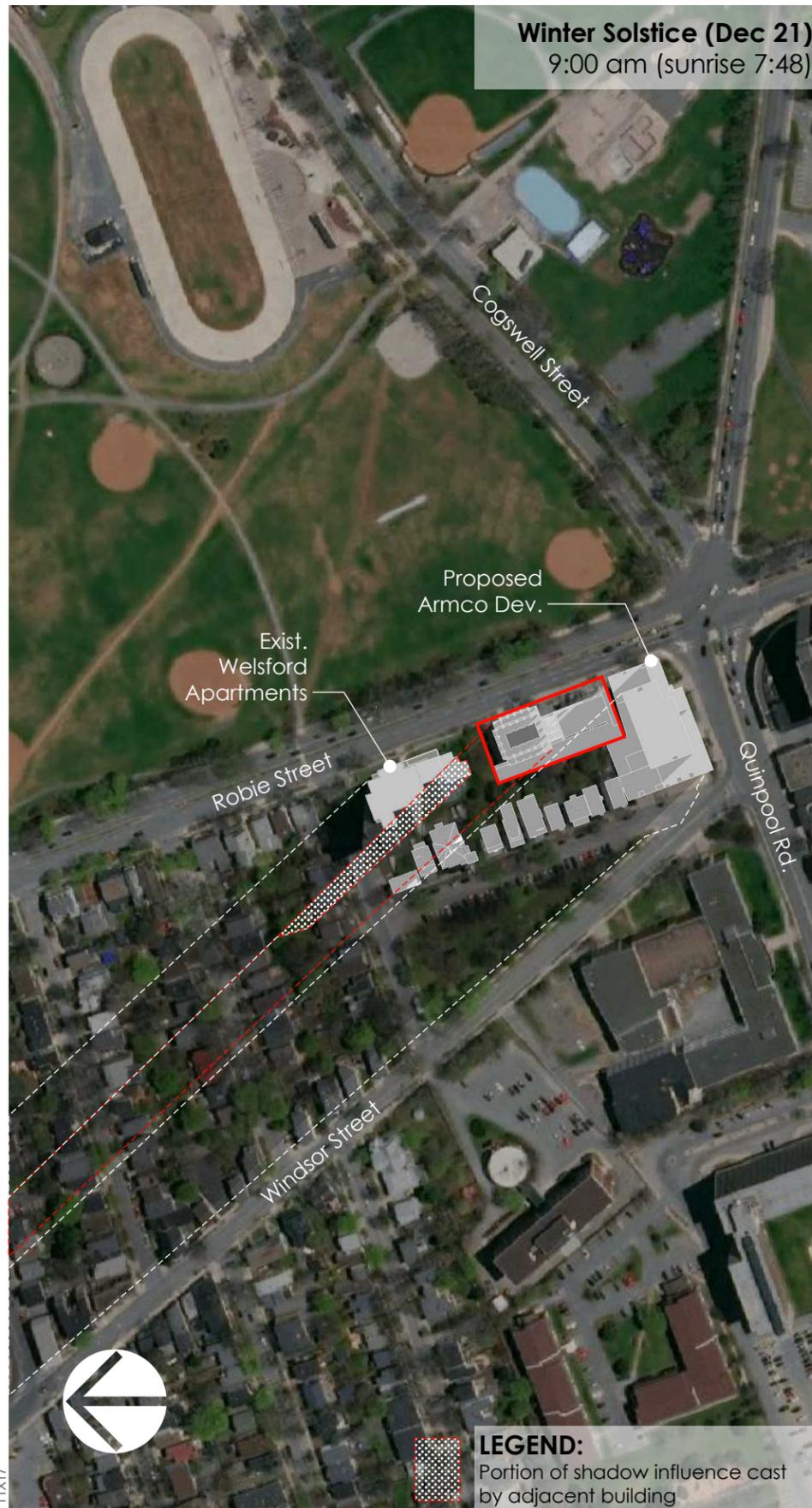


ARCHITECTURE | 49



Zwicker
Zarecki
architecture +
planning

A-2/3



11X17

2032 Robie St.

Project #
Sept. 23, 2018

SHADOW STUDY
Winter Solstice - (Dec 21)



ARCHITECTURE | 49



Zwicker
Zarecki
architecture +
planning

A-3/3