

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original Signed by 
Jacques Dubé, Chief Administrative Officer

DATE: April 3, 2020

SUBJECT: **QEII Redevelopment Project and Associated HRM Property Transactions**

ORIGIN

The Province of Nova Scotia is undertaking a substantial redevelopment of the QEII Health Sciences Centre and is building new parking facilities and a central heating plant to service the hospital.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, S.N.S. 2008, c. 39

Powers of Municipality regarding property

- 61 (1) The Municipality may acquire, and own property granted or conveyed to the Municipality either absolutely or in trust for a public or charitable purpose.
- (2) Where property is conveyed to the Municipality in trust for a public or charitable purpose, the Municipality holds the property according to the terms of the trust and may do anything necessary to carry out the objects of the trust.
- (3) The property vested in the Municipality, absolutely or in trust, is under the exclusive management and control of Council, unless an Act of the Legislature provides otherwise.
- (4) Possession, occupation, use or obstruction of the property of the Municipality does not give and estate, right or title to the property.
- (5) The Municipality may
- (a) Acquire property, including property outside of the Municipality that the Municipality requires for its purpose or for the use of the public;
 - (b) Sell property at market value when the property is no longer required for the purposes of the Municipality;
 - (c) lease property owned by the Municipality at market value;

(d) sell deeds for cemetery lots and certificates of perpetual care. 2008, c.39, s.61

Administrative Order Number 50, Respecting the Disposal of Surplus Real Property
Policy Statement and Categorization

2.(1) The Municipality can acquire and sell real estate within its legislative provisions.

By-law E-200, Respecting Encroachment Upon, Over or Under a Street

Clause 10, Encroachment Agreements

Administrative Order 2018-004-ADM, *Respecting Real Property Transactions*

RECOMMENDATION

It is recommended that Halifax Regional Council authorize the Chief Administrative Officer to:

1. Negotiate and enter into an Encroachment Agreement for an elevated pedway across Summer Street, based on the key terms and conditions set out in Table 1 of this report; and
2. Grant an easement upon municipal lands between the lands of the provincial Nova Scotia Museum and Bell Road, as outlined in this report and identified in Attachment 1, subject to the acceptance of a traffic assessment, and other studies as may be required, by the Municipal Engineer, and the retention of the functionality of municipal parkland as outlined in this report.

BACKGROUND

The Province of Nova Scotia (PNS) is undertaking a major redevelopment of the QEII Health Sciences Centre. Known as the QEII New Generation project, it is the largest health care project in Nova Scotia history and deals with some of the province's most specialized health services. A critical part of the project is its master plan which will determine what this project will look like, and where services will be delivered. Services are being moved from the Victoria, Centennial and Dickson buildings of the Victoria General site and those buildings are expected to eventually be demolished. Care and services will be delivered at other hospitals and new health care facilities are being built or renovated, including the Halifax Infirmary (HI).

Construction on the HI is scheduled to begin in 2021 and includes plans to demolish and relocate the existing parkade on Robie Street. Pending completion of a permanent parking structure, PNS had initially planned to replace the Robie Street parking structure with an 800-stall parking garage located south of the Nova Scotia Museum, with a possible extension over Summer Street to the HI site which would be built at a later date. This garage would have been built partially on land owned by the Municipality and impacted several facilities, including the Bengal Lancers riding ring, access to the public works depot, and parts of the Wanderers Ground and adjoining concession areas.

In addition to the garage, the previous version of the master plan included a new Central Heating Plant built to the north of the NS Museum, which would need municipal approval of a tunnel under Summer Street to connect the facility to operations to the main HI site along Bell Road.

The encroachments and land acquisitions required for the parking garage and heating plant were the subject of an in-camera report to Regional Council dated January 14, 2020. It highlighted a number aesthetic and functional issues with the provincial proposal, particularly since the area is part of the Halifax Common and the impact they would have on municipal lands and facilities.

This report has been subsequently de-classified. Through Regional Council's deliberations, staff were authorized to explore the use of part of the Summer Street right of way in discussions with PNS to find an alternative that consolidated the facilities fully on the HI site.

The PNS has advised that they are committed to working with the Municipality to mitigate stakeholder impacts and ensure HRM, citizens, and stakeholder impacts are understood and accommodated where practical. To this end, PNS and HRM staff have continued to meet to discuss options and alternatives for the location of the central heating plant and parking structures. Through those discussions, HRM and PNS explored options of using a portion of the Summer Street right of way but determined it would have required significant relocation of utilities in Summer Street and adversely impacted transit routes.

PNS has recently presented a site plan which staff advise is the best fit given the constraints to the site. The revised site plan does not require any changes to the alignment, width or configuration of Summer Street. The inpatient centre, learning centre, as well as ambulatory and cancer care centres would be combined in towers at the corner of Robie Street and Bell Road. The central utility plant would be co-located with a 1,000-stall parking garage off Bell Road, approximately in the location of the former CBC building.

A 500-stall parking garage would still be required on the east side of Summer Street to accommodate parking needs during construction. However, the Province now intends to locate this garage on the north side of the Museum, on the former small surface staff parking lot.

Based on this, the Province is requesting official endorsement by the Municipality of the revised site plan, and as well are recommending 6 m (20 feet) for the additional right of way for Bell Road referenced in the Memorandum of Understanding (MOU) signed between the Municipality and the former Capital District Health Authority (the Province) (Attachment 2).

DISCUSSION

Revised Parkade and Physical Plant Proposal

The hospital project will result in new development facing streets and other public open spaces within the Halifax Common, an important area of the city. Ideally, utilitarian structures such as parkades and physical plants should be situated to the rear of other buildings to minimize their impact on the public realm. The current PNS proposal will continue to have the parkade and physical plant in prominent locations. However, there are several positive changes relative to the previous proposal:

- the new 500 stall parkade is smaller and can fit entirely on PNS lands to the north of the Nova Scotia Museum of Natural History, thereby avoiding impacts to the Bengal Lancers and the Wanderers Grounds;
- the 500 stall parkade will be setback approximately 6m from Summer Street, which is more consistent with the setbacks found for other institutional buildings on the Halifax Common;
- with the parkade relocation there may be a future opportunity to establish new public open space between the museum and Wanderers Grounds;
- the greenspace at the corner of Bell Road and Summer Street would be retained; and
- the potential of a future three storey parking structure over Summer Street is no longer envisioned and has replaced by a pedway, which provides unimpeded access to the hospital while being far less imposing on the public realm.

The revised proposal was developed after an exhaustive evaluation of alternatives that PNS reviewed with HRM staff. The current proposal balances municipal open space interests while considering constructability, cost, technical feasibility, and clinical operations required for the HI site. PNS has requested that Regional Council endorse its current overall site plan, however, HRM does not have a regulatory framework to approve, comment or alter the plan. Rather, Regional Council can consider the three elements of the site plan that currently require municipal approval, which are discussed below.

Pedway for Summer St. Parking Structure

The Province has indicated that the pedway over Summer Street will be needed to connect the new parking structure directly to the existing HI building. This represents an encroachment pursuant to By-law E-200 which needs to be approved by Council. The By-law provides for Council to enter into an agreement to construct or maintain an encroachment upon any terms and conditions as Council deems appropriate. In addition, the By-law provides for Council to waive the fee for pedways, if in the opinion of Council, the pedway provides a public benefit. Since the pedway would allow for direct access to the hospital, it can be considered as providing a public benefit.

In this case, the pedway can be built in a manner that will not impede the use of Summer Street as a public right of way. An Encroachment Agreement with the appropriate agency of the Province, should contain the key terms and conditions summarized in Table 1.

Table 1 - Key Terms and Conditions for Pedway Encroachment Agreement over Summer Street

Property Address	1747 Summer Street
Grantor	Halifax Regional Municipality
Grantee	Province of Nova Scotia
Use	Pedway
Terms	<ul style="list-style-type: none"> • PNS to reinstate disturbed areas to like or better condition than before the construction, including any required tree replacement; • PNS release and indemnify the Municipality for all losses, claims, or expenses including third party claims, that arise from building and maintaining the pedway; • PNS retains ownership of the pedway; • The final location of the pedway, as well as any future relocation, must be approved by the Municipal Engineer; • PNS to comply with all municipal by-laws for construction and maintenance of the encroachment and all subsequent work which involves the excavation of the street; • PNS maintains the pedway in a safe condition that is not a hazard to vehicles, pedestrians or the public at large; • HRM can order repairs, and carry out repairs if needed at the expense of PNS; and, • The appropriate remedy and termination provisions to further the intent of these key terms and conditions. • Generally, as per Attachment 1
Fee	Waived
Encroachment Width	No more than 3.6 metres
Clearance	<i>No less than 5.3 metres</i>

Memorandum of Understanding

The Memorandum of Understanding (MOU) that was signed between the Municipality and the former Capital District Health Authority (the Province) contemplated 13.7 meters of additional right of way, through the following clause:

“3.2.1 Bell Road should be widened by adding approximately forty-five feet (45’) along its southern edge from Robie to Summer Street, dependent on design. This will help facilitate the introduction of: extra travel for more efficient traffic and bike flow; a ten-foot (10’) wide tree lawn; and a ten (10’) wide sidewalk.”

In addition, the MOU contemplated that hospital buildings would have a relatively large setback from the widened Bell Road, which was addressed through the following:

“3.3 HRM proposes that the width of open space conceptualized along the south side of Bell Road extend through the CBC site and around the corner along Summer Street if CDHA were to acquire the CBC parcel.”

The road widening and open space are further illustrated in the MOU (Attachment 2).

When the MOU was established the Province was immediately planning for the expansion of the hospital, but this did not occur. The current expansion plans are much more substantial in scope with a greater number and density of buildings and facilities being contemplated on the HI site. With this, the Province’s plans eliminate the envisioned open space and reduce the proposed road widening from 13.7m to 6m. In addition, the province indicates that it may need to construct underground portions of anticipated buildings within the 6m widened area.

The need for hospital facilities is well recognized and with the concentration of intended facilities on the HI site, the MOU’s statement of municipal interest in clause 3.3, “HRM proposes that the width of open space, etc.”, is unachievable by the Province. However, the Bell Road right-of-way widening continues to be important to the Municipality and should be equally imperative to the Province with the increased vehicular, pedestrian, and active transportation demands that will occur with the new hospital development. The proposed reduction in the anticipated right-of-way width now proposed is considerable. However, this would still provide a 3m (10’) tree lawn and 3m (10’) sidewalk. Bicycle lanes could still be established, but this would be in lieu of additional vehicle capacity on Bell Road. Although the details need to be determined, this approach is supported by the Integrated Mobility Plan. Therefore, the reduction to 6m is acceptable.

The 6m widening may need to be through a transfer of lands to the Municipality for transportation infrastructure. Final arrangements will be determined and finalized with the Province through the detailed design process and staff will return to Council for further authorization, if needed.

Access to Bell Road for Summer St. Parking Structure

The proposed Summer Street parking structure is to have one access to Summer Street and another to Bell Road. The Bell Road access would need to cross a 15m strip of municipal parkland that extends along the southern length of the roadway in a section that is between Summer and Sackville Streets (Attachment 1). This parkland provides the Municipality with the ability to develop infrastructure that could include a widened tree lawn, sidewalk and bicycle lanes.

The Halifax Common Plan (1994) directs that the Municipality should not lose additional lands through policies such as the following:

“2.1 The amount of public open space in the Halifax Common will not be decreased”; and

“3.1 The amount of land owned by the City of Halifax will not be decreased.”

The driveway can be accommodated through an easement to the Province. While this is not necessarily a reduction in lands owned by the Municipality, it would be a disposal of rights. In considering this proposal, it is relevant to evaluate if the driveway will negatively impact open space functionality of this area. Further to this, the proposed driveway could be designed in a manner that has a limited impact if the amount of parkade traffic is not excessive and the driveway can be designed so that vehicles do not unduly inhibit or block current or anticipated pedestrian and bicycle traffic along Bell Road. This would be dependent upon

traffic assessments and detailed design that would be prepared as the project advances in its design phases. On this basis it is recommended that an easement be approved in principle, with the condition that the open space functionality for this area of parkland be retained, as supported by traffic assessments and detailed design and approved by the Municipal Engineer. Should this not be able to be achieved, staff would return to Regional Council for additional discussion and direction.

Future Hospital Planning and Development

PNS has indicated that other municipal interests expressed through the MOU over areas such as the Victoria General site, where additional open space is envisioned, will be addressed through subsequent and on-going discussions with the Municipality in future years after the completion of the HI project. Staff will report on the progress of any discussions through future reports to Regional Council.

FINANCIAL IMPLICATIONS

There are no financial implications to HRM as a result of the recommendations outlined in this report.

RISK CONSIDERATION

The traffic patterns and related impacts have not yet been determined for the parking structure or the development in general, and final access approval for all connections to municipal streets will be subject to detailed traffic impact studies prepared by the Province and acceptable to the Municipal Engineer.

There is a risk of unintended negative impacts to transit as well as the road network due to the lack of detailed information at this stage of the project. This risk is mitigated by requiring detailed impact studies, using these studies to inform design solutions, and continuing to work with the Province and their P3 partners to arrive at a mutually agreeable solution.

COMMUNITY ENGAGEMENT

No community engagement was conducted in the completion of this report. There was extensive public feedback and commentary regarding the original parking garage tender and project components issued by the province.

ENVIRONMENTAL IMPLICATIONS

None to this report.

ALTERNATIVES

1. Council could decide not to authorize the CAO to negotiate easements and encroachments, and request staff to return to Regional Council with the final documents. This alternative is not recommended because it would delay the project. Execution of the transaction is best left as an administrative function if negotiated within the terms and conditions outlined in the report.
2. Council could decide not to negotiate easements and encroachments and request the Province of Nova Scotia to continue searching for solutions which better align with the Commons Master Plan. This alternative is not recommended for the reasons discussed in the report.

ATTACHMENTS

Attachment 1: Revised QE2 Plan – Province of Nova Scotia Conceptual Plans

Attachment 2: Memorandum of Understanding between Capital District Health Authority and Halifax Regional Municipality

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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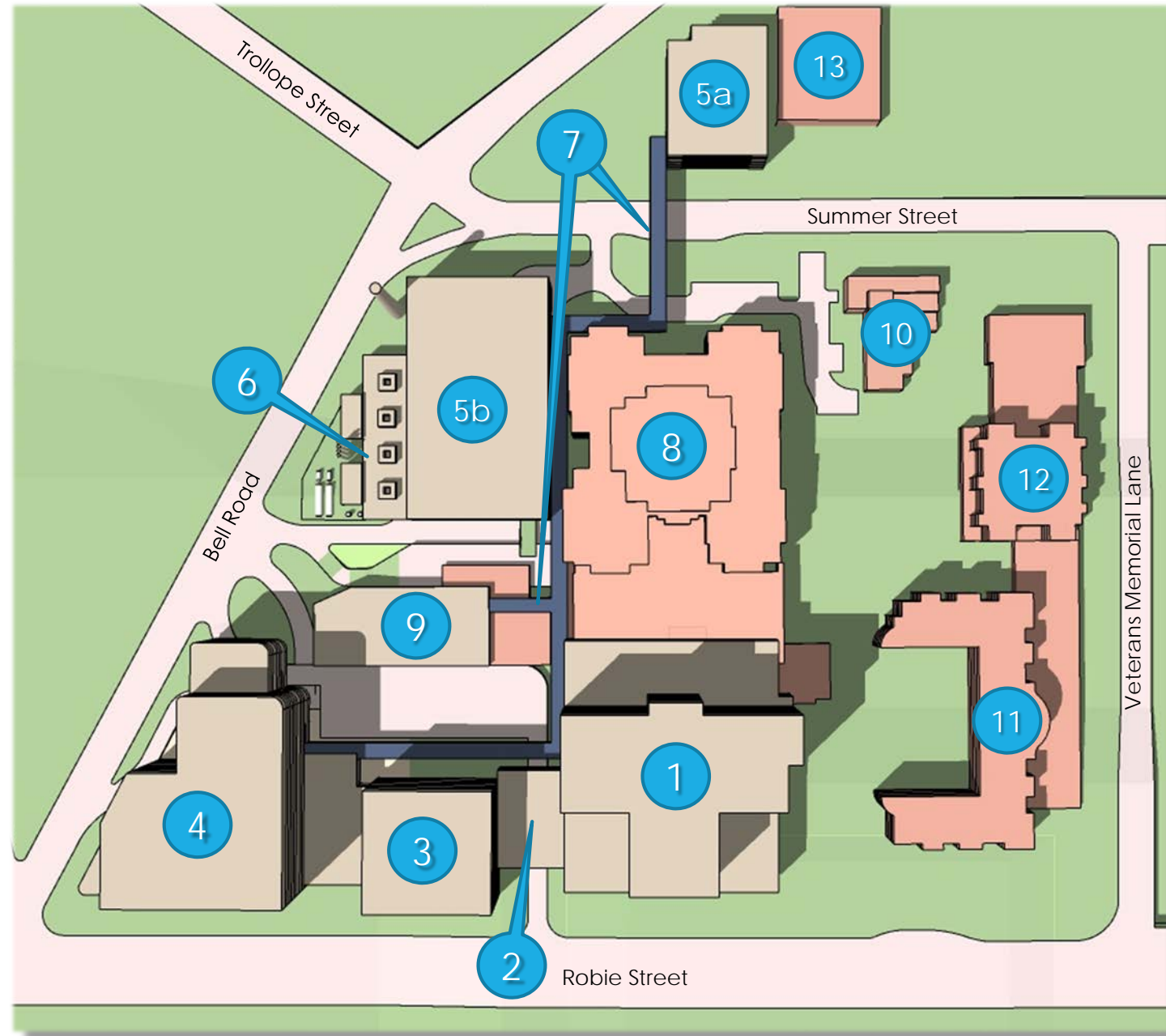
Attachment 1 Concept Site Plan

New Construction

- 1 New Inpatient Centre
- 2 New Research, Innovation & Learning Centre
- 3 New Cancer Centre
- 4 New Outpatient Centre
- 5a New Parkade ~500 spaces
- 5b New Parkade ~1000 spaces
- 6 New Power Plant
- 7 New Site-wide Pedway Connections

Existing Infrastructure

- 8 Halifax Infirmary
- 9 Emergency Department
- 10 Power Plant
- 11 Veterans Memorial Building
- 12 Abbie J. Lane Building
- 13 Museum of Natural History



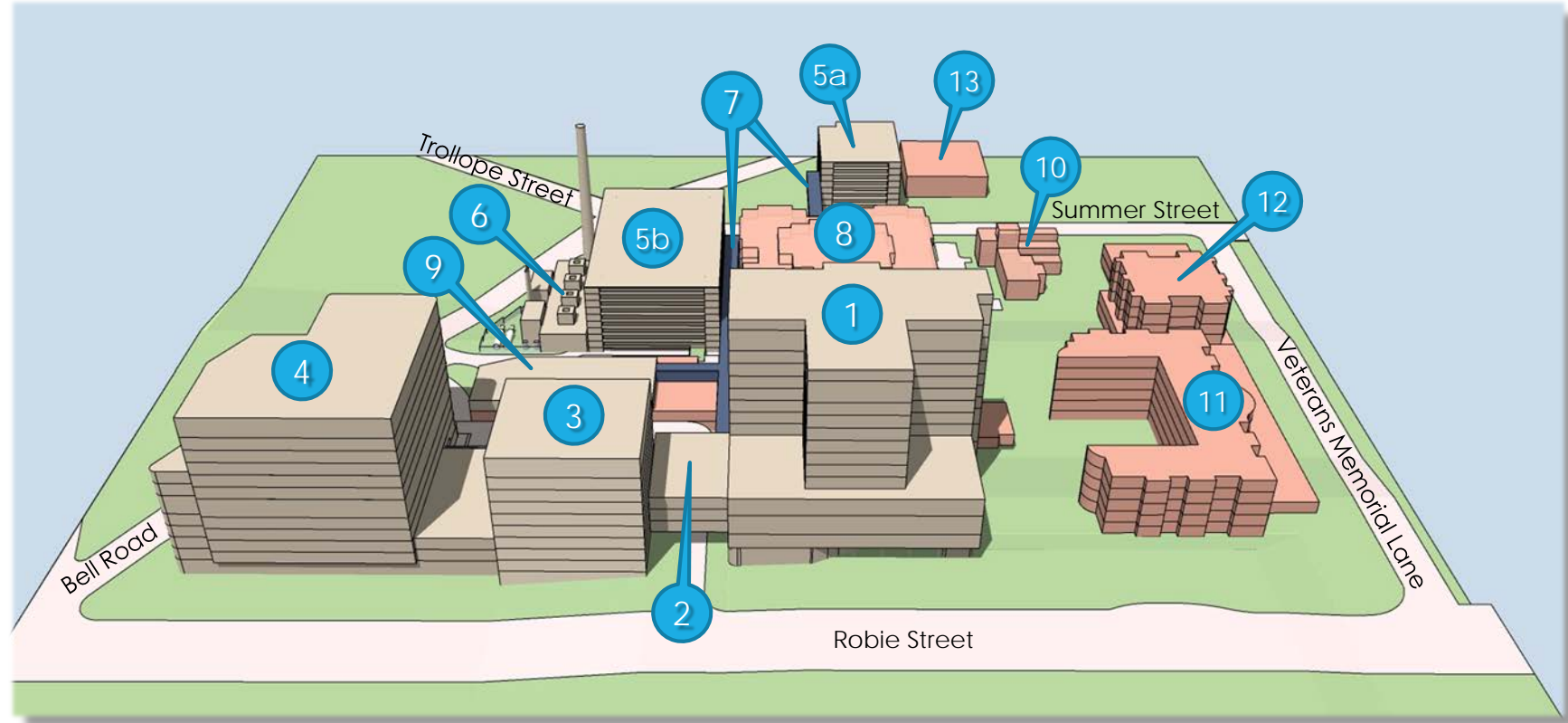
Attachment 1 Concept View from the West

New Construction

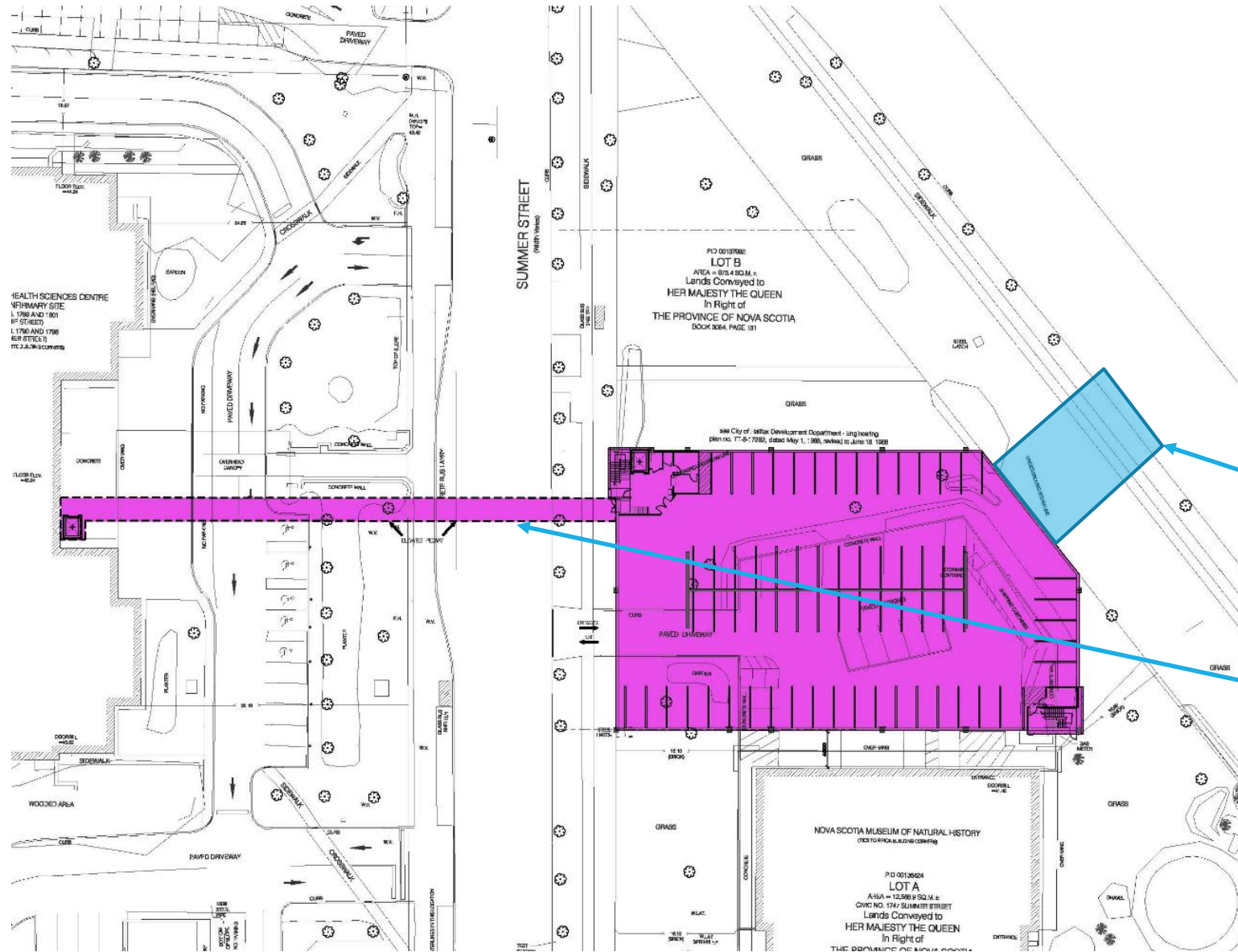
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- 9 Emergency Department
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Attachment 1 New QE 2 Parkade Site Plan



North Museum Parkade

- ▶ 8 levels
- ▶ 2 parking bays
- ▶ 2 entrances
- ▶ Request Bell Rd. access
- ▶ 15 barrier free spots
- ▶ 512 parking spots
- ▶ Pedway

THIS MEMORANDUM OF UNDERSTANDING ("MOU") made the 12th day of ^{February} ~~May~~,
2009.
2010

AMONG

HALIFAX REGIONAL MUNICIPALITY ("HRM")

APPROVED
AS TO FORM
[REDACTED]
Municipal Solicitor

AND

CAPITAL DISTRICT HEALTH AUTHORITY ("CDHA")

Whereas the Halifax Common was given to the people of Halifax for public use "forever", and the Capital District Health Authority (CDHA) is a major owner of facilities on the Halifax Common, the staff of CDHA and the Halifax Regional Municipality (HRM) have agreed upon the following urban design principles and site planning provisions as the foundation of the future redevelopment of portions of the Victoria General (VG) and Halifax Infirmary (HI) sites:

1.0 General Principles

The following principles summarize the overarching urban planning goals for the redevelopment of the VG and HI sites:

1.1 Mutual Planning

That HRM be included in on-going collaborative master planning and development efforts for redevelopment of CDHA sites on the Halifax Common; reciprocally, that CDHA be included as a major stakeholder in HRM's Halifax Common planning exercise.

1.2 Provision of Health Promotion and Care for Benefit of HRM

That CDHA and HRM recognize that any redevelopment undertaken by CDHA is for the purpose of the provision of promoting and improving the health and healthcare of our communities and that any redevelopment must meet the principles and requirements of that purpose.

1.3 Good Urban Planning / Urbanity

That CDHA and HRM collaborate on pursuing good urban planning, quality architecture, sensitivity to surrounding neighbourhoods, support for the public realm, support for pedestrian-sensitive design, and strong landscape architecture for the VG and on the site of the Queen Elizabeth High School (QEHS) building ("QEHS site") in order to strengthen the Halifax Common as a distinct and special district.

1.4 Green Corridor

That in accordance with HRM policy objectives, CDHA will work to secure a green corridor through the Halifax Common by promoting the extension of Victoria Park via the former School for the Blind (currently the VG parking lot) subject to Clause 2.1 herein.

1.5 Pedestrian Realm

That HRM and CDHA work cooperatively to ensure that a high quality pedestrian realm is created in association with the Halifax Common campus concept, principles of the HRM Regional Plan and HRM by Design. This will include efforts to encourage active transportation between the VG and Infirmary sites.

1.6 Porosity

That HRM and CDHA will work cooperatively to ensure that the public has a high level of quality access through the Common and hospital sites to adjacent neighbourhoods and destinations.

1.8 Site Use

That contingent on the approval of appropriate funding, CDHA will begin demolition of the QEH building within one (1) year, and that the site will not be used for surface parking as an interim use and that the primary use in future will be for public hospital and health care.

1.9 Respect for Halifax Common Plan

That both parties will work to respect the policies outlined in the Halifax Common Plan.

2.0 Victoria General Site

An important street “spine”, active transportation route, and “grand allée” of peninsular Halifax extends from Point Pleasant Park at the southern terminus, toward the north via Young Avenue, South Park Street, Bell Road-to-Ahern Avenue, North Park Street, Agricola Street, and Highland Avenue, terminating at the Nova Scotia Community College at Leeds Street. The future redevelopment of the VG site lends itself to a high priority opportunity toward realizing part of the goal to improve the urban design and pedestrian realm along this “grand allée”. The following principles and objectives at the VG site will support this goal at South Park Street and will further help strengthen the evolution of the Halifax Common.

Note: Please see Attachment C (Victoria General Site) for a plan-based reference supporting the elements discussed below.

2.1 While HRM would prefer that no buildings be placed on the VG parking lot site, HRM recognizes that new health care buildings are needed to replace aging structures. If this is the case at the existing VG parking lot site, CDHA and HRM will work together towards establishing setbacks from any building along South

Park Street to allow the centre line of Victoria Park to be extended with green space and trees on either side of GC1 (see GC1 [Green Corridor 1] in Attachment C - Victoria General Site). This treatment will reinforce the "grand allée" objective between nodes N1a and N1b as depicted in Attachment C. HRM recognizes CDHA's need to design buildings that are effectively and efficiently laid out for the provision and promotion of healthcare. Notwithstanding the foregoing, setbacks will at the minimum set out in Attachment C. The set back will be established from the corner property pin of the VG parking lot at University Ave and South Park and proceed 115 ft west on University Ave then run south parallel to South Park Street until it reaches the north edifice of the southern most building as indicated on Attachment C at which point the setback is reduced to 50 feet.

- 2.2 Site permeability will allow a desirable pedestrian route to be maintained, the route commencing at University Street and Tower Road and terminating at South Street and Tower Road (i.e., the historic south boundary of the Halifax Common);
- 2.3 All nodes (N1a/b, N2a/b, N3, N4) are to be recognized and respected as stations of public conveyance and change in urban character surrounding the Halifax Common district;
- 2.4 Public pedestrian access which extends along Pedestrian Route 3 (PR3 in Attachment C), should, as much as possible, continue through the VG campus from node 4 (N4) to node 3 (at or near N3), and should inspire safe and inviting entry into and through the VG campus at both nodes;
- 2.5 Proposed building treatments:
 - 2.5.1 Any new buildings fronting open space or public streets with the Halifax Common should be sympathetic to human-scale design in terms of height and rhythm;
 - 2.5.2 Vertical facade divisions should articulate a modular unit size that reference the grain of surrounding buildings;
- 2.6 CDHA should not propose new surface parking, and rather strive to remove existing surface parking as much as practicable.

3.0 Halifax Infirmary / QEHS Site

QEHS offers CDHA an opportunity to redevelop the site for future hospital requirements. In so doing, HRM proposes to work closely with CDHA toward achieving objectives of the Halifax Common Plan and public wishes as much as practicable, and thus to help facilitate enhancements to public green space along the block's perimeter in recognizing the site as a fundamental gateway to the Halifax Common and Downtown Halifax.

Note: Please see Attachment C (QEHS Site) for a plan-based reference supporting the elements discussed below.

- 3.1 Any building proposed to be constructed on the site of the Queen Elizabeth High School (QEHS) building should be architecturally significant and of the highest quality, which contributes positively to the "gateway" of the Halifax Common and Downtown Halifax;
- 3.2 Bell Road
 - 3.2.1 Bell Road should be widened by adding approximately forty-five feet (45') along its southern edge from Robie Street to Summer Street, dependent on design. This will help facilitate the introduction of: extra travel lanes for more efficient traffic and bike flow; a ten-foot (10') wide tree lawn; and a ten-foot (10') wide sidewalk;
 - 3.2.2 The slope of the ramp leading to the Infirmery Emergency Wing is currently near to a maximum slope. HRM agrees to alter the street geometry when Bell Road is widened to ensure that the ramp off of Bell Road can be accommodated as currently built. This may involve the use of an asymmetrical street crown and/or curb cut outs.
- 3.3 HRM proposes that the width of open space conceptualized along the south side of Bell Road extend through the CBC site and around the corner along Summer Street if CDHA were to acquire the CBC parcel;
- 3.4 The Robie Street side of any new hospital/health care building at QEHS should utilize an active edge, creating movement to/from the street and into the building. The set-back of the facade should be consistent with the existing parking structure set-back, and landscape features should also be consistent with those already established along the east side of Robie Street;
- 3.5 In designing any new building at QEHS, CDHA should provide sufficient space to accommodate future traffic and intersection improvements at I1 (see I1 [Intersection 1] in Attachment C – QEHS Site), and to have them landscaped appropriately to reflect its status as an important "gateway" of the Halifax Common and Downtown Halifax;
- 3.6 In designing any new building at QEHS, CDHA should provide sufficient space to accommodate future traffic and intersection improvements at I2 (see I2 [Intersection 2] in Attachment C), and to prepare the site with due consideration to the open space "campus" setting that is now established at the existing corners of the intersection, specifically at Citadel High School, Nova Scotia Museum of Natural History, and the Summer Street Entrance to the Halifax Infirmery Hospital;
- 3.7 CDHA should not propose new surface parking, and rather strive to remove existing surface parking as much as practicable.

- 4.0 The Parties to this MOU agree to work together in a cooperative and professional manner to facilitate the planning and implementation of this MOU.
- 5.0 The Parties to this MOU may review this MOU throughout its term and upon mutual agreement, may revise its principles, terms, and objectives in writing.
- 6.0 This MOU shall be effective as of the date of signing and shall continue until the principles, terms, and objectives of this MOU are met.

SIGNED in the presence of:




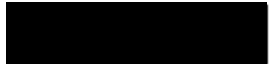

Witness



Witness




Witness

) **Capital District Health Authority**
) 
) Chris Power, President and CEO of Capital
) District Health Authority
)
) **HALIFAX REGIONAL MUNICIPALITY**
) 
) Peter Kelly, Mayor
)
) 
) Julia Horncastle, Acting Municipal Clerk

The terms of this MOU are hereby acknowledged by Her Majesty the Queen in right of the Province of Nova Scotia as represented by the Department of Transportation and Infrastructure Renewal.

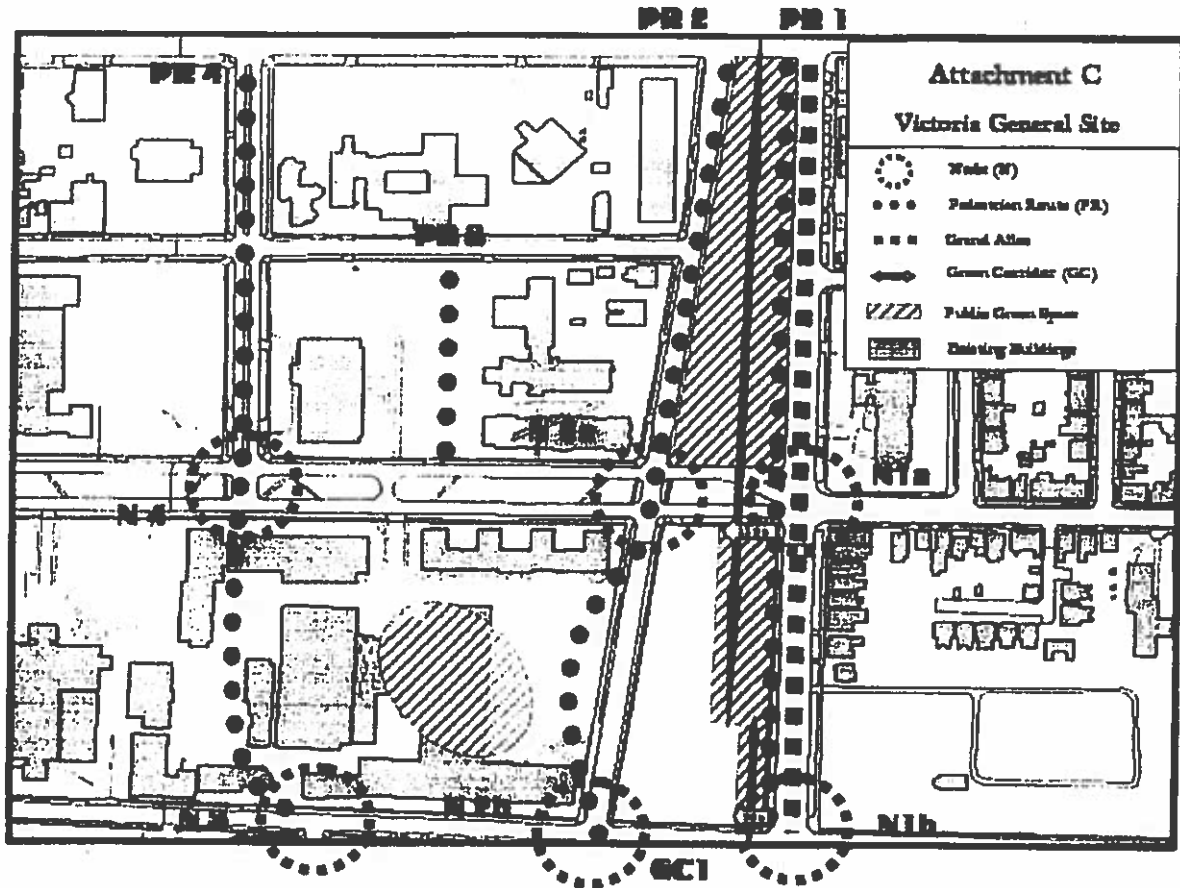
HER MAJESTY THE QUEEN in Right of the Province of Nova Scotia

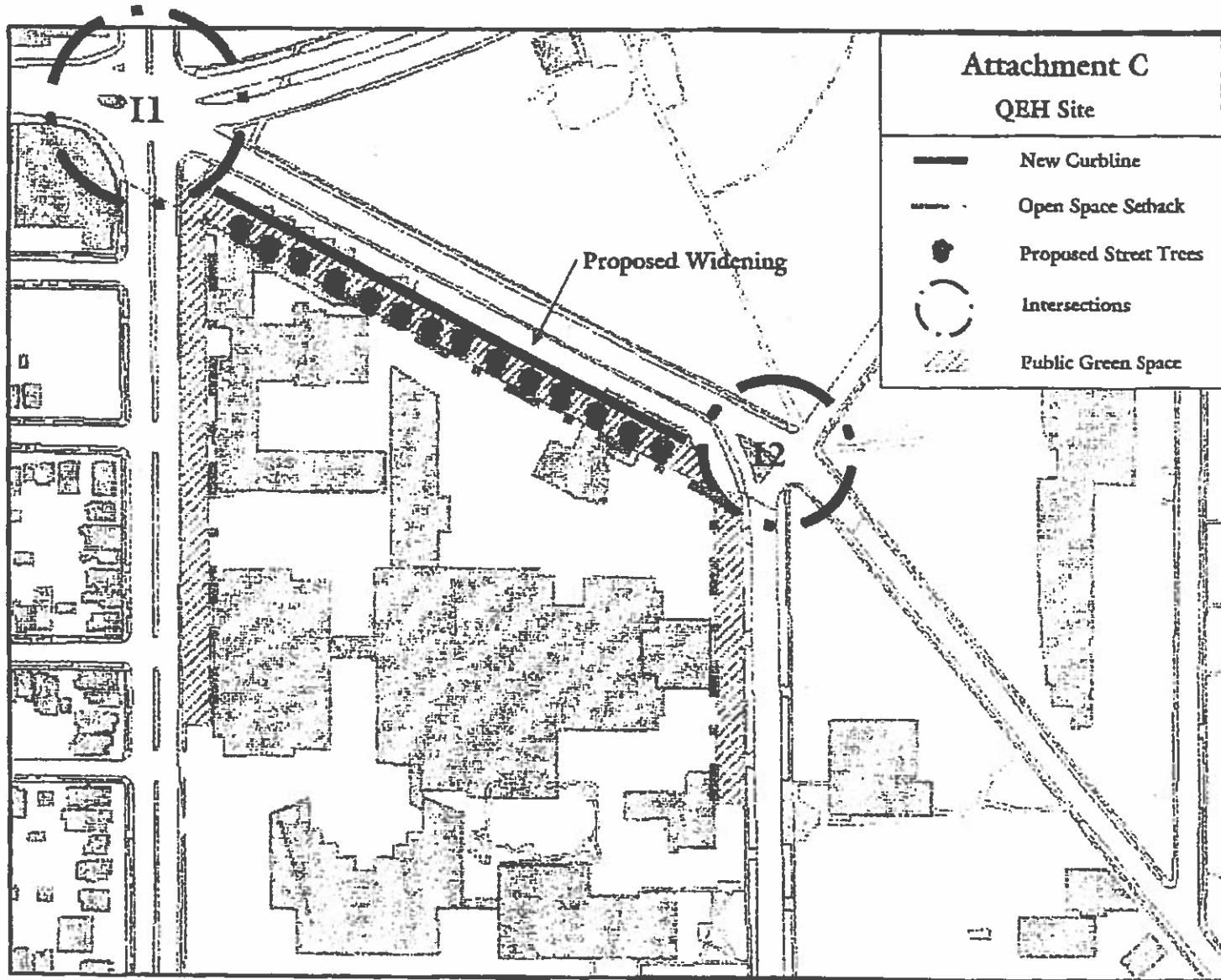


David Darrow, Deputy Minister of Transportation and Infrastructure Renewal

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
ATTACHMENT C - QEH AND VICTORIA GENERAL SITES





Attachment C

QBH Site

-  New Curblines
-  Open Space Setback
-  Proposed Street Trees
-  Intersections
-  Public Green Space