

# HALIFAX

P.O. Box 1749  
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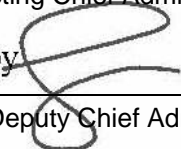
**Item No. 14.1.10**  
**Halifax Regional Council**  
**September 6, 2016**

**TO:** Mayor Savage and Members of Halifax Regional Council

**SUBMITTED BY:**

Original Signed by 

\_\_\_\_\_  
John Traves, Q.C. Acting Chief Administrative Officer

Original Signed by 

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Jane Fraser, Acting Deputy Chief Administrative Officer

**DATE:** July 26, 2016

**SUBJECT:** **Case 20102: Plan Amendment, 383 Herring Cove Road, Halifax**

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## **ORIGIN**

Complete application by TEAL Architects received October 27, 2015.

## **LEGISLATIVE AUTHORITY**

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

## **RECOMMENDATION**

It is recommended that Halifax Regional Council **not initiate** the process to consider amendments to the Halifax Mainland South Secondary Municipal Planning Strategy and Mainland Halifax Land Use By-law to enable a 7-storey, 82-unit mixed-use building located at 383 Herring Cove Road, Halifax.

## **BACKGROUND**

TEAL Architects, on behalf of FH Construction, is applying to develop a 7-storey, 82-unit mixed-use building located at 383 Herring Cove Road, Halifax. This proposal cannot be considered under existing municipal planning strategy policies and, therefore, the applicant is seeking amendments to the Halifax Mainland South Secondary Municipal Planning Strategy (SMPS).

<b>Subject Site</b>	383 Herring Cove Road
<b>Location</b>	Intersection of Herring Cove Road and Sussex Street, Spryfield
<b>Regional Plan Designation</b>	Urban Settlement
<b>Community Plan Designation (Map 1)</b>	Minor Commercial
<b>Zoning (Map 2)</b>	C-2A Minor Commercial
<b>Size of Site</b>	2,417 square metres (26,016 square feet)
<b>Street Frontage</b>	429 feet of continuous frontage (corner lot)
<b>Current Land Use(s)</b>	Vacant (former gas station)
<b>Surrounding Use(s)</b>	Low density residential, shopping mall, elementary school, Capt. Spry Community Centre

### **Proposal Details**

The applicant wishes to develop a mixed-use residential and commercial building. The major aspects of the proposal are as follows:

- 7-storey height
- 82 residential units
- 558 square metres (6,000 square feet) of commercial space

Attachment A contains the proposed site plan, building details and architectural renderings

### **MPS and LUB Context**

The site is designated Minor Commercial and zoned Minor Commercial (C-2A). The Halifax Mainland South SMPS envisions commercial facilities serving several neighbourhoods with a range of retail, professional, office and service facilities. The C-2A Zone permits multi-unit residential buildings in accordance with R-3 (General Residential and Low Rise Apartment) Zone requirements, including a 4-storey height limit, to a maximum of 50 feet in height, and a maximum density of 75 persons per acre, which based on the size of the subject site, would allow a maximum 44 of persons.

## **DISCUSSION**

The Halifax Mainland South SMPS is a strategic policy document that sets out the goals, objectives and direction for long term growth and development in Municipality. While the SMPS provides broad direction, Regional Council may consider MPS amendment requests to enable proposed development that is inconsistent with its policies. Amendments to an SMPS are significant undertakings and Council is under no obligation to consider such requests. Amendments should be only considered within the broader planning context and when there is reason to believe that there has been a change to the circumstances since the SMPS was adopted, or last reviewed.

### **Applicant Rationale**

The applicant has provided rationale (Attachment A) in support of the proposed amendments, including that:

- additional density is necessary in order to offset remediation costs that are associated with the site being a former service station;

- the Regional Plan identifies the area within which the site is located as an Urban District Growth Centre;
- the property has unique characteristics both with regard to its location and shape; and
- the site is located close to amenities including grocery, general merchandise, recreation, employment and schools.

## **Review**

Staff have reviewed the submitted rationale in the context of the site and its surroundings and advise that there is insufficient merit to initiating site specific amendments for two reasons:

### **1. Compatibility with Adjoining Land Uses**

While the subject site is designated and zoned to permit mixed-use development and multiple unit dwellings, it has lower density housing on either side of it that is within the R-2 Zone. The proposal does not sufficiently account for these uses in its height and massing. In its proposed configuration, the 7-storey building height and mass is not compatible with adjacent properties.

The applicant has suggested that the proposal has merit as the property is within the Spryfield Growth Centre under the Regional Plan, where a greater concentration of mixed-use development is envisioned (Attachment B). Staff advise that the site's location within a Growth Centre does not imply that the proposal is appropriate for the subject site, given its surrounding land use context. The purpose of identifying areas as Growth Centres and their characteristics is to frame future comprehensive secondary planning processes for these centres.

### **2. Site Specific Amendment**

The applicant has suggested that the application has merit for site specific amendments. While the site has some important characteristics, staff advise that it is not so unique as to warrant tailored planning policy. There are a number of locations along Herring Cove Road where the minor commercial designation abuts low and medium density residential designations. Possible changes to the land use requirements affecting this property would be best achieved through a comprehensive review of the minor commercial designation policies applicable to Herring Cove Road.

A comprehensive review would consider:

- permitted land uses;
- building scale, mass and transition to the surrounding low density properties;
- density, open space, and amenity area requirements;
- parking requirements;
- the scope and appropriateness of different planning tools, such as zoning, development agreements, and site plan approvals; and
- feedback received through community engagement initiatives.

If Council were to direct staff to review and potentially amend the policies and regulations for the minor commercial designation applied to this community as a whole, it is not envisioned that this review would result in allowances for a building of the size and mass that is proposed by the applicant. In consideration of recent developments and investment in the local area, mixed use buildings could be appropriate for the area, albeit not at the scale proposed by the applicant. The concerns for height, mass, and transition are not unique to this site, and are instead general to the overall Herring Cove Road commercial district. If Council has a desire to consider this type of development, consideration of these changes would more appropriately be dealt with by a comprehensive review of the area, as opposed to policy changes on a site by site basis.

## **Conclusion**

Staff have reviewed the proposed MPS amendment and advise Council to not proceed with the proposed policy amendment. The size of the proposed building is too substantial relative to the lower density adjoining land uses and zoning.

Updated planning policies and regulations for mixed-use development may be desirable for the area. However, the introduction of such changes should be through a comprehensive review of the entire minor commercial area along Herring Cove Road.

## **COMMUNITY ENGAGEMENT**

Should Regional Council choose to initiate the MPS amendment process, the HRM Charter requires that Regional Council approve a public participation program. In February of 1997, Regional Council approved a public participation resolution that outlines the process to be undertaken for proposed MPS amendments which are considered to be local in nature. This requires a public meeting to be held, at a minimum, and any other measures deemed necessary to obtain public opinion.

The proposed level of community engagement is consultation, achieved through a public information meeting early in the review process, as well as, a public hearing before Regional Council can consider approval of any amendments.

Amendments to the Halifax Mainland South Secondary Municipal Planning Strategy will potentially impact the following stakeholders:

- residents;
- property owners; and
- business operators.

## **FINANCIAL IMPLICATIONS**

The HRM costs associated with processing this planning application can be accommodated within the approved 2016-17 operating budget for 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 at this time.

## **ALTERNATIVES**

1. Regional Council may choose to initiate a process to consider amendments to the Halifax Mainland South Secondary Municipal Planning Strategy and Mainland Halifax Land Use By-law subject to addressing the height and massing issues referenced within the staff report dated July 26, 2016 to enable a mixed-use building located at 383 Herring Cove Road, Halifax. In doing so, staff is directed

to follow the public participation program for municipal planning strategy amendments as approved by Regional Council on February 27, 1997.

2. Regional Council may choose to initiate a process to consider amendments to the Halifax Mainland South Secondary Municipal Planning Strategy and Mainland Halifax Land Use By-law to comprehensively review the minor commercial area along Herring Cove Road. In doing so, staff is directed to follow the public participation program for municipal planning strategy amendments as approved by Regional Council on February 27, 1997.
3. Regional Council may choose to initiate the consideration of potential MPS and LUB amendments that would differ from those outlined in this report. This may require a supplementary report from staff.

**ATTACHMENTS**

Map 1                      Generalized Future Land Use  
Map 2                      Zoning

Attachment A:            Applicant's Proposal  
Attachment B:            Regional Plan Excerpts

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A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/index.php> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

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Report Approved by:    \_\_\_\_\_  
   Bob Bjerke, Chief Planner & Director, Planning and Development, 902.490.1627

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
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### Map 1 - Generalized Future Land Use

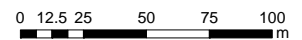
383 Herring Cove Road



 Subject Property

#### Designation

- LDR Low Density Residential
- MDR Medium Density Residential
- HDR High Density Residential
- RDD Residential Development District
- MNC Minor Commercial
- MJC Major Commercial
- INS Institutional



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

The accuracy of any representation on this plan is not guaranteed.

Halifax  
Plan Area



**Map 2 - Zoning**  
383 Herring Cove Road

**HALIFAX**

 Subject Property

- Zone**
- R-2 Two Family Dwelling
  - R-2P General Residential
  - R-3 Low-Rise Apartment
  - R-4 Multiple Dwelling
  - RDD Residential Development District
  - C-2 General Business
  - C-2A Minor Commercial
  - P Park & 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 Mainland  
Land Use By-Law Area



## Attachment A Applicant Proposal

12 JUNE 2015 | ON BEHALF OF FH CONSTRUCTION

### SUPPLEMENTARY MATERIALS FOR PLANNING APPLICATION

#### 383 HERRING COVE ROAD

### SUMMARY OF PLANNING ARGUMENTS

#### Project Description:

7-Storey, mixed-use residential and commercial building including:

- 82 residential units
  - Approximately 6,000 square feet of commercial space
  - Approximately 13,400 square feet of indoor and outdoor amenity space
- (Full details on page 18 of the Planning Application – submitted April 21, 2015)*

#### Summary of Planning Arguments - supporting the proposed design and density:

- The site was formerly a service station and is still contaminated. Prior to any residential use of the site, the contaminated soil must either be fully remediated or contained with a slab-on-grade barrier.
  - Full remediation is very expensive and would not be feasible without an increase in the number of units. With regard to the environment this is by far the best outcome.
  - The alternative, containment with a slab on grade barrier, is a cost effective solution intended for the as of right scenario. This option would result in surface parking and a cost driven building design.
- The project site is highly visible and centrally located on Spryfields' main street. It marks the route to the Spry Centre, a widely appreciated community asset for Spryfield. From a design perspective, the best use of the site is a unique design that reflects the shape of the lot and contributes to an appealing pedestrian realm.
- The site is within short walking distance to destinations essential for good quality of life, including schools, community services, parkland, grocery stores and other commercial and institutional amenities. To have these within 250m of the project site is a unique situation in Spryfield and makes a higher density development more appropriate than that currently permitted by the LUB.
- The site is particularly well positioned for family-oriented housing because of the close proximity of family-supportive services including day-care (at the Captain Spry Centre and YWCA) and schools. The proposed development includes 12 family-oriented units (see description of family-oriented units on page 19 of the Planning Application, submitted April 21, 2015).
- The current zoning allows for a building consisting of five storeys (50ft). The proposed building has seven storeys (approx 70ft) including a 2 storey pedestrian interactive street wall which is a significant contribution to the urban fabric. Its location would not cause overshadowing on residential properties and it has an appropriate mass relative to its central location.
- This project is located in an "Urban District Growth Centre" as identified in the Regional Plan (2014). It is an ideal example of a policy in the Regional Plan that calls for "new growth in centres where supporting services and infrastructure are already available". In the case of this project, infrastructure is available, as are schools, recreation and community health centres, and bus routes.
- Other apartment-style housing is available within the areas around the project site, however, most of the apartments are located in less walkable areas with few, if any, essential goods and services within a 10-minute walk (750 metres) (see Supplementary Submission, pages 2 and 4). Images of other apartments in the area are included in the Supplementary Submission (pages 7-8 and 10-13).



# THE PROPOSAL: 383 HERRING COVE ROAD

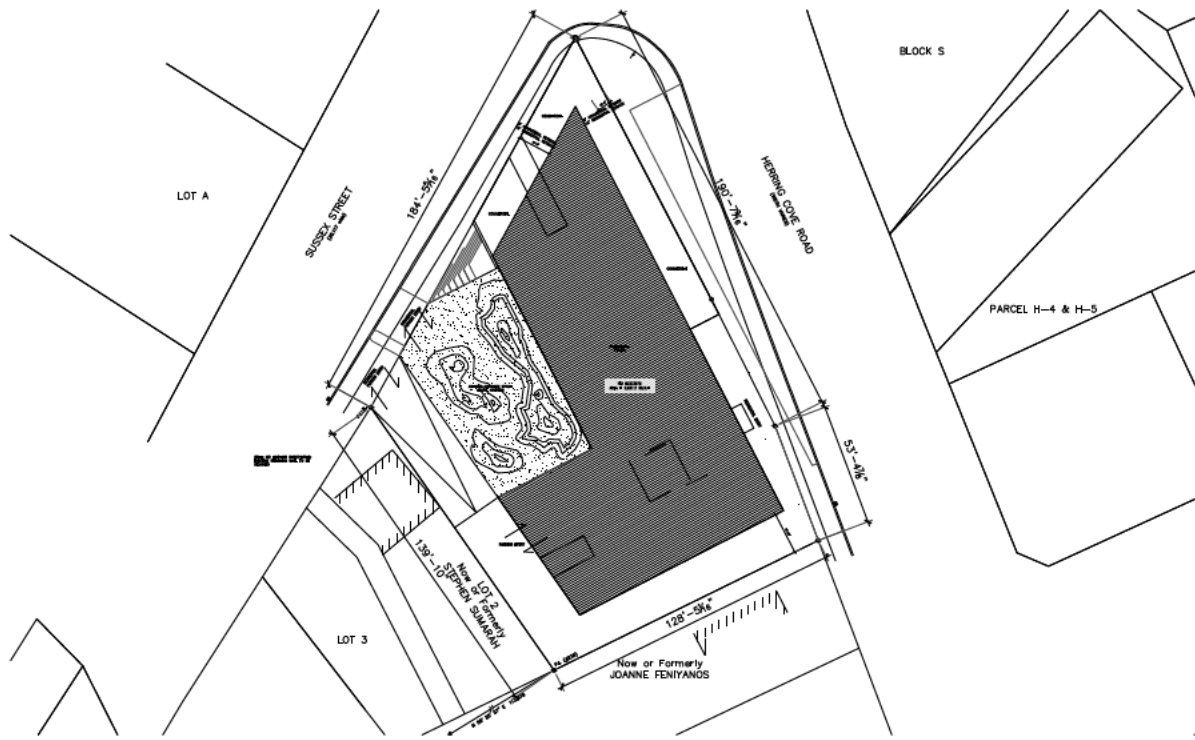


Image 14: View of proposed building, looking East



Image 15: View of proposed building, looking South

<b>USES</b>	<b>RESIDENTIAL, COMMERCIAL (MIXED-USE)</b>
<b>RESIDENTIAL UNIT COUNT</b>	<b>82</b>
<b>FAMILY UNITS (SEE DESCRIPTION NEXT PAGE)</b>	<b>12</b>
<b>DOUBLE (2-BDRM)</b>	<b>37</b>
<b>SINGLE (1-BDRM)</b>	<b>33</b>
<b>COMMERCIAL SPACE</b>	<b>5790 SF</b>
<b>AMENITY SPACE (TOTAL)</b>	<b>21405 SF</b>
<b>INDOOR</b>	<b>4927 SF</b>
<b>OUTDOOR (LANDSCAPED)</b>	<b>8478 SF</b>
<b>OUTDOOR (NOT LANDSCAPED)</b>	<b>8000 SF</b>
<b>HEIGHT</b>	<b>70'</b>
<b>STREETWALL (COMMERCIAL)</b>	<b>24'</b>
<b>PARKING</b>	
<b>RESIDENTIAL (UNDERGROUND, SECURE)</b>	<b>82</b>
<b>COMMERCIAL PARKING</b>	<b>23</b>
<b>SETBACKS</b>	
<b>COMMERCIAL</b>	<b>0'</b>
<b>RESIDENTIAL</b>	<b>15'</b>

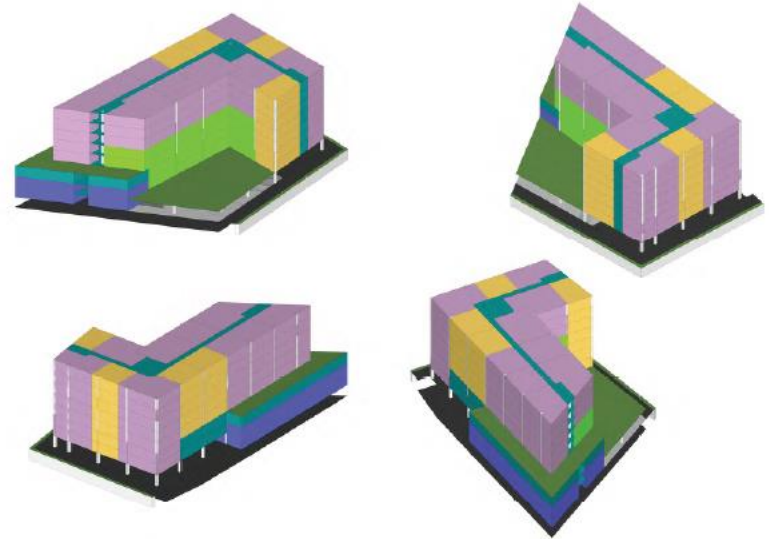


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PROJECT ID	013 383 Herring Cove Rd	CLIENT	FH Construction	DESIGNER	TEA Architects
PROJECT NAME	383 Herring Cove Rd	ADDRESS	383 Herring Cove Rd	DATE	April 13, 2015
		DESIGNED BY		SCALE	1/8" = 1'
				REVISION	April 13, 2015 Application

SITE PLAN  
 A-101

PROGRAM LAYOUT



- AMENITY: 7000 SF
- COMMERCIAL: 1240 + 1200 + 2487 + 863 = 5790 SF
- 3 BDRM : 12 UNITS
- 2 BDRM : 37 UNITS
- 1 BDRM : 33 UNITS
- TOTAL: 82 UNITS
- RESIDENTIAL PARKING: 62 + 20 = 82
- COMMERCIAL PARKING: 16 + 7 = 23
- AMENITY OUTDOOR: 8478 SF





WEST ELEVATION



383 Herring Cove Rd. Planning Application

2015.04.21



SOUTH ELEVATION



383 Herring Cove Rd. Planning Application

2015.04.21



EAST ELEVATION



383 Herring Cove Rd. Planning Application  
2015.04.21



NORTH ELEVATION





TEA  
ARCHITECTS

383 Herring Cove Rd. Planning Application  
2015.04.21



TEA  
ARCHITECTS

383 Herring Cove Rd. Planning Application  
2015.04.21

**Attachment B**  
**Regional Municipal Planning Strategy Excerpts**

**3.2.1 Urban Settlement Designation**

The Urban Settlement Designation encompasses those areas where development serviced with municipal water and wastewater systems (serviced development) exists or is proposed under this Plan.

**S-1** The Urban Settlement Designation, shown on the Generalized Future Land Use Map (Map 2), encompasses those areas where HRM approval for serviced development has been granted and to undeveloped lands to be considered for serviced development over the life of this Plan.

**3.3 PLANNING AND DESIGN FOR GROWTH CENTRES**

Tables 3-1 and 3-2 outline the types of centres intended for the Urban Settlement and Rural Commuter Designations respectively and the associated design characteristics which are to be supported when preparing secondary planning strategies.

**Table 3-1: Future Characteristics of Urban Settlement Growth Centres**

Centre Type	Centre Name	Land Uses and Design	Transit, AT and Parking	Open Space	Cultural Heritage
Urban District Growth Centre	Spryfield Bedford West Sunnyside Mall Sackville Russell Lake Port Wallace Sandy Lake Hwy. 102 West Corridor Bedford South	<ul style="list-style-type: none"> <li>• Mix of low, medium and high density residential, commercial, institutional and recreation uses</li> <li>• In established residential neighbourhoods, low to medium density residential uses</li> <li>• Existing retail plazas and shopping centres</li> <li>• Encourage infill or redevelopment of large parking lots into traditional blocks with streetwalls and step-backs</li> <li>• Pedestrian oriented facades</li> </ul>	<ul style="list-style-type: none"> <li>• Connecting point for transit routes to other centres and Regional Centre</li> <li>• Enhance pedestrian linkages</li> <li>• Street or shared surface parking at the rear wherever possible</li> <li>• Access to AT routes</li> <li>• Short interconnected blocks for ease of walkability</li> </ul>	<ul style="list-style-type: none"> <li>• Streetscaping featuring landscaped pocket parks and tree-lined streets</li> <li>• Interconnected private and public open space linked with greenbelt corridors</li> <li>• Improved quality and quantity of parkland</li> <li>• Focus on waterfront parks and trails</li> <li>• Private and public realm urban forest canopy cover to be maintained and improved</li> <li>• Riparian canopy cover to be maintained and improved</li> <li>• Provisions for food security</li> </ul>	<ul style="list-style-type: none"> <li>• Built and natural heritage to be maintained and improved</li> <li>• Heritage features integrated with new development</li> <li>• Public art integrated with new development</li> <li>• Scenic public views preserved</li> <li>• Cultural heritage corridors</li> </ul>