



P.O. Box 1749  
Halifax, Nova Scotia  
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**Item No. 10.1.2**  
**Halifax and West Community Council**  
**First Reading January 8, 2019**  
**February 5, 2019**

**TO:** Chair and Members of Halifax and West Community Council

***-Original Signed-***

**SUBMITTED BY:**

\_\_\_\_\_  
Kelly Denty, Director, Planning and Development

***-Original Signed-***

\_\_\_\_\_  
Jacques Dubé, Chief Administrative Officer

**DATE:** November 13, 2018

**SUBJECT:** **Case 21606: Amendment to the Building Height Requirements of the Halifax Peninsula Land Use By-Law for 5450 Cornwallis Street, Halifax**

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**ORIGIN**

Application by Shelley Dickey Land Use Planning on behalf of the Delmore Buddy Daye Learning Institute.

**LEGISLATIVE AUTHORITY**

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

**RECOMMENDATION**

It is recommended that Halifax and West Community Council:

1. Give First Reading to consider approval of the proposed amendments to the Land Use By-law for Halifax Peninsula, as set out in Attachment A, to amend the maximum building height and setback requirements for 5450 Cornwallis Street, Halifax and schedule a public hearing.
2. Adopt the amendments to the Land Use By-law for Halifax Peninsula, as set out in Attachment A.

## **BACKGROUND**

Shelley Dickey Land Use Planning has applied to amend the building height and stepback provisions for 5450 Cornwallis Street, Halifax. The applicant represents the Delmore Buddy Daye Learning Institute (DBDLI), an organization which has recently purchased, renovated and occupied the existing building on the site. The DBDLI wishes to provide for future expansion through the construction of two additional floors on the existing building.

<b>Subject Site</b>	5450 Cornwallis Street, Halifax
<b>Location</b>	Southwest corner of Cornwallis and Maitland Streets
<b>Regional Plan Designation</b>	Urban Settlement (US)
<b>Community Plan Designation (Map 1)</b>	High Density Residential (HDR), Peninsula North Area #8 of the Halifax MPS
<b>Zoning (Map 2)</b>	C-2 (General Business) Zone of the Halifax Peninsula LUB
<b>Size of Site</b>	687 sq. m. (7,400 sq. ft.)
<b>Street Frontage</b>	22m (71 ft.) on Cornwallis St.; 31m (102 ft.) on Maitland St.
<b>Current Land Use(s)</b>	Offices of the DBDLI
<b>Surrounding Use(s)</b>	<ul style="list-style-type: none"><li>- The Brickyard stacked townhouses to the east;</li><li>- Mix of residential and institutional uses to the north;</li><li>- Commercial uses, including the abutting MacDonald office building to the west;</li><li>- Commercial parking structure to the immediate south.</li></ul>

### **Proposal Details**

The applicant proposes to amend the Land Use By-law for the subject site to enable two additional commercial floors on the existing building. The additional space is proposed to be used to support the future needs of the DBDLI for educational and cultural purposes (Attachments A and B). The key elements of the proposal are as follows:

- A change to the allowable building height from 40 feet to 70 feet, via an amendment to the “height precinct” map (ZM-17); and
- The requirement for building setbacks for any addition above the existing structure, via text amendments to the LUB. Roof top additions will have a minimum setback of 10 feet from the Maitland Street property line and 8 feet from the Cornwallis Street property line.

The applicant’s submission, including proposed building elevations and renderings, is presented in Attachment B. The illustrations are included for information purposes and may be subject to future changes.

### **Enabling Policy and LUB Context**

The subject site is designated High Density Residential (HDR) within the Peninsula North Secondary Planning Strategy, which is Section XI of the Halifax Municipal Planning Strategy (MPS) (Attachment C). The site lies within Area 8 of the Peninsula North Secondary Planning Strategy which is the commercial core of Gottingen Street. The property is zoned C-2 (General Business) pursuant to the Halifax Peninsula Land Use By-law (LUB), due to the longstanding commercial use of the property. There is also a building height limitation of 40 feet on the site, pursuant to map ZM-17 of the LUB.

The C-2 zone permits a wide range of commercial and residential uses. In order to promote commercial redevelopment of Peninsula North Area 8, and strengthen and enhance the commercial function of Gottingen Street, there are no restrictions on front, side, or rear yards and the maximum permitted lot coverage is 100%. Height limits were put in place to maintain and promote a medium rise form of residential and commercial development in the area.

## **COMMUNITY ENGAGEMENT**

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through providing information and seeking comments through the HRM website, signage posted on the subject site and postcards mailed to property owners within the notification area in May of 2018. The public comments received included the following topics:

- Concern with the additional building height and potential loss of sunlight impacting the townhouses on the opposite side of Maitland Street; and
- Potential effect on traffic and property values in the neighbourhood.

A public hearing must be held by Halifax and West Community Council before it can consider approval of the proposed LUB amendments. Should Community Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements, property owners within the notification area shown on Map 2 will be notified of the hearing by regular mail. The HRM website will also be updated to indicate notice of the public hearing.

The proposal will potentially impact neighbouring property owners and residents.

### **Halifax Peninsula PAC**

On June 25, 2018, the Halifax Peninsula Planning Advisory Committee (PAC) recommended that the application be approved subject to considerations. The motion of the PAC was as follows:

*THAT the Halifax Peninsula Planning Advisory Committee recommends that the Halifax & West Community Council proceed with approval of the amendment request for Case 21606. The committee also:*

- *Values the additional density in this area of the Peninsula;*
- *Recommends that the height precinct be extended only within the area 10ft back from the existing building footprint along Maitland and Cornwallis Streets;*
- *Recommends streetscape treatment, especially along parking area, to improve pedestrian environment; and*
- *Appreciates the way the preliminary design blends existing architecture with new architecture.*

The recommendations of the PAC on the application are sent to Community Council by means of a separate report.

As a result of feedback from staff, the public and the PAC the proposal was changed to require a minimum setback of 10 feet from the Maitland Street property line and 8 feet from the Cornwallis Street line, for any addition above the existing structure. The applicant has indicated that a larger setback along Cornwallis Street, as is recommended by the PAC, is not financially feasible due to structural issues with the existing building.

## **DISCUSSION**

Staff have reviewed the proposal relative to all relevant policies and advise that it is reasonably consistent with the intent of the Halifax Municipal Planning Strategy. Attachment A includes the proposed LUB amendments that would enable the proposed building addition (Attachment B).

### **LUB Amendment Review**

Attachment C provides an evaluation of the proposed LUB amendments in relation to relevant MPS policies. Of the matters reviewed to satisfy the MPS criteria, the following have been identified for more detailed discussion:

### Building Height/ Setbacks

During community engagement, staff received comments from neighbouring property owners regarding the additional building height and potential loss of sunlight impacting the townhouses on the opposite (east) side of Maitland Street. In response to this concern, staff followed up with the applicant and the proposed LUB amendments now include a requirement for upper-level building setbacks from the property line, resulting in any new building addition being set back from the outermost edge of the existing roof. While this may allow for some additional sunlight penetration to the street and sidewalk on the east side of Maitland Street, there are no inherent rights to sunlight under the objectives and policies of the MPS.

It was also suggested by staff that the requested change to the height precinct be increased from 68 feet to 70 feet in order to allow more flexibility for any rooftop features, such as elevator/ stair enclosures, and to be more consistent with the majority of height precincts on Map ZM-17, which are in increments of five feet.

The proposed height of 70 feet (21.3 metres) is considered to fall within the range of a medium-rise development. The range of building heights which can be considered medium-rise was one of the topics in an appeal before the NS Utility and Review Board related to two nearby sites of the Housing Trust of NS. The building proposals on both of those sites were higher than what is being proposed in this case, and while no specific medium-rise height limit was determined by the NSUARB, the Board agreed with staff that the range of medium-rise heights falls “within Council’s discretion”, as long as it “reasonably reflect[s] the intent of the MPS.”

As a result of staff’s review, the potential impacts of the proposed LUB amendments are expected to be minimal. The proposed increase to the height precinct, combined with minimum setbacks from the street line for any upper-storey addition to the building, will help to ensure compatibility with the surrounding neighbourhood.

### Zoning

The proposal does not change the permitted uses of the underlying C-2 (General Business) zoning, which allows for a variety of commercial and residential uses. Notwithstanding the residential designation on the property, a mix of uses already exists throughout the surrounding area and is encouraged by the policies related to Area 8 of the Peninsula North Secondary Planning Strategy.

### Traffic and Servicing

No concerns have been raised pursuant to the technical review of this application regarding traffic and site servicing. The applicant will be required to confirm any technical requirements are met prior to the issuance of Construction permits.

### **Conclusion**

Staff have reviewed the proposal in terms of all relevant policy criteria and advise that the proposal is reasonably consistent with the intent of the MPS. The proposed LUB amendments would provide an opportunity for the expansion of the existing building on the site that is the current home of the DBDLI. Therefore, staff recommend that the Halifax and West Community Council approve the proposed LUB amendments.

### **FINANCIAL IMPLICATIONS**

The HRM cost associated with processing this planning application can be accommodated with the approved 2018-2019 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 may be considered under existing MPS policies. Community Council has the discretion to make decisions that are consistent with the MPS, and such decisions may be appealed to the N.S. Utility and Review Board. Information concerning risks and other implications of adopting the proposed LUB amendments are contained within the Discussion section of this report.

## **ENVIRONMENTAL IMPLICATIONS**

No environmental implications are identified.

## **ALTERNATIVE**

1. Halifax and West Community Council may choose to refuse the proposed LUB amendment, and in doing so, must provide reasons why the proposed amendments do not reasonably carry out the intent of the MPS. A decision of Council to refuse the proposed LUB amendment is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. Halifax and West Community Council may choose to approve the proposed LUB amendments subject to modifications, and such modifications may require may require a supplementary report. A decision of Council to approve this proposed LUB amendments is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

## **ATTACHMENTS**

Map 1:	Generalized Future Land Use
Map 2:	Zoning and Notification Area
Attachment A:	Proposed Amendments to the Land Use By-law for Halifax Peninsula
Attachment B:	Applicant's Submission
Attachment C:	Review of Relevant Sections of the Halifax MPS

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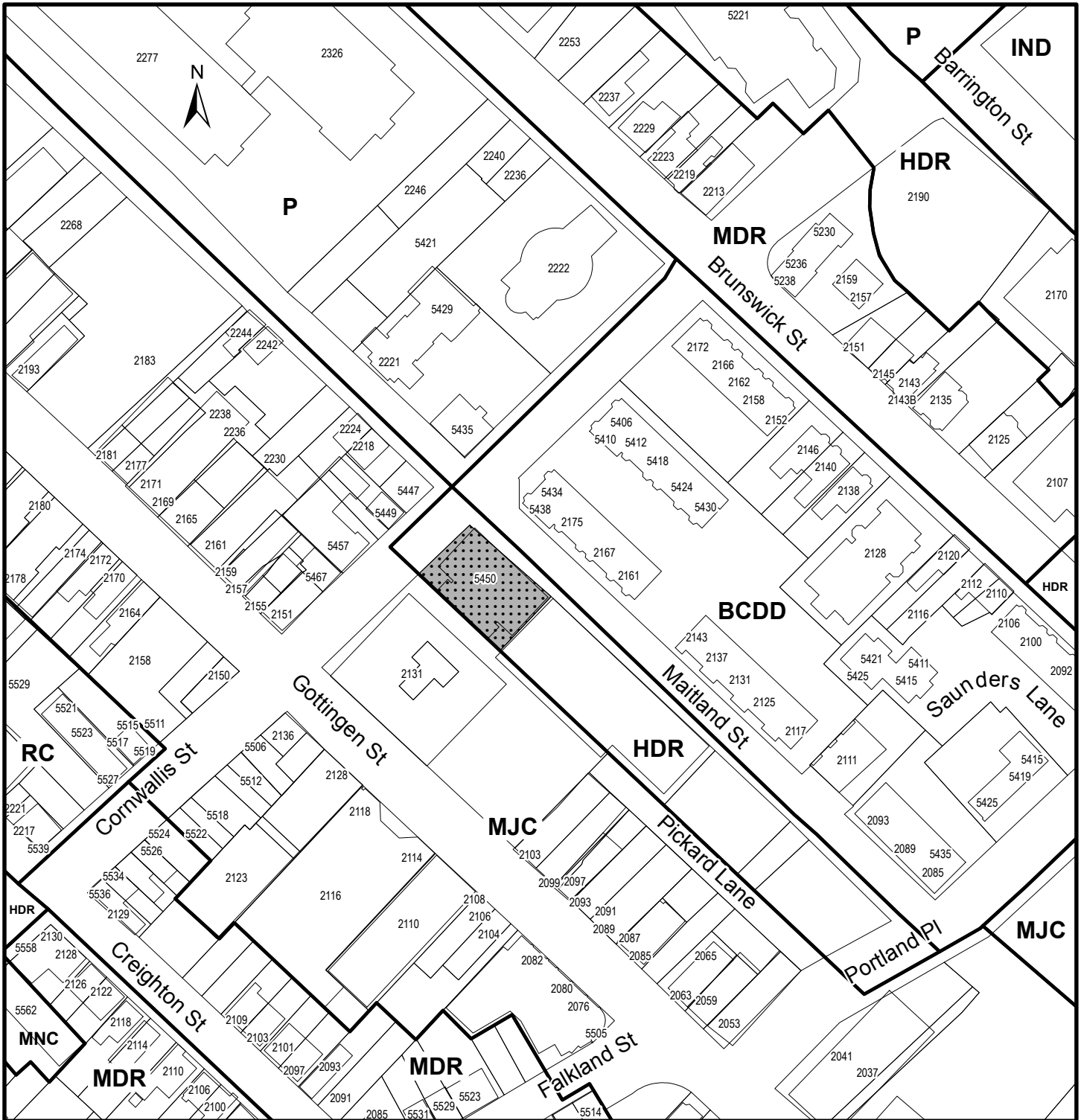
A copy of this report can be obtained online at [www.halifax.ca](http://www.halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Paul Sampson, Planner II, Urban Enabled Applications, 902.490.6259

***-Original Signed-***

Report Approved by: \_\_\_\_\_  
Carl Purvis, Acting Manager, Current Planning, 902.490.4797

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**Map 1 - Generalized Future Land Use**

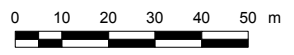
5450 Cornwallis Street  
Halifax



Subject Property

**Designation**

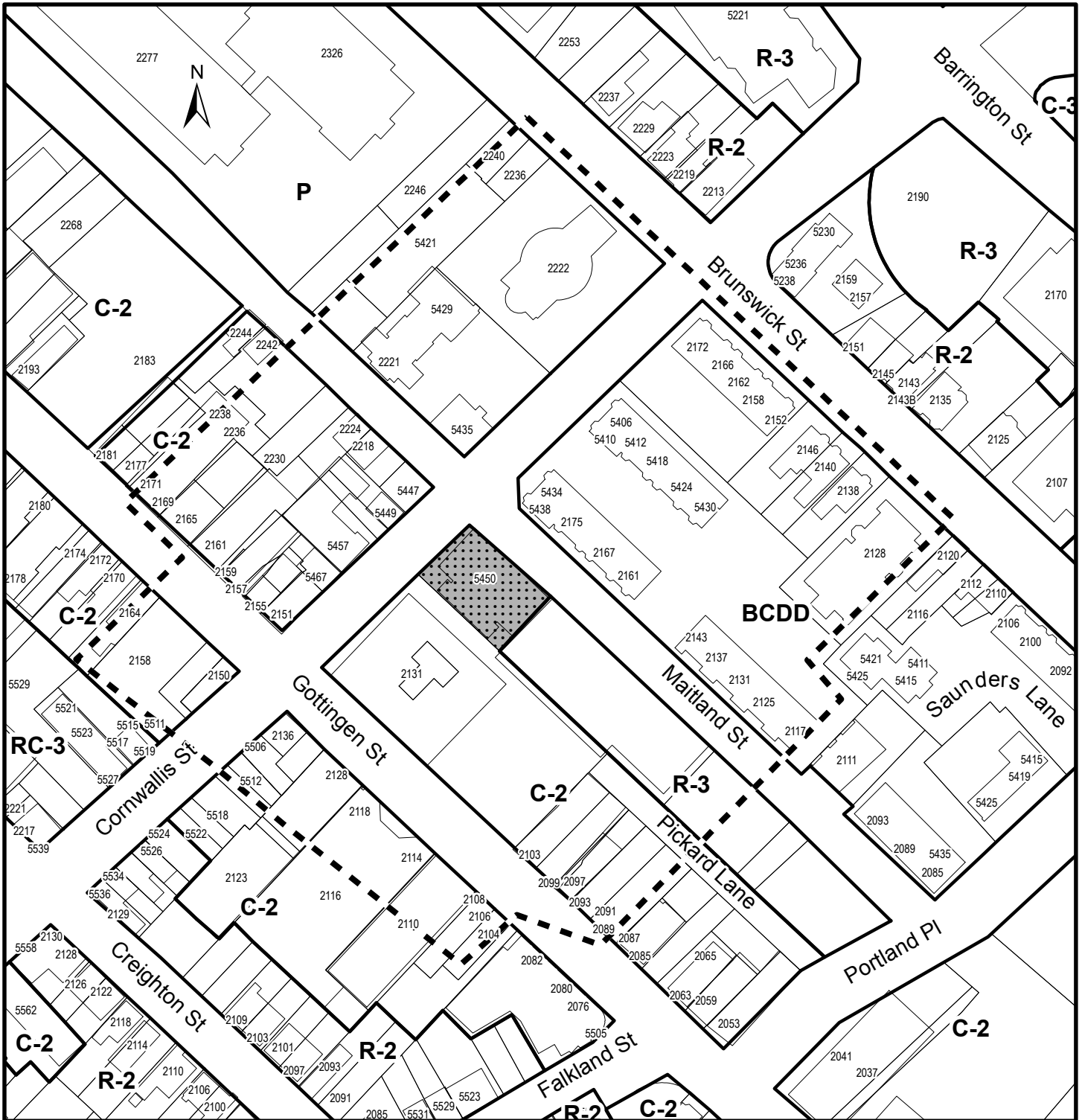
- MDR Medium Density Residential
- HDR High Density Residential
- MJC Major Commercial
- MNC Minor Commercial
- RC Residential/Commercial Mix
- IND Industrial
- P Park and Institutional
- BCDD Brunswick Comprehensive Development District



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  
Peninsula North Secondary Plan Area



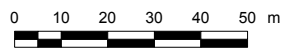
### Map 2 - Zoning and Notification

5450 Cornwallis Street  
Halifax

**HALIFAX**

-  Subject Property
-  Area of Notification

Zone	
R-2	General Residential
R-3	Multiple Dwelling
RC-3	High Density Residential Minor Commercial
C-2	General Business
P	Park and Institutional
BCDD	Brunswick Comprehensive Development District



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

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

## ATTACHMENT A

### Proposed Amendment to the Land Use By-law for Halifax Peninsula

BE IT ENACTED by the Halifax and West Community Council of the Halifax Regional Municipality that the Land Use By-law for Halifax Peninsula is hereby further amended as follows:

1. Amend Map ZM-17, the Height Precincts Map, by changing the height for the property identified as 5450 Cornwallis Street, Halifax from forty (40) feet to seventy (70) feet, as shown on the attached Schedule A.
2. Add subsection 58C(7), immediately following subsection 58C(6), as follows:

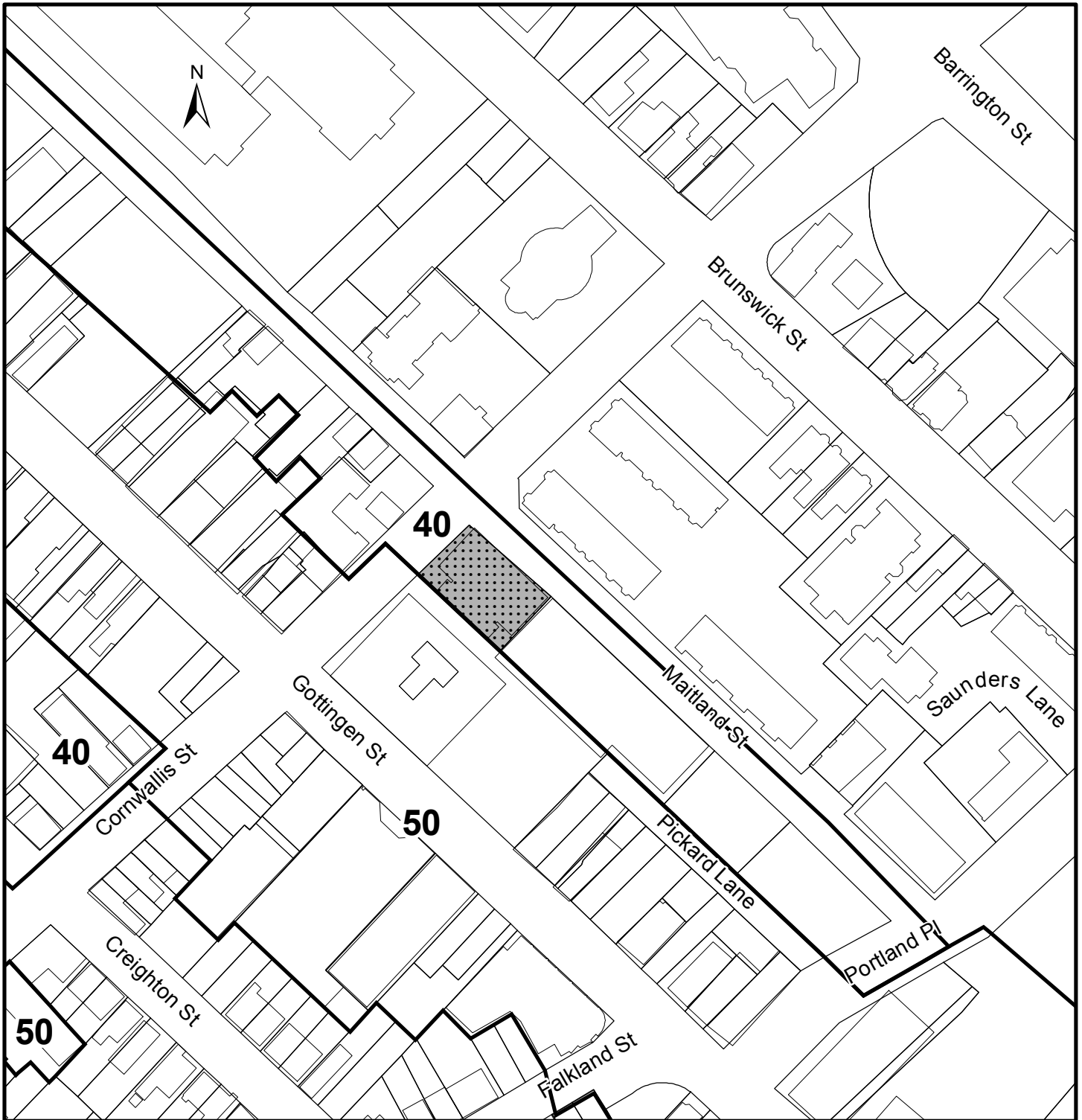
58C(7) For the property at 5450 Cornwallis Street (PID 40277022), any building addition which exceeds the height of the building in existence on the effective date of this amendment shall be located a minimum of 10 feet from the Maitland Street line and a minimum of 8 feet from the Cornwallis Street line.

I, Kevin Arjoon, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above -noted by-law was passed at a meeting of the Halifax and West Community Council on the \*\*\* day of \*\*\*\*\*, 20\*\*.

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Kevin Arjoon  
Municipal Clerk







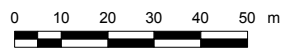
**Schedule A - Amendment to Map ZM-17**

5450 Cornwallis Street  
Halifax

**HALIFAX**

 Subject Property

 Area to amend the height from 40 feet to 70 feet.



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

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

Halifax Peninsula  
Land Use By-Law Area

# **Attachment B - Applicant's Submission**

***5450 Cornwallis Street, Halifax***

***Delmore Buddy Daye Learning Institute***

***Application for Land Use Bylaw amendment to Map ZM-17: Height Precincts***

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***February 8, 2018***

***Shelley Dickey Land Use Planning***

***[sd@shelleydickey.com](mailto:sd@shelleydickey.com)***

***[www.shelleydickey.com](http://www.shelleydickey.com)***

***902.463.2004***

**Introduction:**

I am pleased to submit this application for a Land Use Bylaw amendment on behalf of Delmore Buddy Daye Learning Institute (DBDLI) at 5450 Cornwallis Street, Halifax. This application is to enable the construction of a two storey addition to the existing DBDLI office building.

It is requested that Map ZM-17- Height Precincts be amended by increasing the maximum height limits on this property from 40 feet to 68 feet.

**Supporting Materials:**

In support of this application the following materials are submitted:

- Completed planning application form
- Application fee of \$1830.00 (cheque)
- Building photograph
- Site Plan
- Architectural Rendering/Elevations
- Electronic copies of the above material

**The Property:**

5450 Cornwallis Street is a two storey office building with underbuilding parking which is approximately 39 feet in height at its highest point on Maitland Street. The lot is 7399 square feet and the building has a footprint of approximately 5897 square feet. There are spaces for 10 vehicles in the underbuilding parking area (see photograph and site plan).

5450 Cornwallis Street is the new home of Delmore Buddy Daye Learning Institute which is currently being renovated to meet the needs of this organization.

**Delmore Buddy Daye Learning Institute:**

The Delmore “Buddy” Daye Learning Institute is a twelve person volunteer board of African Nova Scotian professionals that has been tasked with conducting research, developing programs and providing services on behalf of our African Canadian/Nova Scotian learners. The DBDLI has a mandate that encompasses learners of all ages.

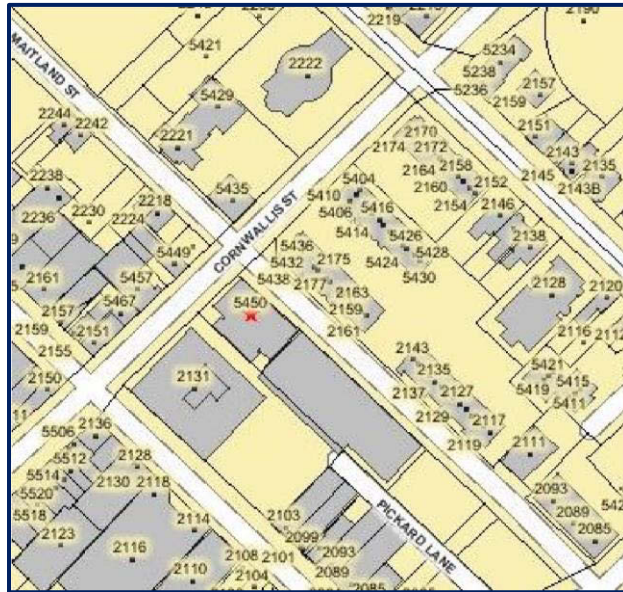
The DBDLI is committed to working with and on behalf of our African Canadian/Nova Scotian communities to improve learners' educational experiences and outcomes. The Institute has established and will continue to establish numerous partnerships with local provincial and national African Canadian organizations. The Institute also recognizes the importance of establishing and maintaining a strong working relationship with government agencies, departments and non-government organizations.

Much of the research conducted by the BLAC was accomplished using the Participatory Action Research (PAR). This approach mobilized the African Nova Scotian communities and engaged parents and students alike to identify issues within the education system and become part of the solution to these problems. It is within this context that the DBDLI seeks to sustain a grassroots approach to resolving the problems that confront African Canadian/ Nova Scotian learners and educators.

The DBDLI will be a leading provincial and national center of knowledge and research on Africentric theories and practices that improve educational outcomes, and inform policy about African Canadian/Nova Scotian learners from preschool and through college and adult learning. It seeks to understand and improve the standard of education for African Canadian/Nova Scotian learners and educators through Africentric educational research and practices, and to enhance the public debate about educational reforms.

**Neighbourhood Context:**

This building, located at the corner of Cornwallis Street and Maitland Street, is part of a mixed use neighbourhood with a variety of commercial, residential and community uses. There is an office building on Gottingen Street to the west (The MacDonald Building) with 4 storeys on Gottingen Street and 5 storeys adjacent to 5450 Cornwallis Street, a line of parking lots and structures owned by HRM and CMHC to the south, and a 3 storey townhouse condominium development (the Brickyard) to the east. Cornwallis Street Baptist Church and a dwelling are located to the north across Cornwallis Street, along with the St. George's Church property.



Site and Context

### Regulatory Context:

5450 Cornwallis Street is located within the Peninsula North Secondary Planning Strategy (PNSPS) of the Halifax Municipal Planning Strategy. Specifically it is within Area 8 of this Secondary Planning Strategy.

The property is designated High Density Residential (HDR) under the Peninsula North SPS. In the case of 5450 Cornwallis Street, Policy 1.4.10 was applied as follows:

#### *Policy 1.4.10*

*Notwithstanding the High Density Residential designation and Policy 1.4, the existing office building at 5450 Cornwallis Street shall be zoned for general business purposes.*

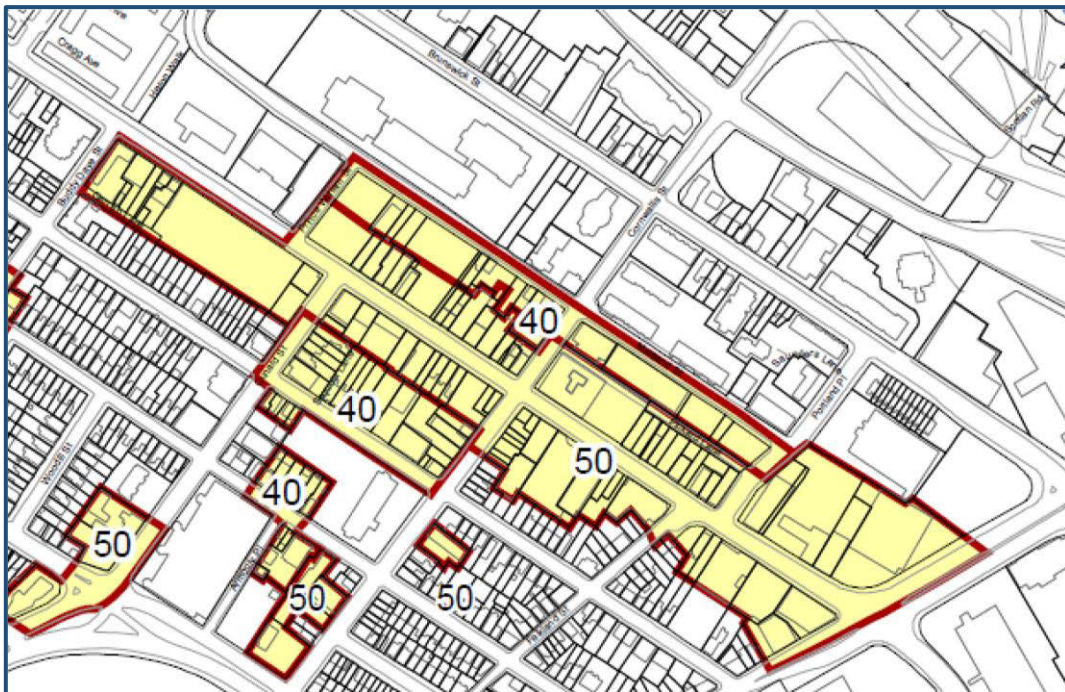
This policy was put in place to recognize the existing and longstanding use of this building and property as offices and its contribution to the commercial node centered on Gottingen Street. It also permits the property to continue as a conforming office building in the future, or to be redeveloped or expanded subject to the requirements of the commercial zone applied.

This property is zoned C-2 (General Business). The C-2 zone allows a full range of residential, commercial, community facility, and light industrial uses. This zone permits the use of 5450 Cornwallis Street by DBDLI. There are no setback requirements and no parking requirements as the lot is under 20,000 square feet.

In general properties with C-2 zoning on the Peninsula of Halifax have a height limit of 80 feet (or more with building stepbacks), however in Area 8 of Peninsula North the following policy was applied:

*Policy 1.4.8 In Area 8 of this Section, the land use by-law shall include a height limit to maintain and promote a **medium rise form** of residential and commercial development for properties designated High Density Residential and Major Commercial and located south of Prince William Street on the west side of Maitland Street.*

This policy was translated into a height precinct of 40 feet as shown on Map ZM-17 – Height Precincts.



Excerpt from ZM-17 (Height shown in feet)

**Proposal:**

In order to allow DBDLI to effectively fulfill its mandate now and into the future, it is the intention of DBDLI to expand its current space by adding two storeys to the existing building at 5450 Cornwallis Street (See attached concept perspective and elevations).

The expanded building would be used for a variety of educational and other purposes. Facilities would include offices, classrooms, a library, a resource centre, community meeting rooms, and event space. Activities in the expanded building would include classes, seminars, meetings, student assessments, and special events such as receptions and cultural events.

It has been estimated that the current maximum height of this two storey commercial building is 39 feet at Maitland Street. Each additional storey is proposed to be approximately 14 feet resulting in a building which would be no greater than 68 feet high over 4 commercial storeys with underbuilding parking.

It is intended that the addition of two storeys would be stepped back by 10 feet from Maitland Street and 6 feet from Cornwallis Street. This would serve to maintain the existing 2 storey street wall height of the building on both the Maitland Street and Cornwallis Street elevations.

Each floor of the two storey addition would be approximately 4450 square feet which would result in the building with a gross floor area in the vicinity of 21,600 square feet.

It is requested, therefore that ZM-17- Height Precincts be amended to increase the height limit for this property from 40 feet to 68 feet to permit this addition.

**Policy Analysis:**

*Medium Rise Form:*

The height limit placed on this property as the result of Policy 1.4.8 is the only development restriction placed on the property that varies from the general requirements of the C-2 zone. It was intended to ensure that any additions to the existing buildings or redevelopment of the properties along this portion of Maitland Street were not in a high rise form. At the time of the adoption of the Peninsula North Area 8 SPS, a height of 40 feet was selected to reflect a medium rise form. However, the term medium rise form can incorporate a range of heights much greater than 40 feet.

A recent approved development in this area served to refine the interpretation of the phrase “medium rise form” as used in Policy 1.4.8. This residential/commercial project is located at 2183 and 2215 Gottingen Street which are both through lots to Maitland Street. Approval was given in 2015 by Halifax and West Community Council to allow two buildings to be constructed

to a maximum of 81 and 110 feet respectively along Maitland Street by development agreement. It was determined that the term “medium rise form” in this same neighbourhood can be interpreted to include buildings of up to 110 feet in height. This decision of Community Council was appealed to the Nova Scotia Utility and Review Board which confirmed, in part, that up to 110 feet was a reasonable interpretation of “medium rise form” in the context of Policy 1.4.8.

*Design Compatibility:*

There are a variety of land uses and buildings of various heights surrounding 5450 Cornwallis Street. To the north of the site the MacDonald building rises to five commercial stories (approximately 54 feet) while the townhouses opposite on Maitland Street are a full three storeys (approximately 32 feet).

In the proposed design of this addition, the requested additional height of 28 feet to accommodate the two commercial storeys is stepped back from the Maitland Street frontage by 10 feet. This orientation of the bulk of the height of the building addition adjacent to the existing 5 storey MacDonald building and away from Maitland Street, ensures that there is an appropriate transition of this commercial office and community use building to the neighbouring residential context.

Attachment 1 is a policy analysis matrix which considers the applicable policies for this land use bylaw amendment in additional detail.

**Centre Plan:**

In June 2017 Regional Council authorized the direction contained with the Centre Plan document as a framework for amending existing planning documents and developing new planning documents to implement the Centre Plan direction.

In addition to being consistent with the existing policies of the existing Halifax Municipal Planning Strategy, it is our opinion that this proposed increase in height limits is consistent with future policy direction and proposed heights and floor area ratio (FAR) for this area as expressed by the draft Centre Plan.

5450 Cornwallis Street is proposed to be included within the Gottingen Street Centre. Centres are to be the major areas of commercial and residential growth within the Regional Centre, and additional development is encouraged on underutilized sites. The intention is to achieve a concentration of people, jobs and services in medium and high density mixed use development.



It has been proposed in the draft Centre Plan that this site is appropriate for a building height of 4 to 6 stories. It is stated that this height range reflects appropriate transitions to the neighbouring context, including lower rise established residential uses.

**Summary/Conclusion:**

The Delmore Buddy Daye Learning Institute is requesting an amendment to ZM-17- Height Precincts of the Halifax Peninsula LUB to permit a two storey addition. This LUB amendment is consistent with existing MPS policy in that it maintains and promotes a medium rise form of development consistent with the neighbourhood context. The additional building area which would be enabled by this amendment to the height precinct can be accommodated in this core urban area with its excellent traffic, transit access and pedestrian infrastructure.

In addition, this LUB amendment request is consistent with the direction and objectives of Centre Plan for the Gottingen Street Centre as well as future policy and regulations related to height and building massing. An addition to 5450 Cornwallis Street will be a positive step forward in the intensification of this Centre, and will accommodate additional employment and provide valuable community space in a moderate height building that transitions appropriately to the surrounding community.

We trust that this submission is complete and look forward to advancing this application.

Respectfully submitted,

Shelley Dickey  
***Shelley Dickey Land Use Planning- Dartmouth, Nova Scotia***

**Attachment 1: Policy Analysis Matrix:**

<b>Halifax Municipal Planning Strategy</b>	
<b>Policy</b>	<b>Analysis</b>
<b>Implementation</b>	
<p><b>3.1.1</b> The City shall review all applications to amend the zoning by-laws or the zoning map in such areas for conformity with the policies of this Plan with particular regard in residential areas to Section II, Policy 2.4.</p>	(see below)
<p><b>4.</b> When considering amendments to the Zoning By-laws and in addition to considering all relevant policies as set out in this Plan, the City shall have regard to the matters defined below.</p>	(see below)
<p><b>4.1</b> The City shall ensure that the proposal would conform to this Plan and to all other City by-laws and regulations.</p>	The addition enabled by this amendment to ZM-17 would meet all requirements of the C-2 zone for this property relative to use, setbacks, and parking.
<p><b>4.2</b> The City shall review the proposal to determine that it is not premature or inappropriate by reason of:                      i) the fiscal capacity of the City to absorb the costs relating to the development; and                      ii) the adequacy of all services provided by the City to serve the development.</p>	<p>There are no costs of this proposed development to HRM.</p> <p>This area of Cornwallis Street is within the urbanized core of Halifax which includes Gottingen Street. It is well served by transit and given the intensity and mix of existing development and the presence of sidewalks is also highly pedestrian oriented. It is our understanding that piped services, transportation and transit services, and pedestrian infrastructure would be adequate to service the additional commercial/community floor space and activity resulting from this proposed two storey addition.</p>

<b>Section II: City Wide Policies</b>	
<p><b>2.4</b> Because the differences between residential areas contribute to the richness of Halifax as a city, and because different neighbourhoods exhibit different characteristics through such things as their location, scale, and housing age and type, and in order to promote neighbourhood stability and to ensure different types of residential areas and a variety of choices for its citizens, the City encourages the retention of the existing residential character of predominantly stable neighbourhoods, and will seek to ensure that any change it can control will be compatible with these neighbourhoods.</p>	<p>Despite its Residential Designation in the SMPS, the office building at 5450 Cornwallis Street has and continues to function as an integral part of the commercial core of Gottingen Street which is centered at Gottingen and Cornwallis Streets. 5450 Cornwallis Street is the edge of this commercial core as it transitions to residential uses across Maitland Street and community uses across Cornwallis Street. In recognition of this transition of use from the commercial core of Gottingen Street to adjacent uses, a 10 foot setback of the addition has been included along the Maitland Street frontage, with 6 feet along the Cornwallis Street frontage.</p>
<p><b>2.4.1</b> Stability will be maintained by preserving the scale of the neighbourhood, routing future principal streets around rather than through them, and allowing commercial expansion within definite confines which will not conflict with the character or stability of the neighbourhood, and this shall be accomplished by Implementation Policies 3.1 and 3.2 as appropriate.</p>	<p>The expansion of this existing commercial building by the addition of two storeys is within the confines of the commercial area defined by the C-2 zoning of Gottingen Street which extends to include this building. Stepping back the height above the existing two storeys serves to focus the additional height to the west toward Gottingen Street thereby preserving the scale of the Maitland Street streetscape.</p>

<b>Section XI: Peninsula North Secondary Planning Strategy</b>	
<p><b>1.4.8</b> In Area 8 of this Section, the land use by-law shall include a height limit to maintain and promote a medium rise form of residential and commercial development for properties designated High Density Residential and Major Commercial and located south of Prince William Street on the west side of Maitland Street.</p>	<p>A height limit of 68 feet for 5450 Cornwallis Street translates to 4 commercial storeys with underbuilding parking. A building of this scale is well under the limit of what can be considered a medium rise form in the context of this site and this neighbourhood. It has been determined through precedents in this same height precinct area that a height of up to 110 feet is a medium rise form. Given the relationship of this property to surrounding institutional and medium density residential uses, it is our opinion that 4 commercial storeys and a maximum height of 68 feet is an acceptable and compatible medium rise form of development.</p>
<p><b>1.4.10</b> Notwithstanding the High Density Residential designation and Policy 1.4, the existing office building at 5450 Cornwallis Street shall be zoned for general business purposes.</p>	<p>5450 Cornwallis Street was zoned C-2 in recognition of its long term use as an office building serving the Gottingen Street area. This zoning allows office uses to continue and allows the expansion and reuse of the building for all commercial and business uses permitted in the C-2 (General Business) zone.</p>



**EKISTICS**  
PLANNING & DESIGN

An Ekistics Planning & Design Presentation

# Delmore Buddy Daye Learning Institute Planning Submission



# Concept Rendering

Cornwallis Street Perspective



Delmore Buddy Daye  
Institute

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# Cornwallis street elevation

North West Elevation



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# Maitland street elevation

North East Elevation



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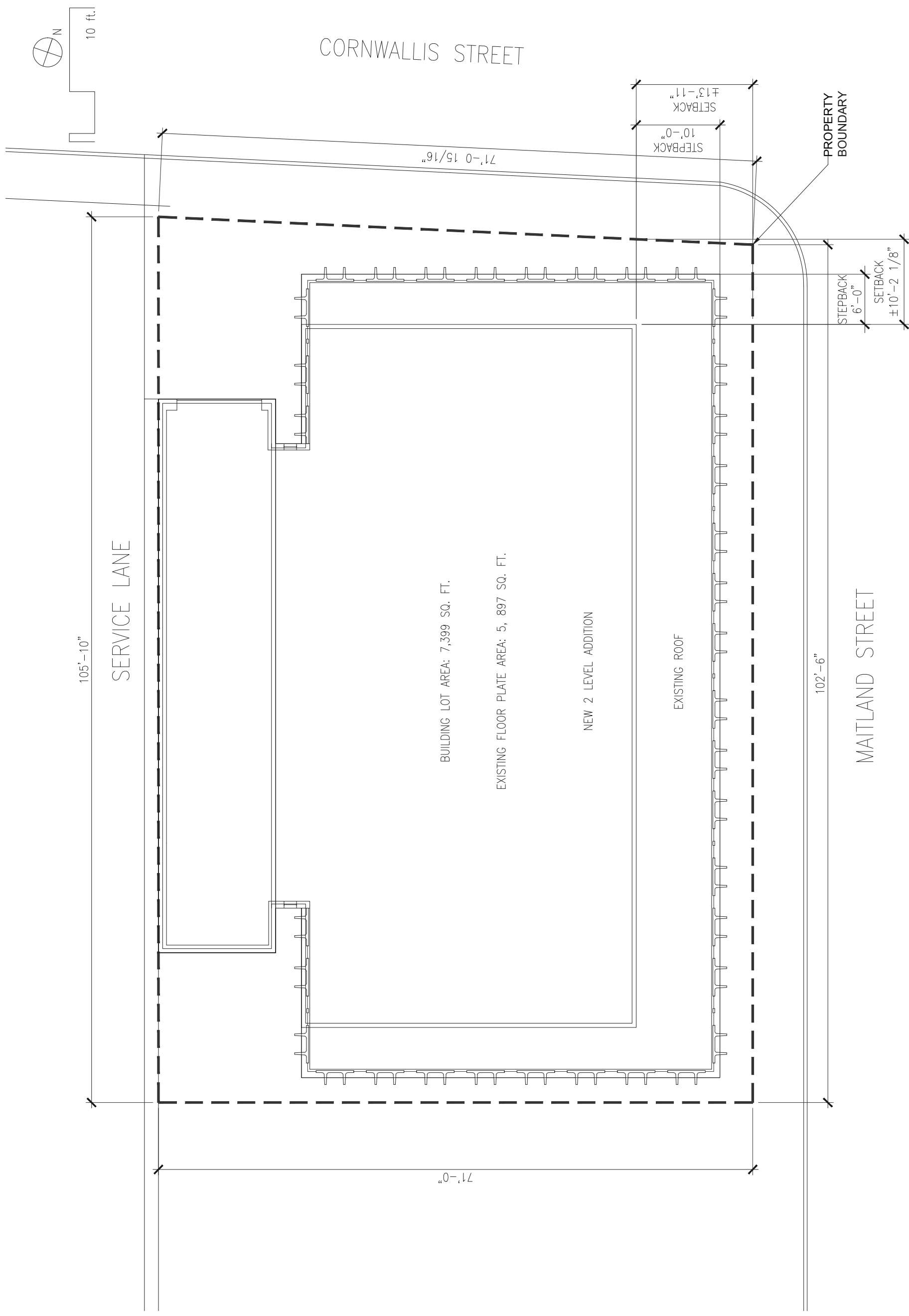
**Total Site Area: 7,399 sq. ft.**  
**Floor Plate Area: 5,897 sq. ft.**  
**Existing GFA: 12,720 sq. ft.**  
**New Addition GFA: 8,914 sq. ft.**

**Gross Floor Area (by level):**  
**Parking: 926 sq. ft.**  
 1 (existing): 5,897 sq. ft.  
 2 (existing): 5,897 sq. ft.  
 3 (addition): 4,457 sq. ft.  
 4 (addition): 4,457 sq. ft.  
**Total: 21,634 sq. ft**

**FAR: 2.92**

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**Attachment C**  
**Review of Relevant Sections of the Halifax Municipal Planning Strategy**

<b>Section XI – Peninsula North Secondary Plan</b>	
<b>Policy</b>	<b>Staff Comment</b>
<p>1.4 <i>In areas shown as high-density residential on the Generalized Future Land Use Map of Section XI, residential development in the following forms shall be permitted:</i></p> <p>(i) <i>low-density residential;</i></p> <p>(ii) <i>medium-density residential;</i></p> <p>(iii) <i>apartment houses.</i></p>	<p>Notwithstanding the designation of the site for future high-density residential uses, the property was zoned C-2 (General Business) to reflect the longstanding commercial use of the site and to allow for its continuance.</p>
<p>1.4.8 <i>In Area 8 of this Section, the land use by-law shall include a height limit to maintain and promote a medium rise form of residential and commercial development for properties designated High Density Residential and Major Commercial and located south of Prince William Street on the west side of Maitland Street.</i></p>	<p>The proposed height of 70 feet (21.3 metres) is considered to fall well within the range of medium rise development. The range of building heights which can be considered medium-rise was the topic of an appeal before the NS Utility and Review Board related to two nearby sites of the Housing Trust of NS. The building proposals on both of those sites were higher than what is being proposed in this case.</p>
<p>1.4.10 <i>Notwithstanding the High Density Residential designation and Policy 1.4, the existing office building at 5450 Cornwallis Street shall be zoned for general business purposes.</i></p>	<p>The subject site was zoned C-2 (General Business) to reflect the existing, longstanding commercial building on the site.</p>
<b>Section II – City-Wide Policies</b>	
<b>Policy</b>	<b>Staff Comment</b>
<p>2.4 <i>Because the differences between residential areas contribute to the richness of Halifax as a city, and because different neighbourhoods exhibit different characteristics through such things as their location, scale, and housing age and type, and in order to promote neighbourhood stability and to ensure different types of residential areas and a variety of choices for its citizens, the City encourages the retention of the existing residential character of predominantly stable neighbourhoods, and will seek to ensure that any change it can control will be compatible with these neighbourhoods.</i></p>	<p>The proposed increase to the height precinct, combined with setbacks above the existing roof edge for any upper-storey addition to the building, will help to ensure compatibility with the surrounding neighbourhood.</p>
<p>2.4.1 <i>Stability will be maintained by preserving the scale of the neighbourhood, routing future principal streets around rather than through them, and allowing commercial expansion within definite confines which will not conflict with the character or stability of the neighbourhood, and this shall be accomplished by Implementation Policies 3.1 and 3.2 as appropriate.</i></p>	<p>The preservation of the neighbourhood scale is achieved by incorporating setbacks above the existing roofline for any new addition. There will be a minimum setback of 10 feet from the Maitland Street property line and 8 feet from the Cornwallis Street line, for any addition above the existing structure.</p>
<p>8.6 <i>The City should make every effort to ensure that developments do not create adverse wind and shadow effects. The means by which this</i></p>	<p>The proposed resulting building height of 70 feet is well within the range of medium rise development. The policies for Area 8 of the Peninsula North plan call for the promotion of the</p>

<p><i>policy shall be implemented shall be considered as part of the study called for in Part III.</i></p>	<p>area's commercial redevelopment, as the area is well situated adjacent to the downtown. As well, it is generally accepted in urban and suburban locations that neighbouring buildings will create some shadow impacts on one another. The shadow impacts of buildings are generally of greater concern when they impact public open spaces such as parks and playgrounds</p>
<p><b>Implementation Policies</b></p>	
<p><b>Policy</b></p>	<p><b>Staff Comment</b></p>
<p><i>3.1.1 The City shall review all applications to amend the zoning by-laws or the zoning map in such areas for conformity with the policies of this Plan with particular regard in residential areas to Section II, Policy 2.4.</i></p>	<p>Refer to comments re: policy 2.4 above.</p>
<p><i>4. When considering amendments to the Zoning By-laws and in addition to considering all relevant policies as set out in this Plan, the City shall have regard to the matters defined below.</i></p>	<p>See below.</p>
<p><i>4.1 The City shall ensure that the proposal would conform to this Plan and to all other City by-laws and regulations.</i></p>	<p>The proposal will conform with all by-laws and regulations, including those of the C-2 zone.</p>
<p><i>4.2 The City shall review the proposal to determine that it is not premature or inappropriate by reason of:</i>  <i>i) the fiscal capacity of the City to absorb the costs relating to the development; and</i>  <i>ii) the adequacy of all services provided by the City to serve the development.</i></p>	<p>There will be no costs to HRM relating to the development. There have been no concerns raised with regard to the adequacy of existing services. At the time of application for a construction permit for the addition, details regarding the adequacy of services will be confirmed.</p>