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**Item No. 10.1.2**  
**Halifax and West Community Council**  
**First Reading May 7, 2019**  
**June 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:** April 8, 2019

**SUBJECT:** **Case 21979: Amendment to the Requirements of the Land Use By-law for Halifax Peninsula for 2165 Gottingen Street, Halifax**

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**ORIGIN**

Application by EDM Planning Services Limited, on behalf of Geome Properties Limited.

**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 2165 Gottingen 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**

EDM Planning Services Ltd. has applied to amend the building height and setback provisions of the Land Use By-Law Halifax Peninsula (LUB) for 2165 Gottingen Street, Halifax. The applicant represents the property owner, Geome Properties Limited, who are currently constructing a mixed-use building on the site. The owner wishes to allow for the construction of one additional floor (which could include a mezzanine level) on top of the existing building under construction.

<b>Subject Site</b>	2165 Gottingen Street, Halifax (Lot 11CD)
<b>Location</b>	East side of Gottingen Street, just north of Cornwallis St.
<b>Regional Plan Designation</b>	Urban Settlement (US)
<b>Community Plan Designation (Map 1)</b>	Major Commercial (MjC), Peninsula North Area #8 of the Halifax MPS
<b>Zoning (Map 2)</b>	C-2 (General Business) Zone of the LUB for Halifax Peninsula
<b>Height Precinct (Map 3)</b>	15.2 m (50 ft.) on front portion of site and 12.2 m (40 ft.) on the recently consolidated rear portion of site
<b>Size of Site</b>	453 sq. m. (4,880 sq. ft.)
<b>Street Frontage</b>	12.3 m (40.2 ft.) on Gottingen Street
<b>Current Land Use(s)</b>	Building under construction
<b>Surrounding Use(s)</b>	A mix of commercial, residential and institutional uses, including: <ul style="list-style-type: none"><li>- Music Nova Scotia/ residential apartments to the north;</li><li>- Mi'kmaq Child Development Centre and Ratinaud building to the south;</li><li>- Direction 180, Mi'kmaw Native Friendship Centre and residential apartments to the west; and</li><li>- Parking, residential and institutional uses to the east.</li></ul>

### **Proposal Details**

The applicant proposes to amend the Land Use By-law for Halifax Peninsula for the subject site to enable one additional floor, with potential for an interior mezzanine level, on the existing building under construction, for a total of five floors above Gottingen Street. The building currently under construction includes ground-floor commercial uses on Gottingen Street, a daycare use in the basement level (accessed from rear parking area which is under the same ownership) and either commercial space or residential units above the ground-floor commercial level. The proposal for additional height on the site includes a building setback above the fourth floor from Gottingen Street which was suggested by the Planning Advisory Committee (Attachments A and B). The key elements of the LUB amendment proposal are as follows:

- A change to the allowable building height from 50 feet (front portion of site) and 40 feet (rear portion of site) to 70 feet for the entire site, via an amendment to the "height precinct" map (ZM-17); and
- The requirement for a building setback of six feet for any portion of the building which exceeds four storeys in height above the Gottingen Street property line, via text amendments to the LUB.

The applicant's submission, including a proposed description, rationale and a front building elevation 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 Major Commercial (MjC) within the Peninsula North Secondary Planning Strategy, which is Section XI of the Halifax Municipal Planning Strategy (MPS) (Attachment C and Map 1). 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 Land Use By-Law for Halifax Peninsula (Map 2), and there are building height limitations of 50 feet and 40 feet on the site, pursuant to Map ZM-17 of the LUB (Map 3).

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. The maximum permitted lot coverage is also 100%. Height limits were established 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 approximately 220 postcards mailed to property owners within the notification area in December of 2018. The public comments received (3 emails) included the following topics:

- Clarification of proposal details;
- Concern with the additional building height; and
- Concern that a public information meeting was not held.

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 January 28, 2019, 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 a height amendment for Case 21979 with the following considerations:*

- *Believes the design is in character with the surrounding neighbourhood;*
- *Appreciates efforts to provide affordable housing and community-use space in the area;*
- *Appreciates design efforts to increase natural light for residential units;*
- *Encourages incorporating a step-back of additional level on Gottingen Street side to improve pedestrian experience at street-level; and*
- *Requests that Halifax & West Community Council consider unit make-up in order to achieve affordable housing.*

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 the PAC and staff, the proposal was changed in order to:

- Increase the height request from 65 feet to 70 feet to allow room for any required rooftop features such as railings or mechanical equipment; and
- require a minimum setback of 6 feet from the Gottingen Street property line, for any portion of the building above the 4<sup>th</sup> storey.

## **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 height (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**

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 owned by 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.”

In this case, on the east side of Gottingen Street, properties on this block slope downwards, away from the street. The current height precinct of 50 feet (above average grade) allows for a building of four storeys facing Gottingen Street and five storeys at the rear of the site. On the opposite (west) side of Gottingen Street, due to upward sloping grades away from the street, five storeys are achievable facing Gottingen Street, with four storeys in the rear. Therefore, from a streetwall perspective, the proposal for the subject site would allow for a similar building height (five storeys) facing the street to that which is achievable on the opposite side.

It was suggested by staff that the original requested change to the height precinct of 65 feet be increased to 70 feet in order to allow more flexibility for any rooftop features, such as railings, or mechanical equipment, or elevator/ stair enclosures which are in excess of ten percent of the roof area.

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 a minimum 6 foot setback from the street line for the uppermost portion/ storey of the building, will help to ensure compatibility with the current streetwall along Gottingen Street.

#### **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. A mix of uses already exists throughout the surrounding area and is encouraged by the polices 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 a building height facing Gottingen Street that matches the potential heights of buildings on the opposite (west) side of the street. 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 2019-2020 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 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
Map 3	Height Precinct
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 Municipal Planning Strategy

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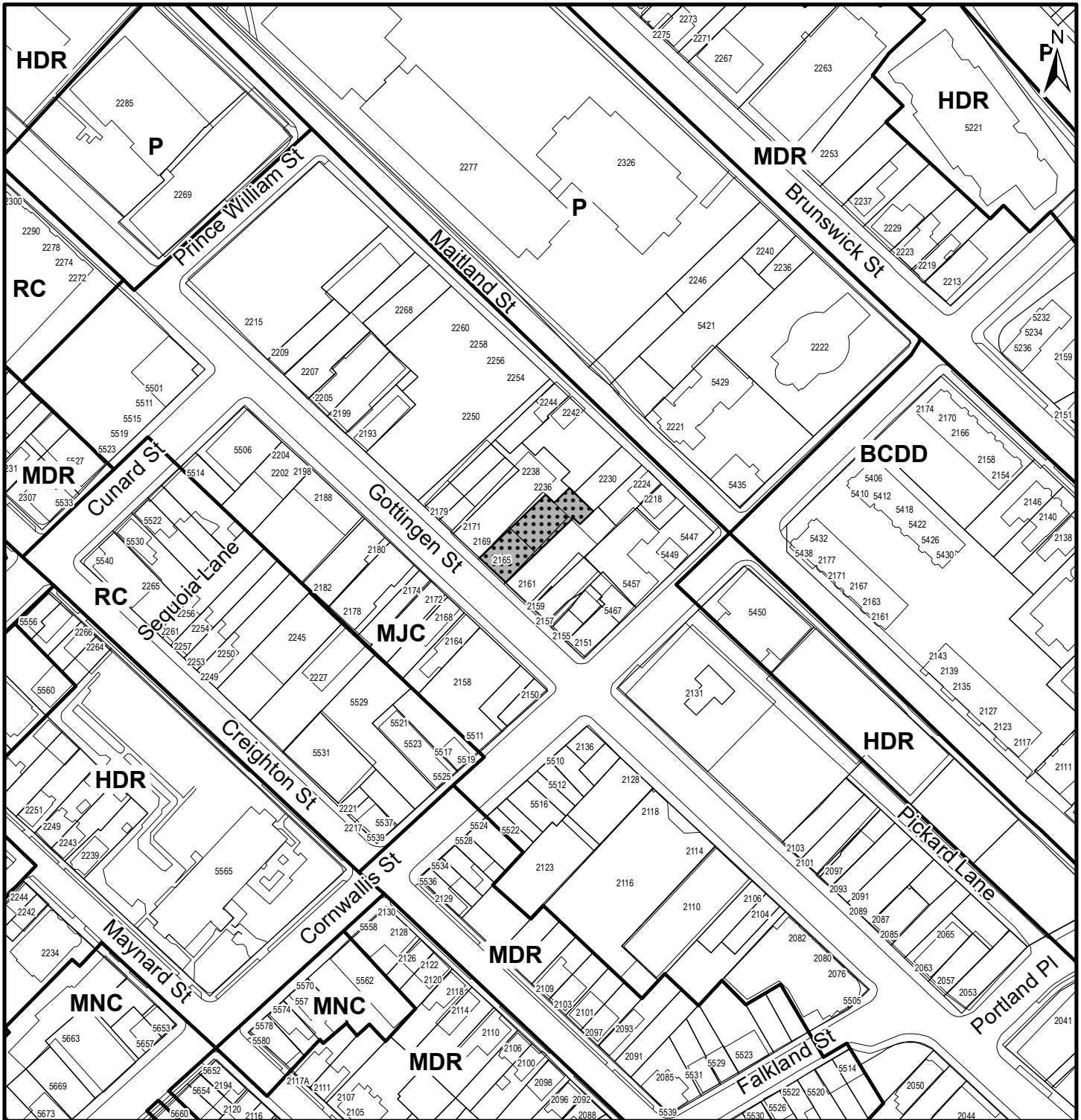
A copy of this report can be obtained online at [www.halifax.ca](http://www.halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.

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

### **ORIGINAL SIGNED**

Report Approved by: \_\_\_\_\_  
Steven Higgins, Manager, Current Planning, 902.490.4382

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**Map 1 - Generalized Future Land Use**

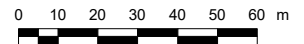


2165 Gottingen Street,  
Halifax

Subject Property

**Designation**

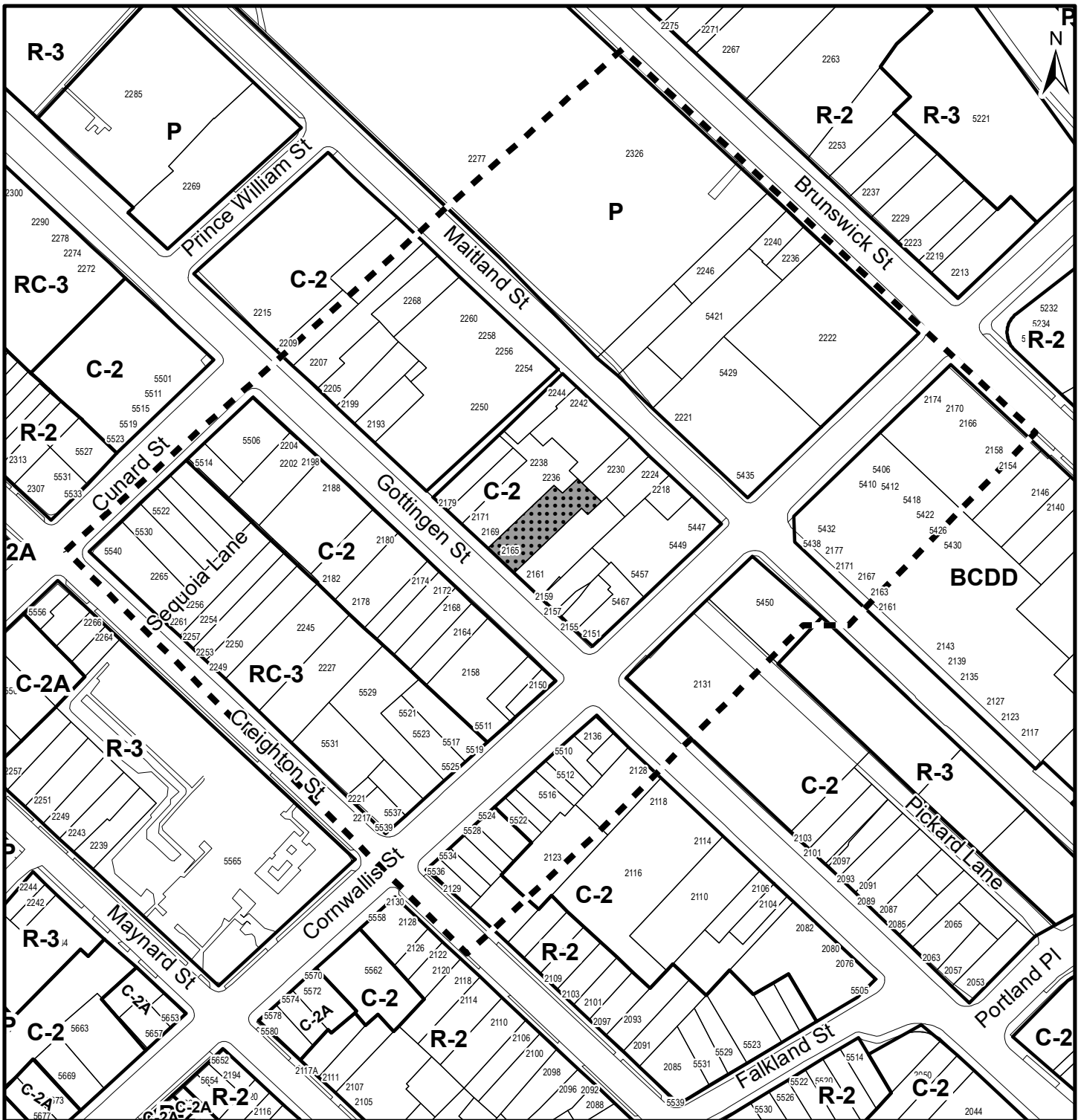
- MDR Medium Density Residential
- HDR High Density Residential
- RC Residential Commercial Mix
- MJC Major Commercial
- MNC Minor Commercial
- P Park and Institutional
- BCDD Brunswick Comprehensive Development District



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 Peninsula  
Land Use By-Law Area



### Map 2 - Zoning and Notification

2165 Gottingen Street,  
Halifax

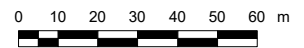
**HALIFAX**

Subject Property

Area of Notification

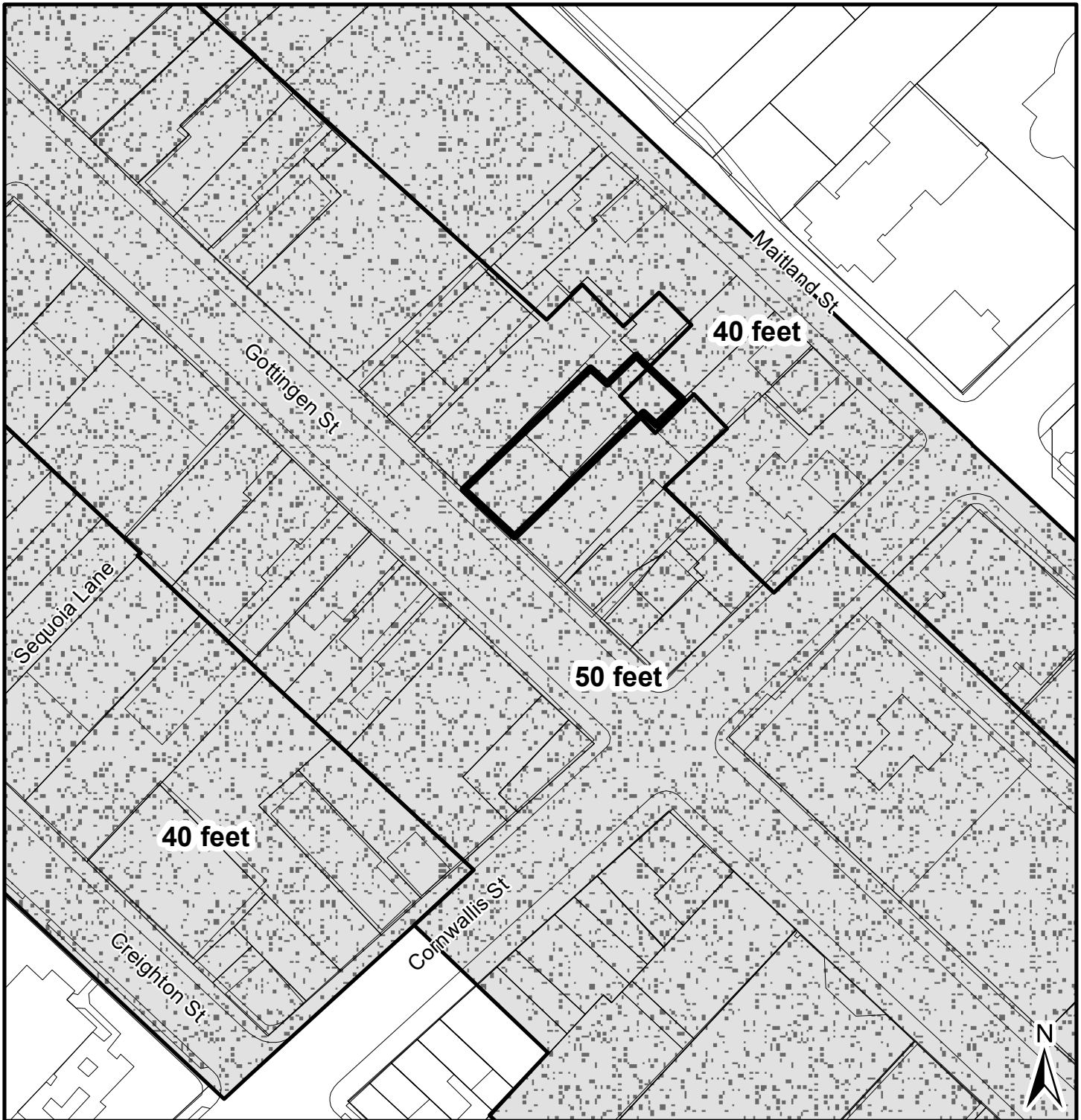
Halifax Peninsula  
Land Use By-Law Area

Zone	
R-2	General Residential
R-3	Multiple Dwelling
RC-3	High Density Residential Minor Commercial
C-2	General Business
C-2A	Minor Commercial
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.



**Map 3 - Height Precinct**

2165 Gottingen Street,  
Halifax



Subject Property



Height measured to highest point  
of roof

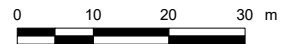


Height measured to highest point  
of top floor of building (not including  
non-habitable roof)



Height measured to commencement  
of top storey of building

**HALIFAX**



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

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

Halifax Peninsula  
Land Use By-Law Area

Please refer to ZM-17 - Height Precinct Map for full  
definitions of height measurement.



## 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:

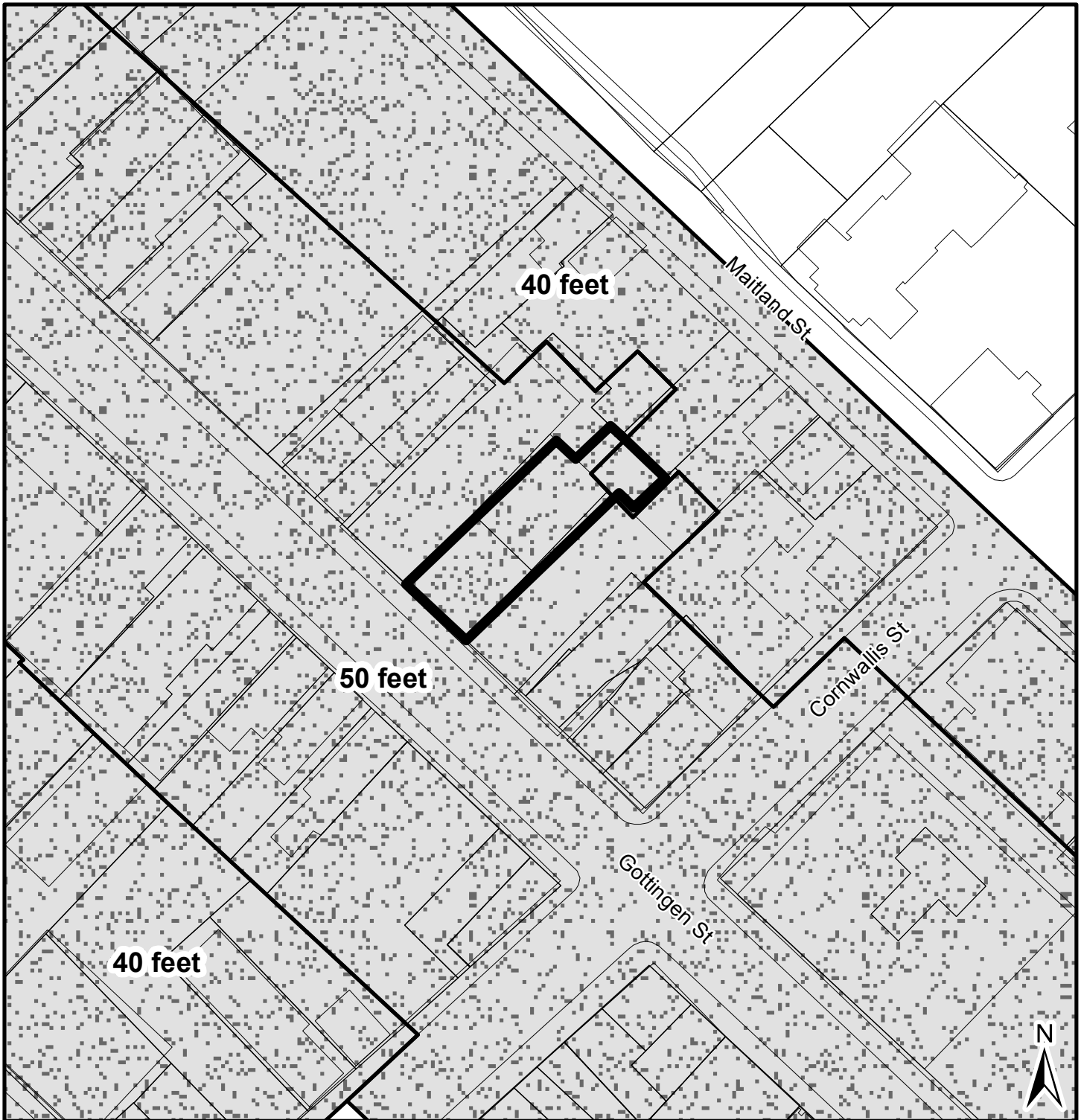
1. Amend Map ZM-17, the Height Precincts Map, by changing the height for the property identified as 2165 Gottingen Street, Halifax from fifty (50) feet and forty (40) feet to seventy (70) feet, as shown on the attached Schedule A.
2. Add subsection 58C(8), immediately following subsection 58C(7), as follows:

58C(8) For the property at 2165 Gottingen Street (PID 00154542), any portion of the building which exceeds four storeys in height above the Gottingen Street line shall be set back a minimum of 6 feet from the 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 : Amendments to the ZM-17 Height Precinct Map**

**HALIFAX**

2165 Gottingen Street,  
Halifax

 Amend Subject Area of Maximum Height of Building from 50 ft and 40 ft to 70 ft

-  Height measured to highest point of roof
-  Height measured to highest point of top floor of building (not including non-habitable roof)
-  Height measured to commencement of top storey of building



Halifax Peninsula  
Land Use By-Law Area

Please refer to ZM-17 - Height Precinct Map for full definitions of height measurement.

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

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



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## ATTACHMENT B - APPLICANT'S SUBMISSION

**Revision Date: March 28, 2019**

September 24, 2018

Carl Purvis, MCIP, RPP  
Planning Applications Program Manager  
Planning and Development  
Halifax Regional Municipality  
Via email: [purvisc@halifax.ca](mailto:purvisc@halifax.ca)

Re: Land Use Bylaw Amendment Request - 2165 Gottingen Street (PID 00154542)

Dear Mr. Purvis:

We are pleased to submit an application to amend the Halifax Peninsula Bylaw (Map ZM-17) for 2165 Gottingen Street (PID 00154542). If approved, the amended height limit of up to 70 feet would allow for one additional floor over the current as-of-right allowance (50 feet). This is not the maximum height permitted at the Gottingen Street line, but the maximum height based on mean grade of the site. Due to the grade change between Gottingen Street and Maitland Street, the resulting building would still be limited to 5-storeys on Gottingen St. This property is not under a designated view plane.

In support of this application, we submit the following information:

- Application form
- Application fee (\$1830)
- Site plan
- Building elevations

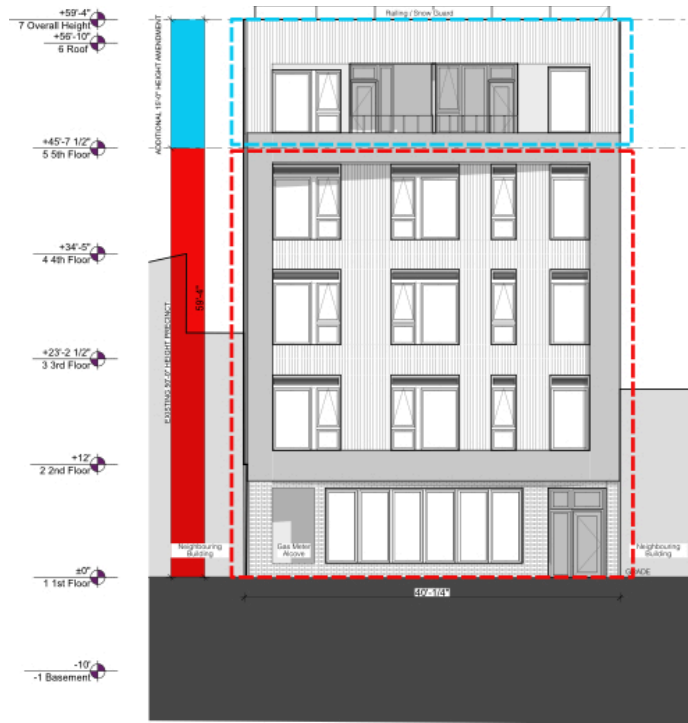
### Request

On behalf of the developer, \_\_\_\_\_, we request that Map ZM-17–Height Precincts–be amended to raise the maximum height precinct on PID 00154542 from 50 feet to 70 feet. Please note that a building is currently under construction on the subject property. This application is to allow for modification of the building under construction (see **Figure 1**). We understand that the request for additional height emerged through the building permitting and financing process, where it became evident that a small lot combined with the existing height limit made it difficult for the building owner/builder to access new affordable housing incentive programs offered by CMHC. Specifically, the additional storey allows the project to provide important ground floor commercial space on Gottingen Street and community commercial space, while still meeting the minimum 70% residential space eligibility requirement for

CMHC's Multi Unit Loan Insurance Affordable Housing Program.

### Property Details and Proposed Use

The subject property, approximately 4000 square feet in size, is located between Cornwallis and Cunard Streets. The block is made up of a range of retail and service uses at grade and residential uses above. Traditional narrow frontages have largely been maintained and have contributed to the spatial and aesthetic quality and character of the area. The lot was previously home to the North End Health Clinic. The Clinic relocated in 2017 and sold the building to the current owner who owns and has redeveloped two other buildings on the block, including the abutting property to the north. These buildings contain a range of uses, including a child care centre, three non-profits (Leave Out Violence, Music Nova Scotia and the Centre for Arts Tapes) and retail commercial and residential uses. They intend to redevelop the subject property in a similar fashion, creating new retail frontage on Gottingen, community-use space, and residential uses on the upper levels. As per recommendation from the Planning Advisory Committee (PAC) on January 28th, 2019, any portion of the building which exceeds four storeys in height above the Gottingen Street line shall be set back a minimum of 6 feet from the street line.



West Elevation - From Gottingen St

Figure 1: Proposed building. The area highlighted in red shows the current approved as-of-right building under construction. The area highlighted in blue shows the additional storey that is possible with the requested modification to the height precinct, as contained on Map ZM-17.

### Planning Context

The property is located in the centre of the Gottingen Street major commercial core area, as designated in the Halifax Municipal Planning Strategy. It is located in Area 8 of the Peninsula North Secondary Planning Strategy. The property is designated as Major Commercial (Mj.C). The property is zoned C-2 (General Business). The C-2 zone is highly permissive, allowing a wide range of residential and commercial uses. As a property under 20,000 square feet in size in Area 8, there are no setback or parking requirements.

In general, lands zoned C-2 have a height limit of 80 feet, after which stepbacks are required for any additional height. Properties within Area 8, however, are subject to a height limit intended to maintain the general form of the street. Policy 2.9 requires a height limit to be set in the Land Use Bylaw to “maintain a medium rise building form and to ensure compatibility with surrounding residential properties”. Presently, the Bylaw prescribes a 50-foot height limit to Gottingen Street, as shown on Map ZM-17 of the Bylaw.

The height precinct already allows 5 storey buildings as “medium-rise” buildings, but the way in which height is calculated means that some properties on the west side of the street are able to achieve 5 or even 6 storeys (e.g. Velo Apartments, 5505 Falkland), while those on the east side are generally limited to 4 under

the existing height precinct. Within this context, the request to allow for a 5-storey building is in alignment with the height already permitted on the Street. The resulting 5 storey building will better frame the commercial street as intended, by reflecting the height of buildings on the west side of the street. Unlike other lots in the area, this is not a through-lot, meaning the additional storey does not impact nearby heritage resources on Maitland and Brunswick Streets.

Permission to exceed this height limit has been granted previously by Council or is being considered today (see **Figure 2**). Around the corner from the subject property, an application (Case 21606) has been made to increase the height on the property at 5450 Cornwallis Street from 40 feet to 70 feet by amending Map ZM-17. While not yet approved, it has received a positive endorsement from the Halifax Peninsula Planning Advisory Committee (June 25, 2018), due in part to the additional density it offers (PAC Meeting Minutes).

**Rationale for Request**

The property owner has started construction on the building with the portion permitted as-of-right. Rather than build out the maximum volume permitted as-of-right, they have chosen to expand an existing lightwell to improve the quality of the spaces created (see **Figure 3**). This design feature significantly increases the amount of natural light and ventilation within the building.

This loss of space, however, impacts the developer’s ability to access incentive programs for affordable housing and the potential costs for future tenants. In this regard, we submit the following:

***Building for affordability and efficiency.*** The request allows for both an affordable housing component and street level commercial uses in the building. Removing the volume for the lightwell without reallocating it on top of the building reduces the maximum potential residential floor area in the building to less than required to quality for the Multi Unit Loan Insurance Affordable Housing Program

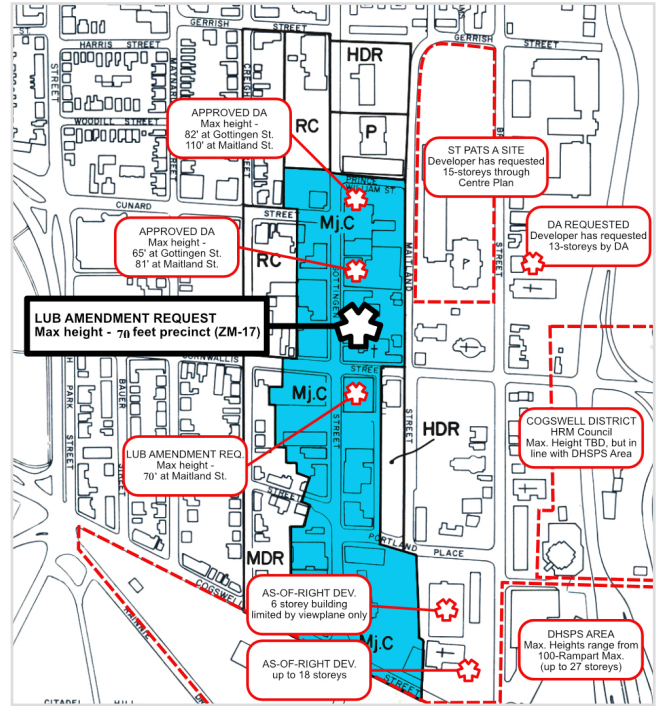


Figure 2: The existing Major Commercial Core area (blue) with the subject property highlighted. There is a range of plan amendment applications surrounding the site, including approved Development Agreements to the north, a similar height precinct application to the south, as well as major future potential development sites on private- and HRM-owned lands.

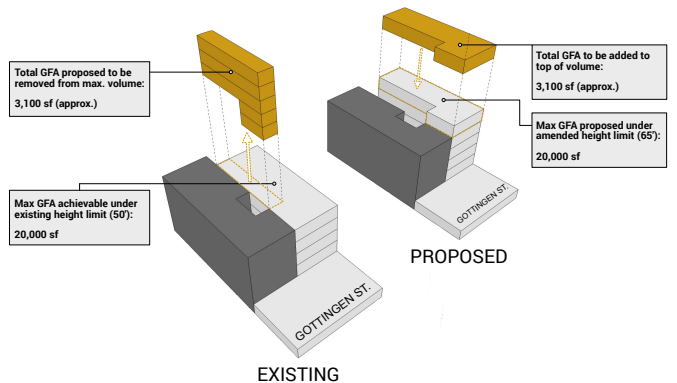
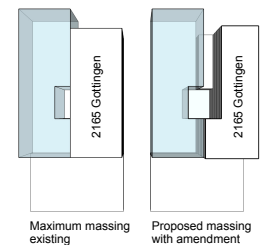


Figure 3: (top) the request to increase the height maximum is to enable a better building design without increasing the maximum gross floor area permitted under existing rules. This is done by reallocating building volume from the centre of the building to create a lightwell and one additional storey; (right) The resulting volume responds to a lightwell that exists at 2169 Gottingen Street, effectively doubling its size. This creates spaces with much more natural light.



offered by CMHC. This program provides incentives to developers in exchange for a minimum of 20% of units that rent for less than 30% of the median household income for the area and the total residential rental income must be at least 10% lower than market rates. To qualify for the program the building must be at least 70% residential in terms of both floor area and total loan value. The developer could choose to replace some of the ground level commercial and Maitland level community commercial space as residential, but this is not desirable. The ground level commercial space on Gottingen is vital to the character and success of the area as a major commercial and transit corridor. As well, Gottingen is not well suited to ground level residential uses due to zero setbacks and high level of street activity.

The current 50' height limit permits a building that requires two stairwells, sprinklers and elevators. In many areas of HRM, a 50' height limit would permit a building of sufficient size to carry these capital and ongoing maintenance cost of these items, as well as other elements such as a green roof. With only 4000 square feet of maximum developable area every single square foot counts. The additional height will allow for a building to be designed to address the challenges of a constrained lot, without unnecessarily burdening the owner or future tenants of the costs required to operate a building in excess of 3 storeys. The request is also compatible with recent changes to the National Building Code which permits residential and commercial construction of wood buildings of up to 6 storeys. In this regard, the additional storey better aligns the building design and associated costs with both the limitations and efficiencies prescribed by building code and design requirements. The builder, EcoGreen Homes, has significant experience, expertise and commitment to energy efficient and sustainable design and building practices.

***Building within the “medium-rise” definition in Area 8.*** Unlike other areas of the Plan, Policy 2.9 of the Halifax MPS does not entrench a height maximum, but instead references a “medium-rise form” to be set in the Land Use Bylaw for Area 8. In 2015, Council approved buildings at 2183 and 2215 Gottingen Street, determining heights of up to 110 feet to be “medium rise”. At a total height of up to 70 feet, the proposed height amendment is still well within the established meaning and intent of the MPS. It also aligns with the proposed Centre Plan definition of mid-rise buildings as 4-6 storeys, as the final building will be 5 storeys measured from Gottingen.

## Policy Review

MPS Policy	Comment
<b>Implementation Policy</b>	
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.	See comments below.
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.	See comments below.
4.1 The City shall ensure that the proposal would conform to this Plan and to all other City by-laws and regulations.	The amendment to map ZM-17 would permit one additional floor of a building already under construction. The proposed addition would meet all requirements of the C-2 zone.
4.2 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; (ii) the adequacy of all services provided by the City to serve the development.	The proposal would create additional residential density on Gottingen St, a major commercial core area and transit corridor. Existing transit and municipal services can serve the additional units.
<b>Section II City Wide Policies</b>	

MPS Policy	Comment
<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>The subject property is within a Major Commercial Designation. This policy addresses Residential Designations. However, the proposal respects the lot frontage and scale of buildings in the area. It aims to promote neighbourhood stability by providing a mix of uses, including ground level commercial, community commercial and market and subsidized residential uses.</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 amendment to the height precinct will not create any conflicts with the character or stability of the neighbourhood. The proposal is meant to align with and support the character and stability of the neighbourhood through the renovation of a building with a mix of uses.</p>
<p><b>Section XI: Peninsula North Secondary Planning Strategy</b></p>	
<p><b>2.6</b> The major commercial area of Gottingen Street (the commercial core) is one of the primary commercial areas serving Peninsula North. Infill commercial development on vacant portions of the street and the development of a full range of uses for the existing commercial properties is permitted.</p>	<p>This building is located in the heart of the major commercial area of Gottingen, where a full range of uses is permitted. The building adds new ground floor commercial space, community commercial space and a range of residential units above.</p>
<p><b>2.6.1</b> Major commercial uses which would strengthen and enhance the commercial function of Gottingen Street should be focused in the commercial core.</p>	<p>Two floors of the building, including the ground level floor on Gottingen St, will be used for commercial uses. The additional height is needed because of this allocation of two floors for commercial uses.</p>
<p><b>2.7</b> To promote commercial redevelopment in the major commercial area and the residential/commercial mix areas along Gottingen Street which continue the existing commercial form of Gottingen Street, the land use by-law shall include regulations related to the provision of direct sidewalk access to buildings, and design considerations for buildings with larger street frontage to create pedestrian interest and interaction at street level.</p>	<p>The building, already under construction, provides direct access to Gottingen St. from ground level commercial space and from residential units above. The building creates an attractive and interactive street frontage to support the pedestrian nature of the street.</p>
<p><b>2.9</b> In Area 8 of this Section, a height limit shall be established for the Major Commercial area of Gottingen Street and for the Residential/Commercial mix area along Gottingen Street to maintain a medium rise building form and to ensure compatibility with surrounding residential properties.</p>	<p>A 5 storey building is well within the interpretation of "medium rise" and within the range proposed by the Centre Plan. A height limit of 65 feet will allow for a 5 storey building as viewed from Gottingen Street. This is in keeping with the existing 50-foot height limit on the street that results in 5 storey buildings being possible on the west side but only 4 on the east side.</p>
<p><b>2.10</b> In order to encourage the development and the conversion of existing buildings for residential purposes in the major commercial area of Gottingen Street, residential uses shall be permitted in the Major Commercial designation of Area 8 which meet commercial requirements related to building form, size, placement, parking standards, and open space.</p>	<p>The building under construction and the proposed addition creates new residential uses within the existing and character defining lot fabric. The additional residential uses supports the commercial character of the area.</p>

## Conclusion

This request is for a minor amendment that better reflects recent approvals in the area and municipal planning objectives of densifying commercial centres and areas surrounding the Downtown core. The additional unit density supports the area as a commercial core and as a transit-oriented neighbourhood. The amendment to the height would align with the requirements and programs of other agencies, recent changes to the building code, and allow for a building that can better meet the needs and interests of future tenants. The additional height and density can be accommodated without noticeably impacting the character of the area.

We fully understand and appreciate the time required to move through a discretionary approval process. At the same time, we also wish to reiterate that this building is currently under construction and your timely attention to the initial review of the application would be very much appreciated. We look forward to meeting with you to discuss the application and to move it forward through the process. If you have any questions, please don't hesitate to contact me.

Sincerely,  
EDM Planning Services Ltd.

Jessica Harper, MCIP, LPP



**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>2.6 <i>The major commercial area of Gottingen Street (the commercial core) is one of the primary commercial areas serving Peninsula North. Infill commercial development on vacant portions of the street and the development of a full range of uses for the existing commercial properties is permitted.</i></p> <p>2.6.1 <i>Major commercial uses which would strengthen and enhance the commercial function of Gottingen Street should be focused in the commercial core.</i></p>	<p>The property is zoned C-2 (General Business) which permits both commercial and residential uses. The proposal includes commercial use of the ground floor and basement level as well as residential uses above.</p>
<p>2.9 <i>In Area 8 of this Section, a height limit shall be established for the Major Commercial area of Gottingen Street and for the Residential/ Commercial mix area along Gottingen Street to maintain a medium rise building form and to ensure compatibility with surrounding residential properties.</i></p>	<p>The proposed height of 70 feet (21.3 metres) is considered to fall within the range of medium rise development. The proposal also incorporates a stepback of 6 feet from the front (Gottingen St.) property line, to apply to the portion of building above the 4<sup>th</sup> floor.</p> <p>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>2.10 <i>In order to encourage the development and the conversion of existing buildings for residential purposes in the major commercial area of Gottingen Street, residential uses shall be permitted in the Major Commercial designation of Area 8 which meet commercial requirements related to building form, size, placement, parking standards, and open space.</i></p>	<p>The proposed development will meet the C-2 (General Business) zone requirements, which allow flexibility for residential uses, in keeping with the intent to promote mixed-use development of the area.</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</i></p>	<p>Since the subject property is within the Commercial core designation, Policy 2.4 (regarding stable residential areas) does not directly apply in this case. However, the proposed increase to the height precinct, combined with the 6 foot setback above the 4<sup>th</sup> level roof edge for any additional building height, will help to ensure compatibility with the surrounding neighbourhood.</p>

<i>change it can control will be compatible with these neighbourhoods.</i>	
<b>Implementation Policies</b>	
<b>Policy</b>	<b>Staff Comment</b>
<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>	The proposal conforms to the policies of the MPS. Refer to comments re: policy 2.4 above.
<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>	See above.
<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>	The proposal will conform with all By-laws and regulations, specifically those of the C-2 zone.
<i>4.2 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.</i>	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 revised construction permit for the additional height, details regarding the adequacy of services will be confirmed.