



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

**Item No. 15.1.13**  
**Halifax Regional Council**  
**July 30, 2019**

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

**SUBMITTED BY:** Original Signed  
Chief Stuebing, A/Chief Administrative Officer

**DATE:** July 25, 2019

**SUBJECT:** **Regional Centre Secondary Municipal Planning Strategy and Land Use By-law (Package A)**

---

### **SUPPLEMENTARY REPORT**

#### **ORIGIN**

- June 25, 2019, Halifax Regional Council Item 4.0, Ratification from Committee of the Whole on June 18, 2019 - Regional Centre Secondary Municipal Planning Strategy and Land Use Bylaw (Package A), and a list of recommended amendments to the planning documents.
- June 25, 2019 Halifax Regional Council Item 5.0, Ratification from Committee of the Whole on June 18, 2019 – Amendments to Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use By-law for 2032-2050 Robie Street, Halifax.

#### **LEGISLATIVE AUTHORITY**

- *Halifax Regional Municipality Charter (HRM Charter)*, Part I, The Municipality, Sections 23, 24, 25, 26, 27, 31A, and 32
- *HRM Charter*, Part III, Powers, Sections 58 and 59
- *HRM Charter*, Part IV, Finance
- *HRM Charter*, Part VIII, Planning & Development
- *HRM Charter*, Part IX, Subdivision
- Regional Municipal Planning Strategy (2014 Regional Plan), Chapter 6: The Regional Centre, Policy RC-3

#### **RECOMMENDATION**

It is recommended that Halifax Regional Council:

1. Give First Reading to consider the Regional Centre Secondary Municipal Planning Strategy and the Regional Centre Land Use By-law, as contained in Attachments A and B of this report;

**Recommendation continued on page 2**

2. Give First Reading to consider the proposed amendments to the Regional Municipal Planning Strategy, the Regional Subdivision By-law, the Dartmouth Municipal Planning Strategy, the Dartmouth Land Use By-law, the Downtown Dartmouth Municipal Planning Strategy, the Downtown Dartmouth Land Use By-law, the Halifax Municipal Planning Strategy, the Halifax Peninsula Land Use By-law, and the Downtown Halifax Land Use By-law as contained in Attachments C to M-2 of this report;
3. Schedule a public hearing to consider the proposed planning documents, as contained in Attachments A and B, as well as the proposed amendments to existing planning documents, as contained in Attachments C to M-2 of this report;
4. Adopt the Regional Centre Secondary Municipal Planning Strategy and the Regional Centre Land Use By-law as contained in Attachments A and B of this report; and
5. Adopt the proposed amendments to the Regional Municipal Planning Strategy, the Regional Subdivision By-law, the Dartmouth Municipal Planning Strategy, the Dartmouth Land Use By-law, the Downtown Dartmouth Secondary Municipal Planning Strategy, the Downtown Dartmouth Land Use By-law, the Halifax Municipal Planning Strategy, the Halifax Peninsula Land Use By-law, and the Downtown Halifax Land Use By-law as contained in Attachments C to M-2 of this report.

**Further to the recommendations of Committee of the Whole on June 18, 2019, and pending the outcome of the public hearing, it is further recommended that Regional Council:**

6. Direct the Chief Administrative Officer to develop and return to Council with proposed amendments to Administrative Order Number 48 to remove the lands within Package A from the jurisdictional authority of the Halifax Peninsula Planning Advisory Committee, the Harbour East – Marine Drive Community Council, and the Halifax and West Community Council, to provide for the creation of a new Regional Centre Community Council to review, address and deal with matters relating to appeals of site plans and variances and land use by-law amendments over those lands following the adoption of the Regional Centre Plan Secondary Municipal Planning Strategy and Land Use By-law;
7. Direct the Chief Administrative Officer to develop a new Administrative Order establishing a Design Advisory Committee for the Regional Centre Package A lands, and return to the Council for consideration;
8. Rescind the Regional Council December 13, 2016 motion, Item 9.2.2, Parts 1 and 2, with respect to developing an incentive or bonus zoning program for affordable housing benefits and negotiating with Housing Nova Scotia a Memorandum of Understanding, as outlined in staff report dated September 6, 2016;
9. Direct the Chief Administrative Officer to develop a business case for a Regional Centre Incentive or Bonus Zoning Reserve, and an Administrative Order to direct future spending from the reserve within the Regional Centre and return to Council for consideration; and
10. Direct the Chief Administrative Officer to prepare amendments to the various committee Terms of Reference as appropriate, to establish the Community Design Advisory Committee, the Community Planning and Economic Development Standing Committee, the Heritage Advisory Committee, the Halifax and West Community Council, and the Harbour East – Marine Drive Community Council as the only advisory bodies to the planning process for the Regional Centre Plan Package B area, and return to the Council or the necessary body for consideration.

**BACKGROUND**

The proposed Regional Centre Secondary Municipal Planning Strategy (Plan) and the Land Use By-law (LUB) for Package A lands are the planning documents intended to regulate land use and development within the Regional Centre area of the Halifax Regional Municipality.

The contents of the proposed Regional Centre Plan, the Land Use By-law, and amendments to existing planning documents necessary to implement the Plan, as contained in Attachments A – K were reviewed by a number of advisory committees, Standing Committees of Council, Community Councils, and Committee of the Whole. This process allowed each review body the opportunity to consider the proposed Plan and Land Use By-law and identify additional recommendations for Regional Council’s consideration.

On June 18, 2019 Committee of the Whole<sup>1</sup> considered recommendations contained in the June 11, 2019 staff report based on the review process, as well as items for clarification and additional matters raised during the debate. This consideration by Committee of the Whole generated 20 recommendations, 15 of which were then ratified and accepted by Regional Council on June 25, 2019<sup>2</sup>. The remaining five items are intended to be presented for Regional Council ratification following the public hearing. In addition, Council directed staff to amend the Regional Centre planning documents to allow for the development of 2032-2050 Robie Street, Halifax, as detailed in the June 4, 2019 staff report under Case 19281<sup>3</sup>. This supplementary report and the finalized drafts of the Plan, Land Use By-law, and amendments to current planning documents are presented in this report as Attachments A to M-2 to enable Council to give first reading and schedule of a public hearing.

**Topics of Discussion**

This report provides a summary of changes to the Centre Plan planning documents resulting from Regional Council direction, as well a small number of additional items and housekeeping matters identified by staff since the June 11<sup>h</sup>, 2019 staff report. Some of the more significant changes are discussed below.

<b>Changes Initiated and Based on Direction from Regional Council</b>	<b>Supplemental Information Requested by Regional Council</b>	<b>Staff-Initiated Changes</b>
<ul style="list-style-type: none"> <li>• Large Lot Development Agreement Policy</li> <li>• Regional Centre Urban Design Manual</li> <li>• Ronald McDonald House – Gorsebrook Lands, South Street, Halifax</li> <li>• Robie Street Special Area Policy</li> <li>• Use of Appraised Value for CDD Zones for incentive or bonus zoning</li> <li>• Mapping changes</li> </ul>	<ul style="list-style-type: none"> <li>• 6023 Bliss Street, Halifax – Corridor Designation</li> <li>• Conversion of non-conforming structures</li> <li>• Minimum Setback or Front Yard for HR Zones and Streetwall Heights</li> </ul>	<ul style="list-style-type: none"> <li>• Heritage Development Agreement Policy</li> <li>• Willow Tree Site – 6009 and 6017 Quinpool Road, Halifax</li> <li>• Revisions of FAR Limits – Wyse Road, Dartmouth</li> <li>• Changes to additional Land Uses within CDD Zones without development agreement</li> <li>• Housekeeping changes to the proposed Plan and Land Use By-law</li> </ul>

<sup>1</sup> Staff Report is available at: <https://www.halifax.ca/sites/default/files/documents/city-hall/regional-council/190618cow4.pdf>

<sup>2</sup> June 25, 2019, Special Halifax Regional Council Action Summary: <https://www.halifax.ca/sites/default/files/documents/city-hall/regional-council/as190625ca-sp.pdf>

<sup>3</sup> Staff Report is available at: <https://www.halifax.ca/sites/default/files/documents/city-hall/regional-council/190618cow5.pdf>

## **DISCUSSION**

As directed by Regional Council, staff prepared this report to respond to specific topics and items that were identified in the motions passed on June 25<sup>th</sup>, 2019. Staff has responded and implemented all site-specific changes directed in each motion by Regional Council, and all items recommended by staff and supported by Council from the June 11, 2019 supplementary staff report. The following items which represent larger changes identified by Council or staff are included in the Discussion section with additional information or clarification:

### **Changes Initiated and Based on Direction from Regional Council**

- Large Lot Development Agreement Policy

Staff responded to direction from Regional Council with regards to re-introducing a development agreement option for existing large lots (1 hectare or larger). Based on Council direction, the policy intent is to provide limited built form flexibility to support context-specific design that aligns with the core concepts of the Plan.

As such, development of parcels in the Downtown, Centre, Corridor and Higher Order zones in existence at the time of adoption of this Plan that are a minimum 1 hectare in size and remain 1 hectare in size or larger at the time of application, may be considered by a development agreement to support high quality design and context-specific development. Some of the Land Use By-law regulations will continue to apply to the large lot developments, however certain flexibility to land use and built form may be considered as part of the development agreement to support better design and unique site conditions. Site context analysis and a design rationale will be required as part of the application to support consideration of the urban design criteria of the Regional Centre Urban Design Manual contained now in Appendix 2 of the Plan.

***Staff Response: The Large Lot Development Agreement policy is detailed under Policies 3.38 – 3.41, Section 3.7 of the Plan, contained in Attachment A.***

- Regional Centre Urban Design Manual

Further to Council's direction, a Regional Centre Urban Design Manual (Manual) has been added as Appendix 2 to the Plan to implement planning policies related to development agreements for large lot development, comprehensive development districts, and heritage development agreements. The Manual encourages overall design excellence.

The Manual is an urban design framework that describes and illustrates ways in which development projects can best achieve the Urban Design Goals detailed in the Plan. The document includes criteria that represent urban design best practices for achieving a positive relationship between proposed buildings and open spaces, communities, and neighbourhoods within the Regional Centre, and establish a comprehensive urban design vision for the Regional Centre. It also presents common design solutions and approaches that impact the relationship between the components of a development project and the public realm. This document addresses the character of the built environment, streetscaping, landscaping and open spaces, as well as the scale and continuity of development, existing heritage elements, the use of materials, and the introduction of new infill projects.

While the criteria of the Manual are aligned with the site plan approval design requirements in the Regional Centre Land Use By-law, they are intended to be applied to specific types of development agreement policies enabled by the Plan. Each criterion is intended to inform an applicant's design process for a development, and be used by staff, Council, and the public to evaluate ways to achieve the criteria, and ultimately the Urban Design Goals of the Plan.

**Staff Response: The Manual is contained as Appendix 2 of the Plan, contained in Attachment A, and is referenced in Policy 3.41, Policy 4.1, and Policy 5.9.**

- Use of Appraised value for CDD Zones for Incentive or Bonus Zoning

The June 11<sup>th</sup>, 2019 supplementary staff report recommended a change to how the value of public benefits is calculated in Future Growth Node developments. Projects in most areas of the Centre Plan will reasonably reflect the “typical” development site conditions assumed in the determination of uniform density bonus rates, and further, will be developed in a typical fashion as individual projects that have to work within their local market. Areas designated as Future Growth Nodes are a materially different development situation, and this fact is recognised by their policy treatment under the Centre Plan.

In contrast to a typical development project, Future Growth Nodes are large enough that they will be developed in phases over time, will likely have one or more complex factors to manage such as challenging site servicing, the creation of new public right-of-ways, environmental contamination, collaboration with public-sector entities, and the provision of regional infrastructure by the Municipality such as transit terminals. They also have a different relationship with the real estate market as their sheer scale gives them greater power to create their own market conditions and they are less constrained by the prices-levels and competing supply in the local area. Public benefits could also be provided based on a site, as opposed individual building level.

Based on these factors, staff recommend that the value of public benefits be determined based on the appraised value of the site after the development agreement has been adopted by Council and that the valuation will be reflected in the incentive or bonus zoning agreement. The appraisal will be commissioned by the Municipality, but it will be part of the development agreement process. Where the Municipality or applicant disagrees with the appraised value determined in the appraisal, the disagreeing party may have a second appraisal done, providing the appraiser is from the Municipality’s approved list of vendors, the appraisal is paid for by the developer, and the appraisal is subject to the same terms of reference as the initial appraisal. The value would be the average of the two appraisals.

Staff recommend a public benefit value capture of 12% based on mirroring the site plan approval incentive or bonus zoning system in the rest of the Regional Centre which multiplies the average market land value by 0.6 which is then generally applied to 0.2 of the total floor area of the development. This effectively results in a public benefit capture rate of 12%.

**Staff Response: Policy 10.11 was revised to provide direction for a different way of calculating the value of public benefits in Future Growth Node developments. LUB section 233 and Schedule 24 were also revised to support this direction.**

- Ronald McDonald House Charities Atlantic - Gorsebrook Lands, South Street, Halifax

Regional Council directed enabling the development of Ronald McDonald House Charities Atlantic on a portion of the Gorsebrook Lands, along South Street, Halifax, through amendments to the existing South End Secondary Municipal Planning Strategy (SMPS) under the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use By-law (LUB) as shown on Attachments L - M-2. The Ronald McDonald House is a non-for-profit boarding and lodging facility for out-of-town families with children receiving vital medical treatment in Halifax, which also includes staff office spaces. The organization has expressed that the proposed development is envisioned to replace the current Ronald McDonald House to accommodate the growing demand for such housing and facilities for out-of-town patients.

**Site Description and Surrounding Land Use:**

The site is:

- located on the south side of South Street, Halifax; and
- surrounded by institutional uses that include:
  - Gorsebrook Junior High School to the west,
  - Atlantic Provinces Special Education Authority, Peter Green Hall Children's Centre, Gorsebrook Park and Inglis Street Elementary School to the south,
  - The Canadian Cancer Society to the east, and
  - The IWK Health Centre to the north.

**Designation and Zoning:**

The site:

- is located within District 2 of the South End SMPS;
- includes 2 designations: High Density Residential (HDR) along South Street, and Medium Density Residential (MDR) to the south of the HDR designation;
- is zoned R-2A (General Residential Conversion) under the Halifax Peninsula Land Use By-law (By-law); and
- is located within a 35-foot height precinct in the By-law.

In addition, applicable planning policies under the South End SMPS include:

- site-specific policies on the future residential development of the MDR-designated portion of the Gorsebrook Lands only (*Policy 7.2.6 and 7.2.6.1*);
- areas designated as HDR that are envisioned as residential areas with high intensity of uses that are not only limited to commercial but also include institutional and community facility uses; and
- MDR areas focused on mid-form residential units with a minimum square footage of 800 square metres.

As part of the Centre Plan Package A planning process, staff has worked closely with the organization to provide clarity on the implementation of proposed policies and regulations for the development. However, staff determined that the proposal was challenging to accommodate within the designations and zones of Package A, as well as the built form requirements.

As directed by Regional Council, staff prepared amendments to the current SMPS, and the LUB with the intent to re-designate and rezone a portion of the Gorsebrook Lands to the Institutional Designation (INS) and the Parks and Institutional (P) Zone. This process did not require either drafting new site-specific policies or amending existing policies as there is flexibility within existing policies of the SMPS to support the Institutional Designation and zoning. Existing SMPS maps and LUB schedules were amended to support institutional zoning. This portion of the Gorsebrook Lands has been removed from Centre Plan Package A planning documents but can be re-introduced within Package B when institutional lands are fully addressed.

**Staff Response:** The identified portion of the Gorsebrook lands have been removed from Package A, and amendments to the existing SMPS Maps and LUB schedules are contained in Attachments L to M-2.

- Robie Street Special Area Policy (Westwood Developments)

Staff implemented Regional Council direction to accommodate a proposal associated with a site-specific plan amendment application to the Halifax Municipal Planning Strategy and development agreement for 2032-2050 Robie Street, Halifax that was initiated prior to the adoption of the Regional Centre project (Case 19281).

The site is located on the southwestern edge of the Halifax Commons and between two existing high-rise developments. The site is deemed suitable for developments of increased levels of density given its proximity to employment nodes, transit services, parks and open space, as well as a variety of shops and personal services. Although the proposed density is relatively consistent with the proposed Centre Plan regulations, the proposed built form would not meet several Centre Plan regulations.

To address Council's motion, the site was designated as a Special Area under the Centre Plan, where site specific planning policies will apply. Development on the site may be considered by development agreement for a single residential tower with a height not greater than 85 metres and 22 storeys, located atop a two-storey podium containing primarily commercial uses. Consistent with other transition policies for plan amendment applications initiated prior to the adoption of the Plan, the proposed policies allow for the consideration of a development agreement process for a limited period. The criteria of the development agreement are based on the land use and built form provisions as presented in Attachment A of the June 18, 2019 staff report. Also, given Council's direction to accommodate the project as part of Centre Plan, the development agreement criteria include provisions for incentive or bonus zoning.

Council may consider this development provided that the application for a development agreement proceeds to First Reading within two years of the adoption of this Plan, commences within three years and is completed within six years from the date the agreement is filed at the Land Registry Office.

**Staff Response: Policy 10.29 and Policy 10.30 in Section 10.10.2 of the Plan were added to respond to this direction.**

#### Supplemental Information Requested by Council

- Analyze and provide recommendation at First Reading on the inclusion of 6023 Bliss Street in the Corridor Designation

Staff reviewed the matter and advise that this property should be more fully analyzed as part of Package B given its low-rise neighborhood context. Although 6023 Bliss Street is attached to 6021 Bliss Street, 6021 Bliss Street is located on a different lot. That lot contains multiple buildings on the same lot.

**Staff Response: No changes are proposed. This will be included as part of Centre Plan Package B planning process.**

- Conversion of non-conforming structures

Regional Council requested supplemental information on the conversion of non-conforming structures to other uses. Staff understand that this item specifically relates to the development permit issued to build a hotel at 307 Prince Albert Road, Dartmouth, under the existing General Commercial (GC) Zone of the Dartmouth Land Use By-law<sup>4</sup>. Staff further understand that the main question is whether the

---

<sup>4</sup> See a separate July 19, 2019 information staff report: Hotel Permit – Glenwood Avenue and Prince Albert Road, Dartmouth.

permitted commercial hotel structure could be converted to residential uses after the coming into force of the Regional Centre Secondary Municipal Planning Strategy (SMPS) and the Regional Centre Land Use By-law (LUB), and whether there is a legal remedy or policy rationale to prevent that from happening.

The proposed Plan designates 307 Prince Albert Road as Corridor, and the Land Use By-law applies a Corridor (COR) Zone to the property. The COR Zone allows for a variety of uses including hotel and multi-unit dwelling uses. The hotel structure, as currently proposed, would not meet the built-form provisions of the Regional Centre LUB, and would therefore be considered a non-conforming structure under the Regional Centre LUB.

The internal conversion of a non-conforming structure to any of the uses permitted under its assigned zone is not specifically prohibited by the *Halifax Regional Municipality Charter*. In fact, Subsection 254(1) of the *HRM Charter* provides a degree of protection for non-conforming structures if the zone permits the use and the structure is used primarily for residential purposes to support adaptive re-use and internal conversion under new planning rules.

Additionally, none of the HRM municipal planning strategies or land use by-laws prevent such an occurrence. The introduction of general language that would prevent the internal conversion of a non-conforming structure to one or any of the permitted uses assigned to it under its respective zone would be highly problematic for the Centre Plan area, as it is expected that many of the current buildings will become non-conforming under the new By-law. Limiting the uses that could occur in the existing building stock to the newly permitted uses would be highly detrimental to achieving policy goals of the Plan, current and future property owners, business owners, and to the overall economic health of the region. Conversions to residential uses within Corridors is a desired policy objective, as it would add to the housing stock and increase residential density along transit corridors.

It is noted that some of the recent permits issued under the existing planning rules may be seen as being problematic by the community, however property owners are continuing to operate within the context of the current Land Use By-laws. Singling out one or a select group of property owners for additional restrictions on property uses is not advised by staff as it will detract from overall policy objectives and may have unintended impacts.

**Staff Response:** Staff do not recommend adding restrictions to the proposed planning documents to limit internal conversions either generally, or on site-specific basis.

- Minimum setback or front yard for HR Zones and streetwall heights

Regional Council directed staff to examine the HR Zone to consider and make recommendations at First Reading for a minimum setback or front yard that matches the average setback for adjacent properties on the block or neighbourhood where the proposed Maximum Streetline Setback does not apply and consider relaxing the rules related to streetwall heights in those areas. Staff offer the following rationale and recommendations.

**Minimum Front Set-Back:**

As part of the preparation of planning documents staff determined on a street-by-street basis a minimum setback distance that is suitable for a particular block based on existing streetscapes and buildings. The averaging of setbacks is problematic for the following reasons:

- right-of-way width or utility easements can cause an appearance of a greater or smaller front/flank yard than what actually exists;
- for staff and applicants, the averaging of adjacent setbacks or yards is onerous because every application would be required to average the setbacks based on existing structures on adjacent properties or neighbourhood blocks to determine the minimum setback distance for the lot in



question; this would likely need to be established through a survey and could result in additional costs to the property owner;

- if a precise number is not used, guess work may be involved in determining the average setback distance and could be subject to an appeal; and
- averaging could be deemed as penalizing for the property in question if an adjacent owner has a uniquely deep or a uniquely shallow front yard, or if the adjacent lot is vacant and the resulting setback may do little to support context specific development.

Staff therefore advise that a suitable set maximum and/or minimum setbacks be established for each block which streamlines the review process and provides clarity and predictability to the applicant and neighbouring property owners. Maximum setbacks have not been established in all HR zones based on the consideration of the local context and need for a degree of flexibility. It should be noted that proposed regulations, which do not include a maximum lot coverage other than setbacks, yards and amenity spaces, and which limit the location of accessory surface parking, will likely encourage property owners to locate buildings close to the streetline.

Variances for front yard setbacks are enabled by the *HRM Charter*, as well as variations to built form requirements through the site-plan approval process have been enabled. The newly added large lot development agreement policy on large lots will allow Council to evaluate setbacks based on the criteria of the Design Manual. Staff therefore do not recommend changes to front setback provisions in the Land Use By-law.

**Maximum Streetwall Height:**

The maximum streetwall height in the HR Zones is 11m, which is consistent with the human-scale core concept of the Plan. Based on a separate Council direction, staff amended the planning documents to provide an ability to vary the streetwall height by 5% to address sloping conditions, which is built into the LUB regulations. The addition of the large lot development agreement policy will also provide additional flexibility for HR zones.

In addition to the 5% variation, the LUB allows for 20% of the streetwall to go to the full height of the building, and a 14-metre high streetwall is allowed for buildings up to 14 m high (approx. 4 storeys) in height.

Other than 14m high buildings, streetwalls are required to be a minimum of 8m and a maximum of 11m in height, then a required stepback is implemented based on the overall massing and typology of the building. The stepbacks are set to correspond to the overall scale of the building as follows:

- (a) 2.5 metres for mid-rise buildings;
- (b) 3.0 metres for tall mid-rise buildings; and
- (c) 4.5 metres for high-rise buildings.

Human-scaled streetwalls are important in HR neighbourhoods because they are highly integrated within established residential areas. Low streetwalls would maintain the appearance of similar height to the surrounding low-density areas (typically 11m max.) from the street. In neighbourhoods known for their “tower in the park” typology, the addition of lower streetwalls would introduce a human-scale and pedestrian oriented environment, as well as mitigate wind and shadow impacts on the public realm. The typical 11-metre streetwall permitted in the plan already produces some shadowing within streetscapes; to make the streetwall taller would only increase the effects of shadowing.

If greater than 4 storey streetwalls were to be permitted, the supporting policies would have to change. The Plan currently does not support larger than 14m streetwalls (Policy 4.18 in particular).

**Staff Response: Staff implemented the Manual and the following two additional variations:**

- **5% increase to maximum streetwall height where required to address sloping conditions, and**

- variation for maximum setbacks to front and flanking yards where the location of a registered utility easement on the lot prohibits meeting the yard requirement(s).

**Staff do not recommend additional changes to the policies and regulations governing front setbacks and streetwall heights in HR zones.**

### Staff-Initiated Changes

Staff have identified several amendments to the Plan and Land Use By-law that will aid in clarifying policies and regulations without changing the intent or context, and also align with the core concepts and policy direction of the Plan area. In two instances staff implemented changes to built form and urban structure based on previous Council decisions, and one current application. These changes are explained below:

- Revisions of FAR Limits on CEN-1 Properties – Dawson Street, Faulkner Street, Dickson Street, Lyle Street, and Williams Street, Dartmouth

On May 23, 2018 Case 22344 was opened based on an application by WM Fares Architects on behalf of Ghosn Group Developments<sup>5</sup>. The application was for a re-zoning, a discharge of existing development agreement, and a new development agreement to enable 7 multi-unit buildings, ranging in height from 6 storeys to 35 storeys. One of the buildings is also proposed to contain 17,363 square feet of commercial space. The buildings are proposed on properties bound by Wyse Road/Dawson Street/Faulkner Street, and Dickson Street/Lyle Street/Faulkner Street/William Street in Dartmouth and involve 33 properties. The properties are currently zoned R2, R3, and C2 zoning under the Dartmouth Land Use By-law.

In order to enable the desired Development Agreement policy, a portion of the lands to the southwest of Wyse Road would first need to be rezoned in advance of a Development Agreement as part of a 2-stage application process. The case was circulated for internal review on June 20, 2019 and was deemed complete. A website was also published, however given when the application was received in relation to the timing of the Centre Plan adoption path, in addition to outstanding issues with development agreement discharge, easements for sidewalks, etc., the re-zoning to enable the development agreement will not be completed prior to Council's first notice of its intention to adopt the Centre Plan. This application was not identified in the June 11, 2019 staff supplementary report as one that may require transition policies.

The applicant has requested a change in FAR under the Centre Plan planning documents for properties zoned as CEN-1 on blocks further to the southwest from those abutting Wyse Road from 2.75 to 3.5, which staff have evaluated and support as it may help to provide better transition to the adjacent CEN-2 blocks (which are assigned FARs of 5.5 and 8.0), and the HR-1 block between Faulkner Street and Dawson Street (which has assigned maximum height of between 17m-20m). This may result in the application being cancelled, but this has not yet been confirmed. On June 25<sup>th</sup>, Regional Council directed staff to reduce heights on certain properties zoned included in the proposed development as HR-1 from 20 metres to 17 metres. If the applicant proceeds under Centre Plan regulations, the maximum height limit of 90 metres will apply to the development.

**Staff Recommendation: Staff amended the planning documents to increase FAR from 2.75 to 3.5 on the following properties zoned as CEN-1 in the proposed Centre Plan documents: 00044289, 00044297, 00044305, 00044313, 00044321, 00044339, 00044347, and a portion of 00044248.**

---

<sup>5</sup> Refer to the Planning Application's website (Case 22344): <https://www.halifax.ca/business/planning-development/applications/case-22344-dartmouth>

- Willow Tree Site (APL Properties Ltd.) – 6009 and 6017 Quinpool Road, Halifax

In 2018, Regional Council approved site-specific planning policy and amendments to the Halifax Peninsula Land Use By-law (By-law) to allow consideration of a development agreement for a 25-storey building at 6009-6017 Quinpool Road, Halifax. Work on the development agreement by both staff and the applicant has been ongoing since that time. To date, team review feedback, community engagement, and planning advisory committee recommendations have been completed and a draft agreement is being negotiated by staff.

As part of the approved site-specific policy, a density bonusing agreement was required to increase the height of the development from approximately 20 storeys to a maximum of 25 storeys. The By-law was amended at the time to set out the terms and conditions for the density bonusing agreement requiring affordable housing in exchange for the additional height.

Those requirements contained provisions for administrative processes that included Housing Nova Scotia assisting the Municipality in identifying appropriate tenants for the units and confirming that tenant incomes met the standards outlined in the Halifax Peninsula Land Use By-law. Over the course of review in the development agreement process, Housing Nova Scotia identified that it was unable to provide all the administrative services and actions laid out in the originally approved By-law. As such, staff are developing minor amendments to the By-law to carry out the intent of the approved policy while responding to the limitations identified by Housing Nova Scotia. These amendments will not change the number of units, the term of tenure or the cash value equivalent for the units. There would only be modest changes to the administrative process through which rents, tenants and their tenure was to be confirmed.

These types of changes would typically require a relatively straightforward By-law amendment process. However, applying planning policies and land use regulations of the Regional Centre Plan to the site in advance of the agreement and approval of these pending amendments by respective parties would effectively remove this property from the By-law boundary. This would create a situation, where the existing By-law clauses and the proposed amendments would no longer be applicable to the subject site, and the capacity to approve the development agreement and implement the density bonusing agreement as intended would be eliminated.

The most efficient and effective solution to this issue would be to remove the site in its entirety from the Centre Plan Package A boundary and allow the building to be developed through the process originally approved by Council in 2018. This will allow the existing By-law amendment and development agreement process to proceed unaffected by the adoption of the Centre Plan. Use of the land would be regulated by the subsequent Development Agreement which would be consistent with site specific policy previously approved by Regional Council. APL is in agreement with this approach.

Following the completion of a Development Agreement and associated density bonusing agreement, the property could be added into the Centre Plan at the time Package B is formally adopted. The Centre Plan approval package and associated mapping has been amended accordingly to reflect this solution.

**Staff Recommendation: Staff recommend maintaining the removal of 6009 and 6017 Quinpool Road from Package A until the development agreement and incentive or bonus zoning agreements are carried out.**

- Heritage Development Agreement Policy

Staff request the following additional criteria to be included in Policy 5.9 relative to heritage development agreements: *“that any structures on the site which are not registered heritage buildings be assessed for their heritage value through a Heritage Impact Statement, and if found to have heritage value, must*

*be retained and restored or otherwise integrated into the development so as to preserve their heritage value". This would allow staff to evaluate the value of heritage resources that may not have been registered in sites seeking a heritage development agreement.*

Staff also requested that the Manual contained in Appendix 2 of the Plan be included as a consideration in heritage development agreements, and this has been reflected in policy.

**Staff Recommendation: Additional criteria to Policy 5.9 has been added, as well as a new Policy 5.11 which would require applications (additions and new developments) subject to Policy 5.9 to provide site context analysis and design rationale, based on the criteria in the Manual.**

- Changes to permitted uses in CDD Zones without development agreement

It has come to staff's attention that only permitting current commercial uses on lands zoned CDD may be overly restrictive and could potentially prevent relatively minor changes in use and internal conversions of existing structures. While some of the sites are governed by existing development agreements, some are not. Given the number of Future Growth Nodes and the likelihood of extended timing of their redevelopment, additional commercial uses should be permitted. New development not requiring development agreement will continue to be restricted in size to 1,000 sm to facilitate comprehensive planning.

**Staff Recommendation: Policy 3.28 was revised to allow commercial uses otherwise permitted in CEN-2 zones in CDD zones without a development agreement.**

- Transition Policies

Regional Council recently approved new policies to support site specific plan amendment applications to existing planning documents in the Regional Centre which are reasonably consistent with the 2017 version of the Centre Plan. To ensure that newly adopted policies can support ongoing development agreement applications, Policy 10.27 was amended to recognize policies in effect on the date of the first notice of the intention of Council to adopt the new Plan. The previous wording only recognized development agreement applications made under policies in effect the applications were made.

**Staff Recommendation: Policy 10.25 was revised to provide transition policy for development agreement applications under policies in existence on the date of the first notice of Council to adopt the Plan.**

- Changes to Attachments I and J to remove site-specific policies approved by Council since the June 2011 staff report

Council has recently held public hearings and made decisions on the remaining site-specific plan amendment applications within the Centre Plan area. Given that these properties are located in Package A lands, the new site-specific policies were removed in the revised package of amendments to eliminate conflict between the existing and the proposed planning documents. However, the applications will continue to be considered under the policies and applications in existence prior to Council's first notice of the intention to adopt the new Plan.

**General Housekeeping Changes to the Proposed Regional Centre Land Use By-law**

Staff have identified a number of housekeeping changes to the Plan and Land Use By-law that will help in clarifying policies, land use regulations, and administrative processes without changing the intent,

context or outcomes of the Plan. These changes will further align the planning documents with the direction for the Plan and update current regulation language and terminology.

Staff propose minor revisions and corrections to the Plan to provide additional clarity and flexibility, detailed as follows:

- updates to revise existing definitions, and include additional definitions for clarification purposes;
- updates to ensure consistency in the policy language and terminology used; and
- updates to section and policy numbers.

In addition, the following revisions and additions to the Land Use By-law are included:

- exempting smaller developments from the submission of a formal landscape plan by a landscape architect by clarifying that the requirement for a landscape plan will only apply to Level II and Level II site plan approval applications;
- adding the ability to request an additional variation to the front or flanking yard if the location of a registered utility easement on the lot prohibits meeting the yard requirement;
- adding a clause to ensure that existing soft landscaping, such as trees and shrubs, may be counted towards the requirements of Part IX (Landscaping), provided that existing landscaping is protected during development, and meets the minimum size and caliber requirements of the Part;
- clarifying that fences are prohibited within the required front or flanking yard;
- adding a definition for At-Grade Private Open Space; and
- clarifying the roles of Planning and Development Business Unit under the Pedestrian Wind Impact Assessment Protocol and Performance Standards detailed in Appendix 1, to:
  - ensure the wind impact assessment is stamped and signed by a Professional Engineer; and
  - require a peer review of the wind impact assessment if the quality of the report submitted by a wind consultant, is unsatisfactory.

### **FINANCIAL IMPLICATIONS**

There are no immediate budget implications resulting from the report recommendations. Details relating to policy directions are included in the staff report, dated April 3, 2019<sup>6</sup>.

### **COMMUNITY ENGAGEMENT**

An extensive public engagement program was undertaken in preparing the Regional Centre Plan (Package A). A summary of this program is included in the staff report, dated April 3, 2019. Details can also be found at <https://www.shapeyourcityhalifax.ca/centre-plan>.

### **ENVIRONMENTAL IMPLICATIONS**

Details on potential environmental implications are detailed in the staff report, dated April 3, 2019. Details can also be found at <https://www.shapeyourcityhalifax.ca/centre-plan>.

---

<sup>6</sup> Staff Report is available at: <https://www.halifax.ca/sites/default/files/documents/city-hall/boards-committees-commissions/190522aac912.pdf>

## **ALTERNATIVES**

Halifax Regional Council may choose to:

1. Require changes to the attached documents (Attachments A to M-2), and request the changes be made prior to the consideration of First Reading;
2. Adopt the proposed documents (Attachments A to M-2), subject to the requested changes;
3. Refuse to adopt the proposed documents (Attachments A to M-2).

## **ATTACHMENTS**

Attachment A:	Proposed Regional Centre Secondary Municipal Planning Strategy (Package A)
Attachment B:	Proposed Regional Centre Land Use By-law (Package A)
Attachment C:	Proposed Amendments to the Regional Municipal Planning Strategy
Attachment D:	Proposed Amendments to the Regional Subdivision By-law
Attachment E:	Proposed Amendments to the Dartmouth Municipal Planning Strategy
Attachment F:	Proposed Amendments to the Dartmouth Land Use By-law
Attachment G:	Proposed Amendments to the Downtown Dartmouth Municipal Planning Strategy
Attachment H:	Proposed Amendments to the Downtown Dartmouth Land Use By-law
Attachment H-1	Schedule C1A – Dartmouth View Planes
Attachment H-2	Schedule C3A - Best Street Waterfront View Corridor
Attachment H-3	Schedule C3B - Mott Street Waterfront View Corridor
Attachment H-4	Schedule C3C - Old Ferry Road Waterfront View Corridor
Attachment I:	Proposed Amendments to the Halifax Municipal Planning Strategy
Attachment J:	Proposed Amendments to the Halifax Peninsula Land Use By-law
Attachment J-1	Map ZM-25 - Halifax Citadel View Planes
Attachment J-2	Map ZM-26 - Citadel Ramparts
Attachment K:	Proposed Amendments to the Downtown Halifax Land Use By-law
Attachment L:	Proposed Amendments to the South End Secondary Municipal Planning Strategy of the Halifax Municipal Planning Strategy – Ronald McDonald House – Gorsebrook Lands
Appendix L-1:	Amendments to Map 9A – South End Secondary Municipal Planning Strategy
Appendix L-2:	Amendment to Map 202: height Precincts District 2
Attachment M:	Proposed Amendments to the Halifax Peninsula Land Use By-law– Ronald McDonald House – Gorsebrook Lands
Schedule M-1:	Amendments to Map ZM-1: Zoning Map
Schedule M-2:	Amendments to Map ZM-17: Heights Precincts

---

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

Report Prepared by: Kasia Tota, MCIP LPP, Principal Planner, 902.292.3934  
Dali Salih, Planner II, 902.490.1948

Report Approved by: Original Signed  
Eric Lucic, Manager of Regional Planning, 902.490.3954

Original Signed by 

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

---