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Item No. 15.2.1
Halifax Regional Council
December 10, 2019

TO: Mayor Savage Members of Halifax Regional Council

SUBMITTED BY: Original Signed

For Councillor Stephen D. Adams, Chair, Halifax and West Community Council

DATE: December 3, 2019

SUBJECT: **Case 21730: Request to amend the Halifax Municipal Planning Strategy and Land Use By-law for 205 Bedford Highway, Halifax**

ORIGIN

November 13, 2019 meeting of Halifax and West Community Council, Item 13.1.3, and December 3, 2019 Special Meeting of Halifax and West Community Council, Item 4.

LEGISLATIVE AUTHORITY

HRM Charter, Part 1, Clause 25(c) – "The powers and duties of a Community Council include recommending to the Council appropriate by-laws, regulations, controls and development standards for the community."

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Give First Reading to consider amendments to the Halifax MPS and the Halifax Mainland LUB, to permit an eight-storey mixed-use building at 205 Bedford Highway, by development agreement, subject to a minimum of 18 units of affordable housing dwelling units being provided via incentive or bonus zoning, as set out in revised Attachment 1 of the Community Council report and attachment B of the staff report dated October 25, 2019, and schedule a public hearing; and
2. Adopt the proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Mainland Land Use By-law, as set out in revised Attachment 1 of the Community Council report and attachment B of the staff report dated October 25, 2019.

BACKGROUND

At their November 13, 2019 meeting, Halifax and West Community Council considered the staff report dated October 25, 2019 regarding Case 21730: Request to amend the Halifax Municipal Planning Strategy and Land Use By-law for 205 Bedford Highway, Halifax.

For further information, refer to the staff report dated October 25, 2019. (Attachment 2)

DISCUSSION

Halifax and West Community Council considered the staff report dated October 25, 2019 and defeated the staff recommendation outlined in the 'Recommendation' section of this report. Halifax and West Community Council moved Alternative #1 listed in the 'Alternatives' section of this report, with additional amendments to remove sections 2.3.6.3. and 2.3.6.4 (e), (f) and (g) from Attachment A. For further discussion on these changes, see revised Attachment A. (Attachment 1)

Halifax and West Community Council held a special meeting on December 3, 2019 to consider the second portion of a recommendation to adopt the proposed amendments. At this time, staff also recommended the removal of section 2.3.6.4 (l) (iii) from Attachment A in order to ensure consistency regarding railway mitigation policies. (Attachments 1 & 3)

Community Council additionally gave notice of motion to consider the proposed development agreement, as set out in Attachment B of the staff report dated October 25, 2019.

For further discussion on this item, refer to the staff report dated October 25, 2019. (Attachment 2)

FINANCIAL IMPLICATIONS

For information on the financial implications relating to this item, refer to the staff report dated October 25, 2019. (Attachment 2)

RISK CONSIDERATION

For information on the risk considerations relating to this item, refer to the staff report dated October 25, 2019. (Attachment 2)

COMMUNITY ENGAGEMENT

Meetings of Halifax and West Community Council are open to the public. The agenda, reports, and minutes for the meeting are posted on Halifax.ca as well.

For further information on Community Engagement as it relates to this item, refer to the staff report dated October 25, 2019. (Attachment 2)

ENVIRONMENTAL IMPLICATIONS

For information on the environmental implications relating to this item, refer to the staff report dated October 25, 2019. (Attachment 2)

ALTERNATIVES

Halifax and West Community Council did not provide alternatives.

Refer to the staff report dated October 25, 2019. (Attachment 2) for alternatives.

ATTACHMENTS

Attachment 1 – Revised Attachment A: Amendments to the Municipal Planning Strategy for Halifax
Attachment 2 – Staff report dated October 25, 2019.
Attachment 3 – Staff Memorandum: Circulated at December 3, 2019 Special Meeting of Halifax and West Community Council, Item 4.

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Simon Ross-Siegel, Legislative Assistant, Municipal Clerk's Office 902.490.6519

Attachment A
(Alternative) Amendments to the Municipal Planning Strategy for Halifax

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Municipal Planning Strategy for Halifax is hereby further amended as follows:

1. By amending SECTION VIII: BEDFORD HIGHWAY SECONDARY PLANNING STRATEGY OBJECTIVES AND POLICIES, to add the following text shown in bold below immediately after Policy 2.3.5:

2.3.6 The property located on Bedford Highway, across from the intersection with Flamingo Drive (205 Bedford Highway) is designated Minor Commercial. To permit a mixed-use, mid-rise development that contains affordable housing dwelling units on the subject property, the Halifax Mainland Land Use By-Law shall be amended to:

(a) permit, by development agreement, a mixed-use, mid-rise development that exceeds the height, the density and the angle control requirements of the C-2A (Minor Commercial) Zone;

(b) provide for incentive or bonus zoning on the property; and

(c) require the property owner to enter into an incentive or bonus zoning agreement, pursuant to Section 245A of the *Halifax Regional Municipality Charter*, to ensure the mixed-use, mid-rise development contains affordable housing dwelling units that are dispersed throughout the development.

2.3.6.1 This property is only eligible for additional height and additional density beyond the standards of the C-2A (Minor Commercial) Zone through incentive or bonus zoning. To qualify for incentive or bonus zoning:

(a) an affordable housing agreement between the property owner and an appropriate affordable housing provider shall be reached, describing how affordable housing dwelling units will be monitored and administered;

(b) an incentive or bonus zoning agreement between the Municipality and the property owner is required; and

(c) a development agreement is required.

2.3.6.2 The incentive or bonus zoning agreement shall require the property owner to:

(a) provide the inclusion of a minimum of 18 affordable housing dwelling units within the development as the contribution for incentive and bonus zoning;

(b) provide the affordable housing dwelling units for at least 180 consecutive months;

(c) disperse the affordable housing dwelling units throughout the development;

(d) the unit type mix for the affordable housing dwelling units shall be as follows;

Unit Type	Minimum Affordable Housing Dwelling Units Required
2 Bedroom	2
1 Bedroom	16

(e) the monthly rent month for each affordable housing dwelling unit referred to in 2.3.6.2 shall be no more than 70% of the average market rent for an equivalent new dwelling unit in the HRM. Average market rent will be calculated at the time the incentive or bonus zoning agreement is reached and will be based on publicly available information from Canadian Mortgage and Housing Corporation; and

(f) the monthly rent for affordable housing dwelling units may increase annually, at a rate no greater than the Halifax All-Items Consumer Price Index, calculated by Statistics Canada.

2.3.6.3 A development agreement considered pursuant to Policy 2.3.6 shall:

(a) permit a multi-unit, mixed-use building that does not exceed 26.5 meters in height, excluding elevator shafts;

(b) permit a range of residential, commercial and institutional uses;

(c) require commercial uses on the ground floor, facing the Bedford Highway;

(d) permit no more than 55 dwelling units;

(e) require indoor and outdoor amenity space for on-site residents;

(f) regulate exterior lighting, signage, and external building materials;

(g) regulate landscaping, fencing, outdoor storage, and the planting or retention of trees and vegetation;

(h) regulate the appearance, location and size of driveways and prohibits surface parking lots; and

(i) include a provision stating that no development permit shall be issued:

(i) until the incentive or bonus zoning agreement is executed by all the parties and filed in the Provincial Land Registration Office;

(ii) until the affordable housing agreement describing how affordable housing dwelling units will be administered is executed between the property owner and an appropriate affordable housing provider that is satisfactory to the Development Officer; and

2.3.6.4 In addition to meeting the requirements of Policy 2.3.6.3 (a) to (i) inclusive, Council shall have regard for the following when considering a development agreement pursuant to Policy 2.3.6:

a) that building design, massing and setbacks are appropriate for the neighbourhood context; and

b) that the building is located higher than 3.8 metre elevation above Canadian Geodetic Vertical Datum (CGVD 28) to mitigate against projected sea level rise.

I, Kevin Arjoon, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-

noted by-law was passed at a meeting of Halifax Regional Council held on [DATE], 201[#].

_____

P.O. Box 1749
Halifax, Nova Scotia
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Attachment 2
Halifax and West Community Council
November 13, 2019

TO: Chair and Members of Halifax and West Community Council

SUBMITTED BY: **ORIGINAL SIGNED**
Kelly Denty, Director of Planning and Development

ORIGINAL SIGNED
Jacques Dubé, Chief Administrative Officer

DATE: October 25, 2019

SUBJECT: **Case 21730: Request to amend the Halifax Municipal Planning Strategy and Land Use By-law for 205 Bedford Highway, Halifax**

ORIGIN

- Application by KWR Approvals, on behalf of Pathos Properties Incorporated
- October 2, 2018, Regional Council initiation of the MPS amendment process, to consider a mid-rise, mixed-use development of up to eight floors, at 205 Bedford Highway, subject to creating a policy approach for the development that mandates affordable housing units are delivered

LEGISLATIVE AUTHORITY

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

RECOMMENDATION

It is recommended that Halifax and West Community Council recommend that Regional Council **not** approve amendments to the Halifax Municipal Planning Strategy and the Halifax Mainland Land Use By-law to enable an eight-storey mixed-use building at 205 Bedford Highway, Halifax.

BACKGROUND

KWR Approvals, on behalf of Pathos Properties Incorporated, is applying to permit an eight-storey, mixed-use building, with residential units and ground floor commercial, at 205 Bedford Highway. This proposal cannot be considered under existing policies. The applicant is seeking amendments to the Halifax Municipal Planning Strategy (MPS) and the Halifax Mainland Land Use By-law (LUB) to enable the proposal. This application was initiated by Regional Council on October 2, 2018. In the staff report[1], staff did not recommend initiating the application, citing concerns that:

- the application was premature, given recent reviews of land use policy for the Bedford Highway area; and
- HRM currently lacks a comprehensive policy framework for the provision of affordable housing outside the Regional Centre.

Regional Council moved an alternate motion, directing staff to consider site-specific amendments to enable a mid-rise, mixed-use development of up to eight floors at 205 Bedford Highway, subject to creating a policy approach for the development that mandates affordable housing units are delivered[2].

Subject Property	205 Bedford Highway, Halifax
Location	On the east side of the Bedford Highway, at the intersection with Flamingo Drive in Rockingham
Community Plan Designation (Map 1)	Minor Commercial (Bedford Highway Secondary Planning Strategy)
Zoning (Map 2)	C-2A (Minor Commercial) Zone
Regional Plan Designation (Map 3)	Halifax Harbour
Size of Property	1,431 square metres (15402 square feet, or 0.32 acres)
Street Frontage	38 metres (125 feet)
Current Land Use(s)	2-storey, multi-unit residential building, with 13 units
Surrounding Use(s)	Some 3-4 storey residential buildings, and 1-2 storey commercial buildings, including restaurants, repair shops, small grocery stores, coffee shops and institutional uses. The Rockingham neighbourhood is across the Bedford Highway, and the CN Rail Rockingham Yard is directly east of the site.

Proposal Details
The applicant wishes to demolish the existing two-storey residential building and construct an eight-storey mixed-use building. The proposed building would have 55 dwelling units and ground floor commercial space. It would be 26 metres (84 feet) tall.

With their original application (Attachment C), the applicant provided the following rationale in support of their proposal:

- This location is a future transit node (commuter rail station) where higher residential densities are supported by the Integrated Mobility Plan (IMP). The site is served by many bus routes.
- The site is close to Mount Saint Vincent University and many services.
- The location is across from the intersection of Bedford Highway and Flamingo Drive, a well-known and recognizable location for the neighbourhood and general community.
- The proponent is working with Canada Mortgage and Housing Corporation (CMHC) to deliver affordable units.

[1] https://www.halifax.ca/sites/default/files/documents/city-hall/regional-council/181002rc1419.pdf
[2] https://www.halifax.ca/sites/default/files/documents/city-hall/regional-council/181002rc-mins.pdf

- New development will help revitalize the area, leading to more sustainable, livable and dynamic communities.

In terms of affordable housing, the applicant originally proposed providing 40 units, with their rents reduced for ten years. This would result in these 40 units renting for an average $250 per month less than market rent in the area.

The *HRM Charter* defines affordable housing as "housing that meets the needs of a variety of households in the low to moderate income range." In discussions with the applicant, staff advised that the original proposal did not provide affordable rental units at rates that met this definition. As a result, the applicant has amended their proposal for affordable housing (Attachment D). The new proposal includes 18 affordable units, which would rent for 30% less than the average rent for an equivalent new rental unit in the Municipality. The units would be leased at reduced rates for at least 15 years. The proposal is to have 33% of units (18 of 55) to rent a minimum of 30% below market rents for new construction. The proposal also includes 11 barrier free units.

Regional Plan Context
The Regional Municipal Planning Strategy (Regional Plan) designates the land between the Bedford Basin and Bedford Highway, including the subject property, as Halifax Harbour. The designation's purpose is to protect the viability of marine-dependent industrial uses, including shipping and port-related industries. Although a range of uses are supported in the Halifax Harbour designation, Policy EC-14 directs Council to consider potential nuisances and conflicts with marine-dependent industrial and commercial uses when amending policy or by-laws to permit residential developments.

Policy S-30 of the Regional Plan identifies that when preparing any amendments to existing secondary planning strategies, Council shall consider means of furthering housing affordability and social inclusion.

MPS and LUB Context
The subject property is designated Minor Commercial under the Bedford Highway Secondary Planning Strategy (SPS), which is part of the MPS for Halifax. This designation's purpose is to provide appropriate areas for commercial uses serving adjacent neighbourhoods. Policy 2.2 states that Minor Commercial areas "shall be regarded as medium-scale commercial areas within walking or easy vehicular distance of several neighbourhoods, offering a variety of retail goods, services, and activities to the surrounding communities." SPS policy permits a range of commercial uses, as well as institutional, community and residential uses.

The subject property is zoned C-2A (Minor Commercial) under the Halifax Mainland LUB. This zone is applied throughout Halifax Mainland. The C-2A Zone permits a range of commercial, institutional and residential uses. Multi-unit residential buildings are permitted, subject to the requirements of the R-3 (General Residential and Low-Rise Apartment) Zone. In the C-2A Zone, building height is limited to 35-feet (11 metres). In 2015, Halifax and West Community Council increased the C-2A Zone height limit from 35 feet to 50 feet for properties in the Bedford Highway SPS. To be eligible for the 50-foot (15 metre) height limit, buildings must have commercial on the entire ground floor. This extra height is an incentive for multi-unit buildings to provide commercial space, as per the policy intent of the Minor Commercial designation.

Residential uses on the subject site must meet the requirements of the R-3 Zone, including angle controls, open space requirements and density limits. The R-3 Zone limits residential density to 75 people per acre and requires landscaped open space to be provided based on the number of units in a building. Angle controls are used to regulate the height and bulk of a building.

Land use policy on Bedford Highway has recently been reviewed several times, including:

- Aspects of the Bedford Highway SPS were updated in 2011, through the Land Use Planning Study, Western Shore Bedford Basin. This update created Schedule R, where higher density buildings can be considered by development agreement. Schedule R applies to two nodes where mixed-use redevelopment is expected. One node is near the intersection of Larry Uteck Boulevard and the

Bedford Highway. The second node is near the boundary between Bedford and Halifax. The subject property was not included in Schedule R.

- In 2015, Halifax and West Community Council increased height limits in the C-2A Zone from 35 feet to 50 feet in the Bedford Highway Secondary Plan area.

Mobility Initiatives

Bedford Highway Land Use and Transportation Study

In 2019, HRM and a consultant team began work on the Bedford Highway Functional Plan. A deliverable of the Integrated Mobility Plan (IMP), the study is intended to provide a long-term vision for the Bedford Highway along the approximately 12-kilometre corridor from the Windsor Street exchange to Highway 102. The study will help understand and evaluate trade-offs, will examine how the right-of-way can be allocated to serve all modes of travel, and develop a land use vision considering transportation options.

In March 2019, two infrastructure options for the corridor were presented for public comment. One is a balanced option that improves both transit and active transportation infrastructure. The second option focuses mainly on providing on-street transit priority like bus lanes. HRM staff is finalizing a report with recommendations for consideration by the Transportation Standing Committee and Regional Council.

Commuter Rail

On June 18, Regional Council directed staff to not pursue commuter rail service further pending completion of the Higher Order Transit Framework due to the infrastructure requirements and associated financial implications as well as operational considerations and constraints.[3] Not pursuing Commuter Rail would have the direct impact of no longer requiring a commuter rail hub at this location.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the Municipal Community Engagement Strategy, the *HRM Charter*, and the Public Participation Program approved by Council on February 25, 1997. The level of community engagement is consultation, and engagement for this application involved providing information and seeking comments through the HRM website; posting a sign on the subject property; mailing letters to residents and property owners in the notification area; and hosting a Public Information Meeting (PIM) on February 4, 2019. Attachment G contains a copy of the minutes from the Public Information Meeting. Public comments included:

- Support for affordable housing, especially if mandated;
- Some support for the building design, but some concern about the size;
- Concerns about current and future traffic volumes at a busy intersection;
- Worries about the potential for similar proposals and more development in the future;
- Some concerns about the proximity to the noise and fumes from the rail yard; and
- Concerns about the flooding on the Bedford Highway near this location.

Staff also received several phone calls and emails about the proposal. Respondents noted similar concerns to those heard at the PIM. Some respondents were strongly in support of the proposal, noting this is a good location for new residents, as it is near public transit and amenities. Most comments strongly supported the proposed affordable housing; however, one resident stated that the proposed rents were not affordable for people receiving social assistance and encouraged HRM to look to bigger solutions to an urgent problem.

A public hearing must be held by Regional Council before they can consider approving any amendments to the MPS and LUB. If Regional Council decides to proceed with a public hearing, residents and property

[3] https://www.halifax.ca/sites/default/files/documents/city-hall/regional-council/190618rc-mins.pdf

owners surrounding the subject property would be notified of the hearing by mail. Ads for a hearing would be published in a local newspaper. The applicant's proposal will potentially impact residents and adjacent property owners, including CN Rail.

DISCUSSION

The MPS is a strategic policy document. It sets out the goals, objectives and direction for the long-term growth and development of Halifax. Amendments to an MPS are significant undertakings. Council is under no obligation to consider such requests.

Staff have reviewed the applicant's proposal and rationale and have considered surrounding land uses, Regional Plan policy, and the site's planning history. Staff advise that the request to increase residential density for this site is not reasonably consistent with Regional Plan policy and good planning principles. Staff's reasoning is laid out below.

Additional residential density is incompatible with the Rockingham Rail Yard
The subject site is within the Halifax Harbour designation, due to its location between the Bedford Basin and the Bedford Highway. Policy EC-14 of the Regional Plan states:

> "When considering an amendment to secondary planning strategies, land use by-laws or development agreements to permit new residential development in proximity to harbour related industrial uses, consideration shall be given **to the potential for nuisances and compatibility issues** and the importance to HRM in protecting the viability of the marine related industrial uses." [Emphasis added]

The subject property is next to the CN Rockingham Rail Yard, where mainline trains carry cargo to and from the Port of Halifax. The yard is an existing industrial use that operates at all hours of the day and night. The noise, fumes, diesel exhaust, dust, bright lights, and vibrations of the yard would be a nuisance and a potential hazard to residential uses and further complicated with increased density on the site.

HRM does not currently have a comprehensive planning policy for development near railways. The Centre Plan (Package A) adopted a 15-metre setback between the centre-line of any railway track and: (1) any high-density residential development; (2) any new buildings in a Comprehensive Development District (CDD) Zone. If this setback cannot be achieved, a qualified professional can propose mitigation measures. Other HRM plans do not have setback requirements from railway tracks. In addition, HRM created a site-specific zone (the RC-4 South Barrington Residential / Minor Commercial Zone) that regulates multi-unit, mixed use development in south end Halifax, next to the south end rail yard.

To help municipalities address hazards and nuisances near railway operations, the Federation of Canadian Municipalities (FCM) and the Railway Association of Canada produced Guidelines for New Development in Proximity to Railway Operations (the Guidelines).[4] The Guidelines were first published in 2004 and updated in 2013. The Guidelines are not binding in Nova Scotia and have not been implemented through HRM planning policy. However, they were produced to help guide municipalities with land use planning. The purpose of the Guidelines is described below:

> "The main objective is to mitigate railway-oriented impacts such as noise, vibration, and safety hazards, to ensure that the quality of life of a building's residents and users is not negatively affected. The guidelines are intended to be applied primarily to new residential development but may be useful for all other types of new development as well." (pg. 26)

[4] Federation of Canadian Municipalities and the Railway Association of Canada. 2013. Guidelines for New Development in Proximity to Railway Operations. https://www.railcan.ca/wp-content/uploads/2017/03/2013_05_29_Guidelines_NewDevelopment_E.pdf

The Rockingham Yard is one of the busiest rail yards in HRM. Mainline trains are put together and broken apart, and shorter trains shunt cars between the Rockingham Yard and other local yards at all hours. Nighttime work is supported by the Yard's floodlights. A range of products are handled at the Rockingham Yard, which could be hazardous if a derailment occurred. Rail yards are the busiest and nosiest railways; as per the Guidelines:

> "Freight rail yard noises tend to be frequent and of longer duration, including shunting cars, idling locomotives, wheel and brake retarder squeal, clamps used to secure containers, bulk loading/unloading operations, shakers, and many others." (pg. 19)

The Guidelines recommend these setbacks from rail operations for new residential development:

- Freight Rail Yard: 300 metres from buildings to the shared property line
- Main Lines: 30 metres from buildings to the shared property line
- Branch and Spur Lines: 15 metres from buildings to the shared property line

In many cases, additional mitigation measures may be prudent, including noise barriers, crash barriers and enhanced building construction (to reduce noise and vibration).

In this case, after reviewing the Guidelines, staff have concerns about rail proximity and suggest the proposed building design does not mitigate the presence of the rail yard. The proposed building is about 12 metres (40 feet) horizontally from the nearest tracks, and around 6 metres (20 feet) from the shared property line. The proposed building is also 7 metres (22 feet) above the track level. While vertical setbacks can reduce the need for horizontal setbacks, the proposed horizontal setbacks do not meet the recommended 15 metre setback from the least busy railways. The noise from shunting, brakes and idling locomotives at the Rockingham Yard would be a significant nuisance to future residents, which could harm their quality of life. Additionally, the Guidelines' recommendations for setbacks and crash barriers are in place to protect residents should derailments occur.

Attachment E contains the applicant's response to these issues. Their arguments include:

- The new proposal is not much closer to the track than the existing building, and the landlord has had few problems keeping long term tenants in the building;
- The first floor is about 22 feet (7 metres) above the rail lines, providing an added sound barrier;
- Sound absorbing walls and topography will result in minimal concerns over railway proximity; and
- Wind direction in the summer tend to blow from the south/ southwest, causing the odours to travel out towards the Bedford Basin instead of an open window.

Staff advise that the size and location of the subject site may make it difficult for the proposed building to achieve a reasonable setback to reduce nuisance and safety concerns. The site is less than 40 metres deep, providing little space for a greater setback or other mitigation measures (e.g., noise barriers, landscaped berms, etc.). Finally, vibrations from the railyard are not addressed by the applicant.

Policy EC-14 designates the subject property as Halifax Harbour, and requires Council to consider nuisance and compatibility issues. Staff advise that proposed mitigation on this site is insufficient, given the nuisance and safety issues caused by the rail yard. While the applicant can build five storeys under current zoning, permitting more residential units on the site puts more residents next to an incompatible industrial use.

No change in circumstances
The MPS is a strategic policy document. At a high level, it sets out the goals, objectives and direction for long term growth and development in the Municipality. While Regional Council may consider MPS amendment requests to enable proposed development, amendments to an MPS are significant undertakings. Council is not obliged to consider or approve these requests. Amendments should only be considered within the broader planning context and should support broader policy direction. Amendments

should only be pursued when there is reason to believe there has been a change in circumstances since the MPS policies were adopted or last reviewed.

Circumstances have not changed significantly since the MPS or LUB for this area were last reviewed to warrant new planning policy for the subject site.

Property Access
The applicant is proposing a driveway on the southern part of the property, about 20 metres from the intersection of Flamingo Drive and the Bedford Highway. This is a busy intersection on an important corridor. While HRM can approve the proposed driveway location based on it meeting technical standards, a driveway this close to a busy intersection is not ideal. A better option would be to align the driveway with the intersection; however, HRM cannot mandate this location through planning policy, and such an alignment would likely require an easement or agreement with a neighbouring property owner. Due to the subject property's small size, it may be difficult to find an appropriate driveway location should the building design change.

Commuter Rail
A potential commuter rail station was cited by the applicant as a reason to consider this location for additional density. Since Regional Council has directed staff not to pursue commuter rail service further pending completion of the Higher Order Transit Framework, commuter rail is no longer a rationale for increasing density at this location.

Alternative Approaches

Site-Specific MPS Amendments:
The applicant is requesting a site-specific MPS amendment. Staff advise that a site-specific MPS amendment is not appropriate in this case for the following reasons:

- The nearby railyard makes it inappropriate for additional residential density; and
- The existing policy has been recently reviewed and updated. There has been no change in circumstance to justify additional residential density.

Staff also caution that accepting affordable housing in exchange for applicant-driven MPS amendments may encourage other applicants to propose site-specific MPS amendments in exchange for affordable housing. Site-specific MPS amendments related to affordable housing efforts make it difficult to create a coherent policy framework.

Alternative MPS Policy:
Staff do not recommend that Regional Council amend the MPS to permit increased residential density on the subject site, because of nuisance and safety concerns caused by the rail yard. However, should Council wish to consider a proposed development on the site, an alternative motion and alternative MPS and LUB amendments are provided in Attachments A and B. These amendments would enable the proposed residential development, subject to conditions. The conditions include:

- The property owner entering into a development agreement with HRM;
- The property owner entering into an incentive or bonus zoning agreement with HRM to ensure that a minimum of 18 affordable housing units are provided for at least 180 months;
- The property owner entering into an agreement with an acceptable housing provider that describes how affordable housing units are to be administered;
- A minimum 7.5 metre setback between the building and the rear property line next to the Rail Yard; and
- Undertaking noise and vibration studies and addressing concerns through mitigative measures.

Affordable Housing

When Regional Council initiated this MPS amendment process, they directed staff to consider policy to permit an eight-storey building, subject to that policy mandating affordable housing units be delivered. The applicant is proposing to work with CMHC to provide 18 affordable units, which would rent for 30% less than an equivalent, new rental unit.

Under the *HRM Charter*, the only option to mandate affordable housing is to use incentive or bonus zoning. Through incentive or bonus zoning, affordable units would be provided as a public benefit in exchange for increased height and density on the subject property. The alternative MPS and LUB amendments outlined in Attachments A and B would permit a building (up to 8 storeys) that exceeds the height and density standards of the C-2A (Minor Commercial) Zone, in exchange for 18 affordable housing dwelling units through an incentive or bonus zoning agreement.

Under the requirements of the *HRM Charter*, an incentive or bonus zoning agreement must be reached between the Municipality and the property owner. This agreement must describe how affordable housing units are to be administered through a separate agreement between the applicant and an acceptable affordable housing provider, such as Housing Nova Scotia, Canada Mortgage and Housing Corporation, or a non-profit organization whose purpose is to improve and increase the affordable housing stock. If Council approves the alternative amendments to the MPS and LUB outlined in Attachments A and B, staff would work with the applicant to complete an incentive or bonus zoning agreement. The applicant would be responsible for finding an appropriate affordable housing provider and executing a separate agreement with said provider. Staff advise that due to the complexity of these agreements, a planning framework for affordable housing should be considered comprehensively rather than as part of a site-specific MPS amendment. Given the uncertainty in the process, delays in completing any of these agreements may result.

The alternative policy sets out maximum rents for the affordable housing units, based on the average rents (below) for buildings constructed since 2005. This information is collected by Canadian Mortgage and Housing Corporation (CMHC). Based on the 2018 data from CMHC, the alternative policy would require rents for the affordable units be 30% lower than an equivalent new unit. This works out to $845 per month for one-bedroom units and $1085 per month for two-bedroom units (see Table immediately below). Although the applicant has suggested providing affordable units with one-bedroom and a den, staff recommend that the difference between a den and a bedroom is challenging to regulate.

Average rents in the HRM for private apartments constructed in 2005 or later

Bachelor	1 bedroom	2 bedroom	3 bedroom
$1,067	$1,206	$1,552	$1,657

CMHC Rental Market Report, 2018

The alternative policy also allows for an annual rent increase (for the affordable units), at a rate no greater than the Halifax All-Items Consumer Price Index (calculated by Statistics Canada).

Under the alternative policy, the affordable units must be rented to households of low to moderate income, at or below the applicable household income limits (HILs) established by Housing Nova Scotia (see Table immediately below). The applicant would be responsible for finding an appropriate affordable housing provider and executing a separate agreement with said provider, to ensure the affordable units are rented to eligible households.

Housing Nova Scotia's 2019 Household Income Limits (HILs) for the Halifax CMA

1 bedroom	2 bedroom	3 bedroom
$35,000	$44,500	$54,500

Railway Proximity
As outlined above, staff advise that the subject site's proximity to the Rockingham Rail Yard make it incompatible with additional residential density. Should Council wish to move forward with MPS amendments, the alternative MPS and LUB amendments would require:

- a development agreement;
- the development be set back a minimum of 7.5 metres from the rear property line (adjacent to the rail yard); and
- that the applicant retain a qualified professional to do a noise and vibration analysis and prescribe mitigation measures for the development, to be considered by Community Council before entering into any development agreement.

Staff recommend against this alternative, as the subject property is a poor location for increased residential density, with or without mitigation. The setback included in the alternative is smaller than recommend by best practices for residential development near rail lines or rail yards. Staff advise that effective mitigation is unlikely on such a small site, so close to an industrial use.

Conclusion
Staff have reviewed the applicant's proposed MPS amendment request to permit increased residential development on the subject property. The proposal to permit additional residential density at 205 Bedford Highway is not supported by good planning principles. Staff advise that the request is inappropriate because:

- The existing rail yard is an industrial use that presents safety and nuisance concerns. Increasing residential density is inappropriate this close to an industrial use;
- The proposed building and site design do not effectively mitigate negative land use impacts caused by the rail yard;
- The Regional Plan designates the subject property as Halifax Harbour, and directs Council to consider nuisance and compatibility issues when reviewing planning documents;
- Planning frameworks for affordable housing should be looked at comprehensively, not as part of a site-specific MPS amendment. The Bedford Highway Land Use and Transportation Study is underway and will bring forward land use recommendations to both the Transportation Standing Committee and Regional Council for direction;
- Site access from the Bedford Highway is not ideal so close to the intersection of Flamingo Drive;
- Site-specific MPS amendments make it difficult to maintain a coherent policy direction; and
- There has been no change in circumstance to warrant an MPS amendment.

Staff have concerns with permitting more residential development near a busy rail yard. These concerns strike at the core purpose of land use planning – creating a safe, healthy and enjoyable community. Increasing residential density next to heavy industrial uses is not good planning as it detracts from citizen health and wellbeing by placing future residents next to a major nuisance. Staff also advise against creating affordable housing or incentive or bonus zoning policy on a site-specific basis.

Should Regional Council wish to consider the applicant's request to amend the MPS, an alternative motion and amendment package are provided. This alternative amendment package permits the proposal, subject to certain conditions, and would require staff to prepare a development agreement for Community Council's consideration. The alternative policy approach also requires the applicant to enter into an incentive or bonus zoning agreement with HRM and an affordable housing agreement with an appropriate affordable housing provider.

FINANCIAL IMPLICATIONS

The HRM costs associated with processing this planning application may be accommodated within the approved 2019-2020 operating budget for C320 Regional Policy Program. Should Council choose the

alternative approach set out in Attachments A and B, there are likely administrative costs associated with creating and administering affordable housing agreements, which are greater than the standard staff review associated with planning projects.

RISK CONSIDERATION

The applicant is requesting that Regional Council consider potential MPS amendments; staff is not recommending MPS amendments. Any MPS amendments are at the discretion of Regional Council and are not subject to appeal to the N.S. Utility and Review Board. Information concerning risks and other implications of adopting the potential amendments are contained within the Discussion section of this report.

ENVIRONMENTAL IMPLICATIONS

No additional concerns were identified beyond those raised in this report.

ALTERNATIVES

Halifax and West Community Council may choose to recommend that Regional Council:

1. Give First Reading to consider amendments to the Halifax MPS and the Halifax Mainland LUB, to permit an eight-storey mixed-use building at 205 Bedford Highway, by development agreement, subject to a minimum of 18 units of affordable housing dwelling units being provided via incentive or bonus zoning, as set out in Attachments A and B of this report and schedule a public hearing.

   A decision of Council to approve or refuse these alternative amendments is not appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

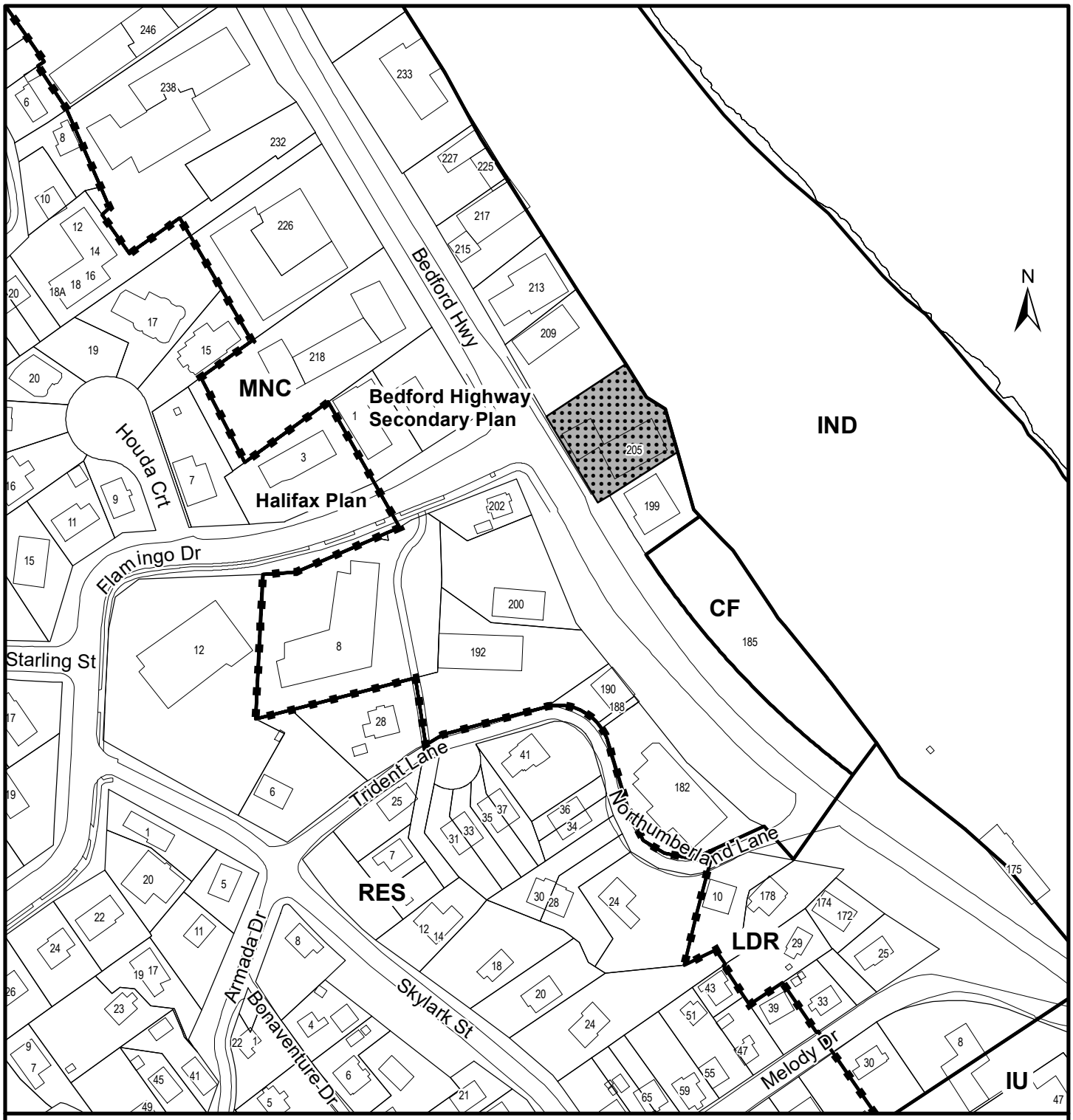
2. Prepare a different set of amendments to the MPS for Halifax and the LUB for Halifax Mainland. If this alternative is chosen, specific direction regarding the requested modifications is required and a supplementary report may be needed.

   A decision of Council to approve or refuse the proposed amendments is not 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:	Regional Municipal Planning Strategy Generalized Future Land Use
Attachment A:	**(Alternative)** Amendments to the Municipal Planning Strategy for Halifax
Attachment B:	**(Alternative)** Amendments to the Land Use By-law for Halifax Mainland
Attachment C:	Applicant's Proposal Package
Attachment D:	Applicant's Supplemental Submission (Affordable Housing)
Attachment E:	Applicant's Noise Mitigation Review
Attachment F:	Railway Setbacks – Jurisdictional Scan
Attachment G:	Public Information Meeting Minutes

Report Prepared by:	Sean Gillis, Planner II, 902.490.6357 and Jesse Morton, Planner 2, 902.490.4844
Report Approved by:	Eric Lucic, Manager, Regional Planning, 902.430.3954



Map 1 - Generalized Future Land Use

205 Bedford Highway,
Halifax

HALIFAX

Subject Property

Secondary Plan Area Boundary

Halifax Plan Area
Bedford Highway Secondary Plan Area

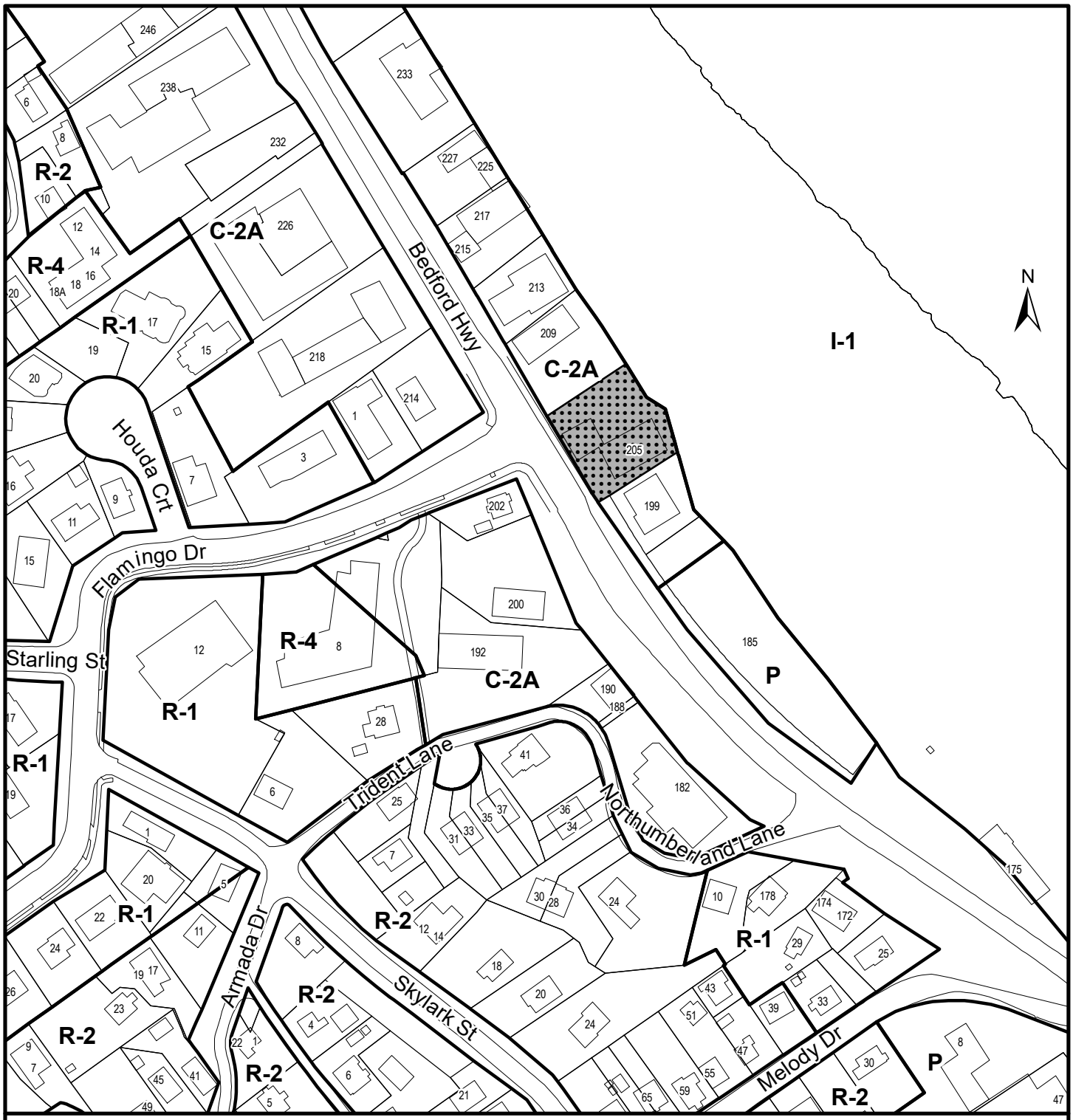
Designation

Bedford Highway Secondary Plan	LDR	Low Density Residential
	MNC	Minor Commercial
	IND	Industrial
	IU	Institutional-University
Halifax Plan	RES	Residential Environments

0 20 40 60 m

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.



Map 2 - Zoning

205 Bedford Highway,
Halifax

Subject Property

Halifax Mainland
Land Use By-Law Area

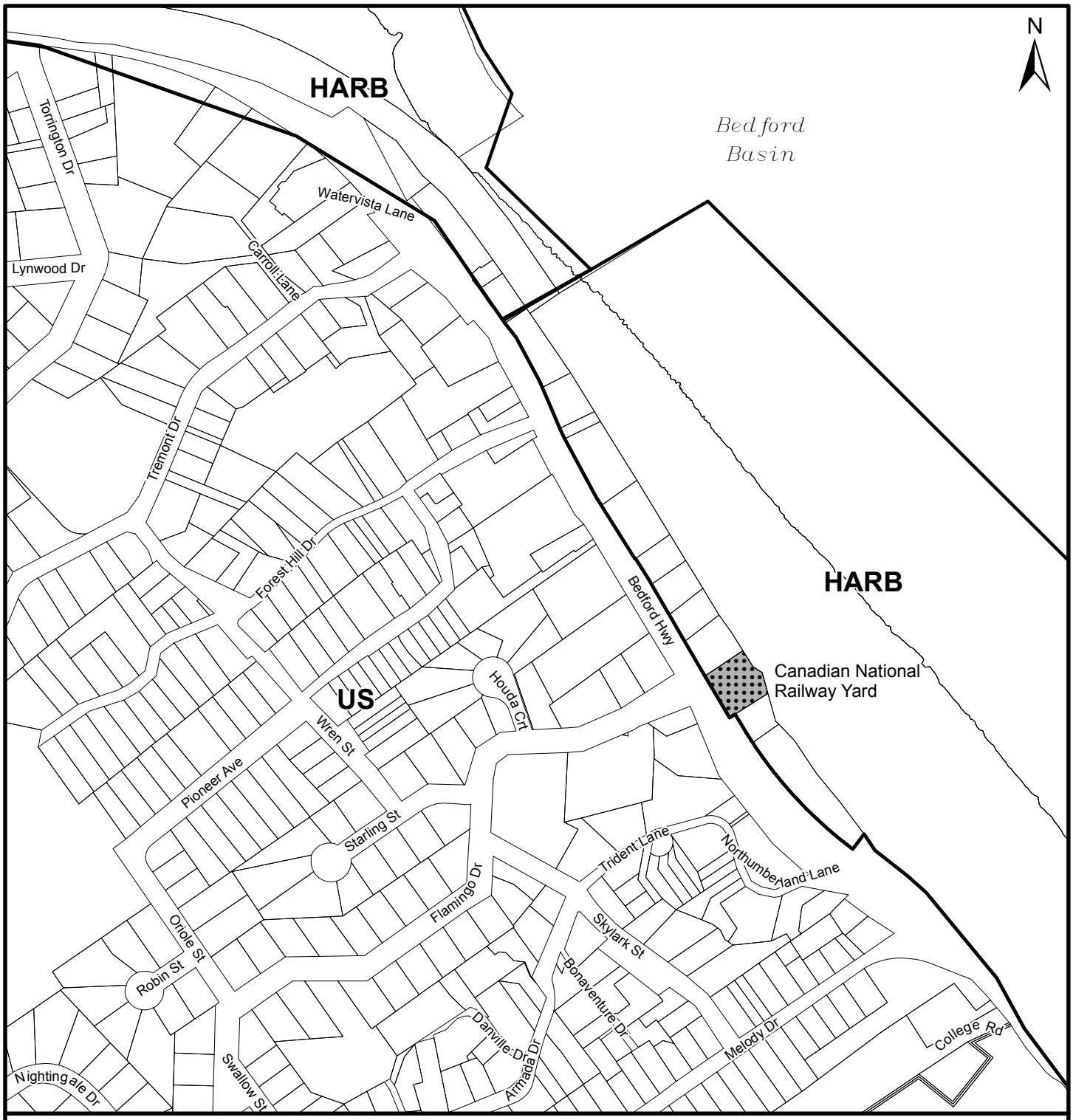
Zone

R-1	Single Family Dwelling
R-2	Two Family Dwelling
R-4	Multiple Dwelling
C-2A	Minor Commercial
I-1	General Industrial
P	Park and Institutional

0 20 40 60 m

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 - Regional Plan Generalized Future Land Use

205 Bedford Highway,
Halifax

HALIFAX

Subject Property

Designations

HARB Halifax Harbour
US Urban Settlement

0 50 100 150 m

This map is an unofficial reproduction of a portion of the Regional Plan Generalized Future Land Use Map.

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

Halifax Plan Area
Bedford Highway Secondary Plan Area

Attachment A
(Alternative) Amendments to the Municipal Planning Strategy for Halifax

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Municipal Planning Strategy for Halifax is hereby further amended as follows:

1. By amending SECTION VIII: BEDFORD HIGHWAY SECONDARY PLANNING STRATEGY OBJECTIVES AND POLICIES, to add the following text shown in bold below immediately after Policy 2.3.5:

2.3.6 The property located on Bedford Highway, across from the intersection with Flamingo Drive (205 Bedford Highway) is designated Minor Commercial. To permit a mixed-use, mid-rise development that contains affordable housing dwelling units on the subject property, the Halifax Mainland Land Use By-Law shall be amended to:

(a) permit, by development agreement, a mixed-use, mid-rise development that exceeds the height, the density and the angle control requirements of the C-2A (Minor Commercial) Zone;

(b) provide for incentive or bonus zoning on the property; and

(c) require the property owner to enter into an incentive or bonus zoning agreement, pursuant to Section 245A of the *Halifax Regional Municipality Charter*, to ensure the mixed-use, mid-rise development contains affordable housing dwelling units that are dispersed throughout the development.

2.3.6.1 This property is only eligible for additional height and additional density beyond the standards of the C-2A (Minor Commercial) Zone through incentive or bonus zoning. To qualify for incentive or bonus zoning:

(a) an affordable housing agreement between the property owner and an appropriate affordable housing provider shall be reached, describing how affordable housing dwelling units will be monitored and administered;

(b) an incentive or bonus zoning agreement between the Municipality and the property owner is required; and

(c) a development agreement is required.

2.3.6.2 The incentive or bonus zoning agreement shall require the property owner to:

(a) provide the inclusion of a minimum of 18 affordable housing dwelling units within the development as the contribution for incentive and bonus zoning;

(b) provide the affordable housing dwelling units for at least 180 consecutive months;

(c) disperse the affordable housing dwelling units throughout the development;

(d) the unit type mix for the affordable housing dwelling units shall be as follows;

Unit Type	Minimum Affordable Housing Dwelling Units Required
2 Bedroom	2
1 Bedroom	16

(e) the monthly rent month for each affordable housing dwelling unit referred to in 2.3.6.2 shall be no more than 70% of the average market rent for an equivalent new dwelling unit in the HRM. Average market rent will be calculated at the time the incentive or bonus zoning agreement is reached and will be based on publicly available information from Canadian Mortgage and Housing Corporation; and

(f) the monthly rent for affordable housing dwelling units may increase annually, at a rate no greater than the Halifax All-Items Consumer Price Index, calculated by Statistics Canada.

2.3.6.3 The property is next to the CN Rockingham Rail Yard, an industrial use. Before a development agreement may be considered by Council under Policy 2.3.6, noise and vibration studies shall be completed and provided to the Municipality. These studies shall:

(a) be carried out at the expense of the developer;

(b) be completed by a qualified professional to the satisfaction of HRM;

(c) support the proposed mixed-use, mid-rise development; and

(d) identify and recommend mitigation measures to reduce adverse impacts from the CN Rockingham Rail Yard.

2.3.6.4 A development agreement considered pursuant to Policy 2.3.6 shall:

(a) permit a multi-unit, mixed-use building that does not exceed 26.5 meters in height, excluding elevator shafts;

(b) permit a range of residential, commercial and institutional uses;

(c) require commercial uses on the ground floor, facing the Bedford Highway;

(d) permit no more than 55 dwelling units;

(e) restrict the streetwall height facing the Bedford Highway to 12 metres and require a setback above the streetwall;

(f) require a 7.5-metre setback, measured horizontally, between the building and the rear property line adjacent to the rail yard;

(g) provide acceptable mitigation measures to reduce adverse impacts from the CN Rockingham Rail Yard;

(h) require indoor and outdoor amenity space for on-site residents;

(i) regulate exterior lighting, signage, and external building materials;

(j) regulate landscaping, fencing, outdoor storage, and the planting or retention of trees and vegetation;

(k) regulate the appearance, location and size of driveways and prohibits surface parking lots; and

(l) include a provision stating that no development permit shall be issued:

(i) until the incentive or bonus zoning agreement is executed by all the parties and filed in the Provincial Land Registration Office;

(ii) until the affordable housing agreement describing how affordable housing dwelling units will be administered is executed between the property owner and an appropriate affordable housing provider that is satisfactory to the Development Officer; and

(iii) unless the development incorporates effective mitigation measures as recommended by the noise and vibrations studies as per Policy 2.3.6.3.

2.3.6.5 In addition to meeting the requirements of Policy 2.3.6.5 (a) to (l) inclusive, Council shall have regard for the following when considering a development agreement pursuant to Policy 2.3.6:

a) that building design, massing and setbacks are appropriate for the neighbourhood context; and

b) that the building is located higher than 3.8 metre elevation above Canadian Geodetic Vertical Datum (CGVD 28) to mitigate against projected sea level rise.

I, Kevin Arjoon, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of Halifax Regional Council held on [DATE], 201[#].

_____

Attachment B
(Alternative) Amendments to the Land Use By-law for Halifax Mainland

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

1. Amend the section MAINLAND WIDE - DEVELOPMENT AGREEMENTS, by inserting the following subsection 71(11) immediately following Section 71(10):

71(11) <u>205 Bedford Highway, Halifax</u>

Council may, by development agreement pursuant to Policy 2.3.6 of Section VIII of the Halifax Municipal Planning Strategy, permit a mixed-use, mid-rise building that exceeds the height, the density and the angle control requirements of the C-2A Zone of this By-Law in exchange for entering into an incentive or bonus zoning agreement to provide affordable housing dwelling units, provided the following are satisfied:

(a) the maximum height shall not exceed 26.5 metres, excluding elevator shafts;

(b) the density shall not exceed 55 dwelling units;

(c) if the development exceeds 50 feet (15.25 metres) in height, the applicant shall provide a public benefit in the form of a minimum of 18 affordable housing dwelling units that are provided for at least a period of 180 consecutive months, commencing on the initial occupation date;

(d) pursuant to Policy 2.3.6.1 of Section VIII of the Halifax Municipal Planning Strategy, the property owner and the Municipality shall enter into an incentive or bonus zoning agreement to ensure that the public benefit in the form of 18 affordable housing dwelling units is provided;

(e) the incentive or bonus zoning agreement in accordance with clause 71(11)(c) includes provisions respecting:

(i) the identification of the development site,

(ii) the composition of the 18 affordable housing dwelling units referred to in 71(11)(c) are as follows:

Unit Type	Minimum Affordable Housing Dwelling Units Required
2 Bedroom	2
1 Bedroom	16

(iii) the maximum rent per month includes heat, electricity and hot water, and

(iv) that the affordable housing dwelling units are dispersed throughout the development and are not clustered;

(f) the monthly rent for affordable housing dwelling units referred to in 71(11)(c) shall be no more than 70% of the average market rent for an equivalent new unit in the HRM, calculated at the time the incentive or bonus zoning agreement is reached. Average market rent will be based on the latest publicly available information from Canadian

Mortgage and Housing Corporation. Such rent shall include heat, electricity and hot water, and may exclude parking, cable, internet and telephone;

(g) the monthly rent for each affordable housing dwelling unit may increase annually, at a rate no greater than the Halifax All-Items Consumer Price Index, calculated by Statistics Canada;

(h) an agreement is signed between the property owner and an appropriate affordable housing provider whose purpose is to improve and increase the affordable housing stock of the Province; and

(i) the agreement in accordance with clause 7(11)(h) provides that:

i. that the amount of rent satisfies clauses 7(11)(f) and 7(11)(g), and that this rent will apply during the term required in subclause 7(11)(c);

ii. that the property owner will lease each affordable housing dwelling unit to households of low to moderate income, at or below the applicable household income limits (HILs) established by Housing Nova Scotia, which are:

a. referred by the affordable housing provider, or,
b. where the affordable housing provider has given notice in writing to the property owner that it will not refer a household for a unit, selected by the property owner in accordance with applicable HILs established by Housing Nova Scotia;

iii. that an affordable housing dwelling unit tenant who no longer meets the requirements of household income in the low to moderate income range shall be permitted to remain in that affordable housing dwelling unit until their lease expires;

iv. that a breach of the agreement between the appropriate housing provider and the property owner shall be considered a breach of the incentive or bonus zoning agreement for 205 Bedford Highway; and

v. that the property owner is required to report, at least annually, to the Municipality, confirming that the affordable housing provider is satisfied that each of the required affordable housing dwelling units are leased to people whose household income is in the low to moderate income range.

71(12) In considering whether to approve an incentive or bonus zoning agreement for 205 Bedford Highway, the Development Officer shall consider whether subsection 71(11) has been satisfied.

71(13) Council delegates the authority to approve an incentive or bonus zoning agreement, or an amendment thereto, to a Development Officer and an agreement so approved must be signed by the Mayor and Clerk.

I HEREBY CERTIFY that the amendment to the Land Use By-law for Halifax Mainland as set out above, was passed by a majority vote of the maximum number of members

that may be elected to Halifax Regional Council, at a meeting held on the [DATE] day of [MONTH], [YEAR].

GIVEN under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this ___ day of _____, 20____.

KWR APPROVALS INC.

April 9, 2018

Hand Delivered and E-Mailed

Miles Agar
Principal Planner
Planning & Development I Policy & Strategic Initiatives I Urban Plan Amendments
Halifax Regional Municipality
40 Alderney Drive, 2nd Floor (Alderney Gate)

Dear Miles:

Re: Formal Application for Amendments to Bedford Highway Secondary MPS – 205 Bedford Highway, *Rockwinds on the Basin* (PID 00291641)

As a follow up to our recent discussion, KWR Approvals Inc., the Professional Development Team and our client, Pathos Properties Inc., have met to review the re-development of the noted subject property known as ***Rockwinds on the Basin***, located in the Rockingham neighbourhood of Halifax. We believe that the proposed development, consisting of eight storey including penthouses as a mixed-use development will integrate and enhance both the local neighbourhood of Rockingham and the Bedford Highway corridor.

In particular, the proposed re-development, given its strategic community and specific site location, has the opportunity to be a signature landmark diverse affordable housing project for the area, as well as a benchmark to revitalize a mixed-use neighbourhood that, respectfully, has old and tired architecture going back to the 1950's – 1970's. The following application is in addition to previous submissions and discussions with HRM Planning Staff and explains further justification for amendments that would permit the re-development. We thank you in advance for your consideration of the original application and this supplemental letter we are combining into one full updated submission.

To date CHMC has approved $70,000 in funding to Pathos Properties to research the unprecedented affordable housing opportunity for this neighbourhood and has indicated their support for financing the project (i.e. mortgage) once approved by HRM. Their funding for the 2017/2018 fiscal year begins on April 23rd, 2018 and we are attempting to show progress with the application in the HRM approval process to protect this important funding. Therefore, we respectfully ask HRM Planning & Development Department to recommend that Regional Council initiate the MPS amendment process for this application as soon as possible.

Site Description and Context

The subject property is located at 205 Bedford Highway in Halifax. The site is 15,402 square feet in size with 250 feet of street frontage and backs onto CN Rail marshalling yards. It is currently developed with a 13-unit apartment building that is at the end of its life, consisting of a two-storey building that was added to an old home in the 1960's. There are no commercial uses and parking covers all areas of the lot not used for the building. The site is flanked on each side by older commercial buildings, while across the street is a Tim Hortons with a drive-through. The broader area consists of a mix of older commercial buildings of one or two floors, with several small four-storey residential or mixed-use buildings. Buildings are normally set back with paved parking in front. To the west and at much higher elevations up the hill along and radiating from Flamingo Drive are low density neighbourhoods.

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The site is located at the signalized three-way intersection of Bedford Highway and Flamingo Drive, forming the core of the commercial node.

The Proposal

The developer is proposing a building of eight stories with penthouses that would include 55 housing units and ground floor commercial space. There is a mix of unit types and, most importantly, the project will provide affordable housing with 40 units meeting CMHC affordability standards in addition to five barrier free dwelling units for physically challenged tenants. The majority of the barrier free units will be on the ground floor. There will be five fully accessible units provided as well. Residential underground parking is proposed for a minimum of 47 spaces, with some surface parking for commercial uses. The building will be a high-quality concrete building with attractive exterior finishes that will complement the area. Lot coverage would be 54%.

Public Benefits and Amenities to Rockwinds

The 40 affordable dwelling units average below market rent by $250.00 per month that, over a minimum ten-year period, would result in a public benefit of **$1,200,000.**

The average rent savings per unit for the 40 affordable housing units is $250.00 and, over a guaranteed minimum of ten years of these units being affordable, this equates to $1,200,000 (10 years x 12 months = 120 months x $250.00 (below market rent = $30,000 per dwelling unit over the decade x 40 affordable housing dwellings equals $1,200,000).

Applicable MPS Policy

The site is within the Bedford Highway Secondary Planning Area and is designated Minor Commercial, as part of the broader commercial node that is focused in the area around the Bedford Highway/Flamingo Drive intersection. This is the only designated Minor Commercial area in the secondary plan area, while there are several designated Highway Commercial areas. The Minor Commercial designation is oriented more toward neighbourhoods within walking distance as opposed to the Highway Commercial designation, which is heavily car oriented. Relevant MPS policy for this specific area states:

> *2.2 Areas shown as minor commercial centres on the Generalized Future Land Use Map of this Bedford Highway Strategy shall be regarded as medium-scale commercial areas within walking or easy vehicular distance of several neighbourhoods, offering a variety of retail goods, services, and activities to the surrounding communities.*
>
> *2.2.1 In minor commercial centres, the City shall permit retail shops, personal services, offices, specified entertainment uses, institutions, restaurants including convenience restaurants, community centres, and residential uses.*

These policies in the Bedford Highway SPS establish general parameters for commercial land use within this Minor Commercial node. Importantly, there are no limiting parameters regarding residential uses, which provides broad leeway as to the scale and density of residential that can be enabled by Community Council through the Land-Use Bylaw.

Existing Land-Use Bylaw Provisions

Policies 2.2.1 and 2.2 above enables the establishment of a unique zone that could apply to the designated Minor Commercial node on Bedford Highway. Such a zone is justified given its unique neighbourhood-oriented characteristics in the community. However, at the time of Secondary MPS adoption under the Halifax Mainland Land-Use Bylaw, the site was zoned C-2A (Local Commercial), which is a zone used more generally in several areas of the mainland.

This generic C-2A zone attempts to provide appropriate regulations for a number of diverse areas and enables lower density housing (single-unit, two-unit, townhouse, etc.) and apartment buildings, as well as a range of neighbourhood-based commercial uses all within a height limit of 35 feet. Additionally, any residential or mixed-use building in the C-2A zone is limited by reference to the requirements of the Mainland R-3 zone, which contain provisions that limit density and building massing through complex angle controls.

In 2015, the C-2A zone was amended to recognize the specific characteristics and provide unique provisions for this area of Bedford Highway. The purpose of the very limited amendments was to enable slightly taller apartment buildings to a height of 50 feet, where the entire ground floor is devoted solely to commercial purposes. This represented an initial attempt at encouraging revitalization of the area through allowing slightly more intensive development. The hope was this extra 15' feet in height might provide a much needed spark to see architecture and/or economic revitalization to an old neighbourhood with tired architecture that is 50+ years in age on average and witnessing significant office and commercial closures or vacancy's. Unfortunately since the 2015 amendments have been in place, they have not provided the spark needed to be the catalyst for a much desired architecture and economic revival in this community.

Result of 2015 Amendments

It had been the intent of the owner (Nick Stappas) and his family for 205 Bedford Highway to develop a five-storey building (32 units bachelor and one-bedroom units on four floors of residential atop one commercial floor) to replace the dated obsolete structure that exists which is over a hundred years old. However, the project was not financially feasible or market viable due to the low unit yield that was created by a number of clauses in the C-2A and the R-3 zones:

- the 50-foot height limit and ability to have only four residential floors (C-2A and R-3 zones);
- a maximum lot coverage limit of 50% (R-3 zone);
- the requirement to use the entire ground floor for commercial use (C-2A zone); and
- the density limitations of 75 persons per acre (**R-3 zone**)

The owner wished to provide a mix of unit types, but the density limits of the R-3 zone at 75 persons per acre favour the provision of the smallest possible units due to how density is allocated by the LUB on the basis of habitable rooms. The design prepared under current zoning, therefore, included only one-bedroom units. The requirement for the entirety of the ground floor causes concerns due to the limited demand for large commercial spaces in this area. In the broader context, no other redevelopments have taken place in the area since the amendments, despite the clear need for major revitalization that exists. The goal of improving the character and amenity of this commercial area can be achieved by relaxing zone standards further to allow reasonably-scaled intensification beyond the current limits of the zone.

HRM's Integrated Mobility Plan (IMP)

Regional Council has recently adopted the IMP to provide a clear and strong framework for changes to the regional transportation system and to provide for new opportunities. The IMP seeks to place a stronger emphasis, in particular on transit, cycling and walking. One of the key sections of the IMP relates to commuter rail. A rail corridor extending from Fall River to Downtown Halifax is planned, with general station locations identified. Around these stations, it is the intention that transit-oriented development be encouraged. This effectively creates higher density residential nodes that are needed to support ridership. One of the station sites is located just south of 205 Bedford Highway, with the subject property being within the mapped node, and many of the C-2A zoned properties along Bedford Highway are located within the defined node. Based on this important plan endorsed by Council, it is vital to begin supporting higher residential densities around the future transit nodes and rail station sites.

Existing MPS policy for this Commercial-designated area under the local and City-wide plans gives Community Council the ability to approve LUB amendments in support of this goal. Other transit and rail nodes, because of existing restrictive land-use policies, need to be dealt with through MPS amendments, or through secondary planning processes such as Centre Plan, but there is no need here. This node is unique in that simple LUB amendments can be implemented to support transit-oriented development in this area. Developments such as that proposed for 205 Bedford Highway are exactly the density and form needed to support higher order transit but the existing C-2A rules are a strong disincentive to development.

Requested Amendments – Site Specific MPS Change vs. LUB Amendments

In order to make it financially viable for the owner to remove the existing apartment building with its existing cash flow, the zone on the property needs to allow greater height and density, as well as some residential use at ground floor level due to limited demand for commercial space in this area. Changes to the zone would allow a high-quality concrete structure that will kick start reinvestment in the area and allow equal opportunity to landowners in the area. This important commercial node would then be invigorated and developed as a pedestrian-oriented core of a unique character area that includes the commercial core and surrounding neighbourhoods, as envisioned by MPS policy. The desired outcome for the site can be achieved through site-specific MPS changes as we request through this letter, although it could also achieved by Community Council approving amendments to the Land Use By-law for this whole C-2A area. Community Council could consider the creation of a new zone that is specific to this area, as supported by MPS policy, as perhaps the best route, although there is also the option of select text amendments to the C-2A zone which can also achieve the desired result. If HRM were to prefer to enable this project via LUB amendments intended to benefit the whole area, the necessary changes are to delete limiting Sections 38C (2) and 38C (3) and to adopt new requirements. In general terms these amendments should:

- establish a maximum height of 85 feet instead of 50 feet (the 85 feet could be limited to where there is no abutting R-1 or R-2 zone to address compatibility, so typically on the Basin side of the road);
- enable ground floor residential uses, except on that portion of the building fronting Bedford Highway, to ensure a strong pedestrian-oriented commercial character (excepting residential entrances and lobbies); and
- notwithstand the provisions of 38B (2), which implements the requirements of the R-3 zone such as a density limit of 75 persons per acre, a height limit of 50 feet, and angle controls and instead insert requirements for at-grade setbacks and step backs above the 2nd or 3rd floors, such as those used in the new Fairview zones for Dutch Village Road.
- Increase maximum lot coverage to 55%.

Summary

The developer is proposing a high-quality, mixed-use development that would include 40 affordable housing units out of 55 units total, a range of unit sizes and quality ground floor commercial space. However, in order for this or any redevelopment in the area to succeed as a transit-oriented development, reasonable height and density limits need to be in place. The requested amendments are enabled by existing MPS policy, would benefit other owners in the area and would contribute to a meaningful revitalization of the area while also supporting higher order transit and all the social, environmental and economic benefits that entails.

Bedford Secondary MPS Extract re Commercial Facilities

Objective: The provision of commercial facilities in appropriate locations on the Bedford Highway to serve adjacent neighbourhoods and highway uses.

2.1 For the purposes of this Bedford Highway Strategy, the City shall define commercial facilities as comprising two categories:
(i) minor commercial; and
(ii) highway commercial.

2.2 Areas shown as minor commercial centres on the Generalized Future Land Use Map of this Bedford Highway Strategy shall be regarded as medium-scale commercial areas within walking or easy vehicular distance of several neighbourhoods, offering a variety of retail goods, services, and activities to the surrounding communities.

2.2.1 In minor commercial centres, the City shall permit retail shops, personal services, offices, specified entertainment uses, institutions, restaurants including convenience restaurants, community centres, and residential uses.

2.2.2 In minor commercial centres in the Bedford Highway Area the City shall require sufficient parking to accommodate employees and customers.

Halifax MPS Extract re City-wide Policies for Commercial Uses

Objective: The provision of commercial facilities appropriately located in relation to the City, or to the region as a whole, and to communities and neighbourhoods within the City.

3.1 The City shall encourage a variety of commercial centres to serve the variety of community needs and shall seek to do so under Implementation Policy 3.7. Provision shall be made for neighbourhood shopping facilities, minor commercial centres, shopping centres and regional centres.

3.1.1 Neighbourhood shopping facilities in residential environments should service primarily local and walk-in trade, and should be primarily owner-occupied. They shall be required to locate at or adjacent to the intersections of local streets rather than in mid-block. Neighbourhood shopping facilities may include one business, for example a corner store or a cluster of businesses. This policy shall serve as a guideline for rezoning decisions in accordance with Implementation Policies 4.1 and 4.2 as appropriate.

3.1.2 Minor commercial centres should service several neighbourhoods. They should locate along principal streets with adequate provision for pedestrian, transit, service and private automobile access. Parking provision should be allowed on surface lots servicing single businesses, as long as conditions preclude nuisance impact on adjacent residential areas. Access to any parking area from the principal street should be controlled. The City should define the geographic limits of minor commercial centres, and shall encourage contiguity of commercial or associated uses within those limits. Minor commercial centres should offer a wider range of services than neighbourhood shopping facilities including local office, restaurants, cinemas, health centres and multi-service centres. Notwithstanding any other policy in the Municipal Planning Strategy or Secondary Planning Strategies, billboards advertising off-site goods and services shall be prohibited in Minor Commercial areas. This policy shall serve as a guideline in rezoning decisions in accordance with Implementation Policies 3.1 and 3.2 as appropriate.

Neighbourhood and General Community Overview

The subject property is located in what many would refer to as a historically local commercial node of HRM in the community of Rockingham. This neighbourhood is unique in that, although it is part of the community of Rockingham, the access to business, multiple-residential and office properties is, for the most part, directly off the Bedford Highway, which is one of the main transportation corridors linking this suburban area of HRM with the Peninsula and downtown of Halifax.

Over the past number of decades, the area has become increasingly mixed-use and diverse in the type of residences, businesses and professional offices that are located here and the local and broader residents and communities it supports. Access to one of the busiest transportation corridors in HRM, as well as public transit, makes this area ideal for business, office and residential development. There are several multi-residential apartment buildings in the immediate area including a long-established (50+ years) apartment building at 205 Bedford Highway. The neighbourhood, including 205 Bedford Highway, offers reasonably-priced rental options for residents of HRM with immediate access to public transit and nearby amenities (i.e. restaurants, dry cleaning, coffee shops and other retail/professional offices etc.).

The architectural stock in this neighbourhood is, respectfully, **old and tired** with very few new buildings arising over the past three decades. The economies of scale to replace existing buildings, whether commercial or residential, with new construction have, for the most part, not been sufficient to see a revitalization in the area transpire.

Context for Secondary Planning Exercises in HRM for Local Neighborhoods

The goals and objectives of HRM's Regional Plan to focus a higher proportion of new density in the downtown/peninsula of Halifax and Dartmouth is appreciated and understood. The Regional Plan also seeks to allow a high percentage of growth within existing serviced areas outside of the Regional Centre. It is also acknowledged and understood that, in 2013, HRM completed a review of this neighbourhood that resulted in increases in the height (i.e. from maximum of three stories (35 feet) to five stories). The goal, similar to other neighbourhood reviews and secondary planning exercises in HRM, is whether this part of Rockingham, Wyse Road, Fairview and Schedule R areas is to allow incentives for property owners to create new high-quality architectural developments, often with a mixed-use component of ground floor commercial and multiple-family residential above.

Architecture design standards, commercial requirements, increased density and human-scale/pedestrian-friendly developments have all been part of the new planning regulations in these selected communities via secondary planning exercises. For example, approved street/neighborhood precincts as part of previous secondary planning reviews for Main Street in Dartmouth and Dutch Village Road/other streets in Fairview are hoped to bring continuity for the community in what gets developed and incentives to initiate new architectural and developments that can revitalize these communities and the architectural stock within them.

Background to 205 Bedford Highway and the proposed 'Rockwinds on the Bedford Basin'

Over the past four years, our client has spent considerable time and effort with Paul Skerry & Associates Architects and KWR Approvals Inc. to evaluate the best approach for 205 Bedford Highway within the as-of-right five-storey height limit. In this light, Pathos Properties Inc. applied to HRM and was approved for a development permit for a five-storey, 32 one-bedroom multiple-family residential building development. Over approximately the past year, further research and application to CMHC under their Affordable Housing SEED Program highlighted a **significant opportunity for a landmark, affordable,** accessible (barrier-free) development with a diverse tenant base for 205 Bedford Highway and ground floor commercial retail.

The location of 205 Bedford Highway within the neighbourhood is ideal for an affordable housing, barrier-free and diverse tenant base multiple-family residential development of high architectural quality to replace the 50+ year old existing building. 205 Bedford Highway is located across from the intersection of the Bedford Highway and Flamingo Street near an important focal point in the streetscape. The property is highly visible as you approach from Halifax along the Bedford Highway and down Flamingo Drive.

Additionally, 205 Bedford Highway is immediately surrounded by (adjacent to) two mixed-use properties (i.e. Asian Grocery and the former Rockingham Community Centre) that lend themselves well to a moderately tall and dense mixed-use multiple residential building. A re-development of this property would also not block any existing residential views of the Bedford Basin.

Affordable Housing at 'The Rockwinds on the Bedford Basin'

Our research shows that 205 Bedford Highway, with its proximity to Mount Saint Vincent University, older residential housing in the neighbourhood, commercial amenities, public transit access and views of Bedford Basin, offers a great combination of factors for a diverse, mixed-use residential/commercial development with a high percentage of affordable housing. The original submission at nine stories plus penthouses had 10 multiple-family units (16.7%) of the total sixty (60) as affordable housing. Further internal research and discussions with CMHC have led us to conclude 'The Rockwinds' at 205 Bedford Highway can achieve an **UNPRECEDENTED 72.7% affordable housing component** within the overall multiple-family residential development. This submission now proposes 40 of the 55 units would be affordable multiple-family units with a **minimum of 10% of rents under market value**.

It is again appreciated and respected that Council's goal in the Regional Plan is to increase density in the downtowns/peninsula of Halifax and Dartmouth. As with any Regional Plan opportunities to increase density in the suburbs beyond what is noted in local MPSs or Regional Plans, it must be weighed carefully whether as part of an overall secondary planning exercise or individual site specific plan amendments. 205 Bedford Highway given all the aforementioned factors and qualities it can achieve:

- ✓ high quality architecture;
- ✓ 72.7% affordable housing;
- ✓ Barrier-free accessible units on site;
- ✓ ground floor owner occupied spa and hair salon;
- ✓ larger two-bedroom units for professionals and retirees;
- ✓ high-end residential units with full views of the Bedford Basin; and
- ✓ truly diverse and mixed-use, multiple-family residential development in a building that has ideal accessibility to commercial amenities, public transit and professional services.

In our experience over the past 30 years, KWR Approvals Inc. **has not come across a site and or re-development project** that can achieve such a diverse mixture of affordable, accessible, high-quality and commercial use in one building. The specific location of 205 Bedford Highway within this neighbourhood offers a combination of factors that can allow for this affordability, quality and diversity under one mixed-use residential development.

How to Achieve the Affordable Housing and Diverse Socio-Economic Tenant Mix at 'The Rockwinds on the Basin'

To make this affordability and diversity possible, we are asking for a modest increase in height from five stories to eight stories including penthouses and reasonable increase in density to achieve the affordable housing component we are convinced is needed in the community and this part of the Municipality. Since the Regional Plan has come into existence in 2006 and in follow up secondary reviews, it is common to see the Municipality approve, or consider for approval, height precincts of 7 – 10 stories often with ground floor commercial/retail requirements. The Rockwinds at 205 Bedford Highway is consistent with these other secondary planning exercises previously completed by the Municipality.

Any secondary plan is never intended to be a static document, but grow with the needs and desires of the community. It is also intended to allow for opportunities that can improve the architectural and residential commercial fabric of the neighbourhood and community. Similar to other height precincts approved and/or being considered by HRM (i.e. Wyse Road, Fairview) not all properties can or should be developed with the same 'brush'. We respectfully contend that 205 Bedford Highway adjacent to Bedford Basin and on the other side of the Bedford Highway further away from existing residential development is ideal for achieving an economically feasible and market viable mixed-use residential development with a one-third affordable housing component. KWR Approvals Inc., in managing the affordable housing project known as Habitat Way for Habitat For Humanity Nova Scotia off Drysdale Road in Spryfield, believes this area and community was ideal for such an affordable housing project. Some reasonable increase in density and height to achieve this, given the benefits to the community, makes sense. Increasing affordable housing is a stated and strongly-promoted objective of HRM in its Regional Plan as well as the current Provincial Government of Nova Scotia and Federal Government.

It has historically been in HRM, as with many major cities in Canada, challenging to get affordable housing projects in suburban areas and, in particular, mingled within an existing multiple-family residential building. Many studies have shown the mixture of socio-economic groups and the diversity it brings leads to higher quality of life for affordable housing residents. This approach also prevents clustering of affordable housing units all in one area. Unfortunately, not all areas of HRM have the mixture of factors that create the combination of influences that can **make a significant affordable housing project economically feasible and market viable.** This site at 205 Bedford Highway has those factors and influences.

Sustainable, Livable and Dynamic Communities

Whether Fairview, Wyse Road, Main Street and other areas similar to this part of Rockingham, these neighbourhoods are on main transportation corridors with public transit and denser residential communities to their rear. In addition, these areas have tired and old architecture/buildings and are often in transition. The plan for these areas is to revitalize them with new, fresh and high-quality architecture that will bring about adaptive re-use and create desired urban change/renewal that **leads to more sustainable, livable and dynamic communities**. This approach has worked in areas such as Gottingen Street.

The realities of development, construction and economic renewal HRM is aware of is finding the right blend of height, density and flexibility of uses that 'sparks' urban renewal, fresh high-quality architecture and affordable housing while being sympathetic and respectful of the existing neighbourhood and community. Pathos Properties has spent over $100,000 to date to determine that the eight stories with penthouses would achieve the aforementioned affordable housing and diverse socio-economic mix in the 'Rockwinds'.

‘The Rockwinds on the Basin’ as a TREND setter for Neighbourhood Revitalization

The neighbourhood **is in need** of an urban renewal project to spark revitalization of architecture design and re-development interest. Like most neighbourhoods and communities in HRM, it takes ‘**one’ dynamic project** located in a strategic focal point to create this spark.

We are confident that ‘The Rockwinds on Bedford Basin’ is the spark to create an urban renewal for the area for the following reasons and consistent with the intent of the Regional Plan for great architecture, urban renewal, increased density on main transportation corridors, diversity in socio-economic residential base and inclusion of affordable housing and accessibility for physically challenged:

1. ***Strategic Location***. 205 Bedford Highway, across from the intersection of Bedford Highway/Flamingo Drive and adjacent to the Asian Grocery and former Rockingham Community Centre, is a well-known and recognizable location for the neighbourhood and general community. Further, it is at a focal point in the streetscape that, with well designed and high-quality architecture, can add to the visual quality of this neighbourhood for both local, community and regional residents/pedestrians/motorists who travel by this site on a daily basis.

2. ***Public Transit***. 205 Bedford Highway has immediate and close access to six transit buses that travel along the Bedford Highway including Mount Saint Vincent University, up Flamingo Drive and into Clayton Park, Larry Uteck and Bedford/Sackville and downtown Halifax. Such access to a public transportation hub is IDEAL for affordable housing, accessible units, students and retirees who will be part of the diversity of tenants at The Rockwinds. Such proximity of public transit and flexibility in transit stops to commercial, professional, community and medical amenities is a major advantage and opportunity to reduce the need for vehicles/parking at 205 Bedford Highway. In addition, the recently approved Integrated Mobility Plan places the site within the future commuter rail node for Rockingham and seeks to encourage transit oriented development with such nodes – and this necessitates higher densities. The IMP states that planning processes should take into account its recommendations – which support this application.

3. ***Mount Saint Vincent University***. This well-known and respected university is less than five minutes from 205 Bedford Highway by public transit. The Rockwinds at 205 Bedford Highway, with its location to commercial/professional amenities and along a public transit corridor that goes directly to the entrance of the university, is ideal to attract university students looking for affordable rents in a high-quality residence in close proximity to Mount Saint Vincent. The Rockwinds offers this.

4. ***Affordable Housing and Accessible Units***. The Rockwinds will have an **UNPRECEDENTED 72.7%** of its total units to be affordable, residential dwellings in a diverse multiple-family residence. The location next to amenities, public transit and affordable rents offers the unique opportunity to provide such a substantial affordable housing total in a suburban location with other diversity of socio-economic residents.

5. ***Architecture that Creates Urban Renewal***. The Rockwinds at 205 Bedford Highway is a $10,000,000 designed multiple-residential building with ground floor commercial to enhance the local, community and regional pedestrian, transit and vehicular residents’ experiences driving to and from this area. The architecture, design, colours and approach is meant to create a strong, positive experience for residents, neighbours, community and passersby alike.

Thank you and Warmest Regards,

Original Signed

Kevin W. Riles
President & CEO

cc: Nick Stappas – Owner, Pathos Properties Inc.

KWR APPROVALS INC.

December 10, 2018

Emailed to: gillisse@halifax.ca

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Dear Mr. Gillis:

Re: Supplemental Submission for Site Specific Planning Amendment (SSPA) – 205 Bedford Highway, *Rockwinds on the Basin* (PID 00291641), Affordable Housing Project, HRM, Case No. 21730.

To follow up our recent meeting with Miles Agar and my client, Nick Stappas of Pathos Properties Inc., and in consideration of your November 1, 2018, memo outlining a compilation of HRM comments on the aforementioned application, the Professional Development Team (PDT) has had the opportunity to review and prepare this supplemental submission.

As per our normal approach, we request HRM Planning & Development Staff to first review this electronic submission and inform us if you need anything further, in addition to how many hard copies you prefer. Previous submission packages included the technical requirements, studies and architectural drawings as per HRM application requirements. Therefore, to follow up our recent meeting with HRM Planning & Development Staff, this supplemental submission focuses on providing the requested information related to affordable housing, comparable market rents for new construction and bonus density.

In preparation of this Supplemental Submission, our client and the PDT reviewed the September 16, 2016, HRM Staff Report to Regional Council entitled "***Implementation of Density Bonusing for Private Rental Affordable Housing in the Regional Centre.***"

The ***Rockwinds on the Basin*** is proposing an **unprecedented 32.7% of its total units as affordable**, with monthly rents 30% below market average for similar new constructed units. The affordable savings for the 18 units is $83,520 per year or $1,252,800 for a 15-year period.

Respectfully, given an application was first reviewed for 205 Bedford Highway in 2015 with a formal public information meeting and that this revised SSPA is within the spirit of that design/height/approach, we request the Planning & Development Department consider a mail-out questionnaire for public participation in January versus another PIM.

Thank you and Warmest Regards,
Original Signed

Kevin W. Riles
President & CEO

cc: Nick Stappas – Owner, Pathos Properties Inc.
Greg Johnston – Architect, Paul Skerry Associates Ltd

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E. Traffic, Transportation and CN Rail Challenges
F. MPS Policy and Regulatory Review

Background to 205 Bedford Highway and the proposed '*Rockwinds on the Basin*'

Over the past four years, our client has spent considerable time and effort with Paul Skerry & Associates Architects and KWR Approvals Inc. to evaluate the best approach for 205 Bedford Highway within the as-of-right, five-storey height limit. In this light, Pathos Properties Inc. applied to HRM and was approved for a development permit for a five-storey, 32 one-bedroom, multiple-family residential building development. Over approximately the past 18 months, further research and application to CMHC under their Affordable Housing SEED Program highlighted **significant opportunity for a landmark, AFFORDABLE HOUSING,** accessible (barrier-free) development with a diverse tenant base for 205 Bedford Highway and ground floor commercial retail.

The property is highly visible as you approach from Halifax along the Bedford Highway and down Flamingo Drive. Additionally, 205 Bedford Highway is immediately surrounded by (adjacent to) two mixed-use properties (i.e. Asian Grocery and the former Rockingham Community Centre) that lend themselves well to a moderately tall and dense mixed-use, multiple residential building. A redevelopment of this property would also not block any existing residential views. The location of 205 Bedford Highway within the neighbourhood is ideal for an affordable housing, barrier-free and diverse tenant based multiple-family residential development of high architectural quality to replace the 50+ year old existing building. 205 Bedford Highway is located across from the intersection of the Bedford Highway/Flamingo Street near an important focal point in the streetscape.

Site Description and Context

The subject property is located at 205 Bedford Highway in Halifax. The site is 15,402 square feet in size with 250 feet of street frontage and backs onto CN Rail marshalling yards. It is currently developed with a 13-unit apartment building that is at the end of its life cycle, consisting of a two-storey building that was added to an old home in the 1960's. There are no commercial uses and parking covers all areas of the lot not used for the building. The site is flanked on each side by older commercial buildings, while across the street is a Tim Hortons with a drive-through. The broader area consists of a mix of older commercial buildings of one or two floors, with several small, four-storey residential or mixed-use buildings. Buildings are normally set back with paved parking in front. To the west and at much higher elevations up the hill, along and radiating from Flamingo Drive, are low-density neighbourhoods.

The Proposal

The developer is proposing a building of eight stories with penthouses that would include 55 housing units and ground floor commercial space. There is a mix of unit types and, most importantly, the project will provide:

- ✓ 55 total residential units, with 85,086 gross square feet (GSF) within a lot size of 15,402 square feet;
- ✓ 18 AFF0RDABLE HOUSING units at 30% below market rent. This represents 32.7% of the total units;
- ✓ 11 BARRIER FREE UNITS. This represents 20% of the total units;
- ✓ 2,070 square feet of ground floor commercial;
- ✓ 54% lot coverage;
- ✓ Estimated $12,000,000 high-quality, mixed-use building;
- ✓ Total public amenity is estimated at $1,252,800;
- ✓ Underground parking with significant access to multiple nearby public transit stops;
- ✓ 12 one-bedroom units averaging in sizes of 505 – 693 square feet;
- ✓ 14 one-bedroom + den units averaging in sizes of 777 – 793 square feet;
- ✓ 28 two-bedroom units averaging in sizes of 834 – 1,139 square feet;
- ✓ One three-bedroom unit at 1,754 square feet;
- ✓ Average unit size is 896 square feet;
- ✓ 15,806 square feet of total open space;
- ✓ 54 total parking spaces, two exterior (above ground) with four physically challenged spaces;
- ✓ Total gross buildable area is 85,086 sq. ft. (includes parking) and total gross buildable area for residential is 63,492 sq. ft.; and
- ✓ GFAR of 5.52

The percentage of affordable and barrier-free residential housing units as a component to the mixed-use, multi-family apartment building is unprecedented for a private-sector development in HRM.

The Architectural Design Package for ***Rockwinds on the Basin*** has been prepared by Paul Skerry Associates Ltd. in collaboration with KWRA and SDMM. The ground floor would feature a 2,070ft² boutique commercial component (hair salon and spa) with entrances onto Bedford Highway, maintaining and enhancing the pedestrian scale and feel of the portion of Bedford Highway where ***Rockwinds on the Basin*** is located.

The pedestrian entrance to the residential portion of the building also faces Bedford Highway. The intention is to provide living units for a wide cross-section of society within the proposed building. The location of ***Rockwinds on the Basin*** along the Bedford Highway enables a greater number of residents to utilize the public and active transit corridors within close proximity to the subject property, reducing reliance on private vehicle use.

Given the size of the subject property (0.35 acres), the proposed building has been designed in a manner that allows for a slender built-form and takes advantage of the location along Bedford Basin. All the residential units within ***Rockwinds on the Basin*** would feature private balcony areas. The top level in the building would feature three penthouse units with views of Bedford Basin. The colours selected for the building are intended to provide a welcoming entrance and aesthetic to both residents and patrons of the hair salon. Using a light, cream colour material enhances the pedestrian streetscape, while the graphite overhang to the separate residential entrance creates a unique feel to the building. The red brick tone on floors two through five contributes to the human-scale feel of ***Rockwinds on the Basin***, while the two-tones of grey break up the building to the human eye.

The proposed development would ensure a harmonious transition between the established residential neighbourhood extending up Flamingo Drive and the commercial uses located along Bedford Highway. The proposed development would have little to no impact on the views of Bedford Basin for residents currently living along Flamingo Drive or throughout Rockingham. The project's location within a designated transit-oriented development node, located in close proximity to an intended commuter rail station, clearly justifies additional density.

Public Benefits and Amenities

The 18 affordable dwelling units, representing approximately one-third of total proposed units, would have market rents 30% below market value and provide a long-term public amenity of **$1,252,800 through affordable housing rental discounts over a 15 year period.**

Attached as Appendix B is an independent ***Market Rent Analysis*** prepared by Ingram Varner and Associates, dated November 15, 2018. As per the request of HRM Planning & Development, an independent appraisal by a qualified professional/firm completed an investigation and analysis of the market rents for the proposed development (***Rockwinds on the Basin***) and those comparable for new construction in the nearby and surrounding community. Pages 8 – 11 of the Ingram Market Rent Analysis report highlights building details for the proposed ***Rockwinds on the Basin***, comparable rental data with ten other apartment buildings, rental rent range from the comparables and projected rent schedule for the Rockwinds.

Requested Variances to Established Planning Regulations in Lieu of Public Benefits and Amenities

The following are the variances requested for the proposed development.

Angle Controls: Overall minor angle control variations requested. Please see attached Appendix C, highlighting in yellow where angle controls do not meet LUB requirements. For further clarification, the following are percentages of angle control variations per direction. The angle control regulations could be met by going higher with building design, but we wish to avoid this option. Respectfully, angle controls were created to protect residential properties/buildings and the two neighboring commercial properties of Asian Grocery and Ghosn's Day Care are not residential.

East	7.1%	North	7.0%
South	2.7%	West	12.3%

Height: Eight stories (seven stories + three penthouses on 8th floor proposed). Height increase to 85' from as-of-right 50' requested. Elevations showing the increase in height above 50' are in Appendix D.

Density & Bonus Density: Does not meet 75ppa, but design fits site and GFAR ratio of 5.52 is a very reasonable. HRM servicing infrastructure can accommodate the proposed development.

Lowest Parking Level:	7,755 sq. ft.
Upper Parking Level:	13,839 sq. ft. (middle parking level is half level and included)
Level 1	8,401 sq. ft.
Level 2	8,650 sq. ft.
Level 3	8,650 sq. ft.
Level 4	8,650 sq. ft.
Level 5	8,650 sq. ft.
Level 6	7,771 sq. ft.
Level 7	7,771 sq. ft.
Penthouse	4,949 sq. ft.
Total Parking Garage:	21,594 sq. ft.
Total Residential Building Area:	63,492 sq. ft.
GFAR:	5.52 (85,086 sq. ft. / 15,402 sq. ft.)

Total Square Footage above 50' (Floors 6, 7 & 8)	
Foot Height Limit:	20,491 sq. ft.
Total Residential Square footage all floors:	63,492 sq. ft.
Percentage of Floor Area of Floors 6 – 8	
Compared to all floors	32.7% of residential floor space is above as-of-right 50'
Total Units:	55 units
Total Units as a % above 50' as-of-right	18 units (Bonus Density 55 x 32.7% = 17.9 units rounded to 18)

Landscaping and Open Space: 15,806 total square feet versus 23,600 square foot requirement. With every unit having a balcony, amenity space in the building and many residential units having Bedford Basin view, we believe open space amenities for ***Rockwinds on the Basin*** is very reasonable.

HRM Traffic & Transportation and CN Rail Comments

Our Professional Development Team, consisting of KWR Approvals Inc., JRL Traffic Consulting, SDMM (Servant Dunbrack) and Paul Skerry & Associates, reviewed HRM's compiled comments dated November 1, 2018, as well as CN Rail's written correspondence regarding the proposed redevelopment known as ***Rockwinds on the Basin***.

Attached as Appendix E is a November 15, 2018, supplemental letter from our architects, Paul Skerry & Associates. The letter outlines some perspective on transportation, traffic, pedestrian travel, architecture, climate change and the proximity of the ***Rockwinds on the Basin*** to CN Railway and Bedford Basin itself. The Rockwinds design took into account standards for storm surge along coastal bodies of water, such as Bedford Basin, with a focus on the underground parking garage. This concern has been addressed. In regards to CN Railway concerns with residential projects near their rail lines, the architectural design, building orientation, wind direction for fumes, noise filtering building materials and setbacks from rail lines all were created to GREATLY MITIGATE and/or eliminate any of the concerns outlined by CN Rail.

Bedford Highway is a major collector road that runs in a South-North direction from the Windsor Street exchange along the Western shore of Bedford Basin, providing a key connection point from downtown Halifax to points to the north including Rockingham, Clayton Park, Wentworth and Bedford. The width of Bedford Highway varies in sections and provides access to businesses, homes, apartments, restaurants, MSVU and many other land uses.

The PDT would also advise that, as the site is well serviced by existing bus routes and is located within a transit node as defined by the Integrated Mobility Plan in close proximity to a future commuter rail station, it is expected that traffic generation would be even lower given the availability of such transit service. The posted speed varies along the roadway. It is 50 kilometres per hour near the proposed development. There are concrete sidewalks on both sides of Bedford Highway in the study area.

The previously submitted TIS by our qualified traffic engineer examined the effect of shifting the vehicular access to 205 Bedford Highway from its current location, consisting of a shared driveway with 209 Bedford Highway, to the Southern portion of the property, approximately 20 metres from the current location. The TIS states: *"The addition of site-generated traffic at the Bedford Highway/Flamingo Drive intersection only has a minimal impact on this intersection with no increase to the overall Level of Service nor the maximum Volume to Capacity ratio in both the AM and PM peak periods."*

The second is the site-generated traffic, which is the number of vehicle trips generated through the use of a site. For the purpose of this specific TIS, the site-generated traffic was based on the number of apartment units being created and the equation for "ITE Land Use 220 Apartment" found in the Institute for Traffic Engineers Trip Generation Manual (9th Edition), as well as the equation for "ITE Land Use 918 Hair Salon". The TIS measures the estimated generated traffic at AM and PM peak hours – when the majority of residents are either leaving or arriving to the development.

The TIS estimated that during AM peak hours the residential component would generate a total of 22 vehicle trips (13 entering and nine exiting) and the commercial component would generate one vehicle trip (one entering). During PM peak hours the residential component would generate a total of 34 vehicle trips (12 entering and 21 exiting) and the commercial component would generate two vehicle trips (two exiting).

Ultimately the TIS concluded: *"We have not identified any potential significant impacts to the existing transportation network in the area as a result of this proposed development at 205 Bedford Highway with the new driveway located on the southern edge of the property."*

We appreciate and respect HRM's concerns and challenges with development along the Bedford Highway and issues raised for this proposed development at 205 Bedford Highway. Our traffic engineer remains of the opinion that a restricted left turn in and out is manageable and, for full movements, a shared driveway with the Asian Grocery parking lot is the ideal solution. These are all manageable, achievable approaches and can be confirmed at the development permit stage.

Affordable Housing Summary

The total residential floor area in floors six, seven and eight, which is above the 50 ft. as-of-right height limit, accounts for 20,491 square feet. This total square footage is 32.7% of the total residential floor area of 63,492 sq. ft. The bonus density consideration, therefore, requires 32.7% (18 of 55) of the total to have rents at a minimum of 30% below market rents for new construction.

In regards to these 18 affordable housing units, our client for the ***Rockwinds on the Basin*** would be providing the following:

Affordable Housing Unit Number	Number of Bedrooms	Unit Type	Floor Number	Market Rent as per Appraisal Analysis (per month)	Affordable Housing Market Rent (30% less per month)	Rent Reduction in Dollars (per month)
1	2 Bedroom	A	1st	$1,600	$1,120	$480
2	1 + Den	B	1st	$1,400	$ 980	$420
3	1 + Den	B	1st	$1,400	$ 980	$420
4	2 Bedroom	C	1st	$1,600	$1,120	$480
5	1 + Den	B1	2nd	$1,400	$ 980	$420
6	1 + Den	B2	2nd	$1,400	$ 980	$420
7	1 Bedroom	E	2nd	$1,200	$ 840	$360
8	1 Bedroom	E	2nd	$1,200	$ 840	$360
9	1 Bedroom	B1	3rd	$1,200	$ 840	$360
10	1 Bedroom	B2	3rd	$1,200	$ 840	$360
11	1 Bedroom	E	4th	$1,200	$ 840	$360
12	1 Bedroom	E	4th	$1,200	$ 840	$360
13	1 Bedroom	E	5th	$1,200	$ 840	$360
14	1 Bedroom	E	5th	$1,200	$ 840	$360
15	1 Bedroom	E1	6th	$1,200	$ 840	$360
16	1 Bedroom	E2	6th	$1,200	$ 840	$360
17	1 Bedroom	E1	7th	$1,200	$ 840	$360
18	1 Bedroom	E2	7th	$1,200	$ 840	$360

- ✓ The affordable savings for the 18 units is $83,520 per year or $1,252,800 for a 15-year period.

'The Rockwinds on the Basin' as a TREND-Setter for Neighbourhood Revitalization

The neighbourhood **is in need** of an urban renewal project to spark revitalization of architecture design and redevelopment interest. Like most neighbourhoods and communities in HRM, it often takes '**one' dynamic project** located in a strategic focal point to create this spark.

We are confident that '***The Rockwinds on the Basin***' is the spark to create an urban renewal for the area for the following reasons and is consistent with the intent of the Regional Plan for great architecture, urban renewal, increased density on main transportation corridors, diversity in socio-economic residential base and inclusion of affordable housing/accessibility for physically challenged:

1. ***Strategic Location***. 205 Bedford Highway, across from the intersection of Bedford Highway/Flamingo Drive and adjacent to the Asian Grocery and former Rockingham Community Centre, is a well-known and recognizable location for the neighbourhood and general community. Further, it is at a focal point in the streetscape that, with well designed and high-quality architecture, can add to the visual quality of this neighbourhood for both local, community and regional residents/pedestrians/motorists who travel by this site on a daily basis.

2. ***Public Transit***. 205 Bedford Highway has immediate and close access to six transit buses that travel along the Bedford Highway including Mount Saint Vincent University, up Flamingo Drive and into Clayton Park, Larry Uteck and Bedford/Sackville and downtown Halifax. Such access to a public transportation hub is IDEAL for affordable housing, accessible units, students and retirees who will be part of the diversity of tenants at ***The Rockwinds***. Such proximity of public transit and flexibility in transit stops to commercial, professional, community and medical amenities is a major advantage and opportunity to reduce the need for vehicles/parking at 205 Bedford Highway. In addition, the recently approved Integrated Mobility Plan places the site within the future commuter rail node for Rockingham and seeks to encourage transit-oriented development with such nodes – and this necessitates higher densities. The IMP states that planning processes should take into account its recommendations – which support this application.

3. ***Mount Saint Vincent University***. This well-known and respected university is less than five minutes from 205 Bedford Highway by public transit. The Rockwinds at 205 Bedford Highway, with its location to commercial/professional amenities and along a public transit corridor that goes directly to the entrance of the university, is ideal to attract university students looking for affordable rents in a high-quality residence in close proximity to Mount Saint Vincent. ***The Rockwinds*** offers this.

4. ***Affordable Housing and Accessible Units***. ***The Rockwinds*** will have an UNPRECEDENTED 32.7% of its total units to be affordable at 30% below comparable market rents for new construction. This provides $1,252,800 in public amenity over a 15-year period. The location next to amenities and public transit, along with affordable rents, offers the unique opportunity to provide such a substantial affordable housing total in a suburban location with other diversity of socio-economic residents. 20% of the units (11) are barrier free accessible units.

5. ***Architecture that Creates Urban Renewal***. ***The Rockwinds*** at 205 Bedford Highway is a $12,000,000 designed, multiple-residential building with ground floor commercial to enhance the local, community and regional pedestrian, transit and vehicular residents' experiences driving to and from this area. The architecture, design, colours and approach is meant to create a strong, positive experience for residents, neighbours, community and passersby alike.

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September 4, 2019

Halifax Planning and Development

Re: Noise Attenuation Mitigation Review for Impacts of CN Railway on proposed 'Rockwinds on the Basin' Multi-Residential/Commercial Building, 205 Bedford Highway, Rockingham, HRM, Nova Scotia - Case 145699

To whom it may concern,

We are aware of CN's concern over the proposed development at 205 Bedford Highway for its proximity to the rail lines in terms of noise, safety and odours. As a design team we take these issues seriously, and plan all developments to migrate or limit potential impacts from adjacent land uses. Currently an old two-storey wood multi-unit building with thirteen suites occupies the site. The landlord has had little problems obtaining long-term tenants in this building built approximately 60 years ago with little regard to the impact from trains. The new proposal is not much closer to the train tracks as the existing building. We are confident with today's technology of sound absorbing wall assemblies along with the site's orientation and topography, a tenant in this future building will have minimal concern over the railway's proximity.

In terms of safety, 205 Bedford Highway's topography is advantageous in which the first floor is approximately twenty-two feet above the rail lines. This height difference makes sure no pedestrian access to the rail lines from the site. The topography also helps create an added sound barrier from trains passing by.

In terms of noise, we realize a noise decibel level over 85 can be harmful to humans. We've looked into recent studies measuring decibel levels from certain distances away. In our instance, no suite is planned to be closer than 12 meters horizontally from the closest track, while we also have benefit of natural grade proving vertical distance. In our opinion, the noise level will be in the high 60's to low 70's, depending on type of train and which track is used. For comparison, a loud voice is between 60-70 dBA. No vehicle/train crossings exist for a long distance from this site, meaning trains will likely not be blowing their horns. A number of our other projects border a busy expressway. In these cases we designed the buildings to be air tight with compression seal windows/doors and sound absorbing insulation. We have received plenty of compliments from residents on how they can see the highway, but not hear it when their windows and doors are closed. We are proposing following this strategy for the "Rockwinds on the Basin".

Building orientation and site location play a key role in diverting fumes and odours. The railway is located northeast of this site. Wind direction in the summer tend to blow from the south/southwest, causing the odours to travel out toward the Bedford

Basin instead of an open window. In winter the wind tends to blow in the opposite direction, but windows tend to be closed during this time of the year.

Residential locations such as 205 Bedford Highway next to railway lines are common in HRM and in other Canadian cities. Railway lines are often found along the waterfronts and major transportation routes in Canadian cities such as Halifax, providing residents the opportunity to live in the downtowns and peninsulas, with magnificent views (often of water) and close to major public transit. We counted seven approved projects along Bedford highway that also do not comply with CN's policy.

We strive to create a safe and optimal atmosphere for all building users to compete with other new and exciting projects in the Halifax area.

Regards,

Paul Skerry & Greg Johnston
Architect

Attachment F:
Railway Setbacks – Jurisdictional Scan

To understand what approach might be appropriate, staff reviewed how other jurisdictions consider development near rail yards and lines.

Approaches to Railway Setbacks in Other Jurisdictions

Based on FCM/ RAC Guidelines	Risk-based screening for sensitive uses	Minimum standards in By-laws	Minimum standards for greenfield sites
Montreal, QC	Calgary, AB	Toronto, ON	Regina, SK
Sarnia, ON		Moncton, NB	Winnipeg, MB
		Waterloo, ON	Saskatoon, SK
			Saint John, NB
			Ottawa, ON
			London, ON

There is a range of standards. On one end, towns like Amherst and Truro do not have any standards specific to development near railways. On the other end, Sarnia, Ontario and Montreal, Quebec both have standards heavily influenced by the Guidelines. For example, both restrict new residential development within 300 metres of rail yards and require a host of studies and mitigation measures for development near rail. More common is creating minimum standards (usually setbacks) within a Land Use By-law. Moncton, New Brunswick restricts new buildings within 30 metres of a rail right-of-way, and Waterloo, Ontario limits new residential within 75 metres of a rail right-of-way unless applicants address noise and safety concerns. The most common response is to provide minimum standards that apply primarily to greenfield sites (new development outside built-up areas). While Winnipeg, Manitoba takes this approach it also discourages planning amendments that permit new or expanded residential uses near rail lines; Winnipeg did not remove existing development rights but does not grant more development rights.

Staff do not have expertise in railway operations or railway safety. For this reason, staff have relied on the Guidelines and a review of other jurisdictions. While the Guidelines are not binding, they are the best guidance available to staff and Council. The intent of the Guidelines is to increase safety and reduce nuisance near rail operations. Staff suggest judgement is needed to apply the Guidelines in different contexts. Recommended setbacks are not always feasible, especially in built-up areas. Depending on the situation, smaller setbacks can be appropriate. Building construction and design can mitigate against nuisance and safety concerns. The goal is not to halt all development, but to consider and apply the Guidelines in a way that reduces nuisance and safety concerns.

HALIFAX REGIONAL MUNICIPALITY
Public Information Meeting
Case 21730

The following does not represent a verbatim record of the proceedings of this meeting.

Monday, February 4, 2019, 7:00 p.m.
Rockingham United Church – 12 Flamingo Dr., Halifax, NS

STAFF IN ATTENDANCE:	Sean Gillis, Planner II, HRM Planning Miles Agar, Principal Planner, HRM Planning Jared Cavers, Planning Technician, HRM Planning Genevieve Hachey, Planning Controller, HRM Planning
ALSO IN ATTENDANCE:	Councillor, Walker, District 4 Nick Stappas, Landowner Kevin Riles, Consultant Greg Johnston, Architect with Paul Skerry and Associates Ltd.
PUBLIC IN ATTENDANCE:	Approximately 17

The meeting commenced at approximately 7:02 p.m.

Call to order, purpose of meeting – Sean Gillis

Case 21730: Application by KWR Approvals Inc., on behalf of Pathos Properties Inc., to amend the Halifax Municipal Planning Strategy and Halifax Mainland Land Use By-Law to enable an 8-storey residential/ commercial development, including affordable housing units, at 205 Bedford Highway, Halifax.

Sean Gillis introduced himself as the Planner and facilitator for the application. He introduced: Councillor Walker; Miles Agar – Principal Planner; Genevieve Hachey – Planning Controller; Jared Cavers - Planning Technician; Nick Stappas – Landowner; Kevin Riles – Consultant; and Greg Johnston – Architect.

Sean Gillis explained the purpose of the Public Information Meeting (PIM) is: a) to identify that HRM has received a proposal for the site; b) to provide information on the project; c) to explain the planning policies and the stages of the planning process; d) an opportunity for staff to receive public feedback regarding the proposal. No decisions are made at this PIM.

1a. Presentation of Proposal – Sean Gillis
Sean provided a brief introduction to the application and then made a presentation to the public outlining the purpose of the meeting, status of the application and the applicant's request. He outlined the context of the subject lands and the relevant planning policies.

1b. Presentation by Kevin Riles, Consultant
Kevin Riles explained what they were looking to do on the site. He provided multiple slides showing what they were requesting.

1c. Presentation by Greg Johnston, Architect
Greg Johnston presented the design of the building, the site and explained some of the features that the building and site would have.

1d. Presentation by Nick Stappas
Nick Stappas spoke about the reasons behind the design and building height and the family history with this property.

2. Questions and Comments

Ian Stewart - would like to know if this building gets approval if that would increase the likelihood of other

developers submitting proposals for buildings that are taller than what is currently allowed.

Sean Gillis – replied that this is a site specific application, any other application would have to be looked at on its own. There is also currently a review of the Bedford Highway corridor that may change restrictions and allowances for any future applications.

Renee Field – Their main concern is that this is being presented as a potential catalyst for more development. This area already has an issue with traffic.

Sean Gillis – This application will not automatically trigger other applications. He mentioned that there is focus with staff and Council direction to look at sites for yielding higher density. We do not want to see a "tunnel" of construction.

Colleen Ivimey – Voiced concern about higher density, the inability to widen the Bedford Highway and development and infilling on the harbour side to allow construction on the harbour side with the possible future of light rail and the current tracks that are here.

Sean Gillis – Replied that there is focus on active transportation, public transit and there is a large study that will address these issues. Traffic issues will be looked at however these units will not add a significant amount of traffic. HRM is not included in any decisions made on whether to allow infilling or not. CN has submitted feedback indicating they are not supportive of this development, they have concerns about noise and exhaust; they have a 300 meter proposed buffer from any residential development, staff and council do not have to agree with this buffer.

Jess Bennett - Has concerns about the fumes, the flooding, the possibility of this area being built up too much, the undermining of tracks due to vibrations during construction and the blocking of views. They were happy about the affordable housing aspect of the project.

Kevin Riles – They do not believe this will be a catalyst for more projects, as-of-right they are currently allowed to build 5 storeys high and there are no planned projects in that area. The minimum size lot for this type of construction is 15000 square feet, many of the properties on the Bedford Highway do not have this much space and therefore would not be allowed to build this big.

Greg Johnston– CN has concerns about this development, our response is that the orientation of the building is so that the summer winds will blow fumes away and in the winter where the winds may come towards the building, people would have their windows closed. The main floor level is at 30 feet geodetic and the rail lines are at about 13 feet geodetic, you will still be able to hear the trains however the building is quite a bit higher than the rails. CN has a concern with anything within 300 meters, this is a long distance and not a possibility in this area.

Renee Field - What will be built if this does not pass?

Nick Stappas– We do not know at this point.

Renee Field – Would like to know about parking for tenants and commercial customers.

Nick Stappas – We would have 54 total underground parking, there will be between 14 to 16 underground parking spots for the commercial spaces as well as 2 ground level spots.

Member of the public – The applicants did a traffic analysis, did HRM also do one? This needs to be addressed, it is very hard to turn off Flamingo and from other businesses on the Bedford Highway.

Sean Gillis – replied that the traffic impact study is prepared by engineers at the applicant's request, HRM then have engineering staff review that study. The main concern on this site will be how the driveway will line up on the Bedford Highway. It is possible that there could be no left turns allowed coming out of the driveway. This project will not look at the Bedford Highway, that is too big of a scope for this project. The Bedford Highway corridor is being looked at in a separate, much larger study that is currently underway.

Miles Agar – Spoke further about the project that is underway that looks at the traffic on the Bedford Highway, the Integrated Mobility Plan identified the Bedford Highway as an area within HRM that is to be

looked at. The Strategic Transportation Planning group within HRM will be looking at traffic issues in this area. There is no set date for when this study will be completed.

Member of the Public – Would like to know if the affordable housing units will be available to students.

Nick Stappas replied that they will be available to everyone.

Member of the Public – would someone else applying for a building permit here have to include an affordable housing component?

Sean Gillis replied that staff is mandating that for a building to go to 8 storeys it must have an affordable housing component, if someone else were to come build here in the future that would also be the case. That requirement would go with the site, not the developers.

Len Sweett – is the developer contractually obligated to have the affordable housing? There was a project downtown where this was the case and the developer didn't get everything he wanted and most of the affordable housing disappeared.

Sean Gillis replied that the goal is to mandate that the affordable housing be part of this, the tool that would be used is called "density bonusing". This could be done through a Development Agreement.

Miles Agar added that yes, they would be contractually obligated. It would be a contract required by law.

Kevin Riles added that there are mechanisms within the 3 levels of government that can make sure that these units are affordable like they are supposed to be.

Carla – voiced that they thought the building was beautiful and would like to know what would be the proposed start date of construction.

Sean Gillis replied that they are several months away from being able to have a decision on this project.

Nick Stappas replied that this has been on their minds for over 7 years, they are very open in talking to their tenants and letting them know when construction could happen. If we were to get approval in the next few months we would offer to house the current tenants of this building in other buildings that family members own. They expect construction would take approximately 18 months.

Renee Field – will the 11 barrier free units be on top of the affordable units?

Nick Stappas replied that the 11 barrier free units are part of the affordable units, 11 of the 55 units would be barrier free, also known as wheelchair accessible. These units will conform to everything required by HRM to be considered accessible units.

Sean Gillis added that these units, like the affordable units would be contractually required.

3. Closing Comments

Sean explained what the next steps were and thanked everyone for coming and giving their comments.

4. Adjournment

The meeting adjourned at approximately 8:17 p.m.

Attachment 3

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OFFICE OF THE MUNICIPAL CLERK

For Halifax and West Community Council Consideration on December 3, 2019
Case 21730: Request to amend the Halifax Municipal Planning Strategy and Land Use By-law for 205 Bedford Highway, Halifax

Item 4	Recommendation Report	

Community Council Action Required: On November 13th, 2019, Halifax and West Community Council (HWCC) considered a staff report on Case 21730, a proposal to build an eight-storey building at 205 Bedford Highway, Halifax. The staff report HWCC considered on November 13th is provided as an attachment to this memorandum.

On November 13th HWCC passed the following motion:

> **13.1.3 Case 21730: Request to amend the Halifax Municipal Planning Strategy and Land Use By-law for 205 Bedford Highway, Halifax**
>
> MOVED by Councillor Walker, seconded by Councillor Cleary
>
> THAT Halifax and West Community Council recommend that Regional Council:
> 1. Give First Reading to consider amendments to the Halifax MPS and the Halifax Mainland LUB, to permit an eight-storey mixed-use building at 205 Bedford Highway, by development agreement, subject to a minimum of 18 units of affordable housing dwelling units being provided via incentive or bonus zoning, as set out in Attachments A and B of this report, remove sections 2.3.6.3. and 2.3.6.4 (e), (f) and (g) from Attachment A, and schedule a public hearing.
>
> MOTION PUT AND PASSED.

When considering amendments to Municipal Planning Strategies, Community Councils also provide Regional Council with a recommendation on whether to adopt the proposed Municipal Planning Strategy amendments following a public hearing. It has come to the attention of staff that HWCC did not provide this second recommendation on November 13th.

In addition, it has come to the attention of staff that HWCC's November 13th motion recommended removing sections 2.3.6.3 and 2.3.6.4 (e), (f) and (g) from Attachment A, but not section 2.3.6.4 (l)(iii). Given these sections relate to railway mitigation (except for section 2.3.6.4 (e)), HWCC should also consider removing section 2.3.6.4(l)(iii) from Attachment A.

The following amended motion and additional motion are provided below for HWCC's consideration (new text in bold):

Motion: That Halifax and West Community Council recommend that Regional Council:
1. Give First Reading to consider amendments to the Halifax MPS and the Halifax Mainland LUB, to permit an eight-storey mixed-use building at 205 Bedford Highway, by development agreement, subject to a minimum of 18 units of affordable housing dwelling units being provided via incentive or bonus zoning, as set out in Attachments A and B of this report, remove sections 2.3.6.3. and 2.3.6.4 (e), (f), (g) **and (l) (iii)** from Attachment A, and schedule a public hearing. **and**
2. Adopt the proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Mainland Land Use By-law, as set out in Attachment A (as amended by motion of Halifax and West Community Council) and Attachment B of the staff report dated October 25, 2019.