

HALIFAX

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

Item No. 11.1.6
Halifax Regional Council
December 15, 2020

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY:

Original Signed by 

Jacques Dubé, Chief Administrative Officer

DATE: November 9, 2020

SUBJECT: **Case 22816: Municipal Planning Strategy and Land Use By-law
Amendments for Westerwald Street, Halifax**

ORIGIN

Application by WM Fares Group requesting amendments to the Municipal Planning Strategy for Halifax and the Land Use By-law for Halifax Mainland to permit a six-storey multi-unit building on Westerwald Street in Halifax.

LEGISLATIVE AUTHORITY

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

RECOMMENDATION

It is recommended that Regional Council direct the Chief Administrative Officer to:

1. Initiate a review to consider amendments to the Municipal Planning Strategy for Halifax and the Land Use By-law for Halifax Mainland to permit new development on Westerwald Street, within a study area described in this report. The review will consider allowing townhouses, stacked townhouses and multi-unit buildings through the existing C-2C, R-4A and the R-2TA Zones; and
2. Follow the public participation program as outlined in the Community Engagement section of this report.

BACKGROUND

The applicant is proposing a 6-storey multi-unit residential building with 90 units on Westerdale Street in Halifax. Since the proposal cannot be considered under existing MPS policies, the applicant is seeking amendments to the Halifax Municipal Planning Strategy (MPS) and the Land Use By-law (LUB) for Halifax Mainland. The request is to redesignate and rezone the subject properties to the C-2C (Dutch Village Road Mixed Use) Zone to enable the applicant's proposal. The applicant is also requesting that Halifax and West Community Council discharge the development agreement that applies to 3343 Westerdale Street.

Subject Properties	3325, 3331, 3343 Westerdale Street
Location	Fairview, Halifax
Regional Plan Designation	Urban Settlement
Community Plan Designation (Map 1)	Medium Density Residential (MDR)
Zoning (Map 2)	R-2AM and R-2P
Size of Site	3130 square metres (33,695 square feet)
Street Frontage	60 metres
Current Land Uses	Low-rise, 24-unit building, parking and a single-unit dwelling
Surrounding Uses	North: 6-storey mixed-use (residential/commercial) building East: Two-unit and small multi-unit buildings South: Low-rise multi-unit building and single-unit dwelling West: Single-unit dwellings and a low-rise multi-unit building

Proposal Details

The proposal is for a 6-storey, multi-unit building. As proposed, the building would meet the C-2C Zone standards, including setback requirements and streetwall height. The main aspects of the proposal are:

- 90 dwelling units;
- A 3-storey section facing Westerdale Street;
- A 6-storey section facing Joseph Howe Drive;
- A main entrance facing Westerdale Street;
- Ground floor units with entrances opening onto the adjacent sidewalk;
- A driveway off Westerdale Street, shared with the 6-storey mixed-use building next door; and
- Underground parking.

The applicant's concept plan is outlined in Attachment B.

Regional Plan Context

The Regional Plan places the subject properties in the West End Mall Regional District Growth Centre, which is centred on the Halifax Shopping Centre. Such growth centres are of regional importance because they are large, have significant redevelopment opportunities and are located near major transit hubs. The Regional Plan proposes that commercial properties at the core of the Growth Centre should redevelop at a high density with a broad mix of uses. Low or medium density residential uses are more appropriate in established residential neighbourhoods like the subject properties. The aim is to create an attractive, walkable urban environment where residents are likely to choose active transportation or transit.

MPS and LUB Context

Under the Halifax MPS, this area is part of the Fairview Area Secondary Plan. The City of Halifax adopted this Secondary Plan in 1985. The subject properties are designated Medium-Density Residential (MDR) – see Map 1. The objective for the Medium-Density Residential designation is defined in Policy 1.3 as maintaining the low-rise character of the area. Policy 1.3.1 directs that the Municipality shall allow up to four units per building in most Medium-Density Residential areas.

The R-2P (General Residential) Zone is applied to the southern portion of the subject properties (Map 2) and allows single-unit dwellings, duplexes and 3-to-4-unit residential buildings. Maximum height is 35 feet

(10.7 metres). Minimum lot sizes are between 4,000 and 6,000 square feet (372 to 557 square metres). The R-2AM (General Residential Conversion) Zone is applied to the northern portion of the subject properties (Map 2) and allows multi-unit buildings up to 14 units. The minimum lot area required for new multi-unit residential buildings in this zone is 7500 square feet (2286 square metres). At the time the Secondary Plan was adopted, existing buildings with more than 4 residential units were given the R-2AM Zone to reflect their use.

Minimum standards for new multi-unit residential buildings in each zone are shown in the following table:

	R-2P (General Residential)	R-2AM (General Residential Conversion)
Front Yard	15 feet	15 feet
Side Yard	6 feet	12 feet
Rear Yard	20 feet	20 feet
Lot Frontage	60 feet	75 feet
Building Height	35 feet	35 feet

Plan Dutch Village Road

The applicant is requesting that Council amend the MPS and the LUB so the subject properties are designated Commercial and zoned C-2C (Dutch Village Road Mixed Use). The C-2C Zone was created in 2016 through a planning process called Plan Dutch Village Road. The intent of the C-2C Zone is to permit a mix of commercial and residential uses to serve the needs of the Fairview area. These uses are permitted as-of-right (without a planning process such as a development agreement) for buildings up to mid-rise height. High-rise buildings are allowed on some sites, by development agreement. On some sites, the Commercial Designation permits mid-rise, multi-unit residential buildings on properties where low-rise buildings were previously permitted.

Through the Plan Dutch Village Road process, the decision was made to focus redevelopment and commercial uses on Dutch Village Road (Fairview's main street) and on Joseph Howe Drive. These are major streets, which already have commercial and mixed-use developments. Major objectives of the Plan Dutch Village Road policies are:

- Generate a more defined commercial node;
- Ensure new development transitions appropriately to low density residential neighbourhoods within the Dutch Village Road study area;
- Create new buildings that are better integrated with the neighbourhood; and
- Require site design that creates livable and walkable communities.

Plan Dutch Village Road created the Dutch Village Road Residential designation for Percy Street, Deal Street and Andrew Street. Mid-rise buildings are permitted on Andrew Street and on the southern section of Percy Street, near Dutch Village Road, through the R-4A (Dutch Village Road Multi Unit) Zone. Low-rise buildings are allowed elsewhere on Percy and Deal Streets through the R-2TA (Dutch Village Road Townhouse) Zone. This creates a transition from mid-rise buildings near Dutch Village Road to low-rise buildings on side streets.

DISCUSSION

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

Applicant Rationale

The applicant has provided the following rationale in support of the proposed amendments:

- This is an urban site near jobs, services, schools and good public transit;
- Next door properties are multi-unit residential buildings, one of which was developed through a site-specific amendment process; and
- The requested designation and zone result in good built form and were approved through the recent Plan Dutch Village Road project and public consultation.

Attachment A contains the applicant's application letter.

Review

Staff have reviewed the local circumstances and existing MPS policy. Staff have also compared the proposal against the policies of the Regional Plan and the Integrated Mobility Plan. Staff advise there is merit in considering MPS amendments to increase the permitted density. Instead of a site-specific amendment, staff recommend a study area that includes the subject properties (Map 3). The study area includes all properties on Westerdale Street, plus 2 and 4 Melrose Avenue.

Staff recommends that this review consider a range of options, including zoning for townhouses, stacked townhouses and mid-rise multi-unit buildings. This review would consider MPS and LUB amendments to apply the following zones near Westerdale Street: R-2TA, R-4A and C-2C.

Staff's reasons for recommending this approach include:

- The Dutch Village Road area has many services and Westerdale Street is less than a 10-minute walk to Burton Ettinger Elementary School. A mix of local transit routes and frequent corridor routes are nearby. HRM has approved a functional design for a new sidewalk on the west side of Dutch Village Road, which will dramatically improve the safety and comfort of pedestrians. The Rapid Transit Strategy¹ proposes a bus rapid transit (BRT) station near the Bayers Road Centre. Westerdale Street is within 800 metres of this station (a ten-minute walk). Bus rapid transit is frequent and reliable transit service that provides faster and more reliable trips than conventional bus routes. The Dutch Village Road neighbourhood is walkable, has many services and is near frequent transit and proposed rapid transit: this is a good location to consider more density.
- Considering both low-rise and mid-rise buildings will help ensure that new development transitions to lower density housing. HRM has required appropriate transitions between building types through recent MPS amendments and through the Centre Plan process.
- Plan Dutch Village Road did not undertake a thorough review of properties near Westerdale Street. Its major goals were to define the commercial node and to permit appropriate development through a predictable process. Reviewing the zoning for all properties near Westerdale Street will provide a more comprehensive, up-to-date review than considering just the subject property.
- Under the applicant's proposal, the existing multi-unit residential building and a house would be demolished. There are some environmental costs to demolition, though new construction requires efficient design that reduces energy consumption. Also, older buildings usually have reasonably priced rental units. While redevelopment can increase the housing supply, Council should be careful to consider or reduce the number of units that are lost, since newer units usually have higher rents than older units.

¹ Halifax Regional Municipality. 2020. [Rapid Transit Strategy](#).

- Plan Dutch Village Road already enables a high level of redevelopment near Joseph Howe Drive and Dutch Village Road. There are several new buildings, some buildings under construction and other buildings planned. Change is happening quickly in this part of Fairview; considering a mix of zones and density levels in the study area could increase housing and density while balancing the pace and scale of neighbourhood change.
- The Regional Centre Land Use By-law (Package A of Centre Plan) has zoned properties on the east side of Joseph Howe Drive, between Bayers Road and Highway 102, as Higher Order Residential 1 (HR-1) Zone. This zoning allows multi-unit buildings up to 14 metres (four storeys) in height. These properties are across the street from the study area. Considering new zoning for the study area will help ensure consistency with the Plan Dutch Village Road policy and new zones applied under the Centre Plan.

Conclusion

Staff have reviewed the proposed MPS and LUB amendment requests and advise that there is merit to considering amendments to increase the permitted density in a study area near Westerdale Street. Dutch Village Road is a good place to consider density and a study area approach will allow staff and Council to consider the best options for the whole street.

Considering new MPS policy and zoning for the study area will allow new regulations to be explored that consider the abutting Plan Dutch Village Road zoning and the Higher Order Residential zoning on the opposite side of Joseph Howe Drive, which was applied as part of the Centre Plan Package A process. Therefore, staff recommend that Regional Council initiate the MPS amendment review process to consider allowing townhouses, stacked townhouses and multi-unit buildings in a study area near Westerdale Street, through the existing C-2C, R-4A or the R-2TA Zones.

COMMUNITY ENGAGEMENT

Should Regional Council initiate the MPS amendment process, the *HRM Charter* requires that Regional Council approve a public participation program. In February of 1997, Regional Council approved a public participation process for proposed local MPS amendments. These amendments usually require at least a public meeting to be held, plus other measures as necessary. The MPS also includes a section on community participation. This section's objective is to establish and maintain a means for effective communication with residents so they can participate in a meaningful way.

On September 1, 2020, Regional Council adopted amendments to Administrative Order Number 2020-009-ADM, the COVID-19 Administrative Order (AO). It requires that HRM adjust engagement practices to respect health and safety requirements for public gatherings. The amending AO provides the ability to adjust public engagement to include:

- virtual meetings;
- online portals;
- social media; and
- mail and telephone formats.

Whether meetings are held online or in person is determined in response to specific engagement needs and in alignment with permitted gathering sizes, public health protocols and Provincial directives.

If Council initiates the MPS amendment process, the proposed level of community engagement is consultation, achieved by:

- placing a sign on the subject property;
- sharing information via mail and the HRM website;

- sending a questionnaire or survey to stakeholders and nearby property owners early in the review process; and
- a drop-in style pop-up session, subject to all public health protocols in force and contingent upon public gatherings of the necessary size being permitted.

Regional Council must hold a public hearing before considering approval of any amendments. Staff recommends this approach meets the requirements of the *HRM Charter* and the COVID-19 AO for public participation and engagement practices.

Amendments to the Halifax MPS may impact the following stakeholders: residents, landowners, and businesses.

FINANCIAL IMPLICATIONS

There are no financial implications. The HRM costs associated with processing this planning application can be accommodated within the approved 2020-2021 operating budget for C320 Regional Policy Program.

RISK CONSIDERATION

There are no significant risks associated with the recommendations contained within this report. This process involves proposed MPS amendments. Such amendments are at the discretion of Regional Council and are not subject to appeal to the N.S. Utility and Review Board. Information concerning risks and other implications related to this process are contained within the Discussion section of this report.

ENVIRONMENTAL IMPLICATIONS

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

ALTERNATIVES

1. Regional Council may choose to initiate the consideration of a site-specific amendment to the Halifax MPS and the LUB for Halifax Mainland to change the zoning of the subject properties to C-2C.
2. Regional Council may choose not to initiate the MPS amendment process. A decision of Council not to initiate a process to consider amending the Halifax MPS is not appealable to the NS Utility and Review Board as per Section 262 of the *HRM Charter*.
3. Regional Council may defer consideration of the request for increased density on the subject properties to a future Planning Strategy review process. This may require a supplementary staff report.
4. Regional Council may initiate the consideration of a different set of amendments to the Halifax MPS. This could include changes to the size of the study area or changes to the zones under consideration. This may require a supplementary staff report.

ATTACHMENTS

Map 1: Generalized Future Land Use
Map 2: Zoning and Notification Area
Map 3: Proposed Study Area

Attachment A: Application Letter
Attachment B: Concept Plan




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: Sean Gillis, Planner II, 902.237.3424
Miles Agar, Principal Planner, 902.292.3436



Map 1 - Generalized Future Land Use

3325, 3331 & 3343 Westerwald St.,
Halifax

-  Subject Properties
-  Regional Centre Package A
-  Fairview Secondary Plan

Halifax Plan Area/Fairview Secondary Plan Area
Regional Centre Package A Plan Area

Halifax Plan Designations

RES Residential

Fairview Secondary Plan Designations

MDR Medium Density Residential

COM Commercial

Regional Centre Package A Designations

HR Higher-Order Residential

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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 and Notification

3325, 3331 & 3343 Westerwald St.,
Halifax

 Subject Properties

 Regional Centre Package A

Halifax Mainland, Halifax Peninsula
& Regional Centre Package A By-Law Area

Halifax Mainland Zones

- R-2 Two Family Dwelling
- R-2P General Residential
- R-2AM General Residential Conversion
- C-2C Dutch Village Road Mixed Use
- K Schedule K

Halifax Peninsula Zones

- R-1 Single Family Dwelling
- R-2 General Residential

Regional Centre Package A

- HR-1 Higher-Order Residential 1

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

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Map 3 - Proposed Study Area

3325, 3331 & 3343 Westerwald St.,
Halifax

■ Proposed Study Area

Halifax Plan Area/Fairview Secondary Plan Area
Regional Centre Package A Plan Area

Halifax Plan Designations

RES Residential

Fairview Secondary Plan Designations

MDR Medium Density Residential

COM Commercial

Regional Centre Package A Designations

HR Higher-Order Residential

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PROJECT BRIEF

3325 + 3331 + 3343 Westerwald Street
Halifax, NS

PROPOSED BY

WM FARES
ARCHITECTS

PURPOSE OF SUBMISSION

W M Fares Architects wishes to make an application for a site specific plan amendment to extend the mixed use designation and zone from the corner of Dutch Village Road, Joseph Howe Drive and Westerwald Street to encompass 3325, 3331 and 3343 Westerwald Street, and to discharge Development Agreement Case 18510 which governs a portion of the subject property.

EXISTING PLANNING DESIGNATIONS & ZONING

The subject property is a through lot spanning from Westerwald Street to Joseph Howe Drive. It has a medium density designation under the Fairview Secondary Planning Strategy. The zoning is R2AM and R-2P under the Mainland Land Use Bylaw. This property currently includes a 3-storey multiunit residential building (civic 3343), a single-family dwelling (civic 3331) and a semidetached (civic 3325 A&B). Civic 3343 is subject to a Development Agreement (Case 18510) which was completed in 2015 to allow a 6-storey mixed use building at 3400 Dutch Village Road.

SITE AND NEIGHBOURHOOD COMPATIBILITY

The subject site is 33,695 square feet with frontage on both Westerwald Street and Joseph Howe Drive. There is a 6-storey mixed use building to the North which was approved by a Site Specific Plan Amendment in 2015; a 3-storey residential building to the South; Chain of Lakes Trail and Joseph Howe Drive to the East; and Westerwald Street to the West. The site is in walking distance from personal and service shops, medical and employment centers, schools, parks and amenities, and is serviced by major bus routes.

PROJECT DESCRIPTION + DESIGN STRATEGIES

We are seeking a change to allow for a residential building by extending the boundary line of the new Dutch Village Road Plan to encompass the subject properties. As a result, redevelopment would be governed by the mixed-use designation, the C2C zone and Maps ZM28, ZM29, ZM31 and ZM32. We offer the following remarks in support of our request:

1. This is an urban site that is walking distance from many amenities, schools and employment centers, and is well serviced by public transit.
2. The abutting properties contain multiunit residential, one of which was developed through a site specific plan amendment process.

3. The requested mixed-use designation and C2C zone were recently adopted as part of Plan Dutch Village Road through a comprehensive public consultation process and provide good built form.

The enclosed site plan illustrates our assessment for the site which meets the zone requirements including use, building height/width/depth, setbacks, stepbacks, streetwall height, coverage, unit mix, parking, landscaping, buffering and amenity space

CONCLUSION:

Thank you for considering our application; we look forward to working with HRM staff, Council and the public on this exciting project.

Original Signed

Cesar Saleh, P.Eng.

WM Fares Architects

Attachment B: Concept Plan

