

TO: Mayor and Members of Halifax Regional Council

SUBMITTED BY:

Original Signed by 

Jacques Dubé, Chief Administrative Officer

DATE: December 18, 2020

SUBJECT: **Case 23285: Regional Municipal Planning Strategy and Land Use By-law amendments for 5853 College Street, Halifax**

ORIGIN

On November 24, 2020 the following motion of Regional Council was put and passed:

“THAT Halifax Regional Council:

- 1. Direct the Chief Administrative Officer to include an Investment Plan providing funding for the proposed affordable housing developments by the Mi'kmaq Friendship Centre, Adsum Women and Children and the North End Community Health Association, as further discussed in the staff report dated November 20, 2020 into the Rapid Housing Initiative Agreement with Canada Mortgage and Housing Corporation (“CMHC”); and*
- 2. Direct the Chief Administrative Officer to accept a request for site-specific amendments for 5853 College Street to consider amendments to the applicable secondary municipal planning strategies, including the Regional Municipal Planning Strategy (RMPS) and land-use by-laws (LUB), to allow the development of an emergency shelter, shared housing use and multiple unit residential building at 5853 College Street;”*

On December 1, 2020 the following motion of Regional Council was put and passed:

“THAT Halifax Regional Council direct the Chief Administrative Officer to follow the public participation program, as set out in the discussion section of the staff report dated November 25, 2020, for the consideration of amendments to the applicable municipal planning strategies, including the Regional Municipal Planning Strategy and land-use by-laws, to allow the development of an emergency shelter, shared housing use and multiple unit residential building at 5853 College Street, Halifax”

LEGISLATIVE AUTHORITY

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

RECOMMENDATION

It is recommended that Regional Council:

1. Give First Reading to consider the proposed amendments to the Regional Municipal Planning Strategy (RMPS) and Land Use By-law (LUB) for Halifax Peninsula, as set out in Attachments A and B, to allow the development of an emergency shelter, shared housing use, multiple unit residential use and community facility use at 5853 College Street, Halifax, and schedule a public hearing; and
2. Adopt the proposed amendments to the RMPS and the LUB for Halifax Peninsula, as set out in Attachments A and B.

BACKGROUND

On November 24, 2020, Regional Council initiated a process to consider amendments to the Regional Municipal Planning Strategy (RMPS) and Land Use By-law (LUB) for Halifax Peninsula to allow the development of an emergency shelter, shared housing use and multiple unit residential building by Mi'kmaq Native Friendship Centre at 5853 College Street, Halifax.

Subject Property	5853 College Street, Halifax
Location (Map 1)	The property is located northeast of the intersection of College Street and Carlton Street, Halifax
Regional Plan Designation	US (Urban Settlement)
Community Plan Designation (Map 1)	Medium Density Residential – Peninsula Centre Secondary Plan – Spring Garden Road Sub Area
Zoning (Map 2)	R-2 – Schedule A and B – Height Precinct 35 feet
Size of Property	525.8 square metres (5660 square feet)
Street Frontage	26.6 metres (87.3 feet) along College Street; and 19.3 metres (63.3 feet) along Carleton Street
Current Land Use(s)	Vacant Building – most recently, the property was briefly used as an emergency shelter and before this was used as federal halfway house. In 2019, a burst pipe caused substantial damage to the building rendering it uninhabitable.
Surrounding Use(s)	Land uses surrounding the property include: <ul style="list-style-type: none">• North: Heritage streetscape comprised of low-rise residential uses along Carlton Street. Further North along Spring Garden Road there are a mix of commercial and residential uses.• West: Low rise residential and office uses• East: 4 storey and 21 storey multiple unit dwellings• South: Dalhousie University Carlton Campus; further south Victoria General and IWK hospitals.

Surrounding Heritage Properties and Streetscape

The property abuts a heritage property to the north (1459 Carlton Street) which forms part of the Carlton Street Early Victorian Streetscape. The Carlton Early Victorian Streetscape is located on Carlton Street

between Spring Garden Road and College Street. The Streetscape is valued as an excellent example of a Victorian era residential street and is composed of 18 registered heritage properties. Carlton Street was originally part of the South Commons. Architecturally, the Carlton Victorian Streetscape is valued for its sense of unity in scale, materials, and detail. The houses and townhomes range between two and three storeys, which allows for the human element and a sense of community to flourish. All of the houses are of wood frame construction. There is a variety in the pitch and type of roof lines, placement of the buildings, and an array of dormers, windows, bays, decoration, porches, and verandas. Each house commands its own attention while complementing its abutting, opposite, or adjacent structure.

Proposal Details

The applicant proposes to demolish the existing building to develop a 3-storey residential building including:

- 7 residential units;
- 1 – 10-bedroom shared housing use (rooming house);
- 32 bed emergency shelter; and
- Community space to offer health, protection, employment, justice, youth support, and other social programming for residents and members of the Indigenous Community and accessory office space.

Existing Policy: MPS

The subject property is designated Medium-Density Residential under the Peninsula Centre Secondary Planning Strategy (SPS). The Medium-Density Residential designation generally considers a mix of low to medium density residential uses and does not include enabling policy to consider the proposed development (see Attachment C).

Existing Regulations: LUB

The subject property is zoned R-2 (General Residential) under the Halifax Peninsula Land Use By-law (LUB) which permits single-detached dwellings, semi-detached dwellings, and residential buildings with a maximum of 4 units. The maximum permitted height is 35 feet. Height is measured between the highest point of the building, exclusive of any non-habitable roof, and the mean grade of the finished ground adjoining the building (see Attachment D).

Regional Plan Context

The subject property is located in the Urban Settlement designation of the RMPS and the area is identified as the Regional Centre - Halifax Peninsula and Dartmouth (between Halifax Harbour and the Circumferential Highway). An objective of the RMPS is to focus residential growth within the Regional Centre.

Supporting affordable housing is also an objective of the RMPS. Section 3.6 Housing and Diversity speaks to the importance of supporting affordable housing through the development of policy and participating in programs with other levels of government that support affordable housing (see Attachment E).

HRM further acknowledges its role in supporting affordable housing initiatives through other region wide initiatives such as the Public Safety Strategy and Anti-Poverty Solution Strategy.

Housing and Homelessness Partnership

In October 2013, Regional Council endorsed HRM's formal participation in the Housing and Homelessness Partnership. The Partnership is made up of various levels of government and organizations with the goal "to end housing poverty and homelessness in the Halifax Region". In July 2018, Regional Council directed staff to proceed with the initiatives contained in the Affordable Housing Work Plan. The Work Plan outlines how the Municipality will support the commitment to the Affordable Housing Working Group's 5 Year Strategic Plan, which was endorsed by Regional Council in December 2016 and includes the target of 5,000 affordable units in HRM by 2022.

Rapid Housing Initiative

On October 26, 2020, the Federal Government launched a new Rapid Housing Initiative (RHI) that invests \$1 billion to create up to 3,000 new permanent, affordable housing units across the country. This is much needed funding that will help the Municipality to address urgent housing needs of people and populations who are vulnerable. HRM was selected through the Major Cities (Municipal) Stream of the Rapid Housing Initiative (RHI) to receive \$8,659,527 to create a minimum of 28 units of new permanent affordable housing.

On [November 17, 2020](#), Regional Council directed the Chief Administrative Officer (CAO) to enter into the RHI Agreement with Canada Mortgage and Housing Corporation (CMHC). On [November 24, 2020](#) Regional Council further directed the CAO to include an Investment Plan providing funding for 3 proposed affordable housing developments creating a total of 52 units, including the proposed development by the Mi'kmaq Friendship Centre at 5853 College Street. As part of the criteria of RHI, projects must be complete within 12 months and occupied by March 2022.

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 December 1, 2020. The level of community engagement was a region wide online survey and sharing information on HRM's website.

The online survey was open from December 9 to 23, 2020 and received 285 responses. Respondents were generally in support of the development of a midrise building and a mix of residential, local commercial and institutional uses. The need for affordable housing as well as the need to respect the historical significance of Carlton Street were common themes in respondent's comments. A summary of the public consultation is included in Attachment F.

DISCUSSION

The RMPS is a strategic policy document. It sets out the goals and direction for long term growth and development through HRM. The RMPS generally provides broad direction, that shapes community secondary plans and LUBs, but can include site specific policy where a development is of region wide significance. RMPS amendments are significant undertakings and Council is under no obligation to approve these requests. In this case, staff advise that the RMPS, and Halifax Peninsula LUB should be amended to enable the development of 17 units/rooms to provide deeply affordable units and utilize the federal RHI funding. The following sections discuss the proposed amendments and the relationship to the Centre Plan.

Proposed Amendment to RMPS and Halifax Peninsula LUB

Staff are proposing amendments to the RMPS and Halifax Peninsula LUB that allow for the proposed development, while respecting the heritage streetscape on Carleton Street. The amendments will allow the specific uses of a multiple unit dwelling, shared housing, an emergency shelter and community facility space, which will allow the proposed development by the Mi'kmaq Native Friendship Centre. The proposed provisions are intended to be broad to provide flexibility to allow the building design to celebrate the Mi'kmaq culture. However, to respect the heritage streetscape of Carleton Street, the LUB provisions require a pitched roof and a larger setback from the neighbouring property on Carleton Street. Further, specific building materials that do not reflect the historical nature of the streetscape are prohibited.

The proposed amendments further provide a transition between provisions of the Halifax Peninsula LUB and the Regional Centre LUB. The proposed uses continue to be residential in nature and the built form provisions allow for a building of a similar height as permitted under the current LUB provisions with street setbacks that reflect abutting zone provisions of each LUB.

Conclusion

While the proposed amendments are regional in nature, it is important to recognize that the proposed development will allow uses that are reflective of the most recent uses of the property and further permit uses that are consistent with the neighbourhood. The proposed amendment to the RMPS and Halifax Peninsula LUB will enable the development of 17 new deeply affordable housing/rooms and emergency shelter space and will provide the opportunity to access RHI funding both. This not only complies with RMPS Housing and Diversity policies but will further help meet Council's strategic priority to support affordable housing. As such, staff recommend the proposed amendments to the RMPS and Halifax Peninsula LUB as contained in Attachments A and B of this report.

FINANCIAL IMPLICATIONS

The HRM costs associated with processing this planning application can be accommodated within the approved 2020-2021 operating budget for C320 Regional Planning Program.

RISK CONSIDERATION

There are no material planning related risks associated with the recommendations contained within this report. There is some minor reputational risk based on the perception that any positive recommendation by staff or positive decision by Regional Council could have been influenced by the more advanced timeline of the ongoing RHI approval process. Given the circumstances, that risk is unavoidable. However, staff advise the recommendations attached to this report have been developed solely based on compliance with relevant planning principles and confirm these recommendations would not be changed by the presence or absence of the RHI funding program.

This application 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 of adopting the proposed amendments are contained within the Discussion section of this report.

ENVIRONMENTAL IMPLICATIONS

No further environmental implications are identified at this time.

ALTERNATIVES

Regional Council may choose to

1. Modify the proposed amendments to the RMPS and the LUB for Halifax Peninsula, as set out in Attachments A and B of this report. If this alternative is chosen, specific direction regarding the requested modifications is required. Such modifications may require a supplementary report. Substantive amendments may require another public hearing to be held before approval is granted. A decision of Council to approve or refuse the proposed amendments is not appealable to the Nova Scotia Utility & Review Board as per Section 262 of the *HRM Charter*.
2. Refuse the proposed amendments to the RMPS and the Land Use By-law for Halifax Peninsula. A decision of Regional Council to approve or refuse the proposed amendments cannot be appealed 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
Attachment A:	Proposed Regional Municipal Planning Strategy Amendment
Attachment B:	Proposed Land Use By-law Amendment
Attachment C:	Excerpt from MPS for Halifax
Attachment D:	Excerpt from LUB for Halifax Peninsula
Attachment E:	Excerpt from Regional Plan
Attachment F:	Public Consultation Summary

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: Jillian MacLellan, Planner III, 902.717.3167

Attachment A
Regional Municipal Planning Strategy Amendments

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

1. Within Section 3.6, Housing Diversity and Affordability, insert Policy S-37 following Policy S-36, as shown in bold as follows.

S-37 HRM shall, through the applicable land use by-law, permit emergency shelter uses, shared housing uses, multi-unit dwellings uses and community facility uses on 5853 College Street, Halifax, (PID 00125427) to support the development of affordable housing through the Canada Mortgage and Housing Corporation (CMHC) Rapid Housing Initiative. Land use by-law requirements shall ensure that the building scale respects the historic character of the Carlton Street area.

I, Iain MacLean, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Regional Council of the Halifax Regional Municipality for held on [DATE], 202[#].

Iain MacLean
Municipal Clerk

**REVISED
Attachment B**

Proposed Amendments to the Land Use By-law for Halifax Peninsula

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

1. Within section 1, Definitions, insert the following definitions in alphabetical order as shown in bold below.

Emergency Shelter Use means a premise providing a person with short-term overnight sleeping accommodations, free of charge.

Shared Housing Use means a use that contains 4 or more bedrooms that meets one or more of the following:

- (i) that are rented for remuneration as separate rooms for residential accommodation;**
- (ii) where nursing, supervisory or personal care is provided for the occupants of the shared housing use including a Special Care Home; or**
- (iii) that are operated by a non-profit organization or a registered Canadian charitable organization that provide support services to the occupants of the shared housing use,**

but does not include an apartment house as defined by this Land Use By-law or hotel, motel, or tourist accommodation as defined in the *Tourist Accommodation Regulation Act*.

2. Within Subsection 35(1) concerning permitted uses in the R-2 Zone, insert the following permitted use following Clause 35(1)(g) as shown in bold below:

- (h) the development of emergency shelter use, shared housing use and multiple dwelling and community facility on 5853 College Street (PID 00125427)**

3. Within the R-2 Zone requirements, insert Sections 43O(A) and 43O(B) following Section 43N, as shown in bold below:

43O(A) Notwithstanding any other provisions of this By-law, the permitted uses referred to in Clause 35(1)(h) shall meet the following requirements:

- | | |
|---|------------------------------|
| (a) Minimum front yard (facing College St.) | 1.5 metres (4.9 feet) |
| (b) Minimum flankage yard (facing Carlton St.) | 3 metres (9.8 feet) |
| (c) Minimum side yard setback abutting
1459 Carlton Street | 3 metres (9.8 feet) |
| (d) All other minimum side and rear yard setbacks | 0 metres |
| (e) Maximum main building height | 14 metres (46 feet) |
| (f) Maximum Lot Coverage | None |
| (g) Maximum Gross Floor Area | None |
| (h) Minimum motor vehicle parking requirements | no parking required |

43O(B) In addition to the requirements of Section 43P(A), the building permitted at 5853 College Street (PID 00125427) shall:

- (a) not be clad with vinyl siding, plastic, plywood, concrete block, EIFS (exterior insulation and finish systems where stucco is applied to rigid insulation), or metal siding utilizing exposed fasteners; and**
- (b) have a pitched roof with a maximum pitch of 70:12 (80.27 degrees) that contrasts with the streetwall material and colour.**

I, Iain MacLean Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Regional Council held on [DATE], 202[#].

Iain MacLean
Municipal Clerk

Attachment C
Excerpt from the Municipal Planning Strategy for Halifax

SECTION VI: PENINSULA CENTRE AREA PLAN OBJECTIVES AND POLICIES

1. RESIDENTIAL ENVIRONMENTS

Objective: The maintenance of Peninsula Centre as a predominantly low-rise residential neighbourhood with an emphasis on housing accommodation for family households.

1.1 In the Peninsula Centre Area, residential development shall occur through retention and rehabilitation of housing stock, and provisions shall be made for infill and, in selected areas, redevelopment.

1.1.1 The City shall encourage the retention and creation of dwelling units suitable for families with children.

1.1.2 For the purposes of this Plan, a single definition of infill housing shall not be employed. The diverse physical and social elements of residential areas should be respected through the selective application of several forms of compatible infill housing.

1.1.3 The forms of infill housing permitted in Peninsula Centre shall include:

- (a) interior conversion;
- (b) additions to existing structures;
- (c) filling-in-between existing buildings; and
- (d) building on vacant lots.

1.1.4 For the purposes of this Plan, the concept of compatibility shall be deemed to require that infill housing projects are compatible with and enhance the existing development context of a neighbourhood. The City shall use as a guideline in considering rezonings, zoning amendments or contract agreements the key principle of not significantly changing the character of an area when reviewing infill housing proposals.

1.1.5 Without limiting the generality of Policy 1.1.4 above, the City shall, in reviewing proposals for compatibility with the surrounding area, have regard for the relationship of the proposal to the area in terms of the following:

- (a) land use;
- (b) scale and height;
- (c) population density;
- (d) lot size, lot frontage, setback, lot coverage and open space; and
- (e) service requirements, including parking.

1.1.6 Further to Policy 1.1.5 above, existing development standards will be assessed against their capacity to achieve the policies of this Detailed Area Plan with respect to infill housing and with respect to preservation of existing housing. Existing development standards will be amended as necessary to implement the policies of this Plan.

1.1.7 Further to Policy 1.1.6 above, open space and landscaping will be given special attention to ensure that amenity space in new development projects is useable and to foster attractive residential environments which address the needs of a variety of household types.

1.1.8 The Zoning By-law shall be amended to include height limitations for development in accordance with Policies 4.6.3, 4.7.2, 8.1.1 and 8.4.1 and in accordance with the general intent for land-use control as defined by the policies of this Plan. Where there is not specific guidance by the policies of this Plan for specific height limitations, such limitations shall be included based on:

- (i) the forms of development and distribution of land use identified on the Generalized Future Land Use Map (Map 2) of this Plan;
- (ii) the necessity to ensure that appropriate development of any given lot may be secured within the policies of this Plan; and
- (iii) to fulfill the policy intent that quality residential, commercial, institutional and industrial environments are maintained and encouraged without undue impact on adjacent land uses.

1.2 The City shall encourage the retention and creation of family-type housing in Peninsula Centre.

1.2.1 Family-type housing units should be provided with private open space at grade comprising both soft-surfaced and hard-surfaced areas for the exclusive use of occupants of the building in which said family units are located.

1.2.2 Any new residential development containing more than twenty family-type dwelling units should provide a children's play area enclosed on all four sides, landscaped and buffered appropriately, of not less than 2,000 square feet. Such play areas shall be required to be located on the south or west side of the building and be located in such a manner as to be visible from the building.

- 1.2.3 In reviewing applications for rezonings, zoning amendments, or contract agreements, the City shall be guided by Policies 1.2.4 and 1.2.5 with respect to family-type housing units.
- 1.2.4 Residential development shall be planned to ensure maximum buffering between children's activity areas and parking areas, streets and other similar safety hazards.
- 1.2.5 For development applications which include family-type housing units, the City shall have regard for the provision of opportunities for visual surveillance and supervision of children's play areas through site designs which maximize the views from windows in the building and from public areas to children's activity areas.
- 1.3 For the purposes of this Plan, the City shall further define residential environments as comprising three categories:
- (i) low-density residential;
 - (ii) medium-density residential; and
 - (iii) high-density residential.
- 1.5 Areas shown as medium-density residential on the Future Land Use Map of this Plan shall be regarded as family-oriented neighbourhoods which provide a mix of predominantly family housing units in single-family dwellings, semi-detached dwellings, duplexes, and, where appropriate, rowhousing and buildings which, through conversions or additions, provide apartment accommodation.
- 1.5.1 In areas designated as medium-density residential areas, two family-type housing units shall be required for each non-family-type housing unit in each building, except as otherwise provided for by Policies 1.5.4 and 1.7 of this Plan.
- 1.5.2 For those areas designated as medium-density residential on the Future Land Use Map of this Plan, the City shall amend its zoning by-laws to permit interior conversions of or additions to existing buildings to permit up to a maximum of four dwelling units, provided that two family-type dwelling units are provided for each non-family-type dwelling unit, and provided that:
- (a) this provision shall apply only to buildings existing on the date of adoption of this By-law;
 - (b) one unit shall be permitted where the lot size is less than 3,300 square feet; two units where the lot size is between 3,300 and 5,000 square feet; three units where the lot size is between 5,000 and 6,000 square feet; and a maximum of four units where the lot size is greater than 6,000 square feet;
 - (c) 300 square feet of open space shall be provided per family-type unit and 50 square feet of open space per non-family-type unit;
 - (d) for buildings with more than two units, one parking space shall be provided per family-type unit and one parking space shall be provided for every two non-family-type units;

- (e) no parking shall be permitted in front yards; and
- (f) no part of the addition, if any, shall exceed the height of the existing structure.

- 1.5.3 For areas designated as medium-density residential on the Future Land Use Map of this Plan, the City shall amend its zoning by-laws, specifically the standards for lot size and lot frontage, to accord with the characteristic measurements of a lot in the area.
- 1.7 Notwithstanding the policies above, where a residential building is proposed to contain a maximum of two units, only one unit shall be required to be a family-type unit.
- 1.8 In areas designated as low-density residential or medium-density residential, the City shall consider, under the provisions of Section 33(2)(b) of the Planning Act (contract zoning provisions), applications for rowhousing and, as part of that consideration, the City shall require the following:
- (i) a minimum site size of 10,000 square feet;
 - (ii) no demolition of housing stock in existence on the date of adoption of this Plan;
 - (iii) conformance in all other respects to the rowhousing provisions in the Zoning By-law;
 - (iv) frontage on a public street;
 - (v) a minimum unit size of 1,500 square feet;
 - (vi) a distance of 15 feet between any rowhousing unit and any existing buildings; and
 - (vii) a side yard of ten feet at each end of the development.
- 1.9 In reviewing applications for rezonings, zoning amendments or contract agreements in areas where the Plan provides for a change in use from non-residential uses to residential uses, the City shall be guided by Policies 1.9.1 to 1.9.6 of this Plan.
- 1.9.1 Public expenditure for new services which may be required for development at the time of application shall not exceed those currently provided for within the City's capital budget.
- 1.9.2 The City shall ensure that any trees or other natural vegetation or open spaces affected by the proposed development shall be preserved where possible.
- 1.9.3 The City shall have regard for the adequacy of outdoor lighting in public and private areas of the development and the sight lines to those areas from all parts of the development.
- 1.9.4 The City shall have regard for the proximity of the development to recreational facilities including neighbourhood parks, district parks and regional parks. In addition, the availability of informal paths of an active recreational setting within a development shall be assessed and encouraged where appropriate.

- 1.9.5 The City shall have regard for the serviceability of the development by public transit and give due consideration to any changes in the routing of public transit vehicles or public transit stops to accommodate said development, and, where appropriate, it shall take action through representations to the regional transit authority.
- 1.9.6 The City shall have regard for the creation of pedestrian linkages between the proposed development, neighbourhood commercial uses, and recreational facilities. Where possible, the City shall encourage improved pedestrian linkages through sidewalk renewal, improved lighting, and appropriate street furniture.
- 1.11 The City shall pay particular attention in developing appropriate zoning regulations to carry out the policies of this Plan, and in reviewing applications for rezonings, zoning amendments or contract agreements for areas of transition between residential and non-residential uses, to the relationship between such uses, and shall attempt to minimize any negative impacts which may potentially occur.
- 1.12 The City shall revise its zoning by-laws to provide that, under the provisions of Section 33(2)(b) of the Planning Act, any residential building existing on the date of adoption of this Plan destroyed by fire or otherwise, may be reconstructed to its original size and use, notwithstanding the provisions of the zoning by-law which may apply to the property.

Attachment D
Excerpt from the Land Use By-law for Halifax Peninsula

R-2 ZONE: GENERAL RESIDENTIAL ZONE

- 35(1) The following uses shall be permitted in any R-2 Zone:
- (a) R-1 uses as hereinbefore set out, **except for conversions in accordance with section 34E (HWCC-Mar 7/19;E-Mar 23/19);**
 - (b) semi-detached or duplex dwelling;
 - (c) buildings containing not more than four apartments;
 - (d) (Deleted)
 - (e) (Deleted)
 - (f) uses accessory to any of the foregoing uses
 - (g) **The reconstruction of an apartment building containing 12 or fewer dwelling units at the South-East corner of Creighton and Buddy Daye Streets (PID 40877292) (RC-Aug 1/06;E-Aug 12/06)**
- 35(2) No person shall in any R-2 Zone carry out, or cause or permit to be carried out, any development for any purpose other than one or more of the uses set out in subsection (1).
- 35(3) No person shall in any R-2 Zone use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in subsection (1).

SIGNS

- 36 No person shall, in any R-2 Zone, erect, place or display any billboard or sign except those permitted in R-1 Zones.

REQUIREMENTS

- 37 Buildings erected, altered, or used for R-1 and R-2 uses in an R-2 Zone shall comply with the following requisites:

	Lot Frontage	Lot Area	Side Yard
	Ft.	Sq.Ft.	Ft.
R 1 Uses	40	4000	4
duplex	50	5000	5
3-unit and 4-	80	8000	6

unit apartment
building

38 Front and Rear Yards - The requirements of Sections 29 and 30 inclusive above shall apply.

39 Lot coverage - Maximum lot coverage shall be 35 percent.

40 Maximum height - Maximum height shall be 35 feet.

ACCESSORY STRUCTURES (*deleted PCC/CCC-Nov 8/10;E-Nov 27/10*)

40A (*deleted PCC/CCC-Nov 8/10;E-Nov 27/10*)

TWO UNIT CONVERSION

41 A building in existence on or before the 11th of May, 1950 may be converted into a duplex dwelling provided that the building, after conversion, complies with the following:

- (a) A duplex dwelling containing not more than a total of six habitable rooms be permitted on a lot containing an area of not less than 3,300 square feet.
- (b) A duplex dwelling containing not more than a total of eight habitable rooms be permitted on a lot containing an area of not less than 4,000 square feet.
- (c) There is no increase in height or volume and that the external dimensions of the building have not changed since 25 October 1985.
- (d) One separately accessible parking space at least 8 feet by 16 feet shall be provided on the lot for each of the two dwelling units.

42 (Deleted)

SEMI-DETACHED DWELLING

- 43 (a) For each unit of a semi-detached dwelling, there shall be at least 25 feet of lot frontage and 2,500 square feet of lot area. A minimum side yard of 5 feet shall be required for a semi-detached dwelling provided however that where a lot containing a semi-detached dwelling is to be or has been subdivided so that each unit is on its own lot, there shall be no setback required from the common lot boundary.
- (b) Front yards and rear yards for a semi-detached dwelling - the requirements of Sections 29 and 30 shall apply.
- (c) Lot coverage for a semi-detached dwelling - maximum lot coverage shall be 35 percent.
- (d) Maximum height for a semi-detached dwelling - maximum height shall be 35 feet.

43A (Deleted)

THREE AND FOUR UNIT BUILDING

43A(1) In addition to other R-2 Zone requirements, there shall be:

- (a) Eight or fewer bedrooms within the whole of a three dwelling unit apartment house; and
- (b) Ten or fewer bedrooms within the whole of a four dwelling unit apartment house.

DAY NURSERY

43B (Deleted)

ADDITIONAL CHILDREN PROVISION

43C (Deleted)

43D (Deleted)

PENINSULA CENTRE AND SOUTH END AREA

43E Notwithstanding the provisions of Sections 37 to 43, buildings erected, altered or used for R-1 or R-2 uses in the R-2 Zone in the "**Peninsula Centre**" and "**South End Areas**" shall comply with the following requisites:

(a)	Minimum Lot Frontage (Feet)	Minimum Lot Area (Sq.Ft.)	Side Yards (Feet)
R-1	30	N/A	4
Duplex	33	3,300	5
Semi-detached dwelling	50	5,000	5
Three Unit Building	45	5,000	6
Four Unit Building	60	6,000	6

- (b) **UNIT MIX:**
 - (i) duplexes or semi-detached dwellings shall contain at least one unit of a minimum of 800 sq.ft.;
 - (ii) 3 or 4 unit apartment buildings shall contain at least two units of a minimum of 800 sq.ft.
- (c) Lot coverage: Maximum lot coverage shall be 35 percent.

- (d) **Parking and Open Space:** For each unit which is 800 sq.ft. or greater, one parking space at least 8 feet wide and 16 feet long and 300 sq.ft. of open space shall be required, and for dwelling units less than 800 sq.ft., one parking space at least 8 wide and 16 long shall be required for each two dwelling units, and 50 sq.ft. of open space for each unit.
- (e) **Maximum Height:** The maximum height shall be 35 ft.
- (f) **A rear yard shall be provided of not less than 20 ft. in depth.** *(PCC/CCC-Nov 8/10;E-Nov 27/10)*
- (g) *(deleted PCC/CCC-Nov 8/10;E- Nov 27/10)*
- (h) **Semi-detached building:** A lot containing a semi-detached dwelling may be subdivided so that each unit is located on a separate lot provided that the lot for each unit contains a minimum frontage of 25 ft. and a minimum area of 2,500 sq.ft. No side yard shall be required along the common lot boundary dividing a semi-detached dwelling.

CONVERSIONS ON ROBIE STREET OR COBURG ROAD

43F Notwithstanding any other provision of this by-law, for any building which existed on the date of adoption of this by-law, located in the "**Peninsula Centre Area**", and which is located on a lot which abuts Coburg Road between Oxford Street and Robie Street, or on a lot which abuts Robie Street between Pepperell Street and South Street interior conversions shall be permitted, provided that there is no change in the height or volume of the building and that the minimum size of each dwelling unit shall be 600 square feet.

43G (Deleted)

FRONT YARD SETBACK

43G(1) For any R-1 or R-2 use constructed after 14 October 1982 in the "**Peninsula Centre**", "**South End**", or "**Peninsula North Areas**", the minimum front yard shall be the front yard of the majority of residential buildings fronting on the same side of the same block in which the building is to be constructed. For the purposes of measuring, existing front yard dimensions shall be rounded to the nearest foot.

43G(2) Where there is no majority of buildings with the same front yard on the block, the minimum front yard shall be:

- (g) that of the residential building of the adjacent lot on either side of the proposed development which is closer to the street line; and
- (b) where there is no residential building on either adjacent lot
 - (i) 10 feet in all zones except in the U-1 zone
 - (ii) 0 feet in the U-1 zone

PENINSULA NORTH AREA

43H Notwithstanding Section 37 a building erected, altered, or used as a detached one-family dwelling house, office of a professional person located in the dwelling house used by such professional person as his private residence or home occupation in an R-2 Zone in the "**Peninsula North Area**" shall comply with the following requirements:

- | | | |
|-----|----------------------|-------------------|
| (1) | Lot Frontage minimum | 30 feet |
| (2) | Lot Size minimum | 3,000 square feet |
| (3) | Side Yards | 4 feet |

TWO UNIT CONVERSION - PENINSULA NORTH

43I Notwithstanding Sections 37 to 40 a building, excluding accessory buildings, in existence on the date of adoption of this section in the "**Peninsula North Area**" may be converted to a maximum of two units provided that:

- (i) there is no increase in height or volume of the building,
- (ii) one unit contains two or more bedrooms; and
- (iii) there is one parking space at least 8 feet wide and 16 feet long for each dwelling unit.

FOUR UNIT CONVERSION - PENINSULA NORTH #5

43J Notwithstanding Sections 6(1), 6(2A) and 37 to 40, a building, excluding an accessory building, in existence on 14 July 1979, in "**Peninsula North Area #5**, and located south of Russell Street (**NIP III**), may be converted to a maximum of four units provided that:

- (i) there is no increase in the height or volume of the building;
- (ii) at least one of the units in the converted building contains two or more bedrooms.

FOUR UNIT CONVERSION - PENINSULA NORTH - NIP I

43K Notwithstanding Sections 6(1), 6(2A) and 37 to 40, a building, excluding an accessory building, in existence on 14 July 1979, in the area bounded by North, Gottingen, Cogswell, North Park and Agricola Street, may be converted to a maximum of four units provided that:

- (i) there is no increase in the height or volume of the building; and
- (ii) at least one of the units in the converted building contains two or more bedrooms.

MULTIPLE UNIT CONVERSION - SCHEDULE HA-1

43L Notwithstanding Sections 6(1), 6(2A) and 37 to 40 a building, excluding an accessory building or a registered heritage building, in existence on the date of adoption of this Section, located in "**Schedule HA-1**", may be converted into an apartment house provided that:

- (i) there is no increase in the height or volume of the building;
- (ii) the following features on the building facing the street(s) are not altered:
 - (a) the number, location, size and shape of the windows, bays and dormers;
 - (b) the size, shape and location of the entrance way including the door; and
 - (c) the size and location of any existing verandas, porches or stairways.
- (iii) at least one unit for every five units, or fraction thereof, in the converted building contains two or more bedrooms.

SFD REQUIREMENTS - PENINSULA NORTH AREA #6

43M Notwithstanding Sections 37 and 39, a building erected, altered or used as a one family dwelling house, in an R-2 zone in "Peninsula North Areas 6 and 8", shall comply with the following requirements:

- (1) Lot Frontage Minimum 20 feet
- (2) Lot Size Minimum 2000 sq.ft.
- (3) Side Yard Minimum 0 feet
- (4) Maximum Lot Coverage 50 percent

43MA Notwithstanding Section 43M (1,2,3) of this by-law, in the case of lots existing on the date of adoption of this Section, in Peninsula North Areas 6 and 8 respectively, the lot size, lot frontage and side yard requirements shall be waived for one family dwelling houses.

APARTMENT BUILDINGS - PENINSULA WEST AREA 1

43MB Within Peninsula West Area 1, a lot which did not exist prior to the date of adoption of this section shall not be used for a three or four unit apartment building.

43N **Notwithstanding any other provision of this By-law, the apartment building that is referred to in Section 35 (g) may be reconstructed to the same or lesser size and the same location upon its lot as that which existed immediately before its demolition on March 3, 2006. (RC-Aug 1/06;E-Aug 12/06)**

Attachment E
Excerpts from the Halifax Regional Municipal Planning Strategy

CHAPTER 3: SETTLEMENT AND HOUSING

3.0 INTRODUCTION

HRM seeks a balanced approach to growth and will direct much of its investment to a series of centres where services such as transit, wastewater and water distribution services can be economically provided.

3.1 OBJECTIVES

2. Target at least 75% of new housing units to be located in the Regional Centre and urban communities with at least 25% of new housing units within the Regional Centre over the life of this Plan;

.....

4. Design communities that:
 - (a) are attractive, healthy places to live and have access to the goods, services and facilities needed by residents and support complete neighbourhoods as described in 6.2.2A (v) (RC-Sep 18/19;E-Nov 30/19) of this Plan;
 - (b) are accessible to all mobility needs and are well connected with other communities;
 - (c) promote energy efficiency and sustainable design;
 - (d) protect neighbourhood stability and support neighbourhood revitalization;
 - (e) preserve significant environmental and cultural features;
 - (f) promote community food security;
 - (g) provide housing opportunities for a range of social and economic needs and promote aging in place;

.....

8. Support housing affordability.

3.6 HOUSING DIVERSITY AND AFFORDABILITY

In Nova Scotia, the Provincial Government is the leader in the provision of social services and subsidized housing and is moving forward with mixed market, mixed tenure developments in HRM and elsewhere. HRM can also play an important role in supporting housing affordability and social inclusion through policies and regulations. Opportunities may also arise through participating in partnerships or programs with housing organizations, the Province or the Government of Canada.

- S-30 When preparing new secondary planning strategies or amendments to existing secondary planning strategies to allow new developments, means of furthering housing affordability and social inclusion shall be considered including:

- a) creating opportunities for a mix of housing types within designated growth centres and encouraging growth in locations where transit is or will be available;
 - b) reducing lot frontage, lot size and parking requirements;
 - c) permitting secondary and backyard suites in all residential areas; (RC-Sep 1/20;E-Nov 7/20)
 - d) permitting homes for special care of more than three residents of a scale compatible with the surrounding neighbourhood;
 - e) permitting small scale homes for special care as single unit dwellings and eliminating additional requirements beyond use as a dwelling;
 - f) introducing incentive or bonus zoning in the Regional Centre;
 - g) allowing infill development and housing densification in areas seeking revitalization; and,
 - h) identifying existing affordable housing and development of measures to protect it.
- S-31 Where Provincial strategies or programs are made in support of affordable housing, HRM may consider means to further or complement such strategies or programs through its programs, policies or regulations.
- S-32 HRM may consider partnerships or financial support for housing organizations.
- S-33 HRM shall monitor housing and demographic trends to assist in determining future housing needs.
- S-34 HRM shall investigate other means of supporting affordable housing including reducing or waiving of fees.

Attachment F Public Consultation Summary

From December 9 to December 23, 2020 the public was encouraged to participate in an online survey regarding what types of land use and what form of development is appropriate for 5853 College Street, Halifax.

The survey was hosted on the HRM Shape Your City website and was advertised through social media such as Twitter and Facebook. During the 2 weeks the survey was live, a total of 285 residents completed the online questionnaire and 380 people visited the webpage.

The survey comprised of 2 primary questions regarding land use and built form and 3 questions seeking demographic information on the survey user.

Question 1: Land Use

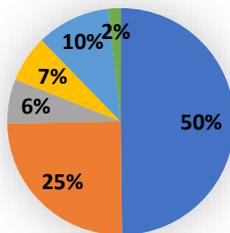
A) Please indicate your level of support for the following land uses on this site:

- *Low Density Residential Use: Includes 1 to 4 unit dwellings, shared housing with less than 11 bedrooms, home based businesses, secondary and backyard suites.*
- *Multiple Unit Dwellings: Includes apartment buildings with 4 or more units, shared housing with more than 11 bedrooms*
- *Local Commercial Uses: Includes restaurants, retail uses, fitness centers, garden centers, workshops and similar uses serving local neighborhoods*
- *General Commercial Uses: Includes auto repair uses, drinking establishments, financial institutions, hotels and similar uses typically found on commercial main streets*
- *Institutional Uses: Includes cultural uses, emergency services, emergency shelters, medical clinics, religious institutions, schools.*
- *Parks and Recreation Uses: includes club recreation, community recreation and park spaces*

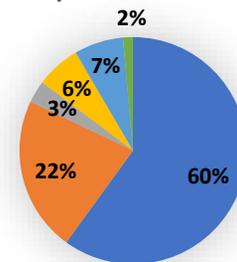
Response:

There was general support for all of the uses mentioned above with the exception of General Commercial Uses where 65% responded that they were either definitely not in support or somewhat do not support. Multiple Unit Dwellings received the greatest support with 82% of respondents indicating they definitely support or somewhat support. This was followed by Low Density Residential Uses where 75% indicated they definitely support or somewhat support. The pie charts below show responses to each land use groups.

Low Density Residential Use



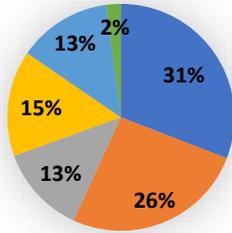
Multiple Unit Dwellings



■ Definitely support ■ Somewhat support
■ Neither support nor do do not ■ Somewhat do not support
■ Definitely do not support ■ No Response

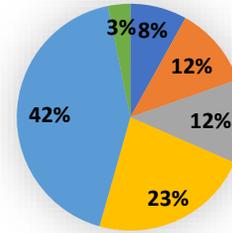
■ Definitely support ■ Somewhat support
■ Neither support nor do do not ■ Somewhat do not support
■ Definitely do not support ■ No Response

Local Commercial Use



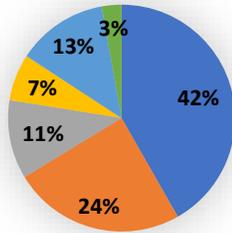
- Definitely support
- Somewhat support
- Neither support nor do do not
- Somewhat do not support
- Definitely do not support
- No Response

General Commercial Use



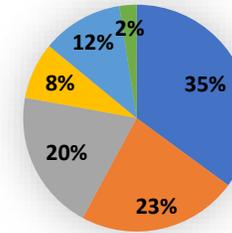
- Definitely support
- Somewhat support
- Neither support nor do do not
- Somewhat do not support
- Definitely do not support
- No Response

Institutional Use



- Definitely support
- Somewhat support
- Neither support nor do do not
- Somewhat do not support
- Definitely do not support
- No Response

Parks and Recreation Use



- Definitely support
- Somewhat support
- Neither support nor do do not
- Somewhat do not support
- Definitely do not support
- No Response

B) Are there any specific uses you think should NOT be permitted on this site?

Response:

While the majority of respondents did not provide a response to this question, those who did respond noted alcohol establishments such as bars and non-local commercial uses such as auto repair uses or hotels should not be permitted. Several respondents also noted the site was not appropriate for tall buildings and that the heritage streetscape on Carlton Street should be protected. Others also noted the need for affordable housing and opposed luxury or high end residential uses for the site.

C) Do you have any further comments regarding this question?

Response:

Again, the majority of respondents did not provide a response to this question, however those that did respond were overwhelming in support of the proposal or noted the need for more affordable housing in

Halifax. Ensuring the development fit with the neighborhood, especially in respect to the Heritage Streetscape along Carlton was noted by several respondents.

Question2: Built Form

A) The subject property is located in an area with a mix in the built form. While the buildings along Carlton Street are generally 2 to 3 storeys, buildings along College Street are as high as 15 storeys. Considering the site and its surrounding context, in your opinion, what is the most appropriate building type for 5853 College Street? .

Low-Rise Building (1-3 Storeys):



Mid-Rise Building (4-6 Storeys) :

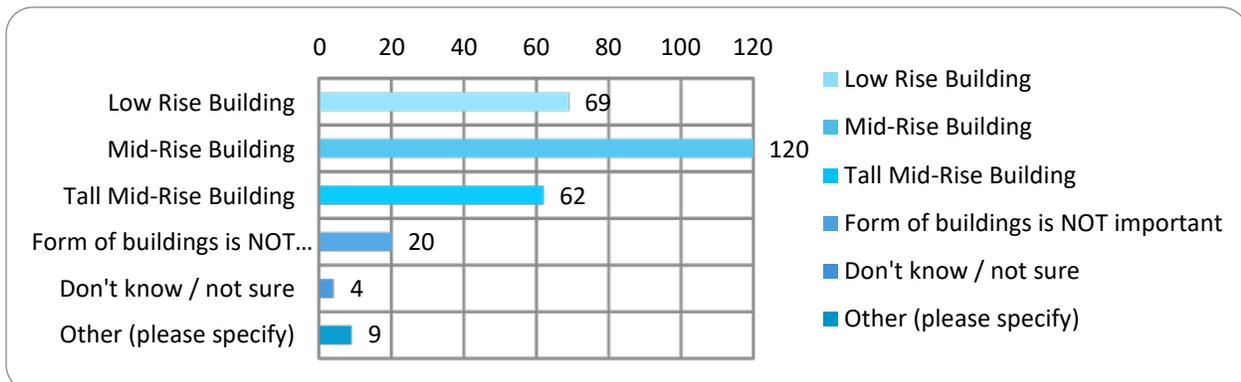


Tall Mid-Rise Building (7 to 8 Storeys)



Response:

As shown in the chart below, the majority of respondents were in support of a mid-rise building (4 – 6 storeys).



B) Do you have any additional comments regarding the building form or height?

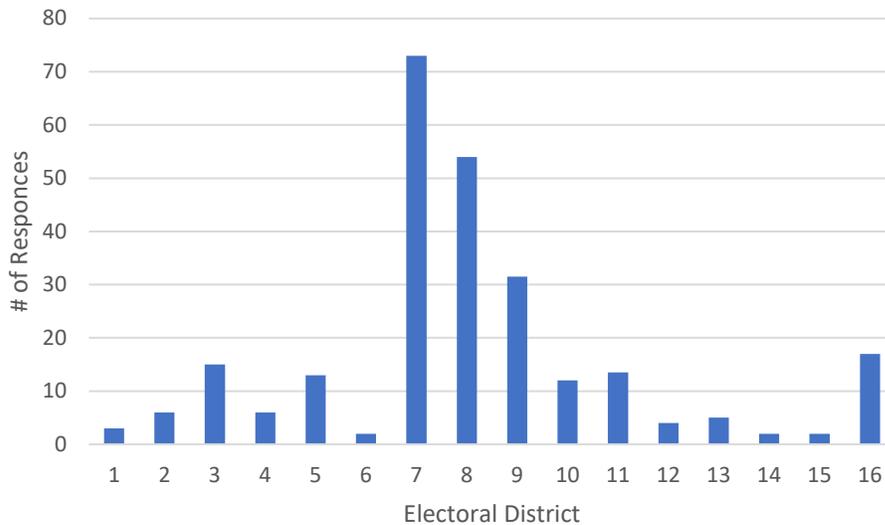
Response:

Responses to this question were mainly focused on height and the building's design. Additional comments related to the building height further reiterated support for a mid-rise building with some respondents noting that a taller building could be considered as long as design features were incorporated to respect the heritage streetscape along Carlton Street. Additional comments related to design not only further encouraged design that respects Carlton street, but also encouraged that the building create a residential feel opposed to an institutional. Design related comments also stressed the importance of designing for the pedestrian experience. Other comments noted the need for affordable housing or to provide flexibility for the Mi'kmaq Native Friendship Centre. One respondent noted, we should rely on the provisions of the Centre Plan.

Question 3. Please provide the first three digits of your postal code

Response:

Residents from across HRM engaged in the questionnaire, with the highest response rates from District 7 (Halifax Downtown South) and District 8 (Peninsula North). The bar graph below shows the level of response from each district.

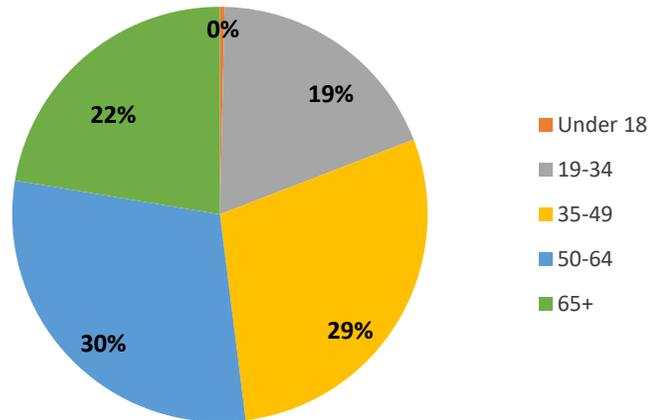


6 respondents indicated they reside outside of HRM and 19 respondents provided postal codes that were not identifiable.

Question 4. Which age group do you fall in?

Response:

A wide range of age groups were engaged in the questionnaire. There was a fairly equal distribution amongst the age groups with the exception of under 18, where there was only one respondent.



Question 22. What best describes your housing situation?

Response:

Owners made up the largest group of responses at 73%, while 24% were renters.

