

HALIFAX

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

Item No. 11.1.3
Halifax Regional Council
March 23, 2021

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original Signed by 

Jacques Dubé, Chief Administrative Officer

DATE: March 9, 2021

SUBJECT: **Case 23245: Municipal Planning Strategy and Land Use By-law amendments for the C-2C Zone and for properties at the corner of Main Avenue & Titus Street, Halifax**

ORIGIN

Application by Upland Planning and Design Studio, on behalf of United Gulf Developments, for 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 at the corner of Main Avenue and Titus Street.

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 the process to consider amendments to the Municipal Planning Strategy for Halifax and the Land Use By-law for Halifax Mainland for to the C-2C (Dutch Village Road Mixed Use) Zone relative to building height, rooftop structures, building depth, lot coverage and building setbacks, as outlined in this report, and rezone 60 and 62 Main Avenue, Halifax to the C-2C Zone to permit a six-storey, multi-unit building; and
2. Adopt the public participation program as outlined in the Community Engagement section of this report.

BACKGROUND

The applicant is proposing the development of a six-storey, multi-unit building on properties located at the south-east corner of Main Avenue and Titus Street. The subject properties on Titus Street are zoned C-2C (Dutch Village Road Mixed Use) and permit the form of development proposed, but the subject properties at 60 and 62 Main Avenue are not zoned to permit a multi-unit building of this size. As such, the applicant is requesting MPS and LUB amendments to accommodate this development proposal.

Subject Properties	9, 11, 13, 15 Titus Street and 60, 62 Main Avenue
Location	Fairview, Halifax; District 10
Regional Plan Designation	Urban Settlement
Community Plan Designation (Map 1)	Commercial and Medium Density Residential in the Fairview Area Secondary Plan, Halifax MPS
Zoning (Map 2)	C-2C (Dutch Village Road Mixed Use) Zone, R-2P (General Residential) Zone, and R-2AM (General Residential Conversion) Zone in the Halifax Mainland LUB
Size of Subject Properties	31,023 square feet (2,882 square metres) / 0.7 acres (0.3 hectares)
Street Frontage	Titus Street: 88 metres (289 feet) Main Avenue: 51 metres (167 feet)
Current Land Uses	Two single-unit dwellings and two multi-unit dwellings (11 total units)
Surrounding Uses	North: Low-rise commercial buildings and mid-rise multi-unit residential buildings East: A mix of houses and low-rise, multi-unit residential buildings South: A two-storey shopping plaza West: Low-rise commercial uses

Proposal Details

The conceptual design is for a six-storey, multi-unit building (see Attachment A) with:

- 119 residential units, for a density of 170 units/ acre (425 units/ hectare);
- 3,330 square feet (310 square metres) of ground floor commercial space;
- an underground parking garage with an entrance on Titus Street and space for 178 cars and 67 bicycles; and
- 17,815 square feet (1,655 square metres) of amenity space for residents.

The applicant is also requesting that Council consider the following amendments to the MPS and LUB to facilitate their project:

- Increasing the maximum building height from 19.5 metres (64 feet) to 20 metres (66 feet);
- Exempting certain rooftop features such as mechanical structures and elevator overruns from the maximum height limitation;
- Exempting this property from the maximum building depth requirement of 25 metres (82 feet); and
- Increasing the permitted lot coverage.

Local Context

The corner of Main Avenue and Titus Street is the northern entrance to the Dutch Village Road commercial area which forms Fairview's primary "Commercial Main Street." At the corner, along Titus Street and along Dutch Village Road are a mix of uses that include restaurants, stores, small offices, strip malls, personal services and housing. Buildings in the area are mostly low-rise and many have ground floor commercial uses with dwelling units above. Older properties in the area have developed as a typical suburban 'commercial strip mall'. They have long, low height commercial buildings with parking lots in the front yards.

This commercial strip pattern is the dominant pattern, but not the sole pattern as some houses on Titus Street and Main Avenue contain dwelling units, while some contain businesses. There are a handful of four and five storey mid-rise residential buildings on Main Avenue. The largest buildings are at the Boss Plaza, on the corner of Titus Street and Dutch Village Road. Built on the former site of the Halifax West High School, this nearly complete development has three eight-storey buildings. Many of the older, low-rise commercial buildings are being replaced with taller buildings with minimal setbacks from the street. The neighbourhood and Dutch Village Road are both transitioning to a more urban built form, with higher densities, bigger buildings and smaller setbacks.

Titus Smith Park and Centennial Arena are examples of public facilities that are both less than a five-minute walk from the subject properties, while elementary and junior high schools are located within a twenty-minute walk. A full-service grocery store is nearby on Joseph Howe Drive and a mix of offices and services are at the Bayers Road Centre. Three Halifax Transit corridor routes have stops near the intersection of Titus Street and Main Avenue, besides three peak-hour express routes. The corridor routes serve central Halifax, Downtown Halifax, Dartmouth, Burnside and the south-end hospitals and universities. They provide the highest level of service in the transit network. Beyond the provision of public amenities, the area is walkable and well-served by transit. In addition, the approved Rapid Transit Strategy has proposed a Bus Rapid Transit (BRT) route along Lacewood Drive and Titus Streets near the subject properties.¹

Regional Plan Context

The Regional Municipal Planning Strategy (Regional Plan) designates the area as Urban Settlement, which identifies those areas where the Municipality will allow serviced development. The area is not located in a designated Growth Centre.

MPS and LUB Context – Medium Density Residential

Under the Halifax MPS, this area is part of the Fairview Area Secondary Plan that was adopted in 1985. 60 and 62 Main Avenue are both designated Medium-Density Residential (MDR). The objective for the Medium-Density Residential designation, as defined in Policy 1.3, is to maintain the low-rise character of the area while Policy 1.3.1 directs that the Municipality permit up to four units per building in most Medium-Density Residential areas.

The R-2P (General Residential) Zone applies to 62 Main Avenue and it allows single-unit dwellings, duplexes and 3-to-4-unit buildings with a maximum height of 35 feet (10.7 metres) and minimum lot sizes between 4,000 and 6,000 square feet (372 to 557 square metres). The R-2AM (General Residential Conversion) Zone applies to 60 Main Avenue and it allows multi-unit buildings up to 14 units with a maximum height of 35 feet (11 metres) and a minimum lot size of 7,500 square feet (2,286 square metres) for new multi-unit buildings in this zone. When the Secondary Plan was adopted, existing buildings with more than 4 units were given the R-2AM Zone to reflect their use.

Standards for new multi-unit buildings in each zone are shown in the following table:

	R-2P (General Residential)	R-2AM (General Residential Conversion)
Front Yard (min.)	15 feet	15 feet
Side Yard (min.)	6 feet	12 feet
Rear Yard (min.)	20 feet	20 feet
Lot Frontage (min.)	60 feet	75 feet
Building Height (max.)	35 feet	35 feet
Maximum Density	30 units/ acre	82 unit/ acre

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

MPS and LUB Context – The Commercial Designation and Plan Dutch Village Road

The applicant is requesting that Council amend the MPS and the LUB so that all of the properties subject to this development proposal 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, which applies to most of the subject properties. 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 for buildings up to mid-rise height (up to 25 metres or 82 feet). High-rise buildings are allowed on some sites, by development agreement. On some sites, the Commercial Designation permits mid-rise, multi-unit 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 "Commercial 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 to:

- 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 context; 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 combination of zoning creates a transition from mid-rise buildings near Dutch Village Road to low-rise buildings on side streets.

Amendments to Plan Dutch Village Road

Two recent planning applications lead to amended zoning standards for Plan Dutch Village Road. Case 21916² included amendments to the maximum streetwall height allowed within Area A, which is between Dutch Village Road and Joseph Howe Drive. In this instance, maximum streetwall heights were increased to match the heights permitted under the MPS policy. Case 22503³ was a set of amendments for properties between Joseph Howe Drive and Percy Street which adjusted how height was measured on these properties and how rooftop amenities would be exempted from the maximum height measurement.

DISCUSSION

The MPS is a strategic policy document that sets out the goals and direction for long term growth and development for the municipality. While the MPS provides broad direction, Regional Council may consider amendments 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:

- Redesignation and Rezoning: Rezoning 60 and 62 Titus Street would allow for the subject properties to be planned and designed in a comprehensive manner, using modern zoning

² Halifax Regional Municipality. 2020. [Staff Report for Case 21916](#).

³ Halifax Regional Municipality. 2020. [Staff Report for Case 22503](#).

standards. In addition, developing at higher densities supports Provincial guidance on housing (the Provincial Statements of Interest which are part of the planning legislation);

- Maximum building height: The steep slope on Titus Street reduces the achievable building height. The current maximum building height for a 6-storey building is 19.5 metres in the C-2C Zone, but the maximum building height for a 6-storey building is 20 metres under the Centre Plan;
- Rooftop Structures: Placing elevator shafts, mechanical structures and other features within the main building reduces the useable floor area. Exempting rooftop features from the maximum height limit also makes it easier to provide amenity space on the rooftop. Exemptions for rooftop features are found in the Downtown Halifax Land Use By-law;
- Maximum Building Depth: Some properties in the C-2C Zone are exempt from this requirement. Exempting the subject properties would allow for better site design, including the allowance for the building's streetwall to wrap around the corner and apply to both frontages;
- Lot Coverage: The conceptual building meets the lot coverage requirements, except for its parking garage. The current requirements and exemptions for parking garages are not tailored to steeply sloped properties like the subject properties.

Attachment B contains the applicant's request letter.

Staff Review

Staff have reviewed the local circumstances, the existing MPS policy and the approach to urban design taken by new planning projects like the Centre Plan. There is merit to considering amendments to expand the C-2C Zone and to review the specific zone standards as requested by the applicant.

The C-2C Zone was created specifically for Dutch Village Road. It permits new development and new housing in an area that is walkable and well-served by transit. Through Plan Dutch Village Road, Council confirmed that six-storey buildings were appropriate at this corner. The applicant is requesting a modest expansion onto two abutting properties, into an area that already has small multi-unit buildings.

Redevelopment Considerations

The new building would provide a net gain of over 100 residential units compared with present conditions, thereby increasing housing supply in the area. While redevelopment can increase the housing supply, Council is advised to also consider the number of units that are lost, since newer units usually have higher rents than older units.

At present, HRM does not have policies to control or mitigate the displacement of tenants and any program to mitigate displacement would require legislative changes and funding. Under the *HRM Charter*, HRM does not have the ability to require affordable units through inclusionary zoning. HRM can secure funding for affordable housing through a density bonus, but a comprehensive program for this tool is currently only in place in the Regional Centre.

C-2C Zone Standards

Staff advise the request to examine the standards for the C-2C Zone is reasonable for the following reasons:

- Maximum Building Height: The staff report on Plan Dutch Village Road⁴ states that the maximum building height enabled for properties along Dutch Village Road is six storeys. At the time, staff recommended that 19.5 metres (64 feet) was an adequate height to allow for six storeys. Since then, Council has adopted a 20-metre (66 feet) height limit for six storey buildings under the Regional Centre Plan. In addition, Council has recently amended the C-2C Zone's maximum streetwall heights to ensure that they match the heights enabled by the Plan Dutch Village Road policies (Case 21916). Staff suggest a similar review for maximum building height is reasonable;
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⁴ Halifax Regional Municipality. 2016. [Staff report for Plan Dutch Village Road planning policy](#).

- **Rooftop Structures:** Council has exempted rooftop mechanical structures and elevator overruns (and other rooftop structures) from maximum height requirements through the Centre Plan and a host of site-specific planning exercises. These exemptions can be granted while still requiring good urban design and reasonable building heights. As noted, Council approved amendments to exempt rooftop structures from maximum height requirements in part of the Plan Dutch Village Road area through Case 22503;
- **Maximum Building Depth:** The LUB already exempts some properties from a maximum building depth. The applicant suggests that on a corner property, a deeper building will allow them to more easily extend the length of the streetwall around the corner. This exemption will allow for the proposal to meet the goals of Plan Dutch Village Road and thereby ensuring a development that utilizes good urban design principles;
- **Lot Coverage:** Staff recommend an increase to lot coverage permissions for the proposal as it will enable a greater portion of the lot that can be utilized for an underground parking structure. Other planning projects have permitted underground structures to cover the entire lot, provided that they extend only a small amount above ground. Staff agree that the steep slope on this site warrants this consideration but advise that the proposed parking ratio of 1.5 spaces per unit is generous for a walkable area with good transit service. A smaller garage may be desirable and may remove the need for this change.

In summary, the specific amendments to the C-2C Zone standards requested are modest and in line with other HRM planning projects; are supportive of good urban design and meet the goals of Plan Dutch Village Road. Staff recommend that Council initiate a process to consider these amendments.

Building Setbacks and Bus Rapid Transit

The Rapid Transit Strategy proposes a BRT route along Lacewood Drive and Titus Street, connecting to the Fairview Overpass and Windsor Street Exchange. The precise routing and infrastructure have not been defined, but staff recommend reviewing permitted building setbacks in the C-2C Zone to facilitate future BRT infrastructure in this area.

Conclusion

Staff have reviewed the proposed MPS and LUB amendments and advise that there is merit in considering the amendments. The area has a mix of services, is walkable, is well served by transit; and is a good location for mid-rise, multi-unit development. Most of the subject properties are already zoned C-2C, which permit mid-rise development. This application to expand the area zoned C-2 is reasonable and in keeping with the goals of the MPS. Finally, potential amendments to the C-2C Zone standards support the goals of the MPS, and they are comparable to standards adopted through the Centre Plan and other HRM planning projects. Staff recommend that Council initiate the MPS and LUB amendment process for this project.

COMMUNITY ENGAGEMENT

Should Regional Council initiate the MPS amendment process, the *HRM Charter* requires that Regional Council adopt, by policy, a public participation program. In February of 1997, Regional Council adopted 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). Section 3B(1)(b) of the Covid-19 AO provides that a public participation program adopted by Council pursuant to section 219 of the Charter may be comprised of, wholly or in part, alternative public engagement. Alternative public engagement means public engagement facilitated through one of the following means:

- virtual meetings;
- the internet;
- written correspondence; and
- telephone.

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. The proposed level of community engagement would still be consultation, achieved through:

- the sharing of information via mail and the HRM website;
- a questionnaire or survey sent to stakeholders and nearby property owners early in the review process; and
- a sign placed on the subject property.

As well, Regional Council must hold a public hearing before considering any amendments. This application is located within District 10, which is not part of a Planning Advisory Committee.

Amendments to the Halifax MPS and the Land Use By-law for Halifax Mainland will potentially 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 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 additional concerns were identified beyond those raised in this report.

ALTERNATIVES

1. 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*.
2. Regional Council may initiate the consideration of different set of amendments to the Halifax MPS, including consideration of amendments for more properties. This may require a supplementary staff report.

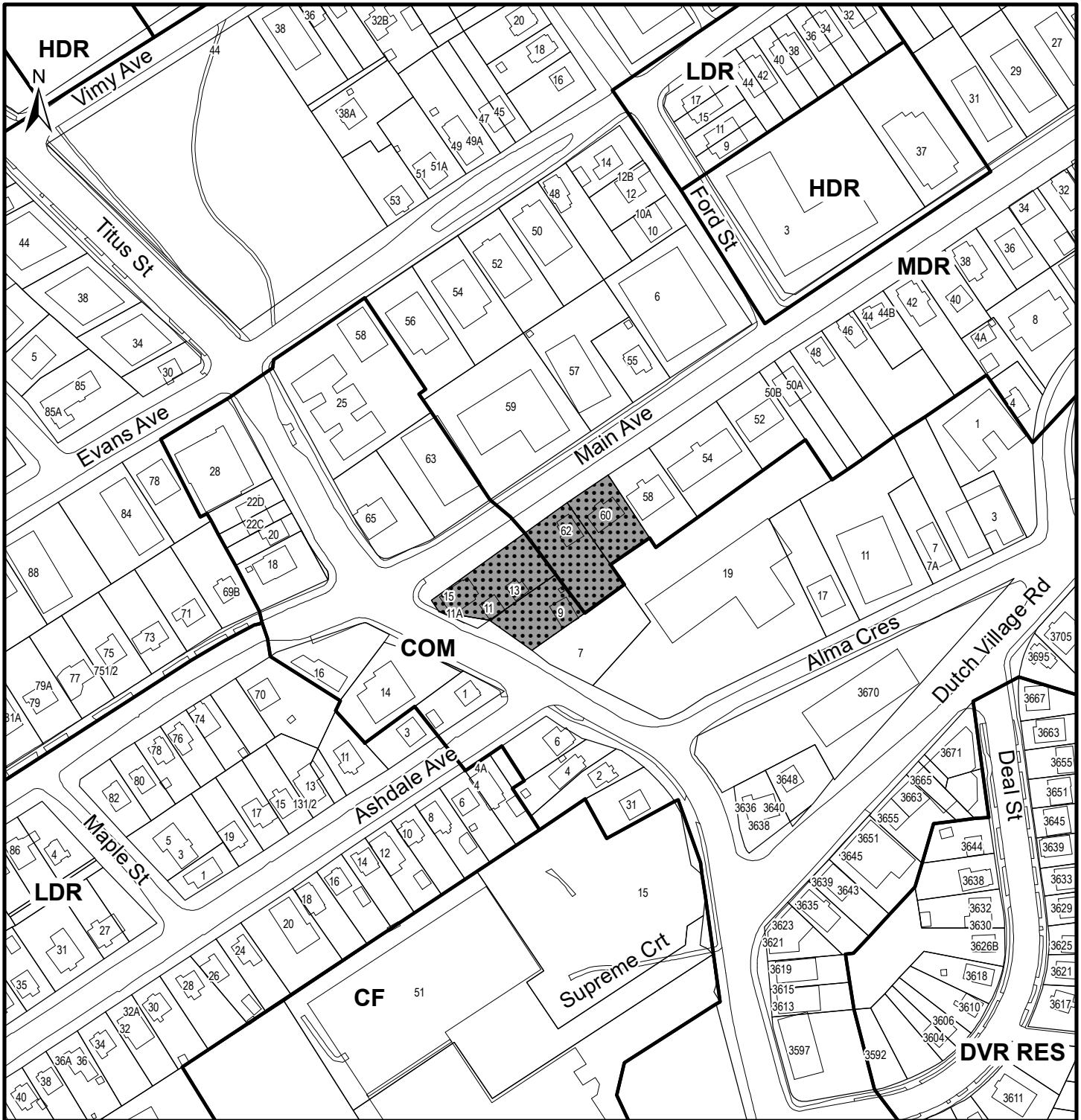
ATTACHMENTS

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

Attachment A: Conceptual Building Drawings
Attachment B: Applicant's Request Letter


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



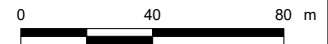
Map 1 - Generalized Future Land Use

PIDs: 00180489, 00180018, 00180026, 00180034
Halifax

 Subject Property

Designation - Fairview Secondary Plan

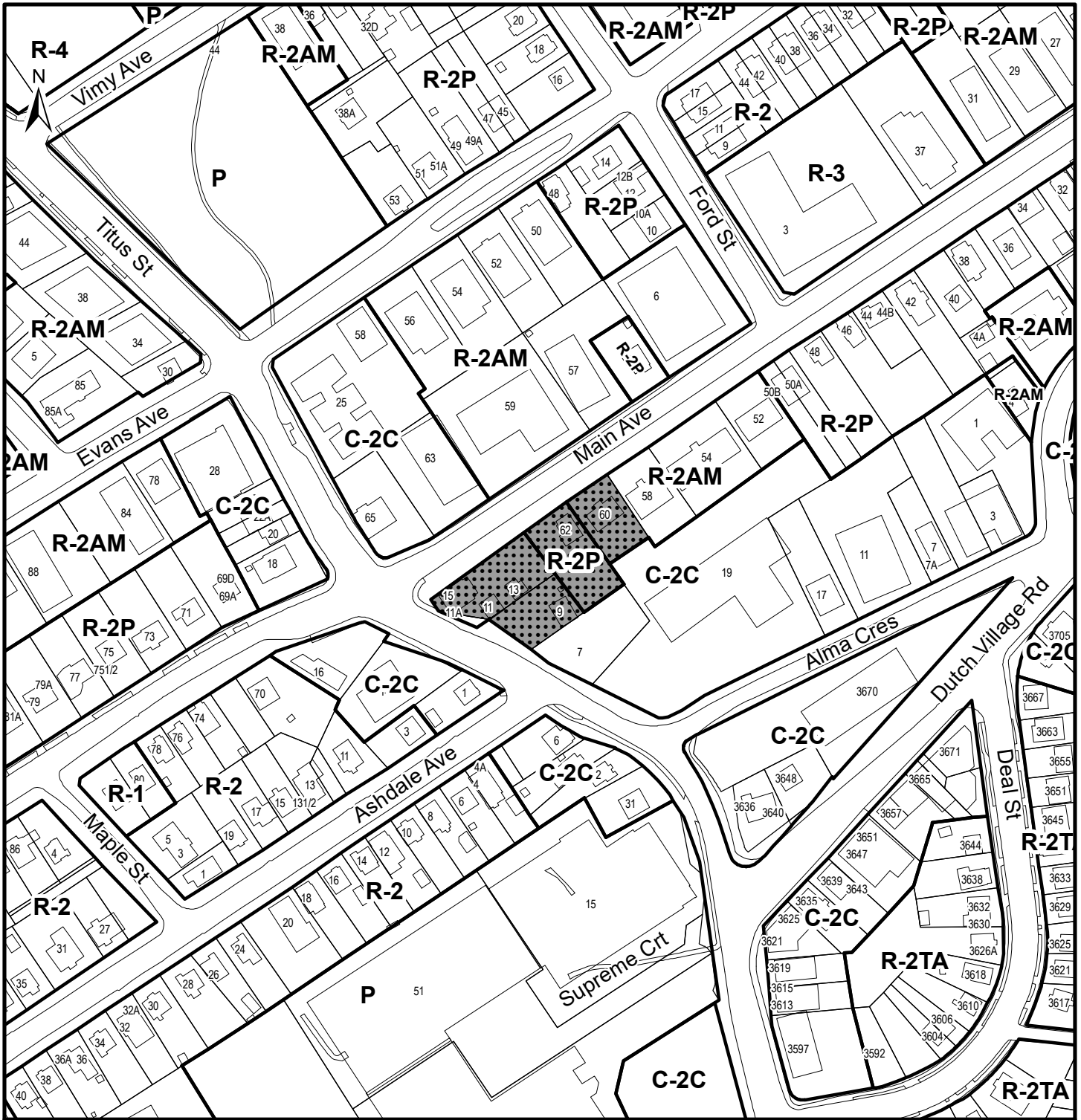
- CF Community Facilities
- COM Commercial
- DVR RES Dutch Village Road Residential
- HDR High Density Residential
- LDR Low Density Residential
- MDR Medium Density



This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated.

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

Halifax Plan Area
Fairview Secondary Plan Area



Map 2 - Zoning and Notification

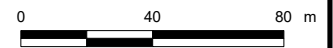
PIDs: 00180489, 00180018, 00180026, 00180034
Halifax

 Subject Properties

Zone

- C-2C Dutch Village Road Mixed Use
- P Park and Institutional
- R-1 Single Family Dwelling
- R-2 Two Family Dwelling
- R-2AM General Residential Conversion
- R-2P General Residential
- R-2TA Dutch Village Road Townhouse
- R-3 Low-Rise Apartment
- R-4 Multiple Dwelling

HALIFAX



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.

Halifax Mainland
Land Use By-Law Area

Attachment A: Conceptual Building Drawings









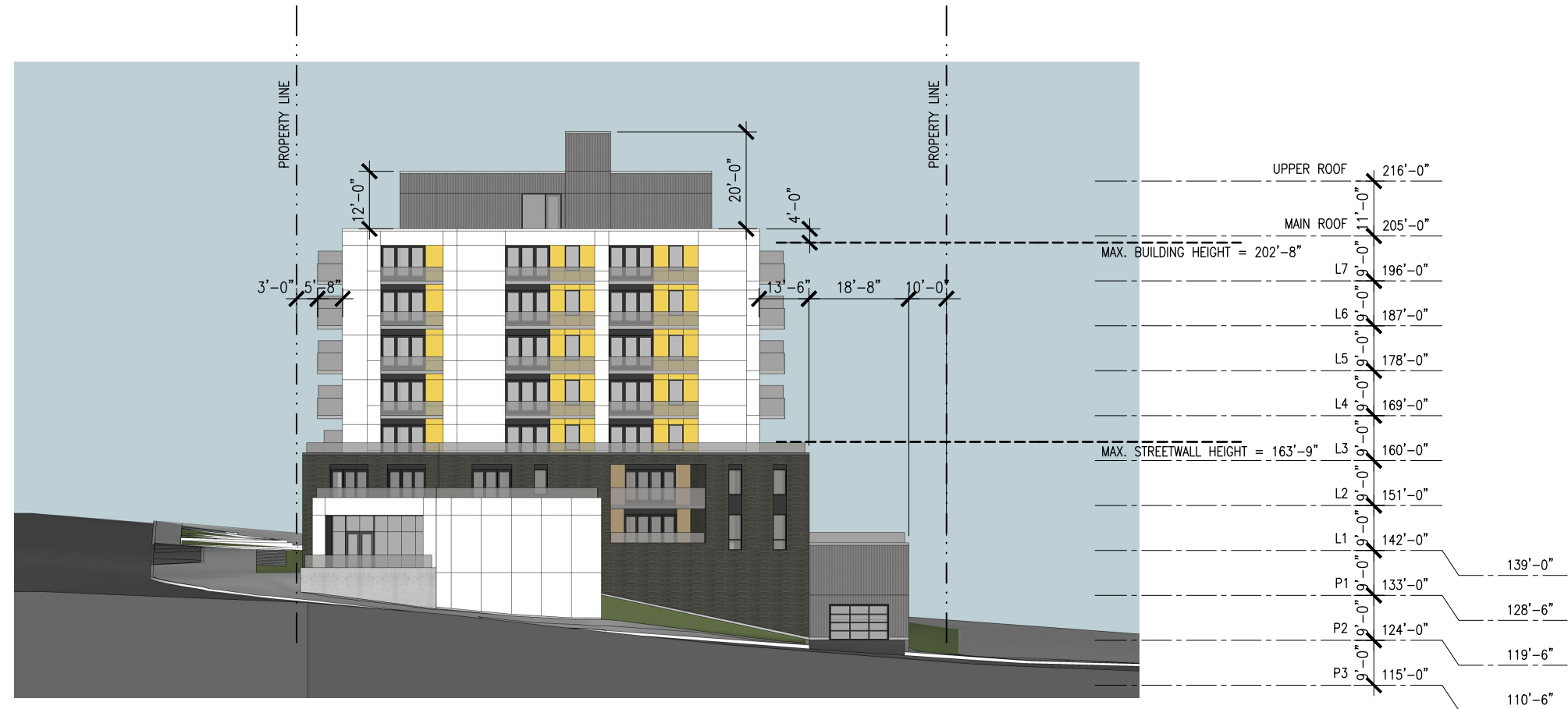
LYDON LYNCH

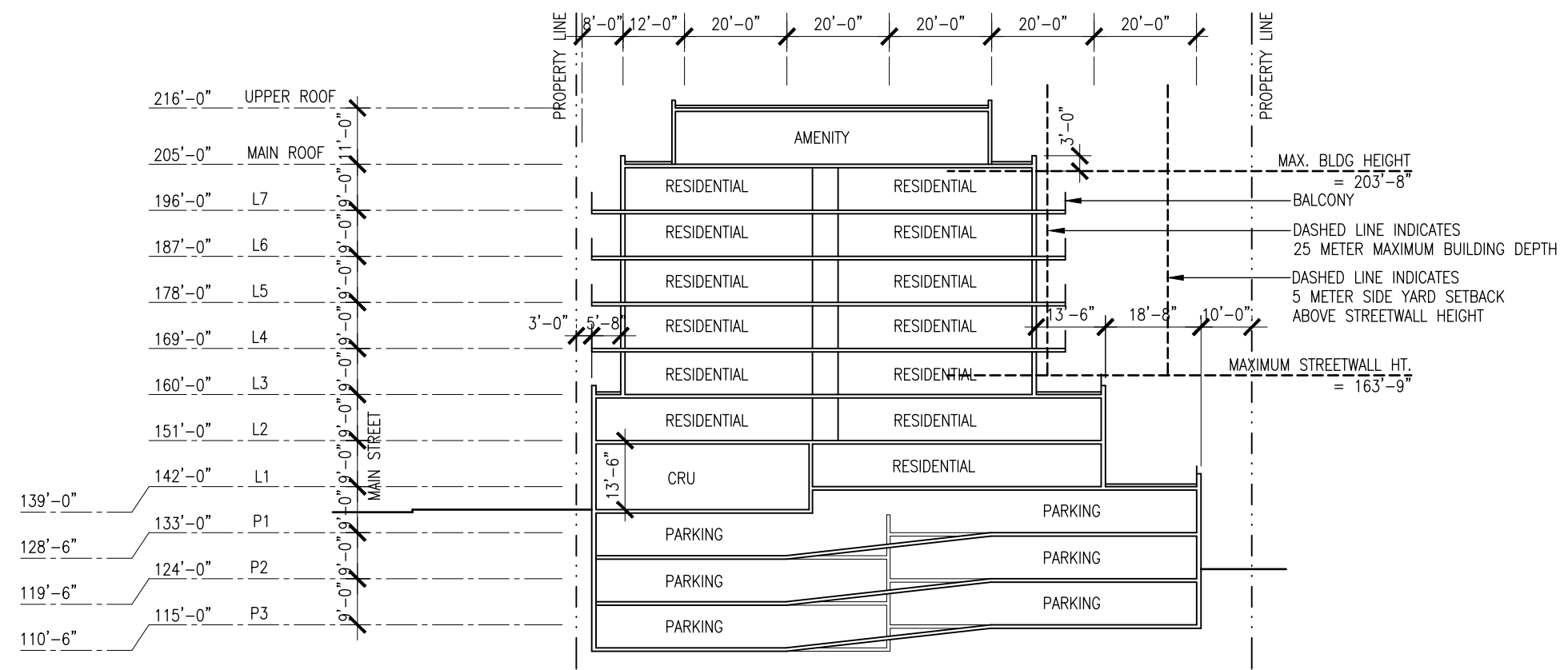
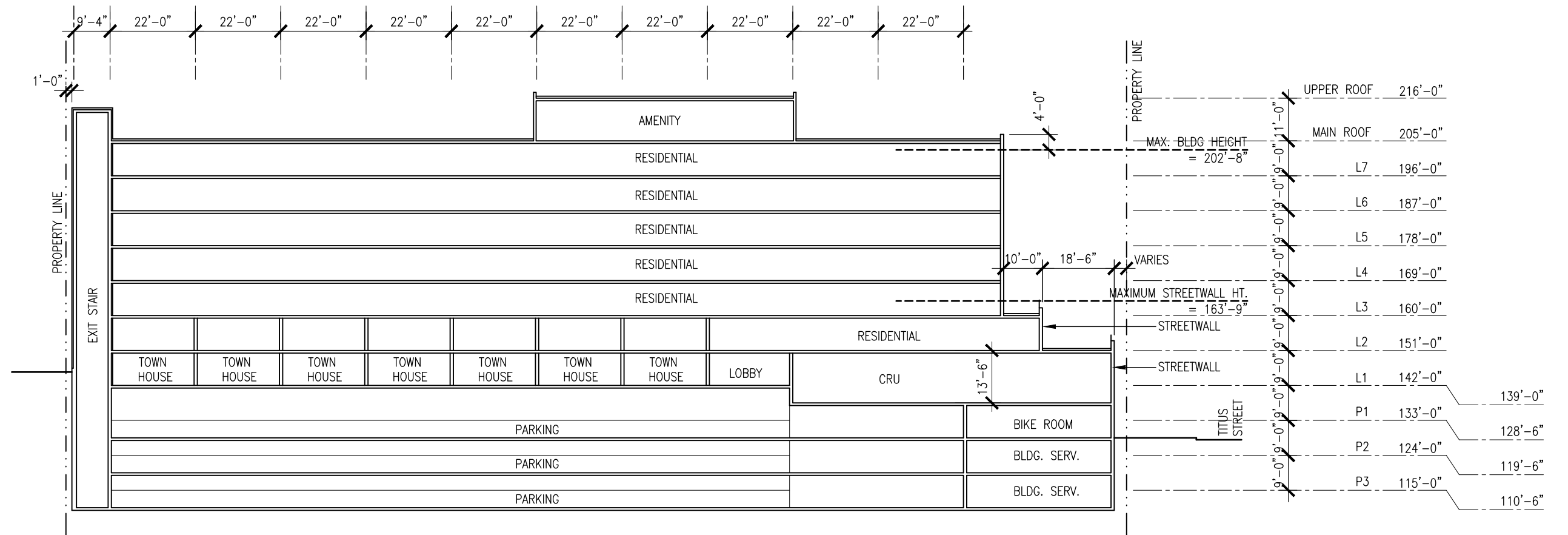
401 - 1668 BARRINGTON STREET
 HALIFAX, NOVA SCOTIA B3J 2A2
 902-422-1446 LYDONLYNCH.CA

PROJECT NAME:
**PROPOSED DEVELOPMENT
 TITUS & MAIN STREETS, HALIFAX, NS**

DRAWING TITLE:
SOUTH ELEVATION

DATE: 2020.09.14 DRAWING #:
 SCALE: 1" = 30'
 PROJ.#: 20006 **A200**





RE: MPS Amendment Request for Titus and Main

October 20, 2020

Eric Lucic
 Manager of Regional Planning
 Halifax Regional Municipality
 PO Box 1749
 Halifax, NS B3J 3A5

Dear Mr. Lucic,

I am writing on behalf of our client, United Gulf Developments Ltd., to request amendments to the Halifax Municipal Planning Strategy and Halifax Mainland Land Use By-law. The specific requests are detailed later in this letter, but the overall intention is to enable the efficient development of a mixed-use building at the corner of Titus and Main in Fairview.

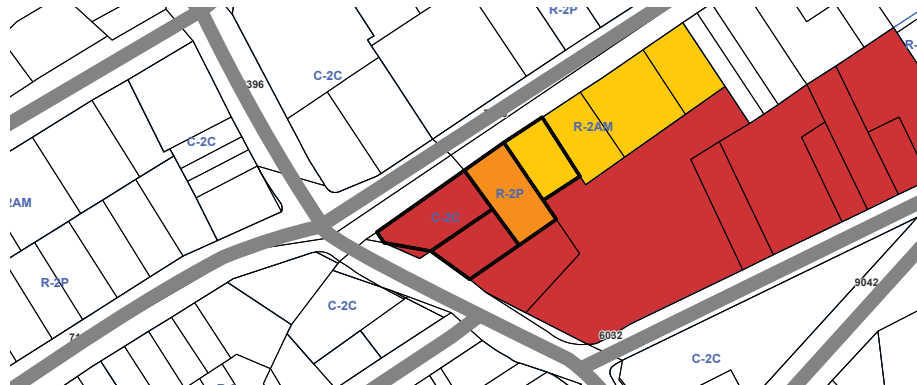
Subject Site

The subject site currently consists of four PIDs as follows:

PID	Civic Number(s)	Lot Area
00180489	9 Titus Street	6,311 SF
00180018	11, 13, and 15 Titus Street	9,400 SF
00180026	62 Main Avenue	8,712 SF
00180034	60 Main Avenue	6,600 SF
Total		31,023 SF

Our client's intention is to consolidate all four PIDs into one lot. All four PIDs are currently owned by Titus Street Developments Ltd. and under agreement of sale to our client pending the outcome of this application. A letter of authorization is included in this application package.

The site is currently zoned a mixture of Dutch Village Road Mixed Use (C2-C) Zone, General Residential (R-2P) Zone, and General Residential Conversion (R-2AM) Zone.



The subject site currently contains a collection of small-scale apartment buildings and detached homes.



The subject site slopes fairly significantly, particularly along the Titus Street frontage. Spot elevations at the north corner and south corner are 147.5 feet and 123.0 feet, respectively – an elevation change of 14.5 feet. This sloping condition, along with the need to address the dual frontages of Titus and Main, make efficient and thoughtful building designs for the subject site more challenging than typical urban sites.

Surrounding Context

The surrounding neighbourhood is currently in a period of rapid change. Titus Street and its extension into Dutch Village Road have traditionally featured a mix of small-scale residential and small-scale commercial buildings. However, the recently-approved "Plan Dutch Village Road" zoning updates are spurring the development of numerous mixed-use, mid-rise buildings along this stretch. The redevelopment of the former Halifax West High School site as a series of mixed-use buildings is also nearing completion. Immediately to the south-east of the subject site is a strip mall with a large area of surface parking.

Main Avenue, in contrast, is dominated by a series of large apartment buildings on the north side of the street and a mix of small apartments and detached homes on the south side of the street. While the large apartments are not overly tall (they range from three to five floors), the large floor plates and bulky design make them a commanding presence on Main Avenue.

The immediate area is very well serviced by transit and a stop on Main Avenue immediately in front of the subject site provides direct access to six bus routes. Routes 2, 3, and 4 provide frequent connections between the subject site and downtown, Burnside, and the South End universities, respectively, while routes 135, 136, and 138 provide peak-hour express service to downtown and the South End universities.



Concept Design

Attached to this letter is a set of architectural drawings prepared by Lydon Lynch for a mixed-use building design consisting of:

- + 3,330 SF of commercial space
- + 38 one-bedroom residential units
- + 81 two-bedroom residential units
- + 178 structured parking spaces
- + 67 bicycle parking spaces
- + 17,815 SF of amenity space

The concept design is not a final design; rather, it is intended to test the conditions of the site and illustrate areas where existing planning regulations create challenges for a rational, attractive building on the subject site. The design is subject to final adjustments and tweaks pending the outcome of this application.

Primary Request and Rationale

Our primary request is to amend:

- + Map 9C, the Generalized Future Land Use Map – Fairview, of the Halifax Municipal Planning Strategy to redesignate PIDs 00180026 and 00180034 from MDR to COM;
- + Map 9C(1), Plan Dutch Village Road Overview Map, of the Halifax Mainland Municipal Planning Strategy to include PIDs 00180026 and 00180034 in Area D;
- + Map ZM-1, the Zoning Map, of the Halifax Mainland Land Use By-law to rezone PID 00180026 from R-2P to C2-C; and
- + Map ZM-1, the Zoning Map, of the Halifax Mainland Land Use By-law to rezone PID 00180034 from R-2AM to C2-C

This would bring the entire site into the "Plan Dutch Village Road" area and apply a single zone across the site. The practical effect of this change would be to enable a mixed-use, mid-rise development across the entire site.

From a planning perspective it is understandable that 60 Main Avenue and 62 Main Avenue were not included within the COM designation and related zoning because they were outside the core strip at the time the Plan Dutch Village Road project was conducted. However, with consolidation they will now become part of a larger lot that extends into the Plan Dutch Village Road area and should be considered under a consistent set of rules. This helps support the Plan Dutch Village Road objective to, "address land use, external appearance of structures (built form), and urban design in a comprehensive manner." This change will also help ensure 60 and 62 Main Avenue are developed using up-to-date building design standards (e.g. streetwall requirements) rather than the basic zoning requirements that date from the 1970s.

Redesignating and rezoning these lots also helps support the Provincial Statement of Interest Regarding Housing by enabling higher densities of development and reduced yard requirements.

Secondary Requests and Rationales

Lydon Lynch has spent significant time and effort analyzing the subject site and developing a building concept that is developable, functional, and attractive. The result of this analysis is an understanding that the primary request, above, is the key component for redevelopment of the subject site; without it, efficient and effective development of the site is difficult, if not impossible under current conditions. However, the analysis points to a number of other constraints within the existing planning documents that—while they do not outright prevent development—result in sub-par development by negatively affecting unit layouts, building access, aesthetics, and overall project viability. In many cases these challenges are created as a result of the sloping and corner lot conditions on the subject site.

Maximum Building Depth

Clause 38BC(1)(a) of the Halifax Mainland Land Use By-law limits the maximum building depth to 25 metres. There is the possibility of limited exemptions to this requirement if a site is indicated on map ZM-29. We request the addition of the subject site to this map.

Because the site is a corner site it is preferable from an urban design perspective to "wrap around" to the Titus Street frontage and provide visual interest on that street. Given the difficult slopes on the site, it is also necessary to extend the building podium along Titus Street to accommodate the garage access. However, this would exceed a building depth of 25 metres. Adding the site to map ZM-29 solves this challenge.

Rooftop Features

The Halifax Mainland Land Use By-law defines "height" to the highest point on a building. There are no exemptions for features such as rooftop mechanical, elevator shafts, greenhouses, rooftop access stairwells, or amenity space like there are in many of HRM's other land use by-laws. This is extremely problematic because accommodating these essential features comes at the expense of losing a whole floor of rentable floor area. This also prevents the ability to use the rooftop for building occupants, to the detriment of building livability. We request that a limited exemption to building height similar to Subsection 8(8) of the Downtown Halifax Land Use By-law be included in the Halifax Mainland Land Use By-law.

Maximum Building Height

Maximum building height on the site is governed by map ZM-32 of the Land Use By-law, which sets the maximum height at 19.5 metres from the average grade of all streets adjoining the site. According to the Halifax Municipal Planning Strategy this is intended to enable mid-rise buildings. Generally, this height limit works, but it does become problematic specifically on the subject site where one corner on Titus drastically drags down the average street grade because of the measurement from both road frontages. I also note that the Halifax Centre Plan uses 20 metres to great effect for mid-rise development along the Corridors.

We request that amendments to the Halifax Mainland Land Use By-law be considered in relation to the measurement of height on the subject site. Overall, the most harmonious method would be to update the height precinct in Area D to 20 metres to align with the successful Centre Plan approach. However, we recognize that wider planning changes beyond the application site are often seen as "opening a can of worms", and would alternatively suggest an update to the height just on Map ZM-32 for the subject site, or a refinement of how height is calculated on corner sites (e.g. only measuring from the primary frontage).

Lot Coverage

Clause 38BD(1)(a) of the Halifax Mainland Land Use By-law limits lot coverage to 75%. This would be equal to a footprint of 24,850 SF on the subject site. None of the livable floors of the building exceed this area, with gross floor areas ranging from 18,510 SF to 23,665 SF. However, the parking levels do exceed the lot coverage with a gross floor area of 27,770 SF.

While Clause 38BD(1)(a) does permit a larger lot coverage for below-grade parking garages, this exemption does not work for sloped sites such as the subject site. Further, the combination of the sloping conditions, the corner site, and the uneven south property lines means it is not a simple matter of reconfiguring the parking levels to comply; moving the garage access would put it too close to the intersection, and moving the building over the garage access would run afoul of maximum front yard requirements. We request either a site-specific exemption to lot coverage, or a general refinement of Clause 38BD(1)(a) to allow exemptions on sloped sites.

From a community perspective, an exemption for lot coverage would have minimum effect in this situation because the neighbouring site consists of surface parking. We are also currently in the process of finalizing a site servicing plan; however, preliminary results indicate that it is very much possible to achieve net-zero stormwater runoff on the site at this level of lot coverage.

Conclusion

UPLAND, Lydon Lynch, and our client, United Gulf Developments Ltd., are excited by the opportunity presented by the Titus and Main site to develop an attractive, mixed-use building in support of the Plan Dutch Village goals. However, this can only be enabled through adoption of our primary request. We also believe that the adoption of our secondary requests would lead to an overall much more attractive, rational, and developable building. We encourage you, the rest of staff, and ultimately Council, to support us in these endeavors.

We are currently in the process of finalizing a Traffic Impact Statement and servicing study for the subject site, and will submit those to you to support staff's analysis as soon as they are completed.

Thank you for your consideration, and please do not hesitate to reach out if you have any questions or require additional information. We look forward to working with staff, the public, and Council on this project.

Sincerely,

Original Signed

 Ian Watson, Senior Planner, MCIP, LPP