

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original Signed by 
Jacques Dubé, Chief Administrative Officer

DATE: January 14, 2022

SUBJECT: Centre Plan Package B Supplementary Report

ORIGIN

On October 26, 2021, Regional Council put and passed the following motions regarding Item 12.2:

“THAT Halifax Regional Council:

5. Request a supplementary report for Council to consider subsequent to the adoption and approval of the Regional Centre MPS and LUB regarding:

a. Possible changes to the zoning at 1133 Tower Road (Ronald MacDonald House) per their letter of October 22, 2021 to reflect HR rights that better reflect the R2-A rights currently in place or to expedite a path to a heritage registration and DA for the site; and

b. Potential modifications to building design requirements to allow some form of intermediate floor massing in the mid-rise portion of the tower as may be appropriate, per the letter from Lydon Lynch dated October 21, 2021.

c. Potential modification to the special setback requirement that applies to the section of South Park Street that is situated between Spring Garden Road and Clyde Street for possible adjustment per the letter from Upland planning & Design dated October 25, 2021

6. Request a supplementary report regarding the outstanding Centre Plan Site Plan applications that will be affected by the adoption of Centre Plan Package B.

7. Request a supplementary report regarding the planning concerns raised by residents Scott and Lynn Brogan with respect to their current planning application(s).”

LEGISLATIVE AUTHORITY

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

RECOMMENDATION

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

1. Initiate a process to consider amendments to the Regional Centre Secondary Municipal Planning Strategy and Land Use By-law, and Downtown Halifax Secondary Municipal Planning Strategy and Land Use By-law to address the housekeeping matters identified in the Discussion section of this report; and
2. Follow the public participation program for the SMPS and related LUB amendment (planning documents) as set out in the Community Engagement Section of this report.

BACKGROUND

The Regional Centre is the densely populated urban core of the Municipality and the cultural, economic, and social hub of the region. On October 26, 2021, Regional Council approved the Regional Centre Secondary Municipal Planning (SMPS) Strategy and Regional Centre Land Use By-law (LUB) to guide development and growth within the Regional Centre. The SMPS includes policies for housing, businesses, institutions, parks, the environment, and urban design. The SMPS and LUB came into effect on November 27, 2021.

At the October 26, 2021 meeting, Council requested a supplementary report on five items identified by members of the public at the public hearing. This report provides additional information and advice on these items and discusses several proposed housekeeping amendments identified by staff.

DISCUSSION

Victoria Road Proposed Heritage Conservation District Context

A letter from Ronald McDonald House was submitted to Regional Council as part of the public hearing regarding their property located at 1133 Tower Road, Halifax. Regional Council requested that staff review the requests identified in the letter, including considering rezoning the site to the HR-1 Zone, or an expedited path to heritage registration and a development agreement.

Subject Site Context

The subject site is located within the proposed Victoria Road (VR) Heritage Conservation District (HCD) and is zoned Established Residential 1 (ER-1) (Map 1). The proposed HCD includes two registered heritage streetscapes and dozens of mid-to-late Victorian homes that are generally in very good condition. The subject site is not a registered heritage property, but the building is a mid-Victorian dwelling that is of very high integrity and similar in style to other buildings that make up the Tower Road Victorian Heritage Streetscape. Due to its age, condition, and architectural style, staff advise that this building is of significant heritage value and its location within the proposed Victoria Road Heritage Conservation District means that its conservation should be encouraged.

Proposed HCDs are established in areas with high concentrations of registered heritage properties and contributing heritage resources. There are multi-unit HR-1 zoned properties adjacent to the proposed Victoria Road HCD that were constructed relatively recently and are excluded from the proposed HCD because they hold little or no heritage value.

SMPS Policy CHR-12 requires that proposed HCDs located within the Established Residential Designation be zoned ER-1 to protect heritage resources prior to the HCD planning process. The ER-1 Zone is applied as an interim measure to discourage wholesale demolitions and major alterations while ensuring existing uses can continue under flexible non-conforming use provisions. Through the future HCD planning process, Council will consider land use policies and regulations for

the specific context of the HCD based on further research and community engagement. This may include expanding permitted uses and development capacity, while respecting heritage assets.

Heritage Development Agreement Option

SMPS policy CHR-7 enables registered heritage properties located outside of the DH Zone and any approved heritage conservation district to seek increased development options by development agreement. Any development proposed under this policy must maintain the heritage value of the registered property and is intended to incentivize the preservation of heritage assets by permitting increased development opportunities, including building height and densities that may exceed LUB requirements. While no application has been received, staff have been in discussions with the property owner regarding a potential heritage registration and related development agreement option.

HR-1 Zone

The landowner's request suggests that the HR-1 Zone should be applied to reflect the rights afforded by the former R2-A Zone. Under the former Peninsula LUB, the R2-A Zone permitted the redevelopment of existing buildings by allowing multi-unit dwelling uses via internal conversions and additions to the rear two-thirds of the building only. The effect of this zone was to protect certain building elements and massing by incentivizing the preservation of the existing building and front facade. Staff note that the building located on the subject site has used the provisions of the former R2-A Zone in 1982 when a large addition was constructed at the rear of the building.

In contrast to the former R2-A Zone, the HR-1 Zone does not have any limitations on the location of additions and alterations and would permit a new building to be constructed that is potentially much larger than what the R2-A Zone would have permitted. Consequently, staff advise that applying the HR-1 Zone may encourage the demolition of the existing structure and its potential heritage value, which could impact the integrity of the proposed HCD. An SMPS amendment would be required to remove the subject site from the proposed HCD and apply the Higher-Order Residential Designation and the HR-1 Zone.

Until the Municipality undertakes the HCD planning process, staff recommend that the subject site remain in the proposed HCD and continue to be zoned ER-1 to encourage the preservation of the potential heritage asset. If the property owner wishes to redevelop prior to the HCD planning process, the property owner could consider heritage property registration and apply for a development agreement under existing SMPS policies.

Maximum Tower Dimensions Above the Height of the Streetwall

The public hearing submission from Lyndon Lynch requested that the SMPS and LUB be amended to allow high-rise towers to be constructed on top of the mid-rise portion of buildings. The resulting building form would have a distinct podium, which typically spans the entire street frontage, a "tall mid-rise" section that would be set back from the streetwall, and an upper portion that would be further set back from the streetwall (Figure 1). The combination of the maximum dimensions and stepbacks creates a building form commonly referred to as a 'wedding cake', referencing the tiered portions of a building. The following subsections outline current LUB requirements and the policy rationale for not allowing the 'wedding cake' built form outside of Downtown Halifax.

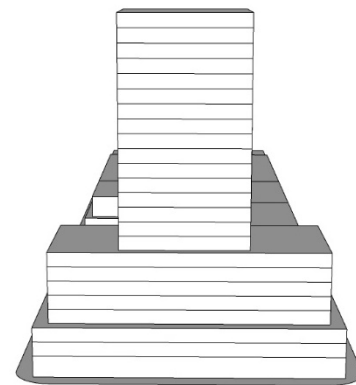


Figure 1: A high-rise tower with a tall mid-rise portion

Existing Built Form Requirements

The built form regulations set out in the SMPS and LUB are organized around three distinct building forms: high-rise, tall mid-rise and mid-rise forms, each with specific requirements with policy rationale described below. For high-rise buildings, maximum building dimensions above the height of the streetwall are required for developments located in the CEN-1, CEN-2, COR, DD, HR-1 and HR-2 zones. In these zones, maximum floorplate and building dimensions apply to buildings that exceed a

height of 26 metres. A high-rise tower (the portion of a high-rise building above the podium), is limited to a width and depth of 35 metres, and a maximum per-floor area of 750 square metres (8073 sq. ft). In combination with setback, stepback and tower separation requirements, the maximum building dimensions result in a “tower-podium” form with a slim high-rise tower atop a podium.

Buildings below a height of 26 metres (approximately 8-9 storeys) are defined as tall mid-rise buildings, and buildings below a height of 20 metres (approximately 6-7 storeys) are defined as mid-rise buildings. These building types may have a maximum dimension of 64 metres, which may be increased through the site plan approval variation process. Development projects may choose to develop a mid-rise, tall mid-rise or high-rise built form, subject to site constraints and other zone requirements. However, high-rise towers are not permitted to be constructed on top of mid-rise or tall mid-rise portions of buildings.

Figure 2 (below) illustrates the high-rise, tall mid-rise, mid-rise and low-rise building forms supported by existing policies and regulations. These built form regulations were a key point of engagement and discussion during the Centre Plan Package A planning process. However, during the Package B review process, staff discovered an inadvertent drafting error within the Package A LUB that allowed restrictions on the dimensions of high-rise towers to apply only to the portion of the tower above 26 metres instead of all portions of the towers above the streetwall. The Package B SMPS and LUB corrected this oversight by clarifying that the maximum floor area and dimensions of high-rise buildings apply to all portions of the tower above the streetwall.

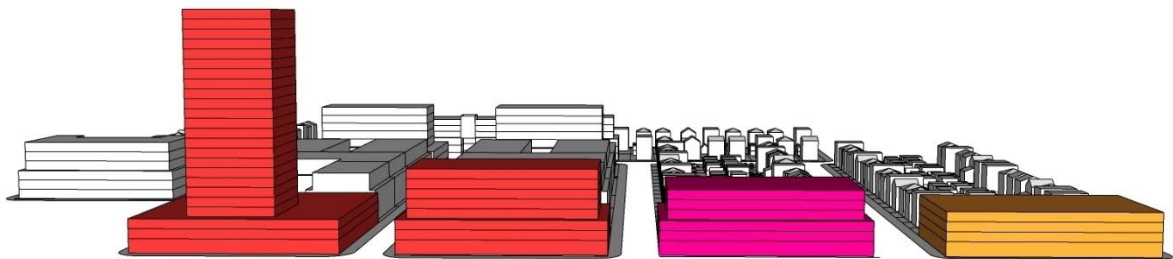


Figure 2: (from left to right) High-rise, tall mid-rise, mid-rise, and low-rise buildings

Downtown Halifax

While most Regional Centre zones do not permit the ‘wedding cake’ built form, it is uniquely enabled and supported in Downtown Halifax. The Downtown Halifax (DH) Zone carries forward the detailed built form controls first established under the 2009 Downtown Halifax Plan and LUB, which allow the ‘wedding cake’ form, as well as larger tower dimensions. These more permissive built form controls recognize that Downtown Halifax is intended to accommodate denser, and land use intense developments than most other places in the Municipality. Downtown Halifax is one of the primary employment centres of the region, where certain uses and tenants, such as offices, may require larger floorplates than other areas of the Regional Centre.

Policy Rationale for High-Rise Building Built Form Controls

Outside of Downtown Halifax, the Downtown, Centre, and Corridor designations are intended to balance a mixing of uses, opportunities for business and employment, strategic growth and high-quality urban design. These designations also support development that is sensitive to the pedestrian environment, parks and low-rise residential neighbourhoods. In this context, slimmer towers are preferable since they cast narrow and quickly moving shadows that allow more direct access to sunlight at the street level. This provides a more comfortable environment for pedestrians. Similarly, mid-rise and tall mid-rise buildings cast a wide, but relatively short shadows, which also have a limited impact on the public realm. However, a mid-rise or a tall mid-rise with a high-rise building combined in one building casts both a wide and long shadow, which can have a cumulative and negative impact on public access to sunlight

The maximum tower dimensions established in the SMPS and LUB are important to the successful densification of the Regional Centre and are one of the central urban design policies of the newly adopted plan. Any revision to this key policy would require an SMPS amendment and involve significant community and stakeholder consultations. Many development projects are proceeding under maximum tower dimension requirements and initiating a process to reconsider the current approach would create new uncertainties for development. For these reasons, staff do not recommend revisiting the maximum tower dimensions requirements at this time. However, staff acknowledge that this urban design control may merit review and engagement during future comprehensive reviews when the impacts of completed projects can be considered and assessed.

Spring Garden Road and South Park Street Special Areas

Regional Council requested staff consider potential changes to the Spring Garden Road (SGR) and South Park (SPS) Street Special Areas of the Downtown Halifax (DH) Zone in response to the public hearing letter submitted by Upland Planning and Design. These Special Areas carry forward unique built form requirements originally established under the Downtown Halifax Plan and LUB that are intended to ensure that adequate sunlight reaches the street and the Halifax Public Gardens. The original regulations required portions of buildings above 17 m in height be set back an additional 0.9 metre from the streetline for each additional 0.6 metre in height facing either Spring Garden or South Park Street, but not both. Staff acknowledge that the specific wording of LUB Section 132(2) unintentionally combines requirements for the SGR and SPS Special Areas, meaning that corner lots would need to meet stepback requirements for both street frontages. Therefore, staff support addressing this inconsistency with SMPS policies by amending the LUB to separate the requirements for the SGR and SPS Special Area, respectively.

Regional Centre Site Plan Approval Applications

Regional Council requested information on site plan approval applications impacted by the adoption of Package B. As outlined in previous staff reports, site plan approval applications cannot continue to be considered under the regulations in place at the time the applications were made. Instead, as with as-of-right development, site plan approval applications were required to complete all review steps and obtain construction permits to be able to proceed under the former Package A and Downtown Halifax regulations. This meant that applications that did not receive a construction permit prior to the publishing of the notice of the Package B public hearing could not proceed under the former Package A regulations.

At the time of the Centre Plan Package B first public hearing notice (October 9, 2021), there were 23 active site plan approval applications on file with the Municipality that had not already received construction permits or been withdrawn. Of these 23 applications, 22 were pre-applications and one was a full site plan approval application. The following subsections discuss the transition between the Package A and Package B planning documents and the impact on site plan approval applications.

Package B Transition

The July 28, 2021 [Committee of the Whole report](#) (agenda item 5), discussed the impacts of Package B on active development applications and recommended a number of mitigation measures that have since been incorporated in the approved planning documents. For projects located within the former Downtown Halifax Plan area, five identified sites were removed from the Package B planning documents. This approach was possible because the Downtown Halifax Plan will remain in place for the Barrington Street and Old South Suburb Heritage Conservation Districts (HCDs). For the former Package A areas, transition measures included revisions to several proposed LUB regulations to align more closely with Package A requirements. Overall, impacts on site plan approval applications in former Package A areas were limited as Package B built form and design requirements were generally the same or more flexible.

In addition to revising the Package B planning documents, staff made efforts to inform applicants and the broader development community about the impact on site plan approval applications, as summarized below:

- April 2021 - correspondence sent to Nova Scotia Association of Architects (NSAA) to inform members that the Municipality cannot, under the *HRM Charter*, 'grandfather' site plan approval

- applications and the resulting potential impact on active development applications;
- July 2021 - detailed information posted on the Centre Plan website and circulated to key stakeholders that compared and explained the difference between existing Package A and proposed Package B LUB requirements;
- July 2021 - correspondence sent to all active site plan applications to inform them of the projected date for the first public hearing notice for Package B planning documents;
- throughout the Package B review process staff directly engaged with various stakeholders to inform them of the upcoming planning documents changes and conducted project-specific reviews to clarify the impacts for several development projects;
- during the summer and early fall of 2021 staff brought forward a number of site plan approval applications to the Design Advisory Committee (DAC) to help ensure projects in the advanced stages of review could obtain construction permits prior to first notice of the Package B public hearing.

Given the above efforts, prior to the Package B public hearing, the majority of active site plan approval applications had either obtained construction permits or had decided to wait for the approval of the Package B planning documents.

Site Plan Approval Pre-applications

As noted above, there were 22 site plan approval pre-applications on file at the time of the Centre Plan Package B public hearing. While highly encouraged, pre-applications are part of a voluntary process established to provide early feedback to applicants before they proceed to the full site plan approval application stage and the required public consultations and DAC review. The early comments frequently identify significant changes to proposed building designs to comply with LUB requirements.

Under the Package B LUB, the site plan approval tool is only used for variations, meaning that most of these pre-applications can now proceed directly through the as-of-right development review process. These pre-applications may also choose to be reviewed through the new voluntary pre-application option established for as-of-right developments.

Full Site Plan Approval Application

As noted above, there was one completed site plan approval application on file that had not yet obtained construction permits at the time of the Centre Plan Package B first notice of public hearing. Application number 22940, located at 3085 Oxford Street, had completed the site plan approval process, but had not yet applied for the subdivision needed to consolidate lots, or development and construction permits. With the adoption of Package B, changes to certain LUB provisions will require adjustments to the building's design to receive a building permit. These changes are outlined in the following table.

LUB Regulation	Package A LUB	Package B LUB
Front Yard Setback (Young Street only)	<ul style="list-style-type: none"> •Minimum setback on Young Street: 1.5 metres •Minimum setbacks were established throughout to support pedestrian activity, provide space for landscaping, to support plan policy and based on the local context. •Portions of buildings below grade were allowed to extend beyond the minimum required setback up to the property line. 	<ul style="list-style-type: none"> •Minimum setback on Young Street increased to 3.5 metres based on additional analysis to: <ul style="list-style-type: none"> - more closely reflect existing conditions and local character; - support landscaping and a pedestrian oriented environment; - provide greater consistency between different portions of some streets; - support viewing triangles and pedestrian safety; and - better align with Nova Scotia Power setback requirements from power poles.

		<ul style="list-style-type: none"> •Below grade portions of buildings are not permitted to extend past the minimum required front yard setback to support landscaping and reduce potential conflicts public infrastructure. •S.178 shown on schedule 18
Rear Yard Setback	<ul style="list-style-type: none"> •Intended as a 3.0 metres rear yard setback, but interpreted for this and other sites as 0.0 metres due to an inadvertent lack of clarity in the specific wording of the LUB provision. 	<ul style="list-style-type: none"> •The rear yard requirement is unchanged and clarified to be 3.0 metres to provide separation between buildings and support internal access and building maintenance. •The built form requirements were reorganized and re-written by zone to make them clearer and more concise. •S.182
Outdoor Amenity Space Design Requirements	<ul style="list-style-type: none"> •High density dwelling uses were required to provide 5 sq. m. of amenity space per dwelling. •At least 50% must be provided indoors. •Some minimum space and dimension requirements. •Design requirements only pertained to at-grade outdoor amenity space. 	<ul style="list-style-type: none"> •The requirements for outdoor amenity space are not met - seating, weather protection and lighting are required. •The overall minimum amount of amenity space to be provided is not changed (5 sq. m. per unit) •Previous at-grade open space design requirement clarified as an outdoor amenity space design requirements and clarified to also apply to amenity space located on rooftops. •S. 356
Side Yard Articulation Requirements	<ul style="list-style-type: none"> •Where a building faces a side yard the façade treatment on the wall facing the side yard was required to continue for a depth equal to or greater than the side yard setback. 	<ul style="list-style-type: none"> •Buildings with side setbacks 2.0 metres or greater must provide façade treatment double the side setback distance. •Revision are intended to increase the effectiveness of the provision by waiving side yard articulation requirements where side yards are less then 2.0 metres, and increasing the depth of the articulation where site yards are 2.0 metres or greater. •S.362

Of the above four items, the changes to the front and rear yard setback requirements most impact the proposed building design. While it is possible to amend the SMPS and LUB to reduce these requirements for this site, staff do not recommend this approach as the rear yard setback is important for building access and managing impacts of development on adjacent properties and the minimum front yard setback is common to all properties fronting Young Street in this area.

In addition, the Package B LUB removes general site plan approval requirements, which means that most development projects can now directly apply for development and construction permits. Only developments requesting variations must make a site plan approval application. If no variations are requested, the applicant can make the necessary adjustments to the proposed building design and

immediately apply for development and construction permits. Given the specific nature of the LUB requirements that are not met and the opportunity to revise the building design and proceed directly to building and development permits, staff do not recommend SMPS and LUB amendments to accommodate the previous site plan approval.

1991B Prince Arthur Street

Scott and Lynn Brogan spoke at the Package B public hearing and submitted a letter concerning their interest in rezoning their property located at 1991B Prince Arthur Street from ER-1 to either CH-1 or ER-3 to support the development of additional housing units (Map 2). The following summarizes the history and context of this subject site and rezoning request:

- the subject site is approximately 2,428 sq. m. (0.6 acres) in size with limited frontage on both Quinpool Road and Prince Arthur Street;
- the subject site contains a single unit dwelling, and is surrounded by single unit dwellings;
- under the now repealed Halifax Peninsula LUB, the subject site was zoned R-1 (Single Family Zone) which permitted single unit dwellings and accessory uses, including a backyard or accessory suite;
- in response to a request received during the engagement phase of the Package B planning process, staff recommended that the CH (Cluster Housing) Zone be applied to the subject site due to its irregular shape and limited frontage, as outlined in [Attachment K](#) of the June 2, 2021 staff report to the Community Design Advisory Committee;
- on August 17, 2021, Regional Council directed staff to amend the proposed zoning for the subject site from CH to ER-1 as part of the Package B committee and Council review process; and
- on October 26, 2021, Regional Council approved the Package B Planning documents, which applied the ER-1 Zone to the subject site and surrounding area.

Under the existing ER-1 Zone, the subject site can be developed for a single unit dwelling and accessory or backyard suite, which is consistent with previous and surrounding zoning. Under existing SMPS policies, Community Council may consider proposals to amend the LUB to rezone land located in the Established Residential Designation to any other zone enabled in the same designation, subject to a number of policy criteria. This includes specific policy criteria for considering rezoning lands to the CH-1 or CH-2 zones. The following discusses the subject site's development potential under the requested CH-1 or ER-3 zones.

Cluster Housing (CH-1) Zone

The CH-1 Zone is applied to limited areas to provide opportunities to cluster a variety of low-rise residential buildings on a single property where the development of a new public street is not practical or needed to support pedestrian connectivity. The CH-1 Zone permits a maximum of 24 dwelling units on a single lot, subject to lot coverage, amenity space, setback and other requirements. With a lot size of 2,428 sq. m., staff advise that 24 dwelling units may be achievable if developed in a compact form, depending on unit size and layout choices, and the ability of a proposal to meet all LUB requirements.

ER-3 Zone

The ER-3 Zone is primarily applied along streets that support existing or planned high frequency transit routes, as well as lands that permitted townhouse uses under former planning documents. The Zone is also applied to areas that abut higher density and mixed-use areas. The ER-3 Zone permits the largest buildings and range of uses within the Established Residential Designation, including townhouses and low-rise buildings containing up to three residential units. To encourage the preservation of large character homes, the ER-3 Zone also permits the internal conversion of existing buildings to a multi-unit dwelling containing a maximum of six dwelling units.

As the subject site has limited frontage, staff advise that its maximum development potential under the ER-3 Zone would be limited to the internal conversion of the existing dwelling into a multi-unit dwelling containing a maximum of six dwelling units. If the existing dwelling cannot be internally converted, then the maximum development potential would be limited to a dwelling containing up to 3 units, and an accessory or a backyard suite. The subject site's location may not be consistent with the ER-3 Zone policies.

As indicated above, the SMPS enables property owners to submit an application to rezone the subject site to either the CH-1 or ER-3 Zone. Such an application would be subject to review against applicable policy criteria and the approval of the Regional Centre Community Council. The planning process would also include community engagement, which would allow neighbouring residents to comment on the specific development proposal that could be enabled under the CH-1 or ER-3 Zone. As existing SMPS policies already enable a rezoning application, staff advise that no further Council direction is needed for the requested zoning to be considered through the planning application process.

Housekeeping Items Identified by Staff

With the Package B planning documents now in effect, a broader range of staff have had the opportunity to apply the new land use regulations to a diverse number of proposed developments and situations. Through administration of the new Plan and LUB, staff have identified several proposed housekeeping amendments to the SMPS and LUB to clarify regulations and address unintended inconsistencies, as outlined below.

SMPS and related LUB amendments (planning documents)

- Adjustment to Map 4, Maximum Building Height Precincts to change the permitted height at 6022 North Street from 14 metres to 17 metres to implement Regional Council direction provided on August 17, 2021 as set out in the [Committee of the Whole report](#) dated July 28, 2021 (Attachment A, item 56). The site is zoned HR-1.
- Adjustment to Map 1 and Schedule 2 to re-designate 2253 Brunswick Street from Established Residential to Institutional, and to re-zone from ER-1 to INS while maintaining a max. height of 11 m. This is to fully to implement Regional Council direction provided on August 17, 2021 as set out in the [CDAC report](#) dated May 7, 2021 for rezoning of 2263 Brunswick Street, including the adjacent parking lot (Attachment K, item 79).
- Adjustment to all applicable SMPS Maps and LUB schedules to clarify that the entire development site for Case 23050, substantive site plan approval for property located at 1740, 1730, and 1724 Granville Street, is maintained under the Downtown Halifax SMPS and LUB. A portion of this site is currently under the Centre Plan planning documents, which has differing bonus zoning requirements. Maintaining the entire development site under the Downtown Halifax SMPS and LUB is consistent with previous Council direction to support a smooth transition for site plan approval applications located in the Downtown Halifax Plan area.
- Revisions to SMPS Policy F-1 and related LUB provisions concerning uses permitted in the CDD-2 Zone without a development agreement to clarify that institutional uses permitted in the CEN-2 Zone are also permitted, instead of only commercial uses.
- Adjustments to applicable SMPS Maps and LUB schedules to address inconsistent alignment between designation, zone, maximum height, and floor area ratio (FAR) boundaries for the Halifax Forum site and other areas that may be discovered prior to bringing forward the housekeeping items for Council's consideration.

LUB amendments only

- adjustments to the LUB text as needed to clarify floor area requirements for secondary suites and backyard suites;
- revisions to Schedule 6, Robie Street Transportation Reserve, to adjust the location of the transportation reserve near the intersection of Robie and May Street based on updated technical information;
- clarification of front and flanking setbacks requirements for any new public streets that may be developed in the future, which are not shown on LUB Schedule 18;
- clarification of the built form and design requirements that apply to yards facing provincial 100 series highways;
- revisions to the parking structure screening requirements to clarify which public views are required to be screened;
- revisions to the LUB land use tables to move daycare uses from the commercial category of uses

to the institutional category of uses to clarify that commercial floor area limitations applicable to the HR-1 and HR-2 zones do not apply to daycare uses;

- revisions to certain LUB diagrams to further clarify the intended interpretation of regulations for differing lot configurations;
- minor wording adjustments needed to address inconsistent cross referencing and use of terms; and
- other potential adjustments to clarify items that may be discovered prior to bringing forward the housekeeping items for Council's consideration.

Staff recommend that Council initiate SMPS and LUB amendments to address the above housekeeping items, including the recommended adjustments to the Spring Garden Road (SGR) and South Park Street (SPS) Special Area provisions discussed earlier in this report. Only the five proposed adjustments to SMPS policies and maps require the SMPS amendment process and a decision of Regional Council. All other proposed housekeeping items concern minor adjustments to the LUB text, maps and images that can be considered by the Regional Centre Community Council.

FINANCIAL IMPLICATIONS

The HRM costs associated with carrying out the recommendations contained in this can be accommodated within the approved 2021-22 operating budget.

RISK CONSIDERATION

This report is a supplementary report to the Centre Plan Package B second reading report. No additional risks have emerged since the writing of that report.

COMMUNITY ENGAGEMENT

Regional Council held a public hearing regarding the adoption of the Regional Centre Plan on October 26, 2021. The items discussed in this report emerged from public participation at that hearing.

Should Regional Council choose to initiate the SMPS amendment process, the HRM Charter requires that Regional Council approve a public participation program. As the Package B planning process involved extensive public engagement and the proposed SMPS amendments are intended to carry out previous Council direction, staff recommend that Regional Council obtain stakeholder and public feedback through a Municipal webpage.

In addition to this public participation, the HRM Charter requires a public hearing to be held before Regional Council can consider approval of any amendments. The proposed SMPS amendment will potentially impact the following stakeholders: residents and businesses.

ENVIRONMENTAL IMPLICATIONS

No environmental implications were identified.

ALTERNATIVES

1. Regional Council may choose to initiate the consideration of SMPS amendments and LUB housekeeping amendments that differ from those outlined in this report. This may require a supplementary report from staff.

2. Regional Council may choose not to initiate the SMPS amendment process and the proposed LUB housekeeping amendments. A decision of Council not to initiate a process to consider amending the Regional Centre SMPS and LUB is not appealable to the NS Utility and Review Board as per Section 262 of the *HRM Charter*.

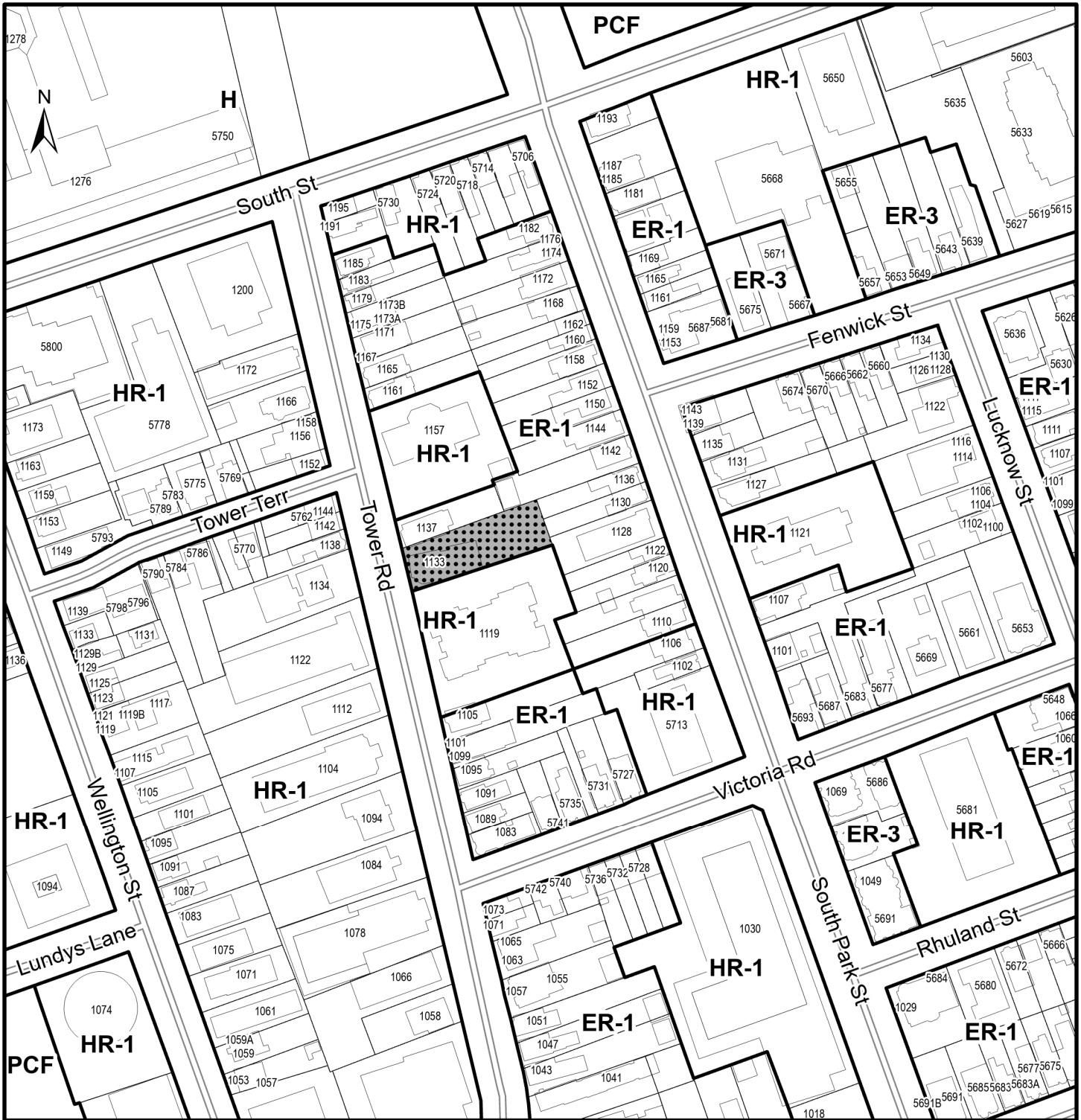
ATTACHMENTS

Map 1: 1133 Tower Road Context Map
Map 2: 1991B Prince Arthur Street Context Map

Attachment A: Centre Plan Package B Public Hearing Submissions

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: Ben Sivak, Manager, Community Policy Program, 902.292.4563
Ross Grant, Planner II, Community Policy Program, 902.717.5524



Map 1 - Zoning and Location

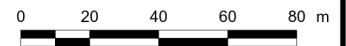
1133 Tower Rd,
Halifax

HALIFAX

 Subject Property

Zone

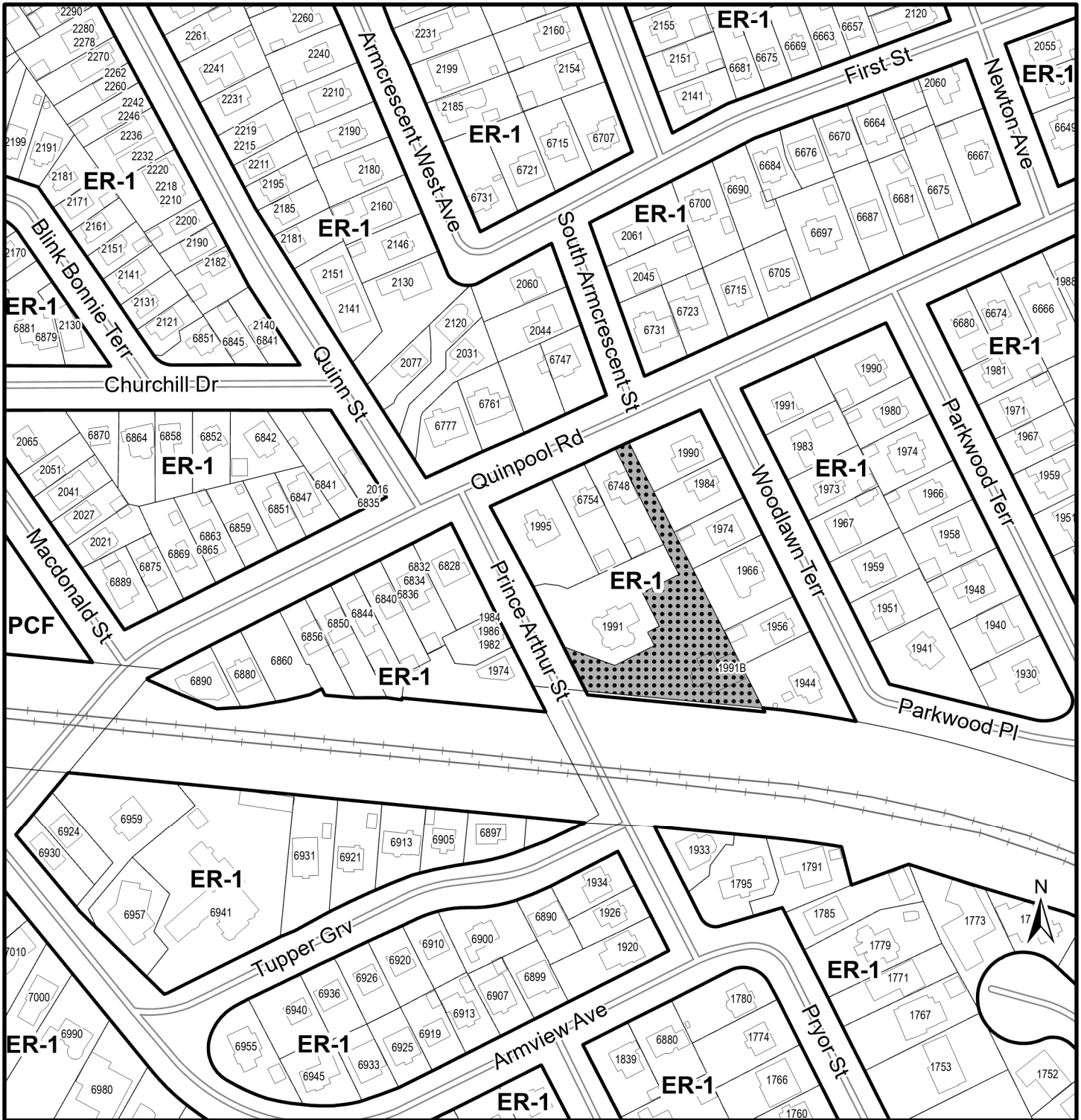
- ER-1 Established Residential 1
- ER-3 Established Residential 3
- HR-1 Higher-Order Residential 1
- PCF Parks and Community Facilities
- H Hospital



Regional Centre Land
Use By-Law Area

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


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

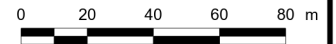


Map 2 - Zoning and Location

1991B Prince Arthur Street,
Halifax

HALIFAX

 Subject Property



Zone

- ER-1 Established Residential 1
- PCF Parks and Community Facilities

Regional Centre Plan
Land Use By-Law

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.



Keeping families close™

October 22nd, 2021

Dear Mayor and Members of Regional Council,

Re: Proposed Adoption of Centre Plan Package 'B' – Potential Impact on Ronald McDonald House

Ronald McDonald House Charities® Atlantic helps families with sick children stay together and near the medical care they need. Our programs include Ronald McDonald House, a "home-away-from-home" for out of town families with sick children, and Ronald McDonald Family Rooms, an oasis of calm and support inside the hospital.

It is an exciting time for the organization as we prepare for major growth in the coming years that will see us building a new Ronald McDonald House to double the number of families we can support from throughout the Maritimes. It will be located across from the emergency department of the IWK Health Centre and will provide 36 overnight rooms.

As a charitable organization, we depend on donations and volunteer support from many individuals, corporations and foundations to fulfill our mission. In light of this, and the major investment required to bring the vision of a new House to life, we will be selling our current facility on Tower Road. The proceeds from the sale will be critical to ensuring a smooth financial transition as we move to our new location on South Street.

We are writing to ask that you please review our submission prior to considering approval of the Centre Plan Package 'B' in its current form. In summary, we are concerned that:

- Proposed inclusion of our 1133 Tower Road property in the Heritage Conservation District Study Area is questionable due to our location on the fringe of the Victoria Road area and being surrounded on 3 sides by Higher-Order Residential designated properties;
- Our property's proposed zoning and inclusion in the Victoria Road Heritage Conservation District Study Area creates too much uncertainty about our property's redevelopment potential and hinders the ability to sell the property;
- The Victoria Road District Study Area process implies an exceedingly long time period before our redevelopment potential will be made more certain;
- The proposed ER-1 zoning is very restrictive and when combined with our possible non-conforming status makes for an even more uncertain redevelopment potential;
- Recent attempts at large scale heritage designation was met with significant opposition from property owners; if this occurs with this process, it could take a longer time period and extend our period of uncertainty.

We believe an appropriate designation and zoning for our property is Higher-Order Residential / HR-1. We welcome the opportunity to discuss this further with you and your staff. More detail follows.



From our reading of the proposed Centre Plan Package 'B', our current House at 1133 Tower Road is designated Established Residential (ER), zoned Established Residential 1 (ER-1) and is within the Victoria Road Proposed Heritage Conservation District Study Area.

Here are our concerns and questions:

1. **Victoria Road Proposed Heritage Conservation District Study Area** – We question the inclusion of 1133 Tower Road in the Study Area. We are on the fringe of the Study Area, surrounded on 3 sides by Higher-Order Residential properties (multi-storey apartment buildings on our north and south sides). Because of the adjacent large apartment buildings, it's hard to imagine our property and the neighbouring one are considered part of the Tower Road streetscape. We feel our property could be removed from the Study Area with no impact on the integrity of the Study Area.
2. **Hinders the Sale of the Property** – As noted above, we intend to sell 1133 Tower Road in order to support the operation of our programming in the new House. The layering of the restrictive ER-1 zoning and the long term Historic Conservation District Study Area puts considerable uncertainty on the redevelopment potential, and the consequent sale proceeds, of the property. The Board of Directors and senior leadership of the organization have made financial decisions on the basis of being able to sell the House under the above-noted Zoning; not being able to secure these funds will have an impact on our ability to transition smoothly – financially – into our new facility.
3. **Heritage Conservation District Study Area Process** – From our reading of the Centre Plan Package 'B', it appears that the Heritage Conservation District Study Area Process will be a long one. There are many steps required, including property research, public engagement, preparation and consideration of staff reports, hearings, etc. for 13 Study Areas. We perceive this will take some time to occur with current staffing levels and we don't know if the Victoria Road Area will be studied first, last or whenever. This leaves a significant uncertainty on the redevelopment potential of the property for a significant time
4. **Established Residential 1 Zoning** – As we understand it, the ER-1 zoning is applied to our property to limit the scale and density of permitted development until the proposed Study Areas are considered by Council. The zoning is very restrictive, compared to adjacent HR-1 properties. And, it may be if our current use is considered to be non-conforming, the redevelopment potential under the ER-1 zone is a single dwelling use. The redevelopment potential in the short term is thus very limited and may impact our financial stability.
5. **Recent Mass Heritage Designation Efforts** - We are aware that HRM attempted another multi-property heritage designation process in 2019 – early 2020 for streetscapes in Downtown Halifax. That process was not an exact parallel to the proposed Study Area process but it does indicate that the appetite among property owners for this type of action may be limited and it may be opposed. This adds to the uncertainty of the process and our property's future.



Ronald McDonald
House Charities
Atlantic

Keeping families close™

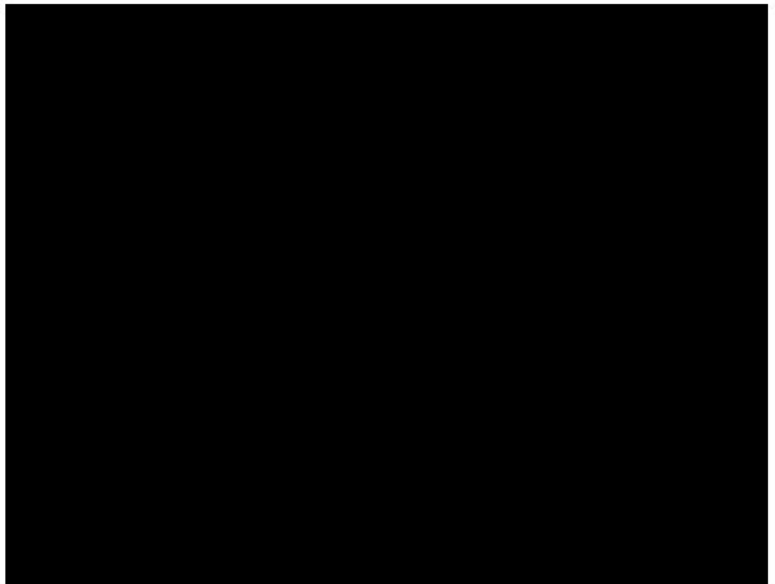
6. **Change Designation / Zoning to HR / HR-1** - There appears to be good reasoning available to change our zoning to HR-1 (Higher Order Residential) which will permit, in common with much of the Centre Plan intent, certainty about the redevelopment potential of the property. This certainty will make it much more practical for us to market the property to prospective purchasers.

We appreciate the willingness of Councillor Mason and Heritage staff to discuss the matter with us, but we could not schedule a meeting for all prior to the Public Hearing.

Sincere thanks for your timely consideration,

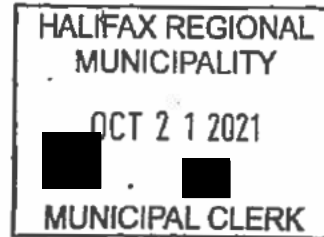
Andrew McCulloch
Chair, Board of Directors

Lori Barker
CEO





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www.lydonlynch.ca



Regional Council
Halifax Regional Municipality
Halifax, Nova Scotia

October 201 2021

RE: CENTRE PLAN – PACKAGE B
PUBLIC HEARING
CONSIDERATION FOR USE OF “TOWER PORTION”

Dear Councilors:

On behalf of our firm, I wish to share our thoughts regarding a specific component of the proposed Centre Plan – Package B.

Our firm, which recently received an Award of Excellence in Urban Architecture at the 2021 Halifax Urban Design Awards, is involved in numerous developments in Halifax that are subject to the Centre Plan. As a result, we have become familiar with both Packages A & B. Through our implementation of their associated land use by-laws within the design of multiple buildings, we have a unique perspective on their opportunities and challenges to create successful developments – developments that will contribute to the urban character and experience of our city while offering meaningful places to live, shop and gather.

We are very much in support of the Package B documents and recognize the tremendous effort that has been invested in its preparation. There is much to be applauded. Overall, we believe this will support good development while creating a more predictable and efficient approval process. All while enabling the creation of more housing which is desperately needed in Halifax.

As a result of our firm having designed numerous buildings that have applied both Package A and Package B requirements, we have experienced first-hand, the positive outcomes that can be achieved when buildings are designed such that they creatively incorporate the prescriptive criteria contained within the by-laws. Package B has improved many aspects of Package A, providing greater clarity in areas that will benefit from such refinement. In part, some of the refinements incorporated into Package B are a result of having learned, through the actual design of buildings based on Package A, that good intentions can occasionally have unintended consequences – this is understandable and to be expected. It is within that spirit, that we offer our opinion regarding one aspect of Package B that may have consequences that warrant further consideration. This is in regards to what is described as the “Tower Portion” of the building.

Under Package A, the *Tower Portion* of a building is located 26 meters above average grade – typically, above the 8th floor - with additional restrictions pertaining to its maximum floor area and building dimensions. This has resulted in intermediate floors located between the *Streetwall* and *Tower Portion* – typically, these include floors 4 through 8 - that are governed by stepbacks and setbacks for *Mid-Rise* and *Tall Mid-Rise* buildings. The result has been vertically layered, or stepped buildings, that can result in high quality architectural design, urban design and pedestrian experiences.



Under Package B, this has been significantly revised by discretely altering the definition of *Tower Portion*. The proposed definition states that the *Tower Portion* shall commence immediately above the *Streetwall*, thus eliminating the intermediate floors as previously described. The impact of this is significant and will have the following consequences:

- Buildings will have to add additional floors in order to maintain the allowable Floor Area Ratio (FAR), thus resulting in even taller buildings.
- It will result in less efficient buildings that are more expensive to build and rent. The majority of the building will be restricted to smaller floor plates associated with the *Tower Portion*, which will result in a greater proportion of each floor being attributed to common elements such as elevators, stairwells, corridors, mechanical shafts, etc. This will in turn, reduce the amount of rentable area on each floor making the building less efficient. The consequence will be greater construction costs proportionate to the rentable area. The burden of these additional costs will be transferred to the tenants making rents even less affordable.
- It will result in building designs where we will have point towers located directly above podiums. Consider the massing of Scotia Square as an example where towers commence immediately above the podium. We do not want to repeat failed planning principles from a previous era.
- Eliminating the intermediate floors will not improve wind conditions at the pedestrian level. Having the additional setback associated with the intermediate floors will reduce the down-wash effect of wind as it cascades down the building facades. Without the intermediate floors, the wind will have greater impact at the roof of the *Streetwall*, thus making these areas less desirable as outdoor amenity spaces such as patios, community gardens, pools, etc.
- It does not adequately recognize that each property is unique. We have learned through experience, that every property has distinct qualities and idiosyncrasies that directly affect how the by-laws can be applied. This can be exemplified by the range of potential lot sizes and shapes onto which tall buildings are allowed. On properties that may be smaller or narrower, the building design can greatly benefit from having a stepped shape thus reducing the amount of smaller, less efficient floors associated with the *Tower Portion*. On larger properties, the *Tower Portion* may be adequate in size such that it can accommodate greater efficiencies and thus may not warrant the integration of intermediate floors. As a case study, we have used one of our firm's projects that is situated on a smaller, irregular shaped lot on Gottingen Street. The illustrations provided on the attached drawing, demonstrate the building's design with and without the intermediate floors. Eliminating the intermediate floors results in two additional floors that are required to maintain the FAR. Furthermore, it results in a tower that has the appearance of being much taller due to its additional floors and more impactful, its uninterrupted height. The intermediate floors provide an important transition as the building rises above the *Streetwall*, further allowing the architectural design to express the moment within the building where it transitions between the intermediate floors and *Tower Portion*. This demonstrates that, on smaller and/or irregular shaped properties, a stepped design offers important physical and visual interruptions within the overall scale and presence of the building, resulting in better architecture and city-making.
- It is important to understand that under Package A, buildings are not required to have the intermediate floors and, if desired and/or appropriate, the tower portion can commence immediately above the *Streetwall*. Accordingly, Package A provides the flexibility to shape the building depending on specific site characteristics and other factors that inform building design. Further increasing the prescriptive nature of the land use by-laws will not always improve building and urban design – rather, it can result in even greater homogeneity with less ability to adapt to specific site conditions and idiosyncrasies. This will negatively impact our city with long lasting consequences.



With regards to the *Tower Portion*, this is an example where Package A was very well considered and written. Even though HRM Planning staff have more recently stated that the intent of Package A was to require the *Tower Portion* to commence immediately above the *Streetwall*, its by-laws were written with very specific and very intentional requirements that encourage the integration of intermediate/transitional floors. We would suggest that with regards to the *Tower Portion* and the integration of intermediate floors, Package A is indeed very well intended and should not be amended as proposed under Package B.

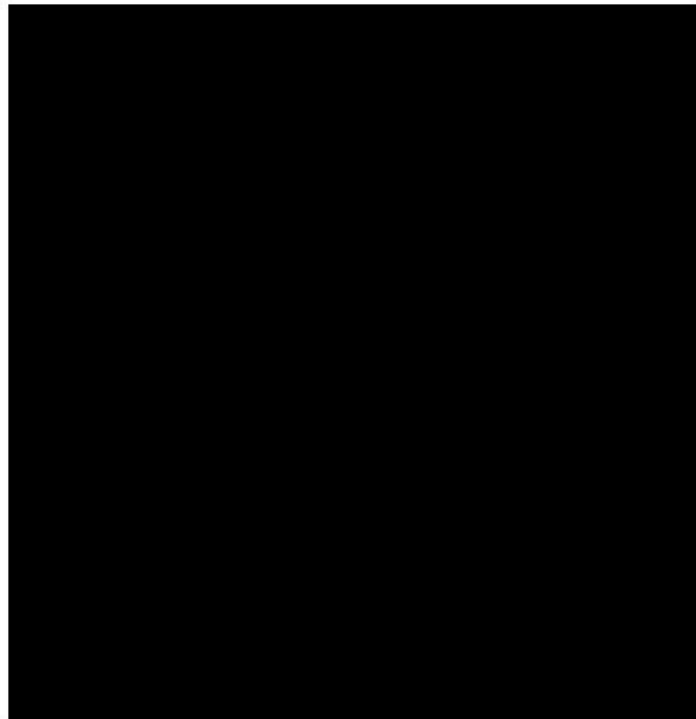
Accordingly, in our professional opinion, we hereby recommend to Regional Council that they please consider the requirements for the *Tower Portion* of buildings to remain as described within Package A.

Thank you for your consideration.

Sincerely,



Eugene Pieczonka, FRAIC, NSAA, AANB, AAPEI
Principal
Lydon Lynch Architects Ltd.





PACKAGE A: TOWER PORTION WITH INTERMEDIATE FLOORS



PACKAGE B: TOWER PORTION IMMEDIATELY ABOVE STREETWALL

LYDON LYNCH

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DATE

10/21/21

PROJECT



SCALE

PROJECT No.



DRAWING TITLE

TOWER PORTION CASE STUDY

DRAWING No.

N/A

Office of the Municipal Clerk
Halifax Regional Municipality
1841 Argyle Street
Halifax, NS B3J 3A5

October 25, 2021

Written submission to Public Hearing on October 26, 2021 respecting the adoption of the Regional Centre Secondary Municipal Planning Strategy and Land Use By-law

RE: Building Setback Requirements in the 'Spring Garden Road Special Area'

To Council of the Halifax Regional Municipality,

Prior to adopting 'Package B' of the 'Centre Plan', we would like to make you aware of a potentially unintended design provision in the Downtown Halifax (DH) Zone, which we estimate is likely the result of an oversight and significantly affects development opportunities on the southern corner of Spring Garden Road and South Park Street.

Background

We have been working with the owners of 1485 South Park Street (PID #00125757) to explore the development potential of their lands. During the analysis of the expected planning rules under the Centre Plan, we realized that design requirements for the area are largely carried over from rules established under the Downtown Halifax Land Use By-law (also known as Halifax by Design). However, a slight change to the wording of one design requirement has very significant impacts on the development potential of our client's lands.

We believe that this rule change is of accidental character due to the following circumstances:

- + the rule is not backed by policies or explanations in the proposed Secondary Municipal Planning Strategy, even though Policy would be required by the *Halifax Regional Municipality Charter*, and,
- + the rule does not achieve the effect intended by policies of the Municipal Planning Strategy.

Subject matter

Both the current rules of the Downtown Halifax Land Use By-law and the proposed rules of the Regional Centre Land Use By-law contain provisions related to building setbacks above the street wall on Spring Garden Road (between Queen and South Park Streets) and on South Park Street (between Sackville Street and Spring Garden Road). The relevant section of the Downtown Halifax Land Use By-law reads:

"On the south side of Spring Garden Road, between Queen Street and South Park Street, and on the east side of South Park Street between Spring Garden Road and Sackville Street, above a height of 17 metres measured at the streetline, buildings shall be setback an additional 0.9 metres from the streetline, for every 0.6 metres in height."

Under the new rules of the proposed Regional Centre Land Use By-law, Section 30 (2)(i) establishes a 'Spring Garden Road Special Area' as shown on Schedule 3B of the Land Use By-law. The building setback rule for this newly established 'Special Area' reads as follows:

"Within the Spring Garden Road (SGR) or South Park Street (SPS) Special Areas, as shown on Schedule 3B, any portion of any main building above a height of 17.0 metres, measured at the streetlines where the lot abuts Spring Garden Road or South Park Street, shall be required to be set back an additional 0.9 metre from the streetline for each additional 0.6 metre in building height."

These slight changes to the wording of this by-law provision have two consequences:

- a) the setback requirement above the street wall applies to any portion of the building. This means that the terraced approach to building setbacks—as it can be seen on various buildings on Spring Garden Road—will not be allowed in the future anymore; and,
- b) the special setback requirement would also apply to the section of South Park Street that is situated between Spring Garden Road and Clyde Street.

The proposed Regional Centre Secondary Municipal Planning Strategies (MPS) introduces policies regarding the setback requirement and explains their rationale. Within the policy preamble of section '2.4.3.2 Spring Garden Road Precinct', the MPS elaborates that the intent of the rules is to allow for sufficient daylight on Spring Garden Road and to prevent excessive shadowing of the Public Gardens.

With that objective of the rules in mind, it is not entirely clear if the rule change mentioned under a) was intentionally introduced by municipal planning staff. The staggered approach of increasing building setbacks per storey would still allow for the same amount of sunlight penetration as one setback distance for the entirety of the building portion above a podium.

The consequence mentioned under b) appears to be clearly an oversight. The enabling policies of the MPS and their preambles are clearly intended to be applied to Spring Garden Road and the section of South Park Street between Sackville Street and Spring Garden Road only, and not to any other sections of South Park Street:

Policy D-15

"The Land Use By-law shall establish the South Park Street (SPS) Special Area and the Spring Garden Road (SGR) Special Area. New developments located on the south side of Spring Garden Road between Queen Street and South Park Street, and along the east side of South Park Street between Sackville Street and Spring Garden Road, shall be required to meet specific built form requirements to ensure adequate sunlight penetration to the street and the adjoining Public Gardens." (p.55)

The MPS clearly enables this rule only for that one specific section of South Park Street. On the block between Spring Garden Road and Clyde Street, the same provision would also be of limited effect. Our preliminary shadow modelling for the site has shown that a setback on South Park Street does only minimally affect shadow patterns over the Public Gardens. Additional daylight to the Public Gardens is mostly based on the setback requirements from Spring Garden Road.

Request

The added restriction on South Park Street—as it appears in the proposed Land Use By-law—curtails development potential on the street's block between Spring Garden Road and Clyde Street while providing little public benefit. Additionally, this discrepancy between the Policy of the Municipal Planning Strategy and its application in the Land Use By-law appears to be a violation of s.235 (5)(i) of the Halifax Regional Municipality Charter. Due to these circumstances, we assume that the change of wording between the Downtown Halifax Land Use By-law and Regional Centre Land Use By-law may have been introduced as an oversight.

We therefore kindly ask Council to review this matter and to request appropriate correction of s.132 (2) of the Regional Centre Land Use By-law at the next feasible opportunity.

Sincerely,



Paul Dec, MCIP, LPP



Stewart, April

From: Lynn Brogan [REDACTED]
Sent: Friday, October 22, 2021 1:48 PM
To: Office, Clerks
Subject: [External Email] Written Submission for Public Hearing Regarding HRM Centre Plan, 26 October 2021

[This email has been received from an external person or system]

To: His Worship, The Mayor,
and Members of Regional Council

Re: Submission for Public Hearing/Meeting regarding The HRM Centre Plan, 26 October, 2021

My wife and I are owners of 1991B Prince Arthur Street in District 9 on Peninsular Halifax.

The property enjoys 27,128 square feet - almost 8X the requisite size of 3500 square feet for ER 1 lots under the provisions of the Centre Plan Package B Land Use Bylaws - which is extremely rare as a predominately vacant lot, currently occupied solely by a single family bungalow, on Peninsular Halifax.

It is located close to amenities and directly on public transit routes with road frontage on both Quinpool Road and Prince Arthur Street.

There is a mix of existing residential housing formats in the immediate proximity of the property - ie among others, there is a 5 unit condominium building on an adjacent, immediately adjoining property, directly across the street is a converted multi unit building and down the street is the Jubilee.

In meetings with District 9 Councillor, Shawn Cleary, regarding the suitability of this property being assigned a higher order of zoning than ER 1, he clearly supported that this property has more to contribute to the densification issue facing Peninsular Halifax than Established Residential 1 (ER 1).

In a previous submission to Regional Council, HRM Staff had recommended Cluster Housing (CH) Zoning for this property as evidenced by its inclusion in the Draft Centre Plan Package B Land Use Bylaws submitted at the Regional Council meeting of 17 August, 2021.

Inexplicably, in spite of the Councillor's and Staff's express support for a higher order of zoning for the property, at that meeting on 17 August, a motion was passed to amend the zoning from Staff's recommendation of CH to ER 1.

I respectfully submit that this property overwhelmingly checks all the boxes for a higher order of zoning than ER 1 as evidenced by:

- The potential development of this very large property is aligned with the vision and goals of the Centre Plan
- It's consistent with the specific mandate for increased densification on Peninsular Halifax
- The District 9 Councillor's own stated position that a higher order of zoning is appropriate
- Staff's independent original recommendation that Cluster Housing be applied in this case
- The uniqueness of the property insofar as its location, proximity to amenities, immediate access to public transit routes, road frontage, and the fact that it has almost 8X the area of the ER 1 lot size proposed in the Centre Plan Package B

- Various multi unit residential formats already in existence in the immediately surrounding community.

This is an opportunity to contribute, albeit marginally, to the densification issue facing HRM. It would be a disservice to the community at large to deny this opportunity in favour of a very few property owners, some of which already have higher densification on smaller properties - the very properties adjoining 1991B Prince Arthur Street - that they occupy.

I request consideration be given to re-amending the zoning for 1991B Prince Arthur Street back from ER 1 to either:

- Cluster Housing with site specific limitations such as a maximum number of units as well as design and massing considerations, or
- Established Residential 3 (ER 3).

Respectfully submitted,

Scott Brogan

[Redacted signature block]

