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Queen Street and Birmingham Street — Request for a site-specific amendment to the Regional Centre MPS and LUB

Dear Josh,

On behalf of ENQORE Developments Ltd., I am writing to request the support of staff to bring a recommendation to Halifax Regional Council to initiate a process to allow for a site-specific amendment to the Regional Centre Municipal Planning Strategy (MPS) and Land Use By-law (LUB). The amendment would enable:

- 1 An exemption to Subsection 135(4) of the LUB that requires the portion of the proposed building to be set back 4.5m from the side lot lines above the streetwall
- 2 An additional 16 dwelling units to be incorporated into the development

Project Background

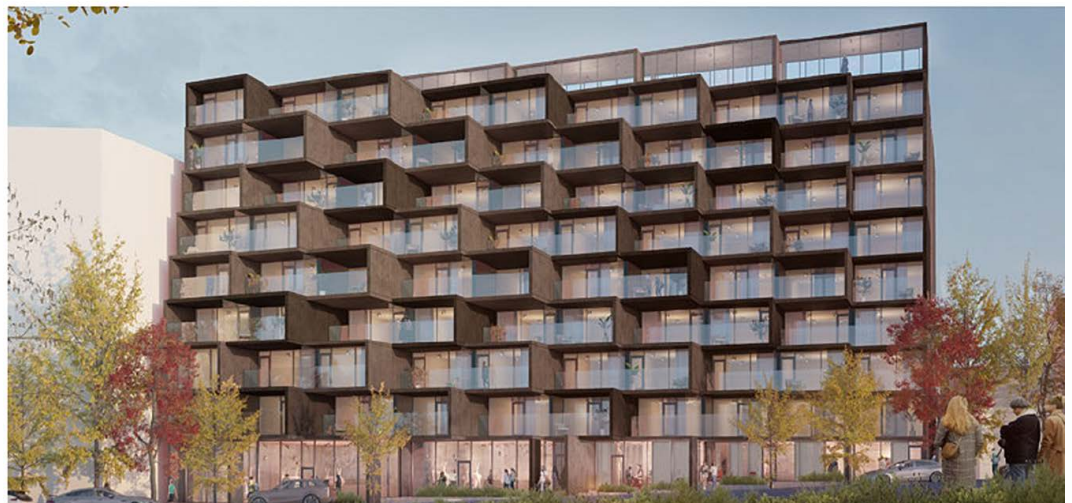
The subject property is a through lot fronting on both Queen Street and Birmingham Street in the heart of the Regional Centre. The site is designated "Downtown" in the Regional Centre Secondary Municipal Planning Strategy (MPS) and zoned "DH" (Downtown Halifax) in the LUB. All abutting properties are also zoned DH. Located within the Spring Garden Road Special Area, the site sits within a highly urbanized, high-density, mixed-use context and benefits from some of the most robust transit access and walkability in the entire municipality.

The property owner acquired the land with the intention of building a high-density mixed-use development to complement the surrounding urban fabric. The proposed development is a nine-storey apartment building with commercial uses at grade and an amenity penthouse. Its architectural expression is a significant departure from conventional massing; both the Queen and Birmingham façades incorporate geometric stepbacks at each level, resulting in a visually dynamic form that comfortably addresses the pedestrian realm while exceeding minimum streetwall stepback requirements.

BUILDING DETAILS

The proposed building features 168 residential units of which, 47 are two-bedroom while the remaining are one-bedroom or bachelors units. The ground floor of the building features a commercial space and grade-related units in addition to pedestrian entrances.

A parking ramp on Birmingham Street gives access to three levels of underground parking. The rooftop features a shared patio-lounge amenity area while other amenity space is found on the ground floor.



However, the building as currently designed would not be permitted as-of-right. Section 135 of the Regional Centre LUB prescribes side yard setback requirements for new developments within the DH zone. Although setbacks typically control the location of an entire exterior wall in relation to a lot line, Section 135 also prescribes setbacks for portions of the building above the streetwall, effectively levying a stepback requirement as well. Subsection 135(4) of the LUB requires any portion of the building above the streetwall to be set back from the side lot lines by at least 4.5m. Given the five-storey streetwall height, this would force the top 4 floors of the property to step back 4.5m on both sides of the building, preventing the construction of 16 additional dwelling units and disrupting the visual continuity of this uniquely designed building.

While there are many reasons why the built form requirements of the LUB are necessary and appropriate, the application of these setback requirements on the proposed development does not carry out the intentions of the applicable policy while also preventing the construction of much-needed housing units in the middle of a housing shortage. When reviewing the site context, the Regional Centre Municipal Planning Strategy, and the 2014 Regional Plan, it becomes clear that there is sufficient justification within the policy to support our request. The following paragraphs break down each of the potential concerns for the site and how the proposed development addresses these issues through design and policy support.

Livability and Quality of Life

The proposed building extends to the side property lines and rises the full nine storeys without upper level side yard setbacks. This built form is consistent with other nearby buildings, such as the adjacent Bond Building and Vertu Suites, which also rise to seven storeys along the property line without setbacks. While these buildings would no longer conform to the current version of the LUB, their presence reinforces the established urban character of this portion of the Spring Garden area.

Concerns have been raised about the impact of this form on livability, particularly in terms of light access and separation between buildings. Within the proposed structure, the additional units made possible by the requested exemption would receive more natural light than those lower in the building. This is a result of the greater-than-required streetwall stepbacks, which create shallower unit depths and enhance daylight penetration as the building rises. In addition, the design incorporates light bays along both side yards, ensuring that end units benefit from increased natural light regardless of the exemption.

With respect to adjacent properties, the Bond Building to the south is built directly to the lot line and features a blank seven-storey wall facing the site. The as-of-right design already allows the proposed podium to rise directly against this wall for almost its entire height. While a few windows exist on that wall, they do not serve residential units and are non-conforming under the current building code, which prohibits openings on property-line walls for fire safety reasons. To the north, the primary concern for the four adjacent parcels is the potential for increased shadowing. However, the submitted shadow study shows that any additional shadow impact resulting from the lack of setbacks is minimal.

Tower Stepbacks, Density, and Housing Need

Across the municipality, the "tower" portion of a building is generally defined as anything above the streetwall. However, within the Downtown Halifax (DH) zone, this definition changes to only apply above 33.5 metres in height, reflecting the zone's established high-density context. Policy UD-10(d) of the Regional Centre MPS supports this distinction by allowing streetwalls up to 18.5 metres in the DH zone, which is considerably taller than the 2- to 4-storey range in other zones, further recognizing the area's urban intensity.

Despite this recognition, the LUB imposes more restrictive side yard setback requirements in the DH zone than in any other high-density zone within the Regional Centre. In the Downtown Dartmouth (DD), Centre-1 (CEN-1), Centre-2 (CEN-2), and Corridor (COR) zones, a nine-storey

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building on a site fully surrounded by similarly zoned properties would not require any side yard setback or setback. In contrast, the DH zone mandates a 4.5 metre side yard setback above the streetwall, effectively acting as a setback, regardless of context.

Side yard setbacks and setbacks required for a nine-storey building on a property with the same zoning as all abutting properties, by zone

Zone	Setback Required	Stepback Required
DD	0m	0m
DH	0m	4.5m
CEN-1	0m	0m
CEN-2	0m	0m
COR	0m	0m

This inconsistency contradicts the intent of the MPS, which acknowledges in Section 2.1 that the “Downtown” designation is “where the most intense density, scale, and mix of uses are supported while also respecting the local heritage context and ensuring appropriate transitions to surrounding uses and neighbourhoods.” Even though this designation is supposed to be densest and most intense in the municipality, if our site was located in any of the other high-density precincts, it would be able to be built with 16 more housing units than what is enabled in the DH zone.

The need for density downtown is supported by other policy documents in HRM. The Regional Municipal Planning Strategy (2014) specifically directs growth to the Regional Centre and other fully serviced urban areas, targeting at least 75% of new housing units in the Urban Area, with a minimum of 25% within the Regional Centre. Consistent with that direction, the plan calls for enhancing the Regional Centre by facilitating high-quality growth at appropriate density and scale, including through streamlined approvals, to attract residential investment. Policy S-30 directs that when amending secondary planning strategies to allow new development, the Municipality shall consider measures that enable a mix of housing types in growth centres, reduce parking requirements, and allow infill and densification, all of which are reinforced by the proposed amendment and conceptual design. Taken together, these 2014 policies support additional residential density on a serviced downtown site, in a manner that strengthens the Regional Centre’s role as the focus for economic, cultural, and residential activity.

Transitions, Human-Scale Design, and the Pedestrian Realm

As mentioned above, a core part of the Downtown designation definition in the MPS is that the designation is designed to support the most intense forms of development while also ensuring appropriate transitions to surrounding uses and densities. This policy objective is central to evaluating the proposed exemption because in this case, the surrounding context is already uniform, with all adjacent properties zoned DH and characterized by high-density development. As such, no transitions to lower-scale neighbourhoods or sensitive land uses would be needed.

Policy UD-9 of the MPS specifically outlines the intent of setback and stepback requirements, stating that the LUB should support context-specific, human-scaled, and pedestrian-oriented environments by establishing minimum streetwall, side, and rear stepbacks where appropriate. While streetwall stepbacks play a critical role in shaping pedestrian-scale environments, side yard stepbacks contribute less to how massing is perceived from the street. The main potential benefit of side yard setbacks and stepbacks is the reduction of shadow impacts. However, the accompanying shadow study demonstrates that the proposed massing, without side setbacks, results in minimal additional shadowing on the pedestrian realm.

The proposal also aligns with the broader goals set out in the Vision (Subsection 1.4.1) of the MPS,

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which identifies the Regional Centre as the civic, cultural, and economic heart of the municipality. Growth in this area should support the four Core Concepts of the plan: Complete Communities, Human-Scale Design, Pedestrians First, and Strategic Growth. The subject property directly supports these goals in several ways.

For example, it is within walking distance of major public amenities, including Dalhousie University's Sexton Campus, the Halifax Central Library, the Public Gardens, and the future BRT station at the Central Library. It also benefits from strong access to transit, employment centres, and a wide range of shops and services. The Spring Garden Road area is perhaps the best example of a complete community in HRM, making it an ideal location for added housing and adding another layer of unique site context to the proposal. Strategic Growth is also supported by this proposal. The Regional Centre is intended to accommodate at least 40% of HRM's overall growth, with much of that expected to occur within Downtown Halifax and other high-density zones.

Unique Building Design

The proposed building exemplifies several key urban design principles identified throughout the MPS. Most notably, the project is situated on a View Terminus site, a designation intended to enhance important sightlines and contribute to wayfinding, sense of place, and visual interest. As defined in Section 1.4.3 and Policy UD-18, these sites are to be emphasized through thoughtful architecture and strong placemaking. The proposed massing and facade respond directly to this policy direction by delivering a striking and memorable design at the terminus of Doyle Street. The facade employs a series of geometric stepbacks that reflect the unique shape of the site and respond to the grade change along Queen Street. These stepped forms are not only visually distinctive but also serve to accentuate key features of the property's shape, fulfilling Clause 1.4.3(a), which calls for design that highlights distinctive site elements. Without the requested exemption, the required side setbacks above the streetwall would disrupt the facade design of the building and contribute to a design that is overall less unique and considerate of the site's context.

From the pedestrian perspective, the project supports the Human-Scale Design and Pedestrians First Core Concepts of the MPS. Although the proposed development seeks an exemption from the side yard stepback requirements, the building design more than compensates by providing generous streetwall stepback and varied facade articulation. The inclusion of retail frontages and grade-related residential units further activates the streetscape, enhancing pedestrian comfort and contributing to a vibrant public realm.

Conclusion

The proposed site-specific amendment aligns with the intent of the Regional Centre Municipal Planning Strategy by enabling thoughtfully designed, context-sensitive density in an area already planned for growth. The exemption from side yard setbacks would facilitate the creation of 16 additional residential units without compromising urban design quality, livability, or pedestrian experience. The building's architecture not only reflects the unique character of the site and surrounding context but also advances the MPS's goals of complete communities, strategic growth, and human-scale development. We respectfully request staff support in bringing this application forward to Regional Council for consideration.

Sincerely,

