

Re: Proposed Rezoning – 13 Pinewood Drive, Dartmouth

The owner of 13 Pinewood Drive, Dartmouth, is applying for a rezoning as enabled by Policy E-4 of the Regional Centre Secondary Municipal Planning Strategy to rezone the property to the Cluster Housing 1 (CH-1) zone. The owner wishes to construct 4 buildings with a total of 24 dwelling units according to the requirements of the CH-1 zone. In the context of the neighborhood and the Regional Plan and the Regional Centre Secondary Municipal Planning Strategy, the site development addresses HRM's intention to increase the housing supply in the municipality in a safe, sustainable and affordable manner while carefully managing the impact on nearby properties compliance with the CH-1 zone built form and sitting requirements.

As noted in the Regional Centre Municipal Planning Strategy:

The Cluster Housing 1 (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 the clustering of dwellings containing up to four units per building on the same lot and may be applied to additional areas through a Land Use By-law amendment process.

The development site has a small street frontage and a large lot area to accommodate the proposed buildings and provides pedestrian connectivity to neighborhood mobility modes and services. It is constrained by significant sanitary and stormwater easements, which dictate the siting of buildings.

The Cluster Housing intent is further described in Policy E-1(d):

Policy E-1(d):

The Cluster Housing 1 (CH-1) Zone shall apply to limited areas to provide opportunities to cluster a variety of low-density residential buildings on a single property in areas where the development of new public streets is not practical or needed to support pedestrian connectivity. The CH-1 Zone shall permit a maximum of 24 dwelling units on a lot, consisting of dwellings containing up to four units per building.

Policy E-4 guides Community Council decision making with three principal criteria listed below and further described in the Project / Design Rationale table below:

Policy E-4

The council may consider proposals to amend the Land Use By-law zoning map for lands located within the Established Residential Designation to the CH-2 or CH-1 Zones, provided that:

- a) the development of low-density dwellings accessed by a shared private driveway, as opposed to a new public street, does not negatively impact neighborhood connectivity.*
- b) the cluster housing form is demonstrated to make more efficient use of irregular-shaped infill properties that may otherwise be difficult to develop under the ER-2 or ER-3 Zone; and*
- c) The proposal meets the general Land Use By-law amendment criteria in Policy IM-7 in Part 9 of this Plan.*

We respond to these criteria in the Policy E-4 table below.

Finally, Policy H-1(b) of the Housing chapter includes Cluster Housing as a housing option to meet the range of HRM's housing needs:

Policy H-1(b) of the Housing chapter:

- b) permit a mix of housing options within various zones to meet the range of housing needs, including multi-residential, semi-detached, backyard suites, shared housing, single and two-unit dwellings, three-unit dwellings, four-unit dwellings, (RC-May23/24; E June 13/24) townhouses, **cluster housing**, grade-related dwelling units, low-rise buildings, mid-rise buildings, tall mid-rise buildings and high-rise buildings [emphasis added]*

For building residents, the proposed site provides walkways through the site to access neighborhood mobility modes, outdoor amenity spaces, bicycle and vehicle parking, and is in a location close to a variety of goods, services, public transportation, and recreational amenities. The proposal is reviewed below to show consistency with the Regional Plan (2014 and draft Phase 4 versions) and policies E-4 and IM-7 of the Regional Centre Secondary Municipal Planning Strategy.

We trust that the information below and the other materials submitted through HRM Portal satisfy the application requirements. We look forward to working with HRM staff, the Community Council, and members of the public throughout the application process. We will respond to any questions, clarifications or comments as promptly as possible.

Proposal Site Context:

Subject Site	13 Pinewood Drive, Dartmouth (PID 00091975)
Location	West end of Pinewood Drive, west of its intersection with Windmill Road
Regional Plan Designation	Urban Settlement (US)
Urban Service Boundary	Inside the Urban Service Boundary, Regional Subdivision By-law
Community Plan Designation	Established Residential in the Regional Centre Urban Structure Designation map
Zoning	Established Residential 3 (ER-3) zone, Land Use By-law for the Regional Centre
Size of Site	18,033 sq. ft. (1,675 sq. meters)
Street Frontage	25.6 ft. (7.8 metres)
Current Land Use	Vacant
Surrounding Use(s)	• Low density single dwelling unit and semi-detached residential uses and Tufts Cove Cemetery to the south (ER-3 zone); • Vacant lands zoned ER-3 and railway to the west; • Low density single dwelling unit and semi-detached residential uses to the east (ER-3 zone) and mixed residential and commercial uses on both sides of Windmill Road (COR zone); and, • Vacant lands zoned Light Industrial (LI) to the north.

Proposal Overview

The proposed development comprises the following:

- Four 3-storey 6 dwelling unit residential buildings clustered around bicycle and landscape screened vehicle parking.
- A proposed mix of 1-, 2- and 3-bedroom dwelling units.
- Walkways providing access to Pinewood Drive.
- Exterior landscaped amenity area, in addition to private balconies and site perimeter landscaped area with supplemental tree planting; and,
- Twelve parking spaces for residents and Class A and B bicycle parking.

Review of the Proposal with Relevant HRM Planning Documents

Regional Plan (2014) Policy	Comment
Policy G-14A (Rewritten in Policy IM-8 of the proposed Phase 4 Regional Plan - <i>In considering any proposed amendments to planning documents, the Municipality shall consider the objectives, policies and actions of the Priorities Plans endorsed by the Regional Council.</i>) In considering development agreements or amendments to development agreements, or any proposed amendments to the Regional Plan, secondary planning strategies, or land use by laws, in addition to the policies of this Plan, HRM shall consider the objectives, policies and actions of the priorities Plans approved by the Regional Council since 2014, including: (a) The Integrated Mobility Plan. (b) Halifax Green Network Plan. (c) HalifACT; (d) Halifax's Inclusive Economic Strategy 2022-2027; and (e) any other priority plan approved by Regional Council while this policy is in effect.	The proposal is designed to be consistent with the objectives of the priority plans. See comments on policies E-10, T-3, and T-9 below.
Policy E-10 <i>The recommendations of the Urban Forest Master Plan, adopted in principle by HRM in September 2012, shall be considered in planning, programming and regulatory activities related to managing and enhancing the urban forest cover in HRM.</i>	A landscaping plan, prepared by a landscape architect, will be submitted at the time of the Building Permit application and specify plant material that conforms to the Canadian Nursery Landscape Association's Canadian Nursery Stock Standard for the parking lot screening on the south side of the site and the supplemental tree planting on the west side (see the Landscape Concept Plan).

<i>Policy T-3</i> <i>When preparing secondary planning strategies or negotiating development agreements, HRM shall consider:</i> <i>a) protecting greenways from development that would disrupt the continuity of planned greenways;</i> <i>b) requiring planned greenways to be built by developers to HRM standards when the land abutting them is developed;</i> <i>c) requiring new development to be connected to, and provide access to, existing and planned greenways.</i>	The proposal will not disrupt the continuity of planned greenways. There will be on-site walkways which connect residents to the street, providing access to existing and recreational areas. As per Map 4, our site is not within a natural corridor or open space and natural resource network.
<i>Policy T-9</i> <i>HRM shall require mixed use residential and commercial areas designed to maximize access to public transit (Transit Oriented Development) within the Urban Transit Service Boundary through secondary planning strategies and shall strive to achieve the intent of this policy through land use by-law amendments, development agreements and capital investments.</i>	Our site is adjacent to the Urban Transit Service Boundary on Windmill Road. On weekdays, Peak and Weekend transit service is available at stops located within 130 metres of the site. The proposed development includes multi-unit residential buildings, which meets the intent of this policy by maximizing access to transit services.

Minimum Planning Regulations

As part of the adoption of Phase 4 of the Regional Plan, the Regional Council is considering adopting the provincially mandated Minimum Planning Regulations. Although not yet approved, Phase 4 has received First Reading and warrants attention. The table below outlines the relevant policies from the Implementation section of the Plan.

Regional Plan Phase 4 2025 draft Policies	Comment
IM-9 (1) In considering a development agreement, amendments to a development agreement, or any amendments to land use by-law pursuant to the provisions of this plan or any secondary municipal planning strategy, the Municipality shall consider:	

Regional Plan Phase 4 2025 draft Policies	Comment
a) whether the proposal is reasonably consistent with the intent of the policies of this Plan, the applicable secondary municipal planning strategy and the requirements of all other municipal by-laws and regulations;	The proposed development is designed to be consistent with the Regional Plan and the Regional Centre Secondary Municipal Planning Strategy. The site is in the Urban Service area and is designed consistently with Regional Centre Policy E-4 (see below).
b) that priority be given to increasing the supply of safe, sustainable and affordable housing;	As we understand it, the Regional Plan uses the lens of safety, sustainability, and affordability to create a framework for housing and growth that considers public health, use of existing infrastructure (e.g. water/sewer, roads, transit services, etc.) and complete communities where people can live, work, and play. The proposed development will increase the housing supply in a form encouraged by the Regional Centre Strategy that is in full compliance with public health and building code standards, will connect to existing sewer and water services, and is in an area with proximity to community services, schools, commercial facilities and mobility options.
c) where applicable, the environmental features or areas which may not be suitable for development, including: i. land subject to flooding or subsidence. ii. steep slopes; iii. low-lying, marshy or unstable land, including watercourses and wetlands of all types; iv. tree cover; and v. habitat for species-at-risk;	The development site does not have environmental features which may not be suitable for development.
d) for the features and areas identified in IM-9 (c), how the development may be directed away from or managed within these areas and the opportunities to enhance or restore degraded environmental features as part of the development proposal, where possible.	Not applicable.
e) the provisions of CH-30, where applicable;	Not applicable

Regional Plan Phase 4 2025 draft Policies	Comment
f) whether the proposal is appropriate and not premature, with consideration given to: i. the financial capacity of the Municipality to absorb any costs relating to the development; ii. municipal or private wastewater, stormwater, and water infrastructure provision; iii. emergency services to support the proposed development; iv. schools, parks, and community facilities; v. road networks leading or next to, or within the development. vi. transportation infrastructure for walking/rolling, cycling, transit, and vehicles for travel to and within the development; vii. whether the subject lands are suitable for development in terms of the steepness of grades, soil and geological conditions, locations of watercourses, wetlands, and susceptibility to flooding; and	To the best of our knowledge, the proposed development is in an area with an adequate level of municipal services to accommodate the development without any increased costs to HRM. This includes sewer and water services, emergency services, schools, parks and community facilities, road network, and transportation infrastructure for all mobility modes. The Traffic Impact Statement submitted with this application confirms no expected negative impact on the adjacent road network and all stopping sight distance criteria are met. The development site is suitable for development with minimal slopes and is not adjacent to watercourses, wetlands or land susceptible to flooding.



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Regional Plan Phase 4 2025 draft Policies	Comment
g) whether development regulations in the proposed rezoning or development agreement will mitigate the potential conflicts between the proposed development and nearby land uses, by reason of: i. the type of use(s); ii. the built form of any proposed building(s); iii. impacts on adjacent uses, including compatibility with adjacent residential neighborhoods, parks, community facilities, and railway operations. iv. traffic generation, safe access to and egress from the site, and parking. v. open storage and signage. vi. maintenance. vii. impacts of lighting, noise, fumes, and other emissions; and viii. any other relevant matter of planning concern.	Please refer to the discussion of Policy E-4 and IM-7 – Regional Centre Secondary Municipal Planning Strategy section below.
(2) Notwithstanding any policy of the applicable secondary municipal planning strategy or this Plan, for multi-unit residential buildings that begin construction on or before April 1, 2027, there shall be no requirement:	
a) related to the unit mix of the proposed buildings; and	The proposed 24 dwelling units are proposed to include a mix of dwelling unit types. The mix will be determined at Building Permit stage to respond to the market demand and supply.
b) for more than 20% ground floor commercial space.	No commercial space is planned for the building.

Policy E-4 – Regional Centre Secondary Municipal Planning Strategy	Comment
The council may consider proposals to amend the Land Use By-law zoning map for lands located within the Established Residential Designation to the CH-2 or CH-1 Zones, provided that:	

	Policy E-4 – Regional Centre Secondary Municipal Planning Strategy	Comment
	a) the development of low-density dwellings accessed by a shared private driveway, as opposed to a new public street, does not negatively impact neighborhood connectivity;	The proposed 6 dwelling unit buildings, as permitted by the target CH-1 zone, is accessed by a shared private driveway on the lot which connects to Pinewood Drive and does not negatively impact neighborhood connectivity.
	b) the cluster housing form is demonstrated to make more efficient use of irregular shaped infill properties that may otherwise be difficult to develop under the ER-2 or ER-3 Zone; and	The development site is constrained by two significant sewer easements along the south boundary (storm water) and diagonally through the middle of the lot (sanitary), east to west (see the Preliminary Servicing Schematic). These constraints have dictated the site layout of the four buildings to make the most efficient use of the large lot of available area. Additionally, the small street frontage prevents subdivision of the lot to create multiple lots for ER-3 zone permitted uses.
	c) the proposal meets the general Land Use By-law amendment criteria set out in Policy IM-7 in Part 9 of this Plan.	

		Policy IM-7 – Regional Centre Secondary Municipal Planning Strategy	Comment
a		a) the proposal is consistent with the Vision, Core Concepts, Urban Design Goals, and all applicable objectives and policies set out in the Regional Plan and this Plan;	The proposed development is designed to be consistent with the Regional Plan and the Regional Centre Secondary Municipal Planning Strategy, in particular the intent to increase safe, sustainable and affordable housing supply guided by the infill guidance of the Cluster Housing principles. The site is in the Urban Service area and is designed consistently with Regional Centre Strategy Policy E-4.
b		the proposal is appropriate and not premature by reason of	
	i	the financial capability of the Municipality to absorb any costs relating to the development	To the best of our knowledge, the proposed development is in an area with an adequate level of municipal services to accommodate the development without any increased costs to HRM. This includes sewer and water services, emergency services, schools, parks and community facilities, road network, and transportation infrastructure for all mobility modes. The site is suitable for development with minimal slopes and is not adjacent to watercourses, wetlands or land susceptible to flooding.
	ii	the adequacy of municipal wastewater facilities, stormwater systems or water distribution systems,	See comment on part b(i) above. The Preliminary Servicing Schematic submitted with the application shows potential service connections.

		Policy IM-7 – Regional Centre Secondary Municipal Planning Strategy	Comment
	iii	the proximity of the proposed development to schools, parks, and community facilities, and the capability of these services to absorb any additional demands,	The site is well located to recreational facilities associated with the local schools in the Dartmouth High family of schools in the area. The staff analysis of this application will include the capability of the school, park and community facility services to absorb additional demand.
	iv	the adequacy of transportation infrastructure for pedestrians, cyclists, public transit and vehicles for travel to and within the development, and	The Traffic Impact Statement submitted with this application confirms no expected negative impact on the adjacent road network and all stopping sight distance criteria are met. Pedestrians will walk on Pinewood Drive (or the grassed shoulder) for less than 100 meters to arrive at the Windmill Road sidewalks (both sides), transit stops and crosswalks. Cyclists will ride on Pinewood Drive to access Windmill Road and further destinations. Inside the development, walkways are provided for safe movement by pedestrians. Cyclists and vehicle drivers will use the respective parking areas and driveways to access Pinewood Drive. The design of the shared driveway will be designed to meet the requirements of Streets By-law where it meets Pinewood Drive.
	v	the impact on registered heritage buildings, heritage streetscapes, and heritage conservation districts;	N/A
c		the subject lands are suitable for development in terms of the steepness of grades, soil and geological conditions, locations of watercourses, wetlands, and susceptibility to flooding;	The development site does not have environmental features which may not be suitable for development.
d		that development regulations in the proposed rezoning or development agreement will adequately mitigate potential conflict between the proposed development and nearby land uses, by reason of:	
	i	type of use(s)	The area is a mix of residential land uses of varying densities. The proposed development contributes small, low-rise multiple unit buildings to this mix. The proposed building adheres to the right limits of the By-law for height and lot coverage. Similar height and lot coverage requirements apply to nearby ER-3 zoned properties for additions or redevelopment of those properties.

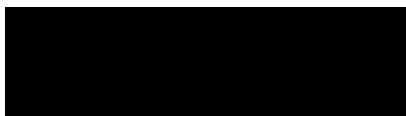
		Policy IM-7 – Regional Centre Secondary Municipal Planning Strategy	Comment
	ii	Built form of the proposed building(s)	The proposed building has a traditional low rise, small apartment building design with projecting balconies and staircases. Setbacks comply with Land Use By-law requirements for the CH-1 zone including number of buildings, number of dwelling units, height, setbacks, lot coverage and additional landscaping. Many of the requirements are like those for the nearby ER-3 zoned properties. The exterior finish materials are a mix of a strong masonry base with lighter wood frame upper stories, compatible with buildings in the area.
	iii	impacts on adjacent uses, including compatibility with adjacent residential neighborhoods, parks, community facilities, and railway operations,	Cluster Housing developments are intended to enable the development of unique properties (in this case, significant service easements, narrow lot frontage and large lot area) in a compatible way with adjacent uses through compliance with the CH-1 zone requirements. This proposal is designed to meet those CH-1 requirements to be compatible with the neighborhood. Landscaping measures are proposed on the perimeter of the property to provide additional privacy to the abutting uses. The Proposed Site Plan shows supplemental tree planting on the west side, as well as vegetation screening for the parking area on the south side of the property. Parks and community facilities are not immediately adjacent. The railway is nearby; no adverse impact by the proposed development is anticipated on the railway.
	iv	traffic generation, safe access to and egress from the site, and parking,	The Traffic Impact Statement submitted with this application confirms no expected negative impact on the adjacent road network and all stopping sight distance criteria are met. Pedestrians will walk on Pinewood for less than 100 meters to arrive at the Windmill Road sidewalks (both sides), transit stops and crosswalks. Cyclists and vehicle drivers will use Pinewood Drive to access Windmill Road and further destinations. Parking more than the By-law requirement, is proposed to be supplied on site for both bicycles and vehicles.



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		Policy IM-7 – Regional Centre Secondary Municipal Planning Strategy	Comment
	v	open storage and signage, and	No exterior open storage is planned for the site. A modest site identification sign will be submitted at the Building Permit stage, as well as requisite civic address numbering.
	vi	impacts of lighting, noise, fumes and other emissions.	Several lighting standards will light the interior of the site and will not be directed onto abutting properties (see Proposed Site Plan). No extraordinary noise, fumes or other emissions are anticipated from the proposed development.



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