

Attachment I

Summary of Proposed Package A Revisions

Centre Plan Package A was approved by Council in September 2019 and is currently controlling the type and scale of development in Package A areas. Given that Package A was only recently approved, the proposed Package B planning documents generally incorporate the approved Package A policies and regulations concerning key items such as density, building heights, land uses and built form. However, the proposed Package B documents do include several adjustments to Package A items in response to public and stakeholder feedback, and the Municipality's experience administering the new policies and regulations.

Site Plan Approval Requirements

The approved Package A identifies developments that require a site plan approval process under three application levels (Level I, Level II, and Level III) that depends on the amount of floor area of the proposed development. The site plan approval tool implements various building design requirements, such as street wall articulation, and each of the levels corresponds to a different public information or public engagement requirement.

In comparison to development agreements, the site plan tool was intended to streamline the permitting process while still providing opportunities for the public to influence building design. In practice, however, experience with the site plan approval tool has highlighted several challenges described below:

- **Design requirements:** site plan approval design requirements are prescriptive in nature and represent minimum design standards and limited flexibility for a wide range of projects. While proposals can exceed minimum requirements, there is limited opportunity for meaningful feedback from the public and Design Advisory Committee (DAC) that can be enforced;
- **Public engagement and appeal process:** the public has expressed frustration with the engagement and appeal opportunities, given the inability to influence main areas of concern, such as maximum building height, as well as the prescriptive nature of requirements that provide little opportunity for meaningful feedback on building design choices;
- **Administration:** the required public consultation and appeal processes is resulting in longer processing times and increased demands on Municipal resources in comparison to as-of-right developments. The resourcing demands may not be sustainable if the approach to using the site plan approval tool is extended to suburban areas through the Secondary Plan and By-law Simplification program; and
- **Uncertainty:** the potential of appeals by neighbouring residents is resulting in increased uncertainty for developers concerning approval timelines and building design.

Given the above challenges, the proposed Package B refines the use of the site plan approval tool by:

- Converting the site plan building design requirements that are prescriptive in nature to standard LUB requirements, which will reduce application processing times and the opportunity for appeals;
- Converting certain prescriptive or measurable variations to standard LUB requirements;
- Clarifying and adding site plan variations to increase building design flexibility in areas where public and DAC feedback can meaningfully influence design choices; and
- Simplifying the public notification and engagement requirements by removing the need to host a public meeting, while continuing to require applicants to post an on-site sign and create a project webpage with an opportunity for online feedback. An application for site plan approval must also include a confirmation that the public information and consultation requirements have been met, a written summary of all public feedback, and the applicant's response to the feedback received from the public.

It is also important to note that the Construction Management Plan (CMP) Administrative Order will continue to require major developments to consult the neighbouring community about construction activities and publicly post information about construction projects before construction begins. Consultation and notification requirements under the CMP include submitting information to the Municipality on how construction activities will address the needs of the surrounding community, posting project signage, and providing monthly project notifications, among other detailed requirements.

Site Plan Approval Variations

As described in the preceding section, Package B refines the use of the site plan approval tool by converting the majority of requirements to standard LUB provisions, and refining site plan variation provisions. The following outlines the Package A variations incorporated into standard LUB provisions;

- variations related to accommodating sloping conditions, including ground floor requirements and maximum and minimum streetwall heights;
- the relaxation of maximum front or flankage yards and minimum streetwall width when an at-grade open space or mid-block pedestrian connection is provided; and
- the relaxation of side and rear setback requirements for a high-rise building above the streetwall where view plane restrictions would not permit the abutting property to have a high-rise form.

Newly proposed site plan variation items that are not in the Package A include:

- alternative method of streetwall articulation that effectively contributes to the visual interest and appeal of the streetwall;
- relaxation of maximum grade-oriented premise width where alternative methods are used within the streetwall to give the appearance that multiple storefronts are present;
- relaxation of certain built form and building design requirements for institutional uses where the relaxation is needed to accommodate unique building functions or innovation building designs;
- alternative methods for meeting cornice line requirements applicable to developments that abut registering heritage properties; and
- relaxation of building design requirements for registered heritage properties when the requirements conflict with requirements under the *Heritage Property Act*.

Built Form Requirements

The approved Package A establishes a number of built form requirements to control the mass and scale of buildings. In response to stakeholder and public feedback, Package B proposes the following adjustments:

- Within the DD, DH, CEN-2, CEN-1, COR, HR-2, HR-1, INS, UC-2, or UC-1 Zone, the uninhabitable portion of a main building within a sloped roof may exceed the maximum allowable height by up to 4.5 metres. This revision is intended to avoid discouraging developments that include pitched roofs, which may otherwise have less habitable floors in comparison to buildings with flat roofs.
- Consistent with the existing Downtown Halifax Plan, balconies may encroach into required setbacks and stepback provided the aggregate width does not exceed 50% of the horizontal width of a building face. This revision supports the development of balconies while continuing to control the massing and scale of buildings.
- In situations where land is acquired by the Municipality, Province or Bridge Commission for transportation network improvements, lands located in zones that regulate density by FAR are permitted to base maximum density requirements on the size of the lot before the property acquisition. This provision is intended to preserve development opportunities on lands located close to transit corridors.
- Exemptions to maximum streetwall height requirements are proposed to support the use of streetwall rooftops. This adjustment enables maximum streetwall heights to be exceeded by 1.5 metres to accommodate a clear glass guard, railing system or parapet.

- For developments of corner lots, the ground floor is no longer required to extend across the entire width of a streetwall along a streetline or transportation reserve that exceeds a slope greater than 8 percent. This adjustments responds to concerns raised regarding the challenges with developing sloped sites.
- The ground floor of a grade-related dwelling unit is permitted to commence up to 1.5 meters below or above the streetline grade to support the privacy of grade-related dwelling units.
- Requirements for grade-oriented premises requirements are simplified to remove the previous formula and requiring a maximum width of 24 m.

Building Design Requirements

As described above, Package B proposes to refine the use of the site plan approval tool by converting building design requirements that are prescriptive in nature into standard LUB requirements. The following outlines additional adjustments to these building design requirements

- the design requirements related to at-grade-open space are clarified to focus on the design and amenity space, with landscaping related items continuing to be controlled by general landscaping provisions;
- new design requirement is introduced related to corner treatment;
- new design requirement is introduced related to the façade of townhouse block containing four or more dwelling units;
- building top distinction design requirements are removed given the challenges with regulating an objective that is inherently subjective in nature and concerns that prescriptive building top distinction requirements may limit creative design;
- many heritage design requirements are removed to reduce potential conflict with the Heritage Property By-law and given that the design of registered heritage buildings will continue to be controlled through the substantial alteration review process; and
- clarification of exemptions to certain design requirements for specific uses, such as arenas.

Additional Package A Zoned Areas

Package B adds a limited number of areas to the designations and zones included in Package A. Site specific requests were reviewed based on the overall Urban Structure and the Plan's policies. Excluding responses to site specific requests (Attachment L and M), the following outlines the approach and items adjusted by staff based on further research and analysis.

Given Council's recent approval of Package A, significant changes to Package A zones, height and density requirements are generally minimized. However, a limited number of adjustments are made in the proposed draft in the following situations:

- to correct an error or inconsistency with policy;
- to respond to site-specific requests where change was considered minor and had no or limited impact neighbouring properties, in particular on established residential properties or proposed Heritage Conservation Districts (HCDs);
- to reduce non-conformities for properties that may have already been included in Package A (e.g. some HR lots were moved to COR to recognize extensive commercial uses);
- to reduce non-conformities with current land uses and zoning when supported by Centre Plan policy; and
- to create a greater alignment with approved Centre Plan or Regional Plan policies or recent Council decision and associated public feedback.

Key additions to Package A zones include:

- The Southdale Future Growth Node, which is zoned CDD-1 based on the site's limited access to transportation network, transit, and large wetland;

- Applying the CEN-2 Zone to a portion of the Halifax Forum site to support its future redevelopment;
- Applying the CEN-2 Zone to the corner of Quinpool and Robie Streets to bring the site into the Centre Plan framework;
- Applying the Corridor Designation and COR Zone over lands previously zoned as HR-1 (Higher-Order Residential) to recognize existing commercial land uses (e.g. parts of Isleville Street, Lady Hammond Road, Green Village Lane, and Windmill Road);
- Applying the Higher Order Designation and HR-1 Zone to existing significant individual or blocks of multi-unit residential properties; and
- Applying the CEN-1 Zone with low FAR values on Carlton Street to reflect recent Council re-zoning on 5853 Carlton Street, and support a wider variety of land uses on this heritage streetscape.

Please note that in response to land owner requests, a limited number of site specific adjustment to Package A zones and related regulations are also proposed. These proposed adjustments are outlined in Attachment L of this report. Additional adjustments were made based on Council directions as outlined in Attachment I.

Future Growth Node Policies

Package A established the Future Growth Node (FGN) Designation and associated Comprehensive Development District (CDD) policies to establish neighbourhood master planning requirements for certain large sites. Package B maintains this intent and refines the SMPS policies to clarify the following:

- when and how neighbourhood master planning policy exercises should be undertaken;
- modifying the preambles in each site specific FGN policy to clarify the intended overall density based on the number of dwelling units instead of people;
- clarifying the intended distribution of density within the Dartmouth Cove FGN on Map 15;
- implementing minor boundary adjustments to the Dartmouth Cove FGN;
- allowing for light industrial uses within additional portions of the Dartmouth FGN through site specific master planning process; and
- clarifying the process for incorporating FGNs into the planning framework after the developments are completed to guide the use and evolution of the lands over the long-term.

Amenity Space Requirements

Based on feedback from residents about the importance of outdoor private amenity space in high-density developments (those containing 13 or more dwelling units), the amenity space requirement for any high-density dwelling use within an HR-2 or HR-1 zone is revised to require that a minimum of 25% of the amenity space be provided outdoors at grade or on a rooftop. The overall requirement has not been changed. A design requirement was also included for private outdoor amenity space, replacing the private at-grade open space design requirement which was duplicating landscaping requirements.

Unit Mix Requirements

Unit mix requirements require a portion of new residential units to consist of two-bedroom or three-bedroom units. To provide flexibility for small scale projects and support renovations and additions to existing structures, regulations are revised to only apply to new additions and new construction of 40 units or more. In addition, the unit mix requirement for 3-bedroom units in HR-1 and HR-2 zones is reduced from a minimum of 10% to 5%, in addition to at least 20% of two-bedroom units. This will enable smaller projects to focus on responding to market opportunities, while ensuring that large scale projects continue to provide a range of dwelling unit types. These proposed unit mix requirements are consistent with requirements in other Canadian cities.

Parking Requirements

Based on feedback from smaller property developers in the Higher Order Residential Designation, parking requirements in the HR-1 and HR-2 zone will exclude the first 12 units.

Pedestrian Oriented Commercial Streets

The façade design and appearance of buildings along designated Pedestrian-Oriented Commercial (POC) streets, especially the ground floor, are fundamental to the pedestrian experience. This POC concept was first introduced in Downtown Halifax in 2009 and was implemented in Package A for key streets in Downtown Dartmouth and in Centres.

Under current regulations, new buildings and developments along Pedestrian-Oriented Commercial (POC) streets are required to incorporate ground-level active commercial uses such as retail shops, personal service shops, restaurants, and other similar uses. The regulations also include a small number of specific built form and hard landscaping requirements.

In response to public and stakeholder feedback, and the COVID-19 context the following outlines the minor modifications to POC policies and regulations in Package B:

- adding or extending existing POCs to:
 - the north side of Portland Street POC between Canal Street and Maitland Street;
 - both sides of Wyse Road between Pelzant Street and Thistle Street;
 - Young Street and Kaye Street around the Hydrostone Market;
- allowing office uses within POCs located in the Centre and Corridor designations, while continuing to prohibit grade-oriented office uses in the Downtown Designation;
- updating minimum and maximum building setbacks that support pedestrian activity;
- maintaining maximum building setbacks only on Pedestrian Oriented Commercial Streets; and
- clarifying the maximum width limit of any grade-oriented premises to 24 meters to support multiple pedestrian-oriented storefronts, and exempting low-density dwellings, religious and cultural uses, and limited additions from the requirement.

Minimum Front Setbacks

Minimum front setbacks on number of streets are adjusted to reflect the existing built form and to support greater front yard landscaping requirements and pedestrian oriented environment. A number of front setbacks in residential areas are also adjusted to support greater consistency and local character.

Underground Park within Front and Flankage Setbacks

Package B removes the Transit Corridor Special Area that prohibits underground parking to be located within the required minimum front and flanking setbacks along certain streets. Instead, Package B proposes that underground parking not be allowed in any minimum front and flanking setbacks to support landscaping and avoid negative impacts on public infrastructure located in the right of way. Given that underground parking areas typically align with the above-ground portion of the building, this is expected to have a minimum impact on developments.

Robie Street Transportation Reserve

The Integrated Mobility Plan (IMP) identifies Robie Street as a Transit Priority Corridor where transit movement should be prioritized through transit priority measures. The Rapid Transit Strategy (RTS) approved by Regional Council in May 2020, reinforces the need for transit priority on Robie Street for proposed Bus Rapid Transit (BRT) lines. Given the importance of Robie Street to the proposed transit network, staff have identified the need to apply a transportation reserve along narrow portions of the street to prevent new developments from being constructed on lands needed to accommodate dedicated bus lanes. The specific location of the proposed Robie Street transportation reserve is subject to further Council direction and will be clarified prior to first reading of Regional Council.

Under the HRM Charter, a transportation reserve may be applied for developing, widening or altering existing or new public streets and pathways and must be applied over underlying zoning. When applied, the transportation reserve restricts all development and remains in effect for a maximum of 5 years. After the first year, any property owner affected by the reserve can request that Council purchase the property.

If Council does not purchase the property at that time, development is allowed under the underlying zoning. The underlying zoning also automatically comes into effect at the conclusion of the 5-year time period.

Curbside Management

Curbside space is the space where the paved portion of a street used by vehicles and the sidewalk edge meet. To help manage competing demands for curbside space, Package B updates related policies and regulations to establish more detailed off-street loading requirements that balance urban design goals with the need for larger scale developments to dedicate space for loading.

The Saint Patrick's Alexandra Site

As indicated in Attachment L, in response to Council direction and additional community consultation, Package B proposes a new site-specific development agreement option for the Saint Patrick's Alexandra Site. This development agreement policy replaces the large lot development agreement policy that would otherwise apply and recognizes the historic prominence and significance of the former school site in the Mi'kmaq First Nations, African Nova Scotian, and Halifax's North End communities. While the underlying HR-1 zoning continues to apply with a maximum height of 14 metres, a development agreement may be considered to permit additional development subject to the following key items:

- the maximum building height identified on Map 6 may be exceeded to a maximum height limit of 23 metres on a maximum of 25% of the site area;
- a minimum of 40% of the private amenity space required by underlying zoning must be provided outdoors, such as a landscaped plaza that is accessible from a streetline;
- Incentive or Bonus Zoning requirements set out in the Land Use By-law may be provided only in the following forms:
 - a minimum of 60% money-in-lieu for affordable housing, and
 - on-site preservation of registered heritage buildings; and
- the entire facade of the existing school building designed by Andrew Cobb that fronts onto Brunswick Street must be preserved in early phases of the development.

Additional consideration under Policy IM-38 include items such as conforming with underlying zone and Land Use By-law requirements, incorporating features to commemorate the history of the former school and its importance to the Mi'kmaq First Nations, African Nova Scotian, and North End communities, allowing additional commercial uses, addressing food security on site, transitioning of building heights down to the surrounding low-density residential uses, Murray Warrington Park, and abutting heritage properties, and access and mobility connections to and through the site.

Spring Garden Road and Robie Street – Site Specific Development Agreement Policies

In July of 2019, Regional Council approved site-specific development agreement policies within the Halifax SMPS for lands located at the corner of Spring Garden Road and Robie Street to support the preservation of municipally registered heritage properties as part of high-density mixed-use developments. Under Package A transition policies, Council is able to consider a development agreement under the policies in the Halifax SMPS provided a public hearing is held within 24 months of the approval of the adoption of Package A. Staff are currently negotiating a development agreement under these policies. While the transition timeframe is not a major constraint, staff have identified issues with prescriptive development agreement policy criteria through the development agreement application process. To address this issue, Package B is carrying forward the intent of the previous Council approved policies as site-specific development agreement policies.

Implementation Policies

Part 9 of the Plan contains the implementation policies needed to carry out the direction outlined in the Plan. This Part includes policies on how Council intends to review or amend the Plan in the future, and

direction for the Land Use By-law and discretionary approvals. Package B generally carries forward the policies contained in the approved Package A, with the following updates:

- additional guidance to discretionary Council approvals, including when re-zonings can be considered;
- adjustments to the use of the site plan approval tool, as outlined above;
- minor adjustments to the Incentive or Bonus zoning policies and related LUB provisions to provide greater clarity and flexibility for the use of money-in-lieu funds, consistent with the direction contained in the [staff report](#) related to establishing the Bonus zoning reserve and associated administrative orders;
- further relaxation of non-conforming use and structure provisions for residential uses located in Established Residential Zones to allow such uses to be reconstructed if destroyed by fire or otherwise; and
- updates to transition policies to include Package B areas and increase the timeframes for former Package A areas by one year given the impacts of the COVID-19 pandemic on the development industry.

Document Wording and Organization

Both the SMPS and LUB have been comprehensively edited and reorganized for clarity and consistency, and to effectively combine Package A and B portions into one cohesive plan. Clarifying edits related to Package A materials include:

- reorganizing LUB built form provisions according to zone, instead of topic, to facilitate administration and public/landowner understanding of applicable controls; and
- reorganizing some SMPS sections between chapters and parts to group similar topics in the same sections.

Additional Package A Research Items

In response to stakeholder and public feedback, staff researched a number of topics that did not result in significant changes to Package A materials. The following summarizes these key research topics.

Mass Timber Construction

The Nova Scotia Wood Products Manufacturers in association with a development industry firm made submissions related to providing additional built form flexibility for the construction of tall wood buildings. The submission cited the environmental benefits associated with wood buildings and expected changes to the National and Nova Scotia Building Code.

Some of the changes requested included:

- relaxation of maximum building height requirements for wood construction because it requires more height to accommodate the same number of storeys achievable with concrete;
- removal of streetwall requirements for wood building; and
- relaxation of requirements for soft-landscaping on flat roofs due to challenges with constructing and insuring soft-landscaping on wood buildings.

While the environmental benefits of wood construction is supported, staff was not able to accommodate these requests for the following reasons:

- the regulation of maximum building heights and streetwalls is a key component of the Centre Plan framework and core concepts approved under Package A;
- the LUB cannot regulate structural building materials, which is regulated under the Nova Scotia Building Code, and therefore, land use regulations cannot be varied based on whether a building is constructed of wood, concrete, or other materials;

- soft landscaping requirements on flat roofs contribute to our long-term sustainability goals contained in the Halifax Green Network Plan and HalifACT, and can be avoided by constructing a pitched roof;
- the existing maximum building height framework already enables mid-rise wood construction expected to be permitted by changes to the National and Nova Scotia Building Codes; and
- there are design approaches for multi-storey wood buildings that can accommodate streetwall setbacks and reduce the thickness of wood floor assemblies and resulting overall building height.

However, in response to feedback from the wood industry, additional flexibility to maximum building height is proposed that exempts uninhabited portions of a pitched roof from maximum building height limits in commercial and mixed-use zones. This is intended to avoid discouraging pitched roofs, in comparison to flat roof buildings. This may be a consideration for buildings constructed of wood that may have difficulty meeting the soft-landscaping requirement for flat roofs.

Energy Efficiency

The Urban Development Institute (UDI) provided a submission requesting the inclusion of renewable energy technology as a public benefit under the bonus zoning program that can use up to 90% of the required public benefit value. This request is intended to support the cost of expensive renewable energy technologies, and the goals of HalifACT.

While Package B supports the development of renewable energy, such as rooftop solar, staff do not recommend revising the bonus zoning requirements to include renewable energy for the following reasons:

- The 2015 Bonus Zoning Study recommended against including energy efficiency standards in the Downtown Halifax and Centre Plan because most developers are already incorporating energy efficiency measures to reduce costs, the previously used standards are no longer considered best practices, and energy efficiency does not provide immediate tangible benefits to the local community impacted by the new development. The study also recommended a short list of public benefits to create meaningful impacts;
- The *HRM Charter* does not enable a Land Use By-law to regulate energy efficiency building standards and the Municipality is not prepared at this time to verify ongoing energy savings or the effectiveness of renewable energy facilities;
- The cost of achieving the net-zero standards set out in HalifACT is likely much greater than the value of expected public benefits, especially given that the majority of public benefits are currently directed to affordable housing; and
- The public engagement on Package A and Package B consistently highlighted the importance of affordable housing as a desired public benefit, in addition to heritage protection, community cultural spaces, municipal parks, and public art.

For the reasons outlined above, staff advise that the bonus zoning planning tool is not an effective approach to supporting net-zero standards. Under the direction set out in HalifACT, staff are monitoring expected updates to the Nova Scotia Building Code that may support net-zero construction standards. Changes to the *HRM Charter* may be needed to enable the Municipality to effectively regulate and incentivise the construction of net-zero buildings.