









On June 4, 2020, the Halifax Peninsula Planning Advisory Committee (PAC) recommended that the application for the conversion to a 6-unit residential building be approved subject to the same considerations given in the first PAC meeting.

The applicant has addressed the PAC's concerns in the following ways:

<b>PAC Concern</b>	<b>Applicant Response</b>
Accessibility needs	The applicant has an active Building Permit (no.179471) for renovations to the commercial unit and has worked with HRM Building Officials to allow for one of the units to meet accessibility standards under the Building Code. HRM Building Standards has confirmed that an accessible unit will be required during permitting.
Solid Waste Management, in particular waste pick up and location of bins	<p>The proposed six-unit building will continue to qualify for municipal curb-side pickup, therefore it is intended that solid waste will be handled in the same fashion as it is currently. Refuse bins are stored in the rear of the lot to visually screen them from the street and neighbouring properties.</p> <p>The development agreement requires refuse bins to be located in the rear yard which is to be visually screened with an opaque fence.</p>
The furnace room have separate access and not be accessed through a unit.	<p>The applicant has expressed that there is no feasible solution to establish independent access to the furnace room; that where the planning policy strongly encourages the retention and rehabilitate existing structures and housing units, it is inevitable that such design trade-offs will result. The applicant has taken steps to improve the fire rating by installing 2 layers of 5/8" fire-code drywall on the walls and ceiling and installing a solid wood door.</p> <p>HRM Building Standards has confirmed that a separate access is not required for the furnace room. The service (furnace) room would be required to have a fire resistance rating of at least 1 hour the for the walls, floors and ceilings and doors of this room space. A fire detector or heat detector may also be required inside the service room. This would be reviewed during the building permit process.</p>

A report from the PAC to Community Council will be provided under separate cover.

**Conclusion**

Staff have reviewed the proposal in terms of all relevant policy criteria and advise that the proposal is reasonably consistent with the intent of the MPS. The proposed development agreement provides the ability to allow for a change in the commercial use within the building to a less-intensive residential use while ensuring that there are appropriate controls to reasonably mitigate land use compatibility issues. The terms of the development agreement reflect and are consistent with the criteria of Implementation policy 3.14. Therefore, staff recommend that the Halifax and West Community Council approve the proposed development agreement.

**FINANCIAL IMPLICATIONS**

There are no budget implications. The applicant will be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this proposed development agreement.

The administration of the proposed development agreement can be carried out within the approved 2020-2021 budget and with existing resources.

### **RISK CONSIDERATION**

There are no significant risks associated with the recommendations contained within this report. This application may be considered under existing MPS policies. Community Council has the discretion to make decisions that are consistent with the MPS, and such decisions may be appealed to the N.S. Utility and Review Board. Information concerning risks and other implications of adopting the proposed development agreement are contained within the Discussion section of this report.

### **ENVIRONMENTAL IMPLICATIONS**

No environmental implications are identified.

### **ALTERNATIVES**

1. Halifax and West Community Council may choose to approve the proposed development agreement subject to modifications. Such modifications may require further negotiation with the applicant and may require a supplementary report or another public hearing. A decision of Council to approve this development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. Halifax and West Community Council may choose to refuse the proposed development agreement, and in doing so, must provide reasons why the proposed agreement does not reasonably carry out the intent of the MPS. A decision of Council to refuse the proposed development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

### **ATTACHMENTS**

Map 1	Generalized Future Land Use
Map 2	Zoning and Notification Area
Attachment A	Proposed Development Agreement
Attachment B	Review of Relevant Halifax MPS Policies

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A copy of this report can be obtained online at [halifax.ca](http://halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.

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