


Item No. 11.1.6
Halifax Regional Council
April 12, 2011

TO: Mayor Kelly and Members of Halifax Regional Council

Original signed by 

SUBMITTED BY: _____

Richard Butts, Chief Administrative Officer

Original Signed by 

Mike Labrecque, Deputy Chief Administrative Officer

DATE: March 3, 2011

SUBJECT: **Case 16687: Amendments to the Downtown Dartmouth MPS and LUB for an apartment building on Portland Street**

ORIGIN

Application by Michael Napier Architecture, on behalf of Harbourvista Apartments Ltd., to amend the Downtown Dartmouth Municipal Planning Strategy and Land Use By-law to enable a development agreement for a four storey, 69 unit apartment building that extends over 224, 226 and 228 Portland Street.

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Initiate the process to consider amending the Downtown Dartmouth Municipal Planning Strategy and Land Use By-law by redesignating and rezoning lands at 224, 226 and 228 Portland Street from Downtown Neighbourhood to Downtown Business to enable a development agreement for a 69 unit apartment building; and
2. Request staff to follow the public participation program as approved by Council in February 1997.

BACKGROUND

In 2010, a fire destroyed two residential apartment buildings at 226 and 228 Portland Street (Map 1). The owner of the property, Harbourvista Apartments Ltd., investigated options for redeveloping the lots which included a contiguous parcel of land behind the destroyed buildings plus the lots at 222 and 224 Portland Street. To consider the redevelopment of the subject lands, the applicant is requesting an amendment to the Generalized Future Land Use Map to include the subject lands within the Downtown Business designation and zone.

Location, Designation, Zoning and Surrounding Land Use

The lots are:

- located on the south side of Portland Street about 280 feet west of “Five Corners”;
- approximately 21,172 square feet in area;
- designated Downtown Neighbourhood under the Downtown Dartmouth Municipal Planning Strategy (Map 1);
- dual zoned DN (Downtown Neighbourhood) and DB (Downtown Business District) under Downtown Dartmouth Land Use By-law (Map 2); and
- surrounded by land uses zoned DB, west on Portland Street, and DN, east on Portland Street.

Proposal

The applicant’s proposal is for a 69 unit residential apartment building on the subject lands with a suggested character of two storey attached townhouses fronting on Portland Street, approximately mid-block between Maitland and Albert Streets, stepping back to the main four storey building. The proposed building is an example of residential infill that features:

- a below grade parkade;
- “townhouses” designed to accommodate either commercial or residential occupancy; and
- a façade that continues the traditional streetscape while providing a higher density building.

Downtown Dartmouth MPS Policy

The current underlying Municipal Planning Strategy (MPS) land use designation for the subject lands is Downtown Neighbourhood (Map 1). The designation does not support the Downtown Business District zone applied to the subject lands, nor does it allow Council to consider a development agreement for the proposed apartment building. The subject lands must be redesignated to the Downtown Business designation and the Downtown Business District zone applied.

Under the Downtown Dartmouth MPS, proposals for higher density housing that do not meet the standards of the Downtown Business District zone may be considered by Council through the development agreement process in accordance with Policies B-8 and N-5 (Attachment A). Specifically, Policy B-8 requires:

- i) the proposal to be sensitive to the traditional character of the downtown;
- ii) buildings to be designed to reinforce a human scale at the streetscape level by stepping back from the street with articulated facades;

- iii) commercial uses are encouraged at the street level of residential buildings; and
- iv) on-site parking should be enclosed.

The evaluative criteria set out in Policy N-5 is generally considered in the evaluation of development agreement proposals for Neighbourhood Residential Opportunity Sites but Policy B-8 states it shall also be considered for higher density residential proposals.

DISCUSSION

Generally, MPS amendments should only be considered where situations or conditions have changed in such a manner that the MPS had not anticipated. The MPS provides for future land use by designating lands on the Generalized Future Land Use Map. The Land Use By-law applies zones within the various MPS designations which may not always be congruent with the Plan designation. These variations become relevant when considering discretionary development approvals such as this application.

In this case, the Downtown Business District zone was applied to the majority of the subject lands (excepting 222 Portland Street, the rear portions of 226 and 228 Portland Street and the small parcel contiguous to 226 and 228), during the approval of the Downtown Dartmouth Plan and Land Use By-law review in 2000 (Case 00095). However, the Downtown Business designation was not applied to the subject lands to support the Downtown Business zone. Instead, the subject lands were designated Downtown Neighbourhood which is intended to ensure new development is consistent with traditional lot and housing patterns of lower density housing and does not anticipate the inclusion of higher density and larger scale development.

The above mentioned lots and portions of lots currently not zoned Downtown Business District will need to be rezoned as well as redesignated to Downtown Business. These lots are integral to the proposed development and because of their internal location, could be difficult to redevelop on their own. Staff is of the opinion that there is merit to considering MPS and LUB amendments for these lots and portions of lots as this would add consistency to the plan and the existing designation along the street. Lots fronting on the opposite, or north, side of Portland Street are designated and zoned Downtown Business and redesignating the subject lots fronting on the south side of Portland would further ensure consistency.

Summary

Staff is of the opinion that the proposed change in designation from Downtown Neighbourhood to Downtown Business will support the existing Downtown Business District zoning, enable consideration of the proposed development agreement for a new multiple unit residential development and be consistent with the Downtown Dartmouth MPS. Therefore, staff recommends that Council initiate the process to consider amending the Downtown Dartmouth MPS and LUB to enable a new residential apartment building.

BUDGET IMPLICATIONS

The costs to process this planning application can be accommodated within the proposed operating budget for C310 Planning & Applications.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the proposed Operating, Project and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Project and Operating reserves, as well as any relevant legislation.

ALTERNATIVES

1. Council may choose to initiate the MPS amendment process for reasons set out in this report. This is the recommended course of action.
2. Council may choose not to initiate the MPS amendment process. A decision not to amend the MPS may not be appealed. This alternative is not recommended, as staff believes that there is merit in considering the requested MPS amendment.

ATTACHMENTS

Map 1	Generalized Future Land Use
Map 2	Zoning and Location
Attachment A	Excerpts from the Downtown Dartmouth MPS

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

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Report Approved by: _____
Austin French, Manager, Planning Services, 490-6747

Report Approved by: _____
Paul Dunphy, Director of Community Development


Financial Approval by: _____
Cathie O'Toole, CGA, Director of Finance, 490-6308

Original Signed



Map 1- Generalized Future Land Use



 Proposed area to be redesignated from DN to DB

Designation

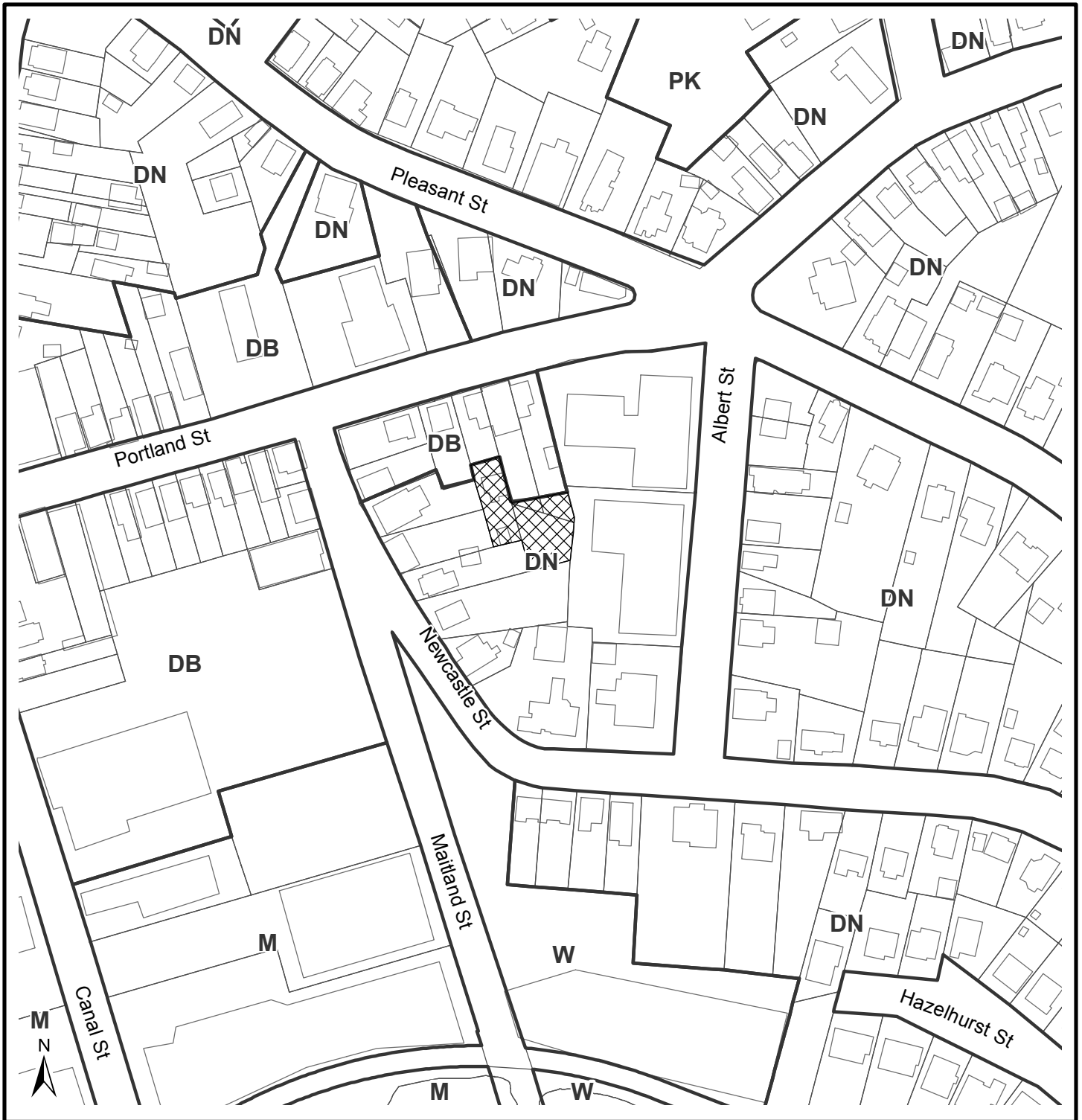
- DN Downtown Neighbourhood
- DB Downtown Business District
- W Waterfront




This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the Downtown Dartmouth Plan Area.

HRM does not guarantee the accuracy of any representation on this plan.

Downtown Dartmouth Plan Area



Map 2 - Zoning and Location

 Proposed area to be rezoned from DN to DB

Zone

- DN Downtown Neighbourhood
- DB Downtown Business District
- W Waterfront
- M Marine Business
- PK Park and Open Space



This map is an unofficial reproduction of a portion of the Zoning Map for the Downtown Dartmouth Plan Area.

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Downtown Dartmouth Plan Area

Attachment A: Excerpts from the Downtown Dartmouth MPS

Policy B-8

Higher density housing proposals that do not meet the standards of the Business District Zone may be considered by Council through the development agreement process. In addition to the general criteria set out in Policy N-5, the following criteria shall be considered by Council in evaluating such proposals:

1. The “residential opportunity sites” referenced in Policy B-7 should be given priority for higher density development;
2. The design of apartment buildings should be sensitive to the traditional character of the downtown and the immediate surroundings. A general guideline of 100 units per acre and 5 storeys shall be utilized as parameters for the scale and massing of development. The following additional criteria apply to the residential opportunity sites:
 - a) Up to eight stories may be permitted on Site A provided no greater than 3 stories is permitted on the Edward and North Street elevations;
 - b) Up to 10 stories may be permitted on Site C, provided the design of the building is stepped down towards Portland and King Streets.
 - c) Up to four stories may be permitted on Site B.
 - d) Up to five stories may be permitted on Site D with sensitive treatment along King Street adjacent to existing single family dwellings.
3. Buildings should be designed to reinforce a human scale streetscape. The stepping back of higher rise buildings away from the street should be considered to avoid a massive building appearance, as should the subdivision of large building facades to create the appearance of several smaller buildings;
4. Commercial or other uses serving the public are encouraged at the street level of residential buildings.
5. Where on-site parking is required, it should be enclosed within a building.
6. Reduced standard laneways may be considered as an alternative means of access to the residential opportunity sites.

Policy N-5

In order to achieve the goals of strengthening the neighbourhoods, bringing more people to live downtown, and of providing a variety of housing options with an emphasis on families, additional housing opportunities will be provided for five sites shown on Map 3. The development of medium density housing including townhousing and low-rise apartment buildings may be considered on these sites. The development agreement process will be used to assess individual proposals and set out detailed site and building design standards which reflect the unique character and scale of the neighbourhoods .

Council shall consider the following criteria in its evaluation of development agreement proposals under this policy:

- a) where suitable, a mix of dwelling types should be achieved including townhousing, apartment and detached dwelling units. As a target, approximately 25 % of housing should be designed to accommodate families with children;

- b) reasonable controls should be set out on the bulk, scale, and density of any proposed development to ensure it does not significantly alter the character of the area;
 - i) The preferred form of development is low rise, ground-oriented, medium density housing. Development proposals should be consistent with the surrounding neighbourhood and should not exceed a maximum density of 35 units per net acre and a height of three stories. Minor variations in these limits may be considered where the proposal clearly offers substantial benefits to the neighbourhood in terms of additional open space, landscaping, and urban design amenities or where there are unique site conditions which justify variations in height or density in order to minimize site disturbance.
 - ii) On Site A, only street level townhousing or detached dwellings will be permitted along the King Street corridor to ensure compatibility with adjacent residences. Any apartment buildings should be sited to the northern and western portions of the site towards Alderney Manor and the Dartmouth Common. Minor variations in allowable building heights may be considered for these portions of the site to encourage innovative building design and development which is in keeping with the natural terrain. Appropriate buffers should be provided between any apartment buildings and adjacent dwellings on Edward Street.
- c) the architecture and external appearance of any proposed buildings should reflect the traditional character of dwellings within the immediate neighbourhood and are in keeping with traditional design principles set out in Policy D-1 of this plan;
- d) the proposal should not involve the wholesale demolition of existing housing stock;
- e) where applicable, street corridor views of the harbour should be maintained and enhanced;
- f) adequate buffers and screening should be provided for any proposed apartment buildings or parking areas from adjacent single family residences, and the attractive fencing and landscaping to enhance privacy should be provided where appropriate;
- g) adequate landscaping and/or street trees should be provided around the perimeter of the development to enhance the aesthetics of the site;
- h) adequate recreation and amenity space including play areas for children should be provided where appropriate;
- i) parking areas should not be located so as to dominate the site. The visual appearance of parking areas should be minimized through use of landscaping treatments, rear yard or enclosed parking, reduced parking standards or other appropriate means;
- j) traffic circulation and access to and from the site should be designed to minimize adverse impacts on adjacent residential uses. (Regional Council - June 27, 2006 Effective- August 26, 2006)
- k) adequate provisions should be made for safe and convenient pedestrian circulation on the site;

- 1) underground infrastructure services should be adequate to support the development;