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Item No. 11.1.4
Halifax Regional Council
August 5, 2014

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original Signed by 
Mike Labrecque, Acting Chief Administrative Officer

Original Signed by Director

Brad Anguish, Director, Community and Recreation Services

DATE: July 7, 2014

SUBJECT: **Case 19258: Amendments to the Downtown Dartmouth SPS and LUB to enable residential development at 8 Linden Lea, Dartmouth**

ORIGIN

Application by W M Fares Group.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, Part VIII, Planning and Development

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Direct staff to initiate the process to consider amending the Downtown Dartmouth Secondary Planning Strategy and Land Use By-law to allow consideration of a multi-unit residential building by development agreement at 8 Linden Lea, Dartmouth, as shown on Map 1; and
2. Direct staff to follow the public participation program for the MPS amendment process as approved by Council in February 1997.

BACKGROUND

The applicant has requested the redevelopment of a residential property at 8 Linden Lea, Dartmouth. The proposal is to demolish the existing multiple unit dwelling and redevelop the site with a new 41-unit multiple unit building (Maps 3 and 4). The Downtown Dartmouth Secondary Planning Strategy (SPS) does not enable Council to consider the proposed 41-unit residential redevelopment by either a rezoning or development agreement. Therefore, the applicant is requesting a site specific SPS amendment to designate the lands as an “opportunity site” whereby the proposed development may be considered by development agreement. An opportunity site provides for medium density housing, such as larger townhouse developments and low rise apartments, to be integrated within the existing neighbourhoods and is currently applied to only five sites within the Plan area. This SPS amendment requires the initiation of a planning process by Regional Council.

Location, Designation, Zoning and Surrounding Land Use

Subject Property	Parcel of land situated on the northeast side of Linden Lea (Map 1)
Location	Located at 8 Linden Lea, off Pleasant Street, Dartmouth (Map 1)
Lot Area	4,707 square metres (1.16 acres)
Regional MPS Designation	Urban Settlement under the Regional Municipal Planning Strategy (RMPS)
Community SPS Designation	Downtown Neighbourhood (DN) under Downtown Dartmouth Secondary Planning Strategy (SPS) (Map 1). This designation is intended to recognize and protect the character of residential neighbourhoods surrounding the downtown business district.
Zoning	Downtown Neighbourhood (DN) under Downtown Dartmouth Land Use By-law (LUB) (Map 2)
Surrounding Uses	Adjacent to existing residential development on Linden Lea and Pleasant Street and directly opposite a park.
Current Use(s)	Existing multiple unit building
Servicing Capability	Located within the Urban Service boundary and capable of being serviced by municipal water and wastewater systems

DISCUSSION

Amendments to the SPS are generally not considered unless it may be shown that circumstances warrant a change to policy. Typically, these types of amendments require substantial justification to be considered. In this case the applicant has included the following rationale for their proposal:

“Situated off of Pleasant Street, Linden Lea is a quaint residential street that is characterized by mature trees and a lily filled pond. Various housing typologies including single family, duplex townhomes, and three storey walk-up apartment buildings can be found along Linden Lea. The site’s close proximity to Downtown Dartmouth and the Ferry Terminal gives the project significance and merit to increasing density in support of policy N-5 goals. The design intent and theology behind the proposed development is to promote a greater neighbourhood and downtown lifestyle of green living targeted at a market for both young working professionals and families alike”.

Existing Plan Policies

The Downtown Dartmouth SPS specifically targets five vacant or underutilised sites within the Downtown Neighbourhood Designation as “opportunity sites” that provide potential for medium density housing, such as larger townhouse developments and low rise apartments, to be integrated within the existing neighbourhoods. An opportunity exists for housing projects on these sites that provide alternative housing choices, while also blending with the character of these areas.

If the subject lands are identified as an “opportunity site”, the development agreement process would be used to consider proposals on the site. Policy N-5 (Attachment A) sets out the parameters for

development, and enables the application of design standards for each site to ensure any development reflects the unique characteristics of the neighbourhood. Density and height limits are specified in policy both to provide certainty for the neighbourhood and also to stimulate private sector interest in these sites.

Rationale

The subject proposal merits consideration as it meets the policy criteria used to establish opportunity sites at the time of adoption of the SPS, and would help in working towards the density targets set out in the Plan. At the time of adoption, the subject lands were not identified as an opportunity site due to the fact the lands were not available or being considered for redevelopment. Further, under the RMPS, the site is Designated Urban Settlement and falls within the Regional Centre. The proposed development is well located to take advantage of its proximity to downtown amenities, ferry and transit services as well as providing medium density residential development that exemplifies the Regional Centre objectives.

This 1.16 acre site is a relatively large parcel in the downtown, and allows for a low-rise multiple unit dwelling that can meet the 35 dwelling units per acre density of Policy N-5 and provide a dwelling unit type mix of 15 one-bedroom, 20 two-bedroom and 6 three-bedroom units. The proposal uses a provision of Policy N-5 to allow a change of one additional storey (for a total of four floors) beyond the three storeys already established on the site. In this sense, density on the site can be increased, while still continuing to blend with the existing neighbourhood.

At this time, no detailed technical evaluation of traffic, servicing, compatibility or urban design has yet been undertaken. If Regional Council agrees to initiate the SPS amendment process, these matters, among others, would be subject to detailed review as part of the process. Community engagement would also be undertaken to allow input by area residents and property owners on the proposal.

Conclusion

Staff is of the opinion that an SPS amendment enabling residential redevelopment on the subject site is appropriate for consideration at this time. Should Regional Council authorize staff to initiate a process to consider the SPS amendment, an opportunity will be provided to investigate and discuss compatibility, the potential impact on surrounding residential areas and site design features with the public. Therefore, staff recommend that Regional Council initiate the request to consider amending the Downtown Dartmouth SPS and LUB to allow consideration of a multiple unit building by development agreement as discussed above.

FINANCIAL IMPLICATIONS

The HRM costs associated with processing this planning application can be accommodated within the approved 2014/15 operating budget for C310 Planning & Applications.

COMMUNITY ENGAGEMENT

Should Regional Council choose to initiate the SPS amendment process, the *HRM Charter* requires that Regional Council approve a public participation program. In February of 1997, Regional Council approved a public participation resolution which outlines the process to be undertaken for proposed MPS amendments which are considered to be local in nature. This requires a public meeting to be held, at a minimum, and any other measures deemed necessary to obtain public opinion.

The proposed level of community engagement is consultation, achieved through a public meeting and/or public workshop early in the review process, as well as a public hearing before Regional Council can consider approval of any amendments.

Amendments to the SPS will potentially impact the following stakeholders: local residents, property owners, community or neighbourhood organizations, other HRM business units and other levels of governments.

ENVIRONMENTAL IMPLICATIONS

The proposal meets all relevant environmental policies contained in the SPS.

ALTERNATIVES

1. Regional Council may choose to initiate the consideration of potential policy amendments that would differ from those outlined in this report. This may require a supplementary report from staff.
2. Regional Council may choose not to initiate the SPS amendment process. A decision of Council not to initiate a process to consider amending the SPS is not appealable to the NS Utility and Review Board as per Section 262 of the *HRM Charter*.

ATTACHMENTS

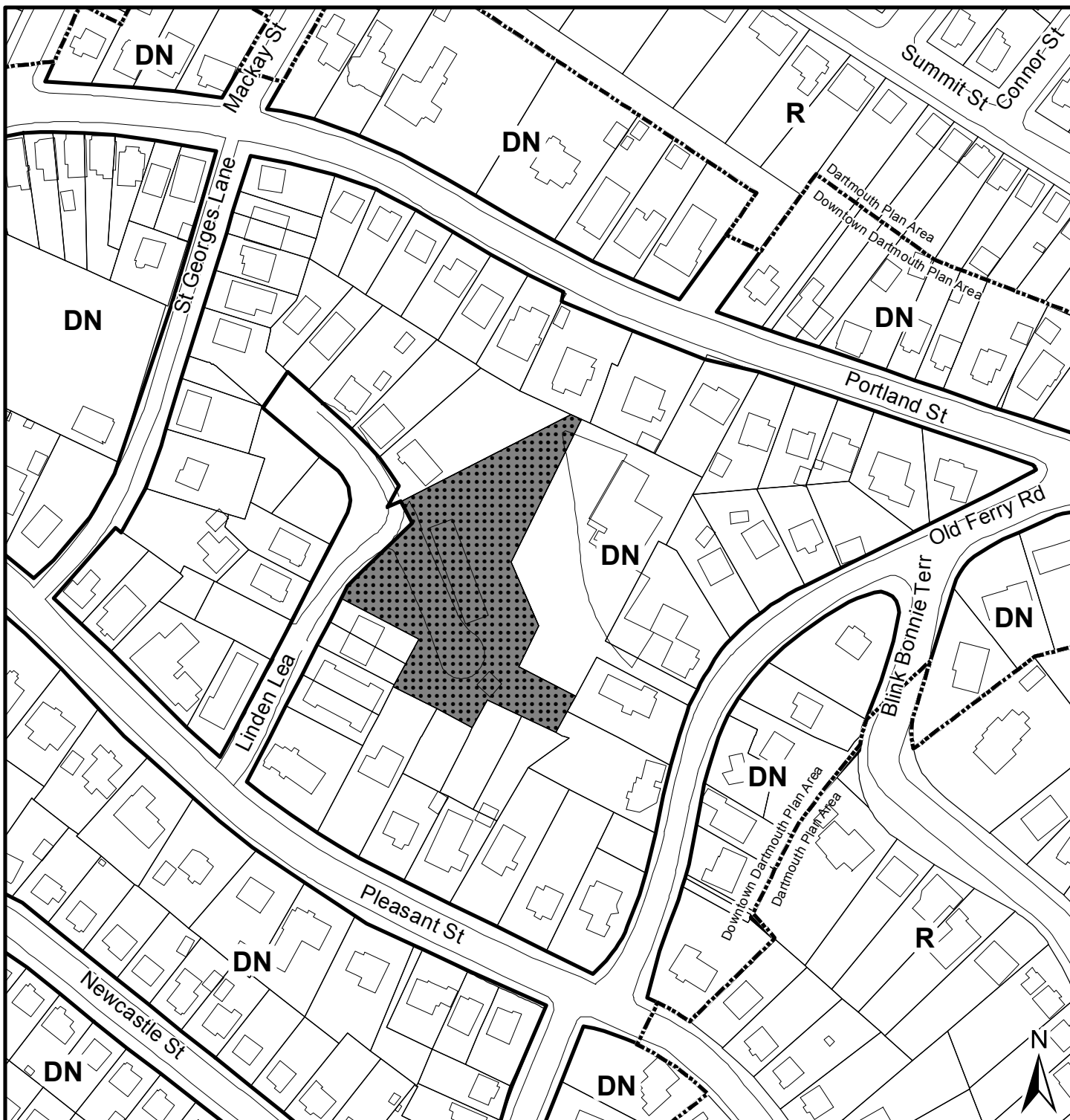
Map 1	Generalized Future Land Use
Map 2	Zoning and Notification
Map 3	Site Plan
Map 4	Perspective View
Attachment A	Policy Excerpts from Downtown Dartmouth Secondary Planning Strategy

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

Report Prepared by: Darrell Joudrey, Planner 1, 490-4181

Report Approved by: _____
Kelly Denty, Manager of Development Approvals, 490-4800


Report Approved by _____
for: Bob Bjerke, Chief Planner, 490-1627



Map 1 - Generalized Future Land Use

8 Linden Lea,
Dartmouth

HALIFAX

 Subject Property

Downtown Dartmouth

Dartmouth

Designation

DN Downtown Neighbourhood

R Residential

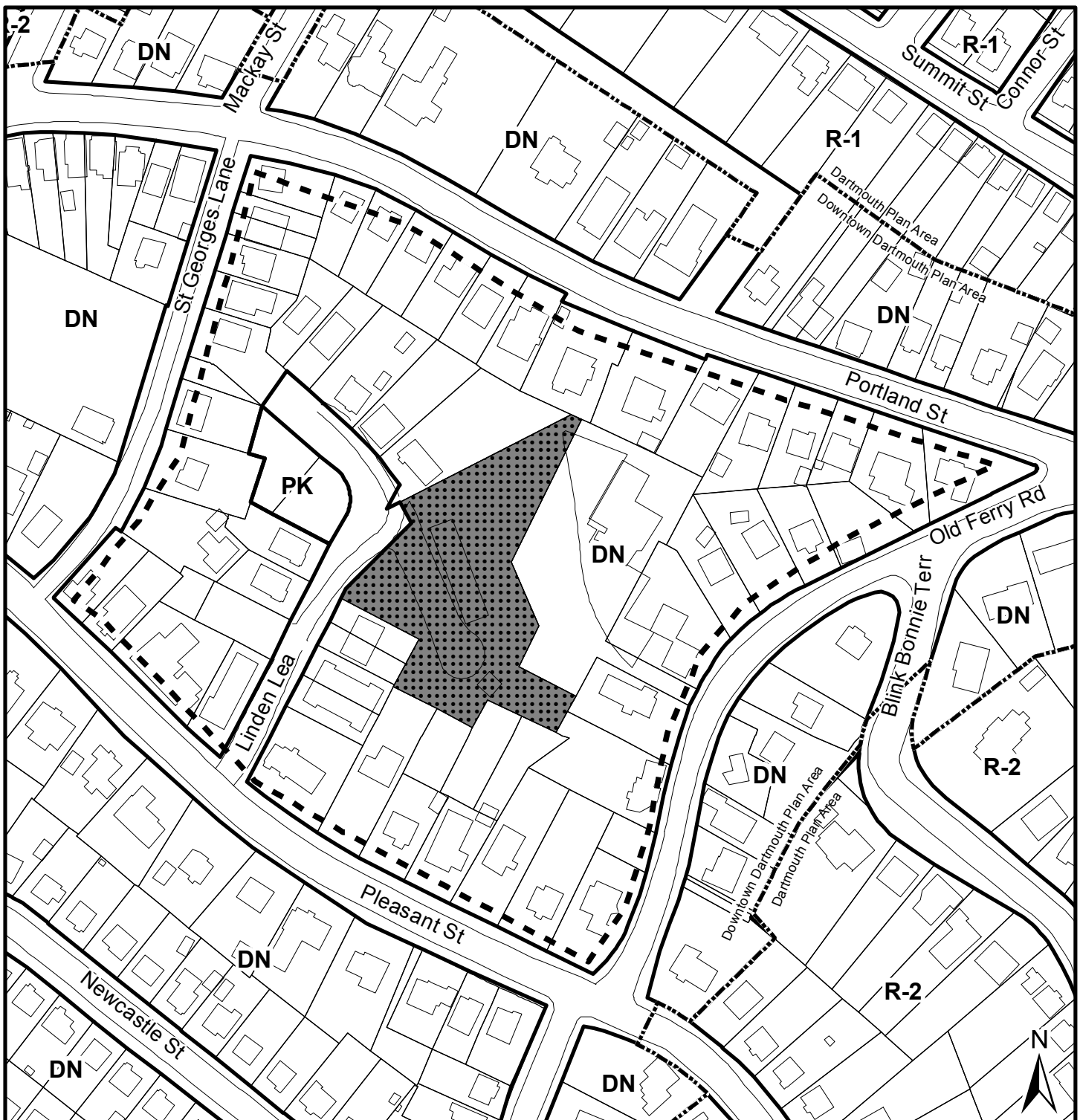
0 20 40 60 m



This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.



The accuracy of any representation on this plan is not guaranteed.

Downtown Dartmouth
Plan Area



Map 2 - Zoning and Notification

8 Linden Lea,
Dartmouth

-  Subject Property
-  Area of notification

Downtown Dartmouth
Plan Area

Zone

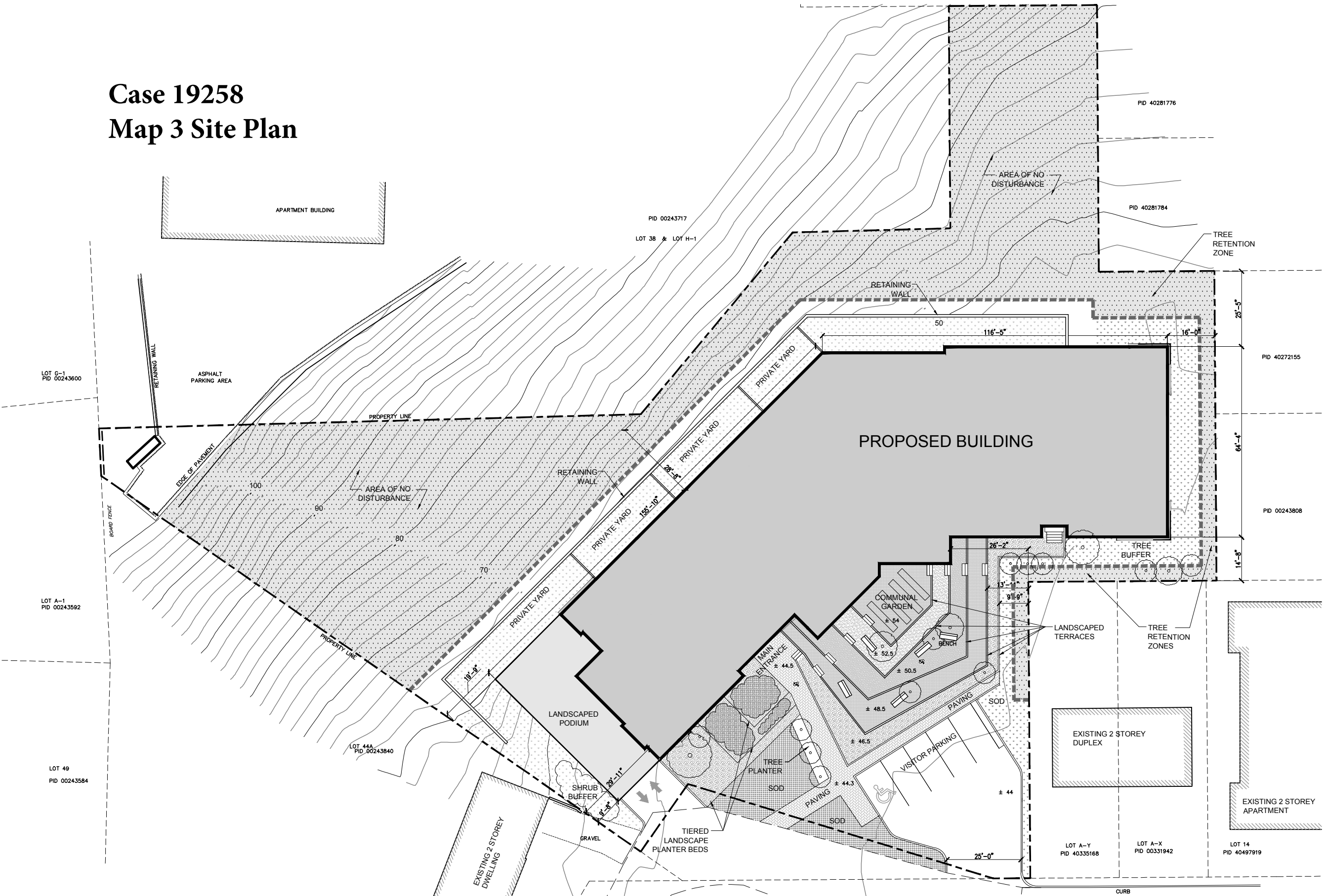
Downtown Dartmouth	DN	Downtown Neighbourhood
	PK	Park and Open Space
Dartmouth	R-1	Single Family Residential
	R-2	Two Family Residential

0 20 40 60 m

This map is an unofficial reproduction of
a portion of the Zoning Map for the plan
area indicated.

The accuracy of any representation on
this plan is not guaranteed.

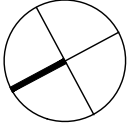
Case 19258
Map 3 Site Plan



PEMBERLY SUITES
8 Linden Lea, Dartmouth NS

SITE / LANDSCAPE PLAN

1/32" = 1'-0"
DATE: 23 APRIL 2014



WM FARES
GROUP

SDP

Case 19258
Map 4 Perspective View



PEMBERLY SUITES
8 Linden Lea Dartmouth N.S.

Perspective View 1

SCALE:

DATE: 23 April 2014

WM FARES
GROUP

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Attachment A: Policy Excerpts from Downtown Dartmouth Secondary Planning Strategy

Policy N-1

This plan establishes a “Downtown Neighbourhood Designation” to recognize and protect the character of residential neighbourhoods surrounding the downtown business district. Within the designation, a Downtown Neighbourhood Zone will control future development to ensure it is consistent with the traditional lot and housing patterns in the neighbourhoods. Lower density housing types such as one and two unit dwellings, small scale townhousing, and limited conversion of existing dwellings will be encouraged throughout the neighbourhoods. Proposals for medium density townhousing and low rise apartments that are not enabled by the zoning may be considered on designated “residential opportunity sites” in accordance with Policy N-5.

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 ¹.

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 acre² and a height of three stories. Minor variations³ 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.*

¹ The requirements for the development agreement process are set out in the Municipal Government Act and HRM=s policy includes requirements for public notification and input and final approval by Council.

² Net residential density means a measure of land exclusively in residential use including parking areas but excluding public streets, rights of way and non-residential uses. **(RC-Jun 27/06;E-Aug 26/06)**

³ Minor as referenced by this policy would mean increases of an additional storey in height or density increases in the range of one to five units per acre.

Any apartment buildings should be sited to the northern and western portions of the site towards Alderney Manor and the Dartmouth Common. Minor variations¹² 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. (RC-Jun 27/06;E-Aug 26/06)*
 - k) adequate provisions should be made for safe and convenient pedestrian circulation on the site;*
 - l) underground infrastructure services should be adequate to support the development;*
 - m) measures should be proposed to mitigate the impacts of construction on adjacent properties;*
 - i) Given the extent of surface bedrock on Site A, every effort shall be made to develop the site sensitively with minimal disturbance to the site and surrounding neighbourhood;*
 - n) significant natural and cultural features on the site should be identified and protected where appropriate;*
 - o) adequate measures are incorporated to ensure the development is maintained to a high standard, including all building and site areas and landscaping; and*
 - p) the developer shall make a reasonable effort to collaborate with neighbourhood residents on the design of any proposed development.*
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