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Item No. 4.1.2
Harbour East-Marine Drive Community Council
July 23, 2015

TO: Chair and Members of Harbour East-Marine Drive Community Council

SUBMITTED BY: *Original signed*

Bob Bjerke, Chief Planner & Director of Planning and Development

DATE: May 21, 2015

SUBJECT: **Case 19399: Lake Echo/Porters Lake Land Use By-law Amendments –
reduced off-street parking standards for full service restaurants**

ORIGIN

Application by Bart Whalen

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, Part VIII, Planning and Development

RECOMMENDATION

It is recommended that Harbour East-Marine Drive Community Council:

1. Give First Reading to the proposed amendments to the Planning Districts 8 & 9 (Lake Echo/Porters Lake) Land Use By-law to reduce the off-street parking space requirements for full service restaurant uses as shown in Attachment A of this report and schedule a public hearing; and
2. Approve the proposed amendments to the Planning Districts 8 & 9 (Lake Echo/Porters Lake) Land Use By-law as shown in Attachment A of this report.

BACKGROUND

Bart Whalen has submitted an application to amend the Planning Districts 8 & 9 (Lake Echo/Porters Lake) Land Use By-law (LUB) to reduce the off-street parking space requirements for full service restaurants. Mr. Whalen is the owner and operator of the restaurant Cicero's on the Water in Porters Lake and is requesting an amendment to the LUB because the existing parking space requirements (20 spaces per 1,000 square feet of gross floor area) for full service restaurants are excessive.

The Lake Echo/Porters Lake LUB sets out parking standards for a variety of commercial and institutional land uses that are based on gross floor area. The consideration of the amendment request is subject to approval by Harbour East-Marine Drive Community Council.

Proposal

The proposal is to amend the LUB's off-street parking requirements for full service restaurants by providing for fewer spaces than the current requirements. The applicant is seeking to expand the restaurant to occupy the lower level of the existing building, however, a development permit cannot be authorized as the site cannot accommodate the additional number of parking spaces required. In this instance, 47 new spaces would be required in addition to the 25 spaces that presently exist.

DISCUSSION

The existing parking standards in the Land Use By-law were developed 26 years ago and reflect the common standards in use at that time. Staff advise the request to reduce the parking space requirements for full service restaurants are reasonable and should be considered for the whole of the plan area given that the existing parking standards are excessive. Attachment A contains the proposed amendments to the Planning Districts 8&9 Land Use By-law. Staff has identified below some aspects of the proposed amendments that warrant further discussion.

Parking Requirements

The proposed amendment (Attachment A) is to reduce the parking standards to "*10 spaces per 1,000 square feet (92.9 sq. m) of net floor area*" from the current "*20 spaces per 1,000 square feet (92.9 sq. m) of gross floor area*" for full service restaurants. The net floor area is the area remaining after operation support spaces such as preparation areas, kitchens, storage and stairwells are deducted from the gross floor area. Many of the parking standards throughout the Municipality (specifically for restaurants) reflect an outdated standard of nearly 30 years ago. This standard requires a significant amount of parking as a minimum requirement when it is usually larger establishments that have a greater parking demand. The use of parking ratios specified on the basis of gross floor area results in an over-supply of parking spaces for smaller-scale restaurants, office and retail uses. Basing the ratio on the net floor area will adjust the number of parking spaces to better correlate to the floor area that is occupied by patrons and will more appropriately reflect the parking supply needed to support the use.

In addition to the reduced parking standard, staff is recommending that the LUB also be amended to allow the required parking area to be provided off-site but adjacent to the use it is serving. These standards are currently utilized in many of the suburban plan areas within HRM and help to provide flexibility by allowing parking to be provided off-site but in close proximity to the use for which it is required.

Compatibility with Adjacent Uses

In accordance with the provisions of the LUB, a restaurant use requires the provision of buffering between it and adjacent residential uses to minimize visual impacts. Staff advises the proposed reduced parking standards will not alter or compromise compatibility and will help to lessen the visual impact that may occur presently by meeting the existing parking standards.

Regional Parking Strategy

The Regional Parking Strategy, adopted by Halifax Regional Council on February 24, 2009, contains recommendations on policies, regulations, standards, design and programs for parking within Halifax Regional Municipality. The Strategy states *“based on a comparison of HRM parking standards with 11 other Canadian jurisdictions, minimum requirements in Halifax Mainland and other more suburban and rural HRM communities required the highest parking levels of jurisdictions assessed for general office, government office, general retail, large retail, grocery store, and restaurant uses in many instances.”*

The intent of the Regional Parking Strategy is not to consider parking demand and supply but appropriateness for the particular area and its nature and characteristics. The proposed amendment responds positively to the locally-driven request for a lower standard while at the same time benefitting other restaurant uses through the plan area. This plan area includes the Lake Echo Local Growth Centre and the Porters Lake Rural District Growth Centre (see Map 13D and Map 13 E of the Regional Plan) where commercial uses such as a full service restaurants are encouraged as a means of supporting the growth centre.

It is acknowledged that many of HRM's parking standards require reconsideration, as they may be out dated. The reconsideration of parking standards is most likely to occur during a secondary planning exercise. However, it is reasonable to consider this particular LUB amendment outside of a larger planning exercise.

Conclusion

The proposed amendments to the Planning Districts 8 & 9 LUB as contained in Attachment A are reasonably consistent with the policies of Planning Districts 8 & 9 MPS. Therefore, staff recommends that Council approve the proposed amendments.

FINANCIAL IMPLICATIONS

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

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy.

The level of community engagement strategy was information sharing, achieved through a sign on the property and information on the HRM website. A public hearing has to be held by Council before they can consider approval of any amendments to the Land Use By-law. Should Council decide to proceed with a Public Hearing on this application notification will be provided by way of published newspaper advertisements and the HRM website.

The proposed amendments will potentially impact, but is not limited to, the following stakeholders: local residents and property owners.

ENVIRONMENTAL IMPLICATIONS

The proposal meets all applicable environmental policies contained in the MPS. No additional concerns were identified beyond those discussed in this report.

ALTERNATIVES

1. Community Council may choose to approve the proposed amendments to the LUB for Planning Districts 8&9 (Lake Echo/Porters Lake), as provided in Attachment A of this report. A decision of Community Council to approve these land use by-law amendments is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. Community Council may choose to refuse to approve the proposed amendments to the LUB for Planning Districts 8&9 (Lake Echo/Porters Lake) and, in doing so, must provide reasons why the LUB amendments do not reasonably carry out the intent of the MPS. A decision of Community Council to refuse these land use by-law amendments is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

ATTACHMENTS

Attachment A Proposed Amendments to Planning Districts 8 & 9 LUB

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/index.php> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Darrell Joudrey, Planner 1, 902-490-4181

Original signed

Report Approved by:

Kelly Denty, Manager of Development Approvals, 902-490-4800

**Attachment A:
Proposed Amendment to the Planning Districts 8 & 9 LUB**

BE IT ENACTED by the Harbour East-Marine Drive Community Council of the Halifax Regional Municipality that the Land Use By-law for Planning Districts 8 & 9 is hereby further amended as follows:

1. Section 4.24 (a) PARKING REQUIREMENTS, is amended, by deleting the text as shown below in ~~strikeout~~ and adding the text shown in **bold**:

Restaurants – Full Service	20 spaces per 1000 square feet
	(92.9 m²) of gross floor area

Restaurants - Full Service	10 spaces per 1,000 square feet
	(92.9 sq. m.) of net floor area

2. Section 4.25 STANDARDS FOR PARKING LOTS, is amended by deleting the text as shown below in ~~strikeout~~ and adding the text shown in **bold**:

4.25 STANDARDS FOR PARKING LOTS

Where a parking lot for more than four (4) vehicles is required or permitted, the following shall apply:

- (a) entrance and exit ramps to the lot shall not exceed two (2) in number and each such ramp shall be a width of twenty-five (25) feet (7.6 m) at the street line and edge of pavement; ~~and~~
- (b) the width of a driveway leading to a parking lot or loading space, or of a driveway or aisle in a parking lot, shall be a minimum width of ten (10) feet (3.1 m) if for one-way traffic and a minimum width of twenty (20) feet (6.1 m) if for two-way traffic, and the maximum width of a driveway shall be twenty-five (25) feet (7.6 m); ~~and~~
- (c) **the lot shall be within 300 feet (91.4 metres) of the location which it is intended to serve and shall be situated in the same zone.**

I HEREBY CERTIFY that the amendments to the Planning Districts 8 & 9 Land Use By-law as set out above, were passed by a majority vote of the Harbour East-Marine Drive Community Council held on the ____ day of _____, 2015.

GIVEN under the hand of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2015.

Cathy Mellet
Municipal Clerk