



PO Box 1749
Halifax, Nova Scotia
B3J3A5 Canada

Peninsula Community Council

June 12, 2006

TO: Peninsula Community Council

SUBMITTED BY: Clary Kempton
Clary Kempton, Acting Chair
District 12 Planning Advisory Committee

DATE: June 1, 2006

SUBJECT: Case 00891 - MPS Amendment for the south-east corner of Creighton & Gerrish Streets (PID 40877292)

ORIGIN

District 12 Planning Advisory Committee meeting - May 29, 2006

RECOMMENDATION

The District 12 Planning Advisory Committee recommend that Peninsula Community Council recommend that Regional Council:

1. Give First Reading to the proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use Bylaw as contained in Attachments "A" and "B" of the staff report dated May 18, 2006, and schedule a public hearing.
2. Approve the proposed amendments to the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use Bylaw as contained in Attachments "A" and "B" of the staff report dated May 18, 2006.

ATTACHMENT:

Staff report dated May 18, 2006

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report prepared by: Gail Harnish, Admin/PAC Coordinator, 490-4937
Report reviewed by: Clary Kempton, Acting Chair, District 12 PAC

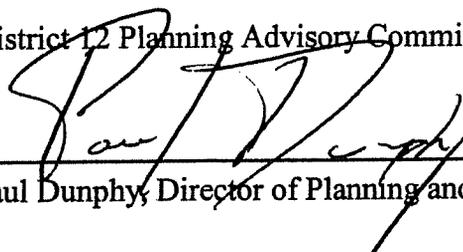


PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

District 12 Planning Advisory Committee
May 29, 2006

TO: District 12 Planning Advisory Committee

SUBMITTED BY:



Paul Dunphy, Director of Planning and Development

DATE: May 18, 2006

SUBJECT: Case 00891 - MPS Amendment for the South-East Corner of Creighton
& Gerrish Streets (PID 40877292)

ORIGIN

Staff

RECOMMENDATION

It is recommended that District 12 Planning Advisory Committee recommend that Peninsula Community Council recommend that Regional Council:

1. Give First Reading to the proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use Bylaw as contained in Attachments "A" and "B" and to schedule a public hearing.
2. Approve the proposed amendments to the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use Bylaw as contained in Attachments "A" and "B".

BACKGROUND

Until March 3, 2006, there was a longstanding 12 unit apartment building at the South-East corner of Creighton and Gerrish Streets in the North End of Halifax Peninsula, in the Residential General (R-2) Zone. The building and land use predated any of the current zoning regulations with regard to matters such as permitted land use (the R-2 Zone only allows up to four dwelling units), setbacks, and parking; as such the land use and the building were non-conforming. The Municipal Government Act specifies that, “Where there is a nonconforming use in a structure, the structure may not be... (b) repaired or rebuilt, if destroyed or damaged by fire or otherwise to the extent of more than seventy-five percent of the market value of the building above the foundation,...”(Section 241 (1)).

The Creighton and Gerrish Development Association, an affordable housing group, owns the property. In October 2005 it received a renovation permit that would have allowed for a complete renewal of the apartment building. It would have been modern in style, but its overall form would have been consistent with the streetscape of the area. With this permit, the Association sought government funding to assist in the construction. Unfortunately, while this was being secured, an order to demolish the building was issued by Halifax Regional Municipality (the building was deemed to be dangerous and unsightly). It was ultimately demolished on March 3, 2006.

The building’s removal resulted in the renovation permit being revoked, on the basis that there is no longer a structure to renovate. No other permits can be issued to allow for its replacement because it lost its non-conforming status. The Association now has its funding in place and wishes to replace the former building.

DISCUSSION

Issue

The question under consideration is whether a new building, of the same size, position on the lot, and containing up to the same number of dwelling units as that which was previously upon the site should be allowed (Attachments C). Staff recommends that under the circumstances, it should. Aside from the events that led to the demolition, there is considerable merit in permitting the proposed new building, including that:

1. The project will provide affordable housing options for area; and
2. The building, with elements that are in keeping with the streetscape of the area including entrances onto the sidewalk and building heights of two and three storeys, will make a positive contribution to the housing stock of the area.

The proposed amendments to the Municipal Planning Strategy and Land Use Bylaw would limit the building to being a replacement of the old one. No expansion in size, change in position upon the lot, or increase in the number of dwelling units will be permitted (Attachments “A” and “B”).

With regard to the process under which the demolition of the building occurred, HRM has enacted changes to its procedures to ensure that implications of such actions are fully understood before they are initiated.

Public Consultation

A public meeting was held on May 8, 2006 and the minutes are attached (Attachment D). The area of notification to be used should a public hearing be held is shown on Map 2.

BUDGET IMPLICATIONS

None

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

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

ALTERNATIVES

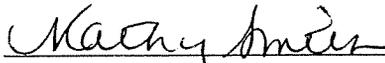
1. Council may choose to amend the Municipal Planning Strategy and Land Use Bylaw to allow for the reconstruction of the apartment building. This is the staff recommendation.
2. Council may choose not to amend the Municipal Planning Strategy and Land Use Bylaw, thereby only allowing new construction that is consistent with the existing zoning. This is not recommended for the reasons outlined above.

ATTACHMENTS

Map 1	Location and Zoning
Map 2	Notification Area
Attachment A	Proposed Amendments to the Halifax Municipal Planning Strategy
Attachment B	Proposed Amendments to the Halifax Peninsula Land Use Bylaw
Attachment C	Images of the former building and the proposed building
Attachment D	Public Meeting Minutes

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Richard Harvey, Senior Planner, Planning and Development Services, 490-3691

Report Reviewed by: 
for Ferdinand Makani, Financial Consultant, 490-6902



Map 1: Location and Zoning

Gerrish Street
Halifax

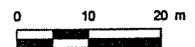
Halifax Peninsula By-Law Area

 Subject property

Zone

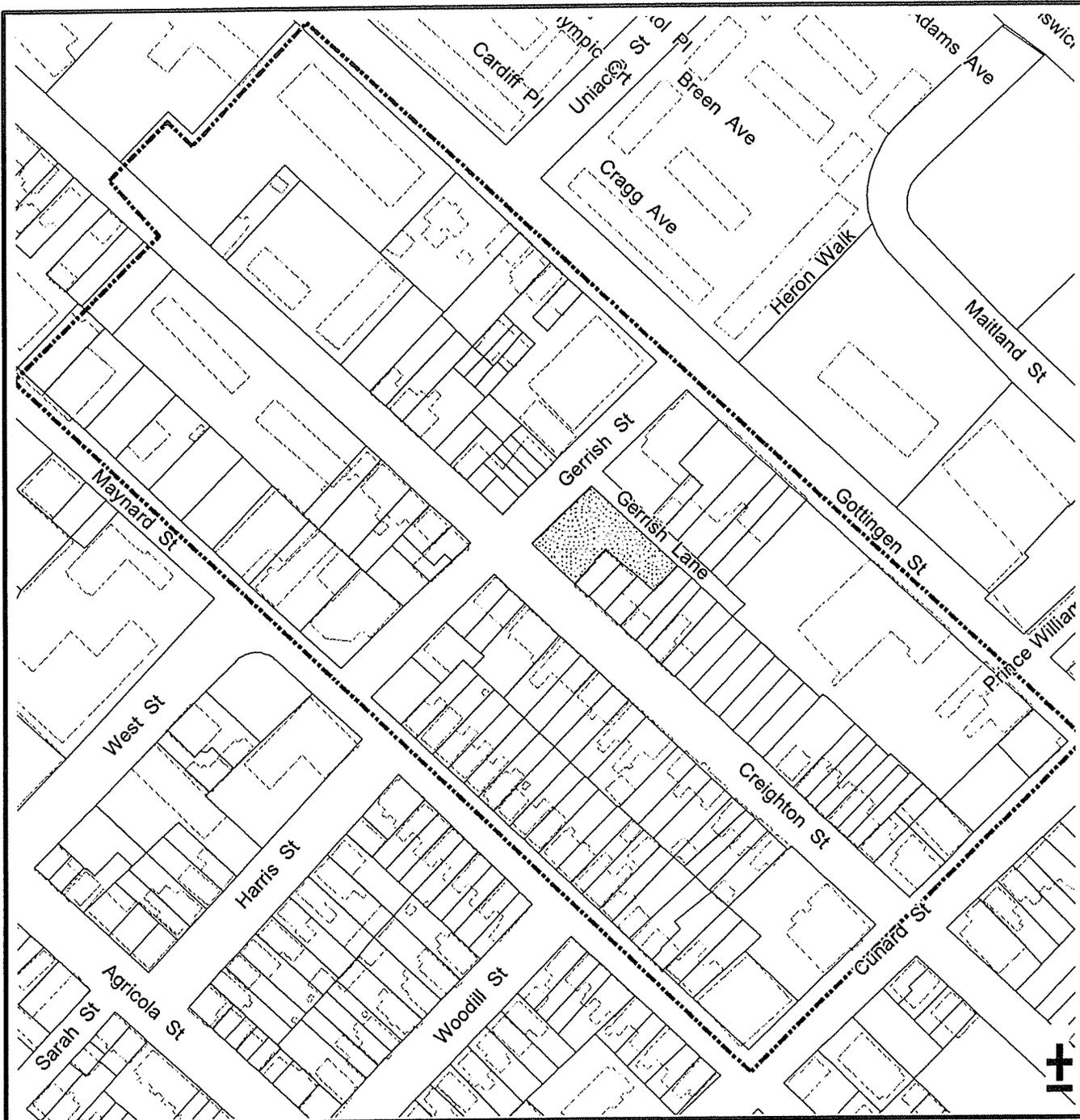
- R-2 General Residential
- R-2A General Residential Conversion
- R-3 Multiple Dwelling
- RC-3 High Density Residential Minor Commercial
- C-2 General Commercial

HALIFAX
REGIONAL MUNICIPALITY
PLANNING AND
DEVELOPMENT SERVICES



This map is an unofficial reproduction of a portion of the Zoning Map for the Halifax Peninsula By-Law Area.

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

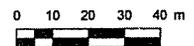


Map 2: Notification Area

Gerrish Street
Halifax

-  Subject property
-  Area of notification

HALIFAX
REGIONAL MUNICIPALITY
PLANNING AND
DEVELOPMENT SERVICES



This map is an unofficial reproduction of a portion of the Zoning Map for the Halifax Peninsula By-Law Area.

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Halifax Peninsula By-Law Area

ATTACHMENT "A"
**PROPOSED AMENDMENTS TO THE HALIFAX MUNICIPAL PLANNING
STRATEGY**

Within the Halifax Municipal Planning Strategy, add the following in Section XI, the Peninsula North Secondary Planning Strategy:

- 1.8.3 An apartment building, located at the South-east corner of Creighton and Gerrish Streets (PID 40877292), was demolished on March 3, 2006. Notwithstanding any other policies, the Land Use Bylaw shall allow for its reconstruction.

ATTACHMENT "B"
PROPOSED AMENDMENTS TO THE HALIFAX PENINSULA LAND USE BYLAW

1. Within the Halifax Peninsula Land Use Bylaw, add the following to the list of permitted uses in Section 35 (the R-2 Zone):

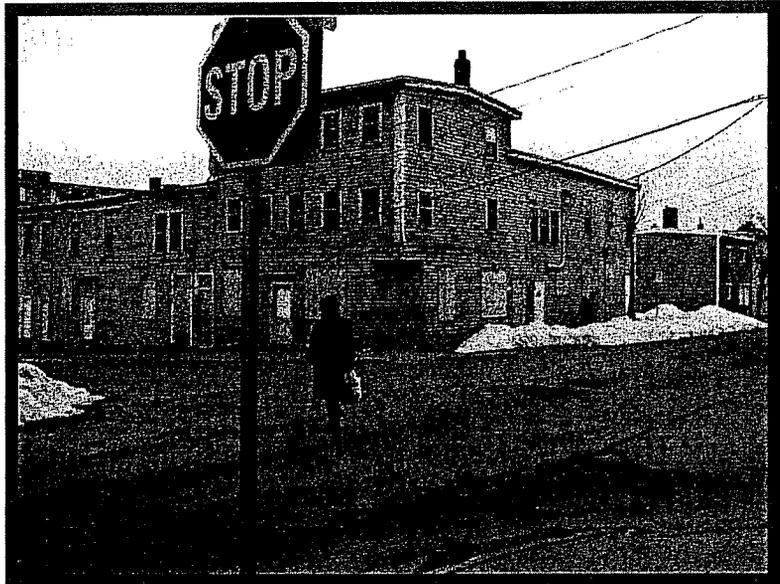
 “(g) An apartment building at the South-East corner of Creighton and Gerrish Streets (PID 40877292)”

2. Within the Halifax Peninsula Land Use Bylaw, add the following new requirement within the R-2 Zone:

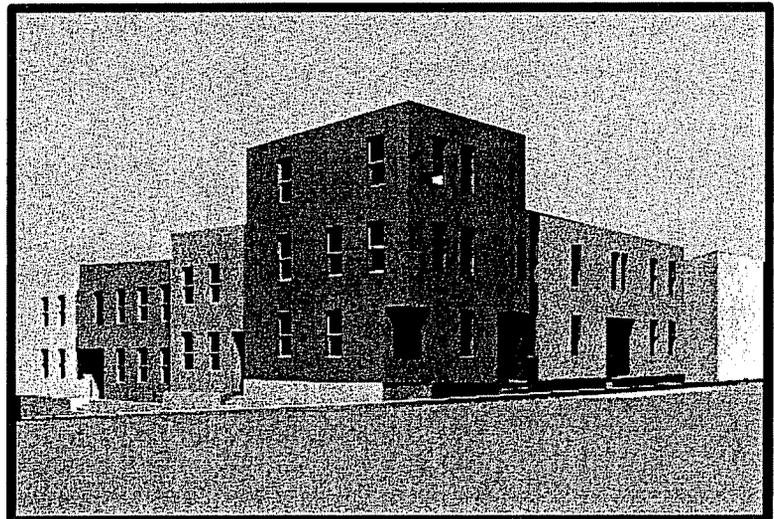
 “43N Notwithstanding any other provision of this Bylaw, the apartment building that is referred to in Section 35 (g) may be reconstructed to the same or lesser size and at the same location upon its lot as that which existed immediately before its demolition on March 3, 2006 and contain a maximum of 12 dwelling units.

Attachment "C"
Images of the Former Building and the Proposed Building

The Former Building



The Size of the Proposed Building



Attachment "D"
Public Meeting Minutes

HALIFAX REGIONAL MUNICIPALITY

DISTRICT 12 PLANNING ADVISORY COMMITTEE
May 8, 2006
MINUTES

PRESENT: Beverly Miller, Vice Chair
Clary Kempton
Councillor Dawn Sloane
Graeme Gunn

ABSENT: Heather Ternoway, Chair
Lucy Trull
Mia Rankin

STAFF: Richard Harvey, Planner
Jennifer Weagle, Legislative Assistant
Sherryll Murphy, Legislative Assistant

1. **CALL TO ORDER**

The Vice-Chair called the meeting to order at 6:01 p.m. in Halifax Hall, 2nd Floor, City Hall, 1841 Argyle Street, Halifax. Ms. Miller introduced Committee members, Mr. Richard Harvey, HRM Planner, and Mr. Grant J. Wanzel, President, Creighton/Gerrish Development Association.

2. **CASE 00891: PROPOSED AMENDMENTS TO THE HALIFAX MUNICIPAL PLANNING STRATEGY AND PENINSULA LAND USE BYLAW TO ALLOW FOR THE REPLACEMENT OF A 12 DWELLING UNIT APARTMENT BUILDING AT THE SOUTHEAST CORNER OF CREIGHTON AND GERRISH STREETS (PID 40877292)**

- A staff report dated April 5, 2006, was before the Committee.

Mr. Richard Harvey advised that the purpose of the meeting is to introduce a development proposal for the south-east corner of Creighton & Gerrish Streets and to receive comments from the public to both HRM staff and the District 12 Planning Advisory Committee.

Mr. Harvey went on to provide an overview of the zoning and application information and background associated with the proposed development, indicating the following:

- the Creighton/Gerrish Development Association (“the Association”), an affordable housing group and owner of the subject property, obtained a renovation permit in October 2005, to undertake renovations to a dilapidated 12 unit apartment building on the site,
- upon obtaining the renovation permit, the Association sought government funding for the project,
- the building was deemed dangerous and unsightly and ordered demolished by HRM’s Dangerous and Unsightly Premises Committee, ultimately being demolished on March 3, 2006 by the Municipality,
- the structure pre-dated current zoning regulations for the area, such as permitted land use (R-2 zoning allows for up to four units), setbacks, and parking, and as such, the land use and the building itself were non-conforming,
- the demolition resulted in the renovation permit being revoked on the basis that the building to be renovated was demolished,
- no other permits can be issued to allow for the replacement of the building or land use because the non-conforming status of the property has been lost,
- the implications of demolishing the building, given the R-2 Zoning, were not understood at the time of the demolition,
- the purpose of the application is to amend the planning policies and regulations to allow for a new building of the same size and location upon the lot as the old one.

Mr. Harvey presented slides of the elevation of the proposed building from both Gerrish and Creighton Street views.

Mr. Harvey further clarified that this meeting is the beginning of the amendment process, which will be carried out as follows:

1. Public meeting
2. Staff report & recommendation
3. District 12 Planning Advisory Committee review and recommendation
4. Peninsula Community Council review and recommendation
5. Public hearing and Regional Council decision

Mr. Harvey provided his contact information for anyone wishing to request clarification or provide additional comments after the meeting.

Mr. Fenley Evong, Halifax

Responding to questions from Mr. Evong, Mr. Harvey advised that, depending on the complexity, the amendment process could be considered in four to six weeks. Responding to questions from Mr. Evong, Mr. Wanzel advised that funding for the project is secure and will remain secure for the length of the amendment process.

Mr. Ervin Carvery, Halifax

Responding to questions from Mr. Carvery, Mr. Harvey clarified that before staff are able to go forward with the amendment process, the matter goes before Council to decide whether to go forward with the process. Mr. Harvey indicated that the April 5, 2006 report had gone before Council and Council requested that the amendment process be initiated.

Mr. Carvery requested clarification on why a renovation permit was issued and then the building was demolished. Mr. Harvey advised that the implications of demolishing the building were not understood at the time that the building was determined to be unsafe to the public and immediate action was taken to demolish the structure.

Mr. John Emberly, Halifax

Responding to questions from Mr. Emberly, Mr. Harvey clarified that a demolition permit was not applied for because the Association had planned to renovate the structure. Mr. Harvey further noted that renovations can involve demolition, as long as 75% of the building's value is retained.

Mr. Emberly further inquired why the building was allowed to sit vacant and boarded up for three years. Mr. Wanzel provided a brief history of the site, noting the following:

- obtaining funding to carry out the renovations from Provincial and Federal grant programs was a difficult and slow process,
- Harbour City Homes were leasing the building from the Association for \$1 per year, and renting the apartments,

- Harbour City Homes were not able to maintain the building and the tenants were moved to alternate accommodations and the building was boarded up in 2002,
- the Association hired a superintendent to maintain daily watch over the building and keep it secured,
- the Association was unsuccessful in obtaining assistance to maintain the building from the Municipal, Provincial and Federal levels of government,
- the Association received numerous Dangerous and Unsanitary Premises citations regarding the property, the most recent being in October 2005, shortly before the permit to renovate the building was obtained,
- the demolition of the structure was ordered by the Dangerous and Unsanitary Premises Committee in December 2005.

Councillor Sloane briefly explained the process involved with demolitions before the Dangerous and Unsanitary Premises Committee, noting the following:

- when the building came before the Committee, it had been on fire and broken into several times and therefore the Committee considered the building a danger to the public and decided it should be demolished,
- the company awarded the request for proposals for the demolition of the structure demolished the building prior to obtaining a demolition permit,
- HRM staff are currently working on creating policy to have boarded up buildings expropriated by HRM and demolished.

Tracey Hatcher, Halifax

Ms. Hatcher advised that she is the co-owner of a property she purchased in 2000, which is adjacent to the site in question. She noted that she has not received any voluntary communication or information on the site from the Association and she believes that the Association has a responsibility to the community to keep it informed of the development of the site.

Mr. Wanzel commented that the Association believes it is better not to create expectations and were waiting to secure funding before advising the public about this long-standing development. He advised that the composition of the Association includes several community based non-profit organizations such as the Metro Non-Profit Housing Association, Harbour City Homes, the Black Business Initiative, and the Affordable Housing Association of Nova Scotia. Mr. Wanzel further advised that he would be pleased to provide further information on the Association and he appreciates Ms. Hatcher's concerns, which will be taken into consideration.

Responding to questions, Mr. Harvey advised that steps have been put in place with By-Law Enforcement and Planning staff to prevent similar situations from occurring in the future.

Responding to questions from the Committee, Mr. Wanzel advised the following:

- the rental price of the units has not yet been set, however, generous grants secured will enable Harbour City Homes, which will be leasing the building, to set rent at affordable rates and provide management services to the building,
- There will be eleven one bedroom apartments and one two bedroom apartment in the building,
- there will not be underground parking on the site, however, there will be approximately 60-70 feet of above ground parking,
- the building is designed by Nile Savage Architecture, the architect of several other recent developments and planned future developments in the neighbourhood,
- Gerrish Lane will not be extended until condominiums which are planned for the site are developed,
- the property line is at the retaining wall shown on the site plan,
- there will be a fenced area at the rear of the property with a storage shed for the use of the tenants,
- there will be no basement below the proposed building because the ground below the site is granite,
- many of Harbour City Homes' residents are long term residents interested in establishing a community.

Mr. Chris Laing, Halifax

Mr. Laing commented that although he had been denied an application to construct an apartment in his home in the neighbourhood because single family homes were promoted in the area, planning staff have approved an application to construct a twelve unit apartment building next door. Councillor Sloane suggested that Mr. Laing discuss his refused application with Mr. Harvey after the meeting.

At the request of the Committee, Mr. Wanzel advised the following:

- prospective tenants can contact Harbour City Homes to inquire about adding their name to a list of apartments for rent in the building upon construction,
- the construction drawings for the building are available and are with planning staff.

Mr. Harvey clarified that many of the images shown at the meeting are taken from the construction drawings, which are not normally released. He further clarified that this application is not for a development agreement, it is for an amendment to planning policies and regulations.

Mr. Kempton noted that materials used to construct the building will affect its layout on the property. Mr. Harvey clarified that any information relative to height, massing, use of open space, etc. will be available to the public. He further clarified that building materials are not part of the controls used in determining this application, and materials used will be up to the discretion of the Association.

3. CLOSING COMMENTS

Ms. Miller called for any further comments, and there being none, she thanked all for attending. Mr. Harvey encouraged anyone with further questions after the meeting to contact him.

4. ADJOURNMENT

There being no further business, the meeting adjourned at 6:52 p.m.

Jennifer Weagle
Legislative Assistant