



P.O. Box 1749  
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**Item No. 8.1**

**Halifax Regional Council  
July 29, 2014  
August 5, 2014**

**TO:** Mayor Savage and Members of Halifax Regional Council

**SUBMITTED BY:**

Original signed by

Richard Butts, Chief Administrative Officer

Original Signed by Director

Brad Anguish, Director, Community & Recreation Services

**DATE:** July 7, 2014

**SUBJECT:** Case 18388 – Amendments to the Halifax MPS and the Halifax Peninsula  
LUB, and Development Agreement – 6395 and 6399 North Street, Halifax

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**ORIGIN**

Application by Paul Skerry Architects

**LEGISLATIVE AUTHORITY**

*Halifax Regional Municipality Charter (HRM Charter), Part VIII, Planning & Development*

**RECOMMENDATION**

It is recommended that Halifax Regional Council not initiate the process to consider amending the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-law for the lands located at 6395 and 6399 North Street, Halifax, to permit a seven storey residential building by development agreement.

## **BACKGROUND**

An application has been submitted by Paul Skerry Architects, on behalf of Mythos Developments Ltd., for the development of a 75-unit, seven-storey residential building at the north-east corner of North Street and Oxford Street, Halifax (Maps 1 and 2). This proposal cannot be considered under existing policy and zoning of the Halifax Municipal Planning Strategy (MPS) and Halifax Peninsula Land Use By-law (LUB). As such, the applicant is seeking an amendment to the MPS and LUB to enable consideration of the proposal through the development agreement process.

### **Site Description and Surrounding Land Uses:**

The subject site includes two properties:

1. 6395 North Street, Halifax, is comprised of a duplex dwelling and is 305.5 square metres (3,288.5 square feet) in area with 10 metres (33 feet) of frontage on North Street (Maps 1 and 2).
2. 6399 North Street, Halifax, is comprised of a three-storey, 44-unit residential building that occupies approximately half of the site, with an underutilized surface parking area that covers the other half. The property is 2,274 square metres (24,477.5 square feet) in area with 136 metres (446.2 feet) of continuous frontage on three streets; North, Oxford and Seaforth Streets, Halifax (Maps 1 and 2).

The surrounding area is comprised of residential, institutional and local commercial uses, which include:

- a small park and a P-9 School to the south, bounded by North Street, Oxford Street and Chebucto Road;
- the North Street Gospel Church to the west;
- Saint Theresa Church and Rectory to the east; and
- a mixture of low density houses and tree-lined streets to the north.

### **History of Site:**

Municipal records indicate that the existing buildings have occupied the site for approximately 60 years. The three-storey building was constructed between 1950 and 1959 and was utilized by St. Theresa Convent. In the early 1970s, the building was acquired and converted by Dalhousie University into a dormitory and rooming house consisting of 31 bachelor units and 13 rooms. The building was sold and converted into an apartment building in the late 1980s.

### **Designation and Zoning:**

The subject site:

- lies within Area 3 of the Peninsula North Secondary Planning Strategy (PNSPS) (Section XI of the Halifax MPS);
- is designated Medium Density Residential (MDR) by the PNSPS, which envisions a mixed residential environment in the form of single family dwellings, duplex and semi-detached housing, and buildings containing three to four units (Map 1);
- zoned R-2 (General Residential), which has limits on lot coverage, setbacks, building height, unit mix and size, and a cap of four units per building, while also allowing for daycares, home occupations, and churches (Map 2).

Regional Council should note that at the time the planning policies and zoning regulations were devised for the area in 1983, the site was included in the MDR designation and the R-2 Zone. As a result, the use of the property became non-conforming, with the intent that any future redevelopment be low density in character.

### **Proposal**

The applicant wishes to remove the existing buildings on the site, consolidate the two parcels and construct a seven-storey residential building that is approximately 85 feet in height. Attachments A-D outlines the applicant's proposal in greater detail. Features of the development include the following:

- a three to four-storey building base with a visible five-foot high podium blank wall around the perimeter of the site;
- 2 levels of enclosed parking area with access off Seaforth Street;
- the base covers approximately 95% of the site, with 3 metres (10 feet) setbacks from adjoining streets and 6 metres (20 feet) setbacks from properties to the east;
- upper storey stepbacks;
- 75 residential units that vary between bachelor and two-bedroom units;
- interior amenity space for residents; and
- rooftop and podium level amenity space.

### **DISCUSSION**

#### **MPS Amendment Process**

Amendments to an MPS are generally not considered unless it can be shown that circumstances have changed since the document was adopted to the extent that the original land use policy is no longer appropriate. Site specific MPS amendment requests, in particular, require significant justification to be considered. Attachment A incorporates the applicant's rationale for changing policy which includes, but is not limited to, the following:

- That conditions have changed considerably in the 30 years since the existing MDR designation and the 35-foot height limit were applied to the area;
- The existing structures are not conducive to upgrading as the construction is obsolete with regards to energy efficiency and layout;
- As the city continues to grow and residential communities in the peninsula continue to mature, there is a growing demand for modern and up-to-date accommodations;
- The proposal provides new residential units in an environmentally responsive building form and replaces obsolete existing and inefficient modified structures; and
- The proposal provides high quality unit types that are more comfortable and affordable for many residents who wish to live centrally.

#### **Evaluation of Development Proposal**

Staff recognizes the growth and development potential of the site as it is located at the corner of two higher-volume streets, North Street and Oxford Street, and surrounded by a wide range of land uses. The site has merits for greater density development than the range of land uses envisioned by the MDR designation and the R-2 Zone. In addition, the site has the capability to accommodate additional development considering that approximately half of the site is comprised of surface parking. However, it is important to recognize the character of the established low density neighbourhood and streetscape attributes. Regional Council should note that the proposal does not sufficiently account for these circumstances. Furthermore, the following issues have been highlighted for further discussion:

##### **1. Height, Massing and Transition**

The proposed massing is inappropriate for a low-density residential environment. The uniform height of seven storeys across the site lacks an appropriate transition to adjacent lower density homes to the north, along Seaforth Street, and east of the site. An alternative design approach could include a reduction in height to match the height of the adjacent houses, especially in the area to the north of the site, given the low density character of Seaforth Street.

## 2. Streetscape

The design of the building is inappropriate relative to its surroundings, specifically from a streetscape perspective. Design mechanisms and measures should be considered to reduce land use conflicts, provide visual relief and temper the massing of the building. These include but not limited to:

- increasing the number of individual entrances to ground-floor units that could be in the form and style of townhouse units with similar streetscape elements in order to reflect the low density character of the area;
- including front steps, setbacks and similar streetwall heights to buildings found in the area to provide for a transition in the streetscape; and
- addressing the 1.5-metre (5-foot) blank podium wall around the perimeter of the site as it is considered an inappropriate feature along any of the adjoining streets.

### **Preliminary Public Consultation**

In light of the existing policies and regulations of the MDR designation and the R-2 zoning, and the issues raised by staff, the developer was encouraged to undertake a preliminary form of public consultation with the neighbourhood outside of the planning process. The intent was to confirm and address staff's concerns, and implement revisions to the proposed development. However, the developer has chosen to proceed with the application as shown in the Attachments A-D without such consultation or any changes to the proposal.

### **Conclusion**

Although it is recognized that the site could accommodate additional development, staff do not support initiation of the MPS amendment process for the proposal on the basis of the proposed height, massing, transition and the streetscape issues that have been highlighted. Regional Council should note that while it is agreed that this site provides an excellent opportunity for urban densification within a strategic location, it is critical for the ongoing success of these neighbourhoods that this density is added in an appropriate manner.

### **FINANCIAL IMPLICATIONS**

The HRM costs associated with processing this planning application can be accommodated within the approved 2014/2015 operating budget for C310 Planning & Applications.

### **COMMUNITY ENGAGEMENT**

Should Regional Council choose to initiate the MPS amendment process as outlined in the "ALTERNATIVES" section of this report to enable an alternative proposal, the *HRM Charter* requires that Regional Council approve a public participation program when considering any amendment to a MPS. 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 be held, at a minimum, and any other measures deemed necessary to obtain public opinion. The proposed level of community engagement would be consultation, achieved through at least a public meeting early in the review process, as well as a public hearing before Regional Council could consider approval of any amendments.

Amendments to the MPS and LUB would potentially impact the following stakeholders: local residents, property owners, community or neighbourhood organizations, business owners, other HRM business units, and other levels of government.

### **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

## ALTERNATIVES

1. Regional Council may choose to initiate the MPS amendment process for the proposal, subject to changes being made to the proposal as outlined in this staff report and gained through public consultation. Should Council choose to initiate the MPS amendment process, it should request that staff follow, as a minimum, the public participation program for the MPS amendment process as approved by Council in February 1997. A decision of Council to initiate the potential amendments is not appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. Regional Council may choose to initiate the MPS amendment process for the proposal, as provided in Attachments A-D. This is not recommended. A decision of Council to initiate the potential amendments is not appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*. Should Council choose to initiate the MPS amendment process, it should request that staff follow the public participation program for the MPS amendment process as approved by Council in February 1997.

## ATTACHMENTS

Map 1	Generalized Future Land Use
Map 2	Zoning
Attachment A	Letter from Applicant
Attachment B	Site Plan
Attachment C	Elevation Plans
Attachment D	Conceptual Building 3D Rendering

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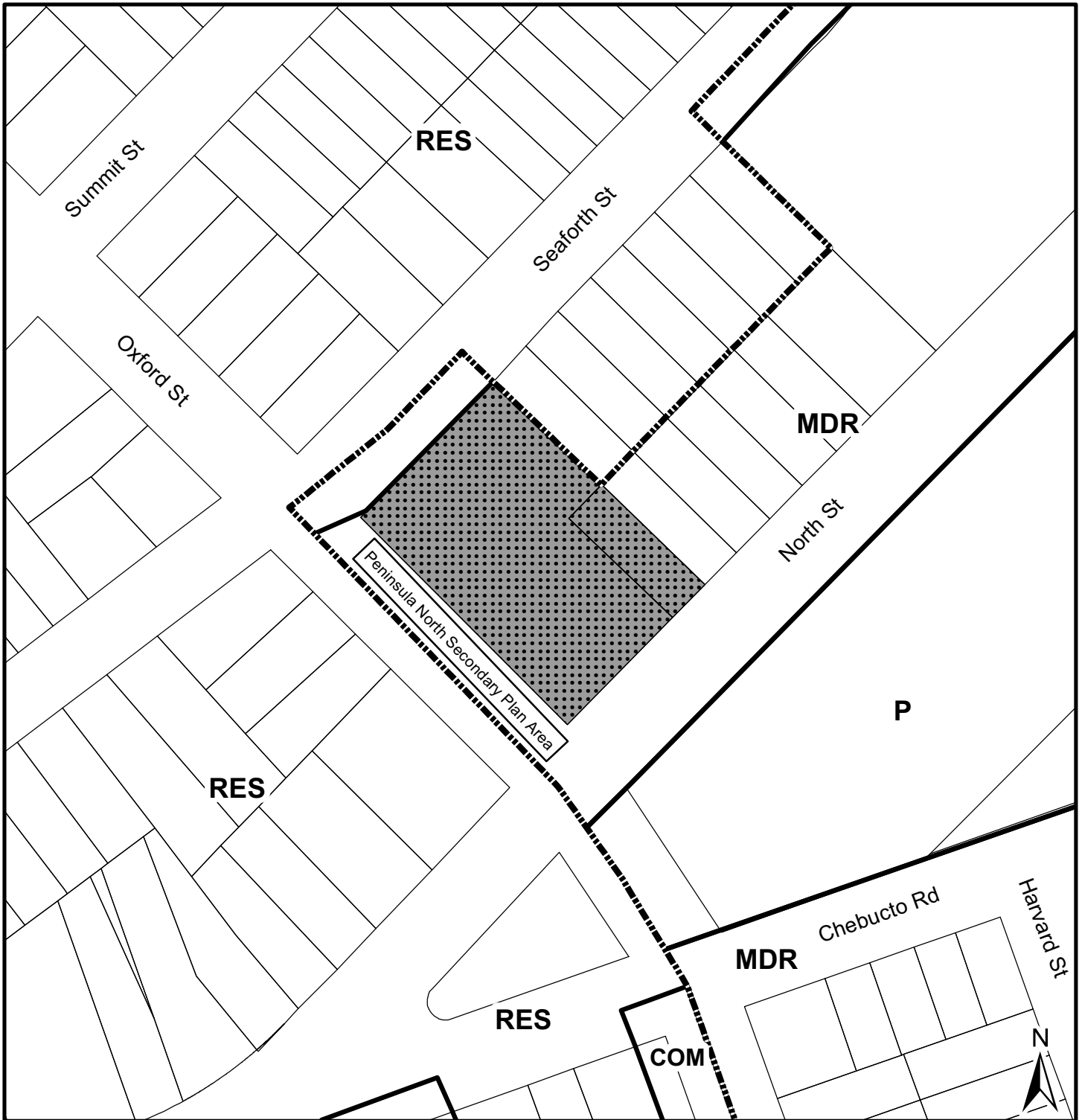
A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.php> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Dali Salih, Planner, Development Approvals, 490-1948

Report Approved by: \_\_\_\_\_  
**for:** Kelly Denty, Manager of Development Approvals, 490-4800



Report Approval by: \_\_\_\_\_  
**for:** Bob Bjerke, Chief Planner, 490-1627

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**Map 1 - Generalized Future Land Use**

6395-6399 North Street  
Halifax

-  Area of proposed policy amendments
-  Detailed plan area boundary

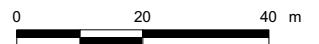
Halifax Plan Area  
Peninsula North Secondary Plan Area

**Designation - Peninsula North**

MDR Medium Density Residential

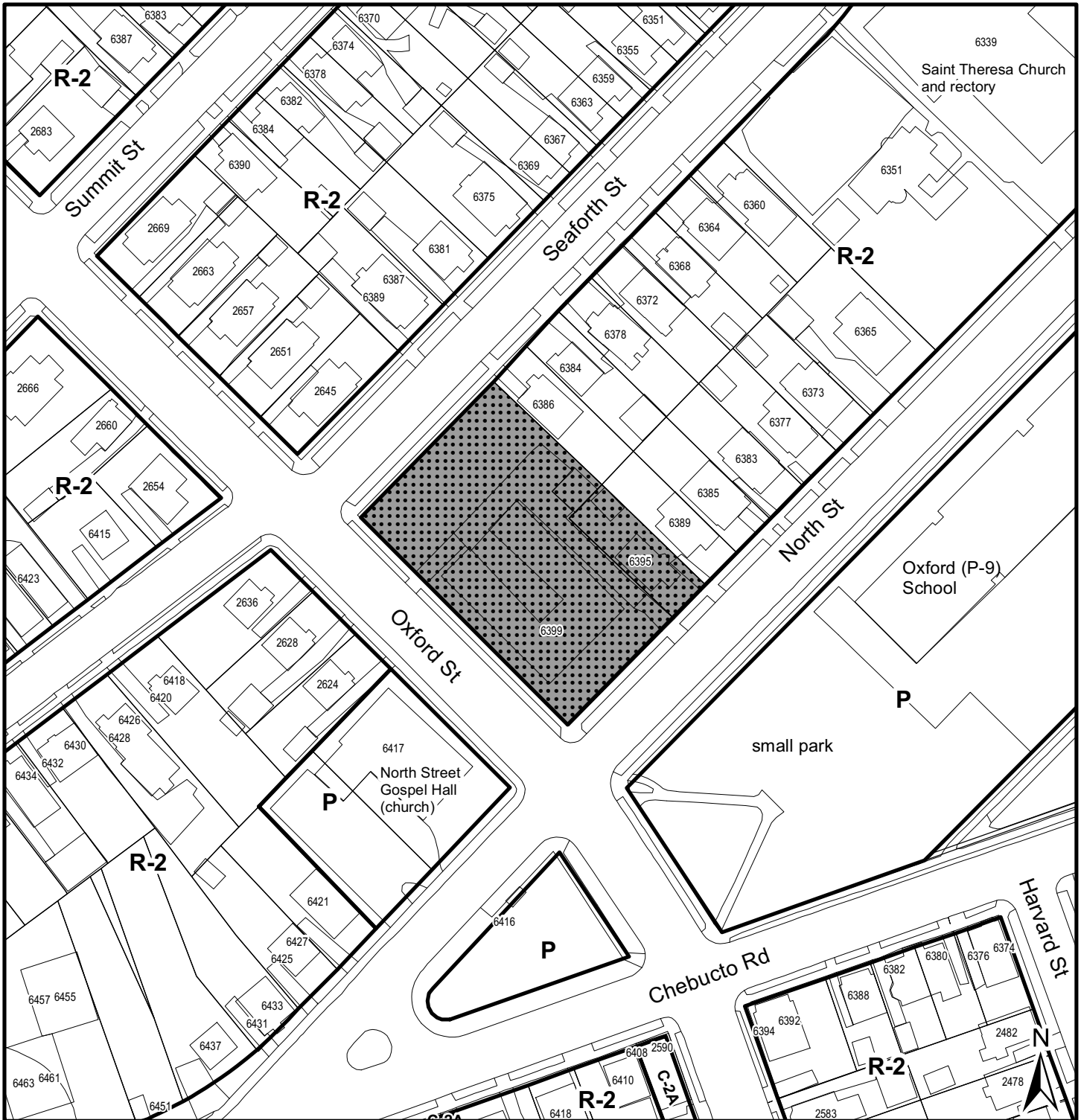
**Designation - Halifax**

RES Residential Environments  
COM Commercial




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

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



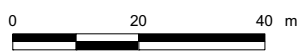
**Map 2 - Zoning**

6395-6399 North Street  
Halifax

 Area of proposed policy amendments

Halifax Peninsula  
Land Use By-Law Area

**Zone**  
R-2 General Residential  
P Park and Institutional



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

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



## Attachment A - Letter from Applicant

**PAUL SKERRY ASSOCIATES LIMITED**

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Ardmore Hall Ltd.  
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RE: MPS Amendment Application  
6399 North Street and 6395 North Street.

Dear Dali Salih:

Planning application is being made to allow for a multiple residential unit development. The following information including the attached documentation in support of our request to amend the existing Municipal Planning Strategy and Land Use By-Law to allow for this proposed use of a multiple unit residential building of 75 units and some amenity space in addition to an underground parking garage containing service spaces and 62 vehicle parking spots.

### **Subject Site:**

- The site is comprised of an existing lot Civic 6399 North Street containing a multi unit residential building and Civic 6395 North Street containing a duplex residential building.
- These sites considered together have frontage on North Street, Oxford Street, and Seaforth Street. The site is on the intersection of Oxford Street and North Street (North East Corner) and extends to Seaforth Street on the sites Northern Boundary.
- The site consists of Civic 6399 North Street @ 24,478 sq.ft. and Civic 6395 North Street @ 3,113 sq.ft. with a combined total site area of 27,590 sq.ft. (0.63 acres).
- This area is designated R-2 on the HRM Zoning Map (MPS).
- The site is surrounded by a mixture of land uses: Oxford Street School across North Street to the South, a church across Oxford Street to the West, open space across North Street to the South West, and residential uses North and East of the site along Oxford Street and Seaforth Street. Additionally there is a large Catholic Church located close and to the East of the Site along North Street. Both North and Oxford Streets contain commercial uses within sight of this site.
- Building heights in the immediate area vary from 2/3 storey residential, and other larger structures in the 40 to 60 foot height range. Adjacent building heights determined from a site survey by SDMM Surveyors (see attached).

### **Change of Circumstance:**

Significant changes in land use have taken place in the vicinity of the site since the adoption of the MPS. The existing zoning generally is R-2 commercial and institutional, although the Civic# 6399 site has always had a multiple unit residential use. The first historic

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use was as a residence for the Catholic Nuns, and then in the 1980's the site was adapted to a rooming house use (by development agreement).

The existing building is not conducive to upgrading, as the plans are based a narrow cross section wing design with a centre corridor and small flanking rooms on each side. The existing multi unit building has only stair access to the upper floors, and the construction is obsolete with regard energy efficiency and layout. The existing parking is at grade level and is a poor use of a valuable site.

As the city continues to grow and peninsular residential communities continue to mature, there is a growing demand for modern up to date apartment accommodation. This type of development will appeal to people living in the area, where they have spent most of their lives, who want to continue living in the area but move to a different more efficient type of residence. This project will also bring new residents into the neighbourhood to revitalize the area.

### **Proposed Multi Unit Residential Use with and Underground Parking Garage.**

The proposal is to replace the existing rooming house structure and the adjacent R-2 building with a 7 storey residential apartment building of 75 Units, and with an underground parking garage to accommodate 62 automobiles and some service facilities. The building is proposed to contain 41 Two Bedroom Apartments and 34 Bachelor Apartments.

The architectural massing of the building is designed to set back from the street line generally from 20 to 16 feet for the first 3-4 floors (approaching to approximately 10 feet from the street line **once** on each street face for architectural relief and visual identification of the main pedestrian entry). Setbacks on the ground floor on the adjacent property line are a minimum of 20 feet.

The building is proposed to be finished with stone for the first 30 to 40 feet, to mimic the existing building and a familiar street appearance. The upper floors are proposed to be set back further and have a different exterior finish to diminish the architectural mass and scale of the remainder of the structure. These features are illustrated in the attached drawings.

It is the intent to develop the roof of the parking garage as a finished landscape deck instead of the existing surface parking.

Other significant features of this proposed site development are:

- The site fronts on 2 major streets (North and Oxford) in the Halifax Peninsular area within walking distance of the CBD.
- The site happens to be directly on an intersection with a high number of bus routes (1 Spring Garden, 2 Wedgewood, 4 Rosedale, 14 Leiblin Park, 52 Crosstown are all right outside the door). University routes 17 Saint Mary's and 18 Universities are 2 blocks away.
- The site falls within a fully serviced area, is close to several schools, recreational facilities, amenity spaces, shopping areas, and parks.
- More people living in this area will result in the need for fewer cars on the peninsula. Why waste this valuable location by capping the height of the

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development at four or five stories when more people could enjoy the benefits of not having to commute? Why not offer more people the chance to make a home there? The opportunity is here now to prevent suburban sprawl by creating more density in this central area.

The main idea of the proposal is to provide new apartment units in an environmentally responsive building form, replacing a obsolete existing and inefficient modified structure.

- Not everyone can afford to live in the large, inefficient older homes on the peninsula. Renting a condo-quality apartment is a more comfortable and affordable option for many people who would like to live centrally. Adding different types of residences, at varying price ranges will also help to diversify the neighbourhood. For the elderly who want to stay in their neighbourhood, apartments offer an alternative if their old home becomes a challenge to maintain.
- The project will bring more residents within walking distance of existing retail businesses and urban amenities, transportation, and existing residential communities.

Regards

**ORIGINAL SIGNED**

Paul F. Skerry  
Architect NSAA

**Architecture / Planning / Interior Design**











