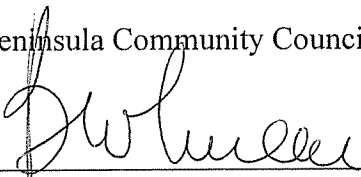


Peninsula Community Council
April 14, 2008

TO: Peninsula Community Council

SUBMITTED BY:


Beverly Miller, Vice-Chair
District 12 Planning Advisory Committee

DATE: March 11, 2008

SUBJECT: **Case 01062: Halifax Peninsula LUB Amendments - Landscaped Open Space in the R-3 Zone**

ORIGIN

District 12 Planning Advisory Committee meeting - March 10, 2008

RECOMMENDATION

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

1. Give First Reading to the proposed amendments to the Halifax Peninsula Land Use By-law as provided in Attachment "A" of the report dated February 4, 2008, and schedule a public hearing.
2. Approve the proposed amendments to the Halifax Peninsula Land Use By-law as described in Attachment "A" of the report dated February 4, 2008.

ATTACHMENT

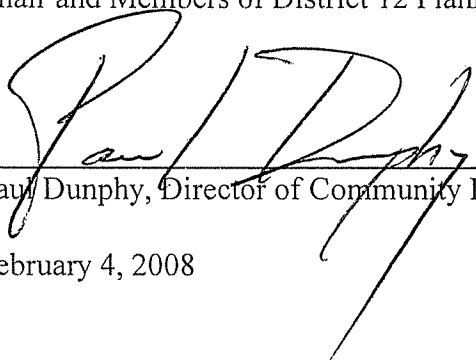
Staff report dated February 4, 2008

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

TO: Chair and Members of District 12 Planning Advisory Committee

SUBMITTED BY:


Paul Dunphy, Director of Community Development

DATE: February 4, 2008

SUBJECT: Case 01062: Halifax Peninsula LUB Amendments - Landscaped Open
Space in the R-3 Zone

ORIGIN

HRM-initiated application to amend the Halifax Peninsula Land Use By-law R-3 (Multiple Dwelling) Zone requirements for landscaped open space associated with multi-unit dwellings.

RECOMMENDATION

It is recommended that Peninsula Community Council:

1. Give First Reading to the proposed amendments to the Halifax Peninsula Land Use By-law as provided in Attachment "A" of this report, and schedule a public hearing.
2. Approve the proposed amendments to the Halifax Peninsula Land Use By-law as described in Attachment "A" of this report.

BACKGROUND

Basis for Landscaped Open Space

The R-3 (Multiple Dwelling) Zone controls contained in the Halifax Peninsula Land Use By-law date back to the mid-1960's. The intention behind these controls with regard to open space was that:

“Where high population densities are involved, it becomes necessary to ensure that at least a minimum amount of open land is protected around the apartment building. This land should serve a dual purpose:

- To enable residents and their children to find some recreation outdoors; and
- To encourage a high quality of environmental landscaping between buildings.”¹

The open space standards are based on a minimum area per person theoretically housed in a building. This minimum area varies according to apartment size and is less for bachelor and 1 bedroom apartment units than for 2 bedroom or larger family-type apartment units. The following table outlines the current landscaped open space requirements:

Number of bedrooms	Average number of persons	Amount of landscaped open space/person	Total amount of landscaped open space/unit
Bachelor (Within Schedule B ²)	1 person	50 square feet	50 square feet
Bachelor (Outside Schedule B)	1 person	70 square feet	70 square feet
1 bedroom	2 persons	70 square feet	140 square feet
2 bedrooms	3 persons	100 square feet	300 square feet
3 bedrooms	4 persons	100 square feet	400 square feet

Issues

The difficulty with the current "landscaped open space" (LOS) requirements is that there is no incentive for the inclusion of family-type apartment units. The per person LOS requirement for family-type units is 30% greater than for 1 bedroom/bachelor units resulting in an unintended bias against family units.

¹Planning Department, City of Halifax, R-3 Zones: Explanation of the New Controls, 1965, p. 3.

²Schedule B is the geographic area of the Peninsula bounded by Cogswell Street to the north, Robie Street to the west, Inglis Street to the south, and Halifax Harbour to the east.

While the use of rooftops for recreational space is allowed, rooftops are not counted toward the requirement for LOS. The lack of rooftop open space incentives, is a missed opportunity to provide residents with high quality amenity space within the urban core of HRM, and to address green building design objectives. Also, as a result of the current requirements for landscaping, quite often the LOS provided is unuseable and of poor quality.

DISCUSSION

The Regional Plan projects 25% of the Municipality's future residential growth to the Regional Centre (Halifax Peninsula and Dartmouth inside the Circumferential Highway). To assist in achieving this, the Plan directs growth to opportunity sites on the Peninsula as a means of supporting the development of compact, mixed-use, walkable communities. The growth potential for low density development on the Halifax Peninsula is very limited due to the high cost of land and the lack of large, undeveloped land holdings. Consequently, to achieve the growth projections outlined by the Regional Plan it will be necessary to develop new strategies that support medium to high density housing alternatives that accommodate families.

The accepted baseline for a family-type unit is 2 or more bedrooms. The proposed amendments, if adopted, will remove an existing disadvantage to the provision of family-type units. The amendments will also provide greater control over the quality of LOS. The general intent is to increase the total number of family-type apartment units and to further enhance the original 1960's planning control objectives to enable families to find some recreation space outdoors and to encourage a high quality of environmental landscaping.³

Proposed Land Use By-law Amendments

Staff recommends revisions to the Halifax Peninsula Land Use By-law to allow:

- the transfer of up to 40% of the required LOS for family-type units to the rooftop;
- revised definitions for "landscaped open space" and "landscaping"; and
- new definitions for "playground" and "landscaped area".

Guiding Principles for Proposed Amendments

In developing this proposal, staff formulated the following guiding principles to identify an appropriate approach to this problem. The proposed amendments should:

- not increase the allowable site density;
- not decrease the LOS requirements;
- provide an incentive for family-type units;
- provide an incentive for green building technologies; and
- provide higher quality LOS amenity for residents and their families.

³It must be pointed out that HRM cannot regulate tenants/occupants of multi-unit residential properties. While it is hoped that the proposed amendments will result in more 2-3 bedroom units being built and occupied by families on the Peninsula, it does not prevent unrelated people from occupying and sharing such accommodations.

Evaluation of Proposed Amendments Based on Guiding Principles

The allowed density of 125 persons per acre (ppa) within the R3 Zone of the Halifax Peninsula is seldom achieved “as of right” and is not affected by the proposed amendments. No increase in the permitted density can be achieved by these proposed amendments. All other standards that affect the building such as angle controls and parking will remain the same.

Currently, LOS is permitted at elevations not exceeding five feet above grade, such as on top of parking podium structures. The proposed amendments will not decrease the LOS requirements, but rather allow a transfer of it to the rooftop.

This proposal is supported by Policy in the South End Area Plan of the Halifax Municipal Planning Strategy (MPS) encouraging family-type units and LOS (refer to Attachment "B"). In the majority of cases, a family-type unit requires 30% more LOS per person than a bachelor or 1 bedroom unit. Therefore, the proposed 40% allocation of LOS to the rooftop for family-type units removes the 30% LOS disadvantage for these units relative to smaller units and provides a 10% per person LOS incentive. In other words, the LOS required at grade will actually be 10% per person less than that required for smaller units but result in a more useable LOS amenity area, with a minimum 600 square feet (56 m²), on the roof to be provided. The 600 ft² area minimum requires the developer to supply no less than five, family-type units and as such is a direct incentive for family-type units.

Allowing the transfer of some of the LOS for family-type units will be an incentive for developers to include green building technologies in their projects, in the form of intensive green roofs and rooftop terraces. These amendments will provide an aesthetic enhancement to urban rooftops as seen from adjacent buildings and other vantage points such as the Halifax Citadel. There is existing policy within the Central Business District of the Halifax MPS (Policy 6.3) encouraging roof top landscaping (refer to Attachment "B").

The proposed revisions to the By-law definitions will encourage rooftop open space to be high quality outdoor amenity space for the building residents which may include plant material, hard surface walkways and seating areas. The intent is to also encourage the use of ‘green roof’ or ‘living roof’ technology of the ‘intensive’ type as this is more compatible for use as amenity space. The proposed definitions of “landscaping” and “landscaped open space” will promote quality LOS for multi-unit developments by giving greater clarity as landscaping is “designed to enhance the visual amenity of a property and to provide an amenity for common use by the occupants of a building.” The proposed transfer of LOS for family-type units is consistent with HRM by Design objectives.

Impact on Ground Level LOS

A reduction in the amount of LOS found at the ground level may be perceived as a negative impact of the proposed amendments. Transference of 40% of the family-type unit LOS requirement to the rooftop would result in a reduction of up to 10% of the ground level open space when compared to buildings maximizing small units. However, the reduction of up to 10% of open space at the ground level is mitigated through the overall provision of higher quality LOS.

Conclusion

The proposed amendments represent staff's recommendation for a cautious approach towards increasing opportunities for high-density family housing. As such, staff recommend that Peninsula Community Council adopt the amendments to the Halifax Peninsula Land Use By-law provided in Attachment "A".

Public Information Meeting

A public information meeting for this application was held on November 22, 2007. Minutes of this meeting are provided as Attachment "C" of this report. Attendees were divided on the issue of allowing the transfer of some of the required LOS to the rooftop. The main concern was that there would be a net loss of LOS at the ground level from what is currently being provided in R-3 developments. Staff believe the reduction of up to 10% LOS at the ground level is balanced by the provision of quality landscaping. Should Community Council decide to hold a public hearing, notices will be published in local newspapers. However, mail notification of affected property owners will not be undertaken as this application consists of Peninsula-wide amendments.

BUDGET IMPLICATIONS

None. The costs to process this application can be accommodated within the approved C310 operating budget.

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. Community Council may choose to approve the amendments provided in Attachment "A" of this report. Staff recommends this alternative for the reasons outlined above.
2. Community Council may choose not to approve the amendments provided in Attachment "A" of this report. This is not recommended for reasons discussed above.
3. Community Council may choose to either adopt certain amendments but not others outlined in this report or alternatively request that additional amendments not identified in this report be made in which case an additional staff report(s) may be required.

ATTACHMENTS

Attachment "A"	Halifax Peninsula Land Use By-Law Amendments
Attachment "B"	Excerpt from the Halifax Peninsula Land Use By-Law
Attachment "C"	Minutes of the November 22, 2007 Public Information Meeting

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.

Report Prepared by : Randa Wheaton, Senior Planner, 490-4499
Luc Ouellet, Planner I, 490-3689
Brian White, Planner I, 490-4793



Report Approved by: Austin French, Manager of Planning Services, 490-6717

Attachment A

Amendments to the Halifax Peninsula Land Use By-Law

BE IT ENACTED by the Peninsula Community Council of the Halifax Regional Municipality that the Land Use By-law for Halifax Peninsula is hereby amended as follows:

1. By replacing the definition of "Landscaped Open Space" with the following:

"Landscaped Open Space" means any outdoor landscaped area or playground for common use by the occupants of a building, but shall not include space for vehicular access, car parking, areas for the manoeuvring of vehicles, or areas covered by any building.

2. By replacing the definition of "Landscaping" with the following:

"Landscaping or Landscaped Area " means any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, pavers, screening or other landscape architectural elements, all of which are designed to enhance the visual amenity of a property and /or to provide an amenity for common use by the occupants of a building.

3. By adding the following definition after the definition of "Physical Plant building":

"Playground" means an area of outdoor landscaped open space equipped with play equipment such as slides, swings or climbing structures or other recreational equipment.

4. By adding the following Subsection after Subsection 48(2)(c):

- (d) Notwithstanding the provisions of Subsection 48(2)(c) above, a maximum of 40% of the landscaped open space requirement for dwelling units containing two or more bedrooms may be transferred to the building rooftop, including rooftops greater than 5 feet above the ground level; provided that:
 - (i) the rooftop landscaped open space is contiguous and not less than 600 square feet (56 m²) in area; and
 - (ii) the rooftop landscaped open space is fully accessible for the common use of the occupants of the building.

Attachment B

Excerpt from the Halifax Peninsula Land Use By-Law

DEFINITIONS

1. In this by-law:

"Landscaped Open Space" means any landscaped area or playground not covered by any building, but shall not include space for vehicular access, car parking, or the manoeuvring of vehicles.

"Landscaping" means any combination of trees, shrubs, flowers or other vegetative ground cover, decorative stonework or other hard surfacing material of a different texture than adjacent paving and screening, berming, or similar elements.

"Open Space" includes landscaped open space and recreational space.

"Recreational Space" means space specifically designed for recreational purposes in, on, or under any part of a building, for common use by the occupants of such building, and includes private balconies and terraces permanently open on at least one side.

R-3 ZONE

MULTIPLE DWELLING ZONE

OPEN SPACE

- 48(2) (a) The lot upon which such building is located shall contain a minimum of:
- (i) 120 square feet of open space for each person occupying such building in a dwelling unit containing two or more bedrooms, of which at least 100 square feet shall be landscaped open space; and
 - (ii) 80 square feet of open space for each person residing within such building in a dwelling unit containing one bedroom, of which at least 70 square feet shall be landscaped open space; and
 - (iii) 50 square feet of landscaped open space for each person residing within such building in a bachelor unit if located in "**Schedule B**"; and
 - (iv) 80 square feet of open space, of which at least 70 square feet shall be landscaped open space, for each person residing within such building in a bachelor unit if located within an area other than "**Schedule B**".

- (b) The occupancy of such building shall be calculated on the basis of one person for each habitable room contained therein.
- (c) For the purpose of this subsection, the roof, or any portion thereof, of any part of such building that has no residential accommodation included below such roof or portion thereof may be calculated as landscaped open space; provided that:
 - (i) no part of such roof is more than 5 feet above the ground level of at least one lot line of such lot; and
 - (ii) such roof, or portion thereof, is capable of being used as landscaped open space.

Excerpt from the Halifax Municipal Planning Strategy

SECTION III - CENTRAL BUSINESS DISTRICT

6. VIEWS

- 6.3 The City should encourage rooftop landscaping in any new developments which can be seen from the Citadel, from taller buildings, or from other parts of the City.

SECTION V - SOUTH END AREA PLAN

1. RESIDENTIAL ENVIRONMENTS

- 1.3 The City shall encourage the retention and creation of family-type housing accommodation in the South End.
- 1.3.2 In the preparation of Zoning By-law regulations to carry out the intent of this Plan, the City shall have regard to the following for family-type housing accommodation:
- (i) that buildings containing family-type dwelling units should provide, on the lot, both soft-surfaced and hard-surfaced open space areas for the exclusive use of the building's occupants;
 - (ii) that any new residential development containing more than fourteen family-type dwelling units provide adequate open space of appropriate size to accommodate the requirements of the residents, enclosed on all sides, landscaped and buffered; and
 - (iii) that such space be visible from the building.

Attachment C

**Public Information Meeting
Case 01062
November 22, 2007**

In attendance: Councillor Sloane
Councillor Murphy
Luc Ouellet, Planner, Planning Applications
Brian White, Planner, Planning Application
Kelly Denty, Supervisor, Planning Applications
Gail Harnish, Planning Services
Andrew Faulkner, Development Officer
Myles Agar, Development Technician

Regrets: Councillor Uteck

Call to order

Mr. Luc Ouellet called the public information meeting (PIM) to order at approximately 7:05 p.m. in Halifax Hall. The purpose of the meeting is to discuss an application by HRM to amend the landscaped open space requirements of the R-3 (Multiple Unit Dwelling) Zone in the Halifax Peninsula Land Use By-law (LUB).

Overview of planning process

Mr. Brian White reviewed the LUB amendment process:

- an application is received
- staff do a preliminary review of the application
- a PIM is held
- a staff report is prepared by Planning Services' staff
- the report, which includes a recommendation, is tabled with Community Council
- Community Council will either reject the application or set a public hearing date
- a public hearing is held
- there is an appeal process

Proposal

Mr. White and Mr. Ouellet proceeded with the presentation of the proposal.

What is landscaped open space:

- the open space standards are based on a minimum area for each person
- the minimum area varies according to the type of apartment

Halifax Peninsula LUB:

- the definition of “landscaped open space” means any landscaped area or playground not covered by any building, but shall not include space for vehicular access, car parking, or the maneuvering of vehicles
- in our research, Planning Services’ staff came across a discussion paper with regard to information on R-3 zone controls (circa 1965) - Where high population densities are involved, it becomes necessary to ensure that an appropriate amount of open space is maintained around the apartment building. This land should serve a dual purpose: enable residents and their children to find some recreation outdoors, and encourage a high quality of environmental landscaping between buildings.

Landscaped open space by-law requirements:

Number of bedrooms	Average number of persons	Amount of landscaped open space/person	Total amount of landscaped open space/unit
Bachelor (Within Schedule B)	1 person	50 square feet	50 square feet
Bachelor (Outside Schedule B)	1 person	70 square feet	70 square feet
1 bedroom	2 persons	70 square feet	140 square feet
2 bedrooms	3 persons	100 square feet	300 square feet
3 bedrooms	4 persons	100 square feet	400 square feet

Problem statement:

- the current landscaped open space requirements do not provide an incentive for 2 bedroom+ units
- consequently, there is an unintended preference for bachelor and 1 bedroom units and poor quality landscaped open space
- there is no specific incentive for the provision of green roofs/rooftop terraces

Mr. Ouellet indicated these controls have been in place in Halifax for a long time. The discussion paper goes back to 1965. What has happened over the past 40+ years is that there has been no incentive for developers to build buildings to provide two or three bedroom units because the amount of open space required at the ground level is such that the building plan becomes even smaller. In order to maximize the space, the result has been (apart from the South End) an over-provision of bachelor and one bedroom units and less three and four bedroom units. Over the years, the market provisions for apartments has been over-weighted towards one bedroom and bachelor units. Also, there is no provision in the LUB for green roofs or rooftop terraces, so we thought we could look at both in one amendment.

Ms. Beverly Miller commented the definition is such in the LUB that every single square foot of open space becomes so valuable to develop that even small 1' strips along the sideyards which are essentially unusable, get calculated into the entire equation such that it really does not lend itself to encourage high quality landscaping. She questioned where staff got their information from.

Mr. Ouellet responded it comes out of the research we did from the development of the original R-3 zone controls from 1965. He volunteered to provide Ms. Miller with a copy of the document.

Amendment criteria:

- no increase in the maximum allowable site density
- no decrease in open space requirements (it will be a transfer; just not at ground level)
- provide an incentive for family size units (over-riding factor for these amendments)
- provide more useable amenity space on rooftops for residents and their families
- provide an incentive for green roofs/rooftop terraces

Under consideration:

- allows a transfer between 40-50% of the required open space for family type units (2 bedroom+ units) to the rooftop

Mr. Ouellet advised we have looked at this in detail. What you will see at the ground level will not change dramatically from what you see now. The floor plan will not necessarily become bigger. It will be interior differences in the building itself. Even if we transfer some of that open space to the rooftop, you still have to provide more open space than for a one bedroom or bachelor unit. By adding an additional bedroom unit, you have to double the amount of open space at the ground level even though the additional unit might only be about 200 sq.ft. of extra space.

- make revisions to the LUB definitions of "landscaping" and "landscaped open space" in order to provide better quality landscaping and for green roofs/rooftop terraces.

Mr. White expanded on the amendment criteria.

- no increase in the maximum allowable site density - the site density is largely controlled by 125 persons per acre (ppa) which will not be changed
- no decrease in the open space requirements - currently the by-law allows open space to occur above parkades that are not more than 5' off the ground. We are simply making amendments to allow that open space higher up on the rooftop.
- provide an incentive for family size units - as an added bonus to the green roof, we are providing an incentive to build more family size units

-
- provide more useable amenity space on rooftops for residents and their families - we believe it will be of higher quality
 - provide an incentive for green roofs/rooftop terraces

Questions and comments from members of the public

Mr. Alan Ruffman, Ferguson's Cove, asked to see a map showing R-3 zoning.

Mr. Ouellet noted the map shows all the different zones that allow R-3 uses as opposed to just R-3 zoning.

Ms. Beverly Miller, Halifax, indicated in one of the earlier slides, staff made a connection between the present landscaped open space requirements and the fact that there has been a preference for one bedroom units and bachelor units. It's being said the market has nothing to do with it, but rather it is the landscaped open space requirements and that it is a disincentive to build anything bigger. She questioned what research staff had to prove this.

Mr. Ouellet responded it is from years and years of developers and architects coming in and saying they cannot work within the current requirements of the R-3 zone.

Ms. Miller questioned where the incentive is for this amendment.

Mr. Ouellet responded it comes from years and years of listening to developers saying they cannot work within these requirements. Quite a bit of staff time was spent on this. We feel that the assumption is correct. In order to build two and three bedroom units in Peninsula Halifax, it is very difficult to make a project viable as compared to bachelor and one bedroom units.

Ms. Janet Shotwell, Halifax, suggested an alternative solution might be to raise the requirements for bachelor and one bedroom units and lower the requirements for two and three bedroom units.

Mr. Ouellet responded he did not think staff would agree with that suggestion. The Peninsula is supposedly more of an urban setting. We feel a lot of these R-3 controls were designed when sub-urbanization was a mainstreet. If you were to increase the amount of open space required on the Peninsula, then there would be large expensive lawns around the building which some people might favour but in HRM by Design, there has been agreement that we want to move to a more dense Peninsula. If your city is more strung out, it is not as sustainable. Servicing is designed to build buildings at a certain density which is 125 ppa. Unless you have a really big site, they never come close to that. Staff will however look at the suggestion.

Mr. White advised we had a think tank of planners working on this. One of the main criteria is that there would be no decrease in the amount of open space requirements.

It was commented students may find rooftop terraces appealing for rooftop parties. We cannot say these units are reserved for families.

Mr. Ouellet stated HRM cannot discriminate against students. HRM does have a Noise By-law. Any building owner that really cares about their building would make sure that the rooftop garden or terrace would not be used for that type of activity. Under the Noise By-law, the owners and tenants can be fined. There are ample controls under the Noise By-law to address that concern. We cannot prevent noise in the LUB.

Mr. White noted we do have the ability in the proposed definition to say what happens on the rooftop. He showed two examples of a rooftop garden, one of them with more focus on plant material and less on social amenities.

Mr. Ouellet indicated a lot of apartments have balconies. It is a good point but he thought there is another mechanism to deal with that apart from the LUB.

Mr. Louis Lawen stated two and three bedroom units will attract more family type of tenants. A family is more attracted to a two bedroom unit than a bachelor unit. He came tonight to make a further suggestion to what is being proposed. One problem from the end user, in particular on the Peninsula, is that there is no definition of usability. If you drive around areas in Clayton Park, he has never seen anyone standing on the green space on the ground. You should encourage the rooftop terraces and specify that it be useable. You will not be able to enjoy slim strips around buildings. He thought usability of the green space is probably the goal you should be aiming for. Right now there is no incentive for rooftop terraces. With respect to green buildings, you have all these buildings with asphalt roofs that are frequently unusable and not environmentally friendly.

Ms. Peggy Cameron, Halifax, noted it was said there would be no decrease in the amount of open space requirements. She understood they are substituting what would have been on the ground to the roof.

Mr. Ouellet indicated it is a transfer to a roof but we are also saying there won't be much in the difference. The building will not get any bigger.

Mr. White noted the R-3 zone requirements now permit you to have an above-ground parking lot as long as it is not more than 5' above the ground.

Mr. Ouellet indicated the amount of open space available for recreational use will not change.

Ms. Cameron questioned why the footprint of the building would not increase.

Mr. White indicated the footprint is controlled by setbacks and lot coverage requirements. Typically landscaped open space does not factor into that other than the developer is putting into their buildings more bachelor and one bedroom units.

Mr. Eric Thompson, Halifax, stated this is forward thinking because he thought it would encourage people to want to live in the core of the city. One of the things clearly lacking now is that there is no provision at ground level. It is a challenge now for the developers to enhance the roof lines and the aesthetics of the building. For safety reasons, developers will have to make them safe with railings. He applauded staff for this initiative.

Mr. Dan Goodspeed, Halifax, said he spent a great deal of his career dealing with the R-3 zone requirements. He supported this as a progressive and sustainable change. Generally it is not the open space that determines the bulk of the building; it is generally the angle controls. The density is the main thing. What happens now is that what amounts to open space is the left-over space so it is space that is not well proportioned or useable.

Mr. Goodspeed indicated most of the landscaped open space you find around an apartment building now is actually on a roof because the parking requirements are going underground so you landscape the roof. Privacy and usability is much better at roof level than ground level. By freeing up that requirement at the ground level will allow more space to be used for visitor's parking, access, and drop-offs.

Mr. Goodspeed said green roofs are very expensive and nobody will put a lot of money into them unless there is some offsetting benefit. If you take a bachelor and a one bedroom, it is about the same size as a two bedroom unit but the open space is much greater for a two bedroom unit. He thought this will go a long ways to recharging the unit mix in downtown Halifax and bring a lot of sustainability issues to the floor, such as insulating the roof and slowing down rainwater. He supported the proposal.

Councillor Murphy questioned whether staff had any information on what they are doing in Montreal, or what the green space requirements were in New York City for one and two bedroom units. He acknowledged we are very unique in Halifax.

Mr. Ouellet responded we have not done that research lately, however, he did study planning in Montreal and lived there for three years. A lot of the R-3 is built to the property line and goes straight up. There is not much open space provided in the downtown.

Councillor Murphy suggested staff look around at other cities with high density such as Toronto.

Councillor Sloane said in New York City they started doing green roofs and are turning areas into green spaces. She went up the Empire State Building and when she looked out she saw areas with terraces. Some were completely green, and some had walkways, greenery and landscaping. At one of the buildings, there was a reception being held. You could see it was catching on. She recently watched a show on PBS which dealt with environmentally green sustainable buildings for Chicago which has really taken off.

Mr. Ouellet indicated we do research every time we do a LUB amendment. Staff has the guidelines from New York. We also looked at the City of Toronto. In 2006, they implemented a pilot project where they pay applicants money to develop green roof projects.

Mr. Jim Aulington said he applauded staff for bringing this forward. It was mentioned that a gravel base can be counted as open space, which was one of his biggest beefs in terms of lack of quality. He questioned what is to prevent astro turf from being counted as roof top material, and whether there would be quality control.

Mr. Ouellet responded we would make sure astro turf is not permitted.

Mr. Ruffman noted that green roofs are different than rooftop terraces. There was reference to it slowing down water. A true green roof is about doing that and it does provide a different kind of insulation of the roof. It is not cheap to do and they have to make sure it does not leak and degrade the building. He referenced the old part of the Art Gallery as an example where they have had lots of trouble with that. He spoke in favour of it being useable landscaped open space. It seems there are two other ways to get the family size apartment units if that is the objective. We could require in the Building Code that there be more two and three bedroom units, and there could be changes in the size of the units. You could do this with R-3 to require a certain mix. The other way is to define useable open space landscaping. He referenced the Grand Parade which is now a hard space for people to gather on and hopefully skate. There are a lot of other useable recreational spaces.

Mr. Ruffman indicated he was concerned with seeing building footprints growing in size and losing the landscaped open space. He suggested the final report should show three or four examples of what might happen to back-up your intuition. Also, we are not like New York City, Chicago, or Toronto. We should be looking at cities like London and Hamilton. He would like to see other examples in Canada or the United States that are comparable in size. Not many people are riding in a helicopter and see some of those roofs but some are visible from other buildings.

Mr. Ruffman referenced an instance in Clayton Park where a woman has been ordered to mow her rooftop garden. In Toronto there are a lot of these gardens at street level that seem to be quite accessible. He thought staff was looking at something quite important but he still had to be convinced we would not be losing space at ground level. He was delighted to have the space around small gardens but it is not publicly useable. We tend to think of landscaped open space around apartment buildings as somehow contributing to the public sense of open space and that is perhaps because it is at ground level. There is a wonderful space around the medical buildings. The space around Fenwick Towers is useless.

Ms. Miller stated Vancouver who has been very successful in attracting families in the downtown found you need to have townhouses. She could not imagine where staff came up with the idea that if you build three bedroom apartments, people will move into them. She could not see anything in this for the general public who walks along side these apartment buildings. There

has been a lot of talk about useable open space but this is only useable to the tenant and therefore useable to the developer because it might make his apartment building more attractive but she could not see anything for the pedestrian who will lose landscaping around the building. She questioned whether it is better for the environment to have the landscaped open space on the rooftop rather than on the ground.

Mr. Ouellet responded that in terms of the at ground level, there is no way the developer would allow people who do not live in the building to use that space. It is private and we cannot force them to allow the public to use it. The benefit to the public is we are going to make sure there are better controls at ground level which beautify the neighbourhood. We have landscaped architects on staff. It will provide better beautification for the neighbourhood. If you walk by and see trees it is better than a paved parking lot. For the community it is an aesthetical situation.

Councillor Sloane referenced HRM by Design which is looking at good street design. It talks about trees and making things more attractive. Will there be balances on both? We have talked about the gravel to make sure it does not happen again. The general public would be happy to know we have better quality. No more vinyl siding. We want something that is aesthetically pleasing that allows people to live downtown, and if somebody can go upstairs or outside for a cup of tea they should be allowed to do so. She wanted our city to be liveable. The only way to do that is by making the streetscapes on our land quality but also convey that to the developers. She thought they would do that if we challenge them.

Councillor Murphy commented that if a landlord has an apartment building, it is transient. A landlord with a laundry room or a library has more of a community. A landlord that has a community garden for tenants to share builds a community. Most times when a landlord makes a better home for their tenants, they tend to stay longer and they have a smart landlord.

Mr. Lawen commented there is this concept that people who live in these buildings are alien. The people that live there are part of the community and make what the neighbourhoods are. We are all one community whether we live in an apartment or a home. He referenced a development in Dartmouth as an example and suggested allowing developers to contribute financially to parks as part of their increased density. If they could have developers “pony up” and be a partner with NSCAD and a public art district in the same manner, wouldn’t that be wonderful.

Mr. Ouellet indicated under the *Municipal Government Act*, we can only require contributions through the subdivision process.

Ms. Kelly Denty advised we have talked to the Province about that kind of amendment and they are supportive but it did not make it through the last set of amendments. Making contributions for apartment units is on the radar.

Ms. Cameron commented she would agree it seems like an obvious solution in part to improve the definition for useable green space. If you can have gravel count as that requirement, then

there is obviously a problem. It does not seem credible that by having more two and three bedroom unit apartments you will get more families. It is more to do with affordability. She was a landlord with a three bedroom apartment and was never lucky enough to get a family. Two or three bedroom apartments in the downtown would probably attract young professionals without kids or students. She felt that market can be served by one bedroom and bachelor apartments.

Mr. White noted we are using the term “family” which can, for instance, be a brother and sister or two friends. We are trying to provide as many housing options as possible on the Peninsula.

Ms. Cameron indicated it is not only who has access. It is not publicly useable if it is on the roof. She questioned if staff was considering who in the building would have access, or whether it was only the apartment at the top.

Mr. Ouellet responded that if a developer is applying for a transfer, they would have to make it accessible to every resident of that building. If not, it does not meet the intent of the by-law.

Ms. Cameron said that a lot of European cities now have regulations to require that any new construction include a green roof. There does not have to be trade-offs. One thing we could look at for new construction is a requirement for solar hot water, for instance.

Mr. Ouellet indicated those type of things are addressed in the Building Code as opposed to the LUB. We want to bring forward the amendments fairly quickly. In the short-term we could look at doing amendments to the LUB that do not require amendments to the MGA.

Councillor Sloane noted that as part of HRM by Design they are looking at a sustainable community, and are looking at things such as solar energy and geothermal.

An individual referenced the comment about families not being the traditional family with parents and kids, and indicated it was important not to be misguided in terms of the goal. If what you want to do is take a big step forward in sustainability and incentives, maybe you should be putting your energy into that rather than this, although this is easy.

Mr. Ouellet indicated we are looking at quality open space. There are other divisions in HRM pursuing those other issues. In the short-term we believe this will provide some benefit potentially to the environment and the occupants of apartment buildings.

Mr. Lawen said they just finished a building on Barrington Street. They have five three-bedroom units in the entire building of eighty-seven units. Out of those five apartments, they have three families with children. They usually try to do a mix. In the rest of the building, two-thirds of the one bedroom units have no families living in them.

Mr. White noted it was mentioned earlier that they need to see some diagrams. Before we bring a report forward to Council we are going to need to prove to ourselves, the public and Council that

what we are proposing to do is in fact doing what we intend to do. To come forward with some of those diagrams and information will help answer some of those questions.

Ms. Miller said she was concerned about community aesthetics. She was not allowed to walk on the grounds of Victoria Park for example.

Councillor Murphy stated most smart landlords try to build a neighbourhood in their apartment building. Victoria Park is a private park.

Ms. Miller said that because she could not stand on it, does not mean it is not aesthetically pleasing or does not contribute to the quality on the street.

Mr. Goodspeed stated landscape requirements do not require you to make it quality.

Mr. White indicated there is no intention by staff to reduce or degrade what is permissible under the LUB in terms of at grade open space. We will take every avenue we can reasonably take to ensure we provide information that either proves or discounts that theory.

Mr. Ruffman referenced a previous comment where it was said by moving some of the open space to the upper parts, it would provide more privacy and would allow more visitor's parking and drop off facilities at ground level. That means there would be less useable open space at ground level.

Mr. Lawen noted there was concern by some that what is being proposed by HRM will reduce the ground level green space. Instead of having 108 bachelor units in a building you would have a lower number of units with more two bedroom units in the same footprint. It would be helpful to show the public a side by side example.

Mr. Ouellet indicated the intention is not to reduce the amount of open space at ground level. What we are proposing will end up with the same amount of open space at ground level. The benefits for the public will be a better quality open space at the ground level, however, we will allow a transfer for two bedroom+ units to the roof which will provide a large open space for residents on the roof.

Mr. Ruffman commented we will have two buildings, if built, that will house aliens. One is the southern tower of the Twisted Sister. The developer who got approval was trying to suggest the space between the two towers would be landscaped open space. He thought the space would never be useable, and also the wind is a significant factor. The other building will be the south end of the Brewery building. Once you get above a certain height, they do not relate to the ground. It is a difficult thing to do and we have not had much experience in trying to define useable space.

Ms. Miller indicated that in terms of building design, we are just beginning to see some concessions on the part of the developer that maybe a building will be a bit more acceptable if it has an aesthetic roof design. She questioned whether this would encourage flat roofs?

Mr. White advised staff would examine that issue.

Adjournment

The meeting adjourned at approximately 8:30 p.m.