

Item No. 11.1.12
Halifax Regional Council
September 10, 2013

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original signed by 
Richard Butts, Chief Administrative Officer

Original Signed by 
Mike Labrecque, Deputy Chief Administrative Officer

DATE: August 23, 2013

SUBJECT: Case 18565, MPS Amendment, 1034, 1042, 1050, & 1056 Wellington Street, Halifax

ORIGIN

Application by Dino Capital Ltd.

LEGISLATIVE AUTHORITY

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 for the lands located at 1034, 1042, 1050 and 1056 Wellington Street to enable a multi-unit residential building with increased density and height by development agreement.

BACKGROUND

Dino Capital Ltd. owns four properties, currently developed with single unit dwellings, located at 1034, 1042, 1050 and 1056 Wellington Street in Halifax. Development permits have been issued for additions to each building to enable as-of-right development of a total of 23 units with a total of 117 bedrooms on the four properties. As an alternative, the applicant is now seeking the ability to develop up to 58 units in a single multi-unit residential building. The proposed density would be comparable to that allowed within the existing R-2A zoning. The conceptual plan is for two towers of 7 and 9 storeys atop a shared 3 storey, townhouse style podium with resulting overall heights of 10 and 12 storeys. The individual units would be very large, all 2 and 3 bedroom, with an average floor area of 3700 square feet. However, this proposal cannot be considered under existing policy and zoning established in the Secondary Municipal Planning Strategy (SMPS) for the South End Area due to the height, massing and number of units proposed. Attachment A contains the applicable policies. Dino Capital is, therefore, seeking an amendment to the MPS to enable consideration of their proposal.

Site Description and Surrounding Land Uses

The four subject properties are located on the west side of Wellington Street, as shown on Maps 1 and 2. There is one building on each property, each originally built as a single unit dwelling. The properties:

- have a total area of approximately 26,940 square feet and a total street frontage of about 210 feet.
- abut the HRM-owned Gorsebrook Park to the west and south, and to the north properties which contain 13 storey and 15 storey residential buildings; and
- face a high density five storey condominium building on the opposite side of Wellington Street, while the rest of the street is characterized by mixed medium density development consisting largely of three storey apartment buildings with some two unit dwellings. Along Inglis Street, on the same block, development consists of low density dwellings.

Designation and Zoning

The subject properties are located within Area 6 of the South End SMPS, which was adopted in 1983, and are:

- designated Medium Density Residential (MDR) as shown on Map 1. The designation is intended to support a mixed residential environment with both family-oriented units and smaller housing units in buildings not exceeding four storeys. Family units are defined as those with more than 800 square feet of floor area, and 50% of units in any building must be of this form. There are no density limits established within this designation;
- zoned R-2A (General Residential Conversion Zone) under the LUB as shown on Map 2. This zone seeks to implement the MPS intent by establishing limits on lot coverage, setbacks, building height, unit mix and size, and a cap of 14 units per building. There are no density limits established within this zone; and
- within the 35 foot height precinct as shown on Map 3. This height limit is established within the MPS for much of the nearby district.

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. To support the request to amend the MPS in this case, the applicant submits that conditions have changed considerably in the 30 years since the existing Medium Density Residential designation and 35 foot height limit were applied to the properties. The following reasons are given by the applicant:

- The properties are no longer used as single family homes and can be extensively redeveloped as high density housing under existing policy;
- That larger scale high density development has since taken place on the opposite side of Wellington Street;
- The context of the properties relative to the HDR designation, the presence of existing taller buildings of 13 and 15 storeys, the abutting park, and relative isolation from Low Density Residential properties justifies greater height and density;
- That regulation of urban design and architecture through use of a site specific development agreement policy is a better approach than simply limiting height as a means of ensuring quality development and protecting neighbourhoods;
- Although the 23 units which are permitted as of right meet the LUB definition of “family type units”, it is more likely that these units will be student housing, and that allowing a single larger building would better enable the “family type” goal to be met; and
- Allowing an MPS change will result in assurances through the development agreement process of a better quality of development than can be achieved otherwise.

The application is addressed under three considerations, these being evaluation of development proposal, the amendment to the land use designation, and the amendment to the height precinct.

Evaluation of Development Proposal

The proposal is for up to 58 large units in a wholly residential building. The three storey building base has very high lot coverage, with minimal setbacks provided from the street and from adjacent properties. On top of the building base are two slender towers of 7 and 9 storeys, presenting an overall height of 10 and 12 storeys. A separation distance of approximately 30 feet is provided between the two towers. Despite the substantial height and massing, the proposed density of the development is relatively low due to the proposed units being very large with an average unit size of 3700 square feet. Staff has several concerns with this design:

- The lot coverage is excessive for a residential environment. There should be greater setbacks in order to provide substantive at-grade landscaped areas, and to provide visual and physical separations which keep the building from becoming dominant within the streetscape;
- The project height as proposed is excessive for this area despite the presence of two existing towers (of 13 and 15 storeys) to the north. These older towers with their stark architecture are not a positive factor within the streetscape, and additional tall buildings of similar height would not be appropriate; and

- The tower separation distance of only 30 feet is insufficient to break up the massing, and may create uncomfortably close distances between facing units and balconies.

Amendment to Land Use Designation

No density limits are established in either the MPS or LUB regarding development in the MDR designation and R-2A Zone. The zone allows interior conversions, additions to existing buildings and infilling between buildings, provided that height and yard requirements are met, to a maximum of 14 units in any one building. There is no limit on the number of bedrooms per unit, which enables very large units with a high occupancy count. This regulatory framework enables substantial additions to each of the existing buildings on the site in order to create additional units. Development Permits have already been issued for a total of 23 units across four buildings with 117 bedrooms. Should the construction of the permitted development proceed, it could:

- include up to six bedrooms per unit, meeting the criteria of family type housing as required under the LUB; but possibly could be expanded to 201 bedrooms as-of-right;
- be used as student accommodation rather than family-type units;
- contain densities approaching that permitted within the R-3 (Multiple Dwelling) Zone which is applied within the High Density Residential designation;
- be built with on-site parking for only 16 vehicles provided; and
- result in a development that is not in character with the street. The ability for such high density development to take place in the MDR designation was not intended when the MPS was adopted.

A redesignation to High Density Residential (HDR) may be considered through the MPS amendment process. Through the R-3 Zone which is applied under the LUB to the HDR designation, a density limit of 250 persons per acre is imposed for as of right development. This limit is higher than what can be achieved under the existing R-2A zoning. There is justification to consider applying the HDR designation to the site, for the following reasons:

- The subject properties already abut the HDR designation to the north, where it was applied to two existing high rise towers. Directly across Wellington Street, the HDR designation was applied in the 1990's, to allow for two five storey buildings;
- The site backs onto Gorsebrook Park which, as an open space, is not as sensitive to the density of adjacent development; as is a residential area;
- The HDR designation does not automatically support taller buildings, as high density housing can be provided even in a low rise form that would be generally more compatible with the general neighbourhood;
- Council could, through the development agreement process, limit allowable density on this site to that permitted by the R-2A Zone; and
- Staff would not support applying the R-3 Zone to this site, as that would enable as of right development with very limited controls over the design and construction of the development. The development agreement process, however, could be enabled in MPS policy in order to establish clear site and building design requirements.

Amendment to Height Precinct

The original 1983 intent of the MPS was to strictly limit the development of tall buildings within the South End. Allowable height limits for this area are generally restricted to 35 feet, as shown on Map 3. The subject properties are within the 35 foot height precinct while several mid and high rise residential properties, including the 13 and 15 storey towers immediately to the north, were also placed within the 35 foot height precinct and as a result became non-conforming structures. Lands directly across Wellington Street are developed with 5 storey buildings and have height precincts of 55 feet and 90 feet. Until 2004, allowable heights could be changed through the LUB amendment process. However, to ensure that any change to height precincts went through the MPS amendment process, height limits became entrenched in MPS policy in 2004. Amendment requests to height precincts are now to be evaluated based on the land use designations and on the criteria of Policy 7.0 (Attachment A).

Given the context of the properties to nearby development and to parkland, an increase in allowable building height may be justified where the density and design of a development can be controlled through a development agreement process. However, the height of the proposed development at 10 and 12 storeys is considered excessive. On this basis, initiation of the MPS amendment process is not supported. A building in the low to mid rise range is seen as being more appropriate in this area. Council may wish to consider initiating the process in order to allow community engagement to take place. This process could be used to determine what height, density and design may be appropriate for the properties as an alternative to development under the R-2A Zone. Staff suggest that development in the range of 4 to 7 storeys is likely the best alternative.

Conclusion

Staff do not support initiation of the MPS amendment process for the subject proposal. Staff consider the scale of the proposal, with towers of 10 and 12 storeys, to be excessive for the area. There is merit, however, in considering MPS amendments to allow the High Density Residential designation and to allow greater building height on the applicant's lands on the basis of their context within the existing community. Council could choose to initiate the MPS amendment process to enable consideration of a low to mid rise building form. In that event, the applicant would be required to prepare an alternate design concept if they wished to proceed.

FINANCIAL IMPLICATIONS

The HRM costs associated with processing this planning application can be accommodated within the approved 2013/2014 operating budget for C310 Planning & Applications.

COMMUNITY ENGAGEMENT

Should Council choose to initiate the MPS amendment process for this proposal or to enable an alternate proposal, the *HRM Charter* requires that Council approve a public participation program when considering any amendment to an 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 a public meeting and online forum 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, developers, community or neighbourhood organizations, other HRM business units, and other levels of government.

ENVIRONMENTAL IMPLICATIONS

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

ALTERNATIVES


1. Council may choose to refuse to initiate the MPS amendment process for this proposal. A decision of Council to not initiate the potential amendments is not appealable to the N. S. Utility & Review Board as per Section 262 of the *HRM Charter*. This is the staff recommendation.
2. Council may choose to initiate the MPS amendment process for the proposal. This is not recommended for the reasons discussed above. 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, they should request staff to follow the public participation program for the MPS amendment process as approved by Council in February 1997.
3. Council may choose to initiate the MPS amendment process and provide direction that only low to mid-rise building form may be considered. 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, they should request staff to follow the public participation program for the MPS amendment process as approved by Council in February 1997.

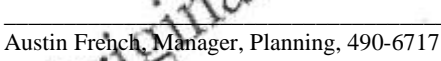
ATTACHMENTS

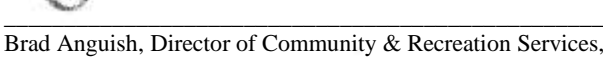
Map 1	Generalized Future Land Use
Map 2	Zoning
Map 3	Height Precincts
Attachment A	Excerpts from the Halifax (South End Area) MPS
Attachment B	Conceptual Building Rendering

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

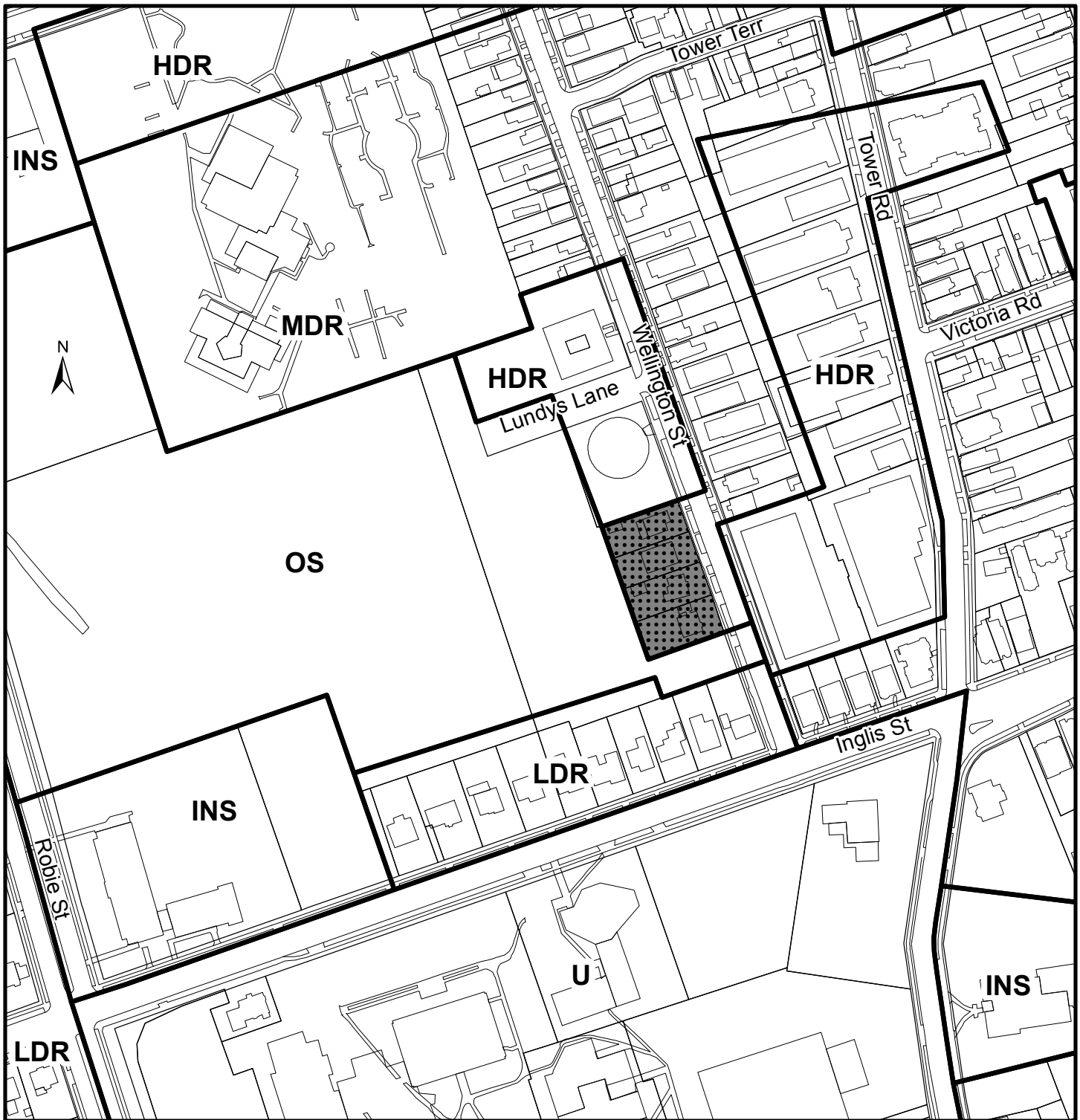
Report Prepared by: Mitch Dickey, Planner, 490-5719

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

Report Approved by: 
Brad Anguish, Director of Community & Recreation Services, 490-4933

Original Signed



Map 1 - Generalized Future Land Use

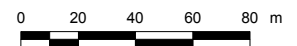
1034, 1042, 1050, and 1056 Wellington Street,
Halifax



 Lands Requested for
Redesignation
from MDR to HDR

Designation

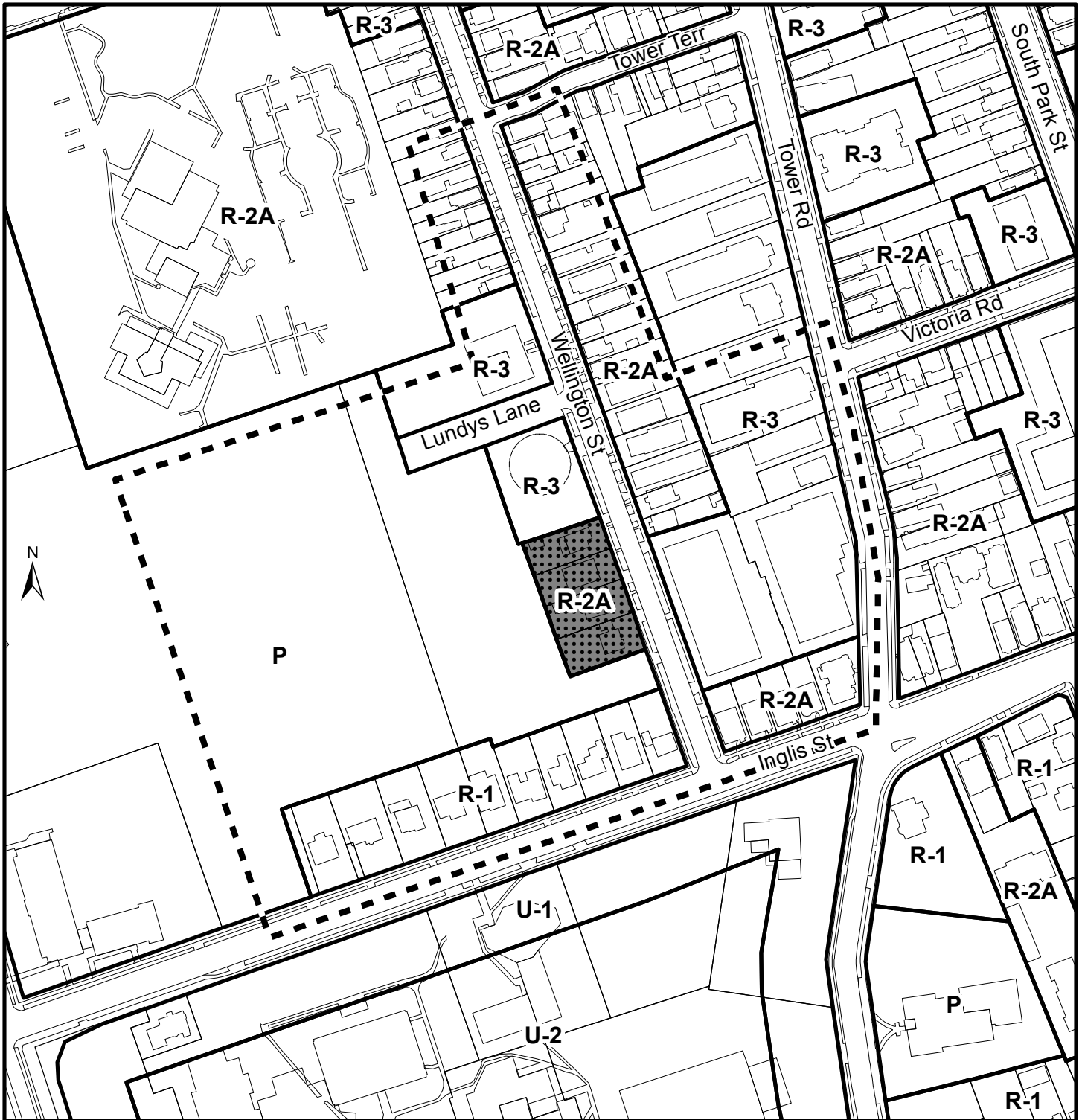
- MDR Low Density Residential
- HDR Medium Density Residential
- LDR High Density Residential
- OS Open Space
- INS Institutional
- U University



This map is an unofficial reproduction of
a portion of the Generalized Future Land
Use Map for the plan area indicated.

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


Halifax Plan Area
South End Detailed Plan Area



Map 2 - Zoning and Notification

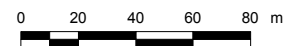
1034, 1042, 1050, and 1056 Wellington Street,
Halifax



 Lands Requested to be
Rezoned from R-2A to R-3


Zone

- R-1 Single Family
- R-2A General Residential Conversion
- R-3 Multiple Dwelling
- P Park and Institutional
- U-1 Low-Density University
- U-2 High-Density University

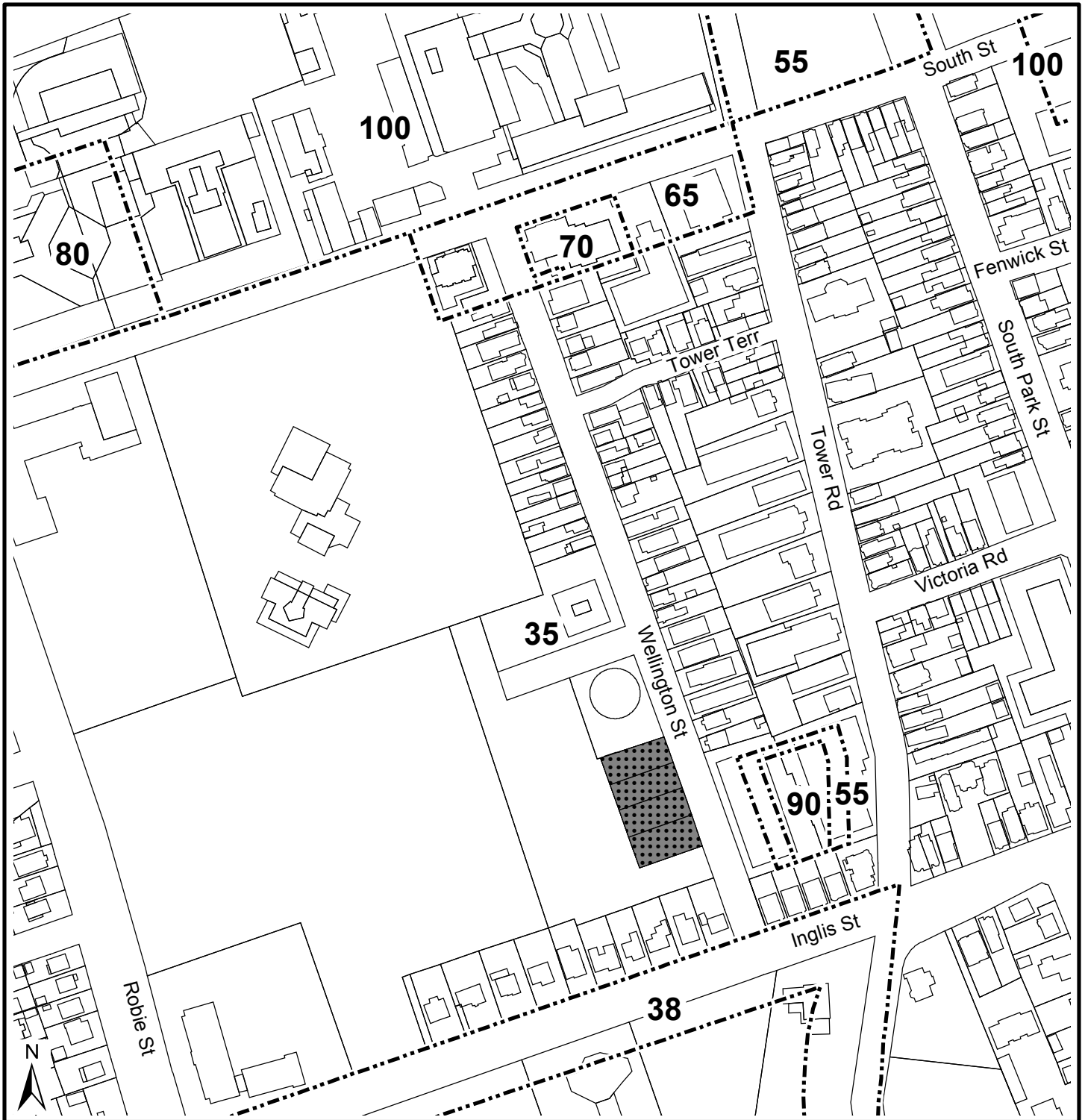


This map is an unofficial reproduction of
a portion of the Zoning Map for the plan
area indicated.

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of any representation on this plan.


 Area of notification

Halifax Peninsula
Land Use By-Law Area



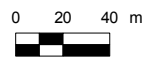
Map 3 - Height Precincts

1034, 1042, 1050, and 1056 Wellington Street,
Halifax

 Existing height precinct boundary
with Height Limit in Feet

 Subject Area

Halifax Peninsula
Land Use By-Law Area



This map is an unofficial reproduction of a portion of the Height Precincts Map for the Halifax Peninsula Land Use By-Law Area.

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

Attachment A
Excerpts from the Halifax (South End Area) MPS

- 1.1 Residential neighbourhoods shall be maintained and expanded by encouraging retention and rehabilitation of existing structures and units and by permitting new stock through infill and complementary redevelopment.
- 1.1.1 Several forms of infill housing shall be encouraged by the City as appropriate to the diverse physical characteristics of the individual districts and neighbourhoods.
- 1.1.1.1 Forms of infill housing which shall be permitted in the South End include:
- (a) the interior conversion of existing structures;
 - (b) additions to existing structures, either through infilling between existing structures or additions to the rear of existing structures;
 - (c) building on vacant lots in the forms prescribed by this Section of the Plan; and
 - (d) low-rise housing within the densities prescribed by this Section of the Plan.
- 1.1.1.2 The Zoning By-law shall further define elements of scale, proportion, setback and use consistent with the policies of this Plan to ensure compatibility with the districts and neighbourhoods.
- 1.4 For the purposes of this Plan, the City shall further define residential environments as comprising three categories:
- (i) Low-Density Residential;
 - (ii) Medium-Density Residential; and
 - (iii) High-Density Residential.
- 1.4.1 Areas shown as "Low-Density Residential" on the Future Land Use Map of this Plan shall be regarded as areas for family-type housing accommodation. All new residential developments in these areas shall be detached single-family dwellings.
- 1.4.1.1 In low-density residential areas conversion of existing housing stock shall be permitted, provided that:
- (i) a maximum number of dwelling units in any building shall be three;
 - (ii) family-type dwelling units shall be at least 1,000 square feet in floor area;
 - (iii) where the conversion is to two units (that is, adding an additional dwelling unit), one of the units shall be a family-type dwelling unit; and
 - (iv) where the conversion is to three units (that is, adding two units), two of the three units shall be family-type dwelling units.
- 1.4.2 Areas shown as Medium-Density Residential on the Future Land Use Map of this Plan shall be regarded as residential environments which provide a mix of family and non-family dwelling units in buildings of not more than four storeys. For such areas, the City shall amend its Zoning By-law in accordance with Policies 1.4.2 to 1.4.2.3 inclusive. In any building a minimum of 50 percent of the units shall be family-type dwelling units.

- 1.4.2.1 The forms of infill housing permitted in Medium-Density Residential Areas shall include:
- (a) interior conversion;
 - (b) additions to existing structures;
 - (c) infilling between existing structures; and
 - (d) small-scale development on vacant lots.
- 1.4.2.2 In Medium-Density Residential areas, family-type dwelling units shall be a minimum of 800 square feet.
- 1.4.2.3 In Medium-Density Residential areas, the City shall not permit any building to be converted or added to such that more than 14 dwelling units are contained within the building.
- 1.4.3 Areas shown as High-Density Residential on the Future Land Use Map of this Plan shall be regarded as primarily non-family residential areas.
- 1.4.3.1 In High-Density Residential areas the City shall amend its Zoning By-law to require a minimum of one family-type housing unit for every two non-family units in each building and the minimum size for such family units shall be 800 square feet.
- 1.4.3.3 The City shall review the open space, angle control and density requirements of the Zoning By-law, and shall consider such alternative control mechanisms as lot coverage, ratio of floor area to site area, and setback requirements for siting of apartment buildings, provided that the intents of this Plan will be furthered.
- 1.4.3.4 Pursuant to Policy 1.4.3.3 and within six months of the approval of this Plan, the City shall confirm or amend, as appropriate, such controls.
- 7.0 Height Precincts shall be established by policy in accordance with the general intent for land-use control as defined by the policies of this Plan. These heights are based on:
- (i) the forms of development and distribution of land uses identified on the Generalized Future Land Use Map of this Plan;
 - (ii) the necessity to ensure that appropriate development of any given lot may be secured within the policies of this Plan; and
 - (iii) to fulfill the policy intent that quality residential, commercial, institutional and industrial environments are maintained and encouraged without undue impact on adjacent land use.
- 7.0.5 Any change in the allowable height or any increase in height by a development agreement as shown on Maps 2.1 to 2.8 inclusive, except pursuant to Policies 7.2.1.1, 7.5.2.1, 7.8.2.1 and 7.8.2.2, may be permitted only by amendment to the Municipal Planning Strategy.

Attachment B

Conceptual Building Rendering



Wellington Street Perspective

WELLINGTON STREET PROJECT

WELLINGTON STREET
HALIFAX, NOVA SCOTIA

ALL CONSTRUCTION TO MEET
ALL APPLICABLE CODES, BY-LAWS,
STANDARDS, ETC.

APPROXIMATE DIMENSIONS
AND ROOF SLOPES



DRAWING
VIEW - BUILDING FRONT

SCALE
NOT TO SCALE

DATE
JUL. 5, 2013

DRAWING NO.
A-910