



P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 9.3

**Halifax Regional Council
October 28, 2014**

November 18, 2014

TO: Mayor Savage and Members of Halifax Regional Council

Original Signed

SUBMITTED BY:

Councillor Mosher, Chair, Halifax & West Community Council

DATE: October 22, 2014

SUBJECT: Case 18950: Amendments to the Halifax MPS and the Halifax Peninsula
LUB – 1047, 1057 and 1065 Barrington Street, Halifax

ORIGIN

October 21, 2014 Special Meeting of Halifax & West Community Council, Item No. 4.1.1.

LEGISLATIVE AUTHORITY

HRM Charter, Part 1, Clause 25(c) - "The powers and duties of a Community Council include making recommendation to Council respecting appropriate by-laws, regulations, controls and development standards for the community;

RECOMMENDATION

It is recommended by Halifax & West Community Council that Halifax Regional Council:

1. Give First Reading to consider the proposed amendments to the Municipal Planning Strategy for Halifax (MPS) and the Land Use By-law for Halifax Peninsula (LUB) as set out in Attachment A and B of the staff report dated October 9, 2014, provided that Attachment B includes provisions to allow the minimum side yard setback along lot lines that share an RC-4 Zone to be reduced to 5.5 meters (18.0 feet) and to allow balconies along the same lot lines to be reduced 3.5 meters (11.5 feet), and schedule a public hearing;
2. Approve the proposed amendments to the Halifax MPS and Halifax Peninsula LUB, as contained in Attachments A and B of the staff report dated October 9, 2014, provided that Attachment B includes provisions to allow the minimum side yard setback along lot lines that share and RC-4 Zone to be reduced to 5.5 meters (18.0 feet) and to allow balconies along the same lot lines to be reduced to 3.5 meters (11.5 feet).

BACKGROUND

A staff report dated October 9, 2014 was before Halifax & West Community Council pertaining to Case 18950: Amendments to the Municipal Planning Strategy and Halifax Peninsula Land Use By-law - 1047, 1057 and 1065 Barrington Street, Halifax.

For further information please refer to the staff report dated October 9, 2014.

DISCUSSION

Halifax & West Community Council considered this matter at a special meeting held on October 21, 2014 and approved an amended motion to reduce the minimum side yard setback requirements for the proposed development along lot lines that that share an RC-4 zone.

FINANCIAL IMPLICATIONS

As outlined in the attached staff report dated October 9, 2014

COMMUNITY ENGAGEMENT

All meetings of Halifax & West Community Council are open to the public. The agenda and reports are posted online in advance of the meeting.

ENVIRONMENTAL IMPLICATIONS

As outlined in the attached staff report dated October 9, 2014.

ALTERNATIVES

Halifax & West Community Council approved an amended motion as outlined in the recommendation section of this report and did not discuss other alternatives. Alternative recommendations are outlined in the attached October 9, 2014 staff report.

ATTACHMENTS

- 1. Staff report dated October 9, 2014**
- 2. Memorandum from the Chair of the District 7 & 8 Planning Advisory Committee, dated July 16, 2014.**

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 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Liam MacSween, Legislative Assistant, 902 -490-6521



P.O. Box 1749
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Attachment 1
Halifax West Community Council
October 21, 2014

TO: Chair and Members of Halifax and West Community Council

Original Signed

SUBMITTED BY:

Bob Bjerke, Director, Planning and Development

DATE: October 9, 2014

SUBJECT: **Case 18950: Amendments to the Halifax MPS and the Halifax Peninsula
LUB – 1047, 1057 and 1065 Barrington Street, Halifax**

ORIGIN

- Application by WSP Canada Inc.
- April 1, 2014 Regional Council initiation of the MPS and LUB amendment process

LEGISLATIVE AUTHORITY

HRM Charter; Part VIII, Planning & Development

RECOMMENDATION

It is recommended the Halifax and West Community Council recommend that Halifax Regional Council:

1. Give First Reading to consider the proposed amendments to the Municipal Planning Strategy for Halifax (MPS) and the Land Use By-law for Halifax Peninsula (LUB) as set out in Attachments A and B of this report and schedule a public hearing;
2. Approve the proposed amendments to the Halifax MPS and the Halifax Peninsula LUB, as contained in Attachments A and B of this report.

BACKGROUND

WSP Canada Inc., on behalf of the property owners, Urban Capital (Barrington) Inc. and Killiam Investments Inc., has proposed to develop a 6 storey (142 unit) mixed use building at 1057 and 1065 Barrington Street, Halifax. The proposal cannot be considered under existing policy and zoning established in the Municipal Planning Strategy for Halifax (MPS) and Land Use By-law for Halifax Peninsula (LUB). As such, the applicant is seeking an amendment to the MPS and LUB to enable consideration of their proposal through the creation of a new zone.

At the time of initiation of the application by Regional Council, staff was directed to explore appropriate MPS and LUB amendments for the applicant's site and the abutting property at 1047 Barrington Street as these properties were identified as a "transition area". This approach enabled a comprehensive review of the transition area and the surrounding urban context.

Designation and Zoning

The transition area:

- is located in District 8 of the South End Area Plan (SEAP), which forms part of the MPS (Map 1);
- is designated Residential-Commercial Mix (RC) and Industrial (Map 1). The RC designation is intended to support a mixed residential/commercial environment, including the provision of minor commercial uses on the ground floor of new residential buildings. The Industrial designation is intended to support industrial uses, including harbour related industrial and business service uses;
- is zoned C-3 (Industrial) under the LUB (Map 2). The C-3 Zone permits a variety of land uses, including industrial, commercial, and multi-unit residential;
- abuts the DH-1 (Downtown Halifax) Zone (Map 2). The DH-1 Zone permits a variety of uses, including commercial, institutional, and multi-unit residential; and
- is subject to view plane requirements of the LUB (Map 2).

Land Uses and Surrounding Context

The transition area is:

- developed with single storey commercial buildings, including offices at 1057 and 1065 Barrington Street and a Tim Horton's drive-thru restaurant at 1047 Barrington Street;
- 64,674 square feet in area and has 317 of street frontage;
- across the street from a 6 storey residential building with ground floor commercial (Map 3);
- immediately north of a 5 storey residential building known as Peninsula Place (Map 3);
- immediately south of the Superstore property, which is governed by the Downtown Halifax Land Use By-law (DHLUB) (Map 3). Although the Superstore property is currently developed with a single storey grocery store, the DHLUB permits an overall building height of 22 m (72.2 feet) and a streetwall height of 18.5 m (60.7 feet) on Barrington Street; and
- surrounded by a variety of other commercial, residential, and industrial uses (Map 3).

Applicant's Proposal

The applicant proposes to demolish the existing single storey commercial buildings at 1057 and 1065 Barrington Street and develop a 6 storey building. Features of the development include the following:

- 142 residential units (mix of studio, 1 bedroom, and 2 bedroom units);
- 1,880 square feet of ground floor commercial facing Barrington Street;
- 2,937 square feet of interior amenity space for residents;
- rooftop amenity space;
- landscaped open space at grade;
- 66 underground parking spaces; and
- a 5 storey streetwall along Barrington Street.

The LUB provisions currently applied to 1057 and 1065 Barrington Street allow for residential/commercial developments, but include requirements which restrict the proposal from proceeding. These requirements relate to height (max. 35 feet to commencement of top floor); building massing (angle

controls); residential density (max. 250 persons per acre); streetline setback (min. 15 feet); landscaped open space, and parking. Existing MPS policy allows height to be increased to 6 storeys by development agreement; however, this policy does not contemplate departing from the other requirements outlined above. Therefore, the applicant is requesting amendments to the planning documents to enable the proposed building subject to the creation of a new zone.

Additional Lands – 1047 Barrington Street

Regional Council has directed staff to consider amendments to the MPS and LUB that create a new zone designed to acknowledge the applicant's site (1057/1065 Barrington Street) and 1047 Barrington Street as a transition area between the DHLUB and the SEAP. Currently there is no re-development proposal for 1047 Barrington Street.

DISCUSSION

Municipal Planning Strategy Amendments

Municipal Planning Strategies lay out the municipal intent regarding appropriate land use and future patterns for development. Amendments to an MPS are not intended to be routine undertakings and Council is under no obligations to consider such requests. Amendments should only be considered when there is reason to believe that there has been a change in circumstances since the MPS was adopted or last reviewed, or where circumstances are significantly different from the situations that the Plan anticipated.

Change in Circumstances

The transition area is located between the Superstore and a 5 storey multi-unit residential building (Map 4). In the early 1980's, at the time when the SEAP was adopted, the transition area was owned by Canadian National Railways and subsequently by Canada Lands Company. In the late 1990s, the transition area was purchased by private corporations for business operations. Given the transition area is no longer associated with the Canadian National Railways, the current Industrial designation is no longer appropriate.

Further, adoption of the DHLUB in 2009, which applies immediately north of the transition area, created a new planning framework built on principles of urban design. The DHLUB includes architectural guidelines and comprehensive building mass requirements, and applies a maximum building height of 22 m (72.2 feet) on lands immediately north of the transition area.

Proposed Amendments to the MPS

To ensure future development in the transition area is generally consistent with the urban design principles of the DHLUB and appropriately scaled to reflect existing development within the SEAP, changes to current planning policy are necessary. This is achieved through the proposed amendments to the MPS as contained in Attachment A.

To better reflect the surrounding and future use of the area, the proposed policy brings the entire transition area into the Residential Commercial Mix designation and requires the creation of new zoning built on principles of urban design. Proposed policy also supports a building height of 21.3 m (70 feet), which is consistent with the height permitted on the abutting Superstore site.

Proposed Amendments to the LUB

Attachment B contains the necessary amendments to the LUB to achieve the above noted objectives of the proposed MPS amendments. In particular, the proposed LUB amendments apply a new zone, referred to as the South Barrington Residential / Minor Commercial (RC-4) Zone, to the transition area. Although building plans prepared specifically for the applicant's site (1057/1065 Barrington Street) have been submitted, it is important to note that the proposed building will not be approved by Regional Council. Instead, the MPS and LUB changes would enable development of a building subject to the rules and regulations stipulated by the new RC-4 Zone. While the submitted building plans have been preliminarily assessed as generally conforming to the proposed RC-4 Zone, it is entirely possible that a

new building at 1057/1056 Barrington Street could look substantially different from what has been proposed. Therefore, the request before Regional Council is to approve only policy and by-law regulations for the transition area, while specific buildings would be assessed and approved through HRM's permit approval process.

Of the proposed LUB amendments, the following are highlighted for more detailed discussion:

Land Uses: The new zone requires pedestrian-oriented commercial uses at grade along Barrington Street and residential uses within the remainder of a building. As a result, the existing Tim Horton's drive thru restaurant at 1047 Barrington Street would become non-conforming under the provisions of the *Halifax Regional Municipality Charter*. The owner of 1047 Barrington Street attended the public information meeting and is supportive of the proposed changes.

Built Form Requirements: The new zone regulates overall height, streetwall height, setbacks, building materials, and signage in a manner generally consistent with the DHLUB requirements applied to the Superstore site. The new zone also requires compliance with applicable view plane requirements, which limit height in the transition area to approximately 29 m (95.1 feet) above Barrington Street.

Amenity Space & Landscaping: The new zone requires both indoor and outdoor amenity space. Outdoor amenity space is required both at grade and above grade. Interior amenity space must include a fitness room and community room for the residents of a building. Each lot must also include a minimum of 15 percent landscaped open space around the base of a building.

Density & Residential Unit Type Mix: The new zone limits residential density through the use of building height and mass controls. Further, the new zone requires buildings to contain a minimum of 20 residential units with 2 or more bedrooms.

Vehicular Parking: Although no parking is required by the DHLUB, the new zone requires indoor vehicular parking based on the type of residential units provided in a building.

Railway Mitigation: The new zone requires a concrete wall with a minimum height of 1.8 m (6 feet) along the entire lot line abutting the VIA railway spur line. A 6 m (19.7 foot) setback with a 3 m (9.8 foot) landscaped area is also required between the building and the lot line abutting the railway. These provisions will help to provide a visual and acoustic barrier between the transition area and the VIA railway spur line.

Districts 7 & 8 Planning Advisory Committee

For the purposes of gathering public and PAC feedback, staff prepared draft provisions for a new zone as a starting point. These draft provisions, which are now formalized in Attachment B, were reviewed by the District 7 & 8 Planning Advisory Committee (PAC) on July 8, 2014. The recommendations of the PAC regarding the draft provisions are sent to Community Council via a separate report.

The PAC recommended in favour of MPS and LUB amendments that support the draft zoning provisions, with the following specific recommendations:

- The number of residential units with 2 or more bedrooms be changed from an absolute number (20) to a percentage as determined by staff with a view to the existing downtown minimum; and
- A community room is provided as part of the interior amenity space.

Following the PAC meeting, staff included a requirement for interior amenity space to include a community room, and revisited the requirement for residential units with 2 or more bedrooms. To balance current MPS policy, which allows a residential building without a unit type mix, with the DHLUB's intent to provide a percentage of larger units, the proposed zone will require all buildings to contain a minimum of 20 residential units with 2 or more bedrooms.

Conclusion

Changes in circumstances since the adoption of the SEAP support creating new planning and development regulations for the transition area that are generally consistent with the urban design principles of the DHLUB and allow for appropriately scaled development that reflects existing development within the SEAP. This is achieved through the creation of a new zone for the transition area. Therefore, staff recommends that Regional Council adopt amendments to the Halifax MPS and the Halifax Peninsula LUB as provided for in Attachments A and B of this report.

FINANCIAL IMPLICATIONS

The HRM costs associated with processing this planning application can be accommodated within the approved 2014/15 operating budget for C310 Planning & Applications.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through a Public Information Meeting (PIM) held on June 18, 2014. Attachment C contains a copy of the minutes from the meeting. Additional public correspondence is provided in Attachment D.

For the PIM, notices were posted on the HRM website, in the newspaper, and mailed to property owners with the notification area shown on Map 5.

Prior to considering the approval of any MPS amendments, Regional Council must hold a public hearing. Should Regional Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements, individual property owners within the notification area will be advised of the public hearing by regular mail. The HRM website will also be updated to indicate notice of the public hearing.

The proposed amendments will potentially impact the following stakeholders: local residents and property owners, community or neighbourhood organizations, and business and professional associations.

ENVIRONMENTAL IMPLICATIONS

The proposed amendments to the MPS and LUB are consistent with applicable environmental policies of the MPS.

ALTERNATIVES

The Halifax and West Community Council could recommend that Halifax Regional Council:

1. Modify the proposed amendments to the Halifax MPS and Halifax Peninsula LUB as contained in Attachments A and B of this report. If this alternative is chosen, specific direction regarding the requested modifications and amendments is required. Substantive amendments may require a supplementary staff report.

2. Refuse the proposed amendments to the Halifax MPS and Halifax Peninsula LUB as contained in Attachments A and B of this report. Council is under no obligation to consider a request to amend the MPS. A decision not to amend the MPS is not appealable to the N.S. Utility and Review Board as per Section 262 of the *HRM Charter*.

ATTACHMENTS

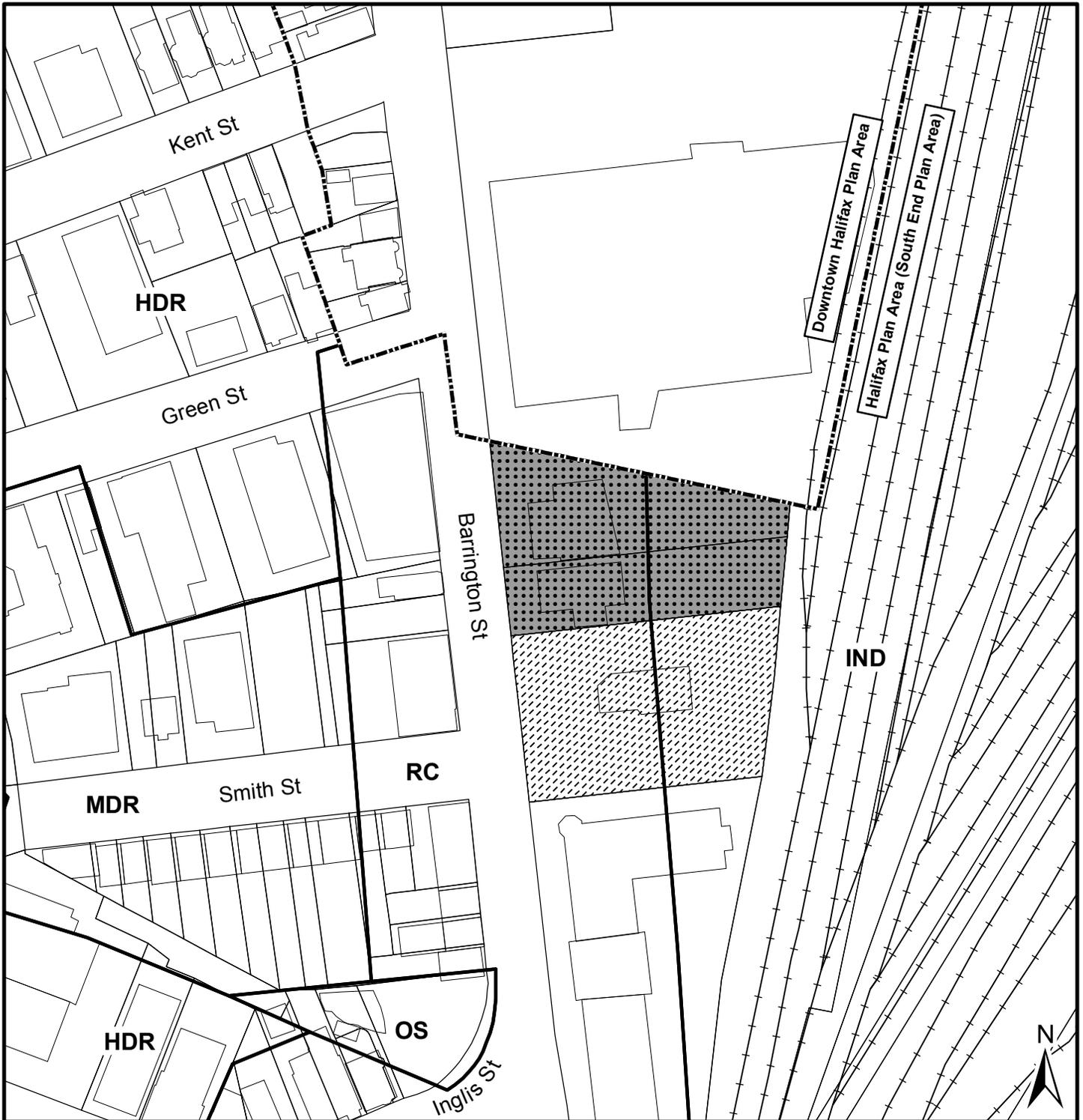
Map 1	Generalized Future Land Use
Map 2	Zoning
Map 3	Surrounding Context
Map 4	Transition Area
Map 5	Area of Notification
Attachment A	Proposed Amendment to the Halifax MPS
Attachment B	Proposed Amendment to the Halifax Peninsula LUB
Attachment C	Minutes from the Public Information Meeting
Attachment D	Additional Public Correspondence

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

Report Prepared by: Miles Agar, LPP, Planner 1, Development Approvals, 902.490.4495

Original Signed

Report Approved by: _____
Kelly Denty, Manager of Development Approvals, 902.490.4800



Map 1 - Generalized Future Land Use

1047-1065 Barrington Street
Halifax

HALIFAX

-  1057/1065 Barrington Street
-  1047 Barrington Street

Designation

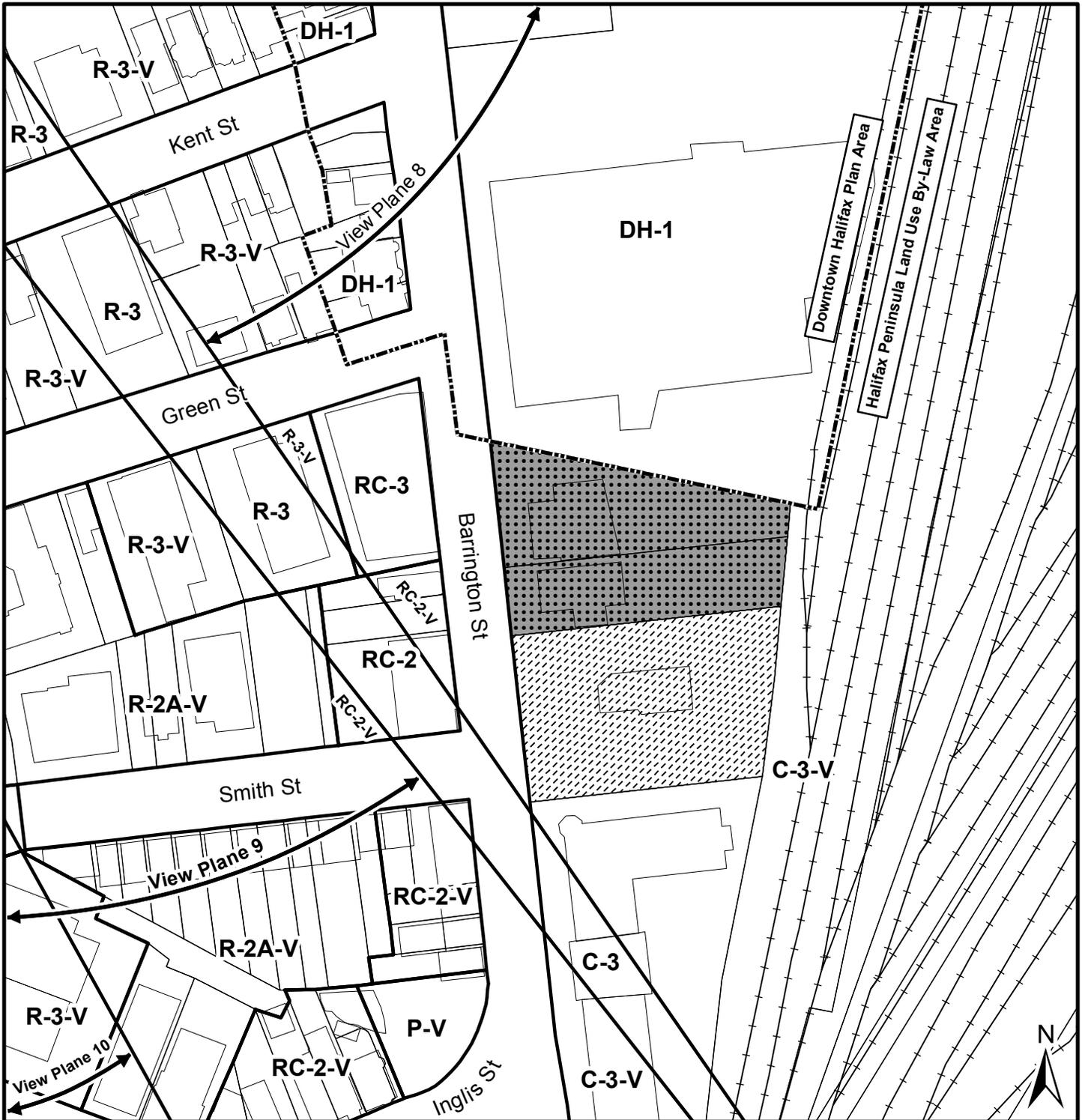
- MDR Medium Density Residential
- HDR High Density Residential
- RC Residential - Commercial Mix
- OS Open Space
- IND Industrial

Halifax Plan Area
South End Plan Area



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

The accuracy of any representation on this plan is not guaranteed.



Map 2 - Zoning

1047-1065 Barrington Street
Halifax

-  1057/1065 Barrington Street
-  1047 Barrington Street

Halifax Peninsula
Land Use By-Law Area

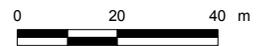
Zone - Halifax Peninsula (-V within view planes)

- R-2 General Residential
- R-2A General Residential Conversion
- R-3 Multiple Dwelling
- RC-2 Residential Minor Commercial
- RC-3 High Density Residential Minor Commercial
- P Park and Institutional
- C-3 Industrial

Zone - Downtown Halifax

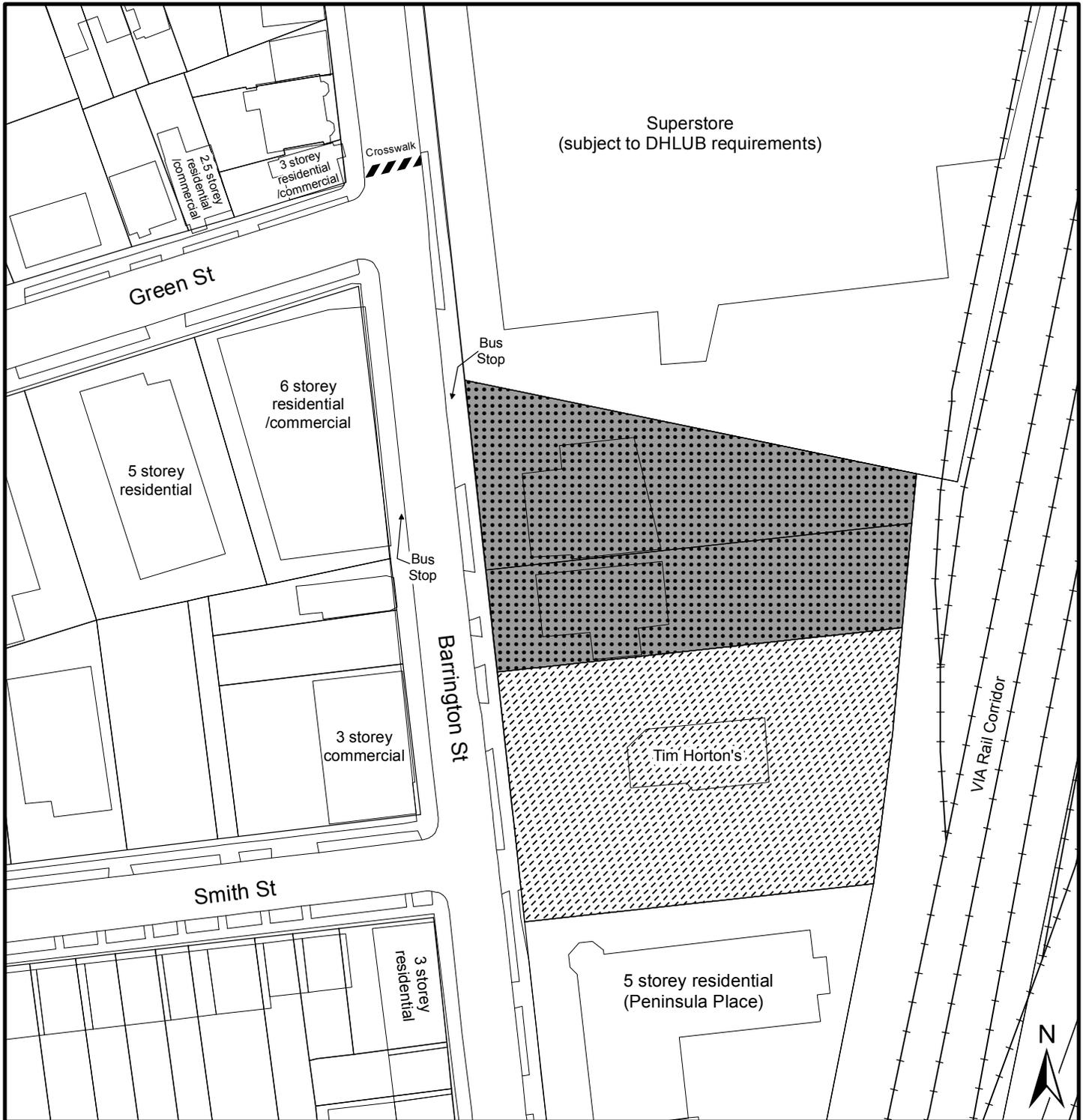
- DH-1 Downtown Halifax

HALIFAX



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

The accuracy of any representation on this plan is not guaranteed.



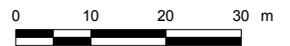
Map 3 - Surrounding Context

1047-1065 Barrington Street
Halifax

HALIFAX

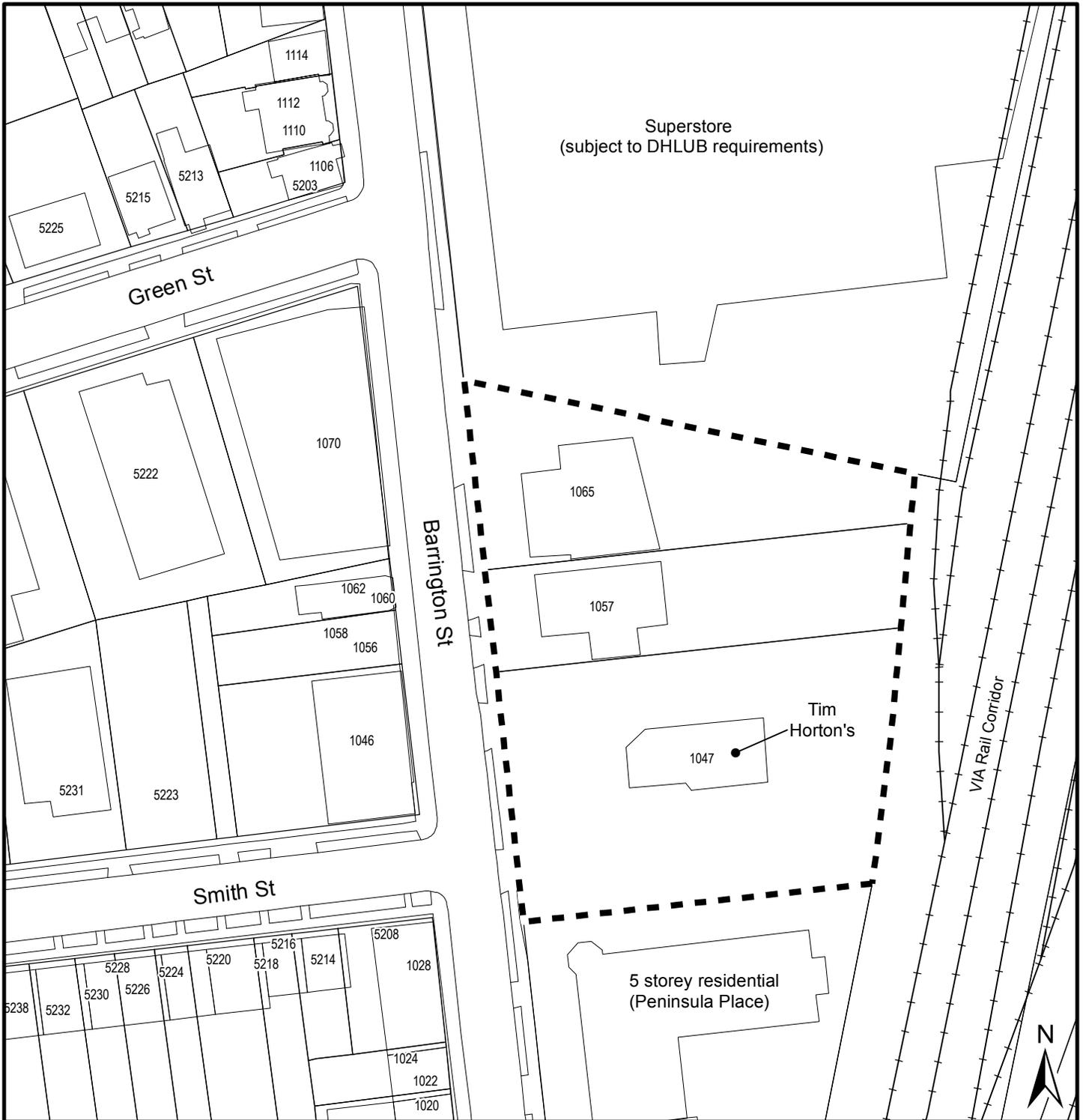
 1057/1065 Barrington Street

 1047 Barrington Street



Halifax Peninsula
Land Use By-Law Area

The accuracy of any representation on
this plan is not guaranteed.



Map 4 - Transition Area
 1047-1065 Barrington Street
 Halifax

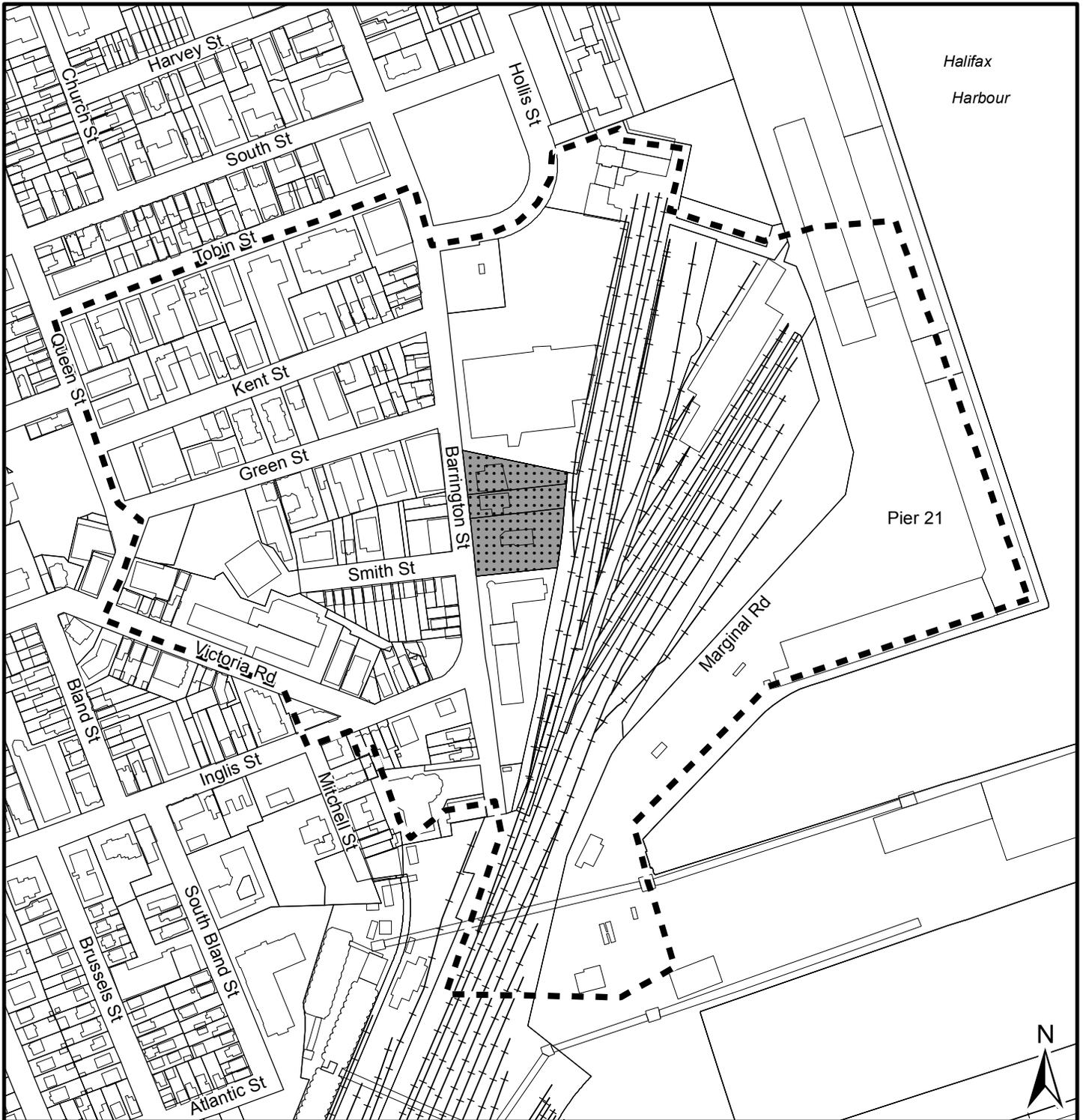
HALIFAX

 Transition area



Halifax Peninsula
 Land Use By-Law Area

The accuracy of any representation on this plan is not guaranteed.



Map 5 - Area of Notification

1047-1065 Barrington Street
Halifax

HALIFAX

 Transition area



Halifax Peninsula
Land Use By-Law Area

The accuracy of any representation on
this plan is not guaranteed.

ATTACHMENT A
Proposed Amendments to the Municipal Planning Strategy for Halifax

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Municipal Planning Strategy for Halifax is hereby amended as follows:

1. In Section V, Part 2 Commercial Facilities adding as shown in **bold** as follows immediately after policy 2.3.3:

2.3.4 The area bounded by Barrington Street, 1075 Barrington Street, the VIA railway corridor, and 1015 Barrington Street is positioned between Downtown Halifax and existing multi-unit residential development in the South End Area Plan. In order to better reflect the transitional nature of this area, the Halifax Peninsula Land Use By-law shall be amended to introduce an area-specific zone titled RC-4 (South Barrington Residential/Minor Commercial Zone). The RC-4 Zone shall require pedestrian-oriented commercial uses on a portion of the ground floor facing the public street and residential uses within the remainder of a building. RC-4 Zone provisions shall regulate overall height, streetwall height, setbacks, amenity space, landscaping, buffering adjacent to the railway corridor, and signage. The RC-4 Zone shall require each building to contain a minimum number of residential units with two or more bedrooms, and shall require vehicular parking to be located below grade and inside a building.

2. In Section V, Part 7 District Policies, amend Policy 7.0.2 as shown in **bold** as follows:

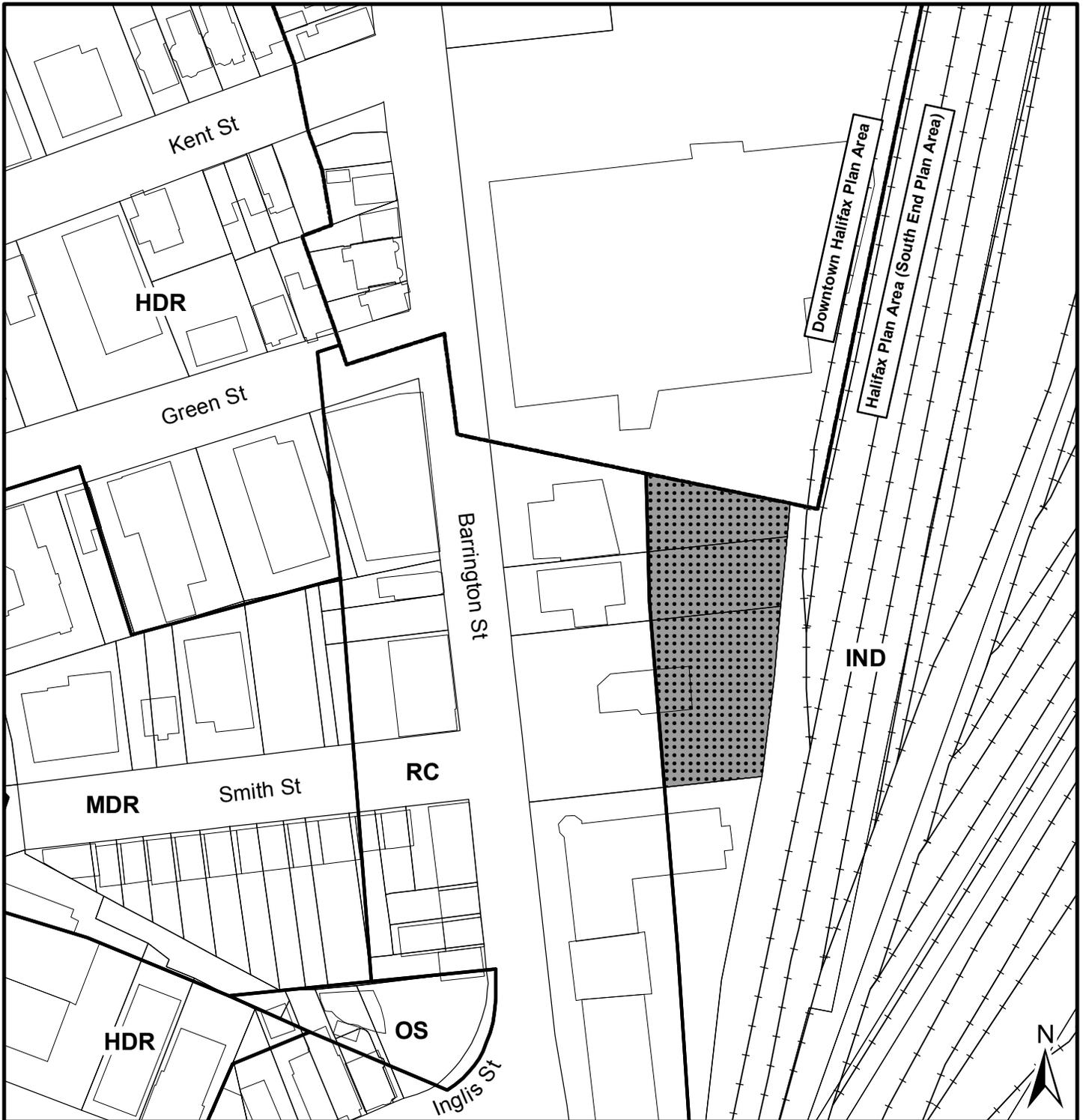
7.0.2 The Land Use By-law shall require that heights established by Policy 7.0, for properties zoned **RC-4, R-1, except those referred to in Policy 7.4.2, and R-2, be measured between the highest point of the building, exclusive of any non-habitable roof and the mean grade of the finished ground adjoining the building between the building and the fronting street.**

3. In Section V, Part 7 District Policies, replace Map 2-8 as shown in the attached Schedule “A”.
4. Map 9A of Section V be amended, as shown in the attached Schedule “B”.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the ____ day of _____, A.D., 20____.

GIVEN under the hand of the Municipal Clerk and under the Corporate Seal of the said Municipality this ____ day of _____, A.D., 20____.

Municipal Clerk

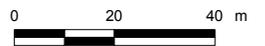


Schedule A

1057-1065 Barrington Street
Halifax

HALIFAX

 Area to be redesignated from IND (Industrial) to RC (Residential - Commercial Mix)



Designation

- MDR Medium Density Residential
- HDR High Density Residential
- RC Residential - Commercial Mix
- OS Open Space
- IND Industrial

Halifax Plan Area
South End Plan Area

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

The accuracy of any representation on this plan is not guaranteed.



Height Precincts
District 8

00 Maximum permitted height in feet

 Height precinct boundary



Area where maximum permitted height is measured between the highest point of the roof and the mean grade of the finished ground adjoining the building



Area where maximum permitted height is measured between the highest point of the building, exclusive of any non habitable roof and the mean grade of the finished ground adjoining the building between the building and the fronting street



Area where maximum permitted height is measured between the commencement of the top storey of a building and the mean grade of the finished ground adjoining the building between the building and the fronting street

HALIFAX

ATTACHMENT B
Proposed Amendments to the Land Use By-Law for Halifax Peninsula

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

1. In the Table of Contents add the following text as shown in **bold** immediately after reference to the RC-3 ZONE:

RC-4 ZONE

2. In Section 1, Definitions, add the following definition as shown in **bold** immediately after the definition of “Coverage”:

“Cultural Use” means the presentation of art, motion pictures, artistic performances, musical performances, lectures, or other exhibits.

3. In Section 1, Definitions, add the following definition as shown in **bold** immediately after the definition of “Massage Parlour”:

“Movie Theatre” means a use where motion pictures are viewed by the public, but excludes an adult theatre.

4. In Section 1, Definitions, add the following definition as shown in **bold** immediately after the definition of “Permanent Open Space”:

“Personal Service Use” means, in the RC-4 Zone, a use providing services for the personal needs of individuals and includes uses providing grooming, tailors, depots for collecting dry cleaning and laundry, and other similar uses.

5. In Section 1, Definitions, add the following definition as shown in **bold** immediately after the definition of “Street”:

“Streetwall” means the wall of a building or portion of a wall facing a streetline that is below the height of a specified setback or angular plane, which does not include minor recesses for elements such as doorways or intrusions such as bay windows.

6. In Section 1, Definitions, add the following definition as shown in **bold** immediately after the definition of “Streetwall”:

“Streetwall Height” means the vertical distance between the top of the streetwall and the streetline grade, extending across the width of the streetwall.

7. In Section 1, Definitions, add the following definition as shown in **bold** immediately after the definition of “Streetwall Height”:

“Streetwall Setback” means, in the RC-4 Zone, the distance between the streetwall and the streetline.

8. In Section 1, Definitions, add the following definition as shown in **bold** immediately after the definition of “Streetwall Setback”:

“Stepback” means a specified horizontal recess from the top of a streetwall.

9. Section 6(2B) be amended by adding text as shown in **bold** as follows:

6(2B) For all other zones, **except the RC-4 Zone**, such accommodation shall consist of one separately accessible parking space at least nine feet wide and twenty feet long for each

- (a) four bachelor units or fraction thereof contained in such apartment house if located in the area described in Schedule "B", Section 82;
- (b) bachelor unit contained in such apartment house if located in an area other than described in said Schedule "B"; and
- (c) other dwelling unit contained in such apartment house.

10. Section 6 be amended by adding text as shown in **bold** immediately after Section 6(2B) as follows:

6(2C) For the RC-4 Zone, such accommodation shall consist of one separately accessible parking space at least eight feet wide and sixteen feet long for each:

- (a) four bachelor units or fraction thereof contained in such apartment house;**
- (b) three one-bedroom units contained in such apartment house; and**
- (c) other dwelling unit contained in such apartment house.**

11. Section 6(12) be amended by adding text shown in **bold** as follows:

6(12) For properties where 6(11) applies, excluding those to which Section 31A **and the RC-4 Zone** applies, at least 67 percent of the front yard must be landscaped.

12. Section 14 be amended by adding text shown in bold as follows: immediately after the words “the building line”:

14 There shall be no signs erected between the street line and the building line, **except as permitted by the RC-4 Zone.**

13. Section 17 be amended by adding text shown in **bold** as follows immediately after the words “High Density Residential Minor Commercial Zone RC-3 RC-3-V”:

South Barrington Residential/Minor Commercial Zone RC-4 RC-4-V

14. Section 18 be amended by adding text shown in **bold** as follows:

18 The uses of buildings and land permitted by this by-law in such zones may be referred to as R-1, R-1A (RC-Sep 27/11;E-Nov 26/11), R-2, R-2T, R-2A, R-3, RC-1, RC-2, RC-3, **RC-4**, C-1, C-2, C-2A, C-2C, ~~C-2D~~ (RC-June 16/09;E-Oct 24/09), C-3A, C-3, C-5, C-6, P, B, U-1, U-2, CFB, BCDD, CD-1, CD-2, CD-3, ICH , ~~HZ~~ (RC-Jun 16/09;E-Oct 24/09), RPK (RC-Jun 27/06;E-Aug 26/06), and WA uses, respectively. (RC-May 1/07;E-Jul 21/07)

15. Section 48 be amended by adding the text shown in **bold** as follows immediately after Section 48CC(5):

RC-4 ZONE

SOUTH BARRINGTON RESIDENTIAL/MINOR COMMERCIAL ZONE

48DA(1) The following uses shall be permitted in the RC-4 Zone:

- (a) apartment house;**
- (b) uses permitted by Section 48DB(1); and**
- (c) any use accessory to any of the foregoing uses.**

48DA(2) No person shall in any RC-4 zone, carry out, or cause or permit to be carried out, any development for any purpose other than one or more of the uses set out in subsection 48DA(1).

48DA(3) No person shall in any RC-4 zone use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in subsection 48DA(1).

COMMERCIAL USES

48DB(1) Notwithstanding subsection 48DA(1), one or more of the following uses shall be located on the ground floor of a building

immediately abutting the streetline, and shall comprise a minimum of 40 percent of the building's ground floor frontage:

- (a) The following commercial uses:
 - Banks and related uses;
 - Licensed alcohol establishments;
 - Personal service uses;
 - Eating establishments;
 - Movie theatres;
 - Commercial recreation uses; and
 - Retail uses; and
- (b) Cultural uses.

48DB(2) Notwithstanding subsection 48DB(1), an apartment house entrance shall face and have direct access onto a public street.

REQUIREMENTS

48DB(1) Buildings erected, altered or used for RC-4 uses in an RC-4 Zone shall comply with the following requirements:

- (a) The minimum lot frontage shall be 40 metres (131.2 feet); and
- (b) The minimum lot area shall be 2,500 square metres (26,910.7 square feet).

LOT COVERAGE

48DC(1) Buildings erected, altered or used for RC-4 uses in an RC-4 Zone shall comply with the following requirements:

- (a) The maximum lot coverage shall be 75 percent, except that enclosed parking below grade or extending no more than an average of 1 metre (3.3 feet) above grade along side and rear lot lines may cover 100 percent of the lot area.

HEIGHT

48DD(1) Height shall not exceed a maximum of 21.3 metres (70 feet).

48DD(2) Notwithstanding Section 71, elevator enclosures and mechanical penthouses shall be setback from the facing front yard roofline a minimum of 5 metres (16.4 feet) and shall be limited to 5 metres (16.4 feet) above the building height.

Elevator enclosures and mechanical penthouses shall be limited to a maximum of 30 percent of the roof area.

RESIDENTIAL UNIT MIX

48DE(1) Buildings erected, altered or used for RC-4 uses in an RC-4 Zone shall include a mixture of dwelling unit types. A minimum of 20 dwelling units within a building shall contain two or more bedrooms.

PARKING

48DF(1) Buildings erected, altered or used for RC-4 uses in an RC-4 Zone shall comply with the following requirements:

- (a) Vehicular parking shall be enclosed in a building and provided as required by Section 6(2C); and**
- (b) Bicycle parking shall be provided as required by Sections 6A, 6B, and 6C.**

SIGNS

48DG(1) Any persons carrying on a use permitted by Section 48DB(1) may place upon and parallel to the front of the building signage that comply with the following:

- (a) No sign that encroaches into a street shall be less than 3.1 metres (10 feet) above the surface of a sidewalk.**
- (b) No part of a sign shall be closer than 3.1 metres (10 feet) horizontal from a curb face or the nearest edge of a vehicular passageway or traffic lane;**
- (c) Where signs are illuminated, they shall be illuminated in such a manner not to cause a glare or hazard to motorists, pedestrians or neighbouring premises;**
- (d) Fascia signs shall not extend beyond the extremities of a wall on which they are affixed;**
- (e) Maximum combined size of fascia signs on the wall of a building shall be no greater than 10 percent of the total area of said wall;**
- (f) Aggregate area of all window signs shall not exceed 25 percent of the window, or glass area of a door, to which they are affixed;**
- (g) Signs on awnings shall not cover more than 25 percent of the area of the awning and the length of the text shall not exceed 80 percent of the length of the front valance; and**

- (h) No signs shall be permitted on the roof of a building.

BUILDING SETBACKS AND STREETWALLS

- 48DH(1) Buildings erected, altered or uses for RC-4 uses in an RC-4 Zone shall comply with the following requirements:**
- (a) A minimum setback of 6 metres (19.7 feet) between side and rear lot lines and the portion of the building above enclosed parking;
 - (b) A minimum setback of 4 metres (13.1 feet) between side and rear lot lines and balconies. This does not include patios for dwelling units at grade.
 - (c) No setback is required on the side lot line shared with PID 40722381 for the length of 25 metres (82 feet) from the streetline. Beyond this distance the setback required by subsections 48DH(1)a and 48DH(1)b shall apply.
 - (d) A maximum setback of 4 metres (13.1 feet) between the streetwall and the streetline for a minimum of 50 percent of the lot frontage;
 - (e) A setback between 6 metres (19.7 feet) and 8 metres (26.2 feet) between the streetwall and the streetline for a minimum of 20 percent of the lot frontage.
 - (f) A maximum streetwall height of 17 metres (55.8 feet);
 - (g) A minimum streetwall height of 11 metres (36.1 feet);
 - (h) The streetwall shall extend a minimum of 65 percent of the lot frontage; and
 - (i) A minimum stepback of 2 metres (6.6 feet) above the streetwall.

MAIN FLOOR AND ENTRANCES

- 48DI(1) Buildings erected, altered or used for RC-4 uses in an RC-4 Zone shall comply with the following requirements:**
- (a) The ground floor of the streetwall shall be comprised of 75 percent glazing and shall have a minimum height of 3.7 metres (12.1 feet); and
 - (b) Commercial uses shall have separate exterior access from any access to residential uses.

BUILDING MATERIALS

- 48DJ(1) The following external cladding materials shall be prohibited:**
- (a) vinyl;

- (b) plastic;
- (c) plywood;
- (d) concrete block;
- (e) exterior insulation and finish systems where stucco is applied to rigid insulation; and
- (f) darkly tinted or mirrored glass (not including spandrel panels)

LANDSCAPING AND BUFFERING

48DJ(2) For any lot developed abutting a railway corridor, a concrete wall with a minimum height of 1.83 metres (6 feet) above average grade shall be provided along the entire rear lot line abutting the corridor. Between the concrete wall and the portion of the building above the enclosed parking, landscaped open space, a minimum of 3 metres (9.8 feet) in width, shall be provided. The wall shall be designed and constructed to ensure structural stability and be architecturally detailed on the side facing the development.

OPEN SPACE

48DK(1) A minimum of 35 percent of the lot area shall be comprised of at grade unit patios, unit balconies and terraces, above grade exterior building amenity space and interior amenity space. Interior amenity space shall include the following common elements:

- (a) lobby;
- (b) fitness room; and
- (c) community room.

48DK(2) A minimum of 15 percent of the lot area shall be comprised of landscaped open space, which shall be provided at the grade established above enclosed parking.

16. Map ZM-1 be amended as shown in the attached Schedule "C".

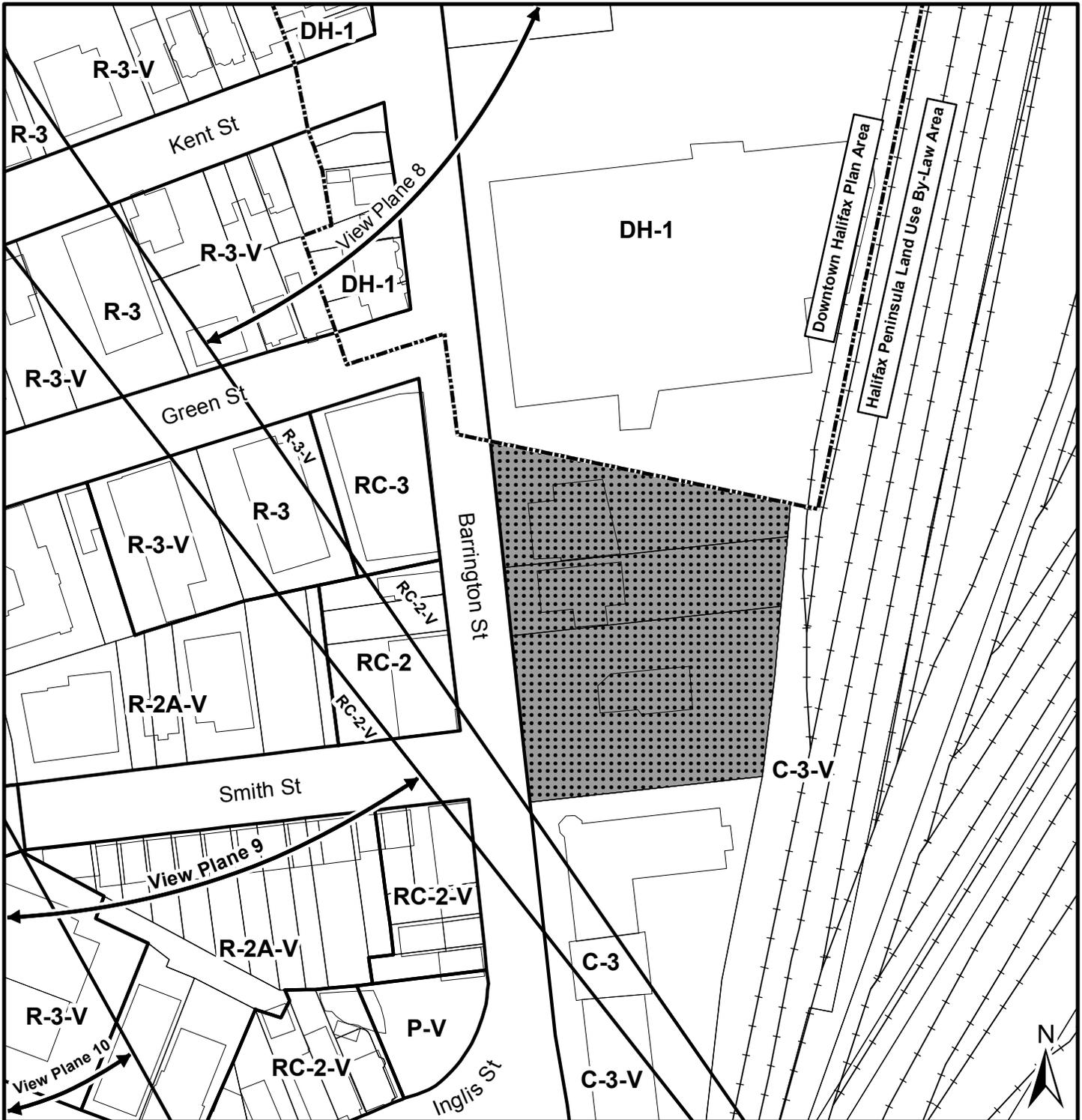
17. Map ZM-2 be amended as shown in the attached Schedule "D".

18. Map ZM-17 be amended as shown in the attached Schedule "E".

THIS IS TO CERTIFY that the by-law of which this is a true copy
was duly passed at a duly called meeting of the Council of Halifax
Regional Municipality held on the ____ day of
_____, A.D., 20 _____.

GIVEN under the hand of the Municipal Clerk and under the
Corporate Seal of the said Municipality this ____ day of
_____, A.D., 20 _____.

Municipal Clerk



Schedule C

1057-1065 Barrington Street
Halifax

 Area to be rezoned from C-3 (Industrial) to RC-4 (South Barrington Residential Minor Commercial)

Halifax Peninsula
Land Use By-Law Area

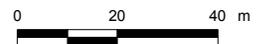
Zone - Halifax Peninsula (-V within view planes)

- R-2 General Residential
- R-2A General Residential Conversion
- R-3 Multiple Dwelling
- RC-2 Residential Minor Commercial
- RC-3 High Density Residential Minor Commercial
- P Park and Institutional
- C-3 Industrial

Zone - Downtown Halifax

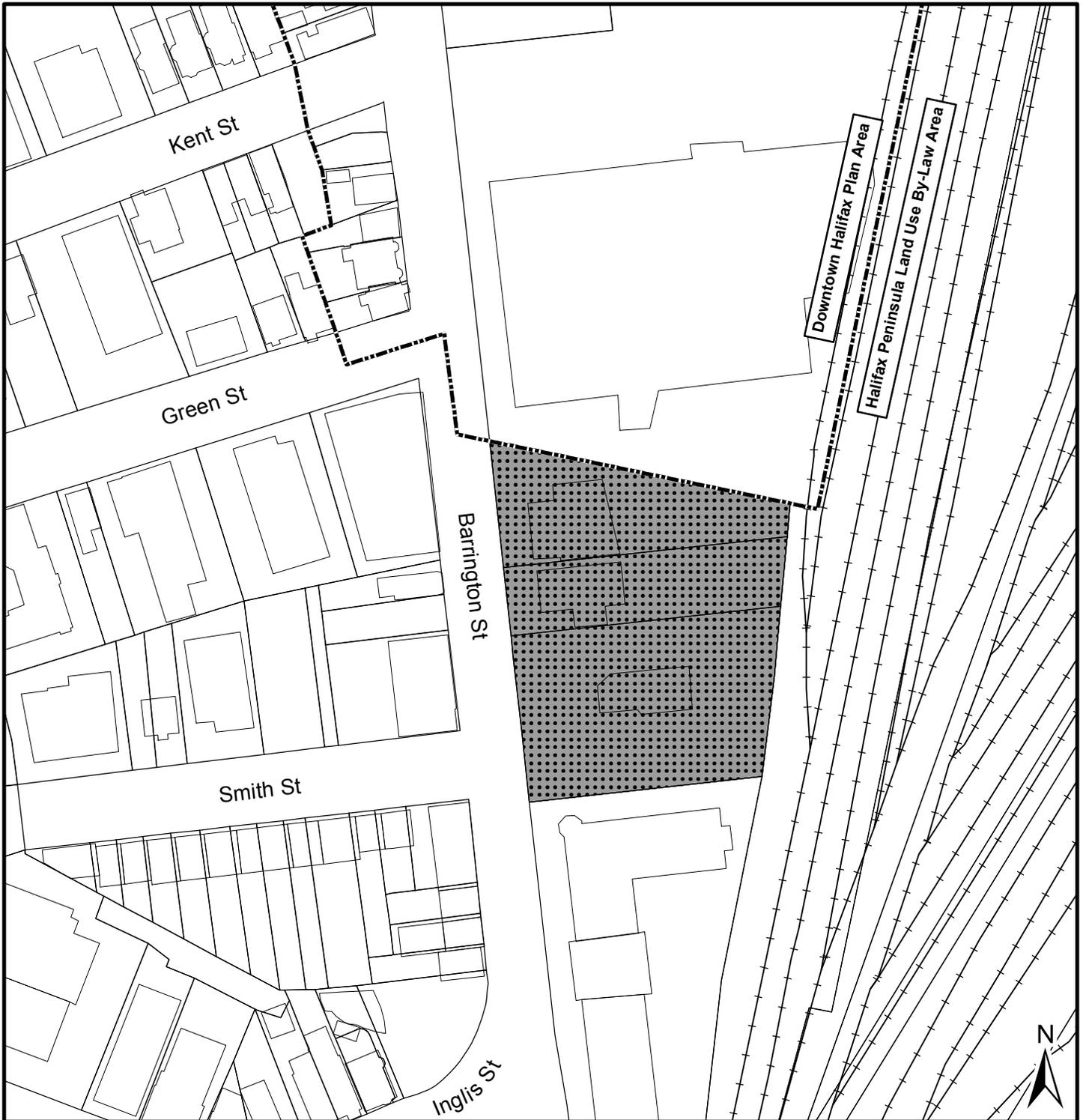
- DH-1 Downtown Halifax

HALIFAX



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

The accuracy of any representation on this plan is not guaranteed.



Schedule D

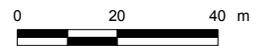
1057-1065 Barrington Street
Halifax



Area to be removed from Schedule A and Schedule B of map ZM-2 - Schedules and Secondary Plan Areas

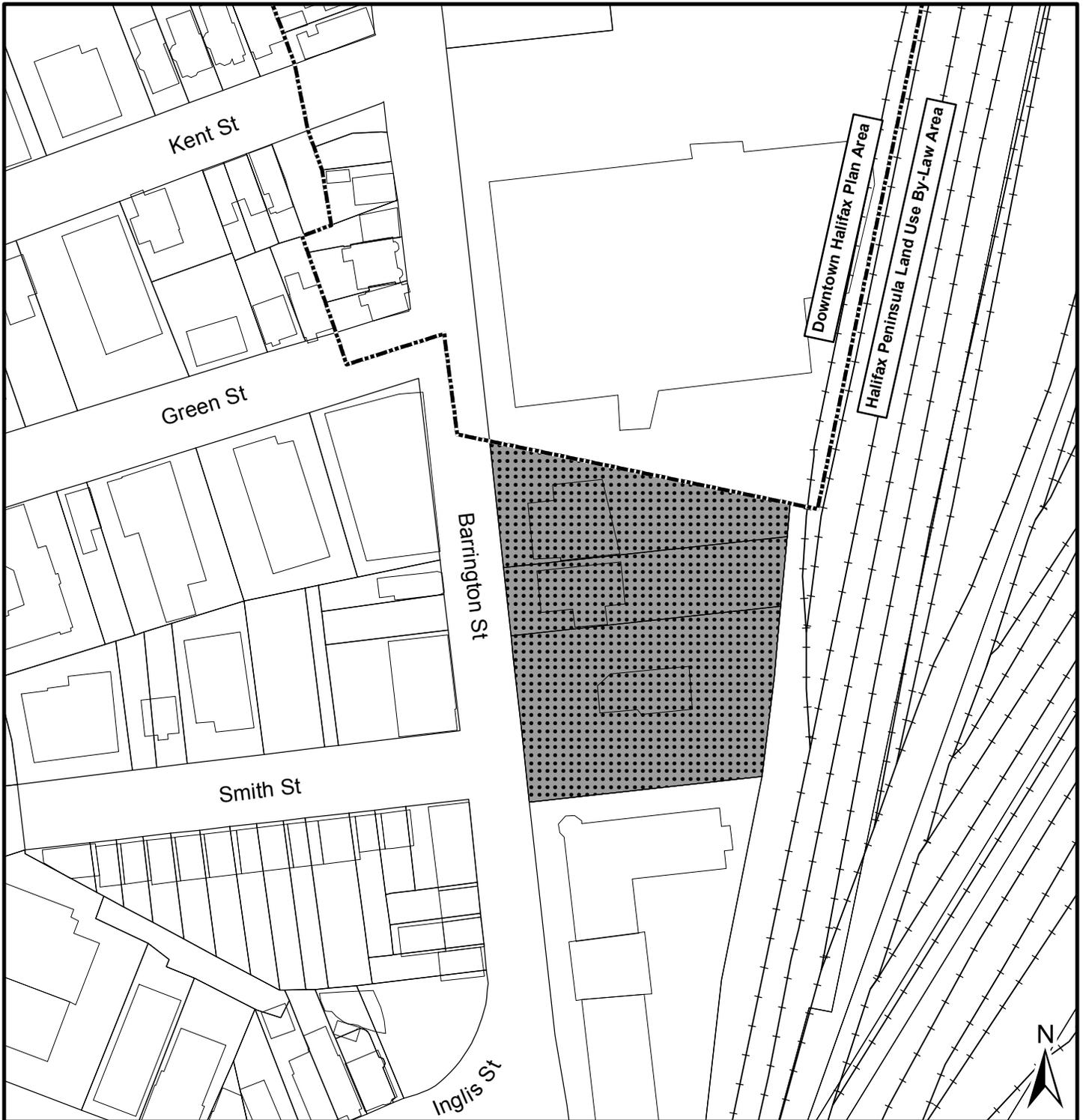
Halifax Peninsula
Land Use By-Law Area

HALIFAX



This map is an unofficial reproduction of a portion of the Schedules and Secondary Plan Areas Map for the plan area indicated.

The accuracy of any representation on this plan is not guaranteed.



Schedule E

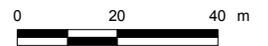
1057-1065 Barrington Street
Halifax



Area to be amended on ZM-17 - Height Precinct Map to change the maximum permitted building height from 35 feet to 70 feet; and to indicate that the building height is to be interpreted as:
"Area where maximum permitted height is measured between the highest point of the building, exclusive of any non habitable roof and the mean grade of the finished ground adjoining the building between the building and the fronting street"

Halifax Peninsula
Land Use By-Law Area

HALIFAX



The accuracy of any representation on this plan is not guaranteed.



**DISTRICTS 7 & 8 PUBLIC MEETING
MINUTES
JUNE 18, 2014**

PRESENT: Councillor Mason
Councillor Watts
Mr. Brenden Sommerhalder, Chair
Ms. Katherine Kitching, Vice Chair
Mr. Michael Haddad
Mr. John Czenze
Mr. Michael Bradfield

REGRETS: Ms. Sunday Miller
Mr. Adam Hayter
Mr. Adam Conter

STAFF: Mr. Miles Agar, Planner
Mr. Carl Purvis, Planner
Mr. Andrew Reid, Legislative Assistant
Ms. Hilary Campbell, Planning Technician

The following does not represent a verbatim record of the proceedings of this meeting.

The agenda, supporting documents, and information items circulated to Districts 7 & 8 are available online: <http://www.halifax.ca/boardscom/D78PAC/140618d78pac-agenda.php>

The meeting was called to order at 7:02 p.m. The Committee adjourned at 8:45 p.m.

1. CALL TO ORDER

The Chair called the meeting to order at 7:02 p.m.

2. PUBLIC PARTICIPATION

2.1 Case 18950 - Application by Genivar, for the lands of Urban Capital (Barrington) Inc. and Killam Investments Inc., to consider amending the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use By-law to permit a 6 storey mixed use building containing ground floor commercial and 142 residential units at 1057 and 1065 Barrington Street, Halifax.

Mr. Brenden Sommerhalder explained the purpose of the Districts 7 & 8 Planning Advisory Committee and the purpose of the public meeting.

Mr. Miles Agar presented on the site context, creation of the new zone and the planning process. Mr. Agar described the acceptable uses and density of the site. Mr. Agar stated the intent of the applicant to rezone the property. Mr. Agar also described the extent of what zoning can regulate. He emphasized that a zoning change cannot compel the applicant to build what has been submitted to date. Mr. Agar summarized the planning process and outlined the next steps for the proposal. Mr. Agar presented the draft provisions for the proposed zone, including its lot coverage, setbacks, ground floor uses, and minimum number set on larger units.

Mr. Jeffry Haggett described the history of the development team. He explained the initial design and highlighted its relation to HRM policies including HRM by design. Mr. Haggett stated that the proposed development would create a wider range of housing types and prices. He presented how the proposed multiunit building aligned with the proposed zone. Mr. Haggett indicated his assurance that although the zone would not require the applicant to build the proposed building, the applicant was intent on doing so. Mr. Haggett indicated that the proposal would be midrise density and that the developer was keen to create a pedestrian-oriented commercial space.

At 7:33 p.m., the meeting recessed to allow the public to circulate the room, view a model of the building and bulletins outlining the draft zone. At 7:55, the meeting reconvened.

Mr. Sommerhalder opened the floor to the public.

Ms. Christina Annand, a resident of Wellington Street, stated that she was pleased to see a developer come forward and create something that was attractive for the community.

Ms. Val Whitman, resident of Wellington St. commented that the development was an appropriate development, with appropriate density in the right place, that other developers could look to it as a precedent for all.

Ms. Claire MacIntosh, a resident of Duncan Street, inquired into the depth of the area from the curb to the building. Mr. Agar responded that the area would range from 25 feet to 4 feet.

3. CLOSING COMMENTS

Mr. Sommerhalder called if there was anyone else present who would like to speak to which there were none. Mr. Sommerhalder thanked everyone for attending.

4. ADJOURNMENT

The meeting was adjourned at 8:45 p.m.

Andrew Reid
Legislative Assistant

Attachment D: Additional Public Correspondence

Miles,

I oversee community planning and development for CN. I realize the public meeting for this project has come and gone, but I will nonetheless submit a few comments on behalf of CN, in hopes they can be considered.

In such proximity to a rail terminal, a noise study should be conducted to determine whether the addition of residential units is feasible, and if so, what mitigation measures should be incorporated into the project design and construction. It is important to note that the *RAC-FCM Guidelines for Development in Proximity to Railway Operations* recommend that no residential use be located within 300 m of a rail yard or terminal. You can consult the Guidelines at www.proximityissues.ca.

Should the project nonetheless be deemed feasible, CN believes the City should include a condition by which the following warning clause is included in all sale and lease agreements:

"Warning: "All persons intending to acquire an interest in the real property by purchase or lease are advised of the proximity of Canadian National Railway's Ocean Terminal Yard, which operates on a 24-hour basis. It is possible that the rail yard operations may cause disturbance and may be altered or expanded which could affect the living environment of the residents despite the inclusion of any noise and vibration attenuating measures in the design of the outdoor amenity area(s) and individual dwelling(s). Residents are advised that further mitigation cannot be expected and Canadian National Railway will not be responsible for any complaints or claims arising from use of such facilities and/or operations."

Best regards,



Raymond Beshro - OUQ, MCIP

Planification et développement communautaires

Community Planning and Development

July 14, 2014

HRM Planning Applications, Western Region
P.O. Box 1749,
Halifax, NS B3J 3A5

Attention: Miles Agar, Planner

Dear Miles,

Re: Case 18950 1057 and 1047 Barrington Street, Halifax, NS.

Loblaw Properties Limited ("Loblaw") and Choice REIT ("CPREIT") would like to express concern with the above noted application. CP REIT owns the adjacent property where Loblaw's has operated a grocery store since 1997. We ask that the proposed MPS and LUB amendments, including the site specific approvals/design, be revised to address the following issues:

- 1) **Potential Land Use Conflict with Existing Operation** - The proposed building is located directly adjacent to the loading bays, waste compactors, rooftop HVAC units and other essential equipment for Loblaw's grocery store operation. Refrigerated trucks are also frequently used on site to store and deliver product.

Unless these items are carefully addressed in the proposed building design and HRM's requirements, we anticipate a land use conflict as people in the proposed residential units directly adjacent to the loading area will find it noisy and visually unappealing. At a minimum, a noise study should be required that investigates the existing conditions with the developer having to mitigate as required.

- 2) **Lack of Parking** - The proposed new zoning only requires 1 parking stall per 2.5 residential units. We appreciate that many people will not have cars at the proposed development, and that the city wishes to encourage this. However, in our opinion this ratio is far too low for this transitional area (downtown to residential) considering Loblaw's business next door that relies on surface parking. If the proposed parking ratio is approved it will exacerbate the issue of people illegally parking on the Loblaw property and inconveniencing store customers. At a minimum, a ratio of 1 stall per unit should be required.

Loblaw has operated at this location since 1997. In our opinion, the onus is on HRM to ensure that the MPS and the LUB, along with the design of this proposed development, adequately addresses these obvious land use conflicts with Loblaw's existing operation. It is simply not acceptable for HRM and the developer to ignore these issues. We ask that the parking requirement be increased to a reasonable level and that a satisfactory noise study be required as part of the approval process.

We look forward to hearing back from you soon regarding this matter.

Best Regards,

LOBLAW PROPERTIES LIMITED

Stefan Hoddinott, MCIP, LPP
Sr. Manager, Real Estate - Atlantic Region

MEMORANDUM

TO: Chair and Members of the Halifax and West Community Council
CC: Ms. Gail Harnish, PAC Coordinator
Mr. Miles Agar, Planner

FROM: Mr. Brenden Sommerhalder, Chair, Districts 7 & 8 Planning Advisory Committee
DATE: July 16, 2014

SUBJECT:

Case 18950: Application by WSP Canada Inc. to consider amending the Halifax Municipal Planning Strategy (MPS) and the Halifax Peninsula Land Use By-law (LUB) to permit a 6 storey mixed use building containing ground floor commercial and 142 residential units at 1057/1065 Barrington Street, Halifax.

Attention Colleagues,

The Districts 7 & 8 Planning Advisory Committee received a staff memorandum dated June 23, 2014 and heard Staff presentation on Case 18950 at their July 8, 2014 meeting. The following recommendation to the Halifax and West Community Council was agreed to by the Committee.

The Districts 7 & 8 Planning Advisory Committee recommends that the Halifax and West Community Council approve the MPS and LUB amendments as set out in the staff memo dated June 23, 2014 that support the proposed zoning provisions with the following additional amendments:

1. The number of two bedroom or greater spaces will be changed from an absolute number (20) to a percentage as determined by staff with a view to the existing downtown minimum
2. It be required that a community room be provided within the interior amenity space.

This recommendation has been provided to HRM planning staff for review and consideration, and will be addressed in their staff report to the Halifax and West Community Council.