


Halifax Regional Council

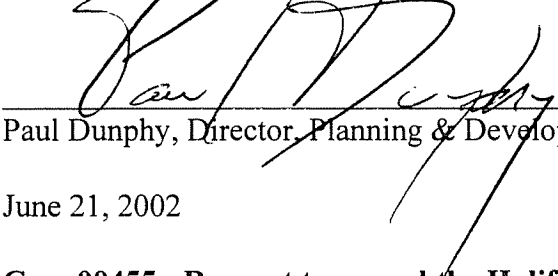
July 2, 2002

July 9, 2002

To: Mayor Kelly and Members of Regional Council

Submitted by:


George McLellan, Chief Administrative Officer


Paul Dunphy, Director, Planning & Development Services

Date: June 21, 2002

Subject: **Case 00455 - Request to amend the Halifax Municipal Planning Strategy and Land Use By-law, Peninsula South End, Halifax**

STAFF REPORT

ORIGIN:

Request by Rockstone Investment Limited for an expansion of an apartment building at 1252/54/56 Hollis Street in the Halifax Peninsula that does not conform with the RC-3 (High Density-Residential/Minor Commercial) Zone provisions.

RECOMMENDATION:

It is recommended that Halifax Regional Council:

- Instruct staff to initiate the process to enable Council to consider amending the Halifax Municipal Planning Strategy (MPS) and Land Use By-law (LUB) to permit an expansion of an apartment building at 1252/54/56 Hollis Street, Halifax, that does not conform with the RC-3 Zone provisions.
- Instruct that the public participation program be undertaken in accordance with the Public Participation Resolution adopted by Halifax Regional Council on February 25, 1997.

BACKGROUND:The Proposal

Rockstone Investment Limited is the owner of an 8,232 square foot lot located at 1252/54/56 Hollis Street in Halifax as shown on Attachment 1. The existing building on the site, as shown on Attachment 2, is approximately 100 years old. It is two storeys tall with two commercial occupancies on the ground floor, and 29 residential units which are a mixture of rooms and small apartments on the ground and second floors. The developer's proposal is to add a hip roof to the existing building and to revitalize both the inside and outside of the building. This will create a three storey building with commercial space on the ground floor, 10 one bedroom apartment units on the second floor and 10 one bedroom loft apartments on the third floor. The proposal is illustrated in Attachment 3.

Municipal Planning Strategy and Land Use Bylaw Requirements

The property falls under the Halifax Municipal Planning Strategy (MPS) in the South End Detailed Secondary Plan and the Peninsula Land Use Bylaw (LUB) for Halifax. It is designated RC (Residential - Commercial Mix) in the Halifax MPS and zoned RC-3 (High Density-Residential/Minor Commercial) in the Land Use Bylaw (see Attachments 1 and 4). There is a height precinct of 45 feet in effect.

The residential and commercial uses in the proposed development are permitted in both the Halifax MPS and the Halifax LUB. A MPS amendment is required because the proposed building does not comply with the LUB requirements in regard to angle controls, parking, open space, minimum lot width, sideyards and rear yard. This is true of the existing building as well. A detailed comparison of this project to the as-of-right provisions of the land use bylaw is included in Attachment 5.

To allow this project to proceed, amendments to the Halifax MPS and LUB would be required. Staff's preliminary assessment is that adopting provisions to allow for consideration of approval by development agreement might be appropriate.

DISCUSSION

Staff is of the opinion that this request for a MPS Amendment has merit and should be considered, for several reasons.

Applicant's Supporting Reasons

In his letter of application for a MPS amendment, the applicant gave the following reasons in support of the development. (See Attachment 6)

- There will be a complete internal and external revitalization of the building. This will rejuvenate the neighborhood character while complying with the latest national building code.
- With the hip roof, the angle-control compliance would not be worsened.
- While there is no off-street parking, it would be somewhat better with only 20 residential units as opposed to the 29 units in the existing building. There are four parking lots in the neighborhood with rental parking available.
- The architecture, with hip roof and dormer windows, has been designed to complement the neighboring historic property to the south. The improvement to the building would help to protect the historic property from future demolition through increasing the property values.

MPS Policy Support

The proposal is supported by MPS policy for this area (See Attachment 7 - Selected Policies from the Halifax MPS).

- It is suitable development for this area. The area is designated RC (Residential - Commercial Mix) and the mixture of residential and commercial uses is typical of the area. The building fits in on the street, with a larger modern apartment building to the north and a heritage building to the south. The proposed building provides a transition both in scale and style between these two buildings.
- It provides infill housing on the peninsula as set out in the MPS policy. The provision of well located, infill housing of various types and densities on the peninsula is an important goal in Section V of the Halifax MPS (South End Detailed Area Plan).
- It will stabilize the area and help to attract further investment.

Heritage Advisory Committee

The subject property is abutting a registered heritage property (Forman-Uniacke House). Under the Heritage Property Program (By-law H200), all considerations of Development Agreements that abut a registered heritage property must be forwarded to the Heritage Advisory Committee for review. In this situation, the HAC will provide comments to Council on the external appearance of the proposal, and how it will affect the abutting heritage property. This would only apply if there is a Development Agreement involved.

Public Consultation

There will be public consultation before any decision on the Plan amendment is made by Council. The applicant will meet with the public and present a development concept illustrated in Attachment 3. He has indicated that he has already met with some people and businesses in the area.

Conclusion

Staff advises that the Plan Amendment request has merit. The proposal is a well designed mixture of residential and commercial uses in a renovated building. This is compatible with the surrounding area and helps fulfill the need for quality infill housing on the peninsula.

BUDGET IMPLICATIONS:

None.

FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN:

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

ALTERNATIVES:

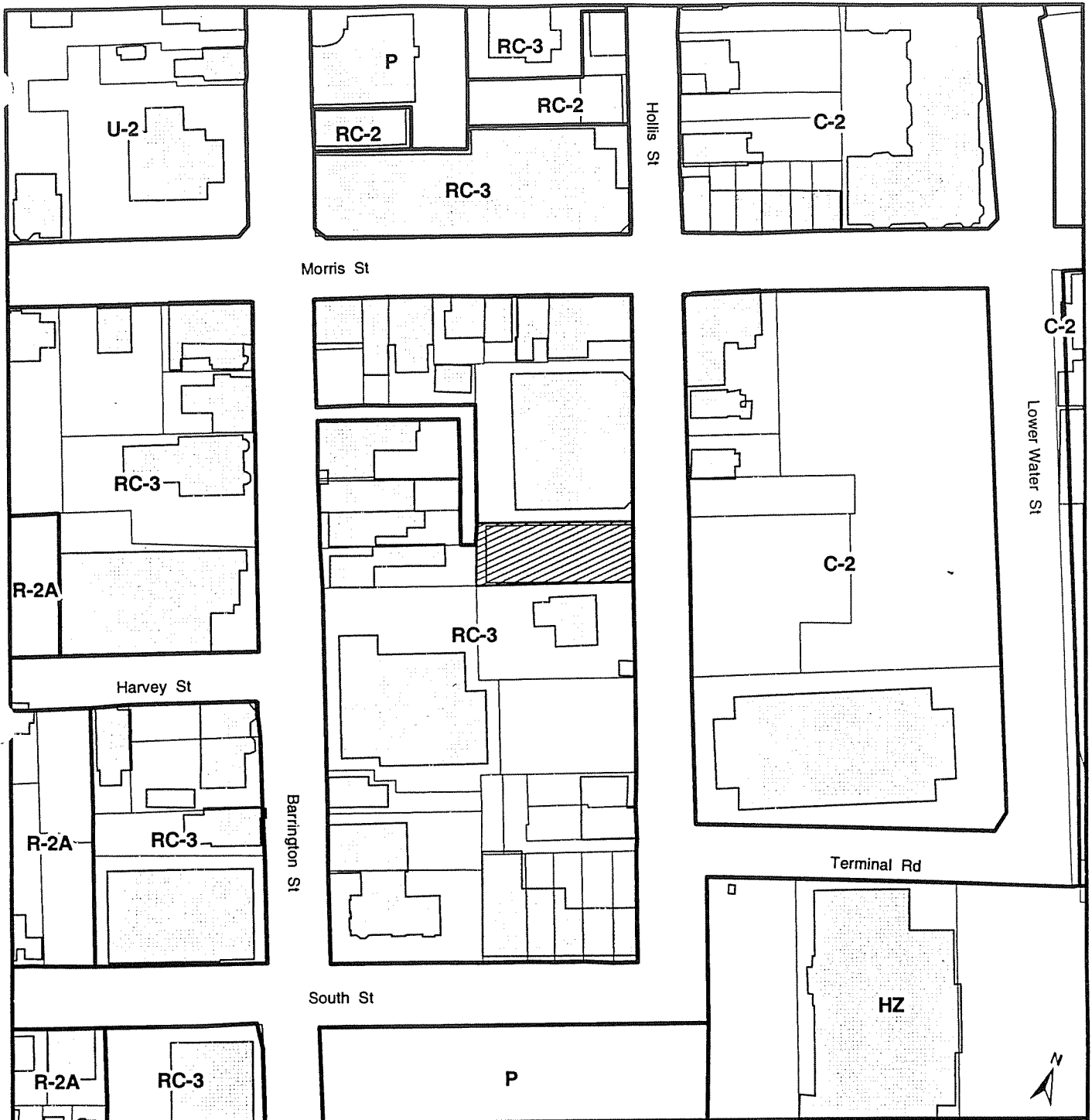
- 1 Council may choose not to initiate the Plan amendment process for this development proposal. Council is under no obligation to consider a request to amend a Municipal Planning Strategy and a decision not to amend the MPS cannot be appealed. For reasons outlined in this report, staff does not recommend this option.

ATTACHMENTS:

- Attachment 1 Location and Zoning
- Attachment 2 Existing Building - 1252/54/56 Hollis Street
- Attachment 3 Proposed Renovated Building.
- Attachment 4 Generalized Future Land Use Map
- Attachment 5 Comparison of Project to As-of right Provisions of Land Use Bylaw
- Attachment 6 Letter of Application from the Developer
- Attachment 7 Selected Policies From the Halifax MPS
- Attachment 8 Streetscape Showing Proposed Building and Buildings on Either Side

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: Bernard Moe, Planner, 490- 4495



Map 1 - Location and Zoning
 1252-1256 Hollis Street
 Halifax

 Subject property

Zone

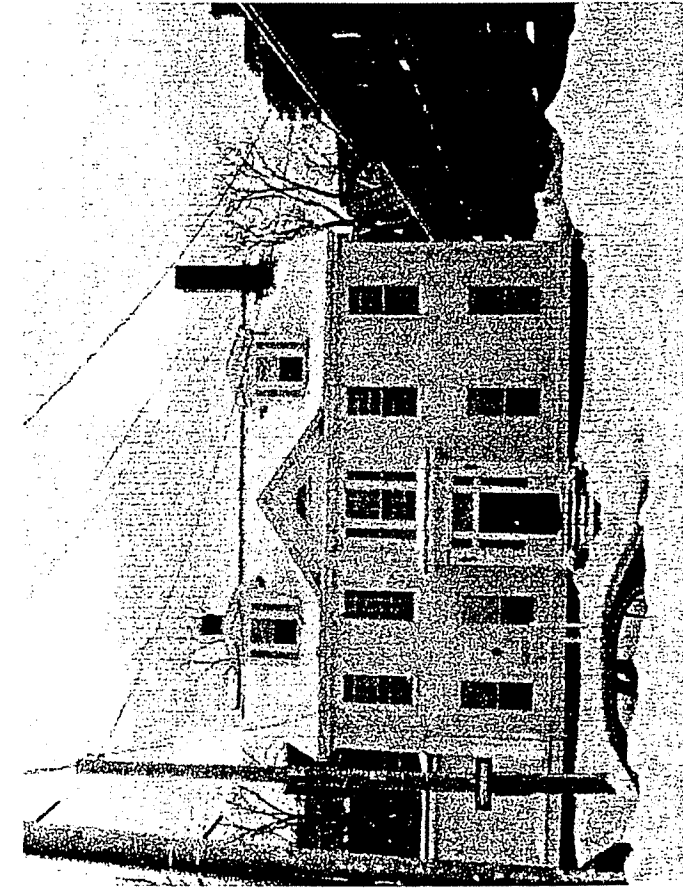
- C-2 General Business
- HZ Hotel
- P Park and Institutional
- R-2A General Residential Conversion
- RC-2 Residential Minor Commercial
- RC-3 High Density Residential Minor Commercial
- U-2 High-Density University



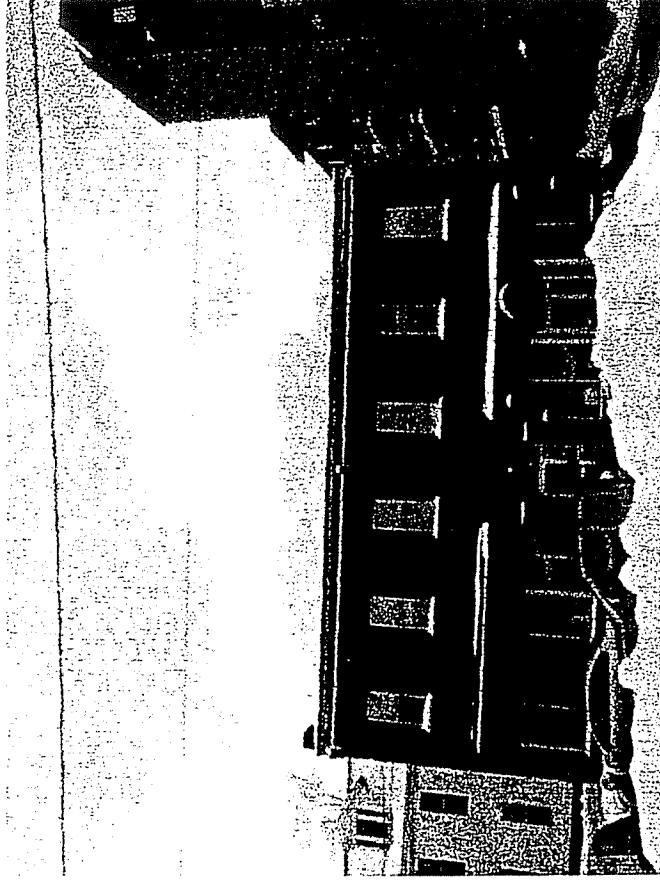
This map is an unofficial reproduction of a portion of the Halifax Peninsula Land Use By-Law area.

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

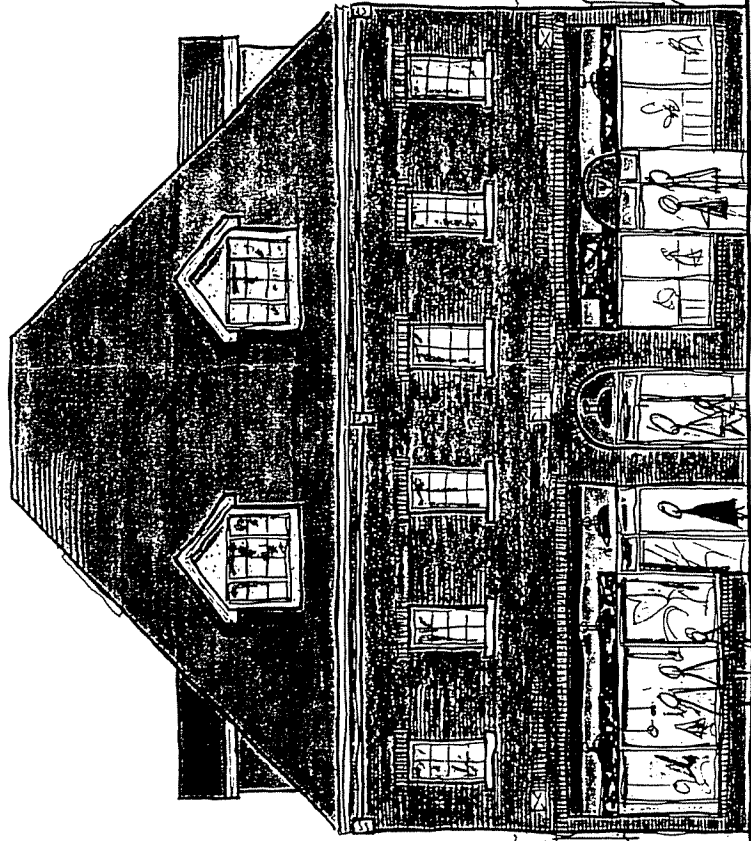
Halifax Peninsula
 Land Use By-Law Area



Heritage Registered
Property South of subject
property



1252 / 54 / 56 Hollis Street

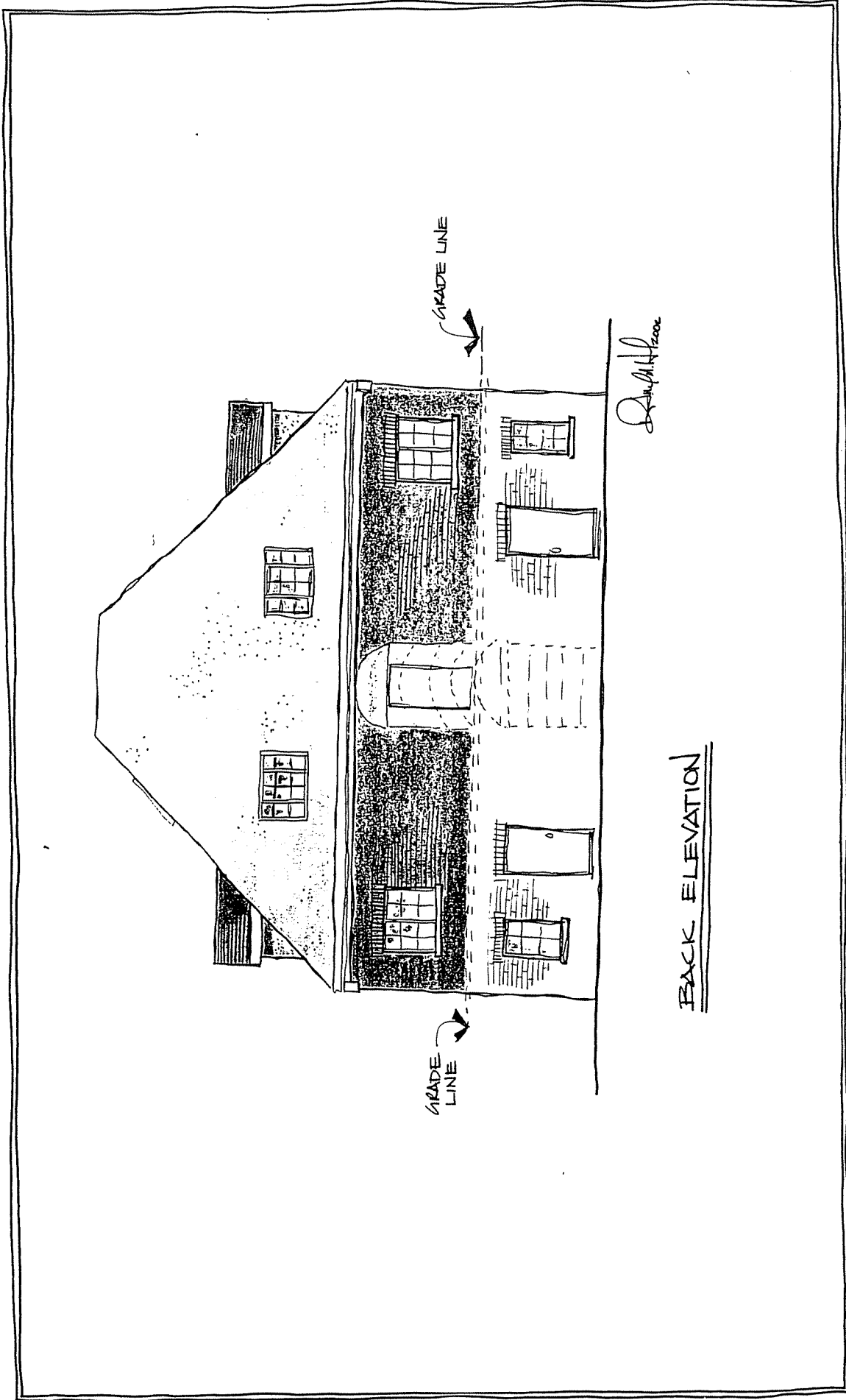


PROPERTY LINE @ 3.7'

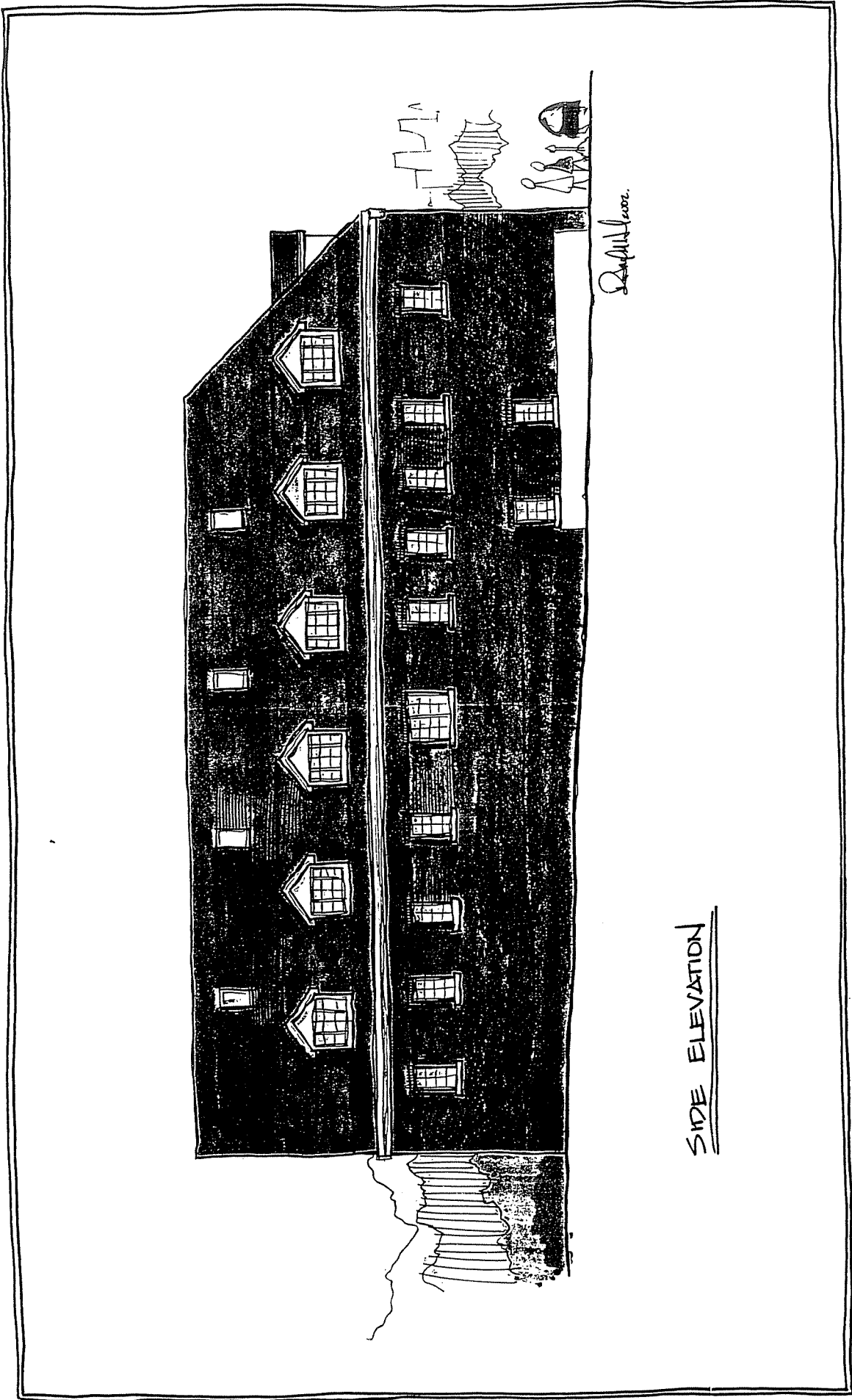
Basement floor

PROPERTY LINE @ 2 1/2'

FRONT ELEVATION 1252 / 54 / 50 14-11-15 21P.



BACK ELEVATION




SIDE ELEVATION



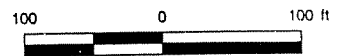
Map 2 - Generalized Future Land Use

1252-1256 Hollis Street
Halifax

 Subject property

Designation

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



This map is an unofficial reproduction of a portion of the Halifax Peninsula Land Use By-Law area.

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

Halifax Plan Area

ATTACHMENT 5

Comparison of building proposed for 1252-56 Hollis Street to the as of right provisions of the land use bylaw – Peninsula RC-3 Zone (excluding angle controls)

Item	Required	Provided	Comment
Lot frontage	90 feet	56 feet	<i>does not meet bylaw</i>
Lot Area	8100 sq ft	8232 sq ft	meets bylaw
Density	250 pp/acre	222 pp/acre	meets bylaw
Open space (at grade)	1620 sq ft	1298.8 sq ft	<i>does not meet bylaw</i>
Open space (total)	1620 sq ft	1298.8 sq ft	<i>does not meet bylaw</i>
Parking	12	0	<i>does not meet bylaw</i>
Setback (front)	0 feet	0 feet	meets bylaw
Setback (south)	10 feet	2.5 feet	<i>does not meet bylaw</i>
Setback (rear)	10 feet	3.7 feet	<i>does not meet bylaw</i>
Setback (north)	10 feet	8.3 feet	<i>does not meet bylaw</i>

Angle Controls

(building envelope control – maximum height permitted based on setback provided)

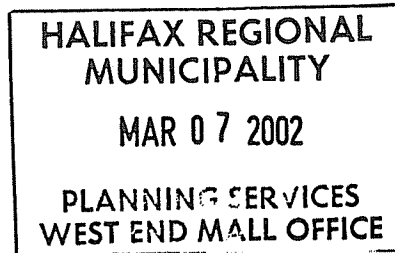
	Maximum permitted	Proposed	Comment
Angle control (front)	46 feet	46 feet	majority meets by law
Angle control (south) Above Commercial	4.3 feet	20 feet	<i>exceeds bylaw</i>
Angle Control (rear) Above Commercial	14.4 feet	20 feet	<i>exceeds bylaw</i>
Angle Control (north) Above Commercial	6.4 feet	20 feet	<i>exceeds bylaw</i>

Rockstone
I N V E S T M E N T S
L I M I T E D

Rockstone Investments Ltd. Phone: (902) 423-9916
2571 Robie St. Fax: (902) 423-9942
Halifax, Nova Scotia Cell: (902) 830-0360
B3K 4N5

March 6., 2002

Mr. Paul Morgan
Planner
Planning Services HRM
6960 Mumford Road
Suite R19
PO BOX 1749
Halifax, NS B3J 3A5



RE: Request to amend the Municipal Policy and Land Use Regulations.

1252-56 Hollis Street

Dear Mr. Morgan:

Attached is a proposal to add a hip roof to the existing building located at 1252-56 Hollis Street. The addition would be a loft design containing a habitable area with dormer windows to provide light. The addition would also facilitate the complete internal and external revitalization of the building. The 100-year-old brick facade would be sand blasted and re-pointed with all new windows installed suitable for the heritage character of the building. The existing second level would become ten new 1-bedroom units and the new addition would contain ten new loft 1-bedroom units. The proposed design would rejuvenate the neighborhood character while complying with the latest national building codes.

Unfortunately the proposal does not meet the zoning by-laws, in particular, the parking requirements and the angle-controls. The zoning also does not allow the opportunity to apply for a development agreement. This letter is formally requesting that an amendment to the Land Use Regulations to allow this proposal to obtain a development permit.

The existing building currently has 2 commercial and 29 residential units, a mixture of rooms and small apartments. The current use of the building has no parking with no possibilities for any future parking with the building occupying approximately 90% of the 8,000 sq ft land with 55' frontage on west side of Hollis Street. This proposal would result in 20 units with no parking; this is better than 29 units with no parking. With respect to angle controls, the existing building footprint and height do not comply with the angle-controls and setbacks. The addition of a hip roof would not further decrease the compliance of the angle-controls.

Our family business has been honored to developed properties that provided the opportunity to restore unique neighborhood character. The proposed roof addition with dormers has been architecturally

Letter to Paul Morgan of HRM
For 1252-56 Hollis Street Addition
February 28, 2002

Page 2 of 2

designed to complement the southern neighboring historical property. I believe that if this proposal would be permitted, it could potentially improve the neighborhood and protect the neighboring building from any future demolition through increasing the property value. This proposal would also defiantly return this 100-year all property to its glory.

In advance, I thank for the consideration and invite the planning department to meet and discuss the proposal further. My direct line is 830-0360.

Regards



Louis Lawen, P. Eng.

ROCKSTONE INVESTMENTS LIMITED

ATTACHMENT 7
SELECTED POLICIES FROM THE HALIFAX MPS

SECTION V - SOUTH END AREA PLAN -- OBJECTIVES AND POLICIES

1. Residential Environments

- Objective The maintenance of the South End as vital inner-city neighbourhoods with a broad mix of family and non-family housing accommodation.
- 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 Bylaw 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.
- 1.1.2 Residential redevelopment shall be permitted in the areas designated pursuant to this Plan and may be encouraged elsewhere provided it is consistent with the policies of this Plan.
- 1.2 Residential uses should be buffered from non-residential uses which are inappropriate to a stable, healthy, enjoyable living environment.

- 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 (Map 2) 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.
- 1.5 The City shall have regard for the servicing of residential areas by public transit and shall, as necessary, make appropriate representations to the Metropolitan Transit Corporation for the purposes of promoting efficient and sufficient service.
- 1.6 The disposition of all City-owned land shall be in accordance with the policies of this Plan.

2. Commercial Facilities

- Objective Provision for a variety of commercial uses in appropriate locations to serve the needs of the area and compatible with the needs of the City.
- 2.2.1 Pursuant to Policies 2.1 and 2.2, the City shall amend its Zoning Bylaw to provide for a residential neighbourhood commercial zone which provides for a maximum of six residential units and one neighbourhood commercial use in any given development.
- 2.3 Minor-commercial uses shall be permitted in areas designated as "Commercial" or "Residential-Commercial Mix" on the Future Land Use Map (Map 2) of this Plan.
- 2.3.1 In areas designated as "Residential-Commercial Mix", the City shall permit the following uses:
- (i) residential uses;

- (ii) in new buildings, residential uses with minor commercial uses occupying the ground floor, provided that the commercial uses have independent and direct access to the street; and
 - (ii) in existing buildings, minor commercial uses and a mix of minor commercial and residential uses.
- 2.3.2 In areas designated as "Residential-Commercial Mix", the City shall not require provision of family-type housing accommodation in any building.
- 2.3.3 Pursuant to Policy 2.3.1, the City shall amend its Zoning Bylaw to provide for two residential commercial zones which would permit residential uses consistent with medium-density and high-density residential areas respectively, and each of which would permit minor commercial uses.
- 2.4 Minor commercial uses shall be permitted only in the areas so designated in the Plan and expansion of those areas may be permitted only through amendment to this Plan.

7. District Policies

- 7.7 DISTRICT VII
 - 7.7.1 The City shall amend its Zoning Bylaw to require that any new development on the north side of Morris Street between Barrington and Hollis Streets shall be set back a minimum of 15 feet from the street line, provided that the Morris Street street line is amended to reflect the existing travelway and sidewalk area.
 - 7.7.2 In addressing the issue of pedestrian movement within the context of the City planning process for the Central Business District, the City shall have regard for the creation of linkages between the Central Business District and the Hotel Nova Scotian/train station along both Barrington Street and Hollis Street, as appropriate.
 - 7.7.2.1 The City shall, through its capital budget review process, give consideration to the upgrading of sidewalks, street furniture and landscaping along Barrington Street and Hollis Street to enhance its visual appearance, and to ensure the comfort and safety of pedestrians.

- 7.7.3 Any new development along Barrington Street and Hollis Street between Morris Street and South Street shall not be permitted to set back further than ten feet from the streetscape. In order to effect this policy, the City shall permit the modification of the angular plane controls of the Zoning Bylaw, where appropriate, under the provisions of Section 33(2)(b) of the Planning Act.

SECTION II - CITY-WIDE OBJECTIVES AND POLICIES

2. Residential Environments

- Objective The provision and maintenance of diverse and high quality housing in adequate amounts, in safe residential environments, at prices which residents can afford.
- 2.1 Residential development to accommodate future growth in the City should occur both on the Peninsula and on the Mainland, and should be related to the adequacy of existing or presently budgeted services.
- 2.1.1 On the Peninsula, residential development should be encouraged through retention, rehabilitation and infill compatible with existing neighbourhoods; and the City shall develop the means to do this through the detailed area planning process.

6. Heritage Resources

- 6.1 The City shall continue to seek the retention, preservation, rehabilitation and/or restoration of those areas, sites, streetscapes, structures, and/or conditions such as views which impart to Halifax a sense of its heritage, particularly those which are relevant to important occasions, eras, or personages in the histories of the City, the Province, or the nation, or which are deemed to be architecturally significant. Where appropriate, in order to assure the continuing viability of such areas, sites, streetscapes, structures, and/or conditions, the City shall encourage suitable re-uses.
- 6.2.4.3 Further to city-wide residential and heritage policies which recognize the diversity of residential neighbourhoods and encourage the retention of existing structures which reflect the City's heritage, the City recognizes that areas designated and zoned residential-commercial provide opportunities for conversions to residential tourist accommodations uses. To encourage the reuse of buildings in these areas

for these purposes, the land use bylaw shall establish provisions which permit these uses in existing buildings subject to special controls.

1. Commercial Facilities

- Objective The provision of commercial facilities appropriately located in relation to the City, or to the region as a whole, and to communities and neighbourhoods within the City.
- 3.1 The City shall encourage a variety of commercial centres to serve the variety of community needs and shall seek to do so under Implementation Policy 3.7. Provision shall be made for neighbourhood shopping facilities, minor commercial centres, shopping centres and regional centres.
- 3.1.2 Minor commercial centres should service several neighbourhoods. They should locate along principal streets with adequate provision for pedestrian, transit, service and private automobile access. Parking provision should be allowed on surface lots servicing single businesses, as long as conditions preclude nuisance impact on adjacent residential areas. Access to any parking area from the principal street should be controlled. The City should define the geographic limits of minor commercial centres, and shall encourage contiguity of commercial or associated uses within those limits. Minor commercial centres should offer a wider range of services than neighbourhood shopping facilities including local office, restaurants, cinemas, health centres and multi-service centres. Notwithstanding any other policy in the Municipal Planning Strategy or Secondary Planning Strategies, billboards advertising off-site goods and services shall be prohibited in Minor Commercial areas. This policy shall serve as a guideline in rezoning decisions in accordance with Implementation Policies 3.1 and 3.2 as appropriate.
- 6.1 The City shall continue to seek the retention, preservation, rehabilitation and/or restoration of those areas, sites, streetscapes, structures, and/or conditions such as views which impart to Halifax a sense of its heritage, particularly those which are relevant to important occasions, eras, or personages in the histories of the City, the Province, or the nation, or which are deemed to be architecturally significant. Where appropriate, in order to assure the continuing viability of such areas, sites, streetscapes, structures, and/or conditions, the City shall encourage suitable re-uses.

