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September 24, 2018

Carl Purvis, MCIP, RPP
Planning Applications Program Manager
Planning and Development
Halifax Regional Municipality
Via email: purvisc@halifax.ca

Re: Land Use Bylaw Amendment Request - 2165 Gottingen Street (PID 00154542)

Dear Mr. Purvis:

We are pleased to submit an application to amend the Halifax Peninsula Bylaw (Map ZM-17) for 2165 Gottingen Street (PID 00154542). If approved, the amended height limit of up to 65 feet would allow for one additional floor over the current as-of-right allowance (50 feet). This is not the maximum height permitted at the Gottingen Street line, but the maximum height based on mean grade of the site. Due to the grade change between Gottingen Street and Maitland Street, the resulting building would still be limited to 5-storeys on Gottingen St. This property is not under a designated view plane.

In support of this application, we submit the following information:

- Application form
- Application fee (\$1830)
- Site plan
- Building elevations

Request

On behalf of the developer, Geome Properties Limited, we request that Map ZM-17–Height Precincts–be amended to raise the maximum height precinct on PID 00154542 from 50 feet to 65 feet. Please note that a building is currently under construction on the subject property. This application is to allow for modification of the building under construction (see **Figure 1**). We understand that the request for additional height emerged through the building permitting and financing process, where it became evident that a small lot combined with the existing height limit made it difficult for the building owner/builder to access new affordable housing incentive programs offered by CMHC. Specifically, the additional storey allows the project to provide important ground floor commercial space on Gottingen Street and community commercial space, while still meeting the minimum 70% residential space eligibility requirement for CMHC’s Multi Unit Loan Insurance Affordable Housing Program.

Property Details and Proposed Use

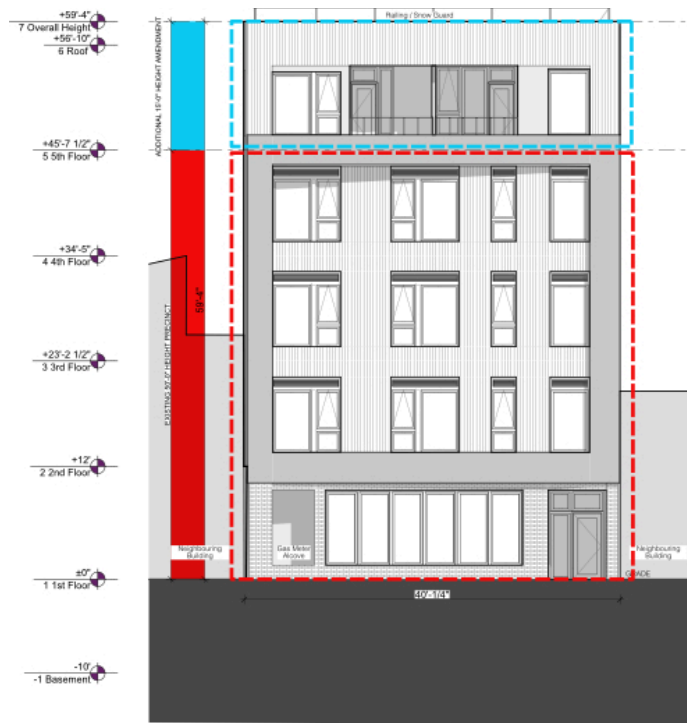
The subject property, approximately 4000 square feet in size, is located between Cornwallis and Cunard Streets. The block is made up of a range of retail and service uses at grade and residential uses above. Traditional narrow frontages have largely been maintained and have contributed to the spatial and aesthetic quality and character of the area. The lot was previously home to the North End Health Clinic. The Clinic relocated in 2017 and sold the building to the current owner who owns and has redeveloped two other buildings on the block, including the abutting property to the north. These buildings contain a range of uses, including a child care centre, three non-profits (Leave Out Violence, Music Nova Scotia and the Centre for Arts Tapes) and retail commercial and residential uses. They intend to redevelop the subject property in a similar fashion, creating new retail frontage on Gottingen, community-use space, and residential uses on the upper levels.

Planning Context

The property is located in the centre of the Gottingen Street major commercial core area, as designated in the Halifax Municipal Planning Strategy. It is located in Area 8 of the Peninsula North Secondary Planning Strategy. The property is designated as Major Commercial (Mj.C). The property is zoned C-2 (General Business). The C-2 zone is highly permissive, allowing a wide range of residential and commercial uses. As a property under 20,000 square feet in size in Area 8, there are no setback or parking requirements.

In general, lands zoned C-2 have a height limit of 80 feet, after which stepbacks are required for any additional height. Properties within Area 8, however, are subject to a height limit intended to maintain the general form of the street. Policy 2.9 requires a height limit to be set in the Land Use Bylaw to “maintain a medium rise building form and to ensure compatibility with surrounding residential properties”. Presently, the Bylaw prescribes a 50-foot height limit to Gottingen Street, as shown on Map ZM-17 of the Bylaw.

The height precinct already allows 5 storey buildings as “medium-rise” buildings, but the way in which height is calculated means that some properties on the west side of the street are able to achieve 5 or even 6 storeys (e.g. Velo Apartments, 5505 Falkland), while those on the east side are generally limited to 4 under the existing height precinct. Within this context, the request to allow for a 5-storey building is in alignment with the height already permitted on the Street. The resulting 5 storey building will better frame the commercial street as intended, by reflecting the height of buildings on the west side of the street. Unlike other lots in the area, this is not a through-lot, meaning the additional storey does not impact nearby heritage resources on Maitland and Brunswick Streets.



West Elevation - From Gottingen St

Figure 1: Proposed building. The area highlighted in red shows the current approved as-of-right building under construction. The area highlighted in blue shows the additional storey that is possible with the requested modification to the height precinct, as contained on Map ZM-17.

Permission to exceed this height limit has been granted previously by Council or is being considered today (see **Figure 2**). Around the corner from the subject property, an application (Case 21606) has been made to increase the height on the property at 5450 Cornwallis Street from 40 feet to 68 feet by amending Map ZM-17. While not yet approved, it has received a positive endorsement from the Halifax Peninsula Planning Advisory Committee (June 25, 2018), due in part to the additional density it offers (PAC Meeting Minutes).

Rationale for Request

The property owner has started construction on the building with the portion permitted as-of-right. Rather than build out the maximum volume permitted as-of-right, they have chosen to expand an existing lightwell to improve the quality of the spaces created (see **Figure 3**). This design feature significantly increases the amount of natural light and ventilation within the building.

This loss of space, however, impacts the developer's ability to access incentive programs for affordable housing and the potential costs for future tenants. In this regard, we submit the following:

Building for affordability and efficiency. The request allows for both an affordable housing component and street level commercial uses in the building. Removing the volume for the lightwell without reallocating it on top of the building reduces the maximum potential residential floor area in the building to less than required to qualify for the Multi Unit Loan Insurance Affordable Housing Program offered by CMHC. This program provides incentives to developers in exchange for a minimum of 20% of units that rent for less than 30% of the median household income for the area and the total residential rental income must be at least 10% lower than market rates. To qualify for the program the building must be at least 70% residential in terms of both floor area and total loan value. The developer could choose to replace some of the ground level commercial and Maitland level community commercial space as residential, but this

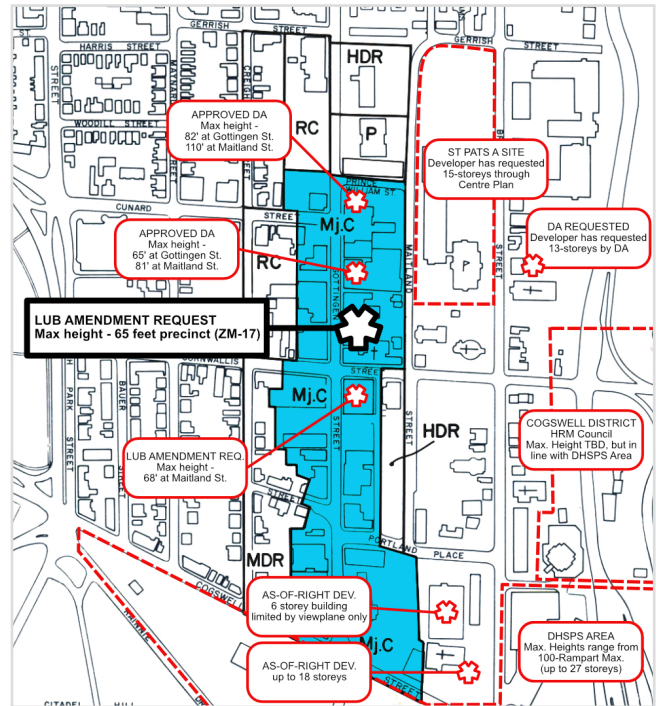


Figure 2: The existing Major Commercial Core area (blue) with the subject property highlighted. There is a range of plan amendment applications surrounding the site, including approved Development Agreements to the north, a similar height precinct application to the south, as well as major future potential development sites on private- and HRM-owned lands.

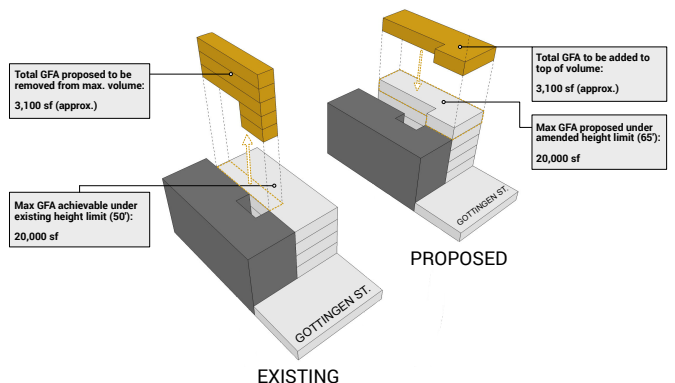
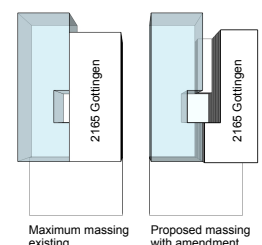


Figure 3: (top) the request to increase the height maximum is to enable a better building design without increasing the maximum gross floor area permitted under existing rules. This is done by reallocating building volume from the centre of the building to create a lightwell and one additional storey; (right) The resulting volume responds to a lightwell that exists at 2169 Gottingen Street, effectively doubling its size. This creates spaces with much more natural light.



is not desirable. The ground level commercial space on Gottingen is vital to the character and success of the area as a major commercial and transit corridor. As well, Gottingen is not well suited to ground level residential uses due to zero setbacks and high level of street activity.

The current 50' height limit permits a building that requires two stairwells, sprinklers and elevators. In many areas of HRM, a 50' height limit would permit a building of sufficient size to carry these capital and ongoing maintenance cost of these items, as well as other elements such as a green roof. With only 4000 square feet of maximum developable area every single square foot counts. The additional height will allow for a building to be designed to address the challenges of a constrained lot, without unnecessarily burdening the owner or future tenants of the costs required to operate a building in excess of 3 storeys. The request is also compatible with recent changes to the National Building Code which permits residential and commercial construction of wood buildings of up to 6 storeys. In this regard, the additional storey better aligns the building design and associated costs with both the limitations and efficiencies prescribed by building code and design requirements. The builder, EcoGreen Homes, has significant experience, expertise and commitment to energy efficient and sustainable design and building practices.

Building within the “medium-rise” definition in Area 8. Unlike other areas of the Plan, Policy 2.9 of the Halifax MPS does not entrench a height maximum, but instead references a “medium-rise form” to be set in the Land Use Bylaw for Area 8. In 2015, Council approved buildings at 2183 and 2215 Gottingen Street, determining heights of up to 110 feet to be “medium rise”. At a total height of up to 65 feet (less than 60 feet when measured from Gottingen Street), the proposed height amendment is still well within the established meaning and intent of the MPS. It also aligns with the proposed Centre Plan definition of mid-rise buildings as 4-6 storeys, as the final building will be 5 storeys measured from Gottingen.

Policy Review

MPS Policy	Comment
Implementation Policy	
3.1.1 The City shall review all applications to amend the zoning by-laws or the zoning map in such areas for conformity with the policies of this Plan with particular regard in residential areas to Section II, Policy 2.4.	See comments below.
4 When considering amendments to the Zoning By-laws and in addition to considering all relevant policies as set out in this Plan, the City shall have regard to the matters defined below.	See comments below.
4.1 The City shall ensure that the proposal would conform to this Plan and to all other City by-laws and regulations.	The amendment to map ZM-17 would permit one additional floor of a building already under construction. The proposed addition would meet all requirements of the C-2 zone.
4.2 The City shall review the proposal to determine that it is not premature or inappropriate by reason of: (i) the fiscal capacity of the City to absorb the costs relating to the development; (ii) the adequacy of all services provided by the City to serve the development.	The proposal would create additional residential density on Gottingen St, a major commercial core area and transit corridor. Existing transit and municipal services can serve the additional units.
Section II City Wide Policies	
2.4 Because the differences between residential areas contribute to the richness of Halifax as a city, and because different neighbourhoods exhibit different characteristics through such things as their location, scale, and housing age and type, and in order to promote neighbourhood stability and to ensure different types of residential areas and a variety of choices for its citizens, the City encourages the retention of the existing residential character of predominantly stable neighbourhoods, and will seek to ensure that any change it can control will be compatible with these neighbourhoods.	The subject property is within a Major Commercial Designation. This policy addresses Residential Designations. However, the proposal respects the lot frontage and scale of buildings in the area. It aims to promote neighbourhood stability by providing a mix of uses, including ground level commercial, community commercial and market and subsidized residential uses.

MPS Policy	Comment
2.4.1 Stability will be maintained by preserving the scale of the neighbourhood, routing future principal streets around rather than through them, and allowing commercial expansion within definite confines which will not conflict with the character or stability of the neighbourhood, and this shall be accomplished by Implementation Policies 3.1 and 3.2 as appropriate.	The amendment to the height precinct will not create any conflicts with the character or stability of the neighbourhood. The proposal is meant to align with and support the character and stability of the neighbourhood through the renovation of a building with a mix of uses.
Section XI: Peninsula North Secondary Planning Strategy	
2.6 The major commercial area of Gottingen Street (the commercial core) is one of the primary commercial areas serving Peninsula North. Infill commercial development on vacant portions of the street and the development of a full range of uses for the existing commercial properties is permitted.	This building is located in the heart of the major commercial area of Gottingen, where a full range of uses is permitted. The building adds new ground floor commercial space, community commercial space and a range of residential units above.
2.6.1 Major commercial uses which would strengthen and enhance the commercial function of Gottingen Street should be focused in the commercial core.	Two floors of the building, including the ground level floor on Gottingen St, will be used for commercial uses. The additional height is needed because of this allocation of two floors for commercial uses.
2.7 To promote commercial redevelopment in the major commercial area and the residential/commercial mix areas along Gottingen Street which continue the existing commercial form of Gottingen Street, the land use by-law shall include regulations related to the provision of direct sidewalk access to buildings, and design considerations for buildings with larger street frontage to create pedestrian interest and interaction at street level.	The building, already under construction, provides direct access to Gottingen St. from ground level commercial space and from residential units above. The building creates an attractive and interactive street frontage to support the pedestrian nature of the street.
2.9 In Area 8 of this Section, a height limit shall be established for the Major Commercial area of Gottingen Street and for the Residential/Commercial mix area along Gottingen Street to maintain a medium rise building form and to ensure compatibility with surrounding residential properties.	A 5 storey building is well within the interpretation of "medium rise" and within the range proposed by the Centre Plan. A height limit of 65 feet will allow for a 5 storey building as viewed from Gottingen Street. This is in keeping with the existing 50-foot height limit on the street that results in 5 storey buildings being possible on the west side but only 4 on the east side.
2.10 In order to encourage the development and the conversion of existing buildings for residential purposes in the major commercial area of Gottingen Street, residential uses shall be permitted in the Major Commercial designation of Area 8 which meet commercial requirements related to building form, size, placement, parking standards, and open space.	The building under construction and the proposed addition creates new residential uses within the existing and character defining lot fabric. The additional residential uses supports the commercial character of the area.

Conclusion

This request is for a minor amendment that better reflects recent approvals in the area and municipal planning objectives of densifying commercial centres and areas surrounding the Downtown core. The additional unit density supports the area as a commercial core and as a transit-oriented neighbourhood. The amendment to the height would align with the requirements and programs of other agencies, recent changes to the building code, and allow for a building that can better meet the needs and interests of future tenants. The additional height and density can be accommodated without noticeably impacting the character of the area.

We fully understand and appreciate the time required to move through a discretionary approval process. At the same time, we also wish to reiterate that this building is currently under construction and your timely attention to the initial review of the application would be very much appreciated. We look forward to meeting with you to discuss the application and to move it forward through the process. If you have any questions, please don't hesitate to contact me.

Sincerely,
EDM Planning Services Ltd.

Original Signed