

***5450 Cornwallis Street, Halifax***

***Delmore Buddy Daye Learning Institute***

***Application for Land Use Bylaw amendment to Map ZM-17: Height Precincts***

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***February 8, 2018***

***Shelley Dickey Land Use Planning***

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**Introduction:**

I am pleased to submit this application for a Land Use Bylaw amendment on behalf of Delmore Buddy Daye Learning Institute (DBDLI) at 5450 Cornwallis Street, Halifax. This application is to enable the construction of a two storey addition to the existing DBDLI office building.

It is requested that Map ZM-17- Height Precincts be amended by increasing the maximum height limits on this property from 40 feet to 68 feet.

**Supporting Materials:**

In support of this application the following materials are submitted:

- Completed planning application form
- Application fee of \$1830.00 (cheque)
- Building photograph
- Site Plan
- Architectural Rendering/Elevations
- Electronic copies of the above material

**The Property:**

5450 Cornwallis Street is a two storey office building with underbuilding parking which is approximately 39 feet in height at its highest point on Maitland Street. The lot is 7399 square feet and the building has a footprint of approximately 5897 square feet. There are spaces for 10 vehicles in the underbuilding parking area (see photograph and site plan).

5450 Cornwallis Street is the new home of Delmore Buddy Daye Learning Institute which is currently being renovated to meet the needs of this organization.

**Delmore Buddy Daye Learning Institute:**

The Delmore “Buddy” Daye Learning Institute is a twelve person volunteer board of African Nova Scotian professionals that has been tasked with conducting research, developing programs and providing services on behalf of our African Canadian/Nova Scotian learners. The DBDLI has a mandate that encompasses learners of all ages.

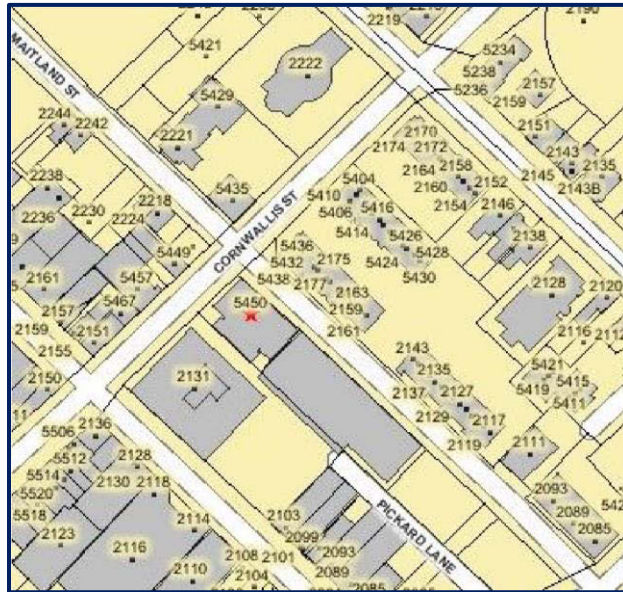
The DBDLI is committed to working with and on behalf of our African Canadian/Nova Scotian communities to improve learners' educational experiences and outcomes. The Institute has established and will continue to establish numerous partnerships with local provincial and national African Canadian organizations. The Institute also recognizes the importance of establishing and maintaining a strong working relationship with government agencies, departments and non-government organizations.

Much of the research conducted by the BLAC was accomplished using the Participatory Action Research (PAR). This approach mobilized the African Nova Scotian communities and engaged parents and students alike to identify issues within the education system and become part of the solution to these problems. It is within this context that the DBDLI seeks to sustain a grassroots approach to resolving the problems that confront African Canadian/ Nova Scotian learners and educators.

The DBDLI will be a leading provincial and national center of knowledge and research on Africentric theories and practices that improve educational outcomes, and inform policy about African Canadian/Nova Scotian learners from preschool and through college and adult learning. It seeks to understand and improve the standard of education for African Canadian/Nova Scotian learners and educators through Africentric educational research and practices, and to enhance the public debate about educational reforms.

**Neighbourhood Context:**

This building, located at the corner of Cornwallis Street and Maitland Street, is part of a mixed use neighbourhood with a variety of commercial, residential and community uses. There is an office building on Gottingen Street to the west (The MacDonald Building) with 4 storeys on Gottingen Street and 5 storeys adjacent to 5450 Cornwallis Street, a line of parking lots and structures owned by HRM and CMHC to the south, and a 3 storey townhouse condominium development (the Brickyard) to the east. Cornwallis Street Baptist Church and a dwelling are located to the north across Cornwallis Street, along with the St. George's Church property.



Site and Context

### Regulatory Context:

5450 Cornwallis Street is located within the Peninsula North Secondary Planning Strategy (PNSPS) of the Halifax Municipal Planning Strategy. Specifically it is within Area 8 of this Secondary Planning Strategy.

The property is designated High Density Residential (HDR) under the Peninsula North SPS. In the case of 5450 Cornwallis Street, Policy 1.4.10 was applied as follows:

#### *Policy 1.4.10*

*Notwithstanding the High Density Residential designation and Policy 1.4, the existing office building at 5450 Cornwallis Street shall be zoned for general business purposes.*

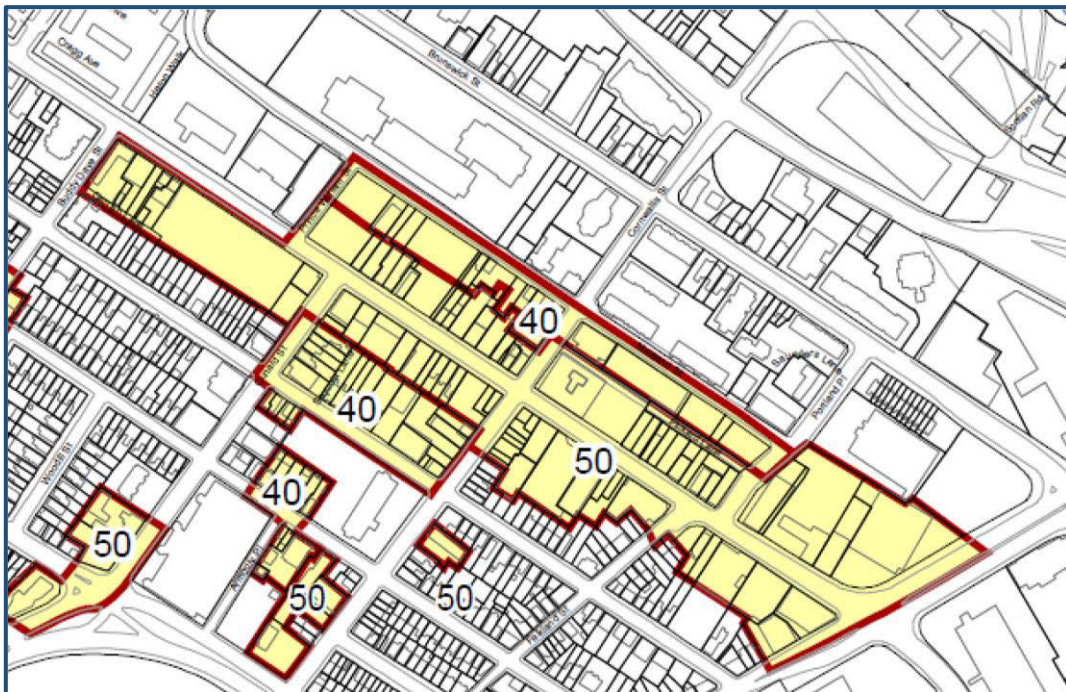
This policy was put in place to recognize the existing and longstanding use of this building and property as offices and its contribution to the commercial node centered on Gottingen Street. It also permits the property to continue as a conforming office building in the future, or to be redeveloped or expanded subject to the requirements of the commercial zone applied.

This property is zoned C-2 (General Business). The C-2 zone allows a full range of residential, commercial, community facility, and light industrial uses. This zone permits the use of 5450 Cornwallis Street by DBDLI. There are no setback requirements and no parking requirements as the lot is under 20,000 square feet.

In general properties with C-2 zoning on the Peninsula of Halifax have a height limit of 80 feet (or more with building stepbacks), however in Area 8 of Peninsula North the following policy was applied:

*Policy 1.4.8 In Area 8 of this Section, the land use by-law shall include a height limit to maintain and promote a **medium rise form** of residential and commercial development for properties designated High Density Residential and Major Commercial and located south of Prince William Street on the west side of Maitland Street.*

This policy was translated into a height precinct of 40 feet as shown on Map ZM-17 – Height Precincts.



Excerpt from ZM-17 (Height shown in feet)

**Proposal:**

In order to allow DBDLI to effectively fulfill its mandate now and into the future, it is the intention of DBDLI to expand its current space by adding two storeys to the existing building at 5450 Cornwallis Street (See attached concept perspective and elevations).

The expanded building would be used for a variety of educational and other purposes. Facilities would include offices, classrooms, a library, a resource centre, community meeting rooms, and event space. Activities in the expanded building would include classes, seminars, meetings, student assessments, and special events such as receptions and cultural events.

It has been estimated that the current maximum height of this two storey commercial building is 39 feet at Maitland Street. Each additional storey is proposed to be approximately 14 feet resulting in a building which would be no greater than 68 feet high over 4 commercial storeys with underbuilding parking.

It is intended that the addition of two storeys would be stepped back by 10 feet from Maitland Street and 6 feet from Cornwallis Street. This would serve to maintain the existing 2 storey street wall height of the building on both the Maitland Street and Cornwallis Street elevations.

Each floor of the two storey addition would be approximately 4450 square feet which would result in the building with a gross floor area in the vicinity of 21,600 square feet.

It is requested, therefore that ZM-17- Height Precincts be amended to increase the height limit for this property from 40 feet to 68 feet to permit this addition.

**Policy Analysis:**

*Medium Rise Form:*

The height limit placed on this property as the result of Policy 1.4.8 is the only development restriction placed on the property that varies from the general requirements of the C-2 zone. It was intended to ensure that any additions to the existing buildings or redevelopment of the properties along this portion of Maitland Street were not in a high rise form. At the time of the adoption of the Peninsula North Area 8 SPS, a height of 40 feet was selected to reflect a medium rise form. However, the term medium rise form can incorporate a range of heights much greater than 40 feet.

A recent approved development in this area served to refine the interpretation of the phrase “medium rise form” as used in Policy 1.4.8. This residential/commercial project is located at 2183 and 2215 Gottingen Street which are both through lots to Maitland Street. Approval was given in 2015 by Halifax and West Community Council to allow two buildings to be constructed

to a maximum of 81 and 110 feet respectively along Maitland Street by development agreement. It was determined that the term “medium rise form” in this same neighbourhood can be interpreted to include buildings of up to 110 feet in height. This decision of Community Council was appealed to the Nova Scotia Utility and Review Board which confirmed, in part, that up to 110 feet was a reasonable interpretation of “medium rise form” in the context of Policy 1.4.8.

*Design Compatibility:*

There are a variety of land uses and buildings of various heights surrounding 5450 Cornwallis Street. To the north of the site the MacDonald building rises to five commercial stories (approximately 54 feet) while the townhouses opposite on Maitland Street are a full three storeys (approximately 32 feet).

In the proposed design of this addition, the requested additional height of 28 feet to accommodate the two commercial storeys is stepped back from the Maitland Street frontage by 10 feet. This orientation of the bulk of the height of the building addition adjacent to the existing 5 storey MacDonald building and away from Maitland Street, ensures that there is an appropriate transition of this commercial office and community use building to the neighbouring residential context.

Attachment 1 is a policy analysis matrix which considers the applicable policies for this land use bylaw amendment in additional detail.

**Centre Plan:**

In June 2017 Regional Council authorized the direction contained with the Centre Plan document as a framework for amending existing planning documents and developing new planning documents to implement the Centre Plan direction.

In addition to being consistent with the existing policies of the existing Halifax Municipal Planning Strategy, it is our opinion that this proposed increase in height limits is consistent with future policy direction and proposed heights and floor area ratio (FAR) for this area as expressed by the draft Centre Plan.

5450 Cornwallis Street is proposed to be included within the Gottingen Street Centre. Centres are to be the major areas of commercial and residential growth within the Regional Centre, and additional development is encouraged on underutilized sites. The intention is to achieve a concentration of people, jobs and services in medium and high density mixed use development.

It has been proposed in the draft Centre Plan that this site is appropriate for a building height of 4 to 6 stories. It is stated that this height range reflects appropriate transitions to the neighbouring context, including lower rise established residential uses.

**Summary/Conclusion:**

The Delmore Buddy Daye Learning Institute is requesting an amendment to ZM-17- Height Precincts of the Halifax Peninsula LUB to permit a two storey addition. This LUB amendment is consistent with existing MPS policy in that it maintains and promotes a medium rise form of development consistent with the neighbourhood context. The additional building area which would be enabled by this amendment to the height precinct can be accommodated in this core urban area with its excellent traffic, transit access and pedestrian infrastructure.

In addition, this LUB amendment request is consistent with the direction and objectives of Centre Plan for the Gottingen Street Centre as well as future policy and regulations related to height and building massing. An addition to 5450 Cornwallis Street will be a positive step forward in the intensification of this Centre, and will accommodate additional employment and provide valuable community space in a moderate height building that transitions appropriately to the surrounding community.

We trust that this submission is complete and look forward to advancing this application.

Respectfully submitted,

Shelley Dickey  
***Shelley Dickey Land Use Planning- Dartmouth, Nova Scotia***



**Attachment 1: Policy Analysis Matrix:**

<b>Halifax Municipal Planning Strategy</b>	
<b>Policy</b>	<b>Analysis</b>
<b>Implementation</b>	
<b>3.1.1</b> 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 below)
<b>4.</b> 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 below)
<b>4.1</b> The City shall ensure that the proposal would conform to this Plan and to all other City by-laws and regulations.	The addition enabled by this amendment to ZM-17 would meet all requirements of the C-2 zone for this property relative to use, setbacks, and parking.
<b>4.2</b> 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; and ii) the adequacy of all services provided by the City to serve the development.	There are no costs of this proposed development to HRM.  This area of Cornwallis Street is within the urbanized core of Halifax which includes Gottingen Street. It is well served by transit and given the intensity and mix of existing development and the presence of sidewalks is also highly pedestrian oriented. It is our understanding that piped services, transportation and transit services, and pedestrian infrastructure would be adequate to service the additional commercial/community floor space and activity resulting from this proposed two storey addition.

<b>Section II: City Wide Policies</b>	
<p><b>2.4</b> 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.</p>	<p>Despite its Residential Designation in the SMPS, the office building at 5450 Cornwallis Street has and continues to function as an integral part of the commercial core of Gottingen Street which is centered at Gottingen and Cornwallis Streets. 5450 Cornwallis Street is the edge of this commercial core as it transitions to residential uses across Maitland Street and community uses across Cornwallis Street. In recognition of this transition of use from the commercial core of Gottingen Street to adjacent uses, a 10 foot setback of the addition has been included along the Maitland Street frontage, with 6 feet along the Cornwallis Street frontage.</p>
<p><b>2.4.1</b> 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.</p>	<p>The expansion of this existing commercial building by the addition of two storeys is within the confines of the commercial area defined by the C-2 zoning of Gottingen Street which extends to include this building. Stepping back the height above the existing two storeys serves to focus the additional height to the west toward Gottingen Street thereby preserving the scale of the Maitland Street streetscape.</p>

<b>Section XI: Peninsula North Secondary Planning Strategy</b>	
<p><b>1.4.8</b> In Area 8 of this Section, the land use by-law shall include a height limit to maintain and promote a medium rise form of residential and commercial development for properties designated High Density Residential and Major Commercial and located south of Prince William Street on the west side of Maitland Street.</p>	<p>A height limit of 68 feet for 5450 Cornwallis Street translates to 4 commercial storeys with underbuilding parking. A building of this scale is well under the limit of what can be considered a medium rise form in the context of this site and this neighbourhood. It has been determined through precedents in this same height precinct area that a height of up to 110 feet is a medium rise form. Given the relationship of this property to surrounding institutional and medium density residential uses, it is our opinion that 4 commercial storeys and a maximum height of 68 feet is an acceptable and compatible medium rise form of development.</p>
<p><b>1.4.10</b> Notwithstanding the High Density Residential designation and Policy 1.4, the existing office building at 5450 Cornwallis Street shall be zoned for general business purposes.</p>	<p>5450 Cornwallis Street was zoned C-2 in recognition of its long term use as an office building serving the Gottingen Street area. This zoning allows office uses to continue and allows the expansion and reuse of the building for all commercial and business uses permitted in the C-2 (General Business) zone.</p>

An Ekistics Planning & Design Presentation

# Delmore Buddy Daye Learning Institute Planning Submission



PREPARED FOR  
DBDLI  
SUBMITTED  
February 24, 2018  
SUBMITTED BY  
Chris Crawford  
Director of Architecture  
Ekistics Planning & Design  
Dartmouth, NS B2Y 4Y7

PERMIT  
PARKING  
ONLY  
VIOLATORS WILL BE  
FINED AND/OR  
TOWED AT OWNERS  
RISK & EXPENSE

# Concept Rendering

Cornwallis Street Perspective

Delmore Buddy Daye  
Institute

firm Ekistics Plan+Design  
address 1 Starr Lane,  
Dartmouth, NS B2Y 4V7  
phone 902 461 2525

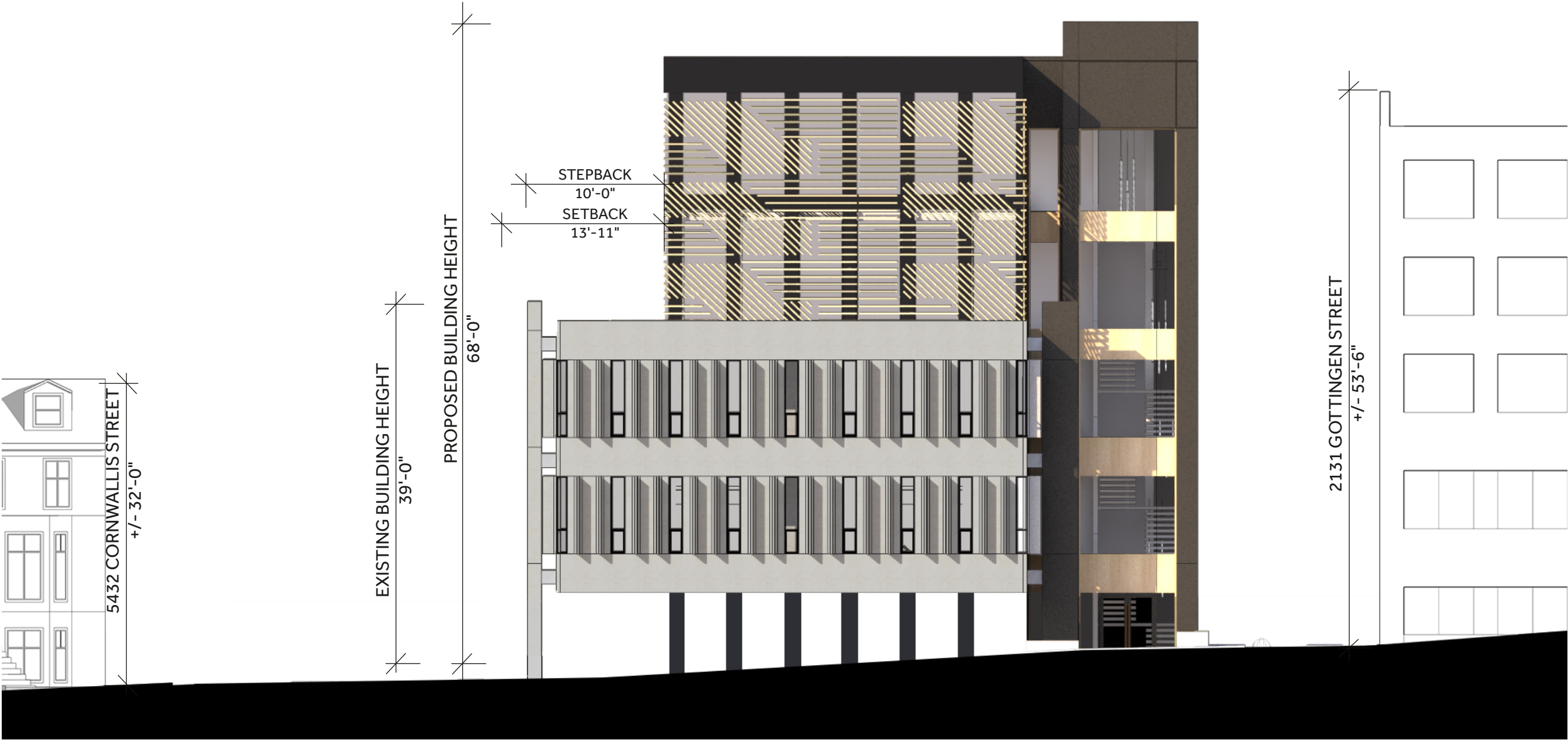


# Cornwallis street elevation

North West Elevation

Delmore Buddy Daye  
Institute

firm Ekistics Plan+Design  
address 1 Starr Lane,  
Dartmouth, NS B2Y 4V7  
phone 902 461 2525



# Maitland street elevation

North East Elevation

Delmore Buddy Daye  
Institute

firm Ekistics Plan+Design  
address 1 Starr Lane,  
Dartmouth, NS B2Y 4V7  
phone 902 461 2525



# Site Plan

**Delmore Buddy Daye  
Institute**

firm Ekistics Plan+Design  
address 1 Starr Lane,  
Dartmouth, NS B2Y 4V7  
phone 902 461 2525

Total Site Area: 7,399 sq. ft.

Floor Plate Area: 5,897 sq. ft.

Existing GFA: 12,720 sq. ft.

New Addition GFA: 8,914 sq. ft.

Gross Floor Area (by level):

Parking: 926 sq. ft.

1 (existing): 5,897 sq. ft.

2 (existing): 5,897 sq. ft.

3 (addition): 4,457 sq. ft.

4 (addition): 4,457 sq. ft.

Total: 21,634 sq. ft

FAR: 2.92

