

Memo
August 17, 2020

From: **Chair Community Design Advisory Committee**
To: **Staff and Committee**
Regarding: Questions and Comments on ER Zoning Proposals

Overall Issues

1. Some members of the Community Design Advisory Committee were under the impression that much of the planned density requirements were accommodated in Package A. Members were under the impression that changes at the residential level would be minimal. However, Package B is proposing broad residential zoning changes in the regional centre. Many areas have been down-zoned, and some areas have been dramatically up-zoned. Rules for height, spacing, building types, density, and other elements have changed.
 - a. **Why was this change so comprehensive?**
 - b. **Were Package A changes insufficient to meet density goals?**
2. Most density up-zoning experiments have focused on entire cities or even entire American states. In HRM, it is just the regional centre where zoning is changing, so single-family zoning will continue to exist in suburban and rural areas of the city. This policy divide could lead to unexpected consequences that could create an exodus from the regional centre if it becomes unappealing to residents because of problems related to extreme density, service gaps, increased traffic, and destruction of established neighbourhoods.
 - a. **Should HR zoning be delayed until it can be applied to all of HRM? Like backyard suites.**
 - b. **Can the methodological underpinnings of up-zoning, best practice examples, and results of experiments in other jurisdictions be provided to CDAC and the public?**
3. In many cases, R-1 neighbourhoods already reflect the greater density enabled by ER-1 zoning. Many R-1 areas have under/over duplexes, secondary suites, and shared accommodation. These regional centre areas are very different from the type of single-family zoning targeted by American zoning experiments and even the effective Single Family zoning of many Halifax suburban areas.
 - a. **Why can't all existing R-1 areas be transitioned to ER-1 in all cases?**
 - b. **Why can't R-2 areas be transitioned to ER-2 areas in all cases?**
 - c. **Why can't areas with low rise apartments and townhouse developments already, be transitioned to ER-3?**
 - d. **Why can't the treatment of established residential areas be sensitive to existing neighbourhoods and existing form and structure as indicated in the MPS?**
 - e. **How many areas have seen extreme up-zoning...? from R-1 to ER-3? Where are those areas? Why have they been targeted?**

4. HR1 and HR2 (higher order residential) zoning in Package A is largely similar to ER-2 and ER-3 zoning proposal in Package B. Some aspects of Higher Order Residential Zoning are more restrictive for commercial activity than some ER designations. See below.
 - a. **Why not limit townhouse and apartment development to HR-2 and HR-1 areas and limit the disruption to established residential neighbourhoods in the regional centre?**

Policy 3.48

The Land Use By-law shall establish two zones within the Higher Order Residential Designation and shall apply them as follows:

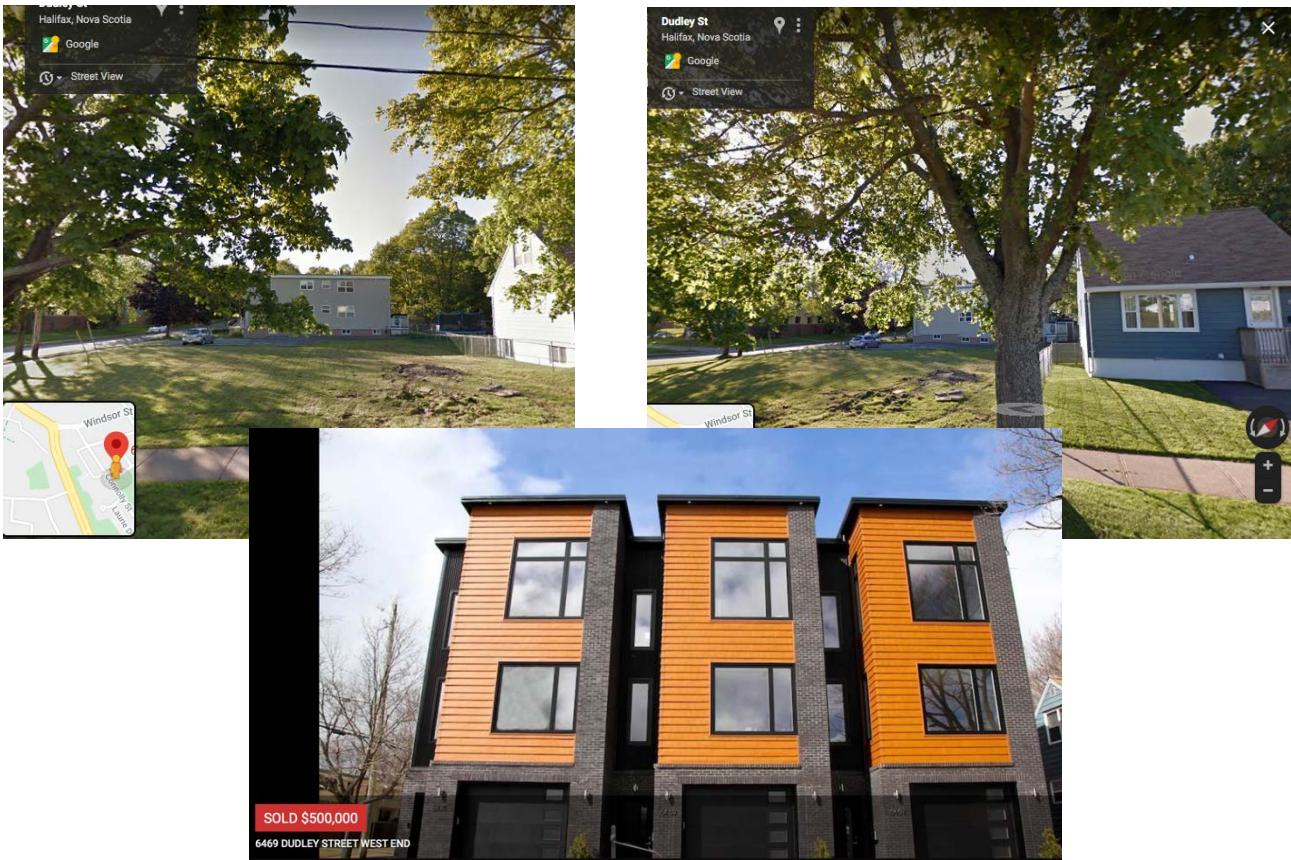
- a) *The Higher Order Residential 2 (HR-2) Zone shall apply to lands that contain or can support multi-unit dwelling uses and that are located within self-contained blocks that do not abut Established Residential Zones. The HR-2 Zone shall permit townhouse dwellings, and multi-unit dwelling uses in the form of low-rise, mid-rise and tall mid-rise buildings;*
- b) *The Higher Order Residential 1 (HR-1) Zone shall apply to all remaining lands within the Higher Order Residential Designation. Due to the proximity to low-rise building residential areas this zone shall permit all residential uses in the form of low-rise buildings, mid-rise buildings and limited tall mid-rise buildings.*
- c) *A broad range of local commercial and institutional uses shall be permitted in the HR-2 zone, and a limited range of local commercial and institutional uses shall be permitted in the HR-1 Zone.*
- d) *More intensive local commercial uses shall only be permitted on corner lots in the HR-1 zone.*
- e) *Within mixed-use buildings, neighbourhood commercial uses shall only be permitted where at least 75% of a building's floor area is occupied by residential uses; and*
- f) *The Land Use By-law shall establish requirements for a minimum mix of unit types in high-density dwellings the HR-1 and HR-2 Zones, including 2-bedroom and 3-bedroom units.*

Community Input

1. Public information sessions have been cancelled. The public is generally uninformed about the nature of zoning changes to established residential areas.
 - a) **What are the plans to immediately reach out to the communities, at the neighbourhood level, on this issue?**
2. Communities and neighbourhoods affected by HR changes seem largely uninformed and unaware of these changes. There seems to be a lack of transparency around how zoning decisions were made at the neighbourhood level. A discussion with CDAC has been delayed until September.
 - a) **What can be done to demonstrate greater transparency around HR zoning changes?**
 - b) **What was the process for deciding on ER zoning proposals?**

Townhomes/Small Apartments or Condos

1. Townhomes are infrequently mentioned in the MPS. Objective ER2 p78. “creating opportunities for new housing units through secondary suites, backyard suites, infilling and, where appropriate, townhomes and three-unit and four-unit dwellings.” A reader is led to expect that this objective highlights the maximum density and that would be permitted in areas where similar structures already exist. In contrast, Package B makes townhouses a defining feature of ER2 and ER3 zoned areas. Only ER1 areas reflect the intent of the MPS.
 - a) **Why this dramatic change in the scale and intent of the use of townhomes?**
 - b) **Are townhome developments being used to boost residential tax revenue per lot in the regional centre by dramatically increasing density in neighbourhoods?**
2. It is well understood that townhomes do not deliver a good level of affordability, even compared to the single-family home they are replacing.
<https://www.brookings.edu/research/gentle-density-can-save-our-neighborhoods/> The example given in the article points to a run-down single-family home being purchased for a million dollars and three townhomes being constructed and priced at \$1 million each.
 - a) **Why are townhomes being considered in the plan if they offer no affordability benefits?**
 - b) **Why are extensive townhome developments being proposed when they would dramatically alter the historic character, visual identity and density of existing neighbourhoods?**
 - c) **Business and government jobs and services are exiting the regional centre. No new parkland or government owned public space is being set aside in the regional centre. Many schools in the regional centre are at capacity. What plans exist to deal with service gaps that are growing in the regional centre?**
3. The following diagram provides a practical indication of how this is happening in Halifax. A small 1940s home on Dudley St. with an assessment of \$250,000 was torn down to build three \$500,000 to \$600,000 townhomes. This kind of development pushes out medium and low-income families while destroying character homes to benefit high-income earners and developers. The result is even more spatial inequality in the regional centre.... not less. This measure seems to be designed to produce vast new small-scale development opportunities, not affordability.
 - a) **Why are townhomes being pushed by Package B if they bring no affordability benefits? See diagrams**



4. Also, regarding the townhouse photograph above, best practice densification approaches would indicate that townhome structures where the bulk of the first floor is a garage should not be allowed.
 - a) **Why is this happening in the regulations in Package B if it is not a best practice?**
5. Even the most aggressive jurisdictions re up-zoning set in regulations that if a character home is being torn down, there must be a community discussion and appropriate permissions granted.
 - a) **Why is this not contemplated in Halifax's ER regulations?**
 - b) **What kind of neighbourhood impacts can be expected from land banking behaviour as developers seek to build substantial new townhouse developments in Er-3 and ER-2 areas?**
 - c) **What will be the community impact of land-banking behaviour? Could shared housing or boarding houses become a tool in land banking by lowering property values in targeted neighbourhoods?**
 - d) **What effect could this have on neighbourhoods?**

- 6.** The proposed height and spacing limits for townhomes would seem to allow structures of significant mass and height that are very much out of character with existing neighbourhoods. Best practice approaches suggest 2.5 stories as a maximum height...not a third higher.
- a) **Why do the proposed regulations vastly exceed this? Are greenhouse structures (see diagram) permitted in addition to the 11-metre height allowance for new structures?**
- 7.** The construction of townhome developments will require much different lot coverage, frontage, and other requirements from single family units.
- a) **How are townhome and apartment special requirements different from existing and proposed regulations for single family homes?**
- b) **How will these large and out of character structures affect existing neighbourhoods?**
- 8.** New four-unit apartment with 2- or three-bedroom units would demand rent in the neighbourhood of \$2,000 to \$3,000 a month in many areas of the regional centre. A similar condo would demand a price in the range of \$400,000 to \$500,000 plus condo fees and taxes. Again, these properties can only be purchased or rented by medium to high income earners.
- a) **Why are small apartment/condos being put forward if they will not meet any conceivable affordability objective?**

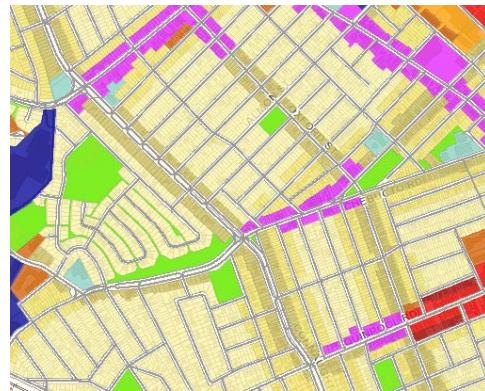
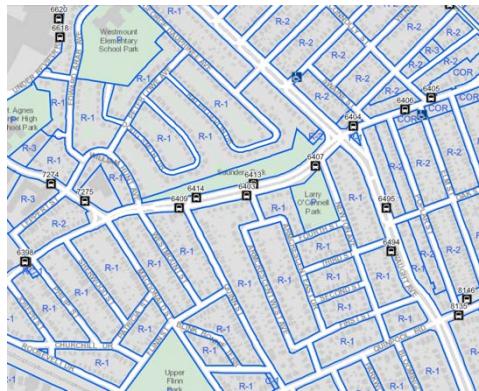


High-Density Mini-Corridors

- 1.** High density mini-corridors are proposed for areas of central Dartmouth and West-end Halifax. These areas would allow extensive a commercial presence on the ground floor of every property, large townhome developments, 4-unit apartment buildings, and other density measures. In some cases, this density is buffered by ER2 zoning on parallel streets, which also allows commercial and high-density residential construction. In some cases, these areas are within easy walking distance of centres and corridors approved in Package A. In some cases, the new ER3/ER2 area are already high-density residential with major apartment structures, etc. In other cases, R-1 areas have been single-family neighbourhoods for a hundred years.
- a) **Why are mini-corridors being proposed when they would clearly change the nature of neighbourhoods dramatically?**
- b) **Complete communities do not necessarily mean complete neighbourhoods? Why are mini-corridors being proposed when**

there are shopping and service areas in nearby centres and corridors?

- c) These measures would clearly lead to the destruction of long-established character neighbourhoods. How can this be justified?
 - d) If residents don't want or need extra commercial access, why is the plan enabling it?



2. Package B measures layers on top of already extensive Package A measures seem to be attempting to maximize development and related taxation opportunities. The first homes to be targeted in residential areas always seem to be the oldest. Several 100-year plus homes have been demolished in existing R-1 areas in recent years. It is reasonable to assume these proposals will accelerate that process.

 - a. **Do Package B ER zoning proposals represent a dramatic expansion of development at the expense of the form, structure, history and family relationships present in established neighbourhoods?**
 - b. **What proportion of municipal taxes arise from the Regional Centre? How will this increase under the ER proposals?**
 - c. **What proportion of municipal taxes will arise from the Regional Centre if the Centre Plan is implemented?**
 3. The MPS indicated that certain special areas had been identified. These seem to have changed. For example, it was indicated that there were West End 1 and 2 Special Areas.

 - a. **Are they now gone?**
 - b. **Why have Special Areas changed?**

Up-Zoning and Down-zoning

1. The Centre Plan Package B Established Residential Designation Presentation to Community Stakeholders indicates an equivalency or close comparison between R-1 and ER-1 uses, and between R-2 and ER-2, and between higher density residential zoning and Er-3. In this respect, the new zoning proposals show residential and commercial up-zoning concentrated in mini-corridors in central Dartmouth but mostly in Westend Halifax. There has also been considerable downzoning in Dartmouth and north and south end Halifax (R-2 and R-3 to ER-

Some areas have remained unchanged (extreme south-end Halifax). Most neighbourhoods will see considerable disruption under the proposals, sometimes with three zoning changes where there was previously only one zone.

- a) Why is residential zoning becoming more complex? For example, there three graduated residential zoning changes within the space of four homes in some neighbourhoods where there was only one zone before?**
- b) Will this be disruptive to those neighbourhoods? What disruptions can be expected?**
2. The changes being proposed to established residential zoning is substantial.
 - a) What efforts have been made to reach out to neighbourhoods affected?**
 3. It is observed that Centres and Corridors from Package A jump directly to ER-1 in some cases.
 - a) Why is there no transition here?**
 - b) If it is not needed, why is ER-3 to ER-2 to ER-1 transitions required along mini-corridors?**
 - c) Then, why is transition required in some ER areas and not in others?**
 4. New experiments in up-zoning in the United States are based on the theory that single-family zoning causes racial and income exclusion from certain areas of cities. Cities in the USA often have up to 70% of their zoning as single family. The Package B narrative seems to suggest that single family zoning needs to go away. Yet many areas within the regional centre have been downzoned from R-2 and R-3 to ER-1. It is only along proposed mini-corridors that up-zoning has been proposed.
 - a) What is the net outcome in terms of population gains of all the up-zoning and down-zoning Established Residential proposals in the regional center?**
 - b) What is the net outcome in terms of tax increases of all the up-zoning and down-zoning Established Residential proposals in the regional center?**
 - c) Are we actually further ahead in terms of income inclusion or, are we just disrupting neighbourhoods by creating massive development pressures that only benefit high income earners?**
 - d) Why have certain areas that are ringed by transit routes been down-zoned, and certain areas with no transit been up-zoned?**
 - e) Why are we not using more gentle density solutions as outlined in the MPS?**
 5. Some areas have been assigned ER-1 zoning when a natural extension of adjacent mini-corridors would suggest they should have been up-zoned as well.
 - a) Why do zoning “islands” exist? Why has up-zoning and down-zoning not been consistent? (Norwood St for example.)**
 6. The proposed changes are most relevant at a neighbourhood level.
 - a) Please explain the neighbourhood by neighbourhood zoning changes (R1 to HR3 etc.)?**

- 7. Why has the development of mini-corridors, low density commercial with high density ER corridors occurred?**
 - 8. What are the disruptive impacts on neighbourhoods of zoning changes?**
 - 9. Wasn't it expected that Higher Order Residential Areas would be sufficient to reach density objectives?**
 - 10. Can existing services, water/sewer, parks, recreation, schools, parking demand, etc. accommodate the proposed density changes?**
 - 11. Where are ER zoning changes expected to cause development opportunities? By neighbourhood?**
 - 12. Why is down-zoning occurring at all?**
 - 13. Policy 3.56 of the MPS states, "Map 10 shall establish the West End Halifax Established Residential Precinct to recognize unique built form defining elements of the area. The Land Use By-law shall, within the West End Halifax Established Residential Precinct, establish the West End Special Area 1, and the West End Special Area 2 to maintain the unique built form characteristics of those areas."**
- a) Why do the zoning changes conflict with policy 3.56?**

Backyard Suites

1. In other cities where this has been done, it doesn't seem to be applied on every residential lot.
 - a) **What uptake is expected for this policy? How many backyard suites are expected through this policy change?**
2. Presumably, provincial regulations will allow for secondary and backyard suites to become Short-Term Rentals.
 - a) **What will prevent the regional centre from becoming overrun with Short-Term Rentals of backyard suites?**
 - b) **What costs are associated with extra enforcement measures and staff that will likely be required to regulate STRs.**
3. **Are there access to light and other issues should two storey back yard suites be built?**
4. **Why didn't backyard suites come to CDAC before it went to council for first reading?**

Built Form and Consistency with Regional Plan and Centre Plan Intentions

1. Does the land use bylaw address the concerns that framed the centre plan when it started in 2012? I'd like to see more info on built form in representative neighbourhoods, what will be allowed.

Consistency with Regional Plan and Centre Plan Intentions

The 2014 Regional Plan States.... “Target at least 75% of new housing units to be located in the Regional Centre and urban communities with at least 25% of new housing units within the Regional Centre over the life of this Plan;”

The 2018 Integrated Mobility Plan states.... “The importance of the *Centre Plan* growth targets, which have increased the proportion of growth allocated to the Regional Centre from 25% to 40%, is clear.”

The Centre Plan MPS Package A states..... “The 2014 Regional Plan sets a target for at least 25% of the Municipality’s new housing units to be constructed in the Regional Centre. However, based on recent development trends and a study conducted by Stantec on the costs and benefits of various development patterns, the Integrated Mobility Plan (2018) now plans for up to 40% of regional growth to occur in the Regional Centre.”

2. **The Centre Plan takes its authority from the Integrated Mobility Plan (IMP) for a 40% growth target in the regional centre while the IMP takes its authority from the Centre Plan. Which is it?**
3. **Where was the divergence from the regional plan and the target of 40% of growth in the Regional Centre established? Where was it debated and approved?**
4. **Are the implications of the new target well understood such as increased capital spending requirements of HRM (parks), declining revenue, etc.?**
5. **Where are we with the growth targets? Have we already hit the 25% regional centre growth target of the regional plan?**

The Stantec Study and Revenue Loss from Scenario A (the 40% target)

“Relative to the Trend since the adoption of the RMPS, adherence to RMPS Goals would yield \$14 million more property tax revenue over the 2009 to 2031 period (\$0.6 million/year), while Scenario A will produce \$113 million less revenue (-\$5 million/year), and Scenario B will yield \$203 million less (-\$9 million/year). The lower revenues found for Scenarios A and B are attributable to the greater number of apartment units associated with those scenarios. Apartment dwelling units normally have lower assessed values associated than single and semi units.”

Table 9.4 Summary of Municipal Revenues (\$000s) by Scenario, HRM, 2009-2031

Dwelling Unit Type	RMPS Goals	Post RMPS Trend	Scenario A	Scenario B
Singles and Semis	\$1,088,552	\$1,079,812	\$865,955	\$714,617
<i>Difference from trend</i>	\$8,741	\$0	-\$213,856	-\$365,195
Apartments and Other	\$292,795	\$287,253	\$388,015	\$449,175
<i>Difference from trend</i>	\$5,542	\$0	\$100,761	\$161,922
TOTAL REVENUES	\$1,381,347	\$1,367,065	\$1,253,970	\$1,163,791
<i>Difference from trend</i>	\$14,282	\$0	-\$113,095	-\$203,274

1. **Statec’s population projections were based on work done in 2004 and updated in 2009. Given that Halifax has undergone unusually rapid growth, particularly in the regional centre, are these projections and assumptions still valid eleven years later?**
2. **Stantec’s analysis assumes benefits from lower commute times to services and jobs with regional centre growth. However, many employers (finance and insurance, business services, etc.) and**

consumer services (health services, Revenue Canada, RCMP, etc.) have moved or are planning to move outside the regional centre. This substantially reduces the benefits of growth concentration by creating “reverse commute” costs. Are these and other increased costs being tracked?

- 3. Are established residential neighbourhoods being targeted for teardown and infill with townhouse and small condo developments to make up for revenue shortfalls projected by Stantec when concentrating 40% of growth in the regional centre?**

Environmental Cost of Demolishing Homes

Neither the Stantec Report or the Centre Plan literature account for the environmental costs of tearing down homes and neighbourhoods to build townhouses and apartments. It has been estimated that demolishing a home creates more than 50 tonnes of waste destined for landfills. More than 25% of solid waste moving to US landfills is from home teardowns. Tearing down a house and building a new one comes with an indirect carbon-emissions cost, both when old materials are sent to the landfill and when fresh materials like wood and concrete are used to build the new townhouse or apartment. While new homes are more energy efficient, new construction leaves a “carbon debt” that takes more than 168 years to pay back.

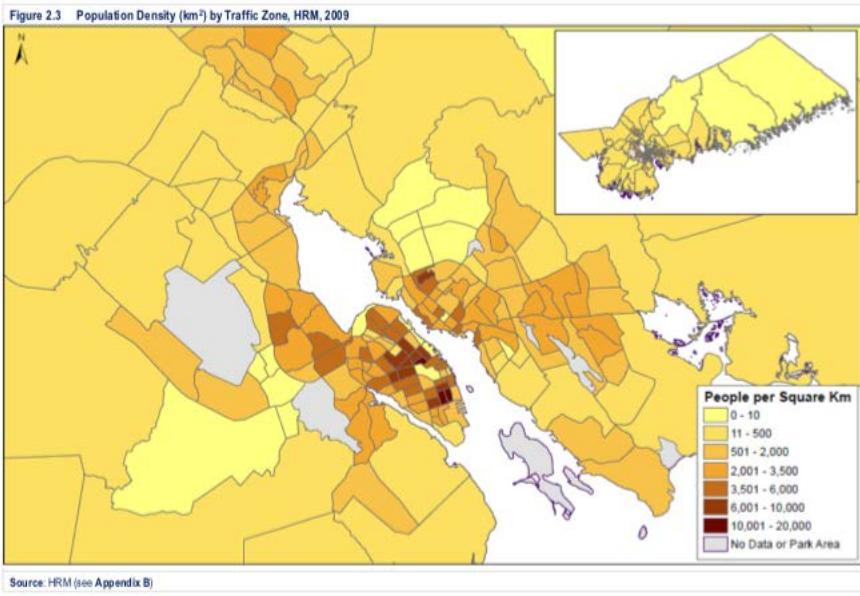
Infill developments of townhouses and apartments such as the ones proposed in ER zoning changes would require the removal of all large trees on redeveloped properties. Other cities have seen many older homes demolished to make way for townhome developments. Between 1985 and 2014, more than 20,000 single family homes were demolished. That trend has been accelerating.

<https://www.thestar.com/vancouver/2018/05/23/vancouvers-rapid-cycle-of-house-teardowns-comes-with-environmental-cost.html>

- 1. Have the environmental costs of established residential proposals been calculated? What are they?**
- 2. How do increased environmental costs related to large scale demolition and emerging reverse commute costs affect the benefits assumed in the Stantec Report?**
- 3. What demolition to new unit ratio is HRM aiming for with the new ER Zoning proposals?**

Optimum Density and Regional Plan Targets

The existing Regional Centre is among the most densely population urban areas in Atlantic Canada. The Regional Plan targets 25% of growth for the regional centre and 50% of growth for urban areas outside the regional centre. Arguably, these urban areas outside of the RC have a service capacity equal to or even better than the regional centre. However, the Center Plan target for those suburban urban areas is now reduced and increased for the regional centre. It is well established that higher and higher density



population growth for the most densely populated part of a part of the city when targets for equally well serviced urban areas are being reduced seem like sub-optimal planning. While the Stantec report suggests a 40% or 50% target, much has changed in 10 years.

- 1. What is the optimum density of the regional centre? How far is HRM from that target?**
- 2. Given current service and employment flows out of the regional centre, should we be retaining the original regional plan targets to avoid reverse commute issues?**

Use of Online Survey Tools

The committee has relayed concerns with the use of online surveys as a policy tool many times. While they are quick, cheap and easy to implement, the value of these surveys can be dubious unless they are conducted carefully and independently.

Challenges include:

- Selection bias is introduced by selecting individuals, groups or data for analysis in such a way that proper randomization is not achieved. Nonrandomized online surveys often generate response bias because only people that hold certain views respond to these kinds of surveys. **Were measures taken to eliminate selection bias in the Centre Plan Surveys?**
- Sampling Bias means that the group surveyed does not reflect the population being studied. Saying that Halifax's population approves or disapproves of a position articulated in a non-random online survey is impossible. **Are staff or councillors reporting that the Centre Plan Surveys are somehow representative of public opinion to justify policy or positions?**

does not bring infinite benefits. Density brings some economies of scale but also diseconomies of scale. Density brings higher land and property costs, potentially driving out lower income groups just as sure as restrictive zoning does. It can bring more traffic and parking problems. It may drive away employers (government and business) looking for less expensive office and parking solutions. Targeting 40%

- Survey fraud can occur if multiple completions come from the same person or organized groups of people with singular interests. **Verification tools are essential. Were these used in the centre plan surveys?**
- Lack of quality random sampling leads to questionable (if any) statistical confidence in results. **Did the centre plan surveys use random sampling techniques?**
- Outcome bias can occur when a question encourages people to answer in a certain way. This may come when the organization is looking for a certain answer and the survey is constructed to deliver that answer. Any survey that generates a very high preference response suggests outcome bias. 92% agreed or strongly agreed on secondary suites in their areas is a clear example of potential outcome bias. This is also called funding bias..... because the survey funder or sponsor may get the outcome they desire. **Were measures taken to eliminate outcome bias?**

Key Questions

1. **Why can't all existing R-1 areas be transitioned to ER-1?**
2. **Why are any areas being down-zoned to reduce the potential of those areas for increased density?**
3. **Given the up-zoning and the down-zoning, what is the net benefit to population and affordability?**
4. **Does the up-zoning of Package B indicated that the parameters of centres, corridors, etc. of Package A delivered less density than needed to meet Regional Plan goals? Should Package A be revisited to enhance density in Centres, Corridors, etc.?**
5. **Why are many character neighbourhoods in the regional centre being targeted for development and disruption?**
6. **Are established residential neighbourhoods being targeted for teardown and infill with more expensive and more dense townhouse and small condo developments to make up for revenue shortfalls projected by Stantec when concentrating 40% of growth in the regional centre?**
7. **Why are ER-2 buffers needed adjacent to Er-3 zoning when they are not required between certain centres, corridors and other high-density areas and ER-1 zones?**
8. **What makes one neighbourhood worth saving through special area designation and another not worth saving?**
9. **What new parking requirements or challenges will result from zoning changes?**

Neighbourhood Questions

1. **Most of the North end beyond Duffis St. was R-2 and now down-zoned to ER-1... Why?**
2. **No ER-3 along Novalee and Kencrest despite very active transit... Why?**
3. **Why is the Hydrostone District ER-1 when it is composed almost entirely of townhomes?**

- 4. Why is Kencrest and Newbury St Er-2 vs ER-1?**
- 5. Why is Oxford from Chebucto to Bayers Rd. up-zoned to ER-3 with high density residential and broad-based commercial given that it is a stable, mostly residential neighbourhood?**
- 6. All of Connaught Ave. (from Norwood to Windsor) has been up-zoned despite being largely R-1 and R-2 for close to 100 years in some cases. Why has this area of character homes, as mention in the MPS, been targeted for redevelopment?**
- 7. Why is there a buffer zone of ER-2 zoning on East and West of Connaught on parallel streets in some areas and not in others?**
- 8. Why are near-century homes in the west-end being targeted by zoning changes for demolition and redevelopment?**
- 9. Most of the neighbourhood bounded by Quinpool, Robie, Coburg, and Oxford has been downzoned from R-2 and R-3 to ER-1 despite its proximity to hospitals, universities, office, and the city's most active transit routes. Why was this area down-zoned?**
- 10. Why has Albro Lake Rd moved to ER-3 from mostly R-1 on the Southside and R-2 on the north side?**
- 11. Why no ER-2 buffer zone on Pleasant street?**