

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY:

Original Signed by 

Jacques Dubé, Chief Administrative Officer

DATE: April 25, 2018

SUBJECT: **Case 18966: Revised Amendments to the Halifax MPS and the Halifax Peninsula LUB for 6009 and 6017 Quinpool Road, Halifax**

SUPPLEMENTARY REPORT

ORIGIN

- March 20, 2018 motion of Regional Council which was put and defeated:

THAT Halifax Regional Council approve the proposed amendments to the Halifax Municipal Planning Strategy and the Land Use By-law for the Halifax Peninsula, as set out in Attachments A and B of the January 20, 2017 report, with the exception that the overall height of the development as referenced in 2.10 as well as 2.10.1(c) of the proposed policy be amended to allow for a building no greater than 62 metres at 6009 and 6017 Quinpool Road, Halifax.

- March 20, 2018 motion of Regional Council which was put and passed:

THAT Halifax Regional Council direct staff to prepare amendments to the Halifax Municipal Planning Strategy and Peninsula Land Use Bylaw to incorporate within the draft amendments included within the January 20, 2017 staff report for Case 18966 regarding 6009 and 6017 Quinpool Road, Halifax, for a development no greater than 78 metres in height and to:

- a) amend the two-bedroom unit mix referred to in 2.10.1(k) of the proposed policy be amended to a minimum of 69.68 square metres;*
- b) increase pedestrian space at the ground level by requiring an additional 2 metres of setback along Quinpool Road and Robie Street, equating to approximate sidewalk widths of 4.9 metres (16 feet) on Robie Street and 5.8 metres (19 feet) on Quinpool Road when measured between the inside edge of the existing sidewalk and curb;*
- c) require overhead electric/utility wires be buried along the Quinpool Road and Robie Street boundaries of the development; and*
- d) require incentive or bonus zoning for all development exceeding 62 metres in height based on the provision of affordable housing as the required bonusing public benefit contribution at a proportion of 100% of \$900,000, equal to 10 units based on an anticipated average monthly rent of \$1,250 with a 40% reduction (equivalent to \$500/month) for a duration of 15 years.*

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter (HRM Charter), Part VIII, Planning & Development

RECOMMENDATION

Further to the direction provided by Regional Council at their March 20, 2018 meeting, the motion for consideration is that Regional Council:

1. Give first reading to consider the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Halifax Peninsula, as set out in Attachments A and B of this report, to allow for a 78 metre tall mixed use development at 6009 and 6017 Quinpool Road, Halifax and schedule a public hearing; and
2. Approve the amendments to the Halifax Municipal Planning Strategy and Peninsula Land Use By-law as set out in Attachments A and B.

BACKGROUND

Following the conclusion of the January 16, 2018 public hearing for site-specific Municipal Planning Strategy (MPS) policy which would permit the application of a development agreement for a 62-metre-tall building on the property at 6009-6017 Quinpool Road, Halifax, Regional Council passed a motion requesting a supplementary report. The supplementary report outlined policy options which would allow Council to apply incentive or bonus zoning to this property. The bonus zoning would allow development of a building to a pre-determined height threshold, with density over and above that threshold requiring the provision of affordable housing units.

At the March 20, 2018 meeting of Regional Council, the supplementary report was considered. Council defeated the motion which would have approved MPS policy for the 62 metre tall development and subsequently passed a motion directing staff to return with proposed MPS and Peninsula Land Use By-law (LUB) amendments to enable a development no greater than 78 metres in height and which regulates the size of two bedroom units, increases pedestrian space at the ground level, requires overhead utility lines to be buried along the Quinpool Road and Robie Street frontages and requires bonus zoning provisions to require 10 affordable housing units.

DISCUSSION

As directed, staff have prepared draft amending documents for both the Halifax Peninsula Land Use Bylaw and Halifax Municipal Planning Strategy for the subject site. The majority of the policies which would guide a future Development Agreement remain consistent with drafts Council has previously seen over the course of 2016 and 2017. These consistent requirements include:

- A requirement for a mix of unit sizes in the development;
- A transition in the podium height of the building to reflect the differing character of surrounding streets;
- Limitations on tower dimensions and orientation in an effort to minimize shadow impact on the Adjacent Halifax Common, and to push the mass of the building away from Parker Street;
- A requirement to more closely evaluate wind impact on surrounding lands at the time a Development Agreement is considered; and
- The requirement for an artistic element as a part of the building architecture which reflects the local cultural and historic significance of the Quinpool Road and Robie Street intersection as is proposed on the podium levels of the current design.

Over and above the policies which would guide building form and placement on the site, Regional Council provided direction on what aspects of the proposed development should provide a public benefit to the surrounding residents and community at-large. Included in this direction were requests to underground existing overhead wire on the site, increased setbacks on both the Robie Street and Quinpool Road elevations to provide additional pedestrian circulation space on the ground floor and a policy allowing bonus height in exchange for the provision of affordable housing units. Taking this direction, staff have prepared draft amendments to the Halifax Peninsula Land Use By-law and Halifax Municipal Planning Strategy, respectively, as Attachments A and B of this report.

Setbacks

As outlined within the previous staff report, while the current development proposal situates the building only 2-5 feet from the property lines along Robie and Quinpool, the HRM-owned right-of-way adjacent to the property contains space approximately 3.5 metres in depth on the Robie Street elevation and 3 metres in depth on the Quinpool Road elevation when measured between the inside edge of the existing sidewalk and curb. While these depths would be sufficient if used exclusively for sidewalk, this space also needs to accommodate transit infrastructure, power poles, street trees, road signage, mail boxes, traffic signal boxes, and an assortment of other street furniture.

Robie Street has been identified as a transit priority corridor within the recently approved Integrated Mobility Plan (IMP). This classification means that streetscaping improvements could be taking place in the near future as a result of potential changes to the use of the right of way. Public engagement on this project has recently taken place, and HRM staff are currently working on detailed plans which include definitive sidewalk widths, areas for trees, street furniture, as well as locations for public transit stops.

Required building setbacks are a feature of Development Agreement policy which can be stipulated outside of the scope of density bonus. In most of the 400+ zones across the Municipality, setbacks of some form are required without additional development rights being afforded to the site. In the draft MPS policies contained within Attachment B, 2 metre setbacks on the ground floor are required on both Robie Street as well as Quinpool Road as per the direction contained in the Council motion from their March 20, 2018 meeting. This space, in addition to the space within the existing right of way, should allow for easier pedestrian circulation at this busy corner. While the draft Centre Plan requires a setback of 1.5 metres, more may be warranted at this busy corner location. It should be noted that only the base of the building to a minimum height of 8 metres – or roughly 2 storeys - is required to be setback from the property line. This will accommodate additional space for pedestrians on the ground floor, without impacting the floorplates of the podium and tower above.

Overhead Utility Wires

The draft Development Agreement policy within the MPS requires that all electric and utility wires adjacent to the development shall be buried along Quinpool Road and Robie Street. This is not a stipulation of Bonus Zoning, and would be a requirement of the development whether it was constructed to a maximum overall height of 62 metres or 78 metres. In conversations with the applicant, their engineers in coordination with NS Power staff have indicated that undergrounding overhead wire in this location may be problematic. NS Power strategically identifies areas of the Municipality where undergrounding efforts will be focused in an attempt to coordinate investment to maximize the objectives of the exercise. NS Power has not identified Robie Street or Quinpool Road as areas of focus in this program. The applicant has submitted the following as to why undergrounding is not feasible in this location:

- *The scope of work requires work to be done outside of our property boundaries, for example, all the power and communications infrastructure comes across the Robie/Quinpool intersection and would need to be buried under the ROW in order to remove the pole at the corner of Quinpool and Robie.*
- *This is not something the applicant can undertake on this project and it should be something considered by HRM/NSP to help facilitate the undergrounding of power/communications along Quinpool as a new development corridor, in a more comprehensive process*

- *Armco spoke to NSP about this and they currently have a zone for buried electrical and Quinpool and this area of Robie street are not part of their current planning to facilitate undergrounding.*
- *There are inequities at play as well. If Armco buried the services across the Robie/Quinpool intersection then others (the development site to the immediate north for example) would be able to simply continue the underground infrastructure from the Armco property line along the front of their property.*
- *The right way to do things would be for all property owners who will benefit or receive connection via this undergrounding to potentially share in the cost of the work required at the Robie Street intersection.*

At the direction of Council, undergrounding of overhead wire is currently required in the draft MPS policy. Should it be the desire of Council to remove this requirement from the policy, it is most easily done at the time of first reading of the policy to ensure clarity exists in advance of a Public Hearing as to the requirements of the policy under consideration. If Council wants to remove this requirement from the draft MPS policy, it would need to provide the following direction to staff in the form of the following motion:

Give first reading and schedule a Public Hearing for the amendments to the Halifax Peninsula Land Use By-law and Halifax Municipal Planning Strategy as contained in Attachments A and B of the April 25, 2018 staff report, with the exception that Section 2.10.1 (c) of Attachment B be deleted and subsequent sections renumbered accordingly.

Affordable Housing

Draft regulation has been crafted for the Land Use By-law to allow the use of the bonus zoning tool as contained within Attachment A. As proposed within the draft regulation, a total of 10 affordable housing units would be required for any development over and above a maximum height of 62 metres. The monthly rent for the units would total \$750 per month inclusive of heat, electricity, and water, and would be provided for a total duration of 15 years.

The draft policy requires the applicant to show evidence of an agreement signed between the property owner and a division of the Province of Nova Scotia, such as Housing Nova Scotia, which leases the 10 affordable dwelling units to the Province. This agreement would be required prior to the issuance of a Development Permit allowing construction on the site. The agreement between the Province and the applicant would indicate that the units would be provided to individuals with a household income in the low to moderate income range. This phrasing of 'low to moderate' is consistent with terms existing in the *HRM Charter* when used to describe Affordable Housing. Evidence of these units being provided to said individuals would be reported to the Municipality annually.

The units would remain under the ownership of the developer for the duration of the density bonusing agreement. An option exists within the policy for the applicant to provide money in the place of actual units, however a motion of Regional Council at this stage in the process would be required to allow or require the provision of cash in lieu of units within the building. In this case, the value of the units has been calculated as \$900,000. This total was calculated by taking an average monthly rent in the Regional Centre of \$1250/month, discounting that rent by a total of \$500/month, and multiplying the value of that discount by 180 months (or 15 years). In both the case of units via an agreement with NS Housing, or cash being provided as an amenity, this would need to be provided in advance of the issuance of a Development Permit for the site.

If Council were to allow or prefer the provision of cash in lieu of units within the building, a number of Administrative processes would first be required so as to facilitate its receipt. Firstly, a dedicated fund would need to be put in place to properly track the contributions to the fund and the allocations from it. Secondly, a new program would need to be developed to create the terms and conditions under which money within the Affordable Housing Fund could be allocated. Should Council decide to receive money in lieu of units, it would need to provide the following direction to staff in the form of the following motion:

Regional Council direct staff to prepare a report outlining options for the creation of an Affordable Housing Fund for the provision of Affordable Housing in the Regional Centre via the Density Bonusing program, as well as a proposed program outlining the terms and conditions under which money in this fund could be spent.

Housekeeping Updates

Through additional staff review, a number of more modest housekeeping changes to the policy have been made as compared against the version previously seen by Council. These changes do not have the effect of changing the built form or use of the proposed development, but instead add clarity and certainty to the policy to ensure predictable and clear development rights. Additionally, section 2.10.1(k) of the draft policy was amended at the direction of Council to reflect an updated minimum unit size of 69.68 square metres for the required 2-bedroom units in the project.

FINANCIAL IMPLICATIONS

There are no financial implications of this report. Although Density Bonusing can provide public benefit and support municipal objectives, it has no impact on the financial position of the Municipality.

The HRM costs associated with processing this planning application can be accommodated within the 2018/19 operating budget for C310 Urban and Rural Planning Application.

RISK CONSIDERATION

No further risks have been identified since the authoring of previous Council reports for this project.

COMMUNITY ENGAGEMENT

Given that a public hearing has already taken place on this application, no further public consultation has taken place since Council requested this report.

ALTERNATIVES

Halifax Regional Council may:

1. Modify the proposed amendments to the Municipal Planning Strategy (MPS) and Land Use By-law (LUB) for Halifax Peninsula, as set out in Attachments A and B of this report. If this alternative is chosen, specific direction regarding the requested modifications is required as noted in the report or as otherwise directed by Council. A decision of Council to approve the proposed amendments is not appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. Refuse the proposed amendments to the Municipal Planning Strategy (MPS) and Land Use By-law (LUB) for Halifax Peninsula, as set out in Attachments A and B of this report, to allow for a 78 metre tall mixed use development at 6009 and 6017 Quinpool Road, Halifax. A decision of Council to refuse the proposed amendments is not appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

ATTACHMENTS

Attachment A	Halifax Peninsula Land Use By-law Amendments
Attachment B	Halifax Municipal Planning Strategy Amendments

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Carl Purvis, Planning Applications Program Manager, 902.490.4797

Report Approved by: Original Signed
Kelly Denty, Acting Director Planning & Development, 902.490.4800

Attachment A
Amendments to the Halifax Peninsula Land Use By-law

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

1. The following text shall be inserted after section 98B:

“98C 6009-6017 Quinpool Road - Northwest corner of Quinpool Road and Robie Street

- (1) Council may, by development agreement, pursuant to Policies 2.10 through 2.10.4 of Section XII of the Halifax Municipal Planning Strategy, permit a mixed use, multiple-unit residential and commercial development, providing the following conditions are satisfied:
 - (a) the development shall not exceed 78 metres in height;
 - (b) if the development exceeds 62 meters in height, the applicant shall provide a public benefit in the form of ten affordable housing dwelling units as the contribution for incentive or bonus zoning;
 - (c) the monthly rent for the affordable housing dwelling units shall be no more than \$750 per month for each of the ten units, and such rent
 - (i) shall include heat, electricity, and hot water; and
 - (ii) may exclude parking, cable, internet and telephone;
 - (d) the affordable housing dwelling units shall:
 - (i) be located on the site of the development,
 - (ii) be dispersed throughout the development,
 - (iii) be similar in design, size, and appearance to other dwelling units within the development,
 - (iv) contain two or more bedrooms and have a minimum area of 69.68 sq. m., and
 - (v) be provided for 180 months, commencing on the initial occupancy date indicated in a signed sublease between the Minister of Community of Services, through Housing Nova Scotia, and the sublessee for the last affordable housing unit rented;
 - (e) an agreement is signed between the property owner and the Minister of Community Services, through Housing Nova Scotia, which leases the 10 affordable dwelling units to Housing Nova Scotia and such lease shall include provisions that

- (i) the term and the amount of rent satisfies subclause (d)(v) and clause c,
 - (ii) that the Province may sublease each affordable dwelling unit to the people it determines have a household income in the low to moderate income range,
 - (iii) an affordable housing unit tenant who no longer meets the requirements of household income in the low to moderate income range shall be permitted to remain in that dwelling unit until their lease expires, and
 - (iv) the Province will provide a report, at least annually, to the Municipality confirming that each of the ten affordable dwelling units are subleased to people whose household income is in the low to moderate income range; and
- (f) Housing Nova Scotia may sublease each affordable dwelling unit to the people it determines have a household income in the low to moderate income range,
- (g) Housing Nova Scotia will provide a report, at least annually, to the Municipality confirming that each of the ten affordable dwelling units are subleased to people whose household income is in the low to moderate income range; and
- (2) Council may accept money in the amount of \$900,000 in lieu of the contribution of affordable housing dwelling units.
- (3) Subject to 98D (1)(e), unless Council decides otherwise the Municipality shall not accept money in lieu of the contribution of affordable housing dwelling units.
- (4) Money accepted in lieu of a contribution of affordable housing dwelling units shall be used for the purpose of affordable housing in the Municipality.
- 98D (1) An incentive or bonus zoning agreement for 6009-6017 Quinpool Road shall contain provisions respecting:
- (a) the identification of the development site;
 - (b) detailed construction drawings, site plans, specifications for the required public benefit;
 - (c) the property owner reporting, at least annually, to the Province declaring the tenants in the affordable housing dwelling units are subleased to people with household income in the low to moderate income range;
 - (d) an affordable housing unit tenant who no longer meets the requirements of household income in the low to moderate income range shall be permitted to remain in the unit until their lease expires; and

(e) the property owner agrees to pay money in the amount of \$900,000 in lieu of the contribution of the ten affordable housing dwelling units if, at any time, the property owner breaches the lease required by clause 98C(e).

(2) In considering whether to approve an incentive or bonus zoning agreement for 6009-6017 Quinpool Road, the Development Officer shall consider whether subsection (1) has been satisfied.

98E Providing sections 98C and 98D are satisfied, a Development Officer may approve an incentive or bonus zoning agreement, or an amendment thereto, on behalf of the Municipality and, if so approved, the Mayor and Clerk must sign an agreement or amendment on behalf of the Municipality.

2. The following text shall be inserted after section 3:

3A No development permit shall be issued for any development at 6009-6017 Quinpool Road for a development exceeding 62 meters in height unless:

- (a) (i) a signed copy of the agreement required by clause 98C(e) has been provided to the Development Officer; and
- (ii) an incentive or bonus zoning agreement has been signed by the property owner and the Municipality; or
- (b) the Municipality has received the full amount of the money accepted in lieu of a contribution of affordable housing dwelling units.

I HEREBY CERTIFY that the amendments to the Halifax Peninsula Land Use By-law, as set out above, were duly passed by a majority vote of the Halifax Regional Municipal Council at a meeting held on the day of , 20__.

GIVEN under the hand of the Clerk and the Corporate Seal of the Halifax Regional Municipality this day of 20__.

Municipal Clerk

Attachment B
Amendments to the Halifax Municipal Planning Strategy

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

1. The following text shall be inserted in Section XII - Quinpool Road Commercial Area Plan after Policy 2.9.1:

“2.10 The intersection of Robie Street and Quinpool Road serves as an important node for Peninsula Halifax and the Regional Centre as a whole. It serves as the eastern gateway to the commercial high street of Quinpool Road as well as framing the southwestern edge of the Halifax Commons which serves as a major area for recreation, open space and institutional uses. Further, it is recognized that the intersection is of local cultural and historic significance known colloquially as the Willow Street intersection.

It is important to note, that this area is nearby to stable low density neighbourhoods that spread to Chebucto Road running north and Coburg Road running south. The development of larger scale buildings at the Quinpool and Robie node should not be seen as an indication that the adjacent established neighbourhoods will be redeveloped in a manner greatly exceeding their existing scale.

As such, the property at the northwest corner of Quinpool Road and Robie Street municipally known as 6009-6017 Quinpool Road (PID's 00140020 and 00140012) shall be considered by Development Agreement in accordance with the *Halifax Regional Municipality Charter* for a single tower mixed used development no greater than 78 metres in height, providing all the terms of the land use by-law are satisfied.

- 2.10.1 Any development permitted pursuant to Policy 2.10 shall satisfy all the following requirements:
 - (a) any building at the street level shall be setback 2 metres on Robie Street and 2 metres on Quinpool Road measured from the edge of the property boundary on which the development will be situated and the property of the Municipality, to a minimum height of 8 metres;
 - (b) the setback space established by clause (a) shall be designed to be used as amenity space by the public;
 - (c) all electric and utility wires adjacent to the development shall be buried along Quinpool Road and Robie Street; and
 - (d) all other provisions of the land use by-law unless otherwise provided for in this policy.
- 2.10.2 The maximum achievable building height of 78 metres may only be achieved through incentive or bonus zoning as set out in the land use by-law. The maximum pre-bonus height is 62 metres. Subject to the provisions of the land use by-law, a bonus in height of no greater than 16 metres may be provided in exchange for a contribution of community amenities.

Any development over 62 metres shall only be considered if:

- (a) the property owner provides a contribution in the form of affordable housing or Council accept money in lieu of the contribution of an equivalent value, and

(b) an incentive or bonus zoning agreement is entered into,
as set out in the land use by-law.

2.10.3 The land use by-law may set conditions, including performance standards, that shall be met before a development permit may be issued.

2.10.4 Any development permitted pursuant to Policy 2.10 shall be achieved by attention to a variety of factors for which conditions may be set out in the Development Agreement, and such conditions shall include that:

- (a) the proposal is a comprehensive plan for the development of the lands in their entirety and does not include phasing;
- (b) Policies 2.10.1 and 2.10.2 are satisfied;
- (c) the tower portion of the development shall comply with the following massing and height requirements:
 - (i) the tower shall not exceed:
 - (A) an overall height of 78 metres, inclusive of all mechanical spaces, penthouses, and other structures,
 - (B) a width of 39.6 metres in the elevation parallel to Quinpool Road,
 - (C) a width of 17.7 metres in the easternmost third of the building facing the Halifax North Common, and
 - (D) a width of 22.6 metres in its western elevation; and
 - (ii) the tower shall be located on the site to maximize distance between it and the adjacent low density residential uses on Parker Street;
- (d) the podium portion of the development shall comply with the following massing, height, and design requirements:
 - (i) the podium shall transition in height from no greater than:
 - (A) 5 storeys at the northeast corner of the site,
 - (B) 7 storeys addressing the intersection of Quinpool Road and Robie Street,
 - (C) 5 storeys at the southwest corner of the site, and
 - (D) 4 storeys at the northwest corner of the site,
 - (ii) the podium portion of the development shall:
 - (A) be visually permeable and conducive to uses that will encourage an active streetscape at grade,
 - (B) include a decorative or artistic element as a part of the building architecture which reflects the local cultural and historic

significance of the Quinpool Road and Robie Street intersection,
and

- (C) implement high quality materials in such a pattern than mitigates the horizontal massing of the development;
- (e) the development above the podium level is oriented and dimensioned in a manner which minimizes shadow impact on the Halifax North Common, with this impact being tested through shadow study and any resulting design alterations paying specific attention to limiting shadow on active recreation facilities in the area;
- (f) the development is comprised of a mixture of residential and compatible commercial uses;
- (g) the ground floor land uses facing Quinpool Road and Robie Street shall be primarily commercial in nature to maximize the activity at street level;
- (h) the location of parking access ramps is limited to the northwest corner of the development site along Parker Street and shall be further subject to review of Municipal engineers;
- (i) the development is tested for the impact it would have on wind both within shared amenity spaces on the development site itself, as well as within nearby public spaces, with mitigating architectural techniques implemented to ensure the development does not worsen the existing wind conditions within the public realm;
- (j) the architectural design of the building, including a high quality design using durable exterior building materials, variations in the façade and mass of the building shall provide visual interest;
- (k) the size and visual impact of utility features such as garage doors, service entries, and storage areas are minimized and that mechanical equipment are concealed;
- (l) a minimum of 50% of the dwelling units are at least two bedrooms, have a minimum area of 69.68 sq. m., and are located throughout the development;
- (m) there is an adequate supply of motor vehicular parking and bicycle parking;
- (n) useable on-site amenity space and recreational amenity space is provided of a size and type adequate for the resident population;
- (o) there are suitable onsite solid waste facilities; and
- (p) the capacity of sewer and water servicing for the site is adequate.”

I HEREBY CERTIFY that the amendments to the Halifax Municipal Planning Strategy, as set out above, were duly passed by a majority vote of the Halifax Regional Municipal Council at a meeting held on the day of , 20__.

GIVEN under the hand of the Clerk and the
Corporate Seal of the Halifax Regional
Municipality this day of 20__.

Municipal Clerk