

Re: Item No. 11.1

# HALIFAX

## **Site Plan Approval Project - Appeal Case 20227 – The Margaretta Development**

1447 Dresden Row, Halifax

**Dali Salih, Planner**

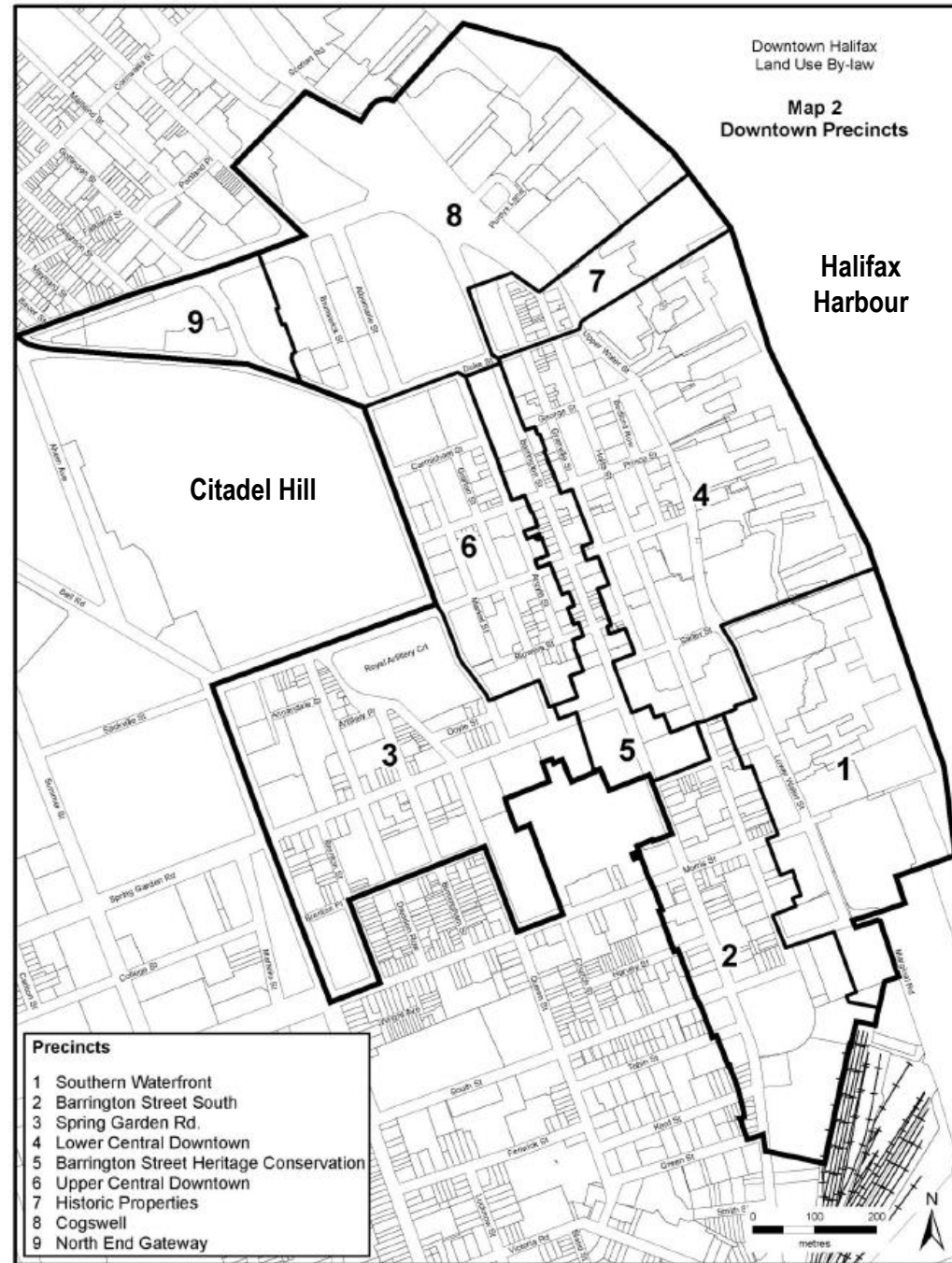
HRM Development Approvals

February 16, 2016

# Downtown Plan

## General Overview: HRMbyDesign

- 2006 - Regional Council initiated a Regional Centre Urban Design Study (HRMbyDesign) as called for in the Regional Municipal Planning Strategy
- HRMbyDesign is intended to provide a design strategy that allows for:
  - Quality development
  - Vibrant public spaces
  - Improved development processes
  - Incentives for high quality development



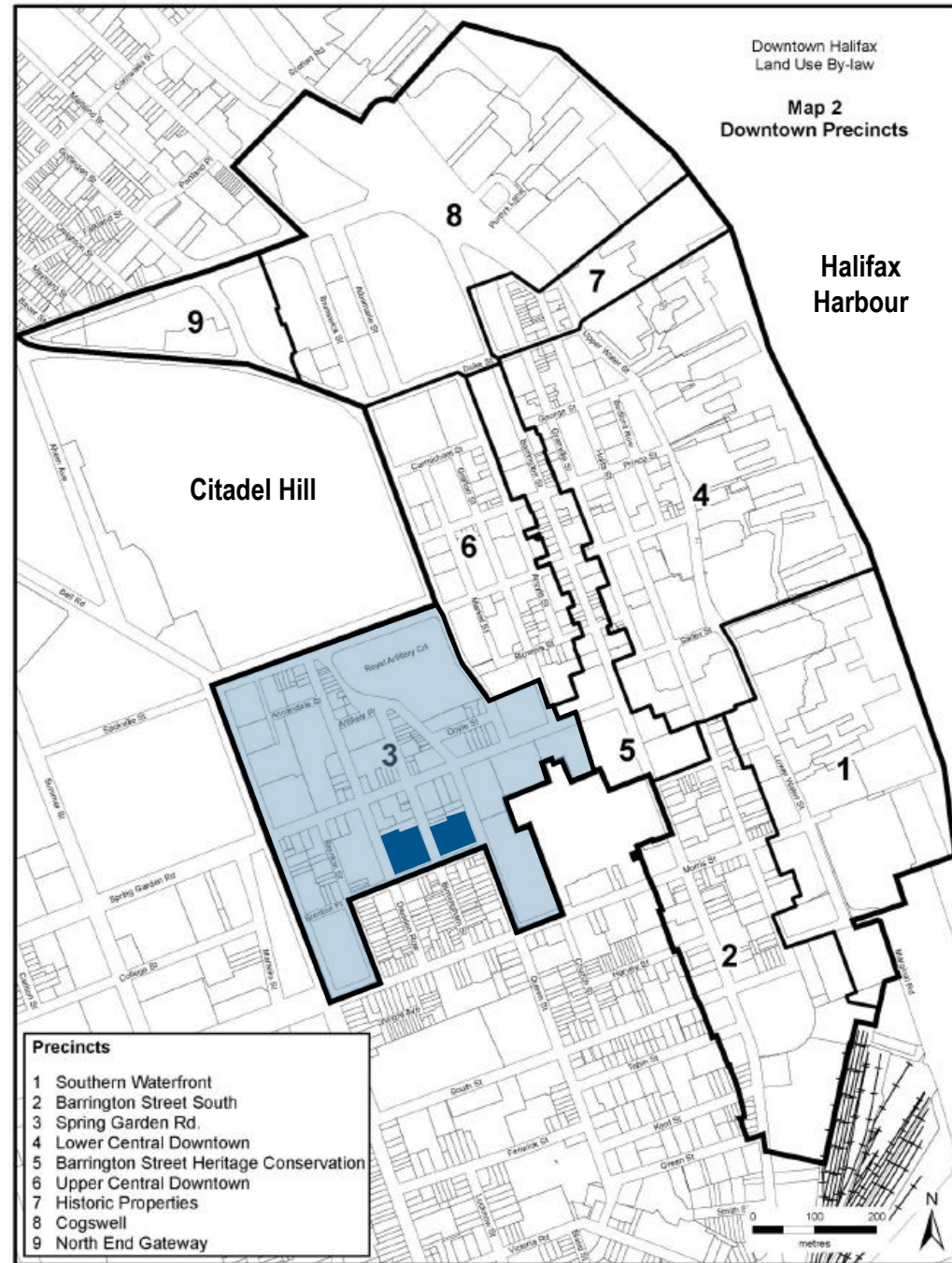
# Downtown Plan

## General Overview: HRMbyDesign

- 2007 - Council adopted the findings of the **Spring Garden Road/Queen Street Area Joint Public Lands Plan** to provide:
  - Redevelopment of municipally and provincially-owned lands
  - Design principles and guidelines
- 2009 - Regional Council adopted the **Downtown Halifax Secondary Municipal Planning Strategy** and the **Downtown Halifax Land Use By-law**

Policy 32 – Clyde Street Parking lots:

- a) Commercial and residential mix
- b) Vibrant streetscape
- c) Public parking





# Subject Site

## General Overview



### The Margaretta Site:

- has been used as a commercial parking lot for four decades
- is one of two former HRM-owned parking lots on Clyde Street – RFP in 2011
- is one of three development parcels that have been branded as the “Sister Sites”

# Downtown Halifax Land Use By-law (LUB)

## Zoning Regulations & Process



- **Zone** – DH-1 (Downtown Halifax)
- **Land Uses:** Residential & Commercial

**Site Plan Approval** is a development approval process enabled under the *HRM Charter* that brings improved clarity to development approvals

# Downtown Halifax Land Use By-law (LUB)

## Zoning Regulations & Process

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Under Site Plan Approval, there are two components of review and approval:

- 1. Quantitative (LUB)** – Parameters relating to land use and building envelope  
*(height, massing, scale, streetwall setbacks and stepbacks)* ➔ **Development Officer**  
*(Not Subject to Appeal)*
  
- 2. Qualitative (Design Manual)** – Guidelines relating to building design  
*(architectural design, streetscape details, materials, public realm contribution, etc. )*  
  
➔ **Design Review Committee**  
*(Subject to Appeal)*

# Subject Site

## Overview of Proposal

### Proposal:

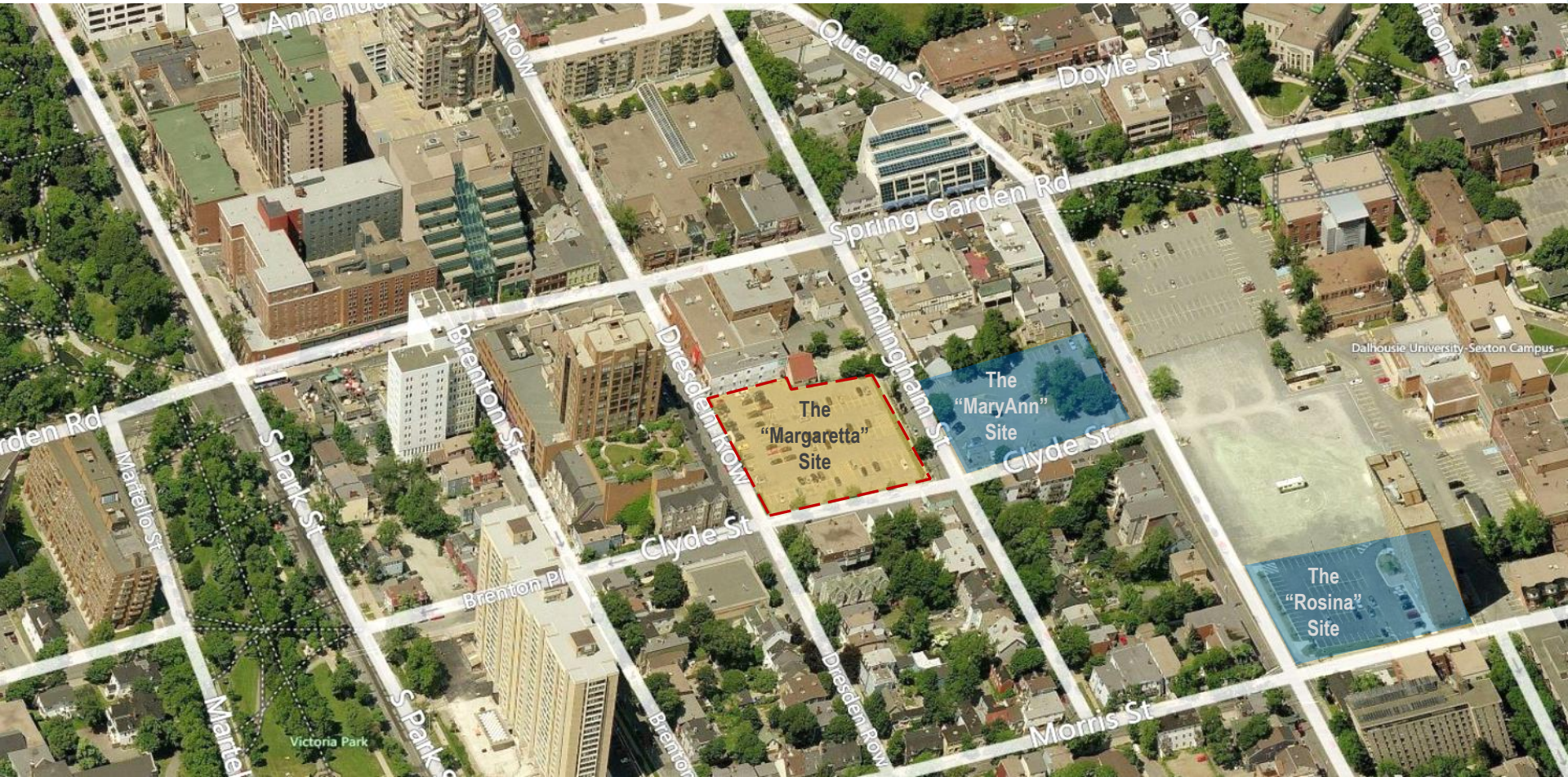
- WMFares Group, on behalf of Clyde Street Development Ltd.
- 9-storey mixed-use development consisting of:
  - ~2600 sqm of commercial space;
  - 8 storeys of residential use (147 units); and
  - 3 levels of underground parking (260 spaces)





# Subject Site

## Surrounding Land Uses





# Subject Site

## Surrounding Land Uses



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# Subject Site

## Surrounding Land Uses



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# Subject Site

## Surrounding Land Uses



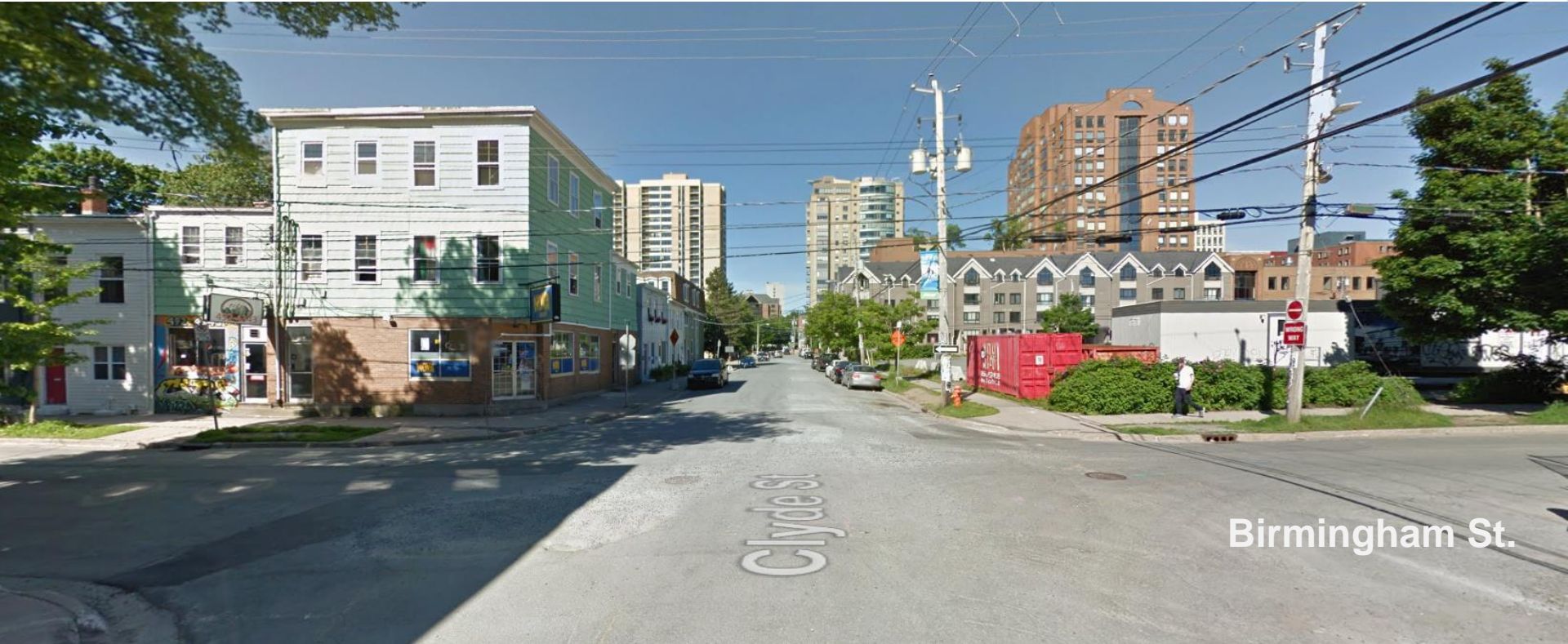
Dresden Row

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# Subject Site

## Surrounding Land Uses



Birmingham St.

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# Subject Site

## Surrounding Land Uses



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# Subject Site

## Surrounding Land Uses



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# Subject Site

## Surrounding Land Uses



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# Subject Site

## Surrounding Land Uses



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# Subject Site

## Surrounding Land Uses



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# Subject Site

## Surrounding Land Uses



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# Proposed Development

## 3D Rendering





# Proposed Development

3D Rendering



Setbacks (0 – 1.5m) – Dresden Row

Setbacks (min 4m) – Clyde Street

Setbacks (0 – 1.5m) – Birmingham St.

# Design Review Committee (DRC)

## Building Design & Variances

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The building design was approved by DRC on December 10<sup>th</sup>, 2015 with one requested variance and two conditions, as follows:

- Variance – Streetwall Width (*along Clyde Street*)
  - *to allow for a landscaped courtyard plaza in the centre; and*
  - *to create an engaging pedestrian experience along Clyde Street.*
- Approval Conditions:
  - *Designing the service entrance and the underground parking entrance to be of translucent material; and*
  - *Maintaining the benches in the streetscape as presented in the application, provided there are no implications with traffic flow and safety.*



# Notification & Appeal

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- Notifications of Design Review Committee's decision were provided as per the Downtown Halifax Land Use By-law requirements
- Appeal filed on December 23, 2015

# Grounds of Appeal

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- Within the notice of appeal, the appellants cite 5 items to overturn the DRC's decision.
- Staff identified only one item that is within the purview of Regional Council to consider:
  1. Landscaping & Placement of Permanent Benches
- Other Items Not within Scope of Appeal:
  2. Building Envelope & Schmitville Neighbourhood
  3. Wind Impacts
  4. On-Street and Underground Parking
  5. Impacts of Construction



# Appeal Analysis

## Landscaping & Placement of Permanent Benches (*Qualitative*)

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Appellants' Rationale: "... the building plans discuss the pedestrianization of Clyde St. and the Margarettta being landscaped with permanent sidewalk benches. We are opposed to these benches on grounds of security and sidewalk traffic flow. In a recent poll done for the Heritage Conservation District for Schmitville showed that benches are not desired..."

### Staff's Response:

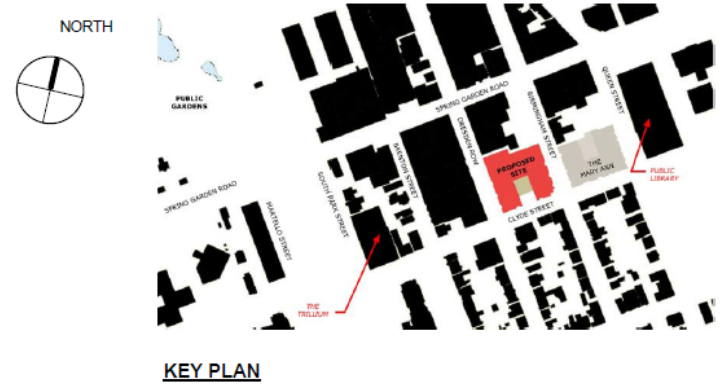
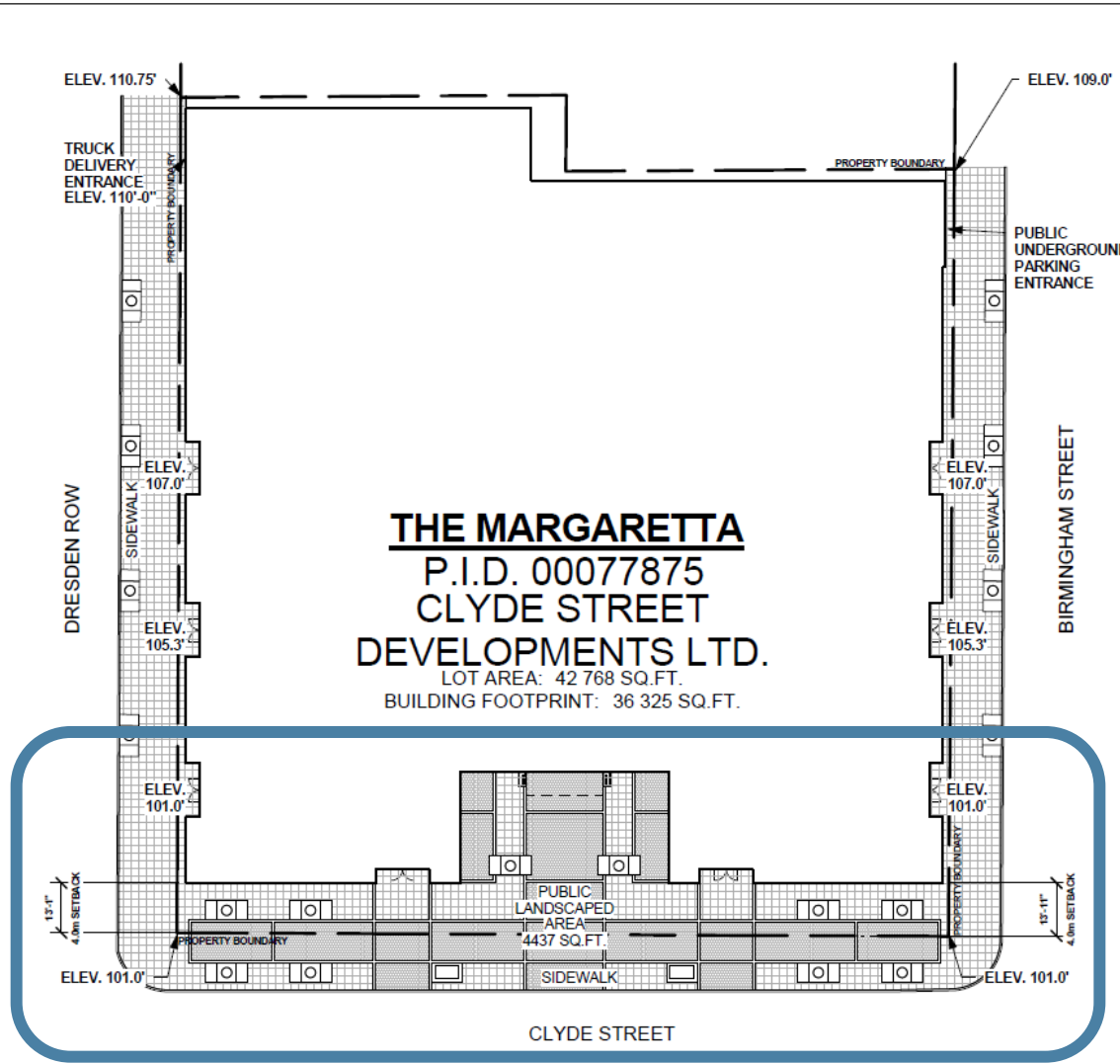
- The Design Manual calls for Clyde Street to evolve into a Pedestrian-Oriented Street
- This is provided in the project by:
  - a 4-metre setback (*LUB requirement*)
  - landscaping and permanent benches along Clyde Street
- Such improvements serve to create an active and engaging pedestrian experience
- December 10<sup>th</sup>, 2015 DRC motion of approval → a condition that support landscaping and permanent benches along Clyde Street was passed





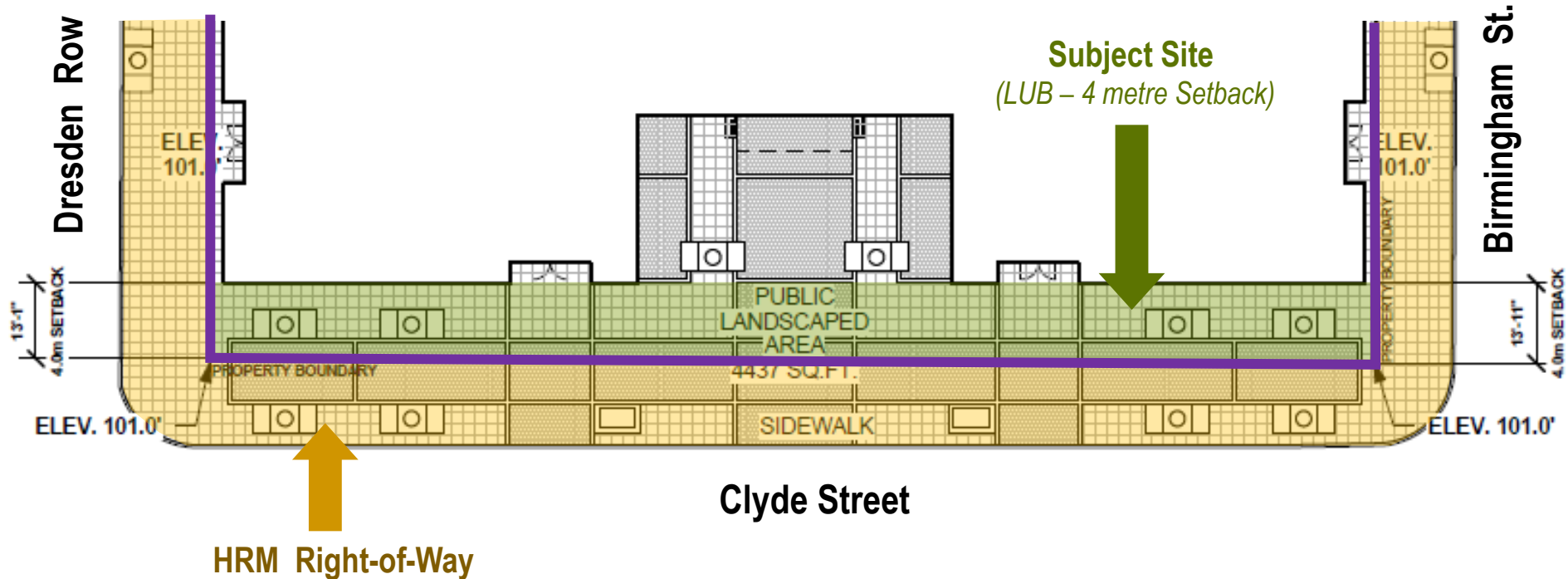
# Appeal Analysis

## Landscaping & Placement of Permanent Benches (Qualitative)



# Appeal Analysis

## Landscaping & Placement of Permanent Benches (Qualitative)



The matter before Regional Council for a decision is related to the elements of landscaping and the placement of permanent benches along Clyde Street



# Appeal Analysis

## Other Items Not within Scope of Appeal – Building Envelope & Schmidville Neighbourhood (*Quantitative*)

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Appellants' Rationale: “The overall mass and architecture of the building is not in keeping with this historic urban form/grain of Schmidville. There are no setbacks for Birmingham Street or Dresden Row...”

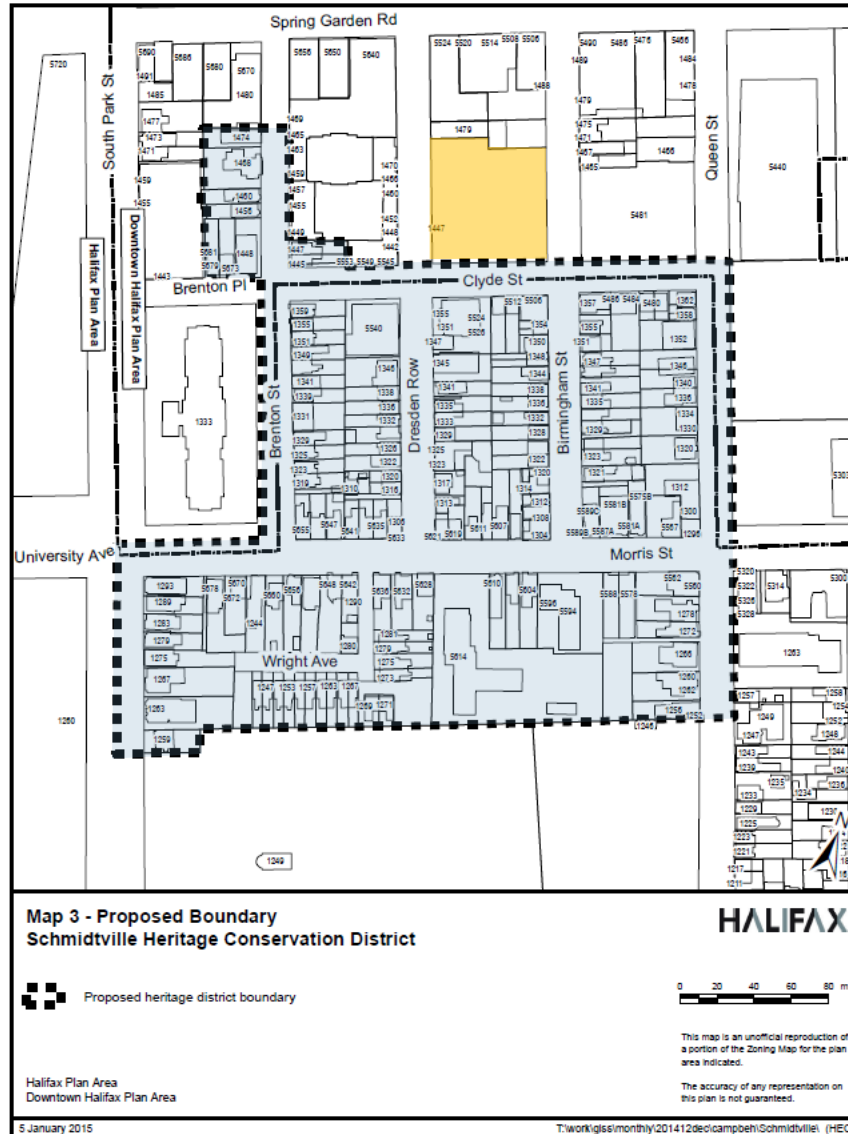
### Staff's Response:

- Not a heritage property
- Not located within the proposed Schmidville Heritage Conservation District
- **LUB** - Land use and building envelope requirements  
(*height, massing, scale, streetwall setbacks and stepbacks*) ➡ **Development Officer**

**As such, this is not a matter which Regional Council can consider under the site plan appeal process.**

# Appeal Analysis

## Other Items Not within Scope of Appeal – Building Envelope & Schmidville Neighbourhood (Quantitative)





# Appeal Analysis

## Other Items Not within Scope of Appeal – Wind Impacts (Quantitative)

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Appellants' Rationale: “...The wind impact study cited in the documentation does not take into account the changes to the street and local area by the Mary Ann site building nor the new building at the corner of Spring Garden Road and Birmingham Street which now houses the bank of Montreal. The wind strength in the area has been altered by new construction ...”

### Staff's Response:

- A qualitative Wind Impact Assessment was prepared by Ekistics Planning and Design
- The purpose of the assessment is to determine whether the site and its surroundings will be comfortable for pedestrians
- The assessment finds that the proposal will not result in significant changes to the levels of pedestrian comfort surrounding the building
- **LUB** - Standards for Wind Assessment Performance ➡ **Development Officer**

**As such, this is not a matter which Regional Council can consider under the site plan appeal process.**

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# Appeal Analysis

## Other Items Not within Scope of Appeal – On-Street and Underground Parking (*Quantitative*)

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*Appellants' Rationale: "...The plan for the site provided in the graphic renderings appears to be devoid of on-street parking or parking meters and boasts 260 new parking spaces. The plan also speaks about the existing parking supply but may have missed the requirements of homeowners in the area ..."*

### Staff's Response:

- **LUB** - A minimum of 210 parking spaces be retained for public use over the Clyde Street sites (*the 'Margaretta' and the 'MaryAnn' Sites*), in addition to any parking required
- **LUB** - The required and proposed parking supply ➡ Development Officer
- The availability and location of the parking meters within the HRM street right-of-way  
➡ Municipal Traffic Authority

**As such, this is not a matter which Regional Council can consider under the site plan appeal process.**



# Appeal Analysis

## Other Items Not within Scope of Appeal – Impacts of Construction

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*Appellants' Rationale: "...Further concern is the lack of consideration during construction on residents' livability. The construction of the Mary Ann has dragged on for many more years than first announced and contrary to the Margaretta plan questionnaire is months away from completion. The noise and air pollution caused by construction has had negative effects to us and our property..."*

### Staff's Response:

- Activities related to construction sites are managed by Staff through the enforcement of various HRM by-laws.
- Staff is in the process of developing improved standards for construction mitigation to lessen the impact of construction activities
- By-law N-200 (Respecting Noise) is the appropriate tool to address the appellants' concerns

**As such, this is not a matter which Regional Council can consider under the site plan appeal process.**

# Conclusion

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- 1. Quantitative (LUB)** – Parameters relating to land use and building envelope  
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*(Not Subject to Appeal)*
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➔ **Design Review Committee**  
*(Subject to appeal)*

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- ▶ Development Officer and DRC have approved the proposal
  - ▶ Based on the Notice of Appeal, the only matter before Regional Council for a decision is related to the elements of landscaping and the placement of permanent benches along Clyde Street



# Recommendation

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Staff recommends that Halifax Regional Council deny the appeals, thereby upholding the decision of the Design Review Committee to approve, with the requested variance and conditions of approval for the proposed Margareta development at 1447 Dresden Row, Halifax.