

HALIFAX

P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 15.1.1
Halifax Regional Council
April 2, 2019

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY:

Original Signed by 

Jacques Dubé, Chief Administrative Officer

DATE: February 14, 2019

SUBJECT: **Case 21916: MPS/ LUB Amendments and Development Agreement for a 12-storey mixed-use development at 3514 Joseph Howe Drive, Halifax**

ORIGIN

Request by Zwicker Zareski Architecture & Planning, on behalf of BANC Investments Limited.

LEGISLATIVE AUTHORITY

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

RECOMMENDATION

It is recommended that Regional Council direct staff to:

1. Initiate a process to consider amendments to the Halifax Municipal Planning Strategy and Halifax Mainland Land Use By-law to enable mixed-use development with a streetwall height of 5 storeys and an overall height of 12 storeys within 'Area A' of the Plan Dutch Village Road Area by development agreement; and
2. Follow the public participation program for municipal planning strategy amendments as approved by Regional Council on February 27, 1997.

BACKGROUND

Zwicker Zareski Architecture & Planning, on behalf of BANC Investments Limited, has requested to amend the Halifax Municipal Planning Strategy (MPS) and Halifax Mainland Land Use By-law (LUB) to allow minor increases in the maximum streetwall height and maximum building height in Area A of the Plan Dutch Village Road area, to allow for a mixed-use development with a streetwall height of 5 storeys and an overall height of 12 storeys at 3514 Joseph Howe Drive, Halifax through the development agreement process (Maps 1 and 2).

Subject Site	3514 Joseph Howe Drive, Halifax (Maps 1 and 2)
Location	West side of Joseph Howe Drive, next to St. Lawrence Place
Regional Plan Designation	Urban Settlement (US)
Community Plan Designation (Map 1)	Commercial (COM), Fairview Secondary Planning Strategy - Plan Dutch Village Road area, Halifax Municipal Planning Strategy
Zoning (Map 2)	Dutch Village Road Mixed Use (C-2C) Zone, Halifax Mainland Land Use By-law
Size of Site	0.93 hectares (2.3 acres)
Current Land Use(s)	1-storey commercial building
Surrounding Use(s)	Primarily mixed commercial and multi-unit residential development to the north, west and south; low and medium density residential uses across Joseph Howe Drive to the east.

Proposal Details

This is the first development proposal being considered for Area A since the adoption of the Plan Dutch Village Road amendments in 2016. The applicant is seeking amendments to the Halifax Municipal Planning Strategy (MPS) and Halifax Mainland Land Use By-law (LUB) (Attachment A) as follows:

- to allow for an increase in the maximum building height beyond 37.5 metres (within “Area A” of the Plan Dutch Village Road area of the Fairview Secondary Plan Area) in order to accommodate non-habitable rooftop building features not exceeding one storey in height, such as elevator and staircase enclosures, mechanical penthouses, architectural features and amenity space, without exceeding 12 storeys of habitable floor space overall; and
- to allow for increases in the maximum streetwall heights from 16.5 metres to 18.5 metres on Joseph Howe Drive and from 13.5 metres to 15.5 metres on Dutch Village Road (within “Area A” of the Plan Dutch Village Road area of the Fairview Secondary Plan Area) in order to accommodate ground-level grade issues and podium rooftop features such as parapets, without exceeding a streetwall/ podium height of 5 storeys of habitable floor space.

The proposed MPS and LUB amendments to increase the streetwall height and maximum building height would enable the development agreement process to be considered concurrently by the Halifax and West Community Council for a mixed-use development including:

- a 5-storey building podium containing approximately 2,137 square metres (23,000 square feet) of ground-floor commercial uses, and multi-unit residential uses above the ground-floor;
- two 7-storey residential tower components above the building podium, with an overall height of 12 storeys and a total of 324 residential units (approx.);
- approximately 360 underground parking spaces on two levels, and 50 ground-level parking spaces behind the commercial uses for a total of 410 parking spaces; and
- extensive landscaped areas on the rooftops of the base and tower portions of the building and ground-level landscaping along the site’s perimeter.

MPS and LUB Context

The subject site is located within the Fairview Area Secondary Planning Strategy (Section VII) of the Halifax MPS, and is designated Commercial (COM) within Area A of the Plan Dutch Village Road area (Attachment B). The commercial designation encourages a commercial node that services the larger Fairview community and addresses land use, and regulates the external appearance of structures (built form) and urban design in a comprehensive manner. The site is zoned C-2C (Dutch Village Road Mixed Use) pursuant to the Halifax Mainland Land Use By-law (Attachment C).

The Plan Dutch Village Road amendments were initiated to establish comprehensive planning policies that enable additional commercial and residential developments on the lands located on Dutch Village Road and neighbouring areas. The adopted approach, similar to that in Downtown Halifax area, uses elements of form based coding to control the massing of buildings, building placement on lots to encourage street level activity, provision of sidewalk and bicycle lanes to allow for safer and more enjoyable mobility and permitting a wide variety of commercial uses that service the larger Fairview community.

With regard to maximum building heights within the Plan Dutch Village Road area, the staff report which was presented to Council in 2016, prior to adoption of the MPS and LUB amendments, indicated the following:

The plan aims to create a comfortable pedestrian experience by reducing the mass of the buildings near the sidewalk by introducing the requirement to establish a streetwall. This means that buildings will need to be set back above a certain height to prevent them from 'overpowering' the pedestrian realm. In Area A, buildings that front on Joseph Howe Drive will be allowed a five storey, or 16.5 m streetwall height, which steps down to four stories on Dutch Village Road. On the remainder of the streets, the streetwall heights are reduced to three storeys (10.5 m), reflecting the change in lot configuration to smaller lots with smaller buildings and reduced heights.

Taller buildings will be focused around Joseph Howe Drive and the existing commercial area, with as-of right heights of up to 25.5 m (8 stories) permitted here as well as in Area A. The maximum height will be reduced to 19.5 m (6 stories) along Dutch Village Road, with shallow properties only permitted a maximum height of 13.5 m (4 stories) to prevent over development of small lots and to reduce the impact on abutting residential buildings. Additionally, the ground floor height of any commercial building is required to be 4.5 m to create a more defined commercial floor space, as well as to provide enhanced retail and commercial space for tenants.

Regarding controls for larger development, the report indicated the following:

The policy allows the consideration of high rise development of up to 37.5m only in Area A (Attachment C, ZM-27). This area is an existing commercial area that has large lots with large building footprints, and an existing 14 storey building. Due to the size of the lots, it is harder to predict how they should be developed, making this area suitable for the consideration of development agreements.

DISCUSSION

The Municipal Planning Strategy (MPS) is a strategic policy document that sets out the goals, objectives and direction for long term growth and development in the Municipality. While the MPS provides broad direction, Regional Council may consider MPS amendment requests to enable proposed development that is consistent with its policies. Amendments to the MPS are significant undertakings and Council is under no obligation to consider such requests. Amendments should be only considered within the broader planning context and when there is reason to believe that there has been a change to the circumstances since the MPS was adopted, or last reviewed or if there may have been an oversight when drafting policies.

Applicant Rationale

The applicant has provided rationale in support of the proposed amendments (Attachment A), and staff

note the following highlights:

- The development proposal's marginal height increases/ exemptions are in alignment with HRM's recent planning frameworks such as the Downtown Halifax MPS, Centre Plan and the Regional Plan;
- There is not adequate flexibility in overall building height calculations to accommodate complex modern building elements such as mechanical and functional components, and architectural features;
- There is not adequate flexibility in streetwall height calculations when factoring in sloping conditions and the need for site drainage; in scenarios where the grade increases between the street (property) line and the building, as the height is measured from the street line;
- Site access and services (truck deliveries) are prohibited in front of the building, which results in the need for higher floor-to-floor heights to accommodate large portals for safe truck access in and out of the site; and
- The complex architectural rhythm of the streetwall, which is required by the SMPS, results in higher floor-to-floor heights to accommodate internal building systems.

Review

Staff have reviewed the submitted rationale in the context of site circumstances and surrounding land uses, and advise that there is merit to the request, for the following reasons:

- The proposed increases in the maximum building height are relatively minor, they are not intended for additional habitable floor space, and they do not increase the number of building storeys;
- In the 2016 MPS and LUB amendments, the intent with regard to building heights and number of storeys was identified in the staff report which was presented to Council and in community engagement sessions, but the MPS amendments that were adopted only referenced height in metres and underestimated the actual heights required, when taking into account sloping site conditions and rooftop mechanical and architectural features;
- There was an intention to consider streetwalls of 5 storeys along Joseph Howe Drive and 4 storeys along Dutch Village Road, and overall building heights of 12 storeys within Area A. However, without the proposed amendments, the proposed development would have one less storey than was originally intended in terms of both the streetwall and overall building heights;
- The 2016 LUB amendments which created the Dutch Village Road zones (R-2TA, R-4A, and C-2C) and height definitions were such that there was little or no flexibility built in for such elements as sloping site conditions and rooftop mechanical and architectural features.

In this instance, it is reasonable to consider amending MPS policies to allow for an increase in the maximum streetwall heights and the maximum building heights, which will not result in an increase in the maximum number of building storeys, within Area A of the Dutch Village Road SMPS area.

Conclusion

Staff have reviewed the proposed MPS amendment rationale and advise that there is merit to warrant proceeding with the request. Therefore, staff recommend that Regional Council initiate the MPS amendment application process.

COMMUNITY ENGAGEMENT

Should Regional Council choose to initiate the MPS amendment process, the HRM Charter requires that Regional Council approve a public participation program. In February of 1997, Regional Council approved a public participation resolution which outlines the process to be undertaken for proposed MPS amendments which are considered to be local in nature. This requires a public meeting to be held, at a minimum, and any other measures deemed necessary to obtain public opinion.

The proposed level of community engagement is consultation, achieved through a public meeting early in the review process, as well as a public hearing, before Regional Council can consider approval of any amendments.

Amendments to the Halifax MPS and LUB will potentially impact the following stakeholders: residents, property owners, community or neighbourhood organizations, and nearby business owners.

FINANCIAL IMPLICATIONS

The HRM costs associated with processing this planning application can be accommodated within the approved 2018-2019 operating budget for C310 Urban and Rural Planning Applications.

RISK CONSIDERATION

There are no significant risks associated with the recommendations contained within this report. This application involves proposed MPS amendments. Such amendments are at the discretion of Regional Council and are not subject to appeal to the N.S. Utility and Review Board. Information concerning risks and other implications of adopting the proposed amendments are contained within the Discussion section of this report.

ENVIRONMENTAL IMPLICATIONS

No environmental implications are identified at this time.

ALTERNATIVES

1. Regional Council may choose to initiate the consideration of potential policy that would differ from those outlined in this report. This may require a supplementary report from staff.
2. Regional Council may choose not to initiate the MPS amendment process. A decision of Council not to initiate a process to consider amending the Halifax Municipal Planning Strategy is not appealable to the NS Utility and Review Board as per Section 262 of the HRM Charter.

ATTACHMENTS

Map 1:	Generalized Future Land Use
Map 2:	Zoning
Attachment A:	Applicant's Submission
Attachment B:	Excerpts from the Halifax Municipal Planning Strategy
Attachment C:	Excerpts from the Halifax Mainland Land Use By-law

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: Paul Sampson, Planner II, 902.490.6259

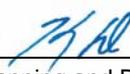
Report Approved by: Original Signed
Steven Higgins, Manager, Current Planning, 902.490.4797

Financial Approval by:

Original Signed by 

Jane Fraser, Director of Finance, Asset Management and ICT/CFO, 902.490.6308

Report Approved by:

Original Signed by 

Kelly Denty, Director of Planning and Development, 902.490.4800



Map 1 - Generalized Future Land Use

3514 Joseph Howe Drive,
Halifax

 Subject Property

Designation Halifax Plan Area
 COM Commercial
 RES Residential Environments

Designation Fairview Secondary Plan Area
 CF Community Facilities
 COM Commercial
 DVR RES Dutch Village Road Residential
 LDR Low Density Residential
 MDR Medium Density Residential

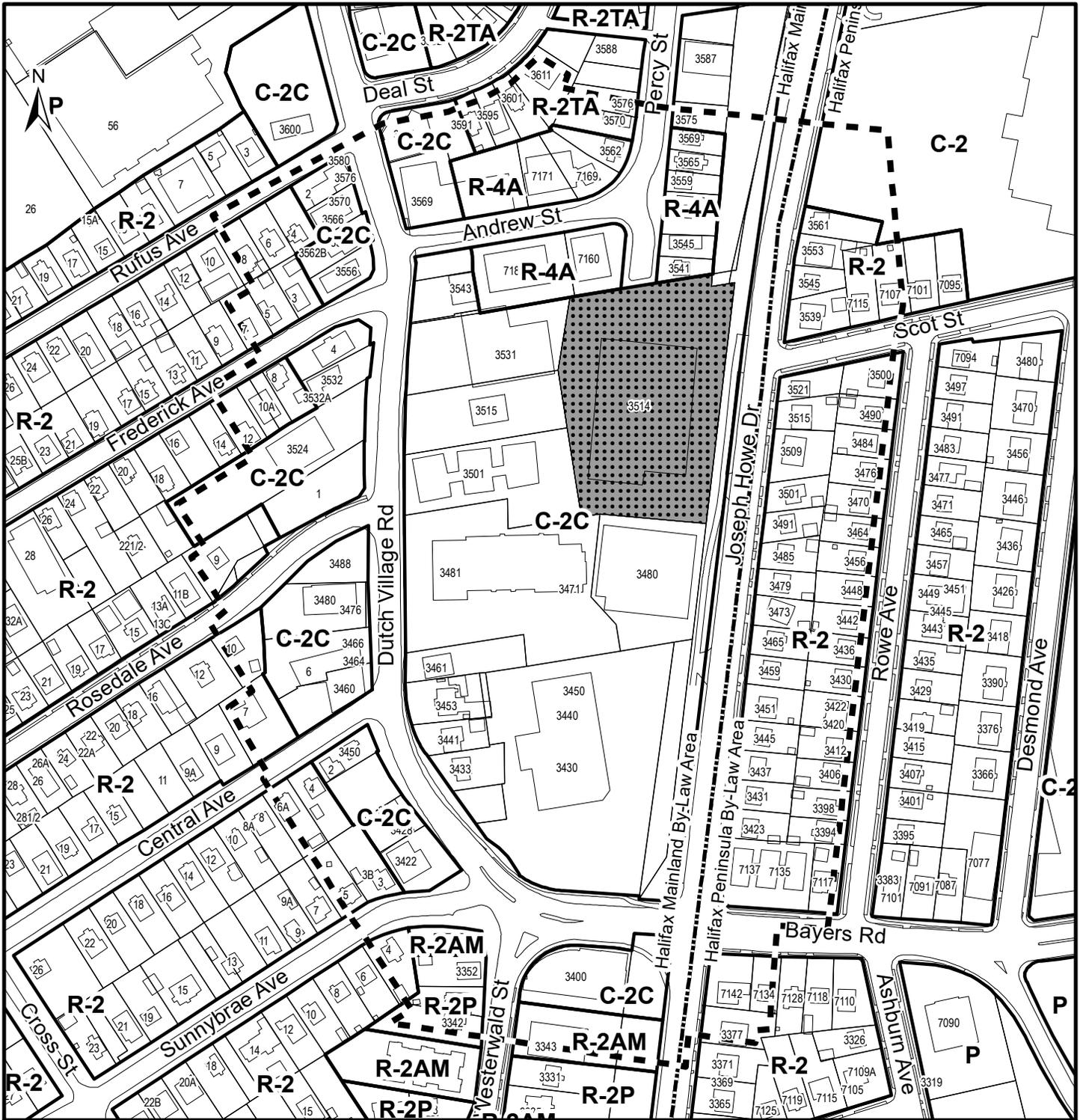
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This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated.

The accuracy of any representation on this plan is not guaranteed.

Halifax Plan Area
 Fairview Secondary Plan Area



Map 2 - Zoning and Notification

3514 Joseph Howe Drive,
Halifax

-  Subject Property
-  Area of Notification

Halifax Mainland
Land Use By-Law Area

Halifax Peninsula By-Law Area

- C-2 Commercial
- P Residential Environments
- P-2 General Residential

Halifax Mainland By-Law Area

- C-2C Dutch Village Road Mixed Use
- P Park and Institutional
- R-2 Two Family Dwelling
- R-2AM General Residential Conversion
- R-2P General Residential
- R-2TA Dutch Village Road Townhouse
- R-4A Dutch Village Road Multi Unit Zone

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This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.

The accuracy of any representation on this plan is not guaranteed.

Attachment A: Applicant's Submission



Zwicker Zareski Architecture + Planning

1 Canal Street, Dartmouth NS B2Y 2W1 | 902 266 5481 | connor@zzap.ca

January 16, 2019

Paul Sampson
Planner II – Urban Enabled Applications
Planning & Development | Current Planning
40 Alderney Drive
Halifax, NS B3J 3A5

Re: Application for Municipal Planning Strategy Amendment, 3514 Joseph Howe Drive, Halifax, NS (PID: 00181552)

Dear Paul:

On behalf of our client, BANC Investments Ltd. (Banc), ZZap Consulting Inc. (ZZap) is pleased to submit a Municipal Planning Strategy (MPS) amendment application for a mixed-use development located within the Dutch Village Road Plan Area at 3514 Joseph Howe Drive (PID: 00181552). To support this application submission, the following materials are included as appendices:

- Completed Planning Application Form
- Appendix A: Amendment Request
- Appendix B: Architectural Plans, Site Plan & Landscape Plans
- Appendix C: Design Description
- Appendix D: Shadow Study
- Appendix E: Traffic Impact Statement
- Appendix F: Survey & Legal Description
- Appendix G: Site Servicing Plans

1.0 Site Description and Location

The subject site is located within the Dutch Village Road Secondary Plan Area and has direct frontage on Joseph Howe Drive. The site consists of one parcel, PID: 00181552, and has a total area of approximately 100,160 ft.².

The site is designated 'Commercial' within the Halifax Municipal Planning Strategy and is zoned C-2C (Dutch Village Road Mixed Use) within the Halifax Mainland Land Use By-law (LUB). The site is also located within 'Area A' on Map ZM-28 of the Dutch Village Road Plan Area (see Figure 1). Highrise buildings can be considered on properties located within Area A through a Development Agreement (DA) process in accordance with criteria contained within Policies 2A.7 and 2A.7.1 of the MPS.

2.0 Summary of Development Proposal

Banc is seeking to develop a new mixed-use residential and commercial building on the subject site reaching a height of 12 habitable storeys, plus a non-habitable penthouse. The design of the new building, as illustrated in Appendix B, provides for a total of 324 residential apartment units in addition to approximately 23,000 ft.² of commercial retail space at ground level, facing Joseph Howe Drive. The proposed development includes two separate driveways off Joseph Howe Drive, providing access to approximately between 350 and 360 underground parking spaces and 50 surface parking spaces located within the site.

The design of the building can be separated into three major components: the base, the middle and the top. The base consists of ground level retail designed to engage with the existing pedestrian commercial corridor. The ground level includes integrated signage, glazing with a mix of non-glazed architectural units, prominent protected and covered entries and street level landscaping to support a vibrant pedestrian environment. The middle consists of a four-storey residential podium that sits on top of the ground level retail, forming a 5-storey streetwall that is vertically articulated and continually differentiated by randomized protrusions and recesses. The top consists of two 7 storey towers. The two towers each have a floorplate of 625 m², are separated by 25m and are set back from rear and side lot lines by a minimum of 12.5m to mitigate potential impacts on adjacent properties.

3.0 Background

In 2016, HRM Regional Council approved the 'Plan Dutch Village Road'. This plan included various amendments to the Halifax MPS and Halifax Mainland LUB to establish comprehensive planning framework enabling additional commercial and residential developments on lands located within Dutch Village Road and neighbouring areas. The Dutch Village Road 'plan area' is divided into four sub-areas (see Figure 1).

The subject property is located within Sub Area A, which has been identified in planning policy as an appropriate area for well designed, context sensitive high-rise development. The intent of the Dutch Village Road Plan, particularly for Area A, is to allow 8 storey buildings (25.5 m) as-of-right and 12 storey buildings (37.5 m) through a DA process. The intent is also to allow a maximum 5 storey podium through a DA, which is outlined on Page 5 of the staff report (dated June 28, 2016) for Plan Dutch Village Road that was presented to council.

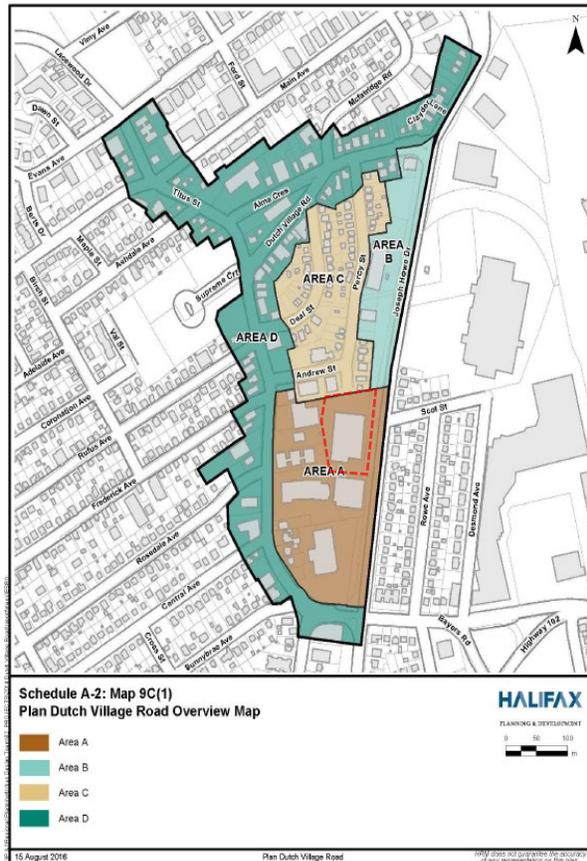


Figure 1: Plan Dutch Village Road Overview Map

In 2018, Banc submitted an application to HRM Planning & Development requesting their development proposal be enabled on the subject site through a DA (subject to approval from Halifax and West Community Council). The design of Banc's proposed mixed-use residential and commercial was generally guided by Policies 2A.7 and 2A.7.1 of the MPS. Following Banc's application submission in 2018, several meetings were held with planning and development staff to discuss the application materials in relation to applicable planning policies. Through these meetings and discussions, staff determined that the application could not be considered under existing planning policy for two primary reasons:

1. The building design includes non-habitable penthouses at the top of the two residential towers that exceeds the maximum height limit of 37.5m outlined in Policy 2A.7(a) of the MPS.
2. The 5-storey podium slightly exceeds the maximum podium height requirement of 16.5m outlined in Policy 2A.7(b) of the MPS based on the way streetwall height (podium height) is measured relative to streetline grade as defined in the LUB.

Once staff had made this determination, additional meetings were held where Banc and their consultants presented a potential resolution to enable the proposed

development through an amendment to the LUB. Our proposed LUB amendments included:

1. Inserting a clause into the C-2C (Dutch Village Road Mixed-Use) zone that exempts certain non-habitable building features (i.e. chimneys, staircase enclosure, radio poles, water tanks, elevator enclosures, or mechanical penthouses) from the maximum height limit. We proposed that such features would be limited to occupying in the aggregate less than 30 percent of the area of the roof of the building on which they are located, as well as be setback from the perimeter of the roofline or incorporated as an integral part of the building design.
2. Inserting another clause into the C-2C (Dutch Village Road Mixed-Use) zone stating that maximum streetwall heights specified in Area A of Map ZM-28 in the LUB shall be 5 stories measured to the top of the podium roof, excluding any parapets, chattels for rooftop landscape elements or mechanical elements.

Staff reviewed our proposed LUB amendments and determined that an MPS amendment is required in order to accommodate additional height on the site, and to allow for the non-habitable penthouses and podium form as proposed. Staff's opinion was that given Council's understanding of how height was to be measured when approved the plan in 2016, and considering their intent to remain consistent within the by-law in the way height is measured, that a change to the planning policy is required for this case.

4.0 Application Request

As a result of meetings and discussions with Planning & Development Staff described above, this application is requesting to amend Policy 2A.7(a) of the MPS by referencing a maximum building height of 12 storeys and allowing for the inclusion of a non-habitable penthouse. This application is also requesting to amend Policy 2A.7(b) of the MPS by increasing the maximum podium height beyond 16.5m to allow for a constructible 5-storey podium form on the subject site. Please refer to Appendix B, which outlines our specific amendment request.

5.0 Rationale for Application Request

The proposed amendments to the MPS enable a development scenario on the subject property through policies that are more consistent with HRM's most recent planning frameworks for urban areas within the region (i.e. draft Centre Plan, Downtown Halifax Plan & Downtown Dartmouth) and are also more reflective of the basic needs of modern mixed-use buildings. Our proposed marginal height limit increases and exclusion of non-habitable penthouse features and architectural features associated with the podium are in keeping provisions in the Downtown Halifax LUB and proposed provisions in draft CentePlan Package A. Therefore, the proposed amendments will create greater simplification and consistency amongst the different by-laws that regulate more urban plan areas within the municipality.

Alignment with Regional Municipal Planning Strategy

The Dutch Village Road plan was created with guidance from HRM's Regional Municipal Planning Strategy (RMPS) policies. The RMPS chapter on settlement and housing includes objectives that focus new growth in centres where supporting services and infrastructure are already available. The objectives also aim to design communities that support complete neighbourhoods (mixed-use, diverse, affordable, accessible) and neighbourhood revitalization.

The Dutch Village Road plan includes policies and regulations that support the revitalization of this neighbourhood into a complete urban neighbourhood that is envisioned by the RMPS. A neighbourhood that has immediate access to supporting public services and infrastructure (i.e. transit, parks and trails, municipal water, municipal sanitary). Banc is in general support of the Dutch Village Road plan and its overall intent; however, it has been determined through the implementation of applicable planning policies for large-scale mixed-use developments that there is not adequate flexibility to accommodate complex modern buildings. The proposed MPS amendments request minor changes to planning policy in order to provide adequate flexibility to accommodate larger scale, complex new developments. Therefore, we believe that the proposed amendments are still in alignment with the RMPS.

Why current SMPS policy is no longer appropriate

It is our understanding that the intent of the Dutch Village Road Plan, particular to Area A through the inclusion of Policy 2A.7, is to allow 8 storey buildings (25.5 m) as-of-right and 12 storey buildings (37.5 m) through a DA process. The intent is also to allow a maximum 5 storey podium on Joseph Howe Drive through a DA process.

Banc is in support of this general intent of the MPS policies as written, however it has become evident that the policies do not include enough flexibility to account for large scale, modern mixed-use buildings that have complex functional elements. Larger scale modern buildings have an inherent demand for larger scale mechanical and other functional building elements. This inherent demand is contemplated in HRM's most recent planning frameworks for urban areas within the region (i.e. draft Centre Plan, Downtown Halifax Plan & Downtown Dartmouth Plan), however it is not contemplated in the Dutch Village Road Planning policies. Policy 2A.7 includes specific maximum height measurements for both the podium (16.5m) and the overall building (37.5m). Although in theory these measurements can accommodate a 12-storey building with a 5-storey podium, in practicality, such building forms are difficult to achieve due to site specifics (i.e. grades, access) combined with the method in which building height and podium height are measured. This is particularly evident for this project due to the following:

- A gradual slope is required between the building and the streetline to facilitate water drainage off the site. Therefore, the grade of the first floor of the building is inevitably higher than the streetline grade from which the streetwall height (podium height) is measured.
- The proposed development has site servicing needs that require large scale trucks to access the site for deliveries to the rear where parking is required in accordance with Policy 2A.7(f). The site also fronts on Joseph Howe Drive, which is a busy traffic corridor. This servicing requirement, combined with the constraint of fronting on a busy traffic corridor, forces the ground floor of the building to have a higher floor-to-floor height than what otherwise may be required. The higher ground floor is required in order to accommodate portals for safe truck access into and out of the site, getting trucks off the busy Joseph Howe Drive corridor when deliveries are occurring. A soffit with insulation will be required at ceiling of the portals as well in order to meet national building code standards as residential living space is proposed to be located above the access portals. All these factors force both the podium height and overall building height to be higher, but not the number of stories.
- The complexity of the architectural rhythm of the streetwall in order to meet Policies 2A.7.1 (d) & (f) results in higher floor to floor slab heights to accommodate internal building systems, thus slightly increasing the overall height of the streetwall (podium), but not the number of storeys.

Due to gradual sloping conditions on the subject property, combined with the functional requirement for the building to be slightly setback from the busy Joseph Howe Drive to accommodate safe access and egress, a 5-storey form is not achievable within a 16.5m height limitation when combined with the method of measuring streetwall height based on streetline grade.

We believe that the limitations described above may likely be applicable to other sites and future developments within Sub Area A of the Dutch Village Road that Policy 2A.7 of the MPS can also be applied to. Therefore, our proposed amendments to the MPS aim to align with the intent of the existing policy by still limiting the overall form of buildings to a maximum of 12 storeys for overall building height and 5 storeys for overall podium height, however also including additional flexibility to accommodate more complex modern buildings and respond to specific site constraints.

Impact on local community and broader region

The proposed MPS amendments will only impact future developments within Sub Area A of the Dutch Village Road plan because it is the only area that Policy 2A.7 of the MPS can be applied to. If the proposed amendments were to be approved by HRM Regional Council, the impact would be the allowance of a non-habitable penthouse on top of a 12-storey form, as well as a 2m increase in podium height for future developments within Sub Area A. The remainder of the Dutch Village Road Plan area and the Halifax Mainland Plan Area would be unaffected. We believe that the proposed amendments will provide adequate flexibility to enable complex new construction within Area A that is aligned with the general intent for development in this area when the Dutch Village Road plan was contemplated by the local community

and Regional Council back in 2016. The amendments will have a minimal impact on local community and the broader region as they are minor in nature and are limited to a small geographical area.

6.0 Conclusion

We trust that the enclosed materials satisfy the application requirements, and we look forward to working with Staff, the public and Council throughout the application process. Should you have any questions, comments or concerns with regards to this application, please do not hesitate to contact the undersigned.

Sincerely,



Connor Wallace, MCIP, LPP
Urban Planner
ZZap Consulting Inc.
connor@zzap.ca
902-266-5481

January 14, 2019

Halifax Regional Municipality
PO Box 1749
Halifax, NS B3J 3A5

Re: 3514 Joseph Howe Drive Design Description

The design intent for this new 12 storey multi-use building is to provide a high-quality, well-designed retail and residential environment to create and serve a pedestrian friendly streetscape experience along Joseph Howe Drive at the existing Chain of Lakes Trail. The Halifax Municipal Planning Strategy, Section 2A Plan Dutch Village Road (RC-Oct 4/16; E-Nov 26/16) was used to guide planning requirements for the site.

The design provides for 324 residential rental units, comprised of 224 one bedroom units, 100 two bedroom units, aimed at the higher end market. 360 underground parking spaces are provided for tenant use as well as storage lockers, virtually eliminating the need for on street parking. 54 surface parking spaces are provided behind the podium, supporting the new retail spaces on the ground floor level.

For those without automobiles, or looking for more sustainable transportation options, 170 parking spaces have been provided for bicycles, 168 of which are Class A. For transit, the site is well located with no less than six routes serving both directions on Joseph Howe Drive. Additionally, the Bayers Road terminal is steps away and the Mumford terminal within 10 minutes walking distance. Local amenities are also within walking distance or serviceable by transit.

In addressing all of the prescriptive requirements of section 2A.7, governing highrise buildings proposed in Area A, we have designed the proposal to meet each requirement, with the exception of requests to amend the land-use by-law on the definition of height in 2A.7 (a) and the definition of streetwall height in 2A.7 (b).

In regards to the 2A.7 (g) requirement that we have a maximum front yard setback, we submit that our podium is less than 3 metres except for one section of a ground floor, which amounts to a mere 2.7% of the total podium streetwall. 2A.7 (g) does not indicate that the entire podium from the main floor to the top of the fifth floor in total needs to be a maximum 3m setback.

Furthermore, the two large arched openings would in theory, violate 2A.7(g) as well, since they have floors 2 to 5 above them, with voids at level 100. Clearly, the intent of the policy is not being offended by the presence of this stand alone building being more than 3m away from the streetline.

We have addressed the requirements in the Plan Dutch Village Road, Highrise Buildings, 2A.7.1, as follows:

- a) Towers have been placed away from streets and other properties and spaces as per prescriptive requirements and we have accentuated the defining element of the building as the base/podium of the building based on its design.
- b) The design of the site incorporates rooftop landscaping overlooking the Bedford Basin as well as the Chain of Lakes Trail. Building entrances are intertwined into the glass streetwall with residential and service entrances deployed in the rear. Retaining walls, although a necessity on the site, will be incorporated into the design via architectural block finishes. Lighting on the building and on the site will be comprised of modern post lighting at grade, rail lighting, sconce lighting. Signage is being intertwined into the architectural panels facing North and South and also suspended signage from the overhanging 2nd floor of the podium facing East to create a clean, seamless and non-overbearing look.
- c) The design can be rationalized as three major components: first floor retail designed to engage with existing pedestrian corridor; a floating four-storey residential podium above the retail; and two rear towers rising 7 stories above the podium. These three components inform the massing of the building, organized into three separate elements, a 'base', 'middle' and 'top'.

The podium consists of a 5-storey glass box with continuously glazed retail space on the ground level and four levels of randomized protruding residential balconies and bedrooms above. The retail spaces and residential balconies above engage and interact with the street, creating a strong community presence and opportunities for more eyes on the street. The podium and streetwall are vertically articulated and continually differentiated by randomized protrusions and recesses that are deployed throughout the podium. The pattern differentiates the façade patterning along the length of the streetwall and all sides of podium above the first level of retail.

At the base ground level, three retail spaces with integrated signage, continuous glazing, five prominent protected entries and a street level patio space support a vibrant pedestrian environment. Levels 2-5 feature residential units with randomized protruding residential balconies and bedrooms that cantilever out from the 5-storey glass box, in what appear to be a randomized pattern. The alternating 5 foot cantilevers of the hovering balconies create a sheltered, yet dynamic condition for the sidewalk below. The resulting streetwall is an animated façade designed to support and elevate the pedestrian experience along Joseph Howe Drive.

The 7 story rear towers are a simplified interpretation of the randomized podium pattern creating a dialogue between the two forms. Using repeated tower floorplates to simplify and streamline the aesthetic of these two masses ensures that the towers' profiles are minimized and that the focus of the design remains with the pedestrian scale of the podium. As required, the towers feature floor areas of 625 m², are separated by 25m and are set back from side and rear lot lines by 12.5m.

Above the towers, well designed mechanical penthouses use simple extruded masses with open frames extending towards each elevation, to emulate the shape and pattern of the tower and podium below. The open frames of the penthouses are of the same language as the towers and podium below, albeit much lighter and airier, allowing their presence to be minimized.

d) The design reflects the substantial movement and mobility, historical and present day, that varies across every day in front of the site. The combination of historical rail, current pedestrian and cycling movement on Chain of Lakes trail, and Joseph Howe Drive's major traffic corridor create a place of vibrant motion and random activity. This has been captured and reflected in the project's design.

Every ten feet of the façade is distinctively different. This vertical articulation is accomplished using protrusions, recesses, and material changes. These sections are substantially narrower than street wall is tall. We do not agree that breaks are required, as the word break does not appear anywhere in this requirement. That being said, as a matter of good faith, we have provided a version of the design with three breaks, in addition to the repetition free façade which is distinctly different every ten feet.

e) The street wall base is designed for multiple retail amenities supported by a café with deck, a full length arcade and five prominent entrances with prominent signage. The goal is to integrate these retail operations to serve the building tenants, the substantial pedestrian traffic along Chain of Lakes Trail and vehicular traffic along Joseph Howe Drive.

f) Materials used shall be curtain glasswall, architectural metal panels, and architectural stone panels with no ability to rust, bleed efflorescence or change color over time to any elements. They will also be chosen to deal with the highest impact wind and storm events that are present in this region.

g) All areas not used for parking will be hardscaped with patio stones of a minimum 2" thick to handle the traffic. All soft landscaping on the property shall be comprised of a combination of sods, beachstone and trees to minimize weed growth and maintain sustainability.

h) All stormwater for the site is being drained within the underground parking garage. All surface parking, generators, transformers and meters are to the rear of the property or are shielded by landscape elements, such as trees.

i) Sidewalks have been incorporated into the design all the way around all the buildings to allow for safe pedestrian traffic.

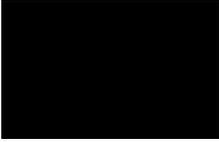
j) There are not blank walls on the building design

k) Servicing studies have been conducted and existing infrastructure has been deemed adequate for the density and use of the site

l) High Quality Landscaping is provided at ground level featuring stone, softscape and a hardscape patio; Large Rooftop Amenity Spaces above streetwall podium providing exceptional views for resident gatherings and activities; vegetated areas, walkways and covered and non-covered seating areas;

Please feel to contact me if you have any questions.

Sincerely,



Keith Tufts
Principal
Lydon Lynch Architects



LYDON LYNCH
ARCHITECTURE

**EXTERIOR RENDERING
ALONG JOSEPH HOWE DRIVE**

JOSEPH HOWE APARTMENTS
Issued for Development Agreement Application R2
January 10, 2019

Client
 BANG Group of Companies
 1 Craigmere Drive, Suite 201
 Halifax, NS
 B3N 0C6

Project
 JOSEPH HOWE APARTMENTS
 3514 Joseph Howe Drive, Halifax, NS

Consultants
 Lydon Lynch Architects Limited
 Architects
 1668 Barrington Street, Suite 401
 Halifax, Nova Scotia B3J 2A2
 Tel: (902) 422-1446
 Fax: (902) 422-1449



CONCEPT IMAGE

Surface Parking	Tower Units
Standard Spaces: 50	Level 12: 6x1B / 6x2B
Barrier Free Spaces: 4	Level 11: 6x1B / 6x2B
Small Spaces: 0	Level 10: 6x1B / 6x2B
Sub total: 54 Spaces	Level 09: 6x1B / 6x2B
	Level 08: 6x1B / 6x2B
	Level 07: 6x1B / 6x2B
	Level 06: 6x1B / 6x2B
P1	Sub total: 42 x 1B / 42 x 2B
Standard Spaces: 167	84 units
Barrier Free Spaces: 8	
Small Spaces: 2	
Sub total: 177 Spaces	
	Podium Units
P2	Level 05: 43x1B / 14x2B
Standard Spaces: 171	Level 04: 43x1B / 14x2B
Barrier Free Spaces: 8	Level 03: 43x1B / 14x2B
Small Spaces: 4	Level 02: 43x1B / 14x2B
Sub total: 183 Spaces	Subtotal: 172 x 1B / 56x2B
	228 units
TOTAL PARKING: 414	
	Ground Floor Units
	Level 01: 10x1B / 2x2B
	12 units
	TOTAL UNITS: 324

NOT FOR CONSTRUCTION

NOTES:
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JOSEPH HOWE APARTMENTS: Issued for Development Agreement Application - R2

PROJECT SUMMARY:

LOT AREA: 100,161 square feet
 BUILDING FOOTPRINT: 62,570 square feet
 SITE COVERAGE: 62.4%

UNIT TYPES:	One Bed Room: 224 (69%)	Retail: 2,410 SF
	Two Bedroom: 100 (31%)	15,120 SF
	Total Units: 324	5,370 SF
		Total: 22,900 SF

PARKING:	Standard size: 388	BICYCLE PARKING:	Class A: 168
	Barrier free: 20		Class B: 2
	Small: 6		
	Total Parking 414		Total: 170

DENSITY: 224 One Bedrm Units x 2 people = 448 people
 100 Two Bedrm Units x 2.25 people = 225 people
 Total = 673 people

F.A.R.: BUILDING AREA (GFA): 384,720sf
 SITE AREA: 100,161sf
 F.A.R.: 3.84

Drawing List

- COVER SHEET A-000
- SITE PLAN MEAN GRADE OF GROUND CALCULATION A-001
- SITE PLAN AVERAGE STREET LINE GRADE CALCULATION A-002
- SITE PLAN REMOVALS A-100
- NEW SITE PLAN A-101
- UNDERGROUND PARKING PLAN P2 A-102
- UNDERGROUND PARKING PLAN P1 A-103
- GROUND FLOOR PLAN A-104
- LEVELS 2 FLOOR PLAN A-105
- LEVELS 3 FLOOR PLAN A-106
- LEVELS 4 FLOOR PLAN A-107
- LEVELS 5 FLOOR PLAN A-108
- LEVEL 6 FLOOR PLAN A-109
- TYPICAL TOWER FLOOR PLANS LEVELS 7 TO 12 A-110
- MECHANICAL PENTHOUSE PLAN LEVEL 13 A-111
- EAST ELEVATION A-200
- SOUTH ELEVATION A-201
- WEST ELEVATION A-202
- NORTH ELEVATION A-203

3	2019/01/10	FOR DEVELOP AGREEMENT R2
2	2018/12/05	FOR DEVELOP AGREEMENT R1
1	2018/08/13	FOR DEVELOP AGREEMENT
No	Date	Issued

COVER SHEET

Drawing Scale: -
 Project No.: 17033
 Drawn By: LLA
 Checked By: LLA

A-000

Client
BANC Group of Companies
1 Craigmere Drive, Suite 201
Halifax, NS
B3N 0C6

Project
JOSEPH HOWE APARTMENTS
3514 Joseph Howe Drive, Halifax, NS

Consultants
Lydon Lynch Architects Limited
Architects

1668 Barrington Street, Suite 401
Halifax, Nova Scotia B3J 2A2
Tel: (902) 422-1446
Fax: (902) 422-1449

Surface Parking
Standard Spaces: 50
Barrier Free Spaces: 4
Small Spaces: 0
Sub total: 54 Spaces

P1
Standard Spaces: 167
Barrier Free Spaces: 8
Small Spaces: 2
Sub total: 177 Spaces

P2
Standard Spaces: 171
Barrier Free Spaces: 8
Small Spaces: 4
Sub total: 183 Spaces

TOTAL PARKING: 414

NOT FOR CONSTRUCTION

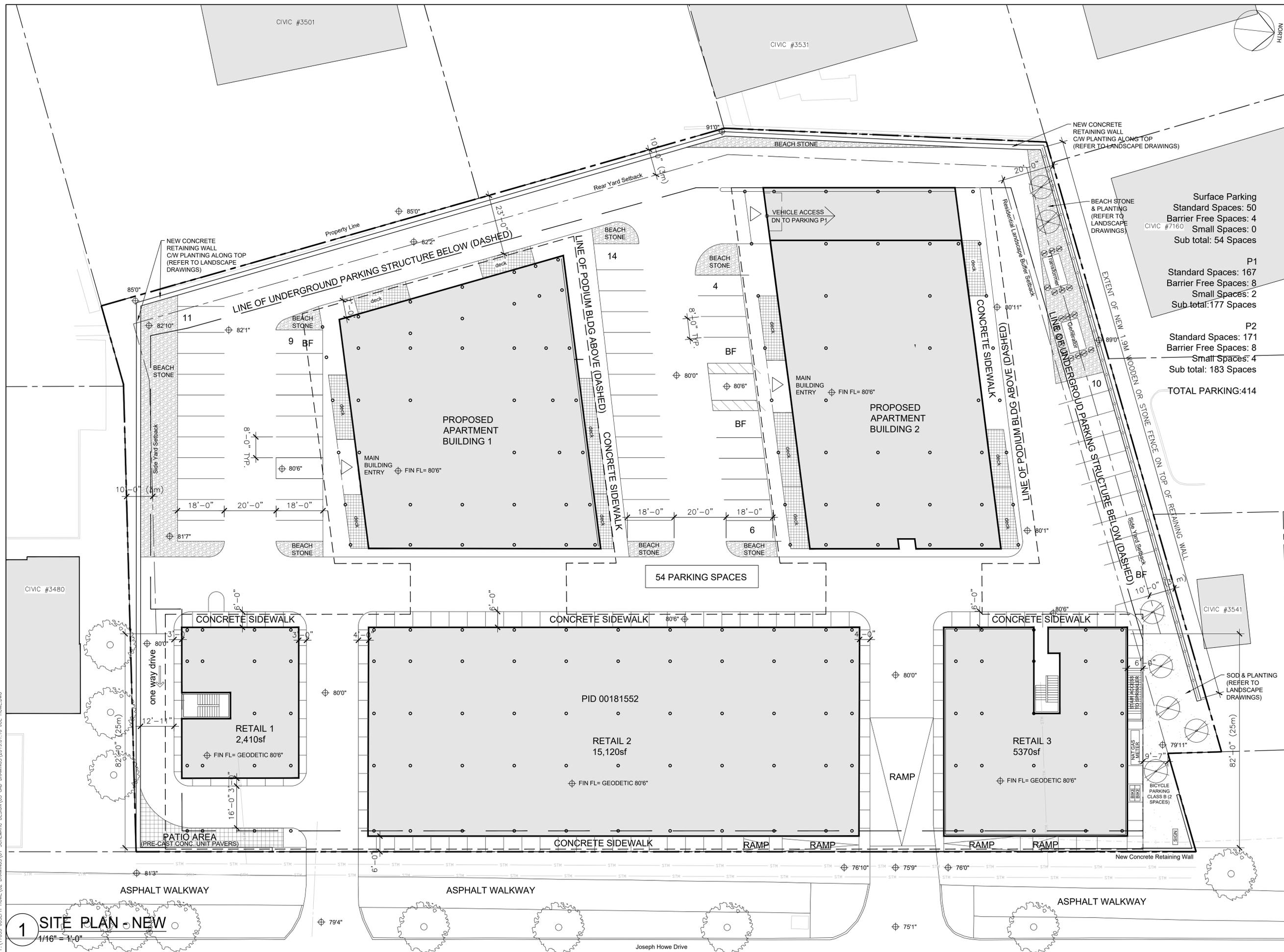
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NEW SITE PLAN

Drawing Scale: 1/16" = 1'-0"
Project No.: 17033
Drawn By: LLA
Checked By: LLA

A-101

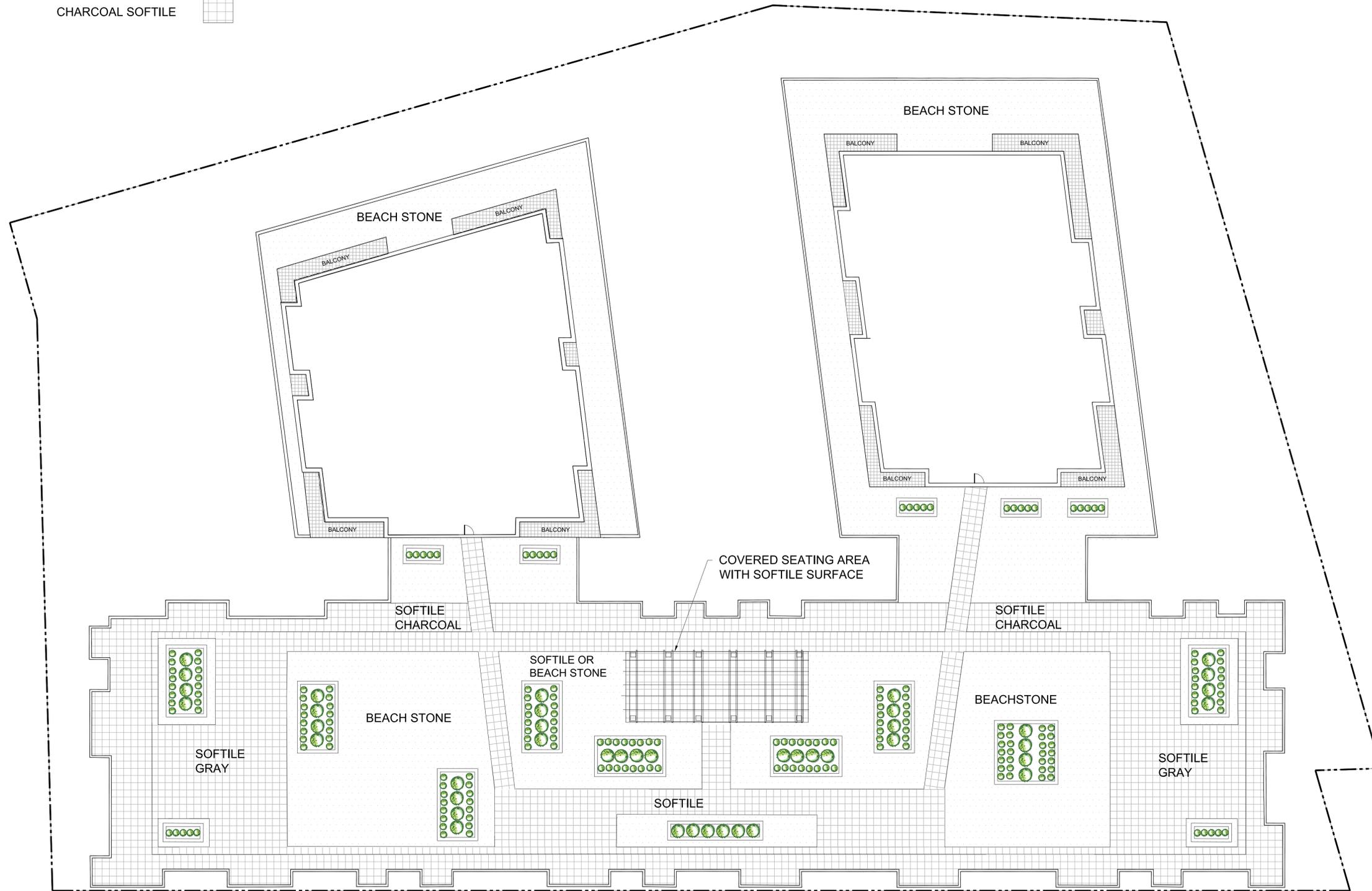


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1 SITE PLAN NEW
1/16" = 1'-0"

LEGEND

- AREA TO COVERED WITH BEACH STONE 
- PLANTERS (17 REQ'D)  
- GRAY SOFTILE 
- CHARCOAL SOFTILE 



1	2018/08/13	ISSUED FOR PERMIT
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RESIDENTIAL COMMERCIAL DEVELOPMENT
3514 JOSEPH HOWE DRIVE
HALIFAX, NOVA SCOTIA
LEVEL 6 ROOF TERRACE
(5th FLOOR ROOF)
LANDSCAPE PLAN

Scale: as noted

Date:

Drawn: LG

Checked:

L-102

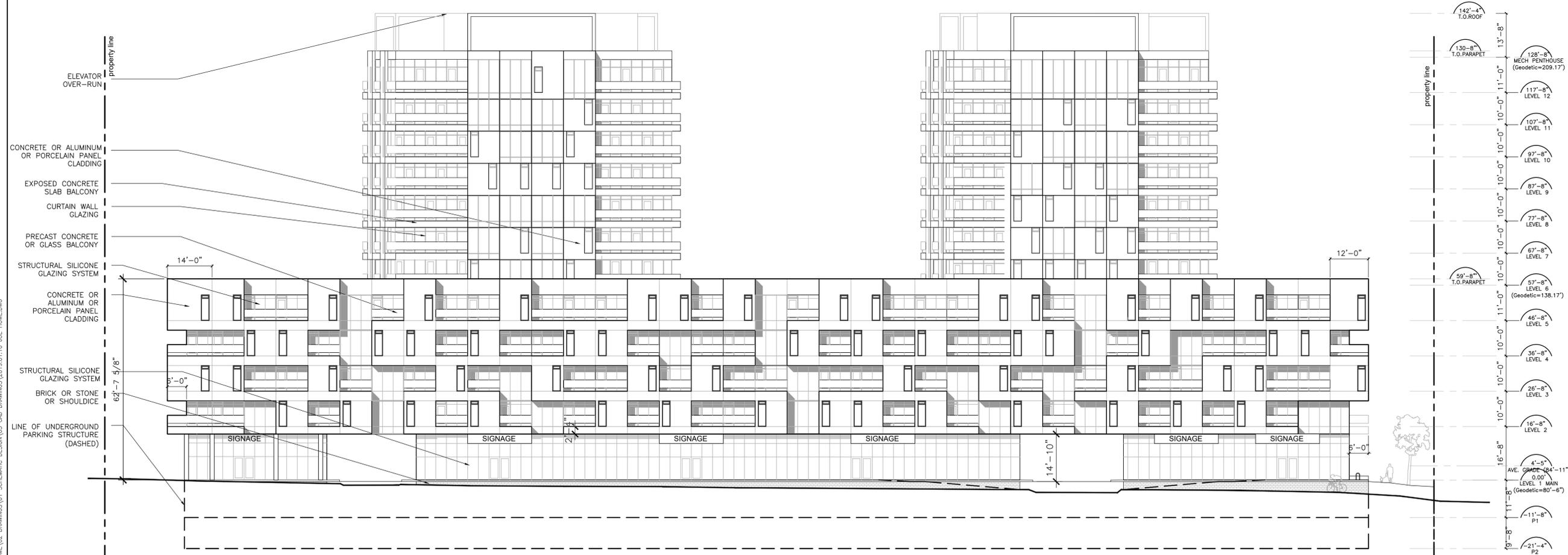
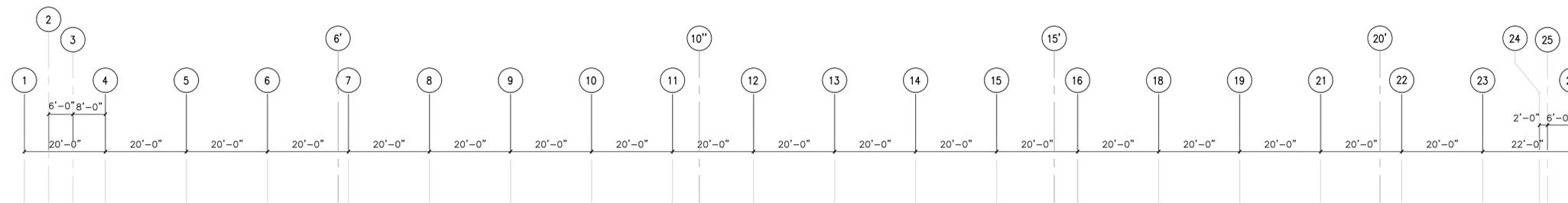
Client
 BANC Group of Companies
 1 Craigmere Drive, Suite 201
 Halifax, NS
 B3N 0C6

Project
 JOSEPH HOWE APARTMENTS
 3514 Joseph Howe Drive, Halifax, NS

Consultants
 Lydon Lynch Architects Limited
 Architects
 1668 Barrington Street, Suite 401
 Halifax, Nova Scotia B3J 2A2
 Tel: (902) 422-1446
 Fax: (902) 422-1449



1 MODEL VIEW - EAST ELEVATION
 NTS



2 JOSEPH HOWE DRIVE (EAST) ELEVATION
 1/16" = 1'-0"

NOT FOR CONSTRUCTION

NOTES:
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1	2018/08/13	FOR DEVELOP AGREEMENT
No	Date	Issued

EAST ELEVATION

Drawing Scale: 1/16" = 1'-0"
 Project No.: 17033
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 Checked By: LLA

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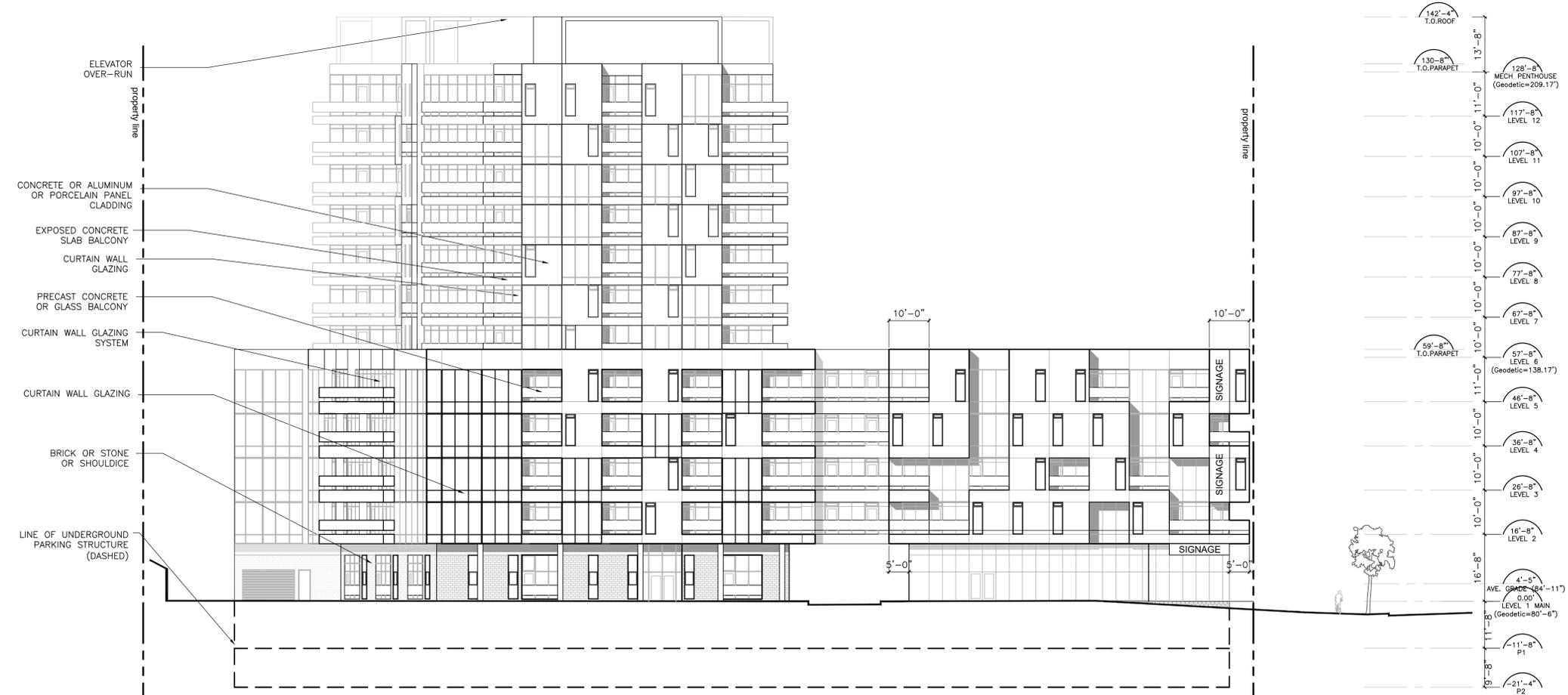
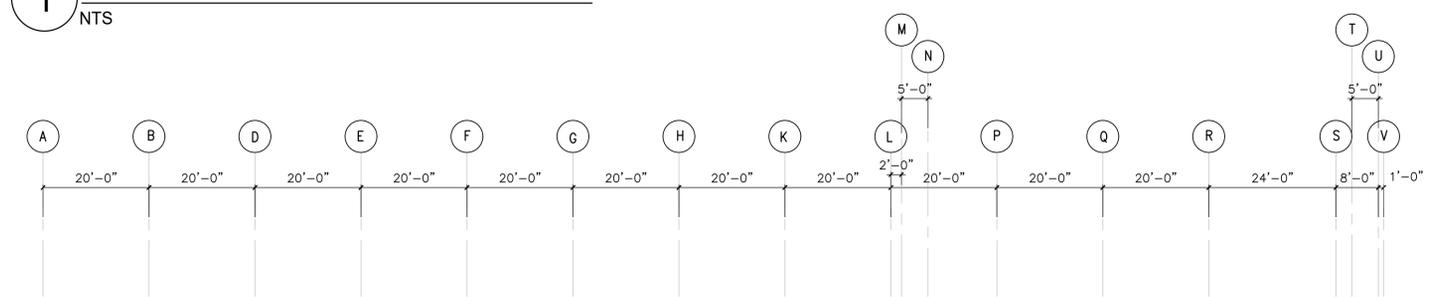
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 BANC Group of Companies
 1 Craigmere Drive, Suite 201
 Halifax, NS
 B3N 0C6

Project
 JOSEPH HOWE APARTMENTS
 3514 Joseph Howe Drive, Halifax, NS

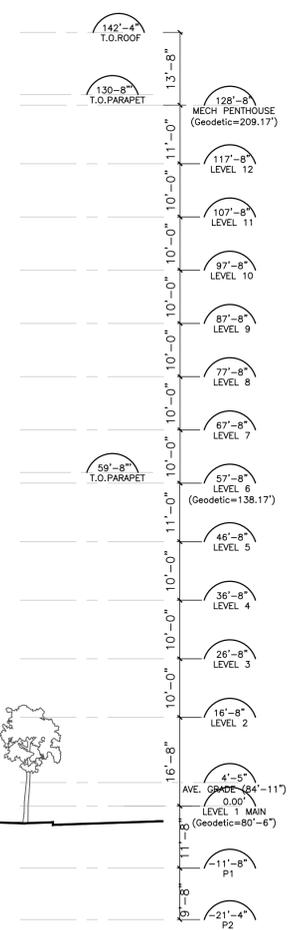
Consultants
 Lydon Lynch Architects Limited
 Architects
 1668 Barrington Street, Suite 401
 Halifax, Nova Scotia B3J 2A2
 Tel: (902) 422-1446
 Fax: (902) 422-1449



1 MODEL VIEW - SOUTH ELEVATION
 NTS



- ELEVATOR OVER-RUN
- CONCRETE OR ALUMINUM OR PORCELAIN PANEL CLADDING
- EXPOSED CONCRETE SLAB BALCONY
- CURTAIN WALL GLAZING
- PRECAST CONCRETE OR GLASS BALCONY
- CURTAIN WALL GLAZING SYSTEM
- CURTAIN WALL GLAZING
- BRICK OR STONE OR SHOULDER
- LINE OF UNDERGROUND PARKING STRUCTURE (DASHED)



2 SOUTH ELEVATION
 1/16" = 1'-0"

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1	2018/08/13	FOR DEVELOP AGREEMENT
No	Date	Issued

SOUTH ELEVATION

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 Checked By: LLA

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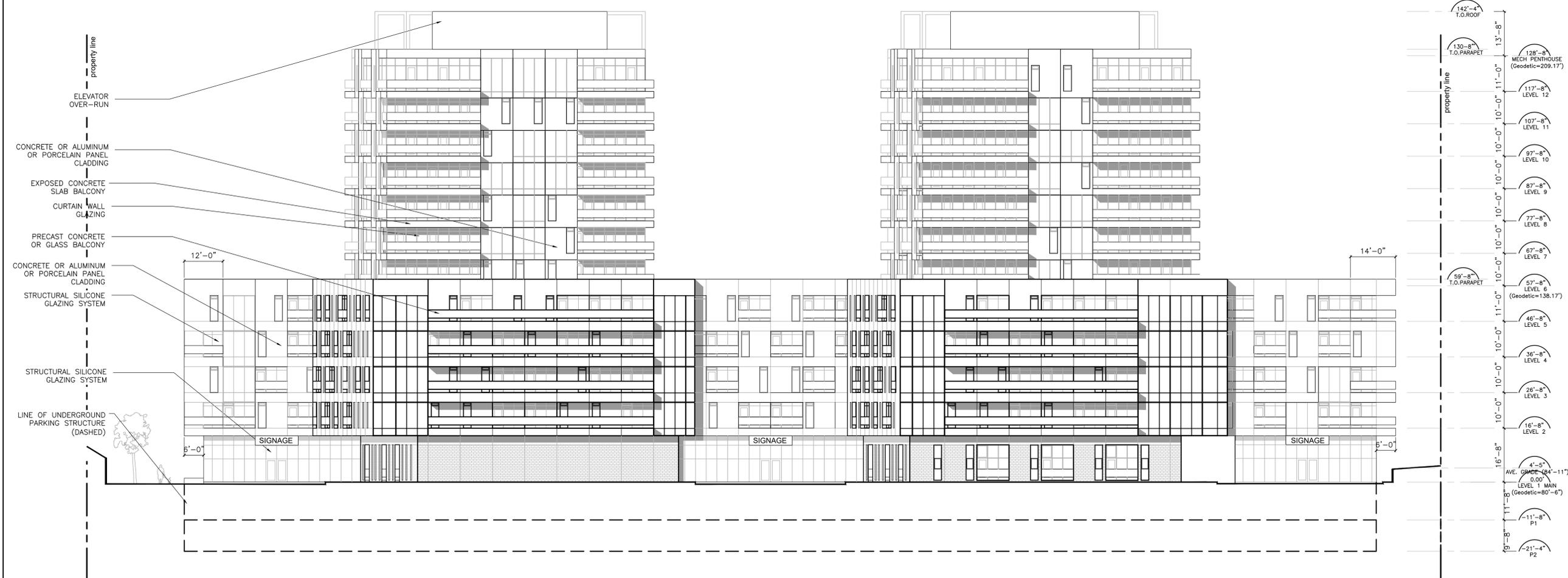
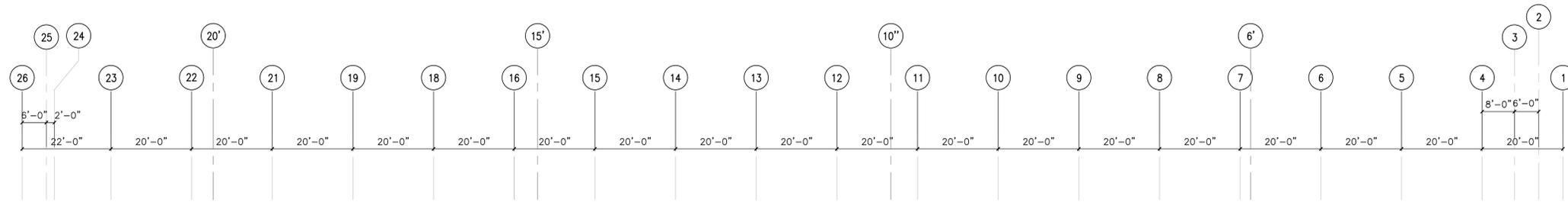
Client
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 B3N 0C6

Project
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 Halifax, Nova Scotia B3J 2A2
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1 MODEL VIEW - WEST ELEVATION
 NTS



2 WEST ELEVATION
 1/16" = 1'-0"

NOT FOR CONSTRUCTION

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No	Date	Issued

WEST ELEVATION

Drawing Scale: AS SHOWN
 Project No.: 17033
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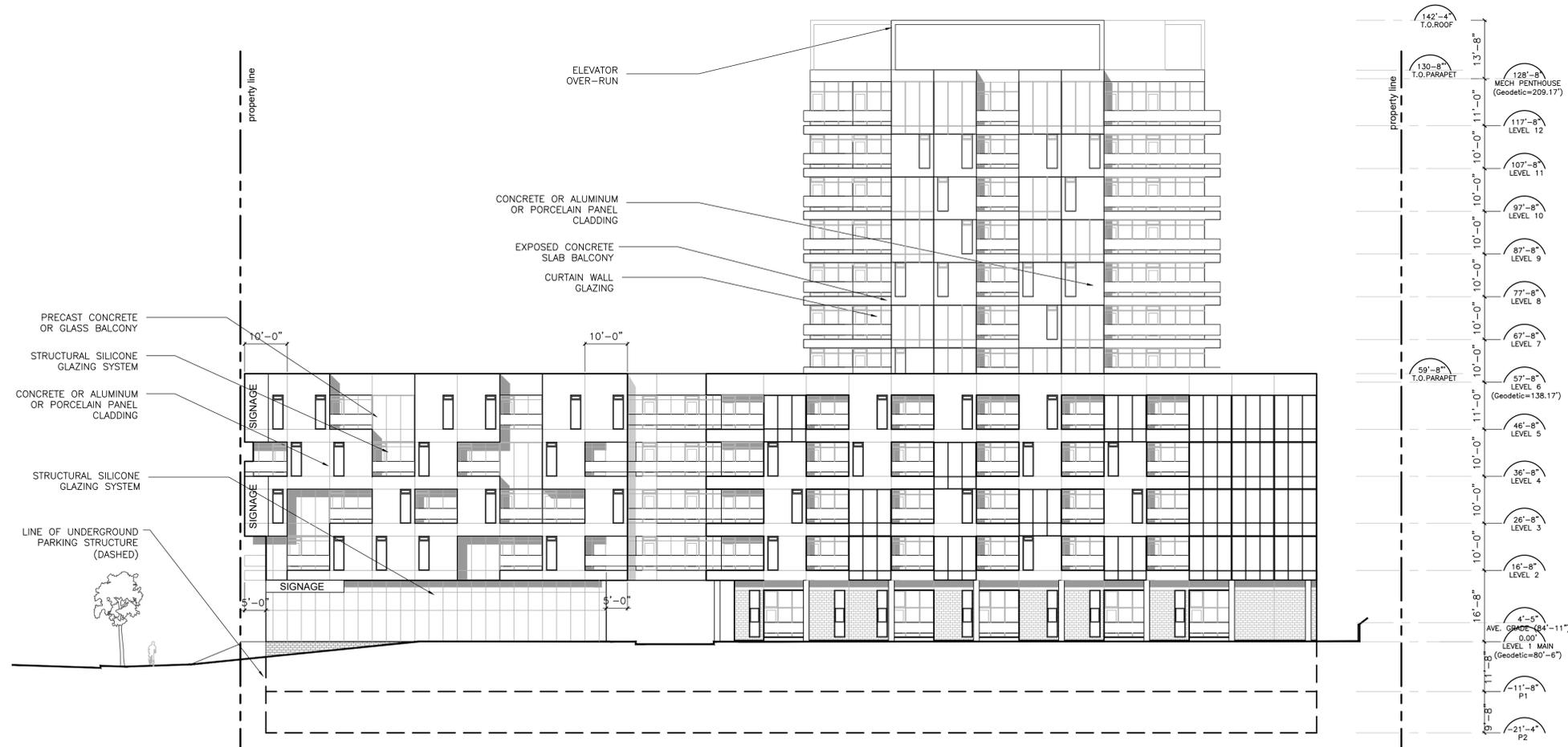
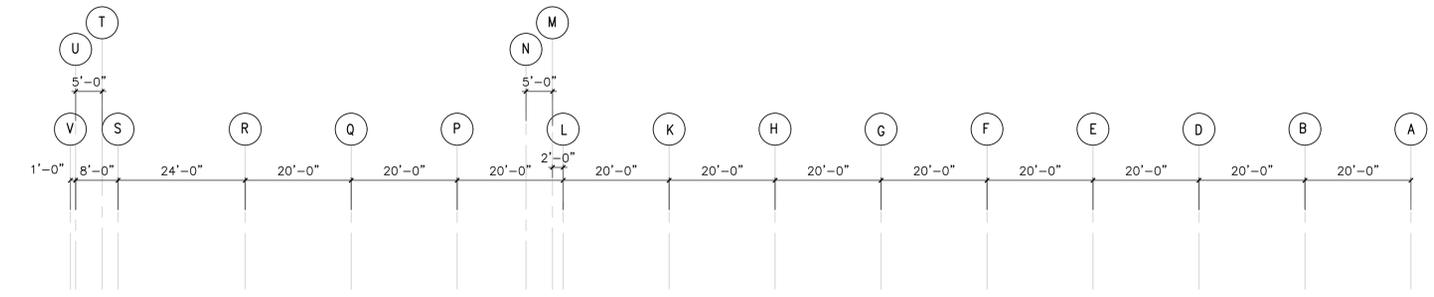
Client
 BANC Group of Companies
 1 Craigmere Drive, Suite 201
 Halifax, NS
 B3N 0C6

Project
 JOSEPH HOWE APARTMENTS
 3514 Joseph Howe Drive, Halifax, NS

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 1668 Barrington Street, Suite 401
 Halifax, Nova Scotia B3J 2A2
 Tel: (902) 422-1446
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1 MODEL VIEW - NORTH ELEVATION
 NTS



2 NORTH ELEVATION
 1/16" = 1'-0"

NOT FOR CONSTRUCTION

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1	2018/08/13	FOR DEVELOP AGREEMENT
No	Date	Issued

NORTH
 ELEVATION

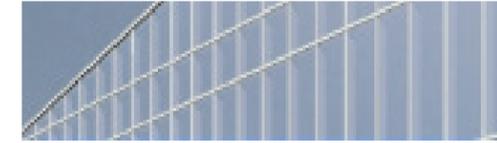
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A-203

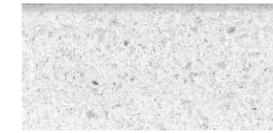
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COMPOSITE ALUMINUM PANEL, WHITE



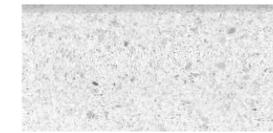
CURTAIN WALL SYSTEM, GLAZING



PRECAST CONCRETE, WHITE



BALCONY GUARD, GLASS, GRAY TINT



PRECAST CONCRETE, WHITE



COMPOSITE ALUMINUM PANEL, WHITE



PORCELAIN PANEL, WHITE



SHOULDICE MASONRY, GALAXY GRAY



BRICK, GRAY



STONE, GRAY



BALCONY GUARD, GLASS, GRAY TINT



STRUCTURAL SILICONE GLAZING, GRAY TINT

Attachment B: Excerpts from the Halifax Municipal Planning Strategy

**SECTION VII – FAIRVIEW AREA SECONDARY PLANNING STRATEGY
OBJECTIVES AND POLICIES**

2A. PLAN DUTCH VILLAGE ROAD (RC-Oct 4/16;E-Nov 26/16)

Objective:

The lands around Dutch Village Road are a commercial area that services the larger Fairview community. Maintaining the vibrancy of the area by planning for redevelopment and rehabilitation will ensure success for the community. To create a commercial node that better balances development pressures with the needs of the community requires policies that address land use, external appearance of structures (built form), and urban design in a comprehensive manner. The goals for Plan Dutch Village Road are to:

1. Maintain and encourage the retention of local businesses through zoning regulations;
2. Create greater predictability of built form through an as-of-right process;
3. Create development that is respectful of the community;
4. Allow commercial development along all parts of Dutch Village Road;
5. Ensure new development transitions appropriately to low density residential neighbourhoods within the Dutch Village Road study area;
6. Create new buildings that are better integrated with neighbourhood;
7. Require site design that creates livable and walkable communities;
8. Generate a more defined commercial node;
9. Regulate the lands under one By-Law (Mainland Land Use By-Law); and
10. Permit consideration of high-rise development in Area A.

Designations

- 2A.1. Within the Dutch Village Road area the lands shall be designated either Commercial or Dutch Village Road Residential, as shown on the Generalized Future Land Use map.**

Commercial Designation

- 2A.2. Lands located on Joseph Howe Drive, Dutch Village Road, Titus Street and Alma Crescent shall be designated as Commercial. This designation is intended to provide for a variety of commercial and residential uses that service the needs of the broader Fairview community. The designation will introduce controls on the external appearance of structures. The designation will permit development of a height and scale up to a mid-rise form through an as of right process. However, high-rise buildings may be considered subject to a development agreement process within Area A (Plan Dutch Village Road Overview Map).**

- 2A.2.1. The Halifax Mainland Land Use Bylaw shall be amended to create a commercial zone (Dutch Village Road Mixed Use Zone) that permits multi-unit residential, retail, office uses, restaurants, personal service uses, institutional uses, community facilities and related commercial uses that service the local community. To encourage the retention of small scale, local businesses, and to reduce the impact of new commercial uses on low density residential environments, retail uses will have a limited ground floor area in Area D. Parking shall not be permitted in the front yard, but instead is encouraged below ground, or otherwise internal to a building. The Dutch Village Road Mixed Use Zone will permit low-rise (buildings up to 11 metres) to mid-rise buildings (buildings taller than 11 m to 25 m), but will not permit single unit residential buildings.**

Dutch Village Road Residential Designation

2A.3. Lands located on Percy Street, Deal Street and Andrew Street will be designated as Dutch Village Road Residential. These lands will be permitted to develop with a low-rise form along Percy Street and Deal Street and change to a mid-rise multi-unit residential form along Andrew Street to reflect the existing built form. The intent of this designation is to create live-work opportunities for residents to reflect the largely commercial nature of the uses that surround these lands. The designation will introduce controls on the external appearance of structures. Townhouse and stacked townhouse uses may be considered throughout the designation. Apartment houses shall be permitted on Andrew Street and the southern end of Percy Street.

2A.3.1. The Halifax Mainland Land Use Bylaw shall be amended to create a residential zone (Dutch Village Road Townhouse Zone) that permits single unit residential, two unit residential, townhouse and stacked townhouse forms, as well as home occupation uses.

2A.3.2. The Halifax Mainland Land Use By-law shall be amended to create a residential zone (Dutch Village Road Multi-Unit Zone) that permits mid-rise multi-unit buildings in addition to the uses permitted under the Dutch Village Road Townhouse Zone.

Building and Streetwall Heights

2A.4. A mid-rise form shall be encouraged along Dutch Village Road and Joseph Howe Drive. The buildings shall be developed with the goal to improve public safety by removing the parking from the front yard, and also to create a defined streetwall. This streetwall will help enhance the pedestrian experience in the area.

2A.4.1. HRM shall regulate the height of buildings in the Dutch Village Road area in the Halifax Mainland Land Use By-law.

2A.5. HRM shall regulate the height of the streetwalls in the Dutch Village Road area in the Halifax Mainland Land Use By-law.

Low-rise and Mid-rise Commercial and Multi-Unit Buildings

2A.6. Low-rise and mid-rise buildings shall be permitted in the Dutch Village Road Commercial and Dutch Village Road Residential Designations and shall be situated on the lot in such a way that the bulk of the building is located along the street frontage.

2A.6.1. Low-rise and mid-rise buildings may step down in the rear yard to an internal landscaped area. This landscaped area may include a one storey portion of the building where abutting low density residential or up to three stories where the building abuts commercial or multi-unit residential properties. Landscaping shall be required on the roof of these portions of the building.

Highrise Buildings

2A.7. Any building in Area A on Plan Dutch Village Road Overview Map that exceeds 25 m in height shall be considered a high-rise and shall only be considered by Council through the development agreement process. Any development proposal contemplated pursuant to this policy cannot be considered unless the following criteria are satisfied:

- a) the maximum height of a building shall be 37.5 m;**
- b) buildings exceeding a height of 25 metres shall be designed in a podium and tower configuration where the maximum height of the podium shall be 16.5 metres for**

lands located along Joseph Howe Drive and 13.5 metres for lands located on Dutch Village Road;

- c) the building shall meet the requirements of the Dutch Village Road Mixed Use Zone in the Halifax Mainland Land Use By-law with respect to side yard setbacks, residential unit mix and ground floor height;
- d) towers shall have a minimum of 25 m separation distance with other towers and no tower shall be closer than 12.5 metres from a side or rear lot line;
- e) the tower portion of the building, excluding any podium, shall have a maximum floor plate of 625 m² per floor;
- f) surface parking shall not be located between a building and adjacent street;
- g) the building shall have a maximum front yard setback of 3 metres. Where a property fronts two streets, this maximum will apply to both street frontages; and
- h) buildings shall be located close to the street to create a defined street wall and occupy a minimum of 65% of a given property's frontage. All buildings, regardless of their use, should have easily identifiable entry points for each individual uses.

2A.7.1. In considering a development agreement pursuant to policy 2A.7, Council shall have regard for the following:

- a) towers shall be placed away from streets, open space, and neighbouring properties to reduce visual and physical impacts of the tower and allow the base of the building to be the primary defining element for the site and adjacent public realm;
- b) site design that incorporates landscaping, conspicuous building entrances, and considers the impact of retaining walls, lighting and signage to enhance the design of the building and limit the impacts on adjacent properties;
- c) buildings shall be vertically articulated into 3 distinct sections; a base, middle and top, via such devices as: changes in colors, materials, protrusions and recesses;
- d) streetwalls should be vertically articulated into distinct sections, via such devices as: changes in colors, materials, protrusions and recesses. These sections should be narrower than the streetwall is tall;
- e) streetwalls should be animated with frequent entrances and large windows. All streetwalls directly adjacent to a sidewalk should contain at least 1 prominent entrance;
- f) materials used in the streetwall and at the base of the building should be of the highest quality and durability;
- g) areas visible to the public realm or adjacent residential uses and not used for parking or driveways, should be landscaped with vegetation or hard landscaping using quality materials, such as stone, wood, or concrete paths/ patios;
- h) surface parking, utilities and services should be buffered and visually screened from the public realm and adjacent low density residential properties. Landscaping shall be included in surface parking lots and integrated with the storm water management for the site;
- i) adequacy of safe vehicular, bicycle and pedestrian access and egress to and from the site. Priority shall be given to pedestrian movement when there is potential pedestrian and vehicular conflicts;
- j) blank-walls shall be avoided on parts of buildings which are highly visible from the public realm;
- k) the adequacy of servicing for the site; and
- l) high quality landscaping and indoor and outdoor amenity space areas for building residents are provided.

Commercial Development in Residential Areas

2A.8. Within areas designated "Residential" on the Generalized Future Land Use Map (Map 9c), the Municipality shall permit individual neighbourhood convenience stores.

2A.8.1. Pursuant to Policy 2A.8, the Land Use By-law shall provide a "Neighbourhood Commercial" zone to allow small convenience grocery and drug stores to cater to walk-in trade in residential areas.

Non-conforming Uses and Structures

2A.9. Any existing building containing a non-conforming commercial use, if destroyed, may be considered for development agreement by Council under the authority of the *Halifax Regional Municipality Charter*, where such agreement would allow for the reconstruction of the building not to exceed its dimensions at the time of destruction, provided that all of the following conditions are met:

- a) the capacity of the existing municipal services is not adversely affected;**
- b) all provisions of the Minor Commercial Zone, other than use, are met;**
- c) where the property is zoned Dutch Village Road Mixed Use Zone, the proposal shall meet all the provisions of the Dutch Village Road Mixed Use Zone, other than use; and**
- d) the proposed use is more compatible with the land use designation than the existing use with respect to traffic generation, safety, noise and air pollution.**

2A.10. Non-conforming structures that are used for commercial purposes will be allowed to be extended, enlarged, or altered as long as the extension, enlargement or alteration complies with the Halifax Mainland Land Use By-law, or a variance is granted by the Development Officer, and provided that a non-conforming use is not extended into any new addition of the building.

Existing Development Agreements

2A.11. Applications for non-substantive amendments to approved development agreements shall be considered under the policies in effect at the time the agreement was approved provided that the proposed amendments were identified in the agreement as non-substantive.

Attachment C
Excerpts from the Halifax Mainland Land Use By-law

2. Definitions

"Street Line" means the boundary of the street.

"Streetline Grade" means the elevation of a streetline at a point that is perpendicular to the horizontal midpoint of the streetwall. Separate streetline grades shall be determined for each streetwall segment that is greater than 8 metres in width or part thereof. (RC-Oct 4/16;E-Nov 26/16)

"Streetwall" means the wall of a building or portion of a wall facing a streetline that is below the height of a specified setback, which does not include minor recesses for elements such as doorways or intrusions such as bay windows. (RC-Oct 4/16;E-Nov 26/16)

"Streetwall Height" means the vertical distance between the top of the streetwall and the streetline grade, extending across the width of the streetwall. (RC-Oct 4/16;E-Nov 26/16)

C-2C ZONE: DUTCH VILLAGE ROAD MIXED USE ZONE (RC-Oct 4/16;E-Nov 26/16)

38BA(1) The following uses shall be permitted in the C-2C Zone:

- (a) all R-2 and R-2TA uses;**
- (b) retail and rental stores excluding:
 - (i) motor vehicle dealers;**
 - (ii) motor vehicle repair shops which such shops are not primarily engaged in providing service station facilities; and**
 - (iii) adult entertainment uses****
- (c) health clinic;**
- (d) appliance and small scale repair shops;**
- (e) personal service uses which may include, but is not limited to, the following shoe repair shops, barber and beauty shops, dry cleaners, and funeral services;**
- (f) bowling alley;**
- (g) a theatre;**
- (h) a service station;**
- (i) offices;**
- (j) a bank and other financial institutions, excluding drive-throughs;**
- (k) a restaurant, excluding drive-throughs;**
- (l) community facilities;**
- (m) commercial recreation uses;**
- (n) day care facility;**
- (o) apartment house;**
- (p) micro breweries;**
- (q) coffee roasteries;**

- (r) ferment-on-premises facility, as defined by the Province of Nova Scotia Liquor Control Act;
- (s) brew pub;
- (t) lounges; (HWCC-Jul 30/18;E-Aug 25/18)
- (u) institutional uses;
- (v) government or public buildings;
- (w) existing R-1 uses; and
- (x) any use accessory to any of the foregoing uses.

- 38BA(2) No person shall, in any C-2C Zone, carry out, or cause or permit to be carried out, any development for any purpose other than one or more of the uses set out in subsection 38BA(1).
- 38BA(3) No person shall, in any C-2C Zone, use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in subsection 38BA(1).
- 38BA(4) Buildings used for existing R-1, R-2 and R-2TA uses shall comply with the requirements of their respective zones.

RETAIL

- 38BB(1) Any lands located in Area D, as shown on ZM-28, Plan Dutch Village Road Overview Map, shall limit retail use permitted under 38BA(1) to a maximum ground floor gross floor area of 650 square metres.

REQUIREMENTS

- 38BC(1) Buildings erected, altered or used for C-2C uses, in a C-2C Zone shall comply with the following requirements:
- (a) The maximum building depth shall be 25 m;
 - (b) Notwithstanding clause 38BC(1) (a), a building may exceed the maximum building depth, provided:
 - (i) the height of the remainder of the building does not exceed 10.5m;
 - (ii) soft landscaping and amenity space is included on the rooftop of the remainder of the building;
 - (iii) the building maintains side and rear yard setbacks of 3 m for all portions of the building that exceed the maximum building depth; and
 - (iv) the land is shown on ZM-29, Plan Dutch Village Road Buildings May Exceed Maximum Building Depth.
 - (c) The maximum front yard setback shall be 3 metres;
 - (d) Notwithstanding clause 38BC(3) (c), the lands shown on ZM-30, Plan Dutch Village Road Area Exempt from Front Yard Setback Map shall be exempt from the maximum front yard setback requirement;
 - (e) The maximum streetwall height shall be as shown on ZM-31, Plan Dutch Village Road Street Wall Height Map;
 - (f) The building shall be stepped back 3 m on all sides of the building for all portions of the building above the streetwall height;

- (g) The building shall be setback 5m from the side yards above the streetwall height; and
- (h) The streetwall shall extend a minimum of 65 percent of the lot frontage. Where located on a corner lot, the streetwall shall extend 65% of the lot frontage for both streets;

LOT COVERAGE

- 38BD(1) Buildings erected, altered or used for C-2C uses in a C-2C Zone shall comply with the following requirements:**
- (a) The maximum lot coverage shall be 75 percent, except that enclosed parking below grade or extending no more than an average of 1 metre above grade along side and rear lot lines may cover 100 percent of the lot area.

HEIGHT

- 38BE(1) Building height shall not exceed the maximum height as shown on ZM-32, Plan Dutch Village Road Height Map.**
- 38BE(2) Notwithstanding clause 38BE(1), on lots with a lot depth of less than 30 m, the maximum height shall be 13.5 m.**
- 38BE(3) Notwithstanding the definition of height in Section 2 of this by-law, for lands that have frontage on both Percy Street and Joseph Howe Drive, height shall mean the vertical distance between the average grade adjoining the building, and the highest part of the roof.**

RESIDENTIAL UNIT MIX

- 38BF(1) Apartment house uses in a C-2C Zone shall include a mixture of dwelling unit types. A minimum of 30 percent of the dwelling units within a building shall contain two or more bedrooms.**

PARKING

- 38BG(1) Buildings erected, altered or used for C-2C uses in a C-2C Zone shall comply with the following requirements:**
- (a) Vehicular parking shall be enclosed in a building, or located to the rear or side yard of the building; and
 - (b) Notwithstanding subsection 9(d), parking for the following uses shall be provided at the following ratios:
 - (i) 2 spaces per 100 m² of gross floor area of office space;
 - (ii) 3 spaces per 100 m² of gross floor area of retail/service store space; and
 - (iii) 3 spaces per 100 m² of gross floor area of restaurant space.

SIGNS

38BH(1) Any persons carrying on a use permitted by Subsection 38BA(1) may place upon and parallel to the front of the building signage that comply with the following:

- (a) Where signs are illuminated, they shall be illuminated in such a manner not to cause a glare or hazard to motorists, pedestrians or neighbouring premises;
- (b) Fascia signs shall not extend beyond 15 cm on the extremity of a wall on which they are affixed;
- (c) Maximum combined size of fascia signs on the wall of a building shall be no greater than 10 percent of the total area of said wall;
- (d) Aggregate area of all window signs shall not exceed 25 percent of the window, or glass area of a door, to which they are affixed;
- (e) Signs on awnings shall not cover more than 25 percent of the area of the awning and the length of the text shall not exceed 80 percent of the length of the front valance; and
- (f) No signs shall be permitted on the roof of a building.

SETBACKS FROM BALCONIES

38BI(1) Buildings erected, altered or used for C-2C uses in a C-2C Zone shall comply with the following requirements:

- (a) No balcony shall be built closer than 2 m to a side or rear property line. This does not include patios for dwelling units at grade.

MAIN FLOOR AND ENTRANCES

38BJ(1) Buildings erected, altered or used for C-2C uses in a C-2C Zone shall comply with the following requirements:

- (a) The ground floor of the streetwall shall be comprised of 60 percent glazing;
- (b) The ground floor height of a commercial building shall be at least 4.5 m; and
- (c) Commercial uses shall have separate exterior access from any access to residential uses.

EXTERNAL BUILDING APPEARANCE

38BK(1) The following external cladding materials shall be prohibited for all uses except existing R-1 uses:

- (a) Vinyl;
- (b) Plywood;
- (c) Concrete block;
- (d) Exterior insulation and finish systems where stucco is applied to rigid insulation; and

- (e) Darkly tinted or mirrored glass (not including spandrel panels) on the ground floor.

LANDSCAPING AND BUFFERING

- 38BL(1)** Buildings erected, altered or used for C-2C uses in a C-2C Zone shall comply with the following requirements:
- (a) Where the lands abut any residential zone, a landscaping area that is 6 metres in depth shall be provided along any abutting residential property line. This landscaping area may be reduced to a depth of 1 metre of landscaping if a 1.9 metre wooden, stone or acceptable equivalent, fence is provided along the abutting residential property line;
 - (b) The landscaped area shall be grassed, or alternatively, natural ground covers such as water features, stone (washed or flat), mulch, perennials, annuals, may be utilized. Within the landscaped area, trees, walls made of natural materials, planters, and shrubs shall be utilized and shall be planted at a rate of one (1) tree (minimum of 45mm caliber) and three (3) shrubs per 4.6 metres of required landscaping; and
 - (c) existing trees and shrubs shall be incorporated into the landscaped setback, and where possible may be calculated as part of the one (1) tree and three (3) shrubs per 4.6 metres requirement.
- 38BL(2)** For the purposes of 38BL(1), the provision of landscaping is required for the alteration of an existing building where such alteration increases the ground area of the existing building by at least 20%.
- 38BL(3)** Any building that is erected for any C-2C use in a C-2C Zone shall be required to landscape the front yard setback. A driveway may be permitted cross this landscaped area. This landscaped area shall comply with 38BL(1) (b) and 38BL(1) (c).

AMENITY SPACE

- 38BM(1)** Apartment house buildings shall provide amenity space at a rate of 10 m² per unit in the form of unit patios, unit balconies or terraces, and interior amenity space. Interior amenity space shall include one of the following common elements:
- (a) fitness room of a minimum size of 40m²; or
 - (b) community room of a minimum size of 40m².

EXISTING STRUCTURES

- 38BN** Notwithstanding clauses 38BC(1) (c) and 38BC(1) (h), where an existing commercial building is deemed to be nonconforming under this Bylaw, it shall be allowed to be extended, enlarged or altered as long as the extension, enlargement or alteration complies with this Bylaw or a variance is granted by the Development Officer.

SERVICE STATIONS

- 38BO(1)** Any service station shall comply with the following requirements:
- (a)** lighting shall be directed away from any abutting residential zones;
 - (b)** enclose any commercial refuse container in a structure which screens them from the street and abutting residential zones;
 - (c)** outdoor storage shall not be permitted; and
 - (d)** a 1.9 m fence with a landscaping strip of a minimum depth of 1 metre, shall be provided where the lands abut a residential zone.
- 38BO(2)** Notwithstanding 38BL(1) (a), any service station shall require a minimum of a 2 metre wide strip of landscaped area, raised or otherwise protected, along that part of the street line not required for the curb cut or pedestrian entrance;

THROUGH LOTS

- 38BP(1)** Notwithstanding subclause 38BC(1) (h), through lots located on Joseph Howe Drive shall have a streetwall that extends a minimum of 65 percent of the lot frontage on Joseph Howe Drive and 50 percent of the lot frontage on Percy Street.
- 38BP(2)** Where a surface parking area is permitted for through lots located along Percy Street, a landscaped area, measuring 6 metres in depth, measured from the Percy Street street line, shall be provided in accordance with 38BL(1) (c) and 38BL(1) (d).