

HALIFAX

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

Item No.
Regional Centre Community Council
July 20, 2020

TO: Chair and Members of Regional Centre Community Council

SUBMITTED BY:



- Original Signed -

Carl Purvis, Acting Manager, Current Planning

DATE: June 20, 2020

SUBJECT: **Case 22805: Appeal of Site Plan Approval – 1392 to 1444 Seymour Street, Halifax**

ORIGIN

Appeal of the Development Officer's decision to issue a Site Plan Approval.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality (HRM) Charter; Part VIII, Planning and Development, including

- s. 247 (1) A development officer shall approve an application for site plan approval unless
- (a) the matters subject to site-plan approval do not meet the criteria set out in the land-use by-law; or
 - (b) the applicant fails to enter into an undertaking to carry out the terms of the site plan.
- (2) Where a development officer approves or refuses to approve a site plan, the process and notification procedures and the rights of appeal are the same as those that apply when a development officer grants or refuses to grant a variance.
- s. 251, regarding variance requirements for notice, appeals and associated timeframes.
s. 252, regarding requirements for appeal decisions and provisions for variance notice cost recovery.

Halifax Regional Centre Land Use By-law

- s. 31 (1) Subject to Subsection 31(2), a decision by the Development Officer to approve, approve with conditions, or refuse a Level I, Level II, or Level III site plan approval application may be appealed to Council in accordance with the Charter, as amended from time to time.
- (2) Only the following matters are appealable to Council:
- (a) design requirements set out in Part VI; and
 - (b) any variation to the requirements of this By-law enabled under Section 28.

RECOMMENDATION

In accordance with Administrative Order One, the following motion shall be placed on the floor:

That the appeal be allowed.

Community Council approval of the appeal will result in refusal of the Site Plan Approval.

Community Council denial of the appeal will result in issuance of Site Plan Approval.

Staff recommend that Regional Centre Community Council deny the appeal.

BACKGROUND

A Site Plan Approval application for the construction of a new, six storey, 141 unit dwelling has been submitted for property at 1392 -1444 Seymour Street in Halifax (Attachment A and Map 2). The basic elements of the proposed building are:

- 141 residential units;
- Six storeys;
- 705 sq. m. of amenity space, 50% of which is indoor; and
- 36 parking stalls and bicycle parking facilities as per the requirements of the Land Use By-law.

The application also included a request for a variation to increase the required maximum streetwall height for a portion of the building by 0.04 m (1.57 in.) (Attachment B).

The subject property is zoned HR-1 (Higher-Order Residential 1) under the Regional Centre Land Use By-Law (LUB). Staff reviewed the application against the applicable requirements and advise that the proposed building meets all the requirements of the Land Use By-law, with the exception of the above referenced small variation to the maximum streetwall height. Staff also advise the proposed variation meets the approval criteria set out in the LUB and note the extent of the proposed variation is so minimal it is considered inconsequential with respect to its potential impact on building design.

For the reasons detailed in the Discussion section of this report, the Development Officer permitted the Site Plan Approval, along with the associated variation (Attachment C). The community was notified of the decision as required in the by-law and one property owner within the notification area has appealed the approval (Attachment D). That appeal is now before Regional Centre Community Council for decision.

Site Plan Approval Process

The Site Plan Approval process applies to new building construction of this type in the Centre Plan Package A area within the Regional Centre. This process is regulated under the *HRM Charter* and the Regional Centre LUB. The by-law authorizes the Development Officer to approve or refuse applications and variations based on the content of the LUB. The process includes a limited right of appeal with respect to:

- design requirements set out in Part VI of the LUB; and / or
- any variation to the requirements enabled under Section 28.

No other components of the Site Plan Approval are subject to this appeal process.

Process for Hearing an Appeal of Site Plan Approval

Notification procedures and rights of appeal with respect to a decision of the Development Officer on Site Plan Approval are based on the *HRM Charter* requirements that apply to a Development Officer's decision

to grant or refuse a variance application. The Charter and LUB mandates that the owners of all property within 100 metres of the subject site be notified within 7 days of the approval of the Site Plan Approval application (Map 1).

Notice of the decision of the Development Officer was given to all property owners within 100m of the project site on May 15, 2020. On May 29, a notice of appeal (Attachment C) was filed by an assessed property owner regarding the Development Officer's decision.

Administrative Order Number One, the *Procedures of the Council Administrative Order* requires that Council, in hearing any appeal, must place a motion to "allow the appeal" on the floor, even if that motion is in opposition to the staff recommendation. The Recommendation section of this report contains the required wording of the appeal motion as well as the corresponding staff recommendation.

Staff recommend that Community Council deny the appeal and uphold the decision of the Development Officer to issue the Site Plan Approval.

DISCUSSION

Development Officer's Assessment of the Site Plan Approval Application

Development proposals of this type within the Package A area of the Regional Centre LUB are subject to land use, lot standards and built form requirements set out in the by-law. As noted above, staff confirm the proposed development meets all applicable land use, lot standards and built form requirements in the by-law.

In addition, proposals which are subject to the Site Plan Approval process must meet also meet design requirements as set out in Part VI of the LUB. For Council's reference, Part VI of the bylaw is included as Attachment F to this report. The relevant criteria and results of the Development Officer's review are summarized in the table below:

Land Use By-law Criteria	Land Use By-law Section	Analysis
At-Grade Private Open Space Design Requirements	Part VI, Chapter 2	Requirements met
Building Design Requirements	Part VI, Chapter 3	Requirements met
Parking, Access, and Utilities Design Requirements	Part VI, Chapter 4	Requirements met
Heritage Conservation Design Requirements	Part VI, Chapter 5	Not applicable
Other Design Requirements	Part VI, Chapter 6	Requirements met
Variation Criteria	Part VI, Chapter 7	Variation requested for section 93, maximum streetwall height.

In support of their application the developer also provided Design Rationale, which was reviewed and accepted by staff (see Attachment D).

Variation Request

The Regional Centre Land Use By-law permits certain requirements to be varied through Site Plan Approval if the request meets the stated variation criteria. In this proposal, the applicant has requested a variation to increase the maximum streetwall height for a portion of the building by 0.04 m (1.57 in.). The detail of the variation request is as identified below:

	Zone Requirement	Variation Requested
Maximum Streetwall Height	11.00 meters	11.04 meters

Part VI of the LUB outlines the criteria the Development Officer must consider when reviewing proposed variations to the design requirements. Section 160 of the LUB states:

“Where a variation to a maximum streetwall height is required to address sloping conditions, the maximum streetwall height may be increased by a maximum of 5% through Site Plan Approval.”

Based on the sloping conditions of the site as shown in Attachment B, staff determined the variation request was consistent with the approval criteria and was of an extent that was inconsequential with respect to impact on the building design or surrounding property.

Appellant’s Submission

In hearing a Site Plan Approval appeal, Council may make any decision that the Development Officer could have made with respect to the portions of the approval process that are subject to appeal. As noted above, the grounds for appeal and the corresponding grounds for Council’s consideration of any appeal are limited to the Development Officer’s application of the design criteria in part VI of the LUB and the approval of any variations.

When an appeal of the Development Officer’s decision is received, staff carefully consider the appellant’s rationale in order to provide Council with a staff report that puts that rationale in an appropriate context that allows Council to make an informed decision. In this case, staff’s capacity to do so is limited because 14 of the 15 points (items 1-11 and 13-15 in Attachment D) relate to components of the project that are not subject to the appeal process. Accordingly, staff provide no comment on these matters other than to advise Council these elements are not subject to appeal.

The remaining section in the appeal notice that could be considered applicable is item 12 in Attachment C. That item is considered to be a valid ground of appeal for Council’s consideration because it contains a reference to a critique of the building design which could be considered to be relevant to the requirements in Part V of the LUB (Attachment F). However, the appeal submission is limited to only general criticism of the building and does not include any reference to the relevant sections of Part VI of the by-law or any specific components of the building’s design. Under these circumstances, staff have no basis upon which to assess the appeal and can provide Council with no meaningful response to the appeal in the context of this staff report. It should be noted that staff contacted the appellant upon receipt of the appeal and provided an opportunity to submit additional information to clarify the grounds for appeal. No response has been forthcoming as of the date of the production of this report.

The portion of the appellant’s comments that are subject to the appeal process are included in the table below along with staff’s comments:

Appellant’s Appeal Comments	Staff Response
<i>“The building is a non-descript design without any redeeming architectural features. It is totally out of place with the streetscape and the extended neighborhood. It does not add to the look, character, ambience, nature, attraction or enjoyment as a new building should. Rather than improving the neighborhood it will destroy it.”</i>	<p>The proposal meets all design requirements as per Part VI of the LUB except for a portion of the streetwall height, for which a variation request has been granted, in accordance section 160 of the LUB.</p> <p>The aesthetics of building architecture are subjective and not a consideration in Site Plan Approval applications.</p>

Conclusion

Staff have reviewed all the relevant information in this Site Plan Approval application. As a result of that review, the application and the associated variation request were approved as it was determined that the proposal is consistent with all relevant requirements of the Regional Centre Land Use By-law. A resident in the notification area has exercised the right of appeal as set out in the by-law. The appeal is now before Council to render a decision. Staff advise the appeal rationale provided to date demonstrates no contravention of the requirements in the bylaw and therefore the appeal should be dismissed.

FINANCIAL IMPLICATIONS

There are no material financial implications for HRM related to this application. The administration of the appeal can be carried out within the approved 2020/21 operating budget for Planning and Development.

RISK CONSIDERATION

There are no significant risks associated with the recommendation in this report.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy and the requirements of the Regional Centre LUB regarding Level III Site Plan Approval applications. The level of engagement was information sharing, achieved through the developer's website, a newspaper advertisement of a public meeting, a public meeting held by the developer, and a sign posted on the subject site with details of the proposed project. In addition, the notice of the Development Officer's decision included the site plan and elevations of the proposed development.

ENVIRONMENTAL IMPLICATIONS

There are no material environmental implications associated with the recommendations in this report.

ALTERNATIVES

As noted throughout this report, Administrative Order One requires that Community Council consideration of this item must be in context of a motion to allow the appeal. Council's options are limited to denial or approval of that motion.

1. Denial of the appeal motion would result in approval of the Site Plan Approval application. This would uphold the Development Officer's decision, and this is staff's recommended alternative.
2. Approval of the appeal motion would result in refusal of the Site Plan Approval application. This would overturn the decision of the Development Officer.

ATTACHMENTS

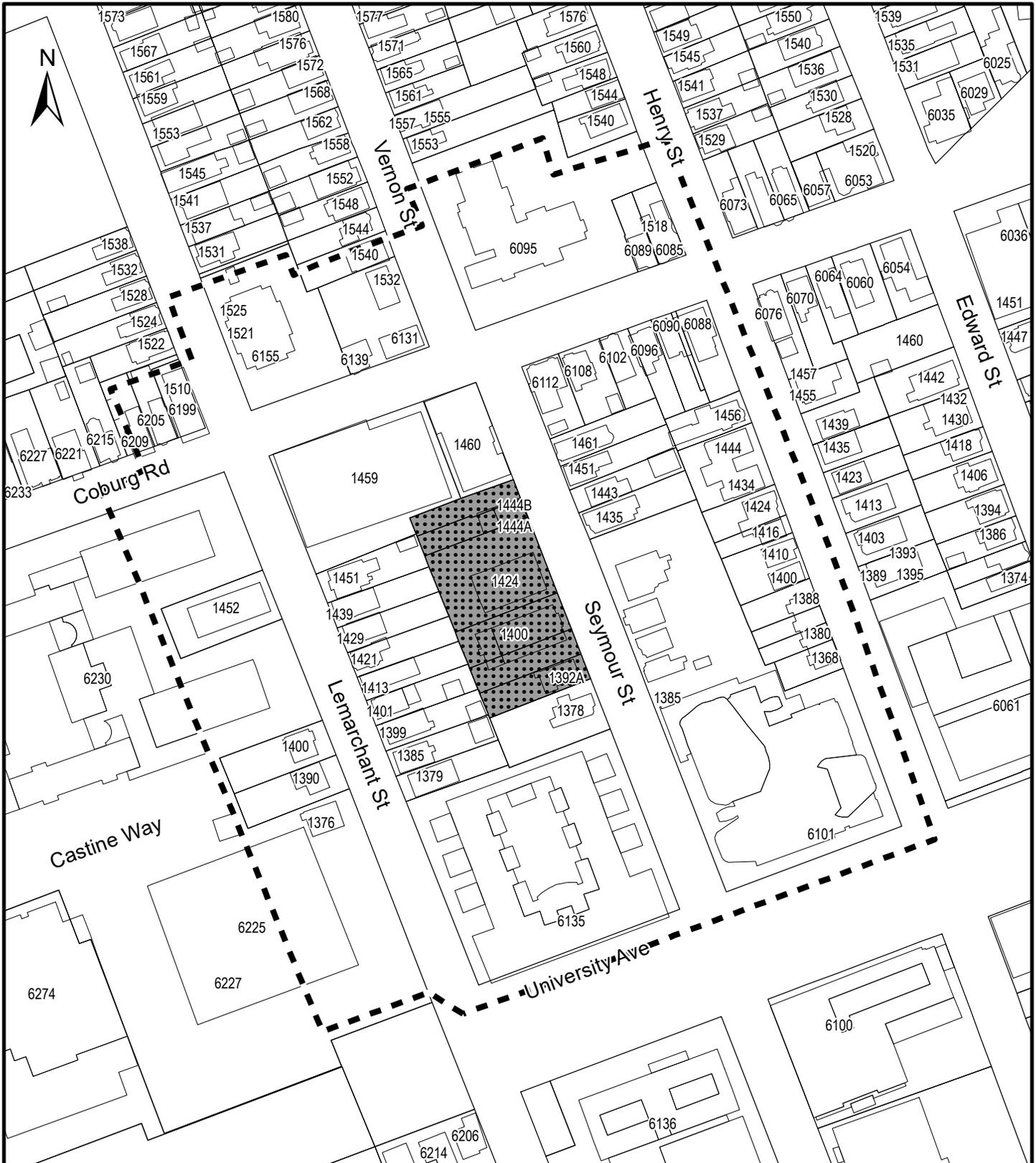
Map 1:	Notification Area
Map 2:	Site Plan
Attachment A:	Building Elevations
Attachment B:	Variation Detail
Attachment C:	Site Plan Approval Notice

Attachment D: Letter of Appeal
Attachment E: Design Rationale
Attachment F: LUB Part VI

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: Kerby MacInnis, Planner I, 902.719.9392
Andrew Faulkner, Development Officer/Principal Planner, 902.476.2982

Report Approved by: Erin MacIntyre, Manager, Land Development & Subdivision, 902.293.7721



Map 1 - Notification Area

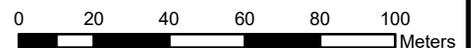
Seymour St, Halifax
 PIDs 00068403, 00068411, 40286791,
 00068429, 00068437, 41319864



Subject Properties

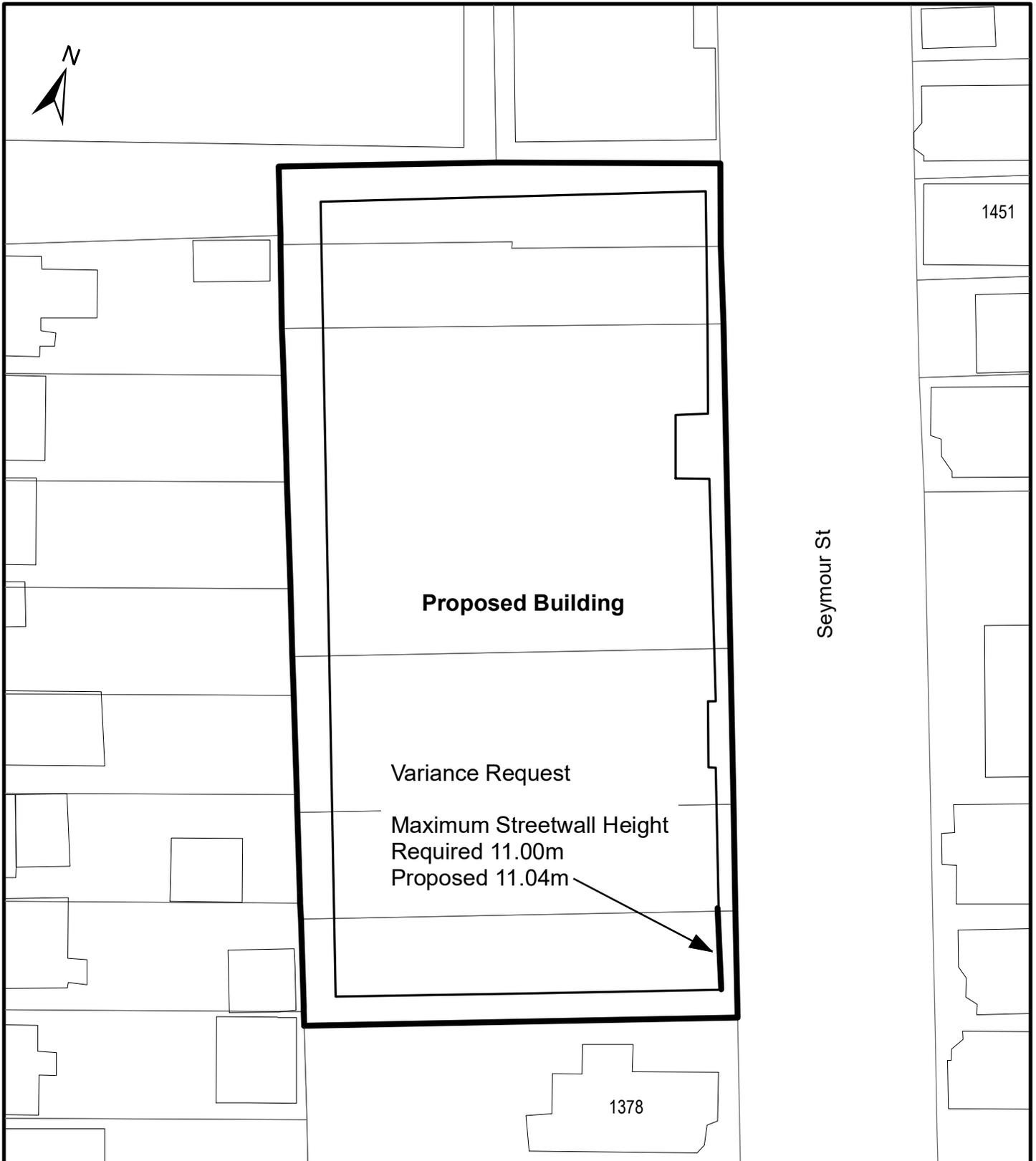


Notification Area



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

HALIFAX



Proposed Building

Variance Request

Maximum Streetwall Height
Required 11.00m
Proposed 11.04m

Seymour St

1451

1378

Map 2 - Site Plan

Seymour St, Halifax
 PIDs 00068403, 00068411, 40286791,
 00068429, 00068437, 41319864



Subject Properties

HALIFAX

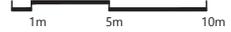
Regional Centre Package A
 Plan Area

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



Attachment A - East Elevation

- 1- Prefinished Metal cladding
- 2- Clear anodized aluminum panel
- 3- Light grey prefinished garage door
- 4- Horizontal 150mm, non-combustable wooden finish engineered cladding
- 5- Vertical 150mm, deep seams, non-combustable wooden finish engineered cladding
- 6- Vertical 150mm, non-combustable wooden finish engineered cladding
- 7- Unit Masonry running bond
- 8- Unit Masonry stack bond
- 9- Punched glazing units
- 10- Metallic guardrail

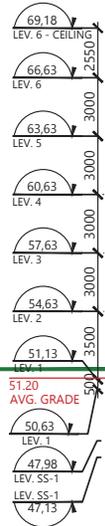


Attachment A - North Elevation

- 1- Prefinished Metal cladding
- 2- Clear anodized aluminum panel
- 3- Light grey prefinished garage door
- 4- Horizontal 150mm, non-combustable wooden finish engineered cladding
- 5- Vertical 150mm, deep seams, non-combustable wooden finish engineered cladding
- 6- Vertical 150mm, non-combustable wooden finish engineered cladding
- 7- Unit Masonry running bond
- 8- Unit Masonry stack bond
- 9- Punched glazing units
- 10- Metallic guardrail



72.62m
PARAPET
71.20
MAXIMUM HEIGHT

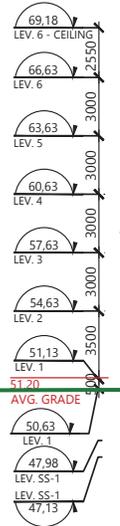


Attachment A - South Elevation

- 1- Prefinished Metal cladding
- 2- Clear anodized aluminum panel
- 3- Light grey prefinished garage door
- 4- Horizontal 150mm, non-combustable wooden finish engineered cladding
- 5- Vertical 150mm, deep seams, non-combustable wooden finish engineered cladding
- 6- Vertical 150mm, non-combustable wooden finish engineered cladding
- 7- Unit Masonry running bond
- 8- Unit Masonry stack bond
- 9- Punched glazing units
- 10- Metallic guardrail



72.62m
PARAPET
71.20
MAXIMUM HEIGHT

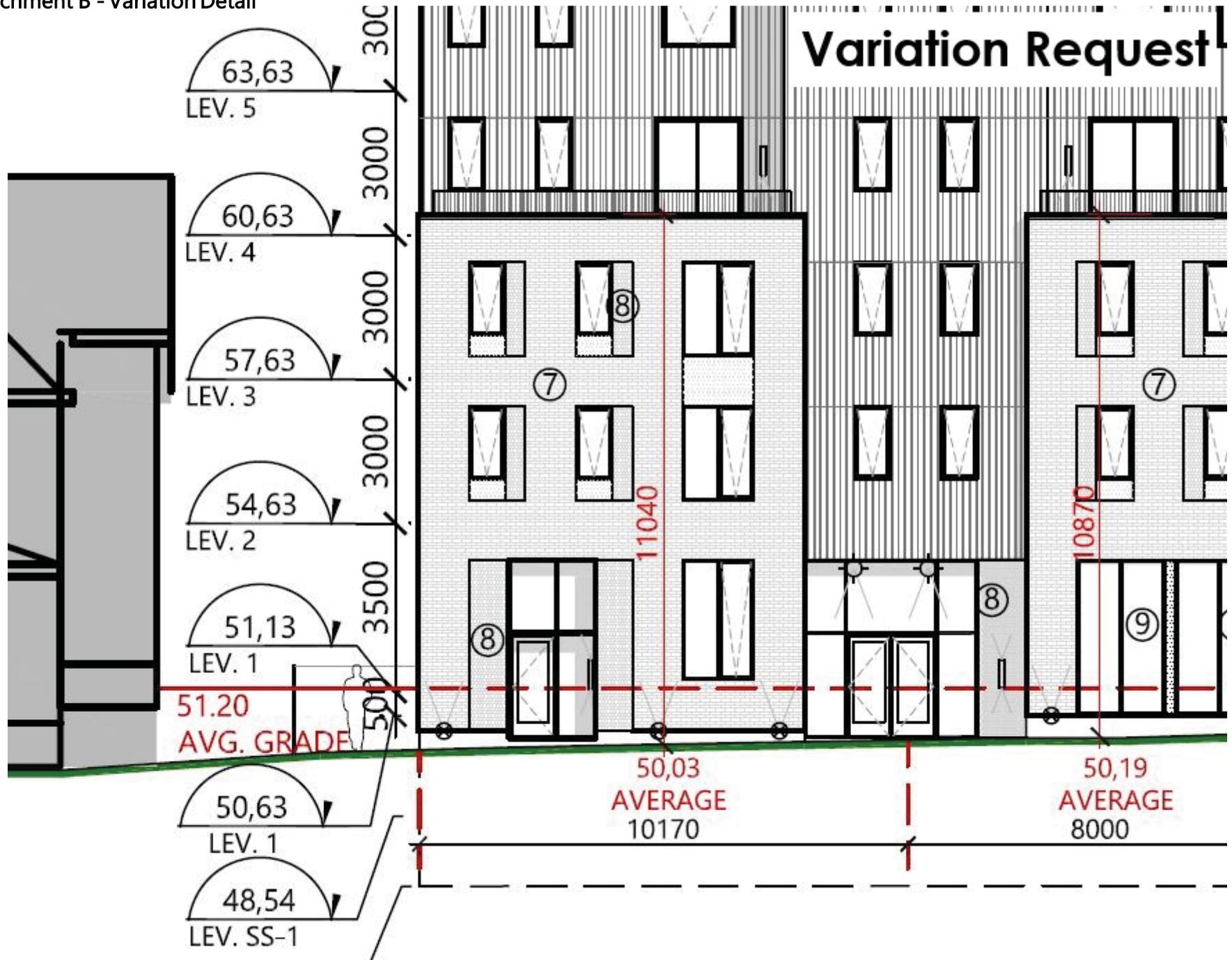


Attachment A - West Elevation

- 1- Prefinished Metal cladding
- 2- Clear anodized aluminum panel
- 3- Light grey prefinished garage door
- 4- Horizontal 150mm, non-combustable wooden finish engineered cladding
- 5- Vertical 150mm, deep seams, non-combustable wooden finish engineered cladding
- 6- Vertical 150mm, non-combustable wooden finish engineered cladding
- 7- Unit Masonry running bond
- 8- Unit Masonry stack bond
- 9- Punched glazing units
- 10- Metallic guardrail



Attachment B - Variation Detail



Attachment C - Site Plan Approval Notice

May 15, 2020

Zzap Consulting Inc.
1 Canal Street
Dartmouth, NS B2Y 2W1

Re: Level III Site Plan Approval Application (#22805) – 1392 - 1444 Seymour St, Halifax – PIDs 00068403, 00068411, 40286791, 00068429, 00068437, 41319864

As the Development Officer for Halifax Regional Municipality, I have approved your site plan approval application for a 141 multi-unit residential dwelling at 1392 – 1444 Seymour St, Halifax (PIDs # 00068403, 00068411, 40286791, 00068429, 00068437, 41319864).

Pursuant to Section 247 of the Halifax Regional Municipal Charter, and Part I, Chapter 3, Section 30 of the Regional Centre (Package A) Land Use Bylaw, assessed property owners within 100 meters of the property have been notified of this application. Those property owners have the right to appeal in accordance with Part 1, Chapter 3, Section 31 of the Regional Centre (Package A) Land Use Bylaw, and must file their notice, in writing, to the Clerk's Office on or before June 1, 2020.

PERMITS WILL NOT BE ISSUED UNTIL ANY APPEAL HAS BEEN DISPOSED OF OR THE APPEAL PERIOD HAS EXPIRED.

You will be notified once the appeal period has expired as to whether any appeals have been filed. If no appeals are filed, a development permit will be issued.

If you have any questions or require clarification of any of the above, please do not hesitate to contact Kerby MacInnis at 902-719-9392.

Sincerely,

Andrew Faulkner, Principal Planner / Development Officer
Halifax Regional Municipality

cc. Sherryl Murphy - Acting Municipal Clerk
Councillor Wayne Mason

Negative Impacts of Construction on Residential Streets

In recent years the neighborhood that includes Vernon street, Le Marchant, Seymour Street, Coburg Road, Henry St. and parts of the Dalhousie campus has been upset with a series of construction projects. The first was a new Dalhousie building on the corner of Coburg and Le Marchant followed by a six- story apartment building now under construction on the corner of Coburg and Seymour. This in turn has been followed by the start of construction on an extension to the Cohen Auditorium on Seymour Street. To add insult to injury yet another project, the construction of a six story privately owned student dorm, has been approved for Seymour Street. This is a small one block street with parking permitted only on one side. The nuisances of construction, the increase in population density and the type of building will totally destroy the street scape, the environment, will lower property values, and will destroy the quality of life. It will have a negative impact on the entire area.

Public input on the permit for the newest building has been limited to comments on the quantitative development regulations. This restriction could be a violation of the spirit and intent of the clauses in both the Municipal and Provincial requirements allowing for public consultation on development permits. However, the most damaging and undemocratic issue is the total failure of the Planning Department and City Council to consider the impact on the lives of residents. Due concern and service is generously provided for Developers, the City benefits from more taxes, but the impact on the lives of citizens is completely ignored.

Following, for your information, is an outline of the problems faced by neighbors when a building permit is granted. This is based on our actual experience with the building of the six story apartment building on the corner of Coburg and Seymour. The new proposal in question is only one property removed.

1. Concrete road barrier: An external concrete barrier will be set up on the street taking up a full lane. This is to provide the builder room to place construction equipment on the outside of his lot. This will cause traffic problems, and create a danger for both vehicles and pedestrians.
2. Vermin: The tear down of existing buildings will cause an infestation of mice and rats throughout the surrounding neighborhood.
3. Trucking etc.: The clearing of debris will raise dust and dirt, and create a traffic hazard and street closures. It will bring large trucks into the neighborhood for cleanup. This will create noise, vibrations, and gas and oil fumes.
4. Street Closures: Throughout the entire tear down and construction periods there will be street closures which will inconvenience residents and vehicle traffic that rely on using the street.
5. Noise and damage: The excavation for the basement will be done with pneumatic hammers that will operate day long for three months or more. Also blasting will be necessary. The noise is so loud that it permeates the entire neighborhood on all sides. It is as if it was operating in our basements. This also brings dust, debris and dirt, large front end loaders clearing the dirt, and huge trucks coming through the streets trucking away the dirt. In the case of my own house on the corner of Coburg and Seymour vibrations from the Pneumatic hammers, front end loaders and the comings and goings of the large trucks and other vehicles shook the house, loosened the windows and damaged the inside walls. The continuous noise was like being put under torture.

6. Mobile cranes and other construction vehicles: These vehicles have a bleeping warning light which makes a loud noise every time it is operating. It runs all day every day and the impact is equivalent to water torture.
7. Impact on health: Noise from construction in a residential neighborhood creates a serious health problem for residents. Numerous health impact assessments, including by the World Health Organization, have documented the damage that noise does on individual health. It can cause problems such as hearing loss, vascular damage, Alzheimer's disease, stress, psychological problems and an overall reduced quality of life. The construction noises from these projects add up to over six consecutive years of torture. By coincidence my wife has been diagnosed with Alzheimer's, has a hearing problem and I have been diagnosed with a vascular problem. The proposed new building will add to our problems. It will create more stress, more nuisances and annoyance, further diminish our quality of life and our physical and psychological health. Ditto for nearby neighbors
8. Toxic Fumes: The constant parade of large delivery trucks carrying building materials creates a steady flow of oil and gas fumes, noise and vibrations.
9. Plumbing: New plumbing will have to be installed under the street to hook up the building. This will involve the disturbance of old pipes which in turn causes dirt and foul smelling water coming into our homes. The smell lingers for some time.
10. Loss of privacy: The comings and goings of workmen, deliveries, and illegal parking has totally destroyed our privacy in the entire neighborhood.
11. Environmental Damage: The height and length of the building together with the other apartment house will create shadows and possible wind tunnels and block out the sun at certain times of the day.
12. The design: The building is a non-descript design without any redeeming architectural features. It is totally out of place with the streetscape and the extended neighborhood. It does not add to the look, character, ambience, nature, attraction or enjoyment as a new building should. Rather than improving the neighborhood it will destroy it.
13. Continuation of nuisances: As construction continues so will the dust and noise. The containers for garbage used in these developments are the cause of dirt and materials blowing around the neighborhood. The noise is a particular nuisance that will disturb the entire neighborhood and the classes at Dalhousie University.
14. Impact of student behavior: The nuisance factor from this development will be a permanent occurrence. The building is to be a student dorm. The student problem in university controlled residences is bad enough but in a privately owned residence the place will be out of control. Together with the new apartment building close by it will substantially increase the density on the street but worse will create a student ghetto. The problems in this type of situation are well documented in every university community in the country. They consist of noise, parties, drunkenness, drugs and dealing, property damage, violence and attacks on neighbors.

15. History: The owners of the existing buildings that will be replaced were turned down at least once before for a permit to replace them. Also in 2016 The Planning Department turned down another application for a private construction of two student residences proposed for Inglis Street next to Saint Mary's University. In that case residents had the opportunity to voice their opposition. If the City turned down the private construction of student residences on Inglis Street, why has approval been given for one on Seymour street?

Conclusion: Given that we live in a democratic society and public servants and elected politicians are supposed to represent the public interest the restriction of input on matters of public concern should not be allowed. The problems, outlined above with this project, merit serious consideration. Also whether a building meant for a student dorm comes within the regular bylaws for apartment buildings or is a beast by itself needs to be considered. As was pointed out above, there is a precedent for turning down permits for privately owned student residences in residential neighborhoods. In view of the public's right for consultation on building permits, the fact that the impact on the life of nearby residents has not been considered, and a student residence may not be in the same category as a regular apartment building, a public hearing should be allowed on the merits of the permit and not restricted to quantitative development regulations.



ZZap Consulting Inc.

Zareski Zwicker Architecture + Planning

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

Regional Centre Land Use By-Law: Site Plan Approval Design Requirements and Design Rationale

SECTION	DESIGN REQUIREMENT	DESIGN RATIONALE
113	<p>Contribution to Open Space Network: Where one or more at-grade private open space(s) are proposed, at least one shall contribute to the Regional Centre's network of open spaces by:</p> <ul style="list-style-type: none"> (a) abutting an existing public open space that is not a public sidewalk; (b) abutting an existing public sidewalk; (c) abutting an existing mid-block at-grade private open space; or (d) establishing a new mid-block at-grade private open space. 	Proposed private open space abuts existing public sidewalk (b).
114	<p>At-Grade Private Open Spaces Abutting a Public Sidewalk: At-grade private open spaces that abut public sidewalks shall provide pedestrian access by having at least one contiguous connection of not less than 2.0 metres wide, from the at-grade private open space to the public sidewalk.</p>	Contiguous connection of minimum 2.0 metres wide provided between the at-grade private open spaces and the public sidewalk.

115	<p>At-Grade Private Open Spaces – Medium Scale: At-grade private open spaces with a contiguous area of 15 square metres or greater, and dimensions of not less than 3.0 metres by 5.0 metres shall:</p> <p>(a) provide</p> <p>(i) barrier-free access, and</p> <p>(ii) permanent seating; and</p> <p>(b) provide one or more of the following materials for groundcover</p> <p>(i) vegetation,</p> <p>(ii) brick pavers, stone pavers, or concrete pavers, or</p> <p>(iii) wood, excluding composites.</p>	<p>Design provides:</p> <p>(i) barrier-free access</p> <p>(ii) permanent seating (cast-in-place concrete benches with wood seat)</p> <p>Groundcover material provided:</p> <p>(i) vegetation (plant bedding)</p> <p>(ii) concrete pavers</p>
116	<p>Weather Protection for At-Grade Private Open Spaces – Medium Scale: At-grade private open spaces with a contiguous area of 15 square metres or greater, and dimensions of not less than 3.0 metres by 5.0 metres shall offer weather protection to its users through at least one of the following:</p> <p>(a) a new deciduous tree that is not a shrub or the retention of an existing tree that is not a shrub with a minimum base caliper of 100 millimetres;</p> <p>(b) canopies or awnings on abutting façades;</p> <p>(c) recessed entrances of abutting façades;</p> <p>(d) cantilever(s) of a building on the same lot; or</p> <p>(e) structures such as gazebos, pergolas, or covered site furnishings.</p>	<p>Design uses recessed entrances of abutting façades to provide weather protection.</p> <p>Design also uses cantilevers of a building (Levels 4, 5 and 6) on the same lot.</p>

117	<p>At-Grade Private Open Spaces – Large Scale: In addition to meeting the requirements of Sections 115 and 116, at-grade private open spaces with a contiguous area exceeding 400 square metres and with an average depth exceeding 2.5 metres, shall provide at least three of the following: (a) an additional deciduous tree that is not a shrub or the retention of an existing tree that is not a shrub with a minimum base caliper of 100 millimetres; (b) a permanent table and chair(s); (c) a public art piece, a cultural artifact, or a commemorative monument; (d) a structure such as a gazebo or pergola; or (e) a planter or planting bed.</p>	N/A
118	<p>Existing Access to Public Open Spaces: At-grade private open spaces shall maintain existing accesses to abutting public open spaces.</p>	N/A
119	<p>Privacy for Grade-Related Units: At-grade private open spaces which are 2.5 metres deep or greater, as measured perpendicularly from the streetline, and which are located between the streetline and a grade-related unit, shall provide privacy for the residential units by using a minimum of one of the following elements per grade-related unit: (a) a deciduous tree that is not a shrub with a minimum base caliper of 50 millimetres; (b) a minimum of two shrubs, each no less than 1.0 metre in height; (c) planters ranging in height from 0.25 to 1.0 metres; or (d) masonry walls ranging in height from 0.25 to 1.0 metres.</p>	<p>Privacy for Grade related units is provided by: (c) planters ranging in height from 0.25 to 1.0 metres</p>
120	<p>Walkways to be Hard-Surfaced: Walkways within at-grade private open spaces shall be hard-surfaced, excluding asphalt.</p>	<p>Design uses concrete pavers for walkways within at-grade private open space.</p>

Building Design Requirements

121	<p>Streetwall Articulation: Streetwalls shall be divided into distinct sections no less than 0.3 metres in width and not exceeding 8 metres in width, from the ground floor to the top of the streetwall, with each section differentiated by using at least two of the following:</p> <ul style="list-style-type: none"> (a) colour(s); (b) material(s); or (c) projections and recesses not less than 0.15 metres in depth. 	<p>Streetwall is divided into distinct sections ranging from 4.5-8 metres wide from the ground floor to the top of the streetwall with each section differentiated by:</p> <ul style="list-style-type: none"> (b) materials (c) projections and recesses not less than 0.15 metres in depth.
122	<p>Articulation of Non-Streetwalls Fronting an At-Grade Private Open Space: Any exterior wall within the podium that is not a streetwall, and fronts an at-grade private open space abutting a public right-of-way, shall meet the requirements of Section 121 as if it was a streetwall.</p>	<p>Exterior wall facing the at-grade private open space is divided into distinct sections not exceeding 8 metres wide. Each section differentiated by:</p> <ul style="list-style-type: none"> (b) materials (c) projections and recesses not less than 0.15 metres in depth.
123	<p>Side Façade Articulation: Where a side yard is proposed or required, the side yard façade shall continue the streetwall articulation for a depth greater than or equal to the width of the side yard, as measured at the streetline, using the same options chosen to achieve the design requirement in Section 121.</p>	<p>The side yard façade continues the streetwall articulation for a depth greater than 2.5 metres, as measured at the streetline using:</p> <ul style="list-style-type: none"> (a) colour(s); (b) material(s)
124	<p>Pedestrian Entrances Along Streetwalls: (1) Subject to Subsection 124(2), pedestrian entrances in the streetwall shall be distinguished from the remainder of the streetwall by using at least two of the following:</p> <ul style="list-style-type: none"> (a) changes in colour; (b) changes in materials; or (c) projections and recesses not less than 0.15 metres in depth. <p>2) Canopies or awnings shall not be used to meet the requirements of Subsection 124(1).</p>	<p>Pedestrian entrances in the streetwall are distinguished by:</p> <ul style="list-style-type: none"> (b) changes in materials. (c) projections and recesses not less than 0.15 metres in depth.

125	<p>Pedestrian Entrances Along Non-Streetwalls Fronting an At-Grade Private Open Space: Any exterior wall within the podium that is not a streetwall, and fronts an at-grade private open space, shall meet the requirements of Section 124 as if it was a streetwall.</p>	<p>Pedestrian entrances fronting on an at-grade private open space are distinguished by:</p> <p>(b) changes in materials. (c) changes in colour</p>
126	<p>Number of Pedestrian Entrances Along Streetwalls: Streetwalls shall provide: (a) a minimum of one pedestrian entrance per storefront; or (b) a minimum of 2 pedestrian entrances where the storefront is greater than 24 metres wide.</p>	<p>N/A – no storefronts proposed within the development</p>
127	<p>Ground Floor Transparency – Commercial Uses: For at-grade commercial uses in the streetwall, between 50% and 80% of the building's ground floor façade dedicated to commercial uses shall consist of clear glass glazing.</p>	<p>N/A – No commercial uses proposed.</p>
128	<p>Ground Floor Transparency – Grade-Related Unit Uses: For grade-related unit uses in the streetwall, between 25% and 80% of the building's ground floor façade dedicated to grade-related unit uses shall consist of clear glass glazing.</p>	<p>Grade-related unit uses in the streetwall have between 25% and 80% of the façade dedicated to grade-related unit uses consisting of clear glass glazing.</p>
129	<p>Access Ramps Along Streetwalls: Where a ramp for barrier-free access is provided between a streetwall and a sidewalk, no portion of the access ramp shall exceed a width of 2.0 metres and depth of 2.0 metres.'</p>	<p>N/A – no access ramps proposed between the streetwall and the sidewalk.</p>

130	<p>Weather Protection: (1) Subject to Subsection 130(2), where entrances for commercial uses or multi-unit dwelling uses are proposed in the streetwall, weather protection for pedestrians shall be provided above the entrances and shall consist of at least one of the following: (a) canopies; (b) awnings; (c) recessed entrances; or (d) cantilevers. (2) Subsection 131(1) shall not apply to the entrances of grade-related units.</p>	Weather protection for pedestrians is provided above the entrances to the multi-unit building through recesses.
131	<p>Exposed Foundations and Underground Parking Structures: Exterior foundation walls and underground parking structures the height of which exceeds 0.6 metres above grade shall be clad in a material consistent with the overall design of the same exterior façade.</p>	N/A - Exterior foundation walls and underground parking structures do not exceed 0.6m above grade.
132	<p>Building Top Distinction: (1) Subject to Subsection 132(2), a portion of the top third of a building shall be differentiated from lower portions of the same building, by using two or more of the following: (a) colour(s); (b) material(s); and (c) projections and recesses not less than 0.15 metres in depth. (2) The minimum height of the differentiated portion shall be no less than: (a) 0.5 metres in height for a low-rise building or mid-rise building; (b) 1.0 metres in height for a tall mid-rise building; and (c) 3.0 metres in height for a high-rise building.</p>	<p>(1) A portion of the top third of a building is differentiated from lower portions of the same building, by: (b) material(s). (c) mechanical penthouses are recessed not less than 0.15 metres in depth. (2) The differentiation exceeds 1 metre in height.</p>
133	<p>Penthouses: Penthouses shall be visually integrated into the overall design of the building.</p>	Penthouses are visually integrated into the overall design of the building by being recessed from the roof edge.

134	<p>Rooftop Mechanical Features: Rooftop mechanical features shall be visually integrated into the design of the building and concealed from the public view at the streetline.</p>	Rooftop mechanical features are visually integrated into the design of the building and concealed from the public view at the streetline through setbacks from the roof edge.
Parking, Access, and Utilities Design Requirements		
135	<p>Pedestrian Connections: Where pedestrian connections are proposed on the site, at least one shall connect: (a) one public street to another public street; (b) one public street to a public open space; (c) one sidewalk to another sidewalk; or (d) one public street or a sidewalk to an at-grade private open space that is located on the site.</p>	Pedestrian connection conforms with: (d) one public street or a sidewalk to an at-grade private open space that is located on the site.
136	<p>Pedestrian Connections Through Accessory Surface Parking Lots: (1) Pedestrian connections within accessory surface parking lots shall be no less than 2.0 metres wide. (2) Pedestrian connections within accessory surface parking lots shall be delineated by raised walkways, no less than 0.15 metres high, and consisting of: (a) poured concrete; (b) brick pavers; (c) stone pavers; or (d) concrete pavers. (3) Where a pedestrian connection crosses a driving aisle, the surface of the aisle shall be raised to meet the elevation of the abutting pedestrian connection and delineated with a change of colour or material from the driving aisle. (4) A pedestrian connection shall provide a direct route between parking areas, building entrances, and the nearest sidewalk.</p>	N/A – no accessory surface parking lots proposed.

137	<p>Motor Vehicle and Service Accesses: (1) Motor vehicle and service accesses in the streetwall shall be minimized by using the same colours or materials chosen for the streetwall. (2) All motor vehicle and service accesses shall: (a) not exceed the height of the ground floor or 4.5 metres, whichever is less; and (b) be completely enclosed with a door(s).</p>	<p>(1) The motor vehicle access locations to underground parking uses the same materials as the streetwall. (2) The motor vehicle access does not exceed the height of the ground floor and is completely enclosed with a door.</p>
138	<p>Parking Internal to a Building or Within a Parking Structure: Where parking internal to a building is located within the streetwall, it shall be screened from public view from any public right-of-way or park.</p>	<p>Parking is located underground below the streetwall. Therefore, it is not visible from public view from the public right-of-way</p>
139	<p>Visual Impact Mitigation for Utility and Mechanical Features: The visual impact of utility features and mechanical features, including vents and meters, shall be minimized by concealing them from public view at the streetline by: (a) using opaque screening; or (b) enclosing them within a projection or recess in the building.</p>	<p>Mechanical features are located on the roof the building and will be screened with opaque screening.</p>
140	<p>Heat Pumps and Other Heating and Ventilation Equipment for Individual Units: Heat pumps and other heating and ventilation equipment for individual units are permitted on balconies, unenclosed porches, and verandas if they are concealed from public view at the streetline by: (a) using opaque screening; or (b) enclosing them within a projection or recess in the building.</p>	<p>N/A – balconies are not proposed within the development.</p>

Heritage Conservation Design Requirements

141	<p>Conservation of Character-Defining Elements: Character-defining elements of registered heritage buildings shall be conserved and remain unobstructed.</p>	N/A
142	<p>New Windows and Doors: New window and door openings on registered heritage buildings shall match established patterns (materials, design, detail, and dimensions).</p>	N/A
143	<p>Preservation of Architectural Elements: Architectural elements on registered heritage buildings shall be preserved, such as pilasters, columns, cornices, bays, and parapets.</p>	N/A
144	<p>Use of Archival Evidence: Archival evidence shall be used to support the rehabilitation and restoration of character-defining elements on registered heritage buildings, or on registered heritage properties.</p>	N/A
145	<p>Historic Building Façades: Historic building façades on registered heritage buildings shall be retained and rehabilitated, or restored using traditional materials</p>	N/A
146	<p>Materials: Brick or masonry façades shall be maintained and restored on registered heritage buildings. The painting of brick or masonry façades is prohibited.</p>	N/A

147	<p>Maintenance of Same or Similar Cornice Line Height for New Developments in a Heritage Context: The podiums or streetwalls of new developments in a heritage context shall maintain the same or similar cornice line height established by abutting registered heritage buildings, except where the maximum streetwall height permitted under the Land Use By-law is lower than the cornice of the registered heritage buildings.</p>	N/A
148	<p>Streetwall Stepback for Taller Portions of New Developments in a Heritage Context: Subject to Subsection 93(4), any portions of new developments in a heritage context that are taller than the cornice line of an existing abutting registered heritage building shall be stepped back from the streetwall.</p>	N/A
149	<p>Side Wall Stepback for Taller Portions of New Detached Buildings in a Heritage Context: Where a detached building constitutes a new development in a heritage context and where it abuts the same streetline as the registered heritage building, any portions of the new development that are taller than the cornice line of the registered heritage building shall be stepped back 3 metres on the side that abuts the heritage building.</p>	N/A

150	<p>Architectural Elements of Existing Heritage Buildings to be Used as a Reference in the Design of New Development in a Heritage Context:</p> <p>Architectural elements of existing abutting registered heritage buildings shall be used as a reference in the design of new development in a heritage context, by:</p> <p>(a) Incorporating articulation established by vertical and horizontal architectural elements of the registered heritage buildings (i.e. columns, pilasters, cornice, architectural frieze, datum lines, etc.);</p> <p>(b) Incorporating proportions and vertical spacing of the registered heritage buildings' windows; and</p> <p>c) Where new development in a heritage context is located at the ground level, maintaining the proportions and transparency of the registered heritage buildings' storefront and façade elements.</p>	N/A
151	<p>Awnings and Canopies:</p> <p>(1) If proposed on a registered heritage building, awnings and canopies shall be:</p> <p>(a) Designed to fit within the dominant horizontal structural elements of the lower façade and not obscure significant architectural features;</p> <p>(b) Located between vertical columns or pilasters to accentuate and not to obscure these elements;</p> <p>(c) Designed to complement the fenestration pattern of the registered heritage building; and</p> <p>(d) Constructed using heavy canvas fabric or similar material in either a solid colour or striped. The use of retractable awnings is encouraged. Vinyl and high gloss fabrics and internally-illuminated awnings shall be prohibited.</p> <p>(2) Metal or glass awnings or canopies may be permitted on a registered heritage building, if designed to complement historic architectural elements.</p>	N/A

152	<p>Lighting Hardware: Lighting hardware shall be located so that it does not disfigure or conceal any significant architectural feature of the registered heritage building. Where it is not possible to hide lighting hardware, it shall be compatible with the building's architecture and materials.</p>	N/A
153	<p>Directing Lighting to Accentuate or Emphasize Architectural Features or Signage: Lighting shall be directed to accentuate or emphasize the architectural features of registered heritage buildings or their signage.</p>	N/A
Other Design Requirements		
154	<p>General Lighting: The following features shall be illuminated: (a) common building entrances; (b) walkways; (c) accessible at-grade private open space; (d) parking lots; and (e) off-street loading spaces.</p>	Please refer to Floor Plan Level 1 that shows the proposed location of lighting. The common building entrances, walkways and at-grade private open spaces will be illuminated.
155	<p>Emphasis of View Terminus Sites: View terminus sites, as shown on Schedule 5, shall be emphasized perpendicular to and visible from a view line, by at least one of the following approaches: (a) subject to Subsection 93(5), extending the height of a portion of the streetwall; (b) locating a clock tower, bell tower, rooftop cupola, spire, steeple, or minaret on the top of the building; (c) providing an at-grade private open space; or (d) locating a public art installation, a landmark element, or a cultural artifact on a portion of the streetwall, or in an at-grade private open space.</p>	N/A

156	<p>Parking Areas, Accessory Surface Parking Lots, Off-Street Loading Spaces, and Site Utilities on View Terminus Sites:</p> <p>Parking areas, accessory surface parking lots, off-street loading spaces, or site utilities shall not be visible within a view terminus as shown on Schedule 5.</p>	N/A
-----	---	-----

Variation Criteria

Maximum Streetwall Height on Sloping Conditions

A portion of the proposed developments streetwall slightly exceeds the Regional Centre Land Use By-Law's maximum streetwall height requirement of 11 metres. This minor exceedance of 40 millimetres occurs at the southern portion of the streetwall as a result of the sloping conditions across the site. For this southern portion of the streetwall the maximum streetwall height is 11.04 metres.



As such, we are seeking a variation to the maximum streetwall height requirement in accordance with section 160 of the Regional Land Use By-Law.

Closing

Thank you taking the time to review the above design rationale and variation criteria. If you have any questions or clarifications regarding the content of this document, please do not hesitate to contact the undersigned.

Sincerely,

[Redacted Signature]

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

**PART VI:
SITE PLAN APPROVAL DESIGN
REQUIREMENTS AND
VARIATION CRITERIA**

Part VI, Chapter 1: General Site Plan Approval Design Requirements

Development Subject to Design Requirements

- 111 Any development subject to site plan approval shall meet all applicable design requirements contained within this Part.

Granting of Site Plan Approval by Development Officer

- 112 The Development Officer shall grant site plan approval where all applicable design requirements set out within this Part are met.

Part VI, Chapter 2: At-Grade Private Open Space Design Requirements

Design Requirement: Contribution to Open Space Network

113 Where one or more at-grade private open space(s) are proposed, at least one shall contribute to the Regional Centre's network of open spaces by (Diagram 6):

- (a) abutting an existing public open space that is not a public sidewalk;
- (b) abutting an existing public sidewalk;
- (c) abutting an existing mid-block at-grade private open space; or
- (d) establishing a new mid-block at-grade private open space.

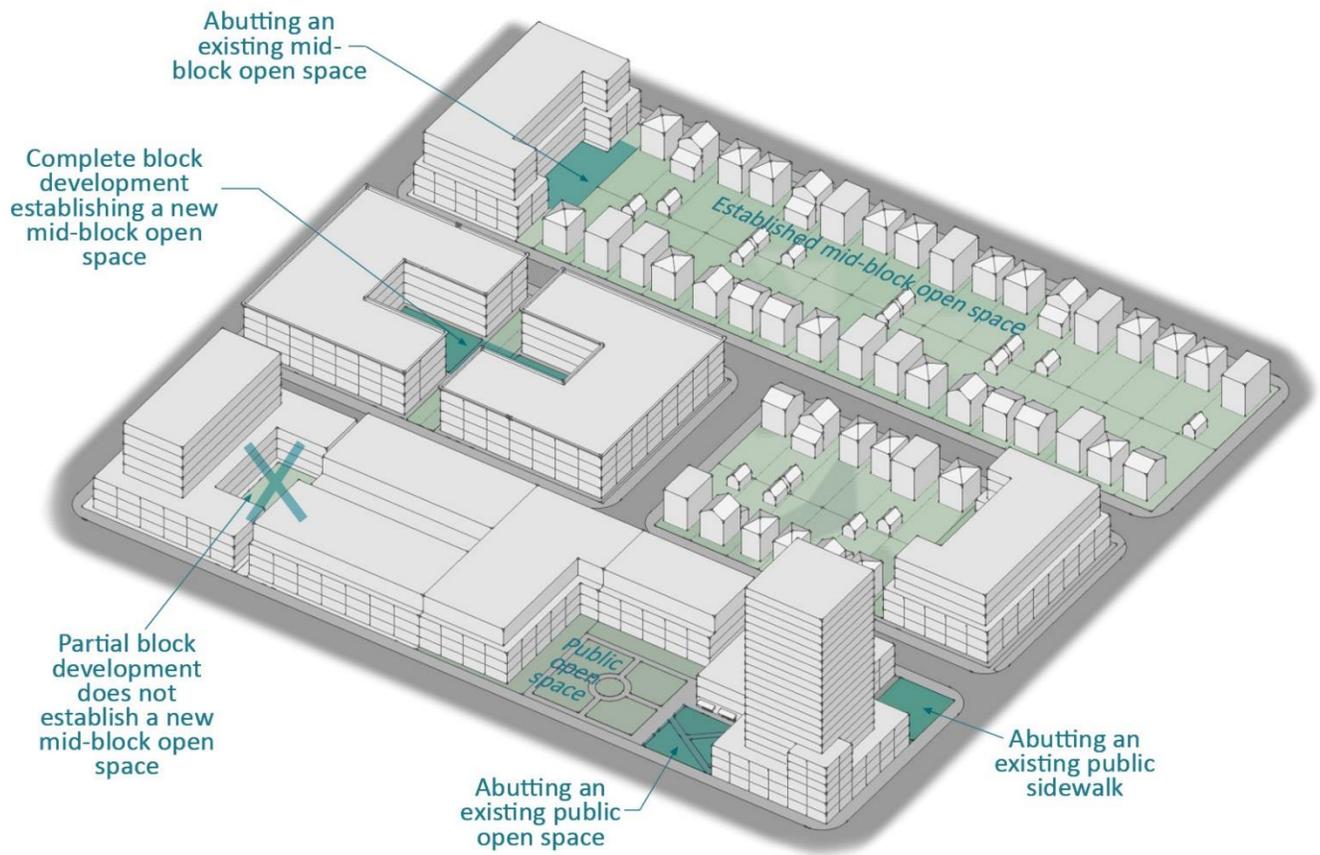


Diagram 6: Contribution to open space network, as per Section 113

Design Requirement: At-Grade Private Open Spaces Abutting a Public Sidewalk

114 At-grade private open spaces that abut public sidewalks shall provide pedestrian access by having at least one contiguous connection of not less than 2.0 metres wide, from the at-grade private open space to the public sidewalk.

Design Requirement: At-Grade Private Open Spaces – Medium Scale

115 At-grade private open spaces with a contiguous area of 15 square metres or greater, and dimensions of not less than 3.0 metres by 5.0 metres shall:

- (a) provide
 - (i) barrier-free access, and
 - (ii) permanent seating; and
- (b) provide one or more of the following materials for groundcover
 - (i) vegetation,
 - (ii) brick pavers, stone pavers, or concrete pavers, or
 - (iii) wood, excluding composites.

Design Requirement: Weather Protection for At-Grade Private Open Spaces – Medium Scale

116 At-grade private open spaces with a contiguous area of 15 square metres or greater, and dimensions of not less than 3.0 metres by 5.0 metres shall offer weather protection to its users through at least one of the following (Diagram 7):

- (a) a new deciduous tree that is not a shrub or the retention of an existing tree that is not a shrub with a minimum base caliper of 100 millimetres;
- (b) canopies or awnings on abutting façades;
- (c) recessed entrances of abutting façades;
- (d) cantilever(s) of a building on the same lot; or
- (e) structures such as gazebos, pergolas, or covered site furnishings.

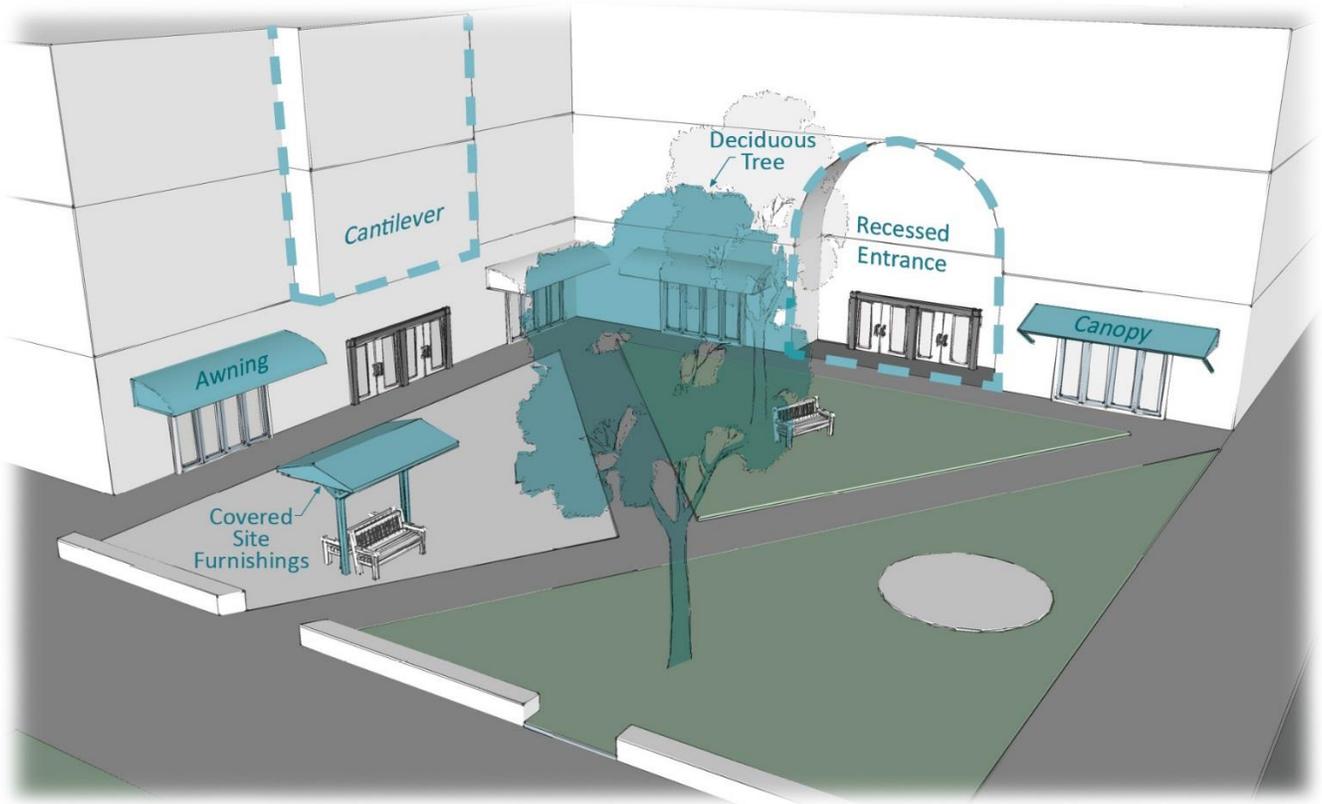


Diagram 7: Weather protection for private open spaces, as per Section 116

Design Requirement: At-Grade Private Open Spaces – Large Scale

117 In addition to meeting the requirements of Sections 115 and 116, at-grade private open spaces with a contiguous area exceeding 400 square metres and with an average depth exceeding 2.5 metres, shall provide at least three of the following:

- (a) an additional deciduous tree that is not a shrub or the retention of an existing tree that is not a shrub with a minimum base caliper of 100 millimetres;
- (b) a permanent table and chair(s);
- (c) a public art piece, a cultural artifact, or a commemorative monument;
- (d) a structure such as a gazebo or pergola; or
- (e) a planter or planting bed.

Design Requirement: Existing Access to Public Open Spaces

118 At-grade private open spaces shall maintain existing accesses to abutting public open spaces.

Design Requirement: Privacy for Grade-Related Units

119 At-grade private open spaces which are 2.5 metres deep or greater, as measured perpendicularly from the streetline, and which are located between the streetline and a grade-related unit, shall provide privacy for the residential units by using a minimum of one of the following elements per grade-related unit (Diagram 8):

- (a) a deciduous tree that is not a shrub with a minimum base caliper of 50 millimetres;
- (b) a minimum of two shrubs, each no less than 1.0 metre in height;
- (c) planters ranging in height from 0.25 to 1.0 metres; or
- (d) masonry walls ranging in height from 0.25 to 1.0 metres.



Diagram 8: Methods for privacy for grade-related units, as per Section 119

Design Requirement: Walkways to be Hard-Surfaced

120 Walkways within at-grade private open spaces shall be hard-surfaced, excluding asphalt.

Part VI, Chapter 3: Building Design Requirements

Design Requirement: Streetwall Articulation

121 Streetwalls shall be divided into distinct sections no less than 0.3 metres in width and not exceeding 8 metres in width, from the ground floor to the top of the streetwall, with each section differentiated by using at least two of the following (Diagram 9):

- (a) colour(s);
- (b) material(s); or
- (c) projections and recesses not less than 0.15 metres in depth.

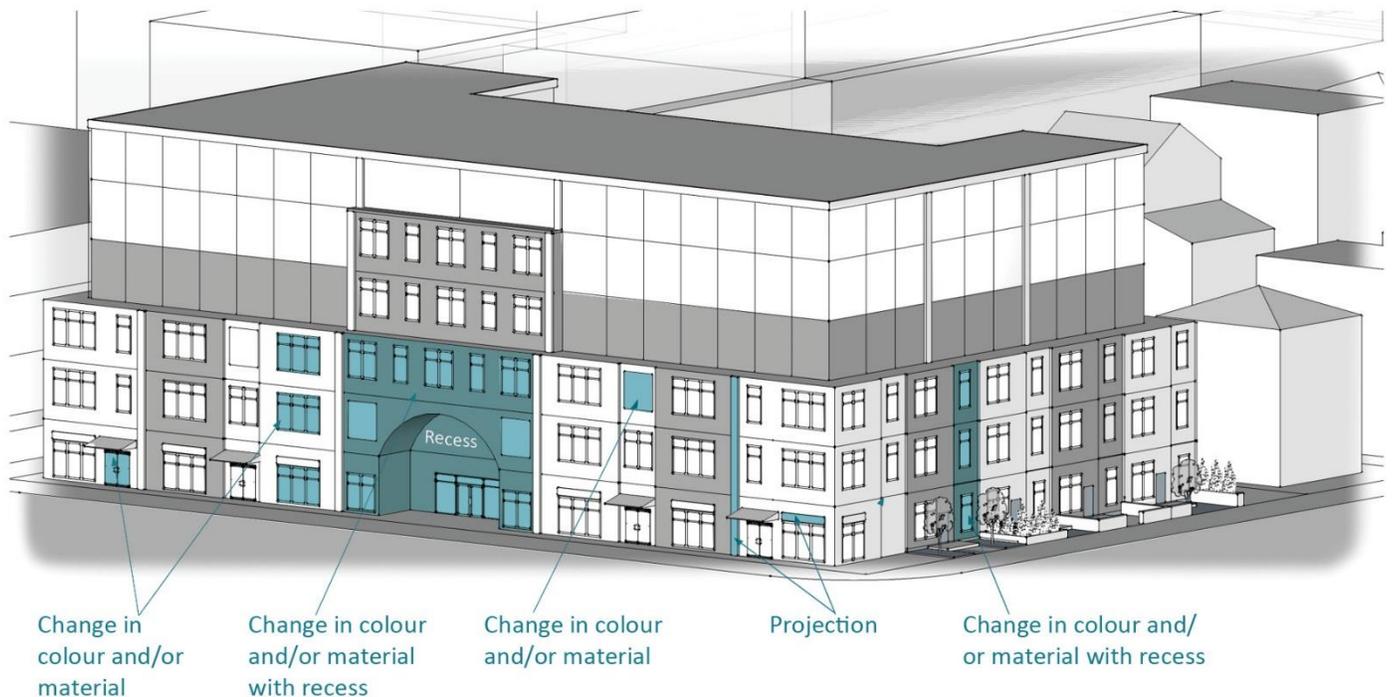


Diagram 9: Methods for streetwall articulation, as per Section 121

Design Requirement: Articulation of Non-Streetwalls Fronting an At-Grade Private Open Space

122 Any exterior wall within the podium that is not a streetwall, and fronts an at-grade private open space abutting a public right-of-way, shall meet the requirements of Section 121 as if it was a streetwall.

Design Requirement: Side Façade Articulation

123 Where a side yard is proposed or required, the side yard façade shall continue the streetwall articulation for a depth greater than or equal to the width of the side yard, as measured at the streetline, using the same options chosen to achieve the design requirement in Section 121 (Diagram 10).

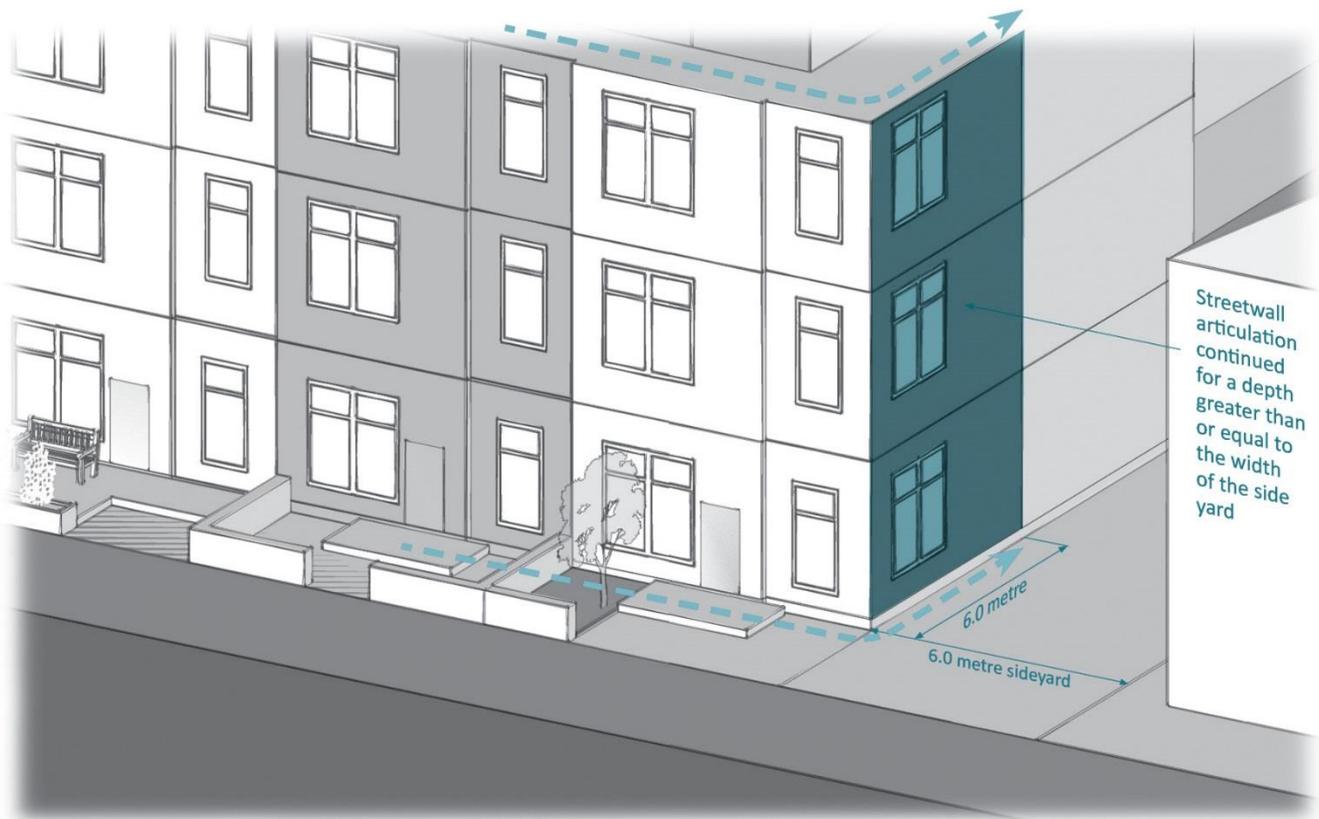


Diagram 10: Methods for side yard façade articulation, as per Section 123

Design Requirement: Pedestrian Entrances Along Streetwalls

- 124 (1) Subject to Subsection 124(2), pedestrian entrances in the streetwall shall be distinguished from the remainder of the streetwall by using at least two of the following:
- (a) changes in colour;
 - (b) changes in materials; or
 - (c) projections and recesses not less than 0.15 metres in depth.

- (2) Canopies or awnings shall not be used to meet the requirements of Subsection 124(1).

Design Requirement: Pedestrian Entrances Along Non-Streetwalls Fronting an At-Grade Private Open Space

- 125 Any exterior wall within the podium that is not a streetwall, and fronts an at-grade private open space, shall meet the requirements of Section 124 as if it was a streetwall.

Design Requirement: Number of Pedestrian Entrances Along Streetwalls

- 126 Streetwalls shall provide:
- (a) a minimum of one pedestrian entrance per storefront; or
 - (b) a minimum of 2 pedestrian entrances where the storefront is greater than 24 metres wide.

Design Requirement: Ground Floor Transparency – Commercial Uses

- 127 For at-grade commercial uses in the streetwall, between 50% and 80% of the building's ground floor façade dedicated to commercial uses shall consist of clear glass glazing.

Design Requirement: Ground Floor Transparency – Grade-Related Unit Uses

- 128 For grade-related unit uses in the streetwall, between 25% and 80% of the building's ground floor façade dedicated to grade-related unit uses shall consist of clear glass glazing.

Design Requirement: Access Ramps Along Streetwalls

- 129 Where a ramp for barrier-free access is provided between a streetwall and a sidewalk, no portion of the access ramp shall exceed a width of 2.0 metres and depth of 2.0 metres.

Design Requirement: Weather Protection

- 130 (1) Subject to Subsection 130(2), where entrances for commercial uses or multi-unit dwelling uses are proposed in the streetwall, weather protection for pedestrians shall be provided above the entrances and shall consist of at least one of the following (Diagram 11):

- (a) canopies;
- (b) awnings;
- (c) recessed entrances; or
- (d) cantilevers.

(2) Subsection 131(1) shall not apply to the entrances of grade-related units.

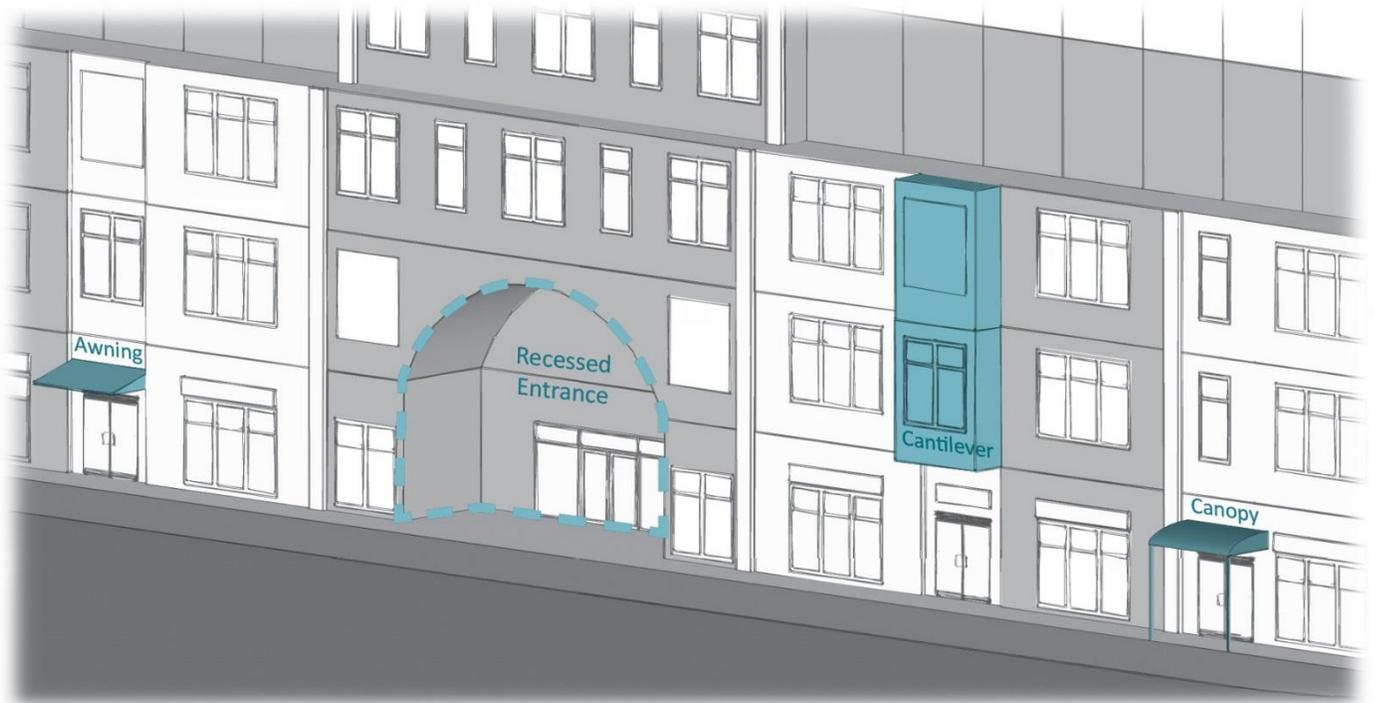


Diagram 11: Methods of weather protection, as per Section 130

Design Requirement: Exposed Foundations and Underground Parking Structures

131 Exterior foundation walls and underground parking structures the height of which exceeds 0.6 metres above grade shall be clad in a material consistent with the overall design of the same exterior façade.

Design Requirement: Building Top Distinction

132 (1) Subject to Subsection 132(2), a portion of the top third of a building shall be

differentiated from lower portions of the same building, by using two or more of the following (Diagram 12):

- (a) colour(s);
- (b) material(s); and
- (c) projections and recesses not less than 0.15 metres in depth.

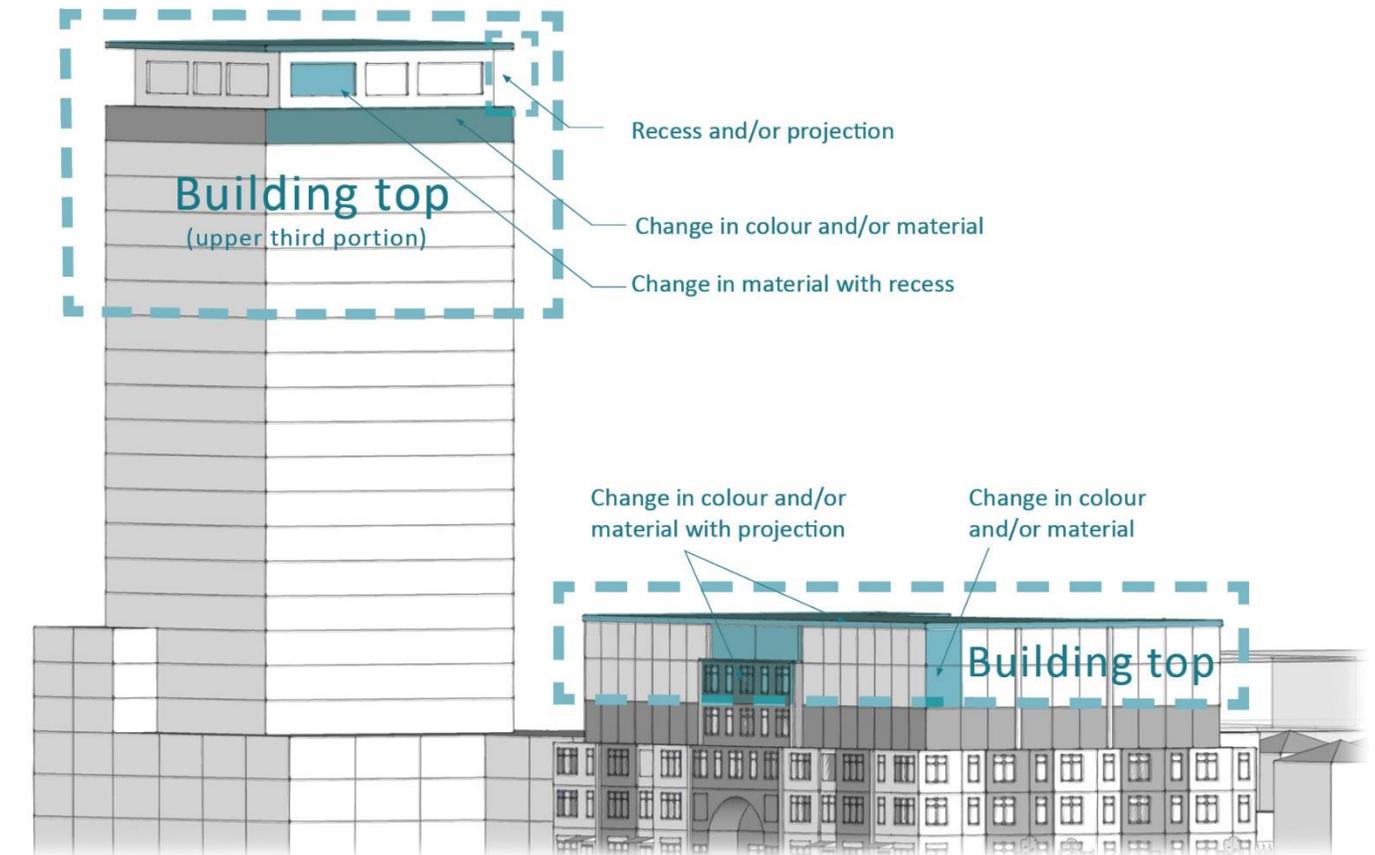


Diagram 12: Building top distinction, as per Section 132

- (2) The minimum height of the differentiated portion shall be no less than:
 - (a) 0.5 metres in height for a low-rise building or mid-rise building;
 - (b) 1.0 metres in height for a tall mid-rise building; and
 - (c) 3.0 metres in height for a high-rise building.

Design Requirement: Penthouses

133 Penthouses shall be visually integrated into the overall design of the building.

Design Requirement: Rooftop Mechanical Features

- 134 Rooftop mechanical features shall be visually integrated into the design of the building and concealed from the public view at the streetline.

Part VI, Chapter 4: Parking, Access, and Utilities Design Requirements

Design Requirement: Pedestrian Connections

135 Where pedestrian connections are proposed on the site, at least one shall connect (Diagram 13):

- (a) one public street to another public street;
- (b) one public street to a public open space;
- (c) one sidewalk to another sidewalk; or
- (d) one public street or a sidewalk to an at-grade private open space that is located on the site.

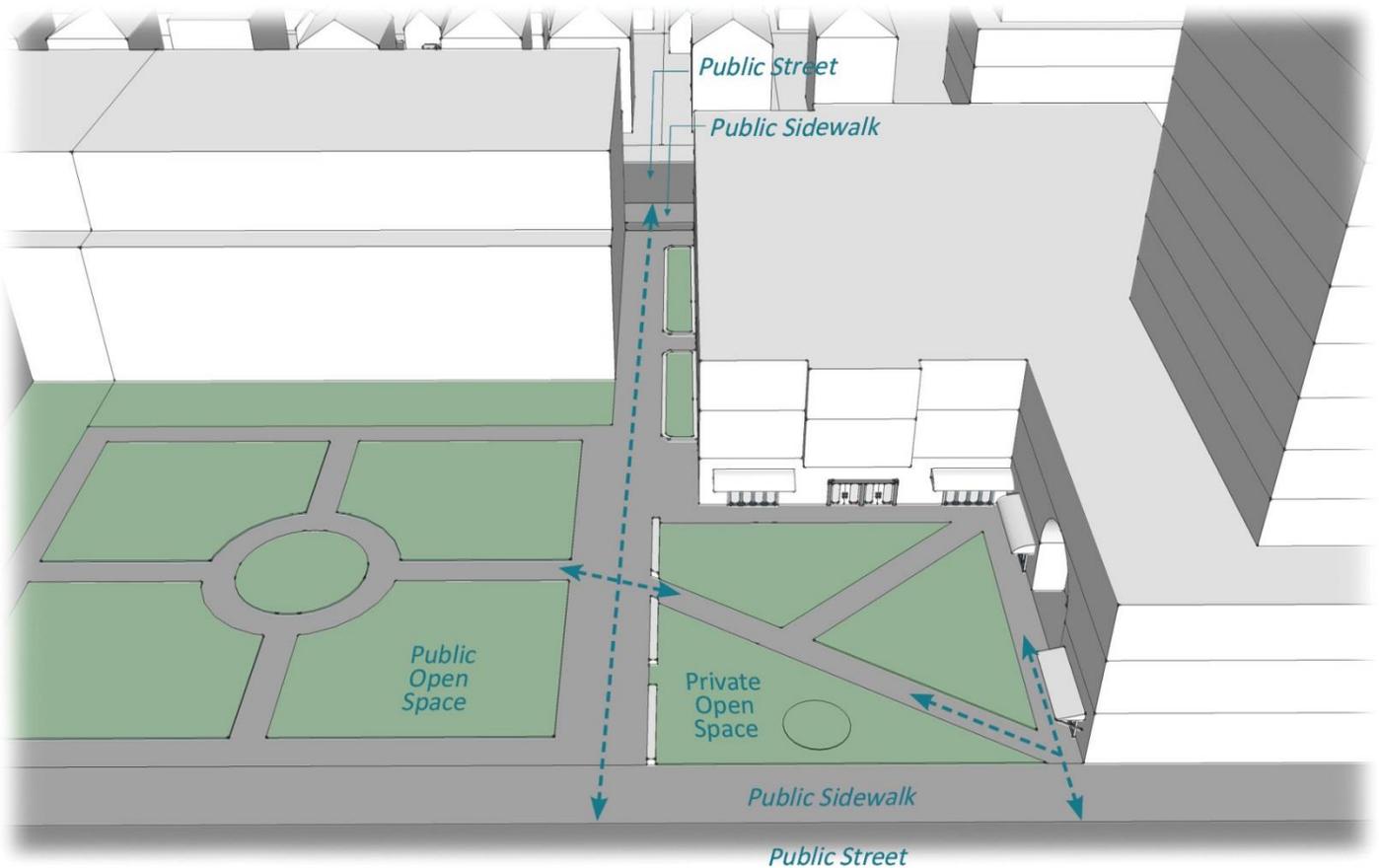


Diagram 13: Appropriate pedestrian connections, as per Section 135

Design Requirement: Pedestrian Connections Through Accessory Surface Parking Lots

- 136 (1) Pedestrian connections within accessory surface parking lots shall be no less than 2.0 metres wide.
- (2) Pedestrian connections within accessory surface parking lots shall be delineated by raised walkways, no less than 0.15 metres high, and consisting of:
- (a) poured concrete;
 - (b) brick pavers;
 - (c) stone pavers; or
 - (d) concrete pavers.
- (3) Where a pedestrian connection crosses a driving aisle, the surface of the aisle shall be raised to meet the elevation of the abutting pedestrian connection and delineated with a change of colour or material from the driving aisle.
- (4) A pedestrian connection shall provide a direct route between parking areas, building entrances, and the nearest sidewalk.

Design Requirement: Motor Vehicle and Service Accesses

- 137 (1) Motor vehicle and service accesses in the streetwall shall be minimized by using the same colours or materials chosen for the streetwall.
- (2) All motor vehicle and service accesses shall:
- (a) not exceed the height of the ground floor or 4.5 metres, whichever is less; and
 - (b) be completely enclosed with a door(s).

Design Requirement: Parking Internal to a Building or Within a Parking Structure

- 138 Where parking internal to a building is located within the streetwall, it shall be screened from public view from any public right-of-way or park.

Design Requirement: Visual Impact Mitigation for Utility and Mechanical Features

- 139 The visual impact of utility features and mechanical features, including vents and meters, shall be minimized by concealing them from public view at the streetline by:

- (a) using opaque screening; or
- (b) enclosing them within a projection or recess in the building.

Design Requirement: Heat Pumps and Other Heating and Ventilation Equipment for Individual Units

140 Heat pumps and other heating and ventilation equipment for individual units are permitted on balconies, unenclosed porches, and verandas if they are concealed from public view at the streetline by:

- (a) using opaque screening; or
- (b) enclosing them within a projection or recess in the building.

Part VI, Chapter 5: Heritage Conservation Design Requirements

Design Requirement: Conservation of Character-Defining Elements

- 141 Character-defining elements of registered heritage buildings shall be conserved and remain unobstructed.

Design Requirement: New Windows and Doors

- 142 New window and door openings on registered heritage buildings shall match established patterns (materials, design, detail, and dimensions).

Design Requirement: Preservation of Architectural Elements

- 143 Architectural elements on registered heritage buildings shall be preserved, such as pilasters, columns, cornices, bays, and parapets.

Design Requirement: Use of Archival Evidence

- 144 Archival evidence shall be used to support the rehabilitation and restoration of character-defining elements on registered heritage buildings, or on registered heritage properties.

Design Requirement: Historic Building Façades

- 145 Historic building façades on registered heritage buildings shall be retained and rehabilitated, or restored using traditional materials.

Design Requirement: Materials

- 146 Brick or masonry façades shall be maintained and restored on registered heritage buildings. The painting of brick or masonry façades is prohibited.

Design Requirement: Maintenance of Same or Similar Cornice Line Height for New Developments in a Heritage Context

- 147 The podiums or streetwalls of new developments in a heritage context shall maintain the same or similar cornice line height established by abutting registered heritage

buildings, except where the maximum streetwall height permitted under the Land Use By-law is lower than the cornice of the registered heritage buildings.

Design Requirement: Streetwall Stepback for Taller Portions of New Developments in a Heritage Context

148 Subject to Subsection 93(4), any portions of new developments in a heritage context that are taller than the cornice line of an existing abutting registered heritage building shall be stepped back from the streetwall (Diagram 14).

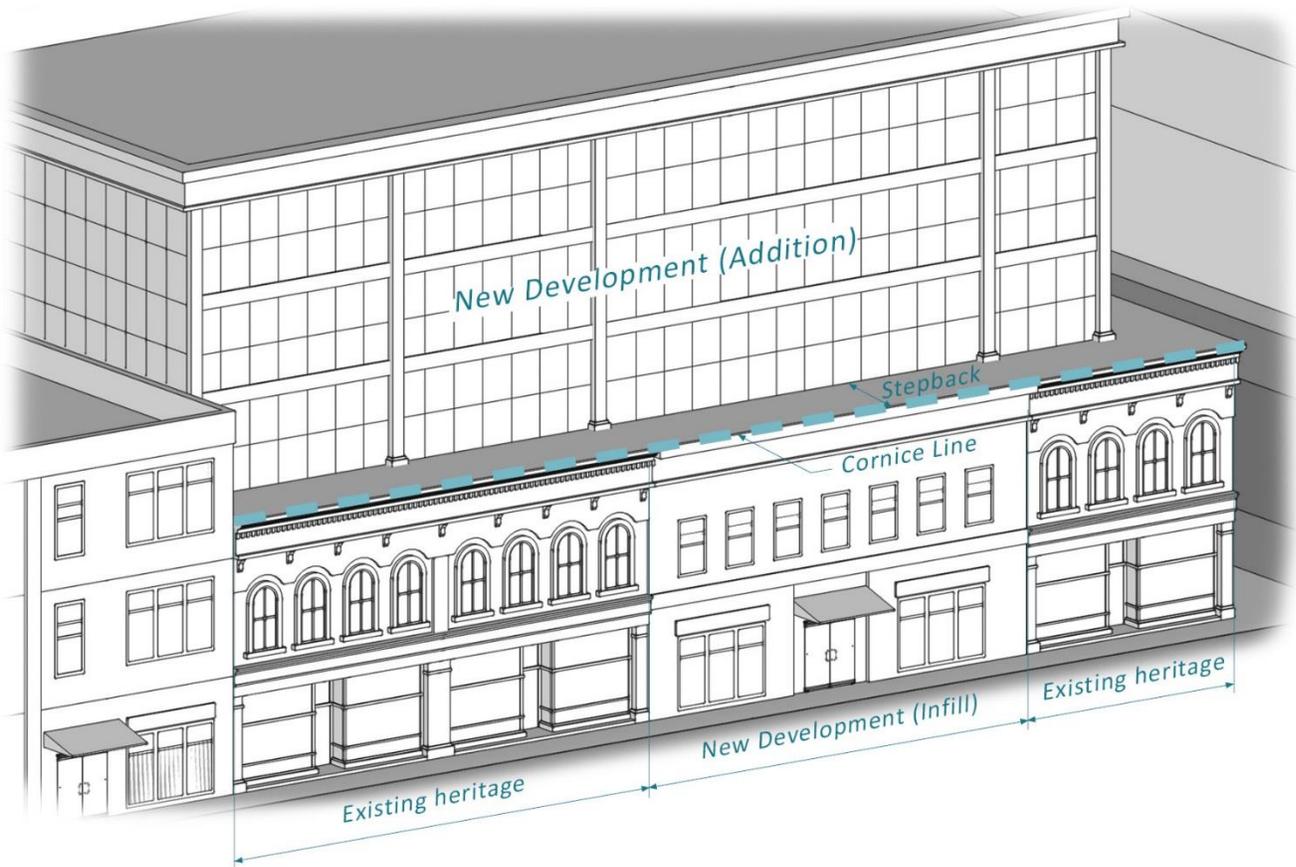


Diagram 14: Streetwall stepback for taller portions of new developments in a heritage context, as per Section 148

Design Requirement: Side Wall Stepback for Taller Portions of New Detached Buildings in a Heritage Context

149 Where a detached building constitutes a new development in a heritage context and where it abuts the same streetline as the registered heritage building, any portions of the new development that are taller than the cornice line of the registered heritage

building shall be stepped back 3 metres on the side that abuts the heritage building (Diagram 15).

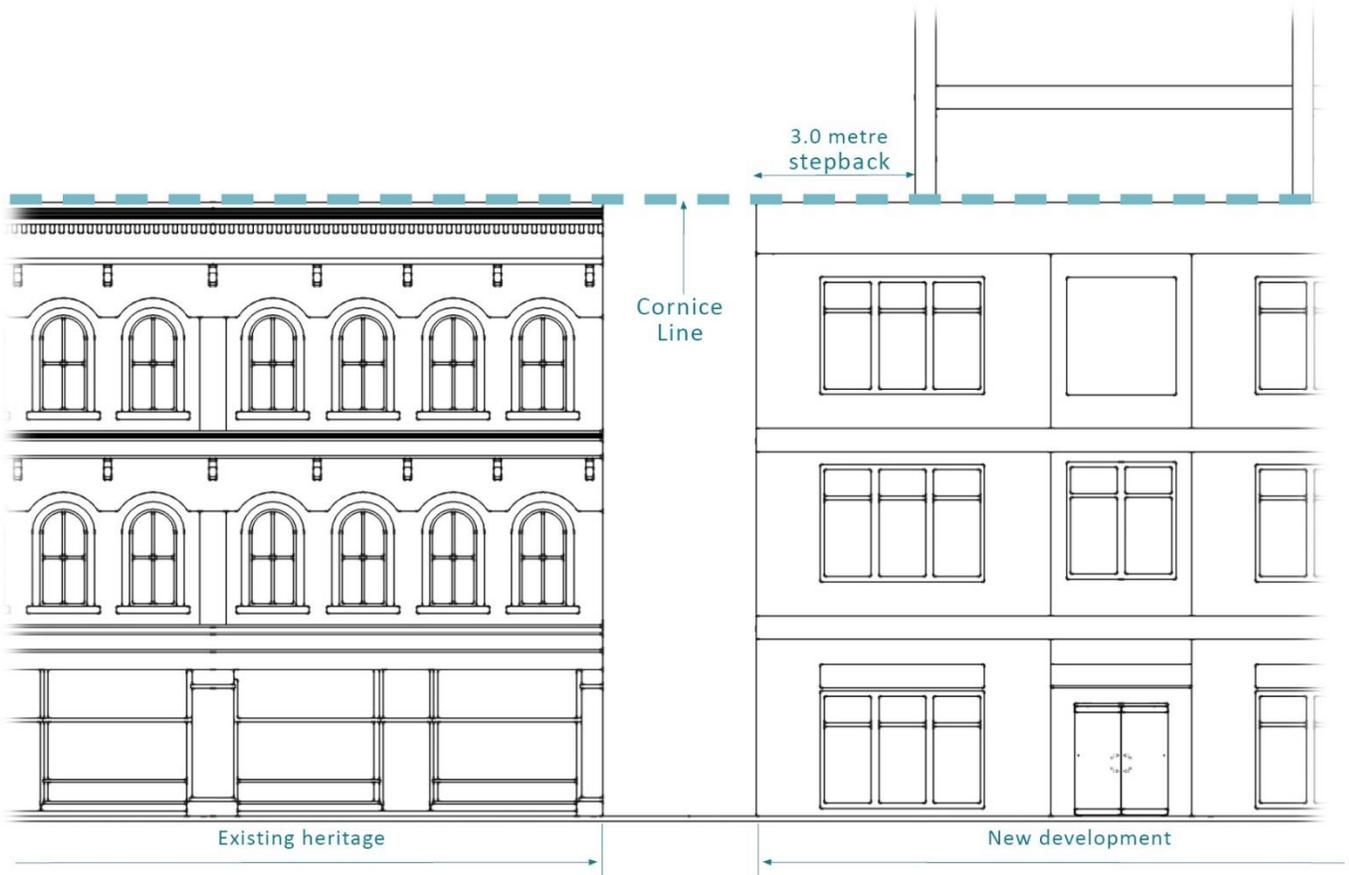


Diagram 15: Side wall stepback for taller portions of new detached buildings in a heritage context, as per Section 149

Design Requirement: Architectural Elements of Existing Heritage Buildings to be Used as a Reference in the Design of New Development in a Heritage Context

150 Architectural elements of existing abutting registered heritage buildings shall be used as a reference in the design of new development in a heritage context, by:

- (a) Incorporating articulation established by vertical and horizontal architectural elements of the registered heritage buildings (i.e. columns, pilasters, cornice, architectural frieze, datum lines, etc.);
- (b) Incorporating proportions and vertical spacing of the registered heritage buildings' windows; and

- (c) Where new development in a heritage context is located at the ground level, maintaining the proportions and transparency of the registered heritage buildings' storefront and façade elements.

Design Requirement: Awnings and Canopies

- 151 (1) If proposed on a registered heritage building, awnings and canopies shall be:
- (a) Designed to fit within the dominant horizontal structural elements of the lower façade and not obscure significant architectural features;
 - (b) Located between vertical columns or pilasters to accentuate and not to obscure these elements;
 - (c) Designed to complement the fenestration pattern of the registered heritage building; and
 - (d) Constructed using heavy canvas fabric or similar material in either a solid colour or striped. The use of retractable awnings is encouraged. Vinyl and high gloss fabrics and internally-illuminated awnings shall be prohibited.
- (2) Metal or glass awnings or canopies may be permitted on a registered heritage building, if designed to complement historic architectural elements.

Design Requirement: Lighting Hardware

- 152 Lighting hardware shall be located so that it does not disfigure or conceal any significant architectural feature of the registered heritage building. Where it is not possible to hide lighting hardware, it shall be compatible with the building's architecture and materials.

Design Requirement: Directing Lighting to Accentuate or Emphasize Architectural Features or Signage

- 153 Lighting shall be directed to accentuate or emphasize the architectural features of registered heritage buildings or their signage.

Part VI, Chapter 6: Other Design Requirements

Design Requirement: General Lighting

154 The following features shall be illuminated:

- (a) common building entrances;
- (b) walkways;
- (c) accessible at-grade private open space;
- (d) parking lots; and
- (e) off-street loading spaces.

Design Requirement: Emphasis of View Terminus Sites

155 View terminus sites, as shown on Schedule 5, shall be emphasized perpendicular to and visible from a view line, by at least one of the following approaches:

- (a) subject to Subsection 93(5), extending the height of a portion of the streetwall (Diagram 16);
- (b) locating a clock tower, bell tower, rooftop cupola, spire, steeple, or minaret on the top of the building (Diagram 16);
- (c) providing an at-grade private open space (Diagram 17); or
- (d) locating a public art installation, a landmark element, or a cultural artifact on a portion of the streetwall, or in an at-grade private open space (Diagram 17).

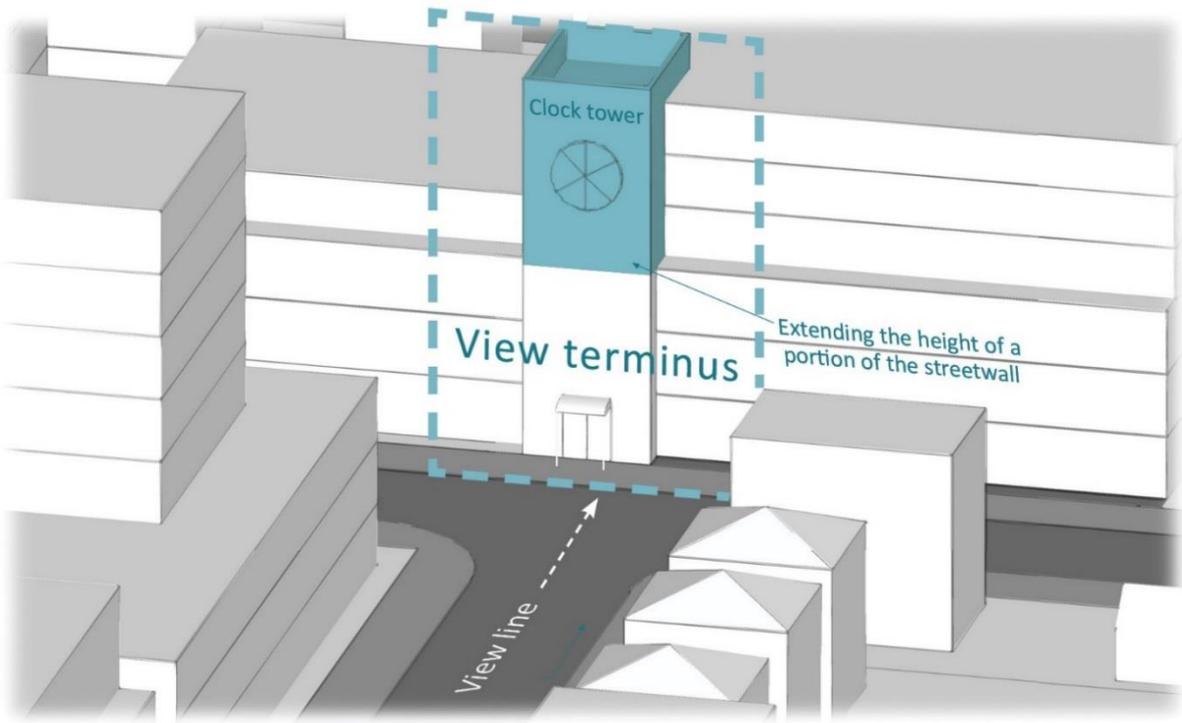


Diagram 16: Methods for view terminus site articulation, as per Clauses 155 (a) and (b)

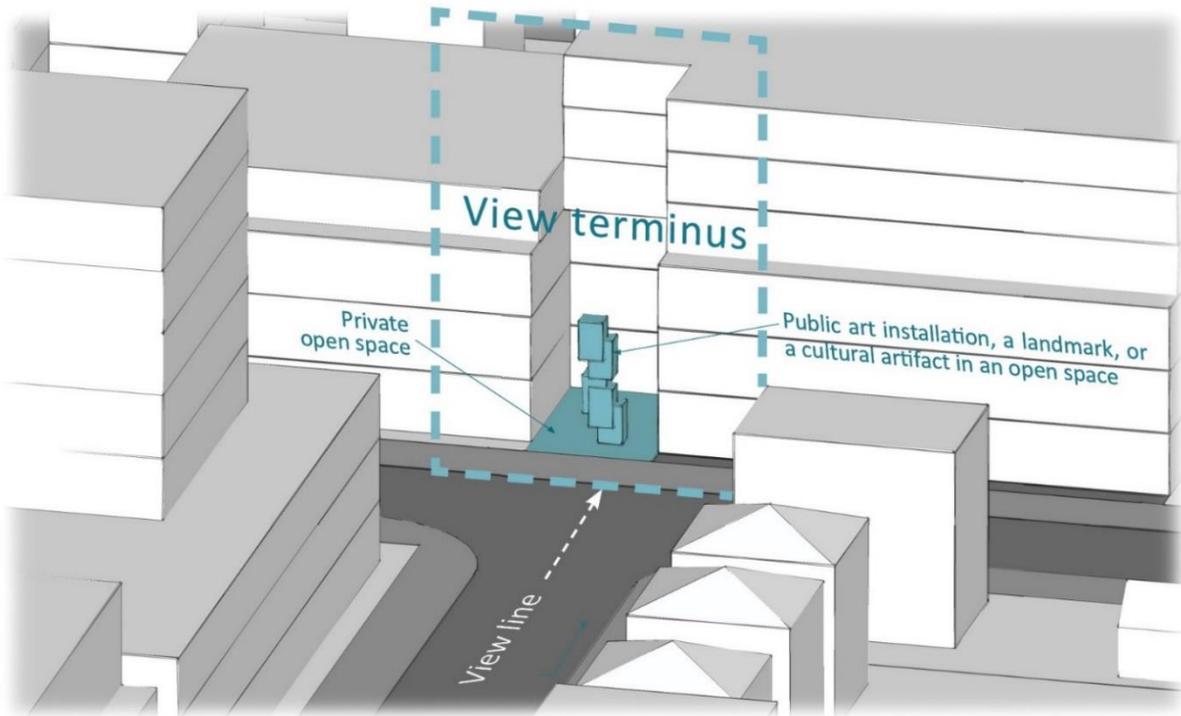


Diagram 17: Methods for view terminus site articulation, as per Clauses 155 (c) and (d)

Design Requirement: Parking Areas, Accessory Surface Parking Lots, Off-Street Loading Spaces, and Site Utilities on View Terminus Sites

- 156 Parking areas, accessory surface parking lots, off-street loading spaces, or site utilities shall not be visible within a view terminus as shown on Schedule 5.

Part VI, Chapter 7: Variation Criteria

Variation: Roof Edge Setbacks of Height-Exempted Rooftop Features

- 157 For height-exempted rooftop features, the minimum setback from the outermost edge of the roof may be varied by site plan approval where:
- (a) the variation is to an interior lot line only; and
 - (b) the rooftop feature is designed or buffered in such a way to minimize its potential visual impact.

Variation: Location of a Structure on a Lot Respecting Maximum Front and Flanking Yards

- 158 The maximum front and flanking yard may be varied by site plan approval where:
- (a) the variation results in an open space associated with a public building; or
 - (b) the location of a registered utility easement on the lot prohibits meeting the yard requirement(s).

Variation: Minimum Streetwall Height

- 159 The minimum streetwall height may be varied by site plan approval to a minimum of 3.5 metres for one streetline where the variation is required on an excessive slope.

Variation: Maximum Streetwall Height on Sloping Conditions

- 160 Where a variation to a maximum streetwall height is required to address sloping conditions, the maximum streetwall height may be increased by a maximum of 5% through site plan approval.

Variation: Side and Rear Setbacks for Portions of a High-Rise Building Above the Streetwall

- 161 Side and rear setback requirements for a high-rise building above the streetwall may be varied by site plan approval where view plane restrictions would not permit the abutting property to have a high-rise form.

Variation: Side and Rear Setbacks for Portions of a Tall Mid-Rise Building Above the Streetwall

- 162 Side and rear setback requirements for a tall mid-rise building above the streetwall may be varied by site plan approval where:
- (a) a proposal covers multiple parcels of land and will be developed under a single site plan approval and development permit, and the applicant can demonstrate that the building could be achieved without the need for a variation if the parcels were consolidated; and
 - (b) the building depth and building width above the streetwall shall not exceed 52 metres.

Variation: Maximum Width of a Building Below the Height of the Streetwall

- 163 The maximum width of a building below the height of the streetwall may be varied by site plan approval to a maximum of 88 metres along one streetline to allow for two towers on the same podium where:
- (a) all setbacks, separation distances, and setbacks are met;
 - (b) above the streetwall, no tower dimension exceeds a width of 21.5 metres along the streetline where the variation is applied; and
 - (c) an at-grade private open space measuring a minimum of 8.0 metres by 16.0 metres shall be provided abutting the public right-of-way along which the dimension is being varied.

Variation: Side Yard Setback for Pedestrian Access

- 164 The maximum side yard may be varied by site plan approval for the purpose of creating a single access driveway and a grade-separated walkway connecting a public sidewalk to accessory surface parking at the rear of the building, or to uses only accessed from the rear of the building. The grade-separated walkway shall be no less than 1.5 metres wide.