

HALIFAX

**Case 22708 –
Substantive Site Plan
Approval**

1325 Lower Water Street,
Downtown Halifax

Applicant Proposal

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Applicant: Southwest Properties

Location: 1325 Lower Water St

Proposal:

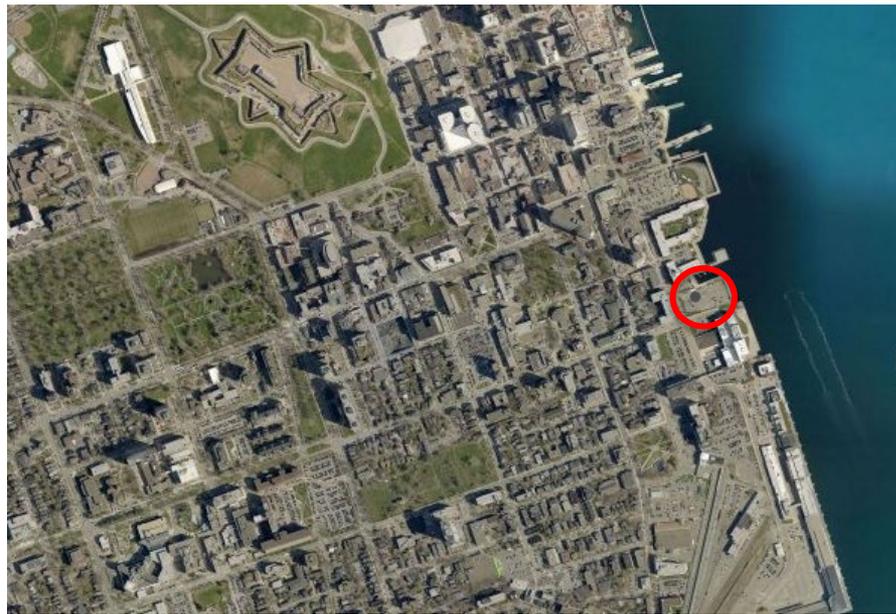
- 16 storey (55.385 m) building with rooftop mechanical;
- Mixed use building, with residential, ground floor retail, office use and restaurant use;
- 254 residential units;
- 36642 sq. m of GFA;
- Building materials include: large format porcelain tile; pre-finished composite metal panel system; aluminum window wall system; and vision glazing;
- Approximately 8093.7sq. m of plaza space; and
- 229 indoor parking spaces at the 3 and 4th floor.



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Site Context

1325 Lower Water St, Downtown Halifax



General Site location

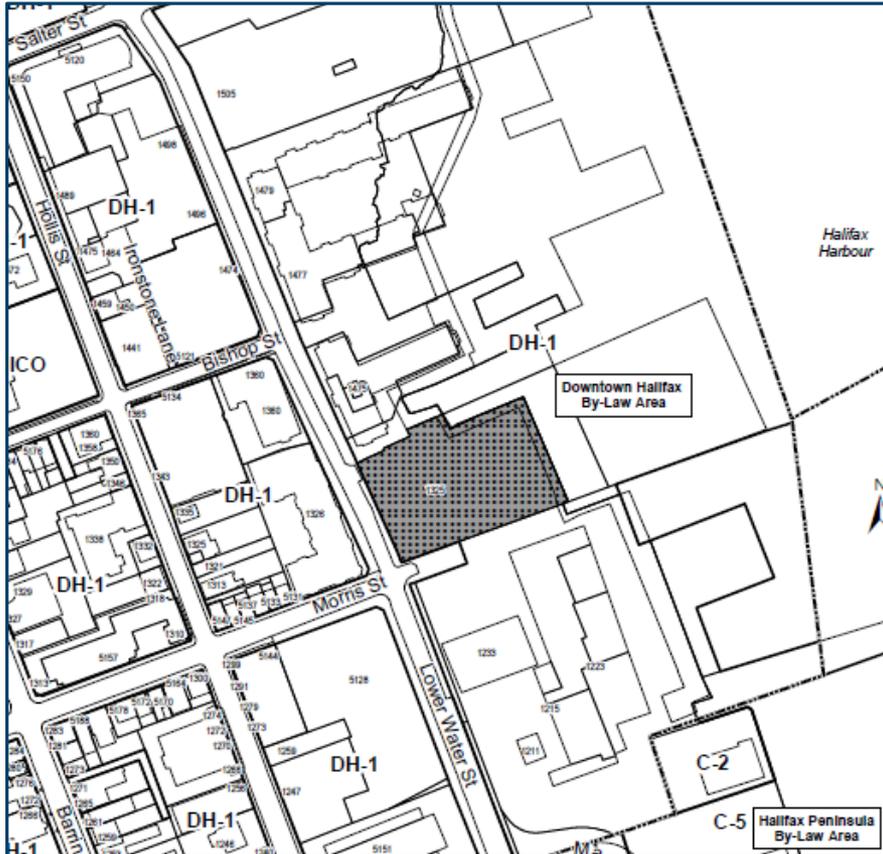


Site Boundaries in Red

Downtown Halifax Land Use By-law

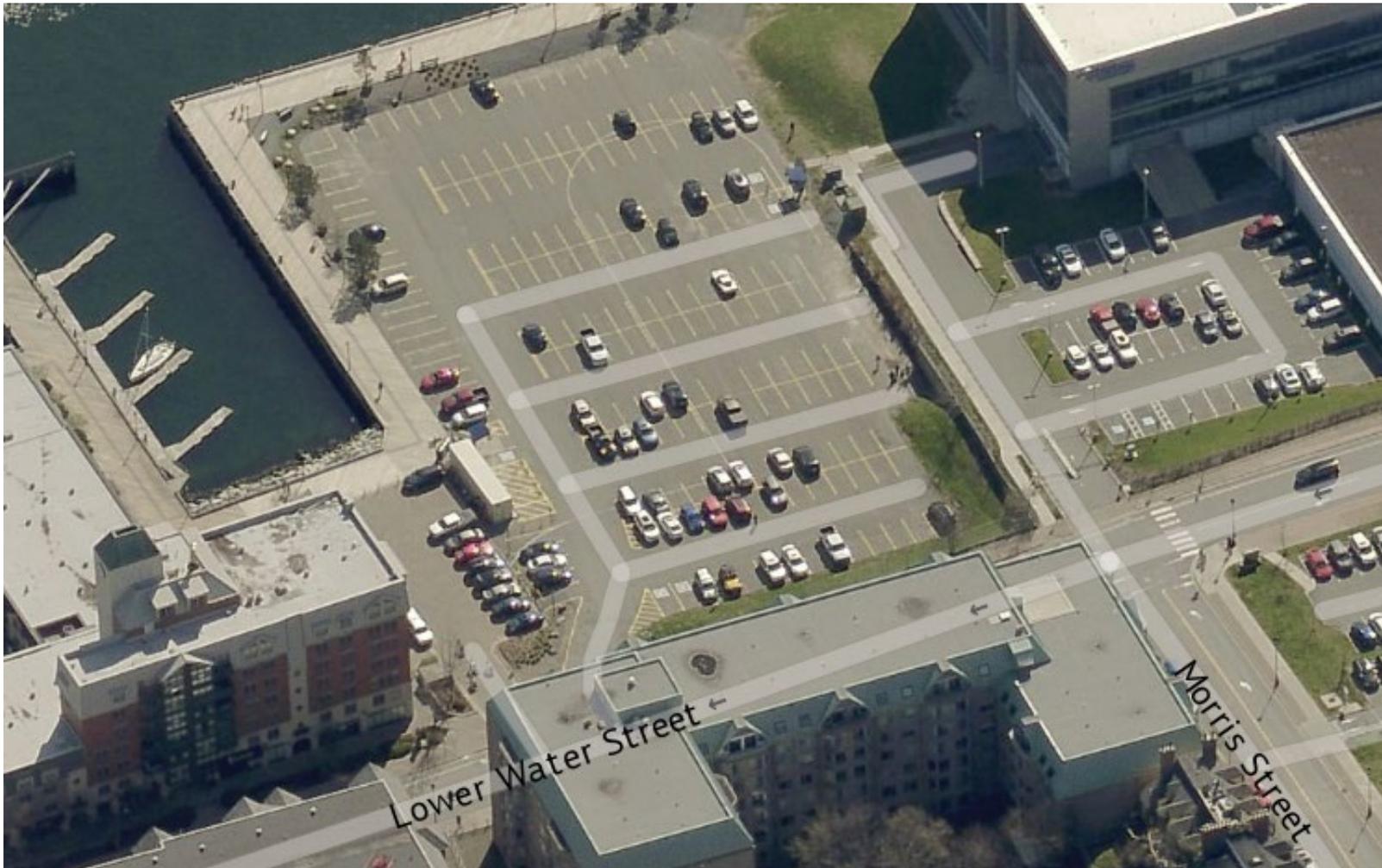
Zoning Regulations & Process

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- **Zone:** DH-1 (Downtown Halifax), Schedule W (Waterfront Development Overlay)
- **Precinct:** 1 Southern Waterfront
- **Building Height (Pre and Post-Bonus):** 39 m and 49 m
- **Viewplane:** A portion of the site is covered by Viewplane 6,
- **Streetwall Setback:** 0-4 m
- **Streetwall Height:** 18.5 m
- **Prominent Civic/ Cultural Frontage:** Identified as a Prominent Civic / Cultural Frontage

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Subject Site

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Looking North on Lower Water Street (@ Morris Street)

Subject Site

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Looking South on Lower Water Street

Proposed Development

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Proposed Development

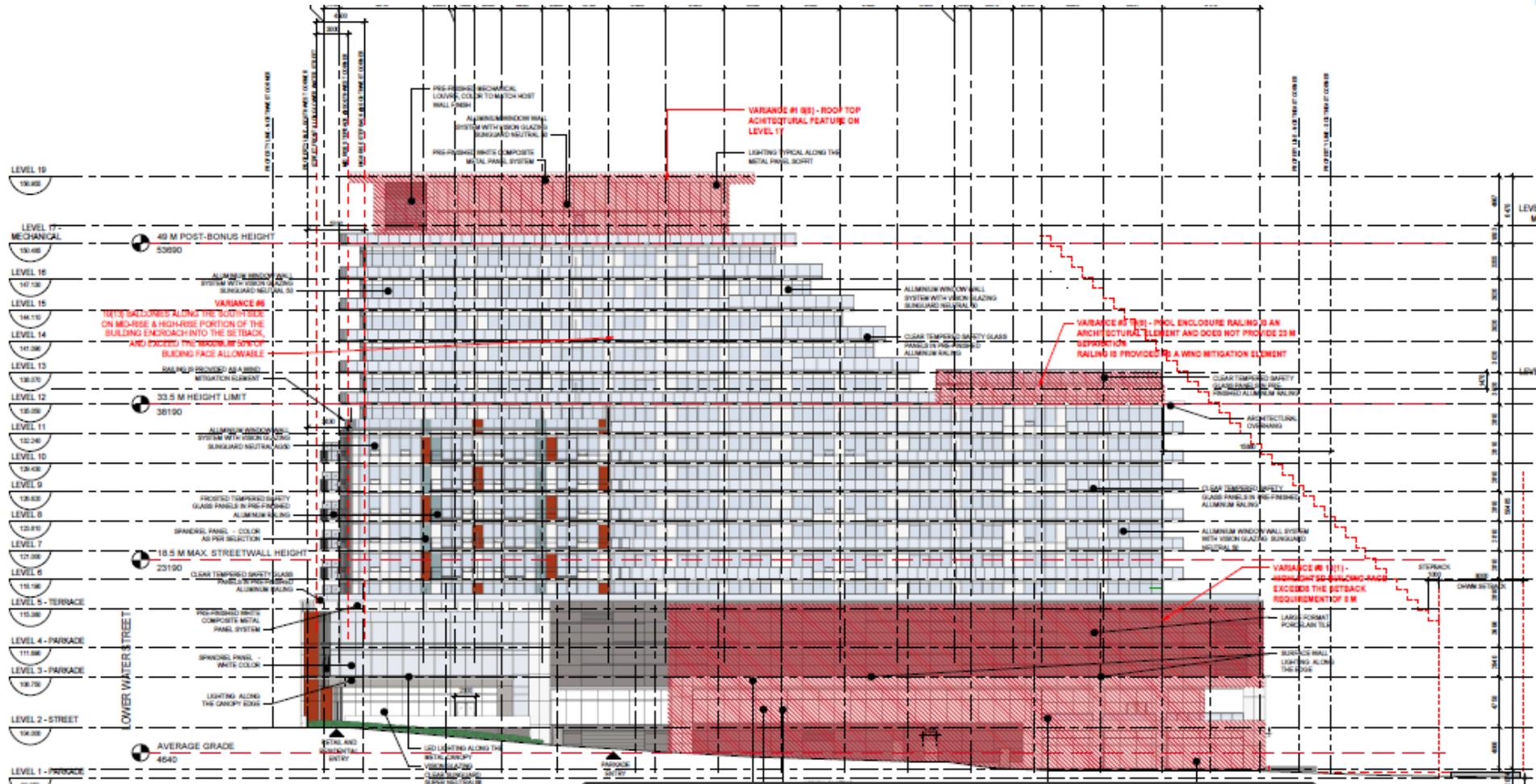
12



East Elevation

Proposed Development

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South Elevation

Design Manual

Precinct One: Southern Waterfront and Downtown Halifax Waterfront

2.1c- Tall and slender towers provided that their placement and design are consistent with the objectives identified for this precinct and with the design guidelines.



Design Manual

Precinct One: Southern Waterfront and Downtown Halifax Waterfront Requirements (2.10b, 2.10e, 2.10i)

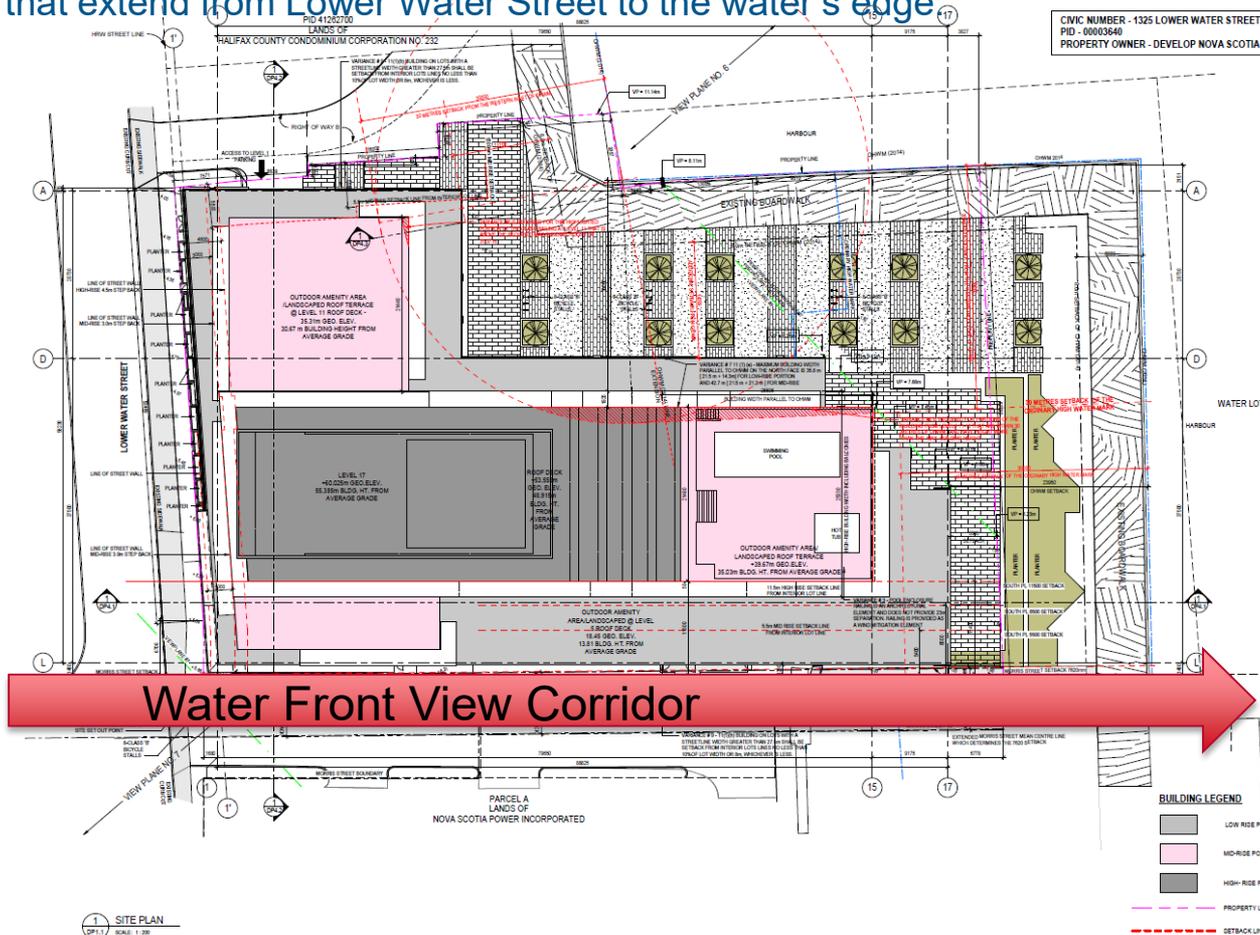
2.10b ensure that a generally complete and consistent streetwall is built along Lower Water Street that permits visual and physical access to the harbour along the eastward extension of the east west streets to the water's edge, and at intermediate locations as deemed appropriate.



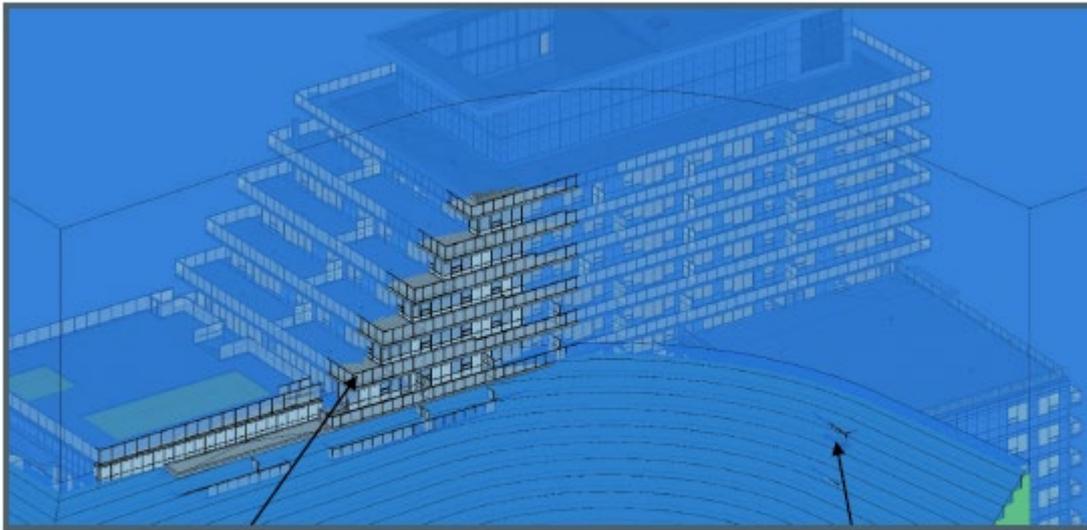
Design Manual

Precinct One: Southern Waterfront and Downtown Halifax Waterfront Requirements

2.10e Public open spaces are provided where the eastward extension of east-west streets intersects the boardwalk. These open spaces shall be accomplished through the use of waterfront view corridors that extend from Lower Water Street to the water's edge



2.10i Ensure building height immediately adjacent to the 8 metre setback shall not be higher than 12.5 metres. Height may increase as distance from the boardwalk or the water's edge increases at a rate of approximately one metre of vertical height for every one metre of horizontal stepback from the boardwalk or water's edge.



Portions of the north-east building face on levels 12, 13, 14, 15 and 16 that are within 30 metres of OHWM and over the required 33.7 metres of building height limit require this variance.

Portion of the railing that is over the required 31.37 metres of building height and within 30 metres of OHWM setback requires this variance.

Design Manual

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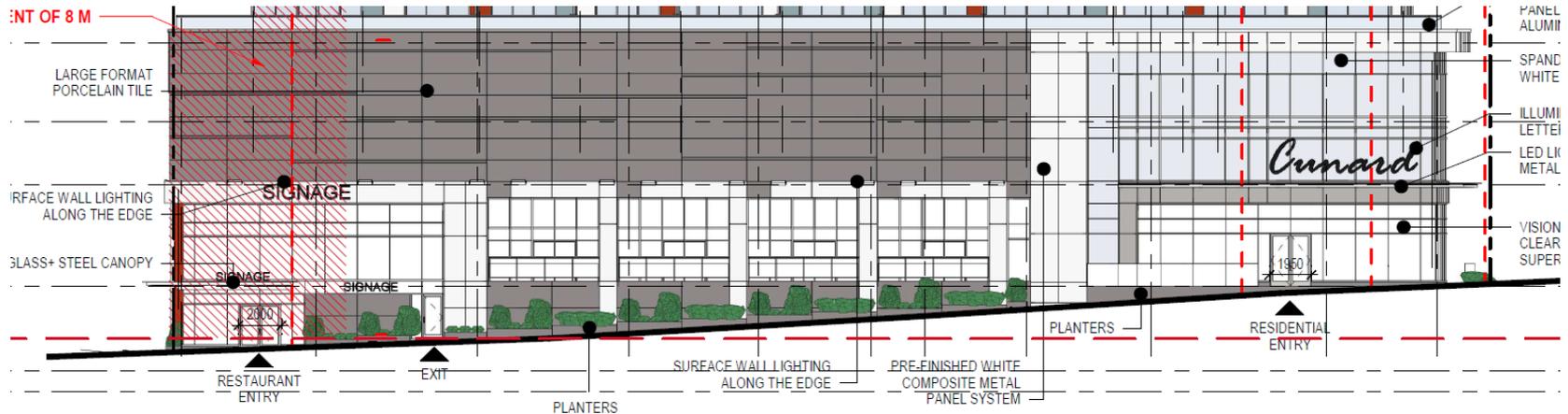
Design of the Streetwall (Section 3.2.1a, 3.2.1f and 3.4.1b) and Sloping Conditions (3.2.5a)

3.2.1a The streetwall should contribute to the fine grained character of the streetscape by articulating the façade in a vertical rhythm that is consistent with the prevailing character of narrow buildings and storefronts. The building is articulated horizontally but not vertically, and the building design does not include fine grained elements. Design cues should be pulled from buildings in the area which do provide a fine grained building articulation at the street level, and this rhythm should be continued along the street frontage of this proposal.

3.2.1f Streetwalls should have many windows and doors to provide eyes on the street and a sense of animation and engagement.

3.4.1b Prominent Civic Frontage

3.2.5a Maintain active uses at-grade, related to the sidewalk, stepping with the slope. Avoid levels that are distant from grade.



Design Manual

Building Design and Articulation

3.3.1b Buildings should seek to contribute to a mix and variety of high quality architecture while remaining respectful of downtown's context and tradition.

3.3.1c To provide architectural variety and visual interest, other opportunities to articulate the massing should be encouraged, including vertical and horizontal recesses or projections, datum lines, and changes in material, texture or colour.

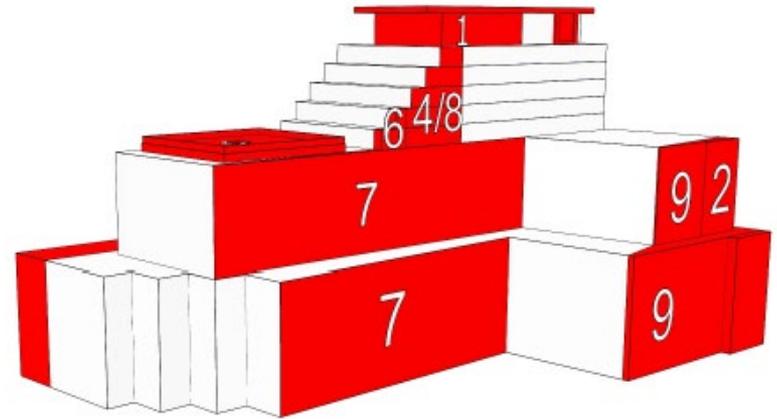


Requested Variances

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12 instances where a variance is needed under the LUB

- Within 11 Sections of the LUB,
- 9 building elements;
- Five different categories in Design Manual:
 1. Side and rear yard setbacks;
 2. Upper storey side yard stepback;
 3. Maximum height;
 4. Precinct 1 built form variance; and
 5. Tower width and separation distances.

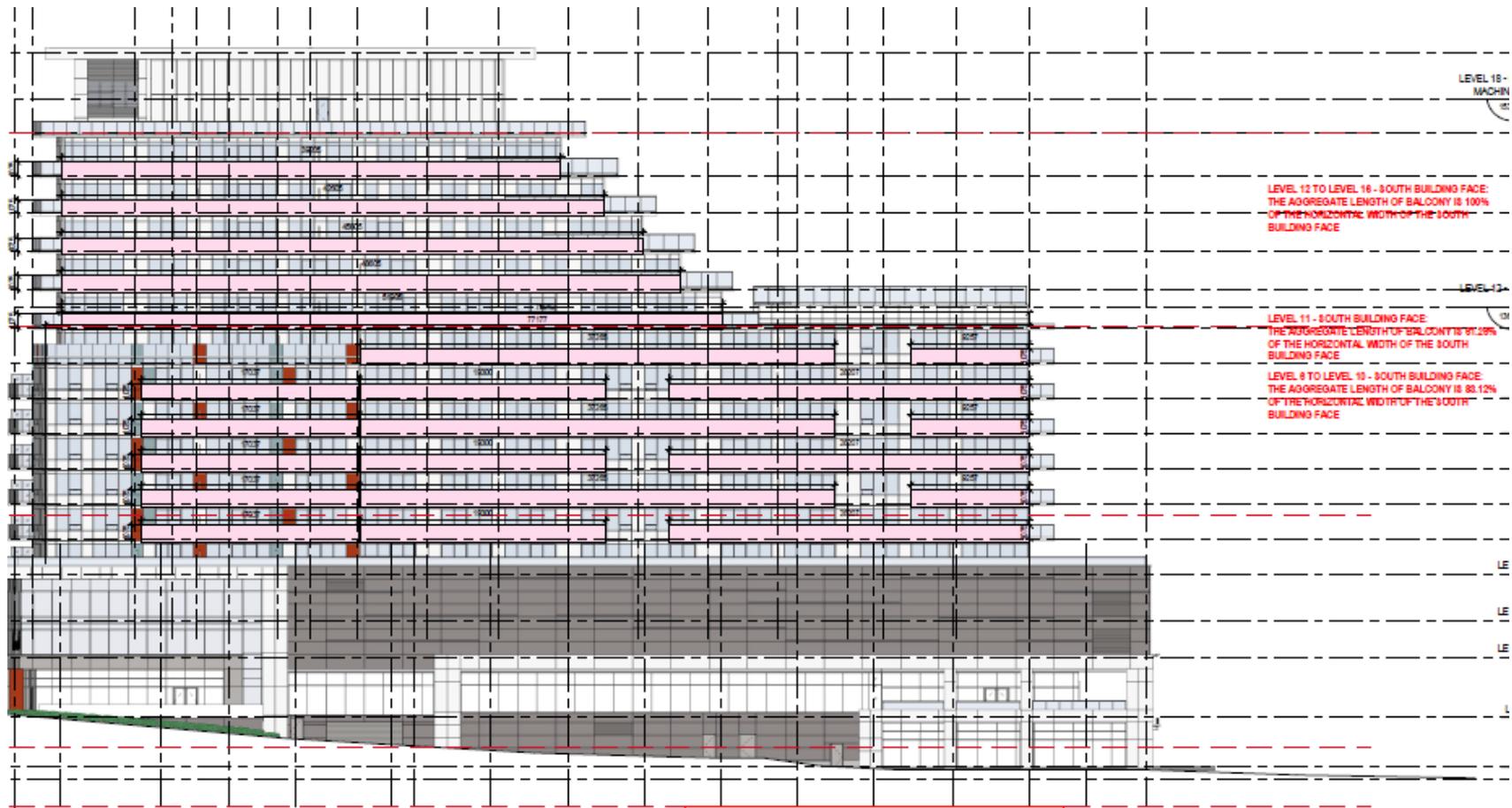


Some variance requests apply in multiple locations, while other building features require more than one category of variances

Requested Variances

Variance Category 2 – Upper Storey Side Yard Stepback Variance

Section 10(13) (Variance #5) which allows balconies to be permitted encroachments into a setback or stepback provided that aggregate length of balconies does not exceed 50% of building face.



LEVEL 12 TO LEVEL 16 - SOUTH BUILDING FACE:
THE AGGREGATE LENGTH OF BALCONY IS 100%
OF THE HORIZONTAL WIDTH OF THE SOUTH
BUILDING FACE

LEVEL 11 - SOUTH BUILDING FACE:
THE AGGREGATE LENGTH OF BALCONY IS 91.25%
OF THE HORIZONTAL WIDTH OF THE SOUTH
BUILDING FACE

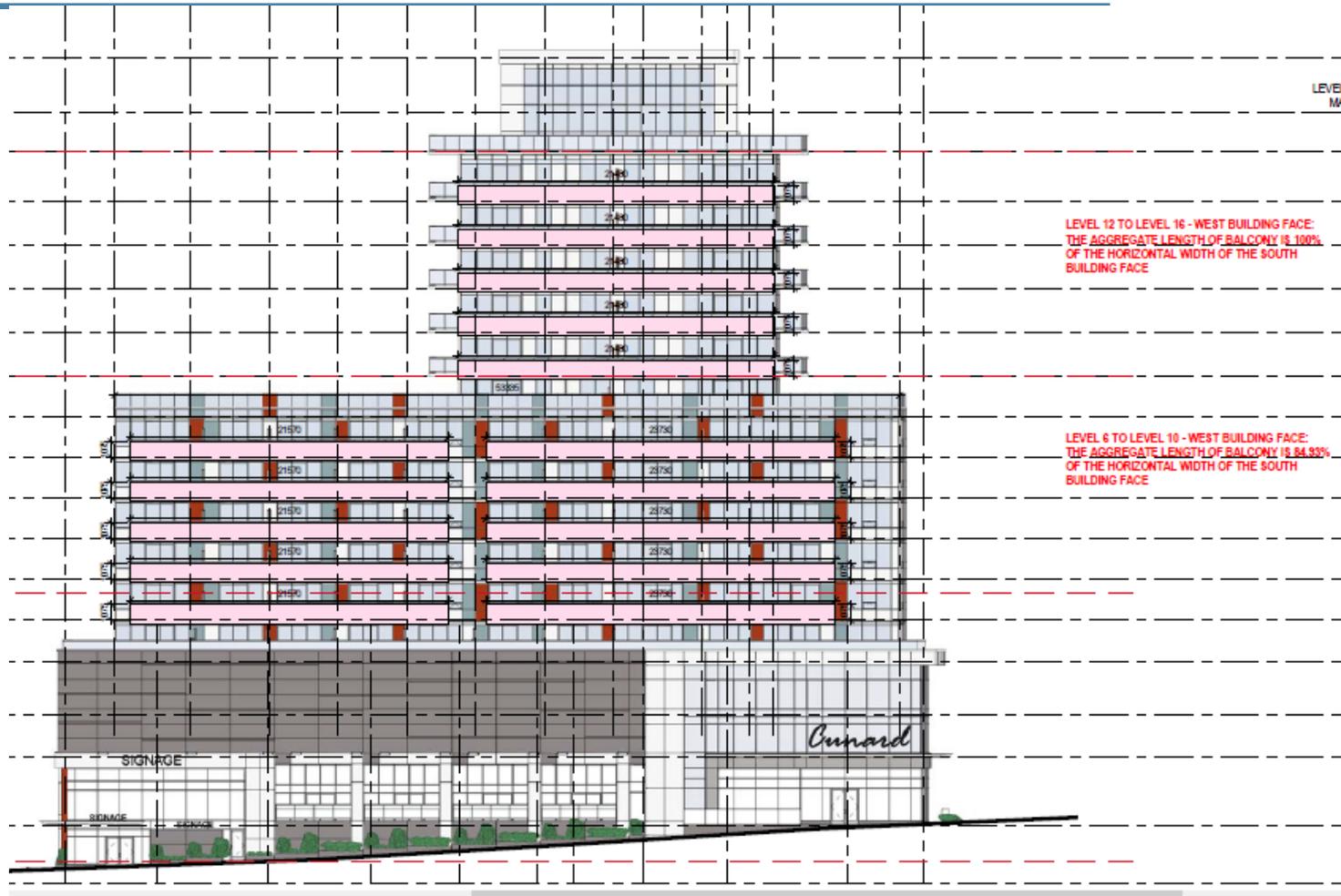
LEVEL 8 TO LEVEL 10 - SOUTH BUILDING FACE:
THE AGGREGATE LENGTH OF BALCONY IS 88.12%
OF THE HORIZONTAL WIDTH OF THE SOUTH
BUILDING FACE

LEVEL 6 TO LEVEL 16 - SOUTH BUILDING FACE TOTAL:
THE TOTAL AGGREGATE LENGTH OF BALCONIES IS 86.29%
OF THE HORIZONTAL WIDTH OF THE SOUTH
BUILDING FACE TOTAL

Requested Variances

Variance Category 2 – Upper Storey Side Yard Stepback Variance

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Requested Variances

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Variance Category 2 – Upper Storey Side Yard Stepback Variance

Section 10(13) (Variance #5) which allows balconies to be permitted encroachments into a setback or stepback provided that aggregate length of balconies does not exceed 50% of building face.

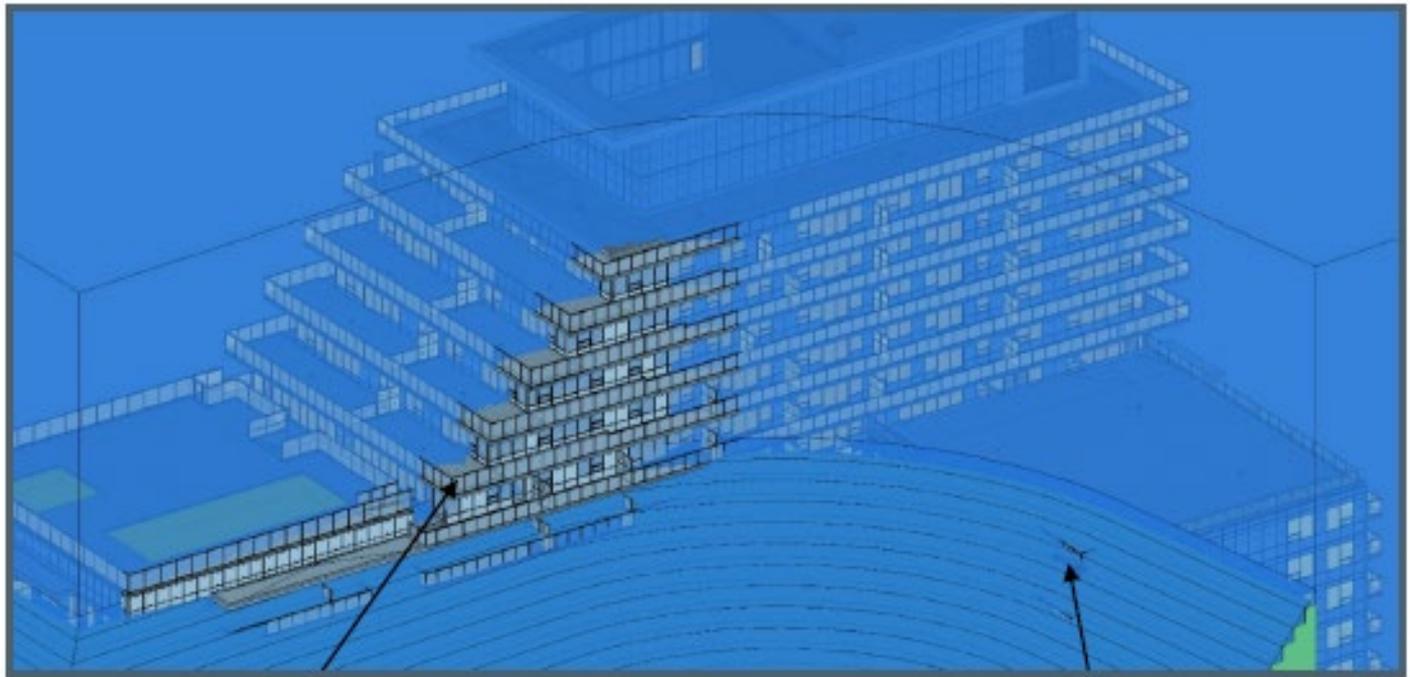
Staff recommends refusal based on the following:

- 3.6.6a – the requested variance is inconsistent with the Design Manual and it does not meet either of the criteria below
- 3.6.6b – where the height of the building is substantially lower than the maximum permitted building height and the setback reduction is proportional to that lower height; or
- 3.6.6c- a reduction in setback results in the concealment of an existing blank wall with a new, well designed structure.

Requested Variances

Variance Category 3 and 4 – Maximum Height and Precinct 1 Built Form

Section 11(1)c (Variance #6) states that the maximum height of a building within 30 m of the OHWM (Ordinary High-Water Mark) is 12.5 m, which may be increased by 1 m for each additional metre of setback from the OHWM.



Portions of the north-east building face on levels 12, 13, 14, 15 and 16 that are within 30 metres of OHWM and over the required 33.7 metres of building height limit require this variance.

Portion of the railing that is over the required 31.37 metres of building height and within 30 metres of OHWM setback requires this variance.

Requested Variances

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Variance Category 3 and 4 – Maximum Height and Precinct 1 Built Form

Section 11(1)c of the LUB (Variance #6) requires the maximum height of the building within 30 m of the OHWM to be no greater than 12.5 m;

- While it meets 3.6.10a, **Staff recommends refusal based on the following:**
 - 3.6.8a – the requested variance is inconsistent with the Design Manual and does not meet any of the following criteria:
 - 3.6.8b –the additional building height is for rooftop architectural features and the additional height does not result in an increase in gross floor area;
 - 3.6.8c— the maximum building height is less than 1.5 metres below the View Plane or Rampart height requirements;
 - 3.6.8d -where a landmark building element is provided pursuant to the Design Manual; or
 - 3.6.8e- where the additional height is shown to enable the adaptive re use of heritage buildings.

Requested Variances

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Variance Category 4 – Precinct 1 Built Form

Variance Category 5 – Tower Width and Separation

Section 10(10) (Variance #4) states that buildings shall be a maximum width of 38 m and a maximum depth of 38 m, and Section 11(1)f (Variance #8) requires that the maximum width of any portion of a building above a height of 33.5 m shall be 21.5 m parallel to Lower Water Street and a maximum depth of 38.5 m.



Requested Variances

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Variance Category 4 – Precinct 1 Built Form

Variance Category 5 – Tower Width and Separation

Section 10(10) (Variance #4) states that buildings shall be a maximum width of 38 m and a maximum depth of 38 m, and Section 11(1)f (Variance #8) requires that the maximum width of any portion of a building above a height of 33.5 m shall be 21.5 m parallel to Lower Water Street and a maximum depth of 38.5 m.

While it meets 3.6.10a, **Staff recommends refusal based on the following:**

- 3.6.7a – the requested variance is inconsistent with the Design Manual; and it does not meet the following
- 3.6.7b – the modification results in a clear public benefit such as the remediation of an existing blank building wall;

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Requested Variances

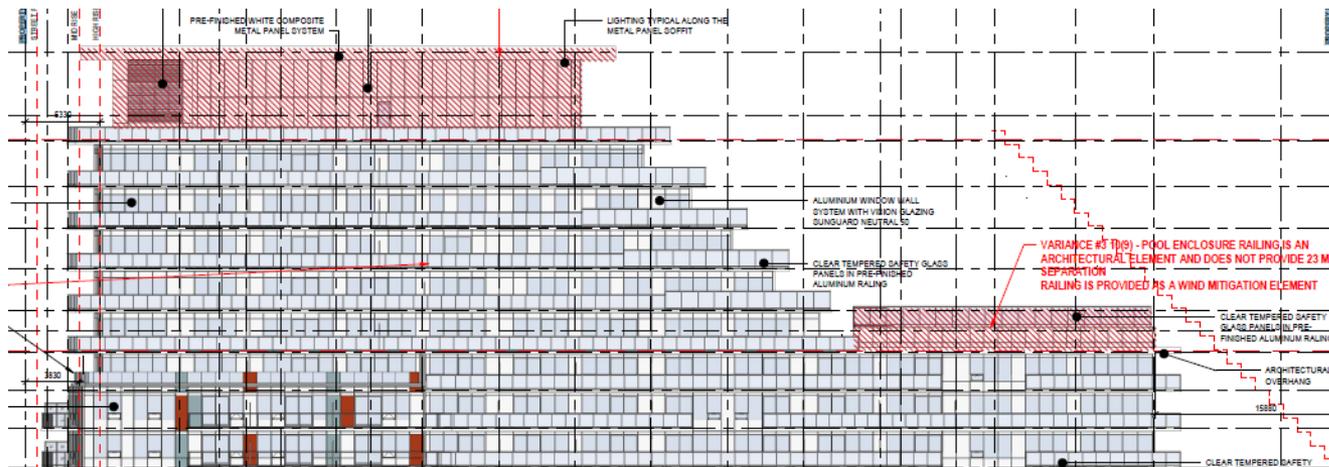
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Variance Category 5 – Tower Width and Separation

Section 10(9) of the LUB (Variance #3) requires that any portion of a high-rise building above a height of 33.5 m shall be separated from another non residential portion of the building by a minimum of 23 m.

○ **Staff recommends refusal based on the following:**

- 3.6.7a – the requested variance is inconsistent with the Design Manual; and it does not meet the following
- 3.6.7b – the modification results in a clear public benefit such as the remediation of an existing blank building wall;



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Post-Bonus Height Public Benefit 29

- Design Review Committee's role is to review and recommend to the Development Officer whether a proposed public benefit should be accepted by the Municipality.
- 4.70 for every 1 sq metres. $\$4.7 * 2937 = \$138,039.00$
- LEED Gold certification

- Development will result in comfort levels suitable for persons sitting, standing, or walking at the sidewalk level
- Study indicated higher than desired wind activity for the outdoor amenity areas located on levels 11 and 12
 - Mitigation proposed include trellises, stand alone canopies and landscaping at level 11
 - Mitigation proposed include canopies and tall porous railings of at least 2m and 20-40% porosity, at level 12
 - RWDI confirmed that the proposed mitigation will respond to wind issues

Staff Recommendation

Staff recommend that Design Review Committee:

1. Refuse the qualitative elements of the substantive site plan approval application for a 16 storey, with rooftop penthouse, mixed use building, in Downtown Halifax as shown in Attachments A and B as the proposal does not comply with Sections 2.1c, 2.10i, 3.1.1a, 3.2.1a, 3.2.1f, 3.2.5a, 3.3.1b and 3.3.1c of the Design Manual, as noted in Attachment E; and
2. Refuse 5 of the 9 variances in 5 categories to the Land Use By-law requirements regarding upper storey side yard stepback, maximum height, Precinct 1 built form, and tower width and separation distances, as contained in Attachment B as the proposal does not comply with Sections 3.6.6, 3.6.7, 3.6.8, and 3.6.10 of the Design Manual, as noted in Attachment D.

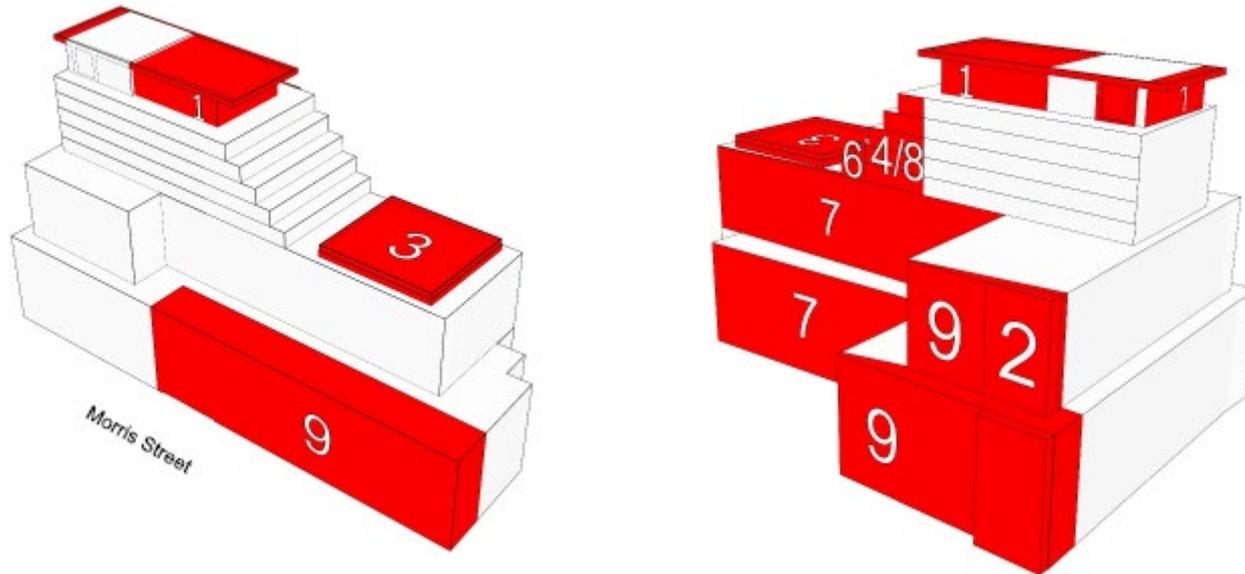
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Thank You

Requested Variances

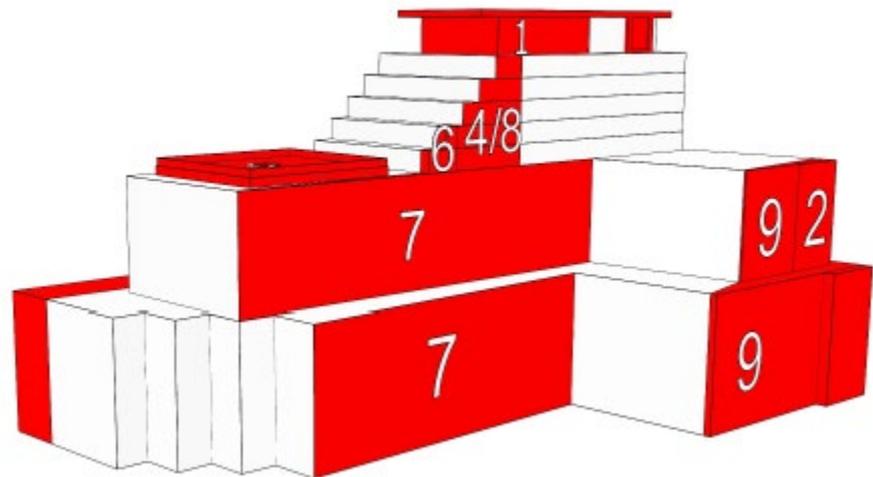
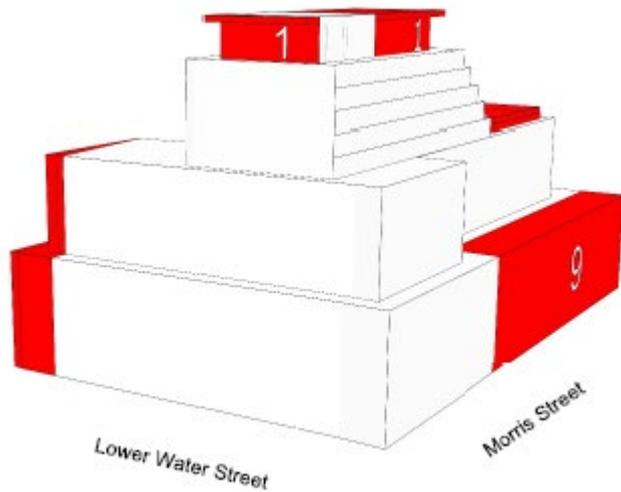
Model of Variances

12 variances within 11 Sections of the LUB, for 9 building elements which fall under five different categories: 1. side and rear yard setbacks, 2. upper storey side yard stepback, 3. maximum height, 4. precinct 1 built form variance, and 5. tower width and separation distances.



Requested Variances

Model of Variances



Requested Variances

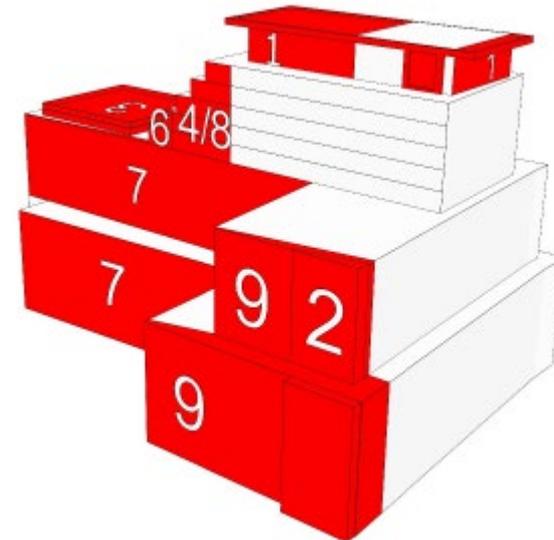
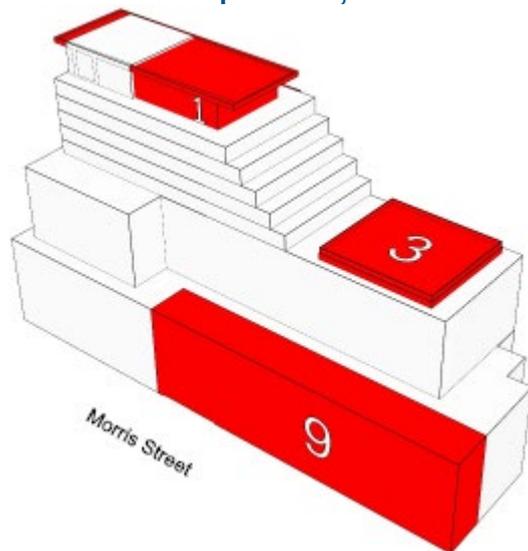
Variance Category 1 – Side and Rear Yard Setback

Variance Category 4 – Precinct 1 Built Form

Section 11(1)h of the LUB, which requires that buildings on lots with a streetline width greater than 27.5 m be setback from interior lot lines no less than 10% of the lot width or 8 m, whichever is less (Variance #9)

Staff recommends **approval** based on the following:

- 3.6.2a – the requested variance is consistent with the Design Manual
- 3.6.2b – the mechanical penthouse and railings do not constitute an increase in gross floor area
- 3.6.10a - fill existing gaps created by vacant properties or parking lots with new development;



Requested Variances

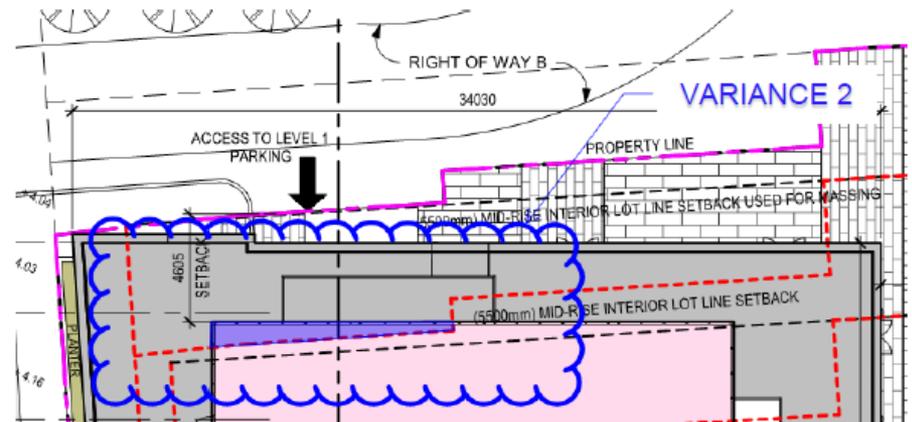
Variance Category 2 – Upper Storey Side Yard Stepback Variance

Section 10(4) of the LUB (Variance #2) requires that any portion of a mid-rise building above a height of 18.5 m shall be setback 5.5 m from interior lot lines.

○ **Staff recommends approval based on the following:**

- 3.6.6a – the requested variance is consistent with the Design Manual
- 3.6.6b – where the height of the building is substantially lower than the maximum permitted building height and the setback reduction is proportional to that lower height

Required Setback – 5.5 metres
Provided Setback – 5.5 metres [4.6 metres only at the N-W corner]



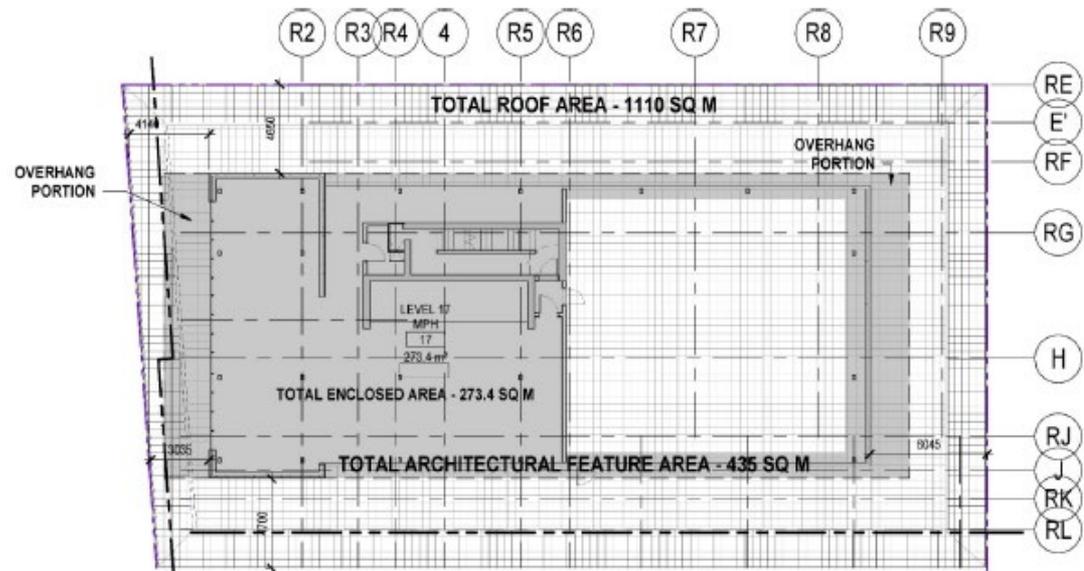
Requested Variances

Variance Category 3 – Maximum Height

Section 8(8) of the LUB (Variance #1) requires that a mechanical penthouse shall not occupy more than 30% of the roof area.

- Staff recommends approval based on the following:

- 3.6.8a – the requested variance is consistent with the Design Manual
- 3.6.8b – the mechanical penthouse and railings do not constitute an increase in gross floor area



Requested Variances

Variance Category 4 – Precinct 1 Built Form

Section 11(1)e (Variance #7) of the LUB, the maximum width of a building parallel to OHWM is 21.5 m.

- Staff recommends approval based on the following:
 - 3.6.10a – fill existing gaps created by vacant properties or parking lots with new development;