



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

Item No. 10.2.1
Regional Centre Community Council
January 27, 2021

TO: Chair and Members of Regional Centre Community Council

 (Original Signed)

SUBMITTED BY:

Steve Higgins, Manager, Current Planning

DATE: January 6, 2021

SUBJECT: **Case 23178: Appeal of Site Plan Approval – 6399, 6395, & 6389 North 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

- 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.

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 has been submitted to enable the construction of a new, seven storey, 128-unit residential building with two levels of underground parking (Attachment A and B). The proposed building is a tall mid-rise building as defined by the Regional Centre Land Use Bylaw (LUB). The development will include the demolition of the existing buildings and the consolidation of the existing lots. The property fronts on North, Oxford, and Seaforth Streets. The development includes grade-related residential units, a landscaped buffer along the adjacent low-density residential properties, and landscaping on the remainder of the lot.

The subject property is zoned COR (Corridor) under the Regional Centre (Package A) Land Use By-Law. Staff have reviewed the application against the applicable requirements and advise that the proposed building meets all the requirements of the LUB.

For the reasons detailed in the Discussion section of this report, the Development Officer has issued the Site Plan Approval (Attachment C). Assessed owners have been notified of the decision as required by the By-law and three property owners within the notification area have appealed the approval of the Development Officer (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 Regional Centre (Package A) Plan Area. 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.

The applicant has not requested any variations under Section 28. No other components of the Site Plan Approval are subject to this appeal process.

Role of Design Advisory Committee, Development Officer & Council

Under section 32 of the LUB, the Design Advisory Committee (DAC) is responsible to advise the Development Officer on matters pertaining to the design requirements of the By-law and any requested variations. The DAC's advice is provided in the form of a recommendation to the Development Officer. The Development Officer is responsible for determining if a proposal meets the requirements of the LUB and making the decision to approve or refuse the Site Plan Approval application.

The *Halifax Regional Municipality Charter* requires notification of the decision to assessed property owners within 100 metres of the property, as set out in the LUB, and sets out their right to appeal the approval of the Development Officer. Any appeal must be heard and decided upon by Regional Centre Community Council. That decision is not subject to further appeal.

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 mandate that the owners of all property within 100 metres of the subject site be notified within 14 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 November 5, 2020. Prior to the appeal period end date of November 23, 2020, three notices of appeal (Attachment D) were filed by property owners 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

Design Advisory Committee

Staff presented the site plan approval application to the Design Advisory Committee (DAC) at a meeting held September 16, 2020. The decision on the matter was deferred and discussion continued at a special meeting held September 28, 2020. The Committee passed the following motion at the September 28 meeting:

"THAT the Design Advisory Committee recommend approval of the Level III Site Plan Approval Application for 6399, 6395 & 6389 North St., Halifax with consideration given to the following:

- *Use of native vegetation and vegetation that would support stormwater management, pollinators and local wildlife;*
- *Heavy use of native planting to provide a visual and physical barrier to the surrounding neighborhood;*
- *ensuring energy efficiency and sustainability by solar readiness, stormwater reuse, electric vehicle infrastructure and exceeding building code requirements with respect to the building envelope;*
- *a contribution to the neighborhood with significant street planting or sidewalk rehabilitation of city-owned sidewalks;*
- *incorporating some stone from the existing building into the new development in a commemorative way;*
- *optimizing the pedestrian experience as it relates to congestion and transit use.*

MOTION PUT AND PASSED AS AMENDED

The recommendation from the Design Advisory Committee was considered by the Development Officer as part of his review of the site plan approval. As the conditions that were contained within the recommendation by the DAC fell outside the criteria of Part VI of the LUB, the Development Officer was not able to require any of the changes suggested. The applicant has stated that they will use some of the stone from the existing building for a commemorative display in the lobby of the new building, as recommended by the DAC. However, this falls outside the scope of the LUB requirements, and so would be provided at the property owner's discretion.

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, built form and design requirements set out in the by-law. As noted above, staff confirm the proposed development meets all applicable requirements of 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 E 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	Requirements met - No variations proposed

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

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. There are no variations requested as part of this application.

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, many of the objections raised relate to matters that are not subject to site plan approval, and therefore do not fall within the scope of the appeal process. Accordingly, staff provide no comment on these matters other than to advise Council these elements are not subject to appeal.

Paraphrased summaries of the appellants' 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
<p>Building height is not limited to 20 metres, but variance can exceed 20 metres. Residents in the neighbourhood were not made aware of this until recently.</p>	<p>There is no ability to exceed maximum building height by variance, and no such variance has been granted. The proposed building height does not exceed the maximum permitted height of 20 metres. The LUB does provide for certain "height exempt features" which may exceed the maximum building height, as discussed below. There have been no amendments to the height regulations of the LUB since it was adopted by Regional Council in September of 2019. Height is not a design requirement and so it not able to be considered by Council in relation to the appeal.</p>
<p>There is a conflict between what is permitted within Package A and what is within proposed Package B, in terms of size of building and height. Package B proposes lower height to ensure the context and integrity of the low rise residential neighbourhood abutting development in the community is maintained.</p>	<p>The regulations pertaining to massing and height of proposed buildings within Package A have been approved by Council. Package B is current in draft and will be considered by Council. There is no conflict between the approved Package A By-law, and the draft requirements within Package B that are pending Council's approval. Any perceived conflict is outside of the scope of the consideration of the appeal.</p>
<p>Part VI, Chapter 3 – Section 133. The Penthouse is not part of the allowed height. The diagram used does not align with the bylaw.</p>	<p>In accordance with section 86 of the LUB, penthouses are exempt from height requirements, provided they do not exceed a height of 4.5 metres, and do not exceed 30% of the area of the roof on which they are located. The proposed penthouse meets these requirements. The presence of the penthouse and its height are outside of the scope of the consideration of the appeal.</p> <p>This appeal references Section 133 of the By-law, which relates to the design of the penthouse, to ensure it is visually integrated with the rest of the building. The developer has achieved visual integration by using the same siding materials used elsewhere on the building to ensure a cohesive design.</p>
<p>Part VI, Chapter 4 – Sections 135-136. Pedestrian Connections. There are three streets involved. There is no clarification on all connections, just an example.</p>	<p>Pedestrian connections are not required, but if a developer chooses to provide them, they must meet at least one of the criteria listed in section 135. A pedestrian connection is defined as "a continuous, unobstructed, reasonably direct route between two points that is intended and suitable for pedestrian use, including sidewalks, walkways, accessways, stairways, and pedestrian bridges". The walkway on the north side of the site constitutes a pedestrian connection. This pedestrian connection connects the on-site private open space with the public sidewalk on North Street, and therefore meets the requirements of section 135.</p>

<p>Part VI, Chapter 6 – Section 154(e). Lack of clarity on impacted street(s) relative to loading spaces.</p>	<p>Section 154 pertains to site-lighting criteria and a list of features which must be illuminated, including exterior parking and loading areas. All required parking and loading spaces will be located within the underground parking structure. There are no exterior parking or loading spaces proposed, and so this particular design criteria would not apply. This objection is outside of the scope of the appeal consideration.</p>
<p>Part VI, Chapter 7 – Section 157. Concern regarding the visual impact of the penthouse. If set back you cannot see, but still will effect the allowable height.”</p>	<p>Section 157 applies to variation requests to reduce the roof-edge setback of height exempt features. No variations have been requested by the developer. In accordance with section 86 of the LUB, penthouses are exempt from height requirements, provided they do not exceed a height of 4.5 metres, and do not exceed 30% of the area of the roof on which they are located. The proposed penthouse meets these requirements. The presence of the penthouse and its height are outside of the scope of the consideration of the appeal.</p>
<p>Concern is with the parking exiting this complex onto Seaforth Street it will overwhelm residential traffic as well as limit available on-street parking, which is already an issue with the frequent congregation of the church (St. Theresa’s Catholic Rectory). Suggestion that the parking exiting this complex be placed on Oxford or North Street for ease of traffic concerns.</p>	<p>Part VI, Chapter 4 regulates building and site design related to parking and vehicle access. It does not regulate the location of the driveway on the lot. This is regulated by By-law S-300, Respecting Streets. This bylaw restricts driveways within 100 metres of a signalized intersection, and stipulates that a driveway shall be located on the street that carries the lesser amount of daily traffic. It is outside the scope of the land use bylaw and the site plan approval process and is outside of the scope of the consideration of the appeal.</p>

Conclusion

Staff have reviewed all the relevant information in this Site Plan Approval application. As a result of that review, the application was approved as it was determined that the proposal is consistent with all relevant requirements of the Regional Centre Land Use By-law.

Three residents in the notification area have exercised the right of appeal as set out in the by-law. The appeal is now before Council for 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.

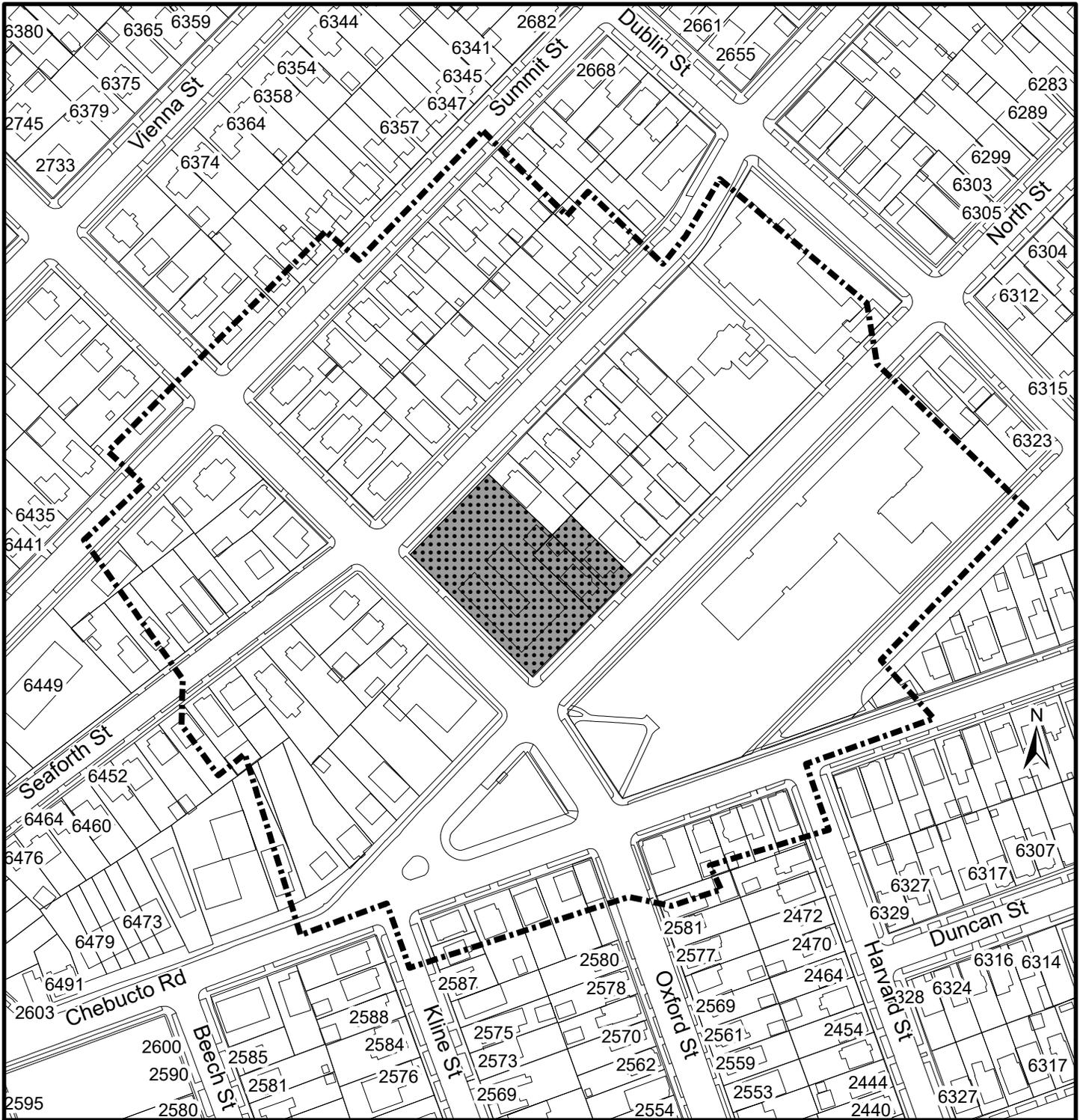
1. Denial of the appeal motion would result in approval of the Site Plan Approval application. This would uphold the Development Officer's decision, and this is staff's recommended alternative.
2. Approval of the appeal motion would result in refusal of the Site Plan Approval application. This would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

ATTACHMENTS

Map 1:	Location and Notification Area
Attachment A:	Building Elevations
Attachment B:	Site Plan
Attachment C:	Site Plan Approval Letter
Attachment D:	Letters of Appeal
Attachment E:	LUB Design Requirements
Attachment F:	Design Rationale

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: Peter Nightingale, Planner I, 902.719.9478
Sean Audas, Development Officer/Principal Planner, 902.476.9553



Map 1 - Location and Notification Area

6389, 6395, & 6399 North St.,
Halifax

 Subject Properties

 Notification Area

HALIFAX



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

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

Regional Centre Package A By-Law Area

NOTES:

- 1) THE CONTRACTOR IS RESPONSIBLE FOR CHECKING ALL DIMENSIONS ON SITE & REPORTING ANY DISCREPANCY TO THE ARCHITECT BEFORE PROCEEDING.
- 2) DO NOT SCALE FROM DRAWINGS USED FIGURED DIMENSIONS.
- 3) DRAWING REPRESENTATIONS MAYBE IN VARIANCE W/ DETAILED SPECS. & SCHEDULES, IN WHICH CASE SPECS. & SCHEDULES OVERRIDE THE DRAWINGS.
- 4) CHANGES FROM THESE PLANS & SPECS. MUST BE AGREED TO IN WRITING, & APPROVED BY THE ARCHITECT & OWNER, BEFORE PROCEEDING.
- 5) ONLY THOSE DRAWINGS MARKED APPROVED FOR CONSTRUCTION, ARE TO BE USED FOR CONSTRUCTION.
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No.	Description	Date
01	revised floor levels	05/01/20
02	revised materials	05/12/20
03	revised as per HRM comments	06/18/20
04	revised as per HRM comments	07/16/20
05	added second masonry colour	07/29/20



Proposed Residential
 Lot AX
 Oxford & North
 Halifax, N.S.
 for:
 Mosaik Properties
East Elevation

Scale	1/8" = 1'-0"
Date	July 22, 2016
Drawn by	GJ
Checked by	PS
Project number	2931

LEGEND:

- A - MASONRY BRICK - COLOUR 1
- A2 - MASONRY BRICK - COLOUR 2
- B - METAL SIDING 1 - Bronze
- C - PRECAST CONCRETE FEATURES
- D - PREFINISHED 42" ALUMINUM RAILING
- E - PRECAST CONCRETE LIGHT
- F - METAL SIDING 2
- G - 42" ALUMINUM W/TEMPERED GLASS RAILING
- H - VINYL WINDOWS - Black
- J - PRECAST CONCRETE DARK
- K - PRECAST CONCRETE BAND LIGHT



1 East-North St.
 1/8" = 1'-0"

pskerry@pskerry.ca

PAUL SKERRY ASSOCIATES
 5514 Livingstone Place
 Halifax, Nova Scotia B3K 2B9
 ph: 902-455-4361
 fax: 902-455-7778
 email: drawing@pskerry.ca

NOTES:

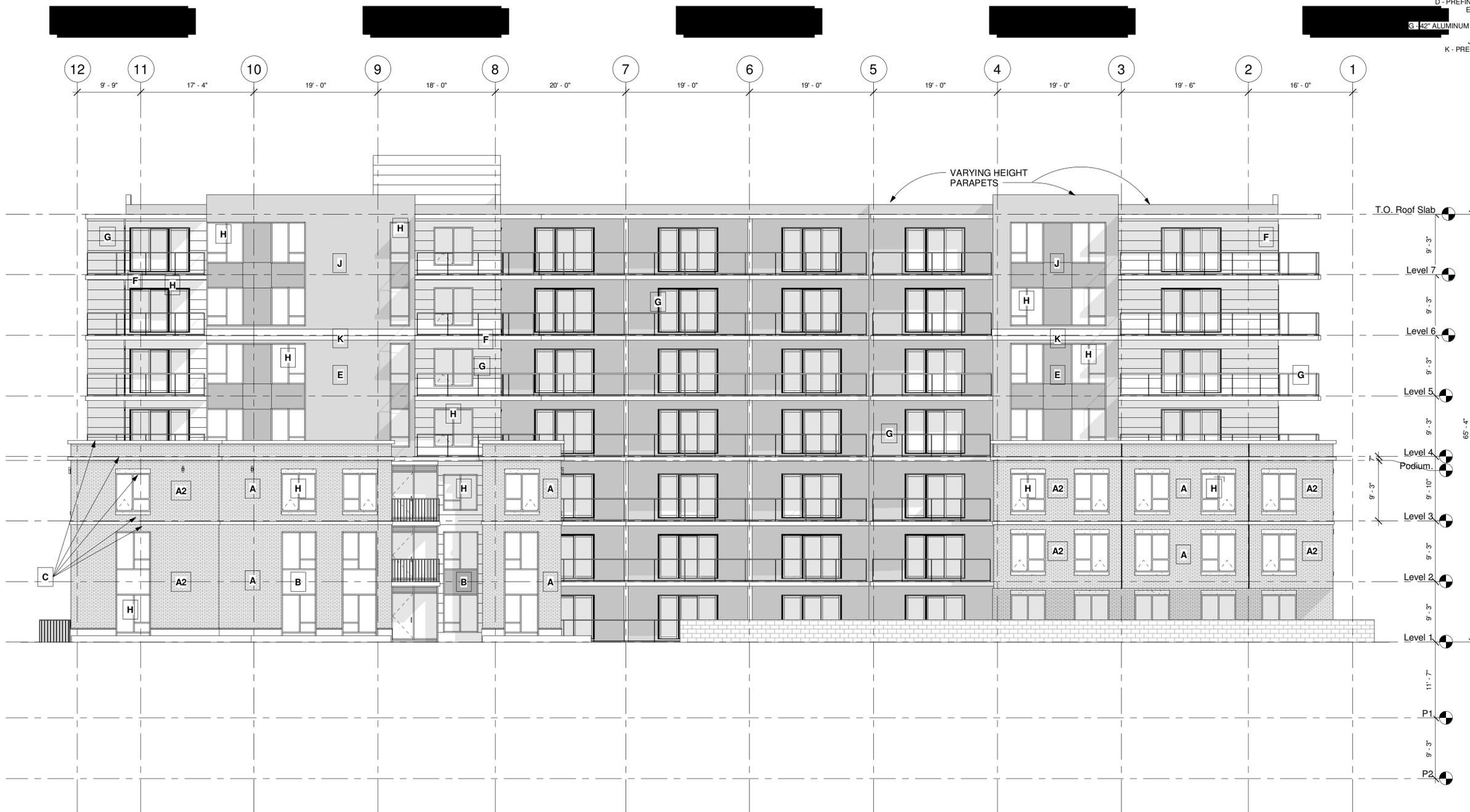
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Proposed Residential
 Lot AX
 Oxford & North
 Halifax, N.S.
 for:
 Mosaik Properties
North Elevation

Scale	1/8" = 1'-0"
Date	July 22, 2016
Drawn by	GJ
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North
 1/8" = 1'-0"

pskerry@pskerry.ca

PAUL SKERRY ASSOCIATES
 5514 Livingstone Place
 Halifax, Nova Scotia B3K 2B9
 ph: 902-455-4361
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Proposed Residential
 Lot AX
 Oxford & North
 Halifax, N.S.
 for:
 Mosaik Properties
South Elevation

Scale 1/8" = 1'-0"
 Date July 22, 2016
 Drawn by GJ
 Checked by PS
 Project number 2931

LEGEND:

- A - MASONRY BRICK - COLOUR 1
- A2 - MASONRY BRICK - COLOUR 2
- B - METAL SIDING 1 - Bronze
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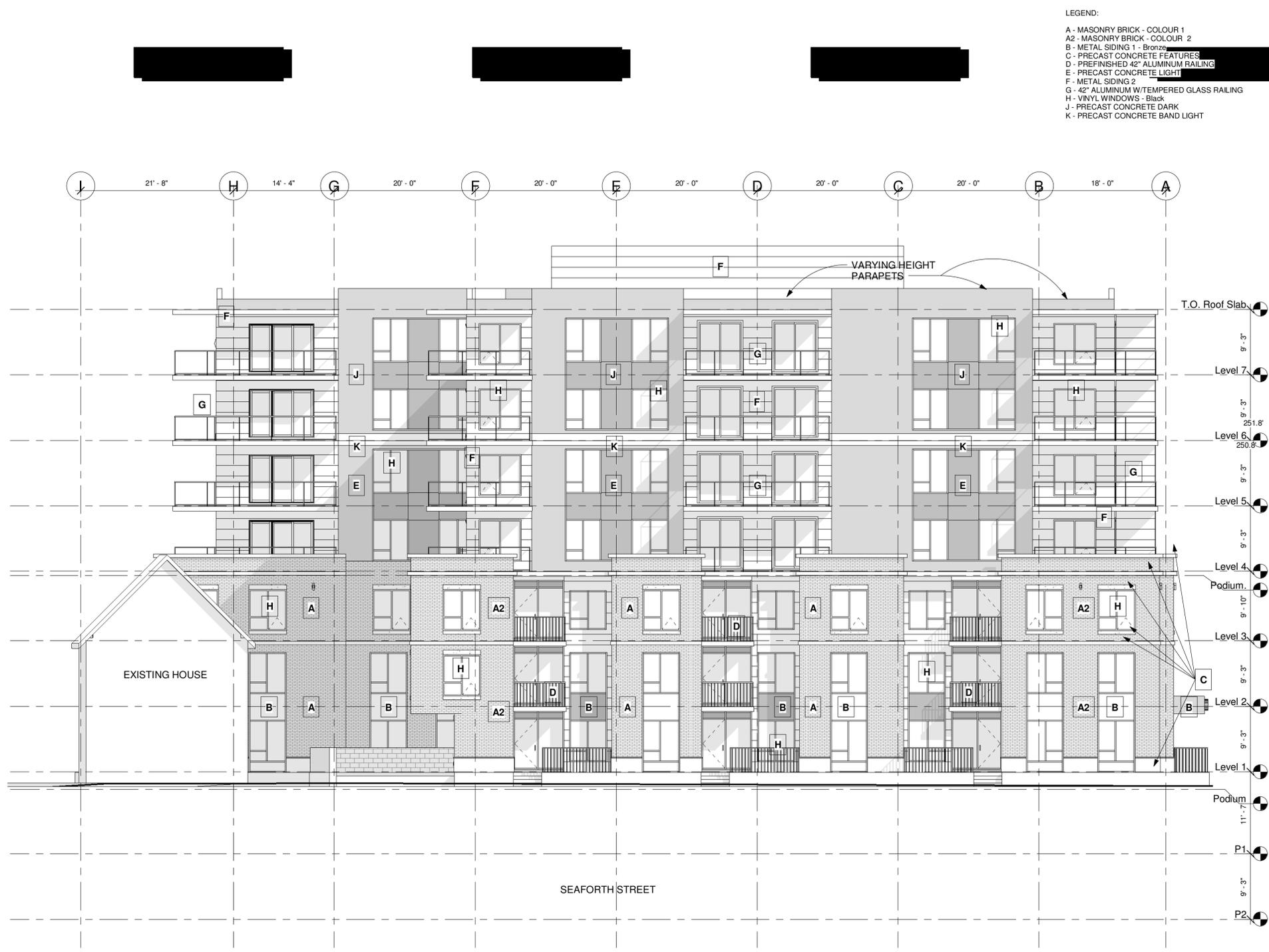
1 South-Oxford St.
 1/8" = 1'-0"

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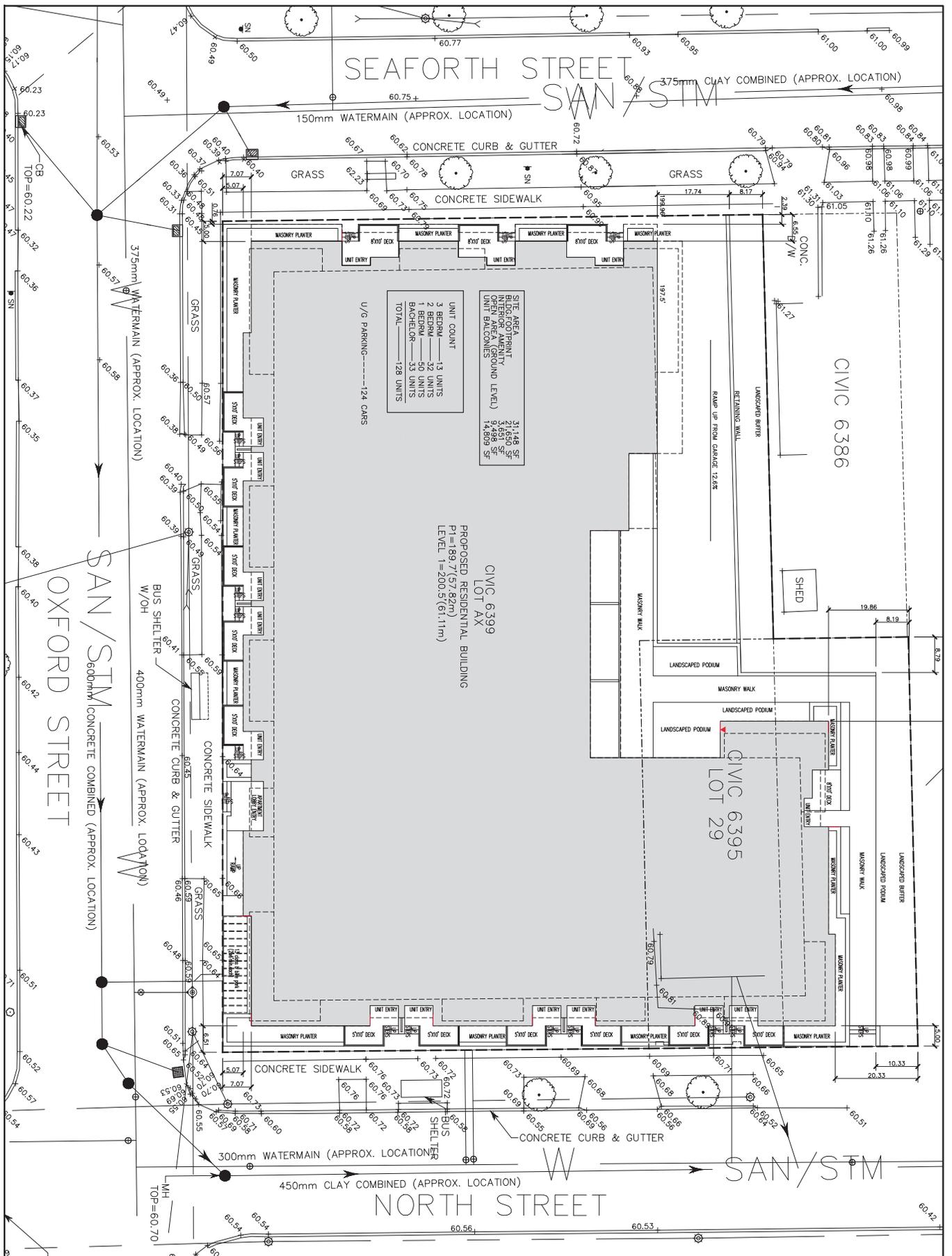


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① West-Seaforth St.
 1/8" = 1'-0"

Proposed Residential
 Lot AX
 Oxford & North
 Halifax, N.S.
 for:
 Mosaik Properties
West Elevation

Scale	1/8" = 1'-0"
Date	July 22, 2016
Drawn by	GJ
Checked by	PS
Project number	2931



UNIT COUNT

3 BEDRM	13 UNITS
2 BEDRM	32 UNITS
1 BEDRM	50 UNITS
BACHELOR	33 UNITS
TOTAL	128 UNITS

U/O PARKING-----124 CARS

SITE AREA

BUILDING FOOTPRINT	31,148 SF
INTERIOR AMENITY	21,650 SF
UNIT BALCONIES	3,653 SF
UNIT PATIOES	14,809 SF

CIVIC 6399
 LOT AX
 PROPOSED RESIDENTIAL BUILDING
 P1=189.7'(57.82m)
 LEVEL: 1=200.5'(61.11m)

NOTES:

- 1) THE CONTRACTOR IS RESPONSIBLE FOR THE OBTAINING ALL NECESSARY PERMITS AND TO THE ARCHITECT BEFORE PROCEEDING.
- 2) DO NOT SCALE DIMENSIONS.
- 3) DIMENSIONS REPRESENTED WITHIN THIS PLAN ARE TO BE USED FOR CONSTRUCTION OF THE BUILDING.
- 4) DIMENSIONS FROM THESE PLANS & DRAWINGS SHALL BE USED FOR THE CONSTRUCTION OF THE BUILDING. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTIVE WORKS REQUIRED.
- 5) ONLY THOSE DIMENSIONS SHOWN WITHIN THIS PLAN & DRAWINGS ARE TO BE USED FOR CONSTRUCTION. THESE DIMENSIONS ARE TO BE USED IN CONNECTION WITH THE STRUCTURE.

ARCHITECTS:
 PAUL SHERRY ASSOCIATES LTD.
 ARCHITECTS
 1000 WEST 10TH STREET, SUITE 100
 CALGARY, ALBERTA T2P 0K1
 PHONE: 403-243-7741
 FAX: 403-243-7742
 EMAIL: paul@psherry.com

PRODUCT:
 PROPOSED APARTMENTS
 OXFORD & NORTH
 CALGARY, ALBERTA
 GEORGE GIANNOULIS

TITLE:
 SITE PLAN

DESIGN BY:	STAFF	CHECKED BY:	PS
DATE:	12/24/20	APPROVED BY:	PS
SCALE:	1"=10'	PROJECT #:	2093
A1			

Attachment C - Notice of Approval

November 5, 2020

GEORGE GIANNOULIS
150 SOLUTIONS DRIVE
HALIFAX, NS B3S 0E5

By email: george@mosaikproperties.ca

Re: Level III Site Plan Approval Application (#23178) - PIDs 00079350, 00079202, and 00079210

As the Development Officer for Halifax Regional Municipality, I have approved your site plan approval application for a **Multiple Unit Dwelling (128 unit) at 6399, 6395, and 6389 North St., Halifax (PIDs 00079350, 00079202, and 00079210).**

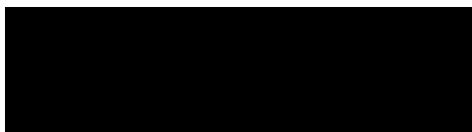
Pursuant to Section 247 of the Halifax Regional Municipal Charter, and Part I, Chapter 3, Section 30 of the Regional Centre (Package A) Land Use Bylaw, assessed property owners within 100 meters of the property have been notified of this approval. Those property owners have the right to appeal in accordance 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 **Monday, November 23, 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 may be applied for.

If you have any questions or require clarification of any of the above, please do not hesitate to contact Peter Nightingale at 902-719-9478.

Sincerely,



Sean Audas, Principal Planner / Development Officer
Halifax Regional Municipality

cc. Sherryl Murphy - Acting Municipal Clerk
Councillor Lindell Smith

Attachment D - Letters of Appeal

Stewart, April

From: Joan Fraser [REDACTED]
Sent: Monday, November 23, 2020 11:21 AM
To: Office, Clerks; Smith, Lindell; Shawn Cleary; Mason, Wayne; [REDACTED]
Nightingale, Peter
Cc: [REDACTED]

Subject: [External Email] Development Permit Appeal -application #23178-unit dwelling6399,6395.6389 North Street

[This email has been received from an external person or system]

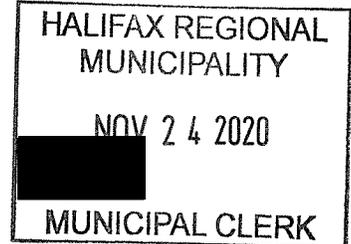
I intend to appeal Bylaws landuse section, partvi chapter3 as set out in Regional Plan (pkg A) and will detail appeal at theAppeal meeting with theRegional Centre Community Council

Joan Fraser [REDACTED]
[REDACTED]

HALIFAX REGIONAL
MUNICIPALITY
NOV 23 2020
[REDACTED]
MUNICIPAL CLERK

Stewart, April

From: Joan Fraser [REDACTED]
Sent: Monday, November 23, 2020 5:05 PM
To: Joan Fraser; Smith, Lindell; Mason, Wayne; Office, Clerks; Cleary, Shawn; Tota, Kasia; Nightingale, Peter
Subject: [External Email] Development permit- North-Oxford Development Group



[This email has been received from an external person or system]

As Mythos appears to have met the LandUse Bylaws of current Pkg A to be issued a Development Permit, I am submitting a request to appear before the Appeal Advisory Board Committee meeting to appeal the issuance of this Permit And a request for a delay.

This is based on the changes made to Pkg A after formal approval was given to Pkg A By. Council . I recently discovered that building height is not limited to 20 metres, but that the variance can exceed 20 metres. The residents in the neighbourhood were not made aware of this until recently. while planners, the developer, council and other were in know. This is not a level playing field! Other changes to Pkg A will continue to emerge.

The other major issue is the conflict between what is being allowed to be built in Pkg A Cor and what is being proposed in Pkg B to be built. Currently Pkg A is allowing a very large

8 level residential building on this site. In Pkg B the recommendation is for lower height to ensure that the context and integrity of the low rise residential neighbourhood abutting any development In the community is maintained.

While this issue does not Directly affect the permit the under lying issue cannot be ignored It is requested that a delay in the issuance of the development permit be granted until these serious matters be explored and resolved.

The rules and regulations must line up within Neighborhoods and LandUse compatible.

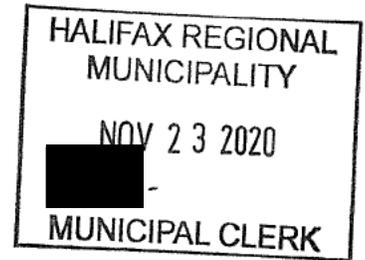
I want to thank the planners for their patience and supporting information and for trying to provide rules and regulations and LandUse bylaws that salvage existing low rise residential neighbourhoods and provide adequate protection and the appropriate Transition for new development in these neighbourhoods.

Further information will be presented at the Appeal Hearing.

Joan Fraser
[REDACTED]
[REDACTED]

Stewart, April

From: Pat White <[REDACTED]>
Sent: Monday, November 23, 2020 1:37 PM
To: Office, Clerks
Subject: [External Email] Application #23178



[This email has been received from an external person or system]

Re# 6399,6395,6389 North st.

Appeal Process! I am within 100 meters of the property. I received my notice.

PartV1, Chapter3- Penthouse-133.

Diagram 9(also) Apparently the Penthouse is not part of the allowed height. The diagram used does not align with the bylaws also. Why a Penthouse. More Height!

PartV1, Chapter 4- Pedestrian Connections. 3 Streets involved. No clarification on all connections, just a lame example.

PartV1,Chapter 6,154(e).

Off Street loading spaces. Not knowing what street(3involved) which street will be impacted.

Chapter7, 157 (b)

Visual impact! If set back you cannot see, but still will effect the allowed height.

These are some appeals I would like clarified and be notified of the meeting.

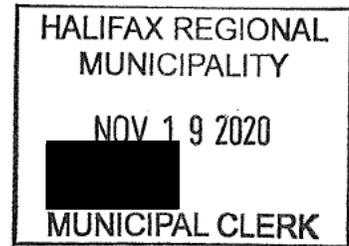
Did not see any reports or bylaws on Pest Control, Blasting, city trees(wordy).I will explain more in detail at the meeting if it ever comes about. I would be interested in how many recommendations have been submitted, changes to the bylaws and updates by the Advisory committee to provide recommendations to the Development Officer.

This building has a lot of negative history. I hope it is viewed by all new councillors before they vote, if they vote. It's more that checking off boxes. I want to thank the Planning Dept. For answering my emails and calls. I only wish our councillor would do the same.

Thank you, Pat White.

Sent from my iPhone

November 11, 2020.



To whom this may concern,

I would like to appeal the Development Officer's decision, in accordance with Part 1, Chapter 3, Section 31 of the Regional Center (Package A) Land Use Bylaw, relative to the attached criteria of "Parking, Access, and Utilities Design Requirements" of 6399/ 6395/ 6389 North Street Halifax.

My concern is with the parking exiting this complex onto Seaforth Street as I feel this will overwhelm residential traffic as well as limit available on-street parking, which is already an issue with the frequent congregation of the church (St. Theresa's Catholic Rectory).

I suggest that the parking exiting this complex be placed on Oxford or North Street for ease of traffic concerns.

Regards,

A large black rectangular redaction box covering the signature area.

Stephanie Woodman
Residential Owner of Seaforth Street

A large black rectangular redaction box covering contact information.

***** PUBLIC NOTIFICATION OF SITE PLAN APPROVAL *****
Application #23178



November 5, 2020

STEPHANIE DINAH WOODMAN
[REDACTED]

Dear Sir or Madam:

As the Development Officer for Halifax Regional Municipality, I have approved an application for a **New Multiple Unit Dwelling (128 units) at 6399, 6395, and 6389 North St., Halifax (PIDs 00079350, 00079202, and 00079210)**. Please refer to the attached drawings for more details.

The Regional Centre (Package A) Land Use Bylaw requires a Level III Site Plan Approval for this application. You can review the Regional Centre (Package A) Land Use Bylaw at <https://www.halifax.ca/about-halifax/regional-community-planning/community-plan-areas/regional-centre-plan-area>.

Level III Site Plan Approval applications require the applicant to provide a website containing information about the proposed project for public information. The website provided for this project can be found here: <http://mosaikproperties.ca/oxfordnorth/>.

The following aspects of this application are subject to site plan approval:

Land Use Bylaw Criteria	Land Use Bylaw Section	Analysis	Appeal? (Check those that apply)
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	Requirements met - No variations proposed	

If you choose to appeal, you must indicate in the column to the right, which matters are the basis of your appeal, and include a written submission outlining the basis of the appeal for each.

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 are hereby notified of this application. As a property owner within the notification area, you have the right to appeal the Development Officer's decision, in accordance with Part 1, Chapter 3, Section 31 of the Regional Centre (Package A) Land Use Bylaw, relative to the above listed criteria. Appeals must be filed, in writing, with the Clerk's Office on or before **Monday, November 23, 2020** and can be sent to:



Halifax Regional Municipality
PO Box 1749, Halifax, Nova Scotia
Canada B3J 3A5

halifax.ca

**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.

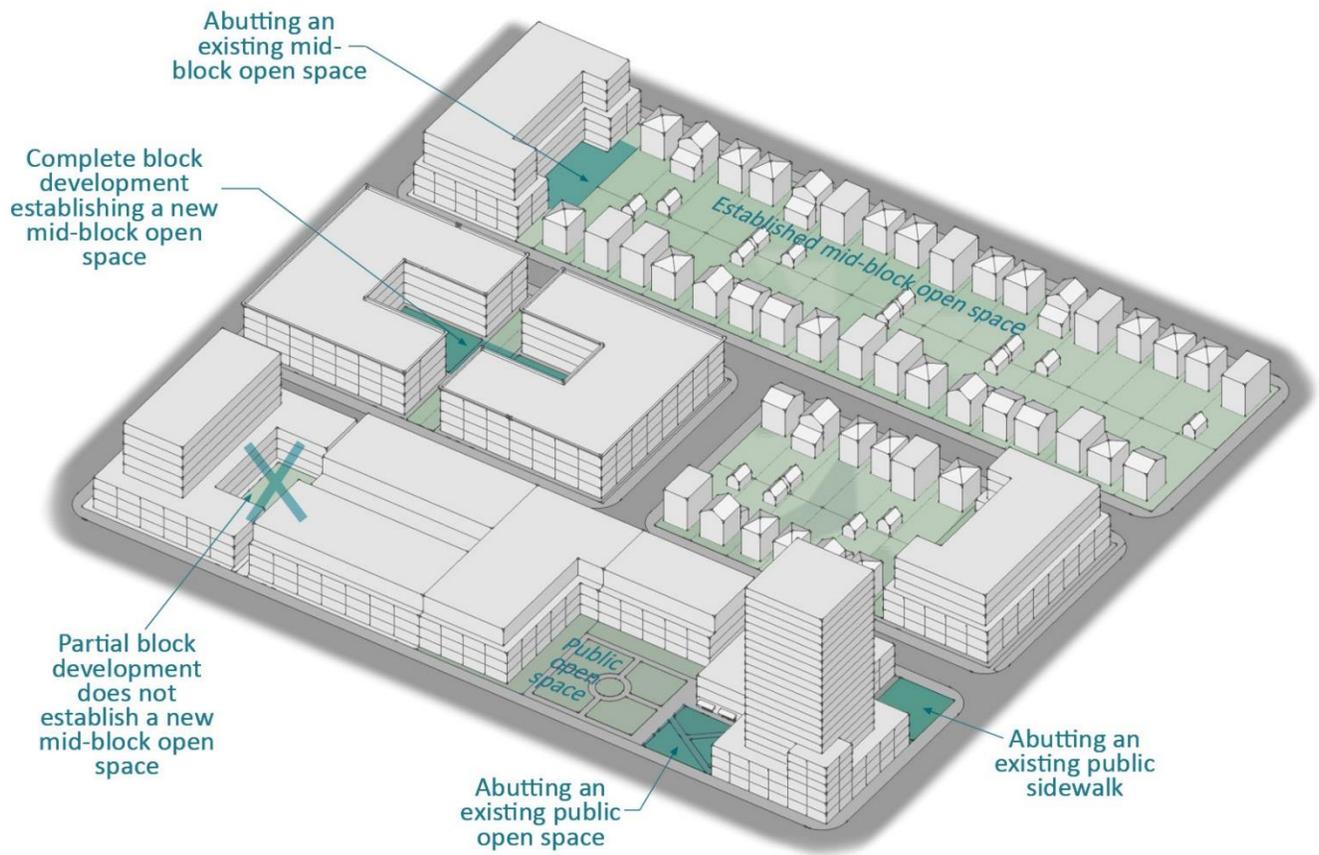


Diagram 6: Contribution to open space network, as per Section 113

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.

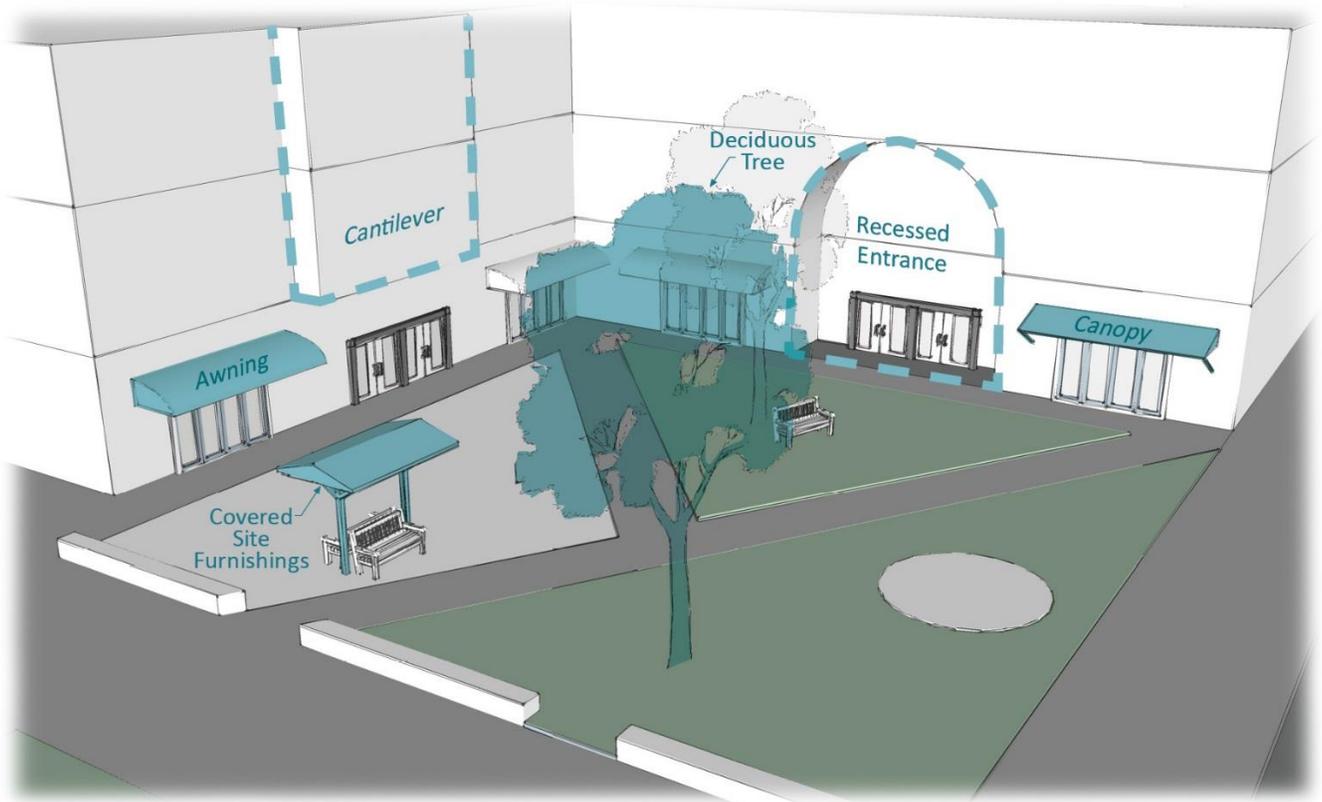


Diagram 7: Weather protection for private open spaces, as per Section 116

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.

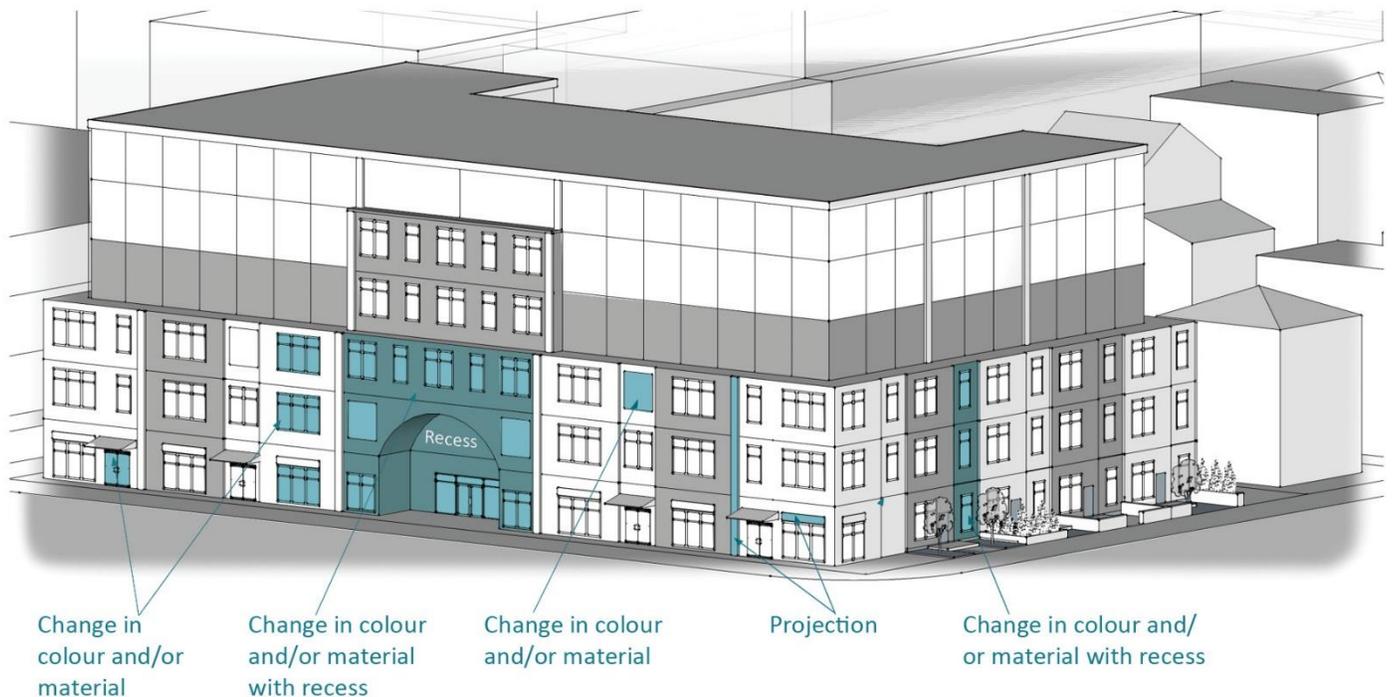


Diagram 9: Methods for streetwall articulation, as per Section 121

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).

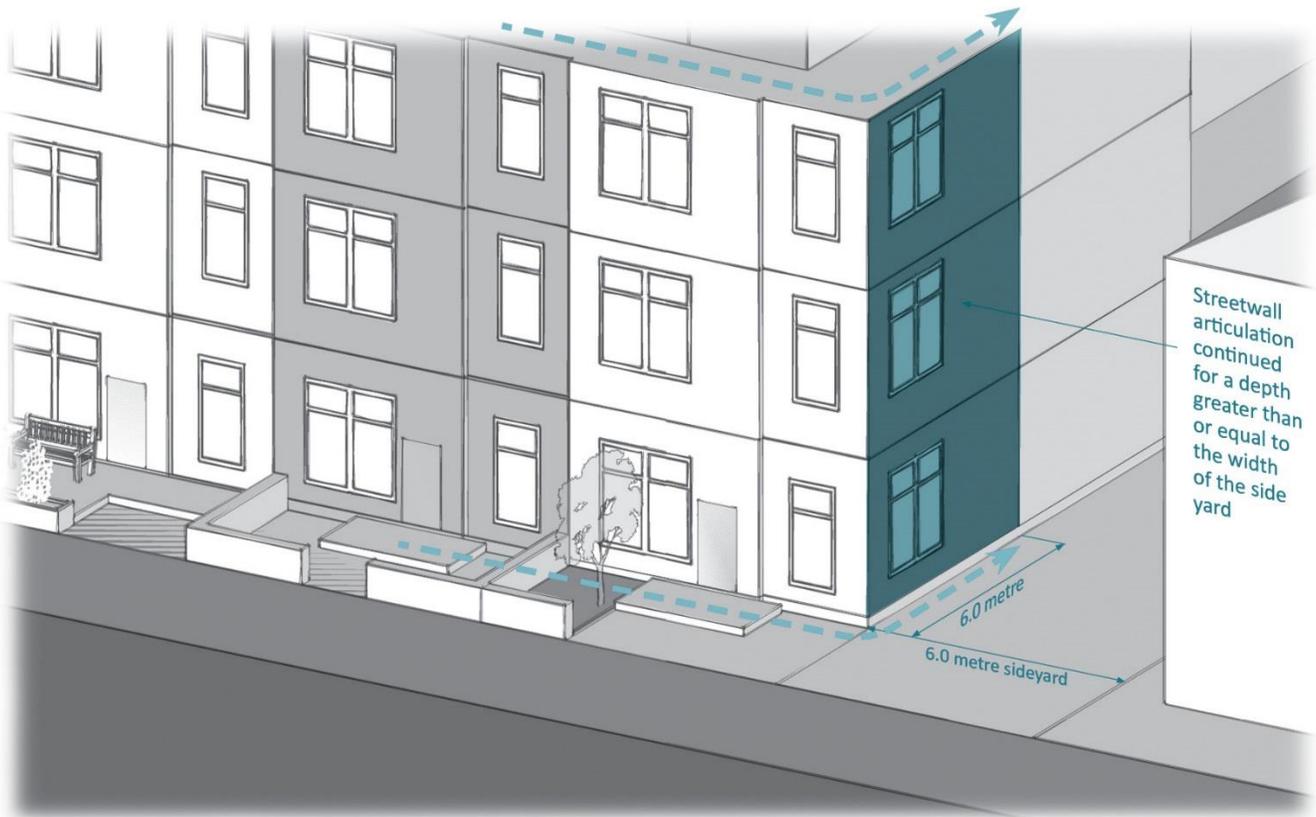


Diagram 10: Methods for side yard façade articulation, as per Section 123

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.

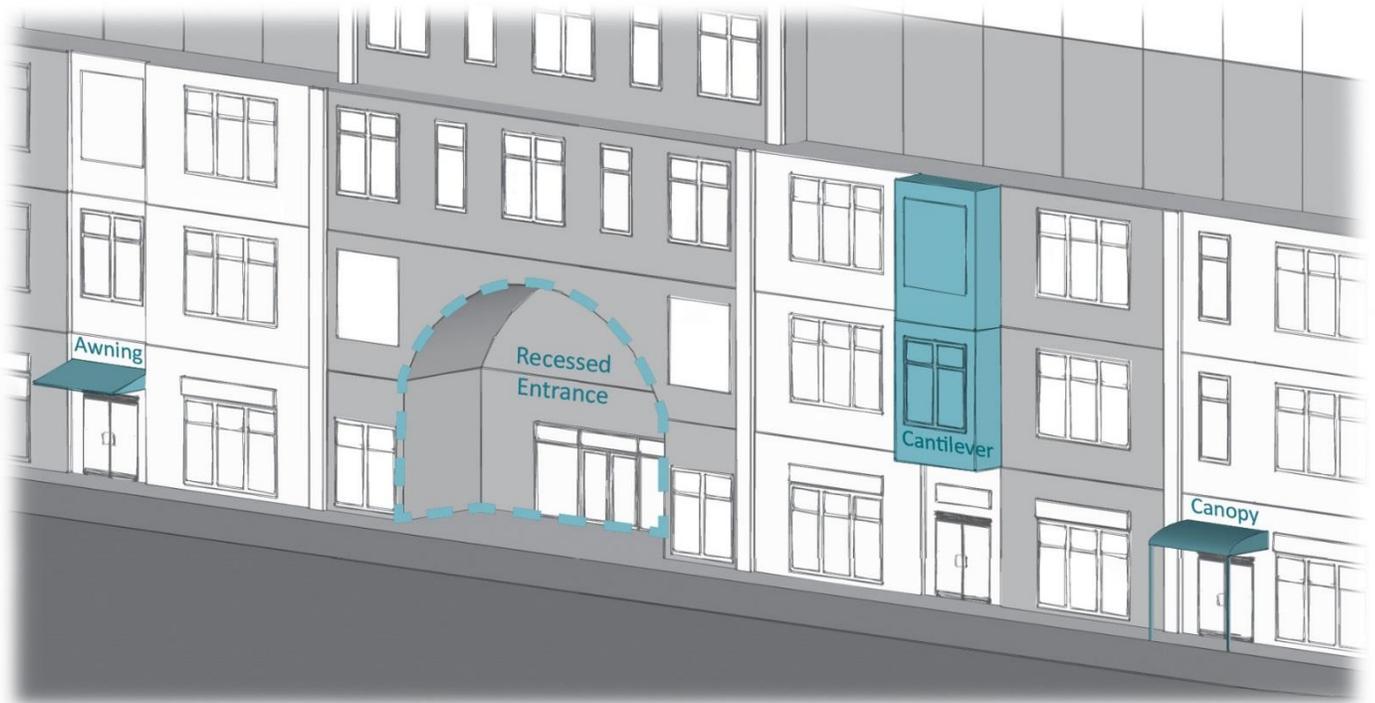


Diagram 11: Methods of weather protection, as per Section 130

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.

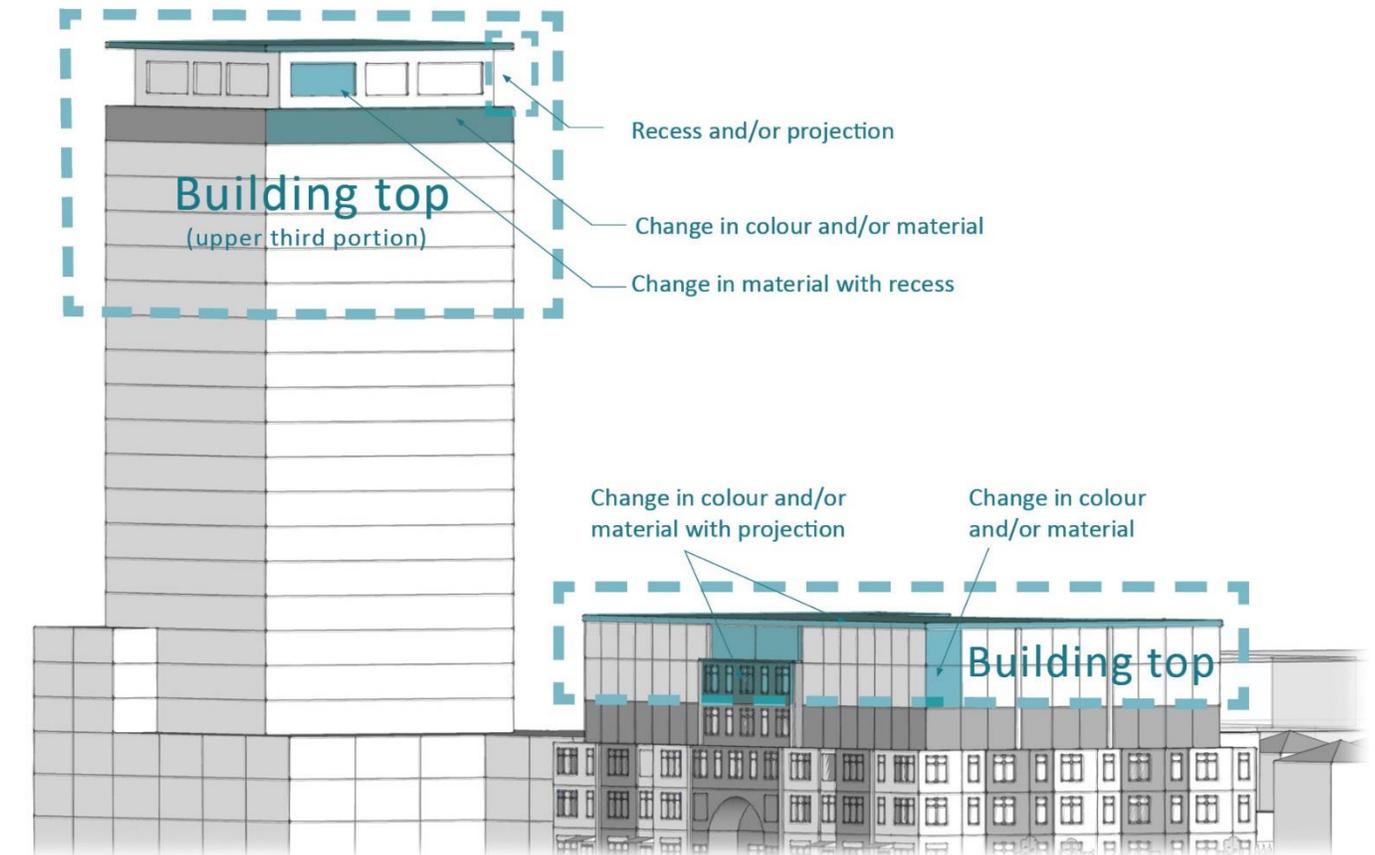


Diagram 12: Building top distinction, as per Section 132

- (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.

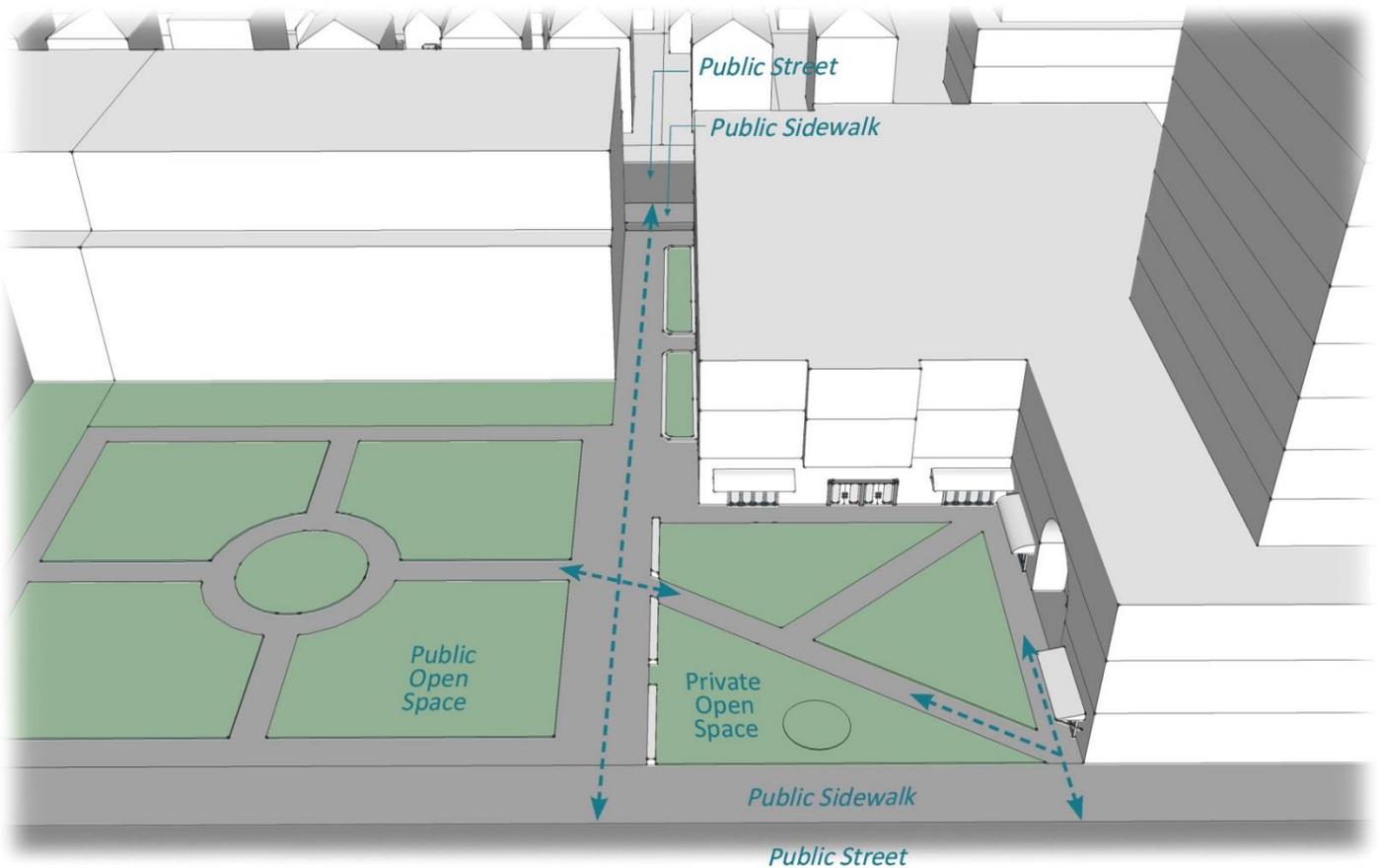


Diagram 13: Appropriate pedestrian connections, as per Section 135

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).

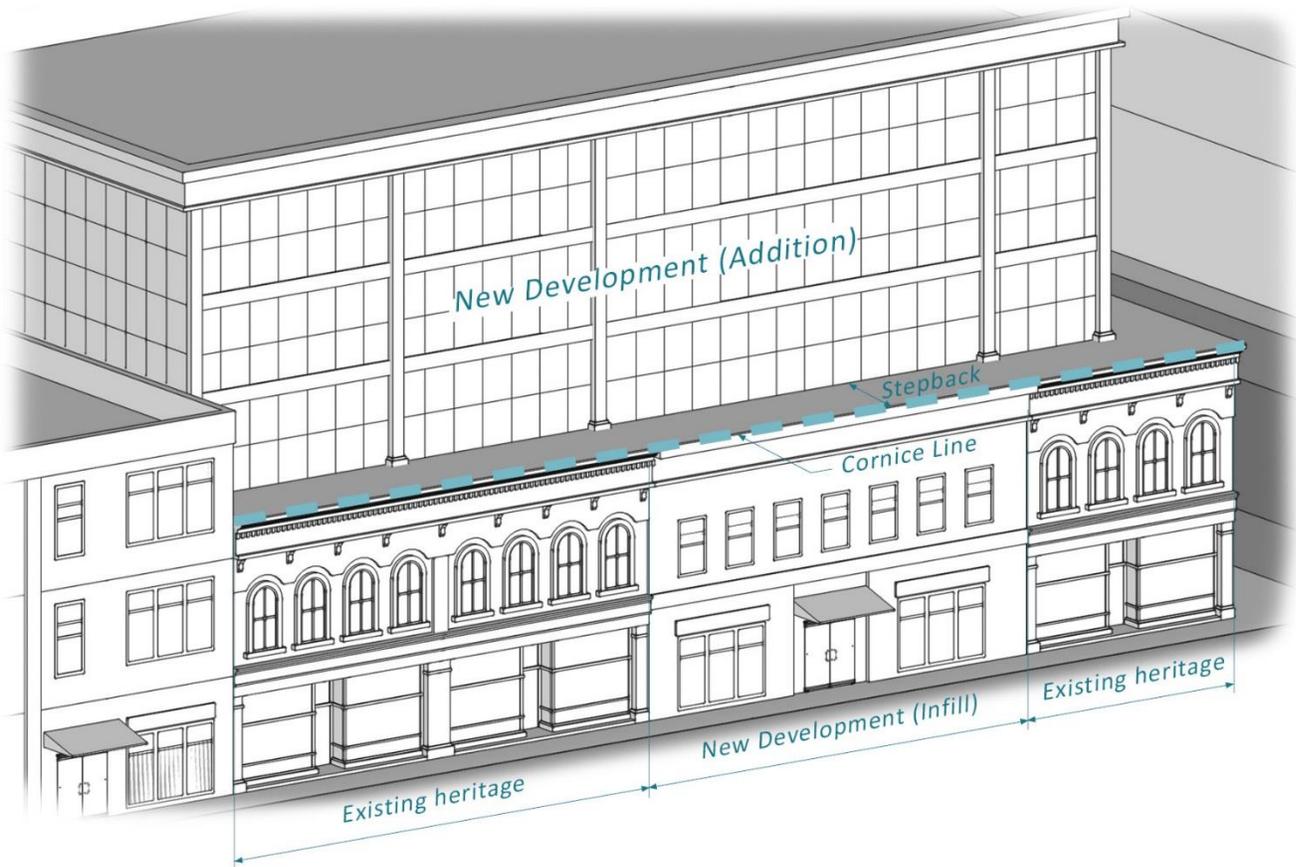


Diagram 14: Streetwall stepback for taller portions of new developments in a heritage context, as per Section 148

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).

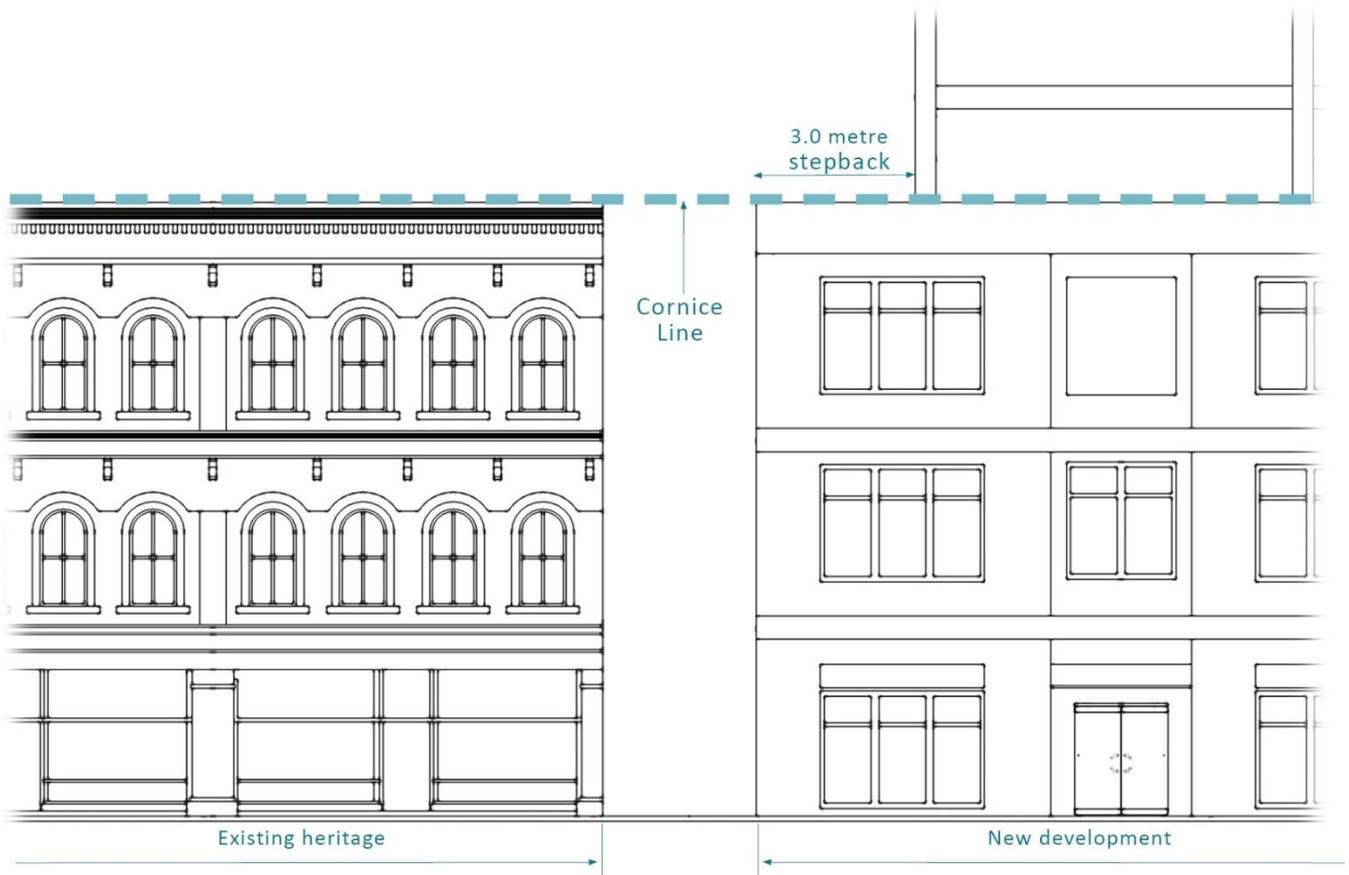


Diagram 15: Side wall stepback for taller portions of new detached buildings in a heritage context, as per Section 149

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).

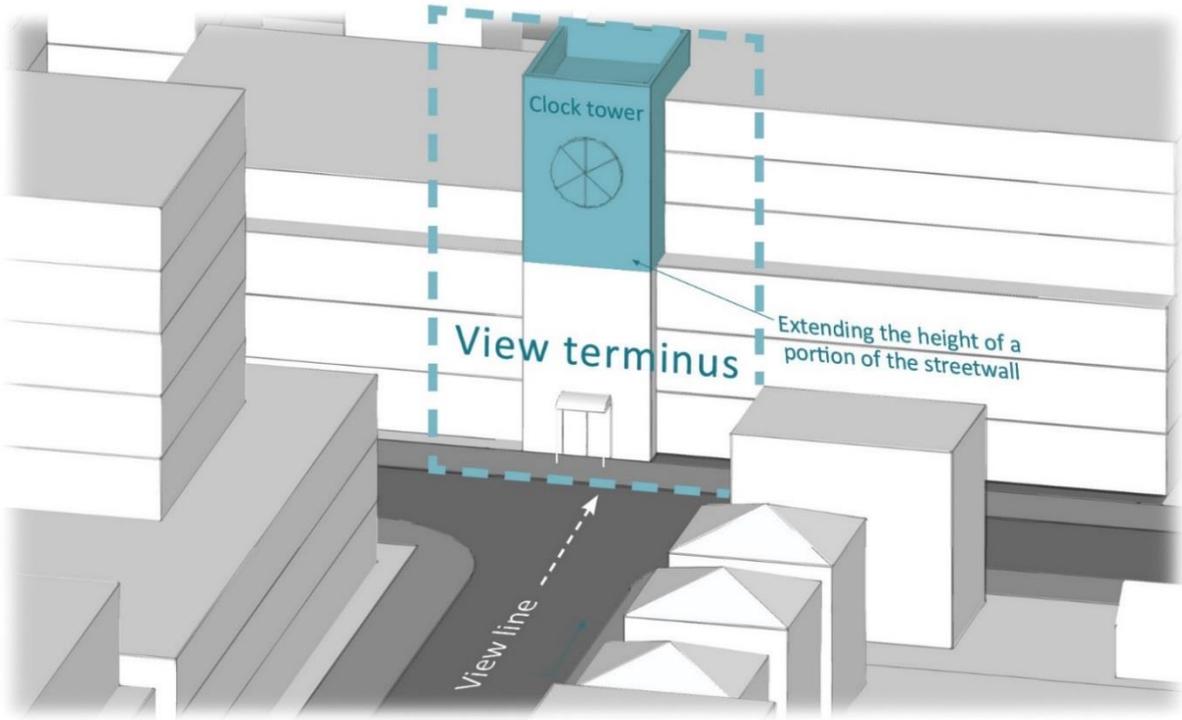


Diagram 16: Methods for view terminus site articulation, as per Clauses 155 (a) and (b)

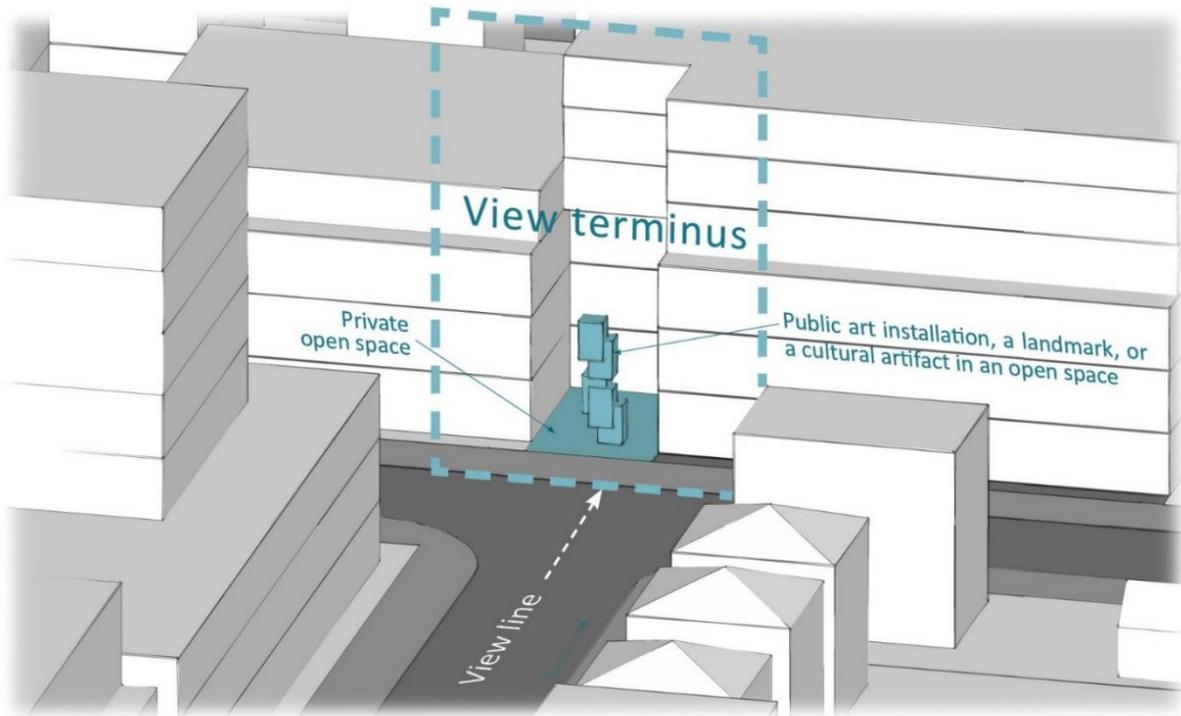


Diagram 17: Methods for view terminus site articulation, as per Clauses 155 (c) and (d)

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.

PART VI DESIGN CRITERIA CHECKLIST

An application for Level II and Level III site plan approval, or an application for Level I site plan approval that includes a registered heritage property or a building located in a heritage conservation district, shall include a design rationale that identifies how each specific design requirement contained in Part VI is:

- (a) either applicable or not applicable in the specific context of the application; and
- (b) if applicable, the manner in which it has been addressed by the design.

Please complete this checklist to satisfy this application requirement.

This checklist is intended to be used as a guide to Part VI of the Regional Centre Land Use Bylaw. Additional requirements and definitions can be found within the full document. The Regional Centre Land Use Bylaw can be found here:

<https://www.halifax.ca/about-halifax/regional-community-planning/community-plan-areas/regional-centre-plan-area>

*Please note that all diagrams referenced in this form can be found in Part VI of the Regional Centre Land Use Bylaw		
Part VI, Chapter 2: At-Grade Private Open Space Design Requirements		
Design Requirement: Contribution to Open Space Network		
<p>Section 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: (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.</p>	<p><input type="checkbox"/> Applicable <input checked="" type="checkbox"/> Not Applicable</p>	<p>Rationale:</p>
Design Requirement: At-Grade Private Open Spaces Abutting a Public Sidewalk		
<p>Section 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.</p>	<p><input type="checkbox"/> Applicable <input checked="" type="checkbox"/> Not Applicable</p>	<p>Rationale:</p>

Design Requirement: At-Grade Private Open Spaces – Medium Scale		
<p>Section 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.</p>	<p><input type="checkbox"/> Applicable <input checked="" type="checkbox"/> Not Applicable</p>	<p>Rationale:</p>
Design Requirement: Weather Protection for At-Grade Private Open Spaces – Medium Scale		
<p>Section 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</p>	<p><input type="checkbox"/> Applicable <input checked="" type="checkbox"/> Not Applicable</p>	<p>Rationale:</p>

Design Requirement: At-Grade Private Open Spaces – Large Scale		
<p>Section 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.</p>	<p><input type="checkbox"/> Applicable <input checked="" type="checkbox"/> Not Applicable</p>	<p>Rationale:</p>
Design Requirement: Existing Access to Public Open Spaces		
<p>Section 118 At-grade private open spaces shall maintain existing accesses to abutting public open spaces.</p>	<p><input type="checkbox"/> Applicable <input checked="" type="checkbox"/> Not Applicable</p>	<p>Rationale:</p>

Design Requirement: Privacy for Grade-Related Units		
<p>Section 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.</p>	<p><input type="checkbox"/> Applicable <input checked="" type="checkbox"/> Not Applicable</p>	<p>Rationale:</p>
Design Requirement: Walkways to be Hard-Surfaced		
<p>Section 120 Walkways within at-grade private open spaces shall be hard-surfaced, excluding asphalt</p>	<p><input type="checkbox"/> Applicable <input checked="" type="checkbox"/> Not Applicable</p>	<p>Rationale:</p>

Part VI, Chapter 3: Building Design Requirements		
Design Requirement: Streetwall Articulation		
<p>Section 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.</p>	<p><input type="checkbox"/> Applicable <input checked="" type="checkbox"/> Not Applicable</p>	Rationale:
Design Requirement: Articulation of Non-Streetwalls Fronting an At-Grade Private Open Space		
<p>Section 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.</p>	<p><input type="checkbox"/> Applicable <input checked="" type="checkbox"/> Not Applicable</p>	Rationale:
Design Requirement: Side Façade Articulation		
<p>Section 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).</p>	<p><input type="checkbox"/> Applicable <input checked="" type="checkbox"/> Not Applicable</p>	Rationale:

Design Requirement: Pedestrian Entrances Along Streetwalls		
<p>Section 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</p> <p>(2) Canopies or awnings shall not be used to meet the requirements of Subsection 124(1).</p>	<p><input checked="" type="checkbox"/> Applicable <input type="checkbox"/> Not Applicable</p>	<p>Rationale: Attached.</p>
Design Requirement: Pedestrian Entrances Along Non-Streetwalls Fronting an At-Grade Private Open Space		
<p>Section 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.</p>	<p><input type="checkbox"/> Applicable <input checked="" type="checkbox"/> Not Applicable</p>	<p>Rationale:</p>
Design Requirement: Number of Pedestrian Entrances Along Streetwalls		
<p>Section 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</p>	<p><input type="checkbox"/> Applicable <input checked="" type="checkbox"/> Not Applicable</p>	<p>Rationale:</p>

Design Requirement: Ground Floor Transparency – Commercial Uses		
<p>Section 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.</p>	<p><input type="checkbox"/> Applicable <input checked="" type="checkbox"/> Not Applicable</p>	<p>Rationale:</p>
Design Requirement: Ground Floor Transparency – Grade-Related Unit Uses		
<p>Section 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.</p>	<p><input checked="" type="checkbox"/> Applicable <input type="checkbox"/> Not Applicable</p>	<p>Rationale: Attached.</p>
Design Requirement: Access Ramps Along Streetwalls		
<p>Section 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.</p>	<p><input checked="" type="checkbox"/> Applicable <input type="checkbox"/> Not Applicable</p>	<p>Rationale: Attached.</p>

Design Requirement: Weather Protection		
<p>Section 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.</p> <p>(2) Subsection 131(1) shall not apply to the entrances of grade-related units</p>	<p><input checked="" type="checkbox"/> Applicable <input type="checkbox"/> Not Applicable</p>	<p>Rationale: Attached.</p>
Design Requirement: Exposed Foundations and Underground Parking Structures		
<p>Section 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.</p>	<p><input checked="" type="checkbox"/> Applicable <input type="checkbox"/> Not Applicable</p>	<p>Rationale: Attached.</p>
Design Requirement: Building Top Distinction		
<p>Section 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.</p> <p>(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><input checked="" type="checkbox"/> Applicable <input type="checkbox"/> Not Applicable</p>	<p>Rationale: Attached.</p>

Design Requirement: Penthouses		
<p>Section 133 Penthouses shall be visually integrated into the overall design of the building</p>	<p><input checked="" type="checkbox"/> Applicable <input type="checkbox"/> Not Applicable</p>	<p>Rationale: Attached.</p>
Design Requirement: Rooftop Mechanical Features		
<p>Section 134 Rooftop mechanical features shall be visually integrated into the design of the building and concealed from the public view at the streetline.</p>	<p><input checked="" type="checkbox"/> Applicable <input type="checkbox"/> Not Applicable</p>	<p>Rationale: Attached.</p>
Part VI, Chapter 4: Parking, Access, and Utilities Design Requirements		
Design Requirement: Pedestrian Connections		
<p>Section 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.</p>	<p><input checked="" type="checkbox"/> Applicable <input type="checkbox"/> Not Applicable</p>	<p>Rationale: a. one public street to another public street. Attached.</p>

Design Requirement: Pedestrian Connections Through Accessory Surface Parking Lots		
<p>Section 136 (1) Pedestrian connections within accessory surface parking lots shall be no less than 2.0 metres wide.</p> <p>(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.</p> <p>(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.</p> <p>(4) A pedestrian connection shall provide a direct route between parking areas, building entrances, and the nearest sidewalk.</p>	<input checked="" type="checkbox"/> Applicable <input type="checkbox"/> Not Applicable	<p>Rationale: 4. a pedestrian connection shall provide a direct route between parking areas, building entrances, & the nearest sidewalk. Attached.</p>
Design Requirement: Motor Vehicle and Service Accesses		
<p>Section 137 (1) Motor vehicle and service accesses in the streetwall shall be minimized by using the same colours or materials chosen for the streetwall.</p> <p>(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>	<input checked="" type="checkbox"/> Applicable <input type="checkbox"/> Not Applicable	<p>Rationale: Attached.</p>
Design Requirement: Parking Internal to a Building or Within a Parking Structure		
<p>Section 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.</p>	<input type="checkbox"/> Applicable <input checked="" type="checkbox"/> Not Applicable	<p>Rationale:</p>

Design Requirement: Visual Impact Mitigation for Utility and Mechanical Features		
<p>Section 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.</p>	<input checked="" type="checkbox"/> Applicable <input type="checkbox"/> Not Applicable	<p>Rationale: b. enclosing them within a projection or recess in the building. Attached.</p>
Design Requirement: Heat Pumps and Other Heating and Ventilation Equipment for Individual Units		
<p>Section 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.</p>	<input checked="" type="checkbox"/> Applicable <input type="checkbox"/> Not Applicable	<p>Rationale: b. enclosing them within a projection or recess in the building. Attached.</p>
Part VI, Chapter 5: Heritage Conservation Design Requirements		
Design Requirement: Conservation of Character-Defining Elements		
<p>Section 141 Character-defining elements of registered heritage buildings shall be conserved and remain unobstructed.</p>	<input type="checkbox"/> Applicable <input checked="" type="checkbox"/> Not Applicable	<p>Rationale:</p>

Design Requirement: New Windows and Doors		
<p>Section 142 New window and door openings on registered heritage buildings shall match established patterns (materials, design, detail, and dimensions).</p>	<p> <input type="checkbox"/> Applicable <input checked="" type="checkbox"/> Not Applicable </p>	<p>Rationale:</p>
Design Requirement: Preservation of Architectural Elements		
<p>Section 143 Architectural elements on registered heritage buildings shall be preserved, such as pilasters, columns, cornices, bays, and parapets.</p>	<p> <input type="checkbox"/> Applicable <input checked="" type="checkbox"/> Not Applicable </p>	<p>Rationale:</p>

Design Requirement: Use of Archival Evidence		
<p>Section 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.</p>	<p><input type="checkbox"/> Applicable <input checked="" type="checkbox"/> Not Applicable</p>	<p>Rationale:</p>
Design Requirement: Historic Building Façades		
<p>Section 145 Historic building façades on registered heritage buildings shall be retained and rehabilitated, or restored using traditional materials.</p>	<p><input type="checkbox"/> Applicable <input checked="" type="checkbox"/> Not Applicable</p>	<p>Rationale:</p>
Design Requirement: Materials		
<p>Section 146 Brick or masonry façades shall be maintained and restored on registered heritage buildings. The painting of brick or masonry façades is prohibited.</p>	<p><input type="checkbox"/> Applicable <input checked="" type="checkbox"/> Not Applicable</p>	<p>Rationale:</p>

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

<p>Section 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.</p>	<p><input type="checkbox"/> Applicable <input checked="" type="checkbox"/> Not Applicable</p>	<p>Rationale:</p>
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Design Requirement: Streetwall Stepback for Taller Portions of New Developments in a Heritage Context

<p>Section 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).</p>	<p><input type="checkbox"/> Applicable <input checked="" type="checkbox"/> Not Applicable</p>	<p>Rationale:</p>
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Design Requirement: Side Wall Stepback for Taller Portions of New Detached Buildings in a Heritage Context		
<p>Section 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).</p>	<p><input type="checkbox"/> Applicable <input checked="" type="checkbox"/> Not Applicable</p>	<p>Rationale:</p>
Design Requirement: Architectural Elements of Existing Heritage Buildings to be Used as a Reference in the Design of New Development in a Heritage Context		
<p>Section 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</p>	<p><input type="checkbox"/> Applicable <input checked="" type="checkbox"/> Not Applicable</p>	<p>Rationale:</p>
Design Requirement: Awnings and Canopies		
<p>Section 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</p>	<p><input type="checkbox"/> Applicable <input checked="" type="checkbox"/> Not Applicable</p>	<p>Rationale:</p>

<p>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>		
<p>Design Requirement: Lighting Hardware</p>		
<p>Section 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.</p>	<p><input type="checkbox"/> Applicable <input checked="" type="checkbox"/> Not Applicable</p>	<p>Rationale:</p>
<p>Design Requirement: Directing Lighting to Accentuate or Emphasize Architectural Features or Signage</p>		
<p>Section 153 Lighting shall be directed to accentuate or emphasize the architectural features of registered heritage buildings or their signage.</p>	<p><input type="checkbox"/> Applicable <input checked="" type="checkbox"/> Not Applicable</p>	<p>Rationale:</p>
<p>Part VI, Chapter 6: Other Design Requirements</p>		
<p>Design Requirement: General Lighting</p>		
<p>Section 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.</p>	<p><input checked="" type="checkbox"/> Applicable <input type="checkbox"/> Not Applicable</p>	<p>Rationale: Attached.</p>

Design Requirement: Emphasis of View Terminus Sites		
<p>Section 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).</p>	<p><input type="checkbox"/> Applicable <input checked="" type="checkbox"/> Not Applicable</p>	<p>Rationale:</p>
Design Requirement: Parking Areas, Accessory Surface Parking Lots, Off-Street Loading Spaces, and Site Utilities on View Terminus Sites		
<p>Section 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.</p>	<p><input type="checkbox"/> Applicable <input checked="" type="checkbox"/> Not Applicable</p>	<p>Rationale:</p>