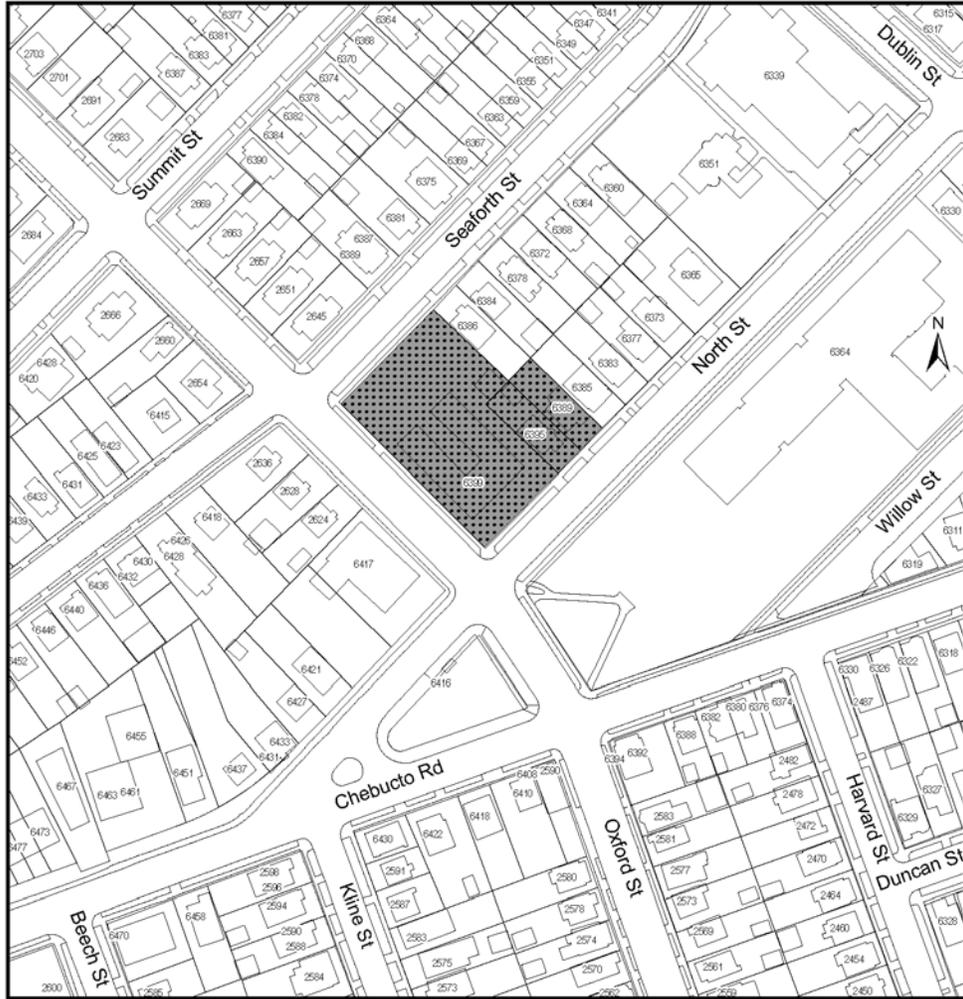


Case 23178: Appeal Hearing Level III Site Plan Approval 6399 North St., Halifax

Regional Centre Community Council

Location / Background



Zoning:

- Property is zoned COR (Corridor) under the Regional Centre Land Use Bylaw.

Existing Use:

- 6399 North St. has been used as a 45-unit residential building. 6395 and 6389 North Street contain a single unit dwelling and a two-unit dwelling, respectively.

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Proposed Building



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January 27, 2021

Proposed Building



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Development Approval Process

Site Plan Approval Process

✓ Pre-Application

✓ Public Information / Consultation

✓ Design Advisory Committee

✓ Full Level III Site Plan Approval

→ Appeal

Other Required Approvals

→ Provincial Residential Tenancy Regulations

→ Demolition Permit

Subdivision Process

Application to consolidate lots

Permit Process

Construction Permit Application (if all steps above successfully completed)

Review by Development Officer, Building Official, Engineer, Halifax Water

Public Benefit Contribution (Minimum 60% Affordable Housing)

Permit Issuance (If all steps above successfully completed)

✓ Completed

→ In Progress

Outstanding

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Public Engagement Meeting

- Meeting was held by developer, as required by the land use bylaw. Due to COVID-19, the meeting was held in a virtual format.
- Concerns raised at the meeting:
 - General questions about Centre Plan, and the changes that it has enabled in the neighbourhood.
 - Impact of construction on neighbourhood, including blasting
 - Design of the building does not reflect the neighbourhood character
 - Impact of increased traffic on Seaforth Street relating to pedestrian safety

Design Advisory Committee

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

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Site Plan Approval Criteria

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	Not Applicable

Appellant Comments

- 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.

Staff Response

- The land use by-law provides for height exempt features such as a mechanical penthouse. The proposal meets these requirements. No variation is required.

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Appellant Comments

- 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.

Staff Response

- Package B is currently a draft bylaw which is going through public engagement. It has no regulatory effect at this time, and staff can only consider the Package A Land Use By-law which has been approved by Council.

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Appellant Comments

- Part VI, Chapter 3 – Section 133. The Penthouse is not part of the allowed height. The diagram used does not align with the By-law.

Staff Response

- The By-law allows a penthouse to exceed the maximum building height by up to 4.5 metres for up to 30% of the rooftop. The mechanical penthouse meets these requirements.

Appellant Comments

- Part VI, Chapter 4 – Sections 135-136. Pedestrian Connections. There are three streets involved. There is no clarification on all connections, just an example.

Staff Response

- The bylaw does not require any pedestrian connections. However, any pedestrian connections that the developer chooses to provide must meet minimum requirements. There is one pedestrian connection on the site, and it meets the By-law requirements by adjoining a public sidewalk.

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Appellant Comments

- Part VI, Chapter 6 – Section 154(e). Lack of clarity on impacted street(s) relative to loading spaces.

Staff Response

- This section regulates lighting. All required parking and loading spaces will be located internal to the building. Therefore, the lighting of these spaces will not impact streets or adjacent properties.

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Appellant Comments

- 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.

Staff Response

- This section relates to a variation to reduce the required roof-edge setback of the penthouse. No variation has been requested or granted; the penthouse will meet the minimum roof edge setback of 3 metres.

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Appellant Comments

- 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. Suggest that the parking exiting this complex be placed on Oxford or North Street.

Staff Response

- Land Use By-law does not regulate the location of the driveway on the lot. This is regulated by By-law S-300, Respecting Streets. This By-law restricts driveways within 30 metres of a signalized intersection, and stipulates that a driveway shall be located on the street that carries the lesser amount of traffic.

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Recommendation

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

That the appeal be allowed.

Denial of the appeal motion would uphold the Development Officer's decision and result in approval of the site plan approval application. This is staff's recommended alternative.

Approval of the appeal motion would overturn the Development Officer's decision and result in refusal of the site plan approval application.

The logo for HALIFAX, featuring the word "HALIFAX" in a bold, blue, sans-serif font. The letters are spaced out, and the "H" and "A" are slightly larger than the other letters.

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Questions?