

# HALIFAX

## Public Hearing Case 22875

Development Agreement for 11 Canal  
Street, Dartmouth

Harbour East Marine Drive Community Council  
January 12, 2023

# Applicant Proposal

**Applicant:** WM Fares Architects

**Location:** 11 Canal Street,  
Dartmouth

**Proposal:** To construct a mixed-use multi-unit building



# Site Context



General Site location in Red

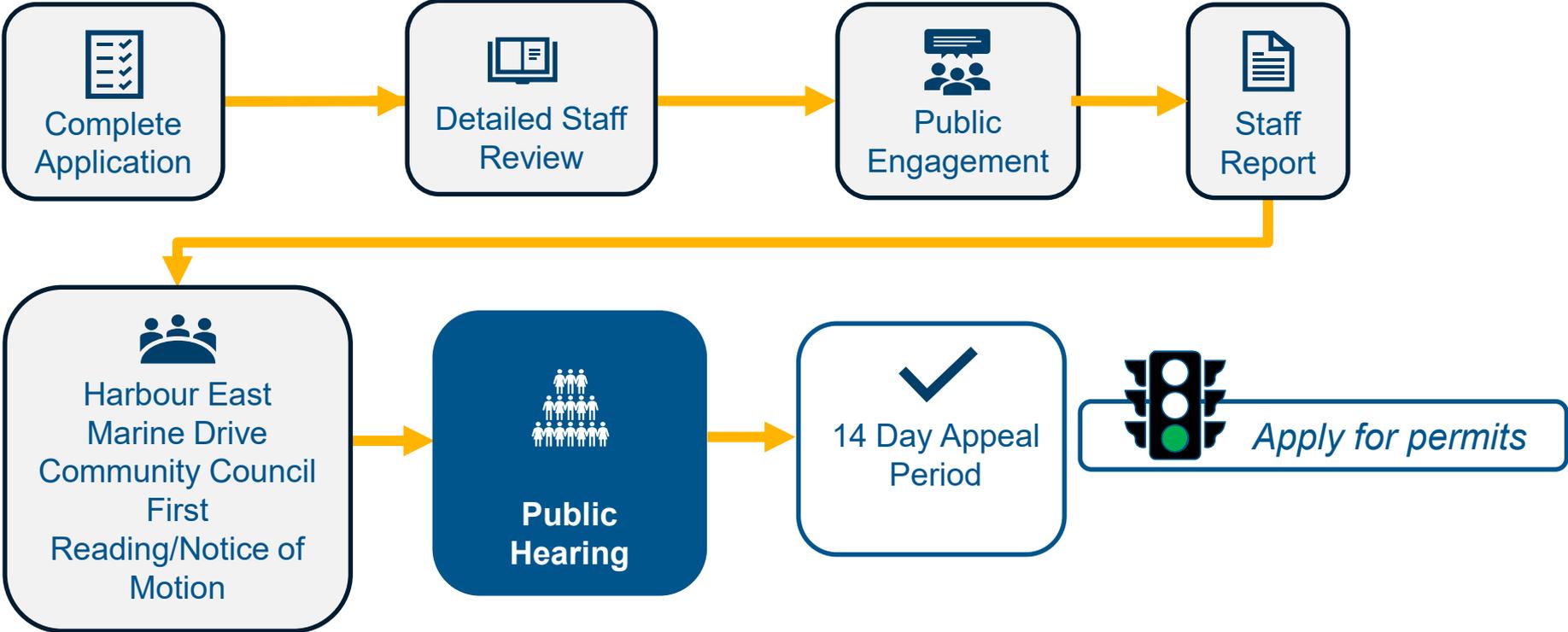


Site Boundaries in Red

# Site Context/Photos



# Planning Process



# Planning Policy Outline

## Regional Plan & Subdivision Bylaw

Guide where population growth and the investment of services like transit, piped water and sewer should occur

## Community Plan

Outlines where and how different types of development may occur. Particular uses may not be permitted in some areas, other uses may only be allowed by going to Council for approval and getting feedback from the community

## Land Use Bylaw (Zoning)

Specifies what can be approved without going to Council and seeking feedback from the public

# Policy & Bylaw Overview

## Regional Centre SMPS & LUB



Municipal Sewer and Water



Zone

Comprehensive Development District 2 (CDD-2)



Designation

Future Growth Node (FGN)



Existing Use

Vacant



Enabling Policy

Policies F-1, F-3, F-5, F-6, F-7, F-11 and IM-7

# Policy Consideration

## Regional Centre SMPS and LUB

The subject property is within the Dartmouth Cove Future Growth Node (FGN). Future Growth Nodes are lands which are identified as having potential to accommodate significant growth due to the site size, location, and proximity to municipal services.

Site specific development agreement criteria and a general built form concept for the Dartmouth Cove FGN was developed through the public consultation of the Centre Plan adoption process.

The policies seek to establish a new and appealing mixed-use neighbourhood with strong relationships to the waterfront, open spaces, trails, Downtown Dartmouth, and adjacent neighbourhoods.

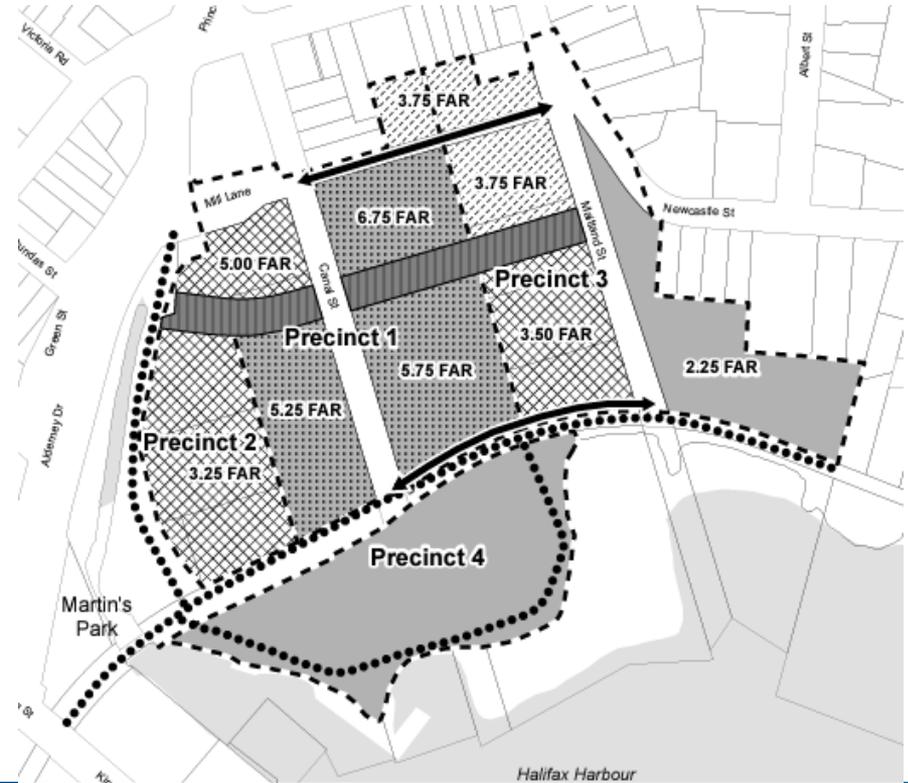
# Policy Consideration

## Regional Centre MPS and LUB

Map 13 of Regional Centre SMPS

Dartmouth Cove FGN Area

Established 4 Precincts, and the densities and max building forms for each.



# Development Agreements in the Regional Centre

Options for Development Agreement applications are limited under the Regional Centre SMPS and are largely established for FGNs, heritage properties, or unique situations (such as irregular shaped lots or commercial uses in established residential zones).

The evaluating policies for FGNs require that the sites adhere closely to the appropriate zones and sections of the LUB, with limited variations.

This has changed how site specific development agreements are written. We've shifted away from detailed building designs and instead direct the property to be developed under the appropriate zone of the LUB.

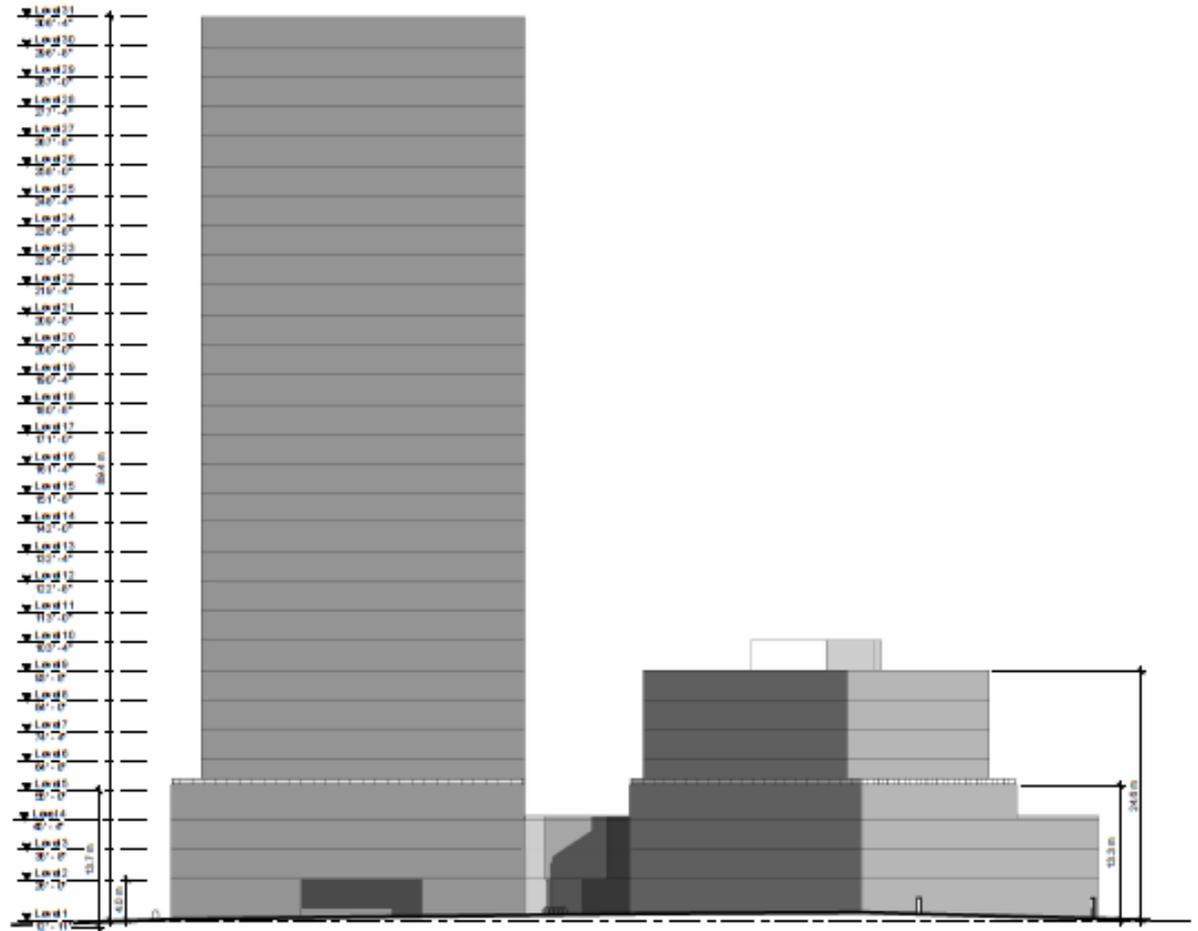
# Proposal

- Develop the property under the Centre- 2 (CEN-2) Zone of the LUB
- Maximum FAR (Floor Area Ratio) for the entire site of 5.7 (23,169.25 sq. m).
- Building form : Two residential towers, tall mid-rise (20m-26m) and high-rise (26m or taller) over one shared podium.
- Commercial ground floor facing Canal Street and Patuo'qn Street Extension Transportation Reserve (formally Dundas Street).
- Cohesive interaction with Martins Park and pedestrian-oriented uses facing the common property line.

# Proposal

Example of potential massing only.

Detailed design as per LUB (at permitting).



# Centre 2 (CEN-2) Zone

## Regional Centre LUB

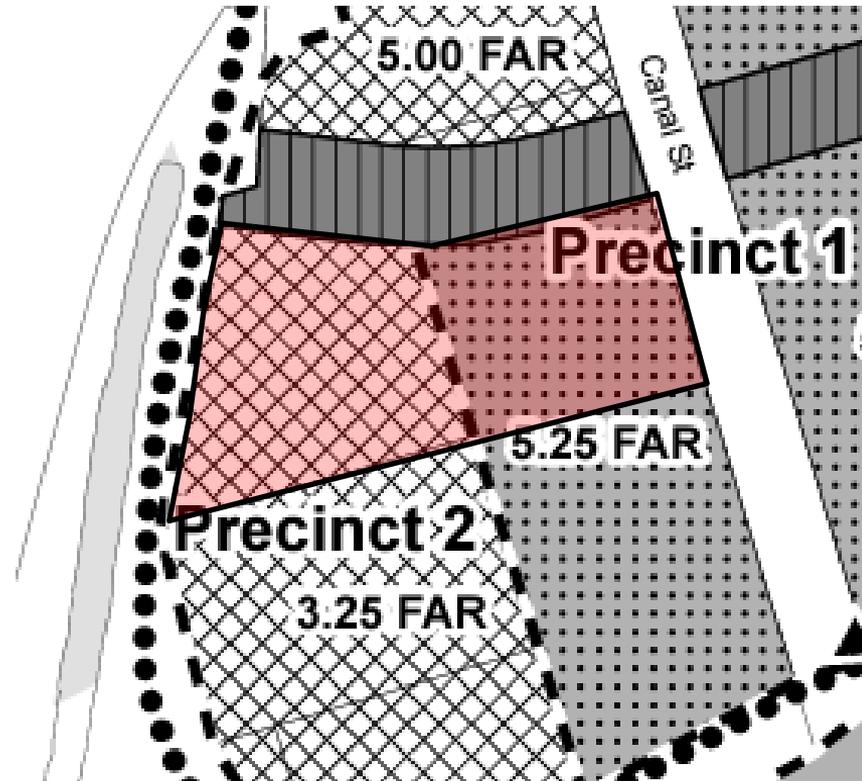
Regulation	Requirement
Max Bldg. Dimension	Podium - 64 m      Tower - 35 m Max 750 sq.m floor plate for high-rise
Maximum Lot Coverage	No requirement
Required Side Yard	Podium – 0 m Tower – 6 m
Required Rear Yard	Podium – 0 m, except 6 m facing Martins Park Tower – 12.5 m
Required Streetline Yard	1.5 m
Max Streetwall Height	11 m (~3 storeys)
Amenity Space	5 sq.m. per unit. 50% of amenity space to be indoors
Unit Mix	25% of units must be a min. two-bedroom units

# LUB Variations

**Floor Area** : This variation seeks to alter how maximum floor area is distributed on the site.

Map 13 of Regional Centre SMSP sets the maximum floor area for Dartmouth Cove. Site is split with 5.25 and 3.25 FAR.

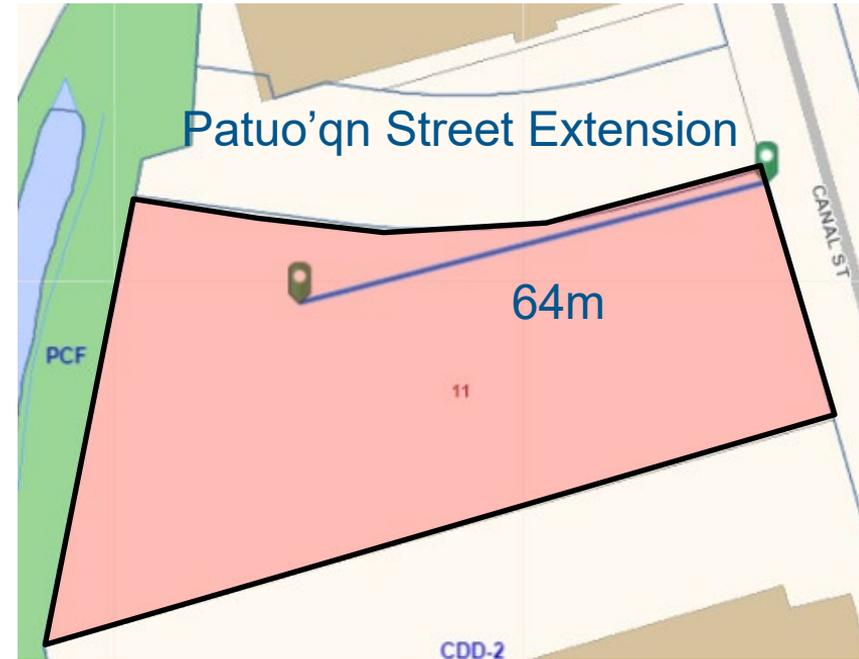
The LUB permits any portion of a lot acquired for right of way expansion to be used in FAR calculations.



# LUB Variations

**Maximum Building Dimensions:** This variation seeks to exceed the LUB max building dimension of 64 metres.

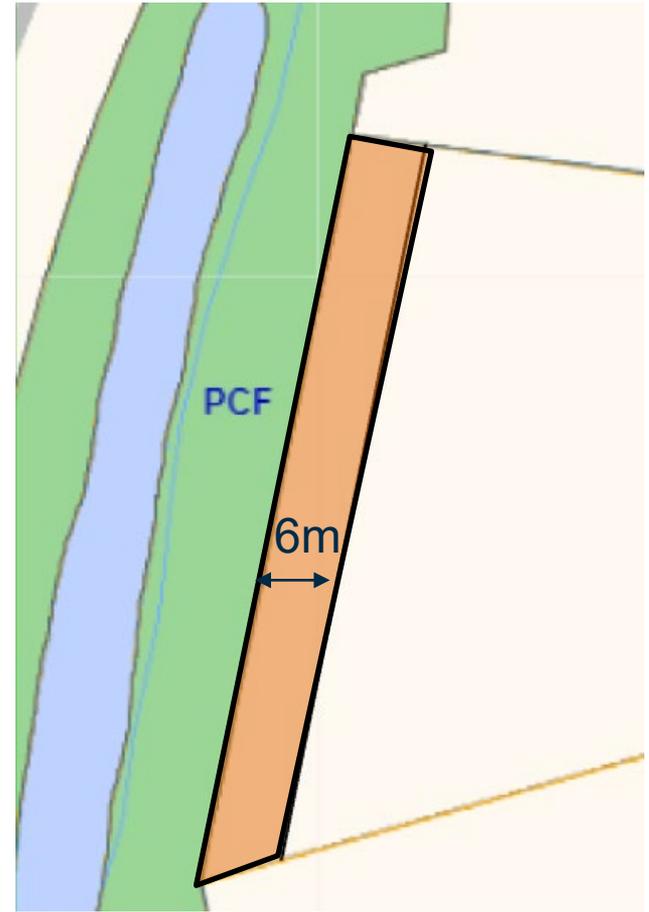
The variation is requested to provide a continuous streetwall along the Patuo'qn Street Extension and recognize the irregular lot shape due to the Transportation Reserve land acquisition.



# LUB Variations

**Setback facing Martins Park:** Current LUB regulations allow underground portions of the building to be located within 6 metres of Martins Park. This could result in an exposed foundation directly abutting Martins Park.

To avoid this and ensure a complementary interaction with Martins Park, a 6-metre setback both above and below ground is required



# LUB Variations

## Streetwall Stepback, Tower Side Yard Setback, and Balconies

Regulation	Regional Centre LUB Requirement	Proposed Requirement
Streetwall Stepback	4.5 metres (high-rise building)	3 metres (high-rise building)
Tower Side Yard Setback	6 metres (high-rise building)	4.5 metres (high-rise building)
Balconies	<p>Permitted to project if greater setbacks are provided.</p> <p>If balconies aggregate width exceeds 50% of build face than projections are removed.</p>	<p>Permitted to project with existing setbacks.</p> <p>Balcones exempt from aggregate width requirement.</p>

# Summary: Key Aspects of the Proposal

- Centre 2 (CEN-2) Zone applied to property
- Two residential towers, tall mid-rise (20m-26m) and high-rise (26m or taller) over one shared podium.
- Maximum FAR (Floor Area Ratio) for the entire site of 5.7 (23,169.25 sq. m).
- Commercial ground floor facing Canal Street and Patuo'qn Street Extension Transportation Reserve (formally Dundas Street).
- Cohesive interaction with Martins Park and pedestrian-oriented uses facing the common property line.
- Requires a density bonusing contribution as per the requirements of the Land Use By-law.

# Public Engagement Feedback

- Level of engagement completed was consultation achieved through information on the HRM website, signage at the site, and a mail out notification.
- Feedback from the community generally included the following:
  - The building heights are too tall and do not fit in with the existing neighbourhood
  - Not enough open space provided.

**Notifications  
Mailed**



**66**

**Individual Contacts  
(Phone Calls & Email)**



**5**

**Webpage Views**



**1,827**

# Non-Substantive Amendments

A 'Non-Substantive Amendment' is a change to the agreement which could be made without a formal Public Hearing.

As proposed, Non-Substantive Amendments within this agreement include the following:

- Changes to the grade requirements along the shared property line with Martins Park; and
- Extension to the dates of commencement and completion of development.

# Staff Recommendation

Staff recommend that Harbour East Marine Drive Community Council:

- Approve the proposed development agreement as set out in Attachment A of the staff report dated September 26, 2022

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## Thank You

**Dean MacDougall**



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