

42 Canal Street, Dartmouth NS

PID 00114330

Application Type: Development Agreement – Application to Apply the CEN-2 Zone to the Subject Property

Applicant: WM Fares Architects

Subject: Application for DA and Request for Proposed Zone Exemptions

ATTN Halifax Community Council,

Please consider the following as a request to enter into a Development Agreement to apply the CEN-2 Zone to the identified lands. As part of the request, site specific exemptions are required to permit the development of a 43 470m² mixed-use development that aligns with the policies and maps for Dartmouth Cove included in the SMPS. All drawings regarding this proposal are included in a separate package.

01 Current Location, Designation, and Zone of Subject Land

District: Dartmouth Cove

Location: 42 Canal Street, Dartmouth NS

Lot Size: 9 855sm

Designation: Future Growth Node

Zone: Comprehensive Development District 2

Context: The areas surrounding Dartmouth Cove contain a mixed variety of building types and uses that have recently undergone considerable changes to align with strategies outlined in the Regional Centre Secondary Municipal Planning Strategy. Residential neighbourhoods to the north and east are largely composed of semi-detached or single-family homes with a few low-rise apartment buildings scattered throughout the area. Several mid- and high-rise apartment buildings have been proposed or are currently under construction in the Dartmouth Cove area. The Downtown Business District to the west of the site contains mostly mid-rise commercial development in addition to some high-rise development, mainly consisting of office or institutional uses. A residential tower on the corner of Portland and Dundas Streets and the Kings Wharf development are also located within the proposals' immediate context.

02 Enabling Policies

Policy F-1

The LUB shall establish two zones that permit new large-scale developments only by development agreement, in accordance with Policy F-6. The zones shall permit limited land uses and development opportunities without a development agreement and through the as-of-right process, as follows:

- a) The Comprehensive Development District 2 (CDD-2) Zone shall be applied to sites that are intended to be developed into large-scale mixed-use communities. In this zone, the only developments permitted without a development agreement shall be limited to commercial uses and institutional uses (RC-Jul 12/22;E-Aug 22/22) permitted in the CEN-2 Zone, and any new building or an addition to an existing building shall be:
 - i) limited to a maximum floor area of 1,000 square metres and a maximum building height, as shown on Map 4, and
 - ii) located on a lot in existence at the time of the adoption of this Plan; and

Policy F-5

Council may only consider development agreement applications for the development of a Future Growth Node when Site-Specific CDD policies have been adopted in this Plan.

Policy F-6

Subject to Policy F-5, in considering a development agreement for any lands zoned CDD-2 and CDD-1, Council shall consider the following:

- a) the applicable Site-Specific CDD Requirements set out in Section 2.9.1 of this Plan;
- b) all applicable policies of the Regional Plan and of this Plan;
- c) the subdivision of land;
- d) the phasing of development;
- e) the proposed development's road and walkway network, and the location of transit facilities;
- f) the adequacy of public parks, open spaces and community facilities that meet the objectives of this Plan and the requirements of the Regional Subdivision By-law;
- g) the built form and land use requirements applied to the site through references to appropriate zones and sections of the Land Use By-law, including site plan approval provisions, with limited site-specific adjustments to meet the applicable Site-Specific CDD Requirements set out in Section 2.9.1 of this Plan;
- h) the identification of Pedestrian-Oriented Commercial Street, View Corridor, and View Terminus Sites;
- i) provisions to comply with the Pedestrian Wind Impact Assessment Protocol and Performance Standards, and the Shadow Impact Assessment Protocol and Performance Standards of the LUB;
- j) provisions for incentive or bonus zoning, consistent with Part 9 of this Plan and the method for calculating bonus zoning values set out in the Land Use By-law;
- k) impacts to Municipal infrastructure and the need, if any, to concurrently approve by-laws to pay for growth related municipal infrastructure;
- l) the distribution of densities intended for the Node, between development blocks, phases and owners;
- m) provisions to enable discharging the agreement when all terms and obligations are fulfilled; and
- n) the general development agreement criteria set out in Policy IM-7 in Part 9 of this Plan.

Policy IM-7

In considering proposals to amend the Land Use By-law, amend the zoning boundaries, or enter into development agreements, Council shall consider that:

- a) the proposal is consistent with the Vision, Core Concepts, Urban Design Goals, and all applicable objectives and policies set out in the Regional Plan and this Plan;
- b) the proposal is appropriate and not premature by reason of:
 - i) the financial capacity of the Municipality to absorb any costs relating to the development,
 - ii) the adequacy of municipal wastewater facilities, stormwater, or water distribution systems,
 - iii) the proximity of the proposed development to schools, parks, and community facilities, and the capability of these services to absorb any additional demands,
 - iv) the adequacy of transportation infrastructure for pedestrians, cyclists, public transit and vehicles for travel to and within the development, and
 - v) the impact on registered heritage buildings, streetscapes, and conservation districts;
- c) the subject lands are suitable for development in terms of the steepness of grades, soil and geological conditions, locations of watercourses, wetlands, and susceptibility to flooding;
- d) that development regulations in the proposed rezoning or development agreement will adequately mitigate potential conflict between the proposed development and nearby land uses, by reason of:
 - i) type of use(s),
 - ii) built form of the proposed building(s),
 - iii) impacts on adjacent uses, including compatibility with adjacent residential neighbourhoods, parks, community facilities, and railway operations,
 - iv) traffic generation, safe access to and egress from the site, and parking,
 - v) open storage and signage, and
 - vi) impacts of lighting, noise, fumes and other emissions.

03 Proposal

The Development Agreement and attached Schedules will serve to enforce the above policies and implement the appropriate development controls. As permitted by the Regional Centre Secondary Municipal Strategy, the CEN-2 Zone will be applied to the subject property; the proposal will follow all form-based requirements of the CEN-2 Zone – aside from those mentioned below – and design requirements of the Regional Centre Land Use By-Law. By applying the CEN-2 Zone to the subject site, all applicable by-laws governing development within CEN-2 Zoned properties will be enforced. The CEN-2 Zone, its permitted uses, and built-form requirements, align with the policies in the Regional Centre Secondary Municipal Planning Strategy and the Land Use By-Law maps pertaining to the Dartmouth Cove area. The zone provides the flexibility to achieve the intentions set out for the area and contribute to the success of Dartmouth Cove by promoting the visions established in various planning exercises.

04 Requested Exemption

Map 13 of the Regional Centre Secondary Municipal Planning Strategy identifies the subject site as having two (2) proposed FAR values and two (2) proposed height limits. A Floor Area Ratio of 6.75 and building type identified as Mixed-Use High-Rise have been designated for the portion of the property abutting Canal Street; a Floor Area Ratio of 3.75 and building type identified as Mixed-Use Mid-Rise have been designated for the portion of the subject property abutting Maitland Street. As defined in the RCLUB, High-Rise means a main building that exceeds a height of 26.0m above average finished grade while Mid-Rise is defined as a main building that is greater than 11.0 metres but no more than 20.0 metres in height; rooftop features outlined in Table 8 are not subject to maximum heights.

As part of the proposed application to apply the CEN-2 Zone to the subject property, we are requesting an exemption to the proposed maximum height of the **Mid-Rise** portion of the site to allow a main building in this area to have a maximum height of 23.0m as opposed to the 20.0m used in the RCLUB. The request for a slight increase in maximum building height is a result of unique site conditions with such a large site and grades that will be impacted by changes in the Dartmouth Cove Area.

Thank you for your consideration of our proposal and we look forward to receiving your comments.
Please do not hesitate to reach out with any questions or to request further information.

Regards,

John Dib

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