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Paul Sampson  
Planner II – Urban Enabled Applications  
Planning & Development | Current Planning  
40 Alderney Drive  
Halifax, NS B3J 3A5

**Re: Application for Municipal Planning Strategy Amendment, 3514 Joseph Howe Drive, Halifax, NS (PID: 00181552)**

Dear Paul:

On behalf of our client, BANC Investments Ltd. (Banc), ZZap Consulting Inc. (ZZap) is pleased to submit a Municipal Planning Strategy (MPS) amendment application for a mixed-use development located within the Dutch Village Road Plan Area at 3514 Joseph Howe Drive (PID: 00181552). To support this application submission, the following materials are included as appendices:

- Completed Planning Application Form
- Appendix A: Amendment Request
- Appendix B: Architectural Plans, Site Plan & Landscape Plans
- Appendix C: Design Description
- Appendix D: Shadow Study
- Appendix E: Traffic Impact Statement
- Appendix F: Survey & Legal Description
- Appendix G: Site Servicing Plans

## 1.0 Site Description and Location

The subject site is located within the Dutch Village Road Secondary Plan Area and has direct frontage on Joseph Howe Drive. The site consists of one parcel, PID: 00181552, and has a total area of approximately 100,160 ft.<sup>2</sup>.

The site is designated 'Commercial' within the Halifax Municipal Planning Strategy and is zoned C-2C (Dutch Village Road Mixed Use) within the Halifax Mainland Land Use By-law (LUB). The site is also located within 'Area A' on Map ZM-28 of the Dutch Village Road Plan Area (see Figure 1). Highrise buildings can be considered on properties located within Area A through a Development Agreement (DA) process in accordance with criteria contained within Policies 2A.7 and 2A.7.1 of the MPS.

## 2.0 Summary of Development Proposal

Banc is seeking to develop a new mixed-use residential and commercial building on the subject site reaching a height of 12 habitable storeys, plus a non-habitable penthouse. The design of the new building, as illustrated in Appendix B, provides for a total of 324 residential apartment units in addition to approximately 23,000 ft.<sup>2</sup> of commercial retail space at ground level, facing Joseph Howe Drive. The proposed development includes two separate driveways off Joseph Howe Drive, providing access to approximately between 350 and 360 underground parking spaces and 50 surface parking spaces located within the site.

The design of the building can be separated into three major components: the base, the middle and the top. The base consists of ground level retail designed to engage with the existing pedestrian commercial corridor. The ground level includes integrated signage, glazing with a mix of non-glazed architectural units, prominent protected and covered entries and street level landscaping to support a vibrant pedestrian environment. The middle consists of a four-storey residential podium that sits on top of the ground level retail, forming a 5-storey streetwall that is vertically articulated and continually differentiated by randomized protrusions and recesses. The top consists of two 7 storey towers. The two towers each have a floorplate of 625 m<sup>2</sup>, are separated by 25m and are set back from rear and side lot lines by a minimum of 12.5m to mitigate potential impacts on adjacent properties.

### 3.0 Background

In 2016, HRM Regional Council approved the 'Plan Dutch Village Road'. This plan included various amendments to the Halifax MPS and Halifax Mainland LUB to establish comprehensive planning framework enabling additional commercial and residential developments on lands located within Dutch Village Road and neighbouring areas. The Dutch Village Road 'plan area' is divided into four sub-areas (see Figure 1).

The subject property is located within Sub Area A, which has been identified in planning policy as an appropriate area for well designed, context sensitive high-rise development. The intent of the Dutch Village Road Plan, particularly for Area A, is to allow 8 storey buildings (25.5 m) as-of-right and 12 storey buildings (37.5 m) through a DA process. The intent is also to allow a maximum 5 storey podium through a DA, which is outlined on Page 5 of the staff report (dated June 28, 2016) for Plan Dutch Village Road that was presented to council.

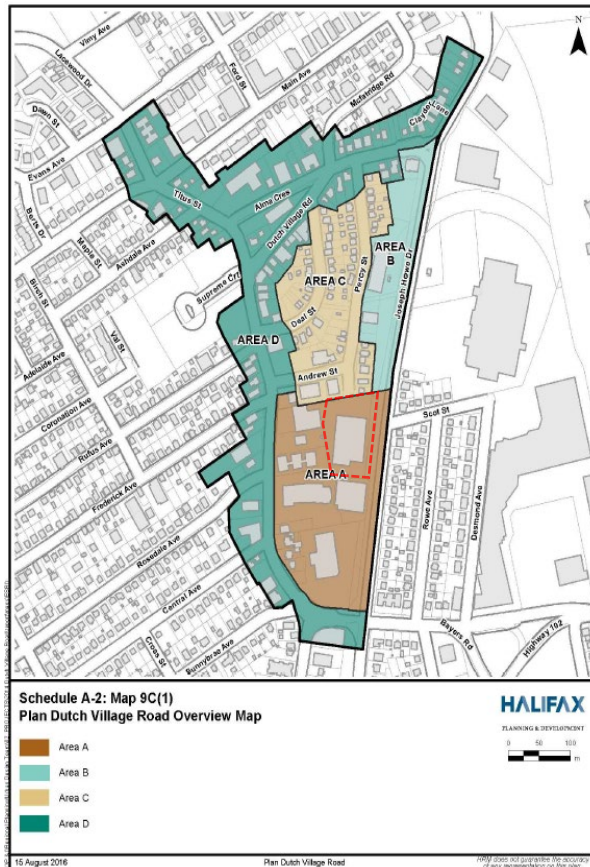


Figure 1: Plan Dutch Village Road Overview Map

In 2018, Banc submitted an application to HRM Planning & Development requesting their development proposal be enabled on the subject site through a DA (subject to approval from Halifax and West Community Council). The design of Banc's proposed mixed-use residential and commercial was generally guided by Policies 2A.7 and 2A.7.1 of the MPS. Following Banc's application submission in 2018, several meetings were held with planning and development staff to discuss the application materials in relation to applicable planning policies. Through these meetings and discussions, staff determined that the application could not be considered under existing planning policy for two primary reasons:

1. The building design includes non-habitable penthouses at the top of the two residential towers that exceeds the maximum height limit of 37.5m outlined in Policy 2A.7(a) of the MPS.
2. The 5-storey podium slightly exceeds the maximum podium height requirement of 16.5m outlined in Policy 2A.7(b) of the MPS based on the way streetwall height (podium height) is measured relative to streetline grade as defined in the LUB.

Once staff had made this determination, additional meetings were held where Banc and their consultants presented a potential resolution to enable the proposed

development through an amendment to the LUB. Our proposed LUB amendments included:

1. Inserting a clause into the C-2C (Dutch Village Road Mixed-Use) zone that exempts certain non-habitable building features (i.e. chimneys, staircase enclosure, radio poles, water tanks, elevator enclosures, or mechanical penthouses) from the maximum height limit. We proposed that such features would be limited to occupying in the aggregate less than 30 percent of the area of the roof of the building on which they are located, as well as be setback from the perimeter of the roofline or incorporated as an integral part of the building design.
2. Inserting another clause into the C-2C (Dutch Village Road Mixed-Use) zone stating that maximum streetwall heights specified in Area A of Map ZM-28 in the LUB shall be 5 stories measured to the top of the podium roof, excluding any parapets, chattels for rooftop landscape elements or mechanical elements.

Staff reviewed our proposed LUB amendments and determined that an MPS amendment is required in order to accommodate additional height on the site, and to allow for the non-habitable penthouses and podium form as proposed. Staff's opinion was that given Council's understanding of how height was to be measured when approved the plan in 2016, and considering their intent to remain consistent within the by-law in the way height is measured, that a change to the planning policy is required for this case.

#### **4.0 Application Request**

As a result of meetings and discussions with Planning & Development Staff described above, this application is requesting to amend Policy 2A.7(a) of the MPS by referencing a maximum building height of 12 storeys and allowing for the inclusion of a non-habitable penthouse. This application is also requesting to amend Policy 2A.7(b) of the MPS by increasing the maximum podium height beyond 16.5m to allow for a constructible 5-storey podium form on the subject site. Please refer to Appendix B, which outlines our specific amendment request.

#### **5.0 Rationale for Application Request**

The proposed amendments to the MPS enable a development scenario on the subject property through policies that are more consistent with HRM's most recent planning frameworks for urban areas within the region (i.e. draft Centre Plan, Downtown Halifax Plan & Downtown Dartmouth) and are also more reflective of the basic needs of modern mixed-use buildings. Our proposed marginal height limit increases and exclusion of non-habitable penthouse features and architectural features associated with the podium are in keeping provisions in the Downtown Halifax LUB and proposed provisions in draft CentePlan Package A. Therefore, the proposed amendments will create greater simplification and consistency amongst the different by-laws that regulate more urban plan areas within the municipality.

## Alignment with Regional Municipal Planning Strategy

The Dutch Village Road plan was created with guidance from HRM's Regional Municipal Planning Strategy (RMPS) policies. The RMPS chapter on settlement and housing includes objectives that focus new growth in centres where supporting services and infrastructure are already available. The objectives also aim to design communities that support complete neighbourhoods (mixed-use, diverse, affordable, accessible) and neighbourhood revitalization.

The Dutch Village Road plan includes policies and regulations that support the revitalization of this neighbourhood into a complete urban neighbourhood that is envisioned by the RMPS. A neighbourhood that has immediate access to supporting public services and infrastructure (i.e. transit, parks and trails, municipal water, municipal sanitary). Banc is in general support of the Dutch Village Road plan and its overall intent; however, it has been determined through the implementation of applicable planning policies for large-scale mixed-use developments that there is not adequate flexibility to accommodate complex modern buildings. The proposed MPS amendments request minor changes to planning policy in order to provide adequate flexibility to accommodate larger scale, complex new developments. Therefore, we believe that the proposed amendments are still in alignment with the RMPS.

## Why current SMPS policy is no longer appropriate

It is our understanding that the intent of the Dutch Village Road Plan, particular to Area A through the inclusion of Policy 2A.7, is to allow 8 storey buildings (25.5 m) as-of-right and 12 storey buildings (37.5 m) through a DA process. The intent is also to allow a maximum 5 storey podium on Joseph Howe Drive through a DA process.

Banc is in support of this general intent of the MPS policies as written, however it has become evident that the policies do not include enough flexibility to account for large scale, modern mixed-use buildings that have complex functional elements. Larger scale modern buildings have an inherent demand for larger scale mechanical and other functional building elements. This inherent demand is contemplated in HRM's most recent planning frameworks for urban areas within the region (i.e. draft Centre Plan, Downtown Halifax Plan & Downtown Dartmouth Plan), however it is not contemplated in the Dutch Village Road Planning policies. Policy 2A.7 includes specific maximum height measurements for both the podium (16.5m) and the overall building (37.5m). Although in theory these measurements can accommodate a 12-storey building with a 5-storey podium, in practicality, such building forms are difficult to achieve due to site specifics (i.e. grades, access) combined with the method in which building height and podium height are measured. This is particularly evident for this project due to the following:

- A gradual slope is required between the building and the streetline to facilitate water drainage off the site. Therefore, the grade of the first floor of the building is inevitably higher than the streetline grade from which the streetwall height (podium height) is measured.
- The proposed development has site servicing needs that require large scale trucks to access the site for deliveries to the rear where parking is required in accordance with Policy 2A.7(f). The site also fronts on Joseph Howe Drive, which is a busy traffic corridor. This servicing requirement, combined with the constraint of fronting on a busy traffic corridor, forces the ground floor of the building to have a higher floor-to-floor height than what otherwise may be required. The higher ground floor is required in order to accommodate portals for safe truck access into and out of the site, getting trucks off the busy Joseph Howe Drive corridor when deliveries are occurring. A soffit with insulation will be required at ceiling of the portals as well in order to meet national building code standards as residential living space is proposed to be located above the access portals. All these factors force both the podium height and overall building height to be higher, but not the number of stories.
- The complexity of the architectural rhythm of the streetwall in order to meet Policies 2A.7.1 (d) & (f) results in higher floor to floor slab heights to accommodate internal building systems, thus slightly increasing the overall height of the streetwall (podium), but not the number of storeys.

Due to gradual sloping conditions on the subject property, combined with the functional requirement for the building to be slightly setback from the busy Joseph Howe Drive to accommodate safe access and egress, a 5-storey form is not achievable within a 16.5m height limitation when combined with the method of measuring streetwall height based on streetline grade.

We believe that the limitations described above may likely be applicable to other sites and future developments within Sub Area A of the Dutch Village Road that Policy 2A.7 of the MPS can also be applied to. Therefore, our proposed amendments to the MPS aim to align with the intent of the existing policy by still limiting the overall form of buildings to a maximum of 12 storeys for overall building height and 5 storeys for overall podium height, however also including additional flexibility to accommodate more complex modern buildings and respond to specific site constraints.

#### Impact on local community and broader region

The proposed MPS amendments will only impact future developments within Sub Area A of the Dutch Village Road plan because it is the only area that Policy 2A.7 of the MPS can be applied to. If the proposed amendments were to be approved by HRM Regional Council, the impact would be the allowance of a non-habitable penthouse on top of a 12-storey form, as well as a 2m increase in podium height for future developments within Sub Area A. The remainder of the Dutch Village Road Plan area and the Halifax Mainland Plan Area would be unaffected. We believe that the proposed amendments will provide adequate flexibility to enable complex new construction within Area A that is aligned with the general intent for development in this area when the Dutch Village Road plan was contemplated by the local community

and Regional Council back in 2016. The amendments will have a minimal impact on local community and the broader region as they are minor in nature and are limited to a small geographical area.

## **6.0 Conclusion**

We trust that the enclosed materials satisfy the application requirements, and we look forward to working with Staff, the public and Council throughout the application process. Should you have any questions, comments or concerns with regards to this application, please do not hesitate to contact the undersigned.

Sincerely,

### **Original Signed**

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