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Item No. 9.1.4
Design Review Committee
March 11, 2021

TO: Chair and Members of Design Review Committee

SUBMITTED BY: - Original Signed -

Kelly Denty, Executive Director of Planning and Development

DATE: February 18, 2021

SUBJECT: **Case 20374: Substantive Site Plan Approval – Change to Post-Bonus Height Public Benefit, 1452 Brenton Street, Halifax**

ORIGIN

- July 7, 2016 HRM Design Review Committee recommendation that the Development Officer accept public art as the post-bonus height public benefit for the substantive site plan approval application for the mixed-use development at 1452 Brenton Street, Halifax; and
- Construction Permit Application No. 165823

LEGISLATIVE AUTHORITY

- *Halifax Regional Municipality Charter*, Part VIII, Planning and Development
- *Downtown Halifax Land Use By-Law*

RECOMMENDATION

It is recommended that Development Officer accept undergrounding of overhead electrical and communication distribution systems as the post bonus height public benefit category for the development at 1452 Brenton Street, Halifax.

BACKGROUND

An application for substantive site plan approval for a mixed-use development located at the corner of Brenton Place and Brenton Street was approved on July 7, 2016 by the HRM Design Review Committee (DRC). The major elements of the proposal include:

- Overall height of 16 storeys plus a 1-unit penthouse on the top floor;
- A total of 161 residential units;
- Commercial floor space at street level with pedestrian access points along each street and separate residential lobby area;
- Two underground parking levels containing 92 vehicular parking spaces in addition to bicycle parking, with driveway access from Brenton Place;
- Landscaped areas abutting sidewalks at grade, to the rear of the building, on residential terraces, and on rooftop levels (penthouse level and communal amenity space on level 12); and
- Exterior cladding materials which include glass window wall and curtain wall systems, high-pressure laminate (HPL) panels (glossy and matte finishes), aluminum frames, glass/ metal canopy and glass balconies with metal railings. The side and rear elevations will also incorporate brick/ stone veneer or ceramic tile.

At the July 7, 2016, the DRC passed the following motion relative to this development:

MOVED by Mr. Crace, seconded by Mr. LeBlanc that the Design Review Committee:

1. *Approve the qualitative elements of the substantive site plan approval application for the mixed-use development at 5673-5681 Brenton Place and 1448-1468 Brenton Street, Halifax, as shown on Attachment A*
2. *Approve the requested variance to the streetwall height, maximum tower width and Land Use at Grade (ground-floor height), as shown in Attachment A, B, and C*
3. *Accept the findings of the qualitative Pedestrian Wind Assessment, as contained in Attachment D, and*
4. *Recommend that the Development Officer accept public art as the post-bonus height public benefit for the development.*

MOTION PUT AND PASSED

Role of Design Review Committee, Development Officer & Council

In accordance with clause 4(13)(c) of the Downtown Halifax Land Use By-law (LUB), the DRC is responsible to provide the Development Officer with advice on matters pertaining to bonus zoning in relation to substantive site plan approvals. The DRC's advice is provided in the form of a recommendation to the Development Officer on the public benefit category based on the applicant's proposal and in compliance with a list of approved categories set out in the LUB.

The Development Officer is responsible for determining if a proposal meets the land use and built form requirements of the LUB. Subsection 12(9) of the LUB requires that prior to the issuance of a development permit requiring a public benefit, the developer must enter into an agreement with the Municipality to specify the terms and conditions by which the public benefit is to be provided.

Regional Council authorized the Mayor and Clerk to enter in to the required Post Bonus Height Agreement on September 11, 2018. That agreement was based on public art being the approved public benefit category and was not executed. The Construction Permit (#165823) was then issued for the project.

DISCUSSION

The LUB requires developments that exceed the maximum pre-bonus height provide a public benefit as part of the project. The developer initially proposed the public benefit contribution be in form of public art. The DRC recommended that the Development Officer accept the public benefit as proposed. Regional Council subsequently approved an incentive or bonus zoning agreement based on that approval but the agreement was not executed. The developer has since submitted a new request to underground electrical and communication distribution systems as outlined in Attachment A of this report. Undergrounding of infrastructure is a category of public benefit that is available as set out in the LUB.

Public Benefit Details

The LUB lists the required public benefit categories and establishes a method of calculating the value of the proposed public benefit based on \$4.47 for every 0.1 square metres of gross floor area created by extending above the pre- bonus height.

The maximum pre-bonus height for this proposal is 39 metres while the post-bonus height is 49 metres. The gross floor area to be gained is approximately 1,490 square metres. This equates to a minimum required public benefit contribution of \$66,603.

The cost of providing underground electrical and telecommunication infrastructure for this project is valued at \$414,453. Accordingly, it is recommended that the Design Review Committee recommend that the Development Officer accept the revised public benefit contribution as outlined in this report.

FINANCIAL IMPLICATIONS

The HRM costs associated with processing this application can be accommodated within the approved operating budget for C420 Land Development & Subdivision.

RISK CONSIDERATION

There are no risks associated with the recommendation contained within this report.

COMMUNITY ENGAGEMENT

Community Engagement as described by the Community Engagement Strategy is not applicable to the public benefit contribution component of the site plan approval process.

ENVIRONMENTAL IMPLICATIONS

None identified.

ALTERNATIVES

1. The Design Review Committee may choose to recommend an alternative post bonus height public benefit category. This may necessitate further submissions by the applicant, as well as a supplementary report from staff. This is not the staff recommendation.

ATTACHMENTS

Attachment A Proposed Public Benefit Details
Attachment B Site Plan
Attachment C Underground Power and Communication Plan

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: Sean Audas, Principal Planner & Development Officer, 902.476.9553

ATTACHMENT A- Proposed Public Benefit Details

**1452 Brenton Street
Site Plan Approval Case 20374
Post-Bonus Height Public Benefit**

In response to the Post Bonus Height Public Benefit requirement as stipulated under section 12 of the Downtown Halifax Land Use Bylaw, WM Fares Group would like to amend the existing agreement to utilize the provision of the undergrounding of overhead electrical and communication distribution systems along Brenton Street and Clyde Street.

The following outlines our understanding and proposed approach:

- The gross floor area gained as a result of the post bonus height option is 1490 square meters;
- Based on \$4.47/0.1 sq.m of gross floor area, the value of the public benefit is \$66,603.00;
- The cost of undergrounding is \$414,453.00;
- Undergrounding of overhead electrical and communication distribution systems and installing new light standards at this prominent corner site will enhance the streetscape and pedestrian experience.

