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Item No. 9.1.2
Design Review Committee
October 20, 2021

TO: Chair and Members of Design Review Committee

-Original Signed-

SUBMITTED BY:

Kelly Denty, Executive Director of Planning and Development

DATE: September 23, 2021

SUBJECT: **Case 23663: Substantive Site Plan Approval for 1138-1146 Barrington Street, Halifax**

ORIGIN

Application by Kassner Goodspeed Architects

LEGISLATIVE AUTHORITY

Halifax Regional Municipality (HRM) Charter; Part VIII, Planning & Development

RECOMMENDATION

It is recommended that the Design Review Committee:

1. Approve the qualitative elements of the substantive site plan approval application for an eight storey mixed use building as shown in Attachment A;
2. Approve the two variances to the Land Use By-law requirements regarding minimum streetwall height and minimum interior lot line setback, as contained in Attachment B;
3. Accept the findings of the qualitative Wind Impact Assessment, as contained in Attachment C; and
4. Recommend that the Development Officer accept the restoration of the existing heritage building as the post-bonus height public benefit for the development.

BACKGROUND

Kassner Goodspeed Architects, on behalf of the property owner, has applied for substantive site plan approval to develop an 8 storey multi-unit building and complete reconstruction work to a heritage property. The property is located on Barrington Street, near the Peace and Friendship Park in Downtown Halifax (Map 1, Attachment A). To allow the development, the Design Review Committee must consider the application relative to the Design Manual within the Downtown Halifax Land Use By-law (LUB).

This report addresses relevant regulation held within both the Land Use By-law and Design Manual in order to assist the Committee in their decision.

Subject Site	1138-1146 Barrington Street
Location	Northwest corner of Barrington and Kent Streets
Zoning (Map 1)	DH-1 (Downtown Halifax) Zone
Lot Size	980.8 square metres (10557 square feet)
Current Land Use(s)	Heritage building with approx. 3 units
Surrounding Land Use(s)	A mix of low density residential on Kent Street, and a large grocery store, multi unit buildings and a mix of small scale retail on Barrington Street.

Project Description

The applicant wishes to develop an 8 storey multi-unit building and complete reconstruction work to a heritage property. The property, located at 1138 Barrington Street, has been identified as a contributing heritage resource under the Old South Suburb Heritage Conservation District, but is not a registered heritage property. The new construction will be joined to the heritage building underground, effectively creating one contiguous building that appears as two separate buildings when seen from the street. The restored heritage building will also have a 2-storey addition attached to the rear, replacing a single storey addition that has minimal heritage value. The details of the proposal are as follows (refer to Attachments A and D):

- 8 storeys and 25.5 m tall plus a 2.6 m mechanical penthouse;
- 41 residential units containing 3 bachelor, 22 1-bedroom and 16 2-bedroom units;
- 11 parking spaces;
- 143 square metres (1,540 sq ft) of commercial space; and
- restoration of a 2 storey contributing heritage resource building which will contain 4 bachelor units and 2 1-bedroom units.

Information about the approach to the design of the building has been provided by the project's architect in Attachment D of this report.

Regulatory Context - Municipal Planning Documents

With regard to the Downtown Halifax Secondary Municipal Planning Strategy (DHSMPS) and the Downtown Halifax LUB, the following are relevant to the proposed development from a regulatory context:

- Zone: DH-1 Zone
- Precinct: 2: Old South Suburb Heritage Conservation District
- Building Height (Pre and Post-Bonus): Pre-bonus FAR of 2, Post bonus FAR of 4
- Streetwall Setback: 0-1.5m
- Streetwall Height: 11 m

The Design Review Committee (DRC) should note that the proposal was reviewed by the Development Officer and determined to be in compliance with the LUB regulations, with the exception of two requested variances. In addition to the above regulations, the Design Manual of the Downtown Halifax LUB contains guidance regarding the appropriate appearance and design of buildings (Attachment E).

Site Plan Approval Process

Under the site plan approval process, development proposals within Downtown Halifax Plan area must meet the land use and building envelope requirements of the Land Use By-law (LUB), as well as the requirements of the By-law's Design Manual. The process requires approvals by both the Development Officer and the DRC as follows:

Role of the Development Officer:

In accordance with the Substantive Site Plan Approval process, as set out in the Downtown Halifax LUB, the Development Officer is responsible for determining if a proposal meets the land use and built form requirements contained in the LUB. The Development Officer has reviewed the application and determined that the following elements do not conform to the Downtown Halifax LUB:

- minimum streetwall height; and
- minimum interior lot line setback.

The applicant has requested that these two items be considered through the variance approval process under the Downtown Halifax LUB (see Attachment B).

Role of the Design Review Committee:

The Design Review Committee, established under the LUB, is the body responsible for making decisions relative to a proposal's compliance with the requirements of the Design Manual.

The role of the Design Review Committee in this case is to:

1. Determine if the project is in keeping with the design guidelines contained within the Design Manual (Attachment E);
2. Consider the variance requests that have been made pursuant to variance criteria in the Design Manual (Attachment B);
3. Provide a recommendation to the Development Officer if the proposal is suitable in terms of the expected wind conditions on pedestrian comfort (Attachment C); and
4. Advise the Development Officer on the suitability of the post-bonus height public benefit being proposed by the applicant (Attachment F).

Notice and Appeal

Where a proposal is approved by the Design Review Committee, notice is given to all assessed property owners within the DHSMPs Plan Area boundary plus 30 meters. Any assessed property owner within the area of notice may then appeal the decision of the Design Review Committee to Regional Council. If no appeal is filed, the Development Officer may then issue the Development Permit for the proposal. If an appeal is filed, Regional Council must hold a hearing and make a decision on the application. A decision to uphold an approval will result in the approval of the project while a decision to overturn an approval will result in the refusal of the site plan approval application.

Role of the Heritage Officer

The Heritage Conservation District (Old South Suburb) Bylaw H-800 requires that a Certificate of Appropriateness be obtained for exterior alteration of buildings and structures, including additions, façades, roofs, windows, doors, storefronts, signs, awnings, exterior materials, exterior steps and stairs; the demolition or removal of buildings and structures that are part of a contributing heritage resource; and the construction of new buildings. The Heritage Officer certifies that a proposed development conforms with the requirements of the Bylaw H-800 and will issue the Certificate accordingly. The approval or denial of the Certificate of Appropriateness may be appealed to the Nova Scotia Utility and Review Board pursuant to the Heritage Property Act.

COMMUNITY ENGAGEMENT

The community engagement process has been consistent with the intent of the HRM Community Engagement Strategy and the requirements of the Downtown Halifax LUB regarding substantive site plan

approvals. The level of engagement was information sharing, achieved through the developer's website, public kiosks at HRM Customer Service Centres, and a Public Open House held on May 17, 2021.

DISCUSSION

Design Manual Guidelines

As noted above, the Design Manual contains a variety of building design conditions that are to be met in the development of new buildings and modifications to existing buildings as follows:

- Section 2.2 of the Design Manual contains design guidelines that are to be considered specifically for properties within Precinct 2; and
- Section 3.6 of the Design Manual specifies conditions by which variances to certain Land Use By-law requirements may be considered.

An evaluation of the general guidelines and the relevant conditions as they relate to the project are found in a table format in Attachment E of this report. The table indicates staff's analysis and advice as to whether the project complies with the applicable guidelines. In addition, it identifies circumstances where there are different possible interpretations of how the project relates to a guideline, where additional explanation is warranted, or where the Design Review Committee will need to give attention in their assessment of conformance to the Design Manual. Staff have undertaken a detailed review of the proposal, and have identified the following items that require further consideration by the Design Review Committee:

Precinct 2: Old South Suburb Heritage Conservation District and New Development in Heritage Contexts (2.2 and 4)

This proposal is located within the Old South Suburb Heritage Conservation District and includes a building identified as a contributing heritage resource under the Plan. A different development proposal (Case 22511¹) was previously considered on this site and refused at that time by the DRC. The DRC indicated a concern for the heritage context, where that earlier application was submitted prior to the adoption of the Heritage Conservation District. Staff advise that the building contained within this new proposal meets the requirements for development within a heritage context and that the building contributes to a coherent design that is sympathetic to the heritage context.

Canopies and Awnings (2.5 l, 3.1.1 d, 3.2.3 b and 3.3.3 b)

The proposal includes awnings over the doorways and canopy over the storefront. The windows and balconies of the upper floor provides weather protection over the other areas. Staff are satisfied that this design will provide adequate weather protection and meets the intent of the design manual.

Variations

The applicant is requesting two variations to the quantitative requirements of the Downtown Halifax LUB: the minimum streetwall height requirement and the upper storey side yard setback. The applicant has outlined each of the variance requests on the plans (Attachment B) and has provided a rationale pursuant to the Design Manual criteria (Attachment D). The staff review of each variance request is provided in this section as outlined below.

Variance 1: Streetwall Height

Section 9(3) of the LUB requires a minimum streetwall height of 11 m, which can be varied in Section 9(8) of the LUB. The streetwall for the portion of the building that fronts on Barrington St has a height of 7.9m, which is 3.1 m lower than the required minimum.

Section 3.6.3 of the Design Manual allows for the relaxation of the streetwall height where the height of abutting buildings is such that the streetwall height would be inconsistent with the character of the street. There are four criteria that apply to a request to vary this section of the by-law. The request must be

¹ <https://www.halifax.ca/sites/default/files/documents/city-hall/boards-committees-commissions/191114drc911.pdf>

consistent with the objectives and guidelines of the Design Manual and then must fall into one of the three other categories. In this case, the applicant has provided rationale indicating the height of abutting buildings is such that the streetwall height would be inconsistent with the character of the street. The applicant is requesting to match the roof lines of the contributing heritage resource to ensure consistency with the character of this area. This request is consistent with the intent of the Design Manual and staff recommend approval of this variance.

Variance 2: Upper Storey Side Yard Stepback

Section 11(2.4) of the LUB requires that the mid-rise portion of the building be setback 3m from interior lot lines. Section 11(2.4) then allows this to be varied in accordance with the requirements of the LUB. Section 3.6.6 of the Design Manual provides the criteria that we use to evaluate this request. On the north façade, portions of the 6th and 7th floor are set back 1.4m from the interior lot line.

Section 3.6.6 of the Design Manual allows for the consideration of a variance to the upper storey interior lot lines and provides the criteria that are used to evaluate this request. There are three criteria that apply to a request to vary this section of the by-law. The request must be consistent with the objectives and guidelines of the Design Manual and then must fall into one of the two other categories. In this case, the applicant is proposing that 3.6.6(b) applies “where the height of the building is substantially lower than the maximum permitted building height and the setback reduction is proportional to that lower height”. Staff advise that the maximum permitted height under the view plane legislation is approximately 10 stories (approx. 30m), well above the proposed building height. The building is 1.6m closer to the property line for the midrise portion of the building that is permitted, and this is proportional to the lower overall building height. This request is consistent with the intent of the Design Manual and staff recommend approval of this variance.

Post-Bonus Height Public Benefit

The Downtown Halifax LUB specifies a maximum pre-bonus height and a maximum post-bonus height. Projects that propose to exceed the maximum pre-bonus height are required to provide a public benefit. The LUB lists the required public benefit categories, and establishes a value specific to Precinct 2, that is the equivalent of \$258 for every square metre of gross floor area that exceeds the pre-bonus height. This number is then multiplied by a factor of 0.2 to create the total required benefit. The applicant is requesting an additional 1,727 m² of FAR for a total required public benefit of \$89,149.32. In this case, the applicant is requesting to use the costs associated with restoring the contributing heritage resource as their post-bonus benefit. The applicant is proposing to spend \$93,500 to rehabilitate the contributing heritage resource.

The Design Review Committee's role is to review and recommend to the Development Officer whether the proposed public benefit should be accepted by the Municipality. With this, the final cost estimates of providing the public benefit will be determined and an agreement with the Municipality will be prepared for Regional Council's consideration at the permit approval stage however a rationale and preliminary cost estimate have been provided in Attachment F.

Wind Assessment

A Qualitative Wind Impact Assessment was prepared by the applicant for the project and is included in Attachment C. The need for the assessment results from the building height. Its purpose is to determine whether the site and its surroundings will be safe and comfortable for pedestrians once the new building is constructed. The assessment submitted for this proposal anticipates that the development will result in no change in comfort levels for persons sitting, standing, or walking at the sidewalk level and for the buildings public amenities. Therefore, no specific design treatments to mitigate wind impacts are necessary.

Conclusion

Staff advise that the proposed development meets the objectives and guidelines of the Design Manual. It is, therefore, recommended that the substantive site plan approval application be approved.

FINANCIAL IMPLICATIONS

There are no financial implications. The HRM costs associated with processing this planning application can be accommodated within the approved 2021-2022 operating budget for C310 Urban & Rural Planning Applications.

RISK CONSIDERATION

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

ENVIRONMENTAL IMPLICATIONS

No environmental implications are identified.

ALTERNATIVES

1. The Design Review Committee may choose to approve the application with conditions. This may necessitate further submissions by the applicant, as well as a supplementary report from staff.
2. The Design Review Committee may choose to deny the application. The Committee must provide reasons for this refusal based on the specific guidelines of the Design Manual. An appeal of the Design Review Committee's decision can be made to Regional Council.

ATTACHMENTS

Map 1	Location and Zoning
Attachment A	Site Plan Approval Plans
Attachment B	Variances
Attachment C	Wind Impact Assessment
Attachment D	Design Rationale
Attachment E	Design Manual Checklist
Attachment F	Public Benefit Rationale and Cost Estimate

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.

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