



**DESIGN REVIEW COMMITTEE
MEETING MINUTES
December 10, 2015**

PRESENT: Kourosh Rad, Chair
Steve Murphy, Vice Chair
Catherine Courtney
Kevin Conley
Rob LeBlanc
Malcolm Pinto
Anna Sampson

REGRETS: Rick Buhr
Jared Dalziel
Noel Fowler

STAFF: Dali Salih, Planner
Karen Brown, Solicitor
Sherrill Murphy, Deputy Clerk
Cailin MacDonald, Legislative Support

The following does not represent a verbatim record of the proceedings of this meeting.

The agenda, supporting documents, and information items circulated to the Committee are available online: <http://www.halifax.ca/boardscom/drc/151210DRCAgenda.php>

The meeting was called to order at 4:05 p.m. and adjourned at 5:10 p.m.

1. CALL TO ORDER

The Chair called the meeting to order at 4:05 p.m.

2. APPROVAL OF MINUTES – November 12, 2015

Mr. Murphy noted a correction to the November 12, 2015 minutes, stating that Mr. Lemoine served on the Committee for two years rather than four.

MOVED by Mr. Murphy seconded by Mr. LeBlanc

THAT the minutes of November 12, 2015 be approved as amended. MOTION PUT AND PASSED.

3. APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS

The Chair commented that he would like to discuss the inclusion of applicants during staff report presentations.

MOVED by the Chair seconded by Mr. LeBlanc

THAT the agenda for December 10, 2015 be approved as amended. MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES – NONE

5. CONSIDERATION OF DEFERRED BUSINESS – NONE

6. CORRESPONDENCE, PETITIONS & DELEGATIONS

6.1 Correspondence

6.1.1 Various Correspondence regarding Case 20126 (Oct. 8, 2014 Agenda) and the Preliminary Presentation Redevelopment of the Block Bounded by Spring Garden Road, Doyle, Brunswick, and Queen Streets, Halifax (Nov. 12, 2014 Agenda)

Emails from Janet Khattar, Geralynn Hirsch, Margaret Kowalski, Deborah Vandewater, Sophie Nemeth, Rosalind Belitsky, Hamzeh Afani, Andrea Arbic and William Breckenridge regarding Case 20126, as well as emails from Peggy Cameron, Steve Parcell on behalf of Willow Tree Group, Barbara Darby, Marlene Melanson, Sara MacColloch, Colleen Ashworth, Sam Fraser, Sara Campbell, Joseph Gnemmi, Meghan Marentette, David Greenberg, Mahta Safavi, Avon Brophy, Pam Cooley, Dorothy Haley, Tom and Marilyn White, Brenda Conroy, Mary McDaid, David Cullen and Beth Abbott regarding the redevelopment of the block bounded by Spring Garden Road, Doyle, Brunswick and Queen Streets were distributed to the Committee.

The Chair asked whether the committee had questions or comments. Mr. LeBlanc noted that a significant amount of correspondence cited concerns related to regulations set forth by the municipality and are outside of the Committee's mandate. The Committee briefly discussed with staff their role in acknowledging and responding to correspondence.

The correspondence was noted as being received by the Committee.

6.2 Petitions

6.3 Presentation

7. REPORTS

7.1 STAFF

7.1.1 Case 20227: Substantive Site Plan Approval – Mixed-use Development at 1447 Dresden Row, Halifax

The Chair opted to first discuss item 8.1 while the Committee waited for additional members to arrive.

The following was before the Committee:

- A staff recommendation report dated November 26, 2015.

Mr. Pinto and Mr. LeBlanc each declared a conflict of interest and took seats in the gallery.

The Chair declared a 15 minute recess for the Committee to wait for additional members to arrive.

Ms. Sampson arrived at approximately 4:25 p.m.

The meeting resumed and the Chair invited Ms. Dali Salih, Planner, to present Case 20227: Substantive Site Plan Approval – Mixed-use Development at 1447 Dresden Row, Halifax.

Ms. Salih shared that the proposed application, received from WM Fares Group Architects on behalf of Clyde Street Developments Ltd., is for the development of a 9-storey mixed-use development at 1447 Dresden Row, Halifax, known as the “Margaretta” site. She noted that the Committee must consider the application relative to the Design Manual within the Downtown Halifax Land Use By-law (LUB).

Ms. Salih further described the site’s existing context. She remarked that the site is approximately 3,968 square metres in area and has been used as a commercial parking lot for approximately four decades. She shared that it is one of two former HRM-owned parking lots on Clyde Street that were the subject of a Request for Proposal and sold in 2011.

Ms. Salih shared that the site is one of three development parcels that have been branded as the “Sister Sites” in reference to the three daughters of the Schmidt family, who lived in the Schmidville neighbourhood. She continued by stating that the “Mary Ann” site is located at the adjacent block, bounded by Queen, Clyde and Birmingham Streets, and is currently under construction, and that the third site, the “Rosina”, is located on Queen Street (the site of the former Halifax Infirmary hospital) and remains undeveloped.

Ms. Salih went on to note that the proposed “Margaretta” site will be commercial at grade with 8 storeys of multi-unit residential above along with three levels of underground parking consisting of 260 spaces for public and private use.

Ms. Salih showed the Committee aerial views of the site and noted that surrounding the site there are commercial uses along Spring Garden Road to the north as well as the Halifax Central Library, and a 9-storey mixed use building (the “Mary Ann”) to the east. She went on to note that there are medium density residential uses to the south and a mixture of residential and commercial uses to the west.

Ms. Salih shared that the site falls within the DH1 zone and presented a rendering provided by the developer showing the different materials and facades. She continued by reviewing the proposed varying elevations with the Committee.

Ms. Salih described the areas for discussion as outlined in the staff report. In reference to the proposed sloping conditions, she noted that the Design Manual indicates that split level or sunken retail entrances should be avoided. She remarked that it also stipulates that pedestrian entrances on sloping streets

should be provided where possible. Ms. Salih shared that in this case, a sloping condition exists along the Dresden Row and Birmingham Street frontages. She continued that in response, the applicant is proposing that the ground-floor retail entrances along those streets be located at the same grade level as the abutting section of sidewalk while a landing and ramp/lift will be provided inside the building. As well, she noted that the proposed height of the ground floor will stay at 5.2 metres and that the proposed scenario meets the intent of Design Manual.

In reference to access to the site, Ms. Salih shared that the Design Manual calls for visual impacts in parking and service areas to be minimized. She continued by stating that the entrance to the underground parking would be along Birmingham Street and that there would be a loading bay along Dresden Row. Ms. Salih concluded that given these entrances were relatively concealed the intent of the Design Manual has been met.

Further to the discussion points, Ms. Salih commented that while Clyde Street has not yet been designated a pedestrian-oriented street, the Design Manual calls for it to evolve into one. She then presented renderings of the proposed installation of landscaping along Clyde Street and commented that these improvements promote linkages between the Halifax Central Library and Victoria Park.

In reference to parking, Ms. Salih indicated that the Design Manual and Land Use By-law require that a minimum of 210 parking spaces be retained for public use in both the Mary Ann and Margareta sites in addition to any parking required for private use. As well, she shared that the applicant is proposing to go beyond the pre-bonus height of 22 metres to a maximum height of 28 metres, and therefore will be required to provide a public benefit. In this case, Ms. Salih noted that the applicant is proposing 104 spaces be dedicated for public parking and that a contribution of 9 spaces satisfy the post-bonus height public benefit. She shared that the post-bonus height value is calculated as greater or equal to \$4.68 per .1 square metres, as derived from the Nova Scotia Consumer Price Index, of habitable space that exceeds the 22 metres.

Ms. Salih remarked that the Margareta site includes 3 levels of underground parking with a total of 260 parking spaces dedicated to private and public parking. She continued by stating that Levels P1 and P2 include 104 spaces dedicated for public parking with 96 spaces going towards meeting the LUB total requirement, and 9 spaces, at \$25,000 per space, to satisfy the post-bonus height public benefit. Ms. Salih further commented that the value of the post-bonus height public benefit for this proposal will be a total of \$214,625.

Ms. Salih reviewed the variance request along Clyde Street for the streetwall width being sought by the applicant. She continued by sharing that according to the LUB the streetwall shall extend the full width of a lot abutting a streetwall and noted that the Design Manual calls for the streetwall to occupy 100 per cent of the property's frontage along streets.

Ms. Salih continued by noting that the By-law allows for some flexibility, citing that the streetwall may be reduced to no less than 80 per cent of the width of a lot abutting a streetline, provided that the streetwall is continuous. She shared that the proposed design of the Clyde Street façade includes a gap in the streetwall that is measured at 32 per cent and that it does not comply with the LUB, although noted that the Design Manual allows for a variance to the Streetwall Width subject to meeting certain conditions. Ms. Salih noted that the proposed design is designed in the form of a landscaped open space with a landscaped courtyard which is engaging and inviting to the pedestrian streetscape. She showed renderings of the proposed design and commented that the gap in the streetwall is well designed with a clear purpose, makes a positive contribution to the streetscape and is consistent with the intent of the Design Manual.

Ms. Salih outlined that it is recommended that the Design Review Committee:

1. Approve the qualitative elements of the substantive site plan approval application for the mixed-use development on the "Margareta" site bounded by Dresden Row, Clyde Street and Birmingham Street, Halifax, as shown on Attachment A of the November 26, 2015 staff report;

2. Approve the requested variance to the Streetwall Width, as shown on Attachment B of the November 26, 2015 staff report;
3. Accept the findings of the Qualitative Wind Impact Assessment as contained in Attachment D; and
4. Recommend that the Development Officer accept, as the Post-Bonus Height Public Benefit for the development, the provision of public parking facilities.

A copy of the presentation is on file.

The Chair thanked Ms. Salih for her presentation and opened the floor to questions and comments from the Committee.

Mr. Murphy asked for clarification on the value of the post-bonus height value of \$4.68 per .1 square metres. Ms. Salih responded that the value is derived from the province's Consumer Price Index and that it is figure which is set year over year. Ms. Salih went on to say that the value of the post-bonus height public benefit is calculated by the amount of habitable space that exceeds the 22 metres and that this area is then multiplied by \$4.68.

The Chair asked for clarification on the value of the public benefit to be provided by the developer and whether staff is asking the Committee to accept this as the post-bonus height public benefit. Ms. Salih clarified that this value would be greater or equal to \$214,625 and that the developer is proposing 9 public parking spaces at a value of \$225,000 and that staff is recommending the Committee accept this provision.

Mr. Murphy asked whether the municipality would receive the revenue from public parking spaces. Ms. Salih believed that this revenue would be connected to municipal facilities.

Mr. Murphy inquired whether there was a requirement for the developer to complete a traffic assessment. Ms. Salih responded that this was a requirement and was provided as part of the application. She continued that its findings were reviewed by development and engineering, and deemed acceptable.

Mr. Murphy asked how far setback the proposed mechanical vent is on Birmingham Street. Ms. Salih responded that along Birmingham Street and Dresden Row the setback is 1.5 metres. Mr. Murphy noted that the vent appeared close to the street and he recalled that the Design Manual recommended that these vents not occur at or close to street level. Ms. Salih noted that this area is connected to the loading bay and clarified that this area is not located along the street.

The Chair asked Mr. Roberto Menendez of WM Fares Architects to clarify the public and private access to the building. Mr. Menendez responded that there would be separate elevators with access to the public parking levels and that there are three entrances proposed on Clyde Street.

Mr. Conley noted that on the Clyde Street side of the development it appeared that many of the amenities are located on public space and asked whether there were concerns from a staff perspective. Ms. Salih responded that the proposed area is within the 5 metre setback and therefore is not within HRM's right of way. Mr. Conley commented that some of amenities appear split between the developers' and public property. Ms. Salih commented that later on during the building permit stage, plans would need to be submitted by the developer to be approved by development and engineering which would clarify this appearance. Mr. Conley expressed his concerns with whether or not the renderings accurately reflected the finished streetscape. Ms. Salih shared that all of the plans and renderings included in the staff report the applicant will need to comply with.

Mr. Menendez shared that the rendering is a reflection of what is planned. Ms. Sampson remarked that she understands that while this may be the developer's intent, it will require coordination with HRM. Mr. Menendez shared that at the public consultation session a member of the public was concerned about homelessness in the area and the proposed design of the benches at ground level, and commented that the plans may change to address their concerns.

The Chair asked whether the Committee had any further questions and hearing none, he opened the floor to debate.

MOVED by Mr. Murphy, seconded by Ms. Sampson

THAT the Design Review Committee:

- 1. Approve the qualitative elements of the substantive site plan approval application for the mixed-use development on the “Margaretta” site bounded by Dresden Row, Clyde Street and Birmingham Street, Halifax, as shown on Attachment A;**
- 2. Approve the requested variance to the Streetwall Width, as shown on Attachment B;**
- 3. Accept the findings of the Qualitative Wind Impact Assessment as contained in Attachment D; and**
- 4. Recommend that the Development Officer accept, as the Post-Bonus Height Public Benefit for the development, the provision of public parking facilities.**

Mr. Murphy commented that while he liked the design, he was concerned that 9 parking spaces are being proposed as the public benefit for the development. The Chair echoed Mr. Murphy’s concerns and shared that he also appreciated the building’s design. Ms. Sampson agreed with the concerns regarding the 9 parking spaces. Ms. Salih remarked that parking facilities are included in the list of acceptable public benefits and commented that this list is currently being reviewed as part of the Downtown Halifax Five Year Review.

Ms. Brown clarified that the Committee may choose not to recommend the provision of public parking facilities to the Development Officer and shared that the final decision of whether to accept the public benefit that is being proposed would be up to the Development Officer.

Ms. Sampson commented that she believes that the proposed gap does improve the streetscape.

Mr. Murphy commented on the materiality of the underground parking and service entrances, suggesting that the Committee may wish to see these made of a translucent material and asked for clarification on what material is being proposed by the applicant. Ms. Salih clarified that the proposed material does not appear to be translucent and shared that the Committee may wish to include this as a condition of the approval.

The Chair commented that he disagrees with the views expressed at the public consultation session regarding homelessness and the benches at the ground level, sharing that he would like to see them be maintained. Mr. Conley and Ms. Sampson echoed the Chair’s comments, and Ms. Sampson further clarified so long as the proposed benches do not implicate traffic flow and safety.

Mr. Conley commented that the orientation of the Margaretta site seemed to be a better than that of its sister site given the courtyard is south facing.

Mr. Murphy asked whether the Committee would like to consider an opportunity for public art as the public benefit as opposed to the 9 parking spaces being proposed. Ms. Sampson agreed with Mr. Murphy’s comment, citing the rationale that it is a pedestrian-friendly street.

The Chair called for a split vote dealing first with recommendations 1, 2, and 3 and then recommendation 4:

MOVED by Mr. Murphy seconded by Ms. Sampson

THAT the Design Review Committee:

- 1. Approve the qualitative elements of the substantive site plan approval application for the mixed-use development on the “Margaretta” site bounded by Dresden Row, Clyde Street**

and Birmingham Street, Halifax, as shown on Attachment A of the November 26, 2015 staff report with the following conditions:

- That the Applicant make the service entrance as well as the underground parking entrance of a translucent material; and
 - That the Applicant maintains the benches in the streetscape as presented in the application, Building Rendering 3 – Sidewalk, provided there are no implications with traffic flow and safety.
2. Approve the requested variance to the Streetwall Width, as shown on Attachment B of the November 26, 2015 staff report; and
 3. Accept the findings of the Qualitative Wind Impact Assessment as contained in Attachment D of the November 26, 2015 staff report.

MOTION PUT AND PASSED.

4. Recommend that the Development Officer accept, as the Post-Bonus Height Public Benefit for the development, the provision of public parking facilities.

MOTION PUT AND DEFEATED.

MOVED by Ms. Sampson, seconded by Mr. Murphy

THAT the Development Officer accept, as the Post-Bonus Height Public Benefit for the development, the provision of public art. MOTION PUT AND PASSED.

The Motion now reads:

THAT the Design Review Committee:

1. Approve the qualitative elements of the substantive site plan approval application for the mixed-use development on the “Margaretta” site bounded by Dresden Row, Clyde Street and Birmingham Street, Halifax, as shown on Attachment A; with the following conditions:
 - That the Applicant make the service entrance as well as the underground parking entrance of a translucent material; and
 - That the Applicant maintains the benches in the streetscape as presented in the application, Building Rendering 3 – Sidewalk, provided there are no implications with traffic flow and safety.
2. Approve the requested variance to the Streetwall Width, as shown on Attachment B;
3. Accept the findings of the Qualitative Wind Impact Assessment as contained in Attachment D.
4. Recommend that the Development Officer accept, as the Post-Bonus Height Public Benefit for the development, the provision of public art.

7.1.2 2016 Meeting Schedule

MOVED by Mr. Pinto, seconded by Mr. LeBlanc

THAT the 2016 Meeting Schedule be accepted as presented. MOTION PUT AND PASSED.

7.2 COMMITTEE MEMBERS

8. ADDED ITEMS

8.1 Preliminary discussion regarding the inclusion of applicants in the process at the approval stage.

The Chair reviewed the current process and shared that he would like to see applicants be included as part of the staff presentation. He continued that while the applicant presents to the Committee during the

preliminary application phase of the development, he acknowledged that there is a role for the applicant to play in these discussions and believed that the applicant should present again along with staff. The Chair invited the Committee to share their comments.

Mr. Pinto commented that this would also be an opportunity to ask questions as well. He continued that he would appreciate knowing the rationale of why Committee's recommendations from the pre-application phase may not have been accommodated in the final design.

The Chair shared that in discussion with Ms. Sherryl Murphy, it was decided to ask staff to review this item and have the Committee re-look at it in January.

The Chair suggested that a copy of the previous minutes from the preliminary presentation be included in the agenda package as a reference item for the Committee. The Committee concurred with this suggestion.

Ms. Karen Brown, Solicitor, agreed that it was a good idea to discuss this topic further in January and that staff will come prepared to provide guidance to the Committee on this matter. She also noted that this is not a public hearing session and that the previous Committee decided to incorporate a pre-application stage to better understand the development proposal. Ms. Brown continued by sharing that there needed to be caution around having the developer come into speak without allowing representation from the public which has been part of past processes. She shared that the process of this Committee is a different legislative process than a public hearing and that staff will be prepared to provide guidance on the process and a staff recommendation in January.

9. DATE OF NEXT MEETING – January 14, 2015 beginning at 4:00 p.m.

10. ADJOURNMENT

The meeting adjourned at 5:10p.m.

Cailin MacDonald
Legislative Support