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Districts 7 & 8 PAC
July 8, 2014

MEMORANDUM

TO: Chair and Members of Districts 7 and 8 Planning Advisory Committee
FROM: Jillian MacLellan Planner, HRM Development Approvals
DATE: June 24, 2014

SUBJECT: Case 19165 – Application by Dalhousie University to amend the Land Use Bylaw for Halifax Peninsula to increase the allowable area for rooftop mechanical equipment which exceeds the height requirement of the Land Use By-law for university uses.

Overview

An application has been received by Dalhousie University to amend the Land Use By-law for Halifax Peninsula to allow for an increase to the allowable area for rooftop mechanical equipment which exceeds the height requirements of the Land Use By-law for those buildings in the U-1 (Low-Density University) and the U-2 (High-Density University) Zone.

Section 71 of the Land Use By-law for Halifax Peninsula allows for items such as roof top mechanical equipment and penthouse areas which occupy less than 10% of the rooftop area to exceed the required heights of the Land Use By-law (See Attachment A).

As explained in Dalhousie's rational for this application (Attachment B), rooftop equipment for university research buildings will often need to exceed 10% of the rooftop area. As such, Dalhousie is requesting that the allowable percentage of rooftop mechanical equipment which can exceed the height requirements of the Land Use By-law should be increased to 30%. An increase to 30% would bring the allowance of rooftop mechanical equipment to be similar to the requirement of the Downtown Halifax Land Use By-law.

The proposed amendment to the Land Use By-law would only apply to those buildings in the U-1 and U-2 Zones of the Land Use By-law and which have limits on height in the height precinct map (see Maps 1A, 1B and 1C).

Public Meeting

A public meeting was waived due to the minor nature of this application.

Development Approvals

Tel: 902.490.4423 Fax: 902.490.4406
Email: maclelj@halifax.ca halifax.ca

Input Sought from the Committee

Pursuant to the Committee's Terms of Reference, feedback is sought from the Committee relative to the proposed increase in allowable roof top mechanical equipment on buildings in the U-1 and U-2 Zones and if there is merit in considering such an amendment to the Land Use By-law. The recommendation will be included in the staff report to the Halifax and West Community Council.

Attachments

Attachment A: Excerpt of the Land Use By-law for Halifax Peninsula

Attachment B: Feb 24, 2014 letter from Applicant

Map 1A: Height Precinct – Dalhousie University Sexton Campus

Map 1B: Height Precinct – St. Mary's University / Atlantic School of Theology

Map 1C: Height Precinct – Dalhousie University Studley and Carleton Campus

HEIGHT

71

The height regulations herein set forth shall not apply to church spires, church belfries, chimneys, flagpoles, radio poles, water tanks, elevator enclosures, or penthouses occupying in the aggregate less than 10 percent of the area of the roof of the building on which they are located, provided that:

- (a) no building or structure shall protrude through a View Plane; and
- (b) no building or structure which is located in Schedule A shall be visible above the Citadel Ramparts as specified by Section 26B.



*Vice-President
Finance and Administration*

February 24, 2014

Ms. Jillian MacLellan
Planner 1, HRM Development Approvals
Community and Recreation
Halifax Regional Municipality
7071 Bayers Road, Suite 2005
Halifax, NS B3L 2C2

Dear Ms. MacLellan:

RE: Application for Land Use By-law Amendment

Dalhousie University is seeking to amend the Halifax Peninsula Land Use By-law to allow greater rooftop mechanical and penthouse areas that exceed the height requirements for new construction projects. Dalhousie is engaged in substantial capital development through implementation of key components of Dalhousie Campus Master Plan – many development projects are being implemented and planned to address Dalhousie's evolving needs. Issues relating to maximum permitted rooftop mechanical and penthouse areas, as per the Halifax Peninsula Land Use Bylaw Section 71, have consistently impacted Dalhousie's ability to construct efficient buildings. Presently, the Halifax Peninsula Land Use By-law does not permit rooftop mechanical and penthouse areas to exceed 10% of the rooftop area if the penthouse exceeds the maximum permitted height.

Rooftop mechanical HVAC units are often enclosed in a penthouse structure to protect the equipment, attain low levels of vibration noise, and create an aesthetically pleasing rooftop feature. The size of HVAC units necessary for a research-intensive university, like Dalhousie, are increasing to address advances in air quality and ventilation standards/codes for new buildings. Also consider that the size of academic-related buildings are increasing to meet expanding enrollment levels and research activities. Building systems are designed to deliver high performance with respect to energy optimization but also climate control and occupant comfort so as a building increases in size so must the building systems.

Precedent

The Downtown Halifax Land Use By-law permits up to 30% of the rooftop area for penthouses and HVAC equipment. This By-law was adopted in 2009 and responds to the need for greater rooftop areas for building

systems and other elements. The maximum 10% rooftop area permitted in the Halifax Peninsula Land Use By-law was adopted in 1978 and has not undergone an amendment review of Section 71 since adoption.

Request

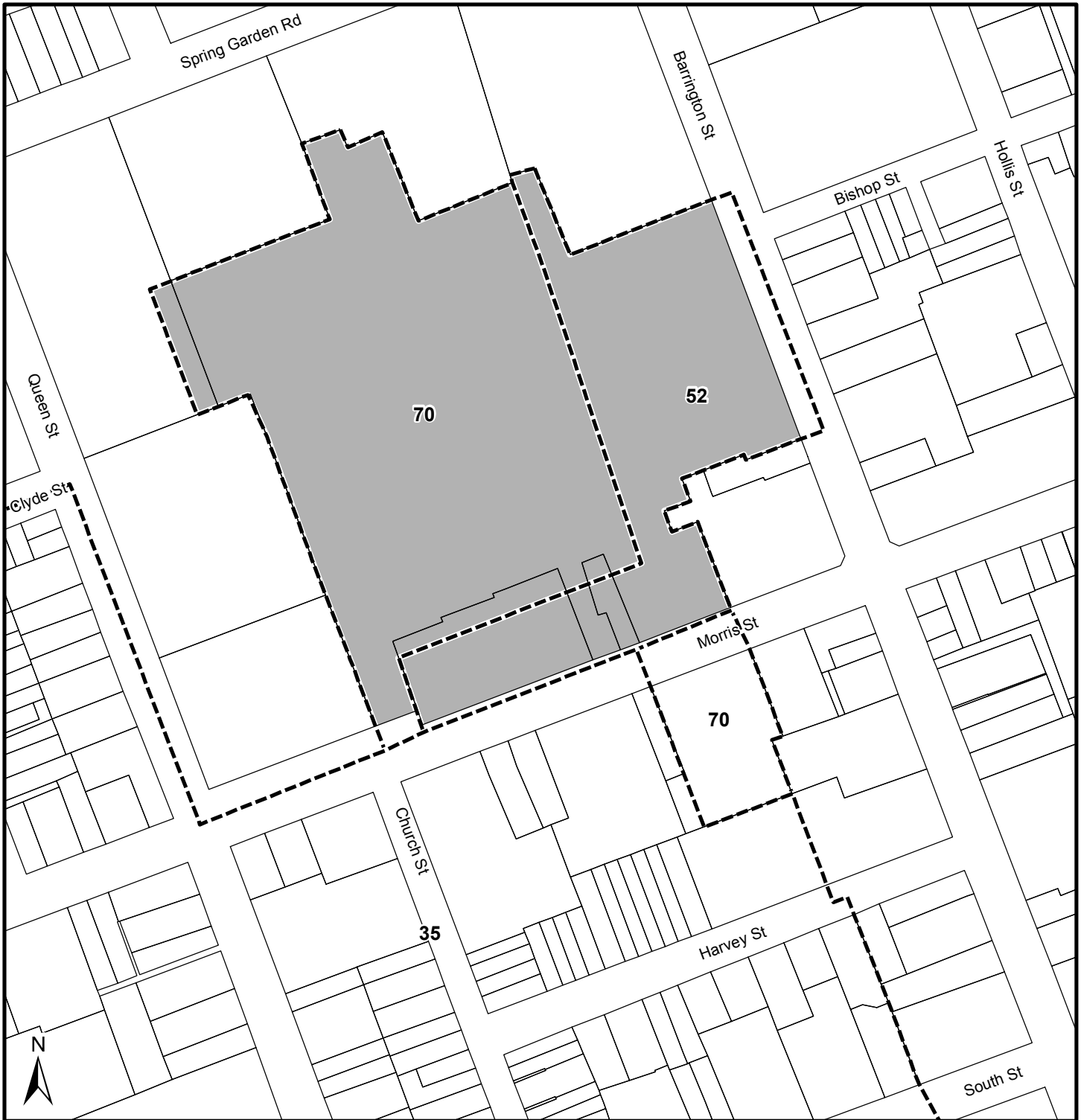
Dalhousie requests that HRM consider amending the text Section 71 of the Halifax Peninsula Land Use By-law to allow U-1 and U-2-zoned uses up to 30% of the rooftop area for penthouses. This request is consistent with the regulations in the Downtown Halifax Land Use By-law and does not represent a deviation from good planning practices in Halifax. Other universities that are impacted by this request include St. Mary's University and the Atlantic School of Theology. Our colleague universities have been made aware of this application request and understand that our request impacts their zoning.

The required application fee and completed application form is enclosed. Dalhousie looks forward to next steps on this important process. Thank you.

Sincerely,



Original Signed

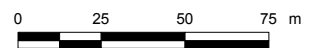
**Ian Nasbn
Vice-President
Finance & Administration (Acting)**



Map 1A - Height Precincts - Dalhousie University Sexton Campus

HALIFAX

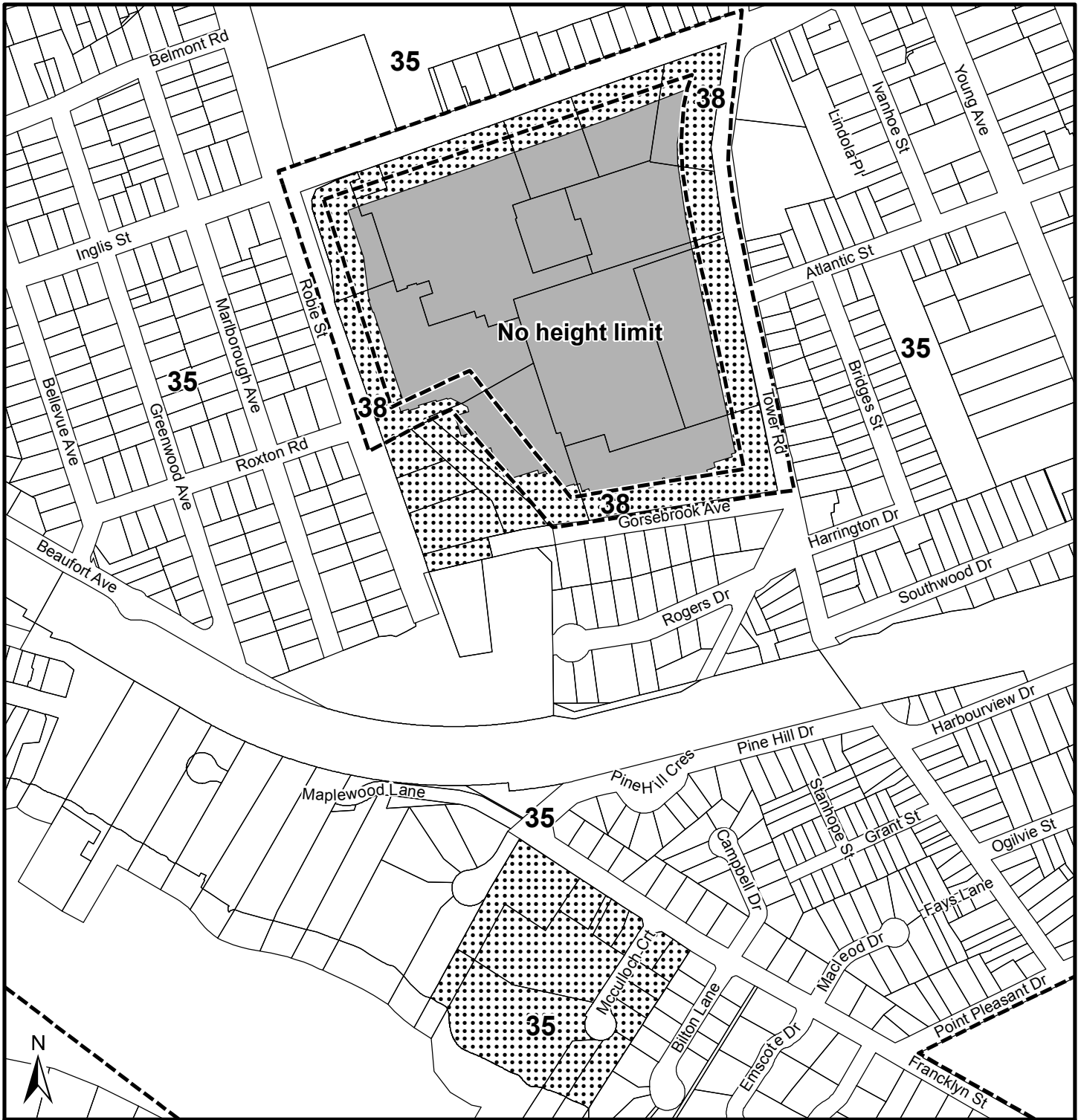
-  U-2 (High-Density University) zoned properties
-  U-1 (Low-Density University) zoned properties



Halifax Peninsula
Land Use By-Law Area



This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.

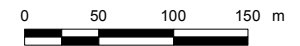
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Map 1B - Height Precincts - St. Mary's University / Atlantic School of Theology

HALIFAX

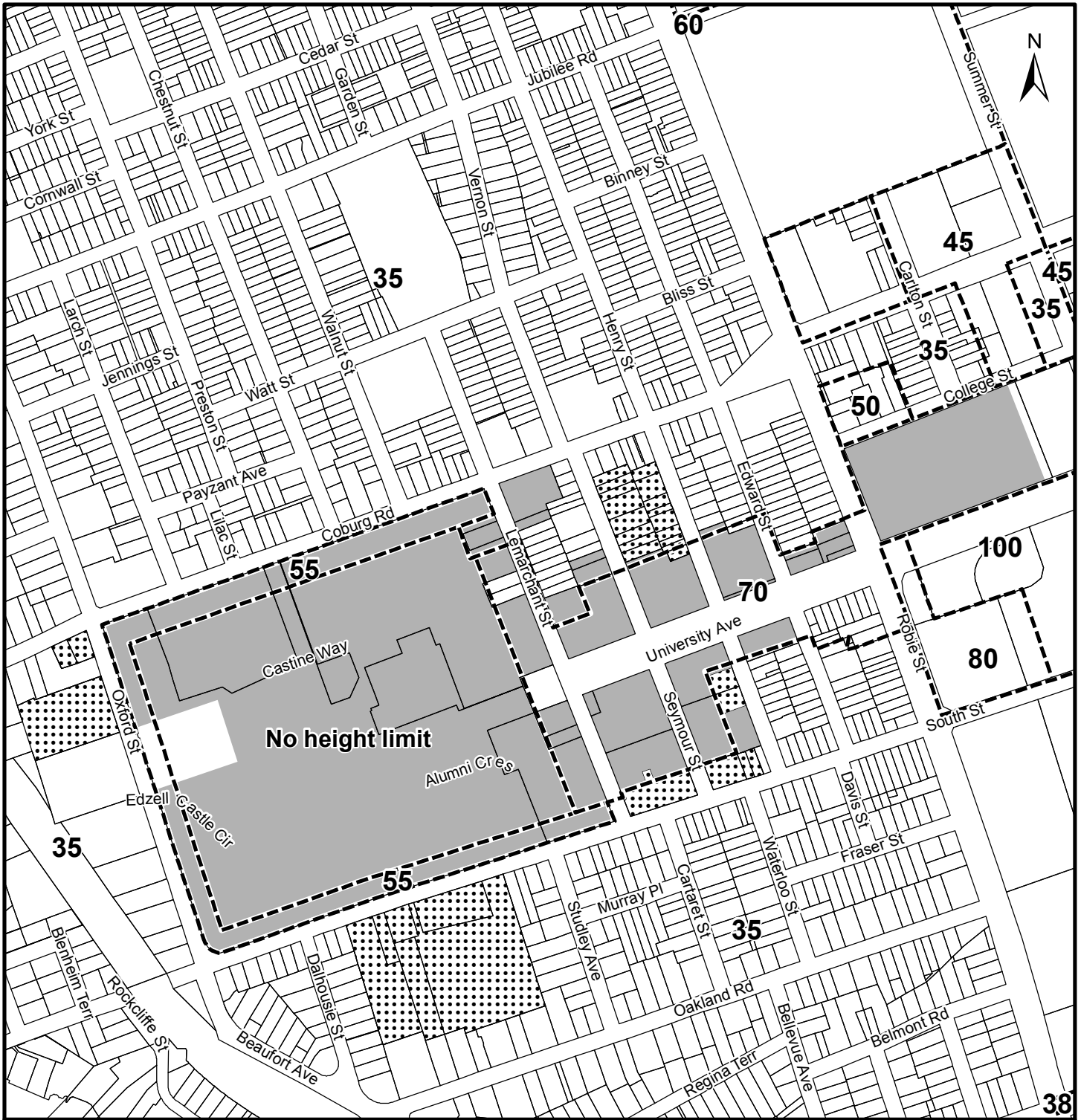
-  U-2 (High-Density University) zoned properties
-  U-1 (Low-Density University) zoned properties



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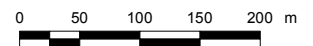
Halifax Peninsula
Land Use By-Law Area



Map 1C - Height Precincts - Dalhousie University Studley and Carleton Campus

HALIFAX

-  U-2 (High-Density University) zoned properties
-  U-1 (Low-Density University) zoned properties



Halifax Peninsula
Land Use By-Law Area

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