

HALIFAX REGIONAL MUNICIPALITY

DISTRICT 12 PLANNING ADVISORY COMMITTEE DECEMBER 05, 2007 PUBLIC MEETING MINUTES

PRESENT: Ms. Heather Ternoway, Chair
Ms. Beverly Miller, Vice Chair
Mr. Clary Kempton
Ms. Katherine Perrot
Councillor Dawn Sloane

ABSENT: Mr. Graeme Gunn
Ms. Lucy Trull

STAFF: Mr. Luc Oullett, Planner 1
Mr. Brian White, Planner, Western Region
Ms. Jennifer Weagle, Legislative Assistant
Ms. Sandra T. Riley, Legislative Assistant

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1. CALL TO ORDER

The Chair called the meeting to order at 7:07 p.m. at Windsor Room 2, Prince George Hotel, 1725 Market St., Halifax

2. CASE 01046- Application by WM Fares to Amend the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-law to permit a 19-storey residential building, with first and second storey commercial uses, on the north-east corner of South Park Street and Brenton Place in Halifax (1441-1467 South Park Street and 5679-5683 Brenton Place), by development agreement.

Ms. Ternoway advised that this was the first official formal opportunity in the planning process for the public to see the proposal for the site and to share their comments.

A handout explaining overview of process, entitled 'Letter of Request' was submitted. Mr. Luc Ouellet, Planner 1, clarified the handout of the complete process to get the initial application of the Letter of Request into approval. Mr. Ouellet explained that after receiving a Letter of Request and a review of the application has been done, it is presented to Regional Council, which could end the process or proceed. Once the report is tabled at Regional Council, there are two options: schedule a public hearing or reject the application at that point. Regional Council will usually schedule a public hearing within a month following. Notifications will be sent out by mail as well as being advertised in newspapers.

Regional Council will call a public hearing allowing members of the public five minutes to speak to Council and/or comments can be submitted ahead of time. Council will approve or refuse the proposal. If Council approves, it will be sent to the Minister for review. HRM then places an ad in the newspaper to announce approval of the application. He further stated that on the development agreement process, there is an appeal period that follows in which time members of the public or the developer can appeal the decision of Council.

Mr. Cesar Saleh addressed those in attendance, stating that he was the Prime Consultant from WM Fares Group. He introduced all the professionals involved with the project and advised the members of the public of a few of WM Fares' previous commercial, residential, hospitality and community projects. The presentation included slides and 3-D images. Mr. Saleh elaborated on the proposal and explained the slides presented, noting:

- The proposed site is at the corner of South Park Street and Brenton Street and blocked by Spring Garden Road, Brenton Place, South Park Street and Brenton Street. There are six lots containing three buildings and three vacant lots.
- These are multi-unit buildings with four to five units in every building.
- The entrance to underground parking will be off Brenton Place. The main entrance to the plaza and the condominiums will be at the corner of South Park Street and Brenton Street.
- The site is 24,000 square feet. The building area is 14,000 square feet, and there will be 19 storeys, including the Penthouse level.
- The commercial area, which is the first and second storeys, is 23,400 square feet.
- The number of units will range in the middle of 65 units to a maximum of 80 depending on the market and the size of the condominiums to be sold.

- The landscape area is 7,900 square feet and the amenities area indoor and outdoor is 8,000 square feet, with the average unit area being 1,300 square feet.
- There will be 93 in door parking spots, split between two underground parking garages.
- The Site Planning and Urban Design were taken into consideration and these things were found to be unique about the site: Victoria Park - the Summer and the Winter stages; the streetscape; the Park Victoria building; site orientation; transition of building; The Public Gardens; the Walter Cox Monument; Spring Garden; Lord Nelson; and the Schmidville axis.

Mr. Saleh further clarified additional slides of different views:

South Park Elevation:

- There are three to four storeys that relate to the existing buildings and are designed to be brick and clear glass.
- This elevation includes broad decks which enjoy a South-Western exposure and a view of Victoria Park.
- The store fronts will create an interesting streetscape and will have separate awnings in different colours.
- There is about a five foot elevation distance on South Park Street from one end of the building to the other and there will be steps in the slab/sidewalk.
- There are large setbacks from the Spring Garden Road side and from Brenton Place, also from South Park Street side - 40 feet from Spring Garden, 15 feet from Brenton Place, 15 feet from South Park Street, creating a human scale right at the sidewalk.
- The middle of the building is limestone colour pre-cast with clear glass.
- Architectural features include curved glass and glazed wall.
- The curvature at the corner of South Park Street is carried through to the corner of the building, to the corner of the entrance to the mini plaza, and to the transition from the building to the sky.

Brenton Place elevation:

- The centre of the building is the main entrance of the mini plaza which directly looks at Walter Cox monument and provides a lot of urban energy and re-enforces the gateway posts to the Brenton Place/Clyde Street axis.
- Some of the projected balconies are enclosed in glass from top to bottom while some are open to create variation. The lower decks have patios.
- This creates a well-defined building with a bottom, middle portion, and a top skyline feature.
- The building is unique in how it relates to the lower level of existing buildings while anticipating future expansions through generous setbacks.
- Park Victoria is 21 storeys.
- A streetscape shot of the elevation showed that the storefronts allow interaction between businesses.

Brenton Street Elevation:

- Every elevation is unique in that there is no front or side or back of the building, creating its own character with the same features carried throughout. The bottom of the building is two or three storeys, with projected balconies.

Mr. Saleh reviewed the Spring Garden Road Elevation, pointing out the North East, South East and North West aerial views, as well as the Public Gardens view. He pointed out the Spring Garden apartment building with 20 storeys. He presented a video animation video showing the building in context of the surrounding.

The next speaker was Mr. Rob LeBlanc with a presentation on Shadow Analysis. Mr. LeBlanc's comments were as follows:

- Shadow Analysis explains the sun movement and the impact of shade on the surrounding areas.
- The diagrams focussed on patterns of the sun and how it moves from Summer Solstice to Equinox and then to Winter Solstice.
- The first shade diagram was for June 21 - Summer solstice, when the sun is at its highest in the sky. The gradient of colour showed from zero hours of shade up to 14 hours of shade. Adding the new building, he demonstrated the change in number of hours of shade on existing surrounding properties.
- With implementation of the proposal, there would be one to three hours of shade to an area where it is closer to five and six hours of shade, directly across the street.
- Another diagram showed shade analysis for Equinox March 21 and September 21, adding about an hour of shade as a result of the new building.
- The worst period is Winter Solstice, December 21, as there are extended shadows this time of year. This impacts a variety of plants and their ability to grow as well as adding an extra hour of shade at the entrance to the Gardens around four or five o'clock.
- Normally, a building of this scale would have a very big impact, but because of its design, it will have a very minimal impact on the surroundings areas.

Ms. Ternoway opened the floor to questions from members of the public, followed by points of clarification. She reviewed the ground rules and encouraged attendees to contact the planning department at any time.

Vice Chair, Ms. Beverley Miller requested clarification on diagram 309A in the package. She stated that the building in the presentation is very unlike the building in 309A as far as design elements go. There have been alterations made.

Ms. Ternoway clarified that the diagram spoken of is not the same that was distributed to the public; the package only went to Council. Mr. Saleh responded that further enhancements were requested for the corner of South Park and Brenton streets. Ms. Miller inquired as to whether the material should now be considered out-dated. Mr. Saleh again responded that it is just enhancements to the earlier package, but still has the same number of storeys and same number of units.

Councillor Sloane expressed her concerns regarding the streetscape, pointing out there is no public garden or public amenities. The response was that they are considering public gardens for South Park Street and Brenton Street.

Mr. Kempton inquired about the angle of view from Spring Garden Road where there is a required angle of setback. Mr. Saleh noted that the building has three setbacks with a 40

foot setback between the low-rise and the center of the building. He indicated the other setbacks on the diagram. He added that because of the setbacks, there are no blank walls, and balconies and windows can be introduced.

Mr. Kempton remarked on the Brenton Street courtyard that goes from Brenton Place in to the centre of the site which allows for no blank walls and for windows as a result of setbacks, and was informed on the 40 foot setback which allowed this.

In response to further questions by Mr. Kempton, Mr. Saleh clarified the following points:

- The commercial area at the plaza level will be 12,000 square feet.
- The occupants will have their own entrances with small boutique stores facing South Park Street.
- Level 200 and 300 will be office space. Level 300 in the Spring Garden Road view is setback 40 feet allowing 3,000 square feet of amenity area which will be landscaped.
- A setback on Spring Garden Road will allow another area for landscaping.
- The landscaped area on the roof for the 200 level is an outdoor amenity area for the residents.
- When Mr. Kempton inquired as to whether there was any consideration or any avenue to incorporate the existing building into the lower features of the property in the South Park Elevation, Mr. Saleh stated that the inquiry was 'noted'.

The following members of the public shared their comments and concerns:

Larry Haven, Schmidville- about two blocks away from the proposed development. Mr. Haven wanted to know why the building has to be 19 storeys. Is it not profitable to build a smaller building. He stated that a building that high will cut off the Western view from his home.

Mr. Saleh responded that the building is custom designed to the site. He stated that through the planning and design over the past year and relating to the existing streetscape and buildings from the 60s, 70s and 80s, this proposed building works for this site.

Dave Barlow, Halifax. Mr. Barlow stated that his home was built circa 1870. He requested a presentation showing the Shadow Analysis on the houses on Brenton Street, Birmingham Street and Dresden Row instead of only showing the shadow effects on Victoria Park and Public Gardens. He shared that noon on Brenton Street is already dark black. He stated that the proposed building is nice looking, but he would like to have a full presentation.

Peter Selingo, Halifax. Mr. Selingo advised that the historic presence of Schmidville, with its 1870s houses, would enhance the proposed new building, and not the other way around. He is concerned about the building taking away too much sunlight, but is not against the development. He summarized his concerns in two words - Too Tall.

Greg Starrott, from Duffus, Romans Architects. Mr. Starrott stated there is the beginning of an open gateway axis along Brenton Place and Clyde Street. He advised that he anticipates over time, that those four blocks will be terminated at some point in the Halifax

Infirmary future development grounds. Clyde Street will take on new characteristics. He advised that this was what has been referred to as the Schmidville axis.

Mr. Selingo further added that he checked the heights of some viable surrounding commercial buildings. The highest appears to be about 10-15 storeys from street level. He stated that he would have no objections to new buildings at that height.

Mr. Saleh interjected that this is not a solid 19-storey building because of the setbacks. The building is softened by steps, architecturally, at different levels.

Lyndon Watkins, Schmidville. Mr. Watkins shared that one of the properties he owns in Schmidville is the oldest property in the area, going back to 1790. He stated that he already has high heating bills from the wind vortex, from another building that was erected there in 1962. He further stated that this new proposal will cause the same shadow and wind problems and blight the neighbourhood even further. He noted that wind was not discussed in this meeting. He expressed that this is not planning, this is expediency and the character of Halifax will be markedly changed by these developments. Mr. Watkins asserted that there will be a strong economic cost for the city on tourism as there is very little Georgian and Victorian architecture remaining. He recounted the history of Schmidville as an example of Halifax's unique history that should be preserved. Nineteen storey buildings should not be built in a four storey area.

Ms. Ternoway made a request of the Planner for clarification on the wind study. She stated it was her understanding that these studies will be done in subsequent review for this proposal. The planner responded that the study will be done before the staff report. The study will entail a full wind tunnel testing.

Peter Perkins, Halifax. He expressed concerns regarding the wind effects and would like to see more of shade pattern as the presentation did not show anything relevant to residents in the area. Nobody lives in Victoria Park. He does not think the proposed building is a very good idea as it takes away a lot of Halifax heritage.

Judy Haven, Halifax. Ms. Haven requested a further look at the North East Aerial View showing tall buildings in the area adjacent to Schmidville. She is concerned about the shadow. Her backyard gets no light in the Wintertime and very little in the Summertime because of shadows. She pointed out that as a public transit user, it is freezing cold in Winter on both sides of the street, because there is a lot of shadow cast by Park Victoria, and she is quite sure this will be added to by this 19-storey building. She stated that Heritage Trust has had walking tours to talk about famous people and architecture in that area. She opined that it will be a theme park in the middle of very tall buildings. Although the proposed building is quite nice and various features have been installed to make it more pleasant, it is still 19 storeys. She remarked that it is about time that developers/planners respect the by-right limits of development in the city of Halifax. Four or five storeys is just fine.

Phil Pacey, President of Heritage Trust of Nova Scotia. Mr. Pacey offered these observations:

- The developer has asked the municipality to change many planning and zoning bills to permit them to construct a 19-storey building.

- The proposal would involve the demolition of three houses on South Park Street. They are not registered heritage properties, but were proposed for possible heritage registration in the Spring. These buildings could be considered for possible registration before this process proceeds any further.
- The building at the corner is a prime example of Victorian architecture and is in the 2nd Empire style. He reviewed the history of the house, stating that it has both historic and architectural merit. The other two houses also have architectural merit.
- The area has a 45 foot height limit, allowing a four or five storey building. The same zone and height limits applies on the north side of Brenton Place and Clyde Street. These provisions were put in place to protect the scale of the Victoria Park/Schmidville neighbourhood.
- As long as the height allowed in the zone is similar to the height of the existing buildings, this creates an incentive for owners to retain the existing buildings and a dis-incentive to demolish said buildings. This zoning was done to protect the character of the existing neighbourhood and also provides affordable housing. The best affordable housing is existing housing.
- The current zoning is based on sound principles and should be respected. Approval of the proposed change for this site could act as a precedent for weakening of the zoning and policy protection for other sites in the neighbourhood.
- Existing rules need to be respected and should not be moved to a system of site specific amendments.
- The proposal would cast shadows on Victoria Park, on the sidewalks of South Park Street and on Brenton Street.
- The proposal does not maximize sunlight at street level.
- The proposed building will be much taller than neighbouring buildings and would place these buildings in a canyon. It would be impossible to use solar heating in these buildings, and would take away much of the sky view from the residents of those buildings.
- Heritage Trust advised that Staff and the Planning Advisory Committee recommend that the requested plans and zoning bylaw amendments be rejected.
- Heritage Trust invited the developer to come forward with a proposal that is in scale with this historic neighbourhood and a proposal that complies with the policies of the municipal planning strategy.

Janet Morris, Halifax. Ms. Morris shared these concerns:

- There are unregistered heritage buildings that are significant on the streetscape and these buildings should be addressed before addressing other buildings.
- She is offended that the proposal will tear down buildings in the streetscape on South Park Street.
- Ms. Morris does not believe this type of proposal should go in under the wire and destroy heritage properties.

Mr. Selingo offered another comment. He stated that the zoning also exists to protect the investments and economic interests of those people who are stakeholders in the neighbourhood. Zoning should be respected.

Brian Malloy, Halifax. Mr. Malloy owns five properties in the area. He stated he was shocked to hear the proposal was a 19-storey building, as he still can not believe Park Victoria was built. He has no light after 5pm in the Summer and feels this building will

shadow him, also. He is opposed to the 19-storey building and feels it should be built on a lower street.

Ruth Goldblum, Halifax. Ms. Goldblum expressed that the proposal is a lovely design, and the amount of creativity is remarkable. She advised that this kind of development environment is needed downtown in order to keep the graduates and the young generation here. She stated that Halifax has a history of not putting up the right kind of structure. She further remarked that Halifax's reputation across Canada is one of anti-development. She complimented Mr. Fares and his team for trying to bring something that would be extremely positive to the city.

Joe, Halifax. He stated that he is a Master's student, who plans on staying in Halifax and would love to raise children here. Although he is concerned with shadow and wind, he asserts that it is a selfish perspective because we live in a time where things are changing. He advised that increasing density downtown will allow the public to walk and live in a small core area rather than drive to Clayton Park. Though he loves Halifax, he feels there have to be compromises, as it makes more sense than relying on a rule that was put in place a long time before these considerations were at the forefront.

Ted Worthington, Halifax. Mr. Worthington shared that in 1971 he was on the planning committee, planning the zoning and it could not be amended. He stated that there are no guarantees when you buy a house, and that we need more public transportation and more density is needed in the city. He remarked on the Urban group who advised that we need 25,000 more souls downtown. He agreed that the proposed building is beautiful. He added that 20 thousand people left Nova Scotia last year. Regarding Park Victoria, Mr. Worthington stated someone should have complained about the shadows caused by that building before now.

Rick Layton, Halifax. He stated that the proposed building is, basically, in his backyard. Mr. Layton inquired as to how much money it would take to revive the existing heritage buildings and bring them back to standard. He noted that commercial space in Halifax is very limited and this type of building proposal is nice for commercial use as well. He admitted that he really does not know how he feels about the building after discussions regarding the wind and shade issues, but he stressed that if he wants to be out in the sun, he just picks the hours that his area has sun and then goes outside to enjoy it. He further stated that if he wanted to live somewhere that had a lot of sun throughout the day, he would not live downtown. Mr. Layton would not be opposed to the proposed building being in his backyard.

Anthony (Tony) Metlej, Halifax. He stated that he is also a builder and he owns property that was built under the old regulation of 45 feet. He advised that, with those regulations, very squat buildings that cover a lot of land and gives nothing to the city is the result. He stated that allowing the buildings to go up and spread the density vertically enables creativity in design. He pointed out that creativity in development will allow a signature for the next century as heritage does not stop. Heritage moves forward and new buildings will become part of heritage in the future. He added that building up the downtown core is what the city needs. Mr. Metlej is not opposed to the proposal.

Peter Kontak, Halifax. He reviewed the debt that the province is presently in and referred to taxes having doubled in the last couple years. Mr. Kontak advised that he does not want to have elementary schools with 750 students and he feels that this type of building will prevent that from happening by increasing downtown density. He agreed with his neighbours that this should go ahead as the shadows are already there. He stated the need to protect Schmidville and that the borders have to be restored.

Ms. Haven addressed the attendees again. She noted that the proposal calls for 93 parking spaces in an area that is already congested with traffic. Ms. Haven offered the opinion that living downtown will be a pricey affair. She does not feel this building will attract families with children.

Mr. Haven further remarked that he is disturbed by the way the debate is turning into a generational issue. He stated that it has been suggested that the younger public will move away if tall buildings are not built in the HRM. He remarked on how the view from Citadel Hill has been altered. Mr. Haven quoted a young man who told him to beware of destroying what makes Halifax distinctive. He inquired as to whether the proposed building is going to make Halifax distinctive; will people come and stay because of this building. He added that the HRM will not be the place he wants to live if it is made to look like Toronto.

Ms. Miller added these comments to her earlier statements:

- Park Victoria was built before the present Municipal Planning Strategy was adopted. She suggested that the process was put in place to prevent the building of more Park Victorias.
- She reiterated that in the Staff Report of October 23, the building bears no resemblance to the one presented. She suggested that the corner had to be made more welcoming in the revised presentation.
- According to the report, Staff advised that shops along the street would not provide enough light to the street and that residential units should be considered at that level. This recommendation does not appear to have been followed.
- She suggested that 24 units could be put on this property.
- The building is about four and a half times the height presently allowed.
- She inquired of Staff whether they know what the allowable limits are for wind, and what is considered acceptable.
- There are concerns in how podiums will break up the wind. She mentioned Scotia Square, the Aliant Building, and Fenwick Tower as always being presented as bad examples of buildings on podiums.
- In regards to affordability, Ms. Miller stated that the young public can not afford the half million dollar condominium. Since Staff redesigned the corner, perhaps they will consider some affordable residential spaces. She suggested that Staff consider townhouses to attract families.

Brian White, Planner with the Western Region. He referred back to the Midtown project, where there were many presentations made to the Planning Advisory Committee with regard to the Beaufort Scale, which is the international standard at the RWDI. A report was brought back to Staff, the PAC and Council about the internationally accepted Beaufort Scale in what the effects would be at the ground level. He stated that the performance criteria is to create a comfortable pedestrian environment at street level. He explained that

the Beaufort Scale is a graduated one and it would show the effects of the building and whether it will be uncomfortable for the pedestrians, at which time recommendations would be made, based on the results of the study. The applicant would then have the opportunity to make changes to the building design to reduce some of those effects.

The applicant commented that townhouses have not been considered at the first level, but it can be evaluated. Affordability will also be considered.

Phil LeVangie, Halifax. He stated that he will be living close to the proposed building. He advised that it is impractical to rejuvenate existing buildings. He expressed that HRM needs density and the kind of desire and thought that has gone into the building. He added that he thinks that the proposal is a credible project and deserves public support.

Lyman Langille, Halifax. Mr. Langille agreed that all of the things talked about, such as affordable downtown housing, are needed in the HRM. He stated that the HRM is anti-development and needs some signature properties such as this proposed building. He expressed that the building will provide a variety of needs and is in walking distance to the hospital and shopping, and has lots of greenspace. He added that he likes the setback features and the decks, and the designers and planners should be complimented. He salutes all in favour.

Ms. Miller addressed the glass wall that faces Victoria, saying that it seems to be a blank wall at about the fourth level facing West. Her concerns were:

- As this glass wall will be facing the sun, the concern is whether the building will be energy efficient or cost a lot to cool.
- Because of the wide expanse of glass, what effects will the reflections from the sun have on the surroundings or will there be no effect.
- She expressed concern about the glare emitted from the building.

The responses to her queries are as follows:

- The glass is all clear glazed. There will be times when light reflects off the glass but there will be minimal effects.
- The reflection of the colour of the sky in the glass will be appreciated when looking upward as it will minimize the visual impact of the building.
- The corner is an outward curve that will spread the glare.

Ms. Miller re-addressed the podium issue asking whether it is a proven wind reducer. The response was that the podium was part of an old city development process that allowed you to build five feet above the sidewalk. The comparison was made of canopies and podiums acting like rocks on the seashore breaking up waves. The same thing occurs - refraction - with winds when canopies or podiums are present, diminishing the effects.

Ms. Ternoway stated that actual results of wind studies will be submitted as the process goes on. Through these studies, the impact on the street and if there are measures needed to mitigate the wind impact, will be found and taken into consideration. The effects are speculative right now. The design is intended to minimize the wind as it descends, as opposed to a straight shear wall.

Richard Goldblum, Halifax and at his present address since 1967. He stated that the proposed building has a genuinely attractive design and has a lot to recommend it. He expressed that it will make Halifax more attractive and that all citizens of HRM should endorse it.

Joyce McCullough, Halifax. Ms. McCullough suggested that the proposed building would be more attractive in a certain area; not next to a heritage district. She stated that she understands that heritage districts are going to be set out in the city so people will know where they stand. She expressed a need for a moratorium on any developments that go against the heritage issues. She stated that Halifax is a certain kind of city where people come to see the history.

3. CLOSING COMMENTS

The Chair thanked everyone for coming out this evening and providing their comments and discussion on the proposal. She stated that the process allows planning staff and the applicant, collectively, to make adjustments and refinements to, hopefully, produce a great final product that works in the city. She advised that the struggle is in trying to uphold the best in the roots and core of existing policy, while also trying to adjust and adopt new policy at the same time. She remarked that it is a challenging time to consider development as people want to know what is going on and they want to be able to have some confidence in purchasing and developing properties. The ultimate goal is to create a really great city and to hold on to the best and be the best. A staff report will be tabled as more comes in.

4. ADJOURNMENT

There being no further business, the meeting adjourned at 9:00 p.m.

Sandra Riley
Legislative Assistant