

**Halifax Regional Council**  
**March 21, 2006**

**TO:** Mayor Kelly and Members of Halifax Regional Council

**SUBMITTED BY:**   
Wayne Anstey, Acting Chief Administrative Officer

**DATE:** March 15, 2006

**SUBJECT:** Case 00709: Development Agreement - Former Texpark Site, Halifax

**SUPPLEMENTARY REPORT**

**ORIGIN**

- Application by United Gulf for a mixed use development on the former Texpark site.
- December 16, 2005 staff report to HAC and District 12 PAC.
- HAC report to Regional Council of January 25, 2006.
- District 12 PAC report to Regional Council of January 30, 2006.
- Public hearing by Regional Council on February 28, 2006 and March 7, 2006.
- Requests by members of Council for additional information and details.

**RECOMMENDATION**

It is recommended that Regional Council:

1. Approve the development agreement, included as Attachment A of the staff report dated December 16, 2005;
2. Require that the development agreement be signed within 120 days, or any extension thereof granted by Regional Council on request of the applicant, from the date of final approval by Council and any other bodies as necessary, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end;
3. Discharge that portion of the existing Development Resolution for the MetroPark facility as it applies to the northwest portion of Lot 1A (PID# 41036088) which forms part of the proposal, to take effect upon the registration of the subject development agreement;
4. Subject to signing of the development agreement, approve in principle the encroachments as shown on the Schedules of Attachment A (Staff will bring this item back to Council at the appropriate time).

## **BACKGROUND**

In response to the many public presentations and submissions made during the public session, a number of Councillors requested that staff, by way of a supplementary report explain:

- the applicability of general and specific MPS policies (Councillor Sloane);
- staff's assessment of the wind and shadow studies (various);
- why wind and shadow studies are not undertaken by HRM (Councillor McCluskey);
- the circumstances for releasing applicants' studies to the public; (various);
- Halifax MPS policies on building height limits and view planes and their history (various);
- visibility of proposed buildings from within the Citadel Parade Square and from Barrington Street (Councillor Younger);
- how the proposed building heights compare with those of other buildings (various);
- previous staff interpretations of MPS policies and NSURB decisions related to projects such as the Midtown Tavern site (Councillor Younger);
- what the term "adjacent" means in the context of the MPS (Councillor Younger);
- whether or not the MPS compels Council to support projects which improve economic opportunity within the CBD (Councillor Younger);
- the capacity of municipal service systems to support the proposed development and whether there are any economies of scale in comparison to other locations (various);
- why a lay-by access arrangement is supported by staff for the proposed hotel component but was not for other cases such as the Marriot Hotel (Councillor Sloane);
- whether or not the proposed development incorporates principles of "environmentally sustainable" building design (Councillor Harvey).

Staff have reviewed the questions raised by individual councillors and offer the following response.

## **DISCUSSION**

### **Applicability of General Versus Specific MPS Policies**

Staff has been asked why some sections and policies of the MPS may have more relevance to an application than others. Specifically, Councillor Sloane questioned why the overall objective of the Halifax MPS and Section 8 - Environment were not emphasized in the staff report.

In response, any application made under a municipal planning strategy must be considered in light of the entire MPS and staff considers the entire MPS in forming a recommendation. However, MPS documents may contain many policies, some of which are general to an area and some of which are more specific. The Halifax MPS contains policies which are applicable "City-wide", which are general in nature, and policies that apply specifically to the CBD. The MPS policies that are referenced and attached to the December 16, 2005 staff report are in respect to both matters of general planning interest (City-wide), and area-specific (CBD).

In reference to the specific MPS sections and policies identified by Councillor Sloane, the overall objective of the MPS to preserve, create and maintain an interesting and livable city developed at appropriate scale and density, along with the Section on the environment, serve as a basis for preparing more detailed plans and policies which may apply to more specific areas or issues. Although these sections and policies of the MPS are considered in evaluating applications, the more

specific policies applicable to detailed plan areas such as the CBD, are in staff's opinion more relevant. Staff have concluded that, on balance, the proposal is consistent with the MPS.

**Wind and Shadow Studies and Release of Information:**

Copies of the May 4, 2005 wind study prepared by RWDI Inc. are included in Council's report package. In addition, the applicant has provided a summary which has been reproduced as Attachment A of this report. Additional details on the staff's analysis of the wind study is provided below.

Wind Study

The wind study was considered by staff in evaluating the proposal against MPS Policy 7.5 (Section III) which states:

*"the design of new developments in the CBD should be such that normal wind levels on outdoor pedestrian routes and in public open spaces will be acceptable."*

The intent of this policy is to avoid unacceptable wind conditions associated with development proposals through the use of mitigative measures in the building design. Staff's assessment of the wind study findings is based on the following assumptions:

- A building of significant height and scale will ultimately be constructed on this site and any building will result in wind impacts and/or be impacted by localized wind conditions.
- The subject site is in a CBD setting, characterized by a concentration of buildings of significant size constructed close together.
- The presence of taller buildings and general orientation of the CBD area (east/west and north/south street grid), contributes to the localized wind conditions in the area.

Wind tunnel testing allows for the identification of problem areas and the incorporation of mitigative solutions. Many existing buildings in the CBD, such as Maritime Centre, were constructed prior to the MPS and did not undergo rigorous wind testing and incorporation of mitigation measures.

In this case, the RDWI study concluded that:

- In some locations, the presence of the proposed building would slightly improve wind conditions over the existing condition while in others, conditions slightly worsened.
- The proposed development (with mitigation measures) would not significantly increase wind speeds in the area and therefore, impacts from the proposed building would be minimal.

The mitigation measures identified in the wind study are conceptual and include such features as canopies, wind screens, landscaping and other measures (primarily on Sackville Street). Final design is to be determined at the detailed design and permit stage. Any mitigation measures which encroach into the street right-of-way or which vary from the conceptual design will require further approval by Council. As the design calls for a significant degree of pedestrian interaction between the proposed building and abutting streets, it is in the developer's interest to ensure that any wind mitigation measures are both effective and aesthetic.

Shadow Study

A summary of the shadow study prepared by the applicant is provided as Attachment B to this report. The study was considered by staff in evaluating the proposal against MPS Policy 7.6 (Section III) which states:

*“the design of new developments in the CBD should be such that there will be a minimal amount of shadow cast on public open spaces.”*

In contrast to Policy 7.5 (wind impacts), Policy 7.6 is concerned with impacts on public open spaces and does reference “pedestrian routes”. The reasoning is that, building shadows on sidewalks and streets are acceptable in CBD settings due to the pattern of buildings being constructed up to the sidewalk (street line). With regard to the shadow impacts on Citadel Hill, the study concludes that:

- On June 21<sup>st</sup>, the proposed development does not shadow the Citadel.
- On March 21<sup>st</sup> and September 21<sup>st</sup>, the proposed towers cast a shadow on the east side of the Citadel following sunrise for approximately 45 minutes.

Therefore, the shadows from the proposed towers would have minimal impact on Citadel Hill.

Release of Information

Councillor Sloane requested information on how some members of the public were able to obtain details of the wind study prior to Council receiving them. In response:

- Studies related to traffic, wind, shadows and environmental protection are conducted as part of planning applications to determine impacts of a proposal on its surroundings.
- These studies are not commonly attached to staff reports due to their length and format (they typically include computer discs, maps and other material).
- For proprietary reasons, these studies are typically not made available to the public unless they are provided to or requested by Council.
- In this instance, a private citizen made a request to HRM to obtain a copy of the wind study along with information on the purchase and sale of the land after the initial staff report was referred to Council.
- An application was made on January 11, 2006, and was processed under Part 20 of the *Municipal Government Act* (Freedom of Information and Protection of Privacy, or FOIPOP).
- Prior to the release of the requested information through the FOIPOP process, the developer decided to make copies of the studies available during the week of February 20, 2006.

Staff will be reviewing current procedures in respect to the use and distribution of applicants’ studies in order to make this information more generally available to the public in the future.

Undertaking of Studies by Applicants

Councillor McCluskey has asked why HRM requires developers to undertake studies rather than the municipality undertaking them. In response, HRM has commissioned studies in the past, particularly where public assets are involved. The recent wind study undertaken for Lake Banook is an example of where this occurred. However, staff typically does not undertake such studies for planning applications and instead, requires applicants to undertake such analyses in order to address a specified MPS policy objective which occurred in this instance. Requiring the developer to undertake

the studies:

- saves time in processing applications (i.e. time saved in procurement);
- saves costs (i.e. no requirement to budget or time to manage RFP's by staff);
- puts the onus for accuracy squarely on the applicant; and
- achieves the same result in terms of addressing applicable MPS policy criteria.

Although the option for HRM to commission such studies is always an option, staff do not see the merits in changing the current practice for the above reasons.

### **Building Heights in Relation to Citadel Hill:**

#### Background

Councillor Sloane requested minutes from public hearings at which the Council of the former City of Halifax considered and adopted view plane regulations. These are provided as Attachment C to this report. A detailed account of the circumstances leading up to the adoption of a view planes by-law by the former City of Halifax can be found in Elizabeth Pacey's book; The Battle of Citadel Hill.

The recent history of public debate on development-related impacts on public views of and from Citadel Hill dates back to the late 1960's and early 1970's when downtown development projects such as Scotia Square, Citadel Inn, CIBC building and Maritime Centre were being developed .

The following is intended to provide Council with additional detail on view plane and building height regulations:

- Initial interest in developing regulations to protect views from/to Citadel Hill arose in the early 1970's, from concerns about impacts associated with downtown building development in the vicinity of Citadel Hill.
- Advocates for stricter regulation called for all unobstructed views of the harbour from Citadel Hill in existence at the time to be protected - resulting in what would have been protection of more sweeping, or "panoramic" views.
- The City of Halifax, concerned about potential economic impacts on the CBD, supported a lesser number of protected views. Essentially, a compromise was reached.
- A public hearing was held in January, 1974 to consider regulations for the protection of 12 unobstructed view planes.
- City Council subsequently adopted a by-law encompassing 10 view planes. These are identified in Map 2 of the December, 2005 staff report.
- In 1978, a new Municipal Planning Strategy and Land Use by-law was adopted for Halifax, which incorporated the 10 view planes adopted in 1974.
- Policies in support of view plane regulations and heritage properties were adopted with the 1978 MPS & LUB.
- In order to provide a higher degree of control over development in the CBD area, the MPS limits any "as-of-right" development within the CBD to a height of 40 feet. Anything above

this height may only proceed by development agreement.

- In 1984-85, a comprehensive review of building heights in the vicinity of Citadel Hill was undertaken by the City of Halifax. The study area included significant areas of the CBD and Spring Garden Road. However, City Council chose to adopt specific building height limits only for an area along Brunswick Street (Band “A”).
- Rather than establishing specific limits on building heights for other areas, City Council adopted Policy 6.3.2 - Section II. This stipulates that no development shall be permitted that is visible over the Citadel ramparts as viewed from an eye-level of 5 feet, six inches within the Citadel Parade Square. This viewing height is based on a person of “average” height (ie. 5 feet 9 inches).

The proposed United Gulf development does not protrude through or encroach into a protected view plane, nor would it be visible from within the Citadel as per Policy 6.3.2. Although a small area in the southwestern corner of the subject property falls under View Plane #6 , the proposed building at that location would fall below the view plane and therefore complies with the MPS.

#### Previous Staff and NSURB Interpretations

Staff have been asked to explain why it concluded that an earlier application for a 17-storey development on the Midtown Tavern site was not consistent with the MPS whereas this proposal seemingly is consistent with the MPS. Staff’s rationale in both instances is consistent with previous interpretations of MPS policies and with the rulings of previous decisions made by the Nova Scotia Utility and Review Board (NSURB).

In recommending refusal of the Midtown proposal, staff indicated that:

- the height of the proposed building did not reflect the historic and traditional scale of development in the vicinity of the Citadel;
- the height of the building was not complementary to the adjacent heritage building, the Halifax Visiting Dispensary Building; and
- the height of the proposed building was too high relative to other buildings in this part of the Central Business District, as development in the immediate area of the site was low rise in nature.

In rendering its decision on Midtown, the NSURB agreed with staff’s interpretation of the MPS . The Board’s decision is consistent with a 1984 Municipal Board (now NSURB) decision to uphold a City of Halifax Council decision denying an application by A.T.C. Properties on what is now the site of Cambridge Suites at Brunswick and Sackville Streets.

Both the Midtown and A.T.C. decisions involved a determination of what can reasonably be considered to be in the “vicinity” of Citadel Hill. In both cases, the NSURB considered the proximity of properties to view planes and Citadel Hill and determined that buildings of such height in such locations would not be consistent with MPS policies related to heritage properties and views from Citadel Hill. However, the Board’s decision in each case did not preclude the approval of tall buildings in other locations of the CBD.

In the ATC case, the Board also considered the matter of protecting “panoramic” views from Citadel

Hill and building heights in its vicinity, concluding that:

*“It appears clear that the City having adopted its view plane legislation did not intend to preserve a generally open panoramic view of the Harbour from Citadel Hill. However, one can readily ascertain from the wording of Policy 7.3 of Section III that the City has a concern over the height of buildings on the east side of Brunswick Street and this concern is probably related to the disruptive and possibly overwhelming effect on the general view from Citadel Hill which one or more tall buildings might create if located on Brunswick Street between the view planes. The issue then becomes one of trying to ensure that there is a level of harmony between the scale, mass and design of new buildings on the east side of Brunswick Street when large sections of that street elevation are seen as a whole from the Citadel.” (1984, Pg 43) ( emphasis added).*

In the case of the Midtown appeal, the Board considered the matter of appropriate building heights in the vicinity of Citadel Hill concluding:

*“The Board agrees with Mr. Porter that a very relevant question is what is a reasonable height of a building that will not overpower the Citadel. On cross-examination, he said it might be 12 storeys at this location. In any event, Mr. Porter’s opinion was, and the Board agrees, that a building which stands 259 feet above sea level, one city block from Citadel Hill, is not reasonably consistent with the policy directions in the M.P.S.” (NSURB, 2005, pg. 83) (emphasis added)*

In recommending approval of the current (United Gulf) application, staff considered the MPS policies and past decisions of the NSURB and have concluded that the subject property, six blocks away and down slope from Brunswick Street and the base of Citadel Hill, is not in the vicinity of Citadel Hill and, therefore, not subject to same consideration of the two cases cited above. This position is consistent with previous staff recommendations and decisions of the NSURB.

Comparative Building Heights

Members of Council have requested additional information on heights of other buildings in the CBD and the height of Citadel Hill in order to make comparisons with this project. This information is presented in the following two tables. Table 1 below, indicates that elevations (heights) above sea level for various points on Citadel Hill range from between 208 feet to 248 feet (ASL).

**TABLE 1**

<b>Citadel Heights - Point Elevations:</b>	<b>Elevation (above sea level)</b>
Topmost line of Earthworks on Citadel Ramparts	Range: 238 ft. - 248 ft.
Viewing positions (B, C, E, R)	Range: 208.6 ft. - 240 ft.

Table 2 identifies the approximate heights of various buildings in the CBD. For ease of comparison, the examples include some of the tallest buildings in the CBD as well as some lower buildings within close proximity to the subject site. These heights are approximate based on the most accurate information available to staff. Tables 1 & 2 indicate that a number of buildings in the CBD are above the elevation of Citadel Hill.

TABLE 2

<b>Building Heights - Halifax CBD (Approximate)</b>			
<b>Building</b>	<b># of Floors<sup>1</sup></b>	<b>Height (ft.) (lowest to highest points)</b>	<b>Elevation (above sea level)</b>
Maritime Centre	23 (office)	310	347
Purdy's Wharf II	22 (office)	292 (grade) 304 (water)	304
1801 Hollis St.	22 (office)	290	300
<b>United Gulf (Texpark)</b>	<b>27</b> (residential/ hotel) *(incl. penthouse)	<b>285</b>	<b>317</b>
Founders Square	15	205	221
Centennial Bldg.	14	185	215

Interpretation of "Adjacent"

In both the A.T.C. and Midtown decisions, the proposals were deemed to be "adjacent" to heritage properties ("adjacent" is found in policy 7.2.1, Section III). In the A.T.C. case, the Board found that the proposal could be considered adjacent to both the School Board Building and the Halifax Visiting Dispensary Building which was over a block away. In the Midtown decision, the Board indicated that:

*"...in the context of the M.P.S. in the present instance, "adjacent" refers to a building which lies "close to or near" another building, and not necessarily adjoining or touching."*

The December , 2005 staff report indicates that Council has discretion in determining the relative weight of the applicable heritage policies given the location of the subject property within the CBD (adjacent to the Barrington block with historic buildings, and adjacent to the block opposite east having no historic buildings) in considering this proposal. The Heritage Advisory Committee has recommended that Council request staff to review the MPS in order to specifically define terms such as "adjacent", "vicinity" and "significant" as they apply to heritage properties. Staff have indicated that this can be undertaken in conjunction with the Capital District Urban Design project.

Servicing Costs/ Economies of Scale

The detailed review of the proposal by staff identified no servicing constraints. Most of the infrastructure needed to support the proposed development is already in place and the responsibility for providing any additional service enhancements is the developer's. The applicant will be responsible for installing service laterals into the building from the abutting streets. In addition, the applicant will be responsible for the costs associated with undergrounding of utilities and sidewalk reconstruction and amenities as indicated in the Budget Implications section of this report.

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<sup>1</sup>**Note:** The number of building storeys does not coincide with overall building heights due to differences in floor heights of residential/ hotel buildings versus office buildings. Office buildings typically have a higher floor to floor height (12 to 13 feet, depending on the building's age and design). Residential and/ or hotel buildings typically average 9 feet per storey.



Generally, the servicing costs associated with a mixed-use or multiple unit development are lower than those required to service a single unit development comprising the same number of units.

#### Visibility from Barrington Street

The upper levels of the proposed towers will be visible from various points along the west side of Barrington Street. Generally, some of the medium-rise buildings on the east side of Barrington Street, such as the Green Lantern, Johnston and Roy Buildings, will block most or all of the view of the towers. The proposed towers will generally not be visible to pedestrians from the east side of Barrington Street except at the locations of street intersections.

The applicant has prepared a 3-dimensional "drive-by" simulation showing the proposed towers as they would be seen along Barrington Street. This simulation was presented to the Heritage Advisory Committee and the District 12 Planning Advisory Committee in mid-2005 and is available if Council wishes to view it.

#### Economic Considerations

The economic and commercial related objectives and policies in the MPS, as indicated on page 10 of the December 16, 2005 staff report, encourage major commercial projects such as hotels in the CBD. As well, the sub-area (#10) policies of the CBD call for mixed-use developments such as the one proposed. However, these policies do not compel Council to approve the proposal. Rather, they must be considered and weighed by Council in relation to all other objectives and policies.

#### Vehicular Lay-by

Staff have been asked why a lay-by for the hotel in this proposal can be supported whereas similar proposals were not recommended. In response, the land use or type of development which is being proposed is not the governing criteria for determining whether a lay-by is permitted or warranted. The primary criteria is the type of street and the amount of traffic on that street and therefore, whether the proposed lay-by is of benefit to HRM and the public.

In this instance, Hollis Street is a principal street having high traffic volumes. There is benefit in having the traffic associated with this development pulling out of the traffic flow at that location of Hollis Street. Other streets with less traffic flow, such as Granville Street or Grafton Street (site of Marriott Hotel), do not warrant a lay-by as there is not the overall benefit to HRM to get the traffic removed from the flow. In those cases, having the traffic pulling off to the side, in the parking lane, is acceptable.

#### Environmentally Sustainable Building Design

Councillor Harvey enquired whether or not the proposed development incorporates principles of "environmentally sustainable" building design. In response, the applicant has indicated that they will be investigating options with the architect for incorporating such designs into project at the detailed design stage. The MPS provides no specific direction in respect to this subject.

### **BUDGET IMPLICATIONS**

The applicant has agreed to assume the costs of the civil work associated with the undergrounding of the electrical and telecommunication utilities adjacent to the development, the costs of reconstructing the sidewalk in accordance with the Capital District standards for Barrington Street developed through its Urban Design Project and also provide street level amenities such as trees,

benches, bicycle racks and garbage receptacles.

### FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

### ALTERNATIVES

1. Council may approve the development agreement. If this course of action is taken, Council should also discharge the existing development resolution for Lot1A as it pertains to this proposal (northwest portion of Lot1A only). This is the recommended course of action.
2. Council may refuse to enter into the development agreement and, in doing so, must provide reasons based on conflict with existing MPS policy. Although this is not the alternative recommended by staff, Council has the discretion to choose this option for the reasons described above. This is the recommended course of action by the Heritage Advisory Committee.
3. Council may choose to approve the development agreement with modifications which are acceptable to the applicant. Such modifications may require further negotiations with the applicant and/or revisions to the schedules attached to the agreement. This is the recommended course of action by the District 12 Planning Advisory with respect to the interim parking lot which is specifically referenced in clause 2.11 of the draft development agreement.

### ATTACHMENTS

Attachment A: Summary of Wind Study

Attachment B: Summary of Shadow Study

Attachment C: Halifax City Council Minutes:

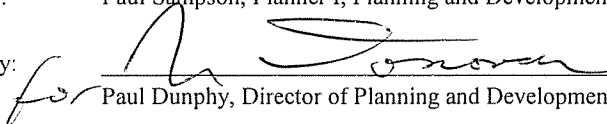
- Public Hearings: April 25, 1973 and January 16, 1974

- January 31, 1974 Council session

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/agenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Paul Sampson, Planner I, Planning and Development Services

Report Approved by:

  
Paul Dunphy, Director of Planning and Development Services

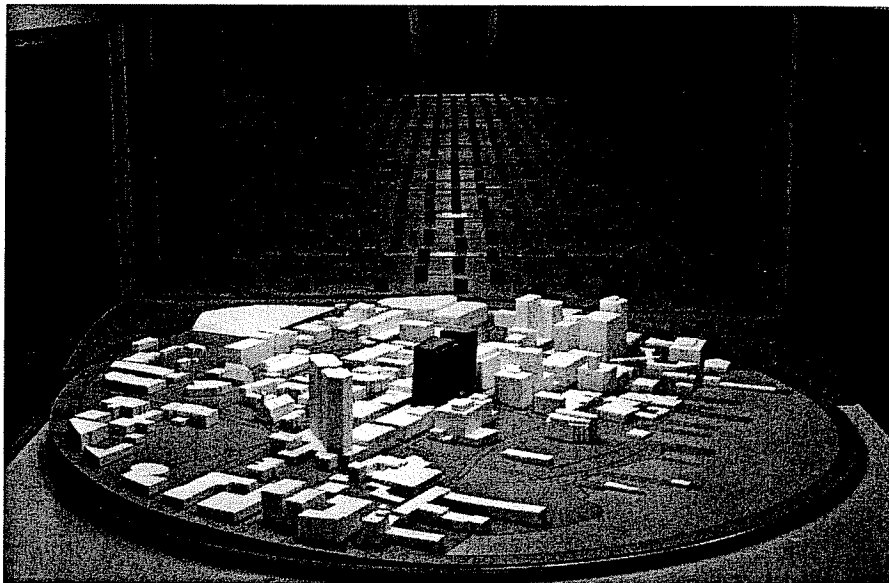
## Texpark Wind Study - Summary

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### About RWDI

- Wind study was undertaken by Rowan, Williams, Davis and Irwin Inc (RWDI) in April 2005. The company was established in 1972 and is the leading wind engineering consulting firm in the world. Its staff includes senior scientists, engineers, specialists, meteorologists, engineering technologists, modelers and technicians. The firm deals with all kinds of facilities on a worldwide basis. Its testing facility is in Guelph Ontario. For more information visit [www.rwdi.com](http://www.rwdi.com).

### The Model



Model of downtown Halifax used for wind tunnel testing.

- A 1:400 scale model of the downtown was constructed including the buildings, hill slope and shoreline within 460m of the site. In the photograph you can see how it has been sloped to replicate the incline from the shoreline to Citadel Hill.
- 47 sensors were placed in the model at street corners and doorways to measure the wind conditions experienced by pedestrians at 1.5m (5 ft) above ground level. The sensors recorded data during the testing process, and sent it to computers that analyzed how the wind was affecting pedestrian comfort and safety.
- Two versions of the model were used in the testing process (see page 1) – one with the former Texpark structure in place (model version A), and the other with the proposed building in place (model version B).
- The model was mounted on a turntable in a wind tunnel that reproduced local wind conditions for all four seasons. Measurements were made for 36 wind directions in each season (see page 2). The wind information used by RWDI was drawn from a 50-year period of measurements at Shearwater and accurately reflects the wind people experience in Halifax.

- Testing was completed using the 'A' and 'B' versions of the model

### **Steps in the Analysis**

- The wind tunnel computers calculated when and where the wind conditions were suitable for sitting, standing and walking, and also when and where wind became uncomfortable for pedestrians (see page 5).
- It also determined where wind gusting occurred, and how often, in each season (3 month period). Gusts are short bursts of strong turbulent wind that can affect people's balance. If more than one gust is measured in a 3-month period, it is considered a safety failure (see page 6).
- The information for the 'A' model (with the Texpark garage) was compared to model 'B' to see how the wind conditions changed in each season, and the engineers then determined whether that change was acceptable. Strong and turbulent winds do typically occur on occasions in the downtown so the engineers wanted to find out whether the proposed building made that situation worse or better.
- When the data was analysed, it was found that spring, summer and fall wind conditions around the site caused little concern. However, in **winter** higher than acceptable wind gusting was found at the corner of Sackville and Hollis in the 'B' model.
- The testing also showed that the wind conditions at the Maritime Centre are by far the worst in the area – both in terms of discomfort and number of gusts in a season. Addition of the proposed building had a slightly positive impact on those winds in the winter.

### **Cause of Wind Effect**

- To check their analysis of wind movement around the site, RWDI also tested the model with the following modifications (page 7-8):
  - Hotel set back 6m from Sackville Street
  - Hotel removed
  - Addition of 18 story building on east (harbour) side of Hollis Street

These tests confirmed that changes to the hotel tower had little impact, and that winter winds blowing directly from Halifax Harbour at street level caused the gusting issues. These winds blow around the corner and funnel up the hill on Sackville Street picking up speed on the way. The test involving removal of the hotel showed that downwashing winds from the towers had a minor impact. For a description of downwashing see page 7.

## Change to the Design (Mitigation)

- As part of the testing process, the wind engineers and project architect made changes to the design to reduce gusting at the Hollis/Sackville corner. They found that shaving back the corner of the building (making the sidewalk wider), adding a drop panel to the canopy, and placing some screens at street level near the corner reduced gusting to acceptable levels (page 9). The change in wind conditions was confirmed by re-testing model 'B'.
- The actual design of the mitigation devices at street level, and the design of the canopy will be undertaken during the detailed design stage and will involve the architect, HRM staff and the Downtown Halifax Business Commission (see Development Agreement page 9).
- Results for all sensors, all four seasons, and both 'A' and 'mitigated B' versions of the model can be found in Table 1 (Appendix)

## Conclusions from the Testing

- **In its overall conclusions (pages 9-12), RWDI states that that the wind conditions are either slightly improved (Hollis Street) or not significantly different (Maritime Centre, Sackville Street, Granville Street) with the proposed building in place (including mitigation) compared to the situation with Texpark in place.**
- **They also found that the wind conditions make the landscaped area on top of the podium suitable for public use in summer only. This information was used to determine how much public access would be provided to this podium open space and how it would be managed.**

## Question and Answer

### ***What is the Beaufort Scale and how does it differ from wind tunnel testing?***

The Beaufort Scale was developed in 1805 by Admiral Sir Francis Beaufort to help sailors estimate winds via visual observations at sea. On land it allows wind speed to be estimated by observations of how the wind moves smoke, leaves, trees etc. It provides no measure of gusting.

Wind tunnel testing provides specific information about wind at specific locations and is an accurate and informative way to measure wind conditions – sustained winds and gusts - as they affect pedestrians.

***Why aren't pedestrians affected by wind spilling down the building?***

The tests show that the interaction of the shape of the building and the direction of the winter winds in model 'B' do not result in strong winds spilling down the building. In addition, canopies protect pedestrians from such winds when they do occur.

***Why are Maritime Centre wind conditions not replicated by the proposed building?***

The shape of the Maritime Centre and its orientation to the winter winds off the harbour cause different and much worse wind conditions at street level. Also, there is very little protection for the pedestrians at the base of the building.

**Shadow Analysis for 1591 Granville Street (formerly Texpark)**

**Introduction**

The Halifax Municipal Planning Strategy CBD Policy 7.6 states that:

*The design of new development in the CBD should be such that there will be a minimal amount of shadow cast on public open spaces.*

The application form for the Planning Approval Process includes a requirement for the proponent to undertake shadow studies for buildings greater than 12m (40ft) in height on each of the following dates: March 21<sup>st</sup>, June 21<sup>st</sup>, September 21<sup>st</sup>, and December 21<sup>st</sup>. The shadow impact is to be shown for at least two times in the day.

**Shadow Modelling**

In January 2005, United Gulf Developments Limited contracted Connor Architects and Planners (CAP) to create a model for downtown Halifax that shows the movement of shadows generated by the proposed building at 1591 Granville across downtown Halifax on the four required dates. CAP started with a three-dimensional animated digital model of the downtown created in-house, and into this they inserted a digital image of the proposed structure. The model allows the observer to see the movement of shadows in a continuous sequence from dawn to dusk on each of the four days. For comparison purposes, an earlier model showing the downtown with the former Texpark structure in place was also reviewed.

**Shadow Analysis**

The public spaces considered to be of most interest are:

*Barrington Street* – a designated heritage district and important pedestrian and vehicular artery through the downtown,

*Granville Street* – an important north-south street with potential for further improvement as a retail street, and possible outdoor activities,

*Sackville Street* – a major axis between the waterfront and Barrington Street with potential for increased pedestrian movements and possible outdoor activities,

*Sackville Landing* – An important public space for daytime and evening activities.

*Grand Parade* – an important historic and civic space in HRM.

*St. Paul's Church* – an important historic building in HRM.

In order to fully understand the impact of the building, two analyses were conducted: one with the Texpark structure still in place, and second with the proposed building in place. The results can be seen in Tables 1 and 2, Appendix 1.

# UNITED GULF DEVELOPMENTS LIMITED

380 Bedford Highway Halifax Nova Scotia B3M 2L4

## **Summary of Findings**

1. Barrington Street was not affected by the shadow from the former Texpark garage. When the proposed building is inserted, shadows from the towers affect Barrington Street in the early to mid-morning. In spring, summer and fall, the latest departure of the shadow is 9.15am, 10.00am and 10.15am respectively. At that time other shadows from the buildings on the east side of Barrington Street still partially cover the street. In winter, the tower shadows leave Barrington Street at 10.45am, however the street is still almost completely in the shadow of nearby buildings.
2. The combined shadow of the towers does not cross St. Paul's Church or Grand parade in the spring, summer or fall. In winter it leaves St. Paul's Church at 10.30am and Grand Parade at 10.45am.
3. There is no substantial change on Granville Street from the baseline situation. The sun reaches the street in the middle of the day between 11.00am and 12.30pm.
4. There is no change on Sackville Street from the baseline situation. The sun appears between 4.00pm and 5.15pm in the late afternoon except in the winter when the street is in shadow all day.
5. The hotel shadow affects Sackville Landing in spring and fall for about two hours a day after 3.30pm and 4.15pm respectively. This shadow does not completely cover the area, but forms a strip that crosses the Landing and eventually blends with other shadows. The narrow profile of the hotel tower allows some sun to reach the site even when the hotel shadow is fully extended over it.

In summer the tower shadows do not reach Sackville Landing at all. In winter combined shadows from other buildings move across the site after about 3.00pm.

## **Conclusions**

The towers affect Barrington Street in the early to mid-morning throughout the year. They affect Grand Parade and St. Paul's Church during the winter only. At that time of day, and time of year, neither of these historic locations is used to any significant degree for public events.

Elsewhere, the only effective change in the shadow coverage of public space in the area around the proposed building is at Sackville Landing where shadow crosses the site in the mid to late afternoon in the spring and fall. This area is used most intensively in the summer and early fall for public events, generally starting in the morning and sometimes extending into the evening. Since the shadows do not reach the Landing at all in the summer, and affect it for less than two hours in the late afternoon, they should have little impact on this area's role as a venue for outdoor public activities.



# UNITED GULF DEVELOPMENTS LIMITED

380 Bedford Highway Halifax Nova Scotia B3M 2L4

## APPENDIX 1

**Table 1: Shadow of Texpark – Baseline Situation**

	SHADOW IMPACT ON PUBLIC SPACE					
Shadow leaves	Barrington	Granville	Sackville	Sackville Landing	St. Paul's Church	Grand Parade
March 21 <sup>st</sup>	No impact	11.00am	4.30pm	No impact	No impact	No impact
June 21 <sup>st</sup>	No impact	12.15am	4.00pm	No impact	No impact	No impact
September 21 <sup>st</sup>	No impact	12.00am	5.15pm	No impact	No impact	No impact
December 21 <sup>st</sup>	No impact	11.30am	Shadow all day	Contributes to combined shadow at 3.15pm	No impact	No impact

**Table 2: Shadow of Proposed Building – 1591 Granville Street**

	SHADOW IMPACT ON PUBLIC SPACE					
Shadow leaves	Barrington	Granville	Sackville	Sackville Landing	St. Paul's Church	Grand Parade
March 21 <sup>st</sup>	9.15am	11.00am	4.30pm	Shadow starts 3.30pm; partial shade/sun until full shadow at 5.30pm	No impact	No impact
June 21 <sup>st</sup>	10.00am	12.30pm	4.00pm	No impact	No impact	No impact
September 21 <sup>st</sup>	10.15am	12.00pm	5.15pm	Shadow starts 4.15pm; partial shade/sun until full shadow at 6.00pm	No impact	No impact
December 21 <sup>st</sup>	10.45am	11.30am	Shadow all day	Shadow starts 3.00pm, until full shadow at 4.00pm	10.30am	10.45am

PUBLIC HEARING - CITY COUNCIL  
AMENDMENTS TO ZONING BY-LAW  
RE: VIEWS FROM CITADEL HILL  
M I N U T E S

*W. J.* Attachment C

Gymnasium,  
Westmount School,  
Edward Arab Avenue,  
Halifax, N. S.  
April 25, 1973  
8:12 p.m.

A Public Hearing was held at this time with respect to the proposed Amendments to the Zoning By-law relating to Views from Citadel Hill.

Present: His Worship the Mayor, Chairman, Aldermen Bell, Connolly, Hogan, MacKeen, Meagher, Moir, Stapells, Sullivan and Wentzell.

Also Present: City Manager, City Clerk, Director of Planning, Assistant Solicitor and other Staff members.

His Worship the Mayor suggested that the Director of Planning first explain the proposed amendments followed by a question period for clarification. He requested that the questions be asked for clarification only and that comments and opinions be reserved for later in the meeting.

The Director of Planning spoke of the decisions which had been taken, the studies done by Staff in order that the proposed amendments could be drawn up for consideration. He said that it was necessary to make certain decisions in order that the legislation would be simple and understandable to all. He outlined and described, with the aid of diagrams, the three view planes from a point 5 feet above the wall of the Citadel.

His Worship the Mayor said that Council has discussed this matter at great length and he spoke of the tremendous amount of work done by Staff in order that, as a first step, something could be put on paper in an attempt to preserve the remaining views from the Citadel. He said that Council had requested that this work be done as quickly as possible.

8:30 p.m. Alderman Stanbury arrives.

His Worship the Mayor then asked if any members of the audience wished to ask questions for clarification purposes only.

Mr. Lou Collins asked for confirmation that the photographs displayed by City Staff, purported to be of the three views proposed, actually showed a larger area than that which was to be preserved.

The Director of Planning confirmed the statement of Mr. Collins.

Public Hearing,  
Views from Citadel,  
April 25, 1973

Mrs. Bell asked what restrictions are presently placed on heights of buildings on the other sides of the Citadel.

The Director of Planning said that only the present provisions of the Zoning By-law prevail and that other views are still to be studied further.

Mr. Terry Stanford asked why other views such as that of the Narrows Bridge are not proposed to be protected at this time. He also asked why the view planes are so narrow.

The Director of Planning said that this is a first step and there are many things to consider in drafting legislation of this type. He said that Staff will proceed with work on other views.

Mr. Stanford made some disparaging remarks with respect to the work of Staff and the presentation made.

His Worship the Mayor expressed the view that the remarks made were in bad taste and members of Staff should not be attacked in this manner when they are unable to defend themselves. He said that the work has been done upon the instructions of Council over many months. He said that presently, other than the general zoning provisions as contained in the By-law, there are no restrictions on the height of buildings in the downtown area. He felt that the amendment proposed is at least a step in the right direction and gives an indication that Council is concerned about the preservation of views, although he agreed that, at this time, it perhaps does not go quite far enough.

Mrs. Thibodeau referred to the fact that the views to be preserved are taken from one specific point and she asked if it was the intention to limit the viewers, or viewing time from the particular spot.

The Director of Planning said that this is a point well taken but he considered that up to twenty people could stand on the wall and obtain approximately the same view.

Mrs. Thibodeau asked what can be done for those persons who are unable to climb up on the wall.

His Worship the Mayor said that this is a decision which Council has to take, whether to accept the recommendations of Staff or not, and the purpose of this meeting was to hear the views of interested persons to assist in the decision making process.

Mr. Jeff Braybrook felt that the views should be taken from the roadway and asked why a point was picked above the wall.

The Director of Planning said that, in his opinion, the views from the wall were superior to those from the

Public Hearing,  
Views from Citadel,  
April 25, 1973

roadway and are presently unobstructed. He said that one point only was picked instead of more to facilitate the drafting of legislation which can be easily administered.

Alderman Stanbury asked whether the view from the roadway was the same as that from the wall.

The Director of Planning said that the view from the roadway would not be the same and he reiterated that the view from the wall was superior.

Mr. Bev Grineault asked what the difference in stories would be of buildings if the views were taken from the roadway rather than the ramparts.

The Director of Planning said that he did not have that information at hand but that there would not be too much difference.

Mr. Frank Kempster asked if any consideration has been given to the effect twenty-storey buildings would have on the whole vista from the Citadel if they were constructed on Brunswick Street between the two central view planes, as proposed. He contended that they would destroy the whole effect.

The Director of Planning said that Mr. Kempster is correct and consideration has been given to this aspect.

There apparently being no further questions for clarification, His Worship the Mayor asked for comments or submissions.

Mr. Greg Murray and Mr. David Lachapelle made a lengthy joint presentation on behalf of the Downtown Committee with diagrams, pictures and elevations. Copies of both submissions are attached to the Official Minutes of this meeting.

Mrs. Elizabeth Pacey expressed her concern about the preservation of views from Citadel Hill and illustrated her concern with statistical charts about assessments, tourist revenue, city revenue, employment as a direct result of the tourist trade and annual growth in tourist dollars.

Mrs. G. Hutton read a brief on behalf of the Heritage Trust and a copy of the submission is attached to the Official Minutes of this meeting.

Mr. Thompson, a member of the Princess Louise Fuseliers who stand up on the Citadel every summer, in their uniforms, addressed the meeting and said that he looks at the views of the harbour from the ramparts for three solid hours at a stretch. He said that most visitors to the Citadel are either inside visiting the various museums or are on the roadway. He said that very few tourists climb up on the ramparts to view the harbour. He felt that some stringent regulations must be enacted and he suggested that

Public Hearing,  
Views from Citadel,  
April 25, 1973

members of City Council listen carefully to the citizens tonight so that they do not get out of touch with what people want.

Mr. Geoffrey Marshall spoke of the number of visitors to the Citadel each year and questioned whether all or even half of them climb the ramparts to look at the view. He felt that a simple regulation could be drawn up that would prohibit the construction of any building which would obscure any part of the view of the water from the roadway around Citadel Hill.

Mr. Charles Campbell addressed the meeting and spoke of the beautiful views that can be seen from Fort Needham in the North End of the City. He suggested that perhaps the tourists should visit that location and that the tourist dollars be spent improving that facility rather than the Citadel and thus obviating the necessity of enacting legislation to protect the views from the Citadel.

Mr. Alan Ruffman exhibited a photograph in a book of Notman pictures of the view from the Citadel in the year 1900. He also referred to the Stephenson Report and exhibited a picture showing that footpaths had been worn across the grass to the Citadel from all directions, indicating that the residents of the City visit the Citadel just as much as tourists. He endorsed the presentation made by Mr. Murray and Mr. Lachapelle and suggested that Council instruct Staff to prepare a By-law which would preserve the views from points B and C on the roadway around the Citadel.

Mr. Fletcher Smith spoke of the enormous problem facing Council who will be required to make a decision on this matter. He questioned how the downtown area can be redeveloped and the views preserved at the same time. He contended that there might be many people who favour the retention of the views but that there are equally as many who would much prefer redevelopment to take place and their taxes reduced.

Mr. Hugh Porter submitted and read a brief on behalf of the Department of Indian Affairs and Northern Development. A copy of this brief is attached to the Official Minutes of this meeting.

Mrs. Ruth Doleman was disturbed over the fact that the viewing point selected was up on the ramparts. She noted that many persons are unable to climb up there and thus are unable to enjoy the view. She said that she looks out upon acres of open land which for years has never been walked on. She referred to Windsor Park which she contended should be taken over by the City.

Donna Spicer submitted and read a brief on behalf of the Environmental Study Group of the Halifax University Women's Club. A copy of this brief is attached to the Official Minutes of this meeting.

Public Hearing,  
Views from Citadel,  
April 25, 1973

Mr. Lou Collins, Chairman of the Halifax Landmarks Commission addressed the meeting and spoke in favour of preserving the views from the Citadel and he urged Council to think seriously about the proposal that the views be taken from two separate points on the roadway. He said that haste is required to enact the necessary legislation. He was appreciative of the presentations that have been made at the meeting.

A lady executive from the Halifax County Consumer Association, Lindy Duncan and Graham Hicks all spoke in favour of preserving the views from the Citadel and preferred locations B and C on the roadway rather than a point up on the ramparts. They endorsed the proposal of Mr. Murray and Mr. Lachapelle

Mr. John E. Lloyd addressed the meeting as an interested citizen and favoured the preservation of the views from the Citadel but felt that the economics of the preservation and the effect on development of the legislation must be seriously considered. He felt that the important thing to do is to adopt the By-law as Council sees fit as a start to preserving the City's beauty.

Mr. Eugene Mattatall submitted and read a brief on behalf of the Urban Development Institute. A copy of this brief is attached to the Official Minutes of this meeting.

Mr. John Pike Grady addressed the meeting as a visitor from Eastport, Maine. He said that Eastport is a small port City with many of the same problems as Halifax. He said that there are many similar places who are looking with great interest at Halifax and the efforts being made to protect the heritage. He said that it could be that other towns and cities will follow Halifax' lead in the future.

His Worship the Mayor concluded the meeting by thanking all those who had participated and those who showed their interest by attending. He said that Council will think very hard about the presentations that were made and he informed the meeting that the matter will be debated in Council at the meeting to be held on May 17th at 8:00 p.m.

10:57 p.m. Meeting adjourned.

WALTER R. FITZGERALD  
MAYOR AND CHAIRMAN

R. H. STODDARD  
CITY CLERK

*Sp. Reg. Works*

PUBLIC HEARING - CITY COUNCIL  
RE: "PROPOSED VIEWS BY-LAW"  
MINUTES

Gymnasium,  
Highland Park School,  
Robie & Duffus Streets,  
Halifax, N. S.  
January 16, 1974  
8:00 P.M.

A Public Hearing was held at this time with respect to the "Proposed Views By-law" relating to views from Citadel Hill.

Present: His Worship the Mayor, Chairman; Aldermen Bell, Connolly, MacKeen, Meagher, Moir, Stanbury, Stapells, Sullivan, Wentzell and Deputy Mayor Hogan.

Also Present: Acting City Manager, City Solicitor, City Clerk, Director of Planning and other staff members.

His Worship the Mayor called the meeting to order and advised that Mr. Babb, Director of Planning, would identify the twelve views which are the subject of discussion at this time.

Mr. Babb, Director of Planning, described the basic reasons for holding the public hearing, briefly reviewed the history of the views matter and indicated to those present material on display relative to the views. He then referred those present to the submission entitled "Views From Citadel Hill: Halifax, N. S. Proposed By-Law, January 1974", copies of which were distributed to those attending. He then called upon Mr. John MacKenzie of the Planning Department to continue staff's presentation.

Mr. John MacKenzie displayed slides and illustrated in detail each of the twelve proposed view planes.

In reply to a question from His Worship the Mayor, the City Solicitor stated that it was his opinion that the view planes being discussed would be capable of some modification but not enlargement without a public hearing being held.

Mr. Bruce S. C. Oland, President, Lindwood Holdings Ltd., submitted and read a brief on behalf of Lindwood Holdings Ltd. A copy of this brief is on file in the office of the City Clerk.

Mr. John Belgrave, Area Superintendent, Historic Sites, Halifax, submitted and read a brief on behalf of Parks Canada - Atlantic Region. A copy of this brief is on file in the office of the City Clerk.

Special Council,  
January 16, 1974

Mr. Gilbert Hutton, 57 Woodlawn Road, Dartmouth, a representative on and Acting Chairman of the Downtown Committee, submitted and read a brief on behalf of the Downtown Committee. A copy of this brief is on file in the office of the City Clerk.

Mr. John Way, a member of the Downtown Committee, submitted and read a brief, copy of which is on file in the office of the City Clerk.

Mr. F. David McGee, Secretary and company solicitor, submitted and read a brief on behalf of National Sea Products Limited, copy of which is on file in the office of the City Clerk.

Mr. Philip D. Pacey submitted a brief on his own behalf and on behalf of Elizabeth Pacey, entitled "A Cost-Benefit Analysis of New Development". Mr. Pacey, with the aid of slides, presented a summary of the analysis of the 1973 City of Halifax budget. Mr. Pacey then responded to questions from His Worship the Mayor and members of Council re specific aspects of his presentation. A copy of the brief is on file in the office of the City Clerk.

Mr. M. Wright, First Vice-President of the Halifax Board of Trade stated his membership are interested in preserving views consistent with the future development and growth in the downtown area and the Central Business District.

Mr. E. Grant Jarvis, Chairman, Civic Affairs Committee, Halifax Board of Trade, submitted and read a brief, pointing out the highlights of the recommendations and conclusions therein. A copy of the brief is on file in the office of the City Clerk.

The meeting then recessed at 10:10 p.m. for ten minutes.

The meeting reconvened at 10:20 p.m. with the same members in attendance.

Mr. S. Robertson submitted and read a brief on behalf of Maritime Telegraph and Telephone Company Limited. A copy of this brief is on file in the office of the City Clerk.

Virginia Bradford submitted and read a brief on behalf of C.O.S.E.C., copy of which is on file in the office of the City Clerk.



Special Council,  
January 16, 1974

Phyllis Blakeley, 2160 Connaught Avenue, submitted and read a brief on behalf of the Environment Group of the Halifax University Women's Club, copy of which is on file in the office of the City Clerk.

Mr. Don Lohnes, 5222 Blowers St., addressed Council and stated that Lohnes Restaurant Limited has owned, maintained and paid taxes on a parcel of land affected by the proposed view planes since 1939. He stated that if it is the wish of City Council and the citizens of Halifax to retain proposed views, then it should be the responsibility of City Council and citizens of Halifax to financially compensate the land-owners affected by the view planes through lower taxes or other means. Further, if some means of compensation to property owners affected by view planes is not available, he suggested the elimination of C-3 and B-6 view planes.

Mrs. Helen Stuart, teacher and resident at 1643 Preston St., addressed Council and pointed out the uniqueness of the City of Halifax. She stated there is a responsibility to those living outside Halifax as we are custodians of an historic and scenically beautiful area. She stated that the view planes, in order of priority, in her opinion, are B - 1, B - 3, B - 6, C - 3, C - 5, C - 6, E - 2, and R. She suggested that a City plan is needed.

Mr. Roger O'Neil submitted and read a brief on behalf of the Urban Development Institute of Nova Scotia, copy of which is on file in the office of the City Clerk.

Mr. Alan Ruffman, resident of Herring Cove, addressed Council and suggested that there is a tendency to confuse highest and best use of property. He commented on specific points raised by previous speakers re compensation, access to waterfront and concluded his remarks with several predictions re the future development of the City of Halifax.

Mr. John Davies, 1165 Rockcliffe St., addressed Council as a private citizen and read his own composition in verse, depicting the Citadel's speech for itself.

Mr. Ian McKee, addressed Council as Vice-President of Heritage Trust of Nova Scotia and as a private citizen. He stated that Heritage Trust supports the views of Parks Canada as outlined by Mr. Belgrave and stressed that his organization joins those who request that a views by-law be passed as quickly as possible. As a private citizen, Mr. McKee stated that he personally has done some studies in economics and would agree with the findings presented by Mr. Pacey.

Special Council,  
January 16, 1974

Mr. L. Collins, Chairman, Halifax Landmarks Commission, spoke in support of the proposals of the Downtown Committee. He hoped that City Council does consider the statements of the Downtown Committee and its policies as pertinent as any brief from developers. He further pointed out that the seal of the City of Halifax has the Citadel as its most prominent feature.

Mr. Jeffrey Marshall, architect, reminding members of Council that 'one picture is worth one thousand words', submitted two pictures, one being a colored view at night from Citadel Hill, the other being a structure in the downtown area that was built up by adding additional stories without demolition of the initial structure.

Mr. C. Campbell, resident of Fairview, congratulated City staff and Council on the plan for view planes which was proposed. He suggested that development and revenue are needed.

Mr. J. Barrett, representing the Ecology Action Centre, referred to a telegram addressed to the Aldermen of the City of Halifax, which was forwarded to the Ecology Action Centre with no further explanation. He read the contents of the telegram which was signed by A. Faulkner, Urban Affairs Consultant. Mr. Barrett stated he could in no way identify the sender nor verify his position. He stated that his organization urges City Council to adopt view planes legislation as proposed. He suggested that the by-law is required not only to protect the tourist industry and interests but also to protect the City of Halifax for the citizens of Halifax. He advised that they support the argument that repudiates that large amounts of development will take tax pressure off residential property owners. He requested that the views by-law be incorporated into the Downtown plan as well as the Municipal Development Plan at the earliest possible date.

Mr. F. Smith, representing A. M. Smith & Co. stated he has no direct interest in any property affected by the view planes and therefore was addressing Council as a private citizen and businessman. He cautioned Council not to get carried away with emotionalism and to consider the objective of comprehensive redevelopment of the downtown area in the interests of all of the City. He suggested that Council must never lose site of the fact that there must be incentive if Council wants the development of downtown Halifax. He requested that the downtown area be developed in the interests of the City and part of the interests of the City is to save some of the view planes.

Special Council.  
January 16, 1974

Mrs. M. Rosinski, 5618 Inglis Street, stated she wished to address Council as a property owner re view planes B-6 and C-3, and from the ramparts. She considered the view from George Island, northern part of McNabs Island and East., Passage essential to the appreciation of Halifax's history and surroundings. She stated she plans to develop her properties to their full potential but retaining their present scale and character. She submitted that development within the view planes area could comply with height limits without undue loss as the properties involved generally were acquired many years ago. She stated that growth without greed would serve the City best. Mrs. Rosinski stated she supports eleven view planes, the view from the ramparts being redundant if the others are accepted. She congratulated staff on their proposal and urged Council to protect the views by passing an interim by-law and make the initial by-law as inclusive as possible.

Mrs. Elizabeth Pacey pointed out to City Council that the view of Citadel Hill is very impressive and spectacular because it is a panorama and, with the aid of slides, she illustrated the point she wished to impress upon those present.

Mr. G. Hicks, 5335 Young St., pointed out that in his opinion three basic views should be saved, these being (1) north end of the harbour (2) George Island and McNab's Island area and (3) harbour mouth. He suggested that some wording should be included in the by-law to provide Council the opportunity to give the right to developers to infringe upon view planes if it is found that their development is worthy of doing so.

Mr. J. Godfrey, Kings College, stated he is in favour of the view planes as submitted by staff. He presented three questions to council asking if it was not possible to build buildings down, if revitalization of downtown is being achieved, and can the assumption be made that growth is going to continue. He suggested that the Council would be held responsible by future generations for the decisions made now.

Mr. D. Lachapelle, with the aid of slides, illustrated the quality and beauty of the view from the Citadel.

In response to a request from His Worship the Mayor for anyone present who wished to speak, no other persons present responded.

Meeting adjourned - 11:50 P.M.

WALTER R. FITZGERALD  
MAYOR & CHAIRMAN

R. H. STODDARD  
CITY CLERK

Council,  
January 31, 1974

to be added to the Order of Business:

- 20(a) Dentith Road Shopping Centre
- 20(b) Appeal - 33 Withrod Drive

MOVED by Alderman Bell, seconded by Alderman Moir that the items be added to the Order of Business. Motion passed.

MOVED by Alderman Bell, seconded by Alderman Hogan that the Order of Business, as amended, be approved. Motion passed.

DEFERRED ITEMS

Views By-Law - Citadel Hill

Alderman Hogan spoke on the above matter and said that the motion he is going to make indicates a fair compromise. He said that there are good views still possible from Point Pleasant Park, York Redoubt and other places and Council had attempted to save as many of the views from the Citadel as possible.

MOVED by Alderman Hogan, seconded by Alderman Stanbury that the following resolution be approved:

BE IT RESOLVED that Views B-1, C-4 and R (Ramparts) be accepted; and

BE IT FURTHER RESOLVED that Views B-6 and C-3 be rejected; and

BE IT FURTHER RESOLVED that the following Views be accepted with the noted modifications:

C-1 and B-3: that the base line be the roof top of Moirs;

B-4 and C-2: that the base line be the roof of the Provincial Building and the Bank of Nova Scotia, or their extensions;

C-5: that the base line be the roof line of the older section of the Hotel Nova Scotian;

C-6 and E-2: that the base line be the roof line of the Grain Elevator, or its extension.

Alderman Stanbury spoke to the motion and said that in her opinion it offered the best of both worlds.

Alderman Moir asked that the motion be divided and each view plane dealt with individually.

His Worship the Mayor said that he fully intended

Council,  
January 31, 1974

to divide the motion and he asked if it would not make sense to give some direction to the City Solicitor in drafting the legislation in connection with the building height on Brunswick Street. He referred to the possibility of the inclusion of an additional clause to the motion as follows:

BE IT FURTHER RESOLVED that the base line of C-3 be used to determine the building height from Sackville Street to the C-4 plane along Brunswick Street.

Alderman MacKeen said that something of this nature might be acceptable and he would raise the matter again a little later.

MOVED by Alderman Hogan, seconded by Alderman Stanbury that View B-1 be accepted. Motion passed.

MOVED by Alderman Hogan, seconded by Alderman Stanbury that View C-4 be accepted. Motion passed.

MOVED by Alderman Hogan, seconded by Alderman Stanbury that View R (Ramparts) be accepted. Motion passed.

MOVED by Alderman Hogan, seconded by Alderman Stanbury that View B-6 be rejected.

Alderman Moir spoke against the motion saying that in his opinion this view and the C-3 View should be retained.

Alderman MacKeen felt that other views compensate to some degree the loss of these views and he said he would go along with the motion.

The motion was then put and passed with Alderman Moir voting against.

MOVED by Alderman Hogan, seconded by Alderman Stanbury that View C-3 be rejected. Motion passed with Alderman Moir voting against.

MOVED by Alderman Hogan, seconded by Alderman Stanbury that View C-1 be accepted with the modification that the base line be the roof top of Moirs. Motion passed.

MOVED by Alderman Hogan, seconded by Alderman Stanbury that View B-3 be accepted with the modification that the base line be the roof top of Moirs. Motion passed.

MOVED by Alderman Hogan, seconded by Alderman Stanbury that View B-4 be accepted with the modification that the base line be the roof of the Provincial Building and the Bank of Nova Scotia, or their extensions. Motion passed.

Council,  
January 31, 1974

MOVED by Alderman Hogan, seconded by Alderman Stanbury that View C-2 be accepted with the modification that the base line be the roof of the Provincial Building and the Bank of Nova Scotia, or their extensions. Motion passed.

MOVED by Alderman Hogan, seconded by Alderman Stanbury that View C-5 be accepted with the modification that the base line be the roof line of the older section of the Hotel Nova Scotian. Motion passed.

MOVED by Alderman Hogan, seconded by Alderman Stanbury that View C-6 be accepted with the modification that the base line be the roof line of the Grain Elevator, or its extension. Motion passed.

MOVED by Alderman Hogan, seconded by Alderman Stanbury that View E-2 be accepted with the modification that the base line be the roof line of the Grain Elevator, or its extension. Motion passed.

Some discussion took place as to whether or not the wording, as suggested by His Worship the Mayor should form part of the motion which would give some direction to the Solicitor when drafting the legislation.

Alderman MacKeen felt that it is important to include something which would determine the building height along Brunswick Street.

MOVED by Alderman Meagher, seconded by Alderman Stanbury that the base line of C-3 or C-2 be used, whichever is the lowest, to determine the building height from Sackville Street to the C-4 plane line along Brunswick Street.

His Worship the Mayor did not consider it necessary to approve a motion in this respect but to indicate to the Solicitor the wishes of Council. He thought that further discussion could take place at the time the proposed legislation is submitted to Council for consideration.

Council agreed to the suggestion of His Worship the Mayor.

His Worship the Mayor said that before he leaves the subject of the Views By-law, he would like to thank members of Council for their efforts over the past number of months in coming to grips with this problem. He felt that there has been give and take on both sides and he was certain that some members of Council have voted for more than they had originally intended. He felt that a very successful compromise has been reached and many of the suggestions made at the Public Hearing have been incorporated. He again thanked Council for their diligence and appreciated their co-operation.