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Attachment 1

**Halifax and West Community Council
March 25, 2014**

TO: Chair and Members of Halifax and West Community Council
Original Signed

SUBMITTED BY: _____
for: Brad Anguish, Director of Community and Recreation Services

DATE: March 4, 2014

SUBJECT: **Case 18565: MPS & LUB Amendments for 1034, 1042, 1050, & 1056
Wellington Street, Halifax**

ORIGIN

- Application by Dino Capital Ltd.
- September 10, 2013 Regional Council initiation of the MPS amendment process

LEGISLATIVE AUTHORITY

HRM Charter, Part VIII, Planning & Development

RECOMMENDATION

It is recommended that Halifax and West Community Council recommend that Halifax Regional Council:

1. Give First Reading to consider the proposed amendments to the Halifax Municipal Planning Strategy (MPS) and the Halifax Peninsula Land Use By-law (LUB) to enable development of a multiple unit residential building at 1034, 1042, 1050 and 1056 Wellington Street, Halifax by development agreement, as set out in Attachments A and B of this report; and
2. Approve the proposed amendments to the Halifax MPS and the Halifax Peninsula LUB, as contained in Attachments A and B of this report.

BACKGROUND

Dino Capital Ltd. owns four properties, currently developed with single unit dwellings, located at 1034, 1042, 1050, and 1056 Wellington Street in Halifax. Development permits have been issued for additions to each building to enable the as-of-right development of a total of 23 dwelling units with a total of 201 bedrooms on the four properties. As an alternative, the applicant is seeking the ability to develop up to 58 units in a single multi-unit residential building on the four properties combined. The proposed density would be comparable to that allowed within the existing R-2A zoning. The conceptual plan is for two towers of 7 and 9 storeys atop a shared 3 storey, townhouse style podium with resulting overall heights of 10 and 12 storeys. The individual units would be very large, all 2 and 3 bedroom, with an average floor area of 3,700 square feet.

The proposal cannot be considered under existing policy and zoning established in the Secondary Municipal Planning Strategy (SMPS) for the South End Area due to the height, and number of units being inconsistent with what is currently permitted. As such, Staff brought forward an MPS amendment initiation report at the September 10, 2013 Regional Council meeting to consider if staff should proceed to the consultation phase of this application. Council directed that the amendment process be initiated in order to allow community engagement regarding the proposal.

Site Description and Surrounding Land Uses

The four subject properties are located on the west side of Wellington Street, as shown on Maps 1 and 2. There is one building on each property, each originally built as a single unit dwelling. The properties:

- have a total area of approximately 26,940 square feet and a total street frontage of about 210 feet;
- abut the HRM-owned Gorsebrook Park to the west and south, and to the north, properties which contain 13 storey and 15 storey residential buildings; and
- face a high density five storey condominium building on the opposite side of Wellington Street, while the rest of the street is characterized by mixed medium density development consisting largely of three storey apartment buildings with some two unit dwellings along Inglis Street. On the same block to the south, development consists of low density dwellings.

Designation and Zoning

The subject properties are located within Area 6 of the South End SMPS, which was adopted in 1983, and are:

- designated Medium Density Residential (MDR) as shown on Map 1. The designation is intended to support a mixed residential environment with both family-oriented units and smaller housing units in buildings not exceeding four storeys. Family units are defined as those with more than 800 square feet of floor area, and 50% of units in any building must be of this form. There are no density limits established within this designation;
- zoned R-2A (General Residential Conversion Zone) under the LUB as shown on Map 2. This zone seeks to implement the MPS intent by establishing limits on lot coverage, setbacks, building height, unit mix and size, and a cap of 14 units per building; and

- within the 35 foot height precinct as shown on Map 3. This height limit is established within the MPS for much of the nearby district.

DISCUSSION

Applicant's Rationale for MPS Amendments

MPS amendments are generally not considered unless it can be shown that circumstances have changed since the document was adopted to the extent that the original land use policy is no longer appropriate. Site specific MPS amendments such as this require significant justification to be considered. The applicant has submitted the following as rationale for this proposed MPS amendment:

- The properties are no longer used as single family homes and can be extensively redeveloped as high density housing under existing policy;
- That larger scale high density development has since taken place on the opposite side of Wellington Street;
- The context of the properties relative to the HDR designation, the presence of existing taller buildings of 13 and 15 storeys, the abutting park, and relative isolation from Low Density Residential properties justifies greater height and density;
- That regulation of urban design and architecture through use of a site specific development agreement policy is a better approach than simply limiting height as a means of ensuring quality development and protecting neighbourhoods;
- Although the 23 units which are permitted as of right meet the LUB definition of "family type units", it is more likely that these units will be student housing, and that allowing a single larger building would better enable the "family type" goal to be met; and
- Allowing an MPS change will result in assurances through the development agreement process of a better quality of development than can be achieved otherwise.

Evaluation of Development Proposal

The applicant's proposed site-specific plan amendment would permit up to 58 large units within a multi-unit residential building consisting of a 3 level podium and two towers above. At street level, the building nears 100% lot coverage, though does propose a number of private outdoor terrace amenity spaces on all four building elevations. Details regarding materiality have yet to be determined. Atop of the 3 storey podium are a 9 storey tower to the north of the site and a 7 storey tower on the southern edge. This equates to an overall project height of 10 and 12 storeys (Attachment D). Despite the substantial height and massing, the proposed density of the development is relatively low, as the proposed units being quite large with an average unit size of 3,700 square feet.

Following an evaluation of form, context, and character against applicable policy and existing community form, staff outlined a number of concerns within the September 2013 MPS initiation report. These include:

- The proposed building heights are excessive for their context and do not appropriately transition to the low-density, single family homes at the south end of this block. While the adjacent towers of 13 and 15 storeys in height are referenced in the applicants submission as precedence, the height, massing, and style of these buildings does not

reflect the walkable, permeable, and appropriately scaled development desired on this transitional portion of Wellington street;

- Proposed lot coverage for this development exceeds that which would be expected on a site which transitions to single family homes at its south end. In comparison, the 5 storey residential development on the east side of the street provides shared greenspace above its parkade, in addition to more robust front yard setbacks which soften the impact of the buildings height as seen from the public realm;
- A proposed tower separation of 30 feet strongly suggests that this proposal would be an overdevelopment of the site. This limited setback would negatively impact not only the livability of these units, but also the amount of sunlight reaching Wellington Street. While reduced tower separations could be acceptable in a commercial to commercial interface, this residential to residential interface should be maximized to mitigate livability and privacy issues between units. Other Canadian cities are known to mandate a minimum 80 feet between residential tower uses.

Given the concerns outlined above, staff are recommending that Council not approve amendments to the Municipal Planning Strategy which would enable consideration of the applicant's proposal. Should Council choose to allow this project to proceed as proposed by the applicant, policy is provided in Attachment C of this report. This policy would amend the MPS by including a list of urban design, servicing, and site planning criteria for which Council would need to consider relative to an application for a development agreement for the 10 to 12 storey residential building proposed. The policy would permit this development through the development agreement process only on the lands which are the subject of this report as described on page 2.

Recommendation of Planning Advisory Committee

This application was discussed by the Districts 7 & 8 Planning Advisory Committee at their January 27, 2014 meeting. A number of submissions from the public were received advocating against the proposed policy, in addition to a petition submitted by the applicant indicating that there were a number of individuals present at the meeting who did not speak to the matter despite being in its favour. The Committee expressed their concern regarding the potential as-of-right development, the issue of student housing in the area, and the original policy intent of encouraging family housing. Specific to this proposal, the Committee expressed concern with the development's height and maintaining the character of the neighborhood. The Committee concurred with staff that the proposed development is inappropriate and recommended rejection as noted in the Districts 7 & 8 Planning Advisory Committee memorandum to the Chair and Members of Halifax & West Community Council. As an alternative, the committee suggested the building across the street be used as a guideline for future proposals on this site. A report from the PAC will be submitted to Community Council under separate cover.

Recommended Policy Amendments

During the course of community engagement, an alternative option of amending existing MPS policy to allow for greater heights in the range of 5-7 storeys was discussed. This height, similar to the height of development on the east side of Wellington Street, was seen by PAC members and the public, through their submissions, as a more appropriate transition between the tall

towers to the north of this development site, and the single family homes to the south.

The MPS currently indicates that areas shown as ‘Medium-Density Residential’ are encouraged to provide a mix of family and non-family dwelling units in buildings of not more than four storeys. This notwithstanding, the case could easily be made that the existing community context on Wellington Street could call for a transitional scale of residential development between the 15 storeys found on the north side of the property, and the 2 storey single family homes to the south. A standard rule of thumb to assess appropriate heights for infill development in residential environments is to allow a streetwall not exceeding the width of the right-of-way from property line to property line. In this case, the 60 foot wide right-of-way suggests that a 6 storey built form, with the addition of certain design and architectural regulation, would create a pedestrian scaled and walkable street.

Following the consideration of the comments provided by the Districts 7 & 8 Planning Advisory Committee and the evaluation of existing policy governing development on this site, staff has provided Council with proposed amendments to the MPS which would enable the consideration of a more appropriately scaled multiple unit residential development on the site through the development agreement process. These amendments are contained in Attachment A and include a list of urban design, servicing, and site planning considerations that Council would need to have regard for in their consideration of a development agreement. The proposed policy would limit the height of the development to 23 metres, a maximum of 7 storeys, and the gross floor area to 95,000 square feet. While the applicant has not proposed a development scheme which would meet these parameters, implementing this policy for the site is the staff recommendation.

Conclusion

The requested amendments to the MPS to allow development of a 10 and 12 storey building would, in the opinion of staff, be inappropriate when giving consideration to the site’s context as a transition area between the high and low density residential uses within which it is located. Following analysis of the site itself and the existing context, staff agrees that the existing MPS policy applicable to the site requires updating, and that further, sensitively designed density could be accommodated on these properties. Taking this into account, staff recommends that Council approve amendments to the MPS and LUB as provided in Attachments A and B to enable consideration of a medium density option allowing development of no greater than 23.0 metres in height on the site through the development agreement process.

FINANCIAL IMPLICATIONS

The HRM costs associated with processing this planning application can be accommodated within the approved 2013/2014 operating budget for C310 Planning & Applications.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through a Public Information Meeting held on November 20, 2013 (Attachment E). Notices of the meeting

were posted on the HRM website, in the newspaper, and mailed to property owners within the notification area (Map 2).

A public hearing must be held by Regional Council before it can consider approval of any amendments. Should Regional Council proceed with a public hearing on this application, in addition to published newspaper advertisements, property owners within the notification area will be advised of the public hearing by mail. The proposal will potentially impact property owners and residents in the surrounding area.

ENVIRONMENTAL IMPLICATIONS

The proposal meets all relevant environmental policies contained in the MPS.

ALTERNATIVES

The Halifax and West Community Council could recommend that Halifax Regional Council:

1. Approve the proposed amendments to the MPS for Halifax and the LUB for Halifax Peninsula, as contained in Attachments A and B of this report. This is staff's recommendation. A decision of Council to not approve potential amendments is not appealable to the Nova Scotia Utility and Review Board as per Section 262 of the *HRM Charter*.
2. Refuse the proposed amendments to the Halifax MPS and Halifax Peninsula LUB as contained in Attachments A and B. A decision of Council to not approve potential amendments is not appealable to the Nova Scotia Utility and Review Board as per Section 262 of the *HRM Charter*. This is not recommended for the reasons described within this report.
3. Modify the proposed amendments to the Halifax MPS and Halifax Peninsula LUB as contained in Attachments A and B. If this alternative is chosen, specific direction regarding the requested modifications and amendments is required. Substantive amendments may require another public hearing to be held before approval is granted. A decision of Council to refuse the proposed amendments is not appealable to the Nova Scotia Utility and Review Board as per Section 262 of the *HRM Charter*.
4. Approve amendments to the MPS for Halifax and the LUB for Halifax Peninsula as per Attachments C and B which would allow Council to consider the development of 58 units within a two-towered multi-unit development as proposed by the applicant by development agreement. A decision of Council to not approve potential amendments is not appealable to the Nova Scotia Utility and Review Board as per Section 262 of the *HRM Charter*. This is not recommended for the reasons discussed within this report.

ATTACHMENTS

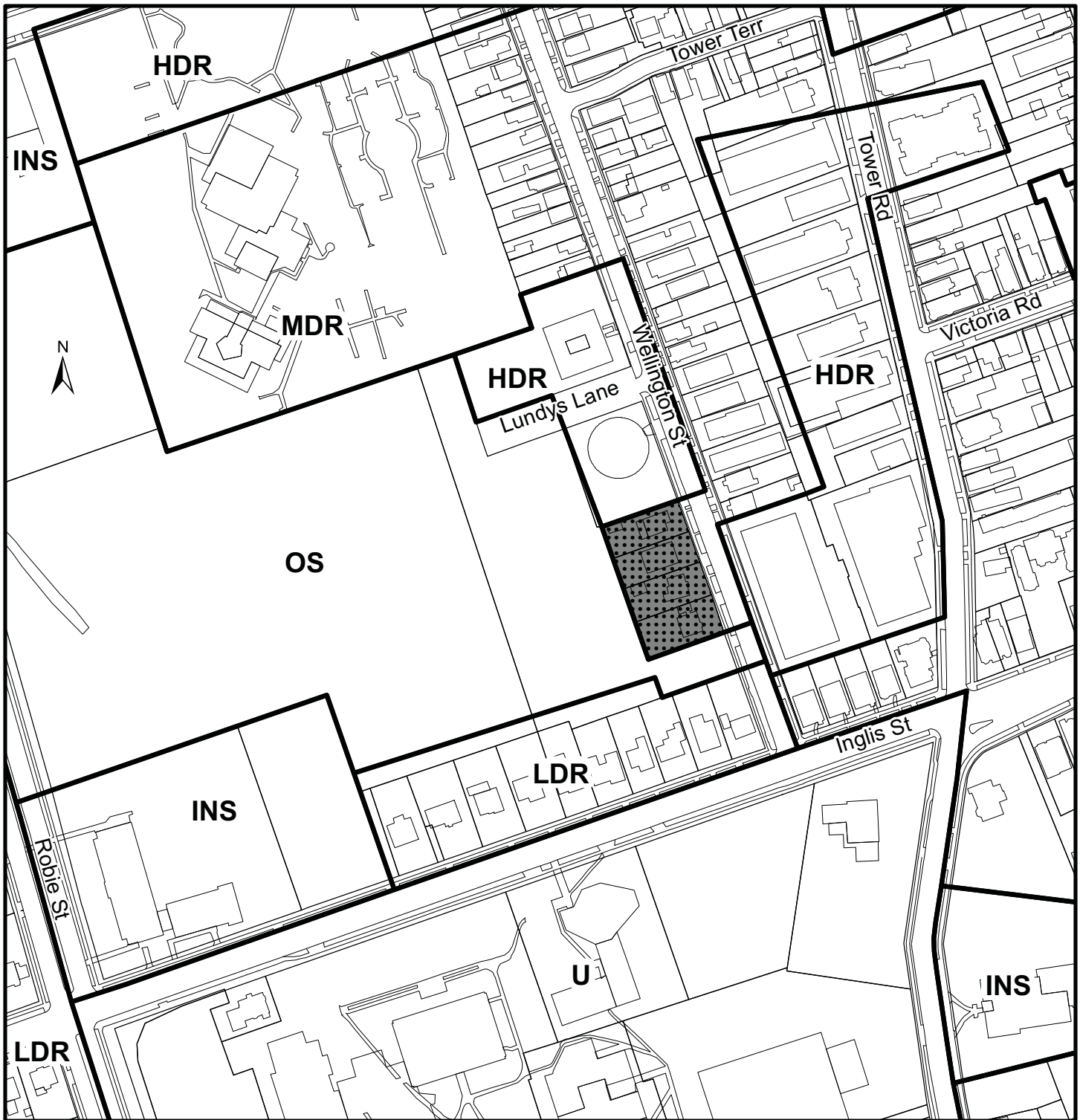
Map 1	Generalized Future Land Use Map
Map 2	Zoning Map
Map 3	Height Precinct Map
Attachment A	Proposed Amendments to the Halifax MPS
Attachment B	Proposed Amendments to the Halifax Peninsula LUB
Attachment C	Proposed Amendments to the Halifax MPS as per Alternative No. 4
Attachment D	Submission by Applicant
Attachment E	Public Meeting Minutes

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: Mitch Dickey, Planner 1, Development Approvals, 490-5719
Original Signed

Report Approved by: 
Kelly Denny, Manager, Development Approvals, 490-4800
Original Signed

Report Approved by: _____
for Austin French, Manager of Planning, 490-6717



Map 1 - Generalized Future Land Use

1034, 1042, 1050, and 1056 Wellington Street,
Halifax



 Lands Requested for Redesignation from MDR to HDR

Designation

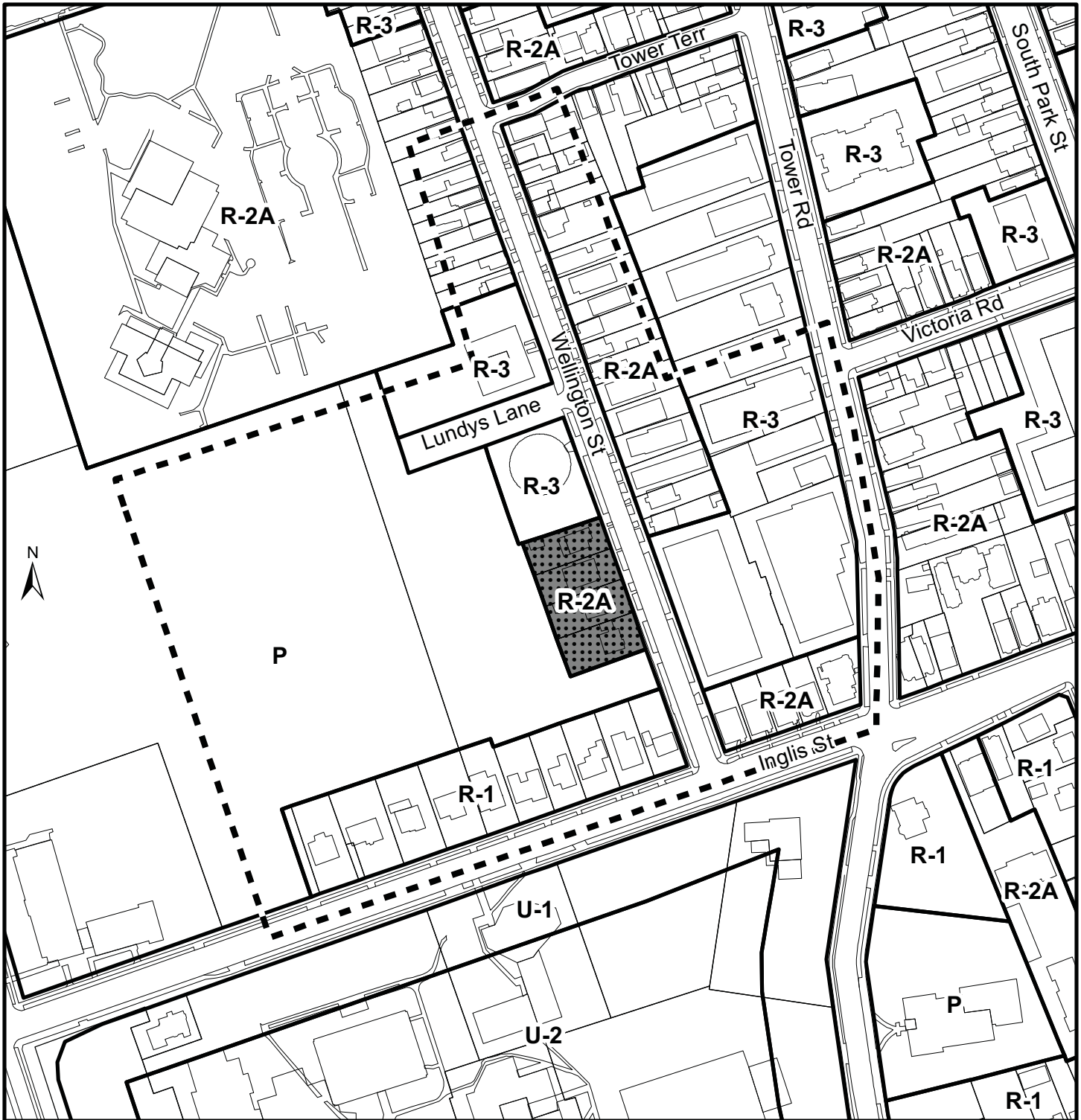
- MDR Low Density Residential
- HDR Medium Density Residential
- LDR High Density Residential
- OS Open Space
- INS Institutional
- U University



This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated.

HRM does not guarantee the accuracy of any representation on this plan.


Halifax Plan Area
South End Detailed Plan Area



Map 2 - Zoning and Notification

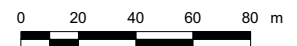
1034, 1042, 1050, and 1056 Wellington Street,
Halifax



 Lands Requested to be
Rezoned from R-2A to R-3


Zone

- R-1 Single Family
- R-2A General Residential Conversion
- R-3 Multiple Dwelling
- P Park and Institutional
- U-1 Low-Density University
- U-2 High-Density University

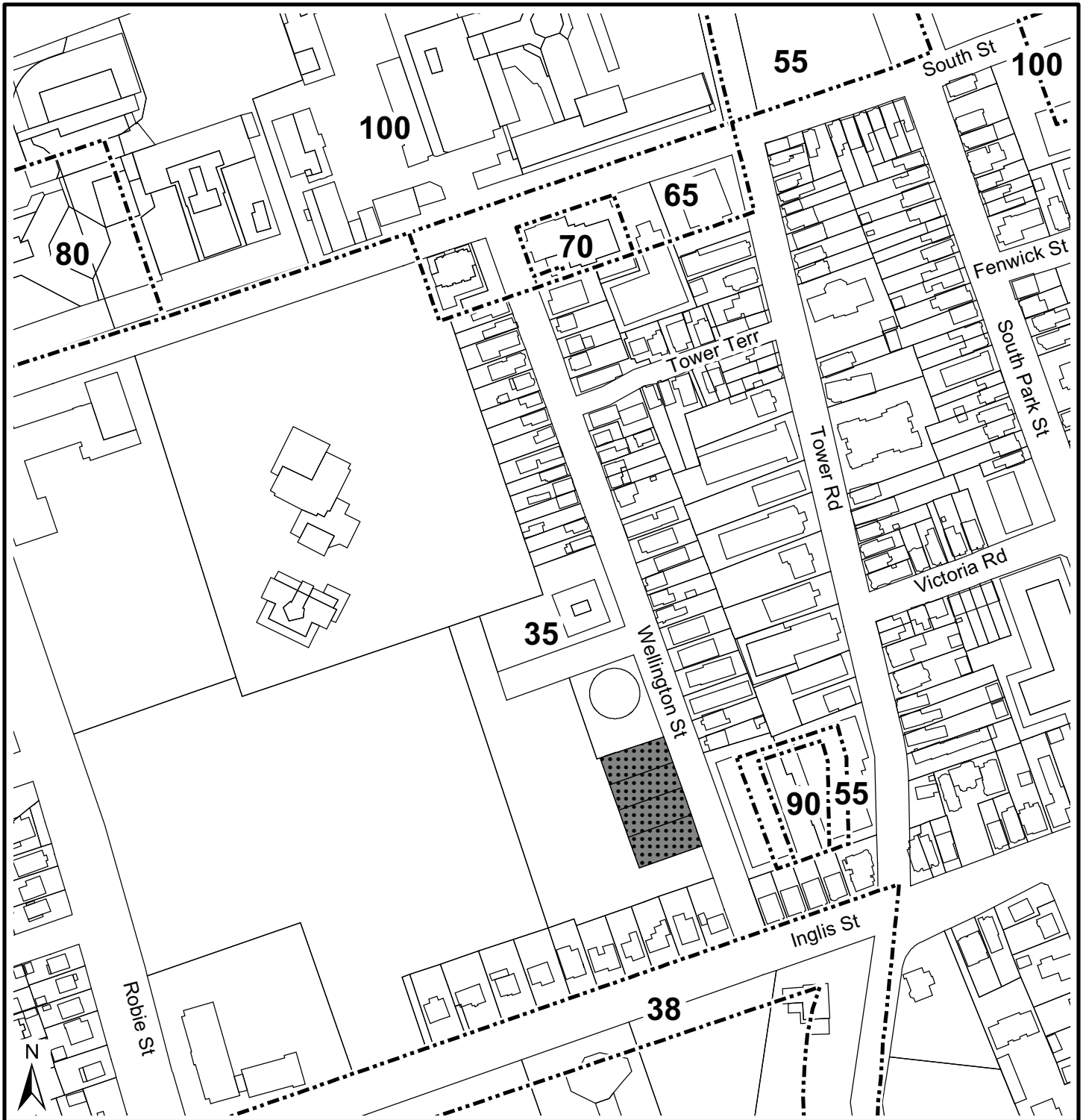


This map is an unofficial reproduction of
a portion of the Zoning Map for the plan
area indicated.

HRM does not guarantee the accuracy
of any representation on this plan.

 Area of notification

Halifax Peninsula
Land Use By-Law Area



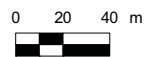
Map 3 - Height Precincts

1034, 1042, 1050, and 1056 Wellington Street,
Halifax

Existing height precinct boundary
with Height Limit in Feet

Subject Area

Halifax Peninsula
Land Use By-Law Area



This map is an unofficial reproduction of a portion of the Height Precincts Map for the Halifax Peninsula Land Use By-Law Area.

HRM does not guarantee the accuracy of any representation on this plan.

Attachment A
Proposed Amendments to the Halifax Municipal Planning Strategy

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Municipal Planning Strategy for Halifax be amended as follows:

In Section V – SOUTH END AREA PLAN, within segment 7 – DISTRICT POLICIES and after policy 7.7A.1, inserting text as shown in **bold** as follows:

“7.7B.1 For the properties designated as Medium Density Residential located at 1034, 1042, 1050, and 1056 Wellington Street, and notwithstanding policies 1.1.1.1, 1.4.2, and 1.4.2.3, Council may consider a redevelopment proposal for the entirety of these lands by development agreement for a comprehensively designed residential multi-unit development which would not exceed 23.0 metres in height and a maximum total of 95,000 square feet of Gross Floor Area .

7.7B.2 In considering a development agreement proposal pursuant to policy 1.4.2.4, Council shall have regard for the following:

- a) the adequacy of servicing to the site;**
- b) the required parking being wholly contained within an enclosed structure and architecturally integrated into the residential building;**
- c) site landscaping which provides an appropriate interface to the adjacent parkland;**
- d) access and egress patterns which minimize the impact of vehicle access on the public realm;**
- e) consideration of the impact the development would have on sun/shadow and wind conditions on the surrounding areas, particularly within the public realm;**
- f) a building design, particularly at grade, which maximizes physical and visual permeability, and utilizes appropriately durable and high quality finishing materials;**
- g) setbacks and lot coverage which complement existing nearby development and provide at grade amenity spaces;**
- h) that the development is comprised of a mixture of residential dwelling unit types, with a minimum of 50% of the dwelling units that are comprised of a minimum of two bedrooms and that are spread throughout the development;**

- i) building design which is articulated through recesses, materials, and/or colours to de-emphasize the horizontal massing of the building.”**

Attachment B
Proposed Amendments to the Halifax Peninsula Land Use By-Law

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Land Use By-law for Halifax Peninsula is hereby amended as follows:

1. BY adding the following Section after Section 94(1)(s):

“1034-1056 Wellington Street

- (t) Council may permit a residential development at 1034-1056 Wellington Street in accordance with Policies 7.7B.1 and 7.7B2 of Section V of the Halifax Municipal Planning Strategy.”

I HEREBY CERTIFY that the amendments to the Halifax Peninsula Land Use By-law, as set out above, were duly passed by a majority vote of the Halifax Regional Municipality Council at a meeting held on the day of , 2014.

GIVEN under the hand of the Clerk and the Corporate Seal of the Halifax Regional Municipality this day of , 2014.

Municipal Clerk

Attachment C

Proposed Amendments to the Halifax Municipal Planning Strategy as per Alternative No. 4

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Municipal Planning Strategy for Halifax be amended as follows:

In Section V – SOUTH END AREA PLAN, within segment 7 – DISTRICT POLICIES and after policy 7.7A.1, inserting text as shown in **bold** as follows:

“7.7B1 For the properties designated as Medium Density Residential located at 1034, 1042, 1050, and 1056 Wellington Street, and notwithstanding policies 1.1.1.1, 1.4.2, and 1.4.2.3, Council may consider a redevelopment proposal for the entirety of these lands by development agreement for a comprehensively residential multi-unit development which would not exceed 46 metres in height and contain no more than 58 dwelling units and a maximum total of 234,000 square feet of Gross Floor Area .

7.7B2 In considering a development agreement proposal pursuant to policy 1.4.2.4, Council shall have regard for the following:

- a) the adequacy of servicing to the site;**
- b) the site providing an appropriate transition in height from the higher density residential development to the north of the site to the lower density residential uses to the south;**
- c) the required parking being wholly contained within an enclosed structure and architecturally integrated into the residential building;**
- d) site landscaping which provides an appropriate interface to the adjacent parkland;**
- e) vehicular and pedestrian access and egress patterns from the surrounding area;**
- f) provision of a pedestrian scaled podium no greater than 11 metres in height designed to maximize physical and visual permeability, and utilizing appropriately durable and high quality finishing materials;**
- g) consideration of the impact the development would have on sun/shadow and wind conditions on the surrounding public realm; and**
- h) scale and massing of the building.”**

Attachment D - Submission by Applicant

**Plan Amendment Submission
1034 to 1056 Wellington Street**

**From
Dino Capital Limited**

**5 July 2013
(revised 08 August 2013)**

Summary

This is a submission to request the consideration of a plan amendment to permit the development of a condominium building on a property to be created from the lots at 1034, 1042, 1050 and 1056 Wellington Street, PIDs 00053512, 00053520, 00053538 and 00053546 respectively. There has been a change in circumstances in the 30 years since the South End Secondary Planning Strategy Medium Density Residential designation and R-2A zoning were applied to the site and we have proposed a development which is consistent with good planning principles.

Site Information

As a consolidated lot, the property will have 213.9 ft. frontage, 125 ft. depth and contain 26,959 sq. ft. in lot area.

The property is bounded on the west and south by Gorsebrook Park, on the north by a 13 storey multiple unit residential building and Wellington Street on the east. Across Wellington is a 5 storey multiple unit residential building and two smaller rental buildings.

The neighbourhood is a mix of low density dwellings fronting on Inglis Street, the major open space of Gorsebrook Park, mid and higher rise multiple unit residential buildings and low rise, medium density converted dwellings.

The property is within District 6 of the South End Secondary Planning Strategy and is designated Medium Density Residential. The housing on Inglis Street is designated Low Density Residential, the open space lands to the west and south are designated Open Space, and the lands occupied by the multiple unit residential buildings to the east and north are designated High Density Residential.

The area is subject to a 35 ft. height precinct save the 5 storey multiple unit residential building lot which has a mix of 35, 55 and 90 ft. height precincts.

The site abuts the Urban Core as defined in the 2011-16 HRM Economic Strategy.

The site is currently occupied by four vacant buildings. The owner has received Development Permits which will permit the development of 23 dwelling units in four buildings meeting the R-2A controls.

Proposal

We understand that amendments to the MPS are not routine undertakings and Council is under no obligation to consider such requests. Amendments should only be considered when there is reason to believe that there has been a change in circumstances since the MPS was adopted or reviewed or where circumstances are significantly different from the situations that the Plan anticipated. Moreover, we acknowledge that an amendment to the MPS require general consistency with good planning principles before it can be adopted.

We offer the following rationale to demonstrate that there has been a change and that the proposal follows good planning principles.

Change

The property's current Medium Density Residential designation and zone, R-2A, was the City of Halifax's reaction in 1981 to the perception of high-rise multiple unit residential buildings in the area and as an alternate plan and development control mechanism to provide a reasonable level of density in the Plan area. The R-2A zone permitted the development of medium density housing in the form of low-rise, infill attached to existing housing. In 1999, the zone's controls were modified to restrict the form of development that the zone was permitting.

As evidenced by the property owner's Development Permits, the R-2A zone will permit the development of four multiple unit buildings through additions to the existing buildings on this site. The development permits grant approval for a total of 23 dwelling units, including 201 bedrooms and 16 parking spaces. This would be a higher density than the condominium buildings which we are proposing for the site.

Thirty two years after the adoption of the R-2A zone, there has been in a change in the way HRM residents, elected officials and staff view urban design, quality of architecture and development controls for development in the Regional Centre. The plans for the Regional Centre are intended to deliver a new approach to create dense Regional Centre growth and investment at lower cost to HRM and the environment and to deliver development scaled and designed compatibly with Regional Centre neighbourhoods. HRM by Design has raised the level of awareness of the quality of the built form and has confirmed a vision and a set of principles and tools to guide development in the Regional Centre. These principles include:

- Sustainable
 - Design, plan and build with respect for economic, environmental, social and cultural sustainability; and
 - Create resilient communities that adapt to evolving opportunities and needs.
- High Quality
 - New development should be of high quality and compatible with other high quality developments
 - Promote high quality architecture and urban design that respects great heritage resources, including neighbourhoods.
- Heritage and Culture
 - Ensure lasting legacies (buildings, open spaces and streets) are maintained and new ones are created
- Growth & Change
 - Every new building should contribute to the betterment of the public realm
- Process
 - Foster a culture of support for the building / construction of quality urban design;
 - Recognize and reward design excellence

These principles and tools are considerably different and more sophisticated than the policy and regulation of the early 1980's as described below. We submit that after a passing of 30 years, HRM by Design has advanced HRM to a new development control regime, has created heightened awareness and desire for good design among citizens, elected officials and professional staff, has stimulated design professionals to create built forms with much more design sensitivity and has changed the perception of taller buildings.

Change – Awareness of Good Urban Design

We are of the opinion that the citizens of HRM are becoming more aware of urban design issues and in particular, there is demand for high quality building design. This has recently been advocated by the HRM by Design extensive public engagement process which led to forms based development controls with qualitative assessment by a Design Review Committee in the Downtown. We submit that this approach, forms based quantitative controls and a qualitative design assessment, is better able to assess the neighbourhood context, define a building envelope and ensure excellent urban design and architectural detailing to create better built form than the current MDR designation and R-2A controls.

Another change brought about by the HRM by Design process is a heightened awareness of good urban design principles among design professionals. The general public's perception of mid to high rise residential buildings in the past was in part based on their unimaginative design, slab form and lack of attention to the building's presence at the street. High rise was equated with poor design.

Such is not the case now. Many current buildings, built and in design, reflect a new ethic of quality design within the context of the neighbourhood, with particular emphasis at street level. From examination of this design ethic, it's clear that a process which would permit new building forms not restricted by 35 feet of height, can provide strong, compatible, exciting additions to the neighbourhood fabric. This has not always been the experience with by-right R-2A development.

HRM by Design has introduced a design vocabulary to the discussion of new development in the Centre. Base, middle and top, streetwall, articulation, all are common terms used when referring to the design of a building. Citizens, elected officials and staff are paying attention to these elements and their contribution to superior design outcomes.

Change – Family Type Accommodation

Both the current South End Plan and the Regional Plan advocate for family type accommodation in the Plan Area. However, the R-2A controls permits, as evidenced by the Development Permits issued for the subject property, units with 2, 3, 4, 5 or multiple bedrooms each. Some of these units may accommodate families; however, a more likely outcome is an group of single persons living together in one dwelling unit. Using a stricter development control possible through this Plan Amendment, the neighbourhood will benefit from 36 to 58 family type units which have a significantly higher potential of being inhabited by families and thereby further the plan policies.

Change – Development Controls

Another change, again related to the HRM by Design initiative, is the availability of a new development control regime for multiple unit residential buildings. In the South End Secondary Planning Strategy, a policy required the City of Halifax to review the open space, angle control and density requirements and consider alternative control mechanisms. No change occurred and the open space, angle control and density requirements remain essentially the same as they were in 1981. Now, forms based controls are being introduced for by-right development in downtown Halifax and in development agreements, as evidenced by the use of forms based controls in the Irishtown Road development, to guide building massing and streetwall height. This development control method is much more sensitive to the neighbourhood context; it provides for appropriate density while protecting the character and scale of the neighbourhood.

It is interesting to note that the site on the east side of Wellington Street used a rudimentary form of forms based controls by incorporating stepped 35, 55 and 90 foot height controls on the site.

Change – Tall Buildings

Height of buildings has been an issue in the past and continues to be. The MDR designation and R-2A zone were established, in part, as a reaction to taller buildings. Taller buildings can be either a negative or a positive force depending on their design and location. Taller buildings cast longer shadows than low to mid-rise buildings and they can sometime create harsh wind conditions, which can impact the comfort and safety of pedestrians at street level. In addition, tall buildings can be detrimental in terms of visual impact if they are located in the middle of a primarily low-rise neighbourhood or if they have large floor plates and a simple rectangular shape.

On the positive side, tall buildings can be beneficial to their local environment by providing a strong edge to a public square, plaza, park or wide street or boulevard. Tall buildings can also provide a positive visual impact to the urban landscape if they are located in areas that already have tall buildings, if they possess interesting architecture through the use of articulation, which adds variety to the building surfaces and breaks up the massing of the building, and if the upper storeys promote visual interest in the urban skyline by incorporating an ornamental or signature top. Furthermore, the shadow and wind impacts attributable to tall buildings can often be mitigated through design. Firstly, tall slender buildings, while casting longer shadows than low to mid-rise buildings, may have less of an impact than mid-rise buildings with larger floor plates, which cast wide shadows and therefore tend to impact a larger area for a longer period of time. Secondly, designs in which the building steps back and gets narrower as its height increases have a tendency to substantially reduce the wind impact at street level.

The current zone and designation does not permit the introduction of taller buildings, above 35 ft. in height. However, this constrains design professionals and removes the opportunity to create interesting built form in taller buildings.

Good Planning Principles

In addition to identifying a change as above, the proposed development must also follow good planning principles. The evidence for that is below.

The Regional Plan advocates for density on Peninsula Halifax to make use of existing infrastructure and services while respecting the neighbourhood context. As noted above, the current proposal will create comparable density to that which is permitted by the current Development Permits on the site. The proposed 36 to 58 dwelling units will create 80 to 130 theoretical persons, based on an average person per dwelling count of 2.25 persons, an accepted standard. The proponent intends to sell the condominium units to families who currently live in large dwellings in Peninsula Halifax and who want to 'down-size' but maintain a substantial living area in their homes, and, be freed of home maintenance responsibilities. The homes which they sell will be occupied by new owners and all will contribute to more density on the Peninsula.

The proposal is also consistent with the HRM Economic Development Strategy's short term actions for the Regional Centre. It will contribute to rebalancing the Regional Plan's current population distribution to be more sustainable so as to increase density in the urban core. The site abuts the Urban Core.

Parking - The site will provide approximately 84 parking spaces in two underground levels. This is a reasonable ratio of parking considering the number of proposed condominium units, and, the site's location and the ability to walk or take transit to employment and services. In contrast, the 23 unit (201 bedrooms) development permitted by the R-2A development requires 16 parking spaces, a ratio of 1 parking space for each 7 bedrooms. Because of the nature of the occupancy of the units by single persons, some of whom may not have a vehicle to park, there may not be an issue with excessive demand and competition for on-street parking. However, if there is competition, it may be a disruption to the neighbourhood.

Traffic - The attached traffic impact statement demonstrates that the existing street network will not experience a change in the level of service from the traffic flow generated from the proposed development. As noted in the report, the access to the two underground parking access doors also provides good visibility for drivers exiting the parking garage.

Design - As noted above, in conformance to HRM's awareness of good design, the building both reflects the neighbourhood context, provides a quality design incorporating the urban design and architectural principles of HRM by Design, in particular detailing at street level, articulation of the mid levels and an interesting building top. The building design reflects the height of current buildings in the neighbourhood, in particular the 13 and 15 storey buildings to the north, the 5 storey building across the street and lower rise buildings. As noted above, the 5 storey building site has the ability to extend to 9 or 10 storeys (within the 90 foot height limit). The 12 storey portion of the building is comparable in height to the two adjacent buildings. The 10 storey portion steps down from the taller portion to introduce a graduation of height towards the abutting open space and the rear yards of the Inglis Street properties beyond. As well, the building introduces a strong streetwall break at 3 storeys to provide a comfortable perceived height for the pedestrian at street level and also to articulate the front of the

building. Finally, the top stories of each tower have a smaller penthouse floor plate with a completely glazed exterior and an interesting roof form which finishes the building with a light and open top. This development seeks neither to be the lowest or the highest building in its immediate neighbourhood but rather to serve as a transition piece that blends with its surroundings.

The success of any project can often be attributed to how it interacts with its neighbourhood and the pedestrian experience. It is important that a building and its site be gracious with space, provide visual interest, be well detailed, and that the overall mass be properly scaled so as not to be imposing. Depending on the program and scale, variety in ground level treatment can work to engage the pedestrian in a meaningful way.

This project is conceived as a residential condominium building, on a residential street, with large setbacks from the front property line (ranging from 6'-0" - 18'-0") and street curb (21'-0" - 33'-0"). Open space such as this gives the pedestrian green space, sunlight, and reduced wind velocities. To help reduce the visual length of the building the proposed project provides two separate towers that are architecturally joined together with a strong base to create a unified rhythm to the facade. The base of the building is given an architectural masonry treatment - different from the middle and upper portion of the building. This helps create a streetwall element that is materially and visually different than what is above while maintaining a comfortable relationship to the street environment frequented by passersby. This visual break again reduces the mass of the building and helps blend the project with its varied architectural surroundings.

The building provides another important urban design principle, enclosure of public open space. The building continues the enclosure provided by the 13 and 15 storey buildings to Gorsebrook Park and provides a strong edge to the portion of Gorsebrook Park abutting the site to the south. This edge will follow CPTED natural surveillance and territorial reinforcement principles to provide additional security to person using this portion of the park because of the additional 'eyes' on the park.

Wind and Shadow – See letters from Michael Napier Architects

08 August, 2013

Planning Applications – Community Development
Bayers Road Centre
7071 Bayers Road, Suite 2005
Halifax, NS

Attention: Kelly Denty

**Re: Development Agreement Application – Proposed Apartment Building Development,
1034-1056 Wellington Street, Halifax, NS**

Shadow Impact Statement

The proposed project is situated on the consolidated lots comprising 1034-1056 Wellington Street, Halifax. The site is currently occupied by four vacant residential buildings. Proposed is a new condominium project comprised of a 3-storey podium with 2 buildings sitting atop (one at 7 storeys above and the other at 9 above - each with a penthouse over) with between a total 38 and 58 residential units with a mixture of unit types, approximately +/-84 underground parking spaces, and indoor and outdoor residential amenity space.

Wellington Street is a two-way street that connects South to North from Inglis Street to South Street. The street has concrete curbs and sidewalks on both sides of the street. The proposed development includes approximately 65 meters of street frontage on the West side of Wellington and is located approximately 70 metres North of Inglis Street.

The property is bounded on the West and South by Gorsebrook Park, on the North by a 13 storey multiple unit residential building and Wellington Street on the East. Across Wellington is a 5 storey multiple unit residential building and several smaller 3-4 storey rental buildings. The neighbourhood is a mix of low density single family dwellings fronting on Inglis Street, mid and higher rise multiple unit residential buildings and low rise, medium density converted dwellings all surrounding the major open space of Gorsebrook Park.

The building extends 3 storeys above grade on Wellington Street, stepping back above the 3rd floor where it changes form to be two independent towers at 10 and 12 storeys on the southern and northern sides of the podium respectively. Each tower is capped by a penthouse that is stepped in on all sides. On the East side (Wellington Street), the primary building face (Levels 1, 2, and 3) is comprised of a series of undulating volumes mimicking townhouse proportions. These faces are set back varying distances from the property line (6'-0" to 8'-0") with an additional step back (8'-0" - 10'-0") on the upper storeys (Levels 4-10 and 4-14 respectively). Along the West side (rear of the building) the facade is broken into five sections which are set back various distances from the property line ranging from 4'-0" at the corners, 10'-0" in the flanking middle sections and 23'-0" in the center section. On the Northern and Southern ends of the building, the primary building faces are set back 0'-0", 4'-0" and 6'-0" varying again with an undulating facade.

The effects of the buildings' shadows on the adjacent neighborhood were analyzed through

computer modeling. Four observation periods were recorded through time animation. Three times were analyzed at Winter Solstice (December 21st) and Summer Solstice (June 21st) - the least and most intrusive time periods respectively. Three times were analyzed at the Spring and Fall Equinox (March 21st and September 22nd) - the mid-points in between the Solstice. All times noted are Atlantic Standard Time.

On the Spring and Fall Equinox, early morning shadows created by the proposed building are cast across the adjacent Gorsebrook Park fields from sunrise until early morning and have completely moved off the fields by approximately 9:15am. At approximately 8:45am the shadow of the proposed 12-storey building starts to touch the perimeter of the existing adjacent circular 13 storey residential tower to the North. The shadow falls on the lower 2-3 storeys until approximately 1:30pm when it leaves the tower altogether. At 1:00pm the shadow of the 12-storey building is beginning to touch the buildings across Wellington Street while the shadow of the 10-storey building has not yet reached the base of the 5-storey building opposite it. By 3:30pm the shadows are cast over the two smaller scale residential buildings and over less than 1/2 of the adjacent 5 storey residential building across the street. By 4:30pm only one of these smaller buildings is cast in shadow and still less than half of the 5-storey building to the East is affected. The existing 5-storey building will remain partly in shadow until sunset which occurs at 6:07pm (Source for sunrise and sunset times: SketchUp).

At the Winter Solstice, December 21st, the sun rises at 7:53am and the proposed building casts shadow to the Northeast. In the early minutes of daylight the shadows cast by the proposed building, and existing homes along Inglis, cast shadows over Gorsebrook field. At 8:30am the proposed building casts shadow on the Western side of the adjacent circular building. At 8:45am the shadows cast onto the field by the homes along Inglis have receded to less than one-half the way across the field while the shadows cast by the proposed building has left. In the early morning the proposed building casts shadow on the Western side of the circular tower to the North and on the lower 2 storeys of the Eastern side as well. At 2:15pm the shadow of the proposed building is no longer affecting its neighbour. By this time, shadows are being cast across Wellington Street on the low-rise residential buildings and just touching the edge of the 5-storey multi-unit building. At 4:00pm, just before the 4:30pm sunset, the shadow lies over the 3 small buildings and about 1/3 of the 5-storey building.

On the Summer Solstice, June 21st, the sun rises at 4:34am. The proposed building casts partial shadow over the Gorsebrook field and in turn, is cast partially in shadow by the existing properties on the opposite side of Wellington Street in the early morning hours. By 8:00am shadows on the field are limited to their Eastern borders and by 9:00am no shadow remains on the playing field. The high summer sun means shadows are short and no impact to other properties is felt until mid-afternoon when at 2:00pm the shadows begin to skirt the edges of properties on the opposite side of Wellington. Starting at this time, a shadow begins to be cast upon the Southern-most low-scale residential property across the street and by 4:30pm the shadows have moved away from this building as well. By 5:00pm the shadow is cast over most of the facade of the 5-storey residential building where it will remain until sunset at 7:57pm.

The proposed building will contribute little to the diminishment of solar penetration to the built environment in this neighbourhood. More importantly the effects on the adjacent recreational field will have no impact during the hours of maximum usage.

Regards,

Original signed

Michael Napier NSAA AANB MRAIC

08 August, 2013

Planning Applications – Community Development
Bayers Road Centre
7071 Bayers Road, Suite 2005
Halifax, NS

Attention: Kelly Denty

**Re: Development Agreement Application – Proposed Apartment Building Development,
1034-1056 Wellington Street, Halifax, NS**

Wind Impact Statement

The proposed project is situated on the consolidated lots comprising 1034-1056 Wellington Street, Halifax. The site is currently occupied by four vacant residential buildings. Proposed is a new condominium project comprised of a 3-storey podium with 2 buildings sitting atop (one at 7 storeys above and the other at 9 above - each with a penthouse over) with between a total 38 and 58 residential units with a mixture of unit types, approximately +/-84 underground parking spaces, and indoor and outdoor residential amenity space.

Wellington Street is a two-way street that connects South to North from Inglis Street to South Street. The street has concrete curbs and sidewalks on both sides of the street. The proposed development includes approximately 65 meters of street frontage on the West side of Wellington and is located approximately 70 metres North of Inglis Street.

The property is bounded on the West and South by Gorsebrook Park, on the North by a 13 storey multiple unit residential building and Wellington Street on the East. Across Wellington is a 5 storey multiple unit residential building and two smaller rental buildings. The neighbourhood is a mix of low density single family dwellings fronting on Inglis Street, mid and higher rise multiple unit residential buildings and low rise, medium density converted dwellings all surrounding the major open space of Gorsebrook Park.

The building extends 3 storeys above grade on Wellington Street, stepping back above the 3rd floor where it changes form to be two independent towers at 10 and 12 storeys on the southern and northern sides of the podium respectively. Each tower is capped by a penthouse that is stepped in on all sides. On the East side (Wellington Street), the primary building face (Levels 1, 2, and 3) is comprised of a series of undulating volumes mimicking townhouse proportions. These faces are set back varying distances from the property line (6'-0" to 8'-0") with an additional step back (8'-0" - 10'-0") on the upper storeys (Levels 4-10 and 4-14 respectively). Along the West side (rear of the building) the facade is broken into five sections which are set back various distances from the property line ranging from 4'-0" at the corners, 10'-0" in the flanking middle sections and 23'-0" in the center section. On the Northern and Southern ends of the building, the primary building faces are set back 0'-0", 4'-0" and 6'-0" varying again with an undulating facade.

Prevailing wind conditions were considered during the preliminary design phase of this project and the proposed design elements were influenced by the effects of wind on the building and the surrounding area. The shape of the building is highly articulated to minimize the effects of flat slabs, harsh corners and downwashing. There are two at-grade entrances which are well protected for residents, and setbacks above break up the massing and minimize laminar flow. These interventions will also aid in reducing wind events for pedestrians on the adjacent sidewalk.

Streetwall Channeling occurs when wind flows at lower levels along streets and between parallel adjacent building faces. Given the lower stature of the 5-storey building across the street, the proposal's large setback from the street and the abundant tree canopies along the street, any low level winds that might concentrate in this area will fan out and diffuse resulting in minimum impact to the site and its' immediate surroundings.

Downwashing Flow occurs when wind strikes tall vertical surfaces and cascades, accelerating to the ground below. This is exacerbated when the vertical surface continues unabated to the sidewalk below. To mitigate this phenomenon the building has been designed with multiple step-backs and extrusions, and landscaped terraces that not only visually breakup the overall mass of the building but also minimize the ability of the wind to channel down the façade ensuring that this downwashing flow does not reach pedestrians.

Prevailing winds primarily enter the site from the Northwest quadrant in the fall/winter (November-April) and the South-west quadrant in the spring/summer (May-October). Winds from the Northwest will most commonly come across the open space of Gorsebrook Park before reaching the rear of the building. Winds that encounter the adjacent 13-storey 'round' residential building are anticipated to move around the sides of this building without dramatically affecting their flow before they reach the proposed development.

Although the landscaped podium that encircles the sides and front of the building on the northwest side is not accessible to the public, for the comfort of the residents, balconies have been wrapped around the building edges to provide protected outdoor areas for residents wherever possible. The northern corner of the building and the 3rd floor setback physically blocks the wind (see Downwashing above) from being able to run down the face of the building and out onto the street that runs perpendicular to this face.

Any winds arriving from the Northeast will encounter the 12 storey tower first which will, in some instances, provide protection to the shorter, adjacent Southern tower. Given that higher velocity winds typically arrive at higher altitudes the absence of a parallel wall opposite the 12 storey tower (levels 10-12) will allow these high level winds to dissipate. Lower velocity winds may travel between the two at the lower level and these facades features protected balconies and terraces in order to aid in the disbursement of laminar flow and to provide additional protection for residents. Should these lower altitude winds be strong on stormy days the podium will aid in mitigating transfer of these winds to the sidewalk below thus protecting pedestrians along Wellington from feeling the adverse effects of these winds.

During summer months when wind approaches the site from the Southwest, it will come to the building from over the top of the adjacent residential properties along Inglis Street where it will then encounter the existing open right of way which provides access to Gorsebrook Park. This well vegetated open space will aid in wind coming from the Southwest to disperse and slow down before reaching the Southern face of the building.

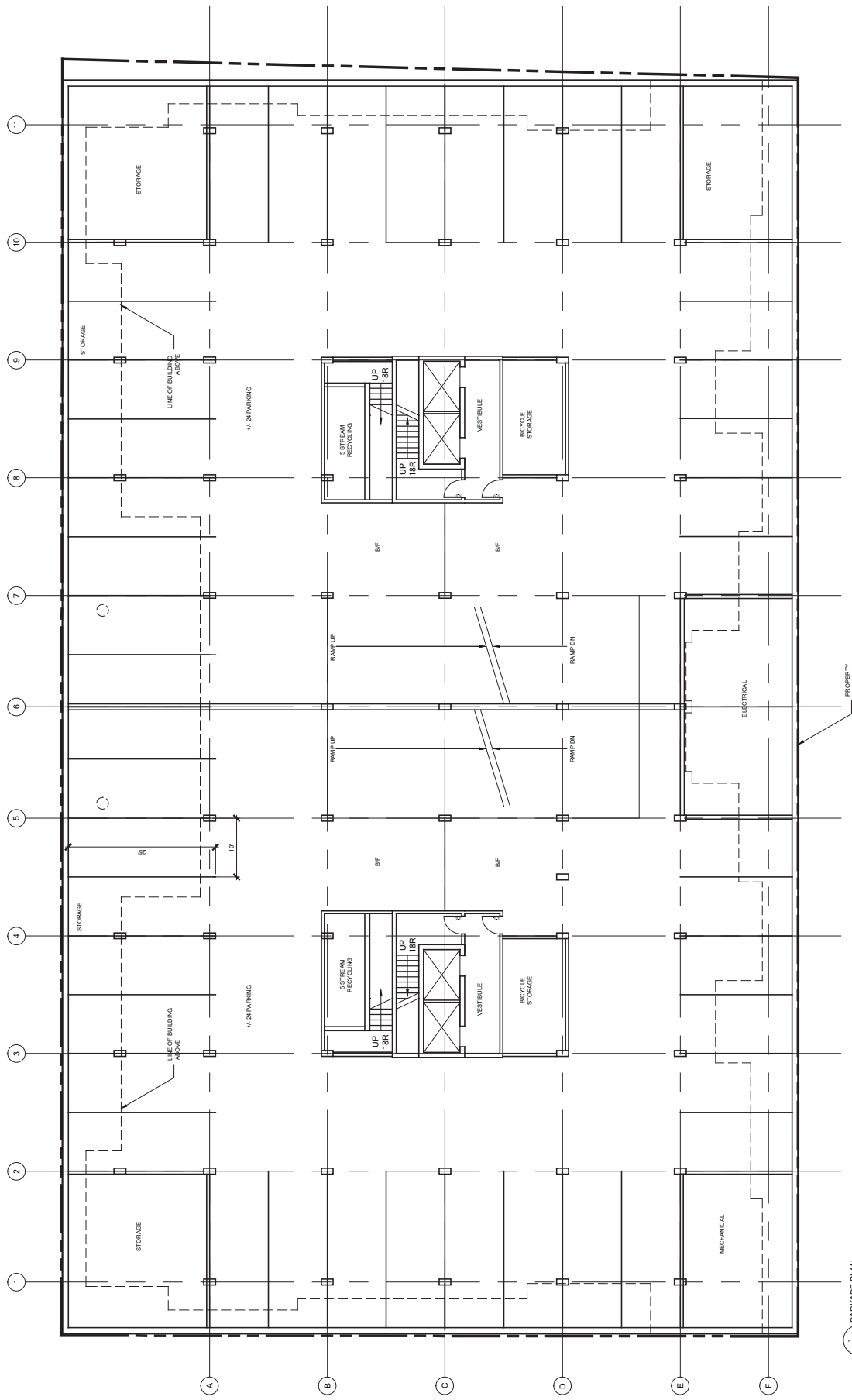
Although wind does not typically approach the front (Wellington Street side) of the building directly except in major storm events from the Southeast, the building façade has been broken down, bumped out, and stepped back numerous times to mitigate any increase in increased wind velocity as well as to provide comfort for residents and pedestrians. For added protection the entrances have been recessed.

In summary, at various times and under certain prevailing wind directions, Halifax will, as always, present wind challenges for pedestrians. We feel that the proposed project will create a built form that will not add appreciably to the wind conditions in this area of Halifax or adversely affect pedestrians on Wellington Street or participants on the sports field to the rear of the project.

Regards,

Original signed

Michael Napier NSAA AANB MRAIC



1 PARKADE PLAN
A-101 (REVISED 10/10/13)

WELLINGTON STREET PROJECT

WELLINGTON STREET
HALIFAX, NOVA SCOTIA

ALL CONSTRUCTION TO MEET
ALL APPLICABLE CODES, BY-LAWS,
STANDARDS, ETC.

APPROXIMATE DIMENSIONS
AND ROOF SLOPES



MICHAEL
APIER

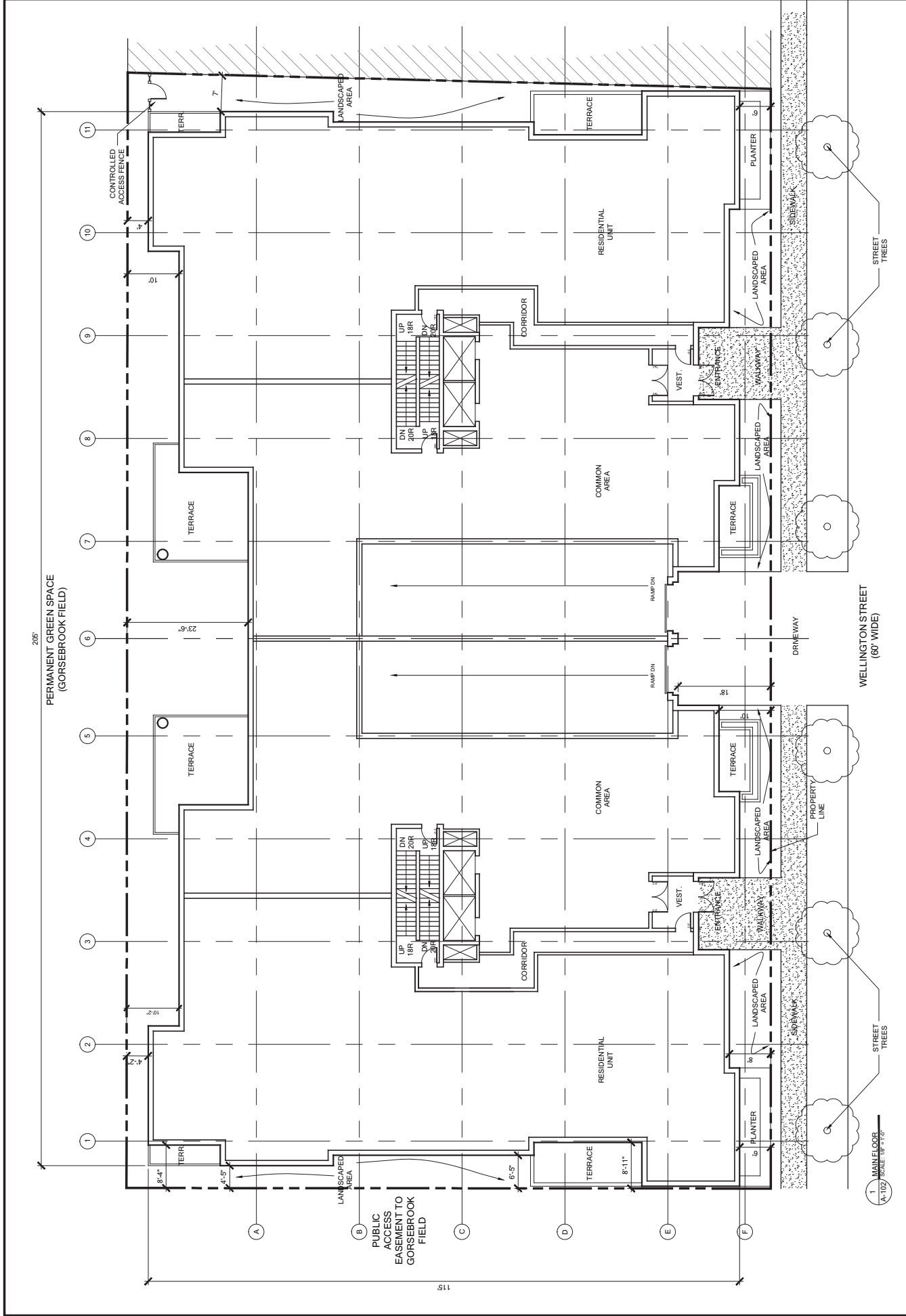
ARCHITECTURE INC.

DRAWING
PARKADE PLAN

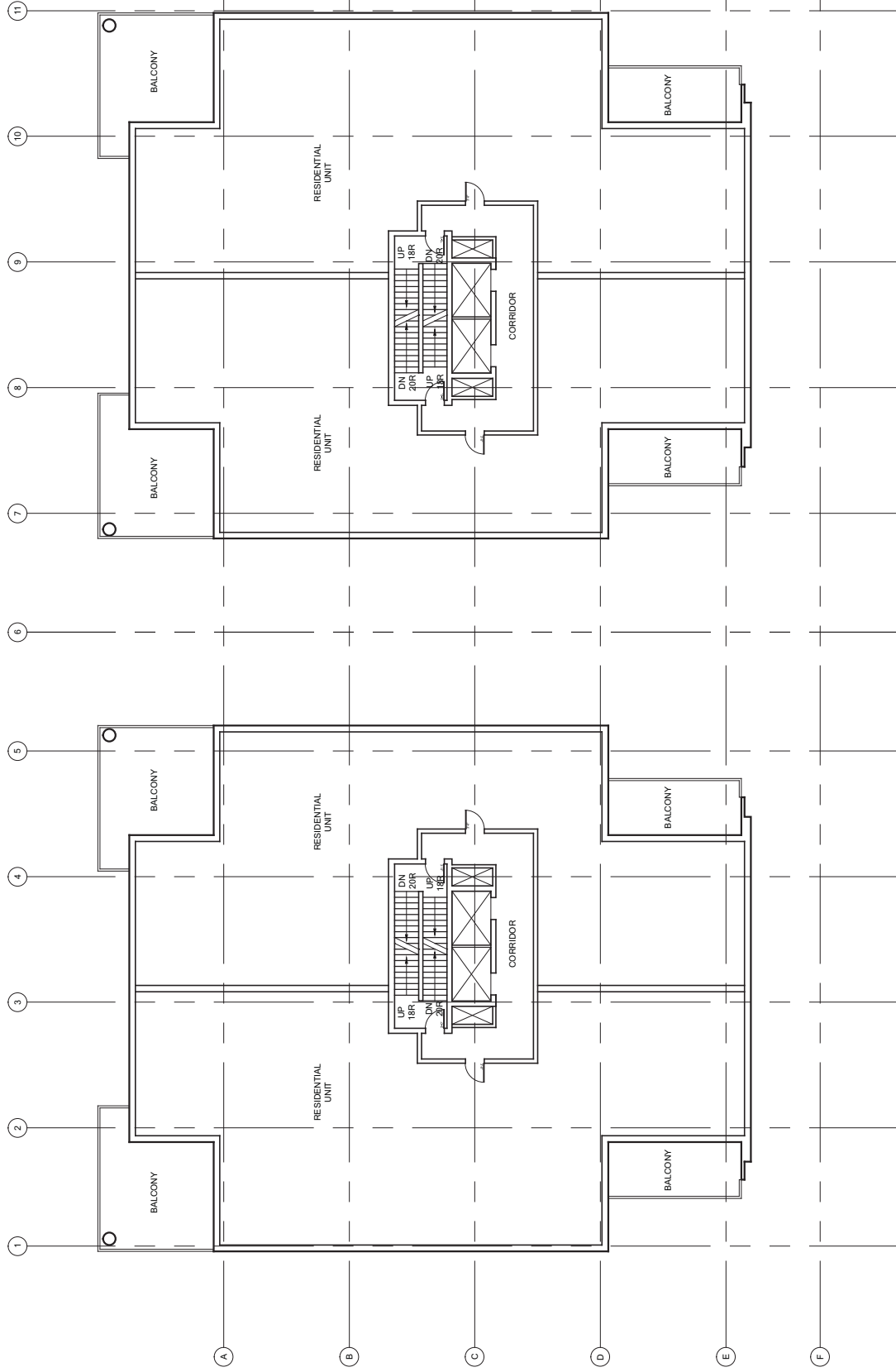
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DATE
AUG. 8, 2013

DRAWING NO.
A-101



<p>WELLINGTON STREET PROJECT WELLINGTON STREET HALIFAX, NOVA SCOTIA</p>		<p>ALL CONSTRUCTION TO MEET ALL APPLICABLE CODES, BY-LAWS, STANDARDS, ETC. APPROXIMATE DIMENSIONS AND ROOF SLOPES</p>	<p>MZA MICHAEL APIER ARCHITECTURE INC.</p>	<p>DRAWING GROUND FLOOR PLAN</p>	<p>DATE AUG. 8, 2013</p>
				<p>SCALE NOT TO SCALE</p>	<p>DRAWING NO. A-102</p>



1 TYPICAL FLOOR
A-103

WELLINGTON STREET PROJECT

WELLINGTON STREET
HALIFAX, NOVA SCOTIA

ALL CONSTRUCTION TO MEET
ALL APPLICABLE CODES, BY-LAWS,
STANDARDS, ETC.
APPROXIMATE DIMENSIONS
AND ROOF SLOPES



MICHAEL
APIER
ARCHITECTURE INC.

DRAWING
TYPICAL FLOOR PLAN

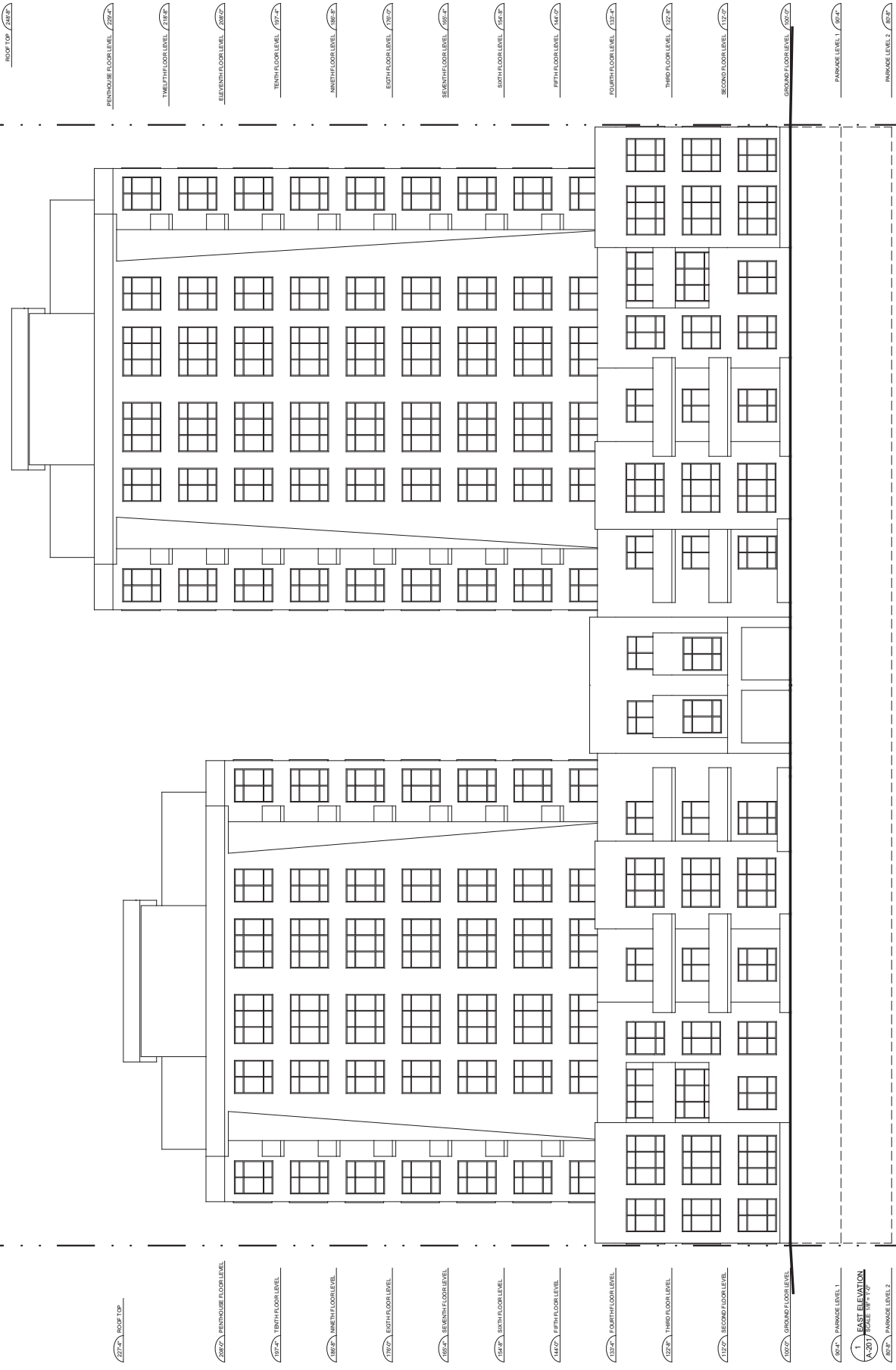
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DATE
AUG. 8, 2013

DRAWING NO.
A-103

PROPERTY LINE

PROPERTY LINE



WELLINGTON STREET PROJECT

WELLINGTON STREET
HALIFAX, NOVA SCOTIA

ALL CONSTRUCTION TO MEET
ALL APPLICABLE CODES, BY-LAWS,
STANDARDS, ETC.
APPROXIMATE DIMENSIONS
AND ROOF SLOPES



DRAWING
EAST ELEVATION

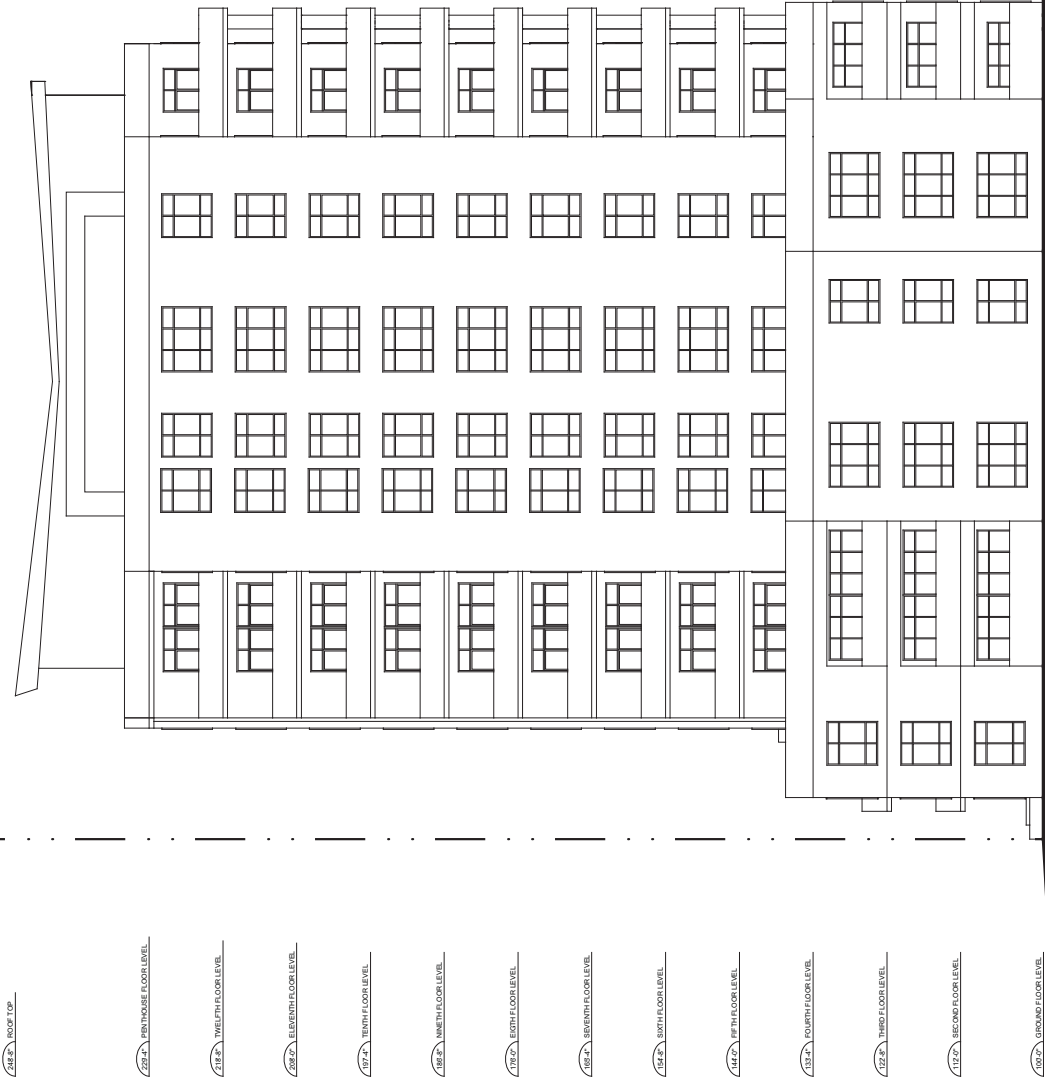
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DATE
AUG. 8, 2013

DRAWING NO.
A-201

PROPERTY LINE

PROPERTY LINE



218'-0" ROOF TOP

222'-0" PENTHOUSE FLOOR LEVEL

218'-0" TWELFTH FLOOR LEVEL

212'-0" ELEVENTH FLOOR LEVEL

207'-0" TENTH FLOOR LEVEL

198'-0" NINTH FLOOR LEVEL

192'-0" EIGHTH FLOOR LEVEL

186'-0" SEVENTH FLOOR LEVEL

182'-0" SIXTH FLOOR LEVEL

182'-0" FIFTH FLOOR LEVEL

182'-0" FOURTH FLOOR LEVEL

182'-0" THIRD FLOOR LEVEL

182'-0" SECOND FLOOR LEVEL

182'-0" GROUND FLOOR LEVEL

6'-0" PARKADE LEVEL 1

6'-0" PARKADE LEVEL 2

1 NORTH ELEVATION
A-201 SCALE: 1/8" = 1'-0"

WELLINGTON STREET PROJECT

WELLINGTON STREET
HALIFAX, NOVA SCOTIA

ALL CONSTRUCTION TO MEET
ALL APPLICABLE CODES, BY-LAWS,
STANDARDS, ETC.
APPROXIMATE DIMENSIONS
AND ROOF SLOPES



DRAWING
NORTH ELEVATION

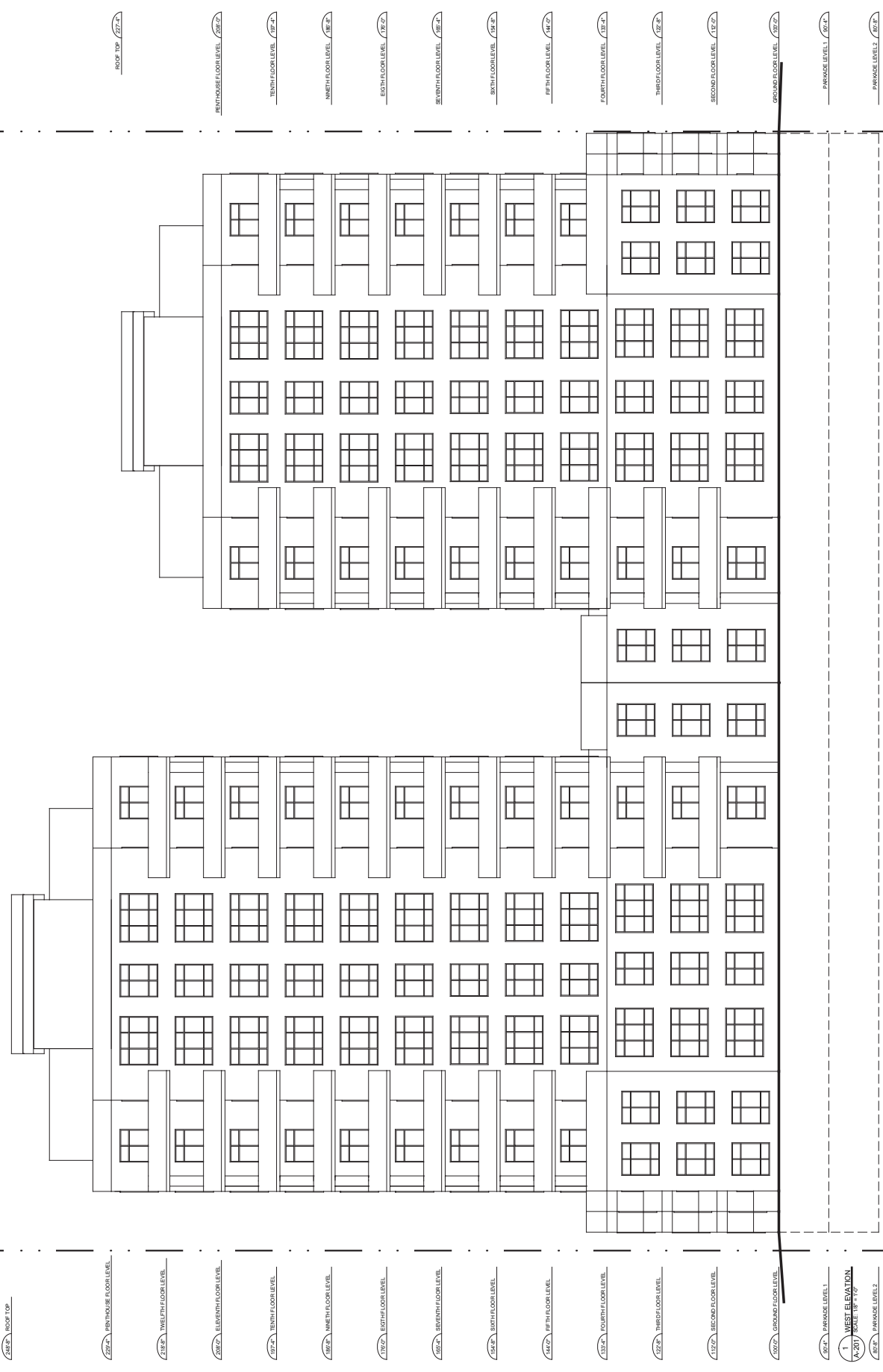
SCALE
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DATE
AUG. 8, 2013

DRAWING NO.
A-202

PROPERTY LINE

PROPERTY LINE



246.2' ROOF TOP

222.4' PENHOUSE FLOOR LEVEL

218.2' TWELFTH FLOOR LEVEL

208.2' ELEVENTH FLOOR LEVEL

197.2' TENTH FLOOR LEVEL

189.2' NINTH FLOOR LEVEL

179.2' EIGHTH FLOOR LEVEL

169.2' SEVENTH FLOOR LEVEL

148.2' SIXTH FLOOR LEVEL

144.2' FIFTH FLOOR LEVEL

133.4' FOURTH FLOOR LEVEL

122.2' THIRD FLOOR LEVEL

112.2' SECOND FLOOR LEVEL

102.2' GROUND FLOOR LEVEL

96.2' PARKADE LEVEL 1

1 WEST ELEVATION
SCALE: 1/8" = 1'-0"

96.2' PARKADE LEVEL 2

246.2' ROOF TOP

222.4' PENHOUSE FLOOR LEVEL

218.2' TENTH FLOOR LEVEL

208.2' NINTH FLOOR LEVEL

197.2' EIGHTH FLOOR LEVEL

189.2' SEVENTH FLOOR LEVEL

179.2' SIXTH FLOOR LEVEL

169.2' FIFTH FLOOR LEVEL

158.4' FOURTH FLOOR LEVEL

148.2' THIRD FLOOR LEVEL

138.2' SECOND FLOOR LEVEL

128.2' GROUND FLOOR LEVEL

96.2' PARKADE LEVEL 1

96.2' PARKADE LEVEL 2

WELLINGTON STREET PROJECT

WELLINGTON STREET
HALIFAX, NOVA SCOTIA

ALL CONSTRUCTION TO MEET
ALL APPLICABLE CODES, BY-LAWS,
STANDARDS, ETC.
APPROXIMATE DIMENSIONS
AND ROOF SLOPES



DRAWING
WEST ELEVATION

SCALE
NOT TO SCALE

DATE
AUG. 8, 2013

DRAWING NO.
A-203

PROPERTY LINE

PROPERTY LINE



227'-0" ROOF TOP

185'-0" TENTH FLOOR LEVEL

157'-0" TENTH FLOOR LEVEL

129'-0" NINTH FLOOR LEVEL

101'-0" EIGHTH FLOOR LEVEL

73'-0" SEVENTH FLOOR LEVEL

45'-0" SIXTH FLOOR LEVEL

17'-0" FIFTH FLOOR LEVEL

15'-0" FOURTH FLOOR LEVEL

12'-0" THIRD FLOOR LEVEL

9'-0" SECOND FLOOR LEVEL

6'-0" GROUND FLOOR LEVEL

3'-0" PARKADE LEVEL 1

0'-0" PARKADE LEVEL 2

1 SOUTH ELEVATION
A-204 SCALE: 1/8" = 1'-0"

WELLINGTON STREET PROJECT

WELLINGTON STREET
HALIFAX, NOVA SCOTIA

ALL CONSTRUCTION TO MEET
ALL APPLICABLE CODES, BY-LAWS,
STANDARDS, ETC.
APPROXIMATE DIMENSIONS
AND ROOF SLOPES

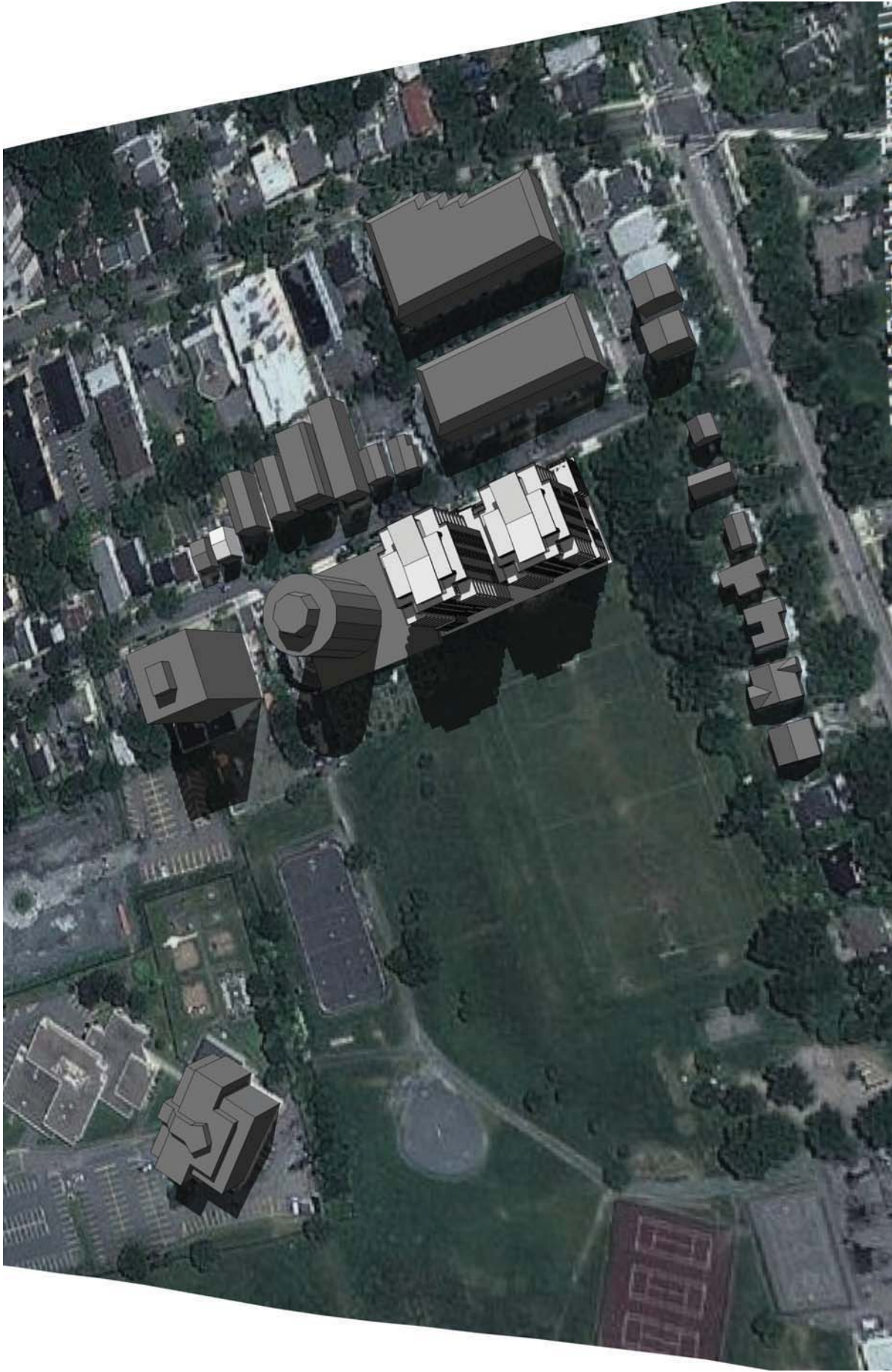


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SOUTH ELEVATION

SCALE
NOT TO SCALE

DATE
AUG. 8, 2013

DRAWING NO.
A-204



SUMMER SOLSTICE - 9am

WELLINGTON STREET PROJECT

WELLINGTON STREET
 HALIFAX, NOVA SCOTIA

ALL CONSTRUCTION TO MEET
 ALL APPLICABLE CODES, BY-LAWS,
 STANDARDS, ETC.
 APPROXIMATE DIMENSIONS
 AND ROOF SLOPES



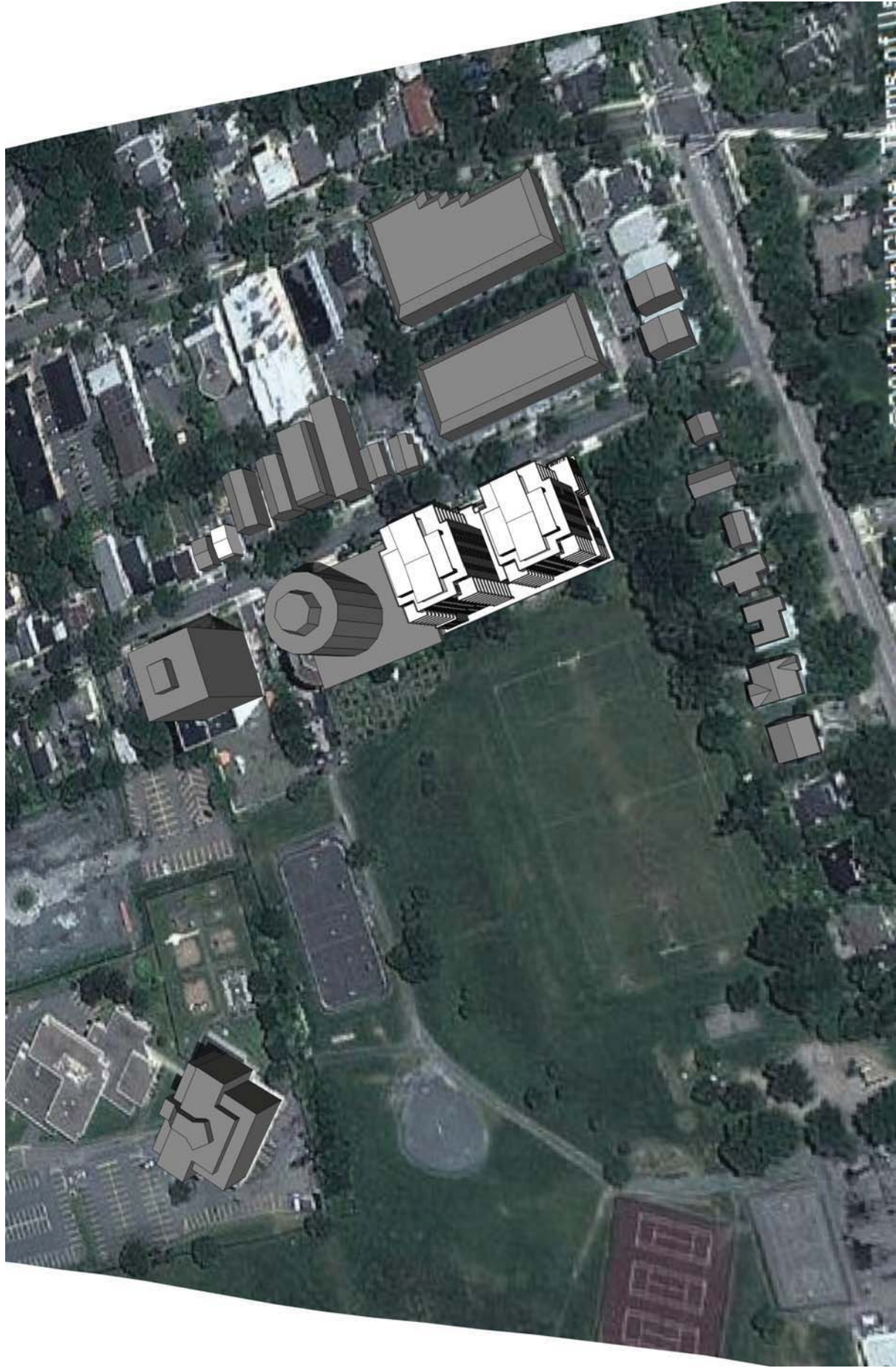
MICHAEL
 APIER
 ARCHITECTURE INC.

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 SHADOW STUDY

SCALE
 NOT TO SCALE

DATE
 AUG. 8, 2013

DRAWING NO.
A-901



SUMMER SOLSTICE - 1pm

WELLINGTON STREET PROJECT

WELLINGTON STREET
 HALIFAX, NOVA SCOTIA

ALL CONSTRUCTION TO MEET
 ALL APPLICABLE CODES, BY-LAWS,
 STANDARDS, ETC.
 APPROXIMATE DIMENSIONS
 AND ROOF SLOPES



MICHAEL
 APIER
 ARCHITECTURE INC.

DRAWING
 SHADOW STUDY

SCALE
 NOT TO SCALE

DATE
 AUG. 8, 2013

DRAWING NO.
A-902



SUMMER SOLSTICE - 5pm

WELLINGTON STREET PROJECT

WELLINGTON STREET
 HALIFAX, NOVA SCOTIA

ALL CONSTRUCTION TO MEET
 ALL APPLICABLE CODES, BY-LAWS,
 STANDARDS, ETC.
 APPROXIMATE DIMENSIONS
 AND ROOF SLOPES



MICHAEL
 APIER
 ARCHITECTURE INC.

DRAWING
 SHADOW STUDY

SCALE
 NOT TO SCALE

DATE
 AUG. 8, 2013

DRAWING NO.
A-903



SPRING / FALL EQUINOX - 9am

WELLINGTON STREET PROJECT

WELLINGTON STREET
 HALIFAX, NOVA SCOTIA

ALL CONSTRUCTION TO MEET
 ALL APPLICABLE CODES, BY-LAWS,
 STANDARDS, ETC.
 APPROXIMATE DIMENSIONS
 AND ROOF SLOPES



MICHAEL
 APIER
 ARCHITECTURE INC.

DRAWING
 SHADOW STUDY

SCALE
 NOT TO SCALE

DATE
 AUG. 8, 2013

DRAWING NO.
A-904



SPRING / FALL EQUINOX - 1pm

WELLINGTON STREET PROJECT

WELLINGTON STREET
 HALIFAX, NOVA SCOTIA

ALL CONSTRUCTION TO MEET
 ALL APPLICABLE CODES, BY-LAWS,
 STANDARDS, ETC.

APPROXIMATE DIMENSIONS
 AND ROOF SLOPES



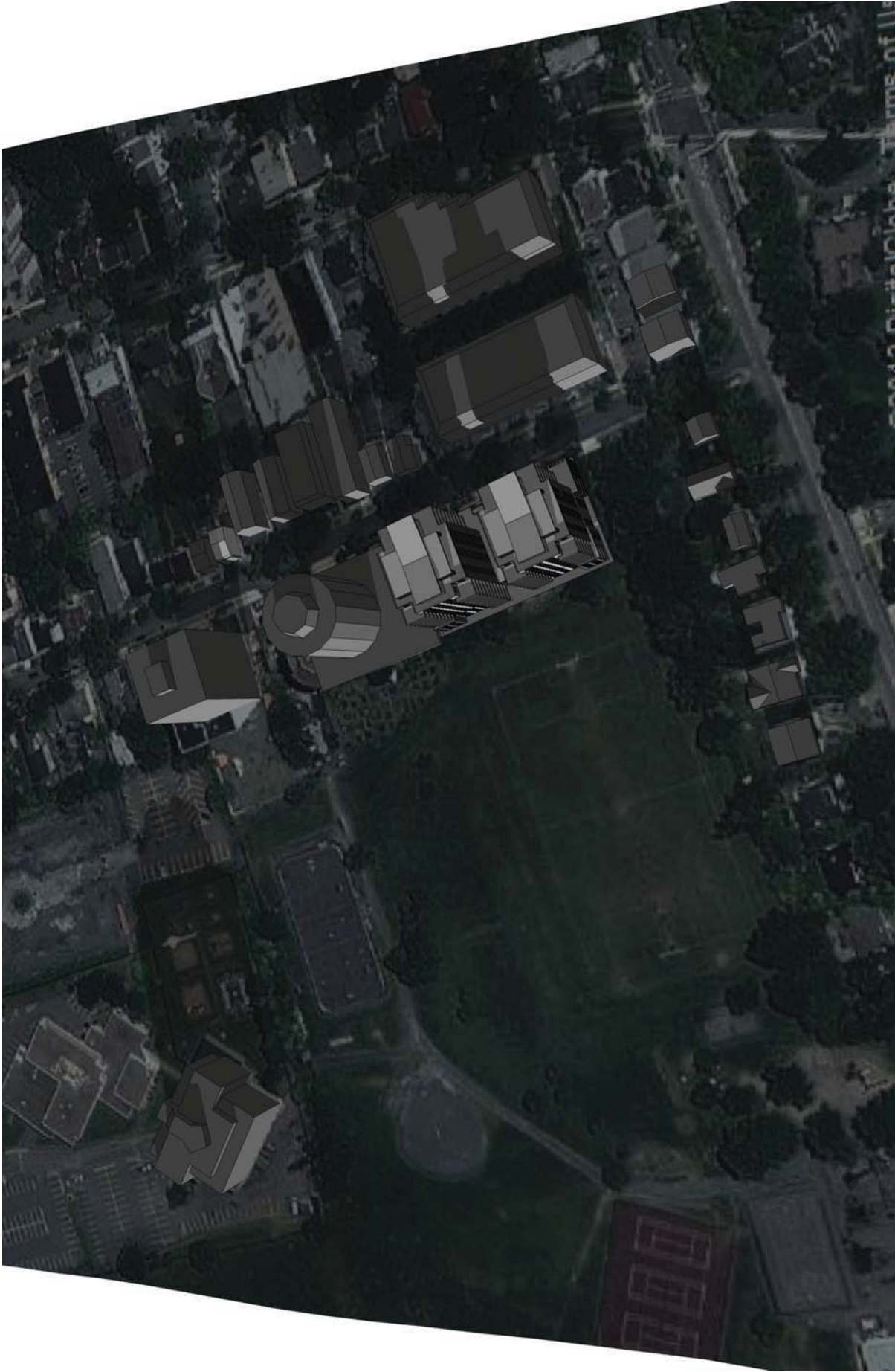
MICHAEL
 APIER
 ARCHITECTURE INC.

DRAWING
 SHADOW STUDY

SCALE
 NOT TO SCALE

DATE
 AUG. 8, 2013

DRAWING NO.
A-905



SPRING / FALL EQUINOX - 5pm

WELLINGTON STREET PROJECT

WELLINGTON STREET
 HALIFAX, NOVA SCOTIA

ALL CONSTRUCTION TO MEET
 ALL APPLICABLE CODES, BY-LAWS,
 STANDARDS, ETC.
 APPROXIMATE DIMENSIONS
 AND ROOF SLOPES



DRAWING
 SHADOW STUDY

SCALE
 NOT TO SCALE

DATE
 AUG. 8, 2013

DRAWING NO.
A-906



WINTER SOLSTICE - 9am

WELLINGTON STREET PROJECT

WELLINGTON STREET
HALIFAX, NOVA SCOTIA

ALL CONSTRUCTION TO MEET
ALL APPLICABLE CODES, BY-LAWS,
STANDARDS, ETC.
APPROXIMATE DIMENSIONS
AND ROOF SLOPES



DRAWING
SHADOW STUDY

SCALE
NOT TO SCALE

DATE
AUG. 8, 2013

DRAWING NO.
A-907



WINTER SOLSTICE - 1pm

WELLINGTON STREET PROJECT

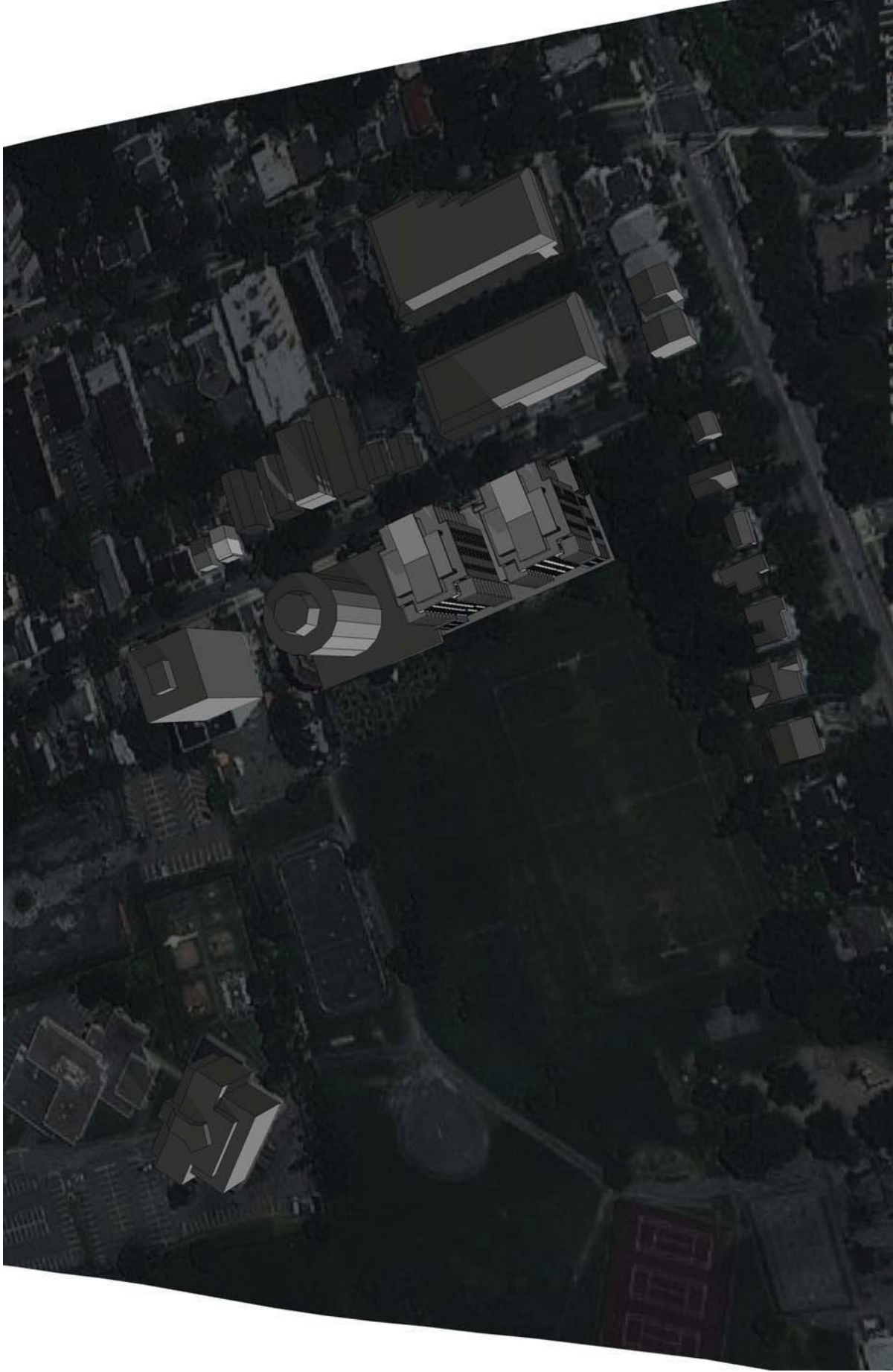
WELLINGTON STREET
HALIFAX, NOVA SCOTIA

ALL CONSTRUCTION TO MEET
ALL APPLICABLE CODES, BY-LAWS,
STANDARDS, ETC.
APPROXIMATE DIMENSIONS
AND ROOF SLOPES



DRAWING
SHADOW STUDY
SCALE
NOT TO SCALE

DATE
AUG. 8, 2013
DRAWING NO.
A-908



WINTER SOLSTICE - 4pm

WELLINGTON STREET PROJECT

WELLINGTON STREET
HALIFAX, NOVA SCOTIA

ALL CONSTRUCTION TO MEET
ALL APPLICABLE CODES, BY-LAWS,
STANDARDS, ETC.
APPROXIMATE DIMENSIONS
AND ROOF SLOPES



DRAWING
SHADOW STUDY

SCALE
NOT TO SCALE

DATE
AUG. 8, 2013

DRAWING NO.
A-909



WELLINGTON STREET PROJECT
 WELLINGTON STREET
 HALIFAX, NOVA SCOTIA

ALL CONSTRUCTION TO MEET
 ALL APPLICABLE CODES, BY-LAWS,
 STANDARDS, ETC.
 APPROXIMATE DIMENSIONS
 AND ROOF SLOPES



MICHAEL
 APIER
 ARCHITECTURE INC.

DRAWING
 VIEW - BUILDING FRONT
 SCALE
 NOT TO SCALE

DATE
 AUG. 8, 2013
 DRAWING NO.
A-910



WELLINGTON STREET PROJECT

WELLINGTON STREET
HALIFAX, NOVA SCOTIA

ALL CONSTRUCTION TO MEET
ALL APPLICABLE CODES, BY-LAWS,
STANDARDS, ETC.
APPROXIMATE DIMENSIONS
AND ROOF SLOPES



DRAWING
VIEW FROM WELLINGTON ST
LOOKING NORTH WEST

SCALE
NOT TO SCALE

DATE
AUG. 8, 2013

DRAWING NO.
A-911



WELLINGTON STREET PROJECT
WELLINGTON STREET
HALIFAX, NOVA SCOTIA

ALL CONSTRUCTION TO MEET
ALL APPLICABLE CODES, BY-LAWS,
STANDARDS, ETC.
APPROXIMATE DIMENSIONS
AND ROOF SLOPES



DRAWING
VIEW - BUILDING REAR

SCALE
NOT TO SCALE

DATE
AUG. 8, 2013

DRAWING NO.
A-912



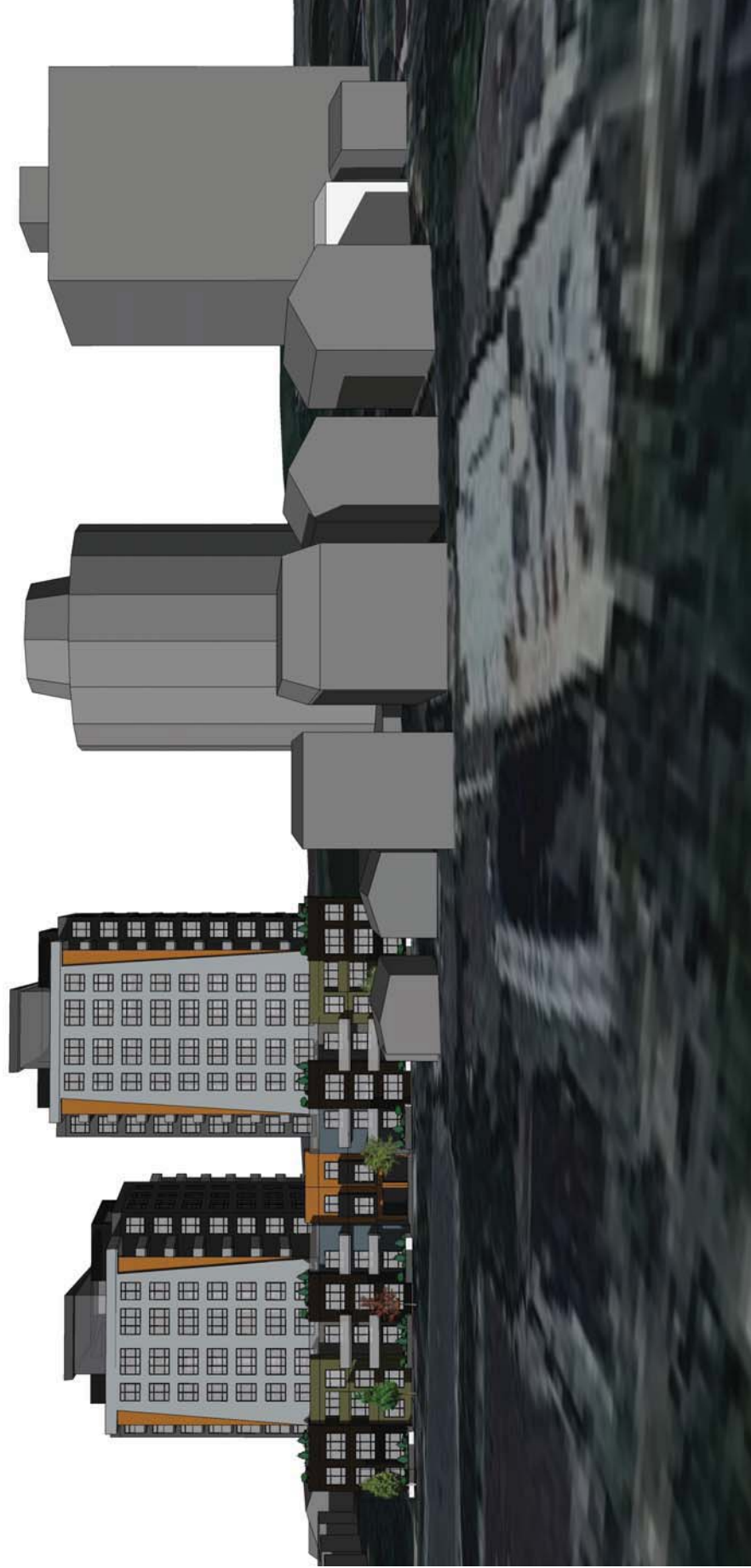
WELLINGTON STREET PROJECT
 WELLINGTON STREET
 HALIFAX, NOVA SCOTIA

ALL CONSTRUCTION TO MEET
 ALL APPLICABLE CODES, BY-LAWS,
 STANDARDS, ETC.
 APPROXIMATE DIMENSIONS
 AND ROOF SLOPES



DRAWING
STREET VIEW
 SCALE
NOT TO SCALE

DATE
AUG. 8, 2013
 DRAWING NO.
A-913



WELLINGTON STREET PROJECT

WELLINGTON STREET
HALIFAX, NOVA SCOTIA

ALL CONSTRUCTION TO MEET
ALL APPLICABLE CODES, BY-LAWS,
STANDARDS, ETC.
APPROXIMATE DIMENSIONS
AND ROOF SLOPES



DRAWING HEIGHT RELATIONSHIPS
SCALE NOT TO SCALE

DATE AUG. 8, 2013
DRAWING NO. A-914

HALIFAX REGIONAL MUNICIPALITY

DISTRICT 7 & 8 PLANNING ADVISORY COMMITTEE
PUBLIC INFORMATION MEETING MINUTES

November 20, 2013

PRESENT: Mr. David Fleming, Interim Chair
Mr. Adam Conter
Mr. Brenden Sommerhalder
Ms. Katherine Kitching
Mr. Michael Haddad
Councillor Waye Mason
Councillor Jennifer Watts

REGRETS: Ms. Sunday Miller
Ms. Jennifer Powley
Mr. Michael Bradfield

STAFF: Mr. Mitch Dickey, Planner, Community & Recreation Services
Ms. Melissa Eavis, Legislative Support

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2.	Case 18565: Request by Dino Capital Ltd to amend the South End Area Plan of the Halifax MPS to redesignate properties located at 1034, 1042, 1050 and 1056 Wellington Street from Medium Density Residential to High Density Residential and to amend the height precinct, in order to allow consideration of a 58 unit building by development agreement.....	3
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1. CALL TO ORDER

Mr. David Fleming, Interim Chair called the meeting to order at 7:04 p.m., introduced members of District 7 & 8 Planning Advisory Committee in attendance and briefed the public on the rules of the public meeting.

2. Case 18565: Amendment to the South End Area Plan of the Halifax MPS

Proposal Information on Case 18565 and staff report dated August 23, 2013 was distributed at the meeting.

Mr. Mitch Dickey, Planner, Community and Recreation Services, presented Case 18565 a request by Dino Capital to amend the South End Area Plan of the Halifax Municipal Planning Strategy to redesignate properties located at 1034, 1042, 1050 and 1056 Wellington Street from Medium Density Residential to High Density Residential and to amend the height precinct, in order to allow consideration of a 58 unit building by development agreement.

Mr. Michael Moore spoke on behalf of the Applicant, stating that the project will continue to evolve as it moves forward. He discussed the merits of going forward with the proposed amendment rather than the as-of-right option including: the increased control that could be leveraged through the development agreement process; that the proposed amendments would allow for more “family style” housing rather than the as-of-right student oriented housing option; and that there is more parking provided in the proposed project with 84 underground spaces versus the 16 above ground spaces with the as-of-right project.

Mr. Michael Napier, the architect on the project provided a presentation outlining the design aspects and the evolution of the project. He addressed a height discrepancy in the staff report that showed the towers to be 14 and 10 storeys, clarifying the proposed towers are 12 and 10 storeys. Mr. Napier noted other design changes including a reduction in the height of the podium from three to two storeys, increased setbacks from adjacent properties, and the additional parking.

Mr. Fleming called for individuals wanting to speak to the proposal to come forward. The floor was opened for comments from the public.

Mr. Ken McInnis, a resident of Wellington Street, stated that he was against the proposal. He noted that the height and shadowing of the adjacent community garden was an issue. He also indicated that parking was already a problem in the community and that this proposal would aggravate that situation. He stated that he was not against the development of the site but would prefer to see a proposal that is in keeping with the character of the neighborhood.

Mr. John Dalton, a resident of Wellington Street, stated that he did not support the proposal, describing previous applications by the developer. He stated that keeping the

Municipal Planning Strategy and Land Use By-law would provide predictability and that more density is needed on the peninsula, but that this should be provided through a controlled and planned way. He also stated that there was a mismatch between the goals of the developer and those of the community.

Mr. Harold LeBlanc, a resident of Inglis Street stated that he did not want this project to proceed. He also noted that residents are being asked to make a choice between two undesirable options: the proposed project and the as-of-right option as presented by the developer. He noted that the as-of-right development would likely add more students to the neighborhood, which he said was undesirable. Also, the as-of-right development would have more green space, less shadowing, and less wind issues than the proposed development and the primary issue with the as-of-right development is the likely tenants. The fact that the project is constantly evolving is also an issue as residents do not know what is being agreed to. Mr. LeBlanc urged the Planning Advisory Committee to recommend against the proposal.

Ms. Anna Fraser, a resident of Wellington Street indicated that she supported staff's recommendations and the views of previous speakers, noting that lot coverage and shadowing are major issues. She also highlighted that this development is an opportunity to make the neighborhood better and that existing high-rise developments should not set a precedent for this project. Unit size was also an issue and Ms. Fraser stated that 3600 and 3700 square foot units were overly large. She further noted her support for a midrise development.

Mr. Bruce MacDougall expressed concern that the project would be out of scale and full of students. He went on to note that the appropriate development for the site was neither the as-of-right development or the proposed project, suggesting that something in the height range of four to five storeys would be appropriate. He also stated that 180-foot towers are not appropriate. Mr. MacDougall was also concerned with the size of the units, commenting that the 3600 square foot unit measurement seemed disingenuous and that there would not be a market for this unit size in Halifax. Mr. MacDougall closed by saying that there was a more appropriate project for the site but did not elaborate.

Mr. Napier clarified that the unit size is 3600 square feet.

Ms. Kathleen Rockwell, a resident of Wellington Street asked why the meeting was called as staff have recommended against the project and as such, it should not go forward. She also questioned why existing planning strategies are being ignored. She went on to note that she was not against development but would prefer a project that is in keeping with the character of the neighborhood.

Mr. Dickey clarified that the meeting was called because Regional Council sought further public input on the project. Also, Municipal Planning Strategies are living documents that are meant to change over time to meet the needs of changing economic and neighborhood circumstances.

Ms. Mary MacDonald, a resident of Halifax commented that the development does not fit with the neighborhood and that height is an issue. She also noted that there could be solar heat loss due to shadowing and expressed concern with parking and congestion issues that already exist in the neighborhood.

Ms. Rebecca Jamieson, a resident of Fenwick Street noted that the Municipal Planning Strategy indicates that developments are to be compatible with the character of the neighborhood and that the existing zoning protects neighborhoods from high-rise development. She stated that both the as-of-right and the proposed development would be utilized by students and that residents are willing to consider an alternative to this application. She also expressed concern over the unit size and the marketability of upscale condos. She went on to state that midrise or townhouses would be more appropriate.

Ms. Roxanne Mio, a resident of Wellington Street agreed with previous speakers and was against the proposal. She supports development but does not want these types of buildings on her street due to traffic concerns, danger posed to children in the area, and winter weather issues. She also stated that the density proposed is undesirable and that this development would be better in the suburbs.

Mr. David Jamison, a resident of Wellington Street was in full agreement with previous speakers. He submitted a petition containing 311 signatures in opposition of the development.

Ms. Oriel MacLennan, a resident of Wellington South advised that she would prefer a development that was similar to Wellington South, the Brickyard, or townhouses. Her primary objections to the development were excessive height and massing, shadowing over the community garden, poses threat to adjacent green space which is already lacking in the area, and that the units would be unmarketable. She also commented that there is a deterioration that comes with a transient population such as students.

Mr. Alan Young, a resident of Wellington Street stated that he has considerable concerns regarding the proposal and supports the recommendations outlined in the staff report. He noted concerns regarding the height and impact the development would have on the character of the neighborhood. He commented that although development should be encouraged, this was an instance where it should conform to existing policies in order to preserve the character of the neighborhood.

Ms. Patricia Livingston, a resident of Wellington Street commented that this development was out of character with the neighborhood and past mistakes should be avoided.

Ms. Wendy Cats, a resident of Wellington Street expressed that she was against the proposal and supports the recommendations of HRM staff. She noted that because of the existing hospitals and students in the area, there was already a high demand for parking and this issue would be compounded if the project is allowed to proceed. She

also stated that because the project is evolving, there is an issue with stability and predictability.

Mr. Brian Gun, a resident of Wellington Street agreed with previous speakers and that the development was inappropriate and out of scale. He stated that the existing by-laws and policies were formulated with public input and as such should be followed. He also noted that the size of the 3600 square feet units was anomalous and expressed disbelief at the veracity of this measurement.

Ms. Karen Beazley, a resident of Wellington Street spoke on behalf of herself and her parents, Richard and Grace Beazley. She agreed with the previous speakers and opposed the project. She was concerned that if the development were to proceed the southern view from her balcony would be lost. She felt that the development would bring a decrease in her quality of life and would be forced to sell her unit. She also expressed concern over the stability of the neighborhood and that existing tall buildings in the neighborhood should not be replicated. She suggested that low to medium rise should be considered for this site and that minor changes to the project would not change her opinion. She noted that the Planning Advisory Committee should recommend against this proposal.

Ms. Glenna Campbell, a resident of Wellington Street spoke on behalf of herself and Anna Smithers. Ms. Campbell supported staff's recommendations and previous comments made. She noted that the height was excessive, and that there were significant parking and open space issues.

Mr. Jeff Scrutton, a resident of Wellington Street stated that he was opposed to the development and supported both previous comments made and staff's recommendations. He stated that this development presents an opportunity to improve the community but that the proposed project does not do this. Further that the project was inconsistent with existing policies and the seven municipal planning principles. He expressed displeasure at the agitation to the community by allowing such a proposal to be considered. He also noted that the open space adjacent to the development was used by the broader community, not just local residents.

Mr. Chris Beaumont, a resident of Fenwick Street noted his support for the staff recommendations and urged the Planning Advisory Committee to recommend against the proposal. He also stated that this was spot rezoning and it undermines the existing policies that went through a public consultation process. He also commented that although policies should be revisited, they should be done in strategic way rather than spot rezoning. He went on to state that the current zoning was appropriate for the area.

Mr. Denis Del Giudice, a resident of the Wellington-Inglis area expressed his support for previous comments made, noting that the Planning Advisory Committee had yet to hear any support for the project.

Ms. Anne Taylor, a resident of Wellington Street expressed displeasure at the cost incurred for hearing a proposal that was not supported by staff or the community. She stated that she supports diversity but the community already deals with issues in terms of parking and the proximity to the hospitals. She reiterated that this project was not wanted by the community.

Ms. Wendy Wagstaff, a resident of Inglis Street commented that the green space adjacent to the development was a valuable asset and the proposal would impose on that; as well, that the proposed development would detract from the park. Ms. Wagstaff was also concerned with the size of the project.

Ms. Beverly Miller, a resident of South Street stated that the project would affect all neighborhoods on the peninsula and that this was not strictly a neighborhood issue. She noted that there was enough space on the peninsula for 38 years of growth without destroying existing neighborhoods. Also, that current vacancy rates were high, asking staff if the as-of-right unit presented was correct and if they conform to the zoning requirements.

Mr. Dickey advised that each of the as-of-rights units have ten bedrooms and meet the requirements; however, the R-2A zoning was never meant for this type of development.

Mr. Paul Card, a resident of Cork Street expressed displeasure with bringing residents out to oppose a project that severely deviates from the existing policies. He went on to state that he was not against development but that the project was drastically out of step with existing policies.

Vicki, a resident of Marlborough Avenue expressed concern about the proposed development and considering the projected vacancy rate on the peninsula, commented that the units would not be utilized. She was concerned with the financial support for the development.

Mr. Michael McCurdy, a resident of Victoria Road agreed with previous speakers and inquired about the environmental considerations of the building and the quality of construction.

Mr. Moore indicated that approved amendments would stay with the property and that financing was something that all developers must deal with and should not be the concern of staff or Council. He emphasized the importance of avoiding sprawl and the viability of the proposed location and provided clarification on the heights of the proposed towers, at 160 and 140 feet. In terms of the environmental considerations of the project, he commented that this could be dealt with through the Development Agreement.

Mr. John Dalton, who had spoken previously, commented that his property would be affected by shadow cast from the proposed development.

Mr. Larry Freeman, a resident of Wellington Street asked whether this was the first project of Dino Construction.

Mr. Moore advised that Dino Capital Ltd. is a company incorporated in the Province of Nova Scotia and Mr. Tsimiklis works for that company. As such, Mr. Tsimiklis has been involved in other projects including Armoury Square and a project on South Street. He went on to state that a development agreement would remain with the property even if the land changed hands in the future.

William, a resident of Cline Street commented that the design of the building could be improved to better fit with the neighborhood and be more unique.

Mr. Napier addressed the design concerns raised and stated that HRMbyDesign is a form based strategy and that buildings often fit their envelope. He went on to state that these buildings fit the need of a certain user group and round shapes are often impractical.

Ms. Jennifer van Rooyan, a resident of Wellington Street stated that it is understandable why a developer would consider this an optimal site for a high-rise project considering the close proximity to open space but was not a valid justification for relaxing the height restrictions.

Linda, a resident on the peninsula commented that the development would make a perimeter on Inglis Street.

In response to Linda, Mr. Dickey advised that Inglis Street does not meet the criteria and that the developer was looking for a spot rezoning. Further, staff's position is that the existing high-rise development does not justify further high-rise development.

Mr. Geoff Keddy stated that other high-rise developments surrounding parks and open spaces are common and function well. He supports the proposal but would rather see a single, higher tower which would cause less shadowing. He commented that new development facing the park that does not affect the developments to the north could have a positive effect on the city.

Mr. Wes Campbell, a resident of Summer Street stated that the site would be developed and that positive community contribution would be beneficial. He did not necessarily agree that the project should go forward as presented but supported the development of the site. He asked staff whether there were any other developments happening on the park that could affect viewpoints.

In response to Mr. Campbell, Mr. Dickey indicated that to his knowledge, there are no other developments happening around the park.

Mr. Lawrence Stekenokovich questioned whether the amendment presented would stay with the property and if so, that this would be another reason to reject the proposal.

In response to Mr. Stekenokovich, Mr. Dickey confirmed that the amendment remains with the property even if the property changes owners.

Mr. Gary Bristo, a resident of Wellington Street commented that the community was presented with four proposals and one of which was positively received. Further, that the current proposal was not presented to the community and that the developer was not working with the community.

Mr. Fleming called three times for additional speakers to come forward at this time; there were none.

The following submissions were received for Case 18565:

Patricia Whitman and David Lemon	Kathleen Rothwell
Mary MacDonald	Martine Durier-Copp
Wendy R. Katz	A. M. Taylor
Alan R. Young	Denis del Giudice
Chris and Kirk Annand	Anna Fraser and Alan Grant
Dennis Creamer	Oriel C. L. MacLennan
Ken McInnis	Nancy Smithers
Shirley A. Nason	Johan Geldenhuys
Karin and Arthur Digout	Anne West
Lynn Ross	Muriel A. Jamieson
Frances McDonah	Sandra Dauphinee
Roland McDonah	Jim McKeen
W. David Jamieson	Helen Earle
Gary Bristow	Gordana Lazin
Harold LeBlanc and Family	Kevin Forward and Michelle LeClair
Jennifer van Rooyen	Barbara M. Yeadon
Bimal and Krishna De	Jeff Scrutton
Brian Guns	Karen Beazley
Lynn McAslan	Eugene and Roxane Mio
Paula Taylor	Rebecca A. Jamieson
David Kirkpatrick	Christopher Beaumont
Mark Sobieraj	
Katie Kirkpatrick	

3. CLOSING COMMENTS

Mr. David Fleming thanked those in attendance, noting the importance of public engagement. In response to a member of the public expressing concern with their photo being taken, Mr. Fleming advised that as this was a Public Information Meeting and could not stop members of the public from taking photographs.

4. ADJOURNMENT

The meeting was adjourned at 9:20 p.m.

Melissa Eavis
Legislative Support