



P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Heritage Advisory Committee – March 23, 2011
District 12 Planning Advisory Committee – March 28, 2011
Halifax Regional Council – April 12, 2011
May 10, 2011

TO: Heritage Advisory Committee
District 12 Planning Advisory Committee

SUBMITTED BY: Original Signed
Mike Labrecque, Deputy Chief Administrative Officer

DATE: March 14, 2011

SUBJECT: Case 01231: Development Agreement - 1595 Barrington Street,
Halifax

ORIGIN

- Application by 1595 Investments Limited to enter into a development agreement to permit a mixed use building at 1595 Barrington Street, Halifax.
- June 16, 2009 Regional Council approval of the Downtown Halifax Secondary Municipal Planning Strategy, which specifies that this application be considered under the planning policies that were in effect at the time in which this application was submitted.
- August 17, 2010 Regional Council approval of amendments to the Downtown Halifax Secondary Municipal Planning Strategy and the Barrington Street Heritage Conservation District Revitalization Plan that affirms that this application be considered under the planning policies that were in effect at the time in which this application was submitted.

RECOMMENDATION

It is recommended that the District 12 Planning Advisory Committee and the Heritage Advisory Committee recommend that Halifax Regional Council:

1. Give Notice of Motion to consider the application by 1595 Investments Limited for a development agreement at 1595 Barrington Street, and schedule a public hearing;
2. Approve the development agreement, included as Attachment A of this report, to permit a mixed-use development; and
3. Require the development agreement be signed by the property owner and returned to HRM within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

EXECUTIVE SUMMARY

1595 Investments Limited has applied for a development agreement to redevelop a 3 storey building at 1595 Barrington Street, Halifax. Although it is not a registered heritage property, the building's Art Deco style is recognized as being important.

1595 Investment proposes to retain two of the exterior walls of the building, facing Barrington and Sackville streets, which are Art Deco in style. Above and stepped in from these walls, a tower is to be constructed for either commercial or residential uses. The total height of the building, including a mechanical penthouse, is approximately 173 feet from Barrington Street and 191 feet from Granville Street. The number of storeys is to vary depending upon whether the developer decides to pursue residential or commercial uses within the tower, as commercial floor-to-ceiling heights are typically higher than those for residential uses. It is anticipated that if the tower is developed exclusively for residential uses it will have 14 storeys, whereas if the tower is developed exclusively for office uses, it will be 12 storeys (from Barrington Street and not including the mechanical penthouse). The appearance of the building will remain the same for either option.

This application was submitted before Regional Council adopted the Downtown Halifax Secondary Municipal Planning Strategy Plan and Barrington Street Heritage Conservation District Plan on June 16, 2009. Regional Council has specified that this application be considered through the policies that were in effect when the application was submitted; the policies of the Halifax Municipal Planning Strategy (HMPS) and the Regional Municipal Planning Strategy (RMPS).

This report considers the objectives and policies from the HMPS and the RMPS. It highlights view protection measures, heritage considerations, building scale and design related policies, micro-climate issues such as wind and shadow effects, traffic/circulation matters, and economic and social objectives. Based on these, the proposal is found to be consistent with the HMPS and the RMPS and it is therefore recommended that Council enter into the proposed development agreement.

BACKGROUND

Proposal

The property at 1595 Barrington Street, which is also bounded by Sackville and Granville Streets (refer to Map 1), is 9,853 square feet in size. The building upon it, which almost completely occupies the site, is comprised of:

- 3 storeys along Barrington Street and 4 storeys along Granville Street;
- stone facades along Barrington and Sackville streets that are of an Art Deco style and a brick face along Granville Street;
- storefront windows and entrances along Barrington and Sackville Streets and service entrances and exhaust equipment facing Granville Street; and
- two commercial uses;
 - the Discovery Centre, which is a science and technology educational centre that is open to the public, that occupies the 3 floors off Barrington Street; and

- Reflections Cabaret, a bar that occupies the floor below the Barrington Street level and which is accessed off Sackville Street.

Referred to as the “Zellers Building” or “Discovery Centre,” the site is not a registered heritage property. However, the *Barrington Street Heritage Conservation District Revitalization Plan* recognizes that it has significant heritage value, noting that:

- “The former Zellers building is the best example of the Art Deco style in HRM;” and
- “The former Zellers store makes a considerable contribution to the character of the downtown Barrington streetscape. ...”

1595 Investments Limited proposal is to:

- exercise every effort to retain the facades of the existing building that face Barrington and Sackville streets, and should this be impractical, to re-establish the facades as stone walls;
- establish an interior parking garage for 34 vehicles, that will be accessed with new entrances off Sackville and Granville streets;
- continue to have pedestrian-oriented commercial uses facing Barrington Street, with a new commercial space upon Granville Street;
- establish a new entrance and lobby off Granville Street; and
- construct a tower with a clear glass curtain wall, above and stepped in from the exterior walls that are to be retained along Barrington and Sackville streets.

The total height of the building, including a mechanical penthouse, is approximately 173 feet from Barrington Street and 191 feet from Granville Street. The number of storeys is to vary depending upon whether the developer decides to pursue residential or commercial uses within the tower, as commercial floor-to-ceiling heights are typically higher than those for residential uses. The appearance of the building will remain the same for either option.

The original application submission was for a taller building. In November 2009, the developer decided to reduce the height of the building by approximately 43 feet. This was done to improve the relationship of the proposal to its surroundings. The original submission was also revised to include windows along the south side of the tower to address possible concerns about this elevation having a lack of fenestration.

Surroundings

The immediate surrounding area is comprised of the following buildings (see Map 3):

- next to the site, at 1581/89 Barrington, is the “Keith Building” or “Green Lantern Building” which is a 4 storey (from Barrington Street) mixed use commercial building that is a registered heritage property;
- across Barrington Street is the:
 - i) “Tramway Building,” at 1598 Barrington Street, which is a 5 storey retail and office building;
 - ii) “Tip Top Tailor Building,” at 1592 Barrington Street, which is a 2 storey retail building;

- iii) “Church of England Institute” or “Khyber Building,” at 1588 Barrington Street, which is a 3 storey mixed use commercial and institutional building that is a registered heritage property;
- diagonally across Barrington and Sackville streets is the “Canada Permanent Trust Building,” at 1646 Barrington Street, which is a 7 storey mixed use building with ground floor commercial and upper floor residential uses;
- immediately across Sackville Street are,
 - i) the “D’Allaird Building” or “Vogue Optical Building,” at 1645 Barrington Street, which is a 4 storey retail and office building;
 - ii) the “Moda Capelli” Building at 5185-87 Sackville Street, which is a 3 storey mixed use commercial building;¹
 - iii) the “Brooks Travel” Building at 5181 Sackville Street, at the intersection of Granville Street, which is a three storey mixed use commercial building;
- diagonally across Granville and Sackville streets is the Centennial Building, a 13 storey (from Granville) office building; and
- immediately across Granville Street is the vacant Texpark property which has an expired development agreement that allowed for a twin-tower building of 26 storeys (from Granville Street) and a height of 285 feet (see Map 3).

Beyond the immediate surroundings of the site, buildings are varied in style, age, height, and heritage status.

DISCUSSION

HRM by Design/Downtown Plan

1595 Barrington Street is within the Downtown Halifax Secondary Municipal Planning Strategy Plan area and the Barrington Street Heritage Conservation District Plan area, which were adopted by Regional Council on June 16, 2009. This application was made on January 5, 2009, when these documents were not in place. Regional Council has addressed this situation by specifying that this application be considered against the policies that were in place when the application was made. This is explained in the Downtown Halifax Secondary Municipal Planning Strategy Plan:

“During the course of preparation of this Plan, development continued to occur in the Plan area according to the previous MPS policies and land use by-law requirements. At the time of Plan adoption, development agreement applications in various stages of review and approval remained in progress. In consideration of the fact that these projects were designed within the parameters of the previous policies of the Halifax Municipal Planning Strategy, the substantial investment made in the preparation of such applications and that they were submitted in advance of this Plan being given first reading by Council, it is reasonable that

¹The Moda Capelli and Brooks Travel Buildings, along with the Roy Building, are part of a current proposal for an office building that is to be 16 storeys above Barrington Street and 18 storeys above Granville Street with a total height, including penthouse level, of approximately 250 feet above Granville Street (Case 01172).

provision be made to allow Council to consider them after the effective date of this Plan under the previous policies. ..." (section 8.6A)

From this, the following policy of the Downtown Halifax Secondary Municipal Planning Strategy applies:

Policy 90A

"Applications for development agreements on file on or before March 31, 2009 shall be considered under the policies in effect at the time the complete application was received. Where any such application is withdrawn, significantly altered, or rejected by Council, any new development proposal shall be subject to all applicable requirements of the Land Use By-law."

Similar policy provisions have been made within the Barrington Street Heritage Conservation District Plan.

Based on this policy directive, the former policies of the Halifax Municipal Planning Strategy (HMPS) and Regional Municipal Planning Strategy (RMPS) are the context for considering this application.

Halifax Municipal Planning Strategy CBD Policy Context

Based upon the applicability of the former planning documents, 1595 Barrington Street is within the C-2 (General Commercial) Zone of Halifax Peninsula Land Use By-law (LUB), which permits a wide range of commercial and residential uses. Section 84 of the LUB specifies that development of over 40 feet in height is to be considered and approved by development agreement, pursuant to the policies of the Halifax Municipal Planning Strategy (HMPS). In the HMPS, the property is in the Commercial designation and in the Central Business District. The Central Business District is further divided into 11 Sub-areas, of which the property is located in both Sub-area 8 and 10, characterized as follows:

- "8. Barrington Street Circulation Area - A sub-area focussed on Barrington Street
- 10. Granville Street Area - A sub-area of office and mixed-use between Hollis Street and the western side of Granville Street to Prince Street."

The policies of the Central Business District are most relevant in the evaluation of the proposal in light of the HMPS. A review of these is found in Attachment B (Review of the CBD Objectives and Policies from the HMPS). From this review the policies concerning the following matters are highlighted.

Views

The HMPS and LUB protect certain views that are relevant to this application as follows:

- Viewplanes: View planes extending from the Citadel limit building height within their path. The property does not fall within a view plane.

- Views from within the Citadel Parade Square: Buildings are not permitted to be visible over the ramparts from specific vantage points inside the Citadel parade square. The developer has lowered the height of the building so that it now appears on the plans as being well below the maximum rampart height. The proposed development agreement requires that this be confirmed by a Surveyor.
- Building Heights in Vicinity of Citadel: The HMPS sets “low to medium rise” height limits “immediately adjacent to Citadel Hill and increasing with distance therefrom.” The property is 5 blocks from Citadel Hill and is therefore not adjacent to it.
- Views Along East-West Streets: The HMPS states that; “views of and from the harbour along the east-west streets should be conserved.” Sackville Street is one of those east-west streets. The view along Sackville Street is not impacted by the proposal.
- Rooftop Landscaping: The HMPS encourages rooftop landscaping in situations where the rooftops can be seen from the Citadel, taller buildings, or other parts of the city. The proposal includes landscaping upon the building.

Block Pattern

Policies 7.1 and 7.1.2 require that the existing block pattern be respected. While the proposal is for a tall building, the block pattern is maintained. There are no street closures through the application and property is of a limited size, consistent with the original layout of blocks and properties.

Complementary to Adjacent Buildings of Historic Significance

Policy 7.2.1 states that:

“The exterior architectural design of new buildings should be complementary to any adjacent ones which are designated as being of historic significance or important to the character of the CBD; in such instances, the careful use of materials, colour, proportion, and the rhythm established by surface and structural elements should reinforce those same aspects of the existing buildings.”

It is important to note that there are a significant number of adjacent registered heritage properties and other buildings that, although not registered, are important from a contextual perspective. This includes the adjoining Green Lantern Building. The proposal favourably responds to this policy through its retention of the existing building facades facing Barrington and Sackville streets. With this, from the perspective of a pedestrian within the immediate surroundings of the property, the existing character will be retained. Further away, the contrasting materials and shape of the tower portion of the buildings helps to highlight the existing building and its important features.

Other Scale and Massing

The emphasis in sub-section 7 on scale and massing, requires a balance that Council has dealt with in the past. Of note is the approval of a development agreement for a tower on the abutting

Green Lantern Building property, which is summarized in the current staff report for the Roy Building redevelopment (case 01172) as follows:

“This proposal is not the only tall building proposed on Barrington Street since the adoption of the MPS in 1978. On October 31, 1985, Halifax City Council approved a hotel proposal which was to rise 22-storeys above Barrington Street on the current Green Lantern property (Civic 1585 Barrington Street, next to the Discovery Centre). That application proposed the construction of a contemporary tower above the Green Lantern building which would be set back from the front and rear property lines in a similar fashion to the existing proposal. The Green Lantern buildings Barrington Street facade was to be retained and the remainder of the building was to be demolished to allow for the construction of the new building. Council’s approval of the project was appealed to the N.S. Municipal Board (now the NSUARB) but the appeal was withdrawn in April of 1986. The development agreement lapsed in April of 1988. While the approval of this project does not create a precedent, staff believe Council should be made aware of it.”

Wind

Policy 7.5 specifies that, “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.”

A preliminary wind study has been submitted in support of the application (Schedule W-1 of the Proposed Development Agreement). It examines the expected wind impacts upon the surrounding sidewalks both with and without the possible development of the Tex-park site, which has a development agreement upon in that allows for a tall twin-towers building. The wind study concludes that the development proposal will not negatively impact pedestrian comfort for walking, either with or without the development on the Tex-park site. The development agreement requires that this be confirmed through a full wind tunnel test and study prior to the issuance of a development permit.

Shadow

Policy 7.6 of the HMPS specifies that, “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.” A shadow study has been submitted that includes animation of the shadows that are cast from buildings in the Downtown, and with this, the expected shadow from the proposed building. This is done for March 21 and September 21 (the Spring and Fall Equinoxes), June 21 (the Summer Solstice), and December 21 (the Winter Solstice). An accompanying “Explanatory Note” highlights the shadow impacts from the proposal.

There are 3 public open spaces of significance that are impacted by the proposal: the Waterfront, the Grand Parade, and Citadel Hill. However, the Explanatory Note shows that the shadow impacts over these spaces are not for significant periods of time and in many instances, they will be merged with those of other buildings. It is therefore found that there will be minimal shadow cast on public open spaces.

Halifax Municipal Planning Strategy City-wide Policy Context

In addition to the CBD policies, the HMPS has “City-wide” objectives and policies. The most relevant of these with respect to this application are found in Attachment C. The review of these finds that the proposal meets the City-wide provisions of the HMPS.

Regional Municipal Planning Strategy

The RMPS is concerned with the relationship of new development and abutting registered heritage properties, through Policy CH-2; a review of which is found in Attachment D. The Green Lantern Building is an abutting registered heritage property. Of particular relevance to this proposal, this policy specifies that development relate in a positive way to abutting heritage buildings within the pedestrian realm. With the retention of the facades of the existing building that face Barrington and Sackville streets, it is found that the development does not have a negative impact upon the pedestrian realm.

Policy CH-2 also specifies that, “any additional building height proposed above the pedestrian realm mitigate its impact upon the pedestrian realm by incorporating design solutions, such as setbacks from the street wall and modulation of building massing, to help reduce its apparent scale.” This policy intent is met with the tower being differentiated from the base through its contrasting material and step-in above the base of the building from Barrington and Sackville Streets.

Highlights of Proposed Development Agreement

The proposed development agreement specifies various terms, including that:

- the development be constructed pursuant to the plans shown in Schedule B;
- the number of storeys may be varied provided that the height specified on the plans is not exceeded;
- every effort be made to retain the facades facing Barrington and Sackville Streets and that if they are unable to be retained, that they be reestablished using the same type of stone and in same style and detailing as the existing facades;
- rooftop landscaping be established upon the base of the building;
- the commercial spaces on the ground floor along Barrington Street be comprised pedestrian-oriented uses such as retail stores; and
- the development is to commence within 3 years and be complete within 6 years of Council’s approval.

The commencement and completion clauses, requiring the project start within three years and be complete within six years, are consistent with Council’s policy in this regard for development agreement applications which were submitted prior to the adoption of the Downtown Halifax Secondary Municipal Planning Strategy.

Certain terms of the proposed development agreement are identified as being non-substantive and may be amended by Regional Council in the future, without public consultation. These include changes respecting:

- the architectural appearance, materials, and colours of the building as shown on the Schedules;
- integration of roof mounted mechanical and telecommunication equipment into the roof design;
- the requirements that functional elements such mechanical equipment be screened;
- the requirements related to parking;
- the building lighting provisions;
- the sign provisions;
- the landscaping provisions;
- the building as a result of recommendations from the full wind tunnel testing study;
- the matters that are required prior to the issuance of permits; and
- the requirements for the undergrounding of wires.

The above list is quite extensive because any future changes to the development agreement, beyond those matters that have been identified as “non-substantive,” will not be enabled. This is as a result of the adoption of the HRMbyDesign documents, which has replaced the development agreement form of approval with a site plan approval process.

Conclusion

The development proposal for 1595 Barrington Street is found to be consistent with the objectives and policies of the HMPS and RMPS. It is therefore recommended that Council approve the proposed development agreement.

BUDGET IMPLICATIONS

There are no budget implications. The Developer will be responsible for all costs, expenses, liabilities, and obligations imposed under or incurred in order to satisfy the terms of this Agreement. The administration of this Agreement can be carried out within the approved budget with existing resources in C310- Planning & Applications.

FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN

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

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 March 26, 2009. A public hearing has to be held by Council before they can consider approval of any amendments.

For the Public Information Meeting, notices were posted on the HRM website, in the newspaper, and mailed to property owners within the notification area as shown on Map 2. Attachment E

contains a copy of the minutes from the meeting. Should Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements, property owners will be notified within the notification area.

The proposed development agreement will potentially impact the following stakeholders: local residents, property owners, persons and groups interested in heritage preservation, local businesses, and the Downtown Halifax Business Commission.

ALTERNATIVES

1. Council may approve the proposed development agreement. This is the recommended course of action.
2. Council may refuse the development agreement and, in doing so, must provide reasons based on conflict with existing MPS policy.
3. Council may approve the development agreement with modifications which are acceptable to the applicant. Such modifications may require further negotiations with the applicant or revisions to the attached agreement.

ATTACHMENTS

| | |
|--------------|---|
| Map 1 | Location and Zoning |
| Map 2 | Area of Notification |
| Map 3 | Context |
| Attachment A | Proposed Development Agreement with Schedules |
| Attachment B | Review of the CBD Objectives and Policies from the HMPS |
| Attachment C | Review of the Most Relevant City-wide Objectives and Policies from the HMPS |
| Attachment D | Review of the Most Relevant Policies of the RMPS |
| Attachment E | Public Information Meeting Minutes |
| Attachment F | Shadow Study Summary |

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.

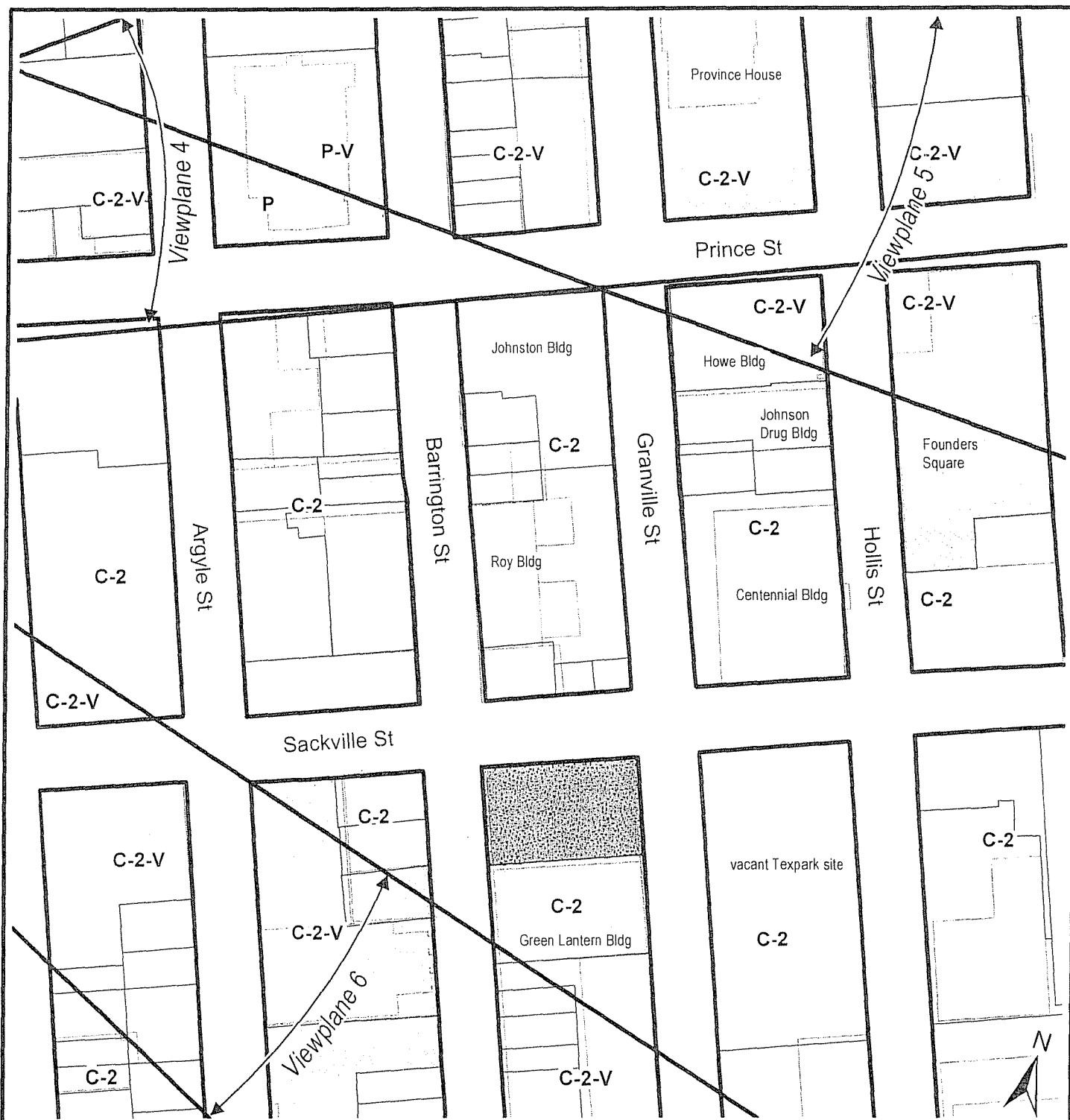
Report Prepared by: Richard Harvey, Senior Planner, 490-5637

Report Approved by: Original Signed
Austin French, Manager, Planning Services, 490-6717

Original Signed

Financial Approval by: Cathie O'Toole, CGA, Director of Finance, 490-6308

Report Approved by: Original Signed
Paul Dunphy, Director, ~~Community~~ Development, 490-4933



Map 1 - Location and Zoning

1595 Barrington Street
Halifax



Subject area



Registered Heritage property

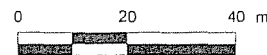
Zone (-V = within viewplane) *

C-2 General Business
P Park and Institutional

Halifax Peninsula
Land Use By-Law Area *

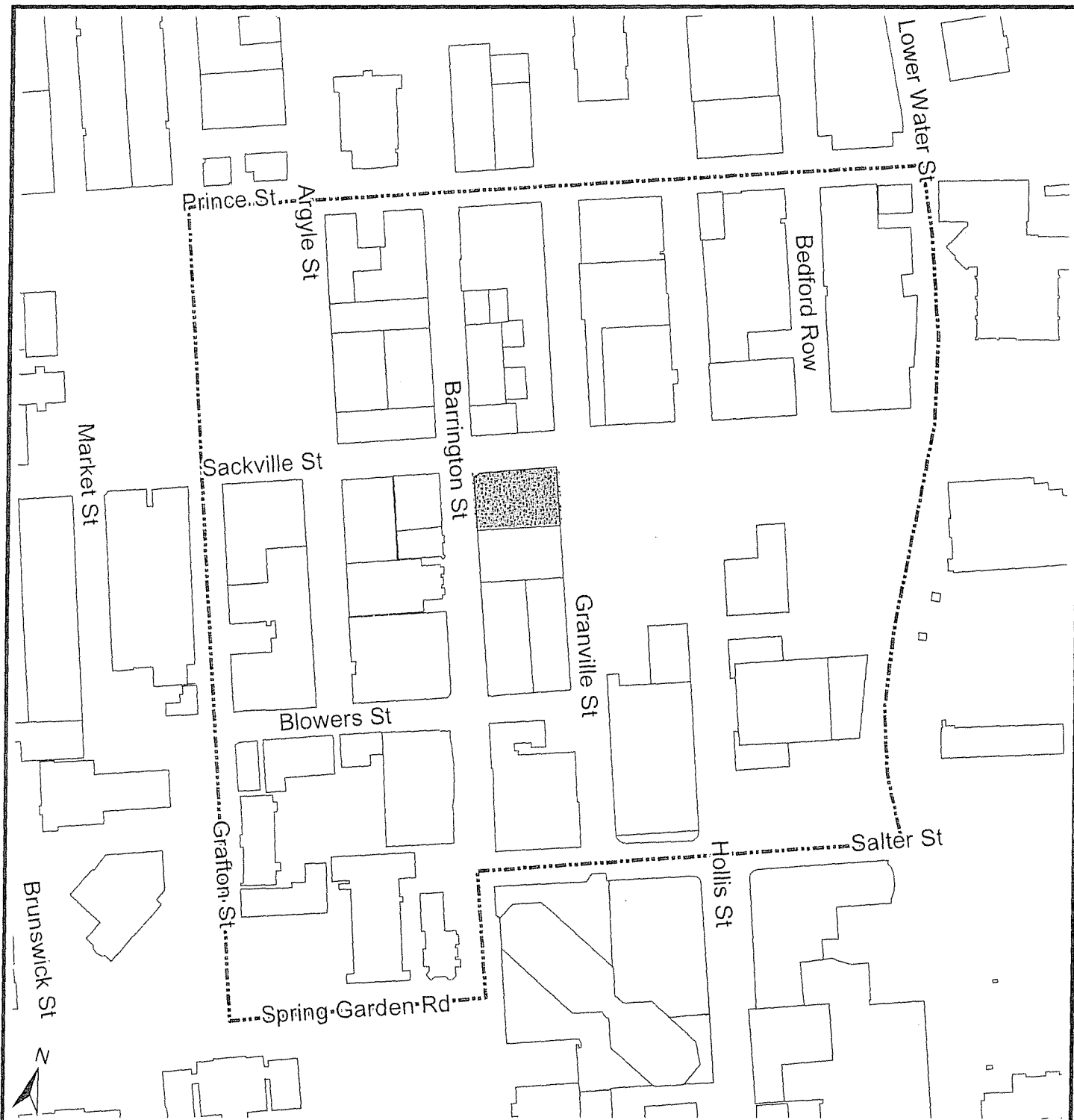
* In effect on 31 March 2009

HALIFAX
REGIONAL MUNICIPALITY
COMMUNITY DEVELOPMENT
PLANNING SERVICES



This map is an unofficial reproduction of a portion of the Zoning Map for the Halifax Peninsula Land Use By-Law Area as of 31 March 2009

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



Map 2 - Notification Area

1595 Barrington Street
Halifax



Subject site



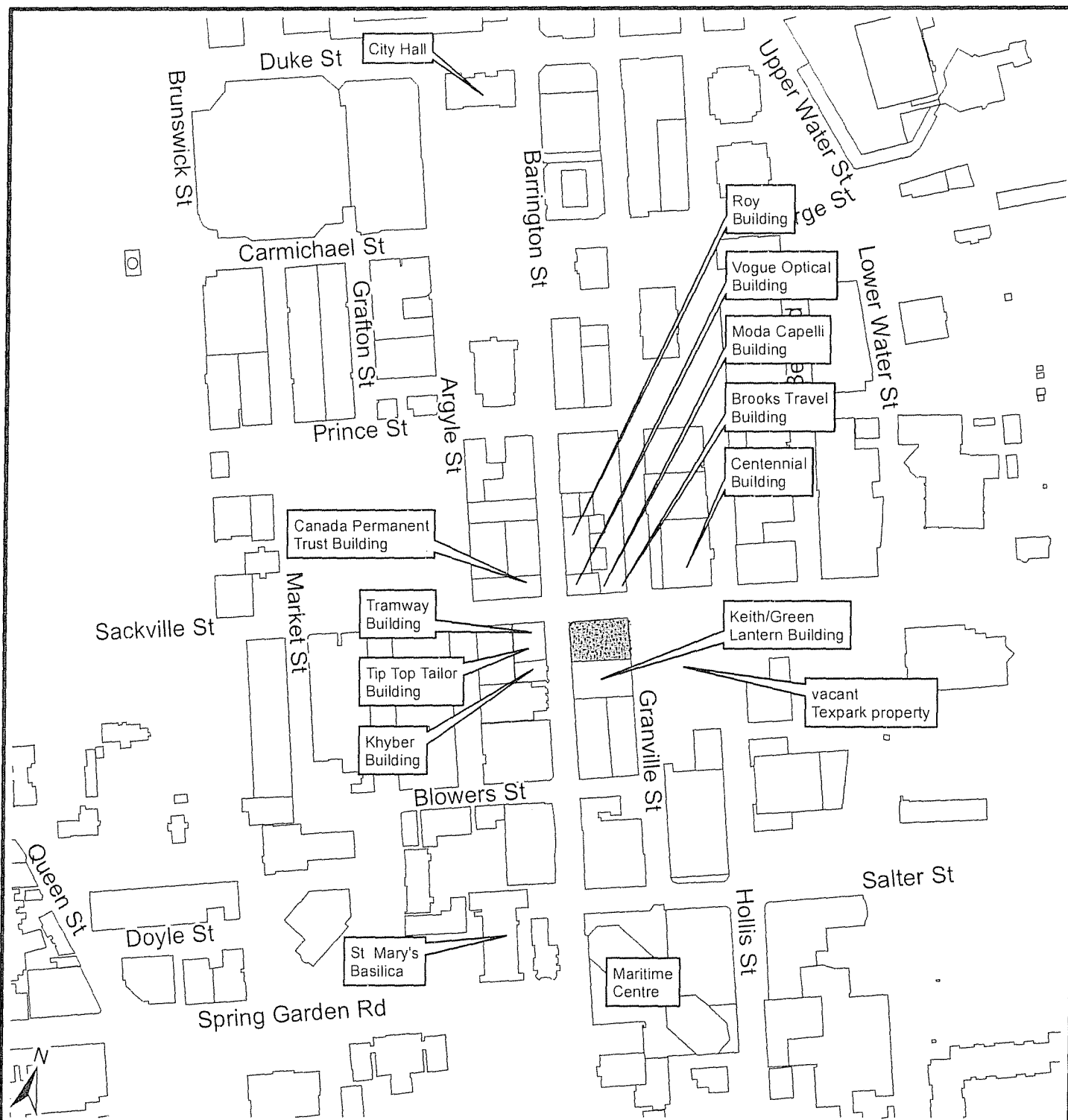
Area of notification

Downtown Halifax
Secondary Municipal Plan Area

HALIFAX
REGIONAL MUNICIPALITY
COMMUNITY DEVELOPMENT
PLANNING SERVICES


0 50 m

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



Map 3 - Context

1595 Barrington Street
Halifax

 Subject site

Downtown Halifax
Secondary Municipal Plan Area

HALIFAX
REGIONAL MUNICIPALITY
COMMUNITY DEVELOPMENT
PLANNING SERVICES

0 50 100 m


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

Attachment A
Proposed Development Agreement

THIS AGREEMENT made this _____ day of _____, 20__,

BETWEEN:

INSERT DEVELOPER NAME,

a body corporate, in the Province of Nova Scotia
(hereinafter called the "Developer")

OF THE FIRST PART

- and -

HALIFAX REGIONAL MUNICIPALITY,

a municipal body corporate, in the Province of Nova Scotia
(hereinafter called the "Municipality")

OF THE SECOND PART

WHEREAS the Developer is the registered owner of certain lands located at PID _____ and identified as 1593-95 Barrington Street, Halifax and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the Developer has requested that the Municipality enter into a development agreement to allow for a building greater than 40 feet in height pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to Policy 3.5.1 of the Implementation Policies of Halifax Municipal Planning Strategy and Section 84 of the Halifax Peninsula Land Use By-law;

AND WHEREAS Regional Council approved this request at a meeting held on _____, referenced as Municipal Case Number 01231;

THEREFORE in consideration of the benefits accrued to each party from the covenants herein contained, the Parties agree as follows:

PART 1: GENERAL REQUIREMENTS AND ADMINISTRATION

1.1 Applicability of Agreement

- 1.1.1 The Developer agrees that the Lands shall be developed and used only in accordance with and subject to the terms and conditions of this Agreement.

1.2 Applicability of Land Use By-law and Subdivision By-law

- 1.2.1 Except as otherwise provided for herein, the development, subdivision, and use of the Lands shall comply with the requirements of the Halifax Peninsula Land Use By-law in effect on October 23, 2009 and the Regional Subdivision By-law, as may be amended from time to time.

1.3 Applicability of Other By-laws, Statutes and Regulations

- 1.3.1 Further to Section 1.2, nothing in this Agreement shall exempt or be taken to exempt the Developer, lot owner or any other person from complying with the requirements of any by-law of the Municipality applicable to the Lands (other than the Land Use By-law to the extent varied by this Agreement), or any statute or regulation of the Provincial and Federal Governments and the Developer and/or lot owner agree to observe and comply with all such laws, by-laws and regulations in connection with the development and use of the Lands.
- 1.3.2 The Developer shall be responsible for securing all applicable approvals associated with the on-site and off-site servicing systems required to accommodate the development, including but not limited to sanitary sewer system, water supply system, stormwater sewer and drainage system, and utilities. Such approvals shall be obtained in accordance with all applicable by-laws, standards, policies, and regulations of the Municipality and other approval agencies. All costs associated with the supply and installation of all servicing systems and utilities shall be the responsibility of the Developer. All design drawings and information shall be certified by a Professional Engineer or appropriate professional as required by other approval agencies.

1.4 Conflict

- 1.4.1 Where the provisions of this Agreement conflict with those of any by-law of the Municipality applicable to the Lands (other than the Land Use By-law to the extent varied by this Agreement) or any provincial or federal statute or regulation, the higher or more stringent requirements shall prevail.
- 1.4.2 Where the written text of this Agreement conflicts with information provided in the Schedules attached to this Agreement, the written text of this Agreement shall prevail.

1.5 Costs, Expenses, Liabilities and Obligations

- 1.5.1 The Developer shall be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this Agreement and all federal, provincial and municipal laws, by-laws, regulations, and codes applicable to the Lands.

1.6 Provisions Severable

- 1.6.1 The provisions of this Agreement are severable from one another and the invalidity or unenforceability of one provision shall not affect the validity or enforceability of any other provision.

PART 2: DEFINITIONS

2.1 Words Not Defined under this Agreement

- 2.1.1 All words unless otherwise specifically defined herein shall be as defined in the applicable Land Use By-law and Subdivision By-law.

2.2 Definitions Specific to this Agreement

- 2.2.1 The following words used in this Agreement shall be defined as follows:

“Building” means the building that is the subject of this Agreement and as shown in its Schedules.

“Cultural Uses” means uses oriented towards the arts and the improvement of knowledge and skills.

“Development” means the development of the Lands pursuant to this Agreement.

PART 3: USE OF LANDS, SUBDIVISION AND DEVELOPMENT PROVISIONS

3.1 Schedules

- 3.1.1 The Developer shall develop and use the Lands in a manner, which, in the opinion of the Development Officer, is generally in conformance with the Schedules attached to this Agreement, unless further specified under this Agreement, and filed in the Halifax Regional Municipality as Case Number 01231:

| | |
|--------------|---|
| Schedule A | Legal Description of the Lands |
| Schedule B | Site Plan |
| Schedule R-1 | Building Elevation (Sackville Street - North) |
| Schedule R-2 | Building Elevation (South) |
| Schedule R-3 | Building Elevation (Granville Street - East) |
| Schedule R-4 | Building Elevation (Barrington Street - West) |
| Schedule R-5 | P1 Parking Level |
| Schedule R-6 | Granville Level & P2 Parking Level |
| Schedule R-7 | Floor Plan - Barrington Street Level Retail |
| Schedule R-8 | Floor Plan - Levels 2 and 3 |

Schedule R-9 Floor Plan - Typical Levels 4 through 14
Schedule W-1 Wind Assessment Report

3.2 Permitted Land Uses

3.2.1 Permitted uses for the development shall be:

Any business or commercial enterprise permitted by the C-2 (General Business) Zone;
Cultural uses;
Institutional uses;
Residential uses; and
Accessory uses to any of the foregoing uses.

3.2.2 Notwithstanding 3.2.1, only the following uses shall be permitted within areas identified as “storefronts” upon the Schedules, immediately facing Granville Street and Barrington Street:

Retail uses;
Restaurants;
Lounges / Entertainment uses;
Personal service uses; and
Cultural uses.

3.3 Modifications to Floor Plans, Number of Storeys, and Height

3.3.1 Changes to the interior floor areas identified on the Schedules shall be permitted provided that other requirements of this Agreement are met.

3.3.2 Provided that the appearance of the building as shown on the Schedules is retained and that all other requirements of this Agreement are met, there may be a reduction in the number of storeys of the building.

3.3.3 Provided that all other requirements of this Agreement are met, there may be a reduction in the height of the building.

3.4 View Requirements

3.4.1 For greater certainty, with regard to clause 3.1.1 (the Schedules of this Agreement), and notwithstanding any other provision of this Agreement, no element of the building, including any fixture which is to be attached to the building, shall violate the rampart requirements of the Land Use By-law.

3.5 Existing Facades

- 3.5.1 Every effort shall be made to retain the existing facades identified on the Schedules. If these facades are required to be removed to enable the development they shall be rebuilt, and if they are damaged, they shall be restored using the same type of stone, and with same style and detailing, as the existing facades.
- 3.5.2 Where minor repairs to the facades are required precast concrete or other materials may be used provided that the colour, style, and detailing of the facades is retained.

3.6 Awnings

- 3.6.1 Where fixed or retractable awnings are shown on the Schedules as encroaching into the Municipal right-of-way, such encroachments shall be subject to separate Municipal approval pursuant to 1.3.1.

3.7 Roof Mounted Mechanical and Telecommunication Equipment

- 3.7.1 Roof mounted mechanical equipment shall be as generally shown on the Schedules. Changes to the number, placement, size, and type of mechanical equipment shall be permitted where said equipment is visually concealed in a manner that is consistent with that which is shown on the Schedules.
- 3.7.2 Roof mounted telecommunication equipment shall be integrated into the roof design of the building.

3.8 Functional Elements

- 3.8.1 Other than roof mounted mechanical equipment, pursuant to 3.7.1, mechanical equipment, exhausts (except exhausts for individual dwelling units), propane tanks, electrical transformers, and other utilitarian features shall be visually concealed from abutting properties, including municipal rights-of-way.
- 3.8.2 There shall be noise and odour reduction measures to reduce the impact of mechanical equipment, including exhaust fans, upon the lands and the surrounding properties.

3.9 Parking

- 3.9.1 Vehicular parking shall be established as shown on the Schedules.
- 3.9.2 The Developer shall provide bicycle parking pursuant to the bicycle parking requirements of the Land Use By-law.

- 3.9.3 Notwithstanding 3.9.1, the developer may construct additional levels of underground parking, below those that are shown on the Schedules.

3.10 Building Lighting

- 3.10.1 This Agreement shall not oblige the Developer to illuminate the building, but where the building is illuminated, such illumination shall generally comply with the Schedules.
- 3.10.2 Lighting for signage, walkways, patios, balconies, and entrances shall be permitted and is not subject to 3.10.1.
- 3.10.3 The lighting pursuant to 3.10.1 and 3.10.2 shall be directed away from surrounding properties, including municipal right-of-ways except to the extent as shown on the Schedules.
- 3.10.4 Lighting shall be not include illumination that flashes, moves, or varies in intensity.

3.11 Signs

- 3.11.1 Signs shall be permitted pursuant to requirements of the Land Use By-law.
- 3.11.2 Notwithstanding 3.11.1, signs that are to be located upon the existing building facades, identified on the Schedules and facing Barrington Street and Sackville Street, or replacements thereof (pursuant to Section 3.5), shall be subject to the sign requirements of the Heritage Conservation (Barrington Street) District By-law (By-law H-500).

3.12 Outdoor Storage and Display

- 3.12.1 No outdoor storage or outdoor display shall be permitted.

3.13 Landscaping

- 3.13.1 Prior to the issuance of a Development Permit and Building Permit for the construction of the building, the Developer shall provide the Municipality with a detailed landscape plan, prepared by a Landscape Architect, which shall provide details of the rooftop landscaped area shown on the Schedules.
- 3.13.2 Planting types shall be suitable for a rooftop environment and conform to the Canadian Nursery Trades Association Metric Guide Specifications and Standards and sodded areas to the Canadian Nursery Sod Growers' Specifications.
- 3.13.3 Planting details for each type of plant material proposed on the landscape plan shall be provided, including species list with quantities, size of material, and

common and botanical names (species and variety). Mass shrub plantings or mixed shrub and ground cover plantings are preferred instead of perennial beds.

- 3.13.4 Prior to issuance of an Occupancy Permit, the Developer shall submit to the Development Officer a letter prepared by a member in good standing of the Canadian Society of Landscape Architects certifying that all landscaping has been completed according to the terms of this Development Agreement.
- 3.13.5 Notwithstanding the above, an Occupancy Permit may be issued provided that the weather and time of year does not allow the completion of the outstanding landscape work and the Developer supplies a security deposit in the amount of 110 percent of the estimated cost to complete the landscaping as shown on the Landscape Plan. The security shall be in favour of the Municipality and shall be in the form of a certified cheque or automatically renewing, irrevocable letter of credit issued by a chartered bank. The security shall be returned to the Developer only upon completion of the landscaping as described herein and as approved by the Development Officer. Should the Developer not complete the landscaping within twelve months of issuance of the Occupancy Permit, the Municipality may use the deposit to complete the landscaping. The Developer shall be responsible for all costs in this regard exceeding the deposit. The security deposit or unused portion of the security deposit shall be returned to the Developer upon completion of the work and its certification.

3.14 Wind Mitigation Measures

- 3.14.1 Prior to the issuance of a development permit for construction, the Developer shall undertake wind tunnel testing of the development by a qualified professional and submit a report to the Development Officer that:
 - (a) Confirms that the sidewalks abutting the development will have a levels of comfort that fall within meet the categories of “standing” or walking” as identified in Schedule W-1; and
 - (b) Where necessary, proposes wind mitigation measures to achieve said expected levels of wind comfort.
- 3.14.2 Pursuant to 3.14.1, proposed mitigation measures may include modifications to the development, but such modifications shall not be so substantial that they, in the opinion of the Development Officer, are inconsistent with the Schedules or other terms of this Agreement.
- 3.14.3 Pursuant to 3.14.2, proposed modifications shall be identified on the building plans submitted for a development permit for construction and be completed prior to the issuance of an occupancy permit.

3.15 Maintenance

- 3.15.1 The Developer shall maintain and keep in good repair all portions of the development on the Lands, including but not limited to, the interior and exterior of the building, fencing, walkways, recreational amenities, parking areas and driveways, and the maintenance of all landscaping including the replacement of damaged or dead plant stock, trimming and litter control, garbage removal and snow removal/salting of walkways and driveways.

3.16 Requirements Prior to Approval

- 3.16.1 Prior to the issuance of a Development Permit and a Building Permit for the building, the Developer shall provide the following to the Development Officer:
- (a) Written certification and plans from a Professional Surveyor that the completed building complies with the rampart requirements of the Land Use By-law pursuant to Section 3.4;
 - (b) The landscape plan prepared pursuant to Section 3.13;
 - (c) The wind mitigation measures pursuant to Section 3.14; and
 - (c) Confirmation of the undergrounding arrangement in accordance with Section 4.2 of this Agreement.
- 3.16.2 Prior to the issuance of an Occupancy Permit for any of the components of the development on the Lands, the Developer shall provide all of the following to the Development Officer:
- (a) Written certification and plans from a Professional Surveyor that the completed building complies with the rampart requirements of the Land Use By-law; and
 - (b) Confirmation of the landscaping requirements pursuant to Section 3.13.
- 3.16.3 Notwithstanding any other provision of this Agreement, the Developer shall not occupy or use the Lands for any of the uses permitted by this Agreement unless an Occupancy Permit has been issued by the Municipality. No Occupancy Permit shall be issued by the Municipality unless and until the Developer has complied with all applicable provisions of this Agreement and the Land Use By-law (except to the extent that the provisions of the Land Use By-law are varied by this Agreement) and with the terms and conditions of all permits, licences, and approvals required to be obtained by the Developer pursuant to this Agreement.

PART 4: STREETS AND MUNICIPAL SERVICES

4.1 General Provisions

- 4.1.1 All construction shall conform to the Municipal Services Specifications unless otherwise varied by this Agreement and shall receive written approval from the Development Engineer prior to undertaking any work.
- 4.1.2 Any disturbance to existing off-site infrastructure resulting from the development, including streets, sidewalks, curbs and gutters, street trees, landscaped areas and utilities, shall be the responsibility of the Developer and shall be reinstated, removed, replaced, or relocated by the Developer as directed by the Municipal Engineer.

4.2 Underground Services

- 4.2.1 The Developer agrees to place all primary and secondary utility services (electrical and communication distribution systems) underground. In addition to being responsible for the full cost of placing secondary services underground, the Developer agrees to pay for all infrastructure costs required to place the primary utility services underground that are currently above ground within those portions of Barrington Street, Sackville Street, and Granville Street which abut the Lands. The Developer is responsible for meeting the requirements of applicable utility companies.
- 4.2.2 The Municipal Engineer may waive or alter the requirements of 4.2.1 where improvements to utility services are necessary that are beyond the obligations of the Developer as specified in clause 4.2.1 and the Developer is unable to secure such improvements from an applicable utility provider.

4.3 Proposed Encroachments

- 4.3.1 Any proposed building encroachments into the street rights-of-way, illustrated on the attached Schedules or otherwise, shall be subject to separate Municipal approval pursuant to 1.3.1.

PART 5: ENVIRONMENTAL PROTECTION MEASURES

5.1 Archaeological Monitoring and Protection

- 5.1.1 The Lands fall within the High Potential Zone for Archaeological Sites identified by the Province of Nova Scotia. The Developer agrees to contact the Curator of Special Places, Heritage Division, Tourism, Culture, and Heritage prior to any disturbance of the site and to comply with the requirements set forth by the Province of Nova Scotia in this regard.

5.2 Sulphide Bearing Materials

- 5.2.1 The Developer agrees to comply with the legislation and regulations of the Province of Nova Scotia with regards to the handling, removal, and disposal of sulphide bearing materials, which may be found on the Lands.

PART 6: AMENDMENTS

6.1 Substantive Amendments

- 6.1.1 Amendments to any matters not identified under Section 6.2 shall be deemed substantive and may only be amended in accordance with the approval requirements of the *Halifax Regional Municipality Charter*.

6.2 Non-substantive Amendments

- 6.2.1 The following items are considered by both Parties to be non-substantive and may be amended by resolution of Council:
- (a) Changes to the architectural appearance, materials, and colours of the building as shown on the Schedules;
 - (b) Changes to the Roof Mounted Mechanical and Telecommunication Equipment provisions specified in Section 3.7;
 - (c) Changes to the Functional Elements provisions specified in Section 3.8;
 - (d) Changes to the Parking provisions specified in Section 3.9;
 - (e) Changes to the Building Lighting provisions specified in Section 3.10;
 - (f) Changes to the Signs provisions specified in Section 3.11;
 - (g) Changes to the Landscaping provisions specified in Section 3.13;
 - (h) Changes to the building pursuant to the wind mitigation measures / solutions specified in clause 3.14.2;
 - (i) Changes to the Requirements Prior to Approval provisions specified in Section 3.16; and
 - (j) Changes to the Underground Services provisions specified in Section 4.2.

PART 7: ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT

7.1 Enforcement

- 7.1.1 The Developer agrees that any officer appointed by the Municipality to enforce this Agreement shall be granted access onto the Lands during all reasonable hours without obtaining consent of the Developer. The Developer further agrees that, upon receiving written notification from an officer of the Municipality to inspect the interior of any building located on the Lands, the Developer agrees to allow for such an inspection during any reasonable hour within twenty four (24) hours of receiving such a request.

7.2 Failure to Comply

- 7.2.1 If the Developer fails to observe or perform any covenant or condition of this Agreement after the Municipality has given the Developer thirty (30) days written notice of the failure or default, except that such notice is waived in matters concerning environmental protection and mitigation, then in each such case:
- (a) The Municipality shall be entitled to apply to any court of competent jurisdiction for injunctive relief including an order prohibiting the Developer from continuing such default and the Developer hereby submits to the jurisdiction of such Court and waives any defense based upon the allegation that damages would be an adequate remedy;
 - (b) The Municipality may enter onto the Lands and perform any of the covenants contained in this Agreement or take such remedial action as is considered necessary to correct a breach of the Agreement, whereupon all reasonable expenses whether arising out of the entry onto the Lands or from the performance of the covenants or remedial action, shall be a first lien on the Lands and be shown on any tax certificate issued under the *Assessment Act*;
 - (c) The Municipality may by resolution discharge this Agreement, in whole or in part, whereupon this Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law; and/or,
 - (d) In addition to the above remedies, the Municipality reserves the right to pursue any other remedy under the *Halifax Regional Municipality Charter* or Common Law in order to ensure compliance with this Agreement.

PART 8: REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE

8.1 Registration

- 8.1.1 A copy of this Agreement and every amendment and/or discharge of this Agreement shall be recorded at the Land Registry Office for Halifax County, Nova Scotia and the Developer shall incur all cost in recording such documents.

8.2 Subsequent Owners

- 8.2.1 This Agreement shall be binding upon the Parties thereto, their successors, assigns, mortgagees, lessees and all subsequent owners, and shall run with the Lands which is the subject of this Agreement until this Agreement is discharged by Council.
- 8.2.2 Upon the transfer of title to any lot, the subsequent owner(s) thereof shall observe and perform the terms and conditions of this Agreement to the extent applicable to the lot.

8.3 Commencement of Development

- 8.3.1 In the event that development on the Lands has not commenced within 3 years from the date of execution of this Agreement, the Agreement shall have no further force or effect and henceforth the development of the Lands shall conform to the provisions of the Land Use By-law.
- 8.3.2 For the purposes of clause 8.3.1, commencement of development shall mean the issuance of construction permits and the commencement of work for the parking levels shown on the Schedules.

8.4 Completion of Development

- 8.4.1 The development shall be substantially complete within 6 years of the execution of this Agreement.
- 8.4.2 Upon the completion of the development or portions thereof, or after 6 years from the date of execution of this Agreement, whichever time period is less, Council may review this Agreement, in whole or in part, and may:
- (a) Retain the Agreement in its present form; or
 - (b) Discharge this Agreement on the condition that for those portions of the development that are deemed complete by Council, the Developer's rights hereunder are preserved and the Council shall apply appropriate

zoning pursuant to the planning documents that are in effect at the time of the discharge.

WITNESS that this Agreement, made in triplicate, was properly executed by the respective Parties on this _____ day of _____, A.D., 20__.

| | | |
|--------------------------------------|---|--------------------------------------|
| SIGNED, SEALED AND DELIVERED |) | <u>[INSERT DEVELOPER NAME]</u> |
| in the presence of |) | |
| |) | Per: _____ |
| _____ |) | |
| |) | |
| |) | |
| SEALED, DELIVERED AND |) | |
| ATTESTED to by the proper |) | |
| signing officers of Halifax Regional |) | <u>HALIFAX REGIONAL MUNICIPALITY</u> |
| Municipality duly authorized |) | |
| in that behalf in the presence |) | Per: _____ |
| of |) | MAYOR |
| _____ |) | |
| |) | Per: _____ |
| |) | MUNICIPAL CLERK |

GRANVILLE ST.

RESIDENTIAL
ENTRANCE

P2
ENTRANCE

CANOPY

SACKVILLE ST.

120'-11"

P1 ENTRANCE

9760 sq
ft approx.
EXIST. BUILDING
BOUNDARY

CANOPY

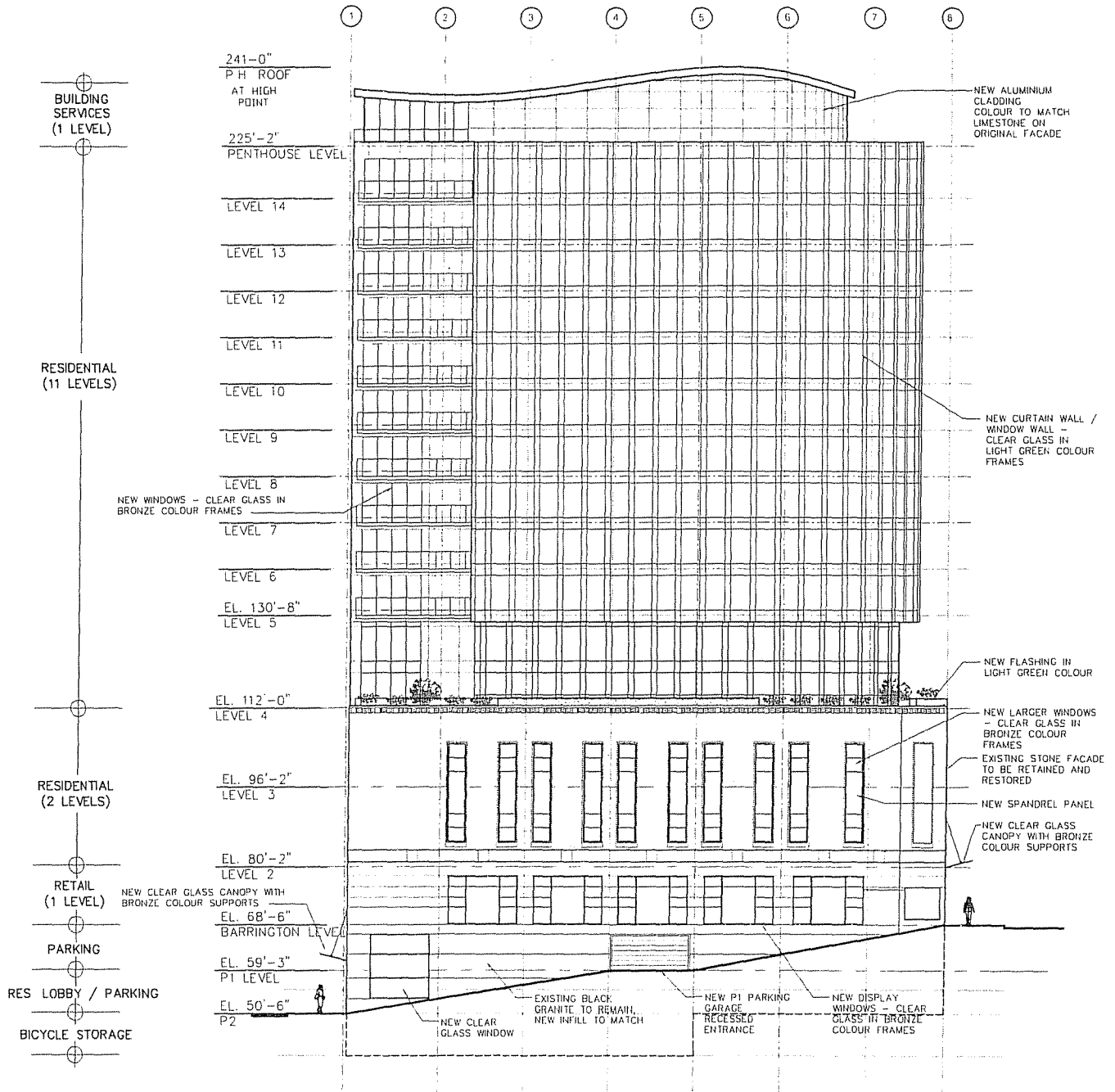
RESIDENTIAL & COMMERCIAL
ENTRANCES

81'-5"

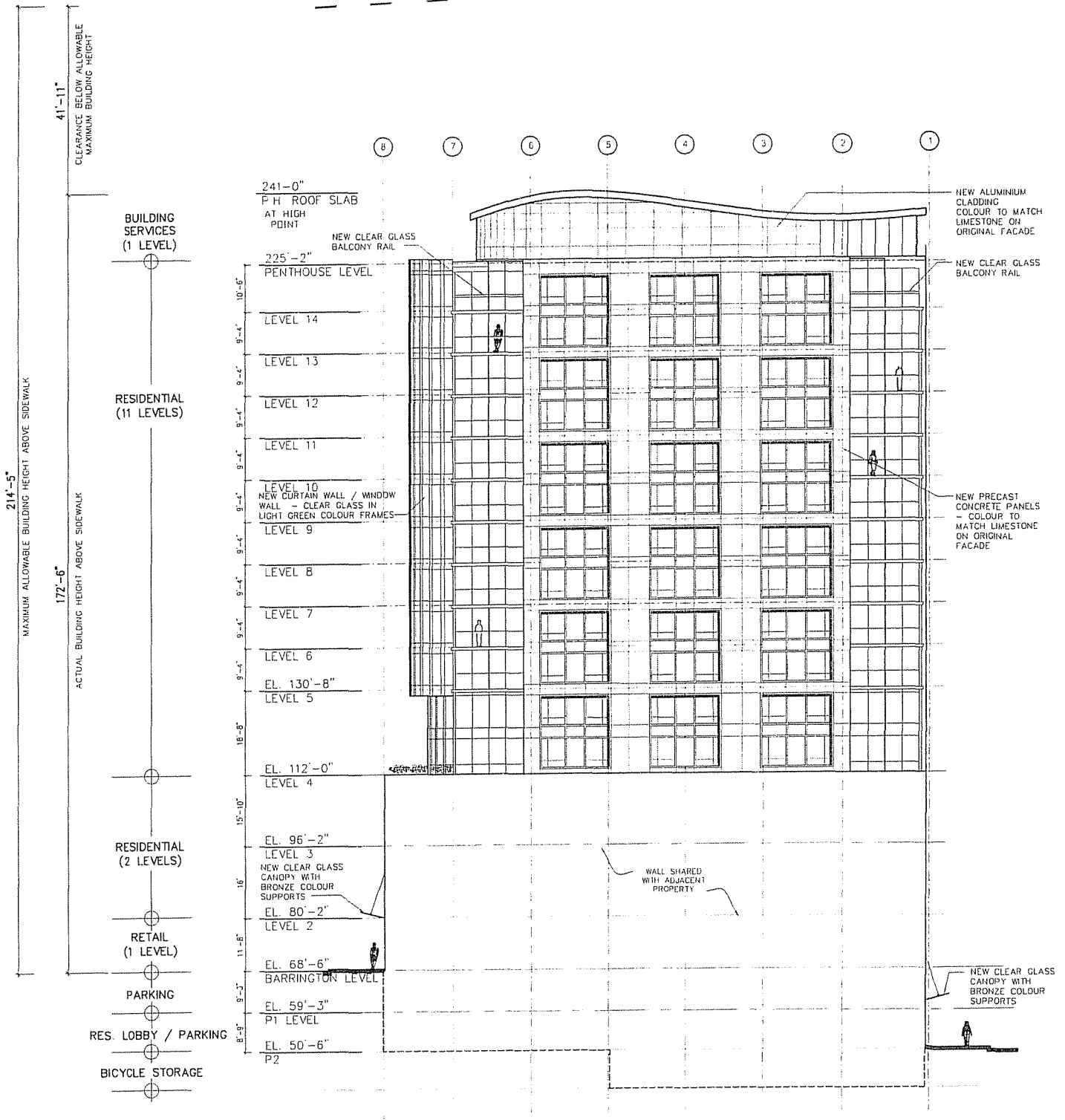
BARRINGTON ST.



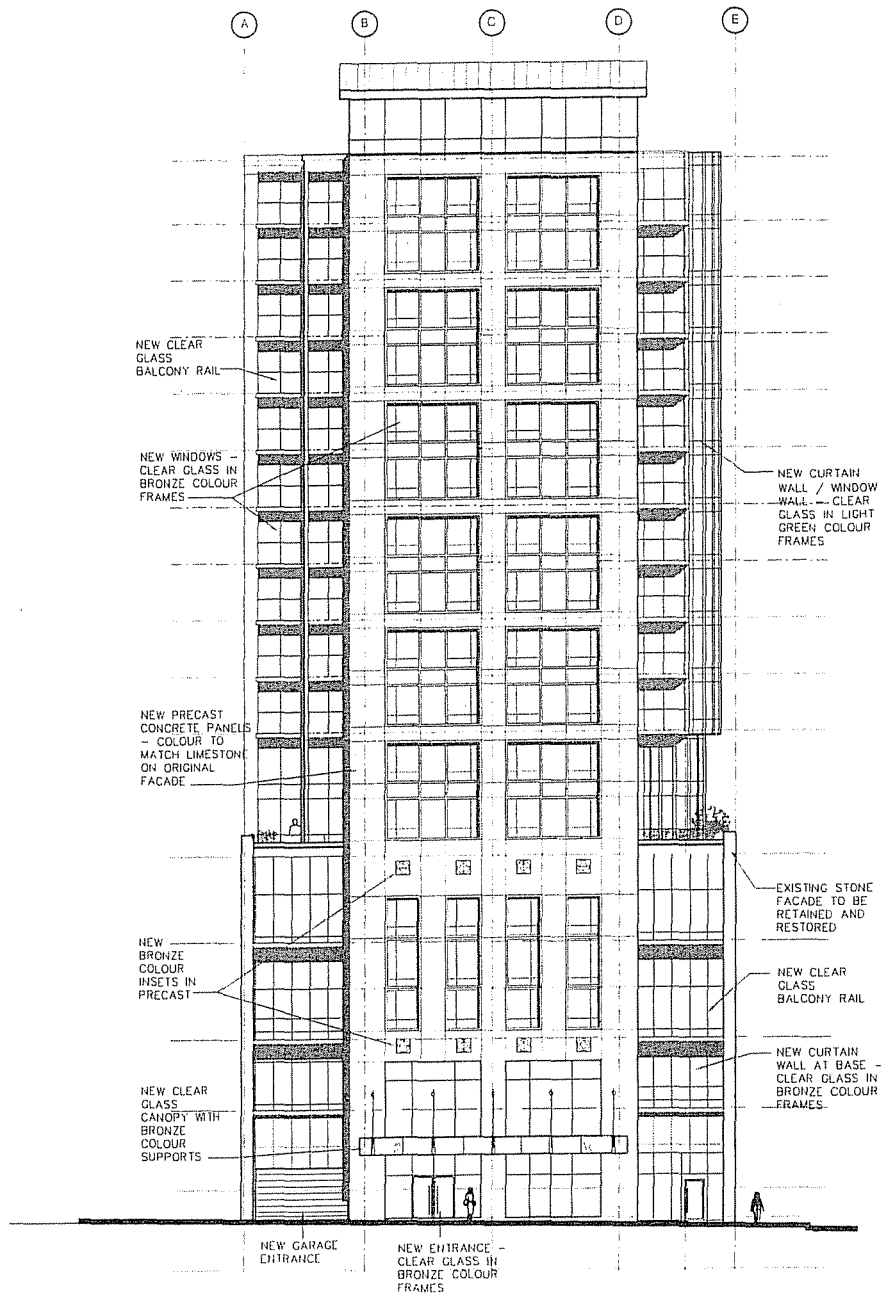
PARADE SQUARE VIEW LINE AT PROPERTY BOUNDARY

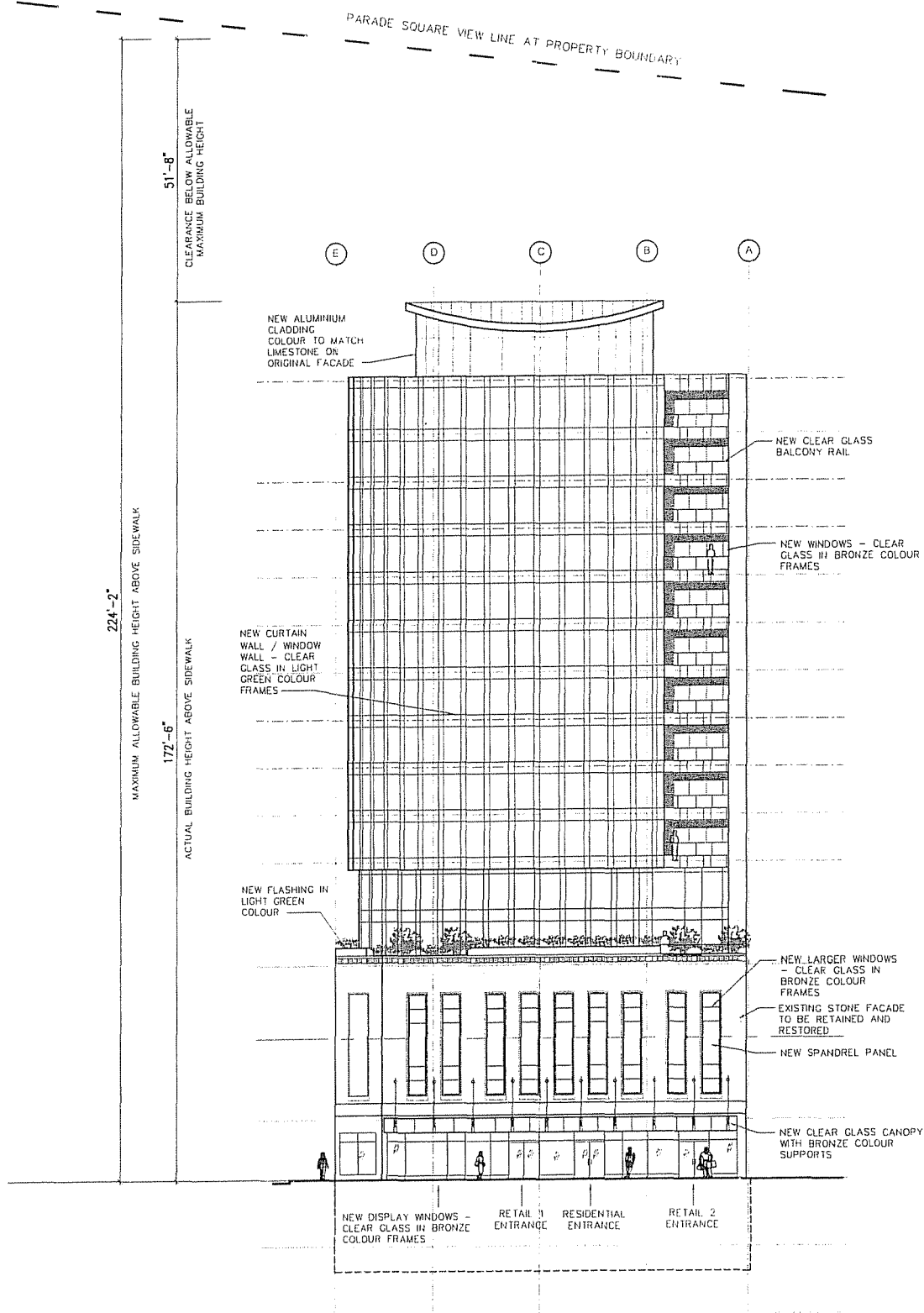


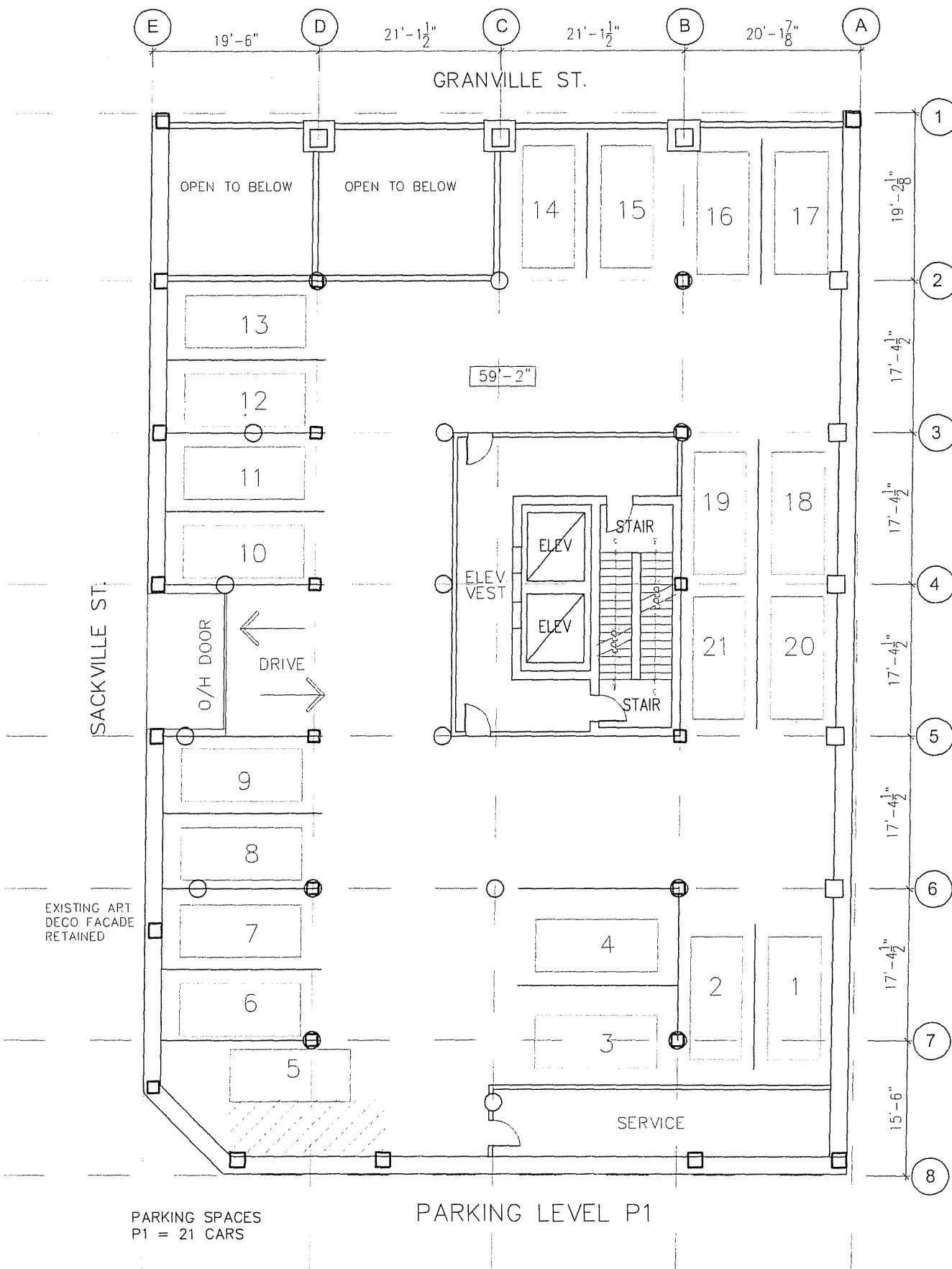
PARADE SQUARE VIEW LINE AT PROPERTY BOUNDARY

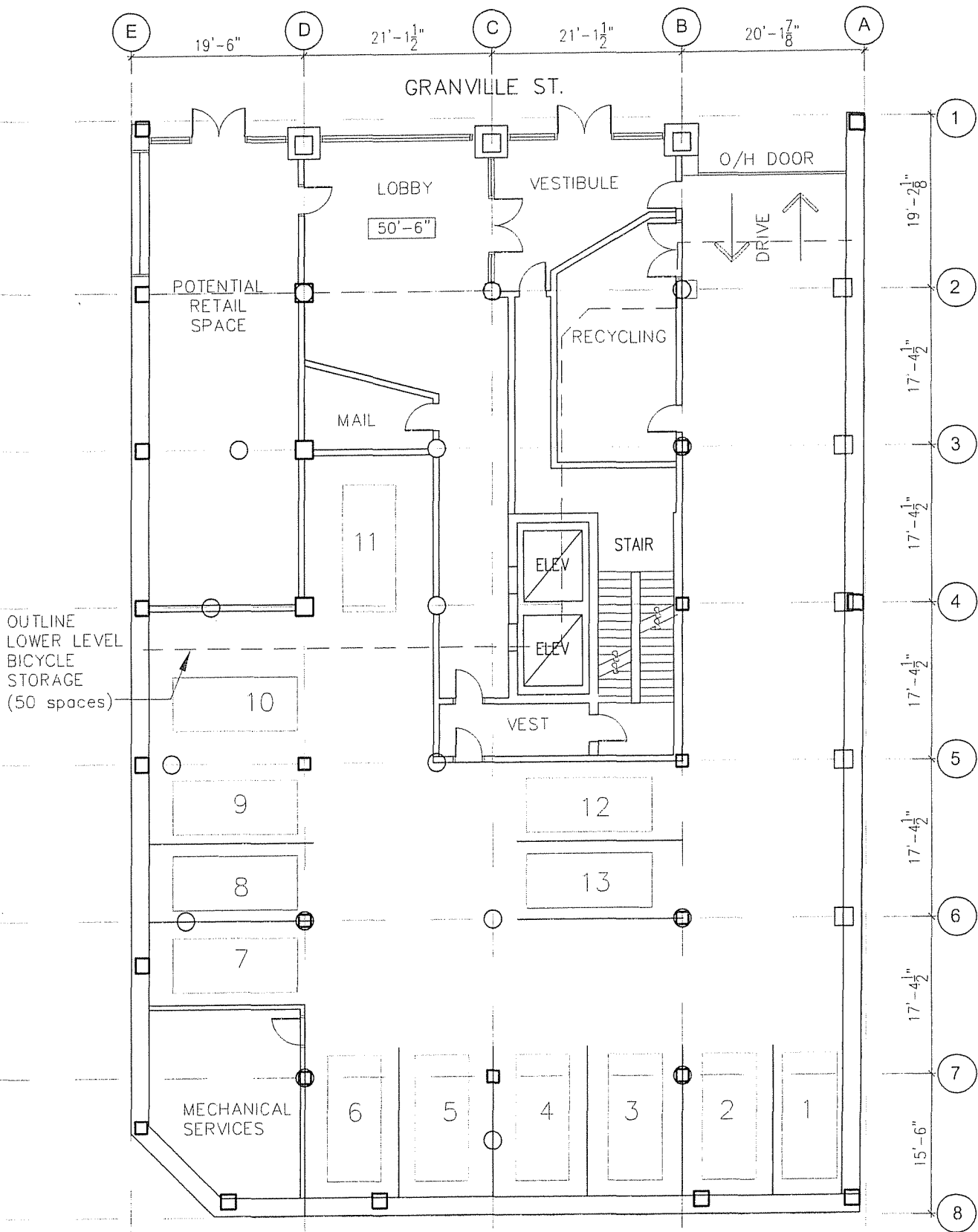


PARADE SQUARE VIEW LINE AT PROPERTY BOUNDARY





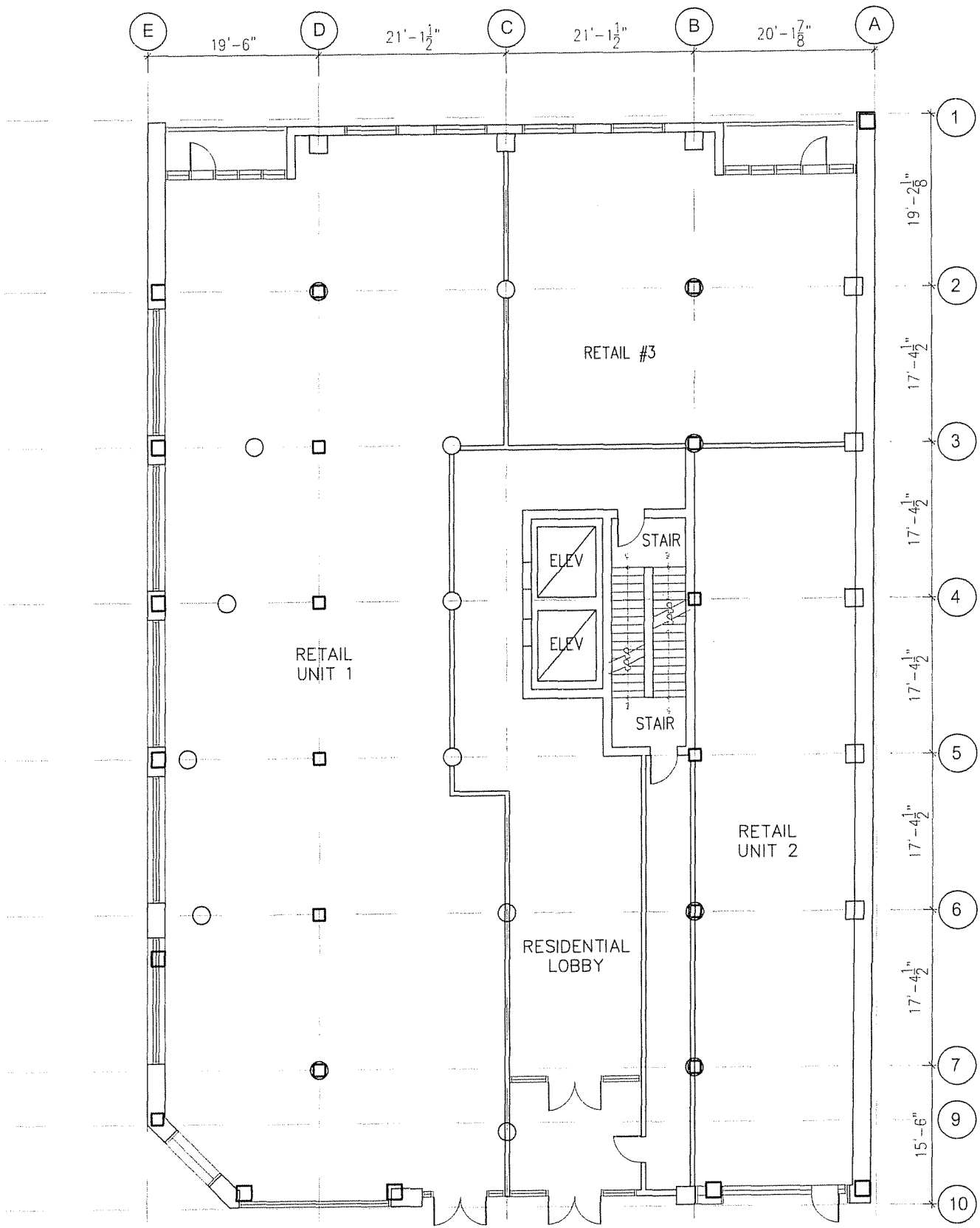




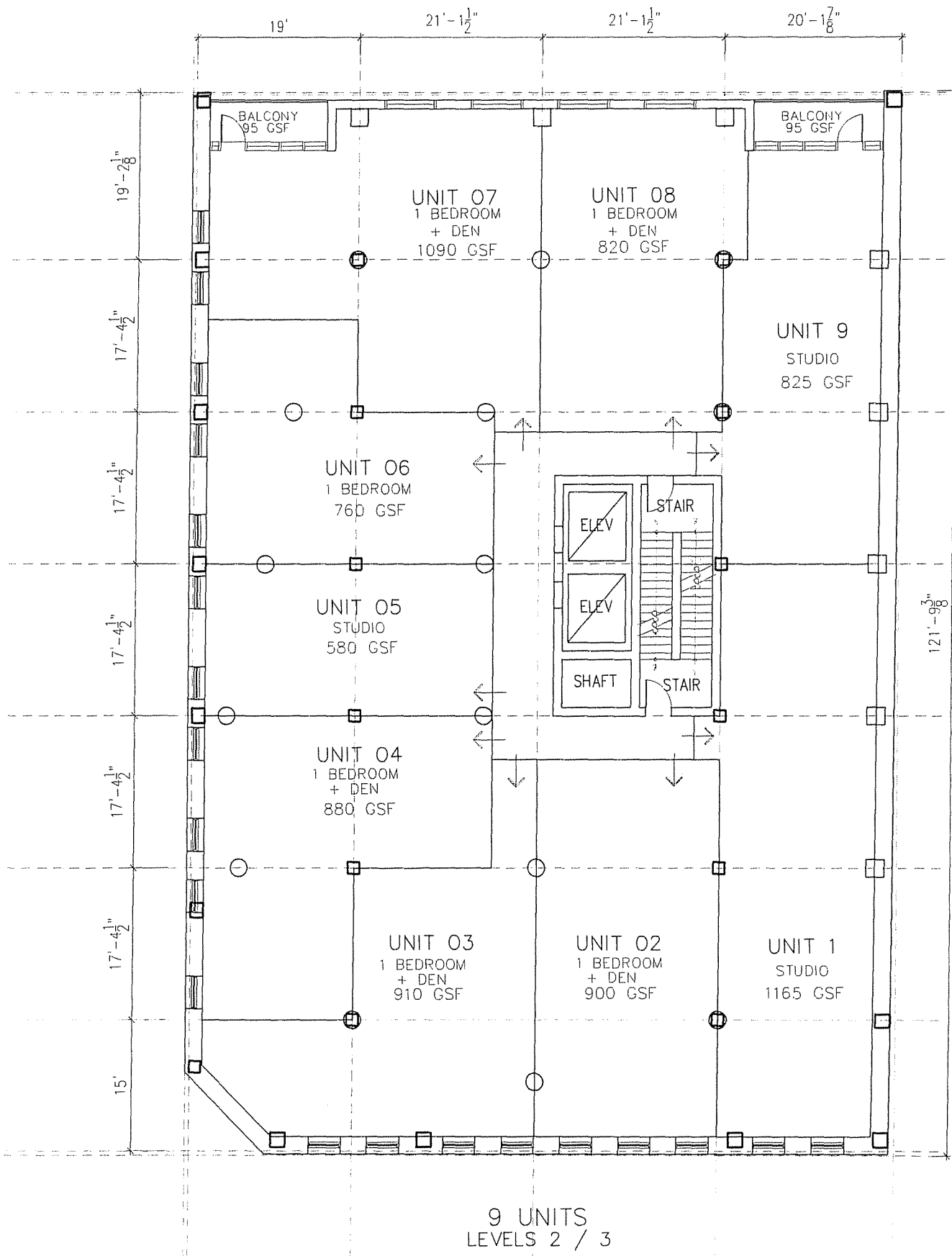
PARKING SPACES
P2 = 13 CARS

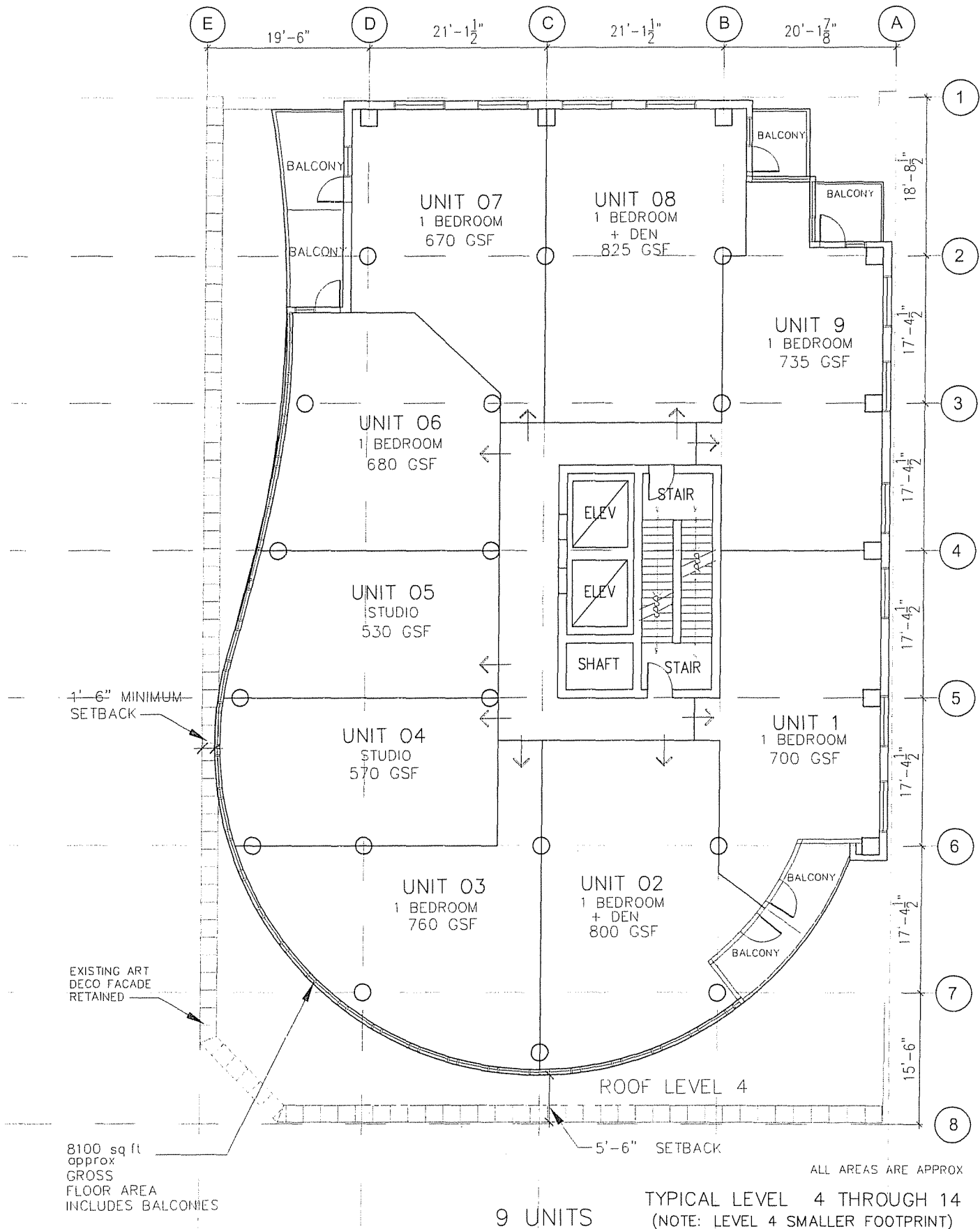
GRANVILLE LEVEL & PARKING P2





BARRINGTON ST. SIDEWALK





ALL AREAS ARE APPROX

9 UNITS

TYPICAL LEVEL 4 THROUGH 14
(NOTE: LEVEL 4 SMALLER FOOTPRINT)

December 16, 2009

Frank Medjuck
1595 Investments Ltd
Suite 700, 1601 Lower Water Street
Halifax, Nova Scotia
B3J 2X1



Engineer • Simulate • Innovate

**Ref: Updated Pedestrian Wind Assessment for
Proposed Development at 1595 Barrington Street,
Halifax**

Dear Mr. Medjuck:

SimuTech Group is pleased to provide the following visual assessment for the proposed building development at 1595 Barrington Street in Halifax.

The proposed development is located at 1595 Barrington St. and is bounded by Sackville St. (north side) and Granville St. (east side). It is approximately 170 feet tall. The building description and location are shown in Figures 1 and 2. It should be noted that currently the region east of the proposed development is relatively open to the waterfront and hence exposed to easterly winds. There is separate proposal (Case 00709) that has been approved by the City of Halifax for a two 27 story (285 feet) building development (former Texpark site) located east of 1595 Barrington Street and which will provide blockage for these winds. Our review looks at potential effects with and without this two building development. The 3D data utilized in this review was provided by Duffus Romans Kundzins Rounsefell Ltd.

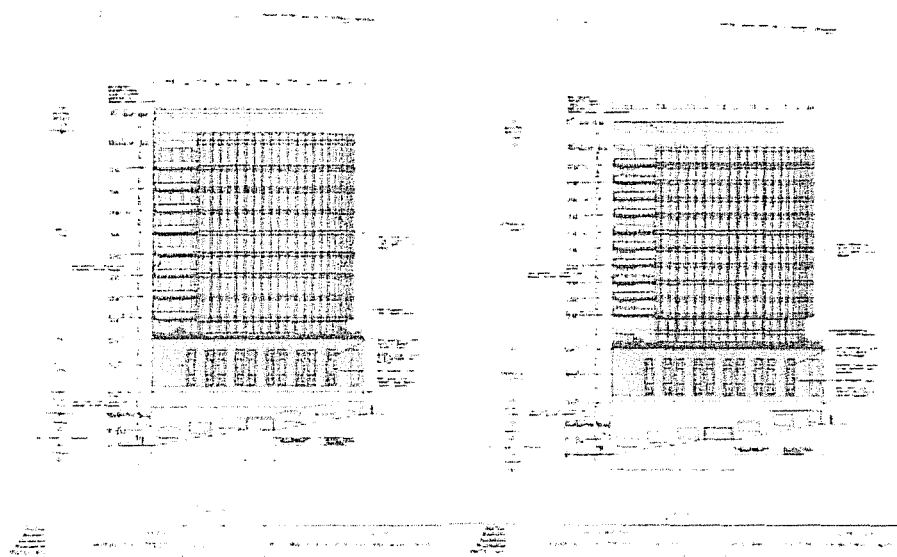


Figure 1. Building Elevation (Office [left] and Residential [right] configurations)

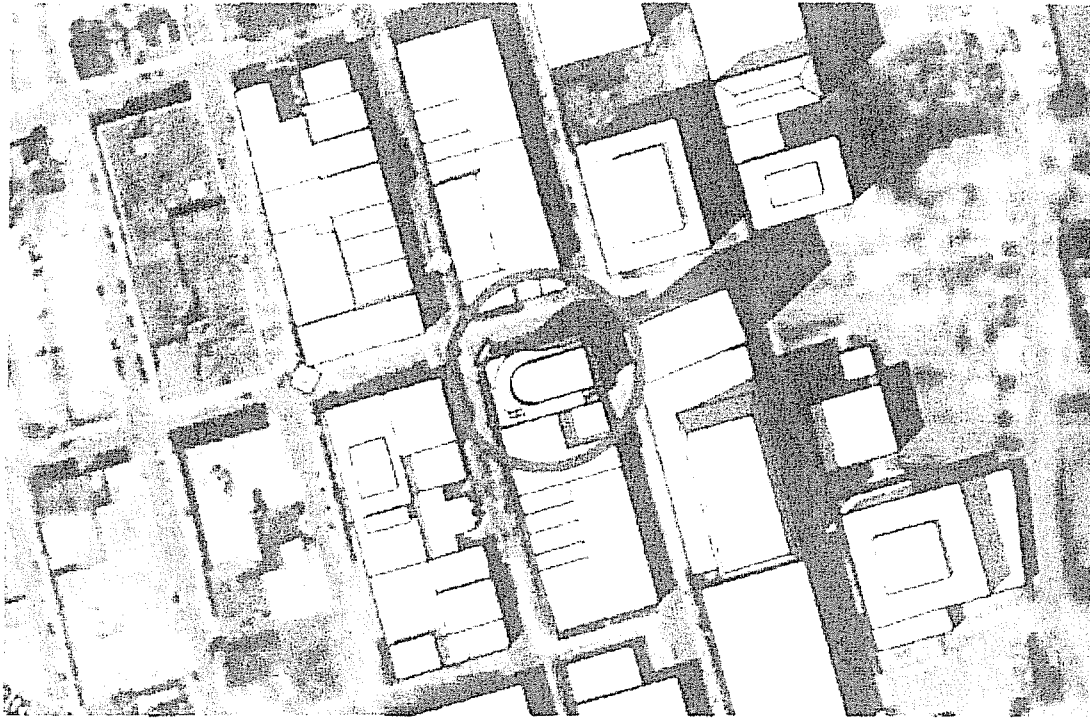


Figure 2: Building Location

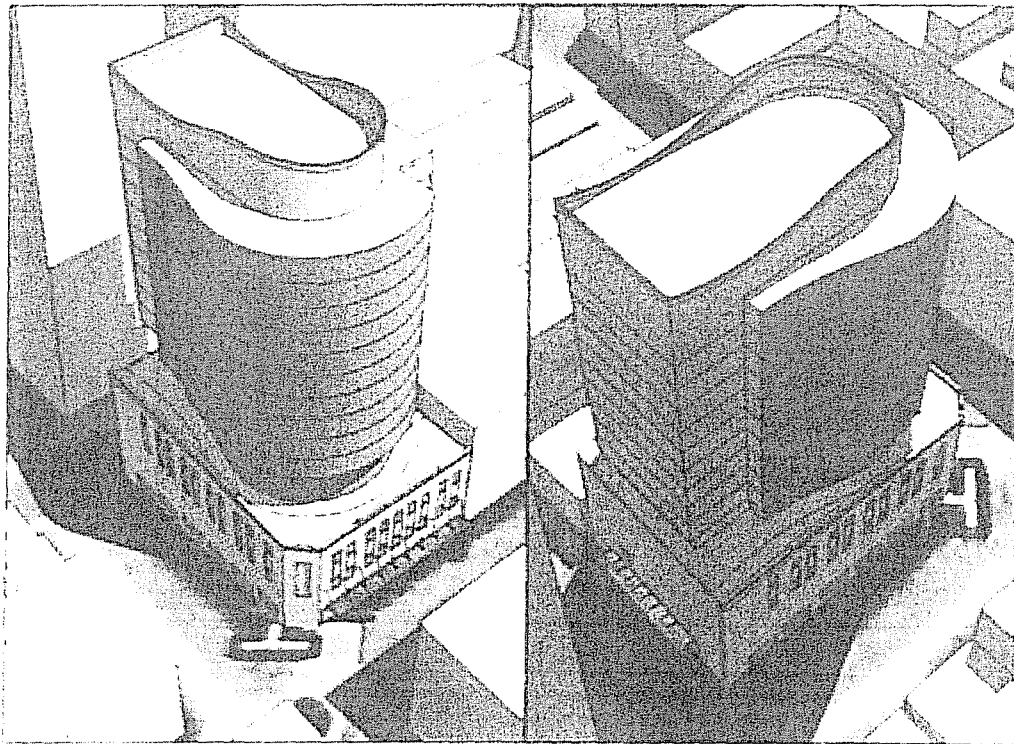


Figure 3: 1595 Barrington Street 3D View

1.0 Technical Background

Large buildings can impact the local wind velocities experienced at pedestrian level. Firstly, wind profile is not constant with elevation, the higher one goes, the greater the wind velocity becomes. Taller buildings extend up into higher velocity winds and will alter the flow. Basically, as air hits a flat surface, it is deflected in all four directions. The upwards direction is not of concern for this study. The in-plane deflection (or to the left and right) can cause an increased wind velocity at the building corners. The downward deflected air, or downwash, directs the air towards the ground where it is redirected again.

Where large buildings are located in close proximity, the effects from one building will interact with the other.

Pedestrian wind comfort is evaluated based on the percentage of time wind is in various categories considered comfortable for specific activities. Experience and research on people's perception of mechanical effects of wind has shown that if certain wind speed levels exceed the category for more than 20% of the time, the activity level for that category would be judged to be uncomfortable by most people. It should be noted that in general public's insensitivity to small changes in wind speed would be 5%. The evaluation of the region is based on the Comfort Criteria presented in Table 1 for Gust Equivalent Mean (GEM) values.

For the proposed 1595 Barrington Street building, the local region is evaluated with respect to standing and walking conditions. No local region has been identified for sitting. The proposed building is maintaining the original façade, and hence the utilization of the sidewalk beside the building remains unchanged. As such, a relative comparison between existing and proposed configurations can be made for pedestrian comfort.

| GEM Wind Speed | Criteria | Comfortable Activity | Description |
|----------------|----------|----------------------|---|
| 0 - 10 km/hr | ≥80% | Sitting | Wind felt on face. |
| 0 - 14 km/hr | ≥80% | Standing | Leaves and small twigs in constant motion; Wind extends light flags. |
| 0 - 19 km / hr | ≥80% | Walking | Wind raises dust and loose paper, Small branches are moved. |
| > 19 km /hr | >20% | Uncomfortable | Range in speeds causing small trees to sway up to whole trees in motion where walking against the wind is uncomfortable |

Table 1: Comfort Criteria Table

2.0 1595 Barrington Street Assessment

2.1 Review with Easterly Two Building Development (former Texpark Site) in Consideration

Wind speed data was obtained for the Shearwater Airport in Halifax for the period of 1953 to 2002. The data is for the seasonal periods, winter (Nov-Apr) and summer (May-Oct) (Figure 9). Based on this available prevailing wind speed data, a few wind phenomena have been identified around the 1595 Barrington Street area. Since the bottom four floors of the proposed 1595 Barrington Street building will reuse the existing stone facade (and thus the shape at pedestrian level will go unchanged), only the addition of the remaining floors will be taken into consideration when assessing changes in wind patterns for pedestrian safety.

The first and foremost concern in a high-rise building is the downwash caused by the deflection of the winds from the upper levels. Since 1595 Barrington Street building will be sharing its south wall with an existing structure (no sidewalk on south side), only the north, east and west sidewalks would pedestrian wind comfort potentially be affected.

The prevalent westerly winds typical of winter months would normally create a downwash effect onto the Barrington Street sidewalk and entrances (found on the south west face). In this case, the building's design and shape will help mitigate this effect. The western corner of the building (Figure 4) is rounded. This rounded shape will more than likely cause the wind to wrap around the building rather than be deflected down to pedestrian levels as it would by hitting a flat face. This may also assist in reducing downwash that would occur on the easterly buildings if the Barrington Street building was not there.

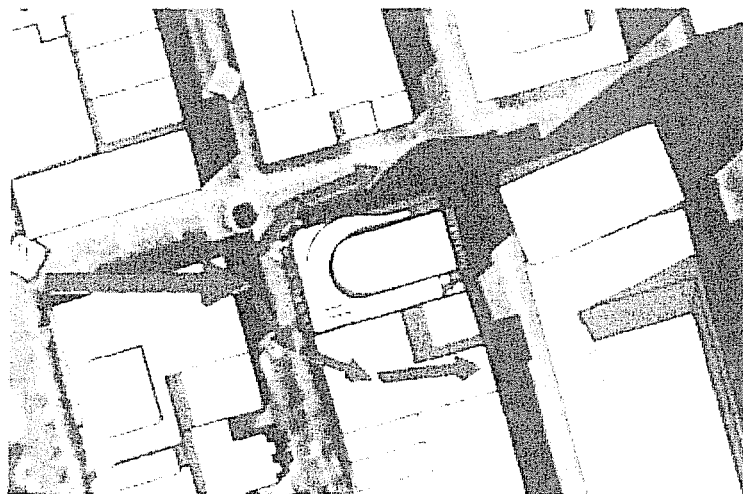


Figure 4: Effect of shape on mitigating westerly downwash at 1595 Barrington

The easterly winds seen during Summer months could also cause deflection issues, but the effect is mitigated by the presence of approved new development which will shield the east face of 1595 Barrington (Figure 5, dotted green arrow).

Since the downwash effect due to south, west and east winds is predicted to be low, only the northern winds in the winter months may create downwash issues. Northerly winds (Figure 5, solid red arrow) may hit the large north face and deflect downwards towards the Sackville Street sidewalk. The north-west edge of this face has a curved profile that may assist the northerly wind to pass around the building on this side, helping to mitigate the downwash. However, on the northern face there is also a concave inwards curve that may 'catch' the wind, directing more downwards. It should also be noted that the building's lower facade protrudes out from the main building structure (Figure 3) in this region. This is expected to provide some protection to the sidewalk below as it will redirect a portion of the downwash outwards, across the street, sheltering pedestrians on the sidewalk and entrances. The buildings north of Sackville will offer little resistance to the wind and thus will not help reduce this northerly downwash effect. 1595 Barrington St. has no entrances from Sackville St., only large windows with store displays will be present. The downwash may impact air flow on the sidewalk across Sackville Street.

The only other predictable effect which may influence pedestrian level winds is funneling of south winds and north-westerly winds. Since both sides of Granville Street will have high rise structures (existing and 1595 Barrington), the flow may channel and accelerate down Granville Street. The summer months see a prevailing wind from the south, and the winter months see a prevailing wind from the north west (Figure 5, dashed blue arrow). However, the summer winds are anticipated not to be strong, as reflected by the small percentage of gust winds over 30 km/hr (Figure 9). Furthermore, the winter wind speeds over 30 km/hr are perpendicular to the funneling direction (Figure 9) and are not critical for this effect.

A wind tunnel study was performed by Rowan, Williams, Davis and Irwin Inc. (RWDI) on the two building development at the former Texpark site. It is summarized in the Halifax Council Report, Case 00709: Development Agreement – Former Texpark Site, Halifax, Attachment A, March 21, 2006. The testing concluded the conditions on Sackville Street were not significantly different, which would make them suitable for walking / standing utilization. It was noted 'that spring, summer and fall wind conditions around the site caused little concern.' The critical season was winter, with wind gusts from the east (directly from Halifax Harbor). In general, the former Texpark site development shelters the 1595 Barrington Street site from these winds. However, the report also notes that wind funneling does occur up the hill on Sackville Street, gaining speed as it moves upward and that downwashing winds had only a minor impact. The funneling may impact the comfort level for the Barrington Street development on the corner of Sackville and Granville. As previously stated, the building

maintains its original façade, and hence the general shape of the corner at street level has been evaluated by the RWDI wind tunnel testing.

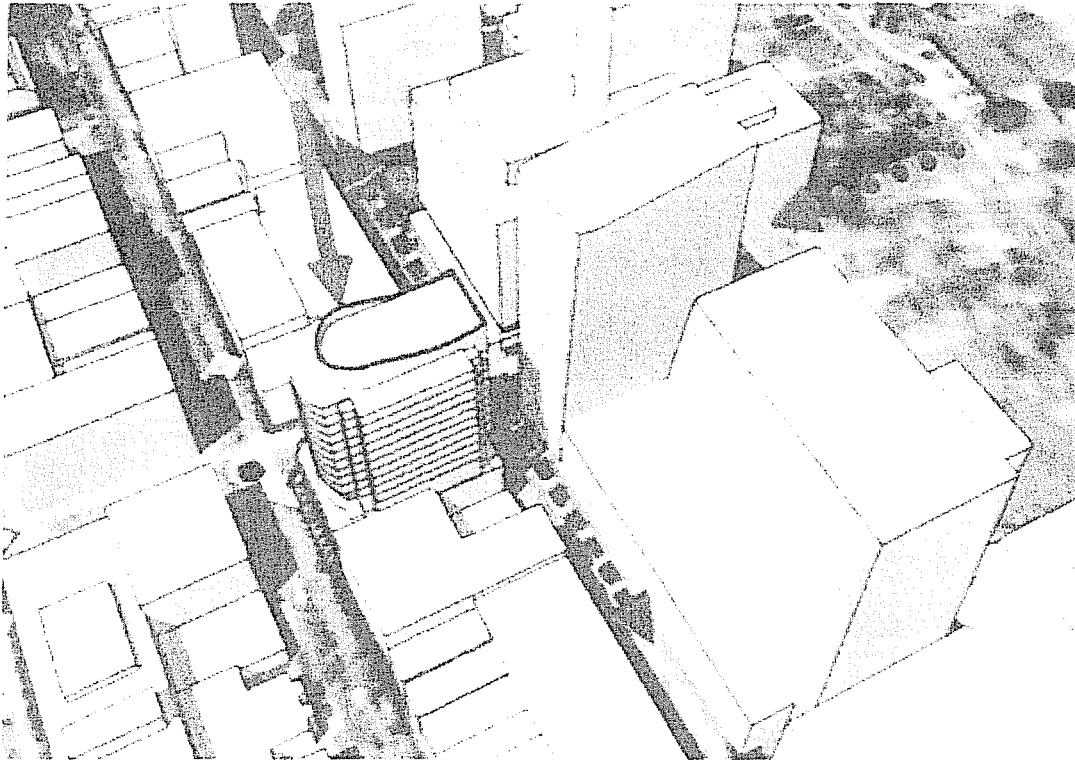


Figure 5: N wind (solid red arrow) may create downwash on north face.
E wind (dotted green arrow) blocked by other development.
SE & NW winds (dashed blue arrow) may funnel.

2.2 Review with Easterly Two Building Development (former Texpark Site) Absent from Area of Consideration

When investigating the proposed development without the consideration of the two building development to the east, the previous analysis changes in two key respects.

First and foremost, without the shielding of the two buildings, there is a clear path of parking lots between the 1595 Barrington Street development and the shoreline. This means that the wind would be unimpeded when traveling from the east, and causing a downwash deflection off the east face of the building towards Granville St. The summer winds are primarily from the northwest while winter winds are primarily from the south. The lower frequency of easterly winds indicates downwash on the east face of the building would not be a persistent and common problem. These easterly deflections may only be noticed during

the high speed summer winds which occur less than 1.5% of the time (Figure 9: Summer 30km/h and up). The issue from the east would be associated with winter gusts. The RWDI wind tunnel simulation identified this to be an issue for the building development at the former Texpark Site, on the easterly building faces. The study indicated that downwash was not a critical effect, but primarily funneling as the gust progressed up Sackville Street. The Barrington Street development may be subject to effects from the east winter gusts, however, as the lower building façade remains the same, and noting that the RWDI study indicated downwash not to be critical for the former Texpark site, this is not anticipated to create a critical change to the existing pedestrian comfort level.

The second difference between the previous analysis and that without the two building development is that there would be no SE-NW funneling (as was seen in Figure 5).

All other effects mentioned in the section 2.1 would not be significantly affected by the presence or absence of the two building development.

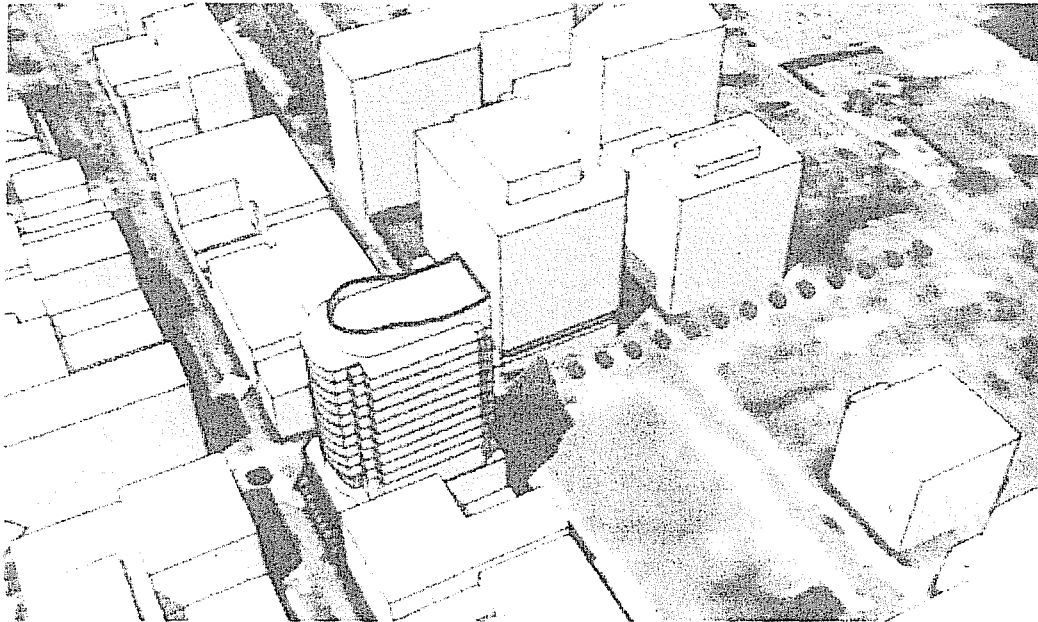


Figure 6: E wind (dotted green arrow) passing through unobstructed

2.3 Mitigation Methods

The Barrington Street development maintains the profile of the existing building for the lower façade. As such, pedestrian comfort would be impacted primarily by overall changes in airflow due to the increased height (i.e. downwash, tunneling).

To minimize the potential discomfort due to wind downwash, awnings have been designed for the east and west sides of the building (Figures 7 and 8). They have been placed such that areas near building entrances are shielded. The above mentioned awnings will be particularly helpful on the east face, if the two building development is not constructed. Otherwise, it will serve as a shield to the Barrington development. The only side with no awning is the north face. Since it is a standing or walking area it is a less sensitive comfort category or criteria and is not considered an issue. Standing and walking pedestrians can tolerate wind speeds of up to 14 and 19 km/h respectively, which is significantly higher than sitting areas (up to 10 km/h). The north face is considered a walking/standing area due to lack of any patios or entrances.

While the awnings help with downwash, they will not help mitigate the funneling effects (blue arrow on Figure 5 and 7). While this is true, the funneling effect is likely minimal (as discussed in Section 2.1) and the limited frequency with which it manifests itself, is caused by surrounding development and it is anticipated that the proposed Barrington St. development should not exasperate it.

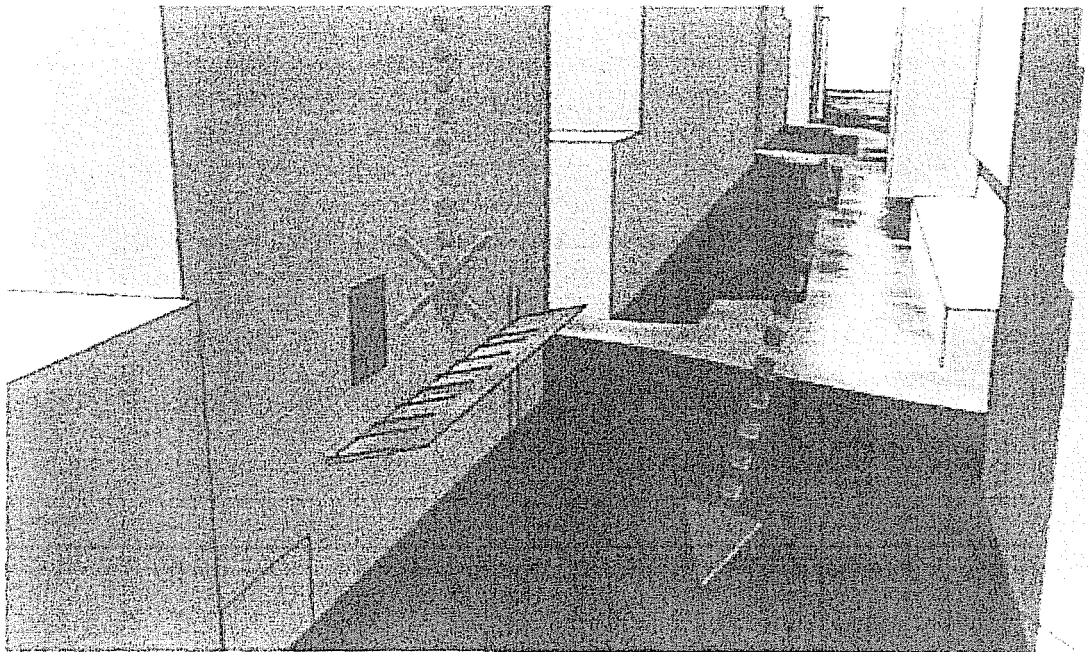


Figure 7: Awning on East Side of Building

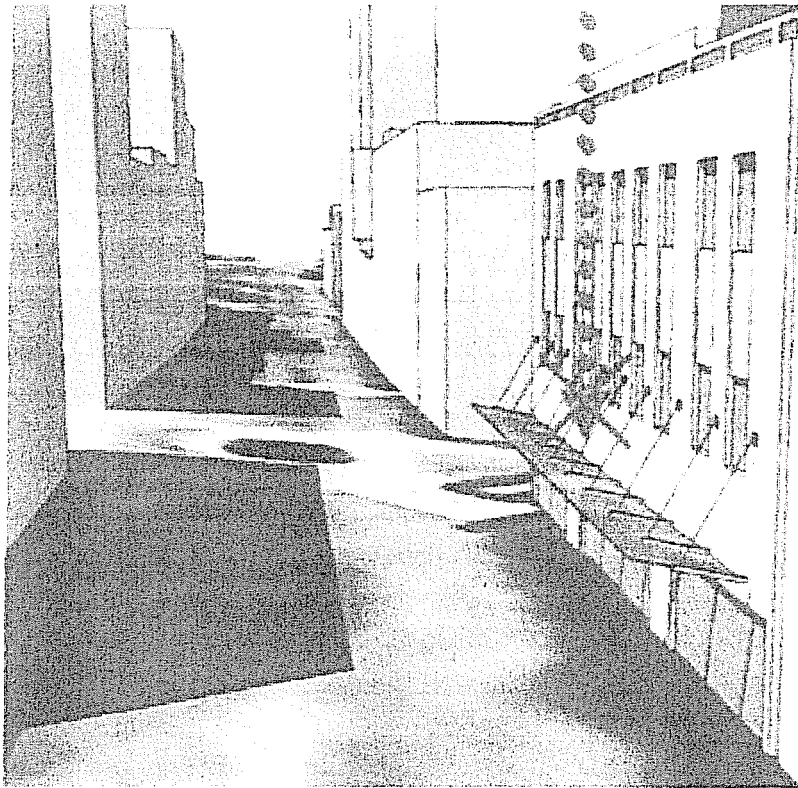


Figure 8: Awning on West Side of Building

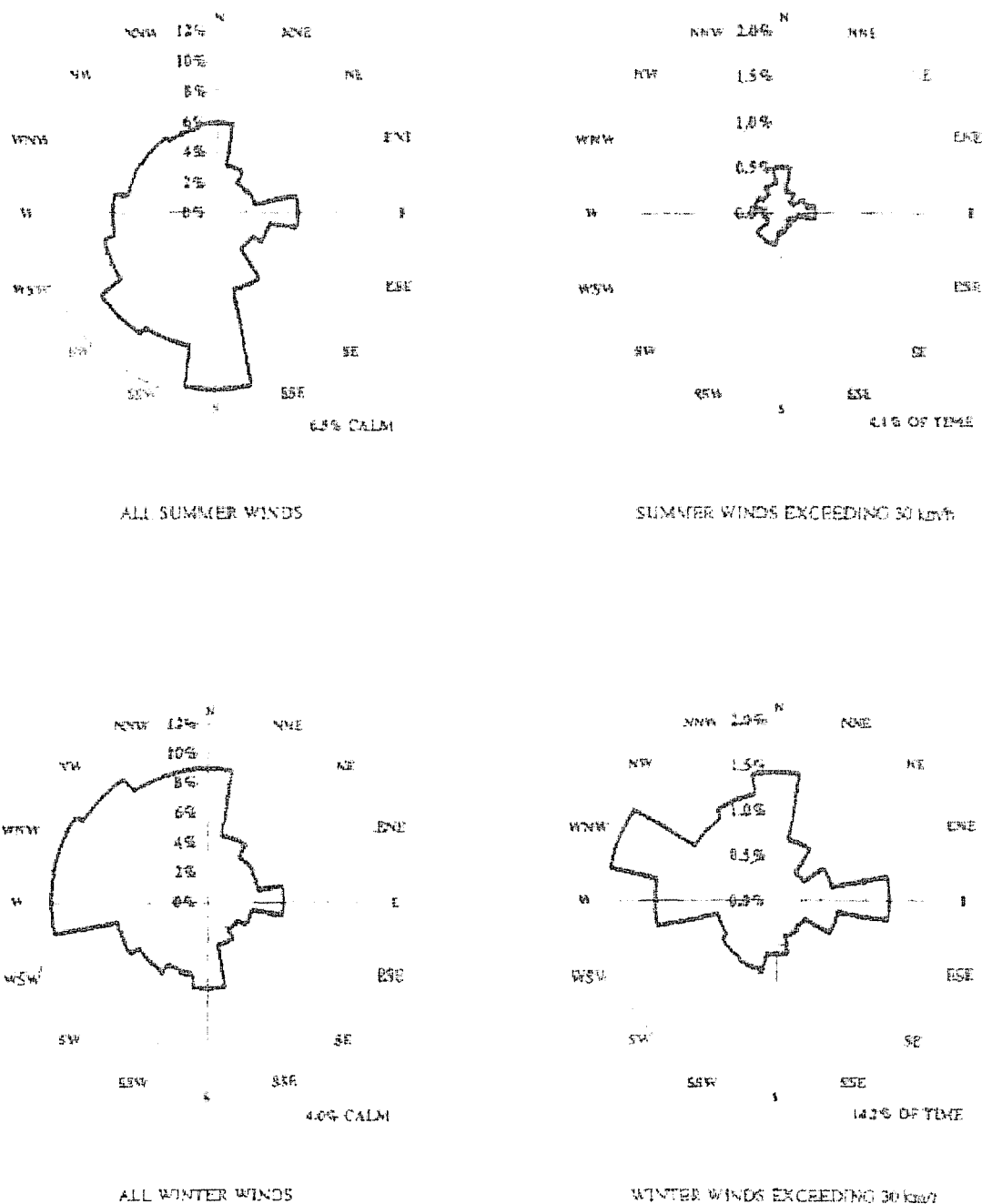


Figure 9: Winter / Summer Wind Statistical Data (ref <http://www.halifax.ca/planning/documents/Case01114PedestrianWindAssessment.pdf>)

Summary

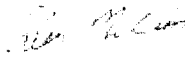
Based on SimuTech Group and Trow Engineering's experience with wind study investigations, including multiple building development studies, the visual review of the local Barrington St. area has not flagged any obvious issues with respect to pedestrian wind comfort that would be significantly different than that of the existing region with or without the two building development to the east and the existing facade at 1595 Barrington Street. This is a qualitative review based on before and after conditions and is also based upon the sidewalk usage to be primarily for walking and standing. No regions have been identified where people would be sitting.

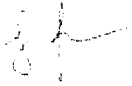
Effects are not anticipated to be significantly different than those generated by existing buildings in the region. Interactions between buildings are often complex, thus a detailed wind study, either by computer simulation or wind tunnel, is required to verify the conclusions in this letter and obtain quantitative localized wind speed values.

Some of the key points identified include:

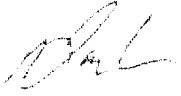
- Rounded westerly building profile will assist in mitigating effects from this direction.
- Large building development to the east will act as a windbreak, mitigating effects from this direction.
- Winds from SE and NW, may have a funneling effect generated between the Barrington Street building and the approved development to the east. These are not anticipated to be more significant than effects with the existing region and the approved development to the east and hence are not anticipated be critical.
- Sackville Street may be impacted from building north face downwash. This is anticipated to be a moderate increase over existing conditions. This region has been identified for standing/walking purposes only.
- East and West sides of the proposed building have awnings which will help mitigate any downwash wind effects.

Prepared By:
SimuTech Group Inc.


Alan McKim, P.Eng.
VP Customer Services


Szymon Buhajczuk
CFD Analyst

Reviewed By:
Trow Associates Inc.


Ron Taylor, M.Sc., C.Chem.
Senior Project Manager
Environmental Division

SimuTech Group Background

SimuTech Group is the Canadian Channel Partner for ANSYS Inc., authors of the premier CFD codes CFX and Fluent. SimuTech Group provides full service support to our customers including software sales, software technical support, training and engineering consulting services. As such, we are considered advanced users of the software, with an in depth knowledge of CFD.

With the recent increase in computer capabilities, CFD studies of building developments have become an alternative to model wind scale testing. The authors have worked on multiple studies over the past few years, and have gained significant insight into the behavior of wind patterns around building groupings. Based on this experience, we feel confident in our visual assessment of the proposed development at 1595 Barrington Street.

Trow Associates Inc. Background

Trow Associates Inc. (Trow) is a multidisciplinary consulting firm with more than 2,000 employees and 50 offices across Canada. Founded in 1957 and celebrating 52 years of service, our firm has grown into one of the largest engineering and consulting companies in Canada. Trow specializes in Environmental, Building Sciences, GeoScience, Infrastructure, and Materials & Quality Management. Trow offers a wide range of environmental services including air quality, dispersion modeling and pedestrian wind studies. The author has worked on multiple studies in the past few years and assessed pedestrian wind comfort around buildings for City approvals. Based on this experience we are confident in our review of the visual assessment of the proposed development at 1595 Barrington Street.

| <p style="text-align: center;">Attachment B</p> <p style="text-align: center;">Review of the CBD Objectives and Policies of the HMPS</p> | | |
|--|---|--|
| Policy | | Comment |
| <p style="text-align: center;">1. Economic</p> <p style="text-align: center;">Objective: The strengthening of the Halifax CBD as a dynamic focus of governmental, commercial, retail, residential, recreational, and entertainment uses, and the appropriate development of the waterfront to promote the City as the major business and cultural centre of Atlantic Canada.</p> | | |
| 1.1 | It shall be the City's policy to strengthen the development of the specific desirable characteristics of identified sub-areas of the CBD, as defined on Map 11 and in Schedule III.1 to provide the impetus necessary to ensure the viability of all parts of the CBD. The City shall accomplish the intent of this policy and all policies in Part II, Section III, Subsection I of this Plan, by Implementation Policy 3.5. | <p>The block and the site is divided into both Sub-area 8 and Sub-area 10. The desirable characteristics of these sub-areas are not further defined in the HMPS other than to state that 8 is, "A sub-area focussed on Barrington Street," and 10 is, "A sub-area of office and mixed-use between Hollis Street and the western side of Granville Street to Prince Street."</p> <p>Sub-area 8, in the vicinity of the property, is generally comprised of lower heritage buildings, while there are some taller contemporary buildings in Sub-area 10. With the retention of the exterior walls of the existing building facing Barrington and Sackville streets coupled with the stepped in tower, the proposal has components of both sub-areas.</p> |
| 1.2 | It shall be the City's policy to encourage Barrington Street as an activity-oriented circulation area. | |
| 1.2.1 | In this context, the City should encourage such development on Barrington Street as will generate a variety of activities, particularly retail, but including institutional, recreational, residential, and cultural activities accessible to the public at large, with the stipulation that priority of activity is given to ground floor level. | The proposed development agreement requires that there be pedestrian-oriented commercial uses facing Barrington Street. |
| 1.4 | The CBD should be strengthened as a principal shopping centre in the | With either a residential or commercial building, the proposal will support the |

| Attachment B Review of the CBD Objectives and Policies of the HMPS | |
|---|--|
| Policy | Comment |
| region, through the development of a substantial increase in retail and commercial floor space, and the provision of a wide range of consumer facilities. | development of a substantial increase in retail and commercial floor space. An office tower development will directly lead to the development of increased office space, whereas a residential development will support additional retail and consumer facilities. |
| 2. Social Objective: The creation of a lively, vibrant environment throughout the CBD which promotes and supports a wide variety of living, leisure, and working activities throughout the day and evening. | |
| 2.1 The City shall seek and encourage appropriate non-office land and water uses which will generate human activity in the CBD area throughout the day and evening. | The ground floor will be comprised of pedestrian-oriented uses. |
| 2.1.1 The construction of office and retail buildings in the CBD should be those which reinforce the image of the City as the regional centre of activity, and should generate the need for services and amenities (hotels, entertainment, restaurants, etc.) which will provide an active CBD. | The scale of this project contributes the image of the area being a regional centre of activity, and will generate a need for additional services and amenities. |
| 2.1.2 The City should require that space adjacent to areas of pedestrian circulation, including walkways at any level, be developed for retail activities and such other uses as generate and encourage the desired degree of public interest and activity. | The ground floor will be comprised of pedestrian-oriented uses. |
| 3. Circulation Objective: The creation within the CBD of a circulation framework which gives priority to the pedestrian, but which accommodates the transit, automobile and service requirements of the area. | |
| 3.1 The use of the private automobile within, to and through the CBD should be facilitated where it does not conflict with pedestrians and public transit. | While there are two parking garages entrances, off Granville and Sackville streets, the size of the parking garage is quite limited. Therefore, the emphasis will be upon non-vehicular modes of travel with this proposal. |

Attachment B
Review of the CBD Objectives and Policies of the HMPS

| Policy | Comment |
|---|---|
| 3.1.2.1 The City should seek the provision of weather protection for pedestrians, particularly at street level, where new development or major alterations to building facades abut pedestrian routes in the CBD. | Awnings are proposed above the storefronts at street level on both Barrington and Granville Streets. |
| 3.1.2.3 In relation to the pedestrian system, the City shall give consideration to the design and location of all street facilities, including supervised washrooms, public information boards, seats, planters, lamp standards, trash holders, kiosks, and the coordination of all retail signs, building signs, directional signs, internally illuminated signs, etc. | Any sidewalk replacement as a result of the development will comply with municipal standards. Signs will be reviewed against municipal heritage principles by the Heritage Planner. |
| 3.3.1 Long-term parking facilities should be located on the periphery of the CBD, and the City shall actively pursue their location in appropriate sites. | A parking facility is not part of this proposal. |
| 3.4 The City should encourage the development of short-term parking facilities, available to the public, preferably combined with new development in the CBD. | The size of this site makes it prohibitive for the establishment of on-site public parking. |
| 3.5.3.3 On-street loading and unloading should not be permitted during morning and afternoon peak traffic hours on major streets in the CBD. | Proposed changes, if any, to the existing on-street loading during the detailed design stage will require approval of the Traffic Authority. |
| <p style="text-align: center;">4. Heritage</p> <p>Objective: The conservation or rehabilitation of areas, streetscapes, buildings, features, and spaces which mark the sequence of development in Halifax, and which identify the CBD as the City's cultural and heritage centre.</p> | |
| 4.2 The City shall continue to seek the retention, preservation, rehabilitation and restoration of areas, streetscapes, buildings, features and spaces in the CBD consonant with the City's | The site is not a registered heritage property. |

| Attachment B Review of the CBD Objectives and Policies of the HMPS | |
|---|---|
| Policy | Comment |
| general policy stance on heritage preservation (see Section II, Policy Set 6). | |
| 6. Views Objective: A CBD which is visually attractive from its major approach roads, from Citadel Hill, and from the harbour. | |
| 6.1 All new buildings shall be located so that views to the Harbour from Citadel Hill, as specifically delineated in the City of Halifax Zoning By-law, are maintained. These areas in the CBD are illustrated generally on Map 12. | The site is not impacted by a viewplane. |
| 6.2 Views of and from the Harbour along the east-west streets should be conserved where existing, and when opportunity arises, such views should be enhanced and new views added. | The proposal does not limit views along Sackville Street. |
| 6.3 The City should encourage rooftop landscaping in any new developments which can be seen from the Citadel, from taller buildings, or from other parts of the City. | There is a limited amount of rooftop vegetation that is to be established upon the base of the building. |
| 7. Scale and Design Detail Objective: A high quality of design and construction of buildings to reflect the architectural, heritage and topographical characteristics of the CBD. | |
| 7.1 The City shall generally retain the remaining street grid and City block pattern in the CBD. | The street grid and block pattern are to be retained. |
| 7.1.2 The City shall encourage the architectural form and scale of new developments to be compatible with the block pattern, and shall discourage those developments which do not respect it. | The proposal does not involve the closure of streets and consolidation of blocks. The block pattern under consideration would be both that of the entire CBD and the blocks found in the immediate area and the proposed building's form and scale is not unlike other tall buildings in the CBD. The building has a very small footprint. The proposal is, therefore, compatible with the block pattern. |

Attachment B
Review of the CBD Objectives and Policies of the HMPS

| Policy | Comment |
|---|--|
| <p>7.2 The character of the CBD should be reinforced through the control of urban design details such as massing, texture, materials, street furniture, and building lines.</p> | <p>The building is viewed to be attractive from an urban design perspective, with a base that provides interest at the pedestrian level and a tower that is differentiated from the base by being of a contrasting material and stepped in from Barrington and Sackville streets, and by having an attractive curve.</p> |
| <p>7.2.1 The exterior architectural design of new buildings should be complementary to any adjacent ones which are designated as being of historic significance or important to the character of the CBD; in such instances, the careful use of materials, colour, proportion, and the rhythm established by surface and structural elements should reinforce those same aspects of the existing buildings.</p> | <p>See the main body of the report.</p> |
| <p>7.3 The City shall control the height of new development within the CBD in the vicinity of Citadel Hill, pursuant to Policies 6.3, 6.3.1, 6.3.2 and 6.3.3 of Section II of this Plan.</p> | <p>The intent was to control building heights in the <u>foreground</u> of the view from the Citadel. The subject site is 5 blocks away and down slope from Brunswick Street and the base of Citadel Hill. It is appropriately far enough away from the Citadel that it does not infringe upon the foreground view.</p> |
| <p>7.5 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.</p> | <p>See the main body of the report.</p> |
| <p>7.5.1 The City should investigate ways to regulate design to mitigate the effects of wind on pedestrian routes (see Section II, Policies 8.1 - 8.6).</p> | |
| <p>7.6 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.</p> | <p>A shadow study was carried out and confirms that there will be a minimal shadows cast on public open spaces.</p> |

| Attachment C | |
|---|--|
| Review of Most Relevant City-wide Objectives and Policies from the HMPS | |
| Policy | Comment |
| 3. Commercial Facilities Objective: The provision of commercial facilities appropriately located in relation to the City, or to the region as a whole, and to communities and neighbourhoods within the City. | |
| 3.2.1 Major office projects, hotels, cultural facilities and government office activities, which would strengthen and enhance Halifax as the dominant centre of Atlantic Canada, should be induced to locate in the Central Business District. This policy shall remain in effect until City Council determines that the Central Business District is self-sustaining. | The proposal includes an option for a major office component as well as cultural uses and retail/ commercial uses. |
| 6. Heritage Resources Objective: The preservation and enhancement of areas, sites, structures, streetscapes and conditions in Halifax which reflect the City's past historically and/or architecturally | |
| 6.1 The City shall continue to seek the retention, preservation, rehabilitation and/or restoration of those areas, sites, streetscapes, structures, and/or conditions such as views which impart to Halifax a sense of its heritage, particularly those which are relevant to important occasions, eras, or personages in the histories of the City, the Province, or the nation, or which are deemed to be architecturally significant. Where appropriate, in order to assure the continuing viability of such areas, sites, streetscapes, structures, and/or conditions, the City shall encourage suitable re-uses. | The subject properties are not registered heritage properties. There will be no violation of protected views or other heritage policies. |
| 6.2 The City shall continue to make every effort to preserve or restore those conditions resulting from the physical and economic development pattern of Halifax which impart to Halifax a sense of its history, such as views | The proposal does not violate or impact upon the preservation of protected views and the street pattern. |

| Attachment C Review of Most Relevant City-wide Objectives and Policies from the HMPS | |
|--|---|
| Policy | Comment |
| from Citadel Hill, public access to the Halifax waterfront, and the street pattern of the Halifax Central Business District. | |
| 6.3 The City shall maintain or recreate a sensitive and complimentary setting for Citadel Hill by controlling the height of new development in its vicinity to reflect the historic and traditional scale of development. | See below. |
| 6.3.1 The intent of such height controls shall be to establish a generally low to medium rise character of development in the area of approximately four traditional storeys in height immediately adjacent to Citadel Hill and increasing with distance therefrom. | As the subject site in this case is 5 blocks away and down slope from the base of the Citadel along Brunswick Street, it is not in the vicinity of the Citadel as was envisioned by these policies. Therefore, Council may consider a tall building on this site without violating this aspect of the MPS (refer to Sect. III, policy 7.3). |
| 6.3.2 Within the area bounded by North Street, Robie Street and Inglis Street, no development shall be permitted that is visible over the top of the reconstructed earthworks on the Citadel ramparts, from an eye-level of 5.5 feet above ground level in the Parade Square of the Citadel. | The building will not be visible over the top of the ramparts. The agreement requires confirmation of this from a surveyor prior to the issuance of construction and occupancy permits. |
| 6.3.3 Policy 6.3.2 above shall not be deemed to waive any other height or angle controls. | There are no other controls being waived. |
| 6.4 The City shall attempt to maintain the integrity of those areas, sites, streetscapes, structures, and/or conditions which are retained through encouragement of sensitive and complementary architecture in their immediate environs. | The proposal does not violate this policy. Refer to Section III, policy 7.2.1. |
| 8. Environment Objective: The preservation and enhancement, where possible, of the natural and man-made environment, and especially of those social and cultural qualities of particular concern to the | |

| Attachment C Review of Most Relevant City-wide Objectives and Policies from the HMPS | |
|--|--|
| Policy | Comment |
| citizens of Halifax. | |
| 8.6 The City should make every effort to ensure that developments do not create adverse wind and shadow effects. The means by which this policy shall be implemented shall be considered as part of the study called for in Part III. | There will be no adverse wind and shadow effects. Refer to Section III, policies 7.5, 7.5.1 and 7.6. |
| 8.8 The City should protect vistas and views of significant interest. | All view protection measures are being maintained. This has been accomplished by the protection measures provided for in policies 6.3, 6.3.1, 6.3.2 and those in Section III, policies 6.1, 6.2, 6.3 and 7.3. Refer to those sections for detailed comments. |

| Attachment D Review of Most Relevant Policies of the RMPS | |
|--|--|
| Policy | Comment |
| <p>Policy CH-2</p> <p>For lands abutting federally, provincially or municipally registered heritage structures, HRM shall, when reviewing applications for development agreements, rezonings and amendments pursuant to secondary planning strategies, or when reviewing the provision of utilities for said lands, consider a range of design solutions and architectural expressions that are compatible with the abutting federally, provincially or municipally registered heritage structures by considering the following:</p> | |
| (a) ensuring that new developments respect the building scale, massing, proportions, profile and building character of abutting federally, provincially or municipally registered heritage structures by ensuring that they: | |
| (i) incorporate fine-scaled architectural detailing and human-scaled building elements within the pedestrian realm; | The retention of the facades of the existing building facing Barrington and Sackville streets ensures that there will be continue to be fine-scaled architectural detailing and human-scaled building elements within the pedestrian realm. If the facades cannot be retained, they are required to be reconstructed with the same type of stone and with the same detaining and style of the existing building. |
| (ii) consider, within the pedestrian realm, the structural rhythm (i.e., expression of floor lines, structural bays, etc.) of abutting federally, provincially or municipally registered heritage structures; and | The building facades along Barrington and Sackville street are to remain as they now exist. Given the importance of the existing building and the contribution it makes to the heritage of the area, is found that the proposal responds favourably to the abutting heritage building, the Green Lantern Building. |
| (iii) any additional building height proposed above the pedestrian realm mitigate its impact upon the pedestrian realm by incorporating design solutions, such as setbacks from the street wall and modulation of building massing, to help reduce its apparent scale; | The tower portion of the proposed building responses favourably to this policy by being stepped in from the base of the building along Barrington and Sackville streets and having contrasting building materials. |
| (b) the siting of new developments such that their footprints respect the existing | |

Attachment D
Review of Most Relevant Policies of the RMPS

| Policy | Comment |
|---|--|
| development pattern by: | |
| (i) physically orienting new structures to the street in a similar fashion to existing federally, provincially or municipally registered heritage structures to preserve a consistent street wall; and | The street wall of the existing building is consistent with the abutting heritage building, the Green Lantern Building. This relationship will be retained with the proposal. |
| (ii) respecting the existing front and side yard setbacks of the street or heritage conservation district including permitting exceptions to the front yard requirements of the applicable land use by-laws where existing front yard requirements would detract from the heritage values of the streetscape; | The front and side yard setbacks of the proposal, which at the base of the building, are at 0 feet from property boundaries. This is consistent with the surrounding area. |
| (c) minimizing shadowing on public open spaces; | The proposal does not create shadowing upon public open spaces that important from a heritage perspective. |
| (d) complementing historic fabric and open space qualities of the existing streetscape; | With the retention of the facades facing Barrington and Sackville streets, the project will continue to complement the historic fabric and open space qualities of the existing streetscape. |
| (e) minimizing the loss of landscaped open space; | There is no loss of landscape open space through the proposal. |
| (f) ensuring that parking facilities (surface lots, residential garages, stand-alone parking and parking components as part of larger developments) are compatible with abutting federally, provincially or municipally registered heritage structures; | The parking for the development is within the building and therefore has no impact upon the abutting heritage building. |
| (g) placing utility equipment and devices such as metering equipment, transformer boxes, power lines, and conduit equipment boxes in locations which do not detract from the visual building character or architectural integrity of the | The development agreement requires that such features be visually screened. |

Attachment D
Review of Most Relevant Policies of the RMPS

| Policy | Comment |
|---|--|
| heritage resource; | |
| (h) having the proposal meet the heritage considerations of the appropriate Secondary Planning Strategy, as well as any applicable urban design guidelines; and | See the main body of the report. |
| (i) any other matter relating to the impact of the development upon surrounding uses or upon the general community, as contained in Policy IM-15. | <p>Policy IM-15 contains criteria relating to whether development is premature or inappropriate, can address potential compatibility issues, and is upon a site that suitable for the intended development. Of some relevance in light of Policy CH-2, is whether, “the proposal is not premature or inappropriate by reason of . . . (v) the potential for damage to or for destruction of designated historic buildings and sites.”</p> <p>While the Zellers Building is recognized for its heritage importance, it is not a registered heritage property. Although this policy criteria does not therefore apply to the proposal, it is relevant to note that the facades facing Barrington and Sackville streets are being retained through the project.</p> |
| <p>For the purposes of Policy CH-2, the following definitions apply:</p> <p>“Abutting” means adjoining and includes properties having a common boundary or a building or buildings that share at least one wall. Properties are not abutting where they share only one boundary point as opposed to a boundary line.</p> <p>“Building scale” means a building’s size relative to another building’s size, or the size of one building’s elements relative to another building’s elements.</p> <p>“Massing” means the way in which a building’s gross cubic volume is distributed upon the site, which parts are higher, lower, wider, or narrower.</p> <p>“Proportion” means the relationship of two or more dimensions, such as the ratio of width to height of a window or the ratio of width to height of a building or the ratio of the height of one building to another.</p> <p>“Profile” means a building's cross-sectional shape or the shape of its outline.</p> | |

Attachment D
Review of Most Relevant Policies of the RMPS

| Policy | Comment |
|--|---------|
| <p>“Building character” means the combined effect of all of the architectural elements of a building or a group of buildings.</p> <p>“Human-scaled building elements” means a range of building details from small (masonry units, doorknobs, window muntins, etc.) to medium (doors, windows, awnings, balconies, railings, signs, etc.) to large (expression of floor lines, expression of structural bays, cornice lines, etc.).</p> <p>“Street wall” means the vertical plane parallel to the street in which the front building facades of the majority of the buildings along a street are located.</p> <p>“Pedestrian realm” means the volume of space enclosed by the horizontal plane of the street and sidewalks, and the vertical planes of the facing streetwalls. The height of this volume is determined by the height of the base of the adjacent buildings as defined by a major cornice line or by the point at which a building’s massing is first stepped-back from the streetwall. Where cornice lines or setbacks do not exist, the height will be generally two to five stories, as appropriate.</p> | |

Attachment E
Public Information Meeting Minutes

CASE No. 01231: Application by 1595 Investments Limited to enter into a development agreement to allow for a mixed use commercial / residential building at 1595 Barrington Street (PID 00076224), Halifax.

7:00 p.m.
Thursday, March 26, 2009
Halifax Hall

STAFF IN ATTENDANCE:

Richard Harvey, Planner, HRM Planning Services
Alana Hines, Planning Controller, HRM Planning Services

ALSO INATTENDANCE:

Councillor Dawn Sloane, District 12
Frank Medjuck, 1595 Investments Limited

PUBLIC IN ATTENDANCE:

Approx. 4 people

The meeting commenced at approximately 7:00 p.m.

1. **Opening Remarks/Introductions/Purpose of Meeting**

Mr. Harvey welcomed everyone and introduced himself as the Senior Planner assigned to the case and introduced Alana Hines, Planning Controller (who would be recording the meeting and taking minutes).

The agenda, purpose of the meeting, ground rules and the development agreement process were all reviewed.

2. **Application**

Mr. Harvey identified the site location which is on the corner of three streets - Barrington, Sackville, and Granville. The site is often referred to Zellers or Discovery Centre site.

Mr. Harvey reviewed the application and planning policy context and referred to hand outs that were provided that had policies the Halifax Municipal Planning Strategy the Regional Municipal Planning Strategy.

It was identified there are a considerable number of character buildings adjacent to this particular site and importantly there is a heritage building right beside it.

Attachment E
Public Information Meeting Minutes

Mr. Harvey indicated that while there is a new municipal plan being worked on for the Downtown, the current planning policies are the matters of concern in review of the development agreement application.

Mr. Harvey turned the meeting over to Mr. Frank Medjuck for presentation of the proposal.

3. Presentation of Proposal/Questions & Comments

Mr. Medjuck introduced Roy Willwerth and Greg Starratt and Benoit Dugas all who have worked on this proposal.

Mr. Medjuck indicated that the site was purchased in 1983 and at that time there were no view planes or restrictions at that time. Since that time new view planes were introduced and the site still complies with this view plane.

Mr. Medjuck noted that although the building is located beside a heritage building, the Discovery Centre building is not officially considered a heritage building, even though it has been around for many years.

Mr. Medjuck described the building in relation to the surrounding buildings (e.g. it is lower than Maritime Centre and the same height as the TD Bank building). Wind and shadow studies have been completed on the proposal and indicated that they would be showing the shadow studies later on. The overall idea is to create urban sprawl (living and working on Barrington Street, in the downtown). A 3D rendering video of the proposal was shown.

Mr. Medjuck turned the meeting over to Greg Starratt, Architect with Duffus Romans to describe the building and materials being proposed.

Mr. Starratt indicated that his company was engaged by Mr. Medjuck to assess development potential of the site and the existing building. He found that the site was relatively small (approximately 10,000 sq ft) and is bound by three streets - Barrington, Sackville, and Granville. The forth side is bound by an adjacent property boundary. The site is subject to meeting a view plane restriction on Barrington Street. The existing building has two facades to for the primary image for the building on Barrington and Sackville Streets, which is 17 years old and is in relatively good shape. There are two primary tenants in the building - Discovery Centre (upper levels) and a night club in the basement. The rear side of the building on Granville Street, was never intended to be anything more than the back door to the building and is a blank wall with no character to it. Mr. Starratt proceeded to review the components of the proposal which include the retention of two faces of the current building and the construction of tower above it. He indicated that there were two options for the use of the tower; residential of commercial.

Attachment E

Public Information Meeting Minutes

A gentleman asked what type of material would be used on the Granville side. Mr. Starratt said only a two foot wide strip of stone. The gentleman asked if the materials at the rear of the building will the stone match up to the stone work already in place. Mr. Starratt said pre-cast stone would be used and it would match up, but it would not be exactly the same.

Councillor Dawn Sloane asked if the balconies shown will still be included if it becomes a commercial building. Mr. Starratt said he thinks they should remain. He indicated that the only difference between all residential and all commercial would be the floor to ceiling height. Councillor Sloane indicated the commercial with balconies are unusual. Mr. Starratt said in many parts of the world there are commercial buildings with balconies where staff can step out for a few minutes of fresh air rather than going down an elevator to go outside.

Councillor Dawn Sloane asked about the material being used for the curved sides of the building, specifically wanting to know if it was mirrored, tinted, or clear. Mr. Starratt said it is not mirrored.

Patrick Leroy asked if they would be seeking LEED Certification for this proposal. Mr. Starratt said that at this point it has not been considered or rejected. Mr. Leroy asked if thermal heating is being considered. Mr. Medjuck said that this option has been considered and will be discussed further. Mr. Leroy asked about parking. Mr. Medjuck said there would underground parking and indicated they are looking at other alternative parking spaces. Councillor Sloane said her concern about above ground parking is what the building would look like on such a prominent street. Mr. Medjuck said it would be the same building and ventilation would be used in the parking lot.

Mr. Medjuck was asked if there has been commercial interest as of yet, he said not yet.

Paul McKinnon asked about the dimensions of the proposal. Mr. Medjuck said the site itself is approximately 10,000 square feet; the commercial is about 7,500 square feet. Mr. McKinnon asked if it goes residential will it be rentals or condos. Mr. Medjuck said that hasn't been decided yet, depends on the market.

Jonathan Lampier asked about the roof line and indicated that there are a lot of roof tops in the downtown which are rather boring and was wondering how this would be addressed. Mr. Medjuck, agreed and asked Mr. Starratt what he would do with the design. Mr. Starratt said that it is close to being flat but are going to try about make it curved. To stay under the view plane one floor of the building would have to be dropped.

Councillor Sloane asked if Mr. Medjuck has considered having a restaurant on the top floor. Mr. Medjuck said this has not yet been considered.

Phil Pacey, on behalf of Heritage Trust, said they like what is being proposed, however have concerns regarding the Heritage Building adjacent to the site (Keith's building, also known as the Green Lantern). He stated that the building code has a setback provision when it abuts

Attachment E

Public Information Meeting Minutes

another building. Mr. Starratt indicated that if there is any affect on the adjacent building the adjacent property owner would have to be compensated to help strengthen the building. Mr. Pacey said he believes there is more to it than just compensation. He indicated that the strengthening of the abutting building might require them to lose floor space and he said he wasn't sure that the adjacent land owner would automatically have to agree to allow for compensation. Mr. Pacey also mentioned potential snow issues with the new proposal. The other issue Mr. Pacey raised was the issue of compatibility, as referred to in the handout (Halifax MPS, Section 7.2.1, pg 64) - which states "The exterior architectural design of new buildings should be complementary to any adjacent ones which are designated as being of historic significance or important to the character of the CBD; in such instances, the careful use of materials, colour, proportion, and the rhythm established by surface and structural elements should reinforce those same aspects of the existing building." Mr. Pacey said clearly the Keith building is designated as being of historic significance. Mr. Pacey stated he didn't believe that the materials, colours, heights and rhythm of the proposal were being reinforced according to this policy. Lastly, Mr. Pacey said although there is no view plane requirements from the Citadel to this proposal, he indicated that there is a very good view that would be obstructed with this addition.

Mr. Medjuck had the video replayed. Mr. Pacey said that the video shows the twisted sisters which doesn't exist right now. Mr. Medjuck said it was included in the video because it was approved to be developed.

Mr. LeRoy asked if this proposal is within the CBD and Mr. Harvey confirmed that it was.

Mr. MacKinnon asked about the time frame to start the development. Mr. Medjuck said he would start looking for financing on this project once it becomes approved. It typically is taking approximately five years to get started.

Mr. Medjuck said that Mr. Pacey's comments are all valid but he understands that the lower floors have to be compatible and indicated that a lot of time was spend reviewing and considering comparable materials for the lower levels and higher levels and they have tried to create something more exciting and dynamic and compatible all at the same time.

Mr. Pacey indicated that there are not many examples where the facades change as the building expands up, most are continuing with the existing facades as buildings develop up. He also suggested that Mr. Medjuck consider scaling back the building, not making it as high as proposed.

Mr. LeRoy suggests that there is not a welcoming regime for high rises and development in Halifax and believe developments, such as this one, will bring tourism and people to the City and revitalize the downtown.

Councillor Sloane asked if Mr. Medjuck has considered hotel space for this development. Mr.

Attachment E
Public Information Meeting Minutes

Medjuck said no, there is quite a bit of hotel space in the area now and the site is too small to do a hotel.

Mr. MacKinnon asked what the distance of the set back. Mr. Medjuck said because it is curved it is at least a 10 foot set back on Barrington Street.

4. **Closing Comments**

Mr. Harvey thanked everyone for coming and indicated they could contact him with any further questions or comments.

5. **Adjournment**

The meeting adjourned at approximately 8:10 p.m.



Medjuck & Medjuck Barristers

1601 Lower Water Street
Suite 700
Halifax, Nova Scotia
B3J 2X1

Attn: Frank Medjuck

November 24, 2008

Re. 1595 Barrington Street Sun Study Explanatory Note

The times indicated on the following tables are approximate and illustrative of moving shadows. The tables should be read while viewing the moving animations of the shadows. These moving shadows are a dynamic entity and are generally not covering all of an area for the times, durations and locations listed on the tables.

The durations should be considered in the context of hours of illumination for each of the four dates shown on the tables. The four dates on the tables are 21 March and 21 September which are days with approximately equal hours of daylight and darkness, the 21 June which is the day of the longest daylight period of the year and 21 December which is the shortest daylight period of the year. Days falling between two successive dates can be interpolated.

Regards;

Peter Connor, Principal
Connor Architects and Planners Limited



| Name/Date | Time(s) | Shadow location/ Characteristics |
|----------------------------|---------------|--|
| Spring & Fall Equinoxes | 7:15 | Sunrise. |
| | 7:15 - 8:00 | Shadow is visible on bottom south side of Citadel Hill. |
| 21 March & Sept. | 8:00 - 8:30 | Shadow is merged with other shadows crossing the top of the Ale House and The Palace Night Club at Brunswick and Sackville Street. Note: Shadow will be merged with the approved United Gulf Tower development once the towers are built until approximately 9:30. |
| | 8:30 - 8:45 | Shadow crosses the parking lot at Grafton and Market Street. |
| | 8:45 - 10:45 | Shadows pass over restaurants at Argyle Street. |
| | 10:45 | Shadow lands on Barrington Street at the Roy Building directly across from the proposed building. |
| | 10:45 - 12:30 | Shadow continues to cross over the Roy Building. |
| | 12:30 - 1:00 | Shadow touches down at Granville Street. |
| | 1:00 - 2:45 | Crosses the Centinial Building site. |
| | 2:45 | The Shadow reaches Hollis Street. |
| | 3:00 - 4:30 | Shadow cast on the Raddison Hotel at Hollis and Sackville Street. Note: This shadow will begin to fall on the smaller of the United Gulf Tower development at this time into the evening. |
| | 4:30 - 5:15 | Shadow stretches along Sackville Street to the water front. |
| | 5:15 - 6:15 | Shadow reaches summit place on the water front where it begins to blend with shadows from the Ralston Building |
| | 7:27 | Sunset (total hours of illumination - Sunrise to Sunset: 12hrs 12min March 21 and 12hrs 15min September 21) |

N.B. Subtract approximately 15 minutes from the above times for the Fall Equinox, 21 September

| Name/Date | Time(s) | Shadow location/ Characteristics |
|---------------------------|-----------------|---|
| Summer Solstice 21-Jun | 5:29AM | Sunrise. |
| | 6:00 | Shadow becomes visible across the top of Cambridge Suites hotel at Brunswick Street. |
| | 7:00 | Note: The Shadow will be completely in line with the smaller tower of the approved United Gulf Tower development at this time of day until approximately 8:45 when they begin to separate. |
| | 7:30 | The shadow touches down Sackville street. |
| | 8:00am - 2:00pm | Shadow on Sackville Street and continues travelling until well into the afternoon. |
| | 2:00 - 4:00 | Casts across the United Gulf Towers site at Granville and Sackville. Note: Once the Proposed United Gulf Towers are built the shadows will fall completely onto the smaller of the 2 towers until about 6:00pm when it will slip between the towers for approximately 1/2 an hour and then fall onto the larger of the 2 towers for the remainder of the evening. |
| | 4:00 | Shadow comes across Hollis Street into the parking lot next to the Ralston Building. |
| | 4:00 - 6:30 | Shadow creeps across the Ralston Building. |
| | 6:30 | Shadows touch down onto Lower Water Street. |
| | 6:30 - 8:00 | Begins to merge with the shadows of the Ralston Building along the water front reaching out to Bishops Landing at sunset. |
| | 9:02 | Sunset (total hours of illumination - Sunrise to Sunset: 16hrs 27min) |

| Name/Date | Time(s) | Shadow location/ Characteristics |
|-----------------|---------------|--|
| Winter Solstice | 7:47 | Sunrise. |
| 21-Dec | 9:15 | Shadow is merged with other shadows. |
| | 9:15 - 10:15 | Casting shadow across the Halifax Metro Center and the World Trade and Convention Center. |
| | 10:15 | Touches down onto Argyle Street. |
| | 10:15 - 11:15 | Shadow casts across the Grand Parade while merged with St. Pauls shadow. |
| | 11:15 | Crosses Barrington Street |
| | 11:15 - 1:15 | Comes across the Roy Building and the block at Barrington and Prince Street. |
| | 1:15 - 3:45 | Shadow leaves the Roy Building Block and stretches out to the Centinial Building at Granville And Sackville Street. |
| | 3:45 - 4:37 | Shadow is cast on buildings at Bedford Row and Sackville Street then mingle with other buildings shadows at the water front. Note: During this time when the approved United Gulf towers are built the shadows of this proposed development fall completely on the United Gulf Towers. |
| | 4:37 | Sunset (total hours of illumination - Sunrise to Sunset: 9hrs 10min) |