HALIFAX
REGIONAL MUNICIPALITY

P.O. Box 1749
Halifax, Nova Scotia
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Item No. 9.1
Halifax Regional Council
May 15, 2012

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY: Original Signed by

Mike Labrecque, Acting Chief Administrative Officer

DATE: April 23, 2012

SUBJECT: **Case 17534: Appeal of the Decision of the Design Review Committee Substantive Site Plan Approval, 1592 Barrington Street, Halifax**

ORIGIN

Appeal of the Design Review Committee's March 8, 2012 decision on a development proposal for 1592 Barrington Street, Halifax.

RECOMMENDATION

It is recommended that Halifax Regional Council uphold the decision of the Design Review Committee to approve, with two requested variances and a condition of approval, the qualitative elements of the substantive site plan approval application, as identified in Attachment A, for the proposed development of 1592 Barrington Street, Halifax.

BACKGROUND

Zoning & Process

The subject property at 1592 Barrington Street, Halifax, is zoned DH-1 (Downtown Halifax) under the Land Use By-law for Downtown Halifax. The site plan approval process applies to new building construction in downtown Halifax and is regulated under the *HRM Charter* and the Downtown Halifax Land Use By-law. The process requires approvals by the Development Officer and the Design Review Committee and includes a notification and appeal mechanism to Regional Council.

Development proposals must conform to the land use and building envelope requirements of the Land Use By-law, as well as meet the requirements of the By-law's Design Manual. Land use and building envelope matters are subject to the approval of the Development Officer, while the Design Review Committee, established under the Downtown Halifax Land Use By-law, is the body responsible for making decisions relative to a proposal's compliance with the requirements of the Design Manual. When a proposal satisfies both sets of requirements and any appeals are abandoned or disposed of, the Development Officer may then approve a development permit. It is important to note that the *HRM Charter* provides that only the decision of the Design Review Committee may be appealed to Council. There is no appeal of the aspects of the proposal that relate to the Development Officer's approval.

A flow chart outlining the steps involved in the site plan approval process for Downtown Halifax is provided in Attachment B. An overview of the key process components is as follows:

- The proposal is reviewed by the Development Officer to confirm that it meets the standard requirements of the Land Use By-law for such matters as building height, step back, bulk, conformance with Citadel view planes, etc. Any requested site plan variances are also identified.
- The proposal is assessed by Planning Applications' staff for compliance with the Design Manual adopted under HRMbyDesign. A staff report and recommendation is submitted to the Design Review Committee (DRC).
- The DRC evaluates the application, and any requested site plan variances, against the requirements of the Design Manual and makes a decision to approve, approve with conditions or refuse the proposal.
- Where a proposal is approved by the DRC, notice is given to all assessed property owners within the Downtown Halifax Secondary Municipal Planning Strategy plan area boundary plus 30 meters. Any assessed owner may then appeal the decision of the DRC to Regional Council. If no appeal is filed, the Development Officer may then issue the development permit for the proposal.

Project Description

The existing building at 1592 Barrington Street is two storeys in height and is zoned DH-1. Although it is not a registered heritage property, the building at 1592 Barrington Street is located within the Barrington Street Heritage Conservation District. The applicant wishes to demolish this building (subject to Regional Council's approval) and construct a new, six storey building. The project has the following elements:

- the building is approximately 22 metres in height and will occupy almost the entire lot;
- the top two storeys are stepped back 3 metres from the front wall of the lower four storeys;

- there is landscaped open space within the stepped back area above the fourth storey and upon the upper roof, both of which are accessible areas for the tenants of the building; and
- the front of the building, facing Barrington Street, will be largely comprised of a glass curtain wall; and the main floor will be a retail space and the remaining floors will be office space.

Demolition Within Heritage Conservation District

The demolition of the existing building is not a matter that is subject to consideration by the Design Review Committee. This is to be decided by Regional Council, with input from the Heritage Advisory Committee (HAC) and staff. This portion of the proposal has been the subject of a separate staff report which the HAC has considered and recommended that the demolition request be approved by Regional Council. This item is scheduled to be considered by Regional Council following a public hearing on the matter on May 22, 2012. Should Council refuse the demolition application, the applicant may then appeal that decision to the Utility and Review Board.

Land Use By-Law

As set out in the Downtown Halifax Land Use By-Law, the Development Officer is responsible for determining whether a proposal meets the land use and built form requirements of the Land Use By-Law. The Development Officer has determined that the project meets these requirements. Apart from this, variances to the built form requirements may be granted by the Design Review Committee in accordance with the provisions of the Design Manual.

Design Review Committee

In the March 8, 2012 staff report (Attachment A) to the Design and Review Committee, staff recommended approval of the proposal in accordance with the Design Manual. The staff report outlines the rationale for this recommendation and includes an evaluation of the proposal against the applicable individual guidelines of the Design Manual. At their March 8, 2012 meeting, the Design Review Committee approved the proposal with two requested variances and a condition of approval as follows:

> "MOVED by Mr. Pinhey, seconded by Mr. Saleh that the Design Review Committee approve the variance to the height requirements for a rear stair enclosure that provides access to the upper roof. MOTION PUT AND PASSED.
>
> MOVED by Mr. McBride, seconded by Mr. Pinhey that the Design Review Committee approve the variance to the maximum height and upper storey setback requirements, in order to permit a handrail for landscaped open space areas that are above the fourth storey and the top roof. MOTION PUT AND PASSED.
>
> MOVED by Mr. Saleh, seconded by Ms. Saul that the Design Review Committee approve the qualitative elements of the substantive site plan approval application for the building proposed at 1592 Barrington Street, including the variances being sought, as shown on the plans identified as Attachment A of the February 24, 2012 staff report with the following condition:
> • that the prefinished metal siding be replaced with the black anodized panels on the south façade and on the north façade to the eastern edge of the lightwell. MOTION PUT AND PASSED."

DISCUSSION

In accordance with the *Downtown Halifax Land Use By-Law*, notice of the decision of the Design Review Committee was given to all assessed property owners within the Downtown Halifax Secondary Municipal Planning Strategy plan area boundary, plus those owners within 30 meters of the boundary.

On March 22, 2012, a notice of appeal (Attachment C) was filed by the adjacent property owner of the Tramway Building at 5212 Sackville Street. The notice states the following reasons for the appeal:

1) The proposed development includes construction to be partly situate and encroaches upon a passage and right-of-way adjacent to and immediately south of the Tramway Building. The use by the adjacent property owners has resulted in a prescriptive right over the passage and right-of-way to the adjacent owners for access to their properties.
2) The effect of the proposed development and in particular the portion of construction on the right-of-way is to interfere and block the view of the south side of the Tramway Building. Many of the architectural features of the building including, façade, window design, view and light from the interior of the building and other features of the Tramway Building will be interfered with and obscured.
3) The owner of the Tramway Building would not be permitted to interfere with or adversely affect the building as would result from the proposed development. The ability of others to do so should not be permitted.
4) The present and past structures on the site 1592 Barrington Street did not occupy or interfere with the passage and right-of-way adjacent to the Tramway Building. Incorporating the passage and right-of-way is not necessary for a harmonious design or development of the property at 1592 Barrington Street which can be accomplished without interfering with the unique and notable architecture of the Tramway Building.

Analysis of Appeal & Council's Discretion

In hearing an appeal, Council may make any decision that the Design Review Committee could have made, meaning their decision is limited to the application of the Design Manual appended to the Downtown Halifax Land Use By-law and any "site plan variances" pursuant to Part 3 of that Manual.

Many of the concerns raised in the notice of appeal stem from the location of the proposed building being partly situated and encroaching upon the passage and right-of-way adjacent to and immediately south of the Tramway Building. This right-of-way was formally established between the adjacent property to the rear, Neptune Theatre, and the subject property at 1592 Barrington Street. The right-of-way was extinguished in 1997, as agreed between the parties, in a release filed at the Registry of Deeds in Book 6119 at Pages 464-467. Notwithstanding this, the appellant believes that he has prescriptive rights over the same right-of-way. This is a private matter between the land owners and is not a matter which is subject to the approval of the Design Review Committee. If there is a prescriptive right to the easement as the appellant has indicated, that aspect may be pursued at any time through the applicant's own civil, legal action against the proponent.

Concerning the appellant's objections relative to the proposal blocking the view of the south side of the Tramway Building, the Land Use By-law provides that a proposed building of this scale and mass may be situated on this property in the location proposed; this has been confirmed by the Development Officer. As this is not a matter which is subject to the approval of the Design Review Committee, this aspect of the proposal cannot be considered by Council during their deliberations on the appeal.

Conclusion

The Design Manual outlines items which relate to the architecture and design of a proposed building. The Design Review Committee determined that this proposal met those requirements and approved the proposal with conditions.

Both the Development Officer and the Design Review Committee have approved the application based on the respective requirements of the Downtown Halifax Land Use By-law and Design Manual. The matters raised by the appellant in the notice of appeal are not material to the proposed building design as approved by the Design Review Committee. Accordingly, they are not matters that may be addressed by Council through the appeal process. As such, staff recommends that Regional Council uphold the decision of the Design Review Committee to approve the qualitative elements of the proposal as per their decision of March 8, 2012.

BUDGET IMPLICATIONS

The HRM costs associated with processing this application can be accommodated within the approved operating budget for 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

Community Engagement as described by the Community Engagement Strategy is not applicable to this process. The procedure for public notification is mandated by the *HRM Charter*. Where a decision of the Design Review Committee to approve a proposal is appealed, a hearing is held by Council which provides the opportunity for the applicant and the appellant(s) to speak to the proposal.

ALTERNATIVES

1. Regional Council may choose to uphold the decision of the Design Review Committee to approve, with two requested variances and a condition of approval, the qualitative elements of the substantive site plan approval application, as identified on Attachment A, for the proposed development of 1592 Barrington Street. This is the staff recommendation.

2. Regional Council may choose to approve the proposal with additional and/or different conditions. This may necessitate further submissions by the applicant, as well as a supplementary report from staff.

3. Regional Council may choose to overturn the decision of the Design Review Committee and refuse the application. Council must provide reasons for this refusal based on the specific guidelines of the Design Manual. This action would result in the refusal of the development permit by the Development Officer, which could then be appealed to the Utility and Review Board.

ATTACHMENTS

Attachment A: March 8, 2012 staff report to the Design Review Committee
Attachment B: Downtown Halifax Site Plan Approval Process
Attachment C: Notice of Appeal

A copy of this report can be obtained online at http://www.halifax.ca/council/agendasc/cagenda.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: Sean Audas, Development Officer, 490-4402

Report Approved by: _____
Kelly Denty, Manager Development Approvals, 490-4800

Financial Approval by: _____
Greg Keefe, A/Director of Finance & Information Technology/CFO, 490-6308

Report Approved by: _____
Marian Tyson, Acting Director of Legal & Risk Management, 490-4219

Original Signed

_____
Report Approved by: Brad Anguish, Director, Community and Recreation Services, 490-4933

7.1

HALIFAX
REGIONAL MUNICIPALITY

P.O. Box 1749
Halifax, Nova Scotia
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Attachment A

Design Review Committee
March 8, 2012

TO: Chair and Members of Design Review Committee

SUBMITTED BY: Peter Stickings, Acting Director, Planning and Infrastructure

DATE: February 24, 2012

SUBJECT: **Case 17534, Substantive Site Plan Approval – 1592 Barrington Street**

ORIGIN

Application by Lydon Lynch Architects

RECOMMENDATION

It is recommended that the Design Review Committee approve the qualitative elements of the substantive site plan approval application for the building proposed at 1592 Barrington Street, including the variances being sought, as shown on the plans identified as Attachment A.

EXECUTIVE SUMMARY

1592 Barrington Street is comprised of a two storey building that is proposed to be demolished and replaced with a six storey building. As the site is within the Barrington Street Heritage Conservation District, the demolition requires Regional Council's approval. The proposed building, which is the subject of this report, requires *Substantive Site Plan Approval* by the Design Review Committee based upon a review of the Design Manual of the Downtown Halifax Land Use By-Law.

The Heritage Advisory Committee has recommended to Regional Council the demolition of the existing building on the site.

To aid the Design Review Committee, this report provides analysis of the proposal against the criteria in the Design Manual. The new building has a contemporary style that contrasts with some of the more traditional buildings that are found in the heritage conservation district. The Design Manual has varied guidelines that can be subject to some interpretation in determining whether the proposed building is suitable. However, based upon review of the whole of the Design Manual, it is concluded and recommended that the new building be approved.

In addition to the approval of the design of the building, there are variances to the built-form requirements of the Land Use By-Law that are also sought through this application. They concern handrails around rooftop landscaped open space areas and a rear stairwell enclosure, both of which exceed the requirements of the By-Law. These have been reviewed against the variance guidelines of the Design Manual and are recommended to be approved.

BACKGROUND

Project Description

Major Elements:
1592 Barrington Street is located on the west side of Barrington Street, between the Tramway Building to the north, the Khyber Building to the south, and the Neptune Theatre to the west (Map 1). The project involves the demolition of an existing two storey building and the construction of a new six storey building (Attachment A). The project has the following elements:

- the building is approximately 22 metres in height and will occupy almost the entire lot;
- the top two storeys are stepped back 3 metres from the front wall of the lower four storeys;
- there is landscaped open space within the stepped back area above the fourth storey and upon the upper roof, both of which are accessible areas for the tenants of the building;
- the front of the building, facing Barrington Street, will be largely comprised of glass curtain wall; and
- the main floor will be a retail space and the remaining floors will be office space.

Information about the approach to the design of the building has been provided by the project's architect (Attachment B).

Through the application, two variances are sought as follows:

1. Variance to the height requirements for a rear stair enclosure that provides access to the upper roof; and
2. Variance to the maximum height and upper storey stepback requirements, in order to permit a handrail for the landscaped open space areas that are above the fourth storey and the top roof.

The demolition of the existing building is not a matter for consideration by the Design Review Committee. This will be decided by Regional Council, with input from the Heritage Advisory Committee and staff. This has been the subject of a separate staff report (the Heritage Staff Report). The Heritage Advisory Committee has considered this report and on February 22, 2012, recommended that the demolition request be approved by Regional Council.

Regulatory Context

The Site and the Land Use By-Law

The following are relevant to note from a regulatory context:

- the site is within the DH-1 Zone;
- the site is within the Barrington Street Heritage Conservation Precinct; and
- the maximum permitted building height is 22 metres.

Substantive Site Plan Approval:
In accordance with the substantive site plan approval process, as set out in the Downtown Halifax Land Use By-Law, the Development Officer is responsible for determining if a proposal meets the land use and built form requirements of the Land Use By-Law. With respect to this, aside from the variances being sought, the Development Officer has determined that the project meets these requirements. The role of the Design Review Committee is to determine if the proposal should be approved with respect to the:

- design guidelines in the Design Manual; and
- the criteria in the Design Manual for the issuance of variances to the built form requirements.

A report about the expected wind impacts of the proposal has been submitted and has been found to be acceptable by HRM's Development Office (Attachment B, pg. 20). The Design Review Committee has the ability to comment on this report if they have any issues with its findings.

DISCUSSION

Design Manual Guidelines

It is important to consider the merits of a project against the whole of the Design Manual; its overall objectives. Nevertheless, an evaluation of the project against the applicable individual guidelines is found in Attachment C (table format). The table indicates whether the project complies with a particular guideline. In addition, it identifies circumstances where there are different possible interpretations of how the project may relate to a guideline or where additional explanation is warranted (discussion) and where a guideline does not apply (N/A).

The bulk of the matters that have been highlighted as *discussion* items for this project, concern the contemporary design of the building with respect to it being in the Barrington Street Heritage Conservation District and, more particularly, with regard to the heritage guidelines contained in the Design Manual. The guidelines are intentionally flexible therefore differing interpretations of whether the proposal is suitable are possible. The design rationale from the project's architect highlights a number of Design Manual guidelines that support the proposed building. Conversely, HRM and the Design Review Committee have received a submission from the Heritage Trust of Nova Scotia that the new building does not meet certain conditions of the Design Manual. The HRM staff review and recommendation on this matter is contained in the Heritage Staff Report that was submitted to the Heritage Advisory Committee.[1] Relevant excerpts from that report follow:

> "The new building would be a contemporary, predominantly glass curtain wall structure, with the major components of its front façade - the retail storefront, the glass streetwall, the brick-faced 'slot' adjoining the Khyber building, and the stepped back upper storeys - all defined within a heavy black aluminum frame. This differs from the material character and traditional compositional order of the adjacent Tramway and Khyber buildings and all of the other buildings in the streetscape between Sackville and Blowers Streets. However, the new building design makes reference to the architecture of the adjacent buildings through a combination of literal similarity (e.g., the brick 'slot' beside the brick-built Khyber), and a more abstracted similarity (e.g., the subtle glazing subdivisions within the glass curtain wall which suggest traditional window proportions without traditional windows, and the solid line of the dark aluminum frame at the top of the façade which suggests a traditional cornice).
>
> Abstract referencing of historic architecture is a modernist architectural technique in which the compatibility of the new and old is suggested by the reduction of composite form to abstract shape, and where similarities of abstract composition and alignments of horizontal features, etc., are used to relate new buildings with old buildings in the absence of a shared structural, compositional, or material similarity.[2] This referential approach to contemporary design in the heritage context is envisioned in the Downtown Halifax LUB Design Manual in phrases such as
>
> > "*ensure that windows in new buildings respond to, or reference, traditional fenestration patterns*" (guideline 2.5i) ... "*achieve the objectives of the precinct through accurate architectural reproduction or through expressions of contemporary architecture*" (2.5k) ... and ..."*elements of*

[1] The full Heritage Staff Report is found at http://www.halifax.ca/boardscom/hac/documents/TipTopReport.pdf. In the Heritage Staff Report certain guidelines have been highlighted as both "Complies" and "Discussion" items in the table. Consistent with past Design Review Committee reports, this report identifies these guidelines as matters for "Discussion".

[2] See *Sense of Place: Design Guidelines for New Construction in Historic Districts*, Preservation Alliance for Greater Philadelphia, 2007, p.7

new building design and façade articulation can respond to specific heritage elements with new interpretations or traditions" (4.1).

The approach is also used as a way of addressing the indication that new work should be *"differentiated from, yet compatible with"* the old (preamble to section 4.1, new development heritage contexts, paragraph 7).

On this basis, Staff concurs with the applicant's design rationale and agrees that the proposed building meets the guidelines, as indicated in Attachment F.[3]

Areas Requiring Discussion and Discretionary Consideration

Before highlighting the areas where discussion by the Committee should occur, Staff wishes to outline the approach used to review the proposed building under the guidelines. The applicant's Design Rationale argues that the proposed building conforms to the design guidelines and is predicated on an interpretation of the provisions under which contrasting design elements are appropriate, therefore, supporting the applicant's contemporary design for the replacement building. The Design Manual contains the flexibility to allow consideration of this approach in the Downtown Plan area. However, an alternative interpretation of the guidelines for infill development would suggest that, in the context of the Barrington Street Heritage Conservation District, a building incorporating design elements of neighbouring buildings may be called for. It falls within the mandates of both the Heritage Advisory Committee and the Design Review Committee to consider how the guidelines should be interpreted and applied in this context with respect to this application. It can generally be stated that if the flexibility inherent in the guidelines allows the project to be approved, then the project should be approved. This is the basis of staffs' positive recommendation.

Guidelines respecting Visual Consistency with Prevailing Character

The design guidelines indicate that infill buildings in a heritage district should be consistent with the prevailing heritage character of the district. This is expressed in the preamble to section 4.2 (Guidelines for Infill) which states that "*these guidelines will ensure visual consistency as seen from the public realm*" and that "*where there is a contiguous environment, new development needs to reinforce and be consistent with the prevailing character of the heritage resources as a group.*" Similarly, section 2.5 (General Criteria for Precinct 5, Barrington Street HCD) indicates that new development should be supportive of and harmonious with the established historic character by respecting the traditional appearance and proportions of upper facades (2.5.h), the importance of traditional windows (2.5.i), and by using traditional materials (2.5.j).

The prevailing character of the Sackville-to-Blowers streetscape into which the proposed new building would be inserted is one of contiguous masonry buildings,

[3] Attachment C of this Report.

designed in a variety of styles but unified by vertically proportioned facades with well-defined structural bays; punched (recessed) window openings arranged symmetrically and rhythmically in singles, pairs, or triplets within the structural bays; and with a strong similarity in terms of the ratio of solidity to transparency. The proposed new building would have a façade comprised predominantly of glass curtain wall which, if the guidelines are to be interpreted literally, would not reinforce or be consistent with the prevailing character of this contiguous group of 19th and early 20th century buildings. It is also noted that the former Canada Permanent (now Starbucks) building located on the other side of Sackville Street on the corner of the next block is a 1950s curtain wall building.

Guidelines Respecting Traditional Materials and Relationships of Solidity to Transparency

Section 4.1 (New Development in Heritage Contexts) encourages contemporary design but emphasizes that the key to a "*good fit*" lies in new buildings being compatible with the character of the district or the immediate context (4.1.2), neighbourly and respectful rather than idiosyncratic while at the same time respecting current design philosophy (4.1.3), incorporating traditional materials (4.1.4) and window proportions (4.1.5), and carefully choosing a proportionate relationship of solidity to transparency that fits with that found in neighbouring heritage buildings (4.1.6) along with related detailing (4.1.7). Section 4.2 (Guidelines for Infill) includes more specific guidelines which indicate that the streetwall of new buildings should maintain established window proportions (4.2.4) and utilize similar material to existing heritage resources (4.2.5), so as to be consistent with the neighbouring historic architectural context. Section 4.2.6 encourages infill buildings to maintain a streetwall consistent with the surroundings while permitting greater freedom of material choice and design expression in the upper level stepback area, above the consistent streetwall."

While noting that there can be differing interpretations of the Design Manual guidelines, the Heritage Staff Report finds there are allowances for contemporary buildings and that the proposed design meets the conditions of the Design Manual. This is consistent with the findings of planning staff.

Variances

The following variances to the quantitative requirements of the Land Use By-Law are being sought:

Maximum Height and Setback (Rear Stairwell Enclosure):

The proposed building includes a stairwell enclosure that provides access to the roof where a landscaped open space area is located. The stairwell enclosure extends 8 feet (2.4 m) above the roof, which is at a height of just under 22 m. It is flush with the rear wall and the north wall of the proposed building. The Land Use By-Law allows for features such as elevator enclosures to exceed the maximum permitted height, but this allowance does not include stairwell enclosures. Furthermore, such features are required to be located a minimum of 3 m from the outermost edge of a roof.

There have been two separate variance requests pursuant to the rear stairwell enclosure, to address the height of the enclosure and its proximity to the edge of the building. However, in essence, the stairwell enclosure can be considered through a single variance to the maximum height requirement. The reason for this is that if the increased height is permitted, there is not a requirement for the stairwell enclosure to be setback from the edge of the roof.

The Design Manual provides the following context for considering a variance to the maximum height requirement:

> "3.6.8 Maximum Height Variance
>
> Maximum building height may be subject to modest variance by Site Plan Approval where:
> a. the maximum height is consistent with the objectives and guidelines of the Design Manual; and
> b. the additional building height is for rooftop architectural features and the additional height does not result in an increase in gross floor area;
> c. the maximum building height is less than 1.5 metres below the View Plane or Rampart height requirements;
> d. where a landmark building element is provided pursuant to the Design Manual; or
> e. where the additional height is shown to enable the adaptive re-use of heritage buildings."

It is recommended that the maximum height variance be approved on the basis that the stairwell enclosure is consistent with criteria (a) and (b). The objectives and guidelines of the Design Manual call for landscaped rooftop areas and the staircase enclosure provides a means of accessing this area of the building. The overall rooftop landscaped area and its means of access, should be viewed as an architectural feature that does not result in additional floor area.

Maximum Height Variance and Upper Storey Stepback Variance (Handrails):
The handrails on the upper rooftop, and the area above the fourth floor stepback, exceed the requirements of the Land Use By-Law. The handrail on the upper roof can be considered under the same *Maximum Height Variance* criteria that are noted above. Further to this, the handrail is acceptable pursuant to criteria (a) and (b) in that:

- it is associated with a landscaped open space area, which is a feature that is called for in the Design Manual; and
- the handrail can be considered to be a rooftop architectural feature that does not result in an increase in gross floor area.

The handrail above the fourth floor landscaped open space area is considered to be a variance to the *Upper Storey Stepback* requirement. The Design Manual provides the following context for considering this type of variance:

"**3.6.5 Upper Storey Streetwall Stepback Variance**

Upper storey streetwall stepbacks may be varied by Site Plan Approval where:
a. the upper storey streetwall setback is consistent with the objectives and guidelines of the Design Manual; and
b. the modification results in a positive benefit such as improved heritage preservation or the remediation of an existing blank building wall."

Staff has determined that the handrail is acceptable because it is associated with a landscaped open space area, which is a feature that is called for in the Design Manual and that as such, there is a positive benefit to its installation.

Based on a review of the Design Manual, it is recommended that the maximum height and upper storey stepback variances for the handrails be approved.

BUDGET IMPLICATIONS

The HRM costs associated with processing this planning application can be accommodated within the approved operating budget for C310.

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 and the requirements of the Downtown Halifax LUB regarding substantive site plan approvals. The level of engagement was information sharing, achieved through the HRM website, the developer's website, public kiosks at HRM Customer Service Centres, and a public open house.

ALTERNATIVES

1. The Design Review Committee may choose to approve the application for substantive Site Plan Approval as submitted. This is the recommended course of action.

2. The Design Review Committee may choose to approve the application with conditions. This may necessitate further submissions by the applicant, as well as a supplementary report from staff.

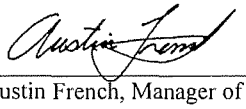
3. The Design Review Committee may choose to deny the application. The Committee must provide reasons for this refusal based on the specific guidelines of the Design Manual.

ATTACHMENTS

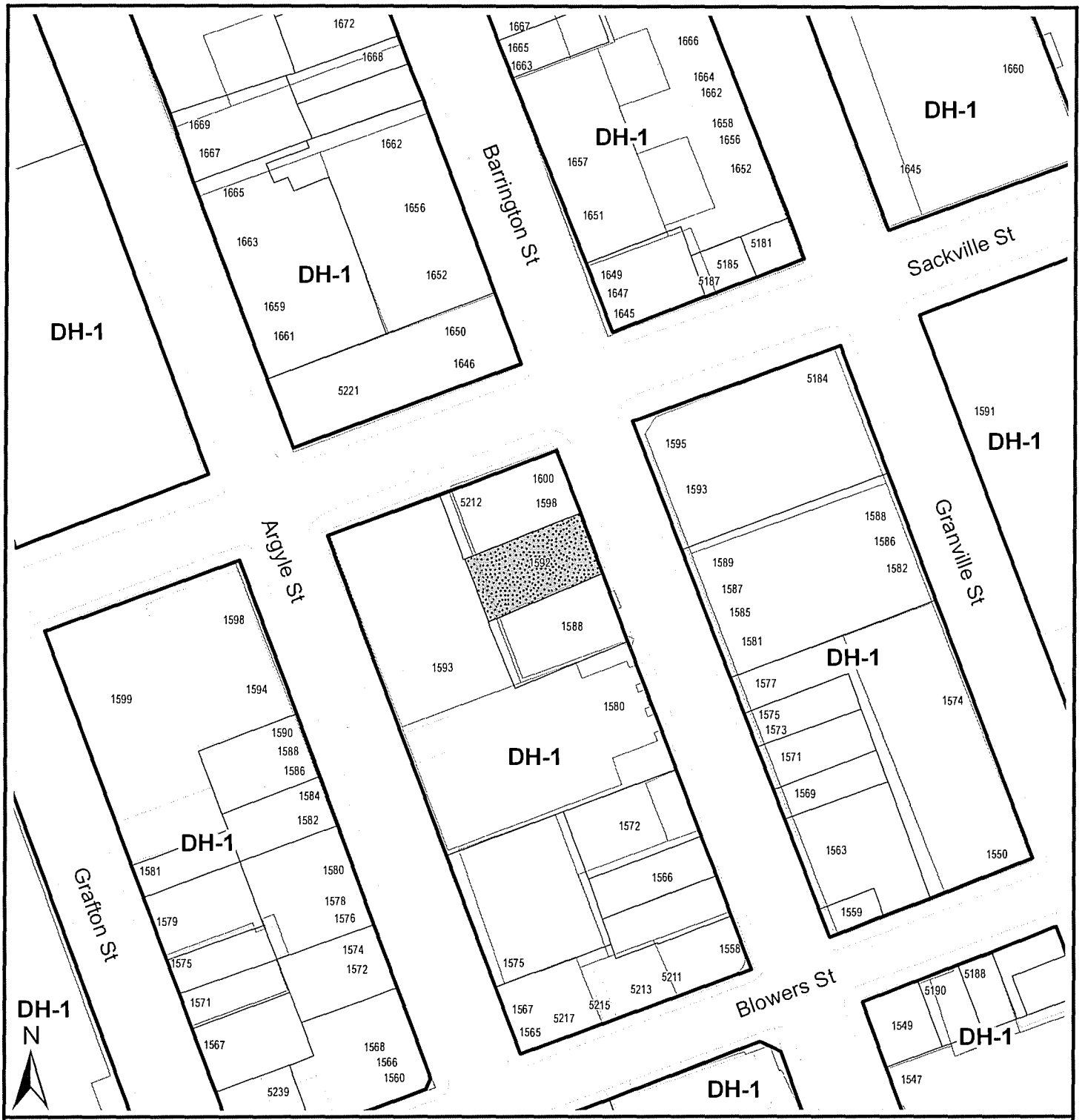
Map 1	Location and Zoning
Attachment A	Site Plan Approval Plans
Attachment B	Supporting Information
Attachment C	Design Manual Checklist

A copy of this report can be obtained online at http://www.halifax.ca/boardscom/DesignReviewCommittee-HRM.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: Austin French, Manager of Planning Services, 490-6717



Map 1 - Location and Zoning

1592 Barrington Street
Halifax

HALIFAX
REGIONAL MUNICIPALITY
COMMUNITY DEVELOPMENT
PLANNING SERVICES

Subject area

0 30 m

Zone

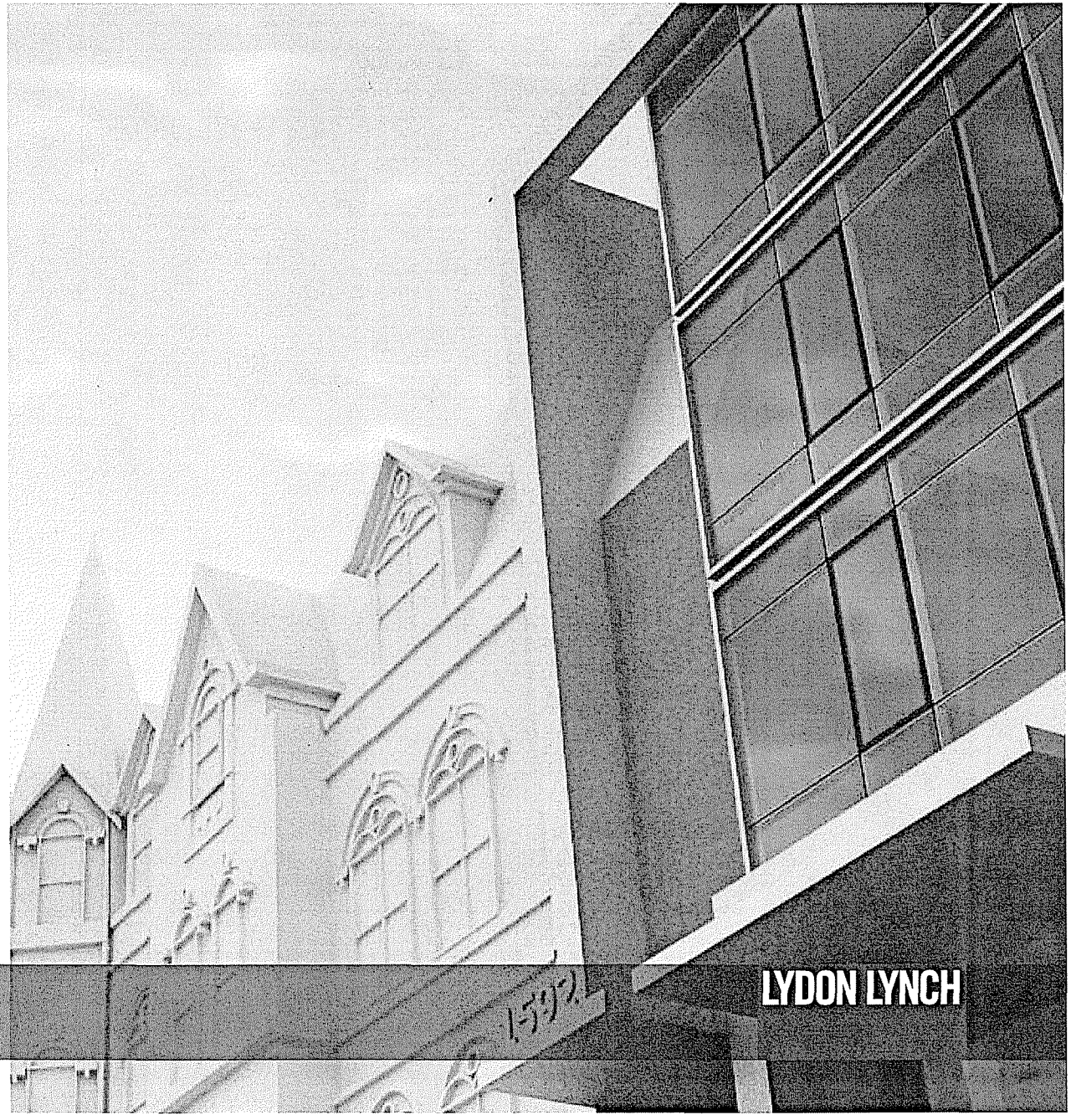
This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.

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

Downtown Halifax Plan Area — DH-1 Downtown Halifax 1

24 February 2012 — T:\work\planning\hilary\casemaps\DHFX\Misc\1592Barr (HEC)

ATTACHMENT A

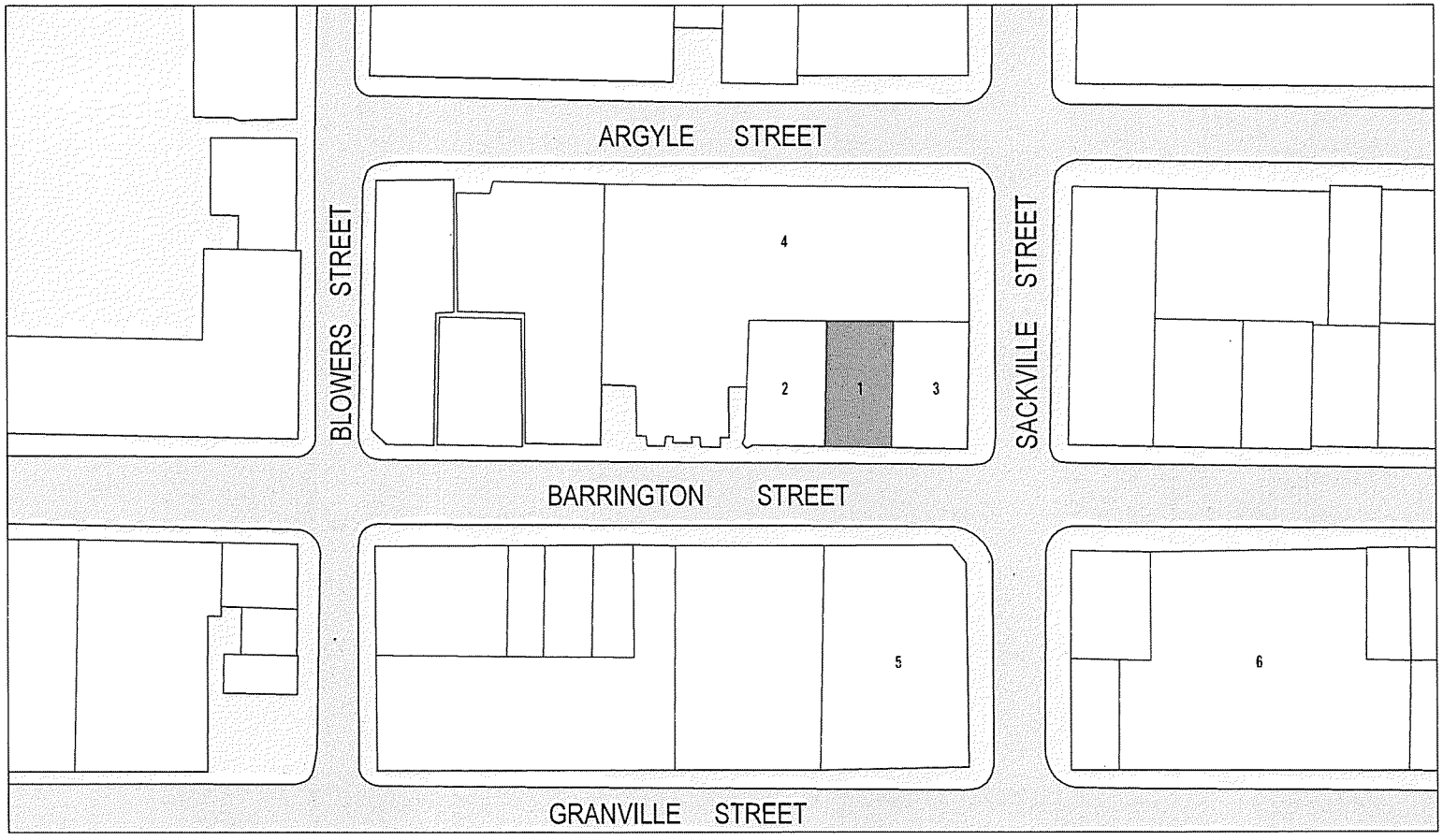


1592 BARRINGTON STREET

HRM SITE PLAN APPROVAL: DRAWINGS

January 18, 2012

LYDON LYNCH



1 PROPOSED DEVELOPMENT SITE
2 KHYBER BUILDING
3 TRAMWAY BULDING
4 NEPTUNE THEATRE
5 DISCOVERY CENTRE
6 ROY BUILDING

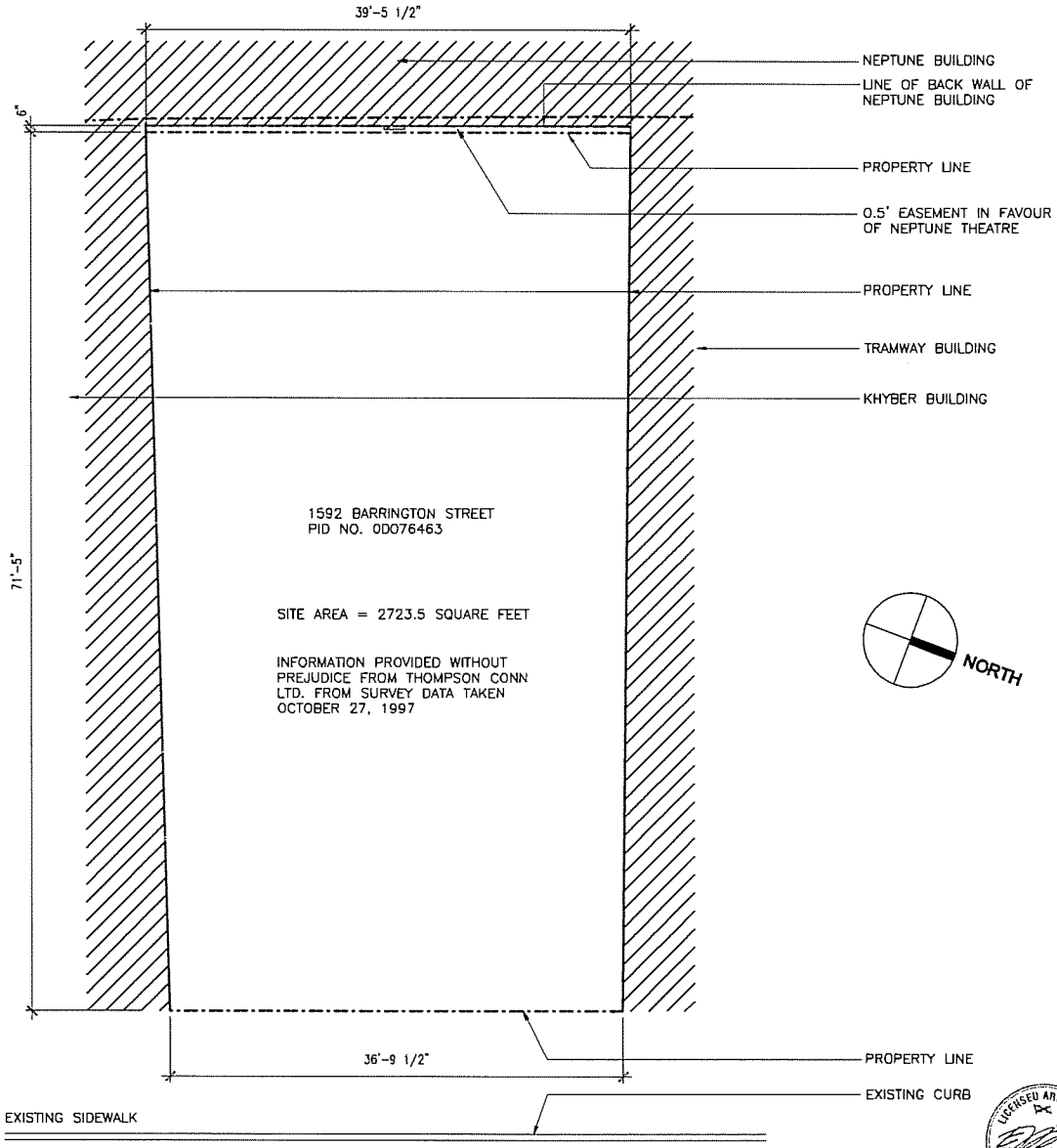
CONTEXT PLAN

1592 BARRINGTON STREET
HRM SITE PLAN APPROVAL

January 18, 2012

LICENSED ARCHITECT
NOVA SCOTIA ASSOCIATION OF ARCHITECTS

LYDON LYNCH



3/32" = 1'-0"

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LICENSED ARCHITECT

SITE PLAN / SURVEY

1592 BARRINGTON STREET
HRM SITE PLAN APPROVAL

January 18, 2012

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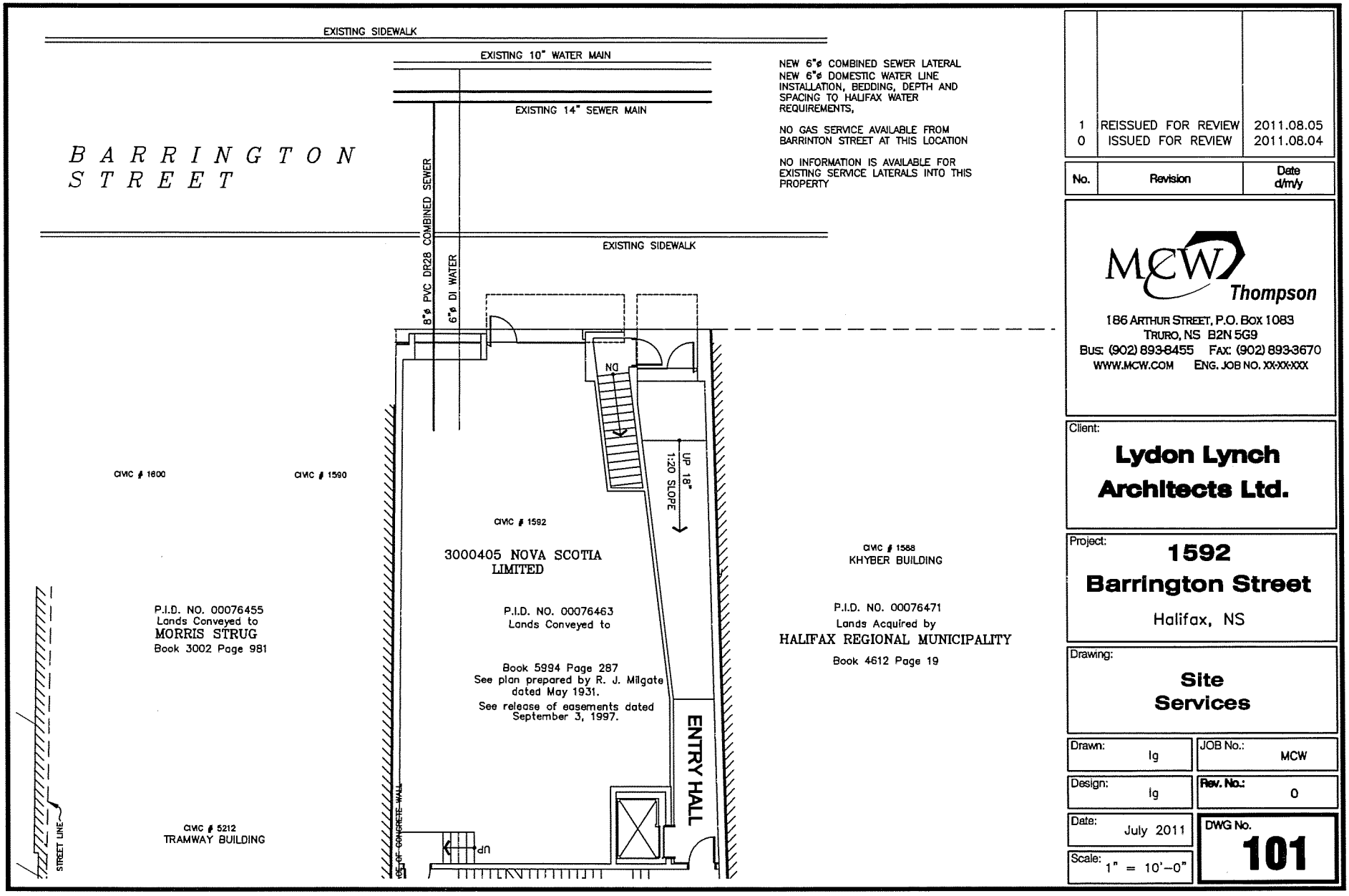


No.	Revision	Date d/m/y
1	REISSUED FOR REVIEW	2011.08.05
0	ISSUED FOR REVIEW	2011.08.04

MCW Thompson
186 Arthur Street, P.O. Box 1083
Truro, NS B2N 5G9
Bus: (902) 893-8455 Fax: (902) 893-3670
www.mcw.com Eng. Job No. XX-XX-XXX

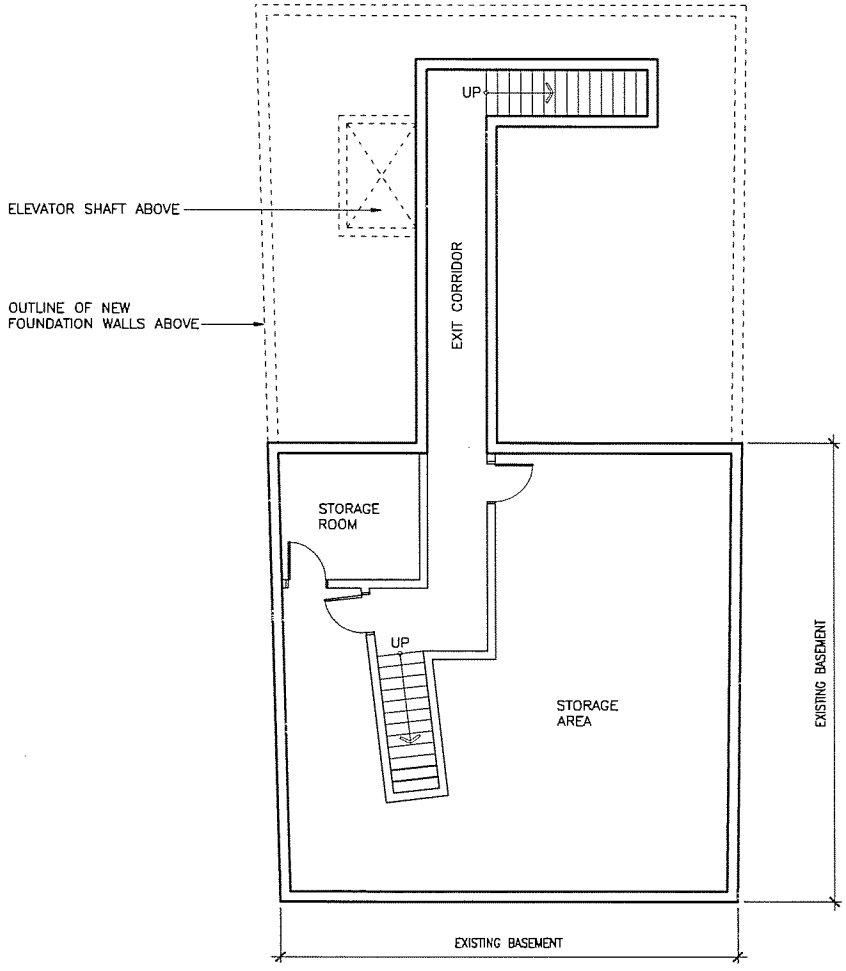
Client:
Lydon Lynch Architects Ltd.

Project:
1592 Barrington Street
Halifax, NS

Drawing:
Site Services

Drawn: lg	JOB No.: MCW
Design: lg	Rev. No.: 0
Date: July 2011	DWG No. 101
Scale: 1" = 10'-0"	

F:\Work\2011\11-xxx Barrington St Lydon Lynch\1592 barrington - prelim site.dwg Aug 05, 2011 - 11:04am



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BASEMENT PLAN

1592 BARRINGTON STREET

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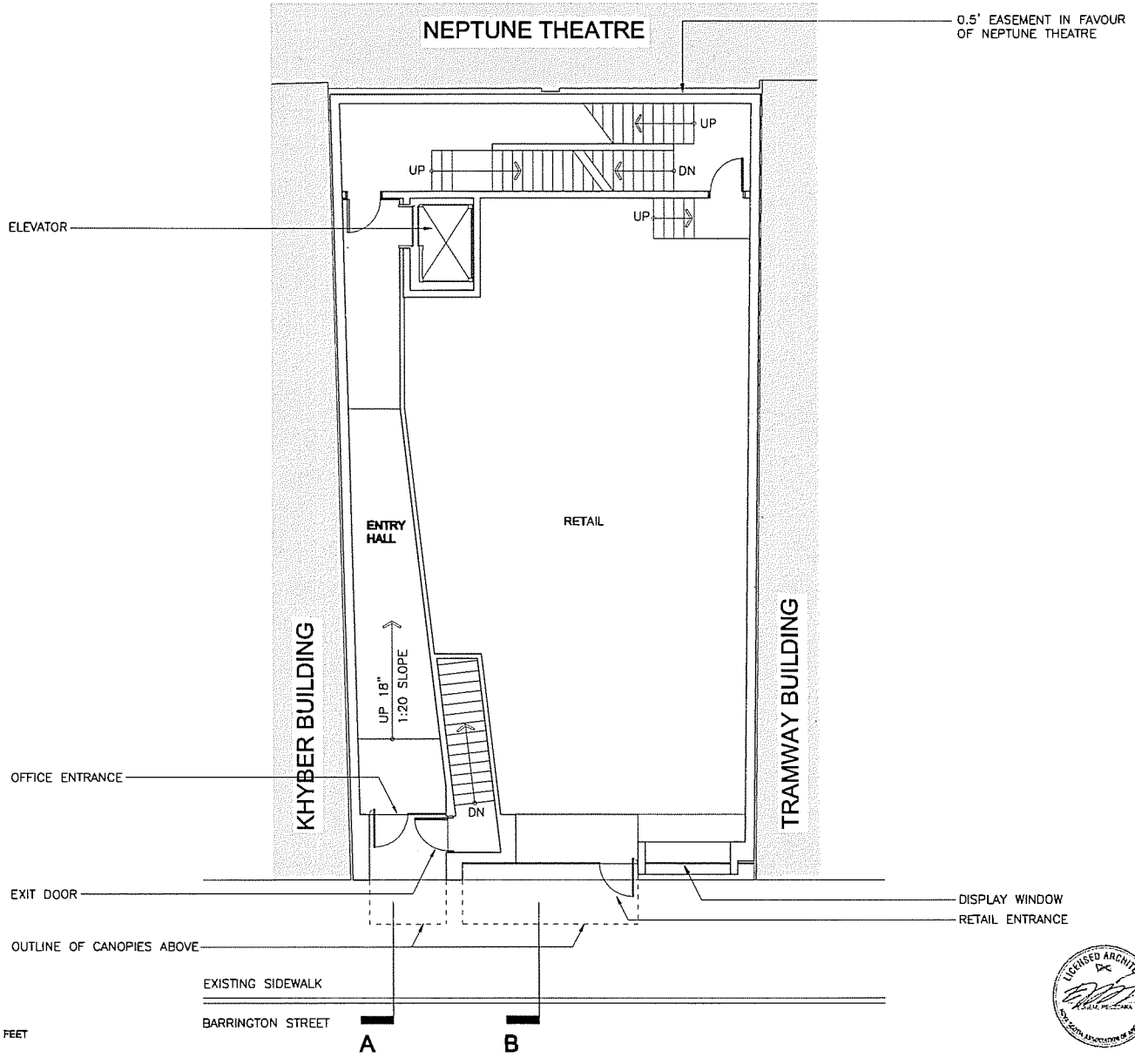

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GROUND FLOOR PLAN

1592 BARRINGTON STREET

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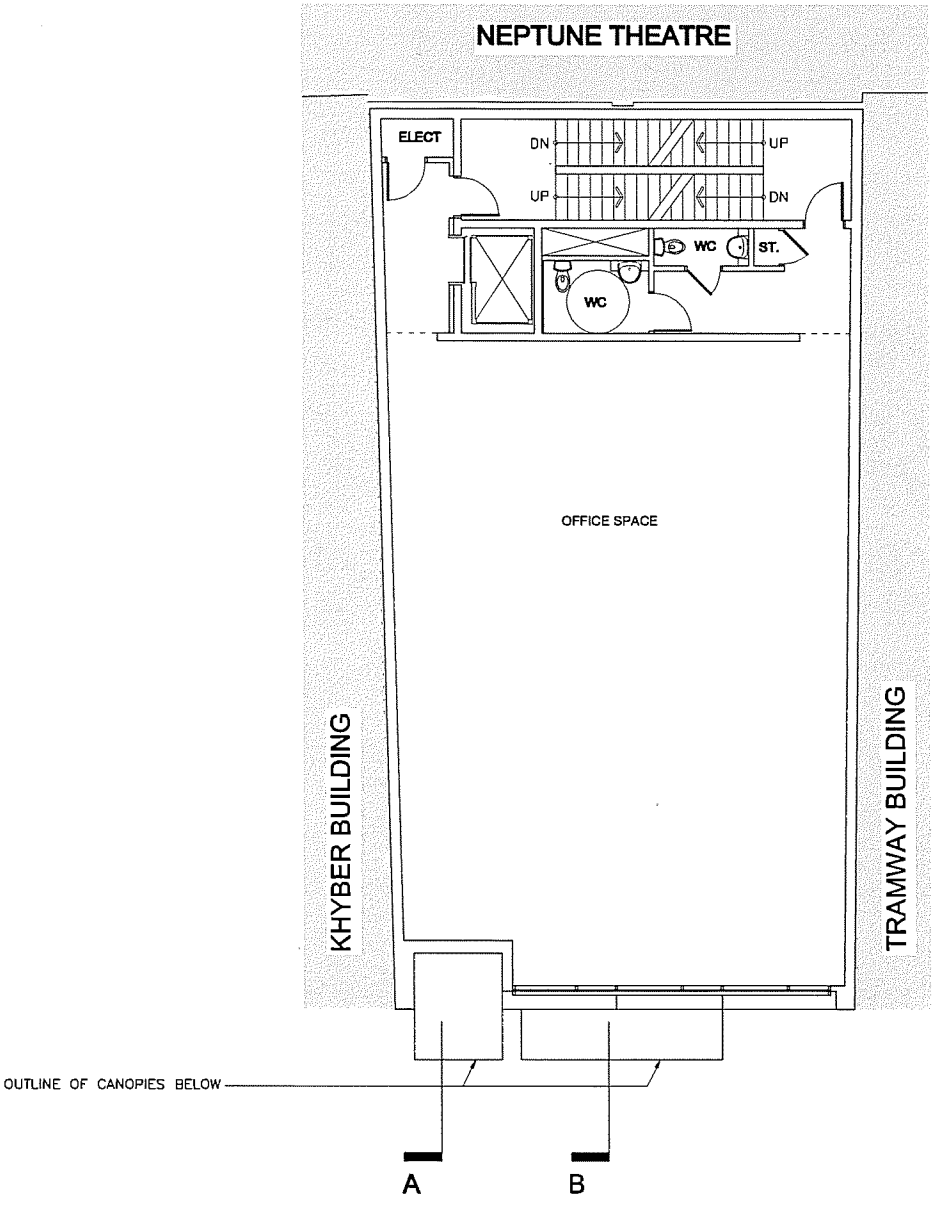

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2ND / 3RD / 4TH FLOOR PLAN

1592 BARRINGTON STREET
HRM SITE PLAN APPROVAL

January 18, 2012

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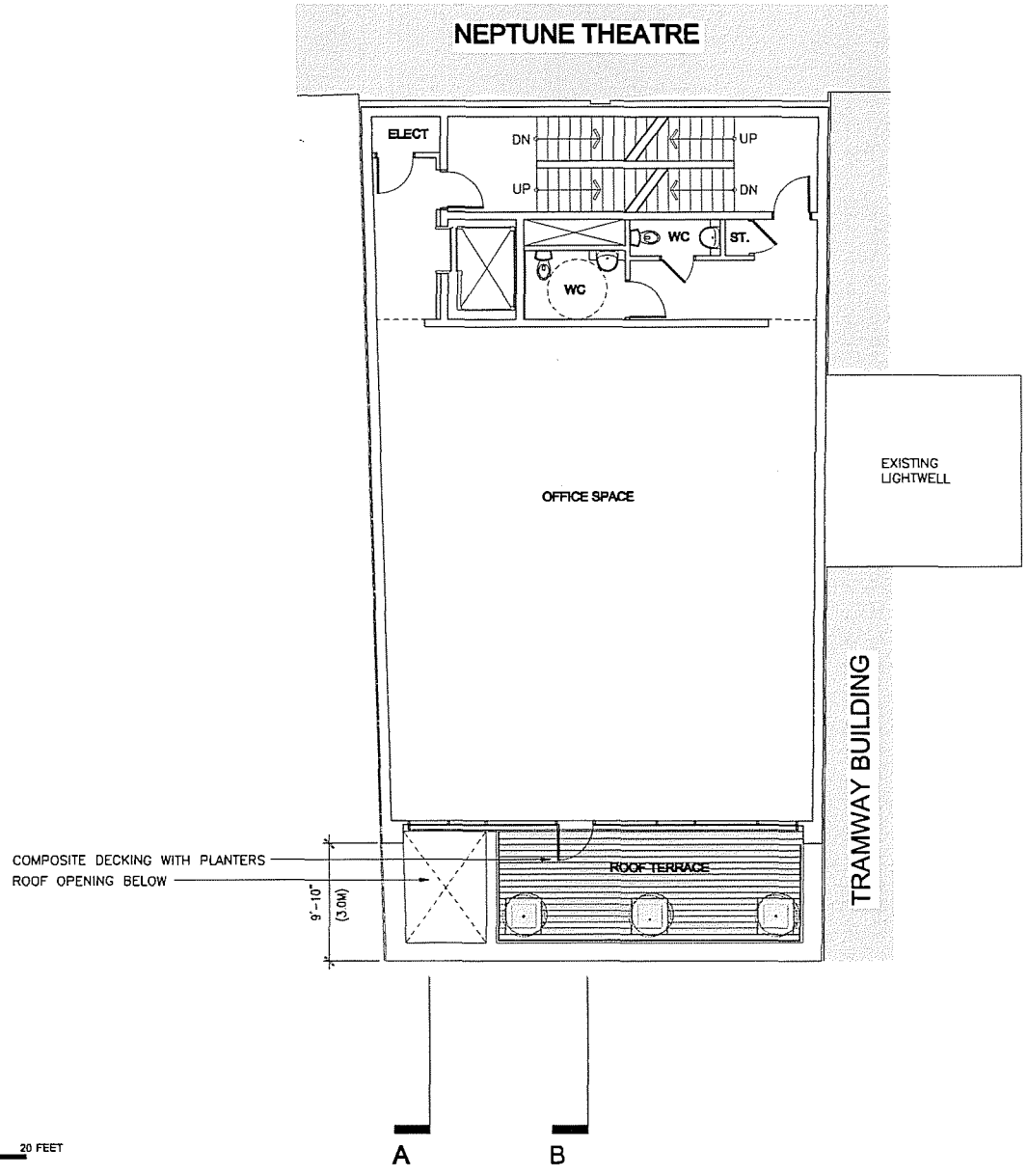

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5TH FLOOR PLAN

1592 BARRINGTON STREET
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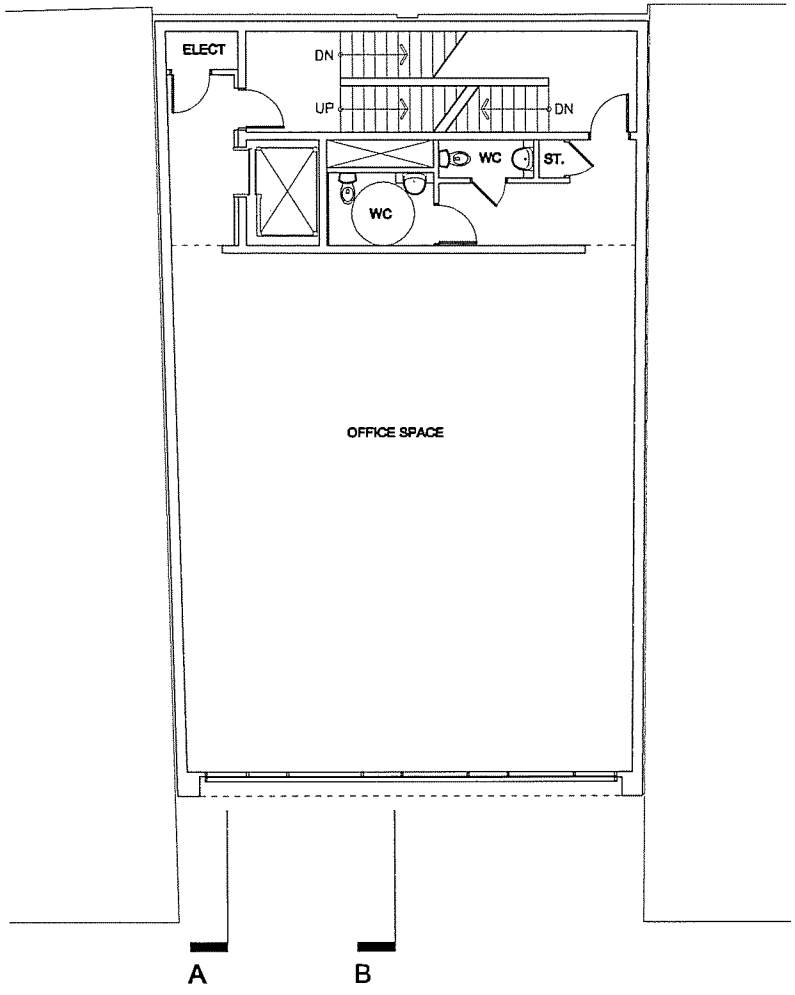

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6TH FLOOR PLAN

1592 BARRINGTON STREET

HRM SITE PLAN APPROVAL

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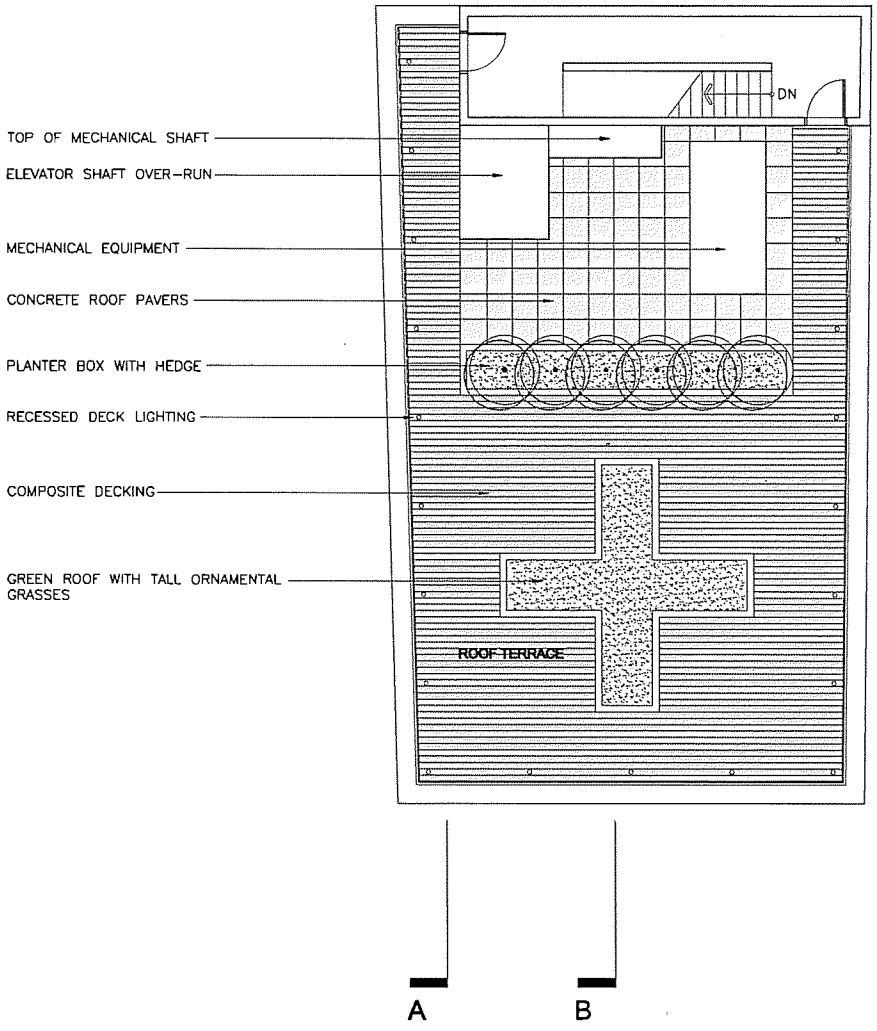

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ROOF PLAN

1592 BARRINGTON STREET
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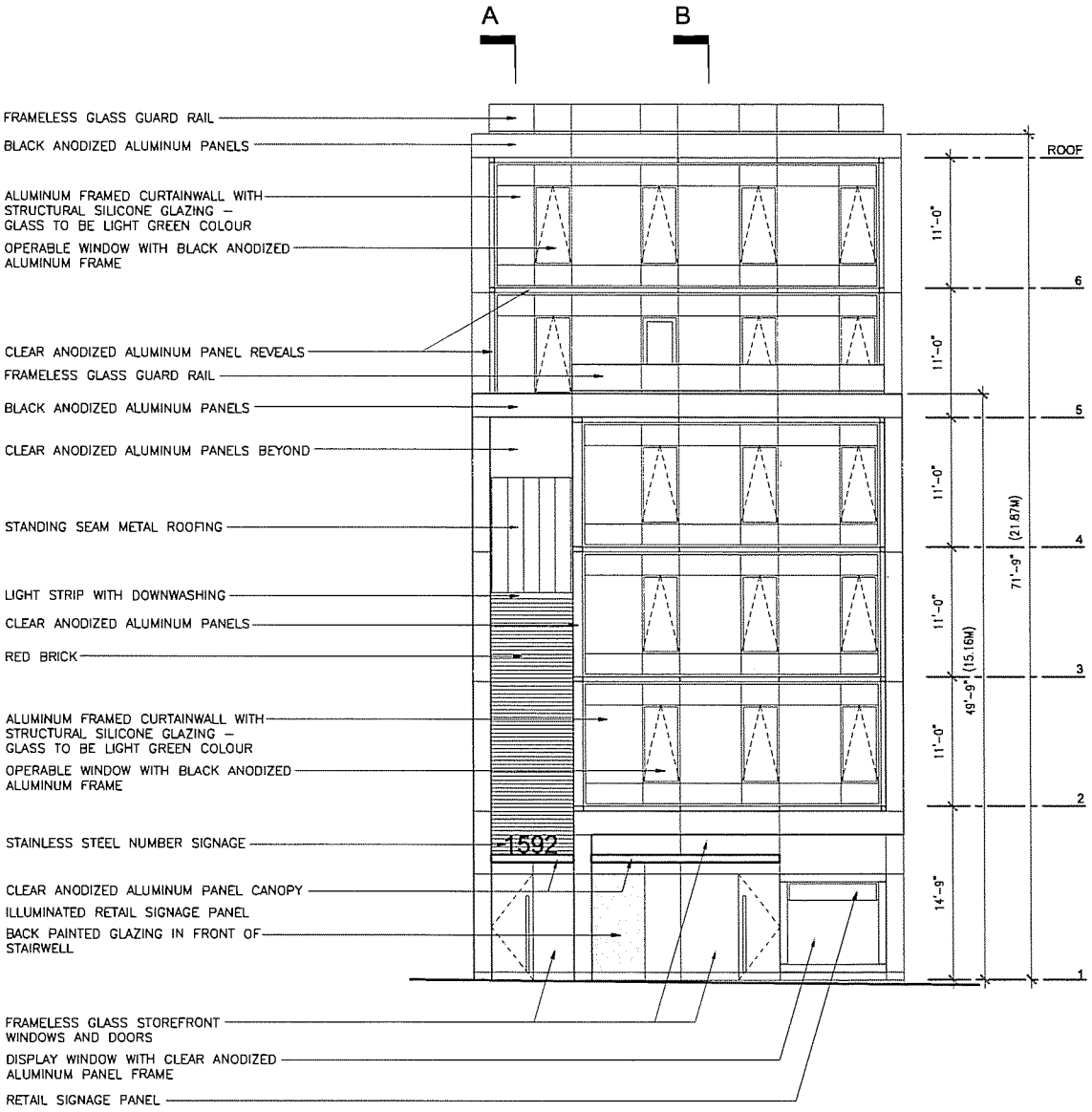

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EAST ELEVATION

1592 BARRINGTON STREET
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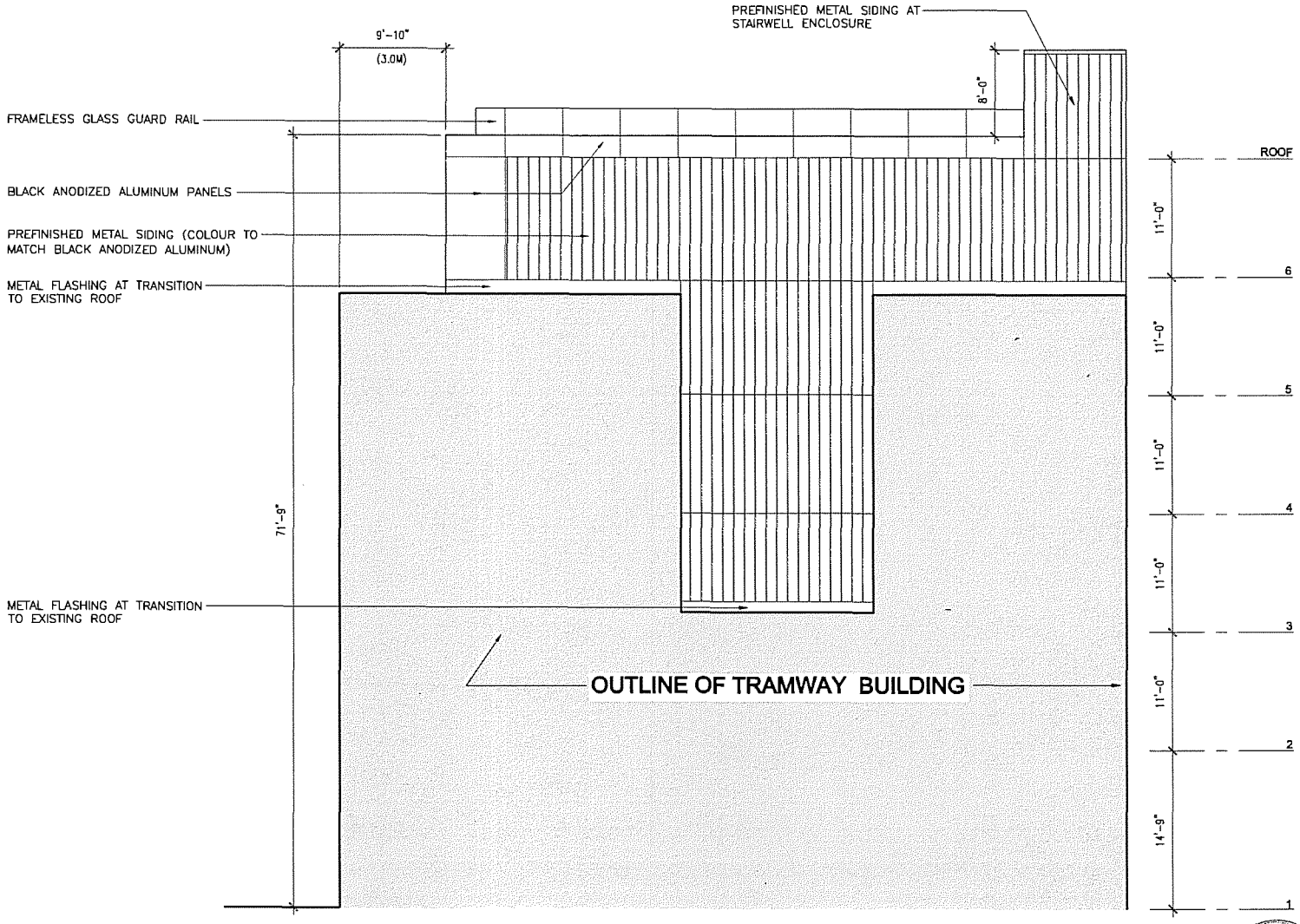

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NORTH ELEVATION

1592 BARRINGTON STREET
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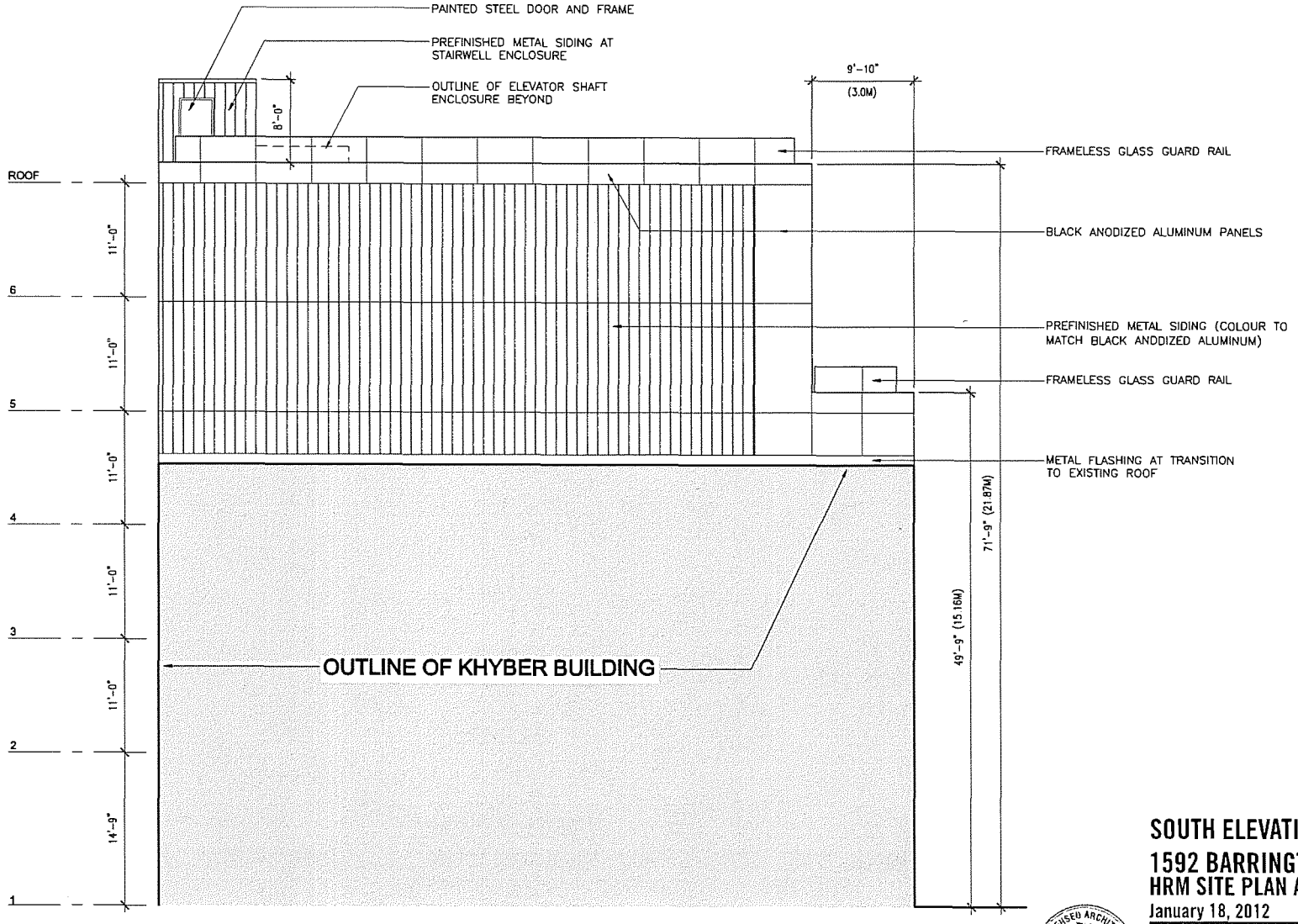

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SOUTH ELEVATION

1592 BARRINGTON STREET
HRM SITE PLAN APPROVAL

January 18, 2012

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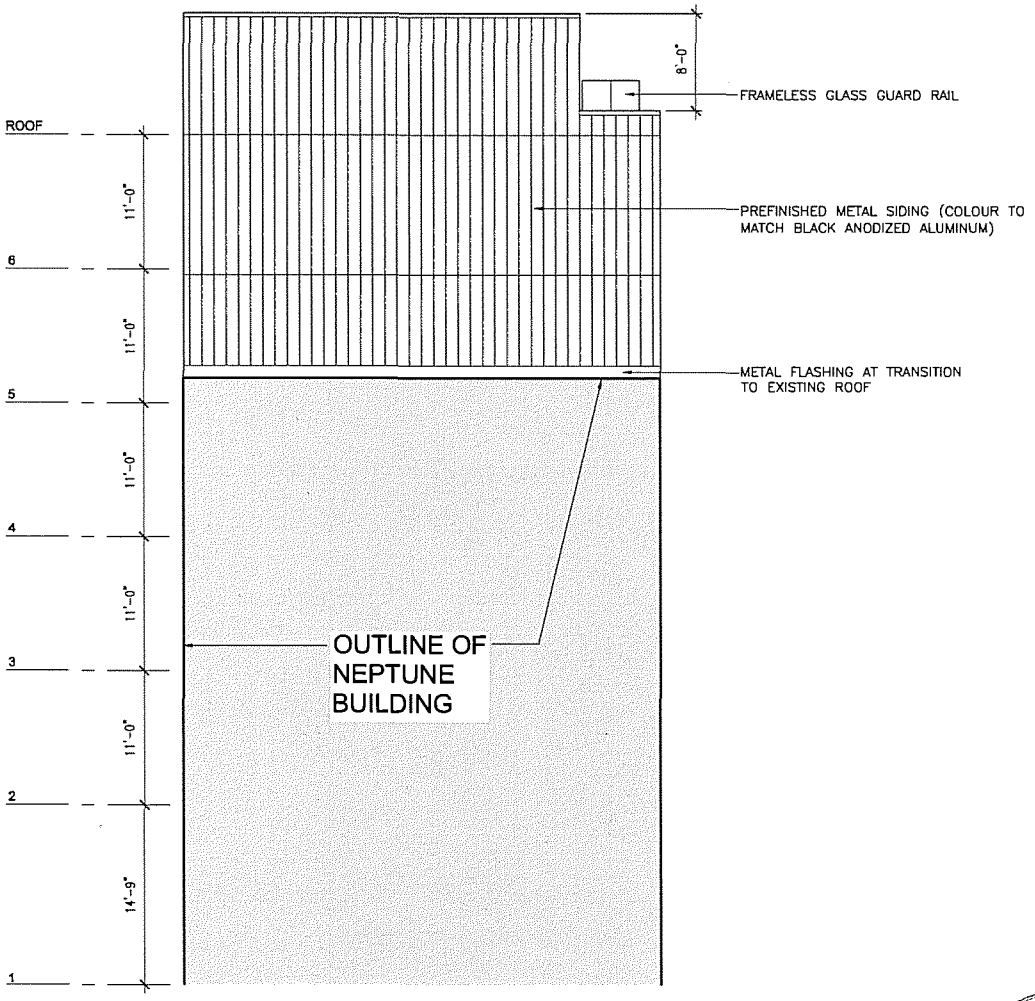

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WEST ELEVATION

1592 BARRINGTON STREET
HRM SITE PLAN APPROVAL

January 18, 2012

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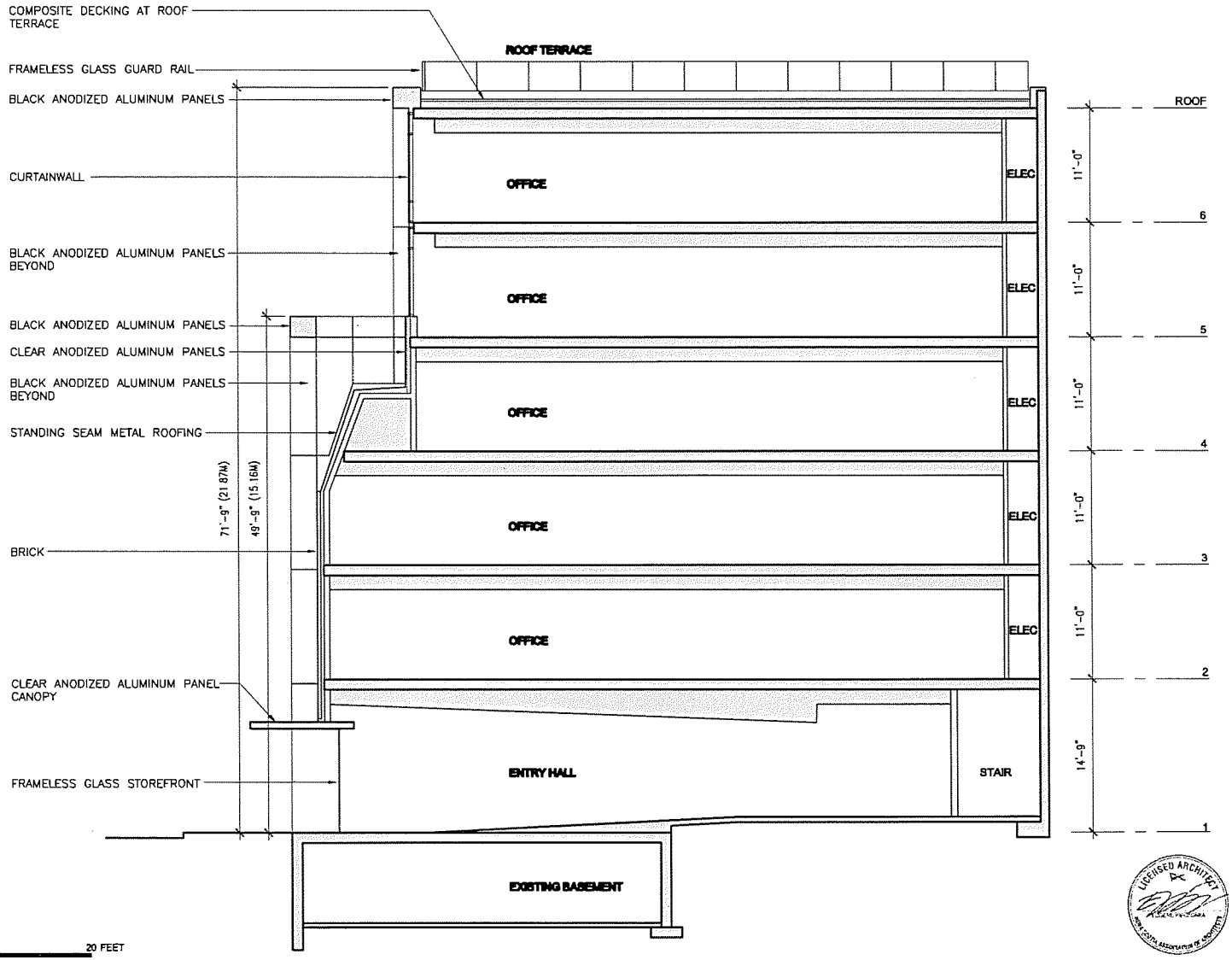

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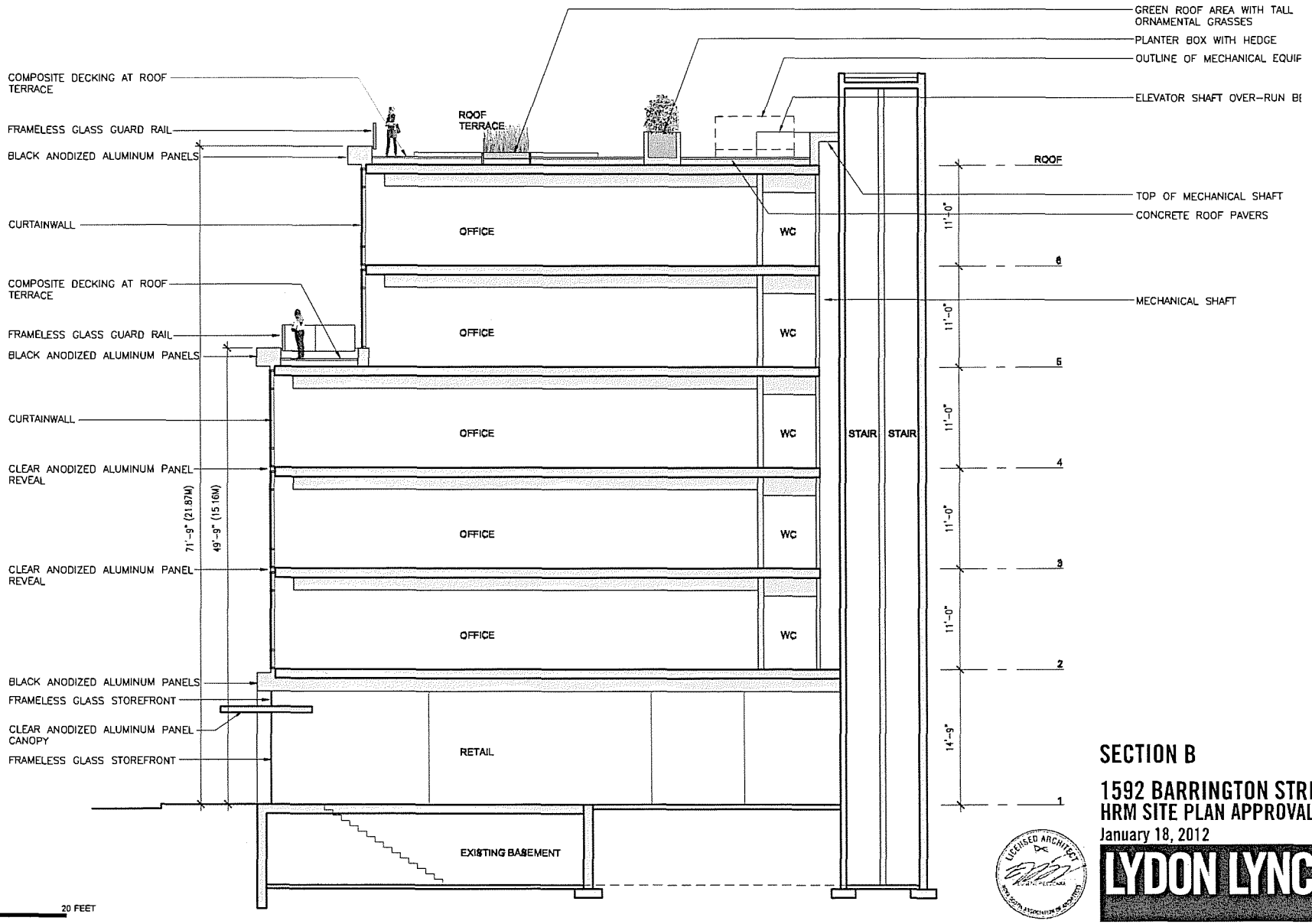
SECTION A

1592 BARRINGTON STREET
HRM SITE PLAN APPROVAL

January 18, 2012

LICENSED ARCHITECT

LYDON LYNCH



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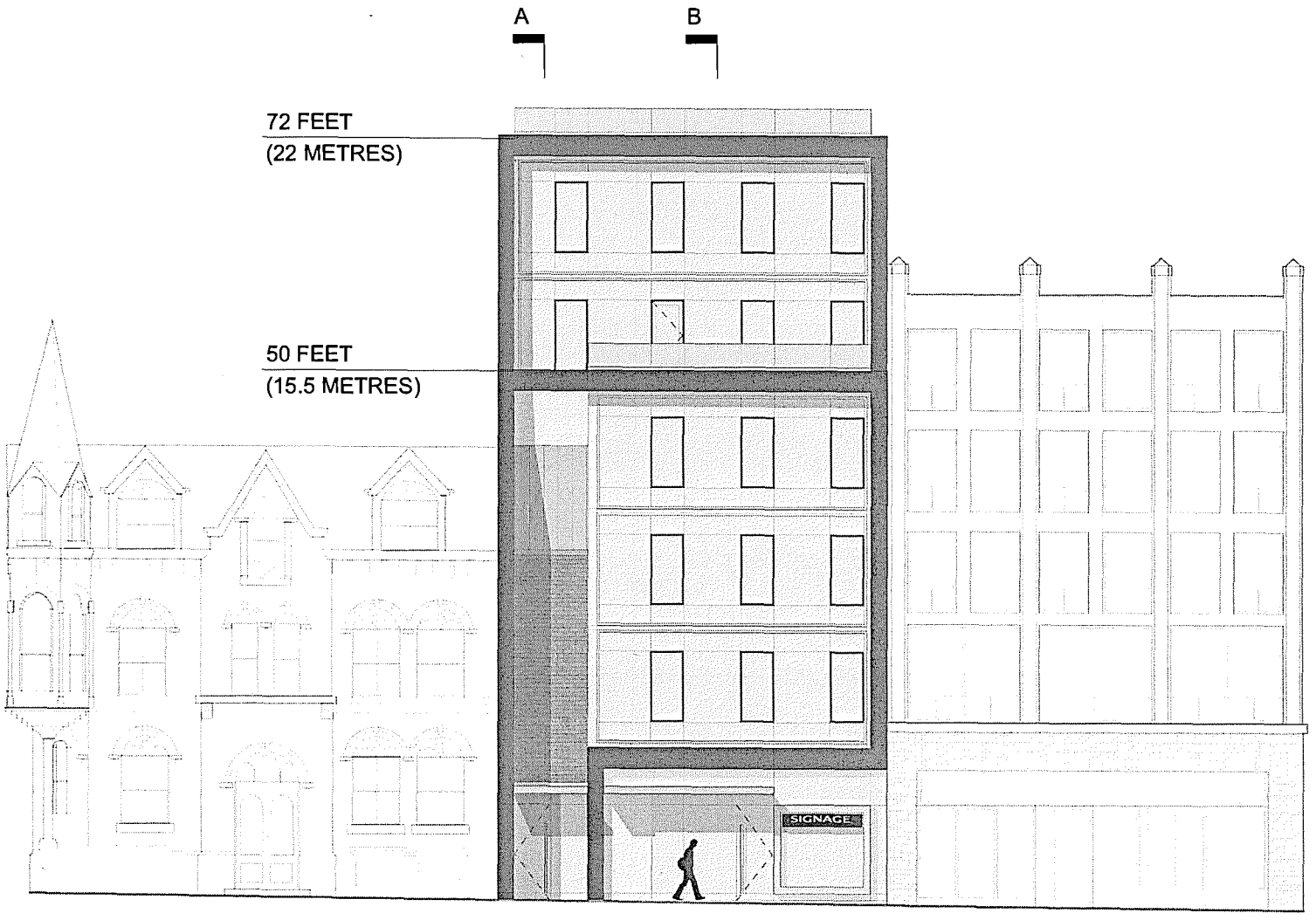
SECTION B

1592 BARRINGTON STREET
HRM SITE PLAN APPROVAL
January 18, 2012

LYDON LYNCH



1592 BARRINGTON STREET
HRM SITE PLAN APPROVAL
January 18, 2012

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STREET ELEVATION

1592 BARRINGTON STREET
HRM SITE PLAN APPROVAL

January 18, 2012

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1582 BARRINGTON STREET
HRM SITE PLAN APPROVAL
December 14, 2011

1592 BARRINGTON STREET

HRM SITE PLAN APPROVAL

December 14, 2011

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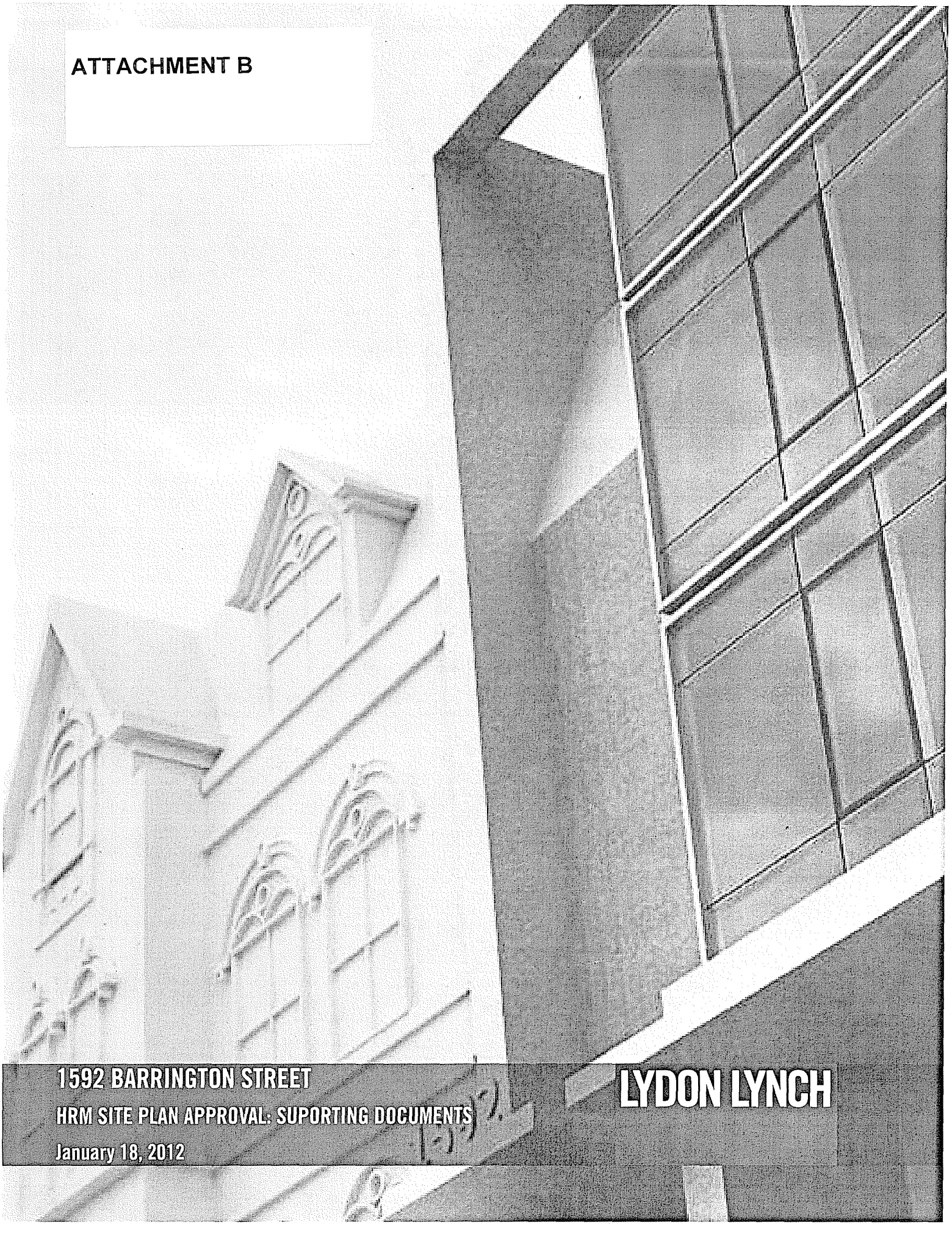
ATTACHMENT B



1592 BARRINGTON STREET

HRM SITE PLAN APPROVAL: SUPORTING DOCUMENTS

January 18, 2012

LYDON LYNCH

SUBSTANTIVE SITE PLAN APPROVAL APPLICATION
1592 BARRINGTON STREET
2012.01.18

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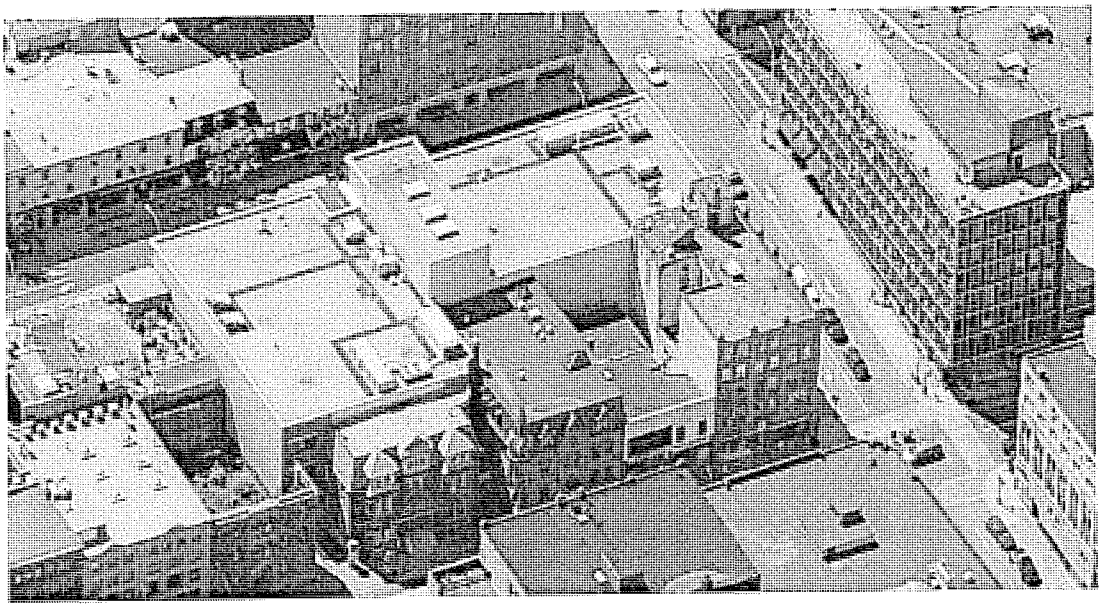


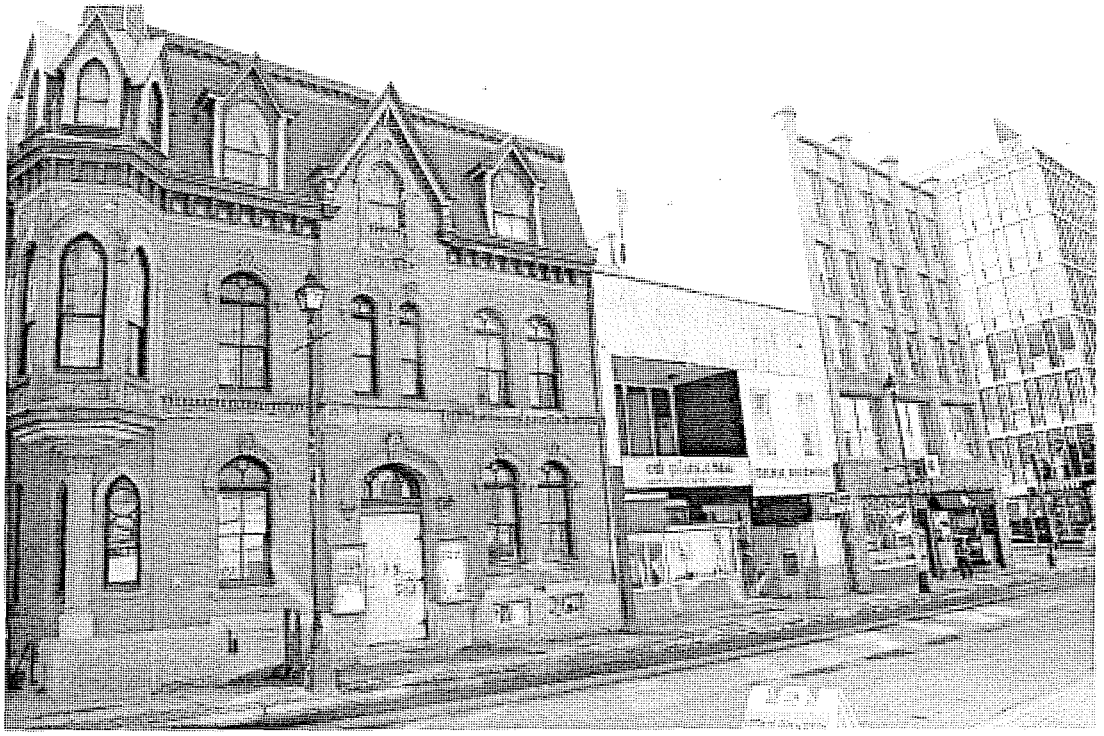
INTRODUCTION

The redevelopment of 1592 Barrington Street provides significant opportunities within a single project to accomplish a number of objectives, including:

- Provide important urban renewal to the downtown core, in particular to Barrington Street which has witnessed significant decline over recent years
- Add new retail and commercial space which will create a more vibrant and active downtown
- Design within the new HRMbyDesign by-laws and design guidelines in a manner that showcases its potential to improve the built environment in our downtown
- Design a new innovative infill building between two registered heritage properties that will showcase how heritage and modern can co-exist to mutual benefit
- Provide an example of infill building design that will enhance Halifax's image as an innovative and progressive city
- Showcase the effectiveness of the new HRM approval process for downtown development

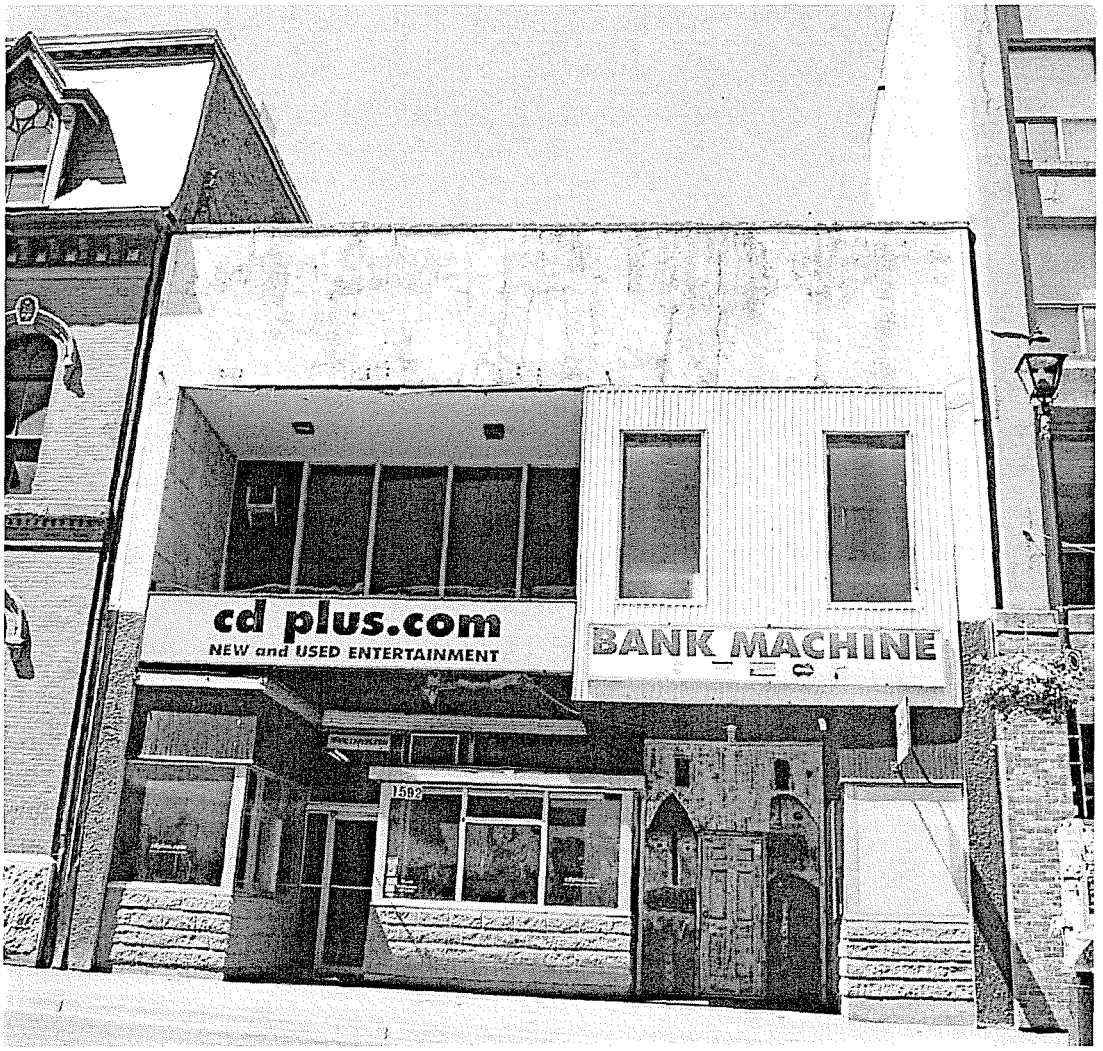
We are confident that all of these objectives can be met while meeting the needs of the owner, the municipality and the public.

The following report outlines our design process and describes the proposed design to supplement the drawing submission. It describes our position with regards to the demolition of the existing building and how the new design fits within the Downtown Halifax Land Use By-Laws.



DEMOLITION PROPOSAL

The existing building was designed in 1950 by Duffus & Romans Architects of Halifax for Tip Top Tailors and was constructed in 1951. The building attempts to have been designed in the Modernist style and would have had a very distinct character from the adjoining Khyber Building (a Victorian Gothic design built in 1888) and the Tramway Building (a Neo-Gothic design built in 1916). While the building aligned the top of its parapet with the cornice line of the Khyber, it had no other perceivable relationship with its neighbors. The facade has undergone cosmetic changes over the years which has included parging over of the original travertine, adding split-face concrete block to the lower areas of walls above the sidewalk, blocking off the right-of-way along the north side of the property, addition of signage as well as other miscellaneous repairs and modifications. Overall, the many changes to the facade, together with a lack of long term maintenance, have collectively resulted in an appearance which only resembles the original design in terms of its general composition while little else remains.



Drawing prepared by Lydon Lynch Architects as part of a study conducted for the city of Halifax, province of Nova Scotia and the Downtown Halifax Business Association, 1981

The building is not registered as a heritage property and has no known redeeming heritage or historical value.

The existing facade contains deep recesses which result in a streetscape which is inconsistent with the existing streetwall as well as the Downtown Halifax Land-Use Bylaws and Design Manual for streetwall designs, which requires setbacks between 0 and 1.5 metres. These recesses result in loitering and litter, both unsightly and undesirable situations along Barrington Street.

The existing structure is 2 storeys with steel open web joists spanning between clay masonry bearing walls (known as 'speed tile'). A partial basement exists towards Barrington Street. Concrete foundations were constructed as required. Due to easements in favour of the Neptune Theatre, the building was designed with an 8' gap between it and the Tramway Building and a 4' gap between it and the Neptune Theatre. These easements no longer exist and have since become inaccessible outdoor spaces which over the years have become filled with pigeon carcasses and feces which has effected the air quality within the building. Since these easements no longer exist, it becomes imperative to fill them with building in order to eliminate the environmental concern but also to best utilize the property.

Upon evaluation of the building, it has been determined that the existing structure cannot support additional floors, which are permissible under the current by-laws. In order to construct floors above, a new structure would be required which would be completely independent of the existing structure. This would require new foundations and supporting structure which could only be constructed through partial demolition and re-engineering of the overall building's structure. In addition, due to the elimination of the easement, these areas could only be filled in by removing the existing bearing walls and replacing them with new structure which would then support both the existing and new floors. This would need to be done in such a way as to create contiguous and open floor spaces which can accommodate tenant uses in a flexible and functional manner. The existing structure does not have any lateral bracing and appears to rely on the adjoining buildings to provide protection from wind loads. In order to meet current codes for wind and earthquake loads, structural bracing would have to be introduced. Overall, the needs of new construction would require significant demolition and insertion of new structure which would require invasive procedures and associated costs.

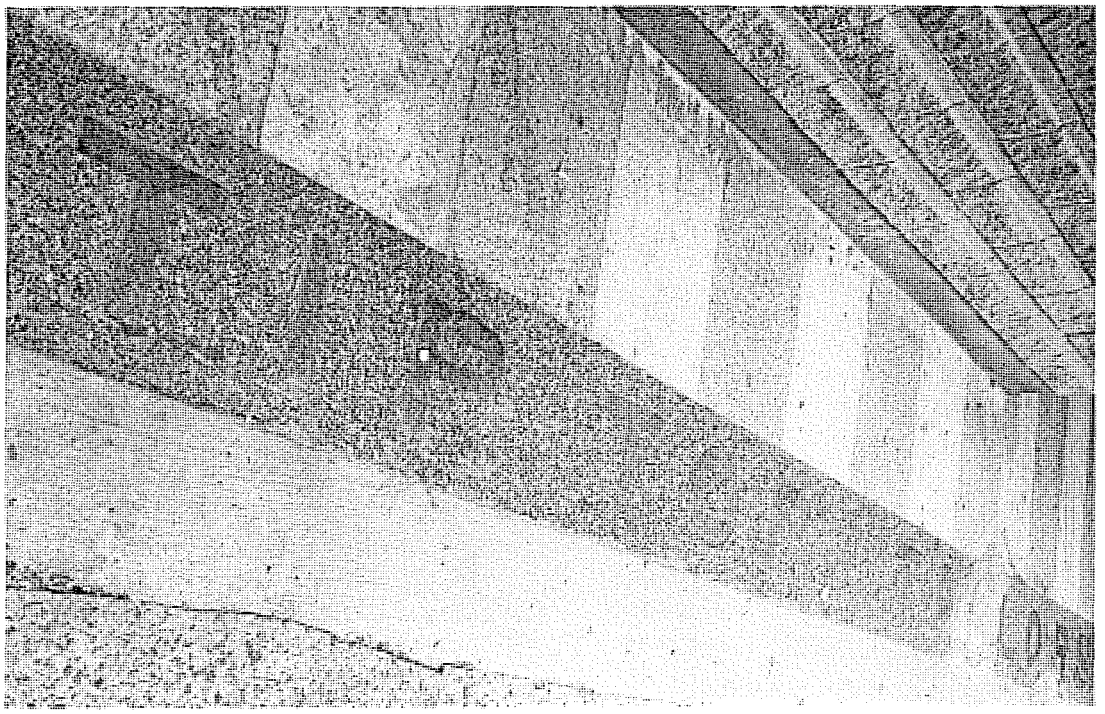
The existing building does not meet current building codes for exiting (stair quantities and locations), washrooms and fire ratings of floors. In any scenario involving renovation and addition, two exit stairs would be required, washrooms would need to be added that also meet barrier-free standards, floors would have to be fire-rated and an elevator would have to be introduced. This, in addition to the structural requirements for adding new floors and infills, would result in such a comprehensive reconfiguration of the existing building, that little could be salvaged or re-used. Costs would become prohibitive and risks would be high with no assurance that viable tenant spaces would ultimately be achievable with a reasonable return on investment.

As a result of previous ownership, the overall condition of the building is very poor due to its age and lack of adequate maintenance. The façade consists of materials which are in disrepair and have no value towards any future re-use. Without extensive reconstruction, the interior layouts would not support viable tenant use due to poor floor layout configurations and lack of exit stair requirements. In order to rehabilitate the building to meet current codes and standards, such comprehensive demolition and renovations would be required that very little of the existing building would be retained.

As an example of 1950's architecture, the building is not exemplary, either in its original design or present condition. At a period in architecture which was defined by the terms "Modernism" and "International Style", this era was largely characterized by its simplicity and lack of unnecessary detail or ornament; extensive use of glass in order to express the openness of the structure and transparency of floor plans; clean lines and proportions with an emphasis on either horizontal or vertical expression; and use of modern materials with minimal detail. Overall, buildings of the modern era were absolutely rigorous in the apparent simplicity of their designs with an emphasis on minimal detail and expression. The design for the Tip Top Tailor building does not fit into these characterizations and instead emphasized a more solid facade as opposed to transparent; a convoluted facade with a variety of recesses and variations; an inconsistent composition of window locations and proportions; use of numerous materials; and inclusion of unnecessary details. Overall the Tip Top Tailor building has awkward proportions and displays no rigor that could define it as a "modern" building. Therefore, it is suggested that the building has no value or merit as an example of modern architecture in the 1950s.

Until very recently, the building was thought to have been built in 1915 in the "Cubist" style by an unknown architect and was published by HRM to further state that it was extensively renovated in 1940/41 in the "International" style. This lack of factual information and inability to define its architectural style only emphasized that the building cannot be adequately considered to be a "Modern" building. Had it been a good example of modern 1950's architecture, then this information would have easily been in question. Since it was not, it can only validate that the building is not a good example of any architectural era.

Ultimately, the building has no historical significance and presents no value for future consideration. Consequently, a complete demolition and replacement is the only viable course of action. A new building will allow for a design that conforms to the Downtown Halifax Land-Use Bylaws; will provide a much needed rejuvenation of Barrington Street; and will result in viable retail and commercial space which will bring people back to Barrington Street. The one redeeming quality of the building are the bronze cast letters inlayed in terrazzo, spelling "TIP TOP TAILORS", situated adjacent to the sidewalk and immediately in front of the building. Although this too, is in disrepair, efforts will be made to salvage it during demolition and re-use it in the form of artwork within the ground floor lobby area.



DESIGN DESCRIPTION

INTRODUCTION

The proposed design is founded on fundamental criteria within the Downtown Halifax Land-Use Bylaws which prescribes a street wall height of 15.5 metres (50 feet) above which, a stepback of 3 metres (10 feet) is required up to a total overall height of 22 metres (72 feet). Within these criteria, the design aspires to create a modern, contemporary infill between two heritage buildings – the Khyber Building to the south and the Tramway Building to the north. While modern in its design, the building acknowledges its adjoining neighbours through the use of massing, material and composition. The result is a respectful yet distinct building that is symbolic of its era.

While the Khyber and Tramway buildings are considered Victorian and Neo-Gothic architectural styles respectively, they present a challenge in that they do not share many similar characteristics that would allow an infill building to assimilate their styles and compositions. They are different in height, proportion, floor lines, street level conditions, roof designs and materials. The challenge then becomes, how does a new building, positioned between these two distinctively different heritage façades, have an architectural dialogue with each of them – and do so in a manner that is not a caricature of either building but indicative of its own place in time, just as the Khyber and Tramway buildings were indicative of their time.

A review of *Schedule S-1: Design Manual* provides detailed information regarding "infill" sites as well as strategies for designing new buildings within historical contexts. The following table provides responses to relevant clauses within the Design Manual as well as excerpts (in italics) with highlighted areas of specific relevance.

REFERENCE	RESPONSE / EXCERPT
2.5	**Precinct 5: Barrington Street Heritage Conservation District**
2.5(d)	"*.....ensure that new development is supportive of, and harmonious with it in terms of height, massing, size, scale, proportion, materials, and architectural features, while not necessarily mimicking heritage architecture.*"
2.5(e)	The proposed building is designed specifically to respect the typical rhythm of the streetscape within the entire block that it is within. The height of the streetwall is between the heights of the adjoining buildings, thus providing a stepped transition of building heights. The massing, scale and window patterns are directly related to the adjoining buildings with vertical rhythms and tri-partite segmentation. While the design is not literal in its translation of the historic streetscape, it is very direct interpretation of the existing patterns and rhythms.
2.5(f)	The scale, configuration and rhythm of the lower façade are consistent with the ground floor height of the Tramway building and extends the horizontal line of the storefront. The overall width of the lower façade is divided into two bays – one wider to accommodate retail store frontage and one narrower to accommodate a commercial entrance to the office floors above. Each bay is articulated and expressed to have its own identity and are complimented with canopies and recessed entrances. All of these expressions and techniques are consistent with existing conditions along the block.

2.5(g)	*"Allow and encourage contemporary shop front design in the precinct to support and stimulate commercial and retail revitalization."*
2.5(h)	The proposed design respects the traditional appearance and proportions of the upper façades of heritage buildings along the street through its use of proportions, scale and use of materials. The profile of the Khyber building is repeated for the portion of the new building directly adjacent to it, including the use of brick as an exterior material. Window patterns and proportions repeat the pattern language of the Tramway building through its vertical proportions and division into three vertical sections.
2.5(i)	*"Respect the importance of traditional windows in establishing the character of heritage buildings and to ensure that windows in new buildings respond to, or reference, traditional fenestration patterns."*
2.5(j)	The proposed design respects the use of building materials traditionally found along Barrington Street through the use of brick and glass. While the use of brick is limited, it is used in direct reference to the adjoining Khyber building. Traditional brick is not used on the Tramway building, which is a combination of concrete and glass, with glass being the dominant material. Against the Tramway building, the proposed design is similarly dominated by glass.
2.5(k)	*"Achieve the objectives of the precinct through accurate architectural reproduction of historic styles or through expressions of contemporary architecture."*
2.5(m)	The historic use of cornices (projecting horizontal molding) and parapets is to define important lines and transitions within a façade, in particular at the top of a wall or at the transition between wall and roof. For example, the Khyber building has a strong cornice line along the top of the brick façade to separate it from the mansard roof. The Tramway building, which does not have a cornice, utilizes a variegated parapet to extend the vertical lines of the building. Each building has a very different expression at the top of their respective walls utilizing different techniques to accentuate their own architectural expression. The proposed design is situated between these two buildings. The design therefore uses a more neutral approach and creates an architectural framework that expresses both the horizontal and vertical lines of the building. In this manner, it respects both the horizontal and vertical expressions of the adjoining buildings without favouring one or the other.
4.1	**New Developments in Heritage Contexts**
4.1	*"As a principle of both heritage compatibility and sustainability, new additions, exterior alterations, or new construction should not destroy historic materials, features, or spatial relationships that characterize a property. The new work should be differentiated from the old and should be compatible with the historic materials, features, size, scale, height, proportion and massing to protect the integrity of the property and its environment.* *It is not necessary to mimic a specific historical era in heritage contexts. New buildings should vary in style. Style should not be a determinant of compatibility, rather material quality, massing and urban design considerations are given prominence in this approach. Elements of new building design and façade articulation can respond to specific heritage elements with new interpretations or traditions."*

4.1.2	***New Buildings in Heritage Contexts:*** *"Entirely new buildings may be proposed where no previous buildings existed, where original buildings are missing, or where severely deteriorated or non-historic buildings are removed. The intention in designing such new buildings should not be to create a false or ersatz historic building, instead the objective must be to create a sensitive well designed new structure "of its time" that fits and is compatible with the character of the district or its immediate context. The design of new buildings should carefully consider requirements elsewhere in these guidelines for density, scale, height, setbacks, stepbacks, coverage, landscaped open space, view corridors, and shadowing. Design considerations include: contemporary design, material palette, proportions of parts, solidity vs. transparency and detailing."*
4.1.3	***Contemporary Design:*** *"New work in heritage contexts should not be aggressively idiosyncratic but rather it should be neighbourly and respectful of its heritage context, while at the same time representing current design philosophy. Quoting the past can be appropriate, however, it should avoid blurring the line between real historic buildings, bridges and other structures. "Contemporary" as a design statement does not simply mean current. Current designs with borrowed detailing inappropriately, inconsistently, or incorrectly used, such as pseudo-Victorian detailing, should be avoided."*
4.1.4	***Material Palette:*** *"As there is a very broad range of materials in today's design palette, materials proposed for new buildings in a heritage context should include those historically in use. The use and placement of these materials in a contemporary composition and their incorporation with other modern materials is critical to the success of the fit of the proposed building in its context. The proportional use of materials, drawing lines out of the surrounding context, careful consideration of colour and texture all add to the success of a composition."*
4.1.5	***Proportion of Parts:*** *Architectural composition has always had at its root the study of proportion. In the design of new buildings in a heritage context, work should take* *into account the proportions of buildings in the immediate context and consider a design solution with proportional relationships that make a good fit."*
4.1.6	***Solidity vs. Transparency:*** As noted in the Design Manual, the amount of transparency is a reflection of the technology available at the time in which a building was designed. The proposed design utilizes a large amount of transparency that is indicative of current architectural and structural technologies as well as societal desires for increased access to daylight and views. The guidelines within the Design Manual state that the level of transparency should be set at a level that provides a good fit and defines the character of the street in a positive way. The predominant use of glass in the proposed design is greater that that used in the existing buildings. This contrast is a common architectural technique that is used to highlight the preciousness of the adjoining historic buildings by providing a muted, modern glass façade that respects existing proportions and scale. It is suggested that a new building that similarly uses masonry walls with punched window openings becomes a meek cousin that attempts to be as elegant but in doing so, makes a mockery of the historic beauty and therefore diminishes the appreciation of the heritage value.
4.2	***Guidelines for Infill:*** The preamble to 4.2, paragraph 2 states "*where there is a contiguous environment, new development needs to reinforce and be consistent with the prevailing character of the heritage resources as a group*". The proposed design is developed to provide a transition between two very distinct heritage

	buildings. It takes cues from both the Khyber and Tramway buildings but does so as a modern interpretation rather than a literal re-creation. The existing building on the property is described within the Barrington Street Heritage Conservation District Revitalization Plan as a Cubist style and an "excellent example of a small scale commercial building in International Style". For nearly a century, a modern building has resided on this property. The proposed design continues this tradition and is therefore consistent with the prevailing character of the "heritage resources as a group". The Design Manual clearly states in several guidelines that contemporary, distinctive and differentiated designs are an appropriate approach.
4.2.1	***Cornice Line:*** *"Maintain the same or similar cornice height established by existing heritage buildings for the podium (building base) to create a consistent streetwall height, reinforcing the 'frame' for public streets and spaces."*
4.2.2	***Sidewalk Level Height and Articulation:*** *"Maintain the same or similar height of the first storey of new buildings to the first storey datum line of heritage buildings."*
4.2.3	***Rhythm:*** The proposed design utilizes rhythm as one of its fundamental techniques. The façade is first divided into two sections which creates an initial rhythm of different proportions. This is similar to the technique used on the Khyber building which has an overall rhythm/pattern that is broken with the corner turret. Within the larger section, a secondary rhythm is created to define the pattern of the windows, which are in reference to the adjoining Tramway building. Overall, the façade has a defined rhythm that continues the existing pattern found within the adjoining historic buildings.
4.2.4	***Window Proportion:*** *"Maintain the window proportions of existing heritage buildings (generally vertically oriented windows). Windows should be aligned above each other from storey to storey."*
4.2.5	***Materials:*** *"The building materials help define the character and quality of a building and how it relates to other buildings or structures in its context. In an area where brick is predominant, new buildings will define themselves by the use, or lack of brick. Also of importance in the selection of materials is their longevity and ability to age with grace. Materials like stone, brick and glass will endure well over time."* As described elsewhere, brick is used where the façade relates to the use of brick on the Khyber and other buildings further south along the block. Other materials include glass and aluminum which are high quality, durable finishes which will have neutral tones and textures. Where large expanses of glass are provided, they will have a finer grain articulation that responds to the rhythm and proportions of the Tramway building. The materials will define the new building as modern but in respect to the adjoining historic buildings.
4.2.6	***Upper Level Stepbacks:*** *"In the upper setback levels greater freedom of material choice and design expression is permitted."*

Based on the information contained with the Design Manual, together with other considerations, a design process was undertaken that brings together a variety of influences and functional requirements. The result is a design that is appropriate, respectful, modern, elegant and innovative.

DESIGN PROCESS

The design begins with an acknowledgement that each side of the new façade should in some manner relate to its adjoining heritage neighbour. To bring cohesion to each side, they are collected within an overall frame so that they form part of a single composition (refer to Diagram 1).

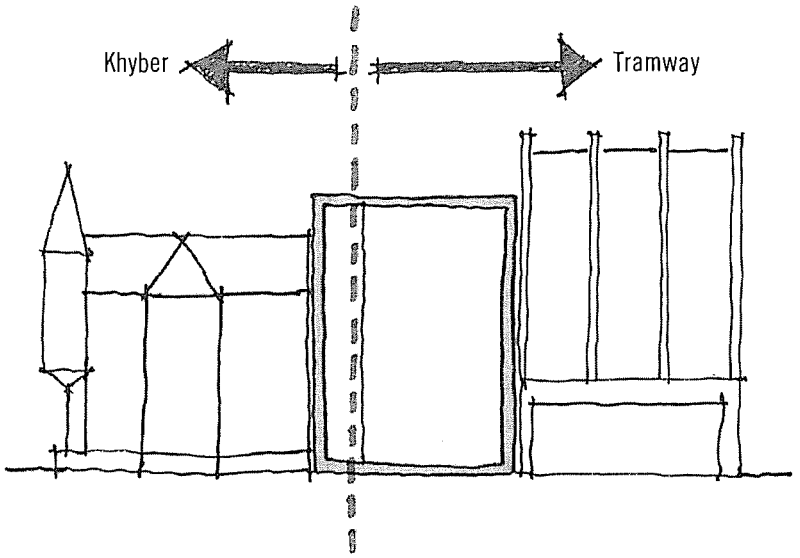


Diagram 1

The frame is then adjusted so that it not only contains the composition within it, but also describes functional relationships and distinctions. As shown in Diagram 2, the bottom of the frame is lifted, broken and extended down to the sidewalk as a narrow slot. The slot defines the entry to the office floors above and visually connects the entrance with the office levels by gathering them within a single frame. The remaining space below the frame defines the street level retail space, which will be able to have its own distinct entrance and shop front appearance.

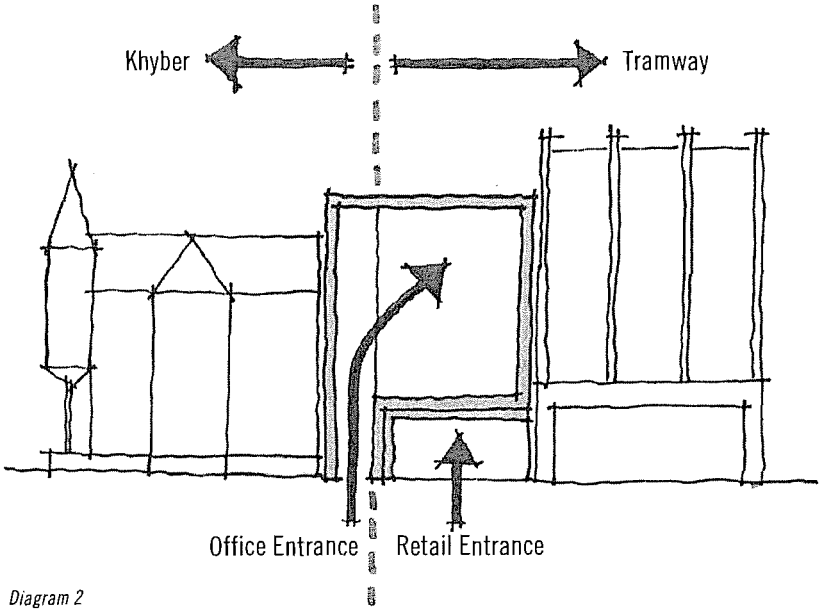


Diagram 2

Each 'side' of the façade is developed as to how it will relate to its adjacent heritage neighbour as illustrated in Diagram 3.

For the Khyber, the basic profile of its façade is repeated which consists of the mansard roof and brick wall. The repetition is done through a minimal interpretation of the Khyber's profile and utilizes simple use of materials such as brick and standing seam metal roofing with minimal detailing. It is intended that the new design will use brick reclaimed from the nearby Roy Building when it undergoes demolition – this will provide an older texture and colour which will better relate to the Khyber.

With regards to the Tramway, its façade has a more vertical proportion with raised pilasters and taller window proportions which in combination; divide the facade into three equal segments. The new design also divides its glass façade into three equal segments and similarly uses a more vertical window proportion. While floor levels do not perfectly align, there is a perceivable similarity to the alignment of windows between the two buildings.

In addition, canopies are added above each entry which provide weather protection and architecturally, provide consistency at the entrances despite one canopy being within the 'frame' and the other being outside the 'frame'.

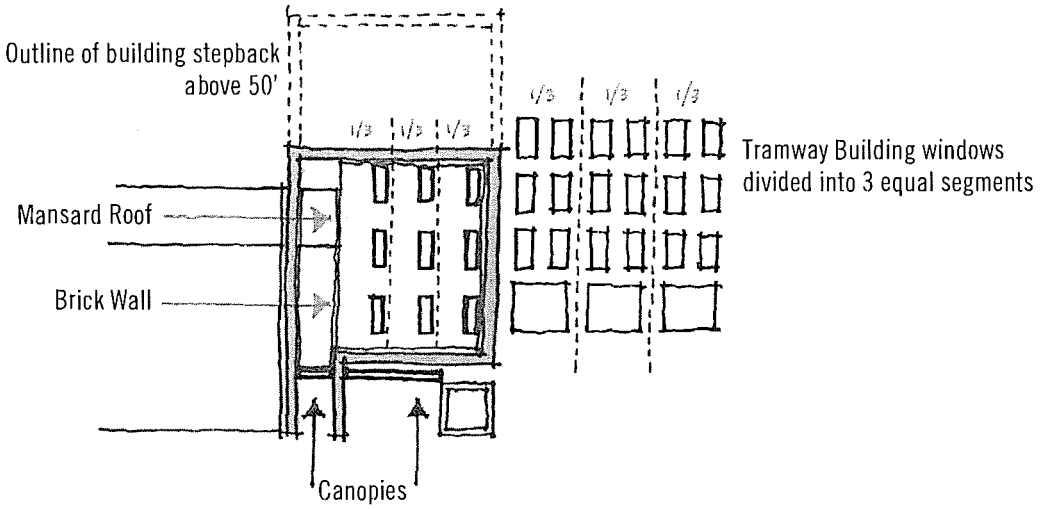


Diagram 3

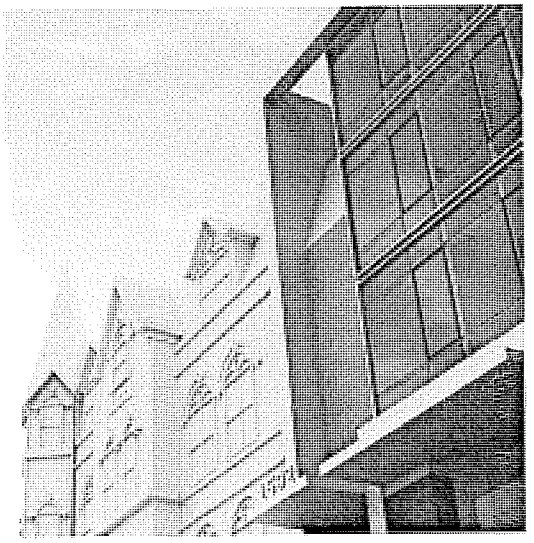
The floor plans are organized to provide a simple layout which maximizes tenant space and access to views and daylight towards the frontage along Barrington Street. The ground floor is designed to maximize retail store frontage along Barrington Street while providing a more discrete entrance for the office tenants who are located on the upper floors. The upper floors position all services including elevator, stairs, washrooms and building services against the rear of the floor. This allows all usable tenant space to be situated toward the front of the building where the only access to windows is against Barrington Street.

The storefront is a simple composition of frameless glass, aluminum clad canopy and display window. The slightly recessed commercial entrance leads to a hallway which is shaped in plan and section to enhance its length, which is a result of the elevator being situated near the rear of the building. An exit stair leading up from the basement utilizes the recessed office entryway to situate its exterior door away from view and therefore not clutter the street frontage with doors that do not serve as entrances. Signage for the offices is provided with free standing numbers placed on top of the canopy, spelling out the street address "1592". Signage for the ground floor retail is integrated into the display window as illustrated on the drawings.

The exterior frame will be clad in black anodized aluminum panels. This allows the frame to act more as a backdrop to other materials which will include red brick, grey standing seam metal on the mansard roof, clear glass at the store front, lightly tinted glass at the office floors, and clear anodized (silver colour) aluminum panels at canopies and other incidental surfaces. Frameless glass railings will be provided around roof terraces. The overall palate is subdued, relying more on composition and the use of materials, relying less on today's architectural fashion and more on the pursuit of a timeless elegance.

Lighting will be providing for functional purpose and safety as well as to highlight architectural features. Downlighting will be provided at the underside of entrance canopies. Accent lighting will be provided within the ground floor display window box. Accent lighting will provided along the top of the brick wall to provide a downwash of light. Lighting at the roof terraces will be a combination of recessed deck lights and wall mounted lighting along parapet walls and/or planter walls.

The brick wall and mansard roof are situated within a narrow 'slot' within the exterior frame. As a result of the top of the mansard terminating below the top of the frame (due to its alignment with the Khyber mansard roof), an opening is introduced within the roof at the top of the slot. This provides a view towards the sky above which accentuates the appearance of the mansard roof as a 'roof' as well as its relationship with the Khyber's mansard roof.



The design of the curtainwall at the office levels will consist of a clear anodized aluminum frame (silver colour) which surrounds the windows within each floor. This thin horizontal frame is a reference to the horizontal lines that exist on both the Khyber and Tramway buildings – in each case, the horizontal lines are secondary to the more dominant vertical expression. Within each frame, the glass will be divided into three equal segments as previously described. Each segment will include an operable window which will be expressed with a black anodized frame. The remaining glass joints will appear frameless since the supporting frames will only be on the interior side of the glass thus creating a more delicate pattern on the exterior façade.

At the 4th floor, an exterior roof terrace is created to coincide with the mandatory 3 metre stepback. The terrace shall be accessible to the adjoining tenant. The terrace shall comprise of composite decking (wood appearance) and free standing planters. A frameless glass railing will be provided around the perimeter of the terrace.

At the main roof, the stairwell will extend to provide access to the roof. In addition, the elevator shaft will extend above the main roof level in order to provide the required overhead height. Mechanical equipment will be roof mounted which will distribute into the service shaft below. The remainder of the roof will be landscaped areas. A planter with tall shrubs will be located between the main terrace and mechanical equipment thus providing a visual screen. Similar to the 4th floor terrace, composite decking will cover the roof surface and free standing planters will be provided. A frameless glass railing will be provided around the perimeter of the terrace.

In summary, the design provides an innovative solution to a complex situation which is to create an infill building situated between two distinctly different heritage properties. While the proposed design respectfully 'tips its hat' to both the Khyber and Tramway buildings, it creates its own identity which is contemporary and appropriate. The design complies with the requirements set out within the Downtown Halifax Land Use By-Law and Design Manual.

DOWNTOWN HALIFAX LAND USE BY-LAW: RELEVANT CRITERIA

- The property is situated within the Barrington Street Heritage Conservation Precinct as per Map 2.
- The property is situated along a Pedestrian Oriented Commercial Street as per Map 3.
- The property has a maximum Pre-Bonus and Post-Bonus Height of 22 metres as per Maps 4 & 5.
- The property has a Streetwall Setback of 0 to 1.5 metres as per Map 6.
- The property has a maximum Streetwall Height of 15.5 metres as per Map 7.
- As per Section 8(8), the Pre-Bonus and Post-Bonus Heights do not include secondary impertinences such that they occupy less than 30% of the roof area.

  The total roof area is 2,388 sq.ft. The total area of roof top features including stairwell, mechanical equipment, elevator over-run and parapets is 695 sq.ft. This equates to 29% of the total roof area, which is in compliance with the by-law requirement.

- As per Section 8(12), flat roofs shall be landscaped areas.
- As per Section 9(7), a minimum stepback of 3 metres is required above the Streetwall Height.
- Bicycle parking shall be provided as per Section 14, Subsection 15 through 19.

  Accordingly, the requirements are calculated as follows:

Retail GFA = 245 sq.m.	= 1 parking space
Office GFA = 1,167 sq.m.	= 3 parking spaces
Total requirement	= 4 parking spaces (2-Class A & 2-Class B)

  Parking spaces shall be designed within the building in a designated location to be determined.

PROPOSED VARIANCES

VARIANCE #1

Reference: Downtown Halifax Land Use By-Law, Section 8, Subsection (8)

Non-compliance: The rear stairwell extends above the roof in order to provide access to the landscaped roof. Subsection (8) does not list stairwells as an exclusion to the height limitations.

Description: Section 8, Subsection (12) mandate that flat roofs be fully landscaped. With the exception of residential use, the landscaped roof is not required to be accessible. While accessibility of the landscaped roof is not a requirement, it is certainly desirable and would further rationalize the presence of a landscaped roof. The issue then becomes how to provide access. While Subsection (8) allows for elevators to extend above roofs in order to provide access, it does not allow stairwells. This is inconsistent in that certain types of roof access are permitted and others not. The proposed design does not extend the elevators above the roof to provide access and instead extends the stairwell. This provides a direct means of egress from the roof in the event of an emergency with access to the fire exit stair. An elevator would not provide a means of egress since it would automatically be disabled in the event of a fire or other emergency, thus trapping persons on the roof.

It is therefore requested, that the extension of the stairwell be included as a permissible exception in accordance with Subsection (8).

VARIANCE #2

Reference: Downtown Halifax Land Use By-Law, Section 8, Subsection (10)

Non-compliance: The rear stairwell, for the portion above the roof, has no setback against the property line. Subsection (10) requires a 3 metre setback from the outmost edge of the roof.

Description: The stairwell is situated against the rear property line. This is due to maximizing usable floor area towards the front of the building which is the only location where windows can occur. Due to its mid-bock location, the rear of the property adjoins several other backs of buildings which similarly cannot have windows. Consequently, the stairwell will not interfere with any functionality or views from adjoining buildings.

The 3 metre setback is presumably to alleviate the effect of roof top encumbrances against Streetwalls. Accordingly, because the stairwell is at the rear of the property, it will largely not be visible to pedestrians along Barrington Street, if at all.

A variance is requested to permit the stairwell above the roof to be located within the 3 metre setback.

VARIANCE #3

Reference: As per Map 7, the maximum streetwall height is 15.5 metres (50.85 feet).

Non-compliance: The railings located along the top of the parapet is above the 15.5 metre restriction.

Description: The top of the parapet is at 15.16 metres (49.75 feet). This is within the allowable streetwall height.
The top of the railing is at 15.93 metres (52.25 feet). Accordingly, the top of the railing, which is 2.5 feet above the parapet, is 0.43 metres (1.4 feet) above the maximum streetwall height.
The railing is designed to be a frameless glass railing, which means it will have no visible framing system such as metal or wood. All that will be visible, will be the glass itself which will be transparent. The railing is required to provide the necessary protection for persons who may occupy the landscaped roof, which is a by-law requirement. Rather than extend the parapet to the required height, it is preferable to provide a transparent glass railing which will provide unobstructed views from the terrace while also minimizing the visual appearance of the streetwall.

Accordingly, a minor variance is requested to allow the glass railing to be above the allowable streetwall height.

VIEW PLANE ANALYSIS

Refer to the attached letter and drawing as prepared by Servant, Dunbrack, McKenzie & MacDonald Ltd. dated January 5, 2012 which indicates that the proposed design is within View Plane #6.

The proposed new building is therefore in conformance with applicable View Plane requirements.

Servant, Dunbrack, McKenzie & MacDonald Ltd.
NOVA SCOTIA LAND SURVEYORS & CONSULTING ENGINEERS

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January 5, 2012 File No. 1-1-151 (28915)

Eugene Pieczonka
Lydon Lynch Architects Ltd.

Email: eugene@lydonlynch.ca

RE: VIEW PLANE CERTIFICATION, PID 00076463
1592 BARRINGTON STREET, HALIFAX

Dear Eugene,

Referring to the attached sketch dated January 5, 2012, the northern limit of View Plane 6 crosses the subject property on a line through points A, B and F.

At points A, B, C and D, the top of the proposed building parapet is at a geodetic elevation of 148.4' and the elevation of View Plane 6 at those positions is 150.1', 149.3', 148.7' and 149.2' respectively. As a result, the proposed parapet will be 1.7', 0.9', 0.3' and 0.8' below View Plane 6 at those positions.

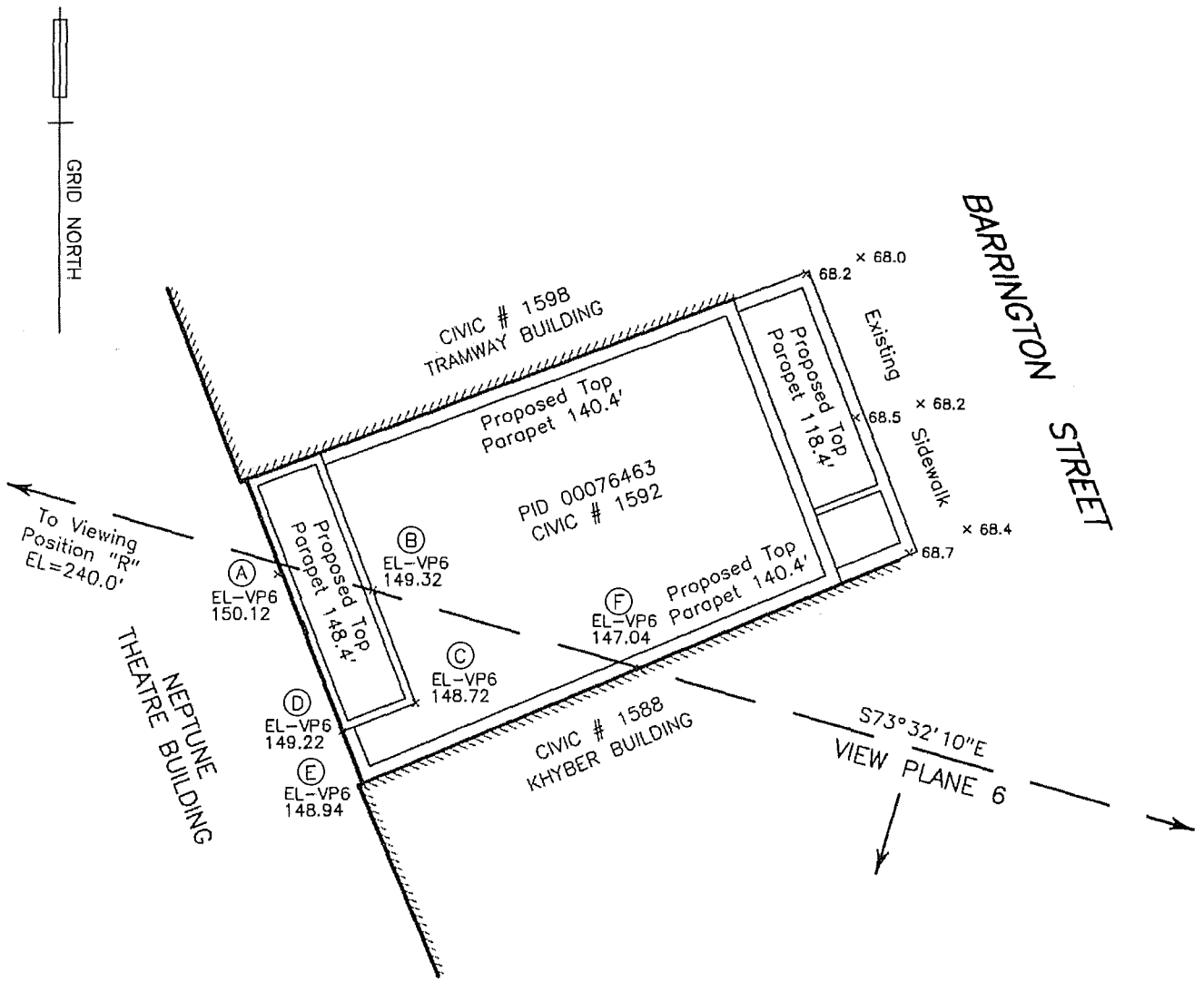
At points E and F, the top of the proposed building parapet is at a geodetic elevation of 140.4' and the elevation of View Plane 6 at those positions is 148.9' and 147.0' respectively. As a result, the proposed parapet will be 8.5' and 6.6' below View Plane 6 at those positions.

Also note that no other View Planes defined by the Halifax Peninsula Land Use By-law affect the development of PID 00076463 at Civic No. 1592 Barrington Street in Halifax.

I trust this clarifies the position of your proposed building with respect to View Planes. Please advise if anything further is required.

Yours truly,

H. James McIntosh, P.Eng, NSLS, CLS
Servant, Dunbrack, McKenzie & MacDonald Ltd.



NOTE: Elevations are based on geodetic datum. View Plane 6 is defined by Halifax Regional Municipality Map Number TT-17-20158A dated January 31, 1974 and amended August 15, 1974.

THE ASSOCIATION OF NOVA SCOTIA LAND SURVEYORS
FOUNDED 1951
H. JAMES MCINTOSH
603
MEMBER

SKETCH SHOWING

VIEW PLANE ELEVATIONS

OVER PROPOSED BUILDING AT

1592 BARRINGTON STREET

HALIFAX, NOVA SCOTIA

SDMM

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JANUARY 5, 2012
SCALE: 1" = 20'
FILE NO. 1-1-151 (28915)

WIND IMPACT ASSESSMENT

In accordance with Schedule S-2 of the Downtown Halifax Land Use By-Law, a qualitative assessment is permissible.

Refer to the attached report prepared by Lydon Lynch Architects Ltd.

LYDON LYNCH

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Telephone: 902 422 1446 // Fax: 902 422 1449 // www.lydonlynch.ca

Mr. Richard Harvey, MCIP, LPP
Senior Planner
Halifax Regional Municipality
PO Box 1749
Halifax, Nova Scotia, Canada
B3J 3A5

July 26, 2011

RE: 1592 BARRINGTON STREET – PROPOSED NEW INFILL BUILDING
WIND IMPACT ASSESSMENT REPORT

Dear Mr. Harvey,

With regards to the proposed design for a new infill building to be situated at 1592 Barrington Street and as per the drawings submitted for a Site Plan Approval Pre-Application, we hereby submit our report for a qualitative wind impact assessment.

The design fits within the setback and stepback height requirements as per the Downtown Halifax Land Use By-Law. This includes a streetwall façade which is situated at the street line, rising to a height of approximately 50 feet, then stepping back 10 feet to an overall height of approximately 72 feet. The proposed building maintains the line of existing neighbouring buildings which are at or very near the edge of the sidewalk. The height of the proposed building is consistent with the heights of existing neighbouring buildings. Canopies are proposed above both the office lobby entrance and retail entrance.

The existing conditions of the neighbouring buildings, which include the Khyber and Tramway buildings, is such that wind impact at the sidewalks are consistently comfortable for walking and standing. This is due to the relatively low heights of the buildings and the articulation of the facades and roofs which assist in mitigating the downwashing of wind. The proposed design for the new infill building should provide similar comfortable conditions with respect to wind impact. This is largely a result of maintaining similar heights and building shape while also providing relief to the façade.

The stepback at the 5th floor, which creates a 10 feet deep roof terrace will mitigate wind from downwashing to the sidewalk below. The use of canopies will further mitigate wind from the ground floor entrance areas. The office lobby entrance is recessed which will provide additional protection from wind and weather. Reliefs in the façade, such as those provided with the projecting 'frame', recessed slot and mansard roof will assist in further mitigating wind as it washes down the building.

Overall, it is anticipated that the proposed building will provide comfortable conditions with regards to wind impact along the adjacent sidewalk and will not increase any wind impact beyond that which exists within the neighbouring area.

Yours very truly,

Eugene Pieczonka *FRAIC, NSAA, AAPEI, AANB, NLAA*
Principal

Attachment C – Design Manual Checklist				
Section	**Guideline**	**Complies**	**Discussion**	**N/A**
2	**Downtown Precinct Guide lines** *(refer to Map 2 for Precinct Boundaries)*			
2.5	**District 5: Barrington Street Heritage Conservation District**			
2.5a	Preserve and maintain historic government buildings, churches, and historic open spaces.			•
2.5b	Protect heritage buildings from unwarranted demolition.			•
2.5c	Develop Grand Parade into its full potential as a public gathering place integrated with the historic George Street axis.			•
2.5d	Conserve the historic character of Barrington Street and ensure that new development is supportive of, and harmonious with it in terms of height, massing, size, scale, proportion, materials, and architectural features, while not necessarily mimicking heritage architecture.		•	
2.5e	Respect the typical streetscape rhythm comprised of up to eight buildings in each block with one or more bay widths in each building.	•		
2.5f	Respect the scale, configuration and rhythm of the traditional components of the lower facade of Barrington Street buildings, including ground floor height, bay width, and entrances to upper floors.	•		
2.5g	Allow and encourage contemporary shop front design in the precinct to support and stimulate commercial and retail revitalization.	•		
2.5h	Respect the traditional appearance and proportions of the upper facades of heritage buildings in Barrington Street.		•	
2.5i	Respect the importance of traditional windows in establishing the character of heritage buildings and to ensure that windows in new buildings respond to, or reference, traditional fenestration patterns.		•	
2.5j	Retain the heritage character of the precinct by using building materials traditionally found in Barrington Street for both rehabilitation and new construction.		•	
2.5k	Achieve the objectives of the precinct through accurate architectural reproduction of historic styles or through expressions of contemporary architecture.	•		

Attachment C – Design Manual Checklist				
Section	**Guideline**	**Complies**	**Discussion**	**N/A**
2.5l	Focus pedestrian activities at sidewalk level through the provision of weather protected sidewalks using well-designed canopies and awnings. The use of awnings and canopies reminiscent of the original awnings of Barrington Street shall be required.	•		
2.5m	Recognize the historic role of building cornices and parapets and to ensure these elements are conserved, replaced or installed on buildings in Barrington Street.	•		
2.5n	Permit rooftop additions on historic buildings to encourage their economic revitalization while ensuring that such additions are visually inconspicuous and subordinate to the main building when viewed from the opposite side of the street, in accordance with the Heritage Design Guidelines contained in this Design Manual.			•
2.5o	Attract high quality retail, cultural, and entertainment uses at street level.	•		
2.5p	Fill vacant space on upper floors and encourage residential conversion.	•		
2.5q	Encourage the application of the Alternate Compliance Methods and Performance Based Equivalencies of the Nova Scotia Building Code Regulations in the precinct in order to facilitate the functional upgrading of buildings within the district.			•
2.5r	Prohibit new surface parking lots of any kind.			•
2.5s	Improve the pedestrian environment in the public realm through a program of streetscape improvements as previously endorsed by Council (Capital District Streetscape Guidelines).			•
2.5t	Through redevelopment and reuse in the district, restore investor confidence, trigger private investment, and thereby improve Barrington Street's image and marketing potential to attract further investment.	•		
3	**General Design Guidelines**			
3.1	**The Streetwall**			
3.1.1	**Pedestrian-Oriented Commercial** On certain downtown streets pedestrian-oriented commercial uses are required to ensure a critical mass of	•		

Attachment C – Design Manual Checklist				
Section	**Guideline**	**Complies**	**Discussion**	**N/A**
	activities that engage and animate the sidewalk These streets will be defined by streetwalls with continuous retail uses and are shown on Map 3 of the Land Use By-law. All retail frontages should be encouraged to reinforce the 'main street' qualities associated with the historic downtown, including:			
3.1.1a	The articulation of narrow shop fronts, characterized by close placement to the sidewalk.	•		
3.1.1b	High levels of transparency (non-reflective and non-tinted glazing on a minimum of 75% of the first floor elevation).	•		
3.1.1c	Frequent entries.	•		
3.1.1d	Protection of pedestrians from the elements with awnings and canopies is required along the pedestrian-oriented commercial frontages shown on Map 3, and is encouraged elsewhere throughout the downtown.	•		
3.1.1e	Patios and other spill-out activity is permitted and encouraged where adequate width for pedestrian passage is maintained.			•
3.1.1f	Where non-commercial uses are proposed at grade in those areas where permitted, they should be designed such that future conversion to retail or commercial uses is possible.			•
3.1.2	**Streetwall Setback** *(refer to Map 6)*			
3.1.2a	Minimal to no Setback (0-1.5m): Corresponds to the traditional retail streets and business core of the downtown. Except at corners or where an entire block length is being redeveloped, new buildings should be consistent with the setback of the adjacent existing buildings.	•		
3.1.2b	Setbacks vary (0-4m): Corresponds to streets where setbacks are not consistent and often associated with non-commercial and residential uses or house-form building types. New buildings should provide a setback that is no greater or lesser than the adjacent existing buildings.			•

Attachment C – Design Manual Checklist				
Section	**Guideline**	**Complies**	**Discussion**	**N/A**
3.1.2c	Institutional and Parkfront Setbacks (4m+): Corresponds to the generous landscaped setbacks generally associated with civic landmarks and institutional uses. Similar setbacks designed as landscaped or hardscaped public amenity areas may be considered where new public uses or cultural attractions are proposed along any downtown street. Also corresponds to building frontages on key urban parks and squares where an opportunity exists to provide a broader sidewalk to enable special streetscape treatments and spill out activity such as sidewalk patios.			•
3.1.3	**Streetwall Height** *(refer to Map 7)* To ensure a comfortable human-scaled street enclosure, streetwall height should generally be no less than 11 metres and generally no greater than a height proportional (1:1) to the width of the street as measured from building face to building face. Accordingly, maximum streetwall heights are defined and correspond to the varying widths of downtown streets – generally 15.5m, 17m or 18.5m. Consistent with the principle of creating strong edges to major public open spaces, a streetwall height of 21.5m is permitted around the perimeter of Cornwallis Park. Maximum Streetwall Heights are shown on Map 7 of the Land Use By-law.	•		
3.2	**Pedestrian Streetscapes**			
3.2.1	**Design of the Streetwall**			
3.2.1a	The streetwall should contribute to the 'fine grained' character of the streetscape by articulating the façade in a vertical rhythm that is consistent with the prevailing character of narrow buildings and storefronts.	•		
3.2.1b	The streetwall should generally be built to occupy 100% of a property's frontage along streets.	•		
3.2.1c	Generally, streetwall heights should be proportional to the width of the right of way, a 1:1 ratio between streetwall height and right of way width. Above the maximum streetwall height, further building heights are subject to upper storey stepbacks.	•		
3.2.1d	In areas of contiguous heritage resources, streetwall height should be consistent with heritage buildings.		•	
3.2.1e	Streetwalls should be designed to have the highest possible material quality and detail.	•		

Attachment C – Design Manual Checklist				
Section	**Guideline**	**Complies**	**Discussion**	**N/A**
3.2.1f	Streetwalls should have many windows and doors to provide 'eyes on the street' and a sense of animation and engagement.	•		
3.2.1g	Along pedestrian frontages at grade level, blank walls shall not be permitted, nor shall any mechanical or utility functions (vents, trash vestibules, propane vestibules, etc.) be permitted.	•		
3.2.2	**Building Orientation and Placement**			
3.2.2a	All buildings should orient to, and be placed at, the street edge with clearly defined primary entry points that directly access the sidewalk.	•		
3.2.2b	Alternatively, buildings may be sited to define the edge of an on-site public open space, for example, plazas, promenades, or eroded building corners resulting in the creation of public space (see diagram at right). Such treatments are also appropriate for Prominent Visual Terminus sites identified on Map 9 of the Land Use By-law.			•
3.2.2c	Sideyard setbacks are not permitted in the Central Blocks defined on Map 8 of the Land Use Bylaw, except where required for through-block pedestrian connections or vehicular access.			•
3.2.3	**Retail Uses**			
3.2.3a	All mandatory retail frontages (Map 3 of Land Use By-law) should have retail uses at-grade with a minimum 75% glazing to achieve maximum visual transparency and animation.	•		
3.2.3b	Weather protection for pedestrians through the use of well-designed awnings and canopies is required along mandatory retail frontages (Map 3) and is strongly encouraged in all other areas.	•		
3.2.3c	Where retail uses are not currently viable, the grade-level condition should be designed to easily accommodate conversion to retail at a later date.			•
3.2.3d	Minimize the transition zone between retail and the public realm. Locate retail immediately adjacent to, and accessible from, the sidewalk.	•		
3.2.3e	Avoid deep columns or large building projections that	•		

Attachment C – Design Manual Checklist				
Section	**Guideline**	**Complies**	**Discussion**	**N/A**
	hide retail display and signage from view.			
3.2.3f	Ensure retail entrances are located at or near grade. Avoid split level, raised or sunken retail entrances. Where a changing grade along a building frontage may result in exceedingly raised or sunken entries it may be necessary to step the elevation of the main floor slab to meet the grade changes.	•		
3.2.3g	Commercial signage should be well designed and of high material quality to add diversity and interest to retail streets, while not being overwhelming.			•
3.2.4	**Residential Uses** *(not applicable)*			
3.2.5	**Sloping Conditions** *(not applicable)*			
3.2.6	**Elevated Pedestrian Walkways** *(not applicable)*			
3.2.7	**Other Uses** *(not applicable)*			
3.3	**Building Design**			
3.3.1	**Building Articulation**			
3.3.1a	To encourage continuity in the streetscape and to ensure vertical 'breaks' in the façade, buildings shall be designed to reinforce the following key elements through the use of setbacks, extrusions, textures, materials, detailing, etc.: • Base: Within the first four storeys, a base should be clearly defined and positively contribute to the quality of the pedestrian environment through animation, transparency, articulation and material quality. • Middle: The body of the building above the base should contribute to the physical and visual quality of the overall streetscape. • Top: The roof condition should be distinguished from the rest of the building and designed to contribute to the visual quality of the skyline.	•		
3.3.1b	Buildings should seek to contribute to a mix and variety of high quality architecture while remaining respectful of downtown's context and tradition.		•	
3.3.1c	To provide architectural variety and visual interest, other opportunities to articulate the massing should be encouraged, including vertical and horizontal recesses or	•		

Attachment C – Design Manual Checklist				
Section	**Guideline**	**Complies**	**Discussion**	**N/A**
	projections, datum lines, and changes in material, texture or colour.			
3.3.1d	Street facing facades should have the highest design quality; however, all publicly viewed facades at the side and rear should have a consistent design expression.	•		
3.3.2	**Materials**			
3.3.2a	Building materials should be chosen for their functional and aesthetic quality, and exterior finishes should exhibit quality of workmanship, sustainability and ease of maintenance.	•		
3.3.2b	Too varied a range of building materials is discouraged in favour of achieving a unified building image.	•		
3.3.2c	Materials used for the front façade should be carried around the building where any facades are exposed to public view at the side or rear.			•
3.3.2d	Changes in material should generally not occur at building corners.			•
3.3.2e	Building materials recommended for new construction include brick, stone, wood, glass, in-situ concrete and pre-cast concrete.	•		
3.3.2f	In general, the appearance of building materials should be true to their nature and should not mimic other materials.	•		
3.3.2g	Stucco and stucco-like finishes shall not be used as a principle exterior wall material.	•		
3.3.2h	Vinyl siding, plastic, plywood, concrete block, EIFS (exterior insulation and finish systems where stucco is applied to rigid insulation), and metal siding utilizing exposed fasteners are prohibited.	•		
3.3.2i	Darkly tinted or mirrored glass is prohibited. Clear glass is preferable to light tints. Glare reduction coatings are preferred.	•		
3.3.2j	Unpainted or unstained wood, including pressure treated wood, is prohibited as a building material for permanent decks, balconies, patios, vernadas, porches, railings and other similar architectural embellishments, except that this guidelines shall not apply to seasonal sidewalk cafes.	•		

Attachment C – Design Manual Checklist				
Section	**Guideline**	**Complies**	**Discussion**	**N/A**
3.3.3	**Entrances**			
3.3.3a	Emphasize entrances with such architectural expressions as height, massing, projection, shadow, punctuation, change in roof line, change in materials, etc.	•		
3.3.3b	Ensure main building entrances are covered with a canopy, awning, recess or similar device to provide pedestrian weather protection.	•		
3.3.3c	Modest exceptions to setback and stepback requirements are possible to achieve these goals.			•
3.3.4	**Roof Line and Roofscapes**			
3.3.4a	Buildings above six storeys (mid and high-rise) contribute more to the skyline of individual precincts and the entire downtown, so their roof massing and profile must include sculpting, towers, night lighting or other unique features.			•
3.3.4b	The expression of the building 'top' (see previous) and roof, while clearly distinguished from the building 'middle', should incorporate elements of the middle and base such as pilasters, materials, massing forms or datum lines.	•		
3.3.4c	Landscaping treatment of all flat rooftops is required. Special attention shall be given to landscaping rooftops in precincts 3, 5, 6 and 9, which abut Citadel Hill and are therefore preeminently visible. The incorporation of living "green roofs" is strongly encouraged.	•		
3.3.4d	Ensure all rooftop mechanical equipment is screened from view by integrating it into the architectural design of the building and the expression of the building 'top'. Mechanical rooms and elevator and stairway head-houses should be incorporated into a single well-designed roof top structure. Sculptural and architectural elements are encouraged to add visual interest.	•		
3.3.4e	Low-rise flat roofed buildings should provide screened mechanical equipment. Screening materials should be consistent with the main building design. Sculptural and architectural elements are encouraged for visual interest as the roofs of such structures have very high visibility.	•		
3.3.4f	The street-side design treatment of a parapet should be			•

Attachment C – Design Manual Checklist				
Section	**Guideline**	**Complies**	**Discussion**	**N/A**
	carried over to the back-side of the parapet for a complete, finished look where they will be visible from other buildings and other high vantage points.			
3.4	**Civic Character**			
3.4.1	**Prominent Frontages and View Termini** *(not applicable)*			
3.4.2	**Corner Sites** *(not applicable)*			
3.4.3	**Civic Buildings** *(not applicable)*			
3.5	**Parking Services and Utilities**			
3.5.1	**Vehicular Access, Circulation, Loading and Utilities** *(not applicable)*			
3.5.2	**Parking Structures** *(not applicable)*			
3.5.3	**Surface Parking** *(not applicable)*			
3.5.4	**Lighting**			
3.5.4a	Attractive landscape and architectural features can be highlighted with spot-lighting or general lighting placement.	•		
3.5.4b	Consider a variety of lighting opportunities inclusive of street lighting, pedestrian lighting, building up- or down-lighting, internal building lighting, internal and external signage illumination (including street addressing), and decorative or display lighting.	•		
3.5.4c	Illuminate landmark buildings and elements, such as towers or distinctive roof profiles.			•
3.5.4d	Encourage subtle night-lighting of retail display windows.	•		
3.5.4e	Ensure there is no 'light trespass' onto adjacent residential areas by the use of shielded "full cutoff" fixtures.			•
3.5.4f	Lighting shall not create glare for pedestrians or motorists by presenting unshielded lighting elements in view.	•		
3.5.5	**Signs** *(will be considered through the permitting process at a later time)*			
4	**Heritage Design Guidelines**			
4.1	**New Development in Heritage Context**			

Attachment C – Design Manual Checklist				
Section	**Guideline**	**Complies**	**Discussion**	**N/A**
4.1.1	**Replicas and Reconstructed Buildings** *(not applicable)*			
4.1.2	**New Buildings in Heritage Contexts**			
	Entirely new buildings may be proposed where no previous buildings existed, where original buildings are missing, or where severely deteriorated or non-historic buildings are removed.	•		
	The intention in designing such new buildings should not be to create a false or ersatz historic building, instead the objective must be to create a sensitive well designed new structure "of its time" that fits and is compatible with the character of the district or its immediate context.	•		
	The design of new buildings should carefully consider requirements elsewhere in these guidelines for density, scale, height, setbacks, stepbacks, coverage, landscaped open space, view corridors, and shadowing. Design considerations include: contemporary design, material palette, proportions of parts, solidity vs. transparency and detailing.	•		
4.1.3	**Contemporary Design** New work in heritage contexts should not be aggressively idiosyncratic but rather it should be neighbourly and respectful of its heritage context, while at the same time representing current design philosophy. Quoting the past can be appropriate, however, it should avoid blurring the line between real historic buildings, bridges and other structures. "Contemporary" as a design statement does not simply mean current. Current designs with borrowed detailing inappropriately, inconsistently, or incorrectly used, such as pseudo-Victorian detailing, should be avoided.	•		
4.1.4	**Material Palette** As there is a very broad range of materials in today's design palette, materials proposed for new buildings in a heritage context should include those historically in use. The use and placement of these materials in a contemporary composition and their incorporation with other modern materials is critical to the success of the fit of the proposed building in its context. The proportional use of materials, drawing lines out of the surrounding context, careful consideration of colour and texture all add to success of a composition.		•	

Attachment C – Design Manual Checklist				
Section	**Guideline**	**Complies**	**Discussion**	**N/A**
4.1.5	**Proportion of Parts** Architectural composition has always had at its root the study of proportion. In the design of new buildings in a heritage context, work should take into account the proportions of buildings in the immediate context and consider a design solution with proportional relationships that make a good fit. An example of this might be windows. Nineteenth century buildings tended to use a vertical proportion system in the design and layout of windows including both overall windows singly or in built up groups and the layout of individual panes.	•		
4.1.6	**Solidity versus Transparency** Similar to proportion, it is a characteristic of historic buildings of the 19th century to have more solid walls with punched window openings. This relationship of solid to void makes these buildings less transparent. It was a characteristic that was based upon technology, societal standards for privacy, and architectural tradition. In contrast buildings of many 20th century styles use large areas of glass and transparency as part of the design philosophy. The relationship of solidity to transparency is a characteristic of new buildings that should be carefully considered. It is an element of fit. The level of transparency in the new work should be set at a level that provides a good fi t on street frontages with existing buildings that define the character of the street in a positive way		•	
4.1.7	**Detailing** For new buildings, detailing should refer to the heritage attributes of the immediate context. Detailing can be more contemporary yet with a deference to scale, repetition, lines and levels, beam and column, solid and transparent that relates to the immediate context. In past styles, structure was often unseen, hidden behind a veneer of other surfaces, and "de-tailing" was largely provided by the use of coloured, shaped, patterned or carved masonry or added traditional ornament, moldings, finials, cresting and so on. In contemporary buildings every element of a building can potentially add to the artistic composition of architectural, structural, mechanical and even electrical systems.	•		

Attachment C – Design Manual Checklist				
Section	**Guideline**	**Complies**	**Discussion**	**N/A**
4.2	**Guidelines for Infill**			
4.2.1	**Cornice Line**			
4.2.1a	Maintain the same or similar cornice height established by existing heritage buildings for the podium (building base) to create a consistent streetwall height, reinforcing the 'frame' for public streets and spaces.	•		
4.2.2	**Sidewalk Level Height and Articulation**			
4.2.2a	Maintain the same or similar height of the first storey of new buildings to the first storey datum line of heritage buildings (i.e. the height of intermediate cornice lines or frieze boards between the first and second storeys).	•		
4.2.2b	Maintain other heights and proportions in the first storey such as: • sign band height and size; • window height, size and proportion, including transoms; • door height, position, and setback, and; • maintain the prevailing at-grade use (i.e. retail or residential) while considering the intended use and role of the street.	•		
4.2.3	**Rhythm**			
4.2.3	Maintain the rhythm of existing heritage buildings, generally at a fi ne scale, typically in 6m to 12m intervals (storefronts, individual buildings, etc.) in a vertical proportion.	•		
4.2.3	For larger or longer buildings, clearly articulate vertical divisions or bays in the façade at this rhythm.			•
4.2.3	Where appropriate for consistency, provide retail bays or frontages at the same rhythm.			•
4.2.4	**Window Proportion**			
4.2.4a	Maintain the window proportions of existing heritage buildings (generally vertically oriented windows).	•		
4.2.4b	Windows should be aligned above each other from storey to storey.	•		
4.2.5	**Materials**			

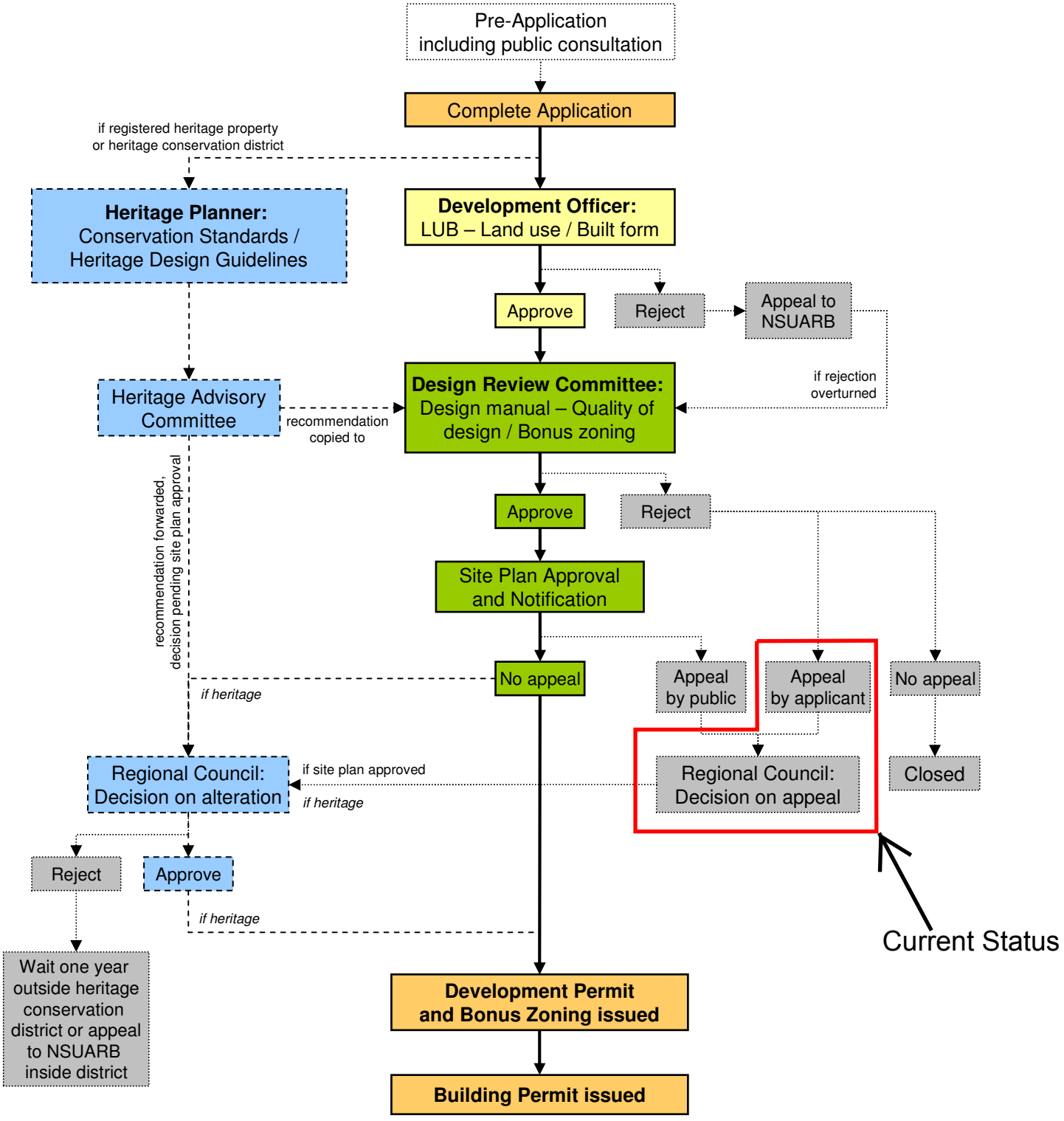
Attachment C – Design Manual Checklist				
Section	**Guideline**	**Complies**	**Discussion**	**N/A**
4.2.5a	Provide similar materials to those in use in existing heritage buildings.		•	
4.2.5b	Typical materials are masonry, usually brick or stone, in small modular units (bricks, cut stones).		•	
4.2.5c	Where materials differ, for example concrete, provide fine scale articulation of the surface finish through score lines, modular units or other such means	•		
4.2.5d	Provide similar colour palettes, typically neutrals and earth tones, and textures.	•		
4.2.5e	New materials should be high quality and durable, ensuring they age well.	•		
4.2.6	**Upper Level Setbacks**			
4.2.6a	Building elements that are taller than the podium or streetwall height should step back.	•		
4.2.6b	Stepbacks should generally be a minimum of 3 metres in areas of contiguous heritage resources.	•		
4.2.6c	In the upper setback levels greater freedom of material choice and design expression is permitted.		•	
4.3	**Guidelines for Abutting Developments** *(not applicable)*			
4.4	**Guidelines for Integrated Developments and Additions** *(not applicable)*			
4.5	**Guidelines for Facade Alteration on Registered Heritage Buildings and Buildings in Heritage Conservation Districts** *These guidelines shall apply to all registered heritage buildings, and all buildings in heritage conservation districts.* *(not applicable)*			
4.6	**Guidelines for Signs on Registered Heritage Buildings and Buildings in Heritage Conservation Districts** *(will be evaluated as part of any future sign permit application)*			

Attachment B

Downtown Halifax Site Plan Approval Process

Substantive Applications

Dev. Approvals



Attachment C

Municipal Clerk
Halifax Regional Municipality
P.O. Box 1749
Halifax, NS B3J 3A5
Fax#490-4208

NOTICE OF APPEAL

IN THE MATTER OF: CASE NO. 17534: Application by Lydon Lynch Architects Limited for substantial site plan approval to demolish an existing building and construct an office building with ground floor retail uses at 1592 Barrington Street, Halifax, ACCOUNT NO. CPC02310

and

IN THE MATTER OF: An appeal by Willard Strug as trustee for Morris Strug and Morris Strug, the owner (the "Owner") of the Tramway Building, Civic Number 5212 Sackville Street, Halifax, NS of approval by the Design Review committee of the proposed design of a development at 1592 Barrington street Halifax, N.S.

Willard Strug, Trustee for Morris Strug and Morris Strug, the owner of the Tramway Building, on the corner of Barrington and Sackville Street, being civic number 5212 Sackville Street. Halifax, N.S. ("Tramway Building") hereby appeal from the approval by the Design Review Committee of the Halifax Regional Municipality on Thursday, March 8, 2012 of the qualitative design aspects and variances associated with the development at 1592 Barrington Street, Halifax, Nova Scotia ("Proposed Development").

The reasons for appeal are:

1. The Proposed Development includes construction to be partly situate and encroaches upon a passage and right-of-way adjacent to and immediately south of the Tramway Building. The passage and right-of-way has been used by the owner and tenants of the Tramway Building since its construction in 1916 as well as by other adjacent properties including Neptune Theatre for access to those properties. The use by adjacent property owners has resulted in a prescriptive right over the passage and right of way to the adjacent owners for access to their properties;

2. The Tramway Building is an historic and heritage building. Its architecture is unique in Halifax. It is notable as Halifax's only example of the modern neo-gothic style and was designed by Andrew Cobb, one of the city's most well-known early 20th Century architects and one of the most renowned architects in Atlantic Canada. The effect of the Proposed Development and in particular the portion of construction on the right of way is to interfere and block the view of the south side of the Tramway Building. Many of the

architectural features of the Tramway Building including, façade, window design, view and light from the interior of the building and other features of the Tramway Building would be interfered with and obscured;

3. The owner of the Tramway Building would not be permitted to interfere with or adversely affect the building as would result from the Proposed Development. The ability of others to do so should not be permitted;

4. The present and past structures on the site of 1592 Barrington Street did not occupy or interfere with the passage and right of way adjacent to the Tramway Building. Incorporating the passage and right of way is not necessary for an harmonious design or development of the property at 1592 Barrington Street which can be accomplished without interfering with the unique and notable architecture of the Tramway Building..

The Appellant respectfully requests that any proposed development of 1592 Barrington Street which incorporates the passageway and right-of-way adjacent to the south side of the Tramway Building be rejected and the present design approval of the Proposed Development by the Design Review Committee be overturned.

DATED this 21st day of March, 2012

Willard Strug,
Trustee for the owner, Morris Strug

Morris Strug - Owner
1568 Hollis Street, Suite 200
Tel 429-6944; Fax 429-7343