

HALIFAX

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Item No. 12.1
Halifax Regional Council
January 14, 2020

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original Signed by 

Jacques Dubé, Chief Administrative Officer

DATE: December 17, 2019

SUBJECT: **Appeal of the Decision of the Design Review Committee for Case 22511:
Substantive Site Plan Approval for 1144, 1148, and 1150 Barrington Street,
Halifax**

ORIGIN

- Design Review Committee's November 14th, 2019 decision to refuse a substantive site plan approval application for the lands located at 1144, 1148, and 1150 Barrington Street, Halifax; and
- November 29, 2019 notice of appeal filed by the property owner of 1144, 1148, and 1150 Barrington Street, Halifax.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter (HRM Charter); Part VIII, Planning & Development – including:

- Section 246A: Design Review Committee for HRM by Design Downtown Plan Area;
- Section 251: Variance Procedures; and
- Section 252: Variance Appeals and Costs.

RECOMMENDATION

In accordance with Administrative Order One, the following motion shall be placed on the floor:

That the appeal be allowed.

If Halifax Regional Council allows the appeal it will result in approval of the Substantive Site Plan Approval Application.

If Halifax Regional Council denies the appeal it will result in refusal of the Substantive Site Plan Approval Application.

BACKGROUND

A Substantive Site Plan Approval application was submitted by Kassner Goodspeed Architects Ltd., on behalf of the property owner, to develop a five-storey mixed-use building with ground floor commercial uses and twenty-six residential units on lands located on Barrington Street between Kent Street and Tobin Street (Map 1).

Staff assessed the application against the requirements of the land use bylaw and the Downtown Halifax Design Manual and prepared a report on the application, dated October 30, 2019 (see attachment A). The staff report was provided to the Design Review Committee (DRC) for their consideration on November 14, 2019. The DRC refused the application and that refusal was subsequently appealed by the property owner as outlined in their letter of appeal (Attachment B).

Regional Council's role is to hear the appeal and make a decision on the application. Regional Council has the ability to make any decision that the DRC could have made relative to the application. This includes the 3 options of approval, approval with conditions or refusal.

Project Description

The project involves the construction of a five-storey mixed-use building, the details of the proposal are as follows:

- Five-storey mixed-use building with roof top amenity penthouse;
- 26 residential units;
- 139 sq. m. of ground floor commercial space;
- 73 sq. m. rooftop amenity penthouse;
- 292.5 sq. m. of landscaped open space, of which 175.5 sq. m. is located on the roof; and
- 8 vehicular parking stalls and bicycle parking facilities as per requirements of the Land Use By-law (LUB)

Site Plan Approval Process

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

Role of the Development Officer:

In accordance with the Substantive Site Plan Approval process set out in the Downtown Halifax LUB, the Development Officer is responsible for determining if a proposal meets the land use and built form requirements of the Downtown Halifax LUB. The Development Officer has reviewed the application and determined it to be in conformance with these requirements with the exception of the streetwall width, streetwall setback, side/rear yard setback, streetwall stepback, and upper storey stepback. The applicant has requested variances to these elements.

Role of the Design Review Committee:

The Design Review Committee, established under the LUB, is the body responsible for making decisions relative to a proposal's compliance with the requirements of the Design Manual.

The role of the Design Review Committee in this case is to:

1. determine if the project is in keeping with the guidelines contained within the Design Manual; and
2. consider the application for the variances noted above.

Design Review Committee Decision

At their November 14, 2019 meeting, the DRC refused the proposal as follows:

“MOVED by Matt Neville, seconded by Gregory MacNeil

THAT the Design Review Committee:

- 1. Approve the qualitative elements of the substantive site plan approval application for 5 storey mixed-use development at 1144, 1148, and 1150 Barrington Street, Halifax as shown in Attachment A of the staff report dated October 30, 2019; and*
- 2. Approve the five variances to the Land Use By-law requirements regarding streetwall width, streetwall setback, side/rear yard setback, streetwall stepback, and upper storey stepback as contained in Attachment B of the staff report dated October 30, 2019.*

MOTION PUT AND DEFEATED”

The Legislative Assistant to the DRC provided the following excerpt from the draft minutes of the November 14, 2019 meeting:

“The Committee felt the overall building design is not consistent with the Design Manual with respect to prominent civic frontage, namely, more distinct articulation and architectural features to reinforce visual prominence and the historical nature of the site. The Committee further recommended that further consideration be given to sections 3.2.1A, 3.3.1D, 3.3.3A, 3.4.1B, 3.1.1C, 2.3.2 of the Design Manual and requested that the Architect attend the Committee meeting to respond to questions should the application return.”

Appeal Notice and Process

In accordance with the *HRM Charter*, notice of the decision of the DRC was given to the applicant. On November 29, 2019, a notice of appeal was filed by the property owner regarding the DRC decision. Attachment B contains a copy of the appeal letter and the reasons for the appeal.

Administrative Order Number One, the *Procedures of the Council Administrative Order* (A.O.1) requires that Council, in hearing any appeal, must place a motion to “allow the appeal” on the floor, even if that motion conflicts with staff’s recommendation or the decision of the DRC. The Recommendation section of this report contains the required wording of the appeal motion based on A.O.1. as well as an explanation of the outcome of the appeal decision.

Appeals received through this process must be heard by Regional Council within 60 days of the date of appeal unless the parties to the appeal agree otherwise. The appeal was filed on November 29, 2019 and the 60-day time period will lapse on January 28, 2020. Regional Council must render its decision within 30 days after having heard the appeal. As Council will hear the appeal on January 14, 2020, a decision must be rendered no later than February 13, 2020.

Notification procedures and rights of appeal with respect to a decision of the DRC are based on the *HRM Charter* requirements that apply to a Development Officer’s decision to grant or refuse a variance. The *Charter* mandates that the owners of all property within 30 metres of the subject site be notified of the appeal hearing not less than 7 days prior to the meeting unless Council has expanded the size of that notification area. Where Council has adopted such a policy, the *Charter* requires notification using the approved expanded notification area or notification through newspaper advertisement. Council adopted HRM Administrative Order 2016-004 Respecting Variance Notification Distance. This policy increases the notification area for refusals of a site plan approval to 100 m from the subject property. Given these circumstances, the required notification for this appeal was completed based on a notice posted in the Chronicle Herald on January 4th, 2020.

Regional Council's Decision

In hearing an appeal, Regional Council may make any decision that the DRC could have made in respect of the application of the Design Manual appended to the LUB and any "site plan variances" pursuant to Part 3 of that Manual.

Regional Council may not substitute its decision for that of the Development Officer in respect of the application of the land use bylaw.

If the site plan approval is granted, the Development Officer must then consider whether all other requirements of the land use bylaw have been met before issuing or refusing a development permit. A decision to refuse a development permit may be appealed to the Nova Scotia Utility & Review Board.

Old South Suburb Heritage Conservation District

On March 24, 2015, Regional Council directed staff to prepare a Heritage Conservation District (HCD) plan and by-law for the Old South Suburb, which includes properties in the south end of Peninsula Halifax along Barrington Street and Hollis Street, south of Spring Garden Road. The lands which are the subject of this appeal are contained within this proposed district. On December 10, 2019 Regional Council gave first reading for the adoption of the Old South Suburb HCD and the notice for the public hearing was placed in the Chronicle Herald on December 21, 2019.

Adoption of the HCD plan and by-law, with proposed amendments to the Downtown Halifax Municipal Planning Strategy and Downtown Halifax Land-Use By-law, which would formalize the district are coincidentally scheduled to be before Regional Council for a public hearing and a decision at the same Council meeting this appeal will be heard (January 14, 2020).

DISCUSSION

In the October 30, 2019 staff report to the DRC, staff recommended approval of the proposal in accordance with the Design Manual, as outlined in Attachment A. The staff report outlines the rationale for staff's recommendation and includes an evaluation of the proposal against the applicable individual guidelines of the Design Manual. Information from the applicant about the approach to the design of the project and the requested variances is also included in Attachment A.

The Design Review Committee's rationale for refusal is set out in their motion and excerpt from the draft meeting minutes as outlined in the Background section of this report.

Issuance of a Development Permit for construction in areas where Site Plan approval is required in Downtown Halifax is a two-stage process that includes:

1. approval of the qualitative design elements by the DRC (or Regional Council in the event of an appeal) and;
2. approval by the Development Officer of the quantitative elements set out in the land use bylaw.

If the DRC approves the qualitative design elements or Council allows an appeal of the refusal of the qualitative design elements, a development permit can be only issued if the proposal also complies with the quantitative elements set out in the land use by-law.

The case currently before Council is unusual in that amendments to the quantitative elements set out in the land use bylaw are co-incidentally to be considered at the same meeting where Council will consider the appeal (the Old South Suburb HCD amendment package). The building being considered under the current appeal process is not consistent with the proposed Old South Suburb bylaw amendments and notice of Council's intent to consider these new regulations was advertised on December 10, 2019.

This means that if Council allows this appeal and adopts the proposed bylaw amendments within 150 days from the December 10, 2019 notice date, the Development Officer would be unable to issue a development permit and the proposed building could not be constructed.

Council has not yet made a decision with respect to its adoption of the Old South Suburb HCD. In the event Council allows this appeal, further alterations to the proposed Old South Suburb HCD amendment package would be required to allow the issuance of a development permit for the building as proposed. Given that the public notification of the details of the Old South Suburb HCD amendment package has already been completed, the changes to those regulations needed to accommodate the proposed building may require additional public notification and an additional public hearing prior to adoption. If Council allows this appeal, staff will outline in greater detail the options for Council's consideration respecting this property when Council considers the Old South Suburb amendment package.

FINANCIAL IMPLICATIONS

There are no financial implications associated with processing this planning application. All HRM costs are accommodated within the approved operating budget for C310 Planning & Applications.

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 developer's website, public kiosks at HRM Customer Service Centres, and a public open house.

Notifications associated with the appeal process have been completed in accordance with the HRM Charter.

ENVIRONMENTAL IMPLICATIONS

No implications have been identified.

ALTERNATIVES

1. Regional Council may choose to allow the appeal of the Design Review Committee with conditions and approve with conditions the qualitative elements of the substantive site plan approval application.
2. Regional Council may choose to uphold the decision of the Design Review Committee and refuse the qualitative elements of the substantive site plan approval application. Council should provide reasons for this refusal based on the specific guidelines of the Design Manual.

ATTACHMENTS

Map 1	Location and Zoning Map
Attachment A	October 30, 2019 Staff Report to the Design Review Committee
Attachment B	Notice of Appeal

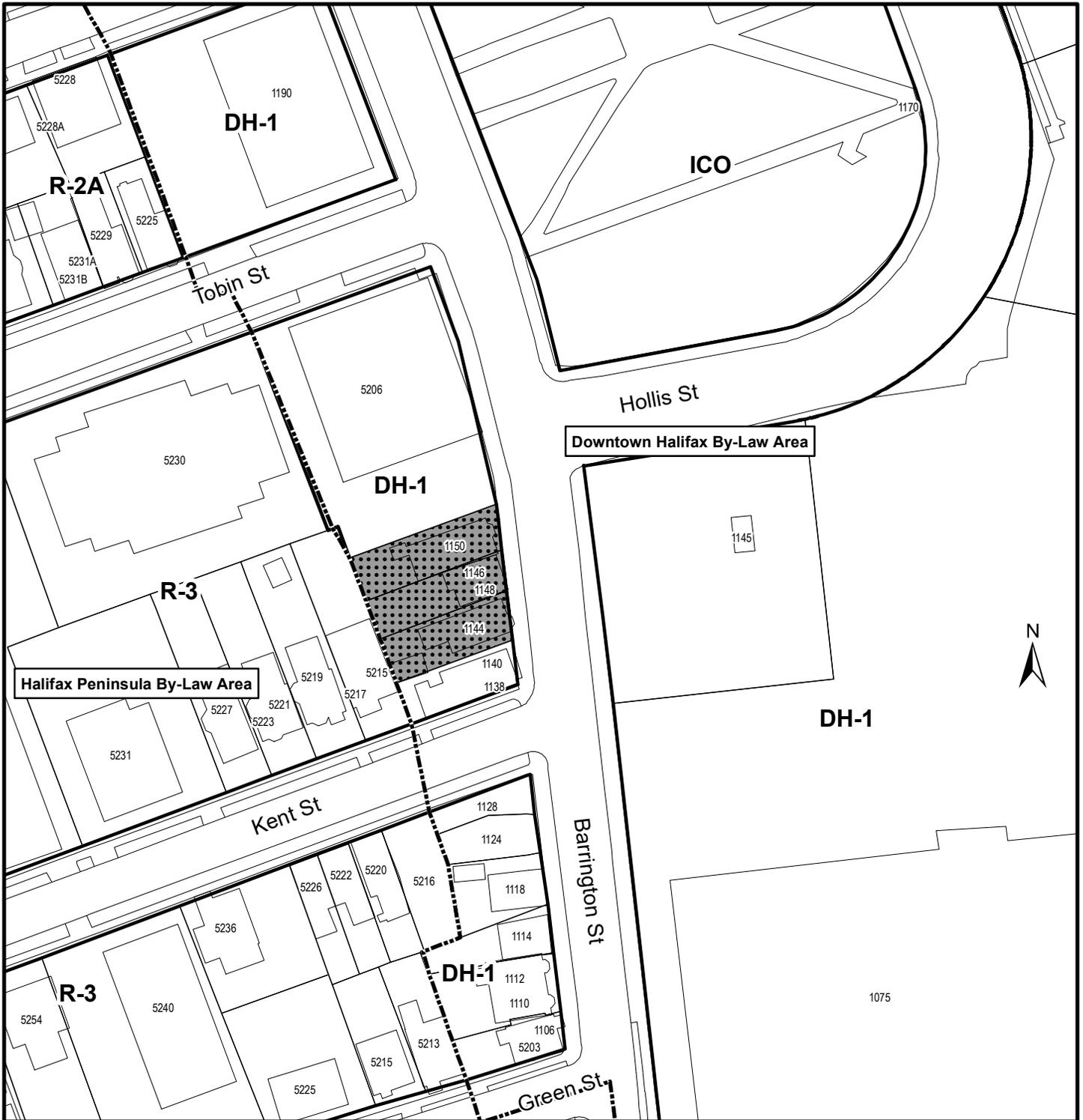
A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Dean MacDougall, Planner III, 902.490.4193

Report Approved by: Carl Purvis, Urban and Rural Applications Program Manager 902.490.4797

Financial Approval by: Jane Fraser, Director of Finance, Asset Management and ICT/CFO, 902.490.4630

Report Approved by: Kelly Denty, Director of Planning and Development 902.490.4800



Map 1 - Zoning and Location

1144-1150 Barrington Street,
Halifax

 Subject Properties

Downtown Halifax Land Use By-Law Area,
Halifax Peninsula Land Use By-Law Area

Zone

Downtown Halifax

- DH-1 Downtown Halifax
- ICO Institutional, Cultural and Open Space

Halifax Peninsula

- R-2A General Residential Conversion
- R-3 Multiple Dwelling



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

The accuracy of any representation on this plan is not guaranteed.

BACKGROUND

Kassner Goodspeed Architects Ltd. has applied for substantive site plan approval to construct a five-storey mixed-use building with ground floor commercial and twenty-six residential units on lands located on Barrington Street between Kent Street and Tobin Street (Map 1 and Attachment A). To allow the development, the Design Review Committee must consider the application relative to the Design Manual within the Downtown Halifax Land Use By-law (LUB).

This report addresses relevant regulation held within both the Land Use By-law and Design Manual in order to assist the Committee in their decision.

Subject Site	1144, 1148, and 1150 Barrington Street, Halifax
Location	On Barrington Street between Kent Street and Tobin Street
Zoning (Map 1)	DH-1
Lot Size	~776 square metres (~8355 square feet)
Site Conditions	Relatively flat with 3 existing commercial/residential buildings
Current Land Use(s)	Residential and Commercial
Surrounding Land Use(s)	A mix of commercial and residential land uses, including: <ul style="list-style-type: none">• Medium and high-density residential buildings to the north;• Low density residential dwellings to the south and west; and• Retail grocery and gas bar (Superstore) to the east.

Project Description

The applicant has applied to construct a five-storey mixed-use building, the details of the proposal are as follows (Attachments A, B, and C):

- Five-storey mixed-use building with roof top amenity penthouse;
- 26 residential units;
- ~139 sq. m. of ground floor commercial space;
- 73 sq. m. rooftop amenity penthouse;
- 292.5 sq. m. of landscaped open space, of which 175.5 sq. m. is located on the roof; and
- 8 vehicular parking stalls and bicycle parking facilities as per requirements of the Land Use By-law (LUB)

Further information about the approach to the design of the building has been provided by the project's architect within Attachment B of this report. Additional information such as building floorplans and renderings can be found in Attachment E of this report.

Regulatory Context - Municipal Planning Documents

With regard to the Downtown Halifax Secondary Municipal Planning Strategy (DHSMPS) and the Downtown Halifax LUB, the following are relevant to the proposed development from a regulatory context:

- Zone: DH-1 (Downtown Halifax)
- Precinct: Barrington Street South (Precinct 2)
- Maximum Building Height (Pre/Post-Bonus): 13.716 metres (measured from commencement of top storey)
- Identification of Barrington as a Pedestrian-Oriented Commercial Street
- Viewplane 8 encumbers the properties
- Required Streetwall Setback: 0-1.5 metres
- Maximum Streetwall Height: 18.5 metres
- Streetwall Width: minimum 80% of the width of the building abutting a streetline
- Required Streetwall Stepback: 3 metres above the streetwall
- Side/Rear Yard Setback: Maximum 20% of the lot width from the property boundary
- Upper Storey Setback: Minimum 10% of the lot width from the property boundary

- Minimum Landscaped Open Space: 292.5 square metres (minimum of 11.25 square metres per unit)
- Civic/Cultural Sites & Frontages: The Barrington Street frontage is identified as “Prominent Civic/Cultural Frontages” on Map 1 (Civic Character) of the Design Manual

DRC should note that the proposal was reviewed by the Development Officer and deemed to be in compliance with the above LUB regulations, with the exception of the requested variances noted below. In addition to the above regulations, the Design Manual of the Downtown Halifax LUB contains guidance regarding the appropriate appearance and design of buildings (Attachment D).

Site Plan Approval Process

Under the site plan approval process, development proposals within the Downtown Halifax Plan area must meet the land use and building envelope requirements of the Land Use By-law (LUB), as well as the requirements of the By-law’s Design Manual. The process requires approvals by both the Development Officer and the DRC as follows:

Role of the Development Officer

In accordance with the Substantive Site Plan Approval process, as set out in the Downtown Halifax LUB, the Development Officer is responsible for determining if a proposal meets the land use and built form requirements contained in the LUB. The Development Officer has reviewed the application and determined the following elements do not conform to the Downtown Halifax LUB:

- Streetwall width;
- Streetwall setback;
- Side/rear yard setback;
- Streetwall stepback; and
- Upper storey stepback.

The applicant has requested that five variances to the Downtown Halifax LUB be considered for approval through the site plan review process (Attachment C).

Role of the Design Review Committee

The Design Review Committee, established under the LUB, is the body responsible for making decisions relative to a proposal’s compliance with the requirements of the Design Manual.

The role of the Design Review Committee in this case is to:

1. Determine if the project is in keeping with the design guidelines contained within the Design Manual (Attachment D); and
2. Consider the variance requests that have been made pursuant to variance criteria in the Design Manual (Attachment C).

Notice and Appeal

Where a proposal is approved by the Design Review Committee, notice is given to all assessed property owners within the DHSMPs Plan Area boundary plus 30 meters. Any assessed property owner within the area of notice may then appeal the decision of the Design Review Committee to Regional Council. If no appeal is filed, the Development Officer may then issue the Development Permit for the proposal. If an appeal is filed, Regional Council must hold a hearing and make a decision on the application. A decision to uphold an approval will result in the approval of the project while a decision to overturn an approval will result in the refusal of the site plan approval application.

COMMUNITY ENGAGEMENT

The community engagement process has been 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 developer's website, public kiosks at HRM Customer Service Centres, and a Public Open House held on July 24, 2019.

DISCUSSION

Design Manual Guidelines

As noted above, the Design Manual contains a variety of building design conditions that are to be met in the development of new buildings and modifications to existing buildings as follows:

- Section 2.2 of the Design Manual contains design guidelines that are to be considered specifically for properties within Precinct 2; and
- Section 3.6 of the Design Manual specifies conditions by which variances to certain Land Use By-law requirements may be considered.

An evaluation of the general guidelines and the relevant conditions as they relate to the project are found in a table format in Attachment D. The table indicates staff's analysis and advice as to whether the project complies with the guidelines. In addition, it identifies circumstances where there are different possible interpretations of how the project relates to a guideline, where additional explanation is warranted, or where the Design Review Committee will need to give attention in their assessment of conformance to the Design Manual.

Staff have undertaken a detailed review of the proposal, and have identified the following items as discussion items that require further consideration by the Design Review Committee as follows:

Articulation of Narrow Shop Fronts (3.1.1a) & Frequent Entries (3.1.1 c)

Section 3.1.1 provides criteria for consideration of buildings which are located on Pedestrian-Oriented Commercial streets. The Design Manual places emphasis on the articulation of narrow shop fronts and frequent entries, characterized by their close placement to the sidewalk, to emulate qualities of the historic downtown.

In this case, the Barrington Street frontage is proposed to be occupied by a single retail tenant. It would not be appropriate for the whole frontage to be articulated into narrow shop frontages with frequent entries as this would not reflect the internal use of the building. The design of the front façade is broken into a traditional bay design with the use of columns between the glass storefront and entryways which provides the impression of multiple commercial uses without compromising the integrity of the actual use. The ground floor has been designed with the intent of the Design Manual in mind as can be seen by the following ground floor design features:

- The retail and residential entry will be located directly adjacent to a sidewalk and have canopy protection;
- A high level of pedestrian level transparency is proposed along the entire façade; and
- The ground floor is designed so that it could be converted to individual retail entries should the space be divided into leaseholds.

These conditions will reinforce the "main street" qualities and animate the sidewalk.

Variances

The applicant is requesting five variances to the quantitative requirements of the Downtown Halifax LUB: streetwall width, streetwall setback, side/rear yard setback, streetwall stepback, and upper storey stepback. The applicant has outlined each of the variance requests on the plans (Attachment C) and has provided a rationale pursuant to the Design Manual criteria (Attachment B). The staff review of each variance request is provided in this section as outlined below.

Variance 1: Streetwall Width

Section 9(6) of the LUB requires the streetwall to extend a minimum of 80% of the width of the lot, however section 9(8) of the LUB allows the consideration of a variance where the relaxation is consistent with the

Design Manual. The applicant has requested a variance to this requirement to permit a streetwall that extends approximately 61% of the width of the lot.

Section 3.6.4 of the Design Manual allows for a variance to the streetwall width requirement subject to meeting certain conditions as outlined in Attachment D. Of the potential conditions for a variance, this application is being considered under the following provisions:

- 3.6.4 Streetwall widths may be varied by Site Plan Approval where:
- a. the streetwall width is consistent with the objectives and guidelines of the Design Manual; and
 - b. the resulting gap in the streetwall has a clear purpose, is well-designed and makes a positive contribution to the streetscape

The reduction in streetwall width is required to provide safe sightlines and visibility of pedestrians in both directions for vehicles exiting the site. Only the ground floor portion of the streetwall does not meet the minimum width requirements. Above the ground floor the streetwall extends the full width of the lot. This recess is considered minor as the streetwall still achieves the massing and placement required to provide the enclosure of the street that the Design Manual envisions. Further, pedestrian sightlines are a clear and valid reason for the variance as per the Design Manual variance criteria. As such, staff recommends approval of this variance.

Variance 2: Streetwall Setback

Section 9(1) of the LUB requires the streetwall to be setback from the streetline a maximum 1.5 metres. Section 9(8) of the LUB allows the consideration of a variance where the relaxation is consistent with the Design Manual. The applicant has requested a variance to this requirement to permit a streetwall setback of 3 metres and 4.85 metres for the residential and garage entrances, respectively. In addition, the rear walls of the balconies on floors 2 and 3, which are considered part of the streetwall, are setback approximately 2.28 metres.

Section 3.6.1 of the Design Manual allows for a variance to the streetwall setback requirement subject to meeting certain conditions as outlined in Attachment D. Of the potential conditions for a variance, this application is being considered under the following provisions:

- 3.6.1 Streetwall setbacks may be varied by Site Plan Approval where:
- a. the streetwall setback is consistent with the objectives and guidelines of the Design Manual;
 - b. the streetwall setback of abutting buildings is such that the streetwall setback would be inconsistent with the character of the street.

Like the streetwall width requirement, the minimum streetwall setback requirement could not be met on a portion of the ground floor due to the garage and residential entrance. The entrances are setback further than the maximum permitted distance to provide adequate sightlines for cars entering and exiting the building, and an increased visibility of pedestrians. The rear walls of the balconies repeat the stepped building articulation that is evident on both the ground floor and the two floors above the streetwall. The applicant has indicated this stepped configuration offers a point of historical reference as it generates the stepped profile that typically results when small residential buildings are constructed parallel to lot lines on an angled street frontage. These recesses in the streetwall are considered minor and do not take away from the streetwall configuration and placement. As such, staff recommends approval of this variance.

Variance 3: Side and Rear Yard Setback

Section 10(3) of the LUB requires a maximum setback of 20% (~5.5 metres) of the lot width from interior lot lines for the low-rise portion of the building. Section 10(14) of the LUB allows the consideration of a variance where the relaxation is consistent with the Design Manual. The applicant has requested a variance to this requirement for the following:

1. east elevation: to permit a setback of 8.5 metres (~30% of lot width) to accommodate the recesses for the garage and residential entrances;

2. west elevation: of levels 2 & 3 a setback of 7.1 metres (~25.7% of lot width) is proposed from the south property line to provide suitable interaction with the low-density residential uses; and
3. south elevation: on levels 2 & 3 the building setbacks creating a west face that requires a setback of 10.97 metres (~39% of the lot width) from the west property line to provide the balconies an appropriate separation distance from the property line.

Section 3.6.2 of the Design Manual allows for a variance to the maximum low-rise setback subject to meeting certain conditions as outlined in Attachment D. Of the potential conditions for a variance, this application is being considered under the following provisions:

- 3.6.2 Side and rear yard setbacks may be varied by Site Plan Approval where:
- a. the modified setback is consistent with the objectives and guidelines of the Design Manual; and
 - b. the modification does not negatively impact abutting uses by providing insufficient separation

On the ground level, the maximum setback could not be met from the south property line due to the recess created for the garage and pedestrian entrance. On levels 2 and 3 facing the west property boundary, the portion of the building that exceeds the maximum setback is only five feet wide and is the result of a building design intended to reduce the apparent scale of the wall adjacent to the neighboring house. Again, on levels 2 and 3, at the southwest corner of the building facing the south property line, the balconies are set into a notched corner that articulates the upper floors and establishes an appropriate setback distance for the balconies from adjacent properties. These variations are considered minor and do not negatively impact abutting properties. The setback distances are required to provide enough area for functional balconies while maintaining reasonable setbacks. As such, staff recommends approval of this variance.

Variance 4: Upper Storey Streetwall Stepback

Section 9(7) of the LUB requires a minimum streetwall stepback of 3 metres for portions of the building above the streetwall. Section 9(8) of the LUB allows the consideration of a variance where the relaxation is consistent with the Design Manual. The applicant has requested a variance to this requirement to permit a minimum stepback of 1.219 metres for the 5th floor balconies and a minimum stepback of 2.5 metres for portions of the building that project out on floors 4 and 5.

Section 3.6.5 of the Design Manual allows for a variance to the minimum streetwall stepback subject to meeting certain conditions as outlined in Attachment D. Of the potential conditions for a variance, this application is being considered under the following provisions:

- 3.6.5 Upper storey streetwall setbacks 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.

The proposed variance to the minimum streetwall stepback is requested so the building can address the angled streetline and provide architectural variety and visual interest through articulation of the façade. In addition, the applicant has stated that the stepped configuration offers a point of historical reference as it generates a stepped street line that typically resulted when small residential buildings were constructed parallel to lot lines on an angled street frontage. These projections into the streetwall stepback are considered minor and do not take away from the streetwall configuration and scale. As such, staff recommends approval of this variance.

Variance 5: Upper Storey Side Yard Setback

Section 10(4) of the LUB requires a minimum setback of 10% (2.76 metres) of the lot width from interior lot lines for the mid-rise portion of the building. Section 10(14) of the LUB allows the consideration of a variance where the relaxation is consistent with the Design Manual. The applicant has requested a variance to this requirement to permit a setback of 1.2 metres on the north elevation.

Section 3.6.6 of the Design Manual allows for a variance to the minimum mid-rise setback subject to meeting certain conditions as outlined in Attachment D. Of the potential conditions for a variance, this application is being considered under the following provisions:

- 3.6.6 The setback requirements of this section may be varied by Site Plan Approval where:
- a. the upper storey side yard setback is consistent with the objectives and guidelines of the Design Manual; and
 - b. where the height of the building is substantially lower than the maximum permitted building height and the setback reduction is proportional to that lower height; or
 - c. a reduction in setback results in the concealment of an existing blank wall with a new, well designed structure.

The applicant has stated that the minimum setback from the north property line for the mid-rise portion of the building could not be met because of modest site dimensions, coupled with the attempt to configure the service cores efficiently and step the building back further from the lower density residential uses on the south and west property lines. The north façade faces an open parking lot and therefore a reduced setback is considered minimal and does not negatively effect separation distances to the abutting structure. Furthermore, the overall height of this building is approximately 10 metres below the maximum permitted height and the proposed setback relaxation is 1.5 metres. This results in a setback reduction of approximately 15% of the building height reduction which is consistent with the variance criteria set out in part 3.6.6 b of the Design Manual. As such, staff recommends approval of this variance.

Conclusion

Staff advise that the proposed five-storey mixed-use building meets the objectives and guidelines of the Design Manual. It is, therefore, recommended that the substantive site plan approval application be approved.

FINANCIAL IMPLICATIONS

There are no financial implications. The HRM costs associated with processing this planning application can be accommodated within the approved 2019/20 operating budget for C310 Urban & Rural Planning Applications.

RISK CONSIDERATION

There are no significant risks associated with the recommendations contained within this report.

ENVIRONMENTAL IMPLICATIONS

No environmental implications are identified.

ALTERNATIVES

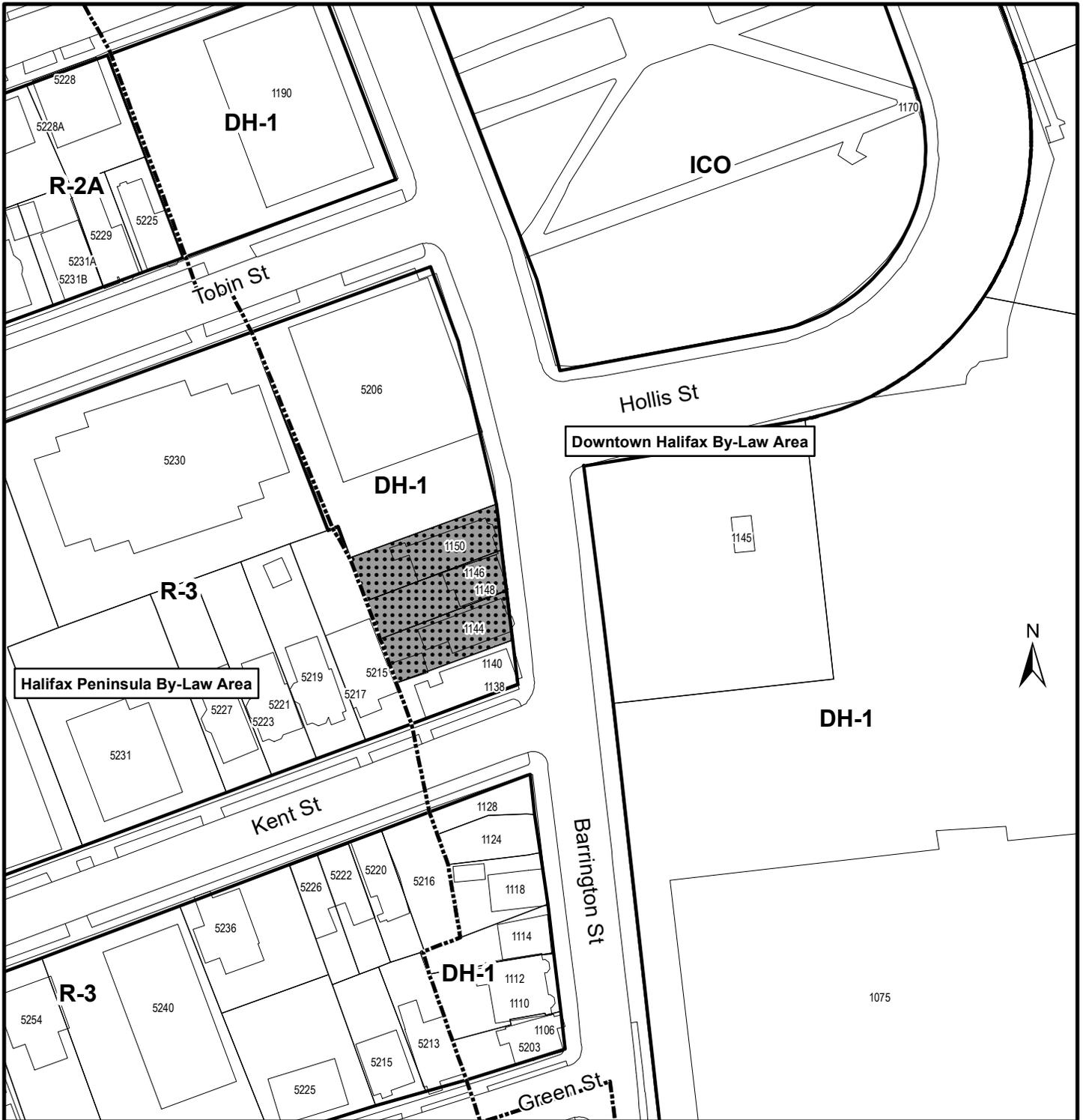
1. The Design Review Committee may choose to approve the application with conditions. This may necessitate further submissions by the applicant, as well as a supplementary report from staff.
2. The Design Review Committee may choose to deny the application. The Committee must provide reasons for this refusal based on the specific guidelines of the Design Manual. An appeal of the Design Review Committee's decision can be made to Regional Council.

ATTACHMENTS

Map 1 Location and Zoning

Attachment A Site Plan Approval Plans

Attachment B Design Rationale



Map 1 - Zoning and Location

1144-1150 Barrington Street,
Halifax

 Subject Properties

Downtown Halifax Land Use By-Law Area,
Halifax Peninsula Land Use By-Law Area

Zone

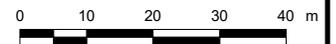
Downtown Halifax

DH-1 Downtown Halifax
ICO Institutional, Cultural and Open Space

Halifax Peninsula

R-2A General Residential Conversion
R-3 Multiple Dwelling

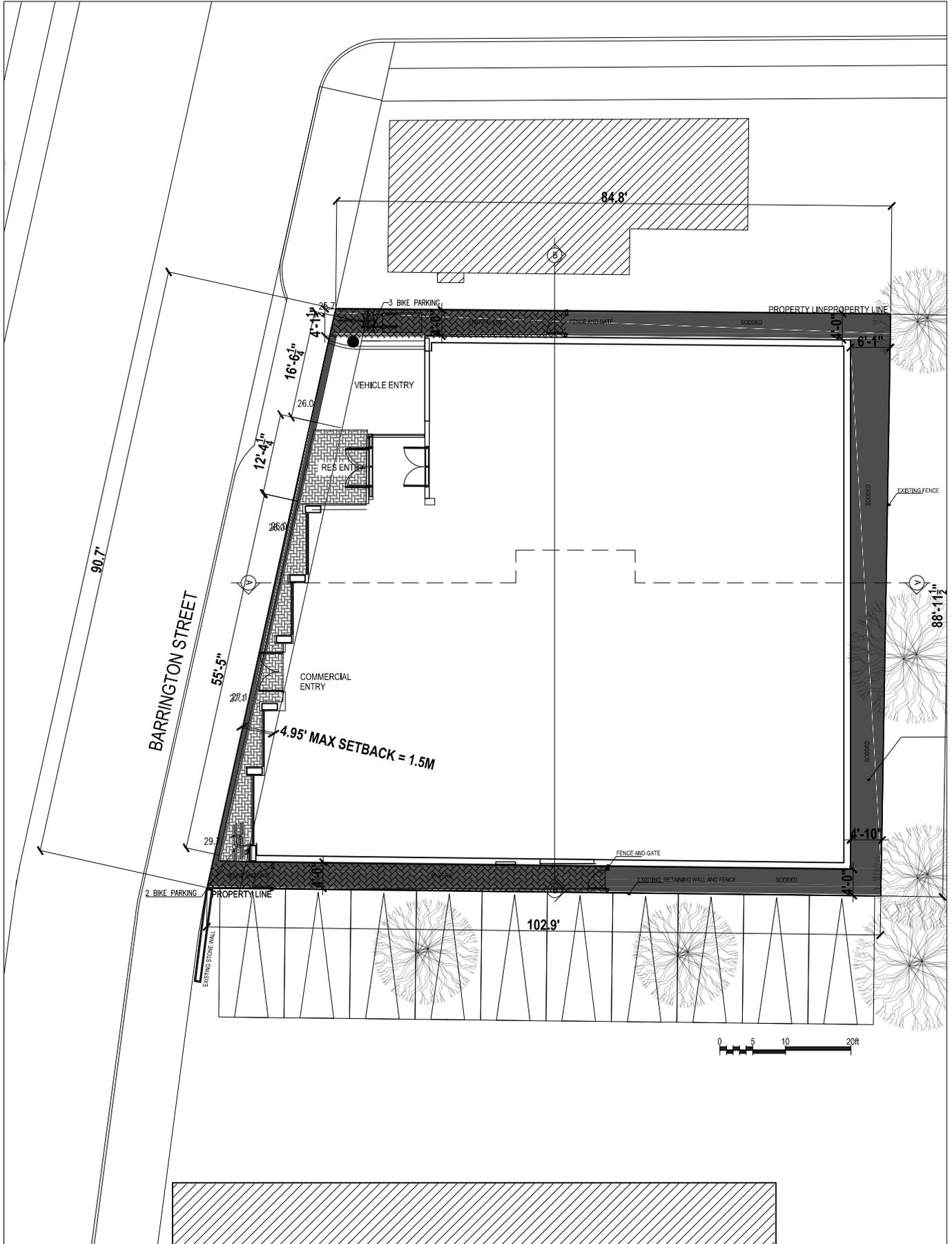
HALIFAX



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

The accuracy of any representation on this plan is not guaranteed.

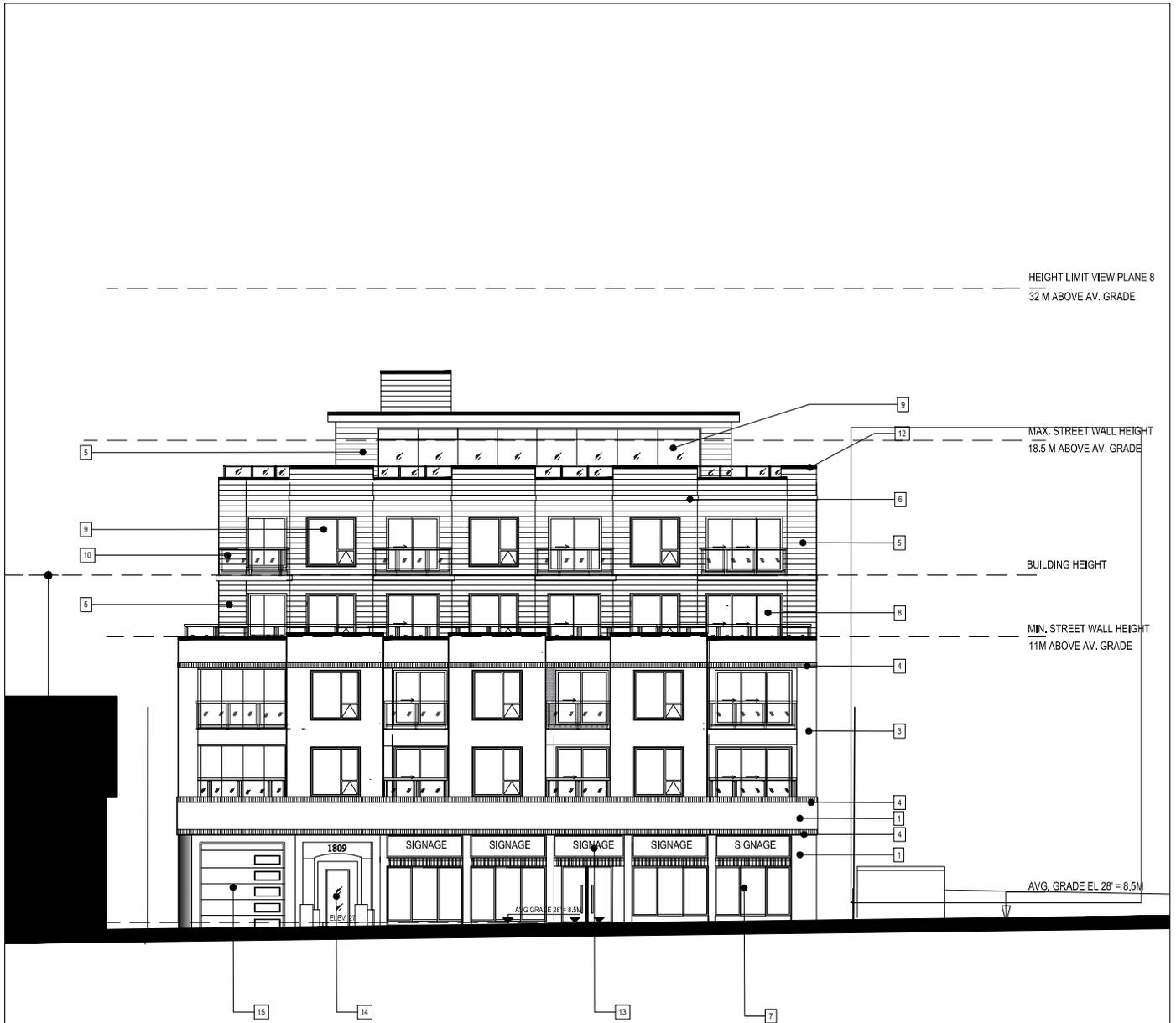
Attachment A: Site Plan Approval Plans



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CASE 22511 **SITE PLAN**
 THE OLYMPIC 1144 - 50 BARRINGTON ST.



EXTERIOR FINISH MATERIAL SPECIFICATIONS

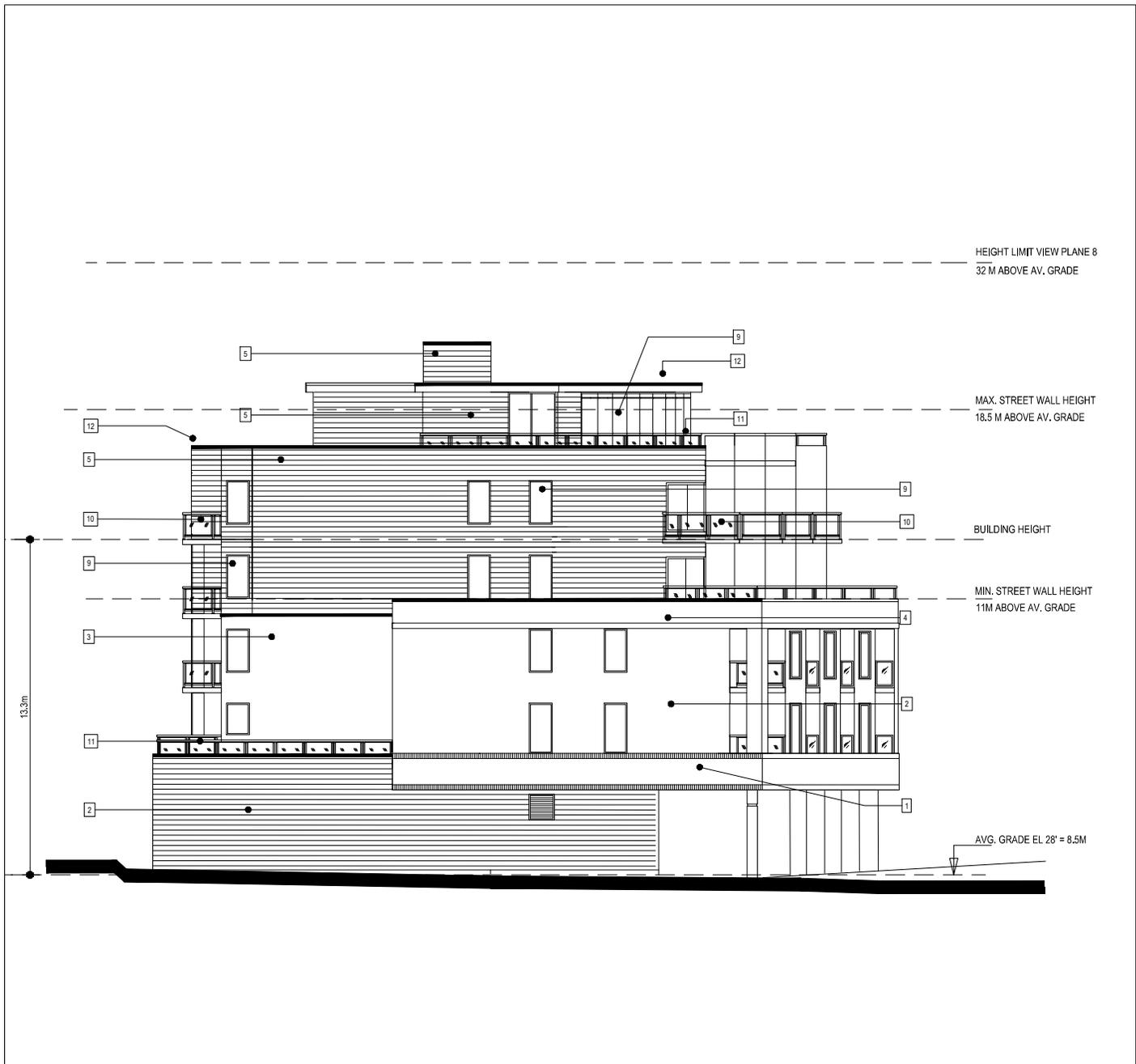
- | | |
|---|--|
| [1] BRICK VENEER 1 - SHAW ATLANTIC COLLECTION - PORT MORIEN BLACK, CHARCOALK MORTAR TINT | [9] WINDOWS, CLEAR GLASS IN PVC FRAMES, BLACK EXTERIOR FINISH |
| [2] CONCRETE MASONRY VENEER - SHAW FORTRESS STONE SIGNAL HILL - ONYX - CHARCOAL MORTAR TINT | [10] BALCONY RAILING, TEMPERED GLASS IN ALUMINUM FRAMING, BLACK FINISH |
| [3] BRICK VENEER 2 - SHAW ATLANTIC COLLECTION - WHITE POINT - WHITE MORTAR | [11] TERRACE GUARD, BLACK ALUMINUM FRAMES SECURED TO PARAPET WALL |
| [4] CONTINUOUS BRICK SOLDIER COURSING AS ACCENT | [12] PREFINISHED ALUMINUM WALL CAP FLASHING, BLACK |
| [5] PREFINISHED METAL HORIZONTAL STRIP SIDING c/w CORNERS AND EDGE TRIMS, WOODTONE GREY | [13] COMMERCIAL TENANT SIGN BAND |
| [6] PREFINISHED METAL PROJECTED TRIM | [14] RESIDENTIAL ENTRANCE |
| [7] ALUMINUM STOREFRONT GLAZING SYSTEM, BLACK FINISH, WITH HI-TRANSPARENCY GLASS | [15] PREFINISHED METAL AUTOMATIC OVERHEAD DOOR |
| [8] SLIDING PATIO DOOR, CLEAR GLASS IN PVC FRAMES, BLACK EXTERIOR FINISH | |



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CASE 22511 **EAST ELEVATION**
THE OLYMPIC 1144 - 50 BARRINGTON ST.



EXTERIOR FINISH MATERIAL SPECIFICATIONS

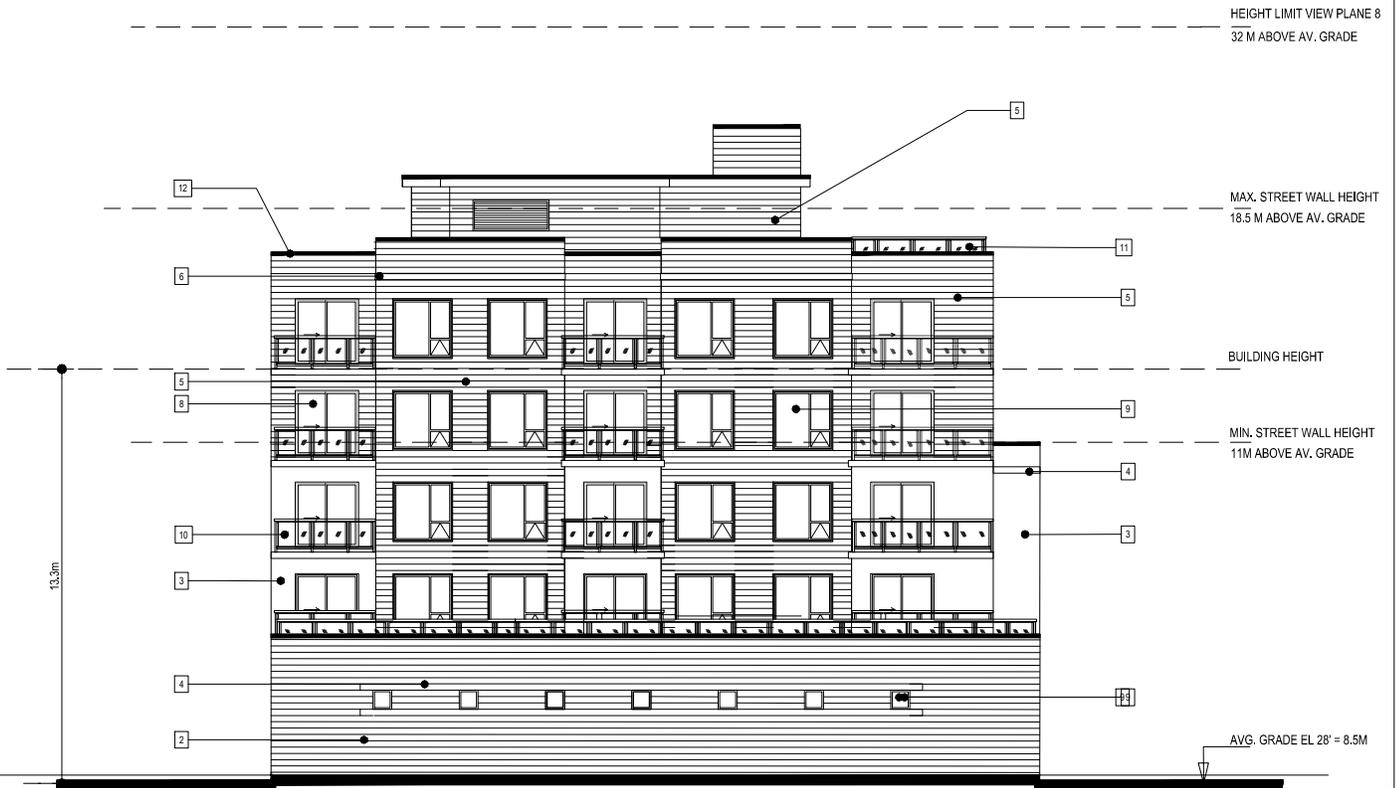
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|---|--|
| [1] BRICK VENEER 1 - SHAW ATLANTIC COLLECTION - PORT MORIEN BLACK, CHARCOALK MORTAR TINT | [9] WINDOWS, CLEAR GLASS IN PVC FRAMES, BLACK EXTERIOR FINISH |
| [2] CONCRETE MASONRY VENEER - SHAW FORTRESS STONE SIGNAL HILL - ONYX - CHARCOAL MORTAR TINT | [10] BALCONY RAILING, TEMPERED GLASS IN ALUMINUM FRAMING, BLACK FINISH |
| [3] BRICK VENEER 2 - SHAW ATLANTIC COLLECTION - WHITE POINT - WHITE MORTAR | [11] TERRACE GUARD, BLACK ALUMINUM FRAMES SECURED TO PARAPET WALL |
| [4] CONTINUOUS BRICK SOLDIER COURSING AS ACCENT | [12] PREFINISHED ALUMINUM WALL CAP FLASHING, BLACK |
| [5] PREFINISHED METAL HORIZONTAL STRIP SIDING c/w CORNERS AND EDGE TRIMS, WOODTONE GREY | [13] COMMERCIAL TENANT SIGN BAND |
| [6] PREFINISHED METAL PROJECTED TRIM | [14] RESIDENTIAL ENTRANCE |
| [7] ALUMINUM STOREFRONT GLAZING SYSTEM, BLACK FINISH, WITH HI-TRANSPARENCY GLASS | [15] PREFINISHED METAL AUTOMATIC OVERHEAD DOOR |
| [8] SLIDING PATIO DOOR, CLEAR GLASS IN PVC FRAMES, BLACK EXTERIOR FINISH | |



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CASE 22511 **SOUTH ELEVATION**
THE OLYMPIC 1144 - 50 BARRINGTON ST.



EXTERIOR FINISH MATERIAL SPECIFICATIONS

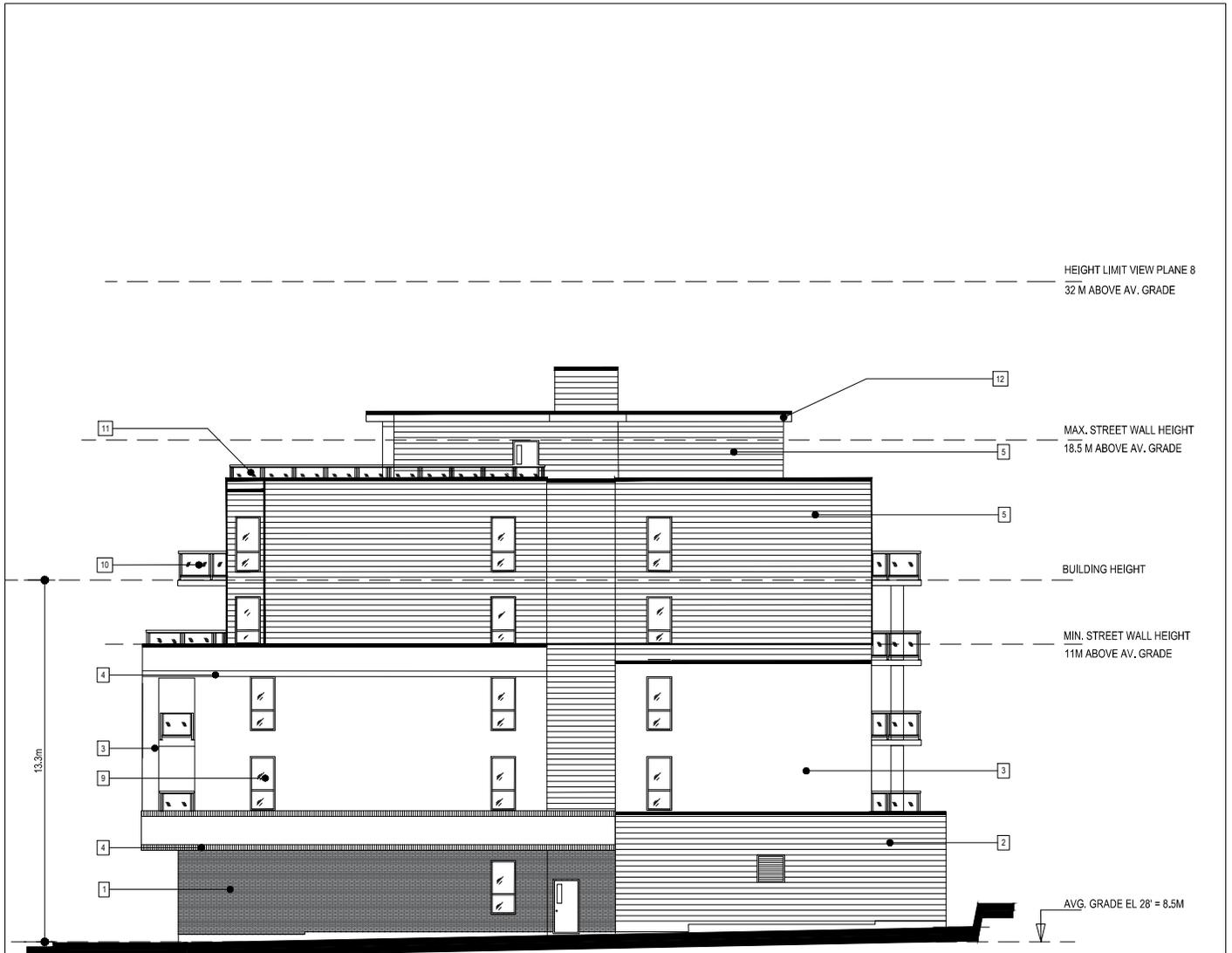
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|--|---|
| 1] BRICK VENEER 1 - SHAW ATLANTIC COLLECTION - PORT MORIEN BLACK, CHARCOALK MORTAR TINT | 9] WINDOWS, CLEAR GLASS IN PVC FRAMES, BLACK EXTERIOR FINISH |
| 2] CONCRETE MASONRY VENEER - SHAW FORTRESS STONE SIGNAL HILL - ONYX - CHARCOAL MORTAR TINT | 10] BALCONY RAILING, TEMPERED GLASS IN ALUMINUM FRAMING, BLACK FINISH |
| 3] BRICK VENEER 2 - SHAW ATLANTIC COLLECTION - WHITE POINT - WHITE MORTAR | 11] TERRACE GUARD, BLACK ALUMINUM FRAMES SECURED TO PARAPET WALL |
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| 5] PREFINISHED METAL HORIZONTAL STRIP SIDING c/w CORNERS AND EDGE TRIMS, WOODTONE GREY | 13] COMMERCIAL TENANT SIGN BAND |
| 6] PREFINISHED METAL PROJECTED TRIM | 14] RESIDENTIAL ENTRANCE |
| 7] ALUMINUM STOREFRONT GLAZING SYSTEM, BLACK FINISH, WITH HI-TRANSPARENCY GLASS | 15] PREFINISHED METAL AUTOMATIC OVERHEAD DOOR |
| 8] SLIDING PATIO DOOR, CLEAR GLASS IN PVC FRAMES, BLACK EXTERIOR FINISH | |



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CASE 22511 **WEST ELEVATION**
THE OLYMPIC 1144 - 50 BARRINGTON ST.



EXTERIOR FINISH MATERIAL SPECIFICATIONS

- | | |
|---|--|
| [1] BRICK VENEER 1 - SHAW ATLANTIC COLLECTION - PORT MORIEN BLACK, CHARCOALK MORTAR TINT | [9] WINDOWS, CLEAR GLASS IN PVC FRAMES, BLACK EXTERIOR FINISH |
| [2] CONCRETE MASONRY VENEER - SHAW FORTRESS STONE SIGNAL HILL - ONYX - CHARCOAL MORTAR TINT | [10] BALCONY RAILING, TEMPERED GLASS IN ALUMINUM FRAMING, BLACK FINISH |
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CASE 22511 **NORTH ELEVATION**
THE OLYMPIC 1144 - 50 BARRINGTON ST.



Kassner Goodspeed Architects Ltd.

Project No 1809

1144, 1148, 1150 Barrington Street
PID's 00103606, 00103598, 00103580

Statement of Design Rationale

General Description

Our client owns three contiguous properties on the west side of Barrington Street, mid block between Tobin and Green Streets in the Barrington South neighborhood. The property is currently developed with three two-storey wood framed houses, containing ground floor commercial space with residential units above.,

The existing structures have been often modified and are in poor condition. The decision has been made to demolish the existing buildings and construct a new building

The proposal is a 5 storey mixed use building featuring ground floor commercial space combined with residential units on the on the upper floors. The design features sidewalk level commercial space on Barrington Street with the residential uses stepped back on 4 upper floors. A stepped back penthouse provides amenity space and access to a common roof terrace.

Location

The three properties combined have a total area of 8,383 sf (779sm, 0.2 Ac). The lot is roughly square, with 92' of frontage on Barrington Street. The location is mid block on the western side, immediately across Barrington from the Superstore parking lot. Immediately to the north on Barrington is a five storey masonry clad apartment building flanking Tobin Street. To the south is a two storey wood frame house flanking Kent Street. Uphill to the west is a predominantly low rise residential neighborhood, with tree lined streets. The Barrington Street frontage slopes gently, falling approximately 2 feet from north to south,

Land Use Bylaw Requirements

Development on the site is controlled under the Downtown Halifax Bylaw. The lands are zoned DH-1 and located in Precinct 2, Barrington Street South. The bylaw specifies a maximum pre-bonus height of 13.716m (45ft), measured to the commencement of the top storey of the building from the average grade of the fronting street. There is no bonus height available in this precinct. The site lies completely within the bounds of Viewplane 8, which imposes an absolute height restriction of approximately 32m (105ft) , measured at the southeast corner of the property Streets. The bylaw specifies a maximum streetwall height of 18.5m (60ft) for the Barrington Street frontage, with a streetwall setback of 0 – 1.5m. The Barrington Street frontage is identified as a Pedestrian-Oriented Commercial Street.

Pedestrian Streetscapes

Barrington Street is identified as a Pedestrian Oriented Commercial Street in the Bylaw. In response, the design places approximately 140m² of commercial space addressing the Barrington sidewalk. This space is organized in a single tenancy to the north side of the residential entrance, with large storefront windows addressing the street. The separate residential, vehicle and service entrances are grouped on the southern end of the street frontage. The ground floor slab is stepped along the Barrington face to generate ground floor levels that respond to the varying entrance conditions on the sloping street frontage.

Building Design

The building is conceived as an articulated residential block with multiple setbacks along the angled frontage. A pronounced cornice line is used to establish to extent of the commercial use and to create a signage zone for the storefronts below. The ground floor commercial space and the two residential floors above create a street wall mass approximately 11m high, meeting the minimum bylaw requirement. This lower streetwall is intended to reflect height of the many historic buildings in the Barrington South neighborhood. The two upper residential floors are stepped back from the streetwall line and the penthouse level is stepped back again to allow a common roof terrace with views toward the harbour.

The proposal incorporates a total of 26 residential suites, suites and 1,500sf of sidewalk related commercial space. The residential mix includes 18 one bedroom suites and 8 two bedroom suites..

The upper floors of the building are expressed as an assemblage of smaller volumes, stepped in response to the angled frontage. This generates a fine grained appearance of numerous smaller volumes with distinctly vertical proportions. This is intended to compliment and reinforce the scale and rhythm of the small historic structures in the neighborhood.

To the south, the property abuts a smaller wood frame house, typical of the area. To create an appropriate transition, the stories above the streetwall are stepped back from the south property line, responding to the placement and scale of adjacent house.

The ground floor facing the sidewalk is detailed as a commercial storefront, with large glass areas separated by masonry piers. The residential entry is set back from the street line to provide an appropriate sense of entry. A strong horizontal paneled element caps the ground floor and separates the residential suites above. The suites are clad in a combination of horizontal aluminum planks and large phenolic panels with large glass areas. Each suite has a private balcony with aluminum and tempered glass railings.

As the upper floors of the building are for residential use, exterior lighting is kept to a minimum to avoid tenant disruptions. The storefronts and entrance lobby are to be lit with a combination of wall sconces and downlighting in the commercial sign band and the residential entrance. Low bollards will be used to illuminate the common roof terrace combined with accent lighting on the penthouse structure.



Landscaped Open Space,

For 26 suites, the bylaw requires a total of 292.5m (3,147 sf) of landscaped open space. In accordance with bylaw requirements, 40% of the L.O.S., 117sm (1,259 sf) of LOS is provided at grade. The balance of 175.5m (1,888sf) is provided on the roof, in a common terrace accessible to all building residents.

Civic Character

Because of the numerous historic structures located within its bounds, the South Barrington Precinct is under considered for designation as a historic district. Although there are no historic structures in the immediate vicinity of the site, the streetwall volumes are vertically proportioned and appropriately scaled and detailed to respect the heritage context. An additional stepback is provided at the level4 to reference the typical height 3 storey height of older structures. The volumes of the residential floors are expressed as vertically proportioned volumes recalling the massing of older buildings in the district.

Parking, Services and Utilities

Long term parking for bicycles and a few vehicles is provided in the parkade, accessed from Barrington Street. Short term parking for the commercial space is accommodated by on-street metered parking readily available in the neighborhood. A separate entrance is provided for service to the residential uses. The project will be connected to the existing downtown utility networks. All utility connections will be below grade

dbg
6 July 2019





Kassner Goodspeed Architects Ltd.

Case No 22511

1140-1150 Barrington Street, Halifax

Site Plan Variances

In general terms, we believe the proposed design is wholly derived from the fundamental concepts embodied in the Downtown Bylaw and fully respects the formal requirements. A total of six types of minor variances to the quantitative elements of the LUB are requested.

1) *Streetwall Width.* Downtown Halifax LUB: Section 9(6) requires the street wall to extend minimum of 80% of the width of the lot.

Non-Compliance: The property width at the streetline is 90'-6". The overall building width is 83 feet (91% of lot width). The storefront within the 1.5 m setback is 56 feet wide' (61% of the lot width). The residential entry, at 11 feet wide (12% of lot width) is set back approximately 3 meters. The garage entry is an additional 16 feet wide(17.6% of lot width) and is set back approximately 4.8 meters from the street line.

Rationale: Sentence 9(8) permits a variance to the minimum street width where consistent with the criteria specified in Section 3.6.4 of the Design Manual.

3.6.4(a) In this case the reduction of streetwall width occurs at the ground level only. The streetwall above this area (levels 2&3) is continuous along the property line for the full width of the building (82'-6" = 91% of the lot width). This effectively creates the sense of a continuous mass fronting the street as envisioned in the Design Manual

3.6.4(b) The opening in the ground floor of the streetwall is to properly and safely accommodate both the vehicular and residential entrances. This area is to be fully landscaped. The garage door is set back sufficient to allow a car length between the sidewalk and the door location. In addition, the main residential entry is set back from the storefront line. Aside from distinguishing the residential entrance from the commercial, the added setback on the residential entry increases the visibility of pedestrians to vehicles exiting the garage.

2) *Streetwall Setback.* Downtown Halifax LUB: Section 9(1) and Map 6 specify a streetwall setback for this site of 0-1.5 m.

Non-Compliance: There are two areas of non-compliance. On the ground floor, the pedestrian entry is set back 3m from the streetline. On levels 2 and 3, the setback of the rear walls of the indented balconies varies from 4'-6" (1.37m) to 7'-5" (2.28m). measured from the street line.

Rationale: Sentence 9(8) permits a variance to the minimum street width where consistent with the criteria specified in Section 3.6.1 of the Design Manual.

3.6.1(a) The increased setback of the pedestrian entrance is used to properly and safely accommodate both the vehicular and residential entrances. This area is to be fully landscaped. Aside from distinguishing the residential entrance from the commercial storefront, the added setback on the residential entry increases the visibility of pedestrians to vehicles exiting the garage.

Above the ground floor, the streetwall is given a strong expression as a solid brick plane parallel to the angled street line, with large punched openings. The openings are either glazed as windows or open onto indented balconies. The rear walls of the balconies repeat the stepped geometry that is evident on both the ground floor and the two floors above the streetwall. This stepped configuration offers a point of historical reference as it generates the stepped profile that typically resulted when small residential buildings were constructed parallel to lot lines on an angled streetfrontage.

3.6.1 (c) the streetwall façade of levels 2 and 3 presents as a solid masonry plane set parallel and 12" back from the streetline. This establishes the streetwall configuration for the site. The windows and the balconies are expressed as punched openings in the brick plane. This reduces the visual impact of the increased setback of the rear walls of the balconies, while providing adequate space to make the balconies useful.

3) *Maximum Interior lot line setback:* Downtown Halifax LUB: Section 10(3) specifies a maximum setback of 20% of the lot width from interior lot lines for the low-rise portion of the building.

Non:Compliance There are three areas one area of non compliance. On the ground floor only, for a total distance of approximately 3 meters, the setback to the pedestrian entry from the south interior lot line is 28 feet (approx. 30% of the lot width). On the south face on levels 2 and 3, for a distance of 2 meters, the setback to the building wall is 23'-4" (approximately 25.7% of the lot width). On the south edge of the west face, on levels 2 and 3, the setback is 36 feet (39% of lot width) for a width of 5 feet.

Rationale: Sentence 10(14) permits a variance to the maximum interior lot line setback when consistent with the criteria specified in Section 3.6.2 of the Design Manual.

3.6.2 (a) At ground level, the increase above maximum setback occurs for only a small section of the south wall and happens on the ground floor only. The building wall above this area (levels 2&3) is setback 1.2m. This effectively creates the sense of a full low-rise volume set 1.2 m away from the interior lot line as anticipated in the Design Manual. The increase in setback is used to accommodate the vehicle and pedestrian entrances as discusses in item 1 above.



On levels 2 and 3 the building form includes a small area where the maximum setback from the rear lot line is exceeded. This area is only 5 feet wide and is the result of articulation of the form intended reduce the apparent scale of the wall adjacent to the neighboring house and accentuate the stepback of floors 4 and 5 above.

On the upper floors, levels 2 through 5, at the southwest corner of the building, balconies are set into a notched corner. This provides articulation for the upper floors and maintains an appropriate separation from the balconies to the property line

3.6.2 (b) These modifications do not negatively impact the abutting use. On ground level, the separation distance from the abutter is actually increased and the area is to be fully landscaped and used for purposes of access. On levels 2 and 3, the building articulation reflects the scale and size of the adjacent dwelling. On the upper floors, the niche provides sufficient area for the balcony to be useful while maintaining a reasonable stepback.

4) *Minimum Streetwall stepback:* Downtown Halifax LUB: Section 9(7) requires a minimum streetwall stepback of 3.0m for the upper stories of a building that less than 33 m tall. The Downtown Halifax LUB: Section 10 (13) allows balconies to encroach into required stepback provided the protrusion is no more than 2 meters from the building face and the aggregate length does not exceed 50% of the building width..

Non:Compliance There are two instances. Above the streetwall height on levels 4 and 5, steps are introduced in the floor plan to follow the angled street line. Stepbacks on these levels vary from a minimum of 2.5 m to a maximum of 3.5m. On the East façade, on level 5, the building width is 78'-2". Within this width, 4 balconies encroach into the required stepback for floor above the streetwall. The varying encroachments, all less than 2m, have an aggregate width of 44'-4", equal to 57% of the streetwall.

Rationale: Sentence 9(8) permits variances to the streetwall stepback when consistent with the criteria specified in Section 3.6.5 of the Design Manual. Sentence 10(14) permits variances to the encroachments when consistent the objectives of the Design Manual.

3.6.5 (a) The Design Manual mandates stepbacks for the floors above the streetwall. Article 3.3.1(c) encourages architectural variety and visual interest through articulation of recesses and projections. In this case, an average stepback of 3.1m from the streetwall is maintained while the stepped façade generates a fine grained texture to the upper floor levels.

3.6.5 (b) The stepped configuration offers a point of historical reference as it generates a stepped street line that typically resulted when small residential buildings were constructed parallel to lot lines on an angled streetfrontage.

The modest increase to the aggregate width of the balconies on level 5 allows the balconies to integrate with the stepped profile. The stepped configuration offers a point of historical reference as it generates a stepped street line that typically resulted when small residential buildings were constructed parallel to lot lines on an angled street frontage.



5) *Minimum upper storey setback:* Downtown Halifax LUB: Section 10 (4) requires that upper floors of mid rise buildings be set back 10% of the lot width from interior lot lines. On this lot the required minimum setback from interior lot lines is 9,07 ft (2.76m) .

Non Compliance: There is one area of non-compliance. On North façade, the step back of upper floors 4 and 5 is 1.2m from the interior lot line.

Rationale: Sentence 10(14) permits variances to the streetwall setback when consistent with the criteria specified in Section 3.6.6 of the Design Manual.

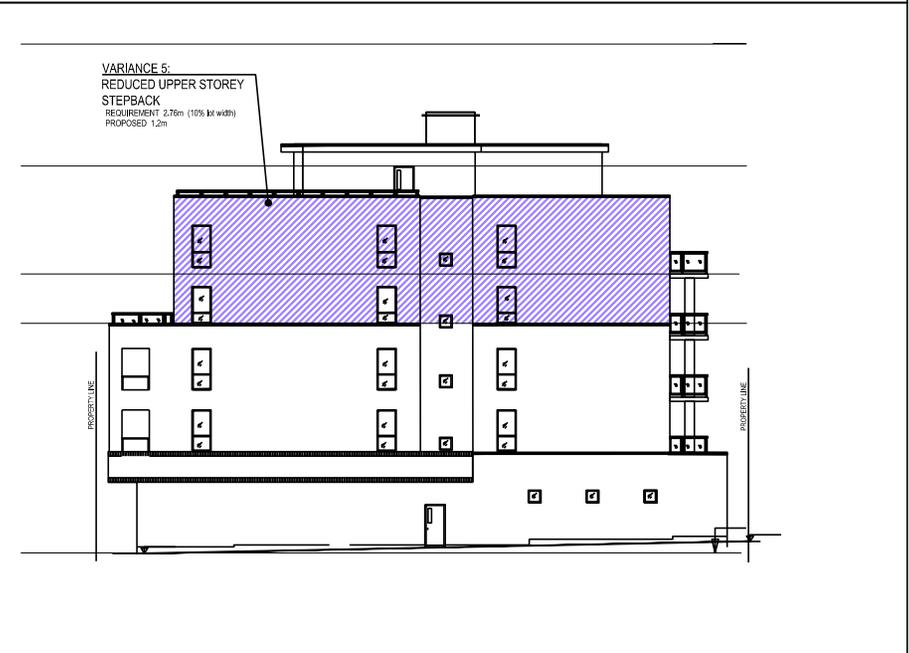
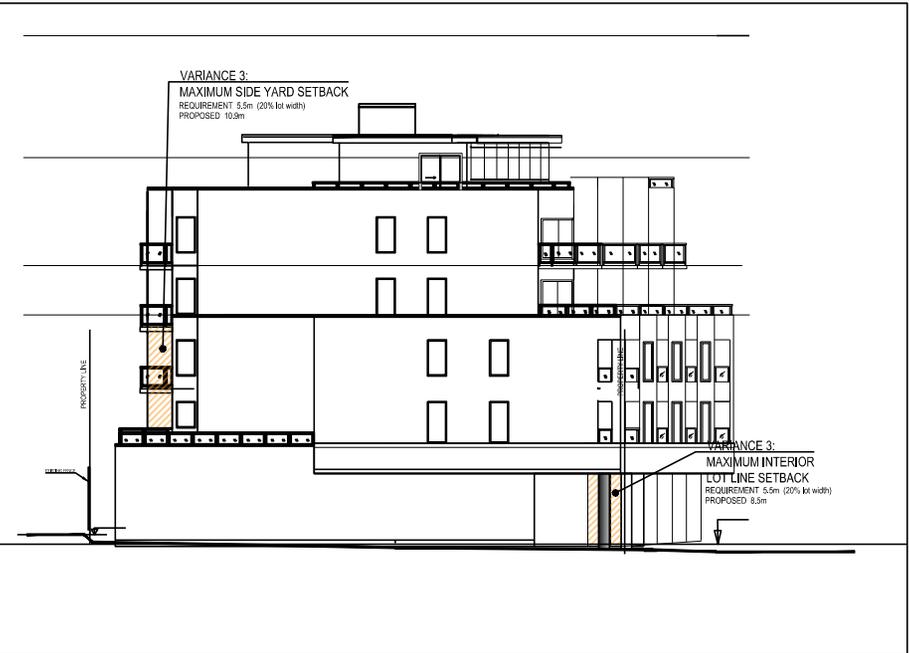
3.6.6 (a) Generally the Design Manual requires upper storey setbacks to ensure adequate separation distances are maintained to abutting structures, As there is an open parking lot abutting the north property line, the reduced setback dimension on the north wall has minimal impact on the already substantial separation distance. A change in materials for the top two stories is used to mark the transition from low rise to medium rise on the north building wall

3.6.6 (b) The modest site dimensions result in combined with an efficient configuration of the service core intrudes in the required setback of the top two residential floors. The proposed building is only 5 floors, with only two upper floors above the three storey streetwall. The entire north façade is set back 4 feet from the interior lot line, The impact of the reduced setback is mitigated by the fact that the building on the adjacent site is set back approximately 12m from the common lot line and the adjacent side yard is used for surface parking.

dbg

6 July 2019, rev 2 October 2019





Attachment D – Design Manual Checklist			
Section	Guideline	Complies	Discussion
2	Downtown Precinct Guidelines (refer to Map 2 for Precinct Boundaries)		
2.2	Precinct 2: Barrington Street South		
2.2a	Retain, and to respect in future development, the small to mid-size types of buildings, or the effect achieved by buildings of that size range, and their relationship to the street, that currently exists along Barrington Street. Buildings that occupy larger floor plates and frontages should have design elements that replicate the existing rhythm of individual storefronts along the street.	Yes	Building is a mid-size type building with design elements that replicate (and provide for, if desired) individual storefronts along the street.
2.2b	Ensure that buildings create an animated streetscape through active ground floor uses and pedestrian scaled design features.	Yes	
2.2c	Infill development along Hollis Street should be of a similar scale and type as that found on Barrington Street.	N/A	
2.2d	New development shall appropriately frame Cornwallis Park and respect the train station as a historic landmark.	Yes	
2.2.e	To permit surface parking lots only when they are an accessory use and are in compliance with the Land Use By-Law and Design Manual.	N/A	
2.2f	Improve the pedestrian environment in the public realm through a program of streetscape improvements as previously endorsed by Council (Capital District Streetscape Guidelines).	Yes	
2.2g	Focus pedestrian activities at sidewalk level through the provision of weather protected sidewalks using well-designed canopies and awnings.	Yes	Extended overhang canopy/cornice along entire façade provides protection. Awnings are also provided for above commercial entry(s).
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 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.	Partial	The ground floor commercial is anticipated to be a

Attachment D – Design Manual Checklist

Section	Guideline	Complies	Discussion
			single tenant, however the façade is designed to replicate (and provide for, if desired) individual storefronts along the street.
3.1.1b	High levels of transparency (non-reflective and non-tinted glazing on a minimum of 75% of the first floor elevation).	Yes	
3.1.1c	Frequent entries.	Partial	The ground floor commercial is anticipated to be a single tenant, however the façade is designed to replicate (and provide for, if desired) individual storefronts along the street.
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.	Yes	Extended overhang canopy/cornice along entire façade provides protection. Awnings are also provided for above commercial entry(s).
3.1.1e	Patios and other spill-out activity is permitted and encouraged where adequate width for pedestrian passage is maintained.	N/A	None provided
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.	N/A	
3.1.2	Streetwall Setback (<i>refer to Map 6</i>)		
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.	No	Entire ground floor commercial section meets the required setback. However, the residential entrance is recessed ~9 feet from the street line (additional 4' than the max). The garage entrance is recessed ~16 feet from the street line (additional 11 feet than the max). A variance is sought under Section 3.6.1 of

Attachment D – Design Manual Checklist

Section	Guideline	Complies	Discussion
			Design Manual.
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.	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.	N/A	
3.1.3	<p>Streetwall Height (<i>refer to Map 7</i>) 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.</p>		
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.	Yes	The façade is designed to replicate (and provide for, if desired) individual storefronts along the street.
3.2.1b	The streetwall should generally be built to occupy 100% of a property's frontage along streets.	No	<p>The recessed residential and garage entries result in a streetwall width of only 61% of the lot width.</p> <p>A variance is sought under Section 3.6.4 of Design Manual.</p>
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 setbacks.	Yes	Streetwall matches width of street but not full ROW (i.e. sidewalks too)

Attachment D – Design Manual Checklist

Section	Guideline	Complies	Discussion
3.2.1d	In areas of contiguous heritage resources, streetwall height should be consistent with heritage buildings.	N/A	
3.2.1e	Streetwalls should be designed to have the highest possible material quality and detail.	Yes	
3.2.1f	Streetwalls should have many windows and doors to provide eyes on the street and a sense of animation and engagement.	Yes	
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.	Yes	
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.	Yes	
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.	N/A	
3.2.2c	Side yard 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.	N/A	
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.	Yes	
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.	Yes	Extended overhang canopy/cornice along entire façade provides protection. Awnings are also provided for above commercial entry(s).
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.	N/A	
3.2.3d	Minimize the transition zone between retail and the public realm. Locate retail immediately adjacent to, and accessible from, the sidewalk.	Yes	
3.2.3e	Avoid deep columns or large building projections that hide	Yes	Retail and signage will

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Section	Guideline	Complies	Discussion
	retail display and signage from view.		not be hidden.
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.	Yes	
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.	N/A	Evaluated at permitting stage according to LUB standards.
3.2.4	Residential Uses		
3.2.4a	Individually accessed residential units (i.e. town homes) should have front doors on the street, with appropriate front yard privacy measures such as setbacks and landscaping. Front entrances and first floor slabs should be raised above grade level for privacy, and should be accessed through means such as steps, stoops and porches.	N/A	
3.2.4b	Residential units accessed by a common entrance and lobby may have the entrance and lobby elevated or located at grade-level, and the entrance should be clearly recognizable from the exterior through appropriate architectural treatment.	Yes	
3.2.4c	Projects that feature a combination of individually accessed units in the building base with common entrance or lobby-accessed units in the upper building, are encouraged.	N/A	
3.2.4d	Units with multiple bedrooms (2 and 3 bedroom units) should be provided that have immediately accessible outdoor amenity space. The amenity space may be at-grade or on the landscaped roof of a podium.	Yes	
3.2.4e	Units provided to meet housing affordability requirements shall be uniformly distributed throughout the development and shall be visually indistinguishable from market-rate units through the use of identical levels of design and material quality.	N/A	
3.2.4f	Residential uses introduced adjacent to pre-existing or concurrently developed eating and drinking establishments should incorporate acoustic dampening building materials to mitigate unwanted sound transmission.	N/A	
3.2.5	Sloping Conditions		
3.2.5a	Maintain active uses at-grade, related to the sidewalk, stepping with the slope. Avoid levels that are distant from grade.	Yes	
3.2.5b	Provide a high quality architectural expression along facades. Consider additional detailing, ornamentation or public art to	Yes	

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Section	Guideline	Complies	Discussion
	enhance the experience.		
3.2.5c	Provide windows, doors and other design articulation along facades; blank walls are not permitted.	Yes	
3.2.5d	Articulate the façade to express internal floor or ceiling lines; blank walls are not permitted.	Yes	
3.2.5e	Wrap retail display windows a minimum of 4.5 metres around the corner along sloping streets, where retail is present on the sloping street.	N/A	
3.2.5f	Wherever possible, provide pedestrian entrances on sloping streets. If buildings are fully accessible at other entrances, consider small flights of steps or ramps up or down internally to facilitate entrances on the slope.	Yes	
3.2.5g	Flexibility in streetwall heights is required in order to transition from facades at lower elevations to facades at higher elevations on the intersecting streets. Vertical corner elements (corner towers) can facilitate such transitions, as can offset or broken cornice lines at the top of streetwalls on sloping streets.	N/A	
3.2.6	Elevated Pedestrian Walkways	N/A	
3.2.7	Other Uses		
3.2.7a	Non-commercial uses at-grade should animate the street with frequent entries and windows.	N/A	
3.3	Building Design		
3.3.1	Building Articulation		
3.3.1a	<p>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.:</p> <ul style="list-style-type: none"> • 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. 	Yes	Changes in setbacks, extrusions, and materials provided for a base, middle, and top.
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.	Yes	
3.3.1c	To provide architectural variety and visual interest, other	Yes	

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Section	Guideline	Complies	Discussion
	opportunities to articulate the massing should be encouraged, including vertical and horizontal recesses or 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.	Yes	
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.	Yes	
3.3.2b	Too varied a range of building materials is discouraged in favour of achieving a unified building image.	Yes	
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.	Yes	
3.3.2d	Changes in material should generally not occur at building corners.	Yes	
3.3.2e	Building materials recommended for new construction include brick, stone, wood, glass, in-situ concrete and pre-cast concrete.	Yes	Brick and masonry veneer on the first three floors.
3.3.2f	In general, the appearance of building materials should be true to their nature and should not mimic other materials.	Yes	
3.3.2g	Stucco and stucco-like finishes shall not be used as a principle exterior wall material.	Yes	
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.	Yes	Metal siding is located on the top two floors and the penthouse. No exposed fasteners.
3.3.2i	Darkly tinted or mirrored glass is prohibited. Clear glass is preferable to light tints. Glare reduction coatings are preferred.	Yes	
3.3.2j	Unpainted or unstained wood, including pressure treated wood, is prohibited as a building material for permanent decks, balconies, patios, verandas, porches, railings and other similar architectural embellishments, except that this guidelines shall not apply to seasonal sidewalk cafes.	Yes	
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.	Yes	

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Section	Guideline	Complies	Discussion
3.3.3b	Ensure main building entrances are covered with a canopy, awning, recess or similar device to provide pedestrian weather protection.	Yes	
3.3.3c	Modest exceptions to setback and stepback requirements are possible to achieve these goals.	Yes	The residential entrance is recessed to clearly distinguish it from the commercial. The garage entrance is recessed to provide adequate exiting sightlines for vehicular traffic.
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.	N/A	5 storeys
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.	Yes	
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 pre-eminently visible. The incorporation of living green roofs is strongly encouraged.	Yes	
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.	Yes	Consolidated, setback, and screened by penthouse.
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.	Yes	
3.3.4f	The street-side design treatment of a parapet should be 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.	Yes	
3.4	Civic Character		

Attachment D – Design Manual Checklist

Section	Guideline	Complies	Discussion
3.4.1	Prominent Frontages and View Termini		
3.4.1a	Prominent Visual Terminus Sites: These sites identify existing or potential buildings and sites that terminate important view corridors and that can strengthen visual connectivity across downtown. On these sites distinctive architectural treatments such as spires, turrets, belvederes, porticos, arcades, or archways should be provided. Design elements (vertical elements, porticos, entries, etc.) should be aligned to the view axis. Prominent Visual Terminus Sites are shown on Map 9 in the Land Use By-law.	N/A	
3.4.1b	Prominent Civic Frontage: These frontages identify highly visible building sites that front onto important public open spaces such as the Citadel and Cornwallis Park, as well as important symbolic or ceremonial visual and physical connections such as the waterfront boardwalks, the proposed Grand Promenade linking the waterfront to the Town Clock, and other east-west streets that connect the downtown to the waterfront. Prominent Civic Frontages are shown on Map 1 in Appendix A of the Design Manual.	Yes	
3.4.2	Corner Sites	N/A	
3.4.3	Civic Buildings	N/A	
3.5	Parking Services and Utilities		
3.5.1	Vehicular Access, Circulation, Loading and Utilities		
3.5.1a	Locate parking underground or internal to the building (preferred), or to the rear of buildings.	Yes	
3.5.1b	Ensure vehicular and service access has a minimal impact on the streetscape, by minimizing the width of the frontage it occupies, and by designing integrated access portals and garages.	Yes	Garage width and setback has been reduced impact on the streetscape while maintaining functionality and pedestrian safety.
3.5.1c	Locate loading, storage, utilities, areas for delivery and trash pick-up out of view from public streets and spaces, and residential uses.	Yes	
3.5.1d	Where access and service areas must be visible from or shared with public space, provide high quality materials and features that can include continuous paving treatments, landscaping and well designed doors and entries.	N/A	
3.5.1e	Coordinate and integrate utilities, mechanical equipment and meters with the design of the building, for example, using consolidated rooftop structures or internal utility rooms.	Yes	

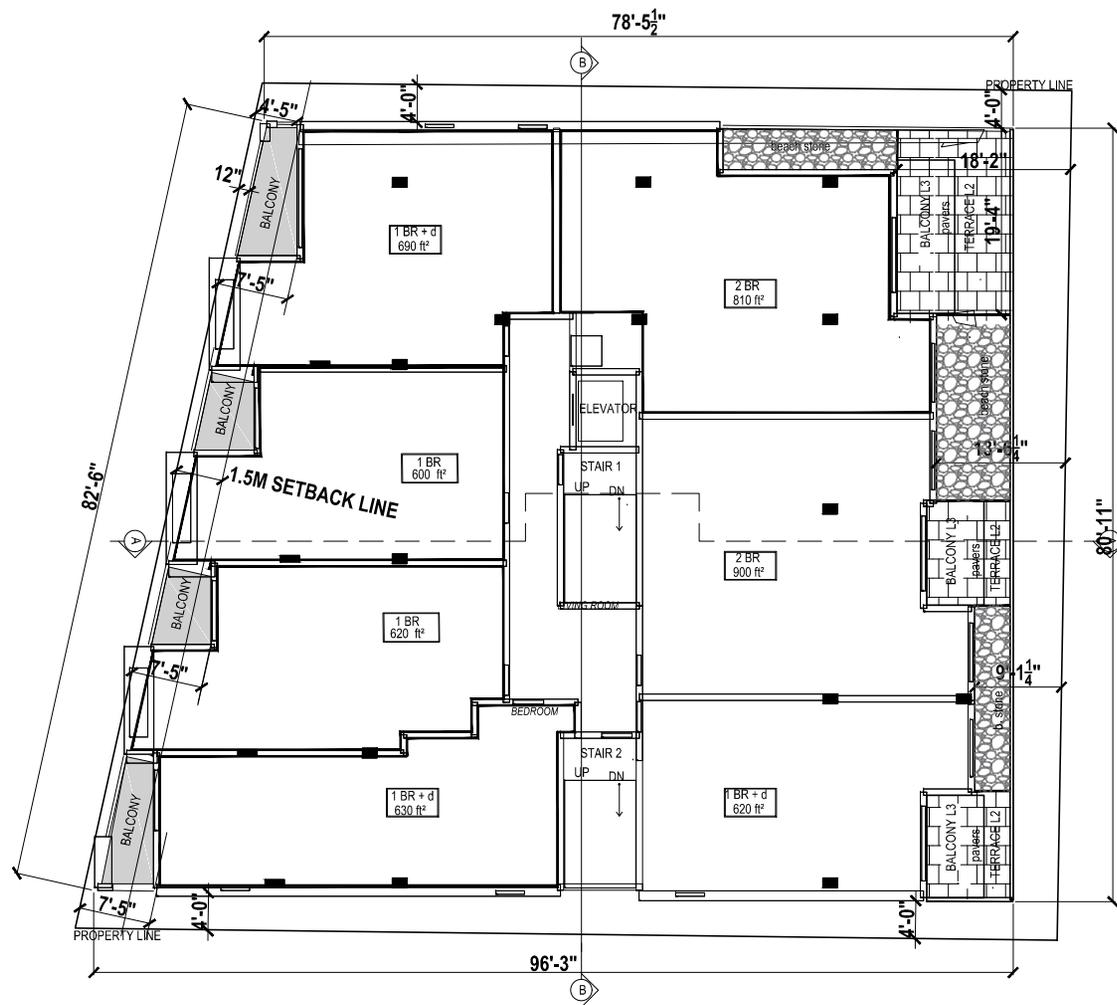
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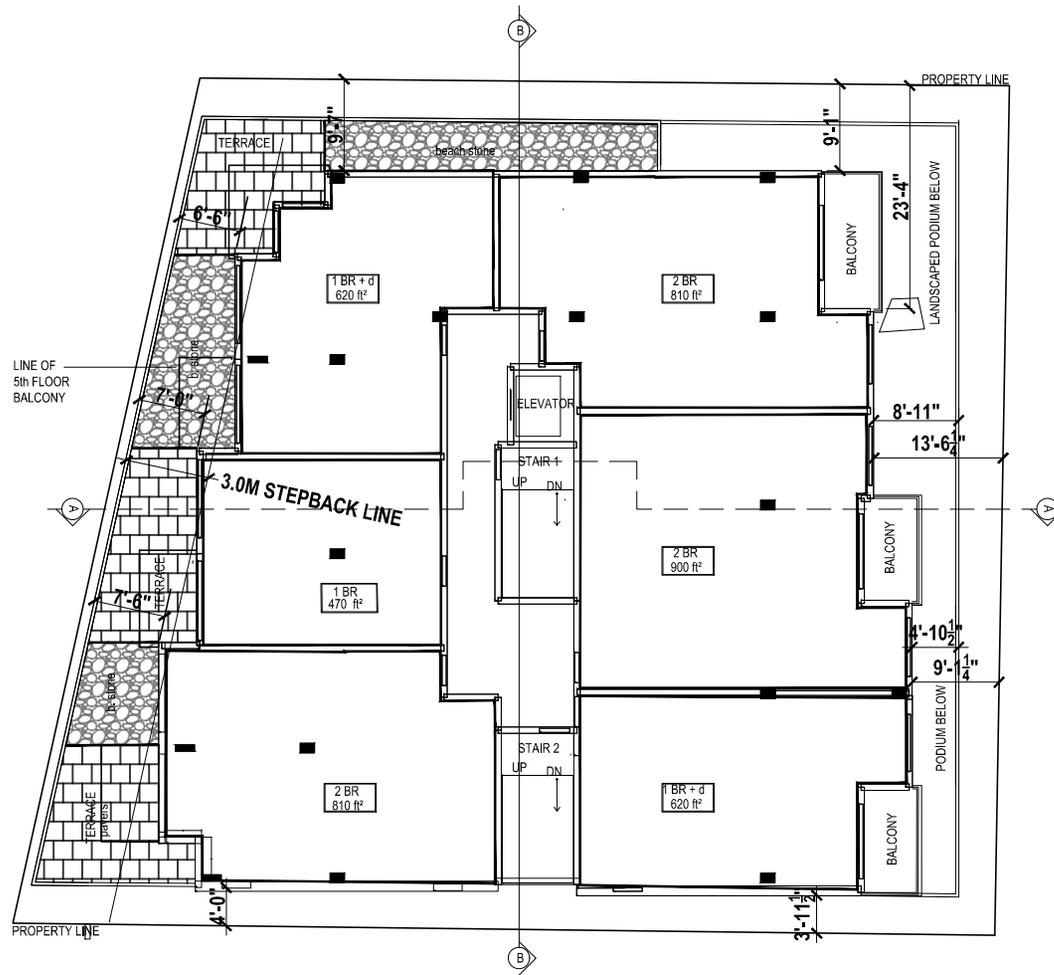
Section	Guideline	Complies	Discussion
3.5.1f	Locate heating, venting and air conditioning vents away from public streets. Locate utility hook-ups and equipment (i.e. gas meters) away from public streets and to the sides and rear of buildings, or in underground vaults.	Yes	
3.5.2	Parking Structures	N/A	
3.5.3	Surface Parking	N/A	
3.5.4	Lighting		
3.5.4a	Attractive landscape and architectural features can be highlighted with spot-lighting or general lighting placement.	Yes	
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.	Yes	
3.5.4c	Illuminate landmark buildings and elements, such as towers or distinctive roof profiles.	N/A	
3.5.4d	Encourage subtle night-lighting of retail display windows.	Yes	
3.5.4e	Ensure there is no light trespass onto adjacent residential areas by the use of shielded full cutoff fixtures.	Yes	
3.5.4f	Lighting shall not create glare for pedestrians or motorists by presenting unshielded lighting elements in view.	Yes	
3.5.5	Signs		
3.5.5a	Integrate signs into the design of building facades by placing them within architectural bay, friezes or datum lines, including coordinated proportion, materials and colour.	Yes	
3.5.5b	Signs should not obscure windows, cornices or other architectural elements.	Yes	
3.5.5c	Sign scale should reinforce the pedestrian scale of the downtown, through location at or near grade level for viewing from sidewalks.	Yes	
3.5.5d	Large freestanding signs (such as pylons), signs on top of rooftops, and large scale advertising (such as billboards) are prohibited.	Yes	
3.5.5e	Signs on heritage buildings should be consistent with traditional sign placement such as on a sign band, window lettering, or within architectural orders.	N/A	
3.5.5f	Street addressing shall be clearly visible for every building.	Yes	
3.5.5g	The material used in signage shall be durable and of high	Yes	Evaluated at

Attachment D – Design Manual Checklist			
Section	Guideline	Complies	Discussion
	quality and should relate to the materials and design language of the building.		permitting stage according to LUB standards.
3.6	Site Plan Variance	Requested	Discussion
3.6.1	Street Wall Setback Variance		
3.6.1a	the streetwall setback is consistent with the objectives and guidelines of the Design Manual;	Yes	Rationale provided and addressed in staff report.
3.6.1b	on an existing building, where an addition is to be constructed, the existing structural elements of the building or other similar features are prohibitive in achieving the streetwall setback requirement; or	Yes	Rationale provided and addressed in staff report.
3.6.1c	the streetwall setback of abutting buildings is such that the streetwall setback would be inconsistent with the character of the street.	Yes	Rationale provided and addressed in staff report.
3.6.2	Side and Rear Yard Setback Variance		
3.6.2a	the modified setback is consistent with the objectives and guidelines of the Design Manual; and	Yes	Rationale provide and addressed in staff report.
3.6.2b	the modification does not negatively impact abutting uses by providing insufficient separation.	Yes	Rationale provided and addressed in staff report.
3.6.3	Streetwall Height Variance	N/A	
3.6.4	Streetwall Width Variance	N/A	
3.6.4a	the streetwall width is consistent with the objectives and guidelines of the Design Manual; and	Yes	Rationale provided and addressed in staff report.
3.6.4b	the resulting gap in the streetwall has a clear purpose, is well-designed and makes a positive contribution to the streetscape.	Yes	Rationale provided and addressed in staff report.
3.6.5	Upper Storey Streetwall Stepback Variance		
3.6.5a	the upper storey streetwall setback is consistent with the objectives and guidelines of the Design Manual; and	Yes	Rationale provided and addressed in staff report.
3.6.5b	the modification results in a positive benefit such as improved heritage preservation or the remediation of an existing blank building wall.	Yes	Rationale provided and addressed in staff report.
3.6.6	Upper Storey Side Yard Stepback Variance		

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Section	Guideline	Complies	Discussion
3.6.6a	the upper storey side yard stepback is consistent with the objectives and guidelines of the Design Manual; and	Yes	Rationale provided and is addressed in staff report.
3.6.6b	where the height of the building is substantially lower than the maximum permitted building height and the setback reduction is proportional to that lower height; or	Yes	Rationale provided and addressed in staff report.
3.6.6c	a reduction in setback results in the concealment of an existing blank wall with a new, well designed structure.	Yes	Rationale provided and addressed in staff report.
3.6.7	Maximum Tower Width Variance	N/A	
3.6.8	Maximum Height Variance	N/A	
3.6.9	Landmark Element Variance	N/A	
3.6.10	Precinct 1 Built Form Variance	N/A	
3.6.11	Precinct 4 Built Form Variance	N/A	
3.6.12	Landscaped Open Space Variance	N/A	
3.6.14	Prohibited External Cladding Material Variance	N/A	
3.6.15	Land Uses at Grade Variance	N/A	







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November 29, 2019

Municipal Clerk
Halifax Regional Municipality
Planning and Development Services
P.O.Box 1748
Halifax NS B3J 3A5
clerks@halifax.ca

To the Addressee hereof:

**Re: Substantive Site Plan Approval, Case No 22511
1140-1150 Barrington Street, Halifax, Nova Scotia**

Please be advised that we represent the applicant, George's Investments Limited, in the above matter.

In consultation with our client and their architect, we are hereby appealing the November 19, 2019 decision of Design Review Committee (the "DRC") to refuse the request for substantive site plan approval, which letter was provided pursuant to the DRC meeting which took place on November 14, 2019.

Pursuant to the November 19th, 2019 letter from the DRC, the DRC's position is that the design is inconsistent with the Design Manual with respect to a prominent civic frontage. In these areas, the Design Manual provides for buildings that *'provide distinctive massing articulation and architectural features so as to reinforce their visual prominence'*.

In support of this position, the DRC references several sections of the Design Manual, listed here with corresponding grounds of appeal:

1. Section 3.2.1A requiring fine grained, vertical articulation, narrow buildings and storefronts.

My client appeals on the grounds that the proposed building concept features stepped narrow masses clearly expressed at ground level and on the upper two levels. The

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November 29, 2019

streetwall mass at levels 2 and 3 is cantilevered to provide pedestrian protection that is punctuated with a series of vertically proportioned openings.

2. Section 3.3.1D which requires the highest design quality, materials, consistent on all façades.

My client appeals on the grounds that the proposed building will use a combination of brick masonry, aluminum plank siding and clear glass as the principal materials. This material palette will be applied to all facades.

3. Section 3.3.3A requiring emphasis on entrances.

My client appeals on the grounds that the entrances are expressed and distinguished by means of varying setbacks and detailed surrounds.

4. Section 3.4.1C treatment of prominent civic frontages.

My client appeals on the grounds that the proposed building provides a distinctive massing articulation and architectural features that establish a visual prominence.

5. Section 3.1.1C requires frequent entries.

My client appeals on the grounds that the stepped storefront of the ground floor commercial space is designed so that multiple entries can be created, depending on tenant requirements.

6. Section 2.3.2.

My client appeals on the grounds that they have been unable to locate such a section in the Design Manual, and question whether such a section exists.

This appeal is further based on our assertion that insufficient support was provided in the November 19, 2019 DRC letter to support a refusal of substantive site plan approval

Yours very truly,

Original Signed

Sean Glover /

SG/

November 29, 2019